

(which is all that is intended by the writ of Prohibition) the absurdity would be as great as his lordship endeavours to represent it. But his lordship will forgive me, if I say the absurdity lies only in his state of the case. Our excellent constitution is not chargeable with it. The bounds of ecclesiastical jurisdiction are already settled by law and immemorial custom, to which the judges are obliged by oath and by the duty of their place to conform themselves. The granting Prohibitions is not a power to be exercised or not at the pleasure of the court. It is not the court's taking to itself the cognizance of whatever matters itself shall please, or enlarging its own jurisdiction, at pleasure; no, it is a matter of mere right, in which the judges are to be guided by the known laws of the land,

and not by will and pleasure."—See also "A short View of the Conduct of the English Clergy so far as relates to civil affairs from the Conquest to the Revolution," published 1737, and said to be written by sir Edmund Thomas, bart. Collier argues resolutely against the authority of these determinations of the Judges. He maintains that the questions arising out of a contest for jurisdiction between the temporal and ecclesiastical judges ought not to be determined by either of those parties. Against lord Coke, he cites lord Co. 8 Rep. 117 et seq.: and other common law authorities. See Coll. Eccl. Hist. vol. 1, 510, et seq.: vol. 2, 638. Repeated instances of a collision between the Judges, and Bishops occur in lord Coke's 12th Report.

80. The Trials of ROBERT WINTER, THOMAS WINTER, GUY FAWKES, JOHN GRANT, AMBROSE ROOKWOOD, ROB. KEYES, THOMAS BATES, and SIR EVERARD DIGBY, at Westminster, for High Treason, being Conspirators in the Gunpowder-Plot: *
3 JAC. I. 27th Jan. A. D. 1606.

THE Commissioners were, the Earls of Nottingham, Suffolk, Worcester, Devonshire, Northampton, and Salisbury; the Lord Chief Justice of England, sir John Popham, the Lord Chief Baron of the Exchequer, Thomas Fleming; and sir Peter Warburton, knight, one of the Justices of the Common-Pleas.

The Effect of the INDICTMENT.

THAT whereas our sovereign lord the king had, by the advice and assent of his council, for divers weighty and urgent occasions concerning his majesty, the state, and defence of the church and kingdom of England, appointed a Parliament to be holden at his city of Westminster; That Henry Garnet, Superior of the Jesuits within the realm of England, (called also by the several names of Wally, Darcy, Roberts, Farmer, and Henry Philips) Oswald Tesmond, Jesuit, otherwise called Oswald Greenwell, John Gerrard, Jesuit, (called also by the several names of Lee and Brooke) Robert Winter, Thomas Winter, gentlemen, Guy Fawkes gent. otherwise called Guy Johnson, Robert Keyes gent. and Thomas Bates yeoman, late servant to Robert Catesby esquire; together with the said Robert Catesby, and Thomas Percy esquires, John Wright and Christopher Wright gentlemen, in open Rebellion and Insurrection against his majesty, lately slain, and Francis Tresham esq. lately dead; as false Traitors against our said sovereign lord the king, did traitorously meet and assemble themselves together; and being so met, the said Henry Garnet, Oswald Tesmond, John Gerrard, and other Jesuits, did

maliciously, falsely, and traitorously move and persuade as well the said Thomas Winter, Guy Fawkes, Robert Keyes, and Thomas Bates, as the said Robert Catesby, Thomas Percy, John Wright, Christopher Wright, and Francis Tresham, That our said sovereign lord the king, the nobility, clergy, and whole commonalty of the realm of England, (papists excepted) were heretics; and that all heretics were accursed and excommunicate; and that none heretic could be a king; but that it was lawful and meritorious to kill our said sovereign lord the king, and all other heretics within this realm of England, for the advancing and enlargement of the pretended and usurped authority and jurisdiction of the bishop of Rome, and for the restoring of the superstitious Romish religion within this realm of England. To which traitorous persuasions, the said Thomas Winter, Guy Fawkes, Robert Keyes, Thomas Cates, Robert Catesby, Thomas Percy, John Wright, Christopher Wright, and Francis Tresham, traitorously did yield their assents; And that thereupon the said Henry Garnet, Oswald Tesmond, John Gerrard, and divers other Jesuits; Thomas Winter, Guy Fawkes, Robert Keyes, and Thomas Bates, as also the said Robert Catesby, Thomas Percy, John Wright, Christ. Wright, and Francis Tresham, traitorously amongst themselves did conclude and agree, with Gunpowder, as it were with one blast, suddenly, traitorously and barbarously to blow up and tear in pieces our said sovereign lord the king, the excellent, virtuous, and gracious queen Anne, his dearest wife, the most noble prince Henry, their eldest son, and future hope and joy of England; and the lords spiritual and temporal, the reverend judges of the realm, the knights, citizens and

* For the Proceedings in Parliament respecting this Plot, see 1 Cobb. Parl. Hist. 1052, et seq.

‘burgesses of parliament, and divers other faithful subjects and servants of the king in the said parliament, for the causes aforesaid to be assembled in the house of parliament; and all them, without any respect of majesty, dignity, degree, sex, age or place, most barbarously and more than beastly, traitorously, and suddenly to destroy and swallow up. And further did most traitorously conspire and conclude among themselves, That not only the whole royal issue-ivale of our said sovereign lord the king should be destroyed and rooted out; but that the persons aforesaid, together with divers other false traitors, traitorously with them to be assembled, should surprize the persons of the noble ladies Elizabeth and Mary, daughters of our said sovereign lord the king, and falsely and traitorously should proclaim the said lady Elizabeth to be queen of this realm: And thereupon should publish a certain traitorous Proclamation in the name of the said lady Elizabeth; wherein, as it was especially agreed by and between the said conspirators, That no mention should be made at the first, of the alteration of religion established within this realm of England; neither would the said false traitors therein acknowledge themselves to be authors, or actors, or devisers of the aforesaid most wicked and horrible treasons, until they had got sufficient power and strength for the assured execution and accomplishment of their said conspiracy and treason; and that then they would avow and justify the said most wicked and horrible treasons, as actions that were in the number of those, *que non laudantur, nisi peracta*, which be not to be commended before they be done: but by the said feigned and traitorous proclamation they would publish, That all and singular abuses and grievances within this realm of England, should, for satisfying of the people, be reformed. And that as well for the better concealing, as for the more effectual accomplishing of the said horrible treasons, as well the said Thomas Winter, Guy Fawkes, Robert Keyes, and Thomas Bates, as the said Robert Catesby, Thomas Percy, John Wright, Christ. Wright, and Francis Tresham, by the traitorous advice and procurement of the said Henry Garnet, Oswald Tesmond, John Gerrard, and other Jesuits, traitorously did further conclude and agree, that as well the said Thomas Winter, Guy Fawkes, Robert Keyes, and Thomas Bates, as the said Robert Catesby, Thomas Percy, John Wright, Christ. Wright, and Francis Tresham, thereupon severally and traitorously should receive several corporal Oaths upon the holy Evangelists, and the Sacrament of the Eucharist, That they the treasons aforesaid would traitorously conceal and keep secret, and would not reveal them, directly or indirectly, by words or circumstances, nor ever would desist from the execution and final accomplishment of the said treasons, without the consent of some three

‘of the aforesaid false traitors first in that behalf traitorously had: And that thereupon as well the said Thomas Winter, Guy Fawkes, Robert Keyes, and Thomas Bates, as the said Robert Catesby, Thomas Percy, John Wright, Christ. Wright, and Francis Tresham, did traitorously take the said several corporal Oaths severally, and did receive the Sacrament of the Eucharist aforesaid, by the hands of the said Henry Garnet, John Gerrard, Oswald Tesmond, and other Jesuits. And further, that the said Thomas Winter, Guy Fawkes, Robert Keyes, and Thomas Bates, together with the said Robert Catesby, Thomas Percy, John Wright, Christ. Wright, and Francis Tresham, by the like traitorous advice and counsel of the said Henry Garnet, John Gerrard, Oswald Tesmond, and other Jesuits, for the more effectual compassing and final execution of the said treasons, did traitorously among themselves conclude and agree to dig a certain mine under the said House of Parliament, and there secretly, under the said house, to bestow and place a great quantity of gunpowder; and that according to the said traitorous conclusion, the said Thomas Winter, Guy Fawkes, Robert Keyes, and Thomas Bates, together with the said Robert Catesby, Thomas Percy, John Wright, and Christ. Wright, afterwards secretly, not without great labour and difficulty, did dig and make the said mine unto the midst of the foundation of the wall of the said House of Parliament, the said foundation being of the thickness of three yards, with a traitorous intent to bestow and place a great quantity of gunpowder in the mine aforesaid, so as aforesaid traitorously to be made for the traitorous accomplishing of their traitorous purposes aforesaid. And that the said Thomas Winter, Guy Fawkes, Robert Keyes, and Thomas Bates, together with the said Robert Catesby, Thomas Percy, John Wright, and Christ. Wright, finding and perceiving the said work to be of great difficulty, by reason of the hardness and thickness of the said wall; and understanding a certain cellar under the said House of Parliament, and adjoining to a certain house of the said Thomas Percy, then to be letten to farm for a yearly rent, the said Thomas Percy, by the traitorous procurement, as well of the said Henry Garnet, Oswald Tesmond, John Gerrard, and other Jesuits, Thomas Winter, Guy Fawkes, Robert Keyes, and Thomas Bates, as of the said Robert Catesby, John Wright, and Christ. Wright, traitorously did hire the cellar aforesaid for a certain yearly rent and term: and then those traitors did remove twenty barrels full of gunpowder out of the said house of the said Thomas Percy, and secretly and traitorously did bestow and place them in the cellar aforesaid, under the said House of Parliament, for the traitorous effecting of the treason, and traitorous purposes aforesaid. And that afterwards the said Henry Garnet, Oswald Tesmond, John Gerrard, and other Je-

suits, Thomas Winter, Guy Fawkes, Robert Keyes, and Thomas Bates, together with the said Robert Catesby, Thomas Percy, John Wright, and Christ. Wright, traitorously did meet with Robert Winter, John Grant, and Ambrose Rookwood, and Francis Tresham, esquires; and traitorously did impart to the said Robert Winter, John Grant, Ambrose Rookwood, and Francis Tresham, the treasons, traitorous intentions and purposes aforesaid; and did require the said Robert Winter, John Grant, Ambrose Rookwood, and Francis Tresham, to join themselves as well with the said Henry Garnet, Oswald Tesmond, John Gerrard, Thomas Winter, Guy Fawkes, Robert Keyes, and Thomas Bates, as with the said Robert Catesby, Thomas Percy, John Wright, and Christ. Wright, in the treasons, traitorous intentions and purposes aforesaid; and traitorously to provide horse, armour, and other necessaries, for the better accomplishment and effecting of the said treasons. To which traitorous motion and request, the said Robert Winter, John Grant, Ambrose Rookwood, and Francis Tresham, did traitorously yield their assents, and as well with the said Henry Garnet, Oswald Tesmond, John Gerrard, Robert Winter, Thomas Winter, Guy Fawkes, Robert Keyes, and Thomas Bates, as with the said Robert Catesby, Thomas Percy, John Wright, Christ. Wright, and Francis Tresham, in the said treasons, traitorous intentions and purposes aforesaid, traitorously did adhere and unite themselves: And thereupon several corporal Oaths, in form abovesaid, traitorously did take, and the Sacrament of the Eucharist, by the hands of the said Jesuits did receive, to such intent and purpose, as is aforesaid; and horses, armour, and other necessaries for the better effecting of the said treasons, according to their traitorous assents aforesaid, traitorously did provide. And that afterwards all the said false traitors did traitorously provide, and bring into the cellar aforesaid ten other barrels full of gunpowder, newly bought, fearing lest the former gunpowder, so as aforesaid bestowed and placed there, was become dankish; and the said several quantities of gunpowder aforesaid, with billets and faggots, lest they should be spied, secretly and traitorously did cover. And that afterwards the said false traitors traitorously provided, and brought into the cellar aforesaid, four hogsheads full of gunpowder, and laid divers great iron bars and stones upon the said four hogsheads, and the aforesaid other quantities of gunpowder: And the said quantities of gunpowder, bars, and stones, with billets and faggots, lest they should be espy'd, secretly and traitorously did likewise cover. And that the said Guy Fawkes, afterwards, for a full and final accomplishment of the said treasons, traitorous intentions and purposes aforesaid, by the traitorous procurement, as well of the said Henry Garnet, Oswald Tesmond, John Gerrard, and other je-

suits, Robert Winter, Thomas Winter, Robert Keyes, Thomas Bates, John Grant, and Ambrose Rookwood, as of the said Robert Catesby, Thomas Percy, John Wright, Christopher Wright, and Francis Tresham, traitorously had prepared, and had upon his person touchwood and match, therewith traitorously to give fire to the several barrels, hogsheads, and quantities of gunpowder aforesaid, at the time appointed for the execution of the said horrible treasons. And further, that after the said horrible treasons, were, by the great favour and mercy of God, in a wonderful manner discover'd, not many hours before it should have been executed, as well the said Henry Garnet, Oswald Tesmond, John Gerrard, Robert Winter, Thomas Winter, Robert Keyes, Thomas Bates, John Grant, and Ambrose Rookwood, as the said Robert Catesby, Thomas Percy, John Wright, and Christopher Wright, traitorously did fly and withdraw themselves, to the intent traitorously to stir up and procure such popish persons, as they could, to join with them in actual, publick, and open rebellion against our said sovereign lord the king; and to that end did publish divers feigned and false rumours, that the papists throats should have been cut; and that thereupon divers papists were in arms, and in open, publick, and actual rebellion against our said sovereign lord the king, in divers parts of this realm of England.'

To this Indictment they all pleaded, Not Guilty; and put themselves upon God and the country.

