

The trial of Laurence Earl Ferrers, for the murder of John Johnson, before the Right Honourable the House of Peers. In Westminster-hall, in full Parliament, on Wednesday the 16th, Thursday the 17th, and Friday the 18th of April, 1760: on the last of which days, judgment for murder was given against him ... / [Laurence Shirley, 4th Earl Ferrers].

Contributors

Shirley, Laurence, 4th Earl Ferrers, 1720-1760.
Great Britain. Parliament. House of Lords.

Publication/Creation

London : S. Billingsley, 1760.

Persistent URL

<https://wellcomecollection.org/works/kvv3ssyv>

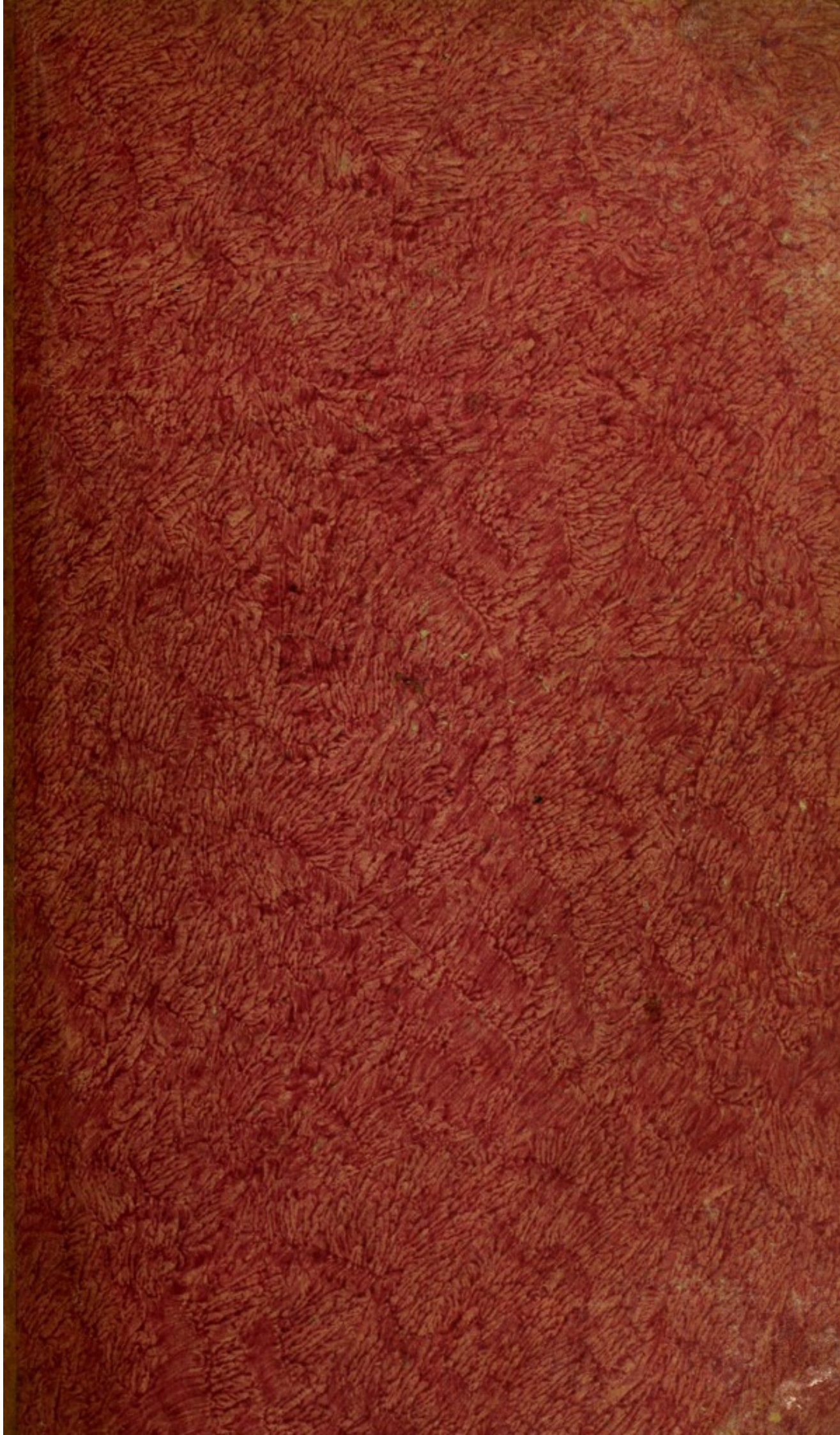
License and attribution

This work has been identified as being free of known restrictions under copyright law, including all related and neighbouring rights and is being made available under the Creative Commons, Public Domain Mark.

You can copy, modify, distribute and perform the work, even for commercial purposes, without asking permission.

**wellcome
collection**

Wellcome Collection
183 Euston Road
London NW1 2BE UK
T +44 (0)20 7611 8722
E library@wellcomecollection.org
<https://wellcomecollection.org>



2

28,433/D

~~12~~ + X



~~12~~ + X
J-2.





Digitized by the Internet Archive
in 2014

<https://archive.org/details/b20443845>

PROCEEDINGS

OF SENATE

IN A CAUSE OF PLACITUM

FOR THE

THE STATE OF NEW YORK

IN SENATE

THE 10th JUNE 1854

IN SENATE

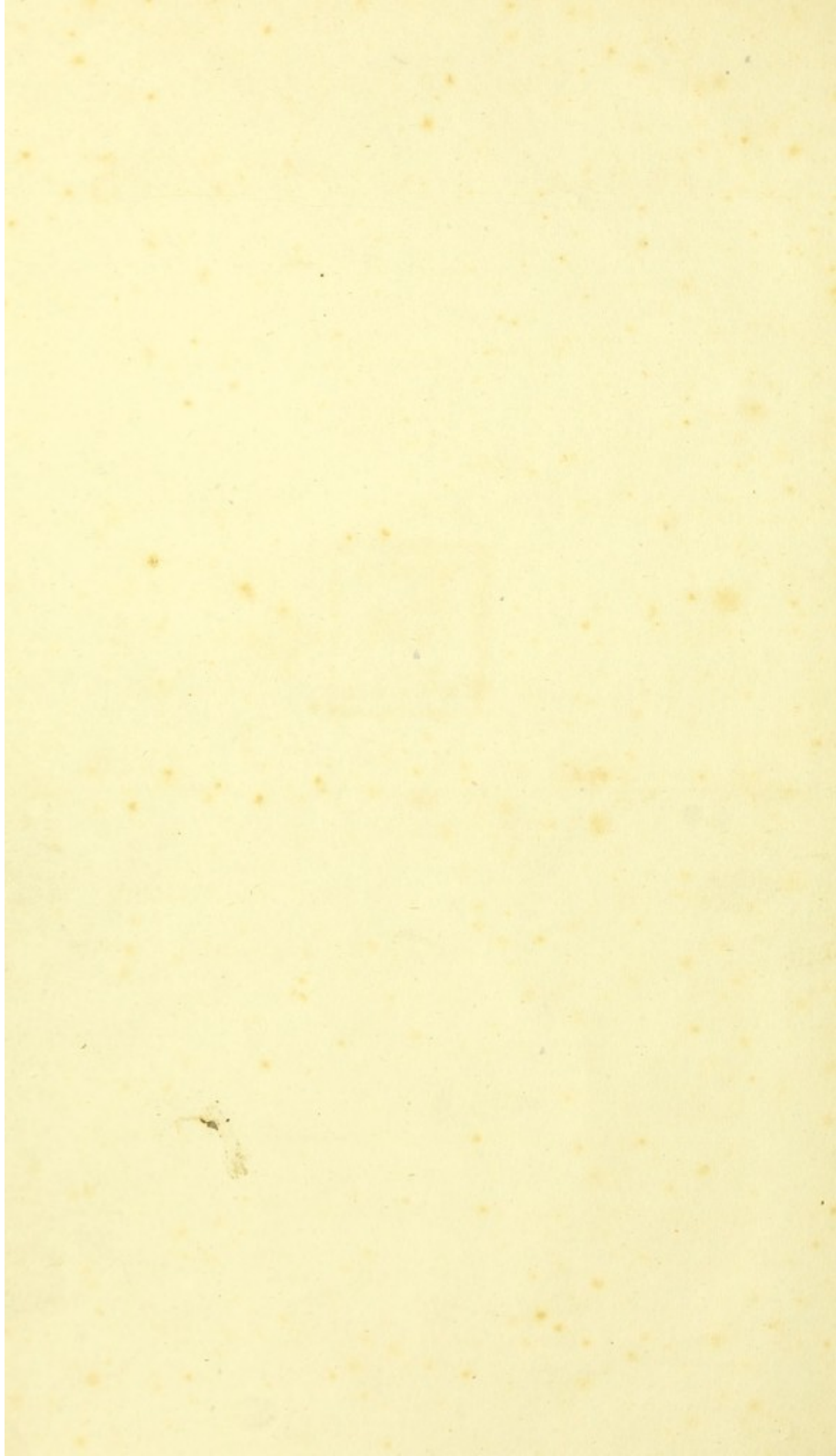
IN SENATE

IN SENATE

IN SENATE

IN SENATE

IN SENATE



THE WHOLE
PROCEEDINGS

AT LARGE,

In a CAUSE on an ACTION

BROUGHT BY

The Rt. Hon. RICHARD Lord GROSVENOR

AGAINST

His Royal Highness HENRY FREDERICK
DUKE of CUMBERLAND;

For Criminal Conversation with Lady Grosvenor.

TRIED BEFORE

The Right Hon. WILLIAM Lord MANSFIELD,
In the Court of KING'S-BENCH,

On the 5th of July, 1770.

Containing the Evidence *verbatim* as delivered by the Witnesses; with all
the Speeches and Arguments of the Counsel and of the Court.

Faithfully taken in SHORT HAND by a BARRISTER.

L O N D O N:

Printed for J. WHEBLE, in Pater-noster-Row;

M D C C L X X.

[Price THREE SHILLINGS.]

In the King's Bench,

The Right Hon. RICHARD LORD GROSVENOR, Plaintiff.

His Royal Highness HENRY FREDERICK Duke of Cumberland,
Defendant.

Counsel for the Plaintiff.

Mr. *Serjeant Glynn*,
Mr. *Serjeant Leigh*,
Mr. *Wedderburn*,
Mr. *Wallace*,
Mr. *Walker*,
Mr. *Lee*,
Mr. *Ranby*.

Counsel for the Defendant.

Mr. *Dunning*,
Mr. *Skinner*,
Mr. *Mansfield*,
Mr. *Impey*.

The court being sat, the jury were called over, and the following were sworn to try the issue joined between the parties.

John Cope, Esq;
George Garratt, Esq;
Heneage Robinson, Esq;
Richard Teasdale, Esq;
John Barnfather, Esq;
Daniel Booth, Esq;

William Farrer, Esq;
George Wright, Esq;
Philip Dyott, Esq;
Benjamin Cowley, Esq;
John Walsford, Esq;
John Lane, Esq;

The damages were stated at 100,000*l.* and the cause was opened by Mr. Wedderburn.

Mr. WEDDERBURN.

MAY it please your Lordship and you Gentlemen of the Jury, This is an action brought against his Royal Highness Henry Frederick Duke of Cumberland by Richard Lord Grosvenor, for the injury done to him by his Royal Highness, in the seduction of his wife. Gentlemen, this cause is of serious importance with regard to the plaintiff, and no small hopes with regard to the public; and though such instances have happened, this is the first instance where a person of the defendant's high rank and quality has been the party against whom that action has been brought. Gentlemen, from the nature of the case, and the injury that the party has received, it is in a great measure aggravated in some cases, in some extenuated by the quality and condition of the party against whom that action is brought. I presume you will think there is scarcely a cause in which, if that circumstance gives importance to it, if it adds weight to the complaint, it cannot have a stronger degree than in the present cause; and it will be my duty, as council for my Lord Grosvenor, with all the respect due to the name and rank of the defendant, to lay before you the facts, in such a manner, as may enable you

you to conduct your attention to the course of evidence that will be given.—In doing that I shall make it my endeavour, and I hope I shall succeed in it, to omit, even at the hazard of interrupting the connexion of the story, every circumstance that I do not believe the witnesses will give you an account of: and after I have stated the facts, I shall then detain you but a little while from hearing the witnesses themselves, upon whose testimony your judgement must be formed, upon the nature of the evidence, and the quality of this offence charged upon the defendant. Gentlemen, my Lord Grosvenor was married in the year 1764 to Miss Harriot Vernon: she had made her appearance in the world but a few months before that marriage, was very young, of a family respectable, features engaging, of a fortune not inconsiderable. My Lord Grosvenor had made proposals to her, and accordingly the settlements made at the marriage were adequate to his fortune, such as became him to make, and consequently were very ample. For some time, and I trust a considerable time, they lived together in that happy situation which may be supposed to proceed from a marriage where the motive upon his side had been merely affection, and that had produced a change of situation extremely advantageous to her, and there were several children born to them, and the increasing family was attended with great satisfaction to the friends upon all sides, which is naturally the case where there is a considerable fortune and an ancient family to be supported. Gentlemen, it is impossible for me to state to you, and I believe it is impossible for the evidence, to trace at what particular period his Royal Highness the Duke of Cumberland's intimacy with Lady Grosvenor commenced; you will find however, in the course of the winters 1768 and 1769, that his Royal Highness's meetings with Lady Grosvenor were constant, and so public as not to escape the blame of almost every person at every public place; for at every public assembly wherever Lady Grosvenor was the Duke certainly came, and at all the public places where she went the Duke was certainly with her. He followed her from place to place with such incessant perseverance, and was so constant in the time of coming where she was, and going where she was to come, that it became the jest of their footmen before it had even reached to be the scandal of the town. It may easily be imagined how very dangerous to a woman's virtue that sort of sollicitation must be which is always an advocate for her vanity, and where the rank of the person is a sure means of removing all obstructions, by keeping other acquaintance and persons at a distance from the respect that is due to them. Gentlemen, this was the case in this affair: from the time Lady Grosvenor had become the determined object of his Royal Highness's attention, her acquaintance, her company, and her connexions and correspondence, became only such as were agreeable to the Duke; and from the natural deference due to the royal family, I am afraid in some instances it would give the Duke of Cumberland wishes that it would not in any thing be unlawful for him to hold those connexions. In the course of the winter the Duke's attention to Lady Grosvenor had been so far successful, that you will find in the spring 1769 they no longer confined themselves to such occasions of meeting as public places, and other places of general resort, such as the houses of such persons as were in their parties might afford them, but there were many frequent private visits, and the return of a fine season gave them an opportunity of walking out with less observation; and the witnesses will give you an account of their meeting in Kensington gardens, under different circumstances of disguise, on purpose for going there, which circumstances will appear in the sequel of this business, which caused suspicions in the minds of those that attended her, who took particular notice of them, and will give a very strong proof of the opportunities they had of observing the Duke and Lady Grosvenor. During the winter and the spring months in 1769, Lady Grosvenor had been very intimate with a lady whose name cannot now be concealed, the Countess Donhoff. The Duke had many meetings in different parties at that lady's house. In the month of May the Countess Donhoff had occasion to go out of town for some little time; when she was out of town Lady Grosvenor one evening ordered her coach and servants to the Countess's house: there was, you will find by the evidence, no person in that house but a maid servant, left to take care of the house, who then lived in it with her husband. When they came to the Countess Donhoff's door, the maid appeared, and said her lady was out of town: Lady Grosvenor look'd out of the coach, and would not take the answer from her servants, but told the maid she knew the Countess would be in town that evening, and she would come into the house and wait for her: then she got out of her coach, dismissed her servants, and ordered them not to return till eleven o'clock that evening. The maid was surpris'd at it; but, knowing her to be an acquaintance of her lady, took it for granted it was proper, and she shew'd her up stairs into the drawing room of the Countess, where you will find, and

that is a circumstance material in this affair, there was no convenience wanting that could be wish'd in such a room; the witnesses will tell you there was a couch there, which makes a material circumstance in this cause. After that a young gentleman came to the house and asked for Lady Grosvenor, in a chair with the curtains drawn; the woman received him, conducted him up stairs to the drawing room where Lady Grosvenor was; she then went down stairs, and staid some time, and then went into the room with candles. There was when she brought in the candles a circumstance which seemed as if he meant not to expose his figure so much to her; when she carried the candles into the room she was going to place them upon the table which was near them, and he bid her put them upon the other table, which was at the further end of the room; she then went away, and he and Lady Grosvenor staid there till eleven o'clock at night; upon which they went away separately, her servants and coach returning for her as she had ordered them; he went away without coach or chair. Gentlemen, this was so convenient a situation, the house they were then in was remote from all observation, by the absence of all witnesses, and no interruption as they thought, they were both tempted to repeat it frequently. The idea given to the woman by Lady Grosvenor was, that the gentleman that met her there was her brother. It happened one evening however, that the woman's husband let the gentleman out, instead of the woman herself, and he immediately knew who he was, and was struck with the circumstance, and said to his wife, that it was his Royal Highness the Duke of Cumberland; and she said she thought it was Lady Grosvenor's brother; she then made her observations, and that brought to light the different incidents upon the former affair. These meetings continued till the Countess's return to town, and a few days after her return Lady Grosvenor was confined to her house, and was then lying in of her third child. Then, Gentlemen, there is a circumstance which makes a material part of this affair; the Countess Donhoff had a servant, who was a young lad; after her return to town the Duke met this servant, and asked him to carry a letter to Lady Grosvenor; to which request the servant made no hesitation; his Royal Highness recommended secrecy, and accompanied that letter with a bribe, and desired him to bring the answer to him, which would be directed to the Countess. He took his lesson, carried the letter and brought back the answer as he was desired. At this time the lady, as I have already stated, was lying in: in such a situation as that and of such importance to every woman the Duke writes letters to her which will be produced to you, and they speak strongly what before that time had passed between them at the Countess Donhoff's. Gentlemen, it is impossible from the tendency of the letters that their communication could in any degree have been innocent; for no modest woman who had not been before corrupted could have received them, and no man wrote from time to time unless all reserve and restraint had long since been over between them. Gentlemen, I will dismiss the consideration of the letters only with this reflexion, that when you come to hear them read, you will be convinced that letters written in that stile from a single man to a woman married, do imply in the strongest degree, that every thing that I contend to have passed, had previously past before that time, and no woman could have received such letters at that time from an unmarried man, if she had not laid aside all reserve, and no man, if at that time he owed her any respect due to her birth, could have written such letters to her. After that his Royal Highness was called upon to take the command of some ships, and went upon an expedition about six weeks; in the course of that expedition he took every opportunity that could possibly occur, and where none occurred he took them, for writing to Lady Grosvenor; and there are letters that passed upon that occasion, which furnish the most evident demonstration that at that time Lord Grosvenor's dishonour was complete: one of the letters, dated Portland Road, begins in this stile; "My dear little angel, I wrote my last letter to you yesterday at eleven o'clock, just when we sail'd. I din'd at two o'clock, and as for the afternoon, I had some music; I have my own servant on board that plays, and a couple of hands from London, for the six weeks I am out:—we were a good many at dinner, I had about nine people yesterday, and shall have more when the rest of my Squadron joins me, they staid with me till near seven.—I got to supper about nine o'clock, but I could not eat, and so got to bed about ten:—I then prayed for you, my dearest love, kissed your dearest little hair, and lay down and dreamt of you, had you on the dear little couch ten thousand times in my arms, kissing you, and telling you how much I loved and adored you, and you seemed pleased; but alas when I woke, I found it all delusion, no body by me but myself at sea."—Gentlemen, from the inaccuracy of the expressions, you will see evident traces of the sentiments and spirit in which the letters were written; it is not to be supposed, it cannot be imagined, that a prince of

his high expectation could have received an education that would not have qualified him to write in the best, most accurate, and proper style; but when under such sentiments, expressions are not guarded, from the strong passions of the mind that are endeavouring to express themselves. The letter goes on stating the progress of his fleet, and a sea life, which is not material to read to you now; it goes on in another part, "When I between five and six weeks hence send the admiralty word that I am arrived at Spithead, then I shall only wait just for their answer, which will be with me in a few hours, to strike my flag, and then I shall return to you that instant, oh my love! mad and happy beyond myself, to tell you how I love you, and have been ever since I was separated from you." The letter then goes on in immaterial occurrences; then it says, "My angel of my heart, pray take care of yourself for the sake of your faithful servant, who lives but to love you, to adore you, and to bless the moment that has made you generous enough to own it to him; I hope, my dear, nay, I will dare to say you never will have reason to repent it." The letter then goes on with several other occurrences at sea, and then, after a long quotation of the celebrated poem that had been made the subject of his royal study, the letter proceeds thus, "Such is my amusement to read those sort of things that puts me in mind of our mutual feelings and situations."—Gentlemen, there is another letter, wrote likewise at the time that his Royal Highness was at sea, dated Portland Road the 17th of June, which is wrote pretty much in the same style and terms; the expressions are strong allusions to the situation, which are full as decisive as those read to you already; no such letters could in a common course of decency observed in the world have been written to any woman in her situation, nor have been received by her, as the tenor imports they were answer'd by her, unless all reserve, as I mentioned before, had been totally at an end, and he nothing to ask, that was in her power to grant: the letters will shew you the anxious desire of the Duke, that she should not go out of town, for the intention of the family was to go into Cheshire, to Lord Grosvenor's seat, in the summer, which had been put off beyond the usual time, upon the account of her lying-in; the letters express his wish that it might not happen till the Duke's return; accordingly it did not happen; though she had passed the usual time of being able to travel with safety, she prevented their setting out from London till July or August, when he returned; she continued in London till October. In the course of August and September, when he was returned, you will have an account of their meetings in Kensington gardens, and St. James's palace, and the gardens, and of her going to his apartments, or some of his servants; and you will find it not wholly confined to those places, but, as people by degrees having escaped detection and discovery, imagine no body sees them, and that their secret is well kept, and therefore shaking off all restraints of being confined to a few moments, she at last goes fairly to his own house in Pall-Mall, it may be said, openly and publicly; it is possible that a lady in company might go to his house in Pall-Mall to any entertainment, but, in the situation she went there, it is impossible it can be ascribed to any public pleasurable motive, but it was for a very different view; and her facility of going there arose from a circumstance that does honour to the family, one of her sisters happening to have apartments at St. James's as a maid of honour to her majesty: Gentlemen, you will recollect enough of the palace, of that part of it in particular that comes to the outer gate in the first court of the palace, which are the apartments of the maids of honour, to understand the part of the transactions I am going to mention: Lady Grosvenor went in her coach to St. James's palace, and she got out of her coach and ordered the servants to wait at the outer gate of the palace, and then she went into the Park through the palace to the Duke's apartments in Pall-Mall; in the Park there is a back door through which she went; she continued for some considerable time in his apartments, and then returned the same way, and went to her coach and servants: this was done repeatedly. Gentlemen, it became necessary for her to go into Cheshire, and upon the 23d of October she was to set out with the children and family and their attendants, and they were to go post to Cheshire: the distance from London to Lord Grosvenor's house at Eaton in Cheshire, I think, is about 182 miles, and the journey was with post-horses. They set out upon the Monday, and the first stage was at St. Alban's, where she arrived in the afternoon of the same day. Gentlemen, I think it is probable, I don't state it for certain, but you will have an account that upon the Monday night the Duke of Cumberland was there in disguise. I state it but as probable, not as certain; that depends upon the account those will give from whom we have the only possible means of expecting any account. Upon the Tuesday night she got to Towcester in the evening; about two o'clock three persons came into the inn at Towcester on horseback; they asked for a room; they were shewn

two of them into a room; they enquired for bed-chambers, had them looked out for them; they dined, and then two of them retired to their rooms; the third was very little seen: the account they gave of themselves, as it was necessary to give some account to satisfy the curiosity of the maids at the inn, they said they were farmers, the one was Farmer Tush, the other was Farmer Jones; they said they were come there for some money, and they expected a man to bring them some, and if he did not come before twelve at night, they should be obliged to go away. Lady Grosvenor came to the inn, and she retired early to her apartment, and about two o'clock the two farmers ordered a post-chaise, and set out for Stony Stratford; the third person staid to take care of the horses. Gentlemen, you will presently observe the reason of that. The next day Lady Grosvenor set out from Towcester, and reached Coventry, and that was upon the 25th of October; you will find that was a court day, upon which his Royal Highness would not miss the opportunity of paying his duty to the King. The farmers set out at twelve o'clock at night for Stony Stratford, and returned again to Towcester in post-chaises about five or six o'clock upon the Thursday morning. I will now state the course the servant went; first he went to Coventry upon the 25th, where when he arrived he put up his horses; he ordered beds, and said he was to wait for people to come there, and finding they did not come that night, he set off the next morning in the road onwards towards Cheshire; the two arrived about five or six o'clock; they enquired after the servant with the three horses, and were told he was gone on with them; they went on afterwards. This brings on the account of what happened afterwards upon the course of the journey; I will avoid stating the exact description of these persons; that will be proved by the evidence: these two persons, Farmer Tush and Farmer Jones, were his Royal Highness and Mr. Giddings who has the honour to be his Royal Highness's porter. The Lady arrived at the Four Crosses in the road to Cheshire, about six o'clock at night, but about two o'clock his Royal Highness and Giddings, and whether the servant or not, don't appear in evidence, but he is considered as such, though in some instances his intercourse was more than that of an ordinary servant: they arrived about two o'clock on horseback, they immediately enquired for a bed-chamber, which was chosen, and then to answer and satisfy the curiosity of the people of the house, a story was to be told them, which was, that the young gentleman who wore a black scratch wig much down, and in a plain dress, with the slouch'd hat, was young Morgan, called likewise the young Squire: and to prevent enquiries, and obviate the enquiries of people who might make their observations, the young Squire was said to be weak in his understanding, and under the care of Trusty, which name Giddings went by there. They dined there, and immediately after dinner the young Squire retired to his room. This conversation was held about him to make the people less attentive to what might pass: they were very little seen in the house, except on their first arrival at dinner-time. About six o'clock Lady Grosvenor arrived there; she chose her bed-chamber next to that the young Squire had chosen; the next day, which was Friday, the Lady was to set out from the Four Crosses, and intended that evening to be at Whitechurch: the three persons set out early in the morning, and they arrived at Whitechurch about two o'clock; there they immediately enquired for a bed-chamber, and the same story was continued of Mr. Morgan the young Squire being out of his mind a little, and attended by Mr. Trusty as usual; and they chalked the door of the bed-chamber, which I omitted to observe upon the former part of the story. My Lady Grosvenor arrived there about six o'clock in the evening; she immediately desired to see a room, upon which the maid shewed her the best bed-chamber, and she said she did not like that; then she was shewn another room, there she said she was afraid of fire; and then she was shewn another, that was too near the dining room, and some excuse was found why that room would not do at all, it was not convenient enough; and then she was shewn the rooms in their order, and it was remarkable that the room she chose was very convenient for the chalked room; this was represented to her to be the worst room in the house, it was damp and noisy, the windows were broke, and it was not fit for a lady in her situation, as any person upon their own account would have chosen the best room they could undoubtedly, but she liked the room and would have it, and chose it accordingly. Lady Grosvenor retired to her room, and the young Squire was retired, and there happened nothing in the house more remarkable, except about twelve o'clock in the night, as the grand-daughter and one of the maids of the house were sitting up in the parlour, they heard a noise, which they thought was the door of the young Squire's room opening, and upon one enquiring what it was, she was answered by the other, Oh it is only the door of the Fool's room; and they supposed he might walk in his sleep; the door shut again, the noise ceased and they went to bed: the

next day (upon the Saturday) Lady Grosvenor was to reach her own house; she set out not very early in the morning, but the other set out before her; they stopt at a house called Barn-hill, in the road to Chester; there they baited their horses, and enquired of the man of the house, which was Lord Grosvenor's, and they had the house pointed out to them; they staid there till the Lady passed by, and then they went on to Chester, and Lady Grosvenor went to Eaton, which is no great distance from Chester, I think it is about two miles; when they came to Chester, they put up at the Faulcon-Inn; then they took their horses when they had refreshed themselves and rode out, and staid till five or six o'clock in the evening. You will have an account when they went from Chester they went to a village called Eccleston, where there is a public-house; his Royal Highness and Giddings went there; from thence they looked out for the situation of Lord Grosvenor's house, and then they went across the fields to Lord Grosvenor's park; they returned again to Eccleston, and took their horses and went that night to Chester. Gentlemen, I will state to you the conduct they observed after they arrived at Chester till their leaving it entirely: they went the first day to Eccleston, that place being convenient to the house; they rode out every day morning and afternoon; they were at Eccleston on more occasions than one; upon the Wednesday they removed to Marford-hill, and staid till the Saturday from the Wednesday; they were but little in the town of Chester; they walked about a great deal in Lord Grosvenor's places, sometimes a servant holding their horses and they two were walking; they were seen by many people, but you will have a better account from the witnesses, it being impossible for us to state the hours and different places where they were seen. They removed to Marford-hill upon the Wednesday, and were in great intimacy with the man at that place; it was at a poor ale-house; I suppose they ordered every thing in the house; they lay there that night; when they went out in the morning they talked of coming back again; they made a degree of acquaintance with the man and his family, and when they went out in the morning he supposed they would not return early, but they came back suddenly and said they had received an account that the young Squire's father was lying a dying, and it was necessary he should go post to him, and yet they would be soon there again; what was before ordered to be ready against their return was got ready immediately, and you will find that the Duke and Giddings set off post for London: they returned again upon the 30th of November, the same two persons with another person with them; then there were four in the party, they returned to this house at Marford-hill, and they observed the same conduct as formerly, walking out frequently; their names were changed; here the young Squire, who was before without a name, had the name of Morgan, and the other went by the name of Griffiths; they staid from the 30th of November to the 3d of December, and then in the same manner they left it a little abruptly. It will be now necessary, seeing how they were disposed of in those instances, to see how Lady Grosvenor was disposed of; she walked out frequently, and you will find she immediately sent and ordered double keys, having some of her own already that might not strike the servants with any thing particular, but you will have an account that during the interval from the Saturday to the Thursday when first Lady Grosvenor came to Eaton, she walked out constantly every morning and every afternoon; the weather was by no means tempting for walking, but she never omitted to walk out every day during that time, and you will find by the evidence, she never walked out at any other time, and you will hear from different witnesses who observed her that she was seen talking with persons in the fields, and from some of them you will find they knew the person she was talking with, and the same things occur the second time of their going down upon the 30th of November to the 13th of December, and then in the same manner she was constant in her walks; she was observed by many to be talking with these persons already spoken of. You will likewise have an account of the reason why these parties left the place so abruptly upon both times: Lord Grosvenor had returned to Eaton upon the 14th of November; upon the 14th of December the same thing happened again; and upon the occasion of his last going down the Duke happened to be seen by persons who knew him, who having seen him before they had suspicions that there would be a story raised in the country very unfavorable of those persons and their designs in that country. But in fact none of the country people suspected the real motive of those designs. The story spreading perhaps from London to Cheshire had occasioned suspicions upon them, and whether those suspicions had been confirmed by intelligence I cannot state to you; it would be material if in my power, but it lying beyond the reach of possible evidence I omit to say any thing about it; it is sufficient that Lord Grosvenor had his

suspicious confirmed, my Lord Grosvenor was apprized that his Royal Highness had left town, and then notice was given to an old servant of Lord Grosvenor's family, (his steward I think) to be attentive to what pass upon that journey at that period; and he accordingly sent to another person who was an officer in the militia in Cheshire, that was his brother; and from the time she came into the inn at St. Alban's on her return home, he employed himself to enquire what persons came into the house; the account given him by the people of the house was, that there was no company in the house except two persons; one was a young man whom they believed to be out of his mind, and the other a person attending him; that they had been there sometime, and were to be there that night: the man observed he should not have been so near Lady Grosvenor's room; he said it was improper to have a madman so near her room, it would disturb the children likewise; but all this account confirmed Mr. Stephens's suspicions that they were the Duke of Cumberland and his attendants. After dinner he took the precaution to bore a hole in the door of Lady Grosvenor's bed-chamber, from which he could observe what passed in the room; the situation was not very favorable, but it gave them an opportunity of seeing a part of the bed and room; my Lady Grosvenor retired to her bed-chamber pretty early; the room in which she lay led into another room; she locked the door of that room, and put the key in her pocket, after having dismissed the maid of the inn that came to warm her bed, and locked the door after her; you will observe both the doors were locked by Lady Grosvenor within side; after Stephens came up he listened attentively at the door, and he was pretty confident he heard two voices, Lady Grosvenor's and another; then he went away, and came sometime after and listened again, and his ideas were confirmed; but not trusting his own ideas, he went to his brother, who was at another place, and fetched him; they both listened together, and they were convinced there was a person with Lady Grosvenor in her bed-chamber, and according to the best inference they could make out they were within the curtains of the bed; upon that Mr. Stephens, whom I ought to have told you, observed the motions of those two persons, and found they had ordered a post-chaise to be ready at two o'clock in the morning, Mr. Stephens thought there was no time to delay, and with his brother and the other servants he burst open the door; it burst from its hinges and returned upon the lock, that was close within side; it was done instantly; both parties were in the utmost consternation; Lady Grosvenor attempted to go into the other room, the Duke, unable to speak, stood confounded and frightened; Lady Grosvenor was buttoning up her travelling dress used upon the journey, which, upon the first discovery, was open and her neck bare, and unbuttoned; she was buttoning up with surprize and consternation, and upon that occasion his Royal Highness was buttoning up his dress. The Lady fell down in running away; Stephens ran to her to assist her in getting up, and his Royal Highness was going to the door likewise; Stephens ordered them not to let that gentleman go out; he went back, and then Mr. Stephens said there was no harm intended to his person, and turned round to the people and asked them this question, Do you know who this person is? The servants answered it was his Royal Highness the Duke of Cumberland. He would not tell who he was, but he said if Stephens would go with him into the next room he would tell him; they went into another room, and before the time he had reached that room the whole house was alarmed; the maids and other people came in upon the appearance of new faces, and when they were all got into the other room where the Duke went, he said, Take notice, gentlemen, I am not in Lady Grosvenor's bed-chamber: the answer to him was—he certainly was there when they came to him; and they said they would take their oath of it; they examined the bed, and as they found the situation of the bed, there was no doubt that two persons had lain upon it, and it was exceedingly disordered; the chambermaid was applied to, she said she had made it very orderly, and never left it in that condition, and she will give you an account of the situation in which it was afterwards found. Stephens told his Royal Highness he was sorry for what had happened, but it was what he was obliged to do, but it was his duty to his master which obliged him to act as he had done in the affair, and assured his Royal Highness he would not meet with any obstruction, and he might go where he pleased, and accordingly he went away for London. Gentlemen, I have now conducted this affair to the last decisive scene of it; I have gone through the relation upon the general circumstances, so far as is necessary to guide your attention to the course of the evidence that will be given; you will observe upon it four material circumstances, all operating equally strong to conviction in this cause. First, the private meeting between his Royal Highness and Lady Grosvenor at his own house, Kensington-gardens,

and other places, but above all the meetings at the Countess Donhoff's. Secondly, all the letters, referring to the situation in which they had both been, and the very strong expressions which shew that all had passed between them that could pass. Thirdly, the uncommon journey he took under the different disguises into Cheshire, his staying there, and the opportunities he sought with so much hazard and difficulty, in situations so derogatory from and disagreeable to his birth. And lastly, the scene at St. Alban's, which cannot leave much room to doubt even in the minds of persons most unwilling to believe. When all these circumstances I have repeated to you are proved, and the witnesses will relate many particulars which I have passed over, you cannot have the least opportunity to pronounce Lord Grosvenor has not made out his case. If this was a case depending upon nice ambiguous proof; if this was a question upon which there was a balance of evidence, it would be proper to enter into a discussion of the nature and import of the evidence, to support such a charge, and upon what principles you ought to weigh it, and upon what circumstances you would form certain conclusions; if it was, I should only mispend your time. But this is not a cause depending upon a course of equivocal circumstances but on the contrary innumerable circumstances concurring together of incidents which are impossible to be explained away, and impossible to receive an innocent construction, not to be taken only as separate circumstances, but in that view when all is united as equally incapable of being palliated, the united force of them is irresistible to conviction; I believe it will not be disputed that, in causes like this, nothing less than ocular witnesses to direct facts can be admitted; no such rule has or can prevail in this cause, as in every other cause a strong substantial proof operates with more force than it can in any case if parties are wicked enough to make up evidence to contradict the truth; but in this case there is more in the compass of proof than probable evidence; if direct evidence was to be offered to you, if witnesses were to say they saw them in bed together, that would leave something to be inferred by the jury, and that inference may be as well made of other circumstances as of that single circumstance, as whether or not it was impossible that it could happen in any other situation than between sheets. If you were to hear positive witnesses say they had seen the parties in bed, I should think if such evidence was offered it would be a very suspicious evidence. In one remarkable cause the spiritual court did deem it exceedingly suspicious, and would not divorce the parties because the parties are never so indiscreet, but prudence may preserve them from being found in the fact. Gentlemen, this is an action now founded upon the injury Lord Grosvenor has sustained in the relation of a husband; it is therefore to be proved in the same course, as in any other relation; and the evidence I have laid before you, I am sure, if the witnesses support it, is sufficient to establish the plaintiff's right in a civil action: I have no objection, and I dare say you will find this is a criminal transaction, and the law in those cases is penal; and the law has fixed no other method in such crimes, but a jury by way of damages may give them satisfaction, upon the consideration of the injury. If that argument should be urged with regard to the evidence that it is only circumstantial, I have not the least doubt to distinguish it, where the evidence is so strong between this and any cause of a criminal nature; crimes are to be proved by circumstantial evidence, even murder; there is no case but may be proved by circumstantial evidence, and there is no case but circumstantial evidence is sufficient, even to fix the party and crime, and subject the party to a loss of life. That could amount to more than the present case; consider the circumstances, the scene at St. Alban's upon the 21st of December, a gentleman not coming there accidentally, but by assignation with a lady; he is admitted in that bed-chamber where no person but Lady Grosvenor could admit him; the door is locked upon the inside; he came there knowing her to be there, and comes there in disguise, remains in the house in that disguise, is admitted in her bed-chamber in an undue time; it certainly is not an innocent meeting, it is in consequence of an assignation. If I ask what purpose is the meeting, every man can answer that question, it is evident enough what the purpose was. If I ask whether it was completed, the answer to that is, yes, they were detected. If I ask why sufficient time was given, the witnesses will answer that, it can have but one construction, it denotes a criminal detection; but the circumstances of that detection shew a criminal purpose actually completed. With regard to the Duke coming there, it may be said, that the intention was extremely innocent; I presume it may be said because it has been said, that the only object of the Duke's journey to St. Alban's was to acquaint Lady Grosvenor of the reports in the news papers that were pretty judicial as to her character, and he came to acquaint her of it. Gentlemen, you will consider how absurd and totally improbable it is: if it was incumbent upon him to make that communication

communication to my Lady Grosvenor, there was no difficulty of writing, or sending, or waiting till the next day, when she was to be in London: why disguised? why in waiting? But was it consulted with my Lady Grosvenor that he was to come? meeting with her was concerted to be sure, as none could come there but in consequence of her previous knowledge. The Duke of Cumberland was in the house: setting apart the respect due to the Duke of Cumberland, taking a prince of the blood out of the question, supposing any other person of the highest condition in the kingdom, supposing they had been with Lady Grosvenor at that time, and that my Lord Grosvenor had arrived that evening in St. Alban's, and had come immediately to her bed-chamber and found a man in the bed-chamber with her, supposing any man only listening to the first dictates of jealousy had done that which the law in that case deems justifiable, and if brought to his trial upon it, is there a jury upon that case that would not say the man was justifiable in that he had destroyed a man found in adultery with his wife? That is taking the fact in the strongest view it can be placed, and I have no doubt upon stating and proving the circumstances in that respect, that the jury will pronounce a person so found in such a situation, and being in such a situation as the law allows not, to be a guilty person. How can the meetings at the Countess Donhoff's be accounted for? the meetings at the Duke of Cumberland's own house in Pall-Mall? For it will be proved to you, that Lady Grosvenor does in person go privately to his house; how can she go to such a house as his house in that private manner with security? Her going through the palace as if she went only to see her sister, was all artifice to avoid a discovery where she went; it is impossible she could go there with any innocent view. What was wanting upon the occasion of their meeting at the Countess's? Was inclination wanting? Had the Duke failed by reserve? At that time the letters tell you the consequence; he told her he loved her, and was happy that she loved him; both were young, no witness was by; it is impossible to imagine all had not passed that was necessary to pass to complete Lord Grosvenor's dishonour. If we lay that out of the question, consider the nature of the letters themselves; I will not talk of the letters that were wrote to Lady Grosvenor in that interval when a woman's sentiments, from a thought of religion, should have been all excited another way; then she was receiving and returning letters from the Duke, that it must be impossible for a modest woman to receive without being looked upon with a degree of blame. But consider the other letters wrote from on board his ship, the letters I have already mentioned to you, which tells her, "I had you upon the dear little couch," alluding in direct terms to the scenes to which that couch had been a witness: it is impossible for persons of the rank and condition of the Duke and Lady Grosvenor, who were bred up with people of decency and respect, and whose language must have been modest and correct from their education, to talk in plainer terms than could be expressed in modest terms. What does he mean by their mutual feelings and situations? Is it possible to allude more directly to or tell in plainer terms the circumstance in Lady Donhoff's house? It carries with it the strongest conviction possible; I need not dwell upon the other expressions in the letter; the whole terms of the letter, the inaccuracy of the language shews the circumstance now brought to you to determine upon: in the letter he blesses the moment that has made her generous enough to own her passion for him: every body in the world knows the reason of that to be what is understood to be the proving and giving the last fatal proof of her passion, by owning her passion. He concludes one letter with saying, "he is sure she will never repent it:" what more is necessary to support this action in the strictest sense of the case? consider the journey into Cheshire, consider with yourselves a moment, what it must cost him in his own mind to submit to many things that occurred in the course of that journey, and how eager he must have been in the seduction of Lady Grosvenor; those mortifying circumstances that obliged him to keep company with his own porter, who appeared as his servant and sometimes companion, to a person educated as his Royal Highness has been, and at that distance from home, who usually is accompanied by royalty and used to that respect; I don't know any circumstance more difficult to suggest than the familiarity those persons had with him; all that is overcome, all that had led him through that difficulty, all overbalanced every consideration; he forgot what he owed to himself, to his birth, to the public, and to the sacred rights of matrimony; he forgot that and his own dignity, and his birth, and all in the course of months together, by repeated acts demonstrating those maxims, the whole of which we will prove in the present cause: it is impossible to be misunderstood by a jury accustomed to consider the nature of evidence; they must observe with what view his Royal Highness condescended to lay aside his dignity for so many months together; it is impossible for him not to gain the object he fought after

with so much difficulty, and that all his endeavours should happen to prove ineffectual, which would be a direct contradiction to the witnesses who speak to the confusion of the parties, and against his own letters, and it would overturn all idea of evidence and certainty. In causes of this kind, it exceeds the credulity of any persons of the most bounded inclination to advance her honour beyond the bounds of probability, and impose upon the credulity of the world; it is impossible so many absurdities should impose upon your judgement. I should here conclude the cause, and give you no farther trouble till the evidence has been heard, if I had reason to imagine, I should have occasion to address you a second time; as I do believe it is probable I shall not have an opportunity of taking up any more of your time in what occurs to me at present, I shall submit to your consideration a few words upon the nature and extent of the damages. In all cases the damages must be proportioned to the injury, and the quality of the injury, and in all cases it depends upon the character and situation of the injured person, and of the person who has committed the injury; consider then the short state of this cause, his Royal Highness is a prince of the blood, and he has debauched the wife of a peer of England. If you consider the persons, there is no sum of damages sufficient; if you consider the example with regard to the public, no imaginary sum is too high. This, as I began in the opening to state to you, is the first instance where an action of the kind has been brought against a person of the defendant's high rank and quality, and it depends totally and entirely upon your verdict, whether this is the last occasion that ever will be given for such an action as this. All men know, you must know gentlemen, from your observation of the world, from reading and experience, that the conduct of princes is an object of national as well as private concern; that their elevated situation gives them many facilities of obtaining the accomplishment of most irregular wishes; the respect paid to their rank will introduce them in situations which are denied to private persons; and will impose greatly upon the vanity of a woman, nay, even upon the vanity of men, who think themselves honoured to have the notice of a prince; in the course of their family they are too long permitted to be unsuspected: you know of how much consequence it is to check these irregularities, in order to derive a beneficial example through all ranks of society. Gentlemen, I have already admitted I should have no objection to consider this with respect to the evidence given as a criminal case, with respect to the damages you are to give, and the council for the defendant can have no objection to take it so in this cause. It has been usual to consider these cases as criminal, and the judges have formerly formed their directions upon this principle, the quality of the defendant, and example with regard to the public, which were the only considerations; who the plaintiff is, is totally immaterial; put him upon a level with every other subject, and consider the quality of the defendant, and the influence arising upon it; consider what is the punishment and damages due upon such an offence, in such a case as this; in all causes this has been the point of view in which it was taken. If the defendant had been a domestic, and had been guilty of such a crime, it would have much aggravated the guilt, and such a circumstance and the punishment ought to be more severe. I have heard of an unfortunate case, where the plaintiff was a noble lord in Ireland, and the offender was a near relation to him, and the resentment of the jury made them give a verdict of perpetual banishment; they thought it unfit for him to live in the kingdom, and the verdict had that effect to drive him out of Ireland: and in another case, where the offender was a domestic, and the man not worth five shillings in the world, the jury brought in a verdict of 5000*l.* taking for an example, that the punishment should amount to perpetual imprisonment of the party. I remember upon the case of a boy of fifteen years of age, who was an apprentice, being guilty of criminal conversation, and the jury gave a verdict of 100*l.* damages against the boy, that was proved to be not worth a shilling in the world, for the sake of imprisonment. Gentlemen, how to draw conclusions with regard to the rank and quality of the defendant, I own I am at a loss, because the naming him is sufficient; it is a prince of the blood, entitled by his birth to every degree of respect, in whose conduct the public is deeply interested, whose example as vicious in his high situation is most dangerous; a precedent for damages in such cases as this I can find none, but one instance upon record where a prince of the blood has been the party upon record in a court of justice; but then the prince was the plaintiff, and the brother of king Charles II. it was an action for words spoken, and because of the quality of the plaintiff, the jury thought proper to give the prince 100,000*l.* in damages; this is an instance appearing upon record. In this case the prince appears as defendant. If that prince, the Duke of York, had been the defendant, there the jury would not have hesitated to have given the same sum against him, which was extorted from a person of no rank. Gentlemen,

if this case had then happened, if the action had been brought against that prince, much alleviation and much extenuation might have been urged in that behalf; first, the corruption of a licentious court; in the next place, the daily example of the prince upon the throne, whose conduct was publicly irregular. In the present case, happy for this kingdom, no such circumstance of alleviation can be urged: his Royal Highness has in his own family nothing but the first example of piety and conjugal fidelity; it would be happy if his majesty's regular conduct could diffuse into his family, and diffuse into his subjects, to make them pure as he is: therefore it will admit of no extenuation in this case; upon the contrary, you will admit it is a circumstance of aggravation, as he was un seduced by domestic example, that his Royal Highness should unfortunately make himself the first instance where a brother of a family upon the throne has seduced the wife of a peer of England. Now concerning the damages, with respect to the defendant, I should conceive the severest verdict you can possibly give is for the defendant the most salutary: for it cannot exist that no damages you can give will have the effect intended by the jury; but the severest verdict, with regard to him, will have the most salutary effect: in the first place, it will teach his Royal Highness this great and useful lesson, that the laws of England in the hands of an English jury are superior to the most elevated degree of rank, and it will urge him to principles more noble than the seduction of a nobleman's wife; it will teach him what his ancestors have done in making the laws of the country, that they can punish even in the person of a prince, and they can reward nobly in the person of a prince: it has been the case in many instances; this will correct his excesses, and would with the same liberality reward his merit, and state his merit in a point of light equal with the rank he supports. In whatever light the public may have unfortunately held him, they cannot regard your verdict in a wrong light; for the extraordinary attendance shews the anxiety of the public, and it is not only from curiosity, but anxiety to see to what degree you will carry your resentment against such a crime, so fatal and dangerous to the world and society. Gentlemen, the custody of a public example rests in your hands, and when compared to that, the honour of an English nobleman is an indifferent subject; the chastity of women, and the sanctity of marriage, all depend upon the impression your verdict will give; from the weight and importance of such a transaction as this, committed by a person situated so high as the present defendant is. I am convinced the expectation of the public will not be deceived; good men will find vice checked in this instance in so signal a manner, that it will operate in reformation much beyond this particular instance; to shew young men, disorderly licentious men, indulging and abusing the facility their title, rank and fortunes give them, that an English jury consider the rights of society, as not to permit the sacred rights of marriage to be sacrificed to the inordinate wishes of young men, and that no rank will protect them from your equal distribution of justice; and the greater the offender, it is just the punishment should be in proportion. Upon these considerations I shall submit the cause to you; it is probable I shall have no opportunity of making any more observations; and to conclude, I could wish to have stated this case with all its weight, and with all imaginable candour in my power; and in the opening of the evidence, if I have inattentionally stated any circumstance to which there is no positive evidence, it is contrary to my intention, and I hope you will overlook it. I have stated as carefully as I can the circumstances which I am confident will be given in evidence; if I have gone farther, I hope you will attribute it on my part as a mere mistake.

The Reverend Mr. TAYLOR examined.

Q. Do you know Lord Grosvenor?

A. Yes.

Q. Do you know Lady Grosvenor?

A. Yes.

Q. Do you know when they were married?

A. Yes, I married them July the 19th, 1764.

Q. Where?

A. St. George's Hanover Square.

Q. Did you live in the family before this affair happened?

A. Yes.

Q. Upon what terms did they live together?

A. Mutual affection, I believe.

Q. How many children are there?

- A. Only one child, I believe.
 Q. Were they always upon good terms?
 A. I never saw any time when they were otherwise;

Cross Examination.

- Q. You did not mean to speak with reference to any particular time, but always known to be so?
 A. Yes.

ELIZABETH SUTTON sworn.

- Q. Where did you live in May last was a twelve-month?
 A. At the Countess Donhoff's.
 Q. Are you a servant there?
 A. No, I only take care of the house in her absence.
 Q. When did you take that care upon you?
 A. About the 8th of May.
 Q. Did the Countess go out of town that day?
 A. Yes, Sir.
 Q. Do you know Lady Grosvenor?
 A. Yes, Sir.
 Q. When did Lady Grosvenor come to the house?
 A. My Lady went out of town and came back the Monday after.—Lady Grosvenor visited my Lady when she was in town.—My Lady went out of town again.
 Q. When?
 A. About a weeks time, and then she staid five weeks.
 Q. Do you remember any thing of Lady Grosvenor coming to the house?
 A. The day my Lady went out of town, Lady Grosvenor came.
 Q. What time of the day was it, can you remember?
 A. I believe it was past seven, and near eight at night, as near as I can guess.
 Q. Was your Lady out of town then?
 A. She went out of town that afternoon.
 Q. What happened when Lady Grosvenor came?
 A. She asked for my Lady, I said she was out of town.—Lady Grosvenor said she knew my Lady would be in town that evening, and when her Ladyship said so, I did not know what she expected—I did not expect my Lady.—Lady Grosvenor came in, and said her brother would come, or asked me whether her brother was come, one or the other I am sure.
 Q. Where did Lady Grosvenor go then?
 A. Directly up stairs into the drawing room.
 Q. What happened then?
 A. I can't be sure, but I think I staid in the hall below stairs to take care of the door.
 Q. Did any other person come that evening?
 A. In about half an hour there came a person in a chair with a double knock; I opened it, and the chair was brought into the hall with the curtains close; the man opened the top of the chair, and a gentleman got out and run up stairs directly.
 Q. Did you observe his person?
 A. I saw nothing but his back; he had a blue coat on.
 Q. Then as soon as he got out of the chair, he ran up stairs?
 A. Yes, he did very quick, and went into the room where lady Grosvenor was.
 Q. Did you see him there?
 A. I did.
 Q. What happened while they were there?
 A. I staid below some time to shut the door after the two chairmen, and then I went down stairs about my business. When it was time for to light candles, I took candles into the room, and a pair of snuffers: when I went up to the door I knocked at it, and I think one of them said, Come in: I went in directly; when I came in, the gentleman and the lady were sitting upon the couch, Lady Grosvenor at the top, and the gentleman at the bottom.
 Court Q. How did you say they were sitting on the couch?
 A. The one at the top, the other at the bottom, but close to each other;
 Council Q. You was speaking about candles.

A. Yes;

A. Yes, I went to carry the candles to a table by the couch, and the gentleman said, Put them upon that table, and that was at the further end of the room; I put them there according to his orders, and then I shut the windows, all but one as was near the couch, and as I was big with child I could not conveniently get at it. Lady Grosvenor and I was both big with child at the same time, and both laid in in one month.

Court. When did Lady Grosvenor lay in?

A. I was brought to bed the 24th of June, and she lay in the same month; she was very big with child then as well as myself; I could not get by and I left that one window unshut.

Q. Can you tell how long the lady and gentleman staid?

A. I think Lady Grosvenor's coach came for her about a quarter after ten, or thereabouts.

Q. What day of May was it?

A. I believe it was the 18th of May. My Lady came home from the country and staid some days, then went again; I know it was the latter end of May, but I can't say exactly to a day.

Q. Can you remember Lady Grosvenor's coming again? Was the Countess in town?

A. When I went into the room with the candles, the gentleman said, Is your mistress come home? I said no; then he said, Do you know whether she will come? I answered, I did not know.

Q. Lady Grosvenor went away in her own coach?

A. Yes.

Q. When did the gentleman go away?

A. When the lady went away I staid some time below stairs, and then I wondered the gentleman did not go with Lady Grosvenor in the coach. I staid some time to see if he wanted me to call him a coach or a chair; at last he came down with a candle, and said, Are you in the house alone? I said no, I am not, my husband and family are in the house; I opened the door, and he went away without coach or chair.

Q. While you were together, did you make any observations of him?

A. I did, he stared up in this manner; he was such a size as that gentleman; he was a fair gentleman with large eyes.

Q. Do you remember how he was drest?

A. I saw a scar on his cheek; he put his great coat up to his neck, so — (*pulling her cloak up to her neck.*)

Q. Did you see that gentleman again?

A. I did.

Q. Give us an account when he came again?

A. The next day both came again.

Q. Which came first?

A. Lady Grosvenor came first, and the gentleman afterwards in the same manner as before; I carried candles in again, and placed them on the farther table myself, without his bidding; he asked whether the Countess was come home yet? I answered no; Lady Grosvenor said, Certainly she will be in town to night; the gentleman said no more.

Q. The question first asked was by the gentleman?

A. Yes. He came in the same manner this second time. I took the candles as before, and shut up the windows the same as before. Lady Grosvenor's coach came; I bid her servants take care of the house, while I went up stairs to acquaint her Ladyship; she came down and went away, and he went away in the same manner: I said to my husband, the lady is gone, do you go and wait and let the gentleman out; he went and let him out; then my husband said, Do you know who that is? I said is it not the lady's brother? my husband said no, it is the Duke of Cumberland.

Q. How long were they together this time? what hour did they come and go away?

A. Eleven o'clock.

Q. When did they come?

A. In the evening between seven and eight o'clock.

Q. Can you tell whether the gentleman came after the lady that night?

A. I can't say whether he did not come first one night, but I can't tell which night.

Q. How many times might they come in this manner?

A. I think they came three or four nights.

Q. Was the couch there each night?

A. Yes, it was.

Cross Examination by Defendant's Council.

Q. I think you said Lady Grosvenor came in her own coach, with her servants, and he came in a chair and walked away?

A. Yes.

Q. And they came about seven or eight o'clock, and went away about ten?

A. Yes, and one night eleven.

Q. Within two or three days of each other about the same time?

A. Yes, all the same time.

Q. You took him to be Lady Grosvenor's brother, till your husband told you it was the Duke?

A. Yes, I understood him to be the lady's brother.

Q. So when Lady Grosvenor came into your mistress's house, she talked to you supposing your Lady was coming home?

A. She always said she expected she would be at home that night.

Q. When you carried in the candles you was told to come in?

A. Yes.

Q. And you then did as you have told us?

A. I did.

Q. The Duke came in a chair?

A. Yes.

Q. Lady Grosvenor and your mistress visited when she was in town?

A. Yes, Sir.

SAMUEL SUTTON examined.

Q. Are you the husband of the last witness?

A. I am.

Q. Do you know the Duke of Cumberland's person?

A. Yes.

Q. Did you see him at the Countess Donhoff's?

A. I saw him once there.

Q. At what part of the house?

A. I let him out of the door.

Q. You are certain it was the Duke of Cumberland?

A. Yes.

Q. You told your wife it was the Duke?

A. Yes.

JOHN BOURNE examined.

Q. Where do you live?

A. At the Countess Donhoff's.

Q. How long have you lived there?

A. Upwards of three years.

Q. Have you seen the Duke of Cumberland at your house?

A. I saw him there twice.

Q. Was you ever at his house?

A. Yes.

Q. In Pall-Mall?

A. Yes.

Q. When?

A. About a year ago.

Q. Did he speak to you?

A. Yes. He asked me to take a letter to Lady Grosvenor for him, and desired me not to tell the Countess.

Q. What further directions did he give you?

A. The answer I was to have was to be directed to the Countess; I was to give my Lady's compliments as if it came from her.

Q. What was you to do with the answer?

A. To carry it to the Duke.

Q. Did you receive any answer?

A. Yes.

Q. Did you carry it to the Duke?

A. Yes.

Q. Did he give you any reward?

A. Yes, half a guinea.

Cross Examination.

Q. Are you servant to the Countess Donhoff?

A. Yes, Sir.

Plaintiff's Council. My Lord, the officer of Doctor's Commons is here.

Defendant's Council. I admit the letters.

Letter B read in Court.

My ever dearest Love.

