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THE

TRYAL

AND

CONDEMNATION

OF

Dr. OLIVER PLUNKET

Titular PRIMATE of

IRELAND,

FOR

HIGH-TREASON,

At the Bar of the Court of King's Bench, at Westminster,
in Trinity Term, 1681.

I do appoint Francis Tyton, and Thomas Baffet, to Print
the Tryal of Oliver Plunket. Fr. Pemberton.

DUBLIN,

Printed by Joseph Ray at College-Green, for Elizabeth Dobson
Bookseller on Cork-hill. 1681.

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The TRYAL and CONDEMNATION of Dr. *OLIVER PLUNKET* Titular Primate of *IRELAND*.

THE Third of *May* 1681. in *Easter* 33. *Carol. Secund. Reg.* Dr. *Oliver Plunket* was arraigned at the *Kings-Bench* Bar for High Treason for endeavouring and compassing the Kings Death, and to levy War in *Ireland*, and to alter the Religion there, and to introduce a foreign Power, and at his Arraignment, before his Plea, he urged for himself, that he was indicted of the same High Treason in *Ireland*, and arraigned, and at the day for his Tryal the Witnesses against him did not appear, and therefore he desired to know if he could be tried here for the same Fact? The Court told him, that by a Statute made in this Kingdom, he might be tried in the Court of *Kings-Bench*, or by Commission of *Oyer* and *Terminer* in any part of *England*, for Facts arising in *Ireland*, and that his Arraignment there (he being never tried upon it) was not sufficient to exempt him from being tried here; because till a Tryal be passed, and there be a Conviction or Acquittal thereupon, an Arraignment, barely, is no Plea: For in such Cases the party is not put twice in danger of his Life, which only is the thing the Law in such Cases looks after to prevent. He then desired time for his Witnesses, which they told him he could not do till after Plea pleaded; whereupon he pleaded *Not Guilty*, and put himself upon the Country for his Tryal; and after some consideration had about time to be allowed him to bring his Witnesses from *Ireland*, the Court appointed the day for his Tryal, to be the first *Wednesday* in next Term, which was full Five weeks time.

And accordingly on *Wednesday* the 8*th*. of *June*, in *Trinity* Term, he was brought to his Tryal, and Proclamation, as in such Cases is usual, being made, it proceeded thus.

Clerk. of Crown. Oliver Plunket, hold up thy Hand, those good men which thou shalt hear called and personally appear, are to pass between, &c.

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Plunket. May it pleaſe your Lordſhip, I have been kept cloſe Priſoner for a long time, a year and an half in Priſon; when I came from *Ireland* hither, I was told by perſons of good repute, and a Counſellour at Law, that I could not be tried here; and the reaſons they gave me were, that firſt the Statute of *Hen.* 8. and all other Statutes made here, were not received in *Ireland*, unleſs there were an expreſs mention made of *Ireland* in them: So that none were received there but ſuch as were before *Poyning*'s Act. So I came with that perſwaſion that I could not be tried here, till at my Arraignment your Lordſhips told me it was not ſo, and that I muſt be tried here, though there was no expreſs mention made of *Ireland*. Now, my Lord, upon that, whereas my Witneſſes were in *Ireland*, and I knew nothing of it, and the Records upon which I very much relye were in *Ireland*, your Lordſhip was pleaſed to give me time from the *4th.* of the laſt month to this day; and in the mean time, as your Lordſhip had the Affidavit here yeſterday, and as Captain *Richardſon* can teſtifie, have not diſpatched only one, but two to *Ireland*: into the Counties of *Armagh*, *Dublin*, *&c.* and where there were Records very material to my Defence; but the Clerk of the Crown would not give me any Copy of any Record at all, unleſs he had ſome expreſs Order from your Lordſhip: So that whether it were that they were miſtaken, or wilfully refuſed, I could not get the Records which were very material for me. For in ſome of thoſe Records ſome of theſe that accuſe me were convicted of high Crimes, and others were Outlawed and Impriſoned, and broke Priſon; and there were other Records alſo of Excommunication againſt ſome of them, and I could not get the Records, unleſs your Lordſhip would inſtruct me in ſome way or other, how I can get over them that are moſt material for my Defence. The Servants that I ſent hence, and took Shipping for *Ireland*, were two days at Sea, and caſt back again, and from thence were forced to go to *Holly Head*, and from *Holly Head* in going to *Dublin* they were thirteen or fourteen days, the Winds were ſo contrary; and then my Servant went about to go into the County of *Armagh* and *Derry*, that were a Hundred miles from *Dublin*, and *Meath*, and other places; ſo that in ſo ſhort a time, my Lord, it was morally impoſſible for them to have brought the Witneſſes over; and thoſe that were ready to have come, would not ſtir at all, unleſs they had a

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Pass from hence, because some of them were *Roman Catholicks*, and they had heard that here some were taken Prisoners that were *Roman Catholicks*, and that none ought to come without a Pass; and they being Witnesses against the King, they might be clapped up here, and brought into very ill condition: so they sent one over that made Affidavit.

L. C. J. It was the Affidavit was read here yesterday.

Plunket. So that, my Lord, I conceive your Lordship will think I did it not out of any intent to put off my Tryal; for Captain *Richardson* is here, who knows that I writ by the Post, and desired them to come with the Pacquet-Boat, and they writ over to the Captain after they were landed; so that I depended upon the Wind and the Weather for my Witnesses, and wanted your Lordships Order for the Records to be brought over, and that their Examination might be brought into Court, and their own original Examination here might be compared with it. So I humbly beg your Lordships favour, the Case is rare, and scarce happens in five hundred years, that one should be in my circumstances. I am come here where no Jury knows me, nor the Quality of my Adversaries; If I had been in *Ireland* I would have put my self upon my Tryal to morrow without any Witnesses, before any Protestant Jury that knew them and me. And when the Orders went over, that I should be tried in *Ireland*, and that no *Roman Catholick* should be upon the Jury, and so it was in both the Grand and other Jury; yet then when I came to my Tryal, after I was arraigned, not one appeared: This is manifest upon the Record and can be proved.

L. C. J. There was no Prosecution of you there.

Plunket. But, my Lord, here is no Jury that knows me, or the quality of my Adversaries; for they are not a Jury of the Neighbourhood that know them, and therefore my Case is not the same with other Cases. Though I cannot harbour, nor do not, nor will not, nor ought not, the least conceipt of hard measure and injustice; yet if I have not full time to bring my Records and Witnesses altogether, I cannot make my Defence. Some were there then, some afar off, so that it was a miracle that in six or seven Counties they could do so much as they did: But they got in seven or eight of them, yet there were five or six wanting: Therefore I beseech your Lordship that I may have time to bring my Records and Witnesses, and then I

will

will defie all that is upon the Earth and under the Earth to say any thing against me.

L. C. J. Look you, Mr. *Plunket*, 'tis in vain for you to talk and make this discourse here now; you must know, that by the Laws of this Kingdom, when a man is indicted and arraigned of Treason or Felony, 'tis not usual to give such time; 'tis rare that any man hath had such time as you have had, five weeks time to provide your Witnesses: If your Witnesses are so cautious, and are such persons that they dare not, or will not venture for fear of being apprehended, or will not come into *England*, without such and such cautions, we cannot tell how to help it; we can't furnish you with Witnesses, you must look to get your Witnesses your self; if we should stay till your Witnesses will come, perhaps they will never come here, and so you will escape out of the hands of Justice. Do not be discouraged in this, the Jury are strangers to you peradventure, but they are honest Gentlemen, and you shall have no other upon your Jury; and you may be confident, that if there be not some Fact proved against you, that may amount to Treason, you shall be discharged; they are persons that understand so much, and we will direct them so much. You shall have as fair a Tryal as if you were in *Ireland*; but for us to stay for your Witnesses, or send you back to *Ireland*, we cannot do it: Therefore you must submit to your Tryal. We heard your Affidavit yesterday, and we did then tell the Gentlemen that moved it, as much as we tell you. You are here to be tried, look to the Jury as they are called, and except against them if you will.

Plunk. My Lord, I desire only to have the favour of time, some time this Term. *L. C. J.* We can't do it.

Cl. of Cr. Swear Sir *John Roberts*.

Plunk. I humbly present this to your Lordship, I am then in eminent danger of my Life, if I cannot get ten days to have my Witnesses over: I desire I may have but to the 21*th.* of this month, and then if they do not come you may go on.

L. C. J. We cannot do it, you have had five weeks time already.

Plunk. I desire but a few days.

Cryer. Sir *John Roberts*, take the Book, look upon the Prisoner; You shall well and truly try, &c.

Plunket. My Lord, I desire to know whether they have been of the Juries of *Langhorn*, or the Five Jesuits, or any that were condemned?

L. C. J.

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L. C. J. What if they have, that is no exception.

Then the Jury was sworn, whose Names follow.

Sir *John Roberts*,	*Richard Gowre*,	*Thomas Hodgkins*,
Thomas Harriot,	*Richard Pagett*,	*James Partherich*,
Henry Ashurst,	*Thomas Earsby*,	*Samuel Baker*,
Ralph Bucknall,	*John Hayne*,	*William Hardy*.

Cl. of *Cr. Oliver Plunket*, hold up thy Hand. You of the Jury look upon the Prisoner and hearken to his Charge.

HE *stands indicted by the Name of* Oliver Plunket, *late of* Westminster, *in the County of* Middlesex *Dr. of Divinity, for that he as a false Traytor against the most Illustrious and most Excellent Prince our Sovereign Lord* Charles *the second, by the Grace of God, of* England, Scotland, France, *and* Ireland *King, and his natural Lord, the fear of God in his heart not having, nor weighing the duty of his Allegiance, but being moved and seduced by the instigation of the Devil, the cordial Love, and true and due natural Obedience, which true and faithful Subjects of our Said Sovereign Lord the King, towards him our said Sovereign Lord the King do and of right ought to bear, utterly withdrawing, and contriving, and with all his might intending the Peace and common Tranquillity within the Kingdom of* Ireland, *as also of this Kingdom of* England *to disturb, and War and Rebellion against our said Sovereign Lord the King in the Kingdom of* Ireland, *then being the Dominion of our said Sovereign Lord the King in parts beyond this Seas, to stir up and move, and the Government of our said Sovereign Lord the King there to subvert, and our said Sovereign Lord the King from his Regal Power & Government there to Depose and Deprive, and our said Sovereign Lord the King, that now is, to Death and final Destruction to bring and put, and the true Worship of God within the said Kingdom of* Ireland, *by Law established and used, to alter to the Superstition of the* Romish *Church; the first day of* December, *in the year of the Reign of our Sovereign Lord* Charles *the Second, now King of* England, &c. *the* 32th, *and divers other days and times, as well before as after, at* Dublin *in the Kingdom of* Ireland, *in parts beyond the Seas, with divers other false Traytors unknown, traiterously did compass, imagine, and intend the killing, Death and final Destruction of our said Sovereign Lord the King, and the antient Government of his said Kingdom of* Ireland *to change, alter, and wholly to subvert, and him our said Sovereign Lord the King that now is from the Crown & Government of the said King-*

Plunket

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dom of Ireland *aforesaid to depose & deprive, and the true Protestant Religion to extirpate, and War and Rebellion against our said Sovereign Lord the King, there to move and levy. And to fulfil and accomplish his said most wicked Treasons, and Traiterous compassings, imaginations and purposes aforesaid; he the said* Oliver Plunket, *the said first day of* December, *in the abovesaid* 32th. *Year of the Reign of our said Sovereign Lord the King, that now is, with Force and Arms,* &c. *at* Dublin, *in the Kingdom of* Ireland, *then being the Dominion of our said Sovereign Lord the King in parts beyond the Seas, maliciously, devilishly and traiterously did assemble and gather together himself, with divers other Traitors unknown, and then and there devilishly, advisedly, maliciously, subtilly and traterously did consult and agree our said Sovereign Lord the King, that now is, to Death and final Destruction to bring, and from his Crown and Government aforesaid to depose and deprive, and the Religion of the* Romish *Church into the Kingdom of* Ireland *aforesaid to introduce and establish; and the sooner to fulfil and perfect his said most wicked Treasons and traitorous imaginations and purposes, he the said* Oliver Plunket, *with divers other false Traitors unknown, then and there advisedly, maliciously and traiterously did further consult and agree to contribute, pay and expend divers great Sums of Mony to divers Subjects of our said Sovereign Lord the King, and other persons unknown, to procure them the said persons unknown, our said Sovereign Lord the King, that now is, traiterously to kill, and the* Romish *Religion into the said Kingdom of* Ireland *to introduce and establish. And that he the said* Oliver Plunket *and other Traitors unknown, afterwards, to wit, the said first day of* December, *in the two and thirtiethyear of the Reign of our said Sovereign Lord the King abovesaid, at* Dnblin *aforesaid, in the Kingdom of* Ireland *aforesaid, within the Dominion of our said Sovereign Lord the King, with Force and Arms,* &c. *unlawfully, maliciously, devilishly and traiterously did receive, collect, pay and expend divers great Sums of Mony to divers persons unknown, to persuade and induce divers other persons also unknown, the said false Traytors in their said Treasons to help and maintaintain, against the Duty of his Allegiance, and against the Peace of our said Sovereign Lord the King, that now is, his Crown and Dignity, and against the form of the Statutes in that Case made and provided. To this Indictment he hath pleaded, Not Guilty.*

Mr. *Heath.* May it please your Lordship, and you Gentlemen of the Jury, This is an Indictment of High-Treason against Dr. *Oliver Plunket*

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Plunket the Prisoner at the Bar, and it sets forth, that in the 32*th* Year of the King, at *Dublin* in the Kingdom of *Ireland*, he did compass and imagine the Death of the King, and to deprive the King of his Kingdom of *Ireland*, and to raise War to extirpate the Protestant Religion in the Kingdom of *Ireland*, and to establish the *Romish* Religion there. And it sets forth further, That for the accomplishment of these Treasons, the Defendant with several others did meet together at several places at *Dublin* in the Kingdom of *Ireland*, and elsewhere, and at these several meetings did consult and agree to put the King to Death, to raise War, to extirpate the *Protestant* Religion, and set up the *Romish* Religion. And the Indictment further sets forth, that to accomplish these Treasons, the Defendent did raise great Sums of Mony in the Kingdom of *Ireland*, and did get several persons to contribute several Sums for these Treasons: and that the Defendent with others did disburse several Sums of Mony to several persons, to persuade them and entice them to be aiding and assisting in these Treasons, and to recompence them for them. To this Indictment the Defendent hath pleaded, Not Guilty. If we prove these things, you are to find him Guilty.