Then did Sir *Edward Philips*, knight, his majesty's Serjeant at Law, open the Indictment to this effect, as followeth:

The matter that is now to be offer'd to you my lords the commissioners, and to the trial of you the knights and gentlemen of the jury, is matter of Treason; but of such horror, and monstrous nature, that before now, the tongue of man never deliver'd; the ear of man never heard; the heart of man never conceited; nor the malice of hellish or earthly devil ever practised: For, if it be abominable to murder the least; if to touch God's anointed be to oppose themselves against God; If (by blood) to subvert princes, states and kingdoms, be hateful to God and man, as all true Christians must acknowledge: then, how much more than too too monstrous shall all Christian hearts judge the horror of this treason; to murder and subvert such a king; such a queen; such a prince; such a progeny; such a state; such a government, so complete and absolute, that God approves, the world admires, all true English hearts honour and reverence; the pope and his disciples only envies and maligns?—The proceeding wherein, is properly to be divided into three general heads. 1. Matter of Declaration. 2. Matter of Aggravation. 3. Matter of Probation. Myself am limited to deal only with the Matter of Declaration, and that is contain'd within the compass of the Indictment only.

For the other two, I am to leave to him to

whose place it belongeth. The substance of which declaration consisteth in four parts. 1. In the Persons and Qualities of the conspirators. 2. In the Matter conspired. 3. In the Mean and Manner of the Proceeding and Execution of the Conspiracy. And 4thly, Of the End and Purpose why it was so conspired.

As concerning the first, being the Persons; they were, Garnet, Gerrard, Tesmond, jesuits not then taken. Thomas Winter, Guy Fawkes, Robert Keyes, Thomas Bates, Everard Digby, Ambrose Rookwood, John Grant, Robert Winter, at the bar. Robert Catesby, Thomas Percy, John Wright, Christopher Wright, slain in rebellion. Francis Tresham, lately dead. All grounded Romanists and corrupted scholars of so irreligious and traitorous a school.—As concerning the second, which is the Matter conspired; it was, 1. To deprive the king of his crown. 2. To murder the king, the queen, and the prince. 3. To stir rebellion and sedition in the kingdom. 4. To bring a miserable destruction amongst the subjects. 5. To change, alter, and subvert the religion here established. 6. To ruinate the state of the commonwealth, and to bring in strangers to invade it.—As concerning the third, which is the Mean and Manner how to compass and execute the same; they did all conclude, 1. That the king, and his people (the papists excepted) were hereticks. 2. That they were all cursed, and excommunicated by the pope. 3. That no heretick could be king. 4. That it was lawful and meritorious to kill and destroy the king, and all the said hereticks.—The mean to effect it, they concluded to be, that, 1. The king, the queen, the prince, the lords spiritual and temporal, the knights and burgesses of the parliament, should be blown up with powder. 2. That the whole royal issue male should be destroyed. 3. That they would take into their custody Elizabeth and Mary the king's daughters, and proclaim the lady Elizabeth queen. 4. That they should feign a Proclamation in the name of Elizabeth, in which no mention should be made of alteration of religion, nor that they were parties to the treason, until they had raised power to perform the same; and then to proclaim, all grievances in the kingdom should be reformed.—That they also took several oaths, and received the sacrament; first, for secrecy; secondly for prosecution; except they were discharged thereof by three of them.—That after the destruction of the king, the queen, the prince, the royal issue male, the lords spiritual and temporal, the knights and burgesses, they should notify the same to foreign states; and thereupon sir Edmund Baynam, an attainted person of treason, and styling himself prime of the damned crew, should be sent and make the same known to the pope, and crave his aid: an ambassador fit both for the message and persons, to be sent betwixt the pope and the devil.—That the parliament being prorogued till the 7th of Feb. they in December made a mine under the house of parliament, purposing to place their

powder there; but the parliament being then further adjourned till the 3d of October, they in Lent following hired the vault, and placed therein 20 barrels of powder.—That they took to them, Robert Winter, Grant, and Rookwood, giving them the oaths and sacrament as aforesaid, and to provide munition.—July 20. They laid in ten barrels more of powder, laying upon them divers great bars of iron, and pieces of timber, and great massy stones, and covered the same with faggots, &c.—September 20. They laid in more, 4 hogsheads of powder, with other stores and bars of iron thereupon.—Nov. 4. (The parliament being prorogued to the 5th) at 11 a clock at night, Fawkes had prepared, by the procurement of the rest, touchwood and match, to give fire to the powder the next day.—That the Treason being miraculously discovered, they put themselves, and procured others to enter, into open Rebellion: and gave out most untruly, it was for that the Papists throats were to be cut.

Attorney General. (Sir Edward Coke.) It appeareth to your lordships, and the rest of this most honourable and grave assembly, even by that which Mr. Serjeant hath already opened, that these are the greatest treasons that ever were plotted in England, and concern the greatest king that ever was of England. But when this assembly shall further hear, and see discovered the roots and branches of the same, not hitherto published, they will say indeed, *Quis hac posteris sic narrare poterit, ut facta non ficta esse videantur?* That when these things shall be related to posterity, they will be reputed matters feigned, not done. And therefore in this so great a cause, upon the carriage and event whereof the eye of all Christendom is at this day bent; I shall desire that I may with your patience be somewhat more copious, and not so succinct, as my usual manner hath been; and yet will I be no longer than the very matter itself shall necessarily require. But before I enter into the particular narration of this cause, I hold it fit to give satisfaction to some, and those well affected amongst us, who have not only marvelled, but grieved, that no speedier expedition hath been used in these proceedings, considering the monstrousness and continual horror of this so desperate a cause.—1. It is *ordo naturæ*, agreeable to the order of nature, that things of great weight and magnitude should slowly proceed, according to that of the poet, 'Tarda solet magnis rebus adesse fides.' And surely of these things we may truly say, 'Nunquam ante dies nostros talia acciderunt;' neither hath the eye of man seen, nor the ear of man heard the like things to these.—2. *Veritas temporis filia*, Truth is the daughter of time; especially in this case, wherein by timely and often examinations, 1. Matters of greatest moment have been lately found out. 2. Some known offenders and those capital, but lately, apprehended. 3. Sundry of the principal arch-traitors before unknown, now manifested, as the Jesuits. 4. Heretical, treasonable and damnable books

lately found out; one of equivocation, and another, 'De officio Principis Christiani,' of Francis Tresham's.—3. There have been already twenty and three several days spent in Examinations.—4. We should otherwise have hanged a man unattainted, for Guy Fawkes passed for a time under the name of John Johnson: so that if by that name greater expedition had been made, and he hanged, though we had not missed of the man, yet the proceeding would not have been so orderly or justifiable.—5. The king out of his wisdom and great moderation, was pleased to appoint this trial in time of assembly in parliament, for that it concerned especially those of the parliament.—Now touching the offences themselves, they are so exorbitant and transcendent, and aggregated of so many bloody and fearful crimes, as they cannot be aggravated by any inference, argument or circumstance whatsoever; and that in three respects: First, Because this offence is *prime impressionis*, and therefore *sine nomine*, without any name which might be *adequatum*, sufficient to express it, given by any legist, that ever made or writ of any laws. For the highest treason that all they could imagine, they called it only *crimen læsa majestatis*, the violating of the majesty of the prince. But this treason doth want an apt name, as tending not only to the hurt, but to the death of the king, and not the death of the king only, but of his whole kingdom, *Non Regis sed Regni*, that is, to the destruction and dissolution of the frame and fabrick of this antient, famous, and ever-flourishing monarchy; even the deletion of our whole name and nation: 'And therefore hold not thy tongue, O God, keep not still silence, refrain not thyself, O God; for so lo thine enemies make a murmuring, and they that hate thee have lift up their heads: They have said, Come, and let us root them out, that they be no more a people, and that the name of Israel may be no more in remembrance.' Psal. lxxxiii. 1—5.—Secondly, It is *sine exemplo*, beyond all examples, whether in fact or fiction, even of the tragick poets, who did beat their wits to represent the most fearful and horrible murders.—Thirdly, It is *sine modo*, without all measure or stint of iniquity; like a mathematical line, which is, *divisibilis in semper divisibilia*, infinitely divisible.—It is treason to imagine or intend the death of the king, queen, or prince.—For treason is like a tree whose root is full of poison, and lieth secret and hid within the earth, resembling the imagination of the heart of man, which is so secret as God only knoweth it. Now the wisdom of the law provideth for the blasting and nipping, both of the leaves, blossoms, and buds which proceed from this root of Treason; either by words, which are like to leaves, or by some overt act, which may be resembled to buds or blossoms, before it cometh to such fruit and ripeness, as would bring utter destruction and desolation upon the whole state.—It is likewise Treason to kill the lord Chancellor, lord

Treasurer, or any justice of the one bench or other; justices of assize, or any other judge mentioned in the statute of 25 Edw. 3. sitting in their judicial places, and exercising their offices. And the reason is, for that every judge so sitting by the king's authority, representeth the majesty and person of the king; and therefore it is *crimen læsa majestatis*, to kill him, the king being always in judgment of law present in court. But in the high court of parliament, every man by virtue of the king's authority, by writ under the great seal, hath a judicial place; and so consequently the killing of every of them had been a several Treason, and *crimes læsa majestatis*. Besides that to their treasons were added open rebellion, burglary, robbery, horse-stealing, &c. So that this offence is such, as no man can express it, no example pattern it, no measure contain it.—Concerning foreign princes; there was here a protestation made for the clearing of them from all imputation and aspersion whatsoever.—First, For that whilst kingdoms stood in hostility, hostile actions are holden honourable and just. Secondly, It is not the king's serjeant, attorney, or solicitor, that in any sort touch or mention them: for we know that great princes and personages are reverently and respectfully to be spoken of; and that there is *lex in sermone tenenda*. But it is Fawkes, Winter, and the rest of the offenders, that have confessed so much as hath been said: and therefore the king's counsel learned doth but repeat the offender's confession, and charge or touch no other person. They have also slandered unjustly our great master king James, which we only repeat, to shew the wickedness and malice of the offenders. Thirdly, So much as is said concerning foreign princes, is so woven into the matter of the charge of these offenders, as it cannot be severed, or singled from the rest of the matter; so as it is inevitable, and cannot be pretermitted.—Now as this Powder-Treason is in itself prodigious and unnatural, so it is in the conception and birth most monstrous, as arising out of the dead ashes of former Treasons. For it had three roots, all planted and watered by Jesuits, and English Romish Catholicks: the first root in England, in December and March; the second in Flanders, in June; the third in Spain, in July. In England it had two branches, one in December was twelve months before the death of the late queen of blessed memory; another in March wherein she died.—First in December, A. D. 1601, do Henry Garnet superior of the jesuits in England, Robt. Tesmond, jesuit, Robt. Catesby (who was *bono subacto et versuto ingenio et profunda perfidia*) together with Francis Tresham and others, in the names, and for the behalf of all the English Romish Catholicks, employ Thomas Winter into Spain, as for the general good of the Romish Catholick cause; and by him doth Garnet write his letters to father Creswell, jesuit, residing in Spain, in that behalf. With Thos. Winter doth Tesmond, alias Greeneway the jesuit, go as an

associate and confederate in that conspiracy. The message (which was principally committed unto the said Winter) was, that he should make a proposition and request to the king of Spain, in the behalf and names of the English Catholicks, That the king would send an army hither into England, and that the forces of the Catholicks in England should be prepared to join with him, and do him service. And further, that he should move the king of Spain to bestow some pensions here in England, upon sundry persons Catholicks, and devoted to his service: and moreover, to give advertisement, that the said king of Spain, making use of the general discontentment that young gentlemen and soldiers were in, might no doubt, by relieving their necessities, have them all at his devotion.—And because that in all attempts upon England, the greatest difficulty was ever found to be the transportation of horses; the Catholicks in England would assure the king of Spain to have always in readiness for his use and service, 1500 or 2000 horses, against any occasion or enterprise. Now Thomas Winter undertaking this negotiation, and with Tesmond the jesuit coming into Spain, by means of father Creswell the legier jesuit there, as hath been said, had readily speech with Don Pedro Francesca second secretary of state, to whom he imparted his message, as also to the duke of Lerma; who assured him, that it would be an office very grateful to his master, and that it should not want his best furtherance.—Concerning the place for landing of the king of Spain's army, which from the English Romish Catholicks he desired might be sent to invade the land; it was resolved, That if the army were great, then Essex and Kent were judged fittest, (where note by the way, who was then lord Warden of the Cinque Ports): if the army were small, and trusted upon succour in England, then Milford-haven was thought more convenient.—Now there being at that time hostility betwixt both kingdoms, the king of Spain willingly embraced the motion, saying, that he took the message from the Catholicks very kindly, and that in all things he would respect them with as great care as his proper Castilians. But for his further answer, and full dispatch, Thos. Winter was appointed to attend the progress. In the end whereof, being in summer time, count Miranda gave him this answer in the behalf of his master, That the king would bestow 100,000 crowns to that use, half to be paid that year, and the rest the next spring following; and withal required that we should be as good as our promise, for the next spring he meant to be with us, and set foot in England. And lastly, he desired on the king's behalf, of Winter, that he might have certain advertisement and intelligence, if so it should in the mean time happen that the queen did die. Thos. Winter laden with these hopes, returns into England about a month before Christmas, and delivered answer of all that had passed, to Henry Garnet, Robert Catesby, and Francis

Tresham. But soon after set that glorious light, her majesty died: 'Mira cano; Sol occubuit, Nox nulla secuta est.'—Presently after whose death was Christ. Wright, another messenger, sent over into Spain by Garnet, (who likewise did write by him to Creswell, for the furtherance of the negotiation) Catesby and Tresham, in the name and behalf of all the Romish Catholicks in England; as well to carry news of her majesty's death, as also to continue the aforesaid negotiation for an invasion and pensions, which by Tho. Winter had before been dealt in. And in the Spanish court, about two months after his arrival there, doth Christopher Wright meet with Guy Fawkes; who upon the 22nd of June was employed out of Flanders from Brussels by sir William Stanley, Hugh Owen, (whose finger hath been in every treason which hath been of late years detected) and Baldwyn the legier jesuit in Flanders; from whom likewise the said Fawkes carried letters to Creswell in Spain, for the countenancing and furtherance of his affairs.—Now the end of Fawkes's employment was, to give advertisement to the king of Spain, how the king of England was like to proceed rigorously with the Catholicks, and to run the same course which the late queen did; and withal to intreat that it would please him to send an army into England to Milford-haven, where the Romish Catholicks would be ready to assist him; and then the forces that should be transported in Spinola's Gallies, should be landed where they could most conveniently. And these their several messages did Christopher Wright and Guy Fawkes in the end intimate and propound to the king of Spain. But the king as then very honourably answered them both, that he would not in any wise further listen to any such motion, as having before dispatched an embassy into England, to treat concerning peace. Therefore this course by foreign forces failing, they fell to the Powder-plot, Catesby and Tresham being in at all; in the treason of the earl of Essex, in the treason of Watson and Clarke seminary priests, and also in this of the jesuits; such a greedy appetite had they to practise against the state.

