1162.

EXAMEN:

OR, AN

ENQUIRY

INTO THE

CREDIT and VERACITY

OF A

Pretended Complete HISTORY;

SHEWING

The PERVERSE and WICKED DESIGN of it,

AND THE

Many FALSITIES and ABUSES of TRUTH contained in it.

Together with ſome

MEMOIRS

Occaſionally inſerted.

All tending to vindicate the HONOUR of the late KING *CHARLES* THE SECOND, and his HAPPY REIGN, from the intended *Aſperſions* of that *Foul Pen.*

By the HONOURABLE

ROGER NORTH, Eſq;

LONDON,

Printed for FLETCHER GYLES againſt *Gray's-Inn* Gate in *Holborn*.

MDCCXL.

GOVERNMENT OF INDIA HOME DEPT ARCHIVES
SUPPLIED FOR THE PUBLIC SERVICE
THE PROPERTY OF THE HOME DEPTT

The Honourable
Roger North Esq.r
Ætatis cir. 30.

P. Lely pinx. 1680.

Geo. Vertue sculp 1740.

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TO

Sir *Thomas Hanmer*, Bar^t.

SIR,

THOUGH this Work needs nothing but its own intrinſic Worth to recommend it to the Public, and make it eagerly ſought after by all who are ſincerely Friends to Truth in Hiſtory, when once the World ſhall come to be acquainted with its Value; yet it cannot be

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thought unfit to uſe all proper Ways and Means to make it known as ſoon as may be. The Multitude of Books with which the Preſs at preſent ſwarms, is an Obſervation which the Writers of Prefaces and Dedications frequently lay hold of, by Way of Introduction to Apologetics for publiſhing their own Works. Now this Obſervation has no Place here; becauſe a Work of Value will always deſerve to be made public, be the Number, of thoſe already extant, never ſo great; and therefore ſuch an one has need of no Apology at all. But thus far I ſhall make ſome Uſe of this Remark; that is, to obſerve from the many thouſand Books already extant, and the great Numbers daily coming forth, that if we conſider how ſmall a Portion of their Time the Generality of Mankind (through Hindrance either from Buſineſs or Diverſion) ſet apart for reading, we ſhall find that they will be at Leiſure to peruſe but few, and thoſe, conſequently, of a ſelect Kind, according to the beſt of each one's Judgment. It is not therefore only neceſſary that a Book ſhould really be of Value, but that People ſhould think it

it worth their While to take it up, without a Dread of loſing Time in the peruſal of it.

This, Sir, is the Reaſon why I determined to prefix the Name of ſome conſiderable Perſon to this Work. And there ſoon appeared Reaſons no leſs cogent to beg that Favour in particular of You; both with Regard to your Abilities and Capacity to judge of Things of this Nature, and for the Credit and Honour that attends your Name, which muſt give no little Weight to your Recommendation.

And indeed there was no Room for much Deliberation, when I found a Perſon, ſo qualified, had enjoyed likewiſe a long Acquaintance with the Honourable Author of this Work, and thereby gained a perfect Knowledge of the general Worth and Value of this great Man, his extraordinary Parts and Induſtry towards the due Performance of his Undertaking, and, what is more than all, a full Aſſurance of his Integrity that it was unſpotted, and, conſequently, his Veracity unqueſtionable

But,

But, Sir, the World muſt think themſelves obliged to You, for inviting them to take up a Work (which, otherwiſe, perhaps, they might not do) that, in reading, will afford them ſo great Satisfaction and Pleaſure; but that Part of the World more particularly, which conſiſts of thoſe who are concerned for the Proſperity of our Conſtitution both in Church and State, as it is eſtabliſhed by Law: Since they will find the Workings of our Diſſenters, of all Denominations whatſoever, completely laid open in this Book, which will demonſtrate the Wiſdom of the Legiſlature when they ſo lately gave a Repulſe to the unreaſonable Attempts of that reſtleſs and unquiet People; and ſhew, by undeniable Matters of Fact, that Power and Government is the Center of their Aims, how artfully ſoever they may cover them with the ſpecious Pretence of a religious Scrupuloſity. I ſay undeniable Matters of Fact, as they will appear to be, not only from that Air of Truth which runs through every Line of this incomparable Work, but as it has the Sanction of a Perſon whoſe Judgment will not let him countenance a mean Performance, nor his Honour ſuffer him to

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lend Support to any thing but what he thinks has Truth for its Foundation.

And as to the Obligations this Favour has laid me under in particular, I hope, Sir, I ſhall ſo behave myſelf as to make You think that, though they are ſo great, yet they will not fail to meet with due Reſentment from,

SIR,

Your moſt obedient

and obliged humble Servant

Mountagu North.

ADVERTISEMENT.

WHEREAS it may perhaps be insinuated, that this Book, as printed, may not be agreeable to the Author's MS, or that some Passages may be inserted here which are not to be found in the Original; it was thought proper to inform the Public, that, in order to obviate any such Objection, the Original MS, as left finished by the Author, will be shortly deposited in the Library belonging to JESUS COLLEGE in *Cambridge*, where, whoever shall entertain any Doubt of the Fidelity of the Publisher, will be permitted to peruse it, that he may receive entire Satisfaction as to that Point.

A CONCISE

CHRONOLOGY

OF THE

CHIEF PASSAGES

Taken Notice of in the

EXAMEN.

1664	*September*	1	MR. *Coventry* retired from *Sweden*.
	March	2	Firſt *Dutch* War proclaimed.
1665	*January*	17	*French* declare War againſt *England*.
	February	10	*Engliſh* the like againſt the *French*.
1666	*April*	26	Trial of the Plotters for firing the City.
	November	27	*Scotch* Rebellion ſuppreſſed.
1667	*May*	16	Lord Treaſurer *Southampton* died.
	June	29	Peace with the *Dutch*.
	Auguſt	31	Earl of *Clarendon* removed.
1668	*March*	30	Addreſs againſt Recuſants and Non-Conformiſts.
	April	4	The Apprentices concerned in the Riot found guilty of Treaſon.
	May	22	*Vaughan*, Ch. Juſtice of the *Common Pleas*.
	June	13	Lord *Clifford* Treaſurer.
1669	*Auguſt*	31	The Queen-Mother died.

1670	*April*	11	Bill againſt Conventicles.
	May	16	Ducheſs of *Orleans* arrived.
	October	30	P—— of *O*—— arrived.
1671	*May*	18	*Hales*, Lord Chief Baron, made Lord Chief Juſtice of the *King's-Bench*.
	March	15	Indulgence, ſtyled of 1672.
1672		28	Second *Dutch* War declared.
	May	28	Fight at *Southwold Bay*.
	November	17	Lord Chancellor *Shaftſbury* advanced.
		28	Lord *Clifford* Treaſurer.
	December	11	Stop of the *Exchequer*.
	January	23	Riding of the Lord Chancellor the firſt Day of Term.
1673	*June*	19	*Clifford* reſigned.
	November	9	*Shaftſbury* removed, *Finch* Lord Keeper.
1674	*May*	10	Plenipo's at *Cologn* returned.
1675	*December*	15	Went to *Nimeguen*.
		29	Proclamation againſt Coffee-Houſes.
1677	*October*	9	P—— of *O*—— arrived.
	November	4	Married.
1678	*March*	29	Soldiers recalled from foreign Parts.
	Auguſt	1	*Dutch* made Peace with the *French*.
		14	Battle of *Mons*.
	September	9	*Oates*'s Plot contrived.
		29	Examined at Council.
	October	1	*Coleman*'s Papers taken, and Perſons ſeiſed.
		17	*Godfrey* found.
	November	27	*Coleman* convict.
	December	15	*Purbeck* Alarm.
	January	9	*Oates*, *Dugdale*, and *Prance*'s Behaviour.
		25	Long Parliament diſſolved.
		26	Fire at the *Temple*.
1679	*March*	25	*Sackvile* ſent to the *Tower*.
	April	7	*Tangier* annexed to the Crown of *England*.

1679	*April*	21	Privy Council diſſolved.
	May	3	Archbiſhop of *St. Andrews* murdered.
		6	Addreſs againſt the Duke of *Lauderdale*.
		11	Bill of Excluſion.
	June	22	*Bothwell* Rout.
	July	12	Parliament diſſolved, and a new one to meet *October* 7.
	September	20	Lieutenancy oppoſe *Player*'s Petition.
	October	15	Prorogation to *January* 26.
			Shafiſbury out of the Council.
		25	Sir *William Jones* reſigned.
		23, 27	*Dangerfield* examined.
	November	17	Pope Burning and ſome Effigies.
	December	11	Parliament prorogued to *November* 11.
	January	13	Petitions for ſitting of the Parliament.
		21	*Scrogs* cleared.
		31	*Ruſſel*, &c. left the Council.
	February	5	*Raymond*, Judge in *Common Pleas*; *Weſton*, Baron of the *Exchequer*.
		11	Sir *Leoline Jenkins* ſworn of the Council.
1680	*March*	30	*Dare* of *Taunton Dean* fined.
	April	5	Parliament prorogued to *May* 17.
		14	*Arnold*'s Plot.
		26	*Chandois* Embaſſador to *Turkey*.
		29	*Jeffries*, *Cheſter*, *Charleton*, Chief Juſtices.
	June	11	Mrs. *Celier* tried.
	Auguſt	20	*Bedloe* died.
			Proclamation that *Cary* had no Letters of Repriſal.
		26	*Bethel* and *Corniſh* Sherriffs.
	September	11	*Celier* tried for her Book, and puniſhed.
	November	17	Pope Burning.
		24	Impeachment voted againſt the Lord Chief Juſtice *North*.

1680	*January*	4	Speech of a noble Peer burnt.
		18	Parliament diſſolved, and appointed to meet *March* 21.
	February	16	Sir *Robert Sawyer* Attorney General.
		28	*Fitzharris* ſieſed.
	March	2	Sent to *Newgate.*
		17	*London* Members and Company with Ribbons.
1681	*April*	8	Declaration of Reaſons for diſſolving.
		13	Firſt Obſervators.
	June	9	*Fitzharris* tried.
		12	Lord *Howard* committed on his Evidence.
	July	2	Lord *Shaftſbury* taken.
		8	*College* ignoramus'd in *Middleſex.*
		15	Tried at *Oxford.*
	September	29	Sir *John Moor* choſe Mayor.
	October	19	*Rouſe* ignoramus'd.
	November	24	Earl of *Shaftſbury* likewiſe.
	May	24	*Wilmore* convict for kidnapping.
1682	*June*	26	Riot at *Guildhall.*
	July	5	Riot continued.
		11	*Goodenough* fined at *Hicks*'s *Hall* for not reforming the Pannel.
		15	Order to proceed to Election of Sherriffs.
		24	Duke of *Lauderdale* died.
	September	20	Earl of *Sunderland* a Privy Counſellor.
		28	*North* and *Rich* ſworn Sherriffs.
	December	18	Lord *Nottingham* died.
		22	Sir *Francis North* Lord Keeper.
	January	22	*Saunders* Chief Juſtice of the *King's Bench.* *Pemberton* of the *Common Pleas.*
		28	*Sunderland* Secretary.
	February	13	Sir *D. North* knighted.
	March	22	Providential Fire at *Newmarket.*

1683	*March*	26	The King came to *London*.
	April	24	Lord Mayor arreſted.
	May	22	City diſown the Arreſt.
	June	12	Judgment in the *Quo Warranto*.
	September	26	Lord Keeper *North* made a Baron.
1683		29	*Pemberton* out, *Jones* Chief Juſtice of the *King's Bench*.
	January	28	*Braddon* and *Speak* convict.
1684	*April*	14	Sir *L. Jenkins* out, and *Godolphin* Secretary.
	Auguſt	25	Earl of *Rocheſter*, Lord Preſident; *Godolphin*, firſt Commiſſioner of the Treaſury.
	September	12	*Jeffries* gained Charters in the North.
	October	29	Sir *Robert Wright* made a Judge in the *Exchequer*.
	November	6	Sir *William Pritchard*'s Trial.
		18	*Roſewel* tried and attaint.
	February	2	King *Charles* II. ſick.
		6	Died.

This is extracted from the *Chronological Hiſtory of* England put out by Mr. *Pointer* 1714, Vol. 1. which I may recommend as containing diverſe ſharp Notes on the Times I deal in, and ſome very uſeful Memoirs, which will ſcarce be found in any Hiſtory more elaborate. What I have taken out here, are but Hints of the Times proper to be affixed to the various Matters touched upon in the *Examen*; and the ſame may be accordingly done: But, in Regard that the ſame Matters, or ſome Branches from them, are touched in diverſe Places, I thought a *Chronological Table*, ſuch as this is, might be moſt readily repaired to, and ſo ſave the Pains of timing every Thing, and incumbering the Margin. This I thought fit to adverti ſe concerning the Uſe of this Table.

PREFACE.

Design to oppose the Defamers of King *Charles* II. and his Reign.

I. *IT is some Ease to a Reader to be advertised, first, of the Design his Writer pursues, and, next, of the Methods he hath chosen to obtain it. As to the first of these, the Writer of the following Notes proposeth to vindicate the Honour of his late Majesty King* Charles II. *and his Reign, from the Injustice done to both by a malevolent Faction, that, during his Life, continually plotted to destroy him, and since his Death, as busily plot to defame him. And they might in that way go great Lengths, aiming to persuade Folks that his happy Reign was no more than a* Nero*nian Tyranny, and that,* Nero-*like, he burnt his own Capital City, with numerous other like Slanders; if some few were not yet living, sensible Witnesses of the contrary, and ready to fly in the Face of all those defamatory Pretenders, whether by oral Affirmations, or, more treacherously, in the Form of Histories which have of late come forth, as seems, more for Flattery of the present, than Justice to past Times: And Slanders, under such formal Disguises, have a great Advantage in passing for notable Truths, if some of those sensible Mortals do not interpose their authoritative Testimony to give the Career of the others a Check. And this is the Sum of the present Writer's Design, who is one of those few spoke of at first, and accounts it a moral Duty to apply his rational as well as memorial Faculties in Opposition to those false and unjust Reflections upon the aforesaid Reign, too much encouraged of late.*

By undressing a compleat Libel.

II. *This being the Design; the present Writer hath chosen, for his Method, to undress a filthy Libel not long since published under the Title of* A Compleat History, Vol. III. by an IMPARTIAL HAND. *Because that pretended History contains the Sum and Substance of that Party's Project; using their very Modes of Speech as well as of Invention, and condescends to chime in with the basest abused Rabble of the Time. Some have given out that it is the Work of* ———, *and to shew that filthy Lucre, as well as Malice conduced, his Articles with the Booksellers express were* 100 *l. to be given, and* —— *Pages to be wrote. One would not expect such a Work from such a Person; but, whosoever it is,* IMPARTIAL *ramps it in the Title Page, and how truly is* sub Judice.

The Occasion a contingent Discovery of the Libel.

III. *The Occasion of this Writer's undertaking the present Task was thus: The Book, to be animadverted upon, fell under his View by Chance; and, turning over the Leaves, he perceived it contained the Reigns of King* James I. *King* Charles I. *and* II. *and then of King* William, *and so down to the Reign of her*

her preſent Majeſty Queen Anne. *He run to the Place of his chief Knowledge, which was the latter Part of the Reign of King* Charles II. *and, dipping a little, found diverſe Matters that gave him Diſtaſt enough; but he minded not much the Why or the Wherefore, and ſo let the Book paſs from him till it was cried up, and the reverend Author named: And then (being no Buyer of ſuch mighty Works) he borrowed of a Friend all the three Volumes. He found the two firſt to be a Collection of all the common* Engliſh *Chroniclers ſince the Conqueſt, with Advantage pretended to be given to ſome, concluding with* Wilſon's *King* James I. *with* Wellwood's *Notes to help out the Libel. Then came on the third Volume, a new Work. Paſſing curſorily over the Reigns of* James I. *and* Charles I. *and having got into the Depths of King* Charles II. *it appeared plainly that, inſtead of correſponding to the Title* — by an impartial Hand, *and what the Preface declared,* — with ſtrict Regard to Truth and Juſtice, *the Book was a continual Libel, or rather Cloaca of Libels; and thoſe touching the chief Turns of State in his Majeſty's Reign; miſconſtruing, to an evil Senſe, even the beſt Acts of his Government, full of moſt abominable Falſities, Suppreſſions, Flatteries, and malicious Inſinuations, in order to magnify the Faction aforehinted, and to make all their wicked Machinations appear heroic Exploits; but the King himſelf, his loyal Miniſtry and happy Reign, baſe and odious to Poſterity; and all this put in a way no leſs treacherous than impudent and undutiful: In a Word, ſo groſſly abuſive of Truth and good Manners, as not to be endured in a lettered State, or where People have any Value or Honour for Government and Laws. And hereof I might produce Inſtances enough, but, ſince it is the Work of the following* Examen, *none ſhall be anticipated now.*

Not undertaken till the Publick was courted to do it.

IV. *Our Writer ſtopt here, having had enough, and, leaving the reſt of the Book to be peruſed by whom it might concern, applied himſelf to excite ſome public-ſpirited Pen to enter the Liſts in Defence of this good King and his Reign, againſt ſuch a bold Defamer of both, and to expoſe him with his Manuopera, although no ſufficient Repriſals can be made by any Reproach to fall upon him; for what is he and his Book conſidered againſt a King, in his Time, of all* Europe *the beſt? But yet, for the ſake of Truth, it ought to be done; and in order thereunto, and to demonſtrate a ſort of Neceſſity for it, this Writer made ſome few Notes pointing at the groſſer Inſtances, and the treacherous Style of the Author, and then communicated them in ſuch a Way as he thought might have come to Effect: But, on the contrary,* altum Silentium; *which was underſtood to be a Declaration of an obvious Senſe, that he, who had gone ſo far, might as well go farther. Here, beſides ſhewing fairly the Occaſion, this Writer infers his Apology for a mean Performance of a neceſſary Taſk,* viz. *the Want of a better Hand. He proceeded to enlarge and to improve the Notes he had made, and to put them together a little more carefully, as they appear in the following Sheets; wherewith are intermixed ſome other Paſſages of the Times, occaſionally applied, either to correct the Author's Accounts, or, perhaps, for pure Remembrance. And if the*

many Failings of Order or Compoſition (for of Truth there are, knowingly, none) draw forth ſome better Performance, he is ſatisfied that his Undertaking is to good Purpoſe, and his Deſign accompliſhed.

This Author's Circumſtances engaging his Conduct.

V. *It is found that moſt Hiſtorical Writers have ſome Political Scheme at which, as they write, they cannot forbear caſting an Eye; and this Writer pretends not to be exempt from that Infirmity: But whether proceeding from Education or Judgment, he is ſure of his own Truth and Integrity of Mind; and for that Reaſon he is deſirous to be underſtood at firſt, and is not aſhamed to own that it was his good Fortune to live and converſe near the Court of King* Charles II. *eſpecially towards the latter End of his Reign, when certain inteſtine Squabbles gave him no little Diſturbance. And having a clear View of the Proceedings of Faction, as well as of the Government, with their ſeveral Pretenſions, and all collated with the Like of preceding Times according to the Accounts we have of them, with the Obſervation of paſt, and Expectation of future Conſequences thereof, he found Reaſon enough to ſatisfy him that the Preſervation of the then legal Government in Church and State, eſtabliſhed in* England *and its Dominions, was the true National Intereſt, and* (ſub Deo) *the only Means to preſerve the Proteſtant Religion and Property: And that thoſe, who then were ſtyled the Church and loyal Party, acted upon honeſt and wiſe Principles; and that the Oppoſers, then termed the Faction, or Fanatic Party, meaning the active Leaders, bore a falſe Face, looking one Way and rowing another, pretending uncommon Zeal for the Proteſtant Religion and Law, but, at the Bottom, meaning only private Intereſts, and to profit by Uſurpation and Ruin of both. And this Writer, by any thing he hath ſeen or heard ſince, finding no Reaſon to alter, but much to confirm his Opinion, may be allowed to inveigh againſt Faction, as it appeared in thoſe Times, no leſs than againſt Thieves, Robbers, or rather Burners of Houſes, or, in a Word, Enemies to Chriſtianity, Peace, and the Law.*

Of Parties, and the Diſtinction of them.

VI. *And, to limit the Reſentment which may be had at this ſo general Declaration, and that no well-meaning Perſon may be offended, this Writer deſires it may be obſerved, that, in the Public, Parties ever were and will be the ſame, whatever Titles or Appellatives are made uſe of to diſtinguiſh or ſet them off. It is certain that when Numbers enter upon the public Stage to oppoſe or reſiſt each other, both Sides cannot be in the right, but the late Earl of* Middleton's *Character may fit them, which is honeſt Men and Knaves; but the Difficulty is to diſcover which is which. And as to that, it may be obſerved that ſome People are not forward to diſturb the Public, and appear more to reſiſt than to promote Alterations; ſuch, being contented with their own, are charitable and indulgent to others, quiet under Laws and the ordinary Miniſtration of them, deſirous of Juſtice, Peace, and good Order: And againſt theſe there will always be an oppoſite Party, unquiet, malecontent, ravenous, incroaching, querulous, and, in Power, cruel; far from content with their own, but, graſping ambitiouſly at more, proſtitute what they have, and all manner of Conſcience and Honeſty into the Bargain. And as for Religion,*

ligion, I muſt needs ſay that all the ſcandalous Atheiſts, Sectaries and Heretics, are generally found to herd with the latter, and are there cheriſhed, and, under the Veil of a few popular Words, they have a Party-Screen, and are not turned adrift to be deſpiſed and hated by all Men as they deſerve.

Party and Faction ordinarily taken in an evil Senſe.

VII. *The Words Party and Faction, in common Speech, are not taken in the former, but in the latter and worſe Senſe, and commonly are referred to Government and Power, that is, the Regions of Wealth, Honour, Authority, Avarice, Pride and Oppreſſion, the ordinary Objects that Faction aims at. But yet this Writer does not involve all Particulars alike within the Confines of this ſtately Character; ſome Party-Men riſing higher towards Perfection than others, and many falling ſo low as in great Meaſure to be excuſable. They may be abuſed with the Cant, Charm, or Incantation of certain Words, as, for Inſtance, Religion, Liberty, and Property, and the Counter-Terms of Popery, Slavery, and Oppreſſion. But if it be enquired where the capital Reſidence, or Court of the Faction is held, for the ordinary Exerciſe and Propagation of their Diſcipline, the Direction is ſhort; find the Places of uſual Reſort, where the reputed Heads or Leaders frequently aſſemble, as at certain Coffee-Houſes, Taverns, and Clubs, and there an hopeful Beginner may be inſtructed.*

This Author ſiding with regular Government, not of a Party or Faction.

VIII. *This Writer hath declared thus much of Parties or Factions, but deſires that his taking one Side may not be underſtood as being of a Party, becauſe it is the Side of the eſtabliſhed Religion and Government, and for the Continuance of it in Peace; and, in the following Notes, makes a fierce War, but only againſt thoſe who were the Underminers of both, and againſt the Author afore us their notable Secretary: And he thinks it becomes him ſo to do, and that the Sincerity of his Judgment and Conſcience of the Cauſe requires it. But theſe Conſiderations have put this Writer upon examining the Nature of Hiſtorical Decorums, which conſiſts much in the Mode of Expreſſion, that it ſhould be, as to Parties, indifferent, and always with humble Submiſſion to the Judicatory of Gentle Readers, and that it is not enough to be impartial, but needful alſo to appear ſo. It ſeems that ordinarily theſe Precautions do more Hurt than Good, for they make Authors Tongue-tied, and often keep back better Hiſtory than they bring forward.*

Explicite Partiality only in Morals, and not Facts.

IX. *But that the Matter may not paſs without a due Diſtinction, take it between* Facts *and* Moralities. *As to* Facts, *it is allowed, Modeſty and Caution of Expreſſion not to exceed or come ſhort of Truth, cannot be too much. For* Facts *may be contradicted, miſtaken, or new Diſcoveries ſuperinduced, and therefore to be brought forward with proper Evidences that belong to them, of which the Readers claim to judge as well as the Writer. This as to* true *or* falſe; *but as to* good *and* bad, *and all Kinds of moral Characters and Behaviour, Pardon is begged if they are not ſo tenderly treated; for all ſuch Matters are judicially determined antecedently, and by Authority ſuperior to all Writers and Readers of Hiſtory. As for Inſtance, what is bad in itſelf is ever deteſtable, and ought not to be ſet forth but in Terms of*

of utter Aversion and Abomination, and what is good, in Terms of Approval and Recommendation. Is it fit that upon Pretence of Candor and Impartiality, Good and Evil should stand upon Terms of equal Respect or Level of Choice? Therefore when bad Dealings occur, whereof the Facts are apparently Evil, let them be branded with Infamy, and the contrary adorned with Terms of fitting Approbation. And this seems to be so far from a Fault, that it is incident to the Work of a good Writer. And whoever, on Pretence of Impartiality, in that Distinction is mealy-mouth'd, may be accounted not only a sneaking Neutral in the Cause of Good and Evil, but a positive Traitor to Goodness itself. And herein let the Fruit declare the Tree, and the Works the Author.

This Author is accordingly behaved, and defies Censure on that Account.

X. *Upon these Reasons the Writer here is fortified, and declares himself no Trimmer between Right and Wrong, Virtue and Vice, Fidelity and Treachery, or in any moral Difference of Good and Evil; but will be positively and plainly declared, let it concern whom it will; saving only the not speaking well of Dignities, that is, of Men in Regal Exaltation and Magistracy; but let their Actions speak for them, without the Writer's Exaggerations; for such have often an unlucky Turn upon Government itself, and tends to diminish the Authority of it; after which it is enough to say that a false Author with his Patrons and Accomplices must not here expect Compliments, as, among Authors, is but too much the Practice: And this Writer defies the Imputation as being of a Party, so long as it is on the Side of Truth and Sincerity, which cannot properly be termed a Party, but a Duty, and justly is in no Man's Election to take or leave, as Party-Dealers commonly suppose; otherwise common Honesty, as well as Fidelity to lawful Governments may be a Party Character: And he is yet less concerned to be opposed in the inconteſtable Form of Reasoning termed calling of Names, of which many, for want of Arguments, serve themselves. He intends to write nothing* contra bonos Mores, *and, under that Guard, will not be sparing of Expressions apt to his Subject, and bids Malevolence and ill Nature do their worst.*

Purfues a paltry Preface of the Hiſtorian's.

XI. *Having thus far insisted by way of Preface, the Writer hopes he may add (as it were) a second Part, which shall be to undress the Author's Preface, set at the Entrance of this famous Work. And first of the Editor who prefaceth for himself, and, Critic-like, gives a few common Places, first of the Excellence of History in general, and then of the* Engliſh *in particular, preferable to all others: And, after some Touches upon each of his Authors in the Collection, he tells us that the Author of the third Volume hath addressed to the Public, which he subjoins in the very Words of his learned and accomplished Self. So he, if it be he, and not the learned Author himself. Now at the Entrance of the third Volume we find a petit Epistle to the Reader, which is all Marrow of Invention in order to engage us in the Interests of this third Volume. It is a curious Piece, and may pass for a Specimen of the Author's Perfections, and most fit, though small, to be dissected; for a small Reptile shews more of natural Curiosity than an huge Ox.*

Inconſiſtent, a new Work out of other Authors.

XII. *Upon a curſory View one would gueſs there is ſomething in it, but, upon a cloſer Attention, it appears farc'd out with nothing but Weeds of Arrogance and Vanity, and, where pretending to Reaſon, abſolutely falſe. I ſhall not exhibit the whole in its proper Words, becauſe in examining it by Parts, ſo full of Marrow is it, that I ſhall not drop much of it unobſerved. It begins.* This third and laſt Volume of our *Engliſh* Hiſtory requires but a ſhort and eaſy Introduction to it. *And why any at all? but this ramps it above all the other Hiſtories that load the other two Volumes. Thoſe needed to have the Editor's Preface to invite Folks to read them, by telling a little what was in them, but this third Volume needs little Introduction, and why?* for here is no Collection of Writers that needs a Character and Account of them, as in the two former Volumes. This is a new Work.—— *Note but the Inconſiſtency of all this. Doth not a new Work, never heard of before, need a Character and Account of it more than the old ones, which have gone about from Shelf to Shelf for ſome Ages, and are already more or leſs known to moſt People in* England? *But let that paſs for a Bravado.* This new Work *muſt contain Rarities of the Author's own Obſervation or Collection, elſe, with his Favour, it is no new Work. Now what will be ſaid if the Author himſelf declares it to be none,* for the Story is told according to the beſt Writers, and, often, in their own Words. *Nay then we muſt inſiſt to have a Character and Account of theſe* beſt Writers, *which is more needed than of the Authors in the former Volumes; for who knows afore-hand of what, or who theſe* beſt Writers *are?*

Thoſe Authors the rank Libels of the Time.

XIII. *The* Flemiſh *and often* Engliſh *Writers premiſe a Liſt of the Authors they extract from, with the Editions made uſe of, and ſo whether Controverſialiſt or Compiler, there is a Demonſtration of the Author's Care and Choice, to encourage the Reading farther. But here is a Yeſterday's Tale out of the* beſt Writers, *and who they are* non liquet. *Now the Solution of this enigmatic Inconſiſtency of a new Work out of Writers without any Account of them, is, that he is aſhamed of his Catalogue, which, plainly made out, would, if poſſible, make him bluſh; for they are no better than the falſe and ſcandalous Libels of the Time, wrote in dark Corners and ſent out among the common People to delude the unthinking Part of Mankind, with an evil Character of their legal Government, to make them hate, diſtruſt, and deſpiſe it. Of this Sort are the* Growth of Popery, *firſt and ſecond Parts, the* Vox Populi Vox Patriæ, *and the three* No Proteſtant Plots, cum multis aliis, *whereof the Authors in their Time, as ſometimes Thieves, by lying hid, eſcaped due Puniſhment.*

The Hiſtory for Diverſion and not Truth, viz. by deceiving.

XIV. *Now to paſs by a furious Metaphor of* drawing up the following Reigns into a new Proſpect juſt and proportionable not to deceive the Eye. *Which all other miſhapen Relations, it ſeems, have done: An Hiſtory is rather a Retroſpect, than a Proſpect which (Proſpect) looks forwards; and his Draught proſpective of Things paſt, muſt be as of Spirits walking, when the Bodies are dead and buried, and ſo the Proſpect turns to a Spectre; this Wit*

is

is a great Temptation to be merry; and he goes on in the ſame pittoreſque Vein. The Perſon that drew it is not ſo delighted with it as to value himſelf upon the Performance, *(that will be tried by what follows)* he did it for his own Diverſion rather than for the Satisfaction of the World. *Strange Declaration! one can ſcarce fancy a tolerable Meaning in it; but more Diſcovery perhaps than the Author intended. Dealers in Miſchief, Lyars, and Backbiters, commonly act for their own Diverſion, rather than any one's Satisfaction. It is indeed very good Sport, when Lyes are made to paſs for Truth, and riſe to a bantering Perfection. One that never heard of his filthy Lucre-Article with the Bookſeller, might be of Opinion, that, but for a little airing of his Pen, this great Work had never come out; but what is the Diverſion here? The Book will ſoon anſwer, All manner of falſe Calumny, Detraction, and Libel againſt his Superiors, the ſame Pleaſure as Thieves, Burglars and Pickpockets have in the dexterous and undiſcovered Practice of their Art. But ſhall we afford him a fair Evaſion, only a vain unthinking Gaſconade? That will not do, it will be anſwered that the Matter is Hiſtory, or Relation of Facts which muſt of Neceſſity terminate abroad, for who tells a Tale to himſelf only? And then it can be done but for one of two Ends, either to inform or elſe to deceive; not the former, which muſt be by Truths (and Lyes are not entertained but* ſub ſpecie Veritatis) *which may ſatisfy the World, but that he declares is leaſt in his Thoughts, therefore it muſt be to deceive; and therein to gratify his own particular Itch and Inclination: And ſo Banterers are diverted when their Fooleries paſs upon the ſilly Puts; and ſuch he preſumes his Readers to be, elſe he had never ſaid that he wrote Hiſtory more for his Diverſion than (as his Words imply) for Truth. And this Sentence of his might be let paſs as a Confutation* ex Ore ſuo *of his whole Book. But we muſt not deal ſo negatively with him, for, among his Falſities, there is ſo much of poſitive Malice and Venom, that one can ſcarce let it paſs* ſub ſilentio, *without being one of his Confederates.*

XV. *If he had not been in a bantering Humour, he had not added that* of all things Hiſtory is leaſt underſtood by the Generality of Mankind. *What doth he think of Algebra, Opticks, and Aſtronomy? Of all Kinds of Literature, Hiſtory is moſt intelligible, and by the meaneſt of the People. There is ſcarce a Family, poor or rich, that hath not ſomewhat Hiſtorical in the Houſe for the Entertainment even of Children; and for that Reaſon it is a Law, that it be vulgarly intelligible, and exquiſitely clear. Nothing is ſo inexcuſable as Darkneſs of Expreſſion, or Confuſion of Matter. Sciences have Terms of Art, and the Mathematics Symbols, and yet, according to him, are more generally underſtood than Hiſtory, that is pure* Engliſh. *If the Author means that a true Account of the Times is hard to be picked out of his Hiſtory, it is agreed; but ſtay, perhaps an Explanation is coming.* And, which is ſtrange, People are, for the moſt part, leaſt able to judge of the Hiſtory of their own Times. *Here is a ſtrange Confuſion of Judging, Writing, Subject-Matter, and Crediting. I cannot conceive that judging of Hiſtory*

Men cannot underſtand the Hiſtory of their own Times.

Hiſtory goes farther than the Style and Method of it; for who by thoſe Qualities can tell what is true and what is falſe? Lyes are often as well, nay better wrote than Truth, and being calculated to deceive, too often, by Dint of Elegance, paſs in after Times for true Hiſtory, witneſs Q. Curtius. *The ſubject-Matter may indeed be ſo monſtrous, that a common Underſtanding will reject it; that is not peculiar to the Time, but extends indifferently to all Times. And if the Author will be pleaſed to admit of the Word* Crediting, *in the place of* Judging, *it will be allowed that ſome Perſons have Prejudices, and do not readily credit ſome Things related contrary to their Prepoſſeſſion.*

Men of the Times beſt Judges of their proper Hiſtory.

XVI. *It may be reaſonable to reflect how ſuch Prejudices happen, and who are moſt affected with them, and the Virtue of good Hiſtory in ſetting all right. In the firſt Place, a long Series of factious Libels breed falſe Opinions in the Minds of the common People, and that was the Caſe of the Reign of King* Charles II. *The Quinteſſence of all which the Author hath transferred into his Hiſtory. This evil Effect ſpread wide at firſt, but, as Time and truer Information advanced, it contracted, and now remains only (through factious Tradition) in a very few, unleſs this ſtately third Volume protracts it deeper into ſucceeding Times; for the original Libels (the Author's beſt Writers) are become deſpicable, and, as waſte Paper, unregarded, or loſt. Now for the Author's deceitful Word* Judge, *he ſhould have ſaid* Credit, *or* Try, *for the Queſtion is of Fact, and how can that be determined but by Trial, which ſuppoſeth a Scrutiny of Teſtimony, written or oral. So how can theſe latter Times, being ſo unfortunate (if it were ſo) as to have no other Hiſtory but this, pretend to judge at all of the Facts, whether true or falſe, or take them otherwiſe than as he relates them? for I here quit him all thoſe Fablings ſo groſs that no Age will believe, which are not a few. Therefore here lies a Fallacy; the Judgment is not to be of his, or any Hiſtory, but of the Times repreſented; and of thoſe by means of the Characters and Circumſtances of Perſons that write, and of the Aims they have in ſo doing. Now when Accounts of any Time come abroad, which do not all agree, but differ in Deſcription and Opinion of the the ſame Time, then there is a State formed and ready for Judgment; then comes the Oracle and tells us we muſt not expect a juſt Sentence to paſs, till a Generation or two is paſt, for* moſt People are leaſt able to judge of the Hiſtory of their own Times; *which is ſo far from Truth, that moſt People are moſt able,* &c. *for who ſhould judge but thoſe that are living Witneſſes, and can expreſly ſay that an Author lyes or ſays true, that he judges of the Times juſtly or miſtakenly, that he was reputed a good or a bad Man, with many Incoherences or Inconſiſtencies, and Conformities or Coincidences with what is known to be true? As for all that reſults from Collation of Authors, it is the ſame in all Ages, and ſurely the proper time hath the Advantage, unleſs* Unus auritus Teſtis præſtat oculatis decem. *But to cloſe this Remark with a prodigious Abſurdity, let one ſay that the* Romans *in their Time read* Livy, Cæſar, *and* Salluſt, *but we, after the beſt Part of* 2000 *Years now paſt, can make a better Judgment of thoſe Hiſtories than the People then did.*

XVII. *If*

XVII. *If a good Reaſon for this is expected, we muſt liſten to the Author, who ſays,* Imperfect Remembrances, confuſed Notions, Partiality to one Side, and Prejudice to another; they have their Preſumptions and Conjectures. *And all this is to prove that living Men neither ſee, hear, nor underſtand. He makes no Diſtinction; but Divines, Stateſmen, Scholars, Lawyers, Gentle, Simple, Wiſe, Unwiſe, Honeſt, or Diſhoneſt, all are involved; and, inſtead of helping out Hiſtory by their own perſonal Obſervation and Knowledge, may, if they pleaſe, repair to* Bedlam *as the fitteſt College for them to ſtudy or recollect Hiſtory in. There is nothing here worth Notice unleſs it be what was touched, a Prepoſſeſſion upon Account of Party: And, as to that, I would have it conſidered that in the Lives of moſt Men the Strength of that wears out; and, as to paſt Proceedings, all Parties agree to the Truths of their own Time. And it is found that the moſt violent Party-Men, being, in their Way, honeſt, have wrote moſt uſeful Hiſtories: For, however they hold cloſe to their* Dogmata *with Reſpect to Church and State, yet they relate the common Proceedings with Veracity, and by that Means, Truths come to be known, that otherwiſe had been buried in Oblivion for ever; and of this, out of many, I ſhall give but one ſingle Inſtance, and that is of* Ludlow's *Memoirs. It is therefore a falſe* Fucus *to pretend all or moſt Men are partial, as to the Truth of Facts after their peculiar Intereſt in them is ceaſed; much leſs thoſe that have none but the common Intereſt of their Country to ſway them, but, it ſeems, all are alike.*

Honeſt Men of all Parties make good Hiſtory of their own Time.

XVIII. *After this the Author falls to Scolding at the* Cotemporaries. They, *ſays he,* like diſtempered Heads, have a Sight ſo uncertain, that it deceives them more than Blindneſs itſelf. *A* Cotemporary *may, with the ſullen Lady in the Ballad, anſwer,* —— "*With ſuch Sight as I have, I* "*can very eaſily ſpy out a Knave.*" —— *If one would play with Words, Blindneſs might be vindicated, for that deceives Nobody: It expoſeth Men to be deceived, becauſe it becomes neceſſary for blind Men to truſt, and when, truſting, they meet a Poſt, it is not their Blindneſs, but their Guide that deceived them. But not to follow the Author in his Emptineſſes any longer, I ſhall now light upon the true Secret of all this Rage againſt the* Cotemporaries. *He being conſcious of his thorough-paced falſe Dealing, and hard ſtudied Abuſe of Truth in this his* third Vol. *is troubled in Mind, and dreadfully afraid leſt ſome* Cotemporary *ſhould take him to Taſk and expoſe him. Like a gall'd Horſe, he winces at the very Thoughts of ſuch a one, who with half an Eye can ſee through him. What Havock would a living Witneſs, like an Hurricane, make amongſt his Trumpery, diſperſing* in Fumo *all his malicious Inſinuations, Calumnies, and Abuſes deteſtable in Hiſtory: And it is for this Reaſon that in his pithy Preface, by Way of Prevention, he hath filed up his Exceptions againſt the whole Nation of* Cotemporaries *his utter Enemies; and for their Sakes, or as moving from them, all latter Memoirs, Books, Pamphlets, and even Records are condemned to ſink in* Lethe, *excepting only what he hath thought fit to gather, and garniſh*

The Hiſtorian bids Battle againſt the Cotemporaries.

out, for a Regale to Posterity. And, with this (no honest) Art, he thinks cunningly to way-lay these living Pretenders; if any come on, it must be upon the Turn-pike *of this Epistle; What? is he a* Cotemporary? *Away with him; an imperfect Remembrancer, confused Notionalist, Prejudic'd, Partial, and who sees more uncertainly than one that is blind. So, whilst he is Arbiter, the Cause is clear on his Side, and lying ensconc'd behind his own Praises, he is confident none, that can, will expose him. This Foresight of more than one living Adversary, hath been the Cause of this Entrenchment; and with Reason good, for he hath had already no slight Lashes in Print, as from the Duke of* Leeds, *and other blind and foolish* Cotemporaries, *and he may from thence, without any of his black Art, calculate what may come after.*

Owns himself a Writer of his own Time.

XIX. *Now, after all, will it not be wonderful if he should fall to confuting his own self, and kick down all this fine Contrivance? He says,* The Story is told according to the best Writers. *I have already dismist these best Writers, and shewed he hath taken the worst; but then he goes on, and says he* writes of his own Time, *If we may allow of this latter to be one of his Truths, he certainly condemns himself. For, by declaring himself a Cotemporary, all the foregoing Charge of remembring imperfectly, Confusion of Thought, and Dim-sightedness, falls flat and foul upon him. I would fairly ask him from whence he derives his Privilege of being exempt from the Failings of the other* Cotemporaries, *whom he hath pronounced insufficient to judge of History, since he hath declared himself to be one? He will alledge, perhaps, that he did not say* all, *but* most, &c. *And that he is one of the Exempts, and I presume, his best Authors will come within the same Privilege, for they were all* Cotemporaries; *and until a good Foundation to sustain such a Privilege in the Author and his Vouchers, is shewed, they must stand condemned, as he is, by the Authority of his own self.*

No History at all but from Cotemporaries.

XX. *But is he in Earnest? And can he look us in the Face, when he pretends to persuade us that the* Cotemporaries *are least able to* judge *(that is his Word) of their own Time? And if least able to judge, least able to compose any History; for what a History must that be, that is made without any Judgment; the Sense of which Words, as has been shewed, must be understood as of Truth? And then in Sadness, we are like to have no History at all; nay, if the Author had been true to himself, we never had been made happy with his History. For, as I humbly conceive, not only the* best, *but* all *History justly speaking, ever did, and will proceed from the Remembrances or Memoirs of Persons living, and active, or at least, inquisitive in their proper Times. If I am opposed by setting up Acts of State, Records, Proclamations, Declarations, and the like; I answer, that all that formal and stiff* Supellectile *will be found but a dry* Cortex, *which hath no Spirit or Taste at all. Whence should come the Substance or Marrow, that is, the interior Springs, which inspirited all such* Phænomena *of State, and what Motives, Oppositions, Intrigues, Hypocrisies, and Broils of Affairs,*

fairs between Governors, Miniſters, Stateſmen and the Community; and upon what Accidents have great Affairs turned, and Diſappointments as well as ſurpriſing Events and Succeſſes arrived, but from the Notes and Obſervations of private Men of the Time? What is moſt uſeful to be known is ſeldom or never to be found in any public Regiſtrations; and is not to be expected or hoped for, but from private Memoirs.

Compilers an uſeful Nation, deal wholly in Memoirs, or what comes from ſuch.

XXI. *Theſe are what the* Compilers, *a moſt uſeful Nation, hunt after and ſtrive to obtain; by* Compilers *I do not mean* Cotemporaries *that write upon their own Knowledge, but Men that come many Years after the Time of their Engagement; and by Letters, Memorandums, looſe Papers, and other Authors, compoſe ſo much of an Hiſtory as their Materials will ſerve to build up: And, what is wanting to perfect their Undertaking is imputed to a Failing on the Part of the* Cotemporaries, *who have not left ſufficient Memoirs to anſwer ſuch a good End. And for Want of the Aſſiſtance of the* Cotemporaries *who could readily* tell (judge *if you pleaſe) what Materials to chooſe and what to reject according to the known Truths or Characters, the* Compilers *are put upon the hardeſt Taſk, by Torture of Thought and Criticiſm, to determine what to take and what to refuſe; ſo unfit are they, compared with the* Cotemporaries, *to judge of the* Materia Hiſtorica. *The great Streſs falls upon private Memoirs, when they are not done for the Sake of Truth, but, as Libels, for indirect Purpoſes. And not ſeldom well penned Libels paſs with wonderful Acceptance, by the Name of* ſecret Hiſtory, *of which there having been an unhappy Pattern in* Procopius, *others have affected to follow it to a monſtrous Height of Lying and Defaming of Kings and Potentates. So when we have loſt the Benefit of* Cotemporaries, *the Reſort is to Criticiſm, much the looſer, and more uncertain Guide to Hiſtory. But to ſhew that Judgment will go a great Way in finding out the Inſincerity of a Writer, I propoſe only* Buchanan, *who writes excellently well of elder Times, but when he comes to his own, he forges to make the Times jump with his* Dogmata *in his Book* De jure Regni. *And ſo in general all Time-ſerving Writers will meet with critical Juſtice, and, if in Fact falſe, by Circumſtances and Compariſons, and certain livid Spots in the Text itſelf, will be diſcovered to be diſhoneſt, and conſequently, as to proper Credit, be laid aſide.*

The Hardſhip upon Compilers, and how ſome out of Ignorance miſcarry.

XXII. *Poſterity is like to want the chief Truths, of our Times, and (ſubducting private Memoirs and Remembrances until the World will be pleaſed to accept of them) the Work of* Compilers, *that is Critical Hiſtory, will grow exceeding difficult; all which hath proceeded from the Rage of vaſt corrupt Intereſts oppoſing each other, and perpetually writing with expreſs Deſign to delude the common People into their ſeveral Meaſures; the ſerving of which, by ſome, hath been made the* Criterion *of all Good and Evil; whereupon the late Powers have not ſuffered any Thing impartial to appear in Print. What Wonder then is it that, at preſent, the Current of Hiſtory is muddy, and inſtead of clearing, the Stream grows continually more foul; for when the*

the Party Stuff is once thrown in, the Water drives all together into Chan-nels, and the Reſervoirs will receive and continue the Stain: Which we ſee by ſome later Writers, leſs malicious than our Author, who cite one another, and (for want of common Senſe) even him, as an authentic Text, and in his moſt perverted Paſſages: Such are encouraged, and oppoſites mortified. How then ſhould we expect better, till Time procures more Freedom, and private Memoirs (if any are) may be encouraged to come forth? I cannot but reflect upon the Hiſtory of the Lady of Loretto, *which all allow to be fabulous enough: But, beginning with ſcattered Relations of ſeveral Miracles here and there among the Popiſh Writers, it is gone ſo far, that a formal Hiſtory, titled* La Caſa Abellita, *came forth, recounting the whole Series, and quoting thoſe lying Authors as ſo many Authorities by Edition, Page, and Line. And then (ſay ſome) ſure this is a true Hiſtory, he gives you his Authorities for every thing. Therefore as Judges determine the Credibility of Witneſſes, ſo Hiſtorical Compilers muſt judge of Authorities, or elſe Poſterity will have a ſtrange Meſs of Diverſion cook'd for them, of which we have more than a Taſte already. And we muſt expect to be cloy'd with more and more, ſuch as will be continually poured out, without giving us any Refreſhment, till the Writings of honeſt, able and active Men appear, of what Parties or Intereſts ſoever they are; ſince it is Facts and not Opinions that Hiſtory chiefly wants, and however it may fare with the latter, the former, from honeſt Men, will always be juſt according as the Authors or Relaters are ſincere and honeſt.*

Apology for the Writer and his Epigraphe.

XXIII. *This Writer conſiders that he is all this while creating an Objection againſt himſelf, being expreſly (ſo as hath been already declared) of a Party, and intending to inveigh, and, perhaps, not a little ſarcaſtically, againſt a formal Author here, who patroniſeth a Faction oppoſite* ex Diametro; *he ought not to ſet up for Credit more than others ſo engaged. He anſwers that he doth not ſet up for Credit on his own Authority, but quits all that; and if, upon Conſideration of all Circumſtances, what depends upon his own Relation, ſhall not be fairly entertained, he will join to expunge it. For, as to that, his Caſe ſtands thus: After, for Reaſons alledged, he undertook to canvas a Part of this Hiſtory, it ſeemed a fair Opportunity to advance thoſe Memorials of the ſame Times which he had received from his Betters, or could himſelf obſerve, and join them to the reſt of his Work. And, as to the Integrity of them, he doubts not but thoſe Marks and Symptoms, which ordinarily indicate Truth, will be found attending upon them. But as to the reſt of his Work, however it may ſeem hiſtorical, yet it is, (as was ſaid) but controverſially ſuch, and may be termed an* Invective *rather than an* Hiſtory. *He allows even That to require Juſtice and Proportion, but not (in a ſtrict Senſe) Impartiality, no more than the Harangue of a Judge upon giving Sentence, may be termed a partial or impartial Speech, becauſe it is all adverſe to the Caſe of the Priſoner, and ſeverely exaggerates his Crime. And this Writer, declining the Author's Example of trumpeting his own Worth, hath borrowed from a great Author the ſingle Word* Examen *to be his*

his Epigraphe, *which implies no more than any reaſonable Perſon, without the leaſt Arrogance may pretend to.*

XXIV. *Now, having done with the Public, the Author in this his ſhort but ſmart Epiſtle, retreats to his own particular Concerns, and tells us he thinks fit to* withdraw himſelf *(from the Public;) but for what Reaſons?* No prudent Writer will ſet a Name to the Hiſtory of his own Times. *This is contrary to all Example: What doth he think (not to go out of* Great Britain) *of* Spotſwood, Buchanan, Heylin, Camden, Dugdale, Wilſon, Guthry, Melvile, *and diverſe others of whom he may allow ſome to be prudent Writers of their own Times, with their Names inſcribed. It is rather not only prudent, but juſt to do it, for the Character of the Perſon always known, is a Character of the Hiſtory itſelf, which, for that Reaſon, ſhould be always inſcribed, and the Want of it is a Fault in a regular Hiſtorian: It is like ſetting the Hand and owning what is done; elſe the Work may be juſtly called a falſe Libel: It obligeth an Author to write carefully, that he may not Huſh, though the Faults may be pure Supineneſs. What if they flow from Malice? Then ſurely it is beſt to hide as the Author doth. But the Quinteſſence of his Reaſon is coming.*

Good Hiſtorians do not hide, but inſcribe their Names, and the Reaſons.

XXV. For it is impoſſible to pleaſe, or to be impartial. *Firſt as to* pleaſing, *I fear our Author will be found to have had too much Regard to that, and in great Meaſure hath acquitted himſelf as he deſigned. But I have ſmall Hopes of his Hiſtory, when one of his Views is* pleaſing; *about which, as to Matters of Fact, I have not known any good Hiſtorians very ſolicitous. But is it impoſſible to be* impartial, *that is, honeſt? Cannot a Man avoid telling Lyes of his own Time? Cannot he help commending his Friend, who was a very wicked Fellow, or blaming and reviling an Adverſary, who was a virtuous good Man? Muſt he needs, right or wrong, ſpeak Evil of Dignities? And is the Impulſe ſo ſtrong, that he cannot forbear falſifying to ſerve Turns, and giving Judgment to ſave or condemn Men and Things, for Flattery of the preſent, and Odium of paſt Times; and all againſt his Judgment and Conſcience of Truth? Theſe, I think, are Partialities, and include moſt, if not all of them which Hiſtory of any Sort admits; and ſince the Author affirms in general that a Writer of his Time cannot be impartial, ſure one may have the Liberty to ſhew he is otherwiſe, that is partial in moſt of theſe* Items: *Therefore it is cunningly done to lie concealed. If he had been ſenſible of common Failings only, he might have come forth; for the juſteſt Man alive commits Miſtakes, and more or leſs advances what, in Strictneſs, may not be true, to the Prejudice of ſome and Favour of others; but if it is not done knowingly, or with Deſign to prefer or injure any Perſon; that may be Error, but not Partiality. A Judge gives his real Sentence but contrary to Law, which Sentence is reverſed upon a Writ of Error; that Judge is impartial, becauſe he uſeth the beſt of his Judgment and Knowledge, and no Man hath more than that to anſwer for. Therefore the Words* Partial *and* Impartial, *applied to a Writer, refer to the Will, and not to the Matter, and*

The Hiſtorian's futile Reaſons for concealing his Name.

the Author, who plainly means the ſame, is of Opinion, that a Writer of his own Time cannot avoid being partial, that is, a wilful Falſary, and therefore he wiſely keeps out of the Way.

This Writer of his Work and himſelf.

XXVI. *One may here drop the Author and his Epiſtle; for the preſent Writer, taking his Leave of him for a while, deſires a Word or two more of himſelf and of his Undertaking. And in the firſt Place to preadvertiſe that although his Work, for the moſt Part, is controverſial, he ſhall not proceed in the common Method of Controverſy, that is extracting Sentences, and affixing Anſwers and Reflections. This Way is conciſe, and much Wit may be exerciſed in it; but ſuch Snapping and Quarrelling would not clearly anſwer his Book, for there muſt be oppoſed to Omiſſions, full Relations of Facts, to Miſrepreſentations and Miſconſtructions, a true State of the Proceedings and their Tendencies; and, when Characters and Cenſures are falſe, to ſhew how and wherein; all which will not be done without large Excurſions; and there will be found Reaſon, for diverſe Intents, to paſs over the Years undertaken, more than once, and inſert occaſionally ſuch Memoirs as he hath received from Friends, one particularly *, of which he hath the* Autographon *by him, and he thinks it will be found very material and inſtructive in the Hiſtory of the Time. And he thinks alſo that, without a Braggadoccio, this may be ſtyled a* New Work; *the rather, becauſe it deals not a little with the Brigues of the common People, which kind of Hiſtory Critics ſay is moſt wanted.*

* Wrote by Lord-Keeper *North*.

EXAMEN

EXAMEN

OF AN

HISTORICAL LIBEL,

MISTITLED

A Compleat HISTORY *of* ENGLAND, Vol. III. *by an Impartial Hand.*

I. I Intend here an Examination of a pretended *compleat Hiſtory*, *Vol.* III, of which ſome mention is made in the Preface; but ſhall confine myſelf only to that Part which is of the Reign of King *Charles* II, and that chiefly after the Year 1672, to the deplorable Time of his Demiſe. I find in this miſnamed *compleat* Work, diverſe conſiderable Tranſactions, concerning the Public, not at all taken Notice of, and others (not to ſay few or none otherwiſe) moſt foully miſrepreſented. Therefore conceiving it a Duty, as *Lumen de Lumine*, that every one ſhould ſerve his Country with all the uſeful Truths he hath in his Power to communicate, and to do it in the moſt uſeful Way, which is by Writing (for that puts a Stop to Forgetfulneſs, and accommodates many or few, as the Fortune of Times may diſpenſe) I have ventured to profer this Mite to the Treaſury of Times, deſiring it may be favourably accepted, being the Reſult of an untainted good Will. It is an Unhappineſs that we have ſo many Hiſtories of *England* wrote with a Bias in favour of ſome Political Scheme or Diſpute of Government, which draws ſtrong towards Partiality; and they are ſo much more, in that Way, miſchievous, as when they work under a Veil of Indifference. Whoever the Authors are, for I ſhall not name them, they might have found a better Model than that of the Jeſuits and their Collegues, among whom *Maimburg* ſhines, who moſt groſly corrupts the Hiſtory of *Europe*, and therein of particular Nations, only to ſubſerve the Intereſts of an Hierarchy exorbitantly corrupt. As for our Author here no leſs Politician, but in a contrary direction, I ſhall follow him not by *Years*, as he moves with an hobbling Pace, but by *Subjects*, which may aſſiſt Unity, and prevent the often taking up and laying down, as may happen in *Years*. It is not Annals or

Entrance.

regular

regular Hiſtory, but rather Polemics or Criticiſm we propoſe; and ſuch Relations of Fact, as may demand to be inſerted, ſhall enter occaſionally as the Subjects may require.

Method. II. It will be reaſonable nevertheleſs to diſtinguiſh what Matters I ſhall undertake to obſerve, by placing them under certain Heads or Characters. And the whole in three Parts may be compriſed in the ten Chapters following:

The whole divided into three Parts, the Firſt will contain,

Chap. I. *The general Deſign of the Author, with the Notes about the Earl of* Clarendon's *Hiſtory.*
II. *The Character and Actions of the late Earl of* Shaftſbury, *with Paſſages relating thereunto.*
III. *The Popiſh Plot,* Godfrey's *Murder, and the Influences of them applied.*

The Second Part is to contain,

IV. *Sham Plots.*
V. *The* Rye *Conſpiracy.*

The Third Part contains,

VI. *Indulgences and the Growth of Faction.*
VII. *Seditions, Tumults, Abhorrences and Accuſations.*
VIII. *The Times clearing up and how.*
IX. *Vindication of Proceedings* Car. II.
X. *Libel ſifted from the Hiſtory.*

But I muſt advertiſe theſe are not ſtrictly indicative of all the Matters contained, but as Ligaments to keep the Bundles together, and ſo avoid utter confuſion; reſerving full Liberty to walk over the Years I undertake more than once, as I hope to do without much Diſorder.

Deſign of the Author for a Faction againſt King *Charles* II.

IV. 1. The whole Deſign of the Author is to plead the Cauſe of a Party, whereof he makes himſelf the Patron; and it is that which raged againſt the Perſon and Government of King *Charles* II. It was a freſh Growth out of the *Caput mortuum* of that which actually deſtroyed King *Charles* I, and through many odd Incidents of his Son's Reign acquired a Strength almoſt at Par with that of the Government. But at the Height of its Exaltation, ſunk down all at once in wonderful Surpriſe and Confuſion, leaving King *Charles* II. an intire Security of his State and Honour, ſuch as few of his Predeceſſors ever could boaſt of. Now comes our Author with a falſe Appeal to the Judicature of Poſterity, and, under the Pretence of a *compleat Hiſtory*, makes it his Buſineſs not to ſhew truly the State of that Reign, but to make what he doth ſhew ſeem fit and ſufficient to maintain his Cauſe; that is, to redintregate the Honour and Credit of that exploded Faction, at the Coſt of all Truth and Juſtice to the Memory of his late Sovereign: And accordingly enlargeth ſome, contracts others, and ſuppreſſeth abundance of Facts

Facts very material to the Knowledge of the Times, ſo as every *Item* may ſquare with his Scheme, and, taken altogether, compoſe an uniform Libel of that whole Reign. So much for Deſign.

Vilifies his Majeſty.

V. Purſuant to which, all that he delivers, is with a ſiniſter Eye upon the then Government, ever looking *torvè* that Way; and from Umbrages of his own caſting, raiſeth Inferences, and by Way of Inſinuation, brings forward the Matters he would have believed: And thoſe generally are, that the King was one of the worſt of Men; a Libertine, Voluptuary, Atheiſt, and yet, in his Heart, a Papiſt; a profeſs'd Hypocrite, of arbitrary Deſigns, reſigned to *France*, intending, with Aid of that Monarch, to ſubvert the Proteſtant Religion, and all the Laws of Liberty and Property in his Kingdom, and introduce and ſettle Popery: And that whatever he did of a contrary Aſpect, was but a Copy of his Countenance, only to *ſeem*, as he terms it, or to make the beſt, when he could not reſiſt: But, at the Bottom, all was Popiſh, and arbitrary, influenced by the Duke of *York*, a Papiſt profeſs'd, and (through him) by the reſt of the Papiſts, that had the Aſcendant in all his Counſels. That he favoured Diſſenters with Shew of Indulgence, only that Papiſts might have the Benefit, and then, to pleaſe them, he perſecuted Proteſtants. That all his Reign was but a Series of Court Tricks to introduce Popery, Tyranny and arbitrary Power. The Miniſters of his Government no better than Confederates in this good Work, and their regular Proceedings under the Crown, and in the Courſe of Juſtice, all Cheats and Impoſitions upon the People; and they themſelves all Tools and Inſtruments of Oppreſſion; Perſecutors, Suborners of Evidence againſt zealous Patriots of the Proteſtant Religion and Liberty: And the King himſelf an Impoſtor, Tyrant, falſe-hearted, and a Coward; with much more, and, if poſſible, more virulent, as will appear. But it is not fit to anticipate all that might be pertinent here, becauſe I ſhall have Occaſion to touch moſt of theſe Elegancies over and over again.

Magnifies the Faction.

VI. But then, on the other Side, all thoſe Perſons, who appeared active in working at the Mines, and Batteries againſt the Government, are, with this Author, true Proteſtants, Patriots, and zealous Aſſerters of Religion and Liberty: If any of them for notorious Delicts, were proſecuted in due Form of Law, whatever the Cauſe was, the only Fault (in his Recognition) was their public Spirit, and Proteſtant Zeal; and the Crimes pretended, mere Falſities, forged or raiſed even by the King himſelf (for he is not ſpared) and his Miniſters in Subornation, and made good by Perjury. All Judgments, Sentences and Executions of the Law, againſt the good Men of this Stamp, were illegal, (excuſe the Impropriety) arbitrary, and no better than Perſecutions and Martyrdoms, as the Text will more copiouſly inform.

Evidences all from Libels.

VII. His general Method of working up this fine Pourtraiture, is as groſs as the Deſign, for he deals in the very Language, and uſeth, almoſt, the very Words which, at the Time, were current at Clubs, Coffee-houſes, and

factious Assemblies of the Party-Men. And he culls out of Libels, and Lampoons of the Town, choice Relations, Sentences and Flowers, which, together with the factious Calumniations, Lyes and Raileries then in Vogue, he applies to the like Purposes, for which they were at first coined; that is, to render the King little, and odious to the People, and his Government contemptible. The very Authorities he quotes occasionally, which, in his *Infamous Epistle*, he calls the * *best Writers*, are the Hackney Libellers of the Faction; and the very rankest of them, which, in those Days, came forth, like *Nocturnal Tenebrios*, from the dark and dirty Recesses of the Party, and flew about as Omens of Mischief, or else, crept out in latter Times more propitious for them: These he deals forth by Scraps and Excerpts, and as the *notable Matters*, margined for better Notice. And to make sure of his Partiality to the Dissenters, and to prevent Escapes of Truth concerning them, he most ingenuously gives us their History out of their own Account of themselves, and Mr. *Baxter*'s *Biographer*. And if the factious Vein, as in the Speeches of some Parliament-Men, and others, runs high and strong, he affords them by wholesale at full Length; but (in that Manner at least) nothing *e contra*. The Sacred Rule of Law, *audi alteram partem*, is not in his *Practice of Piety*: And of these irrefragable Authorities, some he affords great Encomiums to, others pass without Welt or Guard, and many Authors have not the Honour to be named, but are taken in, only as late Authors, and sometimes a Name in the Margin: He graces his Authorities with the Character of *Free Representers*, which are a-kin to the Freethinkers, as the State is to Religion. And although the choicest of his Authors have been answered sufficiently, he is not pleased to give any Account, or Excerpts out of them, or make the least Discovery to the contrary of the others being unanswerable. The very Acts of State are obnoxious to his Favour, or Displeasure; as Proclamations, Addresses, Votes, *&c.* Some shall be set forth at large, others not taken Notice of, or cropt and shorn, or materially wrong. And of *Partie per pale* Businesses, of which, some are *Pro* and others *Con*, he cuts and mangles them, to get what is for his Purpose, be it never so little. And, as to what is his own, which is not much, full of Misconstructions, sinistrous Tales, Falsities, Slanders, and malicious Insinuations, whether to the Purpose, and near Hand, or far fetch'd, to fill up the Chinks, or otherwise; they are too numerous even to be hinted at here, but will be made known Step by Step, as we trace over a few Years in his *compleat History*.

Position, that the King was a Papist by Contract at the *Pyrenees*.

VIII. His grand *Thema* or Historical Position is, That King *Charles* II. was a concealed Papist: This he lays down for a Foundation, whereon to superstruct a wonderful Colossus of Reproach; and for Abutment, shews when, where, and how he came to be first reconciled to the Church of *Rome*, or (here note one of his Ways, which is, a Disjunctive often given

* See *Preface*, pag. 13.

in

in as there is Occaſion, to ſoften a Lye, which, otherwiſe, would be too groſs) a profeſſed Favourer of Popery. And he ſtrains very hard, to ſqueeſe this Slander out of a Paſſage in the Earl of *Clarendon*'s Hiſtory. He has given that Work Credit in his Epiſtle, and the reſt of his Book: And if he can prove his Point upon an Authority, ſo well accepted as that is, *actum eſt*. We muſt go as far back as the Year 1659, for this momentous Paſſage; and, I believe, there never was ſuch an Abuſe of any good Author, as we find, in this Inſtance, put upon that approved Hiſtorian.

The ſecret Article.

IX. The Author, out of him, pretends to prove, that when the King was in Exile beyond Sea, at the *Pyrenean* Treaty, (which ended a bitter War between *France* and *Spain*) his Majeſty entered into a ſecret Article with thoſe Crowns, to become a *Roman Catholic*, or (we muſt not baulk his Disjunctive) a *Sworn* Favourer of Popery, on Condition, by the Power of thoſe Crowns, to be reſtored to his Kingdom. The King took a ſolemn Oath to be a Papiſt or (Disjunctive again) to favour Popery; he doth not know which, but one of them he is ſure it was. He introduceth the Buſineſs by mentioning, firſt what great Endeavours were uſed abroad to pervert the King, and how much it was feared that, *In the great Treaty this Year* 1659, *between* France *and* Spain, *the King was drawn into ſome Articles, or* (there's his Disjunctive) *Meaſures which were happily broken.* Page 219.

The King's Difficulties.

X. Who will ſay this is a fair Way of writing, to throw out indefinite Words, and, with his *Or's* upon *Or's*, leave the Senſe to be made out at the Reader's Diſcretion; but yet in ſuch a Manner, as ſhall give the Start to ill Nature? Which ſhall we take, *Articles* or *Meaſures?* Are they ſynonymous, and mean the ſame Thing? What? Prejudice and ill Nature immediately anſwer *to turn Papiſt*. But, it ſeems, (as he ſays) the *Meaſures* were broke, and happily, becauſe unhappily entered into, if it were ſo; and then, what needed more Words about the Matter? Now if one ſhould gratify this Libel, (is not the Style exactly ſuch?) and ſuppoſe, that the King had been drawn in to promiſe Conformity, in Hope of Aſſiſtance to regain his Right, by Help of theſe Neighbour Princes, againſt the outragious Witchcraft of his own Subjects: Might not he at that Time have a Reſerve, and, after his own Turn ſerv'd, do as he thought fit? Conſidering how much of this (not very commendable) *Ragion di ſtato* is uſed by the governing Part of Mankind; I cannot ſay it had been ſtrange, if a Prince, in ſuch Extremity, had ſerved himſelf of it: And if he did nothing, or made not conſiderable Steps that Way, it is really very wonderful. And whatever violent Preſumptions, or other Reaſons, if any be, may perſuade ſome Folks to Credit in that Matter, the Author doth not profit at all by them, becauſe he takes another Way to have it believed, and ſo as none muſt have Leave ſo much as to doubt; and that is, by corrupting the Senſe of a fair and candid Hiſtorian, to bring it about. If he had thought of any Morality in his Writing, he ſhould have inſerted a Clauſe of Exclamation, at the Danger and ill Conſequence of the People's Madneſs, in

forcing their Princes abroad to live, and fall under ſuch Temptations. And then not to aſcribe the Fault to that Madneſs, rather than to the Frailty of the injured Prince, in caſe any Miſchief had happened; which done, the Saddle had lain upon the right Horſe's Back; but nothing of that.

The King's Steddineſs.

XI. But, it ſeems, theſe *Meaſures*, as we are told, were broke, that is, the King did not yield under theſe Temptations, as the Author himſelf has it, and, which is more, the Earl of *Clarendon* ſays expreſly, "That the King's "Family wavered, — but the King's Steddineſs, of which he gave great "Indications, prevented them.—" Which, without more, upon the Authority of that Hiſtory, clears the King: And one would have expected the Author ſhould have not only given up the Point, but ſaid ſomewhat for his Majeſty's Honour for having ſo Heroically ſtemmed that Trial. But ſo far from that, as he labours, and ſweats to argue his Reader into a Perſuaſion, that this very Author, who hath ſo expreſly declared the King's Steddineſs in his Religion, hath yet (but ſlyly) declared the clean contrary, *viz.* that the King ſolemnly articled, and ſwore to be a Papiſt; and then he concludes with a Tale, of his being ſeen coming from Maſs: For that is his Way, as I muſt often note, to ſupport a general Slander with ſome paltry Story; ſo Tale and Reflection, or Reflection and Tale, are, with him, like Senſe and Rhyme, one for the Sake of the other. But with what wretched Shifts and Tricks he endeavours to work this Contradiction into his Frame, I am about to ſhew.

Lord *Clarendon*'s Hiſtory abuſed.

XII. I believe few will doubt, but at this great Treaty of Peace, there were ſecret Articles, or that they tended to advance the *Roman Catholic* Religion. And we may conceive, that our King, in his Converſation with the Agents and Miniſters about that Time, did not call the Pope *Antichriſt*, nor declare that the great Kings of *France* and *Spain*, and their Catholic Subjects, were all rank Idolaters; and what then? O! the Author tells us, *The King's Negociation in this Treaty was kept ſecret, but there is too much Suſpicion of Intrigues.* Right Libel again; what is all this to Matter of Fact? Myſterious Expreſſions; hearkee; — obſerve; — it is a great Secret; — Suſpicion of Intrigues; — mum. — This is the Way of Party Whiſpering, whereby they uſed to cajole weak People to believe any Thing by ſaying nothing; for what is there not conceivable in an ill Senſe, under common Words of Fear and Jealouſy? And thus to ſave the Hiſtorian the Labour, the Reader is drawn in to make the Lye. But however he thinks to conjure up ill Nature, to make out his perverſe Inſinuations, he will not leave the Cauſe at the Hazzard of that, but goes on telling us, *My Lord* Clarendon *would let fall no other Intimation than what he gave us in the Words I am about to exhibite.* He was his Lordſhip's Secretary or Amanuenſis ſure, that he knows his very ſecret Thoughts, and the cunning Contrivance of his Hiſtory; for his Lordſhip, it ſeems, had a ſtrange Fetch in the following Sentence, not to write, but to intimate Hiſtory. His Lordſhip's Words, the Author means, are theſe: *It*

believed by wiſe Men, that, in that Treaty, ſomewhat was agreed to the Prejudice of the Proteſtant Intereſt. Then comes the Author with his *Ergo, Which could hardly be leſs than a Promiſe of the King to eſtabliſh, or* (we never eſcape his Disjunctives) *at leaſt to tolerate Popery in* England, *and to ſet an Example of it in his own Perſon, upon Condition he ſhould be reſtored to his Crown by the united Powers of* France *and* Spain. I looked round about in the Lord *Clarendon*'s Hiſtory before and after theſe Words, and I could not find that this ſame *Agreed* concerns our King at all. Could not *France* and *Spain* agree without his Participation? Or muſt the Agreement neceſſarily relate to *England?* Were there no Proteſtants in *Europe* but there? Was there not a ſtrong *Hugonot* Party in *France*, which had been ſuſtained in Oppoſition to the Crown? Perhaps by *Spain* itſelf? And though the Crown of *France* would not appear publicly in Articles with *Spain* for their Conjunction in cruſhing that Party, it might very aptly come into a private Article without joining the King of *England*, or otherwiſe concerning him: But the Author ſays, *It could hardly be leſs, &c.* That is, his Invention, without more ado, is Fact, though neither *Clarendon*, nor any other allowable Hiſtory, gives any Countenance that Way; nay, though *Clarendon*, as I ſhewed, affirms the Contrary in the King's Steddineſs.

France allied with *Spain* ill for Proteſtants.

XIII. But ſince the Author is ſo low in his Invention, as to afford us this Piece of Hiſtory on no better Grounds than by the Charm of his Word *Hardly*, I will help him out upon a little better Authority. If he will pleaſe to conſult the *Memoirs of Monſieur de* Sully, he will find that it was the Policy of *Henry* IV. of *France* (whoſe *Fac-totum* that great Man was) to maintain inviolably his Alliances with the Proteſtant Princes, and not to accept of the Alliance of *Spain* to their Prejudice, as the Pope, and all the Roman Catholic Intereſt in his Kingdom, perpetually urged him upon; which was the Cauſe of ſharp Wars between *France* and *Spain*, in which, the *French* having the Aſcendant, *Spain* was glad at length to be quiet: And the Proteſtant Princes continued in Union with *France*, not to be ſeparated by any Popiſh Stratagem, but that of *Ravilliac*. After the Death of *Henry* IV. then the Tables were turned, and ſtrait the Proteſtant Leagues were ſlighted, and *Spain* embraced, who ſought the Alliance only to diſarm and weaken *France*, and they uſed it accordingly. Then began the ſecret articling Trade againſt the Proteſtant Intereſts in *Europe*, and the Hiſtorian had Reaſon to ſay, wiſe Men thought a Peace could not well be concluded between thoſe Crowns, without ſomewhat privately agreed to the Prejudice of the Proteſtant Princes, or their Intereſts; but not publicly, leſt they ſhould take the Alarm, and counterleague it. But the Author will needs have theſe ſecret Doings to be for the Sake only of *England*, and the good King at the Head of them, by his Reneguing, to become the Guarantee: But the Jeſt is to come; the Author makes this ſly Earl of *Clarendon* write a Secret, and then give out the Key to it, and

ſo,

ſo, after dropping only a blind Intimation, as the Author coins it, he turns his own Interpreter.

Earl of *Clarendon* ridicul'd.

XIV. For, ſays the Author here, *The Way of his introducing and ſupporting his aforeſaid Belief of wiſe Men*, — take along that we have already ſwallowed, that the wiſe Men believed, not as the Earl, but as he ſays, *viz. Which could hardly be leſs, &c.* which we, with his good Leave, utterly deny; — *is ſome Key to underſtand the Meaning of what he intended to conceal.* If he intended to conceal this Belief of wiſe Men, what made him ſay any Thing of it? He is the ſtrangeſt Hiſtorian (except our Author) that ever was known: Intend a Secret, and then blab it; and not in expreſs Words, but, like the Author of *John Bull*, by Way of Key to his own ſecret Meaning; which lies in the Mode of his Introducing and Supporting, *&c.* If the Earl were alive, he would ſend our Author a gratulatory Epiſtle for the Honour done him, in being made a Writer of Hiſtory affectedly obſcure, and then, explain himſelf by more enigmatic *Ambages.*

A ſhallow Proof of the ſecret Article.

XV. It is eaſy to find in moſt Authors ſome Sentences of an undetermined Signification; and, if ſuch may be applied to any Purpoſe a Controverſialiſt will affix them to, the verieſt Nonſenſe in the World may ſometimes be vouched. Now our Author, having got Hold of theſe Words in the Earl's Hiſtory, (which the Writer himſelf could not determine explicitely, becauſe he was not certain of the Fact) though much more ignorant, will determine for him, but after his own awkward Purpoſe; and then he falls to hedging them in on all Sides with certain Tales to prevent their Eſcape; What then do we find? A Story that the King failed of his Appointment to be at the Meeting, which was very much wonder'd at, and what then? O, he was making ſecret Articles in a Corner: Intrigue enough. But thoſe who knew the King's Temper, could imagine other Intrigues might happen to keep him from an Appointment of Buſineſs, as well as State Policy. But I will allow ſomewhat of that too, which is that he kept away, that he might not be preſſed to join in any Articles, *&c.* which perhaps, upon certain Diſcoveries made, he was reſolved aforehand not to do. And, I think, that is a more reaſonable Account of his keeping away, than that which the Author maliciouſly ſuggeſts.

More of the ſame Stuff.

XVI. But then the Earl ſays, "That the Miniſters of the two Crowns "cautioned one another, not to aſſiſt the King unleſs he would become Ca- "tholic;" ay, and very likely; which was a good Reaſon for him to keep out of their Company: What ſhould the King get by being there, but the Diſadvantage of giving Offence, ſeeing he could not comply (as we will ſuppoſe the Caſe to be till the Author proves the contrary) in Articles or Promiſes? Now, to obſerve the Circumvallations in which the Author hath planted the Earl's Words, *viz. It is believed by wiſe Men, &c.* 1. The King's not meeting. 2. The Care of the Miniſters not to aſſiſt, but upon Terms of being a Catholic: And this is the Earl's Way of introducing and ſupporting. Can any Thing but a Monſter in common

Sense, argue from these related Passages, as the Author doth, that the Earl intended to secret the Sense of his Words, and thus to develope the Secret?

XVII. But it is the Author's Way to grow plainer, beginning at Suspicions, then Insinuations, after that comes *hardly to be less, &c.* till at last he most effrontuously affirms the Slander *in terminis terminantibus:* As thus; *From this Relation thus cautiously given on Purpose to cover an invidious Truth.* ——— Did not I say he was the Earl's *Intimado?* But here his Lordship is yet less beholden to him, for saying he intended to cover a Truth because it was invidious, and would offend somebody: And a few Lines before he says, that, by some certain Modes, he had given out the Key. It is hard to put together more Faults, at which an Historian would blush, than are here drawn out against the good Earl. But now the Affirmation comes, of a positive Truth, that which, before, only a few wise Men believed, or, in his own Words, what *could hardly be less, &c.* The Scene will open wide enough by Degrees. *Now — I think it is too plain, that what was agreed to the Prejudice of the Protestant Religion was for King* Charles *to become a Professor or at least* (Disjunctive again) *a sworn Favourer of Popery.* One of the two, please yourself, Sir. Now cannot I, for my Life, find out this invidious Truth one Jot plainer for all these Matters related by the Earl. The Phrase of *Sworn Favourer*, is pleasant, and sounds as if the King and the Pope, as among *Croisades* of old, were to be sworn Brethren. But without Evidence, or any Authority, the King must be brought upon his Oath, lest we should think well of him for continuing among us Protestants, for so he perjured his Oath taken at the *Pyrenees.* The Scandal in Terms.

XVIII. Observe the Author's Steps, continually rising; we shall find him, on many Occasions, a great *Climacterian*: First, *Drawn in.* That is, to the secret Article, though an imaginary one. Then, *To the Prejudice of the Protestant Religion*, for the King failed of his Appointment: *Which could hardly be less, &c.* Then *this invidious Truth is but too plain.* And what was that? *To become a Professor or sworn Favourer of Popery.* But though the Case is so plain, it is not plain enough; for he says of the Earl: *The same Author doth a little more explain himself*, and that must be to lay a little more open this *Invidious Truth*, that the King articled to be a Papist, although he was once in the Mind to conceal it: And how doth this noble Historian explain himself? "Some about the King "began to think of providing a Religion —— Grateful ——— the Pro- "testant unagreeable to their Fortunes, and they exercised their Thoughts "how to get handsomely from it." So the Earl of *Clarendon.* But what is this to the King? Doth he say this of him? If he did, it amounts to no more than some others going about, *&c.* which differs a little from his own Swearing. How doth this explain what the wise Men believed? But what says the noble Historian to the King amidst all this wavering Company? More foul Abuse of the Earl of *Clarendon* and the King.

"If

" If it had not been for the King's Steddineſs, of which he gave great " Indications," his Attendance might have ſlid; but his Steddineſs ſo greatly indicated, that is, to them in eſpecial Manner, kept his Retinue upright. Is it not now diverting to read all this for a making *plain*, and an *Explanation* forſooth, that the King himſelf was lapſed, or worſe, ſworn to play the Hypocrite, *viz.* by favouring Popery underhand, if ever he ſhould be reſtored?

Boldneſs and ſelf Contradiction.

XIX. With what Front can this audacious Author thus labour to torment a Paſſage in Hiſtory to defame a Prince whoſe Death drew Tears from all his Subjects? And this ſo brazenly, as ſtaring all the while upon an expreſs Confutation in the ſame Author. But obſerve the maulkin Character of this noble Stateſman, and his Hiſtory, as this never-to-be-together-named Author hath framed for him. He was big of a Truth, and would fain, but dare not, utter it becauſe it was an invidious one; but yet, with help of ſome enigmatic Ways of introducing and ſupporting the doubtful Intimations, he holds forth a Key that unlocks the Myſtery, and ſo all is out. For, ſays he, by *Relations* of other Matters *cautiouſly* given to cover the *invidious Truth*, it becomes *too plain* what it was; and yet this Exceſs of Plainneſs is farther explained; for the doubtful Writer hath declared the King greatly, that is, remarkably Steddy, which is the ſame as ſaying all this vile Inſinuation is falſe. So, in our Author's Account, the Earl proves an unparallel'd Hiſtorian. He locks and unlocks all at once, makes Secrets and cunningly reveals them; inſtead of daring to write all Truth, and not to conceal any, which, they ſay, is the Character of a good Hiſtorian, he dares to conceal and reveal all in a Breath, which is high flying indeed.

Contradictory Matters of Fact and Folly.

XX. We have now done with the Earl of *Clarendon* and his Hiſtory, with which the Author hath ſo imprudently tampered; imprudently I ſay (and no worſe here) becauſe it is manifeſt that, if he had related barely that the King agreed at the *Pyrenees* to become a Papiſt, many, upon the Probability, had gone in with him. But as he has wrought to ſcrew it out of this Hiſtory, againſt the Senſe and expreſs Declaration of it, whatever the Truth was (which Folks may fancy as they pleaſe) he is without Doubt an egregious Falſary; which Conſequence, one of his Sagacity and Invention ought to have foreſeen. But, for the future, he will retrench his Pains, and be more expreſs in his Purpoſes, as if he were ſenſible of his Error, and would retrieve it. And ſo we proceed; and, dropping Surmiſes, come, as

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he ſays, to Matter of Fact, *viz. Upon this Peace both Crowns did immediately begin to encourage and aſſiſt the King with Monies and Men; and advanced great Promiſes to him, which ſeems to have been done upon the Foot of a ſecret Article.* The firſt Part of this fine Story is contradicted by a Paſſage that goes before, where the Author himſelf ſays, that, although Things ſeemed to concur to his Majeſty's Reſtauration, yet, *the Name of the* Engliſh *Parliament abroad was ſo terrible, that neither* France *nor* Spain *durſt venture to give King* Charles *the leaſt Aſſiſtance to regain his Throne.*

So theſe Beginnings of Men, Money, and Promiſes, came to, and indeed were, nothing at all. For the King could not get the *leaſt*, that is, no Beginning of Aſſiſtance, for Fear of the Parliament. Money indeed had been welcome; but I do not read, that the King, at that Time, had an Army on Foot, to need his Aſſiſtance of Men, but that comes in *Euphoniæ Gratia*.

Frivolous Invention for the Sake of Slander.

XXI. But yet we are not at a Loſs; for this Machine is ſo made, that it will turn round in a Trice, and ſet all right with *France* and *Spain* again: For after the many Inſtances of ill Uſage the King had from the Miniſters of both Kingdoms (great Signs of his Majeſty's Compliance with them!) the Author, out of the Depth of his profound intuitive Faculty, tells us that, *indeed it ſeems probable, that all theſe Slights, put upon King* Charles, *were a Political Feint, to hide the ſecret Intrigue of their mutual Aſſiſtances to be lent to him for Recovery of his Kingdoms, upon Conditions very prejudicial to the Reformation.* This Invention is not loſt, being a fair Opportunity to bring in the Matter of the Conditions, which may be obſerved to hang here to no Purpoſe but pure Scandal. This Paſſage is in *Fol.* 219. and the Puzzle with the Earl of *Clarendon*'s Text, where the Matter itſelf is canvaſſed, begins *Fol.* 220. So we are condemned to theſe Popiſh *Pyrenean* Intrigues, before the Trial comes. Whoever reads the firſt of theſe Columns 219. will utterly give the King for loſt; ſo deſperate are the Slights put upon him. But then we revive again, finding they were but a Mask, and not in ſerious good Earneſt. Then comes the Treaty, and we know not which Way to turn, till the Author ſouces us down in Intrigue, and then the Maſk falls off, and the Terrors of the Parliament vaniſh: The two Crowns begin to advance their Quotas of Men (before there was Need) Money and Promiſes Plenty. If ever ſuch vacillatory Accounts of Affairs of State, Kings and Monarchies, were given in Print before, I am miſtaken. A juſt Writer would have interpreted theſe Slights, as put upon the Account of the King's Inflexibility towards Popery, as the Nature of the Thing ſpeaks: And not ſet up a ridiculous *Feint*, for which there is no Manner of Reaſon, but only that, otherwiſe, the Account of thoſe Slights would be a Vindication of the King.

Facts to prove the Article impertinent.

XXII. It is here to be obſerved, that *it ſeems* hath a great Share in theſe Politic Notes; and I muſt often ſhew the Virtue of ſuch Squints as they occur, and that will be frequently, and to more furious Purpoſes than at preſent: Do they not conduce much to a right Underſtanding of Hiſtorical Truth? But we ſhall loſe our Matter of Fact, if not cloſer purſued. *The Earl of* Briſtol, *the King's Companion, and Guide to the Place of Treaty, and Sir* H. Bennet, *his principal Agent, did both of them turn Papiſts about this Time*, (now obſerve another politic Phraſe) *as if they did it upon Compact then made.* Now, to paſs by this *as if*, which is another Figure the Author uſes to ſcreen his Falſifications; I obſerve here that a new ſecret Article in the *Pyrenean* Treaty is ſprung, *viz.* that *Briſtol*, *Bennet*, and the Lord knows how many more ſhould turn, *as by Compact*, *Quaſi per Contractum*.

tractum. This we muſt know is Matter of Fact to prove the King ſwore the Article to turn Papiſt: What is it elſe quoted for? But the Evidence has Circumſtances; *Briſtol* was Guide to the Road, and *Bennet* took Care of the Proviſions, which is an uſeful Agency in ſuch Caſes; is any Doubt left? Hiſtorians are not wont to argue ſo weakly, not to ſay fooliſhly, but this is a *Non-pareil.* Firſt, there is no Proof ſo much as of any ſecret Article, as to the King; Next, two Servants turned Papiſt: Now by Virtue of the Words, *It ſeems* and *As if*, the Caſe is plain, there was an Article, and the King ſwore it. Who will not be proud to imitate ſuch a reaſoning Style?

A Tale to confirm all; malicious in Perfection.

XXIII. But this is not all, we have more Matter of Fact yet. *A Story to confirm all.* What? The King's ſwearing to the Popiſh Article, which is not (directly) affirmed, much leſs proved, nor is it true; but, having been wickedly inſinuated, is now to be all over confirmed. So to the Story. The Lord *Culpepper* ſaw the King, waited upon by *Bennet* (afterwards Earl of *Arlington)* come out of a Maſs-Chapel, and ſchooled *Bennet* ſoundly for it, and threatened, that if ever they came to *England*, *Bennet*'s Head or his ſhould fly for it. Is this your Way, ſaid he, to bring home your Maſter? So poor *Bennet* was frighted, and durſt not ſet Foot in *England* while the Lord *Culpepper* lived; but after he was dead, *alias* taken out of the Way, *Bennet* came over, and was preferred; but lived a diſguiſed Papiſt, and died a profeſſed one: And ſo all is confirmed. In the telling of this Story, beſides the Main, there are ſome notable Touches upon the By; which I muſt take Notice of, the better to enter my Friends in the Author's new Method of Libelling, whereby they may readier apprehend the Length of his Stretches afterwards. He goes on, and, ſpeaking of the Lord *Culpepper*'s coming to *England*, he ſays, *Who met with a very abrupt Death, within a few Months after the King's Return.* An *abrupt* Death; Humh! If Death broke off in the Middle, the Man muſt live ſure, or be but half dead: There is ſome *abrupt* Myſtery in this Speech, which we ſhall not catch, unleſs it be this, that *Culpepper* was poiſoned; but by whom? It was done ſoon after the King returned into *England*, therefore it muſt be he that did it; *Bennet* was a great Way off, and his Maſter could not be without his Service; ſo when the Work was done, he came over with a ſafe Head. It is certain the Peer did not die a natural Death, for the Author ſays a little after, — *When he was taken out of the Way*, which muſt mean a violent Death, by a direct Murder, or nothing. This Paſſage, well conſidered, will confirm All, not the Author's *All*, unleſs it be all the peſtilent Malice, conceivable to lie in his Heart againſt the Perſon and Memory of his Sacred Majeſty.

A foul Murder charged on the King obliquely.

XXIV. Is it to be ſuffered, that a Writer, without any Proof, but upon libellous Preſumption only, ſhall thus lampoon a Murder of a noble Peer, even upon a private Perſon? What is he then that accuſes Majeſty on no

better

better Grounds? And, for Fear the Inſinuation ſhould not take, he adds, that *Sir* Henry Bennet *came to Court, and ſoon roſe into Honours and Preferments.* A Man may die ſure without being murdered, or, as the Author kindly terms it, *taken out of the Way.* There is a notable Charm in the Word *Soon.* The King was glad he might ſafely prefer his Favourite, and when the Obſtacle was removed, loſt no Time, but (to reap the Fruit of his Labour) heaped Honours and Preferments upon him. What have we to ſuſtain this enormous Calumny, more than that *Culpepper* died? Perhaps Mr. *Abrupt* killed him. One is tempted here, though very improper, to write *en ridicule*, for diverting a Flow of bad Words, to which the Provocation is great, and yet, to ſay Truth, all would be in vain, for no Words can come up to the Occaſion.

XXV. All this is upon the By: Now we come to confirm all upon the Main, and conſider the Story itſelf, becauſe ſuch a mighty Streſs is laid upon it. In the firſt Place the Relation carries a clear Air of Invention, peculiar to Libellers: for as the ancient Philoſophers uſed Fabling, to catch their Diſciples by their groſs Senſes, who had no Capacity of abſtract or reflex Thinking; ſo Libellers invent Stories that may engage, and be a Means to divert the willing Fancies of their Fools, by telling them over one to another, who would ſcarce retain or digeſt a Slander *in abſtracto*; for that is a little Speculative, and doth not creep inſenſibly into their Belief as a Tale doth; and for this Reaſon, our Author, as I hinted, deals much with them; For, having wire-drawn forth a ſhrewd ſtinging Sentence, he backs it with a Tale by Way of Demonſtration: And by this black Art he inſinuates a World of falſe Matter, which Impudence itſelf would bluſh directly to affirm, and ſo his Heart is light, and his Work goes ſmoothly on.

The Fiction. This is all bold.

XXVI. Now again to our Story; all his Voucher, even of the harmleſs Part, concerning the Maſs Chapel beyond Sea, is no more but that *he has Reaſon to think it true.* Obſerve the Shuffle. Has he Reaſon to think the King murdered *Culpepper?* There's the Sting: And one that credits upon his Word, will carry on the Reaſon from the Fact, beyond Sea, to the Fact in *England*, though the latter is but inſinuated, but ſo groſly as one that runs may read it. And, by this Means, he impreſſes a Belief of a vile Fact, which even he himſelf would not, upon the Queſtion, have the Impudence to own any *Reaſon to think true.* It had been but civil for an Hiſtorian to have given us a little of his Reaſon, that, having a Diſpoſition, we might have been of his Mind. But really his keeping his Reaſon to himſelf, is a Reaſon for us to fancy he has no good one, and that's Reaſon enough to think his Story in every Reſpect is, at the beſt, but dubious. It is not a ſlight Matter here that is to be credited, not only directly, but alſo as a Proof (*to confirm all*) of ſecret Articles in State Treaties, that concern the Honour of Kings as well as Religion itſelf. We could have taken his Word as to them, if he had thought to have paſſed it for Evidence ſufficient; but when he drops his own Authority, and

The whole reſts on his Word, and the Tale precarious.

brings Fact *to confirm all*, the vouching that Fact by his own pure Parole, is a Cheat termed *Ignotum per ignotius*. If ſuch Evidence ſhall paſs current in Hiſtory, then welcome *Brute* and his *Trojans*, and we may ſwear to the *Welſh* Pedigree from *Cadwallader* to *Adam*.

False Inference from it.

XXVII. But, leſt the Author ſhould think himſelf affronted, by this Dubitation touching his Story; let it for once (to carry on the Diſcourſe) be ſuppoſed true; but heark'e me, I mean only the Chapel Work beyond Sea, *viz.* that the King and *Bennet* came out of a Chapel, where Maſs was celebrated, and *Culpepper* reproved *Bennet* for it, as for a falſe Step. So far not amiſs, for *Bennet* ought to have diverted the King from ſuch Paſſes, however underſtood. But I know the Author lays this by Way of Trap, for he knows better; but lets it paſs upon the Prejudices of his ſuperficial Peruſers, that underſtand going to Maſs, to be no leſs than reconciled: And in this Senſe he throws it out to them, for he makes no Note or Diſtinction at all upon it, to prevent any Miſtake: Then, in a plain Reader's Senſe, the going to Maſs, being Popery profeſſed, there will be found few Perſons of Honour and Fortune in *England* that are not profeſſed: For what hath been more common, than for them to go in and out of Maſs Chapels, as well in *England* as beyond Sea, without being reconciled? There is Curioſity, Diverſion, fine Sights, Muſic, and (beyond Sea) notable Amours, that invite the gay Folks into the Churches, and none, that I know, ſcruple the ſtaying there, but at the Elevation, when moſt Proteſtants uſed to croud out; but abroad, the Sparks follow their Entertainment, and do not mind Diſtinctions; and yet are as far from being profeſſed, and whom, in a furious Trial, I would as ſoon truſt as the Author himſelf.

No Conſequence.

XXVIII. The idle Story is made up of but this: The King living in a ſort of Exile beyond Sea, more in a private Capacity, than otherwiſe, went with his Attendant to a Maſs Church, and was ſeen to come out of it. If it will pleaſe the Author, it ſhall paſs, that *Bennet* had found out a fair Lady, and carried the King into the Church to ſee her; which in Catholic Countries, is a certain Opportunity, and they have none elſe, which they ſo well ſerve themſelves of, as that. Now let Indifference judge, if this *Hiſtoriette* confirms *all* that the Author ſhould perſuade of the ſecret Article, or in any ſort argues, that the King was reconciled, and that on ſuch Account he went to Maſs as his proper religious Worſhip. But all this he would moſt diſgraciately obtrude by his quaint Touch of *confirming all, &c.*

The King's Caſe mended.

XXIX. I have now done with the Author's Foundation Work, this early *Pyrenean* ſtipulated Popery, which, as Poiſons, hath yet ſome Virtue: For it ſhews that the King, if at all, was unwillingly engaged (which, ſince it appears he held ſteddy at laſt, we have Proof enough to preſume) and that then he was glad to eſcape into a freer Air, and uſe his Liberty, as he did by living his whole Time abroad, and afterwards, in *England*, in the Proteſtant Communion. And after the Advantage of his Return [illegible] one might

might think him out of Danger of warping back into any Engagements to the contrary, if any ſuch were. But, whatſoever the Truth was, which, in Matters of State, is always ſecret, and ſeldom known to any but the immediate Agents; I ſay, whatever the Truth was, the Author has made a foul Piece of Work on't. And I think theſe Foundations of his are torn up, and his filthy Skill ſhewed, by the preſent Demonſtration of his ſtraining to abuſe a famed Author's Words, to fix the worſt of Slanders, that is of a religious Renegade, to the Memory of his and our late Sovereign, who, malgre all his Endeavours to the contrary, is yet and will continue of glorious Memory.

The King made a falſe-hearted Coward.

XXX. And no leſs for another bitter Touch of his black Art, which in this Place, and elſewhere in his Book (for libellous Ends) with the reſt is filed up. He hath ſqueezed it out of the Caſe of this *Bennet*, afterwards Lord *Arlington*, who, he ſays, *Lived a diſguiſed Papiſt, and had the dying Courage to take off the Diſguiſe.* The Reflection is, that the King was a diſguiſed Papiſt, as well as he, but had not the Courage, even at his Death, to pull off the Diſguiſe. The Lord *Arlington* lived as a Proteſtant, had Chaplains and our Service in his Family, and built a very fine Church at *Euſton*, where the Church-Service was conſtantly uſed, and he, as Courtiers commonly, might have little Regard for Religion; but, if he ſhewed any Partiality that Way, it was towards the Fanatic and ſo far, which was not a little, he appeared inclinable to Popery. His Courage had been greater to have diſmaſked in full Health; and, as for his declaring on his Death-bed, it is not ſtrange that one, who had lived as he had done, coming to die, which is no Court Trick, ſhould have Qualms come over his Conſcience, and be deſirous of ſome religious Reconciliation; and then his former Deliberations abroad, came into his weak Mind, and Prieſts ſtill exaggerated no Salvation out of (their) holy Church, as, under ſuch Circumſtances, their Way is, to gain the Fame of a feeble Convert; he ſubmitted to the Forms, which the Author calls taking off the Diſguiſe. But his Majeſty leſs honourably wore it on his very Death-bed, and, whilſt he was ſenſible, he received the Attendance and Offices of his Proteſtant Clergy. Doth not that argue that the King was a ſerious, and not a diſguiſed Proteſtant, rather than that, out of Cowardice, he dare not own, even on his Death-bed, what he was? What will not Malice invent and argue? But I am too early for this melancholy Place, where I am formally to meet our Author again, and ſtand his *denier Coup* of Slander on his Sacred Majeſty.

Reaſon for being nice in this Scrutiny.

XXXI. It may be thought ſuperfluous, to ſpend ſo many Words upon our Author's precious Obſervations out of the Lord *Clarendon*'s Hiſtory and ſome Conſequentials, as I have done: For had it not been enough to have ſhewed what the Text was, and, in a few Words, to have noted that it did in no Sort bear his malicious Comment? I grant, to the Wiſe, a Word is enough; but we have here a Train of his Followers, a Party yet raging

raging upon the old Principles into whoſe Mouths he means to inſert Moſels of Slander for them to chew, and ſpit about among their Betters; and, in ſuch a Caſe, nothing will ſerve leſs than to obviate (if poſſible) all imaginable Cavil and Pretenſion of ſuch importune People; which will not be done without taking the Subject piece-meal, and ſhewing every Corner and Reſerve of every Part. For, as I ſaid at firſt, this is Foundation-Work, or at leaſt intended to ſerve as ſuch, in the long Roll of Slander that is annexed to it. The Author thinks, if he can get it to be once believed, that the King was a Papiſt in his Heart, and, purſuant to a ſecret Article at the *Pyrenees*, ſolemnly reconciled, and went to Maſs, and, having taken out of the Way the Lord *Culpepper*, enjoyed his Co-convert. *Bennet*, and ſo lived in Diſguiſe; What Ill can he ſay after this, that he may ſuſpect ſhould not be credited?

King ex- to Ha-

XXXII. Then, according to the Principles of Popery, it muſt be ſuppoſed that the King, by indirect and facinorous Means, muſt ſeek to ſuppreſs the reformed, and ſet up his own, Religion. And that could not be done, but by gaining, firſt, abſolute Power, and then uſing that Power arbitrarily and all manner of Ways, by and large, to deſtroy the moſt zealous Proteſtant Patriots; *Ergo, &c.* And ſo the King with his happy Reſtauration, is, in this Hiſtory, introduced with a Character, diſtended through all the reſt of his Life, and charged with all the villainous Deſigns that ever entered into the Heart of Man to purſue; Immoralities, Injuſtice, Murder, Hypocriſy, Frauds, Subornations, Perjury, and what not? And all for the Sake of Popery, whereof the Scandal is contrived to reſt upon this initiatory Account of his Converſion, as on a Corner-Stone; which removed, down falls a Pile of fallacious Calumnies, as may be ſeen in Abundance of Notes I have, for that Purpoſe, to produce. Therefore I have bated him nothing here, whatever I may do in other Places.

iſts ju-

XXXIII. And I think it a Juſtice done, not only to the Memory of the late King *Charles* II, but alſo to that of all his loyal Subjects of the then Miniſtry, Parliament, Magiſtracy, and alſo at large, who, in the worſt of his Time, ſtood firm againſt all the impetuous Inſults of the Author's favourite Party, or of thoſe whoſe Favourite he is (if any ſuch be); and were therein juſtified by the Event, in having (through Providence) been the Means of fruſtrating all their wicked Deſigns againſt his Perſon and Government, and ſettling an incomparable Union and Confidence, of the People in both; as will be largely demonſtrated in the Courſe of theſe Notes.

is of this s Book.

XXXIV. If any one gueſs what is the true Reaſon or Motive of this perverſe and rancorous Zeal in our Author, or thoſe who ſet him to Work, or whom he ſerves for the Vanity of a little Flattery, or for Reaſons more mercenary and corrupt, which ſhould engage him to this immenſe Boldneſs of Calumny againſt his Betters, and Superiors; it muſt be declared to be, becauſe the ſame Form of *Engliſh* Government in Church and State hath ſtood

blood, and yet ſtands, like a Rock, againſt the rude Attacks of the ſame Party he values; and by Virtue of the ſame loyal Principles, which, in that late happy Reign, actuated thoſe wiſe, and juſt Men; and now alſo are the apparent Profeſſion of ſo large and united a Body of the Kingdom, as Faction ſcarce hopes ever to be too hard for. And if once, by ſuch falſe Means, as are uſed in this Hiſtory, it can be imprinted in the Minds of the leſs thinking Multitude, that thoſe Principles are falſe, and the Profeſſors no better than Papiſts in Maſquerade, Betrayers, Abhorrers, and I know not what; then they may have Hopes of working them up to a ſenſeleſs Fury, as they did once before, and to engage them, like Children or Madmen, to pull Anarchy, or, which is little better, the Controul of that Republican and Rebellious Party over them. *Quod Deus avertat.*

CHAP. II.

Of the Character and Behaviour of the late Earl of Shaftſbury; *and diverſe Incidents relating to him, both as a Miniſter of State, and as he was the viſible Head of an oppoſite Faction.*

I. THE Characters of active Stateſmen, as alſo the very Acts of State, in which they were concerned, in all good Hiſtory, are carefully and ſincerely to be repreſented: And Reaſon good, for the former often interpret the latter. Many Tranſactions may ſeem ſtrange and bizarr, till referred to Perſons, on whoſe Deſign, or Capriccio they turn; and then reſolve into an eaſy Apprehenſion. And our Curioſity leads us to obſerve more attentively the Characters of Perſons, than the Nature of Things; being deſirous to know what they were, rather than what they did. And, for this Reaſon, the Morality and Uſe of Hiſtory depends much upon a nice Account of Characters of Men celebrious in public Affairs of their Time. It is almoſt impoſſible to read of Actions, without a Prejudice from Perſons, either of Favour or Diſlike of the Matters done, as we conceive a good or bad Opinion of thoſe who conduct them. Therefore an Hiſtorian ought to employ all his Sagacity and Induſtry to find out the Juſtice of the Characters of Perſons, and then to repreſent them with exquiſite Integrity; leſt, miſtaking Men we miſtake Things, and, for their Sakes, take Good for Evil, and the contrary: How can we think any Thing, that moves by the Agency of a bad Man, to be good? Or that a good natured virtuous Man can be the Author or Mover of barbarous and wicked Purpoſes? In a Word; a juſt Knowledge of Men goes a great Way in teſting the Truth of Hiſtory itſelf. So important is the Juſtice of the Characters of Perſons there.

Men's Characters to be very juſt in Hiſtory.

II. But

The Baſeneſs of the contrary in an Hiſtorian.

II. But what a Monſter then is an Hiſtorian, who, to put a falſe Gloſs or falſe Colour upon infamous Actions, metamorphoſeth the wicked Movers of them into Saints and Heroes; and, by that Means, hopes to tranſmit to Poſterity, a partial and falſe Image of the Time he writes of, whereby Good ſhall ſeem Bad, Right Wrong, Wiſdom Folly, and the contrary. It is bad enough when ſuch Errors eſcape, as ſometimes happens in Hiſtory, from human Infirmities, as through Ignorance, Oſcitancy, or a little propenſe Favour, or Prejudice; but moſt abominable when done with Malice, Subtilety, and Deſign; as when Writers induſtriouſly miſrepreſent the Characters of Men upon whom hinged any weighty Affairs concerning the Public; and that not *parſim*, as for an eſpecial Favourite, or againſt a particular Enemy, nor in a trimming or glancing Way only; but by whole Parties and Denominations; barefaced, ever commending Perſons and their Doings on the one Side, and baſely accuſing on the other, according to a partial Scheme of their own Projection. And, rather than the Romance ſhould not run ſmooth and uniform, all Matters, rugged and impliable to the Deſign, muſt be ſuppreſſed, or corrupted, and others mangled, or enlarged to fit the Tally; and, rather than fail, let Invention and meer Fancy have Place; borrow of the profligate Speech-makers, or Lyars of the Time in Print, and make a Select out of a Select of them to adorn a Party: I ſay a Writer of this Practice, inſtead of a compleat Hiſtorian, is a manifeſt Fourb, a Bane to Truth, Curſe to Poſterity, and the Shame of his own Time.

Where it is found.

III. Whether we have found out ſuch an Operator as this, with his handy Work, or not, ſtands referred *(inter alia)* to an Account of this noble Peer, the late Earl of *Shaftſbury* of notable Memory, as we meet with it in the Hiſtory now before us. He is there imbelliſhed with all the Marks of Greatneſs and Honour that the Author's Invention could afford, aided by certain peculiar Tropes and Figures, as he deals much in, when he would extend himſelf in extraordinary Flights. It is my Purpoſe at preſent to examine well this Pourtraiture of his; becauſe, as that proves juſt and to the Life, we may reaſonably preſume of all the reſt he is pleaſed to draw; and indeed of every Thing elſe which may be called his own in this Work: And this effectually done, I ſhall have leſs Occaſion to criticiſe much upon any other Character he gives us.

Apology to the Relations.

IV. I would not have it thought that I go about to caſt any unjuſt Reflection on the Memory of that Noble Perſon, nor that any Deſcendant or Relation of his ſhould be offended, if, by the Exceſſes of this Author, I am drawn in to mention ſome Things, that had as well for ever been forgot. For admitting, that at firſt there was no Need to meddle at all ſo freely in ſome Affairs, that are not neceſſary to form the Hiſtory of the Times, yet, when an unjuſt Writer ſets them forth fraudulently, and makes a diſingenuous Application, or falſe Uſe of them; he creates a Neceſſity to add ſo much as may ſet the Matters in a truer Light: Therefore the Damage, if any be, lies at his, and not at his Corrector's, Door. Yet it is to be preſumed that Perſons

Men of Honour are ſo much Friends to Hiſtory, as not to reſent Truth, though it be not favourable to the Memory of their Anceſtors; for great Men in all Ages have had peculiar Methods of advancing themſelves, which meet with Cenſure or Approbation, as the Genius of future Times happens to diſpoſe.

V. Now to make an Entrance upon the Author's Account relating to the Earl of *Shaftſbury*, I ſhall begin no higher than his Advancement * to the Place of Lord High Chancellor of *England*, on Occaſion whereof he gives him an *Elogium* out of the public *Gazette*, viz. 17 *Nov.* 1672. *His Majeſty, reflecting upon the Age and Indiſpoſition of Sir* Orlando Bridgman, *Lord Keeper of the Great Seal of* England, *hath thought fit to admit of his Reſignation thereof.—And his Majeſty, willing to gratify the uninterrupted good Services of the Earl of* Shaftſbury, *was pleaſed this Day, to give unto him the keeping of the Great Seal of* England, *with the Title of Lord Chancellor.* It was hard to varniſh over the unaccountable Advancement of this noble Earl, to ſuch high Place, without Aid of the *Gazetteer*, whoſe Charge it was, to repreſent the Change to the People with all the Favour and Advantage to him that might be. For the Lord Keeper *Bridgman*, though he had prodigious Failings in his old Age, was thought a Perſon not unfit for the Judicature, but the other, for Reaſons, then, no Secrets, the moſt unfit of any. But the Hiſtorian has made ſure of a lofty Character for his Lordſhip by taking it from the Court. We may obſerve in his Book in moſt Years, a Catalogue of Perferments, with Dates and Remarks, which latter, by the Secretarian Touches, ſhew out of what Shop he had them: And certainly the moſt unfit for Hiſtory of any, becauſe they are, for the moſt Part, not intended for Truth, but Flouriſh; and what has Court Compliments to do with Hiſtory? But to do the Author right, he often thinks it better to touch up the Changes with his own Colours; as, for Inſtance, when this noble Earl was removed, he makes himſelf no Debtor to the Court, for his Account of it, becauſe not ſuitable to his Deſign, as when he was promoted. So now, bating a little Check about a certain Speech, which will not admit of a popular Varniſh, the Earl of *Shaftſbury* is to be exalted in Honour, without Bounds or Meaſure of Truth; the Reaſon whereof will appear in Courſe.

The Earl's *Elogium* and Promotion

VI. His Lordſhip, as Chancellor, made a famous Speech at the opening the Parliament in 1672, *February* 4, which was his firſt Parliamentary Exploit: And the Author here found it impoſſible to avoid giving an Account of it, though it gives a ſhrewd Shock to his ſtately Character of the Earl. The open Intent of it (I ſhall afterwards give the ſecret) was to ſtir up the Parliament, to eſpouſe the War with the *Dutch*, then on Foot, and to give Money; for which End, his Lordſhip ſhewed the *Dutch* to have done us Injuries, and that, being our Rivals in Trade, *Delenda eſt Carthago.* And

His firſt Speech, and his ſudden and thorough Converſion.

* He was made Chancellor *November* 4, 1672.

beſides his Reaſons for cruſhing the *Dutch*, he ſet up high the Policy of the Alliance with *France*; all which Matters were as unpopular as could be contrived, and could not be ſo done without ſome private Reach. The Author, condemning the Speech, but not the Speaker (hoping we will not look upon it as his own) confeſſes it was *a falſe and ſcandalous Speech*; but yet, by the Manner of his bringing this Sentence forth, it appears to have come againſt the Grain; and he would gladly have wanted the Occaſion of trenching ſo near. But leaſt this Blot ſhould fully the Eſcutcheon of his Hero, and ſpoil the Romantic Character, his Lordſhip is intended to wear through the reſt of his Hiſtory, he takes Care to provide an Antidote, and, to redintegrate his noble Peer, in the very next Words, adds that *it was ſoon condemned by the Speaker himſelf, who preſently found the fatal Influence of joining with* France, *and the wiſe Neceſſity* — Obſerve the Conceit; I thought that *Neceſſity*, having no Law, could have no Wiſdom, unleſs there be a Diſcretion in *Hobſon*'s Choice — *of eſpouſing the Defence of* Holland, *and took Refuge at laſt in that Country, as the ſureſt Place for Protection of Liberty and Life.* Note, that this Paſſage of taking *Refuge*, that is, running away from the Law in *England*, to lurk in *Holland*, is put here out of all Order, for it belongs to the Time when the Sentence of *Ignoramus Juries* was removed, a little before the Diſcovery of the *Rye* Conſpiracy, (of which enough in its Place) and the Reaſon is, that he means to drop him wholly before he comes to that, and ſo brings in the Paſſage here, by way of Flouriſh; the falſe Art of which will not commonly be obſerved.

Protected *Holland* for an *Aſylum* to retreat into.

VII. But now the Orator is become a Convert, and the Criſis of his Turn, this Speech; for ſoon after that, his Eyes were opened; which minds me of the Way of Converts under the *Preſbyterian* Diſcipline, where the choſen Veſſels come forth from the midſt of the wicked, and, if they can ſay the Time, and Occaſion of the Spirit's touching their Hearts, they are ſtraight adopted Saints. And it minds me alſo of a Paſſage at *Whitehall*. King *Charles* II. aſked the Earl of *Digby* what made him turn Papiſt? Writing a Book, ſaid he, for the *Reformation*; pray, my Lord, ſaid the King, write a Book for *Popery*. So, upon pronouncing this Speech, the Earl's Underſtanding was ſanctified, and he came off his *French* Courtierſhip, and turned *Dutch* Dragoon. And, having a Prophetic Foreſight that he ſhould have Occaſion for an *Aſylum*, where he might retire and be ſecure from the Juſtice of his own Country, to become his Due by good Title of High Treaſon in *Cervello*; he applied himſelf to ſecure a Retreat, and, for that End, entered into Meaſures for preſerving *Holland*, as the Author obſerves, *for his own particular Uſe.*

The Public Juſtice libelled.

VIII. There are ſtrange Diſingenuities in this Paſſage of taking Sanctuary in *Holland*. For beſides the ſtuffing it in here, out of all Order of Time, and only to avoid ſhewing the Cauſe of his running away in its proper Place, the Author libels the Law and Juſtice of *England* moſt ſcandalouſly; eſpecially that of the Peerage. Could not he have ſtaid his Time, and then

ſaid

what was true, that he fled for High Treaſon? No, but he took Sanctuary for Protection of Liberty and Life: Againſt what? The Tyranny of the then *Engliſh* Government. That's his *Subintelligitur*. It in Effect affirms that an innocent Perſon had no Protection by Law in *England* for Life and Liberty; but whoever was legally attacked muſt fly for it or fall; which is a ſcandalous and falſe Inſinuation: For when was there a Pretence to deprive any Man in any Caſe, eſpecially capital, of a due Trial by his Country, and the ordinary Forms of Law to come at it; before lawful Judges, due Challenges, Witneſſes Face to Face, open Examinations, not clandeſtinely, or upon Paper Proceſs? And yet *Holland*, where a Burgo-Maſter or two, with a Secretary in a Chamber, have Power of Life and Death, is the ſureſt Place for Protection of Life and Liberty, as the Author falſely, and with a treacherous Diſreſpect to his Country, is bold to inſinuate.

IX. But this is nothing to the Caſe of a Noble Peer, who is one of that Honourable Houſe, of which the Members are Triers of all capital Facts which touch any of that temporal Order. And, were the Government never ſo fierce to take off a Peer, it could not be done, but by the Means of the whole Body, or a very great Number of them, who, with an high Authority, Judges aſſiſting, and all the Nation in a manner looking on, are the Triers. So this Suggeſtion, that an innocent Peer was not ſafe from capital Oppreſſion, is the higheſt Reflection that can be offered to the Nobility, and no leſs unmannerly, than falſe. There can be no Excuſe made for caſting ſuch a Scandal, and preferring the Juſtice of *Holland*, becauſe it was needleſs in the Deſign; for any foreign Country in the World, is as much a Protection for Refugees as *Holland*. If he had ſaid the Earl, for fear of ſome Charge againſt him for High Treaſon, went beyond Sea; That was true and proper in the Hiſtory, without ſuch an invidious and miſcreant Compariſon of the Juſtice of *England* and *Holland*; and he, out of pure Malice to the Government of his Country, prefers that of *Holland*, and, in that Reſpect, writes like a Renegado, as well as ſuppreſſeth the Truth of Hiſtory concerning his Lordſhip's retiring.

Debaſes the Peerage in Trials.

X. It is plain he hath a double End in this: *Firſt*, to magnify his Peer, who, not underſtanding the Subject-Matter of his Speech ſo well before as after he had pronounced it, (for then he ſoon ſaw his Error, and how much the Court was in the wrong, as to the Alliance with *France*, and War with *Holland)* made what Amends he could, by turning into the adverſe Party: What leſs could be done, after ſuch a miraculous Conviction? The Court, thereupon, fell upon him, to perſecute him (as we ſhall find) to *Diſgrace and Ruin*; which made it prudent for him to fly: And, by that, he became a Confeſſor of the Proteſtant Religion, and the true Intereſt of his Country. The other is to aggravate a groſs Scandal upon the King, and his Miniſtry: For what Extremity was it, when a Peer, ſo Juſt and True to his Country, ſafe by Law, and in noble Privileges, was forced to ſeek an *Aſylum* for Life and Liberty in *Holland?* Tyranny and Arbitrary Power muſt

A double Deſign to ſet the Earl up, and the King down.

needs be very rampant, when it was come to that. Let but the Reader be away with theſe Notions, and the Author hath gained his Point: For his End is not Truth, but Slander, for which Reaſon he writes poetically; *in medias rapit Res*, ſetting the running away before the Occaſion: He uſes other Arts, and works with Tropes and Figures to exalt his Fable and to give it Height in a Reader's Imagination, that he may wonder and exclaim, O what a prodigious Perſecution was here in *England!*

Le Clerc's Invention ignorant and falſe.

XI. But it ſeems the Author himſelf was in the Dark as to the *Geneſis* of this Speech; for a Writer * of great Note in *Holland*, and for Orthodoxy may be the Author's Peer, by ſome written Revelation, of which he keeps the Secret to himſelf, hath found out that the Earl did not make, though he pronounced this Speech; for it was made, ſays he, in the Privy Council, and the *Delenda* put in there againſt his Senſe; but the King would have him ſpeak it. Whereupon he conſidered the Duty of his Place, and that, in ſo doing, his Mouth was not his own Mouth, and the Words were his Maſter's and not his. Therefore, as his Place required, he ſtudied and got it by Heart, and, by the Help of Mr. *Lock*'s prompting behind, he ſpoke it fluently. So ſays that Author, who, by this Invention, purges the Earl of the Reproach of that Speech; to which Height our Author's Wit did not riſe; but he was fain to truckle, as in a notorious Caſe, and ſay it was an abominable one. It had been rare if this Pamphlet had come over from *Holland* a little ſooner, before this Book was publiſhed; there had been then a long Quotation to inſert, as an Account given of a moſt profound Secret by one of the greateſt Critics and Maſters of Learning in *Europe*. And then his Character of the Earl had run ſmooth and even, without the leaſt Rub. I ſhould here undertake to expoſe the Ignorance and Nonſenſe of this pretended new Diſcovery: (The Matter of which, to one that knows the *Engliſh* Court and Conſtitution, ſhews more of wilfull Falſity than Grains of Probability) † But it is happily done already to my Hand, in a Pamphlet of the ſame Bulk and Volume with that of *Le Clerc*'s, lately publiſhed in *Engliſh*; wherein are alſo ſome Notes touching this Author and his Work, which have been uſeful to me; and I refer to this Anſwer in Print for what is contained in it.

His Lordſhip diſplaced.

XII. Now we are coming to the great Change at Court, the Earl's Removal from his Place of Lord Chancellor, which is extraordinary in nothing more than the Suddenneſs of it. He had the Seal not a full Year; a ſhort Continuance in ſo great a Place; ſcarce enough to be warm in it, and, for a Novitiate as he was, to acquire an ordinary Prattique of the curſory Part of Buſineſs. It will be readily believed, that it was ſome great and weighty Reaſon, that diſpoſed the King firſt to take him in, and

* *Life of Mr.* Lock, by *Le Clerc*, in 1706, printed in *Engliſh* by *John Clark*.

† This Pamphlet, entitled, *Reflections on ſome Paſſages in* Le Clerc's *Life of Mr.* Lock, was wrote by the Honourable Author of this Work, and printed in 1710. It is now reprinted, all but the Preface, and placed at the End of this Work, and, as much of that as the Author has referred to in another Place, is printed by way of Note at the Bottom of the Page where the Reference is.

then,

Men. ſo ſuddenly, to put him out. Now to aid our Enquiry what thoſe Reaſons were, I ſhall, in a few Words, obſerve the State of the Public at that Time, with Reſpect to diverſe Grievances complained of.

Diverſe Grievances. 1. Martial Law.

XIII. In 1671, the King had declared a War with *Holland*, which was called the ſecond *Dutch* War; and, for the Sake of Advantages, to be taken by landing Men in *Holland*, if Opportunity of ſuch profered, or at leaſt to ſecure the Coaſt at Home, and not be defenceleſs in Caſe of ill Succeſs, as in the former War, when the *Dutch* came up to *Chatham*, his Majeſty had raiſed five or ſix thouſand Men; who, in Summer 1672, lay incamped at *Black-heath*, ready to move, as Occaſions of War ſhould require, either to be put on Board, or to march. There was ſome Difficulty to manage theſe Men, without the common Diſcipline of War, which was called Martial Law. Whereupon it was ſuggeſted to the King, that he might, by his Royal Commiſſion, authoriſe certain Perſons to execute this ſame Martial Law.

2. Stop of the Exchequer.

XIV. Then, the Charge of the War was exceſſive great, and the King, not having a timely Supply from the Parliament, could not ſet out a Fleet by Means of the ordinary Revenue, becauſe it had been much anticipated for Payment of the Bankers, who had advanced great Sums, upon Tallies ſtruck to charge the Revenue as it came in. This gave the *Dutch* a Confidence they ſhould be entire Maſters at Sea with a ſmall Fleet, whereby it appears they had good Intelligence in *England*. It was ſhewed the King, that, if he would order all Payments to the Bankers to be ſtopt, the Exchequer would fill faſt enough, and a Fleet might be ſet out in Time; but no other Way. And it was to be hoped, the Parliament, at next Meeting, would conſider the Neceſſity, and provide a Supply for Payment of the Bankers, who muſt be diſappointed thereby. It was argued that this was the moſt ſilent Way of raiſing Money, becauſe it did not touch the common People abroad, by demanding any Thing of them (which, in the Caſes of Ship Money and Benevolence, had proved of the worſt Conſequence to King *Charles* I. in like Extremity) and ſo would have Effect, and anſwer the End, without any Imbroil or Concuſſion of the Public at all. This Counſel, ſuppoſed to be the Invention of the Earl of *Shaftſbury*, then Chancellor of the Exchequer, was as unhappily given, as deſperately taken, and executed by the Lord Treaſurer *Clifford*; though, conſidering the impending Evils from the *Dutch*, ſince it was War with them, it might as well have pleaded Neceſſity, as other Steps in latter Times have done. It is plain enough, that, as Things ſtood, it was of Evils the leſſer: And the Wrong done to the Bankers and their Creditors, might have been repaired by the Parliament; but ill Humour ſucceeded, and that could not be obtained. But, at length, the King himſelf, out of his great Juſtice, made Amends by a perpetual Intereſt, charged upon the hereditary Exciſe. I mention this here for his Majeſty's Honour, becauſe the Author (as he

ſerves

ſerves all Things that honour the King) hath totally ſuppreſſed it, though [illegible] Action, ſo eminent, and, in Royal Juſtice, conſiderable.

3. General Indulgence.

XV. At this Time alſo there was another extravagant Paſs, which was a general Indulgence, by a public Declaration, granted to Diſſenters; which Sort of People, ever craving, and ever blaming ſuch Favours to themſelves, gave out that the Favour was granted, not for their own, but for the Sakes of the Papiſts. I ſhall have ſo much to ſay of this Matter on other Occaſions more proper, that here I reſt it; and go on to note what bad Ingredients theſe (with ſome others to be mentioned) were to create a tolerable good Humour in the Parliament. The Earl of *Shaftſbury*, who had been Chancellor of the Exchequer, and a Commiſſioner of the Treaſury, was made Lord Chancellor, and *Clifford*, who had once a mighty Sway in the Houſe of Commons, was made Lord Treaſurer; and was ſuſpected to be, as he afterwards appeared, a very Papiſt: So the State of the Miniſtry was no Whit more plauſible, than the Actions of the Court popular. The Deſigns of the former (that is, of the Earl of *Shaftſbury)* were more ſerpentine and obſcure than of the latter, for thoſe, on the ſingle Diſcovery of his being a Papiſt, are eaſily reſolved. Sir *William Temple* gives *Shaftſbury* the Honour of the War, and the Author gives him that of the Stop, and we ſhall aſcribe more to him in the Sequel. Thoſe two, *Clifford* and *Shaftſbury*, looked like High-Sheriff and Under-Sheriff; whereof the former held the White Staff, and had his Name to all the Returns; but all Buſineſs, eſpecially the knaviſh Part, was done by the other. It is no Wonder, conſidering their ſeveral Tendencies, one to favour the Papiſts, and the other, the Diſſenters, that they joined in obtaining the Indulgence, as alſo in adviſing that rough Paſſage of his Majeſty in his Speech to his next Parliament, *That he would ſtick to his Declaration.*

Game well fortified.

XVI. A common Perſon abroad, erecting a *Jacob*'s Staff to take the Altitude of theſe wiſe Doings, would deſcribe the Court as the obvious Appearance was. Firſt, that the ſetting up the King's Prerogative and Power, at this exorbitant Rate, was well fortified. For the Loyal Party, ſtyled of the Church of *England*, were thought ſure to be the King's Friends, and far from being troubleſome. The Papiſts had their View of Advantages by it, and *Clifford* might well undertake for them. And, as for the Diſſenters, they were ſugared with the Indulgence, and the Lord *Shaftſbury* anſwered for them: So here was a *Halcyon* Proſpect of the Parliament's meeting. I ſay, this was the obvious and ſuppoſed Scheme of the Court under *Shaftſbury* and *Clifford*, but the Truth lay yet deeper, as I ſhall ſhew in Order.

Lord Keeper *Bridgman* averſe to acting againſt Law.

XVII. Before that Time came, there were ſome ſhrewd Difficulties to be got over; one was the Commiſſion of Martial Law, another, an Injunction to be granted in Chancery to ſtop Suits at Law againſt the Bankers, upon the Equity of public Neceſſity. The Lord Keeper *Bridgman* was preſſed, but proved reſtif on both Points. He, for the Sake of his

Family,

Family, that gathered like a Snow-ball while he had the Seal, would not have formaliſed upon any tolerable Compliances; but theſe Impoſitions were too rank for him to comport with. I remember about this Time, there was, at his Houſe, a Meeting of the Attorney and Solicitor General, and ſome of the King's Counſel, to conſult upon theſe two Points; and they all agreed they were Rocks upon which they muſt ſplit, if they could not otherwiſe decline them, for they lay directly in the Way, and would not be ſurmounted.

Diſplaced to make Way for *Shaftſbury*.

XVIII. All this While the Lord *Shaftſbury* (that is, before his Promotion to the Great Seal) lay behind the Curtain, and probably (for, though I believe, I cannot ſay I know it) urged theſe Points to the King, as neceſſary for his Affairs, and practicable; and that it was only a moroſe Scrupuloſity and Humour in his old Keeper, that made him averſe to paſſing them; and that his Majeſty was under a Neceſſity to diſplace him, and find another more complaiſant in his Room. And what is more eaſy to be conceived, than that his Lordſhip might add, that, rather than fail, if his Majeſty would command his Service in that Place, he would undertake it, and perform all, and, upon the main, order Affairs, ſo as the Parliament, at their Meeting, ſhould give his Majeſty no Diſturbance? It was no new Device to ſhove Men out of their Places, by contriving incomportable Hardſhips to be put upon them, and then beſpeaking the Succeſſion for themſelves, by officious undertaking to do all that was required of and declined by them. And it was no leſs frequent in ſuch Caſes, after the Point gained, to refuſe doing what was the Condition of the Advancement, and, in the mean Time, watch for Handles for ſuch Refuſal, and, at laſt, ſeek Shelter by turning into the adverſe Party. It was a *Whitehall* Maxim, in thoſe Days, that Places were not to be kept by the ſame Means, as gained them. Now whether the Earl of *Shaftſbury* aided himſelf by this Art to get into the Place of Lord Chancellor or not, if we ſink no deeper than mere Outſide, and with *Salvo* to his more obſtruſe Reaches, may, with more than Probability, be reſolved in the Affirmative.

Conſequences as to him.

XIX. We might imagine he conſidered all poſſible Events of this Turn, which fell within two Views only; the one was the King's ſtanding his Ground, and the other his quitting; and how his Lordſhip's Greatneſs, Safety and Intereſt might be ſecure in both. Firſt, if the Parliament were quiet, or, being troubleſome, the King perſiſted, whereupon a Rupture might follow; ſo far his Lordſhip was ſafe in his great Poſt, and would have the Management of Affairs upon the Scheme he had propoſed to himſelf, whatever it was. And, as for carrying on the Government, and proſecuting the War, ſo long as was neceſſary or expedient, ſuch like Ways and Means, as ſtopping the Exchequer, would not be wanting; they having Wit to find out, and Power to execute them: And they had Land Forces already raiſed, and, on the Pretence of War, more might be raiſed, which would be both a Terror and Fortification, ſuch as was called then governing

ing by a ſtanding Army. And ſo his Lordſhip had flouriſhed in Power, which he and his Complices might have carried higher than ever had been known or imagined. This is a fair Proſpect, if no Miſts or Alterations were to come; and, as for them, I take it the Earl had his Reſerves to himſelf both of Gain and Safety, as I ſhall ſoon diſcover.

His Majeſty receded upon the Parliamentary Addreſſes.

XX. Here was one of the obvious Events; the other, which really ſucceeded, was the King's Yielding. His Majeſty ſoon found himſelf upon rotten Ground, and that, without giving Satisfaction to the Parliament, he could not obtain, either neceſſary Supplies for the War, or any Manner of Eaſe in his Government from Troubles, which, in Caſe he perſiſted, were ready to flow thick in upon him; and his Genius did not affect Difficulties; whereupon he quitted this ill adviſed Project, and, all at once, reſcinded his Declaration of Indulgence, complied with all the Parliamentary Addreſſes, and yielded to what Laws were then thought fit to be made againſt Popery.

The Parliament ſatisfied, and no Impeachments.

XXI. There was a Set of Men in the Parliament at that Time, called the Country Party, which took in Abundance of Gentlemen, that meant well, but did not diſcern to the Bottom, together with all the Malecontents and Deſperadoes of the Republican Gang, who were troubleſome enough; but, in the main, the Parliament was yet loyal, and would neither affront, nor grieve the King to no good Purpoſe; but, their Points of the Laws and the eſtabliſhed Religion vindicated and ſecured, would certainly, as they did, cloſe with, and aſſiſt the King. How long this good Humour laſted, is not here to be ſhewed. It is certain the Proceedings of this Cabal were no Ingredients to prolong it. Conſequences running in this Channel, it was the current Opinion, and his Lordſhip, (if he were in Earneſt) might take it for granted, that he muſt be ſurrendered to the Fury of the Commons, and be impeached for his irregular Advice and Actions. No Protection at Court, and then no Game left but the ſhort Turn; for, on Pretence of that, the Deſperadoes aforeſaid had a Colour to deſert the Country Gentlemen, who would not have been ſo pacified; and then a common Obſervation of the Air at St. *Stephens* will ſatisfy one, that nothing violent could be done: For the hot Party, with the Country Gentlemen, could do any Thing; but the latter, without the others, were not ſo apt for criminal Purſuits. So this Turn, which the Earl made, was, as it appeared, a ſure one; for he retired into the very Center of the Malecontent Party, merited by making Diſcoveries (if he had any left to make) and all at once, as roundly as the King had before agreed with the Commons, fell to act as violently againſt the Crown; and this, as notoriouſly as ever he had made a Shew of acting violently under the Prerogative. And ſo the Edge of the Country Party was taken off, and no more Talk of Impeachments; and it is like the King might alſo influence that Way, not caring his Counſels, though quitted, ſhould be ſo expoſed, or any of his Miniſters tormented, for what was called his Service: But if the King's Plea-

ſure had been otherwiſe, as ſuch evil Adminiſtrations then apparently deſerved, his Lordſhip might not have come off ſo ſmoothly; which made him ſay of the King, in one of his Speeches, *That under him the Unfortunate fell lightly.*

XXII. I have dwelt here much upon the Appearance of Things, but I am ſatisfied his Lordſhip had far greater Reaches, than were at that Time, or ever ſince, by any Perſon that I have met with, ſo much as dreamt of: And there lies the Art of a Stateſman; contriving that which to reaſonable and wiſe Men ſhall appear one Thing, and in Truth, and at the Bottom, be clean another. A notable Leader of the factious Party uſed to ſay, *He cared not a Straw for a Trick which any one could diſcern.* Therefore we muſt a little unriddle this politic Lord, and ſhew, as I verily believe the Truth was, that, from the very Reſtauration of the Royal Family, while he was in Office, eſpecially in Conjunction with *Clifford*, he was in cloſe League with the moſt deſperate of the King's Enemies; and had projected a Scheme, which he wrought ſteddily upon, for deſtroying the King, the Duke of *York*, Royal Family, and, probably, the Monarchic Government of *England*, or ſetting up ſome Uſurpation he had projected. While a Courtier leagued with the Faction.

XXIII. But, without launching ſo far, it is enough if, in all his Ways and Workings, he held a Concert with the Antimonarchiſts and Fanatics, among which Crew, I gueſs, beyond pulling down, few were ſo much as to one another declared (otherwiſe than, it may be, in general and dubious Speeches) what to ſet up. The eſtabliſhed Church and Monarchy were the Town to be beſieged and taken. So far, *de accordo*, they worked (like good Oxen) lovingly in Couples: And the noble Earl, like *Ulyſſes* of old, kept out of Harm's Way, but acted in perpetual Diſguiſe: Whether for the Common-wealth Model, ſome Uſurpation, Love of Change (as many, though, I think, without Reaſon, accuſed him) or for Experiment, by ſhuffling the Cards, to try for a new Game to manage, and make himſelf ſport with, may entertain the Curious with Conjecture, but without clear Grounds whereupon to determine any Thing. So far as pulling down.

XXIV. But, to ſupport my Sentiment of him, ſo far as it goes, I obſerve, firſt, That there are manifeſt Tokens of his working heartily at the Root of the Royal Family, even during his Greatneſs; and that he was then in ſecret Conjunction with the Malecontents. If this had not been ſo, he had never durſt, or at leaſt was not ſuch a Fool as to hector againſt the Parliament in his common Diſcourſe, as I am about to ſhew he did, when firſt promoted to the Seal; he did that to irritate and make the Breach wide; then next, it is impoſſible thoſe fierce Mortals ſhould ſo readily have paſſed by his deſperate high Flights at Court, as they did, and, all at once, take him into their Intimacy, nay Primacy, of all their moſt retired Counſels; as ſufficiently appears by the Words I have taken out of this Author, and others that are to follow. It is a notable and true Obſervation of the Fanatic Party, that they will labour, by all poſſible Means, to bring over to Received ſtraight into their intimate Counſels.

their Side any Perſon that, with Reputation and Prudence, oppoſes them: And their chief End in it, is to looſe them from their Party and Intereſt, and then ſlight, and, thereby, render them deſpicable. The falling into this Trap, which was frequent in thoſe Days (and too often ſince, as if Cullies of Parts, like Woodcocks, came over annually) was termed (ſaving your Reverence) beſh—ng themſelves: And from thence forwards they were diſabled from ever being conſiderable again; and, after that, all the Party ſneeringly affront, deſpiſe, and, ſcarce ever, or not without Services extremely penitential, truſt them. But, on the other Side, if they know any Man is cordially with them, he may take what Shape, or Diſguiſe, he pleaſeth, Courtier, Prerogative Man, Officer, Privy Counſellor, or any Thing, being aſſured his Actions will tend finally to the Advancement of their good old Cauſe.

His Conſtancy againſt the Crown.

XXV. Another Token is, that his Lordſhip, from the Time he was openly determined that Way, ſhewed a remarkable Conſtancy and Perſeverance in the ſame Steps of Oppoſition to the Court; not lightly, or as for Humour, but deſperately and bloodily againſt the King, his Family and Government during all the reſt of his Life. And no Means ſerved, as, I believe, many, and very conſiderable, and ſome notoriouſly, were uſed, to quiet him; but all would not do. He was not, like the Party volant, waiting for Profers to determine him. The whole Courſe of his Life, after this Turn, even while he kept the great Seal, and, afterwards, when he ſat at the Council Board, was a Series of Stratagems, and all, *Faſque Nefaſque*, Means as could be taken, by Counſel, and practiſed for compaſſing his End. In Place or out of Place, he moved not the leaſt from his Purpoſe, or caſt an Eye towards returning into the Intereſt of the Crown, upon any Emergence that happened either of Favour or Diſpleaſure. Therefore he was not a Perſon ſo given to Change as many thought when they nicknamed him my Lord *Shiftſbury*: His Changes were, as *Cæſar*'s, only *mutando rationem Belli*. Therefore we muſt look over his high Chancellorſhip a great Way back, if we would recover a Beginning of his Lordſhip's Engagements and Practices againſt the Crown.

The King not to be hurt but by Treachery.

XXVI. He could not but obſerve, that, at the happy Reſtauration, the Royal Family was eſtabliſhed upon the Foot of a general Satisfaction; and that, in Parliament, the Gentlemen of the Houſe of Commons did all they could to ſuppreſs all Parties that retained Principles oppoſite to the then Settlement. Here was a good Reaſon for his Lordſhip, when the Tide was at high Flood, to launch in with it, and ſo get ſomething, as others did, whilſt no Good was to be got by ſtemming it. It could not but appear alſo to him, that nothing could ſhake the Crown, till by ſome unlucky Conduct of Affairs, this immenſe Security of Credit was broke; and the People become again ſuſceptible of Fears and Jealouſies, and ſuch factious Impreſſions. And that was not to be brought about, ſo long as the King agreed with his Parliament, and made no Shew of affecting arbitary Power, or

for Diſpoſition to Popery. But if the King could once be brought into ſuch Meaſures, as, either upon real good Ground, or by artificial Miſconſtruction, ſhould; through theſe two Bug-bears Popery and Tyranny, make the People afraid; then there was a Foundation to build upon, and ſome Good might be done. And this Game might eaſily be play'd upon a Court, as the *Engliſh* then was, bent upon Pleaſures, ſecure and little heeding Buſineſs and reaſonable Policies, beſides Want of being exerciſed in factious polemic Tricks, Ambages and treacherous Counſels, whereby they lay very open to be betrayed by ſome among themſelves, eſpecially thoſe of the old School of Forty-one, who (the more's the Pity) were taken in.

XXVII. For this Reaſon all the Endeavours in common of the Party tended this Way; that is, to miſlead the King, and make him create Handles againſt himſelf, and, at the ſame Time, not dream of the Miſchief intended him, but miſtake Treachery for ſpecial good Service: The rather becauſe it was found by Experience, bitter enough to ſome, that all Attempts by Seditions, Riſings and Rebellion, before ſuch Time as a due Preparation of bad Blood was made in the People, would hurt themſelves, weaken their Party, and add Supports to the Crown. What then was to be done? Get all the ſound Party-men into Places near the King, and if into the Prime Miniſtry the better. Then it would fall in their Power, not only to ſpy and give Intelligence, but, by treacherous Advice, produce ſome of the deſired Effects; of which Methods I may enlarge elſewhere. One of theſe Court Adventurers I take his Lordſhip to have been, who cunningly did his Buſineſs, by getting Money, living in Luxury and Pleaſure, and at the ſame Time ſerving his Party in a politic Way. Nay, the more Liberties he took in the Way of Pleaſures and Jocundities, as were then the Mode of a Court Life, the more acceptable he was to the King, who did but too much affect ſuch Entertainment and Company: And what with that and Court made to the Minions, with Offers of Services, lofty and without Reſerve, his Lordſhip, being alſo excellently well qualified with Wit and Diſſimulation, could not fail of Entrance at Court. Therefore I muſt differ with *P. Orleans* *, who is not fortunate in writing *Engliſh* Hiſtory, any more than other Foreigners have been, that underſtand not the Conſtitution of the Kingdom. For he takes the Outſide, and aſcribes the Earl of *Shaftſbury*'s Conduct (changed from the Poſt of high-flying, into that of an implacable Malice againſt the Court) to the Affront he had, when he made his Parliament Speech, by the King's deſerting him, and Delivery up of the dear Indulgence. But he is miſtaken; the Earl was not determined by good or ill Uſage; but governed himſelf by Principles, ſuch as they were, levelling againſt ſovereign Power; and changed his Hand, becauſe the Game led the other Way, which (having depended upon a ſuppoſed Perſeverance on his Majeſty's Part) was up.

The Earl works on that Foot.

* Hiſtory of the Family of the *Stuarts*.

The Project of this appears.

XXVIII. I ſhall not dwell longer here, upon the particular Matters, wherein the King was impoſed upon by ſuch faithful Counſellors as this Project had drawn round him; ſuch as the making him afraid of the Fanatic Party repreſented to be mighty numerous and ſtrong; and that, without Indulgence one Way or other, they would not be quiet; wherein the Papiſts joined, which added no little Strength, one for Fear, and the other for Friendſhip; and the factious Party had it in their Power to charge (as they did) all to the Account of the Papiſts, which made the Indulgence the moſt unpopular Act that could have been done. With this, ingulphing the King into a War undertaken without the Advice of Parliament, which muſt put him into Neceſſity, and then Tricks for Money, and Soldiers raiſed, martial Law to be ſet up, and what not? to create deſperate Jealouſies and Fears. I ſay, I do not dwell on theſe Matters here, becauſe I deſign, in the laſt Part, to go over this Time again, and there be more particular. But it is plain, that no preconceived Drama could maintain and purſue its Fable, and tend to its final Cataſtrophe, more regular and naturally, than all theſe Matters did, to deſtroy King *Charles* II. as his Father before him had been deſtroyed: Which to make more plainly appear,

Conſequences of diſagreeing with the Parliament.

XXIX. Let us ſuppoſe the King had adhered to his Parole in his Speech to the Parliament in 1671. *that he would ſtick to his Declaration* (of Indulgence) and refuſed to give Satisfaction, what had been the Conſequence? Matters had gone to Extremity, and the Parliament muſt have been broke: For Votes had run high, Impeachments carried up, the Houſe of Peers divided, Pardons granted and (as afterwards in *Danby*'s Caſe) diſputed; the Nation alarmed, Pulpits and Conventicles influencing, Faction blowing the Coals, and the Miniſtry, all the while, treacherous in Council, and rampant in Behaviour: In a Word, ſuch Storms as the King neither could nor would have born, but he muſt yield or break. Suppoſing the Parliament to have roſe in ſuch an ill Temper, the King had been at Sea with a Tempeſt about his Ears; Force would have failed, the War craving, and Loſſes frequent, Revenues not anſwer, Exactions violent, and, perhaps, violently reſiſted; every Nerve of the public had been convulſed, and then a Parliament meeting again, under ſuch ill Influences, as uneaſy as could be. The Loyalliſts had been ſullen and paſſive, the Sectaries flattering and deceitful; but the greateſt Danger of all, and, perhaps, that which was moſt aimed at, was the King's throwing himſelf upon them, who, at the ſame Time were purveying of active Force to maſter him, and then he had been finiſhed as his Father was. And the bringing this good old Work about was the End of the noble Earl in all theſe (otherwiſe unaccountable) Steps of his. Nothing elſe will reſolve his enigmatic Behaviour, both in and out of Court. And whereas ſome have thought he aimed at making the Monarchy abſolute, and himſelf to be the chief Miniſter, I cannot come into it, becauſe his Breeding was in an Age deſtined, as it were, to demonſtrate the Vanity of ſuch Profers, as had confounded diverſe Governments

one

one after another. Even *Cromwell* himſelf eſcaped by Mortality, rather than could have ſtood much longer by any Virtue of his Authority. And I do not think the Earl would have been a *Cromwell* if he could, but rather one that ſhould have ruined him, as he fought to ruin the King, though in good Poſts under him. And ſo he would have ruined on, by going into every Government, till that, which he worked for arrived, (which was beſt known to himſelf) or that, by a Diſcovery and Diſappointment, as happened here, he was put by his Play, and obliged to act more openly and intelligibly.

The Meaſures of Faction changed.

XXX. Now our noble Earl and mighty Stateſman, having, as it ſeems, miſſed his Aim at Court, takes over to the Country Party (as it was called) openly. And from henceforward we find the Party itſelf at work upon a new Foot. There was no more depending on the King, as formerly, to make him deſtroy himſelf the ſhorteſt Way, ſince he ſhewed a Dexterity, to ſave himſelf at any Time, by a ſhort Turn, as if he had learnt the Art of his great High Chancellor. Therefore he was now to be attacked, not within Doors by Court Treachery, but by plain Inſults from without; and ſo all the factious Language harped upon Popery and Arbitrary Power, the Duke of *York* (whom the Laws had forced to a Declaration to be a *Roman* Catholic) his Succeſſion, the Power of *France*, Standing Army, and the like, which, being perpetually inculcated, in the Tract of a few Years, created, in the People, prodigious Reſentments and Emotions, exaſperated with Plots and Sham-Plots; whereof the King, not without a moſt careful and peculiar Management of himſelf, warded the ill Effects. One might juſtly ſay, that no Prince was ever in more Danger, nor more ſurpriſingly retrieved than he was; nor ever Faction, little leſs than triumphant in Succeſs, ſo reduced back to their original Holes and Receſſes, from whence they lie in wait to ſally again (for they never ſuccumb under Miſcarriages) upon new moulded Deſigns. But wo is to that Generation, in which they are permitted to proſper! I may afterwards touch theſe Matters hiſtorically more at large. At preſent the Buſineſs is rather critical, to find the drift of a notable State Artiſt upon the Track of his Engagements and Proceedings. Wherein my ſaying what I think can juſtly give no Offence, ſince I require none to think as I ſay, but be every Man's Judgment, as mine is, free, and then the Teſtimony of Things may come forward and be deciſive.

Libellous Account of the Earl's Removal.

XXXI. Thus having laid a Foundation, by a Scheme of this Perſon's Views and Conduct of himſelf, to direct our Remarks of the Author's Account of him; I proceed to examine his Periods and Sentences. He ſays, pag. 296 *, *But the greateſt Change at Court, was the Diſgrace of the Lord Chancellor* Shaftſbury, *who had lately ſet himſelf at the Head of the diſcontented Party, and earneſtly oppoſed all thoſe Meaſures, which were thought to be tending to the Growth of Popery, or to the Exerciſe of Arbitrary Power.*

* Firſt Edition.

The

The Sum is, the oppoſing Popery and Arbitrary Power was the Cauſe of the Removal. This *lately* was while he was Chancellor, which did not make up one whole Year. The Revolution was very quick and diametrical; and the oppoſing Popery and Arbitrary Power came not till both (to his great Diſappointment that managed the Engine) were given up to the Parliament: So the Author falls to hewing after the Block was removed. We may note that this Change is not adorned with any Flowers from the public *Gazette*, as we had at his Entrance; for nothing there was to his Gouſt; he had better Reaſons of his own. Next that this Party ſtyled *Diſcontented*, under the Maſk of Patriots, were his Maſter's moſt inveterate Enemies, which makes an odd Figure, of a Lord Chancellor heading a Faction againſt the Court, and was Reaſon enough for diſplacing him. But then the King muſt be libelled for his Pains, who, through the ſnivelling Flam *'tis thought*, is charged home with *Popery and Arbitrary Power*; but that is the Author's Way, as if he was afraid of being indicted. King *Charles* II. ſaid of ſome he knew deeply engaged in Practices againſt him, but withall, ſo cautelous in the Manner, as prevented any direct Charge, that they committed Treaſon by Advice of Counſel. And, after that manner, our Author (as in Multitudes of Inſtances will appear) pens his Libel; the true Inference of which is only, that he writes with a guilty Conſcience. But here we have in Miniature his whole Libel, which, drawn together from all Parts of his Book, is lodged in this conciſe View, *viz.* The King and his Miniſtry purſue; the Earl and his Party reſiſt *Popery and Arbitrary Power*. The reſt is only refining upon this Text and tormenting all the Actions of State and Government to ſquare them to it, which the Sequel will demonſtrate.

The new Lord Chancellor's bold Talk.

XXXII. But return we to wait upon our new Lord Chancellor, concerning whom, it is needful to relate ſome Paſſages of his Behaviour in his Place. After he was poſſeſſed of the Great Seal, he was, in Appearance, the glorioſeſt Man alive: And no Man's Diſcourſe, in his Place, ever flew ſo high as his did, not only againſt the Houſe of Commons, where, perhaps, he expected a Party to ſuſtain him; but againſt the Tribe of the Court of *Chancery*, Officers and Counſel, and their Methods of ordering the Buſineſs of the Court. As for the Commons, he did not ſcruple to declare openly, that he did not underſtand by what Reaſon or Right Men ſhould ſit and vote themſelves Privileges. And for the *Chancery*, he would teach the Bar, that a Man of Senſe was above all their Forms. He laboured hard and ſtuck at nothing to get Men of his Confidence into the Houſe of Commons; and ſo, with all the Gayety *de Cœur* imaginable, and a World of pleaſant Wit in his Converſation, as he had indeed a very great Share, and ſhewed it upon all Occaſions, he compoſed himſelf to perform the Duties of his Place.

His Lordſhip's Shifts of Martial Law, and the Bankers Caſe.

XXXIII. As for the difficult Jobs, in this Age call'd Dirty Work, which were to be done, and firſt the Commiſſion of Martial Law, That was to be ſhuffled

ſhuffled off, for it ſerved the Turn to ſay it would be better at another Time when there was leſs Need of a Parliament. But then the Bankers Caſe was very urgent; for the King was extremely concerned for them, and preſſed it home to him that ſomewhat ſhould be done for them; for they were ſued at Law, and put to extreme Diſtreſs, and, if not ſome Way aſſiſted, doomed to perpetual Goals. Bills had been filed, in ſome of their Names, againſt the ſtanding Creditors, upon the Equity of their having Notice of the Trade in the *Exchequer* and the public Neceſſity, that cauſed a Stop of Payments there, whereupon they ought to take Aſſignments of their Debt upon the Tallies, and Suits at Law be ſtaid. A Motion was made in Court for an Injunction, and the Matter opened at large, as upon the Merits; the Lord Chancellor, after a little bluſtering at the Unreaſonableneſs of the Creditors, granted the Injunction, but with a *niſi Cauſa*, *&c.* at a Day ſome conſiderable Time forwards, which gave Opportunity in the Interim to obſerve the Complection of the Houſe of Commons. Although nothing effectual was taken upon this Motion, for the Parties, having alſo an Eye upon the Parliament, or not being ready to anſwer the Motion, prayed a Day to be heard, and had it, and all not much awry in the Forms of the Court; yet it made a Noiſe all over the Town and Nation, as if his Lordſhip had granted the Injunction abſolute.

XXXIV. The Parliament being aſſembled, fell ſtraight upon the hot Points and addreſſed againſt the Indulgence ſo warmly, that the King gave up his Declaration; and then all the Diſcourſe was of the Chancellor's being impeached. Upon this he began his new Game by openly turning in, and (in Appearance) not only ſaved himſelf, but ſcreened his Fellow High Fliers, as *Clifford*, &c. for there could be no Grace in purſuing them and letting him go, which latter, for Reaſons hinted, the meer Country Party were deſirous to do. But ſo it fell out, that, upon the King's Anſwer to the Addreſſes to the Satisfaction of the Commons, and (perhaps partly to pleaſe the King) all this great Outrage ceaſed, and no Proſecutions at all were had. After this, the Chancellor, in every Thing, acted in the Meaſures of the Faction, and, with the Purſe and Mace in his Eye, talked with all the Warmth and Severity of Cenſure upon the Court, his Wit and Invention could ſuggeſt. And ſo he went on doing the Buſineſs of the Court, denied the Injunction at the Day, and took all Occaſions to ſeem ingraciated with his Party, though at the Coſt of his Maſter's Service, and, moſt thought, Secrets too, till his turning out in *November* 1672. Eſcapes being impeached.

XXXV. But, for all this, the Author tells us, it was done becauſe he ſtickled againſt Popery and Arbitrary Power, and, for that End, had put himſelf at the Head of the Diſcontented Party. Now by the Party, thus titled, the Author would have us underſtand a Set of Men, true Proteſtants, zealous againſt Popery, and Aſſertors of the People's Rights, *&c.* that's all. Now, with or without the Author's good Leave, we may remember that about that Time, we could diſcern very few of this Party, who were not of turbulent The Author's falſe Character of the Faction.

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bulent and reſtleſs Spirits, Seekers of Preferment, Fanatic Projectors, cruel Uſurpers, Republican or Antimonarchical Monſters: Elſe ſome weak People, deceived and led on by thoſe who were regardleſs of Duty, public Settlement, Repoſe or Peace, ſeeking ever (after a then modern Precedent) to pull down an Anceſtrel Form of approved *Engliſh* Government, and to ſet up ſome other, which very few were agreed upon, but, for certain, all, in their ſeveral Ways, purſuing a Self-intereſt and Tyranny over other. I ſay we muſt inſiſt on a Liberty of remembering that this Sort of People, and not a deceived Rabble, and a few impoſed on Gentlemen, were the Ingredients of this diſcontented Party. We can by no Means, as he would have us, paſs them for pure Saints and true Property Men, liſted under this noble Peer, their Head of his own ſetting. If we err in theſe Eſtimates, it is the Party's own Fault; for it appeared, as will be proved, that, under theſe Notions of Zeal for Religion and Property, ſo far as their Line extended, they acted all conceivable Miſchiefs and Wrongs to public and private Intereſts. But yet, the Author expects we ſhould abdicate our common Senſes and truckle to his Conceit that their Meaſures were all for *oppoſing Popery and Arbitrary Power.*

The Author falſifies a Speech in the *Exchequer.*

XXXVI. Now, having ſwallowed the Author's general Reaſon for this Change, as his Deſign is we ſhould, he thinks fit to afford us ſome particular, or leſſer Matters, which, giving Offence at Court, conduced to the ſame End. As when Baron *Thirland* was placed in the Court of *Exchequer*, his Lordſhip, as Chancellor, made a Speech, and, in that, inveighed againſt the Practice of raking after old Debts, Informations and Projects of Concealments: And, among other ſharp Things, ſaid "the Officers, Exciſemen, "and the Clerks of the Court, were the worſt of Men." Now comes the arguing Hiſtorian, and his Lordſhip, ſays he, *for daring thus to limit the King's Revenue and his Power*, &c. I find the Speech much more ingenuous than this Author, for that hath not one Word of *limiting Revenue* or *Power.* But here, we have not only all that falſely charged upon the Speech, but alſo the Word *dare*, which, in Hero-making, is a notable Ingredient. It ſeems, *daring* to rail at *Informers, Projectors, and Officers* was not uppiſh enough, but his Lordſhip muſt riſe ſo high as *daring* to limit the *Power and Revenue* of the Crown; That is Hero indeed! This I do becauſe I dare. But the Speech, being, in that Matter, a little flat, as having no ſuch Figures, the Author, out of the Riches of his own Invention, ſupplies them.

The Duke of *York* made the ſole Cauſe of his Remove.

XXXVII. But there was another Incident which ſtirred up the Ingredients of this Alteration, from whence we are let into the Secret, not only of the Start, but of the Manner how it moved. The Author tells us — *for taking other Liberties of ſpeaking againſt the Popiſh Intereſt at Court, he became very uneaſy to the Duke of* York, *who prevailed with his Brother to remove him. It was by his Procurement, that the King ſent for the Earl to* Whitehall *on* Sunday, November 9, *and demanded the Seal of him, which he*

he reſigned with great Chearfulneſs, and, putting on his Sword, he returned home as unconcerned, as if he had brought the Mace with him. Alack a Day! A flebile Style this upon a mournful Occaſion, which made the Author forget, that, if he had brought back the Seal, no matter if he had left the Mace behind him! But we know his Meaning, and that ſhall ſuffice. And, as for the Duke of *York*'s Procurement, ſince there is no better Evidence, we muſt paſs it on the Authority of the Author's Loyal Suppoſal.

The Removal made a Foundation of Popularity.

XXXVIII. I readier believe the dreſſing Part here (though it is odd that a Sword ſhould be carried in the Coach, together with the Great Seal, to *Whitehall)* than the great Chearfulneſs in parting with an opulent, ſwaggering, and domineering high Place, eſpecially, conſidering his Lordſhip could have done more for his Party in, than out of it. But ſo far I join with the Author, that his Lordſhip was not ſurpriſed, but, expecting what followed, ſet a good Face upon the Matter. He found it neceſſary he muſt turn out, and, then, his Buſineſs was to throw himſelf out with as much public Notice as was poſſible. A Continuance there was incompatible with his Game, that is, heading the Faction; and, to ſhew it was for his coming over to them that he was turned out, he ranted it on all Occaſions, which ſufficiently proclaimed him a Martyr for the Cauſe, whereby he laid a Foundation for future Popularity. It was impoſſible for him, in this Turn, to avoid the Charge of Verſatility; for moſt thought he came over to ſave his Head. But that, as I ſaid, was a Jeſt; the Leaders of the Party knew him better, and that, if he would change his Dreſs, he might ſwap his Gown for a Sword; but, at Bottom, he was ſure and always the ſame to them, and his Conſtancy egregious.

The King vilified and reviled.

XXXIX. But this truſſing his Sword ſo cloſe, after (Snake-like) he had caſt his Gown, prefigures his future Attempts. And the Author had a notable Reach, if he intended this important Circumſtance by way of Omen; for, if one may make ſo bold with the Lay Robe as to note it for a Type of Fraud and Deceit, the Sword aptly ſucceeds as a Type of Force, which his Lordſhip ever after meditated, and laboured to introduce by a Series of treaſonable Practices. But, in the mean Time, here is a pleaſant Figure made of the King. He, tame Thing, reſented neither Affronts to his Perſon, nor Practices againſt his Authority; his Lordſhip, with the Seal in his Hands, might *dare to limit his Revenue and Power*, and, without Regard to Gratitude or Duty, depreciate him and his Government in public and private, and all without Offence; he, good King, had let him Seal on, but this ſame Duke of *York*, for ſome Talk againſt Popery, came and procured him to be turned out. And this, forſooth, is Marrow of Hiſtory! Now, as to this ranting againſt Popery and Arbitrary Power, it was thus begun by his Lordſhip, and, from thence, became a *Proprium quarto Modo*, even the common Practice of the whole Party for many Years after; and it was an artificial Way found out to vilify the King, and to leſſen the good Will and Allegiance the People had for him. The Pretence was the Duke

of *York*, but, under the Denomination of Popery and Papiſts in general, the King, and, not only he but, all the Loyalliſts, his Friends, were comprehended. And the Author here writes the very ſame Language, and is to be ſo underſtood through his whole Book of this Life, as I ſhall have frequent Occaſion to demonſtrate. And it will appear alſo, that he diſtinguiſhes the Popiſh Party, at large, from the King and his Friends; for the former he terms (with a ſort of Reſpect) *Roman Catholic*, but the latter always Papiſts, as a Term of more Odium and Deteſtation with the People: But I am not come ſo forward yet.

The Viſit of Condoleance miſrepreſented.

XL. As for our (now) *quondam* Lord Chancellor, it is pity the Nation loſt him ſo ſoon; for *that ſame Day he was viſited by Prince* Rupert, *and moſt of the Peers and Perſons of Quality about Town, who acknowledged, that the Nation was obliged to him, for his juſt Diſcharge of the Truſt that had been repoſed in him; and returned him Thanks.* See here the Scum of *Grubſtreet*. Who doth not know, that, when a Miniſter is in Diſgrace, his Friends come and conſole him as well as they can? But is that all? No, the Libel is artificial. This Viſit is magnified with great Names, Characters, and Numbers, and ſo done by the Author with the ſame Intent exactly, as thoſe very Perſons had, who made up the Muſter, that is, to affront the King. For it was ſuppoſed that all Luſtre, added to his Lordſhip on this Occaſion, was ſo much Honour detracted from the King and his Brother; as alſo an Exaltation of the Antimonarchic Faction in the Perſon of this Earl, now, their Head. Therefore the Author rumbles out the lofty Appellatives of Prince, Peers, and Quality, with the Superlative *moſt* (certainly moſt falſe) then follows — *Acknowledgements*, — *Nation obliged*, — *juſt Diſcharge*, — *Thanks*, &c. — This makes the Earl look great and famous, even in his Depreſſion, as if all the Levees and Couchees of the Court were tranſlated to his Lordſhip's Houſe; of all which Fuſtian Stuff, the Deſign is apparent and has been premiſed.

The factious Uſe of the Rabble, and the Author's ſtale Libel.

XLI. That which is chiefly to be remarked, here, is that the Author is a moſt punctual Party Scribler; for this Oſtentation of huge Numbers and Quality, was ever the Party Practice on all Occaſions, and deluded the Court more than any other Invention they had. Here, the Deſign was to perſuade the King, that the Diſcontented Party was a very powerful and extended Body: Then they ſuppoſed that, through Hope or Fear, as might be preſented and urged to him, of ſome great Good, or Hurt, they could do him, he might be the eaſier wrought upon. And, for this End, they had their Rabble, great and ſmall, at a Beck; ſo that, on the Signal given, they all were ſure to attend, and make formidable Recourſe and Noiſes, as will be ſhewed in fit Place. But is it not ſtrange that now, when (as the brazen Noddle ſaid) Time is paſt, and the whole Project flown to Pieces and ſhattered, this Author ſhould bring over again the ſame Stuff into his Context, as then was partly the Cement, which, with other like Trumpery, then held it together? But it is moſt wonderful how he comes by that Word *moſt*, not

not honeſtly for certain; for we, that heard and ſaw at that Time how Matters paſſed above Board, could diſcern plainly that *moſt* of the Nobility and Gentry were of the Loyal Side, and far enough from running into a factious Viſit, as this Select did. That ſame *moſt*, which the Earl had at his Service, was of the aforeſaid Rabble and Faction-Mongers, and ſuch as trotted to and fro on no better Errands. And, as for the Compliments, whatever Grace they might have to his Lordſhip's Face, in the Story are as faſtidious as ever Flattery was in a Funeral Sermon.

Prince *Rupert*'s ſtrange Behaviour.

XLII. But ſince the Author hath named Prince *Rupert* at the Head of this Band, which, conſidering his Highneſs's Relation and Obligations, had been more honourably, for him, here left out; I muſt needs ſay it was wonderful that a Prince of the Royal Blood, that lived, in a manner, under the King's Roof, and was ſupported, chiefly, by his Majeſty's Bounty, ſhould ſo buſily join himſelf with, and countenance, thoſe who were declared Enemies of his Houſe, as he did; and ſo notoriouſly, that it was every one's Obſervation of him. And it is certain that, had not the King been extremely good Natured, he would have prevailed with him to have kept farther off. But his Highneſs's Averſion to the Succeſs of the King's Affairs, went farther in Intrigue with the Earl of *Shaftſbury*, than Compliment. To ſhew which, and that I do not make this Reflection without Ground, I ſhall ſubjoin a ſhort Memorial, left by a Perſon of Honour that waited upon King *Charles* II.

Memorial of the Prince's Conduct at Sea.

XLIII. " *September* 26, 1683. Upon Diſcourſe with a Perſon, well able " to give an Account, I was told, that the laſt *Dutch* War, whilſt the " Duke of *York* commanded in Chief, the Earl of *Shaftſbury* adviſed in " every Thing, as if on purpoſe to ruin the Duke. And, afterwards, when " Prince *Rupert* commanded, who was apt to take the Advice of the Earl " of *Shaftſbury*, the Prince carried every Thing Counter. And, when he " had great Advantages of the *Dutch*, manifeſtly neglected them, to the " Hazzard of the Fleet; and acted in every Thing, as on purpoſe to ruin the " *French*, who were *Socii in Bello*, and refuſed to land Men in the *Helder* " or *Polder*, where it might have been in their Power, if *Holland* had re- " fuſed a juſt Peace, to have drowned moſt of their Country. And, when " the Duke of *York*, in the Beginning of the Year, would have lain in the " *Sconvelt*, the Earl of *Shaftſbury* was againſt it, and would not let it be; " but, in *September*, would by all Means have had it ſo done, till the Cap- " tains openly declared againſt it, becauſe, as the Weather for the moſt " Part is, then, very caſual, any Storm in the North-Weſt would certainly " have driven the Fleet upon the Coaſt, and loſt all the great Ships,"

Faction afflicts the People for Pretence againſt the Government.

XLIV. So the Memorial, which ſhews that the ordinary Policy of Faction is to bring Ruin to a Nation, or, at leaſt, by all the Ways they can contrive, to afflict the poor People of it, in order to make them reſtleſs and apt to tumultuate, that they themſelves may take Advantage of the Stir, and by accuſing the Government as miniſtering juſt Cauſe, for them to

work

work their Game. So here the Earl, in a War of his own deviſing, ſought, by all Means he could, to create Loſſes, without Regard to the Public. And ſince, as to the Conduct, it is plain he wrought ſo, no doubt he had the ſame View when he firſt adviſed the War; that is to introduce Diſcontent and public Clamour, with a Party ready to charge it upon the King. But, of this, more elſewhere. If the common People knew what ſuch Politicians aim at, to compaſs their Ends, they would ſtone them in the Streets.

Why the Prince engaged with the Earl of *Shaftſbury*.

XLV. Now, conſidering theſe Attachments of the Prince, it had been ſtrange, if, in this Viſit of honourable Conſolation, he had been abſent. It may be that, however he enjoyed the Fruits of Peace, and, by the King's Kindneſs to him, Plenty, or, rather, Luxury, he might have had a Penchant after his old Trade, War; and fancy, by a Command in Chief, as (on one Side or other) would fall to his Share, he might be more conſiderable than in a dull Court Life, following of Projects and ſoliciting for Money; therefore joined his helping Hand where he ſaw Miſchief was brewing. But there was a great deal more in the Wind. The Earl, by his Poſt in the *Treaſury*, might help or hinder the Payment of his Penſions; and, on the other Side, the Prince was courted, becauſe he had Acceſs to the King, and was uſeful in promoting Projects, on Account of the mountainous Shares, he was let into the Conceit of, for Support of his Luxury; and many Ways he might be attached to the Earl. It is no new Invention for Politicians to delude and wheadle the minor Princes of the Blood, who have more Application to Pleaſure than Depth of Counſel; and, being very ſuſceptible of Offence, engage them in Parties againſt common Senſe and their own Honour, as well as true Intereſt; holding them in Hand continually with freſh Baits, as they fancy will, with moſt Efficacy, allure them. If this had not been the Caſe, how is it poſſible the Prince could behave himſelf ſo, at Court, that the Raillieurs (a powerful Nation in thoſe Times) ſhould ſtyle him the Earl of *Shaftſbury*'s Footman; that is to run on all Errands to the King, to preſs Matters, as the Earl directed.

Concerned together in the Project of nealed Guns.

XLVI. But, to give a Taſte of this projecting Trade, and demonſtrate that ſomething elſe, than Popery, lay in theſe cloſe Engagements, the Patent for the Invention of nealed Cannon, or great Shares in it, belonged to the Prince, the Earl of *Shaftſbury*, and Sir *Thomas Chichely*; a Jolly Triumvirate! *Firſt*, Prince *Rupert*, the King's Couſin-German, for a Courtier that had free Acceſs to the King, to ſolicite Matters with him. *Secondly*, The Earl was Chancellor of the *Exchequer*, and, ſometime, Commiſſioner of the *Treaſury*, to expedite Payments; and *Thirdly*, Sir *Thomas Chichely*, the Maſter of the *Ordonnance*, to make Bargains and to order fit Quantities. Theſe Guns, though of caſt Iron, were pretended to have the Virtues of Braſs. They were ſold to the Crown, for the Uſe of the Royal Navy, at 60 *l. per* Tun; and afterwards, when the Project was declined, and fell into Creditor's Hands, they were offered to the King publicly at the Council-Board, for under 20 *l. per* Tun. Such weighty Reaſons had theſe noble Perſons, at Court, to be ſo cloſely united.

XLVII. But

XLVII. But our Author is leaving Forms and Surmiſes, and begins to enter upon Action. *The Papiſts*, ſays he, *were ſo angry with him* (the Earl of *Shaftſbury*) *that they began to perſecute him, not only into Diſgrace but Ruin.* ~~We ſhall~~ riſe higher afterwards. But here we have another of the ~~Au~~thor's *Themata* or Poſitions, which, through the whole Courſe of this Subject, of the Earl's Caſe, is to be maintained, whatever common Senſe, Records, or Truth ſtands in the Way. And it is, that the Earl, as to all Treaſon or Sedition, was an innocuous Perſon; and gave no juſt Cauſe (if *reſiſting Popery and arbitrary Power* were not ſo) whereby the King ſhould be offended with him, or to excite the Miniſtry to ſtir up Proſecutions againſt him; and, after all, that whatever was pretended or ſworn, the Matter, in Truth, was only his Zeal for Religion and Property, which angered the Papiſts. And thus, by a great Secret diſcloſed, the whole Sum of the Earl's Troubles is reſolved into mere Anger of the Papiſts; and who thoſe were was mentioned before. Upon this Foot the Author falls pezle mezle upon the King himſelf, all his Miniſters and loyal Magiſtrates, with Charges of the greateſt Outrage and Wickedneſs imaginable; no leſs than open Abuſe of Juſtice, Subornations of falſe Evidence, and ſcandalous Perjuries; and all againſt this noble Earl, to bring over him *Diſgrace and Ruin*; and (as we ſhall hear afterwards) to take away his Life. And this pious Author, according to his uſual Subtilty, thinks to veil over his infamous Slanders, by uſing the Word *Papiſt*. The Duke of *York* we are ſure of, he turned out the Earl; and, as for the King, we need only remember the *Pyrenees*. It begins to appear, what Need there was of the Author's immenſe Pains taken to corrupt the Earl of *Clarendon*'s Hiſtory. In ſhort, upon this Foot, he piles up an incredible Heap of Slanders and double-penned Innuendo's, to confound the Hiſtory of this happy Reign, and to render the Perſon of the King deteſtable and contemptible, and the Government, then eſtabliſhed, infamous, ſo far as he, with all his naſty Wit, can contrive. All which will be fully proved upon him out of his own Book and better Authorities.

The Earl perſecuted by Court Subornation.

XLVIII. He begins thus: *They examined the Court Rolls, to meet with ſomething on which to ground an Accuſation in Law againſt him.* I believe, it would puzzle an Attorney General to find out what he means by *Court Rolls*, unleſs, inſtead of Chancellor, his Lordſhip had been Steward of a Manor. I never heard of any Records of State, Juſtice, or Revenue ſo termed; but he is ſpinning a long Paragraph out of nothing, and ſo begins with he knows not what; but yet, knowing or not knowing, he ſtalks on. If one would have the Trouble to help him out, it might be fancied he means the Memorandums of the Treaſury, the Chancery and Exchequer Records, out of which may be collected ſome of his Acts and Monuments in thoſe Courts, which were leſs juſtifiable. But hark! he will expreſs it better. *And, picking out ſome Pretenſions, they preſented a Paper to the King's Council, containing Matters for a Charge of Corruption and other Miſdemeanors.* The *Iriſhman* ſaid of his Diſh of whipt Cream, *It*

Occaſion ſought to accuſe him in vain.

It was a huge great Nothing. And what is all this? One cannot gather the leaſt ſingle Senſe out of it, neither what were theſe Court Rolls, what the Pretenſions, what the Paper contained, or what the Matters of Charge, what Sort of Corruption or Miſdemeanor, (Corruptions, by the Way, uſe not to be entered up upon Record) nor who made the Collection, nor who the Counſel, nor (which is the ſtrangeſt of all) who ſet on all this Work; but as we pick it out of the Words *They* and *Their*, which, by the Rule of Relation, muſt be the Papiſts, *viz.* you know who. Sure theſe Papiſts had Names; why doth he not declare them, and ſo prevent our doing Wrong, perhaps, in miſapplying his Sarcaſms? Could not he, as a conciſe Hiſtorian would, have ſaid, in few Words, that his Enemies at Court ſought Occaſion to accuſe him of ſome criminal Facts, but none were found to hold Water; without his ſpinning out this Rope of Sand of —— *They* —— *Their* —— *Court Rolls* —— *Council* —— *Pretenſion* —— *Paper* —— *Charge* —— *Corruption*, &c. by which nothing directly is, or can be, underſtood? No; that other Way might ſerve for Hiſtory, but, for Libel, it did not exaggerate enough.

The Author thence infers the Earl's Innocence.

XLIX. He ſhould have procured a Copy, or ſome Extract, of this Paper, ſo as to make the ſubject Matter in ſome Sort intelligible, or, elſe, have ſaid nothing at all about it; as legitimate Hiſtorians lay aſide Materials before them, not well diſtinguiſhed or ſuſtained. But this Paragraph is deſigned to look like great Hardſhip and Perſecution upon his Lordſhip, and ſo muſt be blown up with Words like a Bladder. He concludes it thus. *But, to their great Mortification, the Council reported, that nothing could be drawn, out of that Paper, for any legal Information. Ergo*, the Earl had done nothing amiſs in any of his Imployments. I ſhall readier believe that the Author had this Paper, and hath ſuppreſſed it, than, if any ſuch was, that it did not contain diverſe Matters that were not much for his Lordſhip's Honour or Juſtification. It often happens that great Men act very unjuſtifiably, and yet, by Means of ſome Subterfuge, timely provided, or Want of regular Evidence, or in Stations guarded by the Rules of Law, as Judges are, no legal Charge can be founded, criminally, thereupon; as they ſay of a Rat among Stools, *Every one ſees, but none can ſtrike him*. But obſerve, we are come again to *they* were much mortified it ſeems, but we know not for what, unleſs *they* were diſappointed of Nobody knows what. By this frothy Paſſage it appears the Author is of Opinion, that Murder, not proved, is no Crime. So, becauſe Matters came not up to a legal Charge (he puts the whole upon that) his Lordſhip had done nothing amiſs; which is the Concluſion you are deſired to make from theſe clear Premiſſes. If ſuch a looſe indefinite Way of writing, as this, be allowed for good Hiſtory, any Thing may be wrote up, or wrote down, after mere Invention, Affection, or (as the Author's Way is) Malice; and Libel itſelf ſet up for compleat Hiſtory.

L. Some

L. Some may ſay, that I tye up the Author's *They, &c.* too ſtraight: For, beſides the Court, (who are never exempted) he may mean ſome buſy Papiſts at large. This requires a good Account to be given, to ſhew that, at this Time, he doth not condeſcend lower than the Royal Pair and the Miniſtry. For there is no Manner of Reaſon, yet, to think the Papiſts, in general, ſhould be angry with his Lordſhip, or he with them; for he is ſo civil to bate them the very Term *Papiſt*, which he reſerves for the Court, ſtyling the others *Roman Catholics*. I grant that Affronts, Tergiverſations, Croſsbitings, perſonal Reflections and, ſuch like, might make the King and the Duke angry with him, and Reaſon good. But, as for the Work of Sedition, and diſcontenting the People, the Papiſts, in general, or (in his Language) the *Roman Catholics*, were as buſy at Work as his Lordſhip; and the Prieſts and Jeſuits, eſpecially the latter, traded much in Conventicles, and among the Diſcontentees, the very Party his Lordſhip headed; and (conſiſtent with his Lordſhip's Poſt of Authority over them) he might have been a very Jeſuit. Mr. *Coleman* the Popiſh Secretary (of whom we have much to ſay elſewhere) was a Writer of circular Letters of Diſcontent, and to traduce all the Actions of the Government, which were ſent about weekly to the moſt conſiderable Parts of the Nation; and, for Conformity of this Practice with that of his Lordſhip, might have been the Party's Under-Secretary. Therefore, while theſe Parties joined in the common Work of public Diſorder, the Papiſts, in general, could not ſure be angry with his Lordſhip for advancing their Deſigns. Whereby it is plain he uſes the Word *Papiſt*, and its Pronoun *They*, &c. only for a Cover-ſlut of his baſe Libel againſt the Royal Family. And he will be better underſtood if we carry along the forenoted Diſtinction of *Papiſts* and *Roman Catholics*, which I ſhall ſometimes preſume to hint. How much honeſter had it been to have wrote his Slanders in plain *Engliſh*, as the better ſort of Libellers have uſed?

The Earl and the Papiſts co-operate.

LI. But now we are come to Encomium. *And indeed this Juſtice muſt be done his Lordſhip's Memory, that he executed this great Office with ſingular Integrity and Honour.* One would think the Author had been all along ſatyriſing upon his Lordſhip's Memory, and, now, in a Fit of Juſtice, comes off with his *Indeed*, to be underſtood by Way of Exception. It is indeed very fit an Hiſtorian ſhould do Juſtice, but very few execute the Law upon themſelves, as this Author has done, in expoſing his own Shame, by ſuch an unwarranted adulatory Sentence as this. Sure he is not aware that Infants, in the Hiſtory of that Time, muſt deride him. Can his Lordſhip's high flying Entrance, huffing Speeches, and then turning Cat in the Pan, be unknown or ever forgot? or not be cenſured as a Behaviour far wide of this Character? The very being turned out in leſs than a Year, is a full Anſwer to the Honorary Part; and changing Sides, inconſiſtently with his Place and Truſt, to that of Integrity. He was no Ninny, when he took the Seals, to ſay afterwards, *non putâram*. He underſtood the Court at his Entrance, as well as at his Exit: And, had he had a ſpiritual Call to his Converſion, he ſhould

The Author's Encomium of the Earl's Juſtice.

ſhould have ſtraight laid down his Place: Nothing can excuſe his acting, as he did, in it. I am ſorry to find this fulſom Paſſage, becauſe it makes it neceſſary to ſubjoin a State of the other Side of the Queſtion, eſpecially relating to the Court of Chancery, to which this Encomium refers, for bringing the Matter to a juſter Scale: And that will be done by an Account of ſome *Items* of his Lordſhip's Conduct in his great Office; which were well known in their Time, and, perhaps, then had a better Reliſh than can be given them now, at a Time, after all Notice of Perſons and Things is almoſt ſunk in Oblivion.

His Lordſhip's Prorogation Elections.

LII. In the firſt Place, his Lordſhip blundered at the Threſhold, and his firſt Uſe of the Seal was for a Trick, which, as Tricks uſe, ended in Diſappointment and Shame. There had been a long Vacancy of Parliament, in which Interval, diverſe Members of the Houſe of Commons were dead, and ſome taken into the Nobility. His Lordſhip had a Mind to fill theſe Vacancies, eſpecially ſuch as were in the County of *Dorſet* (where his own Eſtate and Intereſt lay) with Creatures of his own. But there he had been formerly oppoſed by the noble Colonel *Strangways*, one of a mighty Eſtate and Intereſt in the Weſt, and, (which was worſt of all) an inexpugnable Loyalliſt; who, for his eminent Fidelity, was afterwards called to ſerve the King as a Privy Counſellor. His Lordſhip thought that now, having Power, he might manage the Matter ſo as to get the Better of him. And, for that End, his Lordſhip cauſed the Writs, for the new Elections, to iſſue, without ſtaying for the Meeting of the Parliament and having the Speaker's Warrant, as the Uſe, eſpecially of late, hath been: For that had given Notice of the Elections: but ſo his Lordſhip's Men, having the Carriage of the Writ, and, dodging with it, by Surpriſe, (as was ſaid) carried all againſt the Intereſt of the Loyal Colonel, which put him into a great Rage.

All voted null, and the Manner.

LIII. This Device was no ſooner communicated and underſtood by the Weſtern Gentlemen, with the Colonel's Sentiment of it, but they all determined to join, and get all theſe Elections ſet aſide; and, with that Reſolution, they came up, and the noble Colonel at the Head of them. At the firſt Meeting of the Houſe, when the uſual Forms were over, a Member ſtood up, and, looking about, ſaid he obſerved diverſe new Faces in the Houſe, and did not remember that, before their laſt Riſing, the Houſe had been moved for the Filling ſo many Places; ſo he doubted the Regularity of the Sitting of thoſe Perſons, and moved their Titles might be examined. Another Member, ſeconding, ſaid he ſuppoſed thoſe Gentlemen would have the Modeſty to withdraw, whilſt their Caſe was in Debate, and not attend the Order of the Houſe. So this whole Set of new Elects, (although moſtly Loyalliſts) filed out, and came in no more upon that Choice. For, altho' it was ſhewed ſuch Writs had formerly iſſued during ſuch Prorogations, enough to have ſerved the Turn *in cauſa favorabili*, yet, the late Practice being otherwiſe, and the Current ſtrong that Way, and the Court Party not able to hinder, all the Elections, on that Foot, were voted null, and new Writs ordered

dered to go. This was no good Omen, in Parliament, that his Lordſhip's Meaſures, to keep in his Poſt, could poſſibly hold out, as he would have had it; and, by that Means, have drawn the Odium on the Parliament itſelf, as well as upon the King, and ſo, at length, to get them diſſolved, which would not be compaſſed, but by ſuch Extravagancies, in ſetting up ſuch undue Powers as would break all. He hated the Complection of them, becauſe, on the one Side, they receded not one Hair from the eſtabliſhed Church, and the People's Rights, and, on the other, were really Friends to the King, and, in thoſe Days, ever ready with their Benevolences and Reſpects, ſo long as he gave them reaſonable Satisfaction, to ſupport him in Credit and Honour. This was a Temper in no Sort apt for his Lordſhip's Deſigns, which were to bring on Rupture, and not Compoſition; and the Sequel will ſhew how fiercely he went to Work to get rid of this Parliament; and, when he did not ſucceed, he took another Courſe, and carried his Point, by ſetting up what was called the Country Party, to an incomportable Height.

The Earl's Freak to ride to his firſt Term unlucky. *Hill.* 1679-80.

LIV. His Lordſhip had an early Fancy, or rather Freak, the firſt Day of the Term (when all the Officers of the Law, King's Counſel, and Judges, uſed to wait upon the Great Seal to *Weſtminſter Hall)* to make this Proceſſion on Horſeback, as in old Time the Way was, when Coaches were not ſo rife. And, accordingly, the Judges, *&c.* were ſpoken to, to get Horſes, as they and all the reſt did, by borrowing and hiring, and ſo equipped themſelves with Black Foot-Cloaths, in the beſt Manner they could: And diverſe of the Nobility, as uſual, in Compliment and Honour to a new Lord Chancellor, attended alſo in their Equipments. Upon Notice in Town of this Cavalcade, all the Shew Company took their Places at Windows and Balconies, with the Foot Guard in the Streets, to partake of the fine Sight, and, being once well ſettled for the March, it moved, as the Deſign was, ſtatelily along. But when they came to Straights and Interruptions, for Want of Gravity in the Beaſts, and too much in the Riders, there happened ſome curvetting, which made no little Diſorder. Judge *Twiſden*, to his great Affright, and the Conſternation of his grave Brethren, was laid along in the Dirt: But all, at length, arrived ſafe, without Loſs of Life or Limb in the Service. This Accident was enough to divert the like Frolic for the future, and, the very next Term after, they fell to their Coaches as before. I do not mention this, as any Way evil in itſelf, but only as a Levity, and an ill judged Action; for ſo it appeared to be, in Reſpect to the perpetual Flux of ſolemn Cuſtoms and Forms, that will happen in the Succeſſion of Ages, not reducible back to Antiquity, nor needing ſo to be; which makes Uſages, that are moſt fitting in one Time, appear ridiculous in another. As here, the ſetting grave Men, uſed only to Coaches, upon the Menage on Horſeback, only for the Vanity of Shew, to make Men wonder, and Children ſport, with Hazzard to moſt, Miſchief to ſome, and Terror to all, was very impertinent, and muſt end, as it did, *in Ridicule.*

Now our Author gives us no Hint of this illuſtrious Overture of the firſt Term, though he could touch Matters more of courſe and leſs conſiderable, as the private Viſit of Condolence, becauſe that ſounded factious, and this only a vain Freak: But had it ſucceeded and ſettled into a Courſe, then we had heard of his noble Revival of that ancient Piece of Grandeur to his Office, of riding in ſolemn Proceſſion to the Term. But the Author touches nothing that, in the leaſt, diminiſhes his Lordſhip's Character, unleſs he has a Counter-check to redintegrate, if not rather to improve it to his Lordſhip's Honour in a popular Way.

The Forms of the Court get the better of, and reduce him.

LV. I noted before to what an Height his Lordſhip's Diſcourſe mounted, about his future Government of the Chancery. He ſlighted the Bar; declared their Reign at an End. He would make all his own Orders his own Way, and, in his Diſcourſe, trampled on all the Forms of the Court. And, to be as good as his Word, at his firſt Motion Day, although the Counſel (as always out of Reſpect to a new Judge) were eaſy, and inclined of themſelves to yield to what was fit to be ordered, and not to perplex him with Contention upon Forms; yet he would not accept of their Civility, but cut and ſlaſhed after his own Fancy; and nothing would down with him, that any of them ſuggeſted, though all were agreed upon the Matter. They know little, that perceive not the Difficulty of ordering Matters in Juſtice interlocutorily, upon the Strength of abſtract Reaſoning only, without Help of ſtated Rules, and Methods prefixed by Practice and Experience. But his Lordſhip was of another Sentiment, and intended the Bar ſhould know it. They ſoon found his Humour, and let him have his Caprice; and after, upon Notice, moved him to diſcharge his Orders; and thereupon, having the Advantage, upon the Opening, to be heard at large, they ſhewed him his Face, and that what he did was againſt common Juſtice and Senſe. And this *Speculum* of his own Ignorance and Preſumption, coming to be laid before him every Motion-Day, did ſo intricate and embarraſs his Underſtanding, that, in a ſhort Time, like any haggard Hawk that is not let ſleep, he was entirely reclaimed. And, from a Trade of perpetually making and unmaking his own Orders, he fell to be the tameſt Judge, and, as to all Forms and Courſe, reſigned to the Diſpoſition of the Bar, that ever ſat on that Bench. Now, if this anſwers the Encomium of the Author, Juſtice *Nimis* and Juſtice *Parum* are reconciled.

An Extravagance of his Favourite.

LVI. There was one Mr. *H——k* a Barriſter, and, in the Country, a Neighbour of his Lordſhip's, eminent, but for nothing more than the Honour he had to profeſs himſelf his Lordſhip's Friend at the Bar, and, if not foully belied, had a Knac of encouraging Cauſes by the *great*; which did not directly accuſe, but much reflected on his Lordſhip for Want of Judgment, at leaſt, in permitting one, ſo unfit, to appear ſo familiar, as he did, with his Court of Juſtice.—To make good this Gentleman's Character, [illegible] be not againſt Equity to interſperſe *cum ſeriis ridicula*, take this

this Specimen. The chief Practiſers are uſually very civil to the Gentleman, that is accounted the Judge's Friend; and they deſire to be in his Company, to ſerve his Turn with Treats, Inſtruction and Inlet to Cauſes, and their own, by ſpying out his Humour, the Judge's Deſigns and Expectations, and what Secrets, relating to the Court, they can pump from him drunk and ſober. Once they were merry together with this Gentleman, and one of them ſprang a Conceit, that he was not rightly informed of his Privilege, which was to have Preaudience of all the Bar, the Attorney General not excepted. The reſt, perceiving the Spark arrect upon this Notion, ſeconded it, till, at laſt, he reſolved to claim his Poſt the next Day, and ſo they parted. And accordingly, the Court being ſat, Mr. Attorney, as his Uſage was, ſtood up in Order to move firſt; but Mr. *H——k* (from without the Bar) called out to him, ſaying, *Mr. Attorney, pray be pleaſed to move in your Turn*, and then began to open himſelf. Sir *Heneage Finch*, then the Attorney General, looked back, and ſtared, concluding the Man mad or drunk. But the other perſiſted ſo much to be firſt heard, that the Court had but Authority enough to compel him, and none at all to perſuade him to be quiet. This is a Paſſage of no great Conſequence, but of prodigious Impertinence, and no little Hazzard to the Wags, leaſt they, by their inevitable laughing, ſhould openly, and in the Face of the Court, have betrayed their Roguery.

Of his Lordſhip's Juſtice in general.

LVII. As to his ordinary Juſtice, and how religiouſly ſtrict he held to the Rules of Equity and good Conſcience, without deviating for Favour or Diſpleaſure, the Author ſays nothing one Way, nor I the other. Only, to meet with his general Encomium, I muſt remember that I have heard diverſe ſay, that the Perſon might be diſcerned in moſt of his Decrees; and ſuch an Opinion gone forth, though it may be falſe and malicious, is yet ſome Diminution of Honour. For a Judge ſhould be, like *Cæſar*'s Wife, neither falſe nor ſuſpected. The moſt I have heard ſay in his Behalf, by thoſe of his Party, has been, that fewer of his Decrees have been reverſed in the Upper Houſe of Parliament, than of any other Chancellor. But they did not conſider his Time was ſhort, not enough to cloſe many Cauſes that depended in Argument. And it may be ſaid, that, allowing the final Deciſion, above, to be a *Criterium* of abſolute Perfection of Juſtice (which I do not gainſay) all Cauſes, that fall by a Side Blow, do not come there. But, if we reflect upon the general Notion of his Lordſhip's Unfitneſs at his Entrance, we may conclude there were Notices public enough to cauſe it, as Libertiniſm, Party, Intereſt, and the like Prejudices to the Character of a ſupreme Judge, as they had in their Thoughts who were of that Opinion; and alſo the Party he ſwayed himſelf into —— how and why? with their Characters that pretend to tender Conſciences, but are truly tender of nothing but their Purſes; and who have no Rule of Equity, but that which ſquares with their Intereſt; and always expect Injuſtice to be done, in the Fear of the Lord, for

their Sakes, eſpecially againſt the wicked ones; and will make ample Returns in good and merchandable Party-Work; and no Cauſe ſo valuable, as one carried againſt common Juſtice. Then alſo the Occaſion his Lordſhip had to cultivate a Party-Intereſt, and not to be over ſqueamiſh, to ſecure himſelf in his intended Walk. I ſay, reflecting on theſe Matters, we muſt look for a Philoſopher, in Earneſt, to reſiſt ſo many powerful Charms.

His little Regard to Decency or Morality.

LVIII. But, I believe, if he were living, bating a popular Uſe of the Tool, he would hate this Flatterer. He was of a free Air, ready Apprehenſion, witty in his Conceits and Turns of Speech, and no Fool, ſuch as is always found where there is Flattery; for, if it did not paſs in one, the other had it, and here it falls to the Author's Share. His Lordſhip regarded Cenſure ſo little, that he did not concern himſelf to uſe a decent Habit, as became a Judge of his Station. For he ſat upon the Bench in an Aſh-coloured Gown Silver-lac'd, and full-ribboned Plantaloons diſplayed, without any Black at all in his Garb, unleſs it were his Hat, which, now, I cannot ſay poſitively, though I ſaw him, was ſo. He was a little Man, and appeared more like an Univerſity Nobleman, than an High Chancellor of *England*: And, whether out of Inclination, Cuſtom, or Policy, I will not determine, it is certain he was not behind-hand, with the Court, in the modiſh Pleaſures of the Time; and to what Exceſs of Libertiniſm they were commonly grown, is no Secret. There was a deformed old Gentleman called Sir *P. Neal*, who, they ſay, ſat for the Picture of *Sydrophel* in *Hudibraſs*, and, about Town, was called the Lord *Shaftsbury*'s Groom, becauſe he watered his Mares (I forbear the vulgar Word) in *Hyde Park* with Rheniſh Wine and Sugar, and not ſeldom a Bait of Cheeſecakes. If, with theſe glorious Attachments, a nice and ſtrict Juſtice could reſide, I will ſay Miracles are not ceaſed, though the Author, inſtead of Hiſtory, for making a good Character, gives us one out of his own funeral Sermons.

The Author weighs the Earl againſt the King.

LIX. Now it may be thought, that, whether the Earl were a good Chancellor, or a bad one, deſerves not all this Canvaſs; and that, of the two, it had been better to ſay Well than Ill of him. All which, if nothing but his Character were in the Caſe, is very true. But, as this Author hath ordered the Matter, it is not his Lordſhip's Character, but that of the King, Government, and Times, that depend upon it. I dare ſay the Author himſelf cares not a Pin for his Lordſhip, on a proper Account; his great Name may either ſink or ſwim; he never was his Chaplain to preach him into a poſthumous State of Grace. But the Caſe is thus: The Party his Lordſhip headed, and the Loyaliſts, which had the King for their Head, are ſet in Oppoſition; and ſo, in the Picture here of this Author's making, the King and his Lordſhip are (excuſe the Expreſſion) Antagoniſts, or rather ſet in Scales, to be weighed againſt each other. The Conſequence is, that, if the King acted tyrannouſly, and by Popiſh Counſels; then the Earl, out of

of Zeal for Religion and Property, managed a Party to reſiſt him: And, *vice verſa*, if his Lordſhip was a Proteſtant and Patriot, the King was a Papiſt and Tyrant. The Author's whole Compariſon takes in all this, and, in Point of Honour, more; for as he has debaſed the King to be a Sort of Competitor with his Lordſhip, ſo he has ſublimed his noble Peer into a Level with the Monarch of *England*. The Author's very Endeavour at this odious Compariſon, whatever becomes of the leſs aſpiring Earl, has well nigh ſunk himſelf into a moral Level with the fallen Angels. What elſe is a Divine in holy Orders, that inſults the Honour and pious Memory of his (once) Sovereign Lord the King? And thus he thinks he has made good his Theſis, that the Earl was *a religious Proteſtant and zealous Friend to Property*. In which righteous Cauſes he was a Sufferer, being, in all other Reſpects, innocent, and clear from all Practice of Sedition and Treaſon. So it follows that the King, *&c.* was what is an Offence to repeat.

LX. I have averred the Neceſſity of making ſo free with his Lordſhip's Character, as I have done, not with any Deſire to diminiſh that noble Peer, but to expoſe this falſe Author. And now I proceed to other Affairs, that followed, in which his Lordſhip concerned himſelf. After this cooling Card, of being turned out, his Lordſhip ſoon warmed in the Conduct of his Party, which was now no Secret, as it had been before, but barefaced and above-board. In the Parliament 1674, he oppoſed, with all his Might, every Thing that was moved, in the Houſe of Lords, for the Stability of the Crown, and the King's Intereſt. It became every Day more manifeſt, that this diſcontented Party of his drove deſperately at Change of the Government. And it appeared alſo, that, by certain factious Arts, they had gained a mighty Party in the Houſe of Commons, under the Name of the *Country Party*; which Title had been then taken, by Exchange, for that of the *Party volant*, which the more plauſible of the Faction formerly affected. And this Country Party was like to encreaſe upon moſt new Elections; for Faction ever gets Ground faſteſt with the loweſt and moſt deceivable of the People. What all this, puſhed on ſo deſperately as it was, might grow to in Time, was not eaſily foreſeen. Therefore, to ſecure the Church and State, as eſtabliſhed by Law, the Earl of *Danby*, then Lord Treaſurer, promoted, in the Houſe of Peers, a Teſt upon all State Employments and Benefices; — 1. *Acknowledging that none, commiſſioned by the King, might be reſiſted by Arms.* 2. *That they would not endeavour any Alteration of the Government in Church or State.* The firſt of theſe is aſſertory, and imports no more than the Law hath declared; but it was now thought fit to be oppoſed to the old exploded Republican Principle, which the Faction began to ſet up afreſh, *viz.* that all Power is from the People. The other is promiſſory, and deſigned to exclude, from public Truſts and Employments, all Perſons poiſoned by that falſe and pernicious Maxim. The very Terms of this Teſt, as alſo the Oppoſition it met with, by

The Earl of *Danby*'s Teſt oppoſed.

by whom and how, will demonſtrate that no Innovation, as the Oppoſers pretended, was, or could be, in the Deſign of it; but that it was intended only to preſerve the preſent Eſtabliſhment from ſuch Innovations, as thoſe very Oppoſers manifeſtly purpoſed to bring over it. It is remarkable that a Deſign, expreſs againſt Innovation, ſhould, for Want of all other Arguments, be oppoſed, as this was, purely upon the Topic of Innovation, as we ſhall ſee anon.

Words of latter Time antedated by the Author for bad Ends.

LXI. The Author, in his Margin, calls this a *Teſt of Abhorrence*, but that Word was not then coined, and it was called the Earl of *Danby*'s Teſt, who was really for the Church and Monarchy, and firm againſt *France* and Popery; whether for Principle or Policy, matters not, there are his own Memoirs, 2 *Vol.* to ſpeak for him. But, as for our Author here, it is ordinary with him to antedate his factious knaviſh Cant into Times when it was not known, as this ſame *Abhorrence* (which Word P. 305. ſhall have the Honour of a Seat by itſelf in another Place) high Church, high Notions, and the like; for his Buſineſs is not to make the State of the paſt Time underſtood, but to ſhape it ſo, as he thinks may, for his Ends, influence the preſent. In which Deſign, as he reckons, Words, though of a latter Invention, may go a great Way, as beſt applicable to the more modern Prejudices.

Strong Oppoſition to the Teſt.

LXII. The Earl of *Shaftſbury* is taken Notice of for a vehement Oppoſer of this Teſt; and it is certain he wrought ſo effectually againſt it, that, finally, it came to nought. And indeed Abundance of indifferent Perſons did not penetrate ſo deep, as to think ſuch a ſolemn Proceeding needful; but, on the other Side, rather that the Attempt was extraordinary and officious, if not troubleſome, and tending to the Proſtitution of Oaths. And it was whiſpered that there was a Deſign of Innovation in it, by hindering the Freedom of Parliaments, and excluding ſome true Proteſtant *Engliſhmen* from being choſen, and ſitting to vote there. This Inſinuation gained over diverſe Perſons, Commoners, and not ill meaning Peers, to the oppoſing Party. Such a deſperate Objection was it, then, that, thereby, Parliamentary Capacities were to be touched. But the Faction, whoſe Cry againſt it was loud enough, were well appriſed, both of the Occaſion, how real it was, and of the Conſequences, how croſs to all their Purpoſes; which made them fight againſt it, as *pro Aris & Focis*.

The Popiſh Peers join againſt Popery.

LXIII. It was ſtrange that the Popiſh Lords, who were a conſiderable Party in the Houſe, joined with *Shaftſbury* againſt the King; which ſhews what Sort of Papiſts, the Author means, were angry with him (not thoſe he is pleaſed, in diverſe Places, to ſtyle *Roman Catholics*,) and alſo how at a Venture (to ſay no worſe) he writes, *viz. That it was vehemently oppoſed by the Earl of* Shaftſbury, *and thoſe Peers who were looked upon to be more in the Intereſt of their Country; who looked upon it as a Project to divide Proteſtants, and to ſtrengthen the Popiſh Party, alias* the King and the Government, as then eſtabliſhed. We were aware of his Popiſh Party, what he

he meant by it, before. Then his Character of the oppoſing Party is as juſt; but all is tempered with his *looked upon*, as if, like a Child, he were afraid of being whipt for telling a Lye; for was there ever one ſo groſs as this? He relates a Deſign and (after his ſhuffling Way) alledges it was to *divide Proteſtants* and *ſtrengthen Popery*; when above twenty Popiſh Lords unanimouſly joined with the Earl of *Shaftſbury* to oppoſe it. But this Matter he conceals entirely, although it was moſt remarkable in the State of that Proceeding: And he had Reaſon, for, elſe, the falſe Inſinuation, *viz.* That the Popiſh Lords were the Complement of this true Proteſtant Party, had then (according to him) appeared, not only baſe but, ridiculous. It ſeems the Popiſh (ſhall I call them *Roman Catholic?*) Lords were gained by a Stratagem; for, without them, the Oppoſition was but weak. And yet the Teſt (mumbled as it was) had paſſed, but for another Accident, which was a Difference, raiſed between the Houſe of Lords and the Houſe of Commons about Judicature, which, to hinder the Proceeding of this Teſt, was very much exaſperated, if not at firſt kindled, by the oppoſing Party in both Houſes; and, at length, flamed ſo high, as to be uncompoſeable, ſo that the Sitting of the Parliament became impracticable, and thereupon it was prorogued 9 *June* 1675. If the Teſt, even as it had been reduced, had paſſed, the factious Game had been conſiderably ſet back. And it is a notable Leſſon to all Perſons, to do for the Beſt directly, and not to rely upon Policy and Combinations for Favour in Events. For, had the Popiſh Lords ſtood to the Intereſt of the Crown, as they ought to have done, and not trinketed with the Enemies of that and themſelves, it is probable they had kept their Seats in the Houſe of Lords for many Years longer, if not to this Day; for nothing, in Appearance, could have outed them, but ſuch a Storm as *Oats*'s Plot was, which, perhaps, that Teſt, ſucceeding, had obviated. And now how they were cozen'd, I am to ſhew.

They are caught by a Wile to oppoſe.

LXIV. And therein will lie the Fineſs of Art in oppoſing this Teſt. The *Roman Catholic* Peers were ſo many, as, nearly, if not wholly, made a Deciſive; for they went altogether as one Man. They were enough inclined to favour the Intereſt and the Security of the Crown, which was the State Part, but then they muſt ſwear not to attempt any Alteration in Church, *&c.* which fell in the Way of all their Deſigns of introducing their Religion, or, at leaſt, their Engagements to Holy Church did not allow them ſolemnly to profeſs; but yet they were loth to join with the Enemies of the Crown. And ſo they kept the Volant a good While, and did not declare on which Side they would fall; but, as they lay, waiting for Advantage to their Party, if any could be made, they were caught in a Wile. The Antiteſters raiſed a furious Objection, which was, that this Teſt tended to deprive Peers of their Right of ſitting and voting in the Houſe of Lords; which was a Birthright, ſo ſacroſanct, and radically inherent in the Peerage, as was not to be temerated on any Account whatſoever. And the Earl of *Shaftsbury* dinned this in their Ears, and that, if this Act paſſed, the next would

would be to teſt them out of the Houſe. And he might well ſay ſo, that, probably, had it in his Head, at that Time, to do the very Thing. After the *Roman Catholic* Lords were well heated with this Suggeſtion, and, knowing that many would be glad of ſuch a Precedent to uſe againſt them, the Earl ſteps in with a Propoſition, that, if they would join to throw out this Teſt, there ſhould be an Order, to be entered amongſt the ſtanding Orders of the Houſe, that no Bill ſhould be received, that, in any Sort, tended to deprive Peers of their Right, *&c.* and, upon the entering this Order, they all went over clear to the oppoſing Side.

The Vanity of Compact againſt Inclination.

LXV. Now, ſee the Vanity of Bargains with People, in whom there is not a Truſt. Afterwards, when *Oats*'s Plot had ſwept in five Lords, and threaten'd many more, a Bill came into the Houſe, promoted by the very ſame Earl of *Shaftſbury*, to exclude the *Roman Catholic* Peers, and it paſſed without much Oppoſition: But, when that ſtanding Order was urged, his Lordſhip ſmiled, and ſaid, the Houſe was Maſter of their own Orders, and *leges poſteriores priores abrogant*. And that was all thoſe noble Lords got by their leaving the Intereſt of the Crown upon Compact. They never conſidered, that the Cuckow was not to be hedged in, and, where Power and Self-will is, all Hold, upon Forms of Law, as well as Promiſes, (not to ſay Common Juſtice itſelf) to the contrary, fails. But, as Good very often comes out of Evil, ſo this verſatile Dealing with thoſe Peers, might be a Means of gaining the good Point to our Conſtitution, of ſhutting that Intereſt out of our Legiſlature for ever.

State Teſts uſeful only to diſcriminate.

LXVI. Another ſeaſonable Reflection, that confutes the Author's biaſſed Repreſentation, is that this Deſign of a Teſt, againſt Change of Government in Church or State, was then both ſeaſonable and moderate, whatever at that Time was thought to the contrary: The ſame Thing, being, in latter Times, and upon like Reaſons, practiſed in a much higher Degree, than was ſo much as dreamt of in thoſe Days, which hath ſufficiently inſtructed Folks in that Matter. And all this through the Means of that very Party, or Set of Men, who fiercely oppoſed *Danby*'s Teſt. For they knew their own Deſigns then, againſt which that Teſt was to have been a Guard. Therefore, being in a Party with the Government at the Revolution, they fell to guarding that by ſuch Teſts as we are well acquainted with; and then no Talk of dividing Proteſtants, *&c.* as before. It had been a ſorry Allegation on the Side of King *Charles*'s Teſt; that, if the Party, againſt whom that was levelled, ſhould once gain to their Side the Advantage of Power, they would teſt all other Perſons to the utmoſt Extremity; why therefore ſhould not we now defend by Teſts againſt them? But, of this Subject, more than enough, ſince leſs would have ſerved to confute the Author's Libel on this Head; and that, out of the Mouths of his own Party, who have adjudged it to be reaſonable and juſt, in Caſe of undermining Parties, for a Government, by a Teſt, to diſcriminate, out of all Truſts and public Employments, Perſons that are diſaffected to it.

LXVII. But

LXVII. But to leave Politics, and return to the Author's Hiſtory, which takes, or rather invents, Occaſions to magnify the Earl of *Shaftsbury*, and all in the Way of his Zeal for the Proteſtant Religion and Liberty, *&c.* and his continual Oppoſition to the Deſigns of the Papiſts. It is to be remembered, that, in 1676, the Parliament, then in Being, had continued, without being diſſolved, for ſo many Years, as made it be ſtyled the long Parliament; and, by all Experiments, was found inept for the great Deſigns of the Faction. The Party were ſecure, that, if this Parliament was diſſolved, the Country was ſeaſoned ſo as to make Elections more for their Turns. And however theſe Gentlemen could be prevailed upon, in the Form of a Country Party, to be very troubleſome and uneaſy to the King in ſome Reſpects; they would never be brought to ſtrike at the Root, but, after all Quarrels, upon the King's Condeſcenſions to their (not exorbitant) Deſires, all Storms ceaſed, Money was given, and the Nation at Eaſe under his Majeſty's happy Government. This was what (factious) Fleſh and Blood could not bear. It broke all their Meaſures, and almoſt their Hearts. Therefore, upon the Encouragement of a paltry Exception, a Reſolution was taken to make a Puſh, with the whole Strength of the Party, for the having the Parliament declare itſelf to be already actually diſſolved; and ſo it was to fall, whether the King would or no. And, in the Execution of this Project, the Earl made the utmoſt Experiment of what his Party, of themſelves, both in and out of the Houſes of Parliament, and the People, at their Inſtigation, could be made to do, towards breaking the (then) Repoſe of the Public. His Lordſhip was neither young, nor very ſtrong of Conſtitution, to expect patiently a long Series of Opportunities, but was for haſtening on Projection as faſt as he could: And the Author, true as Steel to his Faction, doth more than inſinuate that his Lordſhip was in the Right. Therefore, and becauſe this is a Paſſage in that Reign moſt fit to be remembered in the Fulneſs of its Circumſtances, and not to be let drop, as the Author intends the Truth of it ſhould, into utter Oblivion, and his falſe and factious Account, as a naſty Scum of it, only ſurvive; I will add its juſt and full Hiſtory.

The Faction ſets up a conſtructive Diſſolution of the Parliament.

LXVIII. Firſt, As to the Queſtion, raiſed upon the Eſſence of the Parliament, with the *Triccum in lege*, the Faction had found out, to ſhew that it was legally diſſolved; it ſtood thus: By the Statute of 4 *Edw.* III. *cap.* 14. it is enacted, *That a Parliament ſhall be holden every Year, and more often, if Need be.* Then follows the Statute of 36 *Edw.* III. *cap.* 10. for Maintenance of the ſaid Articles and Statutes, and Redreſs of diverſe Miſchiefs and Grievances, which daily happen, *That a Parliament ſhould be holden every Year, as another Time was ordained by Statute.* It fell out that the Prorogation, laſt mentioned, was for a longer Time than a Year, *viz.* fifteen Months. Now, ſaid they, if the King be obliged to hold a Parliament every Year, a Parliament ought to ſit, at leaſt (or rather to be new-ſummoned) every Year, which being made impoſſible by that Prorogation,

The Point ſtated on the factious Side.

gation, the Prorogation itſelf is againſt thoſe Laws, and, conſequently, void. Then the Parliament reſts without Day, which is a Diſcontinuance, and amounts to a legal Diſſolution. So ſtood the Point, ſuch as it was, on that Side.

The ſame anſwered.

LXIX. The Anſwers were, that thoſe Acts have not been ſo underſtood, nor hath the Uſage been to regulate the holding of Parliaments, upon that Foot, ever ſince the Laws were made; and it is a Rule of Law, that ancient Statutes are to be conſtrued by the general Uſage. That the Words, *if Need be*, go as well to the *holding every Year*, as to the *more often*; and, repeating them accordingly, it runs thus: *A Parliament ſhall be holden every Year, if Need be, or more often, if Need be*; and the King is Judge of the Need. That it is ridiculous to ſay the Parliament is *ſine Die*, when a Day ſtands appointed by the Prorogation. And, if the King were by Law obliged to hold a Parliament every Year, and doth it not, but ſeldomer; it may be conſtrued a Miſgovernment, or Grievance, to be redreſſed in the ordinary Way, by Petition, but not to vacate future Parliaments, and their Acts. And, farther, (what is not argumentative, but expreſs) the Time of parliamentary Vacation is altered by latter Laws; as that called the *Triennial Act*, *Temp. Car.* I. and 16 *Car.* II. which repeals the other. It is thereby enacted, *That, hereafter, the Sitting and Holding of Parliaments ſhall not be intermitted, or deferred, above three Years*; which amounts to an Allowance of a Vacation not exceeding three Years. That Parliament had then been continued above four Years: And this Queſtion, if it ſhould turn upon the Reaſoning on the other Side, would avoid all the Acts of Parliament made after the Year expired; which would make ſtrange Work with the Laws of this and other Parliaments. Therefore the Exception ſhews more of Impudence in moving it, than Reaſon for any Scruple.

A Mob brought down to fright the Members.

LXX. This was the Queſtion, as to the Subſtance, ſo far as it came to be debated in the Houſes; which I have premiſed, that the Caſe may be cleared, before I come to the Manner of urging the Diſſolution; which, in a Caſe of ſo little Doubt, will appear very extraordinary. For the Faction making Account, that a Rabble, brought down to appear at *Weſtminſter* on the Day of the Parliament's Meeting, after this long Prorogation, would affect the Spirits of the Generality of the Peers, and ſuſtain the Party that was to make the Motion in the Houſes, for the Parliament to be declared diſſolved, the Emiſſaries had ſent down from *Wapping* and *Southwark* a choice Rout, to give Attendance in the Rooms about the Houſes of Parliament. Abundance of indifferent Folks came for News, becauſe the Party (as their Way is) had ſent forth, and diſperſed a Fame of a wonderful Attack, that was to be made upon the Houſes of Parliament in their very Faces. All this Company, together, looked odly. But to ſhew manifeſtly that this Mob-aſſembly was drawn together for the Purpoſe of Terror,

Terror, I ſhall add a Relation taken out of one of the factious * Pamphlets, *viz.* "On *Monday* 5 *February*, the Parliament (as they call themſelves) or "the Convention (as I hear others generally call them) met. And, at "the ſame Time, a vaſt Number of People filled *Weſtminſter Hall*, the "Court of Requeſts, the painted Chamber, the Lobbies, and all the Places "near the Parliament Houſe, that the like was never ſeen upon the Meeting of this, or any other Parliament, in our Memory. They did earneſtly deſire and expect they would declare themſelves to be no Parliament. When the King was come, the Commons were ſent for up to "the Houſe of Lords. As ſoon as the Speeches were made, and the Commons were withdrawn, a Bill was offered to be read, but the Duke of "*Bucks* deſired to be firſt heard.—— Who ſaid, it was clear the Parliament was diſſolved, for which Opinion he gave his Reaſons.—— No "ſooner had the Duke ended his Speech, but my Lord *Fretchvile* moved "to have him called to the Bar.——The Earl of *Shaftſbury* ſaid, that "would be taking away Liberty of Speech."

LXXI. So the Narrator, who may be conſulted for the farther Circumſtances which the Party thought fit to publiſh of this Affair, with the ſcandalous Reflections, by this and other Pamphlets, caſt upon the Parliament itſelf. And the Speeches on the Subject (which, beſides *Bucks*, were of *Shaftſbbury*, *Saliſbury*, and *Wharton)* were alſo printed, and are to be found in the State Tracts. So concerned have they been to preſerve the Teſtimony on their own Side, that Poſterity might, if poſſible, have a tolerable Opinion of their Proceedings. But, it ſeems, the Houſe of Peers thought fit to ſend the four ſpeeching Lords to the *Tower*. This was ſome Check; yet the Game was not deſperate, but the Point was maintained by the Partiſans at Coffee-houſes and Clubs, as alſo in numerous Pamphlets. One could come into no Company, nor be competent for ordinary Converſe, without being able to argue the Point of Law, whether the Parliament was diſſolved or not. Even the withdrawing Rooms of the Ladies were infected with it.

The Attempt ſent the Earl and three Lords more to the *Tower*.

LXXII. But the Language of the Party-Men was rigid and ſupercilious, as may be gathered out of their Remains in Print. They ſaid, that the King was indeed Judge of the *Need*, but muſt hold to the Year, to which he was peremptorily bound: Will he, nill he, that muſt be. And if they have not conſtantly obſerved thoſe Statutes, that doth not render them of leſs Force; becauſe it is an Offence in the King not to fulfill the Law. Doth not he call and diſſolve? Is it not he that is bound? Shall the Laws of Security be turned into mere Advices? This Parliament hath ſat, till it is not the Repreſentative of the Nation, for above Half of the Electors are dead. They are not owned, in a legal Capacity, to do Good or Hurt. Their Day is gone, and Power expired. They muſt not think to ſalve their Authority

The Language and Threats of the Party.

* A Narrative of the Cauſe, and Manner of the Impriſonment of the Lords, &c.

by their own Vote, for no Parliament, that is not antecedently ſo (ſaid they) can make itſelf a Parliament by Vote. They muſt not think that the People of *England* will do that Indignity to their Laws, that Diſhonour to the Finger of God, which, by ſo ſtupendous and over-ruling Providence, hath diſſolved them, any more to own them for their Repreſentative. Wherefore, unleſs they will ſtand on Record as Oppreſſors of the People of *England*, —— let not the vain Pretenſions delude them, that no Precedents can be found, that an *Engliſh* Parliament hath hanged up another. An unprecedented Crime calls for an unprecedented Puniſhment. And we faithfully promiſe, (ſay they in Print) we will uſe our utmoſt Endeavours, when a new Parliament ſhall be called, to chooſe ſuch as ſhall. They exhort the People not to obey their Laws, nor pay Taxes, till their Validity be tried at Law: And that Juries would not find againſt their Neighbours. They ſtyled theſe three, 1. The Biſhops; 2. The Court Lords; and, 3. The Popiſh Lords, a new triple League; and the reſt of the Peers were their Allies: And the Houſe of Commons, *French*, or Court Penſioners, indigent or outlawed, Children, Fools, or ſuch as are ſuperannuated. And at this Rate went on their Diſcourſes, and * Pamphlets, while the Four Lords lay in the *Tower*; for ſo long there was Life in the Cauſe.

The Houſe of Commons libelled.

LXXIII. But, at length, as was touched, the Mine broke inwards, and blew up the Engineers. For both Lords and Commons reſented this Inſult as an Affront to the Legiſlature. But the Commons did not follow the Pattern the Lords had ſet, by committing any of their Members, who argued in the Houſe for the Diſſolution; which puts me in Mind of what I heard a wiſe Man ſay at that Time, *viz.* That it was a Symptom the Parliament was not long lived, when the Commons ſuffered themſelves to be taken by the Beard and ſhaken by ſuch People, as managed this Talk, without making terrible Examples of a Crew of Underminers that ſo deſperately affronted them. But the Author thinks they did a great deal, in venturing to vote themſelves a Parliament; and, in true Libel Strain, ſays, *The Miniſtry could not bear to think of parting with a Parliament, which they had been at a prodigious Expence to keep in a giving Humour.* And then for the Commons, *the major Part of them had as good Reaſon to keep their Places in the Houſe, that, by Offices, or Penſions, had been ſo beneficial to them; and which indeed had coſt them a dear Purchaſe. For, upon the Death of any of the old Members, few or none had been choſen to ſucceed them, without a prodigious Expence; which muſt have been as great a Folly in them, as it was a Shame to the Nation, if they had not known how, by their Votes and Engagements, to reimburſe themſelves.* How can one diſtinguiſh this Piece of Hiſtory from the moſt factious Rabble Talk, and Libels, I laſt gave an Account of? And it was Need to have ſuch a Paragon wherewith to make the Compariſon.

* Second Pacquet of Advice to the Men of *Shaftſbury*, 1677.

Base Reflection, inſtead of Fact.

LXXIV. There needs only a Peruſal of this choice Paſſage, out of a *compleat Hiſtory*, to fraine an Idea of the whole Work. It is all he ſays obſervable in this whole Buſineſs; touching which, he brazenly ſides with a Rabble-backed Faction, againſt the whole legiſlative Power; ſaying all the Evil he can imagine, without any Authority or Warrant. One would think he had the Accounts of the ſecret Service by him, or that he wrote in a Saint-like Age, when no Officer or Penſioner appeared within St. *Stephen*'s Walls; or when no Perſons ſold themſelves to their Shirts in Competitions to be choſen. All he ſays here, in a libellous Senſe, may, in ſome Meaſure, fit every Parliament; ſo that whoſo will caſt a Stone at the beſt of them, may uſe it accordingly. But it is his Way, to take all Occaſions to improve Calumny. If his Relation, here given, be attentively conſidered, it will appear, that, as in Matters of greater Moment, ſo here, one cannot gather from him any Thing of the Merits of the Cauſe, or what Shape it had, whereby to form a Judgment; but, inſtead of the Matter of Fact (as one would expect) he glances forth his falſe Colours. What Fact he is pleaſed to deal out, is only in Scraps, juſt enough to ſtick his Slanders upon, and if thoſe would ſubſiſt, (any more than Form) without Matter, we ſhould have none at all.

Improper Appeal to the Judges.

LXXV. As here again: *The Duke of* Bucks *argued with great Appearance of Reaſon, and greater Wit, — deſiring (as in ſuch Caſes is uſual) that the Judges might give their Opinions, and offered to maintain it againſt them.* His Grace had a great Mind to banter the twelve Judges. But, in Earneſt, ſhould we not conclude the Duke in the Right, when they would not accept his Challenge? The Caſe muſt needs be obviouſly clear in Law; and there's the Cauſe now, why the Author mentions this Provocation to the Judges, ſaying, *it is uſual, &c.* Now he doth not know, or knaviſhly conceals, that the Judges in Parliament have a ſtanding Declinatory upon Record, which ſerves to ſcreen them from interpoſing their Opinions in Matters of Government, ſuch as is the Being of the Parliament. In old Time, upon the like Queſtion put to them, it was anſwered, that ſuch Matters were above their Knowledge. And ever ſince it hath not been uſual (though the Author ignorantly, as I take it, affirms the contrary) to put Queſtions of State to the Judges. So what becomes of his Grace's improper Defy to them?

The moving impriſoned Lords commended.

LXXVI. But the Author ſays, *The Motion reliſhed ſo ill with the Miniſtry, that one of them moved — to the Bar.* I do not remember that the Lord *Fretchville*, that my other libellous Author ſays moved to the Bar, or *Tower*, was a Miniſter of State at that Time. But, to ſhew an Inſtance of the Author's tacking the Terms, uſed of late, to the Affairs of that Time, one of his libelling Arts, I muſt tell him, that the Word *Miniſtry* was not then in Uſe, but *Counſellors*, or *Courtiers*. For the King himſelf then took ſo much upon him, that the Miniſters had not that aggregate Title, as if the Government had been but a Party, and the Miniſters ſwayed it as they

were

were diſpoſed to favour, or to frown. But, to go on: *The Earl of* Shaftſbury *oppoſed this, and did, with Courage, and Sharpneſs of Application, ſecond and enforce the Duke of* Bucks's *Motion, and the Earl of* Saliſbury, *and Lord* Wharton *fell in boldly on the ſame Side, but the Majority* —— Alack! to be oppreſſed with Numbers, ſuch Champions, in ſuch a Cauſe, notwithſtanding theſe ſhining Colours given us here of — *Courage*, — *ſharp Application*, — *fall in boldly!* O, for a *Taſſo* or *Arioſto*, to deſcribe the Battle, which ended in an Order of the Houſe of Lords, for the ſending theſe four noble Peers, Advocates for the Diſſolution, to the *Tower*.

False Colours held forth, but the true Cauſe concealed.

LXXVII. Muſt not any one, that reads this, knowing no better, conclude, as if it were plainly expreſſed, that theſe noble Patriot Lords moved a Point of Law, clear as the Sun, on the Side of the People, againſt this Aſſembly, called a Parliament; but that they were born down by a Majority, ſwayed by a corrupt Miniſtry; and thereby a beggarly, bribed, and, what is worſe, diſſolved Parliament was kept on Foot, to do the Work of Popery, and to enſlave the Nation? All which is both falſe and wicked Libel. For, in Truth, the Parliament were as fierce, in all Points of Fears and Jealouſies, as the moſt ſuſpicious would deſire; and far enough from complying with the Court, even in, what was about that Time moſt preſſed upon them, Money; much leſs Popery and Slavery, which lie concealed under the Author's handling of this Mob-Diſſolution; for which he might have had more Colour, if all the Addreſſes, Meſſages, and Votes, were not, as they are, extant in Print. But the true Cauſe of this Inſult was, as I hinted, that the Parliament, though averſe enough to the Court, could not be drawn to Extremities, tending to pull the Crown and Monarchy Piecemeal; but hitherto maintained its Foundations with Reſolution. Methinks, a *compleat Hiſtorian* might have found this, ſo apparent and demonſtrated by what came after, and have alledged it, though couched, as only the Inſinuation of ſome People (forſooth) that he might be able, ſo far, to purge himſelf, as not concealing what all knowing People then were, and now are ſatisfied, was the Truth of the Matter.

Papiſts join.

LXXVIII. But it is moſt remarkable, even to the Degree of a Jeſt, that, if any Credit may be given to the Letters of Mr. *Coleman* (of which afterwards) the whole Popiſh Intereſt was engaged, together with theſe Patriots and their long Train, in the good Work of getting this Parliament diſſolved. The *French* were ſolicited to lend Money on that Account; and *Coleman* was ſo forward, as to have framed an Inſtrument, in the Nature of a Declaration, to be publiſhed for making known the King's Reaſons for ſo doing. And this was found among his Papers, and publiſhed with his Letters; a Peruſal of which will ſhew much of the factious Exception to the Parliament at that Time. So ſtrangely did Papiſt and Fanatic, or (as it ſtood then) the Anticourt Party, p---s in a Quill; agreeing in all Things that tended to create Troubles and Diſturbances, and ſo to endanger the legal Eſtabliſhment of Church and State in *England*. I do but

but touch the Inſtances of this wonderful Union, as they fell in my Way, deſiring they may be remembered when I come to that Matter expreſs; but here they ſufficiently confute the Author's Invention of the Papiſts hating this noble Earl. A new Edition of his Book would ſell admirably, if, inſtead of *compleat Hiſtory*, it were titled, *Lyes wrote in Water Colours.*

Three Lords diſcharged, *Shaftſbury* contends.

LXXIX. After this Commitment, the three Lords, *Bucks*, *Saliſbury*, and *Wharton*, petitioned the King, with a Recantation of this Opinion touching the Parliament's being diſſolved, and were by his Majeſty diſcharged. But *Shaftſbury*, being a Peer of more Conſtancy, did petition indeed, and more than once, but ſtill without ſuch a Recantation of this Opinion as was ſatisfactory, ſo he lay by it. Then, the Parliament being adjourned (not prorogued) his Lordſhip thought he had a fair Opportunity to trouble the Waters, and, perhaps, get his Liberty, with a *Salvo* to his *Dogma*, which he laboured hard to preſerve entire. He brought his *Habeas Corpus* retornable at the *King's-Bench*, whereupon he was brought up, and the Return was read, which was of the Order of the Houſe of Lords for his Commitment, *viz. February* 6, 1678.—"To be kept in ſafe Cuſtody, during his Ma-
"jeſty's Pleaſure, and the Pleaſure of the Houſe, for high Contempts and
"Miſdemeanors againſt the Houſe." There was a deal of arguing by the Lawyers of factious Practice one after another, to ſhew that his Lordſhip ought to be diſcharged or bailed; and they were anſwered by Mr. Attorney-General, and others of the King's Counſel, and, at length, the Court gave their Sentence, that his Lordſhip ought to be remanded, and not bailed nor diſcharged. This was done *ſeriatim* with Reaſons, which, being ſhortly expreſſed by the Lord Chief Juſtice *Rainsford*, I will give them in his Words, taken out of the Print, *viz.* "The Court hath no Juriſdiction of this Cauſe:
"And therefore the Form of the Return is not conſiderable. We ought
"not to extend our Juriſdiction beyond the due Limits: And the Actions
"of our Predeceſſors will not warrant us in ſuch an Attempt. The Conſe-
"quence would be very miſchievous, if this Court ſhould deliver a Member
"of the Houſe of Peers and Commons who is committed, for thereby the
"Buſineſs of the Parliament may be retarded. For, it may be, the Com-
"mitment was for evil Behaviour, or indecent Reflections on other Mem-
"bers, to the Diſturbance of the Affairs of the Parliament. The Commit-
"ment, in this Caſe, is not for ſafe Cuſtody, but he is in Execution of the
"Judgment given by the Lords for a Contempt. Therefore, if he ſhould
"be bailed, he would be delivered out of Execution. For a Contempt
"in *Facie Curiæ*, there is no other Judgment or Execution. Therefore
"he ought to be remanded. I give no Opinion whether it would be other-
"wiſe in caſe of a Prorogation."

Impudence of Faction: The Earl's Reach and Diſcharge.

LXXX. I need not ſtay to ſhew that Difference, for it is a common Notion in our Law, that an Adjournment is a continual Seſſion, and a Prorogation a Vacation of Parliament. Now would it not be a Jeſt, if *Weſtminſter-Hall* ſhould, ſitting the Parliament, turn out their Priſoners for Breaches of

Privilege and Contempts? Or to bail them under their Noſes? And then, to what Trial? There is nothing ſo Impudent and Senſeleſs, which that Faction, and their learned Counſel, would not urge to the Courts of Juſtice about that Time, if it was ſet up by them, and was to ſerve any Turn of theirs; of which, among many, as may in Courſe be produced, this is a clear Inſtance. It was the Caſe of a Peer, Head of a Party ripe for Clamour, elſe the Pretence had been refelled upon the Opening; but, for the Cauſe afore hinted, the Judges thought fit to give their Judgments, *ſeriatim*, after ſolemn Argument had. I gueſs the Earl had more Reach in this Buſineſs than did appear, or any, out of his Cabal, thought of. And that was to try the Temper of the Multitude that he was to work with, whether they would ſwallow nonſenſe or no. For if not, there was no Good to be done with them at preſent; and the Fire muſt be a little more exaſperated, to work them up to a Pitch. At preſent his Lordſhip made the utmoſt of his Point; I ſay his, becauſe it was not doubted but he, with his Council of Party-Leguleians, invented this Queſtion upon the Parliament, and then, what was wanting, in Law and common Senſe, was to be made good by Party. But his Lordſhip, finding that few or none came over to his Side, and he had no other Expedient for his Liberty, his great Heart condeſcended to petition, and therein to recant in due Form; and ſo, by the King's Order, he was diſcharged. And there ended this *Ignis fatuus*, which made a great Stir while it glared in our Parliamentary Horizon.

The Judges odiouſly reflected on.

LXXXI. But now Right muſt be done to the Author, who employs all his Art, ſhuffling and cutting, to bring his Peer off this Buſineſs with Honour, and to perſuade his Readers, that his Lordſhip was all along in the Right, and King, Lords, Commons, and Judges, all in the Wrong, to oppreſs his Lordſhip after this Manner, as they did. We have not forgot what Perſecutions depended on the Anger of the Papiſts. This is a Beginning, for he was kept Priſoner, although by Law he ought to have been bailed. And why? The Author ſays *the Earl ſpoke himſelf, with great Reaſon and Eloquence, for the Liberty of the Subject and his own Diſcharge, Yet*— Note here the Liberty of the Subject is brought in Neck and Heels, as they ſay, that the Earl might be popular, ſtanding up for the Rights of the People; although in all that which his Lordſhip ſaid at the Hearing, there is nothing at all by him argued of the ſubject Matter; ſo far from being an Advocate at large for the Liberty of the People, as here is counterfeited. But mark the Emphaſis of that *Yet—the Judges denied him Redreſs.* Doth not this ſay plainly the Judges did him wrong; nay more, delivered up the Liberty of the People, for which his Lordſhip ſpoke ſo eloquently? Redreſs and Wrong are Relatives, and imply each other; the former is ever due becauſe it ſupporteth the latter. Why could not the Author have ſaid what was true, *viz.* that the Judges, upon full Hearing, were of Opinion that his Lordſhip could not, in that Caſe, be bailed by Law; with the ſhort Reaſon, that the Cauſe was out of their Juriſdiction? Or why did not he

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make

make Uſe of the * Print to extract a ſhort State from? He had it before him, or elſe he was poorly furniſhed with Materials for a *compleat Hiſtory*. But, with ſignal Fraud, firſt he commends the Earl's Speech, without a Word of the Matter, and then, *Yet, &c.* Now, to ſhew he had the Print by him, and that he has wilfully ſuppreſſed the Truth here; obſerve the Title Page of the Book, and you will find this expreſſed, *viz.* "—— With "a Speech of the worthy Earl, pleading his own Cauſe, and the Liberty of "the Subject." This very *pathetic Sentence* the Author has ſtole, and put in his Book here, as I ſet them down before; which do vary only a little in the Order of the Words, but are the ſame Conceit and Senſe exactly; that it might be moving in his *Hiſtory*, as it was in the Pamphlet's Title Page, coined for the ſelling Deſign of the Hawkers.

LXXXII. But, after all, were not the Judges corrupt? For the Print, which the Earl himſelf put out, ſays "Juſtice *Twiſden* was abſent, but he "deſired Juſtice *Jones* to declare, that his Opinion was, that the Party "ought to be remanded." Now nothing is more uſual than this Courſe, in Caſe of an abſent Judge, when the Opinion is ſolemnly given; for the public Satisfaction therein is greater. But, ſays the Author, *One of them declaring, before the Cauſe was heard, that the Court could not help him.* If he had declared otherwiſe, he had been an *Ignoramus*. But, obſerve the Inſinuation. I know not whether his Mother Wit helps him, or ſome extraordinary Inſpiration; but, it is certain, the Scandal here is notably couched: For is it not ſtrange a Judge ſhould give his Sentence before he heard the Cauſe? The Papiſts had great Power over him, to procure this prepoſterous Judgment! Now, to ſolve the Riddle of this, we muſt note a Difference between a Trial, and a Caſe upon Record. None can declare of the one antecedently, becauſe none can ſay what may, or may not, be made the Caſe, or Fact, when proved. But the other is fixed, and cannot be diverſified, and may be ſo plain (as it was here) that it ſhall be ridiculous to pretend to argue it. And, in Matters ſo prefixed, it is common Practice for Judges to conſult one another, or put the Caſe at their Hall Table, and then declare in public, that their Brothers, upon putting the Caſe, were of that Opinion. I am not ſure the Author thought right, but, it is plain, his Malice lopes at a Venture, and his Ignorance is no Check to it, and it is a ſorry Thing, for his Sake, to make ſuch trite Diſtinctions as theſe. But I have no Hopes he will walk ſteddy, if any Thing of Law comes in his Way; as here, he will have another Fling at this Judge *Twiſden.* —— *And, being abſent when it came to an Hearing, he deputed Judge* Jones *to ſpeak for him, that the Court ſhould be unanimous.* And, ſo, the Confederacy of the Judges was fortified in giving a wrong Judgment, or, as the Author has it, *Denial of Redreſs*. How cleverly was it patched up by the ſeeming Unanimity? Good lack, that the Judge ſhould be ſo con-

The Opinion of one abſent abuſed.

* *The Earl of* Shaftſbury's *Caſe*, 1679.

cerned! If this be not Popiſh hunting a Peer to *Diſgrace and Ruin*, what is ſo? But, I gueſs, the Reputation of that excellent Judge will remain candid in *Weſtminſter Hall*; and the Sentences of the Law, as diverſe will, I gueſs, be derived from under him, will illuſtrate his Learning and Juſtice, againſt the wicked Endeavours, and ſlanderous Pen, of this foul Writer to the contrary.

The King abuſed, and the Reaſon for being thus particular.

LXXXIII. But, obſerve again, he has a Fling at the King, who, in theſe mere Parliamentary Forms, is far enough, as one would think, from him. After he had told us that his Lordſhip's Petition, not coming up to the Terms required, was rejected, he adds, *When, finding it in vain to apply longer to his Majeſty, he had Recourſe to the King's Bench.* What a Phiz of a Scandal is here upon the King, as if the Earl had done all that was poſſible, by Way of Application, *&c.* but in vain? O tyrannous King! But the Author forgot the Reaſon, which was the not retracting in due Form; that is, his Petitions were peremptory and ſaucy. The Author cannot ſay he petitioned, as the other Lords did. If he had, it is well known, he had been, as they were, diſcharged. But the King muſt be made a Monſter and Tyrant, at the Coſt, not only of Truth, but common Senſe; and no Wonder: Since the Author's Papiſts had ſingled out his Lordſhip to be perſecuted extraordinarily, all Things muſt conform. I cannot but reflect that ſo much, as is ſaid here, to denude the falſe Malice of theſe Reflections, may be thought ſuperfluous, where it is ſo manifeſt; but I conſidered that many of his Readers, for Want of ſome Knowledge, or little thinking, though indifferent in the Main, may be carried along with the Stream of his Writing, rather than take any Pains to ſtem it; much more thoſe, that are factious, and ſurrendered to his Bias, and ever willing to lick up his Libel: I ſay, Multitudes of this Sort may be ſnared in his Innuendo's, and, not weighing the Rule, *omnia præſumunt ſolenniter eſſe acta*, and conclude the whole Syſtem of the National Authority, and Powers, all corrupted, in Prejudice of this noble Peer. I muſt confeſs that, having a Reverence for ſo much as is called the Law, and the Miniſtrators of it in that Time, I thought it reaſonable to bid Defiance to this bold Traducer, and, turning him round, ſhew his Canvas Back. One that undertakes to calumniate Judges in Authority, and ſworn, ought to bring, not only Matter wherein, but, Proof, when, how, and by whom corrupted, and then his *Yet* and other falſe Tropes might have been ſpared. But no Doit of that appears from him; but the Eloquence of the Peer is Law, that is enough. I think, I may, without Injury to any Age, affirm, that, in no Time ſince *William the Conqueror*, have the Laws been executed, in all the Courts of Royal Juriſdiction, with more Juſtice, Decorum, and Impartiality, than in the Reign of King *Charles* II. eſpecially about that Time, and before the Nation came to be heated and diſordered with Plots, when firſt the Faction broke in and made thoſe Diſorders; wherewith I ſhall have enough to do afterwards. But, as I ſaid, all muſt give Way to Demonſtration

that this noble Peer became a Martyr, under a Popiſh Tribunal, for the Sake whereof the Law itſelf muſt ſtrike Sail to Libel.

The Houſe of Lords alſo abuſed.

LXXXIV. I thought truly that I had done with this Buſineſs, but, going on, I found another Flap for the Houſe of Peers. The Author lets no Paſſage, however trivial, eſcape, if it may improve Calumny; and, commonly, his Choice in taking up, or letting go, is wholly regulated by that Meaſure. One *Aaron Smith*, a furious Party Man, of whom we ſhall hear much afterwards, a deſperate Talker, and very bold, had often affirmed, and moſt impudently, in public, that the Parliament was really, and legally diſſolved. Upon Complaint to the Houſe, he was ordered to be taken up, or (abſconding) to be put in Proclamation. I think, this is Hiſtory enough for ſuch a Paſſage; but we have the Order ſet down at large, and then, this pious and reſpectful Gloſs; *That it was to reſtrain, and terrify People from any ſuch Freedoms of Diſcourſe.* Obſerve the Squint here, and judge if the Author deſerves not to be taken up, as well as *Aaron*. Had the Houſe of Peers any Occaſion to make tyrannous Orders to reſtrain Mens Talk, as if they had done Ill? Might not they puniſh an open Offender? But he thinks that any Thing, joined with the Word *Freedom*, will paſs; which Word, of all thoſe made up out of the twenty-four Letters, is, in common Notion, moſt abuſed; for it commonly paſſes in Mens Fancies, without any Diſtinction at all. For, if it means an abſolute Freedom, no Man in the World hath, or can have, a Title to it; for Freedom is confined only to indifferent Matters, where Laws and juſt Authority doth not interpoſe. But none is free to commit Crimes, and reviling, or even depreciating the Authority of ordinary Magiſtrates in the Nation, much more the Houſes of Parliament, is ſuch. And the Author's leud Freedom, in making this Reflection upon the Order of the Houſe of Peers againſt a Malefactor, is a Crime, whether he ever be called to anſwer it, or no. P.

The dangerous Experiment of changing the Council.

LXXXV. Our next Step is into the Midſt of *Oats*'s Plot, a Myſtery I intend to expoſe the Author upon afterwards. At preſent, I have to obſerve only, that the King was ſo beſieged with its Influences, and held to continual Streſs of Behaviour, that, hoping to gain a little Remiſſion, or Pauſe from Importunity, in order to look about him, and to be a little better informed of his Enemies Lengths, as alſo, to try if any Thing would retund the Efficacy of that miſhapen Engine of Miſchief, which alarmed him without ceaſing: In 1679, he ventured upon a moſt dangerous Experiment; which was, the diſſolving his Privy Council, and appointing a new one. And, in that, he took in the Earl of *Shaftſbury*, in the Place of Lord Preſident, and diverſe others of the prime Leaders of Faction. And, becauſe there were certain Pairs amongſt them, as two Commoners, *&c.* Folks ſaid they went into the Council, as Beaſts went into the Ark. In ſhort, there was a Mixture of inveterate Enemies, with ſome ſure Friends. That this Change, being made for Reaſons hinted, and during the Rage of the Plot,

was not impolitic, nor really to be condemned, I ſhall endeavour to diſcloſe, when I come to ſhew what that Plot meant. But here we take it by the Out-ſide, and upon the ſame Foot as the Author, who ſays it was a Change the King might value himſelf upon (he will allow him nothing elſe of that Character, and ſpares him this only, becauſe he underſtands, if the Deſign had ſucceeded, according to Expectation, it would have been a great Step to his Majeſty's Ruin;) and farther he ſays, *It was ſo grateful to both Houſes, and to all his faithful Subjects*; — there we differ. If he had ſaid to a Party only in both Houſes, we had been together. But I will not allow him, that even the Majority of the Members, at that Time (rightly informed) would have thought well of it. But, as for his Majeſty's faithful Subjects in general, and their being gratified, I am ſure he ſays falſe. And, for the Action itſelf, not only his faithful Subjects, but all conſidering Perſons thought that the King had rather Cauſe to be aſhamed, as of the weakeſt Thing he ever did in all his Life. It looked to them, as if he was, like a Ship at high Water, upon the Turn, to ſurrender himſelf into the Hands of his Enemies, to be buffetted to and fro by them; the very Miſtake his Royal Father fell under. They ſuppoſed he was betrayed by the ſubtile and treacherous Promiſes of them, whoſe Study, Day and Night, it was to deſtroy him. As when their Predeceſſors told King *Charles* I. they would make him a glorious King; and ſo they did indeed, whatever they meant. Now it was believed, that the Faction, being ſatisfied the Work could not be done by their own Efficacy, by Promiſes of making all Matters eaſy and pleaſant, had prevailed upon the King to do it for them himſelf; and all upon Terms of truſting them, whoſe Juſtice, Fidelity, and good Nature, his Majeſty's own Father had proved.

The Loyaliſts almoſt deſpair.

LXXXVI. Theſe were the Thoughts of thoſe faithful Subjects (not of the Author's Stamp, but) really ſuch, who, being ſtunn'd with a Change of this Nature, were melancholy to the laſt Degree. They could not foreſee where, or at what, the King would, or (if willing) could make a Stand; but now concluded, that, having begun, he muſt go on yielding every Thing to his Enemies; each Conceſſion rendering him leſs able to reſiſt the next Demand, till he was denuded of all his Prerogative and Power, as the Militia, Juſtices, Lieutenancy, Navy, *&c.* And then, as the Party Men moſt ſcandalouſly gave out, to take up with a Miſtreſs or two to paſs his Time (having no Buſineſs) as they ſuppoſed his Humour ſerved beſt to be kept quiet. The Loyaliſts knew not whoſe Fortune it would be to be firſt mortified. But all, who had been actively ſuch, expected their Turns. They had nothing to do, but to ſtand ſilent and ſtill, expecting the Event. And, in a Word, the Diſcouragement was ſo great, that it was a Wonder his Majeſty's Friends did not fall from him, or that any were left to ſtand the Brunt in his Intereſts. So apt are People, in this wicked

World,

World, in dangerous Caſes, to make timely Proviſion for themſelves, not caring what becomes of the reſt.

LXXXVII. But a little Time and Obſervation diſſipated theſe Clouds, ſhewing that, in this Change, the King did not yield out of Weakneſs, but, what he did, was upon a politic View. And, whereas the Faction intended to make a Property of him, he made ſure Work in ſerving his own Turn upon them; but not without immenſe Hazards, as the Nature of the Thing ſhews. And, accordingly, by this very remarkable State Art, his Majeſty, at Length, *poſt varios caſus*, gained his End; which was, an Eſtabliſhment of his Intereſt with his People, which the Faction primarily and chiefly laboured to deſtroy; and, at the ſame Time, Diſcredit and Confuſion to the Faction, as the Sequel of Affairs, in the ſhort Remainder of his Reign, have ſhewed, and theſe Papers, I hope, will demonſtrate. But ſoon found all well.

LXXXVIII. In this Manner, it ſoon appeared that the King himſelf, though imbarked in a tottering Veſſel, was ſteddy enough. He carried himſelf reſerved and ſwimming, and by no Means would quit the Helm. He held a watchful Eye over his fine new Company, leſt, by ſome Surpriſe, Chains might be put over him and his Authority, as the Party firmly purpoſed, and now verily thought they ſhould compaſs. They opened their Campaign, by turning out, of all Commiſſions and Truſts, the King's known Friends, that were called the Church and Loyal Party; which was to be done under Pretence of reforming the Commiſſions of the Peace and Lieutenancy, ſo as none but known Proteſtants be left therein; which they ſaid muſt be done to ſatisfy the People. The groſs Aim of this was to put out of Credit and Authority all the Loyal Gentlemen and Citiſens, and to put rank Party-Men into their Rooms; which would have a rare Influence upon Parliamentary Elections all over *England*: And the like was to have been as to other Commiſſions of Truſt, and Profit, and Places at Court, and even about the King's Perſon. Diverſe of the Council appeared againſt theſe Doings, ſaying it was utterly inconſiſtent with the King's Service, to diſplace Men without ſome Misbehaviour on their Parts. And then the Lord *Sunderland*, who, upon the Regulation, came in as Secretary, in his Court Tune (for which he was very particular, and, in ſpeaking, had made it almoſt a Faſhion to diſtend the vocal Letters) *Whaat*, ſaid he, *if his Maajeſty taarn out faarty of us, may not he have faarty athors to ſaarve him as well? and whaat maatters who ſaarves his Maajeſty, ſo lang as his Maajeſty is ſaarved?* Such Reaſoning *ſaarved*, for Want of better. Deſign to garble all Commiſſions.

LXXXIX. But, in good Earneſt, the Rolls of the Juſtices were ordered to be laid before the Council, in order to be reformed. And (as ſome preſent related) it was pleaſant to ſee with how much Wit and good Humour, the King ordered Affairs, to diſappoint theſe Reformers. He would not ſuffer the Roll, that was begun with, to be out of his own Hand, but pretended The ſame wittily baffled.

tended to mark the Alterations upon it himſelf. Then, as many of the Council moved for Alterations upon the Account of good or bad Men (Terms of Art, which, for Brevity, they uſed to ſignify ſuch as the Party liked, or would have put out, or not) if the King was content a Man ſhould out, he made a Mark at his Name; but, if he would not part with him, he found ſome jocular Reaſon to let him ſtand; as that he was a good Cocker, underſtood Hunting, kept a good Houſe, had good Chines of Beef, kept good Fox Hounds, or ſome ſuch indifferent Matter, which it was ridiculous to contradict or diſpute upon. And, in this Manner, he fruſtrated all their Intent, as to Removes, and, by croſſing and puzzling the Work, made a plain Demonſtration to his factious Counſellors, that they ſhould not have their Will of him in what they intended, *viz.* to daſh the beſt Friends he had, all over *England*, in the Face with ſuch Affronts.

The factious Counſellors deſert.

XC. In ſhort, finding they could not prevail, they let the Buſineſs drop; and I do not know that any one Roll was, in this Manner, thoroughly peruſed. This, and other Preſumptions of the King, in giving the Rule of his own Affairs deciſively, malgre all they could ſay to the contrary, made the Party quite weary of the Council. For, ſaid they, we do but ſcreen him, and credit his Affairs, by being here; we gain no Points conſiderable. What ſhould we ſtay for? And, accordingly, upon Occaſion taken, ſome asking Leave to withdraw, and others abſenting, and the Earl of *Shaftſbury* by a direct Diſcharge, the Council was cleared of them. By which it was manifeſt that the whole Party prevaricated, when, in numerous Speeches, they pretended that all Grievances were for Want of good Counſellors, and that, if Perſons were in the Council, that were not of arbitrary Principles, or Popiſhly affected, all would be well. For ſuch would inform his Majeſty truly what was for his Service, and warn him of his People's Rights, and againſt Popery. They doubted not but the King would hearken to good Counſel, if there were any Perſons near him, that would adviſe him. This was the popular Cant in Place there. *Very well; be it ſo*, ſaid the King, *come, be Counſellors yourſelves, and offer what you think fit, by Way of Advice, in Council.* One would think this had been a fair Step towards ſatisfying them. No, that would not do; their Counſel muſt not only be given, but taken. It was not Counſelling, but Ruling, they came for. If they could not (in the *Lingua* of our *Eaſt Angles*) have t'one, they would have none of t'other. They did not conſider it as a Duty to adviſe the King, whenever called to it, or commanded; and that the Determination was the King's, not their's, who ought not, for that Cauſe, to have deſerted. But this, and worſe, was agreeable enough to the Duty which the Faction, in thoſe Times, paid to their Sovereign.

Scotland in good Order by the Conduct of *Lauderdale.*

XCI. It may not be amiſs to touch ſome other Inſtances of Offence, taken by theſe Gentlemen, that provoked them to withdraw their Advice; which may introduce ſome Matters, fit to be taken Notice of in Hiſtory, and alſo ſhew the Author's Partiality and Suppreſſions of Truth:

For

For all, that is not pliable to Faction, but any Way favours the King, is by him whipt out of the Way. And I chooſe to inſert them here, becauſe the Noble Earl of *Shaftſbury*, whoſe Character and Actions have denominated this Chapter, was either openly, or underhand, concerned in the Direction or Conſequences of them, whether terminating in the State of the Publick, or his own particular Safety. The firſt Paſſage, that I ſhall mention, happened upon the Field-conventicling Rebellion in *Scotland*. It is well known that, by the prudent Conduct of the Duke of *Lauderdale*, *Scotland* was in a Poſture, not only of Safety, but (if needed) of giving Aſſiſtance to the King. A Law being paſt there, while he was Commiſſioner, for ſettling a Militia, in which was a Clauſe that obliged them, with about Twenty thouſand Men, to march where the King's Safety or Honour required. This was quite counter to the brotherly Aſſiſtance in —41. For, inſtead of beginning a Rebellion from thence, they were obliged to ſuppreſs whoever began it. Which reverſe Proceſs very much diſturbed our Faction, as appears in all the public Inſtances, touching the Duke of *Lauderdale*. For there were heavy Complaints againſt him, for that Matter, as for having got a ſtanding Army eſtabliſhed by a Law. And all poſſible Endeavours were uſed to get him removed, and diverſe Charges upon him, of arbitrary Speeches and Deſigns, were alledged; but, in ſhort, he was an inexpugnable Loyalliſt, and kept the Door of *Scotland* cloſe ſhut: No Harm could get in or out there whilſt he was Commiſſioner; which, in the Senſe of the Earl of *Shaftſbury*, and of the Party the Author has put under his Direction, was the worſt of Offences; and they had Reaſon, as the Sequel will ſhow. And the ſame Reaſons wrought as ſtrong on the King's Side, who never could be prevailed with to part with his Commiſſioner. In the mean Time, all the Party foul Mouths vented the utmoſt Obloquy, that could be invented againſt him, as if he had been the baſeſt of Men; which yet, though derived upon factious Confederacy, is a Blemiſh upon his Memory; and the modern Time-ſerving Hiſtorians chime in with it, though moſt injurious to the Character and Honour of the beſt and wiſeſt Stateſman that ever *England* had. —— *Aliquid hærebit.*

XCII. When the News came of the Murther of the Biſhop of *St. Andrew's*, and a dangerous Rebellion of the Field-Conventiclers broke out in *Scotland*; ſolemn Conſideration thereupon, and alſo of the Methods fit to be taken for the Suppreſſion of it, was had by the King in Council. The Lord *Ruſſel*, one of the Commoners that came in upon the Reform, took occaſion to ſtand up and begin a Speech, ſaying he was ſo far from wondering that this Trouble happened now, that he rather wondered it did not happen long ago, ſince his Majeſty had thought fit to retain Incendiaries near his Perſon, and in his very Council. —— As he was going on, the Duke of *Lauderdale*, ſuppoſing he intended to urge to the King the Matter of the Parliamentary Addreſſes againſt him, ſtood up, and ſaid that he did not know but this Debate might terminate in him; therefore, if his Majeſty pleaſed, he would withdraw. *No, no*; ſaid the King; moving only his

Umbrages taken to leave the Council, *viz.* the Caſes of *Lauderdale* and *Scroggs*.

his Hand, *ſit down, my Lord; this is not a Place for Addreſſes.* The Suddenneſs and Wit of this Check caſt ſuch a Damp upon the Deſign, as it went no farther. It was not long after this, that *Oats* and *Bedlow* (of whom I ſay no more here) were heard upon Articles againſt the Lord Chief Juſtice *Scroggs*, before the King in Council; and, for Failure of Proof, the Lord Chief Juſtice was diſmiſſed, and left to take his Remedy at Law. Upon this Occaſion, as if Criminals had their Protection there, and good Plot Evidence did not prevail; the Lord *Ruſſel*, and, I think, his Fellow Commoner, Mr. *Henry Powell*, and ſome others, deſired his Majeſty's Leave to abſent themſelves from the Council, and the King anſwered immediately, *Ay, ay, with all my Heart.* That Paſſage declared, that all Hopes of the Good, intended to flow out of this reformed Council, were fruſtrate.

The Matter of the conventicling Rebellion in *Scotland* diſcourſed.

XCIII. I think it reaſonable now to purſue the Relation of what happened upon that conventicling Rebellion, till, by the Rout at *Bothwell Bridge*, it was determined. The Government of *Scotland*, not truſting entirely to their own Forces, had ſent to the King for Aſſiſtance, and that ſome of his regular Troops might be ſent down, to act in Conjunction. All which was thought fit, and ſo ordered, and the Duke of *Monmouth* was appointed to command the whole Force againſt the Rebels; and the Lord *Grey* of *Wark*, who had a great Eſtate upon the Borders, was to command the Horſe. This Diſpoſition in the Council ſavoured a little of the Reform. And it was reaſonable to wonder, that ſo great a Truſt ſhould be repoſed in Perſons that, every one thought, were deep in Intrigue with the whole rebellious Faction in both Kingdoms. But nothing is ſtrange, after we have reflected on what followed, which was a Queſtion of Law, raiſed by the Party-Men, and ventilated about, that this March was unlawful, being againſt the Pacification Treaty made in the Reign of King *James* I. where it is articled, "That neither Kingdom ſhall hoſtilely in-"vade the other;" and theſe Forces (ſaid they) going into, are Invaders of *Scotland*. Abundance of the ſeeming careful Party ſhaked their Heads, ſaying they could not tell; there might be a great Deal in it. But, at Length, the Attorney General, and thoſe of the Council, that were of the Profeſſion of the Law, being poſitive there was no Colour for the Scruple, it was laid aſide. And how ridiculous was it, not only in Law, but in common Senſe, to ſay Forces, come in Aid of a Nation againſt Rebels, and at their own Deſire, could be conſtrued an hoſtile Invaſion? But it is Matter of Fact, that, upon Pretence of this Scruple, the Lord *Grey* of *Wark* laid down his Commiſſion, and refuſed to go; whether really for this Cauſe, or other private Reaſons reſpecting the Duke of *Monmouth* (whom, for domeſtic Cauſes, he hated) did not appear. But afterwards, in the Reign of King *James* II. when the Duke came from *Holland*, the Lord *Grey* of *Wark* ſerved in the ſame Command under him; and whether at the Battle of *Sedgmore*, he did not more regard Revenge to his private Wrongs, than the Succeſs of that Enterpriſe, is as dark as the other. But this

this vain Scruple shews clearly the Impudence of the Faction at that Time, that would insist, in the Face of the Government, upon arrant Nonsense, as I shall have like Occasion to observe in diverse other Instances. And it argues also a Concern of theirs for the Rebels; why else should they, by foolish Cavils, endeavour to stay the Forces going in Aid to suppress them? But I shall elucidate that Matter against our Author, who, to cover his Presbyterian Party here, says that the wicked Murder of the Archbishop of *St. Andrews*, and Insurrection, was of the *Rigid Presbyterians*; as if the *Non-rigids*, there and here, had no Hand in it, or were not as very Presbyterians as they. The Author should have termed them the *Enfans perdus*, or *Forlorn Hope of the Presbyterians*, to make the Onset, while the main Body prepared to come on.

Management of the fighting Orders suppressed the Rebellion.

XCIV. I said the Employment of the Duke of *Monmouth*, as General, in this Expedition, was a great Trust; and, according to the Tendency of that Time, and as most People feared, a Means (possibly) to have ruined the King. And, if he had gone with a Latitude of Power, to fight, or treat, as he thought fit, which was to have been Part of his Commission, it had been easy, upon Pretence of treating, to have colluded with the Enemy, and so kept the War on Foot, till perhaps it had been seconded from *England*, and then he had had a notable Game to have play'd for himself. And it was not without some such View, that, as his Orders were first settled in Council, he would have had that Scope to have made Use of as he pleased, or as his Advisers should have prompted. Diverse of the good-natured (if not fearful) Persons at the Board, approved of such a Trust in the General; for why, said they, should so much Blood, and of those deluded Miserables, be spilt, if they are willing to lay down their Arms on fit Terms? Very few, if any, spoke to the contrary, and the Duke of *Lauderdale*, whose chief Care it was, said not one Word; and so the Orders were taken to be fixed, and the Party Advices to Friends abroad went forth accordingly. When the King rose from Council, the Duke of *Lauderdale* followed him into the Bedchamber, where, having him alone, he asked his Majesty, if he intended to follow his Father? Why, said the King? Because, Sir, said the Duke, you have given that General Orders to treat; the Consequence of which is encouraging and enlarging the Rebellion in *Scotland*, and raising another, by Concert, in *England*, and then you are lost. Therefore, if you do not change your Orders, and send them positive to fight, and not to treat, the Mischiefs, that befell your Father in like Case, will overtake you. Why did you not, said the King, urge this in Council? The Duke answered suddenly, *Were not your Enemies in the Room?* This touched the King so sensibly, that, getting the better of his Propensity to favour, and (under that Notion to) trust the Duke of *Monmouth*, he caused the Orders to be altered, and made as the Lord Commissioner advised; and, withal, adding this Instruction, that the Orders were not to be opened, but at a Council

of War, and in Sight of the Enemy; and this was done so privately, that none of the Faction so much as smelt it out. And the Event sufficiently applauded this Counsel. For the Rebels at *Bothwell*, expecting a Treaty, found a Charge, which so confounded them, that, without striking a Blow, they all broke, and were routed. Some may ask, how I came to know all this? I can answer very lawfully, which I think sufficient. But, to shew that the Fact, on the *Scots* Side, by an exact Conformity, verifies it, I will subjoin an * Account of one present at the Action, as far as is pertinent, which was published near the Time.

Rebels expect a Treaty.

XCV. "*June* 22 1679. the Duke (of *Monmouth*) drew up his Forces "at *Bothwell Bridge*, which the Rebels, lying on the other Side, had "barricaded. Here a Paper is brought to the Lord General, by one of the "Rebels, representing, —— that they would lay down their Arms upon "no other Terms than those expressed in their Declarations; to which his "Grace answered, *viz.* That those were destructive to the King's Autho-"rity, and contrary to the fundamental Laws, and Constitution of the "Kingdom: And that they were to expect no other Articles from him, but "to lay down their Arms, and render themselves to the King's Mercy. "With this Answer they returned, desiring some Time to consider, which "his Grace granted them. About Half an Hour after, the Rebels sent a "Paper, by a Drummer, representing, —— that they were informed his "Grace came from *England* with Terms to be offered to them; that they "desired to know what he had to propose, that they might advise, whe-"ther the Terms were such as they could accept, or not. — Upon which "his Grace sent them Word, — that their Answer did not satisfy him; "and that, since they trifled, he would receive no more Messages from "them."

The Author disguises this Matter.

XCVI. After this followed the Attack upon the Bridge, and the Rout, of which this Book (cited in the Margin) gives a particular Account; and I may mention more of the Circumstances afterwards, but, at present, I have to do only with the Matter of a Treaty (which the Rebels expected) and not with the Sharps, which, to their great Surprise and Confusion, fell upon them. It appears plainly they had Intelligence from Friends at *London*, who, being led by the open Determination in Council, and ignorant of the Change of the Orders in private, gave them false Measures. All which considered, shews the vast Consequence of faithful Counsel in dangerous Emergencies of State. And this, of the Lord Commissioner, was most seasonable, as well as wise, both in the Nature of the Thing, and in the Manner of conducting it; and it fell out in a Conjuncture so vertical, that, without it, both Nations might have plunged into a mischievous Condition of Civil War, which that Action at *Bothwell* happily prevented. But now, that we may not forget our Author, as we go along, let us ob-

* Loyalty's severe Summons to the Bar of Conscience, 1684.

ſerve how little, or rather nothing, is touched by him, of this momentous Incident. He ſays the *Rigid Preſbyterians* took Arms, killed an Archbiſhop, ſeiſed *Glaſcow*, and were routed, by the Duke of *Monmouth*, at *Bothwell Bridge*; there's all. *Almanack Hiſtory* exactly. I ſhall add a larger View, both of this Author's *Falſity* and of his *Conceaiment* about this Matter, before I have done. But, in the mean Time, let me note, that it is his Way, when he doth not like a Buſineſs, to give out either nothing of it, or ſo little, and that in the Dark, or diſguiſed, that Nobody can be the wiſer. I can frame no other Notion of his Book, in the general, but that it is the Reverſe of good Hiſtory, perpetual Libel, compound of ſome Truths, with falſe Colours daubed over them, and then thruſt, out of Place, into Corners and Creviſes among Rubbiſh; many Paſſages merely trivial, and of no Conſequence, but for Vehicle of Slander. All the reſt, (ſetting aſide Papers, Speeches, Addreſſes, and Tranſcripts of Libels, which make up ſix Sevenths of his Book) as may be accounted properly his own, no better than *Almanack Stuff*, and *Grubſtreet Tales*. And ſo I proceed to farther Demonſtration.

XCVII. And, reſuming the Thread, we return to our noble Lord Preſident of the Council. The Danger to the King, from the letting him continue in that Place, as caſting a vaſt Diſcouragement and Damp upon the Spirits of the Loyal Party (not only thoſe that were near, or about him, which he muſt needs take Notice of, but others all over *England*, whereof he had Accounts given him) ſtared ſo broad in his Face, that he found it neceſſary forthwith to diſplace him. His Lordſhip knew well of what Importance it was to the ſuſtaining Faction, and ſuppreſſing the Loyaliſts in the Country, who ſneaked, and their Enemies inſulted, while he ſat pirking there; beſides the Opportunity he had of Intelligence, and interpoſing his Amuſements, as he found Opportunity, for ſerving his Ends. Nay, being a jocular Man, muſt needs make himſelf, and his Friends, very merry at the Conceit of his being at the upper End of a Board which they were at Work to undermine. But having the King's Diſcharge from farther Attendance at the Council, the Author thinks it but juſt, on that Occaſion, to give him the Unction of his Pen, ſaying, *He had been now an hearty Oppoſer of Popery, and of the Duke's Succeſſion, and though he had been once in the moſt arbitrary Meaſures of the Court*, ——— Here obſerve how this noble Earl's Zeal, for Religion and Juſtice begins to gather near to the Intereſt of Government, that is, the Succeſſion to the Crown, or, under that Notion, to the whole Authority and Wealth of this Kingdom.

The Earl diſpleaſed with the Author's Sage Note.

XCVIII. O, that is a *Santa Coſa*, and will conjure up a World of Zeal; a proper Subject for *Matchiavellian* Workings. Such Views in the Public, are like Poiſon in Wounds, that hinder all Plaiſters from healing. It is hard for the poor common People, who, in theſe Affairs, are made both Agents and Patients. The Endeavour is to inſpirit them, and make them

The Cancre of this Time, was Ambition, with Avarice.