Mr. Serj. *Maynard*. My Lord, we will quickly come to the Evidence. But in short, You have heard his Charge is as high as can be against the King, and against the Nation, and against all that is good. The Design and Endeavour of this Gentleman was the Death of the King, the Destruction of the *Protestant* Religion in *Ireland*, and the raising of War: And to accomplish this, we charge him, that there was a Confederacy made, Assemblies and Consultations had to these ends, and raising Mony to accomplish it. Gentlemen, Dr. *Plunket* was made, as we shall prove to you, as they there call him, Primate of *Ireland*, and he got that Dignity from the Pope upon this very Design. He did by Vertue of that Power, which he thought he had gotten, make out Warrants, Significations, I know not what they call them, to know how many men in *Ireland* could bear Arms from sixteen to forty; he raises Taxes upon the People and the Clergy there. But, my Lord, the particulars will best fall from the Witnesses that we shall call and prove it by, and we need not make any aggravation: for such a thing as this cannot be more aggravated than 'tis.

Mr. Att. Gen. May it please your Lordship, and you Gentlemen of the Jury, the Character this Gentleman bears, as Primate under a

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Foreign and uſurped Juriſdiction, will be a great inducement to you to give credit to that Evidence we ſhall produce before you. We ſhall prove, that this very Preferment was confer'd upon him upon a Contract, that he ſhould raiſe 60000 men in *Ireland*, for the Pope's Service, to ſettle Popery there, and to ſubvert the Government. The Evidence that we ſhall give you, will prove how it leads to deſtroy the King, and I take it according to the reſolutions that have been, to raiſe War in the Kingdom, and to introduce a Foreign Power, will be certainly Evidence of an Attempt and Machination to deſtroy the King. Aſſoon as he was in poſſeſſion of his Primacy, he goes about his work. There are two great neceſſaries to be provided, Men and Money. For men, having this great ſpiritual Juriſdiction, whereby, indeed, all that are under it are become Slaves, he iſſues out his Warrants to all the Clergy of *Ireland*, to give an account, and make return from the ſeveral Pariſhes, of all the men in them above fourteen and under ſixty. And Returns were accordingly made by them, that he might accordingly take a meaſure what men to pick out for the Service. The next thing was Money, my Lord; and your Lordſhip takes notice, that when the Mind is enſlaved, the Purſe, nay all the Body bows to it. He iſſues out his Warrants to his Clergy, to make a Collection of Mony, in all parts great Sums were levied, and when they were levied, we ſhall give you an accompt by our Proofs, that ſeveral Sums were iſſued out, and ſent into *France* to further the buſineſs. There was alſo proviſion made of great Ammunition and Arms, and we ſhall prove in particular, ſeveral delivered out by this Gentleman's Order, to carry on this thing; and to go through ſtitch with this buſineſs, he takes a view of all the ſeveral Ports and places in *Ireland*, where it would be convenient to land: for they were to have from *France* an Auxiliary Force, and upon his view he pitched upon *Carlingford* as the place. We ſhall prove the ſeveral Correſpondencies between *Rome* and him, and *France* and him, and ſeveral Meſſengers imployed, and Monies iſſued out from time to time for their maintenance. This will be the courſe of our Evidence; and we ſhall begin firſt with ſome that do not ſpeak ſo particularly to this Doctor, but prove there was a general Deſign in all parts of the Kingdom of *Ireland*, to bring in the King of *France*, and extirpate the Proteſtant Religion: And then we ſhall call the particular perſons to the particular Facts againſt him. Firſt we call *Florence Wyer*. [*Who was ſworn.*]

Mr. Sol.

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Mr. Sol. Gen. Are your ſworn, Sir? *Wyer.* Yes, Sir.

Mr. Sol. Gen. Pray give the Court and the Jury an account of what you know of any Plot in *Ireland*, to introduce the Romiſh Religion, or to bring in the *French* King.

Wyer. Yes, I know there was a Plot, both before *Plunket*'s time, and in his time; for it was working in the years 65, and 66. but it was brought to full maturitie in the Year 1667. For then Col. *Miles Rely*, and Col. *Bourne* was ſent to *Ireland* from the King of *France*, with a Commiſſion to muſter as many men as he could, promiſing to ſend an Army of 40000 men with a Commiſſion, upon St. *Lewis* day in *Auguſt* next following, to land at *Carlingford*, to deſtroy all the true Subjects, to deſtroy the Religion as it was eſtabliſhed there, and to ſet up the *French* Kings Authority and the Roman Catholick Religion. And one *Edmond Angle* that was a Juſtice of Peace and Clerk of the Crown, ſent for all the Rebels abroad in the North to come up into the County of *Longford*, and they marched into the head Town of the County and fired the Town; the Inhabitants fled into the Caſtle: then they came up to the Gaol, thinking to break it open, and by ſeting the Priſoners free, to join them with them; but then *Angle* was ſhot, received a deadly wound, and drop'd off his Horſe, and they fled. So then when they were without the Town, one *Charles Mac Canell* alighted, and took away all the Papers out of his pocket; which, if they had been found, would have diſcovered all. This occaſioned Col. *Bourne* to be ſuſpected; and being ſo ſuſpected, he was taken Priſoner, and turned to *Newgate* in *Dublin*. Then Col. *Reiley* fled away again to *France*, and the Plot lay under a cloud during the life of Primate *Reiley* the Priſoners Predeceſſor. This Primate *Reiley* died beyond Sea. Then many of the Popiſh Religion would have had the Primacie conferred upon one *Duffy*; but the Priſoner at the Bar put in for it; which might have been oppoſed, if the Priſoner had not engaged and promiſed that he would ſo manage affairs, that before the preſent Goverment were aware, he would ſurpriſe the Kingdom, provided the Pope and King of *France* would ſend a competent Army to join with theirs for the effecting of it. So the firſt Year of his coming over, I was in the Friery at *Armagh*: I was an acquaintance of the Friers, and they invited me. And one *Quine* told the Priſoner, that they thought *Duffy* would have been Primate. Said he, 'Tis better as it is; for *Duffy* hath not the Wit to do thoſe things that I have undertaken to do; meaning that he

did undertake to supplant the Protestant Religion, to bring in Popery, and put the Kingdom under Subjection to the King of *France*.

Mr. Sol. Gen. How do you know that?

Wyer. Those were the words, and the meaning I knew before, because I had heard it talked of.

L. C. J. Who was the first of these Primates you speak of?

Wyer. Edmund Reiley. He set this business on foot first.

L. C. J. About what?

Wyer. About calling the Rebels together out of the North when they came to *Longford*.

L. C. J. What Year was that? *Wyer.* It was in the Year (67.)

L. C. J. When died he? *Wyer.* He died a little while afterwards.

L. C. J. Then *Duffy* would have it conferred on him?

Wyer. Yes, after *Reileys* decease he would have had it conferred upon him; and there was a contention between him and the Prisoner, who did engage he would bring things to that full maturity, that before the present Government were aware he would do the work.

L. C. J. How do you know this?

Wyer. I know this, because I had an account of it from certain Schoolfellows that were with me in *Ireland*, then studying in *Rome*; they wrote this to me, desiring me I would take a good heart with the rest of my Country-men, and assuredly in a short time the Kingdom would be relieved, and the *Irish* restored to their former patrimonies.

L. C. J. This you speak of their information. What do you know of your own knowledge?

Wyer. All that I know of is, he coming into the Friery of *Armagh*——

L. C. J. About what time?

Wyer. It is either 10 or 11 years ago, and there was a Fast there, and I was invited by the Friers, being their acquaintance; one *Quine* one of the Friers told him————

L. C. J. Told whom?

Wyer. The Prisoner, that he did expect *Duffy* should have been Primate: but the Prisoner made answer, 'Tis better as it is; for *Duffy* had not the Wit to manage the things that I have undertaken for the general good of our Religion.

L. C. J. Now tell me this? What things were those he had undertaken? did he explain himself?

Wyer. No further than those words: But I did conceive this was his meaning;

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meaning; becauſe I knew partly of it my ſelf, knowing of the former Plot.

L. C. J. I ask you only what words came from him; and you ſay they were, That *Duffy* had not the Wit to manage what he had undertaken for the general good of their Religion.

Wyer. Yes; and then again in his Aſſembly, kept by him, he charged his Inferiours to collect ſuch ſeveral Sums of Mony as he thought fit, according to the ſeveral Pariſhes and Dignities, to aſſiſt and ſupply the *French* Forces when they came over.

L. C. J. How know you that?

Wyer. I have ſeen the Mony collected; and I have ſeen his Warrant *ſub pœna ſuſpenſionis* to bring it in, to redeem their Religion from the power of the *Engliſh* Government. Again, there were thoſe Rebels that went to *Longford*——

L. C. J. What time were thoſe Collections?

Wyer. From time to time ſince he came into *Ireland*.

L. C. J. About what time?

Wyer. 9 Year, 8 Year, 7 Year ago, and the laſt Year of all.

L. C. J. Then it was ſeveral times, you ſay?

Wyer. Yes; and he procured the *Macdonels* a piece of Mony out of the Exchequer, pretending to do good Service to his Majeſty; but he ſent them for *France*, meaning they ſhould improve themſelves and bring themſelves into favour with the King of *France*, and come over with the *French* King to ſurprize *Ireland*. This one of the ſaid Rebels told me. So I have ſeen the Priſoners Letter directed to the grand Tory *Flemming*, deſiring that they ſhould go to *France*, and he would ſee them, in ſpight of all their enemies in *Ireland*, ſafe aſhoar. And *Flemming* ſhould return again a Colonel, to his own glory, and the good of his Country. *Mr. Att. Gen.* Do you know his Hand?

Wyer. Yes, I do as well as my own. I have ſeen Capt. *O Neal*, Son of General *O Neal*, coming every year into *Ireland*, and carrying three Regiments to the *French* King into *France*; and he uſed to come over to *Ireland* every year to get a recruit; and he did get my Brother to go with him, and ſo much importun'd me, that I could hardly withſtand him; but I did not yield to his deſire: He told me it was to improve me for my good; to improve my ſelf in Military Diſcipline, and then I ſhould return for *Ireland* a Captain under the *French* King, to ſurprize the Kingdom and ſettle the Popiſh Religion, and then I ſhould be reſtored to my Eſtate.

L. C. J.

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L. C. J. Who told you this?

Wyer. Capt. *O Neal*. And in the mean while, says he, I hear Dr. *Plunket* is the only man entrusted in *Ireland* to make these preparations, and get things ready against the *French* King's coming, who is to land at *Carlingford*.

Mr. Att. Gen. How often were you in the Doctor's company?

Wyer. Not very often.

Plunket. I never saw him with my eyes before in all my life.

Wyer. I have seen him in the Priory the first year that he came over to *Ireland*; and you know the meetings held at *George Blykes* house in the *Fives*; and I have seen him in his own house.

Mr. Just. Dolben. How came you to know the Prisoners hand?

Wyer. Because I was well acquainted with his hand, seeing his hand amongst the Priests. *Mr. Just. Dolben.* Did you ever see him write?

Wyer. Yes, in the Priory, and in his own house.

Mr. Just. Dolben. How often? *Wyer.* Not often.

Mr. Just. Dolben. How often?

Wyer. Ten or a Dozen times: I should know his hand from all the writing in *London*, if it were among never so many. Let me but see it, I will know it.

L. C. J. Have you ever heard him own himself Primate?

Wyer. Yes, my Lord, he writes himself *Oliverus Armacanus Primas & Metropolitanus totius Hiberniæ*, That is his Stile.

L. C. J. Who did he say made him Primate?

Wyer. The Pope, my Lord.

L. C. J. Have you heard him say so?

Wyer. Yes, I heard him discourse of it in the Priory.

Mr. Att. Gen. He was a publick Officer, and they might well know his hand.

L. C. J. I believe any body that hath seen us write but a little, would soon know our hands.

Wyer. His hand is as well known over *Ireland*, as mine is among my acquaintance. *L. C. J.* Well, go on.

Wyer. During the time of his Imprisonment, I have seen his Commands to some of his inferiour Dignitaries, commanding them *sub pœna suspensionis*, to bring in the Monies assessed for bringing in the *French* Army; and that there was no better time than the time of his Imprisonment to bring it in.

L. C. J.

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L. C. J. Who were they, you say, that were commanded *sub pœna suspensionis*?

Wyer. Since his taking, I have seen in the time of his Imprisonment his Commands to his inferiour Dignitaries, not to be forgetful of the Monies that were assessed towards the supplying the *French* Army; and that there was no better time to bring in the *French*, than when he was in Prison.

L. C. J. How long ago was that?

Wyer. The first of *February* (79.) The second and last of it was in *July* and *November* last.

L. C. J. And this was to bring in the Mony?

Wyer. Yes, to supply the *French* Army. And that there was no better time than during his Imprisonment, and they should not be so much suspected.

L. C. J. And these Mandates you have seen under his hand?

Wyer. Yes, I have, my Lord.

Mr. Att. Gen. What do you know of his summoning or issuing out these Warrants for Lists of men?

Wyer. I have not seen any of the Warrants; but the Priests have told me they were commanded by his Warrants to let him know how many there were in all their Parishes from 16 to 60.

Mr. Att. Gen. You say you never saw the Mandates?

Wyer. No, I did not.

Mr. Serj. *Jeff.* What do you know about the Prisoners viewing the Ports?

Wyer. I have seen him going about from Port to Port, to *Derry*, to *Carricfergus*, *Castle Down*, and *Carling ford*, and all about.

Mr. Serj. *Jeff.* When he went to take a view of those Ports, can you tell to what purpose he did it?

Wyer. Yes, I heard it among the Church, That he went on purpose to view the Sea-Ports to know the strength of all the Garrisons, and to see which was the most convenient way to bring in the *French* Army.

Mr. Serj. *Jeff.* Did you ever speak with the Prisoner at the Bar about his going?

Wyer. No.