The rest of that which Mr. Attorney then spake continuedly, was by himself divided into three general parts. The first containing certain Considerations concerning this Treason. The second Observations about the same. The third a Comparison of this Treason of the jesuits, with that of the seminary priests, and that other of Raleigh and others.

For the considerations concerning the Powder-treason, they were in number eight: that is to say, 1. The persons by whom. 2. The persons against whom. 3. The time when. 4. The place where. 5. The means. 6. The end. 7. The secret contriving. And lastly, the admirable discovery thereof.

1. For the Persons offending, or by whom, they are of two sorts; either of the clergy, or laity: and for each of them there is a several

objection made. Touching those of the laity, it is by some given out, that they are such men, as admit just exception, either desperate in estate, or base, or not settled in their wits; such as are *sine religione, sine sede, sine fide, sine re, et sine spe*; without religion, without habitation, without credit, without means, without hope. But (that no man, though never so wicked, may be wronged) true it is, they were gentlemen of good houses, of excellent parts, howsoever most perniciously seduced, abused, corrupted, and jesuited, of very competent fortunes and states. Besides that Percy was of the house of Northumberland, sir William Stanly, who principally employed Fawkes into Spain, and John Talbot of Grafton, who at the least is in case of misprision of high-treason, both of great and honourable families. Concerning those of the spirituality, it is likewise falsely said, That there is never a religious man in this action. For I never yet knew a treason without a Romish priest; but in this there are very many jesuits, who are known to have dealt and passed through the whole action: three of them are legiers and statesmen, as Henry Garnet alias Walley, the superior of the jesuits, legier here in England; father Cresswell, legier jesuit in Spain, father Baldwyn legier in Flanders, as Parsons at Rome; besides their cursory men, as Gerrard, Oswald, Tesmond, alias Greeneway, Hammond, Hall, and other jesuits. So that the principal offenders are the seducing jesuits; men that use the reverence of religion, yea, even the most sacred and blessed name of Jesus, as a mantle to cover their impiety, blasphemy, treason and rebellion, and all manner of wickedness; as by the help of Christ shall be made most apparent to the glory of God, and the honour of our religion. Concerning this sect, their studies and practices principally consist in two *dd's*, to wit, in deposing of kings, and disposing of kingdoms: their profession and doctrine is a religion of distinctions, the greatest part of them being without the text, and therefore in very deed, idle and vain conceits of their own brains: not having *membra dividenda*, that is, all the parts of the division warranted by the Word of God; and 'ubi lex non distinguit, nec nos distinguere debemus.' And albeit that princes hold their crowns immediately of and from God, by right of lawful succession and inheritance inherit by royal blood; yet think these jesuits with a goose-quill, within four distinctions to remove the crown from the head of any king christened, and to deal with them, as the old Romans are said to have done with their viceroys, or petty kings, who in effect were but lieutenants unto them, to crown and uncrown them at their pleasures. Neither so only, but they will proscribe and expose them to be butchered by vassals, which is against their own canons, for priests to meddle in cause of blood. And by this means they would make the condition of a king far worse than that of the poorest creature that breatheth. First saith Simanca;

'Hæretici omnes ipso jure sunt excommunicati, et à communione fidelium diris proscripti, et à quatuordecim in cana Domini excommunicantur à Papa.' So then every heretick stands and is reputed with them as excommunicated and accursed, if not *de facto*, yet *de jure*, in law and right, to all their intents and purposes; therefore may he be deposed, proscribed and murdered. I, but suppose he be not a professed heretick, but dealeth reservedly, and keepeth his conscience to himself; how stands he then? Simanca answers, 'Quæri autem solet an hæreticus occultus excommunicatus sit ipso jure, et in alias etiam pænas incidat contra hæreticos statutas?' Cui quæstioni simpliciter jurisperiti respondent, quod etsi hæresis occulta sit, nihilominus occultus hæreticus incidit in illas pænas.' Whether he be a known or a secret heretick, all is one, they thunder out the same judgment and curse for both; whereas Christ saith, 'Nolite judicare,' judge not, which is, saith Augustine, 'Nolite judicare de occultis,' of those things which are secret. But suppose that a prince thus accursed and deposed, will afterwards return and conform himself to their Romish Church, shall he then be restored to his state, and again receive his kingdom? Nothing less: for saith Simanca, 'Si reges aut alii principes Christiani facti sint hæretici, protinus subjecti et vassali ad eorum dominio liberantur; nec jus hoc recuperabunt, quamvis postea reconcilientur ecclesie.' O but, 'sancta mater ecclesia nunquam claudit gremium redeunti;' our holy mother the church never shuts her bosom to any convert. It is true, say they, but with a distinction, *quoad animam*: therefore so he may, and shall be restored; that is, spiritually, in respect of his soul's health. *Quoad animam*, he shall again be taken into the holy church; but not *quoad regnum*, in respect of his kingdom, or state temporal, he must not be restored; the reason is, because all hold only thus far, 'Modo non sit ad damnum ecclesie,' so that the church receive thereby no detriment. I, but suppose that such an unhappy deposed prince have a son, or lawful and right heir, and he also not to be touched or spotted with his father's crime, shall not he at least succeed, and be invested into that princely estate? Neither will this down with them: heresy is a leprosy, and hereditary disease: 'Et ex leprosis parentibus leprosi generantur filii;' 'Of leprous parents, come leprous children.' So that saith Simanca, 'Propter hæresim regis, non solum rex regno privatur, sed et ejus filii a regni successione pelluntur, ut noster lupus' (who is indeed, 'Vir secundum nomen ejus,' a wolf as well in nature as name) 'luculenter probat.' Now if a man doubt whom they here mean by an heretick, Cresswell in his book called *Philopater*, gives a plain resolution; 'Regnandi jus amittit' (saith he) 'qui religionem Romanam deserit,' he is the heretick we speak of; even whosoever forsakes the religion of the Church of Rome, he is accursed, deprived,

proscribed, never to be absolved but by the pope himself, never to be restored either in himself, or his posterity.

One place amongst many out of Creswell's Philopater, shall serve to give a taste of the Jesuitical spirits and doctrine; which is, sect. 2. page 109. 'Hinc etiam inferit universa theologorum ac jurisconsultorum ecclesiasticorum schola (et est certum et de fide) quemcumque principem Christianum, si à Religione Catholica manifesto diflexerit, et alios advocare voluerit, excidere statim omni potestate ac dignitate, ex ipsa vi juris tum humani tum divini, hocque antedictam sententiam supremi pastoris ac judicis contra ipsum prolatam, et subditos quoscunque liberos esse ab omni juramenti obligatione, quod de obedientia tanquam principi legitimo præstitissent; posseque et debere (si vires habeant) istiusmodi hominem tanquam apostatam, hæreticum, ac Christi Domini desertorem, et reipub. suæ inimicum hostemque ex hominum Christianorum dominatu ejicere, ne alios inficiat, vel suo exemplo aut imperio à fide avertat. Atque hæc certa, definitiva et indubitata virorum doctissimorum sententia.' That is, this inference also doth the whole school both of divines and lawyers make, (and it is a position certain, and to be undoubtedly believed) that if any Christian prince whatsoever, shall manifestly turn from the Catholic religion, and desire or seek to reclaim other men from the same, he presently falleth from all princely power and dignity; and that also by virtue and force of the law itself, both divine and human, even before any sentence pronounced against him by the supreme pastor and judge. And that his subjects, of what estate or condition soever, are freed from all bond of oath of allegiance, which at any time they had made unto him as to their lawful prince. Nay, that they both may and ought, provided they have competent strength and force, cast out such a man from bearing rule amongst Christians, as an apostate, an heretic, a backslider and revolter from our Lord Christ, and an enemy to his own state and commonwealth, lest perhaps he might infect others, or by his example or command turn them from the faith. And this is the certain, resolute, and undoubted judgment of the best learned men. But Tresham in his book, De Officio Principis Christiani, goeth beyond all the rest; for he plainly concludeth and determineth, that if any prince shall but favour, or shew countenance to an heretick, he presently loseth his kingdom. In his fifth chapter, he propoundeth this problem, 'An aliqua possit secundum conscientiam subditis esse ratio, cur legitimo suo regi bellum sine scelere moveant?' Whether there may be any lawful cause, justifiable in conscience, for subjects to take arms without sin, against their lawful prince and sovereign? The resolution is, 'Si princeps hæreticus sit et obstinate ac pertinaciter intolerabilis, summi pastoris divina potestate deponatur, et aliud caput constituatur, cui subditi se jungant, et legitimo ordine et autoritate tyrannidem amo-

veant. Princeps indulgendo hæreticos non solum Deum offendit, sed perdit et regnum et gentem.' Their conclusion therefore is, that for heresy, as above is understood, a prince is to be deposed, and his kingdom bestowed by the pope at pleasure; and that the people, upon pain of damnation, are to take part with him whom the pope shall so constitute over them. And thus whilst they imagine with the wings of their light-feathered distinctions to mount above the clouds and level of vulgar conceits, they desperately fall into a sea of gross absurdities, blasphemy, and impiety. And surely the Jesuits were so far engaged in this treason, as that some of them stick not to say, that if it should miscarry, that they were utterly undone, and that it would overthrow the state of the whole society of the Jesuits: And I pray God that in this, they may prove true prophets, that they may become like the Order of Templarii, so called for that they kept near the sepulchre at Jerusalem, who were by a general and universal edict in one day throughout Christendom quite extinguished, as being *ordo impietatis*, an order of impiety. 'And so from all sedition and privy conspiracy, from all false doctrine and heresy, from hardness of heart, and contempt of thy word and commandment, Good Lord, deliver us.' Their protestations and pretences, are to win souls to God; their proofs weak, light, and of no value; their conclusions false, damnable, and damned heresies: The first mentioneth God, the second savoureth of weak and frail man, the last of the devil; and their practice easily appeareth out of the dealing of their holy father.

Henry 3rd of France for killing a cardinal was excommunicated, and after murdered by James Clement a monk: That fact doth Sixtus Quintus then pope, instead of orderly censuring thereof, not only approve, but commend in a long consistory oration. 'That a monk, a religious man,' saith he, 'hath slain the unhappy French king, in the midst of his host, it is *rurum insigne, memorabile facinus*, a rare, a notable, and a memorable act: yea further, it is *facinus non sine Dei optimi maximi particulari providentia et dispositione, &c.* A fact done not without the special providence and appointment of our good God, and the suggestion and assistance of his holy spirit; yea, a far greater work than was the slaying of Holofernes by holy Judith.' *Verus monachus fictum occiderat*, A true monk had killed the false monk; for that, as was reported, Henry 3 sometimes would use that habit when he went in procession: and for France, even that part thereof which entertaineth the popish religion, yet never could of ancient time brook this usurped authority of the see of Rome, namely, that the pope had power to excommunicate kings, and absolve subjects from their oath of allegiance: which position is so directly opposite to all the canons of the church of France, and to all the decrees of the king's parliament there, as that the very body of Sorbonne, and the whole university at Paris, condemned it as a most schismatical, pestilent,

and pernicious doctrine of the Jesuits; as may appear in a treatise made to the French king, and set out 1602, intitled, 'Le franc Discours.' But to return to the Jesuits, Catesby was resolved by the Jesuits, that the fact was both lawful and meritorious; and herewith he persuaded and settled the rest, as they seemed to make doubt.

Concerning Thomas Bates, who was Catesby's man, as he was wound into this treason by his master, so was he resolved, when he doubted of the lawfulness thereof, by the doctrine of the Jesuits. For the manner, it was after this sort: Catesby noting that his man observ'd him extraordinarily, as suspecting somewhat of that which he the said Catesby went about, called him to him at his lodging in Puddle-wharf; and in the presence of Thomas Winter, asked him what he thought the business was they went about, for that he of late had so suspiciously and strangely marked them. Bates answer'd, that he thought they went about some dangerous matter, whatsoever the particular were: whereupon they asked him again what he thought the business might be; and he answered that he thought they intended some dangerous matter about the parliament-house, because he had been sent to get a lodging near unto that place. Then did they make the said Bates take an oath to be secret in the action; which being taken by him, they then told him that it was true, that they were to execute a great matter; namely, to lay powder under the parliament-house to blow it up. Then they also told him that he was to receive the sacrament for the more assurance, and thereupon he went to confession, to the said Tesmond the Jesuit: and in his confession told him, that he was to conceal a very dangerous piece of work, that his master Catesby and Thomas Winter had imparted unto him, and said he much feared the matter to be utterly unlawful, and therefore therein desired the counsel of the Jesuit; and revealed unto him the whole intent and purpose of blowing up the parliament-house upon the first day of the assembly; at what time the king, the queen, the prince, the lords spiritual and temporal, the judges, the knights, citizens and burghesses, should all have been there convened and met together. But the Jesuit being a confederate therein before, resolved and encouraged him in the action; and said that he should be secret in that which his master had imparted unto him, for that it was for a good cause. Adding moreover, that it was not dangerous unto him, nor any offence to conceal it: and thereupon the Jesuit gave him absolution, and Bates received the sacrament of him, in the company of his master Robert Catesby and Thomas Winter. Also when Rookwood in the presence of sundry of the traitors, having first received the oath of secrecy, had by Catesby imparted unto him the Plot of blowing up the king and state; the said Rookwood being greatly amazed thereat, answered, that it was a matter of conscience to take away so much blood: but Catesby replied, that he

was resolved, and that by good authority, as coming from the Superior of the Jesuits, that in conscience it might be done, yea, tho' it were with the destruction of many innocents, rather than the action should *quale*. Likewise father Hammond absolved all the traitors at Robert Winter's house, upon Thursday after the discovery of the Plot, they being then in open rebellion: And therefore, 'Hos O Rex magne caveto;' and let all kings take heed, how they either favour or give allowance or connivance unto them.