(favouring the Ambition of they know not who) to work, like *Gens Endiablees*, for bringing about Changes, under which, whoever gets, they are ſure to be Sufferers. But it was certain, at this Time, the Caſe of the Duke's Succeſſion was ſo propitious to the Aims of Faction, that it is rather a Wonder they did not ſtraight overturn the Government, than that they carried Matters ſo high, in Oppoſition to it, as they did. I ſhall but touch here (reſerving the Enlargements to another Place) that, after the happy Reſtauration, little or no Impreſſion could be made upon the People to the Prejudice of the Crown. Then, ſome falſe Steps (ſhewed before) gave an Handle to talk of Popery, then of Property, at laſt this unhappy Circumſtance, of the Duke being a Papiſt, burnt in the Jealouſy ſo deep, as gave the Faction that prodigious Advantage; for they exaggerated the Matter with Plots and Diſcoveries, but yet could not come fairly at the King. They hoped, through his Brother, to ſmite him; the former lay unguarded; and if they could carry a Law, for the Change of the Succeſſion, in the Life both of the King and his Brother, then it was plain nothing could ſecure the future Change, but Poſſeſſion of the preſent Power; who could gainſay that? How then did the King himſelf lie expoſed? This was the Nail they hoped to drive, and, accordingly, they laid on upon it, as may be ſeen in the printed Memorials of the Public at that Time, Now all the riddling Myſteries of theſe importune, outragious and irreconcileable Proceedings, of the Earl and his Followers, eaſily reſolve upon only ſhewing that the Power and Wealth of a Crown was at Stake; and ambitious Avarice, never ſatisfied with any Right or Reaſon, though never ſo plain, at Hand, and ready to faſten upon it. The blind Majority of Mankind think this Trade furniſheth Sport, News, and the Joys of ſeeing high Things fall, and ſo they hurry, hurry on. But unlucky Experience makes it plain, that, when a Set of Men ſhall ſweat ſo hard in Party-driving, pretending to repair the Public, it is to be underſtood in the double Entendre, *All for their Geuds.*

False Account of the Earl's Reaſons.

XCIX. Now here we have entered the Earl in Zeal, for Change of the Succeſſion to the Crown, only to make Room; that's all, and ſufficeth at preſent. The Author proceeds with a moſt ſcandalous and falſe Diſguiſe of his future Proceedings, viz.—*Yet now, either to make Atonement, or to ſhew his Reſentment, he was the greateſt Patron of the eſtabliſhed Religion and Laws.* And rarely, no doubt, by ſetting up and heading Diſſenters and lawleſs Fanatics. He doth not, ſure, take us to be ſo ſilly to ſwallow this Flam? His Lordſhip was no unaccountable Humouriſt, either for Atonement or Reſentment, but, as a long-headed Politician, for weighty Intereſts, to concern himſelf as he did. But the Author here would have us take him for a young Peer, newly come to Town, whom crafty People had fired with ſome Diſguſts, or elſe that, having over-ſhot himſelf one Way, flew from one Extreme to another. Thus apparently, and wilfully falſe is this Account or Rationale of his Lordſhip's Proceeding. The

Author

Author gives us two Reaſons, and neither juſt, but, dealing in Disjunctives, it ſeems kind, of two Falſities, to give the Reader an Option which to take. There is ſome Difference, indeed; for to atone for Evil, by becoming Good, is great, but, when done for Reſentment, that is out of Spite, it is not ſo well. Though, perhaps, in a Peer, becauſe Perſons of Honour ſtand much upon their Points, the Author may take it for very good Morality.

An Incendiary Speech of the Earl diſguiſed.

C. We do but trifle all this while; the Author hath a deſperate Reach in this Paſſage. He is to ſhuffle out of the Way a certain famous, or (to uſe his own Words elſewhere) *abominable Speech*, which his Lordſhip made, at a critical Time, in the Houſe of Lords, and was intended, as an Ammunition Match-lighted, to fire a Train to a Rebellion. And the Author, inſtead of that diſmal Intent, deſigning to make it look only as a Piece of Gaiety, or Sport of Wit, here, moſt like a Juglar, to deceive the Eye, juſt takes it up, gives it a turn, and then whips it into his Budget; ſo as you may admire, but not diſcern, the Nature and Contrivance of it. And, if ever there was ſuch a Juggle of an Hiſtorian, as I am ſhewing upon this Occaſion, I will, to his Compleat, underwrite *Probatum*. He ſays his Lordſhip *made a famous Speech, wherein were theſe odd and notable Things*. Then follows, out of the *Canticles*, *We have a little Siſter, and ſhe hath no Breaſts*; then *we had other little Siſters as lean*. Theſe Siſters were *Scotland*, *Ireland*, and the *French* Hugonot Churches. Then, Scotland *and* Ireland *were Doors to let in two Siſters of another Race, Popery and Slavery*. Thoſe went always lovingly together, and, in *Scotland*, Slavery took Place; but, in *England*, Popery had it; but they were never far aſunder. Theſe are the Witticiſms, the Author has culled out of this Speech, for his *odd and notable Things*; but no Syllable of the Subſtance and Deſign of it, which, with his good Grace, we will ſupply, and ſhew

The Subſtance and Deſign of it foully miſrepreſented.

CI. That his Scope is to abuſe us, as if his Lordſhip, for ſome fantaſtic Motive, fell upon thoſe Texts in the *Canticles*, and profanely play'd with them (more like a young, than an old Courtier) and to reflect a little upon the Government that had diſguſted him, and ſo as we may not dream of any real Dependance upon, or Connection of, this Speech with the factious Game then on foot. Alack-a-day! it was but a peeviſh Flirt at the Court, to obſtruct, a little, the King's Affairs in Parliament. In all which Dealing of the Author, there is a moſt horrid Diſguiſe of Truth, and that, in a Cardinal Emergence of State as any that happened in that good King's Reign; which to demonſtrate, I note firſt, that the Speech was made 25 *March* 1679. The Year begun well, and, after that, there was nothing but Tumults and Rebellion in *Scotland*, till *June*, when all expired at *Bothwell*. Now, to paſs the merry Conceits, obſerve next, that the Speech contained the very Marrow of Sedition, and of (Covert) High Treaſon; and it is fit to recover ſo much of it, as the Author, with his hiſtorical Sagacity, hath let drop. His Lordſhip begins with fanatical Cant,

Cant, "Speaking what he is commanded to ſay by the Dictates of the "Spirit within him. He declares *Scotland* already inſlaved; they are the "poorer Country; can the richer expect better? He touches the Heads "of the *Scotch* Diſcontents, that the ancient Nobility and Gentry cannot "enjoy their Juriſdictions, but the Council deputes their Enemies over "them. A Nobleman long impriſoned without Trial; the richeſt Coun-"try plunder'd by the barbarous *Highlanders* brought down upon them; "the Papiſts in *England* to be armed to execute their bloody Deſign: No "Good here till *Scotland* is redreſſed. The King cannot be good to us, as "his Nature is; *Scotland* is *Mors in Olla*: An Army expounded out of "the Laws by the Council there. Then his Lorſhip ſteps into *Ireland*, "which, in a Word, is all over Papiſt: And the Burthen of all is, This "is what we are to expect next. If theſe *Doors* are not ſhut, *all is loſt*.

The Conſequences baſely concealed.

CII. Theſe and other Paſſages, more venemous than can be repreſented ſhorter than the Speech it ſelf, are Things, indeed, very *odd and notable*; much more than the Cantic Part, which is only inſerted, by the Author here, to divert us from looking into the Truth of the reſt which he claps under the Table. I preſume he had the printed Speech by him, (how elſe could he have made his Extracts ſo materially?) and alſo an hiſtorical Relation of thoſe Troubles, as were the Conſequence, or, rather, cauſed by it. This * Relation came out about the Time, *viz.* in 1680, when the Matter was recent, and the Faction warm; but no Anſwer, as I ever heard, was made to it in Print. And although the conſequent Troubles, I mentioned, regarded *England* as well as *Scotland*, the Author takes no Notice of thoſe Troubles, to any Purpoſe, unleſs it be to diſguiſe them. Therefore I will ſerve him with a Remembrance out of that very good Book, which deſerves to be peruſed by all that deſire to know into what Monſters Men may be metaphorſed by Faction and Fanaticiſm.

A true Account out of an Hiſtory near the Time.

CIII. —— "Whilſt they (the Maſſacreurs of the good Archbiſhop, and "the Field Conventiclers) were in this evil Diſpoſition, and committed "thoſe Cruelties and Diſorders; there was publiſhed a Libel, ſaid to have "been ſpoken in the Houſe of Lords. —— It hath been printed twice al-"ready, once in a ſingle Sheet ſhortly after it was ſaid to have been "ſpoken, and afterwards in a Collection of diverſe remarkable Proceedings "in Parliament; and, becauſe it accidentally had a mighty Influence in "ſtirring up the People to the Murder (of the good Archbiſhop of "*St. Andrew's*) and Rebellion, I think myſelf bound, by my Undertaking, "to give it a third Edition in this Place." (After the Speech itſelf, which hath a fourth Edition in the State Tracts, the Author goes on) —— "By "the very next Poſt, after this Speech was ſaid to have been ſpoken, forty "written Copies of it were ſent from *London* to the Gentlemen of the "Party in *Edenburgh*; and the Fanatics grew ſo inſolent and daring "upon it, that ſeveral loyal Gentlemen wrote up Accounts, to what Height

* Spirit of Popery, ſpeaking out of the Mouths of fanatical Proteſtants, p. 71, 72, 73.

of

" of Inſolence this Speech had blown up the Enemies of the Church and Mo-
" narchy; and that they had juſt Reaſon to fear that very dangerous At-
" tempts, if not a downright Rebellion, would ſpeedily enſue thereupon.
" But theſe Reports had not found too much Credit at *London*, where
" the World was made to believe (by Men whoſe Intereſt it was that they
" ſhould not be credited) that they were but the Inventions of the Duke
" of *Lauderdale*, for whoſe Advantage it was, at that Conjuncture, that
" they ſhould be believed; but, what we would not then believe, we ſhort-
" ly after ſaw verified.

CIV. It is plain, by the Style of this Relation, that the Writer uſeth great Tenderneſs towards his Lordſhip; for he puts in the Word *accidentally*, to the Influence it had; though it is very manifeſt, by the Manner of the Diſpatch and other Circumſtances, it was intentionally to make Commotion in *Scotland*. But the immediate View, it had then amongſt us at Home here, was to exaſperate the Parliament againſt the Duke of *Lauderdale* (a parlous Obſtacle) and to get him removed; which was endeavoured, but (happily for that Age) without Effect. The *Scotch* Fanatics were, as Tinder, already prepared for Miſchief; and then no Wonder ſuch a Speech as this, contrived for the Nonce, ſhould excite them to flame out in open Rebellion. In ſhort, it was no other than as a Trumpet Signal to the *Scotch*, who muſt needs be bold, when ſuch bold Things, concerning them, had been ſpoke in the *Engliſh* Houſe of Peers. It gave them cauſe to think there was a Party, in Parliament, already formed to aſſiſt and ſuſtain them. And, had that Rebellion, which this Speech gave Fire to, ſtood a little longer, few doubted but the Correſpondents in *England* had followed the pious Example. Thoſe numerous Copies, diſpatched that very Night of the Speech ſpoke (and that was deſigned probably on a Poſt Day for the very Purpoſe) were not ſo made and timed by Accident; and the baffling the Precautions ſent, with counter Affirmations, were not all for the Sake of Truth and in Sincerity of Opinion. But all theſe Circumſtances are but ſo many Reaſons for the Author to ſink (as he has done) the whole Subſtance, Deſign and Efficacy of this Speech.

The Speech, a Signal to the *Scotch* Rebellion.

CV. Now, over and above this infamous Suppreſſion of the very Pinch of a Truth, ſo conſiderable as this, we have put upon us, by the Author, another Trick of the ſame Species and to the ſame End. We are come to his affected Exaltation of the Duke of *Monmouth*; but he is loth it ſhould ſound ſo ill as being for his ſuppreſſing a Rebellion; O no, that's a beg Word; it muſt be for getting the better of thoſe who were in Arms; that has a ſofter Air: We muſt ever expect a kind ſuccedaneous Word on ſuch Occaſions, as will appear in other Places. The raiſing that Duke, he thinks, depreſſeth the other, that is the Duke of *York*; and is not that Reaſon enough for him to write all the Good and nothing otherwiſe of the one, and all Evil and no Good of the other? It is plain enough that the Speech was before the Battle, but he puts the Battle before the Speech; who

A ſly Trick to exalt the Duke of *Monmouth*, and libel the Duke of *York*.

who then can think that the latter had to do with the former, or any Thing that belonged or led to it? And he had never mentioned *Bothwell* Buſineſs at all, but by Way of Parentheſis, and to ſhew how odly Incidents will fall out to ſerve Turns: All which tends to extenuate the Credit which the Duke of *York* had afterwards when he went into *Scotland*, and, at the ſame Time, to give a greater Luſtre to *Monmouth*. And now, to caſt a due Light on this Piece of the Author's Hiſtory, I will give the whole extended Account of this Affair in his own Words. *It was ſome Advan-*
P. 373. *tage to the Intereſts and Deſigns of the Duke of* York *and his Friends, that the rigid Preſbyterians, or Field Conventiclers, had, in the Beginning of this Year, barbarouſly murdered the Archbiſhop of* St. Andrews, *and afterwards took Arms, ſeiſed* Glaſcow *and increaſed to a formidable Army that was routed, by the Duke of* Monmouth, *at* Bothwell-Bridge. So much for Hiſtory; then, after a while, enters the odd and notable Speech in a State independent of all this Buſtle in *Scotland*. Now may not one have Leave to admire at this *hyſteron proteron* Stuff, Cauſes without Effects, and Effects before Cauſes: An Incident, of the laſt Conſequence to a State, mumbled, miſrepreſented, torn, divided, and the eſſential Part, that is the Deſign and Connection, utterly concealed. This in Hiſtory (if poſſible) is worſe than lying (excuſe the Expreſſion) and ſurely his paſſing over the whole in Silence, (if he had ſo thought fit) compared with it, had been moſt candid and ingenuous. For that had not troubled the Reader with the Doubts about the How, the Why and the When, of this ſame riſing in Arms. A clear Falſity may reſt upon the Author's Credit, and have no Perplexity in it. How much braver is that, than ſuch Shifts as theſe which ſneak, like a conſcious Pick-pocket, in the Company of a Highwayman, who is much the braver Fellow?

Earl of *Shaftſbury* dexterous in the Art of Libels.

CVI. But now, to conclude this Matter, I ſhall only obſerve of this noble Peer, that he had a great Judgment and Dexterity in managing and putting forth Libels. The forlorn Rout of Hackney Scriblers, of whom ſome, ſeeking a little Pay, ſome, purely for the Copy which, well corrected, was Reward enough, ſome, for pure Zeal in the Cauſe, and a few, for ſhallow Vanity, always attended at his Court and were eaſily managed; for the Honour of a Word or two, of Encouragement or Direction from him, enflamed them, which produced Volumes of Libels; of which I may touch ſome Particulars afterwards. But nothing of that Sort came forth with that Advantage and Energy, and diſperſed with that Authority, as what came out with the Word Parliament in the Front; ſuch as Votes, Speeches, Proteſts, Conferences with Reaſons, and the like. Therefore his Lordſhip often contrived ſuch to paſs and be printed, and then be cried about, whereof this Speech was one; and there was another famous one, titled the Speech of a noble Peer, *&c.* which came out about the ſame
Jan. 1680. Time as the former, and a very bad one it was; but when the Houſe of Lords, in order to Puniſhment, took Notice of it, his Lordſhip denied it

in the Houſe, and ſo ſcaped their Cenſure. But the Speech it ſelf was publicly burnt; and it was ſaid that few Things, if any, were contained in it, which were not really, at one Time or other, ſpoke by his Lordſhip in the Houſe. As for Inſtance, —— *we want a King we can truſt.* —— *We muſt have a Change* —— and ſuch like. Of this Sort was intended a famous Proteſt, with Reaſons, in the Caſe of one *Fitz-Harris*, which, being printed, ſtirred up a ſhort Pamphlet War; but of that elſewhere. Now the Author is raking in the Aſhes of theſe artificial Fires for ſome Sparks to illuminate his Hiſtory; not conſidering, that old ſtale Lampoon is like Wine wherein Flies were drown'd laſt Summer; and the Reader has no Reaſon to thank him for palming ſuch Emetics for *compleat Hiſtory*.

CVII. I have been, perhaps, too long in expoſing the Author for holding up an Umbrella to keep his Earl in a Shade, and out of a clear Light; but the Contrivance is ſo ſubtile, I could not well lay it open with leſs Application. Now I ſhall reſume the Subject of the Hatred (not of the *Roman Catholics* but) of the Papiſts, and examine the Rage of their Proceedings againſt the Earl, and, incidently, of his Defences, Shifts, and evaſive Tricks, to ſhew his Skill in getting clear of the Law. For he carried it through, either by dextrous fencing at Home, or, finally, when Things came too near the Quick, by taking Refuge beyond Sea. And this Track will neceſſarily lead me to give ſome Account of a Practice, infamous, in its Time, by the woful Title of *Ignoramus*. I cannot but admire that, although the Invention, with the Uſe of it, cauſed as much Noiſe and Tumult as any domeſtic Emergence ever did; yet now, after ſome, and not many, Years paſt, the odious Practice, with the Circumſtances, Dependencies, and Conſequences of it, is ſo far from being ordinarily underſtood, that even the proverbial Uſe of the Word *Ignoramus*, which once prevailed much, is almoſt laid aſide; and very few, but ſuch as lived at that Time, or affect to pore in old Pamphlets, can pretend to ſay what the Word (in a factious Senſe) means. So great Diſadvantage hath Civil Hiſtory (if I may ſo term the Memorials of domeſtic Brawls and Contentions) beyond that which deals in National Oppoſitions and Wars. For the former, although incomparably of moſt Uſe to the Community, is generally loſt to the very next Age, when the other ſhall paſs on and be the Study of after Times. And I perceive, by our Author here, that Poſterity will not be obliged to him for any Thing diſtinct, or true, concerning this Title: But all is of a Piece. I cannot find that he hath unfolded any one Tranſaction in the Public, at this Time, ſo as may inſtruct a tolerable Idea of the real Truth of it. Now, to enter therefore upon a Deſcription, as well as Relation, we muſt remember that

Ignoramus almoſt worn out of Memory.

CVIII. *Diſgrace and Ruin* were by (not *Roman Catholics*, but, as I ſaid,) Papiſts, *viz.* the King, his Brother, and the Miniſters of State, intended to be brought over this noble Earl. As for Matters of Diſgrace, we have done with them, ſuch as turning out of the Chancellor's Place, being impriſoned by the Houſe of Lords, and put out of the Preſidentſhip of the

The Earl of *Shaftſbury* obliged to *Ignoramus*.

Council. So now we come to the Matter of Ruin, which will carry us up into the Regions of High-Treaſon; and, as the Author uſes to ſend his Gloſs before the Text, we will conform, and, with like Propriety, before we come to Evidence, premiſe the Author's own Concluſion, *viz.* That, however the Earl was charged with horrid Crimes, and pretendedly proved, yet, really and at the Bottom, he was innocent, and the Proofs meer Fictions, maintained by Perjury and Subornation; and by whom? Even by the Papiſts (deſcribed before) who managed *Iriſh* Evidences againſt him; and if his Lordſhip's Creature and Friend *Ignoramus* had not ſtood by, and reſcued him, they had certainly got the better of his Head: That's the Author's Sum of the whole Matter. But to make the Myſtery intelligible will need a little Deduction.

Entrance upon the Hiſtory of *Ignoramus*.

CIX. After that confounding Blow of the Reſtauration, the firſt Warmth, that enlivened the benumbed Faction, was the Act of *Oblivion*. For, immediately upon that, which, as after a terrible Shipwreck, ſet them a-ſhore, they reſumed the old Trade, and went to work upon the ſame Principles, and with the ſame Tendency, as before about 1641, and ſo on. And, accordingly, they made their Entry at Court with Spies and falſe Brethren, Flatterers of Power and Prerogative, Inventors of plauſible Lyes, and Publiſhers, as well as Contrivers, of ſlight Facts to colour them; Men that, at Court, breathed only Obedience without Reſerve, and, Abroad, Mutiny and Reſiſtance; with diverſe other Arts, as have been already, and may, afterwards, be more at large deſcribed. But none was ſo laid to Heart, and belaboured by the Faction, as to ſecure the Law, that it might run partially, or rather friendly, on their Side, and againſt the Court in every Thing. It would have been an uſeful Craſis of Power all over *England*; but, in *London* and *Middleſex*, where the Government reſided, and, conſequently, Faction muſt plant their Batteries, it was abſolutely neceſſary to be brought about. For it would be hard for the Commanders in Chief to puſh the forward Actors upon the deſperate Danger of the Law, and to ſee them mortified, as well as run the Riſk of being diſcovered themſelves. Beſides, the very Grinning of that Iron Enemy kept back the Proceſs ſtrangely.

Gamed by a Majority of the Common Hall.

CX. But, as Matters ſtood, this whole Work, with Advantage, was practicable by one ſingle Operation; which was the gaining, to their Party, a Majority of the Voters of the Common Hall of the City of *London*. For, that Intereſt once ſecured, there followed a Succeſſion of factious Lord Mayors, and Sheriffs of *London* and *Middleſex*, as well as Members of Parliament, and (by Means of the Sheriffs) the whole Nomination of Jury-Men would alſo fall within their Faction. It will not be ſtrange if, under this Security after it was gained, the Party took Courage and followed their Game full Cry, like Hounds in View, without much Trouble about Precautions and Evaſives; they ſtuck at nothing. And this Diſpenſation extended, not only to Means of Defence, but equally offended the Adverſary, and had that Influence, that it ſeemed to be the Intereſt of any common

mon Man, within thoſe Limits, to enter into the Party for Security of his Intereſts, as well as Protection of his Perſon; for Wo to an Adverſary that came to a Trial, upon any Account, under this Reglement of Jury Returns; and no leſs Comfort flowed to Friends, who were encouraged by ſuch Advantages as Folks expect from Juries favourable to them. In ſhort, this Matter was of that Importance to the Times, and wrought up to its Perfection with ſo much of Foreſight and Craft, as alſo dealt forth with that Impudence and Effrontery, that, I think, Juſtice cannot be done to its Eminence in Hiſtory, without explaining a little the Conſtitution on which it was founded, the Means uſed in putting it together, and the pious Uſe made of the Machine after it was perfected and brought to work in the Lines of the Party.

Of the Sheriffs Office, and City Companies.

CXI. It is well known that the Corporation of the City of *London*, among other Privileges, have the Nomination of two Sheriffs that ſerve for the County and City of *London*, and for the County of *Middleſex*; both which Officers are taken out of their own Body, and attend, in City Affairs, as Officers of the City. And, though they ſerve for two Counties, they are but as one Officer, for either is Sheriff of either County alike; and they are received in the *Exchequer*, ſworn, and ſtand jointly charged, as Accomptants to the Crown, for the Revenues colligible by them. And, ſaving only that they are nominated by the City (as the Sheriff of *Weſtmoreland* is by the Earl of *Thanet)* they are (as Sheriffs of other Counties) the King's Officers or Miniſters to all Intents whatſoever. But the Diſpatch of the Law Part of the Office is diſtributed according to the Counties: For, in *London*, Returns of Proceſs uſed to be ſent out from the two Offices called the *Compters*, and, for *Middleſex*, there is an Underſheriff and Bailiffs, as in other Counties. It is alſo well known that the City hath, within itſelf, diverſe leſſer Corporations, which are of the ſeveral Trades, and are called Companies, ſome by Perſcription and ſome by Charter. Theſe were, at firſt, inſtituted for the Sake of good Government, and to prevent Frauds in the ſeveral Trades; and, now, ſerve to as good Purpoſe as ſome Banks, made to keep out the Floods, which, after a Deluge, are ſure enough to keep them in.

The Conſtitution of the City, and Livery Companies.

CXII. The ordinary Government of the City, is by a Lord Mayor and Court of Aldermen. The latter are choſen by the Wards, that are as Hundreds, and ſerve for a Council, and, together, by Cuſtom, are a Court, and have diverſe Juriſdictions and Authorities. When the City acts extraordinarily as a Body, there is an Aſſembly choſen by the Citiſens at large, which, with the Lord Mayor and Aldermen, is called the Common Council, and is the true repreſentative Body of the City to all corporate Intents whatſoever. Theſe are ſummoned by the Lord Mayor, in the Nature of a Parliament; and their Act binds the Corporation, as a proper Law made by the Conſent of the whole Body. But, as for the Choice of Magiſtrates, which is done, of Courſe, annually, and at ſtated Times, there is by Cuſtom, if not by ancient Conſtitution, or Act of Common Council (ſuch are ſuppoſed to have been

the Beginnings of moſt Cuſtoms) another Aſſembly, ſaid to be *de melioribus Civium*, who are now the Liverymen, and, with the Court of Aldermen, are called the Common Hall.

The Livery diſtinguiſhed by Gowns.

CXIII. Theſe always meet in *Guild-Hall*, in which the Lord Mayor and Aldermen, with the common Officers, are upon the *Suggeſtum* raiſed at one End (where the Huſtings Court of Pleas is kept) and the Citiſens, ſuppoſed to be only of the better Sort of Traders, are below upon the Fipor. They are called the Livery, becauſe Cuſtom hath diſtinguiſhed thoſe, authoriſed for this Purpoſe, from other Citiſens, by their wearing, at great Solemnities, certain black Gowns, and Hoods party coloured with red. It ſeems that Gowns were originally a vulgar Habit, and the better Sort were diſtinguiſhed by the Form, Material, and Decoration of them; and it being uſual for the graver Men to adhere to their Modes, while the more airy affect Novelties; after the latter had made a Change, ſo very wide as ſhort Cloaths for long ones, the former perſevered; and ſo Gowns remain behind as Tokens of Gravity and Form, and are become peculiar to Magiſtracy and moſt grave Profeſſions.

The Common Hall a Select.

CXIV. Of the trading Companies there were anciently but Twelve, which were the more opulent, as the *Goldſmiths*, *Merchant-Taylors*, &c. who had the Livery. But the being Free, only, did not put a Man into the Livery, without his being called to it by the ruling Aſſembly of the Company: So that, in elder Times, the Common Hall was a decent orderly Aſſembly, conſiſting of a moderate Number of ſelect Citiſens, added to the Mayor and Aldermen, for the Purpoſe of Elections. And the original Reaſon of this Inſtitution was, that a Rout of Citiſens (as if all met) ſhould not run into Faction, and diſturb the Order of the annual or curſory Buſineſs of the City; for Faction, Partiality, and Nonſenſe, are found with the Vulgar wherever it is. Now, upon this Conſtitution of the City, it was very plain that nothing could bring Faction into the Common Hall, but the bringing into it a Rout of mean Citiſens; that is, by increaſing the Number, and debaſing the Quality of the Livery Trades, and Liverymen, which hath been effectually, though almoſt inſenſibly, done in a few Years. We muſt allow the firſt Notice of this Practice to have been about 1641. But *Caput inter Nubila*; and the Invention was much improved in that Age; but the Miſchief was not come up to that Perfection as hath been ſeen in our Days.

Corrupted by Numbers added, and Qualities debaſed.

CXV. This Work, of debaſing the Livery, hath, as I ſaid, proceeded gradually and inſenſibly. Firſt, the Lord Mayors and Aldermen were gained ſo far, as to give the Privilege of the Livery to diverſe Companies that were poor and populous; and, commonly, the meaner the Trade, the more numerous were the Traders. And then, the Rulers of the Companies fell in with their Call, as it is termed, of Multitudes of poorer Traders than uſual, to be of the Livery of their Company; which they had Power to do. It is eaſy to conceive how the Proceſs went; for when the Faction had, by their libellous Arts and Inſinuations, once foxed the People with an ill Opi-

nion

nion of the Government, that it inclined to Popery, aimed at Arbitrary Power, &c. then it followed, that all poſſible Means were to be uſed that true Proteſtants only ſhould be let into the Poſts of Authority in the City, and that Men, who inclined to the Papiſt Intereſt, and were of Arbitrary Principles, ſhould be kept out: The *Engliſh* of which Diſtinction, though not in due Time perceived in the City, is plain enough. This led immediately to invigorate the Courſe of garbling and forming the Common Hall, which only had to do with Elections. And, when the Humour ſtood in this Direction, it was diverting to obſerve how the factious Party ſuſtained one another; for the factious Livery choſe factious Lord Mayors, and they increaſed the Livery Companies; of whom the Maſters and Wardens were commonly the moſt perverſe, and called thoſe of their own Complection only upon the Livery. Thus went on the Trade for many Years, till the Common Hall, inſtead of being *de melioribus*, became a routiſh Aſſembly of ſorry Citiſens, not unlike the Mob at an inferior Corporation Election; as may appear clearer in the Account I am giving.

CXVI. If this Proceeding had been either obſerved, or it could have been imagined poſſible to arrive to ſuch Perfection of Miſchief as it did, Care muſt needs have been taken in Time to have put a Stop to it. But it was not the Mode of the Court, in thoſe Days, to be very penetrant, precautious, or watchful; they enjoyed themſelves, and, as the Phraſe is, let the World rub. Nor had the Faction itſelf, while the good Work was doing, a clear Intuition of any certain Time or Occaſion, in particular, for the actual Opening of this Monopoly, which they knew, whenever done, muſt be ſcandalous: And they hoped to finiſh cheaper, and did not dream of being ſo ſoon Defendants. Therefore the Abuſe did not appear till People were ſurpriſed; the Danger flowing in, like a Deluge, all at once. It was the Plot of *Oates*, with its Conſequences, that ripened this Matter into Perfection; for that mounted the Faction into a State (as they made their Account) of juſt falling on; and, at the ſame Time, it alarmed the Court, and made the King look about him; and it was high Time, when Things were come to that paſs, that either a new Reſtauration (as it were) or his Majeſty's Ruin muſt follow. It happened that the Scale turned on the King's Side, and the chief of the factious People became obnoxious for High Treaſon, or moſt aggravate Practices of Sedition. The Evidences grew very plain, and the Court determined to proſecute; whereupon it concerned the Faction to look about ſharp, and, then, or never, uſe all their Influences to carry the Choice of Lord Mayor and Sheriffs roundly upon Party, elſe all was loſt.

The Miſchief broke out all at once for Defence of the Party.

CXVII. In the Year 1680, *Bethel* and *Corniſh* were choſen Sheriffs. The former uſed to walk about more like a Corncutter than Sheriff of *London*. He kept no Houſe, but lived upon Chops; whence it is proverbial, for not feaſting, to *Bethel the City*. *Corniſh* was a thorough pac'd Party-Man, as muſt be ſuppoſed, having afterwards given an Advantage againſt himſelf to be

Factious Sheriffs elected, and their Miſbehaviour.

be taken up, tried and hanged in *London* for High Treaſon. The next Year had *Pilkington* and *Shute*, Gentlemen ſcandalous for nothing but abſolute Reſignation to be governed by Faction, in which Tendency they ſcarce uſed the common Reaſon of human Kind. *Bethel* and *Corniſh* firſt broke the Ice; for they took the Buſineſs of the ſettling the Pannels of Jury-Men, out of the *Compters*, into their own Hands, and left to the Secondaries of the *Compters*, who were the proper Officers, no more but to return, to the Courts of Juſtice, what they had prepared. It ſeems thoſe Officers * were Men of Value, and Uncorrupt, and, left to themſelves, would not be made Properties to ſerve the Ends of Faction. But, for the Buſineſs of *Middleſex*, a choice Under-Sheriff performed all at once: And they found one exquiſitely fit for the Purpoſe, being Doctor's ſtanding in Treaſon. His Name was *Goodenough*, and really ſo he was for the Turn to be ſerved; for once he himſelf ſcaped narrowly the Nooſe for Guilt of High Treaſon, for which he ſtood Debtor to his Friend's Secrecy and his own Expedition. Thus Matters ſtood, in no Sort mended in the following Shrievalty, until a better Choice came, of which I have not a little to relate in fit Place. In the mean Time let theſe Characters ſhew the Temper of that Time in and about *London*; what a fatal Tendency there was to aſſault the Government; as if Treaſon and Sedition were a Mode or Faſhion, to which every one endeavoured to conform.

The Abuſe turned to an Impunity of the Faction.

CXVIII. Now the Reſult, or Conſequences, of all this Cookery may readily be apprehended, *viz.* That all grand Inqueſts were compact of Party-men, Opiniators and ſelf-willed, if not real Traytors little better, and aſſuredly guided by Faction in all they did. And ſo alſo the petty Juries for Crown Cauſes, and, which was more extraordinary, even the common Pannels, as had been uſually returned almoſt of Courſe at the *Niſiprius* Courts, for Civil Trials, were garbled, although conſiſting of Perſons that had, for many Years, ſerved, and were willing to attend, and were known and truſted by the Citiſens, almoſt as Arbitrators, and approved of by the Judges, as Men fair and indifferent. Yet there muſt be a Reform of theſe alſo, and, at leaſt, in every one of them, ſome rank Party-men pricked in, to procure in Party Cauſes. But, upon ſpecial Returns made in Cauſes of Conſequence, if Faction interpoſed, the whole String was of the ſame. And, upon all Occaſions of this Nature, the Nomination was conſulted at choice Clubs and Cabals, where the Runners to and fro came in and out with Intelligence, and could inform who were good and who bad Men. And ſo, in theſe Places near the Court, where all public Buſineſs was tranſacted, the Law was become a perfect Captive of the Faction, like a Dog in a String, to ſnarl and bite only as they encouraged. It was a ſure Retrenchment for the forlorn Hope of the Party to lie enſconced behind, and, from thence, to ſally out upon Adventures of Sedition and High Treaſon; and all with Aſſurance of Impunity, whatever elſe happened.

* Mr. *Richard Normanſell*, Mr. *Trotman*.

CXIX. All

CXIX. All this appear'd by moſt egregious Tokens. For Practices of Sedition were ſo promiſcuous, open, and unguarded, as nothing, but a total Suppreſſion of all criminal Juſtice, could have reſolv'd into any tolerable Diſcretion. They went on laughing and rejoicing, one with another, without Fear of the Law, which was become a meer Jeſt amongſt them. And they made all good upon the Proof, for Criminals, brought to Trial upon Informations, were acquitted by the Petty Juries; and Bills, preferred to Grand Juries, for High Treaſon, duly proved, were returned *Ignoramus*, which was the Form for rejecting the Bill. There was the Barrier of the Faction; and that ſtately Word became the Appellative of the whole corrupt Practice, and the infamous Title of all the Perſons concerned in it. Thus much here (for I reſerve the Cloſe for another Place) may ſerve for the Comment of this *Ignoramus* Text, which I ſhall apply in particular, as the ſeveral Caſes, to be touched upon, give Occaſion. And, in the mean Time, ſhew how the Earl of *Shaftſbury* came off, for he himſelf, falling under a Pinch of Neceſſity, in a Caſe of High Treaſon, reaped the Fruit of his long-winded Project, and, by Way of Self-defence, had his *Quietus* ſigned *Ignoramus*; whereof the chief Exploit, and which rendered it moſt remarkable, was the Service it did his Lordſhip.

The Entry of *Ignoramus*, that ſaved the Earl of *Shaftſbury*.

CXX. To come fairly up to that Buſineſs, it will be needful to touch upon diverſe Matters; and firſt of *Oates*'s Plot, ſo far as the Earl ſeemed concerned; for that, as I noted, was the Spring which made this *Ignoramus* Engine mount ſo faſt, and ſo high. I find nothing of his Lordſhip's Midwifery in the bringing forth that Diſcovery; for that ſeemed left to a lower Order. But it is more than probable, he was behind the Curtain, and in the Depths of the Contrivance, and, after the chief Throws were over, he was the Dry-Nurſe, and (being, as the Author ſays, Head of the diſcontented Party) took the Charge of leading the monſtrous Birth, till it could crawl alone: That is, after the Parliament came to be poſſeſſed of the Matter, the Managery was viſibly his, or, which is all one, operated by the Party he headed. The Reaſon, why I ſay he was in the dark Contrivance, is, that he was too cunning ever to work in a Wheel, of which the active Principle was not perfectly underſtood, if not entirely commanded, by him. One may gueſs as much from this Paſſage. A certain Lord, of his Confidence in Parliament, once aſked him what he intended to do with the Plot, which was ſo full of Nonſenſe, as would ſcarce go down with *tantum-non* Ideots; what then could he propoſe by preſſing the Belief of it upon Men of Common Senſe, and eſpecially in Parliament? It's no Matter, ſaid he, the more Nonſenſical the better; if we cannot bring them to ſwallow worſe Nonſenſe than that, we ſhall never do any Good with them. This was a true politic Thought: For, when the Deſign is to drive Men upon Changes that are to terminate in their own Confuſion and Perdition, it is not to be attempted without an extreme Inſanity of Mind, or Infatuation, in the Generality of People, by

The Earl of *Shaftſbury*, the Conductor of *Oates*'s Plot.

Way

Way of *Poſtulatum*, to be well eſtabliſhed by previous Experiments upon them.

The ſame ſhewed out of ſome Pamphlets.

CXXI. But we find his Lordſhip celebrated in diverſe Prints, beſides more private Accounts, for his Care of the Plot. The Pamphlet, called *The Appeal*, one of the moſt virulent of the Time againſt the Crown, Fol. 6. writing of the hard Squeeſing, to get out *Oates*'s Plot, adds,——"So that, "had we not had ſome ſuch good Hunters, as the Right Noble Earl of "*Shaftſbury*, and our late ſecret Committee, to manage the Chaſe for us, "our Hounds (Bloodhounds ſure!) muſt needs have been baffled, and the "Game loſt." There is another Pamphlet, wrote by one *Smith*, titled *Intrigues of the Popiſh Plot*, with which I ſhall have ſome Concerns afterwards. This ſhews, that, when he (*Smith*) was brought into Trouble by *Oates*, and applied to the Earl of *Shaftſbury* for his Favour, he put the Condition upon him, not to juſtify himſelf but, to become an honeſt Man, and that he ſhould petition to be diſcharged, for *Ferguſon* had told Stories of him. I will not interpret this Language, but it was well underſtood at that Time. And it is Fact, that this *Smith* (if he himſelf writes true) was enſnared to ſwear falſe, in a critical Point, for retrieving a Miſtake of *Oates*. One *Atkins* was accuſed for *Godfrey*'s Murder, and had the like Advice from his Lordſhip, to become an honeſt Man, but he did not depart from his Defence, and was by Trial acquitted. One *Elkanah Setle*, a minor Poet, wrote a Libel, called, *The Character of a Popiſh Succeſſor*; and, in another, recanted, and told how he was engaged, by a private Pique, about a Play of his, to write againſt the Duke, and that he had no Encouragement from any, but only from his noble *Alderſgate-ſtreet* Friend, (the Earl of *Shaftſbury*) to whom he got one to ſhew his Copy, which his Lordſhip peruſed, and mended very little; but bid his Friend tell him he did not write favourable enough of Rebellion, or to that Effect, as the Pamphlets ſhew. I do but touch theſe here, as pertinent to the Relation of the Earl's Conduct, expecting Occaſion to enlarge afterwards; and the rather, becauſe the Author is void of all Ingenuity in theſe Matters, and diverts all his Forces to improve Calumny on the Court; as if the Nature of Things and all Truth were to bend as his poiſoned Quill points. It is fit here juſt to remember, that, after the Diſſolution of two *Weſtminſter* Parliaments, one was ſummoned to ſit at *Oxford*, much againſt the Will of Faction: Of which Seſſions, with the Circumſtances, I intend to give an Account at large, to ſhew how far his Lordſhip had Concerns therein.

The Faction began to court the City.

CXXII. But now we leave his Lordſhip a little to his Cabinet, and look out to ſee what is doing abroad, and how the Author is pleaſed to deal with us. It appeared plainly to the King, that his Enemies had fortified themſelves in *London* and *Middleſex*, near his Perſon and Parliament, ſafe from the punitive Force of his Laws, which very much concerned the Safety of all. And it was no leſs plain, that ſome, within certain Walls, by Encouragement from Faction abroad, expected great Aſſiſtance and Advances of Money

ney from the City, in Caſe certain grand Undertakings ſhould require it. And not only the Libels, of the Time, harped upon that String, but, if public * Prints may be relied on, certain Overtures were made, and Love Letters, and Meſſages began to paſs between *Weſtminſter* and *London*; and, in the mean Time, the King could get nothing, on either Side, but Affronts. For Demonſtration of which, obſerve the parting Votes, 10 *Jan.* 168$\frac{6}{7}$ (as they are printed) of the Parliament at *Weſtminſter*, next before that ſummoned at *Oxford*. The Author, in his Margin, gives thoſe Votes the parting Title; but, in the Text againſt it, moſt unfairly, ſets down but one. The reſt, by Virtue of his infallible Partiality, he is pleaſed to ſuppreſs; for they are memorable ones, and afford much Light to the Ways of the Earl, and his Party, and may be ſeen at full length, in Part I. and add only now, that the Expectation of a new Election to the Parliament at *Oxford*, as bad for the Court as was poſſible, gave a new Direction to the Practices of the Faction, which had been a little check'd by the Diſſolution.

CXXIII. Now, to ſee how the Author manages this Change of the Scene, he repreſents this diſſolving the Parliament, and ſummoning another to meet at *Oxford*, as a very great Grievance, which, he ſays, was *very diſpleaſing, not only to the Cities of* London *and* Weſtminſter, *but to both Houſes, who generally apprehended ſome arbitrary Deſigns in it.* He was loth ſo good Reaſons, for his Majeſty's Diſpoſition of Affairs, as to the removing his Parliament farther off from the crony City, ſhould appear in the ſtately Record of his Hiſtory, as diverſe Votes, by him ſuppreſſed, *plus ſatis*, afforded: For none could read them, but muſt conclude the King in the Right. Why elſe ſhould the King meet his Parliament in a Place where Faction had planted itſelf, and was intrenched againſt the common Laws of the Land; the City publicly courted, and his Majeſty affronted? We know, as well as he, it was diſpleaſing enough; but to ſome only, and thoſe (beſides ordinary Traders that profited) were ſuch as had conceived in their Minds, a Project of Union between the Commons at *Weſtminſter*, and the City of *London*. Was it not a ſad Thing, when that Matter, as they thought, was in ſo fair a Way, as complimenting one another, *&c.* to be all daſhed into Flitters at a Stroke? And in ſuch a Way as Malice itſelf could not (though this tranſcendant Author doth) object to. What could be the King's Own clearer, than the Power to appoint the Meeting of Parliament in what Place he judged moſt fit? *Oxford* has been the Seat of diverſe Parliaments formerly; and why not once more now? O, but they ſuſpected *arbitrary Deſigns:* What? in calling a regular Parliament to meet in a not unfit, nor unaccuſtomed, Place? Invention was low, or elſe there was no Reaſon at all for ſuch Jealouſy. I am ſure it is worſe than none to alledge what is contradicted by the very Nature of the Proceeding. But the Author muſt, on all Occaſions, calumniate the King, though he knows not how, or for what.

Calumny upon ſummoning the Parliament to *Oxford*. P. 393.

* See Votes of the Houſe of Commons.

Faction ſtrives to get the Parliament removed to *Weſtminſter*.

CXXIV. But ſo it was, that Parliament being diſſolv'd, a new one was ſummoned to appear at *Oxford*. Elections had been made of the ſame, or worſe Temper, if poſſible, than ever; which was ſo great a Triumph of the Party, as exaſperated the factious Ferment to an intolerable Height; ſo that it was neceſſary that it ſhould ſoon come to a Criſis, either to explode, or burſt: And how that ſucceeded is of another Place to ſhew. The Party were extreme unwilling to be drawn thus, out of the Lines of their Security, from *London* to *Oxford*; and tried early, by all Means poſſible, to divert the ſitting there, and to get a Proclamation to remove the Meeting to *Weſtminſter*. The chief, and moſt public, and daring Attempt for it, was an audacious Petition to his Majeſty, or rather Libel in that Dreſs; and (as the Uſe was) ſent out in Print, *ad faciendum Populum*, in the Name of the confiding Peers, having been delivered by the Earl of *Eſſex*, with the Earl of *Shaftſbury*, and the reſt about him, with a Speech, that, like the Petition itſelf, was full both of Libel and Threatening. One may gueſs the Virtues of this Petition and Speech, from the Author's Management; for he hath put them *verbatim* in full Light, and marked along in the Margin for better Notice; which he ſeldom does to any thing he doth not reliſh, at leaſt, not without a Trick to make amends. But, when he gets a ſarcaſmous Paper againſt the Crown, well backed with Authority, or Quality, then he pours it out at full length; but, whatever expoſes his Party, doth not meet with that Uſage, and commonly is ſuppreſſed.

They build upon it, that the King ſtoutly urg'd, would yield.

CXXV. When it was fatally determined that the Parliament muſt meet and ſit at *Oxford*, the Faction buckled to their Work, and all fitting and unfitting Preparations were made for the Expedition. One may diſcover the Chart of their intended Voyage, by the Tenour of that Petition and Speech, ſo full was it of Threatening. The general Scope of all was, if poſſible, to intimidate and fright the King out of his Purpoſe. They found that Chamber Application would not move him; they muſt ſee what the open Air would do, and make all the Oſtentation of Force they could. They did really think that his Majeſty's Inclination was ſo bent to his Eaſe, and the quiet Enjoyment of his Time, that, at length, if ſtoutly preſſed, and without the leaſt Umbrage of a Ceſſation, but, on the other Side, a deal of Augmentation; he would, as in a deſperate Caſe, redeem himſelf by yielding. And what? firſt, to remove the Parliament to *Weſtminſter*, and then the Excluſion, and what depended upon it (as I have noted) by way of counter Security for that. This ſeemed to be the Project, as had been communicated to the Party promiſcuouſly: Conſequences muſt ſhew the darker Secrets. I remember that, not long ago, I heard it ſaid that the King out-witted the Faction; and it was by reſiſting the Excluſion above board, and giving private Hints, that, if he were preſſed, he ſhould, at length, come over. And this drew them into thoſe indecent, undutiful and barbarous Proceedings, as turned the Stomachs of reaſonable People; and thereof the King took Advantage to juſtify himſelf in breaking with

with them. If the King had that Cunning, it was a *Chief-dœuvrie*: But, about the Time, or after, during his Life, there was not the leaſt Whiſper or Dream of any ſuch Thing, as I gueſs would have happen'd amongſt us, if it had been true. And really the King was not of an Humour to act a Secret long; and there are no Inſtances of it in his whole Life. His Court was the Deriſion of foreign Miniſters, for the Openneſs of it. But I believe this was an Invention of ſome Remains of the Faction, only to ſalve their Credit, becauſe the Want of Succeſs, in Attempts of the greateſt Outrage to the Royal Family, muſt needs ſettle in the Imputation of very great Folly. Their Miſtake was, in taking it for a Principle, that the King would yield to any thing, if his Quiet could not be obtained without it, and that miſled them.

CXXVI. But to wave theſe Matters, and inſpect the State of this Congreſs at *Oxford:* I believe, the whiſpering Deſperado's of the Faction did not act on ſo uncertain a Fund as the King's Humour, but had a more conſiſtent View, with leſs Intrigue, and more dangerous; which was, that, whilſt theſe Coals were agitated (a fair Opportunity happening) to fall to Arms, and make a Beginning. *Scotland* was ripe, *Argyle* at a Beck there, and *Monmouth* here. The latter had ſome parting Reſpects from the *Weſtminſter* Parliament ſo lately, which were not for his ſweet Looks. And, if a little Time had been allowed for Matters to ripen, ſome Accident might have happened, a Member killed in the *Lobby*, or other *Godfrey* Sort of Buſineſs, (the Nature of which obſerve afterwards.) Then the Parliament in Danger, and could not ſit and act with Freedom, a Popiſh Maſſacre at Hand, the Houſe evidently (as the Lord's Petition expreſſed) under the Power of Soldiers, the numerous Attendances, which our Author ſtyles honourable, forthwith aſſemble to ſecure the Members from Popiſh Violence, that the Houſes may be free to act and vote for the Safety of the Nation, the *Scotch* enter, or appear in Arms at leaſt, to diſtract Counſels; and, perhaps, Inſurrections in *England*, or it may be Rumors only, for the ſame Reaſon. If Beginnings had been any Thing propitious, as if a Regiment of Guards had gone over to *Monmouth*, who had been once their Commander, and ſome would have had it ſo again, what had been the Cataſtrophe? The deeper Project of the Faction.

CXXVII. That this is no Romance, I appeal to the armed Equipages at *Oxford*; which were numerous, extraordinary, and openly to be obſerved. The City of *Oxford* was a *Redumanza* of all the active Party Traders and Jobbers that uſed to be buſy in the Treaſon Trade at *London*; and it was notorious, they all looked ſour and rough, and, in their ordinary Diſcourſe, breathed nothing eaſy or moderate. When the Parliament met, ſome Perſons went to Work with all the Effrontery and Diligence imaginable. It was very manifeſt that all theſe Doings were not for Humour, but real Execution; to which they had certainly come, if the King had, by any *Faineantiſe* or Remiſſneſs, let their Line run into Opportunities to The Face of Arms at *Oxford* ſhew it.

ſhape out Pretenſions and Handles, and to encourage their Party by Demonſtration of a fair Game open before them. Thoſe, who put the moſt favourable Conſtruction upon this Viſage of Arms at that Time, ſaid it was but a Feint to prevail on the King to adjourn them to *Weſtminſter*, or elſe to deter him to ſuch a Degree, as he ſhould not dare to prorogue or diſſolve them. But ſo much Pains, Application, and Charge, doth not uſe to attend upon *Feints*.

Deſign to have the King declare the Duke of *Monmouth* his Succeſſor.

CXXVIII. I have one Reaſon more to preſume there was good Earneſt in it, and that they thought the Duke of *Monmouth* the likelieſt Perſon to ſeduce a Party in the Guards; and if they could, by any Means, ſet him up with ſome Royal Countenance, the Work was done. I have a Pamphlet by me, ſhort, and put out ſoon after the Diſſolution of that Parliament. It is titled, *The Lord* Shaftſbury's *Expedient for ſettling the Nation, diſcourſed with his Majeſty at* Oxford, 24 March 1680-1. The Overture was very ſhammiſh; a Letter, from an unknown Hand, brought to the Earl of *Shaftſbury*, containing a Propoſition, that, if the King would declare the Duke of *Monmouth* his Succeſſor, it might ſerve inſtead of the Bill of Excluſion. The Earl, in great Puff, hyes him to the King as faſt as Legs and Staff would convey him, and, being admitted, preſented his Diſcovery, to which the King made a moſt prudent Anſwer, concluding in a clear Negative. They did not know but the King might be tempted to favour his Son, though not legitimate, againſt his Brother. If the King had but demurred, or ſhewn a Diſpoſition to conſider of it, the Rumor had flown, as of a Thing done, and Folks, being prepared, would ſcarce ever have been convinced of the contrary. But, had the King given Way, then what Neceſſity of immediate Arms to ſecure this Succeſſion? The Party had all chimed in, and the firſt Scene of the Play was begun. The King could not indeed have been ſo overſeen, as to create a War, in his Life-time, between two Succeſſors, as muſt have been, if he had officiouſly ſet up a falſe one; one or other of which muſt needs have oppreſſed him, or a fourth Party have taken Advantage to oppreſs all the three, ſerving them all alike. Who will, may reflect on theſe Premiſſes, and try if any other Concluſion can be drawn from them. I have, for Fullneſs of the Evidence, put the Pamphlet itſelf at the End of this Chapter.

Teaſers of the Faction come down to *Oxford*.

CXXIX. As, in all States, there is a Civil, as well as military, Adminiſtration, ſo, in this *Oxford* OEconomy, the Faction had another Order regimented, being a Detachment from the libelling Garriſon in *London*, who had in Charge the Train of Artillery (if I may ſo term it) the Tongue and Pen Managery. Theſe were the Writers, Talkers, and Diſpoſers of News and Libels, by Directions of wiſer Heads than their own. Moſt Places of Reſort at *Oxford*, eſpecially about the Houſes of Parliament, where the Members frequented, were full of theſe Sparks, to argue Matters and Queſtions depending, to furniſh Members with Colours called Reaſons, to take Notice of Objections, and to anſwer, or ridicule them; to rally every Thing

that looked loyal and quiet, to be always forthcoming at the Times of notable Debates, and to hunt the Party Members in to the Queſtion, to make themſelves acceptable by being good Company and puſhing Diſcourſe, advancing Satyr and News, and to banter if any pretended to talk on the Loyal Side, to daſh their Countenances with ridiculous Turns of Wit, and then come off with the Horſe Laugh, and ſo to encourage their Party, and gain over Proſelytes of as many as, by Dexterity of Courtſhip, Flattering, Wheadling, Lying, and Reviling, could be invited into their Meaſures. I muſt confeſs, that, as others did, ſo I followed the Camp to *Oxford*, and, being there, could not but wonder, as I ſuppoſe they did at me, finding all my Court of Requeſt, and Lobby Acquaintance, as crank and buſy at their Work, ſailing about from one Place to another, and often fixing in the Lobby Coffee-houſe, as if they were at their old Parliament Poſt at *Weſtminſter*; and, at the ſame Time, I knew very few of them were Lords of many Manors, or had any viſible Stock to maintain that Courſe of Life: By that, and diverſe other Indications, it appeared there was ſome Fund of Money laid up for Incidents, and the current Charges of the Party; for they ſerve none for nothing, *rien pour rien*; but whence it came, I will not here pretend to divine.

The Detachment of Libellers, and their Magazine at *Oxford*.

CXXX. Beſides, there was a Magazine provided of Ammunition, Libels, Lampoons, Satyrs, Pictures and Sing-ſongs, for the Service at *Oxford*. Some adapted to deceive Men of Fortune and Education, well penned, and, perhaps, in Heroic Verſe; others for the Rabble, and drunken, ſottiſh Clubs, in Ballad Doggerel, with witty Picture affixed, in dainty Conceit and Proportion; notable Eloquence for the Eye! One was the King, for a Raree-Show, with his Box of Parliament Motions at his Back, and the Saints pulling him down into a Ditch —— *Help*, * *Cooper*, *Hughs and Snow, to pull down Raree-Show* ——. Another was called *Mac-Ninny*, which went for the Duke of *York*, where he was expreſſed Half Jeſuit, and Half Devil; the former Half, with a Brand in his Hand, firing *London*; and about Half a Dozen of the Tantivies were mounted upon the Church of *England*, booted and ſpurred, riding it, like an old Hack, Tantivy, to *Rome*; and the famous Writer of Pamphlets on the Court Side, Sir *Roger L'Eſtrange*, was a Dog with a Broom (the *Rebus* of his Bookſeller) tied to his Neck, and a Fiddle (to note one of his Qualities) at his Tail, running away from a Whip; and the two Univerſities in ſquare Caps ſtanding by, cried, *This is our* Towzer. It is tedious to deſcribe this Stuff, but uſeful to ſhew the Workings of falſe Men. There were other Varieties, but none took ſo well as the *Raree-Show*; for, at a ‖ Nobleman's Houſe hard by, where ſome Aldermen, and choice Lads of *London*, were entertained, they got drunk, and trolloll'd it bravely, — *Help*, *Cooper*, *Hughs* and *Snow*, *&c.* There was alſo an Impreſſion of Libel in Miniature upon Purple Ribbon, with

* Three precious Door-keepers of the Houſe of Lords. ‖ Lord *Lovelace*.

lacker'd

that looked loyal and quiet, to be always forthcoming at the Times of notable Debates, and to hunt the Party Members in to the Queſtion, to make themſelves acceptable by being good Company and puſhing Diſcourſe, advancing Satyr and News, and to banter if any pretended to talk on the Loyal Side, to daſh their Countenances with ridiculous Turns of Wit, and then come off with the Horſe Laugh, and ſo to encourage their Party, and gain over Proſelytes of as many as, by Dexterity of Courtſhip, Flattering, Wheadling, Lying, and Reviling, could be invited into their Meaſures. I muſt confeſs, that, as others did, ſo I followed the Camp to *Oxford*, and, being there, could not but wonder, as I ſuppoſe they did at me, finding all my Court of Requeſt, and Lobby Acquaintance, as crank and buſy at their Work, ſailing about from one Place to another, and often fixing in the Lobby Coffee-houſe, as if they were at their old Parliament Poſt at *Weſtminſter*; and, at the ſame Time, I knew very few of them were Lords of many Manors, or had any viſible Stock to maintain that Courſe of Life. By that, and diverſe other Indications, it appeared there was ſome Fund of Money laid up for Incidents, and the current Charges of the Party; for they ſerve none for nothing, *rien pour rien*; but whence it came, I will not here pretend to divine.

The Detachment of Libellers, and their Magazine at *Oxford*.

CXXX. Beſides, there was a Magazine provided of Ammunition, Libels, Lampoons, Satyrs, Pictures and Sing-ſongs, for the Service at *Oxford*. Some adapted to deceive Men of Fortune and Education, well penned, and, perhaps, in Heroic Verſe; others for the Rabble, and drunken, ſottiſh Clubs, in Ballad Doggerel, with witty Picture affixed, in dainty Conceit and Proportion; notable Eloquence for the Eye! One was the King, for a Raree-Show, with his Box of Parliament Motions at his Back, and the Saints pulling him down into a Ditch —— *Help*, * *Cooper*, *Hughs and Snow*, *to pull down Raree-Show* ——. Another was called *Mac-Ninny*, which went for the Duke of *York*, where he was expreſſed Half Jeſuit, and Half Devil; the former Half, with a Brand in his Hand, firing *London*; and about Half a Dozen of the Tantivies were mounted upon the Church of *England*, booted and ſpurred, riding it, like an old Hack, Tantivy, to *Rome*; and the famous Writer of Pamphlets on the Court Side, Sir *Roger L'Eſtrange*, was a Dog with a Broom (the *Rebus* of his Bookſeller) tied to his Neck, and a Fiddle (to note one of his Qualities) at his Tail, running away from a Whip; and the two Univerſities in ſquare Caps ſtanding by, cried, *This is our* Towzer. It is tedious to deſcribe this Stuff, but uſeful to ſhew the Workings of falſe Men. There were other Varieties, but none took ſo well as the *Raree-Show*; for, at a || Nobleman's Houſe hard by, where ſome Aldermen, and choice Lads of *London*, were entertained, they got drunk, and trolloll'd it bravely, — *Help*, *Cooper*, *Hughs* and *Snow*, *&c.* There was alſo an Impreſſion of Libel in Miniature upon Purple Ribbon, with

* Three precious Door-keepers of the Houſe of Lords. || Lord *Lovelace*.

lacker'd

lacker'd Tin,; the Words, *No Popery, no Slavery.* Theſe were worn by the Troop of Citiſens attending their Members on the Road, and at *Oxford*, and were given out to be worn in Hats, and every one, that would, had his Favour; whether for any Signal, or Oſtentation of Party, the Adminiſtrators beſt knew. All theſe Proviſions were notorious in open Day-light; what then lay behind the Curtain, and in the Dark? It is ſaid, of Officers in Poſts of Truſts, *They never play the Knave, but when they are caught*; for then it is eaſy for them to ſay they never did ſo before. So here the Party Men, when theſe Things turned upon them and flew in their Faces, found it eaſy to ſay, what could all, that any one diſcerned at *Oxford*, do? But *ex pede Herculem.* They, that let ſo much be ſeen, had notable Reſerves however couched. But, to conclude; this *Oxford* Expedition was a general Rendeſvouz of all the Deſperado's of the Party. They had the famous three *Ms*, *Men*, *Method*, and *Money*; with which a great * Architect uſed to ſay he could do any Thing; and ſo theſe Men thought of their Proviſions. I leave it to the Indifferent to judge, where the arbitrary Deſigns lay.

Faction confounded by the Diſſolution.

CXXXI. *Matchiavel* ſays, that *Cæſar Borgia*, his exact Model of a Politician, had provided for every poſſible Incident, but his own Death; and a Surpriſe on that Side overturned all his fine ſpun Projects. I may ſay the ſame of this Faction in and about *Oxford*; they had provided againſt every Emergence of Peace or War, except that of the Diſſolution of the Parliament; which, happening *ex improviſo*, like a Thunder Stroke, ſplit all their Deſigns, and laid them flat; ſo as, during that King's Reign, nothing of them could be brought into Order to operate again. The Neceſſity, the King lay under to do it, is manifeſt from the Proceedings of the Lower Houſe, which are ſet forth *literatim* in many Prints, and, more eſpecially, a Declaration, often to be touched upon, which the King put forth, for making known his Reaſons for diſſolving theſe two Parliaments of *Weſtminſter* and *Oxford*, one after the other, which moſt luculently ſolves all. It deſerves well to be here inſerted at full Length, but, being no Compiler, I do not tranſcribe what is eaſily had, even at large, in the Author before us; of whoſe Diſcretion, and good Manners, relating to it, I have ſomewhat to obſerve.

The Author's Libel on Occaſion of the Diſſolution, and the King's Declaration of Reaſons. p. 398.

CXXXII. But firſt of the Diſſolution itſelf, here take his honeſt and critical Account; *The Diſſolution of the two Parliaments, eſpecially of the laſt, in ſo abrupt a Manner, raiſed up a general Spirit of Diſcontent and Diſtruſt in the Body of the People of* England. This is utterly falſe. As for the *Weſtminſter* Parliament, I ſhall make it appear evidently elſewhere (here I am not ready for the Particularities of that Affair) that, if there was any general Spirit of Diſcontent, it was at their Sitting, and not being diſſolved. And, as for the *Oxford* Parliament, the Matter was ſo ordered amongſt themſelves, that it became little leſs than impoſſible they ſhould ſit longer; and

* Mr. *Hugh May.*

the People were entirely ſatisfied upon the coming out of the Declaration. But we muſt uſe a Method in conſtruing this Author; that is, let his malevolent Faction be the People, for ſo he muſt always be underſtood when he appeals to the People; and, in them, there was a Spirit we grant (to oblige him) of worſe than Diſcontent. And likewiſe for *Diſtruſt*, they might be ſuſceptible of that, who had ventured their Heads in the Service, of whom afterwards (notwithſtanding the Privilege of *Ignoramus*) few thought themſelves entirely ſafe from the Law. *This*, ſays he, *made the King deſcend to an Apology for himſelf, in an Appeal to the World by a Royal Declaration of the Cauſes*, &c. This raiſed up (ſays he) What? Anſwer; a Spirit of Diſcontent and Diſtruſt. If he had ſaid, leſt the Enemies of the King ſhould, from the Diſſolution, make a Pretence or Handle to raiſe up a Spirit, *&c.* he had not been out of the Way. But a Subject, writing of the Perſon of a King, ſhould have had more common Manners, than to put the Word *Deſcended*, for the Word *Condeſcended*; and worſe, the Word *Apology* (which is always from Inferiors to Superiors, or thoſe who, on that Occaſion, are ſuppoſed to be ſuch) inſtead of a moſt gracious Declaration. One that had been Chaplain to a Lord might have been better bred: But this good King muſt always be drawn little by him. And his own Order the Clergy muſt have a Flap too; for, it being ordered by his Majeſty, and, under him, by eccleſiaſtical Authority to be read in Churches, *The Clergy paid a chearful Compliance to the Reading it, and thereby gave Offence to ſome of their Patrons, and to many of the People.* What? would he have had them diſobey, and not read it at all, contrary to their Duty and Canonical Oath? Was it like a Declaration of Indulgence in latter Times, which ſome of the Biſhops refuſed to diſperſe; and, where they were diſperſed, many Clergy refuſed to publiſh what was againſt the Laws of Church and State? Faction hath a wonderful Authority, if nothing muſt be done, however dutiful and lawful, if it doth not pleaſe them. Then note the Libel Dialect; *Some Patrons, and many People.* This may be true; and, though looking big, ſignify nothing; for two of one Sort, and three of another, ſerves Turn. The Author adds, that —— *However ſmooth and fair, was by no Means popular*; which is falſe, by Demonſtration of Multitudes of Addreſſes that came to the King, with their Thanks for it. But then, *Some thought it nothing but a Torrent of Words.* There's a doughty Objection! I gueſs, the Royal Act itſelf, when looked into, will get the better of thoſe *Some.* But this ſame *Torrent* is a favourite Word, and ſerves in the Quality of ſound Reaſoning in many Places of his Book. But *others had a worſe Opinion of it, as a Stretch of Prerogative, and a profeſſed Inſult upon the late Members of both Houſes.* Who are theſe Nations of *Some and Others?* Perhaps, and Idiot, or two, of the Faction: I am ſure no other could ſeriouſly write this. For a *Stretch*, that is Exerciſe of Prerogative over-rigorouſly, intends ſome Fact done, or to be done. And how the King's Diſcourſe to the Public, commanding nothing, came to be an P. 399.

Exerciſe

Exerciſe of Prerogative, I am to learn. Then follows, *Many thought it a mere Nullity*. Here is another Nation ſprung, the *Many*; it were material to know if they were famous for Learning or not; becauſe the Word *Nullity* is a forenſic Term, and is oppoſed to *Validity*, and both refer to Legal Obligation; and what that has to do with a Declaration, or Relation, which is telling a Story, I am to ſeek. When a Man ſpeaks his Mind, the ſaying that it is a *Nullity*, is as wiſe as ſaying a Parchment Deed, not ſealed, is a *Non Ens*. But, in the former Scrap, the Word *Inſult* is pleaſant. I never heard that an Action of Inſult and Battery was brought, for being called Fool or Knave. But it ſeems the King may not ſpeak, at leaſt not Truth, againſt a factious Party of Men, but his Prerogative is ſtreched, his Words *Nullities*; (and how then can they ſtretch any Thing?) But, what is worſe, theſe *Nullities* turn to *Inſults*.

No one Exception made to the King's Declaration of Reaſons.

CXXXIII. It may ſeem ſtrange that I have beſtowed ſo many Words upon theſe Expreſſions of the Author; and I muſt confeſs, that, conſidering the arrant Nonſenſe, and *(good Nullity*, ſtand a little aſide) the Nothingneſs of them, it is no better than trifling: The rather, becauſe I do not bring in any Notes upon the ſubject Matter of the Declaration here, being reſerved to another Place; and that, ſince the Author hath not made an Exception to any one Point of Fact, or Matter of Reaſon in it, no Anſwer is required, unleſs I am allowed to ſay, that the falſe Character of it, given here, is in Generals and Indefinites, made up of Sentences either undetermined, nonſenſical, or Contradictions. No Matter, therefore, at preſent, what the Thing is, ſo it appears what the Author is; which, I think, I need not in Terms declare. But ſince he is pleaſed to fall foul upon a Royal Declaration, which is ever accounted gracious to the People (whom his Majeſty thereby makes Judges, of the Sincerity of his Government, in certain Reſpects) and in a Way more frivolous than when the intemperate vulgar ſcold and call Names; I had leſs Regard to that than to the Dignity of the Declaration, which latter chiefly induced me, by theſe Notes, to deterge ſome of the frothy foul Slaver he has ſpit at it.

The Manner of the Diſſolution, and the Reaſons.

CXXXIV. Now, becauſe the Author ſaid the *Manner* of the Diſſolution was *abrupt*, I will proceed to ſhew the Circumſtances, or (to oblige him) the very Manner of it; which, I think, will oblige alſo the Reader with ſomewhat more diverting, than quarrelling with his Nonſenſe. The Commons complained that the Convocation Houſe was too ſtraight for them to ſit and tranſact in; and, at their Deſire, Orders were given for the immediate fitting up the Theatre for their Uſe. The King concerned himſelf much about the Diſpoſition of it, viewed the Deſign, gave his Judgment, and came in Perſon among the Workmen; and, particularly on *Saturday*, 26 *March* 1681, I had the Honour of ſeeing him there, and obſerved his taking Notice of every Thing. Upon *Sunday* next his Majeſty was pleaſed, eſpecially towards the Evening, to entertain himſelf and his Court with Diſcourſe of the wonderful Accommodation the Houſe of Commons would find

find in that Place, and, by his Obſervations, and Deſcriptions, ſhewed how it was to be. All this While the Spies and Eves-droppers could find no Symptom of a Diſſolution, but rather of the contrary, that the Parliament was like to make a long Seſſion of it. The next Morning, which was *Monday*, the King came to the Houſe of Lords, as he was wont, in a Chair, and another Chair followed with the Curtains drawn, but, inſtead of a Lord, as was thought to be in it, there was only the King's Robes. Thus they went and ſat down in a withdrawing Room. When the Robe Chair was opened, a groſs Miſtake appeared, for the Garter Robes were put up inſtead of the Robes of State; ſo the Chair muſt go back, with an Officer, to bring the right. A Lord happened to be in the Room, who, upon this Diſcovery, was ſtepping out (as they thought) to give the Alarm: Upon which thoſe with the King prevailed to continue his Lordſhip in the Room till the Chair returned, and Matters were fixed, and then he had his Liberty. The *Black Rod*, at the Houſe of Commons Door, was the firſt Cauſe of Suſpicion in the Houſe of Commons. The Reaſon of this Privacy was to prevent bad Language, or worſe, in parting Votes; as had happened upon the Diſſolution of the former Parliament. And the Precaution was more reaſonable, becauſe, if any Evil was ripe, it might prevent the Execution of it: Or, perhaps, his Majeſty had no Mind to be troubled with too many Interpoſers with their dark Objections; as *Sire, what do you mean? Does your Majeſty conſider? Firſt think what will be the Conſequence*; and the like. And, I gueſs, beſides weightier Conſiderations, the King deſired to free himſelf from ſuch Kind of Importunities.

Breaking up at *Oxford*, and the King's Journey turn'd to Libel.

CXXXV. After this *Coup de Maiſtre* of a Diſſolution, all departed ſcattering to and fro; and, inſtead of thoſe bluſtering Diſcourſes and menacing Looks, which the Gentlemen of the Party uſed before, now they were creſt fallen, appeared little abroad, and, when any did come forth, one might read *non putaram* in their Looks. It is not to be expreſſed, what Clutter there was in Town about getting off. The Price of Coaches mounted *Cent. per Cent.* in a Quarter of an Hour. It was the Conceit of a foreign Miniſter, that the Town looked as if it had been beſieged, and juſt ſurrendered, upon Articles forthwith to remove. The King went that Night and lay at *Windſor*, and next Day to *Whitehall*; no hard Travelling for a Prince that ſeldom or never went to *Newmarket* but in a Day; much leſs in the Speed of a King running away before a victorious Enemy. But now this eternal Libeller of ours, has found out a ſiniſter Conſtruction even of this moderate Journey to *London* from *Oxford* in two Days, *viz.* a Running away for Fear of the Parliament, and that his Majeſty was huge glad when he was got ſafe Home. His Words are theſe; *The King immediately took Coach, and drove in Haſte to* Windſor, *where he lay that Night, and the next Morning he poſted away to* Whitehall, *ſeeming there extremely pleaſed that he had made his Eſcape, as it were, from* Oxford, *and got a Deliverance from his Parliament.* P. 397.

O CXXXVI. Who

The ſame ſhewed to be ridiculous.

CXXXVI. Who, but one ſurrendered to Shame, could give a Deſcription ſo impertinent and frivolouſly malicious as this? When he could find nothing elſe in the Buſineſs to ridicule, he falls upon the Journey, and makes the Horſes large Trot, accuſe the King of childiſh Timidity. He has a rich Fancy in contriving Diminutives of Majeſty, and, at the ſame Time, exalting the alternate Grandeur, and tremendous Authority of his Party. Obſerve the flowing Eloquence, —*immediately*, —*in Haſt*, —*poſted* — *made eſcape*, —*Deliverance*; then comes *it ſeems*, and, *as it were*. What a Poetical Hurry it is, to get ſafe to *Whitehall*, panting and out of Breath, as a Fox to his Earth; which would have been an admirable Simile for his Purpoſe? But the Author is Secretary to his Party, and writes their ridiculous Talk to one another, when they would chear their Hearts with a little forced Laughing. Obſerve how contrarily this Paſſage will work. Was the King afraid? then he ſaw Cauſe for it; he might have Intelligence the Party was ready to ſtrike. There is more Reaſon to conclude the Faction guilty of moſt damnable traiterous Deſigns, than that the King run away for vain Fear: When it is notorious, no King ever expoſed himſelf, to Attempts upon his Perſon, as he continually did, even to a Fault; and no Inſtance can be ſhewed, of an Act of perſonal Fear, that ever was charged upon him. There was more Reaſon, if at all, to fear the Parliament at *Weſtminſter*, where the beloved City was near, and a great and ſmall Rabble at the Beck of his Enemies.

The King's Fear of the Parliament, Nonſenſe.

CXXXVII. The Tide is ſtrangely turn'd. Before this Meeting, if we may believe the petitioning Lords, either the Parliament, or their Lordſhips for them, were afraid of the King; now they, and their Party are gone, and all their Projects *in Fumo*; why muſt he be afraid of them? What inconſiſtent Stuff will not Libel put together? But the King neither did, nor had Reaſon to fear much in that Conjuncture; for he was precautioned by the affected Preparations of the Party, and had his Guards in Order, ſome in the City, and ſome quartered about, the Lord Lieutenant, Sheriff, Gentry and Commonalty, in *Oxfordſhire*, generally Loyal. The contrary Poſture to this, that is of general Diſcontent and Infirmity of the Military Diſpoſitions, the Party did not expect to find; but hoped that, with the Opportunity of a long Seſſion, they might find Means to create. And, as for the Parliament itſelf, the very Exiſtence of it depended on the King's Will; but, according to this Author, they were the Jury to try the King for his Life, and the Trial being put off, he run Home as faſt as he could. So much Notice taken of his Stuff, makes me ſpit, and, I fear, it may make a Reader do worſe.

The Author finds fooliſh Reaſons for the Diſſolution.

CXXXVIII. Now is the grand Criſis, of all this political Ferment, over; and, from henceforward, the Affairs of the Party went ſcurvily, their Fervor was abated: And, although ſome Time after, as a Giant worſted in Fight, they ſummoned their Force into one Effort, at the *Rye*, as a dead-doing Blow, yet, that miſſing, Affairs went from bad to worſe, and ſo on to worſt of all,

all, which was their being reduced to lie much at the Mercy of the King, though he made Examples of but few; which uncommon Lenity of Government, I am afterwards to shew forth at length. It is very ordinary for bad Practices in secret, after failing of Success, to appear above-board, naked and plain, developed from those mysterious Clouds that veiled them over. So it fell out here; there were daily Discoveries of bad Doings, to the utter Confusion of the Authors of them, as appeared eminently in the Case of *Stephen Colledge*, and others, of whom elsewhere. But now, after this parlous Declaration of the King's Reasons laid aside for *a Stretch*, *a Torrent*, *an Insult*, and, after all, *a Nullity*, that is nothing at all, the Author comes with his Reasons for this Dissolution, viz. *His Majesty had taken Offence at the* Oxford *Parliament, for the particular Zeal of the People, in many of their Elections, and for the particular Respects paid to the Members of the City of* London, *in a great Retinue waiting on them*, &c. Particular Zeal, and particular Respects, are notable Notions. As for the Zeal, if the Members, chosen and returned up, had not, by their Proceedings, made the Dissolution necessary, but had gone on with the Business temperately, I presume the King had not fallen out with them, because some, perhaps, were sent up by a Pack of Knaves, and rode to *Oxford*, with a riotous Company about them, and with the mystick Ribband in their Hats, as the City Members did. And as for the Respects, which were so particular, here is, at the Close, a very suspicious, *&c.* which, rightly interpreted, will resolve the whole Story of Arms, *&c.* (if I may use the same Figure) at *Oxford.* This Retinue, at least a Troop of Horse, well arm'd, for the Citizens, and, then, under the Banner of, *&c.* comes the Earl of *Shaftsbury*, and the Lords of his Sense, to say nothing of diverse other like Commoners, with their Attendances, was very particular, indeed, without Example, since *Rumney-Mead* and *Magna Charta*, and hath almost confess'd the Guilt of those who were questioned for it. It is an egregious Confidence to invent Reasons for a King that hath declared his own publicly, and all without falsifying in any one Iota of that Declaration. And it is senseless to conceit that the King, whose State and Government was concerned, should be humoursome, and take Snuff at his Parliament, for the Moralities of the Electors, before they had met to give him any Occasion of Offence. If the Author had said, the Nature of many Elections, and the suspicious Attendance at *Oxford*, might abate the Confidence the King might otherwise have had in their good Will towards him, upon which Account he became a little more watchful over them, he had not been much awry; but he will have the King's Heart in his Hand, which the Text (that he forgets) says is in the Hand of the Lord.

CXXXIX. We are now got safe from the Parliament and settled in *London*; and, as I touched before, the *Oxford* Project proving abortive, the factious Engine began to be out of Order, and, moving irregularly, clattered very much. The Witnesses, which the Faction kept in Poigne (like false Dice,

The Faction true to each other, and cover'd by *Ignoramus* for a Time.

Dice, high and low Fullhams) to be played forth upon Plots, and to make Diſcoveries as there was Occaſion, were now chap-fallen, and began to talk on the other Side; and then it was not long before the greateſt Part of this knotted Sedition and Treaſon came forth: And although ſome, as *Colledge*, *Rouſe*, and particularly the Earl of *Shaftſbury* (whoſe Caſes ſhall come afterwards) eſcaped for a while, by Virtue of *Ignoramus*; yet the Law, at length, got the better of ſome of them, upon which the whole Scene fell out to be proved. But the Particulars are adjourned over to the third Part of this Work. And, in the mean Time, we muſt look upon it that, about *London*, the Party was ſafe; the godly Sheriffs, that had made their Diſpoſitions on the Frontier, would not look back. Yet, for Confirmation of this Security, the choiceſt Pens of the Party went to work; and diverſe Books and Pamphlets came out, to furniſh Jury-men with plauſible Reaſons to forſwear themſelves, and to ſet up their Conſciences againſt their Oaths. Common Fame charged Sir *William Jones*, the late Attorney-General, who had thrown up his Employ, and taken himſelf into the Faction, to have compoſed a little Book titled *Advice to Grand-Juries*. It is certain that, in that petit Piece, if it was his, he put forth all the Subtilety of his Invention to draw Grand-Juries to a factious Bias, and to ſhew them how, with a *bon* Grace, they might reſiſt the Law and take the Bit in their Teeth, in order to be perjured *ſecundum Artem*. All this Endeavour and ſtraining of the Party, was to ſave their Friends in general, but more immediately, the noble Earl, their Head: And I am bold to ſay, for thoſe Gentlemen, that no Perſon was ever ſo firmly, induſtriouſly, and reſolutely ſuſtained by a Party, as his Lordſhip was. It were well if Men of orderly and quiet Diſpoſitions had half that Care of one another, as theſe turbulent Spirits had. I am ſorry for the long Walk I have taken to come at the Examinations and Proceedings againſt the ſaid Earl. I could not, without Relations of Matters, and ſome Obſervations, give a due Luſtre to the Author's Falſities and Malice in many Inſtances, as I have done, though moſt of them lie out of Order and confuſed, as needed to be for the meeting him in odd Corners and Places; but moſt eſpecially, as to the Caſe of his Lordſhip, to make bare the Villainy of his Conduct, and the Folly of diverſe of his Paſſages, which indeed required ſuch Relations. And, as to the Defects and Imperfections of them, I can only promiſe to make Amends in other Places, where I ſhall reſume moſt of theſe Concerns, already touched, with expreſs Intention to explain them more fully.

A Peer to be made an Example for Decorum.

CXL. After the Author has daubed over *Colledge*'s Trial with a deal of his naſty Ink, reflecting on the Matter and every Circumſtance of it (*gran Mercé* to his Authors the Libellers of that Time) he advances to the Caſe of the Earl, and introduceth it thus; *It was propoſed to make an Example of a Peer, as well as of a poor Commoner.* This is no leſs falſe than malicious and fooliſh. At what Council, or by what Stateſman was this wiſe Overture made? The Conſult, according to this Author, if he means any Thing,

Thing, was, firſt, if a Peer, then what Peer, and, laſtly, to find Evidence: And all to make a ſort of Regularity and Conformity of Example. A Commoner, a Peer, wonderful Specious! What Awf doth he fancy can ever believe this more fooliſh than wicked Conſideration to be the Counſel of a King allowed to be very knowing in Men and Affairs of State and Juſtice, ſided by an able upright Miniſtry, as at length appeared to be about him at that Time? And yet his Authorſhip brazens it forth as dictatorially, as if nothing were extant upon Record, or in Print, of the Caſe; by which it appears that the Evidence againſt the Earl was flagrant, even when he was firſt thought of to be proſecuted. So far was it from a Propoſition to make a Conformiſt of him. But we forget ſure that all Senſe and Truth muſt give Way, when the Author's Will and Pleaſure advances; and he affords us that but in Scraps, with ſtrong Sauce, which we muſt take in without enquiring what Carrion it is made of. And thus, out of an Exceſs of ſhallow Diſingenuity, he tranſgreſſes his own ſacred Laws of Libel, which, as Romances, ought to carry ſome Face of Probability; but this has none.

Reaſons for preferring the Earl of *Shaftſbury* to this Honour.

CXLI. He goes on; but remember the firſt Reſolve was a Peer, for *Bienſance*, no matter for Guilt; next comes on the Point, what Peer? *My Lord of* Shaftſbury *was moſt odious to the Court, and the more ſo, becauſe his Lordſhip, with ſeveral other Peers, had entered a Proteſtation againſt the Lords rejecting the Impeachment of* Fitzharris, *and, upon the Diſſolution of the Parliament, returned to* London *immediately, as if he intended thereby to influence the City againſt the Court.* Here are three Diviſions of Cauſes why the Earl was ſelected to be an Example. 1. He was more than moſt odious to the Court. That the Papiſts, *viz.* the Court, were angry with him, and reſolved to proſecute him to *Diſgrace and Ruin*, was communicated to us a great while ago; I ſuppoſe before this Conformity Propoſition was made; and all for his Zeal for the Proteſtant Religion and Property. The greateſt Odium could not draw more; but it ſeems it was augmented, 2. By proteſting, with other Peers, in the Caſe of *Fitzharris*. This Matter is a little new, and I doubt we ſhall not underſtand the Author's Riddle yet, but muſt wait upon the Caſe of *Fitzharris*, in the Second Part, for it. Now all this would not have done alone; for any other Peer, out of the Liſt of Proteſters, might have been taken and made a Peeriſh Example of. But then, 3*dly*, his Lordſhip went Home as if he would influence the Citiſens againſt the Court. Now this is peculiar to his Lordſhip's Caſe, and decides the Preference to him. Of theſe three in their Order.

1. Odium of the Papiſts.

CXLII. *Firſt*, as to the Odium of the Papiſts, that moved his Proſecution, or rather ſwayed the Chance upon him, ſince the Author has not been pleaſed to tell all, I think, for a clear Inſpection of the Matter, the beſt Way will be to go over his Lordſhip's Caſe, and ſhew what it was, and the groſs Steps taken, by the Papiſts, to make ſomewhat out of it, and alſo his Lordſhip's Defence: Which Work, as to the Main, will be eaſily done, becauſe the whole Proceeding is in Print for *Mearn* and *Baker*, in 1681: For theſe

Papiſts were ſo weak as to publiſh all their Perſecutions, eſpecially of Peers. As for the minute Circumſtances, I ſhall leave them referred to the Print. And, to ſay Truth, Raillery apart, ſuch Publications, as theſe were, by Command of Authority, in conteſted Matters, are the beſt Check of Hiſtory. For, if the Facts are not true, or Inferences viciouſly drawn, the adverſe Party ſoon make a Blazon of them abroad; the Conſideration of which is the Cauſe of uſing very great Care and Integrity therein.

Indictment againſt the Earl examined in open Court.

CXLIII. Sir *Robert Sawyer*, the Attorney-General, had Experience of the Temper of his Grand-Juries, by their Rejection of former Bills of Indictment, which he had preferred upon ſufficient Evidence. And it was diſcourſed about the Town, that the Bills were not found for Want of ſufficient Evidence; and, particularly, that there was nothing conſiderable againſt the Earl to ſupport the Indictment, intended to be preferred againſt him at the *Old-Baily*, for High Treaſon. This was a certain Indication that, whatever the Evidence was, the Party was fixed to return upon the Bill *Ignoramus*. This touched the Attorney nearly in his Reputation, and was of the laſt Conſequence to the King whom he ſerved; who muſt not pretend to rule where the Laws, that guarded his juſt Power and Safety, were enervated, and the very Offers at a regular Proceſs were, by the Faction, (ſo far as their Dealings by perpetual Lyes in Talk and Print would infer) returned back in Infamy upon him. Therefore it was his Deſire, and the common Advice of thoſe who were conſulted and depended on in Matters of Law, that he (Mr. Attorney) ſhould publicly move the Court, as he did; and it was thereupon ordered that the Evidence, upon the Bill of Treaſon againſt the Earl, ſhould be given to the Grand-Jury in open Court, and not, privately, in the Grand-Jury-Chamber. The rather, becauſe it was found that the Jury-Men, in theſe Caſes, inſtead of examining, fell to brow-beating the Witneſſes, and ſo, by Taunts and Reflections, made them uncapable to teſtify in any Order; which was intolerable.

The wilful Scruples of the Jury-men tenderly dealt with by the Court.

CXLIV. That the Jury-men, in this Caſe, were of the moſt hardened in Faction, and pick'd out from the very Center of the Party, may appear by the very Sound of ſome of their Names, as *Bernardiſton*, *Papillion*, *Dubois*, *Edwin*, *Shepheard*, *Godfrey*, &c. memorable Perſons; the reſt not ſo well worth naming. After they were ſworn, the Lord Chief Juſtice *Pemberton* made to them a reaſonable Diſcourſe by way of Charge, ſhewing what by Law was their Office and Duty. Then the Bill was preſented and read, and Mr. Attorney offered to proceed to the Teſtimony. But the Foreman claimed, as their Privilege, to examine the Witneſſes in private; and diverſe of them, one after another, as the Spirit moved, inſiſted on the ſame, alledging ſomewhat or other by Way of Pretence. The Chief Juſtice declared that, if the King deſired the Examination ſhould be public, the Court could not refuſe to grant it: Beſides, it would prevent all Miſtakes and Miſreports of the Evidence, and, with much Reaſon and Temper anſwered all their Scruples. Of the reſt of the Judges, ſome ſpoke, and all concurred in the ſame Senſe. So that, after a ſenſeleſs Altercation with the

Court, they ſtood over-ruled. And, to demonſtrate the Partiality in the returning this Grand-Jury, I muſt not let paſs a Behaviour of Sheriff *Pilkington*. He moved the Judges, as it were in his own Name, that the Witneſſes might be examined apart, and not in the hearing of one another; and had, for his Pains, a Rebuke from the Court for concerning himſelf, as a Party, againſt the King, whoſe Officer he was: But yet it was ſo ordered. Whoever obſerves in the Print, what a Stir theſe pragmatical Jury-men made about Trifles, and with what Tenderneſs they were treated by the Court, even where they had leaſt Colour, muſt ſay that there could not be a more fair, or juſt, Examination, and that the Court, Counſel, and Agents for the King, all acted as Men that had given Security for their good Behaviour.

The Sum of the Earl's Caſe upon the Indictment.

CXLV. The Author, for the whole Offence of the Earl, charged in the Indictment, and proved by the Witneſſes, gives only a Scrap or two, taken, as he pretends, out of the Teſtimony; but ſo far from the Fulneſs and Pinch of the Charge and Proof thereupon, that it is impoſſible to underſtand from him what the Matter was. And that is plainly his Deſign, as in other Inſtances noted, by giving a Piece, and a ſorry one, for the Whole, the better to conceal the Truth. Therefore I think it neceſſary to fill up his Blanks, and give an Extract of the Indictment. For the Offence, as it was proved, may more readily and conciſely be taken from thence, than gathered from the Talk of the Witneſſes who proved the Whole. The Treaſon was upon the Article in 25 *Edw.* III. for intending and compaſſing the Death of the King. The overt Acts were, that he conſulted with *Booth*, and others, to bring his Deſign to Effect, and, for that End, made a Proviſion of armed Men; and, to encourage the Undertaking, did declare, that, in a ſhort Time, the Parliament was to ſit at *Oxford*; he had inſpected the Elections, and the Inclinations of the Members; and he was ſure they would inſiſt on three Things: *1ſt*, The Bill of Excluſion. *2dly*, The Repeal of 35 *Eliz.* *3dly*, A Bill to unite the Proteſtants, (being a traiterous Aſſociation) and other wholeſome Bills, to which he was certain the King would refuſe to give his Royal Aſſent; and therefore, that he did expect there would follow a Diviſion between the King and the Parliament, and that many Lords and Commoners were of the ſame Opinion, and were reſolved to inſiſt on his paſſing them; and, if he refuſed, they had provided Strength enough to compel him to grant them; and, for his Part, he had provided ſtout Men, to be commanded by Captain *Wilkinſon*, of whom he had agreed *Booth* ſhould be one. And he alſo declared, that the King was a Man of no Faith, and that there was no Truſt in him; that he deſerved to be depoſed as well as *Richard* II. and farther, that he never would deſiſt, untill he had brought *England* into a Common-wealth without a King, and that he, and the Aſſiſtants, which he knew were many, would make *England* a Common-wealth as *Holland* was, and they would live as in *Holland*, and the King and all his Family ſhould be rooted out; and that he had ſaid alſo that the King was a Man

of

of an unfaithful Heart, and not worthy to be truſted, and not fit to rule and govern, being falſe, unjuſt and cruel to his People, and, if he would not be governed by his People, they would depoſe him.

The Author falſifies the Caſe.

CXLVI. This is the Sum, all which was proved to a Letter, and a great Deal more; as, who will, may ſee in the Print. But the Author, pretending to give a Sum of the Evidence, hath taken nothing of all this, but other Paſſages, which ſome of the Witneſſes teſtified, not proper to be put in the Indictment, yet ſuch as he thought would make the Treaſon look ſlight and ludicrous; which being no common Species of Falſification, and to ſave the Reader the Trouble of collating his Book, I will extract from him, *viz.* That *Wilkinſon* was to command a Troop of Horſe in the Army the Earl was to raiſe; —— that little Good was to be done to Things, ſo long as the King's Guards were about him; —— if the King ſhould offer any Violence to the Parliament at *Oxford*, he would meet with a ſtrong Oppoſition; —— that the Duke of *Bucks* had as much Right to be King, as any *Stuart* in *England*. Here is all the Author gives us in his Account of this fiery Perſecution of the Earl, as if there had been nothing in the Caſe far beyond it. Nay, even theſe Points are not in the Charge, and little in the Proof. Had he ſaid nothing particular of the Charge, he had come off better; though the Title of his Book obliged him to give a true and compleat Account of it. He had the Print before him, and might have fairly extracted it. But, for the Sake of traducing a Government in a judicial Proceſs, to write ſcarce the Froth, for the whole Subſtance of it (to ſay no worſe) is much worſe than Lying.

The Aſſociation, and Liſt of Men worthy.

CXLVII. But now, to go on with ſome Matters that fell in the Evidence, there was a Paper found under his Lordſhip's Lock and Key in his Cloſet, being a Draught of a treaſonable Aſſociation. This the Jury Men, who acted as Counſel for the Defendant, would have ſhuffled off, on Pretence that Mention had been made in Parliament of a Bill of Aſſociation to be brought in. Whether this was intended to be that or not, was not material, ſo long as the Import of it was treaſonable: For one of the Ends expreſſed, was to deſtroy the mercenary Forces in and about *London*, which were manifeſtly the King's ordinary Guards; and then that, ſitting the Parliament, the Government was to be in the Majority of the Members: But the Thing itſelf did not import as if it were to be enacted by Parliament. The Author brings forth the Authority of one of his choice Counſel learned in the Laws, Sir *John Hauleſs*, who is of Opinion, that this Paper was not proved a Fact of the Earl's, but only in his Cuſtody; true; and, for that Reaſon, it was not entered in the Indictment as an overt Act, and, if that had been done and proved, it had been a ſufficient Conviction; but it was uſed only as a Circumſtance that made the direct Evidence more credible; and in theſe Caſes, ſome ſeditious Practices at large, though not direct Treaſon, are received in Proof for the like Intent. There was another found, which

made more Noiſe in Town than this, but, by Reaſon the Title was enigmatic, it could not regularly be offered as Evidence. It was a Liſt of Names of Men, under the Titles of *Worthy Men*, and *Men worthy*, in two Columns. The firſt, by Interpretation, was —— of Preferment, and the other —— to be hanged. But, in the Obſervation of the Public, that White and Black Liſt was a notable Diſcovery; for it ſhewed by what ſanguinary, as well as partial, Meaſures, the Party had proceeded, if their Deſigns had taken Effect, and quadrates exactly with the Diſcoveries of the *Rye* Conſpiracy, as the Accounts of it ſhew.

CXLVIII. But the Author, beſides curtailing the material Part of the Earl's Caſe, hath ſuppreſſed two of the material Witneſſes examined againſt him, as appears by the Print, who, without any other Teſtimony or Circumſtances, were ſufficient to have made good the Indictment, as to the finding it by the Grand-Jury; and thoſe were *Ivy* and *Dennis*. He names *Booth*, *Smith*, *Hayns*, *Macknamarra*, with the Scraps of the leaſt material Part of their Evidence, as I obſerved before, but nothing of *Ivy* and *Dennis*. If he had not made a falſe Shew of a particular Account of the Evidence, I had not made this Obſervation of his prevaricating, as before, by putting a Part, and the leaſt of all, for the Whole, with Intent, by that Flam (like a common Jugler) to diſguiſe, or rather ſuppreſs all the reſt. I hope it appears now that there is ſomewhat more in the Caſe, than the Decency of Quality, in coupling a Peer with a poor Commoner, to occaſion a Proſecution for High-Treaſon. It is well the Earl was otherwiſe qualified than by his Peerage, that is, by being odious to the Papiſts, to diſtinguiſh him; elſe, ſeriouſly, the whole Set of the proteſting Peers might have taken Offence, as put upon a Level in Treaſon with him, choſen out of their Company, not *per ſe*, but, *per accidens*. The Proofs curtailed.

CXLIX. At this Examination, according to Cuſtom, the *Wapping* and Suburb Detachments were upon Duty, poſſeſſed of the Yard, the Street, full of Inſolence and Threats in their Bruit and Faces: And, when the Return of *Ignoramus* was made, there was an hideous Shout, of which the Author will give us Occaſion to ſay more anon. The ſcandalous Perjury of theſe *Ignoramus* Returns, lay in this, that, upon an Indictment, the Examination is only an Inqueſt of Office to accuſe, and not a Trial to condemn, or acquit, the Party. And therefore they hear only the Proſecutor, and never any Defendant; and, when diverſe Offences come to their Knowledge, they have not a Diſcretion to return to the Court one Information, and to withhold another, but they are to return every unlawful Fact, of which they have Knowledge either of themſelves, or from lawful Teſtimony. If the Teſtimony be not lawful, as but one Witneſs in Treaſon (for the Statute ſays two lawful Accuſers) or if the Teſtimony be not expreſs to the Matter charged, or if that be frivolous or Nonſenſe, then there is no Information, and they return that they have no Knowledge of ſuch Fact, which is *Ignoramus*. But if the Teſtimony be lawful and full, it is *Billa vera*, ſo is The Nature of the Abuſe by *Ignoramus*.

the Form, and then the Defence upon Circumſtances, ſuch as miſtake of the Perſon, Perjury of the Witneſſes, and the like, doth not belong to them, becauſe it comes not in Examination before them; and for them to grow up, as they pretended, from mere Informers, to become Triers, of the Fact, is contrary to Law, the Inſtitution and Duty of their Offices, and no better than rank Perjury. They are not to return to the Court their private Opinion, as the Triers do that ſay *Not guilty*; but they return (as I ſaid) their Information only, which, being legal, is, to all the Intents of any Inqueſt, *vera*. And the ſetting up their Conſciences, as to the Merits, which cannot be decided but by another Trial, and hearing both Sides, is a rank Uſurpation, or, rather, an Obſtruction of the common Courſe of Juſtice. But here was no Room, even for that, which made their Act the more impudent and ſcandalous; for there was not only a legal Teſtimony, but, as it appeared, a convicting Evidence of High Treaſon; and yet, for the Sake of this Head of the Party, the Law muſt be laid aſide.

The Management of *Ignoramus*, and the Reaſons.

CL. This indeed was a ſingular Caſe, both for the Value of the Perſon, and the Neceſſity that fell upon the Faction, for ſaving of him, to ſtop the Law in the firſt Inſtance. If the Earl, precious as he was to them, had been attaint by his Peers, it was to be feared the Tenderneſs of his Skin would not have ſtood Buff againſt a blockiſh Extermination, but ſuch Diſcoveries might have been made, by Way of Price for his Head, as were terrible for the whole Party, and the Intereſts they ſerved, to think of. And they had not in their Hands his Trial, for that went up to the Peers, as they had of a Commoner that would come to a Jury of the ſame Stamp; for then they might have let the Indictment go, and the Petty-Jury, with better Colour, had acquitted him; which had ſaved to the Party that enormous Scandal of *Ignoramus:* A Point they would have willingly gained, for open Infamy doth no Party Service; and it is a Prejudice not to be incurred without utmoſt Neceſſity, which Neceſſity fell out here, becauſe they dare not truſt the Trial of this noble Earl to his Peers. It is a manifeſt Evidence, that what the Jurymen did was againſt their Conſciences; for if they had thought the Earl innocent, or that no fatal Conſequences, to the Party, had hung to an Attainder of him, they would have truſted the Peers, who, of all Judicatures in the World, are generally moſt indulgent to the Members of their own Body, of whom they are the only Triers capitally. And, to ſay Truth, this Party did not manage ſo cunningly as they might have done; for this ſtopping the Law, at the Grand-Jury, in plain Caſes, as they did at firſt in the Caſes of ſome Commoners, without letting them come to Trial, where it might, with much better Colour, have been done, made them more deteſtable, as having no Excuſe. But yet, to do them Right, I gueſs, even in that, they had Reaſon, which was to obviate all Manner of Notice or Publication of the Fact; for, at petit Trials, the Auditory are a Sort of Judges of the Caſe and Teſtimony, and the Behaviour of all Perſons that are concerned. And thus the Party really did

where the Examinations were private, as in the Caſes of *Colledge* and *Rouſe*; but, after the Court ordered the Examinations to be public, that Meaſure was broke, and then they began to regard a little Reputation, and let Indictments go, depending on the Petit-Jury for the Acquittal, as in the Caſe of *Fitzharris*; but, in that alſo, they were mumped, as will appear. Theſe are the Zealots againſt Popery, the ſtrenuous Aſſertors of the Rights of the People, and Oppoſers of arbitrary Power, ſo much celebrated by the Author. It was well they were not ſo cunning as they might have been, for would it not be very ſad, if wicked People were always ſo crafty in their Wickedneſs as the Nature of it would allow? We ſhall hear more of the Earl's Caſe afterwards: In the mean Time,

The Matter of the Proteſt blind.

CLI. We have to conſider the ſecond Cauſe of this ſingling out the Earl of *Shaftſbury*, from the reſt of his fellow Peers, to be proſecuted; and that is joining in a Proteſt againſt the Lords remitting *Fitzharris* to the Common Law, after he had been generally impeached. It is not to be expected, that a particular Relation of this Matter ſhould be given here, becauſe it will be long, and belongs to another Place. Nor doth the Author require of us to underſtand any Thing of the Matter; for his Reaſons need no Intelligence at all; otherwiſe, he would have related the Fact more particularly. Is it poſſible an Hiſtorian, Hight compleat, ſhould build a groſs Scandal againſt a Monarch and his Government, touching a capital Proſecution of a Peer, upon a certain Proteſt, as one of the Cauſes that drew down this Diſpleaſure upon him; and not make his Reader ſenſible, whether there was Cauſe of Offence in it or not, if it were material to his Hiſtory ſo to have done? Therefore we have his Warrant to leave the Matter in the dark, as he has done. But, ſince Doctors may differ, and others may think it very material, I will touch ſo much as is pertinent here, and, as for the main Relation of the Caſe of *Fitzharris*, leave it to its Place in the ſecond Part.

The Proteſt, with Reaſons new, and debated.

CLII. The King, in his Declaration of Reaſons, *&c.* blames the Commons, at the *Oxford* Parliament, for having impeached a Traitor (*Fitzharris*) only to take him out of the Hands of the Law, after he was ordered to be proſecuted. So it ſtood with the Commons. The Lords, by their Order, had left him to be proſecuted at Law, notwithſtanding the Impeachment. So the Court Party, in the Houſe of Lords, made a Recovery of that Matter againſt the Commons. They thundered in Votes againſt the Lords, and were proceeding to demand Conferences, and to urge Reaſons. The Earl of *Shaftſbury*, and thoſe in the Houſe of Lords with him, after they could not hinder that Vote for the Common Law againſt the Impeachment, demed, as the Courſe allows, that they might enter a Proteſtation of their Diſſent to that Vote. That was not denied, but they urged farther, that they might enter alſo the Reaſons of ſuch their Diſſent. By this they intended to aid the Commons, who were coming with their Reaſons; and, probably, the Earl was preparing for a ſharp Reflection upon the Court Lords, under

Cover of this Proteſt, to be printed and made public; for ſo he had been uſed to cook up his Matters for the Preſs, as was obſerved. But the Point, of admitting theſe Reaſons to be enter'd, occaſioned much Debate; it was objected that it was not equal, for the Reaſons on one Side to appear on Record, and not thoſe on the other Side; and, which was worſt of all, the Side, of the Order, had not Reaſons, and the Side, againſt the Order, had; as if Proviſion was made to ſhew to Poſterity, that the Orders of the Houſe were unreaſonable. But many Lords thought it might be an uſeful Privilege, and ſo it was carried for the Reaſons; which was the Beginning of proteſting with Reaſons in our Days. The Author takes no Notice of this Point of the Reaſons, which was the only Matter conſiderable; for what ſignifies an ordinary Proteſt, which every Lord demands as he pleaſes? It is probable that no great Court was made by puſhing theſe Reaſons; but, that being a Matter of Form in the Houſe of Peers, and that fell under their Debate and Deciſion, ſhould be a Reaſon to indict a Peer of High Treaſon, I think none, but the Author, could affirm.

The Earl's going home incenſed the Papiſts.

CLIII. The Author's third, and laſt, Reaſon, for the Earl's being ſelected for Proſecution, was his *returning immediately to* London, *as if, &c.* Firſt, for the Matter of influencing, *Quantum in ſe*, I gueſs his Lordſhip uſed reaſonable Endeavours that Way, as well before, as after, the Parliament. What elſe could make him ſettle his Habitation in the City, as he did at *Thanet* Houſe in *Alderſgate-ſtreet*, but only that he might have a readier Correſpondence with the Faction there, and be leſs obſerved? I deſire the Author, or any of his Patrons, to ſay, when his Lordſhip left *Oxford*, whither he ſhould go but home to his own Houſe? Whence then this, *as if, &c.?* Going home is, I think, as if he went home; and, if any one ſhould ſay no, it was *as if* he intended to eat his Supper, and go to bed, it would be taken for an impertinent Banter; but ſure it is not ſo impertinent as this *as if* is here. Did he go with an influencing Phiz? If he had gone with a Crier before, to ſummon the Citiſens to come and be influenced, it might have been a little *as-if-iſh*; I would help out the Author, if I could. But can he think, or that his Readers are ſo awfiſh as to imagine, that the King and his Miniſters were ſo egregiouſly ſilly, (Papiſts, as he would have them) to hate a Man for going home, as every body elſe did, to his own Houſe? or to put Modes, or, *as if*'s, upon ſo ordinary, lawful, and commendable a Determination of a Journey, as that was? Sure nothing can mend the ridiculous Impertinence of this Paſſage.

The Witneſſes credible *Pro*, but not *Con*.

CLIV. Now we are come to the Author's grave Judgment upon the King's Evidence againſt this noble Earl, and his candid Cenſure of the Witneſſes. As to ſome of them, it is well known, that in *Oates*'s Plot, they merited by Service done, and then they were very good Men, and entitled to be credited; but now they appear againſt the Patriots, *&c.* they are Rogues, Raſcals, *Iriſh* Vermin, ſuborned, perjured Wretches. All, I can ſay of the

very worſt of them, is, that they are as credible as ever they were; and, having ſworn falſe, as it is manifeſt ſome did before, to one Purpoſe, it is more likely they ſwore true here to the contrary. And the antithet Topic, uſed by the Plot-Mongers, when the Vility and Roguery of the Witneſſes was made an Objection, that only ſuch could be privy to very bad Actions, now turned upon them; for it is moſt natural to alledge, that none could know the traiterous Deſigns a-foot, about the *Oxford* Parliament, but thoſe who were of the Party, and employed in them. But it is not, with all this, admitted that this noble Earl's Caſe depended on ſuch as I ſaid were the worſt; for there were others who were integral, beſides, in great Meaſure, *Teſtimonium rei*; and the Public was generally convinced of his Lordſhip's deep Concern, and that he was Guilty of the Charge; which was the Cauſe of all that Fencing which was uſed to prevent his Trial.

Bryan Hayns formerly play'd upon King *Cha.* II.

CLV. The Author begins with *Bryan Hayns*, on whom only I ſhall a little inſiſt. This Man, it ſeems, was once the Earl's Favourite, and honoured by a Petition to his Majeſty, which he and a Junto of Peers preferred, in his Behalf, for obtaining his Pardon; in which Petition it was alledged, that he was a Man of Worth and Credit, and had many Things to diſcloſe for a farther Diſcovery of the Plot, and, in particular, relating to the Murder of *Godfrey*. The King was under a firm Reſolve, never to pardon a Man to make him a Witneſs. He ſaw enough the Evil of that Way, and he had greater Reaſon to refuſe this, becauſe the Earl had told the King plainly, that, if he would not paſs the Bill of Excluſion, they would lay the Murder of *Godfrey* upon him; and, at the ſame Time, ſhewed him an Affidavit, of this Man of Worth and Honour, that tended that Way: So their Lordſhip's humble Petition, for qualifying and ſecuring *Hayns* in teſtifying againſt his Majeſty himſelf (as was verily preſumed he would do) was refuſed, and that Matter came to nothing. It ſeems *Hayns* would not venture, without a Pardon; for he could not charge the King without accuſing himſelf, and then he run a ſhrewd Riſk of being hanged. Perhaps there has not been a Piece of Roguery more infernal at the Bottom, than the Management of that *Hayns* before the *Oxford* Parliament; which indicates that ſome Uſe was to have been made of him then, that is, if *Fitzharris*'s Caſe had gone on ſo far as to have let in the reſt of the Proletarian Rout of Villains, that waited without, to be employed as Witneſſes. I have a Memoir of this Matter, that is ſatisfactory to me, and accordingly enter it here; but there needs no Voucher; the Earl's own Petition for him, which the Author himſelf touches, is enough. And, after theſe Intrigues, who wonders that *Hayns*, the Diſcloſer of them, ſhould be ſo berogued, as he was, by the Party, and now by this Author here?

The King charged with Subornation.

CLVI. He is now gathering cloſe up to his premeditated Charge of Subornation upon the Court. For he ſays of *Hayns*, *At the Council he hoped to get Favour, by accuſing the Earl of attempting to ſuborn him to do it.*

it. To do what? It muſt be this giving Light to *Godfrey*'s Murder. The Author had this Charging the King upon his Mind. Then follows, *upon this* Iriſh *Evidence, the Earl was committed, for High Treaſon, to the Tower.* We are come to *Iriſh*, and that's a good Step; but was there no other Evidence? He ſays that *Captain* Wilkinſon, *who had waited on the Earl to* Oxford *(amongſt his other Friends and Followers) was now tempted to charge this on his Lordſhip, as a Deſign of Sedition and Treaſon.* Note his Lordſhip's Train of Friends and Followers, and *Wilkinſon*, one that had no Buſineſs but to wait the Earl's Pleaſure at *Oxford.* He was a Man of Fortune and Plenty, (forſooth) and ſo followed the great Reſorts, and was honoured with ſuch a noble Friendſhip as the Earl's was. This may be ſeen through. But mark, when he ſays *tempted*, a Word of the worſt Senſe, he leaves the *by whom* and the *how*, to Imagination. And the like, of what he ſays was but offered to *Wilkinſon*, you muſt ſuppoſe was really paid down to *Iriſh Hayns.* As for him, we know he hoped for Favour, that muſt be Money, at the Council; ſo the King and Council (fit for the Buſineſs) are dipped in a ſhrewd Suſpicion of ſuborning. But we ſhall have out the Matter explicitly before we have done; for it is our Way to creep by Degrees, and then ſtrike home. In the mean Time we are to know that *Wilkinſon, though a Priſoner in the* King's Bench, *reſiſted all their Temptations and Offers, and would not be drawn in to be an Evidence.* A ſhort Vocabulary will be uſeful here; Firſt *their* ſignifies the King and his Miniſters, why elſe did he not ſay who they were? Then, *Temptations and Offers*, are Bribes and Rewards, elſe he ſhould have ſaid what they were. *Drawn in* ſignifies ſuborned, and, laſtly, *to be an Evidence* is to be a falſe Witneſs. The Word *Temptation* (as I ſaid) is always taken in an ill Senſe, and ſo reliſhes this whole Sentence. And thus, by a Sound of Words, without any thing affirmed intelligibly, through the Power of a depraved Imagination, a King, his Council, and Miniſtry, are all convict of puſhing an Attempt of Subornation to Perjury in the Caſe of Life, and the Life of a noble Peer: And then the Goal-bird, *Wilkinſon*, the Noble Earl's Friend and Companion to *Oxford*, was the Hero above ſuch Practices as this vile Government would, with Bribes, have corrupted him to. A rare Picture! But I muſt have the Painter before the Court of Shame for it.

Captain *Wilkinſon*'s Narrative not mind.

CLVII. None, but one abandoned to falſe Dealing, and the Infamy due to it, having, as he muſt have, the very Narrative * of this *Wilkinſon* in print before him, would have baulked the repreſenting his Caſe in his own Words, as he publiſhed it with all Advantage to himſelf and the Earl; wherein he pared not, ſo far as he durſt advance ſecure from poſitive Confutation. He ſays plainly who ſpoke to him, when, where, and what; and not, as this worſe than Libeller, in obſcure Indefinites, as *they* — *their*

* In the Year 1681.

Offers

Offers — reſiſting — drawn in — Evidence — and the like, without naming any Perſon, or expoſing any Thing, but ſowing (as it were) in Mens Minds Seeds of Slander. What did I ſay? Slander it muſt be, I think, for want of, what the *Engliſh* Language affords not, *viz.* an adequate Word for ſo much Injury to a Sovereign Prince. Therefore, to clear up this whole Matter, I ſhall give an Account of what this jolly Captain himſelf ſays.

The Captain's Narrative clears and honours the King.

CLVIII. Firſt, he charges no Man living with aſking him to ſay any Thing that was not true. Then he ſays it was Mr. *Booth*, one of the Witneſſes named before, an old Acquaintance and Companion of his, that came to him often, and offered great Things if he would be an Evidence againſt the Earl, by diſcovering, or declaring, what he knew. *Wilkinſon* owns he ſeemed to hearken after the Propoſitions, and ſays, farther, that he had laid in a Reſerve of Evidence, two Gentlemen (but ſays not whom) and that he had declared to them, that, if any Means ſhould happen to prevail on him to ſwear againſt the Earl, it was falſe; for he knew nothing of Crime againſt him. So he goes on with his Friend *Booth*, pumping about this ſame Reward; but nothing, in certain, came out. He ſays he had good Words from Mr. *Grayham* the Law Agent. At laſt he came to the Secretary's Office, where, he ſays, he was ſtrictly, but very fairly, examined touching his Knowledge of the Earl's Deſigns. At length, he ſays, the King himſelf came in, and took notice he had known him and his Services, and ſaid he hoped he ſhould be able to do Right to his Friends. But note, that, all this while, nothing of any *Premium*, that he could lay hold on, came forth. So he held back, and knew nothing; which, conſidering the Proofs that had been given in concerning him, they all thought very ſtrange, and, as the Narrator himſelf writes, the King ſaid to him, if he would affirm, as he hoped to be ſaved, that he knew nothing of the Earl's Deſign, he would believe him; and he did ſo, and the King was ſatisfied: And he doth the King that farther Juſtice, to publiſh, in his Narrative, that his Majeſty was pleaſed to declare to him that the Kindneſs, deſigned him, was not intended to invite him to ſay any Thing that was not ſtrictly true; and he writes, farther, that no Divine could have exhorted him better than the King did. This is the full Effect of the Narrative, which, with other Pamphlets, particularly thoſe called *No Proteſtant Plots*, were ſent out juſt before the Examination at the *Old-Baily*, ſo as no Anſwer could poſſibly be publiſhed in Time, to retund the Venom of them. That was an Art of the Managers, who were not wanting, at the Coſt of all Truth and Juſtice, and every Thing elſe, good, bad, or indifferent, as might be done for ſcreening the Earl from this Indictment.

Diverſe Notes upon this Narrative.

CLIX. I have ſomewhat very notable to obſerve upon this Narrative of *Wilkinſon*'s; and it is that, through all the Steps of this Buſineſs, he was a Rogue, and a manifeſt Trapan of the Earl's: And that he watched for, and only wanted a Bribe to be offered, or rather to be given him (for he held out his Diſh and would readily have taken it) and then he would have done his

his noble Friend better Service than cavalcading with him to *Oxford*: And the Frame is ſo ſubtile, that I make no doubt but it was the Earl's own Contrivance; and it lay in ſnapping an Advantage of having a direct Proof of, what had been called and gone for, Subornation. The Snare is manifeſt, and conſiſts in the laying in thoſe two Gentlemen Witneſſes. It was to have wrought thus: The Captain, having that Advantage, ſhould have ſworn roundly againſt the Earl; and then, at the Examination, were it public or private, the two Gentlemen had come in to confront him with his previous Declaration made to them; and then he, all-to-be-confounded, confeſſes all, and that he was bribed ſo and ſo to ſwear as he did: Then what a Cry had been raiſed? Here was plain Subornation, and the whole Cauſe no better; and his Lordſhip come off with Honour and wonderful Popularity, and the Infamy of *Ignoramus* ſaved. The Rage, as had happened upon ſuch a Turn as this, is obvious to be conceived by all that are acquainted with the Arts of Law, and falſe Dealing, which conſiſt chiefly in drawing the Adverſary to do ſome wicked Thing, or ſuch as is likely to be conſtrued ſo, and the having indubitable Evidence of it; a Method which, in our next Part, will be termed a Sham-Plot; and none ſo ready at it as the worſt of Forgers and Suborners are. But now let me give the Imagination a Lift higher. Suppoſe the Court had been ſo weak, as to have given this Fellow *Wilkinſon* a round Sum of Money to have been an Evidence, as they called it, againſt the Earl, and, between him and his two proviſionary Gentlemen, and other real Tokens, perhaps, there was a clear Evidence of it; though, it may be, the harmleſs unwary Court expected only from him to have ſworn the Truth of the *Oxford* Plot, which they were ſure he was privy to, and knew. Then the *Ignoramus* Friends had let the Indictment go *Billa vera*; and his Lordſhip had ſtood his Trial *per Pares*. He had run no Hazzard, for this Diſcovery in Evidence, made before that vaſt Aſſembly, which muſt have been a Surpriſe, and unprovided of any Anſwer, had tainted the whole Proſecution, and brought him off with prodigious vogue of Popularity. But *Wilkinſon*'s Sham-Plot failing, that Game was not to be truſted, and, *coſta che coſta*, in Reputation Coin, the Indictment muſt be, as it was, ſtopt by the Grand-Jury.

Reaſons to credit them.

CLX. I would not have it thought this is all *Chimæra*, or meer Imagination; for diverſe ſuch Traps, in other Inſtances, were laid, and ſome took Effect, and all out of the ſame Shop, as I ſhall ſhew when I come amongſt the Shams. But, at preſent, I conclude only that *Wilkinſon* was a Trapan, and, after miſſing Fire, made his beſt in a Narrative to countenance *Ignoramus*, and ſell the Copy; wherein he crept as near as he could to his Point, and was careful chiefly not to be expoſed for a Lyar in Matters of Fact. What Colour for Scandal is in it, falls wholly upon his Friend and Companion *Booth*, who was the only Perſon, he ſaid, told him of great Things to be had by being a Witneſs; but not an Iota about Swearing falſe. But, if there were any Slander contained in it, it is of no Authority at all; for

Booth,

Booth, full as good a Witneſs as himſelf, hath poſitively, upon Oath, charged *Wilkinſon* to have been, with himſelf, concerned in the *Oxford* Expedition, for whom, and for what, as they had been together formerly Companions, though not much in Virtue. And, as for the preſſing this *Wilkinſon* to teſtify what he knew, is there any Thing extraordinary in it? If he had been taken up, as a preſuppoſed Proſtitute, out of the Goal, without any Diſcovery leading to him, it had been miſconſtruable; but not, when there was expreſs Proof that he was concerned. Is it not done in every private Cauſe? As for Inſtance, *you know the Truth, Sir, pray teſtify it for me*; and do they not add good Words, as, *I will not be wanting to ſerve you, Sir, on any Occaſion in which I may*; and this done without any expreſs Offer, Reward, or unlawful Act? Where is the Mountain as, had the Caſe been ſo, this Author would have to be implied? And, on the other Side, was it not neceſſary to go to *Wilkinſon*, to have out of him all he could ſay? And was not the Earl a Craftſmaſter, to ſet his Jackall to get a Sum of Money if he could, and to teach him the Trick of a Brace of perdue Witneſſes, charged and primed in order to a ſhort Turn, and to fetch all about again with a *Repetundarum?* All this is ſo natural to me, that I cannot but fancy I hear them laying their Plot together; not without Merriment, what Sport they ſhould have if they caught the Court.

The Author ſuppreſſeth the King's Vindication.

CLXI. The Author would not give any expreſs Account of, or out of his Narrative, becauſe there was a full Vindication of the King in it, and becauſe it ſhews what a ſtrict Regard his Majeſty had to Truth, and Care of his Juſtice: But, to fetch off his *Ignoramus* Men, and to give them ſome Shadow of their no Reaſon for what they did; he ſets up the Foreman to conſider theſe Depoſitions of *Wilkinſon*, as he terms it, but falſely, for this is a Narrative or Pamphlet, and not a Depoſition upon Oath. And what was depoſed at the Secretary's Office never came before them; and then farther, that ſome of the Witneſſes had bad Things proved againſt them at *Colledge*'s Trial. What thoſe were will appear there; but what was that to them? Are their Oaths to be regulated by common Fame without hearing? I mean, in Caſe it had been their Office to have heard all Parties, as it was not. And by what Authority did they make themſelves Defendants on the Behalf, or as Counſel advocating for a Criminal againſt whom Information was given? But the Author, to whipe clearly off from his Friends the Diſgrace of this Action, brings forth his ſubſidiary Lawyer, Sir *John Hauleſs*, giving his Opinion that it was very honourably done of them.

The Magiſtrates countenance the rude Rabble.

CLXII. But the Party did not attend the coming out of his Book for an Applauſe: For, ſays the Author here, *the People were ſo generally ſatisfied, that the Spight of the Papiſts was grounded on the apparent Zeal for the Religion and Liberties, that they publicly rejoiced in his Deliverance, and made ſeveral Bonefires in ſeveral Places of the City that Night.* Have I not ſaid ſo over and over? No Guilt, but *Zeal, &c.* O the Spite of the Papiſts! As

for the *People*, it is an ordinary Trope of the Author's, by a rattle-headed Scum of the *Canaglia*, to fetch in the People forſooth. If it was the People, why were not Bonefires all over the City, but only in ſome Places; which Piece of Hiſtory a few Boys, in two or three private Corners, make good? We ſhall hear more of theſe Routs afterwards. In the mean Time it appears of what vaſt Importance it was, to this Faction, to have the City Magiſtrates choſen out of their Party, and no Wonder ſuch long-winded Contrivances were uſed to compaſs them; for, otherwiſe, this Rabbling (a main Energy) had not been practicable. They were ſure of Impunity, and their Maſters paid (the chief of) them. It was well there was Law, and an executive Power out of the City, while there was none (on the Crown Side) within it. Had it not been for the good Order and Forces of the Government, at this Time, what Miſchief might the Rabble not have done? I deſire this may be remembered, againſt I come to ſhew the Fruits of Connivance, or rather Encouragement, from the Magiſtrates in the City, upon other Occaſions, to ſollevate the Rabble.

Mr. *Grayham* inſulted.

CLXIII. As for the preſent Management about the Court of the *Old-Baily*, at this Examination, it was once obſerved, by a Chief of the Law, that the Judges on the Bench were in more Danger of their Lives than the Priſoners at the Bar. And the Author here, in one of his Fits of Triumph, ſays, that *Grayham*, *who was Solicitor againſt him* (the Earl) *and managed the* Iriſh *Evidence*, —— why could he not have ſaid ſuborned, paid, and inſtructed? O! Libels muſt not be downright Lyes, but Lyes pregnant and interpretative. This Mr. *Grayham* had the Office called *Solicitor of the Exchequer*, and was Principal of *Clifford*'s *Inn*, and a Man of ſingular Integrity and Fidelity. But, having the practic Part of the King's Law Buſineſs in his Hands, under the Direction of Mr. Attorney-General, and ſo the Charge of theſe Purſuits as a common Attorney, that is, to make the Breviates, follow Proceſs, inſtruct Counſel, defray Charges, and the like, could never be prevailed upon to betray his Truſt in the leaſt Scruple of his Undertaking: Therefore a mighty Cry was raiſed againſt him, and alſo againſt one *Burton*, an Aſſiſtant or Partner, in the Office, by the Faction, as the verieſt Villains alive, and worſe than *Empſon* and *Dudley*. At the Revolution this Mr. *Grayham*, being loaded with Unpopularity, and through Weakneſs of Spirits, was ſo overſeen, or rather betrayed by falſe Counſel, to go out of the Way, and, being taken, was put in Priſon; where, lingering a long Time without any Trial, he died: And, for ought that ever appeared againſt him, he was as candid as any Man whatever. If he had been ſo obnoxious, as was pretended, why was he not tried and puniſhed? The Field was open, nothing ſtood in the Way. But, to return to our Author, he ſays, —— *had much ado to eſcape the Fury of the Multitude; and the Judges, as they themſelves confeſſed in* Grayham's *Trial, were affronted as they ſat upon the Bench.* This, which he ignorantly terms a Trial, muſt be a Motion to change the Venue of an Action the Earl of

Shafteſbury

Shaftſbury brought againſt him, which will ſoon come in our Way to be conſidered; for he had no Trial, as I remember, about that Time, or ſince. Law, it ſeems, is not the Author's Profeſſion; it were well he made up that Defect in Care of his Conſcience.

CLXIV. As for this Return of *Ignoramus*, the Author, out of the deep Reach of his Judgment, conceives this Behaviour of a ſet Rabble (his People) was a mighty Vindication of the Earl, whoſe Examination was had. Whereas, in a true Senſe of Things, it was as ſtrong an Evidence of his Guilt, as any was given, being a Branch of the Crime he was accuſed of, *viz.* raiſing Men againſt the Government. What was it elſe, to beſiege a Court of Juſtice, when it ſat to execute the Laws, and to aſſault the Judges, with Noiſe and Terrors, that ſat there to do their Duty: In which Circumſtance, Quiet, Order, and perfect Security ought to reſide, and not a brute beaſtly Rabble, with their Menaces and Inſults; and, if any Violences were fit, it ſhould have been that of Guards to drive ſuch Trumpery away. But, however fitting it might be in ſuch a Caſe, yet, if the Government had brought down ſome Companies to ſecure the Seat of Juſtice, then we ſhould have heard of mercenary Forces, arbitrary Power, and awing the Court; and all from the Mouths of thoſe who did the ſame Thing, in another Way, without any Law or Juſtification whatſoever. So apt are ill Men to blow hot and cold, and, at the ſame Time, laugh in their Sleeves. O! but then it is the Senſe of the People, who are ſatisfied the Matter was only *Spite of the Papiſts.* One may, from ſuch Inſtances as theſe, plainly diſcern the baſe Uſe that Faction ever intend to make of their darling Notion, that all Power is from the *People*; for when they get a Rout together, to do any Manner of Miſchief, though againſt the Senſe of true human Kind, all is well, for it is the *People.* One Inſtance of the Kind, here before us, is a ſtronger Confutation of that wicked Tenent, than Volumes of Controverſy. And let a due Senſe of it ſink in the Minds of all reaſonable Men.

The Tumults about the Court inconſiſtent with Juſtice.

CLXV. The Author proceeds, —— *The Earl, being cleared by the Grand Jury, moved to be diſcharged, but could not obtain it.* We often meet, in this Book, Parcels of Words that have a plain Senſe, and alſo a conſtrained or myſtic one, and the latter is always falſe and ſlanderous; for Readers, being apt to attend to the worſt Senſe, will naturally, and of themſelves by Strength of Imagination, give a Shape to a Scandal, and ſee a Lyon in a Cloud of Words: As here, is it not ſtrange a Man ſhould be denied his Liberty, after he was cleared? Sure theſe were very arbitrary Doings. Now, in Truth, the *Ignoramus* Return clears only that Piece of Parchment, called the Indictment, profered to the Grand Jury; but neither the Perſon nor the Offence, for thoſe remain ſtill as indictable as if nothing had been done. It is the Trial, upon Plea and Iſſue joined, that makes an Acquittal to clear a Man; but Grand Juries may enquire *toties quoties* of the ſame Offence; and, if Proof be kept back, or *Ignoramus* returned by Corruption,

The Author ignorantly coins an Hardſhip on the Earl.

the Bill may be verified any other Time. Then the Caſe ſtands as at firſt, a Perſon, charged with full Evidence of Treaſon, under Cuſtody, can claim to be diſcharged no otherwiſe than by due Courſe of Law. As to the Remedy for Liberty, it is to be known, that, in all Times, Men accuſed, ought to be tried in a reaſonable Time; and Abuſes of that Power, when to try, occaſioned the Laws of *Habeas Corpus*, by which, a Man, under ſuch a Charge, if he be not tried in due Time, has Remedy for his Liberty. And was any Benefit of this Law taken from the Earl? He might have, in his Time, applied for it, and, as I take it, in the End, he had his Liberty without it. But, in Rigour, if he had been brought up, and Mr. Attorney had ſaid he intended to prefer another Bill againſt him by a Time, the Court would not have diſcharged his Lordſhip; though, perhaps, they might have bailed him, and not that readily, without Mr. Attorney's Conſent, in a Caſe of clear Evidence as was there. Thus, between wilful Error and Ignorance, the Author is privileged, in Matters of Law, never to write any Thing ſtraight or true.

The Earl ſues the Solicitor *Grayham*, but proceeds not.

CLXVI. It is a common Obſervation, in ordinary Caſes, that, when a true Thief happens to be acquitted, none ſo ready as he is to fall upon his Proſecutors, with an Action upon the Caſe, for falſe indicting him; which an honeſt Man, acquitted, is not apt to do. Now here we are given to underſtand that the Earl, being at Liberty, fell upon *Grayham* with an Action, in the Nature of a Conſpiracy, for Damage accrued by Means of the Indictment againſt him for the Crime called *High Treaſon*; and this Action being laid in *Middleſex*, to be tried before an *Ignoramus* Jury, the Damages would have ruined twenty ſuch as *Grayham*. But, according as he was adviſed, he made a Motion to the Court, where the Action depended, to change the County, or the Venue, as the Lawyers ſay, in Order to have an indifferent Jury. And the Reaſon of the Motion, was the notorious Partiality of the Sheriffs of *London* and *Middleſex*; of which the Judges were both Eye and Ear Witneſſes, as well as Thouſands of People beſides. The Motion was granted. Now the Author, either out of Ignorance, or Skill, in Malice I mean, and not in Law, to put this Matter in a falſe Light, and to make it look ſcandalous, ſays the Cauſe alledged was, *That the two Sheriffs were his Lordſhip's Friends*; which is not true. For general Friendſhip only had not been a Cauſe, nor was it ſo alledged; but poſitive Acts of Partiality to his Lordſhip, and done in the Execution of their Office, and in the very Subject Matter of the Action, that is a partial Jury upon the Enquiry of his Indictment, which, being alledged for Cauſe, was ſufficient with a Witneſs. He ſays farther, *The Court alloxved their Plea, but the Earl would not try his Cauſe elſewhere.* Here is Ignorance again; before, he called this a Trial, which was but a Motion, and now, this Motion granted, is allowing their Plea; which are, in the Senſe of the Law, very different Things, as an Indictment and a Declaration are: But let that paſs on Account of his Privilege. The reſt is

foolish

fooliſh, for it gives up his Cauſe. Could any Thing more expoſe a Deſign, by a packed Jury, in a County where it might be done, to oppreſs a Man, than, after the Court had put by that, not to try the Cauſe in any County in *England* (as his Lordſhip had his Choice given by the Court) *London* and *Middleſex* excepted? And thus all the reſt of the Nation (together with the King and Miniſtry of the Law) are Sharers in this glorious Character, and all Rogues and Villains not fit to be truſted.

The Barbarity of that Attempt.

CLXVII. It was plain enough that this Action did not lie againſt an Officer or Agent of the Crown, that is bound to act, while he did nothing that was unlawful, and his Part was but miniſterial; without charging him as a proper Mover or Informer of the Matter *ab origine*, and knowing it to be falſe; which was far from the Caſe of *Grayham*. Let every one, by Way of Corollary, take Notice how tyrannous and mercileſs this Faction was. They complained of arbitrary Power in others, and were never at Reſt till they got the Exerciſe of it themſelves. They cried out upon Guards, and raiſed the Rabble. They preached Moderation, and were exorbitant in Power. If it had not been found ſo in all Times paſt, we would hope better of them for the Time to come; therefore let all quiet, reaſonable Men ever fear and defend againſt them. Here, a pretended Patriot, zealous for Religion and Property (forſooth) ſupported by a Faction, which the Author ſays he headed, ſcreens himſelf from the Law by a moſt ſcandalous Practice, inſults the Courts of Juſtice with his Rabble, and then ſues the Law Agent to be tried before his packed Friends to mortify him, and intimidate all others that ſhall act oppoſite to the Faction, that openly abetted all theſe Doings. I apprehend, there was ſomewhat, beyond the Agent, intended by the bringing this Action, which was to defame the King and his Government; for who could be ſure what might, or might not, be ſworn by fanatical Zealots in ſuch a Caſe? *Veredictum* had made all good, and there had been a Trial to print and diſperſe all over *England*, with 10,000*l.* Damages at the Tail of it: Who could not then have believed the Earl not guilty?

The Earl ſoon after on other Facts retires.

CLXVIII. I have now done with the Author's Paragraph of the Earl's Caſe, which is a long one, and yet here almoſt all of it tranſcribed and expoſed (except ſome Notes of what he ſays the other Witneſſes ſaid, which are frivolous, as was touched before, and which I let paſs here for Brevity.) And, after all, I cannot but admire that ſo many Words, in a String, ſhould be put together, ſo compleatly and maliciouſly full of baſe Reflection and falſe Scandal to aſperſe the King and his Miniſters on one Side, and, on the other, to exalt in Honour the noble Earl and his Friends. There is ſcarce a Line, Word, or Syllable not pregnant with ſome ſiding and venomous Inſinuation. I have been forced to pull it in Pieces to ſhew it; and yet cannot ſufficiently lay all the filthy Abceſſes open. I am ſorry it has drawn from me ſo many Words labouring to do it; but I hope the Subject Matter, being that of Hiſtorical Truth (which is no leſs excellent in itſelf than

than due to the Univerſity of Mankind) may excuſe the *Tædium* that can ſcarce be parted from Hiſtorical Controverſy. And if I have either exceeded or been impertinent (as for falſe Gloſſings or Opinions, contrary to my ſincereſt Thoughts or Knowledge, to ſerve any indirect Purpoſe, I defy them) and if I have dealt forth Expreſſions too ſuperlatively, or have not, as the Mode is, for Oſtentation of Indifference, affected a ſeeming moderate Style; I can only ſay, the Faults are not of my Power to mend, having no Rule but this, *viz.* As the juſt Thought is, ſo is the Expreſſion to be framed, *Fari ut poſſim quæ ſentio*; and alſo that the Provocation, which falls to any ſingle Reader's Share, is great enough to juſtify ſharper Expreſſions than any are here. But, to conclude theſe Notes, I only add, that, pending the Conſpiracy of the *Rye*, and before the Diſcovery of it, the famous *Ignoramus* was diſmounted, and the Law reſtored, in *London* and *Middleſex*, to run in the former Channels, of which the Steps will appear elſewhere; and thereupon his Lordſhip thought fit to remove his Perſon into *Holland* for Refuge, as the Author told us long ago. That, and the Diſcovery made by *Keiling* not long after, by which his Lordſhip's being deep in the Contrivance, plainly appeared, ſuperabundantly demonſtrates that the Court, from the Intelligence and Evidence they had, could do no leſs than purſue him ſo early as they did. And farther, that the Author, with his Zeal for Religion, and Spite of the Papiſts, and other falſe Tropes, is ſo far from being a *compleat*, that he is no *Hiſtorian*, but a *Libeller* with that Maſk over his Face, which taken away, his naſty ſlanderous Phiz appears. The reſt of the Acts and Monuments of *Ignoramus* will be found in the Third Part.

Eſſay of a true Character of the Earl and his Aims.

CLXIX. That the Author here hath given a falſe Character of this noble Earl, founding it upon Zeal for Religion and Juſtice, is ſure enough; but who ſhall give a true one? He was certainly a true *Matchiavellian* Politicone, and his Skill lay in the *Engliſh* State. He was bred in the Air of Change, the rebellious Times, and had an extraordinary Forecaſt of Alterations; and Reaſon good, becauſe he was ſuppoſed to have had a great Hand in making them. He ſaw the happy Reſtauration would be, and, perhaps, uſed it to deſtroy that four Sort of People that muſt fall under it. Beſides, he knew that Plenty and Luxury in a Court, freſh and jocund, as that was like to be, would not be wanting, and exactly agreed with his Genius; ſo he turned into it, and made his Pleaſure and Policy meet. What Schemes he wrought upon before, I know not, but, after the Reſtauration, he had but two. One was to make his Court by blowing full the Prerogative; that was his hot Fit; his cold was holding ſecret Correſpondence with the Fanatic Party, and ſerving them. After this Game broke, the next was emergent upon the Duke of *York*'s being declared a Papiſt, and, upon that Foot, ſetting up the Populace, and, therein, beſides the ordinary Topics, he had the Advantage of the common Tendency of Things to change, which, from a Culmen at the Reſtauration, went continually declining towards the

Vale of Bitterneſs to the Crown, Sedition, and Rebellion. His Lordſhip, in this Way, went great Lengths, and came very near to his Deſires; and nothing but a peculiar, I may ſay unaccountable, Criſis, on the King's Part, could have croſſed him. If the King had been either very peremptory and poſitive, or very compliant in every thing, his Majeſty had been loſt; for the whole Train againſt him was directed upon one of thoſe Diſpoſitions preſumed, and he was of neither: So a middle Courſe, commonly the worſt, in the Conjuncture of that Reign, proved the beſt Policy.

With Reſpect to the Perſon of the King, and his own Safety.

CLXX. I believe the Earl loved and hated both Dukes, *York* and *Monmouth*, alike, and intended them good equally; the one he made a Pretence, and the other a Tool, and deſpiſed both. He was thought to hate the Duke of *York*, and to be a Friend to *Monmouth*, as I believe he was, ſo far as he loved or hated any Thing. If he was a Friend really to any human Kind, beſides himſelf, I believe it was to King *Charles* II; whoſe Gayety, Breeding, Wit, good Humour, Familiarity, and Diſpoſition to enjoy the Pleaſures of Society and Greatneſs, engaged him, very much, that had a great Share of Wit, Agreeableneſs and Gallantry himſelf. But this ſame Superiority ſpoiled all; his Majeſty would not be always influenced by him, but would take ſhort Turns on his Toe, and ſo fruſtrate his Projects: And, by that, finding he could not work under him, ſtrove, if poſſible, to reduce his Authority, and get above him. It ſeems, by what was given out, that he would not have hurt the King perſonally, but kept him tame in a Cage with his ordinary Pleaſures about him. And if he was privy to the cruel Stroke intended at the *Rye*, or any Way concurring, it was the Neceſſity of Affairs, ſuch as are Laws to a Politician, and ſuperior to all human Engagements, that obliged him. And, of that Sort, the chief was Self-preſervation; for though he had found the King very eaſily reconciled, being not in his Nature vindicative, it was poſſible that Humour, as Age advanced, might ſpend, and he had launched ſo deep in Treaſon, as it ſeemed neceſſary that either He or the King muſt fall. And he muſt be ſenſible how impoſſible it was to hold a Government againſt the Title of a Prince depoſed and alive, who was beloved by the loyal Gentry. He could not forget the Succeſſor, and, if he argued right, he muſt aim at the whole Royal Family, and make Root and Branch Work of it, ſuch as was the Scope of the *Rye* Engagement.

With Reſpect to the P— of *O*— and the *Dutch*.

CLXXI. There were ſome, who, pretending to notable Penetration, ſay that he all along favoured the Houſe of *N——u*; and wrought inceſſantly to transfer the Crown, from the Line of the *Stuarts*, to that. And theſe ſay, that, as there was no Want of Ambition on the Part of the P—— of *O——*, ſo ſoon as he was capable of ſuch Comprehenſions, ſo alſo in *H——d* there wanted not Favourites and flattering Projectors to blow him up in it, and to excite over haſty Regards towards *E——d*. * And, if it were

* Among the Author's looſe Papers, I found the following Note relating to this Paſſage, *viz.* Mr. *Somnius*, a *Dutchman*, told me that he was informed by one who was Page to the P—— of *O——*, true

true that I heard from a *Dutchman*, a Friend to the P—— and his Family, that, in his immature Age, ſome conſiderable Perſons took Care, through the Means of a Page, and an ill Woman or two, that the Prince ſhould not abound in Poſterity, to claim the hereditary Stadtholderſhip, which had alſo an unfortunate Turn upon his Health and Length of Life: And to be rid of his Perſon, and alſo make the utmoſt Advantage to their State of it, they played him upon *E——d*: It is likely that he was preſerved amongſt them mainly for that End. For, by that Means, they might, not only remove a Rival in Trade, and ſecure their Naval Power, but, gain poſitive Advantages of Wealth and Grandeur. It is well known, by ſomewhat inſerted in the foregoing Notes, that the Earl of *Shaftſbury*, with his Court Inſtrument, Prince *Rupert*, did all that was poſſible to deſtroy the *Engliſh* Fleet: Which is a Riddle, not eaſily, or by any ordinary Views, reſolved; unleſs to deſtroy the Fleet for the Sake of the Duke the then Admiral, who was to periſh with it, was their Deſign. And ſince I have once more touched upon Treachery, I will ſubjoin, out of my Memoir, another Note not wide from the Purpoſe.

Memoir of a Miſcarriage and Loſs of a Victory.

CLXXII. —— "At the Time when *Bronker* cauſed the Fleet (in the "firſt *Dutch* War) to ſlack Sail when in purſuit of the *Dutch*, he pre- "tended to have thoſe Orders from the Duke; but it was not ſo, for then the "Duke was aſleep. But Captain *Harman* (*Pen*, who was his Superior, "being alſo aſleep) took his Word and ſlacked Sail, which put the Fleet in "very great Diſorder, for fear of falling foul upon one another; but, before "the Duke waked, they were got into ſome Order, and the Duke knew "nothing of it, nor in ſix Months after: for the Action was unfortunate, "that no Man would ſpeak to him of it, ſuppoſing it to be no pleaſing "Subject. And, after he knew it, he intended to puniſh it; but the Houſe "of Commons were very eager to do it, and took it into their own Hands, "but, being diverted by other Buſineſs, nothing was done.——It ſeems the "Duke's Attendants apprehended Danger of ſailing in the Night, whereby "the Duke's Ship might be found alone in the midſt of the *Dutch* Fleet, "being the headmoſt Ship, and therefore preſſed *Harman* to give Orders, "but he would not until he ſent to the Duke, and *Bronker* pretended to go "and ſpeak with him, and brought Word the Duke had given Orders. "—— Captain *Harman*'s great Fault was in not ſtanding ſtrict to his Rule, "either to ſpeak with *Pen*, and to have Command from him, or from "the Duke's own Mouth. For the Thing was of that Importance, that "he durſt not do it of his own Head, and he was ſo young a Courtier, "that he was afraid the Duke would be diſpleaſed with his troubling to come "and receive Orders, which he might as eaſily have had as *Bronker*."

that one *Spagnuolo*, a cotemporary Page or Valet with him, brought the P—— a *Donna* at 14, who gave him the Pox that hath diſabled him. This *Spagnuolo* was taken when the *Spaniſh* Fleet was routed by the *Dutch*, and ſerved in the Family of *Bohemia*, and was recommended to ſerve the P—— when the Pupillage was in Diſpute. And the Relator of this was put up as a *Contrapeſo* to the Vices of the *Spaniard*, for

CLXXIII. The Treachery here appears, chiefly, by the taking the Cogniſance into the Houſe of Commons with a Shew of great Rage, ſuch as would not truſt the Admiralty with the Puniſhment, but do it themſelves; and then, on Pretence of other Buſineſs, let the Matter drop wholly, which proved a Screen, and not a Puniſhment. This, collated with other Inſtances of later Date, (I mean *Fitzharris*'s Caſe) makes it ſeem more probable, than otherwiſe, that it might have been ſo. If *Harman* was too little a Courtier, *Bronker* was too much one. And it is moſt likely that there was a ſtrong Party at Court that favoured the *Dutch*, who, at this Time, were very near having a ſenſible Proof what an Effect upon their State a total Overthrow of their Naval Force would have had. This Favour could reſpect no End but what centered in the P—— of *O*——, whoſe Actions, through his whole Life, if nearly obſerved, will declare a notable Connection of his Thoughts with the Affairs of *E*——*d*, and therewith the Party, which the Earl (according to our Author) headed, all along cooperated. And, after this War, the *Dutch* hated the King and the Duke mortally; and, if the Truth were known, the *delenda eſt Carthago* lay on their Side. And, ſo early as that Time, were they determined to ruin the Royal Family, as may be in Time made very clear to the Public. It is evident enough that no Emergence has happened, ever ſince, bearing a Poſſibility, but they have wrought that Way upon it, and created not a few themſelves. So as our Penetrants have fancied all the Riddles of the Public, which in the Reign of King *Charles* II. were many, came *N. N. E.* But my Notes are not ripe for any Expoſitions of this Kind. It is enough here to have given the Hint, which Matter, poſſibly, I may reſume afterwards.

The Treachery ſhews a Favour to the *Dutch*.

CLXXIV. But to proceed with the Character of the Earl of *Shaftſbury*. That, which ſhewed him to be a conſummate Politician, was that he committed as few Errors as any Man ever did; and his Miſcarriages, that did happen, were not from Overſight, or Male-Inſtruction of his Deſigns; but from the *Capriccio*, or Humour, of others, which he could not govern, and ſo muſt run the Riſk; and ſome Things will happen unforeſeen and untractable. I might give ſeveral Inſtances of the Juſtneſs of his Thought, but none more apt than that, hinted before, of his not touching a Buſineſs which he did not underſtand from the very Bottom, and not thinking, as the Earl of *Danby* did, to work with a Plot deſigned for the Ruin of himſelf. When *Oates*'s Plot was in greateſt Credit, and the Faction was very buſy in managing it to their Ends, and all Alarms and Frights were uſeful to encreaſe the *Eagarments* of the People; there came up from *Dorſetſhire* an Account, poſt, with the Affidavits of two Men, that the *French* were landed in the Iſle of *Purbeck*, for they ſaw them drawn up in Line, with the Officers at their Poſts in the Head of them, or to that Effect. The Earl of *Danby*, then Lord-Lieutenant of the County of *Dorſet*, rode to *London* with ſuch Precipitation, that, when he came to *Hyde-Park* Gate, his Hat

The Juſtneſs of the Earl's Conduct, and of a *Dorſetſhire* Fright.

was loſt. He rode with his Sword drawn, and, as he galloped along, called to the People, *Arm, Arm, the* French *are landed!* This Alarm, diſperſing every Way from his Lordſhip's Rout, for he all along proclaim'd it, went croſs *England*, as far as *Newcaſtle*, where the People run out of the Market, and Shoemakers left their Shoes in their Shops, as if 40,000 Men were landed at *Tinmouth*. When this Noble Earl of *Danby* arrived, the Parliament was ſitting in full Inqueſt after the Plot. All People admired, but none could underſtand, and very few (if any) really believed the Account he brought. But none batter'd it more than the Earl of *Shaftsbury*, who ſaid it was abſolutely impoſſible to be true. He knew *Dorſetſhire* well, and concluded it to be ſome Trick, which could not be on his Side, but muſt be of the Adverſary, for Ends he did not underſtand, and never dreamt it could proceed from Accident. Had he been ſure of that, he had made the Rumour ſerve to have carried a Vote or two; for the *Spaniards* ſay, if a Lie will laſt Half an Hour, it is worth telling. Moſt People near him wondered that, true or falſe, he did not work with it, being ſo propitious at that Time. But you have his Reaſon ſuperior to theirs. It was not long before Expreſſes brought Word, that all was a Miſtake; for this Line of Battle was nothing but a Hedge upon a Hill, with ſome Gaps in it, and Horſes, graſing about, the Officers, and one, flouncing in a Ditch, went for the *French* General *en la Menage*. And upon the firſt Conceit, (as Rumours of Fears and Jealouſies, eſpecially about the Earl of *Shaftſbury*'s Reſidence, and where his Country Intereſt lay, were moſt of all exaggerated) the Country Fellows never looked again, but, concluding it was ſo, run for't, in all Haſt, to the next Juſtice, where they made Oath. And it is not to be credited how the whole Country, gentle and ſimple, neglected to view the Enemy, and run away from their Houſes, as in the moſt deſperate Pannic, as ever was heard of: But Expreſſes brought up the Truth, and ſo ended this ridiculous Fright.

His ſeaſonable Flight ſhews the ſame.

CLXXV. Diverſe other Inſtances might be given of his Sagacity, of which ſome have been touched, as his Notion of *Oates*'s Nonſenſe, and providing an Impunity for himſelf, and his Party; and others may be occaſionally declared afterwards. But I cloſe with his laſt Diſpatch, which was that, after he found his Deſigns were become diffuſedly known among his own Party, as the Nature of ſuch Dealings with the many required they ſhould be, and ſtill the Execution of them was prevented or delayed, he wiſely concluded that they would not be Secrets from the Court long, and ſome public Diſcovery would ſoon be made, and, what was worſe, his *Ignoramus* Sanctuary diſfranchiſed, whereby he lay open to a greater Riſk of his Life than was reaſonable for him to run; and, thereupon, withdrew into *Holland*, where he was honourably received and entertained, and ended his miſerable Remnant of Life in Peace. And ſo far the Author ſays true, *Holland* was literally, to him, an *Aſylum* for Life and Liberty.

CLXXVI.

His Error in not knowing King *Cha.* II.

CLXXVI. I know but two conſiderable Errors he committed, I mean in the Way of pure Politics. The firſt was in expoſing himſelf to be outwitted by King *Charles* II. for he made a full Account that his Majeſty, out of Ambition of Power, would have perſiſted in the Counſels he and his Colleagues had ſeaſoned and undertaken to carry through for him: But the King's giving Way let fall a fair Frame of Confuſion, which he, for diverſe Years, and with great Art, had been putting together. He ſhould have underſtood human Nature better, and been aware that Men of Pleaſure, that take all Liberties, if they have good Senſe, and are not Humouriſts, even in a good Cauſe, never, or very rarely, ſtand out in ſuffering; and much leſs when they find themſelves cheated; and then to perſiſt is right down Folly: And this was the King's Caſe. But his Lordſhip hoped to retrieve all by the new emergent Jealouſies and Fears; and how he managed that has been, and may be, more fully declared. And, in another Inſtance, he miſtook, or the *opiniatrité* of his Party miſled him; and that was believing that the King would, at length, deliver up the Succeſſion; and I touched an Opinion of ſome, that, in that Matter, the King acted the Fox; but it is certain he outwitted the Earl and his Party. I only precaution, here, that I have not exhauſted all the Paſſages in which the Earl was concerned, and which the Author gives me occaſion to mention, but the principal only, and thoſe in a ſummary Way: And that, in the following Part, there will be farther Notice of his Lordſhip's Dealing, either new, or more particularly declared, and chiefly occurring in the Relation of particular Mens Caſes.

The Pamphlet of *Monmouth* to be declared Succeſſor.

CLXXVII. According to Promiſe, I ſubjoin the Petit Pamphlet I mentioned. It is ſhort, and ſhews the Genius of this noble Earl. It is alſo very ſignificant to Hiſtory, and demonſtrates the Honour and Abilities of King *Charles* II. And, with all the Recollection I can make, I do not find any Reaſon to doubt but the Account is literally true; and the rather think it ſo, becauſe little or no Noiſe was made about it, and the Pamphlet itſelf ſo rare, as looks as if the whole Edition was ſecured from the Public: Which Practice the Faction often uſes, when any thing, they do not like, is thought fit to be ſuppreſſed. "—— The 24 *March*, 1683. " the great Patriot, next under God and Dr. *Oates*, the ſupreme Defender " of the Nation, the Earl of *Shaftſbury* received, or pretended to have " received, a Letter, written in an unknown Hand, containing an Expe- " dient for ſettling and compoſing Differences between the King and Par- " liament. With this he made a great Noiſe, and buſtled about as faſt as " his Legs, Man, and Stick would carry him. It was aſked the Duke of " *Monmouth*, by my Lord Chamberlain (that ſuppoſed his Grace might " be privy to this grand Affair) what the great Concern was. His Grace " (with ſome Shew of Modeſty, and Self-denial) made Anſwer, that it " was ſomewhat concerning himſelf; wherein that Lord, was (as in many " other Things relating to his Grace) much more forward than he de-

" fired he ſhould be. The little Lord, very buſy, and deſirous to ſpeak " with the King, was told by the Earl of *Feverſham*, that he heard he " had ſome Buſineſs of great Importance to communicate to the King, " and that, therefore, if he pleaſed, he would conduct him to his Ma- " jeſty. The buſy Earl told him he was willing to be conducted by ſo ho- " neſt a Man as his Lordſhip, drolling, and thinking himſelf guilty of a " ſhrewd Irony.

The King's Entertainment of the Propoſition.

CLXXVIII. " Well, he is brought to the King, and there broached. " The Letter of Expedients was produced, and what do you think was " this grand Secret of ſecuring our Peace and Religion, but a Propoſal to " ſettle the Crown on the Duke of *Monmouth?* The King, ſurpriſed, " told the Earl that he wondered that, after ſo many Declarations to the " contrary, he ſhould preſs him upon that Subject. That, if, either with " Conſcience, or Juſtice, or Nature, he could do ſuch a Thing, he would " have done it before. It being reaſonable that, if he ever had a Child of " his own legitimate, he would much rather have him reign than his Bro- " ther, or any of his Brother's Children. That his Majeſty was one of " thoſe that grew more timorous with Age; but that, rather, he grew " more reſolute, the nearer he was to his Grave. At that Word, the " loyal Earl was mightily concerned, and cried out that it chilled his " Blood to hear of ſuch an Expreſſion; telling the King how earneſt the " whole Nation was for his Preſervation, that in him were compriſed all " their Safeties, Lives, Liberties, and Religion, and their All. Yes, an- " ſwered his Majeſty, and yet, my Lord, I am the only arbitrary Man in " the Kingdom. But, aſſure yourſelves, I intend to take a greater Care of " my own Preſervation, and that of my People, than any of you all " that pretend to ſo much Concern for the Security of my Perſon: And " yet, as careful as I am of my own Preſervation, I would much ſooner " loſe this Life, of which you pretend to be ſuch watchful Preſervers, " than ever part with any of my Prerogatives, or betray this Place, the " Laws, or the Religion, or alter the true Succeſſion of the Crown; it " being repugnant both to Conſcience and Law.

His Majeſty's Senſe of Honour.

CLXXIX. " For that Matter, replied the Earl, let us alone, we will " make a Law for it. But the King told him, my Lord, if this is your " Conſcience, it is far from being mine, for this cannot be done without " overthrowing all Religion and Law. And, in fine, aſſure yourſelves " that, as I love my Life ſo well as to take all the Care in the World to " keep it with Honour, ſo I do not think it of ſo great Value, after fifty, " to be preſerved with the Forfeiture of my Honour, Conſcience, and the " Laws of the Land. And much more, to this Purpoſe, did his Majeſty " ſay upon this Occaſion; all ſo full of Reaſon, Equity and Juſtice, and " with ſo much Reſolution and Courage, as gave the greateſt Aſſurance " and Encouragement, to all the loyal Lords in the Houſe, and all honeſt " Subjects, that could be; but, to the Factious, the greateſt Confuſion ima- " ginable. This was done Yeſterday in the Houſe of Lords. CHAP.

CHAP. III.

Of certain myſterious Tranſactions, called Plots, and the Author's wilful and intolerable Suppreſſions, Falſifications, Slanders, and Abuſes relating thereto.

The Plot called *Oates*'s, full of Wonder and Surpriſe.

I. OUR Buſineſs, in this Chapter, will lie, almoſt wholly, with that myſterious Puzzle of State, (the Author terms it a Criſis of Politics) vulgarly ſtyled *Oates*'s Plot from the famous pretended Diſcoverer the *Salamanca* (of his own making) Doctor *Titus Oates*. This broke out in the Year 1678, and was no leſs ſurpriſing and terrible in the Proceſs, than ſtrange and bizarr in the Compoſition of it. We have no Parallel, or Example of the like, in Hiſtory. And it was extraordinary in nothing more than this, *viz.* that, notwithſtanding it grew up to a prodigious Energy, and, in the Tendencies of it, ſucceeded beyond all Expectation or Deſign, even of the proper Contrivers; yet, in the End, wrought an Effect, upon the general State of the Government, diametrically oppoſite to the original Purpoſe of it; that is, being intended to work, as an Engine, to overturn and deſtroy the Royal Family, King *Charles* II. and his Brother the Duke of *York*, and to change the Government of *England*, from what it was, to Nobody knows what, it expired, leaving the Crown and Monarchy, in his then Majeſty's Perſon and Family, more eſtabliſhed, ſettled, and confirmed upon the legal Conſtitution, than ever it was before.

Deſign to correct the Author, and to do it ſincerely.

II. The immediate Deſign, here, is to correct the ſame falſe Author, which will oblige us to follow Matters as he leads, and that will often prove out of the Way of ſuch good Order as one would otherwiſe have choſen for repreſenting, Hiſtorically, the Invention, Diſcovery and Proceeding of this Plot; becauſe we muſt take up Matters as he gives Occaſion, and, I fear, hang ſomewhat tediouſly about them; the rather, becauſe the Expectation of this grand Criſis will be ſo great, as few will be eaſy under it. But, early or late, I hope, enough will be ſet forth to make the Author, as well as the ſubject Matter (which is little beholden to him) be underſtood. And if ſome Things are found in the Middle, which had better been at the Beginning or End, and *vice verſa*, yet, if, after Peruſal of the whole, no material Conſiderations are wanting, the premiſed Excuſe for the Diſorder, I hope, may ſuffice. We are Critics, here, rather than Hiſtorians, and propoſe a Style of Familiarity and plain Dealing, ſuiting the ordinary Courſe of Freedom among Friends, rather than the Stiff Pretenſions of Book-making. This Deſign, being very obnoxious to Miſconſtruction, is not undertaken without a confirmed Indifference, as to all ſmall or great Shot of bad Names, and black Reflections; for what ſig-

nifies

nifies that to one who is out of the Reach of Offence from any Language Weapons whatſoever? And I hope, whatever Notion ſome People may have of Decency, I ſhall maintain the Character of Sincerity, throughout, clear, and undiſturbed by the Thought of any Cenſure; and, as an upright Perſon ſhould, adhere to Duty, whatever the Opinion of the World is of him.

The Plot of *Mocedo*, utterly ſuppreſſed.

III. I ſhall begin with a groſs Concealment of the Author's, in taking no Notice of a famous Eſſay, of the *Oateſian* Kind, called *Mocedo*'s Plot, introduced by Colonel *Mildmay*, an old Rumper, and late Mob-driver in *Eſſex*. This was examined, in public Council, before the King; and we cannot think ſuch an operoſe Compiler of Hiſtory, as the Author pretends himſelf to be, ſhould be ignorant of ſo remarkable a Paſſage: For ſome Account, or Minutes of it, may be found, if not in the public Gazett, in ſome Remembrances of the Court, to which he ſeems to have had Acceſs. The Reaſon of this Suppreſſion of a Plot is, probably, the ſame as moved the Faction, that abetted it, after their Diſappointment (which, in the very firſt Inſtance of the Experiment, happen'd to them) to huſh it up ſo, as, if poſſible, there might be no Memory or Words ever after made of it. For it carried a ſhrewd Innuendo upon the Party, juſtified the Church and loyal Profeſſion; and a public or general Notice of the Matter would have ſerved for popular Inſtruction, regarding future Plots, which might tend to diſable the Effect of like Attempts, when put forth with better Preparation: So, Mum was the Word. I profeſs that, ſince I had the Account of it, which I am about to render, I have watched the Pamphlets, and ſpoke with diverſe converſing Gentlemen, to know if any other News might be had of it; but no more to be got, of any ſuch Diſcovery, than if the Buſineſs had never been thought of. So much can a Party do, for ſuppreſſing the Report of true, as for promulgating Rumours of falſe Facts, when their Deſigns require it; and accordingly the Author regulates his compleat Hiſtory.

An Account of it from a Memorial.

IV. The following Account is taken out of the Memorial before-mentioned. It is by one who was preſent at the public Examination of the Matter, and knew well the chief Managers on both Sides: It follows thus: ——" I remember well a Report of a Council, of the Popiſh Clergy, " at Sir *John Bramſton*'s Houſe in *Eſſex*, where, as it was ſaid, it was " agreed, in Order to ſet up Popery, to gather *Peter-Pence*; and Sir *Mun-* " *diford Bramſton*, a Maſter in Chancery, and Serjeant *Francis Bramſton*, " were to have Offices. This Report made a great Noiſe, and Sir *John* " *Bramſton*, who was a very honeſt Gentleman, a good Chriſtian, and a " good Subject, had the Wiſdom to deſire of the King, that the Grounds " of it might be examined, and preſently ſearched into: So the King ap- " pointed an Examination in open Council. When the Council was ſat, " and the King in his Chair, and the Company called in, who filled the " Room, *&c.* (for there was a great Expectation) and the King had called

" for

" for the Informer; Mr. *Mildmay* ſaid he would bring him, for he had
" taken Care he ſhould be kept in a ſafe Place, leſt he ſhould have been
" way-laid; and he went through the Crowd and brought him in. This
" *Mildmay* had been a Colonel in the late Troubles, and continued of the
" ſame Principles, and was a declared Enemy to the *Bramſtons*, who lived
" in the ſame County, and were in Authority; and, by that Authority,
" ſupported the King's Intereſt, and his Government in Church and State.

V. " The Man, he brought in to inform, was one *Mocedo*; a Man of
" that profligate Temper, that he would have accuſed any Body of any
" Thing: But withal ſo indiſcrete, that, by his Anſwers on a ſudden, it
" appeared that he had never been at Sir *John Bramſton*'s Houſe. Nay, he
" was poſitive to the Day, and had the ill Luck to pitch upon one, when
" Sir *Mundiford Bramſton* went of a Meſſage from the Lords to the Com-
" mons; and ſat with the Maſter of the Rolls, in the Afternoon, at the
" *Roll*'s Chapel. By which demonſtrable Confutation, this Plot vaniſhed,
" and was no more ſpoke of. But ſo far was the World from beating
" down Lyes on that Side, that Sir *Mundiford Bramſton*, who ſaw the
" Hand of his Enemy in it, was diſcouraged from ſeeking any Reparation,
" wherein Juries, who followed the Vogue, were to be Judges.

Mocedo's Character, and Overthrow of his Plot.

VI. " There were great Overſights in framing and expoſing this Popiſh
" Plot. 1. Beginning with Accuſation of honeſt Gentlemen of the Church
" of *England*, who would find Friends, and for whom Friends might be
" bold. 2. In being poſitive as to Time and Place, when it was not known
" by a Diary that the Perſons were there; which ſhould not only have
" been known, but other Tokens mark'd, at the Time, to prove the Cir-
" cumſtances. 3. It was not expoſed at a Seaſon when the King was in
" a Neceſſity, and the People ſuſceptible of great Terrors. 4. There was
" ſo much of perſonal Animoſity viſible in the Conduct of it, that it was
" diſcredited thereby. If it had been to be done over again, thoſe Faults
" had been mended. This Lye, ſo groſs, could not be ſwallowed, and
" therefore the Party made it their Buſineſs to huſh it up; and, accordingly,
" it was quickly forgotten. There was, at this Time, ſome Liberty of
" Speech, and therefore it could be to no End to carry on this Sham.
" And for diverſe others, of that Time, they were whiſpered among the
" factious Party, but declined the Public, becauſe, upon expoſing them,
" they were capable of Confutation, and would have turned upon the Au-
" thors, to the Damage of the common Cauſe. If any one deſires to know
" the Courſe of them, he may find a great many ſet down in Order, to
" make the Hiſtory of the Growth of Popery, the firſt and ſecond Parts,
" which would deſerve a diſtinct Confutation, when any Man will venture
" to write Truth on the Side of the Government.

The Errors of this Plot, and ſome Arts of Faction.

VII. Now this ſame Growth of Popery, the Standard Libel of the Time, has the Honour of a peculiar Commendation in this *compleat Hiſtory* of ours, and furniſheth moſt of the Author's Tales and Colours; as will be

Pretends Perſons not to be ſafe for Amuſement.

be occaſionally obſerved. I note one Thing, in the foregoing Relation, which ſhews a *Method*, afterwards purſued, in the plotting Trade, which was pretending that Nobody, that appeared in the Diſcovery of Popiſh Plots, was ſafe from Popiſh Aſſaſſination. Therefore Colonel *Mildmay* took upon him to be the Safe Conductor of this notable Spark *Mocedo*; pretending, to the King, he was afraid of his being way-laid, that is killed, to prevent his Diſcovery. Which Sort of fictitious Dread (wherewith, in the Sequel, we ſhall have much to do) hath many Inferences, as Danger, Serioufneſs and Importance; beſides endearing the People, by venturing ſo hard for them: And it will appear, what Wonders this Fear-caſting Art could do, in future Plots. A certain great Miniſter of State uſed to ſay, if he ſaw a Man afraid, where no Cauſe of Fear was, he was afraid of him.

Plots are ever on Foot; and as the End, ſo the Means.

VIII. Now, to enter into the Conſideration of Plots in general, in order to come down to thoſe in our Eye. It is not to be doubted but there ever hath been, and will be, in the World, ſo long as it is ſtocked with the Race of human Kind, not only Individuals, but Combinations of many Men, as alſo Parties of large Extent and Denominations, perpetually intent upon Projects, which may be called Plots, to advance their real or ſuppoſed peculiar Intereſts. And it is found that, when the Principle, by which they move, is falſe, then their Method of proceeding will be baſe and treacherous; and no Wickedneſs perpetrable with Safety, will be left undone for attaining the corrupt Purchaſe: And, on the other Side, when ſuch Deſigns are reaſonable and warrantable, and, by ill People only, termed *Plots*, (that Word being taken uſually in an ill Senſe) the Concerned are careful of the Means, that they be juſt and warrantable alſo. Hence we may take it for granted, that the ambitious Party, that are never content or ſatisfied under any regular Government, or the common Juſtice of it, but expect Preeminencies and Superiorities of Wealth, Power and Authority, are in a perpetual Complot and Machination to introduce ſome Change; to the End that their Combination, by what Title ſoever it is framed to be known, may ſhuffle into thoſe Advantages under which each particular Perſon expects, for himſelf, with the reſt of his Partiſans, a competent Share in the Spoil.

The Plots of Papiſts and Fanatics alike for Change.

IX. We find this Truth egregiouſly made appear, by the Working of the two great Parties, Diſſenters from the eſtabliſhed Church and Government of *England*, *viz.* Papiſt, and Sectary or Fanatic. Each of theſe Parties ever had, and ever will have, Deſigns to alter the Government; the former to let in Authority their Hierarchical Powers (whereof the Grandeur and Wealth they religiouſly eſpouſe) and alſo that the more Proletarian Individuals may be made capable of the good Things called *Places* and *Preferments*, from which they are, and have been of late, excluded: And the other for very diſcrepant Ends, as they are a Farrago of various Sects, ſome for one, and ſome for another, but all for Change; by Opportunity whereof, each, with his Clan, expects to ſtep in, and ſhut out

all

all the reſt. The Plots of the Papiſts are the Subjects of our common Diſcourſe; thoſe of the others, whom we preſume, for Honour, to ſtyle the *Faction*, are not ſo commonly obſerved, but are as groſs and hard driven, to ſay no worſe at preſent, as the former: And ſo much the more ſo, as the Faction have found themſelves not underſtood, or, on their Parts, being more organiſed for Deceit, and, therefore, by vulgar Error, have been too publicly favoured. And, for this, I call to Witneſs the Courſe of Intrigues I have already expoſed in the foregoing Notes of the Character and Behaviour of the Earl of *Shaftſbury*; and the ſame will appear more ſignally by the Diſpoſitions in the *Rye* Conſpiracy, with all its Appurtenances, when we come to it.

The Juſtice of Evidence to charge Men criminally.

X. This being the Caſe, I muſt obſerve a Fallacy, or, rather, Species of Prejudice, that creeps unawares into the Minds of moſt Men; which is to give a precipitate Credit to Facts, in particular, upon Account of preconceived Deſigns of Parties in general. It had been hard to have concluded the Earl of *Shaftſbury* guilty of the expreſs treaſonable Facts, alledged againſt him, only from a reaſonable Suppoſition that he and his Party were alwa/s plotting Treaſon. On the other Hand, it is as unequal to preſume any formed Deſign, or expreſs Plot, charged upon certain Papiſts by Name, and to condemn them for it, without direct Evidence to Perſon and Thing, but upon Suppoſition only (though never ſo reaſonable) that, ever ſince the Reformation, that Party of Men, at Home and Abroad, have been concerned in ſome Complot to introduce their Religion. Nor doth the Argument hold even *a probabili*; for God forbid that the Actions of others (be the common Perſuaſion what it will) ſhould be conſtrued to condemn any Individual Perſon accuſed, without Evidence to Perſon and Thing directly. A Man's own Actions, of a proper Kind, though but collateral to the Fact charged, may be alledged againſt himſelf *a probabili*, as being of a like Nature and Tendency. So the Aſſociation was uſed againſt the Earl of *Shaftſbury*; but a Hundred Aſſociations, of his Party, had been nothing to him, if this had not been found in his Cloſet, which brought it home to him. This Reaſoning, if it be allowed, as I think it is juſt, will diſſolve a World of hard Inferences made to the Prejudices of poor Men, tried for their Lives, in the Courſe of *Oates*'s Plot; for to that, and the Author's bilk Account of it, I am approaching.

The Fallacy in Converſation about *Oates*'s Plot.

XI. Purſuant to what has been repreſented, I obſerve, that it often happens among earneſt and unthinking People (I wiſh the like might never have been obſerved in any Court of Juſtice) that their common Diſcourſe is tainted with this Kind of Prejudice, and ſo becomes illegical; and they talk they know not what, and, I gueſs, they know not of whom, nor why. This was moſt notorious in the Caſe of *Oates*'s Plot; for the People fell into ambiguous Forms of common Speech, uſing Words, one for another, as we might imagine at *Babel*, when all Language was confounded. As, for Inſtance, the Words *A Plot* for *The Plot*, and *e contra*; which Error of

common Speech was injurious, in Conſequence, to the Reputation and Safety of Multitudes of People, who, as to Fact, were wholly unconcerned: For thoſe Words, as they are diſtinguiſhed, have a very different Import, which every one will grant; and yet, when *Oates* and his Plot were the common Talk of the Nation, and, more warmly, in and about *London*, they were taken and uſed promiſcuouſly, as ſignifying the ſame Thing: So that People blundered in their Diſcourſe, diſagreeing in Expreſſion, till the Senſe was loſt; when, if the Terms had been adjuſted, all honeſt People might have agreed. But thoſe, who were zealous on *Oates*'s Side, whether for Lack of Attention, or wilfully, no Matter now, run down thoſe who were a little more ſlack of Belief, giving no Leiſure to think, or Leave to ſpeak. Is there *a Plot*, ſaid they, anſwer me that? Yes, quoth a plain well meaning Man, I believe, there is *A* ——. Nay, then, ſaid the other, (not ſtaying for the Diſtinction) you are gone; for if there be a Plot, then ——, And ſo *Oates*'s whole Relation, or Narrative, of particular Facts ſtood confeſſed, if not proved.

The ſame not a Stranger in the Courts of Juſtice.

XII. I cannot altogether excuſe ſome Men of Law from being guilty, of Errors of this Kind, in Places where they ought to have conſidered better; for when Men ſtood at the Bar to be tried for their Lives, upon Indictments of ſpecial Facts, and nothing was, or could be, thereupon, material againſt them, but what moved from, or terminated in them; yet we could hear, from ſome of the long Robe, Offers to prove that there was a Plot, in general, of that Party which the Priſoners at the Bar profeſſed. And, after ſome were convict and denied at their Deaths, to take off the Influence of that, as ſeemed to favour others upon their ſucceeding Trial, then that Men of that Party and Profeſſion, for their Cauſe's Sake, would declare Lies at the Point of Death, and, conſequently, thoſe Men, who had ſuffered, did ſo. And, in a Caſe of Murder, the Attorney General, more than once alledged, If he be a Papiſt, then he is guilty, for (ſaid he) it was the Intereſt of all them to kill, *&c.* Theſe Sort of Failings, in the Uſe of common Reaſon and Equity, took Place at that Time; which I touch here, by Way of Preparation, againſt I come to ſhew ſome particular Caſes: Therein following the Pattern of our Author, who, in gathering up to Matters by Degrees, wonderfully ſets off his Hiſtory; as I ſhall explain in many very important Inſtances.

The ſame ſerves to take down Plots.

XIII. But not yet to drop the Fallacy, which, as I ſaid, wrought ſo effectually in ſetting up *Oates*'s Plot; it appeared afterwards, upon other Occaſions, that it wrought as ſtrong to take down Plots. For, as in the former, the Voice was there was a Plot of the Papiſts in general, *ergo*, what the Learned *Oates* ſwore was true; ſo, in ſubſequent Caſes of High Treaſon againſt thoſe that were not Papiſts, and ſo far Proteſtants (otherwiſe wicked enough perhaps) the Sound was no Proteſtant Plot in general, *ergo* thoſe Men were innocent, and the Witneſſes againſt them ſwore falſe. And, upon this Scheme (of which more in the Second Part coming near

near the *Rye* Plot) thoſe vile Libels, entitled *No Proteſtant Plot*, three, one after another, and other Libels coetaneous, all honoured by ſtanding in the Liſt of the Author's beſt Writers, are built; and in the Compoſition of his Work, and no leſs in his Reaſoning, he is mainly aſſiſted by Furniture out of them. It is therefore the Office of right Reaſon, nay of common Senſe in Men that have any Juſtice or Modeſty in their Natures, not only in Courts of Juſtice, but in ordinary Communications of Things, to confront and confound ſuch illogical Sort of Diſcourſe, as prevailed in the Times I refer to, and is yet more ſcandalouſly rampant in the Author before us. So that, as to the ſingle Hiſtory of this *Oateſian* Plot, if it could poſſibly be drawn, as a juſt Picture, after the Life, with all its Influences upon Men's ordinary Diſcourſe and Actions, that is, upon the Public, (which, by the Way, can ſcarce be made credible to Poſterity) that Age, and, in their Right, this Author, *compleat Hiſtorian* as he is, muſt be concluded beſide their Senſes, or worſe. For who could ever dream that Men ſhould not dare to ſpeak Senſe or Reaſon, one with another, without being daſhed to Pieces with a, *What! don't you believe the Plot?*

XLV. But I can leſs excuſe the Author than the loweſt of the Mob of thoſe Times; becauſe they wanted Art, and were filled with Zeal that blinded them; but he has Sight and Skill enough, and knows better; and yet we find that, in the Dealings of the Faction, if there be better or worſe, he is ſure to join himſelf to the latter, and ſhews no Infirmity or milder Motive, as we can lay hold of, to moderate for him, but meer Malice. How elſe is it poſſible, in a Profeſſion, as he makes, of ſtrict Truth, he ſhould unite, as he doth, with the moſt deſperately falſe Plotters, as well as with the deceived Rabble, of the paſt Time, now, when all the corrupt Intereſt is gone, and nothing but the mere Malignity ſurvives; which, in him, is, like the Luſt of old Age, ſcandalous and unprofitable. There is a great Difference between the State of any preſent Time, when Prejudices, as epidemical Diſeaſes, are graſſant, and that of a Writer, who is cool and ſolitary, in his Study, and hath no *Megara's* nor *Alecto's* of Zeal to inſpire him with furious Nonſenſe. I ſay, it is prodigious that ſuch a one ſhould ſit ſpinning, as he has done, a long Thread of Fallacies to load Scandal upon a Government, and the active Miniſtry of it, whereof the very Actors at the Time, who traded in them, if any are yet ſurviving, would bluſh at the Remembrance: And, all prodigious as it is, we find one here that writes the Language, not only of the deceived and frighted Vulgar, but of the very Deceivers themſelves, and adds, *ex abundanti*, not a little Art of his own to ſublime Matters. But, in the Main, as the Cheats managed the Impoſture, ſo he manages his Hiſtory; deſigning, as far as in him lies, to inſtill into Poſterity the ſame Notions of the Times as the fouleſt of Fourbs intended to impoſe upon the Ideot Rabble of the, then preſent, Generation; which is a Sottiſe paſt all Belief: And yet, if it doth not appear, by what I have to add, I ſhall ſcarce hope for the Reverſion of his Place. But, whatever

The Author tranſcribes theſe Fallacies, now the Uſe is paſt.

whatever becomes of that, I doubt not to ſhew it all, and with ſuch Circumſtance of bitter Malice, aggravating on his Part, as would make a Man, having a Spark of Modeſty, hang down (if not up) his Head with Shame for ever: And ſo I proceed to Demonſtration.

His Management of *Coleman*'s Letters, and Secrecy about the Plot.

XV. But that, by ſlow and eaſy Steps, as he is pleaſed to lead. I muſt begin therefore with ſome Reflections upon the famous Mr. *Coleman*, his Letters and Papers, upon the publiſhing of which, the Plot of *Oates* fermented, ſtrangely, and, concerning which, the falſe Reaſoning of the Times triumphed exceſſively. Theſe, at the Time, were printed in a Volume all together; which was a Sort of fair Dealing with the Public, for *ſit Liber Judex*. But this Author manages them better, and doth not ſo much as give a fair Account or Extract of them, although, for the Benefit of the Vulgar, the Extract itſelf was done to his Hand in the Print; but he ſelects Pieces and Scraps, and deals them forth in Morſels, as he thinks will fall moſt aptly to introduce or favour his ſquinting Obſervations. He pretends to ſhew the great Fears and Jealouſies of Popery, not as there was Reaſon, but in a factious Extremity; and, that he may juſtify his Repreſentations, for a true State of the Times, he begins, *For the Plot.* —— This is the firſt News in his Book of *any Plot*, or ſo much as *a Plot:* A careful Writer would have ſo expreſſed it, and not, as he doth, *the Plot*; for that is to ſuppoſe his Reader brings with him all the Prejudices of thoſe Times, and is tincted beforehand with what was ordinarily underſtood by *the Plot*; and, if ſo, he needed have ſaid no more, for the Reader, according to him, muſt know all the reſt. For how ſhould he, not preinſtructed by the Times, or charged with the Prejudices of them, tell what this ſame *the Plot* was, that makes its ſolemn Entry with a *For.* —— It was not ſo long ago, but common Readers will gueſs he means *Oates*'s, though, for ought he hath diſcovered yet, it may be the *Powder Plot*; the rather, becauſe the Words, taken out of *Coleman*'s Letters and Papers, or any where to be found therein, to verify his Remark here, have no Syllable that belongs, or points, to any ſuch Plot as *Oates*'s, whereby we might gather the leaſt Direction; as I ſhall have Occaſion to note often in the Sequel. He goes on; —— *Which had been more or leſs carried on, for ſeveral Years, to ſupport, if not to reſtore the* Romiſh *Religion in* England, *began now to ſhew itſelf in a more open Manner, as appears by ſeveral Letters of Mr.* Coleman *the Duke of* York's *Secretary.* Now, I muſt here preadmoniſh the Reader, that, in this Sentence, his Readerſhip is poſſeſſed of all, that he is, by this Author, to be inſtructed with, of the particular Facts of *Oates*'s Plot, which he means here by *the Plot* only, a little farther off, he rehearſes, for a compleat Deſcription, the Title Page, or ſome Part of it, from the printed Narrative or Information of *Oates*, as will be obſerved. So now you have all, and muſt be contented, for whoever expects more, may go look ſomewhere elſe than in this *Hiſtorian*; and if, on Peruſal of this whole Time, as it ſtands hiſtorified by him, there be any one ſingle Fact, ſworn by *Oates*, to be diſtinctly

distinctly set down, I will forfeit my Interest in all his Performances. His Reason, for keeping this grand Secret so religiously to himself, will soon appear. But, in the mean Time, I must note, that, as concerning History, *Oates*'s pretended Discovery, to be displayed at large, will not appear more infamous than the Author's Concealment of all but the Title, Style, or Name of it.

XVI. But now, as to the Passages taken out of Mr. *Coleman*'s Letters, I do not transcribe them, they are every where to be had entire, and also in this Book, that is, what the Author thought fit to publish; and a small Part is enough to shew, what results from the Whole, that this *Coleman* was full of vain and airy Projects about advancing the *Roman Catholic* Religion, and the Interest of its Professors, in *England*; and that his Correspondencies demonstrated how little the *Roman Catholics*, abroad and at home, even *Coleman* himself, as much a Secretary as he was, understood the State of *England* with respect to their Religious Interests; and that there was more of Presumption and Folly, than real Danger, in them; unless he had wrote with more Judgment and Moderation. But the Author's pretending, by them, to vouch, for Truth, his *the Plot*, that is, the monstrous and deform Tales of *Oates*, as if any Scruple of those were thereby made out, is a Flam as shallow as that which caught the minor Mob at the Time of the Discovery. It is strange the Author, at this Time of Day, should take up a Model to work after, so low as that; a Trick once before played, the Game up, and the Mask taken off, as of no farther Use. I say it is strange, after all this, he should catch up the Vizor, and, clapping it on his own Phiz, cry *Boo*, to fright neither Men nor Children. But I must precaution that now, after this warning Piece of the *Plot* (as he styles it) gone off, the Matter itself lies a great Way before us, and the Reader hath a Voyage to make before he comes at it. For the Author hath a large Dose of Preparatories to dress up, that he may set the Business high, before it is (under a Veil) held forth; for we must guess, by the Garniture only, what to make of it. And, in this Course of Preparatories, I must wait upon the Author, and therefore hope for Excuse, if, after so great an Example, I hang an A——e, and come not to the Point, till his Climacteries of Approach are all considered; and so, as to the *Plot*, we humbly take our Leaves for a while.

No Connection of *Coleman* with *Oates*.

XVII. I think, if not for the Author's Sake, and to shew his Integrity, yet for Truth of History, I may remember somewhat of the Condition of this Mr. *Coleman*. He was a Gentleman of a very good Family, that of *Brent-Ely* in *Suffolk*. Some Years before these Times, he had been employed as Secretary to the Duke of *York*, but, upon Information given by the Judges of the Northern Circuit against him, in the Year ——, he was put out of that Post. It seems some Gentlemen of the *North* shewed the Judges their circular News-Letters that came weekly amongst them, saying, they were wrote by this Mr. *Coleman*, and they had them constantly. It appeared plainly

Coleman displaced for factious News-Letters.

plainly that the whole Intent of them was to promote Faction and Diſcontent in the Country; for all the Actions of the Government were traduced to an ill Senſe, juſt as the Fanatics, in Coffee-Houſes in and about *London*, uſed to talk, for creating Differences between the King and his People; and (ſaving the Word Popery) juſt as we are ſerved in this Hiſtory. Which epiſtolary Stuff one would have expected from Colonel *Mildmay* out of *Eſſex*, rather than from the Cabinet of one in the Family and Service of the King's own Brother. His being (as he was thereupon) turned out, anſwered the End of that Complaint for the preſent; but the Duke would not wholly part with him, for that Cauſe, becauſe it was likely what he wrote was purſuant to the Counſel of the whole Party. And accordingly he was ſoon after made Secretary to the Ducheſs of *York*; which was his Character at the Time of the Correſpondencies ſo much talked of; and we indulge the Author's Miſtake, who has continued him the Duke's Secretary.

Papiſt and Fanatic join in the Means to make Troubles.

XVII. It is apparent, at this Time, that the Papiſts and Fanatics were joined in one common Policy, which was to cry out upon the Government, whereby, if poſſible, to diſturb the peaceful Eſtabliſhment of it; for that was a Barrier againſt the Deſigns of both. They equally hoped, if that Obſtacle were removed, that is, if the King broke with the People, which the Extremity of Sedition might produce, and come to uſe Force, their ſeveral and reſpective Turns, though very diametric, would be ſerved. The Papiſts preſuming, at one Time or other, to have the Direction of that Force to protect, if not to promote, their Party, and that it would be made good throughout: And the Fanatics, on the other Side, to have Advantage by the unadviſed Steps of ſuch Power, and, upon that Foot, to manage the Matter ſo as ſhould induce a general Defection of the People; and then, in their Account, Monarch and Monarchy muſt fall. Here is the Stretch of that noble Union of Oppoſites, Papiſt and Fanatic, *viz.* in fomenting popular Diſcontents; which will be a Subject of more Entertainment afterwards. The Project of the latter was the more dangerous, becauſe it was with, and the other, againſt Popularity; but both alike thought to cozen the other, which is all I ſhall note here of that Affair.

The *Roman Catholic* Party change their Counſels.

XVIII. If we look into the foreign Correſpondencies of Mr. *Coleman*, we ſhall find a ſtrange Mutation of his politic Meaſures. For as ſoon as it was manifeſt that the factious Party levelled directly and immediately at the Duke of *York*, and that they themſelves (that is the *Roman Catholic* Party) had been miſtaken in not foreſeeing the Danger on that Side; when, by the Means of the War, the Army and Anticipations of the Royal Revenue, the King was in a manifeſt Diſtreſs, and ſtood in need of the Parliament, and muſt have Supplies *coſta che coſta*; and, inſtead of breaking with the Parliament, which was the Nail they drove upon, it was much more probable the King would yield in all Things; which Proceſs might terminate in ſome great Inconvenience to the Succeſſion: Then ſtraight the Tables were turned, and, inſtead of making Diſcontents, the Papiſt Party ſought to enlarge

the King's Intereſt, and to abate the Fanatics. And finding the latter (their *quondam* Allies) by the Title of the Country Party, to grow formidable, and to talk high againſt them in Parliament; it became plain to their Eye-ſight, that, ſince they could not get, they ſhould take care not to loſe Ground, and, till a fairer Opportunity, keep the Poſt they had. And they could find no Way to do that, but by the diverting the ſitting of Parliaments, or rendering their ſitting, as to their Party, ineffectual.

The Catholic Party leave the Fanatics, and ſupport the Crown.

XIX. The great Pinch was Want of Money to diſband, or, perhaps (as they deſired) to keep on Foot and pay the Army; for, as Things ſtood with reſpect to the King's yielding, the *Roman Catholics* ſaw no Land. The very Succeſſion, on which they ſo much depended, was not ſafe. They found the Indulgence, by which they and the Fanatics thought to cheat each other (and the latter to cheat the King into the Bargain) failed, and they had loſt Ground by it. The making Diſcontents alſo turned upon them. What reſted then but to temporiſe, and, if poſſible, to ſupport the Crown with Aids of Money, thereby to enable the King to withſtand what ſhould be unreaſonably (in their Senſe) demanded againſt them? And this I take to be the Reaſon that Mr. *Coleman*, who managed the Popiſh Project at that Time, in his Letters, harps ſo much, as he doth, upon Money (to ſtave off the Parliament) which he termed Aids and Aſſiſtances: For it muſt needs be concluded, that, at that Time, no Good could come to the Catholic Cauſe by an Agreement of the King and his Parliament. And it is not neceſſary to interpret Aids to intend Military Force; though, at his Trial, it was ſo taken, which made the Correſpondence High Treaſon. And there is a great Semblance that it was not intended ſo, for, in latter Times, when his Royal Maſter was offered Forces, he, in his greateſt Need, refuſed them. I here ſuppoſe the Game to be but a ſaving one, yet do not exclude a Proſpect, they might have, of making a better Account in Caſe of a Rupture with the Parliament; for that was the Intent of their brewing ill Blood, as they did, and moſt notoriouſly, by Means of this very *Coleman*. And I purpoſe afterwards to ſay more of that.

Errors of the *Roman Catholic* Party.

XX. That the *Roman Catholic* Party ever miſtook the State of *England*, with Reſpect to their own Points, I have touched before. And their Error lay chiefly in two Items. 1. That Sectaries were Friends to, and deſirous of Liberty of Conſcience. 2. That Loyalliſts were, by their Profeſſion of *non Reſiſtance*, ſecure on no Emergence to hurt the Crown. The firſt of theſe is falſified by all Experience; for none ſeclude and tyraniſe over Conſcience like Sectaries in Power: And their deſiring Liberty is only, as a Stirrup, to mount withal. Then, for the others, it is certain that Numbers of Men, whatever they profeſs, will break through all to ſhake off ill Uſage and Oppreſſion, or what an unlucky Conjuncture may perſuade them is ſo. It is not given, but to a few, to adhere in ſuffering upon Principles. The Profeſſion may be true, and the Profeſſors *(Denominatio fit a majori)* falſe

falſe. What then is to be expected from Fanaticiſm, of which the very Profeſſion is a Cheat?

Coleman's Folly about the Money Matter.

XXII. But now, to return to Mr. *Coleman*, it appears that he, for Propoſitions vain and ill judged, outdid all the Miſtakes that ever his Party, in any Reſpect before that Time, were guilty of. As, for Inſtance, entertaining a Treaty of Money with *P. le Chaiſe*, the *French* King's Confeſſor. He might have known that it is a Rule, among Catholics of the higheſt Rank, to chooſe, for their Confeſſors, the moſt pious, and, withal, the moſt impolitic (we call it ſilly) Perſons they can find out. All, that *Coleman* had to lay hold of from him about Money, was ſome Words ſlipt, as it were, from his Pen, a Drop of mere Court Holy Water, *viz.* "That the King "(of *France*) would aſſiſt his Maſter with his Purſe." This *Coleman* catches at, and urges back upon him with all the Spirit of his Quill. —— "The Efficacy of this Aſſiſtance, the Advantages to the *French* King's In- "tereſt, by fixing his Maſter in his Friendſhip; for which he might de- "pend on the Duke's Honour, who would be able thereby to ſecure himſelf "and the Pope's Friends, and alſo his moſt Chriſtian Majeſty, from many "Evils that ſeemed to threaten him." And ſo goes on, in a wonderful Zeal of Argument, in order to get the Money; which would make one ſuſpect he hoped to be the Treaſurer of the Caſh when got, as well as he was Secretary to procure it. And the Propoſition was for 200,000 *l.* to enable the King to ſubſiſt without a Parliament; and ſuch Stuff, as was, in the higheſt Degree, choaking to an *Engliſh* Apprehenſion: But yet not, in any Reſpect, conform to the Facts ſet forth by *Oates*, as the Author, thus early, would have us believe. Nor is there one Word, in all the whole Parcel of Letters, that looks like, or can be conſtrued to couch any Evil intended the King, much leſs hiring Folks to poiſon him, as *Oates* ſwore.

Coleman's great Vanity in all his Expectations.

XXIII. But the Vanity of pumping for Money, through a Prieſt, is not to be digeſted. If *le Chaiſe* was ſo fond to be the Undertaker, as he was not, farther than a *Braveur volant*, it did but ſhew, and ſo the Matter ought to have been underſtood, that he laboured under a Want of Knowledge of ſecular Affairs. But *Coleman*'s Miſtake, or of whomſoever it was, outdid the other; for pretending to erect a ſolemn Treaty, or to found ſerious Propoſitions, even to the naming a Sum with the Security and Application of it, only through that Eccleſiaſtic, ſeems to be a Sottiſe of the loweſt Form of Secretaryſhip. If the Matter had proceeded on to other Hands, as through any of the Agents or Miniſters of the *French* Court, however ſecret it was, there had been ſome Ground to have proceeded; for ſo the State of the Money Treaty was when *Danby* dealt in like Caſe. In ſhort, the whole Matter ſeems to reſolve into the Vanity and Preſumption of this Mr. *Coleman*; there appearing no Foundation whereon reaſonably to repoſe ſuch Overtures as he made; and, however, with the Privity of his Maſter, or others of his own Communication, I gueſs the Project was wholly to ſhew what he could do. He pleaſed himſelf with the Con-

ceit

ceit of being a Miniſter of State, and was buoyed up with the Flattery of Prieſts and Zealots, as being the moſt inſtrumental of any in ſupporting the Catholic Cauſe. Beſides, holding himſelf in a riſing Employment, made him officious, and wear his Pen to the Stumps; thereby ſhewing his Application and Dexterity in Affairs of niceſt Correſpondence, and none ſo fit as he to be Principal Secretary of State. But if it be true, as he affirmed at his Trial, in the moſt aſſevering Manner he could, that he left off correſponding in 1675, which was two Years before *Oates* came forth, and which was done in that Manner to anſwer the Trope that was urged upon him, *viz.* if theſe Letters, that appear, are ſuch, what are thoſe of the two laſt Years that do not appear? It ſeems that, being convinced, by the Conſequence, of the Shallowneſs and Impertinence of his Projects, he wholly broke off his Correſpondence.

The *French* great Amuſers, and no Ground to expect Money from them.

XXIV. It is alſo to be conſidered, that the *French* are the greateſt Amuſers in the World. If Propoſitions are made, which they reſolve not to accept, they will not directly ſay ſo, but ſuſpend, and go upon other Matter which they intend ſhall have Advantage by the Hopes of the former; and not ſeldom ſeem to aſſent, in order to find the End and Deſign of the Propoſition, which they ſuppoſe will come out by Degrees, and then they can divert the Stream at the Spring Head. The like might be the Caſe about this Money Affair, with the Prieſt. If, on our Side of the Water, there was an Opinion that the Money was to be had, let them alone, ſaid they, on the other Side, it will bring forth ſomewhat elſe. But yet there ſeems no Colour for *Coleman* to think the Father uſed thoſe Words, of aſſiſting with his Purſe, but, as I ſaid before, for a Rhetorical Flouriſh. And, if there were a real Ground, as the Father might have had from proper Direction, it was reaſonable to think it done but for Amuſement: For we do not find the Father purſued it in any other Expreſſion in his Letters to *Coleman*; which ſhews that he was rather ſenſible he had over-ſhot himſelf, and was grown more cautelous in his Expreſſions. But it is certain our Secretary, and his Adviſers, if he had any here, did not perceive beyond the Outſide, but purſued what they thought would be vaſtly for the Intereſt of Holy Church. And theſe are my Thoughts of all this Forwardneſs, in a vain Intercourſe of Letters, about a groundleſs Expectation of Money. All the reſt of the Correſpondence, being of Ways and Means to advance the Popiſh Religion in *England*, is no more than ever was, and ever will be, among the Roman Catholic Party at home and abroad; as alſo among the Sectaries in their Way; and is always to be preſumed, whether any thing of it appears or not; and ſo may juſtly be termed *a Plot*.

The Author's falſe Uſe of *Coleman*'s Letters, with Reſpect to the Plot.

XXV. Now our Author, with his Pretenſions to compleat Hiſtory, might very fairly have touched this Matter, and the reſt of the Letters, with a little more Penetration and Integrity than ſaying only *the Plot* began to ſhew itſelf more openly, *&c.* which refers to a Time before *Oates*

came forth (for he has ſaid nothing of that yet) and then cites, by Way of Proof, Paſſages out of Letters that were not diſcovered till after *Oates* was examined. It was a ſtrange Plot that ſhould ſhew itſelf openly before it was at all diſcovered. And all, that he cites, proves but *a Plot*, and, for that, thank him for nothing; for who did not ever believe the ſame, though that Form or Shape of it did not appear as thoſe Letters ſhewed? But what is all this to a Plot, at leaſt, two Years after, unleſs it will be ſuppoſed, that the Letters, and *Oates*'s Stories, had ſome Relation to each other, as there is none at all? But it was the common Uſage of that Time, to belye the Contents of theſe Letters, and ſuppoſe a Coincidence with *Oates*, cleverly, as Tallies notch together; and who ſhould gainſay it? At this Time reigned the Authoritative. *Now* — the Plot is ſufficiently proved, — if there were no other concurring Evidence — and the like. This I mention to ſhew how the Author tranſcribes from the Talk of the Knaves and Fools in Coffee-houſes at that Time; but (as muſt be allowed him) with more exquiſite Falſeneſs, than People were generally guilty of: For moſt of them were miſtaken, but he doth it knowing, and, moreover, with Subtilty and Contrivance, as will appear.

The Proclamation for putting down Coffee-houſes, Subject of Libel.

XXVI. A little after, he plucks out another Parcel of theſe Letters, gives the efficacious Sentences, and makes the like indirect Uſe of them. He manages, as an Advocate, not opening all his Evidences at once but, producing them, one after another, as he may beſt apply them to ſerve his Turn. And here, to ſhew how far the People were gone with Fears of Popery, he tells us of the putting down Coffee-houſes: And doth not that plainly prove the Propoſition? I grant that Matter very fit to be taken Notice of in the Hiſtory of that Time; but then in the Manner, truly, as it was, and not only, as here is done, to wire-draw a Reflection from it. But it is the Author's Way, never to take Notice of Incidents but with like Reflection. And we muſt obſerve, and remember, that, if any Acts of the Government are bad, or can be wreſted to appear ſo, we are ſure to have them from him at ſuch Lengths, as fits his Purpoſe, and no more; but, if they are good, he either drops them, or anoints them over with his proper *Aſa Fœtida*, to take away the good Odour of them. All which Particulars will make out; and one is the Buſineſs of Coffee-houſes.

P. 307. He tells us, *The People were ſo jealous of the Growth of Popery, and of the* French *Power, as that they reflected on the King and Miniſtry, to ſuch a Degree, as a Proclamation was ordered to put down Coffee-houſes.* A general Concluſion from a particular Fact is another of his Inventions, and here exerciſed, though no Manner of Connection is betwixt them; and the Nonſenſe of it here will appear from the Account I am about to give of that Matter; as I think not amiſs to be done, as well for Hiſtory as Demonſtration of the Author's Futility on that Occaſion.

The Reaſon for putting them down.

XXVII. About this Time the Faction began to form a Method of propagating ſeditious Lyes, and Miſrepreſentations of all the Government did; and

and it was ordered by certain Clubs where the Lyes, wherever at first invented, were delivered out to be diſperſed abroad, among all Sorts of People, by the Means of Coffee-houſes; and, in the chief of them, Talkers Leidger were appointed to attend, and vend the Commodity to all Commers *gratis:* And, by that Means, the Coffee-houſes began to be direct Seminaries of Sedition, and Offices for the Diſpatch of Lying, and carried on to ſuch a Degree of Inconvenience, to the Public, as ſcarce any Government in the World would have endured. The Matter was conſidered at the Council: Many were of Opinion that a Stop might be put, if his Majeſty would uſe his Power, by prohibiting the licenſing of any, and commanding the Licences, already granted, to be revoked; all which might be done at once by a Proclamation. But, as the Uſe of that Time was, every Thing, on the Side of the Government, was criticiſed upon; and, if it was legal, yet many ſtrove to make it look as if it were not ſo: And, accordingly, Objections were made to the Legality of ſuch a Proclamation; and the more, becauſe Sir *William Jones*, then Attorney General, being attached to the Faction, and a timidous Man, might be influenced not to paſs it: Of whom more afterwards.

The Judges attend and give their Opinions.

XXVIII. It was thereupon thought fit, and ordered, that the Judges ſhould attend; and all, that were in Town, in *Jan.* 167⅝, did ſo. They were told that ſome Doubts, in the Law, had ariſen concerning the retailing Trade of Coffee, and concerning the Act 15 *Car.* II. whereupon their Opinions were aſked upon theſe Queſtions. 1. If any Man may retail without a Licence? 2. If Licences might be denied at the Seſſions? 3. If Licences were granted for a certain Term, by Order of Seſſions, if they might be revoked within the Time? And my Lord Chancellor propounded theſe as Incidents to the former; as, 1. If the Seſſions could grant Licences for Years? 2. If the chief Magiſtrate, or the Seſſions, ought to grant Licences in Corporations? Upon this, the Judges deſired Leave to withdraw, and, after they had conferred together, they returned; and it was anſwered, that they were all of Opinion, 1. That the Act prohibits generally, ſo none could retail without a Licence. 2. That the Seſſions are not bound to grant to any that will aſk, but may refuſe any Perſon Licences at their Diſcretion; and that they did not find that the chief Magiſtrate, but only the Seſſions, had Power to grant them. And, as to the other Points, they anſwered, they were not agreed in Opinion: So the King preſſed them no farther.

Some Conſiderations upon the Caſe.

XXIX. Upon the Agitation of this Matter, the moſt reaſonable Account, as might be collected, ſeemed to be this. That the Licence, being by Order of Seſſions, and no Directions, nor Power, expreſſed in the Act, to grant for any certain Time, the Court ought to order Licences generally, and could not grant a Term in a Licence, whereby to preclude a ſucceeding Court from diſallowing the ſame. That it was not like the Caſe where Commiſſioners have Power, by 13 *Car.* II. to grant Wine Li-

cences for Years, nor like Licences from the King, or any particular Perſons, that may conclude themſelves by granting for a Term; but here was a ſtanding Truſt in a Court, that had Power over its own Orders, which cannot be anticipated. And an Order of Licence is but as a Rule of Court, and not like an Admittance or Judgment. It would be unreaſonable, if Licences might not be revoked till Conviction of Miſdemeanor; for Faults ought to be prevented, and this might require Time. It was ſaid, that the retailing Coffee might be an innocent Trade, as it might be exerciſed; but, as it is uſed at preſent, in the Nature of a common Aſſembly, to diſcourſe of Matters of State, News, and great Perſons, as they are Nurſeries of Idleneſs and Pragmaticalneſs, and hinder the Expence of our native Proviſions, they might be thought common Nuiſances.

The falſe Inference from the Proclamation.

XXX. I give here the Deliberation, had about this Affair of Coffee-houſes, to ſhew the Care, uſed by the Government, not to act againſt Law; but then, whatever was done, legal or illegal, was made the Subject of Clamour. Now obſerve, in the Paſſage cited out of our Author, that he is ſo addicted to the Libels of that Time, that he has ſtole the Title of the worſt of them, that is, *Growth of Popery*, to make good his Reflection here. And that very Libel was generally made Uſe of, by the Party, as Inſtructions, or a Repertory of Slanders and Miſconſtructions, to throw out againſt the Court, and, for that Purpoſe, was calculated proper for Uſe in Clubs and Coffee-houſes; and therefore better deſerves the old Title of *An Help to Diſcourſe*, changing only the laſt Word for *Sedition*. But he doth much worſe; for, inſtead of ſhewing that a Set of Men uſed Coffee-houſes as a Means to diſcontent the People, he ſuppoſes the Diſcontents at utmoſt Height aforehand; and, inſtead of preventing thoſe fictitious Jealouſies being ſpread among the People (which was the Intent of the Proclamation againſt Coffee-houſes) he preſumes thoſe Jealouſies abſolutely fix'd, and that the King and the Miniſtry (as he ſays) could not bear that People ſhould talk of them: And ſo the Proclamation was for no good End, as to prevent an Evil, but to ſuppreſs the Notice of the Evil already in Being. A very kind Conſtruction, of a Royal Proclamation! But who was Jealous all the While? He ſays *the People*, and they were the Reflecters. If we had not known that, with him, the Faction are the People throughout, yet we muſt have dubbed them ſo at preſent; for it was they that were the Reflecters, ſome billetted in certain Aſſemblies, others itinerant to viſit the reſt, and drop forth Lyes to recreate the Company, endeavouring, by all poſſible Means (of which I may give ſome farther Account afterwards) to create falſe Fears and Jealouſies, and, ſo, to corrupt the People: And againſt theſe was the Proclamation intended, and not againſt *the People*, really ſo. And thus he puts the People in the Place of the Faction, the Event for the Prevention, the Perſons to be corrupted for the Corrupters, the Effect for the Cauſe, and, in a Word, falſe Colours for Truth. One would not imagine there could be ſo much ſubtile Malice

in

in a falſe Turn of Words, as in this Paſſage; but I think I have ſhewed it ſufficiently.

The Author favours the Attorney General, but not the King.

XXXI. But, for Matter of Fact, the Proclamation iſſued, and immediately the Alarm was taken, and, the Faction bellowing about againſt this ungracious, illegal Act, the Generality, as they were inclined, ſoon were made believe that it was againſt Law. The Attorney General, who drew it, was in a Twitter; for ſome of his Friends told him he would certainly be queſtioned for it in Parliament. Now here is a great Novelty, of which the like is not to be found all over this *Compleat Hiſtory*. A Proclamation iſſued, which was, by the Faction, cried out upon as utterly illegal; and the Author, contrary to his ordinary Uſe, is ſo far from echoing that, as he gives it not one ill Word; but then, to make Amends, he hath almoſt ſprained his Invention to make an ill Uſe of it another Way no leſs ſcandalous. The Meaning is this; it was drawn and paſſed by a Party Favourite, Sir *William Jones*, one of his factious Heroes, who muſt not be reflected on. It was well for the King he had ſuch an Attorney General, or elſe his Proclamation, in the Courſe of this Hiſtory, had gone to Pot.

The Proclamation recalled, and the Conſequences.

XXXII. The Concluſion of this Matter was, that, upon Application made by Petition of the Coffee-Men, who promiſed to be wonderful good for the future, and to take Care to prevent treaſonable and ſeditious Talk in their Houſes, the King receded and let them go. And now the Miſchief is arrived to Perfection, and, not only Sedition and Treaſon but, Atheiſm, Hereſy, and Blaſphemy are publicly taught in diverſe of the celebrated Coffee-houſes; where Rooms are peculiar, and Tables, for Irreligion, like the *Rota* for Politics; and it is as unſeemly for a reaſonable, conformable Perſon to come there, as for a Clergyman to frequent a Bawdy-houſe: And the beſt are but Rendeſvouſes of Cheats of one Species or other. And the Uſe is much improved by a new Invention called Chocolate-Houſes, for the Benefit of Rooks and Cullies of Quality, where Gaming is added to all the reſt, and the Summons of Whores ſeldom fails; as if the Devil had erected a new Univerſity, and theſe were his Colleges, and Reſidences of his Profeſſors, as well as his Schools of Diſcipline. This Way of paſſing Time might have been ſtopped at firſt, before People had poſſeſſed themſelves of ſome Convenience from them, of meeting for ſhort Diſpatches, and (it were hard if no good Uſe might be made of them) paſſing Evenings with ſmall Expence. By which Means, however legally, it was not prudently done to ſuppreſs them; for a Convulſion and Diſcontent would unavoidably follow: And that, I believe, was the real Cauſe the Proclamation was ſo ſoon withdrawn.

The Author's Encomium on *A. Marvel's* Libel. P. 361

XXXIII. I ſhall not have a fairer Opportunity, than here, to take Notice of a ſtately Encomium the Author has dreſſed up, and beſtowed upon *Andrew Marvel's Growth of Popery*, the Libel aforementioned. He ſays, *The Dangers of Popery, and the Advances of the Popiſh Intereſt at Court, were freely repreſented in it, which was ſo offenſive to the Miniſtry, that his*

his Majeſty cauſed an Order to be publiſhed, for Rewards to the Diſcoverer of this and other Libels; which the Order terms "ſeditious and ſcandalous " —— againſt the Proceedings of the two Houſes of Parliament, and other " his Majeſty's Courts of Juſtice, to the Diſhonour of his Majeſty's Go- " vernment, and the Hazzard of the public Peace." The Author ſays, *freely repreſented*; that, in his *Lingua*, means *truly*; for Freedom, oppoſed to Reſtraint of Speech, hath no other Senſe. And ſo he gives the Lye to a public Order of State that terms this a ſeditious and ſcandalous Libel. And, for his *Free*, we know how near akin his *Free-repreſenters* are to his *Free-thinkers*, who uſe the Word in the Senſe of *Dare-Devil*, which muſt needs run in his Mind; but I have no Buſineſs with them here. I do not condemn our Author for his ſingular Civility to this Libel; for he hath ſerved himſelf, out of both the firſt and the ſecond Parts, for the Loan of moſt of his conſiderable Abuſes and Miſrepreſentations; it is that String of Lyes, mentioned in the Account of *Mocedo*'s Plot, taking Riſe from the happy Reſtauration, and going on, ſtaining the Public all the Way, down to that Time. The Matters were commonly whiſpered about, but none brought to public Examination, to be confuted, as that falſe Story of *Mocedo* was; for which Reaſon they muſt paſs for Truths, as *Mocedo*'s had done, had it not been ſo unlucky.

An Account of *Andrew Marvel*, and his infamous Practices.

XXXIV. The Author of that Libel was very well qualified for Miſchief of that Kind; having been *Oliver Cromwell*'s Secretary, and ſurvived his Maſter to good Purpoſe. Our Hiſtorian thinks he has ſhrewdly lampooned the Government, by an Eulogy on this vile Libel. I believe it is the firſt Time that a ſcandalous, infame State Libel was honoured with a direct Encomium in a ſolemn Hiſtory, that titles itſelf *compleat*. And, for the Charm of his Word *Free*, if he himſelf had not been full of Freedoms, which good Men deteſt, and (for other than ſecular Reaſons) dare not take, he had never wove in that Atheiſtical Term to commend Falſeneſs and Undutifulneſs to lawful Superiors. But we do not wonder his Friend *Andrew* is ſo ſatyrical againſt the Authority of God's Vicegerent on Earth, when he wrote with no leſs Malice and Defiance againſt the Religion of *Chriſt*, and the Symbols of our Holy Faith; ridiculing the *Nicene* Fathers, and making an Idiot of *Conſtantine the Great*, and firſt Chriſtian Emperor: As who will may ſee in a baſe Pamphlet of his ſtyled, *An Hiſtory of Creeds and Councils*. And yet this Free-thinker is ſet forth, with the Praiſes of a Free-repreſenter, by the Reverend Author here. *O mores!*

Strange Reflection on the Court and Commons.

XXXV. But we muſt not forget how the Author goes on, working up the Buſineſs of Popery at Court. He takes Occaſion, from vain Expreſſions in *Coleman*'s Letters, to write as if he were beſide himſelf. *The Papiſts had ſuch a mighty Influence on public Affairs, and were afraid of nothing but an* English *Parliament, and flattered themſelves they had gained over Members enough to carry on the Intereſts and Deſigns of the Duke of* York. I ſhould be glad if any Point of Fact could be got out of this Jumble of Words,

Words, for then one might tell what to say to it. But what is to be made of *Papists*, —— *Influence*, —— *Affairs*, —— *gained*, —— *carry on*, —— *Designs?* Only Words to give Occasion for evil Thinking. That the Papists (really such) in his *Lingua*, *Roman Catholics*, were afraid of an *English* Parliament, I believe, is most true; for seldom a Session was, but some Addresses or Acts passed, with the King's Concurrence, to their Prejudice; and, while the King and Parliament agreed, they had no Expectation of better: And therefore they joined with the Faction, for Ends already hinted, co-operating to set them at Variance. But I utterly deny that any Thing else, in this politic Flight of feathered Words, is true; and some Part is so far otherwise, as to imply a Contradiction: As saying the Papists *feared*, and, at the same Time, that they *flattered* themselves they had a prevailing Interest in the Parliament; and, not only so but, had a mighty Influence in public Affairs. It is a poor Business that the superior Party should fear. But the Author will have the same Thing fright and flatter all at once, like the divided Visage of a Rival in the Comedy; and, to serve his inconsistent Purpose, he makes a Monster of the *English* Parliament. But Slander is always well, whether Thinking hath to do with it or not. I cannot decypher this Matter otherwise, than out of his own notorious Gloss, that the King and the Ministry of his Government are the *Papists*; and they had indeed a great Influence in public Affairs: But that doth not agree with being afraid of the Parliament, that his Majesty might call or dissolve as he pleased.

Interests and Designs of the Duke of *York* but Words of Calumny.

XXXVI. We were troubled with these *Interests and Designs* of the Duke of *York*, (who, by the Way, is seldom or never taken in under the Character of the Papists in general, for that means the Government and Court, but, where he is concerned, he has the Honour to be expressly named) once before about the conventicling Rebellion in *Scotland*, and now we have them here again; but neither here, nor there, nor any where, doth the Author tell us what he means by them. Why doth he not say plainly what Interests, and what Designs, but deal forth his History thus in dark Generals and Indefinites which cover Fallacy? All the Epithets of Good and Evil will stand well enough with Interests and Designs; they may be just and good, or corrupt and pernicious. If his Royal Highness's Interest was to hold himself in Duty, and fair, with the King, and, by all lawful Means, to hinder Acts of Parliament to deprive him of his presumptive Inheritance; was such Interest or Design either unjust or unreasonable? And suppose some Members of Parliament, of the best Quality and Estates, were of Opinion, that it was against the Laws of God and the Land, arbitrary and Popish, to deprive any Man of his secular Inheritance for his Conscience, that is, for his Religion, be it *Sectarian* or *Popish*; hath he proved them (if any such were) to be in an Error? But his Meaning, couched under these *Interests and Designs*, which he holds forth under a deformed Visage of an ill Sense, is, that all, who would not disinherit the

Duke

Duke of *York*, were in his Intereſts; and, for Deſigns, it muſt be to bring in Popery. So here is a ſarcaſmous Reflection on the Houſe of Commons itſelf, without any Explication, or Particularities, by which any Mortal can gather whether he has Reaſon or not.

The Author uſes Generals to invite an ill Senſe.

XXXVII. But his Way is to truſt the Reader's ill Nature with all that; for he intends, and makes full Account, that his Generals ſhall always be interpreted into a worſe Senſe than he, for very Shame (Modeſty I cannot call it) durſt expreſs. As, for Inſtance, that the Deſigns of the Duke of *York* were to bring in Popery by the Power of *France*, to deſtroy all the Proteſtants, to ſet up arbitrary Power, to burn Houſes, and what not? Now, for Diſcourſe Sake, let him have his Will, and find Readers of his Opinion; hath he not given a rare Account of ſome Members of Parliament, which the *Papiſts* (*viz.* the Court) thought enough, that is a Majority? The King may reſt more at Eaſe, under the Weight of this groſs Libel, ſince the Author is pleaſed to lay ſuch Load upon the Houſe of Commons. Now theſe Members, that he is ſo kind to, were that Body of Gentry and of the Court, who were known by the Diſtinction of the Court Party in the Houſe; and how inclined to ſuch Deſigns, muſt be left to the Judgment of ſuch as knew them then, and the ſame, with their general Behaviour ever ſince; whoſe public Spirit and Honour, I may ſay, without Flattery, was, and is, Proof againſt ſuch a paltry Lampooner as we have here.

Sly Reflection on the Members of the Houſe of Commons.

XXXVIII. But ſtay, let us be careful to do no Wrong. The Author doth not ſay theſe Members were brought over to carry on theſe good Works, but *the Papiſts flattered themſelves, &c.* Now, there is the Art of it. I have more than once given Notice of theſe notable Contrivances, that is to libel with a Reſerve; as by his ordinary Tropes of *it ſeems*, — *was looked upon*, — and the like: So here, with the Papiſts flattering themſelves, he can inſinuate the vileſt Falſities in the World, and, upon Trial, come off upon the Ambiguity or Indefinity of his Expreſſions. The real Papiſts were not ſuch ſtupid Sots to flatter themſelves, in ſuch Meaſures, contrary to all common Senſe and Truth. But we have in View ſo much of Difficulty about the Popiſh Plot, and the Bill of Excluſion, which muſt be aided by theſe falſe Gloſſes built upon certain *Secretarian* Expreſſions, in *Coleman*'s Letters, which he produces in Scraps, (as I ſaid) to be in this Manner commented upon: And ſo he goes on, tacking one Sentence to another, to make an hideous Figure of this Popery, and its Court of Aſſiſtants, of whom a Word or two more.

The Word *Papiſt* enlarged and explained.

XXXIX. If we may look a little back upon the Beginning of this Author's laſt Sentence, we find it poſitively affirmed, without any *Ifs* or *Ands*, that the Papiſts had great Influence upon public Affairs, and the Explanation that follows, *viz.* by Members enough in the Houſe of Commons. And he carries this Word, *Papiſt*, abroad amongſt them, even out of the Limits of the Court. To do the Author Right, we muſt obſerve that

that his Term of Art, *Papiſt*, has gained a greater Latitude. For now, as to the King and the Miniſtry, who, in the foregoing Chapter, were the Papiſts, they are ſettled and done with; and (if Impudence can ſo far prevail) the Loyal Gentry and Church of *England* Profeſſors, who, generally, diſagreed to the Bill of Excluſion of the Duke of *York*, are the Papiſts who influenced, ſo much, the public Affairs, that the Bill did not paſs glib. And what was that but carrying on the Intereſts and Deſigns of the Duke of *York?* Ingenuous Hiſtory! The Faction had not their Will, in that Matter, ſo precipitouſly, and without Oppoſition, as they expected; then (forſooth) the Papiſts had a great Influence.

The Church and Loyal Party made Papiſts obliquely.

XL. But this ſenſeleſs and graceleſs Charge of Popery, againſt the true Fence againſt Popery, the loyal Church Party, had its Coverſlut or Screen, which was uſed at the Time, and ſo copied in this Hiſtory: For none charged directly that the Loyalliſts were Papiſts; that would not go down, becauſe the contrary was moſt notorious. But yet they muſt have at them obliquely, and in a Manner as the willing Tits of the Party, and weaker Brethren, ſhould go in with, even contrary to their own Knowledge and Opinion. Thence ſprang the Terms — *Church Papiſt*, — *Maſqueraders*, — *Popiſhly affecteds*, — *Adherents*, — and the like. One or other of theſe honeſt Epithets hooked in every one. As, for Inſtance, if, in ordinary Diſcourſe, any one affirmed that ſuch and ſuch, by their conſtant Behaviour, ſhewed themſelves to be good Proteſtants; *Are they ſo?* ſaid the Party; *We look upon them to be worſe than declared Papiſts; for we know how to deal with them, but we know not what to make of theſe Papiſts in Maſquerade.* And the Copying theſe ſhameleſs and barbarous Practices of that Age, is the Culmen of this Hiſtorian's Art and Invention. For now he has one ſhort Way of doing the ſame Thing, and that is by making but one Diſtinction, the Faction and Papiſts; thoſe, who were not, in all Things, with the Faction, were Papiſts; and ſo he reſts upon Things, and not Names only, though he ſerves himſelf of them alſo, as he ſees Occaſion. But here, by the Diſtinction of one ſingle Behaviour, he has enlarged the Pale of Popery ſtrangely.

The Government neither was, nor could be, Popiſh.

XLI. It may ſeem incredible in after Times, when a true Account of this comes, that it was poſſible ſuch a prodigious Outcry of Popery, both in and out of the Parliament, ſhould be raiſed, and ſuch Induſtry to have it believed that the whole Adminiſtration of the Government, and the Loyal Magiſtracy all over *England*, was Popiſh; as if the Nation had been once more ſold to the Pope. And, at the ſame Time, the Laws had ſo fenced out Popery, as it was impoſſible it could have ſo much Influence as was then, and here in this Book (the Echo of the factious Vulgar) is pretended. And the King alſo, in all Points, obſerved the Order of the public Service, as could be expected from him; went every *Sunday* and ſolemn Feaſt-Days in State to the Proteſtant Chapel in his Houſe, communicated at ſtated Times; and, at this Time, pretended to no diſpenſing Power over the Ec-

 cleſiaſtical

cleſiaſtical, much leſs over the Temporal Laws, to favour any Party. All the Miniſtry, Magiſtracy, and Militia avowed Proteſtants, and no Papiſt capable of any Benefit or Truſt under the Government. Nothing, that the Parliament aſked, touching Security againſt Popery, was denied. I might ſay a great deal more; but yet, not joining with the Faction muſt needs be Popery: And, as was touched before, the Author, ſaying Papiſts in this Conjuncture, means the Loyalliſts; by which he aims to force a Scandal out of an Impoſture, as his Party, by an Impoſture, thought to force People into the Excluſion. And, the whole Myſtery reſolves eaſily after it is conſidered that no Religion, but Intereſt under that Cloak, and that Intereſt in the Superlative Degree, *viz.* National and Royal Government, and its Fruits, Wealth and Luxury, lay at the Bottom: And, for whoſe Sake, Time, perhaps, hath interpreted. The Cauſe was ſolid with them, but, with the Author here, it is only the Itch of a Party, to be gratified with ſpeculative Scratching, and imaginary Scandals caſt at his Betters; which doth but make his Paper more unfit for Pyes, than it was before he had to do with it.

The Pravity of the Times concealed.

XLII. I mention the foregoing Particularities, as Truths that may be uſeful hereafter; for the like Diſpoſitions of public Affairs may, and do, often return: And what is more deſireable than to know the Events of the former, whereof the Precaution is an Indemnity againſt the Harms of all ſuch falſe Faces, as ramped about in this Time? If it had been only to pull off this Author's Vizor, leſs, perhaps, might have ſerved. Why could not he, pretending to write a *National Hiſtory*, have fairly related theſe Conteſts and Oppoſitions? What the Parties, their Characters, Deſigns and Pretenſions? what alledged, and what intended? by which a Judgment might be given of the Rectitude or Pravity of either Side. He might have noted, as the Truth was, that Religion was much in Mens Mouths, but nothing in their Actions; and how that, heretofore, peaceful Reconciler among Chriſtians, as it was in good Earneſt, while defecated of ſecular Intereſts, at this Time, was become ſo blown with them, that the very Pretence of it appeared like an Ethnic Fury, inſpiring nothing but Hatred, Malice, and all Manner of Miſchief. But, inſtead of any plain Dealing in Hiſtory, like this, the Author affords nothing but the indiſtinguiſhable Clamour of a Faction, without a Grain of Allowance on the other Side: That is, like one intoxicated or poſſeſſed, in one of his raving Fits, he utters nothing but the Cravings of the ill-natured, corrupt, intereſted, lying Sort of People; all which this Paragraph of his fully demonſtrates to the common Senſe of any one that will have the Trouble to peruſe it; and the like, as I have more than once ſaid, runs through his whole Hiſtorical Libel of this Reign.

A general Decypher of *Coleman*'s Correſpondence.

XLIII. But I muſt allow that he doth not always feed his Reader with meer dry Slanders, but uſeth, ſometimes, Cookery and Sauces to make them reliſh the better. Therefore not ſeldom comes in ſome Matter of Fact

or

or Story, by Way of Sauce or Garniſh; and there is Need of Art when the Slander is to fall upon the Parliament. So here he brings forward ſome Excerpts out of *Coleman*'s Letters, by Way of Voucher, to ſhew how far the *Roman Catholics* had gone towards corrupting the Parliament itſelf: And, for better Acceptation of theſe, I muſt ſtate the Caſe out of the Letters, but by Way of Explanation only. *Coleman*, it ſeems, finding that Money, for ſtaving off the Parliament, would not come (and indeed it was ſenſeleſs ever to have expected it) and that the Parliamentary Seſſions muſt come on, changed his Note; for, in his Correſpondences, he muſt not give up his Cauſe for loſt, and let his Maſter's Eſteem ſink with his foreign Intereſt. Therefore, to ſuſtain it, he falls to magnifying his Maſter's Condition, even in the Parliament itſelf, to ſhew he was in no Neceſſity of ſuch Aids as had been the Subject of his former Letters; their Party now, was, in a better State, and there was Hopes, if the Duke failed not in his Reſolution, (ſo he writes) of more Good, by Means of the Parliament, than otherwiſe. But what Reaſon there was to write thus, but only to ſet a good Face, and make the beſt Appearance under Circumſtances that would not be mended, no Mortal can tell; and the moſt, that any cloſe Inſpection can ſcry, out of it, is, that a Party was found that would oppoſe the Excluſion Bill: For that had been plumbed in the Houſe, long before the Bill itſelf came in. The reſt ſmells of Secretary Wax. And this is all the Author has to lay hold of for his ſaying the Papiſts thought they had the Parliament ſure. He makes no Allowance for the Skill and Pen-Work of a conceited Secretary, but takes all his Daſhes, and bold Strokes, that are uſeful for ſerving his own Turn, for Realities. But now we are gathering ſomewhat near to *the Plot*.

The Author ſtrains hard to bring *Coleman* and *Oates* together.

XLIV. The Author tells us, *By many other Papers and Letters this Year* (of *Coleman*, I preſume, though it is made to look as if there were others) *it appears there was a vigorous Deſign carried on to extirpate the Northern Hereſy*. This is Plot Langage, which muſt excuſe the Nonſenſe. He ſhould have ſaid a *Deſign vigorouſly carried on*, and not a *vigorous Deſign*; but paſs that as an elegant Trope, we know the Meaning, and let that ſuffice. Now here I muſt open a little Craft, although it will anticipate ſomewhat. Firſt, he ſays not of whom this vigorous Deſign is; ſo you may pleaſe to take in any Perſons, though not denominated either *Papiſts*, *Roman Catholics*, or the like, be it the King himſelf, or Miniſtry. Next, we muſt underſtand that the Author's Soul is engaged to prove *the Plot*, that is *Oates*'s Diſcovery, as he has ſworn it, out of the Text of *Coleman*'s Letters; and upon that Account it is, that he has ſcrewed forth from them ſo many Citations and Remarks as we have had. Now the Facts of *Oates*'s Diſcovery, and the Projects of *Coleman*, being untoward to bring together, as muſt be done, if he will be as good as his Word, and prove thoſe Facts out of *Coleman*'s Papers, he has found out a rare Expedient; which is that both of theſe, *viz.* the Facts of *Oates*'s Plot, and the pretended Proofs in *Coleman*, ſhall not appear together, but one of them muſt

abſcond, and that falls to the Share of the Plot; and then he falls to managing of the Letters and Papers of *Coleman*, as I have diſcourſed. So that, by Inſinuations, and certain Baits or Traps, laid to catch the Reader by his Imagination, he may impreſs, by Way of Prejudice, this falſe Propoſition, *viz.* That the Facts of *Oates*'s Diſcovery are all proved by *Coleman*'s Papers: And how artfully this is done, will appear in Courſe. Another darling Point, of the Author's, is to perſuade that the King and Loyal Miniſtry are deep in this ſame Plot; and for that End it is, that he hath coined the Diſtinction, I muſt often touch upon, between *Papiſts* and *Roman Catholics:* Which latter, being the more favourable, is conſigned to the *Popiſh Papiſt*, and the other to the *Court* or *Proteſtant Papiſt*, as the more Papiſt of the two, and is to bear the Load of all the *Damnables*, *Execrables*, *&c.* vulgarly aſcribed to that Denomination. But it falls out croſs here too; for he cannot touch upon *Oates*'s Diſcovery, though it be only to give the Title of the Depoſition which he had ſworn to, but he meets a flat Contradiction; for that expreſſes a Plot —— *carried on againſt the Life of his Majeſty and the Proteſtant Religion.* Here the Puzzle is yet greater, becauſe nothing, in the Papers of *Coleman*, can be found tending to the leaſt Harm to the King's Perſon or Authority; and the whole Tenor of the Plot harps upon that: And how is it poſſible the King himſelf and his Friends ſhould be in a Plot to deſtroy him? How theſe Matters are wrought, which I do but touch here, will alſo appear.

The Plot to kill the King charged on the Duke of *York* and the *Roman Catholics*.

XLV. In the firſt Place, obſerve the Words here cited, and that, after the uſual Manner of ſeditious Expreſſions, they are general, ſuch whereto any Thing, you can fancy, may be applied. —— *Extirpate the Northern Hereſy*, may be by killing the King, if he ſtand in the Way; or, if the King be *in the ſame Meaſures*, it may be by deſtroying Proteſtants, burning *London*, arbitrary Power with *French* Aids, or what you will. Then he ſays not, in this Place, whoſe Plot this is; ſo it may be of the King and his Popiſh Court, as well as of any other Papiſts: And, in the Main, according to the Drift of this myſtical Sentence, *Coleman*'s Papers, and *Oates*'s Diſcovery, may be all one. Now, taking the obvious Senſe (ſubſtract the King's Life, which was the whole Treaſon in *Oates*'s Diſcovery) we may let the Author go away with, and make his beſt of it, that a *vigorous Deſign*, *&c.* (for when not?) And, on the other Side, hath there not been always a *vigorous Deſign* to extirpate the Popery of the South? But we hear of no Plot, on that Foot, diſcovered in *Italy*, *France*, or *Spain*. Every Sect deſigns to extirpate the Tenents of their Adverſaries; but general Deſigns do not prove expreſs Facts in particular, as the Author would infer here: And we know well enough that theſe Deſigns, that he harps upon ſo long aforehand, and are not ſhewed, but inſinuated, out of *Coleman*'s Papers, are to be conſtrued *the Plot*; which we muſt underſtand by the Spirit, or not at all; for that is all the Means of Information the Author, either now, or afterwards, allows us.

XLIV. But

The Letters prove Expectations, and those prove the King to be killed.

XLVI. But now, to expose farther these Hitchings, and shew they are only the Author's Climactery to help us up insensibly into the *Oatesian* Latitude, we must be aware that somewhat extraordinary is coming; for he says, *that these Letters alone, without any concurring Evidence, are more than sufficient to prove that.*—Sure this must be the whole *Plot of Oates!* What else could deserve such a setting forth of Evidence, as we have here, —*alone*,—*without any concurring*,—*more than sufficient?*— It minds me of a Lawyer, out of Breath, summing up his Evidence. But what is it that these abundant, and super-abundant, Evidences are brought to prove? —*That the Roman Catholics in* England *were full of Hopes and Expectations, under the Influence and Protection of the Duke of* York, *and under the Prospect of his Succession to the Crown.* Note here, first, that the Expecters are Roman Catholics, that is, the real Popish Party in *England*, and not the Papists; that Term, always in this History, stands for the King, and his Interest, who are not Sharers in these *Hopes and Expectations.* Then the Words, in a common Acceptation, are a meer Bilk, and signify nothing; for what need of such Hyper-superlatives of Evidence to prove, what every Child must presume and know, *viz.* that the Popish Party expected Favour, when a King of their Persuasion came to the Throne? And would not any one think this were all the deep Import of this Sentence? No, for there is a devilliſh Reach, beyond it, in the Penning, which hangs by these Words, *Hopes and Expectations.* It is plain that, after them, there is a Lacune, or Blank, which is to be filled up with the King's Death; for that, which follows, in no Sort answers the *Quære* of what these *Hopes and Expectations* were. But still they come under *the Influence*, that is, to do somewhat, and *Protection*, that is for some very wicked Thing to be done; and both these of the Duke of *York.* And this latter, that is the *Protection*, could not be now; for the Duke could not protect himself from Attempts by new Laws, nor did he protect his Party from the Penalties of the old; it must be his *Protection* when he was King. Then, taking these Words as they will be understood, it runs thus,—"The Papers, *&c. alone, &c.* proved that the Roman Catholics hop'd "for, and expected the King's Death, which they were influenced, by the "Duke of *York*, to compass or procure, and were sure of his Protection there-"by; for the Descent of the Crown, upon him, enabled him to cover them "with his Pardon, if need were, or, at least, not to punish his Friends, to "whom he was so much beholden." And so this *Oatesian* Plot, to kill the King, and bring in Popery, is proved by these Papers *alone, &c.* It is not to be said, that I squeese his Words too hard, to bring this villainous Sense out of them; for, otherwise, the Passage is impertinent, frivolous, and, (without supplying the *King's Death* after the Word *Expectations*) meer Nonsense. We have diverse Examples, nay, his whole Book, full of base Insinuations, of what he dares not write plain, which justifies the Comment. He could not open his Mouth so wide, only to whisper; some-

ſomewhat louder was to come out, but it ſtuck by the Way, and we are to underſtand his Meaning by his Mumping. One may, indeed, conceive it in Nature poſſible that Accident might draw, from the Pen of an inconſiderate Writer, Words ſo incurious, as may bear an awkard Senſe, more ſo, or worſe than was intended; but then the Symptom muſt be accordingly: There muſt not be ſuch painful Urging of ſuperlative Words, to prove the Sun's ſetting in the Weſt, or ſomewhat as trite and obvious, like what we have here. But we need concern ourſelves no farther; the *Plot*, to kill the King, and bring in Popery, is more than ſufficiently proved by *Coleman*'s Letters and Papers. A little more will give us all the reſt of the ſame *Plot*.

The Popiſh Part laid at the King's own Door.

XLVII. We are to know that, this Plot, having two Parts; 1. Killing the King. 2. Popery, the King's Caſe is very nice; for he himſelf is in, at the latter, with all his Heart, and would have done ſtrange Things, but for Fear of Trouble: And, although the Roman Catholics knew his good Will, yet, for the Cauſe's Sake, the firſt Part of the Plot muſt ſtand good, though it were even againſt him; for the *Influence and Protection* of the Duke would allow no Delay to their *Hopes and Expectations*. This ſeems very odd; but we have a Sentence coming which will infer it; which is the Cloſe of the former: And one would think really that it were pure innocent Libel, for Libel Sake, without any greater Depth. The Author concludes, *Not to ſay they* (the Roman Catholics) *knew the King would fall into the ſame Meaſures, ſo far as was conſiſtent with his Eaſe and Quiet*. We have not forgot what theſe *Meaſures* ſignify; bringing in Popery and arbitrary Power with the Aid of *France*, deſtroying Proteſtants, burning Houſes, and the like. Horrid Inſinuation! He ſhews no better; and if we go to his Word, *Extirpation* of the Northern Hereſy, the Matter is not mended: And he is ſure it was ſo, for the *R. C.* knew it; which could not be, if it were not true. But this is what was continually urged in Talk, about the Time, againſt the Duke of *York*, when the Bill of Excluſion was on Foot; and many of the Faction, who were diſpoſed to ſpeak their Minds, ſaid the ſame, as this Author doth, of the King, (for he is but their Echo) by which it was underſtood that the Deſign lay to remove the King, as well as the Duke: All which hath brought us into a ſtrange Miz-maze. If we look towards the Plot, the King is to be killed out-right; if towards the Duke, and the Excluſion, his Majeſty's Fall is as ſure, though not ſo precipitous. The Roman Cartholics were reſolved, under the *Duke's Influence*, to compaſs the former, though they knew the King, in his Heart, was on their Side; and even that Inclination expoſed him to the Excluſioners, who knew he was as bad as the Duke. His Majeſty was certainly very unfortunate in his Diſpoſitions towards Popery; for, on the one Side, he is to fall, with his Brother, for what he would do if he durſt, though, for the Sake of pure Eaſe and Quiet, he would not do it; and, on the other Side, was to be killed by the Roman Catholics, for

for not daring to do what he had a Mind to. Now the Reaſon, of all this Chim-cham Stuff, is the ridiculous Undertaking, of the Author, to prove *Oates*'s Plot (before he comes at it) out of *Coleman*'s Papers that are nothing to the Purpoſe; and then proving the King was in the Popiſh Plot that, as the Diſcovery was, pointed directly at the killing himſelf. And that the King and his Loyalliſts were in the Plot, that is, the ſecond Part, for Popery (the firſt is dropped, and muſt not be thought of together with this) and ſo the whole Plot, firſt and ſecond Parts, ſtands proved out of *Coleman*'s Papers. And all this Nonſenſe, about a Plot, is to be born with, though, all this While, the Author gives no one *Item*, particularly, what it was. But I know the Reader hopes it will come out in Time; and that the Sequel will determine.

The Slander of the King, as to the Plot, impertinent.

XLVIII. I might enlarge here, to ſhew that this defamatory Paſſage hath diſcovered the real Deſign of the Faction, at that Time, to come at the King, through the Duke, and to make a Stalking Horſe of the Excluſion, to ſhoot him down. And, indeed, it is the only tolerable Uſe that is to be made of the Author's Poiſon, by applying a little of it to reconcile ſome Doubts in Hiſtory; as, here, to ſhew the Excluſion was not urged purely for its own Sake, as to the Duke, but for the Conſequences tending to diſarm the King; which would have gone very near turning Succeſſion into Poſſeſſion. For, taking the Matter upon the Foot as it ſtands in this Hiſtory, if that had not been the Caſe, how comes it that, in the Midſt of the *Hopes and Expectations of the Papiſts, under the Duke's Influence and Protection*, the King is brought ſo openly into the ſame Meaſures, but in order to receive the ſame Reſtraints? And it will be found that all this hangs upon the Plot, which will appear artfully framed, ſhewing it to have been for killing the King, that the People, then very fond of him, might run with a Zeal into it: For what could be more unpopular than the Sound of ſuch a Deſign? So much was his Majeſty beloved. Without that, the Plot had dropped ſhort, as what concerned the Death of the King ſoon did; but after it began to play at the Duke, then it looked hard back at the King himſelf. It was very ſtrange to ſee an Engine, built upon the King's Authority, which was deſigned to undermine it: But we ſhall have more Wonders, of this Kind, when we come to underſtand a little better what we are about. But, in the mean Time, the Author has purchaſed an Opportunity of venting a Scandal, on the King, denuded of all the real Advantages the Faction intended to make of it, but for the mix'd Reaſon only of Fraud and Scandal together; Fraud in pretending the King and his Friends concerned in the Popery Branch of the Plot, and Slander in affirming ſuch leud Stuff, in the Manner as he has done. And the Jeſt is, that, to ſcreen his Lye, he adds ſo far as is *conſiſtent with his* (Majeſty's) *preſent Eaſe and Quiet*; that is but for the Time *preſent*; the State may alter, and then he falls in peſle-meſle. But, againſt this Suggeſtion, how falſe ſoever it is, no Manner of Demonſtration can be found or fram'd,

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no, not from the plaineſt Matters of Fact in the World; for what can confute this Theſis, *The Roman Catholics knew that? &c.* So may I ſay, of the moſt dutiful Son upon Earth, *viz.* his Confidents knew that he would cut his Father's Throat, to get his Eſtate, if he might do it in all Reſpects with Impunity. For this Reaſon, Intentions can never be accuſed, but through diſtinguiſhable Actions that declare them. And, for that Reaſon, the Law requires overt Facts to prove mental Treaſons. But this Author can condemn through a double Intention, both of Roman Catholics and King, without any Fact at all, ſo it be to rail. Therefore his Sentence is fooliſhly injurious to the King's Honour, and carries a great deal leſs of Juſtice with it, than would be if the Author himſelf had never given juſt Occaſion, by preaching or writing, or any other Action in all his Life; and yet, if one ſhould ſay of him, he was in his Heart, the moſt ſycophant Knave upon Earth, and that, if any one ſhould procure a Licence, and print certain Sermons and Hiſtories, he would appear to be ſo; of which Wrong, no doubt, he would heavily complain. Whereas, on the other Side, being the Author of ſuch a pretended Hiſtory as this is, where, without, nay, againſt Evidence of Fact, he charges the King to intend all the Evils vulgarly annex'd to Popery, not, as the Faction, or the very worſt of them, did, to ſerve a Turn of a real State Project, but as the Marrow of *Compleat Hiſtory* (forſooth) affirming (away, with his impertinent *not to ſay*) the King would have done it all, if he durſt; and that, not for mortal Fears, *qui cadere poſſunt in virum fortem & conſtantem*, but for thoſe diminutive Ones of a little preſent Eaſe or Quiet; I may infer from hence, as, from clear Premiſſes, a clear Concluſion, that the Canker of Malice, Treachery, and Undutifulneſs, hath the entire Poſſeſſion of this Author's foul Soul: And let him clear himſelf as well as he can.

The Deſign owned at the Time, concealed here.

XLIX. This Conſequence, of the Bill of Excluſion, of diſarming the King, was not ſuch a Secret, at the Time, as it is in this Hiſtory, which is ſo far from touching upon it, to lay it open, that the Author is very buſy to hide it, and yet trumpets out the Slanders, with which it was, at the Time, frothed over. But the better Sort of the Faction would, as I have hinted, be ſo free to ſay, that (*viz.* the Excluſion) was not all. And the Behaviour all along ſhewed the very Steps it was to have taken; for before, and pending the Excluſion Bill, the Lauguage was *no, no other Expedient*, &c. So afterwards (if it had paſſed) then for having the Militia, *&c.* the ſame Language had ſerved; *no, no, no other Expedient.* Therefore what we affirm here, that all thoſe factious Engines, that wrought in order to the Excluſion of the Duke, were intended, through him, to diſarm the King, I may ſupport by a Paſſage taken out of my Memoir; which ſhews the Faction had gone ſo far, as to engage the P. of *O.* to be with them, and to aſſiſt their Deſign, and, in all Probability, he came over on Purpoſe for it. It is as follows.

XLIX. "——The P. of *O.* when he came into *England*, preſſed the King "extremely to ſatisfy the Nation, and to agree with his People. The "King bid him aſk any of the diſcontented Party, what would do it, and "what were their whole Demands. He conferred with ſome, and told the "King, there was no undertaking for an Aſſembly, for they would do "what they pleaſed; but there muſt be more than the Bill of Excluſion, "for that was but Parchment, which was nothing. The King thereupon "underſtood, that they muſt have the Militia, *&c.* The King told him, "ſuppoſe, as he had ſpoke with ſome that deſired this, he ſhould ſpeak with "thrice as many that were againſt it, how could he call this ſatisfying the "Nation? That the King's Friends were modeſt quiet Men, who did not "make a Noiſe, but were far more conſiderable than all the others. The "P. of *O.* wondered it ſhould be thought ſo, for he thought the diſſatiſ-"fied Party infinitely more numerous. It was told him that proceeded, "becauſe he ſpoke with none elſe; but he could not pretend to know the "Temper and Opinion of the People, and the Value of Parties, better "than the King. Theſe were private Tranſactions, by which it appeared "the P. of *O.* was not againſt the Bill of Excluſion, though ſome heard "he ſaid he was not for it, but would have the Nation ſatisfied, and ſaid, "for the Limitations the King offered, he thought them derogatory to the "Monarchy. As to the Pretence in Publick——See 3d Part, Fol.—" So the Writer of this Memoir, who ſaw and knew a great deal, but not ſo much as hath appeared ſince. No Man's Wiſdom is a Match for Events. We can better develope the Myſtery of thoſe private Tranſactions, than he could, knowing better the Difference between Miſtake, as he repreſents it, and Diſguiſe, as Conſequences have made known. Whereby one may reaſonably gather, that the P—— would have taken the like Advantage againſt the King, as he did againſt his Father-in-law, if Circumſtances had held forth to him ſo fair an Handle as, touching the latter, they did.

Memoir of the P. of *O.* adviſing the King to yield.

L. It is now Time to cloſe up theſe Notes of the Author's artificial Cookery of theſe Papers, and Letters of *Coleman*, to the falſe Purpoſe of buoying up *Oates*'s Diſcovery, and the Conſequences out of them: And it ſhall be by a ſhort Recapitulation of that Gentleman's Conduct in the Whole; for it is a Subject very remarkable, with reſpect to the State of the Roman Catholic Intereſt in *England*, at that Time. Whether he wrote the Senſe of his whole Party, or only the vain Caprice of himſelf, or of the Court he ſerved, is not material to be diſcuſſed. But, from what he doth write, it is plain that his Aim was that the King and Parliament ſhould never agree: For, if the King broke with the Parliament, then his Majeſty muſt court all the Intereſts he might, and particularly the Papiſts, who profeſſed Loyalty, and, pretending to foreign Aids, might be conſiderable. Therefore, at the Time when Matters went ſmoothly at *Weſtminſter*, Mr. *Coleman* was a Boutefeu in the Country, ſeeking to erect a Malecontent Party, to add Strength to the Country Party in Parliament, in or-

How *Coleman* came to change his Project, as having acquired Intereſt in Parliament.

der to disturb Affairs, and, if possible, to make all Sessions of Parliament impracticable. And the very same Project was driven on by the unhappy Ministers in the Reign of King *James* II. which is the true Account of the tampering to regulate Corporations, and Closetting; but let that pass. When it appeared that the King was like to yield to every Thing, even to the Prejudice of his (*Coleman*'s) Master, as well as of the Pope's Friends, as he calls them, and Popery rang all in at *St. Stephens*, Supplies necessary, and hard to be obtained; then he was for making the King strong every Way, that he might be able to stand firm, if not subsist without any Parliament at all. Afterwards, when the Duke of *York* had a good Reception in *Scotland*, and it appeared that diverse considerable Members stood by him in the Point of his Succession, then all was well; come Parliament and welcome.

The Parliament most effectual in Acts against Popery.

LI. Thus are his enigmatical Letters resolved, without the Author's Comment that the Papists (if we may have Leave by them to understand Roman Catholics) had a mighty Influence even in the Parliament; where indeed they had none at all, much less to flatter themselves, as he insinuates, that the Parliament was packed on their Side. Examine the Votes, Addresses and Acts, and it will appear what a false Gloss that is. Besides the putting all the Laws, in Being against them, in Execution, and Proclamations frequently desired and published for such Intents, note only two Instances in particular, first, the Repeal of the Law *de Hæretico comburendo*, and secondly, the Duke's Children educated Protestants: Touching which latter, the Author deals ungratefully with both the King and the Duke, as I may shew afterwards. These are enough, sure, to shew the small Influence the real Papists had either at Court, or in the Parliament.

The Difficulty of turning the King into the Plot.

LII. We must observe, now, that all these fine Remarks, of the Author, are but Preparatories adapted to his Purpose of introducing *Oates* and his pretended Discovery; as Painters, with their *Chiaro oscuro*, contrive to make their Figures set one another off, and Poets, by a Disposition, heighten their principal Character. So this *Poetical Historian* hath interposed frequent Observations, to exaggerate the Noise (excuse the Expression, for he affords us no Image at all) of the Plot. Only we are trusted with so much, before we go farther, that the Plot, being to support, if not to introduce, Popery, begun to shew itself more openly; and how? Papists Influences, Interests and Designs of the Duke of *York*, the King (but for his Ease) in the same Measures, the Parliament half gained over, as the Papists flattered themselves, and *Coleman*'s Papers alone, without any Concurrence, more than sufficient to make all good, that is a vigorous Design to extirpate the Northern Heresy. Now must not this Plot be understood that which *Oates* discovered? Yes, because it is termed *the Plot*. Then it is plain *the Plot* of the Papists, so far as we can discern of it yet (dropping that insidious Flam of the King's Death) is laid at the Door of his Majesty himself, the Duke, and the then Ministry, to introduce Popery, discovered by *Oates*, proved by

by *Coleman*, however theſe Confederates did what they could to ridicule and ſtifle it. Here is the libellous State of the Plot, which, at the Time, was (jocularly) termed *the Plot of the King againſt himſelf*; but full of Difficulties to reconcile, if not inextricable. But the Author hopes to ſurmount all, if, with a little Leidgerdemain, he can but, out of the Plot, take the King's Life, and put his Perſon, *per contra*, in; and ſo we ſhall have a clear Solution of all his Workings thereabouts.

The Popiſh Plot a *Criſis* of Politics.

LIII. Now, to advance upon the grand Diſcovery, thus we enter, —— *We come now to a great Criſis of Politics, the Diſcovery of the Popiſh Plot.* This ſeems to fall, in Order of Time, after the Plot had begun to ſhew itſelf openly (as the Author ſays) by Means of *Coleman*'s Letters which came not to Light till after the Plot diſcovered; whereof the Inconſiſtency is very myſterious, but may clear up afterwards. But, in the mean Time, I muſt obſerve that the Knavery of the Author's Plot is ſo groſs, and he ſo full of it, that he cannot keep it in, but muſt needs, moſt impotently, blurt it out, as by terming it *A Criſis of Politics*. A rare Character of an helliſh Conſpiracy! One cannot think that, whatever it is, he can imagine a fair intelligent Reader ſhould believe there is one Word of Truth in it, more than hath been found in other like Engines of Hell, contrived to ſubvert eſtabliſhed Governments; which, put in Execution, are properly ſtyled *Criſes in Politics*. But our Plot is now in its Exaltation, and we have Reaſon to expect a large Diſplay of it. If the Author pleaſeth, we will excuſe the Plot, and take the Diſcovery for the *Criſis*, as he ſeems to intend; though, as to him, it mends not the Matter. And in Truth thoſe two cannot be ſeparated; for where is the Difference between a falſe Invention, and a knaviſh Execution of it? So let Plot and Diſcovery, from the ſame infamous Cabal, ſtand for the *Criſis*.

The Author's ſtupendous Concealment of the Whole of *Oates*'s Plot.

LIV. The Author proceeds, —— *He (Oates) now informed the King and Council of a Plot carried on by the* Jeſuits, *and other* Roman Catholics, *againſt his Majeſty's Life, the Proteſtant Religion, and the Government of the Kingdom.* The gentle Reader is to take Notice that all, which we have heard, or are to hear, in this Author, of *the Plot*, is compriſed in this ample Declaration. But would not any one expect to know the Subſtance, in particular, of this *Oateſian* critico-political Plot? What the Facts, how the Deſign, what the Means, and the like, by which the Nature and Diſtinction of it, from other Plots that have been in the World, may be ſeen; And not to be ſent away with a Tale of a Tub, as moſt expreſly he hath dealt it? Would not one know how far (if at all) it is coincident with the Projects of *Coleman?* No, ſays the Author, conſult your own Imagination for that; there ſhall be no looking out forwards for new Matter, but ſerve yourſelf of thoſe Hints and Shuffles, as were ſpun out of *Coleman*, and be ſatisfied. And ſo, having the Author's Directory, that is a Parcel of confuſed, interminated, Scandals upon the Court, for the clear Matters of Fact, we muſt conſult the Spirit. Such an egregious Suppreſſion of

of the whole Hiſtory of this Plot is here, that, of a juſt Folio Volume of Narrative, containing above eighty Articles of Fact, ſworn to by *Oates*, the Author gives nothing but a Piece of the Title Page contrived for Hawkers to bawl about the Streets! For, in all his *Compleat Hiſtory* of this Reign, he has not afforded any one ſingle Article or Scrap of the Information, to ſhew what the Facts and Circumſtances were. The whole may be any Thing or Nothing, Senſe or Nonſenſe, Truth or Lyes, Evidence or Impertinence, Proof, or Perjury, for ought appears here to judge upon, or from. But what is all that to us, ſo long as we are told it is *the Plot?* Do we expect the Jugler ſhould ſhew us his Secret? We muſt take what is fit for us, and for our Goods, be contented, and inquire no farther. But, in Earneſt, it is a monſtrous Concealment, and I cannot but wonder at the groſs Impudence of it. Is there any Hiſtory upon Earth, in which there is Mention of a State Conſpiracy that ſhaked the Public, as this did, till it ſeemed ready to fall in Pieces, without a particular Account of all the Facts, and the material Evidences given of it, at leaſt ſo far as public Regiſters, Papers and Memorials might aſſiſt the Relation? So we find, in *Thuanus*, the Maſſacre begun at *Paris*; in *Spotſwood*, the Conſpiracy of the *Gowries*, and Powder Treaſon, and the like in *Wilſon*. Diverſe Plots have had the Honour of particular Hiſtories of them, as this alſo, about the Time of its Raging, had, with Summaries and Controverſials, that would amply have furniſhed the Whole, if the Author's Veracity had wanted Aſſiſtance. But he thinks to fob his Readers off, and, with a little previous Cookery, to corrupt their Gouſts, and cheat them under a Prejudice, that all this carrying on againſt the King's Life (which muſt, for Form, be taken along) Religion and Government, are all diſtinctly ſet forth in *Coleman*'s Letters, wherein not the leaſt Iota is to be found of it. As to the important Queſtion, *Why all this Secrecy?* I ſhall, in another Place, to the Author's Shame, if he owns any, make full Anſwer. But, in the mean Time, to ſupply this *Peccadillo* Defect of his *Hiſtory*, I ſhall, for him, extract the material Facts out of the Narrative, or Information, ſworn to by *Oates*, only to ſhew the Nature of the Buſineſs. But I muſt precaution, that it be not expected I ſhould give a *Compleat Hiſtory of the Plot*, which would fill a large Volume, but only make it be tolerably well underſtood; for I am drawing only a Landſcape, and not a Map, of the Country. I ſhall gather the principal Facts, and, nearly, in the proper Words, and if varied or interpolated, it is for Brevity or Obſervation: And I foreſee that ſo much will ſuffice at this Time of the Day; that is, now the Spirit, which, in the proper Time, actuated the Public, is exhaled, and ſcarce a *Curioſo* to be found much concerned what was done, or not done, then; though, perhaps, a Hundred Years hence it will be more looked after. My Aim is to expoſe the Author, and his falſe, politic Criſis; and, for that End, ſhall ſelect ſome of the Prints, to obſerve, as I think moſt material,

from,

from, and, for other Matters, refer to the proper Accounts, as they are extant in exquiſite Particularity.

An Extract of *Items* out of *Oates*'s Narrative.

LV. And, by Way of Foundation, I take in Hand, firſt, the aforeſaid *Narrative* of the great Diſcoverer, *Oates*; whereof the Title hath been partly afforded us by the Author in Lieu of Hiſtory, as the *Iliads* in a Nut-ſhell. This *Narrative* was printed for the proper Author, with his monopoly Warrant at the Beginning. It contains eighty one Articles in affected Diſorder, but put craftily enough together. The Subſtance of the chief of them follows, *viz.* — Father *le Chaiſe*, the *French* King's Confeſſor, had lodged 10,000 *l.* in the Hands of *Worſley*, a Goldſmith in *London*, for killing the King, *Art.* 9. — Juſt the ſame Sum promiſed for doing the Job by a *Spaniſh* Provincial of the *Jeſuits* in *New Caſtile*, 8. — The King of *France* to land an Army in *Ireland*, and 40,000 black Bills provided for arming the *Iriſh* Catholics, 11. — The Duke of *York* was to be killed, if he did not anſwer Expectation, 13, 16, 29, 60. — One *Honeſt William*, and one *Pickering*, were appointed to ſhoot the King in *St. James*'s *Park*; but the Flint of *Pickering*'s Piſtol was looſe; ſo he deferred it to another Time. And *Pickering* was to have 30,000 Maſſes for his Soul, 9. It appears elſewhere, that the other, who was one *Grove*, was to have ------ and ----- Maſſes, which, at 1 *s. per* Maſs, came to near that Sum. — The Duke of *York* was to be ſounded about the Buſineſs, 22. — There was to be a Riſing of 15,000 Horſe and Foot in *Ireland*, to let in the *French*, and diverſe had taken Commiſſions of War from the General of the *Jeſuits*, Father *Oliva*, at *Rome*, by Virtue of the Pope's Bull, 27. — A general Conſult of the *Jeſuits* at the *White-horſe* Tavern in *May* 1678, divided into five or ſix Sub-Conſults, for killing the King; and *Oates* carried Tickets of Reſolves from Company to Company. — The Author that tranſlated the *Jeſuit*'s Morals, Dr. *Tong*, Dr. *Stillingfleet*, and the *Synopſis* Mr. *Pool*, were to be killed, — — Sir *George Wakeman* (the Queen's Phyſician) was to have 10,000 *l.* in *Worſley*'s Hands, if he would undertake to poiſon the King, 33. — If he refuſed that, he was to have 5000 *l.* more to make the Work ſure, 37, 39. — The Proceſs for firing *London*, for the Sake of Plunder, the Charge whereof came to 14,000 *l.* There was eighty-ſix Firemen and ſeven hundred Fire-balls imployed: And, in the Confuſion of that, the King was to be killed, but he appeared ſo induſtrious, they could not find in their Hearts to do it then, 30. — About theſe Affairs it coſt the *Jeſuits* 4000 *l.* in Intelligence, 41. — Father *le Chaiſe* had a lurking Intelligencer, one *Smith*, that *Coleman*, the Duke's Secretary, uſed to aſſiſt, as he was told, 44. — *Wakeman* was to have his full 15,000 *l.* for his Work, but, for all that, *Pickering* was to go on, 46. — *Grove* and *Pickering* fired *Southwark*, and had 1000 *l.* for it, 49. — The Duke of *Ormond* to be cut off, and a Maſs or two for the Proſperity of the *Jeſuits* in it, 50, 63. — It was ſaid, by a *Jeſuit*, that the Catholics might well riſe and cut 100,000 Proteſtants Throats, 53. — If the King did not become *R. C. (Roman Catholic)* he

could not long continue *C. R. (Charles Rex,)* 55. — The Prior of the *Benedictines* agreed to furnish 6000 *l.* in Order to the Design, 60. — *Oates* was urged to shoot the King, but he durst not let off a Gun. Then a *Benedictine* Monk was to do it; and a Wager of 100 *l.* was laid, and Stakes made, that the King should eat no more *Christmas* Pyes, 60. — The *Dominicans* alledged Poverty, and could not advance Money towards killing the King, but would contribute Prayers, *&c.* 61. — *Pickering*'s Fellow Assassin had a sore Throat, and durst not go by Water to *Windsor*, for fear of a Cold which might disable him for Service. Dr. *Fogarthy* said *Coleman* was at the Consult when *Wakeman* was agreed with, and he said he had hir'd four Ruffians to observe the King's Postures at *Windsor*, 64.-- The *Jesuits* sent 80 *l.* to bear the Charge of these Ruffians, with Instructions for their Behaviour, 67. *Coniers* shewed a deadly Dagger cost 10 *s.* (not dear for the Work it was to do, for it was) to kill the King, 68. — He had done it sooner, but his Horse fell lame, and he had got a *Sciatica*, 68. — A Paper Model was made for the firing *London*, and an architectonical Scheme shewing where to begin, and go on as the Wind should serve. And *Oates* had a Post assigned him, an Encourager of a Parcel of Firemen; and was to have 1000 *l.* This Project was signed by the Provincial, 71. — The Pope, by Bull, filled up the Preferments in the *English* Church, and there is the List, 72. — In *Scotland* 8000 *Scotch* Catholics, when the Business grew hot, were to join, 73. — *White*, the Provincial, suspected *Oates* for a Discoverer, and basted him; but seeming reconciled, *Oates* evesdropped somewhat worse to happen, so run away. It seems he was to be tortured and sent beyond Sea, and another Fire Encourager was put in his Place; and he overheard they intended to torment him, to make him confess his Complices, 79. A List of Lay Officers under the Plot, by Commission from Father *Oliva*; so also of the Conspirators.

Oates's Compendium of his Plot.

LVI. These are the chief Facts; there are Circumstances and slighter Matters which, for Shortness, I leave out, making here an Extract only, as the Outline of a noble Design. After these and other Articles, there is added, in the printed *Narrative*, an œconomic Scheme of the whole Contrivance, by Way of Synopsis, to make it fall aptly to the Eye, that the Probability may not be overlooked. This lay ready, as if contrived to save a *compleat Historian* the Trouble of stating the Matter handsomely; and, if the Author had not wilfully designed a total Suppression of the Whole, he must needs have served himself of that. As to *England*, (for it is there laid down, as well as for *Ireland* and *Scotland)* the Pope claimed the Kingdom by Title, and issued his Royal Commission to the General of the *Jesuits*, Father *Oliva*, and he authorised *White*, the Provincial, to grant Commissions of War to Colonels, and other Officers in *England*; and, under that Authority, they tried the King as a Traitor, and Usurper upon the Pope's Right, and condemned him to be assassinated; and Execution was ordered to be done accordingly. And the poor Duke of

York was to take the Kingdom of the Gift of the Pope, upon Terms to agree to, and to pardon, all theſe Firings, Maſſacres, and other terrible Doings that were to follow, or elſe he muſt die too. Now what ſhould make the Author not take up ſuch a fine Piece as this, to put in his Book, with marginal Marks to ſatisfy the inquiſitive Reader? I may ſay, if it had been a Bear, it had bit him.

The Advice of learned Counſel ſeen in the Contrivance of *Oates*'s Plot.

LVII. This wonderful Contrivance of Commiſſions of War and State, under the Pope's Title, through *Oliva* the General, and *White* the Provincial, of the *Jeſuits*, (whoſe Authority, delegated from *Oliva*, ſeems to have a Flaw; for *Poteſtas delegata non poteſt delegari)* may ſeem extravagant, if not impertinent. The former I grant, but not the other; for the Scheme is very ſignificant, and formed with Advice of learned Counſel, who had the Statute of Treaſons, 25 *Edw.* III. to provide for, that Accuſations might not miſcarry for Want of Skill in the Evidence. It is neceſſary, beſides the general Article of intending to kill the King, to alledge ſome overt Facts, which are certain and diſtinguiſhable, to ſhew forth that Intent. And it was very hard to frame Actions, of ſuch Men as were to be accuſed, which ſhould be abſolutely ſure from Diſproval by Time, Place, and other Circumſtances: For here were many of them to be brought in, and, if any one failed, all was loſt, becauſe a Perſon, acquitted, would be a Witneſs to diſprove *Oates* and acquit the reſt. Now an Acceptance of a Commiſſion of War, to be levied againſt the King, from a foreign uſurped Authority, is an overt Fact of Treaſon with a Witneſs, and, being ſworn diſtinctly, ſcarce, by any Circumſtances, to be literally confuted. So alſo that Fact in the Plot, of a general Conſult, would involve Forty; for it was but ſaying any one was of the Conſult, and his Work was done. In like Manner, the providing a Piſtol, though it had a ſcurvy Cock that would not hold Flint, and the ten Shilling Dagger were alſo clever overt Facts. But, *Oates* unadviſedly mentioning a preciſe Time, the Conſult had like to have met with a Rebuff; for near twenty Witneſſes came from *St. Omers*, to prove *Oates* was there all *May*; in which Month he had ſworn the Conſult at the *White-horſe* Tavern, with its Sub-conſults, to have been held: And, upon the Countenance of one Witneſs, Mr. *Smith* (mentioned elſewhere) and he not very poſitive, that *Oates* was ſeen in *London* in that Month, all thoſe Gentlemen were diſbelieved; and ſo the Conſult ſtood an overt Fact againſt the *Jeſuits* that were ſaid to be of it. But the Commiſſions were cut out chiefly for the Lords and conſiderable Perſons; but when the Efficacy of them was perceived, they were made to ſerve againſt ſome ſmaller Commoners alſo.

Some Notes upon the Facts ſworn.

LVIII. I have extracted, from the Narrative, as much as I thought neceſſary to anſwer the Queſtion, which the Author hath left inſolvable out of his Hiſtory; and that is, *what was the Plot?* I muſt confeſs it is very hard to give a due Character of it, and I think nothing, leſs than its pure ſelf, will be its juſt Reconnoiſance. Few Things in the *Oateſian* Narrative, or Information, follow

follow in any good Order; which is to look as if it came from an ignorant and casual Informer, from whom Matters were taken as he could recollect them. Much the greatest Part is Remembrance, and Letters only seen, but their Dates so exactly noted as to distinguish S. V. and S. N. such great Exactness is there of Things not confutable! And the Matters, related out of them, are oddly taken, as if on Purpose to obviate Confutation by any possible Testimony. Besides this Care, there is a World of Hearsay, which makes the Accusation no legal Charge, but, if Occasion had profered, a small Matter would have turned them to Effect. *Oates* says little of himself, and his own Dealing, but with those who are accused and cannot testify. He accuses the *Jesuits*, *Benedictines*, and *Dominicans*, by wholesale, being represented by their Generals and Provincials, *&c.* so as none of them could have Credit. Money flew about in round Sums (not so easily had as sworn) 10,000 *l. French*, and 10,000 *l. Spanish*, and 5000 *l.* more; and all for killing the King. The Cause deserved good Payment. Armies, as familiar as that at *Knights-bridge*; one from *France* to *Ireland*, another to *Scotland*, and, for the *Irish*, that did not much care for Pop of Gun, 40,000 black Bills, such as Blacksmiths make for Country Watchmen, chalked to make the Edge look terrible. A rare wild *Irish* Armament!

