

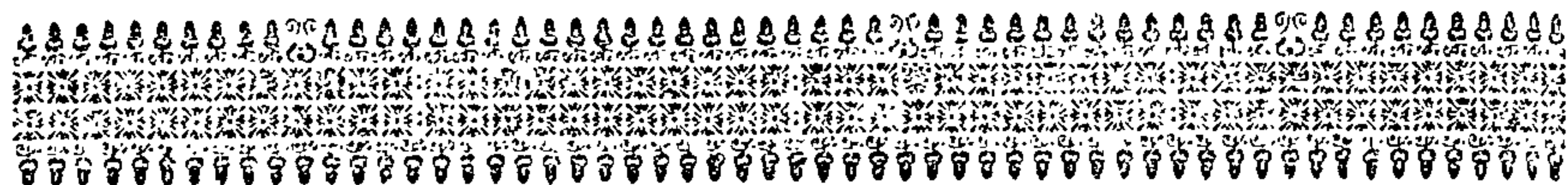
he may receive our Souls into everlasting Rest and Happiness, which he has been pleas'd to bestow on them that love him and fear him; and the Lord knows my Heart, I speak it in his Presence, that had the King been pleas'd to shew Mercy to me, I should have been a faithful and true Subject to him all my Days; but seeing it is the righteous Hand of God, that now I am come to this untimely Death, I desire you to lift up your Hearts and Souls to God with me, that when my Soul shall leave this Body, that the Lord Jesus Christ may with his everlasting Arms receive me to Glory: There is no Redemption after Death, we shall either go to eternal Woe, or eternal Happiness; therefore good Friends, I desire you to look up to God, that

when my Soul departs, it may be received to Glory.

Then they went to their Prayers; which being ended, their Caps were severally pull'd over their Faces, and after some private Ejaculations, the Executioner caused the Cart to be drawn away; and after they had hanged a while, they were severally beheaded and quartered according to their Sentence, and their Heads and Quarters conveyed in a Basket to *Newgate*, to be disposed of at the King's Pleasure.

Their several Quarters were buried on *Saturday Night, December 27.*

Their Heads were set up on several Poles, two on the one *Tower-Hill*, and two on the other, as near the *Tower* as might be.



LXIII. *The Trial of MARY MODERS, alias STEDMAN, styled the German Princess, at the Old-Baily, for Bigamy, the 3d of June, 1663. 15 Car. II.*

THE Court being sat, a Bill of Indictment was drawn up against *Mary Moders, alias Stedman*, for having two Husbands now alive, *viz. Tho. Stedman and John Carleton.* The Grand Jury found the Bill, and was to the effect following, *viz.*

THAT she the said *Mary Moders* late of *London* Spinster, otherwise *Mary Stedman*, the Wife of *Tho. Steaman*, late of the City of *Canterbury* in the County of *Kent* Shoemaker, *May 12*, in the Reign of his now Majesty the sixth, at the Parish of *St. Mildred's* in the City of *Canterbury*, in the County aforesaid, did take to Husband the aforesaid *Thomas Stedman*, and him the said *Thomas Stedman* then and there had to Husband. And that she the said *Mary Moders, alias Stedman, April 21*, in the fifteenth Year of his said Majesty's Reign, at *London*, in the Parish of *Great St. Bartholomew's*, in the Ward of *Farringdon without*, feloniously did take to Husband one *John Carleton*, and to him was married, the said *Tho. Stedman* her former Husband being then alive, and in full Life: Against the Form of the Statute in that case provided, and against the Peace of our said Sovereign Lord the King, his Crown and Dignity, &c.

Afterwards the said *Mary Moders, alias Stedman*, was called to the Bar; and appearing, was commanded to hold up her Hand: Which she accordingly did, and her Indictment was read to her as followeth.

Clerk of the Peace. *Mary Moders, alias Stedman*, thou standest indicted in *London* by the Name of *Mary Moders* late of *London* Spinster, otherwise *Mary Stedman*, the Wife of, &c. [And here the Indictment was read, as above] How sayest thou, art thou Guilty of the Felony

whereof thou standest indicted, or Not Guilty?

Mary Moders. Not Guilty, my Lord.

Cl. of the Peace. How wilt thou be try'd?

Prisoner. By God and the Country.

Cl. of the Peace. God send thee a good Deliverance.

And afterwards she being set to the Bar in order to her Trial, she pray'd time till the Morrow for her Trial: Which was granted, and all Persons concerned were ordered to attend them at Nine of the Clock in the Forenoon.

[The Reader is desired to take notice of the following Passage:]

After she was arraigned, and going back to the Goal, her Husband the young Lord told her, He must now bid her adieu for ever. To which she replied,

*Nay, my Lord, 'tis not amiss,
Before we part, to have a Kiss.*

And so saluted him, and said, *What a Quarrel and Noise here's of a Cheat! You cheated me, and I you: You told me you were a Lord, and I told you I was a Princess; and I think I fitted you.* And so saluting each other, they parted.

June 4, 1663.

THE Court was sat; Proclamation was made. Cl. of the Peace. O Yes! all manner of Persons that have any thing more to do, &c. Set *Mary Moders* to the Bar: Where she accordingly stood.

Cl. of the Peace. *Mary Moders, alias Stedman*, hold up thy Hand: [which she did.] Those Men that you shall hear called, and personally appear, are to pass between our Sovereign Lord the King and you for your Life: If you will challenge them,

them, or any of them, you must do it when they come to the Book to be sworn, before they are sworn. And then were called,

<i>William Rutland,</i>	<i>Simon Driver,</i>
<i>Arthur Vigers,</i>	<i>Robert Kirkham,</i>
<i>Arthur Capel,</i>	<i>Hugh Masson,</i>
<i>Tho. Smith,</i>	<i>Tho. Westley,</i>
<i>Fran. Chaplin,</i>	<i>Richard Clutterbuck,</i>
<i>Robert Harvey,</i>	<i>Rondolph Tooke.</i>

And she challenged none; but they were severally sworn by the Oath following:

Look upon the Prisoner: You shall well and truly try, and true Deliverance make, between our Sovereign Lord the King and the Prisoner at the Bar, whom you shall have in Charge, according to your Evidence. So help you God.

Cl. of the Peace. Crier, make Proclamation: 'O Yes! if any one can inform my Lords the King's Justices, the King's Serjeant, or the King's Attorney, before this Inquest be taken between our Sovereign Lord the King, and the Prisoner at the Bar, let them come forth, and they shall be heard, for now the Prisoner stands at the Bar upon her Deliverance: And all others that are bound by Recognizance to give Evidence against the Prisoner at the Bar, come forth and give Evidence, or else you'll forfeit your Recognizance.'

The Witnesses being called several times, and not appearing, young *Carleton* came into the Court in a rich Garb trimmed with scarlet Ribbands, and prayed that in respect his Father and the rest of the Witnesses were not all ready, the Trial might be deferr'd for half an hour; and he going back, and passing the Prisoner his Princels, who stood there in a black Velvet Waistcoat, dressed in her Hair, trimmed also with scarlet Ribbands, she, (veiling her Face with her Fan) laugh'd at him, to the great Observation of the Court: And so the young Lord left the Court (by Advice of his Friends) and betook himself to an adjoining House, where he stood the whole Trial.

After some stay, the Witnesses came into the Court, and the Prisoner was set to the Bar, and Silence being commanded, the Indictment was again read.

Cl. of the Peace. Upon this Indictment she hath pleaded Not Guilty, and for her Trial hath put herself upon God and the Country; which Country you are. Your Charge is to enquire whether she be Guilty of the said Felony, or Not Guilty: If you find her Guilty, you shall enquire what Goods and Chattels she had at the time of the Felony committed; or at any time sithence: If you find her Not Guilty, you shall enquire whether she did flee for it; if you find that she fled for it, you shall enquire of her Goods, &c. as if she had been Guilty: If you find she be Not Guilty, nor that she did flee for it, say so, and no more, and hear your Evidence.

Several Witnesses were sworn by the Oath following:

The Evidence that you shall swear between our Sovereign Lord the King and the Prisoner at the Bar,
VOL. II.

shall be the Truth, the whole Truth, and nothing but the Truth. So help you God.

James Knot. My Lord, and Gentlemen of the Jury, I gave this Woman in Marriage to one *Thomas Stedman*, which is now alive in *Dover*, and I saw him last Week.

Court. Where was she married?

Knot. In *Canterbury*.

Court. Where there?

Knot. In *St. Mildred's*, by one Parson *Man*, who is now dead.

Court. How long since were they married?

Knot. About Nine Years ago.

Court. Did they live together afterwards?

Knot. Yes, about four Years, and had two Children.

Court. You gave her in Marriage, but did the Minister give her to her Husband then?

Knot. Yes, and they lived together.

Jury. Friend, did you give this very Woman?

Knot. Yes.

Court. What Company was there?

Knot. There was the married Couple, her Sister, myself, the Parson, and the Sexton.

Court. Where is that Sexton.

Knot. I know not, my Lord.

Court. You are sure they were married in the Church, and this the Woman?

Knot. Yes, I am sure of it.

Court. How long ago?

Knot. About Nine Years ago.

Court. Did you know this Woman before the Marriage, and how long?

Knot. Yes, I knew her a long time, I was an Apprentice seven Years near her Mother's House in *Canterbury*.

Court. Then she's no foreign Princess? Of what Parentage was she?

Knot. I did not know her own Father, [and in that he might be believed] but her Father-in-law was a Musician there.

Court. You saw her married: What Words were used at her Marriage, and in what Manner?

Knot. They were married according to the Order of the Land, a little before the Act came forth touching Marriages by Justices of the Peace.

Court. Was it by the Form of Common Prayer, any thing read of that Form?

Knot. I did not take notice of that, I was but a young Man, and was desired to go along with them.

William Clark being sworn, said, my Lord, I was last Week in *Dover*, in company with this *James Knot* and *Thomas Stedman*; and he the said *Stedman* did own that he did marry one *Mary Moders*, a Daughter of one in *Canterbury*, and that *Knot* gave her, and that he had two Children by her, and declared his Willingness to come up to give Evidence against her, but wanted Money for his Journey: And I have understood that a Person here in Court was of a Jury at *Canterbury*, at a Trial between *Day* and *Mary Stedman* at the Bar, for having two Husbands.

Court. Was she cleared?

Clark. I cannot tell.

Young Carleton's Father sworn. My Lord, I was at *Dover* the last Week, on Wednesday; I saw the Husband of this Woman, and the Man acknowledge himself to be so, and did say that

James Knot was the Man that gave her in Marriage to him.

Court. Where is this Man her Husband? Hearsays must Condemn no Man: What do you know of your own Knowledge?

Carleton the Elder. I know the Man is alive.

Court. Do you know he was married to her?

Carleton. Not I, my Lord.

Sarah Williams. My Lord, this Woman was bound for *Barbadoes*, to go along with my Husband, and she desired to lodge at our House for some time, and did so; and when the Ship was ready to go, she went into *Kent* to receive her Means, and said she would meet the Ship in the *Downs*; and missing the Ship, took Boat and went to the Ship. After several Days remaining there, there came her Husband with an Order, and fetch'd her ashore, and carried her to *Dover-Castle*.

Court. What was his Name that had an Order to bring her on Shore again?

Sarah Williams. His Name was *Thomas Stedman*.

Court. Have you any more to prove the first Marriage?

Carleton the Elder. No, none but *Knot*; there was none but three, the Minister dead, the Sexton not to be found, and this *Knot* who hath given Evidence.

Court. What became of the two Children, *Knot*?

Knot. They both died.

Carleton the Elder. *Stedman* said in my hearing, that they had lived four Years together, had two Children by her, and both dead; five Years ago last *Easter* since she left him.

Court. Mr. *Carleton*, what have you heard this Woman say?

Carleton. My Lord, she will confess nothing.

Court. Mr. *Carleton*, did you look in the Church-Register for the first Marriage?

Carleton. I did look in the Book, and he that is now Clerk, was then Sexton, (*just now not to be found*;) he told me, that Marriages being then very numerous, preceeding the Act before-mention'd, the then Clerk had neglected the Registry of this Marriage. If she intended this Trade, she likewise knew how to make the Clerk mistake registering the Marriage.

Young *Carleton's* Brother sworn; who said, My Lord, and Gentlemen of the Jury, I was present at the Marriage of my Brother with this Gentlewoman, which was on or about *April 21, 1663*. They were married at *Great St. Bartholomew's*, by one Mr. *Smith*, a Minister here in Court, by License.

Mr. *Smith* the Parson sworn: My Lord, all that I can say, is this; That Mr. *Carleton* the Younger told me of such a Business, and desired me to marry them: They came to Church, and I did marry them by the Book of Common-Prayer.

Court. Mr. *Smith*, are you sure that is the Woman?

Parson. Yes, my Lord, it is; I believe she will not deny it.

Prisoner. Yes, my Lord, I confess I am the Woman.

Court. Have you any more Witnesses?

Carleton. We can get no more but *Knot* to prove the first Marriage, the last is clear.

Judge *Howel.* Where is *Knot*? Remember yourself what you said before. You say, you

know that Woman at the Bar, that you had known her a great while, that she was born near you in *Canterbury*, that you were present at her Marriage, that Parson *Man* married them, that none were present but yourself, the married Couple, Parson, Sexton, and her Sister.

Knot. Some others came into the Church, but none that I knew; I am sure none went with her, but those I named.

Court. Who gave her in Marriage?

Knot. I did.

Court. How came you to do it?

Knot. I was *Stedman's* Shop-Mate, and he desired me to go along with him.

Court. Were her Parents then living, or no?

Knot. Her Mother was.

Jury. How old are you?

Knot. Two or three and thirty Years.

Jury. How long ago was this Marriage?

Knot. About nine Years since.

Court. Then he was twenty-three, and might do it: What is your Trade of Life?

Knot. I am a Cordwainer, otherwise a Shoemaker; *Stedman* was so too; we wrought both together.

Jury. We desire to know whether she had a Father and Mother then living?

Knot. She had a Father-in-law.

Court. Did you know her Mother?

Knot. Yes.

Court. How long before that Marriage did her own Father die?

Knot. I did not know him. [*He said so before indeed.*]

Court. What Age was she when married?

Knot. I suppose about nineteen or twenty.

Prisoner. May it please your Honours, and Gentlemen of the Jury, you have heard the several Witnesses, and I think this whole Country cannot but plainly see the Malice of my Husband's Father against me; how he causlessly hunts after my Life. When his Son my Husband, came and address'd himself to me, pretending himself a Person of Honour, and upon first Sight press'd me to Marriage; I told him, Sir, (said I) I am a Stranger, have no Acquaintance here, and desire you to desist your Suit. I could not speak my Mind, but he (having borrow'd some threadbare Compliments) replied, Madam your seeming Virtues, your amiable Person, and noble Deportment, render you so excellent, that were I in the least interested in you, I cannot doubt of Happiness: And so with many Words to the like purpose, courted me. I told him, and indeed could not much wonder, that at so small a Glance he could be so presumptuous with a Stranger, to hint this to me: But all I could say, would not beat him off. And presently afterwards he having intercepted my Letter, by which he understood how my Affairs stood, and how considerable my Means were, he still urged me to marry him: And immediately by the Contrivance of his Friends, gaping at my Fortune, I was hurried to Church to be married, which the Parson at first did without License, to secure me to my Husband, and some time after had a License.

And my Husband's Father afterwards considering I had a considerable Fortune, press'd me, that in respect I had no Relations here, and because, says he, we are Mortal, you would do well to make over your Estate to my Son your Husband;

Husband; it will be much for your Honour, Satisfaction of the World, and for which you will be chronicled for a rare Woman. And perceiving he had not baited his Hook sufficient (with some fair Pretences,) to catch me then, he and his Son, who were both willing to make up some of their former Losses in circumventing me of what I had, they robb'd me of my Jewels, and Clothes of great Value; and afterwards pretended they were counterfeit Jewels, and declared that I had formerly been married to one at *Canterbury*, which Place I know not: and this grounded on a Letter (of their own framing) sent from *Dover*, with a Description of me; that I was a young fat Woman, full-breasted; that I spoke several Languages, and therefore they imagined me the Person; and so violently carried me from my Lodging before a Justice of Peace, only to affright me, that I might make my Estate over to them. The Justice having heard their several Allegations, could not commit me, unless they would be bound to prosecute me; which my Husband being unwilling to, the Justice demanded of his Father whether he would prosecute me, saying, they must not make a Fool of him; and so after some Whisperings, the Father and his Son were both bound to prosecute, and thereupon I was committed to Prison. And since that, these People have been up and down the Country, and finding none there that could justify any thing of this Matter, they get here an unknown Fellow, unless in a Prison, and from thence borrow'd, you cannot but all judge, to swear against me. My Lord, were there any such Marriage as this Fellow pretends, methinks there might be a Certificate from the Minister, or Place; certainly if married, it must be registred: But there is no Registry of it, and so can be no Certificate, no Minister nor Clerk to be found. And if I should own a Marriage, then you see that great Witness cannot tell you whether I was lawfully married, or how; but it is enough for him (if such a paltry Fellow may be believed) to say, I was married. I was never yet married to any but *John Carleton*, the late pretended Lord: But these Persons have sought all ways to take away my Life, bring Persons to swear against me, one hired with Five Pounds, and another old Fellow persuaded to own me for his Wife; who came to the Prison, and seeing another Woman, owned her, and afterwards myself, and indeed any body. If such an old inconsiderable Fellow had heretofore woo'd me, it must have been for want of Discretion, as *Carleton* did for want of Money; but I know of no such thing. Several Scandals have been laid upon me, but no mortal Flesh can truly touch the least Hair of my Head for any such like Offence; they have framed this of themselves. My Lord, I am a Stranger and a Foreigner; and being informed there is Matter of Law in this Trial for my Life, my Innocence shall be my Counsellor, and your Lordships my Judges, to whom I wholly refer my Cause. Since I have been in Prison, several from *Canterbury* have been to see me, pretending themselves (if I were the Person as was related) to be my School-Mates; and when they came to me, the Keeper can justify, they all declared they did not know me.

Court. *Knot*, you said she lived near you at *Canterbury*; what Woman or Man there, have you to prove she lived there? Have you none in

that whole City, neither for love of Justice nor Right, will come to say she lived there?

Knot. I believe I could fetch one.

Court. Well said! Are they to fetch still?

Prisoner. My Lord, I desire some Witnesses may be heard in my Behalf.

Elizabeth Collier examined. My Lord, my Husband being a Prisoner in the *Gate-House*, I came there to see my Husband, and did work there on Days; and there came in an old Man, his Name was *Billing*, he said he had a Wife there: says *Mr. Baley*, Go in and find her out; and he said I was his Wife, turned my Hood, and put on his Spectacles, looks upon me, and said I was the same Woman his Wife; and afterwards said I was not, and so to others: I can say no more.

Jane Finch examined. My Lord, there came a Man and Woman one Night, and knock'd at my Door; I came down, they asked to speak with one *Jane Finch*. I am the Person, said I. We understand, said they, you know Mrs. *Carleton* now in Prison. Not I, said I, I only went to see her there. Said they, be not scrupulous; if you will go and justify any thing against her, we will give you 5*l.*

Court. Who are those two?

Finch. I do not know them, my Lord.

Mr. Baley examined. My Lord, there has been at least five hundred People have view'd her; several from *Canterbury*, forty at least that said they lived there; and when they went up to her, she hid not her Face at all, but not one of them knew her.

Court. What Country-woman are you?

Prisoner. I was born in *Cologne* in *Germany*.

Court. *Mr. Carleton*, how came you to understand she was married formerly?

Carleton Elder. I received a Letter from the Recorder of *Canterbury* to that purpose.

Prisoner. They that can offer 5*l.* to swear against me, can also frame a Letter against me: They say I was Nineteen Yeas of Age about Nine Years ago, and am now but Twenty-one.

Court. *Mr. Carleton*, you heard what *Knot* said; he said she lived near him four Years a Wife, why did not you get somebody else from thence to testify this?

Carleton. Here was one *Davis* that was at her Father's House, and spoke with him —

Court. Where is he?

Carleton. I know not; he was here.

Court. You were telling the Court of a former Indictment against her, what was that for?

Carleton. She was Indicted for having two Husbands, *Stedman* of *Canterbury* her first Husband, and *Day of Dover*, Chirurgeon, her second Husband. The Indictment was traversed the Year before his Majesty came to *England*, she was found Not guilty.

Court. Who was at that Trial?

Carleton. One here in Court was of the Jury. But that Party said there was such a Trial, but knows not that this is the Woman.

Judge Howel. Gentlemen of the Jury, you see this Indictment is against *Mary Moders*, otherwise *Stedman*, and it is for having two Husbands, both at one time alive; the first *Stedman*, afterwards married to *Carleton*, her former Husband being alive. You have heard the Proof of the first Marriage, and the Proof doth depend upon one Witness, that is *Knot*; and he indeed doth say,

say, he was at the Marriage, gave her, and he names one *Man* the Parlon that married her, that he is dead; none present there but the married Couple that must needs be there, the Parson, this Witness, her Sister, and the Sexton; that he knows not what is become of the Sexton. All the Evidence given on that Side, to prove her Guilty of this Indictment, depends upon his single Testimony. It is true, he says she was married at *Canterbury*, but the Particulars, or Manner of the Marriage, he doth not so well remember, whether by the Book of Common Prayer, or otherwise; but they lived together for four Years, had two Children. If she were born there, married there, had two Children there, and lived there so long, it were easy to have brought somebody to prove this: that is all that is material for the first Marriage.

For the second, there is little Proof necessary; she confesses herself married to *Carleton*, and owns him; the Question is, Whether she was married to *Stedman* or not?

You have heard what Defence she hath made for herself, some Witnesses on her behalf: If you believe that *Knot*, the single Witness, speaks the Truth so far forth to satisfy your Conscience that that was a Marriage, she is Guilty. You see what the Circumstances are, it is penal; if Guilty, she must die; a Woman hath no Clergy, she is to die by the Law, if Guilty. You heard she was indicted at *Dover* for having two Husbands, *Stedman* the first, and *Day* the second. There, it seems by that which they have said, she was acquitted; none can say this was the Woman: That there was a Trial, may be believed; but whether this be the Woman try'd or acquit-

ted, doth not appear. One here, that was of that Jury, says there was a Trial, but knows not that this is the Woman. So that upon the whole, it is left to you to consider of the Evidence you have heard, and so to give your Verdict.

[The Jury went forth, and after some short Consultation returned to their Places.]

Their Names were called, and all answered.

Cl. of the Peace. Are you all agreed of your Verdict?

Jury. Yes.

Clerk. Who shall say for you?

Jury. The Foreman.

Clerk. *Mary Moders* alias *Stedman*, hold up thy Hand: Look upon her, Gentlemen; what say you, is she Guilty of the Felony wherof she stands indicted, or Not guilty?

Foreman. Not guilty.

[And thereupon a great Number of People being in and about the Court, hissed and clapped their Hands.]

Clerk. Did she fly for it?

Foreman. Not that we know.

Afterwards she desired, that her Jewels and Clothes taken from her, might be restored to her. The Court acquainted her, that they were her Husband's, and that if any detained them from her, he might have his Remedy at Law: She charging old *Mr. Carleton* with them, he declared they were already in the Custody of his Son her Husband.

LXIV. *The Trial of Col. JAMES TURNER, JOHN TURNER, WILLIAM TURNER, MARY TURNER, and ELY TURNER, * at the Old-Baily, for Felony and Burglary, the 15th, 16th, and 19th of January 1663.*
15 Car. II.

JAMES TURNER the Titular Colonel, *William, Turner, Mary Turner,* and *Ely Turner,* were brought to the Bar.

Clerk of the Peace. *James Turner,* hold up thy Hand: which he did. *John Turner* hold up thy Hand.

Col. Turner. He is not here, but he is hard by, and I will send for him. My Lord, it has been reported he was fled; it was a Mistake, he is in *Fleet-street*, where he has been ever since this Business.

[And thereupon he sent one for him, and then the Court proceeded to some other Business. A-

bout half an Hour after, the said *John* came into the Court, and was set among the other Prisoners at the Bar.

Cl. of the Peace. *James Turner,* hold up thy Hand; *John Turner,* hold up thy Hand; *William Turner,* hold up thy Hand; *Mary Turner,* hold up thy Hand; *Ely Turner,* hold up thy Hand: Which they all did, and then the said Clerk read their Indictment; which was as followeth:

‘ YOU stand indicted in *London* by the Names
‘ of *James Turner* late of *London* Gentleman,
‘ *John Turner* late of *London* Labourer, *William*
‘ *Turner* late of *London* Labourer, *Mary Turner*
‘ late

late of *London* Spinster, (otherwise *Mary Turner* the Wife of the said *James Turner*) and *Ely Turner* late of *London* Labourer; for that you the said *James Turner*, *John Turner*, and *William Turner*, the 7th Day of *January*, in the Fifteenth Year of the Reign of our Sovereign Lord *Charles* the Second, by the Grace of God, of *England*, *Scotland*, *France* and *Ireland*, King, Defender of the Faith, about Ten of the Clock in the Night-time of the same Day, with Force and Arms, &c. at *London*, that is to say, in the Parish of *St. Dionis Back-church*, in the Ward of *Lime-street*, *London*, aforesaid, in the Dwelling-House of one *Francis Tryon* Merchant, there feloniously and burglarly you did break and enter; and on him the said *Francis Tryon*, against the Peace of God, and of our said Sovereign Lord the King, in his Dwelling-House aforesaid, than and there being and resting, feloniously and burglarly did make an Assault, and him the said *Francis Tryon* in corporal Fear of his Life feloniously and burglarly you did put; and one Pendant Pearl set in Gold, and a precious Stone fix'd thereto, of the Value of 150 *l.* Two Pendant Pearls with Half-Moon, seven Diamonds, and eight Rubies fix'd to every of them, of the Value of 80 *l.* One Topaz and Pendent Pearl at the bottom thereof, of the Value of 20 *l.* One Emerald Jewel, and five Diamonds, of the Value of 150 *l.* One Gold Ring, and Diamonds set therein, of the Value of 30 *l.* One other Gold Ring, and nine Diamonds fix'd in the same Ring, called an Agar Ring, of the Value of 5 *l.* One Jewel, and thirty-seven Diamonds, of the Value of 30 *l.* One Gold Chain of the Value of 30 *l.* One Gold Ring and nine Diamonds set therein, of the Value of 6 *l.* Another Gold Ring and a Jacinth-stone fastened therein, and two Diamonds set in either of them, of the Value of 3 *l.* One other Gold Ring of the Value of 20 *s.* One Necklace of Pearl, of the Value of 500 *l.* One Knot of Diamonds and Pendant Pearls fastened thereto, of the Value of 300 *l.* One Sprig and three blue Sapphires, nine Pendant Pearls, and fifty-six Diamonds fastened thereto, of the Value of 300 *l.* One Gold Ring and thirteen Diamonds set therein, of the Value of 50 *l.* One other Gold Ring and Diamonds set therein, of the Value of 50 *l.* One Knot and seventy-five Diamonds set therein, of the Value of 100 *l.* One Necklace of Pearls, containing one hundred seventy-two Pearls, of the Value of 11 *l.* 10 *s.* One Necklace of Pearl, containing two hundred seventy six Pearls, of the Value of 18 *l.* 10 *s.* One Jewel and forty-six Diamonds set therein, of the Value of 300 *l.* One Jewel and fifty-three Diamonds set therein, of the Value of 200 *l.* One Gold Ring, and one Diamond set therein, of the Value of 50 *l.* One Locket and thirty-six Diamonds set therein, of the Value of 70 *l.* Two Lockets and one Ruby, and twenty Diamonds set in either of them, of the Value of 60 *l.* One Pendant Pearl set in Gold, and four Diamonds set therein, of the Value of 40 *l.* One other Gold Ring, and with one Diamond, of the Value of 35 *l.* Six Bracelets set with precious Stones, of the Value of 20 *l.* One blue Sapphire, twenty-four Diamonds, of the Value of 40 *l.* One Locket and nine yel-

low Diamonds set in Gold, of the Value of 20 *l.* One Locket and eight Diamonds set therein, of the Value of 8 *l.* One Jewel and twelve Diamonds set therein, of the Value of 15 *l.* One Gold Ring and Diamond, of the Value of 5 *l.* One Jewel and Sapphire, Ruby and Emerald adjacent, and four Ophirs set therein, of the Value of 12 *l.* Twelve Scotch Pearls, of the Value of 3 *l.* Sixty-two Pearls, of the Value of 12 *l.* One Oriental Amethyst, six Diamonds set therein, of the Value of 20 *l.* Two other Gold Rings, nine Diamonds in either of them, of the Value of 15 *l.* One other Gold Ring and thirteen Diamonds set therein, of the Value of 8 *l.* One Jewel and ten Diamonds, and seven Emeralds, of the Value of 15 *l.* Sixteen Gold Rings, and seven Diamonds in every of them, of the Value of 754 *l.* One Bracelet and thirteen great Rubies set therein, of the Value of 100 *l.* Six Two and Twenty Shilling Pieces of Gold, five other Pieces of Gold, called *Five Shillings Six Pence a piece*; three other Pieces of Gold of two Shillings Nine-pence a piece; another Piece of Gold of Twenty Shillings; two other Pieces of Gold of Five Shillings a piece; four Eleven-Shilling Pieces of Gold; five Pieces of *French Gold* of sixteen Shillings six-pence a piece, and 1023 *l.* in Money, (particularly named in the said Indictment) of the Goods and Chattels of the said *Francis Tryon*, then and there being found, then and there feloniously and burglarly you did steal, take and carry away. And that you the said *Mary Turner* and *Ely Turner* knowing the said *John Turner* the Felony and Burglary aforesaid to have committed; the said *John Turner* afterwards, that is to say, the 8th Day of *January*, in the Fifteenth Year aforesaid, at *London* aforesaid, that is to say, in the Parish of *St. Andrew Undershaft*, in the Ward of *Aldgate*, feloniously did receive, comfort and maintain, against the Peace of our said Sovereign Lord the King, his Crown and Dignity.

How sayest thou, *James Turner*, art thou Guilty of the Felony and Burglary whereof thou standest indicted, or Not guilty?

Col. *Turner*. My Lord, and the honourable Bench, I shall no way be refractory, nor do any thing that doth not become a Gentleman; but I humbly beseech your Honours that you will stand my Friend, that I may have Justice, and your Honours Opinion —

* *Ld Hyde*. You are to plead now to your Indictment.

Col. *Turner*. I do not refuse it; my Lord, I beg your Honour to hear me a Word —

Ld Hyde. Plead to the Indictment, and then say what you will; 'till that be done, all you can say will signify little: we are to receive your Answer to your Plea first, afterwards say what you will; you must now say Guilty, or Not Guilty.

Turner. I shall not refuse to plead, but I beg my own Goods may be restored to me; my House, my Lord, is locked up, and Children turned out of Doors, and I have nothing to support us.

Ld Hyde. Are you Guilty or Not guilty? You shall have Right done you.

* Chief Justice of the King's-Bench.

Turner. I will take your Honour's word for it; I am Not Guilty.

Clerk. How will you be tried?

Turner. By God and the Country.

Clerk. How sayest thou, *John Turner*, art thou Guilty of the Felony and Burglary whereof thou standest indicted, or Not Guilty? [And so *William Turner*, and likewise *Mary Turner*, and *Ely Turner*, as Accessaries, being demanded the like Questions, severally pleaded Not Guilty, and put themselves on God and the Country to be tried.]

Ld Hyde. Now, Mr. *Turner*, let us know who has seized any thing of yours.

Turner. The Sheriff, *Sir Richard Ford* and *Sir Richard Rives*, and they are in possession of my House; I have none but a Child of 7 and 9 at home, and have not a Shirt to command. It's true, the Sheriff, *Sir Richard Ford*, was so civil yesterday as to give me some Linen.

Sir Richard Ford. I shall give your Lordship an account of this: I suppose, my Lord, we have done nothing but what was customary; a Seizure we have made now, but after we had heard this Gentleman was committed for Felony and Burglary, and that none but Children were in the House, my Lord, we thought it our Duty, both for his Good, to secure his Estate, if acquitted, and so for the King, if convicted, that so the same might not be imbezeld; and thereupon caused an Inventory to be taken thereof: But, my Lord, we dispossessed none: it is true, we have left a Servant or two, for whom we are and must be responsible; whatever they would dispose or had occasion for, they had it without Contradiction. We offered him, that if he had any Friend of his own that would undertake them to be forth-coming, in case he were convicted, we would leave them in possession of them; we have made no Seizure, what we have done is according to Custom; if we have not done that which your Lordships approve of, we beg your pardon.

Ld Hyde. We are to look to that which is according to Law; the Goods of a Man that is accused of Felony (he is but only so yet) he forfeits none of his Goods, till convicted; more than that, he is to live upon them during his Trial; but on the other hand, where a Man is accused of Felony, and indicted for it, it is but Prudence, and agreeable to Law, to take care the Goods he not imbezeld; because, if a Conviction follow, they are forfeited to the King; therefore the Sheriffs have done but what they ought to do: they are not taken from you, what you have occasion for, either for Money (or Goods to turn into Money) for your present Supply, till your Trial be over, God forbid but you should have it, and you shall have it; if you have any Friend that will undertake the Goods shall be forth-coming for the King, in case you be convicted, or for your self, if acquitted, it shall be done. In the mean time what you have occasion for your self, Wife or Children, God forbid but you should have it: and this is as much as by Justice you ought to claim.