2. The second Consideration respecteth the Persons against whom this treason was intended; which are, 1. The king, who is God's anointed. Nay, it hath pleased God to communicate unto him his own name; 'Dixi, Dii estis,' not substantially or essentially so, neither yet on the other side *Usurpativè*, by unjust usurpation, as the devil and the pope; but *Potestativè*, as having his power derived from God within his territories. 2. Their natural liege lord, and dread sovereign, whose just interest and title to this crown may be drawn from before the conquest; and if he were not a king by descent, yet deserved he to be made one for his rare and excellent endowments and ornaments both of body and mind. Look into his true and constant religion and piety, his justice, his learning above all kings christened, his acumen, his judgment, his memory; and you will say that he is indeed, 'Solus præteritis major, meliorque futuris.' But because I cannot speak what I would, I will forbear to speak what I could. Also against the queen, a most gracious and graceful lady, a most virtuous, fruitful, and blessed vine, who hath happily brought forth such olive-branches, as that 'in benedictione erit memoria ejus,' her memory shall be blessed of all our posterity. Then against the royal issue male, next under God, and after our sovereign, the future hope, comfort, joy, and life of our state. And as for preserving of the good lady Elizabeth the king's daughter, it should only have been for a time to have served for their purposes, as being thought a fit project to keep others in appetite for their own further advantage; and then God knoweth what would have become of her. To conclude, against all the most honourable and prudent counsellors, and all the true-hearted and worthy nobles, all the reverend and learned bishops, all the grave judges and sages of the law, all the principal knights, gentry, citizens and burghesses of parliament, the flower of the whole realm. *Horret animus*, I tremble even to think of it: Miserable desolation! no king, no queen, no prince, no issue male, no counsellors of state; no nobility, no bishops, no judges! O barbarous, and more than Scythian or Thracian cruelty! No mantle of holiness can cover it, no pretence of religion can excuse it, no shadow of good intention can extenuate it; God and heaven condemn it, man and earth detest it, the offenders themselves were ashamed of it; wicked people exclaim against it, and the souls of all true Christian subjects abhor it:

miserable, but yet sudden had their ends been, who should have died in that fiery tempest, and storm of gunpowder. But more miserable had they been that had escaped; and what horrible effects the blowing up of so much powder and stuff would have wrought, not only amongst men and beasts, but even upon insensible creatures, churches, and houses, and all places near adjoining; you who have been martial men best know. For my self, 'Vox faucibus hæret:' so that the king may say with the kingly prophet David; 'O Lord, the proud are risen against me, and the congregation, even synagoga, the synagogue of naughty men have sought after my soul, and have not set thee before their eyes,' Psal. lxxxvi. 14. 'The proud have laid a snare for me, and spread a net abroad, yea, and set traps in my way.' Psal. cxl. 5. 'But let the ungodly fall into their own nets together, and let me ever escape them,' Psalm, cxli. 11. We may say, 'If the Lord himself had not been on our side; yea, if the Lord himself had not been on our side, when men rose up against us, they had swallowed us up quick, when they were so wrathfully displeas'd at us: but praised be the Lord, which hath not given us over for a prey unto their teeth. Our soul is escaped even as a bird out of the snare of the fowler, the snare is broken, and we are deliver'd; our help standeth in the name of the Lord which hath made heaven and earth.' Psalm cxxiv.

3. The third consideration respects the Time when this Treason was conspired; wherein note that it was primo Jacobi, even at that time when his majesty used so great lenity towards Recusants, in that by the space of a whole year and four months, he took no penalty by statute of them. So far was his majesty from severity, that besides the benefit and grace before specified, he also honoured all alike with advancement and favours; and all this was continued until the priests Treason by Watson and Clarke. But as there is *miseriçordia puniens*, so is there likewise *crudelitas parcens*: for they were not only by this not reclaimed but (as plainly appeareth) became far worse. Nay, the Romish Catholicks did at that very time certify that it was very like, the king would deal rigorously with them, and the same do these traitors now pretend, as the chiefest motive; whereas indeed they had Treason on foot against the king, before they saw his face in England: neither afterwards, for all the lenity he used towards them, would any whit desist or relent from their wicked attempts. Nay, (that which cometh next to be remembered in this part of their arraignment) they would pick out the time of parliament for the execution of their hideous Treasons, wherein the flower of the land being assembled, for the honour of God, the good of his Church and this Commonwealth; they might as it were with one blow, not wound, but kill and destroy the whole state: so that with these men, *impunitas continuum affectum tribuit peccandi*, lenity having once bred a hope of impunity, begat not only

insolency, but impenitency and increase of sin.

4. We are to consider the Place, which was the sacred senate, the house of parliament. And why there? For that, say they, unjust laws had formerly been there made against catholicks: therefore that was the fittest place of all others to revenge it, and to do justice in. If any ask who should have executed this their justice, it was justice Fawkes, a man like enough to do according to his name. If by what law they meant to proceed; it was gunpowder-law, fit for justices of hell. But concerning those laws which they so calumniate as unjust, it shall in few words plainly appear, that they were of the greatest both moderation and equity that ever were any. For from the year 1 Elizabeth, unto 11, all papists came to our church and service without scruple I myself have seen Cornwallis, Beddingfield, and others at church: so that then for the space of 10 years, they made no conscience nor doubt to communicate with us in prayer. But when once the Bull of Pope Pius Quintus was come and published, wherein the queen was accursed and deposed, and her subjects discharged of their obedience and oath, yea cursed if they did obey her; then did they all forthwith refrain the Church, then would they have no more society with us in prayer: so that recusancy in them is not for religion, but in an acknowledgment of the pope's power, and a plain manifestation what their judgment is concerning the right of the prince in respect of regal power and place. Two years after, viz. 13 Elizabeth, was there a law made against the bringing in of Bulls, &c. Anno 18, came Mayne a priest to move sedition. Anno 20, came Campion the first Jesuit, who was sent to make a party here in England, for the execution of the former Bull: then follow treasonable books. Anno 23 Elizabeth, after so many years sufferance, there were laws made against recusants and seditious books: the penalty or sanction for recusancy, was not loss of life, or limb, or whole state, but only a pecuniary mulct and penalty, and that also until they would submit and conform themselves, and again come to Church, as they had done for 10 years before the Bull. And yet afterwards the Jesuits and Romish priests both coming daily into, and swarming within the realm, and infusing continually this poison into the subjects hearts, that by reason of the said Bull of Pius Quintus, her majesty stood excommunicated and deprived of her kingdom, and that her subjects were discharged of all obedience to her, endeavouring by all means to draw them from their duty and allegiance to her majesty, and to reconcile them to the Church of Rome; then 27 Eliz. a law was made, that it should be Treason for any (not to be a priest and an Englishman, born the queen's natural subject, but for any) being so born her subject, and made a Romish priest, to come into any of her dominions, to infect any of her royal subjects with their treasonable and damnable persuasions and prac-

tices; yet so, that it concerned only such as were made priests' sithence her majesty came to the crown, and not before.

Concerning the execution of these laws, it is to be observed likewise, that whereas in the quiaquency, the five years of queen Mary, there were cruelly put to death about 300 persons for religion; in all her majesty's time by the space of 44 years and upwards, there were for treasonable practices executed, in all not 30 priests, nor above five receivers and harbourers of them; and for religion not any one. And here by the way, I desire those of parliament to observe, that it is now questioned and doubted, whether the law of recusants and reconciled persons do hold for Ireland also, and the parts beyond the seas: that is, whether such as were there reconciled be within the compass of the statute or not, to the end it may be cleared and provided for.

Now against the usurped power of the see of Rome, we have of former times about 13 several acts of parliament: so that the crown and the king of England is no ways to be drawn under the government of any foreign power whatsoever, neither oweth duty to any, but is immediately under God himself. Concerning the pope, for 33 of them, namely unto Sylvester, they were famous martyrs. But 'Quicumque desiderat primum in terris, inveniet confusionem in caelis.' He that desires primacy upon earth, shall surely find confusion in heaven.

5. The fifth Consideration is of the end, which was to bring a final and fatal confusion upon the state. For howsoever they sought to shadow their impiety with the cloke of religion, yet they intended to breed a confusion fit to get new alterations; for they went to join with Romish Catholicks, and discontented persons.

6. Now the sixth point, which is the means to compass and work these designs, were damnable: by mining, by 36 barrels of powder, having crows of iron, stones and wood laid upon the barrels to have made the breach the greater. Lord, what a wind, what a fire, what a motion and commotion of earth and air would there have been! But as it is in the book of Kings, when Elias was in the cave of the mount Horeb, and that he was called forth to stand before the Lord, behold a mighty strong wind rent the mountains, and brake the rocks: 'sed non in vento Dominus,' 'but the Lord was not in the wind.' And after the wind, came a commotion of the earth and air; 'Et non in commotione Domini,' 'the Lord was not in that commotion;' and after the commotion came fire; 'et non in igne Domini,' 'the Lord was not in the fire.' So neither was God in any part of this monstrous action. The authors whereof were in this respect worse than the very damned spirit of Dives, who, as it is in the gospel, desired that others should not come 'in locum tormentorum.'

7. The next consideration is, the secret con-

tinuing and carriage of this treason; to which purpose there were four means used:

First, Catesby was commended to the marquis for a regiment of horse in the Low-Countries, (which is the same that the lord Arundel now hath) that under that pretence he might have furnished this treason with horses without suspicion. The second means was an oath, which they solemnly and severally took, as well for secrecy, as perseverance and constancy in the execution of their plot. The form of the oath was as follows: 'You shall swear by the blessed Trinity, and by the sacrament you now purpose to receive, never to disclose directly nor indirectly, by word or circumstance, the matter that shall be proposed to you to keep secret, nor desist from the execution thereof, until the rest shall give you leave.'—This oath was, by Gerrard the Jesuit given to Catesby, Percy, Christ. Wright, and Thomas Winter at once; and by Greenwell the Jesuit, to Bates, at another time, and so to the rest.—The third, was the Sacrament; which they impiously and devilishly prophaned to this end.—But the last, was their perfidious and perjurious equivocating, abetted, allowed, and justified by the Jesuits, not only simply to conceal or deny an open truth, but religiously to aver, to protest upon salvation, to swear that which themselves know to be most false; and all this, by reserving a secret and private sense inwardly to themselves: whereby they are, by their ghostly fathers, persuaded, That they may safely and lawfully elude any question whatsoever.

And here was shewed a Book written not long before the queen's death, at what time Thomas Winter was employed into Spain, entitled, 'A Treatise of Equivocation.' Which book being seen and allowed by Garnet, the superior of the Jesuits, and Blackwel the arch-priest of England, in the beginning thereof, Garnet with his own hand put out those words in the title 'of equivocation,' and made it thus; 'A Treatise against Lying and fraudulent Dissimulation.' Whereas in deed and truth it makes for both, 'Speciosaque nomina culpae imponis, Garnette tua.' And in the end thereof, Blackwel besprinkles it with his blessing, saying, 'Tractatus iste, valde doctus et vere pius, et Catholicus est; certe S. Scripturarum, patrum, doctorum, scholasticorum, canonistarum, et optimarum rationum praesidiis plenissime firmat aequitatem equivocationis; ideoque dignissimus est qui typis propagetur, ad consolationem afflictorum Catholicorum, et omnium piorum instructionem.' That is, 'This Treatise is very learned, godly, and Catholick, and doth most fully confirm the equity of equivocation, by strong proofs out of holy Scriptures, fathers, doctors, schoolmen, canonists, and soundest reasons; and therefore worthy to be published in print, for the comfort of afflicted Catholicks, and instruction of all the godly.'

Now, in this Book there is *propositio mentalis, verbalis, scripta, and mixta*; distinguishing

of a mental, a verbal, a written, and a mixed proposition; a very labyrinth to lead men into error and falshood.—For example, to give you a little taste of this art of cozening: A man is asked upon his oath this question, 'Did you see such a one to-day? He may by this doctrine answer, No, though he did see him, viz. reserving this secret meaning, not with purpose to tell my Lord Chief Justice: Or, I see him not *visiona beatifica*, or, not in Venice, &c. Likewise to answer thus; I was in the company; and intending secretly as added, this word *not*: As Strange the Jesuit did to my Lord Chief Justice and myself. Take one or two of these out of that very book, as for purpose: A man cometh unto Coventry in time of a suspicion of plague, and at the gates the officers meet him, and upon his oath examine him: 'Whether he came from London or no, where they think certainly the plague to be: This man knowing for certain the plague not to be at London, or at least knowing that the air is not there infectious, and that he only rid through some secret place of London, not staying there, may safely swear, he came not from London; answering to their final intention in their demand, that is, whether he came so from London that he may endanger their city of the plague, although their immediate intention were to know, whether he came from London or no. That man, saith the book, the very light of nature would clear from perjury.—In like manner, one being convented in the bishop's court, because he refused to take such a one to his wife, as he had contracted with, *per verba de presenti*, having contracted with another privily before, so that he cannot be husband to her that claimeth him; may answer, That he never contracted with her *per verba de presenti*: understanding that he did not so contract that it was a marriage; for that is the final intention of the judge, to know whether there were a sufficient marriage between them or no.

Never did father Cranmer, father Latimer, father Ridley, those blessed martyrs, know these shifts, neither would they have used them to have saved their lives. And surely let every good man take heed of such jurors or witnesses, there being no faith, no bond of religion or civility, no conscience of truth in such men; and therefore the conclusion shall be that of the prophet David, 'Domine libera animam meam a labiis iniquis et à lingua dolosa;' 'Deliver me, O Lord, from lying lips, and from a deceitful tongue.'

S. P. Q. R. was sometimes taken for these words, *Senatus Populusque Romanus*; The Senate and People of Rome: but now they may truly be expressed thus, *Stultus Populus querit Roman*; A foolish People that runneth to Rome. And here was very aptly and delightfully inserted and related the apologue or tale of the cat and the mice: 'The cat having a long time preyed upon the mice, the poor creatures at last, for their safety, contained themselves within their holes; but the cat finding

his prey to cease, as being known to the mice, that he was indeed their enemy and a cat, deviseth this course following, viz. changeth his hue, getteth on a religious habit, shaveth his crown, walks gravely by their holes: And yet perceiving that the mice kept their holes, and looking out, suspected the worst, he formally, and father-like, said unto them, 'Quod fueram non sum, frater; caput aspice tonsum!' 'Oh brother, I am not as you take me for, no more a cat; see my habit and shaven crown!' Hereupon some of the more credulous and bold among them, were again, by this deceit, snatched up; and therefore, when afterwards he came as before to entice them forth, they would come out no more, but answered, 'Cor tibi restat idem, vix tibi presto fidem;' 'Talk what you can, we will never believe you, you have still a cat's heart within you.' You do not watch and pray, but you watch to prey. And so have the Jesuits, yea, and priests too, for they are all joined in the tails like Sampson's foxes, Ephraim against Manasses, and Manasses against Ephraim, but both against Judah.