More of the same.

LIX. But, if such Villainy would bear a Jest, the best is that all the Treasons, Massacres, Murders, Burnings, and Robbings, were all to be done by lawful Warrant, as well to satisfy scrupulous Consciences, as for Safety; since every Man had his Justification upon Record, in the Archives of the Pope or *Jesuits*, for all the Mischief he was to do; and, as if they were not enough, after the Dispatch of King *Charles* II. King *James* must compound for his Life, by agreeing to pardon it all. After such Security, (which extended to the next World, by Masses, *&c.*) who would not venture Soul and Body in the Business? Nor is it less remarkable that such Preparations of Fleets, Transports, Armies, with answerable Provisions, were to be dispatched about, this Way and that Way, and no Neighbour Nation jealous, nor *England* (so near) have any Intelligence or Umbrage of it. A fearful Stir, indeed, there was about this same King-killing Job. Many Ways set on Foot at once; Dagger, Pistol, Gun, Poison, and Ruffians, resident at *Windsor*, to observe Conjunctures. *Coniers* sure, with his broad Dagger, had done the Work, if he and his Horse had not been cramped at once! *Ravilliac* was a rare Fellow, who did as much, or more than this, with no Splutter at all!

More, and the general Answer to all.

LX. Here a Father Confessor of a great King, is Engineer, Secretary, and Paymaster in the good Work of killing another great King; and, upon his Politics (profound ones) the whole Design turns. *Coniers*, with his Dagger, a promising Assassin; the Guns and Fire-locks, dead-doing Things; as sure, they say, as a Gun: And then what think we of Poison? Yet his Majesty fell not. Now, after all this straining and striving of numberless

People,

People, about the worſt of Parricides, and one of the chief Agents found himſelf and his Plot to be half diſcovered by this *Oates*, and the ſame *Oates* in the Power of him and his Complices, he yet let him eſcape, only with a *bon Baſtinado*. So fooliſh were theſe *Jeſuits*, that, leſt the Viper ſhould not ſting, they angered him with whipping, and then let him go to tell out the reſt! What an Idiot was *Whitebread*, when he had once collar'd, not to diſpatch him, but let him attend without to over-hear their Talk of torturing him? He and his Colleagues were like to bring about ſuch a Buſineſs as King-killing! But, to all theſe odd Inconſiſtencies, there was an Anſwer went current, and moſt aptly ſerved the Turn, *quos Jupiter perdere vult, dementat*, and ſo all was well; and, with that Heatheniſh Sentence, *Oates* was conſecrated an infallible Teſtimony for Life and Death. I have here ſaid thus much of the Matters of the Plot, to furniſh, once for all, a Sort of Gloſs upon a Word the Author frequently uſes, as I muſt in Courſe obſerve, but is not ſo kind as to give any Exemplar or Interpretation of; and that is *ridiculing*; a Crime Courtiers and Loyalliſts, nay, the good King himſelf is frequently accuſed of. Now, if you aſk what *Ridiculing* means, I anſwer, that, in this, and the foregoing Paragraph, I am a *Ridiculer:* And, by ſo much, as from a Specimen, one may imagine the whole Etymon, and Senſe of the Word.

The Deſign and political Uſe of *Oates*'s Narrative, and others.

LXI. But, to be more ſerious, I look upon this confuſed Relation of (moſtly) undetermined Paſſages, printed and ſold about, to have been originally intended to ſerve for a Foundation to regulate future ſwearing upon, either of *Oates* himſelf, or of any other Perſons, as ſhould have a Motive to come in, as Seconds, to teſtify with due Conformity. For here they were taught the Names of Perſons, Offices, Profeſſions, Characters, Qualities, and other Particularities, which, as is reaſonably to be ſuppoſed, were brought together out of a Diary, and here poured forth for the Benefit of the leſs Learned, but willing to ſerve in ſuch a Militia, as Arms and Ammunition out of a Magazine. It is the firſt Example, of this Kind, that ever was known; but, afterwards, it was followed as a ſacroſanct Precedent: For no Witneſs, of any Kind, came in, but his firſt Charge was to print his Narrative. And, although ſome poor Rogues had little Encouragement, but their Copy; ſo others, of a better Pretenſion, and more willing to take Inſtruction, were not liſted in the Roll of Evidence, till they had fix'd their Tale by a Depoſition ſworn, and printing the Information by Way of Narrative. Then they had a Rule to ſwear by, and to lead others; for concurrent Teſtimony hath a ſtrange Command of Credit. Thus went on the Trade of Narratives, till there was above twenty, and all of *the Plot*; ſome with ſtrange, not to ſay obſcene, Titles, not fit to be wrote, and yet appeared, in large *Gothic* Capitals, upon the Title Page. And all this Miſchief owing to Rewards publicly given and promiſed to all that ſhould come in, as they called it, and make farther Diſcoveries of *the Plot:* Which Practice, I hope, will never be drawn into Example. I

ſhall ſay no more, in the General, of this our politic Criſis, here; there will be Occaſion to take Notice of diverſe Incidents and Tranſactions. This was the Foundation Plan of the Structure which had many Workmen employed thereon. I ſhall yet meddle little with them: But thus far is ſo improbable, — what did I ſay? improbable? nay, impoſſible to be true, that nothing can juſtify the Countenance I give it by ſaying ſo much. But how could any one forbear, when the Public was ſhaken, the Ignorant infatuated, and wiſe Men bewitched by it? And, farther, the Author ſays Nothing to ſhew what was the Matter which, in its Time, made ſuch a prodigious Havock as this did, and which he ſo blindly exaggerates, throughout the Time, in his Book *compleat* in Nothing but ſcandalous Reflections upon the King and his Court.

Criſis of Politics explained.

LXII. I am now in a Vein of Benevolence to our Author, and ſhall go on to ſhew how much he was in the Right, to Style this Plot a *Criſis of Politics*. Some would have termed a real Diſcovery, rather a Criſis of Truth than of Politics, according to the Proverb, *that, early or late, Truth will out*. For, when the fermenting Humour hath found Vent, the Phyſicians ſay the Diſeaſe is judged; ſo, in Popularity, when the baſe Cheat is vented, and Truth appears, it is a Criſis; and not unlike when a peccant Tumour gathers about the Brain, the Criſis, or Diſcharge of that, proves either immediate Death, Apoplexy, or Mania. And of that Sort is this Author's Criſis, which, diſcharging upon the *commune Senſorium* of the Public, made the People mad; and, had not a better Criſis ſupervened, the politic Conſtitution had been deſtroyed. Therefore his Notion was right in the firſt Inſtance; and, if he would be aſſiſted with another Simile, as wiſe, and a little more honeſt, it ſhall be of the monſtrous Birth of a Plot, which had its Fore-runners, Midwives and Throws, and Nurſes enough to rear the miſ-ſhapen Infant, till it was grown up to go alone, and could ſhift for itſelf; and then it was as like the Father, as if Satan himſelf had Spit it out of his Mouth. But, to leave Ridiculing, it ever was, and will be, a certain Criterium of Truth, to be eaſy, ſudden, terminated, clear, and intelligible; and, on the other Side, Falſity is ever ambiguous, confuſed, cloudy, myſterious, and unaccountable. And, for the Symptoms of this Diſcovery, I think they will beſt be gathered from two capital Pamphlets, which will give the beſt Account of the unaccountable Starts and Motions this Criſis had in the venting itſelf, and the conſequent Steps of its Progreſs.

Two Pamphlets, firſt 1679, of Mr. *Kirkby*.

LXIII. The firſt of theſe is that of Mr. *Kirkby*, a Gentleman of a good Family in *Lancaſhire*, I think an old Cavalier Race, however he came to be concerned in ſuch a Buſineſs as this. The other is an Apologetic, titled, *An impartial State of the Caſe of the Earl of* Danby, *ſince Duke of* Leeds; but I ſhall, for Conformity of Language, uſe the former Style. The Accounts of theſe two Authors do not much diſagree in the Main; but one may obſerve a different Scope in each, as the Perſons, however cloſe

close to the Inceptives of the Movement, were differently circumstanced. Yet both have preserved so much of the Matter, as gives very great Light into the Mystery; but not so much, by either of their plain Dealing (I would it had been more so) in shewing the whole Truth, as, by a Judgment proper to be made by reflecting on what they do shew. To begin with *Kirkby*. He was the first Mover to the King of his Danger; and Dr. *Tong* was the Discoverer to him. How far *Kirkby* was in the original Depths and Lengths, doth not appear; but he shews a strong Penchant to have his Story, and the Plot itself, as it was called, to be believed. But Dr. *Tong*, in all Probability, was at the infernal Bottom, and instructed *Oates* who had so much of the Savage, as seemed not fit to be trusted with the whole Secret; but it is plain he knew enough to be courted, maintained, and pensioned, in and out of Favour, caressed, or stigmatised, all the Days of his Life, even when he was scandalous and unserviceable.

LXIV. *August* 12, 1678, *Kirkby* came to the King in *St. James's Park*, and, *Sire*, said he, *keep within the Company, for you may be shot this Moment*. Strange Start of a Discovery! But it did not keep Pace according to this Beginning. In a little Time after, *Kirkby* found Means to give the King an Essay, about half the Articles in *Oates*'s Narrative, in writing, 43 as I take it. The King sent these, sealed, to the Earl of *Danby*, then Lord Treasurer, and referred *Kirkby* to him. The King, who was very sagacious in discerning the Truth of Things, did not credit this Story, and, from the Manner of its Entrance, concluded there was some Trick to be plaid upon him: And verily, if he did but cast his Eye upon the Papers, he must be convinced; for they begin with *P. Chaise*'s lodging 10000 *l.* in *London* to pay for killing him. And there was nothing but might sooner have been put upon the King than that; for he was well acquainted with foreign Affairs and Courts. After this, Dr. *Tong* and *Kirkby*, together, went to the Lord Treasurer, but the latter was excluded: Whether that *Tong* might be free, or that two capable Witnesses, who may by Law accuse for Treason, might not be in private with him, his Lordship best knew; as also what past at that Time, whereof we shall have some Account in the next. When *Tong* was come out from the Earl, he told *Kirkby* he had given his Lordship more Articles than the King had sent to him. There was another Hitch of the Plot. After this, followed much going, to and fro, of *Kirkby*, *Tong*, and *Oates*, one to another, and to the Earl of *Danby*; except *Oates*, who did not appear to his Lordship. At length *Kirkby* went to the King at *Windsor*, and saw his Majesty who saw him also; but *Kirkby* could not get to any Speech with him. The Reason of which was another Shock, the King had, upon the Arrival of a false Parcel of Letters directed to Father *Bedingfield*, of which an Account will be had out of the *Impartial State*; but it certainly determined the King in his Opinion of the Cheat. *Kirkby* says these Letters were delivered to the Duke of *York* by *Bedingfield*, endeavouring thereby to take away the Belief of the Plot: And, whether he did it

Kirkby's Relation extracted

for that End, or not, it was certain it could have no other Effect; as will appear. The Rendesvous of these three, *Kirkby*, *Tong*, and *Oates*, was at *Kirkby*'s Lodgings at *Vauxhall*; where *Oates*, after his pretended Beating, lay close, passing his Time with writing fair Copies of his *Narrative*, while *Kirkby* and *Tong* solicited Matters abroad. And all three, as *Kirkby* says, were much perplexed for fear of failing; and they had Reason, for no Mortal could dream such Things should happen, as did, to lift up the falling Engine: And it is likely, as the Declination was observed, timely Provision was made, of Screws and Springs, to set all right again.

e of the ty swearing o the Narrative.

LXV. The Earl of *Danby* made use of one Mr. *Floyd* to deal in this Affair, and to take from Dr. *Tong* Messages, and to carry them to *Windsor*, and to recarry what Directions followed. When this Mr. *Floyd* came to give Notice to Dr. *Tong* to attend, with his Man *Oates*, at the Council, they were in a great Hurry, and joined to get the Narrative signed before Sir *Edmund-Bury Godfrey*, an active *Middlesex* Justice of the Peace. This was done, he being a Justice of their own chooSing; and why sworn at all, being to go before the Council; and why before him, rather than the Chief Justice, Lord Mayor, or any other, may be the Subject of Conjecture afterwards. This shews there was more in the Wind, than making known to the King his Danger; but the Pretence was, that it must be fixed by *Oates*'s Affidavit, least the King and Council should stifle the Plot before the Parliament met. Thus far is out of, and occasioned by, *Kirkby*'s Narrative.

The impartial State of the Case of the Earl of *Danby*, 1679.

LXVI. The *Impartial State* says it was *Kirkby* carried Dr. *Tong* to his Lordship, the Earl of *Danby*, who strictly examined him. The Doctor did not own the Papers, the King sealed up, but said they were Copies of his writing. Nor did he own to know the Author, and said the Originals were put under his Door by he knew not who; but he guessed the Man to be one whom he had met, two or three Times, in the Street, and believed he should soon meet him again; as they say, he that hides can find, and for this Recovery needs go no farther than *Kirkby*'s Lodging. All which Stuff is as rank as a Polecat. Afterwards the Doctor came to his Lordship, and said he had guessed right, he had met his Man, and had received more Paper from him; but he desired not to be named, for fear the Papists should murder him.

Amusements to get Time till the Parliament.

LXVII. Then this honest *William*, and *Pickering*, the Gunners, were to be watched, in order to take them with their Firelocks about them, but none found. If it had happened that either of these Fellows had walked there, then all had gone well; so there was a Chance for so much. The King had an Account of these Matters from Time to Time, and his Majesty ordered the Secretary's Warrants to issue for taking them. Among other Hints, Dr. *Tong* told his Lordship of four Ruffians, that were to go in a Stage Coach to *Windsor* to kill the King, and his Lordship, being to go to *Windsor*, left Mr. *Floyd* in Charge, as was said, to go between *Windsor*

and *London* with Notices about this Buſineſs, as Dr. *Tong* ſhould communicate them. The Coach was waylaid, but no Ruffians; and Mr. *Floyd* brought Word they were diſappointed of their Journey, but would come the next Day, or the Day after, but no News of them; and Mr. *Floyd* brought Word they could not come, for one of their Horſes was ſhoulderſlipt, or ſome ſuch frivolous Excuſe. Theſe Paſſages abſolutely finiſhed the King's Opinion that the whole was a Fiction, and his Majeſty poſitively forbid the making any other Perſons privy to it, although his Lordſhip preſſed very much for it. The King ſaid he would alarm all *England*, and put Thoughts of killing him into their Heads who had no ſuch Thoughts before. This, I ſuppoſe, refers to the laying the Matter before the Council, as was done at laſt. Now the Plot was deſigned for the Parliament, and theſe Amuſements only to conſume the interim Time; and this Examination, before the Council, was all out of the Way, and made the Triumvirate think all was ſpoiled. They were aware of *Mocedo*'s Failing, who miſcarried by that very Means. And this had certainly confounded *Oates*, if other Circumſtances and Incidents had not reedified him. The Earl of *Danby* went into *Oxfordſhire*, and the Gentleman brought Word that a Pacquet of Letters were delivered to the Poſt, which, if intercepted at *Windſor*, would ſhew the whole Plot. His Lordſhip returned as ſoon as he could, and acquainted the King; but the Letters had had their Courſe before; for they were delivered out, as directed, to *P. Bedingfield*; and he, in a fearful Fright at the hideous Contents, carried them to the Duke, and he to the King. It was manifeſt that the Names, ſigned, were not the Hands of the Perſons; and the Handwriting was afterwards found like that of *Oates*, but diſguiſed. It is no Wonder the King was ſo well ſatisfied of this Cheat, having ſo many ſtaring Indications of it: And, to do the King Right, his Majeſty, in this Buſineſs, ſhewed himſelf wiſer than his Miniſters, Council, Parliament, and all *England* beſides, as the Sequel will fully demonſtrate.

LXVIII. This Pamphlet purges the Calumny, caſt on his Lordſhip by ſome, as if he had invented the Plot: Thoſe were the Papiſts. But others, who were the anticourt Party, ſaid he concealed, or (to uſe the common Word) ſtifled it. It is certain, at the Time of this Pamphlet wrote (for Time is a great Matter in ſome Caſes) his Lordſhip's Juſtification lay in ſhewing that he encouraged and made the moſt of it: And it had been well if his Lordſhip had thought fit, inſtead of a dry new Edition of this Pamphlet in his *Memoirs*, Vol. I, to have obliged the Public with a fuller Account of the whole Matter, as fell within his own Knowledge, with his Opinion whence it came. It is ſet forth for Merit, that, after the Examination of *Oates* at the Council, and the Council roſe, it was found that the ſearching for *Coleman*'s Papers (which *Oates* had ſaid would ſhew enough to hang him) was not put in the Order; whereupon his Lordſhip cauſed another to be wrote and ſent, and had five of the Lords Hands to it, and thereupon the Papers were found. It doth not appear the King knew of this, and then it

The Earl purged as to the Plot, and his fuller Account wanted.

was

was a bold Stroke; but, favouring the Diſcovery of *Coleman*'s Intriguing, all was well. But certainly it was no Court made to the Duke of *York*, under whom *Coleman* ſerved; and his Lordſhip muſt needs know that, whatever the Papers were, material or not, neither the Duke, nor any more private Perſon, would approve the having his Servant's Correſpondencies expoſed. This might well be the Cauſe of that Uneaſineſs, between the Duke and his Lordſhip, as was obſerved to be derived from his Conduct of this Diſcovery, and, at length, gave a fatal Lift to his White Staff. His Lordſhip ſays very true, in the ſaid apologetic Memoirs, that, without thoſe Papers, all had ſignified nothing: And it were well if his Lordſhip had more explained wherein the Value of that Service conſiſted. But we may gather from Vol. II. *Memoirs*, *Preface*, pag. 11, that ſome clearer Light was preſent with him, when he takes notice of the King's Diſpleaſure at him for his bringing the Plot into the Parliament, and the Evils to himſelf, which the King foreboded, ſaying he would live to repent it. His Lordſhip adds, that he has lived to find Kings to be true Prophets, as well as Kings. And it will happen ſo, when the true Fathers of their Country are not credited, nor truſted, in public Concerns.

Memoir to the ſame Effect.

LXIX. I have a Paſſage in my Memoirs pertinent to this.—— "*April* 27, "1684, I was informed at *Windſor*, that Sir *Edmund-Bury Godfrey*, up- "on *Oates*'s deſiring to make Oath before him, when it was offered that "he ſhould take it without hearing the Papers read, or his Peruſal, refuſed "that. Whereupon he read all the Paſſages, and went to Mr. *Coleman*, and "told him of it, and wiſhed him to wait upon the Duke of *York*, and "know if he had heard nothing of it, and to tell him it concerned him "highly; and another Meſſage was ſent him of the ſame Kind. Where- "upon the Duke went to the King and told him, and he had before car- "ried four Letters to the King, which were ſent to *P. Bedingfield*, and "by him delivered to the Duke, as importing ſome Cheat intended upon "him: And that the King, as was believed, told the Earl of *Danby*, who "thereupon ſent for *Godfrey*, and threatened him. I obſerved from this, "that the Game plaid notably, that, at the Beginning, there ſhould be "claſhing between the Earl of *Danby* and the Duke of *York*, it being cer- "tainly deſigned to disjoint, and ſet at Variance, the great ones at Court."

The Plot was to work by Diſſention.

LXX. Thus far the Plot hath taken, it being ſo ordered that the King muſt be the weakeſt Man living, to think it other than a deſperate Fourbery; and that, at the ſame Time, others abroad ſhould think, or ſeem to think, the contrary; as that it was an horrid, damnable, execrable, and I know not what of a Plot, to kill the King, and to ſettle Popery. For, if the King and the People had one Notion, were it for, or againſt, the Plot, the Deſign of it equally failed; for the whole Virtue and Efficacy of it lay in Diſſention, and the Diſtruſt it was to create between the King and the People: Like a Mine, which once fired, and the Baſtion blown up, they might come on with their Attack upon the Succeſſion, if not upon the Government itſelf.

LXXI. But

Of the Earl of *Danby*'s Conduct, Deſigns and Miſtakes.

LXXI. But, to conſider with Reſpect to the Earl of *Danby*; it ſeems plain, ſo far, that he was poſitively the Means the Plot was not cruſhed at the Beginning; when the King was ſo ſolemnly convinced it was a Cheat, and had given Order to ſilence it. It is like the Earl might think that, coming on with a Gale of popular Air, if he did not ſail with it, he might be cruſhed by it; and poſſibly, by taking in with that Side, he might ſecure himſelf with the Parliament: For what could be more acceptable than to join againſt *France* and Popery, as he always affected to do? He reſiſted the King, divided from the Duke of *York*, if not made him an utter Enemy, and, even by that, loſt much of the King's Favour. How far he was diſpoſed to join with the Party, that flew ſo impetuouſly againſt the Duke and the Succeſſion, we may conject; but the Truth was beſt known to himſelf. But, betwixt one and the other, the Matter was brought upon the public Stage, at firſt, by an Examination at Council, and ſo it fell naturally into the Parliament: Which ſome thought might have been prevented; but that is very doubtful, if not certain to be otherwiſe. For when a Buſineſs is originally calculated, to be brought into the Parliament, by a Party, and for mighty Ends, and ſome there, perhaps, not Strangers to the Diſpoſition; I ſay, under ſuch Circumſtances, who ſhould keep it out? But, in the Caſe of the Earl of *Danby*, there was Infelicity and Error; the former by ſtanding in the Dint of an Air, that was intended, and almoſt ſure, to blaſt him. Then, for the Error, it was double: Firſt, in fancying that an high, enriched, Lord Treaſurer, and Miniſter of State, who had long been a Subject of Envy, could poſſibly be popular. *Inviſo ſemel principe, tam bene, quam male, facta premunt.* He ſhould rather have fortified himſelf under the King; eſpecially having Truth, as well as his Majeſty's Judgment, with him. There had been a Sort of Generoſity, and Means thereby to engage the King to protect him: Then next, in thinking it poſſible he could ſerve himſelf of a falſe Engine, without having the Government of the interior Springs that actuated it. And the Conſequence verified this; for it appears by the *Impartial State*, that his Lordſhip had enough to do to ſteer clear of being charged Home, and particularly for the Murder of *Godfrey*, a main Branch of this infernal Stratagem, which I reſerve for an Account by itſelf; therefore ſay nothing more of it here.

Oates's Blunders at the Council which detected him.

LXXII. But now, while we are upon the Plot in general, as it was termed, it may be reaſonable to relate a Circumſtance, or two, which happened upon the Examination at the Council, where the Plotters, inſtructed by *Mocedo*'s Fate, expected no Good; and eſcaping with the Life of their Plot, till the Parliament met, was all they deſired. One of *Oates*'s Scenes lay in *Spain*, where, upon his Converſion, he had been ſent to be trained up a *Jeſuit*, and, for his abſolute Incapacity, was ſoon ſent back again: He ſpoke of *Don Juan* doing ſome great Thing towards killing the King, as I remember, it was ſaid to have been paying 10,000 *l.* to the *Jeſuits*, which they were to furniſh for that End; and this done in his (*Oates*'s) Preſence,

Preſence, who was then amongſt them. The King aſked him quick, *What Manner of Man* Don Juan *was? Oates*, knowing the *Spaniards* are commonly reputed tall and black, anſwered, *He was a tall, black Man*; at which the King fell into a Laugh, for he had known *Don Juan* perſonally in *Flanders*, and he happened to be a low, reddiſh hair'd Man. By this it was manifeſt he had never ſeen *Don Juan*. And farther, when *Oates* ſpoke of the *Jeſuits* College at *Paris*, the King aſked him where it ſtood, and he anſwered as much out of the Way, as if he had ſaid *Greſham* College ſtood in *Weſtminſter*.

Oates would never ſay he had told all.

LXXIII. *Oates* never would ſay all he knew; for that was not conſiſtent with the Uncertainty of Events. For he could not foreſee what Sort of Evidence there might be Occaſion for, nor whom (it might be thought fit) to accuſe: All which Matters were kept in Reſerve to be launched or not, as Occaſion, like fair Weather, invited, or Storms diſcouraged: And, having once ſaid there was all he knew (if he had been ſo overſeen) it had ended the Plot; and then there could have been no farther Suſpence, or Expectation (as was afterwards continually kept on Foot) in Hopes that, at Length, the Bottom of the Plot would come up. In the mean Time, the Faction could calumniate any Perſon, as the Duke, Queen, and even the good King himſelf, as being in the Plot; much more any one that was loyal in the Miniſtry and Magiſtracy, and ſo keep all in Awe. And, all the While, it went about in Whiſpers, that ſtrange Things would appear, if they could but once come to the Bottom of the Plot; and each one's evil Imagination was to inform what that was, as will fully appear afterwards. When *Oates* was examined in the Houſe of Commons, and was aſked if he knew of any farther Deſign againſt his Majeſty, *&c.* inſtead of anſwering that Queſtion, he told a Tale of a Fox and a Gooſe, that the Fox, to ſee if the Ice would bear him and his Gooſe, firſt carried over a Stone as heavy as the Gooſe. And neither then, nor ever after, during his whole Life, would he be brought to ſay he had told all he knew; and diverſe of his witneſſing Train had learned that of him, ſaying, as ſome did, that that (meaning what was then ſworn) was all they thought fit to declare yet: Which was a Behaviour that would not have been endured in any Time or Country, but only in *England*, and at this Time. But, as Circumſtances of Affairs, and Perſons of public Concern then ſtood, it was paſſed by, though an Example of pernicious Conſequence, and fit (as the common Phraſe is) to have been made an Example.

Two Trials to make the Character of *Oates* and his Plot.

LXXIV. For giving as clear an Idea as I can of this Proceeding, and the Nature and Gradations of it, I will preſent the Caſes of two Perſons, in particular, who were tried capitally under the Auſpice of this notable Swearer: One in the Full, and the other in the Wane, of the Plot. The firſt ſhall be the Trial of Mr. *Coleman*, and the other of Sir *George Wakeman*. But, in the Way, I ſhall take the Freedom to obſerve a few Points

upon *Mocenico*. And finding a Note to this Purpose in my Memorial, of the same Piece with the other, I will give it in the Writer's own Words.

Memorial of its subtile coming forth.

LXXV. —— "The Parliament was to meet the Beginning of *October* "1678, and the first Discovery was in the Middle of *August*, Time "enough to blazon it abroad, to irritate Mens Minds, but not to do any "Thing for Trial. 2. Dr. *Tong*, the first Mover, would not have it expo- "sed, so much as to the Council, before the Parliament met; but said it "was fitter for the Parliament. And, when it was objected that the Papists "might kill the King in the mean Time, he said, Care should be taken of "that, they should be so narrowly watched, they should not be able to do "it. 3. There was but one Witness before the Parliament met, which is "not sufficient in Treason; so the Council could not order a Trial, though "they might commit, except in Case of *Coleman*, whose Letters were pro- "duced under his own Hand. 4. No Lord, nor Person of Quality, but "only inferior People were named before the Parliament met, that the "Court might not be startled, but might engage in the Prosecution of those "despicable People, for whom no Man would have Regret, but they "might be bountifully thanked by the Parliament for it. 5. To make "the Ministers of State less suspicious, and more easy, they were courted, "not only in the Applications of the Discoverers, but in the Discovery, *viz.* "That the Papists intended to kill the King, the Duke of *Lauderdale*, "Duke of *Ormond*, *&c.* which made the Earl of *Danby* not only give "Way to the Prosecution of it, but to press the Belief of it in all Places, "and to all Persons; and the Duke of *York* was not only acquitted, but "was to be killed if he did not comply."

The Prejudices of the Times at *Coleman*'s Trial.

LXXVII. Before I come to the Trials, I must just hint that two Things happened, after the Narrative sworn, and the Examination at the Council, which had a surprising Effect for setting up the Plot when it was in the Wane, and without which, it had probably sunk in the Opinion of all People before the Meeting of the Parliament; and whether it could be re-edified there or not, is a very great Question. One of these Emergencies was the producing of *Coleman*'s Papers; the other was the Murder of Sir *Edmund-Bury Godfrey*; especially the latter, which, for the immane and execrable Villainy that belongs to it, will deserve, as I intend, a particular State and Reflection upon it, which, as I said, shall come forth by itself. The Discovery of *Coleman*'s Papers made as much Noise in and about *London*, and indeed all over the Nation, as if the very Cabinet of Hell had been laid open. It took away common Freedom of Speech about *Oates* and his Plot, for People's Passions would not let them attend to any Reason or Deliberation on the Matter; but, if any Person was more moderate, and, retaining some Doubt, was disposed to ask Questions, he was rebuffed with a *What? Is there a Plot or no?* The Manner whereof I have partly represented before. This popular Logic carried it in all ordinary Conversation; so as one might have denied *Christ* with less Contest than

the Plot. So much for granted was it taken; and the Wiſer durſt not gainſay this Propoſition, that all *Oates*'s Plot was made out by *Coleman*'s Letters; and the ſame is the Point faſtidiouſly managed by this Author, as I have before obſerved: Though no Syllable of the one was to be found in the other. And, under this hard Prejudice, *Coleman* came to his Trial; which, if it proved ſevere upon him, was not altogether undeſerved, becauſe of his odious Trinketting with foreign Intereſts, ſo oppoſite to the eſtabliſhed Religion and State of the Kingdom, in Order to produce Changes in both, pernicious and intolerable, which deſerved, one Way or other, to be ſeverely corrected.

The Charge againſt *Coleman* at his Trial.

LXXVII. His Trial was at the *King's Bench* Bar in *November* 1678, and the Indictment was grounded on the firſt Article of the Statute 25 *Edw.* III. for imagining the Death of the King; and, for overt Facts, were alledged, 1. His propoſing a Rebellion, and to bring the King to Death. 2. His Letters, which are ſpecified in the Indictment, and are alledged to be wrote to procure, againſt the King, the Aid, Aſſiſtance, and Adherence of the *French* King, by Means of Monſieur *le Chaiſe*; and the like of Letters to one *Throckmorton*. After the Harangues were over, the Priſoner ſpoke in Anſwer to a Surmiſe againſt him, which was, that his Correſpondence from 1675 to 1678, two whole Years, had been conveyed away; and it was to be preſumed, if thoſe had appeared, all the foul Things of the Plot would have been found in them. He ſaid, that he had been urged in Priſon to be ingenuous in his Confeſſions, and he had been ſo, and particularly affirmed there, as he now did with Aſſeverations, that in 1675 he left off correſponding, and afterwards he had no Letters that he kept, but all were ſlighted, and made away as common Paper; for the Correſpondences, he then had, were but curſory, and of no Moment to be kept; and he offered to be teſted in any Manner whatever. But that could not regularly be done: And as, on the one Side, it was but a Flouriſh, and the Argument from thence (*viz.* if down to 1675 were ſuch, what were thoſe down to 1678?) rather a rhetorical Trope, than of Force, as Evidence, againſt the Priſoner for his Life; ſo, on the other Side, the Anſwer, that there were none ſuch of any Value kept, was as ſtrong to refel it. The Letters were read againſt him, the Pinch of which was the procuring Aids and Aſſiſtances of the *French*; which, if underſtood Arms, was Treaſon, if Money only, not. Every Thing in them would have been Miſdemeanor, but that only (ſo conſtrued) came up to Treaſon.

The Teſtimony againſt *Coleman*.

LXXVIII. The oral Teſtimony againſt him was poſitive, *viz. Oates*, who ſwore that he was at his Houſe, carried a Pacquet from him to *St. Omers*, in which was a News-Letter that called the King *Tyrant*, and a Letter in *Latin* to Father *le Chaiſe*, which thanked him for the 10,000 *l.* to propagate the Catholic Religion, and ſaid it ſhould be imployed for the Buſineſs deſigned, and that was to cut off the King. But theſe Words were not in *Coleman*'s, but in *le Chaiſe*'s Letter to one *Strange*, the Provincial at *London*, which

which *Coleman*, at the Desire of *Strange*, answered, for he *(Strange)* had run a Reed into his Hand, and could not write. And *Oates* gave this Letter to *le Chaise*, and brought an Answer inclosed in one from the Society, which he saw, having a Patent to be of the Consult. He tells of the Consult at the *White-Horse* Tavern, subdivided, *&c.* held by Virtue of a Brief from the Pope, sent by the General, and of the Resolves of the Ways to kill the King, and the Rewards; all which were communicated to *Coleman*, in his Hearing, in *Wildhouse*; and *Coleman* said it was well contrived, and wrote to have the Duke trapanned into the Plot to kill the King. *Coleman* was to get the Duke of *Ormond* kill'd in *Ireland*, and to send 200,000 *l.* for carrying on a Rebellion there. That 80 *l.* was sent to the four Ruffians at *Windsor*, and *Coleman* gave the Messenger a Guinea for Expedition: This was *August* 21, 1678. that he (*Coleman*) copied out Instructions, and dispersed them to the Conspirators about in *England*. *Wakeman* to have 10,000*l.* to poison the King; but *Coleman* thought it too little, and would have 5000 more added, to make the Work sure. These Copies were sent to advance the general Contribution, then on Foot, which would come freer, seeing what was done from beyond Sea. That he *(Coleman)* had a Commission from Father *Oliva*, to be Secretary of State. More is said of the other Commissions, which were left with one *Langhorn*. Now what was in the printed Narrative against *Coleman*, was not any Knowledge *Oates* had of himself, but only what *Fogarthy* told him, *viz.* that *Coleman* was present at *Wakeman*'s Consult: But here there was enough of positive Knowledge sworn, and to spare, though generally it is from Sight of Letters, except some Confessions; he says, he could evidence more, but did not, because of other Things that were not fit to be known yet.

LXXIX. Mr. *Coleman*, in his Defence, opposed to *Oates*, that, upon the direct Question at the Council, and View of his Person there, *Oates* said, that he had never seen him in his whole Life. That Examination, it seems, was before the Letters found, or that *Oates* had framed any Tale against him. To that Demand *Oates* answered, "That his Sight was bad by "Candlelight, and Candlelight alters the Sight much; but, when he heard "him speak, he could have sworn it was he; but it was not then his Business; "he could not see a great Way by Candle-light." The Lord Chief Justice asked him, *Why he charged no more upon him?* His Answer is remarkable, *viz.* "I did design to lay no more to his Charge, then, than what was "Matter for Information; for Prisoners may supplant Evidence when they "know it, and bring Persons to Circumstances, as Time and Place, (mark the "ordinary Precautions belonging to Perjury.) My Lord, I was not bound to "give in more, than a general Information, against Mr. *Coleman*. Mr. *Coleman* did deny he had Correspondence with Father *le Chaise* at any Time, I "did then say he had given him an Account of several Transactions, and, my "Lord, then I was so weary, being up two Nights, and having been taking "Prisoners, upon my Salvation, I could scarce stand upon my Legs."

Oates in great Puzzle to answer Objections.

Worſe and worſe upon the Chief Juſtice's Interrogatories.

LXXX. My Lord Chief Juſtice aſked him, *What was the Information he gave at that Time?* His Anſwer was as notable as the former, *viz.* " The Information, he gave at that Time (as near as he could remember, " but he would not truſt to his Memory) was for writing of News-Let- " ters, in which he *(Oates)* did excuſe the treaſonable Reflections, and cal- " led them baſe Reflections at the Council Board; the King was ſenſible, " and ſo was the Council, he was ſo wearied and tired (being all that After- " noon before the Council, and *Sunday* Night, and ſitting up Night after " Night) that the King was willing to diſcharge him; but, if he had been " urged, he could have made a larger Information." The Chief Juſtice recapitulated the diſmal Treaſons he had ſworn there, and then, ſaid he, *Could you omit all this? Oates* anſwered again, " He was ſo tired and " weak, that he was not able to ſtand on his Legs; and he remembered the " Council apprehended he was ſo weak, that one of the Lords ſaid, that, " if there were any farther Occaſion to examine Mr. *Coleman*, Mr. *Oates* " ſhould be ready again, and bid him retire." The Chief Juſtice ſaid, *You was by when the Council were ready to let Mr.* Coleman *go almoſt at large.* " — No, ſaid *Oates*, I never apprehended that; for, if I had, I " ſhould have given a farther Account." Then the Chief Juſtice aſked, *What was done to* Coleman *at that Time; was he ſent away Priſoner? Oates* anſwered, " Yes, at that Time, to the Meſſenger's Houſe, and, with- " in two Days after, he was ſent to *Newgate*, and his Papers were ſeiſed —." The Chief Juſtice asked again, *Why did you not name* Coleman *at that Time? Oates* anſwered, " —— Becauſe he had ſpent a great Deal of Time " in accuſing other *Jeſuits.*" Another Judge aſked, *What Time was there between the firſt Time you were at the Council, before you told of this Matter concerning the King? Oates* anſwered, " —— When he was firſt at the " Board, which was on *Saturday* Night, he made Information, which be- " gan between Six and Seven, and laſted almoſt to Ten; he did then give " in a general Account of Affairs to the Council without the King: Then he " went and took Priſoners; and, before *Sunday*, he ſaid, he thought, if " Mr. *Coleman*'s Papers were ſearched into, they would find Matter enough, " in thoſe Papers to hang him. He ſpoke thoſe Words, or Words to that " Effect. After that, Mr. *Coleman*'s Papers were ſearched, Mr. *Coleman* " was not to be found; but he ſurrendered himſelf the next Day. Again " he took Priſoners, five that Night, and the next Night four." — The Chief Juſtice, upon Occaſion of what he ſaid of *Wakeman*, and the 5000 *l. Coleman* was to give him, beſides the 10,000 *l.* to poiſon the King (which was an Hearſay not much heeded by the Council) aſked him, *Why did you not accuſe Mr.* Coleman *by Name?* He anſwered, " For Want of Memory, be- " ing diſturbed, and wearied in ſitting up two Nights, he could not give a " good Account of *Coleman*, as he did afterwards, (meaning to the Parlia- " ment, for he had been examined there) when he had conſulted his Pa-

" pers

"pers. But when he ſaw Mr. *Coleman* ſecured, he needed then give no "farther Account."

LXXXI. Here was a manifeſt Damp upon the Evidence, which Sir *Robert Southwell* helped to wipe off, by ſaying that *Oates* mentioned that Matter of *Wakeman*, but that he ſaid alſo that he did not ſee the Action: And it is in his *Narrative* that *Fogarthy* ſaid the ſame, which was the Hearſay I mentioned; but there was a Diſpoſition that *Oates* ſhould be fetched off. So that went for a Naming him at the Council, to anſwer the Chief's Objection, *viz. Why did not you accuſe him?* But the not knowing him paſſed on Account of Candle-light, though, as *Coleman* ſhewed, he ſtood the next Man to him. As for the Guinea, a very diſtinct overt Fact, which was in *Auguſt*, *Coleman* ſaid he was out of Town in *Warwickſhire* all that Month, and the Truth was ſo; but there was ſome Impediment that the Witneſs was not at Hand, and the Chief put it off, ſaying much did not depend on that. So *Coleman* was wanting to himſelf, in not proving *Oates* guilty of a falſe Charge, and deſiſted: But, afterwards, at the Oppoſal before Judgment, he would have retrieved it; but then it was too late. It was material, for a Witneſs, falſified in any Fact, goes to the Whole. And this ſhews how careful a Judge of Life and Death ought to be of every Word that comes out of his Mouth; for that looſe Sentence coſt this Man (probably) his Life. At the Trial, the Letters, which were the ſecond Teſtimony, were taken for a Solicitation of foreign Forces, which was full againſt him. But he would have defended, by alledging thoſe Words he uſed, *viz. Aids and Aſſiſtances*, in foreign Acceptation, meant only *Money*; and that was only to procure Liberty of Conſcience for Exerciſe of their Religion, which might be againſt the Laws, but not Treaſon. But theſe were looked on as weak Anſwers. He did not inſiſt that, if the Words were acceptable in both Senſes, upon a criminal Charge, they ought to be taken *in mitiori ſenſu*; and ſo he was attaint of High Treaſon, which was Matter of great Rejoicing and Triumph to many.

The Evidence palliated, and the Priſoner attainted.

LXXXII. I do not here pretend to extract the whole Trial, no more than to give a compleat Hiſtory of the Plot, but only to take out ſuch Parts, as I think will characteriſe the Diſcoverer and Diſcovery. As for the former, I think, at this Time of Day (this veracious Author excepted) no Perſon pretends other, but that his Part was a moſt foul Perjury. And I have noted the Particulars of his Anſwers, to give, as it were, a Picture of it; which is not the worſe for being of a Monſter, becauſe it is a Rarity, and, by Way of Caveat, may ſerve to prevent the like Animal biting harmleſs People in after Times. And, to ſay the Truth, I have not heard of a Witneſs ſo flatly and almoſt confeſſedly diſproved, even by his own Behaviour, who, ever after, ſtood an integral Witneſs againſt diverſe Men for their Lives, as he afterwards did. The Matters, he ſwore, were, in the Nature of them, almoſt incredible. Let it be one Inſtance, that Inſtructions, for the contracting and proceeding to kill the King, were commu-

The Incredibility of the Teſtimony of *Oates*.

nicated, by numerous Copies, all over the Country, among the Catholics, to encourage their Contribution to ſo good a Work. But the Anſwers, to the Chief's Objections, were falſe and fooliſh: For was it poſſible a Man, examined willingly about treaſonable Matters, could not think of ſuch tremendous Stuff, as he ſwore againſt *Coleman* at his Trial? And then to ſay only, *he was weary, &c.* But, according to Parole, to make the Repreſentation, of him and his Plot, a little more lucid, I will take up another Trial, and examine him there. And it ſhall be that of Sir *George Wakeman*, one of the King's Phyſicians. The former was in his Creſcent, this in the Wane, of his Evidence; after which, his Credit went down apace to what it deſerved.

The Charge and Teſtimony againſt Sir *George Wakeman.*

LXXXIII. *July* 18, 1679. Sir *George Wakeman*, and three Prieſts, were brought to Trial at the *Old Baily*. His Indictment was upon the ſame Article for compaſſing the Death of the King, and, for overt Facts, alledged that he did conſult with others to put the King to Death, and did take a Commiſſion to be Phyſician to an Army of Papiſts in *England*. *Oates* ſwore, that, in *July* 1678, *Aſhby* the *Jeſuit* came to Town ſick, and Sir *George Wakeman* was his Phyſician, and ordered his Medicinal Regiment, by writing Inſtructions how he ſhould order himſelf before, and at the *Bath*. In the firſt Place, a Pint of Milk in the Morning, and nothing elſe, and a Pint at Night, and to have 100 Strokes at the *Bath* Pump. In this Letter Sir *George* wrote that the Queen would aſſiſt him to poiſon the King. In a Day or two after, he ſaw *Aſhby* and *Wakeman* together, and the latter ſitting in a writing Poſture; he ſaw him lay by his Pen, riſe up, and go away; and the ſame Hand, that wrote upon that Paper, which was not dry, was the ſame Hand that wrote the Letter to *Aſhby*; and, while he was writing, *Aſhby* gave him an Account that he was, by Commiſſion, Phyſician to the Army. And *Aſhby* could not write upon that Paper, for he was lame of both his Hands. This is the loweſt Evidence, if any at all; for immediate Compariſon of Hands, by one that has been acquainted with them, is ſcarce Evidence, even if produced and ſworn in Court; and it is required that the one of them was ſeen, or known, to be wrote, that the Court may judge on producing both Papers: But, after all, a Man's Hand, in a Letter, is eaſily counterfeited. But what is it then for an abſolute Stranger, ſeeing one Paper at one Time, and another at another Time, to ſwear they are both the ſame Hand? Theſe Notes may ſeem ſuperfluous in Matters ſo plain; but thoſe very Matters, having had great Conſequences, and the like, poſſibly, in the Miz-maze of worldly Affairs, may return again, it is fit to have this Notice given of them.

The odious Reflection upon the Queen.

LXXXIV. *Oates* ſwore farther, that one Sir *Richard*, or Sir *Robert*, of *Somerſet Houſe* (pointing, as was ſuppoſed, at Sir *Richard Beelings*) came from her Majeſty, for certain Fathers to attend her; and *Oates* went along with them to *Somerſet Houſe*. The Fathers went in to the Queen, and he ſtaid, without, in the Antichamber; and he heard a Woman's Voice ſay, ſhe would

would assist them, in the Propagation of the Catholic Religion, with her Estate; and that she would endure those Violations of her Bed no longer; and that she would assist Sir *George Wakeman*, in poisoning the King. Now, when they came out, he desired that he might see the Queen; and he had, as he believed, of her Majesty, a gracious Smile; and, while he was within, he heard the same Voice ask Father *Harcourt*, whether he had received the last 10000 *l.* and it was, as he could probably guess, the same Voice, which he heard when he was without, and he saw no other Woman there, but the Queen and these Fathers. I think the Temper of the Age and Nation is shewed in Nothing more phlegmatic, to say no worse, than in bearing such a Piece of Impudence as this was. But he was let go on.

The Bargain with *Wakeman* to poison the King.

LXXXV. In the same *July*, the 10000 *l.* was proposed to Sir *George Wakeman*, to poison the King, and he *(Oates)* was present. He was not positive whether it was before, or after, he heard this Woman's Voice, but near the Time. It was *Ashby*, in the Name of the Provincial from whom he had his Instructions, that offered it. And Sir *George Wakeman* refused it, because it was too little for so great a Work. An Account of this was given to *Whitebread* the Provincial, and he ordered the Fathers to offer 5000 *l.* more; and they did so, and it was accepted; but this by Hearsay only. Yet Sir *George* receiv'd 5000 *l.* in Part, and an Entry was made of it in a Book, kept by the Fathers, called the Entry Book, of this Purport. *Memorandum*, Such a Day 15000 *l.* was proposed to Sir *George Wakeman*, which he accepted; then, under it was wrote, Received in Part of this 15000 *l.* the Sum of 5000 *l.* of Father *Harcourt*, by Order of *Edward Coleman*, signed *George Wakeman*. Here is as fair an overt Fact of Treason as one would wish, and the Hand of learned Counsel may be seen in it. The Chief Justice asked him about the Name signed; and he said, it was the same Hand as to the Apothecary's Bill, and told the Posture of writing, and the lame Gentleman only by, as before.

Wakeman's Defence, and *Oates* hard put to it.

LXXXVI. *Wakeman* oppos'd him, as *Coleman* did, with his having sworn, at the Council, he did not know him, and that he never saw him in all his Life. *Oates* replied, as before, his wonderful Weariness and Pains-taking, being ill and indisposed, for Want of Rest, in Respect both of his Intellectuals and every Thing else, so as he could not charge him so home; but now he had a proper Light, whereby he might see a Man's Face, he could say more to him. Whether the *Wakeman*, he saw (at the Bar) and the *Wakeman*, before the Council, were the same Person, he did not know; but he saw the Commission in the Hand of that *Wakeman*; he saw him when the 10000 *l.* was offered, and, being asked, who was then present, he answered the Names of three Persons that, upon his Evidence, had been tried and hanged some while ago; which made diverse smile. The Chief Justice asked him why he did not give the same Evidence at the Council, as now? "He answer'd, he could by and by give an Answer to it, when "it was proved by the Prisoner what he did say there."

LXXXVII. Then

More of the ſame.

LXXXVII. Then the Priſoner brought *Chapman* the Apothecary, with the Preſcription received from *Aſhby*, who ſaid he read the whole Letter, and there were no ſuch Words in it, nor Mention of the King and Queen, but as related to the Baths ſo called. He tore off the preſcriptive Part, to put on his File, and ſlighted the reſt, as of no Uſe. This was ſhuffled off by *Oates*, who ſaid there was another Preſcription ten Days before *Aſhby* went to the *Bath*; and then it was he ſaw him write as before; which was the Bill for his Uſe before he went out of Town. It appeared *Wakeman* did not write that, which *Chapman* had, but his Man, for he was ſick. *Wakeman* objected two Improbabilities. 1. That he ſhould preſcribe a *Bath* Regimen ſo long before, for the Caſe might alter in ten Days. And 2. That two Preſcriptions ſhould be wrote for the ſame Caſe; and *Chapman* teſtified that the Milk Diet, for the *Bath*, was not poſſible to be directed, for it was next to Death to uſe it. But the Chicane went off upon the Conſideration that it was not, in the Courſe of Nature, neceſſary, that, what was ſworn, muſt be falſe; and, ſo long as it was poſſible to be true, and *Oates* had ſworn it thoroughly, that was enough.

Oates had quitted *Wakeman* in the Council.

LXXXVIII. Then *Wakeman* oppoſed him upon his having ſworn, in the Houſe of Lords, that he knew the Letter was his, only by the ſign *George Wakeman*. *Oates* ſaid, he did not remember what he did ſay, but, if the Priſoner proved the Words, he would leave it to the Jury: But now, ſays he, I come Face to Face, to ſatisfy not only Judges but a Jury, I ſhew you what Reaſons I have to believe it. Then, being aſked, if his (*Wakeman*'s) Name were to the Note, he ſaid he would not ſwear that; but the Character of the Hand was the ſame. Then Sir *Paul Floyd* proved, that, at the Council Board, *Oates*, being called in, and aſked if he knew any Thing, perſonally, againſt Sir *George Wakeman*, he lifted up his Hands, and ſaid God forbid I ſhould ſay any Thing againſt Sir *George Wakeman*, for I know Nothing more againſt him. It ſeems what he had ſaid of him, before, was of a Letter, from *White* to *Fenwick*, of the 15000*l.* &c. which was not a Ground for Commitment. Then *Oates* was at a Fault, and ſaid the Council did not preſs him to ſay his Knowledge, but he would not be poſitive; but, if he was preſſed, and did anſwer ſo, he appealed to the Board, if he was in a Condition to make any Anſwer, being, out of Wearineſs, ſcarce *Compos Mentis*.

Oates reflects on the Council, and not credited; *Wakeman* and the three Prieſts acquitted, and their Teſtimony obviated.

LXXXIX. Sir *George Wakeman*, to ſupport *Floyd*'s Teſtimony, ſaid, that, if it had been as *Oates* ſays now, he muſt have been committed; to that *Oates* ſaid, that, to ſpeak Truth, it was *ſuch a Council* as would commit Nobody. *Wakeman* would have had Sir *Paul Floyd* have ſpoke to other Matters that paſſed at Council; but a Judge of the Privy Council, leaſt the Clerk (as *Floyd* was) of the Council ſhould be drawn in to tranſgreſs the Oath of his Employment, ſaid it was his Duty not to anſwer ſuch general Queſtions. Then Sir *Thomas Doleman* came to ſhew how weak poor *Oates* was, and ſo ended the Evidence. The Chief Juſtice recapitulated

capitulated the whole, and, towards his Concluſion, had theſe Words, "I tell you plainly, a Man could not be ſo weak, but he could have ſaid "he ſaw a Letter under his Hand; it was ſhort as he could make an An-"ſwer; and it is ſtrange he ſhould go and make Proteſtation that he knew "nothing.——Let us not be ſo amaſed and frighted with the Noiſe of "Plots, as to take away any Man's Life, without reaſonable Evidence." So leaving the Cauſe, upon the Credit of the Witneſs, to the Jury, they found *Wakeman* not guilty. This was the firſt Check, in Public, that *Oates* had; for diverſe Perſons, between the Trial of *Coleman* and this, had been tried, and, upon *Oates*'s Fable, with additional Witneſs, as the Trials ſhew, convicted and ſuffered. It is plain now, what Reaſon the Plotters had to decline the Council; the chief Wounds in their Credit were inflicted there, though not ſo fatal as in *Mocedo*'s Caſe. A falſe Stratagem, againſt a Government, can have little Effect without a ſwinging Popularity to back it; the Rabble are apt, not only to ſwallow Nonſenſe, but alſo to cram it down the Throats of ſuch as have leſs Appetite to it. It is to be noted that this Acquittal of *Wakeman* (and of the three Prieſts with him) was a Thunderſtroke to the Plotters; for there emerged thereby no leſs than four Witneſſes to prove *Oates* perjured, which was of the laſt Conſequence to the Plot: For ſome Work lay ſtill behind to be done, particularly the Caſe of the five Lords in the *Tower*. To the End therefore that the Evidence might not ſink, Care was taken to fright *Wakeman*, away beyond Sea, by ſtrong Threats of another Accuſation and Trial to be brought over him: And, as for the three Prieſts, they were all Attaint for officiating as Popiſh Prieſts, and, thereupon, clapped up in *Newgate*; and ſo the Coaſt was clear again.

The wonderful Property of *Oates*'s Proofs.

XC. Poſterity will wonder at two Things. 1. That ſuch an Evidence, as this againſt *Wakeman*, ſhould be admitted to ſuſtain a Charge of High Treaſon. And, 2. that, upon a ſolemn Examination, it ſhould bear ſo much Altercation as it did; for take the whole Tale, as it lies, and, upon the very opening, it muſt appear fit rather to be rejected with Deteſtation, than to be left, with Indifference, to a Petty Jury to judge of. The Nature of it, ſhould have been expoſed; what an affected hard ſtrained Compoſition it is! One Man ſees another Man, with a Pen in his Hand, in a Poſture of writing; and then that he laid down the Pen and went away, leaving the Paper wet. One would think this was ſeeing a Man write; no, that did not amuſe, and demonſtrate a ſcrupulous Care in ſwearing. And then, for ſtopping of Gaps, another Man in the Room muſt be lame, and could not write; *ergo*, it muſt neceſſarily be the Handwriting of him that ſat at the Deſk. The Matter was hedged in, and no Poſſibility to eſcape, and what was that? A Handwriting, ſeen ſometime after, was the ſame Hand writing with this ſeen upon the Deſk: Wonderful Memory to be ſo ſure of that! And worſe, if poſſible; a Woman was heard ſpeak (it might be as well ſqueak) Treaſon in another Room; and, when the Queen came out

and ſpoke, it was the ſame Woman's Voice he heard within: But this was nothing to the kind Leer he had from her Majeſty. It is almoſt a Pain to note theſe ſo fulſom Paſſages, which, ſurviving to Poſterity, muſt be Matter of Wonder and Amaſement.

Monſtrous Affront upon the Queen, and the King's Reſentment concealed.

XCI. Was it not ſtrange Uſage of a Queen Conſort, when ſuch an Effrontery, out of the Mouth of a Meridian Villain, in Public, by an Invention, which a Child, that ever ſaw a Court, and Majeſty in it, muſt know to be falſe, after the Trial was over, (depending which, Decorums were to be obſerved) and the Evidence diſbelieved, ſhould be let paſs without ſo much as a Reprehenſion? But the Craſis of Times muſt account for all ſuch Indecencies. It was plain, that, poſtnate to the Narrative of *Oates*, there was a Deſign formed for cutting off the Queen by a falſe Accuſation; and, thereupon, this Teſtimony was given, and *Bedloe*, another Plot-witneſs, chimed in. It ſeems the not venturing ſo high, in *Oates*'s Narrative, was thought an Error to be retrieved by additional Swearing. It was not a Cabal, of ordinary Authority, could encourage *Oates* to come to the Bar of the Houſe of Commons, and ſay, *Aye*, Taitus Oates, *accauſe* Catherine, *Quean of* England *of Haigh Traiſon.* Upon which the King immediately confined him; and it might have been worſe if ſome People had not taken his Part, who were conſiderable enough to give Umbrage that it would be more prudent to ſet him at Liberty again, which was done accordingly. The King was pleaſed to ſay, *they think I have a Mind to a new Wife, but, for all that, I will not ſee an innocent Woman abuſed.* This Paſſage ought to be remembered for the Honour of the King's Juſtice. Certainly, if his Majeſty had given Way, the Queen had been very ill uſed. The Plotters thought he would have let that Matter drive, partly, becauſe change of Women was his Foible, and, partly, that he might affect to have an Heir of his Body to inherit his Kingdoms. But his good Nature would not bear ſuch a miſcreant Attempt; ſo little of the Tyrant had he in him! And now I muſt obſerve, that, for the ſame Reaſon which inclines me to relate theſe Paſſages, the Author, before us, wholly inclines to conceal them; for no Honour muſt be given to the King, nor Diſhonour to the falſe Witneſſes. If his Ink had been black enough to have ſullied this Action, we had received it from his Hand: And we have diverſe Inſtances, where a good Action of his Majeſty will bear a Miſconſtruction, for the Sake of the latter, he preſents us with the former, which, otherwiſe, muſt be laid out of the Way. He conſiders ſuch Matters, as Dyers do their Silks, whether they will take the Colour or not; if they will take, then, what Dreſſings are moſt proper to illuſtrate the Colour.

The Condition of theſe Times, with Reſpect to Hiſtory.

XCII. I have ſhewn my Reaſons for not giving a full Hiſtory of this Plot, I have taken ſo much of it as anſwers my Deſign, which is to expoſe the falſe Dealing of the Author before us. And, to ſay Truth, the Matter of the various Narratives is ſo very faſtidious, it can be no Entertainment to extract, or to peruſe what may be extracted from them; for who

who would care for the Deſcription of a Scare-crow, made up of Clouts and Straw? And there is no Want of Summaries, Charges, Defences, beſides the very Trials and Examinations themſelves, in Print, to divert any one whoſe Temper will comport with ſuch phlegmatic Entertainment. I muſt own that, the more voluminous and dull the Subject is, the greater Art is required to ſift and reduce it to tolerable Hiſtory: And that may be done, far beyond any yet extant, if an able Pen undertakes it. But I may aforehand propheſy, that, unleſs that Pen had Eyes and Ears at work in the very Time when the Plot was flagrant, it is impoſſible, out of the Rubbiſh in Print, to ſhew the Character of the Age, and what Witchcraft prevailed over the Underſtandings of the many. And I am not out of Hopes, that, when Times will bear it, ſome of the Cotemporans, faithful Hiſtorians (at preſent not unprepar'd for it) will ſuffer their Labours to come forth, whereby Poſterity may be informed, not only of ſuch Proceedings, as appeared upon the public Stage abroad, but, of many alſo that, by Way of Plot, were tranſacted in Cabinets, and behind the Scenes. By this Means the Community may gather a juſt Sentiment of the Times, without turning over and ſifting the naſty Rubbiſh of Narratives, Trials, *&c.* an Herculean Labour, which, ſince the Ardor of Zeal, as well as Paſſion of the People, is ſpent, few or none will undertake, and yet fewer be able throughout to ſecern the true from the falſe, or make ſuch Concluſions as may be drawn from them. And however this may be a great deal, and go far with Perſons inquiſitive and induſtrious, if any ſuch undertake the filthy Analyſis, who may thereby obtain ſome Diſtinctions of true and falſe; what is that to the unaccountable Flings of a ſyderated Rabble, major as well as minor, when wiſe Men acted like ſtark Fools, and honeſt and good Men like the verieſt Fourbs that ever came out of *Newgate?* And, againſt ſuch Time as the World may be thus throughly informed of the Facts of theſe Times, I warn our Author to be prepared, if he durſt appear before juſt Judges, to anſwer for his diſingenuous, and worſe than double Dealing in this whole Affair: I may ſay, for Folly alſo, in going about to ſecrete the Matter of this Plot in his Hiſtory of the Time, publiſhed when the Prints concerning it, with broad capital Title Pages, lay ſtaring at him and every one elſe that paſſed by the Bookſellers Stalls.

The Policy of theſe Times, as to Hiſtory, and of the Author, contrary.

XCIII. This Behaviour of our Author, true to the Police of his Party, puts me in Mind of a total Change made in their Conduct, as different as when they ſay, *Faces about.* When the Plot firſt ſprung, and acted vigorouſly, Care was taken to make every thing public that belonged to it; and this with Colour of the higheſt Authorities to vouch it and all its Circumſtances; whereby we had not only all the Narratives and Trials, with their monopoly Warrants, but Proclamations, Votes, Journals, even that of the Houſe of Lords, which is a Record, Speeches, Letters and Atteſtations, as could poſſibly be had, with Extracts, Comments, and Anſwers

to the Sufferers dying Speeches, and other argumentative Stuff in Pamphlets, all publiſhed in Print: And the greateſt Part of theſe aſſertory Tranſactions done on Purpoſe to be ſo communicated, not only to create, and then, confirm a Belief in the People, but alſo (as ſome thought) to eſtabliſh a conformable Remembrance of it in Hiſtory, and thereby juſtify the Actions of that Time to Poſterity for ever. But, after the Plot became enervous, and all farther Uſe of it was deſpaired of, and the whole Machine expoſed and deteſtable, which fell out at the *Oxford* Parliament (of which afterwards) then the Politic turned round, and Silence took the Place of Proclamations; we heard no more of carrying on the Plot, the Bottom of the Plot, or any of thoſe railing Forms of Speech, which, before, flowed out of every Party-Man's Mouth, as if the whole Society of them knew no other Help to Diſcourſe. And, of this, our Author (as I obſerved) is a luculent Inſtance. He gives us all the foul-mouthed Epithets of the Time, as damnable, execrable, horrible, *&c.* and there leaves us in the dark, without one ſingle Fact, ſet forth or related by him, to which we may annex them; and ſends us away with an Opinion that all thoſe Perſons, whom he inſinuates Popiſh, are the Subject of thoſe ſtately Predicates.

The Plot preſumed, and the Author rails at the King.

XCIV. I cannot quit our Author yet, but muſt take another Turn with him about his ſcandalous Concealment of the Ingredients of this State-Politic Compoſition. He goes on with his File of Slanders, as well he may; for, as *Oates*, ſo, he is careful that ſuch Perſons of the Time, as were not in their Meaſures, ſhall be put into the Midſt of the Plot. Such was the Language; *it was Part of the Plot*, ſaid they, *to talk againſt it*, And the King himſelf is inſinuated to be a Complice, of which the Evidence was his being a Stifler and Ridiculer of the Plot, and alſo a profeſſed Encourager of Stiflers and Ridiculers. Elegant Gibberiſh, which I ſhall have more to ſay to! But, in the mean Time, is it not a Wonder a King ſhould ſtifle and ridicule a Plot to take away his own Life? One may alſo admire how the Author comes by theſe *Flores* of the *Canaglia*, that, promiſcuouſly about the Streets, and in Coffee-houſes, toſſed thoſe Words, like Dirt, at every one whoſe Diſcourſe did not pleaſe them. But I forget the hackney Libels of the Time, in which the Author is learned enough; as appears by what he borrows from them. He believes, as I gueſs, that his Readers will fancy theſe Stiflers and Ridiculers to be very ſad Folks, although he affords not a ſingle Word of what they had done to merit his Diſpleaſure. Therefore he muſt excuſe me, if I preſume to be his Interpreter, and open the Myſtery, although I may hazzard the being, in his Accouſit, a Stifler and Ridiculer myſelf.

The Metamorphoſis of the Plot, and how ridiculing and ſtifling.

XCV. If I may have Leave to recapitulate a little of what hath been touched already, I ſhall remember that the Plot was never levelled directly againſt Prieſts and Jeſuits, (though it was their ſad Hap to ſtand in the ill Dint of it) but againſt King *Charles* II. his Authority, and the Succeſſion of the Duke of *York*. But the Miſchief was, that the King, and (in a lower

lower Degree) the Duke were belov'd, and the Prieſts and Jeſuits were moſt unpopular and hated. Therefore, to make the Pill go down the better, the King, and (upon Terms) the Duke were to be kill'd, and the Prieſts and Jeſuits to be the Killers; And, afterwards, in the working, the Tables were to be turned ſlowly, and the Fury to fall upon the King and the Duke as in with the Jeſuits, to kill all other good Proteſtants. It was too blunt to ſay, the King was a Conſpirator, or that his Friends were in a Conſpiracy to kill him; but, ſo far as introducing Popery, deſtroying Liberty, calling in *France*, joining in the Intereſts and Deſigns of the Duke of *York*, (who was ſoon put into the worſt of the Plot) and all, except taking away his own Life, the King was to be plotted as deep as the beſt of them, and all the Loyaliſts thruſt in after him. Thus, by Degrees, dropping the King's Death, which, after the Plot, had faſtened upon People's Intellects to confound them, the whole Strain of the Evidence bore upon the King, the eſtabliſhed Church and Monarchy, and with like Impetuoſity, as before it had born upon the King-killing Jeſuits themſelves. A rare *Hiccius Doxius!* So, now, Popery and arbitrary Power took their Seat: And then all thoſe, the King himſelf not excepted, who did not expreſs an implicit Faith in *Oates*, intended the Plot (I mean the new Edition) ſhould take. And it ſo happened, that the ſubject Matter would bear no Opponents but of the *Genus ridiculoſum*; for who argues ſeriouſly againſt Nonſenſe? This the Plotters could ſcarce bear, and Nothing provoked them more than to ſee Men ſmile; at which they conſtantly fell into a Rage at thoſe, who (as they ſaid) ridiculed a Diſcovery of ſuch an execrable *&c.* Plot; and that the Deſign was to ſtifle the Diſcovery, that the Plot might go on. And thence flowed a new Chapter or two to be added to the Books of the Crown Law, *viz.* Stifling and Ridiculing. And the Author owns, and, declaring the whole Proceſs, brings Majeſty in guilty.

How the King himſelf was put into the Plot.

XCVI. Perhaps ſome may think it extravagant, or that I do the Author wrong, in making him put the King himſelf into *Oates*'s Plot. See how hard it will be to make Poſterity conceive the prodigious Nonſenſe current in the turning of that Deviliſh Engine, at which thoſe, who lived, and obſerved rightly in the Time, were amaſed. But, for the Author, he is candid, and juſtifies his Party, though, at the ſame Time, he condemns himſelf; For what elſe can be the Meaning of his perpetually inſinuating, that the King was a Papiſt in his Heart, at leaſt, and, but for Fear, would do like his Brother; and that is bad enough, if *Intereſts and Deſigns* imply any Thing: And then making him a Stifler and Ridiculer, and great Encourager of ſuch, what needs more to ſhew him? But yet he would be plainer, for he brings in the Court Buffoon *Killegrew*, ſaying to the King, that his Majeſty *knew more of the Plot than any Body elſe, and his Diſcovery of it would quickly ſatisfy his People.* The King muſt become *Oates*'s Second, a Royal Employment! His Majeſty's Narrative would have ſold as well as the beſt of them. But can any Thing be put in Words of a worſe Inſi-

nuation than this? It was Nothing from the Mouth of a Court Fool. It sufficed to make them laugh; but, being transplanted into a *Compleat History*, turns to a Voucher of Iniquity charged on his Majesty. Wherefore I make a great Doubt whether, in this Instance, our Author's Want of Duty, Charity, or Common Sense, is greatest. But this will require to be farther touched upon in another Place.

The Loyallists not see they were struck at.

XCVII. Then it may be said, that the Church of *England*, and loyal Party took an Alarm, and went along with the Noise of the Plot as fiercely as any. And have I excused them in any Thing, of that Kind, done? But here lay the Perfection of Art, which is notable, and not obviously perceived. A Party of Men are struck at to be subdued and oppressed, and the Engineers contrive to make even them to work hard in framing and erecting the Machine, which is calculated for the pulling their ownselves down; which is like the Comedy, where all the cheated Fools are brought in, to drive away their Friends, and defend the Cheaters. Who doubts but, at first, abundance of honest and good Men were caught in this Trap? Else, it could never have made such a Devillish Stir as it did. They were so mistaken to think that some Good might be extracted from an Evil which they did not suspect was to terminate in them. But what Churchman or Loyallist had any Share in the infernal Cabal where the Plot was hatched? The Fanatics were entirely in the Measures, and their Head, the Earl of *Shaftsbury*, had the visible Conduct of the whole Motion. And I may affirm there was not a single Person, of the conventicling Tribe, had not a Part in acting, Noise-making, or crouding, to cooperate in the great Work. But, after the loyal Gentlemen and Churchmen, that had, at first either given Countenance to the Plot, or passively let it drive, without endeavouring to rectify their furiously mistaken Neighbours, found themselves levelled at, become Papists in Masquerade, Stifflers and Ridiculers, and, as such, disgraced, turned out at Elections, and to be purged out of all the Government Commissions, they stared about, and scarce knew where they were, and so began to work off as fast as they could. And it was diverting to see how careful the Management, of some in Authority, was. If in public they aimed against the Plot, they began for it, as saying *none could doubt of that*, or *that the Plot was as clear as Noon Day*, and such like ironical Sentences. And thus it will always happen, when Men give Way to Evil of unknown Contrivance, expecting Good out of it; for they will soon find the Evil shift and change like a *Proteus*, and, Serpent like, invelope them in fatal Consequences, of which they had as little Thought, as they shall have Power to avoid; and so from one Degree to another, till (unless Providence forbid) they shall be plunged in inevitable Ruin.

The Author inexcusable for concealing the Facts of the Plot.

XCVIII. If it be pretended that, for excusing the Author's suppressing the Particularities of this Plot, it was enough for him to take up the Child, and lay it at the Door of the right Owner, without unbinding the swaddling Bands, to shew whether it was Male or Female: The Papists are always plotting,

plotting, and here now is a Plot to kill the King, there it is, let them take and own it. Is not that enough? I anſwer no; for it is the Office of an Hiſtorian to inform all Particulars, and leave no Blanks to diſcontent a Reader, that, by any Means, may be properly filled up. There is Curioſity to be complied with, for all Men deſire to know what the Facts are, upon which Inferences are grounded; and there is Inſtruction to be had, and from Nothing more uſeful than from the Frame and Proceeding of a State Conſpiracy. And, beſides all this, a Juſtice due to all Parties and Denominations of Men; as here, with Regard to the Roman Catholic Profeſſion, not only in *England*, but in moſt of the neigbouring Countries. If that whole Denomination, at leaſt, the Potentates or Heads of them, are charged with the moſt ſcelerate Plot that ever was heard of, that is, paying Aſſaſſins to murder a ſovereign Prince, (for that was ſworn in this Plot) ſhould not the Hiſtorian have given the Light of a particular Detail of the Fact and Circumſtance? By which it might appear, whether the Diſcovery, of ſo foul a Conſpiracy, carried any Probability or not. There are many Ways of plotting, beſides hiring Men, to kill Kings, as Men are hired to work for Wages. Our Narrator *Oates* ſhews ſome Variety, bulky Sums paid, ponderoſe Armies raiſed, marched, or tranſported for the Service. But Poiſon as well as Dagger, were ſilenter Ways. And, of all this, no Word of Notice in our Hiſtory, as if a Plot, to murder a ſovereign Prince, were a Criſis no higher than the Plot of a Ratcatcher. Is it not fit Evil, as well as Good, ſhould ſtand expoſed in Hiſtories of Nations, that it may appear in Judgment who is to blame, and for what Cauſe, *Tros Tyriuſve nullo diſcrimine?* Surely, Readers expect to be made wiſer by Examples; and how ſhould that be, if the Lemma, or Title only, is put inſtead of the Chapter? But ſo hath this Author ſerved the Hiſtory of this famous Plot.

XCIX. I fear I may be thought tedious already, by dwelling ſo much upon the Author's Suppreſſion of the Items of the *Oateſian* Diſcovery; but, not knowing any Thing, ſet down, to be altogether out of the Way, or uſeleſs to a Reader, I ſhall venture a little farther, and by the ſame critical Means, endeavour to find out and demonſtrate his Subtilety in this cunning Contrivance. And this will fall within two Conſiderations; the firſt is his Regard to the Credit and Honour of his Party, which muſt always be ſet up againſt the Royal Side, whereof the one is to ſet off the other, as is or will be noted elſewhere. And, it being his Theme that his Patriots, who ſtood by the Proteſtant Religion and the Laws, were the Drivers of this Plot which brought ſo many Men to their Deaths, in Caſe it ſhall appear, by the Items, that the Whole was no better than a Layſtall of Lyes; then what an Inundation of Scandal and Infamy, will overtake his Party, and, which is worſe, the Stiflers and Ridiculers come off with flying Colours? This muſt not be endured to ſtand ſo in his *Compleat Hiſtory*.

Reaſons that moved him, 1. To ſcreen his Party.

C. Therefore he conſidered that here were two Bundles of Particulars, *Coleman*'s and *Oates*'s, the former genuine, the other impoſture; and both about

2. To hide the Slur upon *Coleman*'s Papers.

about the Papiſts plotting, though concurrent in nothing. Now, ſays he, I will produce the genuine, and ſuppreſs the other, ſaying no more of it, but that it was all proved and confirmed by the former, that is, by *Coleman's* Papers. And, for this Purpoſe, he tells us, that *Oates, for Confirmation of his Teſtimony* (and what was that?) *referred himſelf to the Letters and Papers which he ſaid were in* Coleman's *Cuſtody*, which is literally a falſe Aſſertion; but that is no Matter, ſo long as, one being ſuppreſſed, a Compariſon cannot be made. In *Oates*'s long Narrative, compoſed with Time and Deliberation, no Word of *Coleman*, or his Papers, is to be found, but only of his writing News. Then, at the Privy-Council, Face to Face, he knew nothing of him; but, after he was gone out, he bethought himſelf, or ſomebody put it into him to ſay, that, if they would ſearch his Papers, they would find enough to hang him. And, in the Author's Account, this is *referring all*, &c. that is all that hideous Hiſtory of Treaſons, Murders, *&c.* as *Oates* ſwore.

Charge upon the Papers not found confuted.

CI. But the Author hath a *ſalvo* for that, for *he* (Coleman) *had Time enough to convey away the two laſt Years Papers.* And ſo the run-away Thief did all the Hurt. The ſame Time, as ſerved to convey away the two laſt Years Papers, had ſerved as well to convey away all the reſt, which were as prejudicial to his Maſter and himſelf, as any could be. But the Anſwer of Mr. Attorney *Jones* fits all Improbabilities, *a judicial Infatuation.* And any one would think ſo; for, after *Godfrey* had given Notice of an Information wherein both were named, what had an intriguing Secretary to do, but, in the firſt Place, to ſecure his Papers? But, however, in this Place, he hangs upon this Anſwer, becauſe the Plot, and the Papers ſeiſed and produced, have nothing to do with each other. But yet the Author hopes you will forget that, and he will find a Time to contradict it, and ſet all up again upon the Credit of the Papers found, which are his Sheet-Anchor by which his Plot rides. For this Cauſe I have hunted him into another Reign; and there lurks a Paſ-

Pag. 442. ſage to this Purpoſe, *viz. who* (Oates) *had perhaps committed ſome Miſtakes in the Circumſtances of Time and Place* (were we not warned of ſuch Precautions, and yet to fail?) *but the Subſtance of his Evidence was undoubtedly true; for the Main of his Depoſition was demonſtrated by the Papers of* Coleman, *and by a Concurrence of many Acts and Deeds. And it is much to be feared that the Truth of his Evidence had given more Offence than any Miſtakes in it.* Now if any Thing, that ever was carted, could value itſelf upon a more ſignal Impudence than this, I may renounce my Senſes. It is too fulſom to comment upon. For Failure of *Oates*, the Author himſelf turns Evidence, and, upon the Word of an Hiſtorian (I name no other Character) ſwears the main of *Oates*'s Depoſition. *Undoubtedly true*, ſays he; the vaſt Sums, the Armies, the Ruffians, the black Bills, the Guns, the Daggers, the Poiſons, Firings, *&c.* were all true, as he ſays, and demonſtrated in a Manner as the Thing itſelf ſpeaks to be utterly falſe. But obſerve his *Copia* —— *Circumſtances*, —— *Subſtance*, —— *Main*, —— *demonſtrated*

demonſtrated, —— *Concurrence,* —— *Acts and Deeds.* This Froth of Words he delivers Hiſtorically, as his Act and Deed (a Phraſe borrowed from the Lawyers Clerks.) And thus the groſſeſt Perjury, that ever was, is tenderly treated, as a Thing of ſound Subſtance, with only a Spot or two in its Garniture. But, to conclude this Point, we have enough to hold down our Author upon, his poſitive Aſſertion here that *Coleman* confirmed *Oates*, the contrary of which is true.

Reflects on King *William.*

CII. One Thing I muſt needs obſerve here, that the Author is ſo far gone with an Itch of libelling, that he cannot let his Majeſty King *William* alone, although he hath almoſt lamed his Invention in contriving to find an Heroe's Place in his Romance for him. After he hath mentioned the Pardon and Penſion which his ſaid Majeſty King *William* granted to *Oates* for his good Services, he adds—*which occaſioned various Reflections.* What doth he mean? That King *William* all along employed and paid him? Thoſe Words of Obſervation always paſs in ſome deſperate Intendment; and we find them in Politic News Papers, when ſomewhat is to be underſtood, not fit to be mentioned. And the Author's Virulence betrays itſelf by ſuppoſing that, after *Oates*, according to him, had been verified ſo demonſtratively, there ſhould be any Occaſion for ſuch *various Reflections.* Why may not his then Majeſty have the like Regard to *Oates*'s great Merits, by a Pardon and Penſion granted, as King *Charles* II, and his Parliament, had, without being ſo reflected on?

Takes She'ter behind a Paſſage in *Wellwood.*

CIII. But a guilty Conſcience is a ſad Thing, an inward Diſtemper that, however our Author here hath managed *ſecundum Artem*, will not let him reſt. He muſt be itching and wincing about the Veracity of this cryptic Plot. It is an Infelicity that commonly attends wicked People, who, having committed ſome very nefarious Act, cannot help diſcovering a Sort of Guilt *quando ſe nimis purgitant.* So here, the Author, to ſmooth over his odious Concealment of the Matter and Form of this Plot, hath Recourſe to one like himſelf, whom he takes for a Doctor, to cure his Diſeaſe, and eaſe his Pangs. He cites *Wellwood*, and, in the Paſſage which he produces, ſlily admits *Oates* and his Colleagues were not ſo good as they ſhould be, and yet muſt have entire Credit. —— *For what Superſtructures might have been afterwards built upon an unqueſtionable Foundation, and how far ſome of the Witneſſes of that Plot might come to darken Truth, by ſubſequent Additions of their own,* —— If this aims at any Thing, it is that we ſhould take *Coleman*'s Plot for Foundation, and *Oates*'s Plot for Superſtructures and Additions of their own, that is (here confeſſedly) all Lyes, which brought ſo many Men, Commoners, and one Peer, to undeſerved Death. But, whatever this obſcure Text was intended to inſinuate, it is prodigious that a Parcel of monſtrous incredible Lyes, exalted by ſolemn Perjury, ſhall be thus tenderly treated in the ſoft and obligeant Style of *Superſtructures* and *ſubſequent Additions*; were not all thoſe Lyes? Was *Oates*'s Narrative a Foundation or a Superſtructure, or was he one of the Superſtructors, or not?

Why all this Darkneſs? Could he not have ſaid, in ſhort, Perjury? It is a Privilege we all claim to ſpeak and write freely on the Tranſactions of former Times, as they ſhall be judged to deſerve, without Reſtraint or Danger, as the future will probably treat ours; and, if *Wellwood* was afraid of offending, what made him write at all? He might have ſtaid till he thought it ſafe to be honeſt, and not chooſe to be falſe for Popularity: But alack! he is an Ignorant; for all theſe Newalties —— *muſt be deferred till the great Account, to be made before an higher Tribunal, and, till then, a great Part of the Popiſh Plot, as it was ſworn to, will, in all human Probability, lie among the darkeſt Scenes of the* Engliſh *Hiſtory*; and ſo he, the Author here, and the reſt of the Libellers, of that Time, deſire it ſhould; for they can gain nothing but Infamy by the Diſcovery. It had been a Kindneſs to have afforded us theſe ſingle and plain Diſtinctions, *viz.* which were Foundations, and which were Antecedents; which Superſtructures, and which Conſequents: This had ſtaid our Stomachs a little till this ſame great Audit. It is a reaſonable Curioſity to know where to hope, and when, and of what Truth to deſpair. We would not have them ſcratch their Heads, and rack their Brains with nice Conjectures, but only to have ſaid, with a good Conſcience, which Facts, in their Opinion, were true as they were ſworn, and which falſe or ſuſpicious: Then we might have gueſſed at the Sincerity of dying Men, whether they ſwung out of this World into the next, with an End of Truth, or Lye in their Mouths, and ſome other notable Facts; without having all, both true (if any ſuch be) and falſe, lie thus undiſtinguiſhably blended together, till the Day of general Doom. But this hiſtorical Darkneſs is deſigned a clear Reflection of the vileſt Character upon the Royal Brothers.

The Facts of the Plot, and the Contrivances diſtinguiſhed, the former are plainly falſe.

CIV. But I have a ſtrong Fancy here wants a Diſtinction, which, rightly taken, may be of great Service in this dark Account. And it is between the Facts ſworn, and the Management of the Swearers. As for the former, although *Wellwood* has adjourned them over to be tried at Doomſday, I think we may come to an Iſſue ſooner, and ſtraight declare them execrably falſe; ſo much that it is very hard to pick, out of *Oates*'s Narrative, one Fact or Circumſtance true: And, for the Scheme of the Papal Royalty and Commiſſions, on which the whole depends, it is below Idiots to credit it. And, as for the ſucceeding Train of Witneſſes, I preſume none are ſo uncivil to outdo their great Leader in Stretches of Veracity; but I meddle not with them here, but conclude *Wellwood*'s Artifice to be fruſtrated; for he ſhall not be gratified in having this Filth lie undiſcovered ſo long.

The Contrivance dark, but not deſperate.

CV. But, as to the other Part of our Diſtinction, that is (in larger Expreſſion) the original Contrivance, by whom, and for what particular Deſign, and the Management (if, with our Author, we may uſe that Word, as, after the Tables turned, he elſewhere doth, for ſuborning) of the Witneſſes, I am of *Wellwood*'s Opinion, that it is, and will be, a dark Scene in the *Engliſh* Hiſtory of the Popiſh Plot. But ſomewhat towards clearing it

it may be remembered againſt a more propitious Diſcovery, if any ſhall ever happen to be made; and, if we cannot plumb the Bottom, we will fiſh as deep as we can. That Dr. *Tong* was *Oates*'s Pilot, is certain; but who imployed, or what induced, *Tong*, lies in the Dark. One Mr. *Smith*, a Barriſter at Law, famed for ſtanding Practice in Cauſes of Forgery, *&c.* was *Oates*'s learned Counſel in the Plot: And the Man had great Honour paid him on Account of that Preferment, as alſo for his Skill and Learning in the Law, ſhewed by the Succeſs his Clients had in his Cauſes. It being, at that Time, publicly declared and owned that he adviſed *Oates*, in his Diſcovery, and was ſtyled *Oates*'s *Counſel*; and accordingly he attended his Client with remarkable Diligence, and, at the Trials, ſtood in his Bar-Gown guarded with black Velvet, conſpicuouſly at his Elbow, to obſerve the whole Evidence, that he might be better able to give Chamber Counſel againſt the next. He underſtood the Statute of Treaſons, and knew, to an Hair, what would come up to an overt Fact, and what not. And, as for Dr. *Tong*, he knew exactly that this Plot was unfit for the Privy Council, but very proper for the Parliament: And he could charm the Guns, Piſtols, and Daggers, and lame Horſes of the Ruffians, give Colds and the Sciatica, and every Thing to ſecure the King's Life, till the Parliament met to take the Truſt out of his Hands. * And it appeared alſo, that all the literal Ruffians of the Party, as *Weſt*, *Goodenough*, *Aaron Smith*, *Rumbold*, *&c.* were the Cronies of *Oates*, and often in his Company: And theſe Fellows caſt a reflex Light upon the Buſineſs, that ſhewed the under-ground Operators were no ſlight ones. So far we gather little Glimmerings out of this dark Miſt of Lyes, which is ſome Help to conjecture a little farther.

Of the Contrivance no oral, but only Evidence from Things.

CVI. But I confeſs, that who was the Satanical Suborner of Dr. *Tong*, who furniſhed the Charges, and by whoſe Means, and in what Shops, the Buſineſs was dreſſed up, with what Tools, and under what Prefects and Maſters of the Work, if the Conſideration of Things themſelves, and the Nature of them, will not aſſiſt us in the Reſearch of theſe Truths, there is no Remedy; nor will it be ſtrange if the Secret, as *Wellwood* forbodes, never comes out, at leaſt not directly: For now the Mortality of moſt Perſons, likely to know, has almoſt cloſed the Enquiry. And that is no ſtrange Thing, for how many Robberies, Burglaries, Murders, Forgeries, and Perjuries are there in the World, which never are brought under Examination, at leaſt, whatever happens to the poor Rogues, yet the Setters, and Contrivers, of as great Offences, often eſcape; and the poor offended Sufferers thereby may conject nearly at the Authors and their Means, and yet not have Evidence to ſatisfy Juſtice. So here we may argue thus: If we have found that the ſame Sort of Perſons, and, for the moſt Part, the ſame individually, have been the viſible Agitators of all the Seditions and Troubles of King *Charles* the Second's Reign; factious Boutefews, Bawlers

* *Smith*'s Intrigues of the Plot.

for Property, and againſt Popery, Abettors of *Oates* and his Complices, Magnifiers of the Plot, Makers and Diſperſers of ſeditious Libels, Venters of Treaſon all Manner of Ways, Marchers out equipped for Service at *Oxford*, and, what is more than all, concerned in the *Rye* Conſpiracy (of which in due Time) it may be concluded that all theſe Doings were not caſual or independent, but had ſome Center of Unity, to which all, and eſpecially *Oates*'s Plot, had Regard; and then there wants only the *Cui Bono*. A ſingle Point, expoſed to every one's Thoughts, to determine; and, ſo far as that may be done, the whole Work is done. Therefore we will not ſit down charmed with the Concealments of theſe Authors, who affectedly build up Blindations before one of the fouleſt Knots of Iniquity that ever defiled the Sun's Light. And, however they are good at keeping of Secrets, we are not of their Cabal; and, with the Peace of them both, and all the reſt of the factious Crew, we ſhall not throw up the Game in utter Deſpair, but uſe the little Light we may have, if no other Way, by meer Conjecture, to the utmoſt Stretch of Probability, as Occaſion profers, to make this Diſcovery, and ſhew that this Tinſel Period of *Wellwood* is, in great Meaſure, vain as well as eluſive.

The ſecond Prop, which the Plot had, *Godfrey*'s Murder.

CVII. I have now done with the firſt, being the Papers of *Coleman*, and come now to the ſecond Incident, which, I ſaid, re-edified this Plot; and that is the Murder of Sir *Edmund-Bury Godfrey*. Concerning which, we are to remember that, till *Coleman*'s Papers came out, the Plot was ſinking; and that revived it ſo long, as the Vogue held that the Matters of it were vouched by thoſe Papers: But, after a little Time, and calmer Conſideration, it was found, and People diſcourſed, how odious they were, but that they did not come up to *Oates* in any one Point, although they had been made believe that they vouched him in all Points. Upon this the Plot began to reel and ſtagger again in its Credit, and ſo more and more till this Murder came out, which reinſtated it higher than ever. For the Fact being vulgarly charged upon the Papiſts, as a Party Proceſs deſigned to intimidate all Magiſtrates from daring to meddle farther in advancing the Diſcovery of the Plot; and, that Notion preſſing the Minds of the common People, who were prepared to believe any Evil of that Party, it is not difficult to imagine what Stirs and Commotions it muſt needs make. But, ſince the whole Conjuncture moved by Steps very uncommon, I ſhall give a diſtinct Account of the chief Paſſages, and do it by Way of Obſervation, rather than formal Hiſtory, becauſe they afford much Speculation of human Nature in its vileſt Employments; ſpeaking with our Author, as I go along: Which Method may not admit ſo good Order as the other, yet both equally oblige us to expoſe the Fact, and all its real Circumſtances.

The Murder made a Demonſtration.

CVIII. The Author opens the Scene thus: *The moſt unhappy Demonſtration, of the Truth of this Conſpiracy, was given by the Death of Sir* Edmund-Bury Godfrey. This, after his Way of arguing, may be called *Plot-Logic*. Let the Sentence paſs, with his Mob, for very ſound Reaſoning; but

but, when a learned Clerk calls it *a Demonſtration*, it is Time to look about us. I wonder which of *Ariſtotle*'s Rules this doth fall under! It is very ſtrange that any Subject ſhould be capable of Demonſtration, of which the very Nature and Eſſence is made a Secret! What was this *Conſpiracy?* We muſt anſwer (from abroad, and not from him) the Bundle of Facts ſworn to by *Oates*. Be it ſo. Then the Argument will ſtand thus; *Oates* ſwore numerous Facts of High Treaſon (improbable, if not impoſſible, to be true) againſt certain Papiſts: Then the Papiſts, out of a common Policy, killed *Godfrey*; (ſure, none will preſume to doubt of that.) *Ergo*, what *Oates* ſwore was true, *Q. E. D.* We had juſt ſuch another Demonſtration before, touching *Coleman*'s Papers; but that was the firmer of the two, for the Papers were undoubtedly *Coleman*'s, but it is not ſo certain that the Papiſts killed *Godfrey*. It is true, three Men, two Papiſts, and one Proteſtant, were tried and attainted for the Murder, but it was believed they were much wronged by the Witneſſes; of whom one (*Bedloe*) had 500 *l.* for his Swearing. And all the three Men, and particularly one, who was a re-converted Proteſtant, (and ſo died) at their Execution, with their laſt Breath, denied all the Fact ſworn criminally againſt them. But I do not ſtay to particulariſe here, intending to enlarge on theſe Matters afterwards; whereby it will appear that the Plot, and not the plotting Papiſts, murdered him.

The Architects of the Plot, Authors of the Murder.

CIX. 1. Some made a Doubt whether he killed himſelf, or was killed by Robbers, or whether the Murder was wilful or not. But the Evidence of the Thing itſelf, as I ſhall ſhew afterwards, makes it appear that for certain, he was wilfully and moſt barbarouſly murdered; and that it was neither himſelf, Thieves, nor Papiſts, that did the Fact: But it was done by the Procurement of thoſe very execrable Villains, behind the Curtain, who firſt gave Life and Birth to the Plot, and inſpired the wicked Teſtimony of it. And they ordered the Matter ſo, that it did what was deſigned to be done by it, in an ample Reſtauration of the then declining Plot. This is a Poſition, the Clearing of which will lead us through a World of Circumſtances that we muſt walk over in the following Notes.

Some great and terrible Event neceſſary.

CX. 2. The Diſcovery of *Coleman*'s Letters demonſtrated that the People were ſuſceptible of very violent Emotions, and ſuch as favoured *Oates*; for although the Papers, as to him, were nothing to the Purpoſe, yet the People, at firſt, took them for Oracles, and they went for a Text to vouch all he ſaid; and ſo, with a blind Impetuoſity, they bore down all Reaſoning to the contrary: But when, as I ſaid, the Virtue of this Demonſtration exhaled, the Plot laboured afreſh under thoſe mortal Inconſiſtencies and apparent Contradictions to common Senſe, and began to languify, and muſt have gone out, like a Snuff, if this Murder had not happened. So that it was plain to the Engineers, that, in this declining State, there was an abſolute Neceſſity of ſomewhat to be ſwingingly done, ſuperior to the Breath

of

of their *Oates*, or any Rogues elſe, that could come forth to ſwear; for Talk is but a ſorry Support of a mighty political Structure.

For the Conſequences to the Party made it ſo.

CXI. 3. The Conſequences (if the Deſign of this pretended Diſcovery of *Oates* had failed) reſpecting that Intereſt that put forward the Plot, and to the Faction that, nearer, or farther off, abetted it, were very tremendous; for the People had gone over to the oppoſite Extreme, and turned their Shot upon thoſe who might be ſuppoſed to have contrived, and, from behind the Scene, puſhed forward this diabolical Plot-Engine upon the public Stage, to do ſome very great Miſchief; which Inconvenience the Faction might not have Power to avert. And, for Credit alſo, it muſt have fallen hard upon ſome Set of Men, or particular Perſon, who might have been thought to have managed ſuch a forlorn Wretch, as *Oates*, to ſwear ſuch Parcels of ſenſeleſs Inventions as he did. But, beſides failing of the Deſigns, and Loſs of Credit with the People (a main Point with Faction) it might have ſo fallen out, that *Oates*, or ſome of his Coadjutants, being touched (not in Conſcience, but) with the Diſappointment of their Work, and ſenſible of a better Trade on the other Side, might have made a ſhort Turn, and, like Elephants, have over-run their own Party, laying open all the black Counſel, and vouched their Diſcovery *(præter verba)* by ſuch real Tokens, as they had in their Power to trump up, as to have put the Truth paſt all Queſtion. This was a Fear that might fall upon Men of ſtout Hearts and determined. Should not then theſe Intereſſado's reſolve upon ſome deſperate Fact, *coſta che coſta*, to ſuſtain the Credit of *Oates*, which was notoriouſly ſinking? And, if any one ſhewed to the reſt a Means that would effectually do it, is it to be believed they would not put it in Execution, and, for Secreſy, depend upon their own Management?

The Depth of this Invention of murdering *Godfrey*.

CXII. 4. Now, to reflect if old *Nick Machiavel* himſelf, with all his *Borgians* about him, were charged to invent a Charm for the People, to conjure them into a Meaſure of Inſanity anſwerable to the Occaſion; would not he have ſaid, have you never a Magiſtrate that is popular, and ſome Way concerned about this Diſcovery? If you have, take and kill him, and expoſe the Body in a Manner as may be moſt apt to ſtir Paſſion in the People; for, if you can fill them with Anger and Terror, all at once, any Work, you would have, is done. For the Manner, you know your People; think among yourſelves, and let proper Directions be given out. And, when you have thus raiſed a Ferment, according as you have Occaſion, or may be readieſt believed, there charge the Murder; but have a Care that the very Directors are not declared, but the Agents only; for ſo you hold it in your Power to charge the Murder over again, as there may be fit Opportunity, for the Service of your Deſign. And, upon this Foundation, any Thing will believed; your Witneſſes may ſwear Nonſenſe or Contradictions, it will go down glib, nothing will ſtick on their Side when you have ſo ſtrong a Party to back and cry them up; and all the Popularity will fall

in

in with them. I proteſt, I cannot think I am writing a Romance. Whether old *Nick Machiavel* would have given this Counſel, or not, I cannot tell; but I am ſure he could not have given any apter for the Purpoſe, or that could have worked more ſucceſsfully than this Caſe of *Godfrey*, as it was managed, did; therefore whoever thinks it was Accident, and not Deſign, may enjoy his Opinion for me.

To ſhew that the Patrons of *Oates* did the Murder.

CXIII. 5. I intend next to unfold, to the meaneſt Capacity, this amaſing Cataſtrophe of *Godfrey*'s Murder, to ſhew how appoſitely it fell out according to this political Preſcription. I ſhall not deal in Opinions, but Things, and make no Concluſions, but what flow irreſiſtibly from them. Men often falſify and forſwear, but the Nature of Things and Intereſts will not lye nor ſwear againſt the Grain. I expect no Regard on any other Account. Now *Oates* was either a perjured Fourb, and his Diſcovery a Bead-Roll of Falſities, or, elſe, all Truth, and he a righteous Witneſs. This is referred to be decided, upon what has been obſerved, *ad captum lectoris*. If they ſay Part of his Diſcovery may be true, and Part falſe, then it ought to be diſtinguiſhed which is the one, and which the other; for, if any wilful Falſity is admitted, all the reſt, depending upon his Word, is, of Courſe, to be accounted falſe. Then, taking the falſe Party of the Diſtinction, I am bold to ſay, firſt let me know who were the Contrivers of this horrid Plot, and ſent it forth to take the Air in public, buoyed up and backed to corrupt, as it did, a ſettled State, and turn it into Turmoil and Diſorder; I ſhall, without any Heſitation, declare who it was that did, or procured to be done, that execrable Murder. This brings over us a Neceſſity of comparing all the *Items* of the Fact, as it was made public, with the Reaſons here intimated; and thoſe will be many.

Godfrey the moſt eaſy trapped of any.

CXIV. 1. As to the Perſon of *Godfrey*, he was the eaſieſt Man to be trapped of any Man living, and no other could have been found out, of the whole Liſt of the Juſtices, like him for that. His daily Cuſtom was to go about alone, creeping at all Hours, in Lanes and Alleys, as his Fancy, or Occaſions led him; and, beſides that, he was a Man, ſo remarkable, in Perſon and Garb, that, deſcribed at *Wapping*, he could not be miſtaken at *Weſtminſter*. He was black, hard favoured, tall, ſtooping, wore a broad Hat, and ſometimes a Gold Hatband, and went commonly wiping his Mouth, and looking on the Ground: And, if there were a Deſign to make any Man the unhappy Subject of ſuch a Villainy, none ſo readily marked out, nor ſo eaſily to be taken, as he was.

Selected by the Plotters to ſwear before, for ſome ſecret Reaſon.

CXV. 2. He was the Perſon pitched upon by the Cabal of the Plot, for *Oates* to go before, with his Depoſition, to be ſworn. Firſt, what need it have been ſworn at all, when he, that is *Oates*, was ſummoned to the Council to be examined; and in ſuch Haſte too, as fearing it would be too late? Then why before him rather than any other Juſtice? There were enough that were as active, and more factious than he. *Godfrey* was known to have a Friendſhip and Converſation with Mr. *Coleman*; and ſome, for that,

that, ſuſpected him inclining to Popery; and he behaved himſelf accordingly, for *Coleman* had the firſt Account from him. It was not eaſily that the Juſtice prevailed to read the Depoſition; for they would not have truſted him, but choſe to ſecrete the whole Matter from him. If this Murder was in the original Project, then there was great Reaſon to ſelect him, elſe none at all. If they had deſired great Authority, there was the Lord Mayor, or Lord Chief Juſtice. I do not think any Thing was done, in all this Proceeding, by Accident. There was ſome Reaſon to chooſe an inferior Magiſtrate, and, out of that Order, this Man.

Why it might be reaſonable to take this Man off.

CXVI. 3. It is poſſible he might know too much. He affected to ſearch the Bottom of all Parties, and, it is likely, was very much truſted by diverſe of them. As for the Papiſts, he dealt by *Coleman*, and was in with the Republicans. Who can tell what he might know of *Tong*, *Oates*, and ſomebody (I wiſh I might ſay who) elſe? And who knows what he might have diſcovered rather than his Friend *Coleman* ſhould ſuffer by Means of any Thing as paſt through him? It is certain the Care was to take him out of the Way, before *Coleman*'s Trial came on; and every one knew he did not love the Earl of *Danby*, who apparently abetted the Plot. It was poſſible he might have done ſome Service, even to the Prieſts who were tried for Treaſon, but he could not poſſibly do any Thing againſt, to hurt them. Theſe, together with other Matters more terminated, may aſſiſt a reaſonable Conjecture, and ſo far demonſtrate that it is poſſible other People, beſides the Papiſts, might think it their Intereſt to cut him off: And whether the latter could poſſibly think ſo or not, will be conſidered.

His Words alluded to *Danby*, rather than to the Papiſts.

CXVII. 4. Mr. *Robinſon* the Prothonotary, and one Mr. *Mulis*, teſtified Words which the *Hiſtorian* inſerts at large, ſuppoſing them notable in charging the Papiſts. They were ſpoke by Sir *Edmund-Bury Godfrey*, in Converſation with them, after his having taken the Depoſition, to this Effect; —— *I ſhall have no Thanks for my Pains, and, I believe, I ſhall be the firſt Martyr.*" Theſe were ſuppoſed to allude to Fear of Evil from the Papiſts; for Martyr and Popery, in vulgar Acceptation, are ſo related, nothing can ſeparate them. But there was no Reaſon to ſay he expected no Thanks from the Papiſts, for why ſhould they thank him? And it is contrary to the factious Hypotheſis that made the Papiſts be enraged at him: And that being enraged is as weak; for he did but an official Act, which any one might, or rather, being applied to, muſt have done; and did that not zealouſly, but ſhewed Friendſhip, rather than the contrary, to the *Roman Catholic* Intereſt. But *Thanks for his Pains* muſt relate to the Plotters, whoſe Buſineſs was done; and the rather in this ironical Way, becauſe *Danby*, a known Fautor of the Plot, had threatened him for communicating the Information to the Duke by his Secretary: And then he might ſay well that, inſtead of Thanks, he expected ill Uſage from ſo great a Man as could hurt; little thinking of Fire and Faggot, much leſs an Aſſaſſination by the Papiſts. But he was a melancholy Sort of Man, and

might,

might, out of Humour, talk darkly of Evils to himself, without much of Reserve or Heed to Things: For how can a Man, that only gives an Oath, if there were no more, apprehend Martyrdom for so doing?

Godfrey a Friend to *Coleman*, and served the Interests of the Papists.

CXVIII. 5. The Court was possessed of this pretended Discovery long before it appeared that *Godfrey* heard of the Business; and, when the Court was disposed to have it before the Council, then, says *Kirkby*, we made Haste to get the Deposition sworn first; designing, as I suppose, to obviate the ill Success *Mocedo* had, by having the Matters fixed with previous Deliberation and Writing, as if they would anticipate a meer Scrutiny; but it would not do, as was shewed. But now, considering how *Godfrey* was circumstanced in Relation to this Affair, it is easier to conceive he was looked upon by the Plotters as their Enemy, than that the Papists should choose him, who had done friendly Offices to the Head of their Interest (in giving Warning of this very Thing done before him) to make a Martyr of; common Sense will not entertain a different Construction. Who then should kill *Godfrey*; the Friends to the Duke, or the Plot?

The first Missing of *Godfrey*, suddenly dispersed.

CXIX. 6. Now, as for Matters of Fact, let us observe the Manner of this Proceeding, as we had it in every one's Notice at the Time. The Knight was missing on *Saturday*, because he came not home to Dinner as he used to do. And then had we, that very Afternoon, all the Tokens of a Party Intrigue; for such always used to run as wild Fire in a Train, and are spread all over the Town, as it were, at once: And so went the Report, *that* Godfrey *was missing*. It was in every one's Mouth, *Where is* Godfrey? *He has not been seen at his House all this Day, they say he is murdered by the Papists*. So the Alarm took, and all People ran about, strangely busy, enquiring what was become of *Godfrey*. In this Manner the Party Scouts and Emissaries did their Work. What a Matter was it, that a Justice of Peace did not dine at home, to raise such an Hubbub as this? A Thing that must, sometimes, happen to every one, as Business or Friendship may engage them abroad. Therefore such an uncommon, or rather factious, Flight of a Report shewed a Confederacy; and then to have such a Sting in the Tail, as murdered by the Papists! Those, who first launched such a Rumour, had Reason for what they sent forth As for the Progress of it, we knew it depended on the idle Coffee-House Company, with whom certain Hints and Nods, of a few choise Persons, went for Inspiration.

More dispersed by the Post, and *Sunday* after.

CXX. 7. This first Act being on *Saturday*. Night, the Report, of this Absence, and Suspicion of a Popish Murder, went by the Post all over *England* at one and the same Time. The next Day was *Sunday*, when the People had Liberty to roam about, the Mob was afloat, and all Persons, Men, Women, and Children, tincted with the Effects of this Report, then confirmed by the Knight's Absence all Night: For no more of the Matter was yet communicated abroad; but so much contributed mightily to prepare the People for what was to follow.

Various Reports for Experiment, and the Duke of *Norfolk*'s Escape.

CXXI. 8. Then came *Monday* and *Tuesday*, which were spent in various Conjectures and Reports, sent about Town one after another, as Plumb-Lines, to sound the Humour and Disposition of the People; as what would be accepted, and go down best with them: And, by that Means, the dark Consult might, from mature Experiment, be assured where the Charge would best fall. One while it was a general Report that the Knight was seen last at the *Cockpit*, the Earl of *Danby*'s (which, by the way, made him shake in his Harness) then at the Duke of *Norfolk*'s, at *Arundel House*, and so also at *St. James*'s, the Duke of *York*'s Residence; nor was the Royal Palace at *Whitehall* left out. On *Tuesday* a clear Discovery sprang, that he was married and in Bed with a Lady of Fortune. Some said he was got into an Alehouse, and found in Bed with a Whore. Several of the Papists were caught with this Banter; for they feared that this Cloud would break, as it did, upon them. The Duke of *Norfolk* went, with great Joy, to tell the News at *Whitehall*, that *Godfrey* was found, and 'scaped a Scouring for his Pains; for it was said, that, if *Oates* had not been once his Lordship's Chaplain, which was his Protection, he had certainly been put in the Plot. But these Reports, so soon contradicted, or let vanish, served to amuse the Country by *Tuesday*'s Post.

The Body found exposed, and the popular Rage.

CXXII. 9. The grand Pageantry follows. On *Wednesday* the Body was said to be found, in a lamentable Posture, at a Place, beyond *Marybone*, called *Primrose-Hill*, about three Miles from *London*, either in, or near, a Ditch there. And Multitudes of People went to see the Manner; and, on *Thursday*, it was brought to Town with a prodigious Attendance of Rabble, and laid in the Street exposed to the View of all Comers; and all, that saw it, went away inflamed. It is not easy to imagine what a Consternation, as well as Fury, this Spectacle caused in the Minds of the common People. It was well, at that Time, there was a settled Government, and Guards in good Order, not without just Precaution and Resolution to secure the Public: Else, if the Leaders of this Rout, by their Emissaries interspersed, had instilled into them any Manner of Mischief, and hounded them on, in all Probability, they had gone, with all the Rage of Madmen, upon it, whatever Massacre or Destruction had followed.

The Arts to elude the Defences by hidden Evidence, against the obvious Semblance.

CXXIII. 10. The Author says, *The Body was left exposed in a Manner as the World might imagine he killed himself.* ——— So he; as his Masters also ventilated about, to shew how these sly Papists had contrived a Coverslut, that, being taken to have killed himself, they should be free. But this is directly in the Teeth of the Pretence that the Papists killed him; for the only Reason, that could be invented why they should do it, was for Terror of others, that none might dare to act in Discovery of the Plot. If so, then they had done it in a menacing Way, in the open Streets, to be found immediately with the Marks of Violence, and not hide him three or four Days, and sneakingly lay a Trap for *Felo de se*, directly opposite to Terror. But here lies a wonderful Mastery of Skill; and, if ever the Finger

of

of Old Nick was manifeſt in a Stratagem, it was ſo here. I admire the Art, and do not wonder that, being ſo well contrived, it ſhould ſucceed as it did. The Intent of the Plotters was, that the Papiſts, or whoever was to be charged with the Murder, ſhould be cheated into a vain Defence, which, being plainly confuted, they muſt ſuccumb in an utter defenceleſs State. For, when this Shew of Suicide had, in their Minds, filled the Place of a Defence, there was a Sort of Acquieſcence in it, and the Parties would be leſs induſtrious to buſk about for any other, as might poſſibly blunder on ſome Diſcovery of the Cheat. Now, together with theſe Signs of Suicide, Care was taken that the Evidence of the contrary ſhould be demonſtrable; for his Shoes were ſo exquiſitely clean, that it was impoſſible he could by any Means convey himſelf there, in that dirty Time and Place. And his own Sword (for that was it) was run through him, and, being drawn out from his Body, thoſe, that had Skill, could diſcern it was not put into him while he was alive; and there were manifeſt Marks of being ſtrangled about his Neck, to ſhew it was not his own Sword, but other external Violence, that killed him. And Care was alſo taken that it might not be pretended Thieves killed him; for, upon Search of his Pockets, there was found his ordinary Modicum of Guineas, and his Sword Hilt was of Silver, as rich as any, which no Thieves would have left about him.

CXXIV. 11. There is an Oration, at the End of *Quintilian*'s Works, that proves Circumſtances may be too appoſite to be true; and the very clinching in of all Points (as before, about *Wakeman*'s Handwriting) is rather a Teſtimony of Invention than Reality. So here it is almoſt impoſſible that all theſe Circumſtances, of a murdered Corps, arguing *pro* and *con*, one Way and other, ſhould be collected without ſome Contrivance for Purpoſes that do not obviouſly appear; and nothing but Trap can reſolve them. For, if there be an obvious falſe Defence, which is provided by the Symptoms of ſelf Murder, and an abſtruſe true one; it is moſt likely the former (which the Artiſts have provided to be cleverly confuted) will be taken, and then the true one is ſafe. This had its Effect; for the Papiſts faſtened greedily on the falſe Defence, and, thinking clearly to diſculpate themſelves, gave it out boldly that *Godfrey* killed himſelf; and a Pamphlet was printed to that Effect, for which one *Tompſon*, a Printer, and one *Farewell*, were tried for Miſdemeanor and puniſhed. That was done for Example to others, and, to confirm the Plot, as it was called. And, in the Trial, which is alſo in Print, one may obſerve with what ſatisfactory Glee, and Fulneſs of Evidence, it was triumphantly demonſtrated that the Knight did not kill himſelf. And then, O then it was plain he was killed by the Papiſts, and theſe Men were Stiflers of the Plot, which was now made as clear as the Sun. Such Logic and Language was current then, and the Author accordingly ſerves himſelf of it now.

The Effect of thoſe Arts.

CXXV. 12. The Sequel of this tragical Spectacle, which put the People into a great Ferment and Diſorder (not at all moderated by the Preten-

The Bottom of the Plot aimed at the King, the Duke, or both.

ders to Moderation, but exaggerated with all their Art and Coffee-Houſe Rhetoric) was a furious Expectation that now the Bottom of the Plot would ſoon come up. The common Place was that this daring Fact (an odd Sort of Daring, to kill a Man in a Corner, and hide him three Miles off in a Ditch) was to hinder a farther Search into the Bottom of the Plot. After this, every new Witneſs, that came in, made us ſtart; now we ſhall come to the Bottom: And ſo it continued from one Witneſs to another, Year after Year, till at laſt it had no Bottom, but in the Bottomleſs Pit. This Bottomleſs Expectation went far and near; the Factories abroad had it in the ſame Manner, and to as little Purpoſe, as we at home here. And I muſt note that this Word *Bottom*, which laſted in Vogue a huge While, carried a deviliſh Intention with it; and the Reſult had made its Appearance, if Time had been ripe, and the Faction had dared to have put their Deſign in Execution; which was to charge the Murder upon the Queen, Duke of *York*, or the King himſelf, as Opportunity ſerved. And why not at the *Oxford* Parliament, by Means of *Fitzharris?* Of which whole Affair, fully in it's Place. For, although the three Men were convict of the Fact and hanged, the Matter in Queſtion, who employed them, was ſtill in Reſerve, *Res integra:* And there is the Art. I touched what Profers were made at the King. If the Accuſation, againſt the Queen, had gone on, ſhe had had it. And it is more than probable, if the *Oxford* Libels may be any Guide, at that Congreſs, Matters againſt the Crown going fairly on, the Duke of *York*, and perhaps both Brothers, had enjoyed it. I make no Doubt, but, if the Faction durſt have imputed it by Way of Slander, it had gone ſo; but they were afraid of having the Matter brought to a public Examination, which had ſupplanted all its Virtue. The Loyal Party would not have endured it, and the Nation was not corrupted enough to encourage ſuch high Play. But yet, in Whiſpers, blind Hints, and pointing Inſinuations, that ſtrange Things would riſe, if they could once come at the Bottom of the Plot, they did not a little towards it: And, in real Expectation that the King, or the Duke, or both, would be charged with procuring that Murder, Multitudes of factious People inceſſantly ſiged about, hearkening after this ſame Bottom of the Plot.

The tremendous Funeral of *Godfrey*, and portentous Spectacle in the Pulpit.

CXXVI. 13. The next, and laſt, Act, of this Tragedy, was the Funeral of this poor Gentleman; and, if it had been poſſible the Rout could have been more formidable than at the Expoſition of him, it muſt have now appeared: For, as about other Party Concerns, ſo here, the Time and Place of the Aſſemblation was generally notified, as alſo what learned Divine was to preach the Funeral Sermon. The Crowd was prodigious, both at the Proceſſion, and in and about the Church, and ſo heated that any Thing, called Papiſt, were it Cat or Dog, had, probably, gone to Pieces in a Moment. The Catholics all kept cloſe in their Houſes and Lodgings, thinking it a good Compoſition to be ſafe there; ſo far were they from acting violently at that Time. But there was, all this while, upheld among the common

common People, an artificial Fright, ſo as almoſt every one fancied a Popiſh Knife juſt at his Throat: And, at the Sermon, beſides the Preacher, two other thumping Divines ſtood upright in the Pulpit, one on each Side of him, to guard him from being killed, while he was Preaching, by the Papiſts. I did not ſee this Spectre, but was credibly told by ſome that affirmed they did ſee it; and, although I have often mentioned it, as now I do, with Precaution, yet I never met with any that ever contradicted it. A moſt portentous Spectacle ſure! Three Parſons in one Pulpit! Enough of itſelf, on a leſs Occaſion, to excite Terror in the Audience. The like, I gueſs, was never ſeen before, and, probably, will never be ſeen again; and it had not been ſo now, as is moſt evident, but for ſome Stratagem derived upon the Impetuoſity of the Mob. And, however clear of the black Purpoſes of the Plotters, we cannot acquit their Reverences of ſome lower Deſigns, relating to the Royal Family, and the Succeſſion, which ſhould not have been found covered with their venerable Habits, who could thus pretend to do Evil, that Good, in their Senſe, might come of it.

CXXVII. Here I end theſe particular Obſervations about the Matter, which I have made to ſhew that ſomewhat elſe, than what was pretended and ſworn, was the Cauſe efficient of this devilliſh Murder; which I ſhall (and I think I need) not to take Pains to apply farther, but proceed now with our *Spaniſh* pretended Doctor, and his Peſadumbres. He was now in his trine Exaltation, his Plot in full Force, Efficacy, and Virtue; he walked about with his Guards (aſſigned) for fear of the Papiſts murdering him. He had Lodgings in *Whitehall*, and 1200 *l. per Annum* Penſion: And no Wonder, after he had the Impudence to ſay to the Houſe of Lords, in plain Terms, that, if they would not help him to more Money, he muſt be forced to help himſelf *. He put on an Epiſcopal Garb (except the Lawn Sleeves) Silk Gown and Caſſock, great Hat, Sattin Hatband and Roſe, long Scarf, and was called, or, moſt blaſphemouſly called himſelf, the Saviour of the Nation, Whoever he pointed at, was taken up and committed; ſo that many People got out of his Way, as from a Blaſt, and glad they could prove their two laſt Years Converſation. The very Breath of him was peſtilential, and, if it brought not Impriſonment, or Death, over ſuch on whom it fell, it ſurely poiſoned Reputation, and left good Proteſtants arrant Papiſts, and ſomething worſe than that, in Danger of being put in the Plot as Traitors.

The State of *Oates* in his Exaltation.

CXXVIII. Upon his Examination before the Commons, the Lord Chief Juſtice *Scroggs* was ſent for to the Houſe, and there ſigned Warrants for the Impriſonment of five *Roman* Catholic Peers, upon which they were laid up in the *Tower* †. The Votes of the Houſes ſeemed to confirm the whole,

The extreme Rigors of the Plot.

* *Chron. Hiſt. of* Eng'and, Jan. 9, 1678.

† The Bill, to exclude the reſt of them from being ſitting Members of the Houſe of Peers, paſt.

A ſolemn Form of Prayer was deſired upon the Subject of the Plot; and, when one was prepared, it was found faulty, becauſe the Papiſts were not named, as Authors of it; God ſurely knew whether it were ſo or not: However it was yielded to, that Omniſcience might not want Information. The Queen herſelf was accuſed at the Commons Bar. The City, for Fear of the Papiſts, put up their Poſts and Chains; and the Chamberlain, Sir *Thomas Player*, in the Court of Aldermen, gave his Reaſon for the City's uſing that Caution, which was that *he did not know, but, the next Morning, they might all riſe with their Throats cut.* The Trials, Convictions, and Executions of the Prieſts, *Jeſuits*, and others, were had, and attended with vaſt Mob and Noiſe. Nothing ordinary or moderate was to be heard in People's Communication; but every Debate and Action was high flown and tumultuous. All Freedom of Speech was taken away, and not to believe the Pot, was worſe than being, *Turk*, *Jew*, or Infidel.

The hard Caſe of three Men of *Somerſet-houſe*, tried for *Godfrey*'s Murder.

CXXIX. For this Fact of *Godfrey*'s Murder, the three poor Men of *Somerſet-houſe*, were, as was ſaid, convicted. The moſt pitiful Circumſtance was that of their Trial, under the popular Prejudice againſt them. The Lord Chief Juſtice *Scroggs* took in with the Tide, and ranted for the Plot, hewing down Popery, as *Scanderbeg* hewed the *Turk*; which was but little propitious to them. The other Judges were paſſive, and meddled little, except ſome that were Takers in alſo; and particularly the good Recorder *Treby*, who eaſed the Attorney General; for he ſeldom aſked a Queſtion, but one might gueſs he foreſaw the Anſwer. Some may blame the (at beſt) paſſive Behaviour of the Judges; but really, conſidering it was impoſſible to ſtemm ſuch a Current, the Appearing to do it, in vain, had been more unprofitable, becauſe it had inflamed the great and ſmall Rout, drawn Scandal on themſelves, and diſabled them from taking in when Opportunity ſhould be more favourable. The Priſoners, under theſe Hardſhips, had enough to do to make any Defence; for where the Teſtimony was poſitive, it was concluſive: For no Reaſoning *ab improbabili* would ſerve the Turn; it muſt be *ab impoſſibili*, or not at all. Whoever doth not well obſerve the Power of judging, may think many Things, in the Courſe of Juſtice, very ſtrange. If one Side is held to Demonſtration, and the other allowed Preſumptions for Proofs, any Cauſe may be carried. In a Word, Anger, Policy, Inhumanity, and Prejudice had, at this Time, a planetary Poſſeſſion of the Minds of moſt Men, and deſtroyed in them that golden Rule, of doing as they would be done unto.

The Evil of paid Witneſſes.

CXXX. Whoever it was that murdered *Godfrey*, it is certain enough that the Effect was as I have deſcribed; juſt as if it had been done expreſs, and on pure Purpoſe to favour *Oates* and his Diſcovery: For, after that, all Things went off Hand ſmooth, without Heſitation or Scruple; and thereupon a Trade of Swearing was inſtituted, ſuch as never was heard of ſince the *Roman Delatores*. *Oates* had his Penſions and Lodgings, as I ſaid, where

where he had his Plate, kept his Table, and lived like an Epicure. Vaſt Rewards were publiſhed, by Proclamation, for farther Diſcoveries; which one would think muſt bring out Evidences enough: And the Generality of the People had not the leaſt Reflection on the Barbarity of ſuch a Proceeding, where Mens Lives are concerned. Paid Witneſſes ever were, and muſt be, odious and diſcreditable; but now few thought the Payments large enough, but rather that Swearing was ſlack for Want of more. I cannot reſolve the Spirit of indiſtinct Prejudice of the People, at that Time, into any Thing but the Artifice and Juggle of ſome deviliſh Cabal, that had the Government of a broad-ſpread confederated Party, who acted under Preſcriptions what to ſay and do, and thereby influenced others that underſtood them not, and thoſe yet others, wider and wider, ſome for Knavery, many out of Folly and meer Imitation and Credulity, and not a few for Malice and Humour, without any Reaſon at all. By which Means the Community ſwang, as it were, in a Body, wrapped up in the Imagination of ſomething they called *the Plot*, *killing the King*, *Prieſts and* Jeſuits, *&c.* All indiſtinct Images of they knew not what; and not without a good Share of Accident, as well as a ſingular Diſpoſition of the Times and Government: All which muſt be the Apologetic Account of the monſtrous Agitations of the Public at that Time. All which Matters, according to what I have before noted in this Relation, amount, as I think (to uſe a familiar Word of the Author's) to a *Demonſtration* of the Sort I may term *cui bono.* That the Generation, or rather Preſervation, of *the Plot* was the Deſtruction of poor *Godfrey.*

Reaſonable to gueſs the Authors of bad Actions from the Nature of Things.

CXXXI. I know it will be objected, that this is a heavy Charge of a foul Offence, that every one's Fancy will be apt to pitch upon ſome individual Perſon or Perſons, and perhaps wrongfully; which ought not to be left in that Latitude, without Evidence prefixed to accuſe ſome, and clear every one elſe; and, as may ſeem, the very Fault of the Author, who works ſo much by the Imagination of his Readers. But I muſt interpoſe this Difference; that he uſes Imagination to create the very Evil, where none, or rather the contrary, appears; and is free enough to name the Perſons, not ſparing Majeſty itſelf: As for Inſtance, ſtifling and ridiculing; horrid Sins indeed, in the Imagination of his prejudiced and ignorant Readers; and, at all Turns, charged flat and plain upon the King and his Loyal Subjects. But here I have the Evils broad, ſtaring with Saucer Eyes, and want no Imagination to create or augment them: But, ſince, for wicked Ends, they muſt be contrived and put forth by ſomebody, whom Subtilty, and perhaps Mortality have concealed, there is no Remedy but to aſſiſt the Imagination with Reaſons, if poſſible, to find them out; and every one is free to uſe his Faculties that Way, ſo long as no poſitive Charge is apertly made to the Prejudice of any one, by Name or Token, farther than real Evidence will carry it.

CXXXII. The

Objection from public Authority answered.

CXXXII. It will alſo be objected, that I here derogate from the Dignity of the State, and Courts of Juſtice; whoſe Declarations and Sentences ſeem expreſs contrary to what I ſuppoſe; which, in the Time, was called *Scandaliſing the Juſtice of the Nation.* I anſwer, that I lean upon no Authorities, nor uſe at all the Faith called implicite; but, as I ſaid ſometime ago, lay Hold of Things themſelves, and the Nature of them, and from thence draw Concluſions. We know no Authorities, upon Earth, infallible; and it is ſcarce to be ſhewed in the World, that, when the Community, or much the Majority of Mankind in a State, have violently miſtaken the Objects of Juſtice, the Judicatories ever ſtood ſound. Epidemic Errors, as Diſeaſes, often fall hardeſt upon the niceſt Conſtitutions. And ſo for Intereſts, if I argue from that Topic at large, none can be offended who doth not put himſelf in the Intereſt; and then he muſt take what follows. If we are ſatisfied the Plot was a Fiction laucnhed forth for the Intereſt of ſomebody, it may be added, that the Perſon, whoſe Turn was to be ſerved, was probably the Author of that Fiction. We are ſatisfied *Godfrey* was baſely murdered, and that it reinſtated the Plot: That might be by Accident; but we may argue it was more probable that whoſo made and profited by the Plot, killed *Godfrey*. *Tong* was a good Agent and Contriver alſo; but what End or Profit had he by all his Watching and Pains? *Kirkby* was only a Tool, that could go, court, and give a Start to Affairs. Was it for the Sake of theſe Fellows that the Government of *England* was to be ſhaken, and the People to be intoxicated with Nonſenſe? Is it not natural to aſk *Cui bono?* And all free from Offence to any one. Or may it not be alledged, that the motive Agents were no ordinary ones, either for Purſe or Politics? whereof the latter is amply demonſtrated (all other Conſiderations apart) by that one Article of Secreſy to this Hour inviolated.

From the Trials and Verdicts, the Caſe ridiculed by the Party.

CXXXIII. The grand Objection to this Caſe of *Godfrey* is founded upon the Trial of the three Men, and the Verdict; which lets me in to ſay a little more of that Matter. If the Papiſts did kill *Godfrey* on Account of Party, or for Ends of Religion, as is pretended, it muſt have been in ſome other Manner, and proved by other Witneſſes. As for *Oates*, enough is ſaid. *Bedloe*, a common Gaol-bird-Thief, tempted with 500 *l.* for Reward. *Prance*, a broken Goldſmith, that contradicted himſelf by Wholeſale, as the Prints ſhew. The *Somerſet-Houſe* Story, in the Judgment of any one that knew the Houſe, and how ſentinelled with Proteſtants, ſcarce poſſible to be true. But, omitting all other Circumſtances, to ſhew what hard Meaſure theſe poor Men had, I will remember a Paſſage told me by no ſmall Man, who was preſent with the Lord Chancellor *Finch*, when Sir -------- came to give his Lordſhip an Account of the Conviction of the three Men. *But*, ſaid the Lord Chancellor, *how did you anſwer ſuch and ſuch Inconſiſtencies in the Evidence*, which he ſtated? *My Lord*, ſaid Sir -------- *I ordered the Briefs ſo that none of thoſe Things appeared*; which

which this Perſon ſaid brought an Horror over his Spirits. And we all knew that the Story was treated *en ridicule* by the Faction itſelf; as may be ſeen in one of their Claſſics, titled the *ſecond Part of the Growth of Popery*, where it is ſaid the Body of *Godfrey* was laid behind the Altar, and that the Devils (the Town-Talk was the Ladies) danced about it, and ſpit upon the Heretic Dog; that they toſſed him, from Place to Place, about the Houſe, and then carried him to *Greenberry-Hill* (as the Book hath it) the Jeſt of which lay in the Compoſition of the Names of the three poor Men, *Green*, *Berry*, and *Hill*. And we can remember they ſaid there was an old Evidence diſcovered, wherein *Primroſe-Hill* was ſo named. This, and more ſuch comical Stuff, was reported at that Time, to prove how Fools would ſwallow. All which I mention to ſhew the Piety of this Faction, that could banter in Prejudice of Mens Lives. But they all made good Retaliation by ſerious Denials at their Deaths; which was the more cutting becauſe one (as I ſaid) was a ſerious repenting Proteſtant, who, as the reſt, denied all *in conceptiſſimis verbis*.

What was the real Plot at that Time.

CXXXIV. It may again be objected, that, after having admitted a Popiſh Plot with a *Continuando*, it is not reaſonable to quarrel with the Plot, proved by the Witneſſes, and not ſhew what the true Plot was. I anſwer, the Nature of the Thing doth not require it, for Plots are Secrets of Courſe; and it is eaſier to preſume, than to diſcover them. If any one be produced, we may apply to that, Reaſons, allow or reject it. We may have good Reaſon to infer Plots, but that Reaſon will not diſcover the Particularities of them; otherwiſe there could be no Plot at all. But yet I will comply with the Objection, and ſay, that, all the While *Coleman* correſponded, and, as well before as afterwards, in the Reign of King *Charles* the Second, the Plot was to introduce the *Catholic* Religion by ſuch Means as the Politicones of that Intereſt thought moſt conducing; and that was by a Toleration of all diſſenting Sects, whereby to deſtroy the Church of *England* eſtabliſhed, and not by active Force, Murders, Poiſons, Aſſaſſinations, and the like; and not to graſp at the ſecular Power directly, whereof the Friendſhip they deſired to defend them in what they went about. And my Reaſon for this is, that, after King *James* the Second became poſſeſſed of the Crown, and the whole active Force of the Nation was in his Hands, who eſpouſed the Cauſe of his Religion with all Manner of Zeal, that Method, I mean of Toleration, and no other, was purſued: The King had an Army, but there was no Shew then of imploying it that Way. The Papiſts ſeemed all to decline Ways of Violence, and went into Chiccane and Matters of Law, building upon a ſuppoſed Power in the Crown of diſpenſing, *&c.* They ſet up the Popiſh Invention, adopted in the *Engliſh* Chancery, of *Non obſtantes*. They applied to the regulating of Corporations in order to procure Elections, and favourable Laws to be made in Parliament. They could not but conſider that a Nation, ſo aliened as *England* was, could not

be regained impetuouſly, but tried, with all their Arts and Policies, to gain Ground by Steps. I make no Doubt, but, as Fanatics, from Toleration, leaped into Comprehenſion, and then looked up higher for Power to exclude all others, ſo the Papiſts had gone from Toleration to Comprehenſion, and, having had Succeſs, would have compaſſed the Uſe of all the Powers and Authorities they work with in *Roman Catholic* Countries. And this was the true Popiſh Plot; and I doubt not but it is the ſame, as well of Fanatic as Papiſt, ſtill. It is therefore a ſpecial Note for all Proteſtants to conſider what tranſcendent Benefits they enjoy in the true primitive Chriſtian Church eſtabliſhed in *England*; which once broken, the true Exerciſe and Uſe of Chriſtianity will, to all Intents, be reſcinded; and, early or late, Eccleſiaſtical Tyranny and Violence, nay downright Atheiſm, and all Manner of Antichriſtian Blaſphemy and Hereſy will enter and take Poſſeſſion.

The Properties of *Oates*'s Plot.

CXXXV. I ſhall now proceed to examine a Matter or two, touching *Oates*'s Plot, obvious enough, and ſuch as will amount to a moral Certainty of his Perjury throughout: And, after having done ſome Juſtice to the Caſe of the Earl of *Stafford*, and paying a few Reſpects to the Character of the irreverend Dr. *Titus Oates*, as alſo to our Author here, upon Occaſion of ſome choice Paſſages in his *Hiſtory* about the Confines (for he toucheth not the Body) of the Plot, with a Word or two to vindicate the political Conduct of King *Charles* II. whereby he warded off the malign Influences of it from himſelf, I ſhall ſurrender Plot, Witneſſes, Author, and his *Compleat Hiſtory*, to go altogether in a Muſs, to the Manſions of condign Infamy, each to ſuffer according to Merit reſpectively. Firſt, the whole Frame of *Oates*'s Diſcovery, is a Compound of Writings, Letters, Commiſſions, *&c.* and many of them had been in the Power of *Oates*, and that even after he was reſolved to diſcover; yet no Scrap of any of them appeared to vouch any of his Relations: Nor ſo much as a Copy or Extract, which he might have made, and kept for his own Uſe. Then the Circumſtances of Title regularly to ſlaughter a King of *England* by Aſſaſſination, Rebellion, Burning, Shooting, Stabbing, and what not? All to be done by legal Warrant from our Sovereign Lord the Pope; who elſe, that is without ſufficient Warrant, might have queſtioned theſe Operators, and, by due Courſe of Law, have puniſhed them for acting, though his own Buſineſs, without a ſufficient Commiſſion: All which is moſt monſtrous. The old Cavaliers had better Aſſurance, and roſe in Arms againſt an Uſurper without ſtaying for a Commiſſion; what ſhould make theſe Papiſts ſo tender conſcienced and ſuſpicious? The Matter was plainly this; the intended Accuſations of High Treaſon muſt be backed with clear and diſtinguiſhable overt Facts; and what could be more ſo, than an Acceptance of a Commiſſion of War? And nothing more prompt and clear

to

be ſworn than it was; and the ſame Sentence would fit every Perſon whatſoever, whom they intended, or ſhould have a Motive to accuſe. But here I find myſelf a Treſpaſſer, having touched theſe Matters already, and, perhaps, more than once; which I cannot excuſe, but upon the Topic of an unavoidable Infirmity that commonly attends Writing, like this, which is little better than *extempore*.

The uniform Denials of all the Convicts at their Execution.

CXXXVI. There is another Matter which will take us up a little more Time, becauſe it is conſiderable, and the Author, with his ordinary Leidgerdemain, endeavours to ſlight it out of the Way: And that is the juratory, dying Denials, of the whole criminal Charge of the Plot, made by every individual ſuffering Perſon at his Execution. It is but, and but, poſſible in Nature, that a Zealot, of ſuch Ignorance and Enthuſiaſm, ſhould be found, as might be perſuaded to think he merited by public wilfull Lying at his Death: I am ſure, I never heard of any ſuch. Many will perpetrate wicked Facts, and be ſilent in Torments inflicted for it, or, owning the Facts, and that they were meritorious, not falſify therein, becauſe they were really of ſuch Opinion; as *Clement* and *Raviliac*. Atheiſts, and Perſons unſenſible of a future State, will brave and hector, but (what is very ſtrange) ſcorn to lye, much leſs think it Merit. But no real Principle of Religion or Honour, nor even of Obſtinacy or Humour (which vaniſheth at the Inſtant of determinated dying) can conſiſt with going off in the Act of Perjury; as ſuch ſolemn Declarations, if falſe, are. And it is the very next Degree to Impoſſibility, that twelve intelligent Men, and one Peer, all of the meeker Sort, and ſenſible, as ſeemed, of Duty in their Way, ſhould expreſly renounce Salvation, if guilty, as they were accuſed; and then ſuffer Death upon it. Papiſts may ſin, and depend on Abſolution upon their Confeſſion afterwards; but no Perſuaſion can reconcile wilful ſinning, as taking God's Name to teſtify a declared Falſity at thePoint of Death. But ſo it was: The Men all denied; which was a Conſequence ſo amaſing to all that had any Sincerity, or were not more or leſs among the Plotters, that the Generality began to cry *Shame*, and ſay *there had been Blood enough*.

The Author conceals the Matter of them. p. 380.

CXXXVII. But the Author, with his *Hiccius-doxius* Dexterity, can ſlur this on one Side, by a Word or two to aggravate only, as, *Yet, at their Deaths, they denied it*. I muſt not here forget to note what I ſhall have Occaſion to apply afterwards: It is, that the Author gives us not one Syllable taken out of thoſe dying Speeches, although they are all in Print, and even Pamphlets were wrote to anſwer them, and to prove that Papiſts would dye with a Lye in their Mouths. Which is another egregious Suppreſſion on his Part; for the Manner of their Expreſſions, and Wording their Denials, was material in Order to a Judgment whether they were real or counterfeiting; and he is inexcuſable, for he doth the very contrary, at the *Rye* Plot, in Extremity of Length, as will be obſerved.

ſerved. The Reaſon, as I gueſs, is, chiefly, becauſe Mr. *Langhorn*, the Lawyer, penned his with all the Art of his Profeſſion, to obviate all poſſible Imputation of Subterfuge, Ambiguity, or Reſerve; as if he had been to pen Articles between two the verieſt Knaves in the World, to prevent all Poſſibility of Difference betwixt them. This is a very remarkable Paper, and worthy to be peruſed. And yet the Author, although the very Rabble now have ſo much Senſe to think thoſe Men were injured, has ſo little, either of that or Grace, to wonder they ſhould deny the Facts. I gueſs, if he himſelf were in like Condition, as thoſe Men, at that Time, were, he would, upon the Queſtion, declare a more favourable Opinion, and not load miſerable Men, as he doth, by this uncharitable Sentence, and ſuppoſing them to ſtake their Salvation upon the Merit of dying Perjury.

Impertinent Reflection on that Occaſion.

CXXXVIII. But the Author's Wonder, couched in that rhetorical *Yet*, is not confined to the Behaviour of theſe Men; but he ſweeps us all in, as not having his Senſe and Underſtanding. Therefore, as he ſays, *Many were ſurpriſed at thoſe dying Aſſeverations, when the Evidence was ſo clear in all the Facts, and in every Circumſtance* ——. Here is an Hiſtorical Chief Juſtice, impartial to Extremity! It is ſcarce to be decided whether his Law, Hiſtory, or Divinity tranſcends moſt. Firſt he determines the Caſes of all theſe Men *moſt clear*, *&c.* on the hanging Side to be ſure, and gives no one Scrap of the Caſe or Evidence upon any of them. He is Judge, but will have no Jury of Readers to paſs before him: It is enough, if we, like the gaping Louts at the Aſſiſes, hear the Law flow from his Mouth. Then he ſays, *the People too were ſurpriſed when the Evidence was clear:* No, it was becauſe, after ſuch Aſſeverations, they doubted of the Evidence, and began to reflect it was not clear; and whether it was ſo or not, is all one, for he ſhews nothing of it, and that is his *Compleat Hiſtory*. Then, for his Divinity, the next Words, added to the former, will clear it. He ſays, *Some imputed their obſtinate Denial to an extravagant Notion of Merit, and few believed them, but ſuch as were proſelyted by them.* Here, I confeſs, his Flight is higher than I can follow; the Wickedneſs of the Sentence is too hard for me. I can but creep a little after his *Hiſtorical Narrations:* As, firſt, their Denial out of Obſtinacy, ſaid without Proof. But this Sort of Preſumption runs through all he ſays of this Conſpiracy: Even the Whole, though *incognito*, is taken for granted; and then he ſuperſtructs, for he ſtates neither Caſe nor Proofs. And the Point of Merit is rarely expounded; for no Mortal can, out of his Words, gather any Notions at all of it. He ſhould have given us the Theological Diſtinction, by which Men were inveigled to employ their laſt Breath in Perjury; then we might have judged of the Probability in this Caſe. But, as ſure as he hath ſent them to Hell, all the reſt of the good People, that have more Charity than himſelf, according

ing to him, are in a fair Way to follow: For, if they believe thoſe Men ſpoke their true Thoughts, they are Proſelytes to Popery and *Jeſuitiſm*, and there is an End of them. What a Croud of falſe, ſcandalous, and uncharitable Words are here? conſidering that, at the very Time, much more ſince (and what thinks he of the *Now?*) as good Proteſtants as himſelf, believed thoſe Aſſeverations, againſt which he has nothing to oppoſe, but what he calls *Clearneſs of the Evidence in all, &c. cujus contrarium verum eſt*; and there is his clear Way of Writing!

Inſtances that the Evidences were not clear.

CXXXIX. Now, becauſe this Enunciation of *Clearneſs* goes to all the Facts, and in all Circumſtances, I will confront him but with one out of theſe *All*; and that ſhall be very clear too. It was in the Caſe of *Whitebread* the *Jeſuit*. He was brought to Trial, all Things ready, King's Counſel attending, Jury ſworn, Witneſſes examined, and all after the uſual Proclamation had been made, that the Priſoner ſtood upon his Deliverance; and no Pretence of Unreadineſs on the Crown Side at all. *Oates* ſwore after his Way. *Bedloe* was ſworn, and, being aſked *What he knew againſt the Priſoner*, anſwered, *Nothing*. This was like a Clap of Thunder; for one Perſon, acquitted, had been a fatal Stroke. What was to be done? *Bedloe* was queſtioned over and over, who ſtill ſwore the ſame Bilk. The Court thereupon thought fit to diſcharge the Jury of that Trial, without taking their Verdict, and went on with the reſt. The next Day, or a Day or two after, this ſame *Whitebread* was brought again to Trial, and the ſame Forms paſſed, the ſame Witneſſes, and no other examined; and then *Bedloe* ſwore full and ample Treaſon, of the Plot, againſt him, and ſo made a clear ſecond Witneſs; and, withal, he ſwore, that, at his laſt Examination in Court, having been tampered with by *Nathanael Reading* to take off his Evidence, he was forſworn; but now he had thought better, and ſwore true, or to the ſame Effect: And, upon this Evidence, *Clear in all the Facts, &c.* the Man was attainted and ſuffered. One may obſerve in all this Stuff, the Author uſes his Terms of Subterfuge; he doth not ſay what his Opinion is, but that *Some* imputed, *Many* were ſurpriſed, and *Few* believed, and the like all over his Book: By which Art he infuſes into his Readers falſe Images of Things, and then ſtrokes his Conſcience, and ſays, *Let them believe, ſo long as I do not, in Terms, tell the Lye.* Thoſe *Many* and *Some* were ſo reſtiff, as to a Belief of *Oates*, that it was found convenient to ſpur them on with Pamphlets to aſſiſt the Conſciences of Jurymen; as I noted before. So that one may well ſay that, taking away poſitive Oaths, againſt which no Man can defend, and whereof the Efficacy reſts wholly upon Credit, (which overthrown, all tumbles) there was no Evidence, or real Teſtimony, againſt any of the Perſons that ſuffered in *Oates*'s Plot.

The King a Stifler and Ridiculer.

CXL. But now, advancing towards the Lord *Stafford*'s Trial, I muſt obſerve a little farther concerning *Wakeman*'s Trial; after which the Plot was

was at a low Ebb; we hung our Heads and drooped, for the Virtue of thoſe two Incidents, I mentioned, was ſpent; and the Sound of Blood was not ſo joious to the common People, as it had been: And, what was worſt of all, the King himſelf began to be underſtood as being in the Plot againſt his own Life; but, for that, the Author is even with him, ſaying
p. 381. he was a profeſſed Encourager of *ſuppreſſing and ridiculing the Popiſh Plot. Touch a galled Horſe, and he will wince.* I have heard that Thieves are very angry if any one looks upon them. Sure this Plot and its Friends are ſenſible of ſome very ſore Place, that makes them ſo touchy. If any one does but leer at them, they are angry, and cry out upon Ridiculers. This *Hiſtorian* ſhould have been better explained, and ſaid, *What were the Facts ſignified by this Encouraging of Ridiculing, &c.* and not uſe ſuch undefined Words that may ſignify any Thing or nothing; for who, in the Name of *Hiſtory*, from ſuch Expreſſions as theſe, can make out any Senſe at all? It is certain the King put no Stop to the Courſe of any Enquiry; and, as for laughing, to do his Majeſty Right, he as ſeldom laughed in the wrong Place as any one of his Subjects: If any Thing was truly ridiculous, he was apt to ſmile, that he was. Therefore I muſt needs ſay, that the Author doth his Plot no Juſtice, if he intends we ſhould think the King laughed at it. But, for ſuppreſſing, can any one ſay, that any Act was done by the King, or his Miniſters, to ſuppreſs any Evidence of the Plot? If ſo; then what, or how? As for the King, he honeſtly paid the Penſions and Rewards, as was deſired; his Council Doors were open to every paltry Fellow (even to the *Iriſh* Fool *Cummin*) pretending to teſtify in the Plot; and all Buſineſs of State muſt give Way to them. The Parliament did all, that was poſſible to be done, to encourage them; and it was known what Effect it had.

Woful Thing that Dr *Wakeman* ſhould be acquitted.

CXLI. If there was any Suppreſſion, it was plainly done by the Witneſſes themſelves, or their Superiors in the Plot. Did not *Oates* and *Bedloe*, more than once, ſay, in Effect, that they had more to diſcover, but they did not think it ſeaſonable yet? The Tale of the Fox and Gooſe is to that Purpoſe. Who then ſtifled the Plot? If the King has any Thing to anſwer for, it is doing too much, and not too little, towards encouraging Witneſſes; but, if he obſerved, or was told of their Blunders, and laughed; was any of the Articles of *Magna Charta* broke by ſuch Merriment? But, whenever the Party had not their Wills, they, as the Author here, conſtantly raiſed from thence ſome frothy Charge againſt the King. So now, becauſe *Wakeman* was acquitted (for that's the Matter here) the King muſt be, by this Author, indicted for ſuppreſſing, *&c.* that is for what neither we, nor he, can tell. Which ſhews, that his undutiful Spleen againſt his Sovereign, is more than his Wit, though aſſiſted by Malice enough; and that ſeldom fails him. See here what Miſchief comes of ridiculing! *The Witneſſes* (againſt *Wakeman, &c.*) *were ſo far diſcountenanced, that the Jury brought*

brought in the Priſoners not guilty. Good lack! What a tragical Concluſion is this? No more innocent Blood ſpilt!

Falſeneſs of the foregoing Reflection.

CXLII. Now, to ſhew what a thorough-pac'd Libel we have here, I propoſe the Trial to be read over; and if it appears that the Witneſſes were, not only not diſcountenanced, but, not tenderly upheld by the Court (I do not ſay favoured) with utmoſt Scope allowed them to extricate their Contradictions as well as the Caſe would bear, I will ſubmit to be one of the Author's Ridiculers. But, what was more, the Jury, *ex Hypotheſi* (as all at that Time) inclined on the Plot Side, and, without Demonſtration of Reaſon, they had not acquitted the Priſoners. One would not think an Author could contrive to couch ſo many Falſities in ſo few Words. 1. The Witneſſes diſcountenanced. 2. Held back Evidence; for that muſt incidently be ſuppoſed. 3. The Jury had not a full Hearing, as muſt alſo follow. 4. That the Court gave not juſt Directions. All which Falſities (I am loth to ſay Lyes, becauſe the Word is not courtly) are couched in this Sentence. I will grant one Thing to the Author, though I know it will not pleaſe him: The Thirſt of Blood was a little aſſwaged, and common Jurymen began to think there was Need of a little more Care of the Lives of Men, than had lately been taken, and that it was not neceſſary their Fellow Subjects ſhould dye, to make a *Criſis* in Politics. Nay, to regain the Author's Favour, I will grant him more, as that the Witneſſes were diſcountenanced, that is, out of Countenance, at the unanſwerable Exceptions to their Teſtimony; though not to a Degree to bluſh, or to deſiſt from their Charge againſt the Priſoner. And, when Men ſwear through thick and thin, and happen not to be believed, it is really a great Diſcountenancing to them. The Author goes on with a long File of Reflections upon the King, as if his Majeſty had done againſt his Mind and Conſcience in the Conduct of his Affairs, which reſpect the Plot and the Papers; though he himſelf is the greateſt Stifler, that in *Hiſtory* here hath buried alive the whole Plot, having ſhewn to his Readers nothing at all in particular of it, and uſes only the Character, or Title of it, as a railing Stock againſt the King. I know he would be revenged on his Majeſty, for managing ſo as happily overthrew the whole Project and the Deſign of it. But I adjourn the particular Examination of theſe Matters to a Place intended apart for them.

The Author ſecretes the Circumſtances of the Earl of *Stafford*'s Caſe.

CXLIII. I proceed therefore to the very laſt Act of this tragical Plot, which was the Trial, Attainder, and Execution of the Earl of *Stafford*. He was one of the five Lords committed to the *Tower* for the Plot. That is enough, as the Author accounts, to be made known; for he ſays no more, but that he was tried by his Peers, and attainted of High Treaſon, and, after a ſhort Reprieve, was beheaded, and, at his Death, denied the Fact: This is ſuch an *Hiſtory*, as any Fellow, that hath waited as a Footman in the

Hall, will rehearſe twenty Years hence, or perhaps one may find in the Chronology of an Almanac. I ſhall make ſome Amends, by adding a little of the Circumſtances of the Perſon and Proceeding, but leaving the Chicane of the Trial to the Print, where it is extant at large, for the Uſe of ſuch as can afford Patience and Time to peruſe ſo miſerable a Caſe. And I am ſo far with the Author, to think the Particularities of no great Moment, ſince Mankind is now almoſt univerſally ſatisfied that his Lordſhip was altogether injured by the Teſtimony againſt him. And truly the Raking into Perjury raiſes a worſe Stink than a moral Jakes; and, if ſuch Villainy could be forgot, ſo that no like Practices could ever be thought poſſible, at leaſt not to be hearkened to, or encouraged in a Court of Juſtice, it were for the common Benefit of human Kind. But I queſtion whether the Author's Silence, and mine, is upon the ſame Foot. He would not have the Roguery known, and I would not have it be an Example; the one to cover a Shame, and the other to aboliſh a Precedent.

Reaſons for committing the Lords by the Chief Juſtice's Warrant.

CXLIV. It hath been already related, that, upon the firſt Hearing of *Oates* at the Bar of the Houſe of Commons, the Members (as was to be expected) were very much inflamed. And thereupon ſent for my Lord Chief Juſtice *Scroggs*, who, by his Warrants ſigned at the Table, cauſed the five Lords, accuſed by *Oates* of High Treaſon, to be forthwith taken up and committed to the *Tower*. This Way, rather than expecting a Commitment by the Houſe of Lords, was taken, as the more expedite: For an Impeachment, without ſpecial Articles, had not required a Commitment, and ſome Time muſt be ſpent in preparing Articles, and, after all, Queſtions, Debates, Conferences, *&c.* might have ſtirred thereupon to the no little Loſs of Time, which was not to be ventured; for, in the *interim*, the Lords, having Liberty, had converſed promiſcuouſly, and created in many, ſome Diſbelief of the Diſcovery. It was well for the Plotters, that the Lords were both accuſed and impriſoned almoſt at the ſame Inſtant, and it had a conſiderable Effect abroad; for ſuch a precipitous Proceeding cauſed Fears and Terrors, and made Folks believe ſomewhat great and mighty was coming forth. And *Oates* proceeded by ſage Advice, when he left out of his firſt *Narrative* the five Lords, and, not naming them at the Council, ſtaid that Part of his Diſcovery till the Parliament met. The whole Project of his Employment conſiſted in ſuppoſing that the conſequent Proceedings, falling entirely in the Order of the Commons, might go on as faſt, or as ſlow, as ſome pretended to foreſee. If the Lords had come plumb upon their Trial, and, as was moſt probable, had been acquitted, the *politic Criſis* had been at an End; and, to ſecure that main Point, Care was taken to produce but one ſingle Witneſs againſt them; for that was Ground enough to impriſon, but not to indict or try. And while the Lords lay thus in the *Tower*, Trials and Attainders went on againſt the *minores gentes*, Prieſts and *Jeſuits*, who were hated enough. There was a fierce Expectation that farther

farther Evidence ſhould have come in againſt the Lords; but none came, except that, after *Wakeman*'s Trial, and in the Wane of the Plot, it was determined, or rather became neceſſary, to try one (at leaſt) of the Lords, another Witneſs crope out againſt the Lord *Stafford*.

CXLV. The Lords were all of them very uneaſy and reſtleſs, under this indefinite Confinement, and frequently applied to the Houſe of Peers to be tried upon the Impeachment lodged againſt them, or to be bailed; and againſt them Plenty of Scruples aroſe, whereupon Meſſages went to and fro, and, at Length, a Committee of both Houſes were appointed to ſettle the Formulary. And there the noble Earl of *Shaftſbury* had Opportunity of ſhewing his Gifts in the Art of Procraſtination. One Point flew abroad, and was the Subject of diverſe very good Tracts, whether Biſhops (whom the Favourers of *Oates* would exclude, as ſuſpected of having too much Mercy) might ſit and vote upon the Trials: And, at this, the whole Seſſions were ſpent *re infectâ*. The Scaffolds in *Weſtminſter-Hall* were prepared, and ſtood uſeleſs, or rather a Nuiſance, many Terms, to the Shortening of the Promenade of the Lawyers, and ſevere Oppreſſion of the Shops. The Trials ſcarce expected.

CXLVI. At a following Seſſions this Buſineſs was again reſumed; for, after the twelve Commoners tried, and, without Delay, executed, and *Wakeman* acquitted, the general Clamor, about the Caſe of the five Lords in the *Tower*, exaſperated; for they ſeemed to lie there, without Bail or Trial *ſine Die*. And it was ſaid that the Lords in Parliament were reſolved to puſh the Matter to a Trial or Diſcharge. The Faction had a Wolf by the Ears, which they could well neither hold nor let go. It was found neceſſary to determine one Way or other; and it proved for Trial: Becauſe, if ſo many Peers were ſet free, their Converſation would not be wholeſome for the Plot, which, though greatly checked, muſt not yet be let go; for ſomewhat reſted to be done with it; and it ſerved as a Center of Unity to the Faction, to keep them together, furniſh Matter for Libels, and to batter the Court Party. Therefore it was to be kept alive as long as it would hang together. And, for Demonſtration that there was ſuch a Reſerve of a farther Uſe, as I mentioned, to be made of it, I muſt appeal over to what is to come concerning the *Oxford* Parliament, and the Caſe of *Fitzharris*; for then it will appear that an Order of freſh Swearers, upon the old Foot, was attempted to be eſtabliſhed. But, at preſent, the Faction were at the Stretch of their Line, and finding it begin to give Way, the long expected Trial was known to be coming on; for Notice was ſent to the Lords in the *Tower*, that the Commons would proceed to the Trial (not of all five, but) of the Lord *Stafford* only. And, among the Quality, it was a Wonder why that Peer was ſingled out to be tried, who was the leaſt conſiderable of them all, and, being eaſy of Nature, and low ſpirited, was leaſt likely to be concerned in ſuch a barbarous Action as the Killing of his Royal Maſter, The Earl of *Stafford* only went upon.

who was revered, and almoſt idoliſed by him for his continual *Favour* and *Bounty* towards him.

The Expectation of his confeſſing wholly failed.

CXLVII. But there was a tranſcendent Reaſon for it. The Active Miniſters of the Plot were in continual Expectation, that, among the many accuſed, ſome puſillanimous Wretch, out of mortal Fear, would ſqueak, as they called it, and own the Guilt, and, perhaps, enter into the evidencing Wheel and accuſe others. It was remarkable, that here had been no Remiſſion, but, upon Conviction, Death came next, and not the leaſt Umbrage of a Diſpoſition, in any of them that died, to relent, or (as it was termed) confeſs. But, on the contrary, they perſevered in Denials, whatever Temptations, if any ſuch, were held out to invite them to the contrary. All which was no leſs Amaſement, than Surpriſe, to the ſecret ones; for they thought it was impoſſible in Nature, judging by themſelves (as I gueſs) for twelve Men in a String, guilty or not, to dye hard. And really, conſidering the Nature of human Kind, and that, in a Caſe of real Guilt, there is not an Example of the like, it is next to impoſſible; but ſo it fell out here. It was notorious that the Plot now laboured under ſuch deſperate Objections, as nothing could cure but the Authority *conſitentis Rei*. I remember it was believed, at the Time, that, without ſuch a View, the Faction had never puſhed forwards ſo many capital Trials and Executions as they did; and that the Attorney General himſelf, and ſome akin to the ſecret Committee, began to reluct at the Fancy of walking with ſo much Blood at the Heels of them: And, in very Truth, it proved, in the End, the viſible Cauſe of the utter Confuſion of the Plot, and the Deſigns of all its Adherents. But the Faction was engaged, over Shoes, over Boots, and muſt flounce through; and it had been no Miracle if (as ſome believed) this ancient Lord, weak in Body and Spirits, being tried alone by himſelf, and leaſt able to endure the Fatigue of managing a Defence, after an Attainder, and Death in his View, rather than ſuffer Extremity, might ſqueak: Which happening had been a *ſanta Coſa* for the Plot; and, for that Reaſon, the Witneſs-mongers put forward another Witneſs againſt him only, which drew on his Trial. But the Event ſhewed the Vanity of all ſuch Contrivance and Expectation, if ſuch there was.

His Lordſhip's Behaviour after Sentence.

CXLVIII. And the practic Part fell out but untowardly; for it ſeems his Lordſhip, who was thought likely to ſuccumb under the Load of ſo great a Trial, behaved himſelf, and managed his Defence with Courage and Reſolution, beyond all that was expected he could poſſibly do: So that the Audience were ſtrangely reconciled, and, generally, in their Diſcourſe, gave him their *Not guilty*. And, upon the Scrutiny of the Lords, it was but a Majority, and a ſmall one, that condemned him. The Party-drivers afterwards endeavoured, as in the Caſe of the Earl of *Strafford*, *Temp. Car.* I. to hound the Rabble upon the Not guilty Peers; but it would not do, and there was more of Compaſſion than Triumph among the common People

People at his Attainder. It was talked abroad that certain Opinions prevailed, which wanted Time to be digeſted, and better underſtood; elſe that Sentence had not prevailed. One was, *that the Houſe of Commons muſt not be baffled.* It was obvious to conclude, at that Rate, a Trial muſt be ludicrous and impertinent, a Soleciſm in Juſtice that ſtares one in the Face. It were well, if none like had ever been before or ſince. Another Opinion was, *that the Peers, in judging, were not free; they muſt determine ſecundum allegata & probata:* So, here being poſitive Oath to the material Facts, they muſt be guided by it. Whereas it is the Office of Triers of the Fact, to try the Teſtimony, and the Credit of the very Witneſſes. God forbid, that poſitive Swearing muſt neceſſarily take away a Man's Life. Others fancied various Reaſons not well fathomable, yet ſuch as, they thought, prevailed with many.

The Virtue of his Lordſhip's confeſſing, and the Barbarity intended by the Sherriffs.

CXLIX. But the grand Expectation was, whether this Lord would confeſs, as it was called, or not. Here were three Events the Faction had Concerns upon: 1. The King's Mercy by a Pardon or Reprieve. This had been well enough; for that had raiſed a new Argument for the Plot, as, *Now you ſee, &c.* It appeared, by ſome Confeſſions in the *Rye* Conſpiracy (of which in its Place) that the poor People, againſt all Truth, were perſuaded no Juſtice was to be had againſt Papiſts; which ſhews, that this was an Handle they wanted: And, if it had gone this Way, there was Room for Conteſts about the Validity of the Pardon, as in *Danby*'s Caſe; and conſequently Heats and Diviſions between the King and Parliament: Which had ended this Act of the Plot rarely; for to what Purpoſe is it to ſearch farther into the Plot to ſet up Popery and deſtroy Proteſtants, if, after all the Pains and Care taken, it muſt come to this at laſt? 2. His Lordſhip, to ſave his Life, might relent and own the Guilt. O, this had been *guſtevole*, purged the paſt, and erected the preſent Plot in a State candid and pure; and the Author's *Plot-politics* might have gone on to a new *Criſis.* It is likely they would have been contented with his Lordſhip's Parole, and ſpared his teſtifying againſt others. 3. The other Event was that which happened; his dying with abſolute Denial. This was the very worſt of all. But now, to ſhew the Barbarity of ſome in that Age, I muſt, with the Author, remember that his Lordſhip was *reprieved for ſome ſhort Time.* That gave him Opportunity to conſult with Fleſh and Blood. And another Thing roſe to a Pitch above Credit. It was pretended that the common Mercy of Beheading would not be extended to him, but that he muſt be executed rigorouſly, by *Hanging, Drawing,* and *Quartering,* according to the Words of the Sentence. And in Fact, after the King had granted his Remiſſion of all the Sentence, except the *Beheading*, which is the Form of the Order, a Brace of *Ignoramus* Sherriffs made a Doubt whether, in that, they ſhould obey the King, or not; pretending the King had not that Power over a Judgment upon an Impeachment for High Treaſon.

And they brought the Queſtion moſt impudently into the Houſe of Commons; and the Matter paſſed in a Vote, that the Houſe was contented with what the King had directed: And I think next to, or rather in a Degree above, the Sherriffs, this pious Author is to be recommended, who ſays, *The wiſer Members came to apprehend that ſuch a Diſpute might end in preventing the Execution of the Lord* Stafford; *and therefore the Houſe was content —— that his Head ſhould be ſevered from his Body.*

The Author no leſs barbarous.

CL. Obſerve with what a fleering, inſulting, triumphant Air, this ſtately Sentence cloſes: Very wiſe and moderate! Only chopping off a Man's Head: A ſmall Matter ſerved. But if we go to the Bottom, it is hard to think of a wicked Senſe not pregnant here. Firſt, that it was wiſe to make ſure the Man ſhould be dead: There is the Skill now of a Theologico-critical Author! Some leſs ſanguinary Layman would have put over the *wiſer* Part to the other Side; and ſaid, that the *wiſer Members* would have been content ſuch an impertinent Incident had prevented the Execution, when there was ſo little Satisfaction in the Teſtimony at the Trial. And the Conſequence had juſtified the Wiſdom on that Side (taking it in the Author's Way) for the Plot had a fatal necking Stroke at that Execution. But I am amaſed to ſee ſuch Content in an Author, at Shedding of Blood, who is profeſſed of an Order that, in all Ages but this, if Death was conſequential, withdrew from the very Queſtion: By which we find there is no truſting Characters and Profeſſions; for we ſhall find, that, not ſeldom, the worſt of Men lie lurking in the Habits of the beſt of them. But here is more Wiſdom than we are aware of; and that is a Determination that the Sherriffs were in the Right: For the *wiſer Members* knew that well enough; *but O*, quoth they, *here is an Accident may ſave the Man. Are you there with your Bears? We will quit the Exerciſe of the Houſe's Right, rather than that ſhould be.* So the King's Power to mitigate the Sentence, as well as to pardon the Whole, if his Majeſty ſo thought fit, is here overturned moſt craftily, under this Notion of *wiſe Membership.*

His Lordſhip's Denial at his Death, and the Plot dropped.

CLI. It was found at laſt, that the Experiment, upon this Lord, was puſhed too far; for he relented not a Scruple, and though he was a very faint and weak ſpirited Man, as well as crazy and old, yet, upon the Scaffold, he ſhewed no Want of Courage or Reſolution, and was no leſs poſitive and explicite, in denying the whole criminal Charge upon him, than all the other Sufferers had been. And this, with the Profeſſion of Charity in forgiving, and Exerciſe of Devotion after his Manner, made a ſtrong Impreſſion upon the People, who, before ſuſpecting him innocent, now were confirmed, and began to deteſt certain Methods of late uſed, and no leſs the Authors and Executioners of them. And here we put a final Period to this truly execrable Plot; for there was not, after this, ſo much as a Thought of bringing to Trial any other of the five Peers, or other Perſons whatſoever, upon that Scheme. So, in the next Receſs of Parliament, the Lords

were

were delivered; and there ended the Reign of the Reverend Dr. *Oates*. And afterwards he was content to take up with leſſer Games; as going about ſoliciting and fomenting factious Matters againſt the Government: And, all this notwithſtanding, one Half of his Penſion was continued to him.

Eſſay towards a Character of *Oates*.

CLII. He was a Perſon of ſuch Account in this Age, as makes it reaſonable to remember ſomewhat of his Family, Education, Perſon, Character and Circumſtances; for Hiſtory ſhould do Juſtice to all Perſons extraordinarily qualified, and influential on Affairs of the Public, as he, in his Time, was: And although his Reign was but ſhort, it was conſiderable; and, by a Felicity in the Subject of his Performances, with Reſpect to himſelf, which were but Miſdemeanor, and not capital, in the following Reign, he was juſt not hanged; and, after no Diſcouragement in the Reign of King *William*, like the great *Sylla*, he died in his Bed with all Peace, if he held ſound that of his Conſcience *.

His Parentile Education and Preferment.

CLIII. He was born at *Okeham* in *Rutlandſhire*, when his Father was a Sort of Chaplain to Colonel *Pride*. There was one *Oates*, a peſtilent Anabaptiſt, that went about the Kingdom, particularly in *Eſſex*, dipping of People, and blaſpheming after the worſt Uſage of his Sect; which I may call *Preſbyterian*, for that was the Mother of all, and, in that Time, wonderfully prolific, whereof the Progeny are of no ſmall Account in the Atheiſtical Stock of this Age. While the *Preſbyterians* firſt arrogated to themſelves to be the eſtabliſhed National Church, they (among the reſt) compriſed theſe Dippers who, like others, firſt ſevered from their Mother, under the Notion of *Independants*; and how, like a viperous Brood, they behaved themſelves, the Author † in the Margin will tell. It is not improbable, but this was the *Oates* that followed Colonel *Pride* who was a declared Independant, that is (as the early Notion was) a *Diſſenter from the Preſbyterians*, which was Saintſhip enough in thoſe primitive Times of Hypocriſy. And ſome have thought that, after the Reſtauration, *Oates*'s Father, whether he had been *Pride*'s *Parochus*, or not, was a notable Boutefeu in the Northern Rebellion againſt King *Charles* II. ‖ His Wife, the Mother of our *Oates*, when ſhe was with Child of him, ſaid, *She was with Child of the Devil*; if the Author did not miſtake *Of* for *By*. In 1664, the Youth came a Free Scholar to *Merchant-Taylors School*, under Mr. *Smith*, the Maſter; and the firſt of his Pranks, there, was cheating his Maſter of his Entrancemoney. He was, at length, ſent by his Father to St. *John*'s College in *Cambridge*, and the old Man enquired for an *Arminian* Tutor for him; thinking, perhaps, that the *Arminians* then were to become as odious, as the Papiſts were in 1640. The young Man got into Orders, and was recommended to be the Duke of *Norfolk*'s Chaplain;

* *Smith*'s Intrigues of the Popiſh Plot. † *Edwards*'s Gangræna. ‖ *Smith*'s Intrigues, &c.

and

and he preſented him to the Vicarage of *Bobbing* in *Kent*, and, as in other Places, ſo there he preached for Popery.

His Vices, Popery, and Preparation for his Plot.

CLIV. The Biſhop took Notice of his Diſorders, and ſilenced him. Many Crimes were laid to his Charge, and ſome of the low Order of Thieving; for his Neighbour's Pigs and Hens uſed to be his Priſe, when he could catch them. The Duke of *Norfolk*, at laſt, took away his Faculty, that is (as I ſuppoſe the Author means) his Qualification as Chaplain. After this, he began to rail at the Church of *England*, and to inſinuate among the *Roman Catholics*. He preached at *Iſlington* againſt *Calvin*, and called him *Jack*. Then, deſiring to be a Convert, he was reconciled to the Church of *Rome:* So he diſgowned and put on a Sword. The *Jeſuits* ſent him into *Spain*; but their Friends were ſoon weary of him, and ſent him back, as Wood not fit to make a *Jeſuit* on. He prevailed with *Whitebread* to ſend him to St. *Omer*'s School. He came from thence in 1678, and, ſkulking in a Lay Habit, was, or ſeemed ſo poor, though in the Qualms of the breeding his Plot, that his Acquaintance thought it a Kindneſs to give him to eat. And, while he was, as he teſtified, buſy in ſaving the King's Life, he could diſpute learnedly againſt his Authority, upon the fooliſh Republican Conceit that he was one of the three Eſtates coordinate with the reſt. Now any one, that reflects on this Walk, will ſee plainly that he entered among the Papiſts, only to get Information of Perſons and Particulars, with ſuch Secrets as he could ſpy out; that, being magazined up in a Diary, might ſerve for Materials, as, with good Artiſts diſpoſing, might ſerve to build up his Plot, which, at this his coming over, was upon the Launch.

Oates's working one *Smith* to be a Witneſs.

CLV. He laid Traps for his old Friend and Schoolmaſter, Mr. *Smith*, but they did not take. He ſwore falſe againſt him in the Houſe of Lords, juſt enough (not to hang, but) to get him into Priſon, upon a Deſign to make a Plot-Witneſs of him. The poor Man was to expect no Favour, but upon Terms to become an honeſt Man, as it was called. He reports, that, when *Godfrey* was found, and it was ſaid the Papiſts murdered him, he ſaid, "*He did not believe a Word of it, but that his Plot had come* "*to nothing without it. It made well for me*, ſaid he, *I believe the Council* "*would have taken no farther Notice of me, if he had not been found.* "He was a cowardly Raſcal; for, when I went with my Depoſition to him, "he was ſo frighted, that, I believe he be---t himſelf, for there was ſuch a "Stink I could hardly ſtay in the Room." The Writer adds, that two Men prevailed on *Oates*, as he ſaid, to ſwear what they could ſay againſt him (Mr. *Smith)* becauſe *Oates* was a Man of more Authority than they. And ſo he was taken up and brought to the Bar of the Houſe of Lords. The Words, theſe two Men told him, were, among others, that *Smith*, refuſing the King's Health, ſaid *that he wiſhed he had his Majeſty's B-tt-cks in a cleft Stick.* Impudent Wretch! the King ſmiled, and ſaid, *He believed that Man would not refuſe to drink his Health.*

CLVI. Mr. *Smith* relates farther, that *Oates*'s Mother came to see him in his Greatness, and told of her Dream, and the hard Pangs she had to bring him forth; and that she did not like the Way he was in. That, in Discourse with *Bedloe* and *Prance*, a Pair of Witnesses, about *Godfrey*, *Oates* laughed at the Business, and said, "Here is *Bedloe*, that knew no "more of the Matter of the Murder than you or I did; but he got the "500 *l.* and that did his Work: And he gave this Blockhead *(Prance)* but "30 *l.* of it. He picked him up in the Lobby of the House of Lords, and "took him for a Loggerhead fit for the Purpose." And to shew that *Oates* was a Tool, made use of for undermining Monarchy, Mr. *Smith* sets down the Principles he used to maintain, *viz.* "That the Supreme "Power was in the People; that the King was but their Steward and Ser-"vant; that the People had Power to depose him, and set up another when "they pleased; that the King was as deep in the Plot, and as arrant a Pa-"pist as his Brother; that he (the King) had suborned Witnesses to stifle "the Plot, and to throw it upon the *Protestants.*" One would think *H-----y* and this *Oates* came out of the same School. Mr. *Smith* hath related many Passages I do not transcribe here; but some are so pertinent to the Character of *Oates*, I cannot pass them by. When he was well lodged at *Whitehall*, pensioned, and circumstipated with his Guards, to make good the Catalogue of his Vices, a Fit of Pride came over him, I mentioned before; the Doctorate, and reverend Habits of a dignified Clergyman. But note, it is a perpetual Recommendation of hereditary Honour, that every Scrub, who gets to be rich, immediately enquires into his Extract, and then, and not before, he affects to be of an illustrious Family. So this *Oates* would needs be descended of some ancient and worshipful Stock; but there were not so many noble Families strove for him, as there were Cities strove for the Parentele of *Homer*. However, the Heralds were sent for, to make out his Pedigree, and give him a Blazon. They were posed at the first of these; but they made good the Blazon for him in a Trice, and delivered it *authenticamente:* And it was engraved on his Table, and other Plate; for he was rich, set up for a solemn Housekeeper, and lived up to his Quality. And, as he had a learned Counsel, with his Bar-Gown, at his Elbow, so also one Dr. *Jones*, no less learned and well qualified in his Way, was honoured with the Care of his Health, under the Character of his Physician. And he valued himself, in Reputation, much upon his Preferment, as an hopeful, if not certain, Means to be renounced in Practice. Such Advantages flow from Attendances upon great Quality!

Oates a desperate Republican; his unaccountable Pride.

CLVII. The best of his Company were the Desperados of the Faction, as *Aaron Smith*, *Ferguson*, *West*, *Goodenough*, *Colledge*, and *Rumbold*; with others of that List, of whom we may hear more afterwards. Whence, by way of Corollary, we may infer that all the Plots, I may say Disturbances of the Public, in King *Charles* the Second's Reign, came out of the same

His Company and leud Conversation.

ſame Shop. He turned Swordman again, for the *Oxford* Expedition down to *Colledge*'s Trial; but I let that alone till I meet him there. His common Converſation was larded with leud Oaths, Blaſphemy, Saucy, Atheiſtical, and every Way offenſive Diſcourſe. He delighted in Occaſions, ſuch as repeating after others, to mouth out blaſphemous Speeches. There is a Touch or two of it in *Colledge*'s Trial, which will keep cold. He publiſhed Books, ſo compleatly vile in Manner and Language, ſwoln with Evil of both Sorts, and diſcharged on almoſt all his Betters (for he ſpares but few) as none but he could be the Author of, and whereout Inſtances (to prevent the Diſgrace to human Kind for owning ſuch a Monſter) are not fit to be taken and related; ſo who will, for me, may rake in ſuch *Merda*. He was of that Atheiſtical Society, now known by the Title of *Freethinkers*; which he could not hold diſcovering in the forenamed Trial, to which I refer. A ſtrong Guſto he had to any Thing antichriſtian, and uſed to honour St. *Athanaſius* with the Title of *Creedmaking Raſcal*. He was foully belied, if his Lodgings and Practices were not infamous beyond the Stews; and the accuſing him of Sodomy was the Subject-matter of a ſham Plot; of which more in fit Place, if any be fit for ſuch Naſtineſs. It was unlucky at leaſt, if ſuch a Subject had been choſen without ſome Truth in it, for how elſe could it have been made a Snare?

The Mutability of his Fortunes.

CLVIII. After the Heat of Swearing was over, the King reduced his Penſion to 600 *l. per Annum*, which was great Trouble to his Spirit: But he could do no more Service, and leſs Pay would ſerve; and it was the Conſideration of whoſe Favourite he was, and not any Value for his Perſon, that reſerved him that. In the next Reign his Fortunes were reverſed; for being, at a ſolemn Trial, convict of Perjury, he was adjudged to Whipping from *Newgate* to *Tyburn*, and to be repeated annually, and, in the mean Time, kept a Priſoner. And, at that Time, confined as he was, without Penſion or Eſtate, he lived in all the Plenty and Luxury, as before at *Whitehall*: And, as Mr. *Smith* ſays, it was by Contributions of the Godly; though moſt thought ſome ungodlier Purſes, than theirs whom he means, were concerned. *Carus erit qui poteſt accuſare*. After the Revolution, he was redintegrated at Court, and admitted to a Penſion of 400 *l. per Annum*, at which he was very wrath; for *Charles* gave him 600 *l. and ſure*, ſaid he, *William will give me more*. He ſought, by Act of Parliament, to have his Judgment for Perjury reverſed; but he could never obtain a ſwearing Capacity again: Simple Pardons muſt content him. The Earl of *Danby* (then *Leeds*) knew the Danger of that, and would indeed have his Sentence reverſed; that is, having been whipt from *Newgate* to *Tyburn*, he ſhould be whipt back from *Tyburn* to *Newgate*. The Power of Swearing, in ſome, is formidable to great and ſmall; and his Lordſhip was within Ams-ace of being put in the Plot for *Godfrey*'s Murder. And one Reaſon, why that Point was choſen to be put upon him, was ſaid to be,

becauſe

because the Case of Murder was not in his Lordship's Pardon. All these Passages shew that *Oates* was well understood, and never the less so for being well paid. It was observable of *Oates*, that, while he had his Liberty, as in King *Charles*'s Time, and King *William*'s, especially the latter, he never failed to give his Attendance in the Court of Requests and the Lobbies, to solicite hard in all Points, under Deliberation, that might terminate in the Prejudice of the Church, Crown, or of any Gentlemen of the Loyal or Church of *England* Party. And it was not often, if ever, he was seen there, but upon some such Occasion, and when he might shew his Constancy, by zealous abetting on the ill natured factious Side: So that he was looked upon as a Screech Owl, ever boding Mischief. And, if the Loyal Party, in that Age, was vindicated, it lay much in that Man's evil Will; because all Acts of good Nature or Friendship, from him, were an indelible Stain on whom they fell. He was never seen to hold Dialogues with any but the rankest Party Men, unless it were to rascal them over, as he would liberally bestow if he so thought fit, which was not seldom. So that he was a literal Tool of a Party; for indeed all else avoided the Air of him, as of a Stench from Hell.

His Mien and Features.

CLIX. He was a low Man, of an ill Cut, very short Neck; and his Visage and Features were most particular. His Mouth was the Center of his Face; and a Compass there would sweep his Nose, Forehead and Chin within the Perimeter. *Cave quos ipse Deus notavit.* In a Word, he was a most consummate Cheat, Blasphemer, vicious, perjured, impudent and sawcy, foul-mouth'd Wretch; and were it not for the Truth of History, and the great Emotions in the Public he was the Cause of, not fit (so little deserving) to be remembered: And concerning whom the Unhappiness is, that Truth cannot be wrote without a Semblance of Malice; since it is hard to think any Mortal, at least one that partook of so much public Countenance, not to say Encouragement, as he had, could be really so bad as he was. And, what is worse, that Age cannot have its true Character, without a true Character of him, who was the permitted Instrument of those (otherwise) unaccountable Turns, or, in our Author's Language, *Crises of Politics*, as depended on him. But now, considering the Memory of him, and of his Acts and Monuments, is almost worn out of the Land of the Living, we may make Amends for the Tongue-tied Restraint imposed on us at that Time, by a Profusion of those Truths, which I well remember were frightful to dream of, sleeping, or even to think of, waking.

Essay towards the Vindication of King *Charles* II.

CLX. But now to draw towards a Conclusion, which I intend shall be pursuant to my early Design; and that is the Vindication of the Honour of King *Charles* II. against the foul Traducer of him, the *Historian* here before us. And, for that Purpose, I shall bestow a few Words concerning his Majesty's Conduct in the Process of this pretended Plot; which was not more extraordinary in the Course, than prosperous in the Event of it:

But I muſt remember again what I touched before, which is, that the Nicety of the Contrivance lay in this, that the King could not poſſibly believe a Word of it, and, on the other Side, that the People ſhould believe it all. For the firſt, it was needful that Nonſenſe and Impoſſibility ſhould ſtare his Majeſty in the Face. But how doth that ſquare with the other? Oh, back the Belief with a Party, and, to ſupport that, draw in the Fools and Non-thinkers with ſome tremendous Incidents, and then they will think, believe, or do any Thing: And ſuſtain them with Inculcations, that the Non-believers are in a Plot to ſtifle the other Plot. This was the Preparation for the Parliament, at the Opening of which, the Scene was to open, and the Play to begin. And what a Rage it carried, is not now to be related; but, poſſibly, that might ſhew the King what was his Intereſt, and the ſafeſt Courſe to deal with it. Whereas, had the Compoſition been more plauſible, and the Proceſs more moderate, the King might have thought it beſt to have endeavoured, by his Authority, to have cruſhed it. It is ever obſervable, that thoſe, who play at Governments, like Projectors, are always in Haſte, and leaſt bear the ſlow Motions the Nature of Things require; which not ſeldom is a Cauſe that many a falſe Fire, as this Plot (after having burnt ſome few that ſtood in the Way) went off all at once *in fumo fætente*. It was the main Thing the Plotters deſired, that the King ſhould ſet his Face againſt them; for on that they had calculated a Rupture with the Parliament, or, what was little ſhort of it, ſo great Advantage given to the Country Party, as they might have been able to have hindered all the King's Buſineſs, which was very preſſing at that Time, and particularly Money for diſbanding the Army, which, now the Affair of *Flanders* was over, was uſeleſs and burthenſome. While it ſtood, it made a Feint of Forty one; for it had forced the King upon the greateſt Neceſſity, which they concluded muſt every Way ruin him; that is, if he broke with the Parliament, then by Means of the Army; if he agreed, then by Streſs of hard Conditions, which were to advance under the Colours of the Bill of Excluſion. And I think yet that if a better Sort of Men, than thoſe called the *Country Party*, meerly ſo taken, had not been afraid of the Army, and, with Help of the Plot, or any other Means, deſired to get rid of it, the King never had had ſo much Trouble. But, on the other Side, if the more deſperate Politicians had had their Wills, and no Money had been given on any Account, they had given the Government a terrible Shake; for the Conſequences had been Breach with the Parliament, high Diſcontents, and the Army itſelf not ſafe from joining on the popular Side. It is almoſt impoſſible to keep *Engliſh* Forces from being affected with the National Prejudices. Nothing could hurt the King but Neceſſity, and, under a Neceſſity, he could ſcarce not be undone: For that cauſes unjuſtifiable Steps, and thoſe are managed to increaſe Diſcontents, which, without rendering almoſt at Diſcretion, tends to a general Defection,

and

and Diſſolution of the Government. That this was the factious Project, was apparent by all their Methods before; but more eminently after the Lord *Shaftſbury* took the Regiment into his Hands: And, after many Arts and Attempts failing, this Plot comes forward, charged and primed for the ſame Ends. But I may dilate more of theſe *politic Criſes* afterwards.

The King's juſt Notion of his Intereſt appeared by his Conduct.

CLXI. The King muſt needs obſerve that the Church of *England* and Loyal Party, of whom the chief all over *England* he knew perſonally, at the firſt opening of the Plot, joined in the Cry. He knew alſo that he had no Intereſt, he could ſafely rely on, but them; and withal, that, whatever others did, they meant him no Harm, but were deceived by their Fears of Popery and the Army. And he judged, that, if he gave them their full and entire Satisfaction in thoſe Points, they aſſuredly would be all with him to a Man, whatever elſe might happen to them. And this was the Fortification the Faction, in his Reign, laboured ſo hard, by defaming him and lying, to blow up. The King's Way was to let the Fury and Rage of the Plot have its full Swing, without his interpoſing to protect, or favour, any Perſons that were drawn under Queſtion; for that Courſe would ſoon open the Eyes of his well meaning Friends, and make the reſt weary. A Man, that hath a reſtiff Horſe, lets him run his Career in foul Ground till he has enough. The King gave little Umbrage to think he deſigned to keep up the Army, although his Enemies ſaid otherwiſe of him: And he did no Acts of Favour to the Popiſh Party in general, but the Laws had their Courſe, and yielded to every Thing the Commons aſked concerning them. He left his Miniſters (who were talked high againſt) to defend themſelves, and be juſtified in Parliament, as they might, without his interpoſing, openly, to protect them. Only, as a little before, I ſhould have excepted the Queen, whom the King ſcreened, and had great Honour and Applauſe for it; and here the Earl of *Danby*, who had a Pardon, but that was upon particular Reaſon of State, as may be touched elſewhere. And, in general, the King publicly declared, that the Law ſhould be the Rule of his Government; and accordingly he left the Judges to adminiſter, according to their Oaths, without Diſtinction; nor would be brought to do any Thing to ſtop the Law againſt Sectaries, which nettled the Faction, as appears by diverſe Tranſactions made public.

The King holds faſt his Authority, and in other Matters condeſcends.

CLXII. But all the While that his Majeſty gave Way thus to the full Swing and Current of the Plot, and the Courſe it took in the Courts of Law, he kept the Reins of his Authority tight in his Hand, and would not quit an *Iota* of his legal Power or Prerogative; nor ſuffer himſelf to be ſurpriſed by Chains to be clapped over him. Of which it is a memorable Inſtance, that when Fears were at full Spring Tide, and all People talked of Maſſacres, and it was in every one's Mouth, *the King was not ſafe a Moment*; a Bill paſſed the two Houſes of Parliament, to raiſe and continue the Militia, all over *England*, for Seventy-two Days. The King rejected it,

and ſent a Meſſage, *that he would agree to any Bill for ſettling the Nicety tia, which left the Diſmiſſion of them in his Power*; but no othe lieve a was promoted on that Head. So he was poſitive not to do any Thi it all. fectedly, to the Diſheriſon of his Brother, or Delivery up of his fa are his Servants, becauſe it was aſked: Of which the Duke of *Lauderdale* w back Inſtance; for he had been addreſſed againſt, to be turned out, diverſe Ti Non- but the King knew better, and would not part with him. As, on the one be- Side, he would not yield to ſeclude his Brother; ſo, on the other, to give Satisfaction touching his Popery, and for ſecuring the Proteſtant Religion after him, he offered Qualifications of the Regal Power, adapted to the Caſe of his Brother's Succeſſion, which moſt thought went too far, to conſiſt with the Monarchy. But the Refuſal prevented all thoſe Inconveniences; and, perhaps, other Expedients, nearer to what happened, were then thought of. The King went ſo far in his Complaiſances, that, in the Matters of the Plot, he did not gainſay any of the Forms; but his Language was to the Parliament, as theirs to him, againſt Popery, and for Diſcovery of the Plot. And that the ſtanding Topic of evil Counſellors might loſe its Force (*for it ſeems the King himſelf*, ſaid his Enemies, *was as good as could be, but theſe ſame evil Counſellors ſpoiled all; alack! if he did but hear good Counſel once* ——) his Majeſty reformed his Council, and let diverſe of the forwardeſt of the Complainers in; where they ſat till they were weary, as was ſhewed, and then they left the King to ſhift for himſelf with his true Friends, who were more ſo by much than ever they were before.

The King let the Plot into the Parliament with Advantage.

CLXIII. The King had very good Counſel in the firſt Letting the Plot into the Parliament; for it was plain, by the Hold it had taken with the People, that, however ſome thought they might play with it, yet, in the End, it was alſo plain they could not eaſily get rid of it. And, ſince it would certainly find the Way into the Houſes, for whom it was originally deſigned, it was thought fit the King himſelf ſhould mention it; thereby ſhewing a Confidence in his Loyal Parliament, rather than have them take it up with worſe Conſequences. And there was an excellent Temper in the Doing of it, which ſalved the King's Honour and Juſtice: For, in his Speech, he took Notice of *A Plot* of the *Jeſuits*, which he would Leave to Law, giving no Opinion leſt he ſhould ſay too little, or too much. It was eaſy to diſcern his Opinion; which made his Enemies without Doors labour, and they prevailed, to blow up the Plot in all Exceſs, and to have it urged upon him by all the Ways they could invent: But the King's Management turned all the Venom of it back upon themſelves, *and*, as they ſay, *broke the Egg in their Pockets*; for ſo the Event demonſtrated. Thoſe at Court, who thought it might have been kept out of the Parliament, were groſly miſtaken; and, conſidering that then it was impoſſible, without the greateſt Convulſions, to check it, the Wit of Man could not have found

and D[illegible]out a Conduct more *à propos* in that Conjuncture, than what the King was a[illegible] For it fruſtrated and confounded the whole Nation of Plot-mongers. Lord this Policy was of that exquiſite Quality, that it could not well be and A[illegible]ted in the Way of Counſel, at leaſt not without the greateſt Privacy ſame [illegible]onfidence, but ſeemed to depend entirely on the King's temporiſing

C[illegible]oſition, joined with a good Senſe; which few thought he could carry through with that Precaution and Steddineſs as he did; which makes me think, that, however he might be aſſiſted in the Forms, the Plan of the Proceeding was wholly his own.

CLXIV. It remains only to add a Word or two of Anſwer to a Cavil of the factious Party, which the Author, in this and other like Caſes, often harps upon; thinking it will reflect much upon the King's Honour, as if he had ſhewed himſelf a falſe and perfidious Man. And it is for letting the Law run againſt certain Papiſts, upon Accuſations which he knew to be falſe; wherein he muſt act, or rather forbear to act, againſt his Conſcience; and that, having Power by Law, he ought to have interpoſed it for ſaving the Lives of innocent Men: For he that ſaves not, when he may, deſtroys. Now, beſides the Diſingenuity of this (for whoſe Work was the Plot?) it may be anſwered, that, although the King hath a Power to controul the Sentence of the Law, upon Proceſs criminal inſtructed in his Name, as by Indictment or Informations, it doth not appear he is bound to obſerve every Caſe. If he is bound to extend his Power of Mercy in ſome Caſes, he is bound to hear all, and all Parties, Friends, Proſecutors, *&c.* in Order to be rightly informed when there is Reaſon, and when not; which is impracticable: And to let any innocent Perſons ſuffer for Want of his Application, that is not trying all Mens Caſes himſelf, may be ſaid to be as bad as if, when by Accident it falls in his Way to believe any Perſon, on whom the Law hath paſſed, to be innocent, he ſhall let Execution be done thereupon. Therefore the Power of *Non Proſ.* or Pardon, is perfectly arbitrary, and not judicial, and extended merely *ex Gratia*, requiring no Form nor Figure of Juſtice, nor the Calling any Perſons to be heard thereupon. It is abſolutely in his Majeſty's Will and Pleaſure (whatever his private Regards may be) to extend ſuch Prerogative. Mercy may be impolitic, but very ſeldom a Sin, as Severity often is. I offer this as a Lawyer, and not as a Caſuiſt. I know that many affect Rigors, and will apply them in all Caſes, but of themſelves and their Partiſans: And ſuch I have heard argue ſeverely againſt the good King on this Account. But, whether Conſcience goes ſo far or not, I will not determine, but am ſure that Governors ſeldom regard ſuch Niceties againſt the Intereſt of their Power. But let us ſuppoſe the King, in that Apathy, had not acted the *Saint*, I am ſure he acted the *good King* much more effectually than he had done the other Way. For of two Evils he choſe the leaſt; a known moral Duty, one or other being neceſſary, and the Conſequences, for Mag-

The Reflection on the King, for letting the Law run, anſwered.

nitude, not comparable: For, by ſtopping the Law, he might have Advantage to Sedition, and thereby let in a Deluge of Civil War, the of Evils, which would have deſtroyed, not Twelve, but innumerable and Families. All which Miſchief, by that acquieſcent Behaviour of as I verily believe (his own Security alſo weighed in the Scale) w his Majeſty intended to be, and really was, accordingly prevented. inſtead of having a Scandal charged on his Memory, by a falſe Writ here, for letting ſo many, regularly condemned, ſuffer, whom he knew to be innocent, he ought to have had Trophies erected to his Honour; ſuch having been the moſt politic and fortunate, as well as the beſt natured Action of his whole Government.

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PART II.

CHAP. IV.

Of diverſe myſterious Tranſactions, called Sham-plots.

I. IT may be expected, that, before we enter upon the Subject Matter, this Term of Art, *Sham-plot*, ſhould be decyphered. The Word, *Sham*, is true Cant of the *Newmarket* Breed. It is contracted of *aſhamed*. The native Signification is a Town Lady of Diverſion, in Country Maid's Cloaths, who, to make good her Diſguiſe, pretends to be ſo *'ſham'd!* Thence it became proverbial, when a maimed Lover was laid up, or looked meager, to ſay he had met with a *Sham*. But what is this to Plots? The noble Captain *Dangerfield*, being an Artiſt in all Sorts of Land Piracy, tranſlated this Word, out of the Language of his Society, to a new Employment he had taken up of falſe Plotting. And as, with them, it ordinarily ſignifies any falſe or counterfeit Thing, ſo, annex'd to a Plot, it means one that is fictitious and untrue; and, being ſo applied in his various Writings, and ſworn Depoſitions, of which we ſhall have much to obſerve, it is adopted into the *Engliſh* Language. But, that we may not fall ſhort in our Criticiſm, I muſt note that the Meaning is not ſimply a falſe Plot; but the Word implies ſomewhat of Trapan, joined with it. For the grand Plot of *Oates* was as falſe as any other can pretend to be; and, although

Criticiſm of the Word *Sham-plot*.

although it had a *Sham-plot*, like Jackall on Lyon, to attend it, yet itſelf was no *Sham-plot*; becauſe all the Buſineſs was diſpatched by pure and direct ſwearing, under which the Accuſed were paſſive, and concerned only in making the beſt Defence they could. But, when it happens that the Accuſed are drawn in to entangle, or to make Evidence againſt themſelves, or to accuſe others falſely, though there be ſwearing enough into the Bargain, that is properly a *Sham-plot*. Of which Sort I ſhall ſhew diverſe: but, conſidering the Artificer, none more exquiſite than that of the aforeſaid Captain.

The Author's Abuſe, and Suppreſſion of *Sham-plots*.

II. I ſhall next remark a little of the Behaviour of our Author, with Reſpect to theſe *Sham-plots*. I was once almoſt tempted to have made but one Step from the Plot of *Oates*, to that of the *Rye*; which two are, in Kind, ſo contrariant to each other, as would have admirably ſet them both off. But I found the Author had wrought hard upon a certain *Sham-plot*, known by the Addition of *Fitzharris*. This put a Rub in the Way; and then I conſidered there were ſeveral other *Sham-plots*, intermediate between *Oates* and the *Rye*, which deſerve a Place in a *Compleat Hiſtory*, as well as that of *Fitzharris*: And they would riſe up in Judgment againſt me if I ſhould ſlight them; ſo numerous and remarkable were they! Nor, without a Diſplay of them, could I do Right to the Author with Reſpect to his abominable Suppreſſions and Abuſes; nor to Poſterity whom he he has endeavoured, *quantum in ſe*, to rob and cheat of their Right to ſuch important Truths. But he ſhews himſelf conſtant to his Principles; for if, by any Means, Matters are pervertible to Slander on the Government, then he lays them open at full Length, not without indicatory Reflections in Text or Margin (for that often ſerves the Turn) leſt any Grain of Calumny ſhould run waſt. But if they look black and livid on the factious Side, and the leaſt candid on the Part of the Government, if he cannot avoid ſome mention of them, he pares away all that he can, and then ſerves up the reſt daubed over with his nafty Fucus; otherwiſe, as in Caſe of theſe *Sham-plots*, he makes bold to drop them whole into Oblivion. So for the ſame Reaſon, why formerly he truſted us only with the Name and Title of *Oates*'s *Plot*, and ſuppreſſed all the reſt; now he ſuppreſſeth entirely both Name and Thing. It is a Favour truly, if he ſets down any Matter that is not charged with Slander; for why ſuch Waſt of Paper, Ink, and precious Pains, wholly extra to his Deſign?

Conſtrained to mention ſome, why, and how.

III. He was forced to take Notice of *Fitzharris*'s Plot, becauſe it was critical to the *Oxford* Parliament; and ſo alſo of the *Rye Plot*, becauſe that was no leſs (but in another Way) critical to the Monarchy and State of *England*, which was thereupon changed, from a deſperate Polemic War with a perverſe Faction, (his Clients) to a Condition of perfect Tranquillity and Security againſt them and their continual Inſults. And a due Notice of theſe two Conſpiracies being egregiouſly preſerved upon Record, and in many ſolemn Prints, how could he paſs them by? Therefore, ſince

they must come forth, he takes his other Method with them, falls first to paring and pruning away Superfluities, and then to daubing and besmearing what is left. *Fitzharris*'s Plot was founded upon a Libel calculated to stir up actual Rebellion. This the Author, as his Party before him had done, dresses, and then retorts upon the King, as made by his Order, for wicked Ends of his own, to destroy the true Protestant Patriots; and, as far as in him lies, converts the whole into Libel of his own making, in Nature, worse than even that styled *Fitzharris*'s, so much as knavish Insinuations are worse than open Railing. And, as for the *Rye*, it will appear how he labours and sweats to extenuate on the Treason Side, and to aggravate against the Government. The Scope, of which Sort of Oratory, is to shew that the Justice of the Law was Tyranny, and the Punishment of State Malefactors, Martyrdoms.

IV. But what is become of the rest of our minor Plots of the *Sham?* We may hue and cry all over his Book, and hear no Tidings of them. There is, indeed, the Word *Meal Tub*, that lies lurking in the midst of another Reign, two Removes forwards, which I shall bring forth, and make Answer for itself, and give an Account what Business it has there. If the Author would come off his Concealments, and pretend they were frivolous Matters, not worthy of a Place in such a stately History, I oppose him with numerous Votes, Informations, Trials, and Examinations of them printed, and that by ruling Authority in those Times. If so much was done, by public Warrant, for a *noverint universi* upon these Transactions; why this Author, in the Depth of his private Judgment, should shuffle them out of the Way, and condemn them to utter Oblivion, I cannot comprehend. But now, to conclude his Conduct with a Display of his whole Scheme, whereby his perpetual Libel will be seen through, I note; Suppresseth all the rest.

V. First, that he wrought upon the Approaches to *Oates*'s Plot, with notable Disposition and Climactery, often calling before he came at it. And then he mounted up the Maulkin to be viewed round, though nothing was to be seen or understood of it from him, more than of a scare Crow, that is the Rags and Trumpery it was garnished with; such as Popish, Horrible, Damnable, Execrable, *&c.* with the Train of Papists, Affecteds, Adherents, Interests, Ridiculers and Stifiers, all breathing Destruction to Religion, Liberty, and Property. And so he marches on with his Idol, resolving nothing shall stop him and it; strides over all our Plots of the auxiliary Band; makes a very Lacquey of *Fitzharris*, whose Plot was to be only a Continuando of that which he held forth. But then, coming up to the *Rye*, he meets with Difficulties next to insuperable. So then he drops his mammamouchi Outside of *Oates*'s Plot in the dark, no more to be heard of in that Reign, and condescends to give a moderate, but very artificial and crafty, Account of that truly execrable Conspiracy; and, with like rhetorical Contrivance, and treacherous Gradations, as before he exalted the other, he now depresseth this, and brings it down to the meagre The Author's Way of Dealing pre-observed.

Character of being *only a few Measures to preserve Religion and Property.* And, leaſt any Perſons ſhould incline to believe public Declarations, Trials, and Confeſſions, he ſhews plainly that it was only Zeal for Religion made Men criminal, and, the Government being turned Papiſt, the Law was become Tyrant. And at this Rate he works, to cover the real Truth of the Proceedings of thoſe Times, and, in their Room, ſets up meer Inventions and Commentations of Faction. All which I have pre-obſerved here, that when I come to the Matters of Fact, I may be leſs interrupted with importunate Digreſſions, to remark his diſingenuous and intolerable Prevarications.

Shams began as a Fence for *Oates*'s Plot.

VI. So much for the Author; and, whether this general Account of him, on this Occaſion, be miſtaken, or injurious, or not, the Sequel muſt declare. Next we proceed to give alſo a general Account of theſe *Sham-Plots*, the Geneſis, and Nature of them. As for the former, and their Beginning, it is co-eval with the grand Plot of *Oates*. We muſt conſider that good Fencers teach the Parree as well as the Thruſt, and Wreſtlers the Stop, as well as the Play. Even ſo the Crafts-maſters of that Plot, from the very firſt *Scizzi* of the Deſign, conſidered which Way the Oppoſition muſt come, and accordingly inſtructed a Co-Plot, as an Outwork, to keep the Enemy at a Diſtance. For though the Fortreſs was ſtrong, yet it was not, like Truth, impregnable; therefore there was need of Flankers againſt the great and ſmall Shot that were like to fly by Way of Objection. They, knowing their Plot to be falſe, concluded moſt ſanely that the Perſons, to be accuſed, muſt, for their own Shares, know it alſo, and would loudly declare it; and, for that, and other Reaſons, diverſe People, whom they fain would hold tight to the good Work, might prove ſlack of Belief, and others fiercely oppoſe them. It was therefore given out that it was a Branch of the main Plot, carried on againſt the King's Life and the Proteſtant Religion, to have all Diſcovery diſbelieved, and that People ſhould think *Oates*'s Information was a Trick of the Fanatics, to raiſe a Rebellion. And this they called a Deſign to ſtifle the Plot, and to turn it upon Proteſtants. And whatever happened towards the detecting of *Oates*, and his Colleagues, was a Piece of this Deſign, *viz.* to turn the Plot upon Proteſtants. And ſo far it was impoſſible, by any Diſcourſe, to make the leaſt Impreſſion; for it was moſt readily anſwered, *Ay, it is a Part of the Plot to diſcredit it*; ſo as it might ſtill go on, and have Effect. And this Method put the Con-Arguers and Objectors ſtraight into the Midſt of the Plot, and ſilenced many who conſidered what a dangerous Thing it was *ludere cum ſanctis*. And, upon this Scheme, Abundance of Shams came forth upon the Stage; of which I ſhall particularly take up only the more eminent. There was almoſt every Day one Flam or other produced, of which the beſt Account will be found in a little Book, which entitles itſelf, *The Journal of the Houſe of Lords*, where they were examined, or reported from Committees. And, if that Book be a true Copy of the Journal,

nal, there cannot be a better Account given of those Kind of lesser Matters than is to be had there; and accordingly, as to them, it stands referred.

VII. So, to return to the primary Sham-Plot, it is to be remembered, that *Oates* was no sooner entered, but the Trade began. For we had, first, Whispers of a dangerous Plot of the Papists discovered, but they intended to carry it on, and to stifle the Discovery, and to suborn Witnesses to swear a false Plot upon the Presbyterians, to cover a true one of their own. Then, after the Discovery prevailed and flamed out, all the Discourse, of the Coffee-Houses and Clubs, was of the Endeavours of the Papists to stifle the Plot, and set up a Fanatic one. And, the Witnesses (for a Protection) being styled the King's Evidence nothing was so criminal as disparaging the King's Evidence, and arraigning the Justice of the Nation. With such Weapons, as these, Darkness fought against Light, and deprived People of all Freedom of Speech; as, in the former Part, is fully described. Now I must needs here, though a little early, shew a Pair of Symptoms which, laid together, demonstrate an exquisite Piece of Art in the Contrivance of the Sham Part of this Plot. First, that the Cry of it was against the Papists, as we all knew full well, but the Design was really against the Court, and also to work it by degrees off from the Papists to them, which soon became very apparent. Then next, in Order to this, and to make the Court unpopular and susceptible of this Change, as well as the People averse to all Detections of the Cheat, they reversed the Cant, and talked of Nothing but the Court turning the Plot upon the Protestants: Which could never have come in their Heads to counterfeit, if they had not had there, aforehand, a real Policy of their own contrived the clean contrary Way, that is, turning the Popish Plot upon the Court; and so the Mother looked in the Oven for her Daughter. And we find the same ordinarily fall out in lesser Concerns; for the wickedest Dealers are the first that call Knave, and the veriest Strumpet has always the Title of her Trade at her Tongue's End.

The Original of turning the Plot upon the Protestants.

VIII. But this Sham Foundation, being laid, of a Design to turn the Plot of *Oates*'s upon Protestants, the Practic was very easy, and, for Defence, extraordinary useful. If it was observed, that any Person was busy in soliciting and ferretting Evidence on the accused Side (and surely they must have some such Friends or Agents, whose double Diligence might accidentally, perhaps, stumble upon some dangerous Matter of Detection) then the Plot Drivers formed a Trap for him, baiting it with Hopes held forth of notable Success; and thereupon he was to enter, as into a Planetary Gin, and then, by Way of cross-Bite, be accused for tampering to suborn, or corrupt Evidence, to stifle the Plot, and to turn it upon Protestants. This was propense enough, till the Harms of some taught others to beware; for the Plot Witnesses, or some Confederates for them, would thro out, in the Way of him that was to be caught, some Indication of a recanting Disposition, pretending Conscience (forsooth.) This must be thought a rare Op-

The Application by Way of Trapan.

portunity; and, if the busy Body advances but so far as a private Conference, whether nocent or innocent, the Fowl was in the Snare: For then the Trapans could swear any Profers to suborn them to recant, or to swear other Matters; and who should disprove it? And so the Plot was confirmed, as *Exceptio probat Regulam in non exceptis.*

The Loyal Party first made obnoxious to Shams.

IX. The Advantages of this cross-biting Trade were very great; for not only soliciting People were taken off, but all incredulous Persons dared even to utter Silence, whatever they thought; besides an Argument raised to support the Plot; as, for Instance, *Do they go about to suborn or to corrupt the Evidence? Nay then the Case is plain.* So the Discourse ran. This Method hampered Abundance of People indirectly, who could not be directly accused. As the Loyallists of the Church of *England*, for Example, whom they could not accuse of a Design to kill the King, for that had been ridiculous and spit upon, but they could bring them in for tampering to stifle the Plot. And the Jest went so far as, by libellous Talk and Print, whereof the Quintessence is recorded in our Author here, they brought in good King *Charles* II himself for a notorious Encourager of stifling; and he came very near being made a *Sham-plotter*, as hath been, in the former Part, set forth, and the Sequel will farther shew. But there were more solid Advantages to be made, for if, by any Means, a Person had caught a Piece of a Secret, and might be a material Evidence, they could secure him so as, however willing, he should not be able (in the Sense of that Time) to do any Hurt, that is, to help any Person upon his Trial, whereby he might possibly be acquitted: For that same Acquittal of any one Person accused, as hath been noted, was of the last Consequence to the Plot. So this Frontier was guarded with *Sham-plots*; for a dangerous Person, of that Kind, might be either directly accused, or else inveigled into an Acquaintance and Conversation, if not closer Dealing, with some that should turn round, and, with the swearing Weapon, fall upon him; and, being convict for tampering, as they call it, *&c.* he was put in the Pillory, and thereby disabled to testify: And that Punishment was seldom omitted in such Cases; which made some think it was done so on Purpose. All this was most practicable; for the Witness himself made good his own Credit by his own swearing. For he might charge any one for offering to suborn himself, and so, having pilloried the Enemy, swear on with Advantage: but much more egregiously, with a little Confederacy to give a Colour, as the Instances will shew.

The Shams succeeded the Grand Plot.

X. And thus lovingly, the Main-plot, and its auxiliary *Sham-plots*, like Gamester and Rooks, went on, Hand in Hand, cooperating in the same pious Direction. It is very remarkable, that, as the Main-plot declined, the *Sham-plots* invigorated, and, at length, when the former was quite sunk, we had, of the other Sort, diverse of most desperate Reach; witness that of *Fitzharris*, which was a Swinger, and aspired to a more quick and immediate Dispatch of Business, than even that of *Oates* himself did: For his Scheme

Scheme lay ſo as to go thorough the Papiſts to come at the Court; but this began at the Court, and the good King himſelf in the firſt Place, as will appear. After this, even *Sham-plots* began to flag and run low, but, like Vermin expiring, had ſtrong Convulſions before Death. It ſeems, the Trick had been ſo much diſcovered, People, generally, were inſtructed to avoid Traps; but yet continual Attempts were made till the *Rye* Conſpiracy appeared, and then all thoſe paltry Shams, like Devils at Day-light, vaniſhed all at once.

Began with the Papiſts who were unprepared, and why.

XI. It is certain this Trade of *Sham-plots* had great Encouragement at firſt; becauſe they dealt with the Roman Catholic Party, who wanted that Knowledge and Experience of *Engliſh* Proceedings, as was ſufficient to guard them againſt Snares. We allow them general Abilities and Knowledge of the World with Advantage, perhaps, of others; but that is Nothing to the *Engliſh* Stage of Buſineſs, which Foreigners, as a learned Perſon obſerves, never trod cleverly. And the *Roman Catholic* Gentry, converſing too much with ſuch, and too little promiſcuouſly with conformable *Engliſh* Company or Buſineſs, have always, and particularly in this Juncture, failed in their Politics; and the chief of them fell expoſed to Plot-traps. It hath been ſo ever ſince the Reformation. There is ſcarce an Inſtance to be found, when they ſeemed to have had Advantages, but they loſt Ground by them. And, in all difficult Conjunctures, they have taken the Part that proved worſt for them; witneſs, the Practice of fomenting, or rather (if ſome may be believed) creating Sects, and combining with Diſſenters, who ever did, and muſt be concluded will ever, deceive thoſe (not of their Intereſt) that rely upon them. But much of this Failing may be paſſed on Account of the perpetual Intriguing of the Prieſts, who know Nothing, as they ſhould do, here; and yet, by their Converſation, and more by their religious Obſtrictions, influence their Party, and keep them from the great Danger of being better informed: And ſo it will be until the Gentlemen of that Perſuaſion ſhall allow themſelves the Freedom of Converſe, and reading adverſary Books that they call heretical, ſo as to know us as we do them; that is, withdraw from under the ſlaviſh Obedience paid to a pretended Supremacy, a Share of which every private Prieſt is pleaſed to derive to himſelf.

The Caſe of Mr. *Smith* Schoolmaſter of *Iſlington*.

XII. But now, to leave Prefaces and to come to Matters of Fact, which are to make good what has been ſaid, or all ſtands for Nothing: I ſhall begin with the Caſe of Mr. *Smith*, of whom, out of his Book, entitled, *Intrigues of the Popiſh Plot*, I have diſcourſed ſome Matters already: And now this ſhamming Subject brings him in Play again. He was a poor Schoolmaſter, of Merchant-Taylor's School in *Iſlington* (removed thither, as I have heard, on Account of the Fire) and had the ill Fortune to have *Oates* committed to his Tuition, which, notwithſtanding his ſlippery Tricks at School, after he was grown up and turned Preacher, created an Acquaintance; and ſo Mr. *Smith* came to know what a thorough-paced Rogue he was. This Qualification of Mr. *Smith* was very dangerous, and it appeared ſo far, that

that it was determined to make him a Witneſs or to ruin him; there being no Security but he might be taken in on the other Side, and ſwear againſt *Oates*.

Medburn accuſed, and periſhed, and *Smith* attempted.

XIII. There was a Club in *Fuller's Rents*, where this *Smith*, and one *Medburn*, named before, a Player, who was a Papiſt, and ſome other Papiſts uſed to meet, and *Oates*, being introduced by *Medburn*, was ſometimes amongſt them. *Oates* was far from being an Enemy to *Smith*, for he had been his Scholar, and ſince particularly obliged to him for Charity, in paying his Reckoning, when he was poor; therefore *Oates* wrought, as it ſeems, for his Good, to bring him into the Preferment of an Evidencer's Place, and did not flatly accuſe him of Treaſon, but choſe rather to charge *Medburn*, one of the Club, directly, and ſeek to compaſs *Smith* more amicably. It is not likely, that this *Medburn*, in an evil Hour for him, came into the Acquaintance of *Oates*; which ſeems the worſt Part of his Character. How it was, and upon what Confidences, doth not appear: But it is likely he knew too much of *Oates*, and, for that Cauſe, fell under his great Misfortune; for he was ſingled out, and, upon the only Teſtimony of *Oates*, was ſent to *Newgate* for High Treaſon, and there, lying long without Trial, and in Want of all Comfort, ended his Days in the worſt of Priſons. It is poſſible that, together with the other Inducements to that Accuſation, one might be to create an Handle to engage Mr. *Smith* to come in as a Plot Witneſs; whereby *Oates* alſo might be ſecured againſt his Teſtimony, and, withal, a ſenſible Evidence gained, who had notoriouſly kept Company with Papiſts, and had Colour and Inſtruction enough to alledge many Things againſt them, and to fortify his Pupil *Oates*. The firſt Onſet upon him was a Trap which *Oates* ſet for him, by deſiring him to make a Copy of Verſes in Praiſe of the *Bleſſed Virgin*. Which if he had done, and (as probably had been) in an high Vein of poetical Flights, then, by annexing a Tale to thoſe Verſes, he had been gone for a Papiſt, or worſe, as *Oates* had been pleaſed to diſpoſe of him. But that failed, as alſo an Offer that *Oates* made him of Money, on Pretence of quitting Scores, which Mr. *Smith*, *bonis avibus*, refuſed.

Smith taken and frighted, but no Charge againſt him, yet utterly undone.

XIV. But *Oates* did his Club the Honour to beſtow an Article in his Narrative upon it, as a Papiſt Meeting, and named one *Smith* that frequented it, and it was made a Fault that *Smith* kept one *Medburn* Company. So far put the Man upon his Vindication to his Superiors, that he duly catechiſed the Children, and was no Papiſt. But that did not ſerve his Turn, for he was taken by a Warrant, of ſome Lords, which was rudely executed, his Houſe rifled, Family frighted, and he carried away Priſoner, and, at length, to the Bar of the Houſe of Lords. And there *Oates* bantered with his cleft Stick, and the King's Health, as was touched before; but, being urged upon the Point, he was graciouſly pleaſed to quit *Smith* of Papiſtry and the Plot. But yet *Smith* could not be diſcharged, and, as he lay by it, all his Affairs went to rack. He ſolicited the

popular

popular Men for Favour, and, particularly, the Earl of *Shaftſbury*, as was noted, but could meet with no better Comfort than Advice to become an honeſt Man; which was a Language not ſo hard to be underſtood as *Coptic*. He was dared with two clancular Men, ſuppoſed to inform *Oates*, and was wiſhed to petition for his Diſcharge, as he did. Now obſerve a very ſtrange Paſſage, upon which I will put no Conſtruction. The Order upon the Petition, (as the Book ſays) was, that his Licence for keeping School ſhould be taken from him, (there his Livelihood, and ſupport of his Family was gone) and he was to give an Account of what he could, to deſerve the Favour of the Houſe. But his Diſcharge came not yet, for he was told, by a P——r, that he was one of the Black-Bill Men, or one of the *Drury-Lane* Dagger-Men. This Order was carried to Doctors-Commons, where his Licence to keep School was recalled, and then, in a Day or two, he had his Diſcharge. But he never could regain his School, and was conſtrained to bear his Poverty with Patience.

Tempted by *Oates* to accuſe *Medburn*, but civilly refuſed.

XV. But the Man's Trouble ended not here. *Oates* was become great, lodged in *Whitehall*, to which Place, what with Menaces, and other Means, he got this *Smith* to come to him. The Buſineſs was to ſwear againſt *Medburn*; and, after *Oates* had interrogated him, his learned Counſel in the Plot Cauſe, named elſewhere, made an Harangue, charming him to be free with the Doctor in anſwering to his Queſtions. But, he being negative to all, *Oates* took him into his Cloſet, and there offered him his School-maſter's Place again, or any Thing he would have; nay, begged and intreated him to accuſe *Medburn*; which Mr. *Smith* ſays he refuſed with a Compliment, (indeed not much for his own Credit) that he would conſider of it. This Compliment, probably, drew farther Inconveniencies upon him; and he deſerved them, for giving ſo much Countenance to a villainous Propoſition, which he ſhould have rejected with utter Deteſtation.

Smith at the Secret Committee, ſigns to a Time, and carries it for *Oates*.

XVI. Now, taking all this together with what followed, there is a ſtrange Compoſition of a *Sham-plot*. Firſt, *Medburn*, a creeping Acquaintance of *Oates*, laid faſt, and, in the End, periſhed in *Newgate*; then an intimidating Proceſs iſſued againſt *Smith*, another intimate Acquaintance, ending in his Ruin, but not without ſaving Counſel given him to become an honeſt Man; which coming ſhort at that Time, the Accuſation againſt *Medburn* failed. Then, after all this, *Smith* was had before the Secret Committee, and, being examined in the Manner, and under ſuch Circumſtances as he relates, was there prevailed on to ſign a Paper, purporting his ſeeing *Oates* in *London*, about the Time when he ſwore the Conſult to have been there for killing the King. The Occaſion was this: Many Witneſſes, that were coming from *St. Omers* to teſtify that *Oates* was then in the College, made it neceſſary to have ſome *Engliſh* Teſtimony to oppoſe them; and this fell to *Smith*'s Lot, in the Manner he deſcribes. But, after this, he was, as he ſays, hurried away in a Dungeon Dread, to ſwear to this

this Article of Time, then, eſteemed cardinal to the Plot; and ſo, by his ſingle Oath, a dangerous Oppoſition was refelled, and a ſaving Evidence gained, which was Fruit enough of one *Sham-plot*. This Exploit over, *Smith* had the Conſolation of much familiar Converſe with the Doctor, and, by that, was enabled to obſerve many notable Paſſages, which demonſtrate the exceſſive Villainy of *Oates*, and his Colleagues, as he hath very particularly ſet forth in his * Book, for which it is well worth any curious Perſon's Reading. It ſeems that, although he was caught in that Perjury, as he declares it, he was no profligate Wretch, as he had been if he had gone with his Company, and taken a Poſt of ſwearing with a Penſion. He meddled no more; and the Point, he ſwore to, lay between *May* and *June*, or *July*; in which Kind of Evidence, willing Witneſſes are but too apt to ſtretch: And it was not without great Extremities of Rigour and Dread (as he ſays) that made him mention, in his Oath, *May*. His Book was printed in 1685, but, in 1681, he gave to Secretary *Jenkins* a Note of his Remarks, but no Regard was had to him; for, at that Time, the Court was upon Meaſures of having nothing to do with Men ſtained with Perjury. And no Sort of Inducement, but what moved from himſelf and his own Mind, invited him to publiſh ſuch a Book; and as no Temptation preceeded it, ſo no Reward followed, nor have I met with any Anſwer, of any Kind, returned to it. All which, as alſo conſidering, that, for ſuch dark Dealings, as cannot come from Men of a clear Credit, they muſt be gathered from thoſe as will be concerned with them, and yet (as here) may have Tokens of Truth, I have uſed this Book as a clear Authority; others may judge of it as they pleaſe.

The *Sham-plot* of *N. Reading*, by *Bedloe*.

XVII. The next of our *Sham-plots* was managed by Mr. *Bedloe*, the ſecond Plot-witneſs in Order and Dignity, and it was directed againſt the Lords in the Tower, but faſtened upon one *Nathanael Reading*, a Counſellor at Law. The Peers were the Earl of *Stafford*, *Powis*, and *Peters*, and one Sir *Henry Tichburn* was with them; all *Reading*'s Clients, whoſe Character made that Confidence very ſtrange. The Project, that *Reading* wrought upon in their Lordſhip's Service, was to corrupt *Bedloe*, and, by Promiſes of great Rewards, engage him to be eaſy in his Evidence againſt thoſe Peers; ſo as, abating the Sting of High Treaſon, he ſhould ſwear, ſo as they might hope to be bailed or diſcharged. Whether the firſt Overture came from *Bedloe* or *Reading*, is not certain, but, from the Man's Character, I gueſs it was from the latter; for his Genius always warped towards Trick, and to be impertinently forward in every Thing he undertook. It is ſure enough that *Bedloe* and he fell into cloſe Treaty about this Matter; and *Reading* was not ſparing in Promiſes of Eſtates to be ſettled on him, if he was eaſy in his Evidence, as it was termed. *Bedloe* held him in Hand ſo craftily, that, at laſt, he got him faſt in the Trap. It was a

* Intrigues of the Popiſh Plot.

nice Managery, and may be ſhewed for a Pattern. *Bedloe* was ſo wiſe as to make the Secret Committee acquainted with the Dependance, but, what Directions were given in Secret, we cannot pretend to declare openly; but ſo far appears, as that ſome thorough confiding Party Men, and one *Freak* in particular, were privy to the Train, and joined in the Action to make the Event cock ſure.

XVIII. There was a very great Uſe of this Method, and we ſhall find it practiſed in moſt of our *Sham-Plots*; that is, when the Sham is upon the Stocks, and the Trapanner begins to ſhew a Diſpoſition to recant, or to ſwear any Thing ſhall be required, then Care is taken to have a clear Evidence of his own laying in, that ſhall confute himſelf, as having ſworn or ſaid contrary, and the like, as the Nature of the Buſineſs is: For then they may go any Lengths, and call the Matter back again as they pleaſe, and make all, they ſhall ſay, fruitleſs. I cannot but ſmile at the Thought of *Bedloe*'s having made ſure to him the Settlement *Reading* had promiſed, and of his being eaſy thereupon, as it was termed. For then his Ambuſcade had come forth, and diſcovered all, and he, in ſeeming Confuſion, owned it, and then ſworn home, with Subornation to boot, ten times worſe than was true; ſo he had got an Eſtate, and the Lords the Prejudice of Suborning. This was the very Trap the Earl of *Shaftſbury* ſet for the Court, by the Means of *Wilkinſon*, as was ſhewed. It is poſſible that here *Bedloe*'s Maſters cared as little to truſt him, as he *Reading*; and ſet Evidence over him, that, if he ſhould play a recreant Trick, he might be, as *Reading* was, puniſhed. It ſeems he went ſo far towards his Settlement, as to blink in *Whitebread*'s Trial, and, at a ſecond Coming on, ſwore himſelf forſworn before, having been tampered with by *Reading*; and made it ſo appear by the Teſtimony of his lateral Evidences. So very conſiderable is this Contrivance of a back Evidence to the Practice of Sham-plotting. But, of *Whitebread*'s Caſe, ſomewhat elſewhere.

The Uſe of a Back-Evidence in Sham-plotting.

XIX. The Manner of this Dealing, between *Bedloe* and *Reading*, was, in ſhort, thus; *Bedloe* preſſed to have his Settlement diſpatched, he was to go to the Secret Committee, and could not ſtay. *Reading*, as Counſel for the Peers, declared that he had his Inſtructions, and the Settlement was before him to prepare, and it ſhould be done forthwith; and, for that, Mr. *Bedloe* might rely upon him, and he would anſwer it ſhould certainly be perfected ſoon, if he kept Touch. And, all this While, the Buſineſs, of adjuſting the Words of *Bedloe*'s Oath, went on. The Subſtance was put in Writing, and *Reading* went to and fro with it between his Clients and his Cuſtomer, and, after many Alterations, it was ſettled ſo as *Bedloe* was to ſwear, and the Lords were ſatisfied with it. So it ſtood, and the Counſel had his Fees, but might have adviſed himſelf better than to let it go, under his own Hand-writing, into *Bedloe*'s Power; for, by that Error, he was irrecoverably loſt. But yet that Advantage againſt him was not, it ſeems, relied on; but it was carried farther, that they might have him in

The comical acting the Trapan of *Reading*.

the Nooſe faſter. It muſt be put into *Bedloe*'s Hand, as his Rule of Swearing, in the Sight of Mr. *Freak*, who was fix'd, by Time and Place, in the Court of Requeſts, amidſt all the Company, to obſerve the Motion of this Trapan. Then, according as had been concerted with *Bedloe*, *Reading* comes up with the Evidence Paper, brought freſh from the Lords, and, having ſlily put it into *Bedloe*'s Hand, as he walked, turned off; and then *Bedloe*, in an Inſtant, with the like Turn, ſlily ſtole it into *Freak*'s Hand, and ſo the Action and Writing were inconteſtably proved, even in the worſt Senſe of Subornation. This Paper was read at the Trial, upon an Indictment of *Reading* for the Offence; and ſuch a Gallimaufry Piece of Nonſenſe it was, as, being ſo expoſed, appeared very ridiculous.

Reading tried and convict, with the Uſe of the Pillory.

XX. After this Action ſo well over, and the Secret Committee acquainted with it, ſtraight a Proſecution was order'd, and, at the Trial, *Reading*, having nothing to oppoſe but an empty Chime of Words ſignifying nothing, was convict and pilloried; and that diſabled him for teſtifying, which, otherwiſe, might not have been wholeſome to the Plot, becauſe he might have ſworn to diſparage *Bedloe*. But that ſame Pillory is a Cure for Swearing, as cutting the barking Nerve of a Dog, is of his Noiſe; perhaps, under other Circumſtances, Reſpect to his Gown might have ſpared him that Ignominy; but Matter is always to have the Preference of Form. Whatever the Circumſtances of the Lords were, againſt whom there was no direct Proof of this Traffic, only *gravis præſumptio*, it is certain *Reading*'s Behaviour was fooliſh and criminal in the higheſt Degree. For what could a Profeſſor of the Law do worſe than offer Bribes, to corrupt an Evidence, in a Caſe of High Treaſon?

The fond Error of the Lords in the Tower.

XXI. But if this was not all pure Pragmaticalneſs of *Reading*, and the Lords were concerned, as vulgarly was underſtood they were; had not their Caſe been as low in Reputation, as the Fury of the Times could render it, this Proceeding of theirs had ſunk them. For who will not incline to believe Men Guilty, that ſought to bribe off the Evidence againſt them? They were ſtrangely over-ſeen in many Reſpects. Firſt, in truſting a Fellow that every one knew to be impertinent, ignorant and falſe, who had neither Skill, Honeſty, nor Diſcretion; and thoſe Wants inducing a greater (or rather, as moſt think, greateſt of all) the Want of ordinary Subſiſtence; what might he not have done for better Fees? Then ſure it was inexcuſable to ſet a Treaty on Foot with a known Fourb, as *Bedloe* was, and more ſo to them, whom he had falſly accuſed, or pretended he would do it (if that were all) than to others; and one who had entered upon a Game of Fortune through Perjury, hoping to riſe upon their Ruin. They ſhould have been aware that, where Truth is wanted, Stratagem and Trick abounds. Conſciouſneſs is never at Reſt, but ever ſeeking, or making falſe Pretences, to mend the Game. They ſhould have ſuſpected every Step, towards a Rogue, to be a Quickſand. And what could they expect from a Chicane with ſuch Fellows, as were back'd with Authority and

Money, ſo as they were? To conclude: This Inſtance is an univerſal Leſſon to all People, that are attacked criminally upon falſe Facts, never upon any Terms to treat with, but ever to defy the Adverſary. The doing otherwiſe is little leſs than *Felo de ſe*. But there ended the *Sham-plot* of *Nat. Reading*, in which he was both active and paſſive. As to the *Main-plot*, bating the taking off his Teſtimony, it had no Effect but in Amuſement, which made good the nine Days Wonder, and the Diſcourſe of idle People.

The Caſe of Mr. *Samuel Atkins*, Mr. *Pepys*'s Clerk.

XXII. There is in Print a Trial of one Mr. *Samuel Atkins*, for the Murder of *Godfrey*, whereupon he was acquitted. There is much to be obſerved out of the Trial, as it was printed; but, having had the Peruſal of a MS. wrote by the Gentleman himſelf, which gives a very exact Account of all the Proceedings, with the Circumſtances, from the Beginning, I chooſe to give an Extract of that, for the Hiſtory of the Whole; the rather, becauſe it is of undoubted Credit, the Perſon being not only capable but juſt, having been, by the Sentence of the Law, the Declaration of the Judges, and Conceſſions of the Proſecutors themſelves, beſides the real Teſtimony of his Behaviour under the ſevereſt of Trials human Nature could well bear, vindicated, and declared to be an honeſt Man. And, finding the ſubject Matter exactly conform to other Inſtances of Shams I am dealing with, and demonſtrative of the wonderful Impudence and Injuſtice of a Faction in that Time, I conceived it deſerved a Place among the *Sham-plots*; the rather becauſe, as the Party at the Time, ſo the Author here, has huſhed up the Buſineſs, ſaying only of it, that *S. Atkins was tried upon an Indictment, as acceſſary, and acquitted.* Which is as very a Bilk, as his Criſis of Politics, the Grand Plot, was. But what follows may ſupply the material Part of that hard Caſe.

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The Drift of ſome, that he ſhould accuſe his Maſter.

XXIII. *November* 1678, The Relation begins with the cruel Menaces and Temptations, which were uſed to Mr. *Atkins*, to make him be ingenuous and confeſs, as they called it. He ſuſpected they would have had him accuſe his Maſter Mr. *Pepys*, who was then Secretary to the Admiralty (one of whoſe Clerks this Mr. *Atkins* was, and a known faithful and profeſſed Servant of the Duke of *York*) of being concerned in *Godfrey*'s Murder; in Expectation, that, through Mr. *Pepys*, if they could once have come at him, by like Proceſs of Threats and Promiſes (for he was an elderly Gentleman, who had known Softneſs and the Pleaſures of Life) they might have that Murder charged on the Duke of *York*. For Mr. *Pepys*, in deſperate Circumſtances, might be as likely to accuſe the Duke, as his Man *Atkins* was to accuſe him: For what will not human Nature, in its Weakneſs, do, to avoid Torment and ſave Life? And it is hard to deſcribe with what Force and Efficacy Arguments were preſſed in this Age, when a Party urged them, who ſeemed to have no leſs the Power of Life and Death, than of Preferment, in their Hands. And it is very probable that Perſons, conſcious

of ſmall Diſpoſition towards Martyrdom in themſelves, might think the Reaſonings, afore hinted, would be very powerful over others.

Mr. *Atkins* taken up, and denied the Words of which he was accuſed.

XXIV. The firſt Act, that appeared, was a Letter wrote from the Committee of Lords, appointed to examine into *Godfrey*'s Murder, to the Secretary of State, to find out this Mr. *Samuel Atkins*, and to ſend him to them; which was done by a Meſſenger, with a Warrant executed with all Civility. The Lords were of thoſe who appeared moſt zealous about the Diſcovery of the Plot. The Earl of *Shaftſbury* had an advanced Poſt in all thoſe Affairs, the jolly Duke of *Bucks* was one, and a certain Prelate*, in this Cauſe very fit to be forgotten. When Mr. *Samuel Atkins* came before them, he was interrogated concerning one *Charles Atkins*, Son of Sir *Jonathan Atkins*, and Nephew of Sir *Philip Howard*. Which Kindred will carry a notable Innuendo upon Sir *Philip*, when it is ſhewed what Part he had in the Buſineſs. The Pinch of the Queſtion was, if Mr. *Samuel Atkins* had not told the Captain *(Charles Atkins)* that there was a Want of Friendſhip between Mr. *Pepys*, and Sir *Edmund-Bury Godfrey* upon this *Occaſion* (ſo it was worded, which was taken to refer to *Godfrey*'s being concerned in the Diſcovery of the Plot) Mr. *Samuel Atkins* denied all the whole Matter demanded of him. Then he was queſtioned about one *Child*, a plain Man, but it fell out, that this *Child*, being called in, did not know *Atkins*, nor he him, ſo that Matter dropped.

Denied all Matters again, and ſhewed the Accuſer an ill Man.

XXV. Then Captain *Atkins* was called in, and he ſwore the Words as before, pretending they were ſpoke at *Derby-Houſe*, where the Admiralty Office was kept. The Earl of *Shaftſbury* would have the Examinant ſay, whether he did not aſk Captain *Atkins*, if this *Child* was a Man of Courage and Secreſy, and bid him to ſend him to *Derby-Houſe*, to inquire for his Maſter, but not to aſk for him. All which the young Man utterly denied; but took Occcaſion to acquaint the Lords, that this Captain *Atkins*, at *Derby-Houſe*, borrowed a Crown of him, and would have him let one *Child* (as he knows not but his Name might be) come to him to be recommended to Mr. *Pepys* for an Employment; for which Job, the Captain and one Capt. *Hurſt* were to have ten Guineas. Which Propoſition he utterly rejected as a dirty Buſineſs, in which he would not be concerned; and he challenged Captain *Atkins* to ſay if this were not true.

Sainted over again, and confirmed.

XXVI. The Earl of *Shaftſbury* began then with his hopefuls and his ingenioufes to the young Man, to wheadle; and ſaid he (the Captain) has ſworn this Matter, and had not Wit to invent it. So, prythee, be ingenuous, tell us, and confeſs what you ſaid. But the young Man ſtood in his Denials with all Aſſeveration. Then the Earl urged that, though the Captain was lewd, and a Debauchee, yet he was not to be thought a Raſcal. To which Mr. *Atkins* replied, That he was a Coward, and now a Priſoner for baſely delivering up the King's Ship to the *Turks*, and related the Matter of Fact at large, *Ad quod non fuit Reſponſum.*

* The Biſhop of *London*.

XXVII. Then

Refiſted all Temptation.

XXVII. Then the Earl catechiſed him as to his Religion, which proved to be Proteſtant; but yet he ſaid St. *James*'s, (where the Duke of *York* had his Court) might have affected him, and they were apt to ſuſpect People inclined to the Sea. The Spirit of that Reflection regarded the Duke's having an Influence upon the Marine. The Duke of *Bucks* then came to him, and, laying his Finger upon his Forehead, *I ſee*, ſaid he, *the great Workings of thy Brain, come, for thy n'own Sake, declare what thou knoweſt.* This came very near to plain *Engliſh.* The other Lords, one after another, came to him, and, with good Words, and Sorrow for his Obſtinacy, told him what Advantage his Confeſſion would be to him. And the Captain himſelf urged him, with Promiſes to make his Fortune by it; but ſtill the young Man's Anſwer was the ſame, that is, utter Denial of the Whole.

Sent cloſe Priſoner to *Newgate.*

XXVIII. He was ordered to withdraw, and, being called in again, was told by the Earl of *Shaftſbury*, that they were ſorry, but muſt ſend him to *Newgate*, elſe they could not anſwer it to the Parliament. And he did not part with him without parting Counſel, as ſome others alſo gave him, to declare what he knew. They all pitied the ill Fortune that would otherwiſe attend him. Sir *P. Howard*, the Captain's Uncle, who was the Juſtice of Peace that took the Nephew's Examination in Form (upon which the Warrant of Commitment was grounded) told Mr. *Samuel Atkins* that he, being bred in an Office, as he was, could not but have ſo much Wit as to know the Puniſhment if he concealed the Matter; and he was perſuaded that he muſt know it, becauſe, ſaid he, *I examined the Captain ſtrictly, and know he would not lye.* But no more could be got out of the young Man, who, from the Beginning to the End of this rigorous Examination, was the ſame. So he was delivered, with a Warrant grounded as aforeſaid, to the Keeper of *Newgate*, and there he lay in a thinking Condition, without Pen, Ink, Paper, or Liberty to write or ſpeak with any Perſon whatſoever.

At his Deſire heard again.

XXIX. About five or ſix Days after his Commitment, when he had converſed with himſelf upon all the Paſſages and Punctilio's, and had bethought himſelf of the Words *On this Occaſion*, he deſired to be admitted to the Lords, which was done. The Earl of *Shaftſbury* told him, he hoped now he had better conſider'd, and would give ſome Light into the Buſineſs. The young Man anſwered, that he had conſider'd, and deſir'd to clear himſelf, and to have his Liberty. Nay then, ſaid the Earl, if you come to that, we muſt ſend for the Captain, who declares he has much more againſt you, and that you will appear the worſt Man alive; ſo, at Mr. *Samuel Atkins*'s Deſire, the Captain was ſent for. And, at his Coming, before they went into the Lords, Mr. *Samuel Atkins* took the Opportunity, in hearing of his Keeper, to diſcourſe with him, and to urge him upon the Subject of the Injuries he was doing to him; and the Captain expreſly acquitted him of the Murder and all the reſt, but ſaid only, that ſuch Words paſſed between them.

Explained himſelf.

XXX. Upon their being called in, Mr. *S. Atkins*, out of his Memory (for they did not permit the Examination to be read) anſwered what was charged upon him; and, as to the Words, — *on this Occaſion* — ſaid it could not refer to the Plot, for the Diſcourſe was before *Batholomew-Fair*, when that was not diſcovered; and what the Man meant by thoſe Words, he could not imagine, and affirmed that he knew not of *Godfrey*'s taking the Depoſitions till after his Death. Then they all cried out upon him, that was impoſſible, did not he live in an Office of Buſineſs? And how could he not know that? Mr. *Atkins* anſwered, What, if out of the pure Invention of a Lye (as it muſt be) I did ſay as the Captain ſwears, what then? Nay, ſaid the Earl of *Shaftſbury*, leave us to make the Uſe, do you but confeſs it, you ſhall be ſafe, and we will apply it. But the young Man anſwered him, that he would not tell a Lye, to any Man's Prejudice, whatever he ſuffered. This Paſſage ſhews that this Diſcourſe, ſworn by the Captain, was to be uſed but as a circumſtantial Evidence; the main Scene lay in the dark; it's Pity it never came to light.

Inſiſted to have his Liberty.

XXXI. The Earl of *Shaftſbury* ſet Mr. *S. Atkins*, and the Captain to ſtaring at one another, and, in a bantering Way, charged Captain *Atkins* to ſay whether he had be-lied the young Man or no; telling him it was the ſame as to bely an Emperor, for every private Man is a little Emperor of himſelf. But the Captain, partly, at that Diſcourſe, and, partly, at being ſtared at, turned as white as a Cloth, but the Lords did not obſerve it to him, though it was ſhewed them; and the Captain replied only thus, *Why ſhould I ſay ſo, if he had not told me?* Then Mr. *S. Atkins*, being warmed, inſiſted ſtrong for his Liberty, and, in particular, applied to his merciful Lordſhip, the Biſhop, on Account of his Religion. His Lordſhip condeſcended to believe him a Proteſtant: O, but the Captain's Oath was very ſtrong againſt him! Mr. *S. Atkins*, among many other Improbabilities, alledged the little Favour or Truſt he had with his Maſter Mr. *Pepys*. What, ſaid the Biſhop, Are you a Debauchee? Then the Earl of *Shaftſbury* affirmed he was his Maſter's Favourite, and his Night-Reader of his Letters, and the Servants in the Houſe would prove him a reputed Papiſt: And then required him to tell what Books he read to his Maſter. To all which Matters, to be ſhort, his Anſwer countered every Deſign of the Interrogations.

Sent back, and tempted by his Accuſer.

XXXII. So to Priſon again was the Word. Bail denied, and all Acceſs of Company to him refuſed, except only his Siſter, who was permitted for once, and the Goaler to be by. But the Captain had greater Favour, for he prevailed with their Lordſhips that he might be admitted to him, in order to bring him (as he, after the Mode of that Time, termed it) to confeſs. Some Days after, the Captain comes into his Room with the Gaoler; the latter withdrew to leave them alone; but Mr. *Atkins*, following him to the Stairs, with all imaginable Earneſtneſs, entreated that he might not be left alone with that Man, giving his Reaſons, which are obvious:

vious: But he was anſwered that the Lords had ordered otherwiſe, and ſo it muſt be. Then the Captain fell to crying and roaring, That both were undone. Why? O! A Man is come to Town, that ſwears you were at the Murder of *Godfrey!* But, ſaid Mr. *Atkins*, why are you undone, otherwiſe than in Conſcience, by ſwearing falſe againſt me? Then the Captain told an unlikely Story of his joining with that Man in a Reſcue. After which, he fell to pray and entreat Mr. *Atkins* to conſider and confeſs, ſaying, that Sir *P. Howard* had ſent him to wiſh him to do it before it was too late. You cannot, ſaid the Captain, be hurt, but ſhall make your Fortune, and what need you care for your Maſter? After diverſe warm and aſſeveratory Anſwers made by Mr. *Atkins*, the Captain ſtopped ſhort in his Walk, for he was turning about the Room, and, did not you, ſaid he, tell me your Maſter had a Houſe at *Rohan* in *France?* And you know you deſired me to impeach your Maſter about this Murder, becauſe he ſhould keep it from the Duke of *York*. What? ſaid Mr. *Atkins*, have you ſworn theſe Things? No, ſaid he, what ſhould I ſwear them for? But you know you told me ſo. Then, after Mr. *S. Atkins* had be-villained the Captain ſufficiently, he was bid conſider till the Afternoon, when he ſhould be called before the Lords again; and ſo the Captain went away. By this Paſſage it is plain that ſome Perſons thought the Murder of *Godfrey* would have lain at the Duke's Door, for Matters ſeem to work that Way; and that *Pepys*, being once tentered, ſhould have come off *ſecundum artem:* For if he had been made obnoxious, then (as they thought) he might have fetched himſelf off, firſt, by confeſſing, and then denying, alledging he was prevailed with to own it, to ſcreen his Maſter, or ſome ſuch colourable Stuff. And then a ſmall Detachment of poſitive Evidence, ſupported with ſuch Circumſtances, by Plot Law, had carried the Cauſe clear againſt the Duke. This is no fond Conſtruction, for, when all Paſſages are laid together, and collated with the Methods of theſe Plot-ſwearing Rogues in other Inſtances, it is clear enough; for it was their Way to enter in Guilt, and then, becoming Converts, were ſainted up for true Proteſtant Diſcoverers and Witneſſes.

Chained and brought up, and oppoſed by *Bedloe*, and committed cloſe again.

XXXIII. After this, the Medicine began to work, and poor *Atkins* had Irons clapped on him, and all his Papers ſeiſed, and then he was carried to the Lords. And being entered, the Man out of the Country, who was *Bedloe*, it ſeems, came up to him, and, ſtaring him in the Face, ſaluted him. Then came on the Queſtions, Do you know that Man? Anſwer, No: Then did *Bedloe* know him? Anſwer, He had ſeen him ſomewhere, but could not tell where, and did not remember his Face, he could not ſwear he was the Man? It was a young Man that told him his Name was *Atkins*, a Clerk belonging to *Derby-Houſe*, but he could not ſwear that was the Perſon. Mr. *Atkins* was aſked where he was on *Monday*, the 12th of *October*, at ten at Night, if at the *Pell-Mell*, or that Way. (Note how the Shot pointed towards the Duke of *York*) Anſwer, No. Then

Bedloe withdrew, and the Earl of *Shaftſbury* comes on. If thou art innocent, ſaid he, thou art an unfortunate Wretch. I have good News for thee, but one Way to ſave thy Life: Confeſs all you know, and make Diſcovery of this Matter. The young Man's Anſwer was, That no Fear of Death ſhould make him tell a ſolemn Lye, to the Prejudice of any one. His Lordſhip replied, ſince he was ſo gallant, he would certainly be either knighted or hanged. If the Papiſts riſe and cut all our Throats, thou wilt be knighted; if not, thou wilt be hanged. And then his Lordſhip ſumm'd up the Evidence againſt him, and ſaid, That diverſe others, well known to *Bedloe*, were concerned in it. The Duke of *Bucks* affirm'd they were all in Cuſtody then in the Houſe. The Lord *Shaftſbury* added, if one of thoſe ſwear you were in, all the World cannot ſave you. Mr. *Atkins* anſwered, that he ſhould be glad of Diſcoveries, but he could not ſuffer by Things being miſplaced. Then ſaid the Duke of *Bucks*, O! he expects a Pardon. No, ſaid the Earl, I'll ſecure him from that I'll warrant you. Mr. *Atkins* ſaid he expected no Pardon, but deſired Death when he deſerved it; and, truſting to his Innocence, committed himſelf to the Goodneſs and Juſtice of God Almighty; and ſo withdrew to his Poſt at *Newgate* again, where, after ſome Days, his Chains were taken off, and then he was removed to the Preſs-Yard, where he was kept up cloſe.

Tempted again by the Accuſer, to no Effect.

XXXIV. Eleventh of *November*, Captain *Atkins* was ſo kind to make him another Viſit; and, in Diſcourſe of the Man at the Committee, and what he ſwore, Ay, ſaid the Captain, but, at the Houſe of Commons, he had ſworn poſitive againſt you, that you were at *Somerſet-Houſe* about the Body of *Godfrey*; and that now Sir *P. Howard* bid him come and let you know it, and to wiſh you to confeſs all you know, before it is too late, and then urged him to ſay ſomewhat. But Mr. *Atkins* ſtill refuſed. Then they diſcourſed of *Bedlum*, as the Captain named him, and his Fame, which the Captain run down, ſaying he was hired, and they were all Shams; and then, ſaying Mr. *Atkins* ſhould come again before the Lords, he went away. Theſe Viſits, conſtantly preceding the Examinations, ſhew'd that the Captain walked by Direction.

Examined by four Members of the Houſe of Commons.

XXXV. Twelfth of *November*, But now another Sort of Experiment advanced; for four Gentlemen of the Houſe of Commons, came to Mr. *S. Atkins*. They laid before him the deſperate Caſe his Life was in; no ſaving it, but by pouring out himſelf in Confeſſion to them; then they would hear what he could ſay. His Anſwers were giving Accounts of what had paſſed, with his Denials, to all which he then firmly ſtood. They aſked him if he knew one *Welſh*, or *Pritchard*, and of his being employed, at certain Times, about dark Lanthorns and *Somerſet-Houſe*; but they went away with little Purchaſe. However, at parting, they ſeriouſly demanded if he knew any thing of the Murder of *Godfrey*, or of the Plot; to all which he anſwered, with Aſſeverations, that he did not. Then Mr. *Atkins*, had three or four Days Time, in holy Peace, to recollect the

Spending of his Time, which they demanded of him; and, as it fell out, he could give an Account of it to an Hour, though three whole Days were in the Compaſs of the Queſtion, which ſeldom happens to any one, in or out of Buſineſs. The next Scene was the Goaler's giving him Notice that he muſt forthwith go to his Trial, and thereupon he ironed him up for that Purpoſe. But, an Hour after, he came again and told him it was a Miſtake, the Order was for one *Stayley*, and not for him, but the next Day was to be his; and that came, yet no News of any Trial.

Notice and Preparation for Trial, and *Bedloe*'s Subterfuge.

XXXVI. His Siſter and Mr. *Hays*, a Lawyer, came to him, by Order, with a Keeper, and told the ill News, what was ſworn by *Bedloe* againſt him; which, according to his Narrative of this Matter, went but to Likeneſs, and the Perſon owning himſelf to be Mr. *Pepys*'s Clerk, and that he believed him to be the Man, but, not knowing him before, he could not poſitively ſwear it was he. This was the Evidence; and ſuch Sort of Stuff went for Proof in the Opinion of the Plot-vulgar of that Time. And there is contained a notable Subterfuge for *Bedloe*, in Caſe of Confutation; and good Uſe was made of it, as will appear afterwards. The Gentlewoman and Mr. *Hays* had adjuſted a Paper, how his three Days had paſs'd, which agreed exactly with his Memory; ſo they left him to prepare for his Trial in a Day or two. Here we may ſee the Reaſon of *Bedloe*'s Subterfuge; for it was not then certain, but Mr. *Atkins* might have a clear Defence, and then, if he ſwore poſitive, the Plot had received a Wound. But, if it had been found that *Atkins*, like a wild young Fellow, could have given no Account of his Time, it was in the Power of a Word, to have finiſhed the Evidence full and clear: And how that Matter wrought, appears next.

His Breviat of Defence taken from him, and his Witneſſes ſifted.

XXXVII. Mr. *Atkins*, moſt reaſonably, was furniſh'd with Pen, Ink, and Paper; how elſe could he prepare for his Defence? And he applied himſelf diligently to it, and drew up the particular Facts he was to prove, with the Witneſſes Names to each Fact, for his ready Management of his Defence at his Trial. The firſt Indictment againſt him was as Principal in the Murder, and it was found, but no Trial that Term; but, inſtead of his Trial, *O Monſtrum!* the Keeper of *Newgate* ſent in and took away from him all thoſe Papers, he had compoſed, purely of the Matter of his Defence, and nothing elſe; and, as Mr. *Atkins* writes, (for all this comes from his own Hand) carried them to the Secret Committee. And, by them, a Diſcovery was made of his whole Defence, and the Names of all his Witneſſes: And thoſe Witneſſes were ſent for to the Secret Committee, and there, with the Aid of the King's Counſel, that managed the Law-Part againſt him, were interrogated, one after another, to the utmoſt Nicety, as to what they could ſay; and Mr. *Bedloe*, the doubtful Witneſs againſt him, all the While preſent. And ſo it was found that *Atkins* could clear the whole Time in Queſtion, particularly 14 *October*, ten at Night, which was the preciſe Time *Bedloe* charged him, or his Likeneſs, to be at the

Murder. All which Doings were ſo extraordinary, as, perhaps, will not be believed.

Gets his Trial with much ado.

XXXVIII. After this, the Zeal of the Proſecution began to languefy, and the little Good, like to come of it, ſhewed the Error of puſhing the Matter ſo far, before the Waters were well ſounded. And now the Buſineſs was to get well off with *Salvo* to the Credit of the Plot, and of Mr. *Bedloe*, who was then a freſh Witneſs, on whom great Matters depended; and Care was taken accordingly, as will appear. So now, no more Fiſh to be caught, all the Hurry, Hurry to Trial came to nothing at all. And the next Term came on, and was near expiring, without any News of the leaſt Tendency towards it. Whereupon Mr. *Atkins*, having aforehand, as the Uſe is, attended Mr. Attorney General by his Counſel, moved the Court for his Trial that Term, which, upon the King's Counſel's ſaying they were ready, was granted. A Day or two after, his Indictment was changed from Principal to Acceſſary, and upon that he was arraigned, and pleaded to Iſſue, and a Day was appointed. He deſired a Rule that his Papers ſhould be produced, which was denied, ſaying, upon Application, what was reaſonable would be done. At his going away, the Chief Juſtice aſked him, if he had ever been a Papiſt? And he ſaid no: And that, ſaid the Chief Juſtice, is very material.

Tried and acquitted.

XXXIX. Tenth of *Feb.* Mr. *Atkins* was brought up (as he thought) to his Trial, together with the three poor Men, *Green*, *Berry*, and *Hill*. But thoſe were preferred; and Reaſon good, for *Atkins*, having a ſure Defence, coming firſt, might have caſt cold Water upon the Evidence againſt the reſt. Thoſe Trials laſted till three in the Afternoon, when Mr. *Atkins* came to the Bar, but was told he muſt ſtay for his Trial till the Seſſions, and he was aſked if he had Bail ready. He ſaid he was better prepared for his Trial than to give Bail; and, upon his inſiſting to be tried, and ſhewing his Witneſſes were Sea-faring Men, and could not ſtay ſo long, he obtained the next Day; when he was tried, and, the Jury not going from the Bar, acquitted; as the Print, to which, for the Particulars of what paſs'd in the Courſe of the Evidence againſt and for him, it ſtands referred, will ſhew. So much Trouble, Impriſonment, Terror, hard Uſage, and Torment, had this young Gentleman endured for nothing! If a fruitleſs Experiment may be ſo called.

Being a Papiſt, probably, had been convict.

XL. There were diverſe Paſſages at the Trial, which, being in their Nature extraordinary, deſerve to be remembered. Mr. Attorney General ſaid the Priſoner had good Luck that *Prance* (another Witneſs againſt the three Men) came in and diſcovered the Murder; elſe, upon Circumſtances, Probabilities, and Preſumptions, he muſt have gone for the Principal, but now he ſhould be charged only as Acceſſary. And I may add he had good Luck that he had never been a Papiſt, for that Queſtion, often aſked, ſeemed to imply that, if he had been ſo, it might have proved a nicking Evidence againſt him. This is confirmed by an Incident or two at the Trial. The

Attorney

Attorney General was told there was a Boy would prove him at Maſs at *Somerſet-Houſe* diverſe Times; and if ſo, ſaid the Attorney, that is being a Papiſt, he is a Party concerned, for it was the Intereſt of thoſe of that Party, to have *Godfrey* cut off. But, on calling the Boy, the Priſoner aſked on a ſudden? *Do you know me?* And the Boy anſwered, *No.* And then the Attorney fell into a Rage againſt the Officer, for bringing him in. The Boy was ſent away, and it was called a Miſtake. And when, on the Priſoner's Part, the Witneſs ſaid he was a Proteſtant, and a zealous one; *Ay*, ſaid the Chief Juſtice, *there is much in that.* Such ſtrange Law Logic prevailed in thoſe Days.

XLI. When the Priſoner came to his Defence, and began to open againſt Captain *Atkins*, to ſhew him the verieſt Rogue upon Earth, for which he was amply provided of Teſtimony, he was ſtopped and not ſuffered to go on, becauſe that Evidence did not preſs him. But the Jeſt came at the Cloſe; for when, by indubitable Evidence, it appeared that, on the 14th of *October* at ten and eleven, or twelve, at Night, Mr. *Atkins* was abſent at *Greenwich*, and there, at an Entertainment of ſome Ladies, ſoundly foxed, the Attorney General threw up; but with a Speech that all this was no diſproving of the King's Evidence, Mr. *Bedloe*. *No, no, have a Care of that*; and the Chief Juſtice added, *that* Bedloe *was the more to be credited.* But Mr. Attorney was not ſatisfied with all this, but came over with it again, deſiring that the Company might not go away with the Miſtake that the King's Evidence were diſproved. And the Chief Juſtice made a ſhort Eclairciſſement how this might very well happen, that is, out of Jealouſy of the Murder, and Willingneſs to find it out, and none was to blame for purſuing Mr. *Bedloe*'s Evidence; and all they ſaid might be true, and yet Mr. *Samuel Atkins* be a very honeſt Man. This ſoftened the Character of the Proceedings at the ſecret Committee, where the Experiment, upon this Gentleman's Firmneſs, had been urged too far: eſpecially conſidering the little Umbrage he, at any Time, gave of complying with what ſome Perſons expected from him, But, it ſeems, the Fervour of the Chaſe had ſuperſeded Policy at that Time, when it was thought ſcarce poſſible that human Nature could bear ſuch Trials, even to Blood, as fell to the Share of diverſe, and of this young Gentleman in particular, who had the Death's Head brought to his very Noſe, and others actually executed, none confeſſing, as it was termed, but all denying. It was late found, and therein to have been an Error not to diſcern, that the Courſe muſt end in the Ruin of the chief Aims of the Plot; for, as to all ſupplanting the Government, the Engineers ſhould have conſidered it abſolutely neceſſary to the Deſign, not to loſe Reputation before they came to Action. Here ends the Relation out of my MS. which, if Provocation be given, will ſpeak for it ſelf at large. In the mean Time, let not this Ritratto of a large Landſcape be thought trifling, for it is of Mountains and Foreſt Trees, and not Shrubs, that the Deſcription opens.

The intenſe Care of the Credit of the Plot, and of *Bedloe*.

The *Sham-plot* of *Bedloe* at *Briſtol.*

XLII. I ſhall next take Notice of another *Sham-Plot*, of which the Keel was laid, but, as Matters fell out, it never advanced ſo far as to launch, but broke upon the Stocks. It was managed by the ſame *Bedloe*, and the Matter was to have its Riſe at *Briſtol.* It was in *Auguſt* 1680 that the Captain rode down Expreſs by Poſt from *London*, and, whether he made too much Haſte, or being of late more than ordinary pampered, it is certain he took a Fever upon the Journey, of which, at *Briſtol*, he afterwards died. And that (it is preſumed) was no Part of his Plot. It ſeems he intended to meet the Judge of Aſſiſe there, who, that Year, concluded the Weſtern Circuit at *Briſtol.* The Judges were Sir *Francis North*, Lord Chief Juſtice of the *Common Pleas*, and Sir *Thomas Jones* a Judge of the *King's Bench.* The latter was much afflicted with the Gout, and not able to go thorough, but left the Circuit, and, from *Somerſetſhire*, went off for *London.* Whereupon the Chief Juſtice was left to do all the reſt of the Buſineſs, which ended at *Briſtol.* I take it that, after the Poſt brought to *London* the News of this parting of the Judges, the Reſolution was taken for *Bedloe* to find the Chief Juſtice alone there, and to offer unto him ſome new Diſcoveries; and, probably, if both Judges had been together, that Journey had been ſpared, for Reaſons I ſhall obſerve.

The Lord Chief Juſtice *North* made a Narrative to the Commons.

XLIII. Now, as to the Matter of the Examination taken there, and the Circumſtances, as the ſame were laid before the Houſe of Commons, I ſhall not be very particular, becauſe they were printed by Order of the Speaker; but remember in general that the Tendency of *Bedloe*'s Oath was to accuſe the Queen and the Duke of *York.* But Nothing expreſs, or poſitive, was declared; and that, which he did depoſe, was ſuch improbable and rank plot-ſcented Stuff, as never was offered to ſuch a Magiſtrate; and touching Perſons of that Dignity, as ſhewed more the deſpicable Genius of thoſe Times, that could bear it, than any Colour of Probability in what was inſinuated. As for the Circumſtances, the Lord Chief Juſtice, out of his abundant Caution, and to obviate all future Queſtions as might be aſked him about the Matter, in a Narrative framed and delivered into the Houſe of Commons, declared all the Steps of the Buſineſs moſt particularly; which had the deſigned Effect, for he never heard more of it: And to this I refer for the Main. But I have two Subjects which occaſion a little farther inſiſting here: One is the Manner of the Action, not in all Reſpects ſet forth in the Narrative, and the other is the Aim and Intent of this Plot-Expedition to *Briſtol*, of which nothing at all appears any where publicly, but ought not to eſcape ſo, being, as I take it, both notable, and evident beyond Conjecture.

Why *Bedloe* choſe *Briſtol*, where he died.

XLIV. Firſt, as to the Circumſtances, it appears that *Bedloe* had ſome Alliances more than ordinary at *Briſtol*, becauſe he choſe it to be the Scene of his firſt Overtures. For, when he came out upon the Buſineſs of *Godfrey*, he diſcovered himſelf there firſt, and was ſent up from thence. But then a wonderful Report foreran him, which, being toſſed upon People's

Tongues, made an Impreſſion, by Way of Prejudice, in his Favour againſt he came up; which was better than if done in *London*, where many might come about him to ſpy the Truth at the firſt Inſtance; and Talk is always greater than Truth. So now in this Attempt, if any Thing, (whatever it was) deſigned, had been done, or Point gained, by *Bedloe*, the Rumor, running before, would have ſwelled as the Sound of Cannon at a Diſtance; and ſo have pre-engaged the willing People in a Belief of Things far wide of Truth. *Bedloe* had his Wife with him and his Brother, a jolly Spark, that profited, by the other's Preferment, ſo far as to be well dreſſed; but he never got into the ſwearing Wheel of Fortune. But this Cabal of three, well let in, might have made a fair new Plot of their own without other Helps. When theſe came down, is not certain to me; it is enough that the Father of the Family poſted, and got his Fever, of which he lay ſick in his Bed, when the Judge came into the Town.

The Judge viſits *Bedloe*, and takes his Examination.

XLV. The Misfortune was, that he could not come to the Judge at his Lodgings, by Way of Viſit, and ſo pretend to enter into Converſation with him, as his ſpruce Brother did, dining with him as familiarly as if he had been his Acquaintance. But it is like the Judge did not think that to be a Misfortune; for, otherwiſe, all his Wiſdom had been little enough to have comported with ſuch nice and ſlippery Company. The Notice, of *Bedloe*'s being in Town and ſick, came to his Lordſhip by Way of Meſſage from himſelf, brought by old Sir *John Knight*, as he was called for Diſtinction, becauſe there was another, of that Name, commonly termed *The Younger*, a Gentleman of as eminent Integrity and Loyalty as ever that City was honoured with; but the other was the moſt perverſe, clamorous, old Party Man in the whole City or Nation, and will be ſo owned by all that remember him, or ever heard of his Fame. This old Gentleman delivered his Meſſage with extraordinary Serioufneſs and Gravity. The Sum of which was, that Mr. *Bedloe* lay dangerouſly ill of a Fever, and deſired, that his Lordſhip would come to him, becauſe he had Matters of great Moment to diſcover, before he died. Surely, ſomewhat was intended here more than ever appeared: But here the Regularity and Precaution of the Chief Juſtice daſhed it; for he took warrantable Attendance with him, had his Clerk, and, as ſoon as he was alone, gave *Bedloe* his Oath and examined him; the Clerk, upon a Stool by the Bedſide, writing what was delivered, none being in the Room but the Judge, the Clerk, and *Bedloe*'s Wife. And every Word, that he ſaid, being wrote down, the Judge put to him the cloſing Interrogatory, *If that was all?* To which he anſwered, *that it was.* Thereupon, he was lifted up, and ſigned the Paper. All which made it impoſſible to ſet up any Fiction touching this Examination. At parting, *Bedloe* had one humble Requeſt to his Lordſhip, which was to obtain ſome Money for him from the King; which his Lordſhip ſaid he would endeavour to do. And that Part the Brother carefully ſolicited while the Judge was in Town.

XLVI. Im-

The Examination a Bilk, and proved a Diſappointment.

XLVI. Immediately this Examination took Air, and flew to *London*, and was the Subject of the common Talk of Coffee-Houſes, Clubs, and Withdrawing Rooms, *viz.* That *Bedloe*, at *Briſtol*, had diſcovered, to the Lord Chief Juſtice *North*, mighty Matters in the Plot; and all Ears were erect, to learn what this great Diſcovery was. And it was not long a Secret, for the Chief Juſtice, by the next Poſt, ſent up a Copy of the Examination, with a ſhort Account, in a Letter to Mr. Secretary *Jenkins*, and kept the Original to come up with him; and, as ſoon as he came to Town, being of the Privy Council, he laid it before the King in Council; after which it was generally known and underſtood. It was very remarkable to obſerve, how ſtrangely damp all the Party were, upon the coming out of this Bilk of an Examination, after they had ſuch a *parturiunt Montes*, and made it be expected, that now the Bottom of the Plot was to come out. Even Dr. *Oates* himſelf was diſappointed; for ſoon after, on a Council Day (he diligently attended at all thoſe Times) as the Lord Chief Juſtice paſſed through the Court, he was heard to ſay aloud, *Maay Laird Chaiſe Jaiſtaice, whay this Baiſneſs of* Baidlaw *caims to Naithaing.* But his Lordſhip walked on, not attending to his Diſcourſe. By all this it was manifeſt, that *Bedloe* went down, charged with ſomewhat very extraordinary, beſt known to the ſecret Ones.

The Houſe of Commons received the Narrative, which ended the *Sham-plot.*

XLVII. After this, diverſe Imaginations chimerqiues flew in Diſcourſe about the Town and Kingdom; as that *Bedloe* had indeed made great Diſcoveries to the Chief Juſtice, but that he, in taking the Examination, had ſuppreſſed them, but his Wife was coming to Town, and would clear all: And when ſhe did come, all her Plot was but to get Money of the King; and no farther Uſe could ſhe make of her ſelf. All this while, and for diverſe Weeks, the Parliament, contrary to Expectation, took no Notice of this Matter; and moſt thought it was dropped. But, at length, an Order came for the Chief Juſtice to attend the Houſe, to give an Account of the Examination taken by him at *Briſtol:* And, at the Day, his Lordſhip, according to his uſual Exactneſs, laid before them the Examination itſelf (for having which, from the Clerks of the Council, he had obtained the King's Order) his Letter to the Secretary, and the Narrative I mentioned, as containing what had been laid before the King in Council, and all he knew or could recollect of that Matter. I cannot ſay what had been the Conſequence, in Caſe of leſs Punctuality, but this left no Room for any Uſe of Application; ſo he withdrew, and the Buſineſs ended in a Print to the great Gain of the Speaker; for ſome fancied the Papers were brought into the Houſe for no other End. It was no ſmall Job to the Printer; for the crying about the Streets *The Lord Chief Juſtice* North's *Narative*, in a Time of ſuch a Superfetation of Plot Narratives, as came out then, made a Sort of a Jeſt as well as a quick Sale. So much for the Circumſtances of this *Sham-plot*, more than the Print ſhews.

XLVIII. As

XLVIII. As for the Deſign itſelf, which was the Subject of this Plot-Captain's Errand, I believe it was double. 1. Upon the Main, to retrieve, if poſſible, an Accuſation of the Queen and Duke of *York*. It was found to have been almoſt a fatal Omiſſion in the Texture of *Oates*'s Diſcovery, that the Queen, at leaſt the Duke, was not directly accuſed of the Plot to kill the King; for it was very graceleſs for *Oates* to accuſe, as he did, the Queen by Name in the Parliament, having ſaid not a Word of her before the Council, nor in his Narrative. But indeed the Artificers are to be excuſed, for they wiſely forethought, (as was hinted before) that ſuch bold Strokes would kill the tender Plot in its Infancy; and, to get Entrance for it, they muſt not choak any very great Perſons: and they could not imagine it would prove ſuch quick Fire as it was. An Attempt was made, to retrieve the Omiſſion, by *Oates*, in the Houſe of Commons, as I touched before, but that failed: And now it might be conſidered that *Bedloe*, with ſome Adjuncts in the Dark, might poſſibly do it, and, upon that Deſign, he was ſent down to *Briſtol*, where he was ſure to meet the Chief Juſtice at the Aſſiſes, ſingle, and a Privy Counſellor. The other End was, 2. To fix ſome Trapan upon the Chief Juſtice, whoſe ſteddy and regular Behaviour, always loyal, made him obnoxious to the Faction in the laſt Degree; and they ſought, more Ways than one, to ruin him, as may be ſhewn in fit Place. Now if *Bedloe* had not been diſabled by his Sickneſs (which was no Feint, as once was ſuſpected) he had come to his Lordſhip's Lodging, and probably (if his Lordſhip's Sagacity had not prevented) got ſome Opportunity of being in private with him, and then he might have ſaid or ſworn of him what he had pleaſed; and, in the Quality of a *Yorkiſt*, made him obnoxious, either for ſuborning or tampering, and then his Work had been done. For if *Bedloe*, or ſome of his Gang, had ſworn againſt him, it had gone down glib ſomewhere, and produced Applications to remove him, *&c.* But this caſual Diſability of *Bedloe* was among his Lordſhip's good Stars, who would have had enough to have done with ſuch a Wolf by the Ears. But, that this Expedition was intended, partly, for a Trapan, there are theſe Marks. Firſt, coming there at that Time. Were there no Magiſtrates or Privy Counſellors in *London?* If the Trick was to begin (as before) a great Way off, why not before or after, but juſt in the Nick of one Judge being abſent; for two together had been a mutual Guard? And, laſtly, his Brother's Impudence, in haunting the Judge's Lodgings and Table, was a Specimen of what the other had done, if he had been able. But that Inability broke all the Meaſures, and the Solemnity and Caution in the Viſit put *Bedloe* beſide all his Play, and he was forced to turn all his Project into a meer Umbrage, and get off it as well as he could. But of what Kind ſoever the Deſign was, whereof the Truth never plainly appeared, it went off, like the Alchymiſt's Furnace, *in Fumo*; and ſo ended this Project of a *Sham-plot* at *Briſtol*.