HOW sorry I am that I am deprived the pleasure of seeing this Evening but especially as you are in pain God grant it over upon my knees I beg it altho' it may go of for a few days it must return and then you will be easy my only Joy will be happy, how shall I thank for your very kind Note your tender Manner of expressing yourself calling me your dear friend and at this time that you should recollect me. I wish I dare lye all the while by your Bed and Nurse you—for you will have nobody near you that loves you as I do thou dearest Angel of my Soul O that I could but bare your pain for you I should be happy what grieves me most that they who ought to feel dont know inestimable Prize the Treasure they have in you—thank God if it should happen now Mr. Croper is out of Town and you may be quiet for a few days—I shall go out of Town to night but shall stay just for an answer pray if you can just write me word how you find yourself, I shall be in Town by eight Tomorrow Evening in hopes of bearing again I am sure my Angel is not in greater pain than what my heart feels for my adorable Angel—I sent this by D—servant she is gone to Ranelagh do if you write direct it to her the Boy has my orders & will bring it to me—Adieu God bless you and I hope before morning your dear little one

Directed to

Lady Grosvenor.

Letter C read in Court.

My dear little Angel,

I Am this instant going out of Town ten thousand thanks for your kind note I am sure nothing could make my aking heart to night bearable to me than when you say you are sensible how much I love you pray God it may be over before Morning or that you may be better I shall be in Town at eight o'clock for I shall long to know how you are dont mention to D that I wrote by her servant to you for I have ordered him not to tell—Adieu Good night God bless the Angel of my Soul Joy & Happiness without whom I have no comfort and with whom all happiness alive au revoir I hope very soon

Directed to

Lady Grosvenor.

Letter D read in Court.

My dear little Angel,

I Wrote my last letter to you yesterday at eleven o'clock just when we sailed I dined at two o'clock and as for the afternoon I had some music I have my own servant on board that plays and a couple of Hands from London for the six weeks I am out—we were a good many at Dinner I had about 9 people Yesterday and shall have more when the rest of my Squadron joins me they staid with me till near seven—I got to supper about 9 o'clock but I could not Eat, and so got to bed about 10—I then prayed for you my dearest love kissed your dearest little Hair and laye down and dreamt of you had you on the dear little couch ten thousand times in my arms kissing you and telling you how much I loved and adored you and you seemed pleased but alas when I woke I found it all delusion no body by me but myself at Sea I rose by time at half past five and went upon deck there I found my Friend Billy and walked with him for about an hour till Barrington came to me we then breakfasted about eight o'clock and by nine I began and exercised the Sbips under my command till twelve it is now one and when I finish this letter to you my dear Love I shall dress and go to dinner at two o'clock it is a rule on board to Dine at two, breakfast at eight and sup at nine—always if nothing hinders me I shall be a bed by 10 or soon after and up by half past 5 in the morning in order to have if there is any occasion orders ready for the Fleet under my command before I begin to exercise them—I am sure the account of this days duty can be no pleasure to you my love yet it is exactly what I have done and as I promised you always to let you know my motions and thoughts I have now performed my promise this day to you and always will until the very last letter you shall have from me which will be when I between 5 & 6 weeks hence send the Admiralty word that I am arrived at Spithead then I shall only wait just for their answer which will be with me in a few hours to strike my flag and then I shall return to you that instant O my love mad and happy beyond myself to tell you how I love you and have thought of you ever since I have been separated from you the wind being contrary to day about one I put off dinner till three o'clock

in order to anchor Ships for this Night in Portland Road just off Weymouth about 2 Miles I hope to sail tomorrow by 5 in the morning I hope you are well I am sure I need not tell you I have had nothing in my thoughts but your dearself and long for the time to come back again to you I will all the while take care of myself because you desire my dear little Friend does the Angel of my heart pray do you take care of yourself for the sake of your faithful servant who lives but to love you to adore you, and to bless the moment that has made you generous enough to own it to him I hope my dear nay I will dare to say you never will have reason to repent it, the Wind was not so contrary but we could have sailed on but I told Barrington that as it was not fair I would anchor especially as I could send one of my Frigates in for that I had dispatches of consequence to send to London indeed my dear Angel I need not tell you I know you read the reason too well that made me do so it was to write to you for God knows I wrote to no one else nor shall I at any other but to the King God bless you most amiable and dearest little creature living—aimons toujours mon adorable petite amour je

vous adore plusque la vie mesme

I have been reading for about an hour this morning in Prior and find these few lines just now applicable to us

*Now oft had Henry changed his sly disguise,
Unmarked by all but beauteous Harriets eyes;
Oft had found means alone to see the Dame,
And at her feet to breath his am'rous flame;
And oft the pangs of absence to remove
By letters soft interpreters of love
Till time and industry (the mighty two
That bring our wishes nearer to our view)
Made him perceive that the inclining fair
Received his vows with no reluctant Ear;
That Venus had confirmed her equal reign
And dealt to Harriets heart a share of Henry's pain.*

Such is my amusement to read those sorts of things that puts me in mind of our mutual feelings and situations now God bless you till I shall again have an opportunity of sending to you, I shall write to you a Letter a Day as many days as you miss herein of me when I do they shall all come Friday 16 June God bless I shant forget you God knows you have told me so before I have your heart and it lies warm in my breast I hope mine feels as easy to you thou joy of my life adieu

Directed to

Lady Grosvenor

Letter E read in Court.

Portland Road Saturday 17th June

My ever dearest little Angel,

T*HE Wind to day is not fair so I shall lay here in Portland Road till it is and take this precious moment in sending this other Note to you I hope it will find you well and that you are not afraid of being gone out of Town before I return back to you thou loveliest dearest Soul I have been reading since my last Note of Yesterday to you a great deal out of Prior keeping the Heroine bye till I have read quite thro' and find many things in it to correspond with us exactly*

*Hear solemn Jove; and conscious Venus bear,
And thou bright Maid, believe me, whilst I swear,
No Time, no Change no Future Flame shall move
The well plac'd Basis of my lasting Love.*

Do not think I wanted this Book with me to tell me how well I loved you, you know the very Feelings of My heart yet it is great pleasure when I am reading to find such passages that coincide so much with my own ideas of dear you, I will write constantly it is my only entertainment that and hearing from you will be except my Duty on board the only thought or employment I shall have or even wish I have just now had a message from shore it is about 2 miles from Weymouth to go to the rooms this Morning, I have excused myself being much quieter on board and happier in writing to you, You are not there or else the Boat that should carry me would go too slow I long for that happy moment that brings me back again to all I love and to all that I adore—— indeed I am sorry my letters are so stupid, pray write to me you know whether to send them to send them to D—— or to Mrs Reda—— I long to hear from you it is now within two days of a fortnight indeed it seems forty thousand years, how happy

when we meet that our letters has opened to each other the very feelings of our honest hearts permit me to name yours with mine then they will be words and happy looks from two of the most sincere Friends alive Your heart is well altho' fluttered while I write to you I hope mine is hurried too they ought to have the same emotions I know they have they are above dissembling I must now conclude God bless you I send you ten thousand kisses pray when you receive this return them to me for I want them sadly.

Adieu je vous aime adorable petite Creature je vous adore ma chere petite bejoux. l'amant de mon coeur—

God bless I will write constantly.

Directed to
Lady Grosvenor.

THOMAS DENNISON examined.

Q. You was one of Lady Grosvenor's footmen?

A. Yes.

Q. How long was you in my Lord's service?

A. Upwards of two years.

Q. Was you Lady Grosvenor's footman?

A. Yes.

Q. Did you go with your Lady to Almack's in February, 1769?

A. Yes, I did.

Q. At what time did she order her coach?

A. About eleven o'clock.

Q. Was you there before the time?

A. I was.

Defendant's Council. What time do you mean to speak to?

A. February or March, 1769.

Plaintiff's Council. In what manner did the Lady go to Almack's?

A. In a figured chair.

Q. What other place did she go to that night?

A. To the Countess Donhoff's in Cavendish Square.

Q. Did any body come after her to the same house?

A. No. I saw a person going before.

Q. Who was that person?

A. It was the Duke of Cumberland.

Q. Did you see him in the house?

A. I saw him go up stairs.

Q. How long did he stay there?

A. I don't know.

Q. You left him there?

A. As far as I know I did.

Q. I suppose you came away with your Lady?

A. Yes.

Q. Do you know where your Lady was in May or April?

A. At Craven Hill.

Defendant's Council. May, you speak of?

A. Yes.

Court. What did you say of May?

A. In either April or May she came from Craven Hill to the Countess Donhoff's.

Council. Did Lady Grosvenor stay at the Countess's any time, and how long?

A. Yes, two or three hours.

Q. Have you not gone frequently with your Lady to St. James's?

A. I have.

Q. Did you ever hear her say what she went there for?

A. She went to see her sister.

Q. Can you say in what month she went to St. James's?

A. It was the latter end of April or the beginning of May.

Q. You have set her down there?

A. Yes.

Q. Do you know where she went when you set her down?

A. I have seen her go into St. James's Park, and into the Duke's garden.

Q. Which way did she go into his garden?

A. Out of the Park.

Q. Did

- Q. Did she go through the palace into the Park in order to go to his garden?
 A. Yes.
- Q. Have you seen her go that way, and into his garden?
 A. I have.
- Q. Who was with her?
 A. The Countess Donhoff.
- Q. Did you wait there?
 A. No, the coach was discharged for two hours.
- Q. Did she return again to the coach at the end of that time?
 A. Yes.
- Q. Which way?
 A. I saw her return the same way.
- Q. Did you see the Duke any where?
 A. Yes, Sir, in the Park, when they have met.
- Q. Did he go with her into his gardens?
 A. Yes.
- Q. How often did this happen?
 A. About three or four times.
- Q. Can you recollect about what time any of those instances happened?
 A. In the beginning of May.
- Q. At what times?
 A. About nine, or thereabouts in the evening.
- Q. Generally staid about two hours, I suppose?
 A. Yes, from nine till eleven.
- Q. Have you been with your mistress in Kensington gardens?
 A. I have.
- Q. Can you fix the months?
 A. The latter end of August or September.
- Q. Have you been with Lady Grosvenor once, or more than once, to the gardens?
 A. Several times.
- Q. Who came to her there?
 A. The Duke of Cumberland I have seen following her up the same road among the gardens.
- Q. Have you seen him with her?
 A. No. I never saw him with her, only he was following the same road.
- Q. Did you go with Lady Grosvenor and her family into Cheshire?
 A. I did.
- Q. Can you tell when you set out?
 A. Upon the 23^d of October last, I think, or the 22^d.
- Q. Where did you get to the first day?
 A. To St. Albans.
- Q. Did Lady Grosvenor go with her own, or hired post horses?
 A. Post horses.
- Q. Did she appear to be in good health at that time?
 A. Yes, Sir.
- Q. Where did she get the first day?
 A. To St. Albans the first afternoon.
- Q. How far the second day?
 A. To Towcester in Northamptonshire, to the Saracen's head.
- Q. What time did she set out of St. Albans?
 A. I fancy about ten or eleven o'clock in the morning.
- Q. When did she get into Towcester?
 A. About five.
- Q. And stopt there?
 A. Yes.
- Q. What time did she set out from Towcester?
 A. I think it was near twelve o'clock.
- Q. How far did she travel that day from Towcester?
 A. To Coventry.
- Q. How many miles did she go that day?
 A. About thirty-four or five.
- Q. Where did she go from Coventry? and what time did she set out?
 A. About ten o'clock.

- Q. How far that day?
A. To the Four Crosses.
- Q. That is an inn in Staffordshire, I believe?
A. Yes.
- Q. How far is that?
A. About forty miles.
- Q. What time did she set off the next morning?
A. About ten.
- Q. What place did she set out for next?
A. Whitchurch in Shropshire.
- Q. How far is that?
A. About thirty miles.
- Q. Where then did she go?
A. To Eaton.
- Q. What time did she get there?
A. Upon Saturday.
- Q. What day did you set out from London?
A. Upon Monday afternoon.
- Q. You staid with your Lady at her seat in Cheshire?
A. Yes.
- Q. Did you observe any thing particular in her behaviour there?
A. Yes; she walked out in very dirty weather.
- Q. What time in the day?
A. About twelve or one o'clock in the day.
- Q. Was it such weather as made it remarkable?
A. It was very dirty weather, and the fields very dirty.
- Q. Was it frequently she walked out?
A. Yes; for a week after she got down.
- Q. Pray do you remember going into the fields with a message to your Lady?
A. Yes.
- Q. Can you remember what it was?
A. Some neighbour had sent to know how she did and the children.
- Q. And you went to deliver this message to her in the fields?
A. I did.
- Q. Did you see any body with her?
A. Yes; a man was sitting down with her, or lying down; I could not tell which.
- Q. Did she come to you from the person?
A. I saw her get up, and she ran as fast as she could to take my message, and then went to him again.
- Q. Could you tell who that person was?
A. I thought it was the Duke of Cumberland; I had some trifling view of his face; it struck me then that it was him, but I was not sure.
- Q. Where did the person stay while she came to you?
A. While she was running to me, I saw him go behind a tree; he rather went rooping to go behind the tree.
- Q. Did you come with your Lady in her journey to London?
A. I did.
- Q. Was you with her at St. Albans the 21st of December?
A. I was.
- Q. Can you give an account of what you saw pass that evening at St. Alban's?
A. Yes; I was informed by our Steward (Mr. Stephens) that there was somebody in my Lady's room with her; he called us up; we was all gone to bed; and he asked me to go along with him; he heard two voices, and desired me to come up to the door.
- Court.* When was that?
A. The 21st of December, my Lord.
- Council.* Mr. Stephens giving you this intelligence, you went up?
A. Yes.
- Q. What happened then?
A. Mr. Stephens and his brother said they could hear two voices in the room.
- Court.* Did you hear two voices?
A. I did not hearken my Lord, I was one of the last that came into the room.
- Council.* Was you present when the door was opened, how was that got open?
A. It

- A. It was burst open.
 Q. Was you present?
 A. Yes; and the first I saw was the Duke standing in the middle of the room.
 Court. Dressed?
 A. Yes.
 A question from the Jury. What time of night?
 A. About eleven o'clock; and Lady Grosvenor got into another room by an opposite door that led into it.
 Q. What was the Duke about when you first saw him?
 A. Buttoning his waistcoat.
 Q. Was his waistcoat open when you went into the room?
 A. Yes, Sir.
 Q. Are you certain of it?
 A. Yes; quite sure of that.
 Q. Did you observe Lady Grosvenor's dress?
 A. Yes; soon after.
 Q. What situation was her dress in?
 A. Her neck was open.
 Q. What dress was she in?
 A. I don't know the name; it buttons up close, and close at the wrist.
 Q. Are you certain it was made to button up close at the top?
 A. Yes, Sir.
 Q. Was that the usual way of wearing it?
 A. I never saw it otherwise but that night.
 Q. Do you recollect any thing that was said by the Duke, or to him?
 A. As soon as we got into the room, he was very much confused, and stood like a statue; then he said, Gentlemen, I hope you won't hurt me, or I hope you won't do me any harm; he was going out of the door we came in, and Mr. Stephens cried, stop that Gentleman, let us see who he is.
 Q. What happened after that?
 A. He went into an adjoining room, and as soon as he had got into another room he said, you see, gentlemen, I am not in the Lady's room.
 Q. What answer was made to that?
 A. Mr. Stephens said, I see you are not in the Lady's room now, but you was there.
 Q. What did he say then?
 A. He said, I will take my Bible oath I was not there.
 Q. Did you know the Duke's person very well?
 A. I knowed him very well.
 Q. What dress was it the Duke had on?
 A. His coat darkish colour, his waistcoat light colour.
 Q. What had he about his neck?
 A. A silk handkerchief.
 Q. What sort of wig?
 A. A black or dark wig.
 Q. Did you see any thing else remarkable in his dress?
 A. Whitish breeches and stockings, like thread stockings.

Cross Examination.

- Q. Was any body with Lady Grosvenor besides her servants?
 A. None but herself and her children.
 Q. How many children?
 A. Two.
 Q. What age?
 A. One two years of age; one under one.
 Q. How near was you to the place where they were sitting when you went into the field to her?
 A. At first I believe it might be about a hundred yards.
 Q. How near when she came to you?
 A. About twenty yards.
 Q. Was you at St. Albans when the door was broke open?
 A. Yes.
 Q. How many persons were there?

- A.* I think there were six.
- Q.* In what manner was the door broke open ?
- A.* By our shoulders.
- Q.* Had you any instruments in your hands ?
- A.* Nothing but a poker.
- Q.* Did all go into the room ?
- A.* Yes, all together.
- Q.* You mentioned her Ladyship's neck was open ?
- A.* Yes.
- Q.* Was it not such a dress that if buttoned would fly back behind ?
- A.* I don't think it would.
- Q.* Suppose for instance a coat, would it keep buttoned ?
- A.* Yes.
- Q.* You said you followed your Lady to Kenfington-gardens ?
- A.* Yes.
- Q.* Who was with her in general ?
- A.* Miss Caroline Vernon was there.
- Q.* Can you give an account who came up into the room besides you and the servants ?
- A.* The chambermaid and waiter.
- Plaintiff's Council.* What time did the servants of the house come up ?
- A.* It was after it was all over—before they examined the bed.
- Q.* Then the servants of the house came up before the bed was examined ?
- A.* Yes, Sir.
- Q.* Then they were not present at the time the door was burst open ?
- A.* It was not all over ; they were present at the examination of the bed.
- Defendant's Council.* Then the servants of the house came up in the middle, before the bed was examined ?
- A.* Yes, Sir.

EDWARD BENNETT, *Examined.*

- Q.* Who do you live with ?
- A.* Lord Grosvenor.
- Q.* How long have you lived with him ?
- A.* Three years.
- Q.* Whose servant was you in the family ?
- A.* I attend my Lord.
- Q.* Do you remember going with your Lady in 1768 from the opera to Carlisle-House ?
- A.* Yes ; I remember it very well.
- Q.* Was it a public night ?
- A.* No ; it was private.
- Q.* What time of the year ?
- A.* The month of June, 1768.
- Court.* She went to Carlisle-House ?
- A.* Yes, my Lord.
- Q.* How long did she stay there ?
- A.* About three quarters of an hour.
- Council.* Do you remember going with your Lady to Drury-Lane ?
- A.* Yes.
- Q.* Who was with her there ?
- A.* There was Lady Harrington.
- Q.* Who else besides Lady Harrington ?
- A.* There was the Duke of Cumberland and Colonel Craiggs.
- Q.* What time of the year ?
- A.* In February, 1769.
- Q.* Do you remember any of them coming to the boxes ?
- A.* I was keeping places in the play-house at Drury-lane house, and the Duke of Cumberland came to the box to me, and told me I might go out ; he would take care of the box for Lady Grosvenor : then I went out, and as I came out, I met my Lady coming in ; I told her Ladyship the Duke was in the box, and he would take care of her places.
- Q.* Do you remember going with your Lady to the Countess Donhoff's ?

A. Yes.

A. Yes.

Q. In what month?

A. In April or May; I cannot be sure which.

Court. In April or May, 1769?

A. Yes, Sir.

Q. Go on?

A. I know my Lady used to go there; she asked if the Countess was at home; the person in the house said the Countess was not at home; my Lady said she expected here at home, and she would wait till she came; she got out of the coach and staid in the house.

Q. Do you remember your Lady going to the Countess of Donhoff's, and the Countess going from her own house with her?

A. Yes, Sir.

Q. Where did they go from thence?

A. To St. James's.

Court. Who was that?

A. The Countess and my Lady Grosvenor; they got out of the coach about eight or nine in the evening at St. James's gate, and she ordered the coach to come about eleven o'clock; the coach came, and I went to enquire if my Lady was at Miss Vernon's; and as we were going, I met my Lady and the Countess, and she saw me and my fellow-servant, and then they came to the coach.

Q. Did you attend my Lady Grosvenor at Chester?

A. Yes, Sir.

Q. Did you go with her?

A. Yes.

Q. Do you remember the places she lay at?

A. Yes, Sir.

Court. He need not repeat them.

Q. Do you remember Lady Grosvenor coming from Chester?

A. Yes, Sir.

Q. And her being at St. Albans upon the 21st of December?

A. Yes.

Q. What happened there that night?

A. My Lady's supper was ordered about eight o'clock; and about three quarters of an hour after, the maid came into the room to us servants at supper, and said, my Lady was going to bed; she had a warming-pan in her hand; and she said, my Lady desired we all should go to bed; we went sometime after; and I believe we had not been abed half an hour before we were called up.

Court. What time might that be?

A. About half an hour after ten.

Council. By whom were you called?

A. By Mr. Stephens.

Q. Go on.

A. I got up, and went into another room, where I saw Mr. Stephens, and his brother the serjeant; Mr. Stephens went down stairs with a dark lanthorn in his hand, and told us to stop till he had given the signal; and when he went down to the door, he put his ear to the door, and said, he could distinguish two voices whispering in the room; upon which Mr. Stephens immediately gave orders we should push the door with him, and we did.

Court. You burst open the door?

A. Yes, my Lord, we pushed three parts of the door before it gave way; as soon as we got in, the first person I saw was the Duke of Cumberland, standing about the middle of the room.

A gentleman of the Jury. How long was you breaking the door open?

A. We pushed three times, as hard as we could.

Juryman. That allowed time for them to come from the bed, my Lord.

Court. Was you a minute or half a minute?

A. I believe one or two minutes.

Court. It is very difficult for any man to measure time.

Bennett. When I went in, the Duke of Cumberland was buttoning his waistcoat; and at the same time, my Lady was making her escape; going into an opposite door; and as she was going to open the door, she turned herself round, and I saw her breast all bare; Mr. Stephens followed her into the other room.

Q. Did

Q. Did you go into the other room then?

A. No, Sir.

Q. Where was the Duke?

A. He was going away; and Mr. Stephens said, Don't let that gentleman go by, till we know who he is; the Duke then went into the room with the Lady.

Q. Do you remember any further particulars?

A. I saw him put his two hands together, and he said, He would take his Bible oath he was not in Lady Grosvenor's room.

Q. What then?

A. My fellow-servant then said, I will take my oath I saw you both in her room; the Duke said, Young man, have a caution of what you are going to say; that is all I remember at present; only Mr. Stephens asked the Duke several times, who he was; and he would not tell him; then says Mr. Stephens, Sir, if you will not tell, I must let them know who you are; on which he said to him, You are his Royal Highness the Duke of Cumberland; and then he turned to us, and asked us, if we were sure who it was? We all replied, it was his Royal Highness the Duke of Cumberland, and we would take our oath of it.

Q. Did Stephens bid you observe any thing else?

A. No.

Juryman. Did you see any body put their hand upon the bed, to see whether it was warm or cold?

A. No, I did not—after that, Stephens told his Royal Highness, he was welcome to go where he would; we came all out of my Lady's chamber, out of the other room, and we looked at the bed; Stephens called the maid; I observed the bed was tumbled on the outside of the clothe; both sheets were tumbled on the outside of the bed; the bed-clothes were turned down.

Cross Examined.

Q. Were the clothes unfolded?

A. No, Sir.

Court. Not turned down; but tumbled on the outside?

Council. Was the bed turned down, or was it not?

A. No, Sir.

Q. Part of the sheet that was turned over, I take it?

A. Yes.

ROBERT GIDDINGS *examined.*

Q. Are you one of the servants of the Duke of Cumberland?

A. Yes, Sir.

Q. What servant?

A. Gentleman porter to his Royal Highness.

Q. Do you know Lady Grosvenor?

A. I have seen my Lady.

Q. Pray Sir, do you recollect her going out of town?

A. No, Sir.

Q. Do you recollect her being at St. Albans in October?

A. In October? I don't recollect.

Council. In October, 1769?

A. I don't recollect she was there then.

Q. Did you accompany the Duke of Cumberland there in October, 1769?

A. I did.

Q. What day in October?

A. I don't recollect the day?

Q. Do you know whether Lady Grosvenor was there, when you was with the Duke at St Albans?

A. I do not.

Q. Did you see any servants there, that you might know to be her servants?

A. I did not.

Q. What time did you and the Duke arrive there?

A. I don't recollect the time.

Q. Day or night?

A. It was in the afternoon.

Q. Was any body else with the Duke?

G

A. He

- A. He had a servant with him.
 Q. What is the name of him?
 A. John.
 Q. Has he no other name?
 A. Swan—John Swan.
 Q. Where is he now?
 A. He is just here in the house.
 Q. You can't say there was any of Lord Grosvenor's servants there that afternoon, or any in his livery?
 A. I don't know there was any; I did not know his livery at that time.
 Q. What time did you stay there?
 A. We staid all night.
 Q. Did you not return to London?
 A. I don't remember it; I made no minutes of it.
 Q. Where did you go when you left St. Albans?
 A. Went forward for Stony-Stratford.
 Q. Immediately forward for that place?
 A. Yes, Sir.
 Q. Where did you lie the night after?
 A. I don't recollect; I made no minutes of it.
 Q. Have not you been at the place since?
 A. I have.
 Q. Within this fortnight?
 A. Yes.
 Q. Then I should think you could tell the names of places; where did you lay the second night?
 A. At Towcester.
 Q. What time did you get into Towcester?
 A. Towards evening.
 Q. Where did the Duke stay that evening? in what part of the house?
 A. He dined below.
 Q. What time did he dine?
 A. I don't recollect the time he dined.
 Q. How long did he stay in the room before he dined?
 A. I can't say.
 Q. Did he sup in his bed-chamber?
 A. I don't know whether he supped at all; he drank tea afterwards.
 Q. Where did he drink tea?
 A. I believe in his bed-chamber.
 Q. Was there any thing particular in the bed-chamber?
 A. I believe I chalked the door; it was done either by him or me before him; I made it a rule to chalk the door.
 Q. What time did he go to bed?
 A. I don't recollect the time.
 Q. Upon your oath this evening did you put him to bed at Towcester?
 A. I don't recollect whether I did or not; I generally put him to bed.
 Q. What time did he leave Towcester?
 A. It was early in the morning.
 Q. What hour?
 A. I don't recollect.
 Q. Did the Duke pass in his character of Duke of Cumberland at Towcester?
 A. No.
 Q. What dress was he in?
 A. In plain clothes; rather like a country farmer or squire.
 Q. How was you drest?
 A. I was drest much the same as the Duke.
 Q. Did you give yourselves any particular names, or pass in any particular character?
 A. I believe we might.
 Q. Speak what they were?
 A. Just what names came in my head; I was not ordered to give any particular name.
 Q. Had you no orders to give fictitious names?

- A. No.
- Q. How came you to give them ?
- A. I gave them of my own accord.
- Q. What name might you give his Royal Highness in Towcester ?
- A. I don't recollect what.
- Q. Nor what you passed for at Towcester ?
- A. We might pass sometimes as farmers; but whether we did or not at Towcester, I don't remember.
- Q. Where did you go from Towcester ?
- A. To Coventry, I think; or we returned to town.
- Q. Was it day or night, when you set out from Towcester for London ?
- A. I believe it was late in the afternoon.
- Q. You say the Duke was in his bed-room; you can't say whether you put him to bed or not ?
- A. He was in his bed-room.
- Q. You told me he set out early in the morning from Towcester; can you fix the time he set out ?
- A. I don't recollect the time; it must be very early in the morning, but I don't recollect the time.
- Q. Can you recollect the hour ?
- A. No.
- Q. When did you get to town ?
- A. Some time the next day.
- Q. What time ? perhaps you might guess from that, what time you might set out of Towcester ?
- A. It might be about eleven o'clock next day.
- Q. How long did you stay in town ?
- A. A few hours.
- Q. Was it a court day ?
- A. It was.
- Q. What day was it ?
- A. I don't recollect what day, or what occasion.
- Q. Was it not in October ?
- A. I believe it was the latter end or beginning of October.
- Q. Nor you don't know the occasion of that court day ?
- A. No; I do not.
- Q. Did his Royal Highness remain in town or at court any time ?
- A. Not very long; he went back the same road that evening.
- Q. You went to Towcester again then ?
- A. Yes, Sir.
- Q. What time did you get to Towcester ?
- A. That I don't know; we went on to Coventry.
- Q. What time did you get to Coventry ?
- A. In the morning; it might be nine or ten o'clock.
- Q. What house did you go to at Coventry ?
- A. The Bull-Inn.
- Q. Did you make any enquiries for company that had been there ?
- A. I did not hear of any enquiry there.
- Q. Did you make any enquiry ?
- A. I made enquiry for John Le Brun.
- Q. Was he gone ?
- A. He was gone.
- Q. Where to ?
- A. Castle Bromwich, in the road to Chester.
- Q. Did you stop at Castle Bromwich ?
- A. We changed the horses there.
- Q. Where did you go to that night ?
- A. To the Four Crosses.
- Q. What time did you get to the Four Crosses ?
- A. Early in the afternoon.
- Q. What time in the afternoon ?
- A. I don't recollect what time in the afternoon.
- Q. Did you stay there all night ?

A. Yes;

- A. Yes.
- Q. Was the Duke incog. there ?
- A. The same as before.
- Q. What did he pass for there ?
- A. I don't recollect whether it was farmer, or what fictitious name I gave his Royal Highness.
- Q. Did any other company lie at the Four Crosses that night ?
- A. I believe none.
- Q. I ask you at the time if you knew there was any other company ?
- A. I believe none ; I spent a good deal of time in my bed-chamber.
- Q. Where did he pass the evening ?
- A. In his own bed-chamber.
- Q. And you can't say whether there was any other company in the house or not ?
- A. I can't say.
- Q. Did you see any carriages or servants ?
- A. I don't recollect I did ; there might be people there ; and I could not tell who came afterwards, when I was up stairs.
- Q. How came you to be so long up stairs ?
- A. I was fatigued.
- Q. How soon did you go up stairs to relieve your fatigue ?
- A. After dinner.
- Q. At what time did you leave the Four Crosses ?
- A. The next morning.
- Q. At what time ?
- A. It might be five, six, or seven o'clock.
- Q. Did you recollect, at the Four Crosses, saying any thing to the Duke of Cumberland with respect to the condition of his mind ?
- A. No ; I did not—I might say any nonsense that came in my head.
- Q. Do you know whether any mark was set upon the Duke's door, at the Four Crosses ?
- A. I don't know ; probably I might mark it ; I believe it was.
- Q. Did you, in the course of your journey, mark the room where his Royal Highness was to lie ?
- A. I believe we did, in order to know where it was in a long gallery from the rest.
- Q. When you went from the Four Crosses in the morning, where did you get that night ?
- A. To Whitchurch.
- Q. What Inn there ?
- A. The Red-Lion.
- Q. What time might you get into that Inn ?
- A. What hour I don't recollect.
- Q. Did the Duke dine in the inn ; and in what room ?
- A. In the room below stairs.
- Q. How long did he stay in the room below stairs ?
- A. That I don't recollect ; it was fair time, and a hurrying time ; and that was the reason he went into his bed-chamber as soon as he had dined.
- Q. So he retired into his bed-chamber which was chalked as before ?
- A. Yes, Sir.
- Q. Do you know whether Lady Grosvenor lay there that night ?
- A. I do not.
- Q. What became of you there ?
- A. I likewise went to my room there too.
- Q. Fatigued as before ?
- A. I did not chuse to be among a thousand country farmers.
- Q. What might you pass for there, if you did not chuse to be among farmers ?
- A. We might pass as farmers.
- Q. Then you can't say whether Lady Grosvenor's carriage was there that night ?
- A. I saw nothing of that.
- Q. Nor of the servants ?
- A. Nor of the servants.
- Q. What time might you set off the next morning ?
- A. About five, six, or seven.

Q. At five o'clock it is dark ; at seven scarce light, I believe ; can't you fix the time more precisely ?

A. I don't recollect.

Q. Where after Whitchurch ?

A. At Barnhill.

Court. Where is that ?

A. This is in the last day's journey.

Council. Lady Grosvenor got home that night.

Q. How long did you stay at Barnhill ?

A. An hour ; or an hour and an half.

Q. While there, did you see Lady Grosvenor, or Lady Grosvenor's servants ?

A. A family went past while we were at Barnhill ; he thought it was Lady Grosvenor's family.

Q. Where did you go next ?

A. Next to Chester.

Q. What Inn did you go to at Chester ?

A. The Faulcon.

Q. How long did you stay at the Faulcon-Inn ?

A. Two nights.

Q. What time did you get there that day ?

A. Pretty early.

Q. Did you dine there ?

A. I don't recollect that.

Q. What became of his Royal Highness that night ?

A. His Royal Highness went that night from thence to Eaton.

Q. Did he return to the Faulcon that night ?

A. Yes, Sir.

Q. Was you with him ?

A. I was.

Q. Did you go on horseback ?

A. Yes.

Q. Where did you stop at Eaton ? what was your business there ?

A. His Royal Highness went to see Lady Grosvenor.

Q. How long might he stay there ?

A. A few minutes.

Q. Then you returned ?

A. Yes.

Q. You came to the Faulcon ?

A. Yes.

Q. You lay there ?

A. Yes.

Q. What became of you the next day ?

A. The next day he went to see Lady Grosvenor.

Q. Did he come back that night to the Faulcon ?

A. Yes ; we came back that night to the Faulcon.

Q. Do you know what his Royal Highness passed for there ?

A. He passed for a farmer.

Q. Do you know the name you passed by there ?

A. Generally Farmer or Trusty.

Q. What name did his Royal Highness pass for ?

A. I might say sometimes Farmer ; sometimes the young Squire ;—I might before company say Farmer.

Q. Did you chalk the door of the Faulcon where you lay ?

A. I don't recollect whether I did or not.

Q. What became of you the next day ?

A. I believe we went to Barnhill.

Q. Do you recollect the day ?

A. It was Saturday.

Q. It was Saturday you got to the Faulcon at Chester ?

A. It was on a Saturday.

Q. The next day he went to see Lady Grosvenor ?

A. Yes, Sir.

Q. Upon the Monday what became of you ?

- A. I believe his Royal Highness saw my Lady Grosvenor again upon the Monday.
- Q. You believe he saw her upon the Monday ?
- A. Yes, Sir.
- Q. Where did you lie upon the Monday ?
- A. I believe at Chester or Barnhill.
- Q. Where the next night ?
- A. At Marford-hill in Denbighshire, the other side of Eaton.
- Q. Did his Royal Highness go to the house of Lord Grosvenor ?
- A. His Royal Highness did not.
- Q. Where did he see my Lady then ?
- A. He saw her just between the iron rails of the Garden wall, where he stopt two or three minutes.
- Q. And never went into the Garden that you know of ?
- A. No, Sir, never; I was always with his Royal Highness.
- Q. No other time that you know of that he might go without you ?
- A. No; I was always with him ?
- Q. At Marford-hill; you lay at Marford-hill ?
- A. Yes.
- Q. What became of you the next night? Where did you go the next day ?
- A. The next day his Royal Highness went to see Lady Grosvenor again.
- Court. Where did he lie the third night ?
- A. At Marford-hill, my Lord.
- Council. Did he stay two nights at the Hill ?
- A. Only one night; I don't remember staying any longer than one night; then we returned to town.
- Q. Was it a sudden occasion your returning to town ?
- A. It was sudden; I thought his Royal Highness was known; and therefore I desired him to quit the country as soon as possible; that I advised him, and he did it accordingly.
- Q. That was the reason ?
- A. Yes.
- Q. Do you know whether Lord Grosvenor came into Chester that evening or not ?
- A. No; I do not know of Lord Grosvenor's coming there.
- Q. So then his being known was the reason? Where did you suspect his being known ?
- A. At a little place called Eccleston.
- Q. And that was the reason of his coming to town ?
- A. Yes, Sir.
- Q. How long did you stay in town before he went upon the Chester road again ?
- A. I don't recollect how long it was.
- Q. How many weeks ?
- A. I cannot form any idea of that; I have quite forgot it.
- Q. Can you say whether he did take that road again ?
- A. Yes; he did.
- Q. In what month ?
- A. I believe it was in November or December.
- Q. Did you go to Chester in your second journey ?
- A. His Royal Highness came through Chester to Marford-hill.
- Q. When did he arrive at Marford-hill ?
- A. I don't recollect the day, nor the time.
- Q. Was it in the evening or morning he arrived ?
- A. In the morning.
- Q. Do you know what became of his Royal Highness that day ?
- A. He went to see my Lady Grosvenor that day.
- Q. Did he go to my Lord's house at this time ?
- A. He went into the fields not far from the house.
- Q. Did he or not go into the house at any time ?
- A. He did not go into the house.
- Q. Where did he lie that night ?
- A. His Royal Highness returned and lay at Marford-hill.
- Q. What became of him the next morning ?
- A. The next morning we saw Lady Grosvenor again, near the same place.
- Q. Where did you lie that night ?

- A.* We returned to London.
Q. Were you at Eaton?
A. We were in the fields near my Lord's house.
Q. Was you at any house there?
A. We called at Eccleston.
Q. At the same house where you was before?
A. Yes.
Q. Where you suspected you were known?
A. Yes.
Q. And you called at the same house again?
A. Yes.
Q. Then you returned to London from Marford-hill?
A. Yes.
Q. Do you recollect receiving any letter from Lady Grosvenor?
A. I did once.
Q. What time was this?
A. It was in the latter end of December.
Q. How came you there then? I thought you accompanied the Duke to town?
A. I was sent back with a parcel to Lady Grosvenor.
Q. Did you carry that parcel to Lord Grosvenor's house?
A. No; not to the house—I saw the Lady walking in company with more ladies in the fields, and there I delivered the parcel to her in the fields.
Q. Did you find her in the fields going there?
A. I saw her as I was going over the ferry.
Q. For whom was the parcel directed?
A. I observed it was a parcel undirected.
Q. At that time?
A. At that very time; and I received a parcel from the Duke.
Q. You received another in the fields for whom?
A. For the Duke of Cumberland.

Cross Examination.

- Q.* I should be glad to learn of you when it was you first found Lady Grosvenor had any thing to do with the Duke's journey into Cheshire?
A. Near Eaton; between that and Barn-hill.
Q. Till you got to some place in the road about Barnhill, it had not been communicated to you that the Duke's journey had any relation to Lady Grosvenor?
A. No, Sir; there he told me he went to see Lady Grosvenor, if it was possible.
Q. There it was for the first time you learnt that the Duke's journey was for the purpose of seeing Lady Grosvenor?
A. Yes, Sir.
Q. During two days the Duke was at Chester, you say, and one or two days at Marford-hill; and again upon the second journey, I believe, upon each of these days the Duke saw Lady Grosvenor, at one time a few minutes near the garden, at another time in fields near the house?
A. Generally in the foot-way near the house.
Q. The other times in the fields in the neighbourhood of the house?
A. Yes.
Q. I should be glad to ask whether, during those interviews, you was or not within sight of Lady Grosvenor and the Duke?
A. I always was.
Q. Within sight and within hearing?
A. Yes; and oftentimes, if I was going further, she bid me stay where I was, and stand by him.
Q. Having returned from these two expeditions, you went down with a parcel, and brought back a parcel?
A. Yes, Sir.
Q. I believe the fact was, you accompanied the Duke upon his last journey onwards, which terminated at St. Albans?
A. Yes, Sir.
Q. During these interviews, were they walking about, or sometimes sitting down?
A. Sometimes walking, sometimes sitting on the ground.

- Q. In all those situations you was with him ?
 A. Yes; always.
- Q. You went to St. Albans with the Duke the last time ?
 A. Yes, Sir.
- Q. Perhaps you recollect, that there have been some strange stories in the Newspapers about a supposed connection between the Duke and Lady Grosvenor about that time ?
 A. His Royal Highness told me there was such report.
- Q. Do you recollect that some little time before you got down ?
 A. Yes, Sir.
- Q. By this time you was fully apprized of the secret, that the Duke had a degree of attention to Lady Grosvenor ?
 A. Yes, Sir.
- Q. You understood he went there on purpose ?
 A. Yes, Sir.
- Q. When you came there you saw the family ?
 A. I can't say I did; I saw nothing of them at Eaton.
- Q. Do you know their livery ?
 A. I know it to be blue and yellow.
- Q. The last time you saw them at St. Albans you knew they were in the house ?
 A. Yes; I learned sometime afterwards, that Lady Grosvenor was there.
- Q. Did you make any observation of what was going forward, or doing, in the course of the evening there? my question was not what any body told you, but what you observed ?
 A. No other than that his Royal Highness went there to see her.
- Q. Did you take notice of any thing particular before that breaking into the room we have heard of ?
 A. Yes; I saw a man at the door making holes through it; I observed him, and told his Royal Highness, that there was a person in blue, boring holes in the door.
- Q. You observed a man, in a blue coat, boring holes in the door ?
 A. Yes, Sir; and his Royal Highness saw it as well as I.
- Q. What time of day might that be ?
 A. It might be about nine or ten o'clock in the evening.
- Q. Can you tell exactly the time ?
 A. I don't know exactly what time.
- Q. It was before the adventure of what afterwards happened at the door ?
 A. Yes, Sir.
- Q. Now, Sir, where was you at the time we are told my Lord Grosvenor's servants first opened this door ?
 A. I was in bed.
- Q. You was alarmed by the noise, and got up ?
 A. I did; I thought the house was coming down.
- Q. Where were the parties when you got up ?
 A. The parties were in Lady Grosvenor's bed-chamber, with some of her own servants, and some of the maids in the house.
- Q. You found in the bed-chamber, the servants of Lord Grosvenor, and a servant or two of the house ?
 A. Yes.
- Q. Were neither the Duke nor Lady Grosvenor in the house ?
 A. The Lady was in the bed-chamber at that time.
- Q. Then the Duke was not in it at that time ?
 A. No.
- Q. Was you led to observe the condition of the bed at that time ?
 A. Yes; I heard two persons bid the servants of the house examine the bed, to see whether it was tumbled or not.
- Q. What was the condition of the bed ?
 A. It was as if one person had sat upon it to pull off their shoes, and no more.
- Q. To you it had the appearance of a person sitting upon it, for the purpose of undressing ?
 A. One person and no more.
- Q. Had it the appearance of having been lain in ?
 A. Not the least in the world.

- Q. To you it had the appearance of a person pressing it, by sitting, and not by lying?
- A. Not by lying.
- Q. Was any thing disordered about the bed, that took your eye?
- A. No, Sir.
- Q. Nothing, but the pressure of the clothes, by somebody's sitting upon it?
- A. No, Sir.
- Q. What door was it the gentleman in blue was boring holes in?
- A. That door was the door I understood was Lady Grosvenor's bed-chamber.
- Q. Was it the outer door?
- A. It was the door next the passage.
- Q. How was the person dressed that was boring the holes?
- A. I think in blue, and a scarlet collar.
- Q. Had he a candle in his hand?
- A. I believe he had.
- Q. Where was you?
- A. In the Duke's room.
- Q. Could you see the window?
- A. Yes; I saw through both the windows the man boring holes in the door.
- Q. Did you shew that to the Duke of Cumberland?
- A. I saw him go into the room; I saw him examining the lock of the door.
- Q. Was he alone?
- A. I saw but one man.
- Q. And this was the door which was afterwards burst open?
- A. Yes, Sir.

JOHN BURTON *examined.*

- Q. Are you the waiter at the Saracen's-Head, at Towcester?
- A. Yes, Sir.
- Q. Do you recollect Lord Grosvenor's family being at the inn, at Towcester, the 13th of October, or thereabouts?
- A. Yes, Sir.
- Q. Do you recollect what day?
- A. It was upon a Tuesday in October.
- Q. What time of the day did they come in?
- A. About five o'clock, to the best of my remembrance.
- Q. Do you recollect any other persons in the house that day?
- A. Yes; some gentlemen came in about two o'clock.
- Court. The last witness proved the Lady was there at the time with those persons.
- Council for the Plaintiff. Your Lordship sees Giddings knows nothing of the matter.
- Court. I thought you proved by the first servant, her lying at Towcester?
- Council for the Plaintiff. We could not fix the days; so we must shew they were at the inns at the same time.
- Q. to the Witness. Give us an account what time they came in?
- A. They came in about two o'clock; they ordered pork stakes for dinner; and while they were dressing, they desired to see their room.
- Court. What is this witness to prove?
- Council for the Plaintiff. The circumstances of their journey; when they came in; and when they went up stairs; and so on.
- Court. If it goes to the fact of seeing them together, it would be material evidence; if it only goes to their being at Towcester, Coventry, and the other places, it is not material, as that is sufficiently proved already.
- Council for the Plaintiff. It will be for the consideration of the jury, what is the effect and manner in which the Duke and Lady Grosvenor behaved, different from what we could possibly learn from such a witness as Mr. Giddings.
- Q. to the Witness. You say they came in at two o'clock?
- A. Yes; and two of them dined below; and while they were at dinner they desired that there might be some stakes sent up stairs to the third person; two were in the parlour, and he was writing above stairs, and for that reason they desired it to be carried up.
- Q. Do you know who those persons were?

A. One I am confident I have seen since; I think I have seen two of them; I am certain I have seen one of the persons twice or three times; I am quite clear to two persons.

Q. Who was the person you saw since, that was one of the persons?

A. One of the persons whom I am certain I have seen since, I understand to be one Giddings; the other I think was his Royal Highness the Duke of Cumberland.

Q. What time did they go away from Towcester?

A. As soon as they had dined they went up stairs; as it was night the machines were going away, I asked them if they should have occasion for the parlours, they said no. While I was waiting at supper, the person I suspected to be his Royal Highness, asked me what company we had in the house; I acquainted him we had two machines and Lady Grosvenor. He then asked me where we usually laid our passengers that came in the machines; I told him it was according to their appearance, if genteel people they lay in genteel beds, if not, otherwise.

Q. Was Giddings with the Duke at the time you told him Lady Grosvenor was in the house?

A. Yes; he was.

Mr. Wedderburn. My Lord, I hope that will not be thought an immaterial circumstance, after Giddings's evidence, who said he did not know Lady Grosvenor to be there.

Q. When supper was done, what time did they go off?

A. They said they expected a farmer to meet, and pay them some money, and they should go away at twelve o'clock if the person they expected did not come; they should want a chaise, and asked if they could have one; they were answered in the affirmative; the horses were harnessed, and between twelve and one o'clock they set off, as I was informed.

Mr. Dunning. All that proves what has been proved already, their being at Towcester, Coventry, and every other place upon the road.

Court. Whether he speaks true or false with regard to his knowing it or not, it will not vary Giddings's evidence, for he is took throughout, and you can't call a witness to contradict him.

Mr. Wedderburn. If it was to contradict him in such a case as this, it always supplies the rest of his testimony, supposing Giddings heard it, and did not know it.

Court. He spoke out to more material points where he did know.

JANE CHARLTON examined.

Q. Where did you live in October last?

A. At the Four Crosses.

Q. Do you remember upon the 26th of October last, or thereabouts, any person coming to your house that you remarked particularly?

A. Yes, Sir.

Q. Be so good to say who they were, and who they appeared to you?

A. They appeared like a gentleman and two servants.

Q. Can you describe them?

A. One was a lustyish man, the other a young man.

Q. When the gentleman and two servants came, who did they say they were?

A. They did not say any thing at first.

Q. Tell us what they said to you?

A. The servant said his name was Morgan.

Q. Do you know the gentleman? Have you seen him since? Who was that gentleman?

A. His Royal Highness the Duke of Cumberland.

Q. Who did they say they were?

A. The servant told me the young gentleman's name was Morgan.

Q. What were their names, the other two?

A. They did not tell me who they were.

Q. How long did they stay at the house?

A. Till five o'clock the next morning.

Q. Who shewed them their rooms?

A. I did.

Q. Be so good to say what passed upon your shewing the rooms?

A. Nothing in particular, as I know of.

Q. Do you remember whether there was any other family in the house that night?

A. There

- A. There was.
 Q. What family was that?
 A. Lord Grosvenor's.
 Q. Was Lady Grosvenor there at that time?
 A. She was.
 Q. In the house at that time?
 A. Yes.
 Q. What time did Lady Grosvenor come?
 A. About four or five o'clock.
 Q. What time did the Duke come?
 A. The Duke came in about two o'clock.
 Q. Where was the Duke when Lady Grosvenor came in?
 A. In his bed-chamber.
 Q. When did he choose his room?
 A. The Duke had chosen his bed-chamber before she came.
 Q. Where did Lady Grosvenor lay?
 A. In the next room.

JANE RICHARDSON *examined.*

- Q. Where did you live in last October?
 A. At the Red Lion at Whitchurch.
 Q. Do you remember upon Friday the 27th of October what company was in your house?
 A. Yes, Sir; there came three gentlemen in.
 Q. What time in the day?
 A. I believe about two o'clock.
 Q. Do you know who they were?
 A. One was his Royal Highness the Duke of Cumberland.
 Q. By what name did he go at Whitchurch?
 A. The old man that was with him told me he was a young Squire, and he was an elderly man and a tutor to take care of him.
 Q. What was the reason he wanted care to be taken of him?
 A. He told me he was foolish, my Lord.
 Q. Was there any other company in the house?
 A. Another man came with him.
 Q. Was there any other family in the house?
 A. Yes, Sir; Lord Grosvenor's family, and Lady Grosvenor.
 Q. What time did her Ladyship come in?
 A. About five o'clock, I believe.
 Q. Had the Duke chosen a bed-chamber before Lady Grosvenor came in?
 A. Yes; and they chalked the door, Sir.
 Q. Did Lady Grosvenor choose her own bed-chamber?
 A. Yes, Sir.
 Q. What room did she choose?
 A. The next to that that was chalked. She was shewn the best room next the dining-room.
 Q. Was that the bed-room then?
 A. She chose a very bad room, that was damp, and the windows were broke, and it was very noisy.
 Q. Did you tell her Ladyship those circumstances?
 A. I did. Her room was backwards, and part of it was over a gateway, and part over a parlour.
 Q. Did you observe in particular any thing after they were retired to their rooms that night?
 A. I saw nothing in particular.
 Q. What time did her Ladyship go to bed?
 A. I fancy it was between eight or nine; it was before nine.
 Q. What time did you say the Duke of Cumberland went to bed?
 A. Some body rang a bell to take the things away, and I never saw them afterwards.
 Q. What time?
 A. About four or five o'clock.
 Q. Did you observe any thing particular after the things were taken away?

A. No.

A. No.

Q. What time did her Ladyship retire to bed?

A. Before nine o'clock.

Q. After this, did you observe any thing in the house particular?

A. I never saw her Ladyship any more after she asked me to shew her into her bed-chamber.

Q. Was any body with her in her bed-chamber?

A. No, Sir.

Q. After that did you observe any thing in the house?

A. Yes, Sir. There was a noise in the house in the passage, like a rustling of cloaths.

Q. Did you go to observe what was the matter?

A. I went to see, and the room where the Duke lay was open.

Q. Did you go up stairs?

A. I was up stairs.

Q. Well, what happened then?

A. I went and locked myself in, and shut the door immediately, being afraid of harm.

Q. What did you say you heard?

A. I heard a rustling of cloaths in the passage.

Court. Has she said what that rustling was?

Witness. It was a rustling of cloaths in the same passage; they did not go by the door where I was, neither up stairs nor down.

Q. But it was in the passage?

A. Yes, Sir.

Q. What time did the Duke and his company go away?

A. I can't tell, I believe it was before it was light.

Q. Who made the Duke's bed the next morning?

A. I did.

Q. Did you observe any thing in the bed?

A. Yes, it was particularly tumbled, and more so than could be by one man; it was more tumbled than ever I saw; it was not as if it had been left after any body lying.

Q. Did you observe any thing more particular in the bed?

A. When I went to take the cloaths off I found some pins in it, but I cannot tell how many.

Court. Was that in the Duke's room?

A. It was; the upper sheet was all in a ruck together, and there was several pins; but I cannot tell how many.

Q. Where were those pins?

A. I observed them between the sheets.

Q. Did you observe any thing else particular but its being much tumbled and disordered, and the pins in it?

A. No, Sir.

Q. What time did her Ladyship go out that morning?

A. She had her breakfast in bed at eleven o'clock.

Q. Did she appear to be in good health when she came in the night before?

A. Yes, Sir.

Q. Did you look at my Lady's bed, did you make that?

A. Yes; but I did not see any thing particular in that.

Cross Examination.

Q. You saw my Lady was in bed next morning?

A. Yes, Sir.

Q. She lay in a damp bed, did you say?

A. The room was damp.

Q. Did you say the pins were between the sheets?

A. The upper one, Sir, was all in a ruck, and the pins within them.

Q. Where did the servants lay? Who lay in the next room upon the other side behind the Duke's bed?

A. Mr. Stephens and the cook.

Q. They are servants of Lady Grosvenor?

A. Yes; and that is on the other side of the passage.

Q. You said that was the room Stephens and the cook lay in, next to Lady Grosvenor's, upon the other side of the passage, do you mean by that opposite?

A. No.

Q. Whereabouts was it?

A. It was the nearest room upon the opposite side.

Q. Any body coming into my Lady's room, or the others, must have come into that passage?

A. Yes.

Q. Which door was the nearest?

A. They both go in the same ward together.

MARY SPENCER *examined.*

Q. Do you live at Whitchurch?

A. Yes, Sir.

Q. Upon the 22d of last October, do you know of any persons coming to your house?

A. Yes, Sir.

Q. Your inn is the Red Lion at Whitchurch?

A. Yes, Sir.

Q. About what time of the day did they come?

A. A little after two o'clock.

Q. Do you know the persons that came there?

A. No, Sir, I do not.

Q. Can you describe them?

A. Yes, Sir.

Q. Please to give an account?

A. He was a young man.

Court. What is this witness to prove?

Plaintiff's Council. This witness is only to confirm the last witness in several circumstances.

Q. You know when they were chusing their bed-rooms?

A. Yes, Sir.

Q. What observations did you make at that time?

A. They chalked the door.

Court. The porter has proved that they chalked all the doors till they came to Chester: What occasion is there to ask twenty witnesses to that? no body doubts what he says against himself.

JOHN JONES *examined.*

Q. Where do you live, Mr. Jones?

A. At Marford Hill.

Q. Do you keep a public house there?

A. I do.

Q. Do you know the Duke of Cumberland?

A. I do.

Q. Was he ever at your house?

A. Yes.

Q. Do you recollect the first time the Duke of Cumberland was at your house?

A. Yes, Sir.

Q. What day was that?

A. The first of November.

Q. That was the first time you ever saw his Royal Highness?

A. Yes, Sir.

Q. What time did he stay till?

A. He staid till the second.

Q. Was he ever there again?

A. He was.

Q. When?

A. Upon the second of December. It was on Saturday month he went away. He came a Saturday about a month before.

Q. How long did he stay upon that occasion?

A. Till the third.

- Q. In what habit did he appear?
 A. He appeared in a coarse cloth, in the habit of a farmer.
 Q. What day?
 A. The third.
 Q. Pray who was he attended by at that time?
 A. He was attended by one Giddings.
 Q. Have you seen him since?
 A. I have.
 Q. Who else?
 A. I don't know; there were two with him.
 Q. You don't know where he went from your house each time?
 A. No, I do not.
 Q. Did he go by any name?
 A. The Duke went by the name of the young Squire, or farmer, in discourse; when his back was turned he went by the name of the young Squire by Giddings; but when present, he would be called nothing but farmer in discourse.
 Q. How far is your house at Marford Hill from Lord Grosvenor's seat?
 A. I believe about five or six miles.
 Q. When did they go away from your house the first time you went down?
 A. The second of November, which was upon a Thursday.

JOHN ANDERTON *examined.*

- Q. Do you live with Lord Grosvenor?
 A. Yes, Sir.
 Q. Where do you live with him?
 A. At London.
 Q. Did you live with him in 1769?
 A. Yes, Sir.
 Q. Do you remember his Lordship's coming down to Eaton in November?
 A. Yes, Sir.
 Q. Do you remember what day it was?
 A. The third of November, to the best of my knowledge.
 Q. Had you any orders about any horses?
 A. I had orders to send horses when I came from New-Market with the saddle horses. I fancy it might be about twelve horses. I got down about the second of November, and ordered the horses to meet my Lord the third, at Whitechurch, about nine or ten o'clock, and he came down accordingly.

MATTHEW STEPHENS *sworn. Examined by Plaintiff's Council.*

- Q. I believe, Sir, you were at St. Albans when this affair happened, do you recollect the day?
 A. The 21st of December.
 Q. How came you to go to St. Albans?
 A. I was attending Lady Grosvenor from Cheshire.
 Q. You came along with her from Cheshire?
 A. Yes, Sir.
 Q. Now, Sir, will you give an account of what happened at St. Albans, after you came there in your journey to London; what suspicions you had, and the ground of them, and what you did in consequence of it?
 A. I had a great many reasons for suspicions from information.
 Q. What time did you get into St. Albans?
 A. It was about six o'clock when we got into St. Albans.
 Q. Was any other company in the house?
 A. When I got in, I enquired, and found there was two gentlemen; I had great reason to suspect, from the informations we had had, it was his Royal Highness the Duke of Cumberland, and two attendants.
 Q. In consequence of these suspicions what did you do?
 A. I took the first opportunity of examining the room where Lady Grosvenor lay, or was to lay, and in order to make a discovery of what I suspected, I bored two holes in the chamber door, and those two holes I stopt up with paper, and examined the situation of the room, and the room adjoining to it, and then went down to the Bull,

to inform my brother John Stephens of what I had done. I came up again from the Bull, and went in with a dish of meat for her Ladyship's supper.

Q. You came back again with your brother?

A. Yes. I made a mistake with regard to boring the holes. I took an observation of the room, and went down to my brother and informed him of the situation and enquiry I had made, and how I found it, and I asked his opinion how we were to go on; and while her Ladyship was at supper, I took the opportunity of boring the holes in the door; after I came down again, I went again and informed my brother what I had done; then I made a negus for her Ladyship, which I generally did after supper; when I went to carry it into the parlour to her Ladyship, I was informed she was gone up stairs.

Q. What time might this be?

A. This might be about eight, or half after eight, or pretty near nine. When I carried the negus up stairs, I had took it to the nursery door, and knock'd at the door; some body answered me that her Ladyship was not there; in the mean time her Ladyship opened the door of her bed-chamber, and called to me, and said she would take the negus into her bed-room; I gave it her; she went in and turned the key of the door; I gave directions for all the servants to go to bed, and bid the maid of the house be quiet, and gave them as a reason the children might not be disturbed. I then went down to the Bull again, and informed my brother what was done, and brought him up from the Bull with me, after staying half an hour, and carried him up stairs where her Ladyship lay, and in going up, shewed him the door of her Ladyship's bed-chamber, which had two holes bored in it, and bits of paper in it: when I was up stairs, John Anderton, his Lordship's groom, being entrusted with part of the business, was in the room with my brother and me; we agreed I should go down to the door and see who I could see or hear, which I did accordingly; and taking the bits of paper out of the door, I could not see any body; I could see the door opposite to a part of the bed, a small part of it; I plainly distinguished two voices, one of which I knew perfectly well to be Lady Grosvenor's, but in such a low whispering, as I could not possibly distinguish one word; I heard another voice, but was not certain of that voice, till I came down again a second time: I told my brother I thought his Royal Highness was there; my brother told me the fatal consequence of making such a thing publicly known: he went down and returned, and told me he heard voices, but could not distinguish from where they came; I told him I was surprized he was so deaf, and he complained to me he had a cold in his head; I went down again and heard the voices as before, and now and then I heard her pretty loud, but I heard a great deal of his voice louder than before; I heard him talk I was sure once in particular; I went up again.

