

THE TRIAL

OF

William Canning and Francis Dormer,

At the OLD-BALLY, the 15th. of July, 1693.

For Dispersing and Publishing great Numbers of Libels and Seditious Papers, called King JAMES'S DECLARATIONS.

The Jurors were as follow,

Henry Gerrard.
William Farnborrow.
Edward Hutchinson.
James Fearne.
Thomas Lathwell.
Joseph Bowler.

Joseph Rolph.
John Outing.
Samuel Morris.
George Polfrey.
Ri. Fitz-Gerrald.
Ambrose Hamborrov.

THE Jury being sworn, Their Majesties Counsel opened to them the Indictment to this effect; *That the Defendants being evil-disposed persons towards Their present Majesties and Their Government, and seditiously intending to disturb the Peace of this Kingdom, and to raise War and Sedition against the King and Queen, and to withdraw Their Subjects from Their Duty and Allegiance, the 4th. day of May last, a certain False and Seditious Libel, called, K. James's Declaration, did Make, Compose, Disperse, and Publish, to the evil Example of others, and against Their Majesties Peace, &c.* For Proof whereof was called first,

Joseph Brown, who deposed, That between 11 and 12 of the Clock on Saturday night, the 21st. of May last, as he was standing at his door in Bunhill-fields, both the Detendants came by, and Canning did put a Paper into his hand, asking him if he would go see a Play; and said, *There is a Ticket for you*; who answered, *See a Rogue, for I believe you are one*: And as they went on towards Coleman-Alley, Mr. Brown look'd after them, until they met Thomas Gathing a Watchman, who had a Lanthorn and Candle in his hand, and held up his Light to view their Faces, and having pass't them, came up to Mr. Brown with Two Papers he then took up, and told Mr. Brown, He believ'd those two men were Rogues; and Mr. Brown said, He thought so too; and then they look'd upon Brown's Ticket and the Two Papers, all which prov'd to be those Declarations; and thereupon they immediately pursued them; which Canning and Dormer perceiving, went into the Alley, and missing the way through, came to a stop, and returning, were met by Mr. Brown and Mr. Gathing; and

there were apprehended, and committed to Finsbury Prison.

One John Ward was next sworn, and he deposed, That about Two of the Clock that Sunday morning, he was going in Coleman-Alley to the Quakers Burying-Place to make a Grave, and saw several Papers lying upon a Shed in the Alley, which he poked down with a Mop staff, three of which proved to be those Declarations, and the fourth was part of a Letter directed thus, *These for Mr. William Canning: To be left at the Coffee-house in Miter Court.*

The Third Witness was a Youth, who swore, That on the same Sunday in the Evening, he and another Lad, since dead, were playing in Coleman-Alley, where he lodg'd his stick upon the top of the same Shed, and getting up to fetch it down, found there a Money-Bag, and thought it had been a Bag of Money, but opening it, found therein 53 Papers wrapt severally up, as the others were that had been found in the streets; and opening them, said to his Companion, *They were King James's Declarations, and like one that he had seen at Church that Afternoon*: Which Bag and Papers he carried to his Father, who delivered it to the Constable.

The Constable was next sworn, who said, That he having a Suspicion of Mr. Dormer, plac'd one of his Watch early on Sunday morning against Dormer's door, to observe what pass't there; and hearing some persons were taken that night, and in Finsbury Prison, he went thither to see them; and finding Mr. Dormer to be one, he hasted back to Dormer's House, intending to search it; and coming thither, the Watchman told him, That had he come a little sooner, he had seen a brave sight, but now the Show was over, for the Papers were all burnt, the Ashes having flown out of the Chimney-Top, and fell into the street; all which the Neighbours had observed; whereupon the Constable went into the House, and found no Fire; and in a Room up one Pair of Stairs found Mrs. Dormer, who had been with her Husband in the Prison, and confest she had burnt many Papers, but said she knew not what they



they were; but they found in the Chimney much Paper-Ashes, and shewed part thereof in Court; and that the Chimney was very hot, but no Fire there; which was likewise sworn by the Watchman and several others.

Mr. *Stephens*, the Messenger of the Press, deposed, That he had often found this Mr. *Canning* to be a very busy man, and disaffected to the Government; and had taken a private Press of his, and many Seditious Papers; for which he had been formerly in Custody several times.