The Deſign to accuſe the Queen, and the Duke of *York*, and to trapan the Chief Juſtice.

Captain *Dangerfield's* Character and *Sham-plot.*

XLIX. The next Act, which came forward, was the Diſcovery of Captain *Dangerfield*; that was his lateſt Style. He was once *Willoughby*, and had other Apellations to accommodate the Diverſity of his Employments, which were forging, cheating, robbing, nimming, ſtealing, and all Sorts of Villainy. And as the great *Oates* found Means, by his own Authority, to create himſelf a Doctor of Divinity; ſo theſe Lay Sparks advanced themſelves to be Captains. *Dangerfield* had the Honour to be a ſingle Diſcoverer of a pure and pute *Sham-plot*, Name and Thing, and was concerned in Nothing elſe; which ſtamped that famous Title upon his Performance, from whence the very Word *Sham* was taken, to ſerve in the *Engliſh* Language, with like Propriety as Ψεῦδος in the Greek. His own Mother Wit, in a great Meaſure, inſtructed him: But yet one might diſcern, by diverſe Tokens, that he was aided or directed by ſome Party *Politicones*, and, perhaps, the Earl of *Shaftſbury* in chief. The fundamental Scheme was legitimate; *viz.* a Deſign of the Papiſts to invalidate *Oates's* Plot, and to get it turned back upon the Preſbyterians; and there's the Gloſs of the Word *Sham-plot*. The Captain wrought upon this Model with all his Arts of Verſatility and Trapan, and carried his Points very lofty and far. I think I cannot better repreſent the State of this Time, as to Plots, than by giving Abſtracts from his own Accounts of himſelf in Print, with the Narrative of Mrs. *Celier* that introduced him; and then add a ſhort Relation out of my Memorial concerning him, which I cannot contract, being ſhort, yet it will lay open the whole Myſtery of this *Sham-plot*.

The Occaſion of publiſhing his Caſe.

L. There are two Pamphlets of his Diſcoveries; the one is called, *His Caſe*, and the other, *His Narrative before the Houſe of Commons*. I ſhall begin with the former, though the other, in Time, took Place of it, becauſe this is more Hiſtorical, and leſs Criminative. His Caſe is in a Style Apologetic, intended to vindicate his Reputation. It ſeems he had brought his Patroneſs, Mrs. *Celier*, to the Bar for High Treaſon, and ſhe, in her Defence, made him appear ſuch a Rogue, upon Record, that the Chief Juſtice wondered he had the Braſs to appear in a Court of Juſtice. He had been, for certain Peccadillos, ſuch as Forgery, and Perjury, preferred to the Pillory, which diſabled him from being a Witneſs; ſo ſhe eſcaped, and he proved to be the Patient, and was ſent by the Court to *Newgate*, for his Demerits. All which Matters are but touched here, for better Intelligence of his Caſe, but will be fuller ſet forth afterwards.

His Acquaintance with Mrs. *Celier*, and Employment under the Papiſts.

LI. He begins Hiſtorically, that he was clapped up in *Newgate*, only becauſe he had the ill Fortune to lodge in the ſame Houſe with a Coiner. And there Mrs. *Celier*, a Midwife by Profeſſion, and a Roman Catholic, ſet him to work, and ſupported him. His firſt Employment was to lay one *Strode*, his Fellow Gaol-Bird, aſleep, by Virtue of a Potion that Mrs. *Celier* was to ſend him, and then to ſteal from *Strode* certain Papers he had, which would be uſeful againſt the Teſtimony of *Bedloe*. At length ſhe got him freed, and brought him to *Powis-Houſe*, and the Lady

Powis

Powis (whoſe Lord was one of the five in the Tower for the Plot) took him into her Employment. He heard her Ladyſhip read ſome Letters from a Prieſt, whence he gathered that the Work, to be done, was, by Pamphlets and Diſcourſe, to rail at the Preſbyterians, in order to lay Treaſon to their Charge; which was a Work of many Hands. Then the Lords in the Tower took him into Penſion, and Mrs. *Celier* was the Go-between, and Expenditrix in Affairs, which lay much in relieving of Catholics, and taking them out of Priſons. It was to be ſaid that the Earl of *Shaftſbury* killed *Godfrey*. She employed Men in Priſon to copy Letters, whereof the Effect was afterwards found in Papers at Mr. *Manſel*'s: (Which Cheat will be underſtood afterwards.) Theſe Papers were to be conveyed into the Houſes of moſt conſiderable Preſbyterians. The Lady *Powis* read a Letter to him from *St. Omer*'s, of which the Effect was, — *If you had taken this Courſe ſooner, much Blood might have been ſaved.* The Lord *Caſtlemain*, in the Tower, rebuked him for refuſing to kill the King. Then he went and received the Sacrament, and had a Rebuke from a Prieſt, for refuſing the Propoſition in the Tower, and another Rebuke from *Gadbury* the Aſtrologer, on the ſame Account; but yet Lady *Powis* ſaid he would be an honeſt Man.

The many wicked Acts he was put upon.

LII. Then an Intrigue was to be dreſſed up for making the Duke of *York* (at his Return from *Flanders*) believe that the Preſbyterians were in a Plot againſt the King. Spies were to be ſent out to frequent Clubs and Coffee-Houſes to get Intelligence, and his ſhe Friend, Mrs. *Celier*, told him he muſt ſtickle againſt *Monmouth*, *Bucks*, *Shaftſbury*, *Grey* of *Wark*, and *Howard* of *Eſcrick*; that he was to tell the King, when he went to him with his Plot, that, if his Majeſty had died, (for, in bad Earneſt, he had been ſick at *Windſor*) an Army, poſted about *London*, had acted; and that Lord *Shaftſbury*, and others, had given out Commiſſions, and a great Preſbyterian had promiſed him one. This was for ſetting up a Commonwealth, and *Monmouth* was to be at the Head; all which he told the King, and had Money from him. After Accounts given, and Anſwers to theſe Affairs, he was ſent by Lady *Powis* to Confeſſion and the Sacrament. Then ſhe ſent him to the Earl of *Shaftſbury*, furniſh'd with the Form of his Addreſs to his Lordſhip, and ſhe put into his Hand a Dagger, but he could not do the Buſineſs, and told her Ladyſhip ſo; of which, Word was ſent to the Tower. Then he muſt go to the King, to tell him he had been with the Earl of *Shaftſbury*. And, by a ſecond Direction, he went again to the Earl, with another Dagger, which her Ladyſhip gave him, but *re infecta*. Then he muſt go to the King, and tell him of Papers, about the new Plot, hid in Colonel *Manſel*'s Chamber, and pray a Warrant to ſearch; but it would not be granted for Want of an Affidavit, for which Lady *Powis* and Mrs. *Celier* ſchool'd him, telling him his Religion was to part with his Life for the Cauſe.

Papers at *Manſel's*, and the Captain put in *Newgate.*

LIII. Then he was at Mrs. *Celier*'s Houſe, where the Lady *Powis*, not prevailing with him to go again to the Earl of *Shaftſbury*, patted him with her Fan, and called him a Cow-hearted Fellow, and ſaid ſhe would go herſelf: *No, Madam*, ſaid Mrs. *Celier*, *I will do it.* Then he was left alone with the Lady *Powis*, to plot up the Papers that were to be left at *Manſel*'s Chamber. When they were fix'd there, Mrs. *Celier* told him he muſt go get a Cuſtom-houſe Warrant, which he did. It was to ſearch for uncuſtomed Goods. Soon after this, he was taken up and Newgated; but Mrs. *Celier* ſupported and encouraged him, giving him Inſtructions what he ſhould ſay; and ſhe ſent him Books of Account, to give him a Countenance of ſome Employment. And, when he told the Lady *Powis* that he had been alone with the King in * *W. Chiffinch*'s Chamber, ſhe ſaid he had a brave Opportunity to have killed him. Mrs. *Celier* was all along the Agent, and ordered him to corrupt Witneſſes.

Falls foul upon the Lord Chief Juſtice *Scroggs.*

LIV. Here is the Account he modeſtly gives of himſelf. After theſe Affairs, he enters upon a Scene of Love Intrigues with Mrs. *Celier*, and gives his own, and her tender Letters, But, when he comes to the Chief Juſtice *Scroggs*, one would take him for a Rival; for he falls to inveighing, takes his Words to Pieces, and worries them unmercifully. Other Matters are in this Pamphlet, but not material to the preſent Deſign, which is only to ſhew the Form and Figure of this bright Captain, and his Plot. And I am ſure the prodigious Vanity and Nonſenſe, as well as atroce Wickedneſs of theſe Doings, are not deſcribable, but by the very Remains which the Authors themſelves have left of them. Hitherto we have been a little phlegmatic and dull, for this authentic Account came out, after a ſhrewd Correction at the *King's Bench*, as I hinted before, which made our Captain a little Conſiderative; for now he was to recover, if he could, ſome Portion of Credit again.

His touring true Plot Narrative, to the Houſe of Commons.

LV. But, if we would ſee him in his Altitudes, we muſt go back to the Houſe of Commons, where he was examined, and his Information is printed, by Order of the Speaker, in 1680. There he cuts and flaſhes at another Rate. He ſays he went with Mrs. *Celier*, to the Earl of *Peterborough*, and, with him, to the Duke of *York*, inſtructed by the Lady *Powis*, and carrying a Book of his Plot with him. The Lord *Peterborough* had made him add, that the Preſbyterian Party intended to make an Inſurrection in the *North*, and join an Army of *Scots*. The Duke looked into his Book, and adviſed him to go on, ſaying the Preſbyterian Plot was of mighty Conſequence, if well managed, and conducing to the Catholic Cauſe. That the Northern Gentlemen were his Friends, and no Strangers to his Deſign. That he (*Dangerfield*) muſt take Care not to be caught in Subornation. That the Commiſſions would be ready. He muſt find out Perſons truſty

* A Page of the Back Stairs.

who

who might ſwear in the Plot, as he did, and names diverſe; and, in the mean Time, their Work was to report in Coffee-Houſes, that the Popiſh Plot was but a Contrivance of the Preſbyterians. His Royal Highneſs the Duke of *York* undertook for all the Charges, and ſwore bitterly he would ſtand by them. Afterwards the Duke told him he muſt go to the King, who had his Book; and he ſaid he heard of the Propoſal by the Lords in the Tower, to take off the King, and (what he had accepted to do) the Lord *Peterborough* and the Duke wonderfully encouraged him; and he ſays plainly, that the Duke gave him twenty Guineys to hire him to kill the King. All which he ſets forth, with more ſcandalous Circumſtances, and in a moſt deteſtable Manner, as, by his Narrative, appears.

The Captain penſioned, but not pardoned.

LVI. This, without more, affords Matter of Wonder, that it ſhould be poſſible any Age, or Aſſembly of reaſonable Creatures, could bear with, much leſs encourage, a Rogue in giving ſuch Idiotiſms for Accuſations! A Charge, upon the Duke, inconſiſtent with the Genius of ordinary Quality, as well as Common Senſe, much more of a Prince educated and known as he was. Every Line is Self-convict of Falſity: The Whole being an Invention, rather to be acted in *Newgate*, by his Fellow Goal-Birds, than enter into the Heart of a Prince, and others of antient Nobility, and ſuch as, being above Changelings, could not be ſo free with it in Diſcourſe to a Rogue they knew came freſh out of the Goal. But, notwithſtanding all that, Means were made that he ſhould have an Allowance, and his Pardon, to capacitate him for ſwearing all this, and no body knows what more. The King granted the former for ſome Time, but would not carry the latter ſo far as to reſtore him to the State of an Evidencer. One may obſerve in the Votes of the fourth of *November*, 1680. and others in that Month, but too much yielding to the Importunity of wretched Witneſſes for Pardons, Penſions, and Profits, of which the Particulars are better forgot than rehearſed. It is commonly ſo when the Minds of Men are full of ſome undue Project, for to carry the Point, *coſta che coſta*, they certainly go from one ill Thing to another worſe, and, if not happily prevented, to worſt of all, and ſtick at nothing, however wicked, by the Way. As here, thoſe that had at Heart this curſed Plot of *Oates*, which acquitted the Duke of *York*, finding their Error in that, thought to retrieve it by ſuch Means as inſpired this Fellow. It is certain that, if the Duke had been at firſt accuſed for killing the King, and then charged with the Murder of *Godfrey*, the Bill of Excluſion, that coſt ſo much Pains, had ſcarce been a Morning's Work; to ſay nothing of other relevant Attempts, as might have been made.

The firſt Attack of the Succeſſion, thorough the Queen.

LVII. Gueſſing by Events, it ſeems the firſt Movement, againſt the Succeſſion, was to reflect from the Queen, who was accuſed to make Way for another. Who can tell what Reaches ſome had, when that extraordinary Law paſſed, to divorce the Earl of *Roſs* from his Wife, called *Roxolana*; not very many Years before! The firſt of its Kind, that hath been attemp-

ed in *England*, but followed by diverſe ſince. If the Queen had been divorced by Act of Parliament, there might have ſucceeded a new Queen with a Poſterity, and ſo avoid actual cutting off the poor Woman. And this Way the rather, becauſe it was found that more and better Men, though no Friends to the Duke's Succeſſion, had rather it ſhould have been put by with a lawful Iſſue, than any other leſs juſtifiable Way. And, perhaps, the republican Party concluded ſuch Iſſue muſt come to the Crown young, and then they had a Game *de integro*, by Way of Curacy and Protectorſhip. And therefore, after *Oates* failed by the King's Interpoſition, whoſe Steddineſs was not abſolutely depended upon, *Bedloe* muſt ſhove the Plot once more towards the Queen, to ſee if it would hitch that Way; but Providence hindered that Deſign. Thus it is very clear, that Project was taken to be moſt comprehenſive, and had gone on, if the King had not had more Juſtice, as well as good Nature, than the whole Combination together.

Manſel a Writer on the Captain's Side.

LVIII. But now, to return to our Captain, we find that this *Manſel*, one of the Proteſtants that was to be killed by theſe Papers foiſted into his Chamber by him, inſtead of having an eternal Quarrel, turns Author on the Captain's Side, and wrote a moſt rhetorical Diſplay of this *Sham-plot* of the Papiſts. There is much of Truth, relating to this Buſineſs, to be raked out of his Rubbiſh; for he has ſet down the Examinations of the Lady *Powis*, and the Lord *Peterborough*, not to be found elſewhere. Where it appears how much they had been abuſed and impoſed upon, particularly the Lady who owned that the Captain was in her Houſe a Fortnight, but ſhe knew nothing of it, much leſs was ſhe concerned in ſuch hideous *Newgate* Stuff, as he ſwore againſt her.

Of Mrs. *Celier*, and her Narratives.

LIX. It is pleaſant to obſerve how that verſatile Rogue deluded the Midwife Mrs. *Celier*, and indeed ſeveral others of the Catholic Party; and much to that Purpoſe we ſhall have from the Madam herſelf. For, however dexterous the Captain was at his Pen, having publiſhed various Sorts of Narratives (which, by the Way, is no ſmall Availes of a Diſcoverer that has the ſelling the Copies) trenching upon her Honour, ſhe was as good at that Sport as himſelf, and, I think, outwrote him; and though her Perſon was untowardly handled, yet ſhe has done Right to her Fame in deathleſs Narrative; whence we may gather, not only the Hiſtory of her Troubles, but be entertained as with a Comedy. And, in the Quality of ſuch (which Kind of Writing they ſay ſhews beſt the Manners of any Age) I muſt needs recommend hers. It will be but juſt to take her own Tale of herſelf, as I have done the Captain's; though I muſt prognoſticate ſomewhat of the Tragic alſo to ſucceed; enough to feed the Humour of a melancholy Genius, in a lively Repreſentation of ſo much Wickedneſs and Folly as ramped in that Age. As for the Gentlewoman's Veracity, it is to be ſaid that ſhe wrote when all the Perſons were living that were named or concerned in her Narrative. Therefore it could be no Profit to write

what

what might be ſtraight proved falſe; and, in ſuch a Circumſtance, Folks are careful of what they affirm. She dealt in Acts of Charity, and ſtood much upon her Credit with Perſons of Quality and Honour, on Account of her Profeſſion, who would not countenance a Lyar in Print. For which Reaſons I make no Doubt of ſaying, that all, ſhe writes of her own Dealing and Knowledge, is moſt likely to be critically true; and the reſt ſhe believed ſincerely to be ſo, and, if ſhe fails, it is out of female Prejudice and fond Credulity, as will appear. She was not diſproved in any Thing, but reflected on ſufficiently, and moſt of all by her former Friend and Admirer the Captain; and *Miles Prance* hath a Fling at her in Print. But, whatever her Religion and Modeſty might pretend to, ſhe did not deſerve to be put in a Bag with ſuch Fellows as thoſe were.

She relieved the Captain in *Newgate*.

LX. She tells firſt of her having aſſumed the charitable Poſt of relieving diſtreſſed Priſoners, and procuring their Liberties. Theſe were, as muſt be preſumed, Catholics, and committed moſtly on Account of the Plot. She tells us of ſtrange Cries ſhe heard in the Dungeon at *Newgate*, which ſhe inſinuates was *Prance* examined by Torture, and ſhe ſays he run ſtark mad in Priſon. She names a Coachman tormented to own carrying the Body of *Godfrey* out of Town, where he lives, and may be heard to own it every Day. She relates other ſtrange Cruelties and Barbarities uſed in that curſed Place. She found here this *Willoughby*, alias *Dangerfield*, faſt by the Heels for Debt. Firſt, ſhe ſays, he begged to partake of her Charity. His firſt Service was to draw up Articles, ſetting forth the Cruelties of the Priſon, for which ſhe gave him Two Shillings and Six-pence: Thoſe ſhe preſented to the Judges; but nothing came of it.

The Captain employed to make Diſcoveries in *Newgate*.

LXI. His next Employ was to ſift one *Strode*, his Fellow Priſoner, to find out a Subornation of the Earl of *Shaftſbury*, who, as ſhe preſumed, was about to launch that *Strode* for a new Plot-Evidence: And, upon Application, *Strode* gave Encouragement, pretending, by Papers he had, to invalidate *Bedloe*. The Captain's next Work was to filch theſe Papers from *Strode*, and, for that End, ſhe ſent him a Narcotic. And ſhe ſays that the Papers were thoſe that Sir *William Waller* found in her Houſe upon Search. She adds ſome Affidavits and Teſtimonials about this *Strode*, to ſhew his Engagements with *Bedloe*. Fellow Padders, it ſeems. And one may gueſs he and *Dangerfield* were as well acquainted, and theſe Papers were the joint Impoſture of both; but *Strode*, being of another Regiment, kept out of this, and left it wholly to his Fellow.

The Captain is diſcharged, and works as a Spy.

LXII. Now *Dangerfield* is out of Priſon, by Mrs *Celier*'s Charity, and, being a towardly young Fellow, was conſtituted a Waiter upon the Jeſuits at their Trial; for which Purpoſe he was put in good Cloaths, and People wondered what double diligent Fellow that was. He was ſet to ſcout and bring her in Intelligence of factious Deſigns, and ſhe tells what ſhe underſtood was intended, if the King had died at *Windſor*. So ſhe encouraged him to trade on as a Spy, and, at ſeveral Times, he wrote thoſe Papers, which

which were found in her *Meal-Tub*, whereof the Revelation is coming forwards. She carried him to the Earl of *Peterborough*, and he to the Duke. He gave his Paper to the Duke, and he ſent it to the King, and the King to Secretary *Coventry*. *Dangerfield* was ordered to go with Colonel *Halſall* to the Secretary's to be examined, and he had forty Pounds given him. Then he brought Word, in good Earneſt, to Mrs. *Celier*, of a Plot juſt breaking out, but it ſeems, in a drunken Huff, he had made a Quarrel, and ſwore he would go over to the Preſbyterians; but this was hid from her. When he pretended the Plot-Papers lodged at Mr. *Manſel*'s, and could not get a Warrant to ſearch, ſhe adviſed him to the Cuſtom-Houſe Way.

Of the *Meal-Tub-Plot*. The Captain Newgated again, and joins to make Madam a Witneſs.

LXIII. After that was over, he comes to her in a moſt lamentable Condition, and tells her he ſhould be committed to *Newgate*. Alac a Day! they both wept; and ſhe ſets down the mournful Dialogue betwixt them. He gave her his Plot-Papers, great Secrets! And ſhe, as he muſt obſerve, put them in her *Meal-Tub*. And it was from this cleanly Conveyance, the *Meal-Tub-Plot* had its Denomination; which ſingle Word is all that the Author of our *Compleat Hiſtory* affords of the whole Matter. Then comes Sir *William Waller*, the *Middleſex* Juſtice, to ſearch her Houſe, and would have her ſtraight to my Lord *Shaftſbury*; but, at length, he took her Parole, and let her alone at that Time. But *Willoughby* ſent to her from *Newgate*, for Relief, in his great Diſtreſs. She diſpatched a Servant, to whom he howled, and (to meet her credulous Fancy) ſaid he had been tortured. He would have his Allowance made firm to him by Writing. She ſent him Word he ſhould have his Proviſions continued, with her Motto, *I never change*, adding ſome ſhort Inſtructions. Then comes again the Knight, with his Myrmidons, ranſacked her Houſe, and, by a wonderful Sagacity, found the Papers in the *Meal-Tub*; ſo ſhe was ſent to the *Gate-Houſe*. After this, ſhe was brought to the Council to be examined, where ſhe down of her Knees to the King, and begged ſhe might not be tortured. The King ſaid it could not be done by Law. Then ſhe ſets down her Examination, by Way of Dialogue, moſt divertingly. As, for Inſtance, a certain Lord, who ſpoke often, ſaid nothing, without —*put up your Hood, Madam*. In the End, ſhe was ſent to *Newgate*, and there ſhe was honoured with diverſe Viſits from Sir *William Waller*. She writes the Converſation in Dialogue, which is an excellent Pourtrait to ſhew the Method of working a *Witneſs*; for it ſeems there was great Hopes of bringing her to what was called Confeſſing, or telling All. And, for that End, *Dangerfield*, in the ſame Priſon, was permitted to court her at a Window ſome Diſtance off. That is Dialogue alſo, and a choice Piece. He ſhewed her Gold, and moved her to become the King's Evidence, and to ſwear againſt the Duke of *York*, *viz.* that his Royal Highneſs gave her the Original of the Papers in the *Meal-Tub*; and that his Royal Highneſs bid her ſet him to hide thoſe that were found at *Manſel*'s, and to kill the Earl of *Shaftſbury*; telling her what vaſt Advantages ſhe ſhould have

from the Lords, who were privy to all. The next Day, he would have had her to own that the Lord *Peterborough* gave her the Papers, and that Sir *Allen Apsley* (the Duke's Servant) paid her 1000 *l.* which was to pay her for killing the King and the Earl of *Shaftsbury*, and for raising Soldiers; and, at these Passages, he would howl most hideously.

Madam is stout, and refuseth.

LXIV. But, no good coming of this Interview, the Windows (as upon a secret Commerce discovered) were nailed up. Then she was examined again, and the Dialogue no less comical; and her Servants were brought to oppose her. She begged the Favour of the Earl of *Shaftsbury* to protect her from Sir *William Waller*, and she says, that he said many good Things to her. And Sir *William* made her another Visit, of which she gives the Conversation as before; the Sum of it was to make her a Witness. She was again at the Council, and was always urged to confess, and she was told that, otherwise, she should dye for it. If these Accounts of hers be true, as I see no Reason to doubt them, there never was a Woman more magnanimous and undaunted than she appeared to be.

Tried for Treason, and by the Captain's Incapacity escaped.

LXV. She pressed hard to be tried, and, at length, in very good Earnest, she was brought to the Bar in *April* 1680, and charged upon an Indictment of High Treason, for consulting and expending Money in a Plot to kill the King, and to raise a War for introducing Popery, and turning the Plot on others, and for hiring *Dangerfield* to kill the King, *&c.* There were two Witnesses produced against her; one was *Gadbury* the Astrologer, who, agreeable to his Profession, courted Secrets to credit the Stars. He, as was said, had been in the same Trap with the Earl of *Peterborough*, but upon Terms, to swear against *Celier*, got his Pardon; but when he came to, his Memory was bruised, and he knew Nothing at all. But then, as soon as *Dangerfield* advanced, the Woman charged with Fury upon him an whole Battery of Records, being Convictions, Outlawries and Judgments, with *Arser de Main*, Pillory, Prison Breach; and what not of Villainy, and almost every Species of Crime? Then by Proof shewed so many ill Things of him, as the Court was soon satisfied to reject him for a Witness. She proved that, when she sent first to him to get Acquaintance with *Strode*, his Answer was, that they had been long acquainted, having padded together, and that he cared for neither Fire, Sword, nor Hell, nor what he said or swore, for he had studied to be a Rogue ever since he was ten Years old. But in this, she gave no very good Character of herself that, after such a Declaration, trusted him as she did. But I think a roguy Planet reigned at that Time; so common was it to encourage and trust the Worst of them. In Fine, the Fellow was exploded with Ignominy, and sent Home to *Newgate* again, and the Prisoner was acquitted. After which, the Captain composed and published his aforementioned Case.

The Captain's Management of himself as

LXVI. The common Topic, *viz.* that this Fellow, being so consummate a Rogue, was the fitter to be a Witness, because none but such are fit to

be employed in execrable Villainies, was urged here; but the Chief Juſtice anſwered readily, *Fit to be employed? True*, ſaid he, *but not fit to be believed.* Thus was *Dangerfield* excluded from all Capacity of Practice in the Plot Trade; for what can a Man do in it that cannot be a Witneſs? And he never could in his Life, by any Means or Application to the King, from what Houſe ſoever it came, recover a teſtifying Capacity. But, for all that, he was encouraged in a Manner paſt all Belief; had a Penſion, walked about well dreſſed, huffing and ſwaggering, as one of the capital Diſcoverers of the Plot; and, in all ſuitable Company, had due Reſpect paid according to that Quality. But, what he wanted in evidencing at Law, he made up in Narratives; his Pen had never been in the Pillory. He publiſhed diverſe Pieces, ſome in Folio, others in Quarto; and all, for the Eminence of his Name, ſold well. And as he obſerved the Inclination of the Time, ſo he leaned his Quill, till, at laſt, he fell foul upon his Metropolitan *Oates*, in a Quarto Pamphlet, called *More Shams yet.*

Madam was convict of tampering, and pilloried.

LXVII. But, as for Mrs. *Celier*, though ſhe was acquitted of Treaſon, for Want of legitimate ſwearing, ſhe muſt not go off ſo; for, if ſhe came in to be a Witneſs for Perſons accuſed of the Plot, her Tongue, which was not tied, would be very foul upon the Evidence. Therefore ſome topping wiſe Men thought it beſt to keep her in Priſon, till ſhe could be convict for tampering, and ſet in the Pillory; as was done, and had the Effect, as well by Way of Prevention, as of Puniſhment. And it is related that, to put off the Execution of this Pillory Sentence, ſhe counterfeited a Labour. All which is publiſhed in a Pamphlet of *Prance*'s, entitled *The Bloody Bladder*; and I remember the Time when ſuch faſtidious obſcene Stuff was the Entertainment of all Coffee-Houſes, and made a Ridicule in every one's Mouth. But ſhe was thereby furniſhed with a new Subject for Clamor of her ill Uſage; and ſo ended this Trage-Comedy of the magnanimous Midwife.

The Captain's Expedition for Recruits.

LXVIII. But now, to conclude with this *Sham-Hero*, I cannot but reflect that, if there could be a Set of Perſons, Spectators of theſe Affairs, as little concerned as at the Events of Bear-Garden Plots, and they were brought to the View of this Fellow's *Saltinbanco* Tricks, they would have been ſorry, and pined at his being ſuch a *nonjurable* Rogue, by which a World of Sport was loſt; for, in all Probability, he would have made a greater Splutter with his *Sham-plots*, than all the Evidences had done that went before him. He was a Fourb of bright Parts, with whom *Oates* (as much Doctor, as he pretended to be) and *Bedloe* compared, were a Brace of Blockheads. After Tide of Ebb, and near low Water in *Dangerfield*'s Pockets, about 1684, that he could not maintain his Luxury and Whores as formerly; he laid them up at *Enfield*, and went out upon an Expedition Errant, to fetch in Supplies, and correſponded with the fair Ladies by the Name of Siſters: And he ſo ordered the Matter, that he gathered about the Country, of very mean People, a great Sum.

LXIX. This

LXIX. This we know by Means of a Diary he kept of his Journey (a very neceſſary Furniture of a Plotter) which was taken from him and printed. He notes all the Towns he viſited, and gives a juſt Account of all his Receits and Diſburſements at every one; and expreſſeth, ſhortly, the Character of every Perſon that gave him Money; as, received of a Farmer, a Labourer, and the like. It is wonderful by what Art he deluded thoſe poor People, and made them part with their Money by Angels, Crowns, and Half-Crowns, as they did to him. I fancy it ſavours a little of the Bodkins and Thimbles in forty one. And he pretended ſome ſecret Truſt under the Proteſtant Patriots, and traded in deſperate Propoſitions amongſt them: And he touches diverſe Occaſions, from ſome more acute Perſons, he had given him to mend his Pace and ſcour off. In a Word, his Succeſs was great, and it is Pity he was not more diffuſed in his Journal. But, as it is, we have a Specimen of an uſeful Piece of Furniture, as I termed it, of a Plotter; for, having this Diary of all his Actions, Motions, and Events, he might frame a Story ſo as it ſhall be hard to convict it of Falſity, but, on the other Side, capable of Confirmation by proving the indifferent Paſſages; which, in thoſe Days, was called *circumſtantial Evidence* and went a great Way in Credit upon the Main. Now, having laid forth this Series of Management, I come to my Memorial, which is ſhort; and, were it only for the Sake of Comment on what is here related, or of this on that, is fit to be ſubjoined as it is: But it will be found a very material Narration of the whole Proceeding.

The Captain's Diary, an uſeful Account for the plotting Trade.

LXX. " One *Dangerfield* (who had been a Companion with *Bedloe* upon " the Road, and in Priſon for Debt) ſeeing his Comrade in ſuch Plenty " and Eſteem by his Teſtimony againſt the Papiſts in the Plot, knew not " better how to introduce himſelf to be a Witneſs, than by offering his " Service to the Papiſts, that he might have ſome Converſation with them " to put a Colour upon his Teſtimony. And it happened, that the Lady " *Powis* made it her Buſineſs to collect Money for diverſe who were thrown " into Gaol on Account of this Plot, or the Popiſh Religion; wherein " Mrs. *Celier*, the Midwife, was her Agent, who was a notable, pragmatical " Woman, and, by her Profeſſion, was acquainted with many great Ladies " at Court. Mrs. *Celier*, taking a Liking to this *Dangerfield*, and his " Debt being but ſmall, for which he was in Gaol, recommended him to " Lady *Powis*'s *Stock*, and took him out, and he turned Papiſt to boot, " and promiſed to be very officious to ſerve the Papiſts by ſoliciting for " them, by taking Notes at Trials, and by going to Coffee-Houſes " and other Fanatical Clubs, and diſcovering Deſigns. His Forwardneſs " begat great Confidence in him, and he was carried to Lady *Powis* to " thank her for her Charity, and gave her many Aſſurances.

A Memorial, ſhewing the Captain's Entrance to Lady *Powis*.

LXXI. " I make no Doubt but, all this While, he had ſome Friends, " among the contrary Party, that were able to help him, and to let him " paſs amongſt them, and be in ſome Cabals for the entitling him to

Introduced to the Duke of *York*.

" ſome Credit. After a little Time he comes big to Mrs. *Celier*, with the
" Diſcovery that the Fanatics were hatching a Rebellion, and that there
" was to be a ſudden Riſing in Arms, and that himſelf was to have a
" Commiſſion and be a Captain; that new Counſellors of State were ap-
" pointed, and a Model of an Army made affecting the Deſign; that, if
" he might find Credit, he would diſcover it to the King, and be a Spy
" upon them, and, in Time, get ſo far into their Counſels, as to know
" where their treaſonable Papers lay, which he would reveal, that they
" might be ſeiſed; at laſt he would get from them a Commiſſion, which
" he would produce to detect their Villainies, and preſerve the King.
" Mrs. *Celier* knew not any fitter Perſon to introduce him than my Lady
" *Powis*, who, by Reaſon of her Nephew's Marriage with the Earl of
" *Peterborough*'s Daughter, might bring him to the ſaid Earl in Order to
" be brought to the Duke, to whom he had a great Mind to apply him-
" ſelf, and whoſe Protection he deſired.

The Duke paſſeth him to the King, and he to the Secretary.

LXXII. " His Paſſage was very eaſy to the Duke; for theſe great
" Perſons, not imagining the Villainies of the World, nor being uſed to
" Buſineſs, were very greedy of it when it was offered, and thought to
" appear very ſerviceable to the King as well as to the Duke by it. But
" the Duke, who had always lived regularly and carefully, as ſoon as
" the Captain was brought to him (for ſo he would be called, ſaying
" that he miſſed his Employment among the Fanatics; he knew the
" King would repair him by a Commiſſion of that Quality at leaſt; and
" the Earl of *Peterborough* failed not to treat him in that Style) gave
" him Encouragement to ſerve the King, and told him he would inform
" the King of it, and he ſhould ſuddenly know the King's Pleaſure. The
" Captain was ſtartled at this, and deſired the King might not be ac-
" quainted with the Buſineſs, till it was more ripe for Diſcovery; but the
" Duke profeſſed he would retain no Secret from the King, and bid him
" wait on the Earl of *Peterborough*, and he ſhould have an Account of
" the King's Pleaſure. The Captain was a little troubled at this; for he
" had a mind to tranſact with, and have frequent Acceſs to, his Royal High-
" neſs, and expreſſed a Diſcontent. But there was no Remedy, and ſo
" he was to attend the King's Pleaſure; which was, that Colonel *Halſey*
" ſhould carry him to Secretary *Coventry*, to whom he ſhould declare
" his Buſineſs, and receive Directions from him as there ſhould be
" Occaſion.

He plies for Money, and cut ſhort by the Secretary.

LXXIII. " He was fain to play his Game as well as he could, and de-
" ſired once to be brought to the King, to whom he declared what
" Confidence the Earl of *Shaftſbury* had in him; and, to make it ap-
" pear, he produced to the King two Letters of Sir *Richard Bulſtrode*,
" directed to the Earl (how he could come by them is very conſiderable,
" he ſaid it was by Accident, they lying in a looſe Drawer in the Earl's
" Houſe.) The King made no Queſtion but that he had been with the

" ſaid

" ſaid Earl, but would give him no other Directions, but that he ſhould " wait upon the Secretary, and follow his Orders. Then he pretended " Want of Money, and obtained ſome (being in Service of this Im- " portance; and indeed it is the only fit Reward for Spies) whereupon he " transforms himſelf into a genteel Habit, and preſſeth for more Money. " But the Secretary began to grow waſpiſh, and told him all his Diſcovery " lay in his own Talk; for there was no Manner of concurrent Teſti- " mony, nor any Commiſſions or Papers produced, whereof he had ſo " often talked, and in plain Terms told him, he had more Money than he " deſerved.

Manſel ſearched, and Papers found of the Captain's laying.

LXXIV. " Then he preſſed for a Warrant to ſearch for Papers, and " would have had the Duke procure it; but he, having been a Means to " put this Affair into the Management of the King's Miniſters, would not " any Way farther concern himſelf in it. The Captain then would have " had the King command Mr. Secretary to grant him his Warrant. But " the King aſking the Lord Chief Juſtice *North*, that caſually ſtood by, " it was told that, unleſs there was Oath to ground a Search, or ſome Cir- " cumſtances of pregnant Suſpicion, it could not be done. This Anſwer " being given, the Captain ſaw there was no Way to entrap theſe Men that " walk by Rule; he muſt take ſome other Courſe to bring himſelf fairly " upon the Stage, for the Time of Parliament was at Hand, which was " to be his Harveſt. Hereupon he gets a Warrant of Courſe to ſearch for " uncuſtomed Goods; and ſearched Colonel *Manſel*'s Chamber in ſuch a " Way, as it was plain he took Care there ſhould not want Demonſtration " that the Papers were of his own laying, by the clear Teſtimony of the " Conſtables and Officers that were with him. Theſe Papers he brings to " the Secretary's, who now thought him in Earneſt; and the Earl of *Eſ-* " *ſex* put a great Value on the Diſcovery, ſaying he believed there was " ſomething in it, for *Manſel* had been his Servant, and he was as ill a Man " as could be, and very like to engage in that Kind.

Committed for a Coiner.

LXXV. " The ——— being of the Privy Council, and coming into " *Whitehall* to a Committee of Council, perceived, at the Council-Stairs, " *Doyly*, an Officer of the *Mint*, and this *Dangerfield* quarrelling; *Doyly* " ſaying he was a Coiner, and the Captain ſaying he was employed about " the King's Buſineſs, and vouched Secretary *Coventry*, and this with " great Earneſtneſs for ſome Time, ſtopping his Lordſhip's Paſſage up " Stairs, and *Doyly* ſaid he had Proof againſt him. The Lord —— told " him he would inform the Lords of it, and he was confident they would " not permit any Man to ſhelter himſelf in *Whitehall* from the Law, eſpe- " cially in ſo great and ignominious a Crime; and ſo went up and ſat in " the Committee, but did not interrupt the preſent Buſineſs with a Matter " of ſuch ſmall Conſequence, as that Quarrel was. But Sir *Thomas Dole-* " *man*, a Clerk of the Council, came to his Lordſhip, and told him *Doyly* " had ſent to put him in Mind of the Coiner that was below, and there-

" upon ſhewed a falſe Guinea, and undertook to prove that Piece was of
" that Fellow's coining. Thereupon his Lordſhip moved that a Meſſenger,
" by their Order, might ſeiſe him and put him into a Juſtice of Peace's
" Hand, to be examined, and ordered according to Law. The Order
" was given, and the Thing preſently done, and Secretary *Coventry*,
" coming afterwards, ſaid, ſmiling, that his Intelligencer was apprehended
" for a Coiner, but was told that his Intelligencer muſt anſwer the Law,
" and ſo the Captain was carried away and committed.

Sent to *Newgate* for the Abuſe of *Manſel*, and came off by a Narrative of the Plot.

LXXVI. " Colonel *Manſel* complained of the Abuſe upon him, and,
" thereupon, the Captain was ſent for to anſwer, and pretended to make a
" Defence, but with ſo much Affectation, and ridiculous Confidence againſt
" the plaineſt Proofs that ever were, that he was committed by the Council
" for this falſe Accuſation of Colonel *Manſel*, and forging the Papers; and
" he was not wanting too, in his Defence, to ſhew how he was admitted
" into the King's Preſence, and affirmed ſome Things contrary to the
" King's own Remembrance. During his being hurried to and fro, Mrs. *Ce-*
" *lier* was not wanting to place herſelf in his Way, to hearten him, and
" promiſe him his Part ſhould be taken; and he, to rid himſelf of ſome
" Papers, gave them to her, adviſing her to hide them in the *Meal-Tub*.
" And ſhe held a Correſpondence with him in *Newgate*; and ſo the Mi-
" ſtreſs of Secrets and Intrigues was faſt in the Trap, and ſuffered by
" ſtanding in the Pillory. And the Captain was not long in *Newgate*,
" but deſired one Day to be brought before Sir *Robert Clayton*, then Lord
" Mayor, where he made Affidavit of a long Narrative, and was, from that
" Time, taken to be one of the principal Diſcoverers of the Popiſh Plot.
" He accuſed the Lady *Powis* and the Earl of *Peterborough*, and, after-
" wards, the Duke of *York* of High Treaſon. The King, ſeeing ſo long
" a Narrative ſo ſoon produced, concluded it had been meditated and pre-
" pared long before; and that all his Intercourſe at Court was only that
" he might be admitted into the Preſence of thoſe Perſons whom he de-
" ſigned to accuſe; and that it was but an Introduction to his being a Wit-
" neſs to accompany the reſt.

How the Earl of *Eſſex* was concerned.

LXXVII. " But it happened that he had ſtood in the Pillory, and could
" be no legal Witneſs, and the King would, by no Addreſs or Applica-
" tion, be induced to capacitate him to teſtify. So all his Projects failed,
" though he was as much careſſed, and as much Weight laid on his Te-
" ſtimony by the Anti-court Party, but to no Purpoſe. It was obſerved
" there was no Man ſo eager, as the Earl of *Eſſex*, to proſecute the Lady
" *Powis*, and to make Uſe of him as well as Colonel *Manſel*, who ap-
" peared to be of his Side, to accuſe and tax the Court of a *Sham-plot*;
" which was wondered at, when he had been ſo forward to affirm that
" he believed there was Reality in it.

The Captain's Character.

LXXVIII. " This *Dangerfield* was bred a Clerk, being an Attorney's Son,
" and his Father deeply engaged in the late Times. He could write well,

" and

"and was a handſome proper young Fellow of a verſatile Wit: So that, "if he ſhould have been accepted to teſtify, in Probability, he would have "far out gone all the former Witneſſes. He made ſome Sport, by ſhew- "ing ſome Love Intrigues that paſſed between him and Mrs. *Celier*; but "he could be of no Uſe, for the Lords refuſed to commit the Earl of "*Peterborough*, though, at the Bar, he teſtified plain Treaſon againſt "him."

The whole Faction, Abettors of all public Diſturbances.

LXXIX. So ends the Memorial; by which one may ſee how much of Truth is wanted in the printed Accounts of Affairs, though done by Parties conteſting with all their Force one againſt another. They, for Want of Art or Judgment, leave out many material Circumſtances, or make undue Inferences from what they do ſet down, as may be obſerved here from the Captain and his Madam. It may be collected from Names of Perſons, found in theſe Relations, who they were that, from behind the Curtain, inſpired this Wretch. I ſhall not repeat them, but ſay only that they were the Heads of the Anti-court Party. I have more than once noted that the ſame individual Perſons have been all along concerned to agitate all Sorts of Tumults and Sedition, and eſpecially this Plot-driving Trade, and then (as here) abetting *Sham-plots* and *Trapans* upon the Government and its Friends, to notorious Purpoſes. The very Prints of their own Side, much more thoſe of the loyal Side, but moſt of all their Actions, as they were obſerved by us, that, in thoſe Times, moved up and down, and converſed amongſt them, made their Engagements notorious. For, at every Turn of a *Sham-plot*, we were ſure of our Company, as well as if they had been all liſted to Attendance and Action before-hand. And, according as the Matter was of greater Importance and Expectation, ſo were the Coffee-Houſe Emiſſaries and Satyriſts more alert and buſy. Their Eyes ſparkled, and their Steps were quick, and particularly about this *Sham-Plot* of *Dangerfield*, *Meal-Tub*, and *Bloody-Bladder*, which made the ſelling Titles to Pamphlets. The whole Liſt of them was ſo engaged and active, that any one would have thought that *now* the very Bottom of the Plot was coming up. And I am aſſured the Party was ſinking deep for it, and had brought forth horrid Accuſations, if the careful Steps of the Court, and the Miſcarriage of ſome of the Tools, had not prevented. It may be thought I have been too prolix and particular in ſetting out the Matters, alledged about this Sham, as not of Value to deſerve it. But really I fear, that, if I am faulty (conſidering how much is left behind) it is in being too ſhort, and not particular enough. I confeſs I did ſomewhat more for the Sake of a little Explanation of the Times, as well as of our Author, that is to follow, there being Deeds of greater Darkneſs than theſe, to be brought forwards towards the Light, which a little Reflection from theſe may make more eminently diſtinguiſhable.

LXXX. One Thing I am ſure of, which is, that I have ſhewn enough to entitle the Subject Matter to a Place in the Hiſtory of this Reign. For,

if

The Author's Concealment, and Abuſe about this *Sham-Plot.*

if a criminal Stratagem, levelled at the Monarch himſelf, his Royal Conſort and Brother, with others of the Nobility, examined into by the Privy Council, the Houſes of Parliament, and at ſeveral Trials at Law, and made the whole Diſcourſe and Expectation of the Times, as if the Fate of the Nation depended on it, be not worth Notice in Hiſtory, I know not what is ſo. And I looked ſharp into our *Compleat Hiſtory*, to ſee if I could find it there, but not a Word in the Time; but, as I hinted before, down, I know not how far, in another Reign, I found this ſame *Meal-Tub* lurking. It ſeems the Captain, being puniſhed for Perjury, was to have a Place among the State Martyrs; and it had been dull, not to ſay for what. Being whipped by Judgment, for mortal Perjury, the Author accounts it to have been a cruel Sentence; and, by the ſame Meaſure, he muſt account plain Lying a meritorious Virtue, fit to be rewarded. But, being to name the Offence, he ſays only that the Captain, in his Narrative, *did reveal that he was employed by the Popiſh Party, and chiefly by the Lords in the* Tower, *and the Counteſs of* Powis, *to invent a* Meal-Tub-Plot, *which was to have thrown the* Popiſh-Plot *upon the Preſbyterians.* A moſt lucid Account is here given of a *Meal-Tub-Plot*, and its mighty Machination! He ſays alſo, *that it was according to his Depoſitions in Parliament*, that is the Narrative, *and ordered to be printed by the Houſe of Commons.* I find not, in the Examination in the Houſe of Commons, any Thing of that *Meal-Tub* Circumſtance; but the Author will have it ſo, and perſuade us that however falſe and ſcandalous, yet the ſame Facts being ſworn to there, purges all Offence, and makes the Libel lawful, and publiſhable without Offence to any; and, conſequently, he ought to have been acquitted at his Trial. And, all this While, we are not favoured with the leaſt Particular or Item of this Caſe ſo cruelly ſentenced. Rare Hiſtorian!

Falſe and improper, and the *Meal-Tub* ſenſeleſs.

LXXXI. I am ſure that, whatever the Libel was, this Account is malicious and falſe: For he ſays *revealed*; he had better have ſaid all that *Dangerfield* ſpoke was true, for the Word *revealed* implies as much. A falſe Fact is a *Non-Ens*, and cannot be *revealed*; that Word belongs to Truth, that ſuppoſes correſpondent Exiſtence in Nature to anſwer the Notion expreſſed. But what is it he thus affirms to be true? — *to invent, &c.* which is as falſe as the reſt; for it is notorious that neither the Lords, the Counteſs, nor *Celier*, employed him to invent, in the *Engliſh* Senſe, but to find out a Plot, if ſuch was, as they verily believed. I may paſs by whom he means by the *Popiſh Party*, that is the King and the Duke of Courſe; and ſo clear a Concluſion muſt pleaſe, *viz.* to throw the Popiſh-Plot upon the Preſbyterians: You underſtand me; if not go look, you ſhall find nothing in the Author that ſhews what Actions or Facts were couched under that Deſcription; but the ſingle Word *Meal-Tub*, makes all plain. Now that was a trifling Circumſtance, no Part of the Narrative, or the leaſt conſiderable. But why that, and nothing of the Main, the Duke of *York* ſworn to be a vile Parricide and Aſſaſſin, as could hire ſuch a Rogue as *Dangerfield*,

fict with twenty Guineys down, to kill the King, and, as the Libel paints it, a moſt degenerate Wretch, a plotting, ſwearing Fourb, as if he had not been a Prince of the Royal Blood, but one of the *Newgate* Band. The Greatneſs of the Offence, as to the Duke, makes us forget the Earl and Counteſs as if they were Nobody. All Bargainers for killing the King, and the Earl of *Shaftſbury*; which latter the Counteſs would have diſpatched with her own fair Hands, if the Midwife had not put in for the Place; Ground enough for a Pamphlet, as was publiſhed, of a Plot to kill the Earl of *Shaftſbury*. Theſe are Things which an ordinary *Oedipus* would eaſily collect from the Word *Meal-Tub*. What need the Author be prolix to rehearſe any of thoſe Peccadillo's, ſo plainly to be underſtood? Now, let his Authorſhip purge himſelf if he can, firſt, of concealing, in proper Place, the whole Villainy of his Party-Plot-Man *Dangerfield*, and then, of ſneaking behind a few Years in the next Reign, with a nonſenſical Flirt about a *Meal-Tub*, with a non-intelligible Slander tacked to it; and, after all, for making the vileſt Rogue upon Earth, being puniſhed for his Demerits, to become a Martyr of the Faction. *Et erit mihi magnus.*

Sham-plots increaſe, as *Symſon Tong* rejected.

LXXXII. After this inſolent Attempt of *Dangerfield* (like a black Storm) was blown over, the Court had no Reſt, for a long Time, from *Sham-plots* greater or leſs. For every Rogue, that had not been pilloried, thought a fair Game lay open to him; which was the Fruit of the Encouragement, the Captain had from the Faction, not only before, but a conſiderable Time after the Courts of Juſtice had ſpewed him out. *Symſon Tong*, Son of the famous Dr. *Tong*, put himſelf in a Way of Trade, by endeavouring to trapan Somebody or other, and ſeemed to level moſt directly at Sir *Roger L'Eſtrange*; but the old Knight was ſo plot-learned, that Nothing would faſten upon him. But yet he was nettled at the Attempt, and the Encouragement and Aſſiſtance *Tong* had from the Faction in all their News and Pamphlets, by which they ſought to defame him as much as if he had been a *Sham-Plotter* in earneſt; and thereupon he gave himſelf the Trouble to print, in a Quarto Pamphlet, entitled *The Shammer ſhammed*, 1681, the whole Tranſaction adorned with all the Circumſtances. And any one, that would obſerve the low Politics of this Sort, may ſee there a compleat Proceſs of ſuch Knavery. This young Raſcal muſt needs be brought to the King (that was the Note they were all tutored to) and there he railed at his own Father ſo indecently, the King could not bear it, but rejected him abſolutely. He had ſworn *Oates*'s Plot contrived by his Father, and then unſwore it again, to and fro in Terms of Contradiction more than once, and was a Wretch moſt proſtitute and deſpicable. But after he had his final Settlement in the Goal, where formerly he had cut Pegs, and his ſwearing and forſwearing, to make a Plot, came to Nothing, yet the *Saints* accepted him, taking his (good) Will for the Deed, and admitted him into the Protection of their Charity, whereby he had

ample Proviſion made for him of Diet and Clothes: And ſo far his Oaths were not unprofitable; as if ſwearing *pro* and *con*, were a good Title to a Penſion. It is to be ſuſpected ſome holy Secrets were in his Power, and might have been (truly) revealed; and, though his Word or Oath would go but a little Way towards it, yet he could diſcloſe Matters in ſuch a feeling Way as might have been believed. The *Saints* do not uſe to part with their Money without valuable Conſideration.

Fitzharris's like the Captain's, but much improved.

LXXXIII. Now I am launching into a Sea of *Sham*, and that is the Plot known by the Name of *Fitzharris*. It was for the Sake of this, partly, that I dilated that of *Dangerfield* ſomewhat more than it might ſeem to deſerve; becauſe we ſhall find it was ſaid, and not much awry, that this of *Fitzharris* was copied after that. It is with *Sham-plots*, according to their Genus, Forgery. They all gain by Experiment. If, in one Voyage, any Leaks ſhew themſelves, againſt the next, they are carefully and artfully ſtopped. *Dangerfield* was an unlucky Rogue, as touching the Pillory, but what he wanted in Capacity, he made good in Countenance. But there were, in his very Model *Mala Stamina*; for he entered his Game too far off the Court, firſt by Madam *Celier*, and ſo round about, by Lady *Powis* and the Earl of *Peterborough*, to the Duke in Order to get cloſer to the King: And many Accidents might, as really did, happen croſs in ſuch a Tour as this. Therefore, if a Tool could be got, that was already in Practice at Court (the nearer the very Center the better) it ſaved many Hazzards, and was ſuppoſed to enſure the Adventure.

The common Deſign of *Sham-plots* to loſe the King with the People.

LXXXIV. I have mentioned more than once, that the Drift, of all theſe Workings, was to get Foot-hold upon ſome firm Ground, from whence the Faction might boldly charge the King with Plots of Suborna-tion to deſtroy Proteſtants, and then to inculcate that the King and the Duke. (which latter they thought already in their Pounces) were all one in Miſchief, of which the united Cure muſt be indifferently applied to both. After the People were once prejudiced againſt the Duke, and ready to believe all Manner of Evil of him, the *Tranſit* was eaſy; Brethren in Iniquity, and the Work was done. This was confirmed in the Perſon of *Oates* himſelf, who, among other villainous Speeches, uſed to ſay, *that the King was as deep in the Plot as the Duke*; *and as arrant a Papiſt as his Brother*; *and that he had ſuborned Witneſſes to ſtifle the Plot*, *and to throw it upon the Proteſtants*; which, as I take it, was mentioned ſome Time before. And, when young *Tong* was before the Council, *Oates* ſaid, to ſome of his Companions, *that all the Subornation would come up to his Maſter at laſt*, meaning the King. The holy Reach, of this perjurious Scandal, was, that the King might not only loſe all the Confidence of his People, but, on the contrary, be thought a declared Enemy and Deſtroyer of the beſt of them; and qualified for the Work by being himſelf one of the moſt facinorous of human Kind. They continually watched for Colours, and, for Fail, made them, to affirm this, and then backed it with Swearers in Ordinary. And,

conſidering

considering that the King loved to see, hear and judge for himself; which led him to admit forward People into his Presence, it is a Wonder his Majesty so well escaped the Snares laid for him. And, of all the Instances of this Kind, none came so near the Effect, as the working of this *Fitzharris*, whom the Faction had found out to have Access at the Duchess of *Portsmouth*'s Lodgings, which were known to be the Place of the King's most remiss Hours. And how they could have planted a Battery nearer his Person, but within the Cabinet, or the very Curtains of his Bed, I cannot tell. So far this new Model improved upon *Dangerfield*, as *Oates* upon *Mocedo:* For the Captain was just crope out of *Newgate*, and, as was observed, began his Fire at a Distance.

A Comparison of Events between *Oates*'s and *Fitzharris*'s Plot.

LXXXV. Although it is a little too early to make Comparisons, yet, by Way of Preparative, for once, and to make the Reader a little more apprised of the odd Things to come, I will venture forth my Reflections on the strange Power Accident hath in the Process and Event of false Plots; which cannot be better shewn than by a Comparison in Gross between the Grand Plot of *Oates*, and this no less (in Intention) of *Fitzharris*. The former had a great Advantage by being so early, because the Aims of it were less discerned and suspected. This of *Fitzharris* had an Advantage by coming after, because the Faults, of all that went before, were mended. But yet there was strange Difference in the several Events. The former took Fire beyond Project or Expectation, but spent it self, and lost all its Force by frequent Explosions. This only burnt in the Fusee, and never fired; but yet had a more dangerous Charge than the other. *Oates*'s wrought upon Accident, *Ex Re nata*, and succeeded, in Rabble and Noise, beyond Imagination. *Fitzharris*'s was framed with Advantage to do all that the other did, and more; that is, to blast the King, arm the Faction, sollevate the Mob, and yet never had the Honour of so much as a single Crowd after it. So crosly will Things happen that are built upon false and wicked Principles. That of *Oates* was the most foolishly put-together Stuff that ever was known, and yet took with the People almost generally, to a Wonder; and all owing to a Series of combined Accidents. But this of *Fitzharris* was the most devillish, subtile, and craftily framed, well jointed, and seemed not to want Accident; but yet, in the End, as to the main Drift, proved, not only vain but, utter Confusion to the Contrivers; and all from seeming Accident too, but such as could never have been foreseen.

This Plot dark, but turned to clear Libel against the King.

LXXXVI. But the immature Loss of so hopeful a *Sham-plot*, as that of *Fitzharris*., hath left a strange Darkness upon the Contrivance and Design of it; so that it is very hard, if not impossible, to recover fully what was intended to be the Shape of it; which would have been notorious, if it had proceeded successfully and triumphant, as the Plot of *Oates* did. And this Obscurity falls out propitious to the Design, or general Plot, of the

Author before us. For he thinks he has the ſame Privilege, as his Party, in their Time, took to themſelves, of converting all Things into rank Libel upon the King. That, which miſſed the Effect intended by a Faction, the Deſtruction of his Majeſty and his Government, yet ſerves the Author well enough for Libel; as when the Alchymiſt's Furnace blew up, a meer ſcraping the Potſheards got what was uſeful to cure the Itch. I ſhall make Application afterwards, and, at preſent, lay out a Word or two of Entreaty that, in the Proſecution of this meandrous Labyrinth (without any Clue but the Criticiſm of a Cotemporary, that ſaw, heard, and wondered at what paſſed,and not till lately, after a World of Reflection, is come to any tolerable Settlement of Thought about the Springs of theſe Motions) I may not ſeem over fine, or be thought tedious; becauſe the ſubject Matter is of the laſt Value or Character in Hiſtory, and (as to a clear Intelligence of it) equally deſired and deſpaired of.

The Author elaborate in Scandal from this Plot.

LXXXVII. It ſhall be my Buſineſs to gather, out of ſuch Memorials as I can find, what in a reaſonable Manner may be diſcovered of the Deſigns and Project of the Faction in the Managery of this *Fitzharris*; and I am ſure I ſhall reach ſo far as ſhall demonſtrate the preſent Author's falſe and malicious Dealing. Preparatory to which, I muſt firſt obſerve that, although he is not pleaſed to diſcloſe any particular Facts of the foregoing Plots, as to this he is neceſſitated to break his Meaſures of Suppreſſion For, whether there was a Criſis of Politics or not, there was certainly a Criſis of State. For the grand Turn of Affairs, at the *Oxford* Parliament, happened upon the Subject of this Plot; and it is mentioned in the Votes of both Houſes, and in a Royal Declaration; againſt the Power of which latter, he thinks he has found a counter Charm, the Sincerity of which will, in Conſequence, be made appear. And I ſhall affirm clearly on his Side ſo far that, in no Inſtance of his whole Book, he appears more like himſelf, than in the Account he has given of this Fellow and his Plot; and ſince the Connection, it had with the Affairs of State and Parliament, would not let him baulk it, he has made a Virtue of Neceſſity. But, of this Plot, and Plotter, I ſhall trace thorough the Circumſtances, diſtinguiſhing, as I go, what is clear or warranted by Proof, and what is taken by Conjecture, and do not therein demand other than candid Reflection; be the Judgment integral to every one. And, after this, I hope I ſhall not be wanting to do the Author that Right, his loyal and dutiful Repreſentation deſerves.

The cleareſt Facts and State out of *Fitzharris*'s Trial.

LXXXVIII. As to the naked Truth of the overt Facts relating to this Caſe of *Fitzharris*, which raiſed ſuch Storms in the *Oxford* Parliament, and afterwards made ſuch a Stir in *Weſtminſter-Hall*, ending in his Attainder of High Treaſon, for making and publiſhing a diſmal Libel, and his being executed thereon, our beſt Guide will be his Trial and other public Examinations that are in Print. For, in Matters of this Nature,

ture, what is publiſhed about the Times of the Actions, and is accepted without Contradiction, may be thought, as to the Fact repreſented, credible. Thus we find he was, by Nation *Iriſh*, and, by Profeſſion *Roman Catholic*. He or his Wife, had ſome Relation to Mrs. *Wall*, the Ducheſs of *Portſmouth*'s Woman, who was alſo of that Country. This gave him Opportunity of Acquaintance there, in Order to make Profers of his Service, and to advance Projects for his Intereſts as he thought fit. He owns, all along, that he was employed by the Ducheſs and Mrs. *Wall*, as a Spy, and to bring in Intelligence of Libels and Practices againſt the King, or againſt her Grace, and that he had ſome Money upon that Account.

LXXXIX. That which the Ladies related at the Trial was, that about two Years before *Fitzharris* was taken up, he pretended to Mrs. *Wall*, that he could do great Service by bringing, into the King's Intereſt, ſeveral diſaffected Perſons, and particularly the Lord *Howard* of *Eſcrick*; which ſhews how early he was in the Intimacy of that noble Peer. He profered firſt to bring that Lord to the Duke of *York*, and Mrs. *Wall* ſpoke to the Duke of it; but he ſaid *Fitzharris* was a Raſcal, and he would have Nothing to do with him. That ended the Intrigue as to the Duke of *York*; which was probably a Diſappointment to the Lord *Howard*, as well as to *Fitzharris*, if, in this Buſineſs, we may make two of them. Then he would needs bring his Lordſhip to the King; but the Lord *Howard*, as he ſays himſelf, refuſed to go, on Pretence that he would not riſk giving his Majeſty Offence by his different Sentiments: But he would go and wait on the Ducheſs of *Portſmouth*, to make his Compliments to her; and ſurely he muſt conclude the King would be there, for it was his Affair and not the Lady's. And finding, as I ſuppoſe he expected, the King there, it is like he argued for the Bill of Excluſion, which was little to the King's Satisfaction. And afterwards his Lordſhip made his ſecond courtly Viſit to the Ducheſs, to thank her for the Honour done him, and, as may be gueſſed, to eſſay what farther Advantage he might make of this Experiment which, by the King's Diſtaſte, ſeemed concluded: So, as to that Dance, it would no farther go.

Entertained as a Spy at the Ducheſs of *Portſmouth*'s and brought the Lord *Howard*.

XC. But *Fitzharris* and his Wife ſtill plied their Affair at the Ducheſs's Lodgings, which was to get Money. They were pinched with Want, and he, pretending Services of himſelf and Family, and Loſſes in *Ireland* of ſome Rents or Penſions, got Mrs. *Wall*, by Means of the Ducheſs, to deliver his Petition to the King; whereupon 250 *l.* was ordered him, which was ſcarce received in ſix Months after. And all this While, though he bore the manifeſt Tokens of a Knave, yet there he paſſed for a very honeſt Man. Such Advantage has Sycophantry and Officiouſneſs with Ladies and Courtiers, and they ſo unfit to determine of the Characters of Men, although it is the only Thing that concerns them to find out and underſtand! But, in this Inſtance, they are to be excuſed, be-

He had Credit, and got 250 *l.*

cauſe here was an intriguing Woman, the Wife of *Fitzharris*, to make the Court, and ſolicit Mrs *Wall* in the Behalf of her Huſband, and the latter no *Fainean*, and ſuch (as Diamonds) cut one another. This is what might be depended upon, as appearing above Board, concerning the Man and his Pretenſions. Then as to the Matter which made ſuch a Stir,

His Deſign of getting to the King, fruſtrated.

XCI. It was in *February* before the *Oxford* Parliament (which was to ſit in *March)* that the Libel, charged upon *Fitzharris*, was framed. And, a little before he was taken up, he came with great Earneſtneſs to Mrs. *Wall*, deſiring to be brought ſtraight to the King, having very notable Matters to diſcover. This was ſomewhat like the Haſte in the Entry of *Oates*'s Plot. It ſeems getting to the King was the Point, for the general Reaſon of having Means, afterwards, to frame any Lye of him as might not be confuted. But Mrs. *Wall* ſaid, *Why do you not go to the Secretary?* And ſhe would not admit him, but ſent him away, and, as ſhe ſaid, *Her Blood chilled for Fear he might have done ſome Miſchief to the King.* By this it ſeems that he began to be ſcented there, and ſome *Item* had been given, concerning him, at the very Place where he endeavoured to make his Entry. And the Sequel will ſhew how happy the King was, that this Man did not come near him; and what a deviliſh Invention it was, on the factious Side, to procure a Fellow that had Acceſs at that Door; which, from the Preludiums of the Buſineſs, may be aſcribed to the Lord *Howard*. The Pinch, of what the Faction all along pretended on this Occaſion, was that *Fitzharris* was employed by the King, and had frequent Acceſs to him; and that the King ſet him on to make a treaſonable Libel, and to charge it upon the chief of the Proteſtant Party, in Order to deſtroy them by due Courſe of Law; although there was no Colour to ſay he was ever in the King's Preſence, but only at the Time when he was examined for his Crime. We ſhall hear of a Pretence, as from the King's Mouth, that, about three Months before, he had been employed in ſome trivial Matters. But the Tale will appear vain, and was alſo contradicted expreſly by the Lord *Conway*, the Ducheſs, and Mrs. *Wall*, who all teſtified at the Trial, that he was not with the King before he was taken. Beſides, it was wonderful ſenſeleſs to pretend, that the King ſhould have a Plot to oppreſs Men by Law, when he had not Intereſt enough, with *Ignoramus*, to get common Juſtice for himſelf. But I ſhall incur Cenſure by inſiſting here too much upon theſe Matters, being a little too early for them.

He ſolicites the making the Libel.

XCII. The Manner of framing this Libel is very extraordinary. *Fitzharris* was the Solicitor, and the Lord *Howard* of *Eſcrick* the Counſellor. The former comes to one *Everard*, an old Acquaintance, who had been in the *French* Service with him, and urges him to draw up this Libel. He ſaid their Caſes were hard to be thus neglected as they were; and the *French* Service was much better than the *Engliſh*. He had Acquaintance with the *French* Embaſſador and his Confeſſor, who would give great

Sums

Sums for the penning of this Libel, which muſt be as bad as could be, the more Treaſon the better. He ſaid he was ſent by diverſe Lords and Commons, that had Dealings with them. The King of *France* was to get *Flanders*, and then *England* was but a Morcel. The King and People, he ſaid, muſt be ſet at Difference; with much more ſuch *Iriſh* Stuff, as *Everard* gives an Account of: Which, if it were in Earneſt, as I believe it was only affected, would make an Idiot, of another Country, aſhamed to expreſs. But I ſuppoſe it was a Style pre-inſtructed, to be uſed when he came forth with his *Sham-plot*.

Drawn into an Ambuſcade of Witneſſes.

XCIII. But for the Libel, *Everard* entertained his Propoſition, and, from Inſtructions he was to have, undertook to pen it. But, however it came about, whether *Everard* was in with the Faction, and was to aſſiſt Sir *William Waller*, or rather the Lord *Howard*, in a Deſign to plunge *Fitzharris* in High Treaſon, ſo as to convict him, for Purpoſes to follow; or whether he had any Correſpondence with the Court, and took any Meaſures from thence, doth not clearly appear. He might be either Tool of the Faction, or Spy of the Court; and all conſiſtent enough with what followed. But, if he were at firſt with the Faction, he changed, and, finding his Time, took in with the faireſt, and ſerved the Court, where he perceiv'd the Game like to be moſt ſecure. But it is certain that *Everard* drew this *Fitzharris*, with his Libel-Work, into an Ambuſcade of Witneſſes laid up in his Chamber perdue. Of which Number Sir *William Waller*, for Failure of another, was ſummoned to make one. He was the buſy Juſtice that was ſpoke of about the *Meal-Tub*, and preached the Doctrine of Confeſſion to Mrs. *Celier* in *Newgate*. He was a great Inquiſitor of Prieſts and Jeſuits, and Gutter (as the Term was for Stripping) of Popiſh Chapels. In which he proceeded with that ſcandalous Rigor, as to bring forth the Pictures, and other Furniture of great Value, and burn them publicly; which gave Occaſion to ſuſpect, and ſome ſaid poſitively, that, under this Pretence, he kept good Things for himſelf. In a Word, he was called the *Prieſt Catcher*.

The Libel finiſh'd, and Sir *William Waller* had a Copy privately.

XCIV. When Matters were fix'd, *Fitzharris* came and diſcourſed largely of the Subſtance of this Libel, by Way of Inſtructions, and left with *Everard*, for his better Application, a Paper of his own Writing, full to the Purpoſe. *Everard* did his Work, and *Fitzharris* approved and amended upon it; and at length, when it was finiſh'd, took it away with him. This was done at ſeveral Meetings; the Witneſſes always at their Poſts, to overhear and obſerve the whole Converſation. When *Everard* ſpoke of the Danger, and his Reward, *Fitzharris* declared he ſhould have forty Guineys down, and a Penſion for the future, which the *French* Embaſſador would pay. And, as for the Danger, it was equal to himſelf, for he had given him a Paper of Inſtructions of his own Writing; which really looked as if it were brought on Purpoſe to make a clear Evidence againſt himſelf. After

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ter this, *Fitzharris* fell to diſperſing the Libel, as appeared by the Teſtimony of the Lord *Arran*, who knew him, and let him drink a Bottle with him; when he, pulling out diverſe Papers, ſhewed his Lordſhip this Libel. The Earl put that and the reſt from him, chid and cautioned him againſt ſuch Dealing, without looking on any of his Papers. It ſeems, that, after he had ſerved the Turn of the Party, that ſet him on work, ſo far, and they were poſſeſſed of the Libel (for Sir *William Waller* had a Copy) then *Fitzharris* runs full Speed to Mrs. *Wall*, with a Diſcovery, deſiring to be brought ſtraight to the King, but his Buſineſs, it ſeems, was no News there, and he was, as I ſaid, repulſed. And going to Lord *Clarendon*, or the Lord *Hyde*, as he ſays, baulking the Secretary, he was taken up in his Way, and there was a full Stop to him and his Plot, whatever it was. He had once a Mind to have brought *Everard* forwards, recommending him to Mrs. *Wall*, and would have brought him to wait upon her, but ſhe refuſed, becauſe he was an Informer.

The Libel deſigned for the *Oxford* Parliament.

XCV. There will appear a World of Myſtery in this Buſineſs, which I hope to clear by Degrees. He ſays, as we find in his laſt Confeſſion (of which in its Place) that he had nothing to do with the Libel, but to inform the King of Practices againſt him. But that gives the Lye to the Witneſſes, who ſwore his wonderful Earneſtneſs in the Matter; which ſhewed him a Practicer himſelf, and he owned that he had the Inſtructions in the Paper, from my Lord *Howard*, who was the principal Verb in the Text; that muſt be conſtrued alſo. It had been a more probable Story to have ſaid he did it to pick-thank an Opportunity of getting more Money. But the very Nature of the Buſineſs ſhews a bloody Deſign, and no Maſquerade; for the Libel was dreſſed in the moſt deſperate Language of the Party, in order to be played off, with others, at *Oxford*. It is not the Froth of an ordinary Lampooner: Therefore, for the Clearneſs of this Account, I think to ſubjoin the principal Clauſes in it, which I take out of the Indictment againſt *Fitzharris*; which Paſſages were ſworn to be truly extracted from the Libel itſelf, and are, indeed, the Marrow, though but little, if compared with the whole, which is deſperate, and Treaſon to the height, and, for its Relation to the *Oxford* Parliament, moſt fit to be diſplay'd.

The Title and Contents.

XCVI. The Title was, *The* Engliſhman *ſpeaking plain* Engliſh, — "If "*James* be conſcious and guilty, *Charles* is ſo too. Believe me, both theſe "are Brethren in Iniquity. They are in Confederacy with the Pope and "*French*, to introduce Popery and arbitrary Government, as their Actions "demonſtrate. The Parliaments, *Magna Charta*, and Liberty of the "Subject, are as heavy Yokes they'd willingly ſhake off, for to make "themſelves as abſolute as their Brother of *France*. And, if this can be "proved to be their Aim, and main Endeavour, why ſhould not every "true *Briton* be a Quaker thus far, and let the *Engliſh* Spirit be up, and "move us, as one Man, to Self-Defence? Nay, and, if need be, to

"open

" open Action, and fling off theſe intolerable Riders.—*J.* and *C.* (*James* " and *Charles*) both Brethren in Iniquity, corrupt both in Root and Branch, " as you have ſeen, they ſtudy but to enſlave you to a *Romiſh* and *French* " like Yoke. Is it not plain? Have you not Eyes, Senſes, or Feeling? " Where is that old *Engliſh* noble Spirit? Are you become *French* Aſſes, " to ſuffer any Load to be laid upon you? And if you can get no Re- " medy from the next *(Oxford)* Parliament, as certainly you will not, " and that the King repents not, complies not with their Advice, then up " all as one Man. O brave *Engliſhmen!* Look to your own Defence,— " e'er it be too late: Rouſe up your Spirits.—I will only add that it is " the undoubted Right of Parliaments to make a Law againſt a Popiſh " Succeſſor; who would prove deſtructive to our Laws and Liberties. So " it is their undoubted Right to dethrone any Poſſeſſor that follows evil " Counſellors to the Deſtruction of our Government.—Be ready then, let " the City of *London* ſtand by the Parliament, with Offers of any Mo- " ney for maintaining their Liberties and Religion in any extreme Way. " If Parliamentary Courſes be not complied with by the King, *&c.*—" Here is enough to ſhew the Reach of this Libel, and the Relation it bears to the notorious Practices of the Party, eſpecially at the *Oxford* Parliament, of which I ſhall endeavour to plumb the Depths. I need not aſteriſk the quaint Words and Expreſſions; they ſtart forth and ſhew themſelves. However, I may make more bold with ſome of them, in the Reſearch of this Roguery. In the mean Time, I deſire theſe Contents may be held in Mind, againſt I come to ſay how little of Truth the Author affords, when he pretends to ſhew the Matter of this Libel.

Made a Priſoner, and an Examination taken by the Recorder and *Clayton.*

XCVII. After this Fellow was taken up, examined, and ſent to *Newgate*, the Game began to play. This is but what the Party had projected, *viz.* that he ſhould be clapped up, and his Life in their Power. That was the Secret of making ſure of him by an Ambuſcade of Evidence. And, for the very ſame Intent, the Lord *Howard* inſtructed the Treaſon to be in Writing, under his own Hand, and left with *Everard*; the whole Action is affected to that Purpoſe. And, under this Condition, he might be wrought up to any Pitch, as they would have him, to charge, accuſe, and ſwear in ſet Forms. And now, in the firſt Place, he was to be dubbed a Plot-Witneſs, to confirm all that had gone before, and to eke and add, till the Bottom of the Plot, ſo much expected, ſhould come up. In order to this, he was viſited in Priſon by the worthy Sherriffs *Bethel* and *Corniſh*. Theſe were Harbingers to make Preparation, againſt the Magiſtrates came on with their Implements of Diſcovery: And thoſe were Sir *George Treby*, the *pious* Recorder, and Sir *Robert Clayton*, a *merciful* Alderman. Theſe were two choice Huntſmen, to take the Quarry, after the others had beaten the Buſh. At length an Examination, or Narrative, is produced, as taken and ſworn before them. This was the tenth of *March*,

March, and the Parliament was to meet the twenty-first. Thus far all was fix'd and ready; and nothing effectual at Law could be done againſt him in that Interval; and it was intended nothing ſhould ever be done againſt him, but at the Inſtance, and under the Direction of the Faction. And now we were to ſee the Effects of that mighty Power of Life and Death, to diſpoſe the Spirits of a Priſoner, at Mercy, to certain Purpoſes for which he was appointed and reſerved.

The Contents of the Examination in *Newgate*, concealed by the Author.

XCVIII. A ſtrange Meſs of Medley was here cooked up in *Newgate*. Among other Matters, no leſs falſe than fooliſh, he was wire-drawn to ſay, "Father *Gough* told him that in two Years he ſhould ſee the Ro-"man Catholic Religion ſettled in *England*, as it is in *France*; and that, if "the King would not comply, there was Order taken, and Things ſo or-"dered, that he ſhould be taken off and killed; and that the Declaration "of Indulgence was made for that End, *viz.* to introduce the Catholic "Religion; and that the War was made with *Holland* for the ſame End; "and that Neſt of Heretics once deſtroyed, *Engliſh* Proteſtants would "have no Aſſiſtance from abroad. That Madam came over to *Dover* on "the ſame Deſign. That he was an Officer at *Blackheath*, and knew "many other Papiſt Officers there, and, upon the Teſt Act, they all laid "down; which Army was raiſed to bring in the Roman Catholic Reli-"gion. That Father *Parry*, on the Diſappointment by Peace, told him "the Catholics of this Council reſolved to deſtroy the King, and, if they "failed, the Queen would do it; and, in the Year 1678, aſſured him the "Buſineſs was near. That the *Modena* Envoy offered him 10,000*l.* to "kill the King, which he refuſing, the Envoy ſaid the Ducheſs of *Ma-*"*zarine*, with a little Phial, ſhould do it. That, upon the killing the "King, the Soldiers of the Army in *Flanders*, and thoſe of *France*, that "were near, were to come over to deſtroy the Proteſtant Party; and Mo-"ney being raiſed in *Italy* for Recruits and Supplies, then no more Par-"liaments. And the Duke of *York* was privy to all this. That *Kelly*, "at *Calais*, owned to have been a Murderer of *Godfrey*, and that it was "done as *Prance* ſwore. *Du Puy*, the Duke's Servant, ſaid the Murder "was conſulted at *Windſor*. The Duke deſired to come to the Crown, for "the King was uncertain, and did not keep touch; and *Du Puy* ſaid it "was neceſſary to take off the King. That Father *Patrick* ſaid the King "of *France* was to ſend over and take in *Ireland*, to be ſubject to the "former Owners, the *French*; and that libelling the King and the Go-"vernment was neceſſary to diſtaſte the King, and make him jealous of "his People. That the Opinion of *Patrick* encouraged him to cor-"reſpond and concur with *Everard* in the Libel."

Made a dying Confeſſion, alſo concealed.

XCIX. Theſe are Notes I have taken out of the Narrative, printed by Order, for the more ſolemn Publication of it, and who will may there ſee and conſult the Whole: But they muſt not expect any Light from the Author,

Author, who entirely ſuppreſſeth the Matter of this Examination taken in *Newgate*, of which I have more to ſay. But firſt I think it not improper, though by Way of Anticipation, to parallel this with what *Fitzharris*, in a more determined State, paſt all Hope of many Hours to live, diſcloſed to Dr. *Hawkins*, and was by him publiſhed, with the Manner, and all atteſted by diverſe Witneſſes preſent. And of this alſo the Author hath concealed both Name and Thing; for it fully demonſtrates the Roguery of the other.

The Contents of the Confeſſion.

C. Firſt he ſpeaks of his Employment as a Spy, and charges the Lord *Howard* to be the Author of the Paper of Inſtructions he left with *Everard*, and that his Lordſhip told him of a Deſign to ſeiſe the King. He ſays he had no Charity of the King, but was paid the 250*l.* for other Libels brought. That he offered to Mrs. *Wall* a Buſineſs of great Conſequence, but ſhe ſent him to the Lord *Clarendon*, and ſaid to him that, ſince the Lord *Sunderland* was out, there was no Money for Secret Service. But ſays that the Sherriffs, *Bethel* and *Corniſh*, came to him in *Newgate*, with Tokens, from the Lord *Howard*, which he knew to be true; and they told him that *Everard* had accuſed him of being a *Yorkiſt*, and ſet on by the King, to put the Libel in the Houſes of Proteſtants, to trapan them; which he ſays was falſe. That they threatened him with the Parliament, to make him diſcover the Popiſh-Plot, and, as from the Lord *Howard*, encouraged him ſo far, that if he would but declare he believed the Plot to bring in the Roman Catholic Religion, or to criminate the Queen, his Royal Highneſs, or make a plauſible Story to confirm the Plot, the Parliament would give him his Father's Eſtate, and the Profits ſince the Reſtauration; and that, to ſave his Life, he complied. They brought Inſtructions to him, as from the Lords and Commons, (ſome Members, I ſuppoſe, he means; it is Pity they are not extant) telling him, if he would confirm them, they would addreſs for him, and they named to him the Lord *Shaftſbury*, and others. That they did not like his formal Story, as too ſtale. They preſſed him on the Heads found in *Treby*'s Examination, (of which afterwards) but there were others concerning moſt Branches of the *Popiſh-Plot* and the *Sham-Plots*. And againſt the Lord *Halliſax*, Lord *Hyde*, *&c.* which he did not ſpeak to. That, after this, *Treby* and *Clayton* came to him, the latter preſſed him as to *Godfrey*'s Murder. What he ſaid, as from Father *Patrick*, was not true. Then *Treby*, the Recorder, had him to himſelf for two Hours, and urged him to make him ſpeak of *Godfrey*'s Murder, without which, he ſaid, *All was nothing*. He aſked *Treby*, if he were not Rogue enough to ſave his Life; and *Treby* replied *G—d's W—ds! What were you ever elſe but a Rogue?* Then he muſt ſpeak to the Conſult, and that the Duke was at it; as alſo ſome of the Tower Lords. *You have*, ſays *Treby*, *ſeen them go to it at* St. James's. *Without Doubt they were there. Do you but ſay it, we ſhall have thoſe*

that will ſwear it. Then he concludes, denying all the Crimination, in his Narrative, againſt the Queen and the Duke, which he ſays were falſe, and begs their Pardons, and deſires GOD to forgive him the Wrongs done.

The King very ill uſed, but did not return the Evil.

CI. There are ſome other Matters in the Confeſſion, but theſe are the chief, relating to the Public; and I think enough to ſhew the atrocious Impudence and execrable Villainy of theſe Party-Drivers at that Time. Sure it is moſt fit that, however their Friend the Author is pleaſed to ſuppreſs ſuch Truths as theſe, that ſuch a Lump of filthy ſuborning Vipers ſhould be dragged forth and expoſed. And nevertheleſs, theſe are the Hero's of the Author's *Compleat Hiſtory*; true Proteſtant Saints, zealous for Religion and Property, Sherriffs of the Hon. Order of *Ignoramus*. Theſe, with the Author, their Scribe, are the Accuſers of their Sovereign Lord, who never had a Thought like what they ſo deviliſhly acted; but, on the contrary, was injured by them to Extremity; and, if Self-Defence, as they in their Libels ſay, be Law, had Title enough to have made ſhort Work with them; yet he bore all, and never preſſed the Matter here diſcovered upon them, nor made Uſe of *Fitzharris*, as he might have done, to have cruſhed them. He would not uſe a Teſtimony that ſhould ſeem to be bribed with Life, much leſs preſs any Man to teſtify beyond his free Diſpoſition and Truth; as I ſhall make appear before I have done with this foul-penned Writer, who is bold to inſinuate the contrary, or rather invent Colours to charge it home, in order to blacken the Memory of the King, and his great Lenity.

The Priſoner removed to the Tower, and the Author's Conſtruction.

CII. Now, to do the Author Right, I muſt ſhew in what Manner he brings forth this noble Examination taken in *Newgate*, which he doth conciſely, but ſtabbing as he goes. His curtailing his Sentences is like Soldiers ſhortening their Spears. He has no Deſign you ſhall underſtand any Thing of the Matter, but only to believe Evil; that is his *Quantum ſufficit*. Therefore he ſays only that, *being examined by Sir* Robert Clayton, *and Sherriff* Corniſh —. So far is wrong; for the Examination itſelf ſays, by *Clayton* and *Treby*. The two Sherriffs went together firſt, to give the Phyſic; and then the Alderman and Recorder in Couples, to ſee the working of it. And, in the End, the whole Pharmacy, that is Management of the Subornation, devolved upon the good Recorder, who had the Patient *ſolus cùm ſolo*, for two Hours; as it was fit, conſidering he was a legitimate Practiſer, and his Skill moſt to be relied on. But this is a paltry Slip of ſuch an Author; we will indulge many of them for the Sake of what follows. *He* (Fitzharris) *diſcovered a Diſpoſition, and at length, a Willingneſs to diſcover the whole Deſign the next Day after, but to prevent it, in all Appearance, he was that Day removed to the Tower.* Obſerve the Shuffle, *in all Appearance*, to mollify a curſed Slander upon the Government. For what the whole Deſign was (as he would have you underſtand

ſtand it) has been already touched, and more is behind; but the Care, taken by this Order, to hinder the Diſcovery of it, in plain Senſe, charges it all on the King. But note the Climax of ſuborned Perjury; firſt a *Diſpoſition*, then a *Willingneſs*; nice Ethics! It is hard to comprehend the Diſtinction. We had gone on to a Diſcovery, but this naughty Tower hindered: Elſe, the whole Deſign had come out, which appears plainly to have been (among other Things) that *Fitzharris* ſhould have charged the King and the Duke with the Murder of *Godfrey*; for, *without that, all ſignified nothing*. That was one Point for certain, and who can tell how the Phyſic might have worked the next Day.

CIII. But would any one, from this Account, imagine it poſſible that any Depoſition at all had been taken, eſpecially ſuch a thumping one as the Terrors of Death had extorted from this Man? I would aſk the Author if this Narrative, ſworn before *Clayton* and *Treby*, ſo ſolemnly taken, and afterwards delivered into the Houſe of Commons, and printed, were *a Diſpoſition or a Willingneſs:* He makes a *Non-Ens* of it, ſo it is huſhed up. But what ſhall we ſay of the laſt Confeſſion? Was that a Piece to be ſecreted? The Author had better have reprinted the railing Pamphlet, at the Time, called, *An Anſwer*, than wholly to ſuppreſs this; but it was the Policy of his Party. *Fitzharris* was one of thoſe few that ſuffered among theſe Plots, who, for nice Reaſons, is not favoured with any Notice of his dying Confeſſion. Even the Lampoon Lawyer *H——s*, writing expreſly of the Trial, ſays not a Word of it; which ſhews his Integrity, and what a Title the Word *Libel* has to a Seat in the Front of his Book. But our Author here had, as I gueſs, given us the Examination, but then he could not ſo well have ſuppreſſed the Confeſſion; ſo both or none was fair. But he is angry that the King, being informed of this trading in *Newgate*, thought fit to put a Stop to ſuch City Manufactury, by removing the Priſoner where theſe worſhipful Artiſts had no Pretence to come; and that fretted them, and makes the Author, *Clayton*'s Echo, belye the Removal, as done to prevent a Diſcovery of the whole Deſign, as he calls it: But ſurely, as Things ſtood, it was a neceſſary Paſs.

The Author's odious Suppreſſion of theſe two Pieces.

CIV. There was no Doubt made, but the King would cauſe this Fellow, Traitor as he was, to be brought to Juſtice: For when his Majeſty, who knew of his Applications to Mrs. *Wall*, on Account of Services, for which he had received ſome Money, found him a Party-Journeyman, at Work buſily with the moſt deſperate of his Enemies, and the chief Tool in a deviliſh Deſign to be brought forth, and to diſturb his Affairs at the *Oxford* Parliament, or rather to kindle an Inſurrection; there was ſmall Reaſon to imagine Favour to be ſhewed to him, whoever aſked it. Beſides, the Evidence, though deſigned by the Faction for their own, and not the King's Uſe, was clear, and ſuch as could ſcarce fail, even with an *Ignoramus* Jury. For that was the ordinary Means, the Party, at that Time,

Ready to be proſecuted by the King for High Treaſon.

had to ſtop the Courſe of Juſtice againſt Traitors in *London* and *Middleſex*. It is ſo far apparent that, as Matters happened, the Faction was determined to ſave this Man from the Law, for ſome ſanctified Uſes they intended to make of him: The whole Proceeding, from the firſt to the laſt, being, as I ſhall ſhew, a continued Demonſtration of it. And I preſume the extraordinary Solemnity of taking his Depoſition in Form, by two City Magiſtrates, who were alſo both Members of Parliament, whereof the like hath not fallen under my Obſervation in any Caſe, was ſo done, to have the Matter ready to lay before the Houſe of Commons at the firſt Meeting, leſt the Fellow ſhould be proſecuted, and, perhaps, hanged before the Houſe had a fair Handle to take it into their own Hands. Otherwiſe there was no Reaſon for ſuch Haſte; for Ways might have been found, in Time, and with Leiſure, to have examined him at the Bar of the Houſe, or at a Secret Committee, upon the Rumor of a new Plot.

Impeached in the *Oxford* Parliament, and the Circumſtances.

CV. I find by a Print, entitled, *Debates of the Houſe of Commons*, that it was upon the 25th of *March* 1681, that the Account of *Fitzharris*, and the Libel, were laid before the Houſe. The Manner of its coming in, and the Debate thereon, as it is in the Print (if that be true) are very obſervable. Firſt, the Examination was ordered to be printed, but the Libel, out of Reſpect to the King, was ſpared. Some thought it had been as much Reſpect, to have put it forth with the Deteſtation of the Houſe upon it; for a ſiniſter Conſtruction might make as if the Houſe thought the Libel true, and ſo, out of Reſpect, concealed it. It was moved, that *Fitzharris* might be ſent for, and be impeached of High Treaſon, *for* (ſaid Sir *F. W.*) *it may be he will relent, and tell all.* The Impeachment was ordered, and the Secretary *Jenkins* to carry it up, which he refuſed to do, as a Matter of Ridicule put upon him, and reflecting upon his Maſter; but, upon a Debate, and better Thoughts, he conformed: So the Impeachment was lodged in the Houſe of Lords, in general only, without eſpecial Articles. As to the Libel, the Secretary gave the Houſe an Account that Sir *William Waller* read it to the King, whereupon, at the King's Command, he had iſſued his Warrants, and Sir *William Waller* was to ſee to the Execution of them. The noble Colonel *B.* was ſo tranſported with the Merits of Sir *William Waller*, that he moved he ſhould have the Thanks of the Houſe, ſaying, *it was a great Service to the Nation, and not the firſt that Sir* William *had done*; and magnified this Diſcovery of *Fitzharris*, equal to the firſt Diſcovery of the Popiſh-Plot. But the Ingenuity of Sir *Robert Clayton* was admirable. He told the Houſe that, after the Examination was taken, *Fitzharris* aſked him if he had done enough to ſave his Life? and he told him, he thought he had not dealt ingenuouſly, unleſs he would tell what Counſel he had for drawing and modelling the Paper: And that he bid him be ingenuous in the whole Matter, and he would come and take his farther Examination. But the next

Day

Day after he promiſed this, the Priſoner was removed (ſays the Alderman) *out of our Reach, into the Tower*: This, compared with the dying Confeſſion, ſhews Reaſon enough to remove him, as alſo the Morality of that famous Citizen.

CVI. It was an unlucky Tower, to prevent the pious Work in Hand. I need not obſerve any Thing more, in particular, to ſhew the Drift of theſe Men, which was to take this Criminal out of the King's Hands, that is, from the Common Law, to the Parliament, whereof the Intent is but thinly covered;—*Relent, and tell all*, is a good *Item*. When the Priſoner aſked, if he had done enough to ſave his Life? *No*, ſays the Alderman, *you muſt name us ſome Perſons*, which he muſt underſtand to be ſuch as they would have, or it would not be enough. I give no farther Characters of this Proceeding, but ſubmit it to prudent Conſideration, how far, after ſuch Stuff as was drawn from this Fellow, he might have been wrought upon to name or accuſe, being, as theſe Viſitors of his told him, in the Power of the Parliament, that is (as they would have him underſtand) of them and their Party, for Life or Death, whatever Reputation or Ruin had been the Conſequence. It is plain the Duke of *York* was ſtruck at directly, and the King obliquely; for the Priſoner was prevailed on to verify, not only what they called the Popiſh-Plot, but alſo, much of that raſcally Libel of *Andrew Marvel*, called, *The Growth of Popery*; as in the Inſtances of Madam's coming over, the Indulgence, and the *Blackheath* Soldiers, *&c.* But notwithſtanding all this, which one would think had been enough to ſtay their Stomachs, till the Parliament met, to have him before them, they muſt needs come again to him, as was intended, for Counſellors and Aſſiſtants. This, collated with the factious general Conſtruction of the whole Matter, to be afterwards diſcourſed of, *viz.* that the King ſet him on work, *&c.* demonſtrates the Aim was, that he ſhould accuſe even the King himſelf. And, if the Fellow, as (by ſage Advice) without Doubt he deſigned and preſſed violently for, had been alone with the King, ſo as no Witneſs could have diſproved him, he might have ſaid any thing which theſe Solicitors of Life and Death had inſinuated into him. But, ſince it could not be then carried farther, the Examination, ſuch as it was, like *Oates*'s Narrative, muſt have been a Stock to graft upon, as Occaſion ſhould profer; and ſo it reſted in order to farther Improvement.

The Deſign to calumniate the King and Duke of *York*.

CVII. The King, as may be imagined, was not well pleaſed with theſe Doings; and he had very few Friends in the Court, or in either Houſe of Parliament, that thought themſelves ſafe, or could fathom the Conſequences, if this Traitor was let go. I ſuppoſe the Infelicity, or, as ſome called it, a Miſtake of *Oates*'s *Plot* being let into the Parliament, with its Detail, was freſh in the Minds of a great many. Therefore it was wiſely reſolved, if poſſible, by Means of the Houſe of Lords, to take this, that

The Lords quit the Impeachment, and the Commons rage; the Parliament diſſolved.

that was ſlipt in, out again. And, purſuant to this Counſel, Mr. Attorney General acquainted the Houſe of Lords, that *Fitzharris*, againſt whom a general Impeachment was come up from the Commons, was taken in the Fact of a moſt horrid Treaſon, and thereupon ſtood committed; and that he had received his Majeſty's Commands to proſecute him, by Indictment at Common Law, for the Offence, in order to bring him ſpeedily to Juſtice, and he was in all Points prepared for it. Therefore he deſired he might have the Leave of the Houſe to proſecute, notwithſtanding the Impeachment. The Lords granted the Motion, and ordered that *Fitzharris* ſhould be proceeded againſt at Common Law. The News of this Order, coming into the Houſe of Commons, raiſed ſuch a Storm as hath not been known on any Occaſion. They fell upon the Lords, and voted they had denied Juſtice, and violated the Courſe of Parliament; and that, if any Court ſhould proceed, *&c.* it ſhould be deemed a Breach of Privilege, as may be ſeen in the Prints. Upon this Foundation they intended to proceed to Conferences, as the Courſe is; but the next Day, in the midſt of a fierce Debate, the Commons were ſent for up to the Houſe of Lords, and the Parliament was diſſolved. The Lords, againſt the Vote, had entered their Proteſt (then allowed to be) with Reaſons, which were deſigned to ſuſtain the Commons, and alſo to make a fair Appeal to the People, which was accordingly publiſhed in Print. But the Virtue of all that was quaſh'd by a Royal Declaration, *April* 1681. ſhewing the Cauſes for diſſolving the two laſt Parliaments. In which, among other Things, the King ſays, he was extremely ſenſible to find an Impeachment made Uſe of to delay a Trial, he had directed, againſt a profeſſed Papiſt, charged with Treaſons againſt him of an extraordinary Nature. And that certainly the Houſe of Peers did themſelves Right in refuſing to countenance ſuch a Proceeding. This was that Declaration, which, being ſo well accepted, as it was, all over the Nation, and followed with numerous Addreſſes of Thanks for it, made the Faction croſs the Cudgels, and retire to conſult a more effectual Attack upon the Government; but yet the beſt Uſe was made of the Print, and Anſwers to it came out. But no more of theſe Matters here, having been partly already, and the reſt will be more particularly related elſewhere.

Proſecuted for Treaſon at Common Law.

CVIII. Now we ſhall ſoon come to an *Ecclairciſſment*, whoſe Knave *Fitzharris* was, whether the King's, as the Faction reported, or theirs who ſtood up for him, and, by all their Agents, Emiſſaries and Partiſans, at utmoſt Stretch of Pains and Expence, ſought to cover and protect him againſt the King's ordinary Juſtice. And it was againſt all that united Force, that the King's Miniſters of the Law, who proſecuted regularly, got Ground, as Towns are taken Inch-meal, till he was convict and executed. Which Proceeding was not between the King and the Priſoner, as the Style and Import of the Proceſs was, but, in Truth, between the King and

and the Faction, who acted the Part of Defendants throughout. This now is, by Way of Advance, a Confutation of the ſilly Pretence, touched upon, that the King hired him to libel himſelf. But I proceed to ſhew the farther Particulars of this memorable Caſe.

CIX. In *Eaſter* Term 1681, the Indictment was preferred to the Grand Jury of *Middleſex* againſt *Fitzharris*, for High Treaſon. Mr. *Michael Godfrey*, Brother of Sir *Edmund-Bury Godfrey*, was the Foreman. Coming to the Bar, the Foreman moved that *Fitzharris* might be firſt examined about the Buſineſs of his Brother's Death, and the Matter of *Du Puy*, mentioned in the Examination. The Court ſaid that might be done at any Time, the Proceeding hindered not. Then they ſcrupled hearing Evidence upon the Bill, becauſe of the Impeachment, and the minatory Votes of the Commons. But they were told by the Court, that all the Judges were clear of Opinion, that both Jury and Judges were bound to proceed according to Law, and their Oath, and could not take Notice of any ſuch Matters, or ſtop the Law, without being perjured. After this, the Bill was found; which is an Inſtance, I touched before, of the Grand Jury's ſaving their Scandal of *Ignoramus*, by letting the Bill go to be ſtopped at the Petty Jury, which was to be of the ſame Stamp: For the Evidence was ſo demonſtrative that, without entire Neceſſity (as was in *Shaftſbury*'s Caſe) they could not for Shame do otherwiſe. Upon this *Fitzharris* was arraigned, and, inſtead of the Common Plea, offered a Dilatory in *Latin*, as had been prepared for him, but, for Want of Counſel's Hand (required by the Courſe in ſuch Caſes) the Plea was not then accepted by the Court: But, at his Deſire, the Court aſſigned him Counſel, as he named them. And thoſe were the whole Liſt or Muſter-Roll of thoſe Profeſſors of the Law, who ordinarily appeared in factious Cauſes againſt the Crown, and particularly Sir *William Jones* (but he had left off Practiſing) and Sir *Francis W.* who was ſo warm to impeach him, that he might relent, *&c.* and Sir *W. W.* the Speaker, with many others of the ſame Tendency. How this entire Confidence, between this Papiſt *French* Penſioned Traitor (as they pretended to account him) and thoſe learned Gentlemen, ſo ſoon ſprang up, may be hard to demonſtrate, but eaſy to gueſs. After his Counſel were fix'd, they earn'd their Fees, (if they had any) by making all imaginable Pretenſions to the Court, for delaying the Trial. So little Danger was there (as ſome, for Reaſon to impeach him, pretended) that he ſhould eſcape. And ſo far the Counſel, by their Importunity, gained, that the Trial was put off to the following *Trinity* Term 1681.

The Bill found, and defended by the Faction.

CX. Then the firſt Queſtion was touching a Plea to the Juriſdiction of the Court, put in formally with Counſel's Hand to it. It ſet forth, that *Fitzharris* was impeached in Parliament by the Commons for High Treaſon; and that the Treaſons, in the Impeachment and in the Indictment, were

Plea of the Impeachment to the Juriſdiction, overruled.

were one and the ſame; and prays Judgment, if the Court will farther proceed, &c. After a World of Argument and Altercation, the Judgment of the Court was, that the Plea was inſufficient to ouſt the Court of Juriſdiction upon this Indictment. The Judgment of the whole Court was declared by the Chief, who did it ſummarily; not enlarging with Reaſons, as ſometimes is done, and in great Caſes, by all the Judges, *ſeriatim*, in a Way of ſolemn Argument. And Lawyer *H——s* who (among others) lampoons this Caſe, is very angry, that it was not ſo done here; as if the Queſtion had not Reſpect enough from them. But the true Reaſon was, that all Advantage of Cavil at the Expreſſions of the Judges, if any had been incautelous, was loſt to the Faction, who deſigned to make this a Parliament Caſe. And the Judges, ſeeing ſo many Pens watching, had Reaſon to be reſerved. But the ſhort and full Reaſon, of the Judgment, was that the Treaſons, in the Impeachment, were not ſet forth particularly, *prout patet*, &c. whereby the Sameneſs of them might be judged, which could not be done, but by Compariſon of the two Records; and the Averment, that they were the ſame, did not help, becauſe it was not a Matter iſſuable to the Country. If there had been ſpecial Articles carried up and ſet forth in the Plea, it is like it had ſtood.

Motion to perfect the Examination, but [illegible], and attainted.

CXI. After this Chicane was over, a Counſel, expreſs for Mr. *Godfrey*, moved that *Fitzharris* might have Time to perfect his Examination before the Lord Chief Juſtice, or the Privy Council. But his Lordſhip told him how he had ſhuffled and trifled about that before; now he muſt plead in chief, and he might be ingenuous and confeſs at any Time. Here one may wonder what ſhould be the Meaning of this preſſing for *Fitzharris* about *Godfrey*'s Murder. He was told in *Newgate*, Without ſpeaking to that, *all was Nothing*: And now the Brother moves, and the Council moves. Whereupon my Conceit is, that if, upon a farther Examination, he had given ſome dark Account reflecting on the Duke of *York*, the Queen, or perhaps the King himſelf (the Lawyer named ſome of the Queen's Servants) it muſt have ſtopped the Attainder, or at leaſt the Execution. The Attainder by giving an Handle to the petty Jury, who would ſave him to give Evidence; and the Execution, that it might not be ſaid he was hanged to prevent a clear Diſcovery; and to this Purpoſe the Priſoner, might have had Inſtructions. But that Matter went off, and the Priſoner, at length, pleaded Not guilty, and, on full Trial and Examination of Evidence at the *King's Bench* Bar, he was attainted of High Treaſon.

The Manner of his Confeſſions, and Partiality of Pamphlets,

CXII. Afterwards, 1. *July*, after his Confeſſion made to Dr. *Hawkins*, accounted for before, he was brought to the Place of Execution, and there declared that his Concern, in the Libel, was only to diſcover Practices of that Kind to the King, being employed for that End; and that he never had Money but for ſuch Services. Upon this Paſſage I muſt beſtow a Remark afterwards. Then he denies his dealing with the *French* Embaſſador,

or

of his Confeſſor; and accuſes the Witneſſes, particularly Sir *William Weller*, for ſwearing it upon him, and adds, how unlikely a Thing it was for them to give 3000 Crowns for ſuch a Libel; and ſo it was indeed, but they ſaid only that he pretended ſo, but not that he was guilty of it. As for the reſt, which he ſaid he might declare, he referred to a Paper left with Dr. *Hawkins*, of which I have given an Account before. But there is a notable Poſtſcript to it, which ſhews *Fitzharris* wrote it himſelf, and, while he was doing it, the Doctor ſtanding by, aſſured him frequently that, whatever he ſhould ſay, there was no Hopes of his Life, nor of Salvation if he ſaid any Thing falſe. And he frequently at Periods kneeled down, and ſolemnly proteſted the Truth of every Word he wrote; and this was atteſted by others that ſtood by. Now although our Author and his Complices make a Secret of this expoſing Paper, becauſe they would have it forgot, with which Intent pretending to anſwer it, or the Manner, is inconſiſtent; yet at the Time, when the Odium of the Practices, there diſcovered, was freſh, it had the Honour to be animadverted upon in ſome Libels of the Time, and particularly that called *The Tory-Plot, by* Miſopappas, 1681. *printed by* Janeway, whereof the very reading is enough to give Satisfaction how vain it is, with meer Words, to expunge real Matters of Fact. But that is the Way of Parties, for keeping up the Spirit, to anſwer one another, right or wrong. It would be an endleſs Thing to chicane with Pamphletiers.

The Priſoner made no Reflections, but the Witneſſes did.

CXIII. But to return, I take this Matter of *Fitzharris* by Parcels, and not in Order of Time, the Deſign being more Interpretation than Hiſtory. Therefore I come now to reflect on what was alledged by *Fitzharris* and his Party by Way of Defence; and that will open the Secrets of his Cauſe, and afford a Clue to the factious Deſign. He alledged little or nothing againſt the Fact of his making the Libel, but ſaid he humoured *Everard* in Diſcourſe, who pretended to know all the Privacies of the factious Lords; and *Everard* encouraged him to get what he could out of them; and as for the Libel, as ſoon as he had it finiſhed, he carried it to the Court, and ſaid he had been employed in like Kind before. He affirmed nothing at all that in the leaſt reflected on the King. And this was ſo far out of the factious Scheme, that the Party were forced to introduce the Slander themſelves, by Colour of teſtifying for the Priſoner. For it was contrived that the Tools, brought in for that Purpoſe, ſhould directly libel the King. A rare Cover! Though they did the Priſoner no Good; and it appears plainly, they came in for no other End, as I ſhall ſhew from the Teſtimony itſelf, which diſcloſes in what Manner the Train was laid.

Oates and *Corniſh* open the Scene with Hearſay.

CXIV. Firſt entered Dr. *Oates*, he ſaid, *that* Everard *told him he wrote the Libel, and the Deſign of it was to be printed, and ſent about in Penny-Poſt Letters to the proteſting Lords and leading Commoners, who were all to be taken up as ſoon as they had it; and, upon Search, it was to be*

found about them. That the Court had a Hand in it, and the King had given Fitzharris *Money, and would give him more if it had Success.* Here is the Sum of what the Faction, at that Time, laboured to have believed of the King; and how could it fail, coming out of so oracular a Mouth? A *Sham-plot* (forsooth) to oppress the innocent, nay meritorious, Protestants, even the Heads of the reformed Religion in both Houses. It was for this that the Faction strained so hard to persuade Folks that *Fitzharris* had been with the King alone; and was often admitted to his Presence. For, if that Fact had been true, they would trust to the Spirit of Calumny in Men's Minds, to supply what they but basely insinuated. And accordingly the good Sherriff *Cornish* enters and declares the King said that, *for near three Months before,* Fitzharris *acquainted him that he was in Pursuit of a Plot that related much to his Person and Government.* I take the Words *for near, &c.* to imply a Continuance, that is, off and on, pursuing a Plot, giving Accounts, and taking Directions as the Nature of such Affairs requires; and so the Sherriff must intend it to be understood, which shews his Malice in putting Words so together. The Attorney General, who knew he prevaricated, pressed him to a clear Answer, whether the King said *Fitzharris* had been ever in his Presence before he was arrested? *Yes,* said he, *that about three Months before, he was with him.* Now these Words imply only once; which Difference, little as it seems, discovered his false Heart, as will ever appear when Men, pressed upon an Interrogatory, shall draw their Answer into more cautelous Terms. We have heard here, by *Oates,* what *Everard* said, and, by the Sherriff, what the King said, and now for what Sir *William Waller* said.

Hearsays from Sir *William Waller*, and the Folly as to the Pretences.

CXV. There came two Witnesses, and more offered, to prove that Sir *William Waller* said, *that he read the Libel to the King, and the King thanked him for his Service in detecting* Fitzharris; *but that two Gentlemen told him* (Sir *William*) *that, after he was gone, the King was extremely angry and called him Names, and said he would give any Thing to have him taken out of the World; he was an intolerable Vexation to him, and had broken all his Measures; and that Sir* William *said farther, that he was in Pursuit of another Plot more horrid than this or* Dangerfield's, *of which this was but a Copy.* Now it appears that, in all this, Sir *William* was not out of Favour with the Faction; he boggled at first against testifying at all, out of Respect to the Impeachment; and the Party-Colonel *Blood* would have him be thanked; he had been happy to have Thanks on both Sides. The Characters and Designs of the Actors in this Drama, made the Plot more mystic than it had been, if they had appeared in Action according to their usual Profession; for here all the King's Enemies were busy in supporting his Tool, that was employed most wonderfully to destroy them. But none more dark than Sir *William Waller.* He (seemingly) served the King, and yet was commended by the High Fliers in the House of Commons; which was as wonderful: But all may resolve

in Time. And here we are chiefly to obſerve how this *Sham-plot* Trade harps upon Hearſays, one after another; and the Originals, *Everard* and Sir *William Waller*, in Court, and no Word, one Way or other, directly from them: As for the latter, I do not much doubt his ſaying or ſwearing, as was alledged of him, had it been to any good Party Account at that Time. We have here all that is to be found, in all theſe Proceedings, of Colour, advanced, on the Part of the Faction, to argue *Fitzharris* a Trapan of the Court, ſet up to ſnare and confound good Proteſtants; which was all their Note at that Time. *Oates* ſays what *Everard* ſaid, and others ſaid that they heard Sir *William Waller* ſay that two Men ſaid, and ſuch Stuff as all People, that knew the King and his Temper, as well as his decorous Behaviour, muſt know to be falſe. And this, with *Corniſh*'s Tale, muſt be a Proof (with a Murrain) that the King hired a Villain to make an infamous Libel upon himſelf in Terms of the moſt exquiſite Calumny, to depreciate him and his Family to all Degrees of Contempt and Hatred, and to expoſe his Perſon to Infamy, as alſo his Authority to all the Hazzards of Spight and Diſgrace; all for the ſilly Sake of an Experiment to bring Trouble on ſome Proteſtants. And yet ſo ſenſeleſs was the Age, that the conſtant and general Inſinuation of the Party had almoſt perſuaded diverſe good Men to ſuſpect, but all the Knaves pretended, and the Fools of their Dependance firmly believed the Truth was ſo. And it muſt be a merry Jeſt, among the Contrivers, to libel the King moſt damnably, and then perſuade Folks to believe he made it himſelf; the Art had been ſingular if that had paſſed.

The Frame of this *Sham-plot* conſidered.

CXVI. Now, to enter by Degrees into the Intrigue of all this Buſineſs, to reſolve it if we can. Firſt, it doth not appear that the King had any Intelligence from *Everard*, though (from the Contrivance of the Ambuſcade) ſome may fancy ſo, becauſe the King might uſe that Way to find the Bottom of his Enemies Deſigns, as he knew were on Foot againſt him. But, againſt that, it was next to impoſſible the King ſhould employ *Waller* for an Ambuſcade Witneſs, than whom ſcarce any one in the World was worſe thought of by the King. Therefore my aſſured Opinion is that, in that Action, *Everard* was altogether in a Factious, and not a Court, Confidence; and Sir *William Waller* likewiſe, who was never otherwiſe. He carried the firſt News to the King, having had a Copy from *Everard*, whilſt *Fitzharris* loytered with his Copy in his Pocket. It was in the original Deſign, that the whole pretended Diſcovery ſhould go to the King firſt, and by thoſe Hands as were concerned in the Operation; which would let them into an Acceſs to the King upon the ſubject Matter, the better to ſpy his Majeſty's Meaſures and Intentions. But it was not thought the King ſhould drive any Thing himſelf, but that the Faction, through the Means of the Parliament, ſhould have the Conduct of the Cauſe, as they had of *Oates*'s Diſcovery. For the Parliament was at Hand, where this hopeful Sprout of a Plot was to be planted. And it was high Time to have *Fitzharris* faſt,

leſt he had gone at laſt with a Counter Diſcovery to the Court; for he might have turned one Way as well as another, of which the Conſequences were great; therefore he, being alſo a Papiſt, was not to be truſted out of Chains and the Terrors of Death. So take the Series. Sir *William Waller*, the Perdue, was the Diſcoverer, and made Executioner of the Warrant, and, by his Diligence, the Man taken and ſent to *Newgate*. The godly Sherriffs make their officious Viſit, very unuſual for ſuch Officers to do, and then go to the King to tell him the Priſoner's Diſpoſition, and to obſerve his Majeſty's Conduct and Countenance; as very Spies and Trapans, as the meaneſt *Sham-Plotter* of them all: They were (forſooth) very ſolicitous and careful of his Majeſty in a Caſe of High Treaſon! After this Preparatory, Authority comes in the Shape of an Alderman and Recorder. The Priſoner is poſſeſſed, that his Life is in their (as they meant by the Parliament's) Hands. He anſwers, as he thinks, to ſave his Life, but not enough to ſerve their Turns. Lay all this together, the Beginning by a falſe Eveſdropping Practice never to be conſtrued to a good Intent, and ending in right down ſuborning, are all of a Piece, and cloſe into the clever Frame of a moſt deteſtable *Sham-plot*.

Obſcurity on Account of the dying Confeſſion.

CXVII. There is, in the Circumſtance of this Affair, yet ſomewhat dark. As to the Faction, the Caſe is plain enough that *Fitzharris* and his Libel were Part of the Plot Ammunition, provided for the *Oxford* Parliament, and then the Court to be made Defendants; and nothing leſs thought of than that they ſhould become (as they proved to be) Plaintiffs. But what ſhall we ſay to this? The Behaviour and dying Speech of *Fitzharris* is all uniform and to this Purpoſe, That his Undertaking was to inform the King, as a Spy upon the Faction. If that were ſo, as he dying declares, what can we make of it more than this, *viz.* he was eager to contrive, encourage, or make any Thing that he might carry to Court, and value it as a Service in Order to get more Money; and being forward in ſoliciting his Point, to get a ſwinging Libel to carry, the Party obſerved and managed him, till they had decoyed him into a Snare, as Men catch haggard Hawks, to reclaim, and make them fly at other Quarry.

The Faction outſhot *Fitzharris*.

CXVIII. I cannot but think him (though Knave enough) yet ignorant of the infernal Depths of this factious Stratagem, under which he was to be made a Property; for that was grounded upon his being obnoxious in High Treaſon, which he never intended to be. And though he came of his own Accord into it, ſo far as to have his Hand and *Everard*'s Word out againſt him, yet he was as ſtrong againſt *Everard*, or the Lord *Howard*, *&c.* and thought he might, in the Quality of a Spy, be received to accuſe them; and it was not likely they would accuſe him, who, at the ſame Time, muſt accuſe themſelves and their Friends. And he little dreamt of an Ambuſcade of Witneſſes to caſt the Weight on his Side, and then to be poſtponed in his Diſcovery at Court, by Sir *William Waller*. But it ſeems plain the Faction ſo took him flying, as a Perſon who, in

extreem Diſtreſs, would prove pliable, and might be wrought up, by the Terrors they could bring over him, and when the Fullneſs of Time came, to declare, accuſe, and ſwear as there ſhould be Occaſion. And they went a great Way with him, as has been ſhewed, when he came forward with Reluctance, *viz. Have I not done enough to ſave my Life! Am I not Rogue enough?* And then the Magiſtrate ſwore by his Maker, as being provoked that ſuch a Rogue as he ſhould impertinently pretend to boggle at any Roguery they would require of him. This Man ſaw himſelf in a deſperate Caſe, but could never be in that Plot, whereof the main Hinge was the bringing his Neck into a Nooſe.

CXIX. And, on the other Side, it is very ſtrange, that a Party ſhould form a deſperate Project upon the Behaviour of a Man they dare not entirely truſt; for ſuch was the Caſe of their working with *Fitzharris*. Now, though at the very Time of the Action, or ſince, none hath pretended, by any Penetration, to obtain the Reſolution of all theſe Difficulties, but then, and ever ſince, the whole Secret hath been given up for a Myſtery of Darkneſs inexpugnable; yet after all, as it ſeems to me, there is a Sword will cut the Knot; that is, a gentle Reſolve, which will open the Scene, and ſhew the interior active Principle that ſpirited the whole Machine. And it is but this; the Wife of *Fitzharris* was the Confident of the Party, and he but their and her Tool; a Sort of Property, who was from Time to Time to take his Ques from her, and to move and do as ſhe inclined him. The Wife Principal, he her Tool.

CXX. I do not pretend to any expreſs Proof of this Fact; and many may ſay that Nothing is to be hiſtorically affirmed, that hath not a good Foundation upon warrantable Evidence. And I ſay ſo too; but alſo that, although there is no expreſs Diſcovery of this, there is ſuch manifeſt Tokens that declare it, as one may wonder it was not ſooner obſerved; which a Critic may faſten, if an Hiſtorian not build upon. It was the Wife that ſolicited and brought Papers to Mrs. *Wall*, who told *Fitzharris*, at his Trial, ſhe took her Caſe to be his. And it is moſt likely that, if the Wife had not been the Solicitrix and Undertaker for the great Things her Huſband was to perform, he could never have made his Way ſo effectually there, as to have the favourite Ducheſs deliver a Money Petition for him, on which he received 250 *l.* Great Ladies are more apt to take Sides with talking flattering Goſſips than ſuch a Shack as *Fitzharris*; and the Truſt muſt needs be in the Woman and not in him, but only as he was hers. They were Partners in Want, and ſhe might obſerve, or be warmly inſtructed (as will appear) what a thriving Trade it was to be an Evidence, or to diſcover Plots. It is certain they were ſo qualified, as the Faction was not miſtaken, when, by her and his Means, they had gained an Inlet to the Court, nearer than *Dangerfield* could come; and, conſidering the Aſſurance and Application of Women, eſpecially to Affairs that are intriguiſh, we muſt conclude that the chief Addreſs was to Mrs. *Wall*, and the Converſation of Affairs was by her, and not by him, but as ſhe introduced Arguments that ſhew it to have been ſo.

duced him. And he never took ſo much upon him, as preſſing to be carried to the King, before he dealt in this Affair, under Directions of the Faction. Elſe, the bringing Lampoons and News to the Women was his Pretenſion; and the King had Knowledge of what they thought fit to ſhew him: And that Start of a new Method, if there were nothing elſe, was enough to give Mrs. *Wall* a Jealouſy of him, as ſhe expreſſed at the Trial. But, to confirm the Character I give of his Wife, it was moſt notorious that, while her Huſband was in Priſon, and after his Trial, ſhe continually danced about with Plots and Diſcoveries, exactly after the Mode of Sham-plotting at that Time; of which I ſhall give a more particular Account.

The Wife a Croſs-bite upon the Spy her Huſband.

CXXI. Now if *Fitzharris* was a Spy of the Court, his Wife was a Spy of the Faction. If there was ever ſuch a deviliſh Model of a *Sham-plot*, I am miſtaken. *Croſs-bite* upon Spy, and ſo cloſe as Huſband and Wife! Rare Invention! If we reflect a little on the Diſcovery to Dr. *Hawkins*, we ſhall find *Fitzharris* very free to diſcloſe all the baſe Attempts made upon him as to ſuborning; but, as to the Libel, which was the chief Act of his Part, he is ſtrangely reſerved and ſhy, and ſcarce touches it; nor did he ſay any thing to the Purpoſe concerning it at his Trial. The Reaſon of which Behaviour of his ſeems to move from a Tenderneſs towards his Wife; for he could not have been free and open, as to that, without great Reflections upon her, if not hazzard of her Life, which, perhaps, he would not induce to ſave his own: And, if this were the Man's Caſe, there is ſome Meaſure of Commiſeration due to it more than fell to his Share, and his ſevere Fortune might have been as decently placed upon her.

The Concern of *Whiteacre*.

CXXII. As for this new Notion of mine, that reſolves all this Myſtery of *Fitzharris*'s Caſe into the Subtilty and treacherous Contrivances of his Wife, we have yet more ſubſtantial Inducements to hold it firm. Of which it is not the leaſt, that one *Whiteacre*, the moſt infernal bloody Party-Man of the whole Pack, was not only the Solicitor of *Fitzharris*, but acted alſo the Part of Tempter to his Wife, of whom he had the entire Government. At the Trial, the Priſoner moved they two might both ſtand by him, to aſſiſt him. The Attorney General oppoſed, becauſe, as the Law was then, no Solicitors were allowed in Caſes of Treaſon; and he deſired the Wife would not be ſo very buſy, being, as he ſaid, well documentiſed, meaning by this *Whiteacre*; but ſhe was permitted, and the other repelled, who yet, for his Impertinence, was within an Ace of going by the Heels. Her being fierce and pragmatical, in ſuch a Caſe, was not extraordinary; but it appeared that ſhe was all along actuated and inſpired by that *Whiteacre*, who was at the Bottom of all factious Plot-Work, and never appeared but, as an ill Omen, when ſome egregious Miſchief was in the Wind.

CXXIII. No-

CXXIII. Nothing could more demonſtrate that the Faction had huge Matters to work by this *Fitzharris*, than that this Fellow had the Conduct of his Defence, who was known to be truſted by the darkeſt of the Treaſon Clubs and Cabals. But not only he, in a Way of profeſſed Soliciting, but all the whole Band of the Faction, that ever appeared abroad, joined Forces, in every practicable Way, to reſcue this Man out of the King's Hands, or to ſave him from the Juſtice that hung over him: Though all that can be argued from thence, followed as ſtrongly from that ſingle Perſon *Whiteacre*'s Concern; ſuch an Ace of Diamonds was he in all the factious Game. *Whiteacre's Engagements.*

CXXIV. I ſhall ſhew now ſome odd Accidents that fell out in this Buſineſs, which may ſerve for a Leſſon that nothing falſe is ſafe. It looks oddly that, in the Reign of *Ignoramus*, a Man ſhould be convict and hanged for Treaſon, whether the Party moved or no. It is an Objection to all that has been ſaid of *Ignoramus*, and therefore, in this Inſtance, muſt have an Anſwer; for were not the Sherriffs Crafts-Maſters, and *Whiteacre* Solicitor? Or could not good Men (as they called them) be found enough to quit this Priſoner? I anſwer yes, very good Men were found and returned, and the Pannel ſettled by due Advice, Care, and Conſideration; *Johnſon, Knightly, &c.* notorious Party-Men, who, but for a very odd Accident, had done as was expected from them. The Accident was a Miſtake or Lazineſs of the Bailiff. One Mr. *Cleve* was returned; and there were two Perſons of that Name: One lived in the Country, and was a confiding Man; and the other in Town, being a regular Perſon that would not be biaſſed. The Bailiff ſummoned the latter, and, his Perſon not being known (for the Return was made, as uſual under that Adminiſtration, by Party-Characters, and not Knowledge of Perſons) he was ſworn, and all the While, taken for the good Man intended. But after the Trial, when they were retired to conſider their Verdict, and the reſt began to chime in for acquitting, this Mr. *Cleve* inſiſted ſo ſtrongly the other Way, as turned the Scales: For he ſhewed them that the Treaſon was little leſs than confeſſed, but indubitably proved; and he had been ſworn, and would be perjured for none of them, but would appeal to the Court and the World to juſtify himſelf in doing his Duty. Upon this, they found they were caught, and no Remedy, and then beſt to make a Virtue of a Neceſſity, and do Right for once; and ſo the Priſoner was found Guilty. But this was a prodigious Surpriſe to the Party, who made no more Doubt of his being acquitted than that he was tried. And their Concern was not without Reaſon; for that, which they moſt feared, came to paſs, *viz.* a Revelation of all their Roguery, by a Diſcovery, ſuch as was made to Dr. *Hawkins*, and, at the Execution, the Criminal's referring to it. And, to ſay Truth, the ill Working of this Buſineſs from the Beginning, ſhewed that the Plot-Devil had left them; after which, nothing but Confuſion and Deſpair ſucceeded. How *Ignoramus*, by Accident, found Guilty againſt *Fitzharris*.

CXXV. But

The Behaviour of the intriguing Wife.

CXXV. But now to go on, and ſhew farther the Capacities of our intriguing Madam; her Huſband, it ſeems, could not get to the King's Preſence, but, after he was clapped up, ſhe, forſooth, pretended to it, and, entering upon his Poſt, would needs be brought to the King. Mr. *Bulſtrode*, one of the Waiters, teſtifies ſhe applied, for that End, to him. Her Pretence was to get Leave to ſpeak with her Huſband, alledging that ſhe could do great Service by prevailing with him to diſcover the Author of the Libel. But the Truth was, ſhe thought her Huſband was in the Dark, as to the politic Meaſures taken *de novo*, and ſhe would inſtruct him how to behave himſelf in ſome freſh *Sham-plot*. This Application of her's ended in a Direction that ſhe ſhould come and be examined: And the King appointed an Attendance, in the Afternoon, of Perſons to examine her. But, *no truly*, quoth ſhe, *if the King will not ſpeak with me alone, I will not ſpeak a Word, nor be examined.* And, among other odd Circumſtances (as *ignis fatuus* always dances, ſo *Sham-plots* have their ſtarts) Mr. *Bulſtrode* relates that ſhe knocked him up at Midnight, with Charms of Secrecy; *for*, ſaid ſhe, *if my Friends come to know I have been with you, I am undone.* All this was her Plot to get to the King, and note, that theſe Friends of her's were *Whiteacre*'s Clients.

An Account of her and *Whiteacre*, out of the Memorial.

CXXVI. My Memorial is not ſilent as to this Matter, but dark as to all Particulars of the true Intrigue of it. After the great Surpriſe of the Verdict, the Memorial relates, —— "That preſently *Fitzharris* will turn Ac-
" cuſer, and diſcover the Conſpiracy of the Lord *Shaftſbury*, Lord *Howard*,
" and others. This did ſomewhat ſtartle the Court, who thought it
" might be worth While, now Sedition was grown unto that Height to be
" almoſt ready to break out into Force, to diſcover the Ways of it, or,
" at leaſt, Perſons that knew them, and, in a real Danger, would be ſure
" to do it. So *Fitzharris* was reprieved for a ſhort Time; and, leſt his
" Diſcovery ſhould be uſeleſs, his Wife and his Maid pretended they could
" teſtify the ſame Thing, and were very buſy at the Secretary's Office to
" preſs for *Fitzharris*'s Pardon, upon the Shew what great Services might
" be done. But the Lord Chief Juſtice *North*, who came there ſome-
" times, perceiving that they were always conducted by *Whiteacre*, whom
" his Lordſhip knew to be of a moſt virulent and implacable Spirit againſt
" the Government, declared, That he thought there was no Regard to be
" had of any thing *Fitzharris* ſhould ſay. For what would not a Vil-
" lain ſay, to ſave his Life, if he might ſurely do it by accuſing another
" Man? And *Whiteacre*, who governed the Wife and Maid, might take
" Care, by producing Papers under their Hands contradicting, to make all
" they ſhould ſay to be of no Uſe or Signification. And therefore there
" muſt be no Overtures made; but if the Priſoner could make ſuch Diſ-
" coveries, as ſhould receive Confirmation by other Circumſtances and
" Perſons, ſo that there might not be the Reproach upon the Government
" of taking thoſe Ways that had been too much inſiſted on; to have

" Criminals

" Criminals received to accuſe better Men than themſelves; then there " might be Reaſon to ſave his Life: But otherwiſe, his Diſcovery would " have no Merit, but might be turned upon the Government. For thoſe " Villains would be as ready to accuſe falſly the Court of Subornation, " and would more heartily do it than what they now offer, and they " would, in that Manner, gain their Point both Ways; for the ſaving of " *Fitzharris* would preſerve him to thoſe Purpoſes for which the Faction " deſigned him at firſt. This afterwards proved true; for, *Fitzharris* " being executed, the Wife and Maid recanted, and pretended Suborna- " tion, and where they are now GOD knows: But *Fitzharris* made a full " Diſcovery to Dr. *Hawkins*."

Reflection on the Merit of this *Whiteacre*.

CXXVII. Are not theſe Circumſtances enough to convince one that this Woman was the Principal in *Fitzharris*'s *Sham-plot*, being governed by *Whiteacre*, who was the Treaſon Plenipo at that Time? Upon the *Rye Diſcovery* he fled for that Treaſon, and upon the Revolution he merited to be made Solicitor of the *Exchequer*, with Opportunity of daily Impreſts of Money to cheat the Public of 30,000 *l.* which he could never be made to reſtore, though he had the Honour of an Act of Parliament expreſs to oblige him to it. I mention this Paſſage only as a moſt apt Inſtance of that prodigious Error, in young Governments, of putting Men into Truſts for Merit of Faction, rather than Probity. An honeſt Man of the oppoſite Party, if he will accept, is a much better Truſtee in Office, than a Knave of their own.

The Manner how the Faction managed the Croſs-bite.

CXXVIII. But, to return to the dark Dealing in this *Sham-plot*, it was this: *Whiteacre* took his Meaſures and Directions from the moſt retired Cabinet of the Faction. Who can imagine otherwiſe? And accordingly he managed his Tools. After *Fitzharris* and his Wife were found out to be ſo well qualified by Kindred and Acceſs to Mrs. *Wall*, and ſo on to her Lady the Ducheſs, and the Wife, for her Part, whatever the Man was, a compleat Intrigueſs, and he not inept to be ſwayed by her; the Party played them in daily at that Quarter, and ſupplied them with Proviſion of earlier Libels to carry in, whereby to get Credit and Confidence. This is a trite Art in the Managery of Spies: And ſo far the Deſign took; for, with the Ladies, *Fitzharris* paſſed for a very honeſt Fellow, and one of notable Penetration and Sagacity, who could kidnap ſuch Secrets as he did; all which were put into his Hands by Confederacy. So he went on as a general Spy, cheriſhed by the Women; and the King was made acquainted with what he, from Time to Time, brought in, but never meddled with him himſelf. Now that Quarter was unpopular and obnoxious, becauſe the King, being amorous, was eaſy, or rather profuſe, in his Bounties to the Fair Sex; and the Ladies were not inſenſible that they were obnoxious to the People's ill Humour and libellous Reflections, and they were perſuaded that the Parliament intended to take Notice of them; therefore they affected much to have a Spy that ſhould bring in Intelligence

how Matters paſſed that concerned them. And the Party, ſcenting this Humour, plied them by their Inſtrument, who was moſt acceptable on that Account. And, as appears at *Fitzharris*'s Trial, the Humour went ſo far, as he brought to the Lodgings the very Articles of Impeachment, ſaid to be prepared to be carried up to the Lords, againſt the Ducheſs. Articles do not uſe to be drawn before the Impeachment ordered; and thoſe muſt needs have been ſo prepared for no other End but to give the Spy Credit. For if the Faction could have enlarged the Leaks in the King's Revenue, they had done it, rather than, by any public Notice, endeavoured to contract them. But the Banter paſſed, and ſerved to fright the Ducheſs. And ſo, in other Inſtances of early Libels and Diſcourſes, thrown in by the Means of *Fitzharris* and his Wife, the Party managed their Croſs-bite. And it is probable that the Multitude of Libels, made and diſperſed about that Time, were done, not more to corrupt the People, than for ſuch clancular Purpoſes as theſe; whereby the Buſineſs went on, and the Party had Matter to rejoice and be merry over. For who could help laughing and being witty at ſuch lucky Turns as theſe?

The Train laid for the Duke of *York*, but took not.

CXXIX. But obſerve the wonderful Contrivance of this Management! *Fitzharris*, under the Impulſe of his Wife, was to act the Part both of Spy and Croſs-bite; the Spy at the Ducheſs of *Portſmouth*'s, to bring in Diſcoveries of ſeditious Practices and Libels, and to mediate in reconciling Folks to the King's Meaſures; and then, by Means of his Wife with Mrs. *Wall*, a Croſs-bite of the Faction, played in upon the Court in the niceſt Angle, to ſow Seeds and lay Trains of *Sham-plots*, as well as to plumb and ſound the Waters at Court, as the Serpent *Whiteacre*, through the female Organ, ſuggeſted. All which Work is ſo like that of the great old Tempter in chief, as muſt have been copied from his own privy Cabinet; and I muſt confeſs I never heard or read of a Train ſo ſubtilely laid. The Duke of *York* had an Advantage; for, if he had not repulſed *Fitzharris* at firſt, the Streſs of the Machine had born upon him, as one may gueſs by the Tenor of the *Newgate* Examination: And his rejecting it altered much the State of the Affair, and made it blunder as it did. It is moſt likely the Perſon of the Duke (as uſually in the Libels) had gone firſt, and the King come after; but it is certain the Duke, by a timely Rejection of the whole Matter, gained his Eaſe: So *reſiſt the Devil, and he will flee from you.*

Reaſons for being farther inquiſitive after this *Sham-plot*.

CXXX. This Maſter-Piece of Myſtery and Miſchief has drawn us out into more Length than any one Occurrence, charged with no more viſible Fact, ſeems to deſerve; and yet it calls for more. It were hard to deny ſuch Cravings, when the whole Oeconomy, of the *Engliſh* Monarchy and State, was the Subject. A Knot of Rooks may ſham and croſs-bite, while their Cullies only are concerned; and who cares for either the Hiſtory or Criticiſm of the Play? But when the whole Nation is the Stake, and Government the Game, and every Man living may probably, early or late, be

be either Rook or Cully at the ſame Sport, nothing of Deſcription or Conjecture, pertinent to the Subject, is too much. Therefore I ſhall take the Freedom to note once more, that, as we have obſerved, *Fitzharris* ſaid very little of the Libel, only that his Concern was to have it to carry to the King. He ſays the Inſtructions came from my Lord *Howard*, but Nothing of any Intrigue, he had with his Lordſhip, depending whereon he might become ſuch a Privado as to be truſted with a Power to accuſe him capitally. That could not proceed from ſuch a trifling Stratagem, as to get a Libel made to carry to Court as a Pick-Thank only. I gueſs *Fitzharris*'s Wife was at the Bottom, for whoſe Sake he would not unravel any Thing more; and then why ſaid he ſo much as he did of it? He might have let the Teſtimony paſs, and have as well ſaid Nothing at all. But, to do him Right, I verily believe he conſidered the King in that; for, knowing the Party laboured to have it believed his Majeſty employed him to make the Libel, he was careful to ſay enough, and to clear that Suggeſtion by his poſitive Denial of it, which carried a Generoſity like that of his preſumed Tenderneſs towards his Wife. He ſays poſitively, at his Death, that the Witneſſes, who ſwore him principal Agent of the Libel-making, did not do him Right at his Trial. It is plain therefore, that ſome Matter lay hid, in this Man's Caſe, that would have gone far, as he thought, to excuſe him, if the Witneſſes had been ſincere; and he doth not ſay what it was that they kept back ſo much to his Prejudice. It is too much to pretend the unriddling all the Secrets of theſe Sort of Traders; but, by Way of Conjecture, or Poſſibility, I ſhall endeavour at ſomewhat beyond what I have touched, but affirm Nothing, becauſe I would leave every one's Judgment free as mine is. And ſo I go on to ſtate the practical Scheme of this whole *Sham-plot*; than which I have not heard of a Contrivance more deſperate, for kindling a Rebellion, than it was.

The Lines of the whole Deſign traced.

CXXXI. I muſt firſt take Notice, that the Faction had mighty Feats to do at the *Oxford* Parliament; and found by Experience, as well about *Forty One*, and till the Reſtauration, as alſo by the late workings of *Oates* and his Colleagues, that Nothing was ſo neceſſary to the raiſing a Flame in the Parliament, and ſo throughout the Nation, as Plots, ſuch as would bear the Name of *horrid*, *execrable*, *damnable*, *&c.* Therefore they were determined to rear up ſome deſperate Stratagem, of that Kind, to be brought upon the Stage at the firſt opening of the Seſſion: And, for readier taking, the Tenor of it muſt be, *A Plot*, of the Papiſts, their Fautors and Adherents, which was to comprehend the King and his Friends (the Duke of *York* fell in of Courſe) to cut off the Proteſtant Lords and chief Commoners; and ſo, by garbling the Parliament, introduce Popery and Arbitrary Power, or the like. Now, to ſuſtain the Weight of this Charge, given out, as we all know was done, by Way of Report, a good thorough-ſtitch Witneſs muſt be provided, well qualified and circumſtanced for the Turn, who ſhould obſerve Directions, and be fixed ſo as they might be ſecure of him, and by no poſſible

Means, to be taken off. *Fitzharris* fell out to be the Man, qualified in all Reſpects, as I have noted. For his Haunt, at the Ducheſs of *Portſmouth*'s Lodging, was a good Fund of circumſtantial Evidence, as on ſuch Occaſions they termed it, when criminous Plots were made good by proving indubitably the harmleſs Part of the Story to be true.

The Evidence ſecured, and by what Means.

CXXXII. But, all this While, there wanted an Acceſs to the King's Preſence, when alone, in Order to capacitate the Witneſs to affirm Matters that ſhould touch him perſonally, which were to impeach his Honour and Integrity, charge foul Deſigns, and ſo loſe him in Truſt with the People. If this Point had been ſecured, the Plan had been compleat; but the Profers and Experiments failed, as hath been ſhewed. The Witneſs being thus fixed by Way of forlorn Hope, the next Work was to make him faſt, and ſo hemmed in, that he might go forwards his Drivers Pace, but not backwards at all. How ſhould this be done, but by enſnaring him in High Treaſon, with infallible Evidence againſt him; and then taking into ſure Hands the Command of the Proſecution, ſo as no other Court or Juriſdiction might meddle with him? And, if all Things ſucceeded well, then to obtain a Pardon, Penſion, *&c. ſecundum uſum Oateſianum*; and ſuppoſing the worſt, as really happened, the Parliament diſſolved, he was yet ſafe from the Extremity of the Law under the Protection of *Ignoramus*. And an Offer of Pardon could not ſeduce him, becauſe (as the ſenſeleſs Doctrine of the Party then was) the King could not pardon after an Impeachment; and thereby he was to lie ſtill at the Mercy only of the Party, againſt the next Opportunity, of which they were, in their own Minds, ſecure.

What this Plot would have been, and the Diſappointment.

CXXXIII. How far was proceeded upon this Scheme has been ſhewn, or may be found by the public Acts in Print; all rank ſcented of *Sham-plots* which did not ſpring in View till the Commitment. And then Sir *William Waller*'s Diſcourſe of two Men that told him of what the King ſaid; and that might have produced a Plot to kill Sir *William Waller*, if other Affairs had wrought aboveboard, as had been projected underneath. Nothing could be more indicative of a *Sham* than thoſe ſame two Witneſſes, who, coming forth, had done Wonders; and two, at leſt, the Law requires for Treaſon. This Foundation of a Plot would have born any Extravagance that could have been grafted upon it. Here was a Set for the Turn, the Knight, *Everard*, and *Smith*, no Saints, and who elſe to have backed *Fitzharris*, if he had taken the *Oateſian* Part cleverly, and led up the Dance, none but *Whiteacre* and his Clients could tell. It is dreadful to imagine what might have been done upon this ſecond Edition of a Plot corrected and amended, what Phlegm had left in the former, Fury might have recovered in this. I have partly touched the poſſible Events, and may hint a little farther. But, in the mean Time, let us reflect how ſurpriſingly all this Machination fell to Pieces, and clattered about the Ears of the Contrivers; *Fitzharris* taken from the Party, the Parliament diſſolved, he tried, convict, confeſſed the groſs Truth, and died upon it. The Engine Witneſſes,

Everard

Everard and *Smith*, turn upon the Party, and diſcover the Secrets of the Cabal. *Waller* went overſea, and, what was worſt of all, the People generally inclined to truſt the Crown, and to *abhor* the Faction and all their turbulent Works; and ſo their whole Cauſe was utterly reverſed.

A Conjecture at the Event of a contrary Succeſs.

CXXXIV. We will ſummon up our Imagination, and conceive what might have been the other Extreme. That is, if the Lords had not remitted *Fitzharris* to the Common Law, and the Parliament had not been diſſolved, but the Temper of the laſt *Weſtminſter* Parliament had gone on with as little Interruption, and the ſame Set of Men, as prevailed then, had had their Wills now; then *Fitzharris* had been ſent for to *Oxford*, and examined at the Bar of both Houſes, and ſurely made good the *Trebcian* Narrative, with ſuch Additions as the View of his preſent Condition, and good Advice (not forgetting the Authority of his Wife, who took Meaſures from her Friends the Party) had inclined him to make. And this had been called relenting, telling all, or confeſſing; which ſhould have been the Overture of a more tremendous Plot than ever was heard of before. It ſhould have ſpread wide to take in the chief Loyaliſts, and, for certain, the King, unleſs the Duke had the Honour to enter firſt. The Proceſs had been, firſt, Inſinuations and Whiſpers, a Deſign to deſtroy the Proteſtant Party, and to force the Parliament; they could not be ſafe, ſitting at *Oxford*, ſurrounded with military Forces; and all the ſeditious Talk pointing at the King's Perſon and Character, as one that was falſe, vindicative, bloody, governed by Papiſts, in Confederacy with *France*; and all to deſtroy Religion and Property.

How the old Plot might have been renewed.

CXXXV. This is no *Si quis*, being the very Language of the famous Petition of the Lords, and of the Libels calculated for Helps to Diſcourſe, and particularly that which was ſent abroad, by the Means of *Fitzharris*, dreſſed up for this very Deſign. The Beginning had been with that ſhallow Stuff of the *French* Embaſſador's paying for making Libels, and the conjuring them into the Pockets of Proteſtants, and all that could be contrived to make Shew of a general *Tory-plot*, to prove how the People would ſwallow. But what had followed if any Perſon of Account had been killed (perhaps a Member) by Similitude with *Godfrey?* That had been the efficacious Part, and ſerious with a Witneſs; upon which, *Fitzharris* had come out with his farther Diſcovery who killed *Godfrey*, or ſuch unfortunate Perſon as might fall a Sacrifice to a Criſis. And, all the While, fulminating Votes, Application for Proclamations, Rewards, *&c.* muſt have brought in Crowds of Witneſſes, if *Newgate*, the *Gatehouſe*, or the *Bench* could have ſupplied them; and, in a Word, a new *Phœnix* Plot had riſen out of the Aſhes of the old one; the very confirming of which was mainly aimed at.

The Degrees of Probability of what is conjectured.

CXXXVI. I have elſewhere *aſtrologiſed* this Caſe of the Faction prevailing at *Oxford*, which I deſire may be remembered and united here; and if ſuch, or any Project like it, had Dependance on *Fitzharris*'s Caſe, I cannot ſay it was ſure, but deadly dangerous. I know ſome will ſay this

Romance (be it ſo called) wants the eſſential Part, Probability. As to that, let us conſider in what Degree of Probability to fix it; perhaps it may riſe to that of Credibility, if not Conviction. We have towards it, the Poet's three Unities, Time, Place, and Action, and moreover, thoſe of Perſons and Expreſſions, or Language; all ſubſervient and tending to demonſtrate the Extreme of an intended Rebellion. 1. As to Time; it was that of the *Oxford* Parliament, when all the former Plots were grown effete and almoſt uſeleſs, or, worſe, ſcandalous. And there was a Neceſſity to erect a new one to re-invigorate the former, and add ſupplemental Matter to intoxicate the harmleſs, ſlow thinking, Part of Mankind. 2. As to Place; the Grievance of having the Parliament at *Oxford* and not in *London*. That Fleſh and Blood could not bear; and ſomething relevant muſt be done to bring Trouble upon the Crown, and make good the prophetic Denunciations of the petitioning Lords; for they foretold it would be unfortunate to the Crown, as other Parliaments, held at *Oxford*, had been; and it had been a rare Topic afterwards, if they could have ſaid, *Did we not prognoſticate all this before?* 3. As to Action, there was no Want, libelling the King in the moſt hideous Manner; ſome, in the milder Style of Scorn and Contempt, making the King be pulled down with his Raree-ſhow Parliament at his Back; and ſome, half mild half ſtale, for the Men of middleſized Underſtandings; of which we ſhall hear more at *College*'s Trial. And the Proviſions of another Kind are not to be forgot, Armour, Weapons, long Trains of Attendants, and Ribbons of Diſtinction; all which was acting as far as they durſt, till better Opportunity was put into their Hands. To theſe we may add, 4. Perſons, the very ſame that were ever the buſy Managers of Sedition and Treaſon, and ſome of the Blunderbuſſiers of the *Rye*; all in a general Aſſemblage at the *Oxford* Parliament. And, laſtly, 5. Expreſſions and Language, all tuned moſt harmoniouſly to the Air of Complaints, and Repreſentations of the ſad State of the Nation with Reſpect to Popery, *France*, and arbitrary Power; the Parliament beſieged; not only ſafe but lawful, nay neceſſary, to repel Force with Force; Nothing ſo much a Duty as Self-Defence. So was the Tenor of the factious Converſation, and of all their Prints, of which vaſt Quantities were brought down to be diſperſed for Helps to Diſcourſe. Take altogether, and I may ſay whoever miſtakes this Romance for Hiſtory, hath enough to excuſe him. It may ſeem, as my continual Reluctance tells me, that I am too nice and ſubtile, refining upon Circumſtances, as if the Matter were, like a Cauſe in *Chancery*, to be decreed upon Volumes of Depoſitions, rather than appertaining to Hiſtory. But I hope, when all is conſidered, I ſhall not be without Excuſe; for really the Character of that Age is of a Nature ſo extraordinary, as deſerves the moſt critical Repreſentation; and, even with all that, Matters will not be made ſo ſenſible to Poſterity as they were to us that ſaw them; and Reminiſcence, added to Deſcription, gives the greateſt Light to what is re-

preſented

preſented here. There is no Way, but by battering Circumſtances together, to ſtrike a Light upon the darkeſt Practices of Villainy that ever were known; ſuch as cannot be dragged forth whole into Day-light. The Importance of the Truths juſtifies our Reſearches after them: And now or never; for Perſons dye, and Evidences were out and are loſt. So that, after the Scene is ſhifted from this ſurviving Generation to the next, there will be ſcarce a Poſſibility, but by ſuch Memoirs as theſe, to have a tolerable Knowledge, or to make any Judgment at all, of theſe Times: Therefore a faint Likeneſs is better than none at all.

The ſingular Craſis of this Age of Plots.

CXXXVII. I have heard of Uſurpations of Crowns, Brigues between Kings and their Nobles and military Men; ſo between Nobility and Commonalty; and no leſs of open Rebellions of the People againſt their Governors. But who ever heard of a Monarch, in his Throne, obnoxious to the treacherous Inſults of the very Scum of human Kind and the Outcaſt of Goals? And Rebels in Secret making Uſe of ſuch Tools openly, in myſterious ſcandalous Practices, againſt the ſovereign Perſon of a King, ſurrounding him with perpetual Attempts to delude, in Order to defame him? I ſhould have been aſhamed to ſay ſo much of ſuch worthleſs Wretches and their Traffic, if they only had been concerned; for who would amuſe himſelf, or others, with an Hiſtory of *Newgate Common-Side?* But here the Government itſelf is played upon, by theſe Fourbs, externally and viſibly; which ſanctifies the Example to perpetual Memory, if it may, from all Circumſtances of the Behaviour, be collected and preſerved; The rather becauſe they prevailed againſt the Monarchy, as ſubterraneous Vapours often do againſt a Mountain, to ſhake it. What leſs can be thought of, when the Parliament was inflamed, the Houſes claſhing in hard Words, and, at a Week's End, diſſolved; and, all the While, upon the very Spot where the Actors came, none could diſcover what was the real Incentive of ſuch outragious Oppoſitions; and ever ſince, having the Advantage of Time, and all the Diſcovery it has afforded, all we have gained, is a little Diſcharge from Prejudice which, at that Time, blinded the Eyes of many; the reſt is purely *Teſtimonium rei.* And, with Help of that, I have endeavoured to encounter the falſe Gloſſes of the Faction who, by the ſame Spirit, as actuated them at the Time, have ever ſince been moved to conceal or diſguiſe their Actions, and to hold ſtill over them the ſame falſe Prejudices as covered them at firſt. And one of the chief Operators, in this Work, is the Author before us. I could not, without a thorough Canvaſs of the Fact, have, to any real Satisfaction, expoſed his groſs Inſincerities in this Matter. And, to do it the more entirely, I have not meddled with him in my Walk, but come now to the Trial of his Tropes and Figures, which he hath put forwards with the utmoſt of his Art.

The Author's falſe and diſingenuous Repreſentation of this Affair.

CXXXVIII. The worſt is, we have neither Hiſtory nor pure Libel to do with, but a Compound of both. One cannot take any Thing clear or diſtinct out of it, but, between relating and reflecting, glancing and inſinuating,

nuating, the Author is like one that ſtarts to and fro, as if he would not be taken; as will appear on the peruſal of his whole Paragraph; but I muſt take it to Pieces. In the general, I muſt affirm that all the libellous Part is utterly falſe; and without, or, rather, contrariant to Evidence.

Page 396. He ſays *Fitzharris* was *an* Iriſh *Papiſt, and conſequently a fit Tool to ridicule the Popiſh-Plot; with this Deſign he became a Correſpondent with the Ducheſs of* Portſmouth *and her Woman Mrs.* Wall, *and the* French *Embaſſador's Confeſſor, from whom he had received ſeveral Sums of Money.* Here the three firſt Words, and no more, will paſs for Truth. The ridiculing Tool is neither true nor falſe, being Nonſenſe; but it is malicious, and that is better than either: For the King is this *je ne ſçay quoi* Ridiculer, and this Fellow, *Fitzharris*, his Underpuller. But *Fitzharris*'s becoming a *Correſpondent* on this ridiculing Project, is ridiculous enough; falſe to be ſure, even in the Scheme of the Party, for that ſets him on work to ſwear a falſe Plot: So ſwearing a new one is ridiculing the old one. Perjury, indeed, as the Divine ſtates it here, is a very ridiculous Thing. And the Author, for good Manners, ſets the Ducheſs in the Front; when the Acquaintance was with her Woman, who, in that Affair, took Place of her Lady. And, for the Confeſſor and his Money, not a Scruple of Authority to affirm, as the Author doth, of receiving Money from him. If he had wrote that *Fitzharris* (as *Everard* ſwears) boaſted of his Acquaintance with the Confeſſor, who, as he ſaid, would give great Sums, ſo far had been true; but no Word that he had given any. And *Fitzharris*, in his dying Speech, derides the Pretenſion of Money that Way; and yet the Author, though every Way falſe and unwarranted, affirms it to be true: And he doth the like in other Inſtances. If one Man ſays that another Man ſaid that another Man did, *&c.* he goes not ſo far about, but right down affirms the Fact done, as if it were of his own Knowledge. I think it had been as fair an Handle to have alledged the 250 *l.* that the Man had for being a Spy, and inferred his Scandal from that; but, it ſeems, to have the Money taken from the *French* Embaſſador, ſounded better: The other was common; for what Potentate doth not pay Spies?

He ſuppreſſeth the Treaſon, and ſets down the ſeditious Paſſages of the Libel for it.

CXXXIX. This Paſſage is a Specimen of the very Soul of this Hiſtory. But now I muſt ſhew how he treats the Libel, made by Means of *Fitzharris*, of which he pretends to give ſome Account. It appears that he reliſhes more thoſe ſlight Paſſages, that were current in the ſeditious Diſcourſes and Prints, than of the right down Treaſon in it; for thoſe former caſt Reflections upon the Perſon of the King, and he gratified his Itch a little in the very Repetition of them, though, in all other Reſpects, frivolous. As, —— "that the King, having been a Papiſt from the Be-
" ginning, got an Act 13 *Car.* II. early, to ſtop Peoples Mouths (*great*
" *Foreſight!*) againſt the Time he ſhould appear inclining that Way, by
" favouring the Duke of *York*, and turning Proteſtants out of their
" Places." And diverſe other Matters, ſuch as theſe, which do not come

up to Treaſon. Nay, he brings forward that, very worſe than infernal, Lye upon King *Charles* I. that he contrived the *Iriſh* Maſſacre and Rebellion. But at laſt he comes to ſhew a little Treaſon; but it is becauſe there is, pregnant in it, a factious Scheme of Rebellion. As, —— "that "the Parliament may depoſe a Popiſh Poſſeſſor, as well as a Succeſſor; "and, ſince no Hopes of the Parliament at *Oxford*, the People were bound "to provide for themſelves." Now, whether it were Oſcitancy or Malice, I will not determine, but he has falſified in putting the Word *Parliament* in the Place of *the People*, which makes a ſwinging Difference; for his Society go from the Parliament to the People, and ſay, *they may hang up the Parliament, if they miſbehave themſelves.* But this brings to Light his own Senſe of the *Engliſh* State, as he would have it underſtood. But now a ſlight Compariſon of theſe Items with the Indictment itſelf, or as I have ſtated it ſhorter, ſhews how little of the Treaſon, and that little not without great Deſign, he permits to this Libel. It looks as if he wrote an Apologetic to the Mob, on the Behalf of the Priſoner. Why elſe ſhould not he (if any Thing) ſet down the hideous Stuff I extracted out of the Indictment, and which was the material Part of the Evidence at the Trial? No, for the End of all is to ſhew that his Party were not ſo much to blame in ſeeking to cover and protect ſuch an egregious Offender, as *Fitzharris* was, and thereby to candy them up to Poſterity.

CXL. Next he tells us what was to be done with this mild and moderate Libel. *It was to be fixed upon the Proteſtant Diſſenters, and to be diſperſed by the Penny-Poſt, to the Proteſting Lords, and Leading Men in the Houſe of Commons, who were thereupon immediately to be taken up and ſearched.* It is hard to ſay whether all this Affirmation of Fact, be more fooliſh, falſe, or malicious. There is not one Syllable in all the Acts and Proceedings, no, not in the well-dreſſed Examination in *Newgate*, tending to this. But only, at the Trial, *Oates* ſaid that *Everard* ſaid ſomething like it; and *Everard* ſtood by and ſaid no ſuch Thing; but if he had ſaid ſo to the Doctor, his Reverence had Skill enough in Plot, to have laughed at it for a Banter. It is true, the Faction deſigned that ſuch an impertinent Scandal ſhould be believed: Therefore in a Trial, which was to be printed, thoſe Men (in the Shape of Witneſſes for the Priſoner) came in to ſay as they did, and ſo they could not be charged as Libellers; which Sort of Screen was ordinarily uſed by the Faction. And, upon theſe Vouchers, the Author turns all into Truth by his poſitive Affirmation. He could have done no more if forty Witneſſes had directly ſworn it. But ſecondly, The Folly is a Confutation, although the whole Society of Swearers had directly vouched it. Could the King, and his ridiculing Council, be ſo ſilly to think the Cuſtody of a treaſonable Libel to be Treaſon? When, in the Law Caſes of the Lord *Cook*, it is ſcarce made criminal; and ſince the Uſe of the Penny-Poſt, (the Politic Means of the Conveyance intended) it is become no Charge at all, becauſe a Man has an Anſwer ready, *viz.*

He writes the Hearſays for certain Truths.

it came by the Penny-Poſt: However, it is adviſable (as the Lord *Cook* ſays) to carry all ſuch Matters to a Magiſtrate. But it is the making and publiſhing that creates the Offence, and not the Cuſtody. As, for Inſtance, the Author is the Perſon to be charged criminal for making and publiſhing his Book, and not the Reader, or Owner, that unfortunately keeps it. How could any one, of *Engliſh* Education and Prattique, ſwallow ſuch a low Rabble Suggeſtion? Much more monſtrous is it to imagine Readers ſo impoſable upon to credit it upon any one's bare Relation, and moſt of all when it is found to come from a vain Hearſay, or rather Prattle, among a Pack of Cheats, wrote (as the Author has done here, and upon no better Authority) for poſitive Truth.

And to the ſame adds, more and more malicious.

CXLI. But thirdly, The Malice is flagrant, for it ſeems not enough, without adding, That Everard *affirmed the Court had a Hand in it, and that the King had given* Fitzharris *Money, and would give him more if it had Succeſs.* Is it poſſible an Author, out of meer Malice, can be ſo abuſive of Truth? For *Everard* did not ſay ſo; *Oates*, indeed, ſaid that *Everard* ſaid. Now this Word, *affirmed*, implies that *Everard* ſolemnly teſtified ſo at the Trial; for it is from thence this Sentence is taken; and what *Oates* ſaid was ſo little regarded, that neither he, nor the Priſoner, ever urged the Men, that were preſent and heard all, to ſay one Way or other. And here is the Warrant for this Author to lay on Majeſty a Charge ſo black as (in Deſign) to murder a dozen or two of Peers, and I know not how many Commoners, by a Trapan at Law and ſuborned Evidence; what means elſe the Words, *If it had Succeſs?* Here is Hiſtory with a Vengeance! And what is the Subject Matter? Low *Plebeian* Invention, proper only for a Canaglia of Paltroons, over Ale, to babble one to another, and far from the Genius of a Court, and particularly from the known Character of King *Charles* II. nay, an ordinary Man of Buſineſs could never have taken in with ſuch mean Tricks, were he never ſo much a Knave. But yet we have it here depoſed, by the Hiſtorian, with Gravity, as a bloody Stratagem of a Tyrant. Secret Hiſtory, forſooth!

His own Voucher in ſtrong Reaſoning added.

CXLII. But, to do him Right, he hath made notable Proviſion of Credit; for reflecting ſagely that *Oates*, perhaps, may be taken for a Party-Man, and liable to give crooked Teſtimony, therefore he corroborates the Evidence by his own judicious Obſervation, adding that, *It is ſo much more to be credited, ſince the King himſelf told* Corniſh *that* Fitzharris, *for near three Months before his Apprehenſion, had been with him, and acquainted him he was in Purſuit of a Plot which very much related to his Perſon and Government. Vous avez*, the Point proved Syllogiſtically. Who doth not love cloſe and ſtrong Reaſoning, as well as Truth, in Hiſtory? The better any thing is proved, the more it is to be credited. The King is inſinuated to have cauſed a Plot to be made, to bring Lords and Commoners to Death by Treaſon falſely charged; for (there is the Pinch) now the King ſaid *Fitzharris* told him of a Plot he was purſuing; to which,

which, it ſeems, his Majeſty was an utter Stranger, however it concerned him. Is it not a plain Caſe? How comes he ſo boldly to affirm the King told *Corniſh*, when all, that is true of that Matter, is that *Corniſh* ſaid ſo; and, at the ſame Time, his Saying was denied and diſproved? This is like the reſt; all the Hearſay and reflecting Talk, of *Oates* and thoſe that appeared on the Side of *Fitzharris*, the Author writes down for the Truth of the Fact. But let it go, to oblige him for once, the King uſed and paid *Fitzharris* as a Spy, (though it was the Womens Work, and not the King's directly) what then? O, then the King was the Plotter of this very Libel, and *Fitzharris* his Agent, for murdering Proteſtants, Lords and Commons, by Proceſs of Law. So much for ſtrong Reaſoning.

The Continuation of the like Hiſtory.

CXLIII. But the Author hath farther Inducements why this murdering Deſign ſhould, as he ſays, be more credited; for *the King thanked Sir* William Waller, *and commanded a Warrant to iſſue, and him to ſee it executed; yet he was no ſooner gone but Sir* William *ſaid he was informed by two worthy Gentlemen, that the King was highly offended with him, ſaying, he had broke all his Meaſures*, &c. *and that he would have him taken off.* The Paſſage, at the Trial, was no more, but that one *Hunt* and another ſaid, that Sir *William Waller* ſaid that two Men ſaid; and this, of two Men, Hearſay *(iterum Criſpinus)* the Author writes down for immediate Truth, *viz.* that Sir *William* ſaid ſo, and is directly, by him, affirmed as ſuch in his Hiſtory. Enough has been ſaid of this before, ſo little need be repeated; only we may propoſe the Extremes to ſhew the Scantling of the Author's falſe and inveterate Malice. On the one Side, there are a Parcel of Sham-plotters, ſome known, others (as *Waller*'s two worthy Gentlemen) unknown, babbling without Foundation, ignorantly, and to no Purpoſe. And, on the other Side, there is Majeſty and a ſolemn Miniſtry acting regularly; and the former are brought forth, by a Windlatch of a Trial, to charge the latter with the fouleſt of Crimes, Murder, Perjury, Subornation, and lawleſs Aſſaſſination; that is, as far as Hearſays and malicious Glances will incline Folks to believe. And this an Hiſtorian has gathered, and ſerves up to Poſterity, for an Account of the State of Affairs, at that Time, in *England*. One may appeal to the Common Senſe of Things, if ever ſuch ſcandalous Defamation, on no Ground, forced, improbable, unteſtified, and really falſe as Hell, and virulent as the Devil, was or could be affixed to the Memory of a gracious inoffenſive Prince, (as King *Charles* II. in even his Enemies Account, is now allowed to have been) like to what is done here, ſince the Invention of Letters and Writing in the World; and alſo whether it is not fit for Authority to wipe out ſuch a Stain upon a Nation, by a judicial Condemnation, of this falſe and ſcandalous Writing, to Fire and Oblivion for ever.

Miſrepreſents the Senſe of the Com-

CXLIV. But we cannot have done yet; every Word and Syllable, in this Paragraph, demands ſome Animadverſion. After the Flams about

the *Newgate* Viſit, and the Removal of the Priſoner to the Tower, which prevented perfecting the Subornation, as was intended the next Day, and which we are given to underſtand, was to obviate the Priſoner's telling all. The Author ſays, *The Commons thought that all this looked ſo like a Trick, and a Continuance of the Popiſh-Plot, as they impeached him.* We ſhall not diſpute who were the Trickers. But why *a Continuance of the Popiſh-Plot?* Anſwer, for the Sake of ill Words; and he could not, in his Vocabulary, find worſe. No ſingle Member ſaid any thing like this; and I thought, by the Tenor of the Votes, the Intent was to ſecure bringing the Criminal to Juſtice; and, for that Reaſon, he was to be taken out of the Hands of the King's Courts. And then I thought the Members were in Earneſt, when they moved for his Impeachment, ſaying, *he might relent and tell all.* But this Author knew their Minds better, and charges his Nonſenſe for their Reaſons. This Fancy, of *a Continuance of the Popiſh-Plot*, came into the Author's *Cranium*, becauſe he knew the Faction intended that *Fitzharris* was to make good all that, and add the reſt, *viz. a Bottom, &c.* to bring it to Perfection; but, that failing, he, in the Way of Sham, turns it upon the Court, like former Plots, to ſtifle and ridicule the Plot, as hath been ſhewed. There is little more ſaid of this Man's Cauſe, only the dry Steps of it through *Weſtminſter-Hall*; and then the Author makes up his Mouth with that grand Suppreſſion of the dying Speeches; an Abuſe of an Hiſtorian to be ſtigmatiſed, as being worſe than lying. He could touch all the Jeſuits dying Papers, after a Faſhion, and ſets forth a Select of the *Rye-Plot* Papers, long as Treatiſes, in the very Words. What was *Fitzharris* guilty of more than theſe, to forfeit all Notice of his dying Confeſſion? Who will not abominate ſuch partial and falſe Dealing as this?

He falſifies the Trial and the Evidences.

CXLV. The Author never blunders worſe than when he meddles with the Law; for he cannot, or will not, repreſent any thing, of that Kind, right or true; and yet he writes as dogmatically, as if he were the Judge directing the Jury, as here, concerning the Trial, he ſays, *The chief Evidences againſt him were Sir* William Waller *and* Everard, *upon whoſe Teſtimony he was found guilty.* Now is it not ſtrange, when a Paper of Inſtructions of his own writing was produced, one *Smith*, as material a Witneſs as any, the Earl of *Arran*, to the publiſhing, *Cooling*, *Bulſtrode*, Mrs. *Wall*, the Ducheſs, and others, to Circumſtances, that the Author ſhould write ſo brazenly falſe? But the Reaſon of this wilful Treſpaſs upon Truth (for it is too rank to be caſual) is that, at the Trial, *Waller* and *Everard* had ſome Perſons come in upon them with Pretenſions to diminiſh their Credit. As *Oates* againſt *Everard*, and others againſt *Waller*, but only upon Hearſays, as was noted; and there was not any thing ſo much as pretended againſt the others. So he lays weight upon thoſe he thinks are oppoſed (though with no Manner of Weight or Reaſon) and ſuppreſſeth all the other Evidence, as if no ſuch had ever been.

There's

There's a Touch of hiſtorical Skill! I can ſcarce believe myſelf, when I bring forward ſuch falſe Fetches as theſe are.

CXLVI. This Art, ſo much practiſed by the Faction at that Time, and purſued by our Author in this Inſtance, that is, trumpetting forth all they can colour their own Way, and ſuppreſſing all that will not take the Dye, but hold ſtaunch againſt them, ſhines bright in a certain Writer, who, being a Lawyer and elſewhere intimated, has taken a Time when Abundance of wind-bound Libels, againſt the former Reigns, broke looſe, and hath publiſhed (with his Name in the Front) an Invective againſt this and diverſe other Trials; but here his Honeſty is manifeſted in a moſt eſpecial Manner. He ſays *Fitzharris*'s Caſe was not Treaſon, becauſe it did not appear he deſigned to kill the King, but only a Trapan. Indeed the ſtirring up the People to Inſurrection and Rebellion, is a very harmleſs Thing! The cutting off a Leg or an Arm of Majeſty, deſigning only to run away with the Member, if it be not deſigned to kill, is no Treaſon! This, from a Man of Law, who knows that to reſtrain the King's Perſon any Way (by Reaſon of the never failing Conſequence) is underſtood to compaſs his Death, is very extraordinary, and agreeable to the Value he ſets on himſelf towards the End of his Book, and the Contempt he there expreſſeth of the Judges Authority. But it is remarkable that, after ſearching all Corners for trifling Exceptions, he had it not in his Heart to mention either the *Newgate* Examination, or the dying Declaration and Speech; Articles ſo conſiderable in the Caſe, as much leſs is to be made of it without them. Indeed he names *Corniſh* as one that went to *Newgate*, but, as to the Buſineſs, Mum. And he vilely inſinuates that *Corniſh*, (long after attainted of High Treaſon for the *Rye* Conſpiracy) was hanged, as he ſays, for looking into the Secret. So every Thing, with thoſe Spiders, turns to Poiſon. A little Notice given of the dying Speech, had ſpoiled that malicious Invention. This is one of the Author's Claſſics, or capital Authorities, elſe I had not thought this Book deſerved ſo much Notice; but where they are interwoven, it is hard to part them. I have now done with this myſterious *Sham-plot* of *Fitzharris*, and the Author's Metamorphoſis of the Story. And, if I obtain Indulgence for the Length, I am fully gratified for the many ſerious Hours I have ſpent in weighing the Facts and Circumſtances that belong to it; which I have done with the ſame Integrity, as if the Time had been antediluvian. And, as to hard Words, which I confeſs have fallen from my Pen, upon Things and Perſons, and particularly the Author, I have to alledge, for Excuſe, that the Subject is critical, not of Truth only, but, of the Morality of an Hiſtorian. A bare Relator may be unarmed, but a *Cenſor Morum* cannot; but yet when a new Law is enacted, or a new Character of Honeſty is publiſhed, to oblige Folks to give bad Words to good Actions, and to adorn the worſt of Actions, the Actors and Relators of them, with good ones; nay, be it only to forbear rendering every one his Due, and to be

Sir *John Hawleſs*'s Libel expoſed, and the Concluſion.

be *non chalant* and inſipid in ſuch Matters, I promiſe hereafter to be a Reformado, or no Writer at all.

The Frequency of other *Sham-plots*, concealed by the Author.

CXLVII. About this Time the Faction was come to the laſt Proof of their Patience; and what was the Conſequence will appear afterwards; But till Things came to Extremity, it was obſervable, that Abundance of other *Sham-plots* flew about, which ſeemed of ſmall Import or Conſequence; and why? Becauſe they failed and came to Nothing; and then, as the Way was, were huſhed up, and all Means uſed to ſuppreſs the very Mention of them, whereby very few have heard there were any ſuch, and now thoſe few are either gone off or have forgot them. But I muſt not let them paſs ſo, becauſe the Shew of them will paint, in lively Colours, the Complection of that Age, and inſtruct thoſe that come after, how to be behaved if ever the like Practices ſhould find like Encouragement, as ſome of thoſe had. I grant it is ſcarce reaſonable to think the like Criſis of the Public ſhould ever return, being what never, in our Notice, happened before; but ſome Profers may ſucceed, and indeed have ſince happened; and I have obſerved ſo much thereupon, as to own the Benefit latter Times have had from the Remembrance of the former. For ſeveral Attempts of Plots have baffled themſelves and come to Nothing; as that named of——— for Inſtance, of which an Account is in Print; and, without our Armour of Proof, might have made deep Impreſſion. But the People, as I intimated, were armed againſt *Shams*; and ſo they were after this Grand One of *Fitzharris*, but ſtill continual Profers were made, as I am about to ſhew: For, till the *Rye* Conſpiracy, the Game was ſpirited and quick, which then fell mortified and enervous all at once. But now I muſt again take Leave of our Author for a While; for he, that could paſs over the Items of the *Grand Plot* without Notice, will not amuſe the Reader with theſe *Nebulæ*. If any ſlanderous Turn is to be ſerved, he can take up with Trifles; but what we are producing, was not ſerviceable in that Way, rather the contrary. Therefore I muſt aſk his Leave to rank them among his Concealments and Suppreſſions, ſince all, or moſt of them, are to be found in the Prints of that Time; which doubtleſs he had all before him to cull and reject as his Model ſquared. I ſhall, for the Sake of Pertinence and Brevity, exhibit the Particulars in the Words of my often cited Memoir.

The Juſtices in *Surrey* in Danger of a *Sham-plot*.

CXLVIII. " There was a Trick, like Captain *Wilkinſon*'s, offered to be " put upon the Juſtices in *Surrey*, by a Witneſs who offered himſelf, and, " if the Juſtice had rejected the Information, he had been ſubject to a Pe- " nalty; and even while the Juſtice had him under Examination, he laid " a Trap to enſnare him, by ſwearing againſt him. But the Juſtice was " cautious, and would have Witneſſes preſent, which fruſtrated the De- " ſign." Although it be a Rule, *De Officio Judicis non datur Exceptio*, and moſt reaſonable in it ſelf (for who is free to judge, if he is obnoxious to be cavilled upon afterwards?) Yet, in that Time, no Rule or Reaſon would

ſhelter a Magiſtrate from Obloquy, or indeed Puniſhment, if Plot-Witneſſes ſwore againſt him Matter of Crime relating to their Credit and Teſtimony, for that was a nice Point. It is not eaſy to make underſtood the Difficulties of this Kind, in this Time; there being few or no Inſtances of the like, whereby to elucidate them. This *Sham* was expoſed in a Pamphlet entitled *One Sham more.*

CXLIX. " *Oates*'s Servants offered to accuſe him of Sodomy to my Lord " Mayor and Aldermen, and told very extravagant Stories concerning him. " But, when my Lord Mayor would have taken their Oath, and ſet down " their Depoſitions, they ſaid they would not have it ſo, but they would " go Home and fetch a Narrative which they would ſwear, but never " came more. It was believed a *Sham* at that Time, becauſe ſo much " was heard of it at Court ſo early, that it was ſuppoſed the Party had laid " the Report, and intended to turn it to *Oates*'s Favour, and againſt the " Government; but the Lord Mayor's Care prevented it."— But there had been a fearful Stir about this Matter. One *Lane*, in *November* 1679, did indict *Oates* of Sodomy, and the Grand Jury *ignoramuſed* the Bill. But when *Oates* returned the Civility by an Indictment of a Conſpiracy, then (as *Plowden* ſays) the Caſe was altered, and the Bill was found againſt *Lane*, *Knox*, and *Oſborn*; the Charge was for conſpiring to accuſe him of Sodomy, and for vilifying him and his Plot. *Oſborn* made an Appeal to the Activity of his Heels; but the other two were convict and puniſhed. All this Buſineſs was but a confuſed Muſs of *Oates* and his Men falling foul upon one another: *Querelle d' Almane*, Wo to him that went between to part them. One would not gueſs all that Smoak was without any Fire. Theſe Doings are ſet forth in a Narrative, which *Oates*, a *buon Conto*, put out, (the Gain of that was no *Sham*) entitled *A Narrative of a horrid Conſpiracy*, &c.

Oates and his Men fall out about Sodomy

CL. Nay there was another *Sham-plot* of one *Nettervile*, which allied itſelf to *Dangerfield*, by the Pretence of ſteering the *Popiſh-Plot* upon the Preſbyterians. And here the good Colonel *Blood* (that ſtole the Duke of *Ormond* and, if a timely Reſcue had not come in, had hanged him at *Tyburn*, and afterwards ſtole the Crown, though he was not ſo happy to carry it off) no Player at ſmall Games; he, even he, the virtuous Colonel, as this *Sham-plot* ſays, was to have been deſtroyed by the Papiſts. It ſeems theſe Papiſts would let no eminent Proteſtant be ſafe. But ſome Amends were made the Colonel by Sale of the Narrative licenſed *Tho. Blood.* It had been ſtrange if ſo much Miſchief had been ſtirring, and he not come in for a Snack.

Colonel *Blood* to be killed, as *per* his Narrative.

CLI. " —— The Night before the Election of Sir *William Pritchard* " to be Lord Mayor (whom the Faction would have put by if they could) " there was one . . . . . offered to ſwear Treaſon againſt one *Rouſe*, and " that there was to be a Riſing in the City. But it was a Stratagem " laid by the Party (if *Rouſe* had been ſeiſed) to have laid the Scandal of " Subornation, that might have put the Loyal Party out of Countenance

A *Sham* of *Rouſe* to diſturb the City Election.

" at

" at the Election. The Difcovery was flighted and Nothing came of it.—" We ſhall hear of one *Rouſe* that was Traitor enough in Earneſt, which is not at all incongruous with this *Sham*. For it is a Guard of Evil to be falſely accuſed; and, for that Reaſon, Men, that know themſelves guilty, ſet up falſe Accuſations to be baffled; and then true ones, when they come, are thought to be falſe. And here a farther Turn was to be ſerved. It is a *Spaniſh* Proverb and, if ever, about Elections true; *That if a Lye will be believed but half an Hour, it is worth telling*. But the Court were ſo ſhy of Plots, they did not, at this Time, prove whether the Accuſation were true or falſe.

Shams of *Don Lewis*, *Anderſon*. alias *Munſon*, and *Pierſon*.

CLII. " —— One *Don Lewis*, who had been a Witneſs in the *Popiſh-* " *Plot*, being beyond Sea, pretended there to make great Diſcoveries, but " he would have his Pardon firſt. And one *Anderſon*, alias *Munſon*, a leud " Fellow, who had been condemned for a Prieſt, and pardoned on Condi- " tion for Tranſportation, who likewiſe, as was reported, was recommended " by the Earl of *Angleſey* to be Prieſt to the Marchioneſs Dowager of " *Worceſter*, and was entertained by her, and was afterwards recom- " mended to the Ducheſs of *York*, but was refuſed: This *Anderſon* was to " get *Lewis* to diſcover, and was to have his Pardon likewiſe. One *Pier-* " *ſon* came over from *Amſterdam*, on Purpoſe to make this Overture, after " it had been made to both the Secretaries, by Letter, in vain. But the " King would not grant any Pardon, nor Aſſurance, but as they ſhould de- " ſerve. And whereas they capitulated, and refuſed to come over without " their Pardons were under Seal; now they were come over, both of them, " without any Warrant, or any Thing in Writing at all: Which was " much wondered at. And *Munſon* was at the Secretary's Office, to " have offered ſomewhat to the King; but whether he knew that he ſhould " be ſeiſed, being a condemned Perſon, and having broken the Condition " of his Pardon, and likewiſe a new Traitor for coming over into *England*, " being a Prieſt, and would not truſt to the Merit of any Diſcovery, but " feared he might be detected of ill Deſigns, and thereupon Advantage of " the Law be taken, or what other Fright he took, appears not; but, when " the King came, he was gone, and no Meſſenger could ever ſince find " him. *Don Lewis* afterwards appeared, but with an idle frivolous Story; " ſo that it is plain they deſired their Pardons as an Argument againſt the " Court of a Kind of Subornation.—" I am certainly informed that it was this very *Don Lewis*, that had the Miſhap to loſe his Ears in the Pillory, over againſt the *Royal Exchange*, for counterfeiting Seamens Tickets, ſince the Revolution.

Shams of *Sheldon* and *Giorno*.

CLIII. " One *Sheldon*, a profligate Fellow Soldier of Fortune, and a " Papiſt, made an Overture to my Lord *Preſton*, Embaſſador in *France*, " that there was a Plot then going on to deliver *Ireland* to the *French* King; " and ſent a Copy of the *Addreſs of the* Iriſh, *&c.* and very much ridicu- " lous Stuff; that 200000 *l.* was already raiſed, and in the Hands of Cardinal " *Bouillion*. He came over and was fully examined, but his Story was ſo ex-

" travagant, that he was diſmiſſed for a Cheat and a Villain, and hath not " been heard of ſince. Nor one *Giorno*, a *Walloon*, that came from St. " *Omers* and pretended to prove *Oates* a Cheat; but upon ſuch idle Grounds, " that he was thought rather one of *Oates*'s Diſciples. He pretended to " come over on Purpoſe for this Diſcovery; and being told that he might " go back again, he ſaid he would ſtay in *England* and diſcover Prieſts; " but no News of him ſince.——

Rejoice Fox, againſt the Earl of *Clare*'s Steward.

CLIV. " One *Rejoice Fox*, a pragmatical Fellow, and a Blackſmith by " Trade, went to *Newmarket* to give Information of a Deſign to kill the " King; and his Information was after the Faſhion of Narratives, with a " Reſerve of what he ſhould diſcover hereafter. Whereupon it was ſuſ- " pected, and he accuſing the Earl of *Clare*'s Steward, with whom he had " a Quarrel concerning a Leaſe, he was ſent to be examined by my Lord " Chief Juſtice *Pemberton*, but ſo many of his Enemies came there, that " he would not appear.

Lewis and *Mansfield* about *Jones*.

CLV. " ——Afterwards there was a great Noiſe of diſcovering a Prieſt, " one *Jones*, by one *Lewis* and *Mansfield*; and there was a Paper, upon the " Prieſt's Table, importing dangerous Treaſons that were communicated " to him from ſome other Papiſts, and were carrying on by the Lords in " the Tower. The Matter was very oddly introduced; for *Lewis* got a " Warrant to the Conſtable to ſeiſe the Prieſt, and *Mansfield* did ſhew him " the Chamber. When they came in, *Lewis* ſeiſed the Paper in the View " of the Pariſh Officers; and yet the Paper was *Mansfield*'s own Hand writ- " ing, though a counterfeit Hand, and, by Compariſon with other Pa- " pers, appeared to be ſo. And *Lewis* ſaid, he believed *Mansfield* laid it " there (by which it ſhould ſeem as if *Mansfield* had put a Cheat upon the " Prieſt) but *Mansfield*, being examined, at firſt ſaid there was ſuch a Let- " ter, but the Prieſt deſired him to copy it in a ſtrange Hand, that the " Hand might not be diſcovered, and he did it; wherefore the Prieſt burned " the Original. *Mansfield*, being charged to tell Truth, with a Declara- " tion that that was the laſt Time of aſking, and the Pen and Ink being " delivered to him, telling him that whatſoever he ſet down there he muſt " abide by, made an ingenuous Confeſſion, that it was a Contrivance be- " tween him and *Lewis* to ſet up for Witneſſes. And *Lewis* dictated the " Contents, telling him what Kind of Accuſations would pleaſe the Ci- " tiſens. *Lewis* denied all, and ſtood to his firſt Story, and that he be- " lieved there was ſuch a Letter, and he could prove *Jones* to be a Prieſt; " ſo *Jones* and *Mansfield* were committed, and the Matter left to Law, " and no more came of it.——

Profers of *Shams* by *Whiteacre*; and of falſe Plots in general.

CLVI. " *Whiteacre*, having been a Fugitive upon a Judgment againſt " him and come over, deſired to be admitted to the King, and he would " diſcover great Matters. Being in the King's Preſence, he ſaid he knew " Nothing, but, if any Queſtion was aſked him, he would tell any Thing " he knew of what was aſked. But the King would not aſk him any

" Queſtions, but told him, if he had any Thing to ſay for his Service, he " might ſay it. This was very wiſe; for if any Queſtions had been aſked " him about any Perſons or Things, he would by that have given out, " that he might have been pardoned, if he had made ſuch Accuſations; " and it would have been ſuppoſed others had been ſo dealt with who " had complied." This is that *Whiteacre*, of whom worthy Mention has been made. He thought that the Knowledge, the Court had of his Capacity to diſcover, would make them ſwallow any Bait he ſhould hang out. He has the Honour to conclude theſe *Shams*; there were ſome others, but, relating to the *Rye* Conſpiracy, will fall in properly there. Theſe ſhort Relations ſhew the Fruit of public Profers of large Allowances, and Penſions, to profeſſed Accuſers. What could be expected, in ſuch a Caſe, but a Detachment as from Hell it ſelf, a Party of Witneſſes, falſe, and without Faith in God, or Fear of the Devil, to come forth and grieve, if not utterly deſtroy, harmleſs Men? It is well that Knaves are commonly Fools, and that it is not eaſy to find Fellows that are ſo wicked to go upon falſe Plots and Perjury, and withal of Judgment to contrive ſuch as ſhould muſter upon Examination. Nay, the wiſeſt Contrivers of Falſity, without the Folly or Paſſion, of others abroad, ſiding with them, muſt miſcarry. Therefore the Conductors of our capital Plot were in the Right to preſuppoſe that, if the Powers, they were to lean on, were not willing Friends, and the People not ſo intoxicable as to fall in with their brutal Aſſiſtance, no Good could come of any falſe Plot, however well charged and primed; and accordingly, Proviſion was made to court Accident, as hath been ſhewed. Now theſe paltry Attempts, for Want of ſuch good Ingredients in the Compoſition, went off *in Fumo*. But yet there is Reaſon to think that no ſlight Miſchiefs lay behind; but, judging by others that throve better, we may be aſſured there was a ſufficient Copia of them.

The Grand Deſign was upon the King's Honour; and the Court tired with *Shams*.

CLVII. Now was it not hard upon the Court to be held in Hand, as they were, with continual Alarms of Plots, and to be, as it were, bound to their good Behaviour in dealing with ſuch Knaves, with whom all Manner of Commerce ſhewed Precipices on either Side? For if the Steps, taken with them, were not ſtraight and true, Reputation, at leaſt (which, at that Time was wonderful nice) had ſuffered, if worſe Conſequences followed not. And one may ſee, through them all, one uniform Deſign, *viz.* of breaking the King's Honour, and Confidence with the People; which was to be done by taking and creating of Handles (if poſſible) to make his Majeſty's Perſon deteſtable; and this falſe Author before us, as much as in him lies, executes that Deſign, upon which his Party did but work in Hopes to bring it about. Their's was Policy, but his is Malice: And to ſhew how much his Impudence exceeds theirs, I need only repeat, as has been hinted, that, what Lyes they whiſpered and inſinuated, he writes down and publiſhes for poſitive Truths. But to return, theſe Inſults of *Sham-plots* came on ſo thick, one upon another, that the Court was perfectly harraſſed by

by them, and could ſcarce endure to hear of a Diſcoverer; and every one that profered, put them upon the Streſs of Care and Caution, as if the Plague had waited upon them. Thus it went till ſuch Time as, when a real and ſubſtantial Plot was offered to be diſcovered, it would be ſcarce liſtened after; and, perhaps, that might have been the very Deſign of ſome that put forward ſo many falſe ones. They ſay the falſe Cry of the Wolf made the Neighbours not regard the Cry when the Wolf was come in Earneſt. Therefore where the Wolf is the Politician, he will ſend his Avant Couriers to rear the Cry in vain, before he intends to make his Viſitation in Perſon.

CHAP. V.

Of the Rye *Conſpiracy.*

I. I Shewed the Reaſon why I made a Truce with the Author, till theſe Relations were over; Concealment being all he has to anſwer for concerning them: But now I muſt have more frequent Diſcourſe with him; becauſe I muſt examine his Repreſentation of the Times, relating to the Diſcovery of the *Rye Plot*, and the Proceedings thereon. For here he takes much upon him, having a weighty Charge upon his Spirits to bring off his Party with tolerable Grace and Reputation. And I muſt ſay ſo much for him, that he has done his beſt, and muſtered all the Arts of Poetry and Painting, or, in a Word, of Fiction, to carry him through. He advances, poſtpones, illuminates, or darkens, as the State of his Subject requires, either to debaſe, or render Matters illuſtrious. And, if we apply cloſe to the whole Conduct of his Hiſtory, it will plainly appear that, from the very Entrance of this Reign of King *Charles* II. he had in View this Piece of Work we are going upon, and all along fabled his Story with Regard to it: As if his Matters were teſted upon his conceived Uſefulneſs or Prejudice, either in extenuating this Conſpiracy, and vindicating the Perſons concerned in it, or aggravating againſt the Government the odious Characters of Popery and Tyranny. And he is not wanting to create, as well as perverſely to take, all Occaſions and Handles that may operate in that Deſign, and to drop or offuſcate all the reſt; juſt as when the whole Play is contrived to ſet off the laſt Act. And, if what has been already obſerved is not ſufficient to make out this Account, I refer to what is to come after, which will amply fill up his Meaſure. But by the Way, I muſt precaution that the main, that is the *Rye*, Conſpiracy is not ſoon to turn up; we have a great Deal of Talk about it before we come at it; for the Author, in all his Pourtraits, deals very much in Preparatives. And thoſe we muſt give a Diſpatch to in the firſt Place; and, if many Tracts (as I may call them)

The Author's working upon the *Rye* Plot, and Preparatives in the Way to it.

intervene in the Way, we muſt have Patience, until he comes to lay thoſe Falſities before us, as muſt be removed; for upon them he builds his falſe Syſtem, and, thoſe kicked out of the Way, down falls his whole Structure. As, for Example: He labours to perſuade his Reader, that ſo many Enormities were grown up in the Public, as were neceſſary to be ſet right by *Meaſures*; a Word he uſes for *Rebellion*. And theſe Enormities we muſt canvaſs, that Rebellion may not ſeem to ſhrink into a few Meaſures, or (as others have piouſly termed it) *ſtirs*.

The Author tunes his Pipes wholly contrary to his *Oateſian* Strain.

II. I ſhall begin with certain Obſervations in the general, and ſhew that, in Conformity to our Author's Way of Proceeding, we muſt turn our Style End for End; and, recalling to Remembrance *Oates*'s Plot, with the Appurtenances, write every thing contrary to what was wrote there. For that and the *Rye* are antagoniſtical; what was there wrote black, muſt now be wrote white, here for there, high for low, bad for good, juſt for unjuſt, and not guilty for guilty: Every thing reverſed; for the Author has ſhifted his Sails, tack'd about, and ſtands in a direct contrary Courſe. When *Oates* was rampant, we found him, with our Author, in his Buſkins *(Orcheſtram quatit)* laying on upon Sham-Plotters, Stiflers, and Ridiculers in a tragical Strain; and nothing was ſo hideous as 'ſcaping Death, and ſtopping the Iſſue of Blood. Now he is grown milder, and, with much Moderation, concerned for the poor Sufferers; he talks of hard Uſages, and ſtraining Points of Law in Caſes of Life, and ſuch Mitigatories. And he is careful to gather and diſpoſe aptly, certain choice Scraps of Speeches, ſometimes whole ones, with quaint Paſſages out of ſeditious Libels, to bring down and qualify Treaſon, to make it no Bugbear, but a laudable Proteſtant Zeal: And, inſtead of ſnapping ſhort the Declarations of dying Men, with a Sting into the Bargain, now, we have whole Harangues, artfully compoſed to amuſe the People, and, at the Times, given out and printed, ſet down here in the very Words. And, inſtead of the Reſpect due to the King's Evidence, and Honour to the Juſtice of the Nation, in thoſe Days the tendereſt Things in the World; now, every Matter tranſacted, is metamorphoſed into Slander and Libel upon the Courts of Juſtice, Evidence, Judges, Miniſtry, and all the Agents of the Government, as being Papiſts and mortal Perſecutors of the Godly. We have forgot what a dreadful, execrable and horrid Plot it was of the Papiſts, that terminated in the King's Death. Now, ſweeping out of the World the King and the Duke of *York*, both together, with one *Coup de Grace* from the Mouth of a Blunderbuſs, is of no Concern at all to us; and, inſtead of ranting at it, we enter into the Society of, and take a Turn with the Stiflers and Ridiculers; ſo, as the Party Weather-cock ſtands, we turn our Style, and frame our Hiſtory. It muſt not be thought ſtrange therefore if, in the following Relations, when we can come at them, we find that, in the Room of Traitors and lawleſs Uſurpers of the Regal Power,

Power, we find wrote true Proteſtants, and zealous Aſſerters of Religion and Liberty.

III. We have a clear Inſtance of this reverſed Proceſs, in the Management of a ſubtile Fallacy by the Faction, and, by this Author, converted into Hiſtory. *Oates*'s Scheme was that the whole Popiſh Intereſt, at home and abroad, were one, and that all were in the Plot to kill the King; ſo that to be a Papiſt, was to be in the Plot; thence it had its Denomination, *the Popiſh Plot*. Then, by Way of *Sham* (as I have touched, but muſt remember again) the Plot Party gave out that the Papiſts had a Deſign to cover their own Guiltineſs, by charging the Proteſtant Party, under like Comprehenſion, all in a Body, with a Plot to make a Rebellion; and alſo to pretend that *Oates*'s Diſcovery was but a Branch of this *Proteſtant-Plot*. And this Work was to be done by ſuborning Sham-Witneſſes againſt Proteſtants, to charge a falſe Plot upon them, and ſo to ſtifle the true one of their own. This is what they called turning the Plot upon Proteſtants: Now, taking the Terms Papiſt and Proteſtant in the Generality, they, that could ſo eaſily perſuade People to believe all Papiſts were in a Plot to kill the King, thought they might as eaſily perſuade that no Proteſtant was in any Plot of Rebellion: And ſo they cried out, *No Proteſtant-Plot*; under a continual Suppoſition that, if a Plot were for a Rebellion among thoſe who made a Noiſe of their being Proteſtants, it muſt be as general in the whole reformed Body of the Nation, as they had falſly pretended the Popiſh-Plot was in the whole Body of the Papiſts. Whence they taught the common People to ſay, one to another, *we are Proteſtants, and know of no Plot, ergo,* no Proteſtant-Plot. It is hard to deſcribe the Subtilty of this Dealing, and how hard a Populace is to be taken out of a Prejudice once received. For, upon this Foundation laid, it was no ſooner found out that a Parcel of Non-Papiſts (I cannot allow them to be Proteſtants in an honeſt Senſe: For whoever muſtered, as ſuch, Atheiſts, and Perſons of ambitious turbulent, and ravenous Profeſſions?) were really engaged in a deſperate Plot againſt the King's Life and the Monarchy, but the whole Faction reared the Cry, *No Proteſtant Plot*; and conſequently theſe Day-light Diſcoveries, and the Accuſations and Proſecutions againſt the Perſons concerned, againſt whom there was full Evidence, were all Fictions and Subornations. This Fallacy was propagated by the whole Body, Member and Limb, of the Faction, with ſtrange Induſtry; and accordingly it took with the ſimple and unwary People, that, for a While, thought all the clear Evidences, againſt particular Perſons, were anſwered by it; as if it had been impoſſible in Nature, that a Papiſt could be a Non-Traitor, or a Non-Papiſt (*alias* a Proteſtant) a true Rebel. And juſt as the Party, with their Diſcourſes and Pamphlets, traded on this Occaſion; ſo the Author works up his Hiſtory; and if one would trace his occaſional Florilegium, it would be found throughout owing to the three Libels of the Time, upon this Model,

The egregious Art in the Fallacy of *no Proteſtant-Plot.*

del, entitled, *No Proteſtant-Plot*; where ſhines the factious Art, by Abuſe of Words, to ſcreen Traitors, and which the Author has borrowed to delude Poſterity.

The Author brings in *High* and *Low Church*, before the Diſtinction was born.

IV. Another Invention of his, is, by Way of Deduction, to ſhew how it came about that Folks ſhould be ſo perſecuted for the *Rye-Conſpiracy*; and to make credible all the Evil he has to charge (by Way of Inſinuation to ſeem modeſt) upon the Government and the Courſe of Juſtice in that Time. He goes an huge Way about to fetch in a new Union or League ſtruck up between the Papiſts and *High Church*, which Term he beſtows upon the ordinary Church Conformity of that Time; although it was many Years before that Diſtinction of *High and Low* was, for the like, and no leſs knaviſh, Purpoſes, invented and moſt ſatanically ſpread abroad and impreſſed upon the People.

Low Church and Conventicles againſt High Church and Papiſt.

V. We are to underſtand that, formerly, Papiſt and Diſſenter were very good Friends and Acquaintance. But now, to divide and weaken the Proteſtant Intereſt, Papiſt was come into *High Church*, and both joined to mortify the poor Diſſenters; whereof the Fruits were putting the Laws againſt Conventicles in execution. Thus the Church of *England* was cheated and cullied by the Papiſts, that undermined her, by dividing away her Friends and Allies the Non-Conformiſts, and thereby ſetting Proteſtants together by the Ears, *whilſt they run away with the Bone*. And then *Low Church* (as he forges) ſeeing all betrayed and going, were obliged (alack!) for Preſervation of the Proteſtant Religion, to take in with the Diſſenters, and ſo to ſtop the Torrent of the Court. This is his Romance to palliate the Treaſons, which were moſt manifeſtly founded upon the Baſis of the Conventicles; and to make all the authoritative Meaſures of the Government, to be but Popery in Maſquerade, dealing by Tricks, Forgeries and Subornation, to cruſh the moderate and true Proteſtants. The many far-fetched fooliſh Strains, which the Author has for this Purpoſe, are, or will be touched elſewhere. Now, I obſerve only in the general the Author's great Forecaſt, and long-winded Preparations for the Subject he has undertaken.

Art in joining the King and Duke, as one, under the Title of *Papiſts*.

VI. Another Mark I have of his Providence in general, to ſmooth his Way to the *Rye-Plot*, which, like the reſt of his Excellencies, is borrowed from the common factious Talk and Libels of the Time; and is, in ſhort, that the King and Duke of *York* were all one, or rather that the Duke was King, if ruling all Things would make him ſo. This I have touched before, ſo leſs need be ſaid of it now; but it was a Foot, whereupon ſhort Work was made with the King. There was little need of Particulars in his Charge; for all that Evil, as was taken for granted to be true of the Duke, in one pure Suppoſition, was transferred to the Perſon of the King, and there's an End. And we ſhall find this Royal Combination all along couched under the odious Term *Papiſts*. If the *Romiſh Party* is to be touched, they are Roman Catholics, but it is the Court

are the Papiſts, as hath been touched, and will appear fuller in due Place. It was the Papiſts tormented *Shaftſbury*, the Papiſts proſecuted Diſſenters, the Papiſts ſham-plotted Proteſtants, and the like. Nothing had a Reliſh againſt the Duke which did not reach the King; and the Proceſs of the *Rye-Houſe* Blunderbuſs was of the ſame Guſto; for that was to do the Work of both at once. This Prejudice, no leſs fiercely trumpetted forth by Faction at the Time, than falſely inſinuated by the Author here, is uſed to perſuade the World that the Proceedings at Law, againſt the Criminals in the *Rye-Houſe Conſpiracy*, were all but Popiſh Doings; and the ordinary Sentences of the Law, meer Stretch for the Ends and Gratification of Popery: While the real Crime, unpardonable as it was, aroſe only from Zeal againſt Popery and arbitrary Power. This being one of our Author's general Colours, it is, thus far, diſpatched out of the Way.

The vaſt Abuſe about *Whig* and *Tory*.

VII. But we have another Piece of Preparation to conſider, which will take up a little more Time, and that is the State of *Whig* and *Tory*. And herein I muſt be excuſed a little Digreſſion, which I think neceſſary for the fuller diſcloſing the Author's Frauds upon this Head. It is to be noted that, as we roſe up to *Oates*'s Plot by a Climax of Aggravatives, ſo we muſt deſcend to the *Rye-Houſe*, by a Scale of Lenitives and Emollients; that theſe ſame Treaſons, of rugged Digeſtion, may not hurt the Reputation of our Party, in more indifferent Times. It will appear plainly, by meer Inſpection of this Part of the Author's Work, that, for this very Purpoſe, he hath moſt perverſely diſguiſed that Diſtinction. But it will require ſome Attention to diſcern with what Length of Malice he doth it, even beyond what one would imagine or expect.

A Proclamation againſt Duels, made to reflect on the bloody *Tories*.

VIII. Firſt, he mentions the Diſtinction of Whig and Tory, without any Character or Solution of the Terms, what they mean, and which is better or worſe. He is very reſerved as to that, intending to uſher it in with ſome Tale, out of which an Advantage to his Party may inſenſibly reſult; he is an Artiſt, and can cut with a Feather. He introduceth the Matter thus, *The Nation was ſo divided under the unhappy Names of* Whig *and* Tory,—*as to occaſion Tumult and Riot*, &c. *upon which his Majeſty iſſued his Proclamation againſt Duels.* A dutiful Subject had ſaid, as the Truth was, *that the King, out of Care of his People, and, if poſſible, to prevent Duels, put forth his Proclamation, to give Notice that he would grant no Pardon to ſuch as ſhould offend*, &c. but that was all out of his Way; his Road is Calumny, and not Honour to the King, as was due, for ſuch a gracious Act of Government. How then, with a Miſchief, comes in this ſame *Whig* and *Tory*? There is not a Syllable, or a Letter, in the Proclamation that looks that Way. But he would have it thought the *Tory* Court Party were theſe bloody Duellers, and forward to quarrel, expecting Pardons, which the *poor Whigs* muſt not hope for. I can make no other Conſtruction of this Tack of a Diſtinction altogether foreign to a Proclamation againſt Duels. But, be it as he would

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have

have it, Whigs and Tories were apt enough to be rough with one another, and where the Fault lay I ſhall ſhew. It was not that nominal Diſtinction, but the Subject Matter, that cauſed Differences and Diſputes; and, when that happens, there never want provoking Terms. What thinks he of *Papiſt*, *Traitor*, *Slave*, *Rebel*; *No Popery*, *no Slavery*, (his Friends Motto) and the like? May not thoſe excite Quarrels rather than *Whig* and *Tory*? It is ridiculous to aſcribe the Quarrels to Words, when Things were at Stake, ſo important as the very Government and Wealth of the Nation: Reconcile them, and Words vaniſh. Were there not Elections of Magiſtrates, and Characters of Men worthy, and worthy Men, and Defenders, as well as Oppoſers of the Government in Church and State, which were openly attacked in all the Forms, as a Town to be taken and plundered? But, good Lack, this *Whig* and *Tory* ſo unhappily divided Folks!—The Author's Deſign is cunning enough to make one Smile; he firſt blackens the Diſtinction, making it the Cauſe of bloody Doings, ſo as to occaſion a Proclamation; ſuppoſing that the Aggreſſion will be charged on the Tories, (for who are ſo quarrelſome as the Court-Party, and ſo mild and moderate as the Fanatics?) But, leſt that ſhould fail, he goes on to charge it directly on the Church Party, and the Loyalliſts, whom he will have to be the Authors and Managers of it, (for ſuch bloody Purpoſes, no Doubt) and, according to his Wont, boulſters up his libellous Invention with a Proclamation brought in Neck and Heels, as they ſay, to argue the ſanguinary Diſpoſition of the Tories. Thoſe being the Generality of the *Engliſh* Gentry, I may allow ſuſceptible of Provocation, and not apt to admit tamely of ill Language to their Faces: And the other Side, among many other indecent Appellations, uſed this of *Tory*, out of Contempt and Scorn of them, as I ſhall ſhew. And becauſe the Author brings in the Matter by Way of Enormity, one of thoſe that is to extenuate the intended Rebellion and Maſſacre at the *Rye*, (where we ſhall arrive as ſoon as theſe Extenuatives are diſmiſſed) I think it will be needful to take up the Hiſtory of *Whig* and *Tory* from the Beginning.

History of the Diſtinction, and the Priority of the Invention.

IX. The Terms of that Diſtinction were not coeval in Practice, but the latter (that is *Tory*) had much the ſtart, and was inflicted about a Year before the other was thought on: But now, *Whig* has the Pre-eminence, for better Sound's Sake. In the *Weſtminſter* Parliament 1679, the Bill of Excluſion of the Duke of *York*, took Place in the Houſe of Commons; but not without Diviſions, Heats, and Animoſities, as a Matter of that high Nature muſt needs cauſe. But, without Doors, the Debates among the Populace were more fierce, and agitated with Extremity of oppoſite Talk; and the lower Sort were generally on the Side of the Bill, who, but for ſome naughty Guards, which the King had always in good Order, had come down and aſſiſted with their Noiſe (at leaſt) about the Houſes of Parliament. Pending the Debates, the factious Drivers plied the Coffee-Houſes, and all Places of promiſcuous Reſort, to inculcate a Maxim of theirs

theirs (hinted elſewhere) upon which the whole Machine turned; which was that *nothing*, *no nothing*, but the Excluſion, would do. The King had offered a Security after him, little leſs than the Power of the Government itſelf; but, in Sadneſs, that would not do, and why? It was not to take Place in his Time. It is eaſy to imagine how rampant theſe Procurators of Power, the Excluſioners, were under ſuch Circumſtances of Advantage, as at that Time prevailed: Every where inſulting and menacing the Loyalliſts, as was done, in all the Turns of common Converſation; and the latter had the Wind in their Faces, the Votes of the Houſe, and the Rabble into the Bargain. This Trade, then not much oppoſed, naturally led to a common Uſe of ſlighting and opprobrious Words; ſuch as *Yorkiſt*. That ſerved for meer Diſtinction, but did not ſcandaliſe or reflect enough. Then they came to *Tantivy*, which implied *Riding Poſt to Rome*. Obſerve, all the While, the Loyal Church Party were paſſive, the Outrage lay wholly on the other Side. Then, obſerving that the Duke favoured *Iriſh* Men, all his Friends, or thoſe accounted ſuch by appearing againſt the Excluſion, were ſtraight become *Iriſh*, and ſo *wild Iriſh*, thence *Bogtrotters*, and, in the *Copia* of the factious Language, the Word *Tory* was entertained, which ſignified the moſt deſpicable Savages among the *Wild Iriſh*, and, being a vocal clever ſounding Word, readily pronounced, it kept its Hold, and took Poſſeſſion of the foul Mouths of the Faction; and every where, as thoſe Men paſſed, we could obſerve them breath little elſe but *Tory*, together with Oaths and Damnation. Thus the Anti-excluſioners were ſtigmatiſed with Execration and Contempt, as a Parcel of damn'd *Tories*, for diverſe Months together; and ſcarce any durſt ſo much as hiſs, but moſt lay by under the Prejudice of being Loyal, Fault enough at that Time.

X. But as nothing violent is laſting, ſo this raging, nick-naming, ſtigmatiſing Sort of Men began to fall exceedingly in their Credits with the Community of the Nation, and apparently to loſe Ground; the Cauſe and Steps of which will appear elſewhere: And the Loyalliſts began to chear up, and to take Heart-a-grace. And, in the Working of this Criſis, according to the common Laws of Scolding, they conſidered which Way to make Payment for ſo much of *Tory* as they had been treated with, and to clear Scores. They began, and, one While, called the Adverſaries *True Blues*, becauſe ſuch were not ſatisfied to be Proteſtants, as the Churchmen were, but muſt be *true* Proteſtants, implying the others to be falſe ones, juſt not Papiſts. Then they went on, and ſtyled the Adverſary *Birmingham Proteſtants*, alluding to falſe Groats counterfeited at that Place. This held a conſiderable Time; but the Word was not fluent enough for haſty Repartee; and, after diverſe Changes, the Lot fell upon *Whig*, which was very ſignificative, as well as ready, being vernacular in *Scotland*, (from whence it was borrowed) for corrupt and ſour Whey. Immediately the Train took, and, upon the firſt Touch of the Experiment,

The *Whigs* firſt began, and then *Tories* followed.

ment, it run like wild Fire, and became general. And ſo the Account of *Tory* was ballanced, and ſoon began to run up a ſharp Score on the other Side: For the *Whigs* were ſo fearfully peppered, that they grew weary of Nicknames, and began to put on grave Faces and cry, *why theſe invidious Diſtinctions?* And, ever ſince, they have falſly charged the *Tories* to have been the Authors and Beginners of that Diſtinction, which was truly, by the Name of *Tory*, began by themſelves, and continued till Fleſh and Blood could bear no longer; and then the *Tories* retalliated, as I have ſhewed, directly *ſe defendendo*. And now the Author has got it by the End, and is telling us how the *Tories* gave Advantage to the Papiſts by their invidious Diſtinctions, as we ſhall ſee; but I hope the Saddle is ſet upon the right Horſe. It may ſeem that I have wrote too much upon ſo mean a Matter as the Names of Parties; but, for Excuſe, I muſt own an Opinion, that the Riſe and Progreſs of ſuch Diſorders are uſeful to be known, and generally wanted in Hiſtory. But I have done it the rather, becauſe the Author hath made a foul Miſuſe of the Matter; and it is what fell within my own perſonal Knowledge and Experience.

An enormous Abuſe on the Clergy by the Diſtinction of *Whig* and *Tory*.

XI. Now the Author, having done his Work with the *Tory* Laity, he leaves them to their bloody quarrelſome Humour, and turns him to his Brethren the Clergy, to ſhew how much greater Monſters the *Tory* Party, amongſt them, were; for, it ſeems, The Clergy were no leſs ſcandalous Setters up of that Diſtinction. Now here is a Paragraph ſo compleatly ſcandalous upon the regular Clergy, (the Naughtineſs of which Reverend Body is made another Enormity for extenuating the intended Rebellion) that I cannot drop a ſingle Word in it without maiming a Slander. And I wonder that the Eccleſiaſtical Order have let this Abuſe, upon them, paſs ſo long without a ſharp Correction inflicted from ſome learned and able Pen of their own; ſuch as might have anticipated the weak Endeavours of a Layman. But, ſince it is ſo, they muſt excuſe what falls ſhort of the Cauſe's Merit, and, if they find it needful, ſupply the Defect out of the greater *Copia* of their own. The Author would not have the *Church of England*, in King *Charles* II's Reign and now, to be one and the ſame; leſt he ſhould, by intereſting the preſent too much, bring the Correction, I ſpoke of, over his Ears. Therefore he has ſplit the former *Church of England* into two Churches, the *Tory Church*, and the *Whig Church of England*; hoping his immediate Cotemporaries, of the Clergy, will accept his Kindneſs, ſhewed the *Whig Church*, as offered to themſelves. But, as for *Tory Church*, he is reſolved to maul that confoundedly. But that he may not miſplace his Thumps, he has been ſo careful as to make his Diſtinction of the Clergy, not by Names, but by Things, and weighty ones they are; and the Names are to follow, and be ſtuck on in proper Place, as Painters touch up, to heighten the Scandal.

The beau Character of the *Whig* Clergy, and the Iniquity of it.

XII. One Limb of his Diſtinction is this. *The Clergy, who were hearty in their Zeal againſt Popery, and were ſtedfaſt in aſſerting their legal Rights, and Liberties of Church and State, and Perſons of the greateſt Sobriety and Learning*

Learning — were unhappily run down for Whigs. False; is a short, but just, Answer to this whole Sentence. For, since he begins with Comparisons, I defy him to shew that the Clergy, whom he posts upon the alternate here, *viz.* such as were accounted *Tories*, were either less learned, less sober, or less determined to suffer all Extremities for their Principles, in Opposition to Popery or other dissenting Rage, than his *Whigs*. But Comparisons are odious, especially when not examinable but with naming of Persons. He should have done that, who raised this scandalous Comparison; else, he reflects on any one, as Folks may fancy, and so injures he knows not who. But the Sum of the Matter is, in short, that the Loyal Clergy of the *Church of England* at that Time, that stand on the Alternate, are charged with Traitorism of their Principles, Ignorance, and Debauchery. He thus begins his Character of the *Whig* and *Tory* Clergy. If this were all to distinguish the Bad from the Good, I do not see that *Whig* and *Tory* were so unhappy as he says.

XIII. Hitherto we are informed of the Character of the *Whig* Parsons; let us see a little farther.— *While the other Clergymen*, who must be the *Tory* Parsons, for certain all that were not *run down* for *Whigs*, that is, the whole Body of the conformable Clergy except the *run-down* Men; which latter, in my *English*, stands for such as were, in those Days, accounted *Whigs* in the Sense of the Distinction which then prevailed. And, by the Privilege of the same *English*, I shall rank all the *non run-down Men* under *Tories*, and so get rid of that shallow Subterfuge of *run down*, and come to a a plain Understanding of the moral Characters here laid down. The *Tory* Clergy then, by Virtue of the foregoing Words, and particularly that of *Other*, standing, as I said, upon the Alternate, were the Reverse of the former, that is languid in Zeal against Popery, not stedfast in asserting the legal Rights and Liberties of Church and State, and Persons of the least Sobriety and Learning. In short, popishly affected, Traitors and ignorant Sots. If any one can understand our Author's Language otherwise, and will take Scholars, I will be one.

The *Tories* are noted by the contrary Character with the Mark *Other*.

XIV. But we may perhaps mistake who these extraordinary Men were, therefore Care is taken to redeem us from that Uncertainty. Heark, *They valued themselves upon the distinguishing Name of* Tory. It is well they had that to value themselves upon, let them make much of it; it is a thousand Times better, as one would think, to bogtrot in *Ireland*, than to pirk it in Preferment no better dressed. We see now the distinguishing Part is proved upon the *Tories*; for they were proud, it seems, and valued themselves in their own Manufacture. The religious, learned, and sober *Whigs* were passive, like Saints *in Partibus Infidelium*, and *run-down*, upon a meer Nick-name. Would any one expect in Print, upon tolerable Paper and a clear Character, such Malice and Knavery as lies here, scarce fit for Midnight *Grubstreet* Rags? I grant the *Tories* did value themselves upon the Name, as being reviled in a just Cause, and in good Company, who were

The odious Character directly charged on the *Tory* Clergy.

the Majority of the beſt Perſons in the Nation; and that, at length, broke the Adverſaries Hearts. If it be not too bold to compare the Caſe of primitive Chriſtianity, with that of Loyalty at this Time (Humanity was concerned in both) did not the firſt Chriſtians glory in the Croſs, which, in an heathen Senſe, was ignominious? So when the Faction, with all their heated Invention, had found a ſarcaſmous Name to fling upon the Loyalliſts, Clergy and Laity, that of *Tory*, the ſame as ſavage Brute and Idiot, they valued themſelves upon it, not in the Author's Senſe, as abandoned to all Irreligion, Treachery, and Debauchery, but as being abuſed for adhering to their Principles, and doing their Duty. I drop the Compariſon, as too nice on this Occaſion, though the Parallel held good. For this very circumſtance, of ſo many and conſiderable Perſons ranking themſelves among the *Tories*, broke the Egg, as they ſay, in the Pockets of the *Whigs*; and ſoon reduced them to the Terms of compounding to be rid of the Diſtinction: And all for Reaſons apparent in the Conſequence, being manifeſtly pointed at and declined by their Betters. So late found they that, whatever Names are invented and applied to Things, the Honour or Diſgrace will, at length, follow juſtly the Merits of the Cauſe; which no ſooner appeared barefaced in their own Caſe, but then, *O, good Mr.* Tory, *leave your Diſtinctions.*

Bribed to preach againſt Fanaticiſm more than againſt Popery.

XV. But now, to return to the ſtately Character the Author hath beſtowed upon the Body of the Loyal Clergy, pure, and without the leaſt Hint or Mixture of Reſpect. One might have expected from his Cloth, out of a Sort of Humanity, or ſocial good Will, to have palliated theſe Enormities of his Brethren, and not have ſuppoſed them the Effects of depraved Nature, but rather Prejudice of Education, or Ignorance; though not altogether ſo ſilly as he ſays, that *theſe other Clergymen were drawn in to declaim againſt the Fanatics more than againſt the Papiſts.* Which goes farther; for, to Want of Principles, Learning and Sobriety, here, under this *drawn in*, is added Corruption or Bribery. We may hope better of their Abilities than to be wheedled as Children with a Penny in the Forehead: If it was not Folly it muſt be Knavery; to get into better Preferment, perhaps, though they had in their Hands the beſt the Nation afforded. But they declaimed (that, in a Clergyman, I think, is preached) and what? Againſt the Fanatics, whereby the People were let into the Secret of their own Good; and Fanatic Illuſions and Intoxications expoſed, and their ill Effects obviated.

The Cauſe of Popery dead, that of Fanaticiſm rampant.

XVI. But now let us be ſerious, and conſider how the Truth of the Caſe was. The Papiſts were under Hatches, the Prieſts generally fled, the People averſe to Popery in the higheſt Degree; ſo that, at this Time, preaching on that Subject was more to gratify the Petulance of the common People in their Averſion to Popery, than to do any Good; For arguing that Caſe, to them, was but killing a dead Mouſe. But then, reflecting that all the Enemies of the Government, or, in a Word, *Whigs*, broadly inſinuated about, and endeavoured to impreſs in the People's Minds, an ill Opinion of their Governors; as, that the King, Council, Miniſters, and Ma-

giſtrates were Papiſts in Maſquerade, and, whatever was pretended, Popery was the Buſineſs in Hand; and diverſe of the People, according to the Scantling of their Capacities and ill Nature, began to ſuck in the Deluſion: At this Time, and under ſuch a Prepoſſeſſion as this, preaching againſt Popery had the Effect of Sedition, and, inſtead of being uſeful againſt Popery, turned upon the Government; of which the People began to be made to underſtand all the ill Things that were alledged of the Popiſh Perſuaſion and Hierarchy. And this Method was put in Practice, and urged by all the Fanatics, in Conventicles and elſewhere, with all poſſible Application, as the moſt hopeful Means to make the People inclinable to Inſurrection and Rebellion; and were ſo fooliſh, or rather thought theſe *other* Clergy ſo fooliſh, as not to underſtand them, but, after their knaviſh Pattern, to do blindly the very ſame Thing.

Reaſons for reſiſting the Fanatics at that Time.

XVII. But, to do Right to theſe *other* Clergymen, it is plain, by the Sermons and Tracts they have left, that, in thoſe Days, they hear'd the clattering of Weapons in the Belly of this factious *Trojan* Horſe, that could neigh only Popery, Popery; and they would ſo little aſſiſt the Fanatic Deſign, by being Trumpeters to Rebellion under the Fanatic Maſk, that they tore it from the Faces of thoſe that wore any. For, with that little Underſtanding they had, they could perceive a Fanatic Storm gathering; and, on Pretence of Religion and Reformation, right down Rebellion ready to burſt forth into Action. And ſuppoſing this to be the Caſe, as well may be ſuppoſed, for it is true, what could the Loyal Clergy more properly apply themſelves to, than to inſtruct the People in the Way of their Duty and Intereſt, warning them to have a Care of Wolves in Sheep's Cloathing, and that theſe extraordinary Pretenders to Sanctity, and popular Haranguers againſt the Government, were no better. Theſe *other* Clergy might be *drawn in*, by holy and powerful Inducements, to ſhew that the Separation, pretended for Conſcience, was maintained for Sedition. And, laſtly let it be conceived that Popery, at that Time, was not in a Condition to proſelyte any; but Fanaticiſm got Ground daily with the loweſt of the People. I aſk his Reverence, the Author, which of thoſe two Evils was there Reaſon to preach or write moſt againſt? I have here all along civilly ſuppoſed what might be the Caſe as to this Buſineſs of declaiming; but we are coming to demonſtrate that it was really ſo, and in fuller Meaſure than I have here expreſſed.

The other Clergy great *Runners down* of their Betters.

XVIII. But now to aggravate the Matter againſt theſe *other* Clergy, and ſhew their unmeaſurable Fury; they *run down*, their Betters, not only for *Whigs*, but — *even for Fanatics*. Theſe words *running down* are but looſe. They may be taken in a good Senſe, or in an ill one. It is plain the Author means the latter, and would have us underſtand of it nothing but Noiſe, ſuch as School-boys and Clowns rudely teaſe one another with; for he gives us no Explanation of his Senſe by the Words, or ſays what it was they did. Or they may be taken in a good, grave, and laudable Senſe, as when Errors are ſilenced by Strength of Reaſon and Argument,

And if these *Whig* Parsons (the Author's Favourites) appeared to conform with Fanaticiim, and acted as Seducers to that Side, rather than Gainers over of Fanatics to the Church; and, in their Behaviour and Conversation, encouraged more Dissension than Conformity; it is very possible that, by powerful Reprehensions and Discourses, they might be confounded. And this being exposed for worse than Fanatics, as a treacherous Friend is worse than an open Enemy, the Author calls being *run down*.

The glorious Behaviour of these other Clergy.

XIX. But now (to wave the artful covering the Dissenting Party under the Cloak of a few treacherous Church Divines, their Friends) what makes the Man talk of *running down*, when, in all the Controversy with the Sectaries themselves (with whom the Controversy directly lay) these *other* Clergymen managed with all the Tenderness and Condescension imaginable, and with no less Learning than Piety in endeavouring to reclaim them from their Errors? Though the Author allows these venerable Clergymen but little of either; and is manifestly spleened at the Force with which they wrote and preached in the Controversy. These Things were not done in a Corner: Not only Parishes and Societies, but the whole Nation, by public Print, were made Judges of the Reason and Behaviour here reviled; witness the collected Tracts styled the *London Cases*. If these *other* Clergy had carried it rudely, effrontuously, or authoritatively only, towards the Dissenters, without any Reasons alledged, or pious Invitations, had not all the Kingdom rang of the Matter? And had not the Author's learned, zealous Clergy Abilities to have disputed in Print against such weak Arguments and indecent Carriage used towards them? But it was plain they never durst attempt to enter the Lists, and were not so much *run down*, as suffered themselves to be so, even into utter Silence, for Want of Reason and Arguments, on their Side, capable of such Controversy: And of all this *sint Libri Judices*. But now, for a Touch of Malice on this Occasion, observe the Author published his Book after King *James* left *England*, and King *William* was possessed of the Throne; when he could not but know how these *other*, that is the *Tory*, Clergy (in the former Reign) after Popery came forward in Earnest, left the Cause of Fanaticism, and most efficaciously declaimed and wrote against Popery, which then was become the dangerous Case. What Reason therefore has the Author to revile them for doing the like against Non-Conformity, at a Time when there was most Need? Or where has he done them Right for the great Good they did, and the Evils the best preferred of them suffered, in that Time, with an uncommon Zeal, public Spirit, and Constancy? While the Fanatics, and their conforming Friends, preached and addressed at another Rate. But, to say Truth, there was no Time when they let drop wholly the Cause of Popery; but they ever kept the People under a Guard, and awake, as far as was reasonable, with Respect to the Popish Adversaries, whenever Occasion was given. *Ay*, says the Author *(in Effect) but then they should have let Fanatics and rebellious Dissenters alone*. To conclude therefore

therefore with a clear Explication of *running down*, an ambigue Term of the Author's, it is to be noted, in ſhort, that, after the Diſſolution of the *Oxford* and *Weſtminſter* Parliaments, the whole Nation came into the Intereſts of the Crown, and ſignified as much by almoſt univerſal Acclamations and Addreſſes; all expreſſing utmoſt Deteſtation and *Abhorrence* of the *Whig* Principles: Which made the whole Party ſhoot the Pit and retire, as not caring to be pointed at with ill-favoured Reflections. And this is the *running down* the Author charges upon the *other*, or loyal conformable Clergy, as moving only from their Petulance. So kind is he to them, whoſe Behaviour and Conduct had been applauded, and their Perſons revered by the whole Nation.

The *other* Clergy are charged with Faſlneſs and Hypocriſy.

XX. But he ſays farther that, *theſe other Divines pretended to be more afraid of a Republic than of a Popiſh Succeſſor*. We are among the Indefinites ſtill. By theſe *other* I hope he doth not mean the good Archbiſhop of *Canterbury*, and thoſe other Biſhops, who were Confeſſors and went to to the Tower, and Trial, at the Peril of all the Good they could in all their Lives expect or enjoy, in the Reign of King *James* II; but he is undetermined, and brings all into the Scrape together. He continues his good Character of theſe *others*, and makes them arrant Hypocrites and Knaves that *pretended*, *&c.* which I underſtand to mean counterfeited, and, knowing better, acted againſt their Conſciences. It had been more civil to have given them up, as at firſt, for a Parcel of irreclaimable Wretches, Blockheads, and Sots that knew no better. But let us ſee now what the Caſe might have been if theſe *others* had wanted, as the Author has declared, common Senſe. Then it is poſſible they might think Rebellion, and, what it drives at, Change of Government, to be a *Pandora*'s Box, fraught with all Sorts of Evils to a Nation, worſe than Plague, Peſtilence, or Famine. And, perhaps their ſmall Skill in Hiſtory, might lead them into ſuch a Way of Thinking.

The Juſtice and Conſcience of theſe *other* Divines.

XXI. But, paſſing by this politic Gear, the Author may put the Matter upon a wrong Point, and that is Fear; as ſuppoſing they took Meaſures, like himſelf, from temporal Good and Evil, and weighed only that which was like to do them moſt Good or Hurt. He may think them intereſted but miſtaken! while perhaps, theſe ſilly *other* Divines, in Truth, might have ſqueamiſh Conſciences, and for Want of the Author's better Learning and Inſtruction, have Notions of divine Right, that is of Things which no human Power ought to deprive or alter, as the Doctrines of the Goſpel, whereof they might ſay *non Reſiſtance* is one. And it ſeems, by their Doctrines and Behaviour, that they did not (as the Author ſlurs it) pretend, but were really of Opinion, that Duty and Allegiance to Governors did not depend on any Religion, Chriſtian or Heathen, and that they ought to obey idolatrous, or heathen Princes in all lawful Commands; and, if, for Conſcience, they could not obey, they choſe rather to ſuffer than, with Force, and Arms, to reſiſt. And this, with ſuch Skill as they had (if the Author will be pleaſed) they pretended to

prove:

prove: And really, if one may gueſs by their Sermons and Diſcourſes in Print, which the Author, or any of *his Clergy*, have not as yet confuted; they have, as it were, done it. And, as they pretend, not only by ſacred Authority, and the Examples of the beſt Chriſtians, but by their own alſo, ſhewing their Faith by their Works, directly contrary to the Author's Libel, that ſets them forth for Pretenders only. And, for all the Matters here touched, whoever will be better informed, may conſult the many learned Books wrote and publiſhed on theſe Subjects. But thus much I thought fit to repreſent in Oppoſition to the defamatory Spirit of this foul Writer, that hath had Face enough to charge Hypocriſy upon ſuch an incomparable College of Divines, as then had Stations of Authority in the Church, at whom he ſpits, in the moſt injurious Manner, through that comprehenſive Account of his *other* Clergymen.

Paſſive Obedience and *unbounded Prerogative* injuriouſly confounded.

XXII. But he will come cloſer yet; he opens his Budget by Degrees. He ſays that theſe *other Clergy run into ſuch high Notions of paſſive Obedience and unbounded Prerogative.*— Who can gueſs the Senſe of this Rabble Expreſſion, *High Notions?* Why could not he ſay what Notions? Words, that ſignify Nothing, by Dint of corrupt Prejudice in Men's Minds, are made to ſignify any Thing, and they ſhall not feel themſelves, though, in that Manner, they are drawn in to credit Contraries: And that is the Drift of this No-Senſe, or rather Nonſenſe. But obſerve the ſerpentine Subtilty of this Sentence. He plants his *paſſive Obedience* and *unbounded Prerogative* cloſe together, as meaning the ſame Thing, and both relating to arbitrary Power; ſo that whoever takes the one has the other of Courſe: But for to ſay any of them was for *paſſive Obedience* and againſt *unbounded Prerogative*, or who run not into the ſetting it up, will be reckoned, according to this Text, arrant Nonſenſe. So the Author affirms theſe *other* Clergy were a Pack of *Traitors* of the Law and the Rights of the People, and Setters up of *unbounded Prerogative*. If the Words can bear a lower Senſe, I knock under; but, as they ſtand and are obviouſly to be underſtood, we have expoſed before us a moſt egregious Falſary. It being notorious that no Perſons leſs yielded to undue *Prerogatives* than the Men of *paſſive Obedience* did; and the very Terms, as well as the Intention, of that Doctrine, carry it ſo: For complying, is ſetting up of Prerogative, and ſuffering, is denying of it; and more effectual than riſing up in Arms to reſiſt it. Now take the whole Character of this venerable Body of the Clergy of *England* in general, deſcribed in his *other* Clergy. They had no Concern againſt Popery, were looſe in their Principles touching the Rights of the Church and State: Perſons debauched and illiterate; valued themſelves on a factious Diſtinction; were drawn into any Thing; *run down* their Betters with Noiſe; pretended one Thing and thought another; and, finally, by certain Tricks, called *high Notions*, ſet up *unbounded Prerogative*, that is arbitrary Power, in the Nation. If this be not a ſufficient Eulogy, let the Author think again, and mend it if he can.

XXIV. Having

XXIII. Having now brought our *other* Clergy to the Bar for *Paſſive-Obedience* and *Non-Reſiſtance*, which are Principles that allow no Sort of Rebellion or Reſiſtance of Government, with Force, to be lawful. Theſe ſcurvy Tenents muſt be battered to Pieces; elſe, what will become of us about the *Rye* Buſineſs? Towards the Beginning of this Reign the Author is guilty of a pleaſant Nicety. He quarrels with the *Non-Reſiſtance Teſt* called the *Corporation Act*, which ſome, as he ſays, took with a Diſtinction; and, if we believe his Margin, it was a very odd one, *viz.* to the Word *Endeavour* mentally to add *lawful*, which, as they underſtood, referred to Parliamentary Acts, whereby the Government might be *lawfully* changed, and ſo ſalved their Oath. But this Author would mend their Reſerve; for, to the Words *taking Arms againſt the King or Perſons* (*legally*, adds he) *commiſſioned*. And again, *In* (*legal*, ſays he) *Purſuance of ſuch Commiſſion*. The Impertinence of all this ſhews the Author's Penchant towards Diſguiſes, and maſquerading ſeditious Practices that tend to open Rebellion. For every Commiſſion is, *eo Nomine*, *legal*; elſe, it is Nullity: ſo for the Authority, it juſtifies no Acts not legal. But he would be underſtood thus; being *legal*, may not be reſiſted, *ergo*, *illegal* may: Which is falſe Logic; but, ſo long as he puts it in the Mouths of a Rabble to ſay *legal* or *illegal*, either is at Hand to ſerve the Turn; true or falſe, it is enough to ſay it. But he might have ſpared his Remark, for that Act of Parliament made no new Law, but declared the old, requiring only a Recognition of the Law as it then ſtood. And the Author may wonder when I tell him, that taking up Arms upon any Account whatever, with or without his odd Diſtinction, is utterly againſt Law; and (excepting only the Caſes of Invaſions, or great Depredations, when every private Man is a Conſtable for repelling ſuch Enemies, and acts by a preſumed Authority of the Government) the Rule before laid down, was, in all that Reign, deemed to be univerſally the Law of *England*. But becauſe the Author builds ſo much of his rebellious Apologetics upon the contrary Tenents, that Force, even againſt the Government or any Part of it, may be lawful, and the ſubject Matter hath entertained the moſt able and learned Pens of this latter Age, and not at all upon the ſame Topics of Reaſoning; I think it will be a Juſtice to the Controverſy, to ſhew the Sum of what thoſe Perſons alledge for *Non-Reſiſtance*, that argue properly upon the moſt ſuitable Heads; which ſeem to be thoſe of the People's Allegiance, purſuant to the poſitive Law of the Land, and the Rights of the Monarchy of *England*, as they are by Law expreſly, and indubitably eſtabliſhed.

The Author's treacherous Inſinuations about Reſiſtance.

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XXIV. If it be a Truth that Laws (however originated) bind a People, then the People of *England* are bound not to reſiſt (with Force) the King, or thoſe commiſſioned by him, in any Caſe, or upon any Pretence whatſoever. This is what they alledge, by Way of *Thema*, that argue from poſitive Law; and thence, (ſay they) it flows, and is a known Maxim of the *Engliſh* Law, that the Perſon of the Sovereign is diſpuniſhable and incoer-

That *Non-Reſiſtance* (with Force) is the Law.

cible by Force; and, in the practicable Forms of Proceeding, Tranſgreſſions againſt this Law are judged upon Accuſations after the Form of High Treaſon. This Conſequence of Law, the Maintainers of Reſiſtance ſcarce deny; for they ſeem to go off from, and ſurmount poſitive Law, ſuppoſing a Power, they call the People, ſuperior to all Law, having it in their Hands to reduce Laws and Law-makers all together; and ſo they think they argue upon ſure Grounds. But, ſay the others, this eludes the Hypotheſis, which is that the People are ſubject, and bound by the Laws: For it is the ſame as to ſay there is no Law but in active Force, which Force is not conſtant; for ſometimes one, and then another Diviſion or Faction of the People proves to be ſtrongeſt. And then the Laws, if ſuch may be, are ambulatory, and that, which Men call Right and Wrong, is contingent, as a Weather-cock that varies with the Air: All which is ridiculous to affirm in Diſcourſe. But, in a Nation that hath eſtabliſhed Laws, all Queſtions of Right and Wrong are delated to executive Power, in ſuch Methods of Determination as the Laws have preſcribed; that is by regular Proceſs before competent Judges, againſt whom there is no juſt Exception.

No Circumſtances excuſe High Treaſon againſt the Perſon of the King.

XXV. Then, ſay they, nothing can juſtify Reſiſtance, but what will amount to a juſt and legal Defence upon an Indictment of High Treaſon. If ſo, examine all the ordinary Pretenſions for Reſiſtance, as firſt, the Abuſe of Royal Power. That will not do, for it is a Rule of Law that *the King can do no Wrong*, becauſe all Acts of the Government, againſt Law, are Nullities; and ſuch have no legal Effect, and juſtify no Commiſſioner or Agent whatſoever. Then, next, immediate Violence from the Perſon of the King upon a Subject, will alſo fail; for *ſe defendendo* is no legal Plea in Caſe of an inferior Officer, much leſs in Treaſon; for the Law, againſt compaſſing the Death of the King, hath no Exception. Then, as to perſonal Defects or Incapacities, be it in the higheſt Degree, as Madneſs, Lunacy, Infancy, or Negligence, they afford no Matter of Defence in Treaſon; for, whatever the Reſiſters ſay, the Law ſays there can be no ſuch Thing: For, if human Infirmity may in ſuch Caſes be alledged, ill People will ever pretend it, to ſerve the Turn of their Ambition. In a Word, the Law owns no Miſchief to a People in general, or particular, ſo conſiderable as to be put into the Scales againſt High Treaſon. *Littleton*'s Rule, *better a Miſchief than an Inconvenience*, ſounds oddly, but hath this very Meaning, and is very good Law; and the Reaſon is, there can be no Law but contingent Miſchiefs to Particulars may, and often do, happen; but the Conſideration of them doth not diſable a Law that hath a general View: And whoever argues againſt a Law, from a Suppoſition of ſuch Miſchiefs poſſible, argues againſt all Law, and for Anarchy and Confuſion. And the Law hath another Rule, which reſpects the ſame Caſe; which is *de minimis non curat Lex:* And no contingent Miſchiefs, to particular Perſons, are regarded againſt the general Conve nience of

of a Law, especially when Government, common Peace, and Protection depends upon it.

XXVI. These Maxims of Law, say these Non-Resisters, are sufficient to answer all the popular Reasonings of the Men of former and latter Times, built upon the Possibility of particular Mischiefs. But they say farther, all Reasoning is out of Doors, where there is positive Law. Themselves will not deny the Statute of Treasons to be Law, and in full Force. And then there is a new Foot, upon which the Case stands; so that if there were ever any former Maxims, Modifications, Practices, or Settlements of Power contrary to that, call them Covenants, Contracts, fundamental Principles, or whatever you please, they all sink into and are drowned in that, as latter Laws (inconsistent) always repeal former. And it is well it is so; for there are Evidences in History that, before the making of that Law, which the Lawyers say is but declaratory of what the Law was in Truth before, there were great Stretches, and even *læsa Majestas* was construed Treason: But they make farther Use of this Statute, which was a vast Ease and Safety to the People, by some farther Reflections afterwards. In the mean Time, they say their Adversaries may not fairly alledge, for Answer, That it is not ingenuous to refer to actual Process, or Course of Law, and the Consequences of that, because all Governments will take Care of themselves, and that the Laws shall be declared entirely on their Side; as if this Insisting on positive Law, were a Subterfuge, rather than an Argument. But those Gentlemen do not allow such Answer to be just, or any Colour; for will not all irregular Persons, as well as Traitors, *viz.* Felons, and other Wrong-Doers, if they may come off so, or if they are too strong for the Judge, answer the same Thing? Why the one more than the other? To object Power, against the Force of positive Law, is ridiculous; for, without a Title to absolute Power, there can be no Law at all. For Temper therefore, in *England*, it is provided by Law, that there be proper Judges, competent to decide all Questions of Right and Wrong, whether it concerns Powers or Interests, and such as are put under all Obligations of Duty and Oaths to do Right according to Law. But yet, say these Non-Resisters, to enforce their Reasoning, and bring it to the Height of Demonstration on their Side, they will suspend the Judges immediate Authority, though that be decisive, and state the Case upon universal Principles, and Reasons at large; and then

The whole Question of *Non-Resistance*, is resolved into positive Law.

XXVII. They take Notice of some Terms commonly used in this Dispute; and first, that Non-Resistance and Passive-Obedience are synonimous, and mean one and the same Thing, that is, a Negation of all active Force, whatever the Consequence is. *Obedience*, in common Acceptation of the Word, sounds active, and therefore doth not well bear such an Adjective as *passive*; *Non-Resistance* is properly *passive*: But common Use hath confounded the Language, and diverse Words or Phrases brought to signify one and the same Thing; which is only a chooſing to suffer rather than

Non-Resistance and *Passive Obedience* are synonimous for excluding all Force or War.

obey unlawful Commands. And it is very injurious to infer from ſuch Behaviour, that any Power or Prerogative, more than is lawful, is thereby recogniſed; but it is one Way, and an effectual one, of flying in the Face, as they ſay, of an exorbitant Power, and a flat Contradiction to it. Thence it is inferred that, in all civil Concerns, the Law is the Rule of Obedience, whether *active* or (as it is termed) *paſſive*; only the former belongs to lawful, and the latter to unlawful Commands. And there can be no better Means of aſſerting the Rights of the People by Law, than the Diſowning unlawful Commands by patient Suffering. For which Reaſon the *Paſſive-Obedience Men* are the moſt expreſs Defenders of the Laws againſt unbounded Prerogative; as was demonſtrated by the heroic Carriage, towards the Government, of ſome of the enthroniſed Clergy (*others* as they were) in a former Reign.

The Word *Conſtitution* apt to be miſtaken, and miſapplied.

XXVIII. Then they obſerve, that, inſtead of the old Way of Expreſſion, the Laws of this Kingdom or Nation, his Majeſty's Laws, the Laws of the Land, or the Common Law, ſome affect to uſe the Word *Conſtitution*; which, in itſelf, is no ill Word, and means no other than as before. But it is commonly brought forward with a Republican Face, as if it meant ſomewhat excluding, or oppoſite to the Monarchy, and carried an Inſinuation as of a Co-ordination, or Coercion, of the Monarchy: Which latter Term, *viz.* the Monarchy of *England*, as of old, ſo ſtill, implies the whole Law; as the Crown, in all the authentic Books, is maintained to be *Fons Juſtitiæ*: And it is no where to be found that the Crown was one Thing, and the Conſtitution another; but the true Conſtitution of *England*, is the Monarchy as eſtabliſhed by Law. And ſo Acts of Parliament always refer (and anciently more expreſs than now) to the Grant and Ordination of the Crown, with the uſual Additions reſpecting the two Houſes. It is dangerous to vary the Language of the Law; becauſe thoſe, who do not well diſtinguiſh, are carried into miſtaken Notions of the Public thereby.

Precedents in bad Times, not commendable.

XXIX. Then they ſay, as to Precedents, that they are not to be received as a Rule of legal Authority, but when done in quiet and regular Times, approved and allowed by a conſtant Uſage in ſucceeding Times: For Eſcapes are no Precedents. There have been ſome of this Sort, as the late Parricide of King *Charles* I. by *Cromwell*, who (to go no higher) died in his Bed. Which Action, ſince the happy Reſtauration, hath not been allowed a warrantable Precedent; but yet wicked Men, if permitted to have Power, would alledge and uſe it as ſuch. Undue Precedents are very dangerous to Liberty; for there are more and ſtronger Inſtances of exorbitant Prerogatives, than of Republican Encroachments; and the Argument is as good for the one as the other. Therefore Actions, out of Courſe, Irregular, and Time-ſerving, ſhould not be received, as Precedents deciſive, in Juſtification of Powers. Theſe Prejudices removed, they State the Caſe of Obedience upon the true Frame and Oeconomy of Right in the World, and particularly upon the General or Common Law of *England*.

XXX. They

XXX. They ſeem not to diſpute, as ſome Self-Contradictors have done, but take for granted that, in all Governments that ever were or can be, the ſupreme Power, wherever it is lodged, is and muſt be uncontroulable and irreſiſtable: That being a Truth included in the Notion of Authority or Power, ſo as, the one granted, the other follows; as two and two are equal with four, becauſe, in the Idea, they are one and the ſame. Government reſiſtable is no Government; and thoſe, who ſay the contrary, are to be talked with no more than Sceptics in Philoſophy, who pretend to doubt every Thing, even of their own Eſſence, which that very Doubting demonſtrates. So they take it as determined, *viz.* that, in any ſettled State, the ſupreme Power, whether it reſides in one, a few, or many, may not be lawfully reſiſted, in any Caſe whatſoever, by any coercive Force.

The ſupreme Power neceſſarily irreſiſtable.

XXXI. In the next Place, they ſay that, in *England*, the ſupreme Authority is by Law lodged in the Crown, together with the two Houſes of Parliament, when duly aſſembled. It is not at all material whether, or how, it might have been otherwiſe placed; though it is naturally impoſſible that, in *England*, it can reſide in all the People (as hath been vainly pretended to by ſome *Democratic* Cities of old) the People of *England* being ſeparated too far aſunder, ever to be immediately joined in one Action. It is enough here that, by indubitable Law and Right, the Crown, with the States of Parliament, are to all Intents the ſupreme Authority, being what is termed the *Legiſlative Power*, which no Subject ought to gainſay or reſiſt. This they think will be granted; for whoever pretended to gainſay or reſiſt an Act of Parliament, although, by natural Poſſibility, it may be as iniquitable as any Action of a ſingle Perſon can be? My Lord *Cook* will have it that Acts of Parliament, againſt common Juſtice, are void; as if one were paſt for erecting a Judicature to determine *Parte inauditâ alterâ*. But this muſt be underſtood in Conſcience and natural Reaſon only, and not by the Sentence of the Courts of Law; elſe, the Acts to veſt and deveſt private Eſtates, and Attainders of Abſentees, and diverſe others would run a ſhrewd Riſk in *Weſtminſter-Hall*.

In *England*, King, Lords and Commons, are the ſupreme Power.

XXXII. It falls out, in the actual Adminiſtration of Government, that, by Reaſon the Perſons, inveſted with Power, cannot act all Things directly, the Buſineſs is diſtributed in diverſe Manners, according to the Policy of ſeveral States, to anſwer the Ends of Government. As for the making, judging, and executing Laws for puniſhing, defending, compelling, reſiſting, and the like. And theſe ſubdivided Offices, or Branches of Power, may be committed to ſingle Perſons or Junctos, as Laws have provided; and then all thoſe Perſons or Authorities become Parts of the ſupreme Power in their reſpective Provinces. And (without Regard to Wrong or Right) as the whole ſupreme Power is, ſo are they, in their proper Juriſdictions, irreſiſtable by Law upon any Pretence whatſoever; not allowing any Man even Liberty of Self-Preſervation. For whoever thought it lawful for one accuſed, or condemned capitally, knowing himſelf to be

Power executively is branched out into Sub-Authorities, which may not lawfully be reſiſted.

innocent, and groſly abuſed in the Judgment, to kill the Judge or Jury, or hang up the Hangman to ſave his own Neck? A Man kills the Bailiff that attacks him with Force to take him; it is an Offence capital, and he cannot plead *ſe defendendo*; and the Law requires no Proof of Malice. Theſe Conſiderations reflect violently upwards, upon the ſupreme Power itſelf; for if the Derivatives, in their Offices, may not be reſiſted on any Pretence, how comes the Principal, or Supreme in the Execution of the whole Power, to be reſiſtable by Force?

The ſupreme Power Legiſlative, or Executive, the latter is the Force, the other the Authority.

XXXIII. But ſay theſe Gentlemen farther, that, in *England* (whatever may be elſewhere) the grand Diſtinction of the ſupreme Power is into the Legiſlative and the Executive; which latter compriſeth all actual Coercion and Force entirely in itſelf. As to the former, as the Law now ſtands, (for the Opinions and Modes of Speaking, which took Place in ancient Times, are dropt) it is moſt certain that, in real Effect, the two Houſes of Parliament have a Co-Authority with the Crown in making Laws; or it may be more agreeable, in other Words, to ſay a negative Voice upon all Legiſlative Acts; or a little more, that is a Sort of Rogation, or Power to move for, and give a Spring to, new Laws, by Petition, or otherwiſe, as the Practice is. So as, in the Main, no new Law, of any Sort, can be made or diſcharged for taxing, or otherwiſe, without the formal and actual Concurrence of both Houſes of Parliament; and either diſſenting or non-conſenting, no new Law is or can be made. And this Union of Powers, in the making of Laws, is that which, in *England*, is properly the ſupreme Power abſolutely and to all Intents. The next Thing is to conſider how it is diſtributed, that is, between the Crown and the two Houſes; for there is no Power or Authority which is not derived from, or under, them or one of them.

The Houſes of Parliament have no Share in the ſupreme Power, but only Legiſlatively.

XXXIV. And firſt, ſay they, it is not found that the two Houſes, beyond this concurrent Power in Legiſlature, claim any proper Agency in the Government, whatſoever. As for Judicature in the Lords Houſe, it depends on the executive Power of the Crown, as other Courts of Juſtice do. Even private Perſons have often the like Propriety in Juriſdiction; and it is the King's Juſtice, though adminiſtered by the Lords: For the Writs of Error, that are the Foundation of the legal Juriſdiction, are returnable *coram Rege in Parliamento.* And, as to them and the Commons, the Office of counſelling, petitioning, repreſenting, *&c.* in Virtue of the very Words, excludes acting: And it is what every private Perſon may, and often hath a Right to do. But the Houſes, either ſeverally or jointly, have this Capacity in the higheſt Degree, being the greateſt Council and moſt univerſal Repreſentative that can be called or aſſembled, legally, in *England.* But yet, ſaving the Share in the Legiſlative and Judicature, no Act of the Houſes, or of either of them, are coercive, or will impeach any Man at Common Law for Diſobedience; and as for Matters of Privilege, grown into Courſe, the Coercion is ſtill (formally) granted by the Crown; and

and an Officer of the Crown, the Serjeant of the Mace, aſſigned to execute the Houſe's Orders in Matters of Privilege. Elſe, the Commons claim no Judicature, nor ſo much as Power to adminiſter an Oath; and, in Matters of Accuſation, are Petitioners to inform, as the Senſe of the Word *impetitio* is, not unlike a grand Inqueſt of the whole Nation. All which Matters are touched, leſt any of theſe Particulars, omitted, might be miſtaken for an authoritative Share in the executive Government of *England*.

The whole ſupreme Power, not reſting in the two Houſes, is found in the Crown.

XXXV. Then farther, ſay they, it appears that all the ſupreme Power of the Government of *England*, ſaving only that which is lodged in the two Houſes of Parliament, is to be found in the Crown. The general Inference from thence is groſs and obvious, but they purſue it by Steps. They ſay there are two Conditions of the *Engliſh* Government, the one ſitting, and the other in Vacancy of Parliament. The ſitting, as to Time, Place, and Continuance (ſaving the Effect of the triennial Act) is known to be in the pure Direction of the Crown; yet, conſidering that, out of Parliament, there may want Means to petition or adviſe, *de arduis Regni*, it is an Act of conſcientious Truſt and Juſtice in the Crown to the People in general (the ſaid Law apart) to hold frequent Parliaments, and much more ſo according to that Law, which turns it to a ſpecific Right, that the Intent of it ſhould be purſued, But, in all Points whatſoever, ſaving what has been alledged, the Government of *England*, in and out of Parliament, is exactly the ſame; and none can ſay that, Sitting the Parliament, the Crown hath leſs Power of Government than in Vacation, nor, in the latter, more than when ſitting.

Legiſlature not incident to a ſupreme Power.

XXXVI. To obviate an Objection, that, in Vacancy of Parliaments, there is no ſupreme Power in *Eſſe*, becauſe no new Laws can be made, without which Capacity, the ſupreme Power is imperfect, and, in the Fullneſs of that Authority, ceaſeth; they ſay that a Power of poſitive Legiſlature is not incident to a ſupreme Power, but it is often perfect without any legiſlative Power at all. As in *Turkey*, according to the Maxims of Policy there, no Power upon Earth can alter their Laws; for they (the Laws) reſult from the Religion of the Country; as here no Power can alter the Doctrines of the Goſpel. And, with them, the Queſtion is never what ſhould be, but what is the Law; and yet there is a ſupreme Power in the Perſon of the Emperor, as muſt be confeſſed. And the Strains and Abuſes of Miniſters there to ſerve the Turns of Power, and the Pleaſure of great Men, againſt Juſtice and their Laws, is no Anſwer to the Conſtitution which, *in Theſi*, is unalterable; and yet there is a ſupreme Power. But to be more plain. If there were no Laws at all in a Country, but the Will and Pleaſure of a Potentate, or ſome Juncto, were really and truly the Law; that binds every Subject in Conſcience to Obedience. Yet even that ſupreme Power is ſubject to Rules, or Law; for there is not, nor can there be, any Power upon the Face of the Earth, above, or without Law. For where none are declared, and there is no Superior to exact Accounts, yet the Law

of natural Juſtice and Equity prevail. And ſo a deſpotic Ruler is tied up as much to the Law, in Duty and Conſcience, as any Sub-Governor is, who, by his Commiſſion, is reſtricted to Rules. But this Duty of all Governments doth not impeach the Notion of ſupreme, whether it be declared, or reſts in the Mind by Nature. Either is without Coercion, and equally obligatory. If Coercion be ſuppoſed, then the Power, that coerceth, takes the Place of ſupreme: And it is a *Pelion* upon *Oſſa* to ſet Power over Power; for that, which hath the Coercion of others, muſt be incoercible itſelf. And that ſuppoſed, and no Obligation, but Conſcience and Duty in the ſupreme Power, where is the Difference, whether it be guided by poſitive and declared Law, or by natural Juſtice? All that can be ſaid, is that Laws aſſiſt the weak Capacities of ſome Men in Power, by telling them what ought and what ought not to be done, which their own natural Skill might not perhaps have found out. Though I may ſay there is ſcarce a ſincere Perſon in the World, whom the golden Rule, *Do as you would be done by*, will not direct: So it is corrupt Will, and not Want of Underſtanding, that often miſleads Men; and that takes Place againſt poſitive Law as well as againſt natural Juſtice. So it returns every Way upon the Conſcience of Powers; for if we admit a ſuperior Coercion, or, in the commoner Phraſe, a Liberty (with Power) to reſiſt, even that may be exerciſed with as bad a Conſcience as the other; and then what is got by the Bargain?

All Powers upon Earth ſubject to Duty, either declared or natural.

XXXVII. But they ſay alſo that it is a moſt pernicious Error to diſcharge the ſupreme Power of the Obligation to Juſtice for Conſcience Sake, as they do who ſay Acts of the ſupreme Power, or (in the forinſecal Style) legiſlative Acts, or Acts of Parliament, are always juſt, and, though made in partial Caſes, are not injurious becauſe abſolute: For a legiſlative or ſupreme Power, wherever it reſides, is as much bound to common Juſtice and Equity, in every public Act, as a private Man is obliged to common Truſt and Honeſty. And he that ſays ſuch Powers do no Injury, though their Act is (as in Poſſibility may be) moſt unjuſt and facinorous, becauſe they cannot be contradicted, muſt, at the ſame Time, allow that a private Man, that breaks a ſecret Truſt, or kills his Father, there being no Evidence to check or convict him, is a very honeſt Man and hath done no Wrong. Wherefore, if the Conſciences of Men were not ſome Security, in the general, among promiſcuous Societies, and in the ordinary Dealings of the World; the Caſes of innocent Men, that are moſt apt to rely on it, were very hard. But I dare ſay that, however open Differences make a Noiſe, there is in the World, as bad as it is, more Juſtice among Men, upon Account of the common Obligation of Equity and Conſcience, than from all the Proceſs of Law and the Coercion of the Magiſtrate all the World over. And theſe Men, who argue ſo ſtrongly againſt all Truſt, eſpecially that lodged in Governors, which is and will be a pure Truſt as long as the World ſtands, do but ſhew how little of that Principle is to be found in themſelves, which they think wholly wanting in others. It is moſt certain that Num-

bers

bers of Men, whenever a public Truſt is repoſed in them, may (I wiſh I could not as truly ſay ſometimes do) break all the Commandments of God, as well of the firſt as ſecond Table, as any private Perſons they are choſe to be a Guard againſt. And to conclude: The having Power is ſo far from an Excuſe for doing ill Things, that it aggravates them; as when Dogs, that are to keep, worry the Sheep. A common Thief has more to ſay for himſelf, than an Oppreſſor or Murderer, by Power, who cannot be coerced. All theſe Matters laid together, make it plain that, whether there be a legiſlative Power *in eſſe* or not, there is always a ſupreme Power which commands all the Forces of the State, and is by Law, as well in the Abſence as in the Preſence of the legiſlative, irreſiſtible with Force, and that will fall out to be the Caſe of the Crown of *England*.

XXXVIII. They farther alledge, that the Premiſſes will moſt clearly appear, if we conſider that the Legiſlature, whereof the two Houſes partake, is of ſuch a Nature that Reſiſtance, with Force, doth not take Place againſt it. For Laws themſelves are but the Voice or Words of Power, and have Authority to create a Duty, but no active Force to compel Obedience, or to which Reſiſtance can be applied; for who can offer to reſiſt a meer Sound? When the executive Power comes forward with a ſtrong Hand, then there is ſomewhat to reſiſt, but not elſe. Therefore Reſiſtance or Obedience, active or paſſive, relate wholly to the executive Power, without which the legiſlative is enervous and ineffectual. Now all the reſt of the ſupreme Power of the Government of *England* (except only Legiſlature, or the *non-reſiſtible* Part, wherein only the two Houſes are Sharers) being owned to reſide in the Crown, it follows that the ſame Neceſſity, as makes any Power irreſiſtible, makes the Crown of *England* irreſiſtible, with Force, upon any Pretence whatſoever; which Conſequence is ſo plain as need not be enforced with varying the Expreſſions or Repetitions. And then, upon the ſame Account, it follows that, as concerning the *Paſſive-Obedience* or *Non-Reſiſtance*, of the Subject, with active Force (Legiſlature always excepted, as not concerned in the Queſtion) the Monarchy of *England* is the ſupreme Power, and ought not to be oppoſed with Force againſt its Force in any Caſe, nor upon any Pretence; ſuch Oppoſition being a Crime the Laws ſtyle Treaſon or Rebellion, for which the ſame Laws allow no Manner of Juſtification.

The Crown, as to actual Reſiſtance with Force, abſolute.

XXXIX. And theſe Gentlemen pretend to anſwer thoſe nice Arguers for Reſiſtance, that perpetually harp upon the Abuſe of Power and the ſad Effects of it, which they would prevent or cure by Reſiſtance. They ſay that the Matter of Right and Wrong is indeed founded in Nature, and, in that Quality, a Law itſelf, however regularly enacted, may be (as I hinted before) abominable and wicked: That is, the very legiſlative Power, were it (as it is not poſſible) the Majority of the People, but, as ordinarily it is, in ſelect Hands, may tyranniſe, and offend againſt all the Rules of natural Juſtice, common Senſe and Equity; for which that Power is to anſwer,

Abuſe of ſupreme Power, induce no Forfeiture or Invalidity.

ſwer, as having tranſgreſſed and broke their Truſt, but to God only; elſe the Correctors of them become at that Inſtant the legiſlative Power; and then we are where we were before. Now there falls out a Diſtinction here, which is between *Misfortune* and *Injury*. For if a Subject is a Sufferer under a general, however wicked, Law, he is unfortunate, but not injured; becauſe he can claim no more than the common Benefit of the Laws of his Country. And having, in due Form, ſtood the Judgment of the Law, he can aſk no more; his Appeal muſt be above; there is no Power on Earth to relieve him. This was the Caſe of *Socrates*, and we have his Example, as well as Reaſonings, in the Report of his Caſe, to confirm what is here maintained. In ſhort, it is abſolutely impoſſible to order Affairs ſo, but whoever has Power to do Right, hath, of Conſequence, Power to do Wrong: And if Reſiſtance be introduced upon a Suppoſal (which may be made no leſs arbitrarily and inſincerely than any Act of Power can be, and commonly is ſo) of the undue and inſincere Uſe of regular Powers, they declare plainly that there can be no Government nor diſtributive Juſtice at all in the World.

The Article in 25 *Edward* III. not to levy War is deciſive.

XL. And theſe Gentlemen, to fulfil their Argument, bring forward the poſitive Law, or Statute (which was touched before, but it was not, as to one Article, ſpecified) which is abſolutely deciſive of the Queſtion, in the very Terms: And now that comes forward, which is the Article in the Statute of 25 *Edward* III that makes it High Treaſon to levy War. This is an Expreſſion, ſo general, as forbids Reſiſtance upon any Pretence; for the Government is armed and, if at all, muſt be oppoſed by Arms, that is, in Array of War, or (as they ſay) *More guerrino*. And that whatever the Cauſe is, not directed, perhaps, againſt the King, but to pull down bad Houſes, deſtroy Engine Looms, and the like popular and (as they think) meritorious Purpoſes, is ſolemnly adjudged to be Treaſon, as levying War within this Article. So, ſay they, Reſiſtance with Force, which muſt be by levying War, is prohibited on Pain of Death by a poſitive Law; which puts the Matter paſt all Argumentation.

Non-Reſiſtance a Principle of Freedom and Security, and not ſlaviſh.

XLI. The ſame Gentlemen deſire to be underſtood as to one Objection, which is that this *Paſſive-Obedience* or *Non-Reſiſtance* of theirs is a ſlaviſh and degenerous Principle. They anſwer *No:* It is a Principle of Liberty and Security. For can any Man be free, and ſafe from the Outrages of oppreſſive potent Neighbours, who doth not live under a Power ſufficient to keep the Peace and protect him? The ſovereign Power is high and remote, and, commonly, the Intereſt of it is to be a Friend to the *Community*. If the Abuſes, when any are, fall hard upon the Grandees that are near it, they are compenſated in the Share that devolves among them; with which they would be more ready to oppreſs their Inferiors, if Somebody were not above them to give Protection and Redreſs. And if the Luſts and Diſorders, ſometimes incident to Power, bring Evil upon the People, it is ſcarce ever ſo great, but, by the ordinary Peace and Protection the People enjoy, they

are amply compenſated. There is much more Danger to a common Man, of Oppreſſion from bad Neighbours, private Enemies, and wrong Doers, as alſo from the Cabal at the next Door, than from the Potency of the Government, though it ſhould happen to be none of the beſt. And it is found that the worſt Governments are thoſe that have moſt Heads and Hands; for the Abuſes of ſuch are more diffuſed, and turn to a more general Oppreſſion.

XLII. They obſerve that Men argue much by Way of Interrogatory; as for Inſtance. Can it be imagined a Nation ever ſubmitted to be tyraniſed over by one Man? Or is it fit that one Man ſhould have it in his Power to make all the reſt miſerable? However, in a juſt Way of Reaſoning, theſe Queſtions are impertinent to the Cauſe, yet they may be anſwered by other Interrogatories. As, can it be believed, that a People ever were willing, or conſented, that Thieves, Malefactors, and Cheats, every where graſſant, ſhould have Liberty to ravage and deſtroy at their Pleaſure? And will not a People chooſe rather to be ſubject to one Man's Pleaſure, upon a fair Underſtanding, who is potent and can protect him, than be left at large to fight it out continually, in Clans and Combinations, to gain a little Defence and Safety? They muſt anſwer, if any Thing, Right; but then, ſay they, you may change, and have a better Government. Change, 'tis true, but ſeldom comes a better. If they ſay it is better the Government be weak and precarious, becauſe, for Fear of themſelves, they will do no Injury; No, nor yet (for Fear of themſelves) hinder others from doing Injury, which is worſt of all; and who lives that hath not had Experience of this? But not to ſpin finer, let it be only obſerved that the Force of the Argument, of the Reſiſters, lies in magnifying the Evils of ill Government; and they will have thoſe taken in utmoſt Extremity, though but naturally poſſible, and in no Sort probable, if ever known to have happened in the World. But they ſay Nothing of the Evils that attend Want of Power in a Government, which make a ſharper Catalogue by much than the other; and they are ſuch as never fail to happen, and, which is worſe, affect the whole People wherever they do happen; as all muſt know by Experience, when the Nerves of Government have been relaxed. No political State is perfect, and the leaſt Evil is the beſt. Public Good, ſo much in theſe Men's Mouths, is a Cloke which Hypocrites always wear, and if you turn it up a little, the naſty Self-Intereſt, Injuſtice, and Oppreſſion will appear, that lies lurking under it. Thoſe, who have been more than once burnt, which they ſay is the Caſe of the *Engliſh* Nation, will (it is to be hoped) watch well ſuch Fuel. The hardeſt Caſe of the juſteſt Government is, that they are forced to deceive, to make People happy, that is to be quiet, or to take what is good for them. Give me the private Man that honeſt dares be, and the Government that Juſtice dares do. Men that live in Peace and Safety, which are the ordinary Fruits of Government, are like Men that live in Health; then they are not contented, but long for Preferment, Honour,

Fallacy of ſome Objections.

Luxury, and Pleaſures: But when they fall under Diſeaſes, and are in Pain, then they would quit all for pure Health and Eaſe.

Excellency of the *Engliſh* Law, as to the Nullity of Illegalities.

XLIII. It is not alien to theſe Speculations, to put in a Word in Behalf of the *Engliſh* Monarchy and Government, which hath many Advantages to the People, but none more glorious than this; *that all Acts of the Crown, againſt Law, are meer Nullities*; and all, that act under them, are obnoxious to the Law, and ſo far from being protected, that they may be queſtioned and puniſhed by that very Power, againſt whom its own Command is no Defence or Juſtification. And, for this Cauſe, all authentic Commands are put in Writing, or ſealed, or no Perſon, ſerved with ſuch Command, can be proſecuted for Contempt in not obeying. For the Party may know, by that, if it be a legal Command, that requires active Obedience, or not; and then by whoſe Fault it is ſent forth, whereby the proper Officer may be brought to anſwer for the Delict. This Conſtitution never was heard of in any State but the *Engliſh*, nor is it extant in Force under any other Government upon Earth: So little Danger is there of Exceſſes from the *Engliſh* Monarchy. But if I were put by from this patriarchal Privilege, and had a Lot in Times of Diſorder, and were put upon a Choice of the two, I would certainly, upon the Competition, rather yield to one abſolute Potentate, *tale quale*, but having Power ſufficient to govern and protect, than to live in perpetual Fear and proper Guard againſt Injury and Oppreſſion from the moſt cruel of all Sorts, that is, (not Superiors ſo much as) Equals, or rather Inferiors. It is an Obſervation, which the general Experience of Ages may vouch, *viz.* that the Calamities, which have fallen upon the People of *England* from the State of the Government, have been incomparably more by Reaſon of too little, than of too much, Power exerciſed by the Kings; and that by how much nearer the State hath warped towards what ſome call a Commonwealth, by ſo much hath Tyranny got Ground, and the true Liberty of the People ſunk down; whereof great Part never emerged to them, no not after the former Government hath been happily reſtored.

Yet the People's Humour and Prejudices, concern much the flouriſhing of Nations.