Mr. Serj. *Jeff.* What place did he pitch on as most convenient?

Wyer. Carling ford.

Mr. Att. Gen. Were you in the Prisoners company when he viewed the Ports?

Wyer.

Wyer. I have seen him go to and fro; I did not go all the Circuit round with him.

Plunket. Did you ever see me at *Carling ford*? *Wyer.* No.

Plunket. Did you ever see me at any other of the Ports?

Wyer, I have seen you at *Hamiltons* coming back from *Derry*. Do you not remember that you lodged at at Sir *Geo.*

Plunket. I never lodged there in my life.

Sir *Fr. Withings.* Have you any thing more to say concerning the Plot in general? *Wyer.* No, in general I have not.

Mr. Serj. *Jeff.* He hath not only given an account of the general, but fixed it upon the Prisoner.

Mr. Att. Gen. Dr. *Plunket,* will you ask him any questions?

Plunket. You say you remember you saw me at my first coming as Primate 10 Years ago, and that you were at the Priory when I was there? *Wyer.* Yes. *Plunket.* You were invisible to me.

L. C. J. If you will ask any question, do; but do not make these kind of observations.

Plunket. Tell me this, Why did not you acquaint some Justice of the Peace then with what you knew, that which you had heard 7 years ago?

Wyer. When I first knew it, I was as willing to have it conceal'd as they.

L. C. J. What is your question, Dr. *Plunket*? pray tell it us.

Plunket. He says, my Lord, that 10 years ago I had such a design in hand, and he knew the Mony was collected for these very ends, and he knew of the design from that same Capt. *O Neal* whom I employed and sent abroad; and that I had a design to bring in the *French* at *Carling ford*, and went about to all the Ports in *Ireland*, and pitched upon that as the most convenient; and yet it is so inconvenient for the bringing in a Foreign Force, that any one that knows any thing of the Maps of the World, will easily conclude it otherwise. But, I say, my Lord, why did not he tell some Justice of the Peace that I was upon such a design, but let me live in *Ireland* 10 Years after, and never spake of it till now?

L. C. J. What say you to the Question?

Plunket. When he saw me all the time, and to the time of my taking Prisoner, and never said one word; for I was a Prisoner 6 months only for my Religion, not one word of Treason spoken of against me for so many Years: why did not he acquaint some Justice of the Peace with it before? *L. C. J.* What Religion were you of then?

Wyer.

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Wyer. I was a Roman Catholick.

Plunket. And are you not so now? *Wyer.* Yes, I am so.

Mr. Just. Dolben. Therefore it will be no wonder that you did not discover it.

Mr. Serj. *Jeff.* But I ask you, Why did not you discover it all this time?

Wyer. Because I was a Papist myself: The first that did discover it, he and I did consult about it, I had charged him so to do, and I set him on work; but he was ill paid for having discovered it: you got him to be trepann'd, that he hath gone in danger of his life for it.

Plunket. Who is that man? *Wyer.* *Moyer.*

Sir *Fr. Withins.* Call *Henry O Neal.* (who was sworn.) What know you of any design in *Ireland* to introduce the Popish Religion?

O Neal. In *August* (78) Bishop *Tirrel* came with 40 odd Horse-men to Vicar-General *Brady*'s house, and alighted at the door; and he gave them there an Oath, which they took willingly and freely from hand to hand, to forward the Popish Plot against the Protestant Religion, to make an end of them all in one hour from end to end in *Ireland*; and said he, I will come within two days with an Order from the Lord *Oliver Plunket*; and you need not be afraid, for the Lord *Oliver Plunket* and I have sent some Gold and Money into *France* to get men and bring them from *France* over Sea: and do not fear, this will go on in one hour through all *Ireland* from end to end. In *September* (78) a little while after, the same meeting was in a place which they call *Virginia*, in the County of *Connaght*, where they took a Priest, he is here, and he was with me, and desired me to come up to *Dublin* and discover this; and there I did discover it to Sir *John Davis*; which is all that I can say: for this *Plunket* I never saw him in my life.

Mr. *Jones.* You were a Papist then? *O Neal.* Yes, I was.

Mr. *Jones.* Are you a Roman Catholick still? *O Neal.* Yes, I am.

Mr. *Jones.* And were you acquainted with all these Orders?

O Neal. Yes. *L. C. J.* How came you to know of this Oath?

O Neal. I was in the house with them; I was concerned to take my Oath with them, and I durst not but take the Oath.

L. C. J. Had you the Oath of Secresie given you?

O Neal. Yes: (and so this Priest commanded me to go along to *Dublin* and discover it.

Mr. Serj. *Jeff.* What is his name? *O Neal.* *John Macklegh.*

Sir *Fr. With.* Do you know of any other transactions about the Plot?

O Neal. No, I will not swear for all the World more than I know.

Sir *Fr. With.* Then call *Neal O Neal.* (*who was sworn.*) What do you know of any design carrying on in *Ireland* against the Government and the Protestant Religion?

N. O Neal. I will tell you all I know: I was at Vicar *Bradey*'s house the 21. of *August.* *L. C. J.* What year?

N. O Neal. (78.) And Bishop *Tirril* came with 40 Horsemen to the house, and went into the house, and discoursed a little while; and they took their Oaths every one round to keep secret the Plot, to destroy the Protestant Religion and the Protestants, that they might have their Estates again. And he said they did not need to fear: for, said he, you have a very good man to assist you, and that is the Lord *Oliver Plunket*, and you need not fear but it will go through all *Ireland.*

Mr. At. Gen. Will you ask him any questions?

Plunket. Why did not he discover it before?

Mr. Serj. *Jeff.* Were you a Roman-Catholick at that time?

N. O Neal. Yes, and I am so still.

Mr. *Paget* Jury-man. I desire he may be asked how he came to be there?

L. C. J. You say, I think, this was at Vicar-general *Bradey*'s; how came you to be there?

N. O Neal. I was there several times before that; for my Nurse, or my Foster-mother (I don't know which you may understand best) was House-keeper to him.

L. C. J. Were you required to take the Oath?

N. O Neal. No, my Lord, I was acquainted in the House; I had been there two or three weeks before.

Plunket. Why did not you tell it to some Justice of the Peace?

L. C. J. He was a Papist, and so he is now.

N. O Neal. There were many that were wiser than I, that did not discover it.

L. C. J. How old are you?

N. O Neal. I believe about two and twenty years old.

L. C. J. And this was but in (78.)

Mr. Att. Gen. Swear *Owen Murfey.* (*which was done.*) Come, what say you?

O. Murfey. Mr. *Edmond Murfey* discovered the Plot; he went to one

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one Lieutenant *Baker* and did discover the Plot to him, that there was a design to bring in the *French*.

L. C. J. Speak out aloud, I can't hear you.

O Murf. All I know is from Mr. *Edmond Murfey*.

L. C. J. What do you know of any of your own knowledge?

O Murf. Mr. Lieutenant *Baker* told me, that he did hear of the *French*.

L. C. J. Speak what you know your self.

O Murf. If it please your Lordship, this is more: I saw that Evidence that *Edmond Murfey* did produce in *Ireland*, when he was sent to the Gaol there; but without Trial or any thing.

Mr. Att. Gen. Then swear *Hugh Duffy*. (*which was done.*) Speak aloud, and tell my Lord what you know of this Plot and the Prisoner. You know the Prisoner, don't you?

Duffy. I know him, yes, I know him well enough.

L. C. J. What say you more of him?

Duffy. My Lord, I say, I have seen this Dr. *Oliver Plunket* raising several sums of money to carry on this Plot; sometimes 10 *s. per Ann.* sometimes 20. *Mr. Sol. Gen.* Of whom.

Duffy. Of all the Priests in *Ireland*; of every Priest according to his Pension and Parish.

L. C. J. In all *Ireland*? *Duffy.* Yes.

L. C. J. And towards the proceedings of the Plot?

Duffy. It was to give to his Agent which was at *Rome*, and for the carrying on the business.

Mr. Att. Gen. How come you to know this?

Duffy. I was Servant to Dr. *Duffy*, who was infinitely beloved by this man: he was Father Confessor to the Queen of *Spain*: there was nothing that happened between them, but I was by all the time.

L. C. J. Were you Chaplain to him? *Duffy.* Yes.

L. C. J. You are a Papist then? *Duffy.* Yes.

Mr. Att. Gen. This is a Friar, my Lord.

L. C. J. Were you in the company with them?

Duffy. Yes, I was. *L. C. J.* What did pass there?

Duffy. About the Plot, how they could confirm the Plot: And this man *Plunket* said, he could prevail with the King of *France* and the other with the King of *Spain*.

Mr. Att. Gen. Pray acquaint my Lord particularly when this was, and in what place, and what they said.

Duff. It was in (73)(74) and 75) at his own house; and at he kept 3 or 4 Jesuits there, and a matter of a hundred Priests.

Mr. Att. Gen. What passed in the company?

L. C. J. Who else was there?

Duffy. The discourse, my Lord, was always about the Plot, how they could contrive the matter between them; and so they did conclude afterwards to raise so much Mony upon several Priests, all the Priests in *Ireland*, sometimes 20 *s.* sometimes 40.

L. C. J. Apiece, do you mean? *Duffy.* Yes.

Mr. Att. Gen. What discourse had they about the *French* at any time?

Duffy. Yes a hundred times; he talked several times, that he did not question but he should prevail with the King of *France* not to invade *Spain:* And I have seen his Letter to Cardinal *Bouillon* to expostulate with him about the King of *France*, why he should wage War with the King of *Spain* who was a Catholick, but rather should come and redeem *Ireland* out of its Heretical Jurisdiction.

Mr. Att. Gen. Did you see the Letter? *Duffy.* Yes.

Mr. Att. Gen. Why, do you know his Hand?

Duffy. Yes I know it as well as I know my own; I know it if there were a thousand papers together.

Mr. Att. Gen. And what was the import of it, pray?

Duff. That Cardinal *Bouillon* should prevail with the King of *France* not to invade *Spain:* and the Contents of the rest of the Letter were, That he did admire he should not rather wage War with the King of *England*, who hath been an Apostate, and help their poor Country that was daily tormented with Heretical Jurisdiction.

Mr. Att. Gen. How came you to be in *France?* were you employed?

Duff. I went to *France* to live there in a Covent.

Plunk. Did Cardinal *Bouillon* shew you my Letter? *Duff.* Yes.

Plunk. What year? *Duff.* (77)

Mr. Att. Gen. Pray Sir, you were speaking of raising of Mony?

Duff. Yes. *Mr. Att. Gen.* Did you see any Precept about it?

Duff. Yes, I have seen several Precepts; I was Curate to one Father *Murfey*, and while that man was with Dr. *Oliver Plunket*, and other Jesuits, I did officiate in his place, and he sent his Letters to me to raise 40 *s.* and 20 *s.* a time, several times.

L. C. J. You your self? *Duff.* Yes. *Mr. Att. Gen.* What for?

Duff. It was to send to Dr. who was at *Rome.*

Mr. Att. Gen. Did you send any Mony that you know of?

Duff. Yes.

Mr. Att. Gen. Tell what time you gave the Mony your self.

Duff. In (73)(74) and 75. *Mr. Att. Gen.* Where?

Duff. At his own dwelling-place at

Mr. Just. *Jones.* Of what Quality was the Prisoner amongst you?

Duff. He was Primate of all *Ireland.*

Mr. Just. *Jones.* Under whom? *Duff.* Under whom? under the Pope.

Mr. Just. *Jones.* How do you know he was so?

Duff. We had it in his Writings.

L. C. J. Did he stile himself so in his Letters?

Duff. Yes, if he writ but to the least man in the Country, he would write, *Oliverus Armacanus Primas totius Hiberniæ.*

L. C. J. And so you always understood him? *Duff.* Yes.

Mr. Att. Gen. Were you present at any of the general Consultations or Meetings? *Duff.* Yes, I was.

Mr. Att. Gen. What number might meet at that time?

Duff. Five hundred men and women.

Mr. Att. Gen. Where was this? *Duff.* At *Clouds.*

Mr. Att. Gen. What was the occasion and design of that meeting?

Duff. Confirmation from the Bishop.

Mr. Att. Gen. And what was done there besides?

Duff. The second thing was, that the Gentlemen of the three Counties should conclude together about this matter.

L. C. J. About what?

Duff. About joining the *French* and *Spanish* together.

Mr. Just. *Dolben.* Where was that meeting?

Duff. In the County of *Monaghan.*

Mr. Just. *Dolben.* Was the Prisoner there?

Duff. Yes, he was the chief man. *L. C. J.* When was this?

Duff. In (71) to the best of my knowledge.

Mr. Just. *Dolben.* Were you there your self? *Duff.* Yes.

Mr. Att. Gen. What was the transaction of that day, besides the Sacrament of Confirmation?

Duff. It was agreed that the Gentry of *Armagh, Monaghan* and *Conaght* should join together; and then they went into a private Council to get a List of all the Officers that were in the last Rebellion, and those that lost their Estates.

Mr. Att.

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Mr. Att. Gen. How do you know that; Did you go into the Conſult?

Duffy. Yes, I was in the ſame Conſult my ſelf, and was as willing to proceed in the matter as any one in the world.

L. C. J. Where was this?

Duffy. Within two miles of *Clouds*, at one Father houſe.

L. C. J. Was that at the time when there were ſo many perſons met? Pray ſpeak what was done there beſides Confirmation.

Duffy. Why, they were withdrawn aſide into a Garden; ſome ſtood up, and ſome ſat down; and *Oliver Plunket* ſtood in the middle of them all as a Prelate, and every one kneeled before him and kiſſed his hand.

Mr. Att. Gen. What was then ſaid?

Duffy. Then they did conſult and gave ſpecial Order to ſome of them to get a Liſt of all the Officers in the late Rebellion, and that loſed their Eſtates, and that they ſhould be more forward than others to proceed in that wicked Deſign.

L. C. J. What was that Deſign?

Duffy. To deſtroy all the Proteſtants together.

Mr. Att. Gen. Was it to mingle the *Iriſh*, and *Spaniſh*, and *French* Army together? *Duffy.* Yes, it was.

Mr. Att. Gen. Did you hear the Priſoner ſpeak about it?

Duffy. Yes, and he made a Speech before them concerning our own Faith and Religion.