Court. Did you distinguish any word that was said?

A. No, my Lord, not one word. My brother repeated the reasons he had given me before, and at the same time John Anderton informed me, that his Royal Highness, or rather the two gentlemen, had ordered a chaise at two o'clock; that determined me, as I had reason to believe he had been in the room some time, that determined me the breaking open the door, as I was convinced his Royal Highness was there: I told my brother I would go down down a third time; I did so, and heard the voices as before, but could not see them; I then insisted upon it, I would take the matter upon myself, I was quite clear, he might make himself easy, and I went and called up the footmen; they all got up readily; I informed them of part of the business, they were satisfied at that I believe: as we came down stairs I said, I shall be very cautious, don't come till I have made an observation again; if I find the voices as before, do you come on; they did come on, I finding the voices as before, and then we broke open the door.

Q. Was the door fastened?

A. The door was fastened, but I believe one or two of the evidence can speak more precisely to that than I: the door was broke open, and broke at the hinges; I expected it to go at the lock; the first object that struck me when I came into the room was Lady Grosvenor, who struck me the strongest; I was directly opposite her Ladyship, attempting to escape out of the other door; his Royal Highness stood a little on one side; I had took particular care to secure the door that he might not go, but I recollect something of saying, Stop that gentleman. The door breaking open, as soon as we entered she was turned about her face towards us, and she instantly fell as the door opened two or three steps into the adjoining room; I assisted her Ladyship at getting up; she said, You thief, you have done a very fine thing; I told her Ladyship I was extremely sorry for the occasion, and she said, I dare say you are: the Duke endeavoured

to pass by my left side, and did get further past me, and spread out his hands and said, Gentlemen, you see I was not found in the Lady's bed-chamber; I said, You are not there now, but we did find you there, or we saw you there, I can't fix to the very word; his Royal Highness answered me, (I think it was about that time, in answer to my saying we saw you there, he said,) I will take my Bible oath I was not there; I answered again, We saw you there. His Royal Highness expressed a great deal of fear and horror, and seemed to be apprehensive of some danger to his person, and said something to me; I told his Royal Highness, You may be perfectly easy, your person is perfectly safe, or words to that effect; he seemed a little easier: then I demanded of him who he was, and what business he had there; he made me no answer to that, and I repeated it; he said if I would walk with him into another room he would tell me; I said I want to know who you are, and it will better be done here: I turned about to my brother and servants upon the left hand of me, and said, Do you know who this gentleman is? my brother stepped forward and said, I know him very well to be his Royal Highness the Duke of Cumberland; I asked if he would swear it was him, he said he would: I then told his Royal Highness he was at liberty to go where he pleased, I was very sorry to be employed in so disagreeable a business, and his Royal Highness was at liberty to go where he pleased.

Q. Did you make any observations about the bed?

A. Yes. After this was decided, my brother walked to the fire first, I think, and then towards the bed, and said it was necessary to make some observations of the bed; we looked upon it, and the curtains were about a yard and half undrawn, and all drawn except that part; the bed was pressed to the foot, and very near the bolster, but within about six inches of the top of the turn-down, from the bottom of the bed to the top of the turn-down the sheets or within a few inches of that, was tumbled as much as a bed could be, if there had been a great deal of time taken about it. The sheets, which I think were very fine ones, were turned down very low, as for people of fashion they commonly are, and they were tumbled to a great degree. The maids came in, the chamber-maid and Mrs. Langford, the mistress of the inn; I asked her what she thought of it; she said she could see no impression but of a person sitting down; I said this is not so, but like the same all over; and if I recollect, I sat upon the side of the bed to convince her that the impression of sitting down was very different. I took notice of a dent at the farther side of the bed, which I took to be the impression of a head; it laid lower than any other part of the farther side: these were all the observations then made upon it; after that I went into the passage: I don't recollect any thing else material.

A Juryman. I should be glad if your Lordship would ask that witness when he bored the holes in the door, whether he had a candle with him or not?

Court. He bored the holes when she was down at supper, as I understood.

Q. to the Evidence. Was it not so?

Stephens. Yes, it was so.

Juryman. I thought it proper to ask if he had a candle, as Giddings spoke of seeing him.

Court. Do you know if there was any candle in the room or passage when you bored the holes?

A. I don't recollect whether I carried any candle; there was a light from the fire I remember perfectly well; I went within side the room.

Q. Can you remember if you was in a blue coat?

A. I was, my Lord.

Juryman. Do you know where Giddings lay?

A. I was not sure.

Q. Does that room command the place where you stood to bore the holes?

A. There is a window in the room that Giddings lay in; I don't know whether it does not in some degree; it is a slanting view of the window in the passage, I believe, but I am not quite sure.

Cross Examination.

Q. Are you acquainted with a lady of the name of Alice Williams?

A. No. I don't know no lady of that name.

Q. Do you know a lady of the name of Charlotte Gwin?

A. No. To the best of my recollection I do not.

Q. In 1765, or 1766, was you acquainted with those ladies?

A. It is possible I might know them without knowing their names.

Q. You never knew a lady called by that name?

A. Not

- A. Not that I recollect.
- Q. Do you know Mrs. Collier that keeps an inn at Chester?
- A. I did know there was such a woman kept such an inn.
- Q. What inn was it?
- A. The Faulcon.
- Q. Do you remember carrying a letter to a lady there named Gwin, from Lord Grosvenor?
- A. I remember carrying some such a thing to a lady at the Faulcon.
- Q. From whom was that message carried?
- A. From Lord Grosvenor.
- Q. What might be the message?
- A. It might be a letter that his Lordship wanted to speak to her.
- Q. Did you hear for what purpose the lady came there to the Faulcon at Chester?
- A. No, Sir.
- Q. Did you know from whence she came?
- A. I did not know from whence she came.
- Q. Do you know what place she went to from Chester?
- A. I believe there is a house near Chester called the Castle, belonging to Lord Grosvenor, and the lady went there according to the message I had taken, to meet my Lord Grosvenor.
- Q. Where did she go to Lord Grosvenor?
- A. To the Castle.
- Q. Did you go with her, or meet her there too?
- A. I was there about the same time she was, but did not go with her.
- Q. What was the purpose she met Lord Grosvenor for at the Castle? Did you leave them together at the Castle?
- A. I believe she might stay at the Castle about ten minutes, not more.
- Q. Was you with her during that time?
- A. No; I was not.
- Q. Did you introduce her to Lord Grosvenor?
- A. I introduced her into the house.
- Q. Did you conduct her into the room where Lord Grosvenor was?
- A. I conducted her into a room where my sister-in-law was; I believe I told her there was a person come to speak to Lord Grosvenor, and desired my sister would go out of the room.
- Q. In order to make room for Lord Grosvenor to come in?
- A. Yes, Sir.
- Q. Do you know what this lady's business was?
- A. I did not, nor I do not.
- Q. You say she staid about ten minutes at the Castle?
- A. I believe she did.
- Q. Did she and my Lord go out together, or did my Lord stay after?
- A. I think he staid after.
- Q. Did my Lord go after her?
- A. Not as I know of.
- Q. Did you know what name the Lady past by at that time?
- A. It is most likely, if I carried the letter the name was upon it; I think it was a message from Lord Grosvenor for her to come and speak with his Lordship, but I don't at all recollect the name.
- Q. Do you recollect the time, in the year 1765?
- A. I do not recollect the time; I believe it might be in 1765; I cannot fix the year, I took so little notice of it.
- Q. What age was the lady in appearance?
- A. By what I guess she might be five or six and twenty.
- Juryman.* My Lord, I think this evidence has not given any account how he found Lady Grosvenor and his Royal Highness as to their drefs.
- Court.* Did you see any thing of Lady Grosvenor's drefs?
- A. She fell down, and I moved so quick to her assistance, and the Duke turning round by my left hand, I did not observe it.
- Court.* Nor any thing particular in the defendant's drefs when you first went into the room? Who went in first?
- A. I was first.

Juryman. Was it by Lord Grosvenor's direction you burst open the door, or of your own head?

A. It was his directions to me, that I was to take the best measures for observation that I could.

JOHN STEPHENS sworn. Examined.

Q. Were you at St. Albans upon the 21st of December last?

A. Yes, Sir.

Q. Were you at the White Hart, Sir?

A. I was, Sir.

Q. Do you remember any thing particularly which happened there?

A. Yes, Sir.

Q. What happened there then?

A. I think it was some minutes after ten o'clock, four or five of Lord Grosvenor's servants burst open the door, where Lady Grosvenor was upon the bed; it burst by the hinge side; I stood there, and the moment the door was broke open, upon the other side I saw the Duke of Cumberland stand there, and I saw Lady Grosvenor fall down some steps into an adjoining room; his Royal Highness followed into the adjoining room; I followed, and the servants followed; when we came into that room, his Royal Highness was asked who he was, and what business he had there; he made no answer to the question at first; upon being asked again, he said, Gentlemen, take notice I am not in the lady's bed-chamber: he was then asked who he was; he did not give any answer to that, but desired my brother or one of the servants to go into another room, and he would satisfy him: he seemed to be much confused, and did not answer to the questions very readily, nor did he choose to declare himself there.

Q. As to the particular observations of the bed, what do you recollect?

A. After the servants had been asked if they knew him, and he was told he was at liberty, we returned and went towards the fire, and looked at the bed; I opened the curtain, and saw the bed rolled exceedingly flat; I thought it was something very particular; and then the chamber-maid was called, and we asked her if the bed was in that situation when she left the room on the over night.

Q. What were your own observations on the bed?

A. The bed was exceedingly tumbled, and the coverlid in little wrinkles in many places, as was the sheet which came half way down the bed, and the bed was exceedingly flat, as if it had been laid upon; not flat in one place only, but almost all over, except the bolster: I did not observe the bolster was flattened at all, only all the other part of the bed.

Court. Did you observe any thing particular in my Lady's dress?

A. No; I did not.

Q. Nor any thing particular in the defendant's dress?

A. I did not, any more than what he had on; I observed what he had on.

Plaintiff's Council. We rest it here for the plaintiff.

Mr. DUNNING.

MAY it please your Lordship, and you Gentlemen of the Jury, I have the honour to be of council for his Royal Highness the Duke of Cumberland in this cause. Gentlemen, in that character it is my duty to submit to your consideration such observations as occur to me upon this cause, as it stands at present upon the evidence that has been produced upon the part of the plaintiff, and to state to you such further evidence as I am instructed to lay before you, upon the part of the defendant. In doing this, I shall not address myself to your passions, for that is not my business, nor my practice; and if it was both, I should think it highly improper to do so upon an occasion like the present; conceiving myself to be talking to gentlemen fully apprized of the nature of that business and duty, which you attend here to discharge, and to attend only to the evidence without adopting any degree of partiality for either of the parties; to depend upon the evidence, to decide upon that evidence, and according to the fair result of that evidence, to give your verdict upon one, or the other side, as you shall find the facts to have been proved, or that proof to fail of its object. Gentlemen, I shall not bestow any encomiums upon the felicity of the marriage-bed, of which my learned friend has much experience, myself none, but I reverence and respect that situation as much as he can do. In the next place, I shall not bestow any of those epithets, the violators of that sacred right deserve; so far as is necessary you will bestow them, if any persons

persons are brought before you either upon this or any future occasion. It is material to remind you, that the single question you are to try, is, Whether the defendant has been proved to have been guilty of that offence imputed to him by this action, *viz.* to have violated the bed of the plaintiff, Lord Grosvenor; and in judging of that question, my Lord will confirm me in telling you, and I dare say your judgements will be before-hand in telling yourselves, it is necessary that the fact should be proved by such evidence as leave no shadow of doubt in the minds of those that are to judge of it; because if there is a doubt of that evidence, it is most certain it will not warrant a doubt, but entitle the defendant to a verdict, which, upon his behalf, is my duty to pray of you. You have been told, that the present case, which was opened very correctly, is not far beyond the line of proof. My learned friend, with the candour he professed, conducted himself, I am persuaded, within his instructions, and stated no more than he expected to be proved, and a great deal has been proved that belongs to it. You for yourselves will distinguish, Gentlemen, how much his story and his proof, how much his narrative and his observations, his inferences and his argument agree with the evidence; of all which you will judge, as far as is material for you to judge in this cause.

Gentlemen, I do not pretend, I do not conceive, I am not instructed, nor shall I be so absurd as to contend before you, that the high rank of the defendant in this cause affords him the smallest apology for the conduct imputed to him. As little ought it to be expected upon the other hand, that that high rank should supply a plaintiff's proof, or induce you to listen, or incline you to believe that story between these parties, which if it had happened between any other parties, you would have thought the evidence insufficient to establish. It is the good fortune of all those that live in this country, proceeding from that administration of justice in the protection of which we live, that the law knows no distinction between the ranks of the king's subjects; for there is no man so high as to be above the reach of the law, and no man so low as to be incapable of seeking redress, where he is injured; and as the law makes no distinction, you will make none: but you will consider it as a cause between A. and B. attending to nothing but the evidence, regarding nothing of the parties, but judge from the evidence, upon the ground of which you are to pronounce your verdict. The learned gentleman who is of council for the plaintiff, tells you, how truly I don't know, nor is it to my purpose to enquire the present plaintiff's title to that relation, the rights of which he conceives to have been violated in the instance that gives birth to this action, that it sprung from a motive of affection, that the lady was amiable, that her person was engaging, her fortune not inconsiderable, and her settlements ample. I do not precisely understand the whole of that proposition in the way it has been stated; it is however foreign to the question, and it will be as impertinent in me to say any thing is opened, and not so proved by the evidence. If this was natural affection, and if that affection at the time did produce that marriage, and those ample settlements, I wish that affection had continued inviolate, and that the parties to this hour had no occasion to complain of each other. I wish it had been true, which the reverend chaplain supposed to be true, that they had lived in mutual affection till the moment of this transaction; unfortunately it has happened otherwise, through whose fault, who is to blame, and what proportion of blame is to be divided between them, so far as is material here, you will judge before the cause is over. Gentlemen, this particular cause has been divided into four different parts, and the action is represented to you as capable of being supported by either of the four, and that they are most abundantly supported by all four put together. The first head of proof consists, it seems, of a great variety of private meetings in and about this town, soon after this acquaintance between the wife of the plaintiff and the now defendant; and though my learned friend professed himself unable to mention the period, the evidence has gone a great way towards it; and the evidence proved that the Duke of Cumberland has been seen going into, and coming out of Carlisle-house in company with Lady Harrington, Colonel Craigg, and Lady Grosvenor, three or four of them together; and though it may be proved to you their having sat in the same box at Drury-Lane play-house, as another person has been called to say to you, it is certain nothing of acquaintance began till about the period I am speaking of; for all the witnesses have fix'd it up to the month of May, 1769, or April; part said the month of May. From that time, and until the Autumn following, when Lady Grosvenor went into Cheshire, as well at the beginning of the time, as at the time she was brought to bed of the child she was then pregnant with, and before the Duke sailed on the cruize represented to you, which occasioned an absence of six weeks, as well before this period, as after the recovery of the one, and the return of the

the other, in different places they are represented to you to have met at; and witnesses have been called to prove those meetings: from some of my Lord Grosvenor's servants, you have heard that they did, upon different occasions, carry their Lady to the Countess of Donhoff's, and a servant or two of my Lady Donhoff's made a part of their evidence, the particulars of which I will consider presently. The other parts of it you heard were that Lady Grosvenor went to Kensington gardens, and upon one or more occasions the Duke was seen with her in the gardens. From others you have learnt she was seen going into Cumberland-house in the Park; and I don't recollect any other place of meeting but Kensington gardens, Cumberland-house, and Lady Donhoff's; I think there is no other place of meeting to which this opening and first head, or branch of evidence refers: and a great deal, I should think, cannot even in point of inference, in point of conjecture, or in point of suspicion be inferred, of two at least of those places of meeting. When the same witnesses prove Lady Grosvenor was seen in Kensington gardens, that prove the Duke was likewise seen there, not with her, but in the same walk, in which it was represented the Lady was at that time accompanied with her sister, and she returned with her sister. Whether the Lady and the Duke ever met in the course of those walks, has not been made appear, and it is not material. I can hardly conceive the gentlemen of council for the plaintiff would desire you to suppose any thing of the sort is suspected by themselves to have passed in the course of those meetings: they certainly did not mean it; it would be uncandid and unjust, if they harboured even a suspicion of that sort. With respect to the meetings at Cumberland-house, when the nature of those meetings are explained, and attended to a little, they will not appear so bad as that kind of evidence insinuates. It amounts to this; Lady Grosvenor in company with Lady Donhoff, walking through the palace, set down, I think the footman says, at the gates of the palace; they walked through the gates of the palace into the Park; in the Park they were met by the Duke of Cumberland, and upon his invitation they walked with him out of the Park doors into Cumberland-house. I never have yet heard, and I suppose it will hardly be insisted upon to-day, that there is any criminality in that, when you consider a married lady in company with another lady accompanying the Duke in the Park, and into Cumberland-house; upon neither of those things can any stress be laid, that is to afford proof of itself, or towards proof of that which is incumbent upon the plaintiff to prove. The third head of evidence under this branch deserves a little more particular attention, and it is of itself certainly of more importance; I mean to speak now of the meetings at Lady Donhoff's, when Lady Donhoff was absent. It would be highly unbecoming of me to answer what my ideas, or what any body's ideas are, that we ought ever to attempt to conceal from you; though between these parties there did, about the period we are speaking of, arise, and increase a strong attachment or passion (we will call it so, if you please) from one to the other; but it is fortunately not my business to defend either of the parties against the imputation of indiscretion; it is not my business to defend them if they chose to repeat it so again, nor from the immorality of entertaining such a passion between an unmarried man and a married woman; unfortunately passions are not so easily governable, as in all cases to distinguish very nicely what is the relations, which it is the interest of civil society to form and maintain; they are not so under command, but passions like these do sometimes rise, improper as they may be. It is as little my purpose, and indeed as little in my power, to defend either of the parties against the imputation of having in these sort of meetings acted inconsistently with the rules of decorum. If the gentlemen call the passion immoral, be it so; if the conduct indiscriminate, be it so; if a violation of the laws of decorum, it certainly is so. I trust, whether I can safely or not, I must do it; but I apprehend I may safely admit all this, and yet most firmly stand upon the only ground which it behoves me to maintain, and defend one and the other of these parties against the imputation which this declaration conveys, of actual, criminal intercourse having passed between them at any of those places; that only is the jet of this action, and nothing else is to the purpose of this action. How far their conduct may be censurable, or criminal, if the phrase be a favourite one, it suffices for the present purpose to say, if criminal, not criminal to the degree this action supposes. The particular evidence I have now in contemplation, is that which relates to the transaction at my Lady Donhoff's, and you have this account from the only witnesses capable of giving any, that is, the man and maid servant; the man is the husband of her that was left in the care of the house, who are both evidences upon this occasion. The evidence I am going to consider particularly, all goes to corroborate this cause, namely, that the Duke had met Lady Grosvenor at Lady Donhoff's; the husband was called to prove his person, and to prove that

that they were there at one of those meetings, which Lady Donhoff's maid-servant has given an account of: Elizabeth Sutton, the maid's account of it is this, that it was sometime about the latter end of May; and upon the 7th of June, you will recollect and bear it long in your memory; Lady Grosvenor was delivered of a son sometime in the latter end of May, which immediately preceded that June the 7th on which she was delivered of a son, the Duke met Lady Grosvenor at Lady Donhoff's; the servant says her mistress was gone out of town in the evening of that day; and you are desired by the opening to suppose that Lady Donhoff's absence was the inducement of their meeting at her house, and that the parties were apprized Lady Donhoff was absent. I don't say they were not so. It appears in the evening she went away, Lady Grosvenor came to her house, and being informed she was absent, told the maid she imagined her mistress would return at night; in fact she did not return: soon after came the Duke, who was represented as Lady Grosvenor's brother, was shewn into the same room where Lady Grosvenor then was, which, it seems, was my Lady Donhoff's drawing-room; the house, it seems, is in Cavendish Square; it was about eight o'clock in the evening, in the month of May, when it is broad open day light; the Lady coming there in her carriage attended by my Lord's own servants; the carriage returning in the same manner; the Duke coming there in a chair; the chairmen letting themselves in by a double knock; all these circumstances, which don't speak much of privacy, under all these circumstances they met at Lady Donhoff's. It is said no sort of conveniences were wanting that they might wish for; what they are we are yet to learn from conjecture; it is said there were two tables in the room, and when the maid carried in the candles, she was directed to put them upon one of them; there were some chairs, and a couch; I am yet to know if there was any other convenience about this room, that indicated any intention of the parties meeting there. As soon as it grew darkish, the maid, without waiting for the candles to be called for, went to the door; she knocked at the door, and she was answered from within, Come in; she came in, and the door, it seems, was opened from without, without any interposition from within; she brings in the candles, places them as directed upon one of those tables; the parties were sitting upon the couch: now my imagination is not potent enough to imply from all these circumstances, that sort of insinuation and transaction which my learned friend thinks abundantly proved. But I can conceive, the parties fond as they have been of seeking all opportunities of meeting and enjoying each others company, might, very innocently, if by innocency I am understood to mean with reference to the crime now charged upon them, go into Lady Donhoff's room, representing the gentleman who was Lord Grosvenor's brother, may sit upon this couch with the Lady, nay, he may, if my learned friend pleases, kiss upon this couch; I can conceive all this to be innocent, and conceive if they came there, and sat upon the couch, and the lock of the door open, that whoever pleased to come in might come in, there was nothing to hinder them; and when this woman did unexpectedly come in, she saw nothing in their situation to strike her attention; she saw them sitting, and nothing that excited any particular attention, or introduced into her mind that there was any thing improper passing there: that is in the clearest proof, not because she says so, but because she says that which demonstrates this. She learned from her husband afterwards, who let the defendant out of the house, that that person he so let out, was the Duke of Cumberland. She remained in the error of supposing the Duke was the Lady's brother; what then could induce any one to believe, there was any thing transacted inconsistent with the relation of sister and brother, when, in this woman's belief and observations, nothing had past between those parties inconsistent with the supposed relation of sister and brother? This sort of visit was repeated, I think the witness says, three times. The first night the Lady went out of town, the second was the very night following, the third she is not so precise in that, but it was thereabouts; if you consider what happens immediately afterwards, it could not be at a long distance; you find soon after that Lady Grosvenor was delivered. For two nights successively, or within an interval of a night or two, these parties met in this sort of way at my Lady Donhoff's, where they did at these meetings expect or imagine Lady Donhoff was to return to town. The talk of the Duke's being Lady Grosvenor's brother, was only to prevent any suspicion of any thing being carried about of his not being further attended, as he only met there to converse. I don't know, nor is it at all material, if this proof standing by itself would have supported an action like this: there are scarce any two people whose conduct of life has been so prudent, as not to find themselves in the predicament the defendant stands; to be called upon, and be responsible for an action which never subsisted, by their meet-

ings in and about London, without laying much stress upon the circumstance, which, if wanting, would operate a great deal, namely, the condition of Lady Grosvenor. It is not usual in the common course of things, that women would be capable of receiving lovers in the way this action supposes. From the account you have of those meetings, there is a third person present at many places, constantly and at every instance both at Cumberland-house and Kensington-gardens; and tho' there was no third person at Lady Donhoff's, yet the openness of the door, as you have heard, the woman coming in and out without suspecting any thing, believing them to be sister and brother and nothing else; I am sure you will agree with me, in thinking it neither affords proof, nor presumption, nor probability, nor even suspicion, if it stops there: if the circumstances of such meetings don't go to the excluding such suspicion, I profess myself unable to judge such sort of cause; I am now considering on what sort of circumstance I am going to consider. As well as I am able I will now consider the circumstance that was commented upon, which arises from the Duke's letters; and if I was unable to justify the conduct of the parties in these meetings with regard to decorum, to prudence and propriety, I am sure, I am equally unable to justify them upon any of those grounds in writing and receiving those sorts of letters: but let us see whether these letters carry the evidence further than it was before we got to them; whether there is any thing in those letters which affords that irresistible conviction you are told arises from them. You are told, these letters could not be looked upon without a degree of blame, and I admit it; you are told, that the two latter letters were stronger than the two former, that the reference in the one to some couch, and as the gentleman on the other side would have you think it to be that couch which they have described to be in Lady Donhoff's room, that reference alone imports that sort of transaction imputed to the present action, what passed upon that couch: and the manner he speaks of the Lady his correspondent having acknowledged her affection for him, and thanking her for owning it; it imports, says he, that she, as a married woman, had given the last proof of her love, by a gratification of that which he hoped for; and that a woman, a married woman, acknowledging that passion, should have given proof of it was certain. Gentlemen, I do conceive it is not only very possible, but very probable, and what is more, very usual, for the acknowledgement of an after-passion to precede that which is the proof of it; and I do conceive, that as an unmarried person having acknowledged a passion, and not have an idea of gratifying that passion, a married lady might, though more imprudently, more indecently if you please, acknowledge a passion without pre-supposing the passion gratified. The passages themselves that are principally relied on, are in the two last letters, for I did not observe my learned friend laid much stress upon the two first letters, they importing, as my learned friend supposes, great passion upon the part of the defendant to Lady Grosvenor; but in the two last letters, the passages selected for these sort of observations are these; the one is written from sea, the Duke representing himself as employed in thinking of Lady Grosvenor in her absence, as dreaming of her, and fancying in those dreams he had been kissing her ten thousand times, and telling her how much he loved her. Now unless it is impossible for the passions unbridled and unrestrained, to go a pitch beyond that which imagination would not have gone to in other moments; unless you can conceive it his design to go farther than he had ever gone before, no such proof seems to me to result fairly from these letters. They contain the most indiscreet expressions that can be used; the terms in which they are written do not seem to hide or take one jot from the ideas; but what is there in them that imports any thing criminal having passed upon the supposed couch, or what is it that refers to that couch, so as to be an improper or criminal transaction? I confess myself unable to discover any such thing. If the duke had really employed himself in telling her how much he loved her, and accompanied this conversation with those caresses, or kisses if you please, is it in the nature of things, in going that length that it must necessarily imply the parties must have gone their whole length, of indulging that criminal passion to the highest degree in which it is capable of being indulged? Is there any thing in the nature of things like that? Is it not perfectly inconsistent with those expressions, to suppose them to go one jot further? Why or wherefore from the impartial expression of better reason did they not? Was it for want of better opportunities? But from what cause soever, no matter what, if it does not amount to that sort of presumption which is tantamount to the full proof of it, all this may have been done, and yet the defendant not guilty of that criminality which this action supposes: from the absolute
import

import of the letters themselves, every body that understands the terms of them will admit, it is unsupported by that evidence, and consequently an improper verdict for the gentlemen to expect or you to give.—Gentlemen, there is a citation of a poet in this letter, and my learned friend seems to suppose, it is impossible without criminality had past that an unmarried man, writing to a married woman, could have made use of this sort of passage, or applied the lines read to you by the clerk, in the manner they are applied. My learned friend forgets from whence the passage comes, or the story it arose from; you all remember it came from a person to another between whom no such criminal intercourse had ever passed; I never yet understood, that Prior's Emma was supposed to be the subject of a criminal intercourse; though it might be applicable to the situation he was in, or the Lady he was addressing; he applies this passage to their situation, he does so; such, says he, is my amusement, to read those sort of things which puts us in mind of our mutual feelings and situations. Now what were those feelings, and what were those situations? feelings as warm, as ardent as you please to understand them; the same feelings which actuated the breast of that Henry whose character this Henry was then adopting, actuated this Henry's breast; and such were the situations between that Henry and that Emma, as between this Henry and this Harriot he was thus addressing; and if the sentiments and situation were the same, I beg leave to say, they both are free from the imputation thrown upon them by this action. I may be told, that Henry and that Emma were neither of them married persons, and perhaps it was the object of both to become so; in that difference consists the distinction; the passion in the one case was laudable and innocent, in the other case it was certainly blameable, and certainly strictly speaking not innocent; but was it blame of the sort this action supposes? I should apprehend, you are all along taking it to be of another kind of blame than that which is charged upon them. Gentlemen, the second letter in which he thanks my Lady for her generosity, in owning this degree of passion to be mutual, that other letter is of the same sort; most certainly, he thanks the Lady for having been generous enough to own that her passion and his were mutual: I think this too is in a passage recited by, or referable to the same author, Prior, and it contains assurances of the continuance of this attachment, in such words as unceasing, eternal, and so on, in their letters; all these are expressions which necessarily of course make a part of such letters. When people are once got to a length of writing love-letters, they are got to a length of writing very foolish subjects in a very foolish manner; and whether actuated by the passion itself, or from mere natural expressions, the short and the long of it are much the same, the Lady is his very humble servant, and is so very generous as to own it; the other letter seems to me to be tantamount of every thing stated by the former; but I beg leave to insist, a man may write and a woman receive such letters as these, and yet neither the one nor the other guilty of the offence of adultery, nor ever intending to be so; lamenting if you please, according to what the French poet observes, lamenting that cruel bar, a removal of which never would happen till the deaths of some parties, and surviving of others, referring to that which my learned friend supposes to be gratified; I should rather think, passions so express had not been gratified. Gentlemen, I have never found the gratification of the passion increases the ardor, and revives the eternity, duration, and God knows what; they rather increase as we go on in these sort of letters. After the other circumstances, I should have reason to take the expressions of those letters in a different light, for examining them well, to my breast they convey an irresistible conviction that this passion was never gratified. In the next place, gentlemen, the Duke of Cumberland is with Lady Grosvenor in Kensington-gardens, in company with another Lady. This foolish tender scene supposed to have been passed between brother and sister at Lady Donhoff's, in such manner as you have heard it descanted on, I should have thought the subject not deserving to be seriously considered if it had gone no farther: but the gentleman says, there begins another very large head of evidence visibly withstanding all rejection. Then with regard to the journey into Cheshire, the Duke went under disguise and with different names, sometimes Farmer, sometimes a Young Squire, sometimes a Fool, and sometimes a Welchman of the name of Morgan, sometimes Griffin, and sometimes Tuff or Tush, and Mr. Jones, and with all these different names and different disguises, which amount to a plain coat and waistcoat and no star on, and a brown wig, and the Duke under all these prodigious disguises accompanied Lady Grosvenor in her journey to Cheshire, I say accompanied, because my learned friend has stated it so, and it is substantially so; though they did

not think fit the Duke of Cumberland should be stared at in his public character at St. Albans, at Coventry, at the four Crosses, and Barn-hill, and I can't tell where; although in other words, they did not chuse the owner of the Chester Journal, or what other papers should be printed in that country, should give a precise account of the Duke supping here, and my Lady supping there, and stopt and baited here and there on the road, and therefore I do conceive it was necessary for his Royal Highness to be disguised by the plain coat and brown wig, and some name was necessary, and some character necessary, if the real character and real name were laid down; and I can't see from this journey, and this disguise any offence, like that which is imputed in the declaration, to have passed between the parties. Gentlemen, Mr. Giddings whom they called, they chose to quarrel with, and chose to suppose he was a bad witness, because he would not prove what they suggested, and therefore he did not know what he did, nor what he said, and his evidence was to be explained away or removed, and witnesses were to be called upon to contradict one another, although they were called to be the support of one another. Mr. Giddings did not take notice of Lady Grosvenor being upon the road, being unacquainted with the livery, never seeing her at Towcester, nor at Coventry, nor the four Crosses, nor till they passed by him at Barn-hill. This seemed a little strange, and you were at a loss that he should know so little of what passed upon the road, when the Duke was supposed to know it. The Duke unquestionably had no business upon that road but to escort, or talk if you please with Lady Grosvenor. I think that is comprehending it, when the man tells you he knew he went out of town for some purpose, therefore he assisted him in that concealment; and though he knew, which was pretty near the same thing, that some woman was at the bottom of all this, it was not explained who she was till he got to Barn-hill. It is said, in the course of the road to Barn-hill the parties had met, that my Lady Grosvenor and the Duke had had interviews together, or at least the Duke knew my Lady was upon the road, or had been told so, and a foolish fellow was called to tell you so, and to inform you that he had told the Duke while he was eating pork stakes or mutton chops, that Lady Grosvenor's family was in the house, and he talked to him in the way people at an inn eating mutton chops are commonly talked to, and he proved the servants were at dinner in the kitchen while he was up stairs accompanying the Duke with his mutton chops. If she had not been upon the road, he would not have been upon the road; does it follow that Mr. Giddings must know she was upon the road? I don't recollect that there is any proof of any interview between them upon the course of their journey upon that road: let us suppose they had met at every one of those inns, does it follow that Giddings must know they did meet? He performed the duty of his station with great care and attention, great skill if you please; nor is it in proof that he conceived what was the particular object of this journey, till he came into a situation where it was necessary to relate it to him; for what could the Duke expect from Giddings till he got to the end of his journey? But when he drew near Lord Grosvenor's house, when it was natural for him to consider the motive of their coming there, it became indispensibly necessary he should know the object of the journey, and where they were to go to; and naturally the witness says, the Duke told him he came out in this strange way for the purpose of seeing Lady Grosvenor. There is certainly no contradiction in his story, nor any thing to render it in the smallest degree incredible, but upon the contrary perfectly credible, and happening just in the way and course such things must be naturally expected. There are incidents, I believe, some opened, of which there was no proof, and some proved by evidence though not opened. At the four Crosses one Charlton is called to you, I don't observe any stress is laid to have passed there, any other than their being all at the same inn together; but at Whitchurch, Jane Richardson is called, who is one of the chambermaids, she remembers the gentlemen coming there, there is no doubt who the gentlemen were; some part of her examination is to prove their identity; she proves that the room in which Lady Grosvenor lay had the windows broke, and that she told the Lady so; if this had been a common cause, upon which I thought it right to conceal any thing, this I could have told you was not evidence, which in my opinion was tangible to it; besides, I was only solicitous to prevent inferences of real transactions that did happen being stretched farther than the justice and nature of the cause would admit. Lady Grosvenor chose a bad room, when in the house there was a better. Next to this room there was a passage; on one side of that passage nearest to my Lady's room lay the servants; in the same passage at a little further distance lay the Fool as he was

called: if my Lady Grosvenor, in the choice of this room, had in contemplation conversation with the Duke, and if there had been any evidence of actual conversation between them, I should not have been at all solicitous about it, nor would it have been material one way nor the other in the cause; but that she should have chosen this bad room for the sake of criminal conversation with him in the night, and have chosen that her servants should lay in the same passage, seems to me to be reconcileable to nothing but insanity in both parties. The door was chalked here and every where except the exception, though Giddings's evidence did not make the exception; he said, in general it was his practice, and not confined to this particular occasion only; whenever he travelled with his master it was his usual practice to make a mark upon it, and he could not recollect whether he did it at Coventry, Towcester, or no, or at the four Crosses, only at Whitchurch; he believes he did it at most of those places, but does not recollect whether he did it at Chester; and because he did it at Whitchurch, then you are to say, as Lady Grosvenor was not at Chester once the chalk was discontinued. You see it was proved to be his practice in general to use chalk; and I don't think it at all incredible, if you suppose the parties had intercourse together, that use might be made of this chalk, and the practice in other places might be useful in finding out the room; but the gentlemen chose to suppose it was for that particular purpose only, and I have no objection if they have made themselves a title so to suppose it. This is not all her evidence; but in the course of the night one of the maids heard some noise in this passage; something which was conjectured but never examined; it is said to have proceeded from the Duke's opening the door of his room, and walking through the passage, they thought it was the Fool, and the Fool if he chose it might walk in his sleep, they would not disturb themselves about it, and they attended no more to it. Now it is singular enough that at this distance of time, and for this purpose, such a circumstance as this, unworthy as it was thought by the maid at the time, of so much attention as to excite the smallest curiosity, or enquiring into the cause, should now at this moment be introduced and brought into this cause, as helping to make out in evidence this charge, though at first it was only conjecture; but supposing the evidence not stretched, when I say stretched, I think it is the hardest thing in the world the supposing or suspecting it. Witnesses, when they come to assert what they are told to be a good cause, think they cannot do too much to serve that good cause, they cannot know too much, they cannot recollect too much, and they cannot say too much, and matters that at first are only conjecture, grow into positive proof, and people fancy they know at last what at first they only dreamt about; and a great deal must be made of it indeed to prove what is applicable to this cause. There is more still behind falls from that evidence; the next day she saw the Duke's bed, and she saw it in such a condition, that no bed that had been laid in ever appeared to be so before. I don't suppose my learned friend desires you to believe that that which passed in this bed never passed in a bed before; I don't understand him to mean that any thing extraordinary appeared in it; and whatever it was, that unexpected cause happened just then as never attracted the eyes of this maid before, and that was the chambermaid of an inn. There might have been two people in that inn that might lay together as in a common inn, and no such thing might happen; what does it appear, but something which had never been seen before, and if it proves any thing it proves no body had lain in it, or that an army had been laid in it, or that the girl's imagination is so possessed with the circumstance as not to make any thing of it. I think it was a little extraordinary, that there should be so much appearance in one bed and nothing appeared in the other bed. My learned friend hazarded a question which I should have thought an imprudent one, What was the condition of my Lady's bed? She had laid in this bed, the windows in the room were broke, the room was damp and uncomfortable, she had lain in it, and her bed appeared as it might be supposed to appear, as if it had been lain in, and the other it seems did not appear to have been lain in; what can you make of all this? I can say upon this, that what happened at Whitchurch is perfectly consistent with the idea of the purest transaction at that place, and that no sort of intercourse had been held between the two parties; and neither in one circumstance proved by that witness, nor all of them put together, prove these parties were ever together for the purpose supposed, or that they ever executed those purposes. I think there is nothing farther in the course of their journey onwards, but when they came there, the defendant and this servant of his put up at the Faulcon inn at Chester; they did not stay at Chester; I don't suppose any body can imagine, the object of the journey was only to see the town of Chester. The Duke,

accompanied with Giddings, went to the garden, and the first night they were met there by Lady Grosvenor, and were there a few minutes together, having conversed by the garden rails a few minutes; that night they parted, the Duke returned to Eccleston, where his horses were, and rode back to Chester and lay there; the next night they returned again, and went to see Lady Grosvenor, and went back again that night, and so on for three or four different times, and then went immediately for London---returned again to Marford-hill, and there he lay a second time a few nights, and he again went to Lord Grosvenor's grounds, accompanied by this same domestic, and at each of these times he saw Lady Grosvenor; what then? Is there any witness that does himself suppose, much less is there any evidence that can induce you to suppose, that in any of these meetings in the gardens, or near the house, or in the fields, any thing criminal did pass, the time of day between twelve and one o'clock, and this was dirty weather, and a dirty country? and I suppose, that is the general practice sitting at home in the county of Chester, but she walked out on these days; what is there remarkable in it? She walked out for the purpose of meeting the Duke of Cumberland, as well as he went from London to meet her in those fields; what passed there will any body suppose in that hour of the day, in broad day-light, seen in one instance by the servant that brought a message, seen by another in another manner in a kind of action? what can you suppose did then or there pass between the parties? It did not want the negative evidence of Giddings to prove nothing did pass that was criminal; no body could suppose it could have passed if Giddings was at hand; when I say at hand, he was within sight and within hearing of them, I don't suppose he was within hearing what they were then talking about, but was what is understood literally to be within sight and within hearing. Can any body suppose, that from profligacy all want of decorum was lost between these parties, when they were liable to be broke in upon, and in one instance were broke in upon by the servants? what could then have passed between them? nothing is proved there. But what evidence you have with respect to the Duke, going the first and second time into the neighbourhood of Chester, by the criminality, if you please to suppose it so, commencing some months before, and continuing till the time I am speaking of; I cannot think myself, this third head of evidence is at all more fortunate than either of the two that preceded it; that neither in the meetings at many places, nor in the letters, nor these foolish interviews in the country, can there be found any sort of evidence of the kind that will support this action. Then we come to the last important scene, as my learned friend calls it, which has every thing of full direct proof, and which there is no getting the better of nor explaining away. Though you should think the first meetings were perfectly blameless with the sense of the action, though the letters import nothing like a previous indulgence of this passion for each other, nor the meetings at Chester, nor on the road, import any thing criminal to have passed between them, yet the important discovery at St. Albans is to pin the basket. I have no doubt that the transaction at St. Albans gave birth to this action, and no other transactions would have been thought a ground for this business; but it seems the transaction at St. Albans is not to be justified, nor is it to be justified; in the way I have admitted the conduct of the parties to be in some degree unjustifiable, but I fancy the circumstance of St. Albans will be found capable of such an answer, as will make it appear to you to be insufficient for the purpose of supporting this action. In the first place, there have been four witnesses called to support that transaction by them; a fifth, from whom, upon cross examination, I got a word or two about it, who was likewise called by them though for other purposes; from all these witnesses we learn, that in the evening, some say ten, others half after ten, one told us eleven, the door of the room of Lady Grosvenor's bedchamber was burst open, and in that room were found Lady Grosvenor and the Duke of Cumberland. Gentlemen, you find the breaking open this door was the result of a sort of plot, which was laid very innocently in all senses of the word, but very simply it strikes me, by Stephens, who, after having sent his fellow-servants to bed, was to bore holes through the door in which the Lady was to lie; the opportunity was chosen for this while the Lady was at supper, which is supposed to have been towards nine o'clock; during that interval Mr. Stephens, one of my Lord's principal domestics, gets necessary instruments and bores two holes, for the purpose of seeing what should pass there: as soon as she left supper she went up stairs to the nursery, and there he carried some negus, but not finding her there, she called to him in the way for him to bring the negus to her, and he did accordingly carry that negus to her; he supposes she did shut the door and turn the key; the same witness speaks afterwards

about the lock, at the time the door was burst open, but he could not take upon him to say the door was locked or not; whether or not is not in proof one way or the other; it might be shut, yet the door was not locked when the door was burst open; it may be, and must be, if not locked the second time; for, in the interval of bursting into the room, that locking of the door would have been nothing to the purpose, if he had been certain to his recollection about it after he carried the negus, whether it was locked again or not, there is no proof about it; but having delivered this negus, the Lady being within, from the suspicions he had entertained, and the discovery which was his business to make if he could, led him to be very attentive to what passed within, and for that purpose he that had sent the servants to bed, and his brother to some other house, hears a conversation and distinguishes two voices, and is sure Lady Grosvenor's was one; this he is sure of, the other he thinks is the Duke's; he hears a conversation passing carried on by two voices, in which at that time the principal speaker was my Lady Grosvenor; he goes and communicates this to the brother, they both listen and hear two voices, but his ears were not good enough to enable him to distinguish to whom those voices belonged; the witness wondered at it, but he explained the reason, by saying his brother had a cold; the words articulated were not discovered, but both the witnesses, and I believe one of the servants did (two or three of them it is not material) hear, by listening at the door, a conversation carried on by two voices; and Mr. Stephens's story was so accurate, that, upon the second time of listening in company with his brother, he conjectured it was the Duke of Cumberland's, but then he said the Duke was the principal speaker; what warranted the witness to say this was, at both times of listening he and his deaf brother distinguished two voices; one voice was known by the sound to be Lady Grosvenor's, the other in the first instance was suspected, in the second was certainly known to be the Duke of Cumberland: well but talking will not do for this action, conversation by two voices will not do, the Lady speaking most one time, the Gentleman most at another time, will never do for this action.

Court. There are three times, Stephens went down a third time to listen.

Mr. Dunning. I now recollect perfectly; at the same time both the brothers and the footman listened, and they likewise heard the two voices, then within half an hour, as the evidence stands, of carrying the negus into the room, in which interval, or towards the beginning of it, the Duke had found his way into this room in the beginning of this conversation, it was continuing till the interval of breaking into the door, continuing, as far as is known, it had been continuing without intermission. I desire you gentlemen to understand, that the continued conversation between two voices, one preponderating with one, the other in other parts of it, is intirely compatible with what must have passed between those parties in that place. I believe my learned friend has not learned from his reading, and I am sure he has had no other way of learning, that it is usual in such circumstances to carry on that sort of conversation; and yet I hope I am not understood as treating the subject ludicrously; it is far from my intention to do so. I admit no other consideration than what is founded upon evidence. When is it this can have passed? there is not a moment left for it; we find within compass of a few minutes when the conversation began, and we find to a moment when it ended; we find when he went and called the servants he had foolishly sent to bed, and when he went to call his brother which he had more foolishly sent to another house; when he returned, he found the same conversation continuing, no distinguishable difference, sometimes the Lady most, sometimes the Gentleman most: I profess, gentlemen, little more comment or observation is necessary to satisfy you in this case; not that it is not probable, much less that it is not certain, that this business did pass at the time; but, upon the contrary, it is in clear proof that nothing of this sort did pass at that time. It may be asked, how it can be strongly proved that a young man and a young woman did not do what is natural for young people in rooms together to do? You find they were only talking: I confess myself at a loss to know what species of evidence is more necessary to prove nothing criminal at that time did pass. Now let us see what more remains upon the evidence of these willing witnesses, to say no more of them, if it be not altogether deficient, they may stand more upon it, and say, Here I have you in this part of the cause. Let me observe a circumstance more upon the evidence; Mr. Giddings, in his master's room, had accidentally observed this operation of boring the holes through the door. Mr. Giddings is not understood by my learned friend to be such a dull observer, as not to comprehend what this meant: the Duke was in the room, and he pointed and made the obser-

observation; and he says the Duke likewise saw the man in a blue coat and red collar, boring holes. I thank the gentleman for the attempt, because it succeeded in the way of disproving that more strongly in the same way it was attempted to be proved. You find he was in a blue coat and red collar; was in a light; was in a situation to be seen in the room, and supposed to be seen by Giddings. Then Stephens confirms that evidence of Giddings, that both himself and his master were apprized of what was done: can it be doubted what it meant? they knowing the holes were made for the purpose of observations; knowing my Lord Grosvenor's agents and servants, were in consequence of suspicions, entertained by himself or themselves, and being disposed to make this discovery of what past within that room, they can ask, What did your client mean, knowing all this, to put himself in that room? I am not at a loss for an answer; I must carry the disclaimer through; here is a young man of great attachments, warm passions, and not very prudent, in a situation, and subject indeed where no body is prudent; he persisted in the purpose that brought him there, in seeing Lady Grosvenor. What was the purpose that brought him there? that was evident a week or so before; Mr. Giddings proves it, and you may know without proof; I know, and every one that hears me may know, God knows where, or what quarter it came from, but there was in all the news-papers in this town, a supposed detection of these very parties, in a milliner's shop in Leicester Fields. To what good-natured pen we are indebted for that invention, and whether they meant ill or well to both parties, God knows; but there was such a story rais'd. The Duke reading of this transaction, and alarmed at it, conceived it to be right to take the first opportunity of seeing Lady Grosvenor, and he made a journey to St. Albans on purpose to meet her, and sent her word of it by a dispatch that was sent before he set out.

Well, but why an assignation at St. Albans? Why not wait till she came to town? Why not come to explanations, if necessary, in a more public manner? And why not find a proper place, and circumstances necessary to talk about it? To all these why's, I can give but one answer. I admit, to have waited till she came to town, would have been better, and to have had an explanation more public; but circumstanced as these parties were, it was not natural in them to do what parties that had no sort of intercourse together probably would have done, but would have waited for a more convenient opportunity to come together. In the way they were thinking of each other, it was to be communicated that moment they read it, or as soon as possibly he could reach her, was the proper time; and there was nothing in that could prove the Duke imprudent; it was proper for him to go and converse with her about it, and talk the business over, in order to contrive how to find out the authors of this scandal, that it might not go beyond the mark, though the occasion for it might be given in a less degree than what had really passed. The Duke then went down to St. Albans, followed by his servant, for the purpose of talking with Lady Grosvenor. The gentlemen may say, what the Duke says is no evidence; why do we not prove that? When he went into this room, it appears in evidence, he was apprized they should be observed there, but he did not expect the door would be burst open; they did not expect any body had been so commissioned, or was disposed, if commissioned, to have gone that length; but they supposed there would be people through the holes that were made, that would be attentive to what they could hear or see them do. In the way in which this has been conducted, the one way and the other, it does not appear to me to be a clear proof of a criminal transaction. It may be asked, Why should he have gone into the room, and have chosen to have sat upon that bed, at the side to conceal himself behind the curtain? It may be said, Was it not extraordinary, that he should go so far imprudently, as to put himself in their power? and that he should conceal himself as far as he could from their observation, by sitting behind the curtain? It is to be sure very imprudent conduct, and so far very indefensible conduct. But can you suppose in that situation, knowing, or having reason to believe, some person or persons were looking through the door, if the parties had but one grain of understanding, would they transact that part of the criminal conversation upon that bed, and such spectators round? Their sitting upon one side of the bed would produce other sounds to the conversation, not so easily to be heard; but the bed itself, in other circumstances, would have betrayed from the appearance and condition of it, what passed there, if it had been so circumstanced to contrive to prove what had past there.

We are told when the door was burst open, the Duke and Lady Grosvenor were both found in the room; the Duke, all the witnesses agree, standing in the middle of the room; Lady Grosvenor, they all agree, was going or standing near the door, which led into an adjoining room; two footmen were in the room with the rest that came in,
and

and either one of them, or both, suppose themselves to have seen the Duke in the act of buttoning his waistcoat. I did expect from the opening a different sort of buttoning, I do confess, but the witnesses supposed themselves to have seen the Duke buttoning his waistcoat. The same two witnesses suppose themselves to have seen Lady Grosvenor's neck bare, and it seems she wore a sort of dress which is calculated to come close about the neck; the Lady they saw in the act of falling against the door: she did in fact fall into the next room; whether they saw her neck bare, proceeding from that accident, or their imaginations supplied them with that circumstance, I do not know; it is impossible to be certain: it is natural both parties should appear in the confusion represented; they did not think their conversation would have been so interrupted, nor the door burst open. The door, it seems, burst from its hinges; it burst open at once, and all this goodly company burst into the room, and so broke in upon their conversation: and they must be still more confused, when you consider them circumstanced as these parties were. Now, Gentlemen, I can myself conceive, that without any intentional aggravation in both those servants, they might be mistaken in those two circumstances, I mentioned concerning the appearance of the undress of the parties. When the two witnesses, their employers, the one, I think, is a steward, and the other an officer in the militia, and a friend of Lord Grosvenor's, both of whom came there for that purpose, when they both tell you neither one nor the other saw any such circumstance; can you suppose Mr. Stephens, the borer of the holes through the door; can you suppose Mr. Stephens the adjutant, who came from London for the purpose of seeing them; can you suppose the one or the other inattentive? can you suppose it true, when one did represent himself as got into the room first, and they were all in the room immediately after, so soon as there was no difference in time material? He was the first man in the room, and neither he nor his brother saw either of these material circumstances that the footmen suppose themselves to have seen: and I have no doubt, that both those gentlemen would have proved those circumstances, if they had been visible. Consider their attention from waiting the whole scene, which was the effect of their own contrivance: it cannot be doubted they saw all that was to be seen, and they have not added this sort of exaggerated circumstance; I don't mean to say aggravated neither, but in the confusion in which the servants and all were in, this kind of scene which they were not very well accustomed to, they suppose themselves to have seen what never had passed; if it had, it would have been witnessed by the two Stephens's. For upon the observation of what is proved by all the four witnesses to have passed, founded upon what knowledge the Duke carried with him in the room, you are, I trust, to be convinced nothing passed in that room to the purpose of which unbuttoning was necessary. Can you suppose the parties were so employed? the situation of the Lady might be the effect of that fall which proceeded from her going into the next room. The confusion of the Duke of Cumberland, from the transactions of that night, might cause that to pass, which the witnesses declare to have passed, from the effect of wonder caused by what had passed in the room; if it passed, it would be the effect of wonder which this scene produced. Does it import any thing more, than his not having presence of mind, or being exceedingly apprehensive of a misrepresentation and exaggeration, and afraid a much worse construction would be put on it than the transaction itself when properly known would bear? I don't wonder, upon the whole, that the Duke should talk improperly, and hold a foolish conversation; I don't wonder that those expressions did pass upon it, "I will take my Bible oath I was not there." That is a farce, for people of his high rank are not very apt to be found in such situations, and it is in fact much more likely to be their own invention than his expression. That he denied his being there, is very probable, and that his expressions and his language was different from that, is likewise very probable.—Gentlemen, I have not wittingly or designedly concealed any part of the evidence; then what is there more than these four heads, that of itself produces that strong, clear, and necessary conclusion, which my learned friend supposed would result from it, or affords that irresistible conviction he thought it would carry? These four heads of evidence, each separately considered, will not answer the purpose, yet, *juncta juvant*, all together will answer what none of them separately would perform. It is a very common argument, and stated and circumstanced as we are, we are often driven to make the best of them: but *juncta juvant* is not for the first time introduced; I have often heard that that put together, has more weight than separate circumstances, which, whilst they are separate, prove nothing; when together, they can prove no more: and to the end of the multiplication table, as many nothings as you please, and something will be the produce of them. What is there in one, or in all these circumstances put together, than what I in the outset admitted, That these parties had

formed an imprudent, and if you please, a violent attachment to each other, or a violent passion for each other? all this may be true, and yet criminal intercourse never have passed between them, as the action supposes. If the passion must have preceded, yet the passion may have happened, and not what my learned friend supposes the gratification, and indulgence of it have passed: yet the passion might have subsisted with the most perfect innocence of that crime with which he is charged in this action; all that has been given in evidence therefore, can afford no proof of his guilt. I think the argument is fair, for no man's guilt can be proved by any evidence that is compatible with his innocence.—Gentlemen, I do not dispute with my learned friend in some observations that he set out with, upon the nature of the evidence, and how this sort of evidence is to be supported; he says, It will hardly be insisted, nor will it by me, that the evidence of ocular witnesses seeing the fact is necessary to establish a proof of it. He says, and truly, in these cases circumstances may be such as make the conclusion as necessary, and the conviction as irresistible, as if the charge was supported by ocular witnesses, or more so. I am ready to admit there may be circumstances that would make it as much so; but admitting that I must go a great deal further in my admission, or his argument will not supply his cause. I do not contend that the conclusion must be necessary, nor inevitable in this cause; but I admit, because I can in no cause deny, that a charge may be proved by circumstances; it is true in all civil causes, it is equally true in all criminal causes, that there is no charge so high, or none so small, but may be proved by circumstances: but then you will take along with you the nature of the guilt, and the point which ought to influence the consideration of the court, in weighing such circumstances, and judging whether they do or not produce, or afford that necessary conviction. If a man is found weltering in his blood, with a sword through his body, though no man saw him murdered, every man sees that which necessarily infers he is murdered, whether by himself or another, *non constat*; if it appears he was not his own murderer, yet it appears it must have been committed by some other person; if it could be proved who was the person that committed the murder, yet still his will must be proved to convict him. If a man is found in the situation I before described, and another person is seen running out of the room with a drawn sword in his hand bloody, that affords what the law calls a violent presumption; and though it is not full proof, yet the conclusion of it seems irresistible, that he was the murderer, which is all that can be admitted upon the head of presumptive evidence: in Lord Coke's words it is thus explained, Probable presumption moves little, *presumptio levis*, which moves not at all; and that which the laws say, and the laws of common sense say, that those circumstances that support a violent presumption, import a full proof tantamount; yet any circumstance short of that will not do: there may be probable circumstances that will do in one case, that go not at all to another; and the degree of conclusion or inference that these violent presumptions afford, is, that they must be carried to their true pitch, so that the proof may not be mistaken, or confounded with that which is not proved; and if the circumstances so to be proved, afford an instance of a lesser degree of guilt than the action supposes, then that is no proof at all: and it is plain that there never was, from the commencement of the correspondence between the parties, to this moment, a criminal instance between them; and all the evidence put together, will not afford that violent presumption which affords full proof, and therefore the evidence being insufficient, it will not gain a verdict which the plaintiff expects: for you will not, I am persuaded, be induced to judge of it in the same manner as if full proof had been given you; and you will attend to no arguments, but give a verdict according to your own understanding, and apply these rules in the way I have taken the liberty to tell you them, corrected, as I apprehend they will be in the way, before you give your opinion upon the cause; and I trust, and am persuaded, you will think the evidence that has been given, is insufficient to entitle the plaintiff to a verdict. Gentlemen, you are told, upon the head of damages, that if you should give the plaintiff a verdict, which I trust you will not, then you have nothing to do, but to applaud the moderation of that pecuniary compensation, which the plaintiff, though unacquainted with the extent of his own injuries, has been prompted by his agents to state upon this record for 100,000*l.* which my learned friend says is far too little for the defendant to pay, or the plaintiff to receive: and for the purposes of making out that singular proposition, you are told, the *quantum* of damages in all causes depends upon the nature of the injury, and the rank of the parties. I shall beg leave to suppose there are some other circumstances must occur in the consideration of damages, that not only the nature of the injury, but the conduct of the party complaining of that injury, makes a material ingredient in that consideration, and the circumstances of the parties; and I believe

I shall

I shall not find myself mistaken in supposing these two topics are very fit to be added to the others, if you should find yourselves obliged to come to that stage of the case in which these considerations are material. Gentlemen, it is said, this is the first instance of an action of this sort brought against a prince of the blood, but that it depends upon you whether it shall be the last. It does depend upon you indeed; for if slighter evidence than you would require in other cases, and if the consideration of the rank of either party, or their idea of having to deal with a prince of the blood, makes a consideration of your verdict for the parties, this would not then be the last that might be brought; for if circumstances consistent with the absolute negative of that which they must prove in the affirmative, would gain a verdict in their favour, there are numbers of those who would find frequent instances for similar actions. Gentlemen, the conduct of princes, it is said, is an object of great national concern; and that the conduct of this prince is more extravagantly vitiated, as he has that example of youthful tenderness, and conjugal fidelity in his family. Gentlemen, the conduct of princes is certainly a great national concern, if by princes is understood, that prince whose example, and whose conduct men are to look to, with whom the nation and state, as a state, has to do: and though there is a rank of men known in a neighbouring country, by the distinction of princes of the blood, that hold a separate state, God be thanked, there is no such order of men in this country; and I know but of one prince, whose conduct can be a national concern, which is that prince who has the sole executive authority, and who has a large share of the legislative authority in the state, and whose conduct, in every instance, is therefore a national concern, and whose conduct is, and I trust ever will be found by those who are most attentive to national concerns, such as they would wish it to be. As to distinguishing this prince, against whom this action is brought, from the rest of the people, every man that hears me, that is distinguished by high rank or low rank, or no rank at all, is no less an object of national concern; and therefore I must beg leave to dismiss from your consideration that influence in your passions, in the way in which I am persuaded you will not permit them to be influenced. It is said it will be known from the consequences of large damages to what degree you carry your resentment, and that no banishment, no imprisonment, nor any thing of that sort can be apprehended here upon that account. Does my learned friend not know, nor suppose you to know, how disproportionate the funds of any subject in this kingdom are to such aggravated damages? or does he suppose it will weigh with you, to give higher damages than the plaintiff demands, upon a supposition it will be paid by another? does he imagine it will be the case for one man to pay for the fault of another, and that the expence would fall upon those that have no share in it? I trust you will correct that misconception, and another misconception, that it is not the merits, or the conduct of the plaintiff, but the defendant's conduct that you ought to look to; and that it is not what the plaintiff ought to receive, but what the defendant ought to pay: now I have never heard the consideration of what the defendant ought to pay made the consideration of damages; I have always understood it to be what is the plaintiff under all the circumstances to receive: I understand this is a criminal cause, and not a civil one, and my learned friend was so kind as to say he would assent to that doctrine: but I don't see I have any interest to contend for that proposition; my judgement don't lead me to contend for it; not that it merits an iota, when I consider what is to be observed in the consideration of damages. It is something materially distinguishable, that it is not an action for punishment, not an action for example, not an action for vengeance, but it is what the terms of the action import, a claim for a civil reparation for a civil injury; it is certain this is not an action for punishment, it never occurred to me once to suppose it was, and I am as little disposed to assent to that doctrine, as to require my learned friend to assent to that doctrine; it is certainly nothing like it. But the action being such as it is, you will consider the circumstances; you will forget the parties; you shall forget, if you please, that the plaintiff is a peer of the realm, and the defendant a prince of the blood, and I will consent you should think the plaintiff the injured husband.—In Ireland you are told there was a cause, where the indignation of the jury led them to give such damages as drove the defendant out of the kingdom: I don't know what so drove the jury, whoever the parties were, and whatever the motives were that produced such indignation; I say it must be in Ireland, if any where, that the jury could suppose themselves at liberty in trying a civil or criminal action, to give way to their indignation, if ever so fit, that was not the time nor place to be so actuated by indignation;—and I hope, Gentlemen, they will not be copied by you. Then there is a case in which a large sum of money was given, which ended in perpetual imprisonment;

ment; the laws have provided no such punishment, but have taken care it should not be the consequence of such actions as these, at least they ought not to be the intended and intentional consequence of such actions as these: the jury ought not so to consider the subject; it is taking up the province when they are entrusted with no such power. It is said there was an action brought by a prince of the blood, and the jury gave him 100,000*l.* in damages; does he tell you when it was the sum was recovered? that the action was brought for words spoken of the then Duke of York, and he had the good fortune to meet with one of those indignant juries, and at the close of the trial they gave 100,000*l.* to the heir of the crown against one Doctor Oates, for speaking scandalous words of the Duke. Could my learned friend mean any other than to reprobate it, and to say you should try like those men that tried in that action against this prince of the blood, because that jury gave 100,000*l.* for that prince, you should give 100,000*l.* against this prince? Does this case discover any resemblance in parties, or any resemblance of the subject? I am sure there is not the least; but among all the extravagant, illegal, and violent acts that juries have done, the whole compass of actions put together since that time, or before, could not have furnished such an one as that which my learned friend has now hinted at. Gentlemen, I exhort you not to be angry, like the jury in Ireland; not to condemn to perpetual imprisonment, like some other jury; and not to copy the jury in the end of Charles II's time, against Doctor Oates. My learned friend tells you, that from the crowded audience, the people are anxious to see how far your resentment will carry you, and he is confident to say the public will not be disappointed. I am convinced they don't come here for such a purpose; if there is such an one that does, I am confident he will go home disappointed, for I am perfectly sure he will go away taught to correct that mistake, and learn that your resentment will not carry you away one jot; that you will not be actuated by such resentment, nor such passions; but that it will be received by you as in deference to your better judgement it ought to be. I have not done with the first part of this proposition intirely: you may, if you please, forget who the plaintiff is, that he is a peer of the realm; and you may know him only in the degree of an injured husband. I sincerely wish it were consistent with my duty to leave you here, knowing the plaintiff in no other character than an husband, knowing or supposing himself to be injured: I wish it was permitted to me not to bring before you any thing more respecting who the parties are, or what their conduct has been; but I beg leave to insist, confident of not being mistaken in insisting, it is not necessary who the plaintiff is, if there was no other evidence could be produced imputable to him than that of an injured husband; but if it should be found that that affection which thus had produced this match, ended with the match it produced; if it should be found that that blame, which in a very large, if you please, in any degree short of that which the action supposes, is imputable to the parties, which, though we have been short of tracing, is not confined to them; if it should be found, how regardless soever the defendant may have been of that better example, to which it seems it behoved him to have regard to his conduct, that the unhappy Lady had not that better example to have guided her conduct; if it should be found the plaintiff, by any transaction of his, led the way to produce the mischief which it is said has happened; if it should be found not to be inattention upon her part alone; if the plaintiff should be found to have given the example of improper and criminal passions, by first receiving, entertaining, and indulging criminal passions; if all this should be found true, I trust you will not conceive this immaterial, in the consideration of the action in the two parts in which it subdivides itself. To speak in the expressions of his letter, which are rather borrowed, "That those which should feel, do not feel the treasure they possess;" if it should be found to be truly said, you will not conceive this to be immaterial; but you will consider this, as I hope you will have occasion to consider it, as affording a degree of extenuation, and a degree of apology for the blameable conduct of the unfortunate Lady in this instance; or whether driven, as I flatter myself you will not, to consider it in the head of damages; but in both it is not irrelevant, in both it will be proper for your consideration.