XLIV. But, to conclude with doing Right to the Cauſe, I muſt needs ſay, that it is not a juſt Balance of Intereſt that always regulates the good or evil Conſequences of Power; but the meer Shew, Name, Opinion, and Prejudice, or rather Humour of the People go a great Way in it. For it may be obſerved, that it is not enough to do Men good, but they muſt think and accept of it as ſuch, and alſo truſt their Government; or elſe, whatever the Truth is, they will not flouriſh in Numbers and Encreaſe of Trade and Wealth. Therefore it was a moſt wicked Practice of the Faction, to labour, as they did, to create Miſunderſtandings and Diſtruſt in the People of their Government; which muſt needs tend to the Deſtruction of their Welfare and Encreaſe. Now, to conſider rightly the Caſe, and make a Judgment from the Extremes, it is almoſt impo[illegible] Proſperity, by Encreaſe of People and Wealth, ſhould happen under the great

great *Aſiatic* Monarchies (although now, as the World tranſcends in Wickedneſs, there can be no other than abſolute Government there) for the People cannot have Reaſon to think themſelves ſafe and ſecure in the Advances they make, and, being careleſs of that, are ambitious of Nothing but Power to tyranniſe over others, as they themſelves are tyranniſed over by their Superiors; they think of no Proſperity but through Oppreſſion; and ſo, by common Conſent, all are Slaves. And this wolviſh Humour is ſuch, that the Governments think their Security lies in the Deſtruction and Depopulation of Provinces. And, to ſay Truth, all Defection of common Honeſty and Truth, which ſhould tye People reaſonably together, not only tends to, but makes abſolute Government neceſſary. Hence, from the very Name of Monarchy, Men derive a Prejudice, as if no Security for Life or Eſtate were had under it; when it may be made appear that, in Monarchic Countries, which have Laws of Government, as well as of Property, ſuch as we call mixt, there is more real Security than is to be found elſewhere, although there may be much more Pretenſion to it. To Inſtance in the pretended Republics of *Venice* and *Holland*; the former is a peſtilent Ariſtocracy of the worſt Sort, that is of a Multitude, under which the *Citta dinazza*, that is the Community of the People, have no Law or Juſtice on their Side, but as they gain the Protection of one great Man againſt another: And the other is *Holland*, which hath no popular Elections (eſſential to a Republic) but Burgomaſters fill Vacancies by a Majority of themſelves; and ſo a Faction is always prevalent both in the Towns, of which the Combination conſiſts, and in the Stadthouſe, whereby the Lands of the Countries all about are made direct ſlaviſh, and ſometimes taxed ſo as not to be worth owning; and all to ſave the Citiſens Purſes; and all Preferments and Succeſſion run in a match-making Channel and Family-Relation; And yet the Name of Republics holds theſe in Credit, and the People are pleaſed, encreaſe, and thrive. But whatever becomes of the Humour and Fancies of People, it is certain, for the true Utility of Government, when Sedition is not permitted to grow too much upon it, that of *England* is a *Nonpareil:* And

XLV. I hope this Digreſſion upon the Subject of the *Engliſh* Government, and the Law of *Non-Reſiſtance*, may be indulged, as well for the Relation it hath to the Temper of thoſe Times, whereof the Hiſtory is the Subject of the preſent Examination, as alſo by Reaſon of the falſe Colours the Author before us has put upon it. He plainly accuſeth the beſt Men of the Age of the worſt of Immoralities, and particularly of betraying the Laws of their Country to unbounded Prerogative; and repreſents the Doctrine, as well as Law, of *Non-Reſiſtance*, like a Dreg of Traitoriſm and Slavery; though he is not pleaſed to account for the Signification of the Words he ſo much harps upon. Why could not he have honeſtly ſhewn what it was that thoſe worthy Men, he is pleaſed to revile, meant by the Terms in which they delivered their Senſe, and what that Senſe was:

Excuſe for this Digreſſion, from the Author's Abuſe of the Subject.

was? No, that had juſtified, or rather done Honour to the Loyal Church Party, eſpecially of the Clergy; which was none of his Buſineſs, but the contrary. His Work was, as he brazenly expreſſeth it, to deliver them up to Poſterity in a Dreſs as being Illiterate, Debauchees, falſe and deteſtable Traitors to their Country, the Laws and Religion of it. That is the Mark he aims at, and levels his Piece moſt artificially: Firſt commends his Partiſans for all good Qualities, then lets fly the contrary upon all the reſt, by the Deſcription of the *other* Clergymen. To encounter this Slander, as to Principles, I thought it needful to ſtate them with ſuch Allegations, as ſome of them inſiſted on; though I pretend not to have half drawn forth the Subject; but the reſt is to be found in their excellent Books and Sermons in Print.

The Author's reviling Language reaches the Church of *England* in general.

XLVI. But I cannot part without a little more Reflection upon this Author's Method, by which, like a true Viper, he has contrived to ſting his Mother, the Church of *England*, to the Quick. For it is that which he couches under the Term *other*; it being her moſt explicit Doctrine and Profeſſion, that they ought to ſuffer where they cannot obey, which they hold forth in all Articles and Declarations where the Church's Senſe is to be looked for; and is maintained by Arguments ſuperior to any I have alledged, even from the Bible itſelf; for which the Author calls them drunken Sots and Blockheads, but had more worthily ſpent his Time in anſwering their Books, (if he thought he could ſo do) than in railing at their Perſons. He had been a little modeſt, if he had ſaid there were ſome high-flying Divines who recommended themſelves by magnifying Prerogative beyond all Law and Reaſon; and when are there not, in all Orders of Men, ſome that act extravagantly? But what is that to his *others*, the Church itſelf, and particularly the *London* Clergy, of that Time? He lets fly at the whole Herd of them, for perfidious Dunces. But who are his ſober, zealous, and learned Ones? I believe, if he were put to it, he could not name many of his Advocates for Reſiſtance, of whom his Friends would not be aſhamed; ſuch as might be termed *Boutefeus*, or *Chaplains to Rebellion*. I hope he was none of them, though he gives vile Cauſe of Suſpicion. Doth he mean *Julian Johnſon*, as he was called, *Ferguſon*, or the Rev. Dr. *Oates*? As for Dr. *Tillotſon*, the moſt eminent in his Time, and ſince Archbiſhop, he was a ſtrenuous *Paſſive-Obedience Man*, which Doctrine he maintained in Print, after his Endeavours with my Lord *Ruſſel*, to make him diſown the contrary, were inffectual. But I muſt bring our Author off again upon his hiſtorico-political View, which is the Caſe of a Rebellion projected and framed upon the Principles of Reſiſtance, and Coercion of the King; but it happened to be diſcovered and cruſhed. Now how ſhould he bring off his Party, but by ſetting up a Caſe proper to the Deſign; that is a State of the Public, mounted to ſuch a Pitch of Diſorder by theſe high-flying unbounded Tory Principles, as

made

made Reſiſtance, that is Rebellion, become not only a ſeaſonable, but a neceſſary Expedient.

XLVII. We ſhall find all this is not enough; we muſt, before we have done, bring the Church of *England* and Popery together, and ſet up Conventicles as the only Bulwarks of Religion and Property: With a great deal more of like Stuff, which muſt defile a little more of our Paper. He ſays theſe high Doings, nay, he is very ſerious, *really gave a great Advantage to the Papiſts.* Here's his old Equivoque; by *Papiſts*, he means the King, Miniſtry, and Loyal Party. The true Papiſts are (with him) Roman Catholics, as hath been touched, and we ſhall find plainer in Time. The King got Ground upon Faction, and was eſtabliſhed in the Confidence and Affections of his People; whereby there was no Hopes to come at him through the Sides of the Duke, and then, good lack! theſe High Fliers had ſet up Popery. The Author would be puzzled to ſhew an Inſtance of any one Opinion, or Perſon of the Papiſts, that got Footing by the Behaviour of the Loyalliſts, or the Doctrine of *Non-Reſiſtance:* But Loyalty, that is (his) Popery, got Credit; and the Loyalliſts, that is (his) Papiſts, had great Advantage in the Opinion of the People; this is Hiſtory! The Clergy, of the Church of *England*, were ſo weak to think that, in the very Doctrine of *Non-Reſiſtance*, they oppoſed and weakened Popery, which hath ever been accuſed of King-killing Doctrines; and then the Controverſy bore much upon the Point of the depoſing Power, by which that Hierarchy had been terrible to Monarchs, troubleſome to many, and the utter Deſtruction of ſome, where the Pope's Supremacy had prevailed. But yet a Sideling-Writer, in Harneſs, upon the Road to a Rebellion, without a ſingle-faced Inſtance, ſhall cry, *O! the Papiſts are ſet up*; juſt as his Mob-Drivers did to their Rabble, intending it ſhould ſpread, like a Venom, among Knaves and Fools, ſuch as he takes his Readers to be.

The King's gaining in the People's Affections is made a Growth of Popery.

XLVIII. But he goes on. —— *And helped to make the Diſſenting Teachers more acceptable, not only to the common People but, even to the Nobility and Gentry, who were offended at theſe Marks of High Church.* This is all of a Piece; Characters and Sentences, without any Facts to ſuſtain them: Going back, in ſearch for ſome, we find the Papiſts had Advantage, the *Whigs* run down by *Tories*, and a Proclamation againſt Düelling. But yet we muſt keep ſtill in Mind a Rebellion intended, and to enter with a Maſſacre, whereunto all this fine Stuff alludes, and that reconciles all: And it is by Way of Retrogradation, contrary to what uſhered in *Oates*'s Plot, as was obſerved. There the Author ſtrutted like an Hector, now he his paſſive, full of Deprecatories and Apologetics; all in a reverſe Track and Style. What ſhould good Nobility and Gentry do, finding ſuch high-flying Tory Extravagancies, Papiſts flouriſhing, Proteſtants and good Patriots cruſhed, and the very Churchmen illiterate, ſottiſh, and ready

And Conventicles made popular, even with the Nobility and Gentry.

ready to ſurrender all the Rights and Liberties of the People, as well as their own Religion? What, ſay we, could they do in ſuch Extremity, but ſet up Conventicles, to preſerve a Zeal and Union in Treaſon? And what Share thoſe, which the Laws then ſtyled ſeditious Meetings, had in the *Rye-Conſpiracy*, the Sequel will demonſtrate. The very Teachers were among the chief Conſpirators, and the whole Scheme was drawn upon a conventicling Plan. And, accordingly, the whole Liſt of the Faction ſet themſelves to encourage them, and, for Example to others, for the moſt Part, gave Attendance themſelves; though Puritaniſm ſat but ſcurvily upon their Complections. Now this factious Uſe of Conventicles, is rarely turned round by the Author, as ariſing from Tory Exorbitances.

The Invention and Uſe of *High* and *Low Church*.

XLIX. But how, in the D—l's Name, he comes to antedate the Diſtinction of *High* and *Low Church*, before it was, as I have (with entire Truth) ſaid, knaviſhly invented, I cannot imagine. But his Forging that (which reſpecting the Time, is a rank Forgery) ſhews the Integrity of all the reſt. The Writing, that was dated long before the Time marked upon the Paper, was juſt ſuch a Detection as this. But, to do the Author Right, when he wrote his Book, the Diſtinction was Fire-new. He labours to charge all the Evils, as well as the Invention of *Whig* and *Tory*, upon the Loyal Church Party, when it is notorious his Friends were ever the Diſtinction-Makers; for they live by Diviſion, witneſs that which I have fully proved concerning the aforeſaid *Whig* and *Tory*. There was not any Dream then of a Diviſion in the Church, but all where Conformiſts or Non-Conformiſts, Churchmen or Diſſenters, Loyal or Fanatic; all which went upon the Thing, and not Names. It was thought, in the Reign of King *Charles* II, that a Liberty of Conſcience in all Families, with five Strangers more, was a reaſonable Indulgence; yet nothing would ſatisfy, but meeting in formidable Numbers to terrify the Government: And the Uſe, they made of ſo doing, will appear. Then, in latter Reigns, it hath been thought fit to give a fuller Indulgence, that is, upon certain Precautions, Liberty to meet in any Manner. One would have thought this might have ſettled them in Peace and Quiet. No, ſay they, ſhall we have no Diſtinction, ſuch as we may make popular, and thereby divide and diſtinguiſh the very Eſtabliſhed Church? Yes, we will call thoſe, that are firm to the Settlement, *High Men*, and *High Church*; and thoſe that are but half Churchmen, that will Side with us (as ſome Churchmen, in *Forty One*, joined with the Aſſemblies) thoſe ſhall be *Low Church*, *Moderate Men*. And this ſhall do the Work ſo artfully, they ſhall not be able to ward the Conſequences: For as formerly, the Eſtabliſhed Church itſelf was, by our Management, made Popiſh; now we will content ourſelves with making the *High Churchmen* Popiſh, and Slaves to Prerogative, and the *Low Men* ſhall be the only Proteſtants. So far we can go; and ſince we are paſt the Cheat of making the whole Church Papiſt, which will not paſs any longer, this ſame *High* and *Low* ſhall do

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the ſame Thing, that is ſerve for Noiſe, and mobbify out, at Elections, conformable Loyal Gentlemen, whom we will cry down for *High Men*, that is, Adherents to Popery; and then there will be Room to bring in our Party, *Fanatics*, and *Occaſional Conformity Men.* How far this Cheat went, and what Miſchief it did in making honeſt Men unpopular, with the Conſequences, till the common People came to be aware of it, is well known to the preſent Age. But what a Jeſt was *High Church* and *Low*, after the Toleration ſettled, which made the National Eſtabliſhment *Low?* And ſo it has continued ever ſince, and ſo will, till the *Scotch* Diſcipline takes Effect in *England*, (which GOD forbid) and then we ſhall have *High Church* with a Vengeance

The Author ſets up Conventicles.

L. In this Sentence, not only libellous but falſe, he takes in all the common People, and many of the Nobility and Gentry, in his new Order of *Fanaticiſm.* He doth not except one of the former, they went all, clack, to Conventicles, I'll warrant ye! And we muſt underſtand his Nobility and Gentry, according to his Methods of diſtributing all into Zealous, Sober, and Learned, on the one Side, and Supine, Debauched, and Dunces on the other, that appeared in the Manifeſtation of *Whig* and *Tory*, not only Laity but Clergy. The Nobility and Gentry of the former Deſcription, together with all the common People, were Low-churched into Conventicles, and cloſe Communication with the Teachers, for no Cauſe but to ſave Religion and Property. Now, according to this Author, if his Conventicling Party was ſo great as here he makes it (as it was not, but, with Reſpect to Conformity, was in Truth deſpicable) then if it ſhould indeed happen (quoth he) that a broad bottomed Rebellion was formed upon this large Diſſenting Scheme; it was the Inſolence of the Popiſh Party (that is the Court and the Loyaliſts) and the Exorbitances of the *Non-Reſiſtance* Clergymen, that neceſſarily brought it; or how could the others avoid being concerned, when theſe latter would betray their Truſt, and renegue their Principles? So excuſable a Thing is Rebellion!

The Clergy farther accuſed of Popery.

LI. We have not done with this Church Popery yet, though one would think it a ſtrange Flam to be put upon the Public at that Time of Day; but it has an anſwerable Effect upon the Author's Spirits, for his Vein flags. It is hard to keep up the Force and Spirit of high Libel continually; therefore he begins to take Breath, and prays in Aid of his learned Counſel Sir *John Hawleſs*, who, upon *Fitzharris*'s Trial, ſays *many of the Clergy had been prevailed on to cry up the Popiſh as a Fanatic Plot.* The Sting of this lies in the Words *prevailed on*, which imply Hypocriſy and Treachery; that is knowing the Integrity of Dr. *Oates*, Capt. *Bedloe*, *&c.* yet were prevailed on (by the Papiſts) to cry them up for Cheats, and, contrary to the Gravity of their own Profeſſion, to pleaſe the Papiſts, *viz.* the Court in Hopes of Preferment (no Doubt) turned Ridiculer. It is impoſſible for Men to clear themſelves from Slanders laid on in Generals, Indefinites, Characters, and Epithets, without any Account of certain

Facts done; therefore, in Truth, ſuch Facts carry no Slander in themſelves, but reflect *Billingsgate* Honour back upon the Managers of them. Who can tell what is meant here by this fame crying up? What did they do? Preach, perhaps, againſt Schiſm and Rebellion; and was not that ſiding with Popery, ſtifling the Popiſh-Plot, and forging one upon the Fanatics? I gueſs that if the Tracts and Sermons of theſe Crying-up Clergymen, put forth in Print about thoſe Times, were looked into, nothing elſe, to anſwer this Character, will be found in them. So alſo for thoſe in following Times, that required a different Strain, the Crying-up will prove accordingly, that was ſtrong againſt Popery, as the Author and his knighted Counſel knows, though they conceal it, and inſinuate the contrary.

Diſcourſing of *Oates* and his Plot, no crying up a Fanatic Plot.

LII. But, to find out this Crying-up, if it be poſſible, let us retire, from the Pulpit and public Prints, into private Converſation; for I never heard that the Parſons uſed the Crying-up Trade promiſcuouſly in Coffee-Houſes, as Fanatics and Sectaries did. Therefore be it admitted that, in their Reaſoning one with another, or with Acquaintance and Friends, who were diſpoſed to attend to reaſonable Diſcourſes with Temper, ſome of theſe Gentlemen were ſo free, upon Reaſons that convinced them, to ſay *Oates*'s Tale was a Fiction of Hell, and the whole Buſineſs no better than deviliſh Subornation and Perjury; and that the Sufferers under it were innocent of the Facts capitally charged and ſworn upon them; and their dying Declarations of more Value, than the others living Teſtimony. That the Contrivance was levelled againſt the Church and Monarchy, managed and abetted by the Enemies of both, who went by the Name of Fanatics. Now, if the Knight makes this ſuch a Crying-up, as he charges on the Clergy, it had become him, before he had ſigned his Reproofs for it, to have ſhewed, by Tide and by Token, that they had no Reaſon to converſe with that Freedom, as if it had been *ludendo cum ſanctis*: Elſe we may believe they had good Reaſon, eſpecially ſince the Law, by inflicting Puniſhments for the Perjury, has ſeconded them.

Church of *Rome* and Church of *England*, as Cat and Dog made Friends. *Page* 381.

LII. But now we may have Leave to ſmile; for the Knight (whom the Author ſets up for his Voucher) is telling a Tale, or, rather, Romancing. *The Papiſts and Church of* England, ſays he, *being in the late Times equally Sufferers, and oppreſſed by the Fanatics, they naturally grew to have a Kindneſs for each other, and both joined in hating the Fanatics.* What Stuff is here? The People, oppreſſed by the rebellious Fanatics, are here caſt into Churches, that of *Rome* and that of *England*, and ſo are treated in their politic Capacity. In reading this, one would imagine we had two Species of Animals, which, being apt, out of natural Antipathy, to vary, yet, bred up, like Cat and Dog, together in the ſame Chimney Corner, were ever after good Friends, and lovingly played with one another. But I more than ſuſpect the contrary, of all this Inſinuation, to be true; for theſe Animals, ever ſince thoſe Days of Perſecution, and before, ever ſince the Reformation, down through all the Troubles and afterwards, have, in all

Capacities

Capacities, Politic and Perſonal, been at Variance in all Church Matters, without ſo much as an Hour's Ceſſation or Peace; and are ſtill at the ſame Paſs, ſcratching and clawing one another in Diſputes and Prints: And probably will continue ſo longer than the Author's Libel will laſt, or be looked after. I do not ſay the Church of *England* Man, and Church of *Rome* Man never met without fighting; but I grant they may have treated each other with Humanity, as good Breeding and Chriſtian Charity requires: But we are not upon Perſons but Churches. I challenge the Author and his Champion, or any Fanatic of them all, to ſhew that, in any one Inſtance of controverted Doctrine, ſince the firſt Separation, the Church of *England* hath yielded an Iota to the Church of *Rome*, either upon Account of this Dream of Co-ſuffering, or other Inducement whatſoever. Therefore, till this Challenge is anſwered, I ſhall take Leave to wonder that a Divine, of this injured Church, ſhould borrow this Lawyer's merry Conceit, to perſuade his Reader that the Loyal Church of *England*, and that of *Rome*, were now the ſame Thing. Upon which, as a Foundation, he hath erected, as he thinks, a *Mauſolean* Pile of Scandal againſt the then Eſtabliſhed Church.

LV. Now for *hating the Fanatics.* This is a Phraſe more proper for the Lawyer, that is incurious of his Words, and lets any fly that make for his Cauſe, than for a Divine, who, to ſerve a falſe Turn, has borrowed them. He ſhould have made a Diſtinction between *hating*, and *not truſting*: If he had taken the latter, we had not differed, but the other is equivocal, or, rather, falſe. For who has Braſs enough to charge a Body of Divines, or Church (as the Lawyer hath it) with ſuch a flagrant Breach of common Charity, as to *hate* any Denomination of Men, Heathen or Chriſtian, good or bad, whatſoever. They may hate their Works, Errors, or Hereſies, but not their Perſons. But whether, ever ſince the firſt Riſe of Puritaniſm, there has been Reaſon to truſt Diſſenters in Eccleſiaſtical Affairs, and reſpecting our Eſtabliſhed Church, to ſay nothing of the State, I ſubmit to Experience itſelf to declare. Whoever truſted them as a Party, though in indifferent Matters, whom they did not deceive or, rather, betray? And whenever did they prevail and not tyranniſe, even beyond all that they ever complained was offered to be done to them? It was for Want of Adverſaries, in *Forty One* or *Forty Two*, after the Biſhops were thrown down, and they had no other Subject to work upon, that they fell to practiſe upon one another, and ſplit into more countermining Churches (as they would be called) than the Alphabet hath Letters. And, to ſhew the Falſneſs couched in this Word *hated*, it is to be remembered that in all Times, the Church of *England* hath opened her Arms with Offers of Condeſcenſion to their Scruples, if any lay ſeriouſly in their Conſciences, touching the Ceremonies of the Church, which they, the Malecontents, pretended to quarrel with; but, coming to the Touch, nothing would reconcile, leſs than Root and Branch of Epiſcopacy. It was not Form, but

The Word *hating* abuſively uſed for *not truſting*, and the contrary true.

Subſtance they contended for; actual Power with its Appendages: And that they called *Setting* CHRIST *upon his Throne.* And now they would be at the old Game again; and it were well if they had not a Party of (Syren-charmed) Churchmen, thoughtleſs on their Side.

The Fault of pretending lay when for, and not againſt the Plot.

LV. Theſe are the Premiſſes that muſt ſupport the following Concluſion. *They pretended at leaſt that they did not believe any Thing of the Popiſh-Plot.* We muſt remember that, by Virtue of this Word *they*, the Church of *England*, as well as Papiſt, *pretended*, for which kind Word they are both Debtors. But how Churches aggregated made Pretences, I do not remember; but if there be a Figure of Speech in the Caſe, and it is meant of the Generality of the Church of *England* Divines (who had no Cauſe to love Popery the more for having ever ſuffered with Papiſts) I muſt reply that the literal Contrary, of what is held forth here, is true; which is that moſt of the active moving Clergy, at firſt, pretended (for which I do not excuſe, but blame them) that they did believe *Oates*'s Plot. For many well-meaning People, both Clergy and Laity, were, in their Underſtandings, at that Time, foxed with politic Fears upon thoſe Jealouſies, touching the Public, as Faction had, with incredible Art, Induſtry and Application, infuſed into the Heads of all People capable of any; elſe, it had been a Wonder indeed, that *Oates*'s Tale ſhould have taken as it did. But theſe Gentlemen, that were not of the Faction, though they ſaw clear enough, that *Oates* was an Impoſtor, and his Tale below *Legend*, yet, for certain prudential Reaſons, (as they thought) had a Fancy to let it run on till a new Reaſon was added; I mean its Terrors, which held them down for a While, as hath been before enough obſerved. But the Politic was, that encouraging the Plot might help to get rid of the Army, of which they were afraid. But they ſoon found themſelves bitterly miſtaken; for, beſides the tranſgreſſing all Rules of common Juſtice and Charity, in giving Countenance to ſuch horrid Falſities that terminated in the Lives (to mention no leſs Evils) of innocent Men, and the Remorſe of Folly in expecting any Good could come out of ſuch hideous Wickedneſs, that might not have been obtained at leſs Coſt, they ſoon found the Monſter turn ſharp upon them; and there was ſcarce an honeſt Man, in any Employ, but was as afraid of the Plot, as a *Spaniard* is of the Inquiſition. And then they found alſo that when they would ſtop the Career, they could not, but it run on to that Pitch of Miſchief as hath been before remembered. So that, as to this *pretending not to believe*, I may ſecurely ſay there was no one ſuch Pretender in the World; for whatever ſome might do on the Plot Side, pretending to believe it, I am ſure no Man ever pretended to diſbelieve it, that was not in Earneſt.

The improper Uſe of the Word *Church*, inſtead of *Per-*

LVI. I cannot ſhake off this foul Paragraph, without taking Notice of a fallacious Way of Writing theſe libellous Fanatics have learned of the Papiſts; that is larding their Style with the Word *Church*, when nothing

Art, from the Failings of ſome, they gain a Handle to revile all. Who doubts but Errors and Intemperances are found in every Order of Men, and ſo among Churchmen? It would be ſtrange if none of the Order were apt to ſwing along in the Precipitances of the Vulgar, and act and judge, in many Reſpects, unaccountably. But what is that to the diſproportionately greater Number of excellent Apoſtolic Men, of whom the Remains in Print will conſecrate the Memory, with Reverence, to Poſterity? Or, rather, what is all that to the real Eſtabliſhed Church, that is to be found only in the Public Liturgy, Articles, Canons, and Order of it; and depends on no Perſon's moral Behaviour? The Papiſts have Reaſon, becauſe they are under an abſolute Reſignation to what they call the Church; only they err when they fancy other Sects are under ſuch an implicite Church Union, as commands both Faith and Practice of all its Members; which for certain the Church of *England* doth not, but, after the Divine Pattern, ſays, *read, or be informed, and judge:* And hath no Doctrines but what are plainly derived from the ſacred Text, and, upon the Voucher of that, and not on any Pretence of earthly over-ruling Authority, declares the Faith and Duty of Chriſtians. So the Author and his Knight are in a foul Miſtake, thinking to palm ſuch Sophiſtry upon us. And to demonſtrate it is no better, call but to Mind that the Fanatics once deſtroyed the Church of *England*, and left no Fruſtum or Shell of it; but, at the ſame Time, the Church of *Rome* was out of their Reach; ſo how were theſe Churches Fellow-Sufferers? See now a wonderful Proof of the Church of *England*'s Popery! I muſt own that I have ſpent too many Words upon this Paſſage out of *Hawleſs*, and, if there had been nothing but Libel in the Caſe, I had let it go. But reflecting that it is Matter of Hiſtory, and gives a falſe Character of the Age, I thought I could do no leſs than take it to Pieces, and ſhew the falſe Scandal impregnate, and the Author's more than ſcandalous Application of it towards extenuating as execrable a Deſign as ever was formed againſt any Government in the World.

Two factious Speeches given in for a true Account of the State of the Nation.

LVII. Now let us ſtand ſtill and look about us, to ſee what we have gathered by Way of Proviſion againſt the *Rye-Plot* comes. We have linked the two Churches of *Rome* and *England* together, as Foſter Siſters, acting as one, and with one Mind, in ſtifling and ridiculing the *Popiſh-Plot*, and *Hatred* of the Fanatics; which muſt needs prepoſſeſs us with an Opinion that ſo ſtrong a cemented Combination, that is, Papiſts, Courtiers and Loyalliſts, muſt, Right or Wrong, oppreſs the common Enemy the *Proteſtant Party*; and, by forging falſe Plots, and other ill Uſages and Perſecutions, juſtify or, at leaſt, furiouſly provoke the falling into Meaſures to ſave Religion, Property, and their Lives: And with this Seaſoning we are brought forwards towards the *Oxford* Parliament. But we have not enough yet; for the Author, like a diligent Collector, will leave nothing behind: Therefore he propoſeth farther to extenuate the Rebellion, by giving us the

the miſerable State of the Nation about that Time. And I challenge all the Wits in the Univerſe, to gueſs me the Way he hath taken to do it. He lets it in with a profound Reaſon which will make the Diſcovery. *Be-*

Page 383. *cauſe it* (*viz.* the miſerable State of the Nation) *will beſt appear by what was then delivered, we ſhall inſert the two leading Speeches.* Theſe were ſpoke by the Lord *Ruſſel* and the Lord *Capel* (then Sir *Henry*) they are ſet forth (though long) to a Word, however he got them. Nothing factious can be tedious. They take up five whole Columns in his large Folio Book, and are all along notified in the Margin.

The ſame reproved. LVIII. Now, if this be not a Miracle of hiſtorical Honeſty, to exhibit a Brace of the moſt Factious, Sideling Speeches that ever were made, *for a juſt View of the State of the Nation*, I will ſubmit to Correction. If the Author would, as the Ancients uſed, have given the Reaſons of State in formed Speeches, he might have taken one of thoſe for one Side; but then he ſhould have followed the Example of thoſe Ancients in Honeſty alſo, and given the Reaſons of the other Side, in another like ſet Speech. And, if he had had the leaſt Worth or Pride of an Hiſtorian, he would, as the ſame Ancients did, have ſhewed his Judgment, as well as Eloquence, in compoſing the Speeches himſelf, to make the Arguments in them more pertinent and conciſe, fully and fairly diſplayed on both Sides; but, inſtead of that, he makes the Counſel, of the Plaintiff, Judge of the Cauſe; and that's his *impartial Hand.* All this Equity of Hiſtory is utterly beſide his Bias. His Deſign was to beſmear the Government, in that Reign, with all the foul Colours which Faction, full charged and primed with Ruin and Deſolation, in all their Speeches, let fly at; and all to ſanctify a Rebellion then in Embryo.

Reflection on the unhappy Uſe Faction makes of Quality. LIX. It may not be much beſide our Subject to diſcourſe a little of the unhappy Uſe the Faction makes of Perſons that are of great Families and Fortunes, as theſe two noble Perſons were, whom this Author hath expoſed, by printing their Speeches for a State of the Nation. Such often want Experience of Things and Depth of Reflection, and are thereby obnoxious to be impoſed upon, and by no Art more than that of inſinuating to them that they are followed by the beſt and moſt of the People, and have great Authority among the leading Men; and this they call an Intereſt: But withal, as the Courſe of Flattery is, that they have not that Truſt in the Public as ought to be, but others, little better than Traitors, are taken into Poſts; but if ſuch Patriots, as they, were preferred, all would be well. And to make a real Shew to engage theſe Gentlemen to be forward, and to head their Deſigns in Parliament, as if they had really that Sway in the Aſſembly, as is pretended; when they are reſolved a Motion ſhall be made and paſs the Houſe, they propoſe it to them, and ſay it would be an excellent Motion, but they dare not, under certain Diſadvantages, venture upon it; but, if any of them would pleaſe to move it, there was no Doubt but it would run like Wild-Fire, and paſs the Houſe all at

once. Then it is undertaken, and the Confederate Party ſet themſelves in Order in ſeveral Parts and odd Corners of the Houſe, as by Chance, and from thence manage the Debate; and when the Point is carried, O! what a great Intereſt and Authority hath he in the Houſe! While, in Truth, nothing is more inwardly ſcorned and deſpiſed than thoſe formal Properties are; and it is no Wonder that, when the Turn is ſerved, ſuch Perſons are laid aſide with Contempt, and never allowed to reap the real Fruits of the ſeditious and rebellious Practices they had been drawn into; as was the Caſe of the Earl of *Eſſex*, *Holland*, *Fairfax*, *&c.* And it is to be obſerved that the factious Drivers keep ſecret the Naughtineſs of their Hearts, and never engage their Grandees in any thing that is ſcandalouſly facinorous, or wanting of a fair Gloſs to ſalve the *Punto d'Honore.* And, in that Manner, like the Pedlar that had Stockings for the whole Family, they take Men into ſuch Dealings as their Genius is apt for, and ſo make their Uſe of them, if they can diſcern they will be made Uſe of at all. And all this we ſhall find in the Model of the Rebellion intended to begin at the *Rye.*

Experiments of Government are always fooliſh.

LX. Nay, there is another Conſideration which ſtrangely favours Faction under a regular Government; and that is the Folly of wiſe Men. A ſtrange Paradox! But practically true: For admit there be Men of good Parts, bred to Buſineſs and common Dealing in the World, experienced in uſual Frauds and Abuſes, ſuch as will appear in all Traffic amongſt Men, and have conſiderable Intelligence of the public as well as private Affairs, whereby they acquire the Character of long-headed, notable, diſcerning Men; and yet, in Matters of the Government and the Theatre of Faction, theſe ſhall be found as very Ninnies as the meereſt Awfs in Nature; and, out of the Abundance of their Wiſdom, intending to change for the better, draw Ruin and Confuſion over them; juſt as Children, reaching at hot Water, taking it for good Liquor, pull it down upon their Heads. Therefore, as before, I call the tampering with a ſettled regular Government, the Folly of wiſe Men, or (more properly) cunning Men. And the Miſchief of all is that the Example of theſe, reputed wiſe, engages Multitudes who, with better Reaſon, follow them, than they have to follow their own vain Prognoſtics, who, being ſatisfied of their own Judgment in private Affairs, argue themſelves ignorant of nothing.

The Reaſon is fond Conceit. The Failing ſupplied by Duty.

LXI. The Foundation of this fatal Infirmity is the Preſumption of knowing more of the Public than private Men ordinarily do or can. And then judging of the Public, of which they underſtand little, with the ſame Aſſurance, as of their own private Affairs, which they know entirely well. The Public is always a profound Myſtery; and Events are derived from ſuch Infinity of lurking Springs and Cauſes, that no Man or Men in the World, yet, could ever be Maſter of. No *Matchiavellian*, the Devil himſelf is not Politician enough, by knowing all Things. How much leſs one who hath a private Fortune or Employment that takes up moſt of his

Thougths

Thoughts and Time? And yet thoſe are more aſſured of what lies remote, and what they cannot fathom, than of Matters moſt familiar; as it is always the Property of ſmall Skill to be confident. A Tradeſman, Artiſt, or Scholar, of any Sort, would deride another, not of the Profeſſion by Education, who ſhould pretend to judge in their Affairs; and yet every home-bred Tradeſman judges of the State and of foreign Affairs, which is a Taſk more abſtruſe and difficult than any other Profeſſion. Such a vain Thing is Self-Confidence! It may be objected, that this ſets all Men at a Loſs what to do and how to behave themſelves. I anſwer No; let Men avoid that Rock of Confidence in their own Capacities, and there are plain and obvious Meaſures to be had; which if Men would purſue, there could be no Want of nicer Directions. As firſt, Chriſtian Religion, whereof the Rules, with Reſpect to worldly Affairs, are conſummate Wiſdom; and Religion itſelf ſeems, in ſome Reſpect, given to Men to ſupply the Defects of their Capacity of judging (for which the World itſelf affords not ſufficient Inſtruction) for it makes the Poor and Simple happier in Obſervances of Duty than Politicians are with all their Craft; and, in the whole Courſe of their Lives, more ſucceſsful than they could be, though armed with all the Subtilty in the World, taking irregular Courſes. And thus Abilities are equally diſtributed; one Man hath the Benefit as well as another; beſides other Views, which it belongs to another Profeſſion to enlarge upon. Let this be a ſacred Argument, *viz.* Is the Conſequence doubtful? Yes. Is the Honeſty clear? Yes. Then follow that,

The Uſe of old Maxims, the declining of which in Counſel is a Sign of a Cheat.

LXII. Next we have the ancient approved Maxims, that is, ſhort Sentences, commonly called Proverbs, and the ordinary Fables and Apologues, in which the Experience and Judgment of Ages, perhaps, in ſome Inſtances, ever ſince the Creation of the World, collected, and traditionally conveyed, through all Times, down to us. Such as, *Honeſty is the beſt Policy*; *Seldom comes a better*; *Changes never anſwer the End*; and many others to the different Purpoſes of Life, current in common Hiſtory as well as common Diſcourſe. And no leſs valuable are diverſe of the common Apologues. As of the Horſe and the Stag. The Frogs and Jupiter. Peace made between the Sheep and the Wolves. Horned Beaſts forbid the Court. And the like alſo to various other Purpoſes: But I inſtance in ſuch as relate moſt to Government, which every School-boy knows, and Men make ſlight of; although it is ſeldom found but, in the groſs Conſequences of public Affairs, they hold true, and, if I ſaid never failed, I ſhould not be much out of the Way. And one may diſcern that Men are ſo far ſenſible of Impotency to judge of various Incidents by a direct Skill, that they naturally fall upon Rules and Maxims, though they be of their own Choice and Framing, and gathered from their own ſingle Experience, or of others as ſhallow; and of theſe they ſerve themſelves, neglecting the old authentic Maxims, which have been had from the Experience (as I ſaid) of Ages, and are ſublimed into ſhort and trite Sentences and Apologues. All which is

an Argument, not only of the Uſefulneſs, but alſo of the Neceſſity of the proverbial Wiſdom; eſpecially ſuch as hath been derived down to us from Antiquity. And what confirms it more is, that all our ſelf-intereſted, tricking Politicians, do all they can to put Men off from thoſe ſtrong Holds, and urge them to rely upon their own Judgments. And then, having gained their Point ſo far, miſerable Mankind lies open to all the Deluſion in the World; and what can ſecure them from Frauds, that yield to be Cheaters of themſelves? Nay, it is an excellent Teſt of Fourbery, wherever it appears, that the Propoſitions are contrary to approved Maxims. As when Self-Intereſt is uſed for an Argument againſt Honeſty; when ſubtile Contrivances are brought forward in the Room of plain Dealing; when new Friendſhips offer to diſplace old ones; when the Advice of Strangers is recommended againſt that of Parents and Kindred without Exception; and many more as, to recount, would be endleſs. And Nothing is ſo obnoxious to Impoſitions of this Kind, as the State of the Public is; touching which a common Man can never be tenacious enough of the wiſe Maxims of his Nation and Government. And, whatever the Syrens of Faction ſing, it is to be concluded that the Auditors are intended to be made Properties of to betray themſelves, as they certainly do if they once become foxed with Politics, and fancy they do or can know any competent Meaſure of thoſe inacceſſible Truths, and intricate Maſs of ingredient Circumſtances, as are neceſſary for making any right Judgment of Conſequences, without Recourſe to the approved Maxims, which all Ages have recommended, and all Perſons agree in. There is a Difference between the State of Governors and the Governed; of which the latter ſeems moſt concerned to rely upon Maxims, becauſe they know little and are paſſive: But yet the *Spaniſh* Nation, reputed heretofore wiſe, have been famous for conducting even their State by Maxims, in which, perhaps, they (as Governors) have exceeded. I ſhould have more Hopes of the *Engliſh* People, if I found that Events, or what they call Experience, credited Maxims with them; but Preſumption of Wiſdom is a Diſeaſe incurable. This is an Excurſion which I hope will be excuſed, becauſe not unprofitable; and, if I had not thought it profitable, I had not made it.

Cenſure of the Author for uſing theſe Speeches.

LXIII. But now we will return to our hiſtorico-political Speeches. They are ſuch as now, while we are diſcharged of the Prejudices which intoxicated the many in thoſe Days, and, as after a thick Miſt diſperſed, come to diſcern the vaſt Difference between the true State of the Nation at that Time, and the forced Periods, ſiniſtrous and uncandid Repreſentations, Diſtortions of all the Acts of State to the worſt Senſe, which the Author hath puſhed forwards, by printing thoſe Speeches inſtead of it, we muſt needs nauſeate as a fulſom Piece of Knavery, and reliſh his Contrivance as ſtale and vapid Libel, that hath loſt all the Sourneſs and Stink it once had: And I ſcarce believe many Readers will be ſo gentle to accept, for Hiſtory, ſuch faſtidious time-ſerving Stuff. But that is the Author's Way; when he would pour out

the Venom of his Soul in Calumny upon Majeſty, and have a Screen to lurk behind, as conſcious of the Shame due to him for it, he culls, out of Libels, and factious Speeches, choice Scraps of Scandal, and ſpits them out: But here he has out-done himſelf in ſp—g it forth by wholeſale, by publiſhing to no better Purpoſe, ſuch factious Harangues, as he has choſen, for a juſt Pourtrait of the Times.

Sly Inſinuations in Favour of Diſſenters.

LXIV. Now we proceed to ſhew how the Papiſts came to fall ſo deſperately foul upon the Fanatics in Proſecutions, *&c.* from whence we are to underſtand that the latter were marked out, right or wrong, to be oppreſſed. It was that only, and not any Guilt, that made diverſe Perſons be accuſed.

Page 392. He ſays, *As it had been formerly the Intereſt of the Papiſts to promote Indulgence and Toleration to Proteſtant Diſſenters, that under the Effects of ſuch Liberty, they might ſhelter themſelves, and weaken the* Church of England. Fair and well ſo far. But, that we may not fall into a Trap, we muſt remember that, under the Character of theſe Papiſts, the Court and Miniſtry are to be underſtood. For that was the Word the Faction (and ſo this Author) ever had in their Mouths to throw out at the King and his Friends, as is done here. And that his Meaning is ſo, is plain, becauſe it was the Court, Miniſtry, and Magiſtracy, in general, that had to do in Execution of the Laws againſt Conventicles; and how came the *Roman Catholic* Party, if thoſe are the Papiſts, to have ſo much to do? If the Author had ſaid plainly the *Roman Catholics*, how lovingly ſhould we have agreed? For there is no Doubt but that Party, under ſuperior Direction, ever joined with Sects, and particularly to get Toleration, in Order, by Means of that, to break the Church Eſtabliſhment; for that was the Rock of Offence to the whole Hierarchy of *Rome*, and alſo of Defence, that flanked the whole Reformation; and, through its Luſtre and Reputation (in their Senſe) endangered, and (in our Senſe) encouraged a farther Proceeding of it. But the Author intends no Good in all this, but brings it in as a Wind-lift to heave up a groſs Scandal. One has Reaſon to ſuſpect a Trap when the Bait ſcents ſo ſtrong. He proceeds. *So now, upon a Turn of Affairs, they changed their Opinion, at leaſt their Meaſures; for that Party now encouraged the ſevere Proſecution of Proteſtant Diſſenters, thereby to take off the Edge of the Laws againſt themſelves, and ſo, divert the Zeal of the Members of the* Church of England, *againſt their Brethren in Separation from them; and ſo to irritate and alienate the Hearts of all Proteſtants from one another.* Here is ſo much of Malice, Falſity, and depraved Invention, it will be tedious to note a Quarter of it.

The ſhallow Malice of the former Sentence expoſed.

LXV. In the firſt Place obſerve, that the former Sentence bore the Word *Papiſt* well enough; but, that not coming home enough to the Adminiſtration of the Government, here the Author ſhifts his Language, and uſes the Words *they*, *their*, and *that Party*, which is larger than bare Papiſt. We muſt not forget that his *other* Clergy were coupled with Popery before, and now they come in again as of *that Party*. As for the Lay *Church of England*

England Men, he uſes the Word *Members* for them. In ſhort, all Perſons, not in the factious Lines, were Popiſh; Why ſhould we make more Words? We know well enough that the *Roman Catholic* Party ſignified Nothing in *England*, but the Popiſh Party (in his Senſe) that is the Court and Church, a very great deal, and ſo take the Poſt of Action here. Next, this ſame *Turn of Affairs* is very nice, and an Hiſtorian *(compos)* would have ſhewed what and how it was, that ſhould tack about the Popiſh Veſſel, and make it ſteer a clean contrary Courſe. It is an Untruth that the *Roman Catholic* Policy was changed from Favour to Diſcouragement of Sects, for they were very conſtant to the former, and, if they could have had their Wills, would have protected them at this very Time; and I believe not a few were well aſſured the Duke of *York* would have done it in general, if he could have prevailed ſo far. Next, it is an Untruth that the Edge of the Laws, againſt Popiſh Recuſants, was abated on Account of proſecuting Conventicles, or on any other Account; for there never was a Time in that Reign when the Papiſts were more urged, ſcarce in the Heat of the Popiſh Plot: For it was the Rule of the Government, at that Time, to let the Laws take Place according to the Tenor of them, leaving all Magiſtrates and Judges to their Duty upon Oath, without Diſtinction of any Sect or Denomination: And commonly Papiſts and ſome Diſſenters came in together in the ſame Preſentment, which was a mighty Grievance to the latter, as will appear in Time. Then how did the Laws turn the Zeal from Papiſts to Separatiſts? He blends theſe latter with Churchmen, as Brother Proteſtants, though he knows ſome of them were not Chriſtians. Do but obſerve what a perſecuting Spirit he beſtows upon the *Church of England* and the Members of it in general; when taken off the Papiſts, they diverted upon the Separatiſts. They raged, it ſeems, like evil Spirits that muſt be employed: Though it is obſerved that Proſecutions rather abate, than exaſperate, ſuch a general Zeal as he ſets out here; for Puniſhments create rather Pity than farther Rigor. And then how is this an irritating or alienating of Proteſtants, nay, as he ſays, of all Proteſtants, one againſt another? Did it divide the *Church of England*, and make a Schiſm there? No, then all was ſafe enough againſt Popery. But were not the Diſſenters alienated, or irritated? And were they not ever ſo, ſhewing their Rancor as far as they durſt, as well when indulged as when proſecuted? In ſhort; this whole fine ſpun Web is, for the moſt Part, Nothing, or rather Nonſenſe; a Chime of Words without Things, and, where the Strength of Grammar calls for Allowance of ſome Senſe, it is egregiouſly falſe.

LXVI. If one may have Leave to ſupply a ſmall Defect, taken Notice of here, and ſubjoin a ſhort Interpretation of this enigmatical Turn of Affairs; *Know ye*, that it means the Decay of *Oates*'s Plot, and a general Deteſtation of that, and them who were found to make a deteſtable Uſe of it againſt the Crown: And alſo a ſurpriſing Confidence ſprung up between the King, and the moſt and beſt of his People, as appeared, with a Witneſs,

The Author is diſturbed, at a Turn of Affairs left in the Dark.

in their oppoſing tumultuous Petitions, flowing in with loyal Addreſſes and Abhorrences (Subjects of another Place) on which Occaſion the Faction raged, and acted ſo irregularly and fiercely, as ſunk that Credit they once had in *England.* This was indeed a notable *Turn of Affairs*; but, in the Author's kind Inſinuation, pure Popery was got uppermoſt. All penal Laws were indeed at Reſt, from being urged by the Court, for a While, till *Oates*'s Plot ſet them all in Motion; for thenceforth, againſt the Papiſts and Recuſants, they were enforced with Rigor; and no Wonder as Things ſtood. So it went on till the *Oxford* Parliament; and all that Time the Papiſts were ſo far under Hatches, as not daring to appear in Public on any Account. It was a Wonder they were not exterminated; the Duke of *York* himſelf had enough to do to ſave his Inheritance. And yet (forſooth) the Proſecutors and Proſecuted are all one. For the whole Charge of that Affair lay upon the Magiſtrates that were of the *Church of England*; many of whom had been contented as well to have been otherwiſe employed: For who, that has any good Nature, loves the Office of Beadle to whip Offenders? But it was their Duty to which they were ſworn, and they acted accordingly. But there lay the Grievance, as appears by diverſe public Acts, and the Author's Commentaries. Theſe ſame Judges *&c.* did not take Sides with Fanatics, but all went together in their Charges to Juries and the Conſequences. Whoever is perſecuted, they muſt not be touched; and, although in the very ſame Caſe with the Papiſts, as to Recuſancy, the Judges ought to have been forſworn for them. Alack! for their Parts, they never perſecute, but when it is in their Power, and then fail not. And Neutrality alſo, or, in their own Cant, Lukewarmneſs, with them, is worſe than Hereſy or Blaſphemy. And now is it not a Jeſt, that, upon this Diſcovery of the baſe Deſigns of a Faction (to the Particulars whereof we are haſtening) and the People fully ſenſible, giving the King their Acclamations, the latter Laws made and levelled againſt ſuch Practices, with direct Intention to keep them down, if it might be, inſtead of lying dormant, were invigorated and regularly put in Execution againſt the guilty ſeditious Coventicles, ſuch a reaſonable Proceeding ſhould, here in this Author's biaſs'd Invention, be ſo compreſſed in dark Words, confuſedly, with other Matters, all in a Muſs together, as Popery it ſelf ſhall be ſqueeſed out of it?

The Author clears up, *viz.* as to Petitions, Aſſociation, and Excluſion.

LXVII. But he will eaſe himſelf at laſt, and give Vent to his Stomach, in certain hard Particulars that are coming up. *Many of the Churchmen, and eſpecially the Clergy, fell under a Suſpicion of being Popiſhly affected, becauſe they warmly eſpouſed the Intereſt of the Court, in abhorring Petitions, oppoſing the Aſſociation, and the Bill of Excluſion.* So now we are a little at Eaſe; but yet this new Caſe, being a Suſpicion of Affection, and ſomewhat metaphyſical, ſhould have been better explained, becauſe what follows doth neither explain nor maintain the Point. But Libels muſt be dark, elſe they loſe their Diſtinction. Firſt, by eſpouſing the Intereſts of the

the Court, referred to that Time, was the ſame as then was called Loyalty, in Contradiſtinction to Faction, then, always at Work upon the Mines to confound the Monarch and Monarchy of *England*. There's one Badge of Popiſh Affectedneſs; that is, the King and his Miniſtry being Papiſts, all the loyal Subjects, that in Senſe of Duty ſerved him, ſhewed their Popiſh Affection: So far is cleared. Then, touching theſe Intereſts, we muſt enquire farther; firſt, they *abhorred Petitions*. That is falſe, for none did ſo; but they abhorred a tumultuous Method, the Faction had taken up, of ſoliciting Petitions and gathering Hands on Purpoſe to affront the King, and to create Diſcontents and Tumults; as will fully be demonſtrated elſewhere. 2. *Oppoſed the Aſſociation*. I ſuſpect the Author has miſtaken a Word, that is, *oppoſed* for *not joined in*; for it was a Thing clandeſtinely managed without Doors, whatever might be ſaid within (where no Clergy had to do) and with good Reaſon, for, according to the Copy found in the Earl of *Shaftſbury*'s Cabinet, it contained rank Treaſon, as was ſhewed. So the refuſing to join in Treaſon, eſpecially in Clergymen, is a Sign of Popiſh Affection: There's two of our Diagnoſtics gone, and the third may be more than all the reſt, ſo muſt not be forgot; which is *oppoſing the Bill of Excluſion*, that is, giving Reaſons, and not aſſenting to the Bill, when offered to a free Debate, and declaring their Judgment that they thought it not juſt, by a new Law, to take away any Man's private, or, which is more, public Inheritance, for his Conſcience: Or that they thought it the ſame with the Practice of the Inquiſition, that always ſeiſed what a Man had of temporal Eſtate and Goods, together with his Perſon, for his Religion: Or exactly the ſame as the Pope's pretended, and not ſeldom executed, Power of depoſing Kings for Hereſy. So the oppoſing this Practice, then accounted Popiſh, was a Sign of Popiſh Affectedneſs.

LXVIII. Here the Author is true Secretary to the Rabble; for, at that Time, they were taught to cry, *Papiſt*, at all that were againſt the Bill. But, whatever of that Kind might paſs then, when ſuch rude Injuſtice had but too much encouragement, now the very Liſt of Names, that argued and voted on that Side, printed on Purpoſe to expoſe them, is a Vindication both of them and the Cauſe they ſtood in. For Conſequences ſhewed them to be no leſs ſtaunch Proteſtants, than well born and eſtated Gentlemen, who reſiſted the *cloſetting Points*, when moſt of the eminent Fanatics in *England*, with all their *Trues* and *True-blues*, under ſome faithful and pious Deſign, no Doubt, complied; nay, farther, courted and complimented the Project of taking away the Barrier of the Proteſtant, if not of all, Religion in *England*, the Uniformity Teſts, and Penal Laws. This will not be forgot in Haſte; for take the Behaviour in what Senſe ſoever they would have, it will not be readily reconciled either to Goſpel or Law. And they have no Excuſe for themſelves, but only this, that they intended perfidiouſly to betray the Lord's Anointed. But, ſetting aſide theſe, who were in the Front of the Battel of that Cauſe, it is more than probable that, if the whole

The Anti-Excluſioners ſtood firmeſt againſt Popery.

Nation

Nation had been polled, the Majority, to ſay Nothing of the Meliority, would have carried it on their Side. But it is barbarous to raiſe this Queſtion now in Hiſtory to no Profit in the World (for the Experiment did not ſucceed, and it is like will not be offered at again as long as the World ſtands) but only for Colour of a vain ill judged Calumny upon the regular and conformable Intereſt of the Nation, both Lay, and more eſpecially (as he dirtily diſtinguiſhes his own Order) the Clergy.

He proves the Popiſh Affectedneſs by the Preferment of one *Tory* Preacher, and the Biſhops voting, *&c.*

LXIX. Here being now a Foundation laid in the ſoft Terms of Suſpicion of Popiſh Affection (meaning the Loyalliſts, Lay and Cleric, ſhould be taken as *tantum non* Papiſts) he goes on and brings forward a Proof, that is to the Purpoſe indeed: And it is a ſingular Caſe, whereof he tells us the Fact. I have premoniſhed that Method of his; *viz.* to prove a general Slander he commonly quotes ſome Tale or Inſtance in particular. And here it is that one *Thompſon* at *Briſtol* preached a *Tory* Sermon, and was cenſured for it by the Houſe of Commons; but, for all that, he was afterwards preferred. Is there any Doubt left? Muſt not the whole Government and Magiſtracy of *England*, be popiſhly affected? After this we fall into a Fit of Amaſement and Wonder. The Bill of Excluſion was thrown out of the Houſe of Lords! Sure moſt of the Peers were hereditary Nobility; and that made them ſo tender about paſſing a Law to take away an Inheritance. But O the Rage againſt the Biſhops declared in the Perſons of the Faction at that Time, who much uſed the Topics of Menace and Fury in their Diſcourſes! One would have expected, of an eccleſiaſtical Writer, ſome Note of Honour on Account of the Steddineſs of their Lordſhips, when it appeared no Terrors or Rage could move the Right Reverends to conſent againſt their Judgments. But, inſtead of that, we have here the Echo of the Inſults and Railing which the known Enemies of the Church, after they failed of having their Wills, returned upon that Occaſion. And the Author, to enforce his Slanders, gives us theſe Threats in pithy Scraps of Speeches on that Occaſion; and ſo he writes *Compleat Hiſtory*.

He libels the Order of Biſhops for voting, *&c.*

LXX. He ſets forth one Speech larger, which, after the *Forty One* Model, begins with Archbiſhop *Laud*, and concludes the Sarcaſm with a Note that *ſome over-ruling Power got in among them* (the Clergy) *ſomething anſwerable to that of a Popiſh Succeſſor in the State.* That is, in *Engliſh*, the Pope himſelf, or elſe the Devil. And another Haranguer upon the portentous Event of throwing out the Bill, (if we may believe the Author, who is loth ſuch good Things ſhould be loſt) among other Reflections of Note, cries *Sure the Biſhops had not a Hand in it!* There's an *Item* for them, let them look to it, and behave themſelves better at the next Turn of the Bill. Now if the Liberty of a free People be of Worth in any Caſe, it is in a free Uſe of their Judgment in a proper Sphere. Were not the Lords, and more expreſly the Biſhops, as free, by their Vote, to throw out this or any Bill, as any Perſons were, by theirs, to bring it in? But there ever was, and will be, a Sort of People in the World, who cry out Liberty,

berty, to gratify their own Luſts and Ambition, but allow none to others that do not comply with them, and, being in Power, are moſt ſcandalous Tyranniſers over other Mens Liberty.

Charges the Diviſions, of the Party's own making, on the Court.

LXXI. Now we are come up with the Bill of Indulgence or Comprehenſion, which had been promoted in the *Weſtminſter* Parliament. The Author lets us know that the Commons were ſenſible, that Popery was encouraged by theſe Diviſions at home, *fomented by the Papiſts*. He muſt mean ſure the Heats and Diviſions raiſed upon theſe extraordinary Attempts of Aſſociation and Excluſion; there was nothing elſe that could make Diviſions worth taking Notice of. But it is a common Art for the Diſturbers of the Public Repoſe, being reſiſted, to lay the Blame on thoſe that would have been quiet, if they might; ſo the Lamb down Stream roiled the Wolf's Water above. But did the Papiſts in earneſt *foment* theſe Diviſions? Then the Faction were Popiſh Agents and Properties, for none, but they, made any Stir at all. If they could have been quiet under a legal and anceſtrel Form of Government, exerciſed, as it ought to be, with Juſtice and Impartiality in the Execution of the Laws, which none then could, nor now can, juſtly gainſay; there had been no Diviſions for the Commons to be ſenſible of, as he ſays there were. But it ſeems honeſt peaceable Men would not readily agree to factious Projects, of tampering with the Settlement of the Nation, whereby they became obnoxious to factious Clamor; and then, O, what Diviſions did theſe quiet Men make, *fomented by the Papiſts?* Which Papiſts, we muſt not forget, are the King, his Court, and the Loyalliſts.

The Diviſions the Papiſts aimed at, were by joining with Fanatics.

LXXII. But there were enough ſenſible of Diviſions that had been made and fomented by the *Roman Catholic* Papiſts; but they were ſuch as tended to ſeparate Men from their regular Conformity to the Order of the *Engliſh* Church and State; and not to hold them firm and entire together. The Author, if Truth had been his Aim, ſhould have ſhewed that the Catholics, now and ever, were for breaking the Eſtabliſhed Church, and ſo for a Comprehenſion of all Sects, as moſt likely to do that; and their Practice was accordingly, whenever they had Power, or might influence our National Tranſactions. Therefore this *fomenting of the Papiſts* was an Argument againſt, and not for, a Comprehenſion, which they would gladly have procured; though excluding themſelves. **And it is not the firſt Time** that Papiſts and Fanatics have joined to deſtroy the Church, which I am more fully to expoſe in another Place; and, for that Reaſon, only remember, now, that the beſt Proteſtants have ever maintained the Church as the only Barrier againſt Popery. But the Author, being now hot upon the Subject of Comprehenſion, out of his abundant Duty to his Mother Church, gives us a large Sarcaſmous Speech, made on that Side, to ſhew what a World of Reaſon there was for it: But not a Scrap of any Speech or Reaſon on the other Side; although it is well known the Church had always

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ſome excellent Speakers in the Houſe, that argued for her. But ſuch is the Author's Impartiality, as, upon like Occaſion, I ſhewed before.

How theſe Matters are to extenuate Rebellion.

LXXIII. Now, as we go along, we muſt ſtill bear in Mind the Author's tender Regards for the Caſe of a Rebellion, of which we muſt hear ſoon, and for the Sake of which, theſe Loyaliſts, Clergy and Laity, have ſo many fine Flowers beſtowed upon them, as *Papiſt*, *Sot*, *Illiterate*, *Betrayers*, *&c.* to ſhew how far gone the Nation was towards Popery, and how neceſſary it was for the ſober, learned, Proteſtant Peers and Gentlemen, and other good Rabble of Atheiſts, Republicans, *&c.* to ſtep in to ſave that little that was left of Religion and Property; and how hardly they were uſed for their Zeal in the Cauſe. But we ſhall work up Matters (for we go by Degrees) to an higher Pitch of Grievance, to ſhew that Rebellion was become ſo needful that Fleſh and Blood could not forbear falling into it.

A Deduction of the Caſe on 35 *Eliz.* and Laws againſt Popery.

LXXIV. We have here ſuch a Stir made about the Proſecution of Diſſenters, as if it were *Perſecutio duodecima*. Therefore, to avoid the *Faſtidium* of noting all the Author's Tags joined to his Relations of this Time, I ſhall, once for all, give one clear Solution of all this Myſtery of his own making; and that by taking a Riſe when Parliaments firſt took Notice of them. The firſt was under Queen *Elizabeth*, when, for Reaſons at that Time manifeſt, and which, by Conſequence in ſubſequent Times, were fatally experienced, the Statute 35 *Elizabeth* paſſed, deſcribing *Recuſancy* to be not coming to Church for a Month, making the Offence capital, to be redeemed only by abjuring the Realm. This took in all Sorts of Diſſenters, as well Puritans (the ſame with the Fanatics of this Time) as Papiſts. It was ſo early diſcovered that no People were more dangerous to the State than thoſe, called *Puritans*, were. For all hypocritical Malecontents ſheltered themſelves under that Denomination; being compound of ſuch as cried out Religion, but meant ſecular Intereſt; and Liberty, meaning Tyranny, but (mark ye) of the Saints. So the Law ſtood at the Entrance of King *James* I. And then a Provocation, given by the diſmal *Powder Plot*, occaſioned a Teſt to be ſet up peculiar to Popiſh Recuſants, diſtinguiſhed thereby, and Penalties ſingular to them. And, after that, the Popularity continued to exaſperate Matters againſt the Papiſts, and to lenify as to the Sectaries, as if they were to be called upon to aid againſt the others. Which Fancy ſeduced Abundance of People to favour Diſſenters, and is one Reaſon why *Calviniſm* got ſo much footing in *England*, that many very worthy Divines, out of Zeal againſt Popery, contracted a great Share of it. The Miſtake ſo far prevailed that, like a Chymiſt's Fire, from certain Accidents and Emergences in the following Reign, unhappy enough, upon opening the Spiracula of the Furnace, continually encreaſed till the Flame broke out, and, in the Fanatical Rebellion, conſumed Furnace, Houſe and all together. Whereof the hideous Effects

are

are felt at this Day, as well by the Aſhes and Stink, as alſo by a continual Apprehenſion of the ſame Fire breaking out again.

LXXV. After the happy Reſtauration of King *Charles* II, the Parliament, being ſenſible that the Diſſenters brought the Miſeries of the Civil War upon the Nation, (it need not be ſaid how, nor with what Hypocriſy; all which, upon dividing the Spoil, was detected) contrived, as far as was poſſible, that the ſame Game ſhould not be played over again; firſt, by ſuppreſſing utterly all ſeditious Conventicles, and fencing the Church and Crown with temporal Laws, and, at the ſame Time, diſabling the very Pretenſion which the Sectaries had managed to ſo very ill Purpoſe, by allowing Liberty of Conſcience in all reaſonable Meaſure, ſo as it did not riſe to Sedition, and to a manifeſt Hazzard of the Public Peace. Therefore the Diſſenters were allowed their own Way of Worſhip in their Houſes, with five more beſides the Family. And, as for keeping down unlawful Conventicles on Account of Religion, Informers were encouraged, the Magiſtrates charged actually to diſturb them, and ſmall pecuniary Mulcts laid, but ſomewhat ſharper upon the Trumpeters and Ringleaders the Teachers; and with Augmentation upon reiterating the Offence, as the known Effect, of the Laws againſt ſeditious Conventicles, was. This was a wiſe Proviſion and tempered with Moderation, ſuch as muſt have ſatisfied reaſonable People, that had not hungry, rather than tender Conſciences; at leaſt not ſo fiery and fierce a Perſecution, as we find here cried out upon. But theſe Laws were rarely put in Execution; which did but embolden the Diſſenters to affect meeting in vaſt Numbers, as they thought might terrify the Government, and make it afraid to ſpeak to them. And, with that Artifice, helped to cheat the Crown out of the Declaration of Indulgence in 1672, and then ſtraight they returned the Favour with univerſal Obloquy, as an arbitrary Act, againſt Law, and intended for Favour to the Papiſts, and not for them; but yet took the Advantage of the licencing Clauſe, to ſue forth Multitudes of Licences for Teachers, in all Corners of the Kingdom, to demonſtrate their inconceivable Numbers. And ſo they went on working and undermining, pretending to rule all Elections, and bring their Party to be a Majority in the Parliament, where they might take Sides againſt the Court, (the direct Tract of *Forty One*) and how far they went on to influence there, under the ſpecious Title of the Country Party, obſtructing Supplies, and advancing every Thing that might diſtreſs the Crown, is not unknown to every Body, but will be more expreſly dilated afterwards.

The Reaſon and Moderation of the Laws againſt Conventicles. And the ſmall Regard had to them.

LXXVI. King *Charles* II. was one that had no Sort of Severity in his Nature, and, deſiring Eaſe rather than Contention, was ever inclined to come rather to Terms than Strife with thoſe who ſtood in the Way of his Affairs; which we commend not for Policy, but ſo it was. And the King, finding the Diſſenters, inſtigated by their Teachers, ever active in all Ways of Oppoſition to him and his Intereſts, thought it the cheapeſt Way to

King *Charles* penſions the Teachers of Conventicles, to be quiet.

take off (as they called it) thoſe Bell-weathers the Teachers; and, accordingly, employed People to treat with them; and Terms were adjuſted that they ſhould keep their Party generally quiet, and that they might not oppoſe his Majeſty's Affairs in Parliament; and, for that Conſideration, Conventicles ſhould be connived at, and good annual Penſions paid to them: So the Stipulation was made, and the Penſions ſettled and duly paid. The Plenipos, in this State Negociation, were Sir *John Baber*, one well known for a Buſy Body in ſuch tricking Affairs, and ſome ſaid Sir *N. Butler*, who was a famous Tool of the Papiſts afterwards. But the former made no Scruple to declare all this to his Acquaintance, of whom I had the Honour to be one; and he was a Witneſs how honeſtly the King dealt on his Part, paying the Penſions as they became due. And how the Alternate was made good to him, will appear in due Place.

An idle Story of *Baxter*, and the Effect of this ſtipulated Indulgence.

LXXVII. This is the ſame Perſon the Author names (not *Baber* but) *Barber*, who, he ſays, went of an Errand from the King to Mr. *Baxter* in Priſon. And a Sleeveleſs one it was, as it is related. The Author ſays the Meſſage was, That his Majeſty would not ſeem to relax the Law, but ſhould not take it ill, if he ſought his Remedy, as he might, by Law. The Ridiculouſneſs of which Favour ſhews the whole to be a Fiction, as well as the Name a Miſtake; and alſo that the Story, though taken out of *Baxter*'s Life, (one of the Author's Goſpels) a Sort of Libel upon the King, as if he were ſo weak to pretend, by a Meſſage, that he could, at his Pleaſure, cruſh a Man againſt Law: Which muſt be underſtood by a gracious Permiſſion to take a Remedy the Law allowed, or to defend himſelf by Law, which every Man may do without a Royal Diſpenſation or Permiſſion. Sir *John Baber* was a Man of Fineſs, and in Poſſeſſion of the Protectorſhip at Court of the Diſſenting Teachers, after the Pattern of the Cardinals for Nations at *Rome*, and might probably, out of his own Officiouſneſs, obtain Leave to make a Viſit, and ſay from himſelf that he believed no Offence would be taken, whatever legal Defence he made: For it is uſual with great Stateſmen and Embaſſadors to make ſome ſmall Thing out of a huge great Nothing. But in fine, the Conventicles went on, and no Inſtance came from the Court to ſtir up any Interruption of them; nor was there any, excepting perhaps a few Caſes upon the officious Acting of Magiſtrates or Informers, which Nobody could inhibite; and, of thoſe, many acted upon Duty, without Regard to what the Court would approve or diſapprove. And thus the King found Means to grant what was not allowed to be done authoritatively, an Indulgence; thinking, as he had been perſuaded, that, without ſomething done for the Diſſenters, they were too many, and too rich and powerful to acquieſce; but, on the contrary, being diſcontented, would be troubleſome. It doth not appear that the Sheep of theſe Congregations knew that their Paſtors had ſold and taken a Price for them. But yet, conſidering the Teachers Penſions, and Eaſe to the Congregations, by the Grant and Indulgence of the King, they ſhould not have

have ſet up, as they did, for Nurſeries of Rebellion, and the very Teachers Boutefeus, to blow the Coals; as ſhall amply be made appear before I have done with them.

Diſſenters neceſſarily involved in Recuſancy, but ſuffered nothing till the Plot.

LXXVIII. During all this Time it ſo fell out that, in the ordinary Courſe of Juſtice in the criminal Courts, the Judges could ſpeak no Language in Charge to Grand Juries, but what the Laws juſt put in their Mouths: As, for Inſtance; to preſent all Recuſants, whereof the legal Definition was the not coming to Church for a Month. I ſay it ſo fell out that Papiſts in the firſt Place, Sectaries of diverſe Sorts, eſpecially Quakers, were preſented; for who could diſtinguiſh where the Law did not? And then Conviction followed, and Certificates into the *Exchequer*, and perhaps Eſtreats to the Sherriffs, who made their Bargains; and no Penalties, or very rarely any, were returned into the *Exchequer* as levied, and ſo to be anſwered to the Crown. But the whole Matter reſted with ſome Diſadvantage to the Parties concerned, by Fees and Gratuities. And ſo all might have continued not very uneaſy to any Body, and without Prejudice to the Laws. But the troubleſome Time of *Oates*'s Plot came on, and then the Houſes of Parliament grew very hot and earneſt to have the Laws put in Execution, againſt Papiſts, with all poſſible Rigor; and the King granted all, of that Kind, which they aſked; though, in Caſes of Blood, it was with a manifeſt Reluctance, as ſome of his Anſwers ſhew. But all this had an unlucky Turn upon the Sectaries; for many of them lay under the ſame Conviction, without any Diſtinction in the Forms, and all the reſt feared what might follow as to them. And this was it which drew on ſuch Ranting that the Penal Laws, intended againſt Papiſts, were executed ſeverely againſt Proteſtants; which Matters, as I take it, have been particularly canvaſſed before. But if the King had not juſt Cauſe at that Time to withdraw the Favour of his Non-Proſecution of the Sectaries, ſince the Parſons had ſo broke their Contract; yet, if he required any Execution of the Laws at all, he could not diſtinguiſh: For ſhould he, by Proclamation, have ſaid *puniſh ſome, and let others, in the ſame Caſe, go ſcot-free?* Or, to his Judges, *give the Laws in Charge againſt ſome Offenders, but declare my Pleaſure that others, in like Caſe, be exempt?* This had been arbitrary and unequal, and, in a legal Senſe, ridiculous. And, if his Majeſty had done ſo, the Judges would have made a low Obeyſance and, as their Duty and Oaths required, have made no ſuch Diſtinctions to the Country. This puts me in Mind of a Paſſage I know to be true, and I think is here fit to be related.

A factious Lye to entrap the Judges of the Weſtern Circuit.

LXXIX. About the Time when the Abhorrers were threatened, which was the Summer before the Meeting of the *Weſtminſter* Parliament 1682, which Parliament made ſuch ado about that Matter; the Judges, deſigned for the Weſtern Circuit, that is, the Lord Chief Juſtice *North* and Mr. Juſtice *Jones*, attended the Secretary of State, who was the Earl of *Sunderland*, to know if his Majeſty had any Commands, in particular for them, relating to the

Circuit. His Lordſhip made a ſhort Diſcourſe to them, and, among other Matters (ſome of which I muſt touch in another Place) told them that it was his Majeſty's Pleaſure they ſhould declare to the Country, in their Charges, that his Majeſty would have a Regard to tender Conſciences, and that the penal Laws ſhould not be executed upon Proteſtant Diſſenters, but upon Papiſts only. The Judges made no Reply, but, with a civil Congee, turned their Backs and went away. But, notwithſtanding this Charge, their Lordſhips the Judges, in all the Circuit, declared the Laws to the Country, as they were in Force, without any Diſtinction at all; for they did not think their Obligations depended on any ſuch Circumſtance. It fell out, that Mr. Juſtice *Jones*, by Reaſon of the Gout, did not ſit on the Crown Side at *Taunton-Dean*, as his Courſe was, but the Chief Juſtice ſat and did the Buſineſs in his Room. That Town was a Metropolis of the Faction in the *Weſt*, and accordingly Care was taken to obſerve the Judge's Behaviour there; and whether by Gueſs or Trick, I know not, but it is certain that one of the *Proteſtant Mercuries*, as they were called, in his *News from* Taunton, told that the Lord Chief Juſtice, in the Place of *Jones*, had given the Charge, and declared the King's Pleaſure, as to tender Conſciences, to be as before; which, ſays the Paper, has given ſome Satisfaction. This laſt Sentence alludes to the Caſe of *abhorring*, in which his Lordſhip was ſuppoſed to be deeply involved; which Subject lies a good Way before us in the laſt Part.

The Judges publiſhed a Declaration of the Truth, and defeated the Faction.

LXXX. After the Chief Juſtice was returned to *London*, one of theſe Papers was ſhewed him, for News concerning himſelf, and he was much diſturbed at it; for it was abſolutely falſe, and, as to the King's Affairs, as well as his own Honour, unfit to be let paſs ſo. Therefore, to remove the Scandal, he ſtraight penned a counter Declaration; and, ſending for the *Gazetteer*, commanded him to print it in the *Gazette*, as his Lordſhip might well do, being a Privy Counſellor. And it was accordingly ſo done in the next. But Mr. Juſtice *Jones*, hearing that ſomething of this Kind was doing, came and earneſtly deſired that, as he was joined in the Commiſſion, he might be joined in that Declaration; and it was ſo done. The Note, as it was printed, is ſo remarkable, that I have thought fit to tranſcribe it *verbatim* from the *Gazette*, *viz.* From *Thurſday. April* 8. to *Monday*, *April* 12. 1681. "Whereas in a licentious Pamphlet, enti-
"tled *The Proteſtant domeſtic Intelligence*, it hath been publiſhed to this
"Effect—That the Lord Chief Juſtice *North* hath declared in his Circuit,
"that the Laws, againſt thoſe that abſent from Church, ought to be put
"in Force againſt none but Papiſts, and accordingly gave Directions to
"the Juries; and the ſame hath been likewiſe publiſhed in diverſe factious
"News-Letters, diſperſed into ſeveral Parts of this Kingdom, with like
"Reflections upon Mr. Juſtice *Jones:* To the Intent that no Perſons may
"be miſled thereby, his Lordſhip and Mr. Juſtice *Jones* deſire it may be
"made known that the ſaid Report is altogether falſe and groundleſs."

This Paſſage ſhews a Conſtancy and Intrepidity in thoſe Judges, who, in a Time when Faction not only menaced but raged, would not be diſhonoured in being thought partial in Execution of the Laws, whatever became of them: And, being both obnoxious (as it was termed) to be born hard upon by a Faction (and ſo it proved) who ſeemed then to carry all before them, a Sort of a Handle was offered, as if, by that Means, they might come off. They both diſcerned the Treachery, ſcorned the Means, and took a Courſe that all the Nation ſhould know it. And how theſe Virtues in Judges were encouraged, will appear afterwards. We have here alſo an Inſtance how theſe Bawlers out for Property and Law, if their Intereſt or Humour draw contrary, can diſtinguiſh it all away in a Moment. And we find that the whole Sum and Subſtance of the Author's Spleen and Malice, upon theſe Occaſions, is not that the Law was laid aſide, but that it was fairly executed without Favour or Affection: for his Friends proved to be among the Law-Breakers: And ſo, by blowing hot and cold, he doth his Duty to his Party:

The Conventiclers leaſt of any deſerved Favour, and had forfeited all Pretenſion to any.

LXXXI. But we muſt not paſs over ſo ſlightly the King's Obligations to the Sectaries and their Teachers; for, conſidering impartially, as Matters ſtood at that Time, if any Diſtinctions of Favour were to be made, the *Engliſh* Gentlemen of the *Roman Catholic* Perſuaſion had a better Title, than the Diſſenters to it. For, notwithſtanding all the Noiſe of Plots, there were then found no formed Deſigns againſt the King's Life or ſecular Government, amongſt them, if we take their Party in the largeſt *Engliſh* Comprehenſion. But, on the other Hand, it appeared that the whole Body of Diſſenters, in the largeſt Comprehenſion of them, eſpecially of the Preſbytery and Independency, ſet themſelves in Oppoſition to the Crown in every Thing; and their Characters and Aſſemblies were the common Aſylum of all the King's Enemies, even Traitors, whence they ſallied forth, on every Opportunity, to diſſerve, or rather to deſtroy him. And not only ſo, but it was made clearly appear afterwards (though the ſame Thing, in a general View, had been ſuſpected of them before) that the whole Scheme and Abutment of the rebellious Project was founded upon them, and they were depended on for all the Stock of Zeal that was to carry it on. For at the Council of Six, the cloſeſt that appeared to be held about the *Rye Plot* (as will appear, and the original Examinations at the End of the Biſhop of *Rocheſter*'s Book ſhew) it was in Effect declared, that there was no Means to raiſe a Zeal, as could oppoſe the loyal Party, but Conventicles, and that thoſe muſt be well plied. And, according to this Doctrine, the Teachers raiſed Uſes; even thoſe who had ſtipulated for valuable Conſideration, as Penſions duly paid, not to be Enemies to the King: And, after the Diſcovery of the *Rye Plot*, it appeared that one *Lob*, an independant Teacher and a Penſioner, and one *Caſtares* (I think there is now in the *Scotch* Preſbytery, a ruling Perſon of that Name) were guilty as deep as any. And *Lob* was concerned for the Cowardice of the People, that did not procure an Opportunity to be doing:

doing: And he ſaid many of his Men would make Uſe of ſuch Opportunity, if it were put into their Hands. But, before it came to this, it was apparent that all the turbulent Doings, drawn out upon *Oates*'s Plot, at City and Country Elections, tumultuous Petitions, *Ignoramus* Juries, beſides perpetual Calumnies, and lying Pamphlets to make the King odious, and little circulating Coffee-Houſes, and the like tumultuous and unſufferable Practices, moved upon the Fanatic Foot, and were ſpirited by the Sheep-cloathed Wolves at Conventicles. All which Matters, laid together, amounted to a Renunciation of the King's Favour, and a Sort of Defiance of him; at leaſt, ſhewed ſuch a Proſpect, as muſt needs make him careful, with the Help of his Laws, to keep under ſuch riſing Inconveniences, or, at leaſt, not ſtop the Courſe of the Laws provided, through Means of the ordinary Magiſtrates and Proſecutors *qui tam*, *&c.* on Purpoſe to do it. And yet theſe People, with their Author here, clamor as if they were the moſt innocent Sufferers in the World.

The Fanatics clamor that the Laws were not ſuſpended for their Sakes. *Page* 403.

LXXXII. It is utterly falſe *that Partiality was ſhewn in protecting Papiſts from thoſe penal Laws, which had their Edge turned againſt Proteſtant Diſſenters.* For neither the King nor the Magiſtrates made any Diſtinction, but, if any was, it was (for Reaſons reſpecting the Parliament, and factious Clamor without Doors) hardeſt upon the Papiſts. And that made the Judges watchful that no Handles, of that Sort, might be taken againſt them, which they knew were deſired by the Party, and ſure to be improved beyond all Senſe and Reaſon. But it is plain the whole Drift of theſe Sentences, copied from the hackney Coffee-Houſe railing at that Time, is for Want of ſhewing Partiality towards them, as I ſaid before. The King ought to have ſtretched his Laws to plague thoſe that meant him no Harm, and extended his Favour and Impunity to his Enemies, and ſtroaked them who were watching Advantages to diſmount him. It is prodigious, that they ſhould expect, or this Author pretend it. A Stranger would wonder at this Sort of Diſcourſe; and many, being made underſtand ſome ordinary Notions, relating to the Laws, as *in Terrorem*, Connivance, conſtruing ſtrictly and liberally, and the like, would think the *Engliſh* Nation mad. Tell a *Venetian* of two Men guilty in Parity of the Breach of a Law, and one ſhall be puniſhed, and the other let go, and the former ſhall be a Friend, and the other an Enemy to the Government; he would hold up his Hands and cry, *può far Iddio.* But that is what the Author and his Fanatics would have had on their Side, and, for Want of it, charge the Contrary falſly on the other Side.

Papiſts ſo far from being protected by the Court, that the Duke of *York* was proſecuted at Law.

LXXXIII. But, as for Matter of Fact, the Author cannot ſhew any one Papiſt (unleſs perhaps the Duke of *York* himſelf, as I am about to ſhew) exempted from the Law by any extraordinary Order or Diſcharge, as might have lawfully been, by *non pros*, or Pardon *toties quoties.* But when, out of vain Petulance, an *Ignoramus* Party was hammering an Indictment of *Recuſancy* againſt him in the County of *Middleſex*, the Court of

of *King's Bench* obviated the Affront by ſending for the Grand Jury and diſcharging them. Lord! what an Outcry was there in Odium of that foul Miſdemeanor! of which we ſhall hear more afterwards. And when the holy Grand Jury of *Ignoramus*, at the *Old Baily*, returned to the Court an Indictment of *Recuſancy* againſt the Duke of *York*, a *Certiorari* came and removed it to the *King's Bench*. And I remember well, ſome factious People hired a Serjeant at Law, one Mr. *John Darnel*, to move that the *Certiorari* might not be allowed: Which Motion was againſt common Form, and the Courſe of Law, as well as Senſe; and he was ſo importune in the Matter, that one of the Chiefs was provoked to ſay *he ſpoke with a Cadence, but Nothing to the Purpoſe*. Whereupon he had the Honour to be called *Jack Cadence* for a long Time after. But we are to be perſuaded, that, becauſe the Faction were not allowed to worry the King's Brother with Forms of Law, (which every one muſt ſuppoſe the King, if forced to it, would in the End have hindered by his Power to pardon or *non pros:)* the Papiſts, that is the whole *Roman Catholic* Party was protected. And the factious Leaders had poſſeſſed the Underlings of their Party, that really and truly there was no Juſtice or Law in *England* againſt Papiſts; and ſome, as we ſhall hear, owned that to have been a Motive that inclined them to engage in the Rebellion. Thus falſly doth this Author affirm the Papiſts were protected! And, conſidering what a Noiſe was made, at the Time, about ſuch Stuff as this, one would think the People wanted Grievances or deſerved them.

LXXXIV. But obſerve; an Order, grounded upon an Addreſs of the Commons, was ſent to the *Middleſex* Juſtices, to put the Laws in Execution againſt Popiſh Recuſants; and (ſays the Author) *No Mention was made of ſuppreſſing Conventicles, which made ſome ſuppoſe they were not to be diſturbed.* And upon the Juſtices Application to the King, to explain the Order, and ſignify his Pleaſure how the Juſtices ſhould behave themſelves as to Conventicles, his Majeſty was pleaſed to anſwer— "that they ſhould "uſe their utmoſt Endeavour to ſuppreſs all Conventicles, and unlawful "Meetings upon Pretence of religious Worſhip; his Majeſty declaring it "his expreſs Pleaſure that the Laws be effectually put in Execution againſt "them, both in Town and Country." Theſe two Orders, put together, amount to one entire and uniform one, that the Laws ſhall be put in Execution againſt all Offenders that act in Breach of them. But the Author is ſo ſkilful, that he can make a Shift to libel the Juſtices for their Behaviour, ſaying *They contrived to have the King's Command expreſs—— and they were very ready to obey.* He doth not think their Worſhips had any Regard to their Duty or Oaths; the Papiſts had bribed them ſure to be ſo forward to aſk the King's Pleaſure! Now the Author is ſo far out, as he little leſs than contradicts himſelf; for if they had been ſo ready, as he ſays, to obey, when the Queſtion was whether Laws were to be executed, they had ſurely done it without ever troubling his Majeſty; for it was their

The Author diſpleaſed, becauſe the Juſtices took the King's Explanation of an Order. *Page.* 409.

Duty

Duty; and their going to the King, on that Account, deſerved to be reprimanded. But it was a ſad Monarch to ſay he would have his Laws executed againſt all Offenders, that is, to govern by Law, without Partiality or Diſtinction. I am almoſt aſhamed of this Dealing with a Book that calls itſelf *Hiſtory*, but deſigned for no better than raſcally Libel; and am ſenſible that the cutting it up, in this Manner, muſt needs be faſtidious. But I cannot help it; the Buſineſs in Hand requires I ſhould be a little indulged; for, ſince that *Hiſtory* was a Meſs cooked up for Poſterity, it is but reaſonable to lay it open, and ſhew what Carrion it is made of.

An abominable and beaſtly Reflection on the King.

LXXXV. And here follows a Paſſage, which I think is a tranſcendent and peerleſs Paragon of Ingenuity and Duty to a ſovereign Prince, from one who naturally owed and, I preſume, had ſworn Allegiance. *But the King, whoſe Practice and Principle was (even againſt Law) to indulge the Diſſenters, was now drawn in to be very ſolicitous for the Proſecution of them.* This, from the Pen of the Secretary, we muſt know was the Language of the whole Party; and moſt thankfully expreſſed, dealing Reproach to the King for his having been inclined to gratify them: Nay, ſo baſely, as to ſay it was his Principle and Practice to break the Law upon that good Account. It is ſtrange Men cannot praiſe the Bridge they go over, or be thankful for Favours they have had; but inſtead of that, put out their Stings. If the King did ill, they were to blame in accepting the Fruits; the Receiver, they ſay, is as bad as the Thief. And how is it? They were connived at, and uſed the Liberty to nurſe Sedition and promote Treaſon. Then the Law is let looſe; and now, O ſtrange! he broke the Law to gratify, and now he cauſes it to be obſerved to vex us. But the Character, couched in theſe Words *Principle and Practice*, and then *drawn in*, is admirable. For in the mildeſt Senſe it ſuppoſes the King to be, not only a ſenſeleſs Tool and Property of the Papiſts, but a crooked principled, and habituated Breaker of the Laws. O rare impartial Hand!

He entirely miſtakes the Caſe on the 35 *Eliz.*

LXXXVI. That we may not always dwell in Generals, the Author is pleaſed to name that penal Law intended, as he would have it, againſt the Papiſts only; but inſinuates, as we have heard, that now it was pointed only at Diſſenters: So out of his great Knowledge in the Law, he preſents us with the 35 *Eliz.* which, as he, by Miſtake, ſays, gave the 20 *l. per Menſem* upon *Recuſants*. And here, blundering in the Dark, or falſifying in the Light, he has made a ſtrange Confuſion, and miſrepreſented the Houſe of Commons. Now the 20 *l. per Menſem* was not given by the 35, nor till the 39 *Eliz.*. The Offence indeed, called *Recuſancy*, that is, the not coming to Church for a Month, was eſtabliſhed in the 35, to which was affixed, by Way of Penalty, abjuring or Death; and was therefore called the ſanguinary Law. But for certain that good Queen found ſo much Benefit by it, that ſhe made the Puritans know their Driver, and be at Quiet during her Reign. This is that Law, *viz.* the 35, which the Commons, in the *Weſtminſter* Parliament, intended to have repealed. Now there

there was no Bill offered to repeal the 20 *l. per Menſem*, which is by the 39; and it had been ſtrange to leave the Offence *Recuſancy* in general, and repeal the Penalty as to ſome, and not to others.

LXXXVII. But let us ſee what the Author ſays. Speaking of the 35, falſly by him ſuppoſed to inflict the 20 *l. per Menſem, deſigned againſt Popiſh* Recuſants, *as ſoon as turned againſt Proteſtant Diſſenters, had a Bill of Repeal in the laſt* Weſtminſter *Parliament, was now rigorouſly executed againſt all Manner of Non-Conformiſts.* All which is moſt horrible Diſguiſe of Truth. Firſt, the Law of 35 of *Recuſancy*, of which he ſpeaks, and that of 39 for the 20 *l. per Menſem*, which he ſeems to mean, were not intended only againſt Popiſh *Recuſants*, but as much, or rather more, againſt Sectarian *Recuſants:* and, for certain, the Laws make no Difference between the one and the other. The Laws, peculiar to Popery, came in after the *Powder Plot* in King *James* I's Time; and neither the Author nor his Party ever pretended thoſe were pointed againſt Fanatics. And then it is falſe that the ſanguinary Penalty, without abjuring, purſuant to 35 *Eliz.* was ever offered to be put upon any Sectary whatever, during this whole Reign. And I challenge the quickeſt Invention of them all to ſhew any one Inſtance of ſo much as an Attempt. But I grant with a good Will that thoſe Perſons, knowing what they had deſerved and intended to deſerve of the Crown, had certain Qualms came over their Conſciences, being uneaſy that ſuch an Advantage, as that Law gave, ſhould be in the King's Power wherewith to lay them at the Feet of his Mercy, in Caſe the Evidences of their Treaſons ſhould fail.

Sectaries never proſecuted on the 35 *Eliz.* but f ar d it. *Page* 403.

LXXXVIII. And as to the 20 *l. per Menſem*, if it fell out that any came into the *Exchequer*, Nothing ever came of it conſiderable as to them, as I ſaid before. Therefore this *rigorouſly executed* is a profound Falſity upon this Foot, but worſe as to what follows, which was upon the milder Laws for ſuppreſſing Conventicles. Thoſe were indeed, after the *Rye* Diſcovery, for a ſhort Time, rigorouſly executed, that is by levying thoſe very ſmall Penalties the Laws had charged. And how far the Fanatics drew this upon themſelves, by their traiterous Management, will be manifeſt; but they cannot ſay theſe Laws were ever intended againſt Papiſts; they were wholly and ſolely againſt the fierce and ſeditious Conventicles upon Pretence of Religion; and the Reaſon of the Law is put upon the Tumult and Sedition of them, and the horrid Miſchiefs they had once brought over the Nation before. And I beg to know, if the like Proceſs was on Foot again, and theſe Laws, being in Force, were *rigorouſly* executed to prevent the like Conſequence, where the Grievance lay.——— It was indeed pleaſant to obſerve, how nettled the Faction was at that Time about the 35 *Eliz.* for, leſt the Bill in Parliament to repeal it ſhould not ſucceed, they ſet up Pamphletiers to attack it. One came out in the Name of *Whiteacre*, before named, of traiterous Memory, who was the Treaſon Solicitor. This poor Law was to undergo the Fate of the long Parliament, to be diſſolved by

The Laws againſt Conventicles executed, and Statute 35 *Eliz* to be repealed by Mob Law.

by the Will and Pleaſure of the Mob. The Title was *The Life and Death of the Statute* 35 *Eliz.* Nay the very Act againſt Conventicles muſt alſo fall before the Pamphletiers, when they were pleaſed to have it ſo. And accordingly they let fly at the 16 *Car.* II. to make void that, whether the King, Lords and Commons would or not. And they were in the Right; for that Law, late as it came, hath a Clauſe expreſs to continue the 35 *Eliz.* and declares it fit to be put in Execution. But thoſe Pamphlets were anſwered, and ſo it reſted.

The People belied as to Diſcontents.

LXXXIX. But now to apply all this to the great Deſign of extenuating, the Author adds Falſity to Falſity: For he ſays the extending the penal Laws to Sectaries *occaſioned a general Diſcontent*, whereof the contrary is true; for the People, generally ſpeaking, were never under greater Satisfaction with the Government, than when the Laws againſt Conventicles were put in Execution, that is, between the *Oxford* Parliament diſſolved, and the *Rye* Diſcovery and ſome Time after. And as for his *extending*, it is *Fucus*, or rather Nonſenſe; for the Laws could not be extended unleſs they did extend: As if one ſhould ſay that a Law, that every Man ſhall come to Church, did not extend to ſuch as had black Hair. But, for Proof of this general Diſcontent, according to his Wont, he brings in a ſingular Tale. One of his Party ſpoke Treaſon in a Coffee-Houſe, *viz.* that the King's conſenting to the tyrannical Proceedings, in convicting Diſſenters, would make him the Head ſhorter: *Ergo* the People were generally diſcontented. O admirable Conſequence! Now in Truth, theſe Convictions moved generally (the King not interpoſing to ſtop them, which that good Man termed *conſenting*) from the Diſpoſition of the Nation. For the Matter lay wholly among Juſtices, Conſtables, and Informers; which would never have fadged, if there had not been in the Nation a Diſpoſition that Way. We are to have another Lecture about theſe Diſſenters and their Conventicles, and the Author's Contrivances to purge them of Sedition and Rebellion, contrary to the Senſe the very Parliament had of them. But to avoid the Faſtidium of too much of one Subject together, and to bring up another Shoal of like Artifices to ſanctify Rebellion, all that is reſerved to the third and laſt Part of theſe Notes.

A Contrivance to reſolve all Treaſon and Sedition into pure Zeal for Religion and Property.

XC. So now we go on riſing higher and higher, which will come to ſomewhat in Time. Enter then a conciſe Character of the Times, which he puts forward as another Extenuative of the intended Rebellion. *Zeal againſt Popery was looked upon to be only a Faction, and thoſe, who were eminent in it, were to be diſtinguiſhed as ſeditious Men, and Enemies to the King and Kingdom.* Whence, if any Perſons were clearly diſcovered in Treaſon, they were eminent in Zeal *&c.* and ſo are cleared. But how doth this agree with the general Diſcontent talked of before? I doubt that General will prove a Particular and a ſtraight one. This was the *Turn of the Times* we ſo lately heard of. The Author falls not only upon the Government (he is not uſed to ſpare that; the Word *Papiſts* had done his Work)

Work) but his Comprehenſion now is of the whole Church and Loyal Party ſcattered all over *England*. Theſe, it ſeems, had got the upper Hand, and, with them, Zealots went for a Faction, ſeditious, and anti-monarchical; and ſeriouſly the Author had done thoſe Gentlemen great Wrong, if he had given any other Account of them: For the Truth of the Matter was really ſo, and the Sequel fully juſtified the Opinion; as will now ſoon be demonſtrated, *viz.* that theſe pretended, or, as the Author hath it, *eminent Zealots* againſt Popery in ſhew, were true Under-miners of the Crown, and their Zeal itſelf was, at the Bottom, as like to High Treaſon, as Egg to Egg: All which appeared in Noon-Day Light, after the Effects, by an happy Diſcovery, were prevented. But the Author's Texture of his Hiſtory is all of a-piece. The Reader is to be ſeaſoned with an Opinion that righteous Zealots were marked out for Deſtruction, againſt the News comes of Treaſons, Inſurrections and Aſſaſſinations, whereby all muſt be taken in Truth (whatever the Evidence was) for *Zeal againſt Popery*; all the dreſſed up (as he words it) though regular Trials, Attainders, and Judgments, but ſo many Tricks and Confederations of Lawyers, for Subornation, to make Things look oddly, and altogether no better than tyrannous falſe Proceedings of the Government, that is of the Papiſts. Then the Author marches on, and ſhews certain Convictions by Law of certain Perſons in and about *London*, (for *Ignoramus* we muſt know is ſneaked off; a Matter whereof the Concluſion is to be accounted for in the next Part) for outragious Miſdemeanors; and Fines, and other Mulcts inflicted (far ſhort of the Demerits) and then ſets his arbitrary Stamp upon them: And, thus prepared, he thinks he may meet the Adverſary, the *Rye Diſcovery*. For the Point of Religion is already gained, by ſhewing the King, Court, Miniſtry, Clergy, *&c.* were *Papiſts* or popiſhly affected (by Virtue of which Term of Art, and others of like Kind, *Non-Papiſts*, or whoever is not a *Zealot*, is a *Papiſt)* and all, like a Pack of Tories, were buſily employed in cruſhing Proteſtants. Now *ſecondly*, the Point of Property is as good as his own, having ſhewed that Malefactors were puniſhed by due Courſe of Law, and Fines exacted of them, which he calls *hard* and *arbitrary*.

XCI. And now he comes to Application, and begins. *Theſe Violations of Liberty and Property.*—Hold, was the City of *London* garriſoned? The Mayor and Aldermen clapped up? The Eſtates of Citiſens confiſcate, and no Symptom of Common Law or Juſtice left? It could be no leſs ſure, to make good this Charge ſo tragically expreſſed! What can be more like the Harangue of a Demagogue at the Head of a Rabble? It is very unlike Hiſtory, eſpecially when the Matters of Fact, which were legal Judgments, contradict the Character of Violations, which latter, from the expreſs Meaning of the Word, exclude Law. He ſhould have ſhewed the Abuſes, if any had been; what Irregularities in the Proceedings, Defences taken away, what Judge corrupted, how, and by whom, and who packed the Juries and ſuborned the Witneſſes,

The ordinary Courſe of Law and Juſtice made Tyranny.

Witneſſes, and the like, if any of theſe were. But, in the mean Time, what Defence hath Liberty and Property, by the Conſtitution of *England*, but due Proceſs of Law, Charge, Defence, Trial and Judgment? Let us put a Caſe, as really it had been, and ſay, all the Laws of the Peace are really undermined, nay, the Currency of them impudently ſtopped, Tumults and Riots affectedly raiſed and encouraged to a formidable Degree; the King himſelf daily affronted by ſeditious Libels, and by open Diſcourſes and Practices, to ſay no more. The Queſtion is what a King of *England*, under theſe Circumſtances, ſhould do? Should he lay about him with his Forces, impriſon, ſeiſe, execute? No, that would be *arbitrary Government* and *Violation of Liberty and Property*. What then? Proceed againſt Offenders, and puniſh them by Judgment according to Law? He doth ſo; it is in the preſent Caſe (not miſtated) confeſſed. And the ſame Pen here ſays even that is a *Violation*, &c. alſo: So reaſonable a *Compleat Hiſtory* have we here! Men are ſeldom aware what an Injury to the Public it is to diſcredit the Law, and ſhew to a Government, that, uſing Force ſhall be called *a Violation*, and uſing the Law, no leſs: It is plain which Way the Scales will be apt to incline. A Book, that offends in this, ought to be purged by Fire.

The hideous Deſign of countenancing Rebellion, grows ſenſible.

XCII. The former Words were but Part of the Sentence, the reſt follow.— *Improved by nearer Proſpects of Popery*. To make up the Muſs, Nonſenſe comes in. How are *Violations* improved by *Proſpects?* But no Matter for that, ſo long as there is a Sound of Miſchief in the Words; the leſs intelligible the better. But we are coming to a Cloſe; for he tells us theſe *Violations*, improved by Proſpects, *had provoked many of the Nobility and Gentry to enter into ſome Meaſures to ſtop the Torrent of the Court, and provide, if poſſible, for the Enjoyment of their Eſtabliſhed Laws and Religion*. This is to the Point, the blank Mark of all his former Figures and Inventions, which he hath wrought up to this Pitch for a Blind, as he intends, to an execrable Contrivance of a Rebellion, and to veil over the Faction, then and yet reſtleſs under Monarchical Government, ſo as their Principles and Practices might not appear to Poſterity, denuded of their wicked and falſe Pretenſions; whereby, if not by the Author's wiſe Conduct prevented, all future Times would be guarded againſt the like Sort of People for ever. Here is the Subſtance of the Author's whole Deſign in Writing the Life of this good King, in the Manner he has done it. It ſeems, as I ſaid, the very Beginning was framed to this End, that is to extenuate the Rebellion of the *Rye*, as Premiſſes tending to that Concluſion; and, otherwiſe, I am apt to think he had let his *new Work* alone. I do not diſcern in it ſuch a Diſpoſition to *Genuine Hiſtory*, as ſhould move him to undertake it; but, on the contrary, a World of forced, affected, inſinuated, half-faced Reflections, not without a *Copia* of Lying, Slandering, and Uncharitableneſs. He has roamed over Gazettes, partial Writings, Libels, Proclamations, Votes, and culled what ſerved his Turn to ſtuff out

the

the Intervals of his Slanders, that they might not ſeem to lie too thick upon one another. Thoſe are the principal, the others are but Decoration, and Garniſh to heighten his malicious Inventions, and to conſecrate the foulleſt of Libels with the ſacred Title of *Hiſtory*. In the next Edition, if I may adviſe, the Author ſhall change his Title, and let it be thus, viz. *A Recriminative Apology for a Rebellion, formed and intended, but unhappily prevented: Done by a Domeſtic of One who had a great good Will to the Contrivance.* This will be more ingenuous, and excite a new Life in the Buyers, who, as to this Edition, are a-la-mort. For what elſe could befall a Book that, under Colour of Hiſtory, proves an hobbling Deduction, either warped into Libel upon King *Charles*, and Adulation of the Enemies of him and his Family, or elſe a Metamorphoſis of Good into Evil, and *e contra*, and all to the ſame End; by which a King, and his happy Government, muſt go for a *Neronian* State, and the moſt unaccountable and facinorous Practices of Rebels in the dark, his bitter Enemies, for Acts and Monuments of Saints and Martyrs: And all ſo open, as to want the common good Manners, which Apologiſers have uſed to pretend to.

XCIII. But we muſt take Breath and come to the Text, of which every Word here is feculent and ſtinks. Firſt, *provoked*, which implies all the Evil and Injury done that Heart can imagine. For what elſe could countenance an unlawful Rebellion, and the Certainty of a Civil War, much worſe than the worſt of Tyrannies? Then the Word *many*, which is every Way untrue as to the Nobility and Gentry, for there were but a very few concerned; and that (popular) *many*, that was of the moſt degenerous, ravenous, and the very worſt of the People. But then *entering into Meaſures* is a fine tempered, modeſt Expreſſion for ſeiſing the Perſon of the King, and the Power of his Government by armed Force; or, in a Word, Rebellion. They are exorbitant Meaſures indeed, that hang, draw, quarter, forfeit Eſtates, and attaint the Blood of Families. There is ſo much of the Ridicule in this Expreſſion, it almoſt breaks the Serioufneſs due to the Subject. Was ever yet a moſt heinous and broad Confederacy of Traitors, of all Sorts and Sizes, thus minced into a few *Meaſures?* For what? Stopping the *Torrent* of the Court. That ſame *Torrent* is a favourite Word of his, and always comes in the worſt Senſe. What is this *Torrent* of the Court? It was a *Torrent* of *Violations improved by Proſpects.* We need not aſk of what; for we are told theſe Meaſures were to preſerve, if poſſible, a little Remnant of Law and Religion. This is Mob Eloquence to a Rabble.—*Come, Gentlemen, your Religion is loſt, your Eſtates and Lives precarious; you are bought and ſold: Hey, no Popery, no Slavery, one and all and away.* Were this the Poſture of the Affair, I own the Author's Language to the Purpoſe; for what did Traitors ever ſay otherwiſe, or leſs? But to meet with it in a Hiſtory (with a Murrain) as an Account of National Truth, is a Monſter of Invention, not to be matched

The Author's Words remarkably deceitful, though inept and empty.

matched in the whole Claſs of Tale-Tellers, not Libellers profeſſed. But, to give a ſingle Teſt of this, I do affirm, upon a Knowledge more certain than I ſhall declare, that, ſince the Age of *Cadwalladar*, there hath not been (for indeed there could not well be) a Time when the Government of *England* put itſelf ſo entirely upon the Foot of Truth and the Law, and entertained leſs Thought of Force, but for needful Defence againſt Tumults, or Rebellion; as really was the Caſe at the Time of theſe *Violations, &c.* ſo falſly and maliciouſly are they charged! For it was a Maxim of a * great Miniſter, well underſtood, and often repeated after him at Court, *that the King ſhould never offend but with the Juſtice of his Laws, nor uſe his Guards and armed Forces for any Purpoſe but his Defence.* In a Word, Laws for Offence, and Guards for Defence, was the *Meaſure* of the *Engliſh* Government at that Time.

Melts the *Rye*-Plot down into nothing, by inſenſible Words.

XCIV. But now we may perceive the Author begin to ſtammer and faulter in his Language; he has Thiſtles to chaw. His Voice alters, and he is let down from his touring Tragics, and takes to the more calm and moderate Style, not without a Tinct of the Flebile, as under ſome Mortification, or rather utter Deſpair; and thus poorly he comes off. *This*, that is Meaſures to ſtop the *Torrent* of the Court, *was the true Riſe of what they call the Fanatic-Plot.* What can any one make out of this? Here is neither *qui*, *quæ*, nor *quod*, as may afford the leaſt Glimpſe of any Fact. If we aſk, what was that which they called a *Fanatic-Plot?* We may go ſeek for Anſwer. If I ſupply, for him, that the Fanatics had a Plot to kill the King at the *Rye*, and to make an Inſurrection; this will not do, for he doth not ſay there was a Plot, but ſomewhat *they* (the Court) only called ſo. If we urge, was not this Plot enough, and can you deny it? No, ſays he, for that, which the Fanatics intended, was no Plot, but only Meaſures; and if the Court would call that a *Fanatic-Plot*, how could we help it? So all this Matter is ſhrunk away to nothing. No more of Plot than a Veſtry Meeting to ſettle their Rates: For, whatever Blood, Ruin, and Deſolation was to follow, were not *Violations of Liberty and Property, improved by nearer Proſpects of Popery*, enough to warrant all this? Yes, we would go far, if it were poſſible to agree with the Author, if he could ſhew one ſingle *Violation* about that Time he there writes of. For certain, the Matters, he alledged for ſuch, are none, as I ſaid before, ſuch as legal Convictions, *&c.* But he would have it that a Writ of Poſſeſſion, under a Judgment, was Forcible Entry; and executing a *Fieri facias*, was robbing a Man's Houſe. Such new Lights we have here ſprung. Criminals are puniſhed by Law; *O*, ſays he, *who can bear ſuch Violations, &c.?* And he tells *this*, *viz.* his Bundle of Falſities were *the true Riſe* of what? Not a Rebellion plotted, but *Meaſures*, ſuch as the Government was pleaſed to call a Plot; and ſo a diſmal Conſpiracy of Treaſon, againſt the State, is

* The Lord Keeper *North*.

wiped

wiped away with a Feather. And thus much (too much indeed) of the Author's Preparatives of Extenuation.

Apology for saying ſo much of a Plot, before it is related.

XCV. And now I muſt come to Confeſſion, and own I have been to blame in following a falſe Leader ſo far out of the Way; that is in ſaying ſo much of a treaſonable Conſpiracy, as I have done, without any Account (as ought to have been firſt) given of it. Order requires the Text to go before the Gloſs; but the Way to ſophiſticate the Matter, is to put the Gloſs firſt, and let the Text follow: For as a Cameleon takes the Tinct of the Ground it ſtands on, ſo, when the Prejudices and falſe Colours go before, the Matter itſelf will take the ſurer Dye. So the Author, having ſtuft his double columned Pages, I may ſay the whole foregoing Account of this Reign, in Preparation Work for the Entry of this Conſpiracy, deſigning, as if he were a Guarrantee of the Conſpirators, to ſave them indemnified from Infamy by ſuch Salvos as he has pre-contrived; I thought it beſt to follow his Steps, till all the filthy Daub was wiped off, ſo that we might come to the Matter fairly and without Prejudice. And leſt I may have ſeemed to have caſt any, by the Style of what is paſt, I muſt affirm it is only by Way of Counter to the Author's Exceſſes in the other Way. But now, as to the Narration of the Fact, I muſt beſpeak the utmoſt Indifference, and that nothing be depended on, for Truth, that hath not a clear hiſtorical Evidence, either expreſſed or referred to: And, of thoſe, one is to me indubitable, being taken from my Memorial, which was left by one that I knew attended in all the Steps of the Diſcovery.

The King's Declaration every where to be had.

XCVI. As for a plain and clear Narration of the Fact, I need go no farther than the King's Declaration, Word for Word, which was publiſhed for the Satisfaction of all his Subjects. It is compleat and authentic, having no Syllable expreſſed whereof the Senſe is not vouched by inconteſtible Proof. But in regard it is an Act of State, and, therefore, not only regiſtered, but printed and diſperſed all over the Nation, and the Author himſelf has it at large, though ſneakingly poſtponed, and that for ſcandalous Reaſons, as I ſhall ſhew; I ſhall not iterate the ſame at large, but extract the material Part, which is as follows.

An Extract of it, and firſt the Introduction; and the Deſign of the Rebels.

XCVII. The King takes Notice that a Malevolent Party hath been of late very induſtrious to promote Sedition, depretiate his Government, and abuſe his Perſon; whereby it was evident that the Heads of this Party had no Aim, but to ruin his Majeſty and his Government. That his Majeſty was troubled to ſee that, whilſt it was his Care and Reſolution to govern according to Law, theſe Men had miſrepreſented his Actions, and were looked upon as the only Patriots and Aſſertors of Religion and Liberty. And, as their Numbers encreaſed, they grew bold, declaring Impunity to their Party, and appeared in Tumults, Riots, unlawful and ſeditious Conventicles, as thinking themſelves too ſtrong for the Law, and ſeeming likely, in a ſhort Time, to gain the People to a general Defection. But it pleaſed GOD to open the Eyes of his Subjects, who dutifully and coura-

giouſly adhered to his Majeſty, and teſtified their Reſolutions, upon all Occaſions, ſo to do; thereby convincing the common People of the villainous Deſigns of theſe factious Leaders. And the Faction, by theſe Means daily loſing Ground, reſolved to leave off theſe Methods of Sedition, and betake themſelves to Arms; not doubting but, with Force, they ſhould overturn that Government they could not undermine. And although conſiſting of diverſe Intereſts and Opinions, yet they concurred to deſtroy the Government before they had agreed what to ſet up in its Place. They took ſeveral Ways; ſome were for an Inſurrection in *England* and *Scotland*, others for aſſaſſinating his Majeſty and his Brother the Duke of *York*, to maſſacre the City Magiſtrates and Officers of State; that no Shew of Government might be left. If they had ſucceeded, what had been the Confuſion? Inſtead of Reformation, Diviſion and Wars had followed, until the prevailing Party had enſlaved the Nation. But Providence prevented and preſerved, and wonderfully delivered his Majeſty, *&c.* from this horrid Conſpiracy. For which his Majeſty deſires his loving Subjects ſhould join with him in a Thankſgiving; and that, in order thereunto, they might be informed of the Fact, as it was diſcovered by undoubted Proof, and confeſſed by diverſe of the Accomplices, which, ſo far as hath been traced, is as followeth.

The Fact related.

XCVIII. About the Beginning of *October* 1682, the Heads of the Faction, ſeeing the Magiſtracy of *London* ſettled in Perſons of Loyalty, had no longer Patience, but conſulted a Riſing; ſome thinking, the Party ſo well prepared, they could not fail of Succeſs. Some of the principal met to conſider of Means to maſter the Guards, and ſeiſe the King's Perſon; but reflecting on the Raſhneſs of the Undertaking before the diſtant Counties, and *Scotland*, were prepared to join, they deſiſted from riſing at preſent, and applied to the diſpoſing *Scotland*, *&c.* that the Inſurrection might be general, which then muſt needs have the deſired Effect. Whilſt this depended, another Pack of Villains applied to that execrable Deſign of aſſaſſinating his Majeſty and the Duke, coming from *Newmarket*; and Money was not wanted, but the Time failed, the King's Return was ſo ſudden. Then they thought to take them at their going down in *March*, but were afraid of a Party of Guards that ſtayed, for ſome Time, behind; ſo they pitched upon the Return from *Newmarket*. The Place, appointed, was the *Rye-Houſe*: *Rumbold*, then a Malſter, that uſed it, Captain. The Band in Ambuſcade, forty Perſons. Of theſe ſome were to ſhoot down the Poſtilion and Horſes; others for Fail, as Labourers, to ſet Carts croſs, to barricade the Way; others to ſhoot into the Coach, and others to engage the Party of Guards attending. And at the ſame Time, the Lords, and others of the Party, were to be invited to Dinner in *London*, to be ready to head their Party when the Aſſaſſins brought up the News; as they had contrived to do by a nearer Way, and Means they had prepared. This done, they thought it would be eaſy to ſeiſe the Government. Such an

an Opinion had they of their Numbers! But to palliate that Action, that the Blackneſs of it might not deter any from them, there was to be a Declaration formed and printed to amuſe the People; and, leſt the Magiſtrate ſhould be troubleſome, they reſolved to follow their Blow with a Maſſacre, deſigning immediately to diſpatch the Officers of State, the Lord Mayor and Sherriffs, and others eminent for their Loyalty. But it pleaſed GOD, by a Fire at *Newmarket*, which occaſioned the Return ſooner, to prevent this Execution.

After Diſappointments they proceed. A Thankſgiving to be for the Deliverance.

XCIX. But the Villains, not diſcouraged at this, propoſed diverſe other Places, as the Paſſage to *Windſor* or *Hampton-Court*; going to *Weſtminſter*, or in the Barge by Water, under *Bedford* Wall, or at a Bull-Feaſt in *Red-Lyon Fields*, where it was ſaid his Majeſty would be; and Arms, for forty Men were prepared and paid for, to be always ready. And, for orderly proceeding after the Execution, the City was cut into twenty Diviſions, each of which was to produce five hundred Men. And, for the forming a regular Army, a hundred old rebellious Officers were ready in Town, and ſtayed till the Diſcovery; and, all this While, the other principal Conſpirators were managing the general Inſurrection. The Earl of *Shaftſbury* had preſſed for the 17th *November*, and, at a Meeting, finding them backward, retired into *Holland*. But the Conſpirators were not diſcouraged at that, and appointed a new Council of ſix, who were to manage the Inſurrection, and correſpond with *Scotland*. They ſent expreſs, and the Secret was couched in the Cant of a Trade to *Carolina*. The Earl of *Argyle* (already attainted) demanded 30,000*l.* but would have taken 10,000*l.* for Arms and Proviſion for a Rebellion in *Scotland*. In the Council of ſix, it was debated, whether the Riſing ſhould be in *London*, or the Country, firſt; the former would come to a Head ſooneſt, and the other diſtract the King's Forces: But it was reſolved all at once, becauſe the City might be defended by its Militia when the Guards were abſent. All diſpoſed themſelves to this Project, and it was near taking Effect; but the great Mercy of a Diſcovery, 12 *June*, prevented. Since which, Care hath been taken to detect the Conſpiracy to the utmoſt; but diverſe of the Conſpirators, *viz.* *Monmouth*, *Melvin*, *Cochran*, *Armſtrong*, *Ferguſon*, (the common Agitator in all Parts of the Conſpiracy) two *Goodenough*'s, *Rumbold*, *Nelthrop*, *Wade*, *Thompſon*, *Burton*, *Elbye*, *Gibbs*, *Charleton*, *Tyly*, *Caſteres*, *Lob*, (two Non-conformiſts Teachers) *Norton*, *Row*, *Ayloff*, and *Atherton*, having Notice of Warrants againſt them, fled from Juſtice. Lord *Grey*, being apprehended, eſcaped; the Earl of *Eſſex* killed himſelf in the *Tower*. Others have been taken and committed to Cuſtody, of whom the Lord *Ruſſel*, *Walcot*, *Stone*, and *Rouſe* have been tried, condemned and executed, according to Law. So concludes with the Matter of the Thankſgiving, and that the Declaration be read in all Churches, dated 8 *July* 1683.

The Author makes ſlight of the Conſpiracy.

C. This is a Summary of the whole Conſpiracy, as it was publiſhed to the People in the Declaration, of which, for Sake of a little Brevity, I have given but an Extract, though Juſtice is not ſtrictly done thereby; for how can the Subſtance of a Writing be contracted, of which every Word is material and weighed? Let any one judge now what an *Hiſtory* we have got here, of a Paſs ſo important to the Times, as this was. He makes a meer Bagatel of it, only the Malice of the Papiſts againſt the innocuous Diſſenters; and ſuch other Stuff, to the ſame Tune, as I have been forced more than once to obſerve. This Declaration was particular enough, but comes down only to the Diſcovery, which it touches in general Terms. The Manner how that came forwards and was managed, is as conſiderable to the Hiſtory as the Matter itſelf. And the Author, accordingly, hath ſelected it for the Subject of his Traducings; paſſing from Witneſs to Witneſs, with Reflections, ſuch as his Wit ſuggeſted, or he had borrowed or ſtole from the Faction, without a Grain of Integrity; and moſt manifeſtly directed to make the Conſpiracy ſeem to Poſterity a Trick of the Court, and the Proceeding thereon, a Compound of Perjury, Subornation, and Subverſion of Law. I ſhall, in Order, trace over his Account, which will be found anſwerable to his Preludiums, of which I have given large Explanations already. But firſt, I think it expedient to inſert here my Memorial, and ſome Reflections, which will explain the whole Courſe of the Diſcovery, and ſhew as much Royal Juſtice and Mercy, uſed all along by the King, as ever Prince ſhewed on any Occaſion.

A Memorial of all the Steps of the Diſcovery, firſt by *Keiling*, &c.

CI. " Theſe Overtures (the numerous *Sham-plots*) coming ſo faſt, and " proving ſo fruitleſs, made all Things, of that Kind, be ſuſpected. Con- " ſidering alſo how vain a Thing it was for the factious Party to rebel, " whilſt the King had his Guards about him firm, his Caſtles, his Navy, " and the Government of the three Kingdoms in his Hands, of great " Truſt, and the Militia of the Kingdom, generally, loyal and vigorous: " So that, upon the Diſcovery of the Plot in *June* 1683, it was ſuſpected " to be ſome Artifice in order to diſturb the City, and promote ſome tur- " bulent Elections for Sherriffs the 24th of the ſame Month. The Diſ- " covery was made by one *Keiling*, to a Friend of the Lord *Dartmouth*'s " who declined taking the Examination, though a Privy Counſellor, (ſo " hazzardous a Thing it was to be brought in for Tampering!) but carried " it to Secretary *Jenkins*, who took the Examination of the Party, and " ſaid it would be of little Avail, becauſe there was but one Witneſs. " *Keiling* ſaid that, *if* Mr. Secretary *would employ any Man, that was not* " *known, to go with him, he would undertake to introduce him into their* " *Company, where he ſhould hear the Treaſon diſcourſed.* This ſeemed very " ſtrange that Perſons, who had Knowledge in the Law, as *Weſt* and " *Goodenough* were known to have, ſhould be ſo open in their Diſcourſe " of Treaſon, and withal ſo careleſs that they would talk Treaſon in the

Preſence

" Preſence of Strangers, and rendered the Diſcovery ſuſpicious; and " Mr. Secretary was not forward to ſend a Spy. But *Keiling*, being en- " gaged, and knowing they, who were upon murdering the King, Duke, " and their Servants, would make nothing of diſpatching him, if they " ſhould know he made the Diſcovery, which, if it were ſlighted, would " quickly be public, perſuaded his Brother, who was of the ſame Re- " ligion, *viz.* an Anabaptiſt, to go with him into their treaſonable Coun- " cils, and afterwards carried him to the Secretary's to make Oath of what " he heard; which being done, the Depoſition was read to the King at " *Hampton-Court*, upon *Thurſday*, and Order given to ſend for all the " Perſons accuſed.

CII. " But ſo little Weight was yet laid upon it, that Mr. Secretary, being " to go to *Windſor*, where the King's Reſidence was at that Time, on *Sa-* " *turday*, and my Lord Mayor being commanded to wait upon him on " *Monday* Morning in open Council, which was then appointed, that it " was thought better to defer the Examination till *Tueſday*, when they " might go through with it, than to have them firſt ſeiſed and to be in- " terrupted in the Proceeding of it by this *Windſor* Journey. In the mean " Time, *Keiling*'s Brother, moſt perfidiouſly, and to the Intent that his " Diſcovery might be public, goes to diverſe of the Party and tells them " what he had done, aſking them if he had done well. They all declared " (as they durſt do no otherwiſe) that he had done his Duty, ſo that it " began to be diſcourſed in Town, that there was a Diſcovery of a Plot " againſt the King's Life; whereby the principal Conſpirators came to be " aſſured of it and fled; and none could be apprehended but one *Barber*, " a poor Inſtrument-maker at *Wapping*, who, about ſix or ſeven Weeks " before, had been carried by *Keiling* to a Tavern, where they were to " conſult the Manner of the Performance at the *Rye*. This poor Fellow " diſcovered the whole material Part of the Diſcovery, with very little " Difficulty, whereby it was plainly underſtood that there was a Reality " in the Deſign, and *Keiling* an honeſt Man.

The Diſcovery took Air, and the chief Criminals eſcaped.

CIII. " Mr. Secretary applied himſelf, with all the Vigor he could, to ſeiſe " upon Perſons and Papers that might make for the farther Detection of this " great Villainy. It appear'd by *Barber*'s Teſtimony, and likewiſe by *Keiling*, " that this *Barber* had been amongſt them, but only that Time, and they " never after enquired after him; which to me was very wonderful, that " in a Matter, ſo very important, they ſhould take ſo little Care of Se- " crecy. But, by the Diſtinction of *Whig* and *Tory*, they were come to " ſo perfect a Confidence of one another, that their common Diſcourſe " was Treaſon. And *Fergu ſon* boaſted it for a Miracle, that ſo many " ſhould know of their Deſign, and none reveal it. They were now " come almoſt to the Point of Execution, and wanted nothing but Men " of an inferior Degree to commit the Aſſaſſination, and begin the Buſtle; " the great Perſons would appear Time enough afterwards; ſo that they

The Faction inſtead of Counter-working, ſunk into Deſpair all at once.

" were now in haſte, liſting Men in the City, and had, for that Purpoſe,
" divided the City into twenty Parts, each Part being to furniſh 500 Men.
" This appeared by the Diſcovery *Keiling* firſt made. One Obſervation
" was made of the Temper of the Time; that whereas, before, there was
" never any Diſcovery made at *Whitehall*, but preſently there was a coun-
" ter Report. The Witneſſes were berogued, and Pamphlets came daily
" out, to out-face the Buſineſs. Now, all was as damp as could be; all
" the *Whigs* hung down their Heads, and ſaid, *if there be ſuch a Villainy,*
" *in* GOD's *Name, let all concerned ſuffer for it.* And there was not one
" ſeditious Pamphlet came out for a good While, hardly till the Lord
" *Ruſſel*'s Execution:

Weſt and *Rumſey* render without any Terms.

CIV. " In the Progreſs of the Examination, one of the Lords declared,
" *that a Friend of his had received Overtures from* Weſt, *that he would*
" *render himſelf if he might have Hopes of Pardon*; the Lords were very
" cautious not to aſſure him of his Pardon, but only to anſwer that, *if*
" *he would yield up himſelf, and make a Diſcovery of all he knew, they*
" *would lay the Matter before the King, for him to do his Pleaſure, as the*
" *Matter ſhould deſerve: But it was the only Way to make him capable*
" *of the King's Mercy, to do ſo.* Hereupon he rendered himſelf, and
" made an ample Confeſſion, and, becauſe he had not an Aſſurance of
" Pardon, thought it was for that his Confeſſion was not full enough;
" hereupon he ſeemed to rake his Memory for every little Thing that he
" knew, from Time to Time, to tell it: So that the Lords ſeldom met,
" but there were Letters and Papers of Diſcovery from him. And when
" he was ſent to *Newgate*, in order to his Trial, he was in the greateſt
" Agony and Horror imaginable. But, upon his Example, *Rumſey* rendered
" himſelf, who was thought a Man of that Circumſpection, that he would
" not venture in ſuch a Deſign without very conſiderable Perſons, and great
" Probability of Succeſs. He at firſt propoſed to yield himſelf to my
" Lord *Hunſdon*, but, my Lord being a Papiſt, it was not thought fit,
" and it was wondered he ſhould chooſe him. He then made Overtures
" to the Duke of *Albemarle*, to yield himſelf to him, but would have
" Aſſurance of his Pardon. It was plainly told that, for that, he muſt rely
" on the King's Pleaſure, who would do as he ſhould deſerve.

Duke of *Monmouth*, Lord *Grey*, Lord *Ruſſel*, and others accuſed; Lord *Grey* eſcapes.

CV. "He thereupon yielded himſelf, and deſired he might firſt be admitted
" to ſpeak with the King, and the Duke; and this the King was pleaſed
" to condeſcend to, after he had been ſearched. He then preſently de-
" clared the Meeting at *Shepheard*'s, and confirmed moſt of what *Weſt* had
" related. It was thought his deſiring to ſpeak with the King and the
" Duke, was to draw from them Aſſurances of Pardon, or to find whether
" the King was willing the Duke of *Monmouth* ſhould be accuſed. He
" was afterwards called before the Lords and examined, and thereupon
" Warrants were ſent for the Duke of *Monmouth*, the Lord *Ruſſel*, the
" Lord *Grey*, *&c.* The Lord *Ruſſel* appeared in very great Confuſion,

" and

" and refuſed to anſwer particular Queſtions, whereupon he was ſent to " the *Tower*. My Lord *Grey* did not at all decline anſwering, but, with " greateſt Clearneſs in the World, made Profeſſions of Loyalty, and de- " nied all Practice againſt the King. But, when *Rumſey* was produced " Face to Face, he was daſhed, but preſently recollected his Spirits, and " ſaid, *he knew well enough he muſt be committed, the Teſtimony being upon* " *Oath, though never ſo falſe, and deſired he might not be ſent to Priſon* " *ſo late, but might be permitted to lie in his own Lodgings, which was re-* " *fuſed:* But he was ſo far gratified, as to be permitted to lie in the Ser- " jeant's Houſe. This Liberty he made Uſe of ſo, that he conferred with " his Friends and, it is likely, provided for his Eſcape. For the Serjeant " was made drunk, or pretended to be ſo, and juſt as he ſhould have en- " tered into the *Tower*, he left the Serjeant aſleep and walked away, took " Boat and croſſed the *Thames*, and from thence eſcaped to his own Houſe " at *Haſtings*, and afterwards found a Veſſel that carried him into *Holland*, " and the Serjeant was committed to the *Tower* in his Stead.

CVI. " Then did his Majeſty ſummon the Council, and iſſued Procla- " mations for the apprehending them. It ſeemed to many that Colonel " *Rumſey* was very reſerved, and thought to give in his Diſcovery at the " Price of his Life, but kept a great deal more back, thinking to make " more Friends by concealing, than Enemies by revealing. And it ap- " peared ſo, for after the Lord *Ruſſel*'s Trial, when his Lordſhip had " denied the Teſtimony of Colonel *Rumſey*, as to his being firſt upon the " Place, *Rumſey* was concerned at it, and told the King he then remem- " bered my Lord *Ruſſel* ſaid, in ſome Paſſion, that *Trenchard* was a " Coward, and the People were ready enough to riſe, and he had a Mind " to go to *Devonſhire*, to ſee his Eſtate at *Taviſtock*, where he had never " been, and come back by *Taunton*, and head them himſelf. I wondered " that *Rumſey* could forget this at the Trial; *Weſt* and *Rumſey* having " rendered themſelves without Aſſurance of Pardon, but as the Diſcovery, " they made, ſhould deſerve it. And *Rumſey* having been ſworn in order " to the iſſuing out Proclamations againſt the Duke of *Monmouth*, *&c.* " his Teſtimony ſhewed he was not to be proſecuted; but *Weſt*, as he " ſaid himſelf, knew too much to plead Not guilty, and too little to de- " ſerve his Pardon; and ſome of the Council were averſe to Mercy to- " wards him, becauſe he had not only been earneſt to preſs others to this " Villainy, but had bought the Arms wherewith the Aſſaſſination was to " be performed. The King, whoſe Nature always inclined to Mercy, " ſaid, *that if the Lords were ſatisfied that* Weſt *had told all he knew,* " *there was no Reaſon to hang him, becauſe he knew no more; and if Men* " *were to be ſaved for the Weight of their Diſcovery, and not for the In-* " *genuity of it, it might be a Means to make a Man invent falſe Accu-* " *ſations, which would be miſchievous and wicked.*

A Proclamation, *Rumſey* backward, and *Weſt* not tried, and teſtified.

CVII. " Where-

The taking of *Walcot* ſaved *Weſt*. Lord *Howard* taken in a Chimney.

CVII. " Whereupon *Weſt* was to be uſed as a Witneſs, though there " was little Need of his Teſtimony. One Accident contributed to the Sa- " ving of *Weſt*, *viz.* the taking of *Walcot*, who wrote a Letter to Secre- " tary *Jenkins*, and appointed a Place; but his Heart failed, and he was " taken in his Lodgings. Now, if he had come in upon Terms, or had " not been taken, there had been a Kind of Neceſſity of making *Weſt* an " Example. And, there was nothing of the Aſſaſſination laid to the Lord " *Ruſſel*'s Charge. The Examinations of *Weſt* were not regarded much " till it was known that he was to be uſed as a Witneſs. But, when that " was determined, it was conſidered that he had directly charged the Lord " *Howard* of *Eſcrick*; and the King commanded he ſhould be ſecured. " The Serjeant at Arms went with a Party of Horſe to his Houſe at " *Knightſbridge*, and beſet it; and going in to ſearch for my Lord, though " they found the Bed warm where he lay, and his Shoes, Breeches and " Doublet, yet they could not find him, till, upon a third or fourth Search, " they found him behind a tall Cupboard, where was a Chimney, which " when they had diſcovered, he came out in his Shirt, and yielded himſelf. " Being brought before the King, at firſt he declined anſwering, but after- " wards deſired to ſpeak with the King and his Royal Highneſs, where he " declared ſo much of the Conſpiracy as came to his Knowledge, and, in " Subſtance, what he ſaid in the printed Trials. Hereupon the Earl of " *Eſſex* and Mr. *Hambden* were ſent for; the Earl of *Eſſex* appeared de- " jected, and ſaid little, but that he did not imagine any one would ſwear " falſly againſt him; and made no Manner of Profeſſions of Duty, as, if " he would have appeared clear, he might have done. It was wondered " at that he ſaid ſo little; and Sir *Philip Lloyd*, that was ſent with the Ser- " jeant at Arms to ſeiſe his Papers, ſaid *he was in ſome Confuſion at his* " *own Houſe, and changed his Mind twice or thrice; one While ſaying* " *he would go on Horſeback, another While that he would go in his Coach.* " Mr. *Hambden* declined anſwering, and was ſent to the *Tower*. It ap- " peared by my Lord *Howard*'s Teſtimony, that he was but twice at " their Meeting, and it was Wonder to ſome, rather that they ſhould ad- " mit him at thoſe Times, than that they were ſhy of him afterwards.

The Integrity of the Government in theſe Examinations, and the Examination of *Bourn*.

CVIII. " It may be boaſted of by the Government that, in all theſe Exa- " minations, there never was a leading Queſtion made, by naming any " Perſon, that was ſuſpicious, beforehand, but only ſuch as naturally aroſe " from the Matter confeſſed. And the King was ſo gracious, that he de- " nied Mercy to no Man that appeared ingenuous and told his whole " Knowledge; which appeared in the Caſe of *Bourn*, who was a young " Man, a Brewer, at whoſe Houſe *Ferguſon* lodged; and, there being ſo " great a Reſort to *Ferguſon*, it was neceſſary to make him privy to that " Part of the Deſign, and they being almoſt ready for the Inſurrection " about *London*, he was to be engaged, and met the Conſpirators in ſeveral

" *Eſſex*, to go with *Mead* and ſome *Scotchmen* into *Holland*, but was taken " upon the Coaſt. And when he was brought before the King, and ad- " moniſhed to tell Truth, he fell down upon his Knees, and deſired the " King's Pardon, and would tell all he knew. The King bid him ſpeak, " and he made a plain Narrative how at firſt he was engaged, and what " Tranſactions he was privy to; which agreed ſo perfectly with the Teſti- " mony of others, that the King declared *he thought him at firſt the moſt* " *ingenuous of all that had come in.* It was remarkable in Mr. *Bourn*, that " he ſpoke with a chearful Countenance, and ſmiling, as if he was not " concerned: Whether it was his Manner, or that his Reſolution to be clear " gave him Aſſurance; but it was a Wonder to ſome, that the Remem- " brance of ſuch a Deſign ſhould not create an Horror in him.

CIX. " Mr. *Shepheard*, being ſent for, reſolved to declare his whole " Knowledge to the King; and that he might do it with as little Trouble " and Noiſe as could be, perſuaded his Relation, Sir *Nathanael Johnſon*, to " introduce him with Aſſurance of ingenuous Behaviour; and, according- " ly, he declared all he knew, and, in particular, the Meetings at his Houſe, " and the Diſcourſes he had with *Ferguſon*, and one *Baily* a *Scotchman*, " who was entruſted with that Part of the Treaſon that concerned the Earl " of *Argyle*, and the Riſing in *Scotland*. He deſired the King that his " Name might be concealed, and he ſhould be able to do conſiderable " Service by diſcovering the Party that had great Confidence in him. But " the King would have his Teſtimony, and thought it was a Diſcredit to a " Witneſs to be a Spy, and rejected all Thoughts of it. Nevertheleſs, af- " terwards it was ſaid that *Walcot* gave *Shepheard* Notice of his Lodging, " which, according to his Duty, he diſcovered, and *Walcot* was taken up " upon it. *Rumſey* preſſed to have *Shepheard* farther examined, alledging " he knew more. But it ſeemed to the Lords, that *Shepheard* had been " fair; and *Rumſey*, that was ſo ready to tax others, was ſuſpected him- " ſelf for that Fault.

Shepheard taken and teſtified.

CX. " *Weſt* had charged *Carleton Whitlock* with the Knowledge of Trea- " ſon; and *Whitlock*, being ſent for, acknowledged that *Weſt* had told him " twice of it, and he aſked the King's Pardon; whereupon he ſet down " his Information, under his Hand, and heard no more of it. And *Bla-* " *ney* (a Short Hand Writer) was likewiſe accuſed of being at Dinner at " Colonel *Rumſey*'s, where, to avoid being underſtood by the Servants, " they framed a Cant, and called the Deſign of a general Riſing, *the Leaſe* " *and Releaſe*, and the Aſſaſſination, *the Bargain and Sale*; which is a " ſhort Form of a Conveyance: And, thereafter, at Dinner, talked of " their Deſigns, and at laſt drank a Health to the good Execution of *the* " *Bargain and Sale*. *Blaney* fell down on his Knees, aſked Pardon, and " confeſſed the whole, and made his own Relation in Writing, whereupon " he was diſcharged. Theſe Inſtances ſhew the King's Clemency to all " who gave Teſtimony of Repentance, by acknowledging their Fault. The

Whitlock, Blaney, Jenks excuſed, ſuſpicious Accuſations rejected, the Rebels Cant, and the King's Lenity.

" King;

" King likewiſe ſhewed great Juſtice. When Perſons of ill Fame came to " be Accuſers, he would not receive them; and when Perſons, that were Ac- " cuſers, behaved themſelves ſo that, by their Behaviour and that of Per- " ſons accuſed, the King believed the Accuſations to be falſe, he would " diſcharge the Parties ſometimes with Security for the Peace; and when " Security for the Peace was taken, it was becauſe the Perſons were other- " wiſe ſuſpected. Treaſon was charged upon *Jenks*, one of the buſieſt " Men in the City, in oppoſing the King's Intereſt, and ſtickling for fac- " tious Elections; but the Accuſation, though home enough, was not very " probable, and *Jenks* denied it with great Aſſurance. *Don Lewis* came " to offer his Diſcovery, and was rejected. *Rejoice Fox*, the Blackſmith, " would have renewed his Accuſation againſt the Earl of *Clare*'s Steward, " but was not received. *Car* would have gone into *Holland* to have given " Intelligence of the Fugitives, but the King would not employ him.

Starkey and *Hartſhorn* diſcovered *Aaron Smith*, but proved Rogues.

CXI. " One *Starkey*, that was *Aaron Smith*'s Clerk, and *Hartſhorn*, " that was *Goodenough*'s Clerk, two leud Men, profered their Services to " the Earl of *Sunderland* to diſcover Traitors, and, having a Warrant, " ferretted *Aaron Smith* out of his Lodgings, which was, ſo far, good " Service, and ſuch an Earneſt as they were entruſted farther, and went " into *Buckinghamſhire* with a Party of Horſe for that Purpoſe. But they " played ſuch Freaks, that they were apprehended as ſoon as they came " home, and ordered to be tried for their Lives. To avoid this Proſecu- " tion, they gave Information of Treaſon againſt two Brothers, one *Sy-* " *mon Main*, a Gentleman of *Buckinghamſhire*, and one *Main*, a Lin- " nen Draper, and great Stickler for Faction, and a Sectary, but, upon " hearing them, they were diſmiſſed. Afterwards *Hartſhorn* gave Intel- " ligence to the Earl of *Clare*, that *Starkey* had a Deſign to accuſe him " and diverſe others falſly, and would have ſuborned himſelf and diverſe " others in Goal to join in the Accuſation, and that he had a Mind to hold " *Starkey* in Hand to ſee the Bottom of his Deſign, but he would be " faithful to his Lordſhip. And the Truth is, the Earl of *Clare* was not " ſo wary as not to deal with this Fellow, but gave his Letter to my Lord " Privy Seal.

Maſſey's *Shamplot* upon the *Braintree* Men.

CXII. " One *Maſſey*, that was in the *King's Bench* Priſon, a Fellow of " a notable verſatile Wit, that had lived at *Braintree*, in *Eſſex*, and knew " all the factious Men thereabouts, ſent Information in Writing, and, " upon Oath made before the Marſhal, a Juſtice of Peace, againſt di- " verſe of the Inhabitants of *Braintree*, of direct Treaſon, they were ſent " for. *Maſſey*, being in Execution for Debt, could not well be brought " Face to Face, but had ſo perſuaded the Marſhal, that he believed him, " and told the Lords of the Council ſo, and likewiſe believed that the Men " of *Braintree* had been tampering with him, and would kill him if they " could not take him off. But, upon hearing the Country People, they " told their Story with ſo much Plainneſs, and without Affectation or

" Earneſt,

" Earneſt, that they were believed, and diſcharged upon the firſt Hearing,
" without ſo much as confronting or ſending for *Maſſey*. It appeared, by
" their Relation, that *Maſſey* was a poor Shoemaker, and, having been at
" *London*, came Home with a Tale that he had a Brother at *Mevis*, who
" died rich, and left him to the Value of 10,000*l.* That there was a
" Partner, one *Delaw*, a *Frenchman*, who had promiſed to ſend him over
" the Effects of it, but he would not truſt him. That ſome Merchants
" had offered him 8000*l.* but he knew he could have more. He pre-
" tended to be ſick, and made his Will, and gave to ſeveral of his Neigh-
" bours large Legacies; and, though he did not dye, yet he made many
" Friends that lent him Money to maintain him until he could receive his
" own. In the Heat of the *Popiſh-Plot*, he ſaid that his Brother's Part-
" ner was a Papiſt, and would have him allow 500*l.* out of his Eſtate,
" for carrying on the Deſign. This was laid hold on, and he was made
" much of, and brought to *London* to have his Information drawn, which
" was to be carried to the *Oxford* Parliament; and this ſtill made him
" more dear to his Neighbours, and gave him Opportunity to get farther
" into their Debts. Which Life he continued, till ſome of them coming
" to *London*, by Chance, found many Tales falſe, and, upon Enquiry, de-
" tected him to be an arrant Cheat. Thereupon his Creditors fell upon
" him, and, with much ado, he was taken and caſt into Priſon. This
" being the Story of *Maſſey*, without more ado, the Countrymen were diſ-
" charged, with ſome Blame that they had not proſecuted him for a Cheat,
" which if they had done, his Oath could never have given them ſo
" much Trouble.

CXIII. " The Earl of *Eſſex*'s killing himſelf in the *Tower* having made
" many Diſcourſes, I will next ſet down the Particulars relating to him.
" He had expreſſed Confuſion when he was ſeiſed, and appeared dejected
" upon his Examination. After he had been a little While in the *Tower*,
" he ſent to deſire the Earl of *Clarendon* might come and ſpeak with him;
" which the Earl (having obtained Leave) did, and, at his firſt coming
" to him, he ſaid, *Brother, you may imagine I am acquainted with theſe*
" *Lodgings, for I lay here eighteen Months with my Father, when he was*
" *a Priſoner.* The Earl of *Clarendon* replied, *Ay, Brother, that was a*
" *glorious Occaſion, I am ſorry to ſee you here upon ſo different Account.*
" The Earl of *Eſſex* then told him he had a Deſire to ſpeak with him:
" He had ſomething lay upon his Spirits, that the King ſaid to him, which
" had been ſo great a Trouble to him, that he had not ſlept in two Nights,
" and he had a great Deſire to ſatisfy his Friends upon it. It was that
" the King, upon his Examination, ſaid, *my Lord, you ſee what becomes*
" *of your* Wapping *Friends*; and concluded from thence that the King
" believed him engaged with them in the Aſſaſſination. This was a great
" Trouble to him, and he deſired the Earl of *Clarendon* to go to his Ma-
" jeſty, and likewiſe the Lords of the Council, that were his Acquaintance,

Earl of *Eſſex*'s Suicide, with the Circumſtances.

" and clear him in this Matter, and to assure them he was as clear of any " Design against the King's Person as any Man whatever. This the Earl " of *Clarendon* told to one of the Lords to acquit himself of his Promise, " esteeming him one of the Friends the Earl of *Essex* meant.

First News of it at my Lord *Russel*'s Trial, the Causes conjectured.

CXIV. " Within a Day or two after, before the Lord *Russel*'s Trial was " over, on which Day the Earl of *Essex* killed himself; when the News " came that he had cut his own Throat, that Lord reflected upon it, and " thought that the Anguish of his Mind was so great, considering the Dis- " appointment of his ambitious Designs, the Stain of Ingratitude that lay " upon him for conspiring to make Troubles against the King, that had " been so bountiful a Master; and the past happy Condition, which he had " changed for so much the worse, when he deserted the King's Service, " that that Lord believed he could take no Rest, and his Life was bur- " thensome to him. He used to commend the Action of the Earl of *Nor-* " *thumberland*, that prevented an Attainder by killing himself in the " *Tower*, to save his Honour and Estate to his Family. But he did not " think this was the Cause, his Judgment was greater than not to know " there was Time enough, he not being indicted yet; he had many Months " Respite, and might have other Hopes, there being but one direct Witness " against him. But he was of a melancholy Disposition, and could not " bear so miserable a Condition as he was fallen into.

The regular Proceedings, and general Satisfaction thereon.

CXV. " There was the greatest Surprise in the World at the News, " and my Lord *Arlington*, who was Constable of the Tower, took Care to " lay hold of the Servants that waited upon my Lord, that there might be " a clear Account given of the Truth of it. And the Coroner's Inquest " was summoned, who sat upon the Body the next Day, and brought in " their Verdict according to the Evidence that was given in. The Lady " *Russel*, that came to that Lord, to desire that her Husband might find " Mercy from the King, said she was confident, that the Sight of her Hus- " band, passing by to his Trial, troubled the Earl of *Essex* to consider that " he had been the Occasion that the Lord *Howard* (who witnessed their " Treason) was admitted into their Company, and made him do that Vio- " lence to himself immediately after. Some, that considered my Lord of " *Essex* had been kept in my Lord *Feversham*'s House, because the Serjeant " at Arms had not fit Accommodation, said it was well my Lord did not " find Means to kill himself there, for he had none of his own Servants " with him; and it had been easy to have raised a Scandal, as if he had " been murdered. It was little thought, when the Truth was made so " manifest by all Circumstances, that any false Reports of it could obtain; " but there was an Accident that gave the Faction some Hopes they might " find Credit for a Lye of this Nature; and it was this.

The Accident that raised the Pretence of his being murdered.

CXVI. " One *Edwards*, a Boy of between 12 and 13 Years old, going " with his Brother to School, and hearing that the King and the Duke were " to be in the *Tower* (there being some Works newly finished, they went

" to

" to view them) reſolved to play the Truant, and go into the *Tower* to ſee
" the King: And, when he came home, he told of the Earl of *Eſſex*'s cut-
" ting his Throat with a Razor. It was ſo ſtrange to his Mother, that ſhe
" chid him for lying, (for he was uſed to lye) he, to make it out, ſaid he
" ſaw the bloody Razor, and there was a Hand that threw it out of the
" Window; and he was going to take it up, but a Maid came out of the
" Door and took it up. This Tale of the Boy began to be talked of, and
" there were Enquiries, and his eldeſt Siſter thereupon aſked him ſeriouſly
" whether it were a Lye or no, and he told her the next Day it was a
" Lye. Nevertheleſs one *Braddon*, of the *Temple*, took upon him to ma-
" nage the Buſineſs, and drew up the Information of the Boy formally, and
" made the Boy ſet his Hand to it; and likewiſe took the Examination of
" the Mother, and went to Sir *Robert Clayton*, and beſpoke him to take
" theſe Informations privately, which he refuſed to do. Whereupon he
" would not proceed before him, but carried the Boy and his Siſter to have
" the Oath taken before the Earl of *Sunderland*, one of the principal Se-
" cretaries of State; but he, perceiving the Buſineſs, informed the King
" of it, and the King would be preſent when the Boy was examined, and
" ſome Lords of the Council were there. The King charged the Boy to
" tell him if the Thing were Truth or a Lye, and the Boy confeſſed it
" was a Lye. The King bid him tell who put him upon that Lye, and he
" ſaid Nobody, but he had played the Truant and, for fear of being beaten
" when he came Home, he told it. Thereupon *Braddon* was examined,
" who appeared with the greateſt Impudence imaginable, and owned all
" his Tranſactions; the Boy, in the King's Preſence, and before his Face,
" denying the Thing. And he was reproved, and told he might have
" gone to my Lord Mayor, or the Coroner, or to ſome Judge, or Juſtice
" of the Peace, to have had the Boy examined fairly, and not to have
" written a Depoſition to make him ſwear to, and manage the Buſineſs
" privately. It looked like Subornation to defame the Government, and
" he would be proſecuted for it. Whereupon he was ordered to find Sure-
" ties to appear and anſwer the Law.

Braddon the Manager his Method, and ſome Reflections thereon.

CXVII. " Nevertheleſs, this *Braddon* went to work afreſh, and took a
" Journey into the Country, with Copies of theſe intended Depoſitions,
" of an idle, but more ſubtle, Girl of the ſame Age, and went to find
" out a Man that, upon the very Day of the Earl of *Eſſex*'s killing him-
" ſelf, and the very Hour, ſhould report the Thing a hundred Miles off;
" and this Man was a Papiſt. It is imagined it would have been eaſy for
" the Faction to have found ſuch a Man as would have ſworn it. But this
" *Braddon* was taken, as a dangerous Perſon, by a Juſtice of Peace, and had
" a Letter of one *Speak* taken about him, ſignifying that he was going to
" old Sir *Robert Atkins*, whoſe Advice he was to take in the Buſineſs, and
" was to be called by the Name of *Johnſon*; and it was ſaid in the Letter,
" that they queſtioned not but to bring this Buſineſs upon the Stage before

" they ſhould bring any other of the Priſoners to Trial. Whereupon " *Speak*, who wrote that Letter, was apprehended, and charged to find " good Bail to anſwer the Law. Conſidering this Attempt to defame " the King and the Government with ſo vile and black a Crime, not " only againſt all Probability, but all Manner of Evidence, muſt make a " deep Impreſſion upon any one, not only of the Villainy of the Faction " but, of the Difficulties that great Men muſt ſtruggle with. For the Thing " being done in broad Day, when his own Servants were about him, when " the *Tower* was full of Company, his Body found in that Manner, the Exami- " nation freſh and public, the Coroner's Inqueſt ſitting upon him, and all the " World ſatisfied: 1. If the Faction ſhall be ſo wicked, inſtead of honouring " the King, or worſhipping the God of Truth, to ſuborn Teſtimony to poſſeſs " the World with ſo infamous a Falſity, what is there which they would not " perpetrate, if they might do it with Safety? What innocent Man would they " not oppreſs by Perjury, or Murder, or any Way, if he ſtood in their Way? " 2. If the World is ſo apt to take Impreſſions againſt the Government, " that ſo palpable and villainous a Lye can gain Ground, how eaſily, in " indifferent Matters, may the Government be traduced, and looſe the " Affections of the People that are greedy after Novelty, and apt to take " all Things in the worſt Part, and can hardly have Means to know either " the Affections or Actions of good Princes, but as they are repreſented " to them by others? Therefore it is neceſſary to the Being of the Govern- " ment, 1. that it ſhould have Power, not only to withſtand the Conſequences " of ſuch evil Reports, but to puniſh them. 2. That it ſhould be ſteddy, " and not affrighted or put out of the Way by ſuch ſilly Motions, but " court the People by doing well and wiſely, and no other Way.

The Reality, and Extent of the Plot in diverſe By-Diſcoveries.

CXVIII. " This Carriage makes one believe the Faction intends, within " a little While, to perſuade the World that this Conſpiracy was no ge- " neral Deſign of the Party, but ſome weak Men, drawn in by ſome " Spies and Decoies of the Court, that did on Purpoſe accuſe them for " hearing what the Accuſers themſelves diſcourſed. Therefore I will ob- " ſerve what undeniable Marks there are of the Reality and Danger of " this Conſpiracy. The Diſcovery of 80 Muſquets in the Lord *Grey*'s Houſe, " that were packed in Matts, as he pretended, to be carried into the Coun- " try, but carried directly up Stairs and hid in a Garret. There was hardly " a buſy Man about the Town, but had a ſilken Coat of Armour and a Blun- " derbuſs. *Humphreville* had three or four, and Swords, *&c.* and the Ban- " deliers filled with Powder, when they were taken. *Charlton* had a Suit " of ſilk Armour found hid after Search of his Houſe. One *Meriot* had 9 " or 10 Muſquets newly fixed, denied upon Search, but found afterwards. " *Friend* of *Taunton* had 12 Muſquets that were ſent by the Carrier, and " lay in other Men's Houſes. A Cheſt of Arms were found at *Bridgewa-* " *ter*. Major *Wildman* had two Field-Pieces, with Carriages, found in his " Houſe, and hid in ſeveral Places under Billets and Straw. An ordinary

" Shopkeeper

" Shopkeeper at *Birmingham* (that married the Sister of *Holloway* of *Briſtol*,
" one of the Conſpirators) had three Muſquets, and pretended to have
" taken them for Debt, but they were hid. In *Somerſetſhire* ſome of
" *Cromwell*'s Soldiers were beſpoke to take their former Employment of
" trooping, and in *Shropſhire* a Gentleman, of 2 or 3000 *l. per Annum*,
" was diſcovered to have 50 Muſquets, which he concealed and would not
" own, but by Parcels, when he ſaw they were reſolved to ſearch, and muſt
" find them. And they likewiſe found 700 Weight of Powder hid under
" Ground; and when they were upon Search, one of the Company put his
" Stick into an Oven, and felt ſomething which, upon ſtirring, jingled, which
" occaſioned the emptying the Oven of Aſhes, among which they found 50
" Pike Heads. It ſeems Mr. *Foſter*, to conceal them, had ſawed the Pikes into
" ſmall Pieces, and privately burnt them in the Oven, and forgot to take
" away the Iron Heads of them. This Proviſion of Arms and Powder,
" in *Shropſhire*, made it very probable, as Colonel *Rumſey* diſcovered, that
" *Shrewſbury* was to be ſeiſed, which is a walled Town, ill affected, and
" in the Caſtle were 38 Barrels of Powder, 112 Pound to the Barrel; and
" Arms for 300 Men, and great Guns. The Caſtle is ſtrong by Situation,
" and lies ſo conveniently, that either from the *North* or *Weſt*, or *Midland*,
" or *Wales*, the Party might eaſily reſort thither; and, if they could baffle
" the Militia, and draw the King's Forces out of Town, they gained
" their End.

CXIX. " A Letter had been taken from one *Gourdon* of *Earls-Town* in
" *Scotland*, which was wrote by *Niſbet* at *London* before the Diſcovery of
" the *Plot*, dated *March* before, that did plainly declare the Conſpiracy.
" Upon Search in the River of *Newcaſtle* by the Cuſtom Houſe Officers,
" the Box, wherein this Letter was, being thrown into the Water in Sight
" of the Officers, was reſcued by them, and *Gourdon* carried into *Scot-*
" *land*, and ſentenced to dye. It was told that, a little before this Diſ-
" covery, and when they had a real Purpoſe to rebel, it was moved, that
" now there was no need of keeping up the extraordinary Watch in the
" City by Train Bands; and there was a Reſolution taken of laying them
" down, but the Diſcovery prevented it. This was a pretty Artifice to pre-
" vent any formed Force of the City, to give them Diſturbance in the At-
" tempt they were to make.

A Letter had diſcovered the *Scotch* Part. The Train Bands kept up by Accident.

" CXX. It may be wondred at that, with ſo few Arms and a Party ſo
" little formed, wiſe Men ſhould frame a Deſign againſt the King that,
" beſides the Militia and the Affection of the loyal ſprightly Gentry, and
" the Fleet and the Garriſons, had the Kingdom of *Scotland* and *Ireland*
" in very good Condition; and truly, if they did not know of the Aſſaſſi-
" nation, it was altogether hazzardous; but, if they did go upon that,
" it was too ſure, for all theſe Strengths had mouldered away. There had
" been a perfect Chaos; no Lord Lieutenant, no Deputy Lieutenant, no
" Judge, no Juſtice of Peace, no Sherriff in the Kingdom; Nothing but

The Deſign ſucceeding had diſſolved the Government.

" ſtanding

" ſtanding Magiſtrates of Corporations, which are, for the moſt Part, ill
" affected, and, where they were loyal, might ſoon have been diſpatched.
" This had been, as *Weſt* termed it, a Diſſolution of the Government;
" and they would have had the World at Will, till their own Wicked-
" neſs and Diviſions had deſtroyed them.

Conjectures of the Concern of Parties, and the Events

CXXI. " I have fancied the Oppoſitions that would then have aroſe
" amongſt them. The old Republican Party would have ſeiſed upon the
" Crown and Biſhop's Lands, and Cavaliers Eſtates, and aimed at their
" fancied Commonwealth. In Order to which, they would have ſtruck in
" with ſome of the Conteſtors for the Crown, in Hopes to unhorſe them,
" when the common Enemy had been vanquiſhed. The Story of the black
" Box would have been made not only authentic but canonical. Upon this
" Ground were the Duke of *Monmouth*'s Pretenſions; he ſhould have been
" made a Property by all; he ſhould have been the ſtalking Horſe to the
" Commonwealth, and the Cat's Foot to the other Party, to ſtir the Buſi-
" neſs firſt, and beat the Buſh for others. Can any one believe the P——
" of *O*—— whoſe Wife was next Heir, would have endured this tamely?
" Would not the loyal Men appear for the true Owner? And is he ſo ill
" beloved by the Whigs, who have a Refuge in the *Low Countries*, that
" none of them would have taken his Part? The great Eſtates and Politi-
" cians, that aimed at the Repoſe of their Country, would they have
" placed it upon the Foundation of the black Box, or upon the true
" Right? In the Bill of Excluſion why was not the next Heir named, but
" to gratify both theſe Parties? God knows what Miſeries theſe Kingdoms
" muſt have ſuffered before theſe Controverſies had been decided. The
" wiſeſt of them all might have been deceived, as the Commonwealth of
" *Rome* was, who thought the young Man *Cæſar Auguſtus* might eaſily
" have been pulled down, when the other two *Triumvirs* were deſtroyed.

The Views of the Inſurrectioners.

CXXII. " This was the Proſpect if ſo wicked a Project had been per-
" mitted to ſucceed: But let us ſee what rational View there was with-
" out it. For it is hard to conceive ſo many conſidering Men would en-
" gage in any Attempt, ſo highly criminal, without appearing Probability of
" Succeſs. Their Fear was, that the King ſhould have a Parliament, that
" ſhould not be able to prevail upon him, becauſe he had found out a
" Way to live of his own. They were more afraid that the Temper of the
" People, being conſiderably compoſed, as being convinced of the Falſity
" of the Alarms of Popery, and imminent Danger they continually ſug-
" geſted to them, there might be a Parliament firm to the Crown and
" Church, that would make Laws to eſtabliſh them, not to be ſhaken in
" the preſent Age. Hereupon they were to make ſome Stirs or Rebellion,
" whereby the King ſhould be driven into Neceſſity. They only could eaſe
" him. They would invite him with fair Promiſes, and preſs him to call
" a Parliament, that it might be acknowledged to be of their Doing, and
" keep up a Force till the Parliament ſhould be able to fetter him, as it

" was in 1641. In the Succeſs whereof they might promiſe themſelves
" Greatneſs, and not be outwitted by their own Armies, as they were be-
" fore (but it would have been hard for them to have prevented it) they
" might certainly have made the King and Kingdom great Trouble. If
" they had paid *Argyle* 10000 *l.* as they agreed, to buy Arms, and he had
" raiſed a Party in *Scotland*; if they had ſeiſed *Shrewſbury* and had made it
" a Seat of a War, their Party was ready enough, violent and wicked.
" No Man knows whether the *Tower*, Fleet, the Cuſtoms, would have
" ſtood firm, what Part of the Militia; for the loyal Party might have
" been quickly deſtroyed as Papiſts: The Revenue would have failed, or
" might have been ſeiſed by the Rebels; all the Cry would have been for a
" Parliament.

CXXIII. " This was the Face on the one Side. On the other, *if* The Attempt irrational without the Adjunct of the *Rye*.
" there had been any Diſappointment or Baffling of the firſt Motions. they
" muſt have been ruined. No, though they had not been cruſhed at the
" Beginning, yet, if the King could have made any Stand, in Probability,
" they muſt have been defeated and ruined. So that although it may be
" ſuppoſed the whole Party would have appeared upon the firſt Motion,
" and the Conſpiracy was well and generally formed, which is credible,
" although the Particulars are not yet detected; yet the Undertaking was
" raſh and irrational in all that were not privy to the Aſſaſſination, who,
" though it were ſo great a Wickedneſs as could not be communicated to
" a Man of Worth, yet would have ſecured all the Ends of their Prepara-
" tions, and rendered the ſame infallible, which they imagined fallible and
" hazzardous. It was a great Providence of God to diſcover the blackeſt
" Part of this Conſpiracy in the firſt Place, which brought an Odium on
" the whole Party, who, otherwiſe, would have been ready enough to have
" owned and juſtified theſe violent Courſes, they had contrived, to bring the
" King and Government into their Power."

CXXIV. Now I hope it is plain enough what it was that this Au- The Author next to a Plotter; the two Sorts, 1. Quality. 2. Villains.
thor's pretended Tyranny and Popery of the Government *gave a true Riſe to*, which *they called a Fanatic Plot.* He allows of no Plot, but only ſays they called it a Fanatic one. I need not exaggerate the Meaſures of this Conſpiracy; the *Items* of it are ſufficient to excite Horror, and Nothing can come nearer the worſt of it, than the Part this Author has taken, by being acceſſary after the Fact, to make it all good, as will be farther made appear. In the mean Time I muſt note to the ingenuous, that this Account of the Diſcovery in all the Steps of the Proceeding, though ſhort, being ſet down at the Time, though, in a Manner, *raptim* or *extempore* (which beſt ſuits with Truth) ſufficiently declares, on the one Side, the Nature of the Plot, and, on the other, the Integrity of the Government, at a Time when the King himſelf attended, and (aided by his Council and Miniſtry) directed all that was done. There are other Accounts extant, of which anon. In the mean Time, let me take a Turn or

two of Reflection upon this moſt atroce Machine. There were two Orders or Claſſes of Men chiefly concerned; firſt thoſe of Quality and Fortune. Their Part was Headſhip and Countenance, as much as any Thing elſe: Such being very neceſſary, where the People were to be influenced and wrought with, or might be drawn to oppoſe. But it is not likely that the Engineers would depend upon them for any cloſe Application to Buſineſs, eſpecially where Dangers and Surpriſes continually emerge, and deſperate Perſeverances are abſolutely neceſſary for the Work: In ſuch Caſes, the Sir *John's* and Sir *Thomas's*, that, at firſt, are as hot as Charcoal, go out of themſelves. This Branch of the Work was called, and moſt properly, *The Lord* Ruſſel's *Plot*, becauſe the Diſcovery fell ſecondarily upon him, though prior in Fact, and upon Trial he was attainted and ſuffered; though others, more fit to have been made Examples, were eſcaped by Flight. The other Order or Claſs was of more inferior and obſcure Perſons, and ſuch as, if in any Thing openly diſtinguiſhable, as to their Characters, from the reſt of Mankind, it was by their perpetual fidging about from Place to Place, as they did, upon Affairs of Libels, Sedition and Treaſon: Such as *Weſt*, *Goodenough*, *Aaron Smith*, *Ferguſon*, and diverſe others, as, upon other Occaſions, hath been already obſerved.

CXXV. The firſt Order of theſe undertook to maſter the Guards, ſecure the Perſon of the King, head and encourage the Inſurrection, to make it as general as might be, in Order to bring about their Deſign, as the Lord *Ruſſel* worded it, in a parliamentary Way. And it was no ſlight Encouragement to theſe that, in their Eſteem, the immediate Power of the Government was to fall into their Handling. The other Order, or Claſs, had the Management of the Ruffian Part, of diſſolving the Government with the Touch of a Trigger, killing King and Duke both at a Shoot. This was to the Purpoſe, and might be called doing Buſineſs *a-la-mode de Ravilliac*. It did not appear that the former were privy to what theſe intended; and it is certain that, whether they knew it or not, the Matter never was brought *ſur la Tapis*, and diſcourſed at ſuch Councils, or promiſcuous Meetings; as in the Diſcovery appeared. Which ſhews, at leaſt, a Diſtinction in the Conduct of the whole. And as, in general, it is not reaſonable to accuſe Men of Quality of ſuch deep-died Intents, before they do certainly appear, but rather to take the moſt favourable Conſtruction: ſo, in the Caſe of the Lord *Ruſſel*, I muſt needs conclude him innocent of the *Rye* Deſign, that he meant only ordinary Inſurrection Treaſon. And whereas the Writer of the Memorial, for Want of a tolerable Account of the leaſt Diſcretion in the Inſurrection, without the *Rye*, is induced to ſuſpect that all the Heads, of the one Claſs, as well as of the other, knew of, and depended on that, I may, I think, ſhew another Dependance as firm and ſuitable to their Genius; which may clear the moſt conſiderable of them, from a ſuppoſed Guilt of ſo vile a Fact.

1 Lord *Ruſſel's* Plot for the Inſurrection. 2. The Aſſaſſination at the *Rye*.

Most of the factious Party acted more or less near the Quick.

CXXVI. But, as for the factious Party in a general View, style them Fanatics, Whigs, Republicans, Cheators or Cheateds, as you please, I take them all, from the one End to the other, to have had some Part or Share in this Conspiracy, more or less flagrant according to Circumstances, and as the Engineers found Reason to employ them. For, laying aside the two main Branches, before insisted on, the Party, in Point of Capacity, was subdivisible, or distributable into almost as many Qualifications, as Persons. And we may imagine that the Engineers, with their Underpullers, considered every notable Person of the Party, and his Character, and the rest, as common Fry, in Lumps, or Shoals, what they would bear, entertain, or act, and how confiding; and thereafter determined what was to be communicated, and in what Manner, and what to be kept in *Poigne*, secret from them; and accordingly assigned their Parts, and they took their respective Posts. It cannot be imagined that these execrable Artificers, that employed the *Rye* Sparks, durst acquaint many, and especially some of their Party on whom they had great Reliance, because the latter flattered themselves with having had a Species of Honour and good Meaning, (though upon *Bizarr* Principles) together with so black a Design. They would have answered, to such Propositions, *No, we will have Nothing to do with infamous Assassins.*

The Composition and Manner of the Confidences.

CXXVII. This, I presume, was the Character of the Conspiracy, respecting the ordinary Communication of them at Meetings of various Sorts; that is, in some Measure, not trusting one another. And the same Confideration took Place even in the most retired Cabals of those who seemed to have an entire Confidence in each other; for even those varied in Aims as much as some little good Meaning and none at all varied. And it seems that the Lord *Russel* and his Company had Aims apart, which each kept to himself, and did not communicate: They did not all fish alike deep, though, in the ordinary Means, they agreed. One may well wonder therefore how they came to be so well cemented, and have so entire a Confidence as seemed to take Place among them. As, for Instance, *Shaftsbury*, Duke of *Monmouth*, Lord *Howard*, Lord *Russel*, of whom the latter only could pretend to any Degree of Virtue. The chief Energy of this Society was mutual Encouragement; and, I guess, it was so contrived (though I do not commend the Effects) that the worst kept up the Spirits of the best; if I may so say where there was none good. Although the *Rye* Design was not communicated, yet it had its Influence in Whispers and Corner Discourses; for so subtile Men work with the Unwary. As to say—*all is safe, depend upon me*; *I cannot give an Account yet, but all our Ends will be answered.* And, at this Rate, some will be fearful to enquire farther, and others mind it not. And thus a Confidence spreads, from one to another, through an whole Party. Every one is assured because another assures him; and so, in many Stages, branching out from the Cabals to the Coffee-Houses.. And very few imagined what lay at the Bottom; at least, not that it was so very bad

They were glad to hear the Work would be done, and hoped it would be juſtified. Under this Conſideration take the Earl of *Eſſex*'s Caſe. It is very likely he knew of the *Rye* Deſign, but was not of it. Some officious Perſons might acquaint him, as an Intimate in the Conſpiracy, that a Parcel of Men had undertaken ſomewhat very bold; but not what, or when, though he could not but gueſs, and his great Fault was not interpoſing leaſt perſonal Harm might fall upon the King. And that Matter ſtuck in his Mind, and made him deſire to be cleared to the King, that he was in no Deſign againſt his Perſon; but he did not ſay he knew of no ſuch Deſign: And not being able to clear his own Mind, as to that, would not live. So unhappy is it to be neither good enough nor bad enough.

The very Rabble of the Faction had their Parts behind, *viz.* Whiſpers.

CXXVIII. As for the *Vulgus* of the Faction, we know very well what their Employ was: To run about whiſpering here and there; by which Management they kept up the Spirits of their Fools, whoſe Fire, without a continual *Pabulum* of freſh News, Talk, and Hopes, would go out. Amongſt theſe, the Cues and Hints went about; honeſt, drunken, lying Fellows, good Company, and always dear Friends. A Nod, with a Wink, had a notable Signification; and if it followed— *have Patience, you ſhall ſee* ——— *I know ſomewhat extraordinary will be done, and ſoon, which will ſecure all on our Side.* And thus paſſively wicked were theſe Underlings or Fry of the Party; they knew of the Intrigue no more, and were concerned as the Wood of Drums, and the Braſs of Trumpets were in the War. They had their Parts to paſs to and fro in Companies and Reſorts, and cry Grievances, Popery, *French*, and arbitrary Government; to frequent tumultuous Conventicles, tumultuate themſelves and excite others, as the Word or Signal was given out; and if wiſe by their Acres, or, in a Word, Wiſeacres, it was expected the Guineys ſhould come out, for the Uſes of Mobbing. Now this Sort of People were ſo far from bearing the Notion of a bloody Aſſaſſination, that the common Idea of Treaſon, Hanging, Drawing, *&c.* had made them ſtart and ſneak away. Nay, it conquered the Zeal of the Anabaptiſt *Keiling*, and he could not hold eaſing himſelf by a Confeſſion of it; and that out of pure internal Motive, without any Invitation, Temptation, or any external Inducement whatſoever.

The moſt timidous of them, on Succeſs, had been fierce; Artiſts at the Helm.

CXXIX. But all this While, the Drivers of theſe weak Cattel, knew well enough that, if once they got Footing in Power, and could, as they term it, have made a Stand, and ſo have ſhewed a probable fair Game to be carried through, whatever the Steps to it had been, better, worſe, or worſt of all, theſe Sparks had come in all in Shoals, as ſharing the Booty. Though their Fancy could ſcarce have flown ſo high as to conceive by what Means the Government could have been maſtered, yet *factum valet*, ſay they, and then take, into Familiarity, Thoughts which, before, had made their Skin run into a Chagrin. Thus was a broad diſperſed Faction managed, and made to co-operate in a moſt helliſh Deſign, of which the Particulars would not bear the Mention; or mentioned, would have made

them fall in Pieces like a Rope of Sand. But, as it was ordered with taciturn Skill, each took his Part, as if aſſigned in a Play, and as they were capable to rehearſe and act, without being puzzled with Decorums, or other Matters proper for the reſt. All theſe Conſiderations make me conclude that there were, at the Head of this Conſpiracy, Politicians, as well as Purſes, of the firſt Magnitude; who could direct a Diſpoſition ſo very prudently, with Regard to Perſons and Characters, as was done; and then keep it alive ſo long as they did together. The Earl of *Shaftſbury*, who probably was one of them, ſhewed himſelf an able Miniſter of Plots; for, after the Inſurrection began to ſlacken, he concluded all was loſt, and retired, by which he ſaved himſelf.

Later Events reſolve ſome Difficulties.

CXXX. I have hitherto conſidered the Caſe of this Conſpiracy, as it ſtood upon the Diſcovery, and whereupon the Writer of the Memorial hath beſtowed his Reflections: But it is no leſs reaſonable now to adjoin the Events that have ſince happened in the Public, to ſee if thoſe have made any Change, ſo as to vary thoſe Surmiſes he has made. And I cannot but think, if he had lived till our Days, inſtead of buſking for an Aſſurance to the Conſpirators of the firſt Rank, without Knowledge of the *Rye* Deſign, he would have fallen directly upon *H——d*, and have found other Employment for the P—— of *O*—— than, after a Surpriſe at the *Rye*, to have come over to contend with *Monmouth* or a Commonwealth. For, ſetting the *Rye* aſide, and ſuppoſing only a bare Inſurrection, with the *Ruſſellian* Deſign of hampering (that is, in ſhort, depoſing) the King in a Parliamentary Way; what Aſſiſtances might not have come over from *H——d?* And what could be needed more than, as now we ſee, might have been depended on from thence? Then the P—— of *O*—— muſt of Neceſſity have come over to aſſiſt his Uncle againſt *Monmouth*, and the Commonwealth: And we know the Efficacy of ſuch Aſſiſtances. It had been an eaſy Pacification to keep the Forces alive, and come to treat of a Peace with the Parliament. It is no new Model; and I would aſk in whoſe Hands the Adminiſtration, Regency, or call it as you pleaſe, would have been put into? If any one ſays it would have fallen hard upon the Duke and his Succeſſion, I anſwer it follows that, for a Guard to that, the P—— of *O*—— muſt have had all the Force; and the Caſe, of two Brothers or one flying into *France*, had been much the ſame.

The Tokens of immenſe Danger to the King from the meer Inſurrection.

CXXXI. But who can conceive any Good was, or could be, in Reſerve for the King? All the Omens of Sedition were as black towards him as towards the Duke. What was the Meaning of all that ſtretching in Lyes and Libels to blacken the King, and make him looſe the Eſteem he had with the People, but that, having once loſt his Intereſt in their Hearts, he might be expoſed to the Practices of Faction? And, without that, they knew all their Kicking was againſt a ſtone Wall. And who can otherwiſe interpret the Stir that was made about the Popery of the preſent Government, and that King and Duke made but one Papiſt and Tyrant? (Which is the conti-

nual Song of our Author.) And the notorious Circumvention, by Means of the Excluſion, to diveſt his Majeſty of all his real Defences, the Militia, *&c.* and the Intereſt from *H——d* that aſſiſted? It could not be to any other End, than to abdicate both Brothers at once, and place the deſired Succeſſor upon the Throne. If we reflect what a Parcel of buſy Fellows, in all that Reign, laid about them in factious Driving, at ſeeming vaſt Expences, ſacrificing their Callings, entering into Plots, rebelling, and the very ſame finally rewarded, and enjoying the Fruits of all their Labours; it is obvious enough, what Spirit inſtilled Confidence into, and inflamed them. The only Mortification was, the firſt Attempt failed; but then the ſecond, ſucceeding, made amends. And I yet dread to think what Danger King *Charles* had been in, conſidering how his Brother was deſerted; and it ſeems as if the Party were ſure of ſome Revolt of the Guards, becauſe their whole Application was, if poſſible, to looſe the King's Intereſt with the People, to make all ſure. Here was Foundation enough to build a Confidence upon, without News from the *Rye*; that is a ſure Aſſiſtance from *H——d*. And, if any ſuch Game played, the Intereſt was to make ſhort Work; *fruſtra per plura, &c.* Clear Caſes upon ſingle Points in Politics, as well as Law, are beſt. The main Difference, as to foreign Dependances, between the Caſe of King *Charles* and King *James*, is but this, *viz.* that, in the former Reign, the Overture of the Game lay on the *Engliſh* Side, who were to begin the Dance, upon Aſſurances to be ſuſtained by Forces that lay ambuſcaded abroad. But, in the Reign of King *James*, the Attack was from abroad, confiding, *&c.* The Maſk was then taken off, and the *P.* of *O.* entered *per la Port ouvert*; after which, the *Engliſh* fell in amain, being, in ſuch Caſes, better at following than leading: But the Deſigns, foreign and domeſtic, were exactly the ſame in both. So much will different Times and Methods ſeem to vary the Nature of Things. But, as for the Intereſts of the States of *H——d* in theſe Events, I may be more explained afterwards.

The Helps to the Hiſtory of this Plot, but the Author is all Libel.

CXXXII. But it is now Time to return, from this long Digreſſion, to our Work; elſe we ſhall never have done with the Hiſtorian before us. And firſt, to ſhew what Aſſiſtance he had in the writing the Story of this Conſpiracy, I muſt obſerve that (our Memorial apart) there is the Declaration of State, which is of a Nature, as hath ſcarce been known in any Age to deviate from Truth of Fact; being publiſhed to ſatisfy the People of Truth, and, without infallible Vouchers, the Enemies retort it back in Matter of Diſtruſt upon the Government, which is ten Times worſe. How this Declaration is uſed I ſhall ſhew. Then there is the Hiſtory expreſs of the Biſhop of *Rocheſter*, near the Time; which hath the original Examinations, of all Perſons concerned, publiſhed verbatim at the End, and are indeed the greater, I am ſure the weightier, Part of the Book. How the Author has uſed this alſo, I ſhall not forget to ſhew. Then, for a nicer Enquiry, there are in Print, all the Trials, dying Speeches, Confeſſions of

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the Facts, controverſial Pamphlets, *pro* and *con*, upon diverſe Caſes of the Perſons concerned; and how he hath corrupted theſe alſo, is to be made appear. In a Word, there is no Depth, or Bottom, held back; no one Sentence or Syllable, relating to the Proceedings againſt the Conſpirators, detained from the Public. After which one might expect from an Hiſtoriograph, a plain, honeſt, and full Narration of the Fact, drawn from the Authorities, as well what was for, as what was againſt, the Government, if he had found any ſuch Facts; and then brought forward his notable Criticiſms, if he had any, to give the Plot another Kind of Turn than thoſe Evidences have given it; and then, whatever his Senſe had been, he had uſed the Method of an Hiſtorian. But we find that he chooſeth rather that of a Libeller; for we have, inſtead of a Narration, a World of Cavillation; and ſo he proceeds, after his uſual Way, diſtorting, perverting, ſuppreſſing, and partialiſing in every Reſpect. And we are not to wonder it is here in Perfection; for this is the Harveſt of all his Labours, even, as I ſaid, from the very Beginning of this Reign; therefore he muſt accompliſh it with all the Care and Skill he has.

He makes a *Foot-Ball Match* one Branch. And *Keiling* not ſo well dreſſed as *Oates* was.

CXXXIII. When he comes to the Diſcovery made by *Keiling*, he gives a ſhort State of the Conſpiracy in three Heads. 1. *The Inſurrection.* 2. *The* Rye-Houſe *Aſſaſſination.* 3. *A Riſing at a Foot-Ball Match at* Black-Heath. Now this laſt is a Miſrepreſentation; for it was no Part of this Conſpiracy, nor in the Diſcovery of *Keiling*. But the Occaſion, he takes, is from what happened only in the Treaſon of one *Rouſe*; and that, not, as the Author ſtates it ridiculouſly, a common Foot-Ball Match, but a golden, or rather gilt Ball to be thrown up at *Black-Heath*; a Fancy peculiar to the Seamen, for calling great Numbers of them together in order to the winning of it. And this was to gain as many as could be wrought upon, to join in a Deſign of ſurpriſing the *Tower*; for which Service that Sort of Men were moſt uſeful. But the *Rye* Conſpirators generally, to darken their Diſcourſe, uſed the Cant of *Foot-Ball Play*, as uſually acted in *London* Streets. As, for Inſtance, when the Ball is down (that is the Buſtle begun) *how many ſhall we have?* and the like. This is all I find about the *Foot-Ball Plot*. The Author, as to the reſt, ſays nothing of the Management and Particularities, but that *Keiling made a long and confuſed Narrative of it*. Now, in a Plot-Senſe, he made no Narrative at all; that is, none compoſed before-hand in Writing, and brought ready to be ſworn, as *Oates*, and *Bedloe*, *&c.* did; and *Bedloe*, not truſting to his Memory, read his Narrative to the Houſe of Commons: * And that no Notes, taken as he read, ſhould get abroad to his Prejudice, it was ſo ordered that the Members, obſerved to write, were forced to deliver in their Notes, which were torn at the Table. But *Keiling*, without any previous Bargains, or Preparations, came to the Secretary's and told his Tale, as a

* Printed Votes, 36, 148.

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plain Man ſhould do; and the Secretary, or his Clerks, took down in Writing what he ſaid and anſwered to what was aſked him, and then he ſet his Hand to it, as the Way of ordinary Informations is. So the Secretary, and not the Witneſs, is to anſwer for the Order and Diſpoſition of the Writing: And they wrote it as he ſpoke it, which uſeth not to be in any ſtarched Method. The Matter, and not the Order, was regarded. They did not ſtay to write Article I, II, III, *&c.* as *Oates*'s Narrative is carved into Sections. But that, it ſeems, was neither long nor confuſed, nor indeed (in this Hiſtory) any Thing at all.

Says falſly that *Rumſey* had a Pardon, and a Reward.

CXXXIV. This is the worſt the Author has to ſay of *Keiling* (for he drops the Matters themſelves to quarrel with the Witneſſes) but he is reſolved to ſting the reſt of them deeper. When he comes to Colonel *Rumſey*, who was a Gentleman of Fortune and Subſtance, and had been in conſiderable Truſts, the Author ſays that, upon the Proclamation, *for a Pardon and Reward, he ſurrendered himſelf and made a long Confeſſion.* It is poſſible a grave Author can falſify, becauſe this hath moſt groſly done it in tranſcendent Points, as the Memorial ſhews. As for Pardon, it was inſiſted on, but refuſed, and no Title to any held forth, but as he ſhould deſerve; nor have I heard that he ever had any Pardon paſſed the Seal. But, be that as it will, as for Reward, there was none given or required, and he was above either, and ſcorned it. And, for the Word *long* in his Confeſſion, as if he had poured out himſelf ſo copiouſly, it is moſt certain that he gave no Symptom of Forwardneſs in teſtifying, as a bribed Witneſs would do, but hung back, and concealed great Part of what he knew: And what he did ſay at the Lord *Ruſſel*'s Trial, was ſcrewed out of him by Streſs of Interrogatory, which ſhewed him to be plainly what they call *an unwilling Witneſs.* Now is not all this Reflection here, in an Hiſtorian, as bad as Perjury in a Witneſs? But with what Face can this Author talk of Rewards, who hath made himſelf a Trumpeter of his Friend *Oates*'s Fame, that lived in all Wickedneſs and Luxury by Strength of a groſs Penſion and Gratuity?

A ſorry Shift to leſſen *Weſt* and *Shepheard*, and *Ferguſon* made a Spy.

CXXXV. But he goes on at the ſame Rate, *which was ſoon confirmed by the Information of Mr.* Robert Weſt *and Mr.* Shepheard. And was it ſo? Then ſurely it was true. O! but he has put in a Word that poiſons the whole Sentence, and that is *ſoon.* Doth not that argue a plain Confederacy among them, by a new Plot, to turn the old one upon the Fanatics? It could not be ſoon, but it muſt be ready, nor ready without a private Concert; *ergo.* Now I would aſk, If *Weſt* and *Shepheard* gave any Teſtimony before they were examined under Cuſtody, as *Oates, &c.* did? If not, then it was late, and not ſoon, for they could ſtay no longer. But ſuch Stuff as this he is fain to ſhift with, to give an Air of Reproach; but it is like his Party, at this Time, heavy and dull, and argues a ſhifting Conſcience, diffident and diſpirited. The Concluſion of this Paragraph is duller than all the reſt; for, becauſe we are apt to think a little amiſs of

Ferguſon, he would have us believe that he and the Secretary p—d in a Quill; they were Confederates in this *No Fanatic Plot:* And, to bring it about, he quotes a Libeller by the Name of *A Modern Writer*, who quotes one *Legat*, a Meſſenger, for ſaying, *that the Secretary bid him, if he met* Ferguſon, *to let him go, and not take him up.* Thus the Author reports from a Libeller that reports from a Meſſenger; grave Authority! Now as for *Ferguſon*, to do him Right, there was no public mention of him without a Sting. The Royal Declaration notes him for an Agent in all Parts of the Conſpiracy, and the Proclamation deſcribes the Perſon of him, and of no other Perſon named in it, and as preciſely as of a Thief in a Hue and Cry, adding a Reward to any that ſhall take him; to the End that every Perſon ſhould lay Hands on him wherever he was found. And how ridiculous is it to pretend the Proclamation ſhall ſay one thing, and the Secretary of State another? The Secretary was a very juſt faithful Man, whatever his Meſſenger was; but if forty ſuch Catchpoles, as he, had ſaid this, ſo much againſt the Character of the Secretary, and the Nature of the Thing, it were childiſh to believe it. But what is it to the Purpoſe, if a Secretary of State uſes a Complice for a Spy, if it were ſo in this Caſe, as it was not? Thus low doth this Tun of Slander now run!

CXXXVI. The Author goes on to the Lord *Howard*; for, as I ſaid, we have no Buſineſs but quarrelling with Witneſſes. He ſays, *the Lord* Howard *had been formerly committed cloſe Priſoner to the* Tower, *upon the Information of* Fitzharris's *Wife.* This Matter is cleared againſt the Author, in the Memorial, as before. *Fitzharris*'s Wife and Maid to boot would have accuſed his Lordſhip, but the King would not admit them. Well, but how comes he now to be a Witneſs? This is a Queſtion muſt be anſwered. The Ducheſs of *Portſmouth* made him one, who, *as it was ſaid, conditioned he ſhould go through the Drudgery of Swearing.* A pleaſant Article to be required by a fair *French* Lady! But the Party dealt much in Obſcurities about that Time; and the Author, taking this Paſſage to be of that Sort, inſerts it to prove a vile Subornation. But come, who ſaid it? I believe Somebody did ſay ſo, becauſe I find the Paſſage in a ſcandalous falſe Libel as any ever was wrote; *The ſecond Growth of Popery*, one of the Author's Claſſics, done by *Ferguſon.* But the villainous Abuſe, here, is that the Author makes a Face as if the Lord *Howard*, being in the *Tower* for *Fitzharris*'s Plot, redeemed himſelf by Articles with the Ducheſs for ſwearing in this Plot; which may very roundly be declared an entire Falſity. But what may not be ſaid or wrote, if this Author's Evaſives may paſs, ſuch as — *it ſeems*, — *many believed*, and here — *it is ſaid*, and the like, be the Matter never ſo abuſive and ſcandalous? But we will find out an Authority, to vouch the Author here, ſuperior to *Ferguſon.* In *Sydney*'s Trial (of which afterwards) ſome Perſons teſtified, that the Lord *Howard* ſaid *that he muſt go through the Drudgery of Swearing*; which implies no Compact, and hath a fair Senſe; for who is willingly a

False Account of the Lord *Howard*, and his Engagement to ſwear

Witneſs

Witneſs againſt his own Party, as he muſt be that was caught? Which is all that Sentence imports: For there is not a Word of the Ducheſs, and her Conditions; but yet this Teſtimony in *Sydney*'s Trial was all the Ground for either *Ferguſon*'s or the Author's impudent Romance. But admit all for Truth, it is but Swearing, and not Forſwearing. If the Author ſhould ſay he muſt go through the Drudgery of writing a *Compleat Hiſtory*, doth that infer it to be a ſcandalous Libel? I think the Author names no more of the Diſcoverers or Witneſſes, though there were diverſe others; but thinks he has done enough, by aſperſing ſome of them, to confute all the Plot; though his very Aſperſions, of ſome of them, are as ridiculous as the reſt of his Undertaking.

The Labour to leave an Evidence that the Earl of *Eſſex* was murdered by the King and the Duke.

CXXXVII. Now he advances to the Caſe of the Earl of *Eſſex*'s killing himſelf; which Story he tells in a Way ſo like himſelf, that one that runs may read him in it: For he goes round and round about the Buſineſs, and, from what he ſays, no one can well collect whether the Man killed himſelf or not. But ſo far is plain, that he believes he did kill himſelf; and yet he labours to make us believe he did not kill himſelf, but was murdered: And the Index, which often carries the Cream of his Malice, ſays nothing of his killing himſelf, but that he was found dead in the *Tower*, and ſuſpected to be murdered. And the Art lies in this, that he ſhall deliver the Caſe to Poſterity, as a Murder, and, all the While, not tell ſuch a damnable Lye, as direct ſaying ſo would be. It is Pity he was not, inſtead of a Clergyman, an Hedge Lawyer; for he would have managed a knaviſh Evidence admirably well. He ſays *his Lordſhip was found with his Throat cut by a Razor.* But ſays nothing of the Manner, *viz.* in a little Cloſet, ſo falling on the Inſide of the Door that, as he lay, it was impoſſible for the Murderer to eſcape and leave him ſo. This Circumſtance, upon the View of the Place, ſatisfied the Committee of Lords ſince the Revolution, and the Enquiry, after that, went no farther. But what ſays the Author? *This raiſed a Suſpicion of his being murdered, and theſe Circumſtances happened to confirm it:* Which, I think, is an expreſs Affirmation that they did *confirm it.* One might have hoped here for —*it ſeemed*, but that was not rank enough, he was ſo full charged with a Falſity, it muſt out. And, after this, he comes with his *Circumſtances*, the Invention of the Libels at that Time, and the Matters ſpread abroad to back the Undertaking of *Braddon* (to which we are near) and one of them is, that the King and Duke were in the *Tower* that Day, which had not been (ſo together) in fifteen Years before. This is that we may not miſtake whoſe Work the Murder was; for good Managers will be near their Buſineſs. So fooliſh is this, that the Inference is direct contrary; that is, if they had ſet Men to cut a Lord's Throat in the *Tower*, they would have kept farther off while it was doing. But the Author's Application, here, is to Ignorance and Malice, and not to the common Senſe of human Kind.

He insinuates it done to help on the Lord *Russel*'s Trial.

CXXXVIII. But alack! it fell out very unluckily (he must needs be sorry for it) that it *gave a Loose to the Tongues of the People.* Here his factious Party are the People; and their Tongues indeed broke loose, as upon every Occasion they did, to seditious Purposes, and false Calumnies against the King: But they went farther here, that is, to set up and sustain a notorious Suborner express, who *ex professo* undertook the Employment, and went about by Perjury to make it good. It fell out that, this Accident happening during the Lord *Russel*'s Trial, the News of it came to the *Old Baily* before the Trial was over, of which the Author's Account is this. *Particular Care was taken to give immediate Notice of it to the Court at the* Old Baily. Was he of the Council with the Murderers, that he knew the issuing of these *Particulars* and *Immediates?* Where is his Evidence, living or dead, to make good the Sarcasm? But, to shew the Vanity, as well as Malice in this shallow Insinuation, it needs only to be hinted that no Care, however particular, could have kept the News from the *Old Baily*, where there was so great an Assembly of Persons of high Station and Account. The *Tower* Gates were too weak to keep it in, but go it would, as fast as one Man could convey it in Speech to another, all the Town over; it being usually observed that such Emergements disperse in Rumor unaccountably. He says *to the Court*, that is, in common Understanding, to the Bench; which is false, for it came in as Air at the Doors, and the next Man had it first, as I shall have Occasion to observe soon,

A direct Lye that the King's Council made a direct Use of it.

CXXXIX. That which follows, to make Amends for this languid Insinuation, is a bold Stroke, a Falsity that accuseth the Bench, Bar, Jury and Audience altogether; for he has the Impudence to write that *The King's Council made a direct Use of it to confirm the Plot, and to condemn the Lord* Russel *as more apparently guilty of it.* This, being a loud one, will deserve some Animadversion. First, one would believe the Trial was not in Print, which confutes all this at once; else, how could a Writer dare to falsify so grosly? It were particular enough to venture forth the Slander, in Confidence that neither Scrip nor Scrowl, nor any living Witness present at the Trial, were above Ground to confute him; What is it then to aver against not only living Testimony, but the civil Record of the Trial in Print? But, over and above all this brazen Malice, there is such egregious Ignorance as a common Attorney's Clerk would blush at; for every one knows that this *direct Use* was a Sort of Injustice that, in such a Case, and at that Time, could not be done. I might dismiss him on this Account only, as one that has told a Swinger, such as, in ordinary Conversation, goes for a Lye upon the Opening; and so despicably, as not so much as to relate how, in what Manner and Terms, that direct Use was made: Which might have been done, if the Nature of the Thing would have admitted of an Invention so particular. But, because he has his Sectaries as well inclined as himself, for their Sakes I will explain this Impossibility. First, it is no Evidence by Law at any Trial, therefore could not be directly used against the

Priſoner. 2. If Council had offered, or ſo much as alledged it, the Court had certainly rebuked them, ſaying it was nothing to the Purpoſe. 3. The noble Lord, or his Friends, or Council (in a Point of legal Evidence) had oppoſed and cried Shame of ſuch an indirect Practice. 4. If uſed at all, directly or indirectly, it muſt have been proved by Witneſſes ſworn; which was not done. What a Rapper is it then to ſay farther, as the Author affirms, —— *to condemn*, and then —— *as more apparently guilty?* But now, if we ſhould be ſo ſuperlatively civil to this Author, as to abate him the Rigor of his Expreſſions that carries ſo much of malicious Falſeneſs, and paſs them as only incurious and inartificial Language of one always unlucky as touching Law Matters; and ſo fancy he might mean only that the King's Council might, in their Diſcourſes, glance upon this Fact, and, in a rhetorical Way, give Touches of Inſinuation, in order to perſuade the Jurymen to think the Priſoner guilty: But even this, in the loweſt Degree, had been as falſe as the other in the higheſt; for neither Judge, nor Council, in the Courſe of the Trial, took any Manner of Notice of it, no more than had been if no ſuch News had come to the Court. If at all, it muſt have been in the Harangues; and let any one ſee in that extended Sum of the Evidence, made by the Solicitor General, or the Chief Juſtice's Charge to the Jury, if there be the leaſt Umbrage of a Reflection upon this Accident; and, if any ſuch be found, I will allow the Author to be a Paragon of Veracity.

The Manner of the Account received at the Trial, which was moſt indulgent to the Lord *Ruſſel*.

CXL. But lay Books aſide. How many Perſons are now alive, who were preſent and, particularly on the Bench and at the Bar, concerned in the Buſineſs of the Trial, that know the contrary of this Paſſage to be true, *viz. That neither* direct *nor indirect Uſe was made of the Accident ſo as to touch the Priſoner at the Trial*, The very Manner of the Paſſage was this. The Rumor came in at the Door of the Court, and ſpread all Ways as the Folks told it to each other; for the Croud was ſuch, none could get in ſo ſuddenly as that came. And the Counſel, that ſat below, had it before the Bench, but it ſeemed to be forwarder towards the Priſoner than it was there; and I am apt to believe that, if there was any expreſs Haſte in the bringing the Report, it lay on that Side to inform him. I remember the Judges, obſerving ſome Diſorder in the Company, ſtood up to ſee what was the Matter, and ſome one aſked, and thereupon the Attorney General ſtood up and, turning to the Chief Juſtice, told him ſoftly, that there was News the Earl of *Eſſex* had killed himſelf; And thus, in the Main, there was a Sort of Pauſe or Stop of the Buſineſs for a While, as muſt of Neceſſity be while People were telling this to one another. The only Notice in public, of it, was from the Lord *Howard* who, in the Beginning of his Evidence, made a Whimper, and wiped his Eyes, as for a departed Relation, and then went on, as the Trial ſhews. If any one ſhould ſay that this did not touch the Spirits of the whole Audience, and contribute to a readier Belief of what the Witneſſes ſaid, he muſt contradict the very Nature of the Accident. But what is that to this poſitive Affirmation that it was uſed directly to condemn

the Priſoner, as if his Guilt was made apparent by it: A ſcandalous falſe Charge upon a Court of Juſtice, to which Nothing, I know, can properly be added but a Cart. And, if it were not to give too much Countenance to ſuch a bold Traducer, I would ſhew, from Point to Point, the Juſtice of that Trial. Therefore I ſhall only affirm in general, that neither in *England*, nor any other Country in the World, had ever any Perſon, under a capital Charge of Treaſon againſt the Government, a more indulgent (not to ſay ſtrictly a juſter) Trial for his Life than my Lord *Ruſſel* had. And, beſides that Nothing hard, illegal, or indecent, was put upon him, the Chief Juſtice, who managed the Trial, was apparently kind, and did all he could juſtify in diſpoſing the Jury to acquit him; and, without an inconteſtable Evidence, he had not been found guilty: And of all this, *ſit Liber Judex.*

How the Author wipes off the common Satisfaction had of the Suicide.

CXLI. But now to proceed with the Author's *Eſſexian* Lampoon, he ſays, *Notwithſtanding theſe Preſumptions, and the Offer of alledging more.* Here we are to preſume more Preſumptions; but, there being enough ſpecified before, theſe, that were offered *ex abundanti*, need not be made known. So, for a While, it is preſumed the King and the Duke were a Brace of Murderers, in cold Blood, of a Nobleman under Cuſtody of the Law. But then *it was rather taken for granted that the Earl of* Eſſex, *out of a Greatneſs of Spirit, had laid violent Hands upon himſelf.* One might hope here that the King may come off yet; but we muſt not be confident, for here are Loopholes. He doth not ſay it was judged, but choſen, as for Convenience, that it ſhould be ſo *taken for granted.* But it ſtill looks as an Evaſion of Proof; as if one ſaid, come leave your Fiddlefaddles of Preſumptions, we will *take it for granted* the other Way. Nor doth he ſay who; it might be the guilty Court took it *&c*, and his Party of another Opinion: And then, if one ſhould be ſo biaſſed towards the Court to think he killed himſelf, it muſt not be left free to think it was out of a Senſe of his ungrateful Guilt, but *Greatneſs of Spirit.* Then he adds, *It is ſaid his neareſt Relations were of that Opinion*; which, by the Way, alludes to Greatneſs of Spirit, and not Guilt. But it was more than ſaid of, but ſworn, by his neareſt Relations at *Braddon*'s Trial, and by the ſame talked all over the Town, that they made no Doubt but he made away with himſelf; and Nothing appeared, that could touch his great Spirit to the Quick, but Conſciouſneſs of Guilt. But even this, that looks like a gracious Conceſſion, comes in with an *It is ſaid*; he dares not affirm it, though all the Town knew it, and the ſame, as I ſaid, was publicly ſworn. Why ſhould a kind Reader be deprived of his Privilege of believing or diſbelieving as he ſees Cauſe, and according to his particular Inclination, eſpecially if it be depraved towards Faction? Leave Room for that, whatever becomes of the other.

He ſquints at the King, and writes all this after *Braddon*'s Trial, which was ſatisfac-

CXLII. But he goes on with the ſame decent Language. *The King ſeemed to be concerned.* This is worſe and worſe, for it implies, with pregnant Force, the King was the Murderer; in which Caſe it was very pro-

per for him *to ſeem*, or put on a Vizor, as if he was indeed concerned, that Folks might not ſuſpect he did it. Now every one, at the Time, knew that the King was really concerned; but the Word *ſeemed* anſwers that, elſe the Paragraph had come off flatly. And ſurely a wicked Paragraph it is, as ever was put in black and white. But it is the Author's Excellence to expreſs all the King's Words or Actions, at the ſame Rate: If they may be taken in an ill Senſe, he pours it out poſitively; if in a good one, then it only *ſeems ſo*, or is counterfeit and falſe. Of this dutiful penning, other Inſtances may be brought forth in another Place. Now, to give the Author his trine Exaltation, we muſt obſerve that he did not write at the Time when Faction conjured up Miſts to blind the Eyes, and offuſcate the Underſtandings, of well-meaning People, when he might have pretended to ſhare in the common Blindneſs (if the Caſe had been ſo, as it was not, but only in ſhameleſs Pretence of Faction) but his new Work comes out after all thoſe Fogs and Miſts were diſperſed, and all the Charms diſſolved, the Rottenneſs of the Pretence manifeſt, and, to conſummate the Detection, * a ſolemn Trial of the wicked Conſpiracy of *Braddon* and *Speak*, at the *King's Bench* Bar, had, and therein the whole Affair ſcrutinated by the Court, who heard both the Proſecution and the Defence, that was made, with the ſame Pertinacity as the Criminal had all along uſed. And none of his Pretenſions, which the Author calls *Preſumptions*, left unexamined, and no Perſon that was concerned or near the Fact, or that might be, ſo far as could be known, capable to give any Light into it, unexamined: All in Public, and, by the Preſs, made more public; and the whole Audience, Town and Country, ever ſince, fully ſatisfied. Yet, I ſay, after all this, the Author, with a Front of Braſs, writes over again all theſe infamous Pretences with a Serioufneſs as if Nothing had been diſcloſed, but the whole Matter huſhed up in Silence. And I cannot ſay he doth all this without manifeſt Signs of an evil Conſcience, or ſelf Conviction of his falſe Dealing, as his Manner of the Relation ſhews; for I may almoſt challenge any one, that reads his Hiſtory, to ſay whether he has told either that the Man did kill himſelf, or that he did not kill himſelf.

Braddon made a Martyr, at leaſt puniſhed heavily for a Trifle.

CXLIII. But he hath been ſo good to the Criminal *Braddon*, as to make a Martyr of him, and to put his Caſe in his Catalogue of hard and arbitrary Judgments. He was puniſhed by Fine and Impriſonment, as in a Caſe of Miſdemeanor, after Conviction, of which Species of Crime, there could not be a greater than his was: Nor doth the Author's own Caſe, upon his Management, come ſhort of *Braddon*, perhaps outdoes him; for he wrought for Profit or Preferment, but this Man for impotent Luſt of Scandal, in reviving that, in After-times, with all the Authority he hath, which, in the proper Time, was diſſolved in the Face of the World; and ſeeking to murder the Honour of a King, in the Opinion of Poſterity,

* *April* 1683.

who was timely vindicated by the general Voice of all his People, when the Occaſion required. He would have it believed the Puniſhment was exceſſive (which, by the Way, could not well be) being inflicted only becauſe *he had ſpread a falſe Report that the Earl was murdered.* He forgets the Subornation of the Boy, the Malice againſt the King, flaming, and the Uſe deſigned to be made of ſuch an hideous Scandal. And all this the Author can extenuate down into ſpreading a falſe Report (it is well that even now he can write it is falſe) as if he accidentally had heard of it at one Coffee-Houſe, and told it at another. I cannot but ſmile at one Thing in his Account of this Trial; for, being at a Pinch for ſome Colour to inſinuate foul Play, he tells that the Verdict was taken, privately, by a ſingle Judge, and declared next Morning at the Bar. This he thinks was extraordinary, or that ſome People might think it ſo, and thence conclude the Matter not rightly carried: Whereas it is the common Courſe of the Court ſo to do; and he might as well have put into his Hiſtory the Criers *O yes.* But, to have done with him upon this Head, I only ſubjoin the pithy Extract of all this Piece of his Libel; which is his Index to this Matter under *Braddon*, where we find it thus. *His Sufferings for enquiring into the Earl of* Eſſex's *Death.* And, if one would go over his Index, it would, in moſt Inſtances, be found to be like Marrow of Scandal as we find it here.

A Relation of a memorable Paſſage of the Earl and his Father the Lord *Capel.*

CXLIV. I ſhould here have dropped this memorable Caſe of the Earl of *Eſſex:* But there comes into my Mind a Paſſage, related to me by a very venerable Perſon, which ought to be made known; and I hope, early or late, it will be communicated to the Public by himſelf. But leſt he ſhould be prevented, or fail, I ſhall obviate the Loſs, ſo far as I may, by relating what he told me. And it may not be amiſs to interrupt the faſtidious Courſe of a controverſial Style, in which I am engaged, with an Account of a moſt remarkable Incident. The great Lord *Capel*, Father of this Earl of *Eſſex*, who ſuffered Death for his Loyalty to King *Charles* I. when he was taken by the Rebels and made Priſoner in the *Tower*, was lodged in the ſame Rooms that received this noble Earl when he was committed, and where the Earl of *Clarendon* ſaluted him with that unlucky Reflection, concerning the Sameneſs of the Lodgings, touched before. When the Time of the Lord *Capel*'s Execution was at Hand, he had his Lady, this Earl's Mother, and this Earl himſelf, being then young, with him in the Lodgings: And, having retired for a While, to fit himſelf for Death, he returned to comfort his Wife, and leave a Bleſſing with his young Son, and to take his ſolemn Leave of both. The Lady could not bear her Condition, but, upon her Lord's Approach, fell down in a Swoon. With ſome Help ſhe recovered a little, but, on the like Approach, relapſed. *Well*, ſaid the Lord, *this is the worſt Part of my Execution, but I muſt be contented.* So he reſolved to diſturb his Lady no more, but took up his young Son in his Arms and, kiſſing him in a parting Manner, gave him his Bleſſing, and, with all the

Charms

Charms of a dying Father's Authority, charged him that, *whatever became of him, he ſhould never be a Traitor to his King.* And ſo he left the Room and received the Stroke. It muſt be an inſenſible Soul indeed that doth not imagine what a Conſternation of Mind it was to this noble Earl, to be brought in, a Priſoner for High Treaſon, to that very Lodging, where the conſcious Walls muſt needs revive in him the Image of his dying Father's ſolemn Charge; as if Providence had diſpoſed it ſo on Purpoſe to impreſs the Reſentment of his immenſe Failing in breaking it as he had done. To which added, the Senſe of Ingratitude to the King, Loſs of Honour to his Family, Injury to his Friends, and the Decadence of all the Good he had hoped, or could hope for, in the World, and alſo utter Deſpair of a clear Recovery of theſe inexpreſſible Loſſes; all, together, muſt needs, without a World of religious Fortitude, render him unable to live. And it becomes no Wonder at all that no Hopes, nay Aſſurances of Pardon, as he might have had, or of any Good in the World, as to him, could erect his Mind out of that miſerable Dejection which drove him to ſeek his Eaſe through that Violence as he committed upon himſelf.

The Falſities in the Caſe of Mr. *Sidney.*

CXLV. But now, to return to our Author. The next Trial, he graces with his Comment, is that of Mr. *Sidney*, of whoſe Treaſon I ſhall give an Account. This Perſon's Caſe, of all thoſe that ſuffered for this Conſpiracy, was moſt pretended to have been hard, and the Law to have been ſtrained againſt him. Therefore it is but juſt to the Times to ſhew the little Cauſe there was for it; and this I ſhall do, as in other Concerns of this Hiſtory, by following the Author's Steps; for he is now a Picquerer, relates Nothing but by Way of Cavil. At firſt he was not pleaſed with the Witneſſes, and now he falls foul upon the Proceedings; and, as to this, ſays not one Word which is not a Libel and falſe; as firſt, *That Mr.* Sidney *was not taken up directly for a Plotter, but for a Republican and a Fanatic.* I muſt here note that the Fallacy, which runs through this whole Libel upon the Subject of *Sidney*'s Caſe, is this. Mr. *Sidney* was a declared Commonwealth's Man, and it is to be ſuppoſed that, whatever Aim others had, his Engagement was upon the Commonwealth Scheme. Now the Author would drop the Treaſon and ſubſtitute his Commonwealth Principles, as the only Quarrel the Court had to him; as if a Commonwealth's Man could not be a Traitor. This will appear more fully in the Sequel; but, in the mean Time, the meridian Inſtructor himſelf could not have inſpired a Sentence more falſe than that above is. For he was taken up *directly for a Plotter* and for Nothing elſe; as both the Warrant for his Commitment, and the Indictment againſt him (of which afterwards) will ſhew. There was an expreſs Proof of a treaſonable Fact, and, deſperate one too, by one Witneſs; and that, after the Precedents in *Oates*'s Plot, was ſufficient to take up and commit for High Treaſon. But the Ignorance here is as groſs as the Falſity; for a Man cannot be taken up and committed for High Treaſon

without an Oath of the Treaſon in overt Fact ſpecially expreſſed in the Warrant.

He made no Defence, being judged before tried, as the Author inſinuates.

CXLVI. The Libel is very conciſe, in ſo few Words to compriſe ſo much Falſity and Nonſenſe: But what follows may be excuſed of the latter, having a full Complement of the other. For it is no leſs falſe, than ſcandalouſly and impudently affirmed, that *he was obſerved to ſay little in his Defence, as knowing whatever he would ſay would ſignify Nothing with that Judicature who, he thought, had prejudged him.* To this firſt, what is pretended to be obſerved of his ſaying little, is a brazen Untruth; for he ſaid a great Deal, and made an elaborate and ſtrenuous Defence; and, being well able, he ſuſtained it with all the Advantage his Cauſe would bear. Then as for that ſerpentine Inſinuation ——— *as knowing*, and then ——— *who he thought*, one would imagine the Author libelled by the Advice of Counſel, uſing a Language that ſhuffles, but affirms Nothing diſprovable; as if he were conſciouſly afraid to be indicted for a falſe Libeller of the ſovereign criminal Court of Juſtice. But really it is not ſo; he uſes that Dialect only in Imitation of his Authors and Authorities that, being obnoxious, uſed to write ſo carefully; but he, finding himſelf ſafe, comes up to the Categoric very roundly, ſaying *And ſo it was really and in Effect*, viz. that all Defence was vain, for the Court had prejudged him. I have not met with any Thing of the *Genus ſcandaloſum* ſo aggravable as this. But now, if he has found a good, ſound, and convincing Reaſon for all this, who will not clap him on the Back? Well then, a Reaſon we ſhall have with a *For*, *as the learned Sir* John Hollis *hath well remarked.* This Reaſon is turned into an Authority, a Tranſcript out of the learned Libel of *Hollis*, wrote with notorious Malice to defame all the Law Proceedings of this Time; in which he foully, evaſively, and falſly traduceth this Trial. All which the Author making his own, la ye there a Reaſon; which may have ſome farther Notice taken of it afterwards.

Reaſons for giving Mr. *Sidney*'s Caſe truly.

CXLVII. But, in the mean Time, I think it belongs to Candor, where the Appeal is to Judgment, to make Things as fairly underſtood as may be, and not to hang upon Characters or Cenſures only. And, in particular, this baſe Dealing in the Author makes it reaſonable to give here Mr. *Sidney's* Caſe truly ſtated; by which it may appear, that, according to common Juſtice and the Law, it could terminate in Nothing leſs than an Attainder of that miſtaken Gentleman; and thereby to vindicate the Proceeding and Sentence, which thoſe Men and the whole Fanatic Party, at the Time and ever ſince, have been bold to traduce. And then I will ſhew the knaviſh Sophiſtry of this Mr. *Malice*, as, from the Genius of the Perſon and Senſe of Things, rather than Similitude of Sound, the Wags uſed to ſtyle the aforeſaid Sir *John Hollis*.

CLXVII. Mr.

His Indictment and two overt Facts, one Witneſs to one, and many to the other.

CXLVIII. Mr. *Sidney* was indicted for conſpiring and imagining the Death of the King, which is the firſt Article in the Statute 25 *Edw.* III. and, by Conſtruction of Law thereupon, it is underſtood that, not only the Life of the King but, his Liberty and Power to exerciſe his Government are equally under the Guard of this Article. So that if the Evidence be of an Intent to ſeiſe or impriſon the King, or to maſter his Forces that guard his Perſon, though it appear not that the Intention was directly to bring the King to Death, yet it is High Treaſon within that Article. For it is found by Experience that, in the Caſe of Kings, Loſs of Life is the Conſequence of Loſs of Liberty. And ſo the Law ſtands declared in diverſe Inſtances, about the Time of *Oates*'s Plot, purſuant to former Reſolutions; and the Lord *Ruſſel*'s Caſe was determined upon the ſame Law. But, ſince this Article charges the Intent, which is the Act of the Mind, it is added that ſuch Intent is to be made appear by overt Facts: Which creates a Diſtinction, upon the common Notion of High Treaſon, between Facts, that are the Treaſon, and Facts that are only the overt Evidence of it; which latter may be in themſelves innocent, but, as they declare a nocent Intent, are vulgarly, but inadequately, called the Treaſon. Then the ſame Law hath provided that, for Treaſon, there ſhall be two lawful Accuſers, that is Witneſſes; which, by Judgment of Law, goes to the Treaſon in the Indictment, *viz.* the Intent, *&c.* but not to every overt Fact brought to Evidence that Intent: For if there be two overt Facts, and each proved only by one Witneſs, that is two lawful Accuſers of the Treaſon charged. And ſo the Law is left indubitably ſettled in ſuch Caſes, whatever any libelling Lawyer hath pretended, or ſhall pretend, to the contrary.

First being of the Council of Six, and taking the *Scotch* Province. Lord *Howard* the Witneſs.

CXLIX. In Mr. *Sidney*'s Caſe, the overt Facts, charged, were firſt, the being of a Council of ſix, that met for managing the Inſurrection, where it was reſolved to call in the *Scots*; and he particularly undertook that Province, employed *Aaron Smith*, and paid his Charges. This was proved poſitively by the Lord *Howard*, who was one of the ſame Council: And, I think, is ſomewhat more than being, as the Author ſays, a Commonwealth's Man. But to this Teſtimony expreſs he hath now nothing to alledge but that *the Priſoner abſolutely denied it*. But even that is not true, though it is allowed a Man, upon a Trial, in Defence of his Life, to deny all. I cannot find one Expreſſion in the Colonel's large Defence, which amounts to a Denial of his being of the Council of Six, or of his ſending *Aaron Smith*, or of any thing my Lord *Howard* ſaid poſitively of him. And we may allow the Author ſo much upon this Gentleman's Veracity, who was of a noble Family, though gone of Principles like the *Greeks* that made it an heroic Action to kill Kings (then called Tyrants) that he would not vent a direct Lye in the Face of the Court, unleſs his pleading *non cul'* be accounted ſo; as when a Man, for Delay, pleads *Non eſt factum*

tum to a Bond, he may be ſaid to deny his Hand and Seal, who would not do it upon the Queſtion in the Face of the Court. I ſay, allowing the Author even ſo much, yet he is a Falſary in ſaying Mr. *Sidney* denied what he did not deny; but he argued indeed very acutely againſt the Credit of my Lord *Howard*'s Teſtimony, upon Topics of Improbability, and Diſparagement of him. See here now an Author that will affirm at a Venture, to ſerve a falſe Turn, what the Priſoner would not do to ſave his Life; and if he had done ſo, as to the Author's Force of Argument, it had been nothing to the Purpoſe, becauſe a Priſoner's Denial is no Teſtimony for him.

The ſecond overt Fact was a treaſonable Book; the Evidence conteſted.

CL. But *Hollis* harps alſo, as the Author cites him, upon the Weakneſs of the Lord *Howard*'s Teſtimony; ſaying *my Lord* Howard *was rhetorical, even to Pedantry, upon the Matter, according to his vain Cuſtom. Ergo* what he ſwore was not true. We ſhall ſee how they daub on their Colours anon. In the mean Time we proceed to the ſecond overt Fact, charged in this Indictment; and that was a Book which he had, ſome Time before, wrote, upon the Subject of a Common-wealth, againſt Monarchy: In which he ſet up Principles and Poſitions directly inconſiſtent with the *Engliſh* Government, as are ſpecified in the Indictment. It appeared in the Evidence that, at the very Time when he was taken, and his Papers ſeiſed, the Book was brought forth and lay upon his Deſk, with Corrections evident upon it; and in that Poſture it was found at the Diſcovery of the *Rye Conſpiracy*, intended, as was underſtood, to be then publiſhed; the whole Drift of it being to ſhew it was lawful, commendable and neceſſary to do what he was about, that is to take up Arms againſt the King, and to depoſe him. This being joined with the other Circumſtances in the Caſe, and upon a full Proof by diverſe Witneſſes, and Compariſon of Hand-Writing, that the Book was wrote and corrected with his own Hand; the Court took the Book as another overt Act of the Treaſon within the Indictment. It is to be remembered, that it imported not whether the Book itſelf was Treaſon; for an innocent Fact, as whetting a Knife, or the like, joined with Circumſtances that conſtrue it done with an Intent to compaſs the King's Death, is an *Overt Act*. Nor is it material whether the Book alone, without the expreſs Treaſon proved, had made good the Indictment, or not; for here they were both together. The Priſoner never denied the Book, but put it off, ſaying, *he was not to anſwer for any thing there.* And, although all this is in Print, the Author has the Front to ſay, *it was never proved to be ſo much as his Hand.* What will not he ſay that ſays that? I may juſtly ſay there was not only the common Proof of the Opinion of Witneſſes, but Writings produced and ſworn to be his Hand, as Bills, and Letters, and compared in Court; but the Priſoner made a conſiderable Defence againſt that Sort of Evidence. And I remember well one Mr. *Goodwin Wharton* ſtood up and ſaid, *give me*

any Writing, and I will in a Quarter of an Hour bring another ſo like, as the Writer ſhall not diſtinguiſh them; or to that Effect: And one of the Judges ſaid, *Sir, You might have ſpent your Time better.* If *Oates* had brought ſuch a Proof to any of his Commiſſions, &c. I ſhould have been a Convert to his Plot.

The Fallacy of *Hollis* upon the Caſe of the overt Facts for the Treaſon, and of the Nocency of the Book.

CLI. But now, to take up again with the Knight *Hollis*, who hath ſtung this Proceeding as deep as his Quill would enter, and we muſt neceſſarily have to do with him, becauſe the Author has ſo taken him into his Twiſt, that we cannot baulk him; he ſtates the two Articles againſt Mr. *Sidney*, firſt, The ſending into *Scotland*; ſecondly, The treaſonable Book, which, by the Way, is not expreſſed as an honeſt Lawyer ſhould; for the Article, of Crime, was but one, *that is compaſſing the Death of the King*. Thoſe two were not the Treaſon, but the overt Facts, which need not be criminal in themſelves, as I noted before: But all theſe Harpers ſtrike upon that String; a Fallacy ſo groſs that a Lawyer ſhould be aſhamed of it. But he ſays, *He* (Mr. *Sidney*) *was talked to Death under the Notion of a Commonwealths-Man, and found Guilty by a Jury who were not much more proper Judges than they would have been if what he had wrote, had been done by him in* Syriac *or* Arabic. Is this ingenuous? Was the Queſtion upon the Merits of the Book, whether the Cauſe of Republic was made good againſt Monarchy or not? As if, by the Cogency of that Book, the Treaſon was to ſtand or fall. It is fooliſh to ſay the Jury were not Judges of the Controverſy, which was in no Sort the Queſtion. But yet as well the Jury, as all the Audience, that owned *Engliſh* for their Mother Tongue, could underſtand, out of the Indictment when it was read, the incentive Paſſages, to ſtir up Rebellion, taken out of it; enough to ſhew what he intended by the Whole connected with the *Scotch* Negotiation. But here the Author chimes in and ſays, *it was but an Eſſay upon Government, with a Bias towards a Commonwealth.* The Paſſages, I mentioned, ſhew the Bias was ſo ſtrong, as Monarchy was to fall by the Means. But it is a Jeſt, that now, ſince the Revolution, the Book, as the Author hath it, is found very innocent, becauſe it is printed, and Nobody queſtioned for it. Do not we know that the Profit of the Copy, in ſuch Hands as had Favour, would get the better of any Offence which the Government (then ſecure from Sedition, or any popular Pretenſions) could take at the Principles held forth in it? But it being for Friends, ſay they, let them make their beſt of it. But there has been Times when the Principles, held forth in this Book, would have been taken Notice of by the Government. The Scope of it being to ſhew that the People, at their meer Pleaſure, may appoint who ſhall head the Rabble, call *Parliaments*, and depoſe the King (or any Government, for the Argument goes to all alike) if he be not a good Servant; and the like too tedious to particulariſe. This is what our famous Hiſtorian makes to be only a little warping

ing towards a *Commonwealth*, for which his wife Lawyer says, with parallel Honesty, *that he was talked to Death.*

CLII. But lest I may seem as much to warp on the other Side, by asserting a Matter of constructive Law upon no other Authority than that of the Courts, whose Justice is here made the Question; I think, in farther Vindication of that Justice, it is fit to produce some Determination of Law, as may be more authentic and clear of these factious Pretences, to shew that a Man's Hand-writing, or any Writings, as they may be found and circumstantiated, may be construed an overt Fact of Treason. And (to make sure) the Citation shall be of a Case that happened since the Revolution; and I am not certain, but think this same Lawyer *Hollis* was on the Side of the Prosecution to urge the Matter against the Prisoner: And it is the Case of Mr. *John Ashton*. He was taken with the Lord *Preston*, as going over to *France* in Time of War; and, upon Search, a Pacquet of Papers was found in his Bosom sealed up. And, in that Pacquet, were found diverse treasonable Papers, some of the Lord *Preston*'s Hand, and some of other Hands. But, as to *Ashton* himself, there was no Pretence, much less Proof, that any of them were wrote by him; nor could it be made appear that he knew the Contents of any of them. And yet this Pacquet, so found, was construed an overt Act of High Treason, because of the suspicious Circumstances under which it was found; and *Ashton* was attaint and suffered thereupon. There is a Case now, which, being in Print, the Author may carry to his Lawyer *Hollis*, and take his Opinion upon it. But, to conclude this Case of Mr. *Sidney*, the Author has mentioned one Thing very imprudently concerning him; and it is that *he was said to have despised the Way of Petitioning about the Disposal of his Body*. The Author sure intends to shew an indecent Obstinacy of the Gentleman, rather than a Greatness of Spirit; and if the Report at that Time (than which the Author brings no better for his Authority) be true, when his Friends moved him to make that customary and decent Application, he answered *he* (the King) *may make a Snuff-Box of mine A——se, if he pleaseth*. Then the Author concludes that *he had the Honour to dye upon a Scaffold*, which Honour you must account to lie in the Cause, and not the Manner of his Death; and so his whole Account of this Case is uniform.

The Case of *Ashton*, Single upon Writings, much stronger. An indecent Passage.

CLIII. There rests somewhat to be observed of the Author's Management about the last Speeches and Papers of the Persons that suffered for this Conspiracy; wherein he hath used the utmost of his Art and Invention. It must not be forgot that, under *Oates*'s *Plot*, every individual Person, that suffered, denied the Fact in Words of strictest Intention; for which Reason the Author would not trust the Reader with any one of them, neither at large, nor in Epitome (and some of them were short enough to have spared him that Pains) but only says, with Figures of Wonder, that, after

As to dying Speeches, he publishes such as are libellous, and conceals direct Confessions.

ſo full Evidence *(yet)* they denied the Facts: And then falls to ſhewing that Papiſts would dye with Lyes in their Mouths, and why. But, in this Conſpiracy, he is embarraſſed how to manage himſelf; for every one that ſuffered, more or leſs clear and explicit, confeſſed the Fact charged upon them, and none denied it: And the Author's Buſineſs is to work the Matter of theſe Confeſſions ſo cleverly all one Way, that his gentle Reader may not, after all, be ſtunned with a Demonſtration of their Guilt, and his falſe Shuffling all along to bring them off. It happens unluckily that theſe Confeſſions (full of notable Diſcoveries) are all in Print, which renders it hard to make a total Suppreſſion of them; ſo he takes a middle Way, hangs half and ſaves half: And, in his Choice, which is exquiſite, diſtinguiſhes thoſe that are plain and poſitive to the Matter, from thoſe which are penned ſolemnly, either by the Parties, or their Friends Aſſiſtant, with notable Subtilty, in order to go Abroad, in the Quality of Libels, *ad faciendum Populum.* Theſe latter, ſtuffed with factious Inſinuations, Diſguiſes, Evaſions, Ambiguities and other Amuſements, as may be ſeen at large in the Paper delivered to the Sherriff by the Lord *Ruſſel*, and another by Colonel *Sidney* (which have been animadverted upon ſo much in Print, as little will remain here to be ſaid of them) are choſen, by the Author, to be ſet forth in his Hiſtory verbatim; and ſo are applied to the ſame Uſe as was intended to be made of them at firſt. But, as for the others, ſome of which are long enough too, though not ſo well aſſiſted, but of plain Men who, at the View of their latter End, blurted out the plain Truth, which they thought in vain then to diſguiſe: Theſe are not honoured in this Hiſtory with the leaſt Notice, but the Author ſlides over them as one that affects Brevity. He tells us of *Walcot*, *Stone*, and *Rouſe* attainted for the ſame Crimes, *(viz.* the *Rye Conſpiracy)* and executed, but not a Word of their dying Confeſſions. *Stone* declared that he was for taking off the King, and ſparing the Duke of *York*, and, being aſked why ſo, he anſwered, *becauſe he was a declared Papiſt*; which was more generous than the other, whom he had believed was a concealed one. This ſhews what Notions Faction had inſtilled into theſe Peoples Heads concerning the King; the Shame of which (to ſay nothing of Puniſhment) ought to follow thoſe who baſely endeavour to perpetuate the ſame Rogueries. One *Holloway*, another of the Conſpirators, made a long Harangue, by which it appears the Faction had perſuaded their Party that the Inſurrection was lawful, becauſe no Juſtice was to be had againſt Papiſts. There lay the Secret of puſhing ſo many to Death by the Means of *Oates*; they expected the King, by his Power to pardon, ſhould have ſaved them. And alſo thoſe vain Attempts againſt the Duke of *York*, through the *Ignoramus* Juries, were to the ſame End. Alack a Day! *No Juſtice againſt Papiſts*; *riſe one and all.* But enough of theſe Matters already. It is left only to wonder—

wonder that a profeſſed Hiſtorian ſhould drop theſe Evidences of Fact and Truth, which no Writers of Plots ever did before.

CLIV. But, as to thoſe Speeches he has grafted at full length into the Hiſtory, firſt of the Lord *Ruſſel*'s. There was a ſhort Speech upon the Stage, beſides the long one given to the Sherriffs. In both theſe he purges himſelf of the Aſſaſſination fully, but not of the Inſurrection; about which he equivocates, as is plain to be diſcerned upon the reading them. But he fences that his Crime was not for taking away the King's Life, and ſo not Treaſon, nor ought to be made ſo by Conſtruction. And that he intended nothing againſt the Government, is a plain Equivoque, becauſe he intended, after his Way, to reſcue it out of the Hands of the Papiſts; which, in his Senſe, was being for the Government. He doth not ſay he was againſt the overpowering the King and his Guards by Force; nor did he think it unlawful ſo to do, being, in their Senſe, ſo well intended. And, although the Rev. Dr. *Tillotſon*, who acted as a Sort of Confeſſor to him, urged him very much to recant that pernicious Error of his, which he ſaid his Lordſhip was bound in Conſcience to do, that Men might not be miſled, by him, into the ſame pernicious Miſtake, *viz. that it was lawful to take up Arms againſt the King in any Caſe*; yet his Lordſhip refuſed it to the laſt. Whereupon the Reverend Divine, to ſhew the World he had done his Duty, publiſhed his Vindication. Why did not the Author inſert that in his Hiſtory, ſhort as it was, being very material to the Hiſtory of that Time: But Mum for that. It was another * Perſon, a Pſeudo-Divine, that was ſaid to have cooked up theſe Papers, there being ſome of his Elegancies apparent in it; as terming the intended Inſurrection, only *making ſome Stirs*, and the like. But let that ſuffice to ſhew the Difference between the Principles of a Reverend *Engliſh* Divine, and of a buſy *Scotch* Parſon.

The Lord *Ruſſel*'s Paper equivocal, and penned artificially.

CLV. Then next advances the Paper of Mr. *Sidney*, in like Manner delivered upon the Scaffold. This is alſo entered up in the Hiſtory *verbatim*; and is ſo far from what one would expect at an Execution, *viz.* a charitable and ingenuous Diſcourſe to the People, as the laſt Good which the Man, if he intended any, could do to the World, that it is not only an elaborate Invective againſt Monarchy, but alſo a ſcandalous Libel againſt the Government, the Court, and all that were concerned in his Trial. As for Inſtance, *he was told that he muſt dye or the Plot muſt dye.* It may be true that he was told ſo; and what Libel is ſo rank as would not be vented by the factious Mouths of the Party? They were ſo full of their own *Oates*'s *Plot*, that they muſt needs ſpeak the Language of it. How comes ſo intelligent a dying Man to repeat ſuch a Sentence, the Import of which is, that he and others muſt be murdered to perſuade People that an execrable

Mr. *Sidney*'s Paper, a very unſeaſonable Invective.

* Burnet.

falſe

falſe Plot was a true one? If the Jeſuits had made ſuch Speeches as this is, the Author had laid them open. He defames the whole Proceeding at his Trial; which, as the Law then ſtood, was, in every Reſpect, regular. He accuſes all Perſons, Judges, Jury, Witneſſes, &c. and even the Solicitors for packing the Jury, the Court for judging without hearing; and nothing was right becauſe he had not his Will in every Thing; and, at laſt, thanks GOD that he dies a Witneſs for the good *Old Cauſe*, which every Body knows means Rebellion. I wonder what Honour the Author, in his clerical Wiſdom, thinks he has done, either to the Gentleman that ſuffered, whoſe Failings and inveterate habituated Obſtinacy, he ſhould have concealed, or to the Party Cauſe of his Suffering: But the Itch of publiſhing a Libel, in the ſhape of a dying Speech, overcomes all Duty and Diſcretion.

A wonderful Fetch to filch out of the Way the King's Declaration.

CLVI. But now I come to a Piece of Cunning, which all the Hiſtories, ſince the univerſal Deluge, cannot match; and it lies in a Sort of Heraldry or marſhalling of Matters. One would have expected, as I noted before, a proper Narration of this Conſpiracy; and what could have done that Office ſo well as the King's own ſolemn Declaration, ſent out for the Satisfaction of his loving Subjects? This had Credit by the Authority it came from, the King, who was perſonally preſent at the Examinations, the Counſellors that ſigned it, who would not have ſigned to a Pack of Lyes, the Matters openly tranſacted, and never oppoſed or contradicted in any ſingle Fact affirmed in it, although the Intereſt of a very latifundian Faction was concerned, and had done it if the leaſt Umbrage of a Failing of Truth had been found in it. After which we will grant the Author all his Cautions, as not relying on a Court Declaration for the Truth of Hiſtory; but it might have come in as their Allegations, and he then have ſhewed better grounded Truths of his own finding out. But, inſtead of that, he leers aſquint at it, and wiſhes it were leſs public, that he might baulk it wholly. It was a Wolf by the Ears, that would not be held nor let go. Therefore to ſave his Credit, and not to be deteſted for ſo rank a Concealer as in ſuppreſſing it wholly, and withal to retund its Force, or make it inconſiderable, if not a vile Act of the King's, he lets all the Affair of the Conſpiracy go, and, after a final Cloſure of the Matter, there comes the annual Account of Eccleſiaſtical Matters, pointed to in the Margin of the Book, by the Title of *The State of Religion*; and there we find, foiſted in, this Declaration of the Treaſonable Conſpiracy. One would wonder how it was poſſible this meer Lay Treaſon ſhould become of an Eccleſiaſtical Nature; and thus it is, *viz.* *In Matters of Religion, the Diſſenters bore all the Odium of the late Conſpiracy, and were not only branded for expreſs Rebels and Villains in a Multitude of Addreſſes preſented to the King, but were likewiſe ſeverely arraigned by the King himſelf in a ſolemn Declaration*, &c. *Hiccius doxius*, from the State to Reli-

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gion

gion in a trice. Nobody need look farther; this is only a Royal Libel upon the Diſſenters, whom he will have to father all his counterfeit Plots. If this Declaration had come firſt, it might have prejudiced the Reader, and made him leſs fit to imbibe his Libel againſt the King and his Proceedings. But when that was gone before and had taken Poſſeſſion, then come Declaration, but hoodwinked and maſqued, as if it were not put out for Truth, but to calumniate the Diſſenters. Such a ſublime Piece of hiſtorical Invention is this!

CLVII. But I muſt run a new Riſk of ſeeming to abuſe this grave Author, when I ſay that, in the whole Declaration, there is not one Word or Syllable that reflects upon the Diſſenters; ſo far is it (whatever they deſerved) from being a *ſevere Arraignment* of them, as this Writer falſly and undutifully affirms. I preſume it is not expected the King ſhould compliment the Conſpirators, and their Party, of the Diſſention or Non-Diſſention, as pious well-meaning Men; what then is the worſt that is ſaid of them? —— "That a malevolent Party, by Libels, *&c.* promoted Sedi-
"tion, and the Heads of them intended the Ruin of the King and his
"Government; they roſe to a great Height of Boldneſs, ſhewing them-
"ſelves in Tumults, Riots, and unlawful Conventicles,—— That the People
"came to ſee the villainous Deſigns of their Leaders." There is all that can be pretended carries ſo much as the leaſt Hint reflecting on the Diſſenters. How doth this arraign them under the Notion of a Party Guilty of the Conſpiracy? The Malevolent Party were thoſe who bore Ill-will to the Crown, and confederated in Treaſon, whether of one Sect or Denomination, or other; and I hope thoſe Perſons, ſo guilty, were never the better for appearing at Conventicles; nor were thoſe, who were innocent, ever the worſe for ſuch Appearing amongſt them. If the Author will ſay the Diſſenters were that Malevolent Party, they are beholden to him; elſe the Church of *England* are in the Scrape, for diverſe Goers to Church were in the Conſpiracy. But however tender the Declaration is, (and it is very tender not to wrong, reflect upon, or accuſe any Man or Men, but refers wholly to poſitive Guiltineſs in Fact, ſo far from arraigning of Parties) yet we may be ſo free to ſay, as hath been already made appear, and will be farther demonſtrated, that the Conventicling Pretenſion was the Foundation upon which the Conſpirators depended for the Zeal and Numbers that were to enliven the Inſurrection. And, this being notoriouſly the Truth of the Caſe, the Party hoped the King would have been induced thereby to have named them as a Party; which he did not, becauſe he would give no Colour to ſay that the innocent were cenſured as guilty, but, as I ſaid, referred wholly to the Guilt in whomſoever it was. I ſay, if he had done otherwiſe, then had the King been accuſed of Injuſtice in his Declaration, as this Author, (having that Notion in his Head) without the leaſt Occaſion or Colour given for it, hath done. And it is no leſs evil

The Declaration no Libel againſt the Diſſenters, as falſly charged.

Hiſtory

Hiſtory to join here the Form of the Royal Declaration, which is, to a Scruple, juſt and decorous in every Reſpect, with the Form and Style of the Loyal Addreſſes out of the Country. The Author puts the Addreſſes firſt, which came after the Declaration, and then, to ſay Truth, they came in apace; and the whole Tenor of them, commonly, was a Charge upon the Sectaries for old Rebels, that were at Work upon the *Forty One* Trade over again; and how much they *deteſted and abhorred* them and their rebellious King-killing Principles and Practices: And at that Rate they were peppered with the Countrymens plain-dealing Eloquence, ſuch as one may imagine to run in the Style of Addreſſes when the People are in very good Earneſt, as they were then. This nettled the Party, at the Time, to the Quick, and makes the Author now ſo touchy as he is. But his jumbling all theſe Matters together, without any Candor or Diſtinction, and making the King a public Defamer of the whole Nation of Diſſenters in a Lump, right or wrong, is an Abuſe in Hiſtory ſo flagrant, as none but he, *Defamatorum famoſiſſimus*, could be guilty of.

No Laws muſt have Force againſt Diſſenters, on any Account.

CLVIII. We have done with the Prologue to this Royal Declaration; it would be ſtrange if there were not a ſuitable Epilogue: And it ſhall not be wanted, as a ſecond Part to the ſame Tune, ſtill careful of the Diſſenters; for, ſince Treaſon is become a Spiritual Duty, the Diſſenters are in Danger to carry off the greateſt Share. It is indeed poſſible that the reading this Declaration, malgre the Preparation made to ſeaſon it, may make ſome ſlight Impreſſions on Mens Minds; therefore, to wipe them clear off, the Author falls into a Fit of libellous Rage againſt the King, Court, Council, Church, I had almoſt ſaid Religion itſelf; and all for the Sake of his Diſſenters, who he ſays (purſuant, I ſuppoſe, to the Arraignment in this Declaration, which one, by the penning, would gueſs to be for pure Treaſon only) *were now marked out for Hatred and Proſecution*; the reſt I ſhall ſay ſomewhat to in another Place. For the whole Clauſe is pregnant, and ſeems to expect the King ſhould have ſtopped the Courſe of the Law, and taken the Snakes into his Boſom; who, as ſoon as his Majeſty had done them that extraordinary Grace, would have reproached him, and turned the Matter of Favour into an Accuſation of being a Breaker of the Laws; as they did about the Indulgence once before. The Author writes as if this were a Cauſe of Religion, and not of ſecular Treaſon, or that, under that Maſk, Treaſon itſelf were very lawful. If Diſſenters, on Pretence of Religion, practiſe Treaſon tending to Rebellion, as the Parliament judged when, by moderate Penalties, joined with a Meaſure of Indulgence, they thought to ſuppreſs Conventicles; and when thoſe Conventicles, being connived at, were found the Harbour and Encouragement of State Traitors, whereupon to prevent the horrid Miſchiefs, intended under that Cover, or, at leaſt, to give a Check or Diſcouragement to them, the moderate Laws had their Courſe: Then, by a pyballed Hiſtorian here,

we

we muſt needs be charmed out of our Senſes by his bug Words, *Hatred* and *Perſecution*; as if all the Sects together were martyred for Religion. But ſee the hot and cold Strain of an Author, the Type of his Party. If the Laws are not executed with Vehemence againſt Perſons they do not like, then Popery, Partiality, and all the ill Conſtructions are put upon it; then Religion has loſt its Force, and all turns to ſecular Politics, Excluſion, and I know not what: But if, againſt theſe Nurſeries of Rebellion, after the Pattern of *Forty One*, the Laws are not prohibited and ſtopped; then the Cant is *Tyranny*, *Hatred*, and *Perſecution*, *hard and arbitrary Proceedings*; and all to be underſtood for the Cauſe of Religion. Why are not theſe Men owned for Legiſlators, that ſhall preſcribe what Laws may and what may not be Laws, that is, be executed or not be executed, ſince they take upon them, as if they were the Parliament, ſo far; and indeed ſo they did when they were no Parliament, and had ſcarce the Colour of being one? And it had been hard if the Cheat had paſſed the ſecond Time, though it was in a fair Way, ſo much as, I gueſs, the very Warning hath made it impoſſible ever to make the like Profer again.

The Defence of the Biſhop of *Rocheſter*'s Hiſtory; diſpelling public Prejudices.

CLIX. I have ſhewed what Reſpect the Author hath paid to the Royal Declaration, one of the chief Regiſtrations of the particular Facts of this Conſpiracy. It remains to diſplay his no leſs decent Regards to an Hiſtory expreſs of it, wrote by the Biſhop of *Rocheſter*, Dr. *Sprat*, whoſe Waſte Paper he is not worthy to carry after him. I ſhall propoſe, firſt, what I think was the Occaſion of the writing that Hiſtory, then concerning the Performance and Diſpoſition of it; and, laſtly, the Character it bears in our Author. Firſt, as to the Occaſion, it muſt be remembered that, before the *Oxford* Parliament, the common People, by a long Proceſs of Sedition and Libel, were ſo prepoſſeſſed with an ill Opinion of the Government, as they were apt to believe any Evil that was confidently affirmed of it. How that Courſe began and proceeded, by Means of an inveterate Faction, organiſed for Miſchiefs of that Kind, may be the Subject of another Place. The Effect of theſe Practices was not ſudden, but the Work of many Years, and coſt a great deal of Lying, Miſconſtruing and Libelling in Print, affected Talk about the Town, and ſo, by Confederacy and Correſpondence, all over *England*; whereof the worthy Relics are preſerved upon Record in the State Tracts. And, as the Proceſs of Growth was ſlow, till it came near the Height of Perfection, ſo, after the Criſis was over, about the Time of the *Rye Conſpiracy*, the reducing the Minds of the People into a juſter Senſe of their Government, that it was no ſuch a Monſter of Iniquity as had been repreſented to them, but really more injured than diſpoſed to injure them, was not a Work would do itſelf on a ſudden; eſpecially where there was ſtill the ſame lurking Faction, which loſt no Opportunity to reſuſcitate a new Flame out of the old Embers, juſt as they did after 1660: But there muſt be allowed both Time and Means for reſtoring juſt Thoughts of the Government to the People. And it is

found that, in ſuch Proceſs, the Gentry come over firſt; and it is through them that the common People, generally ſpeaking, have their Satisfaction. And it is ſeldom that the general Senſe of a People, be it right or wrong, changes ſuddenly, unleſs ſome amaſing Incident happens to convince them. And ſuch was this Conſpiracy of the *Rye*, which, as ſoon as clearly credited to have been that Villainy it really was, ſtruck a new Notion into the Peoples Minds, eſpecially of the better Sort, and made Way to ſet them entirely right in their Opinion of the Public.

The Neceſſity for ſuch a Work.

CLX. Now to reſiſt the perpetual Labouring of the Faction, with the People, to defame this great Diſcovery, as being a Court Trick to mortify good Proteſtants and Patriots, and upheld by Corruption, Subornation, and Confederation of the *Popiſh Plot*, and Perjury of the Witneſſes (whereof the Fact is painted in the Author's Writings) it was thought reaſonable that the People ſhould be informed of the Truth by the moſt effectual and unexceptionable Means, as could be contrived: And, for that End, the Royal Declaration was publiſhed and ordered to be read in Churches, which was compoſed with that Care of Truth, that there was not a Syllable in it, that was not vouched by Teſtimony. But that looked to the People ſomewhat ſtiff, and, coming from an Authority, might be, in ſome Meaſure, ſuſpected; and not ſo livelily touch the Spirits of the People, as was deſired. Therefore it was determined that a clear and well penned Hiſtory of the Conſpiracy and Diſcovery ſhould be compoſed and publiſhed; and, for an inconteſtable Voucher of its Truth in all Points, there ſhould be an Appendix, containing all the original Examinations, taken as well before the King as the Secretaries and other Magiſtrates, concerning it; not varying in a Scruple, nor adding or leaving out any Matter, Word, or Letter of them, ſo as to give Suſpicion of foul Play. And that was more than commonly Hiſtories, of that Kind, can ſhew; and is the *utile dulci*, the utmoſt Perfection they can have.

The Work, reſpecting the Deſign, admirably performed.

CLXI. The Biſhop of *Rocheſter*, who had a good Style and a clean Pen, was required to make this Hiſtory or Relation of the Conſpiracy from the Evidences and Diſcoveries that were laid before him; and, the Deſign conſidered, he performed it exceeding well, as the Book itſelf demonſtrates. And, in order to refel the futile Objections made to it, I muſt here take Notice that writing hiſtorically, to the preſent Age, and to Poſterity, is a very different Work; for the former muſt and will have much of the Harangue, for the Purpoſe of Perſuaſion, becauſe there are Prejudices to be oppugned; but, to Poſterity, it is clean Narration purely to inform. And theſe two Modes of Hiſtory will not do well in each other's Place; for a plain Narration, to the preſent Time, is accounted dull and without Force, and an eloquent Deduction, with Poſterity, looks partial, and is, for that Reaſon, little eſteemed. Now the Biſhop, in his Book, hath ſucceeded in both theſe with an admirable Temper. For, as to the preſent Time, he hath drawn forth the Relation of the Facts, with a Purity of Style and

Exactneſs of Oratory, in order to meet with the Prejudices of the Age, and perſuade the People that the Government had the Reaſon and Juſtice of their Side, and the Faction the contrary; and this was more like to be done, if, by neat Writing, the People were invited to read his agreeable Relation. Then, on the other Side, as to Poſterity, that his beautiful Style might not make the Truth of the Hiſtory ſuſpected, there are, annexed, at the End, all thoſe original Examinations, remaining there, as Records, which none had ever the Face to gainſay, to vouch the Truth of it. And, for this Reaſon, that Relation, with its Appendix, will be accounted as a Riches in the *Engliſh* Hiſtory for ever; although the Faction ever were, and are yet, angry at it.

CLXII. But now, to find out our Author, we muſt ſtep into the next Reign; for he ſays nothing of this Hiſtory in the proper Place; and the Reaſon was that, if he had found Fault with it there, he muſt have ſhewn Cauſe, or given a better. But, being got warm and ſafe enſconced in another Reign, he begins and tells us, *it was made the Faſhion of the Court* (of King *James* II.) *to diſbelieve and ridicule the whole Popiſh Plot, and to talk of nothing but the Plot of the Preſbyterians.* I never heard that Believing or Diſbelieving went by Faſhion before. Men may believe or diſbelieve by Prejudice of Education or Converſation; but then it is really ſo, though on no other Grounds, and without ſo much as a Thought of any: But, when Folks are ſaid to come into an Opinion for Faſhion, it is not Opinion, but Diſſimulation and Hypocriſy. Therefore we can allow the Author only the Ridicule, for making Court, but not the believing any thing, for Faſhion, againſt proper Conviction. And, as for ridiculing of *Oates* and his Complices, at leaſt in a Court under no Reſtraint in thoſe Affairs, who could forbear it? And the Roman Catholics might claim the beſt Title ſo to do; for it was poſſible (to ſpeak modeſtly) they might expreſly know that the Accuſations were falſe, which other People did but, upon ſtrong Reaſon, opine to be ſo. And, to ſay Truth on their Side, they were ſo far from ridiculing the whole *Popiſh Plot*, that they went ſeriouſly to work to bring one Part of it to Perfection, which was by ſetting up and encouraging Fanatics to join againſt the Eſtabliſhed Church, as a Means to let in Popery; and they wrought almoſt entirely upon this Scheme, as is well known to thoſe that lived amongſt them; as alſo how the Fanatics, on their Side, courted the Popiſh Intereſt with moſt fulſom, profane and flattering Addreſſes. And the Court might alſo, at that Time, talk enough of the Plot againſt the Life of the King and Duke (then King) but not as a Plot of Preſbyterians only, when moſt other Sects, together with Atheiſts, Libertines, and ſuch like, were equal Sharers with them in the good Work. As for the Preſbyterians, they, with their Friends the Quakers, *&c.* were become Favourites. So the Author may dance back again, with his Ridicules, to the former Reign.

The Author found out in the Reign of King *James* II. with his Nonſenſical Reflections. *Page* 442.

The *Rye* Plot only a Jeſuitical Trick, and the Biſhop's Account meer Verniſh.

CLXIII. But all this Sentence of the Author's comes in only by Way of Preface to a Flirt againſt the Biſhop of *Rocheſter*, whoſe Caſe is coming on, though out of Time. He would avoid, alack! the graceleſs Part of defaming a Perſon he ſhould have rever'd as ſuperior in Church Order to himſelf; and ſo he uſhers one anonymous, that ſays of this Preſbyterian (but to hold to his Mode of Libel in the Uſe of Disjunctives) or *Proteſtant Plot, which moſt People looked upon as the Contrivance of the Jeſuits, in order to baffle the Popiſh Plot and to cruſh the Ringleaders— who endeavoured to prevent King* James's *Acceſſion to the Throne.* Note here, in the firſt Place, that the Ringleaders of the Plot were the Labourers to deprive the Duke of the Succeſſion; doth not that imply furiouſly that the Plot itſelf was made for Nothing elſe? But let that paſs; here is a conciſe Account of all the Depoſitions, Trials, Confeſſions, *&c.* only a Jeſuitical Trick. But what is all this to the Biſhop of *Rocheſter?* That follows — *and the Court being now reſolved to proſecute the reſt, the eloquent Pen of Dr.* Sprat, *not long ſince made Biſhop of* Rocheſter, *was induſtriouſly ſet on Work to verniſh over and palliate the Flaws of* Keiling, *and other Witneſſes Depoſitions.* He is a ſtrange Verniſher that gives the Wood without any Verniſh at all upon it; ſo hath the Biſhop done with *Keiling*'s and the other Witneſſes Depoſitions; he having annexed them in the very Words. The Deuce is in that Deceiver that ſets the naked Truth before our Eyes! After that, he may wheadle and wind, or verniſh, as he pleaſeth. If the Right Reverend Biſhop, the Author, had been a *compleat* Hiſtorian (forſooth) he ſhould have done with the *Rye* as this great Writer hath done with *Oates*'s Plot, that is, out of the Stock of his Eloquence, have given it Epithets plenty, as horrid, damnable, execrable, but ſaid not a Word of the Matter, much leſs given in the enorm Depoſitions in the very Words. See now there a Difference in Writers! Here is a Reverend Perſon who relates the Fact of a Conſpiracy in a good Method, exact Style, and beautiful *Engliſh*; in a Word, in an oratorian Way: And, for a clear Proof of all his well turned Periods and expreſs Allegations, gives the naked Depoſitions, as they were taken, to a Word, without ſuppreſſing or concealing any Thing. This Man muſt be a Deluder and Verniſher, and the other (I mean the great Writer before us) a *compleat* Hiſtorian.

All, ſaid againſt the Book, is in Words void of Senſe.

CLXIV. Then for *palliating*; when Falſity and Deceit is in the Wind, there come Words always without any ſenſible Meaning. As here, *verniſh, palliate, Flaws.* What can any one underſtand by theſe? The Author ſhould ſure have ſhewed what Facts the Biſhop concealed, enlarged, invented, or falſified. No; lying and ſlandering muſt not be particular, for then it is confutable; and that is abſolutely inconſiſtent with the Deſign. If a Reader has Patience with ſuch Stuff as this, his Phlegm is extraordinary; but more is coming; for the Author, ſpeaking of the Flouriſhes of Oratory, ſays —*Which are ſo far from perſuading, that they give Truth an Air of Fiction:* So a Story, well told, hath a great Diſadvantage; for

Lyes

Lyes commonly are well dreſſed up, and Truth, in its beſt Cloaths, muſt needs leer and ſquint juſt as a Lye doth. But Antiquity was much miſtaken, that accounted Truth and Honeſty to be the Accompliſhment of Eloquence, but not that Eloquence hurt Truth. Yet, let it be as he ſays, what is all this to the very Depoſitions, both all and ſome, which are ſtark naked, and have no Dreſſing at all? But mark. *However, as Affairs were then managed, a Romance was as fit to ſerve the Court as true Hiſtory.* So here is a Bob for the Court, and they deſerve it for dealing to the People true Hiſtory, when a Romance would have done as well. It would be an hard Taſk to extract any one ſenſible Point out of all this, which (as I ſaid) in the Quality of Confuſion and Indefinity of Expreſſions, ſuits beſt with the Intention of a Libel. Who can tell what the Subject, of all this Reflection, is, what the Word *managed* means, or what the Affairs were, and how Romance, that is lying to the Public, could ſerve the Turn of the Court, when many People, at leaſt ſuch as were influenced by Faction, would ſcarce believe the plaineſt Truths of it? And now, between the Biſhop of *Rocheſter*'s *Hiſtory* and this, let the Indifferent ſay which hath moſt an Air of Fiction. I am ready, for this Turn, to have done with our Author, and to drop him into his own Filth, to reſt ſecure there till there is Occaſion to call him forth upon new Matter. But I muſt firſt take a parallel View of the two Plots, that of *Oates* and this of the *Rye*, with the chief diſtinguiſhing Circumſtances; and alſo of the two primary Diſcoverers, and then of the Author with himſelf; and that, by Way of Peroration, ſhall conclude the Second Part of this *Examen*.

Compariſon of *Oates* and his Plot with *Keiling* and the *Rye*.

CLXV. The Diſcovery of *Oates* came in by Starts, and not without the Dodging of two or three Aſſiſtants, *viz. Kirkby*, *Tong*, and Counſellor *Smith* to adviſe; and attacked the King perſonally in the firſt Inſtance. But the Diſcovery of *Keiling* was firſt profered to the neareſt great Man in Authority, by mentioning it to one even under him. *Oates*'s Depoſition came by Parcels framed into Articles, and, being put together, were ſworn to anticipate an Examination in the Council; and in all the Courſe, unaccountable Affectation of Secrecy and Delays, to gain the meeting of the Parliament. But *Keiling*, without Scrip or Scrowl prepared, was examined by the Secretary, and his Information ſigned, as is uſual upon ſuch Examinations, without any Stiffneſs or Reſerves at all, neither reſpecting the Parliament, nor any other Emergence. *Oates* diſcovered by Parcels, and kept back what he thought fit; and ſo he declared. But *Keiling* told all, worſt and beſt, at once, without any Reſerve or farther Examination, but as the Diſcovery of others gave Occaſion for new Queſtions to be put, which he anſwered readily and fully. Under the former there was a continual Suſpence, and Expectation for the Bottom of the Plot to come up; but, under the other, it came, as one may ſay, with the Bottom upwards, that is the foulleſt and final Part firſt. In the former, of all the Multitudes of Papers, Letters, Commiſſions, *&c.* that were

were the very Foundation and criminal Part of the Charge, both general and particular; neither any one, nor ſo much as a Copy of any one, ever was ſhewed; though moſt had been in the Poſſeſſion of the Diſcoverer. But *Keiling* mentioned but one Paper, *viz.* the Diſtribution of the City, and that was produced. *Oates* and his Colleagues were notorious Fourbs and Outcaſts of Goals, a Pack of ſuch Villains as are not to be matched between Heaven and Hell. But the Teſtimony, in the *Rye* Plot, were Men, generally, of common Probity, and (the Conſpiracy excepted) all of good Quality and Subſtance; and *Keiling*, the Diſcoverer, a plain honeſt Tradeſman, whoſe Living (Faction apart) had been, and was afterwards, blameleſs. The former were indigent Wretches, and penſioned with Rewards for teſtifying; beſides larger Encouragements proclaimed in an unprecedented Manner. But the others had neither Promiſe, nor Pay, nor other Stipulation made with them or any one, for a ſingle Farthing, or ſo much as Pardon, till it appeared how they behaved themſelves. The former had great Gain by Narratives printed with their peculiar Licences ſigned, ——— *and that none preſume to print the ſame*, or to that Effect. But the latter neither had nor thought of any ſuch Advantage, but made oral Relation as they were regularly examined, and the Clerks ſet down their Information. Under the former, many Men were accuſed and impriſoned under ſingle Teſtimony, and never brought to Trial; whereof ſome periſhed by the ill Qualities of, the worſt of Goals, *Newgate*. But here no Perſon was accuſed but ſoon tried or bailed; and many, againſt whom there was Evidence, upon their decent Behaviour, let go and not queſtioned at all. All thoſe that, under the former Plot, ſuffered Death under the Teſtimony of *Oates*, &c. at their Deaths utterly denied every treaſonable Fact that was ſworn againſt them, and for which they were condemned; and, in the latter, no one ſuffered but confeſſed the Facts; only thoſe, who perſevered, uſed Art to diſguiſe them, and to make them look leſs criminous; but, even under that Subtilety, the Truth appeared plain enough, and there was not a Poſſibility of denying the Facts, abſolutely, after ſuch Teſtimony as had been given, without Infamy, or forfeiting all Reputation of Ingenuity: And, to end this Compariſon, the firſt Plot (upon this Author's Credit) was a Criſis of Politics, to trouble and confound the State; and this latter a providential Reſtauration of Peace and Settlement to the lawful Government of *England*.

A Compariſon of the Author with himſelf in his Account of theſe two Plots.

CLXVI. But now we are to conſider the Author's hot and cold Qualities, upon Occaſion of his Repreſentation of theſe two contrariant Conſpiracies, the Popiſh and Fanatic, which, laid cloſe together, will ſet off each other with Advantage. As to *Oates*'s, the Author manages the Approaches by artificial Steps, whereby an huge monſtrous Idea is raiſed of it by the Name of *The Plot*; and, when the Scene comes to open, no one Limb, Member, or Part of it appears, not ſo much as a *Pes* to the *Hercules*; but big Words enough, as *execrable*, *horrible*, *damnable*, *&c.* But, for other Matters

Matters of Fact, his Reader may go look. Then, in a Proceſs reverſed, he approaches the *Rye* by diminiſhing Steps; the Court was reſolved to deſtroy Proteſtants, and, inſtead of a Non-Entity like the former, it is made a ſcelerate Project of Subornation, Perjury, and Murder, under Colour of Law, for the Purpoſes aforeſaid: And, to demonſtrate the Matter, he cavils at ſome Witneſſes emptily and impertinently, and ſays Nothing at all in particular of all the reſt which were demonſtrative; and all this ſo like a Chicaneur, one would take him for a Criminal fencing for his Life, rather than an Hiſtorian telling Truth. Thoſe Perſons, whoſe Faith in *Oates* did not come up to a Popiſh Reſignation, are, with this Author, *Papiſts*, *Affecteds*, *Stiflers Ridiculers*, &c. and thoſe, who were deeply incenſed at the *Rye* Deſign, truly execrable as it was, are *Slaves*, *Tools*, *Betrayers*, *Sots and Idiots*, *&c.* And then ſuch Points of Law as (purſuant to elder Authorities) were ſettled and took Place in the Caſes of the Criminals under *Oates*, after *Keiling*'s Diſcovery, were become enervous, or worſe, Strains of the Law, hard and arbitrary Judgments. While *Oates* reigned, the Author groans that no more Blood was ſhed, and talks of Diſcouragements, and frowning on the Evidence, after they had ſworn out of the World about twelve Commoners and one Peer, and confounded ſeveral more. But, when four or five had ſuffered for the material Treaſon of the *Rye*, it was a Jeſuitical Trick to deſtroy Proteſtants, and all Defence was vain, they were prejudged. The Sufferers under *Oates* are made a String of Idiots that ſwung out of the World with ſwinging Lyes in their Mouths; but the Hiſtorian conceals their own Forms and Expreſſions, though in public Print. And, in the *Rye* Diſcovery, he chooſes a Caſe or two, he thinks moſt pitied, to quarrel about, and prints the Libels publiſhed with the Colour of being their dying Speeches; but lets all the reſt of the Criminals go in Peace, and ſuppreſſeth their direct confeſſing Speeches at their Deaths, though made equally public by the Preſs. He brings forward the Votes (ſuch as he thought would not do his Cauſe more Hurt than Good) of the Houſes of Parliament, and trumpets them out as inconteſtable Vouchers of his *Non-Ens* the Plot, though *Oates* is not named in any one of them. But the grand State Voucher, of the *Rye* Conſpiracy, is metamorphoſed into a Libel on the Diſſenters, and packed out of the Way for a Concern, not of the State, but of Religion. He brings forward Writers of his own Stamp, to ſhew the Foundations of *Oates* were true, but the Superſtructures a little, ſo-ſo, dubious; but neither how, which, nor what. But he will not allow a reverend Biſhop's clear and eloquent Hiſtory, with the naked original Vouchers annexed, to be better than the *French tocſin des Maſſacreurs*, a Summons to the hanging up of all the reſt of the Proteſtants. His Breath is hot and cold, his Pen a Feather, a Pencil that daubs any Colour he pleaſeth, a meer Weathercock that points to every Air of his Faction. His Then was then; Now, now. He commands, arbitrarily, Law, Juſtice and every Thing.

Even

Even Life and Death muſt be Merit or Murder, and Truth it ſelf muſt truckle under the Immane Juriſdiction of an Hiſtory, by him ſigned, *impartial and compleat.* In a Word, to conclude this Compariſon, in the whole Courſe of *Oates*'s Plot, he was a foul Railer at the Not-guilty; and, in that of the *Rye*, a baſe Sycophant of the Guilty. And, if his foul Writing doth not make all this good, let him take my Character and leave me his own; which is an Exchange I would not make for all the Preferment he ever, by writing Hiſtories, courted.

EXAMEN.

EXAMEN

OF AN

HISTORICAL LIBEL, &c.

PART III.

CHAP. VI.

Indulgences, and the Growth of Faction.

Introduction, ſhewing what is undertaken in this third Part.

I. IN the two former Parts I have engaged the *Compleat Hiſtory* Man's forlorn Hope of the *Pyrenean* ſecret Article, and his main Battel and Reſerve of Plots, with the raſcally Shams that followed his Camp for Ambuſcades and Surpriſes. Now I propoſe to fall upon his detach'd Parties, drawn on more for Shew than Action: Such as are his looſe and independent Slanders, falſe Gloſſes, Suppreſſions, and Falſifications of Matters leſs tragical, and which draw no Blood. And herein we ſhall not want Variety; though his Deſign is the ſame, and will force from us the conſtant Concluſion, which is, that it is not Hiſtory, but Libel, that he writes. For all his *Memento's* are to the ſame Purpoſe, and that is to defame the Memory of King *Charles* II, and to ſanctify that of the Faction, that were the profeſſed and implacable Enemies of Him, his Family, and Government. And, in the Courſe of this Expedition, I ſhall lay open diverſe of his Figments and Doubles, which may occaſion ſome more extended Relations of Matters that he, either takes no Notice of, or, elſe, touches with a venom'd Quill: And, perhaps, ſome, out of his Reach, which conduce to a clearer Underſtanding of the Times, and, for that Reaſon, are not amiſs to be related. And, if I touch upon any Thing that I have mentioned before, it ſhall be for Enlargement or Explanation. And however ſome Circumſtances, to be related, may ſeem ſmall, yet, being of great Perſons, great

Things, and of no little Conſequences, I hope, whatever the Writing is, the Reading may be no great Loſs of Time. This Deſign will draw me back again, towards the Beginning of this Reign, in order to a ſhort Walk, through the Author's Book, to croſs it over again; that I may clear the State of the Public, in thoſe Times, from ſome remaining Filth of his Pen, for better diſcerning the following Changes it underwent. And I think no Introduction fitter than the following Account, extracted from my Memorial.

Memorial of the State of the firſt Loyalty to the King.

II. ——— "Upon the King's Return, the Voice of the People ran ſo "ſtrong on the Part of the Royalliſts, that were for the Church and the "Crown, that the Faction had no Hopes of doing any Thing by Sedition "openly carried, but aimed at the uniting that Force which had been diſſi-"pated and diſſolved, and, when together, had formerly bridled three "Kingdoms. This they thought to do by plain Rebellion, wherein if "they could but once get Footing, to make a Stand for ſome Time, and "eſtabliſh the Seat of a War, they thought their Party, though deſpoiled "of their Crown and Church Lands, would be more deſperate, and were "numerous enough to prevail againſt the King and the Gentry, who were "ſo ſecure, in their own Opinion, that they were conſidering rather that "the Parliament would inveſt too much Power in the King, than that "there was any Danger in the old Rebels. And therefore many of them "began to draw the other Way, deſigning the Crown ſhould depend on "the good Will of the People, and thought themſelves politic in keeping "the Ballance as even as ever they could. One would think that they, who "had felt the Miſeries of Anarchy, ſhould never have feared a King.

Diſſenters wrought by Terrors, and ſo influenced the Court.

III. "But the Houſe of Commons, of the **Parliament 1661**, were ſo "zealous for the King's Service, and **in eſtabliſhing the Church**, that many "of the King's Counſellors **thought it would irritate** ſo many, (the Preſby-"terians and **Independants, and other Sectaries**, were thought ſo numerous) "**that it was deemed dangerous to the State**; and the King was prevailed "with to interpoſe, not only to procure a quiet Confirmation of the Act "of *Indemnity*, in all Particulars, but alſo to deliberate about diſpenſing "with the Act of *Uniformity*, and allaying the Commons in their Motions "of Rigor towards the Diſſenters. Beſides the Argument of Danger from "the Number of Diſſenters, in Caſe of any Inſurrection, the Diſſenters pre-"tended to be great Friends to Toleration, for Conſcience Sake, even to "Papiſts. So that all the Papiſts, who had endeavoured to repeal the San-"guinary Laws, and could not prevail with the Loyal Parliament (though "many honeſt Men, at the ſame Time they refuſed to join in the Repeal, "declared they were good to remain *in Terrorem*, but too rigorous to be "put in Execution) endeavoured to obtain a Diſpenſation the ſame Way "with the Diſſenters, and therefore promoted their Deſires. So both "joined, not only to get the Thing, but, to make the Diſſenters appear "formidable, as the Motive whereon it could ſooneſt be obtained.

IV. "It was obſerved in the Houſe of Commons, when a Motion was "made againſt the Fanatics, ſome of their Friends would deſire the Law "might extend to Papiſts; and, when a Law was moved againſt the Pa- "piſts, ſome of their Friends would deſire it might comprehend the Fa- "natics; and ſo both Intereſts joined, and nothing could be carried but "what was ſo clear, that the Force of both Parties could not hinder. The "Preſbyterians had another Benefit by this; for, while they appeared wil- "ling the Papiſts ſhould be tolerated, and even taken into Employments, "the Court took Courage, and thought they might ſafely do it, when the "mutinous Party would bear it. There was no Danger of honeſt Gentle- "men who never could be angry with the King; and, if they would be "froward, yet there was no Danger in it, they would, at any Time, be "reconciled. When the Preſbyterians had led the Court into theſe Actions, "they took Care the Underlings of their Party (for the Heads of them "were to appear fair, that they might not looſe their Influence) ſhould "ſound in all Peoples Ears that the Court inclined to Popery, and make "thoſe Actions odious to all honeſt Gentlemen, as well as loſe their "Grace with the Fanatics, who, though they enjoyed the Indulgence, yet "believed it was given for the Sake of others, and did not deſerve their "Thanks." ——

Preſbyterians trick the Court about the Indulgence in 1662.

V. So the Memorial; which ſhort Account is a *Magiſterium* able to diſſolve whole Pages and Columns of falſe and unaccountable Slanders, in Folio, of the Author, which, upon Occaſions here touched, are caſt upon the Memory of the King, and are to be found ſcattered about in his Book, as he could beſt contrive to ſet them off. Whereby it appears, that, in theſe Affairs, he writes but the Senſe of theſe Underlings at beſt, however his own Skill is adjoined to add a Perfection to the ill Nature. I doubt not but the peruſal of this Paragraph of the Memorial, and an eaſy Application to the Paſſages I ſhall hint at in his Book, with a little croſs Reflection from the one to the other, as when, for Compariſon, Things are collated, will make my Cenſure appear juſt; yet, for a fuller Demonſtration, I ſhall proceed Anatomically, and take his *Noſtrums* into Examination ſeverally, as I can pick them up out of the odd Corners of his Text.

The Author purſues the ſame Fraud.