Mr. Att. Gen. Was there any mention of Mony at that time?

Duffy. It was, that every man of them that could diſpoſe of Mony ſhould provide ſome for thoſe Gentlemen that would ſoon come into *Ireland.* Mr. Serj. *Maynard.* Who were thoſe Gentlemen?

Duffy. The *French* Army and the *Spaniſh* Army together.

Mr. Att. Gen. Were you at any other meeting? *Duffy.* No.

Mr. Att. Gen. After he was taken, do you know of any Order he ſent out to gather Mony?

Duffy. Yes, at the Aſſizes of *Dalkieth*, I think it was in *June* two years ago, he was apprehended-----

Mr. Att. Gen. Indeed he was firſt apprehended as a very buſie Papiſt.

Duffy. I have ſeen two or three ſeveral Orders to raiſe Mony, and for the ſame purpoſe; and that it was the only time to bring the matter to an end when he lay in Gaol himſelf.

Mr. Att. Gen. Was that the effect of the Letter?

Duffy. Yes; and that the *French* and *Spaniſh* Kings ſhould take the advan-

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advantage that now was offered whilst he was in Prison.

Mr. Just. Jones. You say some mony was sent to Dr. *Cray*? *Duff.* Yes.

Mr. Just. Jones. To what end? *Duffy.* To comply with this design.

Mr. *Jones.* Where was that Dr. *Cray*?

Duffy. He was at *Rome*, he was made a Bishop there.

Mr. Att. Gen. Who employed him there?

Duffy. This man employed him always,

L. C. J. What was his Name? *Duffy. Cray.*

Mr. *Jones.* You say some of the Priests paid some 20. some 40.

Duff. Yes. Mr. *Jones.* Did the Lay Gentry agree to pay nothing?

Duffy. I don't know for the Gentry.

L. C. J. But I think you paid something your self?

Duffy. Yes, I paid for two or three years my self.

L. C. J. And that was for the Design?

Duff. Yes, for the *French* & *Spanish* Army, & all the purposes together.

Mr. Att. Gen. What do you know of any Precept to be given in of all sorts of persons of such an age?

Duffy. I gave a List of the age of every person from 16 to 60.

Mr: Att. Gen. By whose Order? *Duffy.* By his Order.

M. Serj. *Jeff.* To whom did you give it? *Duffy.* To Dr. *Plunket.*

Mr. Serj. *Jeff.* That is, to the Prisoner?

Duffy. Yes; out of my own Precinct.

Mr. Att. Gen. Had you an Order from him?

Duffy. Yes, it was directed to the Parish-Priest; and I being Curate in his place, received the Order.

Sir *Fr. With.* To what purpose was it?

Duffy. To know what men in *Ireland* were able to bear Arms.

M. Just. *Jones.* What was the number contained in your List?

Duffy. 250. Mr. Just. *Jones.* What in one Parish? *Duffy.* Yes.

Mr. Serj. *Jeff.* What was the Parishes Name? *Duffy. Coghan.*

Mr. Att. Gen. Do you know any thing of his going to view the Ports?

Duff. I accompanied him to *Carlingford*, *Mr. Att. Gen.* Did you?

Duff. Yes, in person I did. Mr. Serj *Jeff.* What did he say?

Duff. He went round about the place where some of the Custom-Ships come in; there was a great Castle there near the Sea, and he went to view the place, and could not get a Boat: And there was a great talk of *Carlingford* to be one of the best Havens in *Ireland*; there was no great Garrison at the place, and any Ship might come

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to the Gates of the Town and ſurprize it, being a little Town.

Mr. Att. Gen. What did he conclude upon that?

Duff. That he might get the *French* Army to land ſafely there.

Mr. Att. Gen. What do you know of delivering any Amunition and Arms?

Duff. He did ſend ſome of this mony to get Amunition into *Ireland.*

Plunket. You ſay you were *Murſey's* Curate; Can you ſhew any ſuch Inſtitution as you ſay came to you to raiſe Mony?

Duff. I could have brought them, but I thought it needleſs.

Plunket. Can you name any other perſon I received mony from?

Duff. I have ſeen your Paper of the County of *Monaghan.*

Plunk. Have you ſeen any of them pay any monies?

Duff. Yes, I have ſeen Twenty of them pay mony.

Mr. Juſt. *Dolben.* Why, you are acquainted with this man, are you not, Mr. *Plunket?* *Plunk.* My Lord, I believe I have ſeen him.

Mr. Juſt. *Dolben.* Don't you know he was Chaplain to Biſhop *Duffy?*

Plunket. No; I never was in his company.

Mr. Serj. *Jeff.* Pray tell him what time of the year it was that you were at *Carling ford.*

Duffy. It was at the end of the Year (77) and the beginning of the Year (78.)

Mr. Att. Gen. Pray, if you can recollect, was you once, or twice, or twenty times in his company?

Duff. As I am a Chriſtian, I have been a hundred times in his company. And when you were creating Prieſts, you would always ſend for me to be preſent; and I wonder how the man ſhould forget himſelf?

Plunket. I do not ſay I have not ſeen him, or that I am a ſtranger to the man; but in the company of Biſhop *Duffy* I never ſaw him, nor I never ſent him Orders to pay any mony: and if he did pay any mony, he might ſhew the Order.

Mr. Serj. *Jeff.* If he did pay any mony, you did ill to take it.

Mr. Att. Gen. Pray let him have fair play to ask any Queſtions.

Mr. Soll. Gen. Tell how you came to remember that you ſaw him at Sir *Nich. Plunkets.*

Duff. Dr. *Duffy* did ſend me to Sir *Nicholas Plunkets*, and I met Dr. *Plunket* as I was coming out of the City. I had been half a year at the Spaniſh Embaſſadours, and he ſent me for *Ireland* again, and then I lived at the Convent in *Dublin*; and then when I knew that he

would

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would come to Town, I went to *Rings-end*, where the Ships came in, to meet him.

Plunk. You say you were with him at my house? *Duff.* Yes.

Plunk. If you were, you were invisible: But I ask you, why did not you tell this to some Justice of the Peace?

Mr. Just. *Dolben.* Good Mr. *Plunket*, he tells you he was as willing to forward it then as you.

L. C. J. How come you now to change your mind?

Duffy. I went into *France* in (77) and I was not a year there altogether; but when I have seen how the poor people there are brought into such slavery by the *French* King, I thought of it, and had rather the Devil should reign over us, than the *Frenchman.*

Mr. Just. *Dolben.* He gives you a very good rational account why.

Duff. I have been at Sir *Nicholas Plunkets*, and Dr. *Patrick Plunkets*, where there fell some variance about something this man had done to Father *Duffy.* Says Bishop *Duffy*, I might have had you drawn and quartered, if I were as ill a man as you; and I might have been Primate of *Ireland*, if I would have undertaken those things that you undertook. Upon that, says Sir *Nicholas Plunket*, What is that? Why, it was said it was to raise 60000 men in *Ireland* at any time whenever the *French* or the *Spanish* King should wage War with *England*, *Scotland* or *Ireland.* And this man did confess before my face to Father *Duffy*, that it was not only to exalt himself, but all the *Roman* Clergy, and all the Gentry that had lost their Estates.

Plunk. Mr. *Duffy*, one word with you; Is not this out of malice to me for correcting some of the Clergy?

Duff. You had nothing to do with me, for I was a Friar.

Mr. Att. Gen. Swear *Edmond Murfey.* (*which was done.*) Tell your whole knowledge of Dr. *Plunket* and the *Irish* Plot.

Murf. May it please you my Lord, I was one of the first Discoverers of this Plot; but of nine Witnesses, I have but one in Town.

L. C. J. Well, tell your own knowledge.

Murf. Now I beg your Lordship as to Dr. *Plunket*, that you will respit it till next Term, I could bring ten Witnesses.

Mr. Att. Gen. Do you speak your own Evidence.

Murfey. I refer it to the King and Council what Evidence I have given.

L. C. J. Do not trouble your self, be directed a little; you are here

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now to ſpeak what you know concerning any Treaſons, or any other matters againſt the King, done by Dr. *Plunket*; ſpeak your own knowledge; for as to other Witneſſes we do not call you.

Murfey. If I be called in queſtion for this Evidence——

Mr. Att. Gen. Come, Sir, you have been at the Spaniſh Embaſſadors lately, anſwer my Queſtion: Have you ever been with *Plunket* in *Ireland*? *Murf.* Yes, Sir.

Mr. Att. Gen. Have you ever heard him own himſelf Primate of *Ireland*? *Murf.* Yes, Titular Primate.

Mr. Att. Gen. Under whom did he claim that Authority? under the King, or under the Pope?

Murf. I think he could not be under the King at all.

Mr. Att. Gen. Under whom then?

Murf. It muſt be either the King or the Pope.

L. C. J. Anſwer me directly. Did he claim to be Titular Primate under the Pope? *Murf.* I ſuppoſe he did.

L. C. J. Was he reputed generally ſo to be? *Murf.* Yes, my Lord.

Mr. Att. Gen. Mr. *Murfey*, remember what you ſwore before the Grand Jury; pray recollect your ſelf whether that be true, and tell all.

L. C. J. You are upon your Oath, you muſt ſpeak the truth and the whole truth, you muſt not mince or conceal any thing.

Mr. Serj. *Jeff.* Were you ſworn before the Grand Jury?

Murf. I was ſworn before the King and Parliament.

Mr. Serj. *Jeff.* Did you give in any Evidence to the Grand Jury?

Murf. Yes, I did.

Mr. Serj. *Jeff.* Was that you ſwore before the Grand Jury true, upon your Oath? *Murf.* I can't ſay but it was.

Mr. Serj. *Jeff.* Repeat it, tell my Lord and the Jury what it was, and tell the truth. *Murf.* I have forgot it.

Mr. Att. Gen. Why then I would ask you a little; you remember I was by, and 'tis no laughing matter, Mr. *Murfey*, you will find it ſo. What do you know of any Orders iſſued out by Mr. *Plunket*, to raiſe mony from the Prieſts?

Murf. I know there was Orders, and I took the Orders my ſelf in my hand. *Mr. Att. Gen.* From whom had you thoſe Orders?

Murf. From another, and not from him.

Mr. Att. Gen. Under whoſe hand were thoſe Orders?

Murf. They were from the Primate.

Mr.

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Mr. *At. Gen.* Did you ſee any Order under *Plunket*'s hand for raiſing of mony?

Murf. No, but under the Vicar-generals, by his authority, as I ſuppoſe.

Mr. *Att. Gen.* Upon your Oath, did you not ſwear before the Grand Jury, that you ſaw the Orders under his hand?

Murf. No, I did not: or I was miſtaken, for it was only by his direction.

Mr. *Att. Gen.* Pray had you any converſe with *O. Plunket* about the raiſing of mony? *Murf. O. Plunket* about the raiſing of mony!

Mr. *Att. Gen.* Yes, that is a plain Queſtion.

Murf. It was about other matters I converſed with him.

Mr. *Att. Gen.* But did you converſe with him about mony?

Murf. No, not about the mony.

Mr. *Att. Gen.* Upon your Oath, did you converſe with him about bringing in the *French*? Mr. Serj. *Jeff.* Declare the truth, come.

L. C. J. Come, don't trifle; What diſcourſe have you had with the Priſoner about raiſing of mony, or bringing in the *French*? either of them, Sir.

Murf. I know this, if the D. of *York* and D. of *Ormond* had proceeded according to their Intentions, it was a general expectation at the ſame time, that all the *French* and *Iriſh* would come and fall upon the *Engliſh* Nation, as I underſtood.

L. C. J. Pray anſwer the Queſtion directly, You muſt not come and think to trifle with the Court, you muſt ſpeak the truth, you are ſworn to it; you muſt not come to quibble and run about to this and that and t'other, but anſwer directly: Have you had any diſcourſe with the Priſoner about Orders for raiſing of mony in *Ireland*?

Murf. Yes, I have ſeen Orders from his Vicar-genral for the raiſing of mony.

L. C. J. Hath he owned them to be by his direction?

Murf. Not before me, but others he has.

Mr. *Att. Gen.* Have you ſeen any mony paid to him?

Murf. To whom? Mr. *Att. Gen.* To *Plunket*.

Murf. To the Vicar-general I have.

L. C. J. But to *Plunket*. *Murf.* None to *Plunket*.

L. C. J. Have you had any diſcourſe with him at any time about the raiſing of mony, which the Vicar-general gave order for?

Murf. I have had diſcourſe with the Vicar-general.

L. C. J. Sir, don't trifle, have you had any with him.

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Murf. With him? *L. C. J.* Yes, with him.

Murf. Yes, I have had ſome diſcourſe with him.

L. C. J. Tell me what that diſcourſe was?

Murf. I think it was about this. If the D. of *York*, and the D. of *Monmouth* fell out together, that he had ſome men to raiſe about that matter, and if the D. of *Monmouth* would raiſe the Proteſtant Religion----

M *Att. Gen.* You ſee he hath been in *Spaniſh* hands.

L. C. J. Were you a Proteſtant, Sir?

Murf. No, I am a Prieſt.

Mr. Serj. *Jeff.* He is to ſeek yet.

Murf. I am indifferent whether I be Proteſtant or a Papiſt.

Mr. *Att. Gen.* My Lord, he is a Prieſt in Orders, and ſo hath acknowledged himſelf.

Murf. Yes, I am a Prieſt, but it makes me forget my ſelf to ſee ſo many Evidences to come in, that never knew *Plunket*.

L. C. J. Sir, you refuſe to anſwer thoſe Queſtions that we put to you here.

Murf. What I ſaid before the Parliament I anſwer punctually.

L. C. J. You are asked queſtions here, and produced as a Witneſs, will you anſwer directly or not? *Murf.* Yes, I will.

L. C. J. Then let me hear what diſcourſe you had with the Primate *Plunket* concerning any mony raiſed by him or his Vicar general.

Murf. May it pleaſe your Lordſhip, firſt of all I did not impeach Primate *Plunket*, but the Officers and Juſtices of the Peace.

Mr. *Jones.* Had you any diſcourſe with him, yea, or no?

Murf. That he ſhould find ſo many Catholicks in *Ireland* if the D. of *York* and the D. of *Monmouth* fell out.