Gentlemen, I am now proceeding to what I feel is a very painful and disagreeable part of my duty; I wish occasion had not been given for it, and it had not been exacted of me, not only for my own sake, but to have spared me this disagreeable task, which is the occasion that brings you and me together, and about which I am now talking; and I am most confident it would have never existed, if my instructions were not true, which I am now going to speak about. I am given to understand, it is no secret to any, but is a notorious circumstance, as transactions of this

fort in no case can be secret: but from the moment which formed that relation which gives the plaintiff a title to this action, from that moment to the present hour, as well as before, the plaintiff, my Lord Grosvenor, openly, publicly, and notoriously has lived himself in a constant violation of that right, the violation of which he now complains. I know that the manners of the world, and the fashions, and the cut of the garment, if I may call it so, has made distinctions where the nature of the case makes none; and as it is thought by some, to impose that obligation of chastity and fidelity upon one of the contracting parties, which the other thinks himself at liberty, from the moment it becomes his duty, to disregard; but distinctions founded upon fashion, is not the distinction you will adopt: but if you find he has injured her in the same way she is charged to have injured him, had the proof of it been as perfect from the evidence, as I take the liberty to tell you it is imperfect, that will not entitle the plaintiff to a verdict; and instead of considering the damages above all pecuniary damages, instead of considering 100,000 pounds as a moderate sum, the smallest coin the kingdom knows would be more proper. My learned friend says, the question is, What ought the defendant, considering his high rank, to pay in damages? but I trust I shall have my Lord's concurrence in telling you, the question only is, What ought the plaintiff, under all the circumstances, to receive? the consideration of damages, I persuade myself, will not be material, but the evidence will be material to account for the conduct of the parties: it will extenuate, it will explain and apologize, as well for the degree of blame the parties have incurred in this transaction. What is so natural as that young women should look to form attachments elsewhere, which they are disappointed in, not having them at home? But it is natural, what the one thinks himself at liberty to do, the other should think herself at liberty to do; and that sort of conduct which would have appeared in this Lady, or the other Lady, in any other case, or any other husband, would certainly naturally appear in a very different light, in the case of such a husband as I am instructed the plaintiff has been. I am told Lord Grosvenor's utter inattention to this duty, is among things most notorious to those whose age, temper, and way of life, cause them to see what passes in certain places about this town. If I was speaking to a jury of such sort of men I am now alluding to, to have produced proof or cases in particular circumstances, would have been a superfluous task, it would have been only proving what they had seen before; but it is necessary for me now to state and prove to you, what I am instructed to prove to you, without which you ought to pay no regard to what I speak. I am given to understand, though difficult as such a business as this in its nature is to get at the proof of, because thousands of women will do that which none of them can be brought into a court of justice to acknowledge; people cannot be compelled to prove transactions of this sort; if they could, I have names enough in my brief, to bring as many witnesses as they have called; but I have no right to call them in that degree. I must put the question only to such witnesses as will answer, and overcome that difficulty; and I am persuaded that some will be presented to you, some who are the unhappy subjects of these criminal proceedings of the plaintiff, where there are not instances of affection, no love-letters, no fancies, no raptures, no dreams, but positive, substantive, and substantial instances of the violation of that duty, which you are desired to believe has been violated against this Gentleman. Some more decently, others less decently, some speaking about the time this transaction is said to have happened between Lady Grosvenor and the defendant; some to times precedent, some to times subsequent; and one at last goes back to the very period of the marriage, which was proved to-day by the reverend Mr. Taylor; from that time, there are instances which would take a great scope to tell, will appear in proof before you. Mr. Stephens forgets, and does not recollect, all the business, which he supposes will be some part of the object of your inquiry; he forgets Polly, Charlotte, Jenny, Betty, and such names as he may recollect; his memory may be as defective as his brother's organs of hearing are, and may be as incapable of recollecting those things; but does he remember no names? He does remember some Lady who came to the Castle at Chester, but who that Lady is he don't know; bye and bye you will know; I shall call one or two of those witnesses without saying more about it. I do not speak beyond my instructions, and I believe I shall not be held down in the sort of evidence I have in command to lay before you upon this part of the cause; I only tell you it is for that reason I refer to it again, that the purpose of this evidence may not be misunderstood; not that I call this evidence simply to the head of damages, nor as importing the smallest degree of consideration that can be material for

you;

you; but I call this evidence as equally material to both parties in the cause; it is at least necessary to afford such apology and extenuation for the conduct of the parties as the nature of the case will admit; that conduct I defend, and insist upon defending strenuously; though in some cases I admit her conduct would be indefensible, yet if this evidence comes up to my instructions, I am persuaded you will not find a verdict for the plaintiff. I shall now only make an apology for myself, for the time I have taken; I am sure the importance of the question will afford an apology for me, in having gone through this so minutely upon the observations made by the council for the plaintiff, and the different degrees of evidence produced to support it. If I have gone no farther than the purpose of impressing you with a belief, that this transaction is not blameable to the purpose of this action, I shall be happy in contributing my mite to this important point; and conceiving the evidence insufficient to support that action, I trust you will find a verdict for the defendant, when you have weighed the grounds upon which I have presumed to stand.

Mr. Skinner. My Lord, I have a great deal of evidence in my brief, to prove that Lord Grosvenor has been guilty of violating the rights of marriage in many instances, and I hope that will extenuate and apologise for the conduct of Lady Grosvenor, and not be thought an immaterial circumstance for the consideration of the jury; the first I shall call is Mrs. Langford, who is mistress of the White-hart inn at St. Albans.

Mrs. LANGFORD sworn. Examined by Mr. Skinner.

Q. Do you remember Lady Grosvenor coming to your house upon the twenty-first of December last?

A. Yes.

Q. Do you remember the Duke of Cumberland coming to your house?

A. Yes.

Q. Can you think of the time the Duke came to your house? can you remember the circumstances of being present in the room at the examination of the bed after the door of Lady Grosvenor's room was burst open?

A. Nobody asked me to look at it.

Q. Was it not when they were making observations upon the bed you was there?

A. No, Sir.

Q. Was not Stephens there?

A. No, not at the time I was looking at it by myself.

Q. How soon after the door was broke open did you come into the room?

A. Some time after.

Q. Did you hear the noise it occasioned?

A. Yes, to be sure.

Q. How soon after the noise of that alarm did you go there?

A. Twenty minutes.

Q. Who did you see there in the room?

A. Lord Grosvenor's servants.

Q. Having found them in the room, did you while they were in the room look at the bed?

A. I looked at it when they were gone.

Q. Did you look at it before they were gone? Did you come a second time?

A. No, Sir.

Q. How did you find the bed?

A. I found the bed, my lord, as if it had been sat upon by somebody.

Q. What part of the bed was it that had that impression?

A. The side next the fire.

Q. How far did you think the impression was made?

A. So much as any body might sit upon it once or twice.

Q. The impression was so far as a person sitting upon the bed, but did not look as if it had been lain in?

A. The Lady might sit down once or twice, but it had not the appearance of being lain in by nobody.

Q. When you came into the room Lady Grosvenor was there?

A. Lady Grosvenor was not in the room when I came in, but in the adjoining room.

Q. The servants had not left the room then?

A. No.

A. No.

Q. In what situation was Lady Grosvenor's dress?

A. Just as she came into my house; I had took notice of the dress when she came into the house, and it was just the same when I saw her again, and her head-dress was just as when the Lady came into the room.

Court. What dress was she in?

A. A plain hood, my lord; in that dress I saw her, and in that dress I found her, with high curls turned round.

Cross Examination.

Q. How long was it before you went up stairs after the door was broke open?

A. It was some time before I went up; the fright was so great at the breaking open the door it frightened me, and I had not strength nor spirits to go up.

Q. You found Lady Grosvenor in the other room?

A. Yes.

Q. Standing?

A. No, she was walking about.

Q. What was the appearance of the bed?

A. As if a person had sat upon it once or twice.

Q. The sheet was not ruffled by that?

A. The sheet was not ruffled, not where any body used to lay.

Q. Was the bed straightened down?

A. It looked as if it had been sat on, it did not look as if it had been lain in.

Q. How was it towards the foot of the bed?

A. Towards the foot just as it was made first.

Q. Did you observe the bed very carefully?

A. I looked at it, I could do no more, no body bid me look at it.

Q. Have you never told any person that you did not look particularly at the bed?

A. No, Sir.

Q. Not the next morning at St. Albans?

A. I told them it looked as if it had been sat upon.

Q. Did you not tell that gentleman, that you did not particularly observe the bed?

A. I don't know that I did.

Q. I don't talk of Mr. Stephens, nor you don't mean of Mr. Stephens, you mean another person?

A. No Sir, no person.

Q. Had you no conversation with a gentleman that came down to St. Albans, upon what observations had occurred to you the night before?

A. Yes, Sir, two gentlemen.

Q. What did you tell them?

A. I told the gentlemen the bed looked as if it had been sat upon.

Q. Did not you say these words, you did not recollect looking at the bed?

A. I recollect I did tell them something about it, but I can't tell what it was in particular.

SARAH GILEY sworn and examined.

Q. Was you the chambermaid at the White-hart inn at St. Albans, at the time Lady Grosvenor's door was broke open?

A. Yes.

Q. At what time did you go into the room?

A. I went in some time after the door was broke open.

Q. What did you see when you went in?

A. I saw Lady Grosvenor's servants and the waiter there when I first went in.

Q. Did you see Lady Grosvenor there?

A. Yes, I saw Lady Grosvenor.

Q. What dress was she in?

A. In the same dress as she was in all the evening.

Q. Was her hair dishevel'd?

A. No, Sir, her head was dress'd still, and just the same as it was all the evening.

Q. Did

- Q. Did you observe the bed ?
 A. Yes.
 Q. In what condition was the bed ?
 A. It was rumpled upon one side, where two people might sit there.
 Q. Upon which side was that ?
 A. The side next the fire-place.
 Q. Had it not the appearance of being lain on ?
 A. No, Sir.
 Q. How far was it dented down ?
 A. Not a bit near the head.
 Q. I believe you warmed my Lady's bed ?
 A. Yes, my Lord, twice.
 Q. Do you remember any thing particular of the sheets being tumbled ?
 A. The sheet where they might have sat on was a little rumpled just where they sat.

Cross Examination by Plaintiff's Council.

- Q. You are a chambermaid ?
 A. Yes, Sir.
 Q. You warmed my Lady's bed at night ?
 A. I did.
 Q. When you left my Lady, in what situation was the lock of the door ?
 A. The lock of the door was very well.
 Q. On what side was the key ?
 A. The key was on the outside, I gave it my Lady in the inside.
 Q. Did my Lady lock the door ?
 A. I don't know, I did not hear her put the key in the door nor lock it.
 Q. You say the bed was flatted, I ask you if it was not much tumbled ?
 A. It was not much tumbled.
 Q. I ask you if it did not appear as if some persons had lain upon it ?
 A. It did not appear to me as if any body had lain upon it at all.
 Q. Were the sheets tumbled or crumpled into heaps ?
 A. The corner where they might have sat, and that was all.
 Q. I ask you whether you have ever said that the bed was tumbled, and that you thought some persons must have lain upon it ?
 A. I never said so.
 Q. Did any body ask you to give an account the very day after this affair happened ?
 A. Yes.
 Q. Did you give an account in writing ?
 A. Yes.
 Q. Is that your hand-writing ? producing a paper.
 A. Yes, that is my writing.
 Q. Was this the day after this had happened, when every thing was fresh in your memory ?
 A. I was rather flurried, Sir.
 Q. How long did that flurry continue ?
 A. I did not recollect things so soon after the transaction, as I do now.
 Q. Could not you then have recollected that the bed was much tumbled, or that it was not tumbled ? How came you to say the bed was tumbled, and the sheets tumbled also, and shoved into heaps, so that you thought some persons must have laid upon the bed ?
 A. I did not say no such a thing.
 Q. Nor you did not sign any such thing ?
 A. No, Sir.
 Q. Is that the paper you signed, good woman ?
 A. That is my name upon the bottom.
 Q. Was it read to you ?
 A. It was.
 Q. Was this paper you signed the day after read to you by any body ?
 A. Yes, Sir.
 Q. Do you see the gentleman in court that read it to you ?

A. It might be, for any thing I know, I don't remember.

Court. Was no such thing read to you as has been repeated?

A. Yes, it was.

Court. Repeat the words, and ask her if she heard it read.

Council reading. "She was desired to take notice of the bed, which she did, and saw it was much tumbled and laid flat; and she said, It was not so tumbled when I left it; I did not make the bed in so slovenly a manner; the sheets were tumbled and rumped into heaps, and were not so when I left them."

Sarah Gilby. They took me to the bed to shew it me; I said, I did not leave my Lady's bed in so slovenly a manner; what my Lady did to it after, I could not tell.

Q. But this was read to you I have now read to you?

A. Yes.

Q. And you signed it?

A. There is my name to it.

Q. This paper was read to you, and you signed it?

A. It was, I signed it.

Q. Did you think the day after it was truth?

A. No, Sir; I don't think it was.

Q. How came you to sign it then?

A. I don't know.

Q. You say you did hear it read?

A. I might not take such particular notice of it.

THOMAS ROBINSON *sworn. Examined by Defendant's Council.*

Q. Do you remember the night when the door of Lady Grosvenor's room was broke open?

A. Yes, Sir.

Q. Did you observe the bed?

A. Yes, Sir, I did.

Q. How soon after the door was broke open?

A. About five minutes.

Q. What was the appearance of the bed?

A. It seemed only to be rumped upon that side next the fire place.

Q. How rumped? What was the appearance?

A. It seemed as if some body had sat upon it.

Q. Was there not the appearance as if some body had laid upon it?

A. None at all.

Cross Examination. Plaintiff's Council.

Q. Did you mean to say one or two people?

A. One or two.

Q. What account did you give of it the next morning?

A. I believe that is the account of it.

Q. And you never said it had been tossed and tumbled as if some body had laid upon it?

A. No, Sir.

Mrs. BEAU GERMAIN *sworn. Examined by Defendant's Council.*

Q. Are you acquainted with Lord Grosvenor?

A. Yes, Sir; particularly.

Q. How long have you known him?

A. I have not been acquainted with him since the year 1768.

Q. In what year did you know him first?

A. I knew him first in the year 1768.

Q. By whose means did you become acquainted with my Lord Grosvenor?

A. By means of Mrs. Muilman.

Q. Where did she live?

A. In Crown Court, Westminster.

Q. Do you recollect the time of being introduced by Mrs. Muilman?

A. I did not see my Lord Grosvenor at Mrs. Muilman's house.

Q

Q. Where

- Q. Where then did you see him?
 A. I first saw my Lord in Jermyn Street at a stay-maker's.
- Q. Were you known at this stay-maker's?
 A. No; it was a lodging that Mrs. Muilman's maid took by chance.
- Q. For whom was that lodging taken?
 A. For me.
- Q. How soon after you had been at that lodging did you see Lord Grosvenor?
 A. The next day.
- Q. Do you know how long that lodging had been taken?
 A. It was taken, and upon my word I don't exactly remember the time.
- Q. For what purpose was it taken?
 A. It was taken for me to see my Lord Grosvenor in.
- Q. Did you see my Lord Grosvenor there?
 A. Yes; the second day.
- Q. What passed between my Lord Grosvenor and you that day when you saw him there?
 A. Nothing that day, only Mrs. Muilman wrote concerning a picture: we went that day to see the picture, which was somewhere in Westminster, but where, I don't know.
- Q. How soon after that day did you see his Lordship again?
 A. The next day he came, but I was not at home, and it was the day after I saw him again.
- Q. What passed between his Lordship and you that next day?
 A. I had particular connexion between my Lord Grosvenor and I.
- Q. Particular connexions! of what kind, Madam?
 A. Connexions as between man and wife.
- Q. Did these connexions continue?
 A. Yes; several times.
- Q. For how long?
 A. Not several times that day, but several different days my Lord came and continued his visits.
- Q. By what name, Madam, was you known to Lord Grosvenor?
 A. Sarah King.
- Q. How long did you continue in this lodging in Jermyn Street?
 A. Upon my word, I can't exactly remember; I believe about two or three weeks, or so.
- Q. Did your connexions of the kind you have been speaking of, continue with my Lord Grosvenor after you had left that lodging?
 A. No; I did not write to my Lord Grosvenor again for the space of eight months.
- Q. Where did you see him, Madam, after you had left that lodging?
 A. At Miss Woodfall's.
- Q. Where does she live?
 A. In Oxford Road, at a place next door to a public house.
- Q. How often did you see him there?
 A. Very often.
- Q. What passed between my Lord and you there?
 A. The same as before.
- Q. At that time was you breeding?
 A. Yes; I was brought to bed in April, in the year 1769.
- Q. How long was that after you had been acquainted with my Lord Grosvenor?
 A. I believe, Sir, it was between nine and ten months.
- Q. Who was the father of that child?
 A. My Lord Grosvenor.
- Q. Where did you lye in?
 A. At Mr. Harper's, Story Street, Tottenham Court Road.
- Q. Who supplied you with money for those expences?
 A. My Lord Grosvenor sent a twenty pound note by Miss Woodfall, and Mrs. Burdet, an acquaintance of Mrs. Muilman's and mine; we had it wrote in the name of another person.

Cross Examination by Plaintiff's Council.

- Q. Where do you live now, Madam?
 A. In Orange Street, Leicester Fields.

Q. Do

- Q. Do you follow any profession or employment there?
 A. No, Sir, I am married.
 Q. What is your husband?
 A. He was a captain of a ship or vessel in the French service.
 Q. What is he now?
 A. At present he waits for his friend's assistance to set up some business.
 Q. Where does he wait for his friend's assistance? What friend's?
 A. His brother.
 Q. Where is his brother?
 A. At Paris.
 Q. Where is he? Where does he live?
 A. Who? my husband?
 Council Yes.
 A. He lives with me. He expects some friendship from his brother.
 Q. What business does he follow now?
 A. None, at present.
 Q. What is the business he is to follow?
 A. A library.
 Q. Do you know Mr. Giddings, Madam?
 A. No; upon my word I don't remember him.
 Q. He is gentleman porter to the Duke of Cumberland?
 A. Yes; I believe I have seen him.
 Q. Where have you seen him?
 A. I think I saw him, to the best of my knowledge; he came to a gentleman in my house.
 Q. Who introduced Mr. Giddings to him? How came he to know there was such a woman as you? Who introduced him?
 A. My servants, I believe.
 Q. Is he acquainted with your servant?
 A. Not as I know of.
 Q. How came he to your house then?
 A. He came with business, he came with an assignation to come here.
 Q. How came he to think it would be of any use to make an assignation for you to come here?
 A. I don't know.
 Q. Now, when he came to you, did you tell him the story you have told here?
 A. Yes.
 Q. Is there any friendship between you and Mr. Giddings now?
 A. None at all.
 Q. Not so much as a present?
 No answer.
 Q. Not even a present?
 A. No; nothing.
 Q. Not even provision sent to the house?
 A. No, nothing; only he came and asked me. I have told the truth. I did not think it was any harm. I did it to serve my Lady Grosvenor, and vindicate the cause of my own sex. I think my Lady would not use so true a man as Lord Grosvenor ill.
 Q. What did you say?
 A. I said it was impossible that my Lady Grosvenor could have the honour of so true a man as Lord Grosvenor was, and use him ill.
 Q. So you did not know who Giddings was?
 A. No.
 Q. Out of regard to Lady Grosvenor you came here?
 A. Yes; and if my husband looked over it, I thought there was no harm in it.

Mrs. How sworn. Examined by Defendant's Council.

- Q. Do you know Lord Grosvenor?
 A. Yes, Sir.
 Q. Have you ever been acquainted with him?
 A. Yes, my Lord.
 Q. At what time did your acquaintance begin?
 A. In May, 1768.

Q. Where

- Q. Where did you live at that time ?
 A. In Glastonbury Court, Long Acre.
 Q. How came you introduced to Lord Grosvenor ?
 A. By one Mrs. Leslie.
 Q. At what place was you introduced to him ?
 A. In the house.
 Q. At Mrs. Leslie's house ?
 A. Yes.
 Q. Was you left alone with Lord Grosvenor ?
 A. Yes, my Lord.
 Q. What passed between you and Lord Grosvenor the first time you was introduced and left alone with him ?
 A. No otherways than that I heard, I was to lie with Lord Grosvenor.
 Q. And did you ?
 A. Yes, my Lord, I did.
 Q. Did you ever see Lord Grosvenor afterwards ?
 A. Yes, my Lord, I did.
 Q. Where ?
 A. At the same house.
 Q. How soon afterwards ?
 A. I saw him three days afterwards.
 Q. Did any thing particular pass then ?
 A. Yes; the same thing over again pass.
 Q. When did you see him again ?
 A. The next day after, the third day.
 Q. And what pass then ?
 A. Nothing at all pass then.
 Q. Did you see my Lord Grosvenor afterwards ?
 A. Yes; about once afterwards.
 Q. How long afterwards ?
 A. I think about a week afterwards.
 Q. Did any thing pass then ?
 A. No; nothing in the world; but he was to come to me to take me to a particular place at Hampstead, but he never came to me afterwards.
 Q. Do you know the occasion of his leaving you ?
 A. No; I do not know any thing of it.

Cross Examination by Plaintiff's Council.

- Q. Did you ever see him since ?
 A. I met him a twelve month ago.
 Q. Did you ever see him before ?
 A. No; that was about the month of May. I saw him afterwards; I spoke to him in the street as I met him.
 Q. Did he ask you if you knew him ?
 A. Yes.
 Q. Where do you live now ?
 A. In Castle Street, Long Acre.
 Q. Are you married ?
 A. No, Sir.
 Q. Do you know Mr. Giddings ?
 A. No, Sir.
 Q. Who called upon you to come here ?
 No answer.
 Court. Did you say it was a twelve month ago that you knew him ?
 A. I did.
 Q. Did you know the person you was speaking to was Lord Grosvenor ?
 A. I do.

MARY WATEN sworn.

- Q. Where do you live ?
 A. In Bolton Row.

Q. Do

- Q. Do you know my Lord Grosvenor?
 A. I do.
 Q. Do you know of my Lord Grosvenor's having met any woman, and whom, at your house?
 A. It was not me.
 Q. Do you know of any such a thing?
 A. I have heard of it.
 Q. What do you know yourself? have you ever seen Lord Grosvenor yourself at your house?
 A. Yes, Sir, I have.
 Q. What did he come there for?
 A. To see a pattern of a waistcoat my lodger had at that time.
 Q. Who was your lodger?
 A. Her name was Tremilly.
 Q. Did my Lord Grosvenor meet, or see any body else at your house besides her?
 A. I don't know. I don't go into my lodgers' apartments to see who they receive. I certainly don't know of any other.
 Q. Did you ever know any person of the name of Gunning?
 A. I do not.
 Q. Are you certain no such person was there?
 A. It might be so; but I really don't know.
 Q. What was this woman, your lodger?
 A. A sort of milliner, sold ruffles, and had cording for waistcoats and coats.
 Q. When my Lord Grosvenor was there at any time, did you ever hear him speak of any thing that had passed between him and any woman there?
 A. No; never.
 Q. Did you ever hear him complain of any deception or ill usage put upon him there?
 A. No; I really do not.

ANN TREMILLY *sworn. Examined.*

- Q. Do you know my Lord Grosvenor?
 A. Yes, Sir.
 Q. Do you lodge at Mrs. Waten's?
 A. No, Sir.
 Q. You know my Lord Grosvenor, you say?
 A. Yes, Sir.
 Q. Did Lord Grosvenor ever come to the house where you lodge?
 A. Never, Sir; not to this present place where I live now.
 Q. Have you ever lodged at Mrs. Waten's?
 A. I have lodged at Mrs. Waten's.
 Q. Lord Grosvenor came there to you, what might be his business there? What did he come for?
 A. Mrs. Waten wanted Lord Grosvenor to give her charity, and begged he would relieve her and her family, for they wanted money; and Mrs. Waten did get me to speak to my Lord Grosvenor for her.
 Q. When Lord Grosvenor came to the house, I ask you what he came there for?
 A. Mrs. Waten had wrote him a letter, and he asked what business Mrs. Waten had to write to him for charity; I said she was a woman much in distress, and that he was so good and charitable.
 Court. Do I take it right, Mrs. Waten had wrote to him for charity?
 A. Yes, my Lord.
 Q. Did you know any woman in the house of the name of Gunning?
 A. Yes; I do.
 Q. Do you know whether my Lord Grosvenor and that woman met at this house?
 A. Yes, Sir.
 Q. Tell what you know of that meeting? how it came about? and what was the purpose of it?
 A. My Lord, Mrs. Waten did think if she could get this woman to see company, she would be relieved, and he came for this purpose, but my Lord did not like Miss Gunning.

Gunning; but the girl was in distress, when he said, I will give you a little trifle, tell me what place you want.

Q. Do you know any thing else that passed with my Lord and Gunning?

A. I don't know any thing passed with Miss Gunning, only honesty; I see nothing but what was honest, and what should be.

Q. In what part of the house were my Lord and this Miss Gunning together?

A. My Lord was in the parlour, and I was with Miss Gunning in the other parlour, and Miss Gunning went into the parlour to Lord Grosvenor; after that I was called in, and he staid a minute with Mrs. Gunning, and I was called out of the room.

Q. Who was with Miss Gunning and my Lord when you came out?

A. There was no body left in the room with Miss Gunning and my Lord, but they were not above a minute together.

Q. Did they go into any room besides that?

A. I did not see that.

Q. Do you know whether they did or not go up stairs?

A. They did not go up stairs, my Lord.

Q. Was it once only, or more than once, that you saw Miss Gunning and my Lord there?

A. Miss Gunning slept twice with me.

Q. Was my Lord with Miss Gunning more than once?

A. He came twice.

Q. What passed the second time when he came between him and Miss Gunning?

A. I did not see nothing.

Q. Where were they together when he came the second time?

A. In the parlour.

Q. Was any body with them, or were they alone?

A. I was all the time there.

Q. Did you ever hear my Lord Grosvenor say any thing, or complain of any thing that had passed between Miss Gunning and him?

A. No, my Lord, I heard nothing of that; he had nothing at all to do with Mrs. Gunning.

Q. What was it you heard him say?

A. He had nothing to do with Miss Gunning, and she told me the same; he said he had no affair with Miss Gunning.

Court. What is that she says?

Council. That my Lord Grosvenor said he had no affair with Miss Gunning.

They then called for Mrs. Moleworth, Miss Amelia Pelham, Mrs. Charlotte Hayes, Mrs. Delmé, but they did not appear.

Mr. WEDDERBURN.

MAY it please your Lordship, and you Gentlemen of the Jury, I did not think it would have fallen to my share to have troubled you with a reply; but the nature of the defence, which my learned friend has very truly stated to you, that he was commanded to make upon this occasion, demands of me, in justice to my client, and in justice to the public, to speak in vindication of my client, upon the recent insult which has been now offered to his character; and I do submit to you upon this cause, was it not enough for the noble defendant to have done the injury he has already done to the plaintiff, but he must add to that injury? and against his better judgement, command his council to assert what could not be proved, but has been attempted to be proved? and to call over a muster-roll of the most infamous names in town, none of which has appeared, except the two first wretches, who have sworn to their own incontinency.

I will now consider in what manner to apply the defence, in the consideration of damages for which it was introduced. Gentlemen, there is an injured husband brings an action against the second person in this kingdom, brother to the throne, for that injury. In answer to this, a defence is set up, which the learned council, who opened it, knows to be no defence in point of action. If only a zeal for maintaining Lady Grosvenor's honour, unfortunate and indiscreet as he has stated her to be, there might have been some degree of merit in that state; but this defence has nothing to do with her defence, let it be proved in the way it has been commanded him to open; it would have proved nothing, it would not have acquitted the unfortunate Lady. How has it been proved? You are told from his instructions, and I am sure nothing but instructions, and in-

structions which nothing but commands would have induced him to comply with, in the conduct with which he conducts all causes, to have stated such a defence. That Lord Grosvenor was guilty of violating the sacred rites from the very hour of marriage, and that was notorious, and there was no difficulty of proving it among people that knew him; and though it was so notorious, so very often repeated from the hour of marriage, but four witnesses were called to prove it: the first is Mrs. Beau Germain, who is dressed and brought into court as you have seen, and you have heard the evidence she has given; all bespeak the miserable situation to which that woman is reduced; a husband ill accounted for, and is supposed, God knows where, to be a captain of a ship in the French service now in England, waiting for assistance, and to be got into business. How assistance can be given in England to get a captain lately in the French service any preferment here, that assistance is to come from a brother in Paris. This is the account that is given by a woman, the husband of whom is acquainted with Mr. Giddings. If the husband is of that ability, and her fortune so little as not to afford her that dress, you will judge whence that expence comes; and she says she thinks it the common cause of the sex, and she has the impudence to come here: and this woman has the impudence to tell Lady Grosvenor, that she has the honour of vindicating her as one of her own sex, by relating her own prostitution. She says she lived in Jermyn Street, had lodgings taken for her by Mrs. Muilman's maid, at a stay-maker's; she lay-in within a year after, and laid the child to Lord Grosvenor. But what other witnesses is called to confirm that testimony? Is the maid called who hired the lodgings? Is Mrs. Muilman called, who, she says, introduced her to Lord Grosvenor? Are they called? Mrs. Muilman might be compelled to tell, whether she was a bawd or not; the maid might be compelled to tell who she hired that lodging for; the people of the house where she lived might have been compelled to have told you they lodged there; the two other women might have been compelled to have told you, that they had received a twenty pound note of Lord Grosvenor for the expence of her lying-in, and taking care of the child, if it would have borne it; but there is not a tittle of evidence to support a most incredible story, introduced by most incredible witnesses. The next witness is Mrs. How, who is called to shew a different fact, who is one of the dirtiest of all the women coming from about Long Acre: this woman, whose evidence is given very loosely too, was introduced, as she says, to see Lord Grosvenor once or twice; upon these occasions she saw a person, as she says, and prostituted herself to a person that called himself Lord Grosvenor; and she met in a place in some court about Long Acre at one Mrs. Leslie. If that evidence is to be admitted to blast a man's character, what man is there in this town whose character is not in danger, if it was at the mercy of such witnesses as Mrs. Beau Germain and Mrs. How, who are brought in to prove their having prostituted, or pretended to have prostituted themselves to the plaintiff? There is none of us all, not even the gravest character; there is not a learned bishop upon the bench, but may have his character blasted by the same kind of testimony, if it obtains any degree of credit. Who can enquire into the various labyrinths of abandoned profligates, from whence they have produced them, and the means by which they have been traced and brought here? Gentlemen, it is of all sorts the worst, where the proof is of the most suspicious kind of testimony, which no plaintiff is prepared for, no person can meet such a stab in the dark, by the evidence of such witnesses as these. Where is Mrs. Leslie? the evidence, so unfortunate and wretched, does not pretend to give you any account how she knew it to be Lord Grosvenor particularly: Mrs. Leslie might have been called here to have told you, (who is supposed to have introduced him) that she knew Lord Grosvenor, and that Lord Grosvenor was introduced to that woman. They then produced and called Mrs. Waten, and Mrs. Tremilly to support this cause. The first witness, even by her own confession, is a common prostitute, keeps a house where Tremilly lodges; but from the story they both tell, there is nothing improper in their part neither. This woman writes a begging letter; he finds her to be an object of charity; he finds there a Miss Gunning, who likewise thinks herself an object of distress; he has no improper connexions with them, but Lord Grosvenor's charity extends itself in a little charity; and from these two witnesses, particularly the last, in her broken English said, nothing past but honesty between Lord Grosvenor and any person in that house, and as an application for charity, the address was made to him: that is the application of that evidence laid before you, and the addition to this very bad and improper evidence introduced in this improper and cruel manner. Then they have had the affectation to read over those infamous names, the most infamous in town, as if you would not take notice of the farce that is played of calling of witnesses by name, because they are in the attorney's Brief.

This is a defence which necessarily supposes you will find a verdict against him, and it only goes to the poor shift of mitigating damages; and wherever the application goes to the plaintiff, it is only endeavours so used to blast the character of the plaintiff; to extenuate the guilt of one person, by imputing guilt to another: that is the sole purpose of this defence, which, I am persuaded, you as gentlemen, who have the common feelings of humanity, for this aggravated injury done to him, for this fresh insult, to depreciate him in the minds of the jury, and to take away the honour of his family, will treat with indignation, and the rank of indignation it deserves. It is impossible to extend the resentment of a jury to a stronger point than to consider such evidence to blast his character so introduced, and so feebly supported by such detectable witnesses.

Gentlemen, I will trouble you with but few words upon the nature of the cause, as the defendant's council give up the cause. It is impossible for my learned friend, with the ingenuity he possesses, though no man can argue with more dexterity than he does, by disjoining of circumstances, to make you think there is a defect in the proof; he cannot think you will imagine it from the probability of its having passed, and the utmost impossibility of not believing that every thing had passed between Lady Grosvenor and the noble defendant to complete Lord Grosvenor's dishonour. I will not go over the whole of the evidence, but my learned friend was so prudent as to say, I had rather spoke under my instructions than exceeded them. The first meetings, he says, import little, and the previous meetings must import little, because the seduction of Lady Grosvenor was his sole motive. It was necessary to shew the constant attendance of the noble defendant, and that they had opportunities, and took opportunities, as the different circumstances presented favourable opportunities to them; for that purpose I shall shew, that in different public places the Duke and Lady Grosvenor appeared together, not supposing any thing decisively criminal could have passed in public. For that reason we went on to another degree; he saw her in private meetings in Kensington gardens; he says no criminal intercourse could happen there, as it was not proved they were together, but only pursuing the same road. I am willing to say so; every opportunity could not have been favourable to all his wishes; some might have been taken where the persons of some witnesses might restrain what others might not restrain. He says she was very innocently going to the Duke's house, for Lady Grosvenor always went there with the Countess Donhoff; I can't say her presence gives sanction to all parties where she goes: I don't know for certain, nor to the contrary; she was with her upon some occasions; but my learned friend mistakes, when he says the meetings there were by chance, for you will recollect, Gentlemen, that upon all these occasions their going in at the back door of his gardens, the Lady went in at the gates of St. James's palace, where her sister lodged, and the coach then remaining, and the servants were discharged for two hours, at that season of the year, April or May, about nine o'clock; and the Duke of Cumberland is at his garden door always at these occasions, and the ladies walk in, sending away the coach, that coming back again about eleven; then they go back again the same way they came, by the Duke's garden-gates, through the Park, and the palace, and meeting the coach at the gates of the palace upon these occasions plainly proves it could not be an accidental meeting. The Duke always meets them in the Park, and desires them to walk in, and yet my learned friend says there is no harm. Gentlemen, you must plainly see it was concerted; and if the Countess was with her, it is not impossible that she might not be so totally inseparable from her upon these occasions, but he in his own house might find an opportunity of speaking to my Lady Grosvenor, without even the restraint the Countess's presence might impose.

Mr. Dunning does justice to the cause; he cannot go against his own reason, and he admits it as a breach of decorum in the parties. Who are the parties that have thus broke through it? A young man of his Royal Highness's age, and a young married woman of Lady Grosvenor's age. Mr. Dunning is forced to admit the letters prove, and all the circumstances prove they both had an unbounded passion for each other. The Duke had owned it, and in one of his letters you find the Lady had owned it, that she had a passion for him. They met alone, not by chance. It is impossible to suppose Lady Grosvenor went to the Countess of Donhoff's, intimate as she was, while she was out of town, without her knowledge. She came there in her own coach, upon a pretext that very easily imposed upon her own servants. The Duke came in a chair, it is true, but the curtains were drawn; they came there between seven and eight, and staid till about eleven; so nothing could have possibly happened, because when the good woman who attended in the house brought the candles, and came

into the room, and the door was not lock'd, but she came in by opening the door herself. Now the witness told you in her prudence, which was very commendable, she never went in without knocking at the door, and then she introduced the candles; she went to place them upon the table near the couch, where they were sitting, when the Duke bid her put them upon the other table, which, it seems, was at the further end of the room. It is said by Mr. Dunning, That her lying-in so little a time after, might prevent her having improper connexions with him. You may easily conceive, my Lady Grosvenor entertaining equal passions for him as he for her, whether the parties were to be restrained by a circumstance so immaterial as that is; if she had been delivered some few days, less danger might have been supposed; but for that reason, there is no reason to suppose, that in these meetings, censurable as Mr. Dunning says they are for a violation of decency, they should not have gone to the full extent to which they have gone. Then concerning the letters; here are two people infatuated with a violent passion for each other, and he writes, and she receives letters which were very unfit for any married woman to receive: but Mr. Dunning says, they don't imply, however, any thing which had passed between them necessary to support this action. I should have been much at a loss to conceive that any letter, that could have been wrote from any gentleman to a gentlewoman, could contain any kind of expression, that could have a direct proof of what is necessary to support this action. It is the common language of the world. Don't the letters import, in the strongest manner, that nothing was wanting between them to the full gratification of every wish they could have indulged together? Mr. Dunning supposes a married woman may be generous enough to own her passion to an unmarried man, and no advantage taken of it; his reason for that supposition is singular, because a married woman may without blame own her passion for an unmarried man, and yet may have a lawful object, and no mischief happen from him. I believe there are no instances, where a woman makes a confession of her passion to an unmarried man, but that criminality which is improper becomes their object; for that moment she becomes no longer in a situation for honour to guard her, she becomes in the power of the man for whom she has made such a liberal confession. Suppose that the Duke at first had no view of dishonour, and his intentions were pure, yet it was impossible but you must suppose from the whole of these letters, and her concurrence, it infers every thing had passed between them that was possible to have passed, necessary to support this action. Gentlemen, Mr. Dunning concludes from the expressions in the Duke's letters, because they are so extremely ardent, so very passionate, that it is the language of a person whose passions were not gratified, rather than of a person whose passions had been already gratified. He argues so, and appeals to his own conviction about it. I apprehend neither my learned friend nor I, at the cool period we are arrived, could judge so of a young man of twenty-five, and a young woman of twenty-two. I should judge young men of the Duke's time of life, and young women of Lady Grosvenor's, even after they had the gratification all their wishes could desire, they would still continue to express themselves with the same ardency; and the expressions shewed there was no reserve in the Duke's letter, and not much reserve in her in receiving such letters, containing the most passionate expressions she could receive from a lover, to whom nothing was denied. Gentlemen, the journey to Cheshire was supposed to be indiscreet, was really idle, but nothing could have passed upon that journey that was criminal. Mr. Giddings, whom we have been obliged to call as a witness, and though we don't think he deserves equal credit in all he says, yet Mr. Giddings, no doubt, is an unexceptionable witness, and the best; but, however, he has endeavoured to cover it, and urged the apology at the same time he stated the fact, and therefore does not deserve credit in all points; but undoubtedly Mr. Giddings could not be ignorant Lady Grosvenor was upon the road, from the time he set out from Towcester; the witness had told him, who told his Royal Highness at supper, and Giddings was then with him; Giddings then heard Lady Grosvenor was in the house; she went stage by stage as they went; they followed her, and he could not have the least doubt of knowing the Lady was the object for whom the Duke went that road. Gentlemen, in the next place concerning the rooms; the doors were always chalked: Mr. Giddings has told you he thought it right to chalk the door of the rooms; he thought it unnecessary at Chester; but if I mistake not, the Duke himself chalked some door.

Court. Giddings said the Duke did it himself, or he did it in the Duke's presence.

Mr. Wedderburn. I recollect now it was sometimes the Duke; but it was either the Duke in his presence, or he himself did it; that was not like combing of his hair, or bringing up the water to wash him, or doing those common things no servant neglects; but

but a precaution used upon that occasion, which had a particular meaning, and a caution Mr. Giddings does not take upon him to swear was observed at Chester. It is manifest he knew pointedly and regularly every night where Lady Grosvenor was to be, though they never set out together; and it is impossible it could not be learnt, or come to the knowledge of the Duke, without her knowledge; for his servants and her servants had no communication together in the course of a week. The Duke lays at an inn always upon the road, and Lady Grosvenor was there likewise at the same inns; he always laid in a chalked room, and she always took care to lay near the chalked room; which is decisive to that point, and decisive that they did meet. The objection to their having been together at Whitchurch, is that the maid might have improved from it since; but she took less notice of it at the time that is accounted for by the evidence she gave, that there was a person lying in the house which was disordered in his understanding, and upon the first noise, she wanted to know what it was; she then recollected it was the fool's room; she thought the fool would do her some harm, and then she lockt the door; she paid but little attention to the circumstance, though it was strong enough to dwell in her mind, and to be refreshed in her mind, from the disorder in which she found the bed the next day; that only applies from passing over the circumstance the next day. What was it the woman heard? they both heard it; but being told the other woman was to say the same thing with what the witness said, we sent her back, not to give you a repetition of it. At that house the Lady chose a bed-chamber contiguous to that where the Duke lay, and not contiguous to that where her servants lay. It would have been singular if she had affectedly chosen another room, not the best, and a damp room, at any other time, when she would not have chosen any body should lay in it, not her own servants. Can you suppose that persons, who carry any degree of prudence about them, would have chosen so dangerous a place, when they had had a caution of that particular room, but this room was chosen by the Lady as it was contiguous to the chalked room. The witness hears the door of the Duke's room open; hears the rustling of cloaths between that door and the door of the Lady's room. What does the maid describe the bed to be the next morning? Mr. Dunning says a chamber-maid at an inn should not think it an uncommon sight to see a bed in which two people had lain. She says this bed was in a situation she never saw a bed before: therefore, says he, it is an imagination of the maid's, and she has multiplied it to herself; the situation is accounted for, and the singularity of it. The maid found a great many pins in the bed clothes, and proves the Lady was not undrest, and what had past had not been in the naked bed, but upon the bed; and there is no doubt that the bed would not have the appearance of two people lying in it. The maid's evidence is strong and pointed, when you come to consider the particular nature of her evidence, which proves that some person had gone drest, rustling in the passage; that that door did open and shut again. Need I ask the question, that it could not be any more than the unfortunate Lady? I think the pins being found in the bed the next day, and her being disorderly, will prove it very clear. You find he pursued stage with Lady Grosvenor; the rooms were contiguous; both their passions were equal, strong for one another; and though direct proof of it was not given by the letters, nor at the meetings before they came to Whitchurch, yet the judgement necessarily formed upon that, is, that it was impossible but some one of the opportunities must have been taken by the parties; all were nocturnal; all in bed-chambers, and remote from witnesses. They were near Lord Grosvenor's house in Cheshire; I don't desire you to believe any indecency to have passed in the fields, nor in Mr. Giddings's presence; I don't desire you to believe neither, that Mr. Giddings was always so near; I think you can't. That circumstance in his testimony is extraordinary, for the Duke's taking these double journies; he does entertain noble sentiments upon other occasions, and that he should have done it with no other person but Lady Grosvenor, and to choose to have a witness, such as Mr. Giddings in company, to see all things that should occur between him and Lady Grosvenor, is very extraordinary; but I am sure there are no persons in their rank would ever choose to admit a third person so near. Then the scene at St. Albans is supposed to be innocent, for the purpose of this action, not innocent in itself, not innocent that a gentleman should be in a lady's bed-chamber at an undue hour; but for the purpose of this action it is innocent, because it was impossible for that to have passed, which should have been proved to pass then. Mr. Stephens is surprized to find when he carries his negus, that the Lady is gone to bed so soon; he went to the nursery, she was gone; he is pretty positive as to the door being locked; the chamber-maid proved the key was on the inside; and Mr. Stephens, you find, was prepared by boring two holes in the door. What is to

be done then? the next thing is to make the house quiet; he goes to the servants, and orders them to go to bed immediately, and not to disturb the Lady or children in the nursery; they all obeyed his orders and went to bed; some time after Mr. Stephens waits; he then goes to the door. You will observe nine of the witnesses tell you when the Duke came to Lady Grosvenor's room; the Duke must have been some time in the room; Stephens listens at the door; he hears two people in conversation; he goes then to his brother; a considerable interval therefore passes before his return with his brother; then he carries his brother up stairs into the room, where he was to lay; then a long conversation passed between him and his brother; then Stephens is confirmed in his idea; then after a great deal of pause and doubt, fearing lest they should do a rash act, they came down again; the servants had notice, and then they broke open the door; that scene past as the witnesses have given you an account of; the post-chaise, you find, was ordered for the Duke at two o'clock in the morning, which was very remarkable. Was there not time for conversation to have passed, from the time of Stephens's first coming to the door, and then going to fetch his brother, and then consulting? Was there not a possibility during all that time, for the dishonour of the husband being completed? Time is left sufficient for all the gratification of their wishes as they could desire. And though Mr. Dunning says there is no experience that shews much conversation passes upon that subject, yet all experience, I believe, will shew there must be some conversation pass in the interval of an hour and an half. Gentlemen, Mr. Dunning observes that nothing could have passed, because Giddings observed from the window of the Duke's bed-chamber Stephens boring the holes in the door of Lady Grosvenor's bed-chamber, and he apprized the Duke of that circumstance, which conveyed to Giddings's idea they were watched, which he communicated to his Royal Highness. In that case, I do in my conscience suppose Mr. Giddings might have come to the knowledge of that circumstance, that the door was bored, by other means than by seeing Mr. Stephens doing it. Giddings told me upon his own evidence, he had made a progress in all the houses he was in before; and at St. Albans, to be sure, he must meet with that circumstance of the holes in the door, and of the dress Stephens was in that night. I will put it upon a fair balance, whether Giddings's story be false or true. If false, then the Duke unapprized, rash, and precipitated, went into the Lady's bed-chamber without any ground of suspicion that he would be watched: but if true, the evidence is stronger than if no such circumstance had ever occurred. What is so strong a proof of it as this? If watched, it was dangerous for him to go in; he should have avoided it undoubtedly, as it would naturally be the effect of discovery. If Giddings had made the discovery, his Royal Highness would have watched for a safer opportunity. But, says Mr. Dunning, the Duke's passions were the passions of a young man, rash and inconsiderate; he had come there to see her, and he would see her, even at the risque of that being known: then if his passions were so unrestrained, that he would risque all to see Lady Grosvenor, do you think it would make him stop short, when he had risked all for the possession of her, and it would not have carried him on to the gratification of their utmost wishes? Thus far Mr. Giddings's evidence is for the interest of the cause, if all is considered. I will take his evidence as true, and upon that circumstance I will build a confirmation of the inference; for how was it possible for any man to go away from the object he had run all that hazard to obtain? If they knew there was a possibility of being watched, yet they risked being locked up together in her bed-chamber at an undue hour of the night. They risked a detection, and do you think they would not risque the whole for the gratification of their wishes? It is to be believed, because he did that which a cautious man would not have done. Permit me to say, it is not in human nature for him to run all that risque, and not to go farther; and that young men, or young princes, have not passions different from other people. Can you believe that young people of these warm passions would stop short of their object upon a consideration of prudence; when it had been ineffectual in preventing the danger of being interrupted and discovered? Mr. Dunning says that it might be all innocent; permit me to say that innocent liberty, which a man according to that argument might take with a married woman, is the liberty of having consulted assignations, with her feigning them under borrowed names; and going to meet her at the house of a person gone out of town, continuing with her four hours together, and he may take the liberty of writing to her in warm terms; she might take the liberty of telling him her passions, and as Mr. Dunning says, he might take the liberty of sitting with her upon a couch, and he may take the liberty of kissing her ten thousand times upon that couch, and nothing pass between them; nay, he may then, according to his argument, take the liberty of being upon the bed with her, and all the pins there,

there, and yet nothing happen. He may take the liberty of sitting upon the bed at St. Albans within the curtains, for the consideration of that liberty, and then stop short just at that precise point; to be sure, granting this much we will grant him no more. I don't see why stop short, why not go into a naked bed together? you might have supposed upon a series of this argument it was cold, the fire went out, and it was warmer to be in blankets than cloaths, and they went to bed in order to converse more easily, and yet all perfectly innocent; and you cannot suppose a guilt of which you have not seen a direct proof. If any one ever heard a trial of this kind, I don't believe that one instance has occurred, where the direct proof has by the indiscretion of the parties been capable of being given in evidence. Their being upon the bed within the curtains, their being at the Countess Donhoff's, and all their repeated opportunities, and being at the Duke's house, and all their private meetings, in the present case amounts to that violent presumption which my learned friend allows is equal to all that testimony can amount to. Consider the letters by themselves, the journey to Cheshire by itself, the journey to St. Albans. I forgot Mrs. Langford and her maid, they are anxious for the honour of her house, they come up and give an account of the impression of a person sitting upon the bed. I am sure with regard to the two Stephens's, you observe the degree of caution with which they gave their evidence, and the unwillingness they had to state any thing unless with the most scrupulous exactness in every circumstance. The elder Stephens said, Mrs. Langford did not chuse to see it with the same eyes he did. Stephens did at that time argue against her, and still she said it did not appear as he said it did appear; but four witnesses described the situation different from what she said. The maid admits the account was read over to her, and upon that account it was expressly stated, and her name was put to it, which is not ill written; the expression that the bed was shoved up into heaps, that is a chambermaid's expression; I defy the gentlemen that took it down to have coined it, it is a word peculiar to herself; she says the bed was very much tumbled and disordered, and looked as if it had been lain on; that is her account. However she may have been brought up in conjunction with her mistress, or partially since, I don't know, but you will judge of that; the other parts of the evidence have furnished me with ample matter for that. The first account she has given is a fair account, made upon the spot when the observation was recent; no reasons could have induced her then to have given a different account; it is far from being a contradiction of evidence. My learned friend observes, if the circumstance had been true with regard to the Duke's being seen buttoning his waistcoat, and the Lady's neck bare, the two Stephens's would have given an account of it. Though the two Stephens's did not see it, the two footmen did. Stephens says, he ran to the other room to Lady Grosvenor, who fell, and as the Duke was going away they did not observe the dress being loose. The first Stephens's description was, that Lady Grosvenor was running towards the next room, and by the situation in which she stood with respect to both doors, it occurs, that the witnesses might see her naked breast, because as she was going into the next room, she turned herself and looked back; but with regard to his Royal Highness buttoning his waistcoat, and the Lady's dress being so unbuttoned that her neck and breast were naked, it is sufficiently proved by the two footmen. Then you are desired to lay aside the meetings, they prove nothing; to lay aside the letters, they prove little; to lay aside the journey to Cheshire and to St. Albans, the whole proves little; and the common argument of *Juncta Juvant* will not apply in this case; in some cases it will apply with irresistible force. It is evident she had affected no reserve in her inclinations to him; it is admitted she was a passionate lover, wanted nothing but the gratifications of her wishes but one opportunity, and if but one opportunity had happened, and an imperfect account of that opportunity had happened, you might have supposed for once an alarm might prevent it, an accident might happen to prevent a second opportunity; but if opportunities are multiplied, and they are all that are wanted for the proof of the crime, here it proves to you in fair reasoning, the impossibility that so many opportunities could have happened, and the gratification of a criminal passion have been prevented, and that that passion should never have been gratified in those opportunities that were unfortunately given to the parties; this is the same course of reason a man pursues in every period of life. If probable circumstances make a solid ground, two increases and three increases, and a multiplication of that is admitted to be the strongest species of evidence; circumstances united speak for themselves, and form a body of testimony which no human villainy is capable of inventing. You have here in this cause the strongest circumstances

that can be given in evidence, if this is insufficient, the seeing the parties in the naked bed, and nothing less than the naked bed, and seeing that which ought not to be seen, can be sufficient proof of the dishonour of a husband, and a violation of the rights of marriage. Gentlemen, the consequence of such a verdict is fixing the impunity, and for future observation it is only the common precaution of locking a door, to commit all that their extravagant passions may dictate; and unless the parties were mad enough, which is beyond the conception of human folly, to go to a place where there were witnesses, this action is supposed to have no ground of proof. I am sure you will be extremely cautious how you lay down such a rule as that; the manners of the time require a different rule, to prevent a further progress of licentiousness. It is said the circumstances, as well as the rank of the defendant, and conduct of the plaintiff, are all to be taken into consideration; I don't dispute the proposition. If I talk of the rank of the defendant, I don't exclude the idea of his circumstances: if the plaintiff, though he is a peer of the realm, is to be considered as any other subject, what is done to the character of the plaintiff? he has been injured by his Royal Highness in the tenderest point, and now injured in his character by a proof attempted, and by a command given to state to you what is not proved by the evidence, but attempted to be proved by the lowest class of persons in this town, and a list of names called which never appeared, to possess you with ideas: thus you find his character attacked, but not impeached; and therefore he is entitled to a higher reparation upon that account, for the aggravation of the injury done him by the noble person, who stands in the rank of defendant upon this record. As to the rank of the defendant it approaches near to the throne, being the highest person short of royalty in this kingdom. I wonder to hear any thing said of the circumstances of his Royal Highness; need I state, will it be expected I should call evidence to prove the circumstances of the Duke of Cumberland? will it be expected that I should prove, that no damages can operate sufficiently against his Royal Highness, though the damages are given by the jury with the applause of the judges? But suppose those damages are not more than the provision of the Duke of Cumberland can be supposed to pay, and not retrench from the ordinary expences of his table. But it is said, juries are not to consider no cause of damages as a piece of punishment; the single point is, what the plaintiff ought to receive, and not what the defendant ought to pay. I have misunderstood the direction of the court in all causes, if it is not what the defendant ought to pay, not what the plaintiff ought to receive. If it had been a man of a moderate condition in life, the same class of people with you and me, gentlemen, are we to be told it is not to be judged from the magnified situation of the defendant? but if this man receives two, and the other three, or four thousand pounds, he is well paid. Is that to be the argument that is to pass with you? I never heard that the jury in Ireland were blamed for finding a verdict upon the dictates of their own mind. I never heard that the jury was censured by the court, or the verdict thought disagreeable, or attempted to be set aside, upon a similar cause before Chief Justice Holt. Gentlemen, you are the sole judges, and it rests with you to judge how much is due for the violation of those rights, for which the public rights are injured as well as the party; and let me be permitted to state to you, that instances are not so uncommon, where the rights of the public as well as individuals are concerned, according to the nature of the injury, as to affect the public. It is not long ago that damages were given for a violation of an injury which affected the public as well as individuals, I mean the case of the journeymen-printers; a fine of two or three thousand pounds was given; in other cases much larger damages. In these cases, the principles upon which it was supported were, that the jury was the only judges how much ought to be the price of an Englishman's liberty; and I do contend, you are the only judges how much is the price of a nobleman's honour, and how much the price, situated so high as his Royal Highness is, he ought to pay for the violation of that sacred right, in which the public honour is so immediately interested: you cannot consider this as a private affair, in which he might say, I have injured your family, dishonoured your wife, I am a prince of the blood, I have affluence, here take the money. Is that to be the principle to be looked to, by those who are better instructed to determine a cause? Gentlemen, I have no doubt upon these facts which are proved, and adding the circumstances of this fresh attack upon the character of a man so injured, that you will find a verdict for the plaintiff, and I have no doubt that the damages will be such as will mark this cause as a signal cause, and a salutary example to the public.

