

can say and alledge that the persons impeached for the plot have had that Liberty granted them to produce their Evidence.

P. R. O.
Colonial
Papers.

Chanc:—So have you, but they have not had given them the sume of what the Evidences could swear against them before they came to Tryall.

Att: Gen^l—Every man accused is presumed to know what he has done.

Fend^l—Still I am surprised If I cannot have liberty to provide my evidences and be made sensible of my charge.

Chanc:—Never was prisoner brought to a Barr Copyes given him of what might be brought in Evidence ag^t him and if this be all you have to say it is not reason sufficient to putt off your Tryall any longer.—We must proceed.

Att: Gen^l—Call William Boyden

Cl:—William Boyden—The Evidence that you shall give to the Court and the Jury in behalf of the R^t Hon^{ble} the Lord Prop^{ry} against the Prisoner at the Barr shall be the Truth, the whole Truth and nothing but the Truth according to the best of your knowledge—So help you God.

Att: Gen^l—Tell the Court and the Jury what you have to say ag^t the prisoner at the Barr.

Boyden.—About two years since Cap^t Fendall being at my house told me that he had all the late proceedings in England at home at his house that my Lord was a Traytor and he could prove it, that people were fooles if they paid Taxes and he would bear them out in it if they did not he also then said now is the time for people to speak their minds and say anything for it was no Treason and he hoped within a few years to have more hon^r in the Country than ever he had. On the Sunday after Fendall was taken Robert Middleton told me in presence of severall others that Cap^t Fendall was now going to call my Lord to an acc^t and it was high tyme so to do, soon after Cap^t Fendall was taken att the request of Lieut: George Godfrey and others I went down to Cap^t Fendall's house to enquire whether he were kept prisoner or not and to let him know if I saw him that George Godfrey with his Troop were ready to serve him, but Cap^t Fendall was then in Custody as I was informed and not returned home, I lay that night with one M^r Thomas who told me that Samuel Fendall was then gone over into Virginia for some men to assist his Brother out of prison.

Fendall—Boyden has taken the wisest course and serves me as he has done Godfrey knows himself guilty and to slip his own neck out of the collar lays it upon others.

Chanc:—Cap^t Fendall you must understand that the method of this Court in these cases is first to hear the Evidences distinctly without interruption what they had to say and then the Prisoner.