Mr. Juſt. *Jones.* Why it plainly appears what you drove at at firſt, to put off this Tryal if you could.

L. C. J. The Papiſts in *England* have been at work with you.

Mr. Serj. *Jeff.* I perceived this Gentleman was very buſie looking upon his Hat, I deſire he may be ſearched if he have no Paper about him.

Mr. *Att. Gen.* Mr. Solicitor and my ſelf heard the Evidence he gave to the Grand Jury.

Then he went out of the Court and would ſcarce be perſwaded to come back again.

Mr. *Att. Gen.* We both heard him, and he gave the fulleſt Evidence, much fuller to all Inſtances, and particulars of this *High Treaſon*, much fuller

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fuller than *Duffy* to the Grand Jury. Afterwards about 3 weeks ago the Tryal coming on, he ran away and lay hid, I took a great deal of pains to find him out, and sent Messengers about; at last I heard he was got to the *Spanish* Embassadors, I sent, and they spied him in the Chappel; but the *Spanish* Embassadors Servants fell upon the Messenger and beat him; the Embassador was first sent to about it, and his Excellency promised that he should be brought, and when he was found he told me but the last night, that all he had sworn before the Grand Jury was true, and he was ready to make it out again.

L. C. J. And now he says, he knows not what he said then, and pray take notice of that.

Murfey. I told the Grand Jury this, that my Lord *Plunket* had a design to get 60 or 70000 men in *Ireland*, if the D. of *York* and the D. of *Monmouth* should fall out.

Mr. Att. Gen. Did you tell a word of that to the Grand Jury?

Murfey. Yes, Sir, or I was mistaken.

Mr. Att. Gen. Not one word of that did he then say.

L. C. J. Do you own this man, Dr. *Plunket*, to be of your Religion?

Mr. Serj. *Jeff.* Do you know this Seeker?

Plunk. He says himself he is indifferent to be a Protestant or a Papist.

Mr. Serj. *Jeff.* I will only try you by one question more, for you are sought out, and it may be you may be found; Do you know how many men he was to raise in *Ireland*? remember what you said to the Grand Jury. *Murf.* 70000 Men.

L. C. J. What were they to do?

Murf. For establishing if occasion should be----

Mr. Serj. *Jeff.* Establishing, establishing what?

Murf. Of the Romish Religion.

Mr. Serj. *Jeff.* Well, so far we have got 70000 men to establish the Romish Religion, what, was *Plunket* to do this?

Murf. As far as I understood.

Mr. Just. *Jones.* And you understood it by himself?

Murf. I received Letters from the Vicar General to get so much mony collected, and assoon as I got the Letters to my hands I sent them to a Privy Councellor.

L. C. J. Do you not know that he was ingaged to assist the *French* Army? *Murf.* I do not know that by him, but by others.

Mr. Just. *Dolben.* Did you ever discourse with him about it?

Murf.

Murf. I did discourse with him about several matters.

Mr. Just. *Dolb.* About the *French* Army? *Murfey.* Yes.

L. C. J. Do you know that he did endeavour to bring them into *Ireland*?

Murf. I had a Correspondence in *France* at the same time------

L. C. J. With whom? *Murf.* With one *Mac Carty.*

L. C. J. And do you know that he had correspondence in *France*?

Murf. Yes, I know that.

Mr. Just. *Dolb.* With whom had *Plunket* correspondence in *France*?

Murf. He had correspondence with Dr. *Cray*, and others in *France* as I understood by others.

Mr. Just. *Dolb.* Was the end of that correspondence to bring men from *France* into *Ireland*?

Murf. Yes, so far as I understand.

Mr. Just. *Dolb.* You understood the Letters when you read them, did you not?

Murf. I know not how these people come to swear this business, whether they had not malice against him------

Mr. *Att. Gen.* Well, Sir, pray give you your Evidence, we will take care of the rest.

Mr. Just. *Dolb.* I reckon this man hath given the best Evidence that can be.

L. C. J. Yes, it is Evidence that the Catholicks have been tampering with him.

Mr. Serj. *Jeff.* I desire he may be committed my Lord, because he hath fenced from the beginning. [*which was done accordingly.*]

Mr. *Att. Gen.* Swear *John Mac Legh.* [*which was done.*]

Sir *Fran. Wyth.* Tell my Lord and the Jury what you know of any Plot in *Ireland* to bring in the *French.*

Mac Legh. I was a Parish Priest in *Ireland* in the County of *Monaghan*, and Dr. *Oliver Plunket* received several Sums of mony in *Ireland*, and especially in the Diocess where I am. I raised some of it, and paid him 40 *s.* at one time, and 30 *s.* another time, in the year (74) I paid him 40 *s.* in the year (75) I paid him 50 *s.* and it was about *July*, and it was for the better advancement of the *French* coming in.

Mr. *Jones.* Did he tell you that the mony was to be employ'd that way?

Mac Legh. Yes, that the mony was to be kept for Arms and Amunition for the *Roman* Catholicks in *Ireland.*

L. C. J.

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L. C. J. Before you paid it, did you receive any Order from him?

Mac Legh. Yes, I received an Order *ſub pœna ſuſpenſionis*, and there was a publick Order throughout *Ireland*, or we would not pay it? nay ſeveral would not pay it, and they were to be ſuſpended.

Plunk. Can you ſhew any of the Orders under my Hand?

Mac Legh. Yes, I can ſhew them, but only they are afar off, I did not expect to have them asked for.

Plunk. Have you no Superiors of your own?

Mac Legh. Yes, but you being Lord Primate, you could ſuſpend Biſhops and inferiour Clergy together.

Plunk. When was this? *Mac Legh.* In the years (74) and (75.)

Plunk. What is the reaſon you kept it ſecret all this while?

Mac Legh. In the year (77) I did diſcover it to one Mr. *O Neal*, who I ſent to *Dublin* to diſcover this Plot. I was in *France* my ſelf, my Lord.

Plunk. How many years is it ſince you returned from *France*?

Mac Legh. In *May* in the year (78.)

Plunk. Why did you not ſpeak all this while till now?

Mac Legh. I did ſend one Mr. *Henry O Neal* to *Dublin*, for I durſt not go, leſt I ſhould have been ſuſpended and excommunicated.

Mr. *Att. Gen.* This is the Prieſt that *Henry O Neal* ſpeaks of.

L. C. J. Is not this a very good reaſon; if he had come to *Dublin* to diſcover, you would have ſuſpended him.

Plunk. But my Lord, then he might have ſhewn my Suſpenſion and brought me into a Premunire.

Mr. Serj. *Jeff.* If you pleaſe, Doctor, let us who are for the King have done with him firſt. I would ask you another Queſtion Sir, were you at one Vicar *Bradeys* Houſe?

Mac Legh. Yes, I was.

Mr. *Att. Gen.* Tell what was done there.

Mac Legh. There was Biſhop *Tyrrel* came there with 40 Horſemen well mounted and armed, he came into the Houſe about 10. in the morning, and ſtaid till about 11 at night. I was very much among them, and was as willing to be of the Plot, as themſelves.

Mr. *Att. Gen.* Tell what was done there.

Mac Legh. There Biſhop *Tyrrel* ſaid, that he had order from Dr. *Oliver Plunket* and others, to pertake of the Plot to bring in the *French*, and ſubvert the Government in *Ireland*, and deſtroy the Proteſtant Religion and the Proteſtants.

Mr. *Att.*

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Mr. *Att. Gen.* Was there an Oath given?

Mac Legh. Yes, they were all put to their Oaths, which they did take willingly to keep it private during their lives time, and the reason was they were to have their Estates during their lives time.

Mr. Serj. *Jeff.* Now tell us when this was.

Mr. *Att. Gen.* My Lord, *Henry O Neal* and *Phleem O Neal* speak to the same purpose.

Mr. Serj *Jeff.* Do you remember whether *Henry O Neal* was there? did he take the Oath of Secresie?

Mac Legh. Yes.

Mr. *Att. Gen.* What do you know of any Letters from *Plunket?*

Mac Legh. In *France* I landed at *Breft*, and going through *Britany*, I met with Bishop *Tyrrel* and Dr. *Cray*, who was my Lord *Oliver Plunkets* Agent, and Duke *John* of *Great Britany* came into them; for he heard of these 2 Bishops being newly come out of *Rome*, sent for them, and I being a Priest of *Tyrrels* Diocess, I went along with them, and they were well accepted, and shewed Dr. *Oliver Plunkets* Conditions with the King of *France*, which was this; to get *Dublin* and *London-Derry*, and all the Sea-ports into their own Hands, to levy War and destroy the Protestant Religion, and that they should have him to protect them during his life-time.

L. C. J. Did you see those Conditions?

Mac Legh. A Copy of them I did, the Governour of *Britany* did shew them to the Bishop.

Mr. Serj. *Jeff.* What Language were those Conditions in?

Mac Legh. They were in Latine, Sir.

Mr. Serj. *Jeff.* Was *Edmond Murfey* put out of the Diocess.

Mac Legh. Not as I know of.

L. C. J. What do you know of his being Primate? upon what conditions was he made Primate.

Mac Legh. He was made Primate by the Election of the King of *France*. And upon his Election, he made those Conditions with the King of *France*, to raise men to join with the *French*, to destroy the Protestant Religion.

Mr. Just. *Jones.* You know that man, Dr. *Plunket?*

Plunk. Yes, my Lord.

Mr. *Att. Gen.* Will you ask him any Questions?

Plunk. None, but what I asked the others.

Mr. Just.

Mr. Juſt. *Dolben.* Then if that is all, he hath given a good anſwer to that already, he was as forward then as the reſt.

Mr. Att. Gen. Then ſwear *John Moyer*, (which was done.)

Mr. Juſt. *Jones.* What do you know concerning any Plot in *Ireland*, and Dr. *Plunkets* being in it?

Moyer. I know him firſt, my Lord, to be made Primate of *Ireland*, ingaging that he ſhould propagate the *Roman* Faith in *Ireland*, and reſtore it to the Catholick Government, and I know the time by relation, that I came to *Rome* within two months after his being made Primate of *Ireland* upon the ſame Conditions, that have been related to you, and I was brought into the Convent of St. *Francis* in *Rome* by one Father , and this Father was very intimate with Cardinal *Spinola*, and when he uſed to go abroad he uſed to carry me along with him as a Companion, and there I found ſeveral of the *Roman* Cardinals ſay, That the Kingdom of *Ireland* ſhould come under the Catholick Government by the way and means of the Lord Primate *Plunket*.

Mr. *Att Gen.* What do you know of your ſelf?

Moyer. As I was coming then from *Rome*, I happened to come into a Convent of the Order of St. *Francis*, and there came out of *Ireland* a young Gentleman of the Family of the *O Neals*, who hath been my Lord Primates Page.

Plunket. I never had a Page.

Moyer. You termed him ſo my Lord in *Ireland*, and as I came, this young man had a pacquet of Letters with him, as though they were Commendations to enter him into the Colledge *De propaganda Fide*, directed to the Secretary of that Colledge. And thinking them to be Letters of Recommendation, an old Father, called one *Thomas Crawley*, and I thought it not prejudicial to open the Seal; and the Contents were theſe, I tranſlated them 5 years ago, and here are the Contents following, if you pleaſe they may be read, I will do my beſt to read them in *Engliſh*, the Original were in *Latine*, and ſome Phraſes in *Italian*. And when I was ſurprized by Mr. *Murfey* the laſt year, and taken ſuddenly, all my Papers were taken away before I could return back again, by the Soldiers and the Tories, I only kept a Copy of this Letter I had in *Engliſh* as near as I could, and if I did not diminiſh any thing by the Tranſlation; upon the Oath I have taken, I have not put any thing in it, but what the Contents of the Letter were.

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L. C. J. Was that Letter under his own Hand?

Moyer. My Lord cannot deny that.

Plunket. Do you know my own Hand writing?

Moyer. Does your Lordship deny, that I know your Hand?

Plunket. Pray Sir will you answer it.

Moyer. Yes, I do very well.

Plunket, When did you leave *Ireland?*

Moyer. I will tell you that, my Lord, 'tis some 14 or 15 years ago.

Mr. Serj. *Jeff.* You were giving an accompt of the Letter, read it.

Moyer. Here is the Contents, *Illustrissime Domine,* it was directed to *Seignior* who is now Secretary of the Colledge *De propaganda Fide,* (so then he read his Paper.

Mr. Sol. Gen. You say, you translated that out of a Letter under the Prisoners own Hand.

Moyer. Yes, I translated it immediately, and to prove it, I have Statutes which his Lordship made in the general National Council, which are under your own Hand, my Lord.

Mr. *Sol. Gen.* When did you make this Translation?

Moyer. Five years ago.

Mr. *Sol. Gen.* Where did you make it?

Moyer. I made it out of the Original in *Ireland.*

Mr. *Sol. Gen.* Where is the Original?

Moyer. When I was taken by Mr. *Murfey* and Mr. *Hethrington* the last year, the Souldiers and Tories came and took them away with other Papers I had of the same business.

L. C. J. Was the Paper you translated that from, of his Hand Writing?

Moyer. No, my Lord, the Paper I took this out of, was a Copy of the Original.

L. C. J. Was the Original of his Hand Writing?

Moyer. Yes, it was. *L. C. J.* Where did you take it?

Moyer. In *Caprennica,* when I met with my Lords Page.

L. C. J. What made you take a Copy of it?

Moyer. It was in *Latine* and *Italian,* and I translated it afterwards.

L. C. J. And the *English* Father, you say, made bold to open it.

Moyer. Yes, because he thought 'twas a Letter of Recommendations, but the Original of the Statutes made at *Clouds,* I did take the Original and gave a Copy to the Page.

L. C. J.

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L. C. J. Have you the Original here?

Moyer. Yes, my Lord, under his own Hand.

Plunk. That's another thing.

L. C. J. But we would know that other thing.

Mr. Serj. *Jeff.* My Lord, I desire that he would produce it, 'tis his own Hand Writing, see whether his Grace can deny it.

Moyer. The signing of it is his own Hand Writing, I got the Writing along with the Letter, and thinking to have a Copy of the one as as well as of the other; it was the Statutes I got, and I never knew I had them till I was in *Madrid* in *Spain.*

Then the Paper was shewn to the Prisoner.