LORD MANSFIELD.

Gentlemen of the jury, this action is brought by the plaintiff against the defendant, for what is called criminal conversation with the plaintiff's wife. Now to entitle the plaintiff to recover damages in such an action, there must be evidence, to the satisfaction of the jury, of the precise act of criminal conversation; the declaration must necessarily lay that he carnally knew her, and there must in all such cases be that evidence which satisfies the jury of a precise act: no indecencies, no familiarities, no conjectures or probabilities, is sufficient to make out the ground of such an action. But there is no precise species of evidence that is defined, what shall or not be sufficient, but it must depend upon all the proofs of the cause applied to specific facts. In most of these actions that have been tried, and in my experience a great number indeed, they generally have been able to prove what is almost equal to the very act, or to catching them in the act. I will state to you such facts to which evidence has been given; a great many arguments and inferences have been made use of in supporting the cause: I will state those particularly that require your attention. The first, in order of time stated in evidence, is what passed at the Countess Donhoff's: the next in point of time is what is contended to have passed at Whitechurch: the third in point of time and the most pointed, is what is contended to have passed upon the twenty-first of December, in their return to St. Albans. Now these are specific acts, which are laid before you as acts of criminal conversation; that is of the act itself being done; and a great deal of evidence has been given in order to corroborate the inferences drawn from them: it is given by the evidence in a confused manner, and therefore is not necessary for me to state them regularly; in regard to the facts, there is very little contradiction of the evidence; what passed at the Countess Donhoff's goes to shew an acquaintance, a familiarity, and a strong intimacy; as for instance, the footman that proves in 1768, he saw Lady Harrington and Lady Grosvenor go into Carlisle house not on a public night; that he saw another person and the defendant come out; that is evidence of an acquaintance, which don't in itself go a great deal further. Another evidence about the same year of acquaintance, is a footman keeping a box at the playhouse, and the Duke came into that box, and told the footman he need not take care of it any longer, for he would take care of it for Lady Grosvenor; the servant then quitted the box. Another piece of evidence that don't go a great deal further is, upon her going to Kensington-gardens, the witness saw the defendant pursue the same road, but there is no witness that saw them walk there together; the same witness saw her go to Kensington-gardens, saw the defendant pursuing the same road, at the same time her sister a maid of honour was with her. There is another piece of evidence previous to that, stronger than those I have yet mentioned, that is, her going to St. James's, sending her coach away for two hours, and walking into the park with the Countess of Donhoff, meeting the defendant, and at his request going into his garden by the garden-door; one of the witnesses saw them there going into the Duke's house; this happened once or twice. This is the general evidence, introductory to the evidence of the particular facts which I first stated to you: then as to this particular fact, it is proved by Elizabeth Sutton, that Lady Grosvenor visited the Countess Donhoff; that she went out of town, and she visited her both before and after she went out of town; at last she went out of town and did not come back for five weeks; during the time the Countess was out of town, Lady Grosvenor went to the Countess's about seven o'clock in the evening; she came and asked for her; Mrs. Sutton was left in care of the house, and her husband and family were there; she told Lady Grosvenor her Lady was not at home; Lady Grosvenor said, she certainly would be at home that evening; she went in, and went up stairs; the witness says, this was about seven o'clock at night, and that she asked for her brother, or whether he had been there; she don't know which was the expression; then she said her brother would come; she went up into the drawing room, and about half an hour after, a Gentleman came in a chair, which was shut up close; that when he was brought into the hall, he burst out of the chair and went up stairs; the witnesses say, he had on a blue great coat; that he went up stairs into the room where Lady Grosvenor was; she took up candles when it was a proper time, and when she went in Lady Grosvenor was sitting at top and he was at the bottom of the couch; there was a table near them, and when the witness was going to place the candles there, he bid her place them upon the other table, which she did. She says she herself was brought to bed in the next month,

and she observed that Lady Grosvenor was with child, and it came out afterwards that she was delivered on the seventh of June; she says she heard them conversing about the probability of the Countess's coming back; the witness describes his person, but that is totally immaterial, as that comes afterwards to be fixed by her husband; they went away about eleven o'clock. The next night she likewise came about the same time, publickly as before, in her own equipage; the Gentleman came in a chair, and went away on foot, and she says, till her husband told her the contrary, she took him for Lady Grosvenor's brother. The husband is called, he fixes it by seeing him come out the second night, that the person who came out was the defendant. The next witness is John Bourne, who speaks to a fact I have not stated at large yet; that is a servant of the Countess Donhoff's; he says, he has seen the defendant twice there, the defendant asked him when Lady Grosvenor was lying-in to carry a letter to her, and not to tell the Countess of it, and that the answer would be directed to the Countess, but that he must bring it to him the defendant. He says he carried the letter which was directed for Lady Grosvenor, and brought another letter back directed for the Countess, for which he gave him half-a-guinea. The letters if you desire them you may take out with you, I will in general tell you their substance, they are full of extravagant passions as can be expressed; by part of the letter you may observe this specific fact, that part in which he speaks of the couch; then the circumstances of their being in that manner there, and this letter connected with it speaking of the couch, that they leave as evidence for you to infer that the very act did pass upon that couch; and to this the only observation that is made by way of answer is this, all this passed at the Countess of Donhoff's within about eight, nine or ten days before she was brought to bed, which was about the seventh of June; this must be about the latter end of May, by the narration the woman gives of her not coming into the service till then; that is the single observation upon this part of the cause. The next fact I will state to you, though it is the last in point of time, is that upon the twenty-first of December at St. Albans; now with regard to this, there is a great deal of collateral evidence, and it is not necessary, I think, to go through this at all. When Lady Grosvenor set out for Cheshire, which was about the latter end of October last, that the defendant was at the same inn, where she staid every night, till they came to that place, that is the last stage, I think it is Chester; that he was there every night; that he did not come publickly and in his own character, but with a disguise less or more, and passed sometimes for a farmer, sometimes for a squire; then on a sudden they went to London, and this with so much assiduity and dispatch, that from Towcester he went to London, setting out in the middle of the night, and getting to town in the morning early: he let his horses go on towards Cheshire, while he went to London, and he came back again from London with such dispatch, so as to be the next night where they were. Except the fact at Whitchurch, which is made a special charge by itself, there is no precise evidence of any thing passing at any of the inns upon the road, nor of their meeting together; there is no evidence of that but conjecture; there is other evidence which they compare with it, and the arguments upon that is, after so much pains and trouble it would be extraordinary for the last thing not to follow. After he comes to Chester he goes the next morning to Eaton, then he goes to a place in Flintshire, Marford-hill I think; it was upon the second of November he came there, then he goes and makes a visit, and upon the third of November he goes to London, comes back again the second of December, and all these times he makes a visit at Eaton to Lady Grosvenor; he meets her in the fields, but is never seen in the house. Now all this evidence for the plaintiff is confirmed by one of the witnesses, which is truly said cannot admit of a doubt where he speaks against himself, which is Giddings; he speaks to all these meetings; he says he never was within the garden but once; the visits were said to be within the garden, or the fields, but he was never there but once or twice; sometimes he staid two minutes, sometimes not two minutes; there is no evidence in that which proves the facts necessary to support this charge. The witness carrying a message to her, said there was such a person as he took to be the defendant with her, and they were either sitting or lying down together, he cannot say which; when he went up towards her, she got up and ran to him, and took his message. Now there are a great many visits and circumstances exposing the Lady and him to great danger, and great discovery, while she was at Eaton at my Lord Grosvenor's: but they come at last to St. Albans, upon the 21st of December, and as that being a material fact in the cause, I will state the evidence as precise as I can. The first witness, who not the most material, is Thomas Dennison; he says, upon the 21st of December, at
St.

St. Albans, Mr. Stephens called him up; he himself did not hearken at the door; he says after Mr. Stephens called him up, the door was burst open, and the first thing he saw, when the door was burst open, which was burst from the hinges, not the lock, was the defendant standing in the middle of the room dressed; it was about ten o'clock he thinks; and as Lady Grosvenor was going to the opposite door, which led into another room, she fell down; the defendant, he says, was buttoning his waistcoat, and soon after he observed that Lady Grosvenor's neck was naked; her dress was a close dress, which buttoned up to her neck; he says the defendant at first seemed very much confounded, and said, I hope you will do me no harm; he was going out of the door, and Stephens said, Stop the gentleman, that we may see who he is; when he got into another room, he said, You see I am not in the Lady's room, and said he would take his oath of it; Stephens said, you have been in it. He took particular notice of the bed, and observed it was much tumbled; the defendant had on a black or dark wig, and a silk handkerchief about his neck. Upon the journey, the family that travelled was Lady Grosvenor herself, and two of her children, and the servants; in his cross examination he said about Kensington gardens, what I have stated already, and therefore I need not repeat it. The next witness speaking to this is Edward Bennett; he says supper was in about eight o'clock at night; when he had been in bed about half an hour, he was called up again, which was about half an hour after ten; Mr. Stephens went down with a dark lanthorn in his hand, and put his ear to the door, and heard sounds like two voices in the room; and when Stephens burst open the door, he saw the defendant standing in the middle of the room; the door was burst open by three pushes; they might be between one and two minutes about it; he says when they came in, the defendant was buttoning his waistcoat; he says, Lady Grosvenor went to the opposite door; her breast was bare; she fell in going into the other room, and Stephens went to her assistance; he looked at the bed, which was tumbled upon the outside. The next witness with regard to this part of the cause, is Matthew Stephens; he says, upon the 21st of December, at St. Albans, he was employed by Lord Grosvenor to detect them; having information that all was not right, he attended Lady Grosvenor from Cheshire; while she was at supper, he bored two holes in the door of the room, where she was to lay; she went up from the parlour about half after eight or nine o'clock; he carried a negus to her bed-chamber, and she took the negus and turned the lock; afterwards he looked through the holes he had bored, and he saw a part of the room, and a part of the bed, but could see no body; but he distinguished two voices, one was Lady Grosvenor's; and then a second time he listened, and heard both voices, the defendant's voice being louder than before; then he says he consulted with his brother, and his brother said, If he burst open the door and nothing was discovered, it would do mischief; they were deliberating about it some time, and they went again the third time; then after listening and hearing the voices as before, they broke open the door at the hinges; he was the first that went in; Lady Grosvenor was endeavouring to escape, and she fell down in going into the next room, but by what accident does not seem to be particularly explained; the defendant passed by him, and went into the other room, and said, I was not in the bed-chamber; he said, You was; then he said he would take his Bible oath of it; the witness's brother, and the other servants said, they knew him to be his Royal Highness the Duke of Cumberland; he says the bed was much tumbled, and the sheet was rumbled; he said the woman of the house came up, and said no impression appeared upon the bed but of a person sitting down; he says he was the person that first went in, and upon a question you suggested, he says, he did not see any thing particular about Lady Grosvenor's dress, or the defendant's buttoning his waistcoat, or any thing of that sort. The next witness is his brother, John Stephens; he saw the door broke open, was with them, and saw the defendant in the room standing, and he saw Lady Grosvenor going into another room; he saw the bed was rolled flat, but not the bolster; says he saw nothing particular as to the dress of the defendant, or Lady Grosvenor. As to this part of the cause, some witnesses have been called by the defendant. The first is Mary Langford; she was there while the servants were there; she looked at the bed before she left the room; she says the side of the bed next the fire was as if it had been sat upon, and there was no appearance of its being laid on; she says Lady Grosvenor's dress was just the same as it was when she came into the house; her head-dress no ways disordered or dishevelled. The next is Sarah Gilby; she went into the room while the servants were there; she says she was in the same dress as when she came in, and her hair no ways dishevelled; the bed was flatted on the side next the fire, as if one or two had sat down upon it, but there was no appearance of laying on it. Upon her cross examination they asked her,

if she did not the next day give a different account, and sign the account so given; she says she was flurried when she gave that account; she believes it might be read to her, but denies now that she said there was an appearance as if two people had been laying there. The next witness to this is Thomas Robinson, the waiter; he says the bed was rumbled upon the side next the fire, as if one, or two, or somebody had sat upon it, but no mark in his judgement of any body laying upon it. It seems he was not examined the next day, and nothing taken down with regard to him. This is the material part with regard to what passed upon the 21st of December, except a circumstance Giddings swore, that he saw a man in blue; and Stephens says he was in blue, boring two holes, and he told the defendant of it, and observed to him that there was some scheme or mischief in it; he swears he saw a man boring of holes. It is ambiguous evidence. Mr. Wedderburn says, if a proper caution was given, it should have prevented the defendant from going into the room at all; if not given, the evidence falls to the ground. It is difficult for you to judge upon that. There is but one other fact which the reply has been rested upon, which it is said is absolute evidence of the fact having happened, but it is certainly much looser than any of the other two; that is, the evidence of Jane Richardson at Whitechurch; she says the defendant was there at the same time Lady Grosvenor was; that his door was chalked, and Lady Grosvenor chose the next room to it, which she said was a damp room; she told Lady Grosvenor the same, and that the windows were broken; it was over a gateway, and in a noisy situation; she says she heard a rustling of clothes in the passage; who was going along then that made that noise in the passage, or that Lady Grosvenor was the person that made that noise, she can't say, she says she only heard it; she says the next day the defendant's bed was tumbled or disordered in such a way, as she never saw a bed tumbled before, and that there was several pins in it. This is the evidence of it, and if it rests upon that as a fact, it is extremely loose. There is no evidence that she went into that room, it is a probable conjecture; that is no evidence to make the application upon the bed. Therefore it remains upon the two other specific facts, what happened at the Countess Donhoff's, and what happened upon the 21st of December at St. Albans; and there the evidence is vastly strengthened by all the collateral proof. If such a single thing happened once, and no other evidence, to be sure it is more equivocal than when supported with all the rest; you will therefore weigh the whole circumstances, as you must be satisfied in your mind of the criminal act having happened; and if you are not satisfied of the criminal act having happened, you must find a verdict for the defendant. The next thing, if you find a verdict for the plaintiff, is the consideration of damages; and upon that point I should not have said a word, if this cause had been conducted as most causes are; but the matter of damages has been so laboured in this cause, and so many rules laid down, which are contrary to every principle of law and justice in these cases, that I must set you right. They are rules subversive of every principle and idea of law and justice. In the first place, we are to know nothing of the persons of plaintiff or defendant; God forbid the administration of justice should depend upon circumstances relative to the persons of the plaintiff or defendant. There justice is set to be blind, and we are to try this cause, and as all others should be tried, the same as if it was between A. and B. the rank of the plaintiff in this cause makes no manner of difference, as to the injury or satisfaction he is entitled to; for an injury done to the bed of any commoner of England, is as much an injury to him, and to his domestic peace, as to a peer of the realm; the injury is as great to a man of low as high rank, and therefore the situation of the parties is not the measure by which damages are to be governed; but they are to be governed by the nature of the cause upon the evidence. Another rule has been laid down, which I take in every cause to be unjust, and contrary to law; that is, in civil actions, that juries are inflicting of fines, and not giving of damages; that is not the rule, for the damages must be apportioned to what the plaintiff ought to receive; it is not that the plaintiff is to receive money in the nature of a fine. If a fine, the laws of England would set it aside; for the laws provide that no excessive fine should be inflicted; wherever the passions of a jury have carried them to give excessive fines, they have done wrong, and what ought to be limited. If they are inflamed in public causes, they have measured wrong, for the damage should be according to the injury the plaintiff has received; that is the measure of damages. I will mention some circumstances which show the measure of damages the plaintiff ought to receive. A few years ago, an action was tried here for criminal conversation; the fact was plainly proved, but it came out in the evidence that the plaintiff knew of the trap laid for the man by his wife; he assisted in it, he encouraged his wife in doing it, with a view to catch him in it, and with a view to make

a pecuniary demand: in that cause, the jury did with my approbation and direction not find a verdict for the plaintiff, but for the defendant. I have consulted the judges upon that, and it has been approved in such case, if the plaintiff by such a trap draws a man in, though the crime before God is the same, he is not to recover damages: that did happen here, and a verdict perfectly agreeable to my sentiments was given. Another thing I will now take notice of, which is, what happened to day, regarding what the plaintiff ought to receive; they have this day, without objection because they could not object, let the defendant go into a recrimination, to shew that the plaintiff had been false to his matrimonial vow; as the damages are to arise from the transactions of the defendant, it is nothing what the plaintiff's behaviour is; if it was criminal, no behaviour of the plaintiff could go to excuse them, for what they have done criminal: but if the plaintiff is under the same circumstances of behaviour with his wife; if the fact is made out, you will consider what to give him for the injury which he complains to have sustained; and therefore I will take a circumstance which has always been gone into in the extenuation or aggravation, that is, the nature of the seduction. If the defendant making use of the friendship of the husband, under this friendship and his hospitality, as some cases have been, or where they have been living in the house, making use of that friendship and the opportunities of conversing with the wife, whom the husband leaves in charge of his house, and abuses that friendship, honour, and hospitality, or standing in any relationship to the plaintiff, the measure of damages would certainly increase. If a servant or a brother make use of the introduction that gives such opportunities, the law is very strict. I don't know of the case alluded to so late as Chief Justice Leigh. I know in Queen Ann, the case of Mr. Dormer, damages were given for a servant violating his master's bed, laying in the house; and therefore the use of damages being what the plaintiff ought to receive, and whether the defendant is rich or poor, it is the same thing as to the measure. If the defendant is poor, if he has incurred a just debt, he ought to pay and make satisfaction. If it is the case with a very poor person, he is liable to have his body taken in execution, it is no excuse for a poor man; but still it entitles the other to a justification; if it was not so, a poor man would have little risque, and the rich would be punished more severely. But whether the defendant is rich or poor, that is not to measure the damages; it is in case of a fine, but not in point of damages; that is to be measured upon all the circumstances of aggravation or extenuation, arising out of the cause; as to those circumstances, you are better and more proper judges than I am; therefore I shall say nothing, but leave them to your observation; but the rule is necessary to be explained. The defendant has gone into a ground, which I think goes into the measure of damages only; I don't recollect it happening in experience, but one has so many of those actions to try, that we can't remember them all particularly. I have turned it in my mind formerly, and I have talked with others upon it, when it first occurred to me, whether a doubt might not be made, if recrimination should be a bar to an action of this kind; recrimination, the ecclesiastical law makes a bar. There is no difference between adultery of the husband and wife in point of law, for women may have a divorce for adultery from a husband, in the ecclesiastical court, as well as the husband a divorce from the wife; but if one sues for a divorce, and the other recriminates, by the rule of the ecclesiastical law, no divorce can be given; they are both equally guilty, and the law does not interpose. I am of opinion against it; in this action it cannot be a bar, for though the plaintiff may have behaved in this manner, it is between him and the person whom he has had criminal conversation with, and it is not a bar to his recovering against the defendant. I still think that the husband drawing a man into doing the act, is in fact a bar; there I am clear: but in this cause, it is my opinion, it is no bar; therefore it goes to damages only. And as to damages, it depends upon the evidence of the fact; for if the fact is proved, that the husband has likewise taken the same liberty, to be sure it goes a great way with regard to the injury he complains of, losing the comfort and society of his wife. If the witnesses called to it do not prove it, there is an end of it.

To prove this, there were four witnesses called; the first is a mistress Beau Germain, she says she knows the plaintiff particularly well; she first knew him in the year 1768, by means of Mrs. Muilman in Crown Court, Westminster; she saw him first in Jermyn Street, at a stay-maker's, a lodging which the maid took for her, and in order to admit Lord Grosvenor with her: the next day after the lodging was taken, the plaintiff came, and she says nothing passed then; the day after she was not at home, but the day after he came again, and they acted as man and wife; and she says the same connexions were repeated between them several times; she says she went by the name of Sarah King; then she was three weeks at that lodging, but she did not write to him
again

again for eight months; she saw him often at Miss Woodfall's, and the same thing happened there; she was brought to bed in 1769; she positively swears the plaintiff was the father of the child.

The next is Mary How; she says she knew the plaintiff in 1768; was introduced by one Mrs. Leslie; was at her house left alone; she lay with him; she saw him three days after at the same house; the same thing passed; she saw him after that and she spoke to him; he did not own her; she is asked how she came to know him; she says she is sure it was him, and she said it was my Lord Grosvenor.

The next witness is Mary Waten, who says nothing material; she knows the plaintiff; he has been at her house to see a woman who was her lodger, one Mrs. Tremilly; she is called, she says she knew the plaintiff; she lodged at Waten's; she said Waten had wrote to him for charity, and he said if she could get him a woman, he would relieve her; that is not said in her presence, and therefore not evidence. She says the plaintiff and one Gunning went into the parlour, and they were alone together; the second time she was with them in the parlour. Observations have been made with regard to the character of the persons. That comes out of their own mouth. Mrs. Beau Germain accuses herself of incontinence, which, to be sure, every woman must be guilty of who has a bastard child. She is introduced by Mrs. Muilman, the other is introduced by Mrs. Leslie; but the same objection lays to her. They have sworn it. Upon these observations you will weigh whether you believe they speak truth. It is material to the verdict in damages. If you think they are perjured, you will consider the whole. If you are satisfied the facts are clearly proved, you will find a verdict for the plaintiff, and give what damages you think he is entitled to under all the circumstances. If you are not satisfied of the proof of the facts, you will find a verdict for the defendant.

The jury went from Westminster-Hall to Lord Mansfield, at his house in Bloomsbury Square, and gave in their verdict for the plaintiff, with ten thousand pound damages.

F I N I S.

Just published, price 1s.

The SEVENTH EDITION of
The Genuine COPIES of LETTERS
WHICH PASSED BETWEEN
His Royal Highness the Duke of CUMBERLAND
A N D
LADY GROSVENOR;
HER LADYSHIP'S LETTERS
TO THE
Hon. MISS VERNON, MAID of HONOUR to the QUEEN,
T H E
ANONYMOUS LETTERS, signed JACK SPRATT,
Which were sent to Lord GROSVENOR,
Another signed T. TRUSTY, sent to Lady GROSVENOR,
And one from Miss VERNON to her LADYSHIP,
PART OF WHICH WERE NEVER BEFORE PUBLISHED.

T H E
T R I A L
O F
F R E D E R I C K C A L V E R T, E S Q;
Baron of *Baltimore*, in the Kingdom of *Ireland*,
F O R
A Rape on the Body of *Sarah Woodcock*;

A N D O F
Eliz. Griffinburg, and *Ann Harvey*, otherwise *Darby*,
A s A C C E S S A R I E S before the Fact,
For procuring, aiding and abetting him in committing the said Rape.

A T
The Assizes held at *Kingston*, for the County of *Surry*,
O n S A T U R D A Y, the 26th of March, 1768.

B E F O R E
The Hon. Sir SYDNEY STAFFORD SMYTHE, Knt.
One of the BARONS of his MAJESTY'S Court of EXCHEQUER.

Published by Permission of the Judge.

Taken in SHORT-HAND by JOSEPH GURNEY.

L O N D O N :

Printed for WILLIAM OWEN, in Fleet-Street; and JOSEPH GURNEY, at No. 39, in
Bread-Street. M.DCC.LXVIII.

T H E

T R I A L

O F

F R E D E R I C K C A L V E R T, E S Q.

Baron of Baltimore, in the Kingdom of Britain,

F O R

A Rape on the Body of Sarah Woodcock,

AND OF

Miss Griffiths, and Ann Harvey, otherwise Darty,

AS ACCUSED

For procuring, aiding and abetting him in committing the said Rape,

A T

The Assizes held at Kingston, for the County of Surrey,

On Saturday, the 25th of March, 1768.

B E F O R E

The Hon. Sir SYDNEY STARBUCK, SMYTH, Knt.

One of the Barons of his MAJESTY'S Court of King's Bench,



Printed by W. Woodcock, at the Press of the University of London.

Taken in Short-hand by JOSEPH CURRIE.

L O N D O N.

Printed by W. Woodcock, at the Press of the University of London.

T H E

T R I A L

O F

F R E D E R I C K C A L V E R T, ESQ;

Baron of Baltimore, in the Kingdom of Ireland;

F O R

A R A P E on the Body of SARAH WOODCOCK:

And of ELIZABETH GRIFFINBURG, and ANN HARVEY.

AT the Affizes held on the 23d of March, at *Kingston*, a Bill of Indictment was found by the Grand Inquest for the County of *Surry*, as follows;

The Jurors of our Sovereign Lord the King, upon their Oath, present, that

Frederick Calvert, late of the parish of *Epsom*, in the County of *Surry* Esq; *Baron of Baltimore*, in the Kingdom of *Ireland*, not having God before his Eyes, but being moved and seduced by the Instigation of the Devil, on the 22d Day of December, in the Eighth Year of the Reign of our Sovereign Lord George the Third, King of *Great-Britain*, &c. with Force and Arms at the Parish aforesaid, in the County aforesaid, in and upon one *Sarah Woodcock*, Spinster, in the Peace of God, and of our said Lord the King, then and there being, violently and feloniously, did make an Assault; and her, the said *Sarah Woodcock*, against the Will of her, the said *Sarah Woodcock*, then and there feloniously did ravish, and carnally know, against the Peace of our said Lord the King, his Crown and Dignity, and against the form of the Statute in such Case made and provided. And *Elizabeth Griffinburg*, Wife of *Joseph Griffinburg*, late of the Parish of *Saint Ann, Soho*, in the County of *Middlesex*, Doctor in Physic. And *Ann Harvey*, otherwise *Darby*, late of the Parish of *St. Leonard, Shoreditch*, in the County of *Middlesex*, aforesaid, Widow, before the said Felony and Rape was committed, in form aforesaid, to Wit, on the 22d Day of December, in the Year aforesaid, with Force and Arms at the Parish of *Epsom*, aforesaid, in the said County of *Surry*, did feloniously and maliciously procure, aid and abett the said *Frederick Calvert*, to do and commit the said Felony and Rape in Manner and Form aforesaid, against the Peace of our said Lord the King, his Crown and Dignity, and against the Form of the Statute in such Case made and provided.

The Trial of Lord Baltimore, &c. for a Rape.

On Saturday, the 26th of March, 1768, the Court being met, the Prisoners surrendered themselves in discharge of their Bail, and were set to the Bar, when the Court proceeded thus.

The Clerk of the Arraigns (read the Indictment to them as before.)

Clerk of the Arraigns. How sayest thou, *Frederick Calvert*, Baron of *Baltimore*, in the Kingdom of *Ireland*, art thou guilty of the Felony and Rape whereof thou standest indicted, or not guilty?

Lord Baltimore. Not guilty.

Clerk of Arr. Culprit, how wilt thou be tried?

Lord Baltimore. By God and my Country.

Clerk of Arr. God send thee a good deliverance.

Clerk of Arr. *Elizabeth Griffinburg*, art thou guilty or not?

Griffinburg. Not guilty.

Clerk of Arr. Culprit, how wilt thou be tried?

Griffinburg. By God and my Country.

Clerk of Arr. God send thee a good deliverance.

Clerk of Arr. *Ann Harvey*, otherwise *Darby*, art thou guilty or not?

Harvey. Not guilty.

Clerk of Arr. Culprit, how wilt thou be tried?

Harvey. By God and my Country.

Clerk of Arr. God send thee a good deliverance.

Clerk of Arr. Make a proclamation for silence.

Cryer. Oyez, Oyez, Oyez; My Lords, the King's Justices, strictly charge and command all manner of persons to keep silence upon pain of Imprisonment.

Cryer. Oyez; you good men that are impanelled to try between our Sovereign Lord the King, and the Prisoners at the Bar, answer to your names, and save your fines.

The Jury were called over and appeared.

Clerk of Arr. You the Prisoners at the Bar, these men which were last called, and do now appear, are those who are to pass between our Sovereign Lord the King and you, upon the trial of your several lives and deaths; if therefore you will challenge them, or any of them, you must challenge them as they come to the Book to be sworn, before they are sworn: and you shall be heard.

Charles Farmer, of Kingston, challenged by the prisoner

William French, of ditto ditto ditto

William Hobbs, of ditto ditto ditto

John Warnock Penfold, of ditto ditto ditto

William Porter, of ditto ditto ditto

Patrick Johnson, of Petersham, - - - - - sworn

Samuel Christopher, of Petersham - - - - - sworn

Geo. Armstrong, of Richmond, challenged by ditto

Groves Wheeler, of ditto - - - - - sworn

Henry Taylor, of Kew, - - - - - challenged by ditto

Charles Webster, of Richmond, ditto

Charles Martin, of ditto ditto

Richard Chinnery, of ditto - - - - - sworn

Henry Roak, of Kingston, challenged by ditto

Henry Hardmead, of Richmond - - - - - sworn

Job Gardner, of Richmond, challenged by ditto

Joseph Davis, of Petersham, - - - - - sworn

Henry Hunt, of Richmond, challenged by ditto

John Scott, of ditto ditto

Thomas Roberts, of ditto, - - - - - sworn

John Platt, of ditto - - - - - sworn

John Green, of ditto - - - - - sworn

Thomas Simmonds, of Thames Ditton - - - - - sworn

William Waterman, of Richmond - - - - - sworn

Asher Turner, of Egham - - - - - challenged by ditto

Thomas Gill, of Thames Ditton, challenged by ditto

Benjamin Planner, of Thames Ditton - - - - - sworn

Clerk of Arr. Count these;

Patrick Johnson

Henry Hardmead

John Green

Samuel Christopher

Joseph Davis

Thomas Simmonds

Groves Wheeler

Thomas Roberts

William Waterman

Richard Chinnery

John Platt

Benjamin Planner

Cryer. Gentlemen, are ye all sworn.

Clerk of Arr. *Cryer,* make proclamation.

Cryer. Oyez, Oyez, Oyez; If any one can inform my Lords the King's Justices, the King's Serjeant, the King's Attorney General, of any treasons, murders, felonies, or misdemeanors, committed or done by the Prisoners at the Bar, let him come forth, and he shall be heard, for the Prisoners stand now at the Bar upon their deliverance; and all persons that are bound by recognizance to give evidence against the Prisoners at the Bar, let them come forth and give their evidence, or they will forfeit their recognizances.

Clerk of Arr. *Frederick Calvert, Esq;* Baron of *Baltimore,* in the Kingdom of *Ireland;* *Ann Griffinburg,* and *Ann Harvey,* hold up your hands. Gentlemen of the Jury, look upon the Prisoners, and hearken to the charge. They stand indicted by the names of *Frederick Calvert, Esq;* *Elizabeth Griffinburg,* and *Ann Harvey,* (as in the Indictment before set forth). Upon this Indictment they have been arraigned, and upon their Arraignment have pleaded Not guilty; and for their Trial have put themselves upon God and their Country, which Country you are: Your charge therefore is, to enquire whether they be guilty of the Felony and Rape whereof they stand indicted, or not guilty. If you find them guilty, you shall enquire what goods or chattels, lands or tenements they had, at the time of the felony committed, or at any time since: If you find them not guilty, you shall enquire whether they fled for the same: If you find that they did fly for the same, you shall enquire of their goods and chattels, as if you had found them guilty: If you find them not guilty, and that they did not fly for the same, say so, and no more, and hear your evidence.

COUNCIL FOR THE CROWN.

Mr. Serjeant Leigh, Mr. Cox, and *Mr. Baker.*

COUNCIL FOR THE PRISONERS.

Mr. Recorder, Mr. Bishop, Mr. Lucas, and *Mr. Shaw.*

Mr. Baker then opened the Indictment. After which

Mr. Serjeant Leigh stated the Case with the several facts, as they will appear in the subsequent Trial (*which we need not repeat here*) and concluded to the following purport:

"Gentlemen, I told you at first, I would make no appeal to your passions, nor shall I; I have told you the story as it was told to me; I shall call the Witnesses, and if they do prove the case to your satisfaction, you will, I doubt not, find the Prisoners guilty. If they do not prove it, God forbid that an innocent person should suffer. It is our business to lay it fairly, candidly, and fully before you, and then in God's name, let the consequence follow."

Lord Baltimore proposed the Witnesses should be examined apart; to which the Prosecutrix readily agreed.

SARAH WOODCOCK sworn.

Sarah Woodcock. I live in King-street, Tower-hill; my father and sister live there.

Mr. Cox. Did you carry on any business in the month of December?

S. Woodcock. Yes.

Mr. Cox. What business?

S. Woodcock. The business of a millener.

Mr. Cox. If you can speak louder, do; if not, I will repeat to the Jury. Do you remember any body coming to your house in the month of December last? — but take time, and speak as loud as you can.

S. Woodcock. A gentleman came, which I since find to be Lord Baltimore, he came to the shop.

Mr. Cox. What was his business?

S. Woodcock. He came behind another customer.

Mr. Cox. Was that customer known to you?

S. Woodcock. She was.

Mr. Cox. What passed at that time between you and the gentleman?

S. Woodcock.

S. Woodcock. The gentleman forced his discourse very much to the lady, and then asked me what the ruff was that was in the window. I reached it to him, and told him it was eighteen pence; he bought the ruff, and went away.

Mr. Cox. Did he come at any time afterwards?

S. Woodcock. He came again two or three days afterwards; I was not at home; about a week after he came at night; nothing particular passed then, he only bought nine yards of ribbon, and went away.

Mr. Cox. When did you see him again?

S. Woodcock. I can't exactly tell the time. I believe about a week after that, as near as I can guess, I saw him again, he came about noon; he came in a great hurry, all over mud on one side, and said a coach had flung him down.

Mr. Cox. What did you say?

S. Woodcock. I said it was very odd he should be so near the coach and not see it. He said it was thinking on me. I gave him no answer, not to my knowledge. He asked me if he might sit down, if he should not hurt the chair. I told him, that he would not hurt the chair. He asked me for some silk mittins; he said they were for two little misses, and must be about the size of my arm; he said he was a neighbour, and lived just by, in Tower-street, and would bring the ladies some time or other to see me; he then said, he should be glad to accompany me to the play, if I would go. I made answer, I never was at a play, and never intended it. That was all that particularly passed then.

Mr. Cox. What day of the week was this?

S. Woodcock. I cannot tell.

Mr. Cox. What happened after this at any time?

S. Woodcock. I saw him no more to my knowledge. On Monday, the 14th of December, at night, one Mrs. Harvey came; she afterwards told me her name.

Mr. Cox. Do you see her?

S. Woodcock. Yes; (*pointing to the prisoner Harvey*) she bespoke a pair of laced ruffles, and asked, if I could get them done by the next day noon; after she had bespoke them, she asked me, if my name was not Woodcock; she said that I had been strongly recommended to her, and she loved to encourage young beginners; and told me if she liked the ruffles, she would recommend me to a lady of her acquaintance which wanted a great many things.

Mr. Cox. Did any thing else pass that day?

S. Woodcock. Not to my knowledge. The next day about noon, she came according to her time, and fetched the ruffles, and said, she wanted several more things, and asked me, if I could come to her house next day at four o'clock; I answered, I would come if she pleased.

Mr. Cox. Did any thing more pass then?

S. Woodcock. Nothing particular. The next day, according to my time, I went, about half an hour after four o'clock.

Mr. Cox. What day of the month?

S. Woodcock. December the 16th, the day of the week was Wednesday. I went to Curtain Row, just by Holloway Mount. The maid opened the door, she went up stairs and let her mistress know that I was there, and then I was ordered up stairs; she behaved in a very genteel manner, and asked me to sit down, and then desired to look at the things which I had brought; she ordered tea directly; I told her, I could not stay to drink tea, and begged to be excused. Just as I was speaking of that, in came a little man like a Jew, and made a great many compliments to this lady, as if he had not seen her before that day. I have since found the name of this man to be Isaac Isaacs; then they began to talk about his going to the play, she said she was going into the city to see a lady.

Mr. Cox. Did she name what part of the city, or what lady?

S. Woodcock. No; he said he must have a coach to go to the play, and that if she would, she might go part of the way in his coach, that he would set her down. Then she turned to me, and said, this is the lady I told you of; she then said, she would be glad if I would go along with her; that she wanted a great many things, and would be a good customer to me. I made many excuses, that my dress was not suitable, and then desired to be excused from going that night; she said, the lady was a very agreeable lady, and would think nothing of my dress, it was all very well, and begged I would go; then the Jew went with a preface to fetch a coach; he came back again directly, and hurried away very fast; we were hurried into the coach, and the maid seemingly, was to bring the candle, but kept back with it. I went into the coach the dark, and was not able to discern what sort of a coach it was. When I got

into the coach, the Jew drew up the glasses; I observed that they were very good glasses for a hackney coach. He said, it was a very good coach indeed. I by and by said, it was a very good coachman, as well as a good coach, he drove so fast, and I did not hear him strike the horses. The lady made answer, and said, she supposed that the gentleman had put six-pence in the coachman's pocket, in order to make him make haste, that he might get to the play time enough. In about half an hour we were got to the house; just as we were got to the house, as we were coming to the door, Mrs. Harvey said, Miss, this is a very fine house this lady keeps; I said, I was very sorry I was come in such a dress, for I was quite ashamed; then they knocked at the door, they drove in so fast, that I did not know that it was in a court-yard, but thought it was a door in the street.

Mr. Cox. Was it a door in the street?

S. Woodcock. No. Then I was desired to walk up stairs; I went up along with Mrs. Harvey; they led me into one room, then a second, and out of that into a third; there was an old man sitting, whom I found since to be Doctor Griffinburg; he got up in a very complaisant manner, and asked me to sit down; Mrs. Harvey asked for the lady; he said he would go and see for her; he went out, and brought in word she would be here presently.

Mr. Cox. Who did you see next?

S. Woodcock. I sat about half an hour with Mrs. Harvey and Dr. Griffinburg, and then in came the gentleman, whom I since find to be Lord Baltimore.

Mr. Cox. What passed then?

S. Woodcock. I was much struck, knowing him to be the man I had seen at my shop before; he came in with a great many compliments, he said how do you do, Miss, I hope you are well, and such like,

Mr. Cox. How was he dressed?

S. Woodcock. In a linen night-gown; he pretended he had not been well; as he came in, I understood Dr. Griffinburg, he was the steward, Mrs. Harvey said to him something about the lady, I can't tell what.

Mr. Cox. What passed after this?

S. Woodcock. He said to me, I told you I would recommend you to some ladies, that they were great ladies, and would want many things in your way. I did not remember, that he had told me that; I made answer, I was much obliged to him, and asked him where the ladies were; he said he would go and see for them; he went out, and brought in word that the ladies were not at home, but would be soon; then after we had sat a little while, he said he would go and call the housekeeper; he went out, and brought in a woman, which I find since to be Mrs. Griffinburg.

Mr. Cox. Is she in Court?

S. Woodcock. That is her at the Bar (pointing to her.)

Mr. Cox. What passed then?

S. Woodcock. He ordered tea, and asked me to drink tea. I told him I was obliged to him, I had drank tea at Mrs. Harvey's. He said he had not, and therefore desired it might be brought.

Mr. Cox. Did they drink tea?

S. Woodcock. They did, and with a great deal of persuasion I drank one dish. After tea he went out of the room, and brought in a heap of nicknacks; such as purses, smelling-bottles, tetotums and a ring: He said he had bought them all for me. I told him I had no use for them, and did not choose to accept them. He wanted me to play at tetotum: He said, he supposed I could play, and begged I would. I told him, when I was a child possibly I might, but now I thought it rather beneath me. He said, if I would not accept the things we should play for them; which we did, but I did not accept them afterwards. I said several times, between, to Mrs. Harvey, I should be glad if she would let me go home. She said we should go home presently. I told her it grew late, and begged that I might go, for my friends did not know where I was, and would be uneasy. She said I should go presently. The gentleman said he wanted me to see the house. I told him I did not care to stay to-night; and as the ladies were not there, and I did not see they would come, I could see the house another time. He said, may be I would not come another time. I said, may be I would. He said, I will you promise me to come another time. I said I did not choose to promise it. I would not promise, because I never intended it, if I could get out; not that I had, at that time, any thoughts of being kept there; but expecting the person that courted me, I wanted to be at home. He then said, Miss, but you shall see the house to-night, therefore took me in to see another room or two. When we came into a room where
there

there was a harpsicord, he asked Mrs. Griffinburg whether she was sure all the family were out, because if he was sure all the family were out, he would play the music to Miss. This confirmed me that he was a servant in the house; and because I thought I heard the Doctor before say, here comes the steward; and the gentleman having so mean an appearance, I had no notion he was master of the house.

Mr. Cox. What passed after this?

S. Woodcock. As soon as he had said that, Mrs. Griffinburg turned to Mrs. Harvey, and said, how glad she was they had got so nice an opportunity to have the house all to themselves. After he had played the music, and they had staid a little while, I was had out into the room I was first in. I intreated of Mrs. Harvey again that she would let me go home, for it was late. They said it was not late; it was not above eight or nine o'clock, and the lady would come presently. I told them, as to the lady, I did not see she would come, and I must go home. Lord Baltimore said, Miss, you shall stay to supper first. I said, Sir, I don't choose any supper, and begged I might go home. He then ordered supper. Mrs. Griffinburg went out of the room, and ordered supper. As soon as she was gone, he took me up behind the window curtain, and said, Miss, you shall come and see where you are: You don't know where you are, do you. I said, no, Sir, where is it; but he did not tell me then; he began to shew indecencies, such as opening his breeches, and putting his tongue into my mouth. I flew into a very great passion, struggled, and got from behind the curtain. Mrs. Harvey and Dr. Griffinburg came up seemingly to help him: With that, I fought with them all, and said I would go home directly, and made up to the door: with that, he said I should stay to supper first. I said I would not stay, I would go home directly. He then made me sit down by him at supper, but I would not eat nor drink. He then offered me a glass of syllabub, which I knocked out of his hand, and got up again, and said I would go home, and made up to the door. He said it was late, and said there could be no coach got for me. I told him not to tell me about a coach, I wanted no coach, and would stay upon no account whatever. I desired he would not attempt to persuade me. With that he stood over me (I believe it might be then about eleven, but can't exactly say the time; I think it was about eleven when they had first done supper) he stood over me till between twelve and one. I told —

Court. What do you mean by standing over you?

S. Woodcock. Persuading me.

Mr. Cox. Before this, had you applied to Mrs. Harvey and Griffinburg to go away?

S. Woodcock. I applied to them all in general, who saw that I cried and took on in such a manner.

Mr. Cox. Did you cry at that time?

S. Woodcock. I had cried from about supper time, from the time he had me behind the curtain, for I had no notion at first of being kept there.

Mr. Cox. What passed after that?

S. Woodcock. Seeing the distress I was in, and that I would go home, and I said how frightened my friends would be, he said, he would write a letter to my friends, and say that I was in all safety, and well, something to that purpose. I said if he could send a letter, what was the reason he could not let me go home? I would go home, and he should not keep me upon any account whatever. With that he said I could not, nor should not go home. I cried very violently, and said it did not signify, they should not keep me there. He flew into a passion, and said I need not trouble myself about him, for he should not meddle with me. I told him no, no more he should. He went away. Then Harvey and Griffinburg, and Dr. Griffinburg, stood over me for about another hour, to persuade me to be reconciled, and go up stairs to bed. I told them I would go to no bed in that house, nor any where but where I was.

Mr. Cox. Was my Lord in the room at this time?

S. Woodcock. No, he was gone. At last they said it did not signify, for if I would stay up all night they would not, and I should go up stairs. With that they led me up a pair of back stairs into a room where was a bed. They persuaded me very much to go to bed. I told them I would not go to bed in that house. They both went to bed some time after in the same room, and I walked about the room all night, crying, and in the greatest distress possible. I went often to the window to see for day-light: And as soon as day-light came, I opened the window, to see if I could jump out; but when I looked, I saw there was no such thing as jumping out and saving life: It was two pair of stairs. I stood at the window till eight in the morning, when I saw a young woman coming which I thought looked like an honest person, and would go and tell my

my father. With that I throwed down my handkerchief, which was as wet with tears as if dipped in water. She took it up; but being so high she did not at first see where it came from, and therefore went on her way. I then called out, young woman, young woman, twice; with that she held up the handkerchief, and made a motion as if she would fling it down within the rails. I was going to tell her where to go to my father: The two women jumped out of bed in their shifts, and pulled me away with all the force they could, and abused me, and asked me how I could make such a piece of work. They said I had much reason to cry indeed, when I was brought to a house, and a gentleman that would do so much for me, and wished they were as likely to have as good luck in the world as I was likely to have.

Mr. Cox. Which said that?

S. Woodcock. Both of them. I said I did not care any thing about it; if he would give me his whole estate, and settle it all upon me, I would not stay upon any account whatever, therefore begged they would not think of keeping me, for I would go home. Sometime after this they went out of the room, and in came Dr. Griffinburg and Lord Baltimore, which terrified me very much: Indeed I was crying in a violent manner, and said I would go home. My Lord said it was strange I should make such a piece of work, had not he promised me that I should go home at twelve o'clock. I told him I would go home directly, for my relations would go all about among my other friends, and when they could not find me they would go out of their senses; therefore I must go home directly.

Mr. Cox. What relations did you allude to?

S. Woodcock. I meant my father and my two sisters. After that I went down stairs, and I cried just as usual.

Mr. Cox. Into what room?

S. Woodcock. I cannot remember the room; he went with me, and I believe he led me down stairs.

Mr. Cox. What happened to you then?

S. Woodcock. I cried as usual. They brought the breakfast, but I would not eat nor drink: I went on in the same manner till twelve o'clock came; then I was quite outrageous. I said it did not signify their pretending to keep me, for I would not stay. He pretended again to write to my father. I told him it did not signify, for nothing he could do should keep me there. With that he assured me that he meant nothing but honour, for he loved me to distraction: That he could not part with me, and I must stay. I told him I would not stay upon any account; he said he would write to my father, and when my father came, he would make such proposals to my father as I should like; and if I did not like them, and like to stay, I should go home with my father: With that he wrote. I do not know what answer I made to him, and I was so much disturbed, I can't recollect what he wrote.

Court. Did he read it you?

S. Woodcock. He did. He then put the pen in my hand, and told me I must write, dear father, this is true. And should be glad if you will come directly this afternoon, from your dutiful daughter, &c.

Mr. Cox. Did he bid you write those very words?

S. Woodcock. Yes, word for word as he dictated, and stood over me to see me do it: I did it to see my father.

Mr. Cox. How came you to put such a subscription as that?

S. Woodcock. I wrote it with this view, that my father might come directly; but, if it had been otherwise, I must have wrote it because he stood over me. He put the pen into my hand, and said I must write it, that was enough for me when I was in his power.

Mr. Cox. Was that the reason of your writing it?

S. Woodcock. It was, and that my father might come directly.

The Letter read.

“YOUR daughter Sally sends you the inclosed, and desires you will not be uneasy on her account, because every thing will turn out well, with a little patience and prudence. She is at a friend's house, safe and well, in all honesty and honour; nothing else is meant, you may depend on it; and, Sir, as your presence and consent is necessary, we beg of you to come in a private manner to Mr. Richard Smith's, in Broad-street New Buildings.”

Mr.

Mr. Cox. This is what was wrote by my Lord?

S. Woodcock. I believe it was wrote by him.

Mr. Cox. What time?

S. Woodcock. I can't justly say; I believe it was about noon. When he had wrote, I observed there was no direction where my father should come; with that I told him, I was very sure he did not intend to send it, that he had put no directions upon the letter. I asked him, where it was? He said, it was New Broad-street Buildings. I asked him, what his name was? he said, it was Richard Smith. I asked him, if he could look firmly at me, and say, with truth, that his name was Richard Smith, and that that was New Broad-street Buildings? I put it home to him several times; at last he owned, his name was not Richard Smith, but that Richard Smith lived two or three doors off, and that that was New Broad-street Buildings. I then asked him, what end of the town? he said, St. James's. I did not know, whether the letter was sent or no, till afterwards.

Mr. Cox. What passed that day afterwards?

S. Woodcock. I went on crying in the same manner, and pleading that they would let me go home. I often went to the window to shew my distrets; which, when they saw, one or other of these women always pulled me away.

Mr. Cox. Which did?

S. Woodcock. Both of them, as they happened to be in the way. I was present at dinner, but neither eat nor drank.

Mr. Cox. Who dined?

S. Woodcock. I think, Dr. Griffinburg, Mrs. Harvey, and, I believe, Mrs. Griffinburg.

Mr. Cox. Did you see any more servants during that day?

S. Woodcock. No.

Mr. Cox. Or any other part of the family, besides Dr. Griffinburg, Mrs. Harvey, and Mrs. Griffinburg?

S. Woodcock. No; I went on in the same manner all the day, crying, and taking on, and begg'd I might go home; and they pretending that my father was coming.

Mr. Cox. Was any thing said to you about going so often to the window?

S. Woodcock. Nothing particularly, but they pulling me away, and said I should not stand there. In the evening, on Thursday, Mrs. Griffinburg, or somebody, had ordered the windows in the room where I had been before, in the night, to be nailed up.

Mr. Cox. Do you know who gave that order?

S. Woodcock. I do not know who ordered them, of my own knowledge. With that, Lord Baltimore came in, and pretended to be in a great passion with Mrs. Griffinburg, and said, What did she mean by ordering the windows to be nailed up, to make his servants think he was going to murder somebody, or do something bad indeed, that the windows must be nailed up. He turned to me, and said, Madam, I assure you, if you offer to open a window, or make any disturbance any other way, I will fling you out of the window, or do for you, I assure you; which frightened me very much; and I thought, that may-be he might murder me. This was before supper. I went on in the same manner, pleading and crying; I don't know that I stopt crying all that day. They supped together, but there was no servants: I neither eat nor drank. After supper, when time was come to go up stairs, I said, I would not go up till he had promised that he would not meddle with me, nor come near me. He promised he would not, and went away. Some time after that, I was led again up the same back stairs into the same back room.

Mr. Cox. Who led you up?

S. Woodcock. Mrs. Harvey, or Mrs. Griffinburg, I don't know which; I believe both of them. They intreated me very much to go to bed; I told them I would go to no bed in that house; I would neither eat nor drink, if they kept me there ever so long; they went to bed, and left me. I walked about the room in the same manner all night, in the greatest distress possible, and in the morning waked them with my crying. They then asked me how I could make such a piece of work; they never heard a person make such a crying, or saw such distress in their lives. With that I told them, I thought I had great reason for it, when I was taken away from all that was near and dear to me in the world. I did assure them, that I would not stay there, and they should not keep me upon any account; for that I would never yield to his base purposes. With that, Mrs. Harvey said, she did not suppose he wanted

to do any thing against my will. I told her, if he did not, what was the reason that he kept me there from day to day, and would not let me go home? I told her, I would not stay, or yield to his base purposes, if he would give me his house full of silver and gold—This was up in the room, if I remember right. She said, she did not suppose he would do any thing against my will, or keep me against my will. I told her, he never would keep me with my will, for it never would be my will to stay there; and that if he would marry me, and settle all his estate upon me, I never would have him, for I hated him, and ever should; and therefore begged he would not keep me in that prison of hell, for it was a prison of hell indeed!

Mr. Cox. Who was in the room at this time?

S. Woodcock. Only Mrs. Harvey.

Mr. Cox. What happened after this?

S. Woodcock. Some time after this, I went down stairs again into the same room where I was before. He came to me; I was in the very same distress as I was before; it was before breakfast; and I told him, though he had no compassion on me—I asked him if he had ever been a father; if he had, he might have some compassion for my father: if he was a father himself, surely he must consider my father, what he must feel for the loss of a child that he loved, and could not tell where she was; whether she was dead or alive. I told him, not only so, but that we were engaged in business, and they could not carry on the business without me. With that, he said, he had been more careful in that respect than I had; for he had sent my father something, that his business might not stop. I told him, that would be of no use, for they could make no use of it till I came. He said with that, I should write to my father myself. I told him, if I did, it would be to no purpose, for I supposed I must write just what he pleased; and if he did not like it, he would not send it, let me write whatever I would. He said, yes he would, and I should write. I said, I supposed he would stand over me all the time. He said, no, he would go away; but he left the two women standing over me; therefore he might as well have stay'd himself.

Mr. Cox. Explain the meaning of what you call *standing over you*.

S. Woodcock. Standing close to me, to see how I acted, and take care of me; this was upon Friday, about the middle of the day. I wrote three or four lines, and said more than truth, because I knew it would come into his hands; and if it did not please him, I knew that he would not let it go.

Mr. Cox. Can you tell what you wrote?

S. Woodcock. I said that he had used me with as much honour as I could expect, and begged they would come immediately. After I had wrote these two or three lines, the two women said, he had sent my father two hundred pounds the day before, and that I ought to put it in, and know if they had it: that they should return thanks for it. I told them I would not do any such thing, for I car'd nothing about it.

Court. Which of them?

S. Woodcock. Both jointly, and I refused it several times. After that they went in and asked Lord Baltimore, whether it should be so or not; he came in and said he did not care much about it, but I might, if I would, put in; so I wrote that they told me they had sent two hundred pounds, and I desired to know if he had it.

Mr. Cox. I think your expression was, that you put into your letter more than truth; how came you to do that?

S. Woodcock. For the reason I said before; that I knew he would not send it, if I did not say something in favour of him. In an hour or two after that, there came up one of the servants, I forget which, and said that a gentleman had brought a letter, which Lord Baltimore brought in, and said it came from Richard Smith; and that my father had been there, and would not stay till I and he could be sent for. With that I said, I would not believe any thing of it. I did believe it was his own forging, for it was wrote in another language. He pretended to read it to me, but I told him it was nothing at all, for he could read it as he lik'd. With that he said he would send for the man, and make me a liar. I said he could not, but he would make the man say as he pleased, and could talk to him in another language. The man was brought. I told him if he would let me ask the man questions, then I would believe, if he gave me satisfactory answers. He said I could confound the whole world; I told him I did not know but I might, if they did not speak truth. The man came in and sat down, and he spoke to him something first in another language; it was not English I know; and then said, Did not you bring this letter? he answered, Yes. I told him I did not believe he did; the more, because he had been talking to him in another language. I asked him what sort of a man it was came to him. He said a middling man. I asked him what

what he called a middling man ; he said a tallish man. I asked whether he was old or young, and what sort of a face he had ; but he could give me no satisfactory answer to anything I said. I then said to Lord Baltimore, Who is a liar now, you or me ? I said they were a parcel of popish, rubbishing people, and I would not believe anything they said to me ; (for I thought Lord Baltimore had been a Frenchman and a Papist.)

Mr. Cox. Can you give any reason ?

S. Woodcock. I thought him a Frenchman, and therefore supposed him to be a Papist.

Court. Did he speak broken English ?

S. Woodcock. I thought so ; but that might be my ignorance.

Mr. Cox. What time was this ?

S. Woodcock. About dinner time. They went into another room ; there was music and dancing by Mrs. Harvey and this Smith.

Court. Did the person that spake this foreign language to my Lord, pass for Smith, or one of my Lord's servants ?

S. Woodcock. He passed for Richard Smith. My Lord Baltimore played upon the music, Richard Smith and Mrs. Harvey danced, and I walked about the room in the greatest distress. After that they took me to look at the pictures ; and there was a ship in distress. I told them that was my picture. They said no, and took me to another picture of a ship in a storm, and told me that was my picture. Then they led me back into the room again. They all sat down before the fire, and I sat down with them. He said to this Richard Smith, as soon as he had sat down, he should draw Miss's picture. I said he should do no such thing ; I should not think of having my picture drawn. He drew my picture in the posture I sat crying, in this manner (*describing it, with her head leaning upon her hand ;*) they did not put the tears into the picture.

Mr. Cox. What passed that night ?

S. Woodcock. Nothing more particular. About twelve at night it was pretended that the little Jew man that first took me away, was sent with that letter that I wrote. Broughton came in, who was called the steward, (that is, one that answered to that name) and brought word that my father had stopt the Jew. Lord Baltimore was in a violent passion, and swore he would go and pull my father by the nose. I desired he would give me leave to speak a word or two : that I was very sure my father had done no such thing, for he had not spirit enough for it. While I was speaking, in came the other man, the Jew that I had seen at first, Isaacs ; he brought a letter, which he said he had brought from my friends ; and told me they were all well satisfied and pleased, and so put the letter into my hands. It was wrote by my sister, and my sister writing so seldom, I did not know her hand at first ; but turning the other side of the letter, I found the seal to be the young man's that courted me, Mr. Davis, which confirmed me it was come from them, which was the first word I knew that came from them.

Mr. Cox. The purport of the letter ?