VI. Firſt, I obſerve he hath a ſhrewd Diſpoſition to libel this Parliament for doing ſo much, as they did, towards eſtabliſhing the Church and the Crown. He gives no Occaſion to imagine, as the Truth was, that the Gentlemen of this early Parliament came up full of Horror at the very Thoughts of the paſt Miſeries of the Civil War, and firmly reſolved (if by any Means in their Power it might be done) to prevent the like for the future. This Determination of theirs, on which I have touched already, was manifeſted in all their Proceedings, eſpecially againſt the Sectaries; which tended to deprive them of thoſe Handles and Pretenſions they had uſed for bringing on the Rebellion. Nor doth the Author indulge thoſe worthy Gentlemen with any Allowance on Account of Duty, or Conſcience, more

He libels the Parliament for ſettling the Crown firm by Laws and Revenues.

than of Wiſdom; nor ſtays to give us Time to reflect how manifeſtly that, formerly, defamed and perſecuted Character of Loyalty, through the bitter Experience of the National Calamities, (which, upon the Depreſſion of it, ſpread ſo much) was reintegrated with Advantage: But touches all the Paſſages, upon the Reſtauration, in a ſneering cenſorious Way, and ſo lays a Foundation for a World of falſe Conſequences and malicious Inſinuations; and then, as his Way is, affirms Matters in general to be made good by ſome one trivial Matter of Fact (ſuch is his Logic) which, being accidental perhaps, or without any direct Intent, ſhall make all good to the End of the Chapter. He lays it down, by Way of Poſition, that *the Parliament ſhewed their Loyalty and Affection to the King, in all imaginable Ways of advancing his Perogative, as well as Revenue.* This, in the Latitude of the Expreſſion, is utterly falſe. For he as good as ſays that the Parliament, alack! uſed no Diſtinction at all, and had no Care of the People; but were hurried on, in a Swing of ſenſeleſs Loyalty and Fondneſs, to deliver up all Law and Property to the Crown. But, ſurely, his Betters, then, and ever ſince, have thought all, that was done for the Church and Crown, to be true *Engliſh* Policy for the Preſervation of Law and Property; and not ſo much the Reſult of a chimeric Loyalty, as he would have us think it was. And, which is more, the Event, or Conſequences of that Conduct, truly anſwered the Deſign of thoſe Gentlemen; for, as Things fell out in that Reign, the public Peace was conſerved, which, probably, upon other Meaſures, had fallen in Pieces. What had the People got, if the Parliament, inſtead of guarding the Crown, had colleagued with *Venner* and other Inſurrectioners in that Reign, as in *Forty One* (wanting this Duty and Wiſdom) they did with the *Scots?* But obſerve how he exaggerates this ſlaviſh Reſignation of that Parliament — *all imaginable Advance of Perogatives and Revenues.* The verieſt Traitors of Truſt upon Earth could not have done more. Sure the *Lex Regia* was paſt into an Act of Parliament, or *Henry* the Eighth's Law, that made his Proclamation equal with a Statute, was re-enacted, or more, if it was but imaginable.

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The Law of the Militia but declaratory of Right by the common Law.

VII. But, coming to Proof, it appears that, inſtead of ſuch high Things as theſe, we muſt be content with very poor Doings to ſupport ſuch a lofty Poſition. And thoſe are the Recognition of the Militia to be undoubtedly the King's, and that it was unlawful to take up Arms againſt the King or any commiſſioned by him; and that all Dignitaries, *&c.* muſt acknowledge and ſubſcribe, *&c.* Can Imagination fly any higher? Now I will frankly allow that the Canker, or Coar, of the late Rebellion was torn out by this loyal Acknowledgement; and the adverſe Pretence can never hereafter, with any tolerable Grace, be made a Colour for Rebellion, and riſing up in Arms againſt the Crown, as the Parliament in 1641 did. But the Author is miſtaken in his Word *Advance*, which is not proper here, becauſe that Law was but declaratory of what the common Law was before, as the Act itſelf directly expreſſes, and not introductory of a new Law, or *Lex Regia,*

Regia, as the Author would have it thought. For King *Charles* I. had an undoubted Right to the Militia, and to the Non-Reſiſtance (with Force) of his Subjects; though the 41 Men were pleaſed moſt wickedly to gainſay it, and thereby made this Recognition neceſſary. See here the *Advance of Prerogative by all imaginable Ways.*

VIII. But one may diſcern the Author's Pain at Heart, about this declaratory Law, which makes him break forth in this pathetic Remark; *The like would not have been done* (ſays he) *in the brighteſt Part of his Father's Reign.* There was no Part of that Reign truly bright, but that ten Years in which there was no Parliament; all the reſt was cloudy and black. It is pity *Engliſhmen* ſhould ever give Occaſion to ſay, but all Memory gives it for a bright Truth, that the Nation never knew more Plenty, Proſperity, and Glory, than in that Time. The Fanatic Party that, out of Parliament, as Fiſhes out of the Water, was impotent and enervous; while the Parliament ſat, let neither King nor People be at Eaſe. For, on the one Side, they reſted not from puſhing the King into foreign Wars, upon plauſible Pretences, and then denied Supplies; and, on the other Side, fomented Jealouſies in the People's Minds, with other Diſingenuities not of this Place to inſiſt on: But, by that Trick (then a new one) they found Means to involve the Nation in Blood and Confuſion, as the Hiſtories, of that Time, ſhew. But now, to anſwer the Author, I deſire to know if, in the truly bright Time of that Reign, any one living ſo much as dreamt the Militia was not the King's? He had the Military Tenures in Propriety, and was guarded by the Law 25 *Edward* III, that made all levying War to be High Treaſon. But, in the cloudy Times, that is ſitting the rebellious Parliament, if he had aſked a Recognition of his Royalty, it had not been granted; and if, at the Beginning of his Reign, he had aſked a Recognition, ſuch as we have here, that very Aſking had given a better Handle to deny it, than the 41 Parliament had to arrogate it to themſelves. So ingenuous is our Author, to take the Caſe of King *Charles* I, and parallel it with that of King *Charles* II in this Matter: When, in the firſt, Impudence itſelf had not queſtioned the Right, till Rebellion itſelf had began to deprive the Exerciſe of it; which foul Outrage gave Occaſion to the Parliament, in the other Reign, to bar that Door. I know very well that diverſe of the Author's old Maſters did alſo repine at this Recognition, ſaying,* *Why could not they have let the Matter reſt dubious, as it was? Why muſt they needs recogniſe?* All this is eaſily anſwered. It is ſure enough, had it not been done, the next rebellious Diſpoſition had again affirmed the old poiſonous Pretence, as the 41 Men did, and have cited them for it; and ſo the like tremendous Conſequences might have ſoon attended, which the loyal Parliament moſt prudently obviated by this Recognition.

A falſe Parallel with the Time of K. *Charles* I, and how the Law was then.

IX. The next Matter, conſiderable about that Time, *viz.* 1662, and ſo on to 1672, was the wonderful Harmony between the two pretended Extremes, Popery and Fanaticiſm, about Indulgence; and the Treachery of the

The Author conſtrues the Laws againſt Conventicles, as deſigned againſt Popery only.

the Fanatics in turning back the Favour in contumely upon the Court. On this Occaſion the Author advances another ſtately Poſition, with which he enjoys himſelf in Abundance of Places, as if he thought the Invention a ſuperlative one. It is that the Parliament ſuppreſſed Conventicles, not for any particular Diſlike, but, only becauſe the King made a Shroud of them, to cover his Favour for Popery; and that the Preſbyterians had merited well of the State, as he will ſhew us in due Time. According to this Model, whereever he touches upon Conventicles, and ſecuring the Uniformity of the Church under Epiſcopal Government, he lets nothing be done with regard to any Danger from Sectaries, good Men, but only to that of Popery. And thus he gives the Lye to all the Acts of Parliament that were made againſt ſeditious Conventicles upon Pretence of Religion; which moſt explicitly declare the Cauſe to be the preventing the like Miſchiefs to the Public, as had before happened, through their Means, and were ſo lately recovered: All which is now referred to the very Words to be found in every Statute-Book. If the Reach of thoſe Laws had been to exclude Popery, though but incidently, or together with other Intentions, the Parliament had ſurely noted it in the Preamble, as, in all Acts of Parliament, relating to Popery, is done. So ridiculous is it to imagine the Parliament ſhould banter in their Preambles about Sedition, and the late ill Effects of it through Conventicles, and the bad Conſequences, as to the eſtabliſhed Church and Monarchy, and mean a clean contrary Thing, that is, to diſable the King of a Means he had found out to bring in Popery. And the Reflection is yet ſo much worſe, as the Parliament, about the Time of paſſing thoſe Laws, was free from thoſe Fears and Jealouſies of Popery, which came into the Houſes upon Diſcoveries afterwards. But an Author can make Laws, it ſeems, by a legiſlative Conſtruction of the Deſign, though contrary to the expreſs Declaration contained in them. If he will have it ſo, who ſhall contradict it?

He comes up to the Matter by artificial Steps.

X. He lays ſo much Streſs upon this *Noſtrum* of his, that I muſt needs ſhew the Form of his working it up, and how he ſpreads it forth to fit his Purpoſe. He uſes the ſame Method, as I have noted, on other Occaſions; and indeed he is a peculiar Writer, not like to any but himſelf: For, when he draws up to a great Lye, he proceeds, juſt as Soldiers in taking Towns, by regular Approaches, breaking Ground at a Diſtance, and then coming obliquely and gradually to the Aſſault. Now here he is at it again, and very buſy about his Circumſtantials and Preparatives, in order to poſſeſs us of that grand Falſification about the Statute of Conventicles, and alſo to purge them from all Imputation of Diſorder or Sedition: All which is an Abuſe ſo groſs as will need many Traverſes to take it in. Therefore we muſt have Patience, if it be not ſoon brought about; and we muſt be excuſed for walking the Author's Pace, in all his Round-abouts, though it be out of all known Track of Truth. To lye groſly, and without Art, is a proletarian Vice, but to do it with Addreſs, and ſubconcealed Artifice, ſhews

A State of the ſeveral Indulgences, with the Occaſions and Events.

XI. But here I foreſee a Neceſſity to ſtate the Times and Occaſions of the Royal Indulgences to Diſſenters; becauſe the Author uſeth the Word *Indulgence* ſo promiſcuouſly, as, if Proviſion be not timely made for pointing to what it relates, may breed a Confuſion. The firſt News of Indulgence was the Declaration from *Breda*, *April* 14, 1660. where it is ſaid, that all Perſons ſhall have Liberty of Conſcience, and none be puniſhed for their Opinions, that do not break the Peace of the Kingdom. And the Preſbyterians abroad then, who ſolicited theſe Matters, had the Impudence to urge the King againſt the Uſe of the Common Prayer, even in his own Royal Chapel; which, in that Circumſtance, was to deny him the ſame Liberty they preſſed him to give them. But the King, with ſome Warmth, reſiſted; yet there is ſome Reaſon to believe he ſmoothed them with ſome good Words, which they, afterwards, moſt brazenly called Promiſes. This Indulgence, after the Reſtauration, was amply executed by the Declaration *October* 25, 1660, which modelled the Liberty in ſuch a Manner as diſpenſed with the elder Act of *Uniformity*, then in Force, and left a Liberty to all Perſuaſions to hold Preferments, without the ſtrict Uſe of the Liturgy and Ceremonies. It was no Wonder that, hereupon, the Parliament took Alarm, and, not to let this high Act of *Supremacy* paſs into Precedent, they ſtopt the Gap with a new Act of *Uniformity*; which, by the Way, was not done without the decent Interpoſition of the Convocation, and Conferences with ſuch as oppoſed, in order to ſatisfy all Perſons, that were reaſonable, and, if it might be, the whole Fanatic Party. But, inſtead of that, they began to play their Game, as hath been touched in the former Parts, and we ſhall hear more of afterwards. They followed their Point ſo cloſe, as, with the Aſſiſtance of their Brethren the Papiſts, the King, in 1662, was prevailed on to grant an Indulgence, which they called a Comprehenſion; and it amounted to a Diſpenſation againſt the Act of Uniformity. And, when it was found that the Parliament would not away with this, it was withdrawn, and turned into a Recommendation. But the Parliament would not bear even with that, and they vacated all Pretenſions on Account of Promiſes at *Breda*; for all, that looked that Way, had Reference to the Parliament when met, and, in all other Reſpects, was null, and of no Force againſt the Law enacted, or to be enacted, to the contrary. And then they proceeded to the Acts againſt Conventicles in 1664, and 1670. In 1672, the Lord *Shaftſbury*'s Declaration came out, of which enough hath been ſaid. So here are Promiſes, Comprehenſion, Indulgence, or Toleration, often to be mentioned, but muſt be underſtood according to the ſubject Matter.

The King is allowed no Inducement to indulge but Popery.

XII. And we are now to ſee how all theſe Parties and Intereſts behaved themſelves; and how the Author, in his arbitrary Will and Pleaſure, hath diſpoſed of them and their Projects. To begin with the King, he muſt be given up to a reprobate Senſe, having opened his Campaign by ſhewing a Diſpoſition to Indulgence, but (mark) only as an Inlet to Popery. All his Majeſty's

Majeſty's Reaſons and Inclinations were pure Papiſtry, and nothing elſe; which Scandal the Author ſo perpetually exaggerates, that it becomes fulſome, and, by the egregious Partiality and Undutifulneſs of it, turns the Stomach of a Reader, not of his own Leaven. But we muſt bear with it, if we will have any Thing to do with him, and extricate ourſelves by ſuch Steps as may be taken. So, before I give the Inſtances of his dreſſing and diverſifying his Malice, and, particularly, upon the Subject of Conventicles and Indulgences, I ſhall a little reflect on the King's Circumſtances relating to thoſe Matters.

Injuſtice of Subjects to Governors, and the Author extravagantly iniquitable.

XIII. It were well if Kings were as much above other Men in Sovereign Virtues and Endowments, as they are in Place and Authority. But we find them obnoxious to Failings and Singularities; ſo as no Man, however Loyal, accounts them infallible or impeccable, like as the fooliſh People, for the moſt Part, expect they ſhould be. It is notorious they live under great Diſadvantages, both as to knowing and doing well; the former for want of perſonal Application to Things in Practice, and the other for the too many and furious Temptations that ſurround them; for which Reaſon a tolerable King is of greater Account than a very good Man in a private Eſtate. But, when we reflect upon the Public, all Comparatives vaniſh, and Kings are God's Vicegerents, and, with all their Failings and Infirmities, have a clear Right to the Subject's Duty and Obedience, according to the Model of the National Laws, which, as well as the Goſpel, have declared againſt all Oppoſition of Force, on any Pretence whatſoever. And this ſovereign Right extends no leſs to that Reſpect, Reverence and Honour, as is needful for the Support of the Authority of Government; and that for Intereſt as well as Duty (for thoſe are generally united by Providence) ſince all common Good depends on Peace, and that on Government. What Warrant then hath ſuch a factious Writer as this (who, like the reſt of his Party, expect all Favour and Pardon when they need it) to exclude their King (ſuppoſing him to fall under Miſtakes) from all Privilege of Excuſe or Amneſty? As if the Petition —— "Forgive us our Treſpaſſes as we forgive "them that treſpaſs againſt us" —— did not extend to the Perſons of Governors; but that every Peccadillo, of theirs, was worſe than the worſt of Treaſons on the People's Side. And this Author behaves himſelf accordingly; being not content that Libels upon the King ſhould die with the Deſign of them, but, out of them, after the Deſign is dead, perſecutes the very Memory of Majeſty with his wire-drawn Slanders, and out-of-date Reflections, ſuch as adorn the Columns of his *pretended Hiſtory*. And, in ſo doing with a ſcurvy Air, he makes himſelf to be a ſort of Maſque, or rather a Vizor, to cover the evil Aſpect of Villainy as great as ever was acted in any Age.

He allows the King none of the fair Occaſions of Ex-

XIV. The Author might have been ſo ingenuous as to have allowed to his Majeſty a Character of ſo much Integrity as to have been of Opinion ſincerely (however ill judged) that Indulgence was both reaſonable in itſelf,

and, as Things then ſtood, and according to his Majeſty's own Scheme, very much for his Intereſt and Quiet. And, as to the Error, ſuch as it was, the Author might have obſerved the Unhappineſs of the Company about him, as the Duke of *Bucks*, *Shaftsbury*, *Clifford*, and others no leſs Bizzar Counſellors (to ſay nothing of *Clarendon* himſelf) who, for indirect Ends of various Kinds, either inſtilled, or took Advantage of that Prejudice. At leaſt, it might have been remembered, for a Reaſon, that the Preſbyterians themſelves pretended to him, that Indulgence, even to Papiſts, was juſt, and ſtood upon the ſame Equity, as to themſelves. And he might have been ſo kind to have conſidered that, by the Iniquity of the Times, the King had been driven to ſeek his Bread among the *Roman Catholics*, and that all his Subjects, of that Perſuaſion, took his Part, and ſuffered in that Cauſe, during the whole Courſe of the Rebellion: So that he ſtyled them, as, in that Reſpect, they really were, his and his Father's Friends. And how could any one expect other than that he ſhould ſhew them, at the leaſt, as much Favour, as was extended to other Diſſenters, who had actually appeared againſt him, and even then demerited ſufficiently by pretending to fright him into Compliance with Oſtentation of their great Numbers, and of ſuch as he muſt foreknow their upriſing Diſpoſition? Or, among other reſpectful Reaſons, the Author might have paſſed it for one, that Indulgence to Diſſenters, who were not his Friends, was more tolerable when it took in, and ſeemed (however untruly) to cover an unpopular Favour his Majeſty thought fit to beſtow upon ſuch as were ever his Friends: Though, in the Iſſue, he was cheated there too; for thoſe, who he expected ſhould have defended, really expoſed him for it, as if they had deſired it only to betray him into ſuch Diſadvantage. Or the Author might have afforded the King a well bred Latitude, invented by ſome of the celebrated Divines of that Age (and made good by their latter Practice) in thinking indifferently of Salvation in all Religious Profeſſions, at leaſt not to exclude the *Roman Catholics*; among Nations of whom his Majeſty had been forced to converſe liberally and (as his exiled State would permit) agreeably for diverſe Years together. I ſay, an ingenuous Author would have held forth ſuch colourable Accounts as theſe, that Majeſty might have Right done, as all Parties require, to have the beſt ſaid that the Caſe will bear, as well as the worſt. But the Author is wiſer, to ſay nothing of his Honeſty, for he knows no Mean; the King was a rank Papiſt in his Heart, and not only ſo, but one bigotted, who made Popery his *Summum Bonum*, and the final Cauſe of all his Actions; and that by how much he lived conformly to the Religion and Laws of his Kingdom, and followed the Advices of his Parliament, juſt ſo much was he a ſcandalous falſe Hypocrite, and, being a Papiſt, he was the worſt Man that ever owned that Profeſſion.

He makes no Account of the King's Conformity with the Laws and Agreement with the Parliament, but defames both.

XV. But, to proceed, a tolerable Writer of the Hiſtory of the Troubles and the Reſtauration, with the Conſequences, would have ſhewed to Poſterity the Happineſs of the Subjects of *England* in this Reign, in which their King, by Means of his Exile, obnoxious to have imbibed favourable Sentiments of a foreign Perſuaſion, in the Air of which he had lived and been protected; yet, after his happy Reſtauration, profeſſed the contrary, and conformed to the Proteſtant Religion, as it was eſtabliſhed in his Kingdoms; conquered all Prejudices, took the Advice of his Parliaments, and died (if the ceaſing of all Judgment and Senſe in him be dying) in the ſame Profeſſion; which, after ſo dangerous a Trial, was ſurely a happy Concluſion. And the rather, conſidering he never, without utmoſt Neceſſity, differed with his Parliament, but, to ſatisfy them, complied ſo far, as, conſiſtent with his entire Regality, he might do; gratified them in every Thing reſpecting Popery, deprived himſelf of the Service and Converſation of many of his old Friends, becauſe the People had a Jealouſy that ſuch might make Impreſſions upon him in Favour of Popery. And, after he had quitted all thoſe Powers, which he was told he might lawfully exerciſe in Matters of Religion, becauſe his Subjects took a general Diſtaſte at it, and, in a Word, agreed with his People in all Things he might ſafely and juſtly do, (and none can ſay that all this was not actually done by him) one would have believed an impartial Writer might have done him ſome Honour on theſe Accounts, and have celebrated his Royal Condeſcenſions: But, inſtead of that, *No*, ſays the Author, *all that the King did, was with a falſe Heart, only to wheedle, or to ſeem; he was forced, could do no leſs*, and the like; by which Forms he ſets his Majeſty forth as a moſt perfidious Hypocrite, an half-faced Coward (in Effect) acting every Thing, he did well, againſt his Judgment and Inclination. This we find in ſo many Places in his Book, as ſhews him an Artiſt at an ill Senſe, where any honeſter Man would have taken a good one.

Ambition in all Men, but the Laws adapted to check it, ſo that it need never hurt the Conſtitution.

XVI. Having ſaid thus much of the Author's Candor, touching his Majeſty's Behaviour with Reſpect to Religion, I ſhall add a little more upon the Topic of Power, wherein he did ſome Things which the Law did not enable him to do; and this muſt be granted, although his Adviſers put on a fair Colour. Theſe Matters are chiefly ſummed in the unwarrantable Inſtances of the Indulgence in 1662, and 1672, and the Stop of the Exchequer, of which particularly elſewhere. Now, to conſider humanely, it is hard to find any Perſon in the World, King, or private Man, among even thoſe of the beſt Intentions, and Ability to do Good, who would not willingly embrace more Power than regularly falls to his Lot, and who doth not give a willing Ear to thoſe who make Overtures of it. I ſpeak of this, as a human Frailty incident to good and bad Men indifferently, and, ſometimes, being directed to a good End, is not much blamed; as when they ſay, *Boni judicis eſt ampliare juriſdictionem ſuam.* And, looking into the common Practice of Men, we ſhall find it exerciſed by all Orders and De-

grees; the King for his Part, the Parliament for theirs, every Court of Juſtice, Judge, Lord of a Manor, Pariſh Officer, and ſo down to Maſters and Servants, and even School-boys and Children are perpetually diſpoſed to encroach in ſome Reſpect or other; and few can bear in others what they daily meditate and practiſe themſelves. But, of all theſe, the King's Attempt to enlarge his Prerogative may juſtly be accounted leſs in the Degree, than might be obſerved in many of his Subjects, with Reſpect to him, as I may note elſewhere: But, whatever he bore from them, they would paſs by nothing, of that Kind, from him. The Drift of all this is, to demonſtrate the admirable Virtue of the *Engliſh* Conſtitution. For, as all Laws are made with Proſpect of Offences, all theſe Exorbitances, between the Government and the People, are ſuppoſed to happen ſometimes; and ſo our State, on like Preſumption, is provided of fit Remedies to reduce them back again to a legal and due Temper; ſo as no Exceſſes, one Way or other, may neceſſarily make an irreconcileable Breach: But, in Caſe of the worſt, by Application of the due Means, as may certainly be done early or late, Things will fall aptly into Frame again; but if this, which I call the due Remedy, be ſlighted, and other, more irregular, Courſes are taken on either Side, then flow in innumerable Diſorders to the Hazzard of the Public. When the King encroaches, by the Exerciſe of undue Prerogatives, there is the Parliament (neceſſary to meet ſometimes, and only capable of giving Supplies) to oppoſe, and, by preſcript Methods of proceeding, to regulate the Abuſe. Thus it happened in the Caſe of the diſpenſing Power, in this Reign, which, upon the parliamentary Addreſſes, the King quitted; ſo, on the other Side, when the Exorbitance was found in ſome Proceedings of the Houſes, as at the *Weſtminſter* and *Oxford* Parliaments, the King gave a Check to them, by his Power of diſſolving them, and ſo broke the Meaſures; whereby the Miſchiefs, that ſome Men intended, were prevented. And let it not be ever forgot, that, the Crown parting with that ſingle Power in the Reign of King *Charles* I. the due *Engliſh* Temper failed, and the Exorbitances of the Parliament were (for Want thereof) let flow in and run up to Extremity, and imbrued the Nation in Blood.

XVII. Now, ſince all Powers are ſo deviouſly apt to ſwing into Exceſſes, there is Reaſon to treat thoſe civilly, that, upon Application of the due Remedy, do not perſiſt, but come into Order again. It would be taken very ill, if, upon Pretence of Abuſes happening by Parties prevailing in a Seſſions of the Parliament, as, for Inſtance, that of *Forty One*, one ſhould condemn the very Conſtitution of Parliaments, as fit to be laid aſide for ever: But the Author here, as his Party did, takes an Advantage of an Exceſs or two in King *Charles* II. in his Exerciſe of Prerogative (although ſet right by parliamentary Interpoſition) all over his Book to charge the King with an univerſal Deſign of arbitrary Power, calling in Foreign Aids, ſelling himſelf to procure them, and tyrannouſly devoting the beſt Proteſtants

A Conſtitution always good, that comes into Order by the due Means applied.

ſtants and Patriots, by whole Denominations, to Perſecution and Ruin, without any Law, Reaſon, or Truth; and, with his trite Words of ſiniſter Senſe, as *Arbitrary*, *Ridicule*, *Stifle*, *Manage*, *Iriſh Evidence*, and the like, calls him all to nought, as hath been ſhewed, and more is to come; and this, it ſeems, is the Office of a *Compleat Hiſtorian*. I ſhall not dwell longer on this Subject here, which I own hath much of the Repetition in it, but conclude with obſerving, purſuant to what was noted before, that, upon Diſorders in the Public, Rupture is the worſt of Events. It is never to be termed neceſſary; for the worſe the Evil, the quicker is Time to ſet it right. Temporiſing, and taking Hold of proper Opportunities, which, ſooner or later, will infallibly profer themſelves, will be found the only ſafe Cure. Force is that which the Law of *England* hates, and chiefly provides againſt; it deſtroys all good Temper, and, not only lets in, but, rivets faſt thoſe very Evils it was drawn forth to prevent. Now, after this reaſoning Digreſſion, we ſhall be better able to expoſtulate with the Author and his Text, who gives us Occaſion enough ſo to do.

He awkwardly repreſents the Reaſons to indulge, in 1662.

XVIII. After his mentioning the *Bartholomew* Act, as it was called, whereby the Nonconformiſt Miniſters, that ſtood out, were deprived, and the King had iſſued his Indulgence in 1662; he is pleaſed to ſay, *That the King betrayed a great Inclination to it, and ſeemed to labour under a Promiſe to do it.* There is a kind Character of the King couched in theſe Words, of which *betrayed* is a choice one! But what means *ſeeming to labour under a Promiſe?* I ſuppoſe we are to underſtand, that the King had both promiſed, and was inclined, but the Parliament and the Law ſtood in his Way: So his Majeſty was in a *Quandary*, whether he ſhould break his Promiſe, which he would fain keep, or the Law by which his Power was queſtioned: One of them muſt go; and the latter was in moſt Danger becauſe a King's Inclination, to ſay nothing of his Promiſe, is a deadly Advantage. Thus the Author, with a libellous Choice of Words, expoſes, as he thinks, the King's interior Reflections, of which he is no Judge, nor in any Sort warranted ſo to do.

He ſets up the ſham Merits of the Preſbyterians, as to the Reſtauration, and forgets the Papiſts.

XIX. But now, as if he would help the King out of this *ſeeming* Difficulty, and to aid his Promiſe againſt the Law, he ſets up the Merits of the Preſbyterians, that is of thoſe Men who projected, began, and proſecuted, the War againſt his Father in all Extremity of wicked Deceit and Rage, till his Royal Perſon fell in their Power, and till it was with him as (expreſſed by himſelf) —— *Qui jacet in humo non habet unde cadat.* After which, the Independants fell to Work, and took the Royal Prey out of their Talons, and turned them out of their ill gotten Power; and then, *good Men*, ſays the Author, *they would have reſtored the Son of that Father whom they had brought to Deſtruction*; that is, to work a little cunninger, and, with Help of ſuch an Adjunct, get the better of the wicked Independants, and alſo new Foot-hold on the Power they had loſt, and, as they thought, fortify themſelves a little better in it than they had done before: And

And there's the Merit, forſooth, which the Author thus ſtates. *They* (the Preſbyterians) *deſerved Favour for having wiſhed for the King's Return, and were eminently inſtrumental in it.* What then was the Merit of the Papiſts, who, from the Beginning, were of the King's Party, and bore all the Hardſhips of the Times till the happy Reſtauration, and then contributed what they could towards it? Doth the Author ſee the Conſequence of what he writes? I do not ſay the Merits of either Party, how ſtrong ſoever they might be, was a ſufficient Reaſon for an Indulgence againſt Law. But the Author, by ſetting up the leſſer Merit as ſufficient, makes a direct Title to Favour for the greater, if it were even (ſo as he ſays) really intended at firſt. Page 239.

XX. But what were the reaſonable Proſpects or Terms, upon which theſe repenting Preſbyterians ſo furiouſly wiſhed for the King? The Author tells us, *Moderate Union, regulated Epiſcopacy, reformed Liturgy, &c.* Is there a Medium (which, I think, is the Senſe of the Word *Moderate*) between Union and no Union? Is the *Engliſh* Epiſcopacy irregular, or the Liturgy unreformed? See the Power of Words! Abſtract the Knavery from theſe, and they are Nonſenſe: Return that, and then the obvious Senſe is, the Church muſt come to us, *that's the Union*; Epiſcopacy muſt be aboliſhed, *there's the Regulation*; and the Liturgy muſt be deprived of all the primitive Formulars, and be turned into a long winded Prayer, ſuch as is uſed to be made by thoſe that devour Widow's Houſes, *there's the Reformation.* This Preſbyterian Project was made appear ſoon after the Reſtauration; when there was a Diſpoſition, if poſſible, to have ſatisfied them. And almoſt any Thing, of Ceremony or Form, had been yielded to them, if it would have been accepted; but nothing leſs than Epiſcopacy, Root and Branch, would content them; and, upon that Point, they broke, and ſet up a Separation. And, as ſoon as they thought they had a Game in Parliament for a Toleration, their Prize roſe ſtraight to a Comprehenſion, that is being let into fat Benefices; and the next Step had been into the Chair to rule the Roaſt (as in *Scotland*) and, excluding the Epiſcopalians, gather all Church Power and Preferments to their own Party; and, if they had had their Wills, this had been the *moderate Reformation.* I cannot but obſerve this Cant of Preſbyterian Loyalty, ſo much contrary to all Ingenuity and common Senſe, and which every Infant, in the Hiſtory of the late Times, underſtands, is not only found rampant in this Author's Book, but is become a Mode of the Party at this Day. And it hath taken in thoſe who (with the ſame Perfidy as their Predeceſſors ſat with the Aſſembly of Divines in *Forty One*) in all the Reſtauration Sermons and occaſional Pamphlets, trumpet forth the new Notions that the Papiſts began the War, and the *Good Presbyterians* brought in the King: Whereof the Vanity and Impudence is wonderful. Deceitful Pretence to reform, and of Preſbyterian Loyalty.

XXI. Now

Pretence that the King made the Sectaries ſet up againſt Law, and their real Motives.

XXI. Now we come up to a delicate Piece of Work; for the Author is jealous leſt this Diſpoſition of the King's to grant an equal Indulgence, as conſulting the Eaſe and Content of all his Subjects, or for ſome other plauſible Reaſon, as has been touched, might, with many, be miſtaken for an Act of ſovereign Juſtice, and ſo be fairly conſtrued, to the utter Fruſtration of his intended Libel: Therefore he treats it as he doth all his Majeſty's undoubtedly good and juſt Actions; and that is, by daubing his Miſconſtructions over them. And ſo here he endeavours to ſatisfy his Reader, that this Good, done for the deſerving Preſbyterians, was done to very ill Intents and Purpoſes; his Majeſty's Deſign being to encourage them to fly in the Face of the Law, which they, *Good Men*, had not done, if ſuch Favours had not been held forth to allure them. And, at the ſame Time, he dreſſes up an Apologetic for the Party, in ſeeking an Indulgence againſt Law, laying the Blame on the King, who, by his treacherous Favours, drew them in; for, alack a Day! they had been ſatisfied with the Lenitives of the Act of Uniformity. And then he falls to pumping for the true Cauſe, *why the King encouraged them to contend with the Laws of the Land.* Pregnant Falſity! It was they that encouraged the King, by ſuing for the Indulgence (in cloſe Conjunction with the Papiſts ſo far) and not he them, with ſuch treacherous Reſerves as are here charged: If they had ſat ſtill, as diſpoſed to be quiet, the King had never ſent for them. At this Time, the Fanatics, finding the King inclinable to indulge, and forward to have an Act of Parliament paſſed for that End (the Parliament ſo thinking fit) and they having alſo other Views which gave ſome Hopes of a Turn, moſt of the chief Teachers would not conform, but ſtood off, to keep their Credit with their Congregations, and hoped to make as good an Hand of them, as the ordinary Conformiſts did of their Benefices, and ſo waited the good Time. And they were not ſuch impolitic Ninnies, although miſtaken in their Meaſures, to kick at the Laws, becauſe the King was kind to them; but were rather diſpoſed (as they did) to kick at his Majeſty for Favours done them, which even they could bawl out were againſt Law. And that is a Demonſtration that they were not encouraged by the King's Diſpoſition to indulge, for they never accepted it, but to undo it again, by declaring it Popiſh; which they had not done, if they had thought to ſerve themſelves of it as their own Property.

The King tantaliſed with five fair Reaſons for his Indulgence.

XXII. The next Tour of the Author is no leſs pleaſant, for it is to demonſtrate, that, although there were very good Reaſons for the King to indulge the Fanatics againſt Law, yet he did it for none of thoſe, but for other Reaſons that were abominably bad; which is to precaution that none may imagine the King knew no better; and ſo ſecure that his own malicious Suggeſtion may not fail of Effect, *viz.* that his Majeſty acted arbitrarily, not out of Ignorance, but Deſign. He hath found out ſix Reaſons for this Action of the King's, and, in ſetting them forth, ſhews the Dexterity of his black Art. For he reckons, 1. *The King's good Nature and Clemency.* That's

That's fair, and well ſo far; *ſi ſic omnia.* 2. *Regard to Hopes and Promiſes he had obliged them with.* Theſe muſt be the Promiſes he ſeemed to labour under, of which yet there is no Proof; however, this Reaſon carries an honeſt Face. 3. *Generoſity to the Presbyterians his great Friends.* This ſure is Banter; but, if he is in Earneſt, the Matter ſtands referred to what was noted on the like Occaſion before. 4. *A real Judgment for Liberty of Conſcience.* I find the Reaſons mend on our Hands, I wiſh the Humour holds; ſure a real Judgment, however miſtaken, is a true Guide to a Man's Actions. 5. *Fear of his Quiet endangered, by preſſing of penal Laws.* There is a great Deal in this Reaſon, ſo much as, if the Author had left out all the reſt, had ſerved the Turn. For the King might be, and I believe was really, perſuaded, that the Majority of the People, at leaſt ſuch as were four and Purſe-proud, were Sectaries who had neither Principle, nor good Will towards him, and were, if not humoured, moſt like to create Diſturbances, or to join with others that longed to be at it again; and, upon this Account, the King, having no better Information at that Time, might have a like Reſpect for them, as the *Indians* have for the Devil: Therefore, if an Indulgence would ſatisfy and keep them quiet, there was a politic Uſe of it; and it may be obſerved that, in the Declarations at the Reſtauration, keeping the Peace is joined with Indulgence as one of the Reaſons for it. All this hard Straining have we had to find good Reaſon for doing an irregular Thing; and who ſays they are not ſufficient?

XXIII. But, alack! all comes to Nought, and we are undone. None of all theſe Reaſons will paſs Muſter. Their Cogency is not worth a Straw. There's one that brings up the Rear which (like Vermilion to Oker) ſtrikes all the reſt dead as Aſhes; and that is, 6. *Or whether above all, or beyond any of theſe Motives, the Secret and reſerved Reaſon was, under the Cover of an Indulgence, to give the better Protection and Advantage to Popery.* Look you there. The Author is afraid leſt we might hang to ſome of the foregoing Motives, therefore he fetches us off with an *Above all —, beyond any —ſecret and reſerved.* I have all along been ſomewhat free of Epithets and Characters to ſuit the Author's Malice; but, if I have thought of any ſo pointed as this Dealing deſerves, I'll renounce my Senſes. If he had made a neat Catalogue of Reaſons, and gave a Place fairly to the Matter of the laſt, who would have blamed him? the Reader might judge; but he deſtroys the Innocence of his disjunctive *Or*, and, by his ſophiſtic Terms, declares the latter only to bear the Bell. And yet worſe; for, after he has decided thus *in ſequiori Senſu*, he adds, that *to determine which of theſe Reaſons had the moſt Influence, is not eaſy, and, perhaps, no very decent Matter.* Oh, he is tender of the King's Honour, and ſays, it doth not become him to determine againſt the King in a Caſe of ſo much Hypocriſy and Popery; ſo let a Veil be drawn over it, that the Rottenneſs of the King's Heart may not be expoſed.

But none will ſtand; for one, very bad, confounds them all.

XXIV. But

Proved that the laſt very bad Reaſon carried it, and the reſt had no Share.

XXIV. But this Paroxyſm of Reſpect will not laſt long; for the Author, not daring to truſt the Reader's Diſcretion in ſo weighty an Affair, leſt he might, as I ſaid, ſtumble on a fair Conſtruction, he falls to proving flat and plain, be the Matter as indecent as it will, that the laſt Reaſon only carried it; for, ſays he, *the Papiſts in this Reign had always a conſiderable Intereſt at Court, and uſed all poſſible Intrigues in the Management of it.* Who is not convinced of what the Papiſts did, by this lucid Relation? *Conſiderable Intereſt,* —— *all poſſible Intrigues and Management.* There was notable Importance in that ſame *conſiderable*, and a ſtrict Account is taken of thoſe Monſters called *Intrigues*, and how many of them might poſſibly exiſt, for it ſeems they were all there; the whole Poſſibility of them went to the Management; and there's the Hiſtory of one King's Reign. I am ſure ſuch Generals and Indefinites are alien to all good Hiſtory; but here they come in to give a Spring to ill Nature, and put the Reader's Imagination into the Author's Chair, to forge Falſities which he is loth to advance barefaced.

The King craftily, thro' *Calamy*'s Caſe, charged with Violation of the Act of *Uniformity*.

XXV. But, notwithſtanding all this wire-drawing out the Matter of Libel, and Care to hold forth the worſt Handles of every Thing, he will not yet truſt the Cauſe upon that; and ſo all the Wit and Invention is loſt. Some Readers are ſo dull they are not to be left to themſelves, for fear of ſtraying into ſome Tracts of Reſpect; and, for the Sake of them, he charges the Scandal in little leſs than Terms expreſs, as I noted above, which, done plainly and honeſtly at firſt, had ſaved him a deal of Screwing. Now, to ſhew what an Author, that is an Artiſt, can do, I cannot omit one Inſtance of hard-ſtrained Libel, wherein he hath craftily contrived to charge the King with no leſs than an *open Violation of the Act of Uniformity*; but, directly, it is fixed upon Mr. *Calamy*, who preached in *London* after he was unqualified and deprived; and that the Author calls the firſt, by which you are to underſtand many more *Violations* are to follow. And, to bring this Action of *Calamy*'s home to the King, he ſays it *looked like a Plot or formed Deſign*; and then that he was, *by his Majeſty's expreſs Order, without due Manner of a legal Diſcharge*, let out of Priſon. By this it is plain he writes he knows not what, and his Tempter owes him a Shame when he puts him upon libelling in Matter of Law, for there his Ignorance always ſhines. What can be a more *legal* and regular Diſcharge than the King's Pleaſure duly ſignified? That is, his Pardon, Order, or *Non Proſ.?* For, as all Offences, againſt Common or Statute Law, are puniſhable in the King's Name, and at his Suit, as Plaintiff againſt the Offender, by Indictment or Information; ſo the King may remit or diſcharge his Right to puniſh, and the very Offence itſelf, and all Incidents of it. So obſerve here, the King uſeth his Power to diſcharge a Commitment, and this the Author wreſts as a *Violation of the Act of Uniformity*, as if a Pardon, *ex poſt*, and a Diſpenſation antecedent, were the ſame. Why did he not ſhew how this Diſcharge was irregular? He mentions a Complaint to the Houſe of Commons of it, and

that it was pretended to have been by Means of a Flaw in the Act. The Houſe was concerned for that, and, to the End the Defect (if any) might be ſupplied, they referred it to a Committee to examine into the Soundneſs of the Law; but neither the Houſe nor the Committee meddled farther with the Caſe of *Calamy*. And, it may be, all the Flaw was that the King had Power to pardon the Breaches; and that Power was not like to be quitted, and ſo the Matter dropt. After this bold Stroke, the Author takes Breath, and, with a cooler Air, as if he would reaſon on the Matter, comes forward and tells us, *no Doubt it* (the Diſcharge) *made the Commons ſenſible that the King was too much inclined to diſpence with the Act of Uniformity, or* (Disjunctives ſtill) *at leaſt to protect and indemnify the Breakers of it.* One would think the Choice was eaſy between theſe two Powers of diſpenſing in general, and of pardoning in particular (if I may oblige him with a Confeſſion that he means ſo fairly) but there is a vaſt Difference, as much as between Ay and No. The one is utterly againſt Law, and the other is entirely lawful for the Crown to do at Pleaſure; and neither Lords nor Commons have ought to object againſt it. And may the Crown of *England* never hear worſe than for ſhewing Mercy. The Author doth not ſhew, and, I believe, cannot, that this Favour to *Calamy* (ſaving the Authority of the Law) was thought much of by any Body that did not uſe it, as he doth here, only for Detraction; much leſs that it *(no Doubt)* ſwayed the Houſe of Commons, for which he brings no Evidence at all: But he knows the Thoughts of the Commons, as well as the Hearts of Kings. His Words are odiouſly ſcandalous, for his *too much inclined* is the ſame as if he had ſaid *reſolved*; and his Disjunctive ſoftens not the Matter at all; for reſolved to *protect and indemnify*, in general, is almoſt the very ſame as to diſpenſe in general.

XXVI. Now I am to give Notice that this Caſe of Mr. *Calamy*, for want of better Colours, is to be made Uſe of to metamorphoſe the whole Parliamentary Proceeding againſt Sectaries, with the Reaſons of them, from what the Truth was, and the Laws have declared, into what he would have to be believed, as was from his Text laid down before, that Popery, and not Sedition, was the Motive that induced them; and now we are come to the textual Demonſtration of it, for, ſays the Author, *both Houſes of Parliament were highly ſenſible that the King's Profeſſion of Indulgence, towards Proteſtant Diſſenters, did very much encourage the Confidence of* Romiſh *Prieſts and Jeſuits, and ſeemed to be made in Favour of them.* Here Friend, *ſeemed*, comes in at a dead Lift to conſecrate Prieſts and Jeſuits the King's Favourites; and, to ſupport the intended Calumny, the Author draws in both Houſes, with his *highly ſenſible*, as if he were writing Heroics, rather than Hiſtory, which deals not in ſuch touring Terms. Now I ſhall make ſomebody ſmile, when I ſhew what Proof the Author gives of this *high Senſe*. During the ſame Seſſions, which ſet right the Matter of the Indulgence in 1662, (the Manufactury of Papiſts and Preſbyterians in Conjunction)

The Author uſes this Caſe to a falſe End, and ſo a Proclamation againſt Prieſts and Jeſuits.

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the Parliament had Reaſon to be offended at either of the Parties ſo concerned, and, after holding the latter down by maintaining the Act of *Uniformity*, to give the other a Check alſo. Their meddling to influence the Court to take ſuch an unjuſtifiable Step, brought the Inconvenience upon them. If they had been ſo wiſe to have lain ſtill, no Notice, at that Time, had been taken of them; for the Houſes were not then forward to grieve any Perſons who had the Character of having been the King's Friends. But this Behaviour of theirs in joining with thoſe they took to be the King's Enemies (whatever elſe might be in ſome Mens Minds) drew on an Addreſs to the King for a Proclamation, that all Prieſts and Jeſuits ſhould depart the Kingdom; in which Addreſs there is no mention of any Indulgence at all: And how, in the Name of Libel, the Author came to tie Indulgence to Diſſenters, and an Addreſs againſt Prieſts, together, I cannot underſtand. I expected to have found this State Eloquence of *highly ſenſible* in the Preamble of the Addreſs, or ſome Vote, but nothing like it there; and, admitting ſome Members might ſay as the Author ſays, for Men of all Parties were there, I am ſure the Houſes ſaid no ſuch Thing; therefore his ſaying it, without Warrant, is an Abuſe of Hiſtory, and the Thing itſelf no better than a *Minerva* of his own fertile Brain. But now, to do the King Right, it is to be obſerved that he dealt very candidly with the Commons in his Anſwer, which was complying; and owned his Lenity and Condeſcenſions towards ſome of the *Roman Catholic* Party, ſaying, "he was troubled it "ſhould be made ſo ill Uſe of to encourage the Reſorts of Prieſts, &c. and "he ſaid that ſuch his Lenity and Condeſcenſions were but the Effects of "his Generoſity and good Nature, after having lived ſo many Years in the "Dominions of Catholic Princes, and out of a juſt Memory of what many "of them had done and ſuffered in the Service of his Royal Father, and "of ſome eminent Services performed by others of them towards himſelf." The Proclamation iſſued, and all was eaſy at *Weſtminſter*.

The King cauſed by Papiſts, to create the Separation.

XXVII. We are now entering upon a Paragraph ſtrangely dreſſed up in twiſted Words and Sentences. The plaineſt, I can gather amongſt them, are theſe: * *It was certainly the Strength of Popery that now made the Separation of Proteſtants from the Church of* England. Sectaries, it ſeems, are the Author's Proteſtants, as if there were no other; and one would almoſt doubt here whether the Church of *England* were Proteſtant or no. The *Strength of Popery* ſounds as if it were in the Church itſelf. But the Author's Drift is to lay Load upon the King, and make him bear all the Conſequences of the Sectaries Folly and Knavery; for, that they laboured inceſſantly the Ruin of the King, at this Time, is no more to be doubted, than that they did the like (the more's the Pity) to King *Charles* I. And they uſed the ſame Engine as they wrought with then, that is Popery; and, knowing the King's Diſpoſition to a general Toleration, of which Papiſts might have the Benefit, they took Advantage, and, about 1662, urged the King to it; and then never ſo much as thanked him for it, but ſtraight gave out it

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was

was for the Papiſts, and not for them. And now the Author thinks to turn this Preſbyterian Plot upon the Court; for which his Train is this: The Proteſtants, as he ſtyles them, had come to an *honeſt occaſional Conformity*, if this Indulgence, for Favour of Popery, had not come in the Way; but the King's Promiſes, and the Encouragement of that Indulgence, *viz.* Popery, were the true Cauſes of the Separation. Now by all the following Proceedings, as well as thoſe before, when there were Profers to meet thoſe Separatiſts in Conceſſions about ſettling the *Liturgy*, it appeared moſt demonſtrably they were not ſuch poor deluded Souls to be held by empty paſt Promiſes, but a ſubtile ſtiff-neck'd Generation, whom nothing would content but Aboliſhment of *Liturgy* and *Epiſcopacy* together, with an Inlet into Benefices and Government. And, to procure that, they laboured to delude and ſeduce the King to expoſe himſelf to the Obloquy of Popery; and, in Hopes of coming in full Sail another Way, broke all dependent Treaties, and ſtood to their Separation. But the Author, having this Caſe of the ejected Miniſters to work to his Purpoſe, commends them exceedingly, ſaying, *they, good Men, would have come to Church as many did, but then they muſt have their Conventicles alſo*, with diverſe other ſuch Flams, as if the Sectaries had inſpired all their Hypocriſy into him. Theſe Teachers, *poor Souls*, did not ſee the Length of their Noſes before them, but innocently forſook their Duty of *moderate Conformity* upon Court Encouragements, and joined with Papiſts to obtain Favours directly againſt Law, when indeed all the Papiſts in *Italy* could not be more fierce to ſet up the Pope, than they were to pull down the Church; which, after they could not do by Force, they ſought to do it by Fraud. There was no ſooner found a Diſpoſition to give them Toleration, but ſtraight they demand Comprehenſion, and ſo thought to lope over Liberty of Conſcience into the Saddle. If the Author had obſerved that Popiſh Emiſſaries were the Cauſe of Sects, or a Means of dividing Proteſtants, he had wrote with good Warrant; as may be ſeen in *Foxes and Firebrands*, that gives an Account of fanatic Miſſions, from *Rome*, expreſs for that End. But, there being ſuch a ſtrong Party of Sectaries, as was at the King's Return, ready cemented and united among themſelves, and in League (deceitfully on both Sides) with the Papiſts in Oppoſition to the Church of *England*, each to ſerve itſelf of the other for different Deſigns; the Author's putting the King in the Place of Popery, and charging him, by the Name of *Popery*, that he (forſooth) by Reaſon of his deſigned Indulgence, was the Cauſe of the Separation at that Time, is ſuch a Turn-about of a Trick in Hiſtory, as would become no Author but this. But it is no Matter for Truth; if the King be reviled, he is ſatisfied.

XXVIII. The Author ſticks at nothing to come at any Colour to charge the King and his Miniſtry. As much a Friend as he is to the Sectaries and *moderate occaſional Conformity*, he can rant it for Perſecution, and cry Shame that the Diſſenters were not puniſhed at the Stretch of the penal

The King cauſed the Separation by not perſecuting Diſſenters.

Laws againſt them, and ſhews how corrupt the Court was for Want of it: And ſo he comes on in great Wrath at Connivance, but has changed his Term *Proteſtants* for *Diſſenters*, for better Sound's Sake; and this he calls an Error in Politics. It were well if any Thing right or good were found on the King's Side. When he would indulge, it is Popiſh; and his mere Connivance is impolitic. The Author ſays, *The Legiſlative pulls one Way, and the Executive another*; and, to keep his ſlanderous Veſſel afloat, he ſides with Perſecution itſelf, and falls foul upon the Judges, ſaying, *they alſo muſt connive.* He will be meddling with Law and Judges, but is moſt unlucky in that Province, for here again he blunders: For their Office, and the Nature of the Laws are ſuch, that Connivance cannot be applied to them, becauſe they have it not in their Power; for they are not Inquiſitors to call after Offences *ex officio*, but Cauſes of this Nature are brought before them by Juries or Informers and (bating ſome Dilatories in Form and for Reaſons to be given) they have no Means to connive, or Stop Proceſs at all, but muſt, whether they will or no, judicially diſpatch what is brought before them. But the Author is not out of his Way; the Judges are a Body worth libelling, and the doing them this Honour, as to charge them with a little Breach of Oath and Duty, ſhews they are not inconſiderable in his Eye: But I ſuſpect this *Compleat Hiſtory* will never make a tolerable Law Book.

The King by Connivance did nothing againſt the Laws touching Diſſenters.

XXIX. But now to conſider a little this wild Notion of a civil War between the legiſlative and executive Powers pulling ſeveral Ways; when his Words are applied to Things in the Courſe of Proceeding, they will appear to be Nonſenſe, the Reſult of Ignorance. We know his Meaning well enough; for the finding out an ill Senſe, we are certainly in the Way to it; and here he would have us take it, that the Parliament ſuppreſſed Conventicles, and the King fruſtrates the Execution. Now the Execution of the Laws of this Sort, which are termed popular, doth not depend upon the King's Direction, nor can he pardon or diſcharge the Proſecutions of Informers before Juſtices of the Peace touching Conventicles, or in Superior Courts, *qui tam*, *&c.* as they are termed. The King indeed may urge the Execution of the Laws by Proclamation, or Signification of his Pleaſure to the Judges and Juſtices of the Peace, and ſo ſtir up Proſecutions; but, when once ſtirred, whether upon his Encouragement, or by the Forwardneſs of Proſecutors, he cannot put a Stop to them: And, if he doth not interpoſe extraordinarily, but leaves the Law to its Courſe, it is all the Indulgence he can ſhew; and, ſuppoſe it ſo done, how is this fighting againſt the Legiſlative? The Author would have the legiſlative and executive Powers, like *Roman* Conſuls, take their Turns, which is *Romaneſque* indeed. But this Fetch of his puts me in Mind of one Thing which muſt be remembered for the Honour of the King's Clemency, which is, that the worſt, his Enemies had to accuſe him of, was his not puniſhing; and that Topic was more battered in Libels (and this *Compleat Hiſtory* has the ſame) than

any

any other; as will appear through all that has been obſerved of Plots and Plotters. And ſo it went on, the Cry was, *No Juſtice againſt Papiſts*, and the like, till the Faction was Treaſon touched themſelves; and then the common Currency of the Law was made a Grievance, hard and arbitrary, as the Courſe of theſe Notes hath demonſtrated.

That Conventicles were ſuppreſſed for Reaſons of Popery, and not Sedition, ridiculous.

XXX. I am concerned now to return to what I entered upon before, and to ſtate a little of the Law for ſuppreſſing ſeditious Conventicles. I hinted that the Author has made a Diſcovery that the Parliament had no Objection to Sectaries, and their Conventicles, directly, or *per ſe*, but obliquely, and *per accidens* only, becauſe the King ſerved himſelf of them to ſcreen his Favour to Popery. But, as to that Matter, it is very hard that the Parliament itſelf, affirming the contrary, may not be believed. Now the Lawyers are ſo ſilly, as, when they would find out the Motives of a Law, they look ſharp into the Preamble; where, commonly, they are very intelligibly ſet forth: And, in the parliamentary Acts, relating to Conventicles, we find large Recitals of the Miſchiefs and Dangers of ſeditious and unlawful Conventicles; no Word relating to a Popiſh Trick to be played through them. And, in the ſeveral Affairs of Popery and of Sectaries and their Conventicles, the Parliament, in all their Acts and Addreſſes, hold them diſtinct, and give the Reaſons, proper to each, apart; and are far from touching any Thing, in any Reſpect, to diſculpate Conventicles, as if they thought them not directly ſeditious and dangerous to the State, as this Author would falſify upon them. He hath many Snatches at it, and we may take this for one: *The Parliament ſhewed their Care in ſuppreſſing Conventicles, was a neceſſary Means to diſcourage Popery, and to prevent the Hopes and Deſigns of that Party.* Page 282. Now theſe *Hopes and Deſigns* are Terms ſo explicite and inſtructive of the Matter of Fact, diſcovering what the Papiſts (or whom he means by *that Party*) were doing, as ſure no one, that reads the Paſſage, can be in the Dark.

The Author ſhuffles the two Acts againſt Conventicles, to avoid the Force of the Preambles of Sedition, &c.

XXXI. Sometimes the Author is very large in his Account of Acts of Parliament, as the Act of *Uniformity* in particular, of which he gives a long Encomium, becauſe that ſets off his Reflections upon the King, for being *too much inclined to break it*. But now he comes to the Acts againſt Conventicles, his Art is refined. There are two of them; the firſt was, 16 *Car.* II. and the other 22 *Car.* II. As to the firſt, he ſays only, that in 1664 *paſt the memorable Act to prevent ſeditious Conventicles*, and no more. He forgets here to ſhew us the Deſign of it againſt Popery, becauſe it is come a little too near the Title of the Act, that declares it againſt Sedition; that Inſinuation of his was better a great Way off, and might be forgot before we come to the Act itſelf. But he is careful actually to ſuppreſs the Contents in particular, eſpecially the Beginning, and the whole Preamble, which ſhews expreſly the Intent of the Law; and that ſhall come in upon the next. He could not bear, it ſeems, what this firſt Act declares, *viz.* "That the 35 *Eliz.* (which has been called the Sanguinary Law, and has

" has been the Occaſion of much Stir) is ſtill in Force, and ought to be " put in Execution; then adds, that, for providing of farther and more " ſpeedy Remedies againſt the growing and dangerous Practices of ſeditious " Sectaries and other diſloyal Perſons, who, under Pretence of tender Con- " ſciences, do, at their Meetings, contrive Inſurrections, as late Experience " hath ſhewn." Then, coming to the ſecond Act, 22 *Car.* II. he gives us this Preamble, which begins at, "For providing," *&c.* which is, very nearly, the ſame in Words as before; only, inſtead of —— *Do at their Meetings contrive*, —— it is —— *Do, or may do*; —— which is a little, and but a little, ſofter. Every Word ſhews the Parliament aimed directly at Sectaries and their Conventicles, for Reaſons properly relating to them, and too groſs to be overlooked, ſo need not be reiterated here. It is very diverting to conſider the Reaſons why the Author took no Notice of the Preamble to the firſt Act, and then claps it to the ſecond: They ſeem to me to be two; the firſt is that the former Preamble hath expreſly condemned Conventicles for hatching Inſurrections, which is a legal Eſtoppel for any one to gainſay it, whereas the other is with a Disjunctive, —— *or may* —; and the ſecond, and perhaps, chief Reaſon, is the urging the 35 *Eliz.* which hath ever been an Eye-ſore to Conventicles, and hath drawn on a Queſtion, afterwards raiſed upon it, as not ſtill in Force. This Dealing of an Hiſtorian, is like the Gameſter that had a Knack of foiſting a Card from the Bottom of the Pack to the Top.

The Sectaries Management ſummed up, and concluding in Miſchief and Diſappointment.

XXXII. But now, laying together a Sum of theſe Brigues, as, firſt, that, however eaſy the Act of *Uniformity* was, which ſet up Church Qualifications, but did not impeach ſeparate Meetings, the Sectaries were not ſatisfied; but urged the King to diſpenſe, ſo as to hold their Preferments; which the Author turns to a Reproach on the King, as if he, by his Encouragements, betrayed them into a Separation, as was noted before: So they went on, making the beſt of their Congregations, till the Acts of Conventicles came; and that diſcompoſed them entirely. For theſe were the ordinary Means they had left them to poiſon the People, and to kindle a Zeal which was to become the Spirit of Rage and Rebellion. They played the Trick of getting another Indulgence over again in 1672, to the ſame Tune of Calumny to the King as before; and, when that failed, they, without, and againſt all Encouragement, contended with the Law, in holding their Conventicles, and they uſed them effectually for the Purpoſe aforeſaid. And, of late, full Scope is given to them; but, alack! there is no Rebellion to be raiſed, ſo they are become effete and uſeleſs; and the Teachers are ſtunned and amaſed at the vaſt Deflection of the People from them to the eſtabliſhed Church, and at this Day remain under a Conſternation at it; for they preſumed their Gifts to be ſo much ſuperior to thoſe of the dull conformable Clergy, that, being once let in, they thought they ſhould ſoon empty all the Churches; but have found themſelves out-preached, out-written, out-lived, and, in every good Thing, even in Popularity itſelf, if

that be ſuch, out-done by the Epiſcopal Clergy. Then obſerve the Author's Care of the Reputation of his Sectaries and their Meetings; for the Sake of whom, and to the End that their Perverſeneſs and Folly might ſeem Innocence, he turns it into a Charge of Treachery upon the King, and, after he has trimmed and barbed the Acts of Parliament, claps his naſty Peruque upon them, to make them ſeem what they are not: And then, in Proceſs, he brings theſe his Diſſenters into the Poſt of being the only Guard of the Proteſtant Religion and Property, which the *others* had delivered up, like drunken, illiterate Sots, as they were; and, for this Reaſon, the former were marked out for *Perſecution and Ruin.* And, though they did all that in them lay to conſummate the Meaſures taken for ſaving a little of the good Public; yet Bribery, Subornation, and Perjury, on the Side of the King and his Miniſters, got the Better of ſome of them, who ſuffered for what Men call Treaſon. I ſay, obſerving this whole Series in the Author's *falſe Hiſtory*, how uniform it is, of a Party oppoſite to the Government, beginning with Treachery, perpetually ſeditious, and concluding in Treaſon and Rebellion, and all ſet forth in a Saint-like Cloak, I cannot but give the Author the Bell, for an extraordinary Architect of Diſguiſes.

XXXIII. I find, in my Memorial, ſomewhat relating to the Proceedings before touched upon, which, I think, will conduce to a clearer Underſtanding of them, therefore I ſubjoin it. —— "While the Government was carried on, as it could, according to Accidents that aroſe from theſe great Parties, the Court, the Loyal Gentry, the Diſſenters, and the Papiſts; there were working, under-ground, other Parties of Republican Atheiſts, who were overturning all, and reſtoring their chimeric Commonwealth, and their Titles to Church and Crown Lands. Theſe Men were for all Means, never ſo wicked, that might promote their Ends. They attempted by Force, in open Rebellion, in *Venner*'s Buſineſs in 1662. Afterwards, in *Ireland*, to ſeiſe the Caſtle of *Dublin*. Then in *Yorkſhire* was an actual Riſing. Afterwards, in 1666, there was a Plot to ſeiſe the Government at *London*, diſcovered in *April*, and an actual Rebellion in *Scotland* at *Pentland-Hills*. Theſe Inſurrections occaſioned the Keeping up the ſame Forces, which were ordered to be entirely diſbanded; and had been ſo, but that, the very Night before, *Venner* and his Company appeared in Arms; whereupon the Lords of the Council reſpited the doing of it till they might know the King's Pleaſure, who was then at *Portſmouth:* And, upon their Repreſentation, the Regiment was kept on Foot, and the Guards eſtabliſhed." Memorial how the Regiment of Guards came to be continued.

XXXIV. "There is no Doubt but all theſe Deſigns of Inſurrection were laid abroad among the old Army Officers, and in the ſeveral Kingdoms. And, all this while, Pamphlets came forth, both in Verſe and Proſe, and ſome enthuſiaſtic Diſcourſes, to encourage and inflame the People: Some of them containing Scandals ſo black and horrid, and Lyes ſo falſe and groundleſs, that it is a Wonder Men could imagine they could have any How the Trade of Faction began to revive, and the Uſe to be made of the Fire in 66.

" Force; but it ſeems they found their own Party ſo ſilly to believe them;
" and thoſe, who had Wit amongſt them, pretended to believe them to
" encourage the reſt. So that in 1666, when that unhappy Fire in *London*
" was, the People were almoſt ready to believe that the Court Party pro-
" moted the Fire; and but that there was open War with the *French* and
" *Dutch*, ſo that the Rabble would bring both into the Calumny (who
" were Confederates againſt us) of ſpreading the Fire, it might have been
" put in their Heads that the *French* and the Court joined in it: But, there
" being open War with *France*, it was impoſſible ſuch a Scandal could
" gain Ground. When the Fire was over, and the Parliament ſat, a Com-
" mittee of Commons were appointed to enquire into the Cauſe of this
" Fire; the Report of which Committee was printed, by which a Man
" might ſee that ſome Men were willing the Scandal ſhould remain upon
" the Court, although, as Times were, they could not carry ſuch a Buſineſs
" through. At the latter End of the Book there is a Letter, pretended to
" be found in the *Temple* Church, giving Notice that the *French* were to
" land, and to maſſacre the Proteſtants, who were betrayed, *&c.* and, in
" the Teſtimony concerning Fires, there are ſome Evidences of No-
" tice taken in the Country of Reports, that *London* was to be fired, and
" Warning given to many of it: See the Book. This was an uſual Art to
" demonſtrate any Thing to be done deſignedly, by ſhewing it was told as
" a Thing done at ſuch a Diſtance as the News could not poſſibly ar-
" rive.

And before the Duke of *York* was ſuſpected to be Catholic.

XXXV. "All this I obſerve to ſhew what Temper the People had (at
" leaſt that Part that was oppoſite to the Government) before there was
" any Suſpicion the Duke of *York* was of any other than the eſtabliſhed
" Religion; that Men might not have the Fancy, which I have found in
" diverſe, that, if it were not for that, there would be no Oppoſition to
" the Government, which I always looked upon as vain; for Men, of
" Principles or Intereſts contrary to the Government, will never want Matter
" which ſhall be plauſible enough. So it was, that theſe working, ſome to
" perſuade the King to give Toleration, wherein they pretended they would
" juſtify him, and the reſt, to ſcandaliſe the King with all the Falſehoods,
" relating to Popery, that they could hope any ſilly People would believe,
" whilſt the King's Actions, though deſigned to diſcredit him, would not
" perſuade good Men from their Duty, there was no Hopes to do it upon
" any Fictions, which, upon careful Examination, would vaniſh. Thus
" the Deſign of the Declaration in 1662, called *the Earl of* Briſtol's,
" was laid aſide as ſoon as it was diſliked by the Parliament, who took
" from thence Occaſion to deſire a Proclamation againſt Prieſts and *Jeſuits*;
" which iſſued accordingly in 1663, and the People were thereupon
" ſatisfied, and the Parliament proceeded with as much Duty and good
" Will as before,"

XXXVI. This may ſerve for an Introduction to the Alteration of the Parliament's Diſpoſition paſſing, from entirely truſting the King, to a Suſceptibility of Fears and Jealouſies: For, after this firſt Addreſs againſt Prieſts and *Jeſuits*, which ſoon followed the firſt Act againſt ſeditious Conventicles, the Parliament continued to urge the Laws againſt Conventicles and Popery, for diverſe Seſſions, as we ſhall ſee. But, in the mean Time, let us obſerve how the Author treats this Action of the King's complying entirely, with what the Parliament deſired, by iſſuing his Proclamation. It was early Days then, and the Faction hoped the King would have differed with the Parliament upon a Point of Popery, which would have renewed the old Game ſtrangely. But this Diſappointment, after (as I doubt not) ſome at Court had given Hopes, and were to adviſe accordingly, ſet back the Work very much; and the Faction were really angry at it, as one may gueſs by this Author, their Echo, who cannot forbear expreſſing his Reſentment. For, ſpeaking of this Proclamation, he ſays, —— *It did not ſeem to be much more in the Intentions of the Court (viz.* the King) *than another Proclamation for the better obſerving of the Lord's Day, and for renewing a former Proclamation againſt vicious, debauched, and profane Perſons in* 1663; *for notwithſtanding theſe Profeſſions (viz.* of the King) *towards pleaſing the People, it is certain that Popery and Profaneneſs were not altogether out of Favour.* This is acting the Devil, at leaſt, that Sort the Poets feign to wear Goats Breeches, Buſkins, Horns and Hoofs, with an hideous Face called *Satyr*, that goes out of his Way to laſh, and then doth it after a deſultory Manner; and the Phiz admirably becomes this *Hiſtorian*. Could any one expect, on this Occaſion, to find the beſt of the King's Actions defamed with a villainous Conſtruction? Had he taken the true Privilege of an Hiſtorian, and given a real Character of the Court, how vicious ſoever, in order to the clearing the Way to Truth, and reſolving enigmatic Paſſages that might depend on ſuch a Diſpoſition, or to ſhew the Miſchiefs to the People by the Example of great Immoralities in their Superiors, or any Thing to diſcountenance Vice; we might have excuſed his being free with his Majeſty's Inclinations to Pleaſures: And ſo far may be readily preſumed, when a King, in the Vigour of his Age, comes out of Exile and (for one of his Pretenſions) Miſery, into a flouriſhing Kingdom, with all good Will, Friendſhip, and Plenty about him, that he ſhould indulge his Genius and take Liberties without the Lines of ſtrict Morality, and, perhaps, Prudence. It were well if Courts were Seminaries of Virtue, but ſcarce to be expected. What a Diſcovery is it, to be recorded in Hiſtory, that Vice raged at Court? Is it not the Hackney Obſervation of all Humaniſts? It had been more tolerable, if the Author had made the Court his Subject, and, conſulting well his Bundle of Libels, ſhewed the Courſe of their Amuſements particularly. That had taken a Form of Hiſtory, however malicious, and, for the moſt Part, falſe; and ſo not have ſtyled it *impartial*, but *ſecret*, like ſome of his lying Brethren. But here he ſays

The Parliament begin to croſs the Court; and the Author ſcandalouſly treats a Proclamation.

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nothing to inform or inſtruct, but inſinuates that the King was a moſt irreligious profane Hypocrite; and all to no End or Purpoſe in his Book, but railing where he ought to honour. But, with his good Leave, be the Sovereigns as bad as he would have believed of King *Charles* II, (and that I think is bad enough) yet their Acts in Government may be excellently good, and, which is more, intended for Good to the Subject, however they think fit to act in their own Perſons. And are good Acts to be blaſphemed to the People, as Works of the Devil, becauſe the Governors are not ſo good as they ſhould be? Certainly no Man can live ſo ill as this Man writes. His Words are cancrous, and fall as Excrements, from the very Soul of him. How elſe could ſuch a Sarcaſm be obtruded, Neck and Heels, as they ſay, without Occaſion, Uſe, or Purpoſe in the Relation. The King did very well truly, but it was only to pleaſe the People, and meant it no more ſincerely than he did to forſake his own wicked Courſes, when he enjoined his People to live religiouſly and ſoberly. This hath its Warrant by Deputation from the Devil himſelf who is the ſovereign Accuſer of Good; and, as in the Caſe of *Job*, he dealt in Perſon, here he makes Uſe of the Author, and, with a parallel Rancour, pronounces aloud, *that the King ſerves not God ſincerely.*

The Author, like his Party, ſquares all Things to the factious Model.

XXXVII. But theſe were the Flowers of the Faction's ordinary Converſation among themſelves, and abroad at that Time; and we have a world of them ſcattered about here, and particularly concerning Affairs of the Parliament: For, in peruſing the Book, we find that, if ever the King was gracious to his Parliament in their ſitting, complying with their Deſires, or doth any Thing grateful, the Author, like the barren envious old Woman, comes in with his —— *Buts*, as —— *expecting a Supply*, —— *could not avoid*, —— *could do no leſs*, —— and the like. On the other Side, if the King doth not think fit the Parliament ſhall meet and ſit at the appointed Time, or the Meeting is prorogued or adjourned, then it is becauſe they may not look into Popery or Intrigues. The King hath no Reaſons or Exigencies of State to weigh on his Side. All, he doth, is, by way of Subterfuge and Trick, to ſhift his falſe Dice out of the Way; by which one may make a Meaſure of all Good and Evil, that will muſter with this Faction. All, that the King doth after their Preſcriptions, is good, and nothing elſe; and what is croſs to their Purpoſes, is evil, nay the worſt of Evils, even unpardonable. Was not this demonſtrated in the Caſe of King *Charles* I, whom this very Faction defamed, as if he had been the very worſt of Men, even to the murdering his own Father; though it was notorious that he was egregiouſly both virtuous and religious in his Perſon, and gave no Countenance to the contrary in his Court? If he could not eſcape factious Obloquy, what had his Son to expect? *Be good*, ſay they, *and truckle to us, and we will make you a glorious King; but, ſetting up for yourſelf, be as good as you will, it ſhall not ſerve the Turn.*

XXXVIII. But

XXXVIII. But we must not be misled by the Author's romantic Reflections upon the King, and the Necessity of our answering them, as is done, into an Opinion that the King's Genius led him to expose exotic Schemes of Religion, or Power; and that he wrought carefully, and directed the Steps of his Government accordingly: There being in Truth very little of that Sort to accuse him of. For he was resigned so much to his Ease and Pleasures, that, of all Things, he hated Business; and he usually conformed to what his Ministers (in whose Hands his Affairs were entrusted) laid before him, whom he seldom could force himself to contradict. And this procured him not only great Disappointments, but, sometimes, a Necessity of contradicting himself, which gained him the Character of not being true to his Word. For when, by saying Ay to the Projects of the Ministry, they thought they had him fast by his personal Assent, as soon as he found himself in the Briars, and, if he went on, like to be undone, he made no Scruple to set himself right, whatever became of them. So it was about his Indulgences; for, when he had the Heads of the Sectaries about him and in his Council (for *Clifford* and *Arlington* were one Way, and *Bucks* and *Shaftsbury* the other) it is not to be wondered at if the King deviated from true Policy and his Interest. For those took Advantage of his Humour, which was to be easy himself, and to make every Body else so, if he could (that he might have no Trouble) and they urged Indulgence as the only Means to make him safe, as well as easy, and especially with respect to his Affairs in Parliament; which, commonly, were to get some Money, and to stave off Importunities. I remember well, that, in Vacation of Parliaments, the Court was so *sciolto*, and free from Care on that Side, that it was seldom thought of till within a Month of their Meeting; and then all was in Hurry, Hurry, about considering and settling what was to be done; and, at such Times, a Sort of People stept in, called *Undertakers*, who would answer that all should be smooth and well in Parliament: And then all was calm and easy again, till this Party of *Undertakers* was found out, and, as commonly happened, routed Horse and Foot. And, after that, there was no Expedient but to agree with the Parliament; which, in those Days, the King of himself resolved to do, let who would say to the contrary. At this Rate Affairs went on from bad to worse in Parliament; the Anti-Court Party prevailing so much, that the King found himself to be upon the Defensive, which made him use a little more Precaution, and serve himself of his own Understanding, and a Ministry more in his Interests; and thereby extricated himself, to the utter Confusion of all the Author's Party, and Provocation of his Malice and Subtilty in charging the King with profound Schemes of wicked Politics: Which Depth of Iniquity was really found on the other Side.

The King's Management not steddy, which bred Trouble always eased by agreeing with the Parliament.

XXXIX. In these early Times a considerable Revolution at Court happened, which was the Case of the Chief Minister the Earl of *Clarendon*, then Lord High Chancellor; of which the Author takes Notice, but purely for

A villainous Use made of the Earl of *Clarendon's* Case to vilify the King.

for the Sake of Scandal upon the King, which he labours to expreſs out of every ſingle *Item* concerning it; and in ſuch a Manner as muſt be an Offence to all ſenſible of the leaſt Duty or Loyalty to the Crown. But it is like all the reſt; for the Author, not allowing the King Reaſon, or any Righteouſneſs, in what he doth, permits not Majeſty to have the Benefit of ſo much as a Chance of his Side to favour him with a little Credit now and then, to ſhew him not ſyderated to all Evil. As to this Caſe of the Earl of *Clarendon*'s Fall, he ſays the *Miſcarriages* this Year ---- made it neceſſary a Miniſter of State ſhould be given up for a Sacrifice, and, *in Purſuance of this common Policy, his Majeſty took the Seal from the Earl of* Clarendon, *and delivered it to Sir* Orlando Bridgman. This ſhallow King may riſe to ſuch common Politics, provided they are wicked enough, but muſt not pretend to the moſt common Policy called Honeſty. But here, to do the King right, a great Share of good Nature was allowed him even by his Enemies. The Earl of *Shaftſbury*, in a Speech of his in the *Exchequer* Court, did him the Juſtice to ſay, *He was a Prince under whom the Unfortunate fell lightly*. But this Author, a greater Enemy to his Memory than any Man living was to his Perſon, is ſo far from allowing him that ſhining Virtue, that, in black Characters, he charges him with a *Matchiavellian* Barbarity no Enemy ever affirmed of him, *viz. By that Mark of Diſgrace to give up the Lord* Clarendon *to the Malice of his Enemies, who ſoon hunted him into Impeachment and Baniſhment.* I thought one of the Ways of Parliament-Hunting was Impeachment, ſo his Lordſhip was hunted into being hunted; and no Wonder he was frighted and run away. And the Author ſhould have noted that, before he came to Baniſhment (for the *Fugam fecit* was not Baniſhment) if he had ſtaid and took his Trial, in Caſe the Proſecution had gone on, which was very doubtful, the Baniſhment had not followed.

And all for the Earl's being againſt Popery. *Page* 266.

XL. But this Meridian Scandal is not enough; the Author hath another fine-ſpun Inducement to increaſe the Pravity, *viz. No Doubt the greateſt Diſpleaſure, taken at him, was for his hearty oppoſing Popery, and thoſe new Miniſters who were profeſſed Favourers and Promoters of it.* To let paſs here what was ordinarily thought to have incenſed the Parliament againſt his Lordſhip, *viz.* the *York* Match, *Dunkirk*, &c. I obſerve that, on all Occaſions, we hear this Cuccow's Tone *Popery, Popery*; and that is conſtantly attended with a *no Doubt*. We have leave to doubt any Thing, but that, when it is to ſcandaliſe the King. His Majeſty is honoured with a Zeal to Popery beyond Example; for he falls out with his conſtant and old Friends for being, what he himſelf profeſſed to be, Proteſtants: *No Doubt* that was all. This perpetual harping upon Popery, on every Occaſion that will afford a *no Doubt*, is fulſom and faſtidious to reply to, as well as to read; but we muſt have Patience. The King, in Truth, came up to nothing ſlower than changing his Miniſters; and often, out of pure good Will, as well as the Inconvenience of Change, forbore to his great Loſs.

XLI. But

Of the Cabal that roſe upon the Fading of the Earl of *Clarendon.*

XLI. But when he found his Affairs in a very bad Condition, he commonly, upon changing, fell into the Hands of thoſe who had made him ſenſible of former Miſcarriages, whether the Matter was amended or not; till, by a little more of his own Application, he came to be ſenſible when he was well ſerved, and when not. His Ear was moſt inclined to clever and round Propoſitions, and did not love meaſuring Coſts. The Author's Promoters of Popery, ſuppoſed to riſe by the Misfortunes of the Earl of *Clarendon*, were the famous CABAL, *Clifford*, *Aſhley*, (Lord *Shaftſbury*) *Bucks*, *Arlington*, and *Lauderdale*. Againſt theſe was levelled a Pamphlet called *An Appeal from the Cabal to the Country*. The Cabal itſelf was a pretty Mixture, Papiſt and Preſbyterian *ana*; and, for *Scotland*, *q. ſ.* The Duke of *Bucks* was a ſtrange Inſtance of a Bizzarr Courtier, that, being nobly deſcended, a Scholar, of lucid Parts, and thoſe ſet off with all Advantages of Perſon and Education, ever a Libertine, yet warped towards Fanaticiſm, and fancied to be Head of that Party. With theſe Trappings he had the unaccountable Chance to be, for ſome Time, little leſs than *primier* Miniſter to direct all the King's Affairs, and yet was never Maſter of Diſcretion above a Jeſt: And whether Religion, or the State, ſhared moſt of that Perfection of his, is a Doubt. But *Aſhley* had a better Title to the Fanatic Regiment, being bred among them, and verſed in all the Miz-Maze Practices of the late Times: And then *Clifford* had once a very great Intereſt in the Houſe of Commons; and very few, if any, ſince, certainly none, in that Reign, had ſo great a Sway there as he had, and yet, afterwards, proved to be a declared Papiſt, ſo artificially did he conceal himſelf: And *Arlington*, who the Author ſays was alſo a concealed one, appeared with the Sectaries. Whatever other Ends theſe People had, it is certain making Room was one. *Lauderdale* was the only Man of clear Senſe amongſt them, and qualified to ſerve the King, as he did in his Province, which was *Scotland*, faithfully and with great Succeſs. He was no Enemy to Power, which he found the only Expedient to keep his rebellious Countrymen in Peace. And what other Method is proper where all Grace, Honeſty, and Sacred Duty fails, and Men act by no Principle but private Intereſt? But, in ſhort, theſe were the King's Company in the Time of the Infirmities and Failings of the Earl of *Clarendon*.

The Cabal took Advantage of *Clarendon*'s Infirmities, ſhewed by the Memoir.

XLII. It would be a rare Court if active new Miniſters did not ſupplant worn out old ones, where the whole Study and Practice, on all Sides, is to ingroſs Favour and Employments into Factions and Clans, by ſupplanting others. But this Caſe of the Earl of *Clarendon* did not depend on that Practice, although it is the beſt can be made of the Author's Diſcovery. For the King had great Reaſon to be weary of the Earl, who was grown ſo infirm, peeviſh, and forgetful, as alſo not a little tutorly in his Majeſty's Affairs, as he could ſcarce bear with; and little ſuited the Eaſe he propoſed to himſelf. And thoſe already named, with other Tools, as *Seymour*, *&c.* wanted not Art to make the moſt of his Lordſhip's Infirmities to the King's Diſlike,

Diſlike, who was then very apt to hearken to Pleaſantries, though, at the Bottom, there lay a Snare; each of them having his ſeveral End in it, as may be interpreted by many Paſſages touched upon in this Work. But now, to demonſtrate that the Author, with his *no Doubt*, is a very Falſary, and that it was not without great Cauſe that the King forced himſelf to part with the Earl, I will ſubjoin a ſhort Memoir that came from the very Source of theſe Affairs, *viz.* —— "I was alſo credibly told that the Earl of *South-*
" *ampton*, the Lord Treaſurer, was a very honeſt Man, but a plain Man,
" and no Way ſkilled in the Methods of the Treaſury, which require a
" mechanical Head; and Sir *Philip Warwick*, his Secretary, bookiſh and
" forgetful: So that Money, aſſigned to the Ordnance, was paid to the
" Navy, and *e contra*; ſo that the King ſaw a Neceſſity of making a
" Change. And the Earl of *Southampton* having, by *H. Seymour*, declared
" his Deſire to be eaſed, the King went to the Chancellor in 1666, when
" the Parliament was at *Oxford* (where the Chancellor had the Gout in
" one Place, and the Treaſurer in another) and told him of it. But he
" flew at it, and ſaid it would kill the old Man, and it was nothing but the
" young Men that had a Mind to get into Buſineſs before they underſtood
" it; and, thereupon, he ſent to the Earl of *Southampton*, and prepared him
" to reſiſt it. So that, when the King went to him, he found him averſe;
" for the King had ſo great a Kindneſs for him, that he would ſuffer any
" Loſs rather than grieve him. Thereupon the Thoughts of a Commiſſion,
" which the King then intended, were laid aſide. And the Earl of *South-*
" *ampton* came to Town and died, and, thereupon, the Commiſſion iſſued
" to *Albemarle*, *Aſhley*, Sir *William Coventry*, *Duncomb*, and *Clifford*; and
" ſhortly after, the Seal was taken from the Earl of *Clarendon*, and the
" Parliament ſet upon him beſides."

Errors of the Court in his Time, and his Concern in them.

XLIII. This I take to be a little better Authority than the Author's *no Doubt*; and it ſhews that the King was not ſuch a Miſcreant in this Change, as he not ſlily inſinuates (which, for his own Credit, ſometimes he doth) but directly declares, allowing his Majeſty no one Good, or rather no one non-wicked Reaſon for making this Change. I ſhall not meddle with the Charges ſpecified in the Commons Impeachment of the Earl, knowing that in the Courſe of theſe Matters, Parties never want Materials, nor of the Fame of his favouring the Roundheads againſt the Cavaliers, becauſe the latter, not having Money to apply as the others had, were not ſo good Clients; which might be wholly falſe, although the Politique of the Court, at that Time, might give Colour for it. It was ſo far believed among the Cavaliers, as procured him a World of Curſes; and, in particular, for his puſhing the Act of *Indemnity* ſo far as to take away Mens Properties, that is, their Actions at Law for perſonal and particular Wrongs done them. Whereby the Loyal Gentlemen were undone, and undone for their being Loyal; and the Rebels went away ſafe and ſound with their ill gotten Goods ſecured to them by a Law. As for the taking Money, it is likely that

Enemies, out of ill Will, and for indirect Deſigns, fomented the Suggeſtion; and ſuch Spirits, as well without as with Cauſe, commonly trouble Men in high Places. And the other, of ſcreening the Rebels by the Act of *Indemnity*, may be termed *Ragion di ſtato*. But the Injuſtice, on the Part of the Crown, was joined with ſo much Ingratitude, as cannot be well palliated, ſcarce in the Court of *Matchiavel* himſelf. Whether it lay all at the Chancellor's Door, or not, I cannot be poſitive. But, afterwards, it was manifeſt his Majeſty's Affairs ſuffered through him; and the King was forced to a Change, of which the Author (with his *no Doubt)* makes a horrid Conſtruction. I as little doubt that his Lordſhip's Fidelity and Probity were moſt exemplary; yet it ſeems his retiring, and not ſtanding his Trial upon his Impeachment, was a miſtaken Step: For that gave the adverſe Party an Handle to infer conſcious Guilt, and his Friends a *Languor* at beſt. It was called withdrawing from Oppreſſion, but it becomes Innocence, and is braver, to look Oppreſſors in the Face, and generally more fortunate.

XLIV. There may be ſecret Reaſons between him and the King, elſe I ſee no Colour for his withdrawing. The Lords muſt have been his Triers, the Commons might have been leſs fierce, the King might have befriended him; and, after all, the being condemned of Miſdemeanor, which was the moſt, might have been called Oppreſſion, and his Honour ſaved, which ſunk in his *Fugam fecit*. I ſhall ſay no more of this noble Perſon's Caſe, but that he was too much a Scholar, and warping towards the Pedantic, to be a good prime Miniſter of State. His Pen had the Advantage of his Politics, and, during the Courſe of the War, of which he hath left an Hiſtory, he was one of thoſe perpetual Scribblers that (if we may believe honeſt Sir *Philip Warwick*) extremely prejudiced the King's Concerns. For his Majeſty ſeldom had an Advantage of the Rebels, which ought to have been improved by puſhing on, but they ſpoiled all with their long winded Meſſages, Declarations and the like; againſt all which Charms the Parliament were Iron Proof. And, after the Reſtauration, when foreign, as well as domeſtic, Affairs of State depended on him, he grew every Day more dilatory in Buſineſs, and always trifled; from which, for Want of timely cloſing certain Alliances, great Inconveniences emerged to the Crown. So, without the Author's Help to clear our Doubts, it was plain what muſt follow.

He was a better Penman than Politician.

XLV. Now we ſhall leave behind Characters and Reflections, for a While, and fall to Buſineſs, and ſee how the Author deals with the Public, as to many Things then done by the Court and by the Faction; whether, as ſincerely as before, he deals with what was but *thought*, or (after his clear Penning) what *ſeemed* to be done. And, to take a Riſe from the Change of the Houſe of Commons in Point of Temper, or Reliance upon his Majeſty, we muſt note, that, in this Altitude of the Times, under the Colour of a Country Party, another Party prevailed much in the Houſe of Commons, and, by certain Arts then uſed, ſuch as were termed *Parliament driving*, they made good their Numbers, and very much embarraſſed the

The Growth of the Country Party, and averſe Humour in the Houſe of Commons.

King's Affairs; and they ſo wrought, that he was ſeldom well pleaſed with what was done. So that the early good Humour of this Parliament, which laſted for many Years, muſt be looked upon as now well nigh ſpent. For the King was held under a continual Diſtruſt, and, in Speeches, made obnoxious touching Popery, Liberty, Property, and *France*, always glancing at the Court; and every Overture, pretending to ſecure thoſe Points, was moſt acceptable to the Houſe, and greedily hearkened to; and the King's Loyal Friends, who were called the Court Party, had enough to do to maintain their Poſts, or prevail to have tolerable Quarter amongſt them. The Degrees of this inauſpicious Humour growing, and the Arts uſed to inflame it, and the Exceſſes that befell in Conſequence, are a large Field, and will require much walking about to ſhew it.

The ill Conſequences of *taking off*.

XLVI. There were Abundance of Reaſons that conſpired to this Alteration; of which one, and not the leaſt, was that which, in its Time, was called *taking off*; that is, with Places or otherwiſe, plainly buying the viſible Heads of the adverſe Party. A Method the King was inclined to much rather than that of contending with them; for he always lean'd to Ways that tended to his Eaſe. Thus came Sir *T. L——e*, Mr. *Ga——y*, and Sir *T. M—rs*, *&c.* who were the Bell-weathers of the Country Party, into the Commiſſions of the Cuſtoms, Admiralty, and Exciſe. And yet they held on their Party Combination in the Houſe of Commons. They eat, drank, and almoſt ſlept together, the better to underſtand all Things the ſame Way, and to manage with Art their Game in Parliament, which they took to be devolved into their Hands. And, by the Advantage they had of Popery and *France*, they took the Parliament to be the Stage of their moſt intenſe Action, and, to be wholly devoted to that, neglected all their other Concerns. And ſo, after hard ſtraining and Labour, for many Years, to get thoſe Darlings of Popery and *France* into the Houſe all in vain, now they had Poſſeſſion of them, they were not wanting in the utmoſt Application to Party Work for making the beſt of it. But, if one may judge by Conſequences, the chief political Error of this Method conſiſted in the not taking off enough: The Caſe being like that of *Spaniſh* Thievery, where they ſay, *A Thief deſerves to be hanged that ſteals not enough for himſelf and the Judge.* King *Charles* I. did nothing, *Charles* II. went but a Step forwards. It is a Pity any, that go thorough Stitch (if any ſuch ever be) ſhould thrive better.

Of private Penſions (a Courſe much improved ſince) uſed chiefly againſt the King's Intereſt.

XLVII. Beſides theſe open Methods of Places and Promiſes, there might be alſo ſome ſecret ones, as Penſions and Sums of Money for Jobs; but known to very few, and not great, or many, nor mentioned but in Whiſpers, and thoſe bore ten Times more than was true. It had been a much better Way to have given the Advantages after the Service done, by Way of rewarding Friends, which had gained many out of pure Hopes, than in buying off Enemies, which made as many croſs on Purpoſe to be bought off; ſo all the Effect of this Trade was like that in the Fable of *Hydra*. I

ſhould have pinched hard upon this Practice, if it had not been a Puſh-pin Game, compared with what has been known ſince that ſome Men, who were the Finders of Fault in thoſe Days, have become Traders for themſelves: And, if theſe latter Examples may paſs for Peccadillo's ſcarce worth taking Notice of, I am ſure the purchaſed Friends of King *Charles* II. may paſs for Self-denying Saints. But yet thoſe (comparatively) inconſiderable as they were, helped to loſe irreparably the beſt Intereſt the King had in Parliament. For, without being a Witneſs of the Thing, it is not eaſy to conceive what a Clamor was raiſed upon Occaſion of ſome Gratuities to Members diſcovered, by Sir *Stephen Fox* (this was, I think, in the little *Weſtminſter* Parliament) whether one or other, doth not appear in the printed Votes; for one while he was ordered to produce his Books, and Members appointed to attend on him to watch them; and at another Time, he was to ſay, from his Memory, what Money, for ſecret Service, went to Members of the, then, late long Parliament (which ſhews that he was not permitted to diſpoſe of the Books of his Office, which was that called the *Cofferer)* but whether any Particulars were diſcovered, or not, doth not appear in the Prints. This Inquiſition came not till after the long Parliament was diſſolved, when Matters run high, and the whole Faction, having this Handle, mouth'd it all over the Town, as the moſt fatal Grievance that ever was known, no leſs than poiſoning the Fountains of Law, Property, and public Juſtice. That long Parliament was called the *Penſioned Parliament*; and ſo it was intended all they had done, for the Church and Crown, ſhould fall under a Diſparagement; although, before they were diſſolved, they had flown as high againſt the Crown as, one would think, Faction could expect from them. And, as for the particular Members to be found peccant, it was expected they ſhould be mortified moſt exemplarily; that no more ſuch horrid and inſufferable Abuſes might ever after be known in Parliament. And was not all this to very good Purpoſe? For now, when we hear of any Thing, of like Kind done, no one Perſon is in the leaſt moved at it, or concerned to ſtir up a Spirit of Indignation as might tend to a Reform, which every Subject ought, in his proper Sphere, to puſh as far as he lawfully may; but, on the other Side, Men ſeem to ſuccumb under it, as a Proceſs, now become of Courſe, and either fall to contriving how to profit the ſame Way, or to content themſelves with ſaying, *Ay, it was begun by the Miniſters of King* Charles II. and ſo the Canker creeps on without Check, and the Practice becomes no Shame. Such Difference is to be obſerved of Times! In ſome, Men may ſteal an Horſe with more Impunity than, in others, look over an Hedge: So as nothing, that Mankind ever did, may, or ought to do, is, by Way of Conſequence, to be depended upon; for the ſame Craſis of Humour hardly ever returns again, and, as the Weathercock ſtands, Men will act, and contradict themſelves and their egregious Intereſts, contrary to all Reaſon and the manifeſt Declarations of Example. And ſo this mighty Outcry ended in no Sort of Regulation, but

was exaſperated only in Calumny upon the King, as if nothing elſe was intended by it; and, to that Effect only, it is recorded in this *Famous Hiſtory*.

The many Reaſons for Things changing from better to worſe, and the Riſe of factious Influences.

XLVIII. One mighty Cauſe of ſuch Change in the Humour of this ſame Parliament, that had been ſo loyal, and ſat ſo long, may be accounted the natural Tendency of all Things to Alteration; which happens from many Incidents. Men, that are eaſy, grow uneaſy. Deaths and Preferments bring in new Perſons of a different Temper. The Arts of deſigning People gain upon thoſe that are weak, though honeſt. The Court naturally deviates from a due political Conduct, and, either out of Supineneſs, Negligence, or Miſtake, gives Colours and Handles againſt themſelves. But moſt of all when, betrayed by falſe Friends and Dependants, that hold with the Hare, and hunt with the Hound, they do Things contrived on Purpoſe to create Fears and Jealouſies, and thoſe, with premeditated Deſign, are ſet forth and aggravated in the worſt Senſe; which was directly the King's Caſe in *Shaftſbury*'s Miniſtry, as was ſhewed. Then the Nature of Mankind, that are more touched by Fear than all other Paſſions or Affections, concluding every Evil, however improbable, muſt ſoon be preſent, gives Advantage to falſe Men, by influencing a Populace, to act almoſt any Thing. And, the Generality of Men, gentle and ſimple, being inclined to argue Evil rather than Good, all theſe Ingredients conduced to give a Faction, both in and out of Parliament, a Credit whereby they continually enlarged their Borders. And, what is worſt of all, theſe Proceſſes go on, and, like burning Oil, ſcarce can, by any ready Means, be kept from extending. And it is not without Time and Application, or ſome extraordinary Emergence, that makes a Stop or Diverſion of an Humour once afloat, as fell out to be very violent againſt King *Charles* II. and could not be coerced by any direct Application, till the great Emergents of State happening (of which an Account has been given) made Way for it. And the Manner of working this Spirit of Faction, ſo far as I can conject or diſcover of it, is the Buſineſs of a few Sheets before us.

The two great Engines againſt the Crown, Treachery and Neceſſity. 1. Treachery.

XLIX. The Faction, finding that the King was beleagred, and, as they depended, could not eſcape them, undertook the Management of two Matters, which, brought to Perfection, would crown their Work. The firſt was to bring the King into great Neceſſity, and the other to plant only thoſe of their own Party about him. Theſe, conſidered in general, muſt needs be very efficacious; for, firſt, if the King was once pinched with extreme Want of Supplies, he muſt, at length, throw himſelf upon the Parliament, and do whatever they ſhould ſay was needful for ſecuring the Public againſt Popery and arbitrary Power. And the Faction concluded, if it came once to that, he would ſoon be reduced, and render at Diſcretion. And they, no leſs reaſonably, expected that all his Struggles and Shifts, to avoid that Extremity, would but haſten the Operation, and bring forward the grand Criſis. They had gone a great Way, as they thought, by bring-

ing his Majeſty under a general Diſcredit and Diſtruſt with many of the People, as one abandoned to Popery, arbitrary Power, and *France*. And this Proceſs was, by all Means, continually invigorated with the Adjuncts of Hatred and Contempt; as they laboured to bring over him; of which the Fruit was to be the diſpoſing People, upon all Vacancies, to elect into the Houſe of Commons only Party-Men, or ſuch as ſhould join with the Faction in every Thing againſt the Crown. The other Point was, of depriving the King of all his true Friends, and planting falſe ones about him. Theſe were to adviſe plauſibly, but treacherouſly, and whatever was deliberated or reſolved, to betray it to them. For, if any Good was done, they might erect ſome Counterworks to prevent its Effect; as Lyes to be invented and ſpread abroad, that this real Good might ſeem bad, or done for ſome indirect Purpoſe to the People's Prejudice, and, if poſſible, make them believe they were bought and ſold. And whoever about the King did not fall in with theſe Meaſures, he was to be made one of arbitrary Principles, diſaffected, Papiſt in Maſquerade, or Penſioner of *France*; and, by Virtue of thoſe Handles, by one Way or other, if poſſible, they muſt get him removed. Now, that the Faction laboured upon this Model, a little Conſideration of the Times, and Conference with the Paſſages and Diſorders in that Reign, as have been already, in great Part, and farther will be, declared, will evince, and alſo interpret the Myſteries held forth in moſt of them. And as fooliſh and hot-brained as diverſe of theſe Projects ſeemed to be, yet they had Root in very ſecret and treaſonable Counſels, and the Author's Style and Manner of Expreſſion will help us out in demonſtrating to open View theſe curſed Stratagems and Complots againſt the King and his Government. I ſhall therefore go over them more particularly.

L. And, firſt, of the bringing Neceſſity over the King. It was conſidered that the ſettled Revenue was a grand Security to the Crown; for, with a reaſonable Managery, and not launching into profuſe Undertakings, the King might live well upon his own. And this Good was owing to the early loyal Parliament, which makes the Author ſo angry, as I ſhewed, about a Recognition of the Militia. But yet, as the King ordered the Matter, it was ſeldom that he found himſelf without great Need of Supplies. Pleaſures, Building, the Navy (which was his beloved) and other Royal Occaſions kept him always in a Diſpoſition, if poſſible, to be well with his Parliament, from whoſe occaſional Supplies he expected his Satisfaction and Eaſe. Now, taking the Matter in a factious Senſe, it was dangerous for the Parliament to be over-rigid in denying Supplies, leſt he ſhould take up a Reſolution of living within Compaſs, and then all Advantage againſt him was loſt. But, together with Supplies, they uſed to pluck at his Pinions, and, perhaps, get off a Quill or two. It was often the Method, in theſe Caſes, to vote a Supply very freely, and ſuffer the Bill to be brought in, and to lye upon the Table; there was a fair Lure. After that, according to the Rule, that Grievances were to go before the Money Bill, the latter ſhould

The Point of Neceſſity laboured, and the great Oppoſition to all Supplies.

lye ſtill, or move a Snail's Pace, till other Matters, under the Notion of Grievances, were wrought up to a Pitch. It is to be owned that this Method of proceeding in Parliament, for regulating Grievances, is moſt proper and fit to be uſed when there is Reaſon at the Bottom: But, if there want that, and it be uſed with Deſign to ſupplant the Monarchy, it hath another Character. The King's Circumſtances were ſuch, that he was not yet to be attacked openly and barefaced. Faction muſt move with all the Art and Caution imaginable, and manage Pretences to Advantage. It uſed to be an hard Match, between the Court and Country Parties, which ſhould prevail, the one to carry thorough, and the other to retard, the paſſing of a Money Bill; and all the Skill of both Parties was imployed at Stretch to gain the Point; which occaſioned ſome diverting Accounts among the Folks without Doors. One was, that, when Serjeant *Gregory* was the Speaker of the Houſe of Commons, a Bill was ingroſſed, and, having paſſed at the third Reading, lay upon the Table, to be carried up when the Houſe ſhould ſo order; but the Country Party found Ways to delay the ſending it up. And, at length, a Time was privately concerted, and a Member moving for the carrying up the Bill, the Speaker, not ſtaying for any Debate or Queſtion, roſe out of his Chair, and took the Bill in his Hand; the Court Party roſe and cloſed in behind him, and carried him forwards, and ſo they went up to the Lords, and the King being in his Chair, the Bill was preſented and *il Roy le vent*. The other Party, having no Warning of this, could only in the Houſe cry *Hold*, but all in vain, although the Majority, at that Time, was with them. So *factum valet*, and, the Parties being well matched, no farther Notice was taken of it. And the Juſtification of ſuch an irregular Step was founded on the very bad Uſe the other Party made of Means they had in their Hands to ſtop the Bill.

The Strife againſt Supplies, and the Faction getting Ground.

LI. Another Money Bill had a ſhrewd Rub from a Miſtake of the Clerk, who had, in the Ingroſſment, made the firſt Payment in a Year that was paſt, as writing 1673, for 1674, and ſo it was carried up to the Houſe of Lords, where the Miſtake was found out and obſerved. And, after that, the Court Party of the Lords, who ſwayed the Houſe, were at a very great Plunge what Courſe to take for ſetting this Error right. The Dilemma lay here: The Lords Houſe could not mend the leaſt Punctilio in a Money Bill, though they might throw the whole out; and, if they had ordered the Amendment, the Commons had inſpected the Lords Books, and, finding it, certainly had entered upon a Quarrel, and the Bill had been loſt. And then to ſend it down to the Commons was running the Gauntlet again; for the Country Party would have taken Advantage, and, if they could, hindered the Bill's paſſing upon the Queſtion, as muſt have been put *de novo*. Here was *dignus vindice nodus*. The Matter hung in Debate, three or four Days; and, at length, a noble Lord moved that the Bill might be read, that the Nature of the Miſtake might be underſtood: And, O wonderful!

the Bill was right as any Bill could be, and their Lordſhips were, it ſeems, under a Miſtake, and not the Bill. The Truth of the Matter was, one of the Clerks found good Reaſon to lend his Underhelping Hand, and ſo all was well. In the Courſe of theſe Conteſts, the Country Party continually got Ground, and they gained a Majority at laſt, whereby this Fountain of Supplies dried up; and nothing could be got but what was rigidly appropriated, pinched, or clogged, as I ſhall ſhew. It was a Sort of Symbol or Watchword of the Party to ſay, *we muſt hinder Supplies.* And the being for, or againſt, a Money Bill, was an infallible *Criterium* of all Good and Evil in Men. Nothing but the latter would qualify a Country Party Man. Liberty of Conſcience was allowed in all other Concerns in the Houſe whatever, provided that Duty was performed; and an Apoſtle would not have been muſtered among them, that ever, upon any Account, had voted for Money.

Devices to ſtraighten the King, and, 1. A Commiſſion of Trade to Men of the Faction.

LII. There were diverſe Projects of the Faction that tended to ſtraighten the King; ſome took Place, others went Half Way, and ſome came to nothing. One of the earlieſt was during the Duke of *Bucks*'s Miniſtry, little obſerved or remembered. It was, by him, *Shaftsbury*, and others, repreſented to the King that his Majeſty was too much troubled in Council with dark Queſtions concerning Trade, which, at laſt, were referred to eminent Merchants, and their Advice commonly was the Rule. The Courtiers, for his Majeſty's Eaſe, moved that there might be a Commiſſion to ſeveral of the greateſt Traders in *London* to examine all Matters of that Kind, and to report their Opinion to the Council; upon which his Majeſty might determine. This plauſible Project was put in Execution, and the Leaders of the fanatic Party in the City, as *Love*, *Child*, *&c.* were the Commiſſioners; for ſo it was plotted. The great Houſe in *Queenſtreet* was taken for the Uſe of this Commiſſion. Mr. *Henry Slingsby*, ſometime Maſter of the *Mint*, was the Secretary; and they had a formal Board with Green Cloth and Standiſhes, Clerks good Store, a tall Porter and Staff, and fitting Attendance below, and a huge Luminary at the Door. And, in *Winter* Time, when the Board met, as was two or three Times a Week, or oftener, all the Rooms were lighted, Coaches at the Door, and great paſſing in and out, as if a Council of State in good Earneſt had been ſitting. All Caſes, Complaints, and Deliberations of Trade were referred to this Commiſſion, and they reported their Opinion, whereupon the King in Council ordered as of Courſe. So that they had the Province of a Committee of Council; and the whole Privy Council was leſs Charge to the King than this; and, the Characters of the Commiſſioners conſidered, one may conclude, that, whatever Intereſts were regarded, the public Revenue, coming to the Crown out of Trade, was not the chief of their Care, unleſs it were to ſink it by all the Ways they could poſſibly contrive.

LIII. But

The Commiſſioners quarrelling about private Intereſts, the Commiſſion was diſſolved.

LIII. But, in an evil Hour, it fell out that a Matter was brought before the Commiſſioners, upon which the Board could come to no Concluſion. For the Intereſts of the *Turky* Merchants, and of the *Eaſt-India* Merchants, claſhed, and no Merchants, in either of thoſe Intereſts, would yield one Scruple to the other; but, what with Alderman *Love* on the one Side, and Sir *Joſ. Child* on the other, they adhered *mordicitus* to their reſpective Propoſitions. It was a long Time that they diſcourſed the Matter at their Board, off and on, if violent Talking may be called Diſcourſe; and, at length, they agreed to deſire that the whole Matter might be heard and determined by the King in Council: And there each Party might alledge his Reaſons, and receive the King's Judgment. So was done; and, at the Hearing, *Love* made the Caſe very plain on his Side, and *Child* allowed all to be reaſonable, if his Facts were true as he had ſtated them; but thoſe were altogether miſtaken, and, he ſhewing the State of the Fact, the Caſe came up to Demonſtration on his Side. The other revyed, and denied his Facts; and ſo too and fro, vying and revying with perpetual Contradiction, little leſs than giving each other the Lye. Whereby it appeared moſt plain to the King, that they were a Pack of K - - - - s, and there was no Grain of Juſtice or Ingenuity amongſt them; but all Partiality and Selfiſhneſs, agreeing in nothing but the common Notion of Trade, which is to ſerve themſelves at the Coſt of every Body elſe; and, more eſpecially, of his Majeſty's Cuſtoms, which were not like to thrive where they had to do. Beſides, they were a vaſt Charge to the King, with their State and pompous Way of managing their Commiſſion; and, whenever their Intereſts were oppoſite, they contended moſt indecently and irreconcileably. This Incident, joined with other Jealouſies the King had conceived of them, gave him an Handle to declare them diſſolved, and they were diſſolved. Since which there have been Commiſſions of Trade upon a fairer Scheme, not like to turn into ſuch a dangerous Confederacy as they did; and, if not like to do much Good, there is no great Danger that, at their proper Board, they ſhould do much Hurt.

The Hiſtory of the Interdict of Trade by the *Turky* Company.

LIV. There was a wonderful Contrivance in the City for leſſening the King's Cuſtoms, and, at the ſame Time, diſcontenting all that depended on the Woollen Manufacture; of which I ſhall give a plain Relation; though the Fact is of ſuch a Nature, as, ſubſtracting the Spirit of Faction, that ſticks at nothing, muſt appear incredible. After Peace was made with the *Dutch*, and the King, being a neutral Prince, had the Poſt of a Mediator at the Treaty of *Nimeguen*, there was a vaſt Increaſe and Flow of Trade, which, by the ordinary Cuſtoms, brought a copious Revenue into the *Exchequer*; whereat the Faction looked a-ſquint, and would have had it brought lower, though they had been Sufferers in their Trade by it, as will appear by what follows. Sometime, about the Year 1680, the *Levant* or *Turky* Company, in *London*, had under their Conſideration, what Courſe was to be taken for the repairing themſelves of the very great Loſſes the Com-

pany had ſuſtained, by the unſufferable Outrages and Oppreſſions of their Merchants in *Turky*, by the Grand Vizir's *Avanias*, as their Oppreſſions are called. And, at their Aſſemblies, called the *Turky Court*, they were very warm upon Expedients for Redreſs. One Thing, reſolved upon, was the recalling Sir *John Finch*, then Embaſſador there, and ſending out a new Embaſſador to the *Port* in his Room. For it is found that an Audience of an Embaſſador, by the Grand Seignior himſelf, is very dangerous to the great Men, and they have a Dread of it accordingly; for there is a fair Opportunity to complain, and the Complaints, ſo ſolemnly given, are credited. And the Lord *Chandois* was pitched upon to be the Embaſſador to *Conſtantinople*. The next Thing was to conſider the Tenor and Form of the Diſpatches that were to be ſent out with him; and there was great Diſpute and Contention about that Matter. It ſeems the chief of the *Turky* Company were alſo the Demagogues or Heads of the Faction in the City, and were moſt hearkened to by the *Non-chalant* Merchants that went with Faction, ſcarce knowing why. Theſe Gentlemen were for hectoring the Grand Seignior, and ſome were for an Application to the King for Ships of War to go and lie before the *Seraglio*, and, if he would not right the Merchants, beat it about his Ears. It made a pleaſant Entertainment, at the *Turky* Club that Evening, to recollect the ſeveral lofty Flights and touring Projects of thoſe that ſpoke on this Side, and how ſlight they made of the *Ottoman* Emperor in his own Metropolis. There were others of the ſame Party that put on the Prude, and came a Peg or two lower. Theſe were for making it an Order of the *Levant* Company, that, until Juſtice was done for the Merchants againſt the Grand Vizir, all manner of Trade with the *Port* ſhould be interdicted; and then all fell in with this as a Sort of a Temper, and, upon the Queſtion, carried it; and ſo it was to paſs into an Order of the Company, to interdict all Trade to *Turky*, and with the *Turks*, until, *&c.* Sir *Samuel Bernardiſton* ſaid they muſt tumultuate the People at *Conſtantinople*; which Reaſon, ſhallow as it was, ſhewed the Depths of his Politics at Home.

LV. The Gentlemen, that oppoſed this Order, dealt plainly, affirming it was the maddeſt Action that could be done by Men pretending to common Senſe. Nothing could be ſo raſh and unadviſed. And, if they went on with the Interdict, the beſt Iſſue, they could expect, was that the Nation abroad would have more Wit than to let the *Turks* know of it, but, notwithſtanding their Order, go on and Trade as they uſed to do. And it could not be expected that, whatever the Company thought fit at that Diſtance, the Factors upon the Spot would comply to be ſacrificed and loſe all for their *Capriccio*. For if, upon this Account, they ſhould ſhut up their Warehouſes, and the Embaſſador declare a Stop of Commerce, all their Perſons and Effects, all over the Empire, would certainly be ſeiſed as for an inſolent Affront to the Grand Seignior, and little leſs than declaring War with him, even while they were all in his Power; and then all the Ap-

The inconceivable ill Conſequences if the Interdict had gone on.

plications and Submiſſions, they could make, would not get off this *Avania*, without paying forty Times as much as had been eaten from them before; and ſo the rapacious Officers had been gratified with a good Pretence, both for what they had taken, and for taking from them all the reſt. And, as for huffing and hectoring, it was there as the Mice hectoring the Cat; and what ſhould the Nation, going only for Traffic, get by a War at that Diſtance? And the *Turks* have us in as much Contempt as we can have of an *Armenian* Pedlar of Amber Beads. And beſides, if the Trade be once interrupted, it is doubtful if ever we might reſume it. Experience has ſhewn that Trade, diſcontinued, is the ſame as loſt; for there is nothing we ſupply, but either the *French* or *Dutch* would furniſh beyond all the Demand there, if it were a greater Trade than there is; and the Trade we have is but a Competition with them. But all this was talking to the Wind, for the worſhipful Leaders had other Views, they muſt tumultuate the People at Home, and ſhrink the Cuſtoms, as I ſhall make better underſtood.

The Company made to reſcind their Order, and reprimanded to boot.

LVI. While they were contriving the Diſpatches for the Embaſſador, this Order of the Company took Air, and coming to the Knowledge of a Privy Counſellor, he laid the Matter before the King in Council, as what he thought very fit for his Majeſty to take a timely Account of, leſt it ſhould make a hoſtile Rupture, and induce a War between his Majeſty and the *Ottoman* Port. Upon this, the *Levant* Company was ſummoned to attend the King in Council, and, being there, received a ſharp Reprimand. They were told that they were a Company incorporated to carry on, and not to interdict, Trade; and that, if they perſiſted and did not ſtraight go back and vacate what they had done, and thereby lay open the Freedom of their Commerce to all their Members, his Majeſty would forthwith iſſue his Royal Proclamation, declaring a Liberty for all his loving Subjects, who were willing, freely to trade in *Turky*. And would ſend to his Embaſſador at *Conſtantinople*, and to the Conſuls in the ſeveral Factories, Orders expreſs that they ſhould protect any of his Subjects that ſhould ſend out the Manufactury and Product of *England*, or otherwiſe trade there. And they were alſo told, that it ſhould not be in their Power to engage his Majeſty in Hoſtilities with the Grand Seignior. Therefore, however they had been entruſted formerly, now there ſhould go no Letters in his Majeſty's Name to the Grand Seignior, or his Miniſters, till they had been read and approved in Council. With this *Romancino* the Gentlemen of the Company went back and held a Court, where they reſcinded their Order, and, after quarrelling a little about the Diſcovery, which was called *betraying the Secrets of their Court*, they fell to their Buſineſs in good Order as before. Thus ended this factious Attempt, and bold Attack upon the Public Revenue. It did not, at that Time, ſeem ſo monſtrous a Step, as here it doth in the Picture, becauſe there was a ſtrange Tendency to ſuch Sort of Doings; and, after the Project failed, and turned ſharply upon the Contrivers, then, as the Uſe of the Faction, in all like Caſes, was, they huſhed it up, ſo that it was ſcarce

ſpoke of: And I queſtion if any Perſons are now to be heard of, that remember the Paſſage. But the Steps of it may be found both in the Book of the Company, and of the Privy Council, as I verily believe.

The Government muſt have ſuffered in the Cuſtoms, and Diſcontents, of the Wool, Lead, and Tin Trade.

LVII. It will be expected now, that I ſhew more plainly how this Deſign terminated in the Government. In the firſt Place, if ſo raſh a Thing had been done, as for the King, at the Company's Requeſt, to have ſent a Squadron of great Ships to paſs the *Dardanells* (at deſperate Hazzard) to lie before the *Seraglio*, beſides all other Evils to the Nation there, what had that Expedition coſt? and what Loſs to the Navy had followed? All which had been Miſcarriage to charge upon the Government, and to weaken it both in Money and Reputation; whereof the Faction were to reap the Fruit in Clamor and Obloquy. Then to conſider a mere Ceſſation of the Trade, which was not only of the *Levant*, but of *Italy*, *France*, and *Spain*, &c. that depend upon it, and ſubſerve each other; there muſt be a vaſt Defalcation of the Cuſtoms, both in and out, following thereupon, and alſo a principal Branch of the Royal Revenue reſcinded. But that, which was more immediate and worſe, being to take Effect upon the mere Rumor of the Interdict, even though it had not finally taken Effect, but much more if it had, was the Diſcontent it muſt have raiſed in Multitudes of People, and, as the Faction would have exaggerated the Rumor, and Fears of the Conſequences, have made them almoſt mad; which may be underſtood by thoſe that lived in that Time, and ſaw how the Confederacy of a Party would make Mole-hills ſeem Mountains. The chief Export to *Turky*, is Cloth, Lead, and Tin. In the firſt Place, upon the Bruit of an Interdict, the Price of Wool had fallen, there the Land Intereſt had been diſcontent; for, if ſuch a Fall had happened by any other Accidents, yet it had been charged upon that. Then, next, the Clothiers, expecting no Sale at *Blackwell-Hall* for Export, had ſtruck off all the Weaving, Spinning, &c. for a Time; how many Thouſands of the poor People had been malecontent upon this? And thoſe, that belong to the Woollen Manufacture, are, generally, the moſt factious People in the Nation. What had been the Diſcourſe but Extremity, that all the Poor muſt ſtarve, or come to the Pariſh? If theſe were not Ingredients of bad Blood in the Nation, I know not what can be ſo. But you will ſay, how muſt this needs terminate in the Crown, being only the Act of the Company? Now there is the Art, as an Engineer will tell you; give me a *primum movens*, or a Thing that will ſtir and turn round, I will make it do what Work I pleaſe. So ſay the Faction, give us but Diſcontents and Grievances to the People, no Matter from what Cauſes or Accidents they proceed, we can charge them upon the Government, and convince the People, by our Authority, that all the Cauſe is from thence. *Non cauſa pro cauſa*, is the eaſieſt Fallacy to get down and digeſt. Thus the Faction had applied all the terrible, artificially aggravated, Circumſtances of this Interdict by Way of Diſcredit and Diſtruſt of the King, who ſhould, as they had ſaid, have protected Trade,

The Work of Faction goes heavily on when the People are, as they were at this Time, happy, and at Eaſe, in full Career of Trade, and under no Conſternation. Therefore it is the conſtant Practice of the Drivers, to make the People as miſerable as they can, that they might make them inclined to Action. And let it be marked as a Diabolical Practice in ſingle Perſons, as well as Factions, to ſacrifice the Intereſts of the Public, of vaſt Import, to ſubſerve ſome Self-intereſted Project of their own: And, when truſted, like ill Surgeons, who, with their bargaining Plaiſters, torment the Patient to get Money, they wilfully and knowingly torment the poor Vulgar of the Nation; only worſe, as one is general, and afflicts the Poor, and the other particular, and accidental. And, as for a Number of Men, or a Party, we have not known a worſe Practice, than what hath been related concerning this treacherous Interdict.

The Lord *Chandois*, after ſome Errors and Difficulties, allowed to go Embaſſador to *Conſtantinople*, out of which the Author makes a Libel.

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LVIII. If this Matter, as a Plot upon the Government, and its Revenues, had not been within the Lines of my Deſign, I might fairly have taken it up from a Handle given by the Author, in what he ſays of the noble Lord *Chandois*, who, upon this Alteration, went over to *Conſtantinople*, in the Quality of *Engliſh* Embaſſador. The Author tells us a Tale of his Lordſhip's being choſen by the Company, but that the King rejected him, becauſe he had been very buſy about petitioning for the Parliament (a Subject we ſhall e'er long come up with) but, upon his Lordſhip's recanting, and begging Pardon, he was accepted. Now this Tale, *ſecundum uſum*, &c. is to prove, that the *being of a Party was a Recommendation to his Majeſty's Favour, publicly ſhewed by this Inſtance.* Without this Moral, his Fable had been inſipid; but, however he intends a Scandal by it, it is Pity the King was not conſtant to that Principle and Practice; it had been much better for him if he had. His Majeſty was too apt to countenance thoſe who diſſerved him; and, if he had made it the Rule of his Government at firſt, as he did at laſt, nay, when it was almoſt too late, to prefer only thoſe that were his Friends, and loyal to his Government, he had flouriſhed at another Rate than he did. But I ſuſpect the Compoſition of this Tale of the Author's, and therefore I will ſay what I think of the Matter. It hath been the Uſage to leave the Affair of the Embaſſador to the Order of the *Turky-Company*, whoſe Concern it is; and, for that Reaſon, ſuch Perſons, as thought themſelves qualified, uſed to apply, after the Way of Intereſt making, to the Merchants, and accordingly keep them Company, and drink with them, deſiring their Favour to be nominated to the King. And this noble Lord took the ſame Method; and, I remember, upon his becoming a Candidate, he let his Whiſkers grow, after the Manner agreeable to the *Turks*, and uſed by the Nation there; which ſo far ſhewed him qualified, and, among us, really made a very odd Figure. And it is not unlikely, that the Leaders of the Company being factious, and this Matter of petitioning then much agitated, his Lordſhip, to favour his Suit, went a little too far in that Matter; which the King really took ill: But much worſe

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another Circumſtance, which was, that the Company had ſet up for themſelves, as if they were independent on the Monarchy, and that the King was to be but their Tool; and, beſides the Interdict, this Affair of the Embaſſador went on without any Participation of his Majeſty, though the noble Lord wore the Enſign in his Countenance every Day in public. Therefore it was given his Lordſhip, and the Company, to underſtand, that he was to be the King's Embaſſador, and not theirs, and that his Majeſty might ſend whom he pleaſed, with what Inſtructions he thought fit, whether they liked it or not; and that the firſt Application ought to have been made to the King, and not to the Company, at leaſt the Courtſhip to them of the petitioning Affair might have been forborn, whereby his Majeſty was to be affronted. And it was really very unſeaſonable, and diſreſpectful to the King. Theſe Conſiderations obſtructed the Acceptance of his Lordſhip for ſome Time; but, upon his begging Pardon for his Overſights, the King paſt it all by; and he was made their Embaſſador, and performed the Truſt with great Honour, and Content to the Merchants. Now ſee what a libellous Uſe the Author has made of this Paſſage, and alſo the Depth of his Judgment. Here are two Parties, one againſt, and the other for the King, that is Enemies and Friends; and, alack a Day! his Majeſty is a Party-Man, his Favour, in the Matter of Truſts and Preferments, is ſhewed to his Friends; and his Enemies cannot get Preferment, or to be truſted at all. Majeſty was much to blame to ſide with Party at that Rate, he ought to have taken the Snakes into his Boſom to warm them, that they might have had Strength to have ſtung him to Purpoſe.

The building of the thirty Ships a Charge to the Crown.

LIX. This Attempt, as I have ſhewed, failed; but, before this, by Means of the Parliament, there had been diverſe Ways of pinching the Revenue, whereof ſome, as they were deſigned, took Effect, and others were accidental; but the main one, coming very near the Quick, by a Felicity that attended the King, happened to make but a ſlight Impreſſion: And that was actual War with *France*. This laſt, being the chief, I ſhall, in due Place, take a more particular and expreſs Notice of; whereby to reſolve the myſterious preſſing the King to a War. But ſome other Attempts, of this Kind, deſerve alſo a Remembrance. After the ſecond *Dutch* War, it was conſidered that the Royal Navy wanted a Recruit, therefore the Parliament gave a Supply, and appropriated it to the building of thirty great Ships. When it was enquired by the Houſe and their grand Committee, what were to be the Rates, Scantlings, and Charge of theſe Ships, in Order to adjuſt the Sum to be raiſed, the Faction buſied themſelves abroad among the Artiſts ſo effectually, that Men were brought to declare their Judgments, and had Credit, in ſuch Manner, that, after the Tax, ſo regulated, was given and brought in, and Ships built (in doing which Work, the King would upon no Account pinch) it was found that the Charge was above 100,000 *l.* more to the King than the Tax amounted to. And yet there was great Fault found with the Work, as to the Manner and Materials of

it; but Mr. *Pepys*, the Secretary of the Navy, in a ſmall *Octavo* Book, neatly wrote, and carefully printed, juſtified the Work in every Reſpect.

The Bounty-Money ſaddled upon the Cuſtoms above 60,000 *l. per Annum*.

LX. At another Time, the Houſe of Commons thought fit to give his Majeſty a Supply for his extraordinary Occaſions. The Country Party could not prevail to hinder it, and then, after their Uſage, did all they could to clog it. And Colonel *B---h*, by a Sort of Surpriſe, carried a Rider, as it is called, being a Clauſe to be added at the laſt Reading; whereby the Bounty-Money, upon Exportation of Corn, was charged to be paid out of the public Revenue. It was a ſubtile Thought, and well managed; for Corn was then cheap, and Rents ill paid, which gave the greateſt Advantage to ſuch a Bait hung out, as a Project, to make Corn dear, muſt needs be. The Country Gentlemen ſwallowed it greedily. Nothing could have been more popular amongſt them; and it was alledged to be done, that the Land-Owners might be the better able to pay the Tax; that was ſuch a Charm as could not be reſiſted. It was alſo made a great Secret while the Bill was paſſing, for, if the Court had had Warning of ſuch a Deſign, they might, at the Committee, or in the Houſe, have thrown it out; but juſt when the Bill was paſſing, and Delays were dangerous, the Court, finding it clapped upon them, and the Houſe very warm upon it, thought it better to let it paſs, than delay, and perhaps hazzard the Bill. This Clauſe coſt the King above 60,000 *l. per Annum*; and ſo the Faction made the moſt they could of their Skill, and gave that Pinch to the Cuſtoms. The Deſign could never be for the public Good; for what Good doth the Public get by giving a Price to itſelf, or by contriving that one Part of the Nation ſhall pay Money to another? For, conſidering the King's Revenue as public Money, this is the Caſe. But it certainly brought a Difficulty upon the King, and hath been a fruitleſs Charge, or rather Fraud to the Public, and Benefit to the Foreigners ever ſince.

Prohibition of *French* Trade, a very great Defalcation, and the Country Party's Induſtry.

LXI. At another Time a Sum of Money was given, in Order to an actual War with *France*, which was by a Poll Tax. With this the King raiſed and tranſported a ſpruce Army into *Flanders*. But the ſame Party contrived to have inſerted in the Bill an abſolute Prohibition of all *French* Wines, Brandies and Linnens; which made a vaſt Defalcation in the Revenue of the Cuſtoms for diverſe Years: So they gave with one Hand, and took away with the other. Speaking of the Cuſtoms, puts me in Mind of the prodigious Induſtry and Diligence, uſed by the Leaders of the Country Party, whereon I have touched; but I was told by one of them, that they took Occaſion, and, with much ado, prevailed to have certain general Books of the Cuſtom-Houſe Accounts laid before the Houſe, and being deſirous to be Maſters of them, which could not be in that ſhort Time as was allowed for them to lie upon the Table to be peruſed by the Members, they took an Opportunity, and imployed Stationers, who decompoſed the Books, and diſperſed them to be tranſcribed by many Hands, and, after the Copies finiſhed, had the Books bound up again and laid upon the Table

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in leſs than forty eight Hours Time: And ſo the Party had a compleat Inſpection in their own Time, and the Matter was never diſcovered. So much Application was there, of the Country Party, to underſtand well all the Branches of the public Revenue, that they might know where beſt to attack it.

Diverſe other great Diminutions of the public Revenue.

LXII. During the War between *France* on the one Side, and *Holland* and the Allies on the other, the King, being a Mediator, kept Embaſſadors at the general Treaty of Peace, ſtyled of *Nimeguen*, which depended near four Years, and was a very great Charge to him. And when the King, by preſſing, had obtained, for the Confederates, thoſe Terms as they had declared they would be ſatisfied with; and, at the ſame Time, an Overture came over from his Embaſſador in *France*, for a Sum of Money, which Overture was put into the Earl of *Danby*'s Hands to treat, as I ſhall ſhew fully afterwards, his Lordſhip was impeached of High Treaſon. So great an Offence was it to get Money for the King. Then the King had great Expences about his Buildings, fair Ladies, *&c.* which were not made a Subject of Parliamentary Reform, and yet, in Diſcourſe abroad, it run ſo high, that it was reported the Ducheſs of *Portſmouth* ſhould be impeached; and her Spy *Fitzharris* brought her a Libel, in the Form of Articles, to fright her, as has been touched elſewhere. But we find no where any Advice, given by the Houſes to the King, to be a good Huſband, or ſo much as ſaying that his Majeſty's Revenue was ample, and, with good Management, might ſupply his ordinary Occaſions with Advantage. For nothing was ſo dreadful and portentous, to ſome Men, as the King's living upon his own; *for ſo*, ſaid they, *he would not need the Parliament, and we ſhould have no more Parliaments.* Popular Words! But the Truth was, that they regretted they might not have Advantage of his extreme Wants to make him comply, as they deſired he ſhould; and they could not otherwiſe force him. The Grief truly was, that the Revenue was ſo ample, and, rather than by Advice obtain retrenching, ſome Party Men would willingly have turned Pimps, or any Thing, to adminiſter Occaſion for greater Extravagances. But, about the ſame Time, the King had a chargeable War with *Algiers*. There was alſo a Rebellion in *Virginia*, that was a conſiderable Charge to reduce. Then he had his Niece's Portion to pay to the P—— of *O*——, and, what is never to be mentioned without Honour to his Majeſty and his Juſtice, he made good a competent Intereſt of the Banker's Debt, which followed upon the Stop of the *Exchequer*, out of the hereditary Exciſe. All theſe Expences lay upon the Revenue, but, wo's me, his Caſe was not ſo bad as to ſurrender at Diſcretion, he could live of his own.

The Game of Neceſſity by Want of Money, the ſame as in *Cha.* I.'s Time.

LXIII. But now, to come up with the grand Stratagem, it was plainly found that this great Work, of corroding the Royal Revenue, was not to be done by ſmall Attempts. Difficulties did but encreaſe Care and good Management, which made all good again, and that had a bad Tendency. But

But a Way muſt be found to ingulph the King in ſome Project of prodigious Exhauſtion, to let an Helluo looſe upon the Revenue, which ſhould be too hard for all Retrenchment or good Managery. And the Dilemma lay here. If, under ſuch Circumſtances, his Majeſty came to the Parliament for Supplies, he ſhould hear of Miſcarriages and Abuſes, and ſubſcribe a Chart-blanch before he obtained any; and that was enough, they deſired no more; or, if he differed with the Parliament, the Canker would eat him, unleſs he found undue Ways (as formerly by ſtopping the *Exchequer*) to raiſe Money; and that would looſe him from the People's Affections, create Fears and Jealouſies, nay utterly blaſt him as an Invader of Property, and governing arbitrarily. Which of the two Ways of getting Money, as Matters ſtood, was worſt, I will not ſay; but both were dangerous, and many believed neither could have paſſed without his Ruin. This good Conſequence, take it either Way, made ſome, without Doors, violently abet the Clamor that was raiſed for an actual War with *France*. It was the very Method they had uſed, with infamous Succeſs, againſt King *Charles* I. For he was put upon the *Palatinate* War and aiding the Hugonots, and then Supplies were denied; whereby he was forced to uſe the Invention of his Lawyers to raiſe but very eaſy Taxes, then called *Ship-Money* and *Benevolences*. Theſe Methods were termed and declared illegal, and brought on the War which was his Ruin; and the ſame Card was going to be Trump in the factious Game againſt King *Charles* II. It had been hard if the ſame Trick had ruined both Father and Son in the Compaſs of one Generation.

Actual War with *France* driven on, and the King's Care to ward the fatal Harms deſigned him.

LXIV. How that Matter of actual War paſſed, the public Tranſactions in Print (of which, for our Author's Diſcredit, ſome Account ſhall be given) will ſhew; as alſo what the King inſiſted on. His chief Care was of two Things: 1. That the *Dutch* ſhould be engaged as well as himſelf, to the End he might not be caught in a forward Declaration of War, and then be left alone in it. 2. That, before he engaged, he might be ſure of a Fund ſettled as might enable him to carry on ſuch a War; which War he might eaſily enter into, but not ſo eaſily get out of, and then, War continuing, and Supplies failing, he was undone. It muſt be noted that all, or moſt of, the Brigues, I am about to trace, happened pending the Treaty of *Nimeguen*; much of which Time was Armiſtice or Ceſſation, when all the Parties, inſtead of fighting, fell to intriguing. It was at the Beginning of this War that the *French* King fell upon *Holland* with ſuch ſurpriſing Succeſs againſt their Towns (which gave Way like Dirt Pyes before his Army) that the *Dutch* were brought down almoſt into Deſpair. But a grand Alliance, with the Emperor and *Spain*, brought down a ponderoſe Army out of *Germany*, which made the *French* quit *Holland* to ſecure their own Frontiers, and afterwards the *French* took Advantage and fell upon *Flanders*, and were near conquering it all. In the mean Time the King of *England*, who was newly got out of an ill adviſed War with the *Dutch*, and enjoyed

a happy Neutrality, but, being a Mediator, and concerned alſo in Intereſt to ſave *Flanders*, was as zealous, and had been as active, to do it, as *Spain* itſelf could deſire, if he had been enabled by the Parliament to act with Vigor as the Caſe required. But there was ſuch Unhappineſs in the whole Affair, as one ſhall ſeldom know; for *Spain* itſelf, whoſe Work was to be done, would not aid their own Preſervation in *Flanders*, by truſting the King of *England* with a marine Town, that he might land his Forces, ſuccour and recruit them with Eaſe. And ſo Matters ſtood when the Rumor of actual War with *France* was ſo loud and importunate in *England*.

The Reaſonable Policy of the *Dutch* in puſhing the War upon *England*.

LXV. As for the *Dutch*, and their labouring with all poſſible Means to bring the King into this War, they are to be conſidered as a cunning People, and who, of all the Nations of *Europe*, are thought moſt to purſue the Intereſts of their State; and if, in that Chaſe, they outwit their Neighbours, it is for their Commendation rather than Contumely. And if any others have Factions and Humors reſiding amongſt them, that blind their Eyes ſo as they cannot diſcern the public Good, or will not purſue it, and are duped by them, whoſe Fault is it? And if they were buſy with Parties to trouble the *Engliſh* State, for their own Advantage, and the Parties were ſo alien to their own public Intereſt, as to co-operate with them, not regarding (or, contrarily perhaps, favouring) their Deſigns upon *England*, it is no moot Point, which Party is to wear the Fool's Cap, or carry the Enſigns of Knave, or Traitor to their Country. The *Dutch* had freſh in Memory two great Shakes upon them, one by the *Engliſh* at Sea in the firſt *Dutch* War, which well nigh overturned all their Naval Force; and the other at Land, by the *French*, when they came down as far as *Amſterdam*. But they emerged from both, and, in Conſequence, muſt reflect that only thoſe two Potentates were able to hurt them much; and, for that Reaſon, they ought to keep them both, if poſſible, from being too ſtrong, and poſitively, by all Ways they could find out, to weaken them. And how was that to be done ſo effectually as by ſetting them heartily together by the Ears, to worry one another, and to ſpend the Forces on either Side. For, while theſe People contended at the Coſt of each other, they themſelves, in the mean Time, were not only ſafe, but might take Occaſion, by ſtepping in, and abetting on one Side or the other, to hedge (as they call it) their own Stake. And I may not wholly acquit them of the vindicative, regarding the King and Duke of *York*, which latter commanded at Sea, and puſhed heartily at their Fleet, and, but for a Treachery (touched before) had probably deſtroyed it. But let that paſs at preſent, on Account of its being expected to come from another Hand. It ſufficeth that, in this haling *England* into a War with *France*, they wrought upon the Scheme I have propoſed; the rather becauſe it appears they have done conformly ever ſince their Recovery, and thereby much encreaſed their Wealth and Greatneſs, as a long Series of Events, and the preſent Poſture of Affairs demonſtrate. It was a ſhrewd Slip of a Politician, Sir *William Temple*, who, writing Memoirs

moirs of the *United Provinces*, ſhewed the Reaſons of their riſing, and concluded with ſhewing the Reaſons of their Fall before they were down.

Intereſts of the *Dutch* by War between *England* and *France*, which they laboured for, and at the ſame Time made a ſeparate Peace.

LXVI. But, to return to the Times of our Speculation, it ſeems the *Dutch* ſtood more in Fear of the *French*, than of the *Engliſh*; for their Country lay open to the Inſults of the former by Land, and an Army might make a Deſcent and over-run them, as was done before, and the Loſs of a Battel might be the Loſs of their Country. This makes them ſo careful of a Barrier to Landward. But the *Engliſh* might be ſecured by Party Work at Home, and, in Caſe of a Rupture, the War muſt be at Sea, which they could manage with their own Force, without hanging upon Confederacies, and the Loſs of a Battel was not ſo deſperate but Money would repair it; and, in the mean Time, their Head Quarters at Home were ſafe. And there was another Criſis, of which they might reaſonably be afraid. The P—— of *O*—— was, with great Violence and Triumph, put into the Station of his Anceſtors, being made Hereditary Stadtholder, which gave him the Command of all their Forces; and then, entering upon Action, he ſtopped the *French* at *Narden*, puſhed the War in *Flanders*, and was utterly againſt Peace. And, if he had been ſucceſsful and popular at the Head of an Army ſupported from *England*, and diſpoſed to ſuch Raſhneſs as many ambitious young Men are, he might have ſet up for himſelf, to the Hazzard of their Republic. Here are Reaſons enough for the *Dutch* to reſolve upon Peace and (without formaliſing much upon Terms) ſuch as would then be obtained. They deſired to breathe and look about them, in order to ſome other Deſigns in Petto (I doubt me) reſpecting *England*. So far were they from entering into a new Alliance with *England*, to renew the War with that Fury as the *Engliſh* talked of. And it was really a Vanity for the *Engliſh* to expect, after ſuch Diſcoveries as ſhewed the *Dutch* reſolved upon Peace, that they ſhould enter into ſuch a War as was ſtyled not only for the ſaving of *Flanders*, but for the Liberty of *Europe*, as it was fooliſhly canted, and reducing *France* to the State of the *Pyrenean* Treaty, and (as we hectored here) not to make Peace till then. Under this Diſpoſition in *England*, which looked more like Wild-fire than warlike Heat, the *Dutch* took all poſſible Care not to give the leaſt Offence at the *French* Court, that there might be no Umbrage there for any Quarrel. But, looking towards *England*, their Zeal lay altogether for War. They had no other Means to find Work for the *French* but a War with *England*, but ever holding a *buen Retiro* for themſelves. Upon this Subject they wrought with all their Force and Policy. They made the moſt of their Stadtholder, and his Influence that Way, who came over here to co-operate with the Country Party, as it was called, and ſet all Engines to work for precipitating the King into the midſt of a deſperate War; and ſo their High and Mightyneſſes, like *Peter* the Hermit, ſounded a March to *England*, and a Retreat to themſelves.

LXVII. Now,

LXVII. Now, in *England*, the Game played for the Deſign of the *Dutch*, as well as they could wiſh; becauſe the Faction, for Reaſons altogether of another Nature, laboured with all the Violence imaginable to thruſt the King, unprepared and unaided as he was, into this War. And the Caſe was hard upon the King; for, what with the Inſtances of *Spain*, the P—— of *O*——'s Importunity, and a ſtrong Party at Home, all tending to make him engage, he had enough to do to ſhift tolerably amongſt them. But, as his Majeſty ſaw plainly what his Enemies at home deſired (and thoſe are the faithfulleſt Counſellors) ſo alſo he had a clear Underſtanding of the States Determination to make Peace. It was needful for him to move very cautelouſly; for his All was at Stake, and under great Hazzard upon this Caſt. As for *Flanders*, he was as earneſt to keep it out of the *French* Hands as the beſt of them. And he had no ſooner a ſmall Supply for that End, but he diſpatched his Army over, and his Forces acted hoſtilely under the P—— of *O*—— at *Mons*. At which very Time, as every Body ſaid, the *Dutch* had actually ſigned the Peace; but, it being not promulgated, the Generals fought with the Peace in their Pockets. It was ſure enough that the P—— of *O*—— made that Attack ſo cruelly for the poor Soldiers, that the King might, by fighting the *French*, be engaged in the War paſt Retreat, and then take what ſhould follow. But it fell out better for the King; for, in *France*, the Battel was paſſed on Account of Braveur, and to make a little ſporting for the Men of War, which uſually happens upon the winding up of a Peace, and it was not underſtood as a Declaration of War. And there might be ſome Connivance in that Point (for it had been War if the *French* had been pleaſed to have had it ſo) and, probably, for the Sake of the King of *England*, whoſe Circumſtances were no Secrets in the *French* Court; and there is ſometimes Friendſhip between Kings, though never between States. The Event was of vaſt Conſequence to our King; becauſe the Faction, preſuming it muſt be War, and that the King was faſt, launched forth bare-faced in Demands, which made it plain what the King was to truſt to, as will in due Place appear.

The King ſhifts, but engages at *Mons* to ſave *Flanders*, which ſeemed a Breach of the Peace.

LXVIII. But, in the mean Time, to demonſtrate that this, which I have unfolded, was the Plan of the *Dutch* Policy, and that the King was very upright and ſincere in his Care of his People as well as of himſelf, I will ſubjoin the reſt of a ſhort Memorial touching a Conference between King *Charles* II. and the P—— of *O*——, whereof the Beginning is to be found in the firſt Part, Fol. 153. It goes on —— " *Now the Pretence (of " the P—— of *O*——'s Viſit in *England)* in public, was to deſire the " King to declare War againſt *France*, and then *Spain*, *Holland*, and *Ger-* " *many*, would be ſure to come in, and the King would not be at any " conſiderable Charge; two Thouſand Men and a few Ships would be " ſufficient, and that he might eaſily defray out of his own Revenue. " The King aſked how he could be ſure, that, if he begun the War, the

The P—— of O—— comes over and labours to engage the King in an actual War.

* *July* 23, 1681.

" States would come into it? The P—— ſaid he was very confident of it, " and he would perſuade them ſo as they ſhould not refuſe. The King " ſaid, if the States would begin the War, he would come in, and they " would be obliged not to leave him; but for him to enter firſt, with ſo " ſmall a Force, was irrational. And, if the P—— of *O*—— could per- " ſuade them to come into the War, he might perſuade them to begin, be- " ing in more immediate Danger: However he would give his Embaſſa- " dor in *France* Order that he ſhould join with the *Dutch* Embaſſador in " any Kind of Overtures to the *French* King. The next News hereupon " was that the States had ordered their Embaſſador to take Care by all " Means not to give any Provocation to *France* to occaſion a War. By this " I perceived how forward the P—— was to engage the King in a War, " and to deſire him to rely upon his Advice; and likewiſe how miſtaken in " his Meaſures; and what Reaſon the King had to take Care before he was " engaged, and how far from having any Intrigue with *France* that was " prejudicial, and how groundleſs the Obloquy of the People was."

The P—— of O—— converſed with the Faction, and could not encourage the King to expect Supplies.

LXIX. This is a very important Memoir, and, as a Mirror of the Time, I ſhall have often Occaſion to regard it. The Remembrancer was one of thoſe Courtiers who thought the P—— only miſtaken when he made ſo light of the Charge of the War. The P—— had too much Honour to ſay that the Parliament would provide as was fit, becauſe he knew the contrary, and alſo that the King muſt know the ſame. Therefore nothing at all was to be alledged on that Head. The Perſons, he converſed with, made no Secrets to him of their Reaſons to preſs for actual War. And I obſerve the *Dutch* were in the right to move by the P—— upon the Strength of his Intereſt and Credit, and not by their own Embaſſador; for there was a direct Anſwer to them, *Begin firſt, I'll follow*. Their Stadtholder might undertake any Thing for them, and, if that had the good Effect to draw in the King, they would have drawn back, ſaying, *the P—— had no Authority from the States; he ſaid what he thought, and you truſted him, but that doth not oblige us*. And that, which happened, made good this Conſequence; for he could not prevail to hinder their making Peace, how then could he have prevailed with them to make War? But, if it had happened ſo unluckily that the King of *France* had taken the Action at *Mons* for a Rupture, and there had enſued a War, as, on this Side of the Water, was really expected, then the *Dutch* had acted the volant, and done enough, on the one Side or the other, to have kept the Fire alive, and taken to themſelves the Naval Import and Export Trade of all *Europe*; and the two Crowns, ſtriving to deſtroy each other's Naval Force, would perpetually court them, who would ſee their Advantage by joining with either. In the mean Time, our King had been put to Sea in an unprovided Veſſel, with a Gale from the Parliament perhaps more like a Storm than a fair Wind; and then who could ſay when, or where, he might have found a ſafe Harbour?

LXX. Now

LXX. Now foreign Affairs avant, and make Room for the domeſtic. We had a great and almoſt univerſal Cry for War; at leaſt it ſeemed ſo, becauſe the pragmatical People, that make moſt Noiſe while honeſter Men are quiet, talked loud for it. And it may not be amiſs to remember how this came about, and what Sort of People eſpouſed the Cauſe of actual War with *France*. I might ſay, in a Word, the Faction, and others influenced by them; but it is clearer to note the various Species under that *Genus Politicum*. Firſt, thoſe, who bawled out for the Bill of *Excluſion*, to a Man, who alſo, in Conſequence of that, if it had been carried through, thought to have wreſted from the King the Militia, *&c.* Next the Band of Republicans that hoped, by Means of War, to confound the Monarchy; and let them alone for the Neat. The Certainty of Miſcarriages, or ill Succeſſes (which had been termed Abuſes) had filled their Mouths. Projectors of all Sorts, that wait to fiſh when the Waters are troubled: Money muſt be ſtirring, and not to catch a good Share, had, with them, been accounted Want of Wit. The *Scots*, never Gainers by Peace, might have found a Price for the Commodity they trade in, Cattle of two as well as of four Legs. The Fanatics hoped to get rid of the Biſhops, that muſt of Courſe fall with the Power of the Crown. The Duke of *Monmouth*, with his Party of Perdidos, had a Game to play, which would not ſhew in quiet Times. The P—— of *O*—— had his Views, as are moſt notorious; and, laying together the Aims of his Friends on either Side of the Water, his Game was double, to ſerve the States and himſelf. And we are not to omit a Parcel of Fools and Miſcreants of no Principles, or bad ones without any Mixture of good, who make Miſchief for Sport, and, by a natural Tendency, all Things elſe being to them indifferent, always fall on the ill-natured Side; and, if any way intereſted, it is in a low Calling, like thoſe that gather about Fires to run away with ſomething. To theſe may be added not a few of honeſt Intentions, who, like blind Fowl, follow the reſt by their Noiſe, and are very ſeriouſly of Opinion as they hear moſt People ſay or determine. When all theſe, like a Combination of Drums at a Diſtance, made a perpetual and unaccountable Din for War, it is not to be wondered at, if, about this Time, all the Phænomena of the State were moſt bizzarr and prepoſterous, not to ſay furious and unaccountable; whereof the Manner may enter readily into the Imagination, upon a little reflecting back upon what hath been ſhewed of *Plots*, *Sham-Plots*, and *factious Impetuoſities*, in the former Parts of this Work.

The Conſort of many Parts for War, that put a ſtrange Face upon the Public.

LXXI. But, to do Right to the ſubject Matter, we muſt not leave that of actual War under a Character, as if nothing were to be ſaid for it. For there was great Reaſon to be armed, and effectually to enter, for obtaining a Stop of the *French* Conqueſts, and the Ends of the triple League, which was the ſaving *Flanders*. And there was no Reaſon to ſtand ſtill, while the Kingdom of *France* went on gaining againſt the Empire, and eating up the *Spaniſh Low-Countries*; after which Annexations to *France*, it would

Good Reaſons for War, if the Purſe were willing, as in the latter Wars.

be difficult for the *Dutch*, *Engliſh*, or any Nation to reſiſt them: All this, *in abſtracto*, is moſt rational; and it is clear the King was of the ſame Opinion, as all his Negotiations at home and abroad, when fairly looked into, will demonſtrate. But then all Things muſt conſiſt, and be of a Piece. Armies muſt not go to fight the Enemy, when, on the one Side, half is drawn up to attack the other half. It is neceſſary, in order to War, that the Purſe be as willing as the Sword, and both to concur with the ſame Zeal; and not the Purſe ſay to the Sword *do you go and fight, and I will attend you when, and ſo far as, I think fit, and not otherwiſe.* This Figure means that the whole People, as well as the Crown, muſt be prepared to endure the vaſt Expences, Loſſes, Miſcarriages, and Diſappointments, that always attend on War, or, in a Word, be in earneſt; and then whatever happens, and however ruinous, if it ſhould ſo prove, they muſt be in a Diſpoſition to perſevere to Extremity; and not, as the Caſe then was, to reluct at the very Mention of Taxes, and ſeem more ready to fall out among themſelves, than with the Enemy. It is the Spirit of Zeal and Perſeverance that will afford the Price of War: Such as we have ſeen in latter Days, when, by a willing People, more Loſs and Calamity hath been endured in War, than any phantaſtic Dream of one in a Fever could have repreſented as poſſible; of which little was forethought, but, in the Proceeding, Pertinacity made all good, and carried the Point. I need not, in a Matter ſo recent, ſay what Abuſes have been ſwallowed or connived at; the Shadow of which, in King *Charles* the Second's Time, had retunded all his Force. Such Difference was in the Times between his and theſe latter: Which nothing can reconcile but the Conſideration that, in the latter, the War was thought abſolutely neceſſary, and all the Paſſions of the People ſeconded; but, before, it was but a politic Machine of a Faction for Purpoſes, as hath been declared.

A Time of Diffidence not fit for War; and the Allies all made ſeparate Peaces.

LXXII. It was very viſible that, generally, the Allies had the ſame Notion; for, although the War was pretended to ſerve and ſecure them, yet every one, in the midſt of our hectoring, by ſeparate Treaties, made the beſt of their Way out of it. And, for their Parts, the *Engliſh*, who were, or ſeemed ſo warm, might, if they pleaſed, have it all to themſelves. They would rob them of the Joys of the War as little as they could, but yet, if any Good came of it, they were ready to ſhare the Benefit. It muſt be allowed not very auſpicious (though moſt notorious) that, at the Entrance of a National War, where mutual Confidence between the King and his People, eſpecially the Repreſentatives in Parliament, ought to have been greateſt, it was ſo far otherwiſe, that ſcarce any of the King's Meſſages, Words, or Actions, could paſs without great Miſconſtructions and Offence.

The Caſe of War with a potent Neighbour requires to be well provided and ſupported.

LXXIII. Theſe Circumſtances vary the Caſe of War ſtrangely, and, conſiſtent with the King's conſtant Readineſs to agree with his Parliament, Reaſon itſelf juſtifies him for the having a Reſerve, and moving with Caution. In which Proceeding, he acted as a true Father of his Country; for he kept both

both himſelf and them out of inextricable Evils, which he foreſaw, but they did not; and, if the People ſhould not have Good done them, till they underſtand and accept it fairly, it muſt be dated *ad Græcas Calendas.* When the Parliamentary Inſtances of Alliances run high, ſuppoſed to be made with the Emperor and the Princes of *Germany*, the King, who knew their Poverty, was heard to ſay, *viz. The Gentlemen of the Houſe of Commons would have me league with the* German *Princes, but they do not know what an immenſe Charge I ſhould bring upon them if I did.* And, if the Earl of *Danby*, after thoſe Experiences that gave him the Advantage of being ſtyled Duke of *Leeds*, was in the Right, Kings are Prophets as well as Kings. But, to conclude theſe Reflections, which will be made good by Matters of Fact at home, I cannot but remember a Caſe in *Plutarch* that much reſembles this of the King's ſtanding off from entering into actual War with *France*. It is in the Life of *Phocion*, who was, I think, the beſt Man Heathen Antiquity has to boaſt of. After his great Actions in War, and Counſels in Peace for his Country the *Athenian* State; a powerful Neighbour, King *Philip* of *Macedon*, preſſed hard to ruin the State of *Athens*, and could find no better Means than in bribing their Orators to counſel them to make War upon him; which, if they did, he had a fair Handle to invade them, which otherwiſe he had not, without loſing his *Grecian* Allies by an unjuſt War, that would ſhew as if he aimed at the Tyranny of *Greece*. In Conſequence of this, the Orators generally inflamed the People againſt *Philip*, uſing the popular Suggeſtions (as were now current here againſt *France)* for Arguments to enter into an actual War with him. On the other Side, *Phocion* reſiſted them, and, with his Authority, for a long Time, kept the People from the Ruin of that War; and thereby drew upon himſelf all the ill Uſage, from that Faction, as they could procure to fall upon him, even Death itſelf. And once he was aſked in public, *When he would be for War againſt King* Philip? he anſwered, *When I find your Orators honeſt.* And ſo Matters ſtood in *Athens* till the corrupt Orators prevailed upon the People, with true Republican Gratitude, to kill *Phocion*; and then the War followed, and, ſoon after, they were all conquered and enſlaved: Upon which, when it was too late, they remembered *Phocion.* It is a ſtrange Reaſon for War, that a Neighbour is too ſtrong, but more ſtrange, when the weaker is divided into Parties, whereof one was to act and the other to ſupply, and the latter was ſure to fail the other. If War had been moſt reaſonable with mutual Agreement, without it, the Reaſon lies wholly on the other Side. This is what, in the General, I have thought fit to alledge in Oppoſition to the unreaſonable Clamor againſt King *Charles* II, for not entering into actual War againſt *France* at that Time, and which this Author aſcribes to a direct Bargain and Sale of himſelf and Nation. The Particularities of the Affair will be elucidated in what follows.

LXXIV. It begins to be Time to look into our Author, to ſee if we can diſcover any Ingenuity in his Working up this great Diſappointment to the

The Author's general Calumny upon this Occaſion.

Faction, of the King's keeping himself out of this War in the Manner he did. And we find that, as in other Instances of his Falsities of great Consequence, so here, beginning to mount a great Way off, he gathers up to his Point, of turning the whole into Defamation, by artificial Steps and Degrees. He is an Artist at Disposition and Climactery, for the setting off his Positions. Therefore I must give Warning, as I have done on like Occasions before, that we must have Patience till his Wrappers are removed, before we can come to the Quick. And now, as to this Business of the War, his Thema, to be maintained, is that the King could not break with the King of *France*, because he had sold himself to him for Money, and, into the Bargain, the *French* were to assist the King to introduce Popery, set up arbitrary Government, and to abolish Parliaments in *England*. And, if, upon Scrutiny of his choice Passages, relating to this Matter, less can be made of them than I have here predicated, I will beg his Pardon as for a Wrong done.

He begins with an old fashioned Libel on the Queen.

LXXV. He begins, as I said, early, and, as far back as 1661, prepares us with shewing by what Means strange new Alliances and Intrigues with *France* were entertained, giving very surprising Advantages to *France* and Popery. He goes no farther at first, but trusts us to construe his Alliances and Intrigues; (which last Word he is fond of, because it serves instead of Matter of Fact, and is commonly taken in a villainous Sense.) And he hath made sure of the Queen Mother, *Henrietta-Maria*, for a standing *Solicitrix* in the Cause; for which good Service he celebrates her Obsequies, that her Name might not rest free from his Malice after Death. And, what his Friends wanted to inflict on her Person, if they could have caught it, he endeavours to inflict upon her Memory. For, after giving an Account of her Death, and the Ceremonial of her Funeral (he is mightily inclined, on all Occasions, to enlarge in Formularies that are nothing to the Purpose of History) he adds, *She was no more popular in the Reign of her Son, than she had been in that of her Royal Husband, and had the common Imputation of bringing no less Mischiefs on the one Reign, than she had Miseries on the other.* O the Jargon of *Ms! Mischiefs and Miseries!* If I would stay to comment on such woful Trumpery, there would be no End. Here is the Sum of the leud Libels, in both Reigns, concerning her Majesty. One would have thought the public Acts at the Restauration, as well as common Ingenuity, had purged all Men's Intellects of the former; whereby those *Mischiefs and Miseries* stand charged on a false and wicked Generation, vindicating the matchless King, and, consequently his Queen; concerning whom it is never to be forgot, that the Rebels, by one of their Null-Acts, attainted her (that was a Wife) of High Treason, for adhering to her Husband. Who would expect the rebellious Spirit, of that Time, should speak so concisely in one of our Histories?

LXXVI. But

LXXVI. But this Royal Lady did not live to bring the great Work to Perfection. She was no ſooner gone in 1669, but Madam *d'Orleans*, the King's Siſter, came over upon a Viſit to her Brother at *Dover*, and dropp'd the beautiful *Mademoiſelle Carwell*, afterwards Ducheſs of *Portſmouth*. *This*, ſays the Author, *was, in Appearance, a Viſit of Love and Reſpect to her Brothers, in Deſign, a Meſſage from the* French *Court to break the triple League, and to draw on the King of* England *to aſſiſt* France *againſt the* Dutch. Here was, not only a Meſſage by Word of Mouth from the King of *France*, by a great Princeſs ſent on that Errand, but an Embaſſatrix reſident to purſue the Point of raiſing the Grandeur of *France*. The Author knew it to be certainly ſo, for his Oracle, the Author of the Libel ſtyled the *Growth of Popery*, from whom he drains theſe Paſſages, affirms it, *ipſe dixit*. But then, going on in his Book, we find in the Margin, *A nearer Alliance with* France; and againſt it, in the Column, thus: *The King, by his Siſter's Importunity, and other Solicitations, was now unhappily diſpoſed to a nearer Alliance and Correſpondence with the* French *King, who had ſeconded the Motions, ſuppoſed to be whiſpered from the Ducheſs of* Orleans, *by his Embaſſador* Colbert, —— *by this Intrigue of new Friendſhip.* Here the Ducheſs of *Orleans* was firſt a mere Meſſenger, then ſhe was importunate as a Solicitrix, which, in a Woman, ſavours of Scolding, at leaſt Importunity would be loud; but then at laſt, ſhe did only whiſper, that is gave the King a kind Hint in the Ear. It were endleſs to take Notice of ſuch Wording as here is; what is a *Nearer Alliance*, but marrying nearer Relations? What are the other *Solicitations*, *Correſpondence*, *Motions*, *Intrigues*, and *new Friendſhips?* What a lucid hiſtorical Style is this? Who doth not, by reading here, plainly ſee thorough all the *Items* of the *French* Overtures by *Colbert?* But that were a Jeſt indeed; the Author doth not intend you ſhould ſee, or argue, any Thing from Fact or Reaſoning, but only out of pure Imagination; which, he hopes, will take all Colours of Evil, and none of Good. Obſerve, we are got a little beyond raiſing the Grandeur of *France*, now it is a *nearer Alliance*; and it muſt be upon ſome deſperate Deſign, becauſe it bears the Title of an *Intrigue* built upon a *new Friendſhip*. When a ſlanderous Lye is chewing between the Teeth, ſome Froth, about the Chaps, will diſcover it. What elſe ſignifies this Synonymy of Indefinites, Words without a Scruple of ſtated Fact, or plain Authority (not Libel) to warrant them? In ſhort, he depends on the Fertility of the Readerſhip's cankerd Diſpoſition, after the Pattern of his own, to affix this Senſe to them, *viz. That the Kings of* England *and* France *were combined in a Project, with their joint Forces, to ſet up Popery and arbitrary Power in* England, *after the Model of* France.

His confuſed Expreſſions with no Senſe, to ſhew the King had ſold himſelf to *France*.

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LXXVII. I have noted more than once, and muſt obſerve again, that Libellers find it not the beſt Way to lye directly; that is uncivil, and will not take with Perſons of polite Education, who will ſay it is ſcurrilous and ſcandalous.

The *French* League a groſs and malicious falſe Suggeſtion of the Faction.

ſcandalous. Therefore the Way, with them, is to nod, wink, and whiſper —— *Alliances*, —— *Intrigues*, *&c.* and then the tame Things will buſk for the Lye among the Chimera's of their own Brain, which carries a much better Grace. I remember well, that, during the latter Years of this King's Reign, and much more in that of his immediate Succeſſor, this very Alliance was toſſed upon the factious People's Tongues, and made the common Diſcourſe of Coffee-Houſes and promiſcuous Companies, by the Name of the *French League:* And, being ſuppoſed to have been a Secret, it was kept ſo, (the fitteſt Character of a *Non-Entity)* and like to continue a Secret; for no one had the Curioſity to enquire after the Articles, and the Voucher of them. But this confuſed Image kept Poſſeſſion of People's Brains, who would believe that ſomewhat was leagued with *France*, very prejudicial to the *Engliſh* Nation; till (ſince the Revolution) the noble Earl of *Sunderland*, both in Diſcourſe, and in Print, was pleaſed to acquit, even King *James*, of all ſuch ſuppoſed bad Dealings with *France*, although his Majeſty might have ſaved himſelf that Way. And farther, that, when, in his utmoſt Neceſſity, the Aſſiſtance of *French* Forces were offered him, he refuſed them. And I have heard Sir *John Baber* affirm the ſame Thing more expreſly, and that he carried the Overtures from the *French* Embaſſador to the King, and that he carried back the King's Denial to accept of them. And, if this doth not effectually purge the Reign of King *Charles* II. of all ſuch ſuppoſed Leagues, by the Argument *a minori*, let the Correſpondences of the Embaſſador *Mountagu*, and the Memoirs of the Duke of *Leeds* do it; which latter is moſt demonſtrative. And nothing could be inſinuated more falſe in Fact, than that either of thoſe Kings, while poſſeſſed of the Throne, intended, ſo far from ſtipulated, to uſe any Foreign Forces againſt their own Subjects, as this Author, foxed with the Dregs of Faction, labours to make Poſterity believe.

The Means of compaſſing King *Charles* to ſell himſelf for Money; his Courtiers the ſame, and all paid in Specie by Piſtol's. *Page* 284.

LXXVIII. But he is true to the Principles of his Art; for after all this Pain to raiſe Phantaſms of Scandal out of the Reader's (depraved) Imagination, yet, not truſting the Matter to that Operation, leſt it ſhould fail; and to aſſiſt the weaker Heads, he gives out the falſe Calumny in Words at Length, and not in Figures: For, coming to ſum up his No-Evidence, he brings all his corrupt Invention to bear in one incomparable Paragraph. He begins thus; *Ill Counſellors*, *Ladies*, *and Relations*, *drew away the King*, *to promote the Grandeur of* France, *and the Advance of Popery*; *and*, *to incite the Court to theſe fatal Meaſures*, *great Sums of Money were ſent over to buy in the* Engliſh *Miniſters*, *and their Maſter himſelf.* A noble Character of a King led away (it is a Pity he had not a Guardian aſſigned him) to promote the Grandeur of *France*, which is to be explained afterwards, and to advance a gay Thing called *Popery*, which he had a great Fancy to play with! But ſure he was not ſo much a Child, ſince he knew the Uſe of Money ſo well, as to ſell himſelf for ſome of it; but it ſeems his Playfellows, the Courtiers, had a good Share with him; for all were to

be bought and ſold. Obſerve the Conſiſtence here; firſt, the Couſins and Counſellors had got the Leading-Strings and directed his Goings towards *France*; and then no, not ſo, for he ſold himſelf for Monies numbered. The Author ſays (not returned, as the Way is, but) ſent over for this Purchaſe. I remember that, about this Time, when in Sadneſs the *French* Piſtoles were very rife, and paſſed current in Payment almoſt as frequent as Guineys; this made Abundance of People ſay, *Ay, it is plain the* French *Money flies about*, meaning in Bribes to the Courtiers. But the Merchants uſed to ſmile at ſuch Inferences, for they knew the Occaſion to be the *French* King's debaſing the Piſtoles, which made them be worth more in Silver and Merchandiſe here than in *France*; and then the Merchants tumbled them in for the Gain by the Intrinſic. So apt are Men to miſconſtrue Accidents, of which the efficient Cauſes are not ſeen.

LXXIX. I ſhall not differ, but agree with the Author in ſome Things; as when the King entered into the ſecond *Dutch* War, favoured *Presbyterians* with Indulgence, ſtopped the *Exchequer*, *&c.* he was led away by evil Counſellors; but we muſt inſiſt, as hath been alledged before, that ſuch treacherous ill Counſels were built upon factious Schemes, deſigned, partly, to deſtroy the King. But, when the King was led away (as the Author words it) towards Peace, it was a good Office of Relations, and kind Ladies, and faithful Advice of his Counſellors. His retiring himſelf from War to Peace is like the Mortification of the Mouſe that was weary of Buſineſs and retired, and, being aſked whither, anſwered into a *Parmeſan* Cheeſe. Another Thing I freely grant, which is, that Embaſſadors, the *French* not excepted, are uſually truſted to place Sums of Money in Princes Courts where they reſide, as they think may procure Intelligence, or Aſſiſtance in their Buſineſs. And thoſe from *England* to other Courts, do the ſame; and, commonly, the Takers are the Cheats, who, either out of direct Fraud, Ignorance, or Inability, whatever they pretend, ſeldom deſerve their Pay. I will grant alſo, that, in Confederacies of War, puſhed by ſome one or more who deſire the Conjunction of other States, the Principals will contribute annually to the Charge of the Allies, or hire Ships or Land Forces for Expeditions, and pay largely for them, as they can agree. And that it is poſſible that, when the King was betrayed, by a domeſtic Faction in his Council, to enter moſt unadviſedly into the ſecond *Dutch* War, in Conjunction with *France*, there might be an annual Payment made by *France* to the King, with Reſpect to the Charges of his Fleet, and otherwiſe relating to the War: Of which there is ſome Hint, in the Letters publiſhed by the Duke of *Leeds*, to be taken Notice of afterwards; but this, whatever it was, ceaſed when the *Engliſh* made Peace, and turned Mediators. And as for the Sum of Money, whereof the Treaty (that came to nothing) was diſcovered by Mr. *Mountagu* in Parliament, it was diverſe Years after, and ſhall have a particular Account given of it afterwards. But what Warrant is all this for any one to affirm that the King made a ge-

Various Inducements ſway Princes; the Author will have all the King's bad, and not ſay what they were.

neral Sale of himſelf for the Purpoſes the Author here, out of *Marvel*'s Libel, hath tranſcribed; that is, to promote the *Grandeur* of *France*, and to introduce Popery? But we ſhall have worſe afterwards, though ſelling himſelf and his Religion is a very great Deal. Any one that accuſes, ought to ſay of what Fact in particular, that it may be diſtinguiſhed, and ſo capable of being proved. For the Concluſion or Character, whether good or bad, that flows from ſuch Tracts, whatever the Writer declares, the Reader can judge. And it may be either ſet down ſo, or let alone, it is all one to the Hiſtory; but to write Concluſions or Characters, without diſtinct Facts to ſuſtain them, is no better than intemperate vicious Railing and Scolding, and is the true Method and Style of Libel.

The *French* Plot a lumping Pennyworth.

LXXX. But let us look out ſharp, to ſee if we can find out any expreſs Terms of this Bargain. What follows looks that Way, *viz. The Plot of* France *was no leſs than to diſſolve the triple League, to make a War between* England *and* Holland, *to procure Liberty or Relaxation of the Laws to the* Roman Catholics, *and to keep the Parliament from ſitting.* Would not any one conclude that theſe were the Articles of the Treaty which the King of *France* bought and paid for? That he had a lumping Pennyworth is plain, as alſo that the King of *England* performed, on his Part, honeſtly; for the Author adds, *And all theſe Things were fatally accompliſhed.* But ſtill we want our Matter of Fact of this Money Treaty. It is no Matter what the *French* plotted, nor what in *England* happened. Things may, for what we know (like good Wits) without any Connection, jump. Theſe Fatalities (we have the lamentable Word *Fatal* twice upon this Occaſion) might happen, and yet the Author affirm falſly that the King ſold himſelf to the *French*. But here is the Force of his Libel; the King of *England*, as he ſays, had Money (though that is not ſaid with any Authority) the King of *France* would have Things done, and they, through Fatality, happened, *ergo* the Money was given for them; and *ergo* the King of *England* took the Money for the ſame. This is Logic in a *Compleat Hiſtory*.

The Author's vile Contrivance in the putting forward his *French* Plot.

LXXXI. I muſt confeſs, I do not remember, even in the worſt of Libels of that Time, the very *Growth of Popery* itſelf, out of which the Author is ſo much inſtructed, ſuch Strains of Diſingenuity, and put together with more Offence to Truth, than theſe Sentences here are. It is comical to obſerve how prettily this Plot of *France* ſounds, and how cleverly it is introduced. There was the Popiſh *Plot*, that was *Oates*'s; then the Arbitrary Power *Plot*, that was the Perſecution of the *Rye* Sparks. Now here is the *French Plot*, though, as to Order of Time, that ſhould have come firſt; and, as to Matter of Fact, the Author gives us juſt as much as he did of *Oates*'s. Thus, all the Topics of Faction are *plotted*, *viz.* Popery, Arbitrary Power, and *France*. So ſpecious and charming is the Word *Plot*. Now he doth not, and indeed dare not ſay, becauſe he knows that every one knows it to be falſe, that the King of *England*, corrupted by Money, granted and performed all theſe Articles to the King of *France*. But it

was

was the *French Plot*, and the Things fell out accordingly; what think ye, Gentlemen? Was not that the Bargain? Who doth not ſee through ſuch Tinſel; and that in Effect, and as to the gratifying a Party of depraved Readers inclined, like himſelf, to diſhonour the King, or weakly to be caught with falſe Shews, he affirms the Scandal as ſtrong, or more taking, perhaps, than if he had told the Lye in Terms? He comes up to the Matter by Degrees; firſt, we are held in Hand with dark Indefinites, as *Intrigues*, *Alliances*, *new Friendſhips*, *Money* ſent over: Then comes what the *French* would have, and had. Were the Matter, at the Bottom, really true, as it is really falſe, yet the Relation, in this Manner, muſt turn a fair Reader's Stomach ſo much, as ſhall make him conclude it falſe, becauſe it ſhews the very Genius of Libel; and, by ſomewhat more that I have to produce, I think, I ſhall make it appear one of the firſt Magnitude.

Of the particular Articles of the *French* Plot, eſpecially touching the triple League.

LXXXII. And firſt, as to demanding Liberty for the *Roman Catholics* in *England*, I do not find that this King of *France* ever demanded any Relaxation of that Kind, as was formerly done upon the *French* and *Spaniſh* Matches, though not accorded to, then, beyond the Families. I ſay it doth not appear the King of *France* concerned himſelf in that Affair; and it is moſt likely he did not, becauſe he muſt know, that, by the Conſtitution of *England*, it could not be done; and then he expoſed himſelf to the like Demand of himſelf for the *Hugonots*, againſt whom he was diſpoſed to be more ſevere than our Government has been againſt the *Catholics*. And, for the Plot about the *Engliſh* Parliament, as if he ſtood in Fear of that, or indeed concerned himſelf in the Matter, and affirmed without any Manner of Proof, it is factious and ſenſeleſs; which is all the Anſwer it either admits or deſerves. But, as to the *triple League*, there is more to be ſaid. That was very popular after it was broken, but not before; for, how good ſoever it was, the King had no Thanks for it, and no Notice was taken of it to his Advantage. But, notwithſtanding his Majeſty was prevailed upon to enter into the ſecond *Dutch* War, he had then a Reſerve of the triple League, as to the real Effect of it, which was the ſaving *Flanders* from the *French*; and he mentions it accordingly in his Declaration of the War; and the King, to the utmoſt of his Ability, made it good to the laſt. The *Swedes*, that were one of the three Parties, were ſatisfied; for which the Author is deſperately angry, and ſpits at Secretary *Coventry*, who was Embaſſador to *Sweden* on that Occaſion; and he brings in one of his Hackney Libellers to reflect on Account of his Places: Though it muſt be ſaid, for the Honour of that Gentleman, that he was known to be of ſo ſtrict Veracity, that, in the Height of his Preferment at Court, he managed the King's Buſineſs in the Houſe of Commons, for many Years, with entire Credit; and the Houſe always believed, whatever he ſaid, there, to be true as he ſpoke it. I am not well verſed in the *Ragion di ſtato*; but it ſeems that, if there be a League offenſive and defenſive between three States, for a particular Purpoſe, if Cauſe of War be emergent between two of them,

extra to the Deſign of the Treaty, that War may be purſued, and not be accounted a Breach of ſuch League. So that our unpopular Breach of that League, as it was taken to be, might not be ſo bad, as after a whole Faction had taken it in their Mouths to bellow out againſt, as the moſt ſcandalous Action that the Sun ever ſaw, and contrary to the whole *Code* of the *Jus Gentium*. The worſt of it, in my Opinion, was, that, whatever the Caſe was abroad, it was a moſt pernicious Step made by the King with Reſpect to his own Affairs at Home; and, as I have more than once ſaid, muſt needs be a Reſult of treacherous Counſel about him. But, I doubt, as to this Dance of the Hay between the three Nations, *Engliſh*, *French*, and *Dutch*, about that Time, much will lie hid in the Dark, and not be brought to Light in Haſte. I will contribute what I may towards it, by adding a ſhort Memoir of the ſame Hand.

A Memorial relating to the Cauſes of the ſecond *Dutch* War, and the Peace after it.

LXXXIII. "——I was told by a Perſon, that it is certain ſome *Iriſh* " Papiſts made Overtures to the King of *France* to invade *Ireland* in the " firſt *French* and *Dutch* Wars about 1665, and were refuſed; and that, " upon his Majeſty's happy Reſtauration, the *French* and *Dutch* courted " the King to have Treaties, but the Earl of *Clarendon* did ſo formaliſe " and delay, that the *French* made a Treaty with the *Dutch*; which had " never been, if we had ſtruck in with the *French*. But afterwards, the " Parliament preſſed for a War with the *Dutch*, and this drew on the " *French* to take their Parts; and, when the King was engaged, and the " War grew very chargeable, they thought much of Supplies, and a few " averſe Members delayed them, ſo that they came too late; which pro- " duced Complaints of Miſcarriages. But the King of *France* was ſo " friendly, that he ſent Word, nay Writing, to the *Dutch*, that, if any " reaſonable Terms might be offered, he would either procure them to " make Peace, or join againſt them, for no Treaty obliged againſt Reaſon, " and that his Fleet ſhould not act in the mean Time; and accordingly, " when the *Dutch* had the Advantage to diſgrace us at *Chatham*, *Courtin* " told the *States*, that if they would not preſently make Peace, *France* " would forthwith declare. The Peace being made, *De Witt*, who was " very vain, ſaid, *he had* England *in one Hand, and* France *in the other*. " And their Pictures of an *Holland* Cheeſe eclipſing the Sun, and ſuch " Things, as Women uſed to tell him of, made him angry with *Holland*; " and he neglected renewing Treaties, either with the *Engliſh* or *Dutch*, " till he heard of the triple League, which was a Fault for which he was " ſorry. And he was angry with the *Dutch*, becauſe he had ſaved them " from being ground by the *Engliſh* on the one Side, and by the Biſhop of " *Munſter* on the other. And that, they ſhould go into contrary Intereſts, " enraged him ſo, that he was willing to join in a War againſt *Holland*. And " the King, ſeeing the P—— of *O*—— ſo oppreſſed by *De Witt*, thought " it might do his Buſineſs, and ſome of the Provinces might put themſelves " under his Protection."

LXXXIV. This

Notes of the King's Inducement to that unadviſed War.

LXXXIV. This Memorial touches the Cauſes and Events of thoſe two Wars between *England* and *Holland*. The firſt was popular; but the Faction, *a-la-mode* the old Palatinate, wrought as well as they could with it to deſtroy the King. For Pretence of Miſcarriages hinders Supplies; the Conſequences whereof are not unprecedented, and ſhall be more expreſly ſet forth. The ſame Memorial ſhews that the true Cauſe of the ſecond War was firſt, on the *French* Side, the triple League; and then, on the *Engliſh* Side, the Deſire the King had to right the P— of *O*—. And, purſuant to what I have ſhewed of the Treachery of adviſing this War, I muſt note here, that evil and falſe Counſellors will find out Handles to perſuade, or rather betray, as here was done, by taking in with the King's Diſpoſition to force *Holland* to do the P— of *O*— Juſtice, and, as they might flatter him, to have the Poſſeſſion or Protection of *Zealand*, and, perhaps, the Marine of *Holland*, where the *French* Armies could not march. And I remember that, at the Time when the *French* Army was ſo ſurpriſingly ſucceſsful by taking Towns, it was continually expected to hear that *Zealand* had admitted the King's Forces; and, for that End, the King had a ſmall Land Force encamped at *Black-Heath*. And ſome thought that the Force of the P—— of *O*—— was not ſufficient to have ſtopped the *French* at *Narden*. But the *French* were not willing to diſtreſs the *Dutch* to that Degree, as ſhould force them to render to the *Engliſh*, and ſo forbore preſſing farther, as moſt thought they might have done. But the *Dutch* were ſo far diſtreſſed, that a Fire in the Populace kindled againſt the *De Witts*, and, in a Fury, deſtroyed them and their Faction. What Arts were uſed to raiſe this Flame doth not appear; but it is certain it placed the P—— of *O*—— in the Seat of his Anceſtors, which, in great Meaſure, anſwered the Aims of the King of *England*.

The continued Endeavours to deſtroy the King by the Neceſſities from War.

LXXXV. It enough appears that I have not acquitted the firſt *Dutch* War of a Malignity towards the King, though neither he, nor his Friends in Parliament, diſcerned it. The King was not diſpoſed to Troubles of any Kind to diſturb his Eaſe, which, after his happy Reſtauration, he hoped to enjoy with all the Advantages of Wealth, Prerogative and Peace. But the buſy, that is the factious, Part of the City clamored for it, the Generality of the Gentlemen had a Mind to curb the *Dutch*, as *Cromwell* had done, the Anti-court Party in Parliament urged it, and the Courtiers and Officers, that were to gain out of every Flow of Money, were for it. So the King came to be engaged; and notwithſtanding diverſe good Succeſſes, yet Abuſes, Diſappointments, and Wants brought his Majeſty to utmoſt Diſtreſs, whereof the ſeeming Advantage almoſt quickened the benumbed Faction. But the inexpugnable good Will of the Parliament, at that Time, was the Preſervation of the King, who, if the Humour had been, as afterwards proved, muſt have taſted of the old *Forty One* Proceſs. But the ſecond *Dutch* War was a Compoſition of fond Expectation, and evil Counſel of diverſe Colours. Every Thing, but Wiſdom, was engaged in it, Vanity, Popery,

Popery, Covetouſneſs, Ambition, Fanaticiſm, Treachery, and what not? But the blackeſt Ingredients were the factious Influences in the Council itſelf (a Subject I have more than once touched, and here crave Leave to reſume) that managed an high rectified Stratagem to bring the King to his Ruin. It is no leſs than Demonſtration, that, when, by an intended Surpriſe of the *Dutch Smyrna* Fleet, and other Hoſtilities, the War was begun (a Conjuncture that required a perfect good Correſpondence with the Parliament, in order to induce them, as the King was perſuaded to expect, to maintain it) even then was every Thing done, or openly intended to be done, at Court, that could be thought of, to diſguſt them; whereof the leaſt had been more than enough, at any other Time, to have ſet the Houſes in a Flame. As Martial Law, an Army encamped, (though a ſmall one) Stop of the *Exchequer*, Injunction for the Bankers, Declaration of Indulgence againſt Law; and not only the Miniſters hectoring the Houſe of Commons in their ordinary Talk, but the King himſelf muſt needs daſh them in the Face, declaring, at the Meeting, that he would *ſtick to his Declaration*. Could all this be out of any Fund but that of a treacherous Combination? And then, as ſoon as the King's Agreement with his Parliament was declared, whereby the whole Machine fell to pieces, to the prodigious Diſappointment of the Faction; then all Sorts of them fell heartily and harmoniouſly to revile the King for Want of Courage, fluctuating in his Counſels, and Breach of Promiſes, pronouncing that all muſt ſink that relied upon him, and he muſt ſtand by himſelf, for none would ever truſt him. We, that heard and ſaw the Ferments of that Time, could not but take Notice of all this; and what Lampoons remain, ſhew the ſame. And, to ſay Truth, if a King, inadvertently deluded into pernicious Engagements, will reſolve, right or wrong, to adhere, he can ſcarce not be undone. Amongſt Gameſters, Loſſes, upon Parole of Honour, found afterwards to have been Cheats, are Nullities, and the Parties, ſo loſing, account themſelves not obliged.

Faction, tho' diſappointed in the Main, yet profited by freſh Handles.

LXXXVI. Now, to do the Faction right, after their Trick failed, they made the utmoſt Profit of the Conjuncture that might be; and that was by endeavouring to repreſent the King as a Perſon no one could truſt, and, for Proof, appealing to that Inſtance, *viz.* his yielding to the Parliament, and deſerting his Miniſters, as it was called. For the deveſting the King of the Intereſt and Credit he had with the People, eſpecially the Gentry of *England*, was a main Deſign with them. And now they were advancing upon an ultimate Trial upon him, and that was, if it were poſſible, to make him ingulph in a freſh War unprovided. Which Matter being to be wrought in Parliament, where it was high Tide upon Account of the Plot, *&c.* all the Endeavours were to puſh Advantages there, by managing Elections, ſo as the Strength, within Doors, might continually encreaſe; and, according to theſe Aims, the Caſt and Mould, of all the Libels and Lampoons, was to accuſe the Government of evil Deſigns, perverting Things well done to an ill

ill Senſe, and, for what was bad, garniſhing it out with falſe Affirmations; all tending to render the King ſuſpected, if not out of all Credit and Truſt with the People. And, under the Influence of all theſe Operations, the Cry was reared in Town and Country for actual War with *France*; and, by what Means they wrought, the Sequel muſt ſhew. I muſt own myſelf a little in Haſte here, paſſing quick over diverſe copious Matters, becauſe I believe I have touched many of them before; and it is for Confirmation that I ſhortly reiterate them; becauſe the Nature of the Times and Things I am dealing with, collated, give a very great Light upon them: And the rather becauſe I find very many People moſt averſe to this Way of interpreting the Enigmas of that Age; chooſing rather the ſuperficial hackney Accounts, than to force themſelves to think deeper.

The Abuſes of Traders under the Neutrality made Uſe of to draw on a Rupture.

LXXXVII. The firſt Advantage taken, was of the Incident of the Neutrality. For, about 1673, after the King had made Peace with *Holland*, which the Author, againſt all Senſe and Truth, ſays was done *unwillingly*; for the King was not only ſenſible of his Miſtake in entering into the War at firſt, but found all Things, he depended on, fail under him. Even the *French* Succeſſes were a Surpriſe, and all Things conſpired to make him deſire Peace. Whereupon the M. *del Freſno*, the *Spaniſh* Embaſſador, moving for the Intereſt of his Maſter, was yet thought to have done a generous Thing, and friendly to the King, in taking Pains to bring the Peace to a Perfection: The War went on between *France* and the Allies: But the King of *England* kept himſelf in an exact Neutrality. And it was indeed a flouriſhing Time for Trade as ever was known, though the trading People little deſerved it. They, that had the Carriage of all Merchandiſes to and fro, were not content, but would fall into Exceſſes that brought on great Inconveniencies; and that was the colouring *Dutch* Ships and Goods. For the *French* Capers, finding ſuch Tricks played with them, were as apt, on their Side, to be guilty of Exceſſes; and accordingly they carried into the *French* Ports, as Priſe, ſuch *Dutch* Effects as were under *Engliſh* Protection, and, moſt probably, ſome, on that Pretence, which were not ſo. This muſt needs, as it did, raiſe a great Clamor; but much more when there was added an artificial or politic Drift in it, which was to create a real and effectual Reaſon, to be urged to the King, for actual War with *France*; and that was to revenge the Injuries, done to the King's Subjects, by the Captures of their Ships and Goods, or to procure Juſtice and Reparations for the Wrongs done them by being carried into the *French* Ports; and, notwithſtanding great Charges of Journies, and Suits in their Courts, forced to come off without Remedy at laſt. Theſe Marine Diſturbances are Incident to a Neutrality at beſt, as whoever knows the greedy Humour of Traders and Sailors, prone to adventure any Thing for Profit, muſt needs allow; though, for the Reaſons hinted, they never occaſioned ſo much Bruit as now.

LXXXVIII. The

Most abominable Misconstructions of the Neutrality.

LXXXVIII. The Author has thought fit to press all these Disorders for the Service of his Libel; in which Quality also they served under the Faction at the Time. He first takes notice of the King's Proclamation, as was necessary to be issued, to give Notice that the Ships of all Nations shall have equal Protection in his Ports. One would think such a Piece of Justice, as that, would not take Place in a Libel; but Art overcomes Nature; for

Page 308. the Author says *it was labouring to be neuter*, and tells us, *the* Dutch *suspected he gave secret Assistance to* France; and might not the *French* suspect the *English* Subjects gave secret Assistance to the *Dutch?* What signifies that? No Doubt the King, being very rich, and aforehand, must underhand lend or present the King of *France* Money; for no other Assistance could be secret. Such Ignorance is here joined with Malice, which is worse in what follows: *While his Majesty (by the Proclamation and Neutrality) did so generously protect the* French *Shipping, our own Vessels could not be protected — but were picked up as in open War.* One would think an Author, not an Idiot, should not pretend to insinuate, as this doth, that the King should protect the *French* Ships, that he got nothing by, and let those of his own People be picked up, in which he had a vast Interest by his Customs, were it either by Connivance or Mismanagement. But, whether a Proclamation of Neutrality, in Terms equal and unexceptionable, being Termed a Protection on one Side, be not a foul Lye, I submit to Lovers of Truth to declare. I know no better Answer than the Poet gave to the *&c.* in the Covenant — *&c. thou ly'st, thou art the curled Lock of Antichrist.* The Meaning of not protecting is that the King was so careful not to break the Neutrality, as the Faction, by this incessant Clamor, endeavoured to bring him to. What was done I shall shew.

Ill Success of Suits in the *French* Courts.

LXXXIX. But the Author proceeds to exasperate the Matter of this surrendering the *English* Ships to be made a Prey by the *French*, as if it had been one of the *Intrigues*, or a Branch of the *French* Plot. He says, *the Method of Redress was a greater Oppression.* It is seldom indeed, that, in other Places, as well as in *France*, the Remedy by Law is not as bad as the Disease. It were well if, in all Countries, the Laws and Courts of Justice were Apostolical, and without Fault. There was indeed one Infelicity in *France.* Sir *Ellis Leighton*, the Secretary of the *English* Embassador at *Paris*, was the most corrupt Man, then or since, living, and betrayed the *English* and their Interests for Profit, or, at least, extorted from them Money to afford his Assistance in their Suits upon undue Captures. It was the same Person, that, being Secretary in *Ireland*, extorted most outragiously; and, being expostulated with for it, answered, *What a Pox, d'ye think I come here to learn your Language?* But his own recovered him at last, that is the Jail, where he died miserably.

The Matter carried high in Parliament, and the King did all he could without direct Rupture.

XC. There are two Sorts of Abuses in Time of War, in the narrow Seas, that respect the Neutrality. One is the Neutral Nation's covering the Trade of the People in War, and the other the Ravenousness of the Privateers and Cruisers,

Cruiſers, which are not, by any Means, to be entirely coerced. In theſe Caſes there are Courts of *Admiralty*, who are under the ſame Obligation as other Juſtice Seats, to hear and determine whether the Capture be lawful Priſe or not. All which Proceeding is between Party and Party; and all Men muſt ſit down by the Judgment. If there be a National Complaint of Captures, and they are not avowed by the State, it is no Cauſe of War; as, in Queen *Elizabeth*'s Time, *Cecil*, the Admiral, with the Fleet, took the *French* Ships, and, upon Complaint to her by the Embaſſador, ſhe knew nothing of the Matter, they were Pyrates, and there was an End; though the *French* knew the contrary to be true. But, upon unjuſt Takings, if Satisfaction be not made upon Demand, the ſuffering Side hath a Power to grant Letters of Marque for Repriſal upon the Nation; and ſo, by Repriſal upon Repriſal, it may, if the States pleaſe, come to a Rupture; and, if they are at any Time ſo diſpoſed, there ſeldom wants Colour enough for it; and what can hinder the Effect? And this is what the Faction would have brought the King to. I mean, that, upon Pretence of Injuries done to his Subjects, and Juſtice denied in *France*, the King ſhould have inſiſted even to a Rupture; and, for that End, the loſing Traders, though poſſibly moſt in Fault, and the factious Agents, made ſo much Noiſe that the Matter came into Parliament, and, after Reference to a Committee of Lords, there is a long Report made of the ſeveral Ships taken by the *French* Privateers and made Priſe, with the ſeveral Caſes, as the Concerned were pleaſed to repreſent, *ex Parte*, to the Committee. The King, before and after this Examination, ordered his Embaſſador to inſiſt with the *French* Court that his Majeſty's Subjects might have Right done them; which Courſe was puſhed as far as it would go. And the *French* Miniſters made Anſwer in Writing with Recriminations upon the *Engliſh*, that covered and protected the Enemy's Ships. In ſhort they were, as I gueſs, all to blame, and the *Dutch* to boot; as, if we had an Account of their Brigues, as we have of our own, would appear. And, in the Upſhot, as I take it, ſome Letters of Marque were granted, but I have not heard of Repriſals actually made. If ſuch had been, I preſume the Integrity of the Repriſal, that depended on the Reality of the firſt Injury, muſt have come in Queſtion in the *Admiralty*; which the concerned, poſſibly, after all this Noiſe, had no great Stomach to. But the King could certainly go no farther, nor do more than he did, without a Rupture.

XCI. Now it would be ſtrange if the Author ſhould not draw the Picture of the King's Non-Protection of his Subjects againſt the *French*; and really he introduceth it with Advantage: for he ſays the great Evil did ſome Good, for *The Inſolencies of the* French *made the People impatient for the Parliament's ſitting, for Redreſs of this intolerable Grievance, at leaſt by open War. The long Interval began to open the Eyes and Mouths of the City and Country; ſo, to quiet the People, a Proclamation came out for ſitting of the Parliament in* February 1676-7. Without theſe *open Eyes and Mouths* there had

A Proclamation to notify a real Seſſion made a Trick to ſtop Clamor.

been no Parliament. The Proclamation therefore ſhews what came of theſe *Openings*. The King, it ſeems, was not at all gracious in meeting his People at a Time appointed; for it was not the King, but the *open Eyes and Mouths*, that appointed the Parliament. But obſerve this *opening of Eyes* has a farther Reach than ſtaring; for it means that the People now diſcerned that the King protected the *French*, and let his own Ships (as, from the Intereſt he had, I may call them) be taken away. And would not any one believe here that a formidable Rebellion was juſt breaking out? That the King ſhould come to Compoſition? And, as a Daſh of cold Water to allay the Boiling of the People, iſſue his Proclamation, *&c.?* When, in Truth, ſuch, as lived and had their Senſes at that Time, knew that the beſt of the *People* were wonderfully well ſatisfied, and at Eaſe, under the Bleſſing of Peace and no Taxes; but only as this other *People* of the Author's, that is the Faction, would let nothing be at reſt and eaſy, but, with their ſtaring and bawling in Order to worſe, ever diſturbed the Public. And it is an utter Falſity, in general, to ſay that the Merchants were for *open War* (which, out of the Fullneſs of the Heart, comes in here to ſhew the Drift of Faction to be more than Recompence for the Captures) for it is well known that Trade and War never did well together; and to ſeek Remedy, for occaſional Abuſes, by War, is to loſe the Demand of the Recompenſe, and no Body knows what beſides. And, by Merchants, I mean fair Traders, and not Runners and Trickers, as the little People often are, that cover a contraband Trade; and, if they are caught, they are not Loſers; becauſe the clear Eſcapes, for which they have a Price accordingly, make all good. And it is juſt as if the Enſurers brought in a Catalogue of enſured Ships loſt, taking no Notice of Ships arrived and Premios. This Parallel ſhews the *Fucus* of that pompous Liſt of Loſſes, upon which the Faction wrought to introduce a Rupture of the then Peace with *France*. It is to be found in the *State Tracts*, Vol. II. But we muſt not let the Author's wiſe and learned Conſtruction, of a gracious Proclamation, paſs without an Acknowledgment. He makes it, as we ſee, come out to quiet the People. Now it is uſual to keep a Vacancy of Parliament on Foot by continual Adjournments, or Prorogations, from Time to Time; ſo that, upon any emergent Occaſion, the Parliament may be reſumed; which, upon a long Prorogation, whatever the Occaſion is, before the Time, cannot be done: And, in theſe Caſes, the Members, in and about *London*, attend the formal Part, and thoſe remote concern not themſelves till they hear the Parliament will ſit effectually; and, for that End, a Proclamation uſually iſſues to give Notice that his Majeſty expects their Attendance; and ſo Matters reſt eaſy. And here the Proclamation was of that Nature, to let the Country Members know the Parliament was to ſit effectually at the Time. And this here is made an hiſtorical Evidence of a Rebellion breaking out, or juſtly feared to have followed, if this Act of Court had not come to quiet the People. O rare Hiſtorian!

XCII. But now, *con Licentia*, a Word or two as to the Clamor of this Party People, here falſely charged upon the City and Country, *in toto & in ſolido*, without any Diſtinction at all, in Order to draw the King into actual War with *France*, to the great Defamation of (truly) the People of *England* at that Time. The Queſtion is not what might ſeem to a Stranger, that paſſed from one public Reſort to another, but what was really and generally the Senſe of the Nation, which doth not always (as in *Forty One*, for Inſtance) jump with the Proceedings of the Commons. It is to be conſidered that Confederations of a few, by their manifeſt Sympathies and Symphonies, ſhall appear a great many; and, on the other Side, the true many, that are diſperſed and unactive, though utterly in Will and Principle oppoſite to the former, ſhall ſeem but a few. And the Diſcovery is ſeldom made, but when ſome mighty Reaſon or emergent Provocation makes theſe latter underſtand one another, and act; and then the Combination vaniſheth like Smoak. But, otherwiſe, the Party-Men, planted about in public Reſorts, are like ſo many Trains laid, which, fired at either End, Side, or Middle, all appear ſtraight in a Flame. And this Diſpoſition it was that made a Shew as if all Mankind were for actual War, as well as thoſe, who were moſt hearkened to, in the Houſe of Commons. It is hard to ſay how deeply, in the Populace, meer Shews may deceive; becauſe not a few always follow without Thinking; and many are implicite under what is called Authority; but of the non-factious, or indifferent, Part of the Nation, there was none, of Capacity to reflect on the Miſeries of War, or of Senſe to diſcern the Uſe Faction intended to make of this called *actual*, but abhorred it. But I muſt needs ſay, one Way or other, the Faction carried on the Game very far, and cried *neceſſary* as loud as if it had been for the Bread of the Poor; for, ſaid they, *the* French *drive a Pyratical Trade upon us, and what then have we to do?* And who ſhould have ſufficient Information of all Particulars, to controvert this Matter of Fact couched under *Pyratical?* The good King underſtood it, and, by ſaving himſelf, protected his People; for the Intereſt of both was never ſo ſtrictly combined as in this Inſtance. But conſider with Freedom and Indifference, and it will be found that the moſt direct, neceſſary War, as when it is for immediate ſelf Defence, is no better than the Curſe of God; and nevertheleſs ſo for being neceſſary. This Word *neceſſary* is ambiguous; for, ſtrictly taken, there is no Choice, ſince what is neceſſary muſt happen; therefore it is taken commonly for ſtrong Convenience. Now, with Governments, who, by their Prattique and Experience, are the competent Judges, we find often, Encreaſe of Dominion, Preeminences, Policy, Plunder, or *Gothic* Bravery called Honour, paſs for very cogent Reaſons, and ſerve to blind the Eyes of the People, and diſpoſe them to endure the ſad Effects that follow. Now here we had a Faction working the People to call upon their Government for their own Deſolation and Ruin, and ſolemnly to demand a right down Curſe to fall upon them; which is a political *Hyſteron Proteron.* When the Government makes War,

Buſy Parties ſeem numerous and counterfeited a general Senſe to have War with its Miſeries.

then it is, as to the People, truly neceſſary; and it behoves them to be ſerious under it, and, making the beſt of their own Caſe, get out of it as ſoon as they can; for if the Devil himſelf ever reigns, it is in Time of War, and where Wars are. And it muſt needs be a diſmal View, when the ordinary Miniſtry of that helliſh Reign upon Earth amongſt us, by their Diabolical Applications to Men's Paſſions and Prejudices (as in latter Times hath fallen out) as well as to the Vices and prevailing Luſts of a Community, blind their Eyes ſo much as not to diſcover the *Mors in Olla*. Whereof the Scandal hath lain in nothing more than by their late making public Bonefires at the Time, when War was proclaimed; as if it had been a public Thankſgiving for ſome providential Deliverance. Whereof nothing can abate the Shame, but the Conſideration that it was done by a Confederacy of a factious Party, and not the Act of reaſonable Creatures who know the Secret of *Pandora*'s Box, and that War, not accidentally or ſometimes, but *per ſe*, naturally, and inevitably, is no other than ſublimate or corroſive Miſery to all Communities concerned under it, or that unhappily lye in its Traverſes. Therefore I would have our Country, at large, cleared of ſo much Scandal, as the Author here charges upon it, as calling out generally for actual War; and do deſire that, neither for his own, nor his Libeller's Sake, nor to ſuſtain the Credit of ſome in greater Authority, may be a Prejudice in the Matter; but that it may be conſidered fairly as *Res integra* propoſed to the Judgment of indifferent Perſons, which I am about to do.

The Conduct in the Queſtion of War, and the King's plain dealing.

XCIII. Therefore, dropping Speculations, I advance to Facts, intending to ſhew, by undoubted Evidence, how this compleatly abuſive Hiſtorian miſrepreſents the Tranſactions between King *Charles* II. and the (yet long) Parliament, touching actual War with *France*. Concerning which there was notable Fencing, as I find by the Accounts in Print (for I have no Means to come at any other) on the one Side, to make ſure of War before Supplies were given, and, on the other, to be ſure of the Supplies before the War was made. Of all which the general Conſtruction is that the King and Parliament were come to a deſperate Diſtruſt of each other; and how fit a Conjuncture that was for War, let the Wiſe determine. But the King being really ſenſible how neceſſary it was for him to be truſted, becauſe the whole Affair of Peace and War was in his Hands, and he only, and not they, could ſpeak to foreign Nations; and how fatal it would be for him to enter into actual War, and then fail of his Supplies, which ill Accidents and unhappy Emergences of War, under the Title of Miſmanagements, joined with an untoward Diſpoſition in a great many Leaders to miſconſtrue all his Actions, might hinder, or, which is as bad, retard; upon *May* 13, 1677, his Majeſty ſent for the Commons to *Whitehall*, and there told them plainly, how neceſſary it was for them to truſt him; and becauſe his Words, however framed, carry Reaſon as from an Angel, I will give them as they were. —— "That he did not call them only to get "Money, or for other Uſes than they would have it employed; and aſſured

" them, on the Word of a King, they ſhould not repent any Truſt they " repoſed in him for the Safety of his Kingdoms, and he deſired them to " believe he would not break his Credit with them. But, as he told them " before, he could not ſpeak or act as might anſwer their Deſires till he " was in a better Condition than he was able, at preſent, to put himſelf in; " and it ſhould be their Faults, and not his, if their Security was not pro- " vided for." This was plain Dealing, and the Truth of the Matter; of which (to begin with the Suppreſſions) the Author takes no Manner of Notice; nor is this Speech in the Book of the Votes, nor the printed Collection of Addreſſes, *&c.* for the ſame Reaſons ſecreted in all alike; but only the ingenuous Mr. *Marvell* thought fit to publiſh it in the Midſt of his Venom, eſteeming his Wit ſufficient to enervate more powerful Charms than that: But one Conſequence he cannot obviate, which is, that the War, whatever Noiſe was made about it at that Time, was altogether impracticable, as it was preſſed upon the King. The Reaſon is plain:

XCIV. The King was really earneſt for ſaving of *Flanders*, and laboured in it ſo effectually, as what was ſaved at laſt was owing truly to him. That Good came of the coſtive Supplies as were given towards it, of which afterwards. But we ſhall find in the Addreſſes and Anſwers, with the Meſſages that paſt between the King and the Houſes, a notable View of Art in the Penning what was inſiſted. For the Dealing, as in public Theatres, was all expoſed to every one's View and Cenſure; which made each Side conſider well how to gain, or, at leaſt, not to loſe the favourable Opinion of the many without Doors; and, in my Judgment, ſeconded, as I take it, by the Effect, the King carried it clear, and the other Side, by preſuming too haſtily, and overdoing, loſt their Advantage; as will appear by the Tranſactions themſelves, which we have derived to us from under the common Printing Preſs; and if that lyes, *reſpondeat imprimator*. But the Reſult of this Striving, as I have ſtated it, is very diſagreeable to the Author's Deſign; and the Evidences being ſo acceſſible, he is put to very great Straights, and groans heavily in Spirit, about contriving which Way to miſrepreſent the whole Proceeding, and to make the King appear a leagued Partiſan of *France*, againſt the Intereſt and Good of his own People and Nation. And that Nation (with him) is the Faction only, zealous to ſhut out Popery and arbitrary Power by an actual War with *France*. But, finding no Expedient ſo hopeful as Suppreſſion (pardon the Negative) he plies that ſufficiently: And ſo, what with ſlipping nimbly over the chief Addreſſes and Meſſages, and culling out of the reſt as he thinks fit, together with ſome Miſplacings, and a few baſe and paltry Inſinuations and Reflections, he conceives that, in this Affair, he hath fully proved his *French Plot*.

The King's Conduct moſt juſtifiable, and the Author's Arts to diſguiſe it.

XCV. I conſidered which would be the beſt Method of preſenting, to a clear View, in a fair Light, the Steps of this whole Affair, and the Author's foul Abuſes of it; and find it beſt to move in direct Order from one Paſ-

King and Parliament of Opinion for ſaving *Flanders*; the firſt Step.

ſage to another as they happened, and to give the Author his Due, by Way of Marginal Notes as I go along, which, with diverſe Intimations I ſhall plentifully throw in, may be of Service to him in the next Edition of his Book.

The firſt Movement was on the Part of the Houſe of Commons, *March* 10, 1676, in which, mentioning the *French* King's Acqueſts in *Flanders*, they deſire the King to ſtrengthen himſelf with ſtricter Alliances for the Preſervation of *Flanders* and Satisfaction of his People. The King's Anſwer was, That he was of the ſame Opinion with his Parliament, and will uſe all the Means he can, for the Preſervation of *Flanders*, conſiſtent with the Peace and Safety of his Kingdom.

Here we are all one with our Author, who hath the Addreſs and Anſwer as it was; and thus far the Matter carries a Moderation, and was agreeable to the King's entire Inclinations, and the Judgment, as well as the Engagement of the triple League, which was for that End; and, in the Declaration of the ſecond *Dutch* War, he had promiſed that, notwithſtanding the War, the Intent of that League ſhould be maintained.

Addreſs for Alliances, and Aids promis'd, which the Author ſuppreſſeth.

XCVI. "The next Addreſs was *March* 29, 1677, in which the Com- "mons return Thanks for his Majeſty's Acceptance of their former; and "deſire that he would not defer entering into ſuch Alliances, and for "ſuch Ends. And, if it ſhall happen, that, purſuant thereunto, his Ma- "jeſty ſhall be engaged in a War with the *French* King, we hold (ſay "they) ourſelves obliged, and ſhall be ready, upon Signification thereof in "Parliament, to aſſiſt with ſuch Aids from Time to Time, as ſhall en- "able, *&c.*" This is a material Addreſs, being in the Nature of a Parliamentary Credential, or Fund, upon which the King might reaſonably proceed to make Alliances as was deſired. But the Author hath thought fit wholly to ſuppreſs it, as being too reaſonable and promiſing for his Notice, leſt what follows may not accord well with it.

Anſwer touching Aids ſuppreſſed alſo.

XCVII. "*April* 21, 1677, The King anſwers, That he hath conſidered "their Addreſs, and, upon ſome Alterations abroad, thinks fit to mind "them that the only Way, to prevent Danger to the Kingdom, muſt be "by putting him in a Condition to make Preparations, *&c.*" This Anſwer is alſo ſuppreſſed; for the King muſt not appear like one in Earneſt, nor to delay for any Reaſon but *French Intrigues and Plot.*

The King enabled to borrow on his own ſuppreſſed.

XCVIII. *April* 22, 1677, "An Addreſs of the Commons, taking Notice "of the former Anſwer, and Conſideration had thereupon, and of Prepa- "rations to be made; they ſay, they have provided a Bill to enable the "Borrowing of 200,000 *l.* upon the additional Exciſe, and that, at the "next Meeting, they ſhall not only reimburſe the Monies expended, pur- "ſuant to their Addreſſes, in Preparations, but furniſh ſuch Proportions of "Supplies, as may enable, *&c.*" This alſo, which is remarkable in diverſe Reſpects, the Author hath ſuppreſſed; for it was a ſmall Encouragement

ment of the Commons, inſtead of raiſing a Sum, for them only to enable the King to borrow it upon his own, intended for other Uſes.

XCIX. *April* 26, 1677, "A Meſſage from the King, That, for his Pre- "parations, they have enabled him to borrow 200,000 *l.* upon a Fund "given for other Uſes. He would have them to know, that not only that, "but every other Fund in his Power, ſhall be engaged to the utmoſt for "the Preſervation of his Kingdom. But, as his Condition is (which they "know) leſs than 600,000 *l.* will not anſwer the Ends. He can but lay "theſe Things before them, and do his beſt." Neither this Meſſage, nor any Thing relating to this Power to borrow, is taken Notice of by the Author; becauſe it hath not a kind Aſpect upon his Deſign of abuſing the King, who dealt plainly, whatever the others did.

Reproved, and 600,000 *l.* demanded, this alſo ſuppreſſed.

C. "*May* 23, 1677, An Addreſs to deſire the King that they may have "a ſhort Receſs for a Time, as may not end before the 200,000 *l.* is ſpent "in Preparations; and, at the next Meeting, when their Members will be "generally come up, they hope his Majeſty will lay his Alliances before "them, and not doubt of their Compliance." This 23 of *May* is the very Day his Majeſty ſpoke to them at *Whitehall*, to ſhew the Neceſſity there was to truſt him, and what little Reaſon there was to think he would deceive them, as I ſhewed before. And this Addreſs is, for the like Reaſons, as I ſuppoſe, by the Author ſuppreſſed. But we muſt obſerve, that hitherto the Addreſſes are for Alliances; but what Alliances were left to his Majeſty. But the ſame Day another Addreſs was voted in the Houſe, afterwards preſented to the King: And that begins to be more particular. For it fell out all along, that, as the King advances, his Work encreaſes upon him. The Addreſs is this:

Addreſs for a Receſs, and to have the Alliances next Meeting, not juſtly given by the Author.

CI. —— "To enter into a League offenſive and defenſive with the States "of *Holland*, and ſuch other Alliances as his Majeſty ſhall think fit, againſt "the Growth of the Power of *France*, and for the Preſervation of the "*Netherlands*." Here is a new Article ſprung, the Growth of the Power of *France*, which is a large one, and goes much beyond the ſaving of *Flanders*. We ſhall ſee what it will come to by Degrees. Now the Author gives the following Speech of *May* 28, by Way of Foiſt, in the Place of that before of the 23 of *May*. It is not printed in the Collection.

Farther for a League offenſive and defenſive againſt the Power of *France*.

CII. "*May* 28, 1677, ſays the King, —— No ſuch dangerous Invaſions "of the Rights of the Crown have been made, as in their Addreſs, the "Sword not drawn. They not only deſire Leagues, but ſay what they "ſhall be, and with whom, and as it ſeems, ſays he, more by your Leave, "than at your Requeſt, to make other Alliances; that they leave him "but the empty Sound of a King. But no Condition ſhall make him de- "part from, or leſſen, ſo eſſential a Part of the Monarchy, therefore he "could not approve of their Addreſs. But yet he would go on to let the "World ſee his Care for the Security and Satisfaction of his People, though "it cannot be ſo well as if it had been aſſiſted." By this it appears that

Sharply reproved; then the Match of the P---- of O---- and Alliances.

the King reſented the being put upon engaging, as a Party, in the general Wars of *Europe*, between the Empire and *France*, upon Quarrels of Greatneſs, and ſo to go beyond his Point of ſaving *Flanders*. And he had Reaſon, for thoſe Wars are never ſhort; and long Wars never good for *England*.

The Alliances laid before the Houſe, and the Aids expected. But War was then thought begun.

CIII. In the following Interval of Parliament, this Summer, the Match of the P—— of *O*—— was accompliſhed, and Alliances made with the *States* for ſaving *Flanders*, and, at next Meeting, thoſe Alliances were declared in Parliament, when the King ſpoke as the Author writes, *viz.* "*January* 28, 1677-8, — Acquaints the Houſes with the Alliances made "with the *States*; and he tells them, Proviſions for War are not to be "made by Halves, and their Reſolution muſt appear. That he had en-"deavoured by Mediation to procure a Peace, knowing that to be better "than any War to us that had benefited ſo much by a Neutrality. That "he hath recalled his Troops from *France*. That there will need 90 Sail "of Ships, and 30, or 40,000 Land Men He agrees that the Money "they give ſhall be appropriated. Minds them that the 30 Ships coſt "100,000 *l.* more than the Allowance; and above 200,000 *l.* ſpent in "Repair of the Fleet. Large Iſſues for the Wars with *Algiers*, Rebellion "in *Virginia*, and the P—— of *O*——'s Portion. That, in every Thing, "he had ſhewed his Care, and adviſeth their Diſpatch." Now the Thorn was plainly in the Parliament's Foot; here were Alliances declared, and a View of the Occaſion, and their Words paſt to provide. But, it having fallen out that the Forces were recalled from *France*, and that the King's Army, joined with the P—— of *O*—— had acted hoſtilely againſt the *French* before *Mons*, the Faction, in general, concluded the King was faſt; actual War was begun, and he could not go back. The next Step was by ſome Contrivance to hinder Supplies, as on the Terms above had been promiſed; for then his Majeſty would ſoon find himſelf in Difficulties inextricable, whereby the Dilemma was to work, *viz.* either render at Diſcretion, or take undue Courſes for Money, and ſo be for ever loſt. The next Motion to the King was:

Addreſs demanding no Peace but the *Pyrenean*, and no Trade, but mutilated by the Author to the Quick.

CIV. "*January* 31, the Commons Addreſs, returning Thanks for the "Match of the P— of *O*—; they beſeech the King not to admit of any Treaty, "as may leave the *French* more than they held by the Treaty of the *Pyrenees*; "and alſo, that in all Alliances and Confederacies, his Majeſty would pro-"vide, that none of the Parties may lay down their Arms, or depart from ſuch "Alliance, till the *French* King ſhall be reduced to the State of the *Pyrenean* "Treaty. And that none of them ſhall trade with *France*, and that no "*French* Goods ſhall come into their Countries, during the War, but the "ſame ſhall be ſeiſed and deſtroyed, and that no Ships, of any Nation "whatſoever, ſhall go in or out of the *French* Ports, but Men and Ships "to be ſeiſed, and the Goods to be deſtroyed." The Author mentions the Reducing the *French* to the State of the *Pyrenees*, but leaves out all the reſt; ſo good a Carver is he of hiſtorical Truths. For he did not intend it

ſhould ever be known that ſuch unreaſonable Things ſhould have been aſked of the King; being plainly againſt the Laws of GOD and Nations, and yet ſeem to be demanded as Conditions put upon the Supplies, which is wonderful ſtrange. I remember, at the Time of debating the Matters of this Addreſs, it was objected that the Word *Reduce* was a little too peremptory with Reſpect to the Majeſty of ſo great a King as that of *France*; and it would be better to ſay *till he ſhould be content to accept the Terms. &c.* The Anſwer was a general Cry *Reduce, reduce.* But a greater Reaſon, why the Author conceals this Addreſs, is, that, then, he muſt have given the King's Anſwer to it, which went more againſt his Stomach; for,

CV. "*February* 4, 1677-8, the King gave a long Anſwer to this Ad- "dreſs —— that he was ſurpriſed to find ſo much of what ſhould not, and "ſo little of what ſhould, have been there. That his Speech was to both "Houſes, and the Houſe of Peers was not to be paſſed by. He remembers "their Deſire to make Alliance with *Holland*, and their Aſſurance, upon ſuch "Alliance declared, of fitting Supplies. That he hath declared the Alli- "ance, and demanded the Supplies; but, in their Addreſs, there is no Hint "of their ſo doing, only old Promiſes are put to new Conditions. Trea- "ties with other Princes could not be ratified in ſo many Places, and at "ſuch Diſtances, in the Time. Beſides, he muſt acquit himſelf to the "former Undertaking, before he engaged in a new one. They anſwer "nothing to the Invaſion of his Prerogative, but add new Invaſions equally "offenſive. The Condition of no Peace but on the *Pyrenean* Terms, is a "Determination fit only for GOD. Who can tell what is a fit Peace, but "he that foreſees the Event of War? They would have him engage "againſt all the World in ſtopping all Commerce and Intercourſe with "*France*, not Allies, Princes, nor Embaſſadors excepted. No Aſſembly ever "provoked the whole World ſo, without a Penny provided to make it good. "But, as he had ſaid to them before, if he be put into Arms ſufficient, "he will not be weary of them, till *Chriſtendom* is ſettled ſo as no one "Prince ſhall diſturb it. He values his Word, therefore cannot anſwer "for any particular Peace, whether able or not, abandoned or not: The "Reins of Government are in his Hands, and he will preſerve them, as his "own Perſon, for the Good of his People. If they will ſupply him to "maintain the Alliances already made, he will go on to procure more, but "it muſt be done ſoon, and recommends it to them." The Author hath not one Syllable of this Meſſage. As he had ſuppreſſed the greateſt Part of the Addreſs that gave the Occaſion, ſo he conceals the whole Anſwer that ſo luculently refells it. The King, whom he would render, in every Thing, mean and contemptible, muſt not appear in a Meſſage ſo King-like, according to the *Engliſh* Conſtitution, as this Meſſage is. He tells us indeed, *the King was angry, but yet*, ſays he, *the Commons would give no Money, without appropriating it to the Uſes of an actual War.* Doth it not look as if the King's Anger was at that? And what needed he alledge that Reſolution

The King's very authoritative Anſwer ſuppreſſed, and other Abuſes of the Author.

of the Commons, when the King, in his Speech, had told them beforehand that it ſhould be ſo? But afterwards he ſays the Commons came to a Reſolution to addreſs for an actual War with *France*, and, to that, fetches down an Anſwer, from I know not how far off, belonging to another Occaſion, and puts to this, as I ſhall ſhew. All which is done to amuſe his Reader with a ſeeming Compoſure of his Tale, that they may enquire no farther. Which Maſquerade Way of writing ſhews Art added to Nature in framing Libel out of Hiſtory.

Addreſs for War forthwith, of which Part concealed.

CVI. "*March* 15, The Commons addreſs that the King would forth-
" with declare, and enter into an actual War with *France*, and, as they
" paſſed a Bill of Aid, ſo they will ſupply more for ſo Royal an Under-
" taking; and they deſire him to be no more a Mediator for Peace, but to
" recall his Embaſſadors from *Nimeguen*, and to ſend away the *French* Em-
" baſſador from *England*, that he may be diſengaged, and free to enter into
" a War for reducing the *French* King." This is that Addreſs for actual War, which the Author was before obſerved to mention as reſolved by the Commons. But the Ceaſing of the Mediatorſhip, and ſending away the *French* Embaſſador, which are no Trifles, he conceals; becauſe he conceives they go a little too haſtily, and too far, as Things ſtood. But he makes Amends with tacking a falſe Anſwer, *viz.* the Meſſage *May* 6, 1678. The Tax, mentioned above, was the Poll Bill, which fell wonderful ſhort of the Eſtimate, beſides the Prohibition Clauſe tacked to it. But now it is to be obſerved, that, the King having done all that was poſſible for him, in his Circumſtances, to do about Alliances, and claimed the Alternate, we muſt have no more to do with, nor hear of, them, but to find Faults and buſk for more; being now upon a new Scent of actual War, ſince that at *Mons* began to fail in the Expectation of the Conſequences of it.

Votes that the Alliances were not ſufficient, and new ones addreſſed for, with a vigorous War.

CVII. *March* and *April* were ſpent in Addreſſes and Anſwers; and, among other Things, to have the Alliances laid before the Houſe, which was done; as alſo the Propoſals of the King made to the *French* King, to which he returned a verbal Anſwer of Refuſal, ſaying, *If he accepted them, he knew not how he ſhould anſwer it to his People.* Which ſeems to carry a Jeer, as if, to an *Engliſh* King, intrigued with his Parliament, that was ſufficient. In *France*, where the People muſt be, and are, ſatisfied with the King's Pleaſure, ſuch Return in ſerious Earneſt had been ridiculous. I believe this, or the like, might occaſion the Earl of *Danby* to ſay in a Speech to the Lords, *that the* French *had the King of* England *in utmoſt Contempt.* Mem. Vol. I. "*May* 4, 1678, the
" Commons vote the Alliance with *Holland*, and the Propoſals grounded
" thereon, not purſuant to their Addreſſes, nor conſiſtent with the Good
" of the People. And they adviſe the King to league with the Emperor,
" *Spain* and *Holland*, for a *vigorous War* againſt *France*, and to prohibit all
" Trade with *France*, and to admit no Treaty or Truce, but by Conſent
" of all the Allies." The Author ſays nothing at all of theſe Votes in particular;

particular; they are not wholſome for his Hiſtory; only, a little forwards, he mentions ſome *uneaſy Votes*, but not what, ſo no Body can make any Thing of it. Now we muſt obſerve the Matter is advanced a Pitch higher, that is from an *actual* to a *vigorous War*; and the King is ſent to *Germany*, *Spain*, and *Holland*, to treat *de novo* about this *vigorous War*. It was upon this Occaſion the King talked what Incumbrance he muſt bring upon his Subjects, if he allied himſelf in a general War in Company with the *Germans*.

CVIII. "*May* 6, 1678, Came a Meſſage from the King, that, if, being "acquainted with their Votes, he is ſurpriſed at the Matter and Manner of "them, it is not ſtrange; but yet, if he had no Exception to either, he "could not give any Anſwer till the Advice came from both Houſes." This is the Anſwer the Author has ſtole, and clapped to the Addreſs for actual War (as I hinted before) but, for the Reaſon of his ſo doing, if I have not touched it already, we may go look. It ſeems the Lords were not like to concur in ſuch an Addreſs; and that ſerved for a Screen to fence the King from giving the Commons a Denial.

The King diſlikes the Votes, and expects the Lords Advice.

CIX. "*May* 6, 1678, came a Petition and Advice from the Commons, "declaring the Reaſons of their Advices, which, they ſay, is their Right to "communicate to his Majeſty by themſelves. They deſire to know what "Reſolutions his Majeſty hath taken thereon. They expoſtulate for his "rejecting their Advices by Means of private Miſrepreſentations. They "intended only Advice, and not Invaſion of Prerogative. They deſire to "be relied on, and conclude with a Requeſt that the Duke of *Lauder-*"*dale* may be removed from his Majeſty's Preſence and Counſels for ever." This is not taken Notice of by the Author; for he cannot mean it by thoſe he calls *uneaſy Votes*, though he puts his Remark of them in its Place. About this Time, all the Diſcourſe of the Faction was upon the Subject of private Advice, as being taken againſt the Advice of the Commons. But, whatever the Advice of the Commons was, the Refuſal was as free to the King, as they were free to give the Advice, otherwiſe it drops the Form of Advice and becomes Authority. It was a wiſe Conſtitution, anciently uſed in Parliament, in its Time called the *Magnum Concilium in Parliamento*, which conſiſted of the whole Miniſtry of State, and the Law; and theſe were ſworn not to adviſe the King to agree to any Thing againſt his Prerogative. This Council covered the King, and prevented his being ſurpriſed.

A Petition and Advice to the King againſt private Advice and Duke of *Lauderdale*, but ſuppreſſed.

CX. "*May* 27, 1678, A Vote of the Houſe of Commons paſſed, that, if "the King will enter into a War, they will ſupply, if not, they will pro-"ceed to diſband the Army; and his Majeſty was to be made acquainted "with that Vote." The Addreſs and Petition touched upon Irreſolution, which ſome thought of when there was none; for it ſeems the King was plainly reſolved not to move without his Supplies beforehand. And that brought forward this View of another Sort, that is getting rid of the little

Vote, if no War, to diſband the Army.

Army which was raiſed upon this Project of getting the King into the War; and now began to be a Terror, or, at leaſt, ſome would have it thought ſo.

Meſſages againſt it till Peace is made, and the Reaſons, ſuppreſſed by the Author.

CXI. "*May* 28, a Meſſage that there is a Ceſſation in *Flanders* like to "conclude in a Peace, but not certain; and his Majeſty doth not think it "prudent to diſmiſs either the Fleet or Army till that determined. He "minds them of Supplies, and of the 200,000 *l.* which he borrowed, and "wants for his ordinary Occaſions. *June* 7, A Meſſage that the keeping "up, or diſbanding the Forces in *Flanders*, depends on Supplies, recom-"mends to ſee the Effects of the Ceſſation before it be done; and to recall "the Forces, before the Peace, would be of bad Conſtruction." The Author hath made no Mention of theſe, which contain the Reaſons for keeping up the Forces till Peace is made, becauſe he would not have it thought the King had any good Reaſon for what he did, but deſigned to uſe the Forces for arbitrary Government, purſuant to the *French Plot*.

The King agrees, which the Author defames moſt falſly.

CXII. "*November* 25, The King's Speech, which ſhews the Difficulty "of parting with the Forces yet, but, nevertheleſs, for public Eaſe, he de-"ſires they may be diſbanded. 27, Voted that all the Forces be brought "over, and forthwith diſbanded, and the King agreed to it." The Author has a pleaſant Turn upon this Occaſion; for, having inſinuated that the King had, in his Heart, a Deſign to uſe this Army to arbitrary Purpoſes, which made him loth to come into the diſbanding Propoſition, yet at laſt, he ſays, *The King fell eaſily into the Deſign, becauſe it depended on a Bill for granting a Supply.* This is ſo poor a Reflection, as a Two Penny School Girl would bluſh at. For the King was not ſuppoſed to have any Penny of the Money come to him, for it was to be appropriated to the Diſbanding. But the Author muſt ſprinkle his Poiſon over all that the King doth, eſpecially if it look gracious or good, to the End that he may be made appear wicked and falſe in every Thing.

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The Houſe ſets right a Miſentry in their Books, which the Author perverts.

CXIII. "*December* 7, The Speaker (*Seymour*) acquaints the Houſe that he "had acquainted his Majeſty (that it was not by Order of the Houſe) of the "Entry that was made (in the Journal) of his Majeſty's Anſwer to the Ad-"dreſs for calling over the Forces out of *Flanders*; and that his Majeſty "was pleaſed to declare that he gave no Order for ſuch an Anſwer, and that, "Circumſtances being altered there, the Forces were ordered to be called "over." *Printed Votes*, (*Octavo*) *Fol.* 169. Any one, that reads the Author's Account of this Paſſage, would think that, after the King had given a Refuſal to the Commons (which, by the Way, the Faction deſired the King ſhould do, and he as carefully declined it) as to calling over the Forces, and they had entered it ſo in their Books: and that he ſoon bethought himſelf, and renegued his own Anſwer, and gave it in otherwiſe, denying the Orders for the former; a rare Character of a King! For thus he expreſſes it: *They made an Addreſs* (for recalling the Forces) *and made an Entry in their Books of his Majeſty's Anſwer as a Refuſal to comply with their Deſires, but his Majeſty ſoon after was pleaſed to declare, that he never gave*

Orders for ſuch Anſwer. Compare this with the Speaker's Account, as it is entered in the Journal, and ſee the Change of the Countenance. The Matter was, the King ſhewed to the Houſe the State of Affairs in *Flanders*, which made it imprudent to call over the Forces as yet. The Clerk, or whoever ordered it, factiouſly, as it ſeems, enters a direct Refuſal, which was falſe, and no Order was given for ſuch an Anſwer. The King was offended at this, as he had Reaſon; and the Houſe, to diſculpate themſelves to the King, ſent the Speaker to make their Excuſe, as not having ordered any ſuch Entry to be made. And the Speaker reports to the Houſe his Meſſage, with the King's farther Anſwer, as above. It is well this is in Print; how elſe ſhould this abuſive undutiful Writer be corrected? Who relates as if the King had ſent to them to alter his Anſwer, when, in Truth, they ſent to him to excuſe an Error committed on their Parts, charging the Fault upon the Clerks. And it is pleaſant to obſerve the incorrect *Engliſh* of the Speaker regiſtered here, for Sport as I ſuppoſe.

An Account of their ſetting up a Mock-Exchequer for the diſbanding Money in *London.*

CXIV. Thus I have given an Account of this Tranſaction, by Minutes taken from the Acts themſelves; which ſufficiently ſhew the Drift on all Sides, and I need not here repeat it. But I ſhall proceed to the Relation of another Matter, happening about this Time, which was very hard put upon the King, with regard to his Honour. And it was the ſetting up the Chamber of *London* (where Faction had got ſtrange Footing, and the Chamberlain, Sir *Thomas Player*, a topping Party-Man) as a Mock-Exchequer, under his Majeſty's Noſe, for receiving and paying the diſbanding Money; for ſo it was carried againſt the King by Vote, as much as to ſay (what they would have every one believe) that his Majeſty was not to be truſted. The Lords took the Liberty to mend that Article, and to reſtore the *Exchequer* to its Place again; and, upon conferring Reaſons, the Commons alledge that a former Sum, given for diſbanding the Army, and other Uſes, and truſted to the *Exchequer*, had been iſſued for continuing the Army; and the Commons thought it not ſafe to truſt the Money there again, but diſpoſed it to the Chamber of *London*, the better to ſecure it from being miſemployed. On the other Side, the Lords, among other Matters, reply, *that the Neceſſity of Affairs required keeping up of the Army*, and refer to the King's Speech at the Opening of the Seſſion, which takes Notice of the actual ſaving the reſt of *Flanders*, that, without theſe Troops, had been loſt; and, upon a diſbanding then, the Neighbours had deſponded. And the King expreſſed himſelf confident none would repine, or think the Money ill employed, and aſſured them he was much more out of Purſe, which he expected they ſhould repay him. The Lords ſhew farther that the *Exchequer* was not in Fault, for they iſſued regularly, but the Caſe abroad required it. The Commons did not depart from their Purpoſe, and, upon the Differences about theſe Amendments, the Bill was loſt. And I believe the King took nothing from the Commons in a worſe Senſe than this Paſſage, which looked as returning him Evil for Good, and in a Way very diſgraceful, and therefore moſt

ſenſible to him. Beſides this, there was put in the Bill a Clauſe to indemnify the Men that had continued in Arms; which was begging a Queſtion, that it was criminal for them to ſerve in a Militia wholly the King's, who may raiſe what Forces he pleaſeth, in Caſe he can pay them: But they had a Mind to impoſe an Indemnity that was neither deſired, aſked, nor needful; ſuch Art is there in Precedent making! The Author toucheth nothing concerning this *London Exchequer*, being a Paſſage, as he might think, too much allied to ſome other Proceedings, of Courtſhip to the City, touched in another Place; and the rather becauſe the next Parliament rejected the ſame Thing when it was offered, eſteeming it an undutiful Affront to the King; ſo no Wonder this Author is ſilent in the Matter.

The Author's Abuſes on this Head touched over

CXV. I have endeavoured here to ſhew the true and falſe Colours which have fallen upon this great Affair of actual War with *France*; and not ſo much to accuſe or excuſe either Side, as to demonſtrate the Author's wilful Suppreſſions, Concealments, and Diſtortions, even, of public Tranſactions (whereof the Matters are not only regiſtered, but are in Print) to ſerve his Turn; and that is manifeſtly to fend off Scandal from his Party, and to divert the whole Flow of it upon the King and his Loyal Miniſtry. For this Cauſe it is, that he hath not only quite ſunk thoſe Matters, or Paſſages, that tend to juſtify, or that honour the King, but, contrarily, hath expoſed ſuch only as he gueſſes may ſhew to Poſterity that his Majeſty had (indeed) all along promiſed fair to his Parliament, but, being in the *French Plot*, never performed any Thing: And, if the Parliament was backward in Supplies, it was becauſe the King was not to be truſted. But yet that he ſkipped at the Sound of a Money Bill; the very Chink of the Coin made him diſband, or any Thing (though he got nothing by it) and that he lay lurking for ſuch Advantages. And, at this Rate, he debaſes his Majeſty's Character and Honour, now about the general Conduct of his Government, as elſewhere, about the Matter of the Plot, when his Majeſty is dreſſed up for a Ridiculer and Stifler. So much for the Author upon this Occaſion. As for the Merits of this great Cauſe of War and Peace, I leave it to the Indifferent to cenſure.

The little Army was the Canker, which gone, the Part healed.

CXVI. It will be readily ſuppoſed that, after Matters came to this Height, and no leſs in other Inſtances, as will be touched, Affronts given in the tendereſt Parts, and publiſhed to the People, that this Parliament could be long lived. The Faction could have been contented Money had never been given to diſband the Army, and that they had lived, upon Rapine, without Pay. That Conſequence had done as much Good as actual War; for working the King out of all Credit with the People, was a grand Article of the Factious Game. But, at Length, the wiſer Part of Mankind, as well within, as without Doors, thought it was neceſſary to get the Army diſbanded; and in 1679, a Tax was given to be paid into the *Exchequer*, and iſſued to Commiſſioners for that Purpoſe. But, in the mean Time, the Army was like a Sort of Venom in the State, that corrupted the Acti-

ons of diverſe well-meaning Men, to a perverſe Senſe, as I ſhewed before when I ſpoke of the fooliſh running into the Meaſures of *Oates's* Plot. If I am thought a partial Repreſenter of the King's Actions, and that I have taken this Author to Taſk, in the Quality of a Controverſialliſt (like him) for a Party and not Truth, let who will trace the Times by the Accounts in Print, to which I need not farther direct, and cenſure me as freely, and find out what Patrons, Parties, Bargains, and Preferments I have to court for ſelfiſh Ends; and then let me be expoſed with the ſame Acrimony, as when I ſay, of this Author, that his Work is the Sum and Subſtance of the Time-ſerving Libels; and that himſelf is a compleat Artiſt at converting Hiſtorical Matter into Libel, or rather Libel into *Compleat Hiſtory*, as he fronts it in the brazen Epigraph of his new Work.

CHAP. VII.

Of Seditions, Tumults, Abhorrences, and Accuſations.

I. BUT now we are come upon the Subject of the Diſſolution of this long Parliament; and the Author, ſeeming to buſk for Reaſons, touches diverſe, but, as his Way is, after all his fair Profers, pitches upon that which he thinks moſt diſgraceful to the King. He mentions the Caſe of *Danby*, and Protection for the Popiſh Lords in the *Tower*; and he is ſure of the latter, ſaying, *The King all along frowned on the Evidence of the Plot*; which is falſe of his own ſhewing; for, in forty Places, he makes the King a Ridiculer; and, to ſay Truth, his Majeſty was much more apt to ſmile than to frown; and, at *Oates's* Blunders, he could ſcarce help laughing right out. But obſerve the Cogency of this Argument, to prove the King diſſolved the Parliament to protect the Popiſh Lords, which enters with a *For —— he frowned on the Evidence, ergo*, &c. But although it was certain for that Reaſon, yet *undoubtedly the greateſt Reaſon of all was to cover the Duke of* York *from the Reſentments of the Commons, and the general Indignation of the People.* I believe few, in the King's Place, would have been eaſy; nor could he well be ſo, when he deſired of all Things, and did all he could (but deliver up his Brother, and his Succeſſion to the Crown, who had as much Right to follow him in the Deſcent thereof, as he had to follow his Father) to keep fair with them; and yet they preſſed him with that Violence as was very hard to bear, as if he were to be compelled, rather than entreated. And, when in the Qualifications offered, which were Condeſcentions, in every wiſe Man's Opinion, too much, and other Trials, he had made a thorough Experiment if it were poſſible to content them; as he ſeemed deſirous, and endeavoured by Expedients to reconcile Things, ſo

Long Parliament diſſolved, with the Author's Libel thereon. The Reaſons to hope for a better. *Page* 368.

much fiercer were they in their Oppoſition to his poſitive Determination; and, inſtead of eaſing, the Batteries played more importunately upon him; as if he were an obſtinate Town to be taken by Aſſault. He muſt have been a grand Inſenſible if he could have born all this, and (deſperate as he was of better Dealing from them) not think of a Diſſolution, and then to call a new Parliament, in which he might hope for better Weather. And there was Reaſon to expect ſome Amendment of the Humour, as, in ſome Reſpects, did really happen; for it was apparent the King had more Friends, after he had been ſo ill uſed by this Parliament, than he had before. For People were not ſo ſtupid as not to diſcern them dropping the Matter of the Alliances, and going on to new and impracticable Conditions; and then the very Terms of Peace ſtrangely preſcribed. Thoſe opening Paſſages reconciled to the King the Favour of much the more ſenſible, or reaſonable, Part of the Nation; and was the Riſe of that Loyal Diſpoſition of the People, which, though not ſo viſible and efficacious at firſt, yet, from thenceforth, went continually improving, and, at length, bare-faced, bore all the adverſary Part down before it. But, in the mean Time, the King, knowing his own Dealings with the Parliament to be ſincere, and that the Returns he met with (which he even to themſelves termed ill Uſage) were moſt unſuitable, and that they would appear to all the World as they were, he had Reaſon to hope the Country would be leſs violent in Elections; and the Men, to be ſent up, more moderate than the former had been. But the Author here makes the Diſſolution a pure Court Trick, to cover Criminals from the Law; and, all in a Fury, *alla Tragique*, he rants it with his Reſentments and Indignations, bringing in his Party, which take the Place of the Generality of the People, to be his incenſed Furies. By all which Figures, one would think the poor King at the laſt Gaſp of his Authority and Politics, to lie thus at Fence and Parry againſt all this helliſh Rage, as, from his Deſcription, I muſt call it.

The artificial Diſorders to amuſe the People and influence Elections, and the King's Preparatives.

II. The Vacation of Parliament in 1678, was indeed a diſmal one; for the Plot raged, and the Faction loud, and buſy at Work all over *England*, *viribus & remis*, to influence the Elections for another to meet at *Weſtminſter*. The King framing his new Council and Court, according to his then Scheme, as well as he could to enervate the Force of his Enemies; the Earl of *Eſſex* put in the Front of the Treaſury, Lord *Shaftſbury* Preſident of the Council, *Sunderland* Secretary. The public Prayers had been accommodated to the Plot; which is a common Method of inſtilling chimeric Dread into the Peoples Imaginations; as if the public Prayers were among the Impliments of *Matchiavel*. All populous Places were made unquiet with artificial Fears and Jealouſies, animated by the Stage Drivers of Faction. I do not remember, at any Time, a more hared and giddy Temper of the People, in general, than was then. All talked, and few knew of what; only there was a Catalogue of Words, that were mouthed about, inſtead of Senſe, Truth, or ſo much as good Manners. All Incidents were

made Wonders, and odd Accidents right down Prodigies! Of this Sort the Author remembers one to ſhew what Reaſon the People had to dread the evil Times that were coming. It was a ſad Omen, for, about Midwinter, *January* 12, upon *Sunday* at about ten in the Morning, *was ſo great and ſudden a Darkneſs in* London *and* Weſtminſter, *that the People* (at Church) *could not read in their Bibles, and were not able in the Streets to diſtinguiſh one Perſon from another*; and then ſays, that the Darkneſs was greater than under the great Solar Eclipſe that denominated *Black Monday*. To what End is this Magnifying, ſo prodigiouſly, a common Accident in *London*, there being ſeldom a Winter without it? For, when a common Miſt mixes with the Coal Smoak, it muſt be ſo, and, out of Town, where is no Smoak, it is not half ſo much. But the People then were to be frighted with ſomewhat, and this, at that Time, ſerved to ſome Purpoſe, and now the Author tells it to no Purpoſe. In *Livy* the Ox ſpoke, but, here, the Author ſpeaks any Thing whereby People may be deluded.

The Author for a ſingle Step of the Juſtices *Queries*, argues the Court relapſed to Popery.

III. Next comes an hard ſtrained Scandal. The *Middleſex* Juſtices were complained of for being too ſlack in putting the Penal Laws in Execution; and the King, by his Proclamation, quickens them, and alſo calls all his Subjects out of foreign Seminaries. It is likely the Juſtices might not hold Pace with the Teaſers of the Plot, who would let no Sort of People, of that Sort, reſt, ſcarce foreign Merchants; and it is not every one's Humour to be pleaſed with perpetual Hunting and Tormenting any People againſt whom no criminal Accuſation came; but, for their better Direction, ſome *Queries* were put forth and reſolved by the Judges, touching the Caſe of foreign Merchants, how far obnoxious to the Penal Laws. Now cannot I, for my Life, find out which way this particular Incident, relating to foreign Merchants, ſhould infer a general Scandal upon the Government, as the Author, after his uſual Way of arguing from one to many, hath brought forth, though directly contrary to the Tenor of what was done. For, ſays he, *after the riſing of the Parliament, there ſeemed to be a Diſpoſition in the Court to relax the many Orders that had been lately given for putting all the Laws in Execution againſt the* Roman Catholics. Now this is ſo contrary to Truth, as it is ſure the Faction were, at that Time, almoſt in Poſſeſſion of the Miniſtry, and would puſh thoſe Matters home enough. And the King alſo would then give no Umbrage of any of this *Seeming* or *Diſpoſition*, if he had any; becauſe he deſired not to give an Advantage againſt himſelf at the enſuing Election, as all Handles, of that Kind, had done, and this Inſinuation, ſhallow as it is, in ſome Meaſure, did. But we have a Specimen here of the Author's Hiſtory, which may be termed to be of *Seemings and Diſpoſitions*, for it is not of Facts in any Manner diſtinguiſhable.

Faction prevails in Elections, but not enough, ſo joined to get that new Parliament diſſolved.

IV. It will not be a Wonder, ſince the ſame Methods, as for diverſe Years had been uſed for filling Vacencies, in the long Parliament, with Numbers averſe to the Court, were now urged with a more flaming Diligence, that the

Effects thereof ſhould appear in the Temper of the now enſuing Parliament; and, as Things then ſtood, there was no View of a Poſſibility but that almoſt every Election, to any future new Parliament, would be yet worſe for the Court. Which Conſideration made the Faction not be ſatisfied with what they had got, but longed to be at it again and again; for, although this new Parliament, in the main, was leſs with the Court than the former, yet ſo many Men of great Eſtates and Value were returned, as would not fall ſtraight to Root and Branch Work, which the Faction deſired they ſhould. And there was a dreadful Poſſibility, that, after the Intoxication of the Plot was ſpent, they might fall in with the King, as the long Parliament (after having been very troubleſome) often did; and then all the Fat was in the Fire. There were ſome Dawnings of this in the Queſtion, which was not carried for chequering the diſbanding Money into the Chamber of *London*, as, for pure Diſtruſt of the King, was done in the laſt to his great Diſhonour, though it came to nothing. And the Sound, *no Popery*, *no Preſbytery*, was often obſerved almoſt to fill the Houſe, which was *cattiva Muſica* to the Party. All theſe bad Signs of this, together with the Proſpect of a more towardly Choice in the next Parliament, made the Faction, and eſpecially the Earl of *Eſſex*, whom the King could not but think his Friend, ſet to their Shoulders; and they ceaſed not till they got the Parliament diſſolved, and another ſummoned to meet in *October* 1679. This ſhort Life made it be called *the Little Weſtminſter Parliament*. It was not likely to be long lived when they ſtumbled at the Threſhold, in a Difference about the Speaker. For *Seymour* (as I take it) being choſen, did not diſable himſelf as the Form is; whereupon the King did not accept of him, and ſent them to chooſe another. But then not only the Treaſury, but the Council, as I noted, had been reformed, and Perſons taken in, whoſe Policy lay in getting another Choice; and they were not deceived in their Meaſures on that Side, but it was well there was one above them. While this little Parliament ſat, they followed the chief Points that depended in the former, as the Plot, *Danby*'s Caſe, and the Bill of *Excluſion*, which latter was read a ſecond Time, but not without great Oppoſition; and that Circumſtance was not wholeſome. In that Manner Things moved awkardly. There were diverſe Incidents, in and about this little Parliament, that ſprang from ſmall Beginnings, and, at firſt, were particular, but, in Proceſs, became more general, and, at length, intereſted Parties, and even the Government itſelf. I think fit to take up ſome of theſe from their firſt *Embryos*, as, in the Way of my Converſation, they came to my Knowledge; and, conſidering where they ended, I leſs ſcruple to relate when and how they began. For I conceive the whole Detail of them, for the Learning of Faction, worth a Relation; and the rather becauſe the Author here, who is ſo full of creeping Slanders, can diſcern no Paſſages, however tall, if they are of another Complection.

The Methods by Persons. Lifting up the Factious, and depressing the Loyal; *inde Abhorrers.*

V. And this will give me Access to that other Branch of the factious Art which I said wrought upon Persons; as for Things, we have had a great Share, but more will follow in Course. But now we are to consider that the Removing, from the King's Presence and Counsels, bad Men, that is such as were loyal and able to serve well, and planting others there of a better Character, that is Men in League (secretly at least) with the Faction, who would discover, betray, and, all the while, flatter in Notes above *Ela*, was a most necessary Management if ever they intended to do any Good, *viz.* bring the King into utter Distress. The former of these Sorts of Men were Favourers of Popery (forsooth) Friends to *France*, of Arbitrary Principles, and the like, or, in a Word, ill Men. The others were Patriots, and zealous for the Protestant Religion and Liberty, Haters of *France*, Popery, and Arbitrary Power, or, as aptly, in a Word, good Men. These were the Terms of Art which passed for Distinction, when it was the Mode to hold forth Words instead of Things, or, at least, to call Things by wrong Names. And, under this Conduct, it was one great Care that Men might suffer, or be protected, according as they were ill or good Men. Therefore Ways were found out to screen the former from the Law, whatever the Offences were, and, on the other Side, by all Means possible, treacherous or direct, to mortify, confound, and destroy, all those who, in or out of Places, were capable and active in opposing the factious Game; especially if they were found sincere and inflexible in Principles on the loyal Side. Much of this Trade lies couched in the History of *Ignoramus*, of which, Part is done with, and the rest is to come; and we shall also hear of a Sort of People called *Abhorrers*, publicly proclaimed, with stentorophonic Tube, by that honourable Title. It is a Word of Darkness, and will require much explaining to enlighten; and not without a Series of Transactions done above Ground, which, for the Oddness and Importance of them, will hardly ever receive an adequate Description in History. However, I purpose to throw in my Mite towards it; and the rather because this compleat Author before us hath so little that Way, as scarce riseth to the State of so much as a Misrepresentation.

The Circumstances and Behaviour of *Sir William Jones*, as to the Public. *Page* 279.

VI. So now, being to enter upon a wild Ramble of a meandrous Design, I shall take a Rise from a Passage in the Author, where he gives an Account, *That in the Heats and Fatigues of prosecuting the Popish Plot, Sir* William Jones, *the Attorney General, besought the King that he might resign his Place.* That Favour was granted him, and he was dismissed. His Successor was Sir *Creswell Levinz*, of whom I shall have somewhat to say afterwards. The very next Paragraph tells us of the Resigning of the Earl of *Essex*, the chief Commissioner of the Treasury. Why these two extraordinary Persons timed their Going out so lovingly together, I may shew in another Place. With the Leave of Order I shall here adventure a short Inspection into the Actions and Characters of some Persons, Professors of the Law, which may tend to elucidate certain dark Doings. And first of Sir *William Jones*, who betook himself to the Parliament Employ, and

hath the Honour to be mentioned in this Hiſtory on ſome other Occaſions.
Page 399 One is for a very mutinous Speech in the *Oxford* Parliament on the Subject of miſlaying the Bill of the Diſſenters, as it was called, for repealing the 35 *Eliz.* The Author is never wanting to ſerve himſelf of ſuch Opportunities. In ſhort, the Bill paſſed the Commons in the foregoing *Weſtminſter* Parliament, and, when the King came to the Houſe to determine the Seſſions, the Bill was not to be found. Another Occaſion is a Paſſage taken out of a Book, ſaid to be wrote by him, to juſtify the two (then ſtyled) laſt Parliaments, which were the *Oxford* and that at *Weſtminſter* next before it; and to anſwer the Reaſons in the King's Declaration for diſſolving them: In which Undertaking he had great Reaſon, becauſe he was one of the chief Actors to bring on the Extremities that fell out in thoſe Times. Whoever peruſeth that Book, ſhall find it one entire begging of the Queſtion, from the Beginning to the End, even, of the whole Matter in Diſpute, as it runs through the Whole, *viz.* The Popiſh-Plot and its Attendants, with the Conſequences, as Popery, *France*, Arbitrary Power, and the reſt of the factious Cant at that Time; the Verity of all ſuch Suppoſitions denied, off drops the Vizor, and a Face of Straw appears. He was famed, or elſe defamed, for another Book entitled *Advice to Grand Juries*, mentioned elſewhere. But, for certain, after his Reſignation, he flew into all the Extremes againſt the Court, ſuch as we ſhall declare from the Memorials of the two Parliaments. And, at the *Oxford* Parliament, when the Black Rod knocked at the Door, he was in the Midſt of a Speech to inflame the Houſe upon the Subject of *Fitzharris*; proving that the Houſe might impeach Commoners, and anſwering the Objections from *Magna Charta*, *viz.* —— "*per judicium parium*," he was coming to the "*Lex Terræ*", and was interrupted by the Diſſolution. I could have been content it had ſtaid a little longer, that his whole Argument might have come to us; becauſe the Strength of the Objection, which he was a going to anſwer, lies in this, *viz.* that *Lex Terræ* is not contrary to, nor doth repeal or reſtrain the *Judicium parium*, but both are of abſolute Extent, the former as to Fact, and the other as to the Law, when the Fact is ſtated. The former is guilty or not guilty, that is *per judicium parium*; but there may be other Pleas, as Miſnomer, Demurrers, Exceptions, Pardons, and Confeſſions, upon which the Iſſue is wholly to the Court; as alſo the Puniſhment after Verdict of the Peers, and all that refers to the *Lex Terræ*. So as, by that Diſtinction in *Magna Charta*, the Offices of the Jury, and of the Court, one for Fact, and the other for Law, are kept diſtinct. And another Objection was to be anſwered, which is, that, by an Impeachment and Judgment of the Lords, a Commoner is deprived of his legal Challenges. But the Officer prevented this Piece of Learning from coming to us with the other printed Debates.

His Steps, after he left the Court, were unlucky, and taking Cold, died at Mr. *Hampden*'s.

VII. I am perſuaded that, being in Place, he was very weary of the Plot Proſecutions, as he was afterwards of being among the Heads of a Faction againſt the Court in which he had ſerved: The former was obnoxious to uneaſy

uneaſy Reflections, that, if out of Ardor he exceeded, innocent Blood might be in the Rear of him; and the other touched his Reputation, as not conſiſtent with the *Decorum* of a Servant, who, though never ſo ill uſed, ſhould not publicly fly in his *quondam* Maſter's Face. All which Matters muſt needs be weighed by one of his Penetration and Judgment, and who was no ill Man at the Bottom, though unhappily miſtaken in his Conduct. And I verily believe, that, all along, he aimed at a certain Poſt in the Law, then filled by the Lord Chief Juſtice *North*, and directed all his Steps towards it, propoſing to himſelf, in acquiring that, to compaſs his final and retired Settlement; but he was diſappointed, and that encreaſed the Uneaſineſs of his Mind, according as the Profers, he had made towards it, were violent and irregular: All which Myſtery I hope to reſolve clearly before I have done. After the *Oxford* Parliament, he did not appear much abroad. He hated *Shaftsbury*, and, notwithſtanding Party Work, would not willingly come into the Room where he was. His perſonal Gravity and Virtue was great, and he could not bear ſuch a flirting Wit and Libertine as the other was. He had a great Value for Mr. *Hambden*, and uſed to magnify his Father as the greateſt Man, for Senſe and Foreſight, that was concerned againſt King *Charles* I. And not without Reaſon; for he knew all that litigating in Parliament would (as was intended) end in open Rebellion; therefore he was in with the firſt, and took a Regiment, but was killed betimes, elſe he might have had the Poſt of *Cromwell* upon more generous Terms. Sir *William Jones* was at a Meeting at Mr. *Hambden*'s Houſe in *Buckinghamſhire*, where ſeveral of the moſt confiding Men of the Faction aſſembled to conſult of the common Affair; whether before or after the *Rye* Diſcovery, I cannot tell, but, either Way, it muſt ſit hard upon Sir *William Jones*'s Spirits, who, being a Lawyer, and, as I ſaid, in the general, no bad Man, was for doing his Work the formal Way, and hated Violence. So that knowing the horrid Conſequences and Hazzards of that Plot, which could be no Secret to him, the Thoughts of it were a Burthen to his Mind. And it is ſaid an unaired Bed gave him a great Cold; under which Infliction, having Lead at his Heart, Nature wanted Force to maſter the Diſtemper; ſo it turned to a malignant Fever and carried him off.

His Character, Tendencies, and Expectations.

VIII. He was a Perſon of a very clear Underſtanding, and (if poſſible) clearer Expreſſion; wherein he was aſſiſted with an extraordinary Opinion he had of both, as alſo of his own general Worth, for that was his Foible. He was extremely proud, and impatient of Competition, and much more of being left behind, as it was his Chance to be in the Courſe of his Preferment, whereby he miſſed of his deſired Poſt. And that partly occaſioned a Sort of Reſtleſsneſs, which made him commit ſeveral groſs Errors in the main Chances of his Life. His Felicity was never to be diſturbed in ſpeaking, nor, by any Audience or Emergence, put by the Forecaſt and Connection of his Thoughts; but dilated with a Conſtancy, Steddineſs, and Deliberation

liberation admirable in his Way; ſo that, in ſpeaking as Counſel, one might miſtake him for the Judge. He affected ſomewhat of the ruſtic Phraſe of his own Country, which was *Glouceſterſhire*; as, to Inſtance in a Word, *Althoff* inſtead of *Although*, as we pronounce, which was no Diſadvantage, but rather ſet him off. He ſtudied the Law in *Gray*'s *Inn*, and roſe firſt in the *King's Bench* Practice. He affected alſo general Learning, as Hiſtory and Theology, and, as great Men uſually have their Vanities, his was to profeſs of that Sort more than belonged to him. And accordingly he choſe his Company, who were, for the moſt Part, Divines, ſuch as were moſt eminent in his Time, as *Tillotſon*, *&c.* and I dare ſay they profited more in his Company, than he in theirs. I have touched his Felicities; his Infelicity was a Penchant towards the Anticourt, or rather Republican, Party; and conſequently muſt be a Favourer of Nonconformity; for Oppoſites to Government, of all Kinds, ſeem to make but one Party. Whatever his Thoughts were, it is certain this Courſe was wholly out of the Way of his Aims. He had another great Diſadvantage, which was Timidity; he could not ſupport himſelf under any Apprehenſion of Danger. Once, being at his Houſe at *Hampſtead*, about the Beginning of *Oates*'s Diſcovery, whether for real or affected Fear he knew beſt, but its certain he ſent an Expreſs to his Houſe in *London*, to have all his Billets removed out of his Cellars into his back Yard, leſt the Papiſts, with Fireballs thrown in, ſhould ſet his Houſe on Fire. And, as he was apt to be dejected upon melancholy Reflections, ſo, on the other Side, he was commonly elated and triumphant when he had fairer Proſpects. But his greateſt Misfortune was his miſtaken Politics; for he thought the Crown muſt needs, at Length, truckle to the Houſe of Commons: But this Error being common to the whole Faction with whom he converſed, it is no Wonder it infected him. But, of this, more afterwards; at preſent, we leave him in Poſſeſſion of the capital Practice in the Court of *King's Bench*, wherein he was ſtated before he had any Preferment.

The Character, Virtues, Affability, and incomparable Generoſity of Sir *Jeoffrey Palmer*, Attorney General.

IX. After the happy Reſtauration of King *Charles* II. Sir *Jeoffrey Palmer* was the firſt Attorney General, and held the Place to the Time of his Death. He was a Man of great Ability in the Law, and, in that Profeſſion, was what a Lawyer ſhould be, that is Maſter of, and not ſuperior to, ſo as to deſpiſe, the Learning of his own Profeſſion. But yet his Wiſdom and Generoſity were incomparable. During all the Troubles of the Times, he lived quiet in the *Temple*, a profeſſed and known Cavalier; and no Temptation of Fear or Profit ever ſhook his Principle. He lived then in great Buſineſs of Conveyancing, and had no Clerks but ſuch as were ſtrict Cavaliers. One I have heard was ſo rigid, that he could never be brought to write *Oliver* with a great *O*. And it was ſaid the Attorney choſe to purchaſe the Manner of *Charleton*, becauſe his Maſter's Name ſounded in the Style of it. Such Amuſements may be allowed to pleaſe and divert a zealous old Gentleman, that lived to ſee and enjoy the Fruits of all his honeſt

neſt Ambition. When he was firſt made Attorney General, he had Means, by the univerſal Renewal of Grants, and the Floating of all Manner of Concerns of the Crown, which, ſettling, muſt paſs by him, to have amaſſed vaſt Wealth, as others have done, and do. But he was mindful of his old Friends the Cavaliers, and, generally, gave them their Fees; and not only to ſuch as he knew poor, for a Sort of Charity, but to others, that had leſs Need, out of Generoſity, and as a Mark of his Friendſhip, and Recognition of their Merits. It was affirmed that the Patents granted to General *Monk*, paſſing his Office, came to near 2500*l.* in Fees, and, for Honour and Gratitude, he took not a Penny for himſelf. Such Inſtances are rare; and no Wonder, for, in our Days, the like would fail of due Applauſe, and be deſpiſed as a fooliſh Weakneſs. It was obſerved that all thoſe Perſons, that were in his Converſation or Acquaintance, as well as Employment, were not only Loyal, but, in all other Reſpects, very worthy Men, and ſuch as adhered to him to the laſt Hour of his Life, and, after he was gone, kept their Integrity and Reſolution to the End of their own; for very few, if any, of them are yet living. He was a great Lover of his Profeſſion, and took a Pleaſure to encourage young Students, and admitted diverſe of them, in his Society of the *Middle Temple*, to have Acceſs to him at Evenings, and to converſe familiarly with him; and he was not only affable, but condeſcended to put Caſes, as they term it, with them.

Mr. *Francis North*, a deſerving Favourite of Mr. Attorney *Palmer's*.

X. Amongſt this Company there was one whom Mr. Attorney was pleaſed to call (as he was at ſome remote Diſtance) his Couſin. This was Mr. *Francis North*, the ſecond Son of the Lord *North*, who afterwards run through all the Degrees of Preferment in the Law, and died with the *Great Seal* in his Cuſtody. It was his good Fortune to fall in the Way of ſo good a Man, and one who could diſcern a Genius like to prove eminent in the Law. And, upon that Account, the young Gentleman became a particular Favourite of the Attorney's; and, after he was called to the Bar, no Advantage in Practice was wanting, that Mr. Attorney could provide for him. And, however ſuch Helps have the Credit of making Mens Fortunes, yet the Perſons muſt be capable, or all is loſt; as it is to no Purpoſe to give a Tincture of ſome Colours to Cloth, before it is prepared and made apt to take the Dye. Mr. Attorney's Favours were not miſplaced, nor was his own Turn ill ſerved. For when, by Reaſon of his great Age and Infirmities, he could not attend in *Weſtminſter-Hall*, to give Anſwers to the Court of *King's Bench* in Cauſes of the Crown that depended, he uſed to call for his Couſin *North*, and tell him what he ſhould ſay in his Name to the Court; which he always punctually performed, to the Satisfaction of the Court, and Content of the Attorney. It fell out that he had ſo much of this Employment, that Mr. *Jones* was diſturbed, as at one treading upon his Heels in the Buſineſs of that Court; and, on thoſe Occaſions, would often turn back and aſk, *What Mr. Deputy Attorney General had to ſay*; adding

adding through the Noſe, *When are you to be ſworn of the King's Counſel?* or ſome ſuch grave Reflection, of which the By-ſtanders took Notice.

The Caſe of the King againſt *Hollis* argued in the Houſe of Lords by Mr. *North*, and thereon he was made the King's Counſel.

XI. A Jeſt may be a true Preſage, as fell out concerning this young Gentleman. For, when the great Caſe of the Lord *Hollis* and others (the five Members of famous Memory) came by Writ of Error from the *King's Bench* to the Houſe of Lords, to reverſe a Judgment given in that Court upon an Information for the Riot in holding the Speaker down in his Chair (which was done that ſuch a Precedent againſt the Privilege of Parliament, as it was accounted, might not lie out unreverſed) and the Cauſe was to be argued for the King in the Houſe of Lords againſt (in Effect) the Commons; Mr. Attorney was at a Loſs whom to employ to argue. The higher Form of the Lawyers were either in the Houſe, or declined it; for it was a Cauſe not only of great Expectation, but of Terror alſo. And, at Length, he pitched upon Mr. *North* as the only Perſon he could influence, and rely on, in ſuch a weighty Matter; and accordingly required him to do it: But not without convincing Reaſons that it was much for his Intereſt to appear for the King on that Occaſion. He thereupon argued, and ſo well, that the Lords generally took great Notice of him, and enquired who that young Gentleman was; and, being informed he was a Nobleman's younger Son, ſuch Hopes were conceived of him, that ſome of the Court recommended him to the King, and he was forthwith made one of his Majeſty's Counſel extraordinary; which was a very great Preferment at that Time, becauſe there was no other, but, ſince, they have been more frequent. It is obvious how much a Paſs of this Nature advanced this Gentleman's Reputation, which ſoon eſtabliſhed him in capital Buſineſs: For one, qualified as he was, loſt no Ground, but, what he got, he maintained with Advantage. This Preferment of Mr. *North*, which gave him the Title to be within the Bar, and was literally a ſkipping over Mr. *Jones*'s Head, who continued on the Outſide, was very croſs to his Humour, and we may gueſs made him think of cultivating an Intereſt at Court to ſet himſelf right as ſoon as Occaſion profered.

Character of Mr. *North*, modeſt, ingenious, ſociable, and a common Friend.

XII. There was noted a remarkable Oppoſition in the Characters of thoſe two riſing Gentlemen. Mr. *North* was modeſt to a Weakneſs, and even in his latter Days, when he ſat at the Helm of State, as to Concerns of the Law, he had not the Honour to be thought confident enough for the Court. This Infirmity, in his Youth, ſat ſo hard upon his Spirits, that, if the Strength of his Reaſon, and the Neceſſity of his private Affairs, had not forced him to Compliance, he had ſunk in Diffidence of himſelf. But, having once conquered the deſperate Point, and uſed himſelf to ſpeak in public, it turned to a greater Grace in him than otherwiſe had been; and it added much to a certain amiable Aſpect and Behaviour as was natural to him. There can be no Doubt but his Skill in the Law was inferior to none; for he run an whole Courſe of Preferments and Truſts in the Law and Juſtice, from the leaſt to the greateſt, without committing any Error remembered (juſtly)

to

to his Diſadvantage. He was alſo a general Scholar, Maſter of the chief *European* Languages, a good Hiſtorian, and an accompliſhed Virtuoſo in the beſt Senſe of the Word; for he was acquainted with all the Ingenuities extant in his Time, and, accordingly, was valued, and his Converſation courted by the Chief Artiſts of all Kinds. The Felicity of his Temper appeared in nothing more eminently than in his ordinary Converſation; for his Diſcourſe was flowing and eaſy, ſo as any one, without Difficulty, might go along with him, and ſeldom have Occaſion to aſk a Queſtion, but to draw more Diſcourſe from him. He went always as near to the Truth of Things as might be, and his Images or Deſcriptions of Things were appoſite, native, and intelligible. His Words apt, Style friendly, and Intentions always reaſonable. All his Actions ſhewed him to be a common Friend, and reconciled a general Friendſhip to him, ſuch as ſtood him in good Stead when there was Need.

His Principles, Steddineſs, Juſtice, Succeſs, and Felicity, except in taking the Great Seal.

XIII. His Inclinations were always to Loyalty, and his Conſtancy and Steddineſs to his Principles declared that his Judgment was accordingly; though, accidentally, it proved to be his Intereſt alſo in the Way of Preferment, however the Outſide of Affairs, or Popularity, ſeemed to invite the other Way. And ſo few Gentlemen of the Law were noted for Loyalty (I uſe the Word of that Time) that it was made a Wonder at Court that a young Lawyer ſhould be ſo. The Reaſon was becauſe, at the Time of the Reſtauration, the Profeſſion, that commonly follows the Encouragements, was not well furniſhed with Cavaliers; and the chief Practice fell into the Hands of thoſe who before had the Vogue; although ſome of them, by Virtue of the Act of Indemnity, eſcaped practiſing at the Crown Bar, as Defendants for themſelves. This made it a Faſhion, for thoſe that roſe up under them, to be againſt the Court; for they would allow none elſe to be good Lawyers: Which was a Prejudice that only great Abilities, with ſome Favour, could riſe up againſt. But, as for Mr. *North*, as he began, ſo he continued, through very great Oppoſition, in all the Courſe of his Life, which concluded in the *Culmen* of his Honour, a Felicity that happens to few. And it is truly to be ſaid of him, that he never was retrograde in any Senſe, but as, on the one Side, no Means of Courtſhip, Menace, Flattery, or Abuſe, ever made him give the leaſt Countenance to Faction, or any Sort of Non-conformity; ſo, on the other Side, no Authority, Intereſt, or Inducement, ever inclined him to give his Judgment for Favour, Party, or, in any Sort, contrary to his Opinion of the Law. And after all Sorts of Experiments made upon him, as well by Court Intereſt as by Faction, to whoſe Meaſures he was an utter Enemy, yet even the latter allowed him to be a moſt excellent Juſticiar. And one Thing he had, very rarely found in a ſcrupulous Judge, and that was Affability and Patience, as well out of, as in, his Seat of Juſtice. For he was not rough and imperious when Men ſpoke impertinently or indecently to him, even of Matters depending before him; but took Care in his judicial Sentences, that they ſhould know that

their Labour was loſt. In a Word, whether it was the Strength of his Judgment, Humanity, or good Fortune, or all together, that guarded him, it is certain, as I ſaid before, that, in his whole Life, through foul Weather and fair, and in the niceſt of Times, he committed no Errors in Judgment or Miniſtry to give Advantage of Crime or Obloquy againſt him; more than any other Man, in his Poſts, ever did. But one (and a great one it was) he always owned to have committed to his Infinite Prejudice, and repented of it accordingly; and that was accepting the Great Seal. After which he uſed to ſay to his Friends, *That he knew not one comfortable Minute in all the reſt of his whole Life.* I had not ſaid ſo much of this noble Perſon and his Character, but for Confutation of this Author, who is not pleaſed to mention him but once (unleſs it were in tranſcribing his Catalogue of Preferments out of the *Gazette*) and that is for affixing a ſcandalous Lye on Purpoſe, as he vainly thinks, to viliſy the Memory of ſo great a Miniſter and Judge as he was. And I ſhall fall upon that, when it will leſs interrupt the Courſe I am engaged in.

The Characters of Mr. *Jones* and Mr. *North* collated, and their mutual Reſpects.