Plunk. My Lord, 'tis my Hand.

Moyer. Indeed, my Lord, 'tis your own Hand.

Mr. Serj. *Jeff.* He owns it.

Moyer. And there is an Order in those Statutes, wherein *Ireland* was bound to send so much mony to *Rome* upon such a design.

The the Witness read the Title in Latine.

Mr. Just. *Dolb.* Look out that Clause for the raising of the mony.

Moyer. My Lord, 'tis that I look for. *Cum toti Clero in Hibernia necessarium sit.*

Mr. Just. *Dolb.* That is but *negotia* generally.

Mr. Serj. *Maynard.* That was to solicite their Affairs.

Mr. *Att. Gen.* 'Tis 500*l.* in the whole.

Plunk. Is it 500*l*?

Moyer. 'Tis in Figures, a 5 and two [00.]

Plunk. My Lord, this is Counterfeit, 'tis put in by other Ink.

Mr. Just. *Dolb.* Like enough so.

L. C. J. Nothing more ordinary, yau leave a blank for for the Sum, and then, may be, you put it in with other Ink.

Mr. Just. *Dolb.* How much do you say was the mony, Dr. *Plunket*?

Plunk. My Lord, every Agent that is kept at *Rome* hath a maintenance, as all Countries have their Agents at *Rome.*

Mr Just. *Dolb.* How much was it?

Plunk. It was 50*l.* a year.

L. C. J. Look you, Mr. *Plunket*, consider with your self, 50 or 500 in this Case is not 5 farthings difference, but the money was to be raised by your Order.

Plunket. Ay, but whether it was not raised to this effect; There

is never a Nation where the *Roman* Catholick Religion is profeſſed, but hath an Agent for their Spiritual Affairs at *Rome*, and this was for the Spiritual Affairs of the Clergy of *Ireland*.

Mr. Serj. *Jeff.* And the Letter was for Spiritual Affairs too, was it not?

Plunk. I deſire nothing, that is a truth, every Nation hath an Agent, and that Agent muſt be maintained; and the reaſon is this, becauſe we have many Colledges beyond Sea, and ſo there is no Country of *Roman* Catholicks, but hath an Agent in *Rome*.

L. C. J. You had better reſerve your ſelf till by and by, to anſwer that & the Letter together; for this is but a ſmall part of the Evidence.

Mr. *Att. Gen.* About this Letter you were ſpeaking of, pray, will you tell what fell out about it.

Moyer. I will tell you how it fell out afterwards. Then I came along into *Marſeilles* in *France*, and there were 2 Captains that had as much notice as I had in that Letter, for they were diſcourſing that they would advance themſelves in the *French* Kings Service, and hoped, that by the King of *France*'s help to have the *Roman* Catholick Faith ſet up in their own Country; why, that diſcourſe paſſed off, for I was mightily afraid of any ſuch thing, becauſe I was of another opinion; for perhaps I might think the *Roman* Catholick Faith would flouriſh as well as ever it did, and hoped ſo as well as any body elſe, but not by the Sword. As I came to *Madrid*, there came one *Hugh O Donnell*, Son to *O Donnell*, with Letters of Recommendation, and thoſe Letters were to intitle the young man Earl of *Tyrone*, and likewiſe that his Majeſty the King of *Spain* ſhould help him for *Ireland*, according to the form of the Letters he had. And then as I came for *Ireland*, ſpeedily after there came Letters of Recommendation to me, that I ſhould preſent ſent my ſelf to my Lord Primate, to hear Confeſſions, and be heard preach. I came to his Lordſhip at his own Houſe the *9th.* of *December* (74) and there he kept me ſeveral hours, and approved me; and the Copy of the Approbation I have to ſhew. And after a long diſpute we went aſide, and went to look Father *Patrick*, and there he ſhewed me ſuch and ſuch things. And after a long diſcourſe I told my Lord Primate, I ſee your Lordſhips Letter, which you ſent by young *O Neal*, in ſuch a place, and he ſhewed me the Contents of it; and, ſaid I, Ay, my Lord, 'tis a good Intention & Deſign, if it can be done without Bloodſhed; then my Lord muſed a little, and, ſaid he, well Father *Francis*, (which is my name in Religion, my Chriſtian name is *John*) pray will you keep

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keep it secret, well my Lord, said I, you need not fear; for, said he, what ever I have done herein was not for my own good, but for the publick good of the Catholicks. Well, said I, 'tis well, Then does he commend me into the Parish of where this Mr. *Murfey* here was to put in a Bull, that I had from my Lord Primate, which Bull was brought here last year; and there he profered me high Promotions, if I would further such things, and solicite such Gentlemen as I knew would be private in such a business, such as were old Commanders among my Friends and Relations. Shortly after this I saw *Plunket* and Bishop *Tyrrel*, and Captain *Con O Neal* practising to bring Souldiers ready for *Ireland*, assoon as they could get opportunity. This Captain *Con O Neal* coming to the place where we kept our Priory, and he and his Brothers were Sons to General *O Neal*, And there Captain *Con* comes in the night time and lodges with us, and discoursed with his Brother and I, because I was his Companion beyond Sea, about these matters, That he expected my Lord Primate and Bishop *Tyrrels* coming thither that night, to make some propofals about the Church and other Affairs. After ten a clock, or thereabouts, my Lord Primate and Bishop *Tyrrel* came with others in their company, and there they and Father *O Neal* did consult amongst themselves, that they should send Captain *Con* to *France*, and to *Barcellona*, with such and such Instruments; and sending those Instruments away, Captain *Con* departs the Country and goes for *France* soon after; and speedily my Lord Primate undertook, that he and Bishop *Tyrrel* should view *Munster* and *Ulster*, and other parts of *Ireland*, to see how Affairs stood. Soon after my Lord Primate calls a General Provincial Council, and sends out his Orders to levy such and such Taxes and Subsides, and Warrants to all the Parish Priests, that they should give them new Lists to know whether the Numbers they had sent to *Rome* before, would comply with that List. And then *O Neal* went to view the Forts of *Charlemont* and *Dun Gannon*, whilest those Lords did collect the mony; the Orders I have seen with my own proper Eyes, and his own man confessed before the Council in *Ireland* that my Lord gave them under his Hand.

Mr. Serj. *Jeff.* What year was this?

Moyer. It was in (76) to the best of my remembrance.

L. C. J. Look you Sir, was this at a Provincial meeting?

Moyer. Yes, my Lord, a General National Council, to send over

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Instruments to tell them, that they were ready to assist any Foreign Army, that should help on the design.

L.C.J. And to raise mony? *Moyer.* Yes, my Lord.

Mr. Just. *Dolben.* Have you paid him any mony?

Moyer. I was exempted my self; but I have seen others.

Mr. Just. *Dolben.* How many? *Moyer.* I believe 30.

Mr. Just. *Dolben.* It was not then a secret thing, but openly done by them.

Moyer. Yes, I saw them when they came with Orders, there were four Priests, and they had a great Cloak-bag going with Orders up and down. Mr. Serj. *Jeff.* Why were you exempted?

Moyer. Because I am a Regular Priest.

Sir *Fr. Withens.* You say you saw the Orders for raising of mony, how do you know for what it was to be employed?

Moyer. It was there specified down.

Plunket. Can you shew any of the Orders?

Moyer. I could not take them, they did not concern me.

Sir *Fr. Withins.* How was it specified?

Moyer. To Levy so much Mony *per* Priest. I cannot remember the particular Sum; but that every Priest should give so much towards an Agent in *Rome* to Solicite their business and forward it.

L.C.J. What Year was it? *Moyer.* (76.)

L.C.J. Was any of the Mony specified for raising an Army or bringing in the *French*?

Moyer. It was both for the Agent and to summon a National Council, to get things ready prepared to entertain and accept the *French* Army when it should come. I am not so good in expressing my self in English.

L.C.J. Your sence is good, 'tis no matter for your expression.

Mr. *Jones.* What more do you know?

Moyer. I know that he had the same Council, and that they did agree upon the business, and this I know by one *Patrick Borne*, and I being willing that this wicked Action should be hindred, sent to the next Justice to discharge my self of it, which Justice was as favourable to the business as my Lord himself was.

L.C.J. Will you ak him any Questions, Mr. *Plunket*?

Plunket. I desire to know when he left *Ireland*?

Moyer. I cannot tell how to number the years, but I think it was in

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62 or 63, (to the best of my remembrance it was 16 or 17 years ago.

Plunket. When did you return?

Moyer. I came back in 74, you know it, my Lord.

Plunket. Very well, when did you see the Letter with the young man in *Caprennica*? *Moyer.* In (72.)

Plunket. How then did you know my hand which you had never seen?

Moyer. I have seen it several times to several Instruments, to Seignior and I have seen several other Letters of your hand.

Plunket. How did you know my hand?

Moyer. I cannot positively say, I then knew your hand, but according to relation, I heard it from those Cardinals I conversed with at *Rome*.

L. C. J. But now you are acquainted with his hand, is it the same hand which you have seen up and down in Writings with his name to?

Moyer. Yes, my Lord it is the very same hand.

Mr. Serj. *Jeff.* I ask you, Sir, when you came back again and told him you had seen such a Letter under his hand with *O Neal*, did he own it to you?

Moyer. Yes he did own it, and that he did not do it for his own benefit, but for the publick.

Mr. Serj. *Jeff.* Did he desire you to be secret?

Moyer. Yes, he did, and to be discreet, and he would see me highly promoted. And, my Lord, you sent Proposals to me, to give me 100 *l.* that I should not prosecute you, according as they told me, and they gave me one Guinny in hand for it.

L. C. J. Some of it came to the hands of *Murfey* I believe.

Plunket. My Lord, I cannot say any thing to this, my hands are tyed, because my Witnesses are not here. My Lord, if I had my Witnesses and Records, I did not care for all these Witnesses.

L. C. J. But you know, you had time to bring them.

Plunket. My Lord, I desire to know whether this be his hand, (shewing the Paper to Mr. *Moyer*.) *Moyer.* Yes, I believe it is.

Plunket. I desire it may be read.

Moyer. Yes, I am very well satisfied it should.

Cl. of Cr. Reads. For my very Reverend Father *Anthony* Guardian of *Armagh*, Your Letter & Citation —— 'Tis dated in *July* (78.)

Plunket. He can best read it himself.

Cl. of

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Cl. of Cr. Read it right (the Paper being delivered him).

Moyer. My Lord, I pity him with all my heart, that a man of my own Function, ſhould be brought into queſtion for ſuch things as theſe are, (he reads) Very Reverend Father Guardian, 'tis dated 1 *July* (78.) Your paternities paternal Letter and Citation homeward, I did inſtantly peruſe. As for my Lord *O. Plunket*, I wrote a Letter to him the day before I ſaw your Reverends laſt, that he might cauſe my Fame, which is as dear to me as my Life, to be recalled; or I ſhould cauſe his Name to be fixed at every publick place, which by the Almighty I will do, Nature and all reaſon compelling me to do it.

Plunket. My Lord, I ſay this, he ſays he came to my houſe when he came over, and I imparted this ſecret to him, yet you ſee I had denounced him throughout my whole Dioceſs, and he here calls me by all thoſe Names of *Elemas*, *Simon Magus*, and *Barjeſus*, and 'tis impoſſible if I had communicated ſuch a ſecret to him, that I would deal ſo with him.

Mr. Juſt. *Dolben.* He does not ſay, you imparted this ſecret to him, but he ſays, when he told you of the Letter, you anſwered him, but you ſeemed ſurprized and muſed firſt.

L. C. J. You ſeemed to flatter him then, and told him you hoped to ſee him, the beſt of his Order, highly promoted.

Mr. Juſt. *Dolben.* How came you to fall out, *Moyer?*

Moyer. When firſt they had this meeting at *Briantry*, ſeeing a Cloud coming, and dreading a War, and the conſequencies of it, I went and applied my ſelf to Sir *Hamilton*, one of his Majeſties Privy Councellors in *Ireland*, and I gave in all my Informations *December* 7 (76.)

Mr. Juſt. *Dolb.* And thereupon he denounced you Excommunicate?

Moyer. Yes, and afterwards, when he ſaw I was in communication and familiar with theſe Privy Councellors, then he was certain I had diſcovered the matter, and then he got a great many devices to get the Letters out of my hand.

Plunket. You ſhall ſee under his own hand all the Stratagem of this, if I had my Witneſſes here, you ſhould then ſee under his own hand, upon what account he fell out with me. Pray, my Lord, ask him if this other Letter be his hand.

Moyer. I believe it is my own hand. *L. C. J.* Read it.

Moyer. (Reads) Very Reverend Father Guardian (then ſpeaking) My Lord, you know that I was loth to diſcover my ſelf, being among

People

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People knowing of the Plot. *L. C. J.* Well, read it over.

Moyer. (Reads) the 23. of *April* (78) I was somewhat comforted by your Letter. But now I hope your Reverence hath considered what wrong I have sustained, by my envious Adversaries Calumnies, only for standing, as I have a Soul to save, for your Rights and Priviledges, as also for endeavouring to hinder my native Countries ruine and destruction. Mr. Just. *Dolb.* Read that again. (Which he did.)

Plunket. Observe, that I was his Adversary, for standing for the Rights and Priviledges of the Fryers.

Mr. Just. *Dolb.* As also for endeavouring to hinder his Countries ruine and destruction.

L. C. J. The one and the other were the reason of your falling out.

Moyer. (Reads on.)

Moyer. My Lord, I was I confess a begging Fryar, and stood up for the Priviledges of the Fryars.

Plunket. Did you write any Process to *Rome* against me?

Moyer. No, I never did it.

Plunket. My Lord, does not he say I was in disgrace at *Rome*?

Moyer. No, nothing of that.

L. C. J. I don't hear it, but what if he did? what is that to the purpose.

Plunket. To shew his Contradictions, now he says, I was great in *Rome*, and but then in his Letter he says, I was in disgrace at *Rome*. Now he says, all that he had against me, was for his Fryers, and to hinder the destruction of his Country; because I hindred the Fryers to beg there, is the Destruction of his Country. as he was doing there. Upon that he fell out with me, and upon that his own Superiors sent this Order.

L. C. J. We can't meddle with your Superiors Orders, they are nothing before us.

Mr. Serj. *Jeff.* My Lord, I think for the present we have done with our Evidence.