S. Woodcock. It was, as near as I can remember, this : Only please to appoint a place when and where we may meet you. It was directed to me, if I remember right. This was about twelve at night : time was come that I must go up stairs, which I would not do till he had promised me he would not meddle with me, nor come near me. I went up stairs to the same room where I went before, and Mrs. Harvey and Mrs. Griffinburg came up to the same room, and pressed me very much to go to bed. I still cried, and said I would not ; but finding my strength was gone, I said, may-be I will lie down sometime in the night in my cloaths.

Mr. Cox. Had you eat any thing at that time ?

S. Woodcock. To my knowledge I had neither eat nor drank. Upon my saying that, Mrs. Griffinburg went out of the room, and left only me and Mrs. Harvey. I fancy that was between one and two, but I cannot say.

Mr. Cox. Did you lie down in the middle of the night ?

S. Woodcock. I lay down in about half an hour after Mrs. Griffinburg was gone ; and she coming up about half an hour after frightened me, for I thought it was Lord Baltimore coming up, which set me in such a tremble, that I was obliged to get up : then I walked about, and so laid down again, and so I went on all the night in great distress : then I talked to Mrs. Harvey, and asked her if she had ever been in love : I think she said yes, I am not positive : with that I told her, then I was engaged ; that a young man kept me company, and we were about settling ; that he had a great regard for me, and that I could not say but I had the same for him, and therefore begged her to think how hard it must be in my case.

Mr. Cox. That part of the story was true, was it ?

S. Woodcock. Yes. I told her how I had been brought up from a child in a very religious way.

Mr. Cox. That part of the story is true?

S. Woodcock. Yes; and that I could not bear any of their ways; and that if Lord Baltimore would settle all his estate on me I would not comply, and a great deal of such discourse, which I can't now recollect; but begged that she would lay it before my Lord, and intreat him to let me go; for I thought, if she would lay the case before him, and tell him how it was, he would let me go. I said, I dare say, if she had a mind, she could let me go herself. She said, no; tho' she had known the house so long, she did not know the way out of the house. With my crying, and being in such an agony and distress, she got up sooner than common, and we went down stairs; but when we came to the bottom of the stairs every door was locked, and we could get no further; we were therefore forced to go up stairs, and were upwards of an hour before we could get into the room, where there was a fire, below stairs, where we were before.

Mr. Cox. Did Mrs. Harvey try to get out?

S. Woodcock. She did, but could not. She did not try to get out of the house, but only into the room where the fire was down stairs.

Mr. Cox. What was done in consequence of this desire of your's?

S. Woodcock. When we came down stairs she did go out from me, but Mrs. Griffinburg was present: they did not leave me alone not one five minutes together, I believe. Lord Baltimore came in soon after. I was in great distress, as usual. They had some breakfast.

Mr. Cox. Who?

S. Woodcock. Mrs. Harvey and Mrs. Griffinburg. Lord Baltimore was present, if I remember right.

Mr. Cox. Did he say any thing to you?

S. Woodcock. He did, but I cannot exactly remember what.

Court. What time did Lord Baltimore come.

S. Woodcock. I think about eight or nine o'clock. I pleaded the same arguments with him as I had done with Harvey, and told him about this same young man. With that he flew into a violent passion, and called me all the bitches and whores he could think of, and threw the news-paper at me; and told me, if I offered to tell him any thing more about another man, he would fling me out of the window, or tie my petticoats about my head, and send me home in a wheelbarrow. The little Jew was present, Mrs. Harvey and Mrs. Griffinburg; and he said to the Jew, carry the slut to a mean house, like herself. With that I was terrified very much, and thought he meant a bawdy-house. He flew out of the room in a great passion, and left the little Jew, Harvey and Griffinburg. They persuaded me to be reconciled. They said, had he not promised he would send for my father, and make such proposals as he would like; and if I did not like them, I should go home again, and had I not better leave it to him. With that the little Jew came and told me, that all my friends, and Mr. Davis in particular, were well pleased. I told him I was sure it was a very great story, therefore begged he would not say another word about it; but with their persuasions, and fearing he would send me to a bawdy-house, I desired Lord Baltimore might be called in. He came in. I told him, if my father came, and terms were offered him, I would consider them, and begged that God would direct me. This was on Saturday about noon: after this I was very ill, and could hold up my head no longer.

Mr. Cox. Had you eat or drank then?

S. Woodcock. No; only a dish of tea that morning. With that he came to me, and told me, by that means I put it out of my power to help myself in that which I was so afraid of; and then he went and mixed a draught and brought it me, and said, I must take it. I refused it, fearing there might be something hurtful in it. He said there was nothing hurtful in it, and I must take it. I did. This was about two or three o'clock.

Mr. Cox. What was the draught?

S. Woodcock. Physical, I believe. I took it.

Mr. Cox. Did any thing happen at dinner that day?

S. Woodcock. Nothing particular. I lay in that manner, with my head upon the elbow chair, till nine o'clock. Nothing particular passed that evening. At the usual time he said we must go to bed again: I got a little more spirits, but I said I would not go till he had promised not to come near nor meddle with me: he said he would lead me up stairs, which he did: when he had got there, he desired me much to go

to bed, and ordered Mrs. Griffinburg, before I went up, to make me some whey: I believe between two and three o'clock, as well as I can recollect, she brought me some red wine, and I drank a little of it, and eat a bit of a toast: this was in the morning: I had not laid down then: this was between two and three o'clock on Sunday morning: I had laid down in my cloaths.

Mr. Cox. Did you take any whey?

S. Woodcock. No; I did not: the wine was brought instead of the whey.

Mr. Cox. Who was in the room besides?

S. Woodcock. Only the two women and myself.

Mr. Cox. Who lay in the room that night?

S. Woodcock. Mrs. Harvey. I laid down sometimes, and sometimes walked about, but was very terrified lest he should come to me. Mrs. Harvey said, surely I must think the man had a great love for me to come from his bed to me. I said, no, it was not love, it was lust. I pleaded many things as usual with her, but nothing had any influence upon her: we came down stairs again.

Mr. Cox. Who did you see?

S. Woodcock. This was Sunday morning about nine or ten o'clock. Lord Baltimore came in to me, and asked me how I did, (this was after I had breakfasted) and asked me if he had not kept his promise. He asked me if I had any whey. I told him no, I had a little red wine. He was very angry with the housekeeper, and said that I must take another draught, for it was enough to kill me. With that he mixed up another draught, and insisted upon it that I should take it, which I refused, fearing there should be something hurtful; but I did take it. He went out and left me till the afternoon; Mrs. Harvey continued with me.

Mr. Cox. Did any conversation pass between you?

S. Woodcock. As usual, I was crying in the same manner. In the afternoon he came in to me, and desired I would compose myself, and sit down and talk to him a little. With that he began to ridicule religion, and to say that all things came by nature; and that man, when he died, went to the dust: that he thought they had no living souls: and he said that, as a philosopher, he believed there was neither God nor devil, Heaven nor hell. I desired they would bring me a Bible, and I would prove to him that there was all. With that the Bible was brought, and I proved to him from the word as much as was in my power, that there was a God, a devil, Heaven and hell: and after that I concluded my discourse, which was from two or three in the afternoon till nine at night, with very little intermission.

Mr. Cox. What time did the family dine that day?

S. Woodcock. About four o'clock.

Mr. Cox. Did you dine with them?

S. Woodcock. I believe that day I might eat a bit; I am not sure. I told him my reason of having so long a discourse, and being so plain with him, was to convince him of the difference there was between him and me; and that he might be assured it was impossible I should comply, and that I would not stay upon any account whatever, and therefore begged he would let me go home. After supper they all went out of the room; that is, Dr. Griffinburg, Mrs. Harvey, and Mrs. Griffinburg, went out, and left him and me alone. Then he began to shew indecencies: he first pulled me into his lap. This was about nine o'clock on Sunday night, and wanted to put his hand in my bosom, which I would not let him, and got out of his arms. Then I was set down in the other chair, he began to open his breeches again, and strove to pull my hand to him. I struggled and got away, and got up; then he pressed me to one corner of the room, and there pressed me up against the wainscot, as if he would press me to death. I struggled and got from him; then he got me down in an elbow chair; he opened his breeches, and strove to pull my petticoats up. I struggled, and cried out all I could, and begged and pleaded with him that he would take my life, for I would never yield the other to any one, but upon honourable terms, which was marriage. He then got up and walked about the room awhile, and then set me down, and served me in the same manner, but did not compleat his base purpose at that time. This, I believe, was near two hours. I struggled and cried all I could. Then he called in Mrs. Harvey, and said we must go up to bed; and he said he would lead me up stairs, which terrified me greatly. I did not know what I should do with myself, lest he should fling me upon the bed when he got me up stairs. Mrs. Harvey made an excuse: she said she had forgot something, and must go down again. I was afraid they had juggled it between them, and begged and pleaded he would not meddle with me. He began as before to open his breeches, and strove to pull up my petticoats. Soon after

after Mrs. Harvey came into the room again, and he told me, if I did not undress myself that night, and go into bed, he would force me to go into bed with him. He went away; and I went to bed with Mrs. Harvey. This was on Sunday night. All this night I had no rest: I did not go to sleep any part of the night, as I know of. I started up and cried, O, he is coming! he is coming! with that I again pleaded with Mrs. Harvey, to persuade him to let me go home. I met with no success, as she was just as relentless as ever. This was on Monday morning. When I came down stairs I was in the same manner. I went on crying as usual, praying that I might go home, or see my friends.

Mr. Cox. Will you take upon you to say you was crying all this time?

S. Woodcock. I ceased very little indeed, by and by he came to me and said, if I would go and have my face washed, and another cap on, and clean things, and leave crying, I should see my father; but if I would not I should never see him; for what could my father think to see me in that dirty condition, and my eyes so bad with crying. I had had no change of linen. I went up stairs with that view. He said, if I would go up he would send for my father, and I should see him. He then said, now you shall see your father to day. I had put on some linen, with my own gown and petticoats.

Court. Who furnished you with the linen?

S. Woodcock. Mrs. Griffinburgh brought it. Then he said I should see my father, I should go and take an airing in the coach, and that would divert me a little. I told him that would be no pleasure to me. If he would carry me to see my father, that would be a pleasure to me. With that he said I should go and take an airing, and see my father when I came back. Soon after this they brought word the coach was ready, and that I must go. He led me down stairs, into the coach. It was in the yard at the door.

Mr. Cox. Was the gate shut?

S. Woodcock. I don't know. He handed me into the coach himself. He then got in: Mrs. Harvey and he sat on one side, and Dr. Griffinburgh and his wife sat on the other side. He bade Mrs. Harvey sit forward, against the door. I sat between my Lord and Mrs. Harvey.

Mr. Cox. Had any body hold of you?

S. Woodcock. I don't know exactly. They drove out of the gate with such violence, that they tore off part of the gate by that means.

Mr. Cox. Perhaps this occasioned the coach to stop?

S. Woodcock. It did not cause the least stoppage. They went through the streets over Westminster-bridge. They had like to have been overturned, they went with such violence. They had like to have been overturned within three or four doors of the house. As near as I can recollect, this was about two o'clock. When we came to Westminster-bridge, or before, I can't justly say, I said, I hoped he was not going to carry me far, that he was not going abroad. He said No, he was only taking an airing to divert me, and that he should come back again to dinner. When we came some way farther, and I saw the four and five mile stones, I said I hoped he was not going to carry me abroad. He said, yes, to be sure, he was going to carry me to Spain, to see the Spaniards. We put on. I asked him again, and he said the same. When we got to Epsom, he said, now we are come to Spain, and these are the Spaniards. There were two or three men in the streets.

Mr. Cox. How came you to know it was Epsom?

S. Woodcock. I saw the post to direct to Epsom. When they came to Epsom they began to talk about the country house. Then I began to think we were going there. When we came to the house they asked me how I liked it. I told them that was a worse prison than the other, and hoped they were not come to stay there, for I could not bear it.

Court. Who asked you how you liked it?

S. Woodcock. I cannot say; it was when we got out of the coach.

Mr. Cox. Who handed you out?

S. Woodcock. I can't recollect.

Mr. Cox. Did you go into the house immediately?

S. Woodcock. I did.

Mr. Cox. What passed?

S. Woodcock. They went to dinner soon after we were in. It was about four o'clock.

Mr. Cox. At that time did the same people appear to you, or other people?

S. Woodcock. In the country there were two men servants waited at table. I did eat a very little bit.

Mr. Cox. Did any thing pass at dinner.

S. Woodcock. Nothing, that I can recollect, particularly. After dinner Mrs. Griffinburg, Dr. Griffinburg, and Mrs. Harvey, went out of the room. He then took me up behind the window-curtain, and began to shew the same indecencies as before. I pleaded much with him, and struggled all I could, and begged and prayed that he would take my life away. I told him I would give that up freely, but never would the other. With that, he said it must be so that night, whether I would or no. Then they came in again. They took me out of that room into some other rooms, to see the house. I told them I thought it was the worst sight I ever saw. They then told me it must be so that night: Mrs. Harvey and Mrs. Griffinburg told me so.

Mr. Cox. Did they explain particulars?

S. Woodcock. No. I was in great distress, and cried very much. After this they came in again, and I drank tea with them. Nothing particular passed at tea. After tea they went up stairs again. Lord Baltimore said, they must do something to divert themselves; that they would play at blindman's buff, and I should play with them. I said I could not play at blindman's buff, I would do no such thing. He said I should not always sit in that manner. I was crying, and he swang me round the room, and said I should play with them. One of the women was blinded, and one of them pretended she had caught me; with that I said positively I would not be blinded. I sat down and cried again. As soon as he saw that, he came and sat down by me, and strove to make me look at him. Nothing would make me forget my trouble. I still kept crying, and pleading with God, that he would take me out of time into eternity.

Mr. Cox. Did you speak loud?

S. Woodcock. I don't know whether they heard me or no. After this they went to supper, but before they went to supper the two women and he himself all joined together and said, I might as well do it quietly, for it must be so that night. This was sometime before supper.

Mr. Cox. Did any thing particular pass at supper?

S. Woodcock. No. I eat a little bit, but drank nothing, for fear they had put something in it. After supper he ordered them to go to bed; with that they led me out of the room. I was crying. They led me into the bedchamber. The two women began to undress me.

Mr. Cox. Who?

S. Woodcock. Both of them.

Mr. Cox. Did you oppose their undressing of you?

S. Woodcock. I was in such a tremble and fright, that I had no strength left; therefore I was not able to resist them, but cried, and begged, and pleaded, that God would take away my life, and preserve me from that wicked creature. Dr. Griffinburg said (he was by then, I did not know it till he spoke) he said, O, my dear Miss Sally, don't cry so, don't take on so, it will be all well by and by. Mrs. Harvey said she never saw any one make such a piece of work in her life: if I was going to be killed I could not do more. I told her I had much rather be killed. I cried and took on in a very shocking manner, and pleaded much with God to take me out of time into eternity. Then they led me out of that room into the next, and set me down in the elbow chair.

Mr. Cox. Were your cloaths pulled off?

S. Woodcock. My cap was pulled off, but the rest were only unpinned, and such like; with that they set me down and pulled all the rest of my things off, and put me into the bed. When the curtains were open I saw that Lord Baltimore was in bed.

Mr. Cox. When you saw that, you say you was so terrified, and in such a fright, that you was not able to make resistance. Did you go into the bed with your own accord?

S. Woodcock. No, they had forced me a-top of the bed: they drew the curtains, and tucked me up, and went away, as I believe.

Mr. Cox. What happened after this?

S. Woodcock. He turned upon me with all the force he could, and forced himself between me, and said he would get into me: with that he lay upon me all the weight he could, and strove to push himself into me with all his might; and I cried and struggled all I could, but he held my mouth together with his fingers, that I might not cry; and strove to lie over me, so much as to smother me. When he had been sometime in me, I felt something come from him; and then he turned off from me as he came on, and left me to live or die as I could. He said nothing to me all night. I laid in such a fright and such a tremble, for fear he should come to me again, I sweat that the drops ran off from me. In the morning he turned upon me in the same manner, and used me in the same manner. I cried out as I had done before, and made all the struggle I could. He said he never heard such a noise in his life; I should raise the whole house. After this he asked me if I wanted the pot? I said yes. I got out of bed, I don't know how, and there

there came a great quantity of blood from me. I strove to get on my things, and to get away, I was so afraid for fear he should pull me in again, that I got a few of my things on in a loose manner; and he said I could not get out, but must stay till he let me out.

Mr. Cox. Before we ask you any other questions, was you at either of these times at all consenting to what he did?

S. Woodcock. No, not in the least, I made all the struggle both times that I could.

Mr. Cox. Did you cry out?

S. Woodcock. I did.

Mr. Cox. When you was let out of the bedchamber, into what room did you go?

S. Woodcock. Into the next room, where Mrs. Harvey was. I was not dressed. I sat down and cried. Mrs. Harvey got up. I began to tell her of the usage I had had, but not particulars. She said, yes; you made noise enough, I heard you. I said, well I might. She said, you will like it well enough by and by. I told her no, I should ever hate every thing of the kind; if that was to be my life, it would be a burthen indeed; but I hoped I should not live long. Finding she answered me in a rough manner, I thought with myself, that I had lost every thing that was dear to me, but my life, how should I do to save that? With this I resolved, to alter my carriage, and do every thing they desired that was immaterial, for these three reasons—That I might not be used ill;—that I might not be sent abroad;—and that I might have some opportunity of returning to London again, which was the only hope I had. By standing at the windows I thought that some time or other I might see my friends. With this I resolved to alter my carriage, as much as possible, and do every thing they desired that was immaterial.

Mr. Cox. Then you declare this was a resolution took at that time, and for these reasons?

S. Woodcock. I am positive of it as I stand here, taken at that time indeed.

Mr. Cox. Not at any subsequent time?

S. Woodcock. No; this was before I had come out of Mrs. Harvey's room.

Mr. Cox. What do you mean by immaterial things?

S. Woodcock. Any things that were innocent. As to diversions, I was bred up not to take any, and therefore was resolved not to comply with playing at cards, or dancing, or music, or any thing of that kind.

Court. Do you mean by immaterial, any thing you did not think sinful?

S. Woodcock. That was my meaning.

Mr. Cox. It will be proper to ask you if you are not brought up in a particular sect, and under what denomination are you and your father.

S. Woodcock. We go under the denomination of Dissenters, Independants.

Mr. Cox. I believe you pay a deference to more days than one in a week.

S. Woodcock. No, only the Sabbath, the Sunday.

Mr. Cox. You have been brought up in a very particular way, I believe?

S. Woodcock. I was.

Mr. Cox. Are you taught to think it a crime to dance or play at cards?

S. Woodcock. I am, and that from the word of God.

Mr. Cox. Having said this, inform my Lord and the Court what passed the rest of the day.

S. Woodcock. When I came down stairs, Lord Baltimore sat at breakfast; I forget whether Dr. Griffinburg was there or no.

Mr. Cox. Were the women there?

S. Woodcock. One of them was, the other came afterwards. I took no notice, nor he neither, no farther than this; my Lord said I was not well, and I must take a powder, (this was before breakfast, before I had eat any). While we were at breakfast, he said to Mrs. Harvey, Miss wants something, does she not? She said, yes, Sir, she wants some clean linen. He said, you shall go to Epfom and buy Miss some muslin for aprons, and things, and she shall work, and that will divert her mind from sitting and thinking. While Mrs. Harvey was gone, he said I should go and take an airing in a boat. This was Tuesday morning. I told him I had never been upon water, and so was afraid. I had never been upon the water, but only crossed our little river at Cambridge.

Mr. Cox. Did you go?

S. Woodcock. I did.

Mr. Cox. Where?

S. Woodcock. I went out of the house. He said I must run, for fear I should get cold. I did. When I came to the canal, I was all in a tremble, and did not know how to go in, for I was afraid. When I came in, the bottom of the boat was very full of water.

I thought

I thought that was a very unfit place. I thought it would have killed me, but I thought I was as willing to die as live, therefore I would go. When I was upon the water, he said it would fit me for going abroad: this increased my fears that I had had before. Then, if I remember right, Mrs. Griffinburg said we will take a walk in the Park. I then said, if we did, I should be glad to go to such a place, because I fancied there was a foot-path and a gate that way to go out of the Park, because the way they brought me had no foot-path near it; therefore I thought, if I could any ways escape, I could not go that way, so wanted to see if this other gate would lead me out; but whether she came at my thoughts or not I cannot tell, but we did not go a sixth part of the way, I believe. Then we came in again, and Mrs. Harvey, some time after this, came home, and brought a hat, and some white ribbons to put on the hat, and some pink ribbon, which she said she had bought for a night ribbon. With that Lord Baltimore said he liked the pink ribbon best upon the hat. With that I said if he liked that best I would put it on, for the same reason as before, that I said I would do any thing in my power that was immaterial; so I put on the pink ribbon. When we went up stairs again, she said she would have the white ribbons tied up for favors for a wedding. I said, I should not think of such a thing as a wedding, indeed. She insisted upon it. She made up one for herself, and made another and fixed it to my breast, but whether she pinned it I do not know. Then we came down again, and she said to Mrs. Griffinburg, how fine we were, and that she should have one too; therefore when I came back they made me tie up one for her. At night he brought me the Spectator to read, which, when I had found something serious in it, he came and took it away, and gave me some of Doctor Swift's works, which was very foolish and absurd, that I would not read it: I said it was nonsense and stuff. That was all I remember that night. He did not desire me to go to bed to him that night. I went to bed to Mrs. Harvey.

Mr. Cox. I believe you made no application to Mrs. Harvey after this?

S. Woodcock. No; as they would not let me go before, I knew they would not let me go after. There was another circumstance which I believe I forgot, that was this: He (Lord Baltimore) said one day (I believe on Friday) that if he was to be so foolish as to let me go according to my foolish desire, did I think my friends would take me in? I told him yes, I knew my friends knew me very well, and would take me in; but if they would not, that should be no excuse to him, for I would beg my bread from door to door rather than stay there. He said I should go and expose him finely indeed. I told him if he would let me go then I would not. He asked me, if I would promise him? I said I would. He asked me, if I would take an oath? I said I would, upon the Bible, and I would keep it. For this reason I did not importune Mrs. Harvey, because I knew she would not let me go; for as I knew he was afraid I should expose him before, I knew he might be afraid I should expose him now. Afterwards, I only importuned every day that I might go to London again to see my friends. I importuned Dr. Griffinburg, and all of them, as they were present.

Mr. Cox. Now you come to Wednesday morning.

S. Woodcock. We took an airing again in the close boat on the water in the evening of that day. Just at tea time there came in two gentlemen and a lady that he had sent for from London, as I understood. After they had drank tea, he called for a sheet, which surprized me a good deal, and was I afraid they were going to play at some mischief, but I found some time after that they were going to act the magic lanthorn. While they were acting the magic lanthorn, they hung up several sheets across the room, and so went and danced behind it.

Court. That is a thing rather they call the Italian shade.

S. Woodcock. But while they were acting this, the lady that came down from London said, that is Lord Baltimore that is acting the old man. There was a person acting the part of an old man. With that I was glad to hear the name, for I had never heard it before; and thought if I could now get to London and get a pen and ink, I would write a letter and throw it out of the window.

Mr. Cox. Till that time you did not know the person that had done you this mischief was Lord Baltimore?

S. Woodcock. No, I did not. Next morning, which was Thursday, I intreated Dr. Griffinburg that he would ask my Lord to let us go to London again. He said he would. He went, and came some time after to me, and told me we were to go home that day; but I was not satisfied till I saw the coach that we were to go to London in. That day, the women went out into the park, and wanted to run, and desired me to run along with them, which I did a little way; but I strove to drop them, which they did not let me, but came up with me.

Mr. Cox.

Mr. Cox. What happened the rest of that day?

S. Woodcock. I do not remember any thing particular till I came to London after dinner, about four or five o'clock. I sat in the same situation in the coach I did before.

Mr. Cox. When did you come to London?

S. Woodcock. That evening; they drove much as they did before.

Mr. Cox. What happened on Thursday night?

S. Woodcock. Nothing particular, only I was fearful I should be obliged to go to bed to him, and was very much terrified. We went up the back way into the same room we was at first; then Mrs. Harvey said I must go to bed to Lord Baltimore. I said I would not do any such thing. She said I must go, to be sure; had not I been before? I said I would do no such thing. I then made another excuse applicable to my sex, and desired that she would go and beg me off, but she would not go, therefore I went myself, rather than go to bed. I went to him and told him, and he gave me leave to go to bed elsewhere. I lay that night along with Mrs. Harvey.

Mr. Cox. The next day was Friday, what passed then?

S. Woodcock. I was very dull, as usual. I don't know whether I cried or no, but was very dull. By and by, towards noon, I believe, he said he would introduce me to the other part of the family; and then he told me, if I would be quiet a few days longer, and make myself satisfied and easy, and not tell any of the family what had passed between him and me, I should see my father, and if I liked to live with my father best, we should have a house and live together. He had put some money into my hand, and told me, after I had seen my father I should go where I pleased, do as I liked, lay out the money as I chose, and if I liked to go to meeting I should go. He ordered my hat and cloak to be brought down, and then he went in and fetched a woman which they call Madam Saunier, or some such name, and told her that there was a lady come to be a companion to the young ladies. He told her I was a very religious lady, and something of that kind. She said she would take care of me.

Court. Who is that?

S. Woodcock. She is governess to the young ladies. Then he introduced me into the family, and told them I was recommended by my father as a companion to the young ladies, and then he went out. This was a part of the house I had not been in, except the first night, when I believe they shewed it me.

Mr. Cox. You had a fair opportunity now of telling Madam Saunier of the injury you had received.

S. Woodcock. He had laid the strictest injunctions upon me; and I thought as they were his servants they would be as the rest had been; therefore I thought it was best to keep it to myself.

Mr. Cox. What passed in the whole of that day?

S. Woodcock. Nothing particular.

Mr. Cox. Was you with the ladies in the afternoon of that day?

S. Woodcock. I was.

Mr. Cox. Was my Lord with them?

S. Woodcock. No; he only came in at meals. I saw nothing more of Mrs. Harvey; Mrs. Griffinburg only came in then, and brought the victuals.

Mr. Cox. What happened that evening?

S. Woodcock. Nothing particular; only after he went up-stairs to bed, he sent Mrs. Griffinburg to fetch me in. As soon as I went into the room I burst into tears. This was on Friday night. He was in bed. She went into the room, but did not stay. He asked me to come to bed: I told him no, I would not. He assured me if I would come to bed he would not meddle with me, he would only lie by my side. I told him I would not, over and over; at last he insisted upon it that I should come; and knowing they would use force if I did not do it, I went into bed. As soon as I had got into bed he jumped out of bed and fetched the candle; and when he had done so, he strove to tear up my shift to see my nakedness; I struggled with all my might, and would not let him get a full sight: I cried out, and struggled all I could. With that, he exposed himself in the same manner, and wanted me to look at him; but I would not. After that he went and set the candle down again, and then he came and strove to do the same things again.

Mr. Cox. Did you consent that night?

S. Woodcock. No; not at all. I struggled all I could against it. He could not do what he intended, by reason of my then situation. He did not meddle with me any more, on y pulled my hand to him; I told him I thought it was impossible that any creature could take pleasure in such vile abominations: there was nothing more particular that

night, that I know of. On Saturday morning he got up, and sent Mrs. Griffinburg in to take me up. When she came in I was very ill: she desired I would not stay to dress myself there, but said I must go into another room, and had me into another room which I had not seen before, where there was a bed. When I was got there, she seeing the condition I was in, asked me if I would go to bed again: I told her no; but finding I could not stand it, I told her yes, I would. I went to bed, and laid about two hours; but they came so often to me, that I could not get any sleep. They came and took me up: they sent the maid in to dress me.

Mr. Cox. Who is she?

S. Woodcock. I do not know her name.

Mr. Cox. Had you any conversation with the maid?

S. Woodcock. No. Then there came a woman to take measure of me for a gown. Just after that Mrs. Griffinburg came in, and said my Lord wanted me in his room. I went in. He asked me what I would have for a gown? I said I don't care any thing about it; I would as lief wear what I have. He said, would I have blue? I told him it might be blue if it would, I did not care. He saw some bruises upon my hand, as he stood at the window, upon my hand and arm both, and asked how they came; I told him he did it the first night, and that he had made it worse again.

Mr. Cox. Was that true?

S. Woodcock. It was strictly true. I went into that room where I was at first, and they brought me up some gauzes and petticoats, and said I must chuse some; but he had fixed upon the colour of the petticoat himself; and as for the gauzes, I told her I did not care, she might take which she pleased. I took the petticoat.

Mr. Cox. Did any thing else pass?

S. Woodcock. She said, as I was a milliner, I could make the caps myself. My Lord said the petticoat should be a light one, and that was light.

Mr. Cox. Did you hear my Lord say so?

S. Woodcock. I think I did, but am not sure. I said I was so ill I could not work there. She desired I would tell her what I wanted more; I set down something about wires, but I don't know what. The maid left the pen and ink, but came back again in a minute. I asked her if she could not leave it, because I wanted it: she said no, she could not, she would bring it again.

Mr. Cox. What did you want it for?

S. Woodcock. To write to my father, and sling it out of the window.

Mr. Cox. Did she bring you the pens and ink?

S. Woodcock. No. Mrs. Griffinburg desired I would take the work and work with the ladies. I took an apron and ruffles to make; and there was a lady to drink tea that day; after tea, Lord Baltimore said, he thought the ladies should go to cards. The eldest Miss entreated me very much to play, but I refused, and said I could not: I did not chuse it. As soon as they had got to play, I retired to the next room; Mrs. Griffinburg came unto me, and told me she wanted me to see the apartment she had been preparing for me, for that I could not have that room I was in in the morning; therefore she carried me up into a stone garret; it seemed to be all stone; it was very cold, and struck like a well, and was among all the servants, that I was very much frightened and uneasy about it.

Mr. Cox. Was there a window.

S. Woodcock. There was a window cut out of the leading; I could see nothing but a bit of the leading of the house, which looked out upon the gutter, and a bit of a skylight. I was very much frightened and uneasy, and thought it very odd I could not have a better room in such a house as that. I was afraid that now he had done with me himself, that he did intend I should be exposed to any body that he might send. Upon that I told Mrs. Griffinburg that I durst not lie there; she, upon that, said, to oblige me, she would bring up a little bed, and lie there a night or two. Then I came down stairs again to supper.

Mr. Cox. With whom did you sup?

S. Woodcock. With the Lady that came to see him, Doctor Griffinburg, Madam Saunier, and the Governess, the two Misses, and Lord Baltimore; but I neither eat nor drank. On Sunday I kept up in the garret, and they came often and disturbed me, that I could have no rest any where. I came down stairs to breakfast, and then went up again, and came down again to dinner; and after dinner I stood up at the window, and as I was standing up at the window, (this was the corner window, and looked toward Hampstead) as I was standing, I thought I saw Mr. Davis, the person to whom I was engaged.

Mr. Cox.

Mr. Cox. Who was in the room with you?

S. Woodcock. Two more ladies that came to dinner that day, Madam Saunier, and the governess and the two children, and myself; they six were standing up by the fire-side while I went to the window; there I saw Mr. Davies; and when I first saw him I was so struck I could not tell how to stand; and fearing that he should not see me, when he looked up I thought he did not know me; but he went behind a wall towards the Foundling Hospital, and there peeped two or three times, till I was sure he knew me. He took a book out of his pocket, and made a motion with his hand for me to write; with that I waved my hand for him to come further, but he did not understand me; therefore, when I went to the next window, at first sight I lost him, but seeing him again, I waved my hand for him to come farther, and then I ran into the next room, which was the room Lord Baltimore generally sat in; but I ran in hap hazard, without thinking whether he was there or no, and called out to him in great agony, I cannot come to you! I cannot come to you! This was the other corner room, the West side of the house; I crossed the room the bow-window is in, to go to that room. He said, Are you well? But I prevented him, by asking, is my father well? He said Yes, he is well, and we are all well; he said then, How do you do? Then he said, Where is Mrs. Harvey? I said I knew nothing of her. He then said, is all well? With that I was ready to drop: I said, Good bye, and shut down the window.

Mr. Cox. What was the reason of that?

S. Woodcock. I feared some of the women would come; and before I could get out of the room Lord Baltimore came in. I was so flurried and was all in a tremble, that I did not speak to him as he came in, nor he to me. After this, I entreated the maid to get me a pen, ink, and paper, and bring it up into my room, meaning the garret, and not tell any body of it, because I wanted it to amuse me. I lay in the garret that night, and next morning she brought me a pen and ink. I began to write immediately to my father, but was so prevented that I could not go on with my letter: this is a part of it (*produced*) I did not throw it out of the window: This was on Monday morning. While I was writing this letter, Mrs. Griffinburg came, and said the milliner had brought me some caps; I said I did not care to come down; I told Mrs. Griffinburg she might take what she pleased; she said, I must go down: With that, I went to the milliner; she had brought some caps and cloaks: With that, I took one that I thought looked the dearest, and that was all; Mrs. Griffinburg intreated me very much to speak for more things; and said, I must have some aprons. I asked the woman if she had any flowered muslin; she said she would bring it when she came again; that was the substance of what passed then. I went and I had my breakfast with the family: Then I went up into my garret again, and Mrs. Griffinburg came after me. I asked where my Lord was? she asked if I wanted him? I told her, yes, I wanted to know if ever he intended I should see my friends again; for I could not bear to live so. She desired I would take my work and go down stairs; which accordingly I did: And soon after I came in, Lord Baltimore came in, and clapt me upon the shoulder, as I sat with my back to the door; and told me he was coming to tell me something that would please me very much, that I should see my father that day without fail: With this, to be sure I was pleased, and went up stairs with intent to put my things on. Mrs. Griffinburg followed me, and said my father was sent for to come to her house, and that I must make haste, and go directly; for he would be there before I could get there; she helped to put on my things; and I came down stairs into the room next the Foundling Hospital; there was a lady that had been there the day before. Lord Baltimore began to tell her what a religious lady I was; and that he was sorry for many things he had said to me. What his reason was for this I don't know, except he thought I should expose him too much. Some time after this, he led me into another room; and when he got me there, he said, I now was going to see my father; that he was sent for, and I was going to Mrs. Griffinburg's to meet him. He told me I must say I was willing to stay; and if I would tell my father I was satisfied and easy, he would do any thing for me that I desired: I told him that I would, but I must see my father alone: He said, then he would speak to him first. I told him, he might, but I would speak to him alone.

Mr. Cox. Explain your meaning.

S. Woodcock. My meaning was this, Sir, that I might put him into some way of getting me away, if I could not get away with him; then he said, I should take the little Miss, and I should say to my father, I was a companion of that lady; to that I only said, very well: Then we were sent on to Mrs. Griffinburg's house, with an intent to meet my father, in Dean-street, Soho; I went to this house; when I was there, I said to Mrs. Griffinburg, I thought you said my father would be here, before I should get here; but I see you have deceived me, as you have done all along. She said he would come presently.

sently. In about two hours after this, or rather more, Lord Baltimore and Dr. Griffinburgh came. As soon as he came in, I said, I thought you told me I was to see my father; but I see you have deceived me, as you have all along; and I see I shall not see my father to-night; he said, yes, you shall: But what do you think has happened? Your father has taken up Mrs. Harvey, and put her into the Round-House: This gave me some pleasure, but I dared not shew it; I did not know what to answer; at last, I said, I did not suppose that would do any good, for she would not tell where I was: Soon after this, in came another man, and said, Lord Baltimore's house was beset with Justice Fielding's men: He fell into a passion, and said, my father must be a fine man indeed, to set to work such rogues as Justice Fielding and his men, were, that they were the greatest rogues that could be. I was frightened, and thought my life and my friends were in danger, because he was in such a rage; and I was afraid, having much about the same opinion of him, that he had of Justice Fielding, that may be he might send some of his men, and set the house on fire, or do some mischief. After this, there was a great demur about Mrs. Harvey's being at the Round-House, and how they should get at her, and get her bailed: Sometime after this, I found that Mrs. Griffinburgh had been to see if she could come at her; Mrs. Griffinburgh said so, and that she could not; with that they were in a great taking, in what manner to proceed to get this woman bailed.

Mr. Cox. Who was?

S. Woodcock. Lord Baltimore, and Dr. and Mrs. Griffinburgh; then I studied what I should say and do: At last, I said, that if they had got Mrs. Harvey (I spoke to Lord Baltimore) they might depend upon it, they would never deliver her up till I was set at liberty: I told them, if they had a mind Mrs. Harvey should be set free, it must be me that could do it; that if they would let me see my father, and I could settle things to my mind, I could release her if I pleased. In two or three hours they got a man to go, upon account of speaking English; they said, if Dr. Griffinburgh went, they supposed the old man (meaning my father) would think he should be run away with: Then they got some tradesman to go along with them to carry the letter, which I had then wrote, if I remember right, at Dr. Griffinburgh's, to my father.

Mr. Cox. What was the purport of that letter?

S. Woodcock. The intent of it was for my father to come to me: We went then to Whitechapel; I went in a coach with Lord Baltimore, Dr. Griffinburgh, this man, the Doctor's niece, and the little girl: This was on Monday.

Mr. Cox. Was there any servants attended the coach?

S. Woodcock. I saw one run on the side of the coach as I went; it was Pierini, they call him the valet de chambre: We went to a tavern; I cannot say what it was; I believe I should know it again, if I saw it: There was only a little boy that led the way up to a back room: When we came there, this man, the tradesman, was sent with the letter to my father: He came back, and brought word, that my father had been out ever since nine in the morning in search of me, and brought the letter back. I was very loth to go back again; I did not know what to do. I wrote to the landlord of our house, to tell my father to be as easy as he could; for I would send for him next morning at ten, as Lord Baltimore told me I should: At that time at the tavern he told me I should send for him in the morning: It was the landlord of my father's house, whose name is Berry. The tradesman brought word back again, my father was not come home as yet; so Lord Baltimore would go back again, and said, he supposed they were making a fine piece of work at the other end of the town. We went back; and when we came to Covent-Garden, the coach stopped, and the tradesman got out, and went to Justice Fielding's, according to their orders.

Mr. Cox. Did he come back again?

S. Woodcock. He did, along with Justice Fielding's clerk, who brought a card, with his compliments, and that I should see my friends there: I did not know what to say to the man; I made no answer, but gave the card into Lord Baltimore's hand; he read it, and said I should not go. With that, I told the man to tell my friends, that I was there (I mean at Dr. Griffinburgh's house) and that I desired my friends to come to me there directly; the man did not come any more; but there was messenger after messenger, came to tell him of men being about the house, and a great mob in the yard; and withal, that there was some women had been crying there. With that, I was afraid it should come out, that I had seen Mr. Davis at the window. I begged of my Lord, to let me speak to the man first. I found there was another messenger come about something; I went out of the room, and there was Broughton, which we call the Steward: I asked him what the women said? He said I was seen out of the window; I told him I was, and I wanted to speak to him about that. I told him I thought that my life depended on its being
known;

The Trial of Lord Baltimore, &c. for a Rape.

known; and therefore begged, if he had any value for a person's life, he would not mention to my Lord, that I was seen at the window. He said he would promise no such thing, his bread depended upon it. I told him he need not fear his bread, he might get it another way. At last, he promised me, that he would not tell him unless he asked him. Then I came into the room, and what passed, I do not know.

Mr. Cox. What was the reason of this application to conceal it from my Lord?

S. Woodcock. I thought may-be he would murder me that night, or send me away. After this there was a great deal of confusion, and they talked in another language; I was fearful they were contriving to go some other way, or send me abroad. My Lord was so frightened, he was afraid to go home for fear they should take me out of the coach: I told him they could not take me out unless I would, and that I would not go with Justice Fielding's men. After some time, we set out to go to Lord Baltimore's again. When we came within two or three doors, the coach stopped, by whose order I do not know: Right against the coach there were several men standing; I got up to see if I could see any of my friends; but Lord Baltimore pulled me down, asked me what I got up for, and ordered the coach to drive on immediately; which they did as fast as they could; and the men strove to get into the yard along with the coach; Justice Fielding's men, I believe they were; they strove to get into the gates, and getting out of the coach, I cried out, let the men come in: He pulled me in, and said I should not stay. With that, we went up stairs; when we got there, the little Jew came up, and said, my Lord, Piereni wants you: With that, I got up, and walked about the room in great distress, fearing it was coming out that I had been seen out of the window. I thought I would strive to hide it; I plucked up all the courage I could, and asked him as soon as he came in, what Piereni wanted. He said I had spoke to somebody out of the window; I told him I had; he asked what I had said: I told him; but did not tell my distress, because I was afraid: When I had told him, he said he could not blame me, he should have done the same himself. He supposed I was glad to speak to the first I had seen. With this, I was rejoiced, I had been in such a terror before, lest he should kill me for it. After this, he and the Doctor talked a good while in some other language; what, I don't know. By and by, Lord Baltimore said I must go to bed to him; that I must lie with him that night, or he should be wretched: I refused; he promised me he would not meddle with me; I thought if I did not, he would make me go to bed to him; so I did go to bed to him, and he did not meddle with me. On Tuesday morning he got up first, and went away, and sent Mrs. Griffinburg to take me up. She came, and said Lord Baltimore wanted me directly: With that, I got up and went to him. When I came to him, he said, Well, now we will write to your father, and send for him as proposed. I had heard over night, that one Mr. Watts was to come in the morning at ten o'clock: So I said I thought it was better to stay till ten o'clock, before I sent to my father. I thought it would be Mr. Davis would come by the name of Watts. At ten o'clock I wrote a letter to my father, the purport of which, if I remember right, was this, that I begged my friends would come with all the decency and respect becoming a nobleman's house: He took the letter, and shewed it Mr. Brown, the attorney, and seemed very much pleased with it, and sent it away. After this, he wanted to know what I should say to my father, and whether I would say as I had told him, that I was willing to stay. I said I would, but I would see my father alone by myself. With that, he said he would do any thing to make me easy. With that, I said very well, but could not tell what to answer him. He said I should have a house to live in, and live with my friends, if I liked it better than living with him. Just upon that, Piereni came in, and said, my Lord, here is Mr. Watts come; but before that, I should have told you, my Lord said, that whoever came, I must say I was willing to stay. The man came up, and said, there was Mr. Watts. Lord Baltimore went out to him.

Mr. Cox. Who was left with you?

S. Woodcock. I don't know; there was Mrs. Griffinburg and Dr. Griffinburgh backwards and forwards; but whether they were in the room or no, I can't say. My Lord brought Mr. Watts up stairs; he was in the first room, and I was in the farthest room; he was brought up stairs: The doors happened to stand ajar, that I could just see them, but I could not hear them. If I remember right, there was Piereni in the middle room. My Lord talked with Mr. Watts for about ten minutes; and then my Lord came first, and Mr. Watts almost behind him; and my Lord said, Miss, here is a friend of your's; I said, I don't know the gentleman: He then said, Miss, you don't know me, nor do I know you; but I am come from your friends, to know if you are here by your own consent? I answered, yes; but I want to see my father.

Mr. Cox. In that very form of words?

S. Woodcock. I think it was; I was in such a flurry at that time, I can't be positive. He said, very well, Miss, if you are here with your own consent, nobody has a right to take you away; your servant, Madam; and then he talked with Lord Baltimore again.

Mr. Cox. What happened to you after this?

S. Woodcock. I went into the next room; I did not know what to think of Mr. Watts, and I had no thoughts at that time of a lawyer; therefore I went into the middle of the room, to see if I could see any friends about; when I saw none, I opened the window; this was on the first floor: I saw several friends at that time, but one pretty near that I knew, Mr. Cay: He asked me, if I was there by my own consent? I said, yes; but I said I wanted to see my father. He said, my father would never come within those walls; I then turned away in a great trembling, and said, then I never shall see him; that was my way of thinking at that time; I thought, that as they would not let him come in, I should never get out. After that, Lord Baltimore came in again, and said, I must go to Lord Mansfield's, and said, I must say I was there with my own consent, and not to tell Lord Mansfield particulars.

Mr. Cox. Let me ask you this question: Did you before this time, know Lord Mansfield?

S. Woodcock. I never, as I know of, heard his name.

Mr. Cox. Don't you take in the news-papers?

S. Woodcock. No, Sir, I did not think of his being a magistrate.

Mr. Cox. Did Lord Baltimore explain to you, who he was, or why you was to go to him?

S. Woodcock. Lord Baltimore said, if I did not stand by him now, he should be undone: He then said, will you be faithful to me now, and keep your word; otherwise I am undone? I said I would? but I would tell my Lord Mansfield, that I wanted to see my father alone. He said, if I would be easy, and tell him I was easy and satisfied, I should have a house, and live with my friends, and have the young man. With that, I told him I would say, I was willing to be there, as I promised him before, but would see my friends alone. He asked, if I would tell my friends the particulars? I told him, yes; I would tell my friends all the truth. After this, he said very little. Another message came for him. He came up, and said, we were to go to Lord Mansfield's immediately. I said, very well, I was very willing. Mr. Brown, the lawyer, my Lord, and myself, went together in Mr. Brown's chariot.

Mr. Cox. Did you know the business you was going there upon?

S. Woodcock. I did not.

Mr. Cox. Now tell all that passed?

S. Woodcock. As soon as I came into Lord Mansfield's doors, my Lord Baltimore had hold of my hand up the steps; I clapt my hand upon Mr. Potts, one of the gentlemen that stood in the Hall, whom I knew; and he took no notice of me, which struck me very much; because Lord Baltimore had told me, that my friends would not look upon me; and seeing such a repulse from Mr. Potts, it struck me very much; I saw several other of my friends there; but I did not speak to any body, nor any body to me; I went into another room, and Lord Mansfield met me at the door? Lord Mansfield asked me to come in; and Lord Baltimore was to stay in the next room; then Lord Mansfield and I were alone, only another gentleman present. I was not then apprized who Lord Mansfield was.

Mr. Cox. Tell, distinctly, what passed between you and Lord Mansfield.

S. Woodcock. The first words that I remember, were these: Child, was you carried there against your will?

S. Woodcock. I said, yes, my Lord. He then asked me, if I was kept there against my will; I said, quite against my will; My Lord then said, quite against your will? I said again, quite against my will. He was going to ask me something; but what the words were, I don't know; I said, my Lord, I don't care to go into particulars.

Mr. Cox. Why did you not tell my Lord Mansfield at that time?

S. Woodcock. It was because I did not know, that he had power to release me; if I had known, I should certainly have told him what had happened. He then said, Miss, I think you are of age? I said, yes: He said, well, Child, are you willing to stay with this man? I said, my Lord, as things are as they are, I am willing, but not without seeing my friends alone: He asked me, what friends? I said my father and my sisters. He desired them to be called. Then he ordered the man would bring Lord Baltimore through such a place, and take me out at the other door, that I might not see my Lord; and there I met my friends alone.

Mr. Cox. Did Lord Mansfield stay in the room?

S. Woodcock. No.

Mr. Cox. Who were those friends?

S. Woodcock. My father and the next sister to me. Soon after that, my other sister came; there was no other person that I remember, when I was with my friends. I asked them, if Lord Mansfield had a power to set me at liberty? They assured me, he had: I asked it again? They said, yes.

Mr. Cox. Did the questions come from you to them, or they put the questions to you?

S. Woodcock. I can't take upon me to say how that was.

Mr. Cox. What did you say?

S. Woodcock. I said, I was heartily willing to go home with them, and desired Lord Mansfield might be called directly, that I might tell him I would go home. Lord Mansfield came to the door.

Mr. Cox. Who was in the room?

S. Woodcock. My father, and two sisters; he said child are you willing to go home with Lord Baltimore, or your father? I said, with my father, my Lord, if it is in your power to let me go; he said, child it is in my power to let you go; but how comes this change of mind? I said, my Lord, because till I saw them, I did not know you had power to release me; he then said, child it is in my power to let you go, let your friends be called, that they may hear your declaration.

Mr. Cox. Do you know whether Lord Mansfield explained to you at first his power to release you?

S. Woodcock. He might do it, but I do not remember he did. My friends were called in, and will give you an account of what was said; I was so overjoyed when I found myself set at full liberty, that I did not then tell my father or sister what had happened.

Mr. Cox. I believe you went away?

S. Woodcock. Yes, that I did very joyfully.

Mr. Cox. Before you went away, did you acquaint your father and sister what had happened to you?

S. Woodcock. No.

Mr. Cox. Then you went to Sir John Fieldings?

S. Woodcock. I did.

Mr. Cox. At whose desire?

S. Woodcock. My friends carried me there, I do not know the reason of my going there.

Mr. Cox. What passed between you and Sir John?

S. Woodcock. Sir John asked me what had passed, I told him in a few words.

Mr. Cox. You was in a room by yourself with him?

S. Woodcock. No, not quite, there were some with me, one or two, but I do not know who.

Mr. Cox. Was he the first person to whom you related it?

S. Woodcock. He was.

Mr. Cox. After Sir John heard the story, what passed then?

S. Woodcock. Sir John asked me, if I was not full of indignation at such usage, and asked me if I was willing to prosecute Lord Baltimore. I answered, yes, if it could be done with safety.

Mr. Cox. What did you mean by this?

S. Woodcock. I meant, that as he was a man of so much money and power, that there might be a great deal of bribery, and that justice might not be done.

Mr. Cox. I believe, there was an information taken from your own mouth?

S. Woodcock. Yes.

Mr. Cox. Did it contain the whole of the story?

S. Woodcock. No, only answers to such questions as justice Fielding asked me. From thence I went to a friend's house; I have not been at my father's since for fear, and am afraid to go in the street.

Mr. Cox. It seems to me, as if you might have had some chance of escaping from the tavern in Whitechapel?

S. Woodcock. I had no chance of making my escape, for Lord Baltimore, Dr. Griffing, his niece, and the little girl were in the room all the time, and Lord Baltimore led me by the arm in and out; there was a man I met in the entry, I had a great mind to speak to, but seeing Lord Baltimore had got four or five of his servants with him, I dared not say any thing to him.

Mr. Cox. Had he got so many?

S. Woodcock. I saw four or five, there was Piereni, and I think I saw two or three in livery.

Cross Examined.

Lord Baltimore. You say, you have not been at home, since this affair happened?

S. Woodcock. I have been with several of my friends.

Lord Baltimore. With what friends?

S. Woodcock. The first I went to was Mr. Cay, I staid with him one night; from there I went to Mr. Ridgeway's, I staid there from Tuesday night to Friday; from there I went to Mr. Wilton's, staid there from Friday to Sunday; on Sunday I went to Mr. Wallis's, and staid there till the Monday se'n'night.

Lord Baltimore. You have been very much hurried and fatigued in shifting about?

S. Woodcock. From there I went to Mr. Yeoman's at Westminster, I staid there from that Monday to the Monday three weeks; and from thence I went to Mr. Rutt's; in Friday street, and staid there from Monday to the Friday se'n'night; from Mr. Rutt's, I went to Mr. Keene's, and staid from that time till the fourth week after my going, and from thence I went to Mr. Wallis's; I went to no other persons till I came to Kingston.

Lord Baltimore. What, not to Mr. Potts's?

S. Woodcock. No.

Lord Baltimore. Are all or either of these gentlemen concerned in carrying on this prosecution, you are not able to do it?

S. Woodcock. A set of gentlemen have lent my father money, upon a note of hand.

Lord Baltimore. I understand from your evidence, that you was brought to my house without knowing where you was coming to; that you was during the whole time you was there under absolute confinement; that you would have got away if any opportunity had offered; and if any opportunity of complaining had offered, you would have done it; do you insist upon this as the truth?

S. Woodcock. I do.

Lord Baltimore. I think I understand you, that for the first four days, you neither eat nor drank any thing?

S. Woodcock. No, the first two days, to my knowledge, I don't know that I eat any thing, from Wednesday till Saturday morning.

Lord Baltimore. And then you only had a dish of tea?

S. Woodcock. No, Sir,

Lord Baltimore. I did not understand from your evidence, that you had eat any thing till Sunday dinner?

S. Woodcock. The toast and wine I had on Saturday night.

Lord Baltimore. Did you take any thing solid?

S. Woodcock. I don't remember that I did.

Lord Baltimore. You must be very much exhausted, and yet on Sunday you had a long discourse with me, to prove that there was a God, a heaven, a hell, and subjects of that kind; how old are you?

S. Woodcock. I am twenty-seven.

Lord Baltimore. Will you swear you are no older?

S. Woodcock. I will swear I am twenty-eight.

Lord Baltimore. Will you swear you are no older?

S. Woodcock. I will swear I am that.

Lord Baltimore. Will you swear you are no older?

S. Woodcock. I do not know I need tell; I am twenty-nine, and that is my age; I cannot exactly tell.

Lord Baltimore. To the best of your belief, how old are you?

S. Woodcock. I believe I am thirty next July, I cannot be sure of that, whether I am or no.

Lord Baltimore. How often had you seen me, before you was brought to my house.

S. Woodcock. Only three times.

Lord Baltimore. You have told us I expressed some respect, and attachment to you; had I never taken the opportunity to give you a civil salute, when you was behind the counter?

S. Woodcock. No, you never did.

Lord Baltimore. You talked of my having said, I would bring a lady to you?

S. Woodcock. I understood you, that you would bring a lady.

Lord Baltimore. Might I not have said, I would send?

S. Woodcock. No, I understood that you would bring.

Lord Baltimore. You have told us, you never saw Harvey, but twice before this time?

Woodcock. Yes.

Lord Baltimore. Did you ever see Isaacs before?

S. Woodcock. Isaacs I never saw before.

Lord Baltimore. You had no suspicion where you was going?

S. Woodcock.

S. Woodcock. No.

Lord Baltimore. Then you trusted yourself with this woman, you had never seen but twice before. You have given an account of drinking tea, the amusement at te-totum, the seeing the house, and supper, that there was some rudeness offered that night, and that you resented it?

S. Woodcock. Yes.

Lord Baltimore. Was that repeated the next day?

S. Woodcock. I don't remember.

Lord Baltimore. Did any thing happen the next day, either to make you more alarmed, or make you easier. Was any rudeness offered the second night?

S. Woodcock. Nothing indecent as I can remember, but violent threats of doing for me.

Lord Baltimore. I think you said something of Mr. Smith's drawing your picture; that Mr. Smith was there the third day, drawing your picture?

Court. That was a man that was called Richard Smith: Lord Baltimore took that name, and then he said he was not Richard Smith, but it was somebody else.

Lord Baltimore. Was it upon the second or the third day?

S. Woodcock. I think the second day; I reckoned it the second day, because I did not reckon Wednesday one; it was on Friday.

Lord Baltimore. Did you take any refreshment that day?

S. Woodcock. Not that I know of.

Lord Baltimore. You say, you was even crying at the time your picture was taking; that you neither drank tea, nor supped; in what room did the rest of the company drink tea and sup?

S. Woodcock. In the room with the bow-window, that looks into Southampton-Row.

Lord Baltimore. That bow-window commands a view of seven or eight foot-paths, that branch off; does it not? Do you recollect that Mr. Smith was of the party that drank tea and supped that day?

S. Woodcock. I believe he was.

Lord Baltimore. Pray will you tell me when you first heard that I had sent any thing to your father?

S. Woodcock. On Friday.

Lord Baltimore. Who did you hear it from first?

S. Woodcock. Lord Baltimore; when I was pleading, that if he had no compassion for me, he might have for my father.

Lord Baltimore. Did it come from me?

S. Woodcock. I believe it did.

Lord Baltimore. Did not Dr. Griffinburg tell you first of all, that I had sent a sum of money to your father?

S. Woodcock. I don't remember that he did.

Lord Baltimore. Did not you express great satisfaction upon hearing I had sent such a sum of money to your father?

S. Woodcock. No, I did not.

Lord Baltimore. If I understood you, you did not lie down till Friday night; and that you did not pull off your cloaths while in the house.

S. Woodcock. Yes I did, on Sunday night; but I never had my cloaths off before.

Lord Baltimore. You have given an account of your going to Woodcote; had you any notion, when you got into the coach, that you was going to Woodcote?

S. Woodcock. No.

Lord Baltimore. Had no-body told you?

S. Woodcock. No.

Lord Baltimore. You was given to understand, by me, that you was to take an airing, and come back, and then see your father.

S. Woodcock. Yes.

Lord Baltimore. In your first information, as read in the King's-Bench, you said you was carried into the coach by force, and they told you, you was going to Woodcote.—You have described your sitting in the coach between me and Mrs. Harvey: Did you sit forward or backward?

S. Woodcock. My face was to the horses.

Lord Baltimore. You said, Mrs. Harvey was ordered by me to sit forward, so as to shut up the window as well as possible.

S. Woodcock. Yes.

Lord Baltimore. So that you could not so well see the people as they passed by.—You said that, when the coach stopt, you wished it might overturn.

S. Woodcock. My reason was, I hoped that, by that means, I might have made my escape, if any opportunity had happened. The coach did not stop at all, as I know of.

Lord Baltimore. Was the glasses down, or up?

S. Woodcock. They were up, till we got off the stones; and then Lord Baltimore put one of them down a little.

Lord Baltimore. I suppose, as soon as you found that, instead of being carried out for an airing, you was carried further; you was ill-disposed to partake of the mirth that went forward in the coach.

S. Woodcock. I was.

Lord Baltimore. I understand, you did not know you was going to Woodcote, till you came to Epsom: there are a great many steps, are there not, that lead up to the house?

S. Woodcock. Yes.

Lord Baltimore. Who got out of the coach first?

S. Woodcock. I can't tell; I was led up the steps directly.

Lord Baltimore. Into what room?

S. Woodcock. I believe, the first room; we stay'd there some time.

Lord Baltimore. Did I propose to take an airing in the park?

S. Woodcock. I might go out, but I can't say whether I did.

Lord Baltimore. I shall be glad to know if you will swear now, that when you went out of the door to the canal, you did not lay hold of my arm, and run along with me?

S. Woodcock. I don't know that I did.

Lord Baltimore. It is a pretty strong circumstance; did you go upon the canal before dinner?

S. Woodcock. Yes, before dinner.

Court. What time did you set out from Lord Baltimore's house?

S. Woodcock. About two o'clock.

Court. What time did you get to Woodcote?

S. Woodcock. About four.

Lord Baltimore. How soon might you dine?

S. Woodcock. I believe in about half an hour.

Lord Baltimore. Where did you dine?

S. Woodcock. In the great dining-room, up one pair of stairs.

Lord Baltimore. It was there the first insult was offered behind the curtain, was it not?

S. Woodcock. Yes.

Lord Baltimore. Was it at that time that I talked to you of coming to bed, that I told you it must be that night?

S. Woodcock. Yes, he said it must be that night; I got away from him; I don't know that I made him any answer to it.

Lord Baltimore. Do you say, upon your oath, that when I talked to you of your coming to bed that night, that you said nothing?