To all which Evidence the Prisoners were demanded what they could say for themselves. They both denied all, and confessed they had no occasion that Night to be abroad; but having accidentally met at the *Half-Moon* Tavern about Eight or Nine on *Saturday* Night, from thence they took a walk into the Fields towards *Hornsey*, and coming back, were taken; but could not prove they had any occasion, nor where they were till that time.

They also insisted, that it was hard to prove they were the Men that Mr. *Brown* and the Watchman met, nor these the same Papers that were then found.

To which the Witnesses answered, That Mr. *Brown* did know Mr. *Canning* after he was taken, and that they had mark'd the Papers, and were certain they were the same Persons and Papers.

And the Watchman affirmed that he found not any Paper in the Street before he met the Prisoners, and just after they had past him, he found several. And he and Mr. *Brown* further proves, That no Person was seen by them near that time and place, but the Prisoners only; and that from the time they first saw them, they did not lose the sight of them until they went into *Coleman-Ally*, in which they did apprehend them.

And the Court having heard the Prisoners Defence with great patience, Mr. Recorder summ'd up the Evidence to the Jury; And further told them, That these Nations had been wonderfully delivered from Popery and Arbitrary Government; and that ever since the Establishment of Their Present Majesties upon the Throne, the Hand of Divine Providence had evidently appear'd in the Preservation of Their Persons and Government, notwithstanding the Power and Treachery both of Their Open and Their Secret Enemies. And that the Lenity and Patience of the Government towards Offenders of this kind had been highly manifest; and hopes by fair and gentle means to conciliate them to the Present Government, and to win them to a quiet and dutiful deportment towards it. Yet notwithstanding it was very evident, that these and other Evil-dispos'd Persons, did take encouragement thereby to grow

the more impudent and audacious; and that Traiterous, Seditious and Scandalous Papers, Books and Libels (through impunity) are greatly multiply'd and increas'd, which has made it now indispensably necessary for Their Majesties Honour and Safety, and the preservation of the Peace and Tranquility of these Kingdoms, to exert the Publick Justice of the Nation, and to put the Laws in execution against such Offenders, until such Trayterous and Incorrigible Instruments shall be made sensible of their Crimes. And yet even in the Case of the Prisoners at the Bar, the rigour of the Law is not extended to the height, the Offence being in it self no less than High-Treason; yet the Indictment is for a Misdemeanour only, hoping this might be a Caution to others for the future, lest they fall under a more severe and fatal Condemnation.

And the Jury having considered of the Evidence, found both the Prisoners guilty of the Offences mentioned in the Indictment.

And the Court having consulted of the Judgment, Mr. Recorder pronounc'd it thus to the Prisoners at the Bar, first declaring the nature of their Crime, and the fatal Consequences of what they design'd by it.

That the Court had considered of their Offence, and likewise of their Inability to pay a Fine proportionable to it; and therefore resolv'd to inflict upon them a Punishment, part Corporal, and part Pecuniary, and did impose upon them the Fine of 500 Marks apiece, and to stand in the Pillory, without *Temple-Bar* one day; and at the *May-pole* in the *Strand* a second day; and at *Charing-Cross* a third day: and to lie in Custody till their Fines were paid; and they should find Sureties for their good behaviour for a Twelvemonth.

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These are to give notice to all Persons for the benefit of the Publick, That *W. Elmy*, Professor of *Physick*, and Operator, of known Integrity, and above 25 Years Practice, liveth at the *Blue Ball* in *Whale-Bone-Court*, at the lower end of *Bartholomew-Lane*, by the *Royal-Exchange*. Who most safely and expeditiously cures Deafness, and Noise in the Ears, in any, of what Age soever, (if curable) and at first sight by inspection resolves the Patient, if so or not, as most eminent Persons of Quality in this City can testify. I have Remedies ready prepared for the preservation of the Hearing in those who through some great defects in the Sounding Membrane, and other Impediments in the Auditory Passages are not perfectly curable, which Remedies preserves them from ever growing worse, and improves their Hearing to Old Age. That you may not mistake and go to a false Pretender, my Hoase is at the *Blue-Ball*, as aforesaid, you may see it as you come into the Court.