Turner. I submit to your Honour, and I beg of your Honour and the Bench to be of Counsel for me; for though the World looks on me as a Solicitor, it is a mistake, my Lord, it is not in Law, I am a Stranger to it; it has been only in Dealings for Monies, by Purchases and the

like. But, my Lord, I am informed your Lordship may restore me these Goods without Security; if the Law directs Security, I am ready to give it.

† *Ld Ch. J. Bridgman.* For that, that you may not mistake the Law, it is very true, the words of the Statute of *Richard III.* say, A Man's Goods shall not be seized before indicted. You must understand the Difference of the Law, that has made the Mistake; it was then good, but not now; then a Man's Course was to indict them and process against them before committed, but now it is altered; for when it remained indifferent, whether Guilty or Not guilty, he was to be maintained out of his Goods: so ought you and your Family: for the Town being answerable for the Goods of such a Felon, that they might not be amerced, in such Cases sufficient Sureties were given: the Statute of *Philip and Mary* gives the Power of Commitment by Justices of Peace, and so now it is quite altered; and though they cannot seize the Goods, yet they being responsible for them, they ought to have good Security.

† *Chief Justice of the Common-Pleas.*

Sir Richard Ford. I do assure your Lordships, that from the very first Hour we put our People into the House, none of his Family there then or now have been denied any thing in the House: if I be not misinformed, that very Night that he was committed, there was conveyed out of his House for his Use and his Occasions, some say 200 *l.* they that say least, say 100 *l.* they have had a free Disposal of what was in the House; and then, my Lord, could we do less than what we have done?

Turner. I would have made a short business of this, I tendered Security of 5000 *l.* to their own Content, they accepted of the Persons, but one standing by, said, By no means; and so it is still undone. If you please, I have Security now.

Ld Hyde. There need not much ado for Security; if your Trial were not to be presently, then there were Cause for you to insist on this; but now there is but one Night; if you want any thing for this Night, the Sheriffs here offer what you will, to-morrow will determine the Question, whether these Goods are yours, or no.

Turner. I will submit to the Court, I will not be refractory; here is Security, if you please; if not, I am content.

Ld Hyde. If you want any thing, either Money or Clothes, or any thing else, you may have them.

Turner. My Lord, the greatest thing will be some Writings and Papers, which will concern me at my Trial to clear me then.

Ld Hyde. Do this; nominate one Person, the Sheriff another to go with him, and what Writings you will have brought, they shall take a Note of them, and bring them to you.

Turner. I have divers Writings of Gentlemens Estates, Bonds and Things in my Hands, and the Papers are amongst them; and I do beg I may, with the Keeper, go my self now.

Ld Hyde. I cannot, nor the Court, give you leave; you stand indicted for Felony and Burglary.

Turner. Let my Sons go, my Lord.

Ld Hyde. They are indicted too, and are notailable; if Mr. Sheriff (who is answerable for you) will send any with them, he may.

Sir

Sir *Rich. Ford*. I shall be willing to serve you, Gentlemen, so far my self, if your Lordship will spare me from further Service here, to go with such Person as he shall appoint.

Ld *Hyde*. We leave that to Mr. Sheriff's Civility, we can give no Rule for it.

Turner. I may be cut off of my Life, if I want my Papers.

Ld Ch. Just. *Bridgman*. Doth your Life depend upon this Evidence in Matter of Fact?

Turner. My Lord, I have been so strangely handled in this Business, I know not where it depends.

Sir *Rich. Ford*. If he will say in what Trunk or Chest they are in, they shall be brought to the Court. [Thereupon Mr. *Turner* offered to send a Pillowbeer, and the Sheriff said he should have the Writings.]

Ld *Hyde*. Provide your self for to-morrow, Mr. *Turner*, we will then go on.

Turner. I have an humble Request to your Honours and honourable Bench; I would beg an Order to bring in some Witnesses, who are Mr. *Tryon's* Friends now, though mine lately; divers would come in, but send me word they dare not, except they are summoned by an Order of your Lordships.

Ld Ch. Just. We will help what the Law will do, but this cannot be done; those that will come in voluntarily, may; the Law will not admit us to summon any Witnesses: you see when any come against the King, we cannot put them to their Oaths, much lets can we precept them to come.

Turner. Pray, my Lord, let some of the Sheriff's Officers wish them to come, not from the Bench.

Ld Ch. Just. We cannot direct any thing in't.

Turner. I desire the Party himself may be here.

Ld Ch. Just. We cannot compel him.

Turner. Then I have no Witnels in the World; this is a sad thing, that the Prosecutor, being able, will not come; I hope you will advise him to come.

Ld Ch. Just. The Law is open, the same to every Man, you shall have that that is due to any Man, you cannot have more, and less you shall not have; if he be bound, we will call him.

Turner. What if he will forfeit his Recognizance?

Ld Ch. Just. We cannot help that, but we think you need not fear his not coming, he intends to be here.

And afterwards the Prisoners were conveyed back to the Goal.

16 January, in the Morning.

THE Court being sat, and Proclamation made, the Jury was call'd, viz.

<i>William Bookey,</i>	<i>Thomas Hickson,</i>
<i>Thomas Searwell,</i>	<i>John Andrews,</i>
<i>William Allen,</i>	<i>John Jacob,</i>
<i>John Port,</i>	<i>David Bolger,</i>
<i>Francis Coles,</i>	<i>Henry Hague,</i>
<i>Robert Masters,</i>	<i>Lewis Tayte.</i>

Who severally answered to their Names.

VOL. II.

Clerk. Set up *James Turner, John Turner, William Turner, Mary Turner* and *Ely Turner*; [Who (with some Felons) were accordingly set to the Bar.] You, the Prisoners that were last called to the Bar, those Men that you shall hear called and personally appear, must pass between our Sovereign Lord the King and you for your several Lives and Deaths. If you or any of you will challenge them or any of them, you must challenge them when they come to the Book to be sworn, before they be sworn.

Silence commanded twice.

Clerk. *William Bookey*, look upon the Prisoner: 'You shall well and truly try, and true Deliverance make between our Sovereign Lord the King and the Prisoners at the Bar, whom you shall have in Charge according to your Evidence. So help you God.'

And so all the rest were sworn, save only *Lewis Tayte*, against whom he excepted, there being some little Difference at present between them; but my Lord Chief Justices told him he need not give any Reason for it, he was free to except any without Cause. Thereupon Capt. *Edward Micoe* was sworn in his room. Count these, Crier.

William Bookey, &c. Twelve good Men and true, stand together and hear your Evidence.

Clerk. Crier, make Proclamation. O Yes! If any Man can inform my Lords the King's Justices, the King's Serjeant, or the King's Attorney, before this Inquest be taken between our Sovereign Lord the King and the Prisoners at the Bar, let them come forth, and they shall be heard; for now the Prisoners stand at the Bar upon their Deliverance: and all others bound by Recognizance to give Evidence against any the Prisoners at the Bar, come forth and give Evidence, or else you will forfeit your Recognizances.

Clerk. Crier, call *Francis Tryon, William Hill, Fred. Ixam, John Garret, Jacob Watcher, Eliz. Fry, Ann Ball, John Guerneu, Francis Millington, John Alsop, Peter Culley, Ralph Tasker, William Darus, John Rouse, Richard Roberts, Nath. Clarke, Robert Cole, Edward Cole.* They all came into the Court.

Clerk. *James Turner*, hold up thy Hand. [And so the rest.]

[Here the Indictment was read again.] Upon this Indictment they have been arraigned, and thereunto have severally pleaded Not Guilty, and for their Trials have put themselves upon God and the Country, which Country you are. Your Charge is to enquire whether the said *James, John* and *William Turner*, or any of them, be Guilty of this Felony and Burglary in Manner and Form as they stand indicted, or Not Guilty: And whether the said *Mary* and *Ely Turner* are guilty of the Felony, as Accessaries to the said *John*. If you find them Guilty, you shall enquire what Goods and Chattels, Lands and Tenements, they or any of them had at the Time of committing this Felony or Burglary, or at any time since: If you find them Not Guilty, you shall enquire if they fled for it; if you find that they did fly for it, you shall enquire, &c. as if you had found them Guilty. If you find them Not Guilty, and they did not fly for it, say so, and no more, and hear your Evidence.

T t t

But

But if you acquit *James, John* and *William Turner* of the Felony and Burglary, then you shall not enquire after *Mary* and *Ely* as Accessories.

Sir Thomas Aleyn sworn. The Evidence that you shall give, &c.

Ld Ch. Just. *Hyde.* Pray, *Sir Thomas Aleyn,* tell your knowledge to the Jury.

Sir T. A. May it please your Lordships, and you Gentlemen of the Jury; upon Friday Morning last was sevensnight, I heard of this Robbery at *Guild-Hall*, and the Person robbed being my Acquaintance, I went to visit him in the Afternoon; and coming there, not thinking but the Business had been already examined, several Persons with *Mr. Francis Tryon* put me upon the Business to examine it. I went and examined the two Servants, the Man and the Maid: upon their Examination I found they had supped abroad at a Dancing-School, and had been at Cards, and came home afterwards; but before they came home, they heard that an antient Gentleman, one *Mr. Tryon*, was robbed, and then they hastned home. I examined them further, whether they used to go abroad after their Master was in Bed? The Man confessed he had been abroad twenty or thirty times at *Col. Turner's* House at Supper, about a Year since. The Maid denied they had been there at all: but it is true the Man's saying he supped there (though it was false) was the first Occasion of Suspicion of *Col. Turner*. When I had examined these two, I went to the Examination of *Turner*, Where he was all that Day, where at Night? he told me, at several Places and Taverns, and in Bed at Nine of the clock, and was called out of his Bed: but having my self some Suspicion of him, I wished him to withdraw. I told *Mr. Tryon*, that I believed if he was not the Thief, he knew where the things were. The old Gentleman said, He could not mistrust him, he had put a great Confidence in him: But I desired him to give me leave to charge him with it; and thereupon I called him in, but he denied it; but not as a Person of his Spirit, which gave me some Cause of further Suspicion. I desired to search his House; nay, told him I would whether he would or no. He desired to go home; I told him, if he would go with them (some Persons there) he should: but you shall not speak with your Sons or Daughters, or Servants, they shall be examined by me. They searched his House, the Marshal and Constable, they said they could find nothing. The old Gentleman was very unwilling to charge him with Felony; some Friends there were as well satisfied as I was, that he was guilty of it; and they brought me a Paper that he would charge him: and thereupon I wished him to read that Paper, told him I could do no less than send him to *Newgate*. Says he, you will not undo a Family, will you? Will you not take Bail? No, I cannot. What Proof have you material against me? I will give you as good Bail as any Man; give me leave to speak with *Mr. Tryon*. I did give him leave: He had no sooner spoke with him, but *Mr. Tryon* would not charge him, he promising to endeavour to find the Thief. I took *Mr. Turner* on one side, and told him, I did as verily believe if he was not the Thief, he could find him out, as I believed I should go home to my

Wife and Children; and I said, That if an Angel from Heaven should come, and tell me otherwise, I could hardly believe it. This passed on this Night: I could not sleep all the Night, still it was in my Thoughts that this Man was the Man that had done the Robbery. Next Morning, after Nine, there came a Gentleman to me, a Person of Quality, a Merchant; if your Lordship desires, I shall name him.

Ld Chief Justice. Pray name him.

Sir T. A. It was Alderman *Love*, my Lord: He told me that he thought I was a Friend to Justice: If I would go presently into the *Minories* my self, I might discover the Person that robbed *Mr. Tryon*; if I staid, or sent others, the Birds would be flown: *Mr. Turner* has this Morning removed several hundred Pounds. I went presently with a Footboy. When I came to *Bishopsgate*, meeting with Major *Tasker*, knowing not whether I went without the Liberties, said I to him, Are you in haste? Pray go along with me: And he went with me.

This Gentleman, Alderman *Love*, told me I should meet with a Maid-Servant of his that knew me, though I knew not her: She will meet you at such a Corner, and go with you. When I came without *Aldgate*, I met with two Maids that were the Persons to shew me the Place: The Maid told me these were the Maids. I bid them come behind me. At the further End of all the *Minories* I went into the Shop, and found Colonel *Turner* with his Hands in a Chest: I charged him to take nothing out, and not to stir himself. There was two Wallets, one of 100*l.* and the other 200*l.* I took the Keys from him, laid them upon the Compter: I went with him into the next Room, which was the Kitchen; and in another Chest was two Wallets more: and now the Gentleman was speechless. I told him it was just as I told him the last Night, that your Roguery would come out: What (said I) is become of the rest of the Money? Says he, Your haste will spoil all. I called in the Maid, to examine her: But she was fearful, and so trembled there was no examining her before Colonel *Turner*. But in conclusion, said I, Colonel *Turner*, if you will tell me whether this be *Mr. Tryon's* Money, I will do you all the Favour I can. Says he, I cannot say it is his Money. I called for a Constable, and made a *Mittimus* to send him to *Newgate*, thinking he would discover the Truth. Said I, Will you give me your Examination? He did: It is in Court. I asked him whence this Money came? He told me it was removed by himself, his Wife, and Children this Morning.

Turner. My Son and I, I told you.

Sir T. A. I asked him where he had received it? He told me at a Goldsmith's, fourteen Days since: He did not remember his Name. I asked why he should remove his own Money? His Answer was, He did remove it for two or three Days, till this Foolery was over.

When I saw I could get nothing further from him, I discoursed with him touching the Remainder of the Money and the Jewels. Says he, *Sir Thomas*, do not trouble your self, you will lose the Jewels and the rest of the Money by this Course; and, says he, I am now in pursuit of them: If you will give me leave to go to the old Gentleman, I know all will be well. I was not content to let him go: But presently we called

called a Hackney-Coach, and my self, and him, and Major *Tasker* went, and carried that Money to Mr. *Tryon*. When we came there, I told Mr. *Tryon* I thought we had brought 500*l.* of his Money; and I did not doubt but I had brought a Person that could tell of the rest of his Money and Jewels. Colonel *Turner* desired to speak with Mr. *Tryon* himself in private. I gave him leave. He calls me a little after: Sir, says he, Mr. *Tryon* and I am agreed; I must have this Money delivered to me again: I have assured him he shall have all his Money and Jewels again by Three of the clock this Afternoon. I told him I could not agree that he should have the Money back again, press'd him that he would stay there, and send for the rest of the Money and Jewels. But he would (if I did not) trust him: Mr. *Tryon* would have the rest of his Money and all his Jewels again.

Turner. I said, I would endeavour it.

Sir *T. A.* If he had said he would have endeavoured it, I would not have parted with him; but he said he should have the Money and Jewels, &c. I told him I would meet him at that Time at Mr. *Tryon's*. Then I took Mr. *Tryon*, and said, Whatever Promise you have made in private, you must excuse my assenting to any thing against the Law: But do not tell him of it, lest you lose the Jewels: I must commit him to *Newgate*, and I must bind you to prosecute him. He desired me I would not come so soon as Three, not till Four or Five of the clock, and all would be brought thither. I staid till about Four. In the interim I heard some Particulars, what these Maids would testify; which Testimony had I received before I had parted with him, I would not have parted with him for any Consideration. But when I came thither in the Afternoon, I heard Colonel *Turner* was arrested, and was then at the *Hoop-Tavern* with the Officers. I sent immediately the Marshal and his Men to bring him to me. The Officers and he came; and then Colonel *Turner* told me, I had brought all these Things, but the Officers prevented me; I was a very unfortunate Man: Give me but leave till to-morrow Morning at Nine of the Clock, and you shall have all. Said I, I have now heard more; and you must produce the Money and Jewels, if you expect any Favour from me, or I know what to do. He pressed very hard an Hour, or almost two, that he might be trusted to go for them; if he did not go, Mr. *Tryon* would lose the rest of his Money and Jewels. I told him I had rather they should be all lost, than I should forfeit my Discretion and Reputation. And thus he kept us till Seven or Eight at night. At last he would have gone with one Person. I told him, no: If there were enough to secure you, I might give leave. Saith he, the Party will not see more than one; for his Life would be in danger. Whither would you go? I would go, saith he, (to my best Remembrance) to *Tower-Hill* or *White-Chapel*. I should have met him at Five of the clock; and now I must meet him about Nine. I will call in the Officers: They will tell you, your being upon a Judgment, they will not part with you without the Liberties: Nor will I give leave, because the Sheriffs will blame me. The Officers said they could not go without the Liberties, for it would be an Escape in Law. Pray give me leave to go near those Places, and I will send. Nay, then you may as well send from

hence. He begged leave to go to the *Hoop-Tavern*, and send for his Wife; which I did grant. And there he did send for his Wife. They brought me word he had sent his Wife for the Jewels and the rest of the Monies. He sent to me not to think the Time too long, for he had notice his Wife was coming. I directed the Marshal, when his Wife came, he would secure her. About Eleven of the clock they brought his Wife; who told me she had delivered the Jewels: They thought they were in two Bags. Then he came to me, and desired to speak with Mr. *Tryon* in private, and told me Mr. *Tryon's* Soul was pawned to him, and his to the Thief, that no Discovery should be made. But when I examined his Wife what Money went from her House that Morning, she said she knew of none. Where had you the Jewels? She knew of none: But she had a Couple of Bags that she was sent for: Near *White-Chapel* or the *Tower* a Person should meet her, and ask what she did there, and she should say she walked up and down for something that should be given her by a Person; which, if he did, she was to bring it to him that sent her. He did deliver the two Bags, which she delivered to her Husband; but what was in them, she knew not. There was Sir *Thomas Chamberlane*, Mr. *Millington*, myself, and Colonel *Turner*, with Mr. *Tryon*. The two Bags was laid upon a Dresser. He told us they were now come; and having performed his part, he hoped Mr. *Tryon* would perform his. Have you performed your part? Have you brought the Jewels and the Remainder of the Money? He told us the Money was not brought: For the 600*l.* I shall give Mr. *Tryon* my Bond, to pay him at six Months. We press'd to see the Jewels: We run them all over. But I should have told you one Thing: She brought a Cat's-Head-Eye-Ring upon her Finger. This the Gentleman was like to forget: He delivered it to me, to deliver that with the rest. When we had told out the Jewels, we crossed them out upon the printed Paper as they were called. She said all that was in the Paper, except one Carcanet of Diamonds and Jewels, valued at 200*l.* that is fallen behind the Chest, or aside. You have 2000*l.* Pounds worth of Jewels over what is in the Paper; but that Carcanet shall be forth coming. He now pressed that no Prosecution might be, for two Souls were pawned, (as I said before) and desired an End of the Business. I told him further, and pressed him: Said I, I have staid a great while, and would stay longer, if he might have the 600*l.* and the Carcanet. But when I saw there was nothing more to be got from him, now (said I) what would you have this poor Gentleman to do for you? What he hath promised you, I know not; he is a Stranger to the Law: If there had been but you two had it, and it had not been published to the World, and the Neighbours publick Examination taken, somewhat might have been between your selves. But would you have this Gentleman bring himself into danger? He will lose all his Goods again; for he will be indicted himself. What will he be the better for Discovery, when he must lose his Jewels and Money, and be liable to a Prosecution, as you will be, were he so ignorant? Do you think that I understand the Law no better, being a Justice of Peace, to bring my self into danger? All the Kindness I can do for you, is, (to be

short) I must send you and your Wife to *Newgate*.

How say you, Master Alderman? Then I had better to have kept the Jewels. Those were his Words; to the best of my Remembrance he said so.

My Lord, I asked him several Questions: Why he should give a Bond for six hundred Pounds, if he was not concerned in this Business? But he knew not what to answer. Saith he, Will you not take Bail! Said I, I can take no Bail: I must send you to the common Goal, and then I am discharged. Pray send me to the *Compter*. No, I cannot. Do you think I would make an Escape? I cannot tell; but I would not bring my self into danger. He prayed me I would give him leave to go home. I must make my Warrant: If the Marshal and Constable will do any thing, I shall not direct them.

He desired his Wife might go and fetch some Linnen.

Ld Ch. Just. *Bridgman*. What Day were the Jewels delivered?

Sir *T. A.* Saturday.

Ld Ch. Just. *Bridgman*. Thursday was the Robbery, Friday he was examined, Saturday the Money was removed, and that Night the Jewels were brought, and he committed.

Sir *T. A.* If I have said any thing that he is not satisfied wherein I have not true spoken, let him ask me; I shall not do him the least Wrong.

Ld Ch. Just. *Hyde*. Do so, Mr. *Turner*.

Turner. Do your Honours understand of Sir *Thomas* the Time the Robbery was committed? I shall ask him some Questions.

Sir *T. A.* I have only one Word more to say to you: That before he went to the *Hoop-Tavern*, Nay, said I, Colonel *Turner*, be ingenious whether this was not Mr. *Tryon's* Money that he removed? And he confessed it was.

Ld. Ch. Just. *Hyde*. That Money was removed from his own House?

Sir *T. A.* Yes; but his Wife, Children, and Maid denied it.

Ld Ch. Just. *Hyde*. Mr. *Turner*, will you ask him any Questions? What are they?

Turner. I would ask all this back again: You are upon your Oath, Mr. Alderman.

Ld Ch. Just. *Hyde*. You need not tell him that he is sworn; the Court and Jury understand it so.

Ld Ch. Just. *Bridgman*. Go on, Mr. *Turner*; ask your Questions.

Turner. My Lord, I demand of Sir *Thomas Aley* whether I did not tell him at the first there was a wicked young Man had belied my House and Family, saying, that he supped there that Night, when he had not supped at my House these twelve Months.

Sir *T. A.* I think I have done him that Right already. He desired me to examine that young Man, who said he supped at Colonel *Turner's*; but I found he had not been, nor was not there.

Turner. Upon Friday Night, when the Alderman pressed me concerning the Thing, I told him I had some Suspicion of some Persons, who formerly should have robbed Mr. *Tryon* a Year ago, and I employed *Mosely* the Constable and Mr. *Tryon's* Man to go to *Ratcliff*, and I went another Way. Pray ask Sir *Thomas* whether I did not promise to do all I could.

Sir *T. A.* I pressed him hard; he said he would endeavour it.

Turner. Whether did not I tell him that that Money was carried there on purpose to gain the other Fellows that had the Jewels? Said I, If this Money be taken away, he that hath the Jewels will not bring them, and the Remainder of the Money; but that this Money must bring him to it, that they might share it.

Sir *T. A.* There was not one Word of this: His Examination was contrary. He told me 400*l.* was received of a Goldsmith, he knew not his Name, and 200*l.* was in his own House; and that he removed it for two or three Days, till this Foolery was over. He said it was his own Money. I said, an honest Man need not thus remove his own Money.

One thing I have omitted: When I was examining of him in the *Minories*, word was brought me his Son was fled away at the Back-door. I bid them run after him, but they said they saw him leap over a great Ditch; he was not heard of till yesterday, tho' I sent out my Warrants for him.

Ld. Ch. Just. *Hyde*. Yourself (as Sir *Thomas Aley* swears) said you knew not of whom you had part of the Money, but the other was your own, and yet afterwards that the Money was *Tryon's*; why did you say so?

Turner. I will tell you the Reason; I would not have my Business spoiled, and did feign those Answers. My Lord, I do demand of him whether Mr. *Tryon* and I had not made a bargain in the Morning, whether or no if he might have his Goods the Person should be free, and that he had agreed no Blood should be spilt; that he had rather lose all his Money and Jewels, than to forfeit such an Asseveration which the Thief had bound me that I should swear to him, That by the Blood of Jesus Christ that was shed for him and all Sinners, his Life should be free.

Ld. Ch. Just. *Hyde*. You are beside the Business.

Turner. My Lord, I ask Alderman *Aley* whether I did not tell him this?

Sir *T. A.* I told your Lordships two Souls were pawned, as he said before.

Ld Ch. Just. *Hyde*. Do not spend your time thus; the Question's short, whether you are guilty of robbing, or breaking the House of Mr. *Tryon*, or no?

Turner. I am as free as any Man here.

Ld Ch. Just. *Hyde*. They will not believe your own words.

Sir *T. A.* I think I have done him no wrong by this Evidence.

Turner. I hope, my Lord, I shall have the benefit to call him again for a Witness for me.

Ld Ch. Just. *Hyde*. You may ask him now.

Turner. No, when I come to my Defence.

Ld Ch. Just. *Hyde*. Yes, yes.

Turner. Oh your Honour's most humble Servant; I am very sorry I have put him to this trouble.

Mr. Tryon, his Servant, and Mr. Garnet sworn.

Ld Ch. Just. *Hyde*. Mr. *Tryon*, pray (as you are able) give an account of this Business.

Tryon. My Lord, about Eleven of the clock, or something past, upon Thursday Night last was a Seven-night, two Men came into my Chamber when I was fast asleep, one on the one side, and another on the other side of the Bed: one had a Lanthorn that opened on one side, and waked me: when I saw him, I was much astonished (as I might well) knew them

not,

not, said, My Masters, who are you? I was newly out of my Sleep; being an antient Man, I apprehended another Man for the Party I spoke to, but was not the Man, and named him by his Name, What do you do here at this time of night? What is your business? Said nothing to me: one took both my Hands, the other with a little Cord bound me very hard, inso-much here yet is the dents of it; and bound my Feet, gagg'd me, and used me barbarously, most inhumanly: I must suffer it, because I could not tell how to avoid it. When they had done, then told me this withal, You shall not lose a Hair of your Head. I knew not their Intentions, I fear'd what it was, for when they had done this, they left me; I had no body could come to me in my House, my Servants I knew not upon what grounds they were forth at Supper when I a-bed, which was of ill consequence. After I had been an Hour in this manner, I rolled myself out of my Bed, and fell down; and, saving your Lordship's Presence, a Chamber-pot fell, broke, and I fell upon it, and very much hurt myself upon the pieces of the Pot: and so with much ado, it pleased God, I know not how myself, I got to the Chamber-Window which lay to the Street, I called out, *Murder!* and *Thieves!* My Neighbours said, I call'd with so strong a Voice, they wondered to hear me. Quickly after, many of my Neighbours came in, and one Mr. *Peter Vanden-Author* a *Dutchman*, that selleth *Rhenish Wine*, he came in and unbound me; and so after I was unbound, I went down to the Warehouse as I was, without Clothes about me, only my Waistcoat and Shirt, and saw that they had been there. I considered those that had done the thing, were very privy to my House; they knew where to fetch the Key of my Chest, in a Drawing-Box, taking the Money there, which was about One Thousand and odd Pounds: some Plate there was, they did not meddle with it.

Ld. Ch. Just. *Hyde*. How came they by the Jewels?

Tryon. I forgot something concerning some Jewels; these Jewels were in a Drawer under my Table in the Compting-house, he was privy to that, because he did frequent my House very long, and was very familiar.

Ld. Ch. Just. *Hyde*. Who was privy to all this?

Tryon. *James Turner*.

Ld. Ch. Just. *Hyde*. Mr. *Turner*, would you ask Mr. *Tryon* any Questions?

Turner. By and by, when I come upon my Proof.

William Hill, *Mr. Tryon's Man*, sworn.

All that I can say, is this: When I went out, I locked the Door double, and those things were there then.

Ld. Ch. Just. *Hyde*. About what time?

Hill. Seven or Eight of the clock.

Ld. Ch. Just. *Hyde*. Was he a-bed then?

Hill. Yes, my Lord. When I came home again, I found all these things gone; going down into the Compting-house, we found some Jewels gone, and some left, and those were inconsiderable to those that were gone; the best were cull'd and gone. On Saturday Col. *Turner* was arrested with two Serjeants, and sent the Boy at the *Hoop-Tavern* for me: I took two Friends with me, Mr. *Gurney* and Mr. *Pilkington*; he

prayed me to speak to my Master that he would give Bond for him, that the Serjeants might discharge him, and he haste about his business, or else it would be spoiled. Proceeding into some Discourse, I was saying to him, it was a great Providence that I and the Maid was not then at home, for if we had, we should have been killed. He answered, Saith he, No; they would only have bound you and the Maid. I asked him, how it was possible to get in? He answer'd, One went through the Entry in the Day-time, and there lay till Night, went up Stairs, found a Candle, lit it, went up to his Chamber, took the Key, and went down and let in others.

Turner. This Story I was informed, I told him.

Hill. I asked him how he came to know it? He said he examined them.

Ld. *Bridgman*. Did he never tamper with you about making Mr. *Tryon's Will*?

Hill. Yes, my Lord; he came to me about a Year ago, I went with him to the *Cock* behind the *Exchange*, it was in a Morning, he took me privately aside, told me the old Gentleman your Master is very sickly, cannot live long, had a good Estate, or to that purpose, and it was pity he would never make a Will, and such an Estate should go to the building of *Paul's*. Saith he, I have press'd him several times touching making his Will; he said he had done it, when we both knew he had not, and I believe he will not make one. He told of one that could counterfeit a Hand.

Ld. *Bridgman*. Was it not *Grainger*?

Hill. Yes, my Lord; that that Man could counterfeit a Will, and I and Mr. *Garret*, and another Good-fellow should be the three Executors, and a third Person Overseer, and that would please the Old-man. I answered, I would not have to do in such an unjust thing for all the World.

Ld. Ch. Just. *Hyde*. Did you go to *Turner's* to Supper that Night this Robbery was committed?

Hill. No, my Lord, to Mr. *Starkey's* in *Fanchurch-street*; the Maid went along with me.

Ld. *Bridgman*. One Question more: You said you came in and found the Doors open, did you come in before the Neighbours?

Hill. No, my Lord, I had not known of it; but that one Gentleman at Supper went home with a Gentlewoman in *Leadenball-street*, and hearing there was such a Robbery in *Lime-street*, I run with a great fright, came in and found the Doors open, and found the Neighbours within.

Turner. The thing understood touching the Will, hath another face: his Uncle was an Acquaintance of Mr. *Grainger*, his Uncle that bound him Apprentice, that lived in *Cripplegate*, now in *Cornhill*. This *Grainger* had countefeited a Will touching my Lord *Gerrard*, and somebody else, about an Estate. Said I to this young Man, You have an Uncle acquainted with a notable Fellow, one *Grainger*, and your Master making no Will (speaking merrily) this Fellow is able to make it for him. Ask him if I did not tell him his Uncle was acquainted with such a Person.

Hill. You told me so indeed.

Ld. *Bridgman*. *Hill*, by the Oath you have taken, did he not persuade you to endeavour that you and he and *Grainger* should counterfeit a Will?

Hill. He did, my Lord: he told me, That I, Mr. *Garret*, and another Good-fellow, should be the three Executors, and another Person Overseer,

verseer, and that this *Grainger* could do it undiscernibly. I answered him, I would not meddle with it for all the World.

Turner. Go, go, go, this is Malice; for it was mere jesting with him.

Elizabeth Fry *sworn.*

Fry. Mrs. *Turner* came to my House on *Saturday* Morning last, at Six o'clock in the Morning: she knocked me out of my Bed. I asked, who was there? She said, A Friend. Who are you, said I? Come and see, says she. I said, Who, Mrs. *Turner*? She said, Yes. I went and dressed me, and let her in. She said, There was a Friend of hers, a Merchant, newly broke, he had a Wife, and seven or eight Children; they desired to secure the Money till they had taken their Oaths the Money was not in their House. She said, Her Husband and her Son *Ely* was coming with it. I went and lighted a Candle, there was she and her Son *Ely* with the Money. She asked me, if I had a spare Chest? I said, Yes, there was one within. She went in, opened the Chest, and she put in the Wallets of Money, I know not how much, my Lord. I asked her if there was any more to come? She said, Yes, her Husband was coming with more. She went to the Door and let it in, but I know not who brought that.

Ld *Bridgman.* Did not Mr. *Turner* come in?

Fry. Yes, my Lord, he opened the Bags, and asked his Wife touching the Seals. She said, the Gentlewoman that owned the Money had desired me to pull them off. They offered me twenty Shillings for my Kindness in it, told me they had power to give it from the Gentlewoman; desired me if my Sister or any should ask about it, bid me conceal it, because the Discovery would ruin the poor Gentlewoman and her Children, but rather to say that they desired me to let some Linen lie there.

Ld Ch. Just. *Hyde.* Were the Bags sealed?

Fry. I saw none sealed.

Ld *Bridgman.* How many Wallets were in the Shop?

Fry. I saw but three, and they put one into a Chest in the Shop, and two in the Kitchen.

Ld Ch. Just. *Hyde.* At that time when the Money was brought, was there any Discourse of Eleven Hundred Pound?

Fry. To my best remembrance it was so.

Turner. Not a Word of the Sum.

Fry. There was five Wallets brought into my House, three in the Shop, two in the Kitchen.

Ld Ch. Just. *Hyde.* Had they Bags at each end?

Fry. Yes, my Lord.

Sir *T. Aley.* You hear what the Wench says; she says, there was five Wallets, three in the Shop, two in the Kitchen: I took two in the Shop, and only one in the Kitchen.

Fry. My Lord, I have two Apprentices, little Girls, when all the People were in the Shop, said out aloud, That they saw Mrs. *Turner* go out of the Shop with something in her Apron, covered with a red Cloth, while I was above, my Lord.

Turner. Who should convey it away?

Ld Ch. Just. *Hyde.* Your Son was there.

Turner. Pray, my Lord, ask her which is *Ely*.

Fry. That is, (pointing to *Ely*.)