S. Woodcock. I told him, I would sooner give him my life a hundred times over.

Lord Baltimore. Upon your oath, did not you say, if I would use you faithfully and tenderly, you would let me go to bed to you?

S. Woodcock. No, I said no such thing.

Lord Baltimore. Did you not say, some other time might be more convenient?

S. Woodcock. No, I did not.

Lord Baltimore. Where did you drink tea?

S. Woodcock. Below stairs.

Lord Baltimore. Did not the magnificence of that place strike you?

S. Woodcock. Yes, it did; though I would rather have been in the poorest cottage.

Lord Baltimore. Did not you say, that you believed that room was finer than any room in the Queen's Palace?

S. Woodcock. I don't know; possibly I might.

Lord Baltimore. I think you told us, you eat nothing at supper?

S. Woodcock. I eat a little bit, but drank nothing.

Lord Baltimore. Then you did not drink several glasses of wine to my health? Who first withdrew to go to bed?

S. Woodcock. I am not positive.

Lord Baltimore. Was it not me?

S. Woodcock. No, I believe it was Mrs. Griffinburg?

Lord Baltimore. Did you and Mrs. Harvey go out of the room before me, to go to bed, or after?

S. Woodcock. Before.

Lord Baltimore. How long might you be in the room, before you was put into my room?

S. Woodcock. I cannot form any judgment.

Lord Baltimore. Can you recollect your desiring to have a little water to wash your feet?

S. Woodcock. No; the women proposed it; they talked of my having water to wash my feet, but I refused it.

Lord Baltimore. How soon, after you got into the room, was it, before you observed Dr. Griffinburg in the room?

S. Woodcock. Not many minutes.

Lord Baltimore. Was it almost immediately?

S. Woodcock. I believe almost, but can't exactly say.

Lord Baltimore. The Doctor, I think, did not interpose in any other manner than by endeavouring to comfort you?

S. Woodcock. No.

Lord Baltimore. It is pretty extraordinary, that Dr. Griffinburg should be in the room at all, at such a time; what reason did he give?

S. Woodcock. You must ask that of him, Sir; I did not hear him give any reason.

Lord Baltimore. The two women led you into my room; can you tell, whether the Doctor staid, or went away?

S. Woodcock. No, I can't tell.

Lord Baltimore. You have given an account of the womens having put you to bed, of having tucked up the cloaths, and going out of the room; and that in the morning I got up to open the door to you; you have described the insults offered you; I shall not wound your modesty, to repeat the account of them.—Did you sleep that night?

S. Woodcock. Not at all that I know.

Lord Baltimore. Did I?

S. Woodcock. He lay very still the whole night, I don't know whether he was asleep.

Lord Baltimore. You have described yourself as being under dreadful apprehensions, lest I should repeat it a second time, why did you not endeavour to save yourself from that second insult, by endeavouring to get out of bed, and find your way out of the room?

S. Woodcock. For this reason; I was in such a fright, I dared not stir hand or foot, for fear he should hear me, and turn to me.

Lord Baltimore. In what room did you breakfast, in the morning?

S. Woodcock. In the first room below stairs.

Lord Baltimore. At what time?

S. Woodcock. I can't particularly tell that.

Lord Baltimore. You had so far composed yourself, that you had intended to do every thing that was only trivial; to give into my ways, and for that reason you pinned the ribbons on; did not you puff them up according to the fashion, that I said they were puffed up too high?

S. Woodcock. They are puffed up no higher than are commonly done.

Lord Baltimore. You wore the hatt I presume?

S. Woodcock. Yes.

Lord Baltimore. Now as to these ribbons, you say they were new made up ribbons, but that they were made up by request of Mrs. Harvey, and the other woman?—Did not you think that breaking in upon your rule?

S. Woodcock. I did it by compulsion, not by free choice.

Lord Baltimore. Did you think any force would be used?

S. Woodcock. They were very rough with me, and I thought they would be rougher, if I did refuse it.

Lord Baltimore. How long might you wear these ribbons?

S. Woodcock. I believe all the time.

Lord Baltimore. At your breast?

S. Woodcock. Yes, I believe I did.

Lord Baltimore. Did the two women wear them?

S. Woodcock. I cannot tell.

Lord Baltimore. Some of the millenery goods were gauze, were they not?

S. Woodcock. Yes.

Lord Baltimore. Did not you make Mrs. Harvey a present of some gauze?

S. Woodcock. No, I did not.

Lord

Lord *Baltimore*. Do you recollect, among other amusements, your being carried to see the house, and the library. Was there not a book of prints that took your fancy?

S. Woodcock. Yes, I did look at them. The Doctor brought them into the room for me to look at, but not at my desire.

Lord *Baltimore*. You was sometimes in the park, and sometimes on the water?

S. Woodcock. Once upon the water that day.

Lord *Baltimore*. It was useless to you to discover any particular grief for what had happened, and you did not discover it in your countenance?

S. Woodcock. In my countenance I did, I was very dull.

Lord *Baltimore*. You eat and drank at dinner?

S. Woodcock. I did.

Lord *Baltimore*. The same at supper?

S. Woodcock. Yes.

Lord *Baltimore*. There was a gloom then. You was out of spirits, and melancholy; where did you lie that night?

S. Woodcock. With Mrs. Harvey.

Lord *Baltimore*. It was thought a little strange and extraordinary that I did not want again to lie with you. I think you and all the company laughed heartily upon the occasion: Will you deny that?

S. Woodcock. Yes, I will; I was glad he did not lie with me again, but I did not laugh about it.

Lord *Baltimore*. Was there any laughing upon the occasion?

S. Woodcock. No, not that I know of.

Lord *Baltimore*. I think upon the next day you made a visit with Dr. Griffinburgh, to see a poor woman in the house that had broke her leg?

S. Woodcock. Yes, Dr. Griffinburgh carried me to see her, but not at my desire.

Lord *Baltimore*. I believe while he stayed in that room, you went down for your hat and cloak to walk in the park?

S. Woodcock. We went all in the park together, but this was when we came back.

Lord *Baltimore*. Then you don't recollect your going out of that room for your hat and cloak, to take a turn with Dr. Griffinburgh; how many times might you have been in the park with Mrs. Griffinburgh only?

S. Woodcock. Not above once.

Lord *Baltimore*. Do you recollect being on the other side of the pales above the canal with Mrs. Griffinburgh only?

S. Woodcock. No.

Lord *Baltimore*. How far might you go with Mrs. Griffinburgh only?

S. Woodcock. About half a furlong.

Lord *Baltimore*. I believe there were a great many workmen laying out a piece of ground by the canal?

S. Woodcock. There were.

Lord *Baltimore*. And there were workmen altering a stair-case?

S. Woodcock. Yes, there were, and putting up paper.

Lord *Baltimore*. Then for the reasons you have given, you did not think right to mention to any body what had happened to you while you were at Woodcote? what day did the visitors come from London?

S. Woodcock. The visitors came on Wednesday, two gentlemen and a lady.

Lord *Baltimore*. You was sufficiently composed to receive the lady and do the honours of the house, to wait on the lady, and shew her the pictures, and what you thought might be agreeable to her?

S. Woodcock. She had a mind to see the pictures, and I shewed her the pictures in the room she was in.

Lord *Baltimore*. Did not you assist in preparing the sheets, and putting the things in order for the exhibition?

S. Woodcock. I believe I did take a needle, in order to do a little of it; not above one bit of thread.

Lord *Baltimore*. And you lent them a few pins?

S. Woodcock. No, I did not; there was a pincushion on the ground, I might stick a few of those pins.

Lord *Baltimore*. Was you on the light or dark side after this apparatus was got ready?

S. Woodcock. On the dark side. Lord *Baltimore* was acting the old man part of the time, and another part he came and sat by me.

Lord *Baltimore*. Did not you sit upon my knee?

S. Woodcock.

S. Woodcock. No I did not.

Lord Baltimore. Do you pledge your credit upon it, that you did not sit upon my knee, and did not kiss me?

S. Woodcock. Kiss him! no that I did not. Lord Baltimore came and crowded himself in the same chair where I sat, that was all; I did not sit on his lap.

Lord Baltimore. Perhaps I was upon your knee?

S. Woodcock. No, not that I know of.

Lord Baltimore. Did not the cords break, and the sheets tumble upon the ground, after the company had taken so much pains?

S. Woodcock. Yes,

Lord Baltimore. I believe notwithstanding the misfortunes you were so much depressed with, you laughed very heartily at it?

S. Woodcock. I might laugh, but I did not laugh heartily, that I know.

Lord Baltimore. Will you say you did not laugh heartily at it?

S. Woodcock. I can't say I did not, I don't know that I did.

Lord Baltimore. You was on the right side to see the exhibition?

S. Woodcock. Yes, I was.

Lord Baltimore. Was it not amusing?

S. Woodcock. I thought it an amusement beneath gentlemen of sense to employ themselves in.

Lord Baltimore. Did not you laugh at that time?

S. Woodcock. No, Sir, very little.

Lord Baltimore. Did not you walk with Mrs. Forrest about the house, and have some conversation with her?

S. Woodcock. No, I had none.

Lord Baltimore. Do you recollect her asking you how long you had been in this family?

S. Woodcock. She asked me no such thing.

Lord Baltimore. Did not you tell her how long you had been in the family?

S. Woodcock. Not that I know of.

Lord Baltimore. Did not you tell her you had been a twelvemonth in my house?

S. Woodcock. Upon my oath, I said no such thing.

Lord Baltimore. I believe you complained to her that you had come down without a sufficient number of clean things?

S. Woodcock. Mrs. Harvey told her so.

Lord Baltimore. Did not you all dine together, and then come to town together that afternoon?

S. Woodcock. Yes, we did in different carriages.

Lord Baltimore. During the time these people were there, did you betray by your manner or countenance that any thing extraordinary had happened to you?

S. Woodcock. No, I did not; I supported myself as well as I could.

Lord Baltimore. I believe you told us that Mrs. Harvey returned to her own house soon after you returned to London?

S. Woodcock. I do not know when she went away; I saw no more of her after Friday.

Lord Baltimore. You have given an account of your being introduced to the governesses of the young ladies; did you consider it as an innocent thing then, to impose upon these young ladies?

S. Woodcock. No, I did not present myself to the Governesses as one come out of the country, but I did not contradict what he said, because he promised in a few days I should see my father.

Lord Baltimore. Was not there a bed ordered to be put up for you in Madam Saunier's apartment?

S. Woodcock. No.

Lord Baltimore. Did you never understand so?

S. Woodcock. No, not upon that day, on Saturday, when Mrs. Griffinburg said that I must lie in the garret.

Lord Baltimore. Where does Mrs. Saunier lie?

S. Woodcock. In the garret.

Lord Baltimore. Was it in that garret you was to lie?

S. Woodcock. No, not in that garret.

Lord Baltimore. Did not you understand you was to lie in the garret Mrs. Saunier lay in?

S. Woodcock. No, not while I was there; she lay on the same story, but not in that room.

Lord Baltimore. You did not chuse to lie there?

S. Woodcock. No, I did not, I was afraid.

Lord Baltimore. You lay with me that night. I understood this going to bed with me was one of the things; you certainly would not submit to: how came you to make no

resistance?
S. Woodcock.

S. Woodcock. I told him I would not go with him, but I knew he would use force if I did not.

Lord Baltimore. What time did you get up next morning?

S. Woodcock. I don't know: this was on Friday.

Lord Baltimore. There was a visitor?

S. Woodcock. That was on Saturday.

Lord Baltimore. I suppose you had conversation with her?

S. Woodcock. No, none but what I told you.

Lord Baltimore. You entered into the general conversation that was going forward?

S. Woodcock. No.

Lord Baltimore. You did not, though she was a visitor to them?

S. Woodcock. No, I did not.

Lord Baltimore. How came you not?

S. Woodcock. I thought my Lord and all his company were alike, except the young ladies.

Lord Baltimore. Did you recollect the music master's being there, and I and you pulling one another; I pulling you towards me, and you drawing me to you—some familiarity of that kind?

S. Woodcock. No, he was then come to tell me the news of my father: he took hold of my handkerchief, which I took from him again.

Lord Baltimore. Then you was not anxious when the gown was made, or whether it ever was to be made?

S. Woodcock. Not the least in the world.

Lord Baltimore. Then as to giving directions how it should be made, the cut of the sleeve, and all such things, you did not concern yourself about?

S. Woodcock. No, I did not.

Lord Baltimore. Nor was in a hurry to have it?

S. Woodcock. No, I was not.

Lord Baltimore. Whether you did not press the mantua-maker to take care, of all things, that you had it next day at dinner?

S. Woodcock. No, not that I know of.

Lord Baltimore. As you say it was a thing so indifferent to you, you must know whether you gave such orders or no?

S. Woodcock. No, I did not; Griffinburg ordered the woman to make the gown next day by dinner, but I did not.

Lord Baltimore. Do you know the name of the milliner?

S. Woodcock. I did not then, but I do now.

Lord Baltimore. Have you not some reason to know it now? Don't you know that that milliner has been applied to, and told if she comes here she shall lose her business?

S. Woodcock. I know of no such thing.

Lord Baltimore. Pray what had you of her?

S. Woodcock. A cap and cloak. There were more things brought; I did not take them: there were more things ordered by Mrs. Griffinburg's desire?

Lord Baltimore. What were they?

S. Woodcock. A muslin apron and under-petticoats.

Lord Baltimore. How many?

S. Woodcock. Two under-petticoats.

Lord Baltimore. Do you mean to swear they were ordered by her and not by you?

S. Woodcock. She desired I would order what I wanted.

Lord Baltimore. Did you order them or she?

S. Woodcock. I did not order them, to my knowledge, but Griffinburg did. I don't care to give a positive answer when I am not positive.

Lord Baltimore. Whether you gave any particular directions how they were to be made?

S. Woodcock. I can't tell that I did; I did not that I know of.

Lord Baltimore. I would put it more home to you, that you may recollect; Did not you order the milliner to make the two under-petticoats to tie before?

S. Woodcock. No, upon my oath I did not.

Lord Baltimore. Was it the mantua-maker or yourself that made the apron to the gown?

S. Woodcock. There was none that I know of.

Lord Baltimore. Did not you order an apron to the gown?

S. Woodcock. No.

Lord Baltimore. Nor stomacher?

S. Woodcock. She asked me if I would have a stomacher: I told her I did not care about it.

Lord Baltimore. Did you, at the time you went to Mrs. Griffinburg's, know that there was any disturbance about you?

S. Woodcock. No, I did not; I went to meet my father.

Lord Baltimore. You was very anxious to get away from my Lord, and glad to take any opportunity?

S. Woodcock. Yes.

Lord Baltimore. How did you go to Mrs. Griffinburg?

S. Woodcock. In a coach.

Lord Baltimore. Was it my coach or a hackney coach?

S. Woodcock. That I don't know.

Lord Baltimore. You was quick enough in pointing out the difference between a hackney coach and gentleman's in a former case; I desire you would tell now?

S. Woodcock. I looked, and think I saw a number, but am not certain.

Lord Baltimore. Was there any body in the coach except yourself, Mrs. Griffinburg, and the child?

S. Woodcock. No, not that I know of.

Lord Baltimore. What age is the child of?

S. Woodcock. About eight years old.

Lord Baltimore. Mrs. Griffinburg has not got a yard with great gates before her door, has she?

S. Woodcock. No.

Lord Baltimore. She got out of the coach first, did she not?

S. Woodcock. Yes.

Lord Baltimore. Did the child go out before you, or after you?

S. Woodcock. I can't tell.

Lord Baltimore. Now you had got into the open street, why did not you get away into the first shop that was open for you?

S. Woodcock. Because of this; I did not know but the servants were there; and I did not think of it.

Lord Baltimore. Consider, you was hazarding every thing against nothing: If your father was there, still you would have been safe if you had gone off; if your father was not there, you would have been safe, and yet it never occurred to you when in a public street, with no soul but old Mrs. Griffinburg and a child, whether that was not a time to run away. I ask you another thing: Did not this coach stop two or three doors from Mrs. Griffinburg's house?

S. Woodcock. Yes.

Lord Baltimore. You then had to walk to her house?

S. Woodcock. No, the coach went on again.

Lord Baltimore. What time of the day was this?

S. Woodcock. About two o'clock.

Lord Baltimore. You then was in the public street, exceeding desirous of getting away from me, and never thinking that was the time to run away.—What room did you go into at Mrs. Griffinburg's?

S. Woodcock. A back parlour on the ground floor.

Lord Baltimore. Your father was not there?

S. Woodcock. No.

Lord Baltimore. Did not Mrs. Griffinburg go down into the kitchen to give her orders about the dinner?

S. Woodcock. She went down and made the door fast after her.

Lord Baltimore. I desire to have a plain answer, without seeing so much of the consequence: I desire to know whether she did not go out of the room and go down into the kitchen, and leave you and Miss Fanny alone?

Mr. Serjeant Leigh. She explains every question you ask her, and if you take the answer, you must let her explain it.

S. Woodcock. I believe she might go once or twice. She went out two or three times; she always kept the door fast, and kept amusing me with accounts that my father was coming.

Lord Baltimore. One would have thought such a young woman as you are could have got out of the parlour into the street. How many hours did you stay there?

S. Woodcock. I can't tell how many.

Lord Baltimore. What part of the afternoon did you set out for the Crown and Magpye?

S. Woodcock. About nine o'clock. If I had tried to escape from Griffinburg's I believe I could not.

Lord Baltimore. What time did Mr. Morris the tradesman come?

S. Woodcock. He was brought to carry the letter.

Lord Baltimore. Did he carry the letter?

S. Woodcock. Yes.

Lord Baltimore. Did he not come back and tell you he could not find your father at home?

S. Woodcock. Yes.

Lord Baltimore. Then you wrote another letter?

S. Woodcock. Yes, I did, and sent it to my father.

Lord *Baltimore*. That letter was your own letter, wrote by yourself?

S. Woodcock. Yes, it was.

Lord *Baltimore*. Did not you come to the door to Mr. Morris, and give him that letter to carry to Mrs. Berry, the landlady of the house where your father lives? You speak of the boy's leading the way into the room?

S. Woodcock. Yes.

Lord *Baltimore*. Had you any refreshment?

S. Woodcock. We had a bottle of wine.

Lord *Baltimore*. Was any body in the bar?

S. Woodcock. I cannot tell, my Lord had hold of my hand.

Lord *Baltimore*. How far might that tavern be from your father's?

S. Woodcock. The length of the Minorics, and a little way up that street.

Lord *Baltimore*. Had you never been by that house?

S. Woodcock. Yes. I should know it if I was to see it again.

Lord *Baltimore*. And then you was afraid to attempt to get away because I had hold of your hand?

S. Woodcock. Yes.

Lord *Baltimore*. Who brought in the wine?

S. Woodcock. A little boy.

Lord *Baltimore*. Was any bell in the room?

S. Woodcock. The bell was rung, and the boy went backwards and forwards.

Lord *Baltimore*. Whether, during the time you was there, you was not more than once left with no body but the child and the niece.

S. Woodcock. No: Lord *Baltimore* was in the room all the time; he never went out.

Lord *Baltimore*. I believe the tradesman came back, and went back with you in the coach to Dr. Griffinburg's? did he not?

S. Woodcock. Yes.

Lord *Baltimore*. He got out of the coach to go to Sir John Fielding's?

S. Woodcock. So I afterwards understood, to see about Harvey.

Lord *Baltimore*. Was not his business to fetch your father to Dr. Griffinburg?

S. Woodcock. I don't know any such thing.

Lord *Baltimore*. One of Sir John Fielding's clerks came with a card, you said; you did not give an answer to it, but put the card in my hand, and I said you should not go; then you desired your father might come there. Recollect yourself, and tell me whether that is the account you stand by? You swore, upon receiving the card, you did not say, I will not go to Sir John Fielding's?

S. Woodcock. Not that I know of; I did not say any such thing.

Lord *Baltimore*. Recollect yourself?

S. Woodcock. I cannot recollect that I said I would not go.

Lord *Baltimore*. You recollected with as great exactness as ever I heard a witness?

S. Woodcock. In giving in my evidence, I gave in every thing as far as I could recollect.

Lord *Baltimore*. Whether, when the card was brought to you, you did not immediately say, without putting it into my hand, that you would not go to Sir John's?

Court. Can you say positively one way or other?

S. Woodcock. I cannot.

Lord *Baltimore*. I think you say, when the coach came back again to my house, that there was a great mob, and you called out to them, to let them come in?

S. Woodcock. Yes.

Lord *Baltimore*. When did you first hear of this thing they call the Habeas Corpus?

S. Woodcock. I heard the word Habeas Corpus, when they were talking in their own language.

Lord *Baltimore*. What did you understand to be the reason of your going to Lord Mansfield's?

S. Woodcock. I concluded that my friends were taking some step; and that carrying me to Lord Mansfield's was something done by my friends in opposition to Lord *Baltimore*; but I did not know that Lord Mansfield was a magistrate.

Lord *Baltimore*. When you was first told you must go before Lord Mansfield, did you not say to me that you was satisfied, and would not leave me?

S. Woodcock. No, I never said so.

Lord *Baltimore*. You spoke of a letter you wrote to your father upon the occasion?

S. Woodcock. I did.

Lord *Baltimore*. I believe there was something remarkable in that letter?

S. Woodcock. Yes, I put a little bill in it, that my father might know it came from me.

Lord *Baltimore*. This letter was wrote that day before you went to Lord Mansfield: how long before you went, had you finished this letter?

S. Woodcock. It was just then out of my hands before Mr. Watts came in the first time.

Lord Baltimore. You express in that letter the good treatment you had received from me, and desired they would make no more disturbance?

S. Woodcock. I did not know what to say, in order that he might let it go. I wrote it by his order, in a manner contrary to my heart, because I was afraid he would not otherwise let it go; and because I was afraid my father would be afraid to come.

Lord Baltimore. So then you really and truly wrote it against your own sentiments?

S. Woodcock. Yes, I did.

Lord Baltimore. You have mentioned Mr. Brown's being there; was it before Mr. Watts, or after?

S. Woodcock. Before.

Lord Baltimore. Before the first time?

S. Woodcock. Yes.

Lord Baltimore. Was you not writing a letter before Mr. Brown came?

S. Woodcock. Yes.

Lord Baltimore. Had you any conversation with Mr. Brown, or me, about the habeas corpus?

S. Woodcock. They were a talking, but I paid no regard to what they said.

Lord Baltimore. Did not Mr. Brown ask you, whether you was of age or not?

S. Woodcock. Not that I know of.

Lord Baltimore. Did not you tell him you was more than of age considerably, 26?

S. Woodcock. I do not know I said such a word, I do not know that Mr. Brown asked me such a question?

Lord Baltimore. Did not Mr. Brown tell you, you was at your own liberty?

S. Woodcock. No, Sir.

Lord Baltimore. And you did not express a satisfaction at it?

S. Woodcock. No.

Lord Baltimore. You went with Mr. Brown and me, in his carriage, did not you? did not you come to him before you finished your letter, and he desired you to go back, and finish it?

S. Woodcock. I gave it Lord Baltimore, and he shewed it to Brown.

Lord Baltimore. Was you desired to finish it?

S. Woodcock. Yes, Lord Baltimore desired it.

Lord Baltimore. Mr. Brown then went out, did he not?

S. Woodcock. That I do not know.

Lord Baltimore. When did he return back again; before or after Mr. Watts served the Habeas Corpus?

S. Woodcock. After.

Lord Baltimore. When you went to Lord Mansfield's, what did you do with your things, had not you locked them up in the garret, and got the key?

S. Woodcock. I carried away the key of the garret, but did not know that I had it, till a week afterwards.

Lord Baltimore. Had not you twenty guineas of me to pay for them?

S. Woodcock. No; he gave me thirteen guineas on Christmas Day, when I was introduced to the rest of the family.

Lord Baltimore. I did not give you money to pay for them that morning?

S. Woodcock. No.

Lord Baltimore. You have given us an account of what passed before Lord Mansfield, and that he asked you if you had not been brought to my house against your consent, and you said twice quite against my will; that he asked you if you was of age, and you told him, yes?

S. Woodcock. He was going to ask me something, I said, I was more than of age.

Lord Baltimore. Did you not tell my Lord Mansfield, that you knew he had no power, as you was more than of age, to oblige you to go back to your father? After having said you was taken away, and detained against your consent, you told Lord Mansfield, that you was willing as things were as they were, to go back to my house. Now, this is very mysterious, and unintelligible, that you should tell this gentleman that you was brought before to be got out of my hands, that you would go back again with me?

S. Woodcock. I did not know what Lord Mansfield's power was.

Lord Baltimore. You knew your friends had brought you there, to get you out of my hands; you was with Lord Mansfield, and only another gentleman with him; have you no better reason to give the jury for not telling him you was unwilling to go with me again, than the not knowing Lord Mansfield's authority. Now, when you was sent to your friends, did you immediately ask that question, was that the first?

S. Woodcock. I am not positive that that was the first.

Lord *Baltimore*. Did you express to your friends no sort of inclination to go back with me.

S. Woodcock. I expressed an inclination, by which they found I did not know Lord Mansfield's power, and they acquainted me with it.

Lord *Baltimore*. I ask you, if when you came to your friends, you did not express an inclination to go back with me?

S. Woodcock. I had no inclination to go back.

Lord *Baltimore*. Did you say nothing to your friends of being desirous to go back?

S. Woodcock. No, not that I know of.

Lord *Baltimore*. No, nothing of your being better able to supply them, and provide for them?

S. Woodcock. I can't now tell what I said: they found that I did not know his power.

Lord *Baltimore*. I ask you one more question, Whether you did not say, even to Mr. Watts, after you left Lord Mansfield's, that you was willing to go back to my house?

S. Woodcock. No, no such thing; and all my friends can testify the contrary.

Lord *Baltimore*. Who went to bed first, the last night you lay with me?

S. Woodcock. I did.

Lord *Baltimore*. In what bed?

S. Woodcock. In Lord Baltimore's bed.

Lord *Baltimore*. Pray, was any body in the room besides me and you?

S. Woodcock. He went out.

Lord *Baltimore*. You went into the bed, when I was not in the room.

S. Woodcock. I did. He came up afterwards; Mrs. Griffinburg's niece was in the room.

Lord *Baltimore*. So you went and undressed yourself, and went to my bed, and I came to you.—I think you said, it was on the promise that I should not meddle with you; though you say I had broke that promise the last time I came to bed to you; yet you yourself got into my bed.

S. Woodcock. I did so, because I was afraid he would kill me that night, if I did not.

Mr. *Cox*. Did you express to your friends any desire or inclination towards Lord Baltimore?

S. Woodcock. I can't tell exactly what I said; they said, Lord Mansfield had power to deliver me.

Mr. *Cox*. Did you, at that time, tell your father, or sisters, that you wanted to go back again to Lord Baltimore?

S. Woodcock. No, I did not.

Mr. *Cox*. You said, Lord Baltimore had promised to send for your father in the morning.

S. Woodcock. He said, it was done with a view to get my father to me.

Mr. *Cox*. What made you write so foreign to your heart?

S. Woodcock. Because I knew he would not let it go, if it was not wrote so; and my father would not come, if he was not pacified.

Court. At the time that Lord Mansfield asked you, if you was of age, and you told him you was—Do you recollect that he said, you was at liberty to go where you pleased.

S. Woodcock. He said something, I can't tell what.

Court. When you went out of one room into the other, to your friends, who began the conversation first, you or they? Did they know, by what you had said to Lord Mansfield, that you wanted to go back to Lord Baltimore's.

Mr. *Cox*. She had not seen them before; they knew not what had passed between her and Lord Mansfield.

Court. Did you tell them what had passed between you and my Lord Mansfield?

S. Woodcock. I don't remember that I did.

Mr. *Cox*. When you found Lord Mansfield had power to set you at liberty, then you told them you had been violated.

S. Woodcock. No, not in my Lord Mansfield's house: As I remember, one of my sisters asked me if I had been ruined, I said yes.

Court. Now, with relation to ruining, that is a sort of general term; it may be with, or without, your consent.—Did you tell her, whether it was without your consent?

S. Woodcock. She asked, if with my consent? I said, No, without my consent.

Mr. *Cox*. What was your reason of not applying to my Lord Mansfield, and afterwards applying to Justice Fielding?

S. Woodcock. I was so overjoyed at being at liberty, that I thought of nothing else.

Elizabeth Woodcock, *Sworn*.

Mr. *Baker*. Do you remember a woman coming to your shop for a pair of ruffles?—Do you remember one Mrs. Johnson?

E. Woodcock. Yes, and Lord Baltimore followed her.

Mr. Baker. Do you remember his coming several times?

E. Woodcock. Yes, I was at home three times when Lord Baltimore came.

Mr. Baker. Was you at home when he bought some ribbands?

E. Woodcock. No, I was not then; Mrs. Harvey came on Monday the 14th of December, and desired to know whether we had any flowered gauze; I took down the book and shewed her: she bespoke a pair of double ruffles, and ordered them to be done the next day by one or two o'clock. She accordingly came, and paid for them; and ordered my sister to bring some lace with her (to put on a child's cap) to Curtain-row, where she laid she lived. The next day my sister went, about half an hour after four o'clock; that was on Wednesday. My sister did not come home all night; we were very much frightened; we sat up till one o'clock; then a letter came that she was at a friend's house; that she was safe and well. A porter brought it; it was not my sister's hand-writing. This was Wednesday the 16th of December.

The first letter shewn her.

E. Woodcock. That is it. There was no name, nor the place she was at. I asked the man who brought it, where he had it. He said he came out of Whitechapel, and then he went away. This letter said she would come home at twelve o'clock next day. I sat till that time, and was very uneasy. I then went to all her friends she used to go to, to enquire after her. The first night we had any account of her, was a week after she had been gone away.

Mr. Baker. What methods did you take to get at her?

E. Woodcock. We went to see after Mrs. Harvey, but could not find the place; nobody knew such a woman. Mr. Davis came and told me he believed he had found something of it out. I went accordingly to Mrs. Harvey's; the maid came to the door; I asked for Mrs. Harvey, if she was at home. She said no. I asked her how long she had been gone out. She said, ever since that night week. I asked if any body went with her. She said a young lady.

Mr. Baker. Then from that you traced out that Mrs. Harvey was gone out with a young woman?

E. Woodcock. Yes; and by the description of her dress I knew it was my sister?

Mr. Baker. Do you know any thing of your own knowledge between that time and when you saw your sister at Lord Mansfield's?

E. Woodcock. We followed this Mrs. Harvey: she came to her own house on Christmas-day at night, and was taken up.

Mr. Baker. There was an Habeas Corpus taken out, and you saw your sister at Lord Mansfield's, how did she appear?

E. Woodcock. She appeared almost out of her senses. We had a great piece of work to persuade her that Lord Mansfield had power to deliver her. When I went to her, I asked her if she was married. She said no. We told her she might now get away, Lord Mansfield could deliver her. We had a great piece of work to persuade her he had power to deliver her.

Mr. Baker. Did she express any desire of going back to Lord Baltimore's?

E. Woodcock. No, but great desire of going with us: only she was afraid Lord Mansfield had not power to deliver her.

Mr. Baker. Did she express this more than once?

E. Woodcock. Yes, several times.

Mr. Baker. She did go away, did she not?

E. Woodcock. Yes, very much rejoiced.

Mr. Baker. Do you remember any thing that passed when she went away?

E. Woodcock. No; she went with Mr. Davis and several others, I was left behind.

Cross Examination.

Lord Baltimore. When you was before Lord Mansfield, I should be glad to know whether your sister was not told that Lord Mansfield was a Judge, that he was Chief Justice of the Court of King's Bench, and had power and authority to deliver her?

E. Woodcock. No, not before me.

Lord Baltimore. Did she not express a desire to go back again?

E. Woodcock. No, not that I heard.

Court. Did you ask her any questions with respect to what had happened to her?

E. Woodcock. No I did not, my other sister did.

Lord Baltimore. You are the person that was in partnership with her I think?

E. Woodcock. I was.

Lord Baltimore. Do you know any thing about her going to Sir John Fielding?

E. Woodcock. Yes, I went with her; we did not know she was going upon such a thing. She went about Mrs. Harvey, to see whether she was to be kept or released; I was at Sir John's.

Lord Baltimore. Had you heard her give an account of the Treatment she had met with?

E. Woodcock. I heard she had met with a great deal of ill treatment.

Lord Baltimore. Did she say she had force used to her?

E. Woodcock. Yes, she declared she had force and violence used to her.

Mary Maris sworn.

I am sister to Sarah Woodcock; I came to Lord Mansfield's a little while after she was brought there.

Mr. Serjeant Leigh. Did you go with your father and sister?

Maris. No, I followed them?

Mr. Serjeant Leigh. Where was your father and your sister Elizabeth when you came to Lord Mansfield's?

Maris. They were at that time gone into the room with my sister Sarah. I went to them.

Mr. Serjeant Leigh. What was the first part of the discourse that passed between them?

Maris. I can't recollect, I fell upon her neck and kissed her.

Mr. Serjeant Leigh. Did you upon that occasion ask her any questions?

Maris. To the best of my remembrance I said, are you ruined? She answered yes, I am. I asked her, by force? She said yes, by force.

Mr. Serjeant Leigh. What was the next question you put to her?

Maris. I can't recollect; I think the next question I asked her was, did she desire to go home to her friends? She said yes, if she could be delivered. I said, child you are in a place where you can be delivered. She said that was all she desired.

Mr. Serjeant Leigh. Do you remember what was said by your father or your sister to her?

Maris. I really can't remember now.

Mr. Serjeant Leigh. How long was you together before Lord Mansfield came in again?

Maris. I cannot positively say: according to my judgment it was but a small space of time.

Mr. Serjeant Leigh. Was there any other kind of conversation passed between your father, your sister, and you, whether she could be delivered, or not?

Maris. I cannot recollect now.

Mr. Serjeant Leigh. You told her (you say) she was in a place now where she might be delivered; what answer did she make you?

Maris. She said it was all she desired, to be delivered.

Mr. Serjeant Leigh. Did you hear what she said to Lord Mansfield when he came into the room again?

Maris. I was present; but my confusion of mind was so great that I cannot recollect all that passed.

Mr. Serjeant Leigh. When you went from Lord Mansfield's, where did you go?

Maris. I went to Justice Fielding's.

Mr. Serjeant Leigh. What did you go there for? Was it to lodge some complaint against Mrs. Harvey?

Maris. Yes, that was the occasion, to the best of my knowledge?

Mr. Serjeant Leigh. Was you in a coach?

Maris. We went on foot.

Mr. Serjeant Leigh. Did you walk with her?

Maris. I walked with her, or behind her.

Mr. Serjeant Leigh. Do you recollect what the conversation was by the way?

Maris. No, I cannot.

Mr. Serjeant Leigh. Did you ever hear her story of the usage she had received from Lord Baltimore, till you came to Justice Fielding's?

Maris. No; she had not mentioned any particulars of her story till she told them to him.

Mr. Serjeant Leigh. Did you hear that story?

Maris. My confusion of mind was such, that I have no distinct recollection of mind to give particulars.

Mr. Serjeant Leigh. When you asked her whether she was ruined, and she said yes, did she say it was by force?

Maris. I am positive of that: she said all was done against her will entirely. This she said at Lord Mansfield's to me only.

Joseph Woodcock sworn.

J. Woodcock. I am father to Sarah Woodcock.

Mr. Cox. Do you remember the night when your daughter Sarah was missing?

J. Woodcock. I do; that was the first time ever such an accident happened.

Mr. Cox. Do you remember a letter being brought?

J. Woodcock. Yes, very well; a letter came about one in the morning, to say she was safe at a friend's.

Mr. Cox. Did the family and friends use their endeavours to find out where this young woman was?

J. Woodcock. Yes, all possible means were used.

Mr. Cox. Do you of your own knowledge know any thing of an advertisement about the letter?

J. Woodcock. On Thursday night there came two letters: in one of them there was a bank note of 200 l. the contents of this was, that I was to meet my daughter at one Mr. Richard Smith's, in Broadstreet New Buildings; and there was a note at the bottom from my daughter.

(The first letter.)

I beg of you not to make yourself uneasy about your daughter; for she is at a friend's, and will come home about twelve o'clock to-morrow morning. The reason of this is, that she could not get a coach. Otherways you may sleep secure that she is safe and well as you at home.

J. Woodcock. They came by the hands of a porter.

Mr. Cox. I should be glad to know what you have done with the 200 l.

J. Woodcock. I made no manner of use of it; I put it that night into the hands of Mr. Cay, a baker, in Whitecross-street, to keep it till we should hear from her: he has that note to shew now. On the Friday there came a Jew-like man, that sent for me and my daughter to a tavern on the other side Tower-hill (I have forgot the sign), to desire me to meet about my daughter's affairs. He said to me, this day I saw your daughter. Said I, we are in great concern to know where she is. Where did you see her? Said he, I saw her this day at Bethnal-green; but I never saw her before in my life. He promised that on the morrow following, which was Saturday, I should see my daughter between ten and three in the afternoon. He swore to it many times. If my Lord had sent me twenty bank notes it would not have satisfied me; we wanted to see my daughter. That gave us a little relief; we were in hopes till the time was expired. We heard no more about her for five or six days. We were seeking after Mrs. Harvey, and could not find her for some time. We heard she came home on Christmas-day at night: we took all the methods we could to take her up; and we did take her up. I had one that waited in Mr. Goff's house in the same row, to see if she could see any thing pass in Harvey's house. Accordingly she was taken up on the Monday. On the Sunday I was told, by Mr. Davis, a person that keeps her company, where she was.

Mr. Cox. He intended (I think) to marry her, with your approbation?

J. Woodcock. Yes, they had approved of one another before.

Mr. Cox. Were any measures taken to get at your daughter?

J. Woodcock. This friend, Mr. Cay, advised me to employ Mr. Watts to find her out. We went to Lord Mansfield's the Tuesday after we heard where she was, which was on the Sunday before. I went there; it was some time after my daughter had

been

been there, and Lord Mansfield had examin'd her. Then my daughter and I were together in a room.

Mr. Cox. According to the best of your recollection, tell my Lord all that passed at that time between you and your daughter.

J. Woodcock. To tell every word is impossible, because I was in such confusion; not having seen or known where my daughter was for eleven days; and then I am in age too?

Mr. Cox. What age?

J. Woodcock. Three-score-and-four. I was glad to see her; but was sorry to see her in that condition. She seemed like one that was almost bereaved of her senses at that time. She seemed to be so concerned about seeing Lord Baltimore again; for she did not know that it was in the power of Lord Mansfield to set her at liberty. She said that over and over to me. She said if Lord Mansfield had told her he had, she had forgot it.

Mr. Cox. Had either of your daughters talked to her before about Lord Mansfield's power?

J. Woodcock. When they saw her, then they told her, that he had it in his power to set her free. She said then she should be very glad to go with us. That was the substance of our discourse. Lord Mansfield came into us, and said, you may go where you please. Have you a mind to go with Lord Baltimore, or with your friends? Do which you please. She said she would go with her friends to be sure. He then said she had liberty to go where she pleased.

Mr. Cox. Did Lord Mansfield say any thing about her changing her mind? And what was her answer?

J. Woodcock. Lord Mansfield said she had chang'd her mind; I do not remember whether she made any answer to it.

Mr. Cox. Do you know the reason of her going to Sir John Fielding?

J. Woodcock. She was to go there about Mrs. Harvey. I did not know what had happened to her while she was at Lord Mansfield's; but as soon as she came to Sir John Fielding's, she freely made her complaint to him, without any suggestions from any body.

Rev. Mr. James Watson sworn.

Mr. Baker. Was you present at Lord Mansfield's when Miss Woodcock was there?

Mr. Watson. I was present.

Mr. Baker. Did you ask her whether she would go back with Lord Baltimore, or her friends? Please to tell what passed.

Mr. Watson. When we went to my Lord Mansfield's, the servant told us, he was not within then, but was at L. C. J. Wilmot's. The servant said he would go and acquaint his Lordship that we were there. Then he went, and in a short time Lord Mansfield came in. When he came into the hall, he asked if the Habeas Corpus was served; Mr. Watts answered, it was. His Lordship then said, gentlemen, if this young lady should choose to go with Lord Baltimore, or words to that purpose, so it must be; for no person has any right to compel her to go any where against her own consent. Therefore, his Lordship said, none of us must touch her. To which somebody present said, there was no rescue intended. Lord Mansfield having said, if any of us touched her he must commit us; he then said, if she should choose to go with her father and friends, if Lord Baltimore, or any of his people, touch her, I will commit them. Lord Mansfield very condescendingly added, I give you this friendly hint that you may know how to behave. Upon which Lord Mansfield retired into an adjoining room, having ordered Mr. Watts to send to Lord Baltimore, and let him know that he (Lord Mansfield) was ready. In a very short time I saw a carriage with two Gentlemen and Miss Woodcock. The first Gentleman walked in, and as he appeared to me, with much presence of mind: from whence I concluded it was not Lord Baltimore. The other gentleman, whom I afterwards found to be Lord Baltimore, handed Miss Woodcock out of the carriage; when he led her up the steps into the hall, she put her hand on Mr. Potts's arm, looked up in his face, shook her head, and the tears stood in her eyes. Mr. Potts lifted up his right hand, as I imagined, intending to lay his hand upon her's: when I pulled back his hand, and said, are you mad? recollecting what Lord Mansfield had said. Several gentlemen said, do not touch her. Mr. Potts said, I did not touch her; she has laid hold of me. At this time, a servant opened

opened a door of the room adjoining; upon which Lord Baltimore and Miss Woodcock went into that room, and the door was shut. When they had been there about three quarters of an hour, more or less, I heard a bell ring, and the door was opened. And I knew Lord Mansfield's voice when he said, is Mr. Woodcock the father, and Miss Woodcock the sister, there? To which it was answered from without, no, my Lord, they are not here, but just by. Upon which his Lordship ordered they should be sent for. They were sent for; and in a few minutes came Mr. Woodcock and his two daughters, when they were introduced, and the door shut after them. After they had been introduced about a quarter of an hour, or nearly that, a little more or less, the door was thrown open, and the gentlemen present, that pleased, were desired to walk in. When we walked into the room, Mr. Woodcock the father, and his three daughters, were there, and no other person that I observed. I went up to her, and said, well girl, how do you stand affected now? to go with your father and friends, or with Lord Baltimore? She answered, to go with my father and friends. I then retreated a few steps.

Mr. Baker. Whether any of her friends that went in with you said any thing or no?

Mr. Watson. I cannot tell; in a short time the door was opened, the further door, Lord Mansfield appeared and said to this purpose: Madam, is it your desire, or are you willing (I cannot swear positively to all his words, or the exact position of such of them as I do remember) are you willing to return with Lord Baltimore to his house in Southampton-Row, or to go with your father and friends? to which she answered, with my father and friends by all means. Lord Mansfield asked her, whether she had been taken or carried without her own consent, and detained against her will? she answered, that as she had been carried to a place which she did not then know, but found afterwards to be Lord Baltimore's, she had been kept all this time against her will. Lord Mansfield repeated the questions, with some variation of the terms, and told her, that her going with her father and friends was not to be understood to be in custody by them, but to be at liberty as usual. After this his Lordship said to us that were present to this effect; Gentlemen, I would have you take notice of these answers, because possibly this matter may be variously talked of in publick, and justice ought to be done to both parties; for when this lady came before me on her private examination, she expressed, at first, her inclination to return with Lord Baltimore, however she expressed a desire to be permitted to see her father and sister, or sisters, upon which I called for her father and sisters, and now she has answered as you have heard. His Lordship then said somewhat, which I have not been able ever since to recollect, for I had attended to what he had said, when his Lordship had desired we would take notice of her answers, but his Lordship concluded with this, and I suppose gentlemen none of you make any doubt of it. His Lordship then said, madam you are at full liberty to go where you please. His Lordship then asked Mr. Watts if the habeas corpus was regularly served? to which he answered, it was. Then his Lordship said, it was not served by any of Sir John Fielding's men was it? it was answered none of us were in any connection with them. Then said Mr. Watts I served it myself, and would not do such another jobb for five hundred pounds.

Serj. Leigb. That part is not material.

Mr. Watson. I shall stop whenever you please; she went away with her friends; after we were gone from Lord Mansfield's house I asked her, as she was going, whether it was with any reluctance that she had left Lord Baltimore? She said, by no means, I am willing to go with my friends, I have reason to be thankful to God Almighty for this day's deliverance, I hoped in God, as he knew I was innocent, and taken away without my consent, that some time or other he would open a door for my deliverance, though I did not see how; I heard some of her friends making an appointment to dine together at a tavern, and I being under an appointment to dinner, left them; I never saw her to my knowledge before.

Susannab Spencer sworn.

Mr. Serj. Leigb. Do you know the two women prisoners at the bar?

Spencer. I know them both, I lived with Mrs. Harvey in the Curtain, I lived with her almost three weeks.

Mr. Serj. Leigb. What time of the year?

Spencer. In December; she took a house ready-furnished and went in, and I went to her the same day.

Mr. Serj. Leigh. Pray do you remember any thing of this young woman, Miss Woodcock, coming to the Curtain?

Spencer. Yes; it was the 16th of December, it was on Wednesday.

Mr. Serj. Leigh. What time of the day?

Spencer. Between four and five in the Afternoon.

Mr. Serj. Leigh. Had your mistress given you any orders in case this young woman came?

Spencer. No.

Mr. Serj. Leigh. Was any body else in the house?

Spencer. A little Jew man, I never heard his name.

Mr. Serj. Leigh. Where was he when she knocked at the door?

Spencer. In the kitchen.

Mr. Serj. Leigh. Did he use to visit you in the kitchen?

Spencer. He used to visit my mistress, he was then eating Sprats in the kitchen.

Mr. Serj. Leigh. Who let in Miss Woodcock?

Spencer. I did; she asked for Mrs. Harvey, I said she was within; I shewed her first in the parlour, my mistress was then in the dining-room.

Mr. Serj. Leigh. After she had got in, did the Jew say any thing about her?

Spencer. No.

Mr. Serj. Leigh. How long did he stay in the kitchen?

Spencer. He went out as soon as she was shown up stairs, afterwards he came and knocked at the door, I let him in, he went up stairs as if he had not been there so lately in the kitchen.

Mr. Serj. Leigh. How long did he stay before he went away?

Spencer. Not long; my mistress ordered me to bring up the tea-things, Miss Woodcock and the Jew drank tea with her.

Mr. Serj. Leigh. When tea was over did he stay or go away?

Spencer. He went away in a coach, with my mistress and Miss Woodcock; my mistress told me she should be at home next night, or the night after.

Mr. Serj. Leigh. Did you see them into the coach?

Spencer. I did see them in; my mistress did not let me light them in, she bid me go back and take care of the child, for she said it cried.

Mr. Serj. Leigh. How old is it?

Spencer. I believe it is about three or four years old, she told me to go in and quiet it.

Mr. Serj. Leigh. Was it a hackney or a gentleman's coach?

Spencer. I did not observe.

Mr. Serj. Leigh. Pray when did you hear of your mistress?

Spencer. The Saturday afterwards; when I saw the Jew again, he told me my mistress would be at home that night or the next; he came to me on Sunday night, and gave me two shillings, and said my mistress would be at home on Monday night. This man came every day afterwards, on Sunday, Monday, Tuesday, &c. my mistress came home on Christmas-day at night.

Mr. Serj. Leigh. Did he give you any order from your mistress?

Spencer. I told him I was very much afraid of being in the house.

Mr. Serj. Leigh. Had there been any enquiries made after this girl that went with her?

Spencer. I did not know who she was till the gentleman told me.

Francis Goff sworn.

Goff. Mrs. Harvey did live in the Curtain, by Holloway Mount.

Mr. Cox. Do you remember the time of the story being told of a young woman's being missing? Did you ever see Mrs. Harvey go from her own house?

Goff. I observed her from an application that was made to me from Mr. Davis to watch Mrs. Harvey, in consequence of that application I did watch her; they went to Moorgate and took coach, Mrs. Harvey and a Jew with her, I saw her go to Lord Baltimore's gate, the coach set them down at the Buffalo Tavern door, Bloomsbury-square, and they walked from thence; I saw Mrs. Harvey go in, the Jew went another way. (He points out the prisoner Harvey.)

Cross Examination.

Lord Baltimore. When was she taken up?

Goff. The Monday after boxing-day.

Lord Baltimore. What time of the day?

Goff. About eight in the morning.

Lord Baltimore. Was she carried before a magistrate?

Goff. No; I and several more went with her to the Devil Tavern, Temple-bar, then we carried her before Sir John Fielding at eight o'clock at night, that was when we got there; I believe we staid some considerable time at the house while she dressed herself; I believe it might be past ten o'clock before we got away.

Lord Baltimore. What was the reason for keeping Mrs. Harvey from ten in the morning till eight at night without carrying her before a Magistrate?

Goff. Because I believe Mr. Watts was gone with the writ to Lord Baltimore's, and she was kept there till he returned.

Lord Baltimore. Was you before Sir John?

Goff. I was; she was in a little while before I was in, I did not go in at first.

Lord Baltimore. What was the charge?

Goff. I believe for seducing her, and taking her away.

Lord Baltimore. Was you one of the persons that spoke to her at Lord Baltimore's window?

Goff. I was not with Mr. Davis then, I left him half an hour before.

Lord Baltimore. Did Mr. Watts serve the writ that time?

Goff. He came out once without serving it.

Lord Baltimore. How came that?

Goff. I do not know.

Lord Baltimore. Was not the reason because it was understood she had no mind to leave Lord Baltimore?

Goff. Mr. Watts told me that she said she was content with her situation; he went back again and did serve it; I am not certain whether he saw her the first time.

Mark Ridgway sworn.

Mr. Baker. Was you at Lord Mansfield's house when Mr. Woodcock the father, and daughters, were there?

Ridgway. I was at Lord Mansfield's that day, I was there when Miss Woodcock came there; and after she had been introduced to Lord Mansfield, for some little time the parlour door was opened, and we that were in the outer room were admitted into the room where she was: then Lord Mansfield asked her, before us all, whether she would return home with her friends, or return back to Lord Baltimore's house? she gave for answer, home with her friends: he asked her no question after that; he said this, that when he had examined her by herself before, that she had mentioned returning to Lord Baltimore's house, but my Lord immediately added that she said, I will tell my father my mind; my Lord repeated the same question again, she said with her friends: in consequence of that we all went out of the room, and handed her down the steps.

Lord Baltimore. How did she appear?

Ridgway. When we had got her down the steps, and turned round the corner, that was the first time I asked her any question: I asked her if she had been ill-used? she said she had, and immediately expressed herself in the most striking language that ever my ears heard concerning the cruel usage she had received, and the mercy of her being delivered; and spoke as much in point of thankfulness and gratitude as ever I heard in my life.

Court. Are you a relation to the family?

Ridgway. Only a person that had heard of this villainess.

Lord Baltimore. Are you not a dissenter?

Ridgway. I am, Sir. I never saw her before in my life; I am totally a stranger to her.

John Davis sworn.

Mr. Serjeant Leigh. We have understood from Miss Woodcock there has been a friendship and intimacy between you and her, and I want to know when you had intelligence of her being missing in December last, whether you did not take some means to discover where she was?

Davis.

Davis. On Wednesday evening, the 16th of December, I went to Mr. Woodcock's, agreeable to an appointment before; I was then informed that Miss Woodcock went out about four o'clock, to wait on a customer, one Mrs. Harvey. I waited till about nine that evening; she did not return; I went then away.

Mr. Serjeant Leigh. Did you not return next morning?

Davis. I came again about eight the next evening; I found Mr. Woodcock and the other sister in the greatest confusion that could be.

Mr. Serjeant Leigh. Did you endeavour to discover where she was?

Davis. Not at that Time, the Tuesday following I did.

Mr. Serjeant Leigh. Where did you go to make an enquiry?

Davis. I went, as I was informed Mrs. Harvey lived in the Curtain, to enquire for her: Several persons had been to look after her before. On Tuesday, about three o'clock, I went to the Horse and Groom to enquire for her; they informed me they did not know such a person.

Mr. Serjeant Leigh. Did you go to the house?

Davis. I did not. I saw the person we had met at the tavern the Friday night before, who sent a note to her father, desiring an interview with him.

Mr. Serjeant Leigh. Upon Friday night you say you had an interview with a person; what person was that?

Davis. This was the first Friday after she went.

Mr. Serjeant Leigh. Give an account of that.

Davis. On Friday I was in company with Mr. Cay, at the White Hart tavern; and we had just drawn up an advertisement to put into the papers, relating to this girl; there was a porter had brought a note to her father to this effect: "Mr. Jones's compliments to Mr. and Miss Woodcock, desires an interview with them at the King's Head tavern, Tower-hill." I went there; I saw a short man, to appearance a Jew; he called himself *Jeres*.

Mr. Serjeant Leigh. What message did he deliver?

Davis. He said he came from Miss Woodcock.

Mr. Serjeant Leigh. Did he tell you where she was?

Davis. No, he did not.

Mr. Serjeant Leigh. Do you know who that man was?

Davis. We suppose his name *Isaacs*; he is the person that went away with Miss Woodcock in the coach, as the maid described him.

Mr. Serjeant Leigh. Then you don't know. Have you seen the man since?

Davis. I saw him at my Lord Baltimore's house.

Mr. Serjeant Leigh. When you saw him at the tavern he would not tell you where this girl was?

Davis. No.

Mr. Serjeant Leigh. Did he mention at that time any thing of Lord Baltimore's name?

Davis. No, he said she was with a very considerable merchant.

Mr. Serjeant Leigh. You did at last learn, by tracing Mrs. Harvey, that she was at Lord Baltimore's?

Davis. Yes, by information of Mr. Goff.

Mr. Serjeant Leigh. When you had that information, what did you do?

Davis. We had no information that she was there, only that Mrs. Harvey was traced there.

Mr. Serjeant Leigh. Having that information, what did you do?

Davis. They had obtained a writ for taking up Mrs. Harvey. I went, with some more friends, about eleven or twelve on Sunday morning; we could see nothing of Mrs. Harvey; we went to an adjoining house, drank something, and then they returned; that was on Sunday about noon.

Mr. Serjeant Leigh. You did not see Miss Woodcock?

Davis. No, not then. I went into the Strand and came back again, and then I saw Miss Woodcock; I came down Southampton Row that afternoon, about four or five o'clock, and turned round to go to the Foundling Hospital; at the farthest window in that front, the window next the Hospital, I first saw Miss Woodcock.

Mr. Serjeant Leigh. How was she employed?

Davis. She was standing at the window, and looking out at the window in a very pensive manner. When I first saw her, I was within a few yards of the wall that goes to the Foundling Hospital. My surprize was so great, that I could hardly believe it; I came nearer, and saw she had taken notice of me.

Mr. Serjeant Leigh. Did she do any thing?

Davis.

Davis. Not then. I came back from the corner of the wall, and pulled a book out of my pocket, and made signs for her to write: She shook her head, and pointed with her finger. I went back to the gate that belongs to the Duke of Bedford's; I staid there for about a minute; while I was there, she got from that window to the Venetian window in the centre of the front, she waved her hand, and then I went round to the other corner.

Mr. Serjeant Leigh. How did she appear?

Davis. She seemed in the greatest agony that a person could be in.

Mr. Serjeant Leigh. Did she say any thing?

Davis. The first word she said was, I can't come to you, I can't come to you; I said, How do you do? she rather waved that answer, and said, How does my father do? I answered her, He is well, and we are all well: I think the next was, Are you well? she said, I am well. I asked where Mrs. Harvey was, for I had a warrant in my pocket for taking her; she shook her head, and said, I don't know, I don't know.

Mr. Serjeant Leigh. Did she speak these words calmly and quietly, or in an appearance of distress and misery?

Davis. She seemed in distress and misery to the greatest degree.

Mr. Serjeant Leigh. Was this the only question?

Davis. I said, Is all well? She seemed then more confused than ever, and put down the sash.

Mr. Serjeant Leigh. After this, I believe you was at Lord Mansfield's, when she was brought there; do you remember what passed, or what was said in her presence?

Davis. Mr. Brown said in my hearing, that it was a mere joke for my friends to attempt any thing of that kind, for that she would certainly go back again with Lord Baltimore; which confused me, in the manner I stood connected with her.

Mr. Serjeant Leigh. This assurance of Mr. Brown, that she would go back with Lord Baltimore, so confused you, that you did not know what was said or done?

Davis. Yes, it was so.

Mr. Serjeant Leigh. Did you go to Sir John Fielding?

Davis. I did.

Mr. Serjeant Leigh. Do you recollect any thing material that passed?

Davis. I do not.

Mr. Serjeant Leigh. Did she tell you any thing of her usage?

Davis. No.

Mr. Serjeant Leigh. Had you put any question to her?

Davis. No, I did not.

Mr. Serjeant Leigh. Was you present at her information before Sir John?

Davis. I was.

Mr. Serjeant Leigh. Then the accusation was made?

Davis. Yes, it was.

Mr. Serjeant Leigh. Was that the first you heard of it?

Davis. Yes, it was.

Lord Baltimore. Was you present at the information?

Davis. Sir John asked the question whether she had been laid with or no; I was not present during the first conversation; She was in a room with Sir John Fielding, and when she came out the information was made in form.

William Watts sworn.

Mr. Cox. Did you know the family of the Woodcocks before December last?

Mr. Watts. On the 19th of December, one Mr. Cay, a baker in White Cross street, a client of mine, for whom I had done a good deal of business, applied to me, and told me he was come on an important affair; for a member of society was missing, and that they could not tell where she was, and told me the manner she went away; and he told me the appointment made by the Jew.

Mr. Cox. Tell what you was employed to do.

Mr. Watts. I was employed by him to go to the father, in order to wait for the coming of this person to the father's; between ten and three of the afternoon of that Saturday a person was to come; I went and waited at the father's a considerable time, and no body came; Mr. Cay and I went to the King's Head tavern, which was a place where this person had been before, and we made every enquiry we could after that person; there had been no such person there that day. Upon this I advised the making this

matter known to Lord Mansfield; it appeared to me in a very striking light as to the unnatural absence of the girl; and I went to Lord Mansfield's at Canewood; Lord Mansfield was not there, but was expected to dinner; I waited till about one or two o'clock; he did not come; I went to his house in Bloomsbury square; I was told there was a great deal of company with him; I was recommended by the servants to wait on him next morning; I went next morning, and saw Lord Mansfield; that was the Monday before Christmas day; I acquainted my Lord with the appearance in which the facts struck me, and my Lord said (to the best of my remembrance; I do not speak the words, I speak of the substance of the matter), It is a very extraordinary affair, but time will give light to it.