8. The last consideration is concerning the admirable Discovery of this treason, which was by one of themselves, who had taken the oath and sacrament, as hath been said, against his own will: the means was by a dark and doubtful Letter sent to my lord Mounteagle*.

And thus much as touching the Considerations: the Observations follow, to be considered in this Powder-Treason, and are briefly thus: 1. If the cellar had not been hired, the mine-work could hardly, or not at all have been discovered; for the mine was neither found nor suspected until the danger was past, and the capital offenders apprehended, and by themselves, upon examination, confessed. 2. How the king was divinely illuminated by Almighty God, the only ruler of princes, like an Angel of God, to direct and point as it were to the very place, to cause a search to be made there, out of those dark words of the letter concerning a terrible blow. 3. Observe a miraculous accident which befel in Stephan Littleton's house, called Hofbach in Staffordshire, after they had been two days in open rebellion, immediately before the apprehension of these traitors: for some of them standing by the fire-side, and having set two pound and an half of powder to dry in a platter before the fire, and under set the said platter with a great linen bag full of other powder, containing some fifteen or sixteen pounds; it so fell out, that one coming to put more wood into the fire, and casting it on, there flew a coal into the platter, by reason whereof the powder taking fire and blowing up, scorched those who were nearest, as Catesby, Grant, and Rookwood, blew up the roof of the house: and the linen-bag which was set under the platter being therewith suddenly carried out through the breach, fell down in the court-

* The Letter to lord Mounteagle is inserted in king James's Account of the Discovery of the Gunpowder Plot, which follows this Case.

yard whole and unfired; which if it had took fire in the room, would have slain them all there, so that they never should have come to this trial: and 'Lex justior nulla est, quam necis 'artifices arte perire sua?' 4. Note, that gunpowder was the invention of a fryer, one of the Romish rabble, as printing was of a soldier. 5. Observe the sending of Bainham, one of the damned crew, to the high-priest of Rome, to give signification of this blow, and to crave his direction and aid. 6. That for all their stirring and rising in open rebellion, and notwithstanding the false rumours given out by them, That the throats of all Catholicks should be cut; such is his majesty's blessed government, and the loyalty of his subjects, as they got not any one man to take their parts besides their own company. 7. Observe, the sheriff, the ordinary minister of justice, according to the duty of his office, with such power as he on a sudden by law collected, suppressed them. 8. That God suffered their intended mischief to come so near the period, as not to be discovered, but within few hours before it should have been executed. 9. That it was in the entering of the Sun into the Tropick of Capricorn when they began their mine; noting, that by mining, they should descend; and by banging, ascend. 10. That there never was any Protestant minister in any treason and murder as yet attempted within this realm.

I am now come to the last part, which I proposed in the beginning of this discourse; and that is, touching certain comparisons of this Powder-Treason of the Jesuits, with that of Raleigh, and the other of the priests Watson and Clarke. 1. They had all one end, and that was the Romish Catholick cause. 2. The same means, by Popish and discontented persons, priests and lay-men. 3. They all plaid at hazard; the priests were at the bye, Raleigh at the main, but these in at all; as purposing to destroy all the king's royal issue, and withal the whole estate. 4. They were all alike obliged by the same oath and sacrament. 5. The same proclamations were intended, after the fact, to be published for reformation of abuses. 6. The like army provided for invading, to land at Milford-Haven, or in Kent. 7. The same pensions of crowns promised. 8. The agreeing of the times of the treason of Raleigh and these men, which was when the constable of Spain was coming hither: and Raleigh said, there could be no suspicion of any invasion, seeing that the constable of Spain was then expected for a treaty of peace; and the navy might be brought to the Groyn under pretence of the service in the Low-Countries. And Raleigh further said, That many more were hanged for words than for deeds. And before Raleigh's treason was discovered, it was reported in Spain that Don Raleigh and Don Cobham should cut the king of England's throat.

I say not, that we have any proofs, that these of the Powder-Plot were acquainted with Raleigh, or Raleigh with them: but as before

was spoken of the Jesuits and priests, so they all were joined in the ends, like Sampson's Foxes in the tails, howsoever severed in their heads.

The conclusion shall be from the admirable clemency and moderation of the king, in that howsoever these traitors have exceeded all others their predecessors in mischief, and so 'Crescente malitia, crescere dabuit et pana;' yet neither will the king exceed the usual punishment of law, nor invent any new torture or torment for them; but is graciously pleased to afford them as well an ordinary course of trial, as an ordinary punishment, much inferior to their offence. And surely worthy of observation is the punishment by law provided and appointed for High-Treason, which we call *crimen lesa majestatis*. For first after a traitor hath had his just trial and is convicted and attainted, he shall have his judgment to be drawn to the place of execution from his prison as being not worthy any more to tread upon the face of the earth whereof he was made: also for that he hath been retrograde to nature, therefore 'is he drawn backward at a horse-tail. And whereas God hath made the head of man the highest and most supreme part, as being his chief grace and ornament, 'Pronaque cum 'spectent animalia cetera terram os homini 'sublime dedit;' he must be drawn with his head declining downward, and lying so near the ground as may be, being thought unfit to take benefit of the common air. For which cause also he shall be strangled, being hanged up by the neck between heaven and earth, as deemed unworthy of both, or either; as likewise, that the eyes of men may behold, and their hearts contemn him. Then is he to be cut down alive, and to have his privy parts cut off and burnt before his face as being unworthily begotten, and unfit to leave any generation after him. His bowels and inlay'd parts taken out and burnt, who inwardly had conceived and harboured in his heart such horrible treason. After, to have his head cut off, which had imagined the mischief. And lastly his body to be quartered, and the quarters set up in some high and eminent place, to the view and detestation of men, and to become a prey for the fowls of the air.

And this is a reward due to traitors, whose hearts be hardened: For that it is physic of state and government, to let out corrupt blood from the heart. But, 'Pœnitentia vera nunquam, sera sed pœnitentia sera raro vera.' True repentance is indeed never too late: but late repentance is seldom found true: Which yet I pray the merciful Lord grant unto them, that having a sense of their offences, they may make a true and sincere confession both for their souls health, and for the good and safety of the king and this state. And for the rest that are not yet apprehended, my prayer to God is, 'Ut aud convertantur ne pereant, aut 'confundantur ne noceant;' that either they may be converted, to the end they perish not, or else confounded, that they hurt not.

After this, by the direction of master Attor-

ney-General, were their several examinations (subscribed by themselves) shewed particularly unto them and acknowledged by them to be their own, and true, wherein every one had confessed the treason. Then did master Attorney desire, That albeit that which had been already done and confessed at the bar, might be all-sufficient for the declaration and justification of the course of justice then held, especially seeing we have *reos confitentes*, the traitors own voluntary confessions at the bar; yet for further satisfaction to so great a presence and audience, and their better memory of the carriage of these treasons, the voluntary and free confessions of all the said several traitors in writing subscribed with their own proper hands, and acknowledged at the bar, by themselves to be true, were openly and distinctly read; By which, amongst other things, it appeared that Bates was absolved for what he undertook concerning the Powder-treason, and being therein warranted by the Jesuits. Also it appeared, that Hammond the Jesuit, after that he knew the Powder-treason was discovered, and that these traitors had been in actual rebellion, confessed them, and gave them absolution: and this was on Thursday the 7th of November.

Here also was mention made by master Attorney of the Confessions of Watson and Clarke, seminary priests, upon their apprehension; who affirmed, that there was some treason intended by the Jesuits, and then in hand; as might appear. 1. By their continual negotiating at that time with Spain, which they assured themselves tending to nothing but a preparation for a foreign commotion. 2. By their collecting and gathering together such great sums of money, as then they had done, therewith to levy an army when time should serve. 3. For that sundry of the Jesuits had been tampering with Catholicicks, as well to dissuade them from acceptance of the king at his first coming, saying, That they ought rather to die than to admit of any heretick (as they continually termed his majesty) to the crown; and that they might not, under pain of excommunication, accept of any but a Catholicick for their sovereigns; as also to dissuade Catholicicks from their loyalty after the state was settled. Lastly. In that they had both bought up store of great horses throughout the country, and conveyed powder and shot, and artillery secretly to their friends; wishing them not to stir, but keep themselves quiet until they heard from them.

After the reading of their several Examinations, Confessions, and voluntary Declarations as well of themselves, as of some of their dead Confederates, they were all by the Verdict of the jury found Guilty of the Treasons contained in their Indictment. And then being severally asked, What they could say, wherefore Judgment of Death should not be pronounced against them? there was not one of these (except Rookwood) who would make any continued speech either in defence or extenuation of the fact.

Thomas Winter only desired, that he might be hanged both for his brother and himself.

Guy Fawkes being asked, Why he pleaded Not Guilty, having nothing to say for his excuse: answered, That he had so done in respect of certain conferences mentioned in the indictment, which he said that he knew not of: which were answered to have been set down according to course of law, as necessarily pre-supposed before the resolution of such a design.

Keys said, That his estate and fortune were desperate, and as good now as at another time, and for this cause rather than for another.

Bates craved mercy.—*Robert Winter*, mercy.

John Grant was a good while mute; yet after, submissively said, he was guilty of a conspiracy intended, but never effected.

But *Ambrose Rookwood* first excused his denial of the Indictment, for that he had rather lose his life than give it. Then did he acknowledge his offence to be so heinous, that he justly deserved the indignation of the king, and of the lords, and the hatred of the whole commonwealth; yet could he not despair of mercy at the hands of a prince, so abounding in grace and mercy: and the rather, because his offence, though it were incapable of any excuse, yet not altogether incapable of some extenuation, in that he had been neither author nor actor, but only persuaded and drawn in by *Catesby*, whom he loved above any worldly man: and that he had concealed it not for any malice to the person of the king, or to the state, or for any ambitious respect of his own, but only drawn with the tender respect, and the faithful and dear affection he bare to Mr. *Catesby* his friend, whom he esteemed dearer than any thing else in the world. And this mercy he desired not for any fear of the image of death, but for grief that so shameful a death should leave so perpetual a blemish and blot unto all ages, upon his name and blood. But howsoever that this was his first offence, yet he humbly submitted himself to the mercy of the king; and prayed that the king would herein imitate God, who sometimes doth punish *corporaliter*, *non mortaliter*, corporally, yet not mortally.

Then was related how that on Friday immediately before this Arraignment, *Robert Winter* having found opportunity to have conference with *Fawkes* in the Tower, in regard of the nearness of their lodgings, should say to *Fawkes*, as *Robert Winter* and *Fawkes* confessed, that he, and *Catesby* had sons, and that boys would be men, and that he hoped they would revenge the cause; nay, that God would raise up children to *Abraham* out of stones: also that they were sorry, that nobody did set forth a defence or apology of their action, but yet they would maintain the cause at their deaths.

Here also was reported *Robert Winter's* dream, which he had before the blasting with powder in *Littleton's* house, and which he himself confessed and first notified, viz. That he thought he saw steeples stand awry, and within those churches strange and unknown faces.

And after, when the foresaid blast had the day following scorched divers of the confederates, and much disfigured the faces and countenances of Grant, Rookwood, and others; then did Winter call to mind his dream, and to his remembrance thought, that the faces of his associates so scorched, resembled those which he had seen in his dream.

Then was sir Everard Digby arraigned, and after his Indictment was read; wherein he was charged, not only to have been acquainted with the Powder-treason, and concealed it, and taken the double oath of secrecy and constancy therein, but likewise to have been an actor in this conspiracy; and lastly to have exposed, and openly shewed himself in the rebellion in the country amongst the rest of the traitors. All which after he had attentively heard and marked, knowing that he had confessed it, and the strength and evidence of the proofs against him, and convicted with the testimony of his own conscience, shewed his disposition to confess the principal part of the said Indictment, and so began to enter into a discourse. But being advertised that he must first plead to the Indictment directly, either Guilty, or not Guilty; and that afterwards he should be licensed to speak his pleasure; he forthwith confessed the treason contained in the Indictment, and so fell into a speech, whereof there were two parts, viz. Motives, and Petitions. The first motive which drew him into this action, was not ambition or discontentment of his estate, neither malice to any in parliament, but the friendship and love he bare to Catesby, which prevailed so much, and was so powerful with him, as that for his sake he was ever contented and ready to hazard himself and his estate. The next motive, was the cause of religion, which alone, seeing (as he said) it lay at the stake, he entered into resolution to neglect in that behalf, his estate, his life, his name, his memory, his posterity, and all worldly and earthly felicity whatsoever; though he did utterly extirpate, and extinguish all other hopes for the restoring of the Catholick Religion in England. His third motive was, that promises were broken with the Catholicks. And lastly, that they generally feared harder laws from this parliament against recusants, as that recusants wives, and women should be liable to the mulct as well as their husbands and men. And further, that it was supposed, that it should be made a *præmunire*, only to be a Catholick.

His Petitions were, That sithence his offence was confined and contained within himself, that the punishment also of the same might extend only to himself and not to be transferred either to his wife, children, sisters, or other: and therefore for his wife he humbly craved, that she might enjoy her jointure; his son the benefit of an entail made long before any thought of this action; his sisters, their just and due portions, which were in his hands; his creditors their rightful debts, which that he might more justly set down under his hand, he

requested that before his death, his man (who was better acquainted both with the men, and the particulars than himself) might be licensed to come unto him. Then prayed he pardon of the king and lords for his guilt. And lastly he entreated to be beheaded; desiring all men to forgive him, and that his death might satisfy them for his trespass.

