

had neither Counsel allowed, and that their Witnesses were not examined on Oath.

But in this the Jesuits were mistaken, for Counsel is allowed the Prisoner, but 'tis with Leave of the Court; 'tis true, his Witnesses formerly were not on Oath, and he was under many hardships after his Commitment; his Friends (if he had any) were not suffered to come to him, he had neither Pen, Ink or Paper allowed, and was altogether ignorant for what *Species* of Treason he was committed, or who were the Witnesses that accused him; for he could not have the Copy of the Indictment; if by chance any Person was so hardy as to give him any manner of Advice, without Leave of the Court, such Person was punishable; and if upon his Arraignment he desired Counsel, upon any point of Law arising upon the Fact, such Counsel must be ready to argue it *instantly*, and the Court usually gave Judgment upon the Point so argued, at the same time.

The whole Proceedings against him were very strict; for though he might except against any of the Jury, yet that could be no manner of Advantage to him, because he was not allowed a Copy of the Pannel, that he might consider against whom to except.

If he produced any Witnesses, (it was right as the Jesuits observed) they were not examined on Oath, and this, (as it hath been very justly observed) was either too great an Advantage for the Prisoner, or rather none at all; for if the Witnesses not sworn, should have equal Credit with those who were, then the Prisoner had too great an Advantage; but if they were to have no Credit with the Jury, because not sworn, then it was meer trifling to suffer him to produce any Witnesses at all.

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