Plunket. My Lord, to shew what was part of the falling out, I would ask him if he was Indicted for any Crime, and found Guilty by a Jury?

Moyer. That was for discovering, for I discovered it before.

Plunket. My Lord, he confesses he was Convicted for giving Powder and Shot to the Rebels.

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Mr. Juſt. *Dolben.* No, no, he does not ſay ſo; produce the Record, if you have any of ſuch thing.

Moyer. To ſatisfie the Court.

Mr. Serj. *Jeff.* Look you, Dr. *Plunket*, if you will ask him any queſtions, that by Law he is bound to anſwer, do it of Gods name, we will not interpoſe, but if you ask him any queſtions that may tend to accuſe himſelf, we muſt tell you, he is not bound to anſwer them.

Plunk. He hath been convicted and found guilty, he will confeſs it himſelf.

L. C. J. He is not bound to anſwer ſuch a Queſtion.

Moyer. It was a Tory ſwore againſt me, that you did abſolve.

Mr. Juſt. *Dolb.* Don't tell us a ſtory of your Tories.

L. C. J. Look you Mr. *Plunket*, don't miſpend your own time; for the more you trifle in theſe things, the leſs time you will have for your Defence, I deſire you now to conſider, and well husband your time for your Defence; what have you to ſay for your ſelf?

Plunk. My Lord, I tell you, I have no way to defend my ſelf, in that I was denied time to bring over my Records, and my Witneſſes, which are 10 or 12. And if I had them here, I would ſtand in defiance of all the world to accuſe me; but I have not ſufficient time to bring over my Records and my Witneſſes, and I am brought here from out of my native Country; were I in *Ireland*, there both I and they ſhould be known: but when I was to be tried there, they would not appear; and it is all falſe and only malice. Theſe men uſed to call me *Oliverus Cromwellus* out of ſpight.

Mr. Serj. *Maynard.* You are very like him, a Deſtoyer of the Government.

Mr. Serj. *Jeff.* Were not you acquainted with him?

Plunk. This is all I can ſay, if I had my Witneſſes here I could make my defence.

L. C. J. Here are ſome things, that if you can give an Anſwer to, you will do well to doit; for they ſtick cloſe to you. They do teſtifie againſt you here, that you did undertake to raiſe a body of men in *Ireland*, 70000 men they ſpeak of out of in your own Nation, and all theſe were to join with the *French*, for the introducing the Religion of the *Romiſh* Church into *Ireland*, and ſetling that again there. And that you, in order to this, did take a Survey of all thoſe *Roman* Catholicks that were able to bear Arms, from 16 to 60; and there is plentiful Evidence,

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men tof this Design, and this comes now particularly to the Prisoner who was by at this Consultation, so the Witnesses do tell you. But that that comes nearer to him, is, that he did issue out Orders for the raising of Mony, and that he did raise Mony pursuant to those Orders, and did receive Mony for that very purpose; this is proved by three Witnesses, *Duffy*, and *Mac Legh*, who paid the Mony, and by *Moyer* the last Witness, who saw him receive it from several Persons. This is positive upon him; nay, they say farther, that there was a List made of the several men, in the several Parishes, that were able to bear Arms upon occasion, from sixteen to sixty, and there was a List of a matter of threescore thousand men that were ready upon any occasion to rise for the purpose, and this List was delivered over into the hands of the Prisoner at the Bar. There is one Witness, *Duffy*, that says farther, that he saw a Letter under his hand in *France* to the Cardinal *Bouillon*, to invite the French King into *Ireland*, and he did wonder that he should spend his Time and Blood in Wars against *Spain*, which was a Roman Catholick, and not come into *Ireland* to extirpate the Hereticks. And this Letter is confirmed by another Letter, which was seen by *Moyer*, a Copy of which is produced, which he translated from the Original in Latin, and the Letter was sent to *Rome* by *Neal O Neal*, whom the Prisoner says he had no concern for, but to give him some Recommendations.

Plunket. I gave him no Recommendations.

L. C. J. No, he says he did not give him any, nor sent any Letter by him.

Mr. *Soll. Gen.* Then he urged, that he went along begging by the way, but 'tis proved he was sent by him, and sent with Letters, and that by his Brother in Law, who met him at *Mants*. And 'tis proved by *Moyer*, who saw the Letter opened, taking it to be but a common Letter of Recommendation, he read the Letter and took a Copy of it, and translated that Copy, which Translation is enough to verifie all the matter which the Witnesses have sworn, for 'tis agreeing to what he said to Cardinal *Bouillon* in his other Letter, that it was more proper for the Catholick Princes to agree together to extirpate Heresie, than to vary amongst themselves, that now was the time: for there were threescore thousand Men ready to rise upon such an Invasion. This is the substance of the Letter, and this proves fully the Conspiracy this man was ingaged in, his receiving Mony, his Lifting Men,

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and his Invitation of Foreign Princes. And this is fully proved.

Mr. Serj. *Maynard.* And so his viewing the Ports too.

Mr. *Sol. Gen.* It was likewise agreed that *Carling ford* should be the Port, and 'tis like enough to be the Port, for 'tis a very large Port, that Ships of the greatest Burthen may come up to the Town, and the Town it self but a weak Town. This is the substance of the Evidence, and this is proof enough, we think, to convict any man of this Fact.

Mr. Serj. *Jeff.* My Lord, I shall trouble you but with one word that hath been omitted. I think 'tis a Cause of great Example, and that thing which the Prisoner seems to make his Excuse hath been answered by a Favor and Indulgence from the Court in a very extraordinary manner. For, in as much as this Gentleman would make it a very hard case, That he is brought out of his own Country, and hath not his Witnesses; it is very well known that by a particular Favor of the Court, which is not usual in these Cases, he had between five and six weeks time for preparation for his Tryal: so that truly as to what does appear, I think all the Witnesses that have been examined, are Witnesses to be credited, except you Gentlemen, of your selves can convict upon your own knowledge these Persons of any Misdemeanor, which I think you cannot, much less of Perjurie. But besides, the Witnesses we have produced, all which speak to the Plot in general, and four of them fix it upon the Person at the Bar; they speak particularly, and every one agrees in Circumstances, and that other that spoke mincingly, I put it upon; it is the greatest Evidence that can be. For that person that could come before a Grand Jury, and there be the main Witness, but when he comes here, must be scru'd and pump'd to discover the seventy thousand men. And I suppose you did observe how difficult it was to know of him, whether this Person was Primate of *Ireland*, or whether it were from the authority of the King or the Pope, a very probable thing, that he should be such a one as the King designed to be Primate and Superintendent of *Ireland*. Further, my Lord, this I desire to take notice of too, that *Wyer*, the first Witness, fixes four particular things upon the Prisoner at the Bar, which have not yet been taken notice of. First he fixes a discourse with another person that was Competitor with him for this very Office, Bishop *Duffy*, and he gives the reason why he was admitted into the Office rather than the other, because he was a man of greater Ability to

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carry on the Design, and though he does not give you an account of the Design; yet the rest of the Evidence do, and make it to be the Design then carrying on: Another thing is, he tells you of the sending one into *France*, that was to come back again in order to this Design, I think his name was *Mac Donnel*, and then the great Tory *Flemming* and he were to come back again Colonels in the Army that was to be raised. The next person, that fixes it upon him, is Mr. *Han O Neal*, and he gives the plainest Circumstances, That at a time in *August* when Bishop *Tyrrel* came to the House of one *Bradey* with so many men well equipped with such and such Arms, and took the Oath of Secresie; he himself, but not only he, but the other Priest *Mac Legh*, was present at the same time, and took the said Oath, and he does tell you that that very Priest was sent to *Dublin* to discover it at that very time, and so he hath fixed the Person, and Time, and the Business they came about. Then *Mac Legh* comes and tells you the same thing in every circumstance; Ay, but says the Prisoner at the Bar, and he would make it to be a great Objection, How chance that they have concealed this all the while, and not discovered it to some Justice of the Peace? Why, says one, I was under your Jurisdiction in that place, that is the very reason he gives wherefore he durst not, and says another, I was concerned and as earnest as the Prisoner or any body else, but going into *France*, I observed the slavery that all the Subjects were under, under the Tyranny of that King, and apprehending that the same King was to come into *Ireland* by the means of these Gentlemen; I was concerned at it, and had rather the Devil should reign over us than such an one, and therefore I will discover it. And he said very well I think, that he had rather have the Devil to reign; for it seems to be him, or one in his shape that reigns after that manner. And there are two persons that swear to the very year that they were obliged to raise the mony, and swear positively, they saw his Orders *sub pœna suspensionis*, I do not know whether they mean hang'd or suspended from their Office. But it seems it was so terrible that it made them pay twenty Shillings a piece for three years successively. And there is another Gentleman that tells you, that out of a small Living, wherein he was concerned only as Curate to a third person it had been paid two or three times; and another, though he was exempt himself from the payment, yet so great a Confident was he of the Prisoner's at the Bar, that he was present when

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he ſaw thirty or fourty pay this Tax, and whereas the Priſoner at the Bar would make it thought a ſtrange thing, that he ſhould raiſe ſo much mony, who had but a houſe ſeven foot high, it ſeems there is above that thatch'd houſe a Chappel.

Plunket. There is no Chappel.

Mr. Serj. *Jeff.* But now, my Lord, that which ſubſtantially proves what theſe Witneſſes ſay, is the Letter that is ſent to *Rome* to the Secretary of the College *De propaganda Fide*, which is the laſt Letter that the laſt Gentleman ſpeaks of, wherein he does particularly take notice, that he had taken care to raiſe ſuch moneys, and view all the Ports and places of ſtrength. And, my Lord, that which is a very great circumſtance to back the Evidence of the firſt Letter to the French Cardinal *Bouillon* which was taken notice of by the firſt Witneſs, and there is ſuch a paſſage in this too, that the Catholick Princes ſhould not ſpill one anothers blood, when they might better employ it here in *Ireland* for the propagation of the Faith; this laſt Letter takes particular notice of that very inſtance too, that inſtead of drawing their Swords againſt one another, they had better come to promote the Catholick Faith in *Ireland*. Theſe four Witneſſes are punctual and preciſe in every particular circumſtance of the Caſe, and againſt them there is nothing but the common Objection. If I had ſuch Records, and Witneſſes here, I could make my Defence; that is, if he had thoſe things that he has not, he might appear to be another man than he is; but I am ſure, as it appears upon the Evidence that hath been given by all the Witneſſes, there is a plain proof and a full proof of every Treaſon laid to his Charge.

Plunket. My Lord, I deſire theſe Witneſſes may be called [*giving in a Paper.*]

Cryer. David Fitz-gerard, Euſtace Commines and *Paul Gormar.*

L. C. J. Who gave him this Paper, he had it not before?

Stranger. I was told that theſe were good Evidences for Dr. *Plunket*, and I gave him the Names.

L. C. J. Where are they?

Stranger. They are hard by.

Mr. *Att. Gen.* Where is *Euſtace Commines*, for he was one that gave in Evidence againſt the Priſoner.

[*Then* Paul Gormar *appeared.*]

L. C. J. What would you ask him?

Plunket.

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Plunket. I desire to know of him, whether Mr. *Moyer* did allure and intice him to swear against me?

Gormar. Indeed, my Lord, he never did.

L. C. J. Will you ask him any more?

Gormar. But this, my Lord, Mr. *Moyer* and I were in discourse, and he said if there was Law to be had in *Ireland*, he would shew Mr. *Plunket* his share in it.

L. C. J. Well, what of that?

Gormar. My Lord, I did come out of *Ireland* to reveal what Plots the *Irish* had against the King, and as for this Mr. *Plunket*, as I have a Soul to save, I never heard of any misdemeanor of him.

Mr. Just. *Dolben.* How came you here to day?

Gormar. I was summoned.

Mr. Just. *Dolb.* By whom? Was it the Attorney General or *Plunket* that summoned you?

Gormar. Here is the Summons.

Mr. Serj. *Jeff.* It is a common *Sub Pœna.*

Plunket. I never sent for him.

Gormar. It was not against you, they know I had nothing against you, I thought you did more good in *Ireland* than hurt, so I declare it.

L. C. J. Have you any more Witnesses? if *Fitz-Gerard* or *Commines* will come, we will hear them.

Plunket. My Lord, I have not any more Witnesses.

L. C. J. Look you, Gentlemen of the Jury, This Gentleman here, Mr. *Plunket* is indicted of High-Treason, and 'tis for Conspiring the King's Death, and endeavouring to bring the *French* Army into *Ireland* for to Invade that Kingdom, and to plant the Romish Religion in that Kingdom. You have had Evidence against him that hath been fully examined. And these things do seem to be very plain by the Witnesses, That he himself hath taken a Commission, or a Grant, or what you will please to call it, from the Pope to be Primate of *Ireland*, that he hath taken upon him to make Laws as the Provincial and that he hath undertaken and endeavoured to settle the Popish Religion in that Kingdom, and in order to that, he hath invited the Aid of the French Army, and that he hath for the better landing of them, looked out what places were most convenient for them; That he hath set a Tax upon the Clergy within his Province for the facilitating of

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all

all this, and for the making preparations for the entertainment of this Army. This the Witneſſes teſtifie againſt him, and that there were ſome Towns, as *Dungannon* and another Town, that were to be betrayed to the *French*. Now you muſt conſider concerning theſe Witneſſes: If you believe the Evidence that hath been given, and which hath been repeated by the Kings Counſel, and if you believe that he did deſign to bring in a French Army, to eſtabliſh the Roman Religion there again, and that he took upon him to raiſe mony for that purpoſe, ſurvey'd the Ports, and made ſuch proviſions, as the Witneſſes ſpeak of, and was in that Conſpiracy; you muſt find him Guilty, I leave it to you, it is a pretty ſtrong Evidence, he does not ſay any thing to it, but that his Witneſſes are not come over.

Plunket. I can ſay nothing to it, but give my own proteſtation, that there is not one word of this ſaid againſt me is true, but all plain Romance, I never had any communication with any French Miniſter, Cardinal, nor other.

Then the Jury withdrew for a quarter of an hour, and being returned gave this Verdict.

Cl. of Cr. Oliver Plunket, hold up thy hand. How ſay you, is he Guilty of the High Treaſon whereof he ſtands Indicted, or not Guilty?