To this speech forthwith answered sir *Edward Coke*, Attorney-General, but in respect of the time (for it grew now dark) very briefly:

1. For his Friendship with Catesby, that it was mere folly and wicked conspiracy. 2. His Religion, error, and heresys. 3. His Promises, idle and vain presumptions, as also his Fears, false alarms, concerning wives that were recusants, if they were known so to be before their husbands (though they were good Protestants) took them, and yet for outward and worldly respects whatsoever, any would match with such; great reason there is, that he or they should pay for it, as knowing the penalty and burden before: for 'volenti et scienti non sit injuria;' no man receives injury in that, to which he willingly and knowingly agreeth and consenteth. But if she were no recusant at the time of marriage, and yet afterwards he suffer her to be corrupted and seduced, by admitting priests and romanists into his house; good reason likewise that he, be he papist or protestant, should pay for his negligence and misgovernment.—4. Concerning the Petitions for wife, for children, for sisters, &c. O how he doth now put on the bowels of nature and compassion, in the peril of his private and domestical estate! But before, when the publick state of his country, when the king, the queen, the tender princes, the nobles, the whole kingdom were designed to a perpetual destruction; where was then this piety, this religious affection, this care? All nature, all humanity, all respect of laws both divine and human, were quite abandoned; then was there no conscience made to extirpate the whole nation, and all for a pretended zeal to the Catholick Religion, and the justification of so detestable and damnable a fact.

Here did Sir *Everard Digby* interrupt Mr. Attorney, and said, that he did not justify the fact, but confessed that he deserved the vilest death, and most severe punishment that might be: but he was an humble petitioner for mercy, and some moderation of justice.—Whereupon Mr. Attorney replied, that he should not look by the king to be honoured in the manner of his death, having so far abandoned all religion and humanity in his action: but that he was rather to admire the great moderation and mercy of the king, in that for so exorbitant a crime, no new torture answerable thereunto was devised to be inflicted upon him. And for his wife and children, whereas he said that for the Catholick cause he was content to neglect the ruin of himself, his wife, his estate, and all; he should have his desire as it is in the Psalm, 'Let his wife be a widow, and his children vagabonds, let his posterity be destroyed, and

‘in the next generation let his name be quite ‘put out.’ For the paying of your creditors, it is equal and just; but yet fit the king be first satisfied and paid, to whom you owe so much, as that all you have is too little: yet these things must be left to the pleasure of his majesty, and the course of justice and law.

Earl of Northampton. You must not hold it strange, sir Everard Digby, though at this time being pressed in duty, conscience and truth, I do not suffer you to wander in the labyrinth of your own idle conceits, without opposition, to seduce others, as yourself have been seduced, by false principles, or to convey yourself by charms of imputation, by clouds of error, and by shifts of lately devised equivocation, out of that straight wherein your late secure and happy fortune hath been unluckily entangled, but yet justly surprized by the rage and revenge of your own rash humours. If in this crime (more horrible than any man is able to express) I could lament the estate of any person upon earth, I could pity you; but thank yourself and your bad counsellors for leading you into a crime of such a kind, as no less benumbeth in all faithful, true and honest men, the tenderness of affection, than did in you the sense of all humanity.—That you were once well thought of and esteemed by the late queen, I can witness, having heard her speak of you with that grace, which might have encouraged a true gentleman to have run a better course. Nay, I will add further, that there was a time wherein you were as well affected to the king our master’s expectation, though perhaps upon false rumours and reports, that he would have yielded satisfaction to your unprobable and vast desires; but the seed that wanted moisture (as our Saviour himself reporteth) took no deep root: that zeal which hath no other end or object than the pleasing of itself, is quickly spent; and Trajan, that worthy and wise emperor, had reason to hold himself discharged of all debts to those that had offended more by prevarication, than they could ever deserve by industry.—The grace and goodness of his majesty in giving honour at his first coming unto many men of your own affection, and (as I think) unto yourself; his facility in admitting all without distinction of Trojan or of Tyrian, to his royal presence, upon just occasions of access; his integrity in setting open the gate of civil justice unto all his subjects equally and indifferently, with many other favours that succeeded by the progression of peace; are so palpable and evident to all men, that have either eyes of understanding, or understanding of capacity, as yourself and many others have been driven of late to excuse and countenance your execrable ingratitude with a false and scandalous report of some further hope and comfort yielded to the Catholics for toleration or connivance, before his coming to the crown, than since hath been performed, made good or satisfied.—I am not ignorant, that this seditious and false alarm hath awaked and incited many working spirits

to the prejudice of the present state, that might otherwise have slept as before with silence and sufferance; it hath served for a shield of wax against a sword of power: it hath been used as an instrument of art to shadow false approaches, till the Trojan horse might be brought within the walls of the parliament, with a belly stuffed, not as in old time with armed Greeks, but with hellish gunpowder. But howsoever God had blinded you and others in this action, as he did the king of Egypt and his instruments, for the brighter evidence of his own powerful glory; yet every man of understanding could discern, that a prince whose judgment had been fixed by experience of so many years upon the poles of the North and the South, could not shrink upon the sudden: no nor since with fear of that combustion which Catesby that arch-traitor, like a second Phaeton, would have caused in an instant in all the elements. His majesty did never value fortunes of the world, in lesser matter than religion, with the freedom of his thoughts: he thought it no safe policy (professing as he did, and ever will) to call up more spirits into the circle than he could put down again; he knew, that *omne regnum in se divisum desolabitur*, philosophy doth teach, that whatsoever any man may think in secret thought, that where one doth hold of Cephas, another of Apollo, openly dissension ensues, *quod insitum alieno solo est, in id quo alitur natura vertente degenerat*; and the world will ever apprehend, that *Quorum est commune symbolum, facillimus est transitus*.—Touching the point itself of promising a kind of toleration to Catholics, as it was divulged by these two limbs of Lucifer, Watson and Percy, to raise a ground of practice and conspiracy against the state and person of our dear sovereign, let the kingdom of Scotland witness for the space of so many years before his coming hither, whether either flattery or fear, no, not upon that enterprize of the 17th of Nov. which would have put the patience of any prince in Europe to his proof, could draw from the king the least inclination to this dispensative indifference, that was only believed, because it was eagerly desired.—Every man doth know how great art was used, what strong wits sublimed, how many ministers suborned and corrupted many years both in Scotland and in foreign parts, to set the king’s teeth an edge with fair promises of future helps and supplies, to that happy end of attaining his due right in England, when the sun should set, to rise more gloriously in the same hemisphere, to the wonder both of this island and of the world. But all in vain; for *facta erat alea*, the king’s compass had been set before, and by a more certain rule, and they were commonly cast off as forlorn hopes in the king’s favour, that ran a course of ranking themselves in the foremost front of foreign correspondency.—Upon notice given to his majesty from hence some years before the death of the late queen, that many men were grown suspicious of his religion, by rumours spread abroad, that some of those in fo-

reign parts, that seemed to be well affected to his future expectation, had used his name more audaciously, and spoken of his favour to the Catholics more forwardly than the king's own conscience and unchangeable decree could acknowledge or admit (either with a purpose to prepare the minds of foreign princes, or for a practice to estrange and alienate affections at home) not only utterly renounced and condemned these encroachments of blind zeal, and rash proceedings, by the voices of his own ministers, but was careful also for a caution to succeeding hopes, so far as lay in him, that by the disgrace of the delinquents in this kind, the minds of all English subjects chiefly might be secured, and the world satisfied.—No man can speak in this case more confidently than myself, that received in the queen's time, for the space of many years, directions and warnings to take heed, that neither any further comfort might be given to Catholics, concerning future favours, than he did intend, which was to bind all subjects in one kingdom to one law, concerning the religion established, howsoever in civil matters he might extend his favour as he found just cause: nor any seeds of jealousy and diffidence sown in the minds of Protestants by Semes and Achitophels, to make them doubtful of his constancy, to whom he would confirm with his dearest blood, that faith which he had sucked from the breast of his nurse, apprehended from the cradle of his infancy, and maintained with his uttermost endeavour, affection and strength: since he was more able out of reading and disputing, to give a reason of those principles which he had now digested and turned to nutriment.—He that wrote the Book of Titles before the late queen's death, declares abundantly by seeking to possess some foreign prince of the king's hereditary crowns, when the cause should come to the proof, and may witness instead of many; what hope there was of the king's favour or affection to Catholics in the case of toleration or dispensation, with exercise of conscience. For every man may guess that it was no slight or ordinary degree of despair, that made him and other of his suit renounce their portion in the son and heir of that renowned and rare lady Mary queen of Scotland, a member of the Roman church; as some did in David, *Nulla nobis pars in David, nec hereditas in filio Isai*: For hereof by letters intercepted in their passage into Scotland, the records and proofs are evident. His majesty, so long as he was in expectation of that which by the work and grace of God he doth now possess, did ever seek to settle his establishment upon the faith of Protestants in generality, as the most assured sheet anchor. For though he found a number on the other side, as faithful and as well-affected to his person, claim and interest, as any men alive, as well in respect of their dependency upon the queen his mother, as for the taste which they had of the sweetness of himself; yet finding with what strength of blood many have been over-carried out of a fervency in zeal in former times, observing to what censures they

were subject, both in points of faith, and limitation of loyalty: And last of all, forcasting to what end their former protestation would come, when present satisfaction should shrink; he was ever fearful to embark himself for any further voyage and adventure in this strait, than his own compass might steer him, and his judgment level him.—If any one green leaf for Catholics could have been visibly discerned by the eye of Catesby, Winter, Garnet, Fawkes, &c. they would neither have entered into practice with foreign princes during the queen's time for prevention of the king's lawful and hereditary right, nor have renewed the same both abroad and at home by missions and combinations, after his majesty was both applauded and entered.—It is true, that by Confessions we find, that false priest Watson, and arch traitor Percy, to have been the first devisers and divulgers of this scandalous report, as an accursed ground, whereon they might with some advantage, as it was conceived, build the castles of their conspiracy.—Touching the first, no man can speak more soundly to the point than myself; for being sent into the prison by the king to charge him with this false alarm, only two days before his death, and upon his soul to press him in the presence of God, and as he would answer it at another bar, to confess directly whether at either of both these times he had access unto his majesty at Edinborough, his majesty did give him any promise, hope or comfort of encouragement to Catholics concerning toleration; he did there protest upon his soul that he could never win one inch of ground, or draw the smallest comfort from the king in those degrees, nor further than that he would have them apprehend, that as he was a stranger to this state, so till he understood in all points how those matters stood, he would not promise favour any way; but did protest that all the crowns and kingdoms in this world, should not induce him to change any jot of his profession, which was the pasture of his soul, and earnest of his eternal inheritance. He did confess that in very deed, to keep up the hearts of Catholics in love and duty to the king, he had imparted the king's words to many, in a better tune, and a higher kind of descant, than his book of plain song did direct; because he knew that others like sly bargemen looked that way, when their stroke was bent another way. For this he craved pardon of the king in humble manner, and for his main treasons of a higher nature than these figures of hypocrisy; and seemed penitent, as well for the horror of his crime, as for the falsehood of his whisperings.—It hindered not the satisfaction which may be given to Percy's shadow (the most desperate Boutefeu in the pack), that as he died impenitent, for any thing we know: so likewise he died silent in the particulars. For first, it is not strange that such a traitor should devise so scandalous a slander out of the malice of his heart, intending to destroy the king by any means, and to advance all means that might remove obstructions and impediments to the plot of gunpowder. The

more odious that he could make him to the party malecontent, and the more sharply that he could set the party malecontent upon the point and humour of revenge: the stronger was his hope at the giving of the last blow, to be glorified and justified. But touching the truth of the matters, it will be witnessed by many, that this traitor Percy after both the first and second return from the king, brought to the Catholics no spark of comfort, of encouragement, of hope; whereof no stronger proof of argument doth need, than that Fawkes and others were employed both into Spain and other parts, for the reviving of a practice suspended and covered, after Percy's coming back; as in likelihood they should not have been, in case he had returned with a branch of olive in his mouth, or yielded any ground of comfort to resolve upon.—Therefore I thought it thus far needful to proceed, for the clearing of those scandals that were cast abroad, by these forlorn hopes and graceless instruments. It only remains that I pray for your repentance in this world for the satisfaction of many, and forgiveness in the next world, for the saving of yourself; having had by the king's favour so long a time to cast up your account, before your appearance at the seat of the great auditor.

Then spake the Earl of *Salisbury*, especially to that point, of his majesty's breaking of promise with Recusants, which was used and urged by sir Everard Digby, as a motive to draw him to participate in this so hideous a treason. Wherein his lordship, after acknowledgment that sir Everard Digby was his ally, and having made a zealous and religious protestation concerning the sincerity and truth of that which he would deliver: shortly and clearly defended the honour of the king herein, and freed his majesty from all imputation and scandal of irresolution in religion, and in the constant and perpetual maintaining thereof; as also from having at any time given the least hope, much less promise of toleration. To which purpose he declared how his majesty, as well before his coming to this crown, as at that very time, and always since, was so far from making of promise, or giving hope of Toleration, that he ever professed he should not endure the very notion thereof from any.—And here his lordship shewed what was done at Hampton-Court at the time of Watson's treason, where some of the greater recusants were converted: And being found then not to have their fingers in treason, were sent away again with encouragement to persist in their dutiful carriage, and with promise only of thus much favour. That those mean profits which had accrued since the king's time to his majesty for their recusancy, should be forgiven to the principal gentlemen,

who had both at his entry shewed so much loyalty, and had kept themselves so free since from all conspiracies.—Then did his lordship also (the rather to shew how little truth sir Everard Digby's words did carry in any thing which he had spoken) plainly prove, that all his protestations wherein he denied so constantly to be privy to the Plot of Powder, were utterly false, by the testimony of Fawkes (there present at the bar) who had confessed, that certain months before that session, the said Fawkes being with Digby at his house in the country, about what time there had fallen much wet: Digby taking Fawkes aside after supper, told him that he was much afraid that the powder in the cellar was grown dank, and that some new must be provided, lest that should not take fire.—Next, the said earl did justly and greatly commend the lord Mounteagle for his loyal and honourable care of his prince and country, in the speedy bringing forth of the letter sent unto him; wherein he said, that he had shewed both his discretion and fidelity. Which speech being ended, Digby then acknowledged, that he spake not that of the breach of promise out of his own knowledge, but from their relation whom he trusted; and namely from sir Tho. Tresham.

Now were the Jury returned, who having delivered their Verdict, whereby they jointly found those seven prisoners, arraigned upon the former Indictment, Guilty; Serjeant Philips craved Judgment against those seven upon their conviction and against sir Everard Digby upon his own Confession.