XIV. So to return to theſe two eminent Perſons in the Law, which I left divided, the better to diſtinguiſh their very oppoſite Characters, I muſt now bring them together again, as to what was due to both, and ought not to be forgot; which is, that they were both eminent for Probity in all indifferent Matters, very regular Livers, and kept good Order in their Families, without any Vice or Scandal whatever. Mr. *North* lived more equal than the other; for he, in all his Stages, kept a plentiful Houſe, hoſpitable and plain; Mr. *Jones*, a great While, lived very privately, till he was made Attorney General, and then all at once over greatly. And one Thing betwixt them was admirable, which is, that, notwithſtanding Succeſſes of Preferments created Uneaſineſſes (on one Side at leaſt) and, Tempers conſidered as well as Principles, it was naturally impoſſible there ſhould be any great Intimacy, but rather the contrary, yet both were ſo wiſe as to maintain a fair Correſpondence; and although, in the Courſe of their Practice, they were often choſen on Purpoſe to reſiſt each other, eſpecially in hot factious Cauſes, yet they never claſhed in Words, or made any Shew of private Animoſity, as commonly, in ſuch Caſes, is done with great Noiſe and Indecency. But they converſed, viſited, and entertained familiarly; though leſs frequent after the Times grew hot, and Preferment of the one made a greater Diſtance between them. Some, that loved to obſerve the Behaviour of eminent Perſons, found out, that, after Mr. *North* had got much the Start of the other (being a Chief in *Weſtminſter-Hall*, and a Privy Counſellor) it was a Symptom either of ſome great Succeſs in the Public on the factious Side, or Expectation that Way, when *Jones* made the other a Viſit; and, on thoſe Occaſions, he ſeldom failed; his Deſign being, with the artful Turns of his Diſcourſe, either to triumph or learn, but ſeldom gained much; of which Affairs more hereafter.

XV. The

XV. The firſt Preferments in the Law, that ſuited the Pretenſions of theſe Gentlemen, fell void upon the Death of Mr. Attorney General *Palmer*; for Sir *Heneage Finch*, then the Solicitor General, ſucceeded him, and the Queſtion came who ſhould be made Solicitor. The Point lay between Mr. *North* and Mr. *Jones*; the former had the beſt Intereſt; but it fell out that the Duke of *Buckingham* was potent, being, as I ſaid before, a Sort of primier Miniſter; and he, for Party, ſtood up very ſtiff for Mr. *Jones*. He was ſo preſſing, and ſtuck ſo cloſe in his Applications to the King, as gave his Majeſty a great Deal of Trouble; for he did not uſe to contradict thoſe whom he truſted, and yet would not affront Mr. *North*, whoſe Pretenſions were faireſt. So an Expedient was found, which was the making Sir *Edward Turner*, then Speaker of Parliament, Solicitor General. And, about ſix Months, after Sir *Edward Turner* was made Lord Chief Baron, whereupon Mr. *North* readily ſucceeded him in the Solicitor's Place, and Mr. *Jones* was ſworn of the King's Counſel. Afterwards Sir *Heneage Finch* was preferred to the Great Seal, whereby the Attorney General's Place fell void; and the new Lord Keeper *Finch*, being aſked who ſhould ſucceed him, anſwered, *Who ſhould be Captain but the Lieutenant?* So Mr. *North* (then Sir *Francis*) was made Attorney General, and Mr. *Jones* (then Sir *William*) was made Solicitor General; ſo all was quiet and eaſy. And theſe two lived very fairly, without Trouble or Offence to each other upon Account of different Opinions, or otherwiſe, for diverſe Years together. But when *Vaughan*, then Lord Chief Juſtice of the *Common Pleas*, died, there were diverſe Pretenders; but it was looked upon to be a Right of Mr. Attorney General to have the Profer of it. That Place is the moſt deſireable of any for a good Lawyer to retire into; for the Profits are great, and the Court not harraſſed with Cauſes criminal, touching the Crown and Government, as the *King's Bench* is; of which the Chief Juſtice always deſires to be preferred downwards to the other. Sir *William Jones* (as I ſaid) had taken this Poſt into his Eye, and made it the Center of his Ambition; and diſcovered as much, by making it frequently a Subject to talk of its Advantages: And, accordingly, all the Actions of his Life were directed in ſuch Manner, as he judged moſt to compaſs his Deſires; wherein his chief Error was in being too haſty and impatient in his Endeavours to obtain that deſireable Poſt.

Their Competitions for Preferment, and Mr. *North* prevailed the Leader.

XVI. But it fell out that Mr. Attorney *North* had the Aſcendant at that Time, and, without any Delay, or much Application, he had the Profer of it, though diverſe powerful Solicitations were made to hinder it; and ſome even to himſelf to refuſe it, which he thought not fit to do, becauſe the Attorney General's Place is very nice and fatigueſome, and the other quiet, though of leſs Value by 2000 *l. per Annum*; Money well laid out in the Change. Hereupon Sir *William Jones* was made Attorney General, and had, to comfort him, the Advantage in Profit. But yet, having the Option, he would have quitted the greater for the leſs, as the other did. And

Mr. *North*, Chief Juſtice of the *Common Pleas*, and *Jones* Attorney General, but malecontent, and wrought for the other Place by factious Means.

then it rested for him only to expect the next Vacancy; which to fall, or otherwise to bring about, was the whole Scope of his future Government of himself, as will appear from the following Proceedings. For the Sake of which, and the better to interpret the mysterious Part of them, I have enlarged upon the Circumstances of these two Gentlemens several Advancements, more, perhaps, than may be thought needful, or pertinent to the Design I am upon. I shall insist chiefly upon two Incidents; the one was a Cause famous in *Westminster-Hall*, by the Names of *Soams* and *Bernardiston*, and the other known all over *England* by the Title of *Abhorring*; which latter will take in a great Deal more than concerns the immediate View, and shall have the Honour of a distinct Account in a fit Place, attended with all the Circumstances and Characters that belong to it. But the other we will take up here. It had a mean Beginning, but spread like an ill Weed, and troubled the Courts of Law, and, at Length, both Houses of Parliament. I shall therefore deal with it historically from the first to the last Motions it had. And with Reason good, since the Author before us sometimes, to bad Purpose, will be nibbling at Law Cases, but here is silent; though it was a most famous and long agitated factious Cause: But it ended not well for his Turn, and would not stand in his scandalous Verse; for what was he to gain in relating Events that justified those whom he racks his Brains to defame?

Election for *Suffolk* unfortunate to Sir *William Soams* the Sherriff.

XVII. In the Year ——, a Writ issued for electing a Knight of the Shire for the County of *Suffolk*, directed to the then Sherriff, one Sir *William Soams* of *Harley*. This Sherriff had but a small Estate, and that not clear; but he was a very honest Gentleman, and, in his Nature, extraordinary mild, or rather weak, which rendered him absolutely unfit for a Bustle as fell to his Share. And admitting it had been his ill Chance to have erred, in the Execution of his Office, in the Conduct of an Election, or determining a nice Point the wrong Way (of which the Law finally acquitted him) yet, considering his Character, he was an Object rather of Pity, than of such Persecution as fell upon him. For he was not only innocent, but almost incapable of having an indirect Design or Malice; and his Enemies stuck not in Discourse to acquit him of all that. But he had offended the Faction, and then was condemned to bear all the Efforts of their Avarice, Rage, and Revenge. And, although vindicated in the End, yet was little less than crushed by the Charge and Disorder of the Proceeding against him, of which I am about to give an Account.

Candidates Lord *Huntingtour* and Sir *Samuel Bernardiston*, the Parties entire; and Force.

XVIII. At the Election the Candidates were the, now, Earl of *Dysert*, then Lord *Huntingtour*, and Sir *Samuel Bernardiston*. The former had the Gentry of the Country, and all the Church and Loyal Party entirely; the other had, as entirely, all the Dissenters, Sectaries, and factious People of all Sorts, who were generally Manufacturers, Traders, and Rabble. The Election was looked upon as a Trial of Strength of Parties; and both Sides mustered all their Forces, but the latter had the Adjunct of the non-voting Mob,

Mob, who made more Noiſe and Stir than all the reſt. The Aſſembly was at *Ipſwich*, and, during the Poll, there came down upon the Sherriff and the Lord *Huntingtour*'s Party, a diſorderly Rout of Seamen and all Sorts of rude Rabble, with great Sticks and Clubs, making a fearful Noiſe, uſing Violence to all that ſtood in their Way, and knocking many down, as could not be checked by any Means of Authority or Perſuaſion. Nor was it to any good End to reſiſt them with Force, for, as to that, the Law was in their own Hands, and they uſed it to the Purpoſe. For they made all the Voters and Attendants upon the Poll at the Lord *Huntingtour*'s Tent, ſcour off as faſt as they could; and it became impoſſible to continue the Poll any longer, though many attended to have their Names taken; and ſo all broke up in Confuſion.

The Force of the factious Party broke up the Election, and, by Advice, a double Return made.

XIX. Then came on the Queſtion, what next? For the *Bernardiſtonians* demanded of the Sherriff to declare the Election on their Side, and return Sir *Samuel Bernardiſton* choſen. The other Side would not agree to that, but demanded a Continuance of the Poll, which only could determine upon whom the Country's Choice fell; alledging that their Side, if all that attended to vote, were admitted, was much the Majority; and that all this Noiſe and Force was of a meer Rabble that had nothing to do there, and ought to be ſuppreſſed: And, if any Return was to be made, they demanded it for my Lord *Huntingtour*. Some adviſed to adjourn the Poll to another Day, and Place more indifferent; for, that no more could be done there, was apparent. Others ſaid the Parliament would blame that, as partial to one Side; and ſo they were at Variance before the Sherriff, as in the proverbial Court at *Dover*, *all Speakers and no Hearers*. And the Debate leaned moſt upon the Safety of the Sherriff, each Side inſiſting it lay only in their Meaſures; and diverſe offered Security to ſave him harmleſs, and even that was threatened to be made a Crime. And, amongſt them all, the Sherriff was leaſt capable to unfold this Perplexity, or determine what to do. Then they fell to appealing to ancient Juſtices of the Peace, and ſuch as had ſerved in Parliament; deſiring they would adviſe the Sherriff who, if he ever had any Wits, was then frighted out of them. Sir *Samuel Bernardiſton* expected, being a Kinſman, he ſhould be adviſed by him. At length it was propoſed that the Sherriff ſhould make a double Return, and ſo, determining for neither, leave the Matter to the Parliament, who, upon hearing all Parties, might ſay which Side had the Right. And all the Gentlemen of Authority, and Lawyers, upon the Place, agreed this to be the ſafeſt Courſe for the Sherriff, and that the Parliament could not be diſpleaſed with him for putting the Difficulty to them to determine. And a double Return was not within the Statute for 100 *l.* Penalty, which was to be inflicted for a falſe Return. And, upon theſe Inducements, the Sherriff concluded to make a double Return; but much to the Offence of his Couſin Sir *Samuel Bernardiſton* and his Party, who, raging, breathed nothing but Ruin to the poor Sherriff, becauſe he was not adviſed by him.

XX. The

Sir *Samuel Bernardiston* at the Committee of Elections prevailed, but rested not there.

XX. The Conſequence of this double Return was that both Parties, returned, were kept out of the Houſe, till the Right of the Election was determined. But, in all other Reſpects, that is the Trouble and Charge of trying the Right at the Committee, a Petition had had the very ſame Effect. But then the Party returned is the ſitting Member; the Want of which Advantage, of having ſo confiding a Perſon, as Sir *Samuel Bernardiſton* was, much inflamed the Party. The Cauſe came to be heard upon the double Return, and, as (for Reaſons then apparent) was expected, it was determined that Sir *Samuel Bernardiſton* was duly choſen. One would have thought that, in ſuch a Caſe, where there was Reaſon from the Force to have pronounced the Election void, Sir *Samuel* and his Party might have been ſatisfied with his Victory in the Houſe. No, there lay behind Greedineſs and Revenge. He wanted his Money expended in the Trial of the Election, and his Party another Purchaſe; and that was an Example to be made of this poor Sherriff, to intimidate all Sherriffs and Officers whatſoever, and to convince them that, without all Reſignation to them, no Security was to be had, or Safety to be relied upon.

Acc. *ſup.* Caſe at large againſt the Sherriff for the double Return, and tried at the *King's Bench* by a *Middleſex* Jury.

XXI. The learned Adviſers in the Law, who were the ſtanding Counſel of the Faction, if not only Sir *William Jones*, the chief of them, contrived an Expedient to ſubſerve all theſe pious Ends. And that was for Sir *Samuel Bernardiſton* to bring an Action (not upon the Statute for 100 *l.* for that would not lie becauſe the Houſe ſet the Return right, as was determined, but) at Common Law at large, againſt the Sherriff; for that he, knowing Sir *Samuel Bernardiſton* to be duly choſen, yet, *falſo & malitioſe*, and on Purpoſe to put Sir *Samuel Bernardiſton* to the Charge of vindicating his Right, and, in the mean Time, to keep him out of the Houſe, made a double Return to his Damage, *&c.* The Sherriff was arreſted, and the Declaration ſettled, as was ſaid, by Sir *William Jones*. The Dependance of the whole Cauſe was upon a *Middleſex* Jury. For, by Reaſon the Return was filed in *Middleſex*, which was the Wrong for which the Action was brought, it could not be removed into the County where the Cauſe aroſe. This was grievous to the Sherriff, and indeed to all Sherriffs and other Election Officers in *England*, if they muſt be tried for their Behaviour in remote Countries, by a *Middleſex* Jury, where Faction and popular Prejudices, to ſay no worſe, commonly reign. It was endeavoured that the Trial might be by a Jury of ſome neighbouring indifferent County, but that would not be granted. And, in Truth, in *Suffolk*, it had been very hard to have packed a Jury of Twelve to have condemned, or, in *Middleſex*, to have acquitted the Sherriff. So influential are Faction and Prejudice in Matters of Juſtice, even in Cauſes of private Right between one Man and another. Thus the Cauſe came to a Trial at the *King's Bench* Bar in —— Term —— before the Lord Chief Juſtice *Hales*, &c. Sir *William Jones* managed for the Plaintiff, and Sir *Francis North* for the Defendant; and a ſtout Trial it was, Well feed Counſel, willing Witneſſes, and Zeal of Parties failed not to make the

the moſt of the Pretenſions on both Sides. The Fact, of the Outrage at the Election, was fully proved by many Witneſſes for the Defendant, and thoſe of the moſt conſiderable Gentlemen of the Country. But it ſeems the Court did not allow a double Return to be lawful in any Caſe, and ſaid the Sherriff was bound to act at his Peril. He has the *Poſſe Comitatus*, and may keep Order if he will do his Duty; and now the Parliament had decided the Right, the Action lay, and the Plaintiff had fully proved his Caſe.

XXII. It was aſked, what if the Parliament had not decided? The Lord Chief Juſtice *Hales*, after ſome Pauſe, anſwered, that *truly he would not try the Cauſe*. It was replied, that *he could not avoid it, he muſt not ſtop the Courſe of Juſtice*, nulli differemus, *&c.* Then if the Action muſt be tried, as might happen, in a Vacation of Parliament, the Sherriff might juſtify, by the Polls, againſt the Action, ſhewing that the Plaintiff was not choſen; and ſo the Verdict may go one Way, and the Judgment of the Commons another. Nay, ſuppoſing the Commons had antecedently, as here, determined the Right between the Contenders, the Sherriff was not bound by it; for he was not called to the Queſtion, nor heard before the Commons, and *Res, inter alios acta, nemini nocebit*; ſo, as to him, the Queſtion was integral. To that it was ſaid, on the Plaintiff's Side, that *every Man is preſent in Parliament by his Repreſentative, and is bound by what is done there. True*, ſaid the Defendant's Counſel, *as to the Acts of the whole Parliament, that are proclaimed in the County, but not by private Examinations, or common Enquiries in either Houſe apart.* And it is known that Parties concerned, not ſummoned, are not concluded ſo as to be ſubjected to Crime or Damage, as for any Wrong done; but, being in due Courſe called to anſwer, may depend upon the Truth without Prejudice from any Thing done before. Theſe and diverſe other Inconſiſtencies were objected at the Trial, but the Court thought the Action was good; and then the Plaintiff proceeded to prove his Damages, and the Manner, with the Event, of that, ſhewed a Fatality reigned at that Time: For one ſingle Witneſs was produced, a Sort of Clerk, or *Spenditore*, who ſwore in a Lump, that the Charges, about the Cauſe before the Committee in Parliament, upon the double Return, came to 800 *l.* and there was all the Evidence to that Matter. The other Side deſired it might appear by ſome Accounts kept, or Teſtimony in particular, how the Money was laid out; for there might be Treats, profuſe Committee Dinners, and other unjuſtifiable Expences, and what they call *conſequential Damages*, that ought not to be allowed againſt the Defendant; and all the Anſwer they had was, *that muſt be left to the Jury*, and ſo the Witneſs was not held to give any *Items* of his 800 *l.* Account. Whereupon the Cauſe was left to its Fate.

Arguments for the Defendant, and Anſwers, with the Hardſhip in the Proof of the Damage.

XXIII. After the Trial Sir *William Jones*, who before, having Wind and Tide with him, had carried himſelf with an Air as entirely pleaſed, was happy alſo in an Aſſurance of having Judgment for his Client, and, going down the Hall, could not forbear leaning himſelf towards Mr. Attorney *North*,

Sir *William Jones* triumphs, the Verdict for 800 *l.* of which no Abatement, and the Sheriff ſo far ruined.

North, to whom he was obſerved to ſay, *we ſhall have the Verdict*; the other turned towards him and ſaid only, *you are a cruel People.* The next Day the public Verdict was given in Court for the Plaintiff, with the juſt Sum of 800*l.* for Damages. It ſeemed that the Court did not imagine the Jury would have given that Sum total the Witneſs had ſworn to, but, as their Office was, have mitigated upon equitable Conſiderations, obvious enough in Matters of that Nature, and ſo have given 2 or 300*l.* And the Chief Juſtice was penſive upon it, and I believe repented he did not read the Jury a little about the *Quantum* of the Damages; and it is probable, if he had done ſo, and ſuch unmerciful Rigor had not taken Place, the Cauſe might have ended otherwiſe than it did. But it often happens that overdoing is the Ruin of a Buſineſs; and taking unconſcionable Advantages is a Sort of Poiſon that taints the Succeſs even of a good Cauſe. Thus it appeared to the Court and all the By-ſtanders, that the Cruelty of a Party had brought utter Ruin over an harmleſs Gentleman and his Family. Diverſe Applications were made to Sir *Samuel Bernardiſton*, by Perſons indifferent, on the Behalf of the Sherriff, interceding that he would be content with his Victory and his Coſts, and remit the Damages, or the greateſt Part; becauſe the Sherriff was his Relation, and he knew that he could not, without Deſtruction of his Family, raiſe the whole Money, which, beſides his own Charges, would amount to above 1000*l.* His Anſwer to all was the Negative, *he would not remit a Penny, and ſo teach his Couſin whom to adviſe with.*

The Attorney General *North* moves the Court to arreſt the Judgment, becauſe the Law gave no ſuch Action, but in vain.

XXIV. Nothing remained for the poor Gentleman to do, but to ſtrive againſt the Payment of this Money as long as he could: And, accordingly, conſulted his Counſel how he might put off the evil Day. While there was Life there was Hopes, and he could but be undone at laſt. The Attorney General had inſiſted at the Trial, and often diſcourſed with his Friends, that ſuch an Action, as this, could not be maintained by Law, and that he thought it a dangerous Innovation, of bad Conſequences, and ought not to be countenanced. But, after the Verdict, the Inhumanity of the Proceeding put his Thoughts upon the Tenters to reſolve with himſelf, whether he ſhould adviſe the Party to contend farther, or to ſubmit. In which Deliberation, Matters foreign to the Right and Law of the Caſe, whereof he made no great Doubt, took up moſt of his Thoughts; that is, in plain *Engliſh*, whether, right or wrong, it were poſſible at that Time to prevail; for Faction indiſcernibly byaſſed the Cauſe, and Reaſons were too weak againſt the Influences of it. But, at length, upon the Application and Entreaty of the Sherriff and his Friends, he determined to puſh the Point, and to move the Court of *King's Bench* himſelf to arreſt the Judgment. And, accordingly, the very ſame Term, he came into the Court, and made his Motion in the Way of a ſhort Argument. The Counſel, on the other Side, pretended to make ſlight of the Matter, and to anſwer it off Hand; but Juſtice *Wild* (*Hales* being then under the Inflict̃ion of an Apoplexy, and abſent) wiſhed them

them to take Time, for the Caſe was not ſo clear as they ſeemed to make it. And, in Truth, upon this firſt Motion, the Cauſe received ſuch a Thump, as was not recovered till after diverſe Arguments. And, at length, *Hales* being preſent, though far from well, the Motion was over-ruled, and the Sherriff once more undone.

A Writ of Error in *Cam. Scacc.* pending which, the Attorney *North* made Chief Juſtice of the *Common Pleas*, and Judge of that Cauſe.

XXV. No Dilatory remained but a Writ of Error, retornable before the Judges of the *Common Pleas*, and the Barons of the *Exchequer*, called the *Exchequer Chamber* (a Court erected by Parliament to correct the Judgments of the *King's Bench)* and, accordingly, this Cauſe was removed to be conſidered and determined there. But it ſo fell out that, pending that Writ of Error, and before any Hearing upon it, the Lord Chief Juſtice *Vaughan*, who, as Chief of the *Common Pleas*, preſided in the *Exchequer Chamber*, died; and Sir *Francis North*, the Attorney General, was preferred into his Place, and ſo became Chief alſo in the Court of *Errors*, and muſt, as Judge, give his Sentence in this Cauſe. This Alteration muſt needs give the Sherriff a new Life and Spirit to purſue his Writ of Error, for ſo the Vulgar apprehend; as if a Man could not be above Prejudice, and that his Lordſhip, having been formerly of his Counſel, muſt needs be of his own Side when Judge: And it were well if there were no Cauſe for ſuch Apprehenſions. But a truly great Man will no more judge wrong, becauſe he was once a Counſel, than not judge right, if his Opinion of the Law be clear. Whereas, in ſuch Caſes, ſome are apt enough to judge wrong that they may ſeem to judge right, and credit themſelves by doing Injuſtice to others. The new Chief Juſtice was none of thoſe; for, as he was more cautelous in judging where there was a Shew of Favour, ſo he never ſacrificed a Friend for a Shew of Juſtice. And, in this Cauſe, he was Intent upon his Behaviour, rather than tormented with Doubt upon the Main; for he had none, nor did all the Arguments, had before him, ſtir any that did not readily diſſolve. And, not being of ſuch a frivolous Character as to be mealy-mouthed in Juſtice, he regarded his Oath and Duty, dealt plainly and clearly, and concerned not himſelf at others Reſentments.

At length the Cauſe came to Judgment, and the ſurpriſing Attendance of the Faction.

XXVI. The Cauſe depended in Argument in *Serjeants-Inn* Hall in *Chancery-Lane*, where theſe Judges ſat to deliberate above a Year, and were ſpoke to over and over again, as long as either of the Parties deſired to be heard. And, as it was a Cauſe of mighty Expectation, many came to liſten after it, amongſt whom I was one, having been preſent at moſt of the Hearings. And this Attendance will not be thought ſtrange, when it is conſidered that the Faction, after their branching Way of Reports, had poſſeſſed the Town, that here was ſuch a flagrant Piece of Injuſtice doing, and with an Impudence barefaced, as never was known or heard of before. I could not but admire at the ſedulous and conſtant Spirit of Faction; for the chief Attendance was of them. A ſtrange Sort of People came, whoſe Faces I never ſaw any where elſe, odd, ſtiff Figures, whoſe Errand was partly, to ſee if their Friend was like to get his Money, and, partly, to

obſerve the Behaviour of the Judges. For it was early reſolved, that, if this Judgment were reverſed, ſo make it a Matter of Accuſation againſt the Chief Juſtice in the Houſe of Commons. And their broad Looks ſpoke as much, by which they intended, if poſſible, to awe and intimidate him. But the laſt Scene of all was moſt remarkable, when the laſt Argument was, and Judgment was to be pronounced. The Hall (being little) was very much crowded, the Judges had but juſt Room for their Table and Chairs. Many Gentlemen of the Law were there, partly for Learning, and partly for News. They ſtood behind the Judges Chairs; but the Rabble (or, in *Compleat Hiſtory*, the People) crowded the Room, and filled almoſt the Yard without. A learned Rout, and true Party Muſter: A Regiment that, on all like Occaſions, never failed to give Attendance. But that, which was moſt ſurpriſing, was that, as ſoon as the Lawyers had done arguing, and the Judges were preparing to give their Opinion, *O mirum!* a Scene, as in a Theatre, being a Pair of Balcony Doors aloft, opened, and there appeared ſitting in Front againſt the Judge's Table, the Earl of *Shaftsbury*, Lord *Wharton*, Lord *Hollis*, and ſome other Lords. Theſe came for Indifference without Doubt, and to obſerve, but more to be obſerved.

The Judgment of the *King's Bench* reverſed, and the Circumſtances.

XXVII. The Judges were much pinched in Time by the long Arguments of Counſel; and two of them, who were for confirming the Judgment, ſpoke very long. There was Cunning in this; for it was ſo done, that the Judges, of another Opinion, might huddle in giving their Judgments, and ſo the Cauſe look more foul on their Side. Five more (the whole Court was Eight) gave their Opinion for reverſing. They did not expect ſo great an Audience, and, being alſo ſtraightened in Time, did not expatiate much; nor were they prepared to ſpeak ſo ſolemnly as others had done, but gave their Reaſons ſhort. It was then thought the Chief Juſtice would have taken the Advantage of Want of Time (Candles had been long before brought in) to have ſaid as little as the reſt, or, perhaps, no more than that the Judgment was already determined; which, ſo happening, had caſt a Damp upon the Credit of the Cauſe, and given the Faction more Advantage of Evil ſpeaking. But it ſeems he prevented that Conſtruction and Conſequence by arguing very long, and with great Candor and Clearneſs. And he took Notice, firſt, of the great Attendance, which, in a private Cauſe, as this was, ſeemed to look for ſomewhat he did not well comprehend. And however his Brothers had, with ſufficient Reaſon, determined the Judgment of the Court, before it came to his Turn to ſay any Thing, and he might be abſolved in ſaying only that he concurred entirely in Judgment with them; yet, to anſwer in ſome Meaſure the Expectation he ſaw in and about the Room, although it were late, he hoped he might take the Liberty fully to be explained as to his Opinion of the Law in that Caſe, which was that the Judgment, given in the *King's Bench*, ought to be reverſed. And then he entered upon his Argument, which laſted near an Hour; and went ſo far in convincing the judging Part of the

Audience, that, in *Weſtminſter-Hall* the next Day, inſtead of Clamor at the Reverſal, the Party found directly the contrary. For the Gentlemen of the Law, diſcourſing upon the Subject one with another, as their Way is, for the moſt Part of them, agreed that the *Exchequer Chamber* had done right, and that ſuch Action did not lie at the Common Law.

XXVIII. And, if I may give a Taſte of this Sort of Reaſoning, it ſtood thus. The chief, and indeed only, Reaſon for the Action, was the general Rule that where Wrong there Remedy, eſpecially when done (as here muſt be granted, being ſo charged in the Declaration, and found in the Verdict) *falſo & malitioſe*; and the whole common Place, upon that Subject, was exhauſted. On the other Side it was anſwered, that that Rule had many Exceptions, and failed in many Caſes; and an extraordinary Caſe fell not within the ordinary Rule, if Reaſon was againſt it. As for a Judge to give an illegal Sentence, a grand Jury Man to preſent, and diverſe others, whereof the Conſequences deſtroy Juſtice, no Action lies, though it could be proved to be done out of expreſs Malice. And the Caſe of the Sherriff is within that Reaſon as ſtrong as any other; for he cannot be indifferent to determine Elections, where Rage and Fury attends, if he be under Terror of Actions, which both Sides will threaten, and, if they can, make good by Party. There is no Way to be ſafe, ſince it is criminal, in that Caſe, to take Security if the Law doth not render him free and indemnified. I enter no farther into the Reaſons of this Reverſal, and the Authorities quoted, becauſe the Argument itſelf, though late, was printed; whereof the Occaſion ſhall be mentioned.

The groſs Reaſon of Law on either Side.

XXIX. This Action of the Chief Juſtice diſguſted the Faction more than any Thing he had done in this Cauſe, or at any Time in his Life before. After they had digeſted the Matter, concluding from their Spies, that the Judgment would be againſt their Friend, they hoped for a fair After-Game to be improved by the Manner of the Judges giving it. They would have had it in their Power to ſay they gave their Opinions without any Reaſons, as if there had been none better than Number, or telling Noſes. And, as they marched out of the Hall, diverſe were over-heard to ſay in their Talk, *What needed he* (the Chief) *to have ſaid ſo much? Could not he have let it paſs, after the others had determined the Caſe, without more Ado? It was not for nothing*; and the like. So, it ſeems, giving good Reaſons was to be a Symptom of a corrupt Judge. But the Secret was this: A certain Plan had been delined out for a farther Proceeding to retrieve all with Help of the Parliament. A Writ of Error was to be brought, returnable *coram Rege in Parliamento*, to be determined by the Houſe of Lords. But this would not do, unleſs it came into the Houſe with the Prejudice of a Vote of the Commons that the Judgment was illegal, and dangerous to the Conſtitution of Parliaments, with a Direction to the Parties to proſecute in the Lord's Houſe to reverſe the Reverſal, that ſo ill a Precedent might not remain in Force upon Record. So was done in the Caſe of *Hollis*, and the

The Faction frustrated of their After-Game by the large Reaſons of the Chief Juſtice.

others of the five Members, as was touched before. *Then*, ſaid they, *we ſhall carry it, as happened in that Caſe, which moſt thought would have had another Turn, if that Vote had not prejudicated the Matter.* In getting this through, it was needful, if poſſible, to inflame the Houſe; towards which, a Reputation was very conducing; *and could the Chief Juſtice be pardoned that had cut that Thread ſhort?* And I muſt obſerve another Deſign, wove in with this, which the Reaſons utterly fruſtrated; and that was for the Faction to ſecond the Illegality, if once voted, by a Clamor of Corruption, and thence take Umbrage to blacken the Chief Juſtice, and, if poſſible, to get a Vote of the Commons, for an Addreſs to remove him from the King's Preſence and Counſels, and all judicial Employments, for ever: And then Sir *William Jones* muſt have ſucceeded in his Place. Theſe Lines are not imaginary, and the Event ſhews they are all real; and, perhaps, this latter inſpired the After-Game as much as all other Conſiderations.

The Cauſe brought into the Houſe of Commons upon an intended Surpriſe, but prevented.

XXX. Now muſt I ſhew a little of that Art they call Parliament Driving; for, where the Matter of this Cauſe, of itſelf, would not bear, it muſt be ſuſtained by Skill. It was a very difficult Taſk to find how to gain a tolerable Ground whereon to erect a Charge of Corruption, eſpecially to calumniate the Chief: For what had he done, whoſe Part was to hear, determine, and, according to his mature Judgment, give his Reaſons publicly? The Contrivance at laſt came out of a *Gray's-Inn* Cabal, as the Perſons, active in the executory Part, make plain. It was, that the Accuſation ſhould not be for giving an erroneous Judgment, but for ſoliciting the other Judges to give the ſame. And that muſt not be proved, which could not be done in any due Manner, but be inſinuated; and that they could eaſily compaſs. Now ſee the Art; Mr. *Wi. Williams*, a Bencher of *Gray's-Inn*, and a great Proficient, undertook the Conduct of the Stratagem. He takes an Opportunity on ſome Shew-Day, juſt before the Riſing of the Houſe, and makes an heavy Complaint of a Proceeding in the *Exchequer Chamber*, whereupon a Judgment, which the Lord Chief Juſtice *Hales* had given for due Returns of Parliament, was reverſed; and it could not have been ſo done without ſome powerful Solicitation. Therefore he deſired it might be enquired, by whoſe Solicitation that Judgment was reverſed. And it was ordered accordingly; and the Committee to ſit at *Three* that Afternoon. Some People, unacquainted with Affairs of this Nature, would wonder at an Enquiry after an Offender, before it appeared there was any ſuch Offence: But ſuch Things ſlip ſometimes. The Committee met at *Three*, Mr. *Williams* in the Chair; and the Deſign, as the Sequel ſhewed, was that one or two People ſhould declare what the Lord Chief Juſtice *Hales* ſaid, and then what the Lord Chief Juſtice *North* did, taking a World of Pains when there was no Need. So the Committee was to have voted the Reverſal illegal (that Word, though very inartificial, was uſed) and obtained by the Lord Chief Juſtice *North*'s Solicitation of the other Judges; and this, at a like propitious Juncture, coming

coming to be reported to the Houſe as the Opinion of the Committee, had done the whole Work at a running Pull. And ſo probably the Plot had ſucceeded, but for an Accident. Mr. Serjeant *G. Strode* was in the Houſe when the Enquiry was moved for, and, perceiving a Surpriſe intended, reſolved to be early at the Committee. It was paſt *Three* before the Chief Juſtice heard that his Name was upon the Gridiron at *Weſtminſter*. All, that could be done, was to get Friends to look out for ſome Members to be at the Committee, that might not approve of ſuch Injuries. But, before any came, Serjeant *Strode* had baffled the Chairman for Want of Authority. For, ſaid he, *You talk of a Judgment to be conſidered here, and we know of no ſuch Thing; you muſt go back to the Houſe, and get an Order to ſend for Perſons, Papers, and Records, or you cannot go on.* This Omiſſion was an Oſcitancy indeed, and they were ſorry for the Overſight, by which the whole Deſign was mortally wounded; for, now the Alarm was taken, the Matter would be better waited upon.

XXXI. When the Houſe had added this Power, the Committee ſat again; and new Arts were to take Place, ſuch as, in after Times, were called *Shams*, that is to make People betray themſelves; for now the clandeſtine Game was at an End. The whole Room, as well as the Table, was full of Members, and Serjeant *Strode*, with his Ammunition, had planted himſelf directly over-againſt the Chairman. The firſt Act was to wheadle the Friends of the Chief Juſtice to give up the Judgment, pretending that *now* (for they found that their Deſign was ſcented) *they ſought only to ſet the Law right, and would drop Perſons.* So the Chairman ſtated the Caſe very ſhort, and propoſed a Queſtion for the Opinion of the Committee, that the Judgment was illegal. *Hold*, ſays the Serjeant, *we deny that, and deſire to be heard. How*, ſays the Chairman, with a menacing Phiz, *Will you defend the Judgment? will ye? will ye? Yes*, ſaid the Serjeant as hot on the other Side, *I will, and here argue it preſently*; and, while he was buſtling among his Papers, a grave Member obſerved that they were both too forward. For he ſaw no Power, by the Order, to cenſure the Judgment, but the Corruption in obtaining it, as there might be Means equally criminal whether the Judgment (for the Reverſal here is meant) were right or wrong. And, if they went upon the Point of Law thereon, it was neceſſary in common Juſtice to ſend for the Parties concerned, and hear them for their ſeveral Intereſts under it. For the Cenſure of the Commons was an high Prejudice, even in the Houſe of Lords, and ought not to paſs without hearing both Sides. But although the Order mentions only undue Solicitation, yet he thought the Committee might enquire of all Corruption, whatever it was, and, if they found any, report it to the Houſe. And thereupon he demanded if there was any Perſons preſent, who would ſhew to the Committee any Sort of Corruption and Abuſe relating to this Judgment, or the Manner of obtaining it. Then Mr. *Pelham*, a Lawyer of *Gray's-Inn*, and a great Friend to Sir *William Jones*,

No Corruption of any Sort found, the Committee for that Enquiry dropped.

Jones, began a Diſcourſe, and fell into the Arguments *pro* and *con*, and what the Lord Chief Juſtice *Hales* ſaid. And while he was talking, the Chairman ordered all us News-mongers and Eves-droppers to depart the Room. But Mr. *Pelham*, like an honourable Gentleman, called out for all People to ſtay, for he would not ſay any Thing which he would not have every one hear. Then, as he was going on, a Member gave him an Interruption, and aſked him *if he knew of any Corruption?* And he anſwered, *No.* Then the Chairman would have reſumed the Queſtion upon the Legality, deſiring mainly to carry that Point, becauſe it led towards the Money; but the Committee would not endure it; and thereupon they roſe *ſine die*. And ſo ended (for that Time) a delicate Stratagem. And, Story Faſhion, I may conclude, the Company departed heartily laughing.

This minute Account of Circumſtances juſtified.

XXXII. This Relation may ſeem to be over particular in Things of no great Conſequence; and ſo are the Demonſtrations of curious *Automata*, by ſhewing their ſmall Wheels, Arbors, and Pinions; or the Anatomical Accounts of Inſects and Animals. It ſerves the civil Uſe, to know what the Clock performs, and to ſee how the Silk-worm is to be managed; but Curioſity will go farther, and inſpect the interior Parts, where the Springs and Artifice of theſe Movements lie: And I never heard that the Speculation was deſpiſed, becauſe it was of ſmall Things; but rather lamented, becauſe, being ſo ſmall, our Scrutiny could ſcarce follow them. Is it not the ſame Caſe of theſe factious Agitations, whereof the outward Effects are commonly thought enough for an Hiſtorian to trouble his Reader with? But who is there that would not rather know the ſecret Deſigns and Inducements, as alſo the Art and Machinery of them? And that is it which I offer at here. If I had ſaid only that a Party in Parliament took Advantage of a Judgment, reverſed by the Lord Chief Juſtice of the *Common Pleas*, and his Fellows, in a Matter unpopular, and moved an Enquiry, aiming to charge Solicitation of the other Judges upon him, in Order to turn him out, that Sir *William Jones* might ſucceed: This is conciſe, and the whole Matter; but where is the Knowledge or Inſtruction to be had out of it, as flows from the minute Circumſtances? Let this paſs for the Reaſon of producing them, as they fell in my Knowledge; which I have done ſo far as the Time in this Hiſtory, I have undertaken to examine, leads. But, conſidering that, many Years after, in other Reigns, the Cauſe revived, and, in the Houſe of Peers, received a final Determination, I think it will be but fit to annex what remains of it, although I ſtep beyond my Lines to procure it.

In the Reign of *William* and *Mary*, the *Exchequer* Judgment confirmed in the Houſe of Lords.

XXXIII. The Matter, of this Cauſe of *Bernardiſton* and *Soams* reſted, lying as Embers with the Aſhes raked over them, during all the reſt of King *Charles* the Second's, and all King *James* the Second's Reign; for the Party durſt not bring the Cauſe into the Houſe of Lords, without a Vote of the Houſe of Commons to aid it. But, after the Revolution, when the Lords were thought more propitious, Sir *Samuel Bernardiſton* removed his Cauſe

Cauſe into Parliament by Writ of Error. But then the Lord Chief Juſtice *North*, who had been Lord Keeper alſo, and Sir *William Soams*, the Defendant, were both dead, and the latter utterly inſolvent. It was therefore wondered to what End it was done; for if he prevailed, nothing was to be got, and few ſpend their Money at Law for the Public Good. The Riddle was reſolved by ſome Attempts about that Time; the Analogy, between which, and this, made it more than gueſs, that, if the Reverſal had been reverſed in the Houſe of Lords, as being what they called illegal; then Sir *Samuel Bernardiſton* had petitioned for Leave to bring in a Bill to charge his Damages (the Defendant being dead inſolvent) upon the Eſtate of the late Lord Keeper *North*, by whoſe undue Solicitations and Means (the Petition had ſaid) that illegal Judgment was obtained; and who, at that Time, would ſay to the contrary, or require Proof of it? Let none ſtart at the Monſtrouſneſs of this Suppoſition; for it will be more familiar, when I have ſhewn that, in another Caſe, by the ſame Faction, the like was attempted, and much more intended. And it is certain that ſome ſurviving Friends of the Lord Keeper were told they muſt expect it would follow; and thereupon, however none of them meddled with the Cauſe in the Houſe of Lords, as knowing no Concern his Family had in it, they cauſed his Lordſhip's Argument to be printed, and ſo it fell into the Hands of the Peers, who were better prepared thereby to underſtand the Lawyer's Language, when the Cauſe came to be heard. And thus Sir *Samuel Bernardiſton* went to Law by himſelf before the Lords, without any Oppoſition at all. And, at laſt, upon ſolemn Hearing of the Cauſe, the Houſe, by Advice of the Judges, eſpecially *Holt*, then Lord Chief Juſtice of the *King's Bench*, who clearly explained the Law to be for the Reverſal in the *Exchequer Chamber*, confirmed that Judgment; and ſo, *for the Juſtification and laſting Honour of the Lord Chief Juſtice* North, it hath reſted ever ſince. This was not the only Correction that Gentleman, Sir *Samuel Bernardiſton*, received upon Account of his Engagements, which were deep, with that Faction. He was accounted an honeſt Man, but miſtaken, and betrayed into many Inconveniences by Popularity. He lived to be undeceived; for, finding by Experience ſo much more of Wickedneſs in his own Party, after they had Power, than he had ever dreamt of, he turned, and took in with that Party in Parliament that oppoſed them. And now, ſince his Death, his Poſterity live with much Honour and Reſpect, and ſeem to be out of all Danger of falling into thoſe Errors of popular Flattery, as coſt Sir *Samuel*, and conſequently them, ſo dear.

XXXIV. This final Determination had that Cauſe, which, in the Beginning, Proceeding, and Concluſion, was pure and pute factious; and every Step of it ſhewed the true Genius and Spirit of the Party againſt King *Charles* II, ſo united and uniformly did they move, and act, as if one ſingle Soul animated the whole. O that the regular and honeſt Sort of Men had that Soul! It is not ſo eaſy to come at Intrigues to reſolve them in greater

The Genius of the Faction of that Time ſhewed in this Conteſt.

Affairs;

Affairs; the Maſk upon them is more worn. And, ſince it is a main Branch of my Undertaking, to ſhew the Author's Diſingenuity, who exalts, above Meaſure, the factious Side of thoſe Times; I can find nothing more proper to expoſe him than a Deduction of thoſe Actions, in which ~~they were~~ concerned, that fell within my own Obſervation, be they ſmall or great.

Entrance upon the Subject of the Earl of *Danby*'s Impeachment, with the Secret out of which it moved.

XXXV. There was another Purſuit in Parliament of a more tranſcendent Nature and Efficacy, and that was the Charge upon the Earl of *Danby*. I ſhall not engage in the Merits of his Cauſe, either to leſſen or aggravate his Charge, becauſe his Lordſhip (ſince created Duke of *Leeds*) hath thought fit to publiſh two Volumes in *Octavo*, called his *Memoirs*; of which one is *A Collection of the Pamphlets and Arguments for and againſt him*, touching the ſubject Matters of his Impeachment; moſt if not all of which had been printed when there was more Need of a public Defence. The other is *A Collection of Letters and Papers*, relating to the foreign Affair treated, during his Miniſtry, between *England* and *France*, about a general Peace and the Terms; upon which was grafted a Money Propoſition, that will be conſidered here. There are notable Remarks of the Earl's, and whoever is deſirous to be amuſed with State Brigues, may take up this Book. But, as to the Money, which the King of *England* hoped to have had from the *French* King upon the Concluſion of the Peace, which made a mighty Noiſe at the Time, and is, by our Author here, carried on for the ſame Purpoſes of Scandal upon the King; my chief Remarks are, that the Honourable *R—— M——*, then Embaſſador in *France*, was in Meaſures with ſome topping Men of the Faction here, among other Things, to ruin the Earl of *Danby*; and, for bringing that about, ſomewhat very extraordinary muſt be done. For the ſaid Earl had founded his Policy upon the Proteſtant Cavalier Intereſt, and Oppoſition to the *French*; which he carried on ſteddily, ſo far as he thought conſiſtent with his Poſt at Court, and alſo with a popular Intereſt in Parliament. And that Management of himſelf, and alſo a Care to appear oppoſite to Popery, had rendered him very ſtrong. He was the firſt Prime Miniſter (if I may except old *Clarendon* who came in with the King) that built upon that Foundation, and never wrought with either Fanatics or Papiſts, but courted the loyal Gentry; and perhaps too much, if the Unfitneſs of ſome of them, for the Employments he put them in, might carry that Conſtruction. It is moſt certain that, whether Judgment or Policy directed his Conduct, it was ſo far very well choſen; and his great Parts and Abilities, to manage in Public, were much ſet off by the Advantage of ſo good a Cauſe at the Bottom.

The *Engliſh* Embaſſador in *France*, and the *French* Embaſſador here, cooperated by a Money Treaty to ruin *Danby*.

XXXVI. The Wit of Man could not have invented a Snare ſo likely to take him as one baited with Money; and that was contrived, or at leaſt firſt broached, in *France*; and, as it was managed between the *Engliſh* Embaſſador and the *French* Agents, who laboured with all their Force to remove *Danby*, the Plot took, and had its Effect. The *Engliſh* Embaſſador in *France* firſt moved to the King the having a Sum of Money from the

the *French* upon the winding up of the Peace, as a Matter he became poſſeſſed of from the *French* Miniſtry, who had moved it to him, and was like to be very conſiderable; but deſired it might be treated by none but the Earl of *Danby*. And there lay the Art, firſt to ſet on Foot a criminal Correſpondence (as then judged) and then, having the very Letters, make a Diſcovery of them; ſo the Fire-ſhip was at Length grappled to him, and blew him up. The great Queſtion here is, Whether the Diſcovery (of which more afterwards) was deſigned at firſt, or happened *ex re nata*: And that I ſhall leave to ſtand and fall by the Reaſonings as may flow from the particular Circumſtances. For I have no Fancy to affirm either poſitively; my Buſineſs lies chiefly with the Author's Diſingenuities, and reſcuing the King's Honour from being tarniſhed by his Calumnies; and to that I ſhall ſtick very cloſe. The other Thing remarkable, is that *Barillon*, the *French* Embaſſador here, was deep in the Deſign to ruin *Danby*, and particularly with Help of this Money Intrigue; for the *French*, as I ſaid, hated *Danby*, who valued himſelf upon huffing of them. And that Embaſſador, a Chicaneur by Profeſſion, was ſent over to chicane here with the factious Party, as he did notoriouſly, and alſo encouraged all thoſe factious Diſorders that gave the King ſo much Trouble. The King, by his Miniſters on the other Side of the Water, ſtood up to the *French*, in order to get the Terms, as were thought fit for the Allies; and, on this Side, the *French* ſought to weaken the King, by colluding with his factious Enemies. I remember well that, about that Time, it was almoſt a Faſhion to go and dine with the *French* Embaſſador, and other foreign Miniſters, who kept Tables that were well frequented by ſome Members, and many buſy Bodies. And theſe Foreigners were ſo weak, as to think it more conducing to deal with them, than with the Miniſtry at Court; as if the Affairs of the Crown were low, and juſt lapſing into the total Arbitriment of the Commons. I ſhall not tranſcribe the Letters and Remarks in the Earl's Book, as muſt be done to give a full Account of the Proceeding, having incumbent only two Things. The firſt is to expoſe the Author's Falſity in his Repreſentations; and the other to vindicate the King's Honour, which was, and is, made very bold with upon this Occaſion.

XXXVII. As for the firſt, the Work is ſhort; for the Earl of *Danby*, an able Witneſs, who beſt knew, has done it, and to the Purpoſe, in a few Lines, which, afforded a Room here, will fully anſwer my Intention. —— " But the malicious Author, (ſays the Earl) who calls himſelf *impartial*, " hath in this, as he doth in moſt Things through his whole *Hiſtory*, re- " lated whatever he thinks may reflect upon any Body whoſe Actions he " would blemiſh, (not ſparing King *Charles* II, even againſt the beſt " Actions of his Life) and magnifying the Honeſty and Actions of ſome " Men who were active in the greateſt Villainies in that Reign, and for " which their Guilt made them fly their Country, and end their Days out " of it ——." Then his Lordſhip proceeds to Inſtances, as the leaving out

The Earl of *Danby*'s Memoirs ſhew the Author a malicious Falſary in this Affair, and lyes for Lying Sake.

of his Letters (for the Author has inſerted only what he thought fit of them in his *Hiſtory)* what might juſtify; but (ſays his Lordſhip) —— "The "*impartial Author* was afraid ſuch (Paſſages) might qualify ſomething of "the former Part of the Letter." Then farther, —— "Rather than not "ſhew his Spleen, he doth not only relate an egregious Lye, about *Charles* "*Duncomb* being ſaved by his Lordſhip's *caſting Vote*, but tells what is im- "poſſible to be done, *viz. But the Bill* (againſt *Duncomb) being ſent up* "*to the Houſe of Lords, the Duke of* Leeds *gave his caſting Vote for re-* "*jecting the Bill. It was then the common Report, that* Duncomb *diſ-* "*pelled the impending Storm by a golden Sacrifice.* As for the one (which "he calls *the caſting Vote)* it was every Peer's Vote that voted on that "Side, ſince the Majority could not be known till the Numbers were "counted. So it looks as if that Author loved Lying for Lying Sake, and "therefore, I hope, he is not a Divine, as ſome report him to be." —— No ſure; who could imagine it, after ſuch flagrant Injuſtice to the Houſe of Peers, as well as to this Peer in particular, by charging them, as the Words plainly import, to be all bribed with Money to give their Votes in the ſaving *Duncomb* from the public Juſtice of the Nation?

In the Trunk-maker's Caſe the Author ſcandaliſes for Scandaliſing Sake.

XXXVIII. But this ſame *Lying for Lying Sake* brings into my Mind a Paſſage I ſlipped over in reading; and it is of Scandaliſing for Scandaliſing Sake, although it doth not tend to magnify his dear Faction. In that Way indeed he is boundleſs; and ſee what comes of bad Habits! He does the like without thinking, as if he were half aſleep. As in the Caſe of the Trunk-maker, who pretended to be the right Heir Male of the noble Family of the *Piercies.* He tells us of Forty Witneſſes examined in the Houſe of Lords to prove his Deſcent, and, upon full Hearing, was diſmiſſed. Now it muſt be our good Nature to truſt that the Houſe did right; for the Author ſays no ſuch Thing, but rather the contrary, ſaying, in Effect, that they determined againſt Forty Witneſſes. Then he goes on, and ſays, that he (the Trunk-maker) carried on his Pretenſions at Law. *But, being an Impoſtor, or at leaſt a Beggar, he could have no Succeſs.* Here are the Courts of Law gone to Nought, as well as the Lords; unleſs we will be ſo civil to take the Probable, his being an *Impoſtor*, and not the Inſinuation that he was a *Beggar*, for the Cauſe of his not ſucceeding. What impotent Luſt of Malice is here? The Cauſe was tried at the *King's Bench* Bar, I think, twice, but I am ſure once, before the Lord Chief Juſtice *Hales*, who was a moſt propitious Judge to a poor Man's Cauſe. And before him, if any Leaning were, it was of his Favour to that Side that moſt ſeemed to be oppreſſed; and, accordingly, he examined this Cauſe with all the Care that could be; and if there had not been an utter Impoſſibility of this Fellow's not being an *Impoſtor*, his Evidence had carried it, *Beggar* as he was. But it was made appear by Matter of Record, that, if his Tale were true, a Man muſt have been a Grandfather at twelve Years old, and, after all, *Hales* declared he believed he was of the Family, meaning a Baſtard.

Beſides, ſuch Trials as theſe are no Signs of Beggary; the higheſt Law-Suits could not demand more, or run into greater Expence. But yet, becauſe a Man was poor, Lords and Judges would not look down upon him to do him Right, but ſide with the Lady in Poſſeſſion of the Honour and Eſtate of the Houſe of *Northumberland*. So that one would conclude, that Scandal had got the Advowſon of all this Author's Faculties.

The Concerns of the King in the War by Treaties to ſave *Flanders*, and Mediatorſhip.

XXXIX. But, to return to the Matter of the Earl of *Danby*, the Caſe was ſhortly this: A War depended between *Spain*, *Germany*, and *Holland*, all confederated againſt *France*. The King of *England* was a neutral Prince, and a Mediator in a Treaty of Peace depending at *Nimeguen*. During the Treaty the *French* fell foul upon *Flanders*, and were like to make a Conqueſt of the Whole. The King, as well at the Deſire of the Parliament, as out of his own Inclinations, purſuant to the Stipulations of the triple League, made an Alliance with the *Dutch* for the ſaving of *Flanders*; and was thereby concerned to preſs the *French* to make Peace upon ſuch Terms as ſhould anſwer that Treaty. That was done, and moreover, the King had inſiſted with the *French* upon Terms for the reſt of the Allies, ſuch as they had ſent over to him as what they would be ſatisfied with. And it was believed that, rather than have the *Engliſh* come into the War in *Flanders*, the *French* King would have yielded to them. But the Proof of that was prevented; for the *Dutch* were in Haſte, and made a ſeparate Peace, and then the reſt, one after another, did the ſame; which was in Effect a Leaving of the King, who had appeared for them. And ſo they were content with a worſe Peace than the King would have got for them; conceiting, perhaps, and not without Reaſon, that, if the War continued, Miſunderſtandings in *England* had diſabled that Nation, as to foreign Wars.

Engliſh Embaſſador in *France* intrigues by Letter as intended to be produced.

XL. During this Tranſaction, Mr. *M.* the *Engliſh* Embaſſador in *France*, by a Letter to the King, advances the Propoſition for a great Sum of Money, which he found might be had of the *French* King, upon finiſhing the Peace; and, as I ſaid, ſteers the Negotiation directly upon *Danby*. So there was the *Engliſh* Embaſſador in *France*, and *Barillon* the *French* Embaſſador in *England*, with *Ruvigny*, an Expreſs, puſhing forwards the Affair of Peace and (ſeemingly) this Project of Money. The *Engliſh* Embaſſador was of Opinion the King might get more by his Means in *France*, than *Ruvigny* had Inſtructions to offer here; wherefore this Letter, of the Embaſſador to the King, is moſt worthy Peruſal. It is the firſt in *Danby*'s Collection, and, in reading, I could not but fancy it was wrote with Intent, if not by Concert here, to ruin *Danby*; for, if he carried on the Treaties by written Correſpondence, they had him faſt. It was a notable Circumſtance, that it was deſired that *Danby* might not ſee this introducing Letter, and that it might be burnt in the Sight of the Embaſſador's own Siſter. Men, that intend to hurt others, ſeldom care to truſt them. Why ſhould an Embaſſador deſire that his Embaſſatorial Letters to his Maſter ſhould be

burnt before Witneſs, and make it a Requeſt to him to do it? This was an open Diſtruſt of his Maſter's Diſcretion and good Will. The Secret, as I take it, was that his (the Embaſſador's) making the firſt Overture, if it appeared, might not only excuſe *Danby*, but have an unlucky Turn upon himſelf; for certainly what was criminal lay in the firſt Overture. The Scent of a Trick is here very ſtrong; for the Embaſſador, a Craftſmaſter at a Court Game, was openly in the Meaſures of the Anticourt Party, and the *French* alſo laboured with all their Force to ruin *Danby*. After the Diſcovery made, and Letters of *Danby* produced in the Houſe of Commons, he was violently proſecuted, but the Embaſſador had no Blame. All this looks ſo like the Trade of *Decoy Ducks*, that it argues the Project was with expreſs Deſign to be diſcovered, for Purpoſes that may afterwards be touched upon: But I oppoſe no Man's Judgment to the contrary, let every one conſider and judge, *Si ſuper totam materiam, &c.*

How much the King was in the Right and the Faction injurious, and the *French* miſtaken.

XLI. But now, as to the King's Concern, if he prevailed to have the Confederates Terms granted to their Content, and made the *French* pay for it, where was the Harm to the People of *England?* or, rather, was it not an Acceſſion of ſo much Wealth, and, *eo nomine*, Strength to *England*, and the ſame detracted from *France?* If ſo much Good had been compaſſed by the Saints, it had been called *Spoiling the* Egyptians. The King's Orders to the Embaſſador were expreſs and conſtant, to inſiſt upon the Towns the Allies deſired, and, though the Money was offered, yet to make no Mention of that till thoſe Terms were agreed to. But yet, while the *French* held back, they and the *Engliſh* Miniſter abroad teaſed upon the Money Article; but the King's whole Behaviour was conſonant to his Orders, which ſhewed a clear Integrity in him. There may be *French* Intrigues, though not of the Author's coining; his are all charged on the Court, for *Popery and arbitrary Power*; but others may be with the Faction for weakening the King, that he might not be able to oppoſe them (the *French*) and to ruin a Miniſtry they could not influence. Beſides *Barillon* and his *French Soupes*, there was another Agent young *Ruvigny* (inſtructed by old *Ruvigny*) expreſly choſen for his Capacity, ſuppoſed to be more than any other *Frenchman*, qualified to treat with the Male Intentionees in *England*; and he was obſerved, and ſo well rattled by the King and the Lord Treaſurer *Danby*, that he went home with a Flea in his Ear, and under Sentiments very different from thoſe he came with, or had learned of the factious Party with whom he was to tranſact; whereby it appeared that thoſe troubleſome Men did not only overween their own Powers at Home, but gave wrong Intelligence to their Allies of foreign Nations, and their Miniſters here. And it is certain that Money was no Part of the King's Demand, but the *Flemiſh* Towns only; and, as for the Money, if it had not moved from the *French* through his Excellency from abroad, it is probable it had not been required; but, being offered, the King had Reaſons enough to take, and none to refuſe it; and the great Infelicity was that

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the Money did not come. All which Points ſtand proved clearly by the ſaid Collection, and the Earl's Notes thereupon; which any one, for a full and juſt Account of the Fact, may find in *Danby's Memoirs*, Vol. II.

The *Swediſh* Embaſſador diſcovers to the King the ill Uſe intended of the Letters againſt him, and the Prevention failed.

XLII. There was another Circumſtance which was very conſiderable, and ſhews the Impatience of Faction to ſtrike when they think the Iron hot. The Embaſſador came over from *France* into *England*, without any Orders or Leave, at leaſt a Month before his Time, and might have expected Lodgings in the *Tower* for his Pains; but the Time was turbulent, and many ſuch Diſorders were winked at. But the Embaſſador of *Sweden* (whoſe Maſter had actually taken a great Sum of the *French* upon his Neutrality) had ſcented the Deſign againſt the King, and very friendly told him the Miſchief his own Embaſſador intended him by laying this Negotiation, about Money, before the Commons; which occaſioned an Experiment to be made by *Danby*, to be beforehand with him, and, by the King's Authority, on Pretence of Popiſh Correſpondences, to ſeize the Embaſſador's Papers. But that did not take, but haſtened the Criſis; for the King acquainting the Houſe with what was done and the Reaſon, the Embaſſador, being a Member, *in his own Defence*, as the Author ſays, *laid the Letters of Correſpondence before the Houſe*, and thereupon *Danby* was impeached. This Action of the Embaſſador's, which many (Defence or no Defence) would have died rather than have done, was not ſignally approved by any Mark of Honour or Thanks returned by the Houſe, to ſhew it was not (*per ſe*) reliſhed by them; ſo it is left to Men of Juſtice, Truſt, and Honour to interpret. But yet it demonſtrates the private Underſtanding hinted before; for why ſhould the Embaſſador venture, as he did, to come over, if it was not becauſe the Affair was ready for Projection, and his Preſence in the Houſe neceſſary thereupon.

The Reaſons for keeping theſe Affairs out of the Houſe of Commons, and of *Danby's* Pardon.

XLIII. This being the Poſture of Affairs, it is not to be doubted but, upon ſuch Intelligence, the King had Reaſon, with all poſſible Application, to hinder the Papers of this Dependance being brought into the Houſe of Commons; not for any real Evil in them, or that, in a fair Aſſembly of foreign Miniſters, it might not have been juſtified; but becauſe it was a Matter altogether unpopular and againſt the fixed Prejudices of the Houſe, or of diverſe that had potent Intereſt there; and all poſſible Caption and Miſconſtruction was to be expected, as well without Doors as within. And ſo it proved, for the Matter was ſoon communicated to the Public with a very ill Reliſh; for it was become almoſt a common Policy to hinder the King's having any Acceſſion of Money, even by the Improvement of his own Revenues, and how then muſt a Lump from *France* be reſented? Thoſe, that ſought Knots in Bulruſhes to obſtruct the King's Affairs in Parliament, would be ſure to exaggerate this Pretence, calling it Selling us to the *French*, and what not, that was in the Power of Words, to create a Prejudice againſt the Court? The King, who reſented highly what was called Treachery in his Embaſſador, apprehended a farther Inconvenience; which

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was that *Danby*, upon a juſter Motive, might be conſtrained, for his Defence, to produce ſeveral other State Correſpondences he had in his Power; which would have augmented the Prejudices in Parliament, and been of ill Conſequence to his Affairs at that Time. And this, as *Danby* (ſince the Revolution) ſays, was the true Reaſon that the King granted him his Pardon; for otherwiſe, as the King's Determination was, at that Time, to leave his Servants to their Juſtification, if queſtioned by the Commons, he muſt, without that Pardon, have been left to juſtify himſelf. And his Lordſhip adds, that the Parliament urging the Point of the Pardon being invalid, might be one, and a chief, Cauſe of a Diſſolution that ſoon followed.

The Reaſonableneſs of the King's having Money from the *French* diſcourſed.

XLIV. Now to expatiate a little upon this Matter of taking Money of a foreign Prince; I believe it may be affirmed generally, that the taking Side is the wiſeſt, and eſpecially when it is for Peace and not for War, or for ending of Wars; and it was ever the Practice of the Kings of *England* with the *French*, which, as *Comines* tells us, had different Appellations; for, on the *French* Side, it was called *Pay*, *Price*, or *Bribe*, but, on the *Engliſh* Side, *Tribute*; and ſo both Sides were pleaſed with the Fancy: But the *Engliſh* had the Money, which tended to inrich them, as well by Acceſſion of Wealth, as Continuance of Traffic. I do not find but Kings deal with one another, as other Men do, upon hard Bargains, and getting what they can. They ſell their Aids and Neutralities, and take Money for not doing Hurt if they can. And why is it not as lawful for them ſo to do, as it is for any common People, in their Family Concerns, to make the beſt Markets they can? The Miſtake, upon which the Popularity always harps, is the ſame in Families as in States: As if a Man ſells the Good of his Family, or gives Handles for ſuch a Conſtruction of his Conduct, aſk the Family, and they will tell you that he is to blame, and breaks a Truſt incumbent upon him to provide for them. So the People always ſay of Kings and States; for they have a current Notion amongſt them, that the Supreme Power is but a Truſtee for them, and ſtraight look upon all Bargains for Money, that Governors make for themſelves, to be juſt as when Truſtees or Judges accept Sums, and, at the ſame Time, pretend they do nothing contrary to their Duty; and it is in every one's Power to ſay all ſuch Takings are for ill Purpoſes. So that which makes the Difference between Perſons authoriſed only, and Proprietors, is that the former, for the Danger, are not allowed to take upon any Account; but the latter may, as they can beſt procure for themſelves; but yet, in true Duty and Conſcience, Kings and Governors, who take themſelves to be Proprietors of their States and Governments, and ſo at Liberty to ſell their Aſſiſtances, Mediations, Forces, and Neutralities or the like, as they can agree; and in like Manner all Fathers of Families, who may ſell their Eſtates and Goods as they pleaſed; theſe are all alike conſcientiouſly bound to do for the beſt, at leaſt not to ruin their Dependants, although they are not impeachable

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for what they do. Therefore thoſe, who are hard to cenſure the Actions of Kings and Governors, of this Nature, ought well to be aſſured their own are not more vicious in the ſame Way. And, if they alledge that Actions, which appear ſelfiſh, terminate in the Encreaſe, and ſo are for the Good of their Families and (it being truly ſo) think themſelves every Way indemnified; ſo alſo Kings, being ſatisfied that what they do, with Deſign primarily for themſelves, yet, is alſo really and truly good for the People, who are involved and compriſed in them, are equally in Honour and Conſcience abſolved: And that King *Charles* II, in the whole Affair of this Neutrality, Mediation, and final Concluſion, intended the Good of his People, as he had declared to his Parliament, is proved by an impartial Reflection, as now may be made upon all Circumſtances; for it will be found to have been really ſo. For, firſt, he had been at great Charges about the War beyond what the Parliament had ſupplied. It coſt him a great Deal in maintaining Embaſſadors, Plenipotentiaries, Couriers, and for Intelligence about the Treaty at *Nimeguen*, for near four Years, to compaſs a Peace. Why all this for nothing? The Parliament would have thought much to have given it the King, or rather he knew, by woful Trials in other Matters, they would not; then who could better pay than the *French*? It is their own Saying, *Rien pour Rien.* It was partial enough to the Allies to fight, and then make Peace for them for nothing, and to make the *French* pay the Score. The only Infelicity of the whole Matter is, as I ſaid, that the Money was not got; if that had fallen in clack, the King had compleated a Negotiation of as great Difficulty, and, withal, Utility for the People of *England*, as had been done in any King's Reign, and is by the Earl of *Danby* meant, when he writes of this Author's abuſing the King in the beſt Actions of his Life. I conclude this Reflection with a Note of ſtrange Variety in Cenſure. We know in our latter Wars, what Sums of Money have been given to foreign States, for the Purpoſes of War and Peace, and we hear of no Cenſure of them for taking from us. Why then ſhould it be ſo ill reſented, when we take from them, that is when we can? But thoſe are ſo wiſe (whatever our Politics are) to keep themſelves on the taking Side.

XLV. As to the Objections againſt the Honour, or ſeeming Integrity, of the King in this Tranſaction, beſides what, upon popular Prejudices or Preſumptions, flow from the Nature of the Thing, as in ſome Mens Senſe it is underſtood, I ſhall mention one, which is drawn from an Expreſſion in one of the Letters, *viz. That the King could not expect his Parliament would be in an Humour to give any Money for Supplies for three Years at leaſt.* This went, among other Reaſons, why the King might fairly expect a Sum of Money from the *French* King. And this, in factious Language, was termed making a Leaſe of the Parliament for three Years. Which merry Conceit hath no Truth or Ingenuity in it; for it is not ſaid that there would be no Parliaments, but, ſuppoſing Parliaments to ſit, as muſt be,

A Paſſage in the Letters, ſuppoſed to be againſt Parliaments, explained.

be, they would give no Money; and that was true, for ſo it happened. If ſuch a Bleſſing could happen, that a Parliament ſhould ſit for three Years off and on, and no Money be aſked of them, it would be an envied Time, but, as I gueſs, not to be hoped for. How happy and tranquil would a Seſſions be, if no Money were demanded? What good Regulations and Corrections of public Abuſes ſhould we have, which the Purſuit and Hindrance of Money confounds? But let that deſperate Good paſs; and let us conſider the Objection, that this Court Money was inconſiſtent with the Affair of actual War, that the Parliament ſo much inſiſted on. I deny not but Peace and Money are two good Things, and the one is never the worſe for the Attendance of the other. But, be the Preſſing what it will, the King would not be concerned farther than ſaving *Flanders*, and that he did; for all, that was ſaved of it, was acknowledged to him, and the Allies were ſatisfied. And we have it from Sir *William Temple*, that the foreign Miniſters wondered it ſhould be thought a Crime in any Miniſter of State, meaning *Danby*, to get Money, from a foreign Prince, for his Maſter, who was only to conſent to what thoſe, that depended on him, deſired. And, in Truth, the Allies took for themſelves a Peace ſo much worſe than what the King inſiſted on, and had probably procured for them, as they at *Nimeguen* would have nothing to do with it. The Earl of *Danby* ſays he was very ſorry the King had not the Money; though, if it had come, the greateſt Thanks had been due to our Embaſſador in *France*.

The Author gives a Miſconſtruction to the whole Action about the Peace.

XLVI. It appears here, that the *Engliſh* Embaſſadors at *Nimeguen* did not approve of the ſeparate Peaces the Allies had made for themſelves; and therefore declined being concerned with them. Now, ſays the Author, *and all this without the Intervention of Sir* William Temple, *and Sir* Leoline Jenkins, *the* Engliſh *Mediators.* By this he would have the Peace ſuppoſed to be made by the King's Interpoſition, and baulking his mediatory Embaſſadors; which is otherwiſe, for the King had nothing to do with them but at *Nimeguen.* Then, he ſays, they (the *Nimeguen* Embaſſadors) refuſed to ſign, *becauſe the Imperial Plenipotentiaries would not allow them the Precedency of ſigning.* What if they trifled, as the Uſe is, upon a Form, when they did not like the Matter? But, Sir *William Temple*, who, I think, was more in the Secret than our Author, ſays, they would not ſign, becauſe it was a bad Peace, and they, that is their Maſter, had not agreed to it. Here is an artful Colour caſt over the Whole; for the Author would have us think the King ſided with the *French* againſt the Allies, and had made a Peace which the Plenipo's did not like, ſo they ſneaked off, and lay behind a Matter of Form. And what follows is like the reſt; he ſays, *The Court of* England *would not allow themſelves to have had any Part in the Peace between* France *and* Holland. Nor had they any Part in it; for it was a Precipitate ſeparate Peace, againſt the King's Treaties and Advice, which he was ready to have backed with Force. But this *(would not allow)* inſinuates that his Majeſty had a Part, but he would not own it,

it, he was ſo uſed to wear Vizors. But what comes after? An Exclamation, Hey-day! The *Engliſh* Court are for War. And was that any Wonder, when an Alliance was juſt made for War for ſaving *Flanders?* and when the King was armed, and in actual Hoſtilities, then his Allies kindly dropped him, and clapped up a ſeparate Peace, leaving him to ſhift for himſelf. Could the King be pleaſed to have all his Endeavours, for the States, eluded, and the Terms, he had almoſt gained for them, be ſlighted as a Jeſt? But it is juſt as the Method was at Home, *get the King into a War, and leave him*; which ſhews a loving Harmony between the Politicones on each Side of the Water. And the Author goes on with a Column of Reſpect to the P—— of *O*——, as if he alſo were ſurpriſed at this wonderful Start of the *Engliſh*, and cried *Steddy, Steddy!* right, when the States had made a ſeparate Peace, and the Parliament refuſed to ſupply the War, was there not great Reaſon for the King to perſevere ſteddily alone by himſelf without Ally, Proviſions ſufficient, or Money?

An Example of 600,000 *l.* given to the *Dutch.*

XLVII. But now, to leave this Matter of the Money aptly concluded, I think nothing is more argumentative, in ſuch a Caſe, to juſtify the Taking where there is Ground to demand, than Examples; and I ſhall give one inconteſtable, and ſuch as is capable of more Miſconſtruction than in the King's Caſe; and yet ſtands approved by the ſolemn Act of the *Engliſh* Parliament. It is that which gave the *Dutch* 600,000 *l.* on Pretence of Charges in ſending over the P—— of *O*——. Now for Miſconſtruction. Suppoſe the Popularity of that State to be as averſe to the P——, as the Faction in *England* were to the King; might not the Antiſtate Party have ſaid that their Governors had ſold them for Money to the *Engliſh*; and that the Prince, with his *Engliſh* Intrigues, intended to maſter the Provinces; and, in order to that, was put by the States into a Way to be King of *England*, by which, and his Office of Stadtholder, he might govern arbitrarily in *Holland?* All which, if it had been ſuggeſted, muſt have been falſe, as it was that the King of *England* was making a Leaſe for three Years of his Parliament to the *French.* But ſee what a Frame of Words may do out of factious Mouths. It is moſt certain the King was, at that Time, a *Fabius, cunctando reſtituit rem.* There was a Deſign to involve the Public in the general War of *Europe.* The latter Experience, from an actual Enjoyment of it, ſhews what a Deliverance was then had through the King's Management; which, for the Honour of his Government, ought to be remembered as long as any Hiſtory remains.

This Parliament by factious Intereſt and Means made impracticable and procured to be diſſolved.

XLVIII. We have not yet taken our Leave of the little *Weſtminſter* Parliament, though the ſhort Sitting, and, partly, the Cauſes have been touched; but it remains farther to be obſerved that, whilſt they ſat, the King did all that was poſſible to have kept fair with them. He yielded to all they deſired about the Papiſts, even to Blood. He made the Heads of the Country Party of his Privy Council, and left *Danby* to conteſt the Validity of his Pardon, but, with all that, they could not be eaſy. They aſked

of him to part with, his able and faithful Miniſter of *Scotch* Affairs, the Duke of *Lauderdale*; which the King took ill of them, as knowing the Conſequence, as well as his Enemies Intent in it; and he had, in a Manner, refuſed it twice before. The firſt Time was ſo early as *April* 1673, the next in *May* 1678, at the End of the Petition and Addreſs concerning private Advice. And now it was violently aſked again, not only as to *Engliſh* Affairs, but the *Scotch* alſo expreſly, which the King thought touched him in the ſenſitive Part. And then urging *Danby* ſo hard, that the Drift was taken to be, not at him but at the King, expecting more private Letters to come forth into the Scene of Miſconſtruction againſt him; which was an Uſage no private Gentleman would take well. Theſe, and other Uneaſineſſes, made the King hearken to the Earl of *Eſſex*, who preſſed and would not be ſatisfied till he had diſſolved them. But we are to conſider his Lordſhip was not alone, for the whole Faction co-operated; for, when the little Parliament was underſtood ſo well, as not to be depended on for the main Chance, and a new one muſt be had, as more likely to go thorough-ſtitch, it is not to be wondered that ſome Men flew ſo high againſt the Court; for, by that Means, the Sitting was to be made impracticable. And the honeſt Gentlemen, enchanted with a Sound of the Words *Popery*, *France*, and *arbitrary Power*, could not diſcern the Aims of theſe Men, which was to aſſiſt their Friends at Court, who were working towards gaining another Parliamentary Election.

Sir *William Jones* drawn into Diſcoveries of himſelf by the King's gracious Freedoms.

XLIX. But, while this Parliament ſat, which, I think, did not compleat above one Seſſion, and all that While the King's Friends, for Reaſons touched before, were penſive, as if the King had been entirely ſurrendered to his Enemies, he himſelf was free and debonair with his fine new Council, and made no Shew but of his being entirely adviſed by them. Sir *William Jones*, of whom I have ſpoken before, if ever, was then happy, finding himſelf Attorney General, attending a Council and Miniſtry almoſt to his Heart's Content; and the King himſelf not only appearing gracious, but condeſcending to hold Dialogues with him, and to hear him talk for long Time together. It was obſerved in the Houſe of Lords often, that the King and he would ſtand together, and, ſometimes, lean on the Hanging, in Converſation for a conſiderable While. This made the Lords think that he had much of the King's Ear, and would be a very great Man. And, without Doubt, he himſelf was of the ſame Opinion, and, being charmed with this glorious Opportunity of forming the King's Mind to his Way of Reaſoning, laid himſelf open to his Majeſty in Diſcoveries of himſelf, and of what Counſels were moſt for his Majeſty's Service, and what his humble Advice was. And all this While, little conſidered the King's Character, whoſe great Sagacity lay in ſearching into and diſcerning Mens Capacities and Intentions towards him, and far from being ſuch a Novice in his Affairs, as to take Leſſon of a meer Lawyer. But his Majeſty, finding the Man inclined to melt in Diſcoveries, afforded his Ear ſo much to him; but

it was only to ſound his Bottom, and to find what he and, perhaps, his Allies drove at. And the King, having once taken this Advantage of his Preſumptions to his own Satisfaction, then ſoon, as to all ſuch Freedoms and Familiarities, laid him wholly aſide, and ſhewed him no Countenance at all. For the King's Notions and his were very diſcrepant, as may be imagined, conſidering the latter coincided with the Meaſures of his Majeſty's approved Enemies. It is reaſonable to think that, upon this manifeſt and terrible Alteration, the Attorney might find the Error of his over Forwardneſs when it was too late, and diſcern that, inſtead of being a Miniſter, and at the Head of Counſels, he had loſt that perſonal Intereſt, whatever it was, he had with the King; whereby it was unlikely that he ſhould advance, it was well if he kept his Ground: And ſo his Hopes of the Common Pleas were much ſet back, or rather ſunk; which might make him hearken to the Project of entering at another Door, of which next.

He follows the Example, and it may be the Advice of the Earl of *Eſſex*, and lays down his Place.

L. It was, at that Time, verily believed that the Earl of *Eſſex* took the Advantage of this Criſis, and perſuaded the Attorney to quit his Office. It ſeems the Game of Faction was now very hopeful; the long Parliament, having differed with the King, had been diſſolved, and another was choſen which, though not bad enough, was yet leſs diſpoſed to agree with the King than the former was; and, this being once diſſolved, the next, by Rule of Proportion, muſt be ſuperlative, and to their Heart's Content. For the Proceſs of Elections had been ſo wrought, that very many of the valuable and eſtated Gentlemen had been already rejected in Counties and Towns for being *Popiſhly affected*, *Yorkiſts*, and the like; and nothing had happened to mend the Matter on the King's Side, but ſtill worſe and worſe. So that, upon the Proſpect of a new Choice, and the Temper the Parliament was like to take, the Earl had a fair Walk to propoſe, not only for the Service of the Party, but alſo for a ſurer Acceſs to Preferment. It was plain the Attorney was loſt, as to all Truſt and Credit with the King, and could have no Hopes to come into the Common Pleas, on any Turn, by the Court Intereſt. But, if he would leave his Poſt in the King's Service, and come into the Parliament with them, his Buſineſs would ſoon be done; for the ſame Means, as would make void the Place, and that they thought they were ſure of, would fill it. There was but two Ways to enter, the one by the Court, and the other by the Parliament; the former was deſperate, and what then was left? The latter could not fail; for certainly the King muſt come to yield in all Things to them, and they would ſoon make clear Board of all theſe arbitrary Men in Place, ſuch as Sir *Francis North*, then the Lord Chief Juſtice of the Common Pleas, *&c.* The Earl might inſiſt alſo that, being out of the Court, he would be able to ſerve the Public with better Decorum and Effect (perhaps) than while in a Place of Truſt and Profit. It would be conſtrued Treachery, and be called *flying in his Maſter's Face with his Bread in his Mouth*; and withal he would have a

mighty Sway in the Houſe of Commons, ſuch as no Man ever had the like: Every Thing would be done in the Houſe as he dictated. And, as no Arguments are ſo powerful as thoſe that are made good by Example and leading the Way, the Earl had alſo to ſhew, that he was about to lay down his Office as chief Commiſſioner of the Treaſury; which he in Earneſt did, and the Attorney ſoon after trode in his Steps. Theſe Conſiderations, whether derived from the Earl, as the common Opinion was, or from Conſultation of the Party, or his own Reſentments, are ſurely a better *Rationale* of this Gentleman's leaving ſo valuable a Place, being worth no leſs than 6000 *l. per Annum*, than the *Heats and Fatigues of the Plot*, and other Formalities, inſtead of Reaſons, tranſcribed into this *Compleat Hiſtory* out of the public Gazzette.

Introduction to the Hiſtory of *Abhorrences*.

LI. Now I muſt give Warning that we are entering into a Wilderneſs of odd and diſorderly Paſſages, about which the Court, City, Country, and almoſt all Eſtates and Degrees of People were huddled together in a Confuſion of Language like *Babel*, and of Actions like thoſe of *Bedlam*; of which to give a plain and clear Account, or make a Developement into an intelligible State of the Affairs, is ſo difficult, that I cannot ſatisfactorily determine within myſelf ſo much as to inſcribe a Title to the Eſſay I am about to make concerning them. But, to diſmiſs all farther Heſitation, I have thought to write the Word *Abhorrers*, being then a new and nice Term, introduced by the Faction for the Purpoſe of ſuſtaining the Charge of certain Offences of an hideous Nature, no Matter for knowing what; and accordingly it was liberally, or rather furiouſly, beſtowed upon all Perſons that had acted counter to them. I muſt beg Pardon for not giving a Definition or Interpretation of this bug Word here; becauſe, without unfolding all the Subject Matter, which only can define the Word, our Labour will be loſt; and, in doing that, the Character of *Abhorrences* will emerge of itſelf. And if, in the Courſe of that which I am coming to, I ſhall gather in diverſe ſtrange and outlying Circumſtances of Fact, and argue Deſigns that do not fall aptly under that Title, not much Wrong will be done; and all ſhall have, ſome more ſome leſs remote, Dependance on the principal Verb; and, incidently, I think, I ſhall ſhew our Author, in his proper Colours, for ever to be *Abhorred*.

The next *Weſtminſter* Parliament choſe with all Prejudice againſt the Court.

LII. It muſt be remembered that, our little *Weſtminſter* Parliament being diſſolved, another was ſummoned to meet in *October* 1679: And that was accordingly choſen, but did not ſit to act till *October* 1680, being put off, by diverſe Prorogations, to that Time; and this was called the *Weſtminſter Parliament*, or the *laſt Weſtminſter Parliament*, as we may happen to ſtyle it. After what hath been touched already of factious Methods, I muſt leave it to Imagination to conceive the Means uſed to procure to be choſen, in all Places, Men abſolutely averſe and irreconcileable to the Court, from what Inducements or Cauſes ſoever it proceeded; that is, in plain Terms, the moſt inveterate Party Men that could be found above

Ground

Ground to be ſet up. And, as it would be hard to ſhew any honeſt Inſtance of their Conduct, ſo it will be difficult to ſhew any one bad, and not put in Practice. Lying, Threatening, Flattering, Promiſing, Debauching, Corrupting, Violence, *&c.* iſſued regularly by Order of Superiors to Inferiors of Cabals, Clubs, and Coffee-Houſes, and ſo on to the Hack-Runners and Writers, for due Diſperſion of the Saints Will and Pleaſure, to influence Elections in all Places where ſuch reaſonable Applications were thought conducing. The Characters of Perſons were entirely the Property of this Body Politic to diſpoſe of. Such Perſons, as were fitting to be ſo dreſſed up, were Papiſts either open or maſqueraded, Maſs Papiſts, or Church Papiſts. No Courſe of Life, religious or virtuous, was a Security againſt theſe Charms. Others, by the ſame Conjuration, were ſet out and launched for Proteſtants, nay zealous true Proteſtants, and, though not worth a Groat, great Defenders of Liberty and Property; and who could forbear chooſing theſe, and rejecting the others? But generally, to ſave the Expence of Words, the Faction ſerved themſelves of the Terms good and bad, which, being before-hand well explicated to the People, ſhewed them whom they ſhould take or leave. And, whether theſe glorious Carryings on were correſponded in the Temper and the Proceedings of the enſuing Parliament, the following Account of it muſt declare.

LIII. But, before we come to that, we have a large Field to walk over, the Parliamentary Vacation, which laſted about a Year, and afforded Matter enough. For, as the Faction thought, Time was now ripe, and the Fruit ready to fall, and they were impatient to be at it; and partly to exaſperate Matters, and alſo to keep the Party warm, leaſt Time and happy Eaſe ſhould make them drowſy in Sedition, and as well content to reſt, and enjoy the good Peace they had; and partly to haſten on the Work, or, rather by Numbers of People, Noiſe, and a Shew of Univerſality for the Excluſion Bill, to raiſe up the moſt powerful Reaſon could be pretended for it, ſince it was taken for granted the King would yield to what every Body deſired; or it may be meerly to affront the King, and to make him appear little and contemptible, or, worſe, a Tyrant, that intended to lay aſide Parliaments, and to govern without them; they ſet on Foot a Trade of ſoliciting the People to ſet their Hands to Petitions, to be delivered to the King, humbly beſeeching that his Majeſty would be graciouſly pleaſed to let his Parliament ſit and act; but ſtuffed with ſuch ſaucy Expreſſions, Reflections, and Inſinuations, as, being printed, might have the Effect of ſcandalous Libels upon the Government. The firſt Beginning was by ſome grand Juries, who made Preſentments of their humble Requeſts to his Majeſty, deſiring the Judges to lay the Matter before him. The City of *London*, in their Common-Council, impudently enough in the Manner, framed a Petition, which was printed and poſted; and then the Humor run on in moſt populous Towns, and ſo came to the Counties at large in a daring menacing Way, as was moſt offenſive to all good Men who deſired to live quietly,

The new Parliament met not at the Time, and Petitions ſet on Foot for their ſitting in a ſcandalous Manner.

and in peaceable good Order. The Managers of theſe Petitions uſed all Manner of Arts, *dexter* and *ſiniſter*, to gain People's Hands or Marks, and generally looked rude and ſour, as if it were not ſafe to refuſe them. And they never failed to ſeaſon their engaging Talk with ſcandalous Inſinuations againſt the King; but plainly declaring that, without the Parliament's ſitting, Popery would come in, the People be made Slaves, if not hanged at their own Doors; the *French* Power was to do it. They deſigned to have the Hand or Mark of every voting Freeholder, Citiſen, and Burgher in *England* whom they could influence, or any Way compaſs, to ſign one of theſe Petitions for the ſitting of the Parliament, as it was then worded, and this Author is pleaſed to phraſe it, as I ſhall ſhew.

The Method of Hand-gathering to, and the ſaucy preſenting of thoſe Petitions.

LIV. But, for the effecting ſo great a Work as this, it was neceſſary to inſtitute a Method of Proceeding, and to retrench the laborious Part as much as they could. And thus it was done. Petitions in Form, as had been authentically prepared for the Sake of the Unlearned, were written, or, as I take it, printed upon Parchments of a preſcribed Width, with large Blanks underneath; and theſe were put into the Hands of Agitants and Sub-agitants in the Countries about, branching forth ſo nice as into Hundreds, Towns, and Villages, if any Thing populous, or affording confiding Perſons to negotiate. And theſe Agitators, being choice Party-Men, and well inſtructed, went to every free Voter, and indeed every one, as they came in their Way, demanding their Hands to the Petition; and did it in ſuch a Manner, as a plain Man knew not well whether it was lawful for him to refuſe or no. And when this Hand-Tax was gathered, the Parchment Petition was ſent up to a ſelect Aſſembly or Club, who had this Adminiſtration in Charge. And there the Bead-Roll of Hands and Marks was cut off the ſeveral Petitions out of one County, except one, and to that all the reſt were glued. So there appeared a fair Petition, entitled, *From all the Freeholders, &c.* And, the Roll being opened and extended, there appeared more Shapes than ever Dreams preſented, looking as if they were alive, and like Inſects, crawling about, or as the half formed equivocal Vermin in the Mud of *Nile*; but looking cloſer, they all ſhewed themſelves no other than Hieroglyphics of Clowns. And, rather than want a due Number of theſe Monſters, it was common for the Agitators, or their Maſters, to forge Marks and Names, as they would have, and ſo ſave a great Deal of trotting about, without ſo much as ſeeing the Parties, or caring whether they approved it or no. But, for certain, the Work was carried on with ſuch pragmatical Impertinence and Impetuoſity, as well as Inſolence and Scandal to the Government, that Words can ſcarce repreſent the true Genius of the Proceeding. And, after all, a Parcel of the boldeſt Fellows they could get, were ſet to gain an Opportunity, as the King paſſed in public Places, to preſent them: For it will be ſuppoſed the Courtiers were not ambitious to introduce them. Care was taken not to exceed the Number of ten Perſons together, according as the Statute againſt tumultuous Petitions hath limited; elſe,

elſe, as in the Time of King *Charles* I, they would have been better attended. But, in this Manner, diverſe were delivered to the King, and ſome very ſaucily. One from *Taunton Dean* was brought up by a Man whoſe Sirname was *Dare:* He, with his Fellows, waited upon the Stairs of the Houſe of Lords, and, as the King came down, put the Roll into his Hand; the King aſked, *How he dared do that? Sir*, ſaid he, *my Name is Dare.* But he had better been aſleep elſewhere; for he was afterwards caught ſpeaking ſeditious Words, and was puniſhed by the Judge of Aſſiſe; and the Judge, who was then Mr. Juſtice *Jones*, being preſſed to intercede to the King for him, anſwered, *He knew no Favour he deſerved*; which was afterwards put among the *Sins* of the Judges, as I ſhall ſhew.

LV. It may be wondered at, that a Government ſhould appear ſo weak to ſuffer ſuch an effrontuous Proceeding to run on to this Height, as hath been deſcribed; and indeed, nothing but an immediate View and Obſervation of the Times, as we had, can reconcile it to common Senſe. It is to be conſidered, that the King was intent upon working a Cure upon the People of the Prejudices that Faction had vented amongſt them; which was not to be done by any other Means than by his not interpoſing in any Manner but that of the Law, by the ordinary Magiſtrates, and through all the Forms the Law requires; and not only to avoid the Exerciſe of his Prerogative againſt the Law, but every Thing that might be perverted to a Senſe as if he did ſo. For ſo many Conſequences depended upon that, as made it reaſonable rather to bear with Irregularities, than do any Thing out of the common Road. This was the Method that broke the Force of *Oates*'s Plot, as hath been ſhewed, and did actually retund the Force of this Deſign of reproaching the King, as will appear. And, what was very obſervable, and may ſerve for a *Memento* for all like Doings hereafter, as *Brutum Fulmen*, it began with its greateſt Efficacy, and then, by Degrees, it waſted, and, at Length, dwindled to nothing; after which it took a Career in a clean contrary Direction, and run as violently the contrary Way; which was the People's running into an Humor of addreſſing; the Purport of which was, generally, entire Reliance on his Majeſty's Goodneſs and Wiſdom when his Parliament ſhould ſit, which they did not deſire till he thought fit; and their *Abhorring* the late Practices about petitioning. It is ſcarce credible how much this enraged the Faction, who had not been uſed to Turns like this; and it produced ſo great an Abuſe of Power, in a Place that ſhall be nameleſs, as, for the Time, loſt great Part of the Credit and Authority depending thereon, as uſed to belong there. As for Faction and Sedition, the whole Compages of it, that had long been framing, fell to Pieces, and tumbled in Confuſion about the Ears of the Party. Here are the main Lines of this *Abhorring* Affair, whereof the Ingredients, Order, and Manner I am next to demonſtrate through the various particular Turns and Influences it had.

Reaſons for bearing with this Trade a while, which at Length turned counter to Addreſſing, that is, *Abhorring*.

LVI. It

The State of Parties Petitioners and Anti-petitioners, and the nice Hazzards of the latter.

LVI. It was noted that the Confederacy of a few buſy Men makes a Shew of great Numbers; becauſe all join in one Noiſe whilſt honeſt Men are ſilent. Therefore the little or no Oppoſition, at firſt, to this Handgathering Trade did not conclude, as ſeemed, that the Generality approved of it; for almoſt all the conformable Gentlemen in *England* deteſted it; and what a Body they were, ſoon appeared. The indifferent Country-men of Subſtance were far from approving it, *for*, ſaid they, *we are at Eaſe, and why ſhould we trouble ourſelves?* And, from the Beginning, ſome Diſcountenance, or actual Oppoſition, was given by hot Conteſts and Diſputes with the Agitators, and, notwithſtanding their ſupercilious Threats, the Oppoſition encreaſed upon their Hands, till a perfect Diſtinction was formed of Petitioner and Anti-petitioner; which exerciſed the eager Spirits in Corporations and Market-Towns for ſome Time. But none had ſo much Reaſon to be offended, as the King had, againſt whom the whole Train was pointed; and, having his Eye early enough upon what was brewing, and how the Faction was about to deal with him, he was reſolved, and waited only a fair Opportunity, by Methods of Law, to give it a Check. For it was a firm Maxim, at that Time, to do nothing violent, or conſtruable againſt Law. And the rather, becauſe this was called a Right to petition (which the Party continually exaggerated, though none contradicted them) and, being for the Sitting of the Parliament, was popular, and, as was ſuppoſed, very tender and nice with Reſpect to the Parliament itſelf, and their Reſentment of it whenever they ſhould meet. And it was conſidered alſo that, if any unlucky Queſtions aroſe, they muſt be determined there, and, probably, not without great Prejudices and Ardor. And the Pretence of an Oppoſition to a Parliamentary Right, as it would be accounted, might be made an Handle for the averſe Members to draw others, and ſo to hinder all the King's Deſires in Parliament. Theſe Matters, all weighed together, made it a nice Conſideration how to deal in the Affair. And the Senſe of it was, at the firſt, ſo exquiſite, that the King's beſt Friends durſt not meddle; although the very Neutrality was termed the being againſt Petitioning. And the whole factious Party breathed terrible Inflictions to fall upon the Antipetitioners whenever the Parliament ſat; and, in the mean Time, treated them with the ſame Reſpect, Humanity, and Moderation, as they did thoſe who did not believe the Plot.

The City attend the Council, and a Proclamation propoſed to ſtop the Abuſe.

LVII. As the Evil grew up firſt in and about *London*, where Faction was more artificial and bolder, and, from thence, was ſounded forth to lead the reſt of *England*; ſo the King deſired it might receive the earlieſt Check there, and in ſuch a Manner as might reverſe the Example, and give a tolerable Diſpoſition to better Manners in other Places. And accordingly the Lord Mayor and Aldermen were ſent for to attend his Majeſty in Council; and they appeared, and Sir *George Jeffries*, then Recorder, was their Spokeſman. They were told that diverſe ſeditious Practices were carried on in the City upon Pretence of Petitioning for the Sitting of the Parliament, and

and that ill Men went about, in a turbulent Way, importuning quiet Citizens and others to ſet their Hands; which was againſt the Laws, tending to Breach of the Peace, and a great Offence to his Majeſty, in whoſe Power it was to appoint the Sitting of the Parliament, as in his Royal Wiſdom he ſhould think fit. And the King expected from them, who were the Magiſtrates, and inſtructed to keep Peace and good Order in the City, that they ſhould find Means to prevent or puniſh ſuch undue Practices as theſe were. The Lord Mayor, who then was a Zealot of the factious Party, anſwered for the Magiſtracy of the City, that they knew of no Courſe they might by Law take to ſuppreſs this Inconvenience; for the People took it for a Right in them to petition to his Majeſty upon any Grievance they were ſenſible of, and they acted upon that Principle only, and were very earneſt in their Adherence to it. Therefore they humbly deſired that his Majeſty would be pleaſed to direct what they were to do. The Recorder *Jeffries*, who was not one of the Intrepids, deſiring to put the Buſineſs off from the City back upon the Council, and Officers of the Crown, moved that his Majeſty would be pleaſed, by his Order in Council, to iſſue his Royal Proclamation, whereby his Majeſty ſhould prohibit the framing and preſenting any ſuch Petitions, and command all the Magiſtrates of the Peace to puniſh all Perſons acting to the contrary. This, he ſaid, would oblige all Mayors and Juſtices to be diligent and active, in their Stations, to puniſh; and Men, being fearful of the Puniſhment, would forbear to offend. This was thought ſomewhat groſs; and few, if any, approved of it. But the Lord Chief Juſtice *North* ſtood up, and, taking Notice of the Recorder's Motion, ſaid he thought a Proclamation of that Tenor would be of no Service, but rather prejudicial, and might admit of very captious Conſtruction. But yet he thought a Royal Proclamation might be ſo framed upon the ſubject Matter, and the Law as it ſtood relating to it, as would be of very great Uſe. And then he propoſed his Scheme, which was, that the Proclamation ſhould by no Means prohibit the petitioning his Majeſty in any Caſe, much leſs in Caſe of the Parliament: But it might take Notice of certain ill People who, upon the ſpecious Pretence of Petitioning, went about in a ſeditious and tumultuous Manner, gathering Hands to certain Papers, purporting to be, *&c.* and then to forbid all ſuch tumultuous and ſeditious Proceedings, enjoining all Magiſtrates to puniſh the Offenders. And his Lordſhip ſaid farther, that ſuch a Proclamation, though not directly againſt the Thing, but the Manner only, would be a great Encouragement to, and ſupport his Majeſty's Friends, who were not a few nor inconſiderable, and, if ſuſtained by his Majeſty's Authority, would put themſelves forward, and, in a private Capacity, though the Magiſtrates did nothing, go a great Way in reſiſting the Agitators. And it was of great Uſe to furniſh them with apt Words, and proper Diſtinctions to work withal.

The Proclamation ordered, and the Lord Chief Juſtice *North* to aſſiſt, and his exquiſite Caution.

LVIII. The King was very well pleaſed with this Motion, and, no one ſaying any Thing to the contrary, his Majeſty called upon Sir *Creſwell Levinz*, the Attorney General, and commanded him to prepare the Proclamation upon the Senſe of the Council. The Attorney came forward, and, having heard his Charge, and in great Concern leaſt the Thorn ſhould ſtick in his Foot, after ſome Hums and Haws, ſaid *He did not well underſtand what my Lord Chief Juſtice meant, and deſired of his Majeſty, that his Lordſhip might draw the Proclamation.* Such Shoving was there of this Buſineſs, to and fro, from one to another! At Length the King, turning to his Chief Juſtice, ſaid, *My Lord, I think then you muſt draw this Proclamation.* The Chief Juſtice ſtood up, And, *Sire*, ſaid he, *it is the Office of your Majeſty's Attorney General to prepare all Royal Proclamations, and it is not proper for any one elſe to do it*; and he begged that his Majeſty's Affairs might go in their Courſe; and if, in this Matter, Mr. Attorney General doubted any Thing, and would give himſelf the Trouble to call upon him, he would give him the beſt Aſſiſtance he could: And ſo the Matter went off. Upon this, the Chief Juſtice looked upon himſelf to be really, and in Effect, under a Charge to draw this Proclamation; however, as to the formal Part and Outſide, it went by the Attorney General as of Courſe. And, accordingly, he applied himſelf to it. And, after it fell out that his Lordſhip was queſtioned for this Proclamation (as I ſhall relate) he told his Friends that, at the very Time, he was apprehenſive it would have that Conſequence, and that he penned every Word and Syllable in it, as if each was to have been an Article of a criminal Charge againſt him. And becauſe the Thing is, in itſelf, a maſterly Stroke, and made the Subject of much ado in Parliament, and our Author, in his *Hiſtory* here, hath abominably abuſed it, I have thought fit to ſubjoin the Proclamation itſelf, in the very Words, after a Copy I have accidentally by me.

"*CHARLES REX,*

"His Majeſty's Proclamation againſt tumultuous Petitions.

The Proclamation itſelf.

LIX. "Whereas his Majeſty hath been informed that diverſe evil diſ-
" poſed Perſons at this Time endeavour, in ſeveral Parts of this Kingdom,
" to frame Petitions to his Majeſty for ſpecious Ends and Purpoſes relating
" to the Public, and thereupon to collect and procure to the ſame, the
" Hands or Subſcriptions of Multitudes of his Majeſty's Subjects; which
" Proceedings are contrary to the common and known Laws of this Land,
" for that they tend to promote Diſcontents among the People, and to raiſe
" Sedition and Rebellion. His Majeſty, conſidering the evil Conſequences
" that may happen if ſuch Offences ſhould go unpuniſhed, and leſt that
" any of his good Subjects ſhould be inveigled by plauſible Pretences, or
" ſhould, through Inadvertence or Ignorance, be engaged to a Breach of the

" Laws

" Laws in any of the Particulars aforeſaid, his Majeſty therefore hath " thought fit (by the Advice of his Privy Council) to declare and make " the ſame known by this his Royal Proclamation, and doth hereby ſtrictly " charge and command all and every of his loving Subjects, of what Rank " or Degree ſoever, that they preſume not to agitate or promote any ſuch " Subſcriptions, nor in any wiſe join in any Petition in that Manner to be " preferred to his Majeſty upon Peril of the utmoſt Rigor of the Law that " may be inflicted for the ſame. And his Majeſty doth farther command " all Magiſtrates and other Officers, to whom it ſhall appertain, to take " effectual Care that all ſuch Offenders againſt the Laws be proſecuted and " puniſhed according to their Demerits. Given, *&c. December* 12, 1679. " *Anno Reg.* 31."

The Caution in the Penning of the Proclamation, the Effect anſwered, and the Geneſis of Abhorrences.

LX. It is obvious enough to any one, that knows the Courſe of Affairs in *England*, to diſcern the Art and Caution of this Draught; therefore it would be ſuperfluous to comment upon it; only, for Eaſe, take an Inſtance or two of the Chief. One is in the Words —— *relating to the Public*, where the Word *Parliament* is declined. Then —— *not to agitate any ſuch* (not Petitions but) *Subſcriptions*, —— *nor join in any Petitions* (not generally, nor referring to the Matter, but) *in that Manner*. Theſe for a Taſte; but, in the Main, the Event ſhewed that the Proclamation was no leſs wiſely adviſed, than carefully prepared. For, as ſoon as it came down into the Countries and Places where the Agitators were at Work, the Loyal Party took a new Life from it, and ſtrangely exerted themſelves in Oppoſition to the whole Deſign, and, without puzzling upon nice Diſtinctions, they laid on with the King's Pleaſure, ſignified by his Proclamation, that he would have no ſuch Petitions come to him; and ſo, without farther Diſtinction or Ceremony, withſtood the Agents in the Face of the People, and, in moſt Places, drove them and their Ware quite away; and, out of the Lines of a factious Guard, they durſt ſcarce ſhew their Heads; and the Practices of *Forty One*, with many Epithets relating to them, were liberally beſtowed. And, what was more cutting, Sir *Francis Withins*, chief Steward of the *Franchiſe* Court of *Weſtminſter*, brought an Addreſs to the King, and Sir *George Jeffries* another from the Loyal Citiſens of *London*, wherein they declared this Way of Petitioning to be the Method of *Forty One*, and intended to bring his Majeſty to the Block, as his Father was brought; all which Doings they *abhorred*. And theſe Addreſſes being graciouſly received by the King, the Train took, and the Frolic went all over *England*, ſo as there was ſcarce an Aſſiſes, or conſiderable Town, that did not ſend up their Addreſs of *Abhorrence* (as it was called) whereby, inſtead of being importuned by factious Affronts, the King was diverted by great Variety of Loyal Profeſſions, and entire Reliances upon him, and other dutiful Expreſſions. And, whoever is acquainted with the copious Eloquence of Addreſſes, eſpecially in the early Uſe of them at this Time, will not wonder at the plain Dealing, as well as ſtrong penned Figures, in them. They

called a Spade a Spade, declared the Petitioners to be ſeditious, tumultuous, and rebellious Perſons, the very Dregs of *Forty One*, who were playing the ſame Game over again; and that they deteſted, hated, and *abhorred* all ſuch villainous and traiterous Doings: And a World of ſuch Flowers went to the Adorning theſe Returns of the People's Duty to the King; and ſcarce in any one of them the Word *Abhor* was wanted; which gave the Faction, in their Turn, Occaſion to fall upon the Loyaliſts with that Term, in Manner as I ſhall ſhew; and thence the Addreſſes, on this Occaſion, were called *Abhorrences*. But, call them as you pleaſe, it is certain that, at the Time, coming forth in the printed Gazette, they did the Work effectually, and put a final Stop to the whole Proceeding about Petitioning for the Sitting of this Parliament.

The Faction enraged, and impotently expreſs Revenge, and a Snare laid for the Judges.

LXI. It may well be conceived with what flaming Diſpleaſure and Rage, the Faction entertained this Criſis. It was croſs to all their Deſigns, and againſt all Manner of Expectation, as much as if it had been, in their Opinions, a natural Impoſſibility that it ſhould ſucceed as it did. They thought to have hunted the King down with their Petitions, and, inſtead of that, the Nation was prepared to reſent any ill Uſage the King ſhould receive from them; and, of that Uſage, not a little was intended; and this counter Work was reſented accordingly, as the Sequel will ſhew. I remember well in *Trinity* Term after, as the Weather was hot, the Party Men flamed. We could obſerve, as they paſſed to and fro, Fury in their Countenances; and we could not avoid hearing the ſtately Sounds of *G—— damn all theſe Abhorrers, Plague take all theſe Abhorrers*, and the like; not without Affronts to particular Perſons, as ſome happened to meet, calling them *Abhorring Dogs*; ſo that we wondered there were no more public Quarrels upon the Matter. But it was their univocal Declaration, that, when the Parliament ſat, theſe damned *Abhorrers* ſhould certainly hang for't. And, in particular, the Lord Chief Juſtice *North* ſhould hear of his Proclamation; and, for his better Conſolation, Sir *William Jones* made him a Viſit to let him know he would be impeached, and how would he defend himſelf? To which he anſwered only *that Mr. Attorney General was the proper Officer, and muſt give an Account of what belonged to his Office.* We may remember, in a former Part, that the Earl of *Sunderland*, as Secretary of State, charged the Weſtern Judges to declare in the Country the King's Pleaſure in Favour of Proteſtant Diſſenters; and I there referred one Point of his Lordſhip's Charge to another Place, which was intended, as is proper, here: And it was that they ſhould give public Diſcountenance to all Petitioners, and to encourage the Anti-petitioners. The Meaning of this was as well underſtood as that of the other; and that it was no better than a Snare laid for them. For, if they had done any Thing purſuant to this Charge, they had been expoſed to be queſtioned in Parliament upon what Senſe the Faction would have pleaſed to repreſent it in. And no Wonder; for what had Judges to do with Parliaments ſitting or not, or petitioning for it? A ſmall Slip here had done more

more than drawing the Proclamation. Such Reaſon have Judges, that have the Law for their Rule, to keep within the Compaſs of it; and not ſtray into factious Meaſures, or divert for pleaſing or diſpleaſing any Intereſts which the Courſe of Law doth not bring before them; but, within that Sphere, not to care who is pleaſed or diſpleaſed.

The Parliament met, and the Courſe againſt the *Abhorrers* begun.

LXII. Towards the Meeting of the Parliament in *October*, the Diſcourſe in moſt Companies, in and about *London*, was about the poor *Abhorrers*, and the ſad Cataſtrophe that attended them. Few could gueſs what or how, but for certain their Mortification would be great; for the Parliament would certainly vindicate a Privilege ſo eſſential to the Conſtitution, as petitioning for their Meeting and Sitting was ſuppoſed to be: And this put abundance of People, of ſubvirile Tempers, into a Twitter, and raiſed a Chagrin upon many that headed them. The Faction declared much worſe than they could poſſibly do, though they profered at all, and went a great Way towards farther Inflictions. The Parliament was no ſooner met and ſettled to do Buſineſs, but, taking into Conſideration the Matter of Petitioning for Sitting of the Parliament, they proceeded to lay a Foundation, for what followed, by three Reſolutions. The firſt aſſerted the People's Right to Petition. 2. That to traduce Petitioning, as tumultuous or ſeditious, is a betraying the Liberty of the Subject, and tends to the introducing of Arbitrary Power. (This reſpects chiefly the Proclamation.) 3. To appoint a Committee to enquire after theſe Offenders. Here was enough to make the *Abhorrers* (ſo very obnoxious as, by moſt People, they were accounted) look out ſharp, and provide the beſt Intereſts and Defences they could make.

Sir *Francis Withins* deceived into a falſe Defence, is turned out of the Houſe,

LXIII. The firſt Perſon touched was Sir *Francis Withins*, the Steward of *Weſtminſter*; he, being a Member, was to be charged in the Houſe, and to have Liberty to anſwer in his Place before any Cenſure of the Houſe paſſed upon him. And all that this Hiſtory before us tells of him, is that he received a Reprimand at the Bar, and was turned out of the Houſe; but nothing of his Circumſtances or Behaviour, which were very conſiderable in his Caſe. He was one of moderate Capacity in the Law, but a Voluptuary; and ſuch are commonly very timid, and, in great Difficulties, abject; otherwiſe, he was a very gentile Perſon, what was called a very honeſt Fellow, and no Debtor to the Bottle. Some cunning Perſons, that had found out his Foible, and Ignorance of Trap, firſt put him in great Fright, telling him he would certainly be hanged, as the Ringleader of all this Buſineſs, and then they fetched him off with Advice which was the beſt Way for him to eſcape. He muſt by no Means juſtify what he had done, no, that would but irritate; and the Houſe would make their Examples of thoſe that diſputed upon the Right, which they were reſolved to vindicate to the laſt Degree. They had no Diſtaſte at his Perſon; and, if he would do the Cauſe Right, although a Ringleader, he might come off; elſe ——. Now there were many gallant Gentlemen in the Houſe, of great Eſtates and Intereſts in their Countries, who were Friends to theſe *Abhorrers*, and would

have

have done this Gentleman all the Service they could, if he had not loſt himſelf by his Behaviour; that is if he had ſtood manfully to what he had done, and declared that he knew no Law he had broken, and would juſtify himſelf. But, inſtead of this, or any thing like it, he ſtood up in his Place, and, after a few Whimpers, and a Wipe, he ſaid to this Effect, *viz. That he did promote and carry up that Abhorrence, but he knew at the Time he was in the Wrong, only he thought it would pleaſe the King*; and ſo, owning the Thing was againſt Law, begged Pardon. This ſneaking Come-off ſo diſguſted even his Friends, that they joined all with the Country Party, and, with one common Conſent, *Nemine Contradicente*, kicked him out of the Houſe, as one not fit for Gentlemens Company. And, if the Character of ſuch treacherous Advice be (as they call it) making a Man beſh—te himſelf, they were much in the Right, and had not miſtaken their Man.

Sir *George Jeffries* quits the Recorderſhip, is reprimanded, and at Court thought timid.

LXIV. The next Caſe, that came on, was that of Sir *George Jeffries*, the Recorder of *London*, which had as poor a Come-off. Our Hiſtory here tells us that he was removed from his Recorderſhip by Vote, which was not ſo, as will appear. But there was a Trick alſo in that Matter; for the Party had a great Mind to get Sir *George Treby* in to be Recorder of *London*; for he was a truſty Confident of Faction. It ſeems that, in Concluſion, Sir *George Jeffries* had a Reprimand upon his Knees at the Bar, and ſo came off for his Crime of *abhorring*; which was thought a fair Compoſition, after ſuch Diſcourſe as had been of impeaching their Heads off. But the Preliminary Article *ſine quâ non*, was that he ſhould ſurrender his Place of Recorder, to which, in the End, he agreed, and did accordingly, and (as was concerted) *Treby* ſucceeded him. But this Offence of his was, by the Order of the Houſe, intimated to the Lord Mayor and Aldermen, that they might not want a Cauſe to return upon a *Mandamus*, in Caſe they ſhould thereupon have turned him out; for if he had not complied, but ſtood on his Right, he muſt have had all the Defences the Law allowed, and might have argued ſuch a Matter, returned, not to be a ſufficient Cauſe; and the Judges would have done him Right. This Conſideration made the Party take up the intimidating Proceſs, and gain Poſſeſſion by a Surrender without Suit in Law. The great Difficulty, that lay upon the Spirits of Sir *George Jeffries*, was to come off well with the King; leſt this compounding with the Commons ſhould confound him at Court. Therefore he begged of his Majeſty that he would give him leave to ſurrender his Place; which the King was loth to do, becauſe he was of ſuch an over-ruling Genius, and ſtern Behaviour towards Men whom he pretended to awe, as enabled him to be very influential among the Citiſens, and, in other Reſpects, could not be ſo well employed. He beſeeched, entreated, and importuned the King ſo very much, that, at laſt, the King granted his Requeſt; ſo, having his Majeſty's Leave to reſign, he took his Chiding, and was, as he thought, *rectus in Curia*. But the ever facetious King was pleaſed to laugh

and ſay that *Sir* George Jeffries *was not Parliament Proof*; and, however he found Intereſt in Corners about the Court, the King never had a real Value for him after.

The Proclamation falſly ſtated by the Author, and the Crime of Aſſiſtance. *Page* 388.

LXV. Now, before I touch upon the Troubles that fell upon the Minor *Abhorrers*, I ſhall take up the Caſe of the Lord Chief Juſtice *North* upon the Proclamation. The Author ſays nothing of the whole Matter but this: *That for aiding and aſſiſting in the drawing up a Proclamation againſt petitioning for ſitting of the Parliament, the Commons vote it a Ground for an Impeachment of High Crimes and Miſdemeanors*, out of which Account we know nothing at all of the ſtrange and unaccountable Steps that Affair had. And, in thoſe few Words, the Author abuſeth the whole Matter; for the Proclamation was not entitled againſt *petitioning*, as the Author muſt mean, but againſt *tumultuous Petitions*, which is the very Title of the Act of Parliament in that Matter; nor is there any thing in the Body of it to that Intent, much leſs againſt petitioning for ſitting of the Parliament, of which there is not a Syllable; but the Defence of the Caſe will lead to ſhew this Affair more expreſs; and, in order to that, I find it neceſſary to ſet forth all that fell in my Way to know of the whole Concern. And firſt, it muſt needs appear very extraordinary, that the Attorney General, who was the proper Officer, only anſwerable for the Legality of his Official Acts, ſhould not be taken Notice of, but another Perſon, in no Relation to the Matter, but, as any Friend might be, Aſſiſtant to him, ſhall be ſelected to anſwer, as if he, and not the other, were the proper Officer. There was as direct a Ground to queſtion the Clerk that writes, or any one that prepares a Draught, or corrects the *Engliſh*. This was ſtraining hard to compaſs a Fault; but nothing is ſtrange when a Spirit of Wilfulneſs, not without the Adjunct of ſome Selfiſhneſs into the Bargain, actuates ſuch Proceedings, whereof the true Springs will ſoon be made plain. But I muſt intimate beforehand, that we ſhall not continue in this ſerious Humor; for, amidſt this Tragedy of *Abhorrers*, there will be ſome Scenes of Comedy.

The Management of Sir *Creſwell Levinz*, Attorney General, who at length named his Aſſiſtant the Lord Chief Juſtice *North*.

LXVI. For, upon the mention of ſuch a Proclamation, as has been ſhewed, ſaid to be againſt the Subject's Right of petitioning for a Parliament, it was alledged in the Houſe that ſome great Perſon adviſed and aſſiſted in the drawing of it up, who ought to know better; and, if the Matter were well examined into, it would be found that a Perſon learned in the Law, ay, and a Privy Counſellor, was concerned deep in the whole Matter; and ſuch an Offence, ſo near the King, was much greater than in any other at more Diſtance. Thereupon it was ordered that Mr. Attorney *Levinz* ſhould attend at the Bar of the Houſe to give an Account (not, as one would expect, of his Reaſons for preparing ſuch a Proclamation, being the proper Officer, but) who aſſiſted in the drawing of it up. And this was done before there was any Proof to the Houſe that he had any Aſſiſtance at all. So the Principal was to redeem himſelf by finding out and accuſing

ſing an Acceſſary. In the ſtricteſt Caſes of Law concerning Principal and Acceſſary, the latter cannot be ſo much as indicted till the other is attaint; becauſe the Reality of the Thing muſt firſt be made appear to which a Man is ſuppoſed to be an Acceſſary; but Parliamentary Affairs are not ſo ſtrictly tied up. The Attorney General attended to anſwer touching this Matter, and, the Queſtion being propoſed to him, *Who aſſiſted him, &c.* he modeſtly declined anſwering, and hoped the Houſe would not compel him to diſcover Perſons to whom he was obliged for any Aſſiſtance in his Office. Upon that, being ſo ordered, he withdrew, and went into the Retiring-Room in the Lobby, where he ſat him down. Soon after followed Sir *William Jones* who headed this Proceeding. He ſtaid with the Attorney five or ſix Minutes, and then went into the Houſe, and, in a ſhort Space after, the Attorney was called in again and told, the Houſe was not ſatisfied with his Declinatory, and he muſt anſwer. He held off ſtill, and, being withdrawn, Sir *William Jones* followed as before; and, returning to the Houſe, the Attorney was ſent for again. This Dance was repeated at leaſt four Times; which had a very odd Figure to us in the Lobby, that ſaw only the Outſide of the Buſineſs. But it was preſumed there that Sir *William* was of the ſame Inns of Court with the Attorney, and acted the Part of a Friend to him, taking all this Pains to ſave him from the *Tower*. It was not doubted but the Subject of their Diſcourſe was a Neceſſity that the Attorney ſhould name the Chief Juſtice to have been his Aſſiſtant, which was all that was expected from him; elſe he muſt fall under the Indignation of the Houſe as a refractory Perſon, and be ſent to the *Tower*, and ſtand the Impeachment himſelf; for the Houſe knew as well as himſelf who it was. So, at length, having ſtood out as long as he could, to ſalve the Decency of the Matter, as touching the naming of his Friend, the Attorney declared in the Houſe that the Lord Chief Juſtice *North* aſſiſted him. Then, that Name once ſounded in the Houſe, which was all they laboured for, the Members proceeded to debate the Conſequences.

The Debate in Parliament, and by Overſight of one Party, and Skill of the other, the Queſtion was diverted to Impeachment.

LXVII. And then, as the Uſe, in Matters of great Concern, is, Abundance of Members ſpoke, one after another, without any Contradiction, aggravating the Matter, and ſhewing the high Neceſſity of making the Offence Exemplary. There was, in the Houſe, on the other Side, a conſiderable Body as might in Value, though not in Numbers, exceed the other; and theſe, being, for the more Part, old Parliament Men, underſtood the Courſe of theſe Affairs in the Houſe, and how beſt to deal with them. They ſaid nothing, but lay in wait for an Opportunity to ſtave off the Debate, and divert the Queſtion, which, probably, whatever Terms of Severity it went upon, would, at that Time, have paſſed into a Vote: And the Aim of a great many was, as in the Buſineſs of *Bernardiſton*, and, ſince, that of Sir *George Jeffries*, to give the Chief Juſtice a Lift out of his Place, that Sir *William Jones* might enter; all the reſt of the Heats and Menacings were but Scaffolding to that Work. And the Knight was thought to blame

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for openly heading a Proceeding of this Nature, which was presumed to terminate in his own proper Preferment. But so it stood, and the Court Party lay behind. It was plain here was no Crime at the Bottom; and all, which the angry Leaders of the other Side drove at, was to get the Question upon the *Black Vote*, as they call it, when, after Abundance of hideous Names, the Conclusion is an Address to turn out, &c. for which they were prepared, if the Question could not be diverted. Therefore, as soon as they began to call to the Question, one stood up and said, that *the Censure of that House was a grievous Punishment, and ought not to be inflicted upon any Person, without first hearing his Defence; for he may deny the Fact, or shew somewhat fit for the House to be informed of, which may possibly clear him. No Man can foresee what may be alledged in all Cases, and natural Justice requires Hearing before Condemnation; else, by all Laws, such Sentence is void.* And diverse spoke to the same Effect for hearing the Party; and all along, after the Heats of Talk were over, and the Accusers began to settle to the Question, some one still stood up and spoke to the hearing Point, which very much irritated a great many; and not without Cause, for there was not a tolerable Answer to be given to it. At length Sir *Fra. W——n* stood up and, continually nodding, as his Way was, said, *since these Gentlemen are so much for hearing, though the Person named was convict by Mr. Attorney's express Discovery at the Bar, by his Consent* (and then he lifted up his Voice) *the Party should be heard, and therefore he moved* (still louded and louder) *that the House might impeach him of high Crimes and Misdemeanors.* Upon that, there was a great Noise of *impeach, impeach.* A Member of the other Side commended that worthy Member's Motion, as coming from a Person known to be well skilled in the Laws and the necessary Steps to Justice, which are not made without hearing the Party; therefore he seconded his Motion to *impeach*; and many others, of like Sentiment, went into the same. By which the more discerning of the charging Side saw the Slip Sir *Fra. W——n* had made, and that the Question was like to be diverted, which was the only Thing the Managers desired to come at; and least of all to make a Cause, with nothing in it, to be hung up by a troublesome Impeachment. And, though they laboured hard at it, they could not draw off their own Party; so hot were they for impeaching. So that, the Court Party joining, there was no Remedy, but the Vote passed that there was Ground for an Impeachment, and a Committee was named to draw up Articles.

LXVIII. Thus, by an Accident of a forward Person moving a Matter that had not been preconcerted, and therefore in a Heat could not be made understood, a Cloud of bad Words, that hung over the Lord Chief Justice's Head, broke without Effect. For, whether any real Harm, as to his Place, or otherwise, had come to him or not, he did not desire that such an ill Sound should go along with his Name over to Posterity. But I must needs observe that, whether the Consequence of this Matter was understood within Doors or not,

The Felicity of the Turn shewed the Committee could make no Article, so on both Sides it fell silently and easily.

not, it was moſt certainly miſtaken by all without Doors; and the Chief Juſtice himſelf, as well as all his Friends and Enemies, concluded that it was the worſt Turn for him the Buſineſs could have taken; and he thought of nothing leſs than defending himſelf upon the Impeachment. But, after the Houſe was riſen, a little Converſation, with ſome friendly Leaders, unriddled the Buſineſs, and demonſtrated that it was the beſt Iſſue a Matter under ſo great a Prejudice, and with ſo little Reaſon could have had. After this, the Committee met and applied cloſe to the framing Articles, and, being a ſelect Committee, no other Members, than ſuch as were named in the Order, could be admitted to attend. But yet, as there are always ſome Half Way Gentlemen, that will at a Diſtance do little Courteſies, ſo here there was an Intelligence had from Time to Time what was doing at the Committee. They ſat almoſt every Day, Sir *William Jones* in the Chair. Perhaps a Man of leſs Judgment might have been more troubleſome. In about a Week's Time they came to a Reſolution that no Good was to be done by an Impeachment, and reſolved to let the Buſineſs drop; for, in all that Time, canvaſſing every Line and Letter of the Proclamation, they could not frame ſo much as one Article that would bear a criminal Charge. Beſides, they conſidered that their Engine of Terror, Impeachment, muſt not receive a Baffle, as it muſt if puſhed in ſuch ſhallow Water againſt a Perſon of Virtue and Credit, well related, and every Way ſuſtained, as the Lord Chief Juſtice *North* was. And it was conſidered alſo, that the Reputation of the Party muſt not ſuffer, by any Diſappointment, in a Caſe ſo egregious; of which every one living would take Notice if it were not well grounded. Therefore, to ſoften the Fall, it was contrived that the Committee ſhould make no Report, but be kept on Foot, as it was for about a Month after; and that the Title of the Committee might appear in the printed Votes, *viz. for drawing up Articles of Impeachment againſt the Lord Chief Juſtice* North, they procured References of other Matters to that Committee, and the Hawkers made no Scruple, on every ſuch Occaſion, to cry directly *Articles of Impeachment, &c.* And ſo the Matter died gradually, and the Patient ſuffered no Inconvenience by a Criſis too ſuddenly brought on, no more than the Party by too ſudden a Fall of the Expectation of the Town, as might argue too much Haſte at firſt.

The Chief Juſtice never maligned *Levinz*. How Reaſon will prevail in the Houſe of Commons, and an Example of a treacherous, falſe Parſon.

LXIX. Now it is but juſt to remember a ſingular Piece of Morality in the Lord Chief Juſtice; and that was his Entertaining no Reſentment at all againſt the Attorney General *Levinz*, for having named him in the Houſe of Commons, but ever after, during his Life, treated him with the ſame Reſpect and Familiarity as he had done before. And although the Paſſage was unlucky enough to have bred an Enmity, and, at Court, much leſs makes irreconcileable Feuds, yet here was none at all, nor could any one diſcern the leaſt Symptom of Diſguſt between them; for his Lordſhip knew the other's Character, and expected no better from him. His Genius was not above a Pleader, and, in Self Concerns, wonderfully cautelous. He that had

had no Spirits to undertake a Charge in his Office delivered from the Mouth of the King his Maſter, but behaved himſelf as he did at the Council, could never ſuſtain the Part of a Gallanthome in the Houſe of Commons; as (being juſtifiable) it had been to own and juſtify, and ſay it imported not whether he was aſſiſted or not, or by whom. A ſhort Speech, to that Effect, had made him conſiderable in the Eſteem of the very Faction. And it was Want of Judgment not to know that, if the Matter of the Proclamation was not defenſible, as it was manifeſtly, yet the Braveur of the Carriage had made him Friends and the King himſelf would have ſtood to him, and, more than that, have preferred him on any great Change. This puts me in Mind of a Paſſage which was accidentally a Proof that ſtrong Reaſon will often prevail, even againſt Prejudice, in the Houſe of Commons, if it be handſomely delivered. Once when the Duke of *Lauderdale* was under the Diſpleaſure of the Houſe of Commons, and any Allegations againſt him had been acceptable; a Reverend Divine *, who had been his Lordſhip's Chaplain, or familiar Domeſtic, was called in to declare to the Houſe what he had heard his Lordſhip ſay touching the King's uſing abſolute Power. And he, at the Bar, made a low Bow, and followed it with a grave and excellent Apology, hoping that one, who had ſerved in his Poſt, ſhould not be demanded to declare any Words ſpoke in his Hearing, or in a cloſer Converſation than he was worthy of; and, having given in his Declinatory in that Manner, withdrew. The Houſe was ſatisfied the Man had Reaſon, and it was barbarous to force him to betray his Maſter; and ſo the Matter dropped, and they thought no more of him, but went upon other Matter. Thus far is pertinent to my Obſervation; but it is Pity to looſe the reſt of the Story, though it be a little foreign. And it was that, afterwards, this worthy Clerk, ſtaying in the Lobby, and hearing no more of the Buſineſs, deſired a Member to inform the Houſe that he waited without and deſired to be farther heard, having Matters to inform the Houſe of, that concerned the Public. And then, being called in, and demanded what he had to ſay, he declared that his Love to his Country ſurmounted all perſonal Obligations, and he could not be ſatisfied till he had made known to the Houſe ſome Expreſſions of the Duke of *Lauderdale*, while he attended upon him. And then told of his Grace's ſaying *the King's Edicts ſhould have the Force of Laws*, and ſome other Words of that Tendency. I do not intimate who this Reverend Perſon was; perhaps there is but one in the World of whom this Paſſage will be believed. I do not find theſe Words expreſſed in any of the Addreſſes againſt that Lord, though one goes moſt upon Words, but then the Teſtimony, which the Addreſs itſelf mentions, is tied up to the Information of their own Members, as if ſo done on Purpoſe to exclude ſuch ſhameleſs Information as this, of the *Scotch* Parſon's, was. But it is ſure enough that, about the

* Dr. *Burnet*.

Time, this Behaviour of a Clergyman was the Talk of the whole Town; and no Sort of Doubt ever came in my Way concerning the Truth of it. Nor was it ever mentioned without Honour to the Gentlemen of the House of Commons, to say nothing of a far different Reflection liberally bestowed on the officious Parson.

The Author's Industry to calumniate the Lord Keeper *North*, and rests upon Falsity at last.

LXX. I find some Endeavours of our *Historian* to make some of his Dirt stick upon the Memory of this noble Person the Lord Chief Justice *North*, and late Lord Keeper of the Great Seal. If the Author of the Lives of the Lord Chancellors and of this *History*, be one and the same, as some say they are, he hath, in the former, framed so putid a Libel upon his Lordship, who ended his Days with Honour in that high Trust, that the very *Fætor* of it makes it uncivil to present the least Fragment to the Sensation of a Reader. Therefore I pass that, and, intending that his Lordship's Name shall rest in Peace without being frequently touched in these Papers, if I may step so far into the next Reign, I will dispatch that malicious Little, the Author (besides this Crime of *Abhorring*) hath mentioned concerning him. It is remarkable that, after the Death of the Lord Keeper *Bridgman*, who is no Debtor for any Good the Author hath said of him, the Characters of the Lord Keepers, which, according to him, culminated in the Lord *Shaftsbury*, have all since declined; his subtile Lordship hath the only Ascendant of Honour. The admirable Earl of *Nottingham* is scarce worth his Notice; and what little is observed of him may be understood sinistrously, or in a low Construction. But the Author condescends to bestow worse than *Billingsgate* Defamation upon this noble Person, and (for his Sake) upon even his Family, and, for Want of Colour or Skill to misconstrue his Actions, is pleased, among other worse than Brutalities, to tell a solemn Lye of him. We find in his *Index* a Direction to

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an unjust Decree of the Lord Keeper *North*; and, going to the Text, we find a precious Report of a Case upon the Will of one *Mayot*, brought in Neck and Heels, as they say, without Relation to any Thing before or after it, but as a Scandal *per se* Scandal. The Cause was upon an Information in Chancery, preferred in Mr. Attorney General's Name, to have a pious Use rightly applied. And the Matter was a Legacy of 600 *l.* given to Mr. *Baxter*, to be distributed to sixty Nonconformist Ministers: And the Author says, the Lord Keeper *decreed it all to the King*, which is a Falsity that hath so much Advantage of any ordinary Lye, that it hath the Honour of being confuted by a Record; that is by the Decree itself; for no Penny was decreed to the King, but the whole was decreed towards a Settlement of a Maintenance of a Minister to preach and pray in *Chelsea* College. I should enlarge a little to shew the Nature and Justice of this Decree, and that the like is so frequently done, as that the Equity is become a standing Rule of the *Chancery*, that is to apply Monies, given for unfitting Purposes, to good and pious Uses; and so to expose this wilful and abominable Lye, if I had not found it done to my Hand in a late Pamphlet, entitled,

entitled, * *Reflections on some Passages*, &c. *printed* 1710. If the Author had made it one of the Designs of his *History* to gather the extraordinary Law-Cases, as they were determined, and set them forth truly, I had much commended his laudable Purpose. But to take up a single one, and that falsly, only to defame, and take Notice of nothing well done, though more remarkable, is an hellish Way of Writing, peculiar to himself.

LXXI. I think I may do here what he ought to have done of Justice to this Lord Keeper, that is to shew a remarkable Case by him decreed, and

An extraordinary Case of *Fitton* opposed to that of *Mayot*'s Will belied by the Author.

* I find this Case largely set forth in the Honourable Author's Preface to his *Reflections*, &c. where, after having given his Reasons for not taking Notice of many Things in the *Compleat Historian*, since that would have been answering his Book, which then was no Part of his Design, he introduceth it thus: "I shall not part yet without giving one Instance, out of Multitudes, of his wilful Falsity and "Malice. And that shall be a Note, by the By as it were, of a Matter not in the Chain of his Relation, "or which touched the State, but of regular Justice extant upon Record, obvious to every Search, "and done in a public Court, heard and noted by many Persons of Skill (among others) attending; which "one would think were a Subject ill chosen to fasten a flat Lye upon: But his Bias to slander a loyal "Minister, against whom he had nothing else to object, carried him out of his Road, to take an Oc-"casion that was not given. It was the Case of the last Will of Mr. *Mayot* of *Oxford*, decreed in the "High Court of *Chancery*, upon an Information of the Attorney General to have a Charity rightly ap-"plied, in *July* 1684. The Author, *pag.* 428, says; *About this Time one* R. Mayot *of* Oxford, *a pious "Conformist, who had devoted his Estate to charitable Uses, gave by his Will* 600 l. *to be distributed by Mr.* Baxter "*to sixty poor ejected Ministers, adding that he did it not because they were Nonconformists, but because many "were poor and pious: But Sir* Robert Sawyer *sued for it in* Chancery, *and the Lord Keeper* North *gave "it all to the King.* So he. But, as I find it by a Gentleman's private Report of the Case, it passed "thus: Upon hearing of the Cause, and much arguing of Counsel on both Sides, the chief Objections, "on the Defendant's Part, were that Nonconformity was no Crime to make a Man uncapable of a Le-"gacy; that it was not a perpetual Maintenance, but a transient Charity that will not have Continuance; "that, if this be void, the Executors will have it, and not the King; and lastly, that, if the Persons "had been named, it had been well, and why not if named by another? His Lordship thought, that "the Court is to direct the Execution of Charities, where any Person is trusted with the Distribution, "as Mr. *Baxter* is here. If the sixty Non-Cons had been named, it had been good, being a personal "Legacy; so if a total Reference had been to Mr. *Baxter*; but then the Court might have controlled "him, if he had gone about to give it all to rich Men. But the Gift is to encourage the Thing; not "only Sixty, but six Hundred will be in Hopes to have it, and expect to be supported in their Non-"conformity, who made a Profession to pervert others. This Gift is so as no Person in the World can "claim it without Mr. *Baxter*'s good Will; nor can sue for it: If any Suit, it must be in the Attorney "General's Name; and he ought not to sue for such Persons and such Purposes. The Legacy to "Mr. *Baxter* was not void; but the Trust is void, as against the established Government; and the Court "will direct the Trust according to the charitable Intent of the Testator. The Appointment of the "King, preceding the Suit, is but a Direction to Mr. Attorney to proceed thereon, and to demand it of "the Court: But the Direction of the Court is judicial; yet ought to be as near the King's Pleasure, as "is consistent with Justice. Here the Appointment is for *Chelsea* College, and the Testat is for Mini-"sters: Therefore (says the Decree) let this go to maintain a Minister to pray and preach in *Chelsea* "College. This the Author calls giving all to the King: The contrary of which is true, as the De-"cree itself, if drawn up, and, if not, the Minutes will shew; but the Author never diverted from his "Walk through *Chancery-Lane* to look upon either; for that might have spoiled a plausible Slander: "And that takes away all Pretence of Ignorance, which is his only Shuffle; for, if he did not know, "why did he meddle at all with what belonged to another Profession, and not search the obvious "Register, or consult some that had Skill and Honesty enough, to tell him the Truth? But here are "apparent Marks of black Malice both to the Public, and to the then Lord Keeper. As to the latter, he "is not so civil as to call it an *erroneous Decree*; which, if it were so, the House of Peers might, on "Appeal, correct; but, in his *Index*, he points to an *unjust Decree of the Lord Keeper* North; and his mar-"ginal Note is little better: The Word *Unjust* implies *Corruption*, and he ought to have given clear Proof "of it; but that he leaves to ill Nature to supply. Then, as to the Public, he would have the Reader "think the Persecution run so high against the Dissenters, that they could not have common Justice in "*Westminster Hall*. I shall add only that the Decree was neither *erroneous* nor *unjust*; but is and will be a "Precedent in like Cases, whenever they shall happen."

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ſo circumſtanced as ought to be alledged for his Honour. It was the Caſe between one *Fitton* and the Lord *Gerrard*, ſince, Lord *Macclesfield*; wherein it was thought that *Fitton* might have had Reaſon, if he had pr[illegible]ded in Time; but he waited many Years for a Conjuncture, and that hurt his Cauſe. The Author has given an infamous Character of this *Fitton*, a profligate Papiſt, preferred by King *James* the Second. He was indeed but too much a Favourite, and had prevailed ſo far at Court, that the whole Papiſt Intereſt there, from the greateſt to the leaſt, was concerned, by all Manner of Ways, decent and indecent, to aid his Suit before the Lord Keeper. Nay, his Cauſe was directly abetted in the higheſt Manner that could be; but his Lordſhip, upon the Hearing, diſmiſſed the Bill, with ſome Reflections in public, as to the Management, and the Myſtery of paſſing over ſo many great Men that had ſat in his Place (for the Suit was a Bill of Review after near thirty Years Acquieſcence under that Decree) and ſingling him out, to bring ſuch a Cauſe before, rather than any of them. The Earl of *Macclesfield*, who knew what great Applications had been made to the Lord Keeper, and, in his Mind, had given his Cauſe for loſt, and thereby a great Eſtate gone, if ſome After-game did not retrieve it, hearing this Decree pronounced, roſe up and went ſtraight down to a Shop in the Hall, took up his Lordſhip's Picture, paid his Shilling, and, rolling up his Purchaſe, went off, deſiring only an Opportunity in a better Manner to reſent ſuch an eminent Piece of Juſtice. But theſe Matters are bevel, and ſquare not with the Author's Model, which (witneſs *Mayot*'s Decree) as to great and eminent Loyalliſts, is Lying, Slandering, and brutiſh Unmannerlineſs. I might take up here another Abuſe of the Speech made to the Lord Mayor, *&c.* by the late Lord Keeper *North*. But the Matter is more conſiderable than the former, *viz.* the reſtoring the Charter to the City; therefore I defer it to the Place of that, and here reſume again the Matter of Petitioning, and the Proclamation, to ſhew how the Author handles it.

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The Author's foul Miſrepreſentation of the Proclamation.

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LXXII. I obſerve he takes a moſt diſingenuous Way of introducing the Proclamation. For he ſays only that *very many Petitions were preſented to the King for Sitting of the Parliament*; ſo far (bating what is conceived under the Term *very)* may be true. Then follows, *This Manner of Petitioning was called tumultuous and unlawful.* Hath he any where told what that Manner was, or any Manner at all? Without that, this Sentence is both Nonſenſe, and, if poſſible, falſe. *Petitions preſented*, which went before, and a *Manner of Petitioning*, are ſurely very different Things; for although the Thing, done in due Manner, may be lawful, yet, in an undue Manner, whatever the Thing is, it may be unlawful. And that was the very Caſe; for no Blame lay upon the preferring a Petition to the King, but upon the tumultuous, ſeditious and libellous Manner of gathering Hands, to the Diſturbance of the People, as was done all over *England*. With ſuch Figures as theſe, an Hiſtorian may make a Man a Horſe, or any Thing. Then, coming to the Proclamation itſelf, he ſlily leaves out the

the whole State of the Diſorder, and then writes that his Majeſty, in his Proclamation, ſays, —— *That this Way of Petitioning was a Method ſet on Foot by ill Men to promote Diſcontents, &c.* Now here, for *this Manner*, we have made an Exchange, and put in *this Way*; but both *Way and Manner*, expreſſed in the Proclamation, are left out. Is not this excellent? There is a perpetual Reference, in the Proclamation, to the Deſcription of the Offence, as —— *ſuch Subſcriptions*, —— *Petitions of that Manner*, and the like. Now this ſubtile Author, inſtead of ſtating the Offence to anſwer theſe References, puts down the Words *for Sitting of the Parliament:* Popular Words indeed! Which, or any Thing like, are not in the Proclamation, nor in the Caſe: But he will have it ſo; and thus, by forging a falſe Correlative, corrupts the Whole. So that, according to him, all this *tumultuous, diſorderly, and unlawful*, muſt, alack a Day! be levelled directly againſt the Parliament. Why could not he have given us the whole Proclamation, as well as he has done Matters of meer Form, libellous Speeches, and what elſe ſerves his itching Humor? This was not ſo long to incumber much his Columns: Oh, but that had vindicated a Proceeding, which he had propoſed to diſguiſe, and make to look with an arbitrary Aſpect upon the Parliament. And he goes off full in Conceit he has done it, and that ſo covertly, as not to be diſcerned; juſt ſo Woodcocks, with their Heads in a Buſh, think their filthy Tail is not ſeen. But as he hath counterfeited the Vote of the Houſe of Commons, as if that had ſtyled the Proclamation to be againſt Petitioning for the Sitting of the Parliament, which latter Words are not in the Character of the Vote, as he prints it; therefore we muſt take it that they are his own Words, inſerted for like Purpoſe as in other Places before, and not the Words of the Parliament who could not miſtake ſo widely: So hath he ſuppreſſed the whole Conſequence, that is the Committee to prepare Articles, their Sitting, and no Egg hatched; whereby the whole Charge fell, and was the ſame in Effect, as if it had been declared that the Vote was haſty, and the Matter was not ſo well underſtood in the Houſe, as by the Committee afterwards, upon cooler Conſideration. And ſo the Author, like a jolly Accountant, leaving to Poſterity, the Debtor Side, and ſuppreſſing the Creditor, cries, *Oh! what a heavy Charge is here?*

His equal falſifying the Offence of Abhorring, and Abuſe of the Addreſſors.

LXXIII. Now, if we liſten to our Author, we ſhall hear the Voice of *Abhorrers* and *Abhorrences* ſounding in his Text; but in ſuch a croaking Tone as affects the Jaws, as well as the Ears, of ſuch as attend to it. He aſcribes all to Inſtructions ſent down to diverſe Towns, Seſſions, and Aſſiſes, to procure Declarations of *Abhorrence* of Petitioning *for Sitting of the Parliament.* Thoſe Words, *Parliament and their Sitting*, he never leaves out, becauſe he thinks the Word *Parliament* conſecrates all Diſorders; and he would have us think theſe deadly *Abhorrers* abhorrred the Parliament. Now thoſe Words were not in the Mouths of the warmeſt of them; for, as to the Sitting of the Parliament, they relied on the King's Goodneſs,

Goodneſs; but the Manner of Proceeding, uſed by theſe Petitioners, the Loyal Gentlemen, in their Addreſſes, ſaid was ſeditious and tumultuous, as in Truth they were, as ſure as Truth is Truth: But the Author is pleaſed with the Chime of the Words for *Sitting of the Parliament*; as if the whole Affair turned upon them, which had no Share, neither in the Matter nor Form of the Loyal Addreſſes. And, as for Inſtructions, if he means thoſe treacherous ones of the Secretary's, to trapan the Judges to make themſelves obnoxious, we grant them; but, elſe, no ſolemn Inſtructions were given. But it is likely that, when a Snare was ſo contrived to catch ſomebody, and the Word was given out among the Party that the Judges came down with Inſtructions, this *Hiſtorian* takes it up for a ſerious Piece of Hiſtory. If he means that the King deſired not to be importuned by factious Practices, and was well pleaſed with loyal Addreſſes, and the Court Party every where made the beſt of their Way to obtain them, I allow the Inſtructions were ſo well purſued, that the Nation itſelf, as it were, joined in one Addreſs; ſo generally did the Humor take, and conformable was the Subject Matter of them, as has been already hinted. The Author thinks he ridicules the King, when, mentioning the Style of the Addreſſes, he ſays, —— *Who ſeemed very fond of them.* Very true, not only ſeemed, but was ſo; but not of the elegant Penning, as the Author inſinuates, like a Child with a Rattle, but of the real Demonſtration they gave that the People were generally loyal, and had a Confidence in his good Government; which was ſuch a Proſpect of the Firmneſs and Safety of his Perſon and Authority, at that Time, as the Faction deſired he might have never had ſuch Evidence of; for their whole Game lay in ſhewing to him the People in a Maſk or Vizor, and not truly as they were. Then he thinks he has nicked a Scandal, telling how Sir *Francis Withins* was knighted for bringing the firſt Abhorrence: In Truth he had deſerved to have been Baronetted if he had ſtood to it. I find no more of this Addreſſing Affair, but only a Dab of the Author's Pen, to ſhew the Baſeneſs of the People of *Norfolk* in making a Compliment to the King's Brother the Duke of *York*.

Commitments of Abhorrers on Account of Breach of Privilege reproved by the King's Declaration. *Page* 298.

LXXIV. Afterwards he comes to the great Work of mortifying theſe *Abhorrers*, and there he is full as copious and honeſt; for he tells only of nine or ten, in a naked Liſt of Gentlemen, ſent for by the Serjeant at Arms, and committed by the Houſe of Commons, without any Diſtinction of Caſes or Circumſtances, but only for *deteſting and abhorring Petitioning for the Sitting of the Parliament.* That's his Tune upon all Occaſions. And here he is forced to croud in by the By, that it was a Breach of the Privilege of Parliament; which Vote did indeed come forth at laſt, otherwiſe this committing Folks had gone with leſs Colour. But, withal, that the Proceeding raiſed a great Clamor in the Country; for it had not been uſual to ſend for Gentlemen in Cuſtody for what they did upon Grand Juries, and in Way of Duty, as well in giving Teſtimony of their Loyalty to the King, as in reſiſting a tumultuous Trade of

Hand

Hand gathering in the Country, to the very great Diſturbance of the Neighbourhood and the public Peace, only becauſe they happened to be miſunderſtood in the Houſe of Commons. It certainly was prejudicial to the Authority of the Houſe of Commons, and added to the Diſpoſition in the Kingdom of relying upon the King's good Government; and many ſaid, *Shall they take away the Liberties of the King's People, who are entruſted to defend them againſt all arbitrary Powers whatſoever?* And it gave Occaſion to the King to juſtify the Diſſolving, ſaying, as in his Declaration, — "That they returned arbitrary Orders for taking our Subjects into Cuſtody "for Matters that had no Relation to Privileges of Parliament. — Strange "illegal Votes! — declaring diverſe Perſons to be Enemies to the King and "Kingdom, without any Order or Proceſs of Law, any Hearing of their "Offence, or any Proof ſo much as offered againſt them."

LXXV. The Effect of theſe harſh Proceedings appeared in the Caſe of one Mr. *Stavel*, or *Stowel*, a Gentleman of a good Family in *Devonſhire*. He was Foreman of a Grand Jury at *Exeter*, and preſented to the Judge of Aſſiſe the Grand Jury's Addreſs to his Majeſty in the Tenor of an *Abhorrence*. Upon naming him in the Houſe of Commons, for the Leader of this *Abhorrence*, he was ordered to be taken into Cuſtody of the Serjeant at Arms. And the Serjeant ſent down his Deputy to bring the Gentleman up; but he would not ſubmit to the Arreſt, the Officer might take his Courſe. For which he alledged that he knew no Law for the taking away his Liberty on Account of what he did as a Grand Jury Man, in a Court of Juſtice, ſworn, or to ſome ſuch Effect; whereupon the Officer returned without his Prey. This was a Daſh of cold Water, and took down the Ferment of the whole Buſineſs. And the Matter was huſhed up, ſome ſaying that he was indiſpoſed, others that he could not be found; and ſo nothing was farther done againſt him. And no more Men of any Sort were ſent for into Cuſtody upon this Account; for the wiſeſt of the Faction began to perceive there had been too many ſent for already. I remember well that the Name of this Mr. *Stowell* was famous, and cried up in and about *London*, and all over *England*, and celebrated in Healths of Courſe, as of a General after Victory, or rather a ſolemn Aſſertor of the People's Liberty. I never knew the like in the Caſe of a private Perſon, except that of Dr. *Sacheverel*; the latter run higher, but the Difference was only in *majus & minus*. It was impoſſible a Faction (without Doors) ſhould rage and tyranniſe, as the Party did about the Beginning of this Parliament, and not loſe the Hold they had of the People, whom they had led into a tolerable Opinion of them. There was ſcarce a Day paſt, but they were gratified with hearing ſome Perſon was ſent for in Cuſtody for *abhorring*. Sir *George Treby* ſaid, *they* (meaning the Houſe of Commons) *kept an Hawk*, (which was their Serjeant at Arms) *and they muſt every Day provide Fleſh for their Hawk*. I can better relate this for Truth, becauſe it was ſpoke to myſelf. The Serjeant's Name was *Topham*, and the much Work he had

Mr. *Stowel* not ſubmitting to the Arreſt, the whole Proceſs ſtopt; a Reflection of the Conſequences of unreaſonable Proceedings.

upon his Hands, at this Time, *ad terrorem populi Regis*, had made it proverbial, on all Diſcourſe of peremptory Commitments, to ſay *take him Topham*; which, for ought I know to the contrary, may, from the authentic Original, continue a Proverb at this Day. Whatever the Commitments were, the Dread was almoſt univerſal; for after the Vote, that traducing Petitioning ſhould be puniſhed as a Breach of Privilege, who could ſay his Liberty was his own? For, being named in the Houſe for an *Abhorrer*, *take him Topham*. But the Conſequence of this Proceeding, as I have hinted it, may be a Leſſon to all Powers, on whatſoever Foot they are erected, that they take Care to perform their Duty according to the Intent of their Inſtitution, thereby making themſelves uſeful, and not a Terror to the People under them; for if, inſtead of that, out of private Regards, they grow intemperate, irregular, and injurious, they will loſe Ground, and at Length be humbled, if not wholly loſt.

The Author ſuppreſſes all the Hiſtory of this Matter, and gives only a Liſt of Names.

'LXXVI. But all this is ſuppreſſed in our *compleat Hiſtory*, which takes Notice of nothing that is miniſhing of the Faction. And really, as I think I have ſaid elſewhere, there is ſcarce a Tranſaction from the Beginning to the End of this Reign, which is candidly related, ſo as to give one a tolerable Image whereby the Nature of it may be perceived; but ſetting aſide Names, Quotations, and Extracts, the very Story is nothing but a Bundle of Partialities, in order to engage the Reader to a good or ill Opinion, as the Author's Bias inclines. As, for Inſtance, what can be gathered out of this whole Paragraph to inſtruct a Reader in any Point worth knowing? The *Newgate* Calendar would make as good an Hiſtory. And a *Grubſtreet* Seſſion's Paper, conſiſting only of Names and Offences, as *A. B. C.* for Burglary, *D. E. F.* for Murder, *G. H. I.* for Breach of the Peace, informs juſt as much as this Author doth. There is not enough for Subject of a Ballad, if any one ſhould have a Fancy to make one, entitled, *The Saints Triumph over wicked Abhorrers.* Therefore this Book was not deſigned for Hiſtory, but, as I muſt often ſay, as I often prove it to be, very Libel; and, as to theſe Times, hope to ſift it thoroughly before I have done.

He miſtates the Caſe of the Judges, which was different from the Abhorrers.

LXXVII. In the mean Time, I cannot but obſerve how he hath bundled up the Judges together with the *Abhorrers*. We know well it was intended they ſhould hang together; for which End, a never-to-be-forgot ſnaring Inſtruction was given them by a confiding Secretary of State: And, becauſe it ſhould have been ſo, the Author thinks he muſt ſay it was ſo. And, after ſaying the Commons voted the Proclamation a Ground for an Impeachment, which he words thus, *That, having adviſed and aſſiſted in drawing a Proclamation againſt Petitioning for the Sitting of the Parliament, it was a Ground for an Impeachment againſt him* (the Lord Chief Juſtice *North*) *for high Crimes and Miſdemeanors*; then he adds, *The like Vote paſſed againſt Sir* Thomas Jones, *a Judge of the* King's Bench, *and Sir* Richard Weſton, *a Baron of the Exchequer*. Which is utterly falſe; for the Votes, againſt them, were like to this neither in Matter nor Form.

For

For the Votes, againſt thoſe Judges, were that, upon Matters charged upon them (which had been before voted illegal) they ſhould be impeached. This was direct and poſitive, and the Grounds taken to have been illegal; which is not the ſame with a Ground to impeach upon Matter, that is the Subſtance of the Proclamation, they had not declared illegal. The Author is very blind and dark as to this Matter of the Judges; and it would be hard, from him, to gather what their Caſes were. But there is a Report of the Committee of the Houſe of Commons, for Enquiry concerning the Judges, printed in the *State Tracts*, Vol. II. 109. Care was taken by the Houſe to make it public, by an Order that it ſhould be done apart from the Votes of the Day. Whoever is pleaſed to read that Report, will ſee much of the Spirit of that Time, and how little of the Hiſtory of it contents our Author. It was a ſolemn Appeal to the People abroad, to ſhew what Grounds the Houſe had to proceed with Rigors as they did, and to gain their Approbation; and comparing the Event of that, with the Royal Declarations that came afterwards, and were of the ſame Intention, the great Diverſity of the Events demonſtrates a Leſſon, that whoever appeals to the People, muſt be ſure to have Truth, right Reaſon, Juſtice, and public Intereſt on their Side, or, in the End, they will be Loſers by the Bargain.

The Character and Caſe of Mr Juſtice *Jones*, as diſcharging the Grand Jury, *&c.*

LXXVIII. Mr. Juſtice *Jones* was a very Reverend and Learned Judge, a Gentleman, and impartial; but, being of *Welſh* Extraction, was apt to warm, and, when much offended, often ſhewed his Heats in a Rubor of his Countenance, ſet off by his grey Hairs, but appeared in no other Diſorder; for he refrained himſelf in due Bounds and Temper, and ſeldom or never broke the Laws of his Gravity. There are, in the Report of the Committee, certain Relations tending to accuſe diverſe of the Judges; and we know how ſuch Matters came ready cooked and dreſſed up by Party-Men to ſerve Turns, and are preſented, with the worſt Sides forwards, to an Aſſembly then willing to take every Thing in the worſt Senſe, and who, from ſuperficial Colours, conclude deep in Subſtances; which Matters, paſſing without Hearing, but of one Side only, are not much to be regarded. Of this Sort was a Story from *Taunton Dean* of the Puniſhment of one *Dare*, the very Perſon that affronted the King with a Petition, as I touched before. This Judge, it ſeems, upon a legal Conviction for ſeditious Words ſpoken, inflicted ſuch Puniſhment as he thought the Crime deſerved; and, being preſſed to intercede with the King for his Majeſty's Favour to him, anſwered he knew no Favour he deſerved. There was one of the Sins of that Judge. There was nothing more in particular; but he was taken in, with the other Judges of the *King's Bench*, for two or three Matters that paſſed there while he ſat as Judge in that Court. One was the refuſing to preſent to the King a Petition of the Grand Jury of *Middleſex* about Sitting of the Parliament. If that was a Crime, it was a very ſlight one; nor do I think any Man of Law will ſay that the Judges are bound to carry all

the Crudities of Jury Men to the King, but are to uſe their Diſcretion. Their Addreſs, of that Sort, is no Part of their Office; nor do they, in any Reſpect, repreſent the County; they are taken *de Corpore Comitatus*, and not *pro*, nor have any Authority to bind the Country in any Thing; but, as to all Matters, not of the Crown Law, they are as ſingle Perſons and not a Jury, nor is any Magiſtrate, or other Perſon, bound to go on their Errand. Another great Sin of that Court was the Diſcharging the Grand Jury three Days before the End of the Term, while they had diverſe Bills before them to preſent; among which one was an Indictment of Recuſancy againſt the King's Brother the Duke of *York*. This Diſcharge, they ſaid, was precipitous and unuſual, and done on Purpoſe to ſtop that Indictment, which was an Obſtruction of the Juſtice of the Nation. The Jury here, it ſeems, were not *Ignoramus*, though from the ſame Shop we ſhall ſoon hear of a total Obſtruction of Juſtice, and no Crime at all to be found. But now, to examine this Affair of the Judges, firſt it is abſolutely in the Judge's Diſcretion when to determine a Seſſion, and when to detain or diſcharge Grand Juries; and *de officio judicis non datur exceptio.* But what did it hinder? an Indictment, that is the Cauſe of the Crown; and who elſe is concerned in it? But for what End? Not for any real Effect, for ſuch a Bill may be *Non Proſ.* or pardoned the next Moment. What then? To be a public Affront to the King and his Brother; and that if the King had ſtopped ſuch an Indictment, they might have it to ſay, in Order to Rebellion, that there was no Juſtice to be had againſt Papiſts, and ſo they muſt right themſelves. Now was it not a very careful Proviſion of the Court, by uſing a Diſcretion the Law undoubtedly entruſts them with, to ſtop ſuch an Inconvenience, and ſo as it went off ſilently and without Noiſe? But Faction are the only Maſters of Diſcretion, and will not allow the Liberty of any to their Superiors.

The Caſe of the weekly Pacquet carried high.

LXXIX. The next Matter, which was highly aggravated againſt the Judges of the *King's Bench*, as ſuch an illegal Invaſion of Property as had not been heard of ſince *William the Conqueror*, was a Rule made by that Court, that a certain Book — *Liber intitulatus*, *The Weekly Pacquet of Advice from* Rome, *non ulterius imprimatur.* The Caſe of that Book was this. The whole Labour of the Faction at that Time was bent to make Popery as odious and dreadful in the Minds of the common People, as was poſſible; for then the Inference of Courſe was, *All this you are to expect from the Duke of* York, *and that the King and the Duke are all one*, ergo, *&c.* Upon this Deſign a Weekly Libel came forth, entitled as above, which, under the Maſk of telling all the extravagant Legends of Popery in a buffoon Style, continually reflected on the Government of that Time; and ſo that Collection went on and was publiſhed in Pieces, which the Zealous gathered together moſt religiouſly, and now would exchange for any ſofter Sort of Paper; for nothing grows ſo inſipid, as old State Libels. The Printer, I think, was one *Langly Curtis*, or one *Janeway*, and had been

been informed againſt, and, I think, convict and puniſhed for ſome of them. But it was an Abuſe not eaſily corrected; for, the outward Pretence being againſt Popery, to be accuſed for that, was to be accuſed for taking the Proteſtant Side againſt Popery; and every Week they varied, ſo that a Conviction of one did not extend to the next, and no ordinary judicial Order could reach it. Thus it was very hard to meet with this Inconvenience, which may happen at any Time, when Popularity runs very hard againſt any Government. At Length the Experiment of this Rule was made, but, I think, it went no farther, nor was the Printer taken up for any Contempt of it; but it was enough the Rule itſelf was ſhewed, and, as I ſaid, made a great Noiſe. I do not remember much Agitation about the Reaſon upon which the Court of *King's Bench* took this Authority of making a proviſional Order upon them; but it ſeems grounded on that Law which takes away the *Star-chamber*; for it is therein declared, or the Judges have reſolved, that all Juriſdiction which the Star-chamber might lawfully exerciſe, reſted by Law in the Court of *King's Bench*. And it is well known that the *Star-chamber* made proviſionary Orders, as well as punitive Decrees, to obviate great Offences; and that ſome, as *Hales* (in a poſthumous Piece) allows, though the Originals are not extant, may be ingrafted into the Uſage of the common Law; eſpecially in Matters of public Nuſances. Without Doubt the Point was controvertible; for it might be ſaid on the other Side, true, but then each Court muſt follow the Nature of their Proceeding, *viz.* the *King's Bench* by Indictment or Information, having no Ground by Law or Precedent to proceed for Offences, *extra* to the Court, otherwiſe. And, when a Book is convict of Crime, it may be Part of the Judgment *quod non ulterius imprimatur*, which will bind the Perſon Defendant. But how inept this Method is to ſtop ſuch a *Protean* Miſchief, after a little Time, may become ſenſible. But, admit it not to be a clear Caſe on the Court-ſide, there was Ground enough for the Court, as they ſay good Judges do, to reſolve it for their own Juriſdiction; and Errors in Judgment of Courts of Juſtice are not criminal, but corrigible by ſuperior Authorities. Therefore, in quiet Times, this Queſtion had been carried into the Houſe of Lords by a Petition of the Printer, if he had thought himſelf grieved; and then there had been a due Conſideration of the Law, and the King's Counſel had been heard upon it, and the Determination authentic, as upon a Writ of Error; or Occaſion might have been taken, by a ſhort Clauſe in an Act of Parliament, to have declared the Law one Way or other. There ſhould be always a Diſtinction between Corruption and Error; the latter, if *Weſtminſter Hall* may be heard in the Caſe, is no Crime, nor is it, with any Aggravation, to be made actionable at Law. And, upon the Reaſon of theſe Inſtances, it ſeems that to proceed by Impeachment, for Error in Judgment, as for Crime, is contrary to the Policy of the *Engliſh* Conſtitution; in which the Authority of Courts of Juſtice is ſacred, and the Exorbitances of them, when they happen, ſhould be ſet right without

out expoſing to Contempt either the Perſons of Judges, or the Reverence due to their Stations, leſt what is got in the Shire, is loſt in the Hundred. But it is ſeldom found, that, when Perſons are fallen upon in an Heat, as upon the vindicative Turns of Parties, any Decorum is obſerved, or due Steps taken; for they will always be too long or too ſhort. Thus far concerning the *King's Bench*, as a Court, and its legal Juriſdiction; which, in this Inſtance alſo (but in nothing more) touched Mr. Juſtice *Jones*.

Mr. Baron *Weſton*'s Character and Integrity, and Handles of the Charge againſt him.

LXXX. The Caſe of Mr. Baron *Weſton* was very extraordinary indeed; he was a learned Man, not only in the Common Law, wherein he had a refined and ſpeculative Skill, but in the Civil and Imperial Law, as alſo in Hiſtory and Humanity in general. But, being inſupportably tortured with the Gout, became of ſo touchy a Temper, and ſuſceptible of Anger and Paſſion, that any affected or unreaſonable Oppoſition to his Opinion would inflame him ſo as to make him appear as if he were mad; but, when treated reaſonably, no Man ever was more a Gentleman, obliging, condeſcenſive, and communicative than he was. Therefore, while a Practiſer, he was obſerved always to ſucceed better in arguing ſolemnly, than in managing of Evidence; for the Adverſary knew how to touch his Paſſions, and make them diſorder him, and then take Advantage of it. But, at the Bottom, he was as juſt as the driven Snow, and, being a Judge, for which Office he was fit, becauſe he had neither Fear, Favour, nor Affection beſides his Judgment, he would often, in his Charges, ſhine with his Learning and Wit; and a little too much of that brought this Accuſation over him. He was one of a clear Conduct, and, by Principle, honeſt and juſt, and, as we find in the beſt of that Character, ſo was he intrepid, and feared not the Face of all human Kind. He made no Ceremony of flying in the Face of Faction at all Turns, and, being one of thoſe they call Prerogative Men, inacceſſible and unalterable, he was hated bitterly by the Party. And to do him, and the reſt of thoſe Gentlemen, Right, I muſt needs ſay that the Prerogative of the Crown is a Doctrine ſo conſtantly recommended in the Law Books, that a Man cannot be an honeſt learned Lawyer, but muſt be, in the popular Senſe, a Prerogative Man, and, in every Senſe, a Hater of what they call a Republic. This learned Judge was ſo ſteddy in his Adminiſtration, that no Advantage could be taken againſt him for what he did; ſo they watched his Circuit Charges, to find ſomewhat he might ſay to accuſe him of. And the only Paſſage, I find charged upon him, was at *Kingſton* Aſſiſes, where he ranted againſt *Zuinglius* and *Calvin*, and their Diſciples, for their fanatical reſtleſs Spirit. For now, ſaid he, they are amuſing us with Fears, and nothing would ſerve them but a Parliament. He knew no Repreſentative of the Nation but the King (which, in an actual Senſe, is true, for, in Parliament, ſuch, as do not chooſe, have no actual Repreſentative; but, in a legal Senſe, as to the being bound, all are repreſented) *all Power*, ſays he, *centers in him*. (That is all coercive Power.) And then the Judge, in the Touring of his Fancy, ſays, *i'Faith he* (the King)

King) *has Wiſdom enough to entruſt it no more with theſe Men, who have given us ſuch late Examples of their Wiſdom and Faithfulneſs.* It would be hard to prove here whom he ſpoke of, ſo as to frame, out of theſe Words, an Accuſation; but it ſeems there was no better, and ſo it came before the Houſe of Commons; would any one have thought it?

The Accuſation againſt him, and the Looſeneſs and ill Example of it, with the Judge's Deſire to defend himſelf.

LXXXI. It is to be noted that, during this Heat, as if the Common Law of Juſtice had been abrogated, none of theſe reverend Men were either called to be heard, or had any Time given them to anſwer; but the Cenſure of the Houſe paſt, and, for Puniſhment, they were to be impeached. The Crime, againſt Baron *Weſton*, was *that the Words, in his Charge, were ſcandalous to the Reformation, and tending to raiſe Diſcord*, &c. A new Sort of Offence. It hath been the Uſage of the Common Law, to charge Men with Fact done, or Words, of a direct Senſe, ſpoken. Matter of Aggravation never makes an Accuſation where the Subject, of itſelf, doth not bear it. And ſo careful is the Law of criminal Matters, that it requires an Indictment to be certain to every Intent, or elſe it is void, and will be quaſhed. For which Reaſon, if Words may be taken in any harmleſs Senſe, though the ſame Words will alſo bear a criminal Senſe, they ſhall be taken in the mildeſt Senſe. But however, was it reaſonable to bring ſuch a Charge as this againſt an, otherwiſe, unexceptionable Judge? It was much wondered, at the Time, that, in all this Noiſe about the Judges, none were ſent for to the Houſe; the Cauſe was thought to be, that they were ſtout Men, and would have juſtified all they had done, and that was not thought ſeaſonable. The Baron, for his Part, was ſo far from being concerned at the terrible Sound of an Impeachment, that, when the other Judges looked grave and ſolemn, he was as gay and debonair as at a Wedding; and was only ſorry that he had not an Opportunity of talking in the Houſe of Commons, and would have compounded, for a moderate Puniſhment, to have had his full Scope of arguing his own Caſe before them. And, as for the Impeachment, he longed to be at it with them, he cared not where, or before whom, provided he might have his Talk out. He was prepared to ſet up *Magna Charta*, and to demand the *Judicium parium*, and his lawful Challenges, and to ſhew that *Lex Terræ* was referred to the Court, and not to the Country, and was nothing to the Purpoſe againſt his Right of Trial; and, upon that Law, he would have died at a Stake, and not have quitted one Iota of his Judgment to all the World. It is pity ſuch a ſtout Combatant had not had a clear Stage and a fair Enemy; but, as Things fell out, they were not ſo hard preſſed.

Sir *William Scrogs* impeached effectually, his Character laid him open, but eſcaped by the Diſſolution.

LXXXII. No Articles were ever prepared againſt any of the Judges, except Sir *William Scrogs*, the Chief Juſtice of the *King's Bench*, againſt whom Articles were brought to the Houſe, and ordered to ſtand; but I do not find by the Print, that any Members were appointed by the Houſe to carry them up. He was a Man that lay too open; his Courſe of Life was ſcandalous, and his Diſcourſes violent and intemperate. His Talent was Wit;

Wit; and he was Maſter of Sagacity and Boldneſs enough; for the ſetting off of which, his Perſon was large, and his Viſage broad. He had a fluent Expreſſion, and many good Turns of Thought and Language. But he could not avoid Extremities; if he did ill, it was extremely ſo, and if well, in Extreme alſo. In the Plot, he was violent to Inſanity; and then, receiving Intelligence of a truer Intereſt at Court, he was converted, and became, all at once, no leſs violent the other Way; which made the Plot-Drivers and Witneſſes hate him. And *Oates* and *Bedloe* did him the Honour to prefer Articles to the King in Council againſt him, charging various Immoralities; and there was an Hearing, but, they failing of Proof, he was juſtified. The Occaſion of his Converſion, as I was told by the Perſon* that adminiſtered the Means to him, was this. The Lord Chief Juſtice came once from *Windſor* with a Lord of the Privy Council in his Coach; and, among other Diſcourſe, *Scrogs* aſked that Lord, *if the Lord* Shaftſbury (who was then Lord Preſident of the Council) *had really that Intereſt with the King as he ſeemed to have? No*, replied that Lord, *no more than your Footman hath with you.* This ſunk into the Man, and quite altered the Ferment, ſo as, from that Time, he was a new Man. It was well for him that the Parliament was diſſolved, elſe they had purſued their Impeachment againſt him, and what an Embroil it had made in Parliament, is not eaſy to conjecture.

Sir *William Jones* loſes Ground in the lower Houſe, and why.

LXXXIII. Here I take Leave of Accuſations for *Abhorring*, or otherwiſe, in this Parliament. The moſt eminent, or remarkable, have been ſet forth as far as is neceſſary; if any one would be more particularly informed, it is but going to the *State Tracts*, that deals in ſuch Stuff only. There will be found alſo much ado about Law Matters as to Bails, Judgments, and Puniſhments, ſome too hard, others too mild, according to the Partiality then in Faſhion; tending moſtly to criminate the Judges; as if they were to anſwer, for every Nicety, to the Humor of Parties. And now I return to view the Inſide of *St. Stephens*. We find there Sir *William Jones* in full Practice, but a little diſordered by the Error of his Conduct. It is the Nature of that Aſſembly to be averſe to thoſe who pretend to govern, for it hates to be impoſed on; and whoever acts there in ſuch a manner, as ſhews he thinks his Senſe ought to take Place, is commonly ill heard; and ſlighted. And it was no ſooner found that Sir *William Jones* had a Spice of that Temper, but his Authority ſunk, and little of his Propoſing would ſucceed. It is poſſible that, if he might have ruled, many Paſſages, relating to the Crown and the Law, had come out with a better Varniſh upon them, or not have come at all. But the Averſion went farther; and the Spirit of Oppoſition took a Pleaſure in encouraging others againſt him, and particularly Sir *Fra. W——n*, a Lawyer alſo, but one that he deſpiſed. This Humor was no ſmall Vexation to him, and, probably, a

* The Lord Chief Juſtice *North*.

conſiderable

conſiderable Ingredient in the Remorſe had for having left his very profitable, as well as honourable, Poſt at Court; into which Error ſome Faſcination, or his ill Stars, had ſeduced him. And this Caſe is one, of many as may have been obſerved, which ſhew the unfortunate Conſequences that uſually attend the leaving a good Poſt for Diſcontent, or Ambition of better; an Impatience ever impolitic, unfortunate, and, in the End, croſs and melancholy. But, as to the Parliament itſelf, it was plain, by the Proceeding of that Seſſion, that the Court Party had not the Intereſt to carry any one Point, but every thing paſſed in the Rigors of the oppoſite Party; whereby it became impoſſible the Seſſions could continue long. And, at laſt, the Rupture was upon the Bill of *Excluſion*, though the King had offered Expedients, as hath been touched before.

The Exceſs of this *Weſtminſter* Parliament enforced a Diſſolution, and the Importance.

LXXXIV. It is amaſing to conſider what Men in Numbers will do in ſome Conjunctures, eſpecially ſuch, as, by the Flattery of a preſent Time, ſeem to carry a Shew of Abſolute Power. Theſe Men endeavoured to put the King's own Revenue under a Diſtreſs, ſo far from obliging with the leaſt Shew of Supplies; no not by way of Bait to get, what they deſired, the Excluſion; for they preſumed it muſt come, at laſt, without it. They ſought by their Votes to diſable the King to borrow upon Tallies of Anticipation; making the Lending (as far as a Vote could make it) unlawful, and to be puniſhed in Parliament. This was to make Seſſions of Parliament neceſſary, as they thought: They went ſo far as to vote out of the King's Council five or ſix of the chief; who were then called the *Cabinet*, by Name, without any Charge againſt them. And, the laſt Morning, they got the Start of the Black-Rod, and voted diverſe ſtrange Propoſitions, ſpecified in another Place *. The Extravagance of which ſhewed they were

* I find that the honourable Author has, in his firſt Part, referred the Reader to this Place for an Account of the parting Votes of this Parliament: And accordingly he has drawn a Line acroſs, in order to have them omitted. Now here we are referred back again to the firſt Part; which, I ſuppoſe, proceeded from the Author's being ſenſible that he had made ſome Mention of them in both Parts; and the firſt being that which he reviſed laſt of all the three, thought he had been more explicite in the third, and therefore ſtruck them out. But ſince the contrary appears, I thought proper to inſert here, by Way of Note, the Votes, and his Remarks upon them, which are as follows. The firſt is againſt the Counſellors, "*That they, who adviſed* "*the Prorogation to any Intent but Favour to the Bill of Excluſion* (which, having miſſed its Paſs, ſo only "might come in again) *are* (among other Things) *Penſioners of* France. The 2d is, *Thanks to the City for* "*their manifeſt Loyalty to the King, their Care, Charge, and Vigilancy for Preſervation of his Majeſty's Perſon and* "*the Proteſtant Religion; and that the Members that ſerved for the City, ſhould carry theſe Thanks.* We muſt "not forget that the City was the head Quarters of Impunity; the reſt ſpeaks itſelf. 3. *That the Houſe* "*was of Opinion that the City was burnt in* 1666 *by the Papiſts, deſigning thereby to introduce Popery and arbitrary* "*Power.* No great Danger from ſuch fooliſh Papiſts, though we may hope better of *Roman Catholics*, and "ſo we muſt remember who thoſe incendiary Papiſts were in the Senſe of our Author, who is the Echo "of his Party. This has been often enough ſaid; but ſo artful an Invention may be at all Turns obſerved. "But I muſt note that Occaſion was given for this Opinion by the Plot-Witneſſes; for they finding it "was a Matter acceptable to their Party, in their Narratives, made it clearly out: And ſo fully, that a "Liſt of all the Fires, that happened ſince the Reſtauration, are charged upon theſe Papiſts. But note "all this Matter reſpects *London* ſtill; but we are calling a new Cauſe, or more Votes, *viz.* 4. *That the* "*Duke of* Monmouth *was diſplaced by the Influence of the Duke of* York. 5. *An Addreſs to reſtore him to his* "*Offices and Employments.* If a Seat of War was intended, it was moſt neceſſary to fix upon a General to "head the Rendezvous. It ſeemed not a likely Way to recover loſt Places of Truſt, Authority and Profit, "by appealing from his Majeſty's Pleaſure to the Power of his Enemies: Therefore this could not be

Pamphlet of *Bedloe's*, &c.

in Haſte, and Time was ſhort. One of them declared that whoever adviſed the Prorogation, for other Intent than to bring in the *Excluſion Bill* again, was (among diverſe bad Characters) a Penſioner of *France:* Which puts me in mind of a quarrelling Gentleman that ſaid, *if you will not go out, you lye*; as if, by the Strength of a Vote, one Matter of Fact imputable ſhould create another. But of theſe Matters enough here and before. I remember well that, for a good while after the King was reſolved upon a Diſſolution of this Parliament, it was kept very ſecret; and about a Week before it was done, it being a great Froſt, a Lord of the Cabinet, that was in the Secret, ſitting at his own Table after Dinner with a few ſelect Friends, turned to the Window and ſaid, *we ſhall have a Thaw*; intending thereby that a certain Perſon in the Company, and none elſe, ſhould perceive the Meaning: And ſo it proved; for he only minded it, and, to a Friend, the ſame Day, quoted the Words as an Indication, in his Opinion, of a Diſſolution. This Criſis was, at that Time, of the greateſt Concern; becauſe it abſolutely determined the Doubt, whether the King would ſtand his Ground, or be reſigned to his Enemies: Of which latter, all good Men had a diſmal Apprehenſion. So far had he gone in his Experiments, to prove how far it was poſſible to gain upon Enemies, to make them Friends. All which demonſtrated to him, that the more he parted with his Power, the deeper he was to ſink in the Mire, and his Deſtruction, as well as his Brother's, was at the Bottom of all theſe reſtleſs Workings; ſo he took a Reſolution to ſend Home this Parliament, and call another at *Oxford*, that was farther off from the Intrenchments of the Faction. It is plain, by the Extremities of their Dealing about the Excluſion, as if they commanded and not demanded, that it was they broke with the King, and not he with them; and thereby they let him into ſo full a Redintegration of Intereſt with the beſt of his People, as may be termed a ſecond Reſtauration.

Introduction to the Story of the Pope-burning Tumults.

LXXXV. Here we take our Congee, as to all Affairs in Parliament, and turn us round to ſee what is doing Abroad. And there, during theſe Agitations, we find as monſtrous Havock, with the Rabble, as could poſſibly be contrived. Faction always ſuſtains their Project of deſtroying the Government, by inflaming the Rabble, or, at leaſt, by making an Appearance as if they were inflamed; which is done by a Sort of Military Diſpoſition

" gained with an Expectation of ſucceeding, but to ſettle him (the D— of *M*——) in a Way of gene-
" ral Popularity, and ſo, probably, ſeduce him and his Myrmidons to eſpouſe the good Cauſe. Could
" Ambition fail to take ſuch a Bait? Now we go off from this, and fall upon another Matter, *viz.*
" 6. *It is the Opinion of the Houſe, that the Proſecution of the Diſſenters upon the penal Laws, at this Time, is grie-*
" *vous to the Subject, a weakening of the Proteſtant Intereſt, and dangerous to the Peace of the Kingdom.* That
" the Peace of the Kingdom was in Danger, is plain enough, while three Sorts of Perſons had ſuch En-
" couragement; as, 1*ſt*, The factious Rulers in the City. 2*dly*, The Duke of *Monmouth*. 3*dly*, The
" whole Body of the Diſſenters. But that Clauſe at the Cloſe, of *Danger to the Peace*, was contrivable as a
" Threat; as much as to ſay, if Laws take Place againſt Diſſenters, they will riſe in Arms, look to it. I
" paſs the Oddneſs of this Way of taking off the Force of Laws by Votes only without a legiſlative Re-
" peal, becauſe it will fall in to be obſerved afterwards, upon a Declaration of the King's, where the Epi-
" thet *Arbitrary* is put to it."

of

of Mob-Maſters about in Corners, that, upon the Watch-word, are to bring forward ſome hare-brained Rout, which they call *the People*. It was acted, in theſe Times, to Perfection, and the whole Party joined, taking their Parts as regularly as Comedians upon the Stage; for they had alſo their Connection of Scenes, Entries, Exits, Poetry, and Decorations, all deſigned to conclude in Miſchief. That, which I am about to relate, fell out in the Years 1680, 81, and 82, and was celebrated, by Way of Anniverſary, under the famous Title of *Burning the Pope*; and waited upon the Carryings on at *Weſtminſter*, as Tenders and Fireſhips upon the Royal Fleet. Whether this Pope-burning Frolic was originally an expreſs Contrivance, or roſe up by Accident, doth not clearly appear; the former is moſt likely, becauſe it is certain all Kind of Invention was at work to excite the Rabble, upon all Occaſions, to make their Muſters as formidable, as the Managers of them durſt appear to encourage them: And the Pretence of celebrating the 17th of *November* (Queen *Elizabeth*'s Birth-Night) was apt enough for the Purpoſe. For, the Reformation being ſettled in her Reign, the Term *Proteſtant* went off well with it, like Matter and Form, inſignificant aſunder, but, joined, make a Figure; and ſuch an one as might beſt endiablee the Rabble, and ſet them a bawling againſt Popery. Others conſidered that her Reign was leaſt propitious, of any, to our Fanaticiſm, then called Puritaniſm, and fancied it was rather Accident that lighted this Fire; as having no other Original than ſome Tavern Caprice, encouraging a ſmall Mob, put in the Way by the 5th of *November* Doings, not long before, to make a Bonefire, by which the Diſpoſition was obſerved; and then the Faction run into it, as a kind Opportunity profered to tumultuate the People; for that was a neceſſary Operation in the Conjuncture then reigning. It is certain the whole Party, in and about *London*, engaged, by all practicable Ways and Means, to exaſperate the Rabble upon this Occaſion; and carried the Humor ſo high, as ſeemed to ſhake the *Engliſh* Government; ſo much that Foreigners concluded the Streets muſt be all bloody and ſtrewed with Carcaſſes. So fierce and minatory were the Agitations! But the *Engliſh* are, in that, ſingular from all other Nations, eſpecially thoſe towards the hotter Climes, where Men ſeldom tumultuate without Blood; but the *Engliſh* will bawl and croud terribly, but do not love the Cry of Murder. And this may be a Reaſon why, in thoſe Parts, Tumults are rare, but, in *England*, very frequent; for otherwiſe they could not be permitted as they are.

LXXXVI. But, as to theſe Tumults about burning the Pope, of which yet I have made but a general mention, it is not to be thought they could be carried on by a Faction disjointed, and acting ſeparately; but rather that they were œconomiſed under ſome common Direction, as ſhould preſcribe Methods, and aſſign the Actors their Parts. This, in general, I have mentioned, as depending on the Earl of *Shaftſbury*, who, either of himſelf, or derived from ſome Cabal ſuperior to him, took the Preſident-

Contrived and conducted by the Counſels and Tools of Faction, eſpecially the *Green Ribbon Club*.

ſhip of the factious Counſels at that Time. But, without penetrating ſo deep, we had a more viſible Adminiſtration, mediate, as it were, between his Lordſhip and the greater and leſſer Vulgar, who were to be the immediate Tools. And this was the Club called, originally, *The King's Head Club.* The Gentlemen of that worthy Society held their Evening Seſſions continually at the *King's Head* Tavern over-againſt the *Inner-Temple Gate.* But, upon Occaſion of the Signal of *a Green Ribbon*, agreed to be worn in their Hats in the Days of *Street Engagements*, like the Coats of Arms of valiant Knights of old, whereby all the Warriors of the Society might be diſtinguiſhed, and not miſtake Friends for Enemies, they were called alſo *The Green Ribbon Club.* Their Seat was in a Sort of Carfour at *Chancery-Lane End*, a Centre of Buſineſs and Company moſt proper for ſuch Anglers of Fools. The Houſe was double balconied in the Front, as may be yet ſeen, for the Clubſters to iſſue forth in freſco with Hats and no Peruques; Pipes in their Mouths, merry Faces, and diluted Throats, for vocal Encouragement of the Canaglia below, at Bonfires, on uſual and unuſual Occaſions. They admitted all Strangers that were confidingly introduced; for it was a main End of their Inſtitution, to make Proſelytes, eſpecially of the raw eſtated Youth newly come to Town. This copious Society were, to the Faction in and about *London*, a Sort of executive Power, and, by Correſpondence, all over *England.* The Reſolves of the more retired Councils and Miniſtry of the Faction were brought in here, and orally inſinuated to the Company, whether it were Lyes, Defamations, Commendations, Projects, *&c.* and ſo, like Water diffuſed, ſpread all over the Town; whereby that, which was digeſted at the Club over Night, was like Nouriſhment at every Aſſembly, Male and Female, the next Day. And thus the Younglings taſted of political Adminiſtration, and took themſelves for notable Counſellors.

The great Forecaſt and notable Armament of the Clubſters and their Creatures.

LXXXVII. The Converſation and ordinary Diſcourſe of the Club was chiefly upon the Subject of Braveur in defending the Cauſe of Liberty and Property; and what every true *Proteſtant* and *Engliſhman* ought to venture and do, rather than be over-run with Popery and Slavery. There was much Recommendation of ſilk Armour, and the Prudence of being provided with it, againſt the Time that Proteſtants were to be maſſacred. And accordingly there were abundance of thoſe ſilken Back, Breaſt, and Potts made and ſold, that were pretended to be Piſtol Proof; in which any Man dreſſed up was as ſafe as in an Houſe, for it was impoſſible any one could go to ſtrike him for laughing: So ridiculous was the Figure, as they ſay, of Hogs in Armour; an Image of Deriſion inſenſible, but to the View as I have had it. This was Armour of Defence; but our Sparks were not altogether ſo tame to carry their Proviſion no farther, for truly they intended to be Aſſailants upon fair Occaſion; and had, for that End, recommended alſo to them a certain Pocket Weapon, which, for its Deſign and Efficacy, had the Honour to be called *a Proteſtant Flail.* It was for

Street

Street and Croud-work, and the Engine, lurking perdue in a Coat Pocket, might readily ſally out to Execution; and ſo, by clearing a great Hall, or Piazza, or ſo, carry an Election by a choice Way of polling, called *knocking down*. The Handle reſembled a Farrier's Bloodſtick, and the Fall was joined to the End by a ſtrong nervous Ligature, that, in its Swing, fell juſt ſhort of the Hand, and was made of *Lignum Vitæ*, or rather, as the Poet termed it, *Mortis*.

Their Way of Management and Converſation.

LXXXVIII. The Paſtime of this Meeting, called *the Club*, was very engaging to young Gentlemen; and one, who had once taſted the Converſation, could ſcarce ever quit it. For ſome or others were continually coming and going to import or export News and Stories, as the Trade required and afforded. There it was known in Half an Hour what any Member ſaid at the Committee of Elections, or in the Houſe, if it ſat late. And every Poſt conveyed the News and Tales legitimated there, as alſo the malign Conſtructions of all the good Actions of the Government, eſpecially to Places where Elections were depending, to ſhape Men's Characters into fit Qualifications to be choſen or rejected. The Pope himſelf could not make Saints ſo readily as they Papiſts, and ſo half, and three-quarter Papiſts, as Belief was prompt or difficult. And a leud atheiſtical Fellow was as readily waſhed clean, and made a zealous Proteſtant. For that Genus of Perfection was not wanted in this Diſpenſation, where no Vice, Immorality, Hereſy, Atheiſm, or Blaſphemous Wit had not Profeſſors ready to embrace willing Diſciples, who, for the Sake of ſuch Sublimities of Wit and Senſe, as they were accounted, were ready to proſtitute all Principles of Duty, and eſpecially thoſe that regarded Allegiance to the Crown. And theſe, beſides tutoring, were Carriers up and down, or Diſperſers of ſeditious Talk, at proper Times, as Blood from the Heart, to nouriſh Sedition all over the Town, to the *Exchange*, *Weſtminſter*, Coffee-Houſes, and Sub-Coffee-Houſes, in wonderful Harmony of Diſcovery: So that a puiſne Politician, not aware of the Trick, from the univerſal Conformity of Diſcourſe, would think the groſſeſt Fablings to be Truth in Perfection. There is nothing in our Days extant whereby, as in a juſt Parallel, one may ſhew forth the Frame and Uſe of this Club, unleſs it be the Privy Council Board at the *Grecian* Coffee-Houſe. This hath not the Oſtentation and Noiſe of the other; but the ſolid Inſtitutions are to be found there. It is very remarkable, in the Nature of theſe Societies, that none are confined to profeſs any one Sort of Wickedneſs; but, as if Villainy were indued with the new found out Attraction, it clutters together in Heaps, and where you find one, all the reſt are not far; for what hath Hereſy, Atheiſm, or Blaſphemy to do with civil Brawls and factious Underminings? And yet you always find them working as loving Friends together. Nay, to ſay Truth, there is not ſo great Diſtance betwéen the Natures of Blaſphemy and Treaſon, but they may ſubſiſt in *eodem ſubjecto*; the one is againſt the King of Heaven, and the other againſt an earthly

earthly King, and commonly the Diſpoſition is to both alike; only the Treaſon againſt the former is thought the ſafer of the two, and is therefore more openly practiſed. But, to give a Diſmiſſion to our Treaſon Club, I only obſerve that the like could ſcarce have ſubſiſted in any Age but this; for the Court was remiſs and had not Spies amongſt them, or elſe, if ſome pretended to ſpy, they were rather Croſs-Bites: Elſe, they had not ſat and acted in Peace ſo long as they did; for, until the *Rye Diſcovery*, their Conſtitution ſtood firm, but, immediately upon that, it fell to Pieces like *Dagon* before the Ark, and hath not, in that Poſition, been heard of ſince.

The Beginning of the Word *Mob*, and the firſt remarkable Pope-Burning

LXXXIX. Now, as for our Tumults on the 17th of *November* 1688, the firſt Appearance was of a Rout carrying an Image of a Pope in Proceſſion, and burning it in the Bonefire over-againſt the Club Windows. This moderate Beginning had a full Attendance in the Balconies, to grace the Ceremony and encourage the Mob. I may note that the Rabble firſt changed their Title, and were called *the Mob* in the Aſſemblies of this Club. It was their Beaſt of Burthen, and called firſt, *mobile vulgus*, but fell naturally into the Contraction of one Syllable, and ever ſince is become proper *Engliſh*. This firſt Performance of the Pope-Burning was ſo promiſing, that a Reſolution was taken to enlarge the Proviſion againſt the next Year; and diverſe of the Club contributed voluntarily towards an *Apparatus*, as might be anſwerable to their Zeal againſt Popery and arbitrary Power. When the Time came, they had, beſide the Pope and a petit Diable his Familiar, another ſingular Figure of a Man in an ordinary gentile Dreſs, to gratify the Fancy; for, if you would have it the King of *France*, or any other King, or conſiderable Loyalliſt, it would not ſcruple; every one had his Account in it, being a ſupple Repreſentative, conformable to all. Theſe Figures were brought by the Mob in grand Proceſſion, from the farther End of *London*, with honourable Attendance of Staffiers and Link-Boys, ſounding, as they came along, without Intermiſſion, and coming up near to the Club-Quality in the Balconies, againſt which was provided a huge Bonfire, the Sound echoed from thence, and ſo from Side to Side of the Street down to *Temple-Bar*, as might have been a Cure of Deafneſs itſelf; and then, after numerous Platoons and Volleys of Squibs diſcharged, theſe Bamboches were, with redoubled Noiſe, committed to the Flames.

The ſcandalous Encouragement of this Tumult; a Collection of Money to enlarge the next.

XC. This was the firſt Time that the Rout was audacious and formidable. And really, in a great City, that had Laws and Magiſtrates for the Peace, it was intolerably ſcandalous. Who could anſwer for the Conſequences of looſing the Reins to the Rabble, as if the Government was ſuſpended? And really it was little better in theſe *Ignoramus* Times; for the Magiſtrates did not in the leaſt appear to hinder, and were foully belied if they did not abet the Tumults; and no Wonder, when it is conſidered that the Faction, that worked them up, had the chooſing the

Mayor and Sherriffs of *London*. But, as to this Riot, the Magnitude of it was beyond what was expected, and the Court had made no Proviſion of Guards to attend near Hand, as afterwards was done, which made it be thought very fair that it went off ſo quietly as it did. But yet the Magnificence of it was not ſo great as the Club-Men thought the Cauſe deſerved; therefore it was reſolved to make a larger Shew the next Year (if Shew was all they intended) and accordingly a Collection for the Charges was made among the Party; a Guiney a-piece was the ordinary Quota, ſome exceeded, as their Zeal was ardent, and leſs was not refuſed. They ſettled their Officers, Spenditores, and Architects, and each Clubſter was free to ſuggeſt his Whim for improving the Mythology of the Repreſentation. And, in very good Earneſt, at the Club and about the Town, very great Sums were gathered for this good Work; and there was made up diverſe Pageants, and Figures of myſtic Conſtruction, but not altogether ſo pompous as was given out. For the Diſcourſe run high of mighty Things to be ſeen, ſuch as were never ſeen before; and ſo far was true: And this Fame, being factious, was, by that, almoſt univerſally communicated; every Body had a Mind to come and ſee this famous *Bruggio di Papa*.

The Drift and Deſign of theſe Tumults terminated in the Bill of Excluſion.

XCI. It may be aſked what was the End or Intention of all this Pains and Expence? It is eaſy to anſwer it was not for meer Sport; that's too Boyiſh for ſuch a noble Society, and their Drivers in ſecret, to deſign and execute with ſo much Application. And, in Caſe that had been all, the 5th of *November*, Powder Treaſon Night, would have done as well. But that would not anſwer, becauſe it had been no more than was uſual, and every Body expected, and, if a little more Stir than ordinary, what ſignified that? No, the Matter muſt be ſo ordered, that greater Notice might be taken, and the Occaſion eminent and new, that the Folk might aſk and be told why and wherefore; and it muſt be ſaid that it was abſolutely neceſſary to quiet the Minds of the *People*; that is, that the King muſt of Neceſſity comply with whatever the Parliament inſiſted on; the Matter was come to bear upon the Excluſion, and Friends without muſt lend their helping Hand at a dead Lift. The Time was well choſen, for it was in or near Sitting the Parliament, when the Town was full, and the Nights dark and long, which covered the Actors, and the many Lights and vaſt Fire ſtruck a Terror on People's Spirits. The Effects muſt needs anſwer by inviting the willing, frighting the fearful, deterring the wiſe and cautelous; but, above all, teaching the King his Leſſon, which Way to compaſs his Quiet and Safety, of which they thought him very fond. There could be no more made of it. It was not as in *Forty One*, when, for the like Ends, the good Rout went down to *Whitehall* and *Weſtminſter*; for the King now had Guards and a Line of great Guns at *Whitehall*. So that March was impracticable, but they came as near as they durſt, and, ſo far as *Temple-Bar*, made good their Muſters; and, by the Manner of their

Proceeding,

Proceeding, demonſtrated how ready and willing they were to engage in another Way, if an Opportunity had been put into their Hands. In a Word, the Sport of Novelty enhanced the Croud, which was all Countenance, and went for Zeal univerſal. The Faction had always, upon the Tip of their Tongues, the *People*, and all their Routs were the *People*; and now they intended, by this *Leviathan* Mob, to ſhew the People in good Earneſt. And then the King, if he had not known better, might perhaps have miſtaken this Aſſembly for the People whom he was to ſatisfy, and whom nothing would pacify but the Excluſion and its Dependances; and here is the Spirit of this Congregation.

The Magiſtrates of the City charged to prevent theſe Tumults, but in vain, ſo a Guard ſet.

XCII. But to return to our Tumults. After it was found that there was to be a Re-inforcement at the next Anniverſary, which was in 1682, it is not to be thought the Court was aſleep, or that the King would not endeavour to put a Stop to this Brutal Outrage. His Majeſty thought fit to take the ordinary regular Courſe, which was to ſend for the Lord-Mayor, *&c.* and to charge him to prevent Riots in the City. So the Lord-Mayor and Sherriffs attended the King in Council, and there they were told that dangerous Tumults and Diſorders were deſigned in the City upon the 17th of *November* next at Night, on Pretence of Bonefires; and his Majeſty expected that they, who were entruſted with the Government of the City, for keeping the Peace, ſhould, by their Authority, prevent all ſuch riotous Diſorders, which, permitted to go on, was a Miſdemeanor of their whole Body. Then one of them came forwards and, in a whining Tone, told the King that *they did not apprehend any Danger to his Majeſty or the City, from theſe Bonefires; there was an Ardor of the People againſt Popery, which they delighted to expreſs in that Manner, but meant no Harm. And if they ſhould go about to hinder them, it would be taken as if they favoured Popery; and, conſidering the great Numbers and their Zeal, it might make them outragious, which, let alone, would not be; and, perhaps, they themſelves might not be ſecure in reſiſting them, no not in their own Houſes; and they hoped his Majeſty would not have them ſo expoſed, ſo long as they could aſſure his Majeſty that Care ſhould be taken that, if they went about any ill Thing, they ſhould be prevented*, or to this Purpoſe, as I had it from undoubted Authority. This was the Godly Care they had of the Public Peace, and the Repoſe of the City; by which the King ſaw plainly what they were, and what was to be expected from them. There wanted not thoſe who ſuggeſted the ſending Regiments into the City; but the King (always witty) ſaid *he did not love to play with his Horſe.* But his Majeſty ordered that a Party of Horſe ſhould be drawn up, and make a ſtrong Guard on the Outſide of *Temple-Bar*; and all the other Guards were ordered to be in a Poſture at a Minute's Warning; and ſo he took a middle, but ſecure and inoffenſive Way; and theſe Guards did not break up till all the Rout was over.

XCIII. There

XCIII. There were not a few in the Court who either feared or favoured theſe Doings; it may be both, the former being the Cauſe of the latter. This puts me in Mind of a Paſſage told me by one preſent. It was of the Lord Archbiſhop of *York* D——n, who was a goodly Perſon and corpulent; he came to the Lord Chief Juſtice *North*, and, *My Lord*, ſaid he, (clapping his Hand upon his great Self) *what ſhall we do with theſe Tumults of the People? They will bear all down before them. My Lord*, ſaid the Chief Juſtice, *Fear* GOD, *and don't fear the People.* A good Hint from a Man of Law to an Archbiſhop. But, when the Day of Execution was come, all the Shew-Fools of the Town had made ſure of Places, and, towards the Evening, there was a great Clutter in the Street with taking down Glaſs Windows, and Faces began to ſhew themſelves thereat, and the Hubbub was great with the Shoals of People come there to take, or ſeek, Accommodation. And, for the greater Amaſement of the People, ſomebody had got up to the Statue of Queen *Elizabeth* in the Nich of *Temple-Bar*, and ſet her out like an Heathen Idol. A bright Shield was hung upon her Arm, and a Spear put in, or leaned upon, the other Hand; and Lamps or Candles were put about, on the Wall of the Nich, to enlighten her Perſon, that the People might have a full View of the Deity that, like the Goddeſs *Pallas*, ſtood there as the Object of the ſolemn Sacrifice about to be made. There ſeemed to be an Inſcription upon the Shield, but I could not get near enough to diſcern what it was, nor diverſe other Decorations; but, whatever they were, the Eyes of the Rout were pointed at them, and luſty Shouts were raiſed, which was all the Adoration could be paid before the grand Proceſſion came up. I could fix in no nearer Poſt than the *Green Dragon* Tavern below in *Fleet-Street*; but, before I ſettled in my Quarters, I rounded the Croud to obſerve, as well as I could, what was doing, and ſaw much, but afterwards heard more of the hard Battels and Skirmiſhes, that were maintained from Windows and Balconies of ſeveral Parties with one and other, and with the Floor, as the Fancy of *Whig* and *Tory* incited. All which were managed with the Artillery of Squibs, whereof thouſands of Volleys went off to the great Expence of Powder and Paper, and Profit to the poor Manufacturer. For the Price of Ammunition roſe continually, and the whole Trade could not ſupply the Conſumption of an Hour or two.

A Paſſage between two great Men; and Queen *Elizabeth*'s Statue adorned, and the Settling of the Shew-Fools.

XCIV. When we had poſted ourſelves at Windows, expecting the Play to begin, it was very dark, but we could perceive the Street to fill, and the Hum of the Croud grew louder and louder, and, at length, with Help of ſome Lights below, we could diſcern, not only upwards towards the Bar, where the Squib War was maintained, but downwards towards *Fleet-Bridge*, the whole Street was crouded with People, which made that, which followed, ſeem very ſtrange. For, about eight at Night, we heard a Din from below, which came up the Street, continually encreaſing till we could perceive a Motion; and that was a Row of ſtout Fellows, that

The Order of the March of the Mob bringing up the Pope *in Cathedra*.

came ſhouldered together croſs the Street, from Wall to Wall on each Side. How the People melted away I cannot tell; but it was plain theſe Fellows made clear Board, as if they had ſwept the Street, for what was to come after. They went along like a Wave; and it was wonderful to ſee how the Croud made Way: I ſuppoſe the good People were willing to give Obedience to lawful Authority. Behind this Wave (which, as all the reſt, had many Lights attending) there was a Vacancy, but it filled apace, till another like Wave came up, and ſo four or five of theſe Waves paſſed one after another; and then we diſcerned more numerous Lights, and Throats were opened with hoarſe and tremendous Noiſe; and, with that, advanced a Pageant born along above the Heads of the Croud, and upon it ſat an huge Pope in *Pontificalibus* in his Chair, with a reaſonable Attendance for State; but his Primier Miniſter, that ſhared moſt of his Ear, was *il Signior Diavolo*, a nimble little Fellow, in a proper Dreſs, that had a ſtrange Dexterity in climbing and winding about the Chair from one of the Pope's Ears to the other.

Other Pageants of Jeſuits, *Abhorrers*, and what you pleaſe.

XCV. The next Pageant was of a parcel of Jeſuits, and, after that (for there was always a decent Space between them) came another with ſome ordinary Perſons with Halters, as I took it, about their Necks; and one, with a ſtenterophonic Tube, ſounded *Abhorrers*, *Abhorrers*, moſt infernally. And, laſtly, came one with a ſingle Perſon upon it, which ſome ſaid was the Pamphleteer Sir *Roger L'Eſtrange*, ſome the King of *France*, ſome the Duke of *York*; but certainly it was a very complaiſant civil Gentleman, like the former, that was what every Body was pleaſed to have him, and, taking all in good Part, went on his Way to the Fire; and however ſome, to gratify their Fancy, might debaſe his Character, yet certainly he was a Perſon of high Quality, becauſe he came in the Place of State, which is laſt of all. When theſe were paſſed, our Coaſt began to clear, but it thickened upwards, and the Noiſe encreaſed; for, as we were afterwards informed, theſe ſtately Figures were planted in a Demilune about an huge Fire that ſhined upon them; and the Balconies of the Club were ready to crack with their factious Load, till the good People were ſatiated with the fine Shew; and then the hieroglyphic Monſters were brought condignly to a new Light of their own making, being, one after another, added to encreaſe the Flames: All which was performed with fitting *Salvos* of the Rabble echoed from the Club, which made a proper Muſic to ſo pompous a Sacrifice. Were it not for the late Attempts to have renewed theſe Barbarities, it had been more reaſonable to have forgot the paſt, that ſuch a Stain might not have remained upon the Credit of human Kind, whom we would not have thought obnoxious to any ſuch. But, as it is now otherwiſe, all Perſons, that mean humanely, ought to diſcourage them; and one Way is to expoſe the factious Brutality of ſuch unthinking Rabble-Sports, by ſhewing, as near as we can, how really they were acted; the very Knowledge of which, one would think,

think, ſhould make them for ever to be abhorred and deteſted of all rational Beings.

The Public changed for the better, yet the Faction prepared for another Tumult.

XCVI. It was hoped the Scandal of this Outrage, offenſive as it was to all the ſober good Citiſens, might have ſufficed to have exhaled the *Capriccio*; the rather becauſe the Times were now upon the Criſis of a Turn; the *Oxford* Parliament was diſſolved, the King's Declaration of Reaſons publiſhed, and verified by Multitudes of Addreſſes; and, which was more conſiderable, a good Lord Mayor and loyal Sherriffs choſen for the City (concerning the Proceeding of which Change, I have much to ſay afterwards) by which the Tyrant *Ignoramus* was utterly diſmounted. Theſe were great Alterations, and might have made the Faction quiet for a while; but, inſtead of that, it was determined and given out at the Club, that the next Anniverſary ſhould be celebrated with more Pomp, Luſtre, and Variety, than ever before. I ſuppoſe it is not forgot in what Forwardneſs the moſt deſperate of Treaſons was in this Year 1682; ſo that Rabbling was of mighty Conſequence for the Opportunities, as might profer, of keeping the People warm againſt the Time of Action; and, however the Temper of the Magiſtrates was changed, the Spirit of the Faction was not broken till the Year after, when the *Rye* Conſpiracy was diſcovered; and then Mobbings were laid aſide all at once. But before, againſt the 17th of *November*, 1682, there were made the extraordinary Collections, and Engineers ſet to work upon the Fabric of various Pageants, and the whole Proceſſion was to come out with many Alterations and Additions; and all People were alert in Expectation of ſeeing this fine new Play.

The Magiſtrates undertake to prevent this Tumult, and the Method.

XCVII. The King was then reſolved to hinder the Execution of this Deſign; and it was gravely deliberated which Way to do it. The King was for that of the Magiſtracy of the City, who ought to do it, and were now willing, if they could; and ſurely they might. Others, that had an Idea of popular Fury in Extremity, thought it was impoſſible to be done ſo eaſily. Of which Number the Lord Chancellor *Nottingham* was one; he thought the Rabble, what for Zeal, and what for Sport, were ſo ſet upon it, that it would be very hard to put them by. Some, as of Courſe, were for Horſe and Foot without more ado. But the King would firſt ſpeak with the Magiſtrates. So the Lord Mayor and the Sherriffs attended; that is Sir *John Moor*, and Sir *Dudley North*, and Sir *Peter Rich*; which two latter, with unparallell'd Strife, had been choſen Sherriffs not long before. And, when the Occaſion was told them, and that the King expected they ſhould prevent the intended Riot on the 17th of *November* inſtant, Sir *Dudley North*, the elder Sherriff, ſtepped forwards and ſaid that, *having his Majeſty's Command, and a little Aſſiſtance in Reſerve, to be uſed if Occaſion were, they doubted not but to take away a Faggot from any one that ſhould pretend to light it.* That was his *Levantine* Manner of expreſſing himſelf. The King heard this with the greateſt Satisfaction imaginable; and, turning to the Lord Chancellor, *look you there, my Lord*, ſaid he. And his Lord-

ſhip then aſked Mr. Sherriff *North, how he propoſed to do this?* The Sherriff anſwered, *that they would have a Company of the City Trained Bands in the* Exchange, *to be ready to aſſiſt if Need were; and, if his Majeſty ſo pleaſed, a Company of his Horſe-Guards might be ready without* Temple-Bar, *that, in caſe any Diſturbance was conſiderable, might be ſent for to aſſiſt in the quelling it (though he verily thought there would be no ſuch Occaſion) he ſaw nothing to the contrary, but they might do the Buſineſs with only their ordinary Officers.*

The Sherriffs ride about all Night, no Bonefires, and the Embrios of the Pageants found and produced.

XCVIII. This frank and clear Declaration of the City Sherriffs was ſo oppoſite to the undutiful Dealing of their Predeceſſors the former Year, and agreeable to the King's own Judgment and Expectation, that it filled him with Content as to this Affair. And, when the Time came, it happened as was prognoſticated; for there was neither Uſe nor Need of extraordinary Forces. The Faction found there was to be no Boy's Play now, nor any Connivance of the Magiſtrates, but, on the contrary, right down Reſolution in earneſt to ſuppreſs the Diſorder; and the Faction not being œconomiſed for making a Puſh upon the Main at this Time, they wholly withdrew, and gave up the tumultuous Game for loſt. And the Sherriffs, mounted *alla Cappariſonée* with their blue Coat Attendance, rode the Petroville about the City almoſt all Night, and no one attempted to make a Bonefire. Such is the Force of a regular Magiſtrate's Authority to keep the Peace, if he be reſolved to execute it, and neither for Timidity or Perfidy fails of doing his Duty. About three in the Morning, the Sherriffs were informed that, in a back Building without *Biſhopſgate*, there were ſome Pageants diſcovered; ſo they went, and, upon Search, found a Parcel of equivocal Monſters, half formed, like thoſe fabled of the Mud of *Nile*. Legs and Arms lay ſcattered about, Heads undreſſed, and Bodies unheaded, with the Wardrobe and Timber work wherewith, if this Interruption had not come, and the Game turned from Jeſt to Earneſt, all the Shew was to have been compoſed. But woful was the Caſe; for theſe mangled Beginnings of human Reſemblances, being haled forth into the Street, made no ſmall Sport among the very ſame Rabble as were to have been diverted with them another Way in more Perfection. Thus ended theſe *Diavolarias* never to appear again, till like Miſchiefs are hatching, and encouraged to take another Tour in the ſame Form as was here intended.

The Author's many falſe Turns and Tricks to evade theſe Scandals, and to turn them on the Court.

XCIX. The Author of the *Compleat Hiſtory* hath no Cauſe to complain of me, for I have not troubled him all this while. But now, I gueſs, it will be expected I ſhould ſhew how he hath managed to bring his dear Faction off from theſe ſcandalous Doings, or, rather, turn them into Matter of Credit to them. And, to do him Right, he hath gone as far as is poſſible, to turn Evil into Good for their Sakes; and that is brought about, partly, by falſifying, and partly by ſuppreſſion. As firſt, he takes no notice at all of the 17th of *November*, as if nothing at all had been done, on that Day, for the Sake of St. *Elizabeth*. No, not although it drew the

Care

Care of the King, Council, and ordinary Magiſtrates, with Horſe Guards, and Train Bands, to check the Tumults. And the Memory of them will remain, even in old Womens Hiſtory, by the Title of *the famous burning of the Pope, or celebrating Queen* Elizabeth's *Birth Night*; yet, in this Hiſtory, we have not wherewithal to conſtruct a Ballad with that Title. But yet he thinks the Noiſe of the Tumults was ſo great, and the Matter ſo well known, he muſt ſay ſomewhat about Bonefires. This Grumbling in his Conſcience has produced a Libel upon the Court, for obſtructing Bonefires on Powder Treaſon Night, that is, as uſual, on the 5th of *November*; which is utterly falſe, for on that Day, in any one of thoſe Years, there was no Interpoſition of the Court to hinder the Bonefires, nor was there any extraordinary ones ſo as to need it. But he begins, and ſays that *Zeal againſt Popery was looked upon only as a Faction.* A flaming Zeal indeed it was! But ſee how he ſlurs it off from the 17th, when all the Miſchief was, to the 5th, when there was none; and he thinks all Diſorders may paſs Muſter on that Day. *That upon this Rule of State theſe popular Rejoicings on the 5th of* November *were to be prevented and ſuppreſſed.* What Rule of State, when and how, *&c.?* Here's Candor indeed! He firſt forges a Rule of State, and then belies the Practice of it; for there was no Preventions nor Suppreſſions intended with Reference to that Day. *But when it was impoſſible to reſtrain the Spirits of the People.* So we muſt carry on the Lye, as if all theſe Concerns were about Powder Treaſon Bonefires only. Now we come to a pretty Circle. *Therefore the Court reſolved to puniſh it for a Terror to others.* Puniſh what? The Spirit of the People. What Spirit? The popular Rejoicings on the 5th of *November*. And why puniſh? For a Terror to others. From doing of what? That which it was impoſſible to hinder. It were well if this were Nonſenſe, for then it would be neither true nor falſe, and would ſave the Author a Conviction of the latter, that waits him. But we muſt obſerve that, according to the new Rule of Hiſtory, theſe general Concluſions of *State-Spirit-Rejoicings and Terrors*, are to be made good by ſome one ſingle Tale, as here is one that he, for theſe mighty Ends, gives us; and it is of an Indictment of ſome young People for making Bonefires on the 6th of *November* at Night, which, in our Account, was the Day next after the 5th; and how was puniſhing that of the 6th a Terror to the Spirit that acted uſually on the 5th? It ſeems there was Reaſon to ſtop the Bonefires on the 6th, elſe it might have gone on to the 7th, 8th, *&c.* and all Winter be diſturbed with dangerous Fires in the Streets. But ſee what falſe diſingenuous Dealing here is to ſlubber over a baſe Buſineſs that will remain an eternal Shame to his Party. He ſeems to ſay ſomething, which, as he ſays it, is falſe; and, for the Reaſons hinted, he ſcandalouſly ſuppreſſeth the whole Truth that is material. If a Man in future Ages, by Chance, hears of a famous Pope-Burning, and, to be informed of the Manner, buys this Book, he hath a jumping Pennyworth. *Page* 401.

CHAP.

CHAP. VIII.

The Times clearing up, and how.

Introduction to the Farewel to *Ignoramus*.

I. WE are got beyond all the Parliaments held in the Reign of King *Charles* II, whereof that at *Oxford*, ſhort as it was, brought up the Rear. And now I have a Walk to take with our Author unlike any Turn we have had together yet; being a little more ſmooth and direct, with a fairer Proſpect on our Side of the Way, whatever it is on his; only we have the fag End of the old Rubbiſh of *Ignoramus* which lies in the Way, and, being troubleſome, muſt be removed. It was among the Concerns of the Earl of *Shaftſbury*, that I ventured to give the Geneſis of that Monſter engendered in the Filth of Faction, and alſo to ſhew how tenderly it was nurſed up till it could prey for itſelf. And now, having reſerved a Caſe or two, that fell under that Inflict̃ion, to be conſidered againſt the State of them by our Author, I ſhall apply to rid them off Hand. After the King's Reaſons, for diſſolving the two (then) laſt Parliaments, were followed by Addreſſes tempered on the Court Side, the Faction grew dull, like their Pamphlet, put out at that Time, entitled, *Of the Nature of the late Addreſſes*; and although diverſe of the Plot Witneſſes, by changing Sides, had plainly diſcovered the Scene of thoſe Treaſons which related to the *Oxford* Expedition, yet the King could have no Juſtice, nor ſo much as a Trial, upon any of thoſe Caſes, as the Party, by the Interpoſition of *Ignoramus* could hinder. The factious Sherriffs continued, and their Juries were moſt irreligiouſly true to their Truſt; and ſcreened their Party by rejecting all Bills of Indictment for High Treaſon, as they were preſented to them.

A Law 3 *Hen.* VIII. about Grand Juries, put in Execution in *Middleſex*, and the Sherriffs refuſe to obey.

II. Mr. Attorney General *Sawyer* found that, by the Statute 3 *Hen.* VIII, the Judges and Juſtices had a Power to reform the Pannels of Grand Juries returned before them, by taking out and putting in Names, as they thought fit; and the Sherriffs are, by that Law, bound to return the Pannel ſo reformed, on Pain of 20 *l.* which, ſo long ago, was an heavy Penalty. One would have gueſſed that the Law was made for the like Occaſion as the preſent; ſo apt was it and applicable to the Abuſe. But, by the Preamble, it appears that the Abuſe, to be corrected, lay on the Extreme the other Way, that is indicting too much, and not too little. So far was it from being ſuſpected then, that Inqueſts, for the King, ſhould ever contumaciouſly reſiſt a direct Duty. But now, ſince it is ſo fallen out, and the Evil is rampant, and within the expreſs Proviſion of that Law, one would be ſurpriſed at any Pretence or Colour why that Law ſhould not be put in Execution. Let us ſee how the Author mumbles it. *The Government would not truſt them* (the Whigs) *upon common Juries, becauſe of the late Returns*

turns of Ignoramus, *which they thought chiefly owing to that Party.* And was it not ſo? But here's Blunder all over; firſt about the Nature of Juries (the Author is privileged in Matters of Law) the common are the ſame as are called Petit Juries, that attend to try Iſſues joined, and thoſe muſt ſtand as they are returned, bating ſome Alterations by formal Challenges, if any are made. The Law 3 *Hen.* VIII, doth not extend to theſe, but to the Grand Juries or Inqueſts, who are truſted and ſworn to preſent to the Court all Offences that appear to them. Then the Words above would ſeem to exempt the Whig Party from this Concern of *Ignoramus*, and put it upon the Court who (vainly, by the Import of the Sentence) thought it owing to them. And could any Thing be more notorious than that it was entirely ſo? Could the Miniſters be miſtaken in that Notion, and conſequently their diſtruſt of Fanatics, when the very Fountain of *Ignoramus* flowed out of Conventicles, which the Laws ſtyle ſeditious and dangerous? And when all Men ſaw that going to Conventicles was a ſtandard Qualification of a Jury-Man? But, to vouch this general, the Author, according to his Uſe, hath a particular Tale; but that turns upon him. It was in 1681, when the Court of Seſſions at *Hicks's-Hall* did proceed upon that Law, and reformed the Pannel by taking out ſome Diſſenter's Names, Perſons obſcure, and not known to the Juſtices, or chief Conſtables; and the Court required the Sherriffs to return the Pannels accordingly, and they refuſed ſo to do. Which contumacious Act of theirs, expreſly againſt Law and their Duty, is of the ſame Reliſh with all the reſt.

III. This Proceeding of the Courts of Juſtice, purſuant to the Laws, the Author terms *a ſtrange Act of Partiality*, and ſays the Account given of it *was by Authority to palliate the Matter.* What means *palliate?* If the Account is not true, he ſhould diſprove it. If the Law was not with the Order of the Court, he ſhould have ſhewn it. How is ſetting forth the Truth of a Proceeding, upon the Foot of an expreſs Act of Parliament, to be termed *palliating?* But there is yet more. Upon a Repreſentation of this undutiful Inſolence to the Sherriffs, the King ordered that all the Judges ſhould attend at the *Old-Baily*, and the ſame Proceeding to be had there, where, perhaps, more Reſpect might be paid to the Judges, than had been to the Juſtices of the Peace; at leaſt they knew, and were able, better to deal with them. This was done; and, to ſhew the Moderation and Tenderneſs of the Proceedings on the Crown Side in thoſe Days, I ſhall ſubjoin a faithful Report of the Paſſage, as I had it, from a Hand of unqueſtionable Authority.

The Author libels that Order, the ſame referred to the *Old-Baily*.

IV. At the Seſſions at the *Old-Baily* before *Michaelmas* Term 1681, the King commanded the Attendance of the Judges; they were all preſent, except Juſtice *Charleton* and Baron *Street.* Mr. Solicitor General being preſent, and other Counſel for the King, "he informed the Court that the "Grand Jury, that was returned, conſiſted of Perſons diſaffected to the Go-"vernment, and criminal in not going to Church, and reſorting to Con-"venticles,

A Report of the Execution of the Statute 3 *Hen.* VIII. at the *Old-Baily*, and of the Sherriffs Behaviour.

"venticles, and desired that the Court would take Consideration thereof, " and reform the Pannel according to the Power in 3 *Hen.* VIII. The Court " thereupon opposed some that were objected to; and one not giving a " clear Answer to his not coming to Church, and another declaring he " went sometimes to Church, and sometimes to other Places, which the " Judges understood to be Conventicles, and he not denying it, the Court " thought fit to enjoin the reforming the Pannel; and it appeared neces- " sary to put in others, else there had not been twenty-four according to " the Command of the Writ. The Sherriff *(Pilkington)* boggled at it, in- " sisting that it would reflect upon them and condemn their first Return, " and also upon these Jury Men that were put out, and desired that it " might be made appear that the Pannel was corruptly made, and within " the Cases recited in the Preamble of the Statute, before they should be put " to return the Pannel. But the Court told them, that there were certain " ill Cases recited in the Preamble, which, it may be, were the Occasion " of making that Law; yet all ill Cases were not recited, and, by the " enacting Clause, Power was given to the Judges in all Cases to reform " the Pannel, by putting out and putting in; and the Sherriffs were en- " joined to make a Return accordingly. That the Court was not bound to " shew any Cause, for they were entrusted to do it at their Discretions; but " they had here proceeded upon a Cause, in as much as they thought Men, " who were Breakers of the King's Laws, not fit to serve upon Juries, as they " that refused to go to Church, or frequented seditious Conventicles, were; " and therefore they hoped the Sherriffs would be candid in their Obedi- " ence, and, having taken an Oath to perform the Office of Sherriffs, they " would not, in the Face of the Court, break their Oath in refusing. They " desired to advise with Counsel, but the Court told them that it was very in- " decent for them to ask to go to Counsel what the Law was, when all the " Judges had declared it, or whether they should obey, if it were so. Then " they said, what needed it, when there were enough besides, and the Court " might forbear swearing those Men. But the Court persisted to require them " to return the Pannel, and said that those Men had brought a Suspicion upon " the whole Pannel, and it became the Court to make Use of all the Powers " the Law gave them, to provide for impartial Returns of Juries; and, at " last, the Sherriffs consented to return the Pannel."

The Author suppresses this whole Matter.

V. How often do the Culpable accuse the Innocent of their own proper Crimes? So here the Author patronises the most scandalous Partiality that ever was heard of, and cries out upon a legal Power reasonably executed to restrain it, *A strange Act of Partiality!* And here it appears that the Court were so far from encroaching upon the Rights of the People to indifferent Inquests without, or beyond Law, as the Author in forty Places insinuates; that, in this Instance of a clear and express Power, instead of executing it rigorously, as they might have justified, by putting out and in twenty-three, leaving but one to stand, and without giving any Reason at all, they were

were tender, and acted upon Reaſons publicly declared: And, to ſay Truth, ſo reaſonably as only ſhewed their Power, but, as to the Buſineſs of finding Indictments, ſignified nothing at all. But the Author is pleaſed to ſuppreſs all this ſolemn Proceeding before all the Judges at the *Old Baily*; and contents himſelf to dabble at *Hicks*'s *Hall*, where the Sherriffs thought they might be ſaucy, and ſlight the ordinary Juſtices of the Peace. And he thinks he has celebrated the Triumphs of the Sherriffs in their Diſobedience to that Court, and would not leſſen his Heroes, by ſhewing they ſtood corrected any where elſe. If the Author would let theſe Matters alone, which he doth not, or will not ſeem to, underſtand, and are not uſually the Subject of Hiſtory, but rather of Law Books, he might be excuſed; but he goes juſt ſo much out of his Way or Knowledge, to pick up Pretences for Scandal, and lets the material Part of the Buſineſs alone, which gives ſo much more Trouble in correcting him.

A ſhort Account of *Stephen College* the Proteſtant Joiner, and of one *Rous*, both caught in Treaſon.

VI. But thus *Ignoramus* kept the Chair, and expired not but with the Sherriffwicks of *Shute* and *Pilkington*, which was about *Michaelmas* 1682. And, till then, the Court was much perplexed about conducting their Law Concerns; for, on the Crown Side, how plain ſoever Matters were, the very Forms of Juſtice failed; which ſhewed how far the Faction was advanced in Impudence. But, in the Interval between the *Oxford* Parliament and that *Michaelmas* 1682, a Time of much Diſcovery, there happened two notable Caſes. One was *Stephen College*, and the other of one *Rous*. The firſt of theſe was a Joiner by Trade, but, being a pragmatical Man, and a Fanatic, was ſet up as a prime Operator in the deſperate Doings of the Party; and, after their Way of abuſing the Word *Proteſtant*, (which Word was firſt derived from the *Lutheran* Proteſtation in *Germany*, and ſince is uſed to diſtinguiſh all reformed Churches) by applying it to every Thing they approved, or that run ſideling along with the Faction, as alſo the Word *Papiſt* for the contrary, and ſo, by an Art of calling Names, finding Means to caſt no little Prejudice upon Things, this Handycraft's Man was made famous by the Title of the *Proteſtant Joiner*; and his Province lay in managing of Sedition and Treaſon among a lower Order of Men; and he had, in particular, a great Charge incumbent upon him, to conduct that which was dreſſed up for the *Oxford* Parliament. How this Caſe proceeded, and what Turns it had, ſhall be ſhewed after I have done with the other, which was of leſſer Account and Conſequence. And that was one *Rous*; he was a thorough paced Traitor, and looked upon to be Paymaſter of the Mob; a *Wappinger*, and good at muſtering Seamen. And, in Order to have good Magazines of Arms and Ammunition, he was in the Front of a Deſign to ſurpriſe the *Tower* and *Whitehall*. This hung upon the *Rye* Conſpiracy, but was not ſo directly a Part of it, as to fall within *Keeling*'s Notice, and was diſcovered before he appeared. Which Diſcovery went no farther, then, than this Buſineſs of the *Tower*; though it was explained afterwards by ſome of the Teſtimonies, as was ſhewed before. I

find the Author is pleaſed only to mention this Man's Name among the Convicts of Treaſon at the *Rye*, and no more; I ſhall not therefore enter into the Particulars of this Treaſon again, but refer to what went before, and to the Prints; only I crave Leave to pay my Reſpects to *Ignoramus*, ſo far as his Caſe was concerned.

This *Rous* proceeded againſt, on the Evidence given in open Court, but the Indictment *ignoramus'd*, but at another Time attainted and executed.

VII. There was Evidence againſt *Rous* ſo early as 1681, that he and his Complices had the Deſign I mentioned, and alſo to ſeiſe the Perſon of the King; but with a good Conſcience (as ſometimes he pretended) having no Intent to ſhed his Blood, but afterwards he was reconciled to Murder; for it appeared that he, as the reſt, was for a clear Amputation of both the Royal Branches at once. The amaſing Refuſal of the Grand Jury to the Bills againſt *Shaftsbury*, *&c.* occaſioned that Oſtentation, rather than full Uſe, of the Power by 3 *Hen.* VIII. mentioned before. After which, it being ſhewed what the Court could do, it was hoped the Jury Men would be more modeſt, and not oblige the Court, in other Inſtances, to uſe the Extremity, but do common Juſtice, as their Oath and Duty required. So after the Reform, or Form rather (for it was no more) a Bill of High Treaſon was preferred againſt this *Rous*, and to take away from the Grand Jury, already ſworn, all Subterfuge of Excuſe, Counſel for the King moved the Court at the *Old-Baily*, "That the Evidence might be given to the Grand Jury "openly; the Court declared they could not deny it; and the Witneſſes "were heard openly, and the Jury charged upon it to conſider of the Bill, "who, being retired, ſent preſently for ſome of the Witneſſes; and the "Counſel for the King informed the Court of it, and prayed, that, if the "Grand Jury would aſk any Queſtions, they ſhould aſk them in public. "The Court ſent for the Grand Jury, and declared to them that they ſhould "have Liberty to aſk the Witneſſes, but it ought to be in public, as the "firſt Examinations were, being ſo required of the Court by the King. "The Grand Jury told the Court, with much Confidence, they thought "the firſt Examination was for the Satisfaction of the Court, and they did "not much mind it; that it was their Privilege to have private Examina-"tions, and they could not depart from it. The Court told them they had "a Privilege to debate privately, and were ſworn not to reveal one another's "Secrets; but, as for the King's Evidence, there was no Need of keeping "that Secret, unleſs the King's Attorney deſired it, but it might be public "or private, as the Court ſhould direct, and they were bound to follow "the Direction of the Court in this Matter. Then they deſired that, if "the Court over-ruled them, it might be entered upon Record; which the "Court ſaid was an improper Motion, and rebuked them for it, for the "Court doth not enter ſuch interlocutory Forms. Afterwards the Jurors "had convenient Places to ſit and write, and the Witneſſes were, at their "Inſtance, examined apart the one from the other, and out of each other's "Hearing, and gave a ſtrong Evidence of Treaſon in my Opinion; but "nevertheleſs the Jury brought in *Ignoramus*. The Witneſſes, being

"preſſed

"preſſed to declare who they knew did contribute Money towards accuſing, "&c. did charge ſome of this Grand Jury with it; and ſome other Paſ- "ſages, of their Endeavours to baffle the Witneſſes with captious Queſtions "and Cenſures, made the World ſee that it was very probable this Grand "Jury was not named by Chance." So far the modeſt Reporter; he might as well have declared the Villainy in Terms terminating. This *Ignoramus* did but delay the Trial of *Rous*; for he was afterwards indicted, tried, attaint and executed, as the Print ſhews; where is alſo his Confeſſion of Guilt enough, though not ſo much as appeared to be true of him.

Zeal's Narrative paints the Dealings in Treaſon, *College* indicted, and *ignoramus'd*, but forthwith indicted tried and executed in *Oxfordſhire*.

VIII. Now, coming to the Caſe of *College* the Proteſtant Joiner, I would firſt note that, when the Public began to ſettle a little, after the *Oxford* Parliament diſſolved, there were daily Diſcoveries of the Rogueries intended there; and whoever has a mind to know the Forms, Language, and Conceptions of the Treaſon Company one with another, and the Methods of the Directors to engage them, with the Authority the Faction-Mongers of the City had over the whole, tending to the great Work of taking off the King and the Duke, may read Mr. *Zeal*'s Narrative, entitled *Villainy diſplayed*, 1683. I do not mention this Pamphlet as a Voucher of Truth in all Reſpects, becauſe there was a Spice of the Pick-thank in it; but it affords ſuch natural Images of Faction, with their ordinary Dialect and Converſe, and Prattique of Treaſon, as cannot well be all fictitious: And, for the groſs Facts, every one may truſt or diſtruſt as they find Cauſe. As for *College*, there was early Evidence of rank High Treaſon againſt him; and therefore an Indictment was preferred to the Grand Jury at the *Old-Baily*; but againſt full Evidence, as the following Proceedings ſhew, the Return was *Ignoramus*. This obviated all farther criminal Proſecution there; the Door was ſhut, and no Entrance into the Common Courſe of Juſtice was to be had. But the ſcandalous *Ignoramus* was no Diſcharge, and it was conſidered that the overt Facts, of the Treaſon againſt him, were the Stirring up of War, and, in Order to it, preparing Arms and Habiliments, adviſing others to do the like, and deſigning to ſeiſe the Perſon of the King, and declaring he would be one; and that no Good was to be expected from the King, who minded nothing but Beaſtlineſs, and the Deſtruction of his People, and to eſtabliſh arbitrary Government. All which Facts were done as well in *Oxfordſhire* as in *Middleſex*, whereby the Treaſon lay in two Counties; and, in that Caſe, the King by Law may chooſe in which County he will purſue, for both are proper. It was determined thereupon, that, ſince the Juſtice of an Indictment was denied by the *Middleſex* Grand Jury, to proceed to indict and try *College* in *Oxfordſhire*. And, there being an Opportunity by Means of the Aſſiſes then at Hand, the Witneſſes were ſent down, and an Indictment preferred to the ordinary Grand Jury, who found the Bill. This could not be unequal; for this Caſe was not thought of when that Grand Jury was returned. After the Bill found, the Aſſiſes did not continue long enough to bring on the Trial of the Priſoner, for he would have complained of too ſhort Warning. Therefore an extraordinary Commiſſion

of *Oyer* and *Terminer* iſſued to the Judges of the Weſtern and *Oxford* Circuits to try the Priſoner; and the two former were ordered to return from their Circuit by *Oxford*, and to be there at the Day. So theſe Judges met and held the Seſſions, and after a long Trial, upon the Indictment found by the County Grand Jury, and full Evidence in the Hearing of a vaſt Aſſembly of all Sorts of People, the Priſoner was found guilty of High Treaſon, and, ſoon after, executed; as I am about to relate.

The Faction infinitely alarmed, and attend in full Muſter at *Oxford* to help off *College*.

IX. It is not to be conceived what a Thunderclap it was for the Faction, to hear that a prime Inſtrument of their's ſhould be brought to anſwer, much more to be attaint of Treaſon. They thought their whole Party ſafe enſconced behind the Sherriffs of *London* and *Middleſex*, with their Partiſans of *Ignoramus*; and that the Law was enervous as to them. And now, for one of them to be haled forth to an indifferent Trial, with the Conſequences, was of the laſt Importance, and would render the moſt zealous of their Party leſs daring, and many (as was found in diverſe Inſtances already) go over and become Diſcoverers. This made the whole Party engage, as *pro Aris & Focis*, with all the Skill and Intereſt they had, to boom off this Fire-Ship, and ſave their Friend. And accordingly they went to Work, inventing, contriving, ſoliciting, by all poſſible Means, if it might be brought about, to baffle the Trial. And the Attendance was accordingly, for there was ſcarce a pragmatical Town Party-Man abſent; and Abundance of the vulgar Sort of them. *Aaron Smith*, as far as he durſt, and that was not a little, took the Poſt of Solicitor for the Priſoner. It was he that was Agent for the *Scotch* Riſing in the *Rye* Plot. There was Doctor *Oates* booted, and ſpurred, and ſworded, and the whole train'd Band of his Dependance to help out, that could ſo well help in at a dead Lift. With this Armament and Attendance, not unlike that which was at the Meeting of the Parliament, this Proteſtant Joiner came down to be tried at *Oxford*.

An Inſolence to the Lord Chief Juſtice *North*, and of the libellous Papers of Defence ſorted, and the uſeful delivered to him.

X. When the Weſtern Judges, that is the Lord Chief Juſtice *North* and Mr. Juſtice *Jones*, arrived, juſt at his Lordſhip's Alighting from his Coach, a Servant put into his Hand a Letter left directed for him. He opened it, and found only theſe Words, —— *You are the Rogue the Court relies on for drawing the firſt innocent Blood.* After his Lordſhip was in his Chamber, and ſome Friends with him, he ſhewed it to them, ſaying only, that *theſe Men think me ſo poor ſpirited, as to be frighted from my Duty by ſuch ſilly Stuff as this.* It is a Thing of Courſe for Men, in the Circumſtance of this Criminal, to deſire Time after Time, and to inſiſt upon all Dilatories, and to be very querulous, if every Thing they aſk, be not granted; for they are never in Haſte; and it is always one Requeſt for Friends to have Acceſs to them. And, in this Caſe, there was enough of all this; for Petitions upon Petitions had been preferred, praying ſuch Kind of Indulgences, which were granted, as appears by the Petitions and Orders printed at the Beginning of the Trial, to ſilence the lying Spirits of the Party, who then (as this Author, in this his *Compleat Hiſtory*, hath) falſly pretended, that he had

neither Time nor Means allowed for his reaſonable Defence. In the Liſt of the Priſoner's Counſel we find Mr. *Smith*, that was Plot Counſel to *Oates*, and one *Weſt* deep in the *Rye* Conſpiracy; and theſe Gentlemen, with their Aſſiſtant, had penned for the Priſoner's Uſe, not only captious Law Queſtions, but florid Speeches and Harangues, with the Cues where they were to be pricked in, as the Courſe of the Trial went on. The Contents were Recrimination and Libel upon the Government, charging Popery, *French* Counſels, cutting off Proteſtants, arbitrary Power, and the like factious Stuff, ſuch as, if not helping the Priſoner off, might fill the Trial (when printed) with Libel upon the Government; an Art uſual with the Faction. After the Priſoner was come, the Judges, at his Deſire, allowed free Acceſs of his Friends to him. But one of the Officers obſerved that one of them put a Parcel of Papers into his Hand; and, upon his Information, they were ſent for and inſpected, and found to be, partly, concerning his Defence, as Witneſſes Names, *&c.* but Abundance of the aforeſaid libellous Harangues. When the Court was ſet, any one, that knew Perſons, might be diverted by obſerving the Diligence of the ſoliciting Crew, and how they had poſted themſelves in the View of the Priſoner, and made Signals at all Turns with Winks and Lipbitings. The Priſoner was arraigned, and, after much ado, pleaded *Not guilty*, and, upon his Complaint about his Papers, they were diſtinguiſhed, and all, that were not meer Libel, returned to him, and his Trial was appointed the next Day. It is Pity our Author had not Copies of theſe Harangues to put in full Length into his *Hiſtory*, they would have ſat very well there.

XI. I do not propoſe to make a Report or Extract of this Trial, to repreſent the numerous Cavils and Chicaneries that were uſed in it, for the whole is in Print, and readily had; and let that ſuffice. I ſhall only note a Paſſage or two, as I think ſingular, and then ſpeak with the Author about the honeſt Copy he has made from ſo juſt an Original. It was *Aaron Smith* that put the Papers into the Priſoner's Hand, and being queſtioned about it, lifted up as high as he could ſtretch, and ſaid, publicly—*It is high Time to have a Care when our Lives and Eſtates are beſet here.* The Chief Juſtice roſe up and (calmly) ſaid to the Clerk, *record thoſe Words.* The Conſequence of that was a Conviction without farther Trial; upon which the Court might have adjudged a Puniſhment. But *Smith* was aware of that, and fell to recanting and explaining, which diverted the Proceeding; and the Judges only took his Recognition to attend during the Seſſion. This Paſſage of recording the Words is not put in the printed Trial, becauſe, as I ſuppoſe, Nothing being done, it went for Nothing. Sir *George Jeffries*, and one of the Priſoner's Witneſſes, had a Parree of Wit. It was one *John Lunn*, an old *quondam* Drawer at the St. *Dunſtan*'s, *alias*, *Devil* Tavern, and gifted like an Army Saint. He was once heard praying by the Spirit againſt the Cavaliers, and, among other ſpiritual Elegancies, he cried, *Scatter 'em, good Lord, ſcatter 'em,* which gained him the Nickname of *Scatter 'em,*

Some odd Paſſages at the Trial, and *Oates*'s Delight in Atheiſm and Blaſphemy.

Scatter'em. Sir *George Jeffries* was somewhat too busy in asking his Questions: and, *Sir* George said he, *I never was upon my Knees, as you were, before the Parliament. Nor I*, said Sir *George, for much, but you were so when you cried* Scatter'em. *Oates* was also called to Witness for the Prisoner, against the Credit of some of his Brother Evidences that had testified for the King. He affected to pronounce *Ore rotundo*, the round Oaths and ribald Stuff that he charged the others to have uttered. And, among other Things, he said of one *Smith*, who was a Minister, that he once admonished him of his Oath upon the Gospel, and his Answer was, *G— d— the Gospel*; and that vile Sentence *Oates* mouthed out so odiously, as very much offended all (not so bad as himself) that heard it. And the Manner of his Behaviour shewed the Genius of the Man more than any Description can do. He did but use the Privilege of a Theist or Freethinker; of which Crew, or worse, he plainly declared himself by this Passage. He told of his waiting with some Company for Dinner in the City, *and*, said he, *to divert ourselves, we entered into a Discourse of Philosophy; and the Questions were concerning the Being of a God and the Immortality of the Soul, whether those could be proved by natural Demonstration.* And he seemed much gratified in this Opportunity of talking profanely in Public. But enough of these base Mementos. It is Time to come to our Author, who pretends to sink deep for the Intrigue of this Man's Case.

The Author's insufferable false Accounts and Suppressions to abuse this Trial. *Page* 399.

XII. He begins with his Character, which, after his Rule of the Times, was meritorious; and his Treason no other than Zeal against Popery, *that he was a busy Man, and a great Talker against Popery.* A good Workman at Disjoining, whoever paid him; and, as for his Offence, *He went down to* Oxford, *and there spoke Words and recited Rhymes which were said to reflect on the King.* What a barbarous Way of Writing is this? Only *said* to reflect on the King. The Author is so far from allowing any Thing treasonable in his Case, that he carries it no farther than a few *Words* and *Rhymes* which were but *said* or *supposed*, not that they really *did reflect on the King*; and, if they did, we know that is but Misdemeanor and not Treason. Why did he not shew what the *Words* were, the Tendency and Use of the *Rhymes*, and other Facts proved? It would then have appeared he was Poet and Singing-master, as well as Songster. He was good at Draught and Design, and could make Hieroglyphics of Popery and arbitrary Power; and represent emblematically the Downfall of Majesty; as in his Raree-Show and Mackninny, as I touched before. But those were Bawbles for the underling Mob to be engaged with. His Magazine for Action was of another Sort, Iron Ware and Arms, besides notable persuasive Discourses he had to incite Folks to use them against the King, whom, by his slighter Implements, he vilified and derided most execrably. Thus, like the Hero, *tam Marti quam Mercurio*, he plied his Work. If the Trial had not been in Print, it had been needful to have given a fuller Account of this Case: But I decline the *tædium* of a nice Examination, at this Time of the Day, superfluous;

ſuperfluous; it is enough to ſhew the Perfidy of the Account given in this Hiſtory.

XIII. It goes on to ſum up all in a little; ſhewing that this Mechanic was to be *made an Example*, not for any Treaſon, or ſo, but, *for meddling with Politics*, the reſt follows of Courſe; but obſerve an admirable Conciſeneſs, *and ſo an Indictment was preferred againſt him.* I am really afraid of being ſuſpected for abuſing an hiſtorical Writer. It being almoſt incredible any Pretender that Way, even of the *Grubſtreet* Order, ſhould take upon him to relate Facts and Proceedings, and write ſuch Stuff as this. But with Leave of his *and ſo*, the Indictment came replete with Facts of High Treaſon as touched before, and all proved by lawful Witneſſes againſt him, before the *London* Grand Jury; but they (juſt as our Author here) made a meer Ballad of it, and rejected the Bill. Then, as the Party concluded, *College* was ſafe. Now comes in the Author with a freſh Subject of Libel. *For which* (Ignoramus) Wilmore *the Foreman was, out of all Courſe of Law, apprehended and examined before the Council, and ſent to the* Tower, *and was afterwards forced to fly beyond the Seas.* Now, upon my ſmall Experience of Affairs, which tells me this *for which* cannot be true, I will out with my Purſe, and wager all that's in it that the Scandal is falſe. But I fear every Reader will not venture ſo deep, being (perhaps) inclined to think a grave Writer ſhould not affirm a Fact, in Manner and Circumſtance, ſo very untrue. That *Wilmore*, by his perjurous *Ignoramus*, was not much recommended to his Majeſty's Favour, ſo as, by his extraordinary Interpoſition, to be taken out of the Hands of the Law, when it had ſeiſed on him for Crimes, I readily grant; as alſo that if a Man will effrontuouſly break the ſacred Truſt of Juſtice, in a Matter of Treaſon againſt the State, more like a Partiſan than a ſworn Enquirer, that the State will lay Hold on him, if he be found, in any Reſpect, obnoxious to the Law: And farther, that a Man muſt needs be a Saint, indeed, that practiſes barefaced againſt lawful Authority. All theſe Things I grant; whereof the Conſequence is that Mr. *Wilmore*, and every one elſe of his bold Uſurpation, muſt look to their Hits; for, if they may, they will be caught napping. But, as to the ſaid *for which*, that is for his Return of *Ignoramus*, I deny that it either was made or mentioned to be any Part of his Crime; but he was taken up by lawful Warrant, and not, as the Author abuſively affirms, for his Verdict, which could not be ſo. It ſeems, ſome of the Neighbours, that had him in Deteſtation, informed that he was a Kidnapper, and that he had ſent one or two young Men to the Plantations; and it was verily believed he had ſold them there. Upon this, he was taken up and examined, and, afterwards, not only tried at the *King's Bench* Bar and convict (as I find in the *Chronological Hiſtory of* England 24 May 1682) but was alſo obnoxious, if not charged by a Writ *de Homine replegiando*, and committed (as the Nature of which Writ requires) until he produced the Perſons in order to be replevied, This was the ancient Remedy for the Liberty of the Subject, and

More of the ſame, and a Falſity of *Ignoramus Wilmore* committed for his Verdict, which was for Kidnapping.

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is indeed more effectual and expedite than an *Habeas Corpus*. The Difference is that the former is the Proceſs of the Government, that took Care of the People's Liberties (wherefore Men affected to ſtyle themſelves the King's Subjects) againſt the great Men that tyranniſed; and the latter is chiefly intended againſt the Government it ſelf, and the Abuſes of its Power. But, as for *Wilmore* the Kidnapper, he found Means to clear himſelf by the Activity of his Heels. Whoever would know the Steps of this Matter, may find ſomewhat of it in the Pamphlets of the Time, and particularly in *L'Eſtrange*'s Obſervators; out of which the whole Story may be picked.

The Author lyes now uſefully. His odious reflecting Deſcription of the *Oxford* Proceeding.

XIV. In ſuch a Caſe as this, ſo defamatory of a ſettled Government, an Author ſhould have made good his Charge by ſome authoritative Evidence, as the Order of Council, Warrant of Commitment, or Return of an *Habeas Corpus*, as might have been had for the looking for. O! but then, his ſaying it was for his Verdict had appeared to be a Falſity, and had ſpoiled a very fluent Libel. Marry, he thanks you for that; no, though the Matter lay fair enough for Reflection, as to have ſaid that, for Revenge of his *Ignoramus*, a Pretence of kidnapping was taken *&c.* for he would not abate an Hair of the Venom of his Libel, and therefore ſays it poſitive, without any Pretence at all. But, to do the Faction Juſtice, I muſt allow that, according to their Scheme, they were much in the Right; for, having a Government to undermine, then Lyes and Libels ſerved as Spades and Mathooks to work with. But now, to go on with the Story, for I think I muſt tranſcribe the whole Paragraph. *To make ſure that the Bill might not miſcarry a ſecond Time, where* (at Oxford) *they hoped to find a more pliable Grand Jury, the Witneſſes were ſent down Poſt to the Aſſiſes.* Whether by Poſt with the Horn ſounding before, or, as I gueſs the Truth was, by Coaches in which there might be ſix Horſes, which, trotting apace, and galloping ſometimes, ſaved their Tide and reached the *Aſſiſe Town* before the Buſineſs was done. Now this Word *Poſt* has a *je ne ſçai quoi* Sound of a deep Deſign. But *oportet mendacem eſſe memorem*; for now 'tis *hoped*, a Line or two before it is *made ſure*, that is they made *ſure Hopes*. But, to wave Bulls, why might not they in *Oxfordſhire* make ſure, when it was evident no unpacked and unprepared Grand Jury could reject ſuch an Indictment? Then, as for his *pliable*, the Chief Gentry in the County of *Oxford* are his humble Servants for the Compliment; for Men of Honour are very *pliable* to Perjury.

Ignorant and detractory Account of the Grand Jury Methods.

XV. Now, to go on with this Hedge Libel; *and, by a ſecret Management ſhut up with the Grand Jury till they found the Bill.* A Bailiff at the Grand Jury Chamber Door, to let in thoſe that have Buſineſs and none elſe, is a Manager of Secrets. Do but obſerve the hot and cold Dealing. In *Rous*'s Caſe it was a Privilege to be ſecret, and now it is Management. The malicious and falſe Inſinuation is that the Grand Jury Chamber, being free for all Comers, as an open Court of Trials is, yet, in this Caſe, it was ſhut up for *Management*. O woful Law-Divine, that doth not know that Place is always

Always close, and not open to any that are not called, or have no Business; and that, no Defences being heard, only the Prosecutors and their Witnesses attend to shew that there is Reason for the Prosecution. And how could these Men, as they are sworn, keep the King's Secrets and their own, if they were not close. If all People might come in at such Examinations, Prisoners would have Spies upon the Testimony, which would be of ill Consequence. But the true Grievance of the Faction was, partly, the Want of that, and, partly, that the Solicitors and Agents of diverse Species, sent down to labour about freeing the Prisoner, were deprived of the Opportunity of standing behind, whispering and commenting, during the Examination; as for Instance —— *this is Popish Work* —— *that's an Irish Papist* —— *Knaves come to destroy Protestants* ——— *no Protestant Plot*, and the like; and, perhaps, take the Boldness to ask Questions pragmatically, or otherwise, though by their Looks, affront the Testimony. Whereby, if, in ordinary Cases, the Croud used to be let in, as they were not, yet, in this Case, it was reasonable to hinder it. And now comes the Tag to this fine Lace. *This was afterwards complained of as an unsufferable Practice*, that is not letting the Croud into the Grand Jury Chamber; but by whom, or to whom complained of? By *Shute* to *Pilkington*, or by *Pilkington* to *Shute?* It could not be by any one Man of common Sense and Knowledge of Things to another. If he means any formal Complain tto Authority, as for an Hardship or Wrong done, the Sentence is a great Untruth.

XVI. He comes now to the Circumstances about the Trial, which, I hope, was no private Management; but *he was hurried down.* This is like the *Posting* down of the Witnesses. Libel trades much in Words that found without any Sense in them: For what was this *Hurry?* If it was the long Trot of the Horses, and swift Passage to *Oxford*, it is a foolish Expression. If it was so that the Prisoner was deprived of any just Means of Defence, as the Libel seems to intend should be understood by it, it is false; and the Prints before the Trial, as also the Trial itself, that shews all the material Circumstances, confutes it. But tragical Words sometimes heat the willing Imagination, so as to form in itself a Lye when the Author durst not say it. But we shall grow more and more direct; for, about the Papers, taken and (except the libellous Harangues) restored, the Author says, *This Way of Proceedure was thought to be very harsh and illegal.* Neither the one nor the other; for, as the known Law was then, Prisoners were urged to make their Defence upon their Innocence of the Fact, to be tried by the Country, without foreign Assistance to invent Exceptions of Form, and Dilatories; for which Reason no Counsel used to be allowed them: But, if they could, by any Means, shew to the Court any Matter of Law, in Point of Form or otherwise, the Court was trusted to give them the full Benefit of it; as they were also if it appeared to them without the Prisoner's shewing; which made it a common Saying that the Court is the Prisoner's Counsel. Nor is this to be accounted an harsh Law (for Law it was) however thought fit

Like detracting Style about the Journey and the Papers, the Law touching the latter stated.

ſince to be altered; for Offences, of this Kind, are ſo clancular, and withal ſo dangerous to Government, that it is neceſſary they have ſome Power over Criminals in the Way of Juſtice, more than is regular in common Wrangles of *meum* and *tuum*, that are of little Conſequence. For, if Juſtice is not had in ſuch Caſes, Force will take Place; and nothing is extraordinary when a Court of Juſtices ſworn have the Power of the whole Form of a Trial, by which Right is to be done between the Government and Traitors. And to imagine that lawful Judges are corrupt, is barbarous; becauſe of the Neceſſity of judging, and conſequently of Powers to judge, eſpecially when a Trial is in public, for all the Attendance to obſerve and judge even the Judges, who are in a Sort (in captious Times at leaſt) upon the Terms of good Behaviour, becauſe Men may ſee their Partialities when the Caſe is ſo, as it was not here. But, ſince Artifice is not allowed to Priſoners by the Means of formal Counſel, why, I beſeech you, by written Speeches and rhetorical Harangues, which were, in Truth, impertinent to a juſt Defence, and contrived for another End, and that was Libel upon the Government? It had been a rare Device to publiſh Libels with Safety, had it been permitted the Priſoner to read them to the People out of his Papers.

The Author goes on, and is left with a Lye hanging out of his Mouth.

XVII. But the Author ſtill thinks him *under ſevere Circumſtances*. It is well the Trial is in Print, elſe theſe poetical Expreſſions would ſadly paint this Man's Caſe in the Minds of thoſe that know no better. But, from the old Rule, *ſit liber judex*, I may take Aſſurance, and affirm that no Man, that ever was tried for High Treaſon, had, or could claim, more Latitude or Scope of Defence than was allowed to this Man; which is ſufficient in Anſwer to all that ever was or can be alledged againſt this Trial. And the Author is but a Summiſt of the Libel upon this Head; for, near the Time, Faction was not deſperate, but bold; and they not only railed at the Judges publicly, but put out libellous Pamphlets, out of which the Author has his Excerpts, which, at the Time, were anſwered ſufficiently to the common Satisfaction of all equal Perſons; but, out of the Anſwers, no Word to be found here. Now ſee how an Hiſtorian can ſide with a Traitor in his Time! For the Author hath the Braſs to add, *But indeed it ſeemed a Matter reſolved from above; he muſt dye, and ſo* ——. One, that knows this Author to be a Divine, would conclude him a Fataliſt, and that he ſpeaks of Heaven above, and not of an earthly King. The Words *indeed it ſeemed* are ſingular *Engliſh:* But, paſs Forms, if any Thing from Hell can ſtink worſe than this ſulphureous Sentence, I have no Noſe. The very ſhewing it is enough to diſturb the Entrails of any candid Perſon not abandoned to Infamy. One, that ſlanders within the Lines of Poſſibility, is a ſincere Perſon, and an Artiſt to this that defames with Impoſſibilities; that is, that a Man ſent down to the Law, and fairly, in the Face of the Nation, tried and attaint, was doomed before hand; right or wrong, — *He muſt dye*. So here is premeditated Murder charged upon King, Counſel, Officers, Judges, and Jury all at once. I am ſorry that the Author's unſuf-

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forable Malice to the Times of this Reign, ſhewed in his Falſifying this Trial, has drawn me to loſe ſo much Paper and Ink about it. One, that is weary, and has a Mind to have done, muſt grieve at ſuch Provocations; and, as the common Saying is, *Fleſh and Blood can ſcarce bear with him*, who hath given no hiſtorical Account at all of the Matter, but only hath put together, as under a Common Place, a Parcel of Sentences, every one ſublimated Libel. Therefore, that I may not concern the Reader in any farther Offence about this Matter, I leave it and the Author, with all his *Ignoramus* Trumpery about him, till a clearer Air invites me to call him forth again.

Introduction to the City Alterations, touching the Importance, and yet ſilence in his Hiſtory of them.

XVIII. I intend now to preſent a Denovement of Affairs, a new Turn, which happened upon certain Rectifications, brought about in the City of *London* in the Year 1682; and began in gaining the Election of Sir *John Moor* for Lord-Mayor, and was followed by the Appointment of Sir *Dudley North* and Sir *Peter Rich* for Sherriffs, whereupon *Ignoramus* vaniſhed: But all this was not done without immenſe Concuſſions and Noiſe, that affected not only the City of *London*, and the Countries thereabouts, but, in great Meaſure, all *England* beſides. The Author hath given nothing conſiderable of this whole Matter, whereby any Thing of it may be underſtood; but only ſome Snatches of Facts, either miſtaken or falſe, which ſerve in the Quality of miſhapen Vehicles of his baſe Detraction. I have indeed wondered often that, among the many Books, of one Sort or other, that have come out, whereof ſome, as this Author, pretend to be hiſtorical, and even of thoſe very Times, yet none have offered at a clear Relation of theſe City Doings; although the Importance of them, to the Public, was great; and they were full of ſtrange Turns and Surpriſes, ſuch as, I think, none, but the *Engliſh* Stage, could preſent. For the Tranſactions, however limited within the Liberties of the City, which was but a private Capacity, yet, conſequently, they improved to a grand Criſis of State, and hinged about the whole Machine of King *Charles* II.'s Government, from a Poſture of great Uncertainty, Trouble, and Hazzard of the public Peace, to a compleat Settlement of him and his Authority in a ſhining Serenity and Peace. And this Tranquillity, to the utter Confuſion of the adverſe Party, continued, with little Shew of Change, till that immenſe and dolorous Loſs by his Demiſe, when the Sluice Gates of Change opened: But thoſe Affairs are beyond the Limits of my Undertaking to account for. But, as I ſaid before, little remains above Ground to notify theſe Brigues, that had ſuch monſtrous Effect, to Poſterity; and, like the Items of *Oates*'s Plot, are, as the Acts of the Heroes of Antiquity, turned into Fable, as it were, or nothing. And therefore I take Hints from the Author to revive here what can be recollected of them by one who, in thoſe Days, attended cloſe at all public Agitations of the Time, and of theſe Movements more eſpecially.

The Character of Sir *John Moor*, and how happily adapted to the Occasion and the Times.

XIX. Very much depended on the Character of that ſingle Citiſen, Sir *John Moor*. He was a Perſon very grave, and of a retired and virtuous Courſe of Life; conformable, and conſtant at Church, of Loyal Principles, and very juſt and honeſt in all his Dealings; all which his very Enemies could not deny: And although all the factious Party would have made him their Property, yet few intended him, perſonally, any Harm. He was by Nature, not only careful, but alſo, very fearful of Conſequences; but, being once ſatisfied of the Juſtice in what concerned him to do, he wanted no Reſolution or Courage to perform it. In the mean Time, his being ſuſpicious, dubious, cautelous, and not ſoon determined, but hesitatory at unuſual Occurrences in his Office, made him paſs for a Perſon timidous, and of a fickle irreſolute Temper; otherwiſe he had not been Mayor at that Time, as will be ſhewed. He was forward in nothing, and, being ſenſible of his ſoft, unſteddy Elocution, inclined to Silence: But his Behaviour was always modeſt and reſpectful to all, and, by his Words or Carriage, offending none, but to his Betters extreme ſubmiſs. His ordinary Diſcourſe, as well as his Countenance, was faint, and tended to Dejection, ſo as one would think he always deſponded; and that made Folks apt to gueſs he had no Firmneſs or Reſolution at the Bottom, or at leaſt not ſuch as might ſuſtain him upright under Difficulties. All which made it wonderful that, in ſo troubleſome a Mayoralty, as he had, and, afterwards, under a more troubleſome Inquiſition that fell upon him (of which in due Time) he ſhould carry himſelf with ſuch Firmneſs and Perſeverance, in all the ſubſtantial Points of his Difficulties, as he did. Whereby it was plain that he carried in his Mind a Determination, that neither Public nor Private ſhould ſuffer through him, whatever Men might think to extort from him, or whatever ſhould happen to himſelf. Which Character was cut out for this Time and public Occaſion; for nothing but ſuch Firmneſs of Mind and manifeſt Goodneſs, with a ſeeming paſſive Diſpoſition, could have protected him from thoſe Rages of Violence as very often threatened him: Which, probably, had broke looſe upon any one, in his Poſt, that had carried Matters with a ſtern and minatory Behaviour.

How by a Non-Chalans of the Faction he was choſe Lord-Mayor, and the Conſequence.

XX. The Loyal Citiſens, knowing this Perſon to be a juſt Man, and one who would not combine with Faction, and having a View of ſome Uſe to be made of ſuch a one for ſetting the Affairs of the City right, applied themſelves ſo effectually that they carried the Election of Lord-Mayor for him. This was ſome Surpriſe to the factious Party, though they did not think his Election of any mighty Conſequence to them; and, his Courſe being next, many thought it not reaſonable, nor creditable in the City, to put him by; and they looked upon him as one who, by Terrors (in which the Faction traded much in thoſe Days) if he had been, as they thought he was not, very averſe to them, might be wrought into any Meaſures. And his Office did not affect the Return of Juries, which was their *Palladium*; therefore they did not unite as one to exclude him, as they did

did to carry the Choice for Sherriffs; else (as was ſeen in that Caſe) he could never have been choſen. And, if they had had a magical Intuition that Sir *John Moor* had been capable of acting againſt them as he did, they had fought at the Choice as high againſt him, as ever they did againſt any other. I cannot but reflect on the Vanity of Craft in Affairs of the Public, liable to ſtrange unforeſeen Turns, and derived upon the leaſt Accidents that give a ſtart to them. For here the ſingular Character of this good Man, which had not its Like perhaps in all the three Kingdoms, coming on by a Sort of Contingent, under which the Faction was not alarmed, and the Loyaliſts had but faint Hopes, produced an exquiſite Oppoſition to the Party, and, in the End, deprived them of their Fortreſs of the Sherriff's Office, and laid them open, in *London* and *Middleſex*, to the great and ſmall Shot of the Law, for their daring unguarded Miſdeeds; than which nothing could have happened more fatal to the whole Ordonnance and Strength of the Faction: The Steps and Manner of which Event to expoſe, is the Buſineſs of what follows.

The ill State of the City ſtirred up a Party, that grew ſtrong againſt the Faction.

XXI. It hath been before obſerved that the beſt, and, generally, moſt ſubſtantial of the Citiſens, whom the Author honours with the Title of *the Court Party*, were much concerned at the Diſorder the City was in; whereof almoſt the whole Authority and Juſtice was fallen into the Hands of a Party, and the very exterior Countenance of the City was altered for the worſe. All the Feaſting and common good Fellowſhip of the Neighbourhood laid aſide; and, in Coffee-Houſes and Corners of the Streets, continual Debates about Party making and Party working, and not ſeldom right down ſcolding and quarrelling. This eagar Contention ſhewed there was a good Body of Citiſens, that had good Hearts and Spirits, and who would readily join in any reaſonable Methods, as might be found, to reſtore the ancient Order and Courſe of Living in the City. And this Party, among the better Sort, was obſerved to encreaſe in Numbers, Diligence and Application, by their reaſoning with the Livery Men, moderating them, if poſſible, to comply ſomewhat with the Government, and not always to make ſcandalous Elections of Sherriffs, as they had lately done; minding them of the Peace and vaſt Trade they had had, and ſtill enjoyed under the Government, and that ſuch intolerable Oppoſitions muſt, at length, come to a Rupture and loſe all. So the peaceable Citiſens to thoſe who perpetually raved about with the Words *Popery*, *French*, *and arbitrary Power* flaming out at their Mouths. On the other Side, the Court and their Friends were not idle; but very many of them came and kept Company with the friendly Citiſens, encouraging and countenancing them. The good Effects of this Intercourſe and Converſation appeared firſt in ſettling the Point of Sir *John Moor*, and, after that, in bringing forward, by his Means, what the Citiſens had long thought of to ſet up, the Cuſtom of appointing one Sherriff by a Ceremony called *my Lord Mayor's Drinking*; leaving the other Sherriff, as the Cuſtom was, to the Common Hall. For

if one good Sherriff were gained, they did not fear what Hurt the other alone could do; for both Sherriffs made but one Officer.

The Deſcription and Practice of the Lord-Mayor's appointing a Sherriff by Drinking.

XXII. This Cuſtom, of my Lord-Mayor's deſigning one of the Sherriffs by drinking, is very ſingular, and ſeems to be a jocular, rather than, as it was, a ſolemn Proceeding. And, according to the ancient Conſtitution of the City, it was a moſt reconciling Expedient; without which, or ſomewhat elſe of like Efficacy, the Government of it anciently could not have been carried on. And, unleſs I give ſome clear Declaration of the Nature and Uſe of this Cuſtom, the Juſtice of the Controverſy, that fell out about it, cannot be well underſtood. The Manner is thus: At the Bridgehouſe Feaſt, which is ſome Time before the 24 *June*, the Day of the Election at *Guildhall*, the Lord-Mayor takes his Time, and, out of a large gilt Cup, drinks to ſome Perſon he names by the Title of *Sherriff of* London *and* Middleſex *for the Year enſuing*. If the Perſon be preſent, the Cup is immediately born to him, and he pledges my Lord-Mayor: If he be not preſent, then the Cup is conveyed in the great Coach, with the Sword Bearer and Officers, openly, and in State, to the Houſe of the Perſon drunk to, and the Officer, declaring the Matter, preſents the Cup to him; and then he is called *my Lord-Mayor's Sherriff*, and, not long after, he is ſummoned to the Court of the Lord-Mayor and Aldermen, and there, if he holds, he enters into Bond to take upon him the Office at the Time; and if he fines off, then, in a like Method, the Cup is ſent to another, till the Perſon is pitched upon that will hold: And this Way of drinking and fining off is of great Uſe to the City, for it brings Money into the Chamber; and it is called *going a Birding for Sherriffs*. At *Midſummer-Day*, when the Common-Hall meets for the Election of Sherriffs, and the Lord-Mayor and Court of Aldermen are come upon the *Suggeſtum*, called *the Huſtings*, the Common Serjeant, by the Common Crier, puts to the Hall the Queſtion for confirming the Lord-Mayor's Sherriff, which uſed to paſs affirmatively of Courſe. After that, the Lord-Mayor and Aldermen riſe and go up into the Room they call *the Court of Aldermen*, leaving the Floor or Body of the Livery Men below to chooſe another Sherriff by themſelves, without their interpoſing or being concerned in the Choice: And, if any Difference happens, ſo that a Poll is taken, the old Sherriffs preſide and ſee it orderly done. And after the Perſon choſen is fixed, then the Lord-Mayor and Aldermen come down again to their Places, and there, in full Aſſembly of the Common Hall, the Election, as to both Perſons, is confirmed and declared. For as the Lord-Mayor's Sherriff was confirmed by the Hall, ſo the other Perſon, choſen by the Hall, is confirmed by the Lord-Mayor and Aldermen; and either Side doth not interfere with the other. This had been the Cuſtom of immemorial Uſage in the City, and at length ſettled by Act of Common Council; and ſo went on to about *Forty One*, when, for like Ends as now, it began to be practiſed upon in Favour of the Livery,

which

which the Faction began to ſet up in Oppoſition to the Lord-Mayor's; and ſo, for two Years before the Mayoralty of Sir *John Moor*, the Election of both Sherriffs were, by factious Lord-Mayors, thrown into the Common Hall. Otherwiſe nothing of Common Law, confirmed by Statute Law, could be of more regular and conſtant Right, exerciſed by the Lord-Mayors of *London*, than this was; as the various Prints in the Controverſy, publiſhed about that Time, do largely argue and demonſtrate.