Foreman. Guilty.

Plunket. Deo Gratia. God be thanked.

Then the Verdict was Recorded, and the Court roſe. And the Keeper went away with his Priſoner.

On *Wedneſday* 15. *Junii* 1681, *Oliver Plunket* was brought to the Bar to receeive his Judgment.

Mr. *Att. Gen.* My Lord, I pray your Judgment againſt the Priſoner *Oliver Plunket.*

Cl. of Cr. Oliver Plunket, hold up thy Hand; Thou haſt been Indicted of High-Treaſon, thou haſt been thereupon Arraigned, thou haſt thereunto pleaded not Guilty, and for thy Trial haſt put thy ſelf upon God and the Country, which Country hath found thee Guilty, what haſt thou to ſay for thy ſelf, why Judgment of Death ſhould not paſs upon thee, and Execution be thereupon awarded according to the Law?

Plunket. My Lord, may it pleaſe your Lordſhip, I have ſomething to ſay, which if your Lordſhip will conſider ſeriouſly, may occaſion the Courts Commiſeration and Mercy. I have, my Lord, for this Fact been

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been Arraigned in *Ireland*, and brought to my Trial there. At the day of my Trial all the Witneſſes voluntarily abſented themſelves, ſeeing I had Records and Witneſſes to convince them evidently and ſhew what men they were, and the prepenſed Malice that they did bear to me, and ſo finding that I could clear my ſelf evidently, they abſented themſelves on the day of my Tryal no Chriſtian appeared, but hither over they come, and procure that I ſhould be brought hither, where I could not have a Jury that knew the Qualities of my Adverſaries, or who knew me, or the circumſtances of the Places, Times, and Perſons; the Juries here as I ſay were altogether ſtrangers to theſe Affairs, and ſo, my Lord, they could not know many things that conduce to a fair Tryal, and it was morally impoſſible they ſhould know it. I have been accuſed principally and chiefly for ſurveying the Ports, for fixing upon *Carling ford* for the Landing of the *French*, for the having of ſeventy thouſand Men ready to join with the *French*, for collecting Mony for the Agents in this matter, for the aſſiſting of the *French* and this great Utopian Army. A Jury in *Ireland* conſiſting of men that lived in that Country, or any man in the World that hath but ſeen *Ireland* in a Map, would eaſily ſee there was no probability that that ſhould be a place fit for the *French* to land in, though he never was in *Ireland*, yet by the Map, he would ſee they muſt come between the narrow Seas all along to *Ulſter*, and the Rocks, and ſuch places would make it very dangerous; and by their own confeſſion it was a poor Town, and of no ſtrength, a very ſmall Garriſon, which had not been ſo, if it had been a place of any conſideration. And whereas I had Influence only upon one Province, as is well known, though I had the Title of Primate of all *Ireland*, as the Archbiſhop of *Canterbury* hath of all *England*; yet the Arch Biſhop of *York* will not permit him to meddle with his Province; and 'tis well known by the Gentry there, and thoſe that are accuſtomed to the place; That in all the Province of *Ulſter*, take Men, Women and Children of the Roman Catholicks, they could not make up ſeventy Thouſand. This, a Jury there, my Lord, had known very well, and therefore the Laws of *England*, which are very favourable to the Priſoner, have provided that there ſhould be a Jury of the place where the Fact was committed, as Sir *Thomas Gaſcoine*, as I have heard, had a *Yorkſhire* Jury, though he was tryed at *London*. And then after my coming here, I was kept cloſe Priſoner for ſix Months, not any Chriſtian was permitted

to

to come at me, nor did I know any thing, how things ſtood in the World. I was brought here the third of *May*, to be arraigned, and I did petition your Lordſhip to have ſome time for my Tryal, and I would have had it put off till *Michaelmaſs*, but your Lordſhips did not think fit to grant ſo long, but only till the eighth of this month, when my Witneſſes who were ready at the Sea ſide, would not come over without Paſſes, and I could not get over the Records without an Order from hence; which Records would have ſhewn that ſome of the Witneſſes were indicted and found guilty of high Crimes, ſome were impriſoned for Robberies, and ſome of the Witneſſes were infamous people, ſo I petitioned the eighth of this month, that I might have time but for twelve days more, but your Lordſhip thought when the motion was made, that it was only to put off the Trial, and now my Witneſſes are come to *Coventry* yeſterday morning, and they will be here in a few days, and ſo for want of time to defend my ſelf in, I was expoſed to my Adverſaries, who were ſome of my own Clergy, whom for their debauched Lives, I have corrected, as it is well known there. I will not deny my ſelf, but that as long as there was any Toleration and Connivance, I did execute the Function of a Biſhop, and that by the ſecond of *Elizabeth* is only a Premunire, and no Treaſon. So that, my Lord, I was expoſed defenceleſs to my Enemies, whereas now my Witneſſes are come, that could make all appear. I did beg for twelve days time, whereby you might have ſeen as plain as the Sun, what thoſe Witneſſes are that began the Story, and ſay theſe things againſt me. And, my Lord, for thoſe Depoſitions of the ſeventy thouſand Men, and the Monies that are collected of the Clergy in *Ireland*, they cannot be true, for they are a poor Clergy that have no Revenue nor Land; they live as the Presbyterians do here, there is not a Prieſt in all *Ireland*, that hath certainly or uncertainly above threeſcore pounds a year, and that I ſhould collect of them forty ſhillings a piece, for the raiſing of an Army, or for the Landing of the *French* at *Carlingford*; if it had been brought before a Jury in *Ireland*, it would have been thought a meer Romance. If they had accuſed me of a *Præmunire* for the exerciſe of my Epiſcopal Function, perhaps they had ſaid ſomething that might have been believed, but my Lord, as I am a dying man, and hope for Salvation by my Lord and Saviour, I am not guilty of one point of Treaſon they have ſwore againſt me, no more than the Child that was born. but yeſterday.

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day. I have an Atteſtation under my Lord of *Eſſex*'s hand concerning my good Behaviour in *Ireland*, and not only from him, but from my Lord *Berkley*, who was alſo Governour there, which the Kings Attorney ſaw; But here I was brought, here I was tried, and having not time to bring my Witneſſes, I could not prove my Innocency, as otherwiſe I might. So that, if there be any Caſe in the World that deſerves Compaſſion, ſurely my Caſe does; and 'tis ſuch a rare Caſe, as I believe you will not find two of them in print, that one arraigned in *Ireland*, ſhould be tried here afterwards for the ſame Fact. My Lord, if there be any thing in the World that deſerves pity, this does, for I can ſay, as I hope for mercy, I was never guilty of any one point they have ſwore againſt me, and if my Petition for time had been granted, I could have ſhewn how all was prepenſe Malice againſt me, and have produced all Circumſtances that could make out the Innocency of a perſon. But not having had time, and being tried, I am at your mercy.

L. C. J. Well, you have nothing further to ſay in Bar of Judgment, you have ſaid all you can?

Plunk. I have nothing further to ſay, but what I have ſaid.

Then Proclamation was made for ſilence, while Judgement was paſſing upon the Priſoner.

L. C. J. Look you, Mr. *Plunket*, You have been here indicted of a very great and hainous Crime, the greateſt and moſt hainous of all Crimes, and that is, High Treaſon; and truly yours is a Treaſon of the higheſt nature, 'tis a Treaſon in truth againſt God an your King, and the Country where you lived. You have done as much as you could to diſhonour God in this caſe; for the bottom of your Treaſon was, the ſeting up your falſe Religion, than which, there is not any thing more diſpleaſing to God, or more pernicious to mankind in the World: a Religion that is ten times worſe than all the Heatheniſh Superſtitions, the moſt diſhonourable and derogatory to God and his Glory of all Religions or pretended Religions whatſoever; for it undertakes to diſpenſe with Gods Laws, and to pardon the breach of them. So that certainly a greater Crime there cannot be committed againſt God, than for a man to endeavour the Propagation of that Religion; but you, to effect this, have deſigned the Death of your lawful Prince and King. And then your deſign of Blood in the Kingdom where you lived, to ſet all together by the ears, to deſtroy poor innocent people,

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mouth of any man that is condemned to ſay; but pray conſider with your ſelf, what Regard ought to be given to this. We cannot help it, if your Witneſſes don't come, you may remember they wanted not Time nor Opportunity to come over, but you told us they would not come unleſs they had a Paſsport.

Plunket. My Lord, they got a Paſs to come over afterwards, and ſo in eight days they came hither.

Lord Chief Juſtice. You might have provided your ſelf, if they wanted ſuch a thing. In the firſt place, no body is bound to give it them; much leſs could you expect it for them without asking.

Plunkett. I could not get the Copies of the Records neither by any means, unleſs I had an Order from the Council, and they would not give that Order, unleſs your Lordſhip appointed it.

L. C. J. We cannot tell that, you ſhould have petitioned in time.

Plunkett. How could any one foreſee, unleſs he was God Almighty, that they would deny it, or that he could not get out a Copy of a Record, paying for it, without a Petition. All the Friends I had told me, upon Motion there it might be had, but here I have it under the Lieutenants and Councils Hands, that they would give no Copy of Records without Order from hence, which before I could know it, it was impoſſible for me to have them ready againſt my Trial.

L. C. J. Look you Sir, I do ſpeak this to you, to ſhew you that thoſe Objections, which you ſeem to make againſt your Trial, have no weight at all, but in this Caſe it is not the Jury that are ſo material as the Witneſſes themſelves. I appeal to all that heard your Trial, if they could ſo much as doubt but that you were Guilty of what you were charged with. For conſider here were perſons that were of your own Religion, the moſt of them Prieſts, I think almoſt all of them in Orders.

Plunkett. There were two Friars and a Prieſt, whom I endeavoured to correct this ſeven Years, and they were Renegadoes from our Religion, and declared Apoſtates.

L. C. J. Look you Sir, they gave an Evidence very home to your

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matter; you had liberty to examine them, and they gave you a rational Accompt of any thing you ask'd. Let me but put you in mind of one thing. You made Exceptions to one's Evidence, (and indeed that was very much of your Exception to all) why he did not reveal this in all that time: Truly he told you he was of your mind, till he went into *France*, and saw what a Slavery and Mischief you endeavoured to introduce upon his and your own Countrymen, and this his Spirit rose against, to see what a condition *Ireland* was like to be brought into. And pray, did not he give you a full Answer to that Question?

Plunkett. I had sufficient Witnesses to prove he was an Apostate, and was chastised by me, and therefore had prepensed Malice against me.

Lord Chief Justice. Therefore I have spoken this to the Satisfaction, I hope, of your self, and all that hear it. I do now wish you to consider, you are near your end. It seems you have lived in a false Religion hitherto; it is not too late at any time to repent, I wish you may have the Grace to do so; In the mean time there is no room for us here, to grant you any kind of Mercy, though, I'le tell you, we are inclined to pity all Malefactors: Who ever have done evil, we are inclined to pity them, and wish heartily that they may repent, as we do, that you may of what you have done. But all we can do now, is, to say what the Law says, and that is to pass Judgment upon you.

Plunkett. May it please your Lordship to give me leave to speak one word. If I were a man that had no care of my Conscience in this matter, and did not think of God Almighty, or Conscience, or Heaven, or Hell, I might have saved my Life; For I was offered it by divers people here, so I would but confess my own Guilt, and accuse others. But, my Lord, I had rather die ten thousand deaths, than wrongfully accuse any body. And the time will come when your Lordship will see what these Witnesses are, that have come in against me. I do assure your Lordship, if I were a man that had not good Principles, I might easily have saved my own Life; but I had rather die ten thousand deaths, than wrongfully to take away one farthing of any mans Goods, one day of his Liberty, or one minute of his Life.

L.C.J.

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L. C. J. I am ſorry to ſee you perſiſt in the Principles of that Religion.

Plunket. They are thoſe Principles, that even God Almighty cannot diſpence withal.

L. C. J. Well, however the Judgment which we give you, is that which the Law ſays and ſpeaks.

And therefore you muſt go from hence, to the place from whence you came, that is to Newgate, *and from thence you ſhall be drawn through the City of* London *to* Tyburne; *there you ſhall be hanged by the Neck, but cut down before you are dead, your Bowels ſhall be taken out, and burnt before your Face, your Head ſhall be cut off, and your Body be divided into Four Quarters, to be diſpoſed of as his Majeſty pleaſes. And I pray God to have Mercy upon your Soul.*

Plunket. My Lord, I hope I may have this favour, of leave for a Servant and ſome few Friends that I have, to come at me.

L. C. J. I think you may have liberty for any Servant to come to you, I know nothing to the contrary.

Plunket. And ſome Friends that I have in Town.

L. C. J. But I would adviſe you to have ſome Miniſter to come to you, ſome Proteſtant Miniſter.

Plunket. My Lord, if you pleaſe, there are ſome in Priſon, that never were Indicted, or Accuſed of any Crime, and they will do my buſineſs very well; for they will do it according to the Rites of our own Church, which is the antient Uſage, they cannot do better, and I would not alter it now.

L. C. J. Mr. *Richardſon*, you may let his Servant come to him, and any Friend in your preſence, to ſee there be no Evil done, nor any Contrivances that may hereafter have an Influence upon Affairs.

Mr. Juſt. *Jones.* Be you preſent, or ſome body.

Plunket. My Servant I hope may come, without his being preſent.

L. C. J.

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L. C. J. Yes, yes, his Servant may be with him alone. Well, Sir, we wish better to you, than you do to your self.

Plunket. God Almighty bless your Lordship. And now, my Lord, as I am a dead Man to this World, and as I hope for Mercy in the other World, I was never guilty of any of the Treasons laid to my Charge, as you will hear in time; and my Character you may receive from my Lord Chancellor of *Ireland*, my Lord *Berkley*, my Lord *Essex*, and the Duke of *Ormond*.

Then the Keeper took away his Prisoner, and upon Friday *the First of* July, *he was Executed according to the Sentence.*

FINIS.

ADVERTISEMENT.

Some Passages of the Life and Death of *John* Earl of *Rochester*, who died the 26. of *July*, 1680. By *Gilbert Burnet*, D. D. Are to be sold by *Eliphal Dobson* Bookseller on *Cork-Hill*, 1681.

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