Mr. Cox. When did you apply for a Habeas Corpus?

Mr. Watts. On Christmas day intelligence was brought me, that the house Mrs. Harvey lived in was found out, upon which I applied to Sir John Fielding for a warrant; Sir John did not grant a warrant; this was on Christmas day: The next day Sir John granted a warrant.

Mr. Cox. Do you know when it was put in execution?

Mr. Watts. On Monday. Mr. Davis on Sunday came and informed me he had seen Miss Woodcock at Lord Baltimore's house; on Monday I ordered the parties to meet me at a Coffeehouse, and there I drew up that affidavit which obtained the Habeas; I obtained it directed to Lord Baltimore.

Mr. Cox. Being in possession of this, what did you do?

Mr. Watts. I was desired by some friends of the girl, who were strangers to me before, all except Mr. Cay, they desired that I would attend them in order to serve this Habeas: I went there on Monday, and some of us went to the gate of Lord Baltimore, and some of them did not behave quite in that manner I would have wished them to have done; there was a sort of disturbance between his servants and the people along with me.

Mr. Cox. What day was fixed for bringing Lord Baltimore before Lord Mansfield?

Mr. Watts. I enquired which was the upper servant, and nearest his Lordship's person. One Pireni then said, he carried and received messages; and Mr. Broughton, the Steward, was with him, I believe, at that time, and the man seemed to be an upper servant: I expressed a desire to see them, and that I came to propose something greatly to the advantage of Lord Baltimore. They desired me to walk on one side; I walked down the yard, and then I addressed these persons in this manner: It is now not unknown that Miss Woodcock is at this house.

Mr. Cox. Come to the point when you saw my Lord Baltimore?

Mr. Watts. I had orders to come next morning, and a promise of seeing my Lord: this was between ten and eleven o'clock, I was introduced to my Lord, and my Lord in a very genteel manner accosted me, he had been told who I was, and that I was an Attorney on behalf of Miss Woodcock. I told him, My Lord, I wait on your Lordship, in order to acquaint you, that the friends of Miss Woodcock have found that she is here; but are doubtful whether she is here with or against her will, and it highly becomes your Lordship to disclose this matter; for as I find she is of age, if she is here with her will, it is not in the power of her friends, or the law itself, to release her; if she is here against her will, you cannot detain her. Upon this, my Lord acquainted me she was there with her consent, perfectly happy. My Lord retired from me a minute or two, and he came to me again, and desired me to follow him; I did, and he opened a door that introduced me into a room where was Miss Woodcock, and Mrs. Griffinburg, I believe; it was a person much like her. My Lord, in a polite manner, pointed his hand, and said, That, Sir, is the lady in question. Upon that I made her a bow, and what I am going to say now is the substance of the matter: I do not pretend, nor will I swear to the words that passed; I will tell them then as they were. On my making a bow, it is my present apprehension that she immediately was standing very near the door, ready to receive some person; I did not know that; I asked her a question: I asked her, whether she was there with her own consent. She said immediately, I am here with my free will and consent. Upon that my Lord looked upon me with a complacency, and seeming expectation that I should be satisfied: upon that I said to my Lord, (he looked to me, expecting an answer, whether I was or was not satisfied,) I am not surprised that your Lordship has got temptations enough to gain the approbation of this young woman. Miss Woodcock said, Where is my father? I said, Very near, Miss:—And my sisters?—I said, Yes, they are. Said she, Can I see them? I said, I do not know. Says my Lord, I shall take that as a great favour, if you will fetch the father and the sisters, that they may hear her declarations, and receive the

the same satisfaction as you have done. Upon this I told them, I was willing to go: upon this I went out of the house. I did not serve the Habeas, but went out, and got a promise from my Lord I should come in again. I saw several friends within a few yards of Lord Baltimore's, and I told them what she said. They immediately said, they did not care what declarations she made under my Lord's roof and influence, and would not go there, unless with two friends, and so see her alone. I went to my Lord, and told him this matter: he was rather angry at it, and said it was an insult upon him; he did not see any occasion he had to satisfy any body but the father and sisters, and as to having two friends he would not agree to it, and gave this as a reason: Have I not as much reason to suspect that her father and her friends would influence her to tell another tale, as they have to suspect me? I answered, I thought if his Lordship was satisfied that the declarations she had made to me were genuine and clear, that he might even send her home, and they could not keep her from him. He told me a story of some of Sir John Fielding's men having made a riot, or something of that sort: I told him, that all that was against him was what I had in my pocket; nor do I know to this moment, how, or by what means, Sir John's men came to go there that night, because there was no accusation whatever. I did not know that they were there: I believe there were nobody there but ten or twelve persons with me to serve the Habeas Corpus. He would not believe but I was privy to it. He took hold of me by the arm, and conducted me down stairs, and I thought was going to turn me out of doors; but this was my imagination, instead of that, he conducted me into a room, through another room, and there was a man in the room standing, and then sat me down in an elbow-chair on the off-side of the fire to the door: he set himself down on the off-side of the fire, and he ordered the man to sit down by me, or by us. My Lord kept still angry about Sir John's men, and I endeavoured to argue every thing I could for the sake of his Lordship to discharge the girl undoubtedly. My Lord refused to submit to let the girl's father and sister, and two friends come. I then found it absolutely necessary that I must serve the Habeas, I then gave it to his Lordship: I said, My Lord I will, if it will oblige your Lordship, I will wait upon my Lord Mansfield, and desire him to appoint a time. I went to Lord Mansfield; he appointed the time immediately. I wrote a card to Lord Baltimore, and he attended at Lord Mansfield's. My Lord, Miss Woodcock, and Mr. Brown, came in his chariot; before they returned, my Lord Mansfield came out of the study to me, and enquired if her father and sisters were there: I said not there, but very near; upon which my Lord ordered me to send for them; I did, and they came, and when they came were introduced to Lord Mansfield; but when Lord Mansfield thought proper, he ordered all the friends and me to come in; I went in, and, to the best of my remembrance, Lord Mansfield said, Gentlemen, I called you in, that you may hear my examination of this girl; and then he asked her, Are you willing to go back with Lord Baltimore? Or are you willing and desirous to go with your father and friends? Says she, With my father and friends, my Lord. He repeated that several times, and she made the same sort of answer. My Lord then turned to us, and he said, Gentlemen, I think it my duty to acquaint you, that notwithstanding the answers you have heard to the questions I have put to this girl, upon her first examination, she did declare she was willing to go back to my Lord Baltimore's. As this matter may be talked of variously, I think it my duty to declare this; she declared herself willing to go back to her father and friends, and then was discharged.

Mr. Cox. At this time had you any knowledge of the violence that had been offered her by Lord Baltimore?

Mr. Watts. No, that I did not; if I had, I should have applied immediately to Lord Mansfield, and not to Sir John Fielding. Mr. Brown, during the time he was in the hall at Lord Mansfield's, told me, that he fully apprehended she would go back again to Lord Baltimore; and that as soon as she and Lord Baltimore were gone, they would go and bail Mrs. Harvey. I finding the disappointment, and that Miss Woodcock was returning with her friends, I thought it would be no ways improper that Miss Woodcock should attend at Sir John's at the time of bailing Mrs. Harvey, because she knew those facts that were only suspected before, and charged only by the oath of the sister.

Mr. Cox. When she came before Sir John, how did he examine her, openly or privately?

Mr. Watts. When she came into the room, they acquainted Sir John Fielding, that was Miss Woodcock: Sir John took her into a little back room; I went with her, and there Sir John interrogated her what he pleased, and out it came, to my great astonishment, the charge of a rape.

Mr.

Mr. Cox. What said Sir John to the rape?

Mr. Watts. He asked her if she knew the nature of that offence, and the consequence of it, and that it was a capital offence? She said no. He asked her, whether she was willing to prosecute him? she answered, she was, if she could do it safely, or if it could be done: that is all I know of the matter.

Cross-Examination.

Lord Baltimore. I should be glad to know if I did not offer that the father and sister, and two or three friends, might see her, if a friend of mine was present?

Mr. Watts. I do not remember that, nor do not believe it.

Lord Baltimore. Can you take upon you to say it?

Mr. Watts. Safely as I can to speaking any thing else at that distance of time.

Lord Baltimore. You are not clear in it?

Mr. Watts. I am as clear in it as I can be of any thing at that distance of time.

Lord Baltimore. Can you give an account of the conversation you had with Miss Woodcock at my house? I shall be glad to know, if, after she went from Lord Mansfield's, after she was discharged, she did at any time say she would go back to my house?

Mr. Watts. No, never.

Lord Baltimore. What did she say?

Mr. Watts. I had no conversation with her.

Lord Baltimore. Have you never declared to any body, that she declared, as she was going to Sir John Fielding's, that she would go to my house?

Mr. Watts. I never heard her say so, or declared to any body that I heard her say so.

Lord Baltimore. When you was talking with me, did you not threaten me, that a prosecution would be carried on by a great body of dissenters, that would be too much for any one man to stand against?

Mr. Watts. No; there was then no charge.

Lord Baltimore. Did you ever say any thing about this being carried on by a body of dissenters?

Mr. Watts. No. I know of no such thing.

Dr. John Ford, of the Old Jewry, sworn.

Dr. Ford. I am a physician and man-midwife. On the 1st of January ———

Mr. Baker. Was you acquainted with Miss Woodcock before?

Dr. Ford. No; nor ever heard of her name. I was sent for in consequence of the advice of Mr. Bearcroft the council, who said it was necessary for some man-midwife to examine whether she was a virgin or not. I did examine her, both by inspecting the parts, and introducing my finger. I found that the perinæum was much shorter than, it is the opinion of the best practitioners in physic, it ought to be in virgins; on my inspecting the parts, they appeared as if they had been a good deal inflamed; tho' now the inflammation was subsided; the vagina was very rough, and the edges were covered with matter, and the parts were extremely sore. I gave it my opinion she was not a virgin, and had been lately lain with. There was a great deal of soreness.

Mr. Baker. Was there any external marks of violence?

Dr. Ford. There must have been great force used.

Court. Could you distinguish whether it was by force or by consent?

Dr. Ford. I should imagine a good deal of force had been used; but whether with her consent or not I cannot be positive: that she had suffered a good deal of violence was very plain.

Court. Is there more hurt done by struggling, when against consent, than when voluntarily?

Dr. Ford. I cannot think that, in ordinary cases, the parts would have been in that situation, unless there had been a great deal of violence.

Court. You mentioned matter; was that any thing venereal?

Dr. Ford. No; it had not that appearance: and I asked about six weeks after, when I saw her, if she had any symptoms of the venereal disease? and she said, No.

Sir John Fielding sworn.

Sir John Fielding. Miss Woodcock came to my house, I do not recollect the time;

a woman, whose name was Harvey, was in custody at that time before me, upon a warrant granted, on an information made by her sister, Elizabeth Woodcock, relating to Sarah Woodcock's seduction; and that was the reason of her coming to my house, as far as I could judge.

Mr. Serjeant Leigh. Did you examine her respecting this Mrs. Harvey?

Sir John Fielding. As Mrs. Harvey was in custody, it was necessary for me to examine Miss Woodcock relating to her offence; for though she was before me as a person of evil practices, and a seducer, it was necessary for me to take an account of the whole transaction before I could see the nature of the offence. I did examine her.

Mr. Serjeant Leigh. In the course of her examination, what did she say in relation to the present affair? did she accuse any body else beside?

Court. The material question is, as to the information, whether she did that of her own free will?

Sir John Fielding. Would you have me give a mere answer to that question, or shew the method of her giving her account?

Mr. Serjeant Leigh. Whether the account at that time was voluntary or freely made by her?

Sir John Fielding. When she was in my room she was surrounded with a great variety of friends. I insisted upon it that no person in that room should speak a single syllable: that it should come in her own language, from her own mouth. There are two informations taken by me: there is one a very long one; the other was taken at her re-examination.

Lord Baltimore. Was the present information taken from her own mouth?

Court. The information against Lord Baltimore.

Sir John Fielding. The account of this against Lord Baltimore came out in the course of her examination concerning Harvey.

Mr. Serjeant Leigh. Was there no particular examination of her about a rape?

Sir John Fielding. Yes, there was an examination private, and taken in writing. I asked her if she was ruined? she said, yes. I asked her, whether by force or by consent? she answered, By force and against her consent. And then the general circumstances of the information were taken in writing publicly; and, I hope, with the utmost candour.

Council for the Crown. We have now, My Lord, done with our evidence.

Court. My Lord, your Lordship has now heard the whole charge against you for this offence of which you are indicted: now is the proper time for you to make your defence; therefore I desire you will say all you have to say in your defence.

Lord Baltimore. My voice is so low, will you permit the gentleman to read what I have here writ down?

Court. If you please.

Lord Baltimore's defence, read by Mr. Hammersley, Lord Baltimore's Solicitor.

My Lord, and Gentlemen,
I HAVE put myself upon my country, in hopes that prejudice and clamour will avail nothing in this place, where it is the privilege of the meanest of the king's subjects to be presumed innocent, until his guilt has been made appear by legal evidence. I wish I could say that I had been treated abroad with the same candour. I have been loaded with obloquy, the most malignant libels have been circulated, and every other method which malice could devise, have been taken, to create general prejudice against me. I thank God, that, under such circumstances, I have had firmness and resolution enough to meet my accusers face to face, and provoke an enquiry into my conduct. *Hic murus abæneus esto,—nil conscire sibi.* The charge against me, and against these poor people, who are involved with me, because they might otherwise have been just witnesses of my innocence, is in its nature very easy to be made, and hard to be disproved. The accuser has the advantage of supporting it by a direct and positive oath; the defence can only be collected from circumstances.

My defence is composed then of a variety of circumstances, all tending to shew the falsity of this charge, the absurdity of it, the improbability that it could be true. It will be laid before the jury under the direction of my counsel; and I have the confidence of an innocent man, that it will manifest to your lordship, the jury, and the whole world, that the story told by this woman is a perversion of truth in every particular. What could induce her to make such a charge I can only suspect: very soon after she came to my house, upon a representation to me that her father was distressed;

I sent him a considerable sum of money; whether the ease with which that money was obtained from me might suggest the idea as a means of obtaining a larger sum of money, or whether it was thought necessary to destroy me, in order to establish the character of the girl to the world, I know not; but I do aver, upon the word of a man of honour, that there is no truth in any thing which has been said or sworn, of my having offered violence to this girl. I ever held such brutality in abhorrence. I am totally against all force; and for me to have forced this woman, considering my weak state of health and my strength, is not only a moral but a physical impossibility. She is, as to bodily health, stronger than I am. Strange opinions, upon subjects foreign to this charge, have been falsely imputed to me, to inflame this accusation. Libertine as I am represented, I hold no such opinions. Much has been said against me, that I seduced this girl from her parents: seduction is not the point of this charge; but I do assure your lordship and the jury, this part of the case has been aggravated exceedingly beyond the truth. If I have been in any degree to blame, I am sure I have sufficiently atoned for every indiscretion, which a weak attachment to this unworthy woman may have led me into, by having suffered the disgrace of being exposed as a criminal at the bar, in the county of which my father had the honour to represent in parliament; and where I had some pretensions to have attained the same honour, had that sort of an active life been my object.

I will take up no more of your lordship's time than to add, that if I had been conscious of the guilt now imputed to me, I could have kept myself and my fortune out of the reach of the laws of this country. I am a citizen of the world; I could have lived any where: but I love my own country, and submit to its laws; resolving, that my innocence should be justified by the laws. I now, by my own voluntary act, by surrendering myself to the Court of King's Bench, stake upon the verdict of twelve men, my life, my fortune, and, what is dearer to me, my honour.

March 25, 1768.

BALTIMORE.

Court to Elizabeth Griffenburg. The charge is against my lord for ravishing this young woman, and against you for being accessory before the fact. Now is the time to make your defence: what have you to say for yourself?

Griffenburg's defence.

All that they have sworn of me I am innocent of. All the while this girl was in Lord Baltimore's house she was not confined at all: she used to dress herself, and told me she was going into the country. I have lent her cloaths at different times: she did go into my room and chuse these cloaths, caps, handkerchiefs, and any thing she desired. She was at all times ready to please my lord. After supper was done she went into the room, and she bespoke of me some water to wash her feet, and I fetched the water; she asked if the water was brought up; and it was first brought into the wrong room; and as she came out of the room she undressed herself, and I saw nobody touch her: she asked me if I had a night-cap for her? I said no: she asked me if I had a ribband for her cap? I said no, I have no ribband, I have a red garter, if you will have that: she said that will not do, it must be some white; she took a white tucker out of her black gown, and that she tied to her head. She then opened the door of my lord's bed-chamber; my Lord said, Who is there? hearing somebody at the door. When she went to open it, Dear Griffenburg, said she, my Lord will be angry; so she turned back again, and sat by the fire. My husband came and called me to go to bed. My husband said, How can Miss Woodcock come in the room when there is people in the room. To which she answered, How should I know that. Then I went into the room, and went to bed; and Miss Woodcock came behind me again; a rush-light was in the room; I saw her go into the room, and then came back again. She knew that before that she would go to bed to my Lord; she told me so.

Court to Harvey. What have you to say in your defence?

Harvey's Defence.

I am innocent of the charge laid against me: I solemnly declare, that no sort of force or violence was used to her, either by me or my Lord, or any other person. She went to bed to my Lord with all the ease and freedom in the world, as freely as any woman ever went to a man. All that I have to say is, I am ready to answer any question that may be asked me.

Lord Baltimore again.

As I was sitting, after dinner, with the lady, about the distance I am from your Lordship, she then addressed herself to me, and said, My Lord, if you will provide for me, and use me tenderly and faithfully, I will come to bed to you at night; upon which I arose up, embraced her, and told her I would treat her so. I went to the window, as she mentioned, and did use some familiarities with her, and she with me. I put the curtain round me, that the servants running through the room might not see us. She consented to it. I went down stairs among the workmen; I came back again: she said, I believe I am a little out of order; upon which I said, that was not material; which is all I said to Miss Woodcock, till she came to bed to me, so help me God. I am sure no body so much as persuaded or asked her.

For the Prisoners.

Mr. Way sworn.

Mr. Way, I was at Lord Mansfield's house, I happened to be in the room with my Lord about ten minutes before Lord Baltimore and Miss Woodcock came in; his Lordship desired me to stay, saying he had sent for his clerk, who was not come. A little after, the servant came into the study where I was, and said, that Lord Baltimore and this lady were without, upon which Lord Mansfield ordered me to go out and acquaint L. Baltimore, he could not see him at that time, but to bring Miss Woodcock in to him; his Lordship desired she would sit down, and desired me not to go out of the room. After she had sat down, and seemed composed, Lord Mansfield asked her at first how she came to go away from her father in this manner? she said that she begged to be excused from giving an account of that, she would tell that to her father alone: my Lord Mansfield said, he did not want to know any of her family concerns, but that he wanted to know whether she was under any constraint from Lord Baltimore, or was confined by him? she answered not in the least, or words to that effect, for I had agreed to stay with him; he repeated it again several times, and she said I had agreed to stay with him, several times over. He asked her about part of a letter, something wrote at the bottom of the letter to her father, if it was her hand writing? she said it was: he asked her about a Person who had seen her from Lord Baltimore's window? she said she had seen a person whom she knew about the house, and she said that she beckoned to him to come to another window; accordingly, upon her meeting him at the Window, he asked her if she was well? she said yes; and she said that the reason why she beckoned him to come to the window was, that her father might be satisfied, and might know she was well; and that he said, then you are well, and have been well, or words to that effect, and at last asked, is all well? on which she said she turned away from the window. Lord Mansfield asked her in this kind of way I think, from the affidavit, you are of age, of five or six and twenty? she said she was; because, says he, if you was not of age I should not take your answer so easily, but I should take you away; she answered, as I am of age I know you cannot do it, my Lord; she repeated it several times. She had mentioned something about her father, before Lord Mansfield asked her if she would see her father; she said she should be glad to see her father and tell him she was well: he was ordered to be sent for to some neighbouring house, and she sat down about ten minutes, while her father was sent for, and said nothing. A message was brought in that the father was come into the hall, and his Lordship directed me to let the father and sister in, and asked her if she would see her sister: he asked her also whether she was afraid to see her father? she said no: his Lordship directed that her father and sister should be put into a room with her by themselves, and no other person with them, accordingly they were left together half an hour I believe, or more. When they came out notice was carried in to Lord Mansfield that they had had their conversation, and he came out to them into the anti-room; as to what passed then, a great many people were called in, and I was not very close by, I happened to be in another room, and was not very near, a great many were nearer: upon a messenger shewing unto my Lord that they were desirous of seeing him, my Lord stepped into his anti-room, and they were all called in.

Lord Baltimore. Had you an opportunity of making any observation on Miss Woodcock's Behaviour, while with Lord Mansfield; did she seem to know for what purpose she was brought there?

Mr. Way. My Lord desired her to be composed, she had a great deal of time to be
so,

so, and after those questions were asked, there was near ten minutes before her father came; she sat by the fire side, she on one side, my Lord Mansfield on the other.

Lord Baltimore. Did she seem frightened, or concerned?

Mr. Way. I cannot say that I saw any particular fright; she answered my Lord Mansfield with a positive smile upon her countenance, when she said no, my Lord, you cannot take me away, for I am of age.

Cross Examination.

Mr. Cox. Was that repeated more than once; I am of age, I know you cannot do it?

Mr. Way. Yes.

Mr. Cox. Did she say how she came by that information?

Mr. Way. She did not give any account how she came by that information.

Mr. Cox. You say my Lord Mansfield desired her to be composed, then I should conceive his Lordship thought she might be otherwise?

Mr. Way. He ordered her to sit down and compose herself; she seemed to have a smile of positiveness, not a direct smile.

Mr. Cox. Did you see her give her evidence here?

Mr. Way. No.

Mr. Cox. That smile seems natural to her.

Robert Rose sworn.

Rose. I am servant to Lord Mansfield.

Lord Baltimore. Do you remember upon Tuesday the 29th of December Miss Woodcock's coming, with other people, to his Lordship, and my Lord granted a habeas corpus to bring my Lord Baltimore and the young lady to him?

Rose. Lord Baltimore sent a message to my Lord Mansfield, that he would bring her any Time when my Lord fixed; he came at ten o'clock, and we acquainted my Lord that Lord Baltimore and the lady were there; he ordered the lady to be introduced, my Lord Baltimore remained in a little room adjoining to the library, and I believe Mr. Brown the attorney with him.

Lord Baltimore. Did you observe any of the family of the Woodcock's there?

Rose. There was a message came out a little after from my Lord, to fetch her friends.

Lord Baltimore. Do you know who the people were that came after?

Rose. They said, the father and two sisters.

Lord Baltimore. Did you see any interview between Miss Woodcock and the father, and the two sisters?

Rose. I was in the room while some conversation passed between them. She came and took hold of her youngest sister and her father; and she asked them what made them so uneasy. She said she was very well off, and very happy; and desired they would not make themselves uneasy. I immediately withdrew out of the room, and went to the hall where all the prosecutors friends were, and, I believe, Mr. Watts, and Mr. Brown; and I said I believed the young lady would go back to Lord Baltimore again. I took it from hearing her say so when I went first. The second time was about five minutes space; she said, what signifies my going back: all my friends will think me a whore. They said no; all her acquaintance had a good opinion of her. Upon that she turned round to me, and desired me to let Lord Mansfield know she had agreed with her friends. Then my Lord ordered all the persons into that room that were concerned in the affair. There was a young man they called a sweetheart of the young woman's; he went in first. There was nothing more particular, besides what my Lord said.

Lord Baltimore. Was any thing said about the manner in which my Lord treated her?

Rose. She said she was very happy and well; and that he, Lord Baltimore, had done something for them, and she should be able to do something more for them yet.

Cross Examination.

Mr. Baker. Can you tell how long they were in this room together?

Rose. I believe, as near as I can guess, she was with him near half an hour.

Mr. Baker. You was there when they first accosted one another; and then you heard her say what you have mentioned?

Rose.

Rose. She bid them not to be uneasy, she was very well and very happy; Lord Baltimore had behaved very genteelly to her, in that she was very happy. They paus'd and whispered a great deal; they burst into tears: she was not in tears at all.

Mr. Baker. Then you cannot say what they said to her upon this? You say you went out of the room, and returned again in five minutes; how long did you stay in the room?

Rose. About ten minutes. She turned about, and said, Sir, I should be much obliged to you if would tell my Lord I have agreed with my friends.

Mr. Baker. So you say, she said the last time of all, my acquaintance will think me a whore?

Rose. That was at the last time I was in.

Mr. Baker. And then at once she said she desired you would let my Lord know she had agreed with her friends? Then, sir, to set this matter right, I ask you if you heard any thing more than this?

Rose. The first time, that she was well and happy, and my Lord had used her very genteelly, and done a great deal for her, and that she should be able to do more for them; the last time was only as to that expression, My acquaintance will think me a whore.

Mr. Baker. The second time you only heard that expression. As soon as she said she had agreed with her friends, you told Lord Mansfield; and my Lord said then, young woman you have agreed with your friends?

Rose. All the prosecutrix's friends were present then: my Lord said, madam, you are of age, you may do as you like, you are not confined to one or other; nobody has a right to controul you. Said she, my Lord, I will go back to my friends; she clapped her hand to her breast. He said, do you say Lord Baltimore confined you. She said, yes, from my heart. They withdrew: the sweetheart took her down the steps; he seemed very fond of her.

Court. You say they were about half an hour together: how long might you be there?

Rose. Both times together I believe about twelve or fourteen minutes. I was rather curious the first time; I was making up the fire; and then I went in to carry some of my Lord's cloaths. I told the company that I believed she was going back with my Lord.

Mr. Brown sworn.

Mr. Brown. I was appointed to go to Lord Baltimore; it was a Monday night the servant came to my house. I saw Miss Woodcock there. About two in the morning some body came from Lord Baltimore's to my house, to desire I would be at Lord Baltimore's house; I went there about nine; I was shewn up into a room in the one part of stairs floor; a servant went in, and he came out to me, and told me, that the night before there had been some people at his house from Justice Fielding, who had attempted or wanted to force in at his gates; I asked what could be the occasion of it; he said there was a woman taken into custody for having seduced a young woman, or to that effect; I said, I have you got the young woman here; he said she was in the next room. My Lord told me they said they had come with a Habeas Corpus, and that upon that authority they had forced into his gates; I asked him if he had been served with the Habeas Corpus, or his servants? he said no, and that one of the persons was Mr. Watts. Miss Woodcock was in a room; I was introduced in to drink coffee; she was sitting at the upper end of the room, writing. I said to my Lord, that he should get Harvey bailed, as she is taken up on your account. This young Lady came running up to me with a piece of a letter in her hand, and said, Sir, I have a letter I am a going to send to my father; I told her to finish it, and send it away; she said she would. I went out with my Lord into the adjoining room, and advised my Lord to bail the woman; I asked who he had to bail her; he had not, he said, any body but Mr. Broughton, his house-steward, and Dr. Griffenburg; he said he should be obliged to me to go to Justice Fielding's; I did, and Justice Fielding said she was taken up for an offence, for decoying to my Lord's house a woman. I went from there back to my Lord, and told him, that bail would not be accepted then, but I must go again at two o'clock. My Lord said, he had just then been served with a writ of Habeas Corpus; he said, he should obey this writ. Miss Woodcock came up, and asked if she must go to my Lord Mansfield, and said, I hope I cannot be taken from my Lord Baltimore; I should be glad to see my father, but no body else. Upon this I asked her her age; she said she was twenty-six; I said, I don't think that any judge or any other power can have any jurisdiction over you; says she, I am glad of that, for I was afraid I should be forced away; and she said she would

go then to Lord Mansfields, immediately; she took me by the hand, and jumped into the chariot, and all the way she said, Sir, are you sure I can't be taken away from my Lord? I said yes, as she was of age.

Lord Baltimore. You was telling us she shewed you a letter she had partly wrote, and not finished, do you know any thing further of that letter?

Mr. Brown. She wrote the letter, and sealed it, and I delivered it here into Court to day; I had the letter, and kept it ever since, the Habeas Corpus coming immediately after, prevented the letter being sent.

Lord Baltimore. Was she frightened or composed?

Mr. Brown. She seemed very far from low spirits; she was very chearful.

Lord Baltimore. Did she know for what purpose she was going there?

Mr. Brown. I told her he was Lord Chief Justice of the King's Bench, and could set her at liberty; she was afraid my Lord could take her away by force, but hoped he could not, being twenty-six years of age. We had a good deal of talk before she was inclined to go, for fear of being forced from my Lord.

Cross Examination.

Mr. Serjeant Leigh. Friend Brown, I think this young Lady was a stranger to you.

Mr. Brown. Yes.

Mr. Serjeant Leigh. And yet the first conversation that ever passed between you she brought you this half-wrote letter, and you say you have kept the letter ever since; how came you not to return it to the person by whom it was wrote?

Mr. Brown. I did not think of it.

Mr. Serjeant Leigh. Mr. Brown, I ask you this, If ever before in your life you kept a letter you was intrusted with?

Mr. Brown. I was not intrusted with it. The letter was delivered to the servant to be carried to Mr. Woodcock; when the Habeas came, the servant said he had got this letter, and gave it me, I put it in my pocket.

Mr. Serjeant Leigh. Pray what business had you with this letter, upon what ground, what motive, or what inducement?

Mr. Brown. I had no inducement at all.

Mr. Serjeant Leigh. I ask if you ever did such a thing before in your life?

Mr. Brown. I have many times, Sir, had letters, and kept them for an hour or two.

Mr. Serjeant Leigh. She went in the chariot with you, then why did not you give her her letter?

Mr. Brown. I did not think about it.

Mr. Serjeant Leigh. It was her letter or her father's. Would you, a man of business, take a letter, directed to another person, and keep it? What was your motive?

Mr. Brown. I had none at all.

Mr. Serjeant Leigh. When you came to Lord Mansfield's, why did you not deliver the letter to the father?

Mr. Brown. I had no reason particularly for not delivering the letter to the father; there was a great deal of hurry and confusion, and I did not know the father from any body else.

Mr. Serjeant Leigh. Very well; then the fact shortly is this: The letter was wrote by the girl, when only you and Lord Baltimore were there, it was delivered to a footman, to be carried to her father, that letter you took from the footman, and have kept to this hour.

(The letter read.)

Honour'd Father,

Agreeable to my Promise I have sent for you and beg that you and my sisters will make yourselves easy and Contented about me I am as I told you before with a very bonnerable Gentleman that has acted with the greatest bonner towards me and I make no doubt but he will allways due it therefore beg you will calm yourselves and come and see me with all that becomingness that becomes the Place and stivation I am in as being in a Nobleman house and therefore hope you will make no more Stur about it but act with decretion and come by your selves and I am shure I will give you all the satisfaction you desire I Put this bit of Paper in the Letter as A witness this is my writng and my will that you shoud come so Pray make no further adue but come along with the coach from your Dutyfull*

Daughter Sarah Woodcock

Giles

* This was a bill of parcels, which Sarah Woodcock had in her pocket, belonging to her in her way of business as a milliner.

Giles Hitchcock sworn.

I am clerk to Mr. Hammerly. I was at Lord Baltimore's on the 29th of December last, about eleven o'clock, or near that time. I was in the parlour at my Lord's house: and while I was there, Mr. Watts and my Lord Baltimore came into the parlour where I was. My Lord addressed himself to me, and said, this gentleman is come to me concerning a Lady that I have in the house. Upon which some conversation arose between my Lord Baltimore and him; and Mr. Watts said, the lady's father, and sister, and several friends, wanted much to see her. My Lord asked where they were. He said, hard by. My Lord said, they are welcome to come and see her, provided I have some friend or friends present: and said, he had been extremely ill used the night before; that his house had been beset by a parcel of people; that they had not treated him like a gentlemen, but had used him extremely ill, and forced open the gates. Mr. Watts said, what can you do with such a body of people? He said methodists or dissenters, I don't know which. He served the Habeas Corpus upon him from Lord Mansfield. My Lord said, I will obey the writ immediately, and go with you; and fix the time. Upon this Mr. Watts went out of the room. I went with Lord Baltimore up stairs into a room, where I saw the young lady: I never saw her before nor since. My Lord spoke to her, and she seemed very chearful with my Lord, and laughed.

Lord Baltimore. What passed?

Hitchcock. I can't say; my Lord ordered me into another room. I waited there some time. Then my Lord desired I would go into another room, because some people came up into the room, as I imagined, where this lady was. My Lord ordered me down stairs. I waited there some time. My Lord said he had no further commands for me. I came into the hall, and saw my Lord and the lady together. He gave orders to the coachman to drive to Lord Mansfield's. I saw them go into Lord Mansfield's.

Lord Baltimore. How did she appear?

Hitchcock. The lady appeared very gay and sprightly.

Cross Examination.

Mr. Baker. Did Mr. Brown go in the chariot with them?

Hitchcock. Not as I saw; I saw my Lord go into the chariot.

Mr. Baker. Who handed the young lady in, my Lord? Or did she go herself?

Hitchcock. I stood with my back from the door to the fire-place.

Mr. Baker. You said my Lord Baltimore said, the Lady's friends might come to her. Did you see any of her friends there?

Hitchcock. No.

Lord Baltimore. Call Dr. Griffenburg.

Mr. Serjeant Leigh. I object to his testimony. He now stands indicted here for a conspiracy; in abusing this young woman, in carrying her to Lord Baltimore's: in the next place, we have here a record of the conviction of Dr. Griffenburg, for a crime of this nature, for having attempted a rape upon a girl; for which he was fined 6s. 8d. and imprisoned in the King's Bench.

Lord Baltimore. I don't care whether he is examin'd or not: but he is here, and I tender him that the Court may not think I am afraid to examine him; if they object to his being examin'd, I don't press it.

Francis Smith sworn.

Smith. I am a painter.

Lord Baltimore. Do you remember your being in Lord Baltimore's house in December last?

Smith. It was on the 17th or 18th of December last Lord Baltimore sent for me. I went to his house; the servant bade me go in; I went into a yellow bow-window room. Lord Baltimore was there with a gentleman: he desired me to sit down; and I was to drink tea with his Lordship, Dr. Griffenburg, and this lady. After tea, there was a little conversation about several indifferent things; and Lord Baltimore desired me to draw a sketch of that lady's picture; and he gave me a black pencil. I desired the lady

to put herself in a posture to draw her picture. So she did. After I had begun her picture about half an hour, I thought the lady was tired, and I desired her to rest. I afterwards desired her to put herself in the same position, which she did. After I had finished it, I put it in Lord Baltimore's hand: she smiled at it; and the conversation went on till supper was ready: and then Lord Baltimore desired me to stay to supper with him. There was my Lord, this lady, Dr. Griffenburg, and another lady, that supped with us. I took particular notice of this lady, she being a stranger to me: she ate a bit of fowl, and several other things, and drank to every body's health; and I did the same as every body does. After supper I went home.

Lord Baltimore. As you took this lady's face, you will be able to tell us, whether it was a cheerful face, or whether in tears?

Smith. She never cried all the time. No, a figure that would cry would not stand in that position, and I could not go on. She was very willing to stay in that position. She was drawn in this position (*describing it*), leaning her head upon her hand.

Lord Baltimore. Was there any appearance of concern or sorrow about her?

Smith. She was rather cheerful: she behaved with the same ease that every body did.

Lord Baltimore. She said something of your having carried a letter.

Smith. That was a letter I receiv'd from a gentleman a fortnight before; who sent me a letter to lend to Lord Baltimore; which I did: and that day the gentleman had been to me, and said he desired to speak to his Lordship, but he would not go to his house: and he desired me to let him know; it was a tall gentleman in a brown coat.

Lord Baltimore. How came he to find you out?

Smith. Lord Baltimore told me a gentleman should come to me.

Lord Baltimore. Did this lady say any thing to you about your having brought any letter from her father or friends?

Smith. No; this lady in conversation ask'd what this gentleman was. I told her he was dress'd in a brown coat.

Cross Examination.

Mr. Cox. Well, Mr. Smith, your account is a pretty strange one; you have been acquainted with Lord Baltimore a good while, have you not?

Smith. Next May, six years, I have had the honour to know his Lordship; and have had the honour to work for his Lordship.

Mr. Cox. What day of the month was this you drew the lady's picture?

Smith. It was on the 17th or 18th of December last.

Mr. Cox. What brought you to Lord Baltimore's house that day?

Smith. Upon that day he sent for me.

Mr. Cox. Did he let you know what he wanted you for?

Smith. I thought he had sent for me to draw a picture: and I afterwards saw the truth of it. His Lordship sent often for me to draw pictures.

Mr. Cox. And yet when you came there Lord Baltimore lent you his pencil?

Smith. When I was there I told him I had not got a pencil in my pocket.

Mr. Cox. So then you was sent for to draw a picture, and yet you went without your materials: how came you to be in such a hurry?

Smith. He sent to me to come directly.

Mr. Cox. And so you was in such a hurry that you left your pencil in the other pocket?

Smith. That is natural for people when they change their cloaths.

Mr. Cox. What not to take the things out of their pocket?

Smith. The servant told me my Lord Baltimore wanted to see me directly.

Mr. Cox. Well, and then you said, you thought that he was in a hurry; and you went and left these materials at home: that is the fact I think. Now when you came to Lord Baltimore's there was some conversation passed relating to a letter. Tell my Lord and the Jury what the letter was he asked you about.

Smith. The letter I had wrote to my Lord from a gentleman that had been with me.

Mr. Cox. What gentleman was he?

Smith. I don't know.

Mr. Cox. How did he send it you?

Smith. My Lord told me that such a gentleman should come to me.

Mr. Cox. Now see if I understand you. A fortnight before this my Lord told you, that a gentleman should come to you; but he did not come, but sent you a letter. Did you send that letter?

Smith. I sent it to my Lord.

Mr. Cox. Then it was a letter directed to your hands—to be given to Lord Baltimore; and this you was informed of a fortnight before?

Smith. This gentleman came just that day.

Mr. Cox. And this was the very day the man came with the message to Lord Baltimore, and just before that this letter was brought to you?

Smith. No; this letter was brought a fortnight before.

Mr. Cox. When was it delivered to Lord Baltimore?

Smith. The instant I had received it.

Mr. Cox. Then had you any further directions in it?

Smith. No; that gentleman called upon me on that very day, about Four or Five o'clock in the evening.

Mr. Cox. What did he say to you?

Smith. He said that he wanted to speak to his Lordship. I asked if he would go to his Lordship? He said he would not go, but desired me to let my Lord know he had been with me; and so I did.

Mr. Cox. Did you do it by message, or go to his house?

Smith. I sent a letter in French, that a gentleman that I did not know had been at my house.

Mr. Cox. Now all this happened before you went to my Lord the same day, and yet you thought it was all about drawing a picture?

Smith. My Lord asked me what sort of a man he was? And the Lady asked me what was the colour of his coat? I said, a brown coat.

Mr. Cox. Was that the only question she asked you?

Smith. Yes.

Mr. Cox. Only then about the colour of the coat the man had on that called upon you that day. She said nothing about the size of the man, whether taller or shorter, did she?

Smith. Not a single word.

Mr. Cox. And this was in consequence of a letter that was sent a fortnight before. What is your name?

Smith. My name is Smith.

Mr. Cox. Where do you live?

Smith. I live in Dufour's Court, Broad-street, Carnaby-market.

Mr. Cox. What conversation had you at Lord Baltimore's that day about this man in the brown coat?

Smith. My Lord asked me whether he was an old or a young man? I said, an old man in a brown coat.

Mr. Cox. Now was it an old man in a brown coat?

Smith. Yes, and a very tall man.

Mr. Cox. Did he ask you that question in the presence of the lady, or behind her back, in French or English?

Smith. No, in plain English.

Mr. Cox. Did my Lord say any thing to you in French?

Smith. Yes he did speak some words in French, something relating to what had pass'd in the News Paper.

Lord Baltimore. What is the business you generally do for me?

Smith. I take designs for my Lord.

Lord Baltimore. You being a foreigner, do not I often talk to you in your own language?

Smith. Yes.

Mr. Cox. You say you was present when the lady drank tea, will you, upon your oath, say you saw her drink one drop of tea?

Smith. She was very merry in conversation as the rest were.

Mr. Cox. You was there at supper; Did she drink every body's health?

Smith. She drank my Lord's health, and she drank to every body round.

Mr. Cox. In what liquor?

Smith. I believe small beer.

Martha Harrifon fworn.

I am Lord Baltimore's laundry-maid. I was at Lord Baltimore's house in December; I was there before they went to Woodcote.

Lord Baltimore. Do you know in what bed Mrs. Harvey used to lie?

Harrifon. In the next room to my lord's bedchamber.

Lord Baltimore. I would ask you, if you know any person that lay with her there?

Harrifon. I suppose Sarah Woodcock did.

Lord Baltimore. Was there the appearance of two persons in Mrs. Harvey's bed?

Harrifon. Yes.

Lord Baltimore. Who made the fire in this room?

Harrifon. I did.

Lord Baltimore. Did you ever see any people in bed together in that room?

Harrifon. I have seen Mrs. Harvey and Miss Woodcock in bed together, I cannot say how often; I have seen them every morning in bed till she went to Woodcote, all but the first morning after she came. I have heard them converse there.

Lord Baltimore. I would ask you whether you ever saw any acts of civility between Mrs. Harvey and Miss Woodcock?

Harrifon. I have always seen her very merry.

Lord Baltimore. Did you see her perpetually in tears, lamenting and pining?

Harrifon. No, never; I always saw her laughing.

Lord Baltimore. Did you often see her in the day-time?

Harrifon. I did: Mrs. Harvey used to dress her.

Lord Baltimore. And what did she use to do for her?

Harrifon. I have only seen her comb her hair; I saw her do that twice.

Cross Examination.

Mr. Baker. Who is this Mrs. Harvey? Did she live in this house? Did she lie there before this girl came?

Harrifon. No, she did not.

Mr. Baker. Then they came together?

Harrifon. Yes.

Mr. Baker. You went to make a fire the first morning, where was the girl?

Harrifon. She was in the room with Mrs. Harvey: they were both up.

Mr. Baker. Where was Mrs. Griffinburg?

Harrifon. In the room too.

Mr. Baker. I ask you, upon your oath, was not Griffinburg in the room the next night?

Harrifon. No, she was not. On Thursday night and Wednesday night she lay below stairs.

Mr. Baker. So in the morning before you went to make the fire, Mrs. Griffinburg had got up stairs, and was in the room with them?

Harrifon. She went up to shew me the room. I had been there almost a twelvemonth, but did not know they were there; Mrs. Griffinburg told me I was to go in that way.

Mr. Baker. If I understand you right, you told me you found there the two prisoners and Miss Woodcock. Pray did Dr. Griffinburg lie in this house?

Harrifon. No.

Mr. Baker. Pray what was Mrs. Griffinburg in this house?

Harrifon. Housekeeper.

Mr. Baker. Pray did the young woman bring any clothes into the house?

Harrifon. Not that I know of.

Mr. Baker. When did she change her clothes?

Harrifon. After she came from Woodcote.

Mr. Baker. Did she bring any linen with her?

Harrifon. Not that I know of.

Mr. Baker. When was the first time she had any clean linen?

Harrifon. I can't say.

Mr. Baker. Who did she have it of?

Harrifon. Mrs. Griffinburg.

Mr. Baker. Now I ask you if that was not the Monday morning, the day she went to Woodcote?

Harrifon. I can't say the day when it was.

Mr.

Mr. Baker. This girl was always a laughing, constantly, was she not?

Harrison. Yes.

Mr. Baker. What, whether you spoke to her or not? did she walk all about the house?

Harrison. Yes, I saw her in my Lord's bedchamber the Friday before she went to Woodcote.

Mr. Baker. What, never go out all the time?

Harrison. No, not that I know of.

Mr. Baker. What, did she shut up herself in the house?

Harrison. She might have gone out if she would.

Mr. Baker. Then you don't know the reason of Mrs. Harvey's staying in the house at this particular time? You don't know where she liv'd?

Harrison. No, I did not.

Lord Baltimore. Did not Griffinburg go up with you into the room?

Harrison. Yes, she did; and was giving me directions where to light the fire.

Agnes Mitchell sworn.

I am cook to Lord Baltimore.

Lord Baltimore. Pray what apartment did you lie in?

Mitchell. Over the room in which my Lord lay.

Lord Baltimore. Where did Mrs. Harvey lie?

Mitchell. In the same room Miss Woodcock lay in: my room is partly over my Lord's room, and partly over Mrs. Harvey's.

Lord Baltimore. Pray have you ever heard any conversation, or noise?

Mitchell. I have heard laughing, talking, and merriment.

Lord Baltimore. Then you heard it often?

Mitchell. Yes.

Lord Baltimore. What when Miss Woodcock has been there?

Mitchell. Yes.

Lord Baltimore. Did you ever hear any noise, or crying out?

Mitchell. No.

Court. This was in London?

Mitchell. Yes, in London: all that I heard was merriment and laughing.

Cross Examination.

Mr. Serjeant Leigh. Did you ever see Miss Woodcock?

Mitchell. No; but I know she was there. I could distinguish three voices.

Mr. Serjeant Leigh. You say that if there had been any crying out, or noise below, you must have heard it?

Mitchell. I am sure of that; I have heard laughing and talking, but never heard any crying out: I could hear every thing that mov'd or stir'd.

Lord Baltimore. Can you hear the curtains draw?

Mitchell. I could; I could have distinguished voices in the room; or if any body was to speak or stir the fire, I could hear it.

John Mackdonald sworn.

I am one of Lord Baltimore's postillions.

Lord Baltimore. Was you one of the drivers, when I went to Woodcote?

Mackdonald. Yes; I drove the wheel-horses.

Lord Baltimore. Who was in the carriage?

Mackdonald. There was Dr. Griffinburg, his wife, my Lord, and two women more; I took notice of the people that went into the carriage; they went in very chearfully; I observed nothing in particular; it was a post-coach with four horses.

Lord Baltimore. What glasses are there?

Mackdonald. There are fore glasses and side glasses.

Lord Baltimore. Can you tell which way we sat?

Mackdonald. His Lordship and two women sat together; they rode with their faces to the horses.

Lord Baltimore. Was there not a little accident happen'd at setting out?

Mackdonald. The porter forgot to fasten one part of the gate; the wind blew the gate to,

to, and the hind wheel laid hold of it : I expected the carriage was torn all to pieces, but I found it was the gate ; and as soon as I could stop the carriage, I did.

Lord Baltimore. How long did you stop ?

Mackdonald. For about a minute or two ; there was a great many people got round the carriage ; the glasses were up.

Lord Baltimore. Upon the accident happening, were they not let down ?

Mackdonald. One of the side-glasses was ; we went on to Woodcote, over Westminster-Bridge, at our usual rate.

Lord Baltimore. Had you no particular orders to hurry ?

Mackdonald. No.

Lord Baltimore. Could you, who was the nearest postillion, hear the voices of the people in the carriage as you went along ?

Mackdonald. I heard a good deal of mirth and merriment, laughing, and so on ; they seemed all very cheerful : they arriv'd at Woodcote between two and three o'clock.

Lord Baltimore. What time did you set out ?

Mackdonald. A little after eleven.

Lord Baltimore. Do you speak with certainty as to the time ?

Mackdonald. Not to a moment ; I speak to the best of my knowledge. I saw his Lordship get out of the coach, and this strange woman gave him her hand, and he led her in.

Lord Baltimore. Did she look as if she was a prisoner ?

Mackdonald. No.

Lord Baltimore. Did you see them afterwards ?

Mackdonald. No. I went to take care of my horses.

Lord Baltimore. Did you not wait at table ?

Mackdonald. I never waited at his Lordship's table. They came back again in the same manner.

Cross Examination.

Serjeant Leigh. What was it o'clock ?

Mackdonald. Not more than Three. It was more than full day-light.

Jonathan Potter sworn.

I am one of Lord Baltimore's footmen.

Lord Baltimore. Do you remember going to Woodcote ?

Potter. Yes.

Lord Baltimore. Who went there, and in what manner ?

Potter. It was my Lord's own post-coach and four : there was my Lord, Dr. Griffinburgh, Mrs. Griffinburg, Mrs. Harvey, and Miss Woodcock.

Lord Baltimore. What time did you set out from London ?

Potter. At about half an hour after Eleven, or thereabout.

Lord Baltimore. Do you remember any accident that happened as you were coming out, with one of the gates ?

Potter. The wind blew it too ; it was very near over-turning ; that it caused a stoppage for about a couple of minutes, and a great many people were passing and repassing. I went behind the coach to Woodcote.

Lord Baltimore. Pray which way did the coach go out of town ?

Potter. It went over Westminster-bridge

Lord Baltimore. Perhaps as you was behind, you can tell the behaviour of the company ?

Potter. I frequently heard the company laughing, and very merry.

Lord Baltimore. Was either of the glasses let down ?

Potter. The near glass was let down when the accident happen'd at the gate.

Lord Baltimore. Then you went the whole journey behind the coach ?

Potter. Yes.

Lord Baltimore. Did you hear laughing at different times ?

Potter. I did, when I was behind the coach.

Lord Baltimore. Who went in first ?

Potter. I think Sarah Woodcock ; she got in by herself.

Lord Baltimore. When they came to Woodcote, do you remember how they got out ?

Potter. I opened the coach door, and his Lordship got out first, and then Sarah Woodcock : his Lordship, I believe, offered his hand, and she leaned her hand upon his arm ; I am not certain : then all the company went up the slight of steps into the house.

Lord Baltimore. Where did they go to ?

Potter. Into his Lordship's parlour.

Lord

- Lord Baltimore.* Did you wait at dinner ?
Potter. I did.
Lord Baltimore. Who sat at dinner that day ?
Potter. His Lordship, Dr. and Mrs. Griffinburg, Mrs. Hervey and Sarah Woodcock.
Lord Baltimore. Did she eat any thing at dinner ?
Potter. Yes.
Lord Baltimore. Did she drink any thing ?
Potter. Yes—Wine and water.
Lord Baltimore. Did she behave, or not, as the rest of the company did ?
Potter. I could see no manner of difference.
Lord Baltimore. Did she appear in distress when she got out of the coach at Woodcote ?
Did you see her at any time crying, and in distress ?
Potter. No.
Lord Baltimore. Was you not upon the water ?
Potter. Yes, I was.
Lord Baltimore. Who was there ?
Potter. His Lordship, Mrs. Griffinburg, Mrs. Harvey, and Sarah Woodcock.
Lord Baltimore. Who conducted the boat ?
Potter. His Lordship and I rowed it.
Lord Baltimore. Do you remember the day that some company came down ?
Potter. Yes ; it was Wednesday the 23d. They came after dinner : Sarah Woodcock drank tea with the rest of the company : I waited at table : Mr. Smith was one.
Court. What, Smith the Painter ?
Potter. No, a German ; and a gentleman and lady besides, whose names I did not know.
Lord Baltimore. Did she behave at tea as the rest of the company did ?
Potter. Yes ; I did not see the least sign of discontent.
Lord Baltimore. Did she eat and drink at supper ?
Potter. She did ; she generally drank wine and water.
Lord Baltimore. I believe the next day we went to town ?
Potter. Yes they did ; I went to town on horseback.
Lord Baltimore. We supped there on Wednesday, did we not ? Where did the company breakfast ?
Potter. They breakfasted in the parlour ; Miss Woodcock was there.
Lord Baltimore. How was the time taken up ?
Potter. I don't know. They walked about the park when they had a mind, and came into the house when they had a mind, and when they pleased. On Tuesday morning, after breakfast, they went upon the water.
Lord Baltimore. Did Miss Woodcock breakfast on Tuesday morning with the family ?
Potter. Yes. I remember seeing them get into the carriage.
Lord Baltimore. Do you remember how they got into the coach ?
Potter. Sarah Woodcock got in first, and had no assistance, to my knowledge.
Lord Baltimore. Was you near enough the carriage to see the behaviour of the people in the inside of it ?
Potter. No ; I was on horseback as I returned.
Lord Baltimore. During the time she was in town, or at Woodcote, did you ever see her in tears ?
Potter. I never did.
Lord Baltimore. Were there any doors locked, or the like ?
Potter. No ; the doors were all open.
Lord Baltimore. Were there any directions given to the servants to stop her, in case she went out ?
Potter. No ; not by Lord Baltimore, or any body else.
Lord Baltimore. Was you at Lord Mansfield's ? I only ask you to one particular fact ; Did you see any little intimacy between any body after the thing was over ?
Potter. A young man laid hold of her by the arm, and just as they got down to the second step, he kissed her.
Lord Baltimore. How did she behave ?
Potter. I stood at the bottom of the steps.
Lord Baltimore. Who was the man that kiss'd her ?
Potter. They told me his name was Davis.
Lord Baltimore. Whether she spoke, or looked, or did any thing to you ?
Potter. When she had got down the steps, and came by me, she turned back, and looked me in the face, and smiled at me.

Cross Examination.

Mr. Cox. You say she got first into the coach, did you know her?

Potter. I have seen her person. I saw her looking out at the window, but I never waited on her in London. I waited at table at breakfast, dinner, and supper.

Mr. Cox. You are employed to wait at table, and yet you say you never saw this girl but at Lord Baltimore's window: this was severe weather; had you been used to parties of pleasure on the water in such severe weather?

Potter. No.

Court. What sort of a vessel is this?

Potter. A large boat. My Lord has built a sort of a cabin in one of them. The first day they were in the open boat, and in the cabin the second day.

John Perry sworn.

Lord Baltimore. What are you?

Perry. I live in Fore-street, St. Giles's, Cripplegate. I was at Lord Baltimore's on the 21st of December last; I was going to Dr. Griffinburg to recommend a friend of mine to him; when we came to Dr. Griffinburg's house, I went from thence to my Lord Baltimore's, and when Mr. Vergen my friend and I came within about ten yards of the porter's lodge, the coach came out with four bay horses; the coach took part of the gate away; the coach stopt some little time; I was pretty near the coach; I saw five people in it; I saw Dr. Griffinburg in the coach, and pulled off my hat to him, and wished him a good ride; I saw my Lord and the other woman, I don't mean the young woman.

Lord Baltimore. Did you hear any call for assistance?

Perry. There was a great number of people, ten or a dozen, passing and repassing.

Lord Baltimore. Did not you wonder that nobody called out?

Perry. I was surpris'd, that from the danger the coach was in, that nobody screamed out that was in the coach.

Thomas Vergen sworn.

I was at Lord Baltimore's on the 21st of December last, and saw an accident with the coach, it ran against the gate, and stopt about a minute; I looked into the coach, there were five people in it; I did not hear any body call out in it.

Lord Baltimore. Were there any other people there?

Vergen. Yes, several; I was near the coach, so near that if any body had spoke I should have heard them.

Robert Stanger sworn.

I am a butler (in the country) to my Lord Baltimore.

Lord Baltimore. Do you remember the coach coming to Woodcote?

Stanger. Yes.

Lord Baltimore. Who were in it?

Stanger. Lord Baltimore, Dr. Griffinburg, Mrs. Griffinburg, Mrs. Harvey, and Miss Woodcock.

Lord Baltimore. Who opened the coach door?

Stanger. The footman that came down with it.

Lord Baltimore. Do you remember their getting out of the coach?

Stanger. I don't know who handed her out; they went up the lawn into the parlour; my Lord came back on the lawn, and Miss Woodcock came after him; she got hold of his arm and run into the house; that was before dinner; and she sat down to dinner, and always drank first his Lordship's health; she drank tea, and was very merry and chearful. I attended his Lordship in his bedchamber; I warmed his bed and undrest him; Dr. Griffinburg came in; I heard the other door open, but who opened it I don't know.

Lord Baltimore. Did you hear any thing said upon that occasion?

Stanger. Dr. Griffinburg was in his Lordship's room, and went round to the door.

Lord Baltimore. Did you hear any thing in the other room, of any noise, or outcry, or complaint?

Stanger. No. On Tuesday morning I laid the cloth for breakfast; Mrs. Harvey and Miss Woodcock came down together; they were very merry and chearful.

Lord

Lord Baltimore. Were there any marks of deep Distress?

Stanger. Not any.

Lord Baltimore. Could you have then conceived by her appearance she had been ravished the night before?

Stanger. No; she always had coffee between twelve and one o'clock; on Tuesday morning I saw Mrs. Griffinburg and Miss Woodcock come out of the room; she ran down the stairs after her; she jumped down and caught hold of Mrs. Griffinburg's arm, and run round a little piece of water, and was very merry.

Lord Baltimore. Some company came on Wednesday, did they not?

Stanger. Yes.

Lord Baltimore. Do you remember the entertainment of that evening?

Stanger. It was a kind of a magic lanthorn; and Miss Woodcock, for one, downed on her knees upon the carpet, sewing these table-cloths together, to make one piece of it, and she laughed at it, and was extremely merry about it, more so than any one: the cord broke, and we were obliged to put it up again; Miss Woodcock laughed very much at that, more particularly than any body; she came into my pantry one day, and admired the paintings there.

Lord Baltimore. Was there any orders given for restraining her?

Stanger. No; I never saw her but she had her liberty to go where she pleased.

Lord Baltimore. Were there not several workmen about?

Stanger. There were forty or fifty workmen about the house and park; she might have gone away, I dare say, if she chose it.

Cross Examination.

Mr. Baker. You know Mrs. Harvey; was she ever at Woodcote before this?

Stanger. No. Miss Woodcock was the merriest always, she laughed surprisngly, and was always the merriest of the company.

William Noble sworn.

Noble. I am land steward to Lord Baltimore.

Lord Baltimore. Do you remember my coming down on the 21st of December to Woodcote?

Noble. I saw my Lord's carriage coming, but I did not see him get out; he staid to the 24th; there was a young lady with him, one Miss Woodcock; I remember to have seen her there very well; I once saw her with Mrs. Griffinburg a furlong, at least, from the house, in the park; the next time I saw her along with Mrs. Harvey and Mrs. Griffinburg, and they walked down to the bottom of the lawn, and turned round the pales at the bottom.

Lord Baltimore. Had you any workmen employed then?

Noble. Yes; I believe we had ten men at work on the outside, and ten on the inside of the house.

Lord Baltimore. Did they walk near where these men were?

Noble. They walked so nigh that they could talk to the workmen.

Lord Baltimore. Do you remember any thing of some Italian shades represented there one night?

Noble. Yes, I do; they were sewed together; I was not present at the time they were sewing; I put them up; when I was drawing it up, the rope broke, and it dropt; Miss Woodcock laughed very heartily, and the lady that sat next to her. I was coming out of the great room that evening, and saw Miss Woodcock