Turner. It was false; this *Ely* carried none, the

Boy knew nothing of it; both my Sons are dear to me, and if either more than the other, it must be my eldest, and yet I must say, it was *John* my eldest Son that carried the Money, this Boy was at home; she hath forsworn herself.

Fry. Your Wife told me that *Ely* was to bring some.

Mr. Gurnet *sworn.*

My Lord, I met with Colonel *Turner* on *Saturday* Morning after the Robbery; he told me, says he, I have been as good as my Word, I sent my Son to make some discovery of this Business, and I did not doubt but to clear my self of it, and make a Discovery: this was on the *Exchange*. Says he, I have met with them. With what? With the Jewels and Money. Where are they? I have brought Five Hundred Pound; the rest, with the Jewels, I shall have at Three o'clock this Afternoon: will you be there? Yes, said I, who were they? They were Friends. Friends! what and use him so barbarously! O, says he, they were two Strangers, they went beyond their Commission.

Major Ralph Tasker *sworn.*

On *Saturday* Morning I met Sir *Thomas Aley*; passing by, he called me; says he, there is a business in hand, pray go along with me. We went along through *Aldgate*, and into the *Minories*, and passing along the *Minories*, these two Maids we overtook, and asked them where the House was; they shew'd us, we went in, Mr. *Turner* was there, his Hand in the Chest, Sir *Tho. Aley* said it: we seized the Money; there was two Bags of Buckram, I conceived there was Two Hundred Pound in either of them, and another in the Kitchen, Sir *Tho. Aley* desired me to secure them. I saw a Fellow play bo-peep in a Back-room, and presently was a Noise, he was fled and gone; his Son they said it was. Sir *Thomas Aley* pressed very hard to Mr. *Turner*, and desired to know whose Money that was. Says *Turner*, By the Eternal God it is my own Money, with many other Protestations. A Constable was sent for, and we carried the Money and *Turner* in a Hackney-Coach to Mr. *Tryon*, and there left the Money on a Table with Mr. *Tryon*: they had some Discourse; *Turner* came forth and said, The old Gentleman and I are agreed, I will trust the Money no longer with you, but with the old Gentleman himself. Said I, let me be discharged of it, do what you will with it.

Ld *Bridgman.* Did you see the Bags out of the Wallets?

Sir *T. Aley.* We saw one which was sealed, I think, with the Bishop of *Chichester's* Seal.

Ann Ball *sworn.*

On *Saturday* Morning Mrs. *Turner* came to this Maid's House, and desired to come in; she slept out of Bed, and asked who was there? she said, a Friend. She went to the Door, and asked who was there? Mrs. *Turner* said, Open the Door, and you shall see. Opening of it, she came in: who is it, Mrs. *Turner*? Yes, says she. What would you have? I have a little Money I would leave here: This she came and told me. She lighted a Candle, I saw Mr. *Turner* and his Wife come

come in, I heard a great Noise and a Quarter, I lay still, heard not what they said. When they were gone, the Maid told me what they had brought into the House. Said I, I thought it had been Pewter: said I, if you keep this Money, we shall be utterly undone, if you do not tell some People of it. She went to her Sister to make her acquainted with it.

Ld *Bridgman*. You saw Mr. *Turner* and his Wife come in?

Ball. I did, but knew not what they did there: she did go to her Sister, and so it came to Sir *Thomas Aley*n by accident.

Ld *Bridgman*. Now for the Seal, who were those that saw the Seal?

Frederick Ixam sworn.

My Lord, and Gentlemen of the Jury, being at the House of Mr. *Tryon* on *Saturday* in the Evening, I was desired, with others there present, to see the Bags taken out of the several Wallets; three, I think. I saw them taken out, three had no Seals on, one was very much defaced, and the other had a Seal, which being questioned to be the Seal of the Bishop of *Chichester*, it was compared with the Seal of a Letter which Mr. *Tryon* brought down, and declared to be a Letter received from the Bishop of *Chichester*, and those two Seals agreed: the Bags being here in Court, will be a further Evidence. The Letter was produced by Mr. *Tryon*, and owned by him to be the Bishop of *Chichester*'s, and they agreed.

Mr. *Hanson* the Goldsmith Sworn.

[The Bag sealed was shewn him.]

Ld *Bridgman*. Have you seen the Letter?

Hanson. Yes.

Ld *Bridgman*. Doth that Seal and the Seal of the Bag agree?

Hanson. Yes.

Ld *Bridgman*. Mr. *Tryon*, whose Letter was that?

Mr. *Tryon*. Dr. *Henry King*'s, Bishop of *Chichester*.

Ld *Bridgman*: Open the Letter, and see whether that be the Letter you received from the Bishop of *Chichester*.

Tryon. Shall I read it?

Ld *Bridgman*. No.

Tryon. It is his Hand and Seal.

Ld *Bridgman*. Shew the Bag and Letter to the Foreman of the Jury: [which was done, and most of the Jury view'd it.]

Ld *Bridgman*. You observe this Evidence; this was one of the Bags that was taken in the *Minories*, that Colonel *Turner* was then removing: Mr. *Tryon* had Six Hundred Pounds of the Bishop of *Chichester*'s in Bags sealed; it appears by the Letter to be his Seal, and these Gentlemen swear this was one of the Bags then pulled out of the Wallet, and Sir *T. Aley*n has had it in his Custody since.

Ld Ch. Just. *Hyde*. One thing more observe, he asked his Wife when the Money was brought into this Woman's House, Have you taken off the Seals? His Wife said, The Gentlewoman directed her to take them off.

Ld *Bridgman*. Some were taken off, but it seems this was left on.

[Here *Turner* spoke somewhat to the Jury.]

Ld Ch. Just. *Hyde*. Pray Mr. *Turner* discourse not with the Jury, your whispering will do you little good: tho' I think they are honest Men, and will not be guided by you, yet we expect the same Carriage from you as from other Prisoners; you shall have all the Justice that may be.

Cole the Serjeant sworn.

Ld Ch. Just. *Hyde*. Speak your Knowledge.

Cole. On *Saturday* in the Afternoon about Three o'clock, my Brother and I arrested Colonel *Turner* in an Action of Seven Hundred Pounds.

Ld Ch. Just. *Hyde*. At whose Suit?

Cole. At the Suit of *Thomas Lyon*, who with others was Bail for him.

Turner. It was only hearing of this Foolery that caused it.

Cole. My Lord we went to the *Hoop-Tavern*, he sent for Mr. *Tryon*'s Man, that he should engage for this Account, that he might have his Liberty to look after Matter *Tryon*'s Business. Soon after came the Constable, and he charged us to assist him to go before Sir *Thomas Aley*n. By and by I was saying, Colonel *Turner*, how could this House be robb'd, and none of the Doors broke? O, said he, I took a Man in the *Minories*, who has discovered it to me: he told me, that one going into the Cellar in the day-time, lay there till Night, then went up Stairs, found a Candle and lit it, went up to the old Gentleman's Chamber, took the Key from his Bed-side, and went down, and let all the rest of the Thieves in. The Young-man being there, said, It was well the Maid and I was not at home, we should have been killed. No, says he, you would not have been killed, only bound.

Turner. As the Fellow told me.

Ld Ch. Just. *Hyde*. Did he not say nothing touching Mr. *Tryon*'s Tooth?

Cole. He said, that the Fellow putting his Finger in his Mouth to gagg him, the old Gentleman bit him; and he struggling to get out his Finger, pull'd out his Tooth.

Ld Ch. Just. *Hyde*. You are very perfect at it, Mr. *Turner*, every way.

Turner. Ay, my Lord, I examined him every way.

Cole the Yeoman sworn.

Cole. My Lord, I can say only what my Brother said before.

Ld Ch. Just. *Hyde*. Tell it.

Cole. I arrested him, &c. [And so related in the same manner his Brother did.]

Ld *Bridgman*. Mr. *Hill*, what do you know about breaking your own Desk?

Hill. My Desk was safe locked, and the Key in my Pocket; I lost out of that Desk about forty-five Pound of my own.

Ld *Bridgman*. Where did it stand?

Hill. Upon a Table in the Ware-house; the Jewels were in a Drawer under the Table in the Counting-house.

Ld *Bridgman*. How did you leave Mr. *Tryon*'s Door?

Hill. Double lock'd.

Ld *Bridgman*. who had the Key?

Hill. I had.

Ld *Bridgman*. Was there more than one Key?

Hill.

Hill. Always two.

Ld Bridgman. Who had the other?

Hill. The other Key was in my Master's Chamber.

Ld Bridgman. Mr. Tryon, how was your own Door open'd?

Tryon. I called some of my Neighbours, and Mr. *Vanden-Anchor* came up to me: It seems they had forced open the Door with a Crow of Iron.

Ld Bridgman. The Door of your Chamber, do you mean?

Tryon. No, the Street-Door.

Ld Bridgman. How was your Chamber-Door open'd?

Tryon. I never lock my Chamber-Door, but pull it too.

Ld Ch. Just. Hyde. Mr. *Hill*, the Counting-house where the Jewels were, was that lock'd?

Hill. Yes, and the Drawer I think was lock'd; sometimes he does, and sometimes he does not lock it.

Ld Ch. Just. Hyde. Was the House-Doors open, or no?

Hill. Before I came, the Neighbours had broke open the Door.

Ld Ch. Just. Hyde. Mr. Tryon, were your Counting-house and Till, where the Jewels lay, lock'd?

Tryon. Ever, my Lord.

Ld Ch. Just. Hyde. That Night?

Tryon. Yes, my Lord.

Ld Ch. Just. Hyde. Was it opened with a Key, or broken open?

Tryon. I know not how it was opened, my Key was among a Bunch of Keys.

Peter Vanden-Anchor sworn.

Ld Bridgman. When Mr. Tryon cry'd out, you came in, did not you?

Vanden-Anchor. Yes, my Lord.

Ld. Bridgman. How did you find him?

Vanden-Anchor. I was lately come home, my Daughter heard a great Voice of Murder and Robberies: I went out, and some of the Neighbours were breaking open the Door, and I was the first that went into the House; and so I went presently up to Master Tryon's Chamber, and found him bound with this Rope; and put it into my Pocket, and searched about the House, and several Neighbours came in.

Chaplain sworn.

I was at the Door with Master *Vanden-Anchor*, we went into the Ware-house and Counting-house, and all open, Cash was taken away without any breaking. Says Master Tryon, All my Money is gone, a Thousand and odd Pounds: Several Pieces of Plate were there left. We went up with Master Tryon, and sent for a Chirurgcon to dress his Thigh: By this time his Man came in; I asked him where he had been? says he, I have been at Colonel *Turner's* at Supper. Where is the Maid? says he, She is fallen into a Swoon. Some Maids came home with her; I asked her where she had been? She said, At one *Chamberlin's* a Goldsmith's. Said I to her, The Man says one thing, and you another. A little after comes in Colonel *Turner*, with his Lanthorn, and his Hair turned up under his Cap,

and there he made a great Bustle. I went to *Chamberlin's* to enquire touching the Maid; he said, they had been there with a Dancing-Master. I went to Master Tryon's again: we asked him, who he thought bound him? he named one *Christmas*, but I knew him not.

Lord Mayor. Did you not find any Door, that you observed, to be broken?

Chaplain. No, but all open'd with Keys.

Mr. Christmas sworn.

My Lord, I know little of the Business. About Two o'clock on Friday Morning there comes a Constable and other People, and knock'd at my Ware-house Doors: the Man's Servant of the House rose up, and asked them who they would speak with? They said, they would speak with one *Christmas*. Hearing my Name, I rose up, I asked what was the matter? They said, they must have me to Master Tryon, he was robb'd. If he was, said I, it doth not concern me. They told me, I must go to Master Tryon. I said, he was not a civil Man to send for any at that time of Night out of their Beds. Then another Constable came, and said he would break open the Doors. Said I, I am not afraid to come to you, I am not the Man you take me to be. Nothing would satisfy, but I must go; I told them I would: and then they took me into their Charge, and carried me to the *Exchange*.

Ld Ch. Just. Hyde. Who besides the Constable?

Christmas. Two Young-men that I know, one *Bagnall's* Man, and *Browning's* Man: they told the Constable, I was a Man of Repute, and an honest Man, and my Word would be taken at the *Exchange* for many Hundred Pounds. After that they intended to carry me to Master Tryon; and the Constable of *Broad-street* carry'd me to the Counter: There I was 'till Ten o'clock, and then the Constable and *Turner* came to me. *Turner* asked me, what Justice I would go before: I told him, it was indifferent to me; Sir *John Frederick*, or the next, Sir *Richard Brown*, or before Sir *Thomas Aleyn*, Sir *John Robinson*, all one to me whom I go before; but I think it most convenient to go before Sir *Thomas Adams*, because he lives in the same Parish with Mr. Tryon. We went there, and no Man charging me, Sir *Thomas* discharged me, but desired I would go over to Mr. Tryon.

Ld Bridgman. I observe this Gentleman was of a pretty Bulk, somewhat corpulent, and so is Mr. *Turner*.

Turner. My Lord, I humbly beg I may have a Stool to sit down, I am troubled with the Gout.

Ld Bridgman. You may have one.

Mr. Millington sworn.

My Lord, I came to Mr. Tryon's on Saturday in the Afternoon, about the Evening; and being sent for to come with Mr. *Turner*, he told me of the Arrest that was made upon him, and said, that he should not comply with his words, in bringing the Jewels and Remainder of the Money. He desired me I would go and intercede, that he might have his Liberty to go about the Jewels: but I did not think it convenient to make my self concerned in it. He alledged,

ledged, that if he did it not presently, the Thief would be gone. It was hinted, that they that were with him, might go along with him, the Marshal and Serjeants: He said, if so many came, they would fright him away; for he said, he was walking about *Tower-Hill* or *White-Chapel*. But it was deny'd, and could not be granted that they should go, it being out of their Liberties. He desired to go near those Places, keeping within the Liberties, and to send for them. *Sir Thomas Aley* told him, he might as well send for them thither. He desired to go to the *Hoop-Tavern*, and then some went with him to his House: His Wife was private with him behind a Partition; then he came out, and spoke publickly to his Wife, says he, There is a Man will be walking all alone, either at *White-Chapel*, or on *Tower-Hill*, do you go there; if he sees you, he will ask you whether you want any thing, and will deliver you what I told you. We went to the *Hoop-Tavern* again, and about two Hours after, the Jewels were brought by his Wife. That being done, we went to *Mr. Tryon's*, *Mr. Turner* carried the Jewels; being at *Mr. Tryon's*, the Jewels were there opened: We found by Perusal, that there was only a Carcanet Jewel wanting, of the Value of about Two Hundred Pounds; and *Mrs. Turner* said, the Man told her, that that Carcanet was fallen behind a Chest, but did not doubt to procure it to morrow. Afterwards *Sir Thomas Aley* told him, now he could do no less than commit him to *Newgate*. *Mr. Turner* told him, then he had better have kept the Jewels. The Remainder of the Money being asked for, he said he would be bound for it.

Mr. Mannock sworn.

Ld Bridgman. What Discourse passed between you and *Mr. Turner* at *Newgate*?

Mannock. My Lord, he told me *Mr. Tryon* was to give him 500*l.* to get the Jewels and Money, and that he had got him 500*l.* and most of the Jewels; and that if *Sir Thomas Aley* had not secured him, he did believe that he should have had them all: But *Newgate* was not a Place to find them out.

Ld Bridgman. Did he tell you of bringing any Money from his own House? That the 500*l.* he delivered *Mr. Tryon*, was procured from his own House?

Mannock. He did tell me so, my Lord.

Turner. My Lord, I own it, I shall unfold the Riddle by and by.

Sir Thomas Chamberlain sworn.

Ld Ch. Just. Hyde. What know you, *Sir Thomas*, of this Business? Pray let the Jury hear you.

Sir Thomas Chamberlain. My Lord, on Friday Morning I was at the *East-India* House, keeping Court there for that Company: Afterwards I went to the *Exchange*, and being tired, I called in at the *Coffee-House*, and there heard that *Mr. Tryon* was robb'd. I went directly home, and dined: About Three o'clock I went to *Mr. Tryon's* House, an old Friend of mine, my Father's Servant heretofore, I went to visit him, and found a great many People about him; *Sir Thomas Aley*, *Lady Garret*, and the Countess of

Carlisle was there. I told him, *Mr. Tryon*, I understand you have been robb'd. Yes, says he, I have a great Loss. I found him very staggering what he should do. I said, you must now do like a Man, or you will lose all: Said I to *Sir Thomas Aley*, If you do not help the poor Man, being ancient, he will quite lose all. With that I went up above in the House, *Sir Thomas Aley* was pleased to call me along with him, I was by at all the Examinations; I did mistrust, and told *Mr. Tryon* in *French*, that no doubt but that Gentleman was in the Robbery: The Reason was, that he being a frequent Man in the House, knew every thing; he was there continually, coming for Jewels and Things, and no Man could do it but himself; that was my Judgment. I told *Sir Thomas Aley* assuredly he had a Hand in it. My Lord, the while we were examining the Servants, Word was brought in, that he was hearkning at the Door, and in the Yards, which made me more and more mistrust him. We heard that the Maid had been gadding abroad several times; I desired *Sir Thomas Aley* to examine the Maid how often she had supp'd at *Turner's*, she denied any time. The young Man was examined, who said, they had been thirty or forty times feasted at *Colonel Turner's*. My Lord, *Sir Thomas Aley* has given you a just Account, but he omitted one thing: He had a Note sent him, which he had in his Pocket, touching *Mr. Turner's* going about Removal of the Money into the *Minories*; and before *Turner* came in, he examined *Mrs. Turner* upon that Note: Says he, you were there too, and carried the Money. Says she, She is a Lyar and a Whore for saying so. *Col. Turner* came in and said, Why do you torment and vex my Wife? and falling a Cursing, and Swearing and Banning, said she was with Child, you will make her miscarry, let her alone. *Sir Thomas Aley* examined him where he had been that Day, and that Night; he told him of many Taverns, and going to see his Horse, and I know not what, but we found him faltering. When the Jewels were brought, there being two Notes, *Sir Thomas Aley* had one, and I another. The old Gentleman was so joyful to see them again, that lying by him, and handling them, he pull'd two or three down with his Sleeve. Says *Mr. Turner*, Come, I know what belongs to them better than any of you, and read them over, and I will shew them you. There wanting one Jewel, says he, That Rogue that has the other Money, hath this Jewel, but I do not doubt but I shall find that out too. We put them all together, and *Sir Thomas Aley* sealed them with his Seal. For the Bags of Money, I saw them taken out, and one being sealed with a small Seal, I put on both my Spectacles, I found a Lion Rampant at top in one of the Quarters; said I, This is a Seal of some great Person: And then a Letter was brought down, and being compared, I was satisfied in my Conscience they were alike. *Sir Thomas Aley* told me he must make a *Mittimus* for him and his Wife: Said she, Do you send me of your Errands? You shall send somebody else another time: I thought it would come to this. After much ranting and swearing (I thought the Devil would have fetch'd him out of the Room) he said, that he had better have kept the Jewels, than to bring them forth, and to suffer for it himself, for he had pawned his Soul, and would not reveal it; and said, that

Mr. Tryon had likewise engaged the like to him. For the Six Hundred Pound, he offered his Bond.

Lord Mayor. Pray repeat one Part of your Evidence again; that was, that somebody came to Mr. Tryon's House, from the House in the *Minories*, charging Mrs. Turner to have been at that House.

Sir T. Chamberlain. I said, that before Turner came in with the Jewels, Sir Tho. Aleyn had received a little Note, wherein was affirmed, that Turner and his Wife had been there; with which she was acquainted, and swore and took on, she was a Whore, for she was not there.

Sir T. Aleyn. When I examined Mrs. Turner, she would own nothing. Why, said I, will you deny this which is so apparent? That you were there (the Maid told you so now) you deny'd it when I charged you with it.

Mrs. Turner. I did not, it's false; what did—
Turner. Prythee be patient, dear Mal, come sit thee down.

Sir Tho. Aleyn. I asked Mrs. Turner whether she knew of any Money carried to the *Minories* that Day; she said, she knew of no Money at all, and said she was a Whore that said it.

Mrs. Turner. They put it to me, that I knew who brought the Money to my House, and that a Woman acquainted them so; I said she was a lying Whore that said so.

Ld Ch. Just. Bridgman. Mr. Hill, what time of Night did you go out that Night?

Hill. It was Seven or Eight o'clock.

Ld Ch. Just. Bridgman. Was the Door lock'd?

Hill. Yes.

Ld Ch. Just. Bridgman. Did you carry the Key with you?

Hill. Yes.

Ld Ch. Just. Bridgman. Was there any more Keys?

Hill. There was another above in the Chamber by my Master's Bed.

Ld Ch. Just. Bridgman. Did you find that other Key when you came back?

Hill. Yes.

Ld Ch. Just. Bridgman. In the same Place?

Hill. I know not that.

Ld Ch. Just. Bridgman. Mr. Hill, you have been acquainted with some Transactions between Mr. Tryon and Turner; was he not employ'd about a Mortgage?

Hill. Two or three.

Ld Ch. Just. Bridgman. Was not the Names of some Persons given to you to that purpose?

Hill. We have two or three Mortgages my Master lent him so much Money upon: We heard of one Man, but whether he gave order to Mr. Turner to take so much Money upon the Land, we know not.

Ld Ch. Just. Bridgman. Mr. Tryon, have you inquired after the Persons?

Tryon. No, my Lord; I did believe all was true.

Garret. I have inquired after Sir *Theophilus Gilpin*, but cannot find that he has any Estate in *England*.

Turner. My Lord, *Gilpin* only assigns a Judgment of *Wescott's*.

Ld Ch. Just. Bridgman. Then if *Wescott* be good, it is sufficient; you should enquire after him.

Sir T. Aleyn. My Lord, *John Turner*, his Son there, fled away from me, when I came to the House in the *Minories*.

Ld Ch. Just. Bridgman. Why did you fly away?

John Turner. I did not, Sir.

Sir T. Aleyn. No! You ran away as fast as you could; you got over a Ditch.

John Turner. My Lord, a Woman cry'd out, *Get away and save your Life!* And I not knowing what the Matter was, I went away.

Col. Turner. Poor Boy! he thought Thieves had been coming, and affrighted him.

Sir T. Aleyn. As to *Ely Turner*, I examined him upon the Sunday, the Day after his Father was committed; he would not confess the carrying of any Money, and the Maid swearing it, I committed him also.

Col. Turner. What's that of *Ely*? Upon my Soul, the Boy carried none.

John Turner. I carried what was carried.

Col. Turner. My Lord, one Son is as dear to me as the other, but if either be more, it must be my eldest; but yet I must say, it was *John* my eldest Son that carried the Money.

Sir T. Aleyn. My Lord, *William Turner* was brought before me on Tuesday or Wednesday: Sir *Richard Brown* sent out his Warrant for him, being a Person of evil Name, and likely to do such a Fact; being taken, he was brought before me. My Lord, when Mr. Tryon looked upon him, he suspected him: I examined him when he saw Col. Turner; he said not these three Years, not to speak to him; and yet one at the *Cock* behind the *Exchange* said, this *William Turner* staid for Col. Turner at his House two Hours; that Col. Turner came in, paid for the Pot of Drink, and for ought he knew they both went together: thereupon I committed him.

In the Afternoon I ordered this Person to send his Servant; one came and made Oath that he came in, and inquired for Col. Turner, asked for him, staid two Hours for him; that they went both out of the House together: And this was on the Wednesday, the Day before the Robbery.

William Dawes sworn.

All that I can say, is this: *William Turner* was at my House on Wednesday was sevensnight last; comes in, and called for a Flagon of Beer; there comes in a Customer of mine, says he to me, What do you with such a Fellow in your House? Have a care of him, he is a dangerous Fellow. Presently after Col. Turner came in, and paid for a Flagon of Beer, and went away.

Col. Turner. I drank not with him, did I?

Dawes. Not that I saw.

Ld Ch. Just. Bridgman. Sir *Thomas Aleyn*, did not this *William Turner* deny that he had seen Col. Turner lately?

Sir T. Aleyn. He said positively he had not seen him these three Years, so as to speak to him; said, he was grown too high for him.

John Rouse (*Dawes's Servant*) sworn.

Ld Ch. Just. Bridgman. Do you remember when *Will. Turner* was at your Master's House? Which is he?

Rouse. That's he (pointing to *William*) he was there upon Wednesday the 6th of this Month.

Ld Ch. Just. *Hyde*. Did *James* (called Colonel *Turner*) come there then?

Rowse. *William* came, and said he staid for the Colonel; and by and by the Colonel came.

Ld Ch. Just. *Hyde*. When he came, what did they?

Rowse. He went to the Bar, and paid the Reckoning.

Ld Ch. Just. *Hyde*. What time of the Day?

Rowse. About Twelve or One o'clock.

Ld Ch. Just. *Bridgman*. Did you ever see them both there before?

Rowse. No, I never saw them together before, but several others have enquired for Col. *Turner* at our House.

Ld Ch. Just. *Hyde*. By the Oath you have taken, did *William Turner* say he staid for Col. *Turner*, and that after Col. *Turner* came, he paid for the Drink, and they both went away together, and this on the Wednesday?

Rowse. Yes, Sir, it was so.

Col. *Turner*. My Lord, I left him there; he follow'd me to the *Exchange* about his Arrears, as twenty poor Gentlemen do.

Mr. Garret, *Mr. Watcher*, and *Mr. Peter Cully*, sworn.

Mr. Cully. My Lord, and Gentlemen of the Jury, I was at *Mr. Tryon's* this Day sevensnight; as I came from him, I met Sir *Thomas Aley*, Col. *Turner*, and Major *Tasker* coming up Stairs: they asked who was there with *Mr. Tryon*? I told them nobody. *Turner* desired earnestly they would stay a little; for (says he) before God you will spoil all the Business by and by. After he had been a little time with *Mr. Tryon*, he comes forth again, he takes up the Bags of Money, says he, These belong to me, this is not *Mr. Tryon's* Money: He carries it to the old Gentleman; he comes into the Room, says he, Gentlemen, you may be all gone, the old Gentleman is satisfied, his Money and Jewels shall be forth-coming by Five o'clock this Night; Persons of Quality are concerned in the Business, and the old Gentleman will not prosecute. I asked Col. *Turner*, Why was the Money carried from your House to the *Minories*? He said there was none, and did affirm it with an Oath. When the Bags were taken out of the Wallets, upon comparing of a Seal of one of the Bags with the Seal of a Letter produced, I found them the same. That's all I can say.

Mr. Watcher. My Lord, last Saturday between Twelve and One of the Clock came Col. *Turner* on the *Exchange*, and said that *Mr. Tryon* should have all his Money and Jewels by Three of the Clock that Afternoon; and if any Man could say, that he lost Sixpence of his Money, or Sixpenny-worth of his Jewels, he had two Fellows in Custody that should suffer for it. And asking him why the Money was that Morning removed from his House to the *Minories*, he said with a great Oath, the Money was never in his House.

Mr. Garret. When Col. *Turner* brought home the Money, he took up one of the Wallets, and said, *Jack*, take notice, this is my Money.

Ld Ch. Just. *Hyde*. Where was this?

Garret. In my Cousin *Tryon's* House; and that he only left it with my Cousin *Tryon*. When we looked over this Money in the Evening, we found

that Sale that this Gentleman (pointing to *Mr. Cully*) hath spoke of; it was a little defaced, but yet apparent enough.

Turner. I did say so, my Lord; he speaks Truth.

Mr. Pilkington sworn.

I can say no more than hath been said already: I shall repeat it. Being at the *Hoop-Tavern* with *Mr. Tryon's* Man, and others, with the Officers, we were discoursing of his Robbery; and I was saying, That I admired, he being so ancient a Gentleman, they would use him so barbarously as hath been related. Said Colonel *Turner*, In that they went beyond their Commission, they had no Order for it. And being asked how they got into the House, he said one got into the Cellar in the Day-time: [And so related it in the same manner as several Witnesses before.] Being asked how his Tooth came to be beaten out? Says he, It was not with a Blow; but the Man's Finger being in his Mouth, he closed his Teeth, and struggling to get out his Finger, his Knuckle thrust out the Tooth. And then *Mr. Tryon's* Man saying, If he and the Maid had been at home, they should have been killed: No, said *Turner*, you would only have been bound.

Ld Ch. Just. *Hyde*. Now *Mr. Turner* you have heard your Charge; you will do well to make an Answer to it; you see what is laid to your Charge.

Turner. Ay, my Lord: I shall clear it all, every Syllable of it.

Mr. Martin's Coachman was called and sworn.

Ld Ch. Just. *Bridgman*. Tell the Jury what you know: Did you see any People about *Mr. Tryon's* House upon Thursday Night?

Coachman. I did, my Lord: I was come by from the Play-house with my Coach; I saw four Men, two on one Side of the Door, and two on the other Side; every one had a Handkerchief tied about his Neck, and every one of them had a good Cudgel in his Hand.

Ld Ch. Just. *Bridgman*. What Time a-night was that?

Coachman. About Eight or Nine o'clock at Night.

Lord-Mayor. Was their Faces turned towards *Mr. Tryon's* Door, as if they were to go in, or to knock?

Coachman. No, Sir, two stood towards *Fenchurch-Street*, and two stood toward *Leadenball-Street*. I did suspect such a Business; for they pulled down their Hats over their Faces.

Ld Ch. Just. *Hyde*. What kind of Cudgels had they?

Coachman. Sticks somewhat bigger than Walking-Staves.

Mr. Tryon looking upon *William Turner* at the Bar, said, This Man, whose Name is (as I understand) *William Turner*, I do suppose to be one of the two that was in my Chamber at the Bed-side, and that indeed did strike out my Tooth. I asked him, Why do you use me so inhumanly, like a Beast, and not like a Man? I am quiet; what would you have? Says he, Be still, you shall not lose a Hair of your Head.

Ld Ch. Just. *Hyde*. You believe that to be the Man?

Tryon. I would be loth to charge him; but he is as like him as any I ever saw.

Ld Ch. Just. *Hyde.* Had they either Vizors or Masks on?

Tryon. Nothing, my Lord; bare-faced. One said to the other, It's but past Eleven of the clock; else I had not known it: I was asleep, with Surprize amazed, being an antient weak Man.

Ld Ch. Just. *Hyde.* As near as you can conjecture, is that the Man?

Tryon. Yes, both of Face and Pitch.

Lord Mayor. Mr. *Tryon*, did you observe those Persons that were at your Bed-side, whether they had Handkerchiefs or Cravats about their Necks?

Tryon. My Lord, I did not take notice of that; I do not remember it.

Ld Ch. Just. *Hyde.* You hear your Indictment: That you, and *William*, and *John*, are indicted for the Felony and Burglary, for breaking and entring into the House of Mr. *Francis Tryon*, and stealing the particular Goods and Money, as you have heard: I would propose this to you, to make your Defence touching your Charge: Which is, first, that you and *William* met the Day before; he came in first, and said he staid there 'till you came; you came, and paid the reckoning, and went away: You two were together the Day before: What your Business was, you can better tell than I. The Night he was robbed, his Servant being gone, the Door was double locked. You knew all the private Places, where the Keys lay, all the Rooms wherein Cash, Jewels, where every thing was: And it was not possible this Burglary could be committed but by one that knew those Things.

Turner. There are about twenty People that knew as much as I; his Servants, and such as had been his Servants.

Ld Ch. Just. *Hyde.* It falls out that the self-same Night after this House was robbed, in the Morning early, you, your Wife, and Son, go to remove store of Money out of your House.

Turner. It was two Nights after the Robbery: Pardon me, my dear Lord.

Ld Ch. Just. *Hyde.* When you carry this, you go with a false Story, That a Merchant was broke, and you must needs have some of the Money for his Wife and eight Children; and this Money was to be set aside for them.

Turner. It was so, my good Lord.

Ld Ch. Just. *Hyde.* You would do well to hold your peace a while: Your Wife and you disowned you removed any Money; yet afterwards, when the Money was brought there, and taken upon Suspicion, (you taken in the very Place removing the Money) you owned it to be your own: That then it appeared that one of those Bags was sealed with the Bishop of *Chichester's* Seal; and at the Time of the Burglary, there was 600*l.* in Bags left with Mr. *Tryon*, sealed with the said Seal; and one of those Bags you brought back was taken with you, and owned to be your own, and had the same Seals. That's proved by four or five Witnesses, compared with the Seal of a Letter of the Bishop. Your Son, on their coming thither, he takes footing and leaps over the Ditch to escape, which is a good just Ground of Suspicion that he is guilty of somewhat that he would not abide to

answer. Yourself and Wife take upon you to know every Thing: You know how the Usage was; that there was a purpose they should not be killed; that he was gagged; that they exceeded their Commission; if the Man and Maid had been at home, they should have been but bound. All Particulars you take upon you to know, and to confess the whole and the manner of it; nay, tell the Story how they came in.

Turner. As I was informed.

Ld Ch. Just. *Hyde.* Lay all this together, unless you answer it, all the World must conclude that you are one that did this Robbery.

Turner. I shall answer it; I hope to give all the World Satisfaction. Pray call

Mr. <i>Vandeputt</i> ,	My Maid,
Mr. <i>Covell</i> ,	And the Lord Marquis
M. <i>Esnow</i> ,	of <i>Dorchester's</i> Servant.
Mr. <i>Cook</i> .	

Ld Ch. Just. *Hyde.* Tell us to what purpose.

Turner. To clear every Particular.

Ld Ch. Just. *Hyde.* Open it.