The Rationale and Original, with the great Uſe in the City of the Cuſtom of Drinking, *&c.*

XXIII. But this Cuſtom ſeeming ſo bizzarr, and the Faction raiſing ſuch a Clamor againſt Sir *John Moor* for ſetting up his Right by it, as if he uſurped upon the Rights of the City, to whom it belonged, ſaid they, in a corporate Aſſembly to chooſe their Sherriffs, I ſhall give the plain and true Rationale of it. It is firſt to be conſidered that the Lord-Mayor, Aldermen, and the Livery Men, aſſembled in the Common Hall, are, for the Purpoſe of chooſing Officers, the Repreſentative Body of the City; whereof the Lord-Mayor is the Head, being an integral Part of that Politic Body, and hath a negative Voice upon all their Proceedings, ſo as, without him, no Corporate Act whatever can, at any Time, be made or done ſo as to bind the City. In old Times the Mayor was the *Cuſtos* of the City, and, ſince the Incorporation, continues the like Charge, and, as Head of the Corporation, is anſwerable for the good Government of the City. The Sherriffs of *London* and *Middleſex* are the King's Officers, as in other Counties, to collect the Revenue, and to account in the Exchequer; and it was only the Choice or Nomination of them, and no more, that is veſted in, or belongs to, the City; but the Office itſelf is as at the Common Law, and no Part of the City or its Incorporation, as other Officers, *viz.* Town-Clerk, Sword-Bearer, *&c.* are. And, as in other Counties, the Sherriffs are *Cuſtodes Pacis*, and have, for that End, the Poſſe, ſo here they are to attend the Government of the City, and aſſiſt in keeping the Peace; and it is after the ſame Manner as when Juſtices of *Oyer* and *Terminer* come into a County or City, the Sherriffs are bound to give Attendance, and to execute their Mandates. Beſides, the Nomination being in the City, if the Revenue be not anſwered in the *Exchequer*, the City muſt pay it over again. Theſe Conſiderations made the Lord-Mayors be very ſolicitous to have able Sherriffs choſen; and that created Differences between him and the Aldermen on the one Side, and the Floor or Livery Men on the other. And, if Perſons were named to be Sherriffs that the Lord-Mayors did not think fit to truſt, they would diſagree, and then there was no Choice at all; which endangered the Seiſure of their Franchiſes, and brought other Inconveniences to the City. And, thereupon, the Matter fell naturally into a Compromiſe between the Lord-Mayor and the Floor, as, for Example, thus: *If the Lord-Mayor*, ſaid the Citizens, *will allow us of the Floor to chooſe one, and let him ſtand, then we will confirm* (it could not be called *chooſe*) *any other Perſon the Lord-Mayor ſhall nominate*: And ſo there could be no Claſhing; but, of the two Sherriffs, the

Lord-

Lord-Mayor was to nominate one, and the Floor to chooſe another, and the whole Body to confirm both. And, to the End that the Perſon, appointed by the Lord-Mayor, might be publicly declared and known, the Way was found out and brought into Uſe, of his Lordſhip's Drinking in public Manner, as hath been ſhewed. And there is the Account how, and for what Intent, the Cuſtom was introduced; which anſwers the Clamor of Uſurpation upon the City. For the Lord-Mayor was not more bound to agree with the Floor than they with him; and the Compoſition of each having a Nomination of one Officer, without the Contradiction of each other, reconciled all.

The Lord-Mayor complies to ſend the Cup to any Citiſen the King ſhould nominate to him.

XXIV. But now, as to the Fact at this Time, it was from the Citiſens that the Court was firſt admoniſhed of this Expedient for regulating the Sherriff's Office by a Revival of this ancient Cuſtom of my Lord-Mayor's Drinking. But, after it had been communicated to the King, and well conſidered by thoſe about him, it was well approved of; and a Reſolution was taken to put it in Execution, and, if poſſible, to carry it through. And the King was ſo ſenſible of his Safety and Intereſt in the Conſequence, that he reſolved by himſelf to prove my Lord-Mayor, and, if he complied, to take Care the Laws ſhould defend him in it, as all agreed they would do: And, for other Diſorders, if any happened, that he would not be unprovided to aſſiſt the Government, and to keep Peace in the City. The Lord-Mayor had been before preſſed, by diverſe of the Citiſens, to do it of himſelf; but he was ſcrupulous and doubtful, and would determine nothing. At length he was ſent for by the King, and, in his Majeſty's Preſence, diverſe of the Council, and the Attorney General, explained his Power to him, that he might nominate one Sherriff, as the Cuſtom of the City was, though ſome of his immediate Predeceſſors thought fit to wave it. And the King himſelf encouraged him, with Expreſſions, not only of Protection but, Command; and, at laſt, after much Heſitation, he determined roundly to conform, and, all at once, promiſed the King to ſend his Cup to any Citiſen his Majeſty ſhould nominate to him. He was ſlow, but ſure; and what with his Judgment that the City was in ſuch a State that a Regulation was become neceſſary, and what with the King's Promiſe to ſtand by him, together with the concurrent Advice of his Court of Aldermen, who were his regular Council, he contracted a Firmneſs of Mind to purſue his Point, and he made it good; but with many an hard Rub and Difficulty emerging, that Faction ſtirred up againſt him; as may be readily imagined by thoſe who know the Humor of abuſed Popularity.

The Citiſens decline holding on that Foot, becauſe the Faction threatened Ruin to them that did.

XXV. This Difficulty over, another ſprang, as hard to accommodate; and that was to find ſome wealthy and reputable Citiſen who, being drunk to, would not fine off, but hold under that Method of Appointment. The taking one of a low Senſe, and to ſupport him, would look trickiſh, and, at that Time, the Court would uſe no Means but what were legal, juſtifiable and reputable. Diverſe Citiſens were ſpoke to upon this Account, with Aſſurance

Aſſurance that nothing extraordinary would be required, but the Year would paſs in the uſual Forms and Feaſting; and all Buſineſs of the Law would fall of Courſe into the Hands of the Under-Officers, as formerly had been the Uſage. Many were not only willing, but deſirous to have ſtood, if it might have been, as they alledged, with Safety. But they were told that my Lord Mayor had no Right to make a Sherriff, but the common Hall only; and whoever ſhould ſtand upon his Title, would be involved in Law Suits, and, moreover, be complained of in Parliament, and what would come of that they could not tell; and, not caring to ſtand in Hazzard of ſo much Trouble, they deſired to be excuſed. The Occaſion of this Scrupuloſity was the Behaviour of the Faction, who, in Purſuit of their Deſigns, never breath any Thing moderate. For as ſoon as they found my Lord Mayor would exert his Power by Drinking, and all their Applications, to divert him, failed, although urged with all the Forms, and in all the Shapes, of Menace as well as Flattery, whereby they were prodigiouſly ſurpriſed; then they wound up their whole Party and Intereſt in and about the City, and charged them with the moſt horrible and bug-bear Denunciations they could invent and put in Words, to deter all Citiſens from holding on that Foot. And, accordingly, they went bellowing about into all Companies, and Places of promiſcuous Reſort; *Perſons, Eſtates, all muſt go to Perdition*; Hanging was the mildeſt Word came out of their Mouths; Law, Parliament, Knocking of Brains out, Hell and Damnation (if they might preſume ſo far) were to be the certain Fate of any one who ſhould dare to ſtand againſt the City, as they called it; but, *dictum factum*, Ruin, in a Word, was to follow: And, to do them Right, they honeſtly meant as they ſaid.

Mr. *Dudley North* pitched upon, and how, his Acceptance and Qualifications.

XXVI. While theſe Intimidations run high, the Court at a Loſs for a good Man, the Citiſens buſy as Bees, ſome perſuading others, but none inclined to ſtand, every one wanting Courage to bear the Brunt; Sir *George Jeffries* the Recorder, or, through him, ſome of the Citiſens, inſinuated that the Lord Keeper's Brother, a *Turky* Merchant, lately arrived from *Conſtantinople*, and ſettled in *London*, rich, and a ſingle Perſon, was every Way qualified to be Sherriff at this Time, in caſe he could be prevailed with to ſtand, as they hoped might be done by the Lord Keeper's Means, if he would endeavour to perſuade him. This extremely took with the King, and ſoon ſet him at Eaſe; for he found no formaliſing Scruples on the Lord Keeper's Part; and, as for the Citiſen, he was made to underſtand that there was no Hazzard at all. For when the Government of a City calls a Man upon an Office, who by his Oath of Freedom is bound to obey, and he takes it upon him and performs it honeſtly, what has he to be afraid of? And if Men ſhould regard the brutiſh Noiſe and Threats of violent People againſt Law and common Senſe, the Buſineſs of the World muſt be at a Stand. And he was made alſo to underſtand what an Advantage ſuch an Opportunity was to oblige a King who had Power to gratify by Employments any fit Perſon,

ſons, ſuch as he was, to much greater Profit in Conſequence than all his extraordinary Charges. And it was not a ſmall Matter to gain ſo much Honour and Repute with the beſt of the City, as well as Court and Country, as the ſtanding ſtoutly in this Gap would procure him. Theſe Reaſons got the better of the qualmiſh Objections, as he muſt needs make. Nor were theſe Brothers miſtaken in their Calculates; for the Event made good all their Prognoſtics; for no ſingle Perſon in *England* had more Eſteem with the King, as long as his Majeſty lived, than Mr. *Dudley North* had. And, to ſay the Truth, the King's whole Deſign and Project was perfectly cloſed by this diſtinguiſhing Piece of Service of Mr. *North*. For he deſired chiefly an Authority and Reputation in the Perſon who was to make good this neceſſary Paſs; which, by the whole Faction, was moſt induſtriouſly and maliciouſly repreſented, as an arbitrary Project, and of deſperate Danger to whomſoever ſhould ſtand in it. And who could pretend that, when a Perſon of that Quality and Value, and ſo well adviſed, ſtood? Every one muſt conclude that he was fully ſatisfied of the Law by which he was ſafe. And, as for himſelf, he was of a peculiar Temper for ſuch a Buſineſs; for being uſed to Adventures, and having run much greater Hazzards, and dealt with People as violent as any here could be, if he was once ſatisfied of Right and Reaſon in any Buſineſs, he uſed to ſlight every Thing elſe, and ſay that good Luck attended being in the Right.

The Character and Circumſtances of Sir *Dudley North*.

XXVII. This Mr. *North*, (afterwards Sir *Dudley*) was bred a *Turky* Merchant, and had traded at *Smyrna*, but paſſed moſt of his Time in *Conſtantinople*, where he fell into Acquaintance and vaſt Dealings with Beys, Baſhaws, and other great Officers of the Port; and had run very great Hazzards with them, but had the good Fortune to reap the Profit he expected by it. He was very quick of Thought, and no leſs ſagacious in plumbing the Truth of Things, and Probability of Events; which made diverſe, that did not reach his Lengths, wonder at his bold Strokes. He made Juſtice the Rule of his Actions, and on that Bottom built his Aſſurances; and therein he ſeemed intrepid, and to defy all Oppoſition. He never uſed Tricks or Subterfuges, and hated them in others, and had a peculiar Antipathy to a falſe Knave; for he ſeldom fell into a Paſſion but when ſuch croſſed him, and then he had no Patience, but let fly without Temper or Conſideration; which too plain Dealing created him Enemies, and ſome great Hazzards. He was a frank and jolly Merchant, familiar, eaſy and jocoſe, obliging to all, without any Stifneſs or Pride; friendly to all that needed, and never made Advantage of the Weakneſs or Want of Experience of young Men, but, on the contrary, aſſiſted them. He had a goodly Perſon, and Mind capable of ſitting at the Helm of any Managery; intelligent and facetious; and what they call a *Bon Compagnon*, ſo much that a Stranger would miſtake him, as if he were good for nothing elſe. In a Word, he was loved and careſſed by all that knew, and did not envy, him. He had not been long in *England* when this Trial came upon him; but, in that Time,

Time, purſued Trade; for which End, he ſettled himſelf in the City; and coming to be concerned in the *African* Company, was choſe of their Committee, and there ſoon gave a Demonſtration how fit he was to be a Pilot in Trade of any Magnitude. The Actions and Fortunes of his Life were ſo conſiderable, that, joined with the Character of his Genius, would make an Hiſtory (if one well inſtructed had the Penning of it) as uſeful and entertaining as the Life of any private Perſon whatever might be, and, towards it, I have thrown in this Mite, which, to all other Purpoſes, I own to be ſuperfluous.

The Endeavours of Faction to divert his Holding, and his conſtant and intrepid Behaviour.

XXVIII. But, to reſume the intended Relation; Matters being thus far concerted, my Lord Mayor ſent his Cup in full Parade and Form to Mr. *North*. This was no ſooner known, but all the Artillery of the Faction was pointed at him, in order to terrify him, and make him fine off. Moſt of the factious Men in the City, that had Acquaintance with him, eſpecially his Brethren of the *Turky* Company, who were too much that Way, took their Opportunities, more or leſs, to expoſtulate in Diſcourſe with him, ſaying why would he be undone? *For if you*, ſaid they, *take this Office upon you, upon this (at beſt) dubious Title, you will know no End of Law Suits, and be cruſhed by the Parliament to Boot; and what Safety can you propoſe to yourſelf?* His Anſwer uſed to be, *I am a Citiſen ſworn, and if the Government of this City calls me upon an Office, I'll obey, and never break my Head about Titles.* He was plied with Penny Poſt Letters, and ſo were his neareſt Friends and Relations. They came all out of pure Friendſhip and Reſpect, wiſhing thoſe Perſons would interpoſe to reſcue him from inevitable Ruin. They were ſo malicious to find out Sir *Robert Cann* at *Briſtol*, Father of the Lady *Gunning*, whom he then courted, and wrote to him to let him know that his Daughter was going to throw herſelf away upon a Man of a deſperate Fortune, and that would certainly be hanged; and he reſented it, but the Lady knew better; ſo, by Virtue of his good Stars, that Blow miſſed its Effect. And what was moſt extraordinary, was that, during all the Time of the Brigues in the City concerning him, and both Town and Country rang of his Name, which was alſo bandied about in Multitudes of Pamphlets; he went about his Buſineſs, and diverted himſelf juſt as he uſed to do, and minded the Stirs no more than if they had not concerned him. He was, by common Talk and Pamphlets, made ſo remarkable, that, wherever he went, People ſtarted out of the Way, looking at him, and crying *That's he*. All which did not keep him within Doors, or from his ordinary Walks. Which ſeeming Apathy brought him Letters and Intelligences, that he was ſtupid, a dull Beaſt, and his Name ſhould be *Blind Bayard*.

Sham-Plot laid to make him beſh--te himſelf, but turned upon the Faction, the Parties fixed againſt the Election.

XXIX. Once a Trap was laid for him by Way of Sham-Plot. An eminent buſy Party-Man, with whom he had Concerns depending, came to him with a Propoſition from the whole adverſe Party, which was, that, if he would wave my Lord Mayor's Appointment, and take the Election from

from the common Hall, he ſhould be choſen by them, and all the Charge of his Shrievalty ſhould alſo be defrayed by that Party, who would raiſe the Money amongſt them to do it. This he rejected with Indignation and Scorn; and, being one very much inclined to communicate Truths, made no Bones of telling this Paſſage in all Companies, ſo far as to declare the full Import of the Propoſition made him, but not by whom: And ſo, taking Wind, it flew about the City, and proved very prejudicial to the Meaſures of the Faction at that Time. For which Cauſe they were wonderfully angry; and once, at a public Feaſt in the City, an eminent Leader, by Agreement of the Party (as I ſuppoſe) publicly charged him to name his Author, adding that, if he did not, the whole Story would be accounted no better than his own Invention. He, being thus attacked, freely and readily affirmed the Paſſage to be true; and, as for naming the Perſon that made the Offer, for Reaſons relating to the Perſon himſelf, he was not forward to do; but, if they inſiſted on it, he would inſtantly declare, before all that Company, who it was. This put a Stop to the Diſcourſe, and no Word more was ſaid of it; for they knew he was not uſed to be worſe than his Word; which, perhaps, of a bad Buſineſs, might make it worſe. I knew then that it was one *Fairclough*, a formal *Presbyterian* Uſurer, and a great Intriguer. His Son was then mercantiel Servant to Mr. *North*, and was afterwards ſettled by him in his Factory Houſe at *Conſtantinople*. That Perſon had an eaſy Acceſs to him, and brought the Propoſition, which was a meer Snare; for, if he had inclined to accept it, the Report had flown about that he was ſelling himſelf to the other Side for Money; and that was all the Party intended by the Experiment. But all Circumſtances conſpired to ſhew the implacable Rage that poſſeſſed the Faction at the Nomination of him who, of the whole Freedom, was the only Perſon qualified to reſiſt them. His Character and Circumſtances were as if they had been caſt in a Mould for that Purpoſe: So exactly were they formed for an Oppoſition and Counterwork to the whole Game of the Faction: And ſo much fierçer were they in all their Methods of Proceeding. And accordingly, they provided a mighty Muſter of their Livery Party, againſt the 24th of *June* next, at *Guildhall:* The other Side provided alſo the greateſt Strength of Voices they could make. The Candidates of the latter were *North* and one *Box*, the former for Confirmation, and the other for Election: And the Party had *Papillon* and *Dubois*, both to be choſen in Oppoſition to the Lord Mayor's Pretenſion, which they were determined to fly in the Face of and reject. Thus ſtood the Preparatives againſt the Day of Election.

The formal Proceeding at the Common Hall to the Queſtion of Confirmation; the Right cleared, but not obvious to the Citizens.

XXX. Now the Manner of Proceeding in theſe Caſes, at the common Hall, is very particular, and, as was touched, conſonant to the Claim of my Lord Mayor. For he, with his Aldermen, is preſent only at the Opening of the Court, and Queſtion of Confirmation, and then they retire; which is to the End that the common Hall might be free in chooſing one of themſelves; which Freedom the Preſence of the Mayor might impeach. Now, e

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in Caſe the Floor will not confirm the Mayor's Sherriff, he is not bound to continue them any longer, but may diſſolve or adjourn them, or not agree to any Thing they do. That, which the Faction inſiſted on, carried a Fallacy throughout; for, ſaid they, the Authority, given by the Choice, is from the City, and the Act of the Lord Mayor is not the Act of the City; and ſo they harped upon the Word *Chooſe*, which, ſaid they, did not belong to the Lord Mayor but to the City. All that was granted, and alſo that the new Sherriffs had no Authority till the whole City in common Hall agreed to them. And, however the Lord Mayor nominates, it is not pretended to be a Choice, or by Virtue of a Power inveſted, as granted by him, nor that it ſtands for any Thing if the common Hall doth not confirm. But then the Lord Mayor is not bound to concur in any Choice they ſhall make, till they nominate to him Perſons that he ſhall think fit to truſt; and he is no more bound to agree with them than they with him: And ſo entered the Cuſtom by Way of Compoſition or Expedient (as I ſaid before) which if they fly from on their Parts, he betakes to his negative Voice on his Part. But yet the Abuſe of the Words *Choice*, *Nomination*, *Right* and *Authority*, all which being applied to the City excluſive of the Lord Mayor, ſunk ſo with the Citiſens, that few of them could bring their Heads to a true State or Diſtinction of the Matter. For they looked upon the common Hall as an Aſſembly of Commons with a Speaker, as if he had only a Preſidentſhip; whereas it is rather like a Parliament with a Sovereign, and, inſtead of a caſting Voice, as they call it, there was a negative Voice, which alters the Matter ſtrangely. So very difficult was it to get the Citiſens to comprehend the Reaſon and Diſtinction upon which the Lord Mayor's Right depended; and it went farther with them that the Cuſtom had been ſo, and an Act of Common Council had declared it, than that there was any Conſonance or Reaſon at all for it.

XXXI. At the Day of Election, *June* 24, 1682, the Party, after the Way of their Predeceſſors of old *Rome*, had poſſeſſed the *Forum*, that is the Floor of *Guild-Hall*, ſo that the other Side could not croud in; for the Livery had been ſo much encreaſed that the Hall would ſcarce hold half of them. This bred a ſort of Confuſion at firſt, with the elbowing and thruſting to get Room, and not without a deal of ſnarling and ſcolding amongſt them. Thoſe Perſons, that could get upon the Huſtings, as I did, and from thence viewed the Floor below, had a Proſpect as if the Hall had been paved with Faces, and full of Eyes ſparkling, not unpleaſant to obſerve. When the Lord Mayor and Aldermen were come, the common Officers put the Queſtion of Confirmation; and then, in a Trice, thoſe, that were for it, held up their Hands (for that is the Signal of Aſſent) with Arms and Fingers diſtended, all in a continual Motion together, which made an odd Spectacle: But the Diſſenters, who were much the greater Number, inſtead of holding up Hands, ſcrewed their Faces into numberleſs Variety of *No's*, in ſuch a ſour Way, and with ſo much Noiſe, that any one would have thought

The Management at the Election, and Fury of the Parties; the Confirmation of *North* rejected, and the Hall adjourned.

thought all of them had, in the ſame Inſtant of Time, been poſſeſſed with ſome malign Spirit that convulſed their Viſages in that manner. This was taken for a Refuſal, as it was; ſo the Lord Mayor and his Court retired to conſider what was to be done; and, as he paſſed, with the Sword before him, through the Croud, we could obſerve the *Items* of Fury given by Fiſts and Faces at him, as Folks are apt to do when they threaten. This Promenade was done more than once, to ſee if the Hall would come to their Wits, and agree to confirm; but the Party were no Changlings, every Trial came off rather worſe than better. At length the Lord Mayor adjourned the Hall, and no more was done that Day. And becauſe great Part of the Diſpute fell upon that Adjournment of my Lord Mayor's, and there was notable Stir about it, I ſhall add ſomewhat relating to it.

Horrible Wranglings about the Lord Mayor's Power to adjourn and Counſel called to argue it.

XXXII. When the Hall was at a full Stop, for refuſing to confirm, and the Court of Aldermen was ſitting, the Citiſens were admitted to come in, and, at the Bar, to offer what they thought fit to the Court, each Party for his Side; and notable Wrangling there was. My Lord Mayor was adviſed to adjourn the Hall, the Faction oppoſed, ſaying, *he had not Power to break up the Aſſembly till the Election was finiſhed.* In thoſe Days, nothing could be ſo much contrary to Law and common Senſe, which they would not affirm to ſerve their Turn; of which I may have touched ſome Inſtances, but this was an egregious one. All the Aldermen but five (for no more were factious) adviſed to adjourn; and ſo the Matter reſted in Diſpute amongſt them a good while. At length, one of the Diſſenters moved the Lord Mayor, that they might bring Counſel to argue, who would ſatisfy his Lordſhip he had not Power to adjourn: The other Side agreed, ſo as they might ſend for Counſel to argue on their Side, who would demonſtrate the contrary. It was upon this firſt Day that Counſel were brought, but the Author makes an Hearing of Counſel to have been upon another Day; and, not having Acceſs to original Entries, I do not diſpute; but, as to the Matter I here relate, I am very ſure, and, for Times, refer to the proper Regiſters. It may be that Counſel was heard afterwards at my Lord Mayor's Houſe privately, when I was not in the Way; for the Queſtion continued; ſo as, for more Hearings than one, I contend not. In the *Interim*, before the Counſel came, the Court was diverted by the Partiſans on both Sides, with numerous Complaints of each other's Outrages and Irregularities, which were exaggerated with great Violence of Talk: And, all that while, the poor Lord Mayor ſat as one almoſt inſenſible; ſo full was he of Doubts and Fears. But it appeared, by his Actions afterwards, that he was firmly reſolved in his Mind to aſſert his Right, ſo long as the Court of Aldermen ſtood by him with their Advice, and the Court at *Whitehall* ſuſtained him againſt Injuries that might be done him.

Obſervations upon the Diſorder, and the honourable Attendance it had.

XXXIII. This was *Midſummer* Work indeed, extreme hot and duſty, and the Partiſans ſtrangely diſordered every Way with crouding, bawling, Sweating, and Duſt; all full of Anger, Zeal, and Filth in their Faces;

they ran about up and down Stairs ſo that any one, not better informed, would have thought the Place rather an huge *Bedlam*, than a Meeting for civil Buſineſs. And yet, under ſuch an awkard Face of Affairs as this was, the Fate of the *Engliſh* Government and Monarchy depended but too much on the Event of ſo decent an Aſſembly. And indeed it was accordingly underſtood; for it is not ſmall Matters that will raiſe ſuch furious Hurricane Doings, as here was. And the Court was aware; for Care was taken that diverſe conſiderable Perſons, ſome of the Council, ſhould be near at Hand to obſerve the Proceeding, ſupport the Spirits of the Lord Mayor, and encourage the loyal Citiſens, and that they might have Recourſe and Directions as Occaſions emerged; but this was known to very few. And, on the other Side, factious Lords and others attended that had nothing to do there. It may be wondered that ſuch a Conteſt as this, conſidering alſo what was at the Bottom, did not run on to Blood; but, as at the Tumults, ſo here, the Temper of the *Engliſh* appeared, which I may call a native Humanity, though the Foreigners term it Dulneſs and Phlegm. They have an Averſion to civil Homicide, but, in War, are as free with Lives as the beſt of them; and yet, even there, the ſame Humor appears, for no Command will make the *Engliſh* refuſe Quarter, or kill in cold Blood. But then, as for Faction, Croud, Tumult, and Brawl, let them alone; it is a Sort of Sport, or Luſt of Change that makes them delight to ſee high Things fall, and their Government in Diſtreſs. In which Matters I may commend their Temper, but not their Wiſdom.

XXXIV. But Digreſſions apart, and to return to the Trial of this profound Queſtion of the Lord Mayor's Power to adjourn: Firſt, Mr. *Pollexfen*, argued *contra*; and he built only on a Parallel he made between the common Hall of the City and the ordinary County Courts, held by the Sherriffs of Counties; and ſo the common Hall muſt be the City County Court, and the Lord Mayor be as the Sherriff, only to preſide but not to judge, becauſe, in all thoſe Courts, the Suitors are Judges, and here the Livery Men are the Suitors, and, without their Conſent, the Lord Mayor can no more adjourn the Court, than the Sherriff of a County; but it muſt be done by the Livery; and all this he confirmed by the Place where the *Huſtings*, which is the Court of Pleas for Lands in the City, is kept. On the other Side Sir *Robert Sawyer*, the Attorney General, came to anſwer all this obvious Nonſenſe. Firſt, he ſhewed the Place ſignified nothing to the Juriſdiction; for Burgeſſes to the Parliament for *Weſtminſter* are often choſen in the *Kings-Bench* Court, but it is not the Juriſdiction of the *Kings-Bench* that chooſes: Then, that this Aſſembly, called the *Common Hall*, is ſo far from being like a County Court, that it is no Court at all, nor hath any Manner of Juriſdiction; that it was no other but a private Meeting of the Corporation of the City for pure Corporation Work, the chooſing Officers. And the Lord Mayor being Head of the Corporation, without whom no Aſſembly of the corporate Body could ſubſiſt, or corporate Act be done, he was alſo

The Arguments of Counſel on both Sides, after which the Lord Mayor, with incomparable Courage, went and adjourned the Hall.

also Head of this Assembly, to call, adjourn, or dissolve it, as he thought fit. And concluded that all the other Side had alledged, of County Sheriffs, Suitors, Judges, *&c.* was all Romance and Invention, and in no Respect applicable to this Assembly. All this While, the Partisans were raging about the Hall and Rooms; and diverse (out of Friendship as was pretended) gave Hints that my Lord Mayor would not be safe, if he went down to adjourn them; and that was to fright him from taking a Resolution so to do; and they scarce believed he would dare to do it. At length, it becoming necessary to terminate the Matter one Way or other, the Lord Mayor, on a sudden, and unexpectedly, rose up and bid the Officer take up the Sword and go down, saying, as he went off, *if I dye I dye.* And, passing the Croud, took his Seat upon the *Hustings*, and commanded the common Serjeant to adjourn the Hall to a Time, which was done, but scarce heard for the hideous Noise that was made. After this, the Lord Mayor and the rest, that so thought fit, went their several Ways in Peace; and there ended this troublesome Scene of a Midsummer's Day's Expectation.

The unaccountable and insolent Blunder of the Sherriffs to disobey the Adjournment, an Act for which they were straight committed.

XXXV. It was very strange to observe the Impudence of these Men of the Faction in *London*, who still persisted in the senseless Pretence that the Lord Mayor could not adjourn the *common Hall*, though, to every one's Capacity, it was solemnly, not only confuted but, shamed: and they would not quit a Scruple to ease my Lord Mayor, but, to their false Pretences, added Menaces. For, as he passed to the Adjournment, there was a terrible Rage of Faces made at him, as if an Endiablement had possessed them all. When the Mayor and Officers were gone, the two precious Sherriffs, *Pilkington* and *Shute*, with some Livery Men of their Party, thought fit not to obey the Lord Mayor's Adjournment, but, by themselves and their own Authority, held on the Corporation Assembly, or the common Hall, as they then called it, and there they proceeded to continue the Election by setting up a Poll; and afterwards they finally declared the Choice to have fallen upon *Papilion* and *Dubois*, as will be shewed. Here appeared an headstrong Disposition, but not a Grain of Judgment, in those who governed the Sherriffs. They little understood the Nature of the Sherriff's Office, who took the *Vicecomites* to have any Authority at all in the Corporation Affairs, or to be Officers at all of the Corporation. It is true the Corporation have a Right, by Charter, to nominate them; but, being nominated, they are the King's Officers, as was said, to attend on the Authority of the City, and keep Peace, as all Sherriffs are attendant upon all Authorities in Jurisdiction derived from the Crown. A Body politic presents to a Living; the Incumbent is not, by that, a Servant to the Body, as if he were their Chaplain. Therefore this Act of the Sherriffs, in setting up themselves to preside in a corporate Assembly, not only without, but against, the Order of the Head, and in direct Opposition to him, was the most audacious Blunder that ever was known. But then the actual Endeavour thereby to impose, not only upon the City of *London*, but upon the King himself, Officers of the Peace, and Royal Revenue in the

City,

City, was not only foolish but desperate, as done by Madmen, and could be made Good by Nothing but Sword in Hand. And what could be expected, but that the Government should resent it with all possible Rigor, as for an Offence next to High Treason? Therefore one may conclude that it was not Blindness only that caused this detestable Pass to be made, so much against common Sense, but some dismal Reserves which they had and relied on, to divert the obvious Consequences, as must fall for daring to usurp so great a Power. But, whatsoever those were, they failed at this Time; for, upon Information above, upon Oath, of this Fact, Warrants issued from the King in Council immediately to take up the two Sherriffs and their Complices, in order to be prosecuted at Law for this extraordinary and dangerous Riot. And, if they or their Party had made any Stirs or Resistance, there was Force enough at Hand to have executed the Warrants effectually; and for that Reason the Arrest was submitted to.

Reflections on the Reliance these Men had, who were finally tried and fined, and paid their Fines.

XXXVI. If one would consider this Affair in the mildest Terms, it may be judged that the Faction relied chiefly upon the Parliament, which was expected to be soon called and to meet, for justifying them and criminating the other Party. For they, as was noted, had Calculates of Elections, and knew, by their Rule of Progression, how much the next Sessions of Parliament must be more averse to the Court than the last was; and so they concluded whatever they did, must, in the End, come right. This is the Model of *Forty One* exactly; those Times began with like Brawls in the City, and the same Injustices and Oppressions were intended to be acted over again. But it is so far certain, *viz.* that, in this View, they were open and clear; making no Ceremony of declaring what the next Parliament was to inflict upon their Adversaries, whatever else they might hold undeclared in Petto. And their perpetual harping upon this String, and the Proceedings against the Abhorrers being recent, had really made the People generally believe that Things would happen as they said, and, right or wrong, they should crush all their Opposers. But, in the mean Time, we must a little question their Policy with Respect to the Persons active at present, in both enraging, and then giving the Government in Possession (if I may so term it) such apparent Advantage over them; and so, taking a miserable Defensive, depend upon an After-Game in a Cause not likely, in one and the same Age, to run upon the same Chances. But, whatever were their politic Reserves, the Government did not take these Doings for Boys Play, as Squibs and Crackers, but as a bold Attempt upon the Authority of the City and Nation, and very necessary to be made exemplary. Among those that were committed, there were some not Citizens, but Party Men at large, and of no small Account; as for Instance, the Lord *Grey* of *Wark*. These did not attend where they had nothing to do, in order to have nothing to do; they were screwing up Matters to their Model of public Disturbances, as Consequences shewed. These Persons went to the Tower, and, upon *Habeas Corpus* were bailed, and afterwards prosecuted by an Information; whereupon the Issue

was tried in the City, and, upon a long and clear Evidence, the Parties were convict and fined; but, considering the Nature of the Offence, and Quality of the Persons, very moderately. They were forced to pay their Fines, but were so sanguine to look upon them as Money put out to Interest to be repaid Principal, Interest, and Charges out of the Estates of their Adversaries by an After-Game, as I shall shew. But I have run this Business of the audacious Riot to this End here; but we shall hear more of it as we go along.

The Sherriffs being bailed, declare *Papillon* and *Dubois* Sheriffs. The Lord-Mayor encouraged at the Council.

XXXVII. As soon as the Sherriffs were come out upon Bail, like Men syderated to Folly, they took up the Game where they left, and, at a Day of Adjournment of the Common Hall, resumed their Poll by themselves, at the other End of the Hall, apart from the Lord-Mayor's Assembly. For he, with the Court of Aldermen, was sometimes upon the Hustings, and sometimes in the Court, puzzled with the Difficulties in settling this Matter of the Choice of Sherriffs; and, before any thing was done, the then Sherriffs came to a Close, and, in the Hall, publicly declared the Election to fall upon *Papillon* and *Dubois*; that is to say, they, as Mayor, Aldermen and Citizens of *London*, had deposed the Lord-Mayor and Aldermen, and, by a Party, declared an Act of the whole Corporation. But now there was a new Difficulty started, and my Lord-Mayor was attacked with new Doubts and Scruples; for, said they, *here are two Sherriffs declared, who are in Possession of their Election, and, whatever you might have done before, you cannot now make a Super-Election, and thereby set up Anti-Sherriffs of* London. And, in very sober Earnest, most indifferent People, whose Heads did not lie for distinguishing Matters of Order and Constitution, thought that the City Sherriffs, in taking a Poll, were not Ministers but Judges of the Election, and believed that now the Lord-Mayor's Case was much worse than before; and so was the current Conceit of the Town. During this Interval, the Lord-Mayor was sent for, or went of himself, to Court, and appeared before the King in Council, where an Account was given to his Majesty of the Trouble the City was in about the Election of Sherriffs upon the Declaration these Men had made of an Election. All the Learned at the Board, and the King's Attorney, declared that the Proceeding of the Sherriffs was no Act of the Body, but, as to legal Effect, absolutely null; but yet criminal, as being done without and against lawful Authority. And that the Lord-Mayor, the Head of the Body that was to elect, could alone direct and declare the Election; and that, at the next Meeting of the Common Hall, he ought to proceed *de integro*, as if nothing had been done; as their Use is when Sherriffs, chosen, fine off. The Question depended wholly upon that of my Lord-Mayor's Power to adjourn the Common Hall; and Sir *John Moor* was extremely dissatisfied and uneasy about that, being what diverse Citizens had told him he could not do. The Lord Chief Justice *North*, a Privy Counsellor, was so far from making any Doubt of that, that he said to my Lord-Mayor, *he need not be at all concerned*

concerned; for the Question was frivolous and impudent, or to that Effect. Thereupon Sir *John Moor* crept towards the Place where his Lordship sat, and, with a most submiss Countenance, desired to know of his Lordship if he would be pleased to *give it under his Hand*, and, contrary to the Expectation of all present, his Lordship said *Yes*; and, taking the Pen and Paper before him, wrote his Opinion *that the Lord-Mayor had Power to adjourn the Common Hall to what Time and Place in the City he thought fit*, or to that Effect, and, setting his Hand to it, gave it Sir *John Moor*. Now the Courtiers, that were more used to Sneakers, than to Men of clear Courage in a clear Cause, expected his Lordship would have shuffled off this setting his Hand; but the Readiness of doing it very much confirmed Sir *John Moor*, and exceedingly pleased the King.

XXXVIII. But, for the better Countenance of Sir *John Moor*, it was thought fit that his Majesty in Council should order him to do his Duty in the City; and thereupon an Order was made that he should proceed to the Election of Sherriffs, according to the ancient Usages of the City. This Order the Author inserts, in the very Words, into his History, intending that it should seem as if the City Affairs were governed wholly at *Whitehall:* Whereas nothing is more usual than for the King, by Order of Proclamation, to enforce Laws, and require Magistrates to do their Duty accordingly; and this was no more. Then, at the Day, to which the Common Hall was adjourned, the Faction threw up and made no Appearance, having, as they thought, and intended to insist upon, Sherriffs of their own; so the Question of Confirmation was put and carried affirmatively, and then, for the Election of Sir *Ralph Box*, which was carried also. But *Box* was frighted at the double Election, for so it was termed, and the Disputes with these Anti-Sherriffs, as might happen, and so fined off; and then Sir *Peter Rich* was chosen, and the Election declared for *North* and *Rich*.

The King in Council orders the Lord-Mayor to proceed; and thereupon the Faction gave Way, and *North* and *Rich* finally declared Sherriffs.

It was wondered at by many why the Faction did not interpose to trouble this latter Election, and, as they might have one, joined one of their own Party; for it might (and really it did so) happen that a Friend in a Corner had been of great Service to them. But they considered, wisely enough, that it was better to stand the After-Game in Parliament, which would make clear Work, and, in the mean Time, not hurt their Title to two Sherriffs by coming in for one; and, if they did, their Officers would have a sour Time of it, having the Court, the Law, and the Officers against them, for the latter would certainly obey my Lord Mayor's Sherriff. Besides, *North* was a Person so determined and resolute, and withal so well advised and supported, that nothing but Blows would be got by Contest with him. But all this was Reasoning in the Dark, for the *Rye Conspiracy* was scarce formed; and they dreamt nothing of such a Discovery to come upon their Party, as followed; else they would have had a Friend in a Corner, to be a Spy, at least, in the Enemies Quarters. But, as Things were understood, the next Point was for the old Sherriffs to get

clear out of their Office. Their Courage did not ſerve them to refuſe delivering over the Goals by Indenture to *North* and *Rich*, as the Way is; nor to indent with their own Anti-Sherriffs; for either Way had been an Eſcape of the Priſoners in Execution that had charged them deep: Therefore they made a Virtue of Neceſſity, and were glad to ſeal to *North* and *Rich*, who entered upon their Office in the uſual Forms. And ſo ended this (to After-Times inconceivable) Hurry in *London* about the Shrieval Election in 1682.

All the Author hath about theſe Affairs, is Miſconſtruction and Libel, and the Inſtances.

XXXIX. And now, before I enter upon any Conſequences, I will run over the Author's Account of the Matter, which is very brief, but not ſo brief as malicious; for his Aim throughout is to make ſuch a ſham Repreſentation of it, as the whole Proceeding may appear one continued Act of arbitrary Power, and unrighteous Oppreſſion of the City Freedoms. It ſeems that, after *Bethel* and *Corniſh*, the Sherriffs of the Year 1680, of ſcandalous Memory, the Loyal Citiſens, the Author's Court Party, inſtructed, by their Behaviour, what was to be expected if the ſame Faction, that ſet up them, ſhould ſet up others as bad, made all the Strength they could to oppoſe the Choice of *Pilkington* and *Shute*, but in vain; and the Author juſtifies the Faction for going on at that Rate, ſaying, *their Lives and Liberties depended upon that Choice.* He muſt think ſure that his Friends knew themſelves obnoxious and deſerving to be hanged, or elſe that the Court had reſolved, right or wrong, to hang them; how elſe came that Choice to be ſo fatal beyond any other, as if Mrs. *Atropos* waited to cut all their Threads? But it ſeems the City began to ſhew a loyal Diſpoſition, and, for the Credit of Youth, who are ſometimes miſtaken, but ever forwardeſt in Actions of (pre-ſuppoſed) general Good, it fell out ſo in the City that almoſt all the 'Prentices were Loyal, and had a Fancy to make a Feaſt, and entertain ſome of the Court; whereupon Veniſon was ſent them from the King's Parks, and ſome great Men dined with them. This the Author calls *a meaner Condeſcention*, to which he adds this dutiful Sentence, *It was thought it was no leſs than encouraging Servants againſt their Maſters.* The Faction, and their Scribe here, had Reaſon to be offended that the Servants ſhould preſume to be honeſter than their Maſters; and that it ſhould not be in the Power of the cankered old Crabs of the Faction to corrupt the Youth of the City, whereby to provide a ſeditious Succeſſion: As if young Men, commonly Sons of good Families, were bound out Apprentices to Treaſon, as a Myſtery in which they were to work for their Maſters and learn for themſelves. But we muſt not forget the Myſtery of King *Charles*'s *greater Condeſcention* to ſtir up Miſchief between Maſters and Servants, by ſetting up the latter. Sure there was ſome great *Condeſcention* which was exceeded by this; and I find it was after the Election of *Pilkington* and *Shute*, when the City invited the King to Dinner, and the Sherriffs went on the Errand. The King, having no Quarrel to the City, which, excepting the Majority of the Livery, were generally

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loyal

loyal and active againſt the Faction, graciouſly accepted the Invitation; but withal was pleaſed to add, *though brought by ſuch unwelcome Perſons.* This the Author makes a low Pique in a King, that is to honour his Friends, and diſgrace his Enemies. Wonderful Invention!

XL. But, to return to our *Midſummer* Work, all the Author's Account of the Action in 1682, momentous as it was to the Public, falls into one ſhort fallacious Sentence. *The Court was very ſolicitous for the Choice of new Sherriffs of* London *and* Middleſex, *and earneſtly recommended* North *and* Box. This, as it is expreſſed, is falſe: For firſt, how could the Court be ſolicitous for the Choice of new Sherriffs, when the Choice was to be of Courſe, and the old could not continue? And then there came no Recommendations from the Court to the City; and, laſtly, *North* was not upon the Foot of Choice, but Confirmation. If he would have ſaid true, he would have told us that the Court were ſolicitous to have the *Ignoramus* Faction excluded, and indifferent Sherriffs choſe, and that the Loyaliſts of all Sorts ſet up *Box* to ſtand with *North* that was drank to. And ſo the People proceeded as uſual upon conteſted Elections, when the Diſtinction was of *Loyal* and *Ignoramus*. But, ſays he, *the Hearts of the Citiſens were for* Papilion *and* Dubois. This is falſe alſo: And the Cheat lies in the Word *Citiſens*, for that ſtands here, as, on other like Occaſions, the Word *People*, a Part for the Whole. For a Party Rabble is always his *People*, ſo here a prevailing Party of a packed Livery are the *Citiſens* forſooth; although, even of them, the Value of the Loyal Party exceeded the Tale on the oppoſite Side. But it may be affirmed of the Citiſens, in general, that, had they been polled, there had been ten for one againſt the Faction at that Time. And that was ſeen in the Choice of Aldermen, for, of about twenty, there was but five with the Faction; and thoſe Magiſtrates were choſen by the Inhabitants at large, in the Wardmote Court. So juſt an Account of the Citiſens have we here! But what comes now? *This occaſioned a riotous Controverſy, the Lord-Mayor complying with the Court, and the old Sherriffs reſolving to aſſert the Rights of the City.* Is not this the Marrow of the Diſpute? What can be the Meaning, but the Court and the Lord-Mayor, by Force and Violence, ſet up Sherriffs, and would allow the City no Election at all? We are got beyond the Recommendation of the Court; that conſiſted very well with a free Election without Tumult, though my Lord-Mayor with his Influence, took the Court Side; ſo the Matter muſt be right down Force, as I ſaid before, that ſhould ſtir up theSherriffs to aſſert the City's Right to elect. For he takes no Notice of the Diſtinction of Confirmation and Election, nor ſtates the Pretences of the Party, as a juſt Writer ſhould. Nor was there any Riot at all, but that of the Sherriffs acting unwarrantably, as was ſhewed.

He goes on in like Strain to the Election, but touches nothing of the Matter.

XLI. But he goes on. *Hence, on the Election Day, a great Noiſe and Clamor was made; the Whig Party being more numerous, the Lord-Mayor adjourned the Common Hall.* To ſet aſide the great News he tells us, that, at

He goes on and libels the Adjournment, as done becauſe the Whigs were moſt, and juſtifies the Sherriffs.

at a popular conteſted Election, there was a great Noiſe and Clamor; we muſt not allow him his pregnant Word *hence*, that carries an Aſſertion of a Force upon the City. For it refers to the former Words, which plainly imply it, and, conſequently, is a very great Falſity; for, at moſt, the Buſineſs was the Form of the Election, which the two Parties contended upon. But that, which follows, is an artificial and ſolemn Foubery, *The Whig Party being moſt, the Lord Mayor adjourned, &c.* Doth not that affirm that the Lord-Mayor, finding the Numbers againſt him upon the Square at the Election, unjuſtly *adjourned, &c.* that they might not carry it. Which is a moſt egregious Falſity; for he adjourned, becauſe the Hall would not do him Juſtice by Confirmation, which was his Right; nor did any Law oblige him to agree any thing to them who would not do him common Juſtice. And muſt any one, a Stranger to this Affair, think this good Lord Mayor, one of the moſt treacherous and tyrannous Men in the World, for ſtopping a Choice becauſe his Side had feweſt Voices? O! that the Whig Party had never really and truly done that which this Writer falſly charges upon the good Sir *John Moor!* But we muſt not ſtop here. *But the two Sherriffs, thinking that to be an arbitrary Act for interrupting a regular Election, went on with the Poll.* Who made them, that are Officers of the Crown, and not of the Corporation, Judges to ſay what was arbitrary and regular in the Proceedings of the Lord Mayor, Aldermen, and Citiſens *corporaliter congregati?* It is juſt as if one ſhould ſay, the Sherriff, at the Aſſiſes, thought that the Judges departing before all Buſineſs was done, was an arbitrary Act; ſo he continued the Aſſiſes by himſelf. I ſuppoſe ſome learned Counſel hath informed this Author that, if a Magiſtrate doth not pleaſe the Whig Party, he acts arbitrarily.

More of the ſame Leaven, *viz.* Falſification and Suppreſſion.

XLII. After this the Author touches upon the Commitment by Warrant ſigned by twenty-four of the Privy Council; and that Counſel was heard upon the Adjournment, and ſome of the following Proceedings, down to the double Declaration of the Election, and there ſays, *But the Proceeding* (on the Lord Mayor's Part) *was thought to be by no Means uſual; for* Dudley North, *Eſq; was only put up to be confirmed, as being duly elected by the Lord Mayor.* Here is ſo much Falſity and ſo prevaricated, one knows not where to begin. Firſt, the Proceeding, as in Truth it was, (which is here falſly related) was by all Means uſual, and ſo agreed by the Adverſaries bating a few Diſcontinuances; only they were pleaſed to call that Uſage an Uſurpation. Then next, here is no Account of this myſterious *Confirmed*, but by my Lord Mayor *duly elected*, which is falſe alſo; for the Lord Mayor did not pretend to elect, but to point out a Perſon whom (if elected) he ſhould approve, as hath been ſhewed. So here is a ſcandalous Account of the Proceeding, as far as the Author intends it ſhould be underſtood; and he conceals the whole material Truth of it; and that is a worſe Cheat than all the other Miſrepreſentation. For he hath ſuppreſſed the whole Story of the Cuſtom and Ceremony of Drinking, with the Reaſon; which is a

Subject,

Subject, not only neceſſary to be explained in the Hiſtory of this Criſis, but is, of itſelf, as remarkable as any Thing that can be related. If he had pleaſed, he might have paſſed by the whole Matter, and (as was ſaid of the tumultuating *Jews* about Queſtions of their Law, ſo of the Citiſens, about Queſtions of their Cuſtoms) we had indulged him on Account of Brevity. But he, with his *Thinkings*, and *'tis Thoughts*, comes round to a Deciſion, and condemns the Lord Mayor and Loyal Citiſens for Colleaguers with the Court, to uſurp arbitrarily the Rights of the City, and rob them of their Election; while the good *Ignoramus* Sherriff, and his Whigs, with a public ſpirited Reſolution, ſtood up and maintained the City Rights againſt thoſe traditorian Court Slaves: And, all this While, no Mortal can collect from a Word of Fact, ſo as to gueſs what the Matter of theſe great Stirs was. And, from a Compariſon of his Words with the Fact, all this appears to be of itſelf, not only falſe but, maliciouſly tincted with Words and Names to look like Truth; and ſo pretending to a Relation, is unintelligible and dark, to the Intent that Folks may imagine what is not: Such is our *Compleat Hiſtory!* Let the following Paſſage ſpeak. *The Mayor heard the Lawyers argue the Regularity of the late Adjournment, but coming to no Reſolution, the Court was again adjourned.* Here is Falſity and Contradiction; for the Point, upon the firſt arguing, was reſolved, and the Hall, thereupon adjourned: And ſaying here that the Court was again adjourned, admits a Reſolution; for whether it might be done, or not, was the Queſtion. But the Author is not pleaſed, though the Point was cleared to the Satisfaction of all, to have it determined, but rather remain a moot Point in his *Hiſtory*, or yet rather be condemned by Virtue of *'tis thought*. The reſt of this Paragraph trifles and ſhuffles in Matters not worth Notice; and then he concludes that *Mr.* Dudley North *was ſworn upon the* Huſtings, which is falſe; for he was not there, nor ſworn till a good While after that he was ſent for to the Court of Aldermen, and commanded to enter into Bonds for taking the Office upon him. So this Shot, made though at nothing, was by gueſs, and flying.

Reflections on the Author, and Reaſons for the Particularities of this Relation.

XLIII. I have now given a Repreſentation of the Author's Falſities and Concealments about this momentous Change of the City, and, conſequently, of the whole Nation. He hath afforded us only a few ſideling and libellous Sentences, and for that Reaſon, affectedly dark and imperfect; ſuppreſſing, as I noted, all the true Motives and Dependances belonging to the Proceeding. He would have the Buſineſs look black on the Court Side, having Occaſion for Abundance of ſuch arbitrary Doings, as he labours to dreſs them out, in order to extenuate the enſuing Rebellion; which is the true Reaſon for this his, otherwiſe, unaccountable Conduct. We have had already much, but ſhall have more, of the like Deſign afterwards. But, as to this Tranſaction, that I might clear up his Miſts and Miſhapes of Things, I thought it neceſſary to make an entire Relation of my own, which I have done out of pure Memory; and think myſelf not wholly unqualified for it, being, in

in thoſe Days curious and active, and ſeldom abſent at any of the Turns. But having no Thought of ever being provoked, as I am by theſe, worſe than, Falſities of the Author, to recollect particularly Matters that, in thoſe Times, I looked after chiefly for Diverſion, I kept no Journal, or Notes of Times and Particularities as they ſucceeded. Nor have I Acceſs to any Offices where I might gather from the Originals, that is Orders, Declarations, and the like, what is needful for a juſt Regiſter. Therefore I am ſenſible that many Punctualities are here wanting, which I wiſh I could ſupply. But, as for the groſs Steps, and the Matter of Fact, I am ſecure of having done Juſtice; for I well obſerved them, and, I think, ſhall never forget the material Part. Some may think, that an Account of theſe City Squabbles are but low Hiſtory; but if ſuch as theſe are low, I am at a Loſs to know what is high: For was it not a *Battail rangée* between the King and Council, with the Miniſtry and Loyal Party, on one Side, and the whole antimonarchical and rebellious Party on the other? And at a Time when the latter were puffed up in Conceit they had the Advantage, and that the other was blown, and muſt ſoon render, or be cut off? Beſides, the Author, taking the Matter into his Short-hand Libel, hath made this extended Account but neceſſary, as a teſting Ground, to lay his Braſs Coin upon.

The Feaſting reſumed, Sir *John Moor* celebrated, and Huzzaing.

XLIV. He hath taken no Notice of the great Alteration in the Humor of the Citiſens upon this Reform: One might diſcern it in their Spirits and Countenances. For as ſoon as the new ſworn Sherriffs entered upon their Office, firſt the Law Province was reſtored to its Seat in the ſeveral Counters, and the Sherriffs opened their Halls, and began the Courſe of feaſting the ſeveral Companies, which they carried on with great Plenty, Jollity, and Splendor. And the Fancy went farther; for ſome Societies without the City, as the *Temple* in particular, deſired the Honour of dining with Sherriff *North*, and made him a Preſent, as the Way is. The Muſicians, who had been for a While excluded, were now reſtored to their Poſts, and, as if they had been lately retired to *Parnaſſus*, and come back inclined to Poetry, were no Niggards of their Vein in celebrating the Reſtitution of their Faculty. They chanted out their Maſter's Names in Words at Length; as for Inſtance,

——*The Worſhipful Sir* John Moor
After-Age that Name adore.

rang in all Companies. No Perſon was ever more popular and cried up in the City than he was, and his Health conſtantly drank (in the rhyming Poet's Senſe) with Adoration. He that killed *Wat. Tyler*, was not more celebrated, for Courage and Conſtancy, than that good Magiſtrate was. Chearfulneſs appeared in all Places, public and private, in the Room of the ſnarling, backbiting, and minatory Trade was driven before. It is not to be

be denied but, at merry Meetings, good Fellowſhip, in Way of Healths, run into ſome Extravagance and Noiſe, as that which they called Huzzaing, an Uſage, then at its Perfection. It was derived from the Marine, and the Shouts the Seamen make when Friends come aboard or go off. And the Uſe of it in Healths was not unlike the Aſſemblies of the *Levantine* Merchants, that, at every Health, cried *Che vivaa!* So at all the Tory Healths, as they were called, the Cry was reared of *Huzza!* which, at great and ſolemn Feaſts, made no little Noiſe, and gave Advantage to the *Whigs*, that liked not ſuch Muſic, to charge the *Tories* with Brutality and Extravagance; and the Author beſtows it upon them both Clergy and Laity; which had, perhaps, been leſs, if there had been no Diſorders made by thoſe others to occaſion Rejoicing, as after a Recovery. So here we may leave the *Tory* Citiſens to their Enjoyments, and retire to ſee what their Adverſaries are doing.

XLV. The Faction, unaccountably buoyed up, did not give over their Claim to have their Sherriffs *Papillon* and *Dubois* ſworn, but, in the Mayoralty of Sir *William Pritchard*, who ſucceeded Sir *John Moor*, demanded it of him, whereof he took no Notice; and, after that, they had the Inſolence, in the Names of *Papillon* and *Dubois*, to arreſt even the Lord Mayor himſelf (not ſtaying till his Year was out but) in the Fulneſs of his Authority, in an Action upon the Caſe for refuſing to admit thoſe Gentlemen (as having been duly elected Sherriffs of *London* and *Middleſex*) to their Offices. This Arreſt being ſerved upon my Lord Mayor, he was kept in actual Cuſtody (for he would own no Submiſſion by Bail or Appearance) for above ſix Hours. The Traitor *Goodenough* was the Promoter and Attorney, and he brought *Keiling* (that afterwards diſcovered the *Rye* Conſpiracy) as a likely Fellow to be a ſpecial Aſſiſtant at the Arreſt: And the whole treaſonable Society were but juſt not in Arms upon this Occaſion. It appeared, upon Examination afterwards, when the Scene of the *Rye* Treaſon opened, that ſomewhat very extraordinary, by Way of Inſurrection, was to be done by the Party at this Time; but not in what Manner or Order it was to be executed. It ſeems the Train did not take, for the City Militia took the Alarm, and Sir *John Peak*, an Alderman and Colonel, with extraordinary Diſpatch, had his Regiment under their Arms in a few Hours; which being known, or rather ſome other Prattique about *Whitehall*, that lies in the Dark (for the Guards had ſufficed to have cruſhed them) the Party would venture no farther at this Time. This Buſineſs proved to be only a bold Affront, but, in the Sequel, turned bitterly upon them, for Sir *William Pritchard* had his Action for a falſe Arreſt without Cauſe of Action, which was tried in the City, and a Verdict was given for 10,000 *l.* Damages. That Trial, as alſo that other of the Rioters, is in Print, to which the Curious may reſort for a more particular Account of theſe Affairs. But the Author has Qualms, and theſe Events do not ſit well with him; for theſe Damages, and alſo the Fines of the Rioters, which

The audacious and dangerous Arreſt of the Lord Mayor corrected by 10,000 *l.* Damages.

were not ſlight, were a Sort of Rebuke they hoped could never have reached them. The Author takes no Notice of this audacious Arreſt, but only for Libel, ſaying, *it inflamed the Reckoning of thoſe Fines*, of the Rioters. So he would have us think the Fines were not juſtly ſet with Regard to the Party's Offence, but were enhanced by this Arreſt, which thoſe Parties were not charged with; and ſo the Judges determined the Fines, not upon the Merits but, upon Matter foreign, and nothing to the Purpoſe. A rare Invention for coining a Scandal upon the Judges!

The Common Council diſavow the Action.

XLVI. But afterwards he hath a nicer Turn. It ſeems that, after this inſolent Arreſt, which had well nigh ſet the City in a Flame that might have ended in Carnage and Blood; the Faction, to ſcreen themſelves from the Odium of ſuch a dangerous Action, laid the Fault upon the Citiſens, that is their own Party, ſaying, it was expected, and neceſſary to be done to ſatisfy them. This falſe Pretence became Matter of Offence to the honeſt Citiſens, who were piqued at ſuch a Charge, and they, by a ſolemn Act of Common Council, diſclaimed it. Now the Author, to take up all this, and to ſet it back upon the City again, ſays, *They were forced to diſclaim the Action.* By whom, or how were they forced? The Common Council is an Aſſembly more like the Parliament than any other is, and far enough from being forced: And the ſaying it was ſo done here is falſe; though I cannot gueſs upon whom the Author intends the Scandal ſhould fall, or who ſhould enter there with a competent Force to do it. They were not, as the *Roman* Senate after the Aſſaſſination of *Julius Cæſar*, beleaguered with armed Men, as *Tully* complains; but Calumniation is the Thing, true or falſe, Senſe or Nonſenſe. May the ill Succeſs of theſe Attempts, and the Author's no leſs unſucceſsful Labour to ſcreen the Villainy of them, be Examples of Diſcouragement to all factious Iniquity for ever.

The Threats of the Faction againſt Sir *John Moor*, &c. before the Arrival of the P— and from *Exeter*.

XLVII. I cannot do the Author Juſtice, in full Meaſure, upon the Head of his abominable Concealments and Suppreſſion of Truth in theſe Affairs; nor to the Cauſe of the good Sir *John Moor* and his Sherriff, without taking a large Lope, over the next Reign, into that which followed; and pitching into the Beginning of it, and not before, we ſhall find a full Concluſion of theſe Brigues: And the Manner how it was wrought deſerves an Account to be given of it; and it is alſo reaſonable the whole Cauſe ſhould go together. It is well known that, upon the Acceſſion of King *William*, the Party, we have all along ſtyled the *Faction*, had their full Swing in Authority, both in and out of Parliament; and, according to that vindicative Spirit they always by their Menaces diſcovered, then were determined to turn thoſe Menaces into Act, and bring condign Inflictions over the Heads of the *Tory* Party, ſuch, at leaſt, as had been inſtrumental in oppoſing them, and diſappointing their Meaſures. So this propitious Time was taken to reap the long deſired Crop of Revenge upon Sir *John Moor* and Sir *Dudley North* (Sir *Peter Rich* was then dead) I ſay, long deſired, I might add, deſigned; for as early as the Preparations in *Holland* for a Deſcent of the P—— of O——

—O—— were publicly known, Plenty of Threats and Denunciations, againſt them in particular, wafted over Sea, and came to their Ears. And, after the Landing at *Exeter*, they had Letters ſent them from ſuppoſed Friends anonimous, expreſſing the terrible Sufferings would fall to their Share, and, being ſuch very good Friends, adviſed them to run away. But they were not of that Mould; for, being conſcious of nothing unlawful they had done, they reſolved to face the Enemy and juſtify themſelves, and not, as ſome about that Time did againſt all Reaſon, condemn themſelves by Flight.

Committee of Enquiry appointed; the Commons examine Sir *John Moor*, his Behaviour, Diſmiſſion, and Reputation.

XLVIII. Afterwards in *London*, a conſiderable Time was taken up about the public Settlement, before theſe vindicative Gentlemen could be let into an Opportunity to begin the good Work. But, at Length, it was ſo inſinuated that two Enquiries were ſet on Foot; one in the Houſe of Commons, by a Committee appointed to inſpect the Proceedings in the City of *London*; and the other in the Houſe of Lords, by a Committee of Lords appointed to examine who were the Adviſers and Proſecutors of the Murders of the Lord *Ruſſel*, &c. Theſe Committees ſat and acted about *November* 1689. The Commons began, and Sir *John Moor* and Sir *Dudley North*, with many other Perſons, were ordered to attend, as they did. The Examination was public, and in a full Houſe: All Perſons might go in, ſo that the Galleries and every Corner were filled. Sir *John Moor* was firſt called, and, according to his natural Mein, ſtood upon the Floor, and looked as if he would have dropped down in his Place, and ſpoke like one of the Order of the Miſerables; which, to ſuch as did not know him, ſeemed as like to Guilt as the Outſide of a Man could ſhew. And the common Opinion of him was that his Spirits would not ſerve him to maintain his Poſt, but that he would yield to expreſs in Terms all that was intended to be drawn from him; but, to do Juſtice to his Memory, he kept inviolable the King's Secrets, his own, and his Friends. And by Secrets, I do not mean any Thing, done by him or them, that was not lawful, dutiful, and wiſe, and every way juſtifiable: But the Caption of the Times was ſuch, as Ears would have been called Horns; and it was not Crimes but Handles, not Things but Pretences that were ſought for; as any one will readily imagine that is acquainted with ſuch Turns, or, at leaſt, may be informed, by what was done, or intended to be done, now. Sir *John Moor* was, as I ſaid, called in, Time after Time, and certain Gentlemen were gratified with an extreme Trial of his Temper, Integrity, and Conſtancy. It was hoped that he would be brought to name the King, or ſome of the Miniſtry, particularly the Lord Chief Juſtice *North*, and Secretary *Jenkins* (though both were dead) for Reaſons I ſhall ſhew. But no more, of that Sort, dropped from him, than if they had ſqueeſed a Flint. He was aſked who had adviſed him in as many Forms and Variations of Phraſe, as Words could be put together; to which he conſtantly anſwered, *the Court of Aldermen*; and, as to Advice, no other Anſwer would he give: And that was a very true one; for he looked upon the Court of Aldermen, by the Law of the

City, to be his authentic Council, and he really ruled himſelf by their Advice; and, againſt that, he had been ruled by nobody. And after the dernier Proof of him in this Manner (for he was ordered to attend more than once, and even after Sir *Dudley North* was done with) he was diſmiſſed. And from thence forward he lived out the reſt of his Days as a venerable Citiſen, greatly eſteemed and reſpected by every one. He uſed to go about in a very plain Dreſs, and meddled with nothing out of his Way, and ſuch as knew him always ſaluted him, which he kindly accepted and civilly returned, and, being Acquaintance, willingly joined in Diſcourſe of different Matters. I cannot deſcribe him better than by the Character of ſome of the primitive Chriſtians, who were no leſs meek and humble in Behaviour and Converſation, than valiant and reſolved in their Profeſſion.

Sir *Dudley North* examined by the Committee, his Behaviour, and upon a peremptory *No*, diſmiſſed.

XLIX. After Sir *John Moor* was diſmiſſed upon his firſt Attendance, Sir *Dudley North* was called in, and the Queſtion, as to him, was, *How he came to take the Office of* London *and* Middleſex *upon him, having no Title?* His Anſwer was direct, as his ordinary Diſcourſe was, that he was a Citiſen by Education, and made free with an Oath of Obedience; and being called before the Lord Mayor and Court of Aldermen, and charged to take an Office upon him, which was the Shrievalty, he appeared, and excuſed himſelf to the Court, as unfit by Reaſon of his long Reſidence beyond Sea, and little Knowledge of *Engliſh* Prattique; and the rather becauſe he underſtood, that many made it a Queſtion whether he was duly appointed or not; and he hoped the Court would not put thoſe Difficulties upon him. Thereupon he was ordered to withdraw; and, being afterwards called in, was told by the Court that, as to his Fitneſs, they were entirely ſatisfied; and that the Court was agreed that, according to the Uſages of the City, he was duly appointed, and muſt ſerve; and no one of the Aldermen ſaid a Word to the contrary; thereupon he obeyed, and, taking upon him the Office, ſerved his Year faithfully, and to the beſt of his Underſtanding, and, after that expired, he delivered over the Office to his Succeſſor, as he had received it from his Predeceſſor; and that was all he had to ſay. One of the Members aſked him, *if he knew all the Aldermen then preſent: Yes*, ſaid he, and, perceiving the Drift of the Queſtion, turned him round, and, looking about, pointed with his Cane and named thoſe five, or diverſe of them, as they ſat, who were with the Faction in the City, who, he ſaid, were all preſent, when he was ordered to hold, and ſaid not one Word to the contrary. He was aſked if no Perſons from Court, particularly Secretary *Jenkins*, did not come down to the City to perſuade him to hold? And, after a conſiderable Pauſe, while he was gathering Breath, and a great Expectation was raiſed, in a full Silence of the Houſe, he replied with a long and loud *No*, as might have been heard up to the Houſe of Lords. Thereupon they called to him to withdraw, as he did, and never heard more of the Matter in that Houſe.

L. But

L. But at the Lord's Committee, which was called *The Committee of Murder*, he and all the reſt were examined upon their Oaths; and he gave the like Account with what farther reſpected the Trials as was needful. There were many Paſſages extraordinary happening in theſe Examinations, which might be uſeful, though not for the Credit, yet ſhewing the Nature of the Times, and under what a Craſis the Public then lay; which I forbear here, eſteeming them, if material at all, to be proper in another Sort of Deſign. But, for confirming the Character of this Gentleman, as I have given it, I will relate one, which was of the noble Earl of *Lincoln*, whoſe Perſon was not more remarkably great than his Voice loud. He, from the farther End of the Room, where he ſat by himſelf, called out to Sir *D. North*, and, *give an Account plainly*, ſaid he, *why you took that Office upon you, knowing you had no Title to it.* He anſwered that *he did not know he had no Title, but thought he had a very good one. Ay*, quoth his Lordſhip, *you might think ſo then, but what think you now? My Lord*, ſaid he, *I thought ſo then, and I think ſo ſtill.* He was ſoon diſmiſſed, and heard no more from that Committee. It is very remarkable that in ſo much Buſineſs of State, as well as the Law, and of an high Nature, as paſſed in the Courts of *London* and *Middleſex* during this Gentleman's Shrievalty; upon which the Lord Mayor, Sherriffs, Officers, Jurors, Counſel, Witneſſes, Agents, and all Perſons, named as ſuſpected to know any thing of the Proceedings of the Trials for the *Rye* Treaſon, and the Convictions which were termed Murders, or other Buſineſs on the Crown Side, were ſeverely and rigidly interrogated upon Oath to all Queſtions that any noble Peer ſhould think fit to aſk, with direct Intention to criminate the Proceedings, as if ſome Illegality or Corruption were at the Bottom; *and after all, no Peccadillo was found therein*; which was the greateſt Vindication of a Miniſtration, under a regular Government, that could have been contrived (however it was intended) for them. We may ſearch the Regiſters of Time and Nations, and (excepting Torture only) not find a ſtricter Scrutiny, nor fuller Vindication. And the moſt righteous and peaceful Ages, even any paſt or preſent, would be loth to undergo ſuch a Canvaſs of their judicial Proceedings. For human Frailty is ſuch, that Men may overſee, and unwittingly err, which, at the Time, may paſs eaſy enough, but, afterwards found out, be termed wilful and corrupt; and, when there is a Diſpoſition to take Things by the worſt Handles, be treated accordingly. But, for certain, it is a tranſcendent Juſtification to be thus inquiſited, and, in every Reſpect, acquitted. I ſay this is a Caſe of Miniſterial Conduct, in a Nation, very remarkable. But ſurely the Author's Suppreſſion of this whole Examination, and alſo of that before the Commons (for he mentions nothing of the whole, only the Title of the Lords Order for their appointing the Committee to examine, &c.) is prodigious. What had he to do to rob honeſt Men of Truth that was their Right, and ought to be declared in Hiſtory, if we may term his ſuch? He could, with his *thinks* and his *thoughts*, put in his Oar juſt to defame what

Like Examination by the Lords upon Oath. His Behaviour, the general Vindication by the Scrutiny, all concealed by the Author.

was

was done, and libel the Doers: But when his own Side had their full Scope and Swing (if it had been poſſible) to have made their Conceits and his Calumnies good, and there was none to diſturb or interrupt them, and all the Experiments, towards it, went off without Effect; yet he has not a Syllable on the Side of the acquitted; but, that ſuch might not appear, he ſuppreſſes their very being ſo (as they were) charged. He leaves them to Poſterity condemned by his baſe ſideling Touches of the Fact in the Time: But there is ſo much of this Sort of foul Injuſtice in his Book, I am weary of obſerving it.

The Faction in full Power expected a Confiſcation of the Tories Eſtates by Act of Parliament.

LI. But, having ſtrayed thus far out of my Lines, I will go a little farther to fetch in the Tail of this Buſineſs, which, like that of the *Aſiatic* Sheep, had all the Fatneſs of the Creature in it. The Joys, which the Vulgar of the old Faction conceived would follow upon theſe Examinations, conſiſted in a ſuppoſed Juſtification of all that had been done by their Party; and then a full Revenge upon the chief of that which had been oppoſite to them. For they had been perſuaded, and did believe, that they had been all in the Right; and that nothing, done counter to them, was ſo. But the Politicones, who worked with theſe, had a deeper Reach; and that was, by way of Act of Parliament, to confiſcate the Eſtates of the moſt active of the Tory Party; and not to be troubled with Examinations and Law Forms, that gave Folks leave to be heard, and defend themſelves. I know I ſhall be cenſured for this Suggeſtion, as moving from as ſtrong a Partiality one Way, as the Author is accuſed of the other. But I muſt affirm it was really ſo in the Deſigns of the fugitive Party, that came over with the P——, and the deſperate of their Correſpondents here: For ſome of the Concerned, together with Threatenings, had ſerious Advices given them of their Danger, gathered from the common Diſcourſe of thoſe in *Holland*, and afterwards at *Exeter*; but it was a Matter of that Injuſtice and Nonſenſe that it was not regarded, and had gone off without any Credit at all, as a Chimera, if real Attempts had not been made tending that Way, as I ſhall ſhew. But the main Deſign failed, becauſe the Times ſettled by Degrees, and, before they could begin, the Public had taken the Face of Order and Juſtice, and would not bear what was ſo very bad; which made them ſtyle their Proceeding *a doing Right to the Sufferers for the Wrong they received by the arbitrary Proceedings in the former Reigns*, and that made it neceſſary to proceed, by Way of Foundation, with Examinations and Reports; however croſs ſuch Methods were to the Deſign on Foot. And although they fell ſo low, yet it gave a clear Teſtimony that the early Advices, given of more thorough-ſtitch Work intended, was not without Truth and Reaſon.

A Bill attempted in the Houſe of Lords and Commons, to charge Fines, &c on the Eſtates of particular Men; and what the farther Intentions were, but all failed.

LII. The Scheme intended was this: That all the Proceedings, in 1682, about the Appointment of the Sherriffs of *London* and *Middleſex*, ſhould be voted in the Houſe of Commons illegal; and then, that the Fines of the Rioters, and Damages for the Arreſt of the Lord Mayor, were arbitrary, and

and without juſt Cauſe; and, laſtly, to enquire by whoſe Means theſe illegal and arbitrary Doings were compaſſed. This being preconceived and laid for a Foundation, then next was to follow a Petition of the Rioters, *&c.* for Leave to bring in a Bill to be reimburſed the Fines, Charges, and Damages, out of the Eſtates of the Delinquents, living or dead. One would have thought that the Examination failing, and no Vote paſſed tending that Way, all this Fat had been in the Fire: But, on the contrary, ſome ſhort Time after, a certain Petition, ſigned by the Rioters, was preſented to the Houſe of Peers by my Lord *Stamford*, ſetting forth the Matters paſſed in the City, the Conviction and Payment of the Fines, and that the Judgment was obtained by the Procurement of the Lord Keeper *North*, Sir *Leoline Jenkins*, (both dead) Sir *John Moor*, Sir *Dudley North*, &c. Therefore it was prayed that Leave might be given to bring in a Bill for the Party's Reimburſement out of the Eſtates of thoſe Gentlemen. This was not granted by the Lords; but, not long after, a Petition to the ſame Effect, was preſented to the Houſe of Commons, and the Matter was debated whether Leave ſhould be given to bring in ſuch a Bill, or not; and the Debate was adjourned and reſumed diverſe Times, and ſo hung a conſiderable Time, not without ſome Endeavours, as the Way is, to carry the Cauſe by Surpriſe. But the Concerned, and thoſe intereſted for them, being alarmed, retained Solicitors, diſcourſed with Members, and put the Defence in ſuch Order and Form, that no Advantage could be taken for want of due Attendance. The Proſecutors, finding this, determined to make a Puſh once for all; and a peremptory Day was appointed, with ſufficient Warning for hearing the Matter of the Petition. So here was an open Campaign, and each Side made the beſt Preparations they could againſt the Day of Battel. The Cauſe was much the Diſcourſe of the Town over Night; and, in the City, many Wagers were laid upon the Event. And at the Day, after the whole Time taken up in the Debate, the Houſe came to a Reſolution, and, upon the Queſtion, divided, and, by the Odds of ſeventeen Voices, the Petition was rejected. What will not People do that will attempt ſuch a Courſe as this? It was deſigned as a leading Card, being (in their Senſe) the moſt popularly plauſible Caſe they could ſelect. And, if this had been carried, there were diverſe others, in ſeveral Parts of the Kingdom, that had come up for Redreſs by the ſame Method of Juſtice, as *Dare* of *Taunton*, *&c.* And Sir *Samuel Bernardiſton* was intended to have been one; and had proceeded if the Lords, inſtead of affirming, had reverſed the Lord Keeper *North*'s Judgment againſt him in the Caſe of *Soams*. For then the gaining it by his Solicitation had been preſumed of Courſe; and ſo his Eſtate muſt have paid for it. And it was for this Reaſon that the Party ſo induſtriouſly exaggerated the Matter of hard and arbitrary Judgments obtained in the former Reigns, which this Author echos he knows not why. But all the Cry, at that Time, tended to gain ſome general Redreſs of the poor Sufferers to be had by Act of Parliament. But it ſeems the Times proved to fall into Order

der ſo as not to bear ſuch Irregularities and notorious Tyranny, as going on in this Way had been. However it gives us full Scope to imagine what might have happened if, as was before ſuggeſted, thoſe Gentlemen, according to their early Model, had had their Wills. But I am run on too far, and muſt return back to the Time of King *Charles* II.

Introduction to the Relation of *Charters*.

LIII. I know no Tranſaction, in this Reign, more diſingenuouſly traduced, than that known by the Word *Charters*; which means the *Quo Warrantos* brought againſt ſome Corporations for ſeiſing their Franchiſes into the King's Hands for abuſer of them. Whereupon, and upon voluntary Surrenders of ſome, diverſe new Charters were granted, with ſome Alterations and Reſtrictions. The Author here diſtinguiſheth neither Things, Times, Manners, or Intentions, but ſuppoſeth the worſt of all alike. And then he tranſcribes, out of a cankered Libel, an helliſh Parcel of Invectives againſt the Government, upon that Occaſion; wherein all Orders are ſcandaliſed, the holy Scriptures and Religion brought in to compliment the infernal Sarcaſm, and then concludes with a Panegyric; but it is beſtowed upon attainted Rebels and Rebellion. This *Fruſtum* of a Libel is grafted into his pious Hiſtory, as an Account of that remarkable Proceeding, where every one may read what I care not to repeat.

The firſt *Quo Warranto's* at the Deſire of the Country, and had very great and good Effect.

LIV. But, as to the Matter itſelf, I think I may diſtinguiſh it into three Orders, which I term 1. *Quo Warranto's*. 2. *Surrenders*. 3. *Regulations*. Which Partition may be marked 1. good, 2. indifferent, and 3. bad. Firſt, by *Quo Warranto's* I mean ſuch as were ordered againſt thoſe Corporations that had enormouſly offended by Breach of his Majeſty's Laws, and who ſet up the Authority of their Truſt, not for the due Execution of, but for the protecting from, the Law, Perſons that were notorious Offenders againſt it; and out of this Liſt I will not except the great City of *London* itſelf, as may appear with good Reaſon afterwards. And, within this View, and going no farther, I muſt affirm that there never was a Piece of more neceſſary Juſtice in the *Engliſh* State, nor more beneficial to all the People in general, than the proſecuting thoſe *Quo Warranto's* was. And to ſhew there was abſolute Need of it, I affirm alſo that the firſt Overture was not from the Court, nor from ſuch black Deſigns as the Author and his fellow Libellers ſuggeſt; but from the Counties where the Abuſes were a Grievance inſufferable. And, for Redreſs of them, the Gentlemen of the Counties applied to the King by ſuch Means as they had. The Miſchief lay in Towns that had Juſtices of their own with a Clauſe that the Juſtices of the Country *ne intromittant*; ſo, by excluding the Country Juſtices, they were become the ordinary Aſylums for all Sorts of Rogues that fled from the Juſtice of the Seſſions, and particularly thoſe that were tumultuous and ſeditious, and there found Protection. And, particularly, the Town of *Pool* in *Dorſetſhire* was of this Order, and, if I miſtake not, *Taunton Dean* another. Others there were in the *Weſt* of *England* complained of; and ſo much in Earneſt, that the Grand Juries in *Dorſetſhire* and *Devonſhire*, or one of them

(for I do but juſt recollect ſome Particulars) preſented theſe Places as common Nuſances. And, upon the Application of the Gentlemen to the Judges of Aſſiſe, the Matter was laid before the King, and *Quo Warranto's* ordered to be proſecuted againſt the chief of them. And, upon that, ſome were reduced, others, knowing themſelves to be obnoxious, ſubmitted; and then their Charters came to be ſurrendered, and new ones granted in lieu of them. In which no Alterations were made, but ſuch as reſpected the Law, and the good Government of the Country; ſuch as laying the Towns open to the Juſtices of the Counties, if they found Cauſe to interpoſe there, and to act with the Juſtices of the Place, and ſometimes to be of the Body, and capable of the Offices of Authority in the Corporations. And if any honeſt *Engliſhman* can be of Opinion that ſuch Changes were not much for the better, eſpecially as to diverſe factious, or rather mercenary, Corporations, I muſt crave Leave to differ from him. And this Method was obſerved in moſt Inſtances of that Reign, without any of the hideous Characters which the Faction, now in our latter Times, have beſtowed upon it. And I limit this Diviſion of a laudable Proceeding, without any Abuſe at all, untill the Time that Sir *George Jeffries* was made Lord Chief Juſtice of the *King's Bench*, and ſworn of the Privy Council, which let him into the Means, as his Way was, to puſh Things beyond their due Bounds.

The Abuſe began by urging Corporations to ſurrender by Promiſes, and Threats. How Sir *George Jeffries* dealt in the *North*, and Reflection thereon.

LV. And, after that Time, the Abuſe began to grow, but not to any great Inconvenience, and, for that Reaſon, I give this Claſs the Character of indifferent. Diverſe Inducements then brought in Charters to be ſurrendered in Order to the Renewal of them. For it being obſerved that ſuch Compliments of the Towns were graciouſly accepted, and the prevailing with others to come in, was accounted good Service, and, by a Sort of Mode or Cuſtom, the Tendency of Loyalty itſelf was that Way; this Circumſtance was the Occaſion that many Towns came in and took the Opportunity to be remunerated with conſiderable Privileges, reſpecting their common Profit and Trade, which were commonly granted as they deſired. And, as to the Changes made, with Reſpect to the Law and Government of the Country, the Inhabitants were commonly not very ſolicitous, but ſubmitted thoſe Matters to the King's Pleaſure. But the worſt Inducement was when pick-thank Courtiers, for Oſtentation of Merit, frighted the People with the Law and Charges, and procured Summons of *Quo Warranto* to be ſerved upon them; and having, by ſuch undue Means, brought in the Charters, ſet a Value upon themſelves at Court, as for ſo much good Service done. There was a memorable Paſſage of this Nature. When the Lord Chief Juſtice *Jeffries* went the *Northern* Circuit, he had taken upon him, and accordingly valued himſelf to the King for doing great Matters towards bringing in of Charters, as it was called; and, by his own Contrivance (as I have very good Reaſon to gueſs) to procure for himſelf as great an Authority in the *Northern* Circuit (which he was appointed for) as was poſſible, the King

was perſuaded to preſent him with a Ring, publicly taken with his own Finger, in Token of his Majeſty's Acceptance of his moſt eminent Services. And this by Way of Precurſor; which being blaſoned in the *Gazette*, his Lordſhip went down into the Country as, from the King, *Legatus a Latere*, eſteemed a mighty Favourite; which, together with his lofty Airs, made all the Charters, like the Walls of *Jericho*, fall down before him: And he returned laden with Surrenders, the Spoils of Towns; which, with certain other Performances in that Voyage, not a Subject here, advanced his Pretenſions to Favour at Court. The Proceſs was indeed pleaſant: The King by public Favours arms a Man with Power by which he doth great Things; and then thoſe great Things entitle him to Favour, as flowing from him, which indeed flowed from the King's Authority and Favour ſhewed him. And ſo in the City, upon the Strength of an old drunken Acquaintance, he ſeemed, and thereupon pretended to have an Intereſt, which procured him the Countenance of his Majeſty's Favour at Court; and that turned to a real Intereſt in the City; which in Truth was the King's Authority, and not his, although, (as a perſonal Merit) he aſſumed it. But to conclude; we are to conſider here, none could blame the King for deſiring to put the Corporations in a better Order; for whoever ſaw or knew, as we did, how his Majeſty was affronted by Faction faſtening upon the Populace of thoſe abuſed Towns, would think neither his Honour, Government, or Perſon ſafe without it.

Diſcourſe ſhewing the Renewal of Charters every Way for the Benefit of the Public.

LVI. Thus far the Alteration of Charters, however growing into Abuſe (I mean as to the Management in the Country; for the Court, to do right, was very juſt and careful of the Towns) were of no deſperate ill Conſequence. I know it hath been in every one's Mouth to object that all was done to influence Elections to the Parliament; and, as the Way of Objectors is, they run the Conſequences to Extremity, and called it packing a Parliament, and corrupting the very Fountain of the Laws. Now if we will profeſs any Ingenuity, we muſt own that, at that Time, the Crown had need of a better Intereſt than it had in the Choice of Members, to maintain a due Ballance; that an adverſe Party might not carry every Thing in their Model againſt the Crown, as was moſt notoriouſly the Caſe of the *Oxford* and *Weſtminſter* Parliaments. And it was better if it had, or could have, been done thus, than by ſetting up new Boroughs, which the King might do at Pleaſure. I would have Folks, that object this, conſider what is the Conſequence of ſplitting Freeholds, and ſuborning unqualified Countrymen to forſwear themſelves to vote in a Party; and who are the greateſt Traitors to the Public? But what was the Harm if the beſt of thoſe, intereſted in the County Elections, had alſo Voices in the Buroughs, whereby they might ſhew the deluded, not to ſay bribed Towns, a better Choice than they could, or at leaſt would, have found for themſelves? I ſay if this had been generally done, as it was not, what Cauſe was there to grumble? But it could not be

done

done in the Way of Renewals of Charters, for theſe ſeldom touch the Right of Election that goes moſt upon Preſcription, and is the ſame as in *London*, whatever becomes of the Corporation. And admit the Advantage in the Election of a Chief Magiſtrate is gained to the Court Side by a Renewal, which they may ſay will incline to his Party in the Management and Return: And will not they do the ſame, if they come in by a Faction, for Favour of that? On which Side ſhould the Balance turn? But hath not the King the Nomination of all the Sherriffs of Counties (except one) in *England?* And yet no Complaint was then heard of Injuſtice, nor is the Parliament the more packed for all that. Extremes are never to be argued againſt the ſacred Truſt of Government; for then we muſt have no Power to keep the Peace, Truſt, nor Government at all, that is, no Liberty, Property, nor Security for either. For a Power to do Right always includes a Power to do Wrong. I cannot but conclude this Reflection with obſerving that, as the Government, at that Time, had gained a vaſt Strength by popular Reputation, if it had gained alſo a firmer legal Dependance and Alliance between the Crown and People, ſo as both ſhould have needed the good Will of each other, and Faction have had no Encouragement to work the Miſchief of both by creating Diſtruſts, Fears, and Jealouſies to divide them, a better Service had been done to the People of *England*, than when the *Capite Tenures* of Eſtates were taken away, and a common Nuſance, the Exciſe, planted in the Room of them.

LVII. Now, as to the laſt Order of Charters, called Regulations, which properly belongs to the next Reign and ſo beyond my Tedder, I ſhall ſay little. But, conſidering that more eſpecial Counſellors and Adjutants, with choice Commiſſioners, Meſſengers and Spies, were inſtituted purpoſely to manage Corporations, for compaſſing Elections, and to humor the Court, and conſidering who they were, it is very ſtrange that ſo much Obloquy, as has been caſt on the Church and loyal Party, ſhould fall upon that Account: For it is moſt certain and true that the Tories, as they were called, were more oppoſite to thoſe Proceedings than the Author's celebrated Party Men were. For (under Popery) at that Time, the whole Machine was Fanatic; and the Deſign was declared to compaſs a Fanatic Parliament. And we do not find that, after the happy Revolution, any of the Perſons, who had acted notoriouſly at the Head of thoſe miſhapen Counſels, fell under any Queſtion or Puniſhment for Example to others, and the very Inventors and Ringleaders were not ſo much as ſpoke to about it. Whilſt the good Sir *John Moor*, and Sir *D. North*, *&c.* were ſcrutinated over and over again; and, if they had not been beyond all Exception candid in all that they did, as regular Magiſtrates in the City, they had been trounced for it: And even the Aſhes of the dead were not let reſt in Peace. So far hath groſs Partiality and Animoſity to do in popular factious Times of Clamor.

The worſt of Charters called Regulations was wholly Papiſt and Fanatic and the Church and Loyal Party utterly againſt it.

An Account of treacherous Clauſes, on this Foot, rejected by the Commons, which paſſing had packed the Parliament to evil Purpoſes. The deprived Biſhops aided againſt them.

LVIII. But one Attempt, which failed, ſhews the Deſign of thoſe Perſons who had been in the factious Liſt againſt King *Charles* II. For inſtead of calling to Account their own Friends the Regulators, who were hot and reeking, being, by the Revolution, but juſt driven from their Work, they took an Occaſion to offer to the Parliament, by Way of Rider, two Clauſes; the Effect of which was to diſable all thoſe Perſons, who had been concerned in the Surrenders and Renewals of Charters, from voting in Elections of Members to ſerve in Parliament. Theſe carried a Retroſpection into that King's Reign long before the Abuſes juſtly complained of; and when Grand Jury Men and Juſtices of the Peace, and ſoon after, moſt of the intelligent Loyal Party had intereſted themſelves for obtaining a Reformation of ſome wretched and mercenary Corporations; and the Humor was ſo general, that very few of any Account in the Nation, who were deſirous to be owned for Loyalliſts, whether for real Opinion, or following the Example of others, or out of a Gaiety of Behaviour on the Government Side, as it was a Mode then, (and the like hath been more than once ſince) but were all, one Way or other, concerned in thoſe Affairs. I ſay all theſe, much the greater and more valuable Part of the Nation, were to be ſwept out of their Right of voting at Elections all at once; and that, without any Summons, Charge, or Hearing, or any Sentence of Delict paſſed upon them. This muſt have procured rare Elections for the Church and Monarchy. But, after diverſe and great Debates, theſe ſwinging Clauſes were thrown out of the Houſe. Now let the Indifferent judge who were the Parliament Packers. But I muſt not forget one Thing, which is for the Honour of ſome of the Biſhops, then newly deprived, who, in the former Reign, hazzarded their Perſons and Eſtates (then flouriſhing) for the Defence of the Church of *England* againſt Popery: Now, although deprived of all Exerciſe of Authority and Revenues, employed their Endeavours to preſerve it againſt the Fanatics. For they directed their Converſation all they could (and they had nothing elſe left them) to make Gentlemen ſenſible of the Deſign and large Scope of this Project; and one of them in particular procured the Writer of theſe Papers to publiſh a ſmall Pamphlet, while the Matter was depending, to expoſe the Wretchedneſs of theſe Clauſes, which many thought went a great Way in creating a right Underſtanding of them. For the Promoters were very angry, and cauſed to be wrote an Invective by Way of Anſwer, letting fly, at all Adventures, againſt a noble Peer (lately created of *Guernſey*) ſuppoſed to be the Author of it, with as much Juſtice as all the reſt.

The Caſe of the *Quo Warranto* againſt *London* egregious, but moſt neceſſary in a juſt Government.

LIX. So much of the Buſineſs of Charters at large. I might have made myſelf Work enough, if I had gone about to have gathered all the particular Caſes, with their Circumſtances, which would have made a juſt Volume, to be wiſhed for rather than expected. But the Author, whom I am obliged to wait upon, hath thought fit to touch only the Caſe of *London* upon

upon the *Quo Warranto* profecuted againſt that great City; and I ſhall join ~~Iſſue~~ with him there, and conſent that the Juſtice of the Proceeding, and the Honeſty of his Account, ſhall be determined according to the State of that. This great City was among the earlieſt that were queſtioned at Law for Forfeiture; and I ſhall venture to ſay with more of Reaſon than any other in *England*. For what, in the Name of Juſtice, had the Government to do when *Ignoramus* was mounted *in Cathedra*, and their was a declared Stop put to all State Criminal Law, to ſay nothing of the ordinary and civil Courſe, and how factiouſly partial it was carried on in *London* and *Middleſex?* It was indeed a dangerous Caſe to the Public, and, in other Times, had probably introduced Precedents of Authority and Prerogative that would have laſted longer than that Law-Suit did. Ill Actions give Colour to miſchievous Precedents; and there are ſcurvy Maxims, as *omnia dat qui juſta negat*; *quod remedio deſtituitur ipſa re valet*, and the like. Some Governments have reſorted to Force, and juſtified it upon the bare Pretence of leſs than was true here. The City of *London* and County of *Middleſex*, reſpecting the Safety of the Government, as it ſhould be guarded by Law, is of the laſt Conſequence to the Crown; becauſe the Government reſides there, and all its Enemies gather about it. It is an unparallelled Error of Politics in the People, when they think to deprive their Government of the Power of puniſhing capital Offences by Law, and no leſs when ſuch Courſe is taken to diſcourage it by popular Miſconſtructions and Calumnies, as it was ſcandalouſly done in this Inſtance, and, by the Author, reiterated; I hope there will never be known the like Folly. I deſire to aſk the moſt diſſatisfied Perſon, when Wrong is done, what is the Courſe, going to Law, Compulſion, or Fighting? And, preſuming the Anſwer, I aſk farther, whether, after the Sovereign and his Authority were ſo outragiouſly inſulted, was it not an Inſtance of a juſt and gracious Government to decline the Uſe of Power upon the Reaſon of Neceſſity, and reſort to the Law before Judges ſworn, and to purſue it in all the Forms of Proceſs and Special Pleading? Government is in a very hard Caſe if, having both Right and Power, it may not make Uſe of either. It hath a ridiculous Phiz, like the Fable of the old Man, his Aſs, and a Boy, before the inconſiſtible Vulgar. It is the Part therefore of indifferent Times to take Things right, and defer nothing to the Prejudices that Faction, to juſtify themſelves, would caſt upon their Betters, eſpecially in the Way here before us, by ſetting up a Tool of a Writer to metamorphoſe the Libels of the Time into what he calls *Compleat Hiſtory.*

LX. As for the Forms of the Proceeding againſt the City of *London*, and the Matters of Law argued *pro* and *con*, with the Judges final Sentence that the Corporation of the City be ſeiſed into the King's Hands; the Whole is at large in Print in a Folio Volume, being a famous Law-Caſe which every one may ſtudy that is ſo diſpoſed. Therefore I ſhall not make any formal Report of it, but touch the principal Matters in an hiſtorical Way

The Caſe at large in Print, and the Relation of it here but ſhort and hiſtorical.

Way only. And firſt, as to the Law, upon which the Proceſs was grounded; which was that all Franchiſes whatever, derived from the Crown, are forfeited by Abuſer; than which nothing is more trite in the Law Books, but more eſpecially ſuch as concern the Conſervation of the Peace and Juſtice. Then, that the Corporation was a Franchiſe derived from the Crown, and, for every unlawful Act done by the Body, was ſeiſable, for the Abuſer, as forfeited. So was the Law taken to be: As for the Fact, it appeared the Corporation had done diverſe unlawful Facts; and, about the Time, there was a Paper handed to and fro, that contained ten or twelve Miſ-feaſances, which were preſumed would amount to a Forfeiture: But not all with equal Clearneſs: for ſome admitted of Diſpute. As, for Inſtance, this, *that they permitted and did not ſuppreſs the outragious Tumults in the City.* For the Corporation, being entruſted by their Magiſtrates to preſerve Peace in the City, ought not to ſuffer Tumults, but to ſuppreſs and puniſh them; which they did not ſo much as endeavour to do. But then the Counſel for the City might have ſtood upon it, that that was the Fault of the Magiſtrates, and not of the Body, and that they, in their Perſons, ought to be puniſhed for their Fault, and not the Corporate-Body. To prevent all Colour of Chicane upon ſuch Accounts, Care was taken to ſelect two Facts, to be aſſigned for Forfeiture, which were unqueſtionably unlawful, and indubitably the proper Acts of the Corporation.

The Forteitures; firſt, A ſeditious reflecting Petition; ſecondly, Raiſing Money at Will in their Markets.

LXI. The firſt of theſe was a Petition of the City, framed and ordered by the Common Council, to the King for Sitting of the Parliament. In which they accuſe the King directly of Miſgovernment, and ſtopping the Public Juſtice of the Nation, with other abominable reflecting Expreſſions; all which in full Form the Common Council ordered to be printed; and it was poſted up in the Carfours and public Places of Reſort in the City; which was a Publication with a Witneſs. The other Forfeiture was by like Order raiſing Money upon the King's Subjects coming to the Public Markets, at Rates as they were pleaſed to tax; which Markets are free for all People, and may not be turned into a Fund of Revenue at the Pleaſure of the Corporation. Theſe Forfeitures were no peccadillo Trifles; but ſmall or great alters not the Caſe, for it is not Value, but Legality makes the Queſtion: For the leaſt unlawful Act is a Forfeiture as truly as the greateſt. It was enough if thoſe Facts, that were aſſigned, would not admit of any colourable Diſpute. The Cauſe depended a long Time upon the Forms of Special Pleading, in Order to come to proper Iſſues, whether to the Court by Demurrer or to the Country for Trial; and of all the ſeveral Pleas, Bars, Rejoinders, Rebutters, Surrebutters, *&c.* the Public were made Judges by the Favour of the Preſs that ſent them forth in the very Words, and an *Engliſh* Tranſlation annexed; which Jargon was conned over by the common People with wonderful Seriouſneſs. There was to be ſeen the whole Fabric of *Oates*'s Plot, and the Caſes of the Criminals,

nals, particularly the five Lords in the *Tower* under Impeachment, ready for Trial when the Parliament ſhould meet, which was pleaded in Juſtification of the libellous Petition: What could reſiſt that powerful Charm? The learned Counſel could plead in Form a Juſtification of a Scandal upon the King poſted in Print, that knew by Law no Juſtification can be pleaded even in a Caſe of *Scandalum Magnatum* againſt a Peer. And when the Law ſays expreſly that *the King can do no Wrong*, how comes it to be lawful or tolerable to accuſe him for having done it? But, where Faction has to do, every thing muſt give Way; and all, that is for them, is regular and juſt, and nothing elſe.

The Facts not denied, and the Queſtion, Forfeiture or not, only inſiſted on to the Court.

LXII. In fine, the Counſel for the City did not think fit to deny the Facts aſſigned for the Forfeiture, whereby Iſſue might have been joined, and a Trial had to prove them. But, in the Courſe of the eſpecial Pleading, the Facts were confeſſed by inſiſting to the Court that the ſame did not amount to a Forfeiture; and in fine, the Iſſue was joined to the Court by Way of Demurrer, which admitting the Facts to be true, Forfeiture, or not, was the only Queſtion. This much ſhortened the Cauſe; for nothing was to be done by the Court but to hear Arguments, and, after Conſideration, to give Judgment. And, accordingly, Time was given to the Counſel, Term after Term, and ſolemn prolix Arguments heard twice; and then, after a conſiderable Time paſt, the Court gave Judgment for the King; *that the Franchiſes ſhould be ſeiſed into the King's Hands.* All which Matters are punctually, as to Times and Circumſtances, publiſhed in the Print; therefore I refer to them, being not in my Scope, which is chiefly to explain ſo much as may diſſolve the Author's ſophiſtical Libel. And that will require ſome material Paſſages to be more particularly related.

The Clearneſs of the Arguments on the Crown Side, but the Caſe obnoxious to popular Miſconſtruction.

LXIII. And firſt, as to the Defence, I did not find that the City Counſel inſiſted on any thing materially, that went to the whole Caſe, but only this, *viz.* That a Corporation was immortal, and diſſolvable only by the Act of GOD, as by the natural Deaths of all the Members. But, as to the particular Facts, they ſaid the Common Council were but the City's Deputies, and a Principal is not puniſhable for Crimes of his Deputy; ſo they might commit any Miſdemeanors, and the City be not the leaſt affected by it. And, as to their Markets, they had a Cuſtom to make By-Laws, and the Common Council taxed the Market Folks by Way of By-Law. This was the Marrow of their Defence; but it is ſpread very thin, and, in the Arguments, larded with a World of Quotations, in which the other Side were not wanting. For the Counſel for the King at large inſiſted that a Corporation is a Franchiſe, and, in all the Books and *Quo Warranto* Caſes, paſſeth under that Title; and whatever it is, it is capable of no Amendment but Seiſure. It muſt be lawleſs or ſeiſable; and, for the Notion of Immortality, it is a Chimera of Invention, abſolutely a Stranger to the Law and the Law-Books. That the Common Council was

the

the Repreſentative Body of the City, *Corporaliter Congregati*, and the only Means by which the City, as a Corporation, can act extraordinarily to bind themſelves and all the Members. And, as for By-Laws, grant all they ſay, they can extend no farther than to conclude their own Members, but not to tax the People of *England* for coming amongſt them on their lawful Occaſions. But as it happens in all great Caſes, where Reaſon and Juſtice is wanted, a Face of Aſſurance is the Succedaneum; ſo here, there could be no Law ſo plain as to convince a Party that the City was in the Wrong in any thing, becauſe they were reſolved, right or wrong, it ſhould not be ſo; and if they had Credit with the Vulgar, or Numbers ſufficient to ſuſtain a Clamor, it was the ſame Thing, in their Account, as if they were in the Right. And by their multifarious inventing, and lying, communicated, after the Manner of their Policy, to all People, and in all Places where they had any Acceſs by Party, they went a great Way to poſſeſs all People that this Proceeding againſt *London* was a tyrannous Project of the Court: And if the Occaſion, or rather Neceſſity, for it, had not been moſt evident before the Eyes of all Men, they had made very ill Uſe of it as to Conſequences. But there was then enough of the Church and Loyal Party in full Credit at that Time, eſpecially Citiſens, to ſtem that Orage of Faction. But yet the Impreſſions were not ſlight; for nothing is ſo deceitful as popular Opinions of the Vulgar in popular Matters; and there is nothing ſo fond in them, which, more or leſs, is not found in ſome Perſons of Quality and Literature eminent in their Time, of whom one would expect better.

The King's Care of the City, but no Application till Judgment, and then a Petition, anſwered by the Lord-Keeper.

LXIV. It is not to be imagined that the King intended the leaſt Harm to the City itſelf by this Judgment; and moſt of the Citiſens of Credit were thereof ſatisfied, and ready to have truſted the King; and they were in the Right, for the King deceived them in nothing, as will appear. In the firſt Place, Care was had of the City that the Judgment, pronounced upon the *Quo Warranto*, ſhould not be entered upon the Record of the Plea, till his Majeſty's Pleaſure ſhould be farther known. This was for Caution, leſt ſome Cuſtoms or Duties, that depended on the corporate Capacity, might fall and not revive upon a Regrant. And it alſo gave the City Time to adviſe among themſelves about renewing their Charter, as might be done with Confirmation of the old, and Grant of ſome new Privileges. But, as to the governing Part, and the Law, the King required ſome Regulations ſhould be made, for obviating the Recrudeſcence of thoſe *Ignoramus* Abuſes, for the future, that had been ſo ſcandalous before. And People were generally ſatisfied it had been their wiſeſt Courſe to have done it out of Hand, leſt ſomewhat might have happened in the *Interim* to their Prejudice which they might not dream of. But Matters of this Nature, in their proper Times, are ſo nice that they do not admit of a wiſe Interpoſition of particular Perſons of the Body; for if it be the Intereſt of a Party to oppoſe all reaſonable Settlement, nothing will be ſo liable to Miſconſtruction, and ſo

be

be defamed with ill Language, as the moſt prudent Propoſitions, tending that Way, will be. It is no new nor ſtrange Thing, in great Cities, for Wiſdom to be made unpopular and infamous; therefore the wiſeſt Citiſens were paſſive, and let Matters drive; they themſelves going no whit faſter than the common Herd. But, after Judgment pronounced, the Common Council thought fit to agree that an humble Petition ſhould be preſented to the King. It was conceived in general Terms, begging his Majeſty's Pardon and Favour to the diſtreſſed City. The Lord Mayor, with the Aldermen, waited upon the King with the Petition, and humbly preſented it to him at *Windſor*. And thereupon the Lord Keeper *North* ſignified his Majeſty's Pleaſure to them in a ſolemn Speech, which ſtates the Condition of the whole Affair, with the Reaſons, better than I can pretend to do, and as ſhortly as it can well be expreſſed; therefore, although it is in Print more than once, I ſhall ſubjoin it *verbatim* as it was ſpoke *June* 18, 1683. And this I am more inclined to do, becauſe our Author and I are to have ſome ſharp Words about it.

" *My Lord Mayor*,

LXV. " I am, by the King's Command, to tell you, that he hath conſi-
" dered the humble Petition of the City of *London*, where ſo many of the
" preſent Magiſtrates, and other eminent Citiſens, are of undoubted Loyalty
" and Affection to his Service, that, for their Sakes, *his Majeſty will ſhew*
" *the City all the Favour they can reaſonably deſire*.

The Lord Keeper's Speech, with the Words, the Author has only taken, diſtinguiſhed.

" It was very long before his Majeſty took a Reſolution to queſtion their
" Charter; it was not the ſeditious Diſcourſes in Coffee-Houſes, the trea-
" ſonable Pamphlets and Libels daily publiſhed and diſperſed thence into all
" Parts of the Kingdom, the outragious Tumults in the Streets, nor the
" Affronts of his Courts of Juſtice could make him do it. His Majeſty had
" Patience till Diſorders were grown to that Height, that nothing leſs ſeemed
" to be deſigned than a Ruin to the Government both in Church and State.
" For the factious Party were not content with the Practice of theſe Inſo-
" lences, but endeavoured to have them publicly countenanced by the Ma-
" giſtrates, and, for that End, in all Elections, they ſtickled to chooſe
" the moſt diſaffected into Offices, and carried themſelves with that Heat
" and Violence, that it was a Terror to all ſober and diſcreet Citiſens; and
" the City was ſo unhappily divided into Parties, that there was no Likeli-
" hood it could return into Order, ſo long as the factious retained any
" Hopes of procuring the Elections of Magiſtrates of their own Party, for
" their Impunity.

" It was high Time to put a Stop to this growing Evil; this made it
" neceſſary for his Majeſty to enquire into their Abuſe of Franchiſes, that it
" might be in his Power to make a Regulation ſufficient to reſtore the City
" to its former good Government. It was not for the Puniſhment, but
" meerly for the Good of the City that the King took this Courſe, *And*

" now *he hath obtained Judgment in a* Quo Warranto, *it is not his In-*
" *tention to prejudice them either in their Properties or Cuſtoms.* Nay,
" leſt the Entry of the Judgment upon Record might have fatal Conſe-
" quence to them, his Majeſty was ſo tender of them, that he cauſed
" Mr. Attorney to forbear the ſame at preſent, that the City might have
" Time to conſider their Condition.

" *My Lord,*

" I muſt needs ſay the *City hath not been ſo well adviſed to defer their*
" *Application to his Majeſty ſo long, even till the Court hath pronounced*
" *Judgment; it had been done with a much better Grace if it had been*
" *more early.* His Majeſty's Affection for the City is too great to *reject*
" *their Suit* for that Cauſe. But, for that Reaſon, you will have leſs Time
" to deliberate upon the Particulars the King doth require of you: And in-
" deed there will be little Need of Deliberation; for his Majeſty hath re-
" ſolved to make the Alterations as few, and as eaſy, as may be conſiſtent
" with the good Government of the City, and Peace of the Kingdom.

" *His Majeſty requires your Submiſſion to theſe Regulations:*

" 1. *That no Lord Mayor, Sherriff, Recorder, Common Serjeant, Town-*
" *Clerk, or Coroner of the City of* London, *or Steward of the Burough*
" *of* Southwark, *ſhall be capable of, or be admitted to the Exerciſe of their*
" *reſpective Offices, before his Majeſty ſhall have approved them under his*
" *Sign Manual.*

" 2. *That if his Majeſty ſhall diſapprove the Choice of any Perſon to be*
" *Lord Mayor, and ſignify the ſame, under his Sign Manual to the Lord*
" *Mayor, or in Default of a Lord Mayor, to the Recorder or ſenior Alder-*
" *man, the City ſhall within one Week proceed to a new Choice; and if*
" *his Majeſty ſhall in like Manner diſapprove the ſecond Choice, his Ma-*
" *jeſty may, if he ſo pleaſe, nominate a Perſon to be Lord Mayor for the*
" *enſuing Year.*

" 3. *If his Majeſty ſhall in like Manner diſapprove the Perſons choſen to*
" *be Sherriffs, or either of them, his Majeſty may appoint Perſons to be Sher-*
" *riffs for the enſuing Year by Commiſſion, if he ſo pleaſe.*

" 4. Nevertheleſs the Election of theſe Officers may be according to the
" ancient Uſages of the City, with theſe Reſtrictions.

" 5. The Lord Mayor and Court of Aldermen may, with Leave of his
" Majeſty, diſplace any Alderman, Recorder, Common Serjeant, Town-
" Clerk, Coroner of the ſaid City, and Steward of the ſaid Burough.

" 6. Upon any Election of any Alderman, if any of the Perſons, that
" ſhall be preſented to the Court of Aldermen by the Ward, ſhall be ad-
" judged unfit; upon ſuch Declaration by the ſaid Court, the Ward ſhall
" proceed to the Choice of other Perſons in the Room of ſuch, or ſo many
" of them as are ſo diſapproved, and if the Court ſhall diſapprove ſuch
" ſecond Choice, they may appoint in their Room,

" 7. The Juſtices of the Peace to be by the King's Commiſſion, which " his Majeſty will grant according to the uſual Method, unleſs upon ex- " traordinary Occaſions, when his Majeſty ſhall think it neceſſary for his " Service.

" Theſe Matters are to be ſettled in ſuch Manner, as ſhall be approved " by his Majeſty's Attorney and Solicitor General and Counſel learned in " the Law.

" *My Lord Mayor*,

" Theſe Regulations being made, his Majeſty will not only pardon the " Proſecution, but confirm the Charter in ſuch Manner as may be con- " ſiſtent with them.

" The City ought to look upon this as a great Condeſcenſion on his " Majeſty's Part, it being but in the Nature of a Reſervation of a ſmall " Part of what is already in his Power by the Judgment, and of thoſe " Things which conduce as much to their own Good and Quiet as to his " Service. If the City ſhould look upon it with another Eye, and Neglect " a ſpeedy Compliance, yet his Majeſty hath done his Part, and demon- " ſtrated his Affection to the City by giving them this Opportunity. And " if there ſhall be any heavy Conſequence of this Judgment, which it will " behoove you well to conſider, the Fault will lie at their Door in whoſe " Power it now is to bring this Matter to an happy Concluſion.

" *My Lord Mayor*,

" *The Term draws near an End, and* Midſummer-Day *is at Hand,* " *when ſome of the Officers uſe to be choſen, whereof his Majeſty will re-* " *ſerve the Approbation; therefore it is his Majeſty's Pleaſure that you re-* " *turn to the City and conſult the Common Council that he may ſpeedily* " *know your Reſolution hereupon, and accordingly give his Directions. That* " *you may ſee the King is in Earneſt, and the Matter is not capable of* " *Delay, I am commanded to let you know that he hath given Order to* " *his Attorney General to enter up Judgment on* Saturday *next, unleſs you* " *prevent it by your Compliance in all theſe Particulars.*"

The Author perverts to poiſon the King's ſignal Care of the City.

LXVI. The whole Speech thus lying open before us, I ſhall demonſtrate that the Author hath moſt diſingenuouſly and ſhamefully, not only left out but, perverted to Libel his Majeſty's moſt gracious Regards for the Good and Welfare of the City, by obſerving ſome Matters; and firſt his Note upon what was declared at pronouncing the Judgment, that by the King's ſpecial Order, the Judgment was not to be entered till farther Order. *Now*, ſays he, *this was generally looked upon to make the Citiſens reſign their own Liberties, inſtead of being condemned to a Deprivation of them.* Here is Poiſon gathered from a Flower, that is conſtruing a gracious Tenderneſs, which I can affirm knowingly to be truly and really ſuch, to be a treacherous Wile; and without the leaſt Symptom of Evidence to prove what he ſays. It is both fooliſh and falſe: For the Condemnation was perfect by the

Judgment pronounced; but the Conſequences of the Judgment, recorded, concerned only the City, and not the King: Nay, the King, and alſo the People in general, might have gained by either a Devolution or Extinction of ſome Payments, whereof the Right diſcontinued, but an Hour, were irrecoverably loſt to the City. And the Care of thoſe, and that it might be in his Majeſty's Power entirely to redintegrate the City, whoſe Diminution in any Thing he did not deſire, they behaving themſelves dutifully, was the true Reaſon of the Suſpenſion. And this Piece of Malice is ſcreened under *it was looked upon*, that is by ſuch as ſaw with libellous Spectacles, that tincted all Objects according to their Colour.

A Paſſage of the Speech perverted to an ill Senſe moſt ſubtilely; and a Suppreſſion of all the Introduction.

LXVII. Then he has left out all the introductory Part of the Speech, which ſhews the Neceſſity, Integrity, and good Will of the King in his Proceeding: But one muſt excuſe him, for that was none of his Buſineſs. But he finds another Reaſon for the Suſpenſion. Thus he brokenly ſtates it in Words of the Speech. *That* though *the King had obtained Judgment,* —— *it was not his Intent to prejudice them in their Properties or Cuſtoms.* The malicious Tendency of this Sentence is not obvious; but it conſiſts in this, that the King knew the Judgment itſelf was a Prejudice, that is a Wrong, to the City in their Properties and Cuſtoms. We are, by his Text, to underſtand the Matter ſo, although nothing can be more alien in Senſe, than that is, to the Purport of the Speech. But the Metamorphoſis is dexterouſly made, by a petit Alteration of the Word *Though* put in the Place of *Now*. Which ought to be well attended to; for the *Now*, as it is in the Speech, looks forward, and caſts the Reference from the Judgment upon the Conſequences: That is, the King is poſſeſſed, but is willing to quit all to them upon their Compliance, and attends their Anſwer. But *Though* refers back to the Proceedings before the Judgment, even to the firſt Proceſs, and reſts upon the Judgment itſelf as injurious, *&c.* if it took Place; and ſo makes the King purge himſelf, as ſaying he did not mean them ſuch an Injury as the Judgment was, or, which is the ſame Thing in his Senſe as Injury, that is Prejudice. The Speech means that the City were warned not to let ſuch a Prejudice run (ſince the King had his Judgment) by preventing the Entry; but the Author means that the King owned, by his Keeper, that, if he did enter Judgment, it was a Prejudice; which, being in Properties and Cuſtoms, that is Rights, muſt mean Wrong and Injury, as I ſaid before.

The Reaſonableneſs of the King's Approbation of Officers of Government, with the Author's Suppreſſions of the fair Matters of the Speech.

LXVIII. Another Caſe of the Author's Ingenuity is his carrying the Conditions no farther than N° 3, whereas they go on to N° 7; and the very next, that is N° 4, ſhews that the Elections were left to the common Uſages of the City. And the reſt ſhews the Diſpoſition touching the Lord Mayor and Aldermen's Authority in the Placing of Officers of an inferior Rank. In ſhort, the King reſerved only an Approbation of thoſe Officers that are named N° 1, which he might, if he ſaw Cauſe, reject, if the City, or a prevailing Faction there, ſhould, as formerly they had done, chooſe Men who

who were the declared Enemies of his Perſon, Authority and Government. And if it be ſaid, would not this be to impoſe Officers upon the City arbitrarily? I anſwer, would it not be otherwiſe worſe, for a Faction in the City to impoſe Officers upon the Crown arbitrarily? But ſuppoſe it to be the City itſelf, and not only, as here it was, a Faction; if it muſt be one or other, I deſire to know whoſe Truſt is greateſt? The King's or their's? And on which Side the Impoſing ought to fall? On the Governors or the Cities, that, like the reſt of *England* (whoſe County Sherriffs are nominated by the King) are to be governed? Whatever Truſt is repoſed in them, is for the Sake of Government, which is the Truſt of the Crown ſo far delegated to them; and then, if one muſt have Power to impoſe, the Principle or Delegate, which ought in common Reaſon and Decency to be? And it is to be noted that all the Offices, ſubject to this Approbation, are thoſe that belong to Government. Other Offices, that belong to the City Revenues and private OEconomy, as the Chamberlain, Sword-Bearer, *&c.* are all left free and untouched; but no Notice is by our Author taken of that Part of the Speech. And as to Impoſing, which the factious Talkers ſo much exaggerated, there was nothing but a Republican Cant in it, that carries all Things to Extremity; ſuch as Ages upon Ages may not produce; whereas the Evil to be cured is frequent, and now flagrant. It is to be conſidered that the Crown, for Reaſons apparent enough, would never be apt to give the City Offence; nor would the Power of Approbation be exerciſed by a Refuſal of any whom all the World would not ſay were neceſſary to be refuſed; and the City itſelf, well knowing of that Power, would never be troubled with Faction ſo much as to labour Elections fit to be rejected. Therefore all thoſe Pretences againſt agreeing with the King, with which the Faction blinded the Eyes of, and dared, the honeſt Citiſens from appearing for it, were no better than *Republican Fucus.* And the Author is yet himſelf, for there are two Clauſes in the Speech, very material as to demonſtrating his Majeſty's Candor, which he hath wholly left out, and given no minute Account of them or the Matter. I do not reiterate them here; but that they may be obvious in the Reading, and to ſhew in the main that the Author hath ſuppreſſed every Thing that looks fair upon the Crown, and extracted all that, with the Complement of his Art, might look ill or tyrannical, as he thinks, I have put all his Extracts of the Speech in a diſtinct Character, which, compared with the Whole, ſhews how better and worſe may be counterchanged if ſuch Liberties are allowed.

LXIX. But this Author of our's is not content to cull and ſuppreſs to ſerve his libellous Purpoſe, but directly falſifies. For Example, the Speech, taking Notice of the better Grace, if more early, ſays, —— "That his "Majeſty's Affection for the City is too great to reject their Suit for that "Cauſe," that is for the tardy Application. This I think is plain *Engliſh.* But how is it with him? *However his Majeſty would not reject their Suit if they agreed upon the Particulars the King now required of them.* This

He falſifies a Part of the Speech maliciouſly; he ſhould have given the whole. *Page* 408.

is *Engliſh* too, but no Part of the Lord Keeper's Speech. For the Clauſe imported a Declaration of the King's Affection for the City ſo much, that, however he might juſtly have taken Diſtaſte at their not applying till Judgment againſt them was pronounced, yet out of Affection, he would excuſe them ſo far; whereupon the Matter, in his Majeſty's Intentions, was the ſame as if they had applied at firſt, and not given any Occaſion of Offence. But here the Author ſinks all that, and repreſents the King as higgling to make a Bargain with them, or throwing out to invite them to purchaſe his Pardon by accepting the Terms; as if he were wheedling them, and the Law had done nothing at all. Such a Maulkin doth he make of Majeſty in this Affair! But all is of a Piece; none can ſay the Author is *non compos*, for, in this new Work of his, he is never beſide himſelf, that is in his Deſign, which is perpetual Libel. But, in his Method of proceeding, he is a very *Proteus*; for he could on ſome Occaſions, as to give a true State of the Nation, bring in two hideous long Speeches *verbatim* becauſe they were all partial and ſideling, Crab-wiſe, to his Side: But here a Speech, that ſtates the Dealing of the Sovereign with the great City of *London* upon a Seiſure of all their Franchiſes, than which a greater Criſis hath ſcarce happened in any Reign, muſt be mangled, depraved, tranſpoſed, and altered in Matter and Form, to ſerve a falſe Turn. An Hiſtorian would have eſteemed it an Original of greateſt Value in ſuch an Incident, to accompliſh his Relation, by giving it, ſo material as every Period of it was, in the very Words, or (affecting Brevity) a full and true Extract of the Senſe of it; but an Hiſtorian and a Libeller are as different as Hawk and Buzzard.

He conceals all the following Reglement of the City, gracious and diſintereſted, and how it might come the Renewal was not proſecuted.

LXX. Another ſcandalous Concealment of the Author, is the whole Train of Conſequences upon this Seiſure. He ſays indeed that the Common Council determined by a Majority of eighteen Voices to ſubmit to *the King's Order of Regulations*. The proper Wording ſhould have been to *the King's Offer of Regulations*; but he thinks the other looks more tyrannous. And, as to what was done afterwards for the City, and the Authority and Honour of it, and how evenly and fairly Matters were carried for conſerving the Rights and ſupporting the Splendor of the City Government, and how well generally the Citiſens were ſatisfied with it, no one Syllable in all this *Compleat Hiſtory*. But only in a Corner, in his annual Liſt of Court Preferments, with their Taggs, extracted from the *Gazette*, he has crouded in the Commiſſions granted by the Crown to the Lord Mayor and Sherriffs, as if they had got good Places; but nothing of the Nature and Frame of the City Government eſtabliſhed upon this Seiſure. And what of it is put here, looks as if it had been ſet out of the Way on Purpoſe that Nobody ſhould ſtumble upon it; and indeed, in the Midſt of ſuch a Catalogue of Courſe, I had almoſt overlooked it. And no Wonder if Paſſages, in ſuch Maſquerade, eſcape one's Notice; and, if it had been ſlipt over, he muſt have blamed his own Ataxy in the Diſpoſition; for I purpoſe to do him full Right in every Circumſtance. It ſeems that the City had, by their

Common Council, ſubmitted, but the Renewal of the Charter was not proſecuted effectually; which might proceed partly from the good Condition the City was maintained in by the Crown, of which I am about to ſpeak, and, partly, becauſe it was a Buſineſs that, for the Miſconſtruction which the Faction caſt upon every Thing tending that Way, few cared to be forward in: And many thought it might ſtay for ſome more propitious Time, no Hurt coming in the *Interim* to the City.

LXXI. Now ſome would, in ſuch a Caſe, expect to hear that the Courtiers divided the City Revenues amongſt them; and that no Order, Property, or Content, was left to the Public in *London*; as if the Town had been taken, or dealt with as Princes uſe when they mulct their Towns, that are contumacious, and, falling under their Power, ſlight their Favours and Condeſcentions to them, in great Sums of Money or Ranſom. For who could have oppoſed the King's ſetting up of an Exchequer for the Revenues, formerly, of the City, or granting a Commiſſion, as upon an Eſcheat to the Crown? But ſo far from this, that no Citiſen, moſt acquainted with the public Buſineſs and Forms of the City, much leſs Strangers, by any Thing appearing, or done, after the Seiſure, could poſſibly (not knowing what had paſt) imagine that the Order and Model of the Government there was any Way changed from what it was before the Seiſure. For there was the Lord Mayor, Court of Aldermen, Sword-Bearer, Town-Clerk, Chamberlain, and all inferior Officers and Attendance, juſt as before. And the Revenues of the City were collected and paid into the Chamber, and iſſued again to the proper Uſes, without the Diverſion of a Farthing; only all this was done by Virtue of a Royal Commiſſion, as before by a Royal Charter, co-operating with the ancient Cuſtoms of the City. As for Inſtance: The chief Magiſtrate, whether by the Name of Portreve, Cuſtos, or Mayor, was elder than the Corporation. The Sherriffs were appointed by Commiſſion, as in other Counties: The Aldermen of the Wards were eſtabliſhed by Commiſſion like that of the Peace. And, by theſe Means, all the Authorities of the Law and Government, as well as for the Diſpoſition of the City Revenues, ſubſiſted as effectually as when the Corporation itſelf ſubſiſted; and the external Appearance was in all Reſpects the ſame; which was an unſpeakable Content to the good Citiſens, and created ſuch a Truſt in the King, ſo far as his Perſon and Authority needed, they would have truſted any Thing in his Hands. They ſaw there was as much Care taken of the City, as a Father could take of a Child, and all the Counſel and Skill of the Court, not without conſulting and Conference with the moſt valuable Citiſens, was uſed ſincerely for that End; and all this, as was declared, for the Sakes of thoſe worthy Citiſens, as had been eminently loyal. But it ſeems to me that all this Lenity to the Citiſens was an Impediment to the Renewal of the Charter, as might have been ſued out in that Reign; but, when all the Revenues went in the old Channel, and no Prejudice like

The City ordered ſo that no one could diſcern it was under a Seiſure, and no Revenues diverted.

to

to accrue, the City procraſtinated the doing of it, waiting, (as I ſuppoſe) for Accident to ſave them that Trouble, as did really happen.

The Author reviles all that was done as tyrannous and illegal; of which not a Grain made appear.

LXXII. But what ſays our *Compleat Hiſtorian?* —— *Loſs of their Liberties,* ——*evident Violation of Liberty and Property,* ——Good lack! When a Man is ſued at Law for a Treſpaſs, and a Judgment is had againſt him for Damages, and the Bailiffs come with an Execution and take his Kettle. —— *Loſs of his Kettle* —— And if a Man forfeits his Recogniſance in the Nature of a Statute Staple, and there comes a *Capias ſi Laicus levare* and Extent all together —— *Violation of Liberty and Property.* Here's the Author's politico-legal Skill! But we have heard much, and are not to forget that, about this Part of his Book, he hath occaſion to coin ſomewhat extraordinary to varniſh over ſome parlous Meaſures (as he words it, but the Law terms High Treaſon) which are drawing up againſt him in Battel Rangee to overturn all his Endeavours, if he cannot get ſomewhat Mobbiſh to make Head againſt it; and, for that Purpoſe, nothing like ſuch Ejaculations as thoſe Sentences are; no matter for Senſe, Truth, or Foundation; out with it, ſomething will ſtick. I wonder which of his Spirits taught him that going to Law was a *Violation of Property.* Some ſuch familiar Spirit might have diſcloſed to him what the Grievances, if any, were in the Proceedings; but the Regularity of them was vindicated, to the Satisfaction of all Mankind, by the Preſs which laid every Inſtance, from Time to Time, before them. And the ſame Diable might have enabled him to tell us what ſecret Corruption was in the Buſineſs. If the Judges were ſcandalous, ignorant, or any Way unfit, the Nation had rang of it. But all this is not full enough, the Author muſt find ſomewhat elſe to ſay.

He moſt ignorantly tacks Conſequences.

LXXIII. He obſerves the Court had no Way to get a Power over the Sherriffs, but by taking away the Charter; which may be true if he had uſed the Law Term of *Seiſing* inſtead of *taking away*; for the latter doth not imply a legal Proceſs, as the other doth, but rather a violent or tortious Taking. As if a Man, by Judgment, levies a Debt upon my Goods, to ſay he executed his Judgment is true, but that he took away my Goods, without more, is falſe. But, as to this Power over the Sherriffs, *which once effected would not only give the Court Advantage to make a Common Hall* —, is Nonſenſe; for the Sherriffs, as Officers, have nothing to do with the Livery, Common Hall, or Corporation, more than with a Commiſſion of Aſſiſe and *Niſi Prius*, &c. They are Miniſters of the Law, and bound to attend the chief Magiſtrate; and had been the ſame, if the City had no Privilege of nominating them, but they had come in by the ordinary Shrieval Commiſſion, as in other Counties. Both Ways, Charter and Commiſſion, the Office is exactly the ſame. And I marvel what put it in the Author's Head to ſet the Sherriffs upon making a Common Hall! I make no Doubt but, if the Body of the City, duly for ſuch Purpoſe aſſembled, ſhould order the Poll to be taken by the Common Serjeant, and not by the Sherriffs, it muſt be ſo; though it is confeſſed the latter are more fit, becauſe it is a tu-

multuous

multuous Buſineſs, and they are Conſervators armed to keep the King's Peace. —— *But open a Gap for making an Houſe of Commons too.* Wonderful Ignorance! For, if *London* be a Gap, the great Doors in all *England* are open to let in this ſuppoſititious Houſe of Commons; for doth not the King arbitrarily appoint all the Sherriffs of all Counties, ſave one, and a few Cities? And yet we have not found that the Crown could ever make an Houſe of Commons, nor ever will, by that Means, although the Sherriffs of *London* and *Middleſex* were appointed in the ſame Manner. But —— *If the City could not hold her own by Law.* —— *Petitio ejuſdem Rei cujus petitur Diſſolutio.* What determines *own* but the Law? Put it thus; If a ſtrong Thief cannot hold his *own* (ſtolen Goods) by Law, then all leſſer Pilferers muſt truckle. So this worthy Hypotheſis concludes.

LXXIV. The Author touches the Forfeitures *en ridicule*, and ſneeringly calls them —— *two heinous Crimes, no worſe than theſe.* Admitting them to have been Peccadillos, although, in Truth, they were heinous Crimes, what is that to the Purpoſe? He is to learn ſome Law, though, by Fits, he ſets up for a great deal; as that a good Lawyer will chooſe a Trifle, of a Fact that is plain and clearly proved, to aſſign for a Breach of a Condition, though there are other Matters of greater Value that are not ſo punctually terminated: So the leaſt Offence forfeits a Franchiſe equally with the greateſt, as was ſaid before. But I have a main Suſpicion we ſhall have foul Play about theſe forfeiting Facts, when we come at them. The firſt he ſays was *they made an Addreſs to the King for the Parliament to ſit to redreſs Grievances.* A Man is a ſtrange Falſary that writes Matters of Fact, and hath a public Record, and that printed over and over again, to confute him; and from ſuch Authority here I affirm this Allegation of the Forfeiture to be falſe. It was not the Petition, but the Libel and Defamation of the King in Public, though ſhaped under the Form of a Petition, that was the Crime. A bare Petition ordered and preſented, though in Terms as here is expreſſed, had been no Crime at all, and had never been alledged. But take here the very Words of the Libel extracted from the Petition.——

" Your Petitioners are extremely ſurpriſed at the late Prorogation, where-
" by the Proſecution of the public Juſtice of the Kingdom, and the making
" neceſſary Proviſions for the Preſervation of your Majeſty and your Pro-
" teſtant Subjects, hath received Interruption." That is, the King had ſcandalouſly broke the Truſt of his Government, which, by the Party Law of that Time, forfeited his Crown and Dignity to his Superiors, thoſe that affected, for treaſonable Purpoſes, to be called the People. He could not for his Life ſay true that it was not the Petition, but the libellous Part of it, that gave the Offence, for then he had wanted the popular Chime of *Petition*, —— *Parliament*, —— *Grievances*, which are to ſtand for Senſe, Truth, Wiſdom, and every Thing.

He ridicules and falſifies the Forfeitures, concealing the Pinch of them, and firſt the Petition.

LXXV. What comes next? 2. *The City had raiſed Money towards repairing* Cheapſide Conduit, *ruined by the Fire of* London. What ſignifies

He ſhuffles in Uſes for which the Money was raiſed, to blind

the Uſe, for which the Money was raiſed, if they had no Power to raiſe it? And was it nothing for the Common Council of *London* to tax the People of *England* coming to their Markets, which by Law were free, as others are, paying the uſual and reaſonable Toll? They might as well have taxed the People that came in and out at their Gates, over the Bridge, or that walked the Streets. But obſerve how much the King's Counſel were in the Right in pitching upon theſe two Facts for the Forfeitures; for here a ſerpentine Author would wind from under, but cannot plainly controvert them: And, for this laſt, he hath a rare Subterfuge; for he throws out an empty Bubble to detain you from fixing an Eye upon the Matter, that is the Uſes for which the Money was illegally raiſed; a Thing never appearing in the Reaſoning of the Cauſe, and nothing at all to the Purpoſe. Then he quarrels that there were no more than two ſolemn Arguings; (he is a good Friend to the Lawyers) but pretends not but there were full Time allowed them to be prepared; and then to ſay that two Arguments was not enough, or all that any Suitor can expect, or, at any Time (unleſs the Judges are in Doubt and deſire it) happens, is ignorant and ridiculous.

Senſeleſs Objection that the Judges gave no Reaſons, which is alſo falſe.

LXXVI. But now comes a wiſe Sentence. *The Judgment was obſerved to be ſtrange and unwarrantable, for it was without any Reaſons given.* Where doth this profound Lawyer find that a Sentence declared, without Reaſons given, is not warrantable? Or whether Reaſons or no Reaſons make any Difference in the Behaviour of the Judges, as if they did not do Right in judging according to Law without Reaſons given? Not long ſince, a great Chief of the Law gave a Judgment in his Court touching a Caſe of Nobility, and was urged, in an higher Tribunal, to give his Reaſons why he gave that Judgment; whereto he conformed, ſaying, that *the Reaſon, why he gave Judgment for the Defendant, was that he was ſatisfied in his Conſcience that the Law was for him.* The Form of the Court is *Conſideratum eſt per Curiam quod*, &c. and ſaying that the Plaintiff muſt have his Judgment, is as warrantable as if it were done with ſix Hour's Talk. Now his *for* is a wiſe one. Every Student knows that the Arguing of the Judges, in giving Judgment, is for the pure Sake of Learning, for the Benefit of the Bar and Students of the Law, and to appear candid to them to whoſe Capacity it is directed, and not for any Authority to the Judgment. But the Caſe here was that the Party Men attended, with their Short-hand Writers at their Elbows, to take what might incauteloufly (if any Thing ſhould ſo) ſlip from the Mouths of the Judges, for Matter of Accuſation; and they were, in great Meaſure, fruſtrated of that. But I have often had Cauſe to ſuſpect the Author's Truth, when he reaches out ſo far for nothing, and do therefore gueſs that, after all, very good Reaſons were given by the Judges; and whoever will look upon the Print, may be ſatisfied. Mr. Juſtice *Jones*, the Chief Judge in the Abſence of the Chief Juſtice *Saunders* (who had been apoplectic) for the whole Court, pronounced the Judgment with Reaſons and Authorities cited, which were material but ſhort; and that gave the

Offence, becauſe they afforded no Handles of Caption or Crimination. I ſhall ſubjoin the very Words of that venerable Judge, as, by the Supervision of the Party Lawyers, they are printed. He ſaid

LXXVII. 1. " That a Corporation aggregate might be ſeiſed, that the " Statute 28 *Edw.* III, *cap.* 10, is expreſs that the Franchiſes and Liberties " of the City, upon ſuch Defects, ſhall be taken into the King's Hands. " That a Body politic may offend and be pardoned, appears by the general " Article of Pardon, 12 *Car.* II, whereby Corporations are pardoned all " Crimes and Offences: And the Act for regulating Corporations 13 *Car.* II. " which provides that no Corporation ſhall be avoided for any Thing by " them miſdone, or omitted to be done, ſhews alſo that their Charters may " be avoided for Things by them miſdone, or omitted to be done.

The Reaſons given by the Judge that declared the Judgment of the whole Court.

2. " That the Exaction and taking Money by a pretended By-Law, " was Extorſion, and a Forfeiture of the Franchiſe of being a Corporation.

3. " That the Petition was ſcandalous and libellous, and the making and " publiſhing it a Forfeiture.

4. " That the Act of the Common Council was the Act of the Corpo- " ration.

5. " That the Matter, ſet forth in the Record, did not excuſe or avoid " theſe Forfeitures ſet forth in the Replication.

6. " That the Information was well founded.

" And thereupon Judgment was given for the King, by the Opinion of " the whole Court." But ſhall an Author have Credit in any Thing, that is bold to ſay, untruly, that it was without any Reaſons given?

LXXVIII. But now, ſays the Author, it was *by two Judges only*. Theſe are hedge Objections. When nothing can be ſaid againſt the Matter, they fall upon the Manner, and in Circumſtances not material. It were a dainty Government that could pleaſe thoſe that are reſolved not to be pleaſed, or obviate Objections that are of nothing at all! But ſtill I ſuſpect our Author is not true. *Saunders* was abſent indeed, about which the Author hath a Tale, *viz.* that he ſaid *why do you trouble me that you know have loſt my Memory?* But it ſeems that in open Court, two Judges (as they declare) at his Deſire, reported his Opinion to be for the Judgment; and this the Author thinks to enervate with a Tale for which he hath no Authority. Whether ſhall we believe, the Judges upon their Duty and Oaths, or a chimeric Inference from his Story? But here it is uſually ſo; when the Fact cannot be proved or diſproved, ſome enigmatic Sentence is brought forth, from whence a Reader of himſelf ſhall be inclined to ſuppoſe it. The Author could not touch upon the like Calamity that fell upon the Lord Chief Juſtice *Hales* before he gave Judgment for *Bernardiſton* againſt *Soams*; though his Lordſhip was deplorably altered from what he was: For, from the moſt temperate Judge that ever ſat, he became the moſt impotently paſſionate that ever was ſeen. Theſe Things are ſcarce decent, or fit to be remembered, but the Author's groſs Partiality forces it from me. Obſerve

He falſifies the Number of the Judges, two for three preſent; and defames the Declaration of the Chief Juſtice's Opinion (abſent).

afterwards a Reaſon the Author gives for the reporting the Opinion of the Chief Juſtice concurrent with theirs preſent; than which nothing is more uſually done on like Occaſions in *Weſtminſter-Hall*. *To confirm*, ſays he, *their own Judgment by better Authority than their own*; this is falſe, for the better Authority was in Court, though the Chief was abſent. As for the Folly of the Remark, I think no Words need be ſpent upon it. But ſtill we loſe our Labour, for the very Fact, that leads to all this in our Author, is falſe; that is *two Judges only*, for there was *Jones*, *Withins*, and *Raymond*. See the Force of Libel, that can make three become but two. I ſhall here conclude theſe Notes, about the *Quo Warranto* againſt the City of *London*, with recommending to the Curious (in Law Matters at leaſt) the Reading of the long Arguments of this Caſe, as they are reported in Print, for there will be Diverſion, as well as Learning, in obſerving ſome Points maintained; as that the Common Council were not the Body, but Deputies; that Corporations are immortal; and diverſe other ſtrange Tenets for upholding the Argument on the City's Side. Which ſhew that importunate People will affirm any Thing, to ſerve Turns, though never ſo ſenſeleſs; hoping ſome, that underſtand little, or are very willing, will give credit upon their Authority: And, if Juſtice muſt ſtay till ſuch Importunes are ſatisfied, there's a *ne plus ultra* of all Law.

His Appeal to a wicked Libel for Cenſure of the Whole.

LXXIX. It would make one Grin to obſerve the Author's Come-off from this and the reſt of the Charters in this Time; which he hath moſt Hiſtorically contrived to do by ſubjoining a Piece of that foul Libel that I gave a Cenſure of before, and now ſtands bare-fac'd in his *Compleat Hiſtory*. It was penned with all the Venom, the Wit of an enraged and exploded Faction could invent, and in Words utter. This Method of Hiſtoriography is without Example among civiliſed Nations; and, however barbarous Ages may be valued for Precedents of the like, the Braſs will not be found in them that ſhines here. Our ordinary Anecdotarians make uſe of Libels, but do not declaredly tranſcribe and ingraft them into their Text, as our Hyperboliſt hath done here, and in numerous other Places of his Book. But he ſeems to rejoice in this, which comes up to the Height of his Ambition in figurative Scandal upon his late Sovereign, and the Miniſtry of that Time, ſo much that, upon the Strength of his own Wit or Courage, he did not dare to attempt half ſo high. I do not mean out of any Fear of his Perſon, for that is inſconſed, but of Infamy, which he is forward to deſerve, but loth to ſuffer; and therefore deals forth his Merda by the Hirelings of the Times, that he might not ſtink in all Companies, and ſo be found out by thoſe that otherwiſe do not know him. Elſe why doth he not ſpeak for himſelf and ſtand to it? Then the Abuſe of Religion and Scripture, moſt Atheiſtically held forth in this Excerpt of a Libel, had been all his own; and the Scandal had been carried on by the Strength of his own Genius. So in the full Joy of this fine Piece of Property Libel I leave him, and paſs

on to other Matters which he ſupplies ſo copiouſly, I think I ſhall never have done with him.

LXXX. I cannot paſs by a marginal Index, which points to a Liſt of hard and arbitrary Judgments, as the Author calls them; and why not a Liſt alſo of good and righteous Judgments? For ſure the Time afforded ſome; and it had been but equal to have ſhewed them as well as others. The Reaſon of which Partiality hath been given clearly enough already, *viz.* Apology to be dreſſed up to palliate the intended Rebellion, diſcovered at the *Rye*, which a reverend Perſon (on an unhappy Occaſion) termed *ſome Stirs*. But now I am concerned about the Juſtice of his Method of Writing. He fills a few Columns with conciſe Accounts of diverſe Caſes of Perſons queſtioned, and ſome puniſhed, for Miſdemeanors, being thereof legally convict. And here is his Notion of *hard and arbitrary*; but it is only when the poor Sufferers are of his Party. It was not ſo in the Time of *Oates*; then all the Condemnations were the Juſtice of the Nation, againſt the leaſt of which no Man durſt whiſper. I looked over theſe Caſes, as any one elſe may do, and, by any Thing he ſhews, could not diſcover the Circumſtances of them. It muſt be a nice Report that verifies his Index againſt the Juſtice of a Nation. No Hiſtorian's Word will be taken ſummarily to that Purpoſe, without alledging how and in what. Shall the Public Adminiſtration of the Laws be defamed as tyrannous and oppreſſive, againſt the unimpeached Authority of the Judges that act upon Oath, on no better Ground than this Man's *Dixit?* Eſpecially when it ſtinks of a Faction? I ſhall inſtance but in one or two of theſe Caſes; the firſt is that of *Holloway*, for the Treaſon of the *Rye* Plot. He confeſſed the whole Crime at large, as, in the Print before his Trial, appears. This is a Choak-Pear to the Author; and he can come off it no better than by ſaying that *he ſeemed to confeſs*, and juſt ſo he ſeemed to be hanged.

Hard and arbitrary Judgments provided to qualify a Rebellion, and of *Holloway*'s Caſe.

LXXXI. Diverſe Things in his Confeſſion were very remarkable; as that he was for taking off the King, and letting the Duke of *York* alone, *becauſe*, ſays he, *the latter, owning his Religion, was the honeſter Man of the two.* Such ſtrange Impreſſions had Faction made upon the Minds of theſe deluded People. There is the Duke of *York*'s Action upon the Statute *de Scandalis Magnatum*, with the Words themſelves, which indeed, for the good Sound and Reliſh of them, the Author has given us expreſly; and they are ſuch as, according to the ordinary Meaſures of thoſe Caſes, no Damages could come up to. There are inſerted the Caſes of *Braddon* and *Speak* for Subornation, the Rioters in the City, the Arreſters of the Lord Mayor, and the like; all for facts, heinous in the Way of Sedition and Treaſon, which, any where in the World but in *England*, had met with a different Uſage: For the King extended his Mercy to diverſe, as, for Inſtance, to one *Roſewell*, a Non-Con Teacher, convict of High Treaſon. But ſuch Matters on the King's Side, that, in the Author's own Senſe, are accounted good, though, at that Time, many were of a different Opinion,

Page 421. The Caſes heinous, but the Author ſums up the Year tragically.

are by him entirely ſuppreſſed, leſt any Honour ſhould redound to his
Page 423. Majeſty; but, inſtead thereof, he tells us that *the whole Hiſtory of the Year was nothing but Proſecutions and Penalties*, and ſo, with a judicial Authority, he ſums up his Evidence. If there was more Work for the Law at that Time than uſual, it is no Wonder at all; for *Ignoramus* had dammed up the Avenues to it for diverſe Years, and then, at the firſt opening a Gap, the Current will run ſharper. But it ſo fell out that that unhappy Obſtruction made Offenders; for they practiſed Treaſon and Sedition unguarded, relying on the Security of *Ignoramus*; and, after that Barricade removed, they lay expoſed.

CHAP. IX.

Vindication of the Proceedings of King Charles II.

The Author is tacking the King about to ſet up the Duke of *Monmouth*, which was far from him. A juſter Notion of the Court then.

I. BUT now we draw towards a Concluſion of this Reign; which remembered makes the Ink thick, and Tears apter to flow than the Pen to caſt. But the Author's Concern is only for his dear Duke of *Monmouth* who was abſent, having fled, for the Guilt of the *Rye* Treaſon, into *Holland*, the Aſylum of *Life and Liberty*. And he accounts the King's laſt Sickneſs fatal, but to what? Not, as in Truth in the End it was, to the Nation and all its Welfare, but in *preventing his Majeſty's kind Intentions to his beloved Son*. By which Sentence we muſt underſtand that he was to have been ſet up for a Succeſſor againſt the Duke of *York*; a Thing the King, however preſſed, never dreamt of yielding to; as, by the *Oxford* Pamphlet, ſet forth before, is demonſtrated. But, whether there were any other Kind Intentions towards him, or no, I will not be concerned to ſay. But one Thing I know, which is that the King began to grow weary of the Importunities of ſome who had drawn him a little forth beyond the Lines which his late faithful Miniſtry, by their Counſel and the good Effects of it, had manifeſted to him to be the Intrenchment of his Safety and Proſperity; which was a rigorous Adherence to the Laws, without ſwerving for Favour or Diſtinction. Some ſuch Perſons, upon this new Proſperity of the Court, had crept into a Sort of Credit with his Majeſty (I mean *Jeffries*, *Sunderland*, and *Butler)* making it their Buſineſs to depreciate the Lord Keeper *North*, who ſingly by himſelf ſtood firm to the true Intereſt of the King and Kingdom at that Time, and to thwart all his Counſels and Miniſtrations. It was Grievance enough that Perſons, ſo well underſtood, ſhould neſtle ſo near the King; whereupon ſome unlucky Steps taken at Court, imputed to them (proper to be dilated in another Deſign) and the like, or worſe, expected to follow, had infallibly ſpoiled the next Parliament,

ment; unleſs the King, by ſome groſs Change of his new Meaſures, ſhould not prevent or avert the ill Conſequences. And he could not but find that his Buſineſs was retrograde, his Perſon and Mind troubled with Importunities that were diſagreeable, the Underſtandings of theſe Pſeudo-Stateſmen ever confident, or rather deſperate. All which Inconveniences called for a conſiderable Change in his Court; and I verily believe that, if he had lived ſome Months longer, he had utterly diſſipated this Cabal, by ſending the Managers farther from him. For he was now much taken off, from his Addiction to Eaſe and Pleaſures, by Age, and ſome Alarms of Sickneſs; and applied himſelf to the Pilotage of his State and Revenues more than ever he had done before; ſo that, had his Health continued, each Minute of his Life had been ſo much of Felicity and Bleſſing, as the Dew of Heaven falling upon his three Kingdoms.

The Author falſifies the King's Sickneſs as if the People were ready to riſe. The immenſe Concern and Grief of the People, and the Author's Cloſe with a Libel.

II. Now we have before us the laſt Act of this Author's Tragi-comedy; which is defaming the King in his laſt Sickneſs and Death, with a Zeal in Iniquity and Malice as follows him into the other World, as I ſhall ſhew. He ſays the Council thought fit to publiſh an Account of the King's Illneſs *to quiet the People.* Would not any one here think that the *People*, having been kept under by the Force of arbitrary Power, now, having the Advantage of the King's Weakneſs, would be all ready to riſe as one Man, and to ſet up a Succeſſor? That many (of the Author's) People intended to have tried the Experiment, if they had dared, or Time had been allowed to have formed the Project, may be granted. Then the Author adds that the King's Weakneſs *was an Alarm to them.* A rare Opportunity for an Inſurrection! Now is the Time. That the People, in general, were very paſſionately concerned, they were all Witneſſes for one another, as I, for one amongſt the reſt, am: And ſo deeply, that it was not obvious to obſerve a Perſon walking in the Streets with dry Eyes. An Example ſo rare of a King that had reigned above thirty Years, as one would not alledge without being capable, as I am, to make Affidavit of it. But Nothing was, at that Time, leſs dreamt of, than a public Commotion, as might ſo much as grieve the King to be made ſenſible of it, unleſs his Majeſty's Enemies, the Author's Clients, had appeared buſy, or any Way dangerous to the public Tranquillity; then I cannot anſwer but the Rage and Fury of the People (in Truth) ſo provoked, might have fallen heavy upon ſuch of the Author's People as fell in their Way in ſuch a Diſorder. It was almoſt generally to be obſerved about Town that Folks were all very inquiſitive, perpetually aſking one another, without Regard to Strangers or Acquaintance (all were acquainted for that Purpoſe) what News? How is the King? And the like. And no Symptom of any other Sort of Diſorder appeared; and the Council took Care to comfort them from Time to Time, as far as might be done, by the public Intelligence. And ſo it ſtood in the Face of the Public till the deplorable Loſs was made known; whereat the national Sorrow is not, from any known Precedent, capable of being deſcribed. But the Author, excellent at Miſconſtructions,

after

after his Way, brings Nothing to the ſacred Herſe fairer than a Bundle of Wormwood and Colloquintida gathered out of cancred Libels and his own depraved Invention, rank and wretched as thoſe are bitter. And, as for this laſt Tranſcript, in the Name of a Character, no better than Satyr, half Man half Beaſt, but the latter leaſt deformed of the two, which he hath afforded for the Cloſe of this Reign, I ſhall not take the Pains to canvas it all over; even let thoſe, that like it, read it in him. But, before I ſhew the Sting in the Author's Cloſe, I ſhall take Occaſion to conſider two Things.

Infinuates the King poiſoned, Demonſtration of the Contrary, Miſtake of the King's Diſtemper, Apoplexy for Epilepſy.

III. The firſt is the Inſinuation, I find there, that the King's Sickneſs and Death was from Poiſon; and the other is concerning Papers found in the King's Cabinet, and publiſhed by his Succeſſor, to ſhew that he was a Papiſt in his Heart. As to the firſt, the Matter of Poiſon, we know how obviouſly and almoſt of Courſe it is ſuſpected in the Caſes of Kings when they leave the World: But I believe few have died, under ſuch a Suſpicion, with more Tokens to demonſtrate the contrary, than King *Charles* II did. But, conſidering that the Enemies of King *Charles* I did not ſpare to accuſe him of poiſoning his own Father, as *Ruſhworth* ſhews by the many Harpings upon a Porringer in the Speeches: King *James* II, who could not pretend to the Virtues of his Father, though far from being a Scelerate, might leſs reſent the Imputation of poiſoning his own Brother, as the Inſinuation here intends. But it ſo fell out that the very Acceſs of the King's Diſtemper was ſuch as no Poiſon or Medicament in the World could produce or counterfeit, that is an apoplectic or epileptic Fit; chooſe you whether, for, in one of thoſe, the King was certainly, at firſt, taken. He cried out, and then, falling back in his Chair, lay as one dead. The Phyſician in waiting immediately blooded him, and the following Regimen was, as in apoplectic Caſes, his Majeſty's being preſumed to be that, to get him to wake, and then to keep him from ſleeping. One Dr. *Stokeham*, an eminent Phyſician in *Covent Garden*, declared to me, that the Phyſician, that blooded the King, utterly miſtook his Caſe; for his Fit was not of an Apoplexy but epileptic, and then all they did was *ex Diametro* wrong. For, in that Caſe, Bleeding is little leſs than mortal, and the Way is to let them doſe out the Fit without Diſturbance, and they will come to themſelves and be well; but the other Courſe will ſooner make them mad than recover them. But I am no Doctor to judge of the Caſe or the Conſequence.

The Tales, to prove it, in concluding, or rather concluding the Contrary.

IV. It is a ſhallow Story that went about, and the Author hath it, to exaggerate this Suſpicion. It is that Dr. *Short*, one of the Phyſicians of the Conſult, ſaid that *the King had not fair Play for his Life*. Of which Words the natural Conſtruction was that the Methods, uſed, did him more Hurt than Good; and if he had been let alone, and nothing at all done to him, Nature had had its Courſe; which the Doctor might probably mean by *fair Play*. And ſo was the Opinion of Dr. *Stokeham*, who might have uſed the ſame Words as he expreſſed the ſame thing. And it is common in Conſults for Doctors to differ; and Dr. *Short* might differ from what Opi-

nion prevailed, but, in the Caſe of a King, muſt not *opiniatre*; when the Cauſe was regularly, by conſult Law, carried againſt him: However, not being, as few are ever, convinced, muttered out his Diſſatisfaction in obſcure Speeches; as he had Reaſon to do, for the Sake of his Profeſſion, partly, and, partly, to vindicate himſelf. But ſuch Words are never uſed when a Man's Life is violently taken away, unleſs when he is not allowed a fair Trial by fighting; then indeed a Man, ſtabbing his Enemy in the Back, doth not give him fair Play for his Life. And it is hard to ſay any Man has that Equity, who labours, as the King did, under a Conſult of nine or ten Phyſicians. But, as I have more than once noted, when evil Facts are charged, that are falſe and cannot be proved true, then enigmatical Sentences are produced, that may ſignify any Thing; out of which ill Nature is to ſupply Proof, by a willing Inference of that which is worſt of all. And ever obſerve in ſuch Sort of Plot-work, obſcure Sentences go farther than clear Speeches, or Proofs. As, in this very Inſtance, I heard a Gentleman of Value in the Law ſay, he aſked a Man (he thought could tell) if the King were poiſoned or no? And his Anſwer was, *that he was not to reveal what he knew of that Matter.* Who now, after this, takes not the worſt Senſe? Whereas all, that can be juſtly taken, is that the Man was willing you ſhould believe it, but would neither lye to convince you, nor ſpeak plain to undeceive you. And then away it goes, one Royal Brother is guilty of the Helliſh Fact of poiſoning another to make Way for himſelf; and theſe obſcure Scraps are quoted as invincible Demonſtration. It is not conſidered all the While, that the Propenſity of the Populace lay to have all Evil and no Good believed of that unhappy King that ſucceeded, which, in Reaſon, ought to turn the Scales in Favour of him, where the Evidence is not expreſs and convincing. But the Author, out of his libellous Store, hath another Invention, *viz.* that Dr. *Short* himſelf, having blabbed ſo much, was poiſoned for Fear he ſhould have blabbed more, and ſo have been his own Interpreter. But this is ridiculous, for he was a Catholic, and might be truſted with as great Secrets in the Cauſe as that. But his Caſe was known; he was attended by all the eminent Phyſicians in Town, and which of them ſays he was poiſoned? But it is well known they all ſaid that he made an End of himſelf by his own bold Methods in uſing the *Cortex*. But ſlight Handles ſerve to colour great Lyes, eſpecially of great Perſons, ſuch as ſovereign Princes (to whom all the World almoſt have Envy and Malice) which, in the Caſe of private Perſons, would be kicked out of the Way for impertinent Stuff.

Some Conduct and Paſſages during the King's Sickneſs arguing the ſame.

V. While the King's Sickneſs laſted, which was about ten Days, the Council ſat in the next Room almoſt continually, and the Phyſicians came and went frequently between the Royal Patient and them, to give Accounts for Form; but, from the Beginning, they gave no Judgment upon the Main, what they thought of the King's Caſe, ſo as to diſcover they had any lively Hopes of him; but talked of Symptoms, what they thought to preſcribe, and the

Returns they expected, and the like. A Lord of the Council demanded of them why they entertained the Council with thoſe Sort of Diſcourſes, and never ſaid what they thought of the King's Condition? Upon which, after the *Spaniſh* Way in difficult Caſes, they did, *hazer il bove*, that is, ſtared and ſaid nothing, which was no good Prognoſtic. There were Witneſſes enough, and even among the Phyſicians themſelves, as well of the factious Party as of Loyalliſts, that would have diſcerned and made Diſcovery abroad, if there had been Symptoms of Poiſon, which is ſeldom or never a Secret to the Attendance after it takes Place. There was no Need to catch at a reſerved Expreſſion of a Roman Catholic Phyſician, when ſome, of the other Extreme, were in the Company, and could know as well as he. One Day the Phyſicians came to the Council with a little clearer Air in their Faces, as if ſome new Hopes were ſprung: And as they, with ſeeming Joy, told the Council they perceived the King had a Fever, the ſame Lord ſtarted, and aſked what they meant, or if they had conſidered what they ſaid; could any thing be worſe? One anſwered that *now they knew what to do*; and, *what is that*, ſaid the Lord? *To give the Cortex*, anſwered the Phyſician; and ſo they did, but *nullis medicabilis herbis*. In fine, the Caſe fell into the Hands of the venerable Clergy, that took their Turns in the Room with the Phyſicians, and particularly Dr. *Ken*, who performed the Office of the Viſitation Prayers, and Ejaculations, as were moſt fit on ſo ſolemn an Occaſion, as long as there was any Appearance of the King's Attention to any Thing. And, as for what might be done afterwards, it may be conceived by all that have heard of the Methods uſed by *Romiſh* Prieſts to dying Perſons in their Power, who take the Choice of greateſt Conſequence (Religious Profeſſion) from Perſons that have leaſt Capacity to chooſe; which ſerves the Turn of Publication abroad as well as the beſt; and that is more regarded by them than what is done within Doors, which they cannot but know, in Reality, muſt be of no Signification, but only for a Pretence. But our Author lays hold of this to divulge more for Reproach of the deceaſed than of the ſurviving Brother.

Of two Papers found in the King's ſtrong Box; the Author's final Libel reproved.

VI. The other Matter, I have reſerved, is what concerns the two Papers, which, after the King's Death, were publiſhed by his Succeſſor, with an Atteſtation of his that they were of his Royal Brother's own Hand-writing, and, after his Death, found in his ſtrong Box. They are Eſſays that determine, on the *Romiſh* Side, their two great Points; firſt, *the One Church*, ſecondly, *a Judge of Controverſies*; and contain the uſual fallacious Topics of Argument, as the *Romiſh* Controverſialliſts and Miſſionaries uſe to perplex wavering People with. The Deſign of the Publication was entirely Popiſh, though the Fanatics and this Author, utter Enemies of his Name and Honour, lay hold of it; and ſo the Papiſts and Fanatics are once more in Conjunction, though, as ever, for very different Ends. The former delivered the Papers out (as their Way is) to credit their Cauſe, ſuppoſing the King was thereby ſhewed to have been of their Religion. The other hand

hand them about, as their Way is, for Calumny, ſuppoſing the King was but an hypocritical Profeſſor of the Proteſtant Religion, being, in his Heart, all the While, a ſtudied Papiſt. And this latter Cauſe the Author has taken upon him to manage, and he doth it to Purpoſe; for coming to mention the Papers, which he hath given in the very Words, he introduceth them thus: *King* Charles *had lived in a profeſſed Communion with the Church of* England, *but had indulged himſelf and his Court in ſo many Liberties of Life, and ſuch Profaneneſs of Humor, that he was thought to be a Prince of little or no Religion. And indeed for that Reaſon he was fitter to dye in the Communion of the Church of* Rome, *if he could make himſelf believe that he might in the Boſom of that Church (and of that alone) obtain Salvation without Repentance.* How much of Malice, Falſity and Nonſenſe is couched in theſe Words, is not eaſy to calculate: But there is ſufficient of all, as appears upon the View, to imbitter the Taſte of any candid Perſon. But I ſhall note an *Item* or two; and firſt, that Character of Profaneneſs of Humor is utterly falſe. For no Man in the World kept more Decorum in his Expreſſions and Behaviour, with Reſpect to Things ſacred, than the King did; and ſcarce ever failed the Service and Sermon, with the Sacraments at the ſtated Times; Healings, and Waſhing of the Feet of the Poor, as the Order of his Chapel required. Nor do I remember he was ever ſpoke of for Liberties in the Way of Profaneneſs in himſelf; however ſome of his Company might be otherwiſe behaved in his Hearing. And, amongſt his Libertines, he had one Bigot at leaſt, whom he called *Godly Robin*, that uſed to reprove the reſt for ſwearing and profane talking. It was Mr. *Robert Spencer*, an Uncle of the, then, Lord *Sunderland*, who, in a melancholy Fit, laid violent Hands upon himſelf at *Chriſt-Church* in *Oxford*, and there died. But, to return to our Author, he belies the King's good Breeding, in ſaying he was of a profane Humor; for, whatever his private Thoughts were, his good Breeding, which all allowed him to have in Perfection, was above giving any ſuch Offence. Then next, the Author is at a hard Strain to have the King thought both Atheiſt and Papiſt. I wonder he did not add Devil too! Sure he forgot it, or, not to diſoblige Monſieur *Diable*, he would not join him to ſuch Company. But this Contradiction he ſalves with his Words *little* or *no*, take which you pleaſe; but, if you allow any, it was Papiſt. Then why fitter for the Church of *Rome*, *if he could make himſelf believe*, *&c.*? The ſame might be ſaid of any Church, the Quakers, Muggletonians, *&c.* did not the Fitneſs extend to them, *if he could make himſelf believe*, *&c.* as well as to any other? But how ſhould he *make himſelf believe* that in the Church of *Rome*, or in any Church or Society in the World, a Sinner could be in a State of Salvation without Repentance; when that Church, *cum clavibus*, declares that no Abſolution takes Place without Penitence? By this he would have us underſtand that the King did believe that, in the Boſom of that Church (alone) he might obtain Sal-

vation without Repentance, which he did not intend to concern himself with: It was enough to be abſolved and dye in Gremio. Was ever Libel like this? And who would take the Author for a Divine? It is not his Words of Subterfuge will fetch him off, as *it was generally thought — if he could make himſelf believe*, and the like, which I have often noted for Mollifiers of Falſneſſes. It would be a great deal honeſter to leave them out, and then his Sentences would ſtand direct, affirmative or negative, as he would have them be underſtood; and ſo, from henceforward, I ſhall treat them.

The Author's plain Senſe ſends the good King to Hell, where he may, perhaps, ſeek him in vain.

VII. Now we will take into Conſideration the full Force and Subſtance of this ungodly Sentence. The King, in all his Church Profeſſion and Exerciſe, was no better than a damnable Hypocrite; for he was all the While a Libertine, Blaſphemer, and Seducer of others to be like himſelf; and, if he had any Religion, it was but little, or rather none; but, with that little, if he had any, he gained upon himſelf a Belief that, in the Boſom of the Church of *Rome*, he might dye in his Sins and be ſaved: That is, in ſhort, he lived moſt ſinfully and died impenitent, and ſo, for certain, is gone to the Devil. Lay aſide all the Shuffles of Words, which one, of any Integrity and Senſe, would be aſhamed of, what leſs than all this lies couched in this Period? If there had been a State of Damnation beyond Hell, this Libeller had not, as he has done here, contented himſelf to proſecute his Malice ſhort; but had certainly carried it on to the utmoſt Extent of *Barathrum*, *Gehenna*, or what elſe Men may call it. I muſt own I do not write all this without Horror and Trembling: For if the Devil himſelf, black Accuſer as he is, could, out of his infernal *Copia*, have ſupplied more livid Defamation of a departed Prince, than this, I am no Dæmonologer. I have heard of a Divine (Parſon I had rather ſay) wiſhing it prove not our Author, who was a Domeſtic *e ſacris* to one of the greateſt Libertines of *Europe*, and, after his Death, preached his Funeral Sermon, and then publiſhed it in Print; whereby it appears that a Moment's Repentance ſet his Lordſhip in a ſure State of Salvation; *for a witty Sinner repents more in an Hour, than a dull one in a Year.* It is a rare Power to grant or deprive Men of Salvation with the *Hiccius Doxius* of a few circumlocutory Periods: The Pope ſcarce pretends to ſo much. It is not for a Layman to act the Theologue, but, according to what our Divines ordinarily hold forth from the Pulpit, any one may conceive what large Doſes of Repentance fall to the Share of ſuch wilful Defamers of Majeſty; and how neceſſary it is for them to be attended with ample Reparation by Way of Reſtitution, and that to be done in a Manner no leſs public than the Injury; and that is (do ye conceive me) by a large Recantation in Print, wherein it would add much to the Efficacy of that Duty performed, if all the corrupt and wicked Motives to ſuch Injuſtice and Diſhonour, done to the Memory of a deceaſed Sovereign, were at large unfolded. Becauſe the Temptations, being expoſed, were they Money, Preferment,

ferment, Malice, Faction, or Luſt of Iniquity, would work, as an Anatomy; by diſcovering the Seat and Foulneſs of the Diſeaſe, to prevent others falling into the like Diſtempers. And to venture a Step farther, let the Author reflect upon the Need he hath of ſuch a Steel Courſe as this; leſt, by ſlighting theſe wholſome monitory Hints, and deferring the juſt and neceſſary Retribution of Honour to his late Sovereign Lord, he ſhould draw upon himſelf what he hath maliciouſly endeavoured to ſting upon his Majeſty's Memory, *the Curſe of a final Impenitence.*

VIII. But, to lay aſide Emportments ſo juſtly provoked, and come to the two Papers which I had almoſt forgot; as to what was argued both by the Papiſts and Fanatics, and from the Nature and Circumſtances of them, ſuſpected by diverſe indifferent Perſons, which is that the King, notwithſtanding his Profeſſion, muſt needs have been a Papiſt in his Heart, was an egregious falſe Conſequence, which I make no Scruple to alledge for diverſe Reaſons, whereof the firſt is ſufficient to diſſolve the whole Pretence; and that is the Want of Date to them, and there being no Atteſtation or Diſcovery of any Sort, when, or about what Time, they were wrote: For it may be true that they were the King's Hand, and found in his ſtrong Box, and it may be as true that they were wrote before the happy Reſtauration. It muſt be granted that, as to Religion, while his Majeſty reſided altogether among Catholics, in the Converſe of his Mother and her Relations, without Friends (except his Attendance, who were not all ſuch) and at a Time when Princes made Religion a Condition of their aiding him, was very different from what it was after he was ſettled in his Kingdom. The Temptation of Intereſt wholly ceaſed, and the Byas fell the other Way; and, however inclined abroad, under ſuch Circumſtances (and whom may it thank?) the ſame Argument, that is Intereſt, muſt incline him to adhere to the Proteſtant Side. And, as to the Prejudices of Opinion, great Perſons in a new Way of Living, a new Way of Converſation, and a diverſified Intereſt, ſoon get the better of them. Who can ſay then that theſe Papers contained his (if it were his) Reaſoning not before, but after, the Reſtauration?

Anſwer to the two Papers; and firſt, no Date to ſhew the Time when wrote.

IX. Another Reaſon, no leſs conſiderable againſt this Inference, is that it doth not appear what other Papers might have been in Company with theſe in the ſame ſtrong Box. For there might be others, in the ſame Hand-writing, that anſwered and confuted theſe; and it is very probable it was ſo, for why ſhould a Man write all on one Side to convince himſelf, no other Deſign of them appearing? It is very ordinary, after the antique Way, for the Wits to take a Subject, and argue as ſtrongly as they can on the one Side of the Queſtion, and then take the adverſe Part, and, diſſolving the former, ſet up that Opinion; and, in that problematic Writing, the beſt Exerciſe of Oratory, the latter is uſually the Opinion of the Writer. And theſe Papers might be of that Sort, and contain the firſt Diſcourſe, for there is no Reference to any adverſe Party to be confuted; and

It doth not appear what Papers might be with, or belonging to theſe.

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the other Papers with them might more ſtrongly argue againſt thoſe two Tenets; which other Papers, if any ſuch were, muſt contain the King's own Opinion and Determination. And, if this were ſo, it will not be doubted but the Papiſts, preſent at the ſearching this Box, without any Proteſtant Witneſs by, would, for Advantage of the Catholic Cauſe, publiſh what made for it, and ſuppreſs what made againſt it; and ſo the *Index expurgatorius* be put in Execution upon the Papers. One great Reaſon, for our believing theſe Papers were not alone, is that the Atteſtation of King *James* II. doth not exclude any. It ſays theſe were there, but not whether any other controverſial Papers were with them or not. And this being all a Popiſh Work, why muſt the Papiſts, of the firſt Order of Politics, be credited to have acted ingenuouſly in this Matter, who are not found to do ſo in any Branch of their Controverſy with us? And, if theſe Papers may be but a Piece of the Diſcourſe, why doth any one make any entire Concluſion from it? And, ſince we are in a Way of Conjecture, why may we not think the two Brothers had great Altercation, one with the other, concerning the Popiſh Religion; and they might ſay, give me your Reaſons and I will write them over and keep them, and I will give you my Reaſons, which you ſhall write over and keep by you. Or if the King, for his Part, had penned or copied his Brother's Reaſons, and wrote Anſwers to them; would not the, then, King, finding both, preſerve and publiſh his own, and condemn the other, as heretical, to the Flames? That the King dealt with his Brother by writing is plain; for our *Compleat Hiſtorian* gives us a Letter from the King to the Duke to diſſuade him from Popery.

Thirdly, Other Reaſons to write ſo, rather than to expreſs his own Opinion.

X. A third Conſideration, againſt this Inference from theſe Papers, is that there might be Abundance of Reaſons or Occaſions for the King to write them over, beſides the Expreſſion of his own Senſe; for what Occaſion for that? The Queen Mother might bring him the Matter wrote by ſome of the Roman Catholics, and charge him to write it over with his own Hand, that he might be ſure to obſerve the Matter of them, and to keep the Writing by him as long as he lived; a common Diſcipline in the Inſtitution of great Perſons, who are not made to read any thing with that cloſe Attention as when they write. Or the King might engage in a Controverſy with ſome Intimate on the Proteſtant Side, and, for Exercitation of Reaſoning, the King object and the other anſwer in writing, and the King keeping Copies of his own Papers, thoſe were found, and the others be made away. Other Occaſions may be ſuggeſted, but theſe ſuffice.

Fourthly, The Atteſtation is ſo general and defective as makes rather a Vindication, whereof Reaſons are ſhewed.

XI. A fourth Conſideration is the Imperfection of the Atteſtation; for the Royal Brother doth not ſay the Papers were the King's Opinion, or that he was in Truth a Roman Catholic, or that the Papers were not contravened by any other, nor on what Occaſion they were wrote, nor when, nor any thing in particular concerning them, but only that they were the King's writing,

writing, and there found; and, for certain, there is ſome ſecret Subterfuge or Trick in it. Now it is a conſtant Practice, when cunning Men would have Things believed to be true, that are falſe, and ſuch as cannot be proved, to produce a Sort of Plot Evidence of ſomewhat circumſtantial, certainly true, which may conſiſt with what is to be believed, ſo as there ſhall be a natural Poſſibility of its Truth and no more; and Propenſity, Inclination, or Prejudice makes good the reſt, and converts the whole into certain Truth. And this being the Practice of Falſaries, witneſs our Author, wherever we find a dark undetermined Evidence, held forth to prove any thing that comes with an Ardor or Prejudice, there is greater Reaſon to believe it a Contrivance to impoſe, than an Evidence of Truth. So here the Papiſts earneſtly deſired that King *Charles* II. ſhould be thought a Papiſt, and brought forth theſe Papers to prove it. Now, for the Defects obſerved, I conclude that they knew he was no Papiſt, and gave them out, for an Handle, that ill People (not to mention their Friends the Fanatics) might manage to perſuade others he was ſo: For they knew clearly the Truth, and, if he had been a Papiſt, could have given Evidence to the World to have made it indubitable; but, inſtead of that, they give us an Umbrage, that is, no Evidence at all. If we conſider the Conduct of the Matter by this Meaſure, as there is Reaſon to do, it ſeems to be a Vindication of the King, rather than an Imputation. For why ſo much and no more from thoſe that knew, and had, in their Power, clear Evidence of the Whole? To have made a firm Concluſion needed a deal of croſs Examination; but ſuch was the Diſpoſition, or rather Precipitation of Judgment in moſt People, upon a Scintilla of Evidence, to conclude the King was a Papiſt, that it was wonderful to obſerve how much Deference was had to this Popiſh Project upon the Publication of the Papers. The Roman Catholics muſt needs laugh in their Sleeves, noting the People's Fondneſs in ſwallowing a Bait, hung out to catch them into a ſiniſter Opinion of their late King whom (as Religious) they never loved, but rather hated, becauſe he would not be, as they would have had him be, a Papiſt profeſſed; but had given Way to the Perſecution of them, which he might, by his Authority, have hindered. And they never forgave him that he did not, and were content no Honour ſhould go with his Memory, but that it might ſtink of the Hypocrite, and be of no good Example to Poſterity. And, in this good Work, our Author is the Papiſts Trumpeter to proclaim their Invention to depreciate the Memory of the King.

XII. To conclude this Matter of the Papers, and all Inferences from them, I ſhall add a Word or two to thoſe who had, and, I hope, ſtill have a candid Opinion of the King's Sincerity: And it is only to deſire that they would not miſtake ſome Prejudice, or Favour, on the King's Part, for a Profeſſion. Take the Caſe of a Convert of any Kind, it is ſeldom but there remains ſome Hankerings after the former Way; for there may be Favour though not Judgment. So the King, being in Exile among Papiſts, where

The Allowances which, in common Candor, ought to be made in the King's Caſe.

where their Worſhip was in high Credit, and where the reformed were perpetually in the Converſation ill treated, and eſpecially maligned by Reaſon of their ill Uſage of his Father and Himſelf, could not but contract a Favour which, had he continued abroad, and been diſcharged from his Dependances in *England*, might have turned into a Profeſſion, and that (ſuch Power hath Education or Converſation) not without a real Judgment, ſuch as it was, and Catholics commonly make. But the Inducements happily proving oppoſite, had the clean contrary Effect. But it is no Wonder if a Sort of Favour, as I ſaid, or, at leaſt, no furious Deteſtation (ſuch as our popular Reſentments of Popery carry) remained with him; whereby he did not think all Roman Catholics ſuch groſs Idolators and Ignorants, as the Vulgar among us do. It is humane to allow for theſe Circumſtances, which every ſenſible Perſon muſt acknowledge would, in like Caſe, have had a conſonant Effect upon himſelf; but I muſt ſpeak ſoftly of that, for Popularity gives no Quarter. It is certain the Externals of Religion, and Demonſtrations of outward Devotion, as well as a hard Tye upon the Peoples Moralities, are more egregious in the Church of *Rome* than among us, where many think every thing muſt wear Ornaments and Authority but Religion, and that only muſt be rude and ſlovenly, as well as enervous as to Mens Manners. This gave the King an Occaſion to ſay that, *beyond Sea, it ſeemed as if People worſhipped* GOD *in earneſt, but here, in* England, *in jeſt.* But whatever his Majeſty thought, or (in indifferent Circumſtances) might have been, it is certain, as he was King of *England*, he was a declared and actually exerciſed Proteſtant, from his Arrival to his Death, without any Interruption; and that he neither was nor could be a Papiſt; which his Courſe of Life and Actions, actually inconſiſtent and contradictory to the Authority and Rules of Popery, to all common Senſe demonſtrated. And the perpetual Inſinuations of the contrary, in this Author and his Authorities, the ſeditious Libels of the Times, are no better than knaviſh and deteſtable Scandal, fitter for the Fire than the Preſs, being exaggerated only for baſe politic Ends.

The beſt, yet a true Account, of King *Charles* II. here given; declining his Failings.

XIII. I hope I have given due Allowances of the moſt important Circumſtances, that no groſs Truth might be wanting in the Account I have preſented of the King, and his Religion, Government, and outward Behaviour towards his People, not creating a falſe Image of any thing relating to his Majeſty's public Character, which I do not the leaſt intend. But I muſt own that, according to the Goſpel, as well as moral Duty, that obligeth us not to ſpeak Evil of Dignities (which I take as extended to the deceaſed as well as ſurviving Powers; for the Diſhonour of the Dead prejudicially affects the Living) I have not been particular as to ſome perſonal Failings blameable in his Majeſty's Conduct of himſelf. And where do we find that Kings, more than private Men, are bound to be impeccable? Their Temptations, as I noted once before, are ſo much more than other Mens, that a King, not extreme wicked, hath more Acceptance than a

private Perſon very good; and having withal good Nature, Honeſty and Philanthropy, as King *Charles* II. moſt eminently had, and, by the Example of his Perſon (which his worſt Enemies granted) profeſſed the Religion of his Country, he might (comparatively) paſs for a Saint. It had been happy if his Father, a real Saint, had found an Uſage from his People, as that Character deſerved; or that the blind Monſter did not encourage Wickedneſs in Kings, by giving a readier Obedience for Fear, than for Love, Merit, or Duty.

The King's Temper, Moralities and Capacity.

XIV. And I muſt ſay for King *Charles* II, that, bating his being addicted to his Pleaſures, chiefly of Women, and the Conſequences, he had as many Virtues, and as few Faults as may readily be found in any one Man. He never did Harm to any living Thing willingly. He was affable and courteous, and frequently would lay aſide Kingſhip to enjoy himſelf in Company, which made him be termed *a very honeſt Gentleman.* And, as he was very witty himſelf, he loved it immoderately in others, and would bear to be jeſted with; and indeed generally he bore ill Uſage like an Hermit, and forgave like a Saint. The King had alſo a great Judgment to diſcern Truth and Right. I heard one of his ableſt Counſellors ſay, *He never knew a Cauſe heard at the Council publicly, but he determined the right Way.* He was honeſt, and did Juſtice to all, unleſs his Affairs conſtrained him to fail; and of this the Banker's Caſe, touched upon before, is an eminent Inſtance: But ſome were Sufferers by poſtponed Debts, for which his Miniſters had more to anſwer for than he had. They were contracted by the unadviſed War, and the Parliament not paying them, he could not compaſs to do it; but, if he had lived longer, it is probable he would have compaſſed all his Debts: Though ſome, I muſt needs ſay, deſerved to ſuffer as a due Reward of unconſcionable Cheating: For I knew the Ironmonger of the Navy, in the Time of the firſt *Dutch* War, who had Bills filed up and ſigned at the Yards allowed, and paid by the Commiſſioners for 500 *l.* at a Time, without ſo much as a Nail delivered into the Stores.

Account of the Occaſion of his Failing of his Word, and being fickle.

XV. The greateſt Blame, that, in common Talk, fell upon the King, was his failing of his Word and Promiſe; with which moſt of his Minions, as well as Enemies, reproached him. But that Matter is not well underſtood; for he ſeldom or never failed of his Word in a Matter reaſonable or juſt, wherein he was not ſurpriſed or ill uſed. But he was averſe to Study and Thinking, and, for that Reaſon, too much reſigned to his Miniſters; yielding almoſt to every Thing they preſented to him, becauſe he truſted them, and would not break his own Head with Buſineſs. Thus he found himſelf intangled by *Shaftſbury*, to engage in Words and Actions which, purſued, had been his Ruin; ſo he broke with him, and was, for that, accuſed of being fickle, and not ſtanding to his Word. So among his Minions, they would take Advantage, through the *mollia tempora fandi*, to get Promiſes of unreaſonable Things, which, coming afterwards to underſtand rightly, he found he could not well comply with. Then did thoſe

Men rail at him in Proſe and Verſe, becauſe their unreaſonable Surpriſes had not Effect.

Sometimes prevailed on to do hard Things, but generally firm in what was juſt to his Friends and Servants.

XVI. But often Importunity got the Better of his Nature, and made him do unkind Things to his Friends. Of this Sort one Inſtance was this. Sir *Job Charleton* was Chief Juſtice of *Cheſter*, a very Reverend deſerving Gentleman, and of the old Cavalier Party. This Place ſuited with his Way of Living (for he had a good Eſtate not far off) and was of a retired Humor. But Sir *George Jeffries* coming upon the high Court Intereſt, and being a *Welſhman*, thought his Title to that Place faireſt, and, upon Pretence of City Merit with Intereſt, and teaſing, prevailed to have the King make Sir *Job Charleton* a Judge of the *Common Pleas*, that the other Place might devolve to himſelf. This was like taking out the Eyes of the good old Gentleman, who, after he found that againſt this Remove he could prevail nothing by Friends, ſought to ſpeak to the King in Perſon; and, for that End had planted himſelf in a Window, as the King was to paſs by; the King came, and ſeeing him at a Diſtance, could not ſtand the Brunt, but turned off another Way. After that Sir *Job* almoſt pitied the King, and never ſtirred more, but ſat in his Juſtice Seat in the *Common Pleas* till, laden with Years, and not without the Eſteem and good Report of all Men, he parted with his Life and Truſt together. To baliance this Story, I will ſubjoin another ſhort one, which is that, when the Judges were under Queſtion in Parliament, the King, obſerving in the Houſe of Lords, one of them ſit penſive upon the Wool-ſack, went and clapped down cloſe to him, and, *be of good Comfort*, ſaid he, *I will never forſake my Friends as my Father did*; and immediately roſe up and went away. He never pretended to juſtify his Servants, if they were regularly queſtioned for what they had done, but would ſee none of them oppreſſed; and his Protection of his Queen, in her Innocence, was a glorious Act of his Juſtice. I had not ſaid ſo much of the Perſon and Character of King *Charles* II, but to do ſome Juſtice to the Author out of my own Knowledge, ſhewing what his late Sovereign, in ſome Reſpects, was, whom he hath choſen to be the abuſed Subject of his far from *Impartial*, though titled *Compleat Hiſtory*.

CHAP. X.

Libel ſifted from the Hiſtory.

An Account of the following Purgation of the Author's Lib l, from the little true Hiſtory in it, of the King.

I. NOW I have but one Matter more to work up, for making a Concluſion of this Work, which is a Segregation of Libel from Hiſtory, which this Author has blended together, giving always the Luſtre to the former, ſo that one can ſcarce diſcern any Thing elſe in it; and it ſhall be of very little but what concerns King *Charles* II. himſelf, who is made an Hero

Hero reverſed, and his Reign worſe handled than ever profane Story was by Poet, to ſerve the Turn of his Fiction. If Libel and Hiſtory were like Oil and Vinegar, that, however beaten together, would of themſelves divide and go ſeveral Ways, this Trouble might have been ſpared: But Lyes to Truth are rather as Lead to Quickſilver, that cling ſo cloſe, as nothing but Fire will part them. But I will try another Experiment upon this Book, and it ſhall be of an hiſtorical Fan, *Myſtica vannus*, for cleanſing out the Libel, if it may be done; but I fear, though ſome of the groſs Soil may be thrown off, a Deal of foul Smut will remain, which we muſt deſire the Peruſer, with his candid Imagination, to wipe away. This Buſineſs is done in counter Columns, on the one Side *Hiſtory*, on the other the *Libel* ſifted from it; by which the Author's falſly illuminated Colours, and no leſs falſe Craft of his Writing, will diſtinctly appear. And, concerning this Taſk, I muſt premiſe a few Things therein.

1. It may ſeem that I have taken Sentences, and fathered Libel upon them, which do neither belong to, nor lie near them. Which is not ſo, for every Scrap of the Libel leans upon the annexed Hiſtory as its proper Vehicle or Foil, upon which the Author himſelf hath founded it. In which, his admirable Invention will appear, who could make ſuch plain Truths carry ſuch damnable Scandal.

2. That I have taken nothing out of the naſty Libels and Pamphlets that he quotes, under the Countenance of which he hath loaded his Layſtalls; for then he might ſhuffle them from himſelf, and ſay, you have the Authority; but all is his own native Foulneſs that looks ſo dirtily.

3. I ſet down only his own Words, unleſs here and there a little is added to note better the Reaches of his Scandals; but they will be eaſily diſtinguiſhed, for I would do him no Wrong.

4. I have often here left out his Tropes of Evaſion, as -*it ſeemed*-, *it was thought* - and the like, as I have more than once noted, for they are Superfluities; and I take his Expreſſions, ſimple and plain, as he intends we ſhould underſtand them; for why ſhould Paper and Ink be ſpent upon ſuch idle Fillings in?

5. There will be found moſt of theſe Paſſages, here liſted, already remarked in the Courſe of theſe Books; but, conſidering that theſe are ſhorter, and more diſtinguiſhed, and, being uſed by Way of Index, or rather Synopſis, will give a rectified View, of all that relates to the King in particular, near together, I hope it will not be thought a fruitleſs Repetition. But I muſt precaution that the full Force of the Libel will not appear without a previous Obſerval of what has been ſaid of them, in the ſeveral Parts of this Work, where they are touched upon.

6. The Libel Side carries very few Facts (though the Book affords Plenty, falſe and ſcandalous) but only the Author's Reflections, which have no Authority or Warrant to make them good, and proceed only from a vile Diſpoſition to reflect and rail at Majeſty, by traducing and miſconſtruing all the Actions of his Government.

These

These Methods are used for *Compendium*; for if I should write his Slanders and Abuses of all Sorts, I should invade the Property of the Abridgement of his History, that hath done it already; for what else is that Abridgment but a Catalogue of Slanders and Lyes? For whoever will but observe the direct, oblique, introductory, illustratory, preparatory Abuses of Truth, or some Way *in ordine ad*, of the Libel Kind, he shall find them composed into one Chain of false and malicious Calumnies hanging *in serie* together: Which was prudently done; for whoever, having read the Book at large, and begins to forget the Excellencies of it, may refresh the glorious Ideas there, and redintegrate the Learning, such as is to be gathered, out of the greater Work.

Certain EXCERPTS *out of a* Compleat History, *fanned from the libellous Dross that defiled them, done by an impartial Hand.*

HISTORY.

Page 219. THE *French* and *Spanish* Ministers slight and affront King *Charles* II. in his Exile.

220. Somewhat was agreed at the *Pyrenean* Treaty to the Prejudice of the Protestant Interest. *Clar. Hist.*

—— That the King's Servants wavered, but he was steddy, *ibid.*

—— Seen come out of a Mass Chapel with *Bennet* (the late Lord *Arlington)* in his Company, *ibid.*

—— The Lord *Culpepper* hectors *Bennet*, as for a wrong Step. The Lord *Culpepper* came with the King into *England* and died, and then came *Arlington* and was preferred.

The King *(Charles* II. beyond Sea) had Men and Money from *France* and *Spain*, as our Book says, at a Venture.

224. The Queen Mother came over to visit her Sons.

LIBEL.

A Political Feint to hide the Intrigue of Popery.

It must needs be, that the King *(Charles* II.) should become a Professor, or, at least, a Favourer of Popery.

That proves the King a Papist.

Confirms all.

The Lord *Culpepper*, afterwards, in *England* died abruptly, and being so taken away, *Bennet* (that durst not come before) soon came over and was preferred. *(Quære* who kill'd *Culpepper.)*

Upon the Foot of a secret Article at the *Pyrenean* Treaty to be a Papist.

To draw the King into the *Portugal* Match, League with *France*, and the Surrender of *Dunkirk.*

Page

HISTORY.	LIBEL.
Page 236. The King was married to the Queen by the Archbiſhop *Sheldon.*	So ſaid to ſatisfy the People; but others knew better, that the Queen refuſed to marry by any but a *Romiſh* Prieſt.
Chimney Money was given by the Parliament.	The Watermen (by Craft) cried to the King *Chimney Sweep.*
The King was to have a Revenue ſettled by Parliament.	No more Parliaments that Reign.
237. The Parliament declared that the Militia was the King's, and ordered a Recognition that it was unlawful to take up Arms.	The Parliament took all Occaſions, in all imaginable Ways, to advance the Prerogative and Revenue.
238. The King publiſhed a Declaration of Indulgence to Diſſenters in 1662.	He betrayed an Inclination to diſpence with the Act of *Uniformity*, and ſeemed to labour under a Promiſe to do it.
	— He was the Cauſe that the Diſſenters ſtood out, by giving them Hopes of a Diſpenſation.
	— He encouraged their contending with the Laws, elſe they had conformed.
239. The King favourable, and inclined to indulge for diverſe Reaſons plauſibly ſet forth.	But the ſecret and reſerved Reaſon was to give Indulgence and Protection to Popery, 240.
	— For the Papiſts in this Reign had always a conſiderable Intereſt at Court, and uſed all poſſible Intrigues in the Management of it.
240. *Dunkirk* ſold to the *French.*	A deplorable Sign of a weak and mercenary Court.
243. A deprived Miniſter (*Calamy*) impriſoned for preaching after Deprivation, ſet free by the King's Order.	— Without any legal Diſcharge; and looked like a formed Plot.
	The King was too much inclined to indemnify and protect the Breakers of the Act of *Uniformity.*
244. The Commons addreſs for a Proclamation againſt Popiſh Prieſts and Jeſuits.	The Parliament ſenſible that the King, profeſſing Indulgence to Diſſenters, encouraged Prieſts and Jeſuits, and done in Favour of them.
245. The Proclamation iſſued accordingly.	But no more intended than to keep the Lord's Day, and not to be vicious, debauched, and profane; though

Secretary

HISTORY.

Secretary *Nicholas* put out, and *Arlington* put in his Place.

248. Indulgence in 1662.

251. A *Dutch* Fleet made Priſe before the War declared.

Fears and Jealouſies of Popery from the Queen Mother.

264. An Addreſs of the two Houſes in 1666, for executing the Laws againſt Prieſts and Jeſuits graciouſly condeſcended to.

265. Diverſe Inſults and Injuries of the *Dutch* in the Year of the Attempt upon *Chatham*.

266. The Earl of *Clarendon* turned out and impeached.

270. The Bill of Baniſhment of him paſſed.

The triple League between *England*, *Holland* and *Sweden*, for ſaving of *Flanders*.

274. The Queen Mother died.

LIBEL.

againſt other Proclamations, all theſe Things were Favourites.

Advances towards the Church of *Rome* appeared in the Changes at Court.

It was certainly the Strength of Popery that made the Separation in *England*.

Apparently done for Favour to Popery.

More arbitrary than the Law of Nations allows.

And the King's own Diſpoſition to any Thing that he was told ſhould be conſiſtent with his Intereſt and Pleaſures.

— Did not ſuffer the King to do leſs than to iſſue his Proclamation.

But the Peace made without Thought of a Repriſal or Demand of Satisfaction; but that Expectation was obviated by an Article.

By that Mark of Diſgrace delivered up to his Enemies, no Doubt for hearty oppoſing Popery.

And it eaſily obtained the Royal Aſſent, for it was the wiſeſt Courſe to prevent a legal Anſwer (of the Earl) and to ſtop the Diſcovery of ſome Secrets that muſt have been otherwiſe expoſed.

Covered the King for a While againſt the Suſpicions of Popery and *French* Intereſt.

She was no more popular in the Reign of her Son, than ſhe had been in that of her Royal Huſband, and had the Imputation of bringing no leſs Miſchiefs on the one Reign, than ſhe had Miſeries on the other.

HISTORY.	LIBEL.
Page 278. The King's Sister came to *Dover* on a Visit of Love to her Brother.	In Appearance; and in Design, for a Message from the *French* Court to break the triple League, and so draw in the King to assist *France* against the *Dutch*.
She left *Mademoiselle Carwell*, afterwards Duchess of *Portsmouth*.	An Object of the King's Affection, and of the Nation's Hatred.
279. Alliance with *France*.	Intrigue of new Friendship, and assisted setting up the *French* Fleet with *English* Men and Timber.
180. Proclamation for the old Army Officers to go out of *London*.	The King by his new Counsels and Correspondence with *France*, became jealous of his own Subjects.
182. The Address in 1670, apprehending Danger of Popery, and desiring that the Laws might be executed on all Recusants, especially Priests and Jesuits.	Suppressing Conventicles a necessary Means to discourage Popery, so the King could not forbear issuing his Proclamation.
284. Mr. *Coventry* sent Embassador to *Sweden*.	The King, drawn to promote the Grandeur of *France*, took Bribes, and the Plot of *France* was against the triple League, the Laws against Papists, and the sitting of the Parliament, all which were fatally accomplished,
285. The *Exchequer* shut up.	The King caught by the *French* in a Net, was ill used and forced to begin the War.
286. The Indulgence in 1672, with diverse Reasons.	To stop the Dissenters Mouths, but (excepting his own Quiet) for no Reason but Liberty to Papists and Exercise of arbitrary Power.
288. The King, for the public Good, during the *Dutch* War, dispensed with the Act of Navigation and Trade.	The doing this, without Consent in Parliament, was a very ill Example, and might grow into other more pernicious Acts of arbitrary Power.
289. The King sent to mediate a Peace to save *Holland*.	Here the Author hath tacked a Parcel of Queries by Way of Misconstruction, too long for this *Index*, but discovers (as he says) the Intrigue of this Embassy.

HISTORY.

Page 292. A Law in *Scotland* affirming the King's Authority in Eccleſiaſticals.

296. Earl of *Shaftsbury*, having turned againſt the King, and heading the malecontent Party, was removed from the Great Seal.

297. The Parliament deſirous of Peace, and weary of the Treaty of *Nimeguen*.

Ibid. A Proclamation in *May* 1673, againſt a Report that the Parliament was to be diſſolved.

298. Farther prorogued to *April* 1674.

Proclamation againſt Prieſts and Jeſuits harbouring about *London*, and a *Premio* for a Diſcovery.

299. Pieces of *Coleman*'s Letters. *Note*, *Oates*'s Plot was not yet diſcovered.

301. A Royal Declaration, *Feb.* 1674, full againſt Popery in all the Points of it upon the ſeveral Laws.

303. The Earl of *Danby*'s Teſt againſt taking Arms, *&c.* and not to attempt altering the Government in Church and State, 1675.

304. The King averſe to a War with *France*.

LIBEL.

Lauderdale got the diſpenſing Power enacted by a Law, and, with a ſtanding Army living upon free Quarter, made the People take the Teſt.

Charged to be done only for a Speech in the *Exchequer* againſt ſtale Projects, and at the Procurement of the Duke of *York*.

The Commons weary of War, and apprehenſive of the Power and Intrigue of *France*, they did encourage the States of *Holland* to a ſecret Correſpondence with them on that Occaſion. *Quære*, How near came that to High Treaſon?

The Parliament, long endeared by many agreeable Acts and Supplies, leſt the Report might irritate ſome leading Members and be otherwiſe prejudicial to his Affairs.

The King not inclinable to let them ſit to remonſtrate againſt Popery.

That he might ſeem to anſwer the Addreſſes of the laſt Seſſions.

— Reaſon for Jealouſies of Popery, for the Plot long carried on to ſupport, if not to reſtore Popery, began to appear, as by the (then undiſcovered) Letters.

— On a Principle of Wiſdom the King commanded his own Inclinations, and to quiet the Minds of his Subjects, *&c.*

To purge the Houſe of Commons or to refine them.

Becauſe, as he ſaid, it would be made Uſe of to ruin his Miniſters.

HISTORY.

Page 307. Proclamation to put down Coffee-Houſes.

The two Princeſſes epiſcopally confirmed.

308. The King having made Peace with *Holland*.

— And being in Neutrality.

— Proclamations iſſued for ſecuring the Neutrality, and Order of the Ports for equal Protection.

309. Troubles about the *French* Captures, and Redreſs hard to be got in *France*.

The Proclamation in *December* 1679, that the Parliament ſhould meet and ſit, to the End the Members might attend.

The Attempt to diſſolve the Parliament, on Account of their being prorogued for above a Year, fruitleſs, and ſome puniſhed for it.

310. The Earl of *Shaftſbury* not complying to recant his Aſſertion of the Diſſolution of the Parliament in the Houſe of Peers, his Petitions for his Liberty (which the reſt obtained by ſo doing) were rejected.

311. A Complaint in Council of the great Reſort to the Queen's and

LIBEL.

The People ſo impatient for Peace, and jealous of Popery and *French* Power, that they reflected on the King and his Miniſtry to a high Degree.

Under ſuch Apprehenſions of Popery raiſed by the Duke of *York*; a Comfort that he could not influence his Daughters. (But no Thanks to the King by whoſe Means they were ſo educated.)

Unwillingly.

The *Dutch* ſuſpected he gave ſecret Aſſiſtance to *France*.

While the King ſo generouſly protected the *French* Shipping, our Veſſels could not be protected, but were pick'd up as in open War.

Had a good Effect, for it made the People deſire a Parliament, and an actual War.

The Eyes and Mouths of the City and Country were open, and to quiet them by a Proſpect of Sitting, *&c.*

No Wonder the Houſes agreed to conſerve themſelves, the Miniſtry could not think of parting with a Parliament they had been at prodigious Expence to keep in a giving Humor; the major Part of the Members paid dear for their Elections, and knew how, by their Votes, to reimburſe themſelves.

Finding it in vain to apply to the King, he had Recourſe to an *Habeas Corpus*.

The Danger of Popery was indeed more viſible and more ſcandalous

HISTORY.

Embaſſadors Chapels, whereupon the King made a full Order againſt it.

Page 313. *Aaron Smith* taken up by Order of the Lords, and committed for affirming publicly that the Parliament was diſſolved.

312. The Parliament prorogued in *April* 1676.

361, The Libel of *Andrew Marvel*, called the *Growth of Popery*, ordered to be proſecuted; and a *Premium* for diſcovering of the Author.

363. The King was againſt the *Dutch* making a ſeparate Peace.

367. The King made a Speech to the Houſes upon the Subject of Supplies for ſaving of *Flanders*.

At the Deſire of the Commons, he called over his Forces from *Flanders* to be diſbanded.

368. A Proclamation to prohibit Recuſants reſorting to *London*, and to recall all Perſons out of Seminaries.

369. The long Parliament diſſolved.

370. The *Middleſex* Juſtices came with ſome Queries about Recuſancy

LIBEL.

every Day, Intermiſſions of Parliaments gave Impunity and Connivance to Prieſts and Jeſuits.

To reſtrain and terrify the People from any ſuch Freedom of Diſcourſe.

His Majeſty afraid of their ſitting too long, and meddling with Peace and War, which, at this Juncture above all other, he had Reaſon to reſerve to himſelf.

The Dangers of Popery and the Advances of the Popiſh Intereſt at Court, were freely repreſented in it, and was ſo offenſive to the Miniſtry that the King ordered, *&c.*

Either to fall in with the general Inclination, or to cover the Duke of *York*, and his Friends, from the Conſequences of the Popiſh Plot.

He betrayed himſelf to be weary of their Proceedings, and was in Haſte to get the Bill for Money, and to diſmiſs the two buſy Houſes.

He fell eaſily into this Deſign, becauſe it depended on a Bill for Money.

The Prorogation encouraged them (the Papiſts) that they talked ſo high, *&c.*

Many Reaſons; one was that it was to protect the Popiſh Lords in the Tower for the Plot (of which the King knew moſt) but undoubtedly the greateſt Reaſon of all was to cover the Duke of *York* from the Reſentment of the Commons, and the Indignation of the People.

There was a Diſpoſition in the Court to relax the Orders lately given

as

HISTORY.

as to Foreigners, and touching Oaths and Securities.

Page 374. The Privy Council changed, and the Parliament made acquainted.

376. Limitations offered for Security againſt a Popiſh Succeſſor.

379. The Petition of *Oates* and *Bedloe* againſt Sir *William Scroggs*, the Lord Chief Juſtice of the *King's Bench*, heard at Council, and diſmiſſed for Want of Proofs.

380. The King complied with all the Parliamentary Addreſſes.

381. And iſſued his Orders, Declarations, and Proclamations accordingly.

Proclamation againſt Duelling.

Whig and *Tory*.

385. Proclamation for Pardon to any Diſcoverers of the Popiſh Plot.

388. The Bill of Excluſion thrown out of the Houſe of Lords, the King being preſent. (As he was uſually at Debates without Notice taken of him.)

LIBEL.

for putting the Laws in Execution againſt Papiſtry, and, upon this View, the Juſtices, *&c.*

He had Reaſon to value himſelf upon an Eſtabliſhment ſo grateful, *&c.*

Theſe were good Words but, *&c.*

Nothing more acceptable at Court than ridiculing and ſtifling the Plot.

His Lordſhip was favoured and vindicated in all Particulars by the King and Council.

To keep the People in Amuſement by ſeeming himſelf to ſhew a great Affection and Zeal for the Proteſtant Church eſtabliſhed.

And yet, after all, the King was believed, by all thoſe that beſt knew him, to be a Papiſt in his Heart, and a profeſſed Encourager of ridiculing and ſuppreſſing the Popiſh Plot, which never ended in his Reign nor with his Life.

Whig and *Tory* made the People quarrel at Elections and elſewhere.

Whig Divines hearty in Zeal againſt Popery, ſtedfaſt to the Rights and Liberties of Church and State.

Other (*viz. Tory*) Clergymen run into high Notions of Paſſive Obedience and unbounded Prerogative.

To ſtop the Torrent of the Houſe, and to ſeem to fall in with them in a like Zeal againſt Popery; but the Commons little ſatisfied with Court Promiſes to ſuppreſs Popery.

To encourage an Oppoſition.

HISTORY.

The Lord *Offory*, and Sir *Leoline Jenkins* preferred.

Page 390. The Lord *Chandois* (having joined with the factious Petitioners for the Parliament) refuſed by the King to be his Embaſſador in *Turkey*, but, on Submiſſion, admitted.

391. Sir *Job Charleton* and *Raymond* made Judges, and Sir *George Jeffries* Chief Juſtice of *Cheſter*, and a Call of Serjeants.

The King enjoined the Judges to give in Charge the Laws againſt Recuſants, who reported their Diligence, and were approved.

392. One *Thompſon* cenſured by the Commons for a *Tory* Sermon at *Briſtol*.

393. The Parliament called to ſit at *Oxford*, and that place petitioned againſt by the factious Lords.

397. The *Oxford* Parliament diſſolved, and the King went to *Windſor* that Night, and next Day to *London*.

398. The King's Declaration of Reaſons for his diſſolving the two laſt

LIBEL.

The King preferred thoſe who were in the Intereſt of the Duke of *York*, and had oppoſed the Proceedings of the Commons, though a few popular Men had titular Favours to ſweeten and reconcile them to the Court.

How far the being of a Party was a Recommendation, was ſhewed &c.

For the moſt unhappy Partiality in the Diſpoſal of the Royal Favours, was to find out thoſe Lawyers who were thought moſt inclinable to carry the Prerogative beyond Law.

His Majeſty was under a popular Neceſſity of declaring his Affection for the *Church of England*, and of expreſſing of Zeal againſt Popery; but indeed all this was but a Feint in Politics, and a Neceſſity of the Court to be carried along with the Stream of the Country.

The Clergy were ſuſpected of being Popiſhly affected for abhorring Petitions, oppoſing of the Aſſociation, and the Bill of Excluſion.

The Change of the Place diſpleaſing to the Cities of *London* and *Weſtminſter*, and to the Houſes, who apprehended ſome arbitrary Deſign in it.

He immediately took Coach, and drove in great Haſte to *Windſor*, where he lay that Night, and next Morning he poſted to *London*, extremely pleaſed that he had got a Deliverance from the Parliament.

Had raiſed up a general Spirit of Diſcontent in the People; this

Parliaments,

HISTORY.

Parliaments, publiſhed.

College charged with High Treaſon, indicted in *London*, but *ignoramuſed*; then

He was indicted of High Treaſon.

At the Aſſiſes at *Oxford*.

Tried, attaint, and executed.

Earl of *Shaftſbury* accuſed of High Treaſon by Indictment, *ignoramuſed*.

The loyal Apprentices had a Feaſt, and two Bucks and Company were ſent from the Court.

Page 402. At *Hicks's Hall*, the Seſſions for *Middleſex*, the Grand Jury Pannel was ordered to be reformed purſuant to the Statute 3 *Hen.* VIII.

403. The *French* Refugees came over, and were received and encouraged by the King.

LIBEL.

made the King deſcend to an Apology for himſelf. *v.* more *Fol.* 395.

The King had taken Offence at the *Oxford* Parliament for the Zeal of the People in many of their Elections, and the particular Reſpect paid to the City Members in a great Retinue waiting upon them.

This Mechanic was to be made an Example for meddling with Politics.

Hoping to find a more pliable Grand Jury.

A Matter reſolved upon above, he muſt die.

Propoſed to make an Example of a Peer as well as a poor Commoner; My Lord *Shaftſbury* was moſt odious to the Court.

The King had condeſcended to a meaner Thing (than ſlighting the factious Sherriffs who had before come from the City with an Invitation) by diſtinguiſhing the loyal Apprentices, giving two Bucks, ſending Courtiers, *&c.* all which was no leſs than to encourage Servants againſt their Maſters.

Diſſenters were odious to the Court, not as Separatiſts *&c.* And the Churchmen acceptable to the King, not as Members of a true Communion, but as Promoters of Royal Prerogative, and Supporters of the Duke of *York*, the former were not to be truſted upon common Juries.

A good Opportunity of pleaſing his own Proteſtant Subjects. But while this Care was taken of foreign Proteſtants, there was a vigorous Proſecution of Proteſtant Diſſenters at Home, to hinder Union *&c.*

HISTORY.

The Law took Place againſt the Recuſants without Diſtinction.

One *Harvey* ſpoke treaſonable Words in a Coffee-Houſe.

Complaint againſt the Clerk of the Peace of *Wilts*, for corrupt favouring of Papiſts, reprimanded by the King, and ſent to the Juſtices to be puniſhed.

A Reſcue in *Lancaſhire* of a Papiſt's Goods upon a Levy, which the King ordered the Judges ſtrictly to puniſh.

Page 404. The Duke of *Monmouth* in Diſgrace.

405. *Quo Warranto* againſt the City of *London*.

407. A *Whig* Feaſt publicly ſummoned on a Thankſgiving for Deliverance from the Plot, forbidden by the King.

A Popiſh Recuſant by Perjury had got into a Cure, but, by the King's eſpecial Order, was taken and puniſhed according to Law.

LIBEL.

The King, whoſe Principle and Practice (even againſt Law) had been to indulge the Diſſenters, was now drawn in to proſecute them.

The Statute 35 *Elizabeth* deſigned againſt Popiſh Recuſants, rigorouſly executed againſt all Sorts of Diſſenters (*this is falſe*) which gave Diſcontent, and occaſioned rude Reflections.

Diſſenters pitied for very great Partiality ſhewn them in protecting Papiſts from the penal Laws, which had their Edge turned on the Diſſenters,—— ſo notorious that a Complaint, *&c.*

This Countenance of the Court made the Papiſts, not only ſafe but, extremely inſolent, for, *&c.*

His Lenity in *Scotland* (about the Rebellion at *Bothwell*) to a People made by Oppreſſion mad, gained him the ill Will of a predominant Party at Court; the Zeal he ſhewed, ſometime after, in Proſecution of the Popiſh Plot, and Friendſhip with the Duke of *York*'s Enemies, concurred to his Fall.

To take away the Election of Sherriffs, which, effected, gave the Advantage, not only to make a Common Hall, but Houſe of Commons too.

His Majeſty was pleaſed to aſſert his Supremacy in the Right of appointing public Faſts and Thankſgivings on this frivolous Occaſion.

Under the Duke's Protection many Roman Catholics were publicly encouraged and preferred; and ſome acted a more ſecret Part, aſſuming

HISTORY.

A Riot on the 6th of *November*, on Pretence of Bonefires, punished.

Page 408. The *Rye* Plot discovered by Mr. *Keiling*.

409. The Earl of *Essex* killed himself in the *Tower*, by some (knavishly and falsly) suggested to have been murdered.

The King was concerned at it.

Mr. *Jodrel*, the Clerk of the House of Commons, got an Order in Council that no Persons should print the Votes. (This was to secure his Profit by Copies.)

416. The King's Reasons in his Declaration for dissolving, *&c.*

424. The *Oxford* Decree presented to the King (being a Condemnation of rebellious Principles.)

429. The King's Sickness, Attendance of the Clergy, and his final Demise.

LIBEL.

the Name of Protestants, and so getting into Places.

Zeal against Popery now only a Faction, the eminent in it distinguished as seditious, and Enemies to the King; on this Rule, Rejoicings on the 5th of *November* to be put down, *(false)*.

These evident Violations of Liberty and Property, improved by nearer Prospects of Popery, provoked many Nobility and Gentry to enter into *Measures* of stopping the Torrent of the Court, and keeping, if possible, their Laws and Liberties.

These Circumstances happened to confirm it, the King and Duke of *York* were at that Time within the *Tower*, where they had not been for fifteen Years before, *&c.*

Seemed to be concerned.

The King resolved not to be troubled with another House of Commons, and laboured to suppress all Accounts of the late Proceedings of Parliament.

Arraigned the Dissenters in solemn Form. (*Note, no one Word of them in the Declaration.*)

Churchmen in Reputation, not for the Sake of Purity of their Faith, nor for their loyal Establishment, but for the Distinction of Loyalty, *i. e.* Interests of the Court, and Duke of *York*'s Succession.

The King is here declared a Libertine in Life, profane in Humor, professed Protestant, but of little or no Religion; and, if he could believe to have Salvation in the *Church of Rome* (only) without Repentance, fit to die a Papist. (*So in short, for*

HISTORY. LIBEL.

Concluſion, his Majeſty, in the Quality of an impenitent Sinner, is, by this pious Author, ſent directly to the Devil.

Without much Breach of Charity, one might, in the Behalf of the late King *Charles* II, return the Author his Compliment in Specie; but his Examples are to be avoided. And now, after this fulſom Recapitulation, I am almoſt aſhamed of my Catalogue, as being too black to be believed. And yet I am ſenſible I have left out ſeveral general Heads as bad, as well as many Particulars under this of ſlandering Majeſty; and that what I have expreſſed wants Force, as, by proper Wording, might be given them; and what, with a little more Application, if there were any Guſto in ſuch Dunghil Work, might be more enlarged and demonſtrated. But, to avoid the Fetor, let us be gone as far off from this, as true Hiſtory can be thought removed from a braſen Libel with that of the former in the Title, impudently declared *Compleat*, and *done by an impartial Hand*, ſtaring in the Front, to the Scandal and Offence of all Ingenuity and Truth.

CONCLUSION.

Reaſons why the Author's odious Flatteries are not fallen upon here.

II. I mentioned the Omiſſion of diverſe whole Heads of Abuſe; but one is more eſſential to ſuch an *Examen* as this, than ſome others are; and that is the Author's faſtidious Flatteries: For hitherto we have dealt only with his Invectives, which are the malicious Part of his Work. And I own it may be an Objection to this Deſign here, that little or no Notice ſhould be taken of the flattering Part; which is a plentiful Crop, if the Pains had been taken to gather it together; and it is as bad a Fault in Hiſtory to panegyriſe, as to ſatyriſe, without Reaſon. But I frame an Excuſe for my ſelf, beſides what has been touched, which is, in ſhort, that ſuch an Undertaking muſt have drawn me into a Guilt like what I charge upon him, the ſpeaking Evil of Dignities. And that I abſolutely decline; let every one go away with the Author's Praiſes (if his Encomiums may be thought any) as he is pleaſed to beſtow them. My Deſign was, partly to rectify, and, by ſome Memoirs of Paſſages, to enlarge the Hiſtory of that Time; and more particularly in wiping away the Filth which the Author hath ſpewed upon the Memory of King *Charles* II and his good Government; and not to quarrel with any Governments or Governors whatever.

*The whole referred to the Characters of King *Charles* II. and the P— of O— throughout.

III. And the Author hath contrived his prime Flatteries ſo as one cannot touch them without falling upon Compariſons, which would be counted invidious; but he is moſt groſly guilty of it. For the better Obſervation of which,

which, I ſhall only adverti ſe his Reader to mark well his Conduct of two Characters from the Beginning to the End of them. One is of King *Charles* II, and the other of the P—— of *O*——, and the Author's Excellence, in this Way, will appear in Perfection. For theſe two Characters he makes the reſpective Rendeſvouſes, or common Places, of all Evil and of all Good. I need not foretel which is which; for his Invention and Style is not ſo ſatyrical and contemptuous of the one, as it is adulatory and idolatrous of the other: And this ſo groſs, that, if both thoſe Royal Perſons were living, I can ſcarce ſay which had moſt Reaſon to hate him. I am ſure both muſt deſpiſe him. And (barring the Uſe of ſuch a Tool, in nice Times, for Popularity, among a Rabble of Ignorants; which makes the faſtidious Thing be tolerated) yet inwardly the P—— muſt have had him in Deriſion; for he was no *Epicure Mammon* that, for his Flatterers, would chooſe the graveſt of Divines that could be got for Money.

REFLECTIONS

Upon ſome PASSAGES in

Mr. *LE CLERC's* LIFE of Mr. *JOHN LOCKE.*

SIR,

I have procured *Mr.* Le Clerc's *Life and Character of Mr.* John Locke, the *Engliſh* Edition 1706; and, obſerving what he ſays of the Earl of *Shaftſbury*, I have ſet down the following Notes, by which you may diſcern the Candor and Sincerity of the Author. Firſt, ſpeaking of the Earl of *Shaftſbury*, Chancellor of *England*, he ſays

Page 8.—— *When his Lordſhip returned the great Seal to the King.* It is a Liberty, peculiar to Libellers, to turn Truth into Lyes by falſe Inſinuations. Would not any one here think the Earl was not turned out, but ſurrendered? Indeed it looks greater ſo; which was Reaſon enough for a Term of Art in a Phraſe, which he thought would not be readily perceived. He ſays

Ib.—— *That Money from* France *was not ſufficient to carry on the War.* This is Garniture after the Uſage of the Pamphlets and Libels at that Time: Their Rule of writing was to make the King odious; and, for that End, the Alliance with *France* was ever exaggerated as their chief Topic; and it is a Wonder to obſerve how much of that Learning is found in a Page or two of this Book, and with what ſpirited Malice it is put in.

Ib. *The King thought it neceſſary to try what the Parliament would raiſe him.*

It was not only an Experiment to be made, but the only Intent of the Meeting was to raiſe Money for the *Dutch* War; for all Shifts were over, the Exchequer ſtopped, and *French* Money failing (as he ſays) Nothing was left, but for the King to throw himſelf upon the Parliament for Supplies.

Ib.

Ib. *For this Purpoſe there was a Draught, prepared in the King's Council, of the Speech which the Lord Chancellor was to make to the Parliament, to perſuade them to approve the War.*

It is not eaſy to make this, and what follows, appear to be ſo very falſe, as I am apt to believe it is; for there is no living Authority to apply to; moſt, if not all thoſe, that were near enough to know, are now dead; and common Fame, as alſo ſome written Authority, charges the Speech upon the Earl himſelf without any ſuch tutoring in Council: But what is all that to a bold Lye, pretended to be a Secret lately come forth, and vented to the World by an Author of this Man's Pretenſions? Painters diſcern Copies by a Diſcerpancy between the Deſign and the Performance; ſo here, from the ſubject Matter, and the ſetting it out, a Judgment may, I think, be made.

An *Engliſh* Workman ſhould have been called in to aſſiſt, to have here mended the Formulary Part, which is groſly miſtaken, and ſhews plainly the Romance of a Foreigner. For there never was ſuch a Thing done as a Draught of a Speech prepared in Council, or in the Cabinet (if we allow the Author to mean that) and it cannot well be done: For penning a Speech is a Buſineſs of Privacy, where there is Freedom to invent, alter, think, and correct; and not for a Board, where all will be Correctors, and none Inventors; and where the croſſing and thwarting one another, in Matter of Flight or Expreſſion, muſt diſturb all Compoſition of that Kind, and render it impoſſible to be done in that Manner. There may be indeed Heads, or Minutes of Things, proper to be inſiſted upon, prepared, and ſet down in Council; but the Compoſition of a Speech never was ſo made. This, though but a Circumſtance, is yet ſufficient to ſhew the Story to be a Fiction; for Truth is uniform, and hath no ſuch Flaws.

But the Author's Deſign was (and that miſled him) to clear the Earl of the whole Matter, both of counſelling the War, and having to do with the Speech; for, ſetting aſide the *Delenda eſt Carthago*, the whole Tenor of it is to juſtify the War, and with ſuch a Spirit as ſhews it was *ex Animo*. And, ſince the Author's Skill would clear him of all as well as part, why ſhould he cobble, but ſhew him to his *Amſterdammers* as clear as Chryſtal.

But yet an Infant, or rather an Idiot (if I may ſo ſay) in Buſineſs of the *Engliſh* Court, muſt know that never, ſince the Office of Chancellor was heard of, was there ſuch an Affront put upon one in that high Poſt, as to prepare a Speech for him; and the Thing is next to impoſſible. And the Author ſhews an Affection too ſtrong for Diſcretion, or elſe that his Whig-Maſters here had ill inſtructed him; otherwiſe he could never have thus ſet forth the Making, firſt, a Chancellor, and then his Speech.

We will yet go nearer with him, and ſuppoſe what may be, and was, reaſonable, though I believe, in that Caſe, it did not happen; which is that his Lordſhip, after he had prepared his Speech, laid it before his Majeſty in Council, that the Whole might have his Allowance; and then, what-

ever the Event was, he could not be blamed. And ſo it is not impoſſible but a Word or two might be altered, or ſome Conceit inſerted; and, if the Author had coined his Story right, he would have put it forth in this Manner. But the leaſt Untruth in the Manner, much more one ſo groſs as this, taints the Whole, and betrays the Falſity.

There is yet more to alledge againſt this Fible. It is not likely any one would pretend to criticiſe upon a Lord Chancellor's Speech. If his Lordſhip knows his Maſter's Aims, and applies to that, the Form and Figures are left wholly to him, who is ſuppoſed to be a Maſter Penman, and, in that and Eloquence, ſuperior to the reſt. I can a little gueſs at this, becauſe that there was once a Lord Keeper *, who, as I have heard, intended (if he had been truſted to ſpeak after the King in Parliament) to have laid a Draught of his Speech before the King, and not have ſpoken one Word or Syllable, but what his Majeſty had been ſo made acquainted with, and approved. But, as Affairs then ſtood, it was ſuſpected he would have uſed ſome Expreſſions not altogether agreeable to the King's Mind; and, for that Reaſon, it was thought more proper to divert his ſpeaking at all (as was done) than to trim his Speech for him; becauſe that would occaſion an invidious Diſlike of his Expreſſions, and for Reaſons given that perhaps would not be ſatisfactory to him; or elſe he might be put upon ſaying ſomewhat that did not ſquare with his Judgment. The Author is not acquainted with theſe *Decorums* of a Court, nor how tender they are of the Countenance of ſo great a Man as the Chancellor is, who, in Forms of Law and Speaking, is uſually the Oracle of the Court: Elſe he would never have brought one to the Council, to take from them a Speech that he was to make in Parliament, and without allowing him to have a Hand ſo much as in the Compoſure of it. This may be believed by thoſe that know no better.

Nor is this all; for the Story is the more egregious, the Scene being laid in a Court ſo ſupine in Buſineſs as that was: The King was always glad of a forward Undertaker, for his Eaſe; and, when he had ſettled that Point, the Care was over with him: And I have heard diverſe ſay that, in that Time, the Court was ſo averſe to Buſineſs, that the Parliament was ſeldom thought of till it was at Hand; and then, as I ſaid, forward Undertakers were the moſt grateful Counſellors: And how the Earl ſtood in that Reſpect, I ſhall touch afterwards. The Author goes on,

Page 8. —— *But, this appearing too weak to the King and Council, as not preſſing the Matter home enough, they thought fit to alter it, and, in Spite of the Lord Chancellor's Advice, to inſert* ——— Delenda eſt Carthago. ———

This Tale hath a Plot-like, or Narrative Reliſh, ſuch as comes from mean Fellows talking of Kings, Councils, and State Affairs. But I wonder why the Chancellor's Wit ſhould be ſuſpected, as that he could not make as quaint

* The Lord Keeper *North*.

and urging a Speech, and with as many Flowers of Force, and particularly that of the *Delenda, &c.* as any other Perſon about the King; and who was there in Court at that Time that would have ſo far expoſed himſelf to the Fury of a Chancellor, as to pretend to put a Speech upon him? For there were not many, if any, Secrets in that Court. It was well known that the Chancellor was the top Wit amongſt them; and he was very liberal in the Uſe of it: His *Copia* was that Way, nor cared he though he let it fly when Diſcretion ſaid no; and it muſt be a Wonder who could be found to make a Speech for him. The Men, that ſerved in the Parts of the Law, as the Attorney General and Solicitor, if there had been ſuch a monſtrous Attempt as to go from the Keeper to them, were both averſe to the Court Model at that Time, and therefore not truſted: And the Treaſurer *Clifford*, and the reſt of the Cabinet, were moſtly Men of Pleaſure and Conceit, rather than Pretenders to Eloquence; ſo that it is not eaſy to find any other crafty Maſter of Speech-making, to the Purpoſe of that Time, but the Chancellor.

I cannot but obſerve the mean Part here aſſigned to the Chancellor, as in theſe Words; *Againſt his Sentiments,* —— *muſt pronounce,* —— *obliged to get by heart,* —— *much diſordered,* —— *yet Preſence of Mind and fluent,* —— *Mr.* Locke *behind prompting.* —— All of a Plebeian Invention, and ſo contrary to the State of Affairs and Perſons at that Time, as renders the Story altogether incredible. It was well known that the Chancellor, inſtead of being backward, was then Cardinal in the Opinion of the Court: And he got to be made Chancellor purely by the Intereſt of a bold Undertaker, to do what the dull Miniſter, he roſe upon, refuſed to do; and that was to iſſue a Commiſſion of Martial Law, and to enjoin Suits againſt the Bankers. The former he diverted; but the latter he did half Way, and then dropped it: The Occaſion will be touched. He was the notorious Author of the Stop of the *Exchequer*, and, as Sir *William Temple* ſays, the Adviſer of the *Dutch* War. Who was fitter than he to ſupport, by his Authority in Public, the Counſels he had given in private? And for that End was he taken in; and the Pinch of the whole Affair turned upon a favourable Acceptance in Parliament. He therefore of any Courtier was moſt concerned to labour that Point with all the Efficacy and Invention he could; and ſo, laying hard on in a Speech, to endeavour, if poſſible, to make the Money come eaſily.

It is certain he was, at firſt, the moſt touring Chancellor that ever preſſed his Cuſhion; and he not only laboured with all his ſubtile Arts (though his Writs, during the Prorogation, turned upon him) to ſecure a Majority in the Houſe of Commons, but had wrought himſelf into a Belief that he ſhould prevail. In Confidence of that, he inſulted all Sorts and Orders of Men under him, defied the Officers of the Court, and Counſel, and their Forms, and would teach them that a Man of Senſe was their Superior. Nor did the Commons eſcape this Animadverſion; for he declared publicly that

that he knew not by what Law or Reaſon they ſhould ſit and vote themſelves Privileges: And, at his firſt going to *Weſtminſter-Hall*, a Cavalcade of all the Judges and Officers, a coloured Gown and ribboned Pantaloons made his Entry illuſtrious. Now let any one judge if this ſneaking Character, in which the Author hath dreſſed up his Lordſhip, hath any Coherence with the State of Affairs, or with the Court at that Time, or any Shadow of Probability.

There is a farther Conſideration yet, which makes this new Light to be a meer Will in the Wiſp, that is a Cheat. It is near thirty Years * from the Time of Action, before it was revealed; and, in ſuch a Period of Time, Forgers begin to lye boldly; for they preſume there are no living Witneſſes to confute them; and, if I am not miſtaken, that is the Caſe here: For all that were of that Council, or Cabinet at leaſt, where Matters of this Nature uſed to be conſidered, are gone; and Mr. *Locke* himſelf, *Page* 8. *(To whom his Lordſhip ſhewed a great Concern at this)* is dead; and who that other Friend, who had the ſame Intimacy and Honour, was *(who hath ſince declared the ſame in Writing)* doth not appear; but I gueſs he is dead alſo, becauſe the Author ſays ſince declared in Writing. If he had been living, he would have told any one that had a Mind to be ſatisfied; and, for that End, the Author ſhould have named him; as he might have done, for it is no dangerous Buſineſs: But ſuch affected Darkneſs in his Authority, till he produces better, will argue he has none at all. I queſtion much, if the noble Earl himſelf were alive and now amongſt us, whether the Author, or any one elſe, durſt have reported this diminutive Behaviour, ſo unlike and unworthy a Lord High Chancellor of *England*; but rather think that he would have reſented it as an Affront, and utterly diſclaimed it. But this Author, for ſetting up a Whig Hero, has debaſed a Miniſter of State down to a ſcholaſtic Obedience: And he is miſtaken in the Thing itſelf alſo; for how doth it excuſe? Or, rather, doth it not make the Fault more unjuſtifiable, that he did not do his Duty according to his Principle and Conſcience? As might have been ſaid if he had ſpoke his own Speech; but, as a ſneaking Tool of a Party, he ſpoke directly againſt his Conſcience and Judgment, in the Matter and Form of that Speech.

Nor doth the critical Author bring him off by *the Chancellor's being looked upon as the Mouth of the King.* And the Reſentment in *Holland* by ſuch as were *(Page* 9.) *ignorant of his Sentiments, and the Office of a Lord Chancellor.* For he ſhews himſelf ignorant of the *Engliſh* Conſtitution, in the moſt principal Inſtance of its Policy; elſe he could never have put forward ſuch a pitiful Subterfuge, or rather Shuffle, as this is. We know that the Miniſters anſwer for all Actions in their ſeveral Employs; and no Royal Command will excuſe them, either for evil Counſel, or the leaſt Act againſt Law; and what the Chancellor ſays well, is his Maſter's and his own; but

* That is when this Pamphlet was firſt publiſhed.

what

what is evil, is his own, and not his Maſter's; and a Chancellor is never capable of excuſing himſelf in any unwarrantable Action, or Speech, upon the King's Command. I would aſk any *Engliſh* Gentleman, if this Chancellor had been impeached for a High Crime and Miſdemeanor, for falſifying publicly the King's Aim and Purpoſes by the War with *Holland*, which was only to have Satisfaction made for Injuries already done to his Subjects, and to prevent the like for the future; and for declaring, in his Majeſty's Name, to the Parliament, that it was to deſtroy the States of the *United Provinces*, becauſe they were our Rivals in Trade (for, ſetting aſide the *Delenda eſt Carthago*, that is the Scope of the Speech) and the noble Peer ſhould, by the Advice of Mr. *Le Clerc*, have come in with a whining Defence to this Article, that truly the Speech was againſt his Opinion; but it was brought ready made to the Council, and, in Spite of his Sentiment to the contrary, the Words *Delenda*, *&c.* were put in; and he, being commanded to ſpeak it, got it by Heart, and, with help of a Prompter, made a Shift to get through it. Would the Commons have taken this for an Excuſe, or not rather for an Aggravation of his Crime? And would not the Lords, with Scorn and Indignation of his Meanneſs, have found him guilty? So ſhallow a Critic is this Man in *Engliſh* Affairs! And we may hope in God he will never have Means to be better inſtructed. But I would not have him go away in a Security that, although moſt of the living Witneſſes of this Tranſaction are dead, there is not *Teſtimonium Rei* loud in Oppoſition to him; and alſo ſome yet alive, that knew ſo much of the Characters of Men, and the Nature of the Matters upon the Stage in thoſe Days, as may with Boldneſs affirm this Fact, as he ſtates it, to be falſe; and invented, not for the Honour of that noble Peer but, for baſe and ſervile Purpoſes, ſuggeſted by a malevolent Party then and yet raging amongſt us. It is deſired therefore, if he would clear himſelf of this Imputation, that he will either own his Miſtake, and court the public Favour to excuſe him upon Account of his Byas and human Infirmity; or elſe, produce good and examinable Evidence of the Fact, which I gueſs no Man of Senſe will take upon his Word, or upon the Word of any one elſe from a poſthumous Hearſay: For we do not allow heroic Stateſmen to be canoniſed, as Popiſh Saints, upon late collected Tradition and Tales.

But I am gone off from another Argument in View, little leſs than demonſtrative; and it is the Neglect of uſing a Truth, ſo important and apologetical, in all the long Time when the Earl took the Poſt of heading the malecontent Party, and after his carryings-on had brought him to the *Tower*, and when he was urged capitally by Indictments of High Treaſon: During all which Time, nothing was left undone and unſaid, that could be thought proper, true or falſe, to make him popular; for all the Pamphlets and Libels, of that Time, made him Protector of the Proteſtant Religion, and Oppoſer of Tyranny and arbitrary Power (almoſt in the very Words this Author hath borrowed of them) and declared him to be perſecuted for

that and nothing elſe. Pretended Plots againſt his Life were cried about the Streets; and it was ſaid that, thoſe failing, *Iriſh* Witneſſes were ſuborned to ſwear Treaſon againſt him: All which, with a World more of ſuch Dunghil Stuff, may be found in the *Appeal*, *Second Growth of Popery*, and the *Three No Proteſtant Plots*, and other of the Author's Originals, of the ſame Sort, that infeſted thoſe Times. Now if the Earl's Party could have cleared him of the Blot of this Speech, which ſtuck hardeſt upon him of any Thing he ever did in his whole Life, as this Author has now ſo dexterouſly done, would they have forbore it? Eſpecially when it would have transferred the Odium from him upon the Court, and have made a notable Article in the *Growth of Popery*; the marvellous Author of which, if it had been revealed to him, would have made the beſt of it. And if the Modeſty or Scruple of the Earl would not permit to ſet it about, others, without, or againſt, his Leave, would have done it; for it muſt have been known to many, as well as to Mr. *Locke* and that other Friend; for the Court, as I ſaid, had no Secrets, and the Earl himſelf was not Tongue-tied. Nay the *Compleat Hiſtorian*, of whom I ſhall make honourable mention, would have had it, and then not have owned, as he hath done, that it was an *abominable Speech*. But, inſtead of any Benefit taken of this moſt opportune Paſſage for the Purpoſes I have touched, *altum Silentium*, not an Hiſs of it; but, on the contrary, the wicked People, called Tories, were continually laying this *Delenda* in his Diſh; whoſe Mouths might have been ſtopped if this Author's Fox-Tail had been extant, and, conſequently, the Lye muſt remain at his Door, unleſs he can clear himſelf, as was before hinted. I cannot but ſeriouſly wonder that an Author of Mr. *Le Clerc*'s Name, ſhould ally himſelf ſo cloſe to a malevolent Faction in another Country, and take and publiſh from them (if not invent and lye ſpontaneouſly for them) ſuch libellous Stuff, as I find in this Book. The very Extract and Stink of their Slanders are the Flowers of his Rhetoric: It were well if he would follow his Book and let us alone, and not Doctor it in Matters which he is ſo far from underſtanding, that even his Party-Men here, for Want of due Skill in Affairs, have fallen into prodigious Errors and Miſtakes in their Conduct; at leaſt it were to be wiſhed that he would not ſo conſtantly lick up whatſoever is nauſeous and depraved among us in Policy, Hiſtory, and Religion; and then vomit it back upon us again.

But, to ſtep forward a little, what follows is Matter of Deriſion, rather than of Confutation; for the Author ſays

Page 9. —— *But this noble Lord, in a little Time after* (his being made Chancellor, and having made his Speech to the Parliament) *perceiving the Mark the Court aimed at — left the Court Party.*

Hiſtorian Choiſé! Nothing is more notorious than that this noble Lord, when he was firſt made Lord Chancellor, was the moſt tranſcendent Prerogative Man of the Age; and not only ſuggeſted, but acted in the moſt unwarrantable Steps then made; which I might largely ſhew if I would

enter into Particulars; thoſe touched, and well known to the Cotemporaries, ſhall ſuffice to juſtify the Remark: So far was he from being a Stranger to the Aims of the Court! He could not be ignorant of his own Thoughts, Advices, and Actions. But, to ſhew by what Means a Revolution of his Meaſures came about, I muſt remember that, at the Entrance of that Seſſion of Parliament, in 1672, his Lordſhip was marked out, by the Country Members, to be impeached. In the firſt Place, his Prorogation Writs miſcarried, and his Trick-choſen Friends were all turned out; whereby it appeared the Country Party, inflamed againſt him, had an undoubted Majority; beſides that the King had given up his Declaration of Indulgence (from which, by the Earl's Advice, as was preſumed, he had at firſt told them he would not depart) by which it appeared plainly that there would not be a Breach between the King and the Parliament upon his Account. Then his Lordſhip was enlightened, and, even while he was Chancellor, he fell in with the Meaſures of the Anti-monarchiſts; and, from a State of being impeached, he became their Favourite: And from thenceforth he kept his advanced Poſt in the Managery of all the Party Concerns, and was cried up for a Bulwark againſt Popery, and a Preſerver of the Peoples Liberty and Property. This is what the Author calls *perceiving the Aims of the Court*; and to ſerve his Turn, he would have his Lordſhip paſs for an *Ignoramus*, who knew nothing till the Great Seal cleared his Eye-ſight, and diſpelled the Miſts and Fogs, behind which the Court-Gunners lay in Ambuſcade.

Whether his Lordſhip's High-flying, as they call it, on the Side of the Court, was only for the Sake of Advantages to be had that Way, or elſe was owing to a ſecret Underſtanding with the moſt deſperate of the adverſe Party, as the hopefulleſt Courſe to bring down the Monarch or Monarchy (for if the King, in the midſt of a War, broke with the Parliament, he muſt needs then take undue Courſes to get Money, as his Father did, and, purſuant to ſuch an hopeful Beginning as ſtopping the Exchequer, be undone; and, by that Means, the Earl appear uniform in all his Meaſures; for, from this Criſis, he continued the ſame to the very laſt) which of theſe was the Caſe, it is impoſſible for either of us to determine; but there want not Colours to induce an Opinion either Way; and ſo it is left to the free Arbitriment of Thought.

But the Jeſt is, according to this Author, the Earl had a Tutor too, the jolly Duke of *Bucks*. For he told him roundly that

Page 9. —— *Not only the Duke, but the King was a Papiſt.*

Which is ſillier than all the reſt; as if the Earl had not as great a Penetration as his Grace. The Earl was an acute, obſerving Stateſman and Courtier, and was as much, if not more, in the Way of obſerving, than the Duke was or could be; for he was no Formaliſer in his Morals, any more than his Grace, ſo as to be ſhut out of the free Converſation of the Court; and, for Wit and Policy, he was his Maſter. But not to ſ

this Author's Turn, he muſt be ſent to School to this noble Railleur to learn the Marks the Court aimed at, and what the King's Religion was. If this had been pretended at that Time, it had been laughed at, as a Banter fit only for ſome Buffoon in a Coffee-Houſe to rally a Country Put with; and not taken for a Piece of ſerious Hiſtory, as this critical Author makes it.

We know very well that, in thoſe Days, and for many Years after, when the Faction came to profeſs, as they did, a tremendous Oppoſition to the Crown, nothing was ſo rife and current in their Mouths, as that the King was a Papiſt; and a certain Cacodemoniac of a *Compleat Hiſtorian* has lately dared to ſay the ſame in Print. And his Majeſty might the better bear it, becauſe all his Miniſters and Friends, all over *England*, were in the ſame Predicament; either Church Papiſts, Papiſts in Maſquerade, Popiſhly affected, or Adherents; as who will may ſee, that will look into the Libels in Print. If ſaying will make a Man an Horſe, very few would want a Steed upon Occaſion. And it was moſt neceſſary for the Faction to put all upon that Point: For, as to the Duke, they had the Ball at their Toe, and thought they might hamper the Succeſſion well enough: But that availed little, the Game would grow cold with keeping ſo long; they muſt keep it going, and draw the Whole to bear upon the preſent, by Aſſociations, Regulations of Commiſſions, the Militia, *&c.* and ſo diveſt the King of all his Force upon Pretence of guarding the Proviſion about the Succeſſion, which might, in Time, work rarely.

The Author and his Friends are miſtaken if they think this Proceſs is ſo ſoon forgot; and how, like him, the Party was at a Loſs whether to let the King have any Religion at all, or no, or be really a Papiſt; and many, that made him a Papiſt, yet would have him to have no Religion, which is hard: But the Author hath artificially reconciled that Difficulty, by bringing in the Duke of *Buckingham* telling the Earl of *Shaftſbury*.

Page 9. *That the King, being a Papiſt, concealed it by ſetting up for a Wit, and appearing, on all Occaſions, indifferent as to Matters of Religion.*

This Scandal upon the King ſerved to depreciate him in the People's Opinion, as the Faction made full Account; and for that End only, and to have an Handle to put hard Meaſures upon his preſent Power, they induſtriouſly ventilated it abroad in all Coffee-Houſes, Clubs, and Prints of that Time. But yet they could never get the better of the King's Behaviour, which was regular, and conſtant to the Service and Sacraments of the Church; permitting the Laws to be executed in all the Rigor, as the Faction demanded: Which they did, not that they liked Perſecution but, to expoſe the King, thinking he would, out of Good-Nature, refuſe them. This untoward Behaviour of the King was too hard for all their Calumny; and it was ſtrange to obſerve what a Degree of Confidence and Affection grew up between his Majeſty and the People in general, notwithſtanding

the cankered Endeavours of his Enemies; as the Hiſtories of that Time, if true, muſt clearly demonſtrate.

It is remarkable that this Author ſhould be ſo weak in Truth, to ſet up thus, as he doth, to be an Echo of an old decrepit Faction amongſt us, and to vent their Fuſtian in Points and Tags at this Rate; and that at this Time of Day, when there ſeems no Uſe at all to be made of it, but only to gratify an Itch of Leproſy of Slander. When Power and Government lay upon the Table, it was worth while to plot, cabal, and defame, in Hopes of what, in their factious Opinions, was to follow; but it is the loweſt Office of human Capacity, after the good Things are gone, to do the Drudgery of cleaning away the Filth from thoſe that ſtrove for them. And, for ought I ſee, that is the Part this Author and his Friend, that other Cacodemon I mentioned, have undertaken; the latter by ſpinning out a long continued Lye, and the former by Snatches and Scraps; as may be ſeen if you take Notice how carefully, on every Occaſion, he lards in the Cant of the Faction, *viz. Poſery, Tyranny, and arbitrary Power.* I muſt confeſs I cannot reconcile the Proceeding with common Senſe; unleſs we will imagine they have ſome Reſerve in their Minds of playing over the old Game again; and therefore muſt authenticate the Examples of ſuch paſt and exploded Practices: But enough of this.

Before I go farther, I muſt obſerve the Author's Miſtake in making the Godly Duke of *Bucks* Tutor to the Earl of *Shaftſbury*; for, in Truth, they were Fellows and Companions in the Headſhip of the Sober Party. They were together in the Project of diſſolving the Parliament by Mob-Law, and went lovingly to the *Tower*, being committed by the Houſe of Lords for it: But the Duke ſubmitted firſt, and got out; the other ſtaid longer, and made the utmoſt Proof of the Experiment; but recanted alſo at laſt. They joined in becoming Citiſens: The Earl had a great Houſe in *Alderſgate-Street*; the Duke had one at *Sion-Hill*, for the more Security of their Trade, and Convenience of driving it amongſt the *Londoners*. So that, in Raillery, they were called *Alderman Shaftſbury* and *Alderman Buckingham*; but the latter had ſo many Callings in other Places, he could not ſtick to his Buſineſs in the City, and neglected his Ward; which was a great Hindrance to Projection. Obſerve then the Art of this Critic in framing a Piece of Hiſtory. A Banter of the Duke of *Buckingham*, who ſeldom ſpoke ſeriouſly, opened the Eyes of the ſubtile politic Earl of *Shaftsbury*, who, before that, was ignorant that the King, in the Shape of a Wit, and a Latitudinarian, was a Papiſt (which, by the Way, is a ſhrewd Reflection upon the Men of Wit and Latitude) and, on the other Side, Sir *William Temple*, a ſerious and grave Writer, never ſuſpected of falſifying Matters of Fact, employed in the State, and intimate with the Court, writing that the Earl was a main Cauſe of the *Dutch* War, muſt have no Authority at all; but it ſeems the Earl obſtructed his Preſent of Plate (forſooth) therefore he fell to lying and ſlandering of the ſaid Earl moſt abo-

minably, as the Author injuriouſly charges that honourable Gentleman. Is not this pure Extract and rectified Spirit of Hiſtory? And indeed the Author is to be commended here, becauſe he names his Authors and Authorities; for we are thereby enabled to judge of their Value and of his Honeſty. The Author tells us

Page 9.——*He left the Court Party, who in vain tried all Means to keep him in their Party.*

We ſhould gladly have known when, where, and by whom theſe Means were uſed ſo unſucceſsfully; what Preferments were offered, or what Sums of Money ready to buy him off: They muſt ſurely bid high; for one, turned out of ſo great a Poſt, muſt needs be affronted and not reconciled eaſily. No, but the Caſe was deſperate, for

Ibid. *He had ſo great an Averſion to Popery, Tyranny, and arbitrary Government,*——

There is the Crambe of the Faction; the pretty Characters of an ancient and legal Government in *England*, without giving an Inſtance of the leaſt Abuſe in it, ſo as one may judge of the Truth of his Inſinuations.

——*That, though in other Things he was very moderate*——

There is another Crambe: Doth he mean in Wine, Women, or Honeſty? Or in what other Things was he ſo moderate? I am ſure it was not in his Party Proceedings; there he was zealous enough.

——*There was no moving him in thoſe Reſpects.*

So here the Interpreter is come: We were at a Loſs to know what it was to be of the Court Party, to which the Earl, if it might be done, was to be purchaſed at any Rate; and now we find it was to join in the Eſtabliſhing of Popery, Tyranny, and arbitrary Power, which are couched in that elegant Expreſſion, of being *moved in thoſe Reſpects*. I deſire to know if it is poſſible to frame a more ſcandalous Libel than this. Then he adds

——*This is well-known to all thoſe who had the Honour of being well acquainted with him, or who have had his Character from them.*

This muſt all relate to *Holland*, and the Converſation there, when he was an illuſtrious Refugee: For little of it is to be found here; for, if one may gueſs by the Behaviour of the Party that pretended to act under his Influence and Advice, there is room to ſuſpect he was not ſo irreconcileable to arbitrary Power, provided it were in Himſelf or his Friends. We will not look back ſo far as the Seal; but after he had, as the Author ſays, returned that to the King, I may affirm there never was a Set of Men ſo unreaſonable, outragious, and immoderate in moving Things againſt Law and common Senſe, as that Faction was; of which Multitudes of Inſtances may be given; But a few for a Taſte: Diſſolving the Parliament by Mob-Law; impriſoning Magiſtrates and Freemen, by Shoals, on Pretence of abhorring, miſcalled *Breach of Privilege*; the long-laboured Engine, called *Ignoramus*, for ſtopping all Law againſt State Criminals; denying the Power of the Crown to pardon Perſons impeached, *cum multis aliis*. I do

but point out a few Peccadillos for Demonſtration of the Juſtice, Moderation, and Equity of that Faction, which perhaps may have been confirmed by ſome later Emergencies; and I durſt anſwer, it will be found ever the ſame.

This Concern of a foreign Writer in taking Part againſt our ſettled Government and Conſtitution, almoſt tempts me to a Breach of Charity when I reflect upon the Behaviour of the whole *Hugonot* Race and Name. One would think they ſhould praiſe the Bridge they go over, and, if not for Opinion, yet, for Gratitude and Humanity, forbear ſiding with thoſe Men who ever were, are ſtill, and are likely to continue in a perpetual War againſt the Eſtabliſhed Church and Monarchy, and that with remarkable Spite to the Royal Family. If any one of them hears King *Charles* I. well ſpoken of, it puts them under a Chagrin; and calling him Martyr, puts them paſt all Patience. Archbiſhop *Laud* is, with them, no better than a Devil; King *Charles* II. a Papiſt and Tyrant, though a ſingular good Friend and Cheriſher of them; with ſuch like fanatical Illuſions that poſſeſs them; and, ſo far as we have indulged them to act amongſt us, if there be *Whig* and *Tory*, we know where to find them to a Man: All which Conduct of theirs is as far from primitive Chriſtianity and Modeſty, as Heatheniſm is from Chriſtianity. It would be well therefore if they would mend their Manners, and learn to live leſs pragmatically under a Government which ever protected, relieved, and never hurt them; leſt the Charity here ſhould be repented of, and the Uſage of them at home be thought but their due. But we have not done with the Author yet.

Page 10. *The Earl of* Shaftſbury *being reconciled to the Court (out of an honeſt Deſign of being as uſeful as he could to his Country) was made Lord Preſident of the Council in* 1679.

A careful Parentheſis! He has not ſaid, in any one Place, the Certainty of any Facts the Earl deſigned, but only in general, to oppoſe Popery, *&c.* leaving the reſt to ill-natured Conſtruction. So that all he ſays, has not the leaſt of juſt Information in it, either of the State of the Public while he was concerned with it, or of the Actions of the Earl himſelf, by which he might be underſtood: But only that the Court was bad, and he was good; the Court Popiſh and Tyrannous, and he a Proteſtant, and a Protector of Liberty; the Court drove on to eſtabliſh the Ruin of the Proteſtant Religion and the Laws, but he oppoſed; and that was all he had to anſwer for, although proſecuted, as a Martyr, for his Country. In this Manner, though perhaps in fewer Words, he ſets us forth; which Method, if tolerated, puts it in the Power of an Hiſtorian to make black white, and white black; to corrupt the Evidence of paſt Times and Examples, and render Hiſtory, that ſhould be diſtinct, and wholeſome to future Times, obſcure and venomous. If it be ſaid he deſigned not an Hiſtory of that Time, what made him ſo maliciouſly cenſure the Time? His Deſign, the Life of Mr. *Locke*, did not lead him to that; he might have mentioned his

Relation

Relation and Dependance on the Earl without libelling the King, the Council, and the whole Miniſtry. But that is enough to ſhew, if he did not deſign Hiſtory, he was fully bent upon Slander; and therefore gave us only his falſe Concluſion, without any Premiſſes either true or falſe. The reſt is categorical.

Page 10. *Having again taken his Place at the Council, for the Good of the* Engliſh *Nation, rather than to carry on the Deſigns of the Court, which aimed at the Eſtabliſhment of Popery and arbitrary Power.*

Carefully expreſſed again. There is a great Latitude in that Phraſe — *for the Good of the* Engliſh *Nation*; for if he had made himſelf Lord Protector, many had ſuch an Opinion of him as to think that had been ſo; and not a few accounted ſubverting the *Engliſh* Monarchy and ſetting up new fangled Governments no worſe. So what do we get by this Character of a Stateſman's Purpoſes? Fallacies lye in Generals, and an Author of Logic ſhould not be ſo groſly guilty. But you hear again what the Deſigns of the Court were; which, from his Pen, without any Particulariſing, is enough. But, that a Child of the Noon-Day Father, I mean a ſcandalous Lye, may not paſs by ſo cleverly, I muſt, for Truth's Sake, remember that, in that Time alluded to here, and from the eſtabliſhing the Teſt Laws, during the King's Life, it was moſt notorious that all the Miniſters of the Crown, Judges and Soldiers, in Commiſſion, were Proteſtants, and conformable in Eccleſiaſticals, as well as Temporals, to the known Laws of the Land; not one ſingle Papiſt to be found amongſt them; the Fence-Laws of the Teſts exactly obſerved, which made it impoſſible to be otherwiſe; for thoſe incontroulably excluded Papiſts from all Poſts of Profit, Truſt, or Authority under the Crown: And, in the General, if ever the Law was the Rule of a Government, it was then; little being attempted to the contrary, if any thing at all, and that of no Duration and Effect. The Miniſters of the State and Juſtice were generally able Men, and that lived well, and were greatly eſteemed in the Nation; nor was any Protection or Screen from the Court had againſt the Parliamentary Accuſations, or Proceedings againſt any of them; but ſuch had all their free Courſe as far as they would bear. And finally, in the Reign of King *William*, an Inquiſition came over theſe Miniſters and Magiſtrates with all the Fury and Prejudice imaginable, and no Fault could be found in their Miniſtration, even by their enraged and uncontrouled Enemies: And yet this ſquinting Critic can ſay *the Deſigns of this Court were to ſettle Popery and arbitrary Power*; which ſcandalous Declaration, here among us, had merited no better Reward from the Juſtice of the Nation than a public Stage and wooden Caſement. Then follows

Page 9. *Freſh Crimes were ſoon laid to his Charge.*

They were ready cut and dried, and then might *ſoon* be applied. The King here is in the Word *ſoon*; which inſinuates that the Word was given out, *conclamatum eſt*, he muſt, right or wrong, be charged; and then the

dreſſed up Accuſation *ſoon* came on. This is exactly the Libel Strain of that Time.

Page 10. *And thereupon the King ſent him to the* Tower.

That is upon direct Evidence againſt him, ſworn by diverſe competent Witneſſes, by regular Warrant, grounded on that Charge, he was committed. The Author perhaps doth not know the Strictneſs of Commitments in *England*, which are not made without Warrant, and that by a proper Magiſtrate (as by Order of Council when the Examination is there) expreſſing the Offence; and there is always Teſtimony upon Oath taken in Writing before the Warrant iſſues. But he would have us think, upon a looſe Charge, the King committed him by his immediate Authority, ſuch being his Royal Will and Pleaſure; which he uſeth not to do, nor was it ſo done in this Caſe.

Page 10. *But he was acquitted in Spite of the Intrigues of the Court.*

Theſe Intrigues you muſt know are only Subornation and Perjury in the Proſecution. That is the Subſtance: As for the Form, it is ſtrange a foreign Critic ſhould write ſo roundly of *Engliſh* Forms, and underſtand ſo little of them. He could not be acquitted, becauſe he never was tried; nor could he be tried, becauſe the Indictment, preferred and proved againſt him, was moſt perjuriouſly rejected. Now where is the Intrigue of the Court? The Attorney General proſecutes publicly, and, in the Face and Hearing of Multitudes preſent, proves his Charge: The corrupt Grand Jury, a ſelect Company of the ſame Party with the accuſed, conſult privately, and reject the Charge: Sure the Intrigue was amongſt them, and not on the Part of an open Proſecution.

The Libel here is dreſſed in few Words, but very pregnant, and ſuch as give Scope to a malicious Imagination to ſuppoſe all the Villainy in the World. But it will not be diſſolved, in ſo ſmall a Compaſs, to the Underſtandings of Strangers to our Forms, who, from this Account, will have no other Idea than the Author, by the Words *Intrigues of the Court*, deſigns to excite; that is direct Subornation and Perjury: Therefore I think it not amiſs to declare the true Intrigue in as few Words as I can.

By the Law of *England*, no Man is put to anſwer, or plead, at Peril of his Life, before a Grand Jury hath allowed the Indictment; which is an Inqueſt, not of the Merits of the Cauſe (for that is to be examined upon Hearing of both Sides, Proſecutor and Defendant) but of the Accuſation, upon hearing only what the Proſecutor hath to ſay and prove; and if there be a legal Evidence, though perhaps of doubtful Credit, whereby it appears the Indictment is without Ground, the Grand Inqueſt is bound by their Duty and Oaths to find the Bill, that is, return upon it *Billa vera*. But if, upon Examination, it appears that there is not a legal Evidence of ſuch a Charge, then they return *Ignoramus*; and that is a full Stop to the Proceeding, but no Acquittal; for another Indictment may come in for the ſame Offence *toties quoties*, till *Billa vera* is returned; and then there

is a thorough Canvaſs of the Fact before a Petit Jury, and both Sides are fully heard. This is the Trial whereupon the Party is either found guilty or acquitted; and, after that, no Indictment farther can be preferred. This is the Courſe of Proceeding in capital Caſes in *England*; whereby it appears that, if the Grand Inqueſt be corrupt, and will refuſe to allow Indictments that have a regular Evidence to ſupport them, they put a poſitive Bar to the Courſe of Juſtice, break their Truſt, and are wilfully perjured.

Theſe Grand Inqueſts, or Juries, are ordinarily choſen and returned by the Sherriffs; and thoſe, for *London* and *Middleſex*, are appointed by the Body of the City at an Aſſembly of the Corporation, which they call their Common Hall: That conſiſts of the Livery Men of the Companies, which are an Order ſelect for performing ſome Sort of Duties, principally for Elections of Officers; and are ſuppoſed to be *de melioribus Civium*, who, together with the Lord Mayor and Aldermen, act in the Common Hall, and are, for thoſe Purpoſes, the Body of the City. It hath appeared manifeſtly that the Faction againſt the Crown in *England*, for whom this Author is of Counſel, under the Conduct of their noble Leaders, foreſeeing what Occaſion there might be, have, for many Years before theſe Doings, gone on in a Courſe of modelling the Livery into their Faction; and ſo, by taking Advantage of factious Magiſtrates, and Rulers of Companies, they have encreaſed the Number of Livery Companies, and ſtrangely multiplied the Livery in each Company: Whereby, from a moderate, reaſonable Aſſembly of Citiſens, as the Common Hall formerly was (and that it might be ſo, the Livery was originally inſtituted) then it was become tumultuous, and far beyond the Capacity of the Great Hall to receive. And, by a deſigned Series of modelling and augmenting out of this Party, the Aſſembly took the ſame Complection, and acted by factious Meaſures: And that was ſeen in nothing more than the Choice of Sherriffs; for they came at length to be ſo bold and bare-faced to appoint Sherriffs that returned the Grand Juries out of the moſt profligate Confidents of the Party, who, with all the Effrontery imaginable, againſt the Opinion of all the Magiſtracy above them, and againſt Duty and their Oaths, rejected all Indictments againſt their Partiſans; and, from the Form of their perverſe Returns, were ſtigmatiſed by the infamous Name of *Ignoramus Juries*.

Upon this Scheme the Faction had built up an Impunity, in Caſes capital, for their whole Party; for if they could not be accuſed in *London* and *Middleſex*, where the Seat of the Government was (and for that they depended on their Friend *Ignoramus*) they were ſafe. Behind this Retrenchment they grew ſo confident and audacious in Treaſon, and treaſonable Practices and Speeches, as then would have made a Stranger think there was no Government at all. And the Party reaped the Fruits in diverſe Inſtances of this Security, which was effectual to them in ſcreening their Friends from the ordinary Courſe of Juſtice; but in none more eminently than in this Caſe of the Earl. Thus it continued till a Reſtauration of the

Authority

Authority of the Lord Mayor to influence the Appointment of one Sheriff, to be confirmed, and another to be elected by the Common Hall, according to ancient Solemnities and City Cuſtoms.

The King's Attorney General being commanded to prefer an Indictment of High Treaſon againſt the Earl, and having Experience of the Behaviour of the Grand Inqueſts, and not doubting but to meet with the like in this Caſe, thought fit to inſiſt that his Evidence might be given in the public Court, and not in a Chamber, as ordinary Matters paſs; to the End that the Court might aid the Examination, and ſee that it was free and fairly done; and the Aſſembly, which was extraordinary great, might judge whether his Evidence came up to the Charge, which was all to be enquired of, or not. This was ſtifly oppoſed by the Grand Jury Men, but yet ordered, and, accordingly, done; and they had full Liberty to examine in public, and conſult in private: And, after diverſe Witneſſes, as ſtrictly examined as at a Trial, a treaſonable Aſſociation, and Liſt of *Men worthy and worthy Men* (Innuendo the former to be hanged) and other Papers, found in the Earl's Cloſet, produced and read; yet the Reſult was *Ignoramus*.

It is not to be conceived with what Deteſtation this Return was received by the Court and the Audience (not of the Faction) and not only there but abroad: For I do not know that any Action of a ſingle Man, or Number of Men, in a Court of Juſtice, ever ſtank ſo in the Public Noſtrils, or flew abroad and diſperſed itſelf in Rumor all over *England* with more Infamy and Abhorrence than that did; which is well known to all that lived, and obſerved any thing, during the ſhort Reign of *Ignoramus*.

Here is a juſt and true Account of theſe Intrigues, ſo particular as who will may diſprove it, if they can; and not, after the Way of pure *mal dire*, a Sentence to ſting, and no Fact either to make it ſenſible, or warrantable; a Rhetoric fitter for *Billingsgate* than Hiſtory: To which competent Court of Judicature we refer the Author for his Approbation and Reward. In the mean Time, I deſire to know of him whether, in his Country, good Actions, or bad ones, ſuch as he calls Intrigues, ſhun the Light. In this Caſe, the Crown Side demanded the Light, and an univerſal Inſpection of the Proceeding; the other Party held ſtrongly to deal in the Dark, without Obſervation or Witneſs: Then, where lay the Intrigue in all this? If any, ſurely it was on the Faction's, and not on the Court Side; elſe it was not juſtly ſpoken of ſome, that *they ſought Darkneſs rather than Light, becauſe their Deeds were evil.*

I have not here entered upon the Merits of the Evidence, nor ſtated the Proceedings of the City at large; which are a Subject of greater Extent in Hiſtory than this Place requires; and who will may have Satisfaction from the public Prints about that Time, which ſet the whole Matter forth in full Strength on either Side. Here is enough to confute, and ſhew the Sycophantry of this Author: And I am ſorry it is ſo much, becauſe it may ſeem impertinent; ſince the Cauſe may be thought now ſcarce to deſerve

ſuch a Sort of Anſwer; it being ſufficient to a petulant Allegation, to return a poſitive Negation. But I was willing to be clear, and I thought leſs would not do: And, if this doth not come up to the Author's or his Friends Fancy, who may think I ſay too little as well as not clear enough, it is poſſible ſome other Pen may, at full Length, give them Satisfaction. But we have not done yet.

Page 10. *In* December 1682, *he retired into* Holland.

Any one, who reads this, would think that this retiring was from the Fright of this Proſecution; and leſt other falſe Charges ſhould be brought againſt him; and that Nothing particular and new had intervened to alter the State of Affairs as to his Lordſhip's Caſe. But there were two Conſiderations that made it very prudent for him to retire: For, 1ſt. The Office of Sherriff was taken out of the Hands of the Faction, and no Dependance upon *Ignoramus* left; whereupon the ſame Indictment, that was before rejected, might be again preferred againſt him. But that is not all. That Winter there was a bloody Conſpiracy formed, in which the whole factious Party, more or leſs, were concerned; ſome in an higher Degree, by Way of *Ravilliac*, to blunderbuſs the King and Duke all at once, paſſing by *Rye-Houſe:* Others more moderate, only to ſecure the King's Perſon and his Guards, to keep them from doing Hurt, that Reformation might go on, in a Parliamentary Way, without Diſturbance; and others, who perhaps were but the Rabble of the Party, leſs fit to be truſted, who acted by Inſtruction ſo far as they were thought fit to be employed; and that was, ordinarily, on all Occaſions to tumultuate, and, in general, to expect ſome great Matters to be done, though they knew not what. But it is certain, that Winter, all theſe Trades were going on together; and how far the Earl was guilty, or not, I will not ſay, but refer to the Prints, that is, the King's Declaration, the Trials, and the Account with the original Informations, published by the Biſhop of *Rocheſter:* And, as to the firſt of theſe, I may ſay boldly that a public Manifeſto of a crowned Head or State, in my Obſervation, hath not advanced in Affirmation, to the Univerſality of the People, Matters of Fact that were either falſe in themſelves, or wanted regular Proofs to ſupport them. This noble Earl conſidered that a Conſpiracy, ſo broad as this was, and managed looſely, as if it were to divert Clubs and private Dinners, and not executed ſo ſoon as thought, as true Policy required, would certainly be diſcovered; and ſo ſhewed his Wiſdom by retiring, which the Event demonſtrated; for, in *July* after, the whole Conſpiracy was diſcovered, not by politic Steps, and Piece-meal, as others had been, but all at once; which brought on the Trials, Executions, and Confeſſions, that are no Secrets; and, if his Lordſhip had been in *England*, he had been in ſome Danger alſo. I have but touched theſe Matters; and I thought it needful ſo far, to ſhew how the Author leaps over Hedge and Ditch to compaſs a Slander.

Ib. *K*—— William, *then P*—— *of* Orange *knew that his only Crime was, that he oppoſed the Deſigns of the Court.*

The Author makes very bold with King *William*'s Intelligence at that Time, to ſuppoſe that he was ignorant of ſuch poſitive Facts, as appeared broad and above-board in Proof whilſt his Concerns lay ſo deep in *England*. And I think he doth the Memory of that Prince no Honour to ſuppoſe them two ſo well acquainted, that the Prince muſt either know all his Actions and Behaviour, or think there was no Crime, in any Thing, that had been done, but only croſſing the Court. What was the true Cauſe of the Favour the Earl found in *Holland*, was beſt known to thoſe that ſhewed him Favour, and ſo we go on to the next Obſervation.

Page 11. — *Honour to this Province and* Amſterdam *in particular, that it entertained and protected ſo illuſtrious a Refugee.*

We will allow him his Partiality, and Praiſes of his Country; but it is not to be forgot that, where that hath harboured and protected ſome, another Country, called *England*, and particularly the City of *London*, hath not only done that, but ſupported and relieved many more, and ſuch as did not flee for Treaſon againſt the Eſtate, but for their Religion; and continues to do the ſame ſtill, though the Encouragement to it, from the Behaviour of either the obſcure, or the illuſtrious Refugees, is not great: And it would become the Author, in his next ſcribling Fit about *Engliſh* Affairs, to do us a little Juſtice in that Matter.

But, as for his illuſtrious Refugee, he may not perhaps know, ſuppoſing Innocence, how little Need a Peer of *England* hath to fly his Country for Refuge; having one at Home that, againſt all the Malice of the Government, if ever ſo fierce, would protect him; and that is Trial by Peers. For, in this Particular of Trials, the Peers of *England* are an Ariſtocracy, and have the ſole Judicature of each other in Capitals; and if a Peer be not thought guilty by them, he is ſafe, let the Court urge what they will. And how extreme nice and careful they are of their Juſtice I need not ſay; it is notorious: Therefore what Reaſon an *Engliſh* Peer hath to fly, except Conſciouſneſs of Guilt, I cannot underſtand. The next Figure is an Ejaculation.

Page 11. *May this Town ever remain a ſafe Sanctuary to the innocent, and, by its generous Carriage, draw down upon it ſelf the Praiſes and Bleſſings of all thoſe who are Lovers of Virtue, not only in its Proſperity, but even when it ſuffers the ſharpeſt Perſecution.*

I know ſome Corporations would have given him a large Share of Cuſtard for this: and, as well worth it, I ſhould have added no Allay, if, in the whole Tenor and Deſign of it, there were not bitter Invective and Libel againſt the Government of *England* in the Caſe of the Earl of *Shaftſbury*; and all founded upon manifeſt Ignorance and Untruths, and aggravated with the Malice of the Father of them. He doth not reflect how this Eulogy may be retorted upon him, as

" May that great Town never be a Sanctuary to guilty Perſons, and, by a " factious Carriage, draw down upon itſelf the Deteſtation and Curſes of thoſe " who are Lovers of Peace, not only when it is profitable for themſelves, " but even when they ſhall ſuffer by advancing it in neighbouring Kingdoms."

I think this as charitable and well grounded a Prayer, and leans on as much Truth as his. He ſees how cheap, Words, good or bad, are; one may find and beſtow them at Pleaſure; they flow after Prejudice: But Facts and real Teſtimony are not ſo much at his Service.

But, letting Rhetoric alone, I do not ſee where lies the Honour in protecting Fugitives, contrary to natural Stipulation; it is alike on both Sides; and honeſt Men uſe to ſtand to their Word, though it be to their Loſs, or at leaſt, do as they would have been done unto: And I gueſs ſome amongſt them would have taken it ill, if *De Wit* had been a Refugee from their Juſtice into *England*, and been made an Alderman of *London* on Purpoſe that they might not demand him. For if the State here had anſwered that the City Privilege had obſtructed his Delivery, they would have ſaid it had been a ſcandalous Trick, and a Breach of the national Treaty; but I never heard the Earl was ſo much as demanded.

As for the reſt of his Pamphlet (for it is no better) and his other Writings of *Engliſh* Affairs, I hope a better Pen will inform you of their Juſtice and Veracity; for they are out of my Way to cenſure: You will give me Leave here only to add that *Le Clerc*, in one Paſſage, has delivered up his Philoſopher to Infamy. For he ſays

Page 8. *That he gave Aſſiſtance to ſome Pieces his Lordſhip publiſhed to ſtir up the* Engliſh *Nation*, &c.

Unleſs he had ſaid what thoſe Pieces were, we are at Liberty to recur to ſuch Libels as then flew about in Print, which are little becoming a Philoſopher. I wiſh the Author had ſome Friend to adviſe him, whenever he writes of a foreign Country, never to take Parties, and tranſcribe and epitomiſe Libels, and make them yet worſe by his own malicious Manner of repreſenting the moſt ſcandalous Paſſages in them, nor take Inſtructions from Rebels and Fugitives, as here is done; for *Fergu ſon* may be ſmelt, who is as rank as a Polecat, in all that is ſaid here of *England*. I am,

S I R,

Your humble Servant,

R. NORTH.

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