Then the Lord Chief Justice of England, after a grave and prudent relation and defence of the laws made by queen Elizabeth against recusants, priests, and receivers of priests, together with the several occasions, progresses and reasons of the same; and having plainly demonstrated and proved that they were all necessary, mild, equal, moderate, and to be justified to all the world: pronounced Judgment.

Upon the rising of the court, sir Everard Digby bowing himself towards the lords, said, If I may but hear any of your lordships say, you forgive me, I shall go more chearfully to the gallows.—Whereunto the lords said, God forgive you, and we do.

And so according to the Sentence, on Thursday following being the 30th of January, execution was done upon sir Everard Digby, Robert Winter, John Grant, and Thomas Bates, at the West end of Paul's church; and on Friday following, upon Thomas Winter, Ambrose Rookwood, Robert Keyes, and Guy Fawkes, within the old Palace-Yard, at Westminster, not far from the Parliament-House.

The following History of the GUNPOWDER-Plot, written by King James himself, is extracted from the first Collection of his Works published during his life-time by Mountague, Bishop of Winchester.

WHILE this land and whole monarchy flourished in a most happy and plentiful peace, as well at home, as abroad, sustained and conducted by these two main good pillars of all good government, piety and justice, no foreign grudge, nor inward whispering of discontentment any way appearing: the king being upon his return from his hunting exercise at Royston, upon occasion of the drawing near of the parliament-time, which had been twice prorogued already, partly in regard of the season of the year, and partly of the term: as the winds are ever stillest immediately before a storm; and, as the sun bleaks often hottest to foretel a following shower; so, at that time of greatest calm, did this secretly hatched thunder begin to cast forth the first flashes, and flaming lightnings of the approaching tempest. For, the Saturday of the week immediately preceding the king's return, which was upon a Thursday, being but ten days before the parliament, the lord Monteagle, son and heir to the lord Morley, being in his own lodgings-ready to go to supper, at seven of the clock at night, one of his footmen, whom he had sent of an errand over the street, was met by a man of a reasonable tall personage, who delivered him a Letter, charging him to put it in my lord his master's hands; which my lord no sooner received, but that, having broken it up, and perceiving the same to be of an unknown, and somewhat unlegible hand, and without either date or superscription, did call one of his men unto him, for helping him to read it. But no sooner did he conceive the strange contents thereof, although he was somewhat perplexed what construction to make of it, as whether of a matter of consequence, as indeed it was, or whether some foolish devised pasquil by some of his enemies to scare him from his attendance at the parliament, yet did he, as a most dutiful and loyal subject, conclude not to conceal it, whatever might come of it. Whereupon, notwithstanding the lateness and darkness of the night in that season of the year, he presently repaired to his majesty's palace at Whitehall, and there delivered the same to the earl of Salisbury, his majesty's principal secretary. Whereupon, the said earl of Salisbury having read the Letter and heard the manner of the coming of it to his hands, did greatly encourage and commend my lord for his discretion, telling him plainly, that, whatsoever the purport of the Letter might prove hereafter, yet did this accident put him in mind of divers advisements he had received from beyond the seas, wherewith he had acquainted, as well the king himself, as divers of his privy-counsellors, concerning some business the Papists were in, both at home and abroad, making preparations for some combination amongst them against this parliament-time, for

enabling them to deliver at that time to the king some petition for toleration of religion, which should be delivered in some such order, and so well backed, as the king should be loth to refuse their requests; like the sturdy beggars, craving alms with one open hand, but carrying a stone in the other, in case of refusal. And therefore did the earl of Salisbury conclude with the lord Monteagle, that he would, in regard of the king's absence, impart the same Letter to some more of his majesty's council, whereof my lord Monteagle liked well, only adding this request, by way of protestation, That whatsoever the event hereof might prove, it should not be imputed to him, as proceeding from too light and too sudden an apprehension, that he delivered this Letter; being only moved thereunto for demonstration of his ready devotion, and care for preservation of his majesty and the state. And thus did the earl of Salisbury presently acquaint the lord chamberlain with the said Letter. Whereupon they two, in presence of the lord Monteagle, calling to mind the former intelligence already mentioned, which seemed to have some relation with this letter; the tender care which they ever carried to the preservation of his majesty's person, made them apprehended, that some perilous attempt did thereby appear to be intended against the same, which did the more nearly concern the said lord chamberlain to have a care of, in regard that it doth belong to the charge of his office to oversee, as well all places of assembly where his majesty is to repair, as his highness's own private houses. And therefore did the said two counsellors conclude, that they should join unto themselves three more of the council, to wit, the lord admiral, the earls of Worcester and Northampton, to be also particularly acquainted with this accident, who having all of them concurred together to the re-examination of the contents of the said letter, they did conclude, That, how slight a matter it might at the first appear to be, yet was it not absolutely to be contemned, in respect of the care which it behoved them to have of the preservation of his majesty's person: but, yet resolved for two reasons, first, to acquaint the king himself with the same, before they proceeded to any further inquisition in the matter, as well for the expectation and experience they had of his majesty's fortunate judgment, in clearing and solving obscure riddles and doubtful mysteries; as also, because the more time would, in the mean time, be given for the practice to ripen, if any was, whereby the discovery might be more clear and evident, and the ground of proceeding thereupon more safe, just, and easy. And so according to their determination did the said earl of Salisbury repair to the king in his gallery upon Friday, being Allhallow's-day, in

the afternoon, which was the day after his majesty's arrival, and none but himself being present with his highness at that time, where, without any other speech, or judgment given of the Letter, but only relating simply the form of the delivery thereof, he presented it to his majesty. The contents whereof follow :

' My Lord ; Out of the love I bear to some of your friends, I have a care of your preservation : therefore I would advise you, as you tender your life, to devise some excuse, to shift off your attendance at this parliament. For God and man have concurred to punish the wickedness of this time. And think not slightly of this advertisement, but retire yourself into your country, where you may expect the event in safety. For, though there be no appearance of any stir, yet I say, they shall receive a terrible blow this parliament, and yet they shall not see who hurts them. This counsel is not to be condemned, because it may do you good, and can do you no harm, for the danger is past so soon as you have burnt the Letter ; and I hope God will give you grace to make good use of it ; to whose holy protection I commend you.*

The king no sooner read the letter, but after a little pause, and then reading it once again, he delivered his judgment of it in such sort, as

* " Who it was" observes Kennett, " that wrote this Letter to the Lord Monteaule was never known, or how it came that king James suspected its meaning to be what it really was, is in a great part a mystery to this day. Yet I cannot give myself leave to doubt, but king James had some light given him from Henry 4th of the designs of the Papists against him ; for in the duke of Sully's Memoirs, there is more than once mention made of some ' sudden Blow' they intended in England about that time : and in one Letter, king James is desired to take warning from the fate of Henry 3. I am the more confirmed in this opinion, that in the Harangue pronounced at Rome in praise of Ravillac the Assassin of Henry 4, which has since been so often quoted by several authors, both Papist and Protestant, as an argument that the Jesuits approved the murder : it is there said, ' That Henry 4, was not only an inveterate enemy to the Catholick religion in his heart, but had obstructed the glorious enterprizes of those that would have restored it in England, and occasioned them to be crown'd with Martyrdom.' Now it's well known, Garnet and the rest that were executed for the Gun-Powder-Plot, were reputed Martyrs for the Catholick cause by the college of Jesuits at Rome, where that Harangue was pronounced." See also Welwood.—It is now a common opinion that the above Letter to lord Monteaule was sent by his sister Mary the wife of Thomas Habington or Abingdon. Some particulars of this family and of their concern with the treasonable transactions in the reigns of Elizabeth and James 1st. are to be found in Nash's History of Worcestershire.

he thought it was not to be contemned, for that the stile of it seemed to be more quick and pithy, than is usual to be in any pasquil or libel, the superfluities of idle brains. But the earl of Salisbury, perceiving the king to apprehend it deeperly than he looked for, knowing his nature, told him, that he thought, by one sentence in it, that it was like to be written by some fool, or madman, reading to him this sentence in it : ' For the danger is past, as soon as you have burnt the letter ;' which, he said, was likely to be the saying of a fool ; for, if the danger was past, so soon as the letter was burnt, then the warning behoved to be of little avail, when the burning of the letter might make the danger to be eschewed. But the king, on the contrary, considering the former sentence in the letter, ' That they should receive a terrible blow at this parliament,' and yet should not see who hurt them, joining it to the sentence immediately following, already alledged, did thereupon conjecture, that the danger mentioned should be some sudden danger by blowing up of powder ; for no other insurrection, rebellion, or whatsoever other private and desperate attempt could be committed, or attempted, in time of parliament, and the authors thereof unseen, except only if it were by a blowing up of powder, which might be performed by one base knave in a dark corner : Whereupon he was moved to interpret and construe the latter sentence in the letter, alledged by the earl of Salisbury, against all ordinary sense and construction in grammar, as if by these words, ' For the danger is past, as soon as you have burnt the letter ;' should be closely understood the suddenness and quickness of the danger, which should be as quickly performed and at an end, as that paper should be a blazing up in the fire ; turning that word of ' as soon' to the sense of ' as quickly ;' and therefore wished, that, before his going to the parliament, the under-rooms of the parliament-house might be well and narrowly searched. But, the earl of Salisbury wondering at this his majesty's commentary, which he knew to be so far contrary to his ordinary and natural disposition, who did rather ever sin upon the other side, in not apprehending, nor trusting due advertisements of practices and perils, when he was truly informed of them, whereby he had many times drawn himself into many desperate dangers ; and interpreting rightly this extraordinary caution at this time to proceed from the vigilant care he had of the whole state, more than of his own person, which could not but have all perished together, if this designment had succeeded, he thought good to dissemble still unto the king, that there had been any just cause of such apprehension ; and, ending the purpose with some merry jest upon this subject, as his custom is, took his leave for that time. But, though he seemed so to neglect it to his majesty, yet, his customable and watchful care of the king and the state still boiling within him, and having, with the blessed virgin Mary, laid up in his heart the king's so strange

abroad that-morning, which was upon a Tuesday, the fifth of November, and the first day designed for that session of parliament; the news, I say, of this so strange and unlooked-for accident was no sooner divulged, but some of those conspirators, namely, Winter, and the two brothers of Wright's, thought it high time for them to hasten out of the town (for Catesby was gone the night before, and Percy at four of the clock in the morning the same day of the discovery) and all of them held their course, with more haste than good speed, to Warwickshire toward Coventry, where the next day morning, being Wednesday, and about the same hour that Fawkes was taken in Westminster, one Graunt, a gentleman, having associated unto him some others of his opinion, all violent papists, and strong recusants, came to a stable of one Benocke, a rider of great horses, and, having violently broken up the same, carried along with them all the great horses that were therein, to the number of seven or eight, belonging to divers noblemen and gentlemen of that country, who had put them into the rider's hands to be made fit for their service. And so both that company of them which fled out of London, as also Graunt, and his accomplices, met all together at Dunchurch, at sir Everard Digby's lodging, the Tuesday at night, after the discovery of this treacherous attempt; the which Digby had likewise, for his part, appointed a match of hunting, to have been hunted the next day, which was Wednesday, though his mind was, Nimrod-like, upon a far other manner of hunting, more bent upon the blood of reasonable men than brute beasts.

This company, and hellish society, thus convened, finding their purpose discovered, and their treachery prevented, did resolve to run a desperate course; and, since they could not prevail, by so private a blow, to practise, by a public rebellion, either to attain to their intents, or, at least, to save themselves in the throng of others. And, therefore, gathering all the company they could unto them, and pretending the quarrel of religion, having intercepted such provision of armour, horses, and powder, as the time could permit, thought, by running up and down the country, both to augment piece and piece their number (dreaming to themselves, that they had the virtue of a snow-ball, which, being little at the first, and tumbling down from a great hill, groweth to a great quantity, by increasing itself with the snow that it meeteth by the way) and also, that they, beginning first this brave shew, in one part of the country, should, by their sympathy and example, stir up and encourage the rest of their religion, in other parts of England, to rise, as they had done there. But, when they had gathered their force to the greatest, they came not to the number of fourscore; and yet were they troubled, all the hours of the day, to keep and contain their own servants from stealing from them; who, notwithstanding all their care, daily left them, being far inferior to Gideon's host in number,

but far more, in faith or justness of quarrel.— And so, after that this Catholick troop had wandered a while through Warwickshire to Worcestershire, and from thence to the edge and borders of Staffordshire, this gallantly armed band had not the honour, at the last, to be beaten with a king's lieutenant, or extraordinary commissioner, sent down for the purpose, but only by the ordinary sheriff of Worcestershire were they all beaten, killed, taken, and dispersed. Wherein ye have to note this following circumstance so admirable, and so lively displaying the greatness of God's justice, as it could not be concealed, without betraying, in a manner, the glory due to the Almighty for the same.—Although divers of the king's Proclamations were posted down after these traitors with all the speed possible, declaring the odiousness of that bloody attempt, the necessity to have had Percy preserved alive, if it had been possible, and the assembly together of that rightly damned crew, now no more darkened conspirators, but open and avowed rebels; yet the far distance of the way, which was above an hundred miles, together with the extreme deepness thereof, joined also with the shortness of the day, was the cause that the hearty and loving affections of the king's good subjects, in those parts, prevented the speed of his proclamations. For, upon the third day after the flying down of these rebels, which was upon the Friday next after the discovery of their Plot, they were most them all surprized by the sheriff of Worcestershire, at Holbech, about the noon of the day, and that in manner following:—Graunt, of whom I have made mention before, for taking the great horses, who had not, all the preceding time, stirred from his own house till the next morning, after the attempt should have been put in execution; he then laying his accounts without his host, as the proverb is, that their Plot had, without failing, received the day before their hoped-for success; took, or rather stole, out those horses, as I said before, for enabling him, and so many of that foulest society, that had still remained in the country near about him, to make a sudden surprise upon the king's elder daughter, the lady Elizabeth, having her residence near by that place, whom they thought to have used for the colour of their treacherous design, his majesty, her father, her mother, and male children being all destroyed above, and to this purpose, also, had that Nimrod, Digby, provided his hunting-match against that same time, that, numbers of people being flocked together, upon the pretence thereof, they might the easilier have brought to pass the sudden surprise of her person.