Turner. I shall first prove that upon Thursday Night, the Time of this supposed Burglary, that myself, my Wife, and all my Family, were in Bed, fast asleep, and innocent, not knowing any thing of this Business. This I shall prove; if not, let me hang and all my Family.

Ld Ch. Just. *Bridgman.* All this may be true, and yet this not to the purpose.

Turner. Then I cannot be guilty of the Burglary.

Ld Ch. Just. *Bridgman.* If you will lay and plot such a Robbery, though you are not there, yet you are Guilty of it; for it is ordinary that the main Setter will not be present at such Times, but will be then in Bed, that People may take notice thereof. But satisfy the Court by what Means you came by this Money and Jewels, and then call your Witnesses.

Tryon. I shall go on by degrees, and satisfy you as to the whole.

Ld Ch. Just. *Hyde.* My Lord *Bridgman* hath put you upon the right Business: Do that in the first place; make it appear how you came to know so exactly the whole Carriage of this Business, and how you came by the Money and Jewels.

Turner. I shall do it, my Lord. The Constable coming for me, by Direction of Mr. *Tryon*, to assist him, I came to him; saith he, Some Villains have been here, and have robbed me this Night; which made me weep. Said I, These are wicked People: I gave you notice how you should have been robbed about a Year since; but that was prevented. And saith Mr. *Tryon*, For God's sake assist me in this, and I shall be thankful to you. Sir, said I, did you see the Faces of them? Said he, It run in my Mind very strongly that one of them is *Christmas*. Said I, Who is he? Saith he, 'Twas *Hanson* the Grocer's Man. I know *Hanson*, said I. *Mosely*, go and knock up *Hanson*, and know where *Christmas* is, and bring him to Mr. *Tryon*. *Mosely* took two or three Men, and went to *Thomas Hanson*, in *Mark-Lane*, and there found at a Bricklayer's House where *Christmas* lay: He was a little refractory to rise. Another Constable coming, he came down; and then they sent *Christ-*

was to the Compter. *Mofely* came and told us he was in the Compter. I sat with Mr. *Tyron* that Night. But, my Lord, pray observe how my Name came into question: The young Man and Maid being out, came home late, the Constable was there then: Friends, saith he, where have you been? Saith he, I have been at Colonel *Turner's* at Supper; which was a notorious Lye, and brought me here in question; God forgive him for it. Away comes the Constable, by Direction of Mr. *Tyron*, and *Hill's* Lye together. He came to my House; we were all asleep. I arose, and asked, Who is there? It is I, said Mr. *Mofely*; Mr. *Tyron* is robbed; pray come down. I came down, and opened my Door. Saith he, Was Mr. *Tyron's* Man and Maid here at Supper? When? said I. To night, said he. I have had no Suppers these nine Months, said I: This *William* is a very Rogue. Whereupon the Constable replied, Are your Sons within? Yes, in Bed these two Hours. Do you suspect any thing by my Sons? He went and looked, and saw my Wife, he finds my Sons fast asleep; the one indeed was awake. Pray, said I, see that you know them again. Upon my Honour, my Lord, this Boy (pointing to *Ely*) was asleep.

Ld Ch. Just. *Hyde*. Upon your Honour, Sir! pray speak by your Honesty.

Turner. *Lapsus Linguae*, my Lord: It is my usual Phrase. I hope I shall appear to be a good Man. This Child was awake: He saw the Maid, my Daughters: searched every Room, searched every Place that was to be imagined to be searched. Saith the Constable, I am very glad that your Servants, your Children, and you are in this Condition: I will acquaint Mr. *Tyron*, what a Rogue this *Hill* is, how he hath belied you. Nay, said I, pray take me with you; and so I went with my Hair put under my Cap. When I came to Mr. *Tyron's*, I asked him who had been there? Pardon me, my dear Lord, if I were guilty, I should not speak any thing to excuse it. When I had understood this, I gave the Constable five Shillings, and desired him to search about this Business. I went to Mr. *George Day* the Goldsmith, and gave him a Note of those Things, to be printed, that they said they had lost. Friday came; and at Night Sir *Thomas Aleyu* was pleased to argue it with me: I told him and the Gentleman these must be some Rogues that know the House; which put me in mind of a former Crew that was to rob him a Year since.

Ld Ch. Just. *Bridgman*. We would be glad you would speak to the purpose.

Turner. I did charge the Constable and Mr. *Pilkington* that they would get up before Day; and that they would go to such and such Places where the Constable and I had privately spoken of, to *Ratcliff*, or *Ratcliff-Cross*. The Constable and Mr. *Tyron's* Man had been there; but the Man and his Wife was gone into *London*: But afterwards, by Inquiry, the Boy said they were gone into *Hertfordshire* a Week before. This Boy is in two Tales: Here is some, pray God these People be honest.

Ld Ch. Just. *Bridgman*. Go on.

Turner. Your Honour's Servant, my Lord. Afterwards I went beyond the little Postern between the two *Tower-Hills*, near the *Tower-Ditch*: There is one *John Wild*, who had been

formerly here in *Newgate*; he should have been transported. This Fellow coming into my Mind, I having before been to take him in *East-Smithfield*, I had News he used *White-Chapel*, *East-Smithfield*, and *Tower-Hill*, and had Lodgings by the *Blue-Boar* by the little Postern, and at *Noah's-Ark*, and at the *Lion in the Wood*, the Corner-house at *Tower-Ditch*. This House about *Tower-Ditch* and the *Nag's-Head* at *White-Chapel* were the two Places where I found those Persons about a Twelvemonth since, that should have robbed him. Going now from House to House, I passed a Fellow in Black, in a large Coat, such another Man as this, (pointing at one that stood by :) He was in a black Loose Coat, and he was trimmed with Ribband at the Knees. This Person I passed him, and he passed me; and then I out-went him: And meeting him on the other Side, I was confirmed it must be one of these Fellows I looked for, one *Wild* or *White*. Passing the second time, I ran to him, thrusting to him. What mean you, Sir? said he. Said I, I mean to lay flat Felony to your Charge: Do not you know me? No, said he, with a great Oath. Then I know you. Who is it, Colonel *Turner*? said he. I said, Ay. Saith he, What do you mean? Said I, Mr. *Tyron's* House was robbed, and you are the Person that I will lay flat Felony to; you should have been one of them that were to rob him a Year since, when Colonel *Ashton* betrayed you all. He began with some hard Oaths: Be quick, said I, I will call out; you are an undone Man: I will lay this Felony to you.

Ld Ch. Just. *Bridgman*. What Night was this?

Turner. The Friday Night following, about Twelve o'clock at Night. I shifted my Hold from his Collar to the Waistband of his Breeches; I thought I had him secure. Said I, *Wild*, do not deceive your self, play not the Fool; if you will save your Life, let me see where those Goods and Moneys are, else you will go to pot. Saith he, Pray speak lower; we shall be heard. Well, I will speak lower. We walked to the Hill. I had fast hold of his Breeches all this while; and yet I was afraid he might have some Dagger, and stab me: Said I, Be Brief, you are alone; either resolve me, or I will call out. Then I will tell you, said he: Colonel *Turner*, I understand you are a Person of Honour, and a Gentleman that will keep your Word; and if you will upon a serious Vow and Promise save my Life, I will unfold the Business: But if you will not, with a great Oath, saith he, you shall hang me, and lose all the Jewels. Said I, What will you have of me? Saith he, You shall swear to me, *That by the Blood of that Jesus Christ that died for you, and I, and all Sinners, that I shall have my Life free, in case I discover the Thing to you; and then I will tell you more: If you will not, I will tell you nothing, do with me what you will.* Saith I, *Wild*, I shall stand with you! so long, that I shall have my Throat cut. Upon my Salvation, saith he, stooping down upon his Knees, saith he, Let me never rise up, if I am not just to you; and not a Hair of your Head shall be touched. Said I, Come, stand up: I do declare to you that I will endeavour with old Mr. *Tyron*: Tell me where the Things are. They are not far off. Where are they? They are at two Places: But do you swear to me. He did,

did, in short, make me say the same Words that I have repeated, and that I would get Mr. Tryon to engage himself too by the same Oath I did swear to him; thinking my Life in danger, and thinking my Friend's Goods likely to be lost; and did and do intend by the Help of God to make good my Oath. Saith he, Walk with me. He whistled once, the second time, and at a pretty distance a third time; and within a little while came another Fellow to him, at the further End, by the *Horse-Shoe-Tavern*. He comes. Saith he, Art thou come, Tom? I think he called him *White*. Ay, saith he. What shall we do? We are all undone; my Face is known. But I have lit in the Hands of a Gentleman who will save my Life; but for you, he knows you not. Saith he, the Money must be returned; go and fetch that Money. Said I, Shall not I go with them? No, said he. And truly, my Lord, I was very glad to take him at his Word: If I had gone, I might have had my Throat cut. There was this 500 *l.* brought at twice, three and two. They went again, and brought, as I take it, two and one; so there was three and two, and two and one.

Ld Ch. Just. *Bridgman*. Who brought it?

Turner. White. All this while I had the Fellow by the Breeches, and would not part with him. It was from a little past Twelve till Four bringing, and was left on the Cautey, and went away and fetched the other. This Fellow and I, all alone together, had this Discourte: Said I, What desperate Villains were you to go and use the old Gentleman in this manner, fourscore Years of Age! You beat and abused him; you are strange mad Fellows: Why could you not let him sleep in his Bed? he was asleep when you came in: You were the maddest Fellows that ever was. Saith he, Some of you have stabb'd him. I think you deserve ten thousand Deaths for laying your Hands on him, tho' you did not take Six-penny worth of his Goods. Saith he, There was no Intention of hurting him: Upon my Soul there was no Order or Commission. Saith I, How got you in? Saith he, The Door stands open half a Day together, almost: One got into the Cellar, and stood till all was a-bed: He went into the Kitchen, found a Candle standing lighted, and went up into the old Gentleman's Chamber, and there he found the Key of the Door, came down, opened the Door, and let the rest in. How many was there of them? Saith he, Three or four. Said I, What did you do; and what would you have done? We would only have bound them. How got you the Treasure? By a Key out of the old Gentleman's Pocket: I think there is no hurt to the old Gentleman; I would not for all the World there should. You shall have the Things again: And pray keep your Word with me. About Four o'clock in the Morning they brought the Money. Now, said I, what shall we do with it? I can do nothing with it: You must carry it home to my House. These two Fellows carried one three, and the other two Bags.

We went through *Aldgate* with the Money, and so to my House: My Wife, nor Sons. nor no Soul, God is my Witness, knew any thing of this Business but my self. I knocked at the Door: This young Man (pointing to *John*) came down, and he unbolted, unlocked, and unlatched

the Door. My Parlour and Kitchen is all of one Floor: They followed me in, and threw down the Money. He bringing the Candle to me; No, said I, do not bring it. Said I, *Wild*, what shall I do for the Jewels and the rest of the Money? You shall have them brought you where you will appoint to-day. I will have them brought hither. Saith he, That cannot be. I have forgot my self: This Money must not lie here; you must remove it from hence: For the other Youths that have the rest of the Money and Jewels, will never be brought into the City. If you will remove it into the *Minories*, my Life for it, you will have it all. I will pretend there we will share it. You must not let it lie at all, but carry it presently thither. I will tell what I will do: Have you any Acquaintance about *Tower-Hill*, where you will leave it? No, said he. Nor I neither, said I. I went up Stairs to my Wife; *Mall*, said I, have you any Acquaintance about the further *Tower-Hill*? I durst not trust my Wife nor Sons: for I thought their Tongues might be too long, and left them in perfect Ignorance: Truly, I must clear them. *Mall*, said I, there is a Gentlewoman, whose Husband is sailed, (this was a feigned Story, my Lord) it must be secured about *Tower-Hill*: She was pretty well awake. Saith she, There is the Commissary-General of the King, his Daughter *Betty Fry* keeps a Shop of Linen at the lower End of the *Minories*. Do you think she will be private, and let it lie for four or five Hours? Undoubtedly she will, saith she. Pr'ythee get up, and put on thy Clothes, and go thither. *Wild*, where shall I find you about Eight or Nine o'clock? I will lodge this at the Seamstres's Shop, upon the Right-hand at the farther End of the *Minories*: Tell me where I shall meet you, and we will have this Money carried there; my Son and I, we will have it lodged. Saith he, You shall have me walking within three Doors of the *Blue-Pig*; so he called it. Saith I, What mean you? Saith he, It is a little Sign, no bigger than a Pig, but it is called the *Blue-Boar*: There you shall have me walking in the under or upper Causey. My Lord, I took this Boy, (pointing to *John*) who knew nothing: I told him it was a Friend's Money. I railed my Wife: *Mall*, said I, come away. My Wife went before; the Boy and I took the Money: I carried two, and he three. My Wife went and knock'd up the Maid, the Door was open when we came; God forgive this Maid that swears it was this Son, she is mistaken, upon my Salvation this Boy was abed and asleep. When the Money was there, I staid by my Wife; said I, what have you done with this Money? I did not tell my Wife any thing. I came home; coming home, there was my Son and Wife. I drank a Cup of Cider, (for I kept a Hoghead of Cider in my House) as soon as I drank it, I went out of Doors immediately: Said I, to this youngest Son, Stay at home, I shall have occasion to use you by and by. I went to Mr. *Tryon's*; coming there, I found Mr. *Gurney* the Merchant: Said I, Mr. *Gurney*, I have good News, I have some hopes of strong Presumptions, that Mr. *Tryon* will not lose one Penny-worth of his Goods. Marry, said he, I am glad of that. We went up to Mr. *Tryon's*, we found him sitting by a little Charcoal Fire, as much as you may cover with your Hands: He told us he had been up ever since

since three of the clock. We asked him, what he would have to comfort him: he told us, he had something. Mr. Gurney after some discourse took his leave of him, so I sat down (*Jesus! what a noise is here in the Court. My Lord! I can bear but with one Ear.*) I say, I sat down at the Bed-side of Mr. Tryon, he on the Stool: Mr. Tryon, said I, I have Good News for you. Saith he, Hast thou! I am glad of it with all my Soul, Sir, said I, I am informed you will not lose any of your Goods or Money, there is but thirty-eight Shillings spent of all your Money, the Rogues took but forty Shillings out, and *Wild* told me there was two Shillings saved: I dare boldly say, by Three of the clock in the Afternoon you will be master of them again. I would be glad of that, and will give you five hundred Pounds. But, Sir, said I, there is a Tale hangs by this: You know you should have been robbed about a Year since; and I have apprehended *Wild*, who was one of the intended Thieves: then, he hath made me swear, *By the Blood of Jesus Christ, &c.* that he shall have his Life, if you have your Goods: He hath engaged me that you shall likewise swear by the like Oath, or else you shall hang him, and so lose your Goods. Said I, I have a great part of your Money, but the Jewels and the rest of your Money is wanting. The old Gentleman was almost overjoy'd: This is not true, said he. Said I, I do declare this is true in the presence of God, make no words of it; if the business be discovered, we shall lose the Jewels. Well, said he, I will be ruled by you, Colonel; and the Lord God make me thankful I have such a Friend in the world that hath done this for me, I shall never make you amends: and thereupon he entered into the same Oath, *That by the Blood, &c.* the Blood of the Man should not be spilt tho' he lost both Money and Jewels. I discoursed with him, I told him over and over again, lest him satisfied that I would be with him again, and bring him more tidings, but by Three o'clock I doubted not but he should have all. Then it was almost Eight at Night; away went I to *Tower-Hill* to look my Merchant *John Wild*, he was here in *Newgate* formerly: there found I him walking by the *Blue-Boar*, carelessly walking there, with his Coat under his Arms. Said I, How now, what News? I think I have now pleased you, saith he. What have you done? said I. I have lodged the Money hard by, and all is right. What have you done? Is all right on the other side? All shall be well: but where have you lodg'd it? Here at a Seamstress's, at the corner of the *Alinories*: said he, The Money must be removed, there are Salesmen thereabouts, and the Fellow that hath the Jewels he is known, he will not come thither; remove it towards the Water-side, any where, and the things shall come, my Life for it. They had a Cat's-Eye Ring, they were such wise Lapidaries, they called this a Hundred-Pound Ring; when it was not worth Five Pound. He gave order that the Money might be again removed to the other end by the *Horseshoe-Tavern*. I run home, fetch'd my Son; said I, Wife, we must have away the Money. My Lord, he told me he would have away the Money to the *Half-Moon Tavern* in *St. Catharine's*, or the corner Tavern at the *Iron-gate*; said I, Are not you resolved? Well, said he, it shall be carry'd to

St. Catharine's, he would meet my Son at the *Noah's-Ark* at *Tower-Ditch*: let my Son but hand the Money over that Path, and he would hand it to the other. We did carry it, carry'd it again. At this second carrying, comes Sir *Thomas Aley*, he had heard some Cry of Money left, he comes with a great Company of People after him, and the foolish Wench said to my Son, *Mr. John, fly for your Life.* *John* being surprised and affrighted, he went out of the Back-door, went over the Ditch, and went to my House. Sir *Thomas Aley* had also sent to secure my House. When the Lad came home into the street, my Doors were shut up: (Gentlemen of the Jury, do you understand?) the Boy seeing such a Rout at the Door, saith the People, *Mr. John, your Father's House is shut up about Mr. Tryon's Money.* He walked by the street, and went into *Bishopsgate-street*, and *Cheapside*, into *Paternoster-Row*, and so into *Fleet-street*: I did not hear of him till Saturday, in the Afternoon.

When Sir *Thomas Aley* came, saith he, *Mr. Turner*, here we have catch'd you and the Money. Said I, if you be hasty and passionate, as you were last night, you will spoil all the whole business. Tell me, saith he, whose Money it is? Said I, it is my Money. The truth is, the old Gentleman hath promised me 500 *l.* it is the naked truth; I would not have Sir *Thomas Aley* have the honour of gaining it, but I would have the honour of gaining it my way.

Sir *Thomas* would know whether it was my Money, I told him I had received part of it at a Goldsmith's; so I put Sir *Thomas* off. Come, come, said he, we will carry this Money to Mr. Tryon. Said I to Mr. Tryon, Here is part of your Money, you know what I told you even now. Ay, saith he, God be thanked, before Sir *Thomas Aley*. I asked him, what his Promise was, and told him how the Passage was in short; and the old Man did acknowledge that such a Promise was made, and would have down upon his knees. I passed my word to him, that by Three o'clock I doubted not but he would have his Jewels, and the rest of the Money. Saith Sir *Thomas Aley*, Go, (whether he said live and prosper, I know not) Go, God bless you; and upon my honour (I think that was his word) the old Man shall make good his Word. Ay, but Sir *Thomas*, what will become of me and you, by this Business, for I understand the Law? How will this Business be daubed up? You will be fined, Sir *Thomas*; I must break my Word, he must be apprehended, or I must suffer. Saith Sir *Thomas*, Do not trouble me with that, get but the Goods, and the old Man's Word shall be made good, leave that to me. More than that, he said, He would make up the Business, or he would smother it. My Lord, you have a great deal of Patience, I am humbly bound to you, here is nothing but the naked Truth, step by step, as I trod it. Afterwards *Wild* came and said, All will be well. Said I, What have you done? Are you sure, saith he, the Jewels nor nothing shall be stirred? Said I, You see all is spoiled; Sir *Thomas Aley* is come where we had lodged the Money, the thing is known, do not they hear of it? Yes, they hear as well as you, and know what is done, and some have eyes upon you. Said I, They will run away with the Jewels. No, you shall meet about Three o'clock; no body knows me but you,
your

your Wife, and your Son, who saw me this Morning at Three o'clock, either by the *Blue-Pig* at *Tower-Hill*, or *Nags-Head* over-against *White-Chapel* Church.

It is agreed, for God's sake look to it, your Life and mine is concerned; if the Jewels be lost, I will persecute you to the Death, look they are preserved, and not purloin'd. Saith he, The Bags were never opened. I parted with him, he was to look for me at Three of the clock: coming home about Change-time, who should I meet with but Mr. *Stubbs*, who told me that it was all the News upon the *Exchange*, that you have been in the Robbery. Said I, Do not trouble your head, I have discovered the business. Then said *Stubbs*, You know I and *Thomas Lyon* are Bail for you. At that time I satisfied him. Afterwards that day I met with Mr. *Cole* the Officer; said he, Colonel, I arrest you. For what? for more Fooleries yet? *Thomas Lyon* will not be satisfied. By Six of the clock this business will be all over: nothing will serve your turn but Violence, Violence, no Force, no Law, I was forced to go to the *Hoop-Tavern*. I got them to send for Mr. *Stubbs* and *Lyon*; they came: said I, What will you have? I am in prosecution of a Business for Mr. *Tryon*, you will undo it with this sixpenny Business: say what Security you will have, and you shall have it: said I, Mr. *Tryon* and Sir *Thomas Aley* shall give you their Security, to save you harmless for being my Bail. Said they, Hold Mr. *Tryon*, we'll do it; we are content; they went away, and told me they would get a Bond, and come presently? but what was this presently; I will warrant you they staid two hours; it was Seven o'clock at night before I parted with them. I was fain to send the little Boy for Mr. *Hill*, Mr. *Pilkington*, Mr. *Millington*; this was either a Curse from God sent upon me, or a Plot of Roguery that the Money should be lost. They came not back till Seven of the clock, and then without a Bond; and I fell a little violent: But I was telling them how these Rogues told me the whole Carriage of this Robbery; when it came that Mr. *Tryon* and Sir *Thomas Aley* heard that I was in custody, he sent a Constable with a Warrant to bring us all before him. When we came there, I desired Sir *Thomas* to let a Gentleman go with me; I will break my Oath with the Fellow, and we will apprehend him, and make him bring the Jewels. Sir *Thomas Aley* told them, if they would all go together, they might; but to go out of the Liberties, he could not let them go: I have you, and I will keep you, and do find him if you will. How now, Sir *Thomas*, said I, are you come to that? Have you fooled me all this while? P'faith, I thank you, for you have trepanned me very fairly; if any thing miscarry in my Honour and Reputation, or Blood, you are in the fault: Here I do declare, said I, if you will let me go, I will take him. Then Sir *Thomas* did incline to let me: what say you, Officers, will you go out of your Liberties with this Gentleman? Sir *Thomas*, said I, there is no Liberty or Privilege for Felons; I will seize a Felon my self in any ground in *England* without Warrant. I do remember this *Wild* did condition, that in case I could not come, I should trust no Man living but myself, because he had had my Soul pawn'd to him. I asked him whom

he would trust: He said, if I could send my Wife, describing her to him, that she was a full short Woman about forty or fifty Years old, she had a long black Scarf on; then let him alone if I cannot come, I will send such a Woman, and send the things by her, and preserve your Life. I told Sir *Thomas* this Story. My Wife came to me publickly, I did not whisper with her——

Mrs. *Turner*. Nay, look you, Husband——

Col. *Turner*. Pr'ythee, *Mall*, sit down: you see, my Lord, my Wife will interrupt me with Nonsense. Pr'ythee sit thee down quickly, and do not put me out: I cannot hold Womens Tongues, nor your Lordship neither.

Ld. *Bridgman*. This is not a May-game.

Col. *Turner*. My Lord, it is a serious Business, and I hope God will bless it—— Pray, said I, *Mall* go, as you love and honour my Life and Credit, or any thing that concerns me, I beg you to go. Then I will go, saith she; whither must I go; You must go to the further *Tower-Hill*, six doors beyond the little Postern: now it is so much of the clock, from Five to Seven he will walk there. A Fellow will come to you in black, that Man that in the Morning took the Money from *Jack*, he will know you, and once in a quarter or half an hour he will come to you. If you do not find him in half an hour, stay no longer, but pack away to *White-Chapel*, ask for the *Nags-Head* in *White-Chapel*, and once in a quarter of an hour you will have a Man come to you, and take notice of you, and ask you who you are; and you must say, that you walk for one to give you somewhat: he will deliver you somewhat, and whatever he delivers you, bring it hither. Said I to them, You may send if you will, and dodge my Wife, and catch him that way; they would not. I sent my poor Wife away, and, saving your Lordship's presence, she did all bedirt herself, a thing she did not use to do, poor Soul: She found this *Nags-Head*, she sat down, being somewhat fat and weary, poor Heart! I have had twenty-seven Children by her, fifteen Sons, and twelve Daughters. Seven or eight times this Fellow did round her——

Mrs. *Turner*. Let me give that Relation.

Col. *Turner*. You cannot, it is as well: pr'ythee sit down, dear *Mall*, sit thee down, good Child, all will be well. When she came back, she came with something in her Apron: What are you sped, saith he? I know not what: a Man came to me, and asked me who I look'd for; I told him, I look'd for any Man that would give me any thing. Are you Colonel *Turner's* Wife? And upon her Answer he gave her these Bags into her Apron, and was gone a matter of a yard from her: Steps back again, that is not all, here is a Diamond Ring worth a Hundred Pound, give that to your Husband. And this Diamond Ring proves a Cat's-Eye Ring, and worth but Four Pound.

Mrs. *Turner*. Well, and did not I bring these——

Col. *Turner*. Look you, my Lord, this Woman will put me out. My Lord, she did deliver all these things, and went home. I did take out these Goods: Now, said I, Mr. *Tryon*, you see all is come, (Sir *Thomas Chamberlain* was there) I have perform'd all my part, look to the rest, that you perform yours. Some People report, that there is other Jewels of my own; my Lord, they

they are all his own, and he will not disown it, and I do not expect my Five Hundred Pounds for what I have done, according to his Promise, *That as Jesus died, &c.* and the Man should not be prosecuted, nor lose a Hair of his Head, if he lose his whole Estate: and I do expect my Money, not such a Reward as this. After which I was committed by Sir *Thomas Aleyn*, and so was my Wife. Now pray let me call my Witnesses, and if I cannot make it good, that I am clear, let me be hanged. My Lord, I shall humbly intreat that Mr. *Vandeput* may be called, Mr. *Cowel*, and the others.

Ld *Bridgman*. What do you prove by them?

Turner. To prove part of this Business, That I did assure Mr. *Tryon* of his Goods; and to my Reputation. I forgot one chief thing, I am not a Man in Debt, take notice of that, no Man in the World hath my Bill for 5 l. There is only this Contest between Mr. *Vanburgh* and myself, which is left to Arbitrators, and the Lord-Mayor is Umpire: It is known I have an Estate, and there is one thing remarkable, Gentlemen of the Jury, I could have had all these Jewels at any time in Trust; I could have broke as well as others, and paid 5 s. in the Pound: I lately made Payment of 2600 l. for Goods, and I can have 20000 l. Credit any Day upon the *Exchange*: Why I that had this Credit, that might break for so much Money, why should I put my Neck in a Halter? These are very strong Arguments for me, that I am not such a Person.

Ld *Bridgman*. I will tell you what you have done: You have made a very long Story, and have taken up the time of the Court these two Hours in a Narrative; and when all is done, answer me, Have you any Witness to prove all this Discourse between you and *Wild*?

Turner. I have by, Witnesses to prove I said this, that there was such Discourses between us.

Ld *Bridgman*. No doubt of it; and so will many a Man at *Newgate* frame such a Story as this.

Ld Ch. Just. *Hyde*. You have told a long Story about *Wild*, that you took him by the Throat, and that you were alone; what Weapons had you?

Turner. None, my Lord.

Ld *Bridgman*. Had you a Lanthorn with you?

Turner. No, my Lord.

Ld *Bridgman*. What time of the Night was it?

Turner. Twelve o'Clock, my Lord.

Ld *Bridgman*. You staid till Four, so they were four Hours a bringing of the Money.

Turner. Yes, my Lord.

Ld Ch. Just. *Hyde*. You took a Man in the dark by the Throat, that Man that was guilty of such a thing, as when that you did let him go to call his Companions, to bring the Money, bring Fellows to you single; I would be glad to know, whether in this case they would not have knock'd you on the Head, and killed you?

Turner. My Lord, *Wild* had engaged his Soul, and I my Soul to him, that if I would not discover him, I should go away free.

Ld *Bridgman*. Great Security indeed!

Col. *Turner* called several Witnesses, viz. Mr. *Vandeput*, Mr. *Cowel*, Mr. *Legoose*, Mr. *Snow* and Mr. *Mosely* the Constable. I desire my Maid

may be called: pray ask Sir *Thomas Aleyn* what he hath done with my Maid, he took her up with Sir *Richard Brown* and two Marshal's Men: (pray Gentlemen make not a laughing Business of this) Sir *Thomas*, pray where is my Maid?

Sir *Tho. Aleyn*. I had this Maid upon Examination, I found cause of further Examination, and thereupon directed an Officer to take her, and she is now in the Garden.

Mr. Mosely the Constable examined.

When I came first to Mr. *Tryon*, at Mr. *Tryon's* House, he was bound; then he asked where his Man and Maid was? he said he could not tell. By and by the Man came in, and being asked where he was, he answered he was at Col. *Turner's* at Supper. Presently after we went to Col. *Turner's*, he came to the Window, his Wife and two Sons were in Bed.

Ld *Bridgman*. Did Mr. *Tryon* give you order to come to him?

Mosely. Yes, my Lord, he did.

Ld Ch. Just. *Hyde*. *Mosely*, you were Constable, were you not? What Discourse had you with Mr. *Turner* about a dangerous Place that you did suspect, where some People may be to do such a Feat?

Mosely. I never heard of any such thing spoken.

Ld *Bridgman*. You say Mr. *Tryon* he wished you to call *Turner* to him; did he give you any Order or Direction to search his House? Who wished you to go up to the House to see whether his Sons and Daughters were in Bed?

Mosely. Mr. *Turner* did, my Lord.

Turner. He doth not say true, my Lord: Pray ask him, when he came to my Door, and I opened it, if he did not ask whether Mr. *Tryon's* Servant was there at Supper that Night? I said, No. Is your Sons within, said he? I said, Ay. Pray let me see them.

Mosely. I came to Mr. *Turner's* House, and knock'd at the Door with some others with me; at last the Colonel came out of his Bed. I suppose he came out of his Bed, being partly naked; he came down to the Door; I asked him, where are your Sons? They are in Bed, says he. Said I, Mr. *Tryon* is robb'd, he would have you come to him.

Ld *Bridgman*. Did he desire you to go up?

Mosely. No, my Lord; but I asking him whether his Sons were in Bed, he said, I pr'ythee go up and see.

Turner. My Lord, I would prove where my Sons were on Thursday Night at Ten o'Clock.

Lord Marquis of Dorchester's Servant examined.

My Lord, till Nine o'Clock they were with me at my Lord Marquis's House.

Ld *Bridgman*. What time came they thither?

Marq. Servant. Between Seven and Eight at Night.

Col. Turner's Maid examin'd.

Turner. Come, Maiden, pray tell my Lord and the Court when my Sons came home this Night.

Maid. Between Nine and Ten o'Clock.

Ld *Bridgman*. Were your Master and his Sons in Bed all Friday Night, or no?

Maid. Yes, my Lord, they were.

Ld Ch. Just. *Hyde*. Did your Master go forth on Friday Night?

Maid. No, he was at home and in Bed all that Night till Eight o'Clock in the Morning, and Thursday Night before.

Turner. A silly Soul, she knows not what she says.

Ld Ch. Just. *Hyde*. I will ask you again, was your Master at home on Friday Night?

Maid. No, I think he was not.

Ld Ch. Just. *Hyde*. Why did you say so before?

Maid. I cannot remember, Sir.

Ld *Bridgman*. She knows her Master's Mind.

Turner. No, upon my Soul, my Lord.

Ld *Bridgman*. My Masters of the Jury, this is the Use that is made of this Maid's Testimony; she will say any thing, she is no fit Witness, no Trust to be given to her either one way or other.

Turner. Pray call Mr. *Cowel*, Mr. *Legoofe*, Mr. *Cook* the Goldsmith.

Ld *Bridgman*. What do you call these for?

Turner. To prove my Condition, my Credit and Reputation.

Ld *Bridgman*. The Jury knows that already.

Mr. *Cook*. Thus much I can say, that I have known him some twenty Years, I have had Dealing with him to the Value of several hundred Pounds, I have trusted him, and have found him very faithful; I have seen in his Possession Jewels to the Value of eight or ten thousand Pounds: by which I suppose, if he had been such a Person, he might have done himself a Kindness by breaking.

Mr. *Legoofe*. All I can say, is, I have an Acquaintance with this Person, he was a Solicitor, dealt honestly and faithfully in a Business wherein I was concerned; he hath lived very well.

Sir *Richard Brown*. Where you have heard one Man say he is an honest Man, have you not heard a hundred say otherwise?

Mr. *Legoofe*. There hath been an ill Report, that he hath been a Person that lived high.

Turner. Sir *Richard Brown*, no Man in *England* can say black is my Eye.

Sir *Rich. Brown*. Mr. *Turner*, you say you were upon *Tower-Hill* all Friday Night; whither went you in the Morning?

Turner. I came home between Four and Five in the Morning.

Sir *Rich. Brown*. Your Maid offered to depose even now, that you did not rise all that Morning before Eight of the Clock.

Turner. *Lapsus Linguae*, if the Girl be mistaken.

Ld *Bridgman*. Do not trouble your self with that, her Evidence is of no force.

Mr. *Jefferies*. Col. *Turner*, I cannot say any thing that will be advantageous to you; my Lord, and Gentlemen of the Jury, I have heard Mr. *Tryon* hath trusted him with Jewels to a good Value, and that Mr. *Tryon* had a very good Repute of him.

Sir *Rich. Brown*. Pray what Report hath he upon the *Exchange*?

Turner. I owe nothing there, Sir *Richard*, nor none there can lay any thing to my Charge, except it be that I am a Cavalier.

Ld Ch. Just. *Hyde*. Mr. *Turner*, have you any more?

Turner. My Lord, I do want these Goldsmiths, they do not appear, they promised me they would.

Ld Ch. Just. *Hyde*. How can we help it?

Turner. I do humbly beg your Honour and this Honourable Bench, that the old Gentleman, my old Friend, may declare what passed between us on Saturday Morning.

Ld *Bridgman*. Consider what you do, for here would you have Mr. *Tryon* swear against himself: hear what you would put him to, take it as you put it, tho' I do not believe a Word of it. As you put the Case, here is *Wild* commits a Robbery, you come and truck with *Wild*, and agree with him that Mr. *Tryon* shall let him go, shall not meddle with him, there shall be no Prosecution, so the Jewels and Money may be brought; Would not you get Mr. *Tryon* to conceal a Felony and Felon, and he confesses against himself he made this Agreement with you? that Mr. *Tryon* did consent to it, that he promised you five hundred Pound to shuffle up this Business?

Turner. Hear me, pray; you put me out: I had not let this Man go, I begged that they would go with me, Sir *Thomas Aleyn* would not let us go, we would have taken him, I was sensible of the Danger; it may be we might have had the Felon and the Goods too.

Ld Ch. Just. *Hyde*. No doubt, upon your own Story, all this while you had no Possibility of having the Goods, unless the Life of this Fellow may be given you; so you were fain to agree, and plight your Word to him, pawn your Soul that he should be free, untouch'd, so he would discover the Goods and Money. Sir *Thomas Aleyn*, speak to that Particular again.

Sir *Tho. Aleyn*. My Lord, and Gentlemen of the Jury, he tells a long Story, that he was kept abroad till Seven o'Clock at Night; I do verily believe he was brought to Mr. *Tryon*'s at Five o'Clock, and there he kept us 'till Seven, and all he would do, was, he desired to go himself, or with one Person at the most, or else we shall lose all the Jewels, faith he, for two Souls are pawned: he did not in the least argue the taking of the Thief. I must say this, when I came to him on Monday, he said if I had sent a good Guard, we might have taken the Thief. Said I, a Lyar had need have a good Memory. Then you must only go yourself, or with one Person; he hath told you, that I said there should be no Prosecution. I said only this, whatever Mr. *Tryon* had promised you, I knew not; but if you expect Favour, let the old Gentlemen have his Jewels again.

Sir *Tho. Chamberlain*. I heard no such thing.

Ld *Bridgman*. What did he tell you?

Sir *Tho. Chamberlain*. He would have gone with one with him, and pretended he could find out the Jewels only.

Mr. *Millington*. There were some Propositions made, he desired first I should go with him singly; I told him there would be no Security, but if he would get a sufficient Guard, I would go with him: but he went home to his Wife, and never made mention of any Party's Name, but that there was a Party he expected the Jewels of.

Ld *Bridgman*. Did he propose any thing touching the taking that Man?

Millington.

Millington. Nothing but that he had pawned his Soul there should be no Discovery of it.

Ld Bridgman. Did he desire that you should go and take the Man?

Millington. No, but that we might go and secure the Jewels.

Serj. Cole. My Lord, there was a great deal of Danger; we are Bail for eight hundred Pounds; if he had been taken away, we are all undone: he only propounded of having the Jewels, and nothing of the Man.

Mr. Gurney. I understood you, Col. *Turner*, only for the Jewels, and not for the Man.

Mr. John Marshal. My Lord, he did move Sir *Thomas Aley*n that I might go with him to *White-Chapel* and about *Tower-Hill*. I told Sir *Thomas*, it was very unsafe for me to go, being late, and out of the Liberties; tho' I was a Constable. I could not command Assistance there; and intreated Sir *Thomas* to excuse me: I thought it not safe for him. He did then repeat the Engagement of his Soul to the Thief, and of *Tryon's* to him.

Ld Bridgman. Did you ever hear him say, desire or propose, that you should go and take the Thief?

Marshal. No, my Lord, it was to get the rest of the Jewels.

Alderman Smith. Do not you know that I spake to you again and again, and advised you by all means to let us know where this Man is; that I would go myself, or any of these Persons present? you utterly refused it, and said there was two Souls pawned, and you would not discover it.

Turner. That was at first, afterwards I mention'd them all.

Ld Bridgman. For what?

Turner. To take the Thief.

Ld Bridgman. You see not any Man testify any such thing.

Yeoman Cole. Sir *Thomas Aley*n called my Brother and I both into the Room to him, and the Marshal and his Man; and said, Col. *Turner* would have us go without the Liberties for these Jewels: I think, saith Sir *Thomas Aley*n, it is not safe to go out of the Liberties. Mr. *Marshal* said the same. He desired us to go with him, but Sir *Thomas* refused it.

Ld Bridgman. This is a notable Piece of Cunning; when he was moved by Alderman *Smith* and others, all this while he names no Man; but now he was under an Action, he would have them go with himself out of the Liberties, and yet never saith a Word to take the Man: He knew very well it was out of the Liberties. Truly I think, if Sir *Thomas Aley*n had done it, I should not have taken him to be Sir *Thomas Aley*n. Did you desire any of them to go with your Wife?

Marshal. He deny'd us to go with his Wife; his Token was this, the Thief would meet no Man.

Turner. My Lord, to the Business now. I am here indicted for Burglary: It appears to your Honours and the Bench, that it was Ten of the Clock when my Sons came from my Lord the Marquis of *Dorchester's* House, said I, You Knaves you, what do you out so late? Said they, It was past Nine before we had done, and my Lord's Gentlemen made us stay Supper. They were all in their Beds at a little past Ten of the

Clock. You hear what *Mosely* the Constable saith, he finds us sleeping in the House; how should this Burglary be laid on me? I am indicted here for Burglary, and that I cannot be, for that I was at Home.

Ld Ch. Just. Hyde. Have you done?

Turner. Ay, my Lord.

Ld Ch. Just. Hyde. *William Turner*, what say you? You see what is laid to your Charge; first, you are a Person of loose Life: there were two at his Bed-side, he believes you to be the Person that gagg'd him, and help'd to bind him.

William Turner. I was never in his House in my Life, till with Sir *Thomas Aley*n.

Ld Ch. Just. Hyde. Where were you?

Will. Turner. At Home.

Ld Ch. Just. Hyde. Make that appear.

Will. Turner. I have none here.

Ld Ch. Just. Hyde. He saith it was a Man as like you as can be.

Will. Turner. And I am as innocent as may be.

Ld Ch. Just. Hyde. *John Turner*, that which is against you is this: You on Saturday Morning very early was busy with your Father and Mother in the removing the Money; and then when you had Notice that you would be apprehended, you got away.

John Turner. Sir, I did not know who it was that was come, whether to apprehend, or upon any other score; but the Woman speaking to me, *Flee for your Life*, or such Expressions, made me go away I know not how.

Ld Ch. Just. Hyde. Did not you bring some Money?

John Turner. I did, my Lord.

Ld Ch. Just. Hyde. How much was brought at that time?

John Turner. I carried away two Bags to *Wild*.

Ld Ch. Just. Hyde. Did you know him?

John Turner. Yes, my Lord.

Ld Ch. Just. Hyde. Did you carry these to *Wild* on Saturday-morning? Did not you carry them to *Fry's* House?

John Turner. We took them afterwards from the House where *Wild* appointed us to meet.

Ld Bridgman. At what time of the Day did you carry them back to *Wild*?

John Turner. Before Sir *Thomas Aley*n came that Day, I was coming for more.

Ld Bridgman. To what Place?

John Turner. At *Tower-Ditch*.

Ld Bridgman. At what House?

John Turner. No House, but I delivered them at *Tower-Ditch*.

Ld Bridgman. At what Time of the Day?

John Turner. It was before Sir *Thomas Aley*n came, about Eight or Nine of the Clock in the Forenoon.

Ld Bridgman. Was there no People there? Who was there?

John Turner. I cannot tell; I saw several other Persons.

Ld Bridgman. Did *Wild* stand in the Street?

John Turner. Yes.

Ld Bridgman. How came you to know him?

John Turner. By my Father's Direction; and I had seen the Man at our House that Morning when he brought in the Money.

Ld Bridgman. Whereabouts? Was it near the Quest-house? that is, the great House that stands in the middle of the way?

John Turner. It was hard by the Sign of *Noah's-Ark*.

Ld Bridgman. This is a likely Story to be believed, that you should in the day-time, between Eight and Nine in the Morning, meet in the *Tower-Ditch* that Man that was a noted Thief, that had been in *Newgate*; that you should tarry for this Man to receive two Bags of Money: see how it hangs together!

Ld Ch. Just. Hyde. How often did you go?

John Turner. Twice.

Ld Ch. Just. Hyde. How much at a time?

John Turner. A single Bag.

Ld Ch. Just. Hyde. Had you a Coat or Cloke?

John Turner. Just as I am now.

Ld Ch. Just. Hyde. Had *Wild* a great black Coat? And what did he do with the Money?

John Turner. I know not: but I delivered one in the Street, and then went and fetch'd another, and he staid ready for it.

Ld Ch. Just. Bridgman. Was this all the Money that was brought in the Morning, save that that *Sir Thomas Aley* brought away?

John Turner. It was all, to my Knowledge.

Sir Tho. Aley. Colonel *Turner* confessed to me on Thursday Morning that more came unto his House, but that Rogue *Wild* took it away.

Ld Ch. Just. Bridgman. How much?

Sir Tho. Aley. About 200*l.*

Ld Mayor. How many Turns did you make when the Money was carried from your Father's House to the *Minories*?

John Turner. Twice.

Lord Mayor. Who went first?

John Turner. We went both together.

Ld Mayor. How much was carried between you both?

John Turner. The first time I carried 200*l.* as I can judge.

Ld Mayor. Who carried any more?

John Turner. My Father.

Ld Ch. Just. Bridgman. What did you bring the second time?

John Turner. Three Hundred Pound.

Ld Ch. Just. Bridgman. *William*, one thing more: What was the Occasion of meeting you and *James Turner* at the *Alhouse*?

William Turner. I did not meet him, my Lord.

Ld Ch. Just. Bridgman. You came thither, and called for a Pot of Ale, and said you staid for Colonel *Turner*.

William Turner. It is not right: I only asked if Colonel *Turner* used the House. By and by he came, and paid for the Pot.

Ld Ch. Just. Bridgman. You two went together: What was the Occasion of your meeting together?

Col. Turner. Finding him there, I said I could not drink with him; and so we parted.

W. Turner. I called for a Pot of Drink: and having no Money to pay for it, Colonel *Turner* coming by, I called him in, and desired him to pay for it; which he did.

Ld Ch. Just. Bridgman. The Boy swore you staid for Colonel *Turner*: Can you justify you were at home, or in any other Place? It is a great Suspicion: The old Gentleman charged you to be very like the Man; and you can give no Account where you were; and *Turner* and you met together the Day before.

W. Turner. I was at Home.

Ld Mayor. *William Turner*, when did you shave your Beard last?

W. Turner. Before *Christmas*.

Ld Mayor. Who shaved it for you?

W. Turner. A Barber in *Golden-Lane*.

Ld Mayor. When his Hair is shaved off his Chin, the other Man, whose Name is *Christmas*, being a smooth-chinn'd Man, it's very possible that might beget the Mistake in Mr. *Tryon*.

Ld Ch. Just. Hyde. You of the Jury, it is high time to let you go together to consider your Verdict: We will trouble you no more in this Business to-day. Here is an Indictment against *James Turner*, *John Turner*, and *William Turner*, for a Burglary in breaking the House of Mr. *Francis Tryon*, in the Night-time, and taking away a great deal of Money and Jewels; you have heard it particularly named. It is likewise charged, That *Mary* and *Ely* knowing of *John* to have committed this Felony and Burglary, did comfort and abet him afterwards. I shall speak to them two first: *Mary*, the Wife of *James Turner*, though it appears all along that she had a Hand in this Business, yet nothing appears at all but doing only that which her Husband had directed; then by Law she cannot be Accessary for committing of Felony. For *Ely*, the other Accessary, I did not observe in the whole course of the Evidence, any thing at all against him, that he was privy to any thing at all; for that of the carrying of the Money, it appears to be *John*: For them two, *Mary* and *Ely*, nothing is fasten'd upon them. Then the Matter is to *James*, *John*, and *William Turner*: I hope, and I am sure you are nearer, and you take Notes of what hath been delivered: I have not your Memories; you are young, and no Persons better; you are Men of Understanding, I need not repeat Particulars to you. Thus much I must say in general, That it is not always necessary: But for that I shall desire my Lord *Bridgman* to declare it to you. A Man may be guilty of a Burglary, tho' he be not in the Place, in the Room where it was committed: Or thus, If three or four Men come together with Purpose to rob a House; two go in and do the Feat, and the rest stay without, to see no body comes to prevent, or to receive, one or other coming to that purpose; those that are without the House are as guilty of the Burglary, as the other that went in. No Man will deny the Law to be so. Then weigh your Evidence: It appears by the Coachman that he saw four Men, that had Handkerchiefs about their Necks; two upon one side, the other two upon the other side of the Door. Though there were but two appeared to Mr. *Tryon*, yet there being four in Company, and Mr. *Turner* himself tells ye, that by the Story from his Intelligence there were three or four. Whom they were, or whether there was any or no, God knows; but rather suppose it to be a Story of his own framing: He walk'd up and down on *Tower-Hill*, took the Thief by the Throat, and there kept him about two Hours, and past Four o'clock before they brought the second Bags. Then weigh that particular Knowledge that Mr. *Turner* had of all these Things: That upon Wednesday before he met with this *William Turner*, a Person you see, of what Quality I shall not repeat, he cannot give account of himself what he is; and that Night, when this Robbery was committed, he says

says he was at home; they are his own Words: He might have had Witness to have proved this as well as Mr. *Turner*. But for *James Turner*, it's true it appears, and no doubt he was that Night at home: The Constable went to his House upon the occasion of *Tryon's* Man's saying he supp'd there, went to find whether he supp'd there; that was indeed false: But the Constable and those that went there, found them a-bed. But then take the time when this Robbery was done: It was between Eight and Nine, and he was found in bed at past Ten, tho' indeed the Thieves said it was Eleven, as you might understand by Mr. *Tryon*: It must be left to you upon the Proof. You see when he comes the next Day, he undertakes to find out the Thieves, and that only upon a Suspicion; that there being a Purpose to rob Mr. *Tryon* a Year before, he goes to the same Place now, he found *Wild* out then: He had very good Luck; that because he lodged there a Year before, he must have the same Lodging now: It's a likely matter that Thieves, as *Wild* is, should keep their Lodgings thus constantly. There he finds him, takes him by the Throat, and there they were playing a while: There one comes, goes, and brings some part of the Money. After all this, the next Day he must take his Word to come again, and to bring the Jewels. Observe but this: After which time as the Money was received, yet by a Token, though he never saw the Woman before, describing her a short fat Woman, with a long black Scarf, he must meet her, asked her what she wanted, and must give her Jewels of that Value: 'Tis one of the finest fram'd Stories that I have heard, that this Man should come to be thus privy after himself stood charged, and the Jewels brought for all this; and yet he must know nothing of it. You observe the Evidences, and their Circumstances themselves: The Witnesses he called in point of Reputation, that I must leave to you. I have been here many a fair Time: Few Men that come to be questioned, but shall have some come and say, He is a very honest Man; I never knew any Hurt by him: But is this any thing against the Evidence of the Fact? But you have here the whole; I shall leave it to you.

Ld. Ch. Just. *Bridgman*. Gentlemen of the Jury, my Lord hath repeated to you the Evidence: I shall repeat nothing of that; only one or two Things I shall observe to you. First, In point of Law: And I must agree in Opinion with what my Lord says. But in this Case there will be something more considered; that is, Whether or no (for this is the Law) if a Man have a false Key, (we are now upon the point of Law) and we ought to be of Counsel with him and you, to direct that which is right: If he appear plainly to be an Accessary, you must find him guilty of this Indictment: For that you must consider Circumstances, whether he broke open the House or no. Then you must observe Mr. *Tryon's* Door was shut; it was not broke open by a Crow: Therefore you may conclude that it is very probable they had a Picklock: But that I must leave to you. Either they must come in by one being in the House, or by a Picklock. But to say by one in that House, you have no Reason to presume on that: If by a Picklock, whosoever they were, they must be known, not Strangers to the House: Not *Wil-*

liam Turner alone, but he that knew the House, and all the Passages and Doors; knew where the Keys and Jewels were. Then who probably should be in the House? It was not for a Stranger to be in the House, only one that must know all. If that *James Turner* shall appear to you to have a Hand in it, if you think he was Accessary, you must find him guilty as Principal.

Col. *Turner*. God forbid.

Ld. Ch. Just. *Bridgman*. If he were amongst them, if the Door be opened by a Picklock, it is a direct Burglary, as if broke open by an Iron Bar: But that must be left to you. In the next place, to prove the Burglary, you see what a Story he tells you, with all the Circumstances, as if he had been there: He tells you from this *Wild* (if there be any such, you must take it upon his Word) how the Man's Tooth came out, what he meant to do with the other Persons, and all other Things about that Affair. Observe another Thing of Sir *Thomas Chamberlain*: Says he, We suspected him from the first: We could not examine any but he would be thrusting in, and listening. I say, admit that you should be by the Evidence persuaded he had a hand in the Business, you must find him a Principal: For nothing in the World more ordinary, if a Man intend to commit such a Felony or Burglary, he will be sure to have Witness to prove he was here, or in such a Place, at the Time when this Robbery was committed. By all that I can guess, and I believe that I guess right, this Robbery was between Eight and Nine o'clock at Night. When the Constable came to Mr. *Turner*, no doubt, as it was his wisest Way, he was then in bed; but can prove nothing at all else. The Truth is, upon all that he hath said himself, if it be true as he hath said, he hath made himself a direct Accessary to a Felony: For first of all, being examined before a Justice of Peace, Sir *Thomas Aleyn*, he said himself that the Money he carried, was the Money he had of a Goldsmith: Truly his whole Story is a direct Romance. This Man must go upon the *Friday* Night, about Eleven or Twelve o'clock: And there is a Proverb of a *Blind-Man's* catching a *Hare*; if it can be applicable to any thing, it must be to this. He must go between Eleven and Twelve o'clock at Night without a Lanthorn, a good way above his own House, and there he must walk and think some *Mephistophilus* should come and tell him who is the Man: That he should take him by the Throat, though he could call two more with one Whistle, and there get him to deliver the Money: Truly he was a very noble and ingenious Thief. But all this you must take upon his own Word. Now he knows the Money was discovered, then it was a Merchant's that had failed, and must be secured for the Use of his Wife and Children. If you do believe all this that he hath said, he was neither Principal nor Accessary to this Felony, but Accessary enough to *Wild*; but that's not the present Business. It is whether upon all these Circumstances, the Money having been found with them, he being the Man that brought the Money, and his Wife the Jewels, whether you do believe the rest of the Story he hath made for himself? If you believe he had a hand in the Business, you must find him as Principal. I shall desire a little further Direction: Suppose it were as he says, That one was within, and he opens

opens the Door, and lets in others, if himself was one that did come in, I take it to be Burglary in them all; it was an unlawful coming in. So that upon all these Circumstances, first, whether you do believe that he had a hand in it, or no, or this fine Story that is made; next, whether you do believe this was one that was there; you must believe him guilty as Principal. But I leave it to you.

Ld Ch. Just. *Hyde*. To the last I say, if one comes in by Day, with a purpose before-hand to rob the House by Night, if he opens the Door, which is almost impossible here, because the Man swears it was double-lock'd, it must be opened with a Key; if he opened the Door, and the rest come in and rob him, that is Burglary in them all.

Thereupon the Jury withdrew; and after near an Hour's Consultation, they returned to the Court, and took their Places: Their Names being called, they severally answered.

Cl. of the Peace. Are ye all agreed of your Verdict?

Jury. Yes.

Clerk. Who shall speak for you?

Jury. Foreman.

Clerk. Set *James Turner* to the Bar. Look upon him: How say you? Is he guilty of the Felony and Burglary whereof he stands indicted, or Not Guilty?

Foreman. Guilty.

John Turner, William Turner, Mary Turner, and Ely Turner, were by the said Jury severally acquitted.

January the 19th.

In the Morning the said *William Turner* was again arraigned and indicted for the felonious stealing of 45*l.* of the Moneys of *William Hill*, Servant to the said *Mr. Tryon*, and stolen in the said Robbery of *Mr. Tryon*; but the Trial thereof was deferred till the next Sessions.

Afterwards, some of the Justices of the Bench having received Intimation that Lodgings were lately taken in *Duke's-Place* by the said *Col. Turner, William Turner*, and others, for the carrying on of the aforesaid Robbery; the said *Col. Turner* and *William Turner* were severally examined by that worthy Gentleman *Sir Thomas Aleyn*, who with great prudence had managed this Affair, who pressed several Questions to the said Prisoners; who finding their said Design fully discovered, declared as followeth:

The Examination and Confession of Colonel James Turner and William Turner, two of the Persons in the Robbery of Mr. Tryon, taken by Sir Thomas Aleyn Knight and Baronet, in the Presence of the Right Honourable Sir Anthony Bate-man Knight, Lord Mayor of the City of London, Sir Richard Brown Knight and Baronet, Sir John Robinson Knight and Baronet, Sir Rich. Ford and Sir Rich. Rives, Knights, Sheriffs of the City of London, the 19th of Jan. 1663.

THAT the contriving and setting of this Robbery was wholly acted by *Col. James*

Turner; and that it was in agitation about *Christmas* last, and should have been put in execution a Week sooner, but that the other Friend, whom *Col. Turner* brought, was drunk, and one *White*, who was one of the Actors, would not venture his Life with him: That there were four Persons that robbed him, *Col. James Turner, William Turner, White* a Sollicitor, and *White's* Friend, whose Name they knew not: That upon *Thursday* the 7th Day of *January* instant, *Col. James Turner, William Turner, White*, and the other Person, whose Name they knew not, met at the *Red-Lion* in *Bishopsgate-Street*, near to *St. Helen's*, about Three of the Clock in the Afternoon, where they dined: *Col. Turner* fetched a Neck of Veal from the Cook's for their Dinner; and then they agreed to rob *Mr. Francis Tryon* (who lives in *Lime-Street*) that Night, and went to meet again at the same House by Six of the Clock that Evening: But the Room where they were to meet being taken up, they went over to the *Four Swans*, or the *Green Dragon*, and there they all staid till Eight of the Clock. *Col. Turner* did then assure them that the Doors should be opened; for that by his own Confession he had got the Impression of the Key of the Door in Wax, and had another Key made by it; but knew not the Smith that made the Key. From that Place *Col. Turner* carried them to the new Market in *Leadenball*, where they sat upon the Stalls for the space of half an Hour; and then he came unto them, and told them the Man and Maid were now gone out, and that now was their Time. Thereupon *Col. Turner* opened the Door with his Key, and let them in. Then they went up the Stairs, *Col. Turner* leading the way. He lit a Candle in the Kitchen, and went up into *Mr. Tryon's* Chamber, all four of them. *Col. Turner* went near the Bed's-foot, the Curtains being drawn close. *White* and the other Persons put a Cloth into *Mr. Tryon's* Mouth, stopp'd it, and bound his Feet and his Hands. *Col. Turner* brought down the Key of the Ware-house and the Counting-House out of his Pocket, opened the Ware-house Door and the Counting-House, and took the Keys of the Iron Chest, and took out the Money and the Jewels. *William Turner* carried two Wallets with four Bags of Money, as he conceives; And *Col. Turner* said that the said *William Turner* carried four hundred Pounds, and *White* carried two Wallets more, supposed to be four Bags of some hundred Pounds. *Col. Turner* and the other Person carried the rest of the Money, only *Col. Turner* carried away the Jewels in his two Bags. That *William Turner* did not see any Money, but as they said it was Money. They did not stay in *Mr. Tryon's* House above an Hour. That they carried all the aforesaid Money and Jewels into a Lodging in one *Nicholas Hickenson's* House in *Louisy-Lane* in *Duke's-Place*, which they hired some Days before, pretending it for the Use of a Master of a Ship, his Mate, Purser, and Boatswain. They carried the Money in about Ten o'clock at Night: When the Maid let them in, they blew out the Candle, carry'd up the Money and Jewels, *William Turner* going under the Name of Purser. *Colonel Turner* and *William Turner* came away that Night, and left the Money and the Jewels there. The next Morning *Col. Turner* fetch'd away the Money and Jewels at five Turns to his own House.

House. And saith, That *William Turner* was to have a hundred Pounds of the Money for his Pains, *White* and his Friend twenty Pounds a piece for their Pains, and Colonel *Turner* was to have the rest. That *William Turner* knew not of any of the Jewels, nor *White*, none but Col. *Turner*. That after that Night *William Turner* never saw Col. *Turner*, nor the other Persons in the Robbery, till himself with Col. *Turner* and others were arraigned for the Fact at *Newgate*. Neither did the said *William Turner* see any Money or Jewels opened; neither did he receive one Penny of the Money; neither was he in the Counting-House of Mr. *Tryon*. That neither Col. *Turner's* Wife nor Sons knew of this Robbery; only that they helped him to remove the Money away on *Saturday* Morning. That the Money was in the House on *Friday* at Night, when the Constable and Marshal searched his House; but they had hid them. That Col. *Turner* being asked where the Jewels were on *Saturday* Morning, said, He did deliver them at Six of the Clock to *White* in both the Bags. That the Carcanet of Rubies were not in those Bags. That Col. *Turner*, in the conclusion, confessed, That he had not done that he did, but that he did lately understand that another Person was made Executor, and that he was resolved to have somewhat.

After Colonel *Turner's* Examination, Sir *Thomas Aley* told Colonel *Turner*, that the first part of Repentance was Confession, the second Restitution; and he being a convict Person, and in all probability not likely to continue long in this World, it were much better for him to restore what was another Man's, than to think to enrich his Wife and Children, by leaving them that which he knew was none of his; and that one Penny of his own Estate left them, would continue longer with them than a Pound of another Body's: and thereupon he was pressed to restore Mr. *Tryon* the rest of his Money, and the Carcanet of Rubies and Diamonds yet in his Custody. This had such a present Influence upon Mr. *Turner*, that he said he would immediately go and fetch the Carcanet; which he accordingly did, and delivered the same into the hands of Sir *Richard Rives*, one of the Sheriffs.

January 19, in the Evening.

Clerk. Set *James Turner* to the Bar, *James Turner*, hold up thy Hand: Thou standest here convicted of Felony and Burglary, for the felonious

stealing of the Goods and Money of *Francis Tryon*; what canst thou say, why the Court should not give thee Judgment to die according to Law?

Col. *Turner*. My Lord, I humbly desire your Honour, and the Honourable Bench, you would be pleased to grant me a Reprieve.

J. *Howel*. That we cannot do; the Court must give Judgment upon you: If you can by any means prevail with his Majesty to do it, you may use your Interest; but the Court cannot do it.

Col. *Turner*. I desire your Honours I may be transported.

J. *Howel*. That likewise is in the power of his Majesty: That he may do, if he please. It is not in the power of the Court: We have nothing to do but to give Judgment.

Col. *Turner*. You do it with others.

J. *Howel*. No, not in this Case of Burglary; but leave that to his Majesty's mere Mercy and Grace.

Col. *Turner*. My Lord, I shall humbly desire that my Wife and the two Youths may be discharged.

J. *Howel*. She is found Not Guilty; and therefore she shall have her Acquittal upon the Discharge of the Goal. Those that are acquitted, they must be discharged, if the Court do not see Cause for their further Detention.

Col. *Turner*. I pray the young Man and my Wife may be discharged.

J. *Howel*. Whosoever are found not Guilty, must have their Discharge according to Law.

Col. *Turner*. My Lord, I hope the Bench is satisfied about the young Man.

J. *Howel*. Say no more.

Col. *Turner*. Your Honour's humble Servant.

Clerk. Set *James Turner* to the Bar.

J. *Howel*. I must pronounce the Judgment of the Court, which is, *That you go to the Place from whence you came, and so to that Place of Execution which shall be appointed to you by Authority, there to be hanged by the Neck till you be dead; and the Lord have Mercy on your Soul.*

Accordingly the said Col. *James Turner* was drawn in a Cart from *Newgate* to *Lime-Street-End* in *Leadenhall-Street*, the 21st of *January*, and was there executed on a Gibbet erected for that purpose.

See his Speech, and Deportment, in *State Trials*; Vol. VIII. p. 375—379.



LXV. *The Trials of JOHN TWYN * Printer, for High-Treason; of THOMAS BREWSTER Bookseller, SIMON DOVER † Printer, NATHAN BROOKS Bookbinder, for Misdemeanours; at the Old-Baily, the 20th and 22d of February 166 $\frac{3}{4}$. 16 Car. II.*

FIVE several Indictments being drawn up, viz. one of High-Treason, against *John Twyn* Printer; and the other four for Sedition, viz. two against *Thomas Brewster* Bookseller, one against *Simon Dover* Printer, and one against *Nathan Brooks* Bookbinder; were presented to the Grand Inquest in *London*, at the Sessions of Goal-Delivery of *Newgate*, holden at *Justice-Hall* in the *Old-Baily*, the 19th Day of *February* 1663. Except that against *Brooks*, which was found the Day following, by the same Inquest. And after divers Witnesses were sworn and examin'd before the said Grand Inquest, the said Bills of Indictment were severally returned *Billa Vera*.

The Names of the said Grand Inquest being as followeth, viz.

<i>Arthur Jourdan,</i>	<i>Roger Hart,</i>
<i>Arthur Browne,</i>	<i>John Watson,</i>
<i>Simon Rogers,</i>	<i>Christopher Pits,</i>
<i>James Whetham,</i>	<i>Thomas Gerrard,</i>
<i>Ralph Blore,</i>	<i>John Cropper,</i>
<i>Isaac Barton,</i>	<i>Thomas Partington,</i>
<i>Roger Locke,</i>	<i>Ralph Coppinger,</i>
<i>Thomas Cooper,</i>	<i>Matthew Pelazer.</i>
<i>Samuel Taylor,</i>	

At Justice-Hall in the Old-Baily, Feb. 20, in the Morning.

THE Court being set, Proclamation was made: ‘ O Yes! All manner of Persons that have any thing more to do at this Sessions of the Peace, and Sessions of Oyer and Terminer, held for the City of *London*, and Sessions of Goal-Delivery holden for the City of *London* and County of *Middlesex*; draw near and give your Attendance, for now the Court will proceed to the Pleas of the Crown of the said City and County.’

God save the King.

Silence commanded.

Clerk of the Peace. Set *John Twyn* to the Bar: [who was set there accordingly.] *John Twyn*, hold up thy Hand.

Twyn. I desire to understand the meaning of it. [But being told he must hold up his Hand in order to his Trial, he held it up.]

Clerk, &c. ‘ Thou standest indicted in *London* by the Name of *John Twyn*, late of *London* Stationer, for that thou as a false Traitor against the most Illustrious *Charles* the Second, by the Grace of God, of *England*, *Scotland*, *France*, and *Ireland*, King, Defender of the Faith, &c. thy supreme and natural Lord and Sovereign—not having the Fear of God in thine Heart, nor weighing the Duty of thy Allegiance, but being moved and seduced by the Instigation of the Devil; and the cordial Love, true Duty, and natural Obedience, which true and faithful Subjects towards our Sovereign Lord the King bear, and of right ought to bear, altogether withdrawing; minding and with all thy force intending the Peace and common Tranquillity of this Kingdom to disturb; and Sedition and Rebellion within these his Majesty’s Kingdoms to move, stir up, and procure; and Discord between our said Sovereign and his Subjects to make and move; the 27th Day of *October*, in the Year of the Reign of our said Sovereign Lord *Charles* the Second, by the Grace of God, &c. the 15th, at the Parish of *St. Bartholomews*, in the Ward of *Farringdon without*, *London*, aforesaid, traitorously didst compose, imagine, and intend the Death and final Destruction of our said Sovereign Lord the King, and the Antient and Regal Government of *England* to change and subvert; and our said Sovereign Lord the King of his Crown and Regal Government to depose and deprive. And these thy most wicked Treasons and traitorous Imaginations to fulfil, thou the said *John Twyn*, the said 27th Day of *October*, in the Year aforesaid, in the Parish and Ward aforesaid, advisedly, devilishly, and maliciously didst declare, by imprinting a certain Seditious, Poisonous, and Scandalous Book, Entitled, *A Treatise of the Execution of Justice*, &c. — In which said Book, amongst other things, thou the said *John Twyn*, the 27th Day of *October*, in the Year aforesaid, in the Parish and Ward aforesaid, falsely, maliciously, and traitorously didst imprint, &c. — against the Duty of thy Allegiance, and the

* Kelyng’s Reports. 22.

† Ibid. 23.

' the Statute in that case made and provided;
' and against the Peace of our said Sovereign
' Lord the King, his Crown and Dignity.'

What say'st thou, *John Twyn*, art thou Guilty of this High-Treason whereof thou standest indicted, or Not Guilty?

Twyn. I desire leave to speak a few words: My Lord, I am a very poor Man; I have been in Prison several Months——

Clerk. Are you Guilty, or Not Guilty?