Now the violent taking away of those horses, long before day, did seem to be so great a riot, in the eyes of the common people, that knew of no greater mystery: And the bold attempting thereof did ingender such a suspicion of some following rebellion in the hearts of the wiser sort, as both great and small began to stir and arm themselves, upon this unlooked-for accident. But, before twelve or sixteen hours

past, Catesby, Percy, the Winters, Wrights, Rookwood, and the rest, bringing then the assurance, that their main Plot was failed and betrayed, whereupon they had built the golden mountain of their glorious hopes: They then took their last desperate resolution, to flock together in a troop, and wander, as they did, for the reasons aforesaid. But as, upon the one part, the zealous duty to their God, and their sovereign, was so deeply imprinted in the hearts of all the meanest and poorest sort of the people, although then knowing of no further mystery, than such publick misbehaviours, as their own eyes taught them, as, notwithstanding of their fair shews and pretences of their Catholick cause, no creature, man or woman, through all the country, would, once, so much as give them, willingly, a cup of drink; or any sort of comfort or support, but, with execrations, detested them: so on the other part, the sheriffs of the shires, through which they wandered, conveying their people with all speed possible, hunted as hotly after them, as the evilness of the way, and the unprovidedness of their people, upon that sudden, could permit them. And so at last, after sir Richard Verney, sheriff of Warwickshire, had carefully and straightly been in chace of them to the confines of his county, part of the meaner sort being also apprehended by him; sir Richard Walsh, sheriff of Worcestershire, did likewise dutifully and hotly pursue them through his shire: And, having gotten sure trial of their taking harbour at the house above-named, he did send trumpeters and messengers to them, commanding them, in the king's name, to render unto him, his majesty's minister; and knowing no more, at that time, of their guilt, than was publicly visible, did promise, upon their dutiful and obedient rendering unto him, to intercede, at the king's hands, for the sparing of their lives; who received only, from them, this scornful answer, they being better witnesses to themselves of their inward evil consciences, 'That he had need of better assistance, than of those few numbers that were with him before he could be able to command or controul them.' But here fell the wonderful work of God's justice, that, while this message passed between the sheriff and them, the sheriff's and his people's hearts being justly kindled and augmented by their arrogant answer; and so, they preparing themselves to give a furious assault, and the other party making themselves ready, within the house, to perform their promise by a defence as resolute; it pleased God, that, in the mending of the fire, in their chamber, one small spark should fly out, and light among less than two pound-weight of powder, which was drying a little from the chimney; which, being thereby blown up, so maimed the faces of some of the principal rebels, and the hands and sides of others of them, blowing up with it also a great bag full of powder, which, notwithstanding, never took fire, as they were not only disabled and discouraged hereby, from any further resistance, in respect Catesby * himself,

Rookwood, Grant, and divers others of greatest account among them, were, thereby, made unable for defence, but, also, wonderfully struck with amazement in their guilty consciences, calling to memory, how God had justly punished them with that same instrument, which they should have used for the effectuating of so great a sin, according to the old Latin saying, 'In quo peccemus, in eodem plectimur;' as they presently, (see the wonderful power of God's justice upon guilty consciences,) did all fall down upon their knees, praying God to pardon them for their bloody enterprise; and, thereafter, giving over any further debate, opened the gate, suffered the sheriff's people to rush in furiously among them, and desperately sought their own present destruction: The three specials of them joining backs together, Catesby, Percy, and Winter, whereof two, with one shot, Catesby and Percy, were slain, and the third, Winter, taken and saved alive.

And thus these resolute and high aspiring Catholicks, who dreamed of no less than the destruction of kings and kingdoms, and promised to themselves no lower estate, than the government of great and ancient monarchies, were miserably defeated, and quite overthrown in an instant, falling in the pit which they had prepared for others; and so fulfilling that sentence, which his majesty did, in a manner, prophesy of them, in his oration to the parliament; some presently slain, others deadly wounded, stripped of their clothes, left lying miserably naked, and so dying, rather of cold, than of the danger of their wounds; and the rest, that either were whole, or but lightly hurt, taken and led prisoners by the sheriff, the ordinary minister of justice, to the Jail, the ordinary place, even of the basest malefactors, where they remained till their sending up to London, being met with a huge confluence of people of all sorts, desirous to see them, as the rarest sort of monsters: fools to laugh at them, women and children to wonder, all the common people to gaze, the wiser sort to satisfy their curiosity, in seeing the outward cases of so unheard of a villainy; and, generally, all sorts of people, to satiate and fill their eyes with the sight of them, whom, in their hearts, they so far admired and detested; serving so for a fearful and publick spectacle of God's fierce wrath and just indignation.

What, hereafter, will be done with them, is to be left to the justice of his majesty and the state; which, as no good subject needs to doubt, will be performed in its own due time, by a public and exemplary punishment; so have we, all that are faithful and humble subjects, great cause to pray earnestly to the Almighty, that it will please him, who hath the hearts of

* Catesby, who was the first inventor of this treason in general, and of the manner of working the same by powder, in special, himself now first maimed with the blowing up of powder, and, next, he and Percy both killed with one shot proceeding from powder.

all princes in his hands, to put in his majesty's heart, to make such a conclusion of this tragedy to the traitors, but tragi-comedy to the king, and all his true subjects, as, thereby, the glory of God, and his true religion, may be advanced; the future security of the king, and his estate, procured and provided for; all hollow and dishonest hearts discovered and prevented; and this horrible attempt, lacking due epithets, to be so justly avenged; that whereas they thought, by one Catholick indeed, and universal blow, to accomplish the wish of that Roman tyrant, who wished all the bodies, in Rome, to have but one neck, and so, by the violent force of powder, to break up, as with a petard, our triple-locked peaceful gates of Janus, which, God be thanked, they could not compass by any other means; they may justly be so recompensed, for their truly viperous intended parricide, as the shame and infamy that, otherwise, would light upon this whole nation, for having unfortunately hatched such cockatrice-eggs, may be repaired, by the execution of famous and honourable justice upon the offenders, and so the kingdom purged of them may, hereafter, perpetually flourish in peace and prosperity, by the happy conjunction of the hearts of all honest and true subjects, with their just and religious sovereignty.

And thus, whereas they thought to have effaced our memories, the memory of them shall remain, but to their perpetual infamy; and we, as I said in the beginning, shall, with all thankfulness, eternally preserve the memory of so great a benefit. To which let every good subject say Amen.

There is in the 3rd Volume of the Harleian Miscellany, p. 116, a History of the Gunpowder Treason, compiled from various authors, but the compiler seems to have made no use of King James's Work. In the same volume, p. 127, is an Account of the Arraignment and Execution of Digby, the two Winters, Grant, Rockwood, Keyes, Bates, and Johnson alias Fawkes. It was published at the time, but is very indistinct and insulting, and no part of it, except perhaps the following, is at all worth insertion here:

"Now, after their Condemnation and Judgment, being sent back to the Tower, there they remained till the Thursday following; upon sledges and hurdles they were drawn into St. Paul's church-yard, four of them, viz. Edward Digby, the elder Winter, Grant, and Bates, of whom I forgot to speak, having no great matter to speak of, but only that, being a villain, and hoping for advancement by the same, he had the reward of a traitor.

Now these four being drawn to the scaffold, made on purpose for their execution: first went up Digby, a man of a goodly personage, and a manly aspect, yet might a wary eye, in the change of his countenance, behold an inward fear of death, for his colour grew pale and his eye heavy; notwithstanding that he in-

forced himself to speak, as stoutly as he could, his speech was not long, and to little good purpose, only, that his belied conscience, being, but indeed, a blinded conceit, had led him into this offence, which, in respect of his religion, alias, indeed idolatry, he held no offence, but, in respect of the law, he held an offence, for which, he asked forgiveness of God, of the king, and the whole kingdom; and so, with vain and superstitious crossing of himself, betook him to his Latin prayers, mumbling to himself, refusing to have any prayers of any, but of the Romish Catholicks; went up the ladder, and with the help of the hangman, made an end of his wicked days in this world.

After him went Winter up to the scaffold, where he used few words to any effect, without asking mercy of either God, or the king, for his offence; went up the ladder, and, making a few prayers to himself, staid not long for his execution.

After him went Grant, who abominably blinded with his horrible idolatry, though he confessed his offence to be heinous, yet would fain have excused it by his conscience for religion; a bloody religion, to make so bloody a conscience; but better that his blood, and all such as he was, should be shed by the justice of law, than the blood of many thousands to have been shed by his villainy, without law or justice; but to the purpose, having used a few idle words to ill effect, he was, as his fellows before him, led the way to the halter; and so, after his crossing of himself, to the last part of his tragedy.

Last of them came Bates, who seemed sorry for his offence, and asked forgiveness of God, and the king, and of the whole kingdom; prayed to God for the preservation of them all, and as he said, only for his love to his master, drawn to forget his duty to God, his king and country, and therefore was now drawn from the Tower to St. Paul's church-yard, and there hanged and quartered for his treachery. Thus ended that day's business.

The next day, being Friday, were drawn from the Tower to the Old Palace in Westminster, over-against the Parliament-house, Thomas Winter the younger brother, Rockwood, Keyes, and Fawkes the minor, justly called, 'the Devil of the Vault;' for had he not been a devil incarnate, he had never conceived so villainous a thought, nor been employed in so damnable an action.

The same day, being Friday, were drawn from the Tower, to the Old Palace in Westminster, Thomas Winter, Rockwood, Keyes, and Fawkes, where Winter, first being brought to the scaffold, made little speech, but seeming, after a sort, as it were, sorry for his offence, and yet crossing himself, as though those were words to put by the devil's stoccardoes, having already made a wound in his soul, of which he had not yet a full feeling, protesting to die a true Catholick, as he said; with a very pale and dead colour, went up the ladder, and, after a swing or two with a halter, to the quartering-

block was drawn, and there quickly dispatched.

Next him came Rockwood, who made a speech of some longer time, confessing his offence to God, in seeking to shed blood, and asking therefore mercy of his Divine majesty; his offence to the king, of whose majesty he likewise humbly asked forgiveness, his offence to the whole state, of whom in general he asked forgiveness; beseeching God to bless the king, the queen, and all his royal progeny, and that they might long live to reign in peace and happiness over this kingdom. But last of all, to mar all the pottage with one filthy weed, to mar this good prayer with an ill conclusion, he prayed God to make the king a catholic, otherwise a papist, which God for his mercy ever forbid; and so, beseeching the king to be good to his wife and children, protesting to die in his idolatry, a Romish Catholic, he went up the ladder, and, hanging till he was almost dead, was drawn to the block, where he gave his last gasp.

After him came Keyes, who like a desperate villain, using little speech, with small or no shew of repentance, went stoutly up the ladder; where, not staying the hangman's turn, he turned himself off with such a leap, that with the swing he brake the halter, but, after his fall, was quickly drawn to the block, and there was quickly divided into four parts.

Last of all came the great devil of all, Fawkes, alias Johnson, who should have put fire to the powder. His body being weak with torture and sickness, he was scarce able to go up the ladder, but yet with much ado, by the help of the hangman, went high enough to break his neck with the fall: who made no long speech, but, after a sort, seeming to be sorry for his offence, asked a kind of forgiveness of the king and the state for his bloody intent; and, with his crosses and his idle ceremonies, made his end upon the gallows and the block, to the great joy of the beholders, that the land was ended of so wicked a villainy."

81. The Trial of HENRY GARNET, Superior of the Jesuits in England, at the Guildhall of London, for a High Treason, being a Conspirator in the Gunpowder Plot: 4 JAC. I. 28th of March, A. D. 1606.

THE Commissioners present were, sir Leonard Holyday, Lord Mayor; the earls of Nottingham, Suffolk, Worcester, Northampton, and Salisbury; L. C. Justice of England, sir John Popham; the L. C. Baron of the Exchequer; sir Christopher Yelverton, kt. one of his majesty's Justices of the King's-Bench.

The substance and effect of the Indictment of Henry Garnet, superior of the Jesuits in England, appeareth before in the Relation of the former Arraignment, and therefore unnecessary to be repeated again; [3 Co. Inst. 27.] which Indictment was summarily and effectually repeated by sir John Croke kt. his majesty's Serjeant at law, in this manner:

Sir John Croke. This person and prisoner here at the bar, this place, and this present occasion and action, do prove that true, which the Author of all Truth hath told us; That 'nihil est occultum, quod non manifestabitur; et nihil est secretum, quod non revelabitur et in palam veniet.' There is nothing hid that shall not be made manifest, there is nothing secret that shall not be revealed and come in publick. And that God by whom kings do reign, 'Consilium pravorum dissipat,' doth scatter and bring to nought the counsel of the wicked.—That he spake with fear and trembling, and with horror and amazedness, against that rotten root of that hideous and hateful tree of treason, and of that detestable and unheard of wickedness, he did crave pardon for it; affirming that no flesh could mention it without astonishment.—He shewed that Henry Garnet, of the profession of the Jesuits, other-

wise Wally, otherwise Darcy, otherwise Roberts, otherwise Farmer, otherwise Philips, (for by all those names he called himself) stood indicted of the most barbarous and damnable treasons, the like whereof was never heard of: That he was a man 'multorum nominum,' but not 'boni nominis;' of many names, as appeared by the indictment, but of no good name; adorned by God and nature, with many gifts and graces, if the grace of God had been joined with them: but that wanting, 'quanto ornatior' in other gifts 'tanto nequior'.—That this Garnet (his majesty summoning his parliament to be holden at Westminster the 19th of March, in the first year of his reign, and by divers prorogations continuing it till the third of October last) together with Catesby lately slain in open rebellion, and with Oswald Tesmond a Jesuit, otherwise Oswald Greenwell, as a false traitor against the most mighty and most renowned king our sovereign lord king James; the 9th of June last, traitorously did conspire and compass: To depose the king, and to deprive him of his Government: To destroy and kill the king, and the noble prince Henry his eldest son: such a king, and such a prince, such a son of such a father, whose virtues are rather with amazed silence to be wondered at, than able by any speech to be expressed: To stir sedition and slaughter throughout the kingdom: To subvert the true religion of God, and whole government of the kingdom: To overthrow the whole state of the commonwealth.—The manner how to perform these horrible Treasons, the Serjeant said 'Horreo dicere,' his lips did