Twyn. With all due Submission to your Honours, I desire to speak a few words——

Ld Ch. Just. *Hyde*. You must first plead to your Indictment, and then you may say what you will; that's the Rule of the Law. We receive no Expostulations till you have pleaded to the Indictment, Guilty or Not Guilty.

Twyn. I do not intend to answer to the Indictment, by what I shall now say; I am a poor Man, have a Family and three small Children, I am ignorant of the Law, and have been kept Prisoner divers Months——

Ld Ch. Just. *Hyde*. Pray plead to the Indictment; you shall be heard, say what you will afterwards.

Twyn. I humbly thank you, my Lord.

Clerk. Are you Guilty, or Not Guilty?

Twyn. I beseech you to allow me Counsel, and some Consideration; I desire it with all Submission.

Ld Ch. Just. *Hyde*. You must plead first; then ask what you will.

Clerk. Are you Guilty, or Not Guilty?

Twyn. Not Guilty of those Crimes.

Ld Ch. Just. *Hyde*. God forbid you should.

Clerk. How wilt thou be try'd?

Twyn. I desire to be try'd in the presence of that God that is the Searcher of all Hearts, and the Disposer of all things.

Ld Ch. Just. *Hyde*. God Almighty is present here; there is no other Trial by the Law of *England*, but by God and the Peers, that is the Country, honest Men. You shall have all your Challenges, and all that's due to you, by the help of God; we are bound to be your Counsel, to see you have no wrong: therefore put yourself upon your Trial, say how you will be try'd.

Twyn. I desire to be try'd in the Presence of God.

Ld Ch. Just. *Hyde*. So you shall: God Almighty is present here, looks down, and beholds what we do here; and we shall answer severely, if we do you any wrong. We are as careful of our Souls, as you can be of yours. You must answer in the words of the Law.

Twyn. By God and the Country.

Clerk. God send thee a good Deliverance.

Ld Ch. Just. *Hyde*. Now say what you will.

Twyn. I am a very poor Man.

Ld Ch. Just. *Hyde*. Nay, let me interrupt you thus far: Whatever you speak in your Defence, to acquit yourself of this Crime, that you may reserve till by and by. This is but an Arraignment; afterwards the Evidence for the King is to be heard, then make your Defence. If you have any Witnesses on your part, let's know their Names, we'll take care they shall come in. If I did not mistake, you desired to have Counsel; was that your Request?

Twyn. Yes.

Ld Chief Justice *Hyde*. Then I will tell you,

we are bound to be of Counsel with you, in point of Law; that is, the Court, my Brethren and my self, are to see that you suffer nothing for your want of Knowledge in Matter of Law; I say, we are to be of Counsel with you. But for this horrid Crime, (I will hope in Charity you are not Guilty of it, but if you are) it is the most abominable and barbarous Treason that ever I heard of, or any Man else: The very Title of the Book (if there were no more) is as perfectly Treason as possibly can be. The whole Book through, all that is read in the Indictment, not one Sentence, but is as absolute High-Treason as ever I yet heard of. A Company of Mad-brains, under pretence of the Worship and Service of God, to bring in all Villanies and Atheism, (as is seen in that Book.) What a horrid thing is this! But you shall have free Liberty of defending your self. To the Matter of Fact, whether it be so or no: In this Case the Law does not allow you Counsel to plead for you; but in Matter of Law, we are of Counsel for you, and it shall be our Care to see that you have no Wrong done you.

Clerk. Set *Simon Dover* to the Bar: [*Who being set, his Indictment was read to the purpose following.*]

Thou standest indicted in London, by the Name of Simon Dover, late of London Stationer, for that thou, &c. the 15th Day of Febr. in the 13th Year of the Reign, &c. at the Parish of St. Leonard's Foster-lane, in the Ward of Aldersgate, London, falsely, maliciously and wickedly, didst imprint a certain false, malicious, scandalous and seditious Book, intitled, The Speeches and Prayers of some of the late King's Judges, &c. and the same didst sell and utter, against the Duty of thy Allegiance, &c. How sayest thou, Simon Dover, art thou Guilty of this Seditious and Offence, whereof thou standest indicted, or Not Guilty?

Dover. My Lord, and the honourable Bench, I desire I may be heard a few Words——

Ld Ch. Just. *Hyde*. When you have pleaded, you shall.

Dover. I shall be willing to plead——

Ld Ch. Just. *Hyde*. You must either confess it, or plead Not Guilty. I hope you are Not Guilty of this foul Crime.

Dover. I am not, by the Laws of *England*, Guilty.

Ld Ch. Just. *Hyde*. You shall be tried by the Laws of *England*, whether you are Guilty or no.

Dover. I am willing to be so, and I am glad I am come before you to that purpose, having been long a Prisoner: I am Not Guilty of any thing in this Indictment, neither as to Matter, Time nor Place.

Ld Ch. Just. *Hyde*. What do you mean by Time and Place?

Dover. I am not guilty in Manner or Form. And now, my Lord, I being altogether ignorant of the Law, I humbly beg Counsel, and a Copy of my Indictment: I hope I shall not be destroyed, because I am ignorant of the Law: I have been eighteen Weeks close Prisoner.

Ld Ch. Just. *Hyde*. What would you have?

Dover. I desire Time, and Counsel assigned me, and a Copy of my Indictment.

Ld Ch. Just. *Hyde*. For a Copy of your Indictment, though it be for a foul Offence, yet (in favour to you, it being not made so Capital as the other) we cannot deny it you: For Counsel you may have what you will, we need not assign it. [Make him a Copy,] but I will tell you, we shall try it now.

Dover. I do protest I knew not what I came for; I never imagined what my Indictment was, I know not what there's in't—

Ld. Ch. Just. *Hyde*. You shall have a Copy made presently. If you have Counsel or Witnesses, send for them; we must try you to-day; but you will have some time, for we will begin with the other.

Dover. I beg I may have a Copy of the Indictment in *English*, I cannot understand *Latin*.

Ld Ch. Just. *Hyde*. That that is against you, is in *English*; the *Latin* signifies no more, but that you did seditiously and maliciously print all that which is in *English*.

Dover. I hope I have done nothing, but I shall acquit my self of.

Ld Ch. Just. *Hyde*. I hope you may; but we can give you nothing but a Copy of the Record: send for your own Clerk to understand it.

Clerk. Set *Thomas Brewster* to the Bar: [*Who was set; and then his Indictment was read, which was;*]

That be the said Thomas Brewster, late of London, Stationer, not having, &c. [in the Form aforesaid] the 15th Day of February, &c. at the Parish of Little St. Bartholomew's, in the Ward of Faringdon without, London, maliciously, &c. did cause to be imprinted the aforesaid Book of Speeches and Prayers, &c. and the same did sell and utter, against the Duty, &c.

Who being demanded, Whether he was guilty of that Sedition and Offence? answered, Not Guilty.

Clerk. How will you be tried?

Brewster. By God and the Country.

Clerk. God send thee a good Deliverance.

Ld. Ch. Just. *Hyde*. Say what you will now.

Brewster. May it please your Lordship, I am wholly ignorant of the Proceedings of the Law; I have been a close Prisoner these eighteen Weeks, no body to advise with me, scarce my Wife suffered to come to me; I desire some time to take advice.

Ld Ch. Just. *Hyde*. I doubt we shall not be able, if you mean till next Sessions—

Brewster. No, my Lord, I have had too long Imprisonment already, would I had been here the first Sessions after I was a Prisoner.

Ld Ch. Just. *Hyde*. If you desire a Copy of the Indictment and Counsel, you shall have it.

Brewster. I humbly thank you; but I must have time to consult them, or they will do me little good.

Ld Ch. Just. *Hyde*. If you have any Friends or Witnesses, you may send for them.

Brewster. I thank you, my Lord.

Clerk. *Thomas Brewster, thou standest again indicted in London by the Name of, &c. for that thou not having, &c. the 10th Day of July, in the 13th Year, &c. at the Parish of Little St. Bartholomew's, in the Ward of Faringdon without,*

London, &c. falsely, maliciously, scandalously and seditiously, didst cause to be imprinted a Book, intitled, The Phoenix, or the Solemn League and Covenant, &c.—And the said Book didst sell and utter, against the Duty, &c. How sayest thou? Art thou guilty of this Sedition and Offence whereof thou standest indicted, or Not Guilty?

Brewster. Not Guilty, my Lord.

Clerk. How will you be tried?

Brewster. By God and the Country.

Clerk. Set *Nathan Brooks* to the Bar.

Thou standest indicted in London by the Name of Nathan Brooks, late of London, Stationer; not having, &c. [The same as to Make, Time, and Place, with that of Dover's] and knowing the said Book to be scandalous and seditious, did sell, utter and publish the same, against the Duty, &c. How sayest thou, Nathan Brooks, art thou Guilty of this Sedition and Offence whereof thou standest indicted, or Not guilty?

Brooks. Not Guilty.

Clerk. How will you be tried?

Brooks. By God and the Country.

Clerk. God send thee a good Deliverance.

Ld Ch. Just. *Hyde*. If you desire to have a Copy of your Indictment and Counsel, you may have it.

Brooks. I am a poor Man, I have not Money to get Counsel; I hope I shall not want that that belongs to me by Law, for want of Money.

Ld Ch. Just. *Hyde*. You shall not, by the Grace of God.

Clerk. Set *John Twyn, Simon Dover, Thomas Brewster* and *Nathan Brooks*, to the Bar.

Clerk. *John Twyn*, those Men that you shall hear called, and personally appear, must pass between our Sovereign Lord the King and you, upon Trial of your Life and Death; if you will challenge them or any of them, you must do it when they come to the Book to be sworn, before they be sworn. And you that are for Seditions and Offences, look to your Challenges.

Dover. We desire we may have a Jury of Booksellers and Printers, they being the Men that only understand our Business.

Ld. Ch. Just. *Hyde*. There are those already that understand it as well as Booksellers or Printers; besides, half the Jury are such, and they are able to make the rest understand it: but you may challenge whom you will.

The Jury were,

<i>William Samborne,</i>	<i>William Hall,</i>
<i>William Rutland,</i>	<i>John Williams,</i>
<i>Thomas Honylowe,</i>	<i>James Flesher,</i>
<i>Robert Lucas,</i>	<i>Simon Waterston,</i>
<i>Robert Beversham,</i>	<i>Samuel Thomison,</i>
<i>Richard Royston,</i>	<i>Thomas Roycroft.</i>

Who were severally sworn by the Oath following:

You shall well and truly try, and true Deliverance make, between our Sovereign Lord the King, and the Prisoners at the Bar, whom you shall have in charge, according to your Evidence. So help you God.

All

All Four. We are all satisfied with the Jury.

Clerk. Crier, make Proclamation. O Yes! If any one can inform my Lords the King's Justices, the King's Serjeant, or the King's Attorney, before this Inquest be taken between our Sovereign Lord the King and the Prisoners at the Bar, let them come forth, and they shall be heard; for now the Prisoners stand at the Bar upon their Deliverance; and all others that are bound by Recognizance to give Evidence against any of the Prisoners at the Bar, come forth and give Evidence, or else you will forfeit your Recognizance.

Clerk. *John Twyn*, hold up thy Hand. You of the Jury, look upon the Prisoner, and hearken to his Cause; you shall understand that he stands indicted in *London* by the Name of *John Twyn*, late of *London*, Stationer: [*Here the Indictment is read over again.*] Upon this Indictment he hath been arraigned, and thereunto hath pleaded Not Guilty; and for his Trial, hath put himself upon *God and the Country*, which Country you are: Your Charge is to enquire whether he be guilty of the High-Treason, in Manner and Form as he stands indicted, or not guilty: if you find him guilty, you shall enquire what Goods and Chattels, Lands and Tenements he had at the time of committing the said Treason, or at any time sithence. If you find him not guilty, you shall enquire whether he fled for it; if you find that he fled for it, you shall enquire of his Goods and Chattels, Lands and Tenements, as if you had found him guilty: If you find him not guilty, nor that he did fly for it, say so, and no more, and hear your Evidence.

Mr. North, Barrister of the Law. *John Twyn* stands here indicted, for that he as a false Traitor to the most Illustrious *Charles* the Second, &c. not having the Fear of God before his Eyes, nor weighing the Duty of his Allegiance, &c. [*Here was opened the Form of the Indictment.*] To which he hath pleaded *Not Guilty*; if there shall be sufficient Evidence given you of the Charge in the Indictment, you must do the King and the Nation that Justice, as to find him guilty, that Sentence of Law may pass on him.

Mr. Serjeant Morton. May it please your Lordships, and you Gentlemen that are sworn of this Jury, I am of Counsel with the King against *John Twyn*, the Prisoner here at Bar, who stands indicted of a most horrid and damnable Treason: It is, *the compassing and imagining the Death of the King, to deprive him of his Crown and Royal Government, and to alter and change the ancient Legal and Fundamental Government of this Kingdom*; which he has endeavoured to do, and did intend to do, by printing a traitorous and seditious Book, which in it self contains as many and as great Treasons, as it was possible either for the Malice of the Devil, or the corrupt and treasonable Thoughts of blood-thirsty Men to invent: It contains Treasons against the King in his own Royal Person; against his Government, both Ecclesiastical and Civil; full of Treasons, (as my Lord Chief Justice was pleased to observe to you) Treasons against the Queen, Scandals against all manner of Profession both in Church and Kingdom, of Magistracy and Ministry. My Lord, there are in this Indictment thirteen Paragraphs of that treasonable Book recited; and

each of them contains as many Treasons as there be Lines in it. Nay, my Lord, this treasonable Book was intended to set a Flame in this Nation, to raise and stir up Rebellion in this Kingdom against the King and his Government. I shall observe to your Lordship the Time when it was to be printed; it was in the beginning of *October*, your Lordship knows, and I do not doubt but the Jury have heard, that there was a great and dangerous Design in this Nation, set on foot by Men of dangerous Principles, to imbroil this Nation in a new War, for the Destruction of the King and his Government. It was executed in part, as far as Time and other Circumstances would give way and leave to the Undertakers, (the 12th of *October* last;) and, my Lord, it was proved upon the Execution of a Commission of Oyer and Terminer at *York*, that there was a Council here in *London*, that sat to prepare Matter for an Universal Rebellion all *England* over. They sent their Agitators into the *North, West*, all Parts, to give notice to their Party to be ready to rise at a certain Time: several Days were appointed, but it seems they could not be ready till that 12th of *October*; for the seditious Books that were to lead on that Design, and the Libels and Declarations could not be printed before that Day: and truly that had been printed and published too, if there had not been great Diligence used by the King's Agents and Ministers, to take them just as they were preparing it. This Book, Gentlemen, doth contain a great deal of Scandal upon the King's Government, dispersing false and base Rumours, to the prejudice of it. It is a Rule in my Lord *Coke*, *That the dispersing of false and evil Rumours against the King and Government, and Libels upon Justices of the Kingdom, they are the Forerunners of Rebellion.*

We shall now go to the Proof: We shall prove that this Prisoner at the Bar, to print his Book, had two Presses in one Room; That he himself did work at one of those Presses, his Servants at the other, by his Command, and in his Presence; That he did compose part of it, print the Sheets, correct the Proofs, and revise them all in his own House, which were corrected and brought back into the Work-house by himself, in so short a time, that they could not be carried abroad to correct, so that he must needs correct them himself; That this Work was done in the Night-time, (and it was proper, it was a Deed of great Darkness, and not fit indeed to see the Light; and it was well it was strangled in the Birth, or else, for ought I know, we might by this time have been wallowing in our Blood.) We shall make it appear, that this Man, when *Mr. L'Estrange* came to search his House, brake the Forms, conveyed away as many of the Sheets as he could from the Press to other Places; yet notwithstanding, God's Providence was so great in the Thing, that he left there three or four Sheets, which *Mr. L'Estrange* then seized on, and many more within a little time after: And somewhat of the same Matter remained upon part of a Form of Letter, which his haste would not give him leave to break. When he was charg'd with it by *Mr. L'Estrange*, he confessed that he had printed some Sheets of this seditious Book; and being demanded by *Mr. L'Estrange*, What he thought of it? He told him, He thought it was *mettle some Stuff*: he had great Joy in it; he

confessed he had received Money for printing of this; and much other Matter, taken upon Examination before Mr. Secretary. We shall call our Witnesses; I should have observed to you, That this Man would have it done with all the privacy that could be, and to be done forthwith; there was great haste of it, about the beginning of *October*, and the Design in the *North* was upon the 12th; so that it was clearly intended for that Design.

Several Witnesses were sworn.

Joseph Walker. My Lord, whereas my Master is indicted for printing this Book——

Ld Hyde. Your Master! who is your Master?

Walker. He at the Bar.

Ld Hyde. What say you of it?

Walker. I desire to see the Book; [*it was shewed him.*] About the four first Pages of this Treatise I composed.

Ld Hyde. Who delivered it to you to compose?

Walker. My Master delivered the Copy to me.

Ld Hyde. What do you mean by composing?

Walker. Setting the Letters.

Ld Hyde. Well, and you set the Letters to print according to the Copy; and you had it of your Master, had you?

Walker. Yes, my Lord; but all this Copy we did not print.

[*Part of the Copy in Manuscript being shewed him, he said, He composed by that Copy.*]

Serjeant Morton. How much did you print?

Walker. About three Sheets.

Serj. Morton. How many of those did your Master compose?

Walker. Truly, Sir, I cannot tell.

Ld Hyde. Did he compose one?

Walker. As to a whole one, I cannot say.

* Mr. Serjeant Wilde. Mr. Recorder. * Did he compose the Title?

Walker. Here is no Title?

Mr. Recorder. No? read the top.

Walker. A Treatise of the Execution, &c. [*He reads the Title.*]

Mr. Recorder. Did your Master compose that?

Walker. No, I did.

Ld Hyde. Did your Master give you that to compose?

Walker. Yes.

Serj. Morton. Who composed the second, third and fourth Sheet?

Walker. I composed some of them, but to particularize, I cannot.

Ld Hyde. Who gave you what you did?

Walker. My Master.

Ld Hyde. Can you turn to any part of that you did compose?

Walker. I cannot tell that.

Ld Hyde. You composed, you say, four Pages: there are eight in a Sheet: who composed the other of the same Sheet?

Walker. I think my Master did.

Ld Hyde. At the same Time, and in the same Room with you?

Walker. He wrought not in the same Room.

Ld Hyde. After you had stamp'd the Sheet, who did peruse and over-read it, to see if it were right?

Walker. I carried them into the Kitchen, and laid them down upon the Dresser by my Master.

Ld Hyde. Who compared them?

Walker. I know not.

Ld Hyde. Who brought them back to you?

Walker. My Master brought them into the Work-house, and laid them down.

Ld Hyde. Was there any body in the House that might correct it?

Walker. Not that I saw.

Ld Hyde. When you had carried a Sheet down, how long was it ere it was brought back again?

Walker. About an Hour, or an Hour and a half.

Ld Hyde. Was there any Body in the House besides you and your Master?

Walker. There was my Fellow-Apprentice, and the Woman that keeps the House.

Ld Hyde. Were there no Strangers there?

Walker. No, my Lord.

Mr. Recorder. Were they printed in your Master's House?

Walker. Yes.

Serj. Morton. What Room?

Walker. In the Press-Room.

Serj. Morton. Did your Master work at the Press about this Work any part of the time?

Walker. Yes, I saw him beat some Sheets.

Ld Hyde. When you had printed one Sheet, were there not some Mistakes of the Letters to be mended?

Walker. Yes, there were Literals.

Ld Hyde. Who made the Amendment?

Walker. Upon my Oath I cannot tell.

Ld Hyde. Do you believe it to be your Master's?

Walker. I cannot tell that.

Ld Hyde. Have you seen your Master write heretofore?

Walker. I have seen him write, but because I have heard of them that could counterfeit Mens Hands, I dare not swear it was his Writing.

Ld Hyde. Were the Amendments that were brought back, like his Hand?

Walker. The Letters were something like them, but I cannot swear positively that they were his.

Ld Hyde. No, that you cannot, unless you saw him write them; but was it like his Hand?

Walker. It was not much unlike his Hand.

Mr. Recorder. Did not your Master use to correct other Works before this?

Walker. Yes.

Mr. Recorder. Then by the Oath that you have taken, were not the Corrections of this Book like those of other Corrections by his own Hand?

Walker. I know not that.

Mr. Recorder. Did any body correct Books in your House but your Master?

Walker. No, Sir.

Serj. Morton. Did you see your Master with Copy?

Walker. Yes, he had Copy before him.

Serj. Morton. What time was this printed? by Night or by Day?

Walker. In the Night-time.

Serj. Morton. What Directions did your Master give you about printing it; did he direct any Privacy?

Walker. He was not much desirous of that.

Mr. Recorder. At what time did you work about it?

Walker.

Walker. In the Morning, from two till four or five.

Serj. Morton. Pray, Sir, thus; were you in the House when Mr. *L'Esfrange* came up?

Walker. Yes.

Serj. Morton. Were you at work then or before?

Walker. Not when he was above, but immediately before I was.

Mr. Recorder. You are not bound to conceal Treason, though you are bound to keep your Master's Secrets.

Serj. Morton. What were you then at work upon?

Walker. Upon the Signature D, the Sheet D of this Treatise.

Serj. Morton. What did your Master say, when you told him Mr. *L'Esfrange* was below?

Walker. Very few words; I cannot be positive in them.

Serj. Morton. To what purpose were they?

Walker. Hearing some body knock at the Door, I went down into the Composing-Room, and looked through the Window, and saw People; I imagined Mr. *L'Esfrange* was there, and I told my Master: whereupon he said, *He was undone*, or to that effect.

Mr. Recorder. Did he not wish you to make haste in composing it?

Walker. No, he did not.

Mr. Recorder. How long had you been at work upon it? how many Days?

Walker. I cannot tell justly.

Mr. Recorder. You can guess.

Walker. About three or four Days.

Mr. Recorder. Did not your Master work in that time?

Walker. He was in the Work-house, and did set Letters.

Mr. Recorder. Did he not likewise print?

Walker. Yes, he did.

Serj. Morton. Did not you, by his Direction, break the Form when Mr. *L'Esfrange* came to search?

Walker. I brake one indeed.

Serj. Morton. What became of the other?

Walker. My Fellow-Apprentice brake it.

Serj. Morton. By whose Direction?

Walker. I had no order for it; I brought it down, and went to set against a Post, and it fell in pieces.

Serj. Morton. Did you ask your Master who delivered him this Copy to print?

Walker. I did ask him two several times; but he made no Answer.

Ld Hyde. Did he not say, *He would not tell you; or that it was no matter to you; nor nothing?*

Walker. Yes, he did afterwards say, *It was no matter to me.*

Mr. Recorder. Did not your Master nor Fellow-Apprentice tell you who brought the Copy?

Walker. No.

Mr. Recorder. And did not you know?

Walker. No.

Serj. Morton. Was he not used to tell you the Authors of Books that you printed?

Walker. The Authors he did not; but for whom they were printed he used to tell me. My Lord, I humbly beg pardon for what I did, I was his Apprentice.

Ld Hyde. How many Sheets did you Print?

Walker. Two Reams on a Sheet, which makes a Thousand.

Ld Hyde. The first Page, being the Title of it, your Master brought to you to compose; at the same time when you were composing one part, your Master was composing another part of the same Sheet in the next Room; and part of it your Master did print as well as compose: I think you said this?

Walker. Yes.

Ld Hyde. Likewise that the Proofs were carried to him to overlook, and he brought them back within an Hour, or an Hour an half after, and laid them down in the Work-house; and that you saw the Hand of the Amendments, but you cannot swear it was his, only you say that it was not unlike it; and that he had corrected former Sheets that you had printed, and that the Hand with which he corrected others, and this, was alike: and that there was no Stranger in the House to correct it?

Walker. Not that I saw.

Ld Hyde. This is the Substance of what you said?

Walker. Yes.

Mr. Recorder. Did your other Man, or you, ever correct?

Walker. No.

Mr. Recorder. Did he use other Correctors at any time?

Walker. Yes, about some Books.

Mr. Recorder. What Books?

Walker. *Hooker's Ecclesiastical Polity.*

Ld Hyde. You did rise to work at Two of the clock in the Morning about it; and your Master said when you told him Mr. *L'Esfrange* was below, that he was undone?

Walker. It was so, my Lord.

Mr. North. Mr. *L'Esfrange*, pray tell my Lord and the Jury of your taking this.

Mr. L'Esfrange. My Lord, I do remember that three or four Days, or thereabouts, before the 12th of *October* last, I had notice of a Press that had been at work for several Nights in *Cloth-Fair*, and employed a Person to watch the House; who told me that they still gave over early in the Morning, at Day-light, or soon after. At length Intelligence was brought me in these very Words, *That now they were at it as hard as they could drive*, (which was about Four in the Morning.) I arose, went to one of the King's Messengers, and desired him to take a Printer by the way; who did so: and I called up a Constable, and so went to *Twyn's House*, where we heard them at Work. I knocked a matter of a quarter of an Hour, and they would not open the Door; so that I was fain to send for a Smith to force it; but they perceiving that, opened the Door, and let us in. There was a Light when we came; but before the Door was opened, it was put out. When I was got up Stairs, and a Candle lighted, I found a Form broken, (that is, the Letters dispersed) only one Corner of it standing entire; which was compared by a Printer that was there, with a Corner of a Page newly printed, and appear'd to be the same. This Form was brought down out of the Press-Room into the Composing-Room. As yet we could not find the whole Impression; but at last they were found thrown down a Pair of Back-Stairs. I remember they told me the Impression was a Thousand. I asked him

him where he had the Copy? He told me, *He knew not; it was brought to him by an unknown Hand.* I told him he must give an account of it. He told me at the last, *He had it from Calvert's Maid.* I asked him where the Copy was? He told me, *He could not tell.* (When I speak of the Copy, I mean the Manuscript.) We searched near two Hours, and could not find it: And at length went thence to the Constable's House in *Smithfield*, and staid there a while with the Prisoner. I asked him, Mr. *Twyn*, said I, who corrected this Sheet? *Alas*, said he, *I have no Skill in such things.* Who revised it then? Who fitted it for the Press? *Truly I had no body but my self; I read it over.* What thought you upon reading it? *Metbought it was mettlesome Stuff: The Man was a hot fiery Man that wrote it.* But he knew no Hurt in it.

Serjeant *Morton*. When you had taken these Sheets, were they wet, or not?

Mr. *L'Esrange*. They were not only wet, but half of them were imperfect, printed only on one side. Missing the Copy, I told him after he was carried to *Whitehall*; Mr. *Twyn* (said I) it may possibly do you some good yet, to bring forth the Copy: If you will be so ingenuous to produce the Copy, and discover the Author, you may find Mercy for yourself; pray therefore get this Copy: Perchance I may make some use of it. After that, his Servant *Bazilla Winsor* brought out this part of the Copy: [*producing a Sheet of Manuscript in Court*]

Ld *Hyde*. *Joseph Walker*, was the whole Copy of this Book in the House at that time, when you composed that which you did?

Walker. I cannot tell: I saw it but Sheet by Sheet.

Mr. *Recorder*. Did not you see the whole entire Copy in your Master's Hand?

Walker. No: But [*taking some part of the Manuscript in his Hand, said*] this is the Hand that I composed by.

Mr. *Recorder*. Mr. *L'Esrange*, where had you the entire Copy.

Mr. *L'Esrange*. It was only the Copy of the last Sheet, that I took in the Press.

Mr. *Recorder*. Who helped you to that?

Mr. *L'Esrange*. *Bazilla Winsor*, by Direction of the Prisoner, as I conceive: For I told him, If you can help me to the Copy, it may do you some good; and soon after part of it was brought me by her. I asked Mr. *Twyn* further, How did you dispose of those Sheets which you had printed, those several Heaps, whither are they gone? He told me, He had delivered those Sheets to Mistress *Calvert's Maid*, at the *Rose* in *Smithfield*.

Mr. *Recorder*. You say he told you Mistress *Calvert's Maid* received them of him; did you since speak with that Maid?

Mr. *L'Esrange*. I was long in searching *Twyn's* House, and one of his Apprentices made his Escape, and probably gave notice of it: For the Night I went to Mistress *Calvert's* House, she and the Maid too were fled. I have since taken the Mistress, and she is now in Custody. I have heard nothing of the Maid since.

Justice *Keeling*. *Twyn* owned to you that he had corrected some of the Sheets; that he had read them, and said, It was mettlesome Stuff.

Mr. *L'Esrange*. I did ask him in the House of the Constable, Who corrected this? The

Corrector must certainly know what it was. Said he, *I have no Skill in correcting.* But when I speak of *correcting*, I mean who revised it, over-looked it for the Press? *I read it over*, says he.

Twyn. I never said such a Word.

Mr. *L'Esrange*. He spake this in the Presence of two or three here present. Could you read over this Book, said I, and not know that it was not fit to be printed? *I thought it was a hot fiery Fellow; it was Mettle, or mettlesome Stuff:* Somewhat to that effect.

Serjeant *Morton*. What did you hear him confess before Sir *Henry Bennet*?

Mr. *L'Esrange*. He owned the Thing; that is, he acknowledged he had printed the Sheet I shewed there, and two other Sheets of the same Treatise.

Serjeant *Morton*. Did he acknowledge he corrected them?

Mr. *L'Esrange*. I know not whether before Sir *Henry Bennet* he did, or no.

Serjeant *Morton*. What know you about Money received by him?

Mr. *L'Esrange*. He said *Calvert's Maid* paid him 40 s. in part for that Work.

Twyn. I said I had received Money of *Calvert's Maid* for Work I had none; but named not that.

Mr. *Dickenson sworn.*

About the 7th Day of *October*, it being Wednesday, as I remember, about Five o'clock, we attended Mr. *L'Esrange*, myself and others: We came to the House of the Prisoner in *Cloth-Fair*, and upon the Back-side of his House we stood listening a good while, and heard Presses a working. Upon that I came to the Fore-part, by Mr. *L'Esrange's* Order, and knocked; but none would answer: I took the Constable's Staff, and knocked again; and none would answer yet. After that Mr. *L'Esrange* knocked near half an Hour; and no body coming, he at last sent for a Smith's Hammer to force it open. Afterwards they came down, and opened the Door. Then Mr. *L'Esrange* and the Printer (Mr. *Mabb*) went up Stairs: I continued below with the Constable and the King's Messenger, to observe whether any went in or out. After which, some Sheets fell down on the other side of the House. Meeting with one of them, and perceiving they had discovered the Sheets they enquired after, I read some part of it; and finding what it was, I went up, and found the Sheets thrown behind the Door. Mr. *Twyn* (said I) I wonder you would print such a Thing as this: You could not chuse but know that it was very dangerous to do any such Thing. He answered, That *he did not consider what it was.* Questionless, said I, you could not but know it was very dangerous; for when you revised it, you must needs know the Sense of it. I think it was a dangerous Business; what did you think of it? Says he, *I thought he was a good smart angry Fellow; it was mettlesome Stuff:* or to that purpose. This was the Substance of our Discourse. I did see some of the Sheets printed on one side, and some on both sides: The Form lay disordered; yet not so, but there was one Corne of it yet remaining, and I having the Sheet in my Hand did compare them together, and, to the best of my Remembrance, I do remember these very Words, *Execution of Judgment*, and *Lord have.*

Ld Hyde. Who did he say revised the Press?

Dickenson. He seemed to confess that he had corrected it himself: for when I urged it to him, That he could not chuse but know the Matter of it by reading it; Truly says he, *I thought he was an angry smart Fellow: It was good mettlesome Stuff, indeed.*

Judge Keeling. The Question asked by my Lord is, Whether he did confess he revised it, or whether you did collect it from his Reply?

Dickenson. Truly, by that Answer I guessed he corrected it.

Recorder. Did he confess that he read it?

Dickenson. I put that Question to him; and, to the best of my Remembrance, he did not deny it.

Ld Hyde. To Mr. L'Estrange he confessed he read it over.

Thomas Mabb sworn.

My Lord, I was with Mr. L'Estrange in this Man's House; and being there, going up, we found the Press had been lately at work. There was at each Press a Sheet laid; I took them off the Timpin, [some of the Jury understand that Term:] They were just laid upon the Points, printed on one side. I gave Mr. L'Estrange these two Sheets, the same with these, [showing two Sheets] some were perfect, others imperfect. I could not find the Form a great while. I gave him the Sheet to peruse; and in the mean while I went down, and below I found the two Forms, but broken: Somewhat indeed was standing; whereof I took part in my hand, and read in the Letters. Mr. Dickenson having the Sheets, he heard what I read, and looking on the Sheet, found them agree.

Twyn. What were the Words that you read?

Mr. Mabb. The Words were *Execution and Judgment, and Lord have* — There was a Back-pair of Stairs out of his Press-Room, partly between his House and his Neighbour's, and in the Hurry they had thrown the Sheets down there; part fell behind the Door, and part at the bottom. When I questioned him how many was done, he said five hundred; but I adjudged those I saw to be about seven hundred and fifty. Looking again over the Door, I espied the remainder of the Sheets, about two hundred and fifty more, and I brought them together; and then he owned there was one thousand.

Ld Hyde. What else do you know?

Mr. Mabb. At the Constable's House I heard him use the Words, That *it was mettlesome Stuff*, and that *no body corrected it but himself*. Said I, I wonder you would offer to do it; you could not compose it, but you must understand it. Said he, *It was my bad Fortune to meddle with it*. Said I, You lost a Press but a little while since, I wonder you would do this. He seemed to be sorrowful.

Serjeant Morton. He did confess he corrected it.

Mr. Mabb. Yes, my Lord.

Twyn. No, my Lord, I did not.

John Wickham sworn.

Upon the 7th of October, as I take it, about Four o'clock in the Morning, Mr. L'Estrange came to my House, being one of the King's

Messengers, and told me I must go immediately with him to *Cloth-Fair*, and sent me to call one Mr. Mabb by the way. I met Mr. L'Estrange near Mr. Twyn's House between Five and Six o'clock: We had a Constable, and went and knocked at the Door: They knocked at least half an Hour before they got in. I heard some Papers tumbling down, and heard a rattling above, before they went up. But I stood at the Back-Door, to secure any from running out that way; and at last, when they said there were some Sheets thrown into the next House, I went and looked, and there were two or three hundred, and they were wet, newly come off the Press. That's all I can say.

Serjeant Morton. Did you hear this Man say that he had corrected it?

Wickham. No: But I having him in Custody at my House, I asked him about it; he said, *It was a very bitter Thing, that it was his unhappy Fortune to meet with it.*

Jury. Did he confess he printed it?

Wickham. Not to me.

Serjeant Morton. He said, *It was a bitter Thing; and that it was his unhappy Fortune to meet with it: Make the best of that; compare that with the rest of the Evidence.*

William Story sworn.

Gentlemen of the Jury, upon the 7th of October last, early in the Morning, I was sent for to Mr. L'Estrange into *Cloth-Fair*: We went to the House of this Twyn. After some time knocking, they went up Stairs, and brought down several Papers: I know not what they were. I went into the next House with Mr. Wickham, and there we found two or three hundred Sheets, and brought them to Mr. L'Estrange. I asked the Prisoner at my House, whether he could not write or read? He said, *Yes*. Did not you use to read what you printed? He said, *Yes*. Did not you know Treason when you read it? *It was a fiery Thing; I did not mind it much: But I should have got Money by it.*

Mr. Mabb. He owned he had but a very small Price for the doing of it.

Mr. Joseph Williamson sworn.

That which I can say is, That I know this [looking upon a Paper] to be my own Hand-writing, and to be the Examination taken of this Twyn. I took it; and he owned it after it was written.

Serjeant Morton. What was the Substance of it?

Ld Hyde. What did he confess before Mr. Secretary, when he was examined?

Mr. Williamson. He said, That the Copy of the Book was brought to him by one Evans, Maid to Mistress Calvert. That for the Author, being asked if he knew him, he said he did not; and that he had seen the Copy of three Sheets of the Book; that he had printed only two of those Sheets, a thousand Exemplaries of each.

Judge Keeling. Did he confess that?

Mr. Williamson. Yes. And further, That he had delivered them to this Evans at the Sign of the *Rose* in *Smithfield*; that he himself had corrected those Sheets he had printed, and that he had read them after they were printed; that for his

his Pains and Printing of them, he had received forty Shillings in part from this Maid at the Delivery of them at the *Rose*; that the Maid carried away those Exemplaries from the *Rose*; and that he parted with her at the Door.

Serjeant *Morton*. I hope you observe, Gentlemen. We have now done: We desire the Prisoner may give his Answer to it; and then we shall make our Reply.

Ld *Hyde*. What say you? You have heard the Witnesses, and what is laid to your Charge.

Twyn. I did never read a Line of it in my Life.

Ld *Hyde*. That's impossible. I'll tell you: First, your own Man, who set part, swears you did both set and print part of this Book your self: You gave him the Title to set. You composed one part of the Book, whilst he was composing another part. Is it possible you could compose, and not read a Line of it? He tells you further, when the first Sheet was printed, he brought it into the Kitchen, and laid it down, knew not of any one in the House but your self; about an Hour, or an Hour and half after, you brought it back again corrected, laid it down; and the Hand that corrected it was not unlike your Hand upon other Corrections of Books. Pray, Brother *Morton*, let the Jury have Books, and Mr. *Lee* read the Indictment, that they may see they agree.

Serjeant *Morton*. I observed to you there were thirteen Treasonable Paragraphs; you shall find them marked out in the Margent.

Ld *Hyde*. You shall see there are Treasons with a witness: See the very Title.

Mr. *Lee*. [*Reads the Title of the Indictment.*]

' A Treatise of the Execution of Justice: Wherein is clearly proved, That the Execution of Judgment and Justice is as well the Peoples as the Magistrates Duty; and if the Magistrates pervert Judgment, the People are bound by the Law of God to execute Judgment without them, and upon them.'

Ld *Hyde*. That you gave to your Man to set.

Mr. *Lee* reads, ' It is one of the Scarlet Sins of this Nation, that the People suffered their Rulers, &c.' — The particular Passages are too impious to be published, and indeed too foul to be repeated, but in Substance. Those mentioned in the Indictment are as follows:

First, The Supreme Magistrate is made accountable to the People.

Secondly, The People are rebelliously incited to take the Menage of the Government into their own hands.

Thirdly, They are animated to take up Arms, not only against the Person of his Sacred Majesty, but likewise against the Royal Family.

Fourthly, They are stirred up to a *Revolt* (in that very Term) as an Action honourable and conscientious; making Publication in the next Clause of Encouragement to any Town, City, or Country in the three Nations to begin the Work.

Fifthly, The People are laboured not only to cast off their Allegiance to the King, but in direct Terms to put his Sacred Majesty to death. And to the Purposes before mentioned tends the whole Scope of the Treatise.

Serjeant *Morton*. You may judge of the rest by this: We will not put you to any more Expence of Time; there hath been sufficient Treason in that which you have read.

Ld *Hyde*. Now say what you will. But I must tell you, in those Particulars that have been compared, there is as much Villany and Slander, as is possible for the Devil or Man to invent: It is to destroy the King in his Person, to rob him of the Love and Affections of his People; to destroy the whole Family, and all Government, Ecclesiastical and Civil. And this read by your self, owned, and caused to be printed.

Twyn. Except it was that Sheet which Mr. *L'Estrange* read to me when I was taken, I never heard it before, nor read it.

Ld *Hyde*. Your Man swears that you did set and print part of it: It's impossible to compose and set, but you must read it. Nay, you did examine and correct the Sheets; brought them up again. Mr. *L'Estrange* swears you confessed you read it over; it was *mettlefome Stuff*. Mr. *Dickenson* says you did not say you read it over; but he saying to you it was impossible you should set it, and not read it, you told him also *it was mettlefome Stuff*: You could not judge it to be *mettlefome Stuff*, but you must read it. There is Mr. *Williamson* says that you confessed before Mr. Secretary *Bennet* that you had seen three Sheets, printed off two Sheets, corrected those two Sheets; and after printed, and delivered them; and that you had forty Shillings in part of Payment. Besides this, when Mr. *L'Estrange* came first, you were up, (nay, at Two o'clock in the Morning;) When they came and knocked at the Door, they heard Presses going, you would make no Answer till they called a Smith, with intent to force it open. When they came in, they found a Form brought out of the Printing-Room, and broken, all but one Corner; that taken up by a Printer, and compared with the Lines of the printed Sheets, and found to agree. Some of the Sheets were printed on one side only, the rest perfected, you threw them down Stairs, part into your Neighbour's House; said *you were undone*, when you understood Mr. *L'Estrange* was there. What needed all this, but that you knew what you were doing, and did it purposely to do mischief?

Twyn. I did never read or hear a Line of it, but when Mr. *L'Estrange* read it when I was taken.

Judge *Keeling*. Was it printed at your House, or no?

Twyn. I know not but that it might: Not that I did it with my own Hand.

Judge *Keeling*. The Papers were found wet with you: Who was in your House?

Twyn. My two Servants.

Judge *Keeling*. Did any set them at work but your self? Did they work of their own Heads?

Twyn. I did use to set them at work; but I did not set them on that particular Work.

Ld *Hyde*. Have you any thing else to say? God forbid but you should be heard; but the Jury will not easily believe such Denials against so much Evidence.

Judge *Keeling*. Tell us to whom you carried this Copy to be corrected?

Twyn. I know not who corrected it.

Ld *Hyde*. If you have any thing to say, speak it; God forbid but you should have a full Hearing: Say what you will.

Twyn. I say I did not read it, nor heard it, till Mr. *L'Estrange* read it.

Ld Hyde. Have you any thing else?

Twyn. It's possible I may, upon Consideration.

Ld Hyde. We cannot spend all the Day: I must let the Jury know they are not to take your Testimony.

Serj. Morton. I am of Counsel for the King: I shall reply, if he will say no more.

Judge Keeling. You have heard your Charge; this is your Time to make your Answer: If you do not speak now, you must not speak after. Therefore if you have any thing to speak in your Justification, or Witnesses to call, now is your Time.

Ld Hyde. Let me give you this Caution: We cannot spend Time in vain; we have other Business before us, and it grows late. The best Counsel I can give you, is this: You said at first, That you desired to be tried in the Presence of God. You are here in the Presence of Almighty God, and I would to God you would have so much Care of your self, and do so much Right to your self, to declare the Truth, that there may be means of Mercy to you. The best you can now do towards Amends for this Wickedness you have done, is by discovering the Author of this villainous Book: If not, you must not expect, and indeed God forbid that there should be any Mercy towards you.

Twyn. I never knew the Author of it, nor who it was, nor whence it came, but as I told you.

Ld Hyde. Then we must not trouble our selves. Did you never see the Hand before, with which this Copy was written?

Twyn. No.

Ld Hyde. I am very confident you would not then have been so mad, as to have taken such a Copy: A Copy fraught with such abominable Treason and Lies; abusing, in the first place, the late King that is dead, who was, I'll be bound to say it, as virtuous, religious, pious, merciful, and just a Prince as ever reigned, and was as villainously and barbarously used by his rebellious Subjects. Nay, you have not rested here, but have fallen upon this King, who has been gentle and merciful beyond all Precedent. Since he came to the Crown, he has spared those that had forfeited their Lives, and all they had: And he has endeavoured to oblige all the rest of his People by Mildness and Clemency. And after all this, for you to publish so horrid a Book, you can never make amends: God forgive you for it.

Twyn. I never knew what was in it.

Ld Hyde. You of the Jury, I will say only this: That in Point of Law, in the first place, there is no doubt in the World, by the Law of the Land, the publishing such a Book as this is as high a Treason as can be committed: By this he has endeavoured to take away the Life of the King, and destroy the whole Family, and so consequently to deliver us up into the hands of Foreigners and Strangers. It is a great Blessing that we have the Royal Line amongst us. But, I say, there is no question (and my Brothers will declare the same, if you doubt it) that this Book is as fully Treason by the old Statute, as much the compassing and endeavouring the Death of the King, as possible: And he rests not there, but incites the People to Rebellion, to dethrone him, to raise War. And the publishing of this Book is all one and the same, as if he had raised

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an Army to do this. The Proof is, That he set part, printed part, and corrected it; by his own Confession, read it over, It was *mettle some Stuff*; confessed how many Sheets he printed; the Reward and Recompence, you took notice of it. And I presume no Man among you can doubt but the Witnesses have spoken true: And for his Answer, you have nothing but his bare Denial. And so we shall leave it to you.

Set Simon Dover to the Bar.

Dover. My Lord, I pray Time, till Monday Morning: I have sent away the Copy of my Indictment.

Ld Hyde. The Sessions will be done to-night: Mr. Recorder and the rest are to go away on Monday; and therefore we must end to-night.

Dover. I beseech your Lordship I may have Time till Night.

Ld Hyde. Men clamour, and say they are hardly used, their Trials being put off: Are you content to lie in Goal till the next Sessions?

Dover. No, my Lord, I have had enough of that: We are willing now to have it tried.

Ld Hyde. You have had a Kindness done to you, that it is not laid Treason; and therefore go on to your Trial. But because you shall not say you are surprized, if you will not go on now, you must lie in the Goal till the next Sessions: We cannot bail you.

Dover. My Lord, the Indictment is full of Law, and I understand not the Formalities of it: I desire but till Four o'clock.

Ld Hyde. We must do it before we go to Dinner, or not at all; for there is Judgment to be given to the Goal, and all of us Judges are commanded by the King to attend him to-night.

Dover. I am not able to plead to it.

Ld Hyde. Then because you shall not say you had not all the Right imaginable, we will dispatch the rest of the Goal to-night, and adjourn the Sessions till Monday Morning, and you shall then have a fair Trial, by the Help of God. You and your Company, *Natban Brooks* and *Thomas Brewster*, are you all desirous to be tried on Monday Morning?

All three. Yes.

Ld Hyde. Because you shall not want Advice; or any thing else, you shall have all the Liberty you will desire, to send for Persons; but you must be Prisoners till then.

All three. We humbly thank you.

Then the Jury went out; and after about half an Hour's Consultation, they returned to the Court, and took their Places.

Clerk. Are you all agreed of your Verdict?

Jury. Yes.

Clerk. Who shall say for you?

Jury. The Foreman.

Clerk. Set *John Twyn* to the Bar: Look upon him, my Masters, how say you, is he Guilty of the High-Treason whereof he stands indicted, or Not Guilty?

Foreman. Guilty.

Cl. of Newgate. Look to him, Keeper.

Clerk. Hearken to your Verdict, as the Court hath recorded it: You say that *John Twyn* is Guilty of the High-Treason whereof he stood indicted, and that at the time of committing the

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said Treason, or any time since, he had no Goods, Chattels, Lands nor Tenements, to your knowledge; and so you say all?

Jury. Yes.

Clerk. *John Twyn*, thou hast been arraigned for High-Treason, and thereunto hast pleaded Not Guilty, and for thy Trial hast put thyself upon God and the Country, and the Country hath found thee Guilty; what canst thou now say for thyself, why the Court should not proceed to Judgment, and thereupon award Execution of Death against thee, according to the Law?

Twyn. I humbly beg Mercy; I am a poor Man, and have three small Children, I never read a word of it.

Ld Hyde. I'll tell you what you shall do: Ask Mercy of them that can give it; that is of God and the King.

Twyn. I humbly beseech you to intercede with his Majesty for Mercy.

Cl. of Newgate. Tie him up, Executioner.

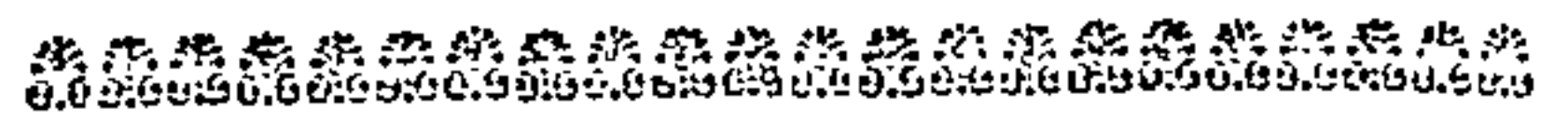
Crier. O Yes! My Lords the King's Justices command all manner of Persons to keep silence while Judgment is in giving, upon pain of Imprisonment.

Ld Hyde. *John Twyn*, and *John Dunsmore*, (one convicted for clipping of Money) I am heartily sorry that your Carriage and grievous Offences should draw me to give that Judgment upon you that I must. It is the Law pronounces it, God knows it is full fore against my Inclination to do it; I will not trouble myself or you with repeating what you have done; but only this in the general, *John Twyn*, for you: Yours is the most grievous and highest Treason, and the most complicated of all Wickedness that ever I knew; for you have, as much as possibly lay in you, so reproached and reviled the King, the dead King, and his Posterity, on purpose to endeavour to root them out from off the face of the Earth. I speak it from my Soul, I think we have the greatest Happiness of the World, in enjoying what we do under so gracious and good a King; yet you in the Rancour of your Heart thus to abuse him! I will be so charitable to think you are misled. There's nothing that pretends to Religion, that will avow or justify the killing of Kings, but the Jesuit on the one side, and the Sectary on the other; indeed it is a desperate and dangerous Doctrine, fomented by divers of your Temper, and it's high time some be made Examples for it. I shall not spend my time in discourse to you, to prepare you for Death; I see a grave Person whose Office it is, and I leave it to him. Do not think of any Time here, make your Peace with God, which must be done by Confession, and by the Discovery of those that are Guilty of the same Crime with you. God have mercy upon you; and if you so do, he will have mercy upon you. But forasmuch as you *John Twyn* have been indicted of High-Treason, you have put yourself upon God and the Country to try you, and the Country have found you Guilty: therefore the Judgment of the Court is, and the Court doth award, 'That you be led back to the Place from whence you came, and from thence to be drawn upon an Hurdle to the Place of Execution; and there you shall be hanged by the

' Neck, and being alive, shall be cut down, ' and your Privy-Members shall be cut off, your ' Entrails shall be taken out of your Body, and ' you living, the same to be burnt before your ' Eyes; your Head to be cut off, your Body to ' be divided into four Quarters, and your Head ' and Quarters to be disposed of at the Pleasure ' of the King's Majesty. And the Lord have ' mercy upon your Soul.'

Twyn. I most humbly beseech your Lordship to remember my Condition, and intercede for me.

Ld Hyde. I would not intercede for my own Father in this Case, if he were alive. *



Monday, Febr. 22, 1661.

Kelyng. 23.

THE Court proclaimed,
Clerk. Set *Simon Dover*, *Thomas Brewster*, and *Nathan Brooks* to the Bar: Look to your Challenges.

The same Jury sworn anew.

Clerk. Set *Tho. Brewster* to the Bar, and the rest set by. You of the Jury look upon the Prisoner; you shall understand that he stands indicted in London by the Name of *Thomas Brewster*, &c. [and here he reads the Indictment] for causing to be printed, and selling a Book called, *The Speeches*, &c. Upon this Indictment he hath been arraigned, and thereunto hath pleaded Not Guilty, and for his, &c. Your Charge is to inquire whether he be Guilty of this Seditious and Offence, or Not Guilty. If you find him, &c.

Mr. North. May it please it your Lordship, and you Gentlemen of the Jury, *Tho. Brewster* stands here indicted of a foul Misdemeanour; it is for causing to be printed, publishing and uttering a seditious, scandalous, and malicious Book. The Indictment sets forth, That he not having, &c. [Here *Mr. North* opens the Indictment] and to this Indictment he hath pleaded Not Guilty. If there be sufficient Proof of the Charge, you are to find him guilty of the Matter contained in it.

Thomas Creek, *George Thresher*, *Thomas Loft*, and *Peter Bodvel* sworn.

Mr. North. *Tho. Creek*, tell my Lord and the Jury what you know concerning *Brewster*, and your printing of a Book called *The Speeches*, &c. and his uttering and publishing of it.

Creek. I shall, Sir. There is a Mistake in the Time, for it was before *Christmas* that *Mr. Brewster*, *Mr. Calvert*, and *Mr. Chapman* did come to me at the *Cock* in *Little-Britain*; and there they had some Copy of the Beginning of the *Speeches* of the Men that suffered, that were the King's Judges, and they spake to me to print it: and I did print part of the Book, I cannot tell you how much, without I had the Book, and then I can tell you how much I did print, [The Book being shewed him] if this be my printing; I suppose it was done afterwards, another Impression, and I must not own it in that. [He was shewed one of another Impression] My Lord,

* See *Twyn's Speech and Behaviour in State-Trials*, Vol. 8. p. 380, 381.

thus far I own; the Printers that are of the Jury will judge [*pointing to the Page*] this is my Letter, and here I ended.

Ld Hyde. What Folio is that you ended at?

Creek. You shall see, it is 36.

Mr. North. By whose Order did you print that?

Creek. They all gave me Order together.

Ld Hyde. They all! Name them.

Creek. Mr. *Calvert*, *Brewster*, and *Chapman*.

Mr. North. Did they charge you to do it privately?

Creek. With as much Privacy and Expedition as I could.

Mr. North. When you had printed them, what did you do with them?

Creek. I disposed of them by their Order.

Mr. North. Did you print but one Impression, or more?

Creek. Yes, my Lord, I did print part of a second Impression.

Mr. North. That we use as Evidence, that he had uttered the first, because he went upon a second: How many did you print at first?

Creek. To my best remembrance, the first Impression was 3000.

Ld Hyde. These three employed you to print this Book, and you printed to the 36th Folio?

Creek. Yes.

Ld Hyde. And who printed the other part?

Creek. I cannot say positively.

Ld Hyde. Did these three afterwards direct you to give out the Sheets to such and such Persons, Bookbinders, to stitch up, and dispose of?

Creek. Yes.

Ld Hyde. The first was three thousand, you say: what number did they take?

Creek. They had all; they sent for them of me as fast as I did them.

J. Keeling. Who did you send the Proofs to?

Creek. They were sent for to my House.

J. Keeling. Sometimes by *Calvert*, sometimes his Man, sometimes his Maid, sometimes by *Brewster*.

Ld Hyde. Do not you know who began where you left off?

Creek. I am not able positively to say. I do believe, and I have heard, and spoken with them that said *Mr. Dover* did; but I cannot positively say it.

Ld Hyde. You were not by, to see it done?

Creek. No.

Ld Hyde. What grounds have you to believe that *Dover* printed the rest?

Creek. Grounds! Truly it is so long ago, to swear positively I cannot.

Ld Hyde. It is but three Years ago.

Creek. To the best of my remembrance, *Mr. Dover* in the time of printing it did meet me, and converse with me about it; but to express Time or Place, I cannot.

Ld Hyde. Did you and he agree that he should print the other part?

Creek. No, my Lord; I had nothing to do to agree it with him.

Ld Hyde. Did he declare to you that he printed the other?

Creek. To the best of my memory he told me he printed some Sheets.

Mr. North. Who changed Sheets with you?

Creek. Some Sheets were changed at *Mr. Dover's*.

J. Keeling. Who paid for the Printing?

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Creek. *Mr. Brewster* paid me some; and some *Mr. Calvert* paid me.

Ld Hyde. If you desire to ask him any Questions, you may.

Brewster. By and by I shall, my Lord.

Dover. I desire he may tarry till I come to my Trial.

Serjeant Morton. Don't doubt it.

Mr. North. *George Thresher*, speak your Knowledge to my Lord and the Jury, whether *Brewster* did not bring you the Book called *The Speeches*; &c. to be stitch'd and what you did with them, tell the manner of it.

Thresher. May it please you, my Lord, and the Honourable Bench, it is thus: This Book it seems was printed, *Mr. Brewster* came to my House to know whether I could fold them, and stitch them in blue Paper. That night I went to several Printers, *Mr. Dover* was one of them; we had several Sheets from thence, (I did not see them printed) I carried them home; and went about the working them that night.

J. Keeling. How many Books were delivered to you?

Thresher. First and last, about 500.

J. Keeling. Who delivered them to you?

Thresher. Some were brought to my House.

J. Keeling. By whose Direction?

Thresher. *Mr. Brewster's*.

J. Keeling. Did you deliver them to any body?

Thresher. Yes, to *Nathan Brooks*, ready stitch'd.

J. Keeling. Who paid you for them?

Thresher. *Mr. Brewster* for them he had, and *Brooks* for them he had.

Mr. North. *Thomas Loft*, tell your Knowledge in this business.

Thomas Loft. May it please you, all that I can say is this: There was to the number of about or near upon a thousand, as I take it, folded and stitch'd in my Master's House, one *Mr. Perry*, I was then his Apprentice; they were sent in, as I judge, by *Mr. Brewster's* Order, but I cannot positively say it: my Master appointed us to do them; I saw *Mr. Brewster* there sometimes, but I cannot positively say that *Mr. Brewster* paid for the doing of them.

Mr. North. Did not your Master press the Dispatch?

Loft. My Master did so; but I know not whether they conversed to that purpose.

Mr. North. Who fetch'd them away?

Loft. His then Apprentice did fetch some of them from our House.

Mr. North. *Peter Bodvel*, tell my Lord and the Jury what you know.

Bodvel. I did carry some three Years ago some Bundles of Books from *Mr. Creek's* House, and I think they were the Bundles of the Speeches of the King's Judges.

Ld Hyde. From whence had you them?

Bodvel. From *Mr. Creek's*.

Mr. North. What did you do with them? Were they sold?

Bodvel. I did see some of them sold in the Shop.

Mr. North. Who sold them?

Bodvel. Myself, and my Mistress sometimes.

Ld Hyde. Were they brought to the Shop to sell, by his privity?

Bodvel. I do believe he knew of them.

Ld Hyde. By the Oath you have taken, did he send you for them to the Printers?

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Bodvel.

Bodvel. He or my Mistress did.

Ld Hyde. Has he been in the Shop when they have been sold?

Bodvel. I cannot truly tell; it's three Years ago.

J. Tyrrel. To whom did you pay the Money that you received for them?

Bodvel. We put it in the Box.

J. Keeling. Do not Booksellers keep account what Books they sell, and set down the Money?

Bodvel. Not for Pamphlets.

Mr. North. Did he not send you to the Bookbinder's for them, when they were stich'd?

Bodvel. It was by his or my Mistress's Order.

J. Keeling. What was your Bookbinder's Name?

Bodvel. Perry.

J. Keeling. Where was this Book kept? Publickly, as other Books, or in other Rooms?

Bodvel. In the Shop, my Lord.

J. Keeling. Were they publickly to view, as other Books?

Bodvel. Not so publick as other Books, but publick enough, Mr. *L'Esfrange* knows.

Ld Hyde. I know you use to let your Titles of a new Book lie open upon your Stalls; did you lay these open?

Bodvel. No, my Lord, they did not do so.

Ld Hyde. Who was the cause they did not? Did your Master direct the Privacy?

Bodvel. I think he did, we had some direction to that end.

Ld Hyde. Not to lay them open upon the Stall?

Bodvel. No.

Ld Hyde. Give the Jury some Books, and read the Indictment; let them be compared.

Clerk reads the Indictment: first the Title;
 ' The Speeches and Prayers of some of the late
 ' King's Judges, viz. Major-General *Harrison*,
 ' Octob. 13. Mr. *John Carey*, Octob. 15. Mr. Ju-
 ' stice *Cook*, Mr. *Hugh Peters*, Octob. 16. Mr.
 ' *Thomas Scot*, Mr. *Gregory Clement*, Col. *Adrian*
 ' *Scroope*, Col. *John Jones*, Octob. 17. Col. *Dani-*
 ' *niel Axtell*, and Col. *Francis Hacker*, Octob. 19.
 ' 1660. The Times of their Deaths, together
 ' with several Occasional Speeches, and Passages
 ' in their Imprisonment, till they came to the
 ' place of Execution. Faithfully and impartial-
 ' ly collected for further Satisfaction.

Mr. Cook's Letter to a Friend, fol. 40. ' And
 ' so I descend to the Cause, for which I am in
 ' Bonds; which is as good as ever it was: And
 ' I believe there is not a Saint that hath engaged
 ' with us, but will wish at the last Day that he
 ' had sealed to the Truth of it with his Blood,
 ' if thereupon called; for I am satisfied, that it
 ' is the most Noble and Glorious Cause that has
 ' been agitated for God and Christ since the A-
 ' postolical Times; being for Truth, Holiness,
 ' and Righteousness, for our Liberties as Men,
 ' and as Christians for removing all Yokes and
 ' Oppressions.' And fol. 41. ' It is such a Cause,
 ' that the Martyrs would again come from Hea-
 ' ven to suffer for it, if they might: I look up-
 ' on it as the most high Act of Justice that our
 ' Story can parallel, &c'.

[Not to trouble the Reader with all the Particulars mentioned in the Indictment; since the rest are but more of the same kind in other words.]

Ld Hyde. What say you to this Book?

Brewster. I desire to ask Mr. *Creek* a few Questions: Mr. *Creek*, how much of that in the Indictment did you print?

Creek. The Jury may see if they please.

Ld Hyde. Truly if he says true, he says he printed no part of that with which you are charged, but the Title-Page; he left off at Folio 36. your Charge is the Title, and beginning at Fol. 40.

Brewster. So that you see he printed nothing for me that is in the Indictment.

J. Keeling. Did you print the Title?

Creek. Yes, my Lord.

Ld Hyde. And you printed the rest, by his, *Calvert's*, and *Chapman's* Directions.

Creek. They delivered me the Copy together to print.

Ld Hyde. If you have any thing to say, speak to the Court, the Jury will hear you.

Mr. North. Pray, my Lord, give me leave to ask *Creek* one Question: There were two Impressions printed, did not you print more in one, than in the other.

Creek. I am upon my Oath; to the best of my remembrance I printed the same that I did before, for I had some of it standing, and so I had the same Sheets again.

Mr. North. Had you no more?

Creek. No, I had rather less.

Brewster. That's usual, he that prints the first, doth print the same of the second.

Ld Hyde. He says he did so; what have you to say to the Charge?

Brewster. I conceive that part that I ordered the printing of, is not included in the Indictment.

Ld Hyde. Yes, every part; he says in both Impressions he printed to the 36th Folio; and all the rest was printed by your direction.

Creek. No, my Lord, I printed to the 36th Folio by his Direction, the rest was printed elsewhere.

J. Keeling. Your Indictment was this, *For causing to be printed this Book, called The Prayers, &c. and for selling and uttering of it.* For the Evidence that you caused it to be printed, he swears you directed some, and it is not likely you would print half, and let the other half alone; we leave that to the Jury: For your uttering, that anon.

Ld Hyde. There are these two particular Charges in the Indictment, that you must answer: The first is, your causing it to be printed; and it is not essential, or of necessity, that every Particular that is in the Indictment be proved to be done by you: you caused this Book to be printed, with such a Title; that he swears he did for you: then let the Jury, or any Man living, judge whether you did direct the Book to be wholly perfected, or by halves. The second Charge is, that you uttered them: You delivered five hundred of these to be stich'd up, and disposed of them, so that you are in effect both Printer and Publisher of the whole Book.

Brewster. He speaks of one part that I ordered, there is no more Proof, and that was but to the 36th Page: he speaks also of somebody else that was present with me; and where they had the rest of the Copy printed, he tells you he knows not.

Ld Hyde. Have you any more to say?

Brewster. Yes, my Lord: Tho' he says I caused that Part to be printed, yet he doth not say I did it maliciously, or with any design against the Government.

Ld Hyde. The thing speaks itself.

Brewster. Booksellers do not use to read what they sell.

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Ld Hyde. You have forgot what he swore; you brought the Proof.

Brewster. He did not swear that; he says Mr. Calvert's Man, and sometimes others.

Ld Hyde. Ask him again.

Creek. I did declare, that the Proofs were sent for, and carried away and read, sometimes by Mr. Calvert's Man and others, and sometimes by his Servants, not by himself; they were wrapt up and sent.

Ld Hyde. For a Man to pretend he did not know, when, he being Master, sends for his Proofs by his Servant; for any Man to suppose this is not the Master's Act, (nay, and directing it to be done privately) you shall never find a Man guilty: they were sold in his Shop.

Brewster. The grand part of the Indictment lies, That it was done maliciously and seditiously, and then it says knowingly; though it be granted I did do it, and sell it, yet it does not follow that I did it maliciously and seditiously; I did it in my Trade: we do not use to read what we put to print or sell. I say, my Lord, selling of Books is our Trade, and for the bare exercising of it, knowing nothing of evil in it; it came out in a time too, when there were no Licensers, or appointed Rules; so that whatever was done we are not accountable for, for we read very seldom more than the Title, that some of the Jury knows; so that I hope I cannot be said to do it maliciously or knowingly. I can give Testimony I am no Person given to Sedition, but have been ready to appear upon all Occasions against it.

Ld Hyde. Have you any more? if you have, say it.

Brewster. My Lord, they are the Sayings of dying Men, commonly printed without Opposition.

Ld Hyde. Never.

Brewster. I can instance in many; the Bookseller only minds the getting of a Penny: that declares to the World, that as they lived such desperate Lives, so they died; so that it might shew to the World the Justice of their Punishment; and so I think it a Benefit, far from Sedition. It was done so long ago too, it was not done in private, it went commonly up and down the Streets, almost as common as a *Diurnal*: it's three Years and a quarter ago, or thereabouts.

Justice Tyrrel. You speak of your Behaviour, have you any Testimony here?

Brewster. I do expect some Neighbours; Major-General Brown knows me, Capt. Sheldon, Capt. Colchester, and others: I can give a very good account as to my Behaviour ever since.

Ld Hyde. Say what you will, and call your Witnesses, and make as much speed as you can.

Justice Keeling. There is another Indictment against you, and while that is trying, your Neighbours may come.

Brewster. My Lord, I shall desist for the present.

Serj. Morton. May it please your Lordship, and you Gentlemen of the Jury; I am of Counsel for the King against Thomas Brewster, Bookseller, that stands here indicted, for that he, contrary to the Duty of his Allegiance which he owes to our Sovereign Lord the King, did cause maliciously a seditious and scandalous Book to be printed, wherein there are divers scandalous Clauses contained, that are in Disparagement of

the King's Royal Prerogative, and against his Government, Crown and Dignity; and likewise that he hath sold and uttered the same Books in Contempt of his Majesty's Laws. This is the Effect of the Indictment: It has been proved to you by four Witnesses, that for which he stands indicted; First, That he did cause part of the Book to be printed; that's clearly proved by Creek: likewise that he has sold and uttered those Books in his Shop: nay, he confesses that he did, and says they were sold openly as a *Diurnal*; and therefore he thinks it was lawful for him to do it. He has gone about to make a Defence of this his seditious Behaviour; he tells you he did not print all the Book; it is not said, that he printed such and such a Letter of the Book, but that he caused such a Book to be printed: and it is to be presumed, if he caused one part, he would cause the other, or otherwise it would be a Book of maimed Sense and imperfect. Gentlemen, for the uttering and selling of them, that himself confesses: you have heard the Excuses he hath made, whether you will not find him guilty of this Crime, that I must leave to you, and to the Direction of the Court.

Ld Hyde. You of the Jury, you see the Indictment is for causing a libellous and seditious Book to be printed, under such a Title, that is, *The Speeches and Prayers, &c.* it is for causing this, seditiously, factiously and wickedly to be printed; and for selling and publishing it abroad to the King's People. For the Matter of Evidence, you have heard it: I will not repeat the Particulars to you, only something to what he has said, that you may not be misled. First, He says, it does not appear, that he did it maliciously or knowingly; there are some things that you that are of the Jury are not to expect Evidence for, which it is impossible to know but by the Act it self. Malice is conceived in the Heart, no Man knows it unless he declares it: As in Murder, I have Malice to a Man, no Man knows it; I meet this Man and kill him; the Law calls this *Malice*. If a Man speaks scandalous words against a Man in his Calling or Trade, he lays his Action, *Malice*, though he cannot prove it but by the words themselves. If I say a Printer or Stationer is an ignorant Person, has no Skill in his Trade, I would not have any Man to deal with him, he understands not how to set Letters, or the like; here is nothing of Malice at all appears, yet if you bring your Action, you must lay it, *maliciously*; it is the destroying your Trade, and you will have Damages. I instance in this Particular, that you may see there is *Malice* supposed to a particular private Person in that Slander, much more to the King and the State. The thing it self, in causing a Book to be printed that is so full of Scandals and Lies, to inveigle, misguide, and deceive the People, this is, in Construction of the Law, *Malice*; and though no Malice appear further. The next is this; *factiously, seditiously, knowingly*: this carries Sedition as well as *Malice*. Such a barbarous transcendent Wretch that murdered his Prince, without the least Colour of Justice, to declare that *he rejoiced in his Bonds*; and that *the Martyrs would willingly come from Heaven to suffer for it*. Horrid Blasphemy! *All the Saints that engaged in it, to wish that they had sealed it with their Blood!* What can you have more to encourage and incite the People to the killing of Kings, and murdering

murdering their lawful Prince! This they publish, and say it was spoken publickly; let it be upon his own Soul that did it: for in case he did it, no Man knew it but those that heard it. But to publish it all over *England*, (3000 of the first Impression, and a second;) this is to fill all the King's Subjects with the Justification of that horrid Murder: I will be bold to say, *not so horrid a Villany has been done upon the Face of the Earth, since the crucifying of our Saviour.* To print and publish this, is *Sedition*. The next thing is your Trade. I have a Calling to use, and I may justify the using of it, so long as I use it lawfully, but that must not justify me in all manner of Wickedness against the King and State. As if a Lawyer (I will put it in my own Coat) plead a Man's Cause, and against the King; this is justifiable, he ought to plead for his Client, but he must plead as becomes him. If a Lawyer in defence of his Client will speak *Sedition*, do you think he is free from being punished? So of a Printer; if a Printer prints seditious and factious Books, he must look to himself; that's no part of his Calling to poison the King's People: so tho' printing of a Book be lawful, he must use it as the Law appoints him, and not to incite the People to Faction. Writing of Letters you know it is common and lawful; but if I write treasonable Letters, give notice to rise, do such and such unlawful Acts, I am to be punished for these Letters. A Printer he is a publick Agent, he is to do what he is able to answer, or else he must take what follows. He says, There was no Act against him: it is true, you see he is not indicted upon the Statute, but at the Common Law, for an Offence in the nature of a Libel. If I were a Printer, and would compile a Pamphlet against a Man, though not in Authority, and disparage him, this is the publishing of a Libel, and an Offence for which he ought to be indicted, and punished by the Common Law; and he that prints that Libel against me, as a publick Person, or against me as Sir *Robert Hyde*; that Printer, and he that sets him at work, must answer it, much more when against the King and the State. Another thing is this; he talks to you of *dying Mens Words*: if Men will be so vile to be as wicked at their Deaths, as they had been in their Lives; put the Case of that Man on *Saturday* convicted for printing a horrible villainous thing, if he will be so unchristian to himself, as to justify this at his Death, or to speak as bad as he had caused to be printed, is that a Justification to publish them, because they are the Words of a dying Man? God forbid. A Robber declares upon the Gallows, it is for a noble Cause, for taking a Purse upon the High-way, that it is an unjust Law to condemn to death for such Crimes. Shall any Man publish this in print, and not be liable to be punished for it? If any that were tried here upon *Saturday*, shall vilify the Lord Mayor, or any of the Bench, traduce them for doing of Justice, shall this go unpunished, if a Man take it up and print it? This I speak to let you see this is without Colour of Law: He pretended he did it not knowingly; I will not repeat the Evidence; *He sent for them, had them stitched, caused them to be kept privately*, (not upon the Stall.) And observe, he tells you it was done long ago: it is but three Years ago that they were as publickly sold as *Diurnals*, he says. I shall

repeat no more, I know you are Men of Understanding, and of Obedience to your King; it is high time to take notice of this dispersing of Pamphlets: if therefore you do believe that he did cause it to be printed, or published it, or both, he is guilty of the Misdemeanour laid in the Indictment; (and *he hath a great Kindness in that it is not made Capital*.) If you do believe that he did either cause it to be printed or published, that's enough to find him guilty of this Indictment.

Clerk. Hearken to the other Indictment: He stands indicted in *London*, &c. and this is for causing to be printed a certain Book called, *The Phoenix*, &c. publishing the same, [*the Indictment was wholly read.*] To this Indictment he hath pleaded Not Guilty; so your Issue is to enquire whether he be guilty of this Offence, or not guilty.

Mr. North opened the Indictment in manner as before. To this he hath pleaded Not Guilty; if the Charge of the Indictment be sufficiently proved, you are to find him guilty.

Serj. Morton. May it please your Lordship, and you Gentlemen of the Jury, here is another Bill of Indictment preferred against *Thomas Brewster*; it is, that contrary to the Duty of his Allegiance to his Sovereign Lord the King, and purposely to incite the People to *Sedition*, and to withdraw them from their natural Allegiance to the King, he hath caused to be imprinted, maliciously, falsely and scandalously, a certain scandalous Book, entitled, *The Phoenix*, &c. And this he hath done to disturb the Peace of the Kingdom, and to withdraw the People from their Allegiance; and to the Scandal of his Majesty's Government, he hath caused this Book to be printed, uttered and sold: and this we take to be a great Offence against the King, and his Crown and Dignity. Gentlemen, the dispersing of seditious Books is of great danger to the Kingdom; false Rumours, they are the main incentives that stir up the People to *Sedition* and *Rebellion*, that raise Discontentments among the People, and then presently they are up in Arms. Dispersing seditious Books is very near a-kin to raising of Tumults; they are as like as Brother and Sister: Raising of Tumults is the more masculine; and printing and dispersing seditious Books, is the Feminine Part of every *Rebellion*. But we shall produce our Witnesses, we shall prove that this *Thomas Brewster* caused this Book to be printed; that when it was printed he did receive three hundred; That these he caused to be stich'd up; That he uttered and sold them, part in his own Shop, and part elsewhere. It being an Offence of that great and dangerous Consequence, which tends to the Disturbance of the Peace of the Kingdom; I hope you will take it into your serious Consideration, and if the matter stand proved against him, you will give him his due Demerit.

Creek, Thresher, Loft and *Bodvel* sworn again.

Mr. North. *Creek*, tell my Lord and the Jury what you know of the printing of the Book called *The Phoenix*.

Creek. My Lord, it was in *May* that *Mr. Calvert, Brewster* and *Chapman* brought that Book to me to print.

Ld Ch. Just. *Hyde.* What Book? name it.

Creek.

Creek. The *Phoenix*, &c. it was printed for them three. All that I can say is, That Mr. *Brewster's* Part was delivered to me by his Direction.

Ld Ch. Just. *Hyde.* Who paid you for printing of it?

Creek. Mr. *Brewster* paid for his Part.

Just. *Keeling.* How many was his Part?

Creek. His Part of 2000, that was 600 and odd.

Ld Ch. Just. *Hyde.* These three Men joined to bear each Man his Share

Creek. Yes, every Man was to have his Share.

Just. *Keeling.* Did he wish you to do it with Privacy?

Creek. Yes, with Expedition and Privacy.

Brewster. Was the Copy written or printed?

Creek. It was all printed formerly, some in *Quarto*, some in *Octavo*, and might have been bought single in any Place almost.

Ld Ch. Just. *Hyde.* What do you mean by *all printed formerly*?

Creek. My Lord, they were in several Parcels printed; there was Mr. *Calamy's* Sermon, and Mr. *Douglas's* Sermon, and the rest.

Just. *Keeling.* How long ago was it since they were brought to you to print?

Creek. It was in *May*, three Years.

Brewster. Did I order you how you should print them, or Mr. *Calvert*? Did not you hear him say, that they had staid two Hours for me at an Alehouse to be his Partner?

Creek. I did hear him say so.

Just. *Keeling.* What made you so loth to be their Partner? were they two Hours persuading of you?

Creek. No, they waited two Hours for him to be their Partner.

Serj. *Morton.* *Thresher*, did *Brewster* deliver any of those Books to you to stich up?

Thresher. Yes, and please you, my Lord, and I had them by Mr. *Brewster's* Order to fold.

Serj. *Morton.* How many?

Thresher. To the number of 2 or 300.

Mr. *North.* Did he not enjoin you Privacy?

Thresher. Yes, I think he did.

Just. *Keeling.* When they were bound, had you a Note to deliver those Books safely to any?

Thresher. Yes, from his own Hand; he desired me to go and give them to such and such Persons, Booksellers. Said I, I shall hardly remember them: he thereupon gave me a Note of their Names to whom I should deliver them; I judge they were to be trusted more than others.

Serj. *Morton.* Did you deliver them accordingly?

Thresher. Yes, I did.

Ld Ch. Just. *Hyde.* How many did you deliver in that manner?

Thresher. Two Dozen and more.

Just. *Keeling.* If you will ask him any Questions, do.

Brewster. Did I give you any Order to deliver them to any particular Booksellers?

Thresher. Yes, you did; I believe Mr. *L'Esrange* and Mr. *Williams* (one of the Jury) can remember I shewed them the Paper you wrote to that purpose.

Mr. *Williams.* I did see the Note.

Brewster. I do not remember I gave you any Order, they were all common things before,

Just. *Keeling.* You may ask him what Questions you will.

Brewster. I shall ask him no more.

Mr. *North.* *Peter Bodvel*, speak what you know concerning the Selling or Uttering the Book called *The Phoenix*, &c.

Bodvel. I never knew of the printing of them, I never knew my Master sell any of them, nor heard him give Order for selling of them.

Just. *Keeling.* Did you sell any of them for him?

Bodvel. I think I did sell some.

Serj. *Morton.* Were they in the Shop to be sold?

Bodvel. Yes, they were.

Ld Ch. Just. *Hyde.* Were they in the Shop publickly, with the Title-page lying open upon the Stall, as other Books do, when they are newly out?

Bodvel. We seldom did so with Bound Books.

Just. *Keeling.* Where were the Books found when they were seized?

Bodvel. I think they were in some of the upper Rooms.

Just. *Keeling.* Where were they found, by the Oath you have taken?

Bodvel. That Mr. *L'Esrange* can tell better than I, I did not see him find any of them.

Ld Ch. Just. *Hyde.* By the Oath you have taken, where was the Place whence you were to fetch them, when you were to sell them?

Bodvel. In the Hall, the Room over the Shop.

Ld Ch. Just. *Hyde.* Were they put up privately?

Bodvel. They were so.

Just. *Keeling.* What private Place was that?

Bodvel. It was a Hole in the Wall.

Just. *Tyrrel.* By whose Direction were they laid there?

Bodvel. I know not whether by his, or my Mistres's.

Just. *Keeling.* Were not some found under the Bed?

Bodvel. I heard that Mr. *L'Esrange* found some of the Titles under the Bed.

Serj. *Morton.* I think it is enough; what say you to it, Friend?

Ld Cn. Just. *Hyde.* Observe this, and answer it: It appears that you and two more (*Calvert* and *Chapman*) did agree with *Creek* for printing this Book, (several Parcels drawn into one Volume) and you were to bear each of you a third Part, and to have a third Part of the Books; he swears you did both pay your Part, and had your Part of the Books: These Books were printed before, and so they were common enough, and therefore you must needs know what was in them. The third full Part was brought to you, and delivered by your Appointment; you gave a Note how they should be disposed of, and you owned them not in publick: (*your own Soul told you they were not to be justified*) two Dozen were delivered privately to particular Persons, by your Direction. Lay these things together, and now answer them: For the Indictment is, That you caused such a Book to be printed and published.

Brewster. In the first Place, the Evidence does say, That Mr. *Calvert* did acknowledge when he gave him the Copy to print, that he staid so long for me, in order to be their Partner, he that was the Collector of it together. They were all printed

printed before; and printed by Licence; for the Books, I never read them: we seldom read the Books we sell, being they were before printed, and with Licence sold single, (as the Gentlemen of the Jury know) I thought there was no Crime to print them all together. It was done in an Interval when there were no Licensers, we knew not where to go: what has been printed formerly, we took it for granted it might be reprinted, till this late Act for Printing; and this was done before this Act.

Just. Keeling. Have you any more to say?

Brewster. No, my Lord, I shall leave it to the Jury. But, my Lord, here are now some Neighbours to testify that I am no such Person as the Indictment sets forth, that I did *maliciously* and *seditionously* do such and such things.

Ld Ch. Just. Hyde. We will hear them, though I'll tell you it will not much matter; the Law says it is *Malice*.

Capt. Sheldon sworn. My Lord, all that I can say is, he was ready at Beat of Drum upon all Occasions; what he has been guilty of by printing or otherwise, I am a Stranger to that; I know he was of civil Behaviour and Deportment amongst his Neighbours.

Just. Keeling. It is very ill that the King hath such Trained-Soldiers in the Band.

Capt. Hanson and others offered to like purpose.

Ld Ch. Just. Hyde. If you have a thousand to this purpose only, what signifies it?

Just. Keeling. Are you his Captain?

Capt. Sheldon. No, my Lord, Capt. Bradshaw.

Ld Ch. Just. Hyde. He should be cashier'd the Band; not but that he should be charged with Arms. I'll tell you, do not mistake your self, the Testimony of your civil Behaviour, going to Church, appearing in the Train'd-Bands, going to *Paul's*, being there at Common-Service, this is well: but you are not charged for this; a Man may do all this, and yet be a naughty Man in printing abusive Books, to the mis-leading of the King's Subjects. If you have any thing to say as to that, I shall be glad to find you innocent.

Brewster. I have no more to say.

Ld Hyde. Then you of the Jury, there are some things in this Indictment (as in the other) necessary to be stated to you; my Brothers and I have consulted here about it: The Indictment is for causing a factious and seditious Book, called *The Phoenix*, &c. with divers other things therein, to be printed. But, pray let them see the Book, and compare it with the Indictment.

Clerk. [Reads the Indictment, and first the Title.] *The Phoenix, or the Solemn League and Covenant.* [Edinburg, Printed in the Year of Covenant-Breaking.] *A King abusing his Power, to the Overthrow of Religion, Laws, and Liberties, which are the very Fundamentals of this Contract and Covenant, may be controuled and opposed. And if he set himself to overthrow all these by Arms, then they who have Power, as the Estates of a Land, may and ought to resist by Arms; because he doth by that Opposition break the very Bonds, and overthrow the Essentials of this Contract and Covenant. This may serve to justify the Proceedings of this Kingdom against the late King, who in an hostile way set himself to overthrow Religion, Parliaments, Laws, and Liberties.* [The rest is much at the same Rate,

only now and then a Spice of Blasphemy, for the Credit of the Holy League: *A greater Sin* (is the Breach of that *Scotch Covenant*, according to our Author, pag. 158.) *than a Sin against a Commandment, or against an Ordinance, &c.*]

Ld Ch. Just. Hyde. You of the Jury, you see the Indictment agrees with the Book. There's a great deal of Mercy that this Man hath not been indicted of Treason; for those very Particulars you have heard are as high Treason as can be. First, he doth declare, *That the King abusing his Power, the People may resist, and take up Arms against him:* That's express Treason, without any more ado. Then he tells you what a horrid thing it is to break that *Solemn League and Covenant*; justifies the raising of Arms and Rebellion against the late King, unthroning and murdering of him. I tell you that *Solemn League and Covenant* was a most wicked and ungodly Thing, against the Law of God, and the Law of the Land. To have such villainous Stuff to be published, it is a great Mercy of the King it had not been drawn higher. You see the Man is so far from acknowledging any Guilt, that he justifies the Fact.

Brewster. No, my Lord, I do not justify my self.

Ld Ch. Just. Hyde. Yes, you do. The Printer swears he was to go Share and Share like: He had his Part; he publishes them to some particular Friends: I say he justifies this. He tells you in his Defence, That it was commonly printed; that it was done by printed Copy, and that done formerly by Licence; and when Things are printed by Licence, they do not expect or need any new or second Licence: They were commonly sold asunder; here they are only printed together. That he says is nothing. What is this but justifying the printing of it? Observe, weigh, and see what kind of Defence here is. The Title, what is it? *The Phoenix, or Solemn League and Covenant.* You all know it, and rue it. When was it printed? It was when the wicked Rebels here could not seduce sufficient Numbers of the King's Subjects to support their Rebellion; and then they invite their Dear Brethren (as they called them) the *Scots*, to unite with them. The *Scots* were cunning; they would not do it till they had entred into a Covenant, in a League; and then they consent to unite with the Rebels here. This League and Covenant was indeed in Defence of the King; but how long? So long as he defended them, (the Presbytery and *Scotch Discipline*.) When they had got this good King into their Hands, they put what Terms upon him they pleased; and then were these seditious Sermons printed. *Douglas's* was printed in *Scotland*; was it licensed here? No, it was done there, and brought hither. Then for the other Sermon, by what Licence was that printed? Observe the Time when it was printed; *was it not to set forward Rebellion, to set up the Scotch Presbytery*; and this in Forty-five, when they were in Arms against the King, after the King put himself upon his Defence, and was at *Oxford*? Do you tell me of the Licence of Rebels then for your Justification? Now, when the King is so happily return'd, now to publish these things afresh to the People, that they might do the same again! And I tell you once again, It is Mercy in the King

King that he was not indicted for Treason. I shall leave it to you, you have had it fully proved.

Clerk. Set *Simon Dover* to the Bar. [And here the Indictment is read.]

Mr. North opens this Indictment, as the rest.

Serjeant Morton. We have but two Witnesses, and they will prove the Matter clearly. There were two Impressions of this Book; we will prove he had a Share in both of them.

Creek sworn again.

Creek. I delivered before what I can say.

Judge Keeling. Look you, you must deliver all that Evidence over again, because it concerns another Person.

Creek. I did say, and say still, That, to the best of my Memory, *Mr. Dover* did print part of that Book, and that he and I did converse about it in the Time it was doing; but I cannot swear it positively, because I cannot remember the Time when, or the Place where.

Judge Keeling. Did you change Sheets with him?

Creek. With him, I cannot say; but some Sheets were changed by our Men.

Serjeant Morton. You say you think you had some Discourse with him: Did not you speak about the Danger of printing it?

Creek. We talked of making an end of it.

Serjeant Morton. Can you remember to what Letter you printed?

Creek. I have shewed the Gentlemen of the Jury.

Judge Keeling. Had you no Discourse of the Danger of it?

Creek. I thought it could not come to any thing: I did tell *Sir R. Brown*, (then Lord-Mayor) That if they hanged twenty more, I thought I should print their Speeches.

Judge Keeling. You knew the Contents of the Book?

Creek. Yes, I did.

Judge Keeling. Such Men as you, the King and the Government hath a great Interest in your Trade: That you should think it lawful to print what a Man says when he dies, and to scatter it abroad, though never so bad, it's a great Offence: I would not have it pass for so clear a thing.

Ld Ch. Just. Hyde. If you are of such Principles, to print what you list, you are not fit to live in a civil Place; for a Printer or Bookseller to print any thing one against the other, is actionable. Do you think the Press is open to print what you list?

Creek. I did so then.

Ld Ch. Just. Hyde. I'll deal plainly with you: For this Book, if you had had your Due, you ought both to have been drawn, hang'd and quarter'd. When did you give *Mr. L'Esrange* Information of this Matter?

Creek. Lately, when I was a Prisoner in *Ludgate*.

Mr. Royston. [One of the Jury.] I desire to ask him one Question; Whether *Mr. Creek* saw this Book a printing at *Mr. Dover's* House, or no?

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Creek. No, I did not.

Serjeant Morton. They changed Sheets.

Thresher sworn.

Thresher. This is all that I have to say, That the first Night that *Mr. Brewster* sent for me to fetch these Books, it was very late before we could get them: I went that Night to *Mr. Dover's*, and had some of the Sheets, the rest at *Mr. Creek's*. I did not see him print any of them.

Serjeant Morton. What Quantity was there of them?

Thresher. I suppose there was two or three hundred Sheets.

Mr. North. Were they not of this Book?

Thresher. Yes, of the *Speeches*.

Mr. North. Where were they delivered?

Thresher. In the lower Room: I suppose some of them were hanging upon Lines before I had them.

Ld Ch. Just. Hyde. What say you to it?

Dover. I desire to ask him some Questions. I do say I never saw the Man before: I would ask whether ever he saw me before in his Life?

Thresher. Not before that: I was never in his House but that Night. By this Token I saw you, and you me; When I came for the Sheets, you asked *Mr. Brewster* whether he and *Mr. Calvert* were agreed, or else you would not deliver the Sheets.

Dover. I desire to know what Time and Place: I am charged in the Indictment on a Day and Place.

Ld Ch. Just. Hyde. That's not very material.

Dover. He fixes nothing on me.

Ld Ch. Just. Hyde. That the Jury can best tell: Have you any more Questions?

Dover. No, my Lord.

[The Indictment and Books were compared.]

Dover. My Lord, there is no Person swears that I printed it, or part of it: Nothing fixed upon me.

Ld Ch. Just. Hyde. The first Man swears that you set it to printing.

Creek. I do not swear it positively; I never saw him print a Sheet: It was the Report of the Town that he did it.

Ld Ch. Just. Hyde. You printed it: For whom?

Creek. For *Brewster*, *Calvert*, and *Chapman*.

Ld Ch. Just. Hyde. But you say that you and he did converse about it when it was printing.

Creek. I did say, To the best of my Memory we did.

Ld Ch. Just. Hyde. By the Oath you have taken, who did you change Sheets with?

Creek. I cannot say I did change any with him: I say that some Sheets were changed by my Men, and they told me they had them of his Men.

Dover. Where are those Men that changed the Sheets? Which of my Men are they?

Justice Keeling. Look you, *Dover*, you are indicted for causing to be printed this wicked Book, and for publishing and vending of it. You are a Printer by your Trade, as well as this Man that comes against you: He says he did not see you

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print it; but he took it, and believed that you printed it. I tell you how far that weighs: You are a Printer by Trade; and comes the other and desires the Sheets; you would not deliver them unless Mr. Brewster and Mr. Calvert were agreed. How comes the Sheets to your House, being a Printer, and yet you not print it? Answer that.

Dover. I shall, my Lord: It is no Consequence at all. Admit I had these Sheets, it is no Consequence at all that I printed them; for Printers and Bookfellers usually have Books they did not print themselves.

Ld Ch. Just. *Hyde.* *Thresher,* by the Oath that you have taken, did you see those Sheets hang upon the Line in his House?

Thresher. My Lord, I judged these had lately hung up: And I saw other Sheets hanging there; and I knew nothing to the contrary but those that hung upon the Line were the same with these.

Ld Ch. Just. *Hyde.* Here are Sheets upon the Lines; you delivered him to fold part of those on the Lines: What would you have more plain? You would not deliver them, if they were not agreed: Then they were agreed, and you delivered them.

Dover. I say this; I look upon the Witnesses to be altogether invalid: He is a Person of no good Repute.

Ld Ch. Just. *Hyde.* A better Man than you, for ought appears: You are indicted for a foul Offence, so is not he.

Dover. I am not the Man you take me to be.

Ld Ch. Just. *Hyde.* You shall have Evidence, if you will, that you are at work at this time upon as bad as this.

Dover. If it be a Crime, I am sorry for it.

Mr. L'Estrange sworn.

Mr. L'Estrange. Shall I speak to the whole Matter, or only to the Particular you last mentioned?

Ld Ch. Just. *Hyde.* Say your Knowledge.

Mr. L'Estrange. When I came to his House, which was about the middle of *October*, to search, I found at that present a little unlicensed Quaking Book; and in his Pocket the Libel that was thrown up and down the Town, called, *Murder will out*, ready printed.

Ld Ch. Just. *Hyde.* Which was a villainous Thing, and scattered at *York*.

Mr. L'Estrange. Since that, I was at his House, to compare a Flower which I found in the *Panther*, (a dangerous Pamphlet;) that Flower, that is, the very same Border, I found in his House; the same Mixture of Letter, great and small, in the same Case; and I took a Copy off the Press. I found over and above this Letter, [producing the Letter,] dated the 7th of *February*, 1663, and directed, *For my Dear and Loving Wife, J. Dover.* Is it your Lordship's Pleasure I shall read it all?

Ld. Ch. Just. *Hyde.* If it be touching the printing of Things you found; do.

Mr. L'Estrange Reads it. *I would fain see my Sister Mary; therefore since Sister Hobbs will not come, take her Order, and instead of her Name, put in Sister Mary's: It will never be questioned here. However do it as wisely and handsomely as you can, &c.* [And then in a Postscript,] *You*

must either get Tom Porter, or some very trusty Friend, (possibly C. D. may help you) to get for you a safe and convenient Room to dry Books in, as soon as possibly you can. [And again:] Let me know what you intend to do with the two Sheets and Half. I will have it published, when I am certain I shall be tried.

Ld Ch. Just. *Hyde.* Let the Jury see now, whether you are the Man you would be thought.

Dover. I desire to know whether my Name be to that Letter?

Mr. L'Estrange. No, it is not.

Ld Ch. Just. *Hyde.* Where did you receive or find this Letter?

Mr. L'Estrange. My Lord, I found it about his Wife.

Ld Ch. Just. *Hyde.* Let the Jury judge if this come from you, or no.

Judge *Keeling.* You of the Jury, you must understand this, That what is said now is only upon his Reputation, not to the Point in Question at all: That Matter rests upon its own Bottom.

Ld Ch. Just. *Hyde.* I'll deal plainly with you: Had he not stood upon such Terms, I should not have spoke of this: But when a Man will be thus bold and confident, I thought it proper to let you see how he continues now in the Goal.

Dover. I do not vindicate my self in it; but I speak against the Witnesses: I do conceive that the Witnesses does not fix any thing upon me.

Ld Ch. Just. *Hyde.* Have you any thing else to say to the Indictment?

Dover. I am indicted as a malicious and factious Man: The Witnesses say no such thing.

Ld Ch. Just. *Hyde.* You are not indicted so, but that you have maliciously and factiously caused to be printed such a seditious Book; not your Person, but the Action.

Dover. There is nothing of that proved: Admit I was guilty of it, it was done when there was no Act or Law in being touching Printing. The Witnesses do not swear positively that I did do it: One says he did not see me; the other, that he only believed it; that he did see some Sheets upon the Line, and they were the same for ought he knew; does not remember the Time or Place of our Discourse: I do not know that ever I had half an Hour's Discourse with him in my Life: I never had any Meeting with him about any such Matter, nor had any Converse with him. The Title of the Book says, *Faithfully and Impartially collected for further Satisfaction*; so that it cannot be interpreted maliciously. It's a Maxim in Law, That the best Interpretations are to be put upon the Words of the Indictment, in favour of the Prisoner at the Bar: And I hope this honourable Bench and the Jury will mind that. I am a Printer by Trade; what I did was for my Livelihood: The Scripture says, *He is worse than an Infidel that takes not care for his Family.* I speak not this to justify any thing against his Majesty or his Government. Through my Ignorance I may possibly transgress: If I have done any such Thing, I am sorry for it; I hope I shall be more careful for the future. The other Part of the Indictment is for selling of them: No Man swears that I sold one Book of them. *Mr. Creek* says, That some of his Men told him that they had some of those Sheets from some of my Folks: but

but of whom he does not say. That I did meddle with them; knowing them to be scandalous, I hope there is nothing proved of that nature: There being then *no Law*, I humbly hope there was *no Transgression*.

Ld Ch. Just. *Hyde*. Have you done?

Dover. I humbly desire your Honours, and this Jury, to take notice of what I have said.

Ld Ch. Just. *Hyde*. You of the Jury, I will not spend Time (it is too late) in repeating the Evidence: You have heard the Evidence particularly, and his Answer. He doth in part make the same Answer with his Fellows, which was, That it is his Trade. It's true, no doubt but he ought to maintain his Wife and Children by his lawful Calling; but if a Thief should tell you that he maintained his Wife by Stealing, is that lawful? Printing Books lawfully, no Man will call him to account for it; but if he prints that, which is abusive to the King and his Government, that's no Part of his Trade, and his Trade will not bear him out in it: He is charged for printing and publishing of these scandalous Books, That he did it *knowingly, maliciously, falsely, factiously, and seditiously*. I told you, That although all these Things be not proved, yet if he did it, the Law calls it *Malice, Faction, and Sedition*. Consider the Circumstances: You see it is done in the Dark; the Sheets delivered at his House, and Discourse about Delivery of them; he would not deliver them unless *Brewster* and *Calvert* were agreed. I leave the Evidence to you in this Case: Pregnant, strong, undeniable Circumstances are good Evidence. Though a Man doth not come and tell you he declared to him he knew what was contained in this Book, yet if there be sufficient Evidence to satisfy you in your Consciences, that he knew what was in it, and was privy to the printing and publishing of it; there is enough for you to find the Indictment. You are to weigh Circumstances as well as pregnant full Proof, in Cases of this Nature.

Clerk. Set *Nathan Brooks* to the Bar. You of the Jury, you shall understand that he stands indicted, &c. [*Reads the Indictment.*]

Mr. North afterwards opened the Indictment.

Serjeant Morton. This Man, we shall only prove him guilty of Stitching and Dispersing the said Books.

Thresher sworn.

Thresher. This Man I have not seen these three Years.

Serjeant Morton. Did he set you to work in stitching those Books?

Thresher. He brought none to me, that I can remember: But by *Mr. Brewster's* Order I delivered about two hundred, or thereabouts, and carried them to his House in *St. Martin's*, and he took them at the Stair-foot, and paid me for stitching of them in Blue Paper.

Serjeant Morton. Who furnished you with Blue Paper?

Thresher. I went by *Mr. Brewster's* Order to a Stationer in *Bread-Street*, and received some.

Brooks. I desire to know whether in those Books he said he delivered me, there were those Passages in the Indictment?

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Thresher. I know not: They were the *Speeches and Prayers* that I delivered you.

Brooks. How did you deliver them to me?

Thresher. They were stitch'd; and I tied them up with a Piece of Packthread, and carried them to him: He received them himself, and came afterwards to an Alehouse, and gave me a Flaggon of Beer. He knew what they were; for some being imperfect, he said *Mr. Brewster* must make them good: And *Mr. Brewster* gave Order, if he came for them, they should be delivered him.

Brooks. Did you know there were those Passages in them?

Thresher. No, not I.

Brooks. I knew only the Title of it.

Ld Ch. Just. *Hyde*. Let there be what there will in it, if you knew the Title, look you to it. Have you any thing else to ask?

Brooks. No, my Lord.

Henry Mortlock sworn.

Serjeant Morton. *Mr. Mortlock*, how many of those Books did you receive of this *Nathan Brooks*?

Mortlock. About Forty or Fifty.

Serjeant Morton. What Talk had you about receiving them?

Mortlock. I do not remember any Discourse.

Serjeant Morton. Where did you receive them?

Mortlock. I am not certain whether in my Shop, or no.

Ld Ch. Just. *Hyde*. Were they open?

Mortlock. They were tied up.

Ld Ch. Just. *Hyde*. Did you speak for them?

Mortlock. I cannot tell; he brought them to me.

Ld Ch. Just. *Hyde*. How came he to bring them to you?

Mortlock. May be I might speak for them; I paid him for them.

Ld Ch. Just. *Hyde*. You and he knew what Book it was?

Mortlock. I think we did.

Ld Ch. Just. *Hyde*. Did you not open them? They might have been *The Devil of Edmonton*, for ought you knew. Did you open them afterward? And did they appear to be this Book?

Mortlock. Yes.

Mr. L'Estrange sworn.

Mr. L'Estrange. I came to the House of *Nathan Brooks* about *October* last, and knocking at the Door, they made a Difficulty to let me in: At last, seeing not how to avoid it, *Brooks* opened the Door. I asked him, what he was? He told me he was the Master of the House. By and by comes one that lodged in the House, and throws down this Book [*showing the Book*] in the Kitchen, with this Expression, *I'll not be hang'd (says he) for ne'er a Rogue of you all: Do you hide your Books in my Chamber?* This Book had the *Speeches* in it, with other Schismatical Treatises. After this I searched the next House; and there I found more Difficulty to get in. But after a long Stay, I saw the Second Floor in a Blaze; and then with a Smith's Sledge I endeavoured to force the Door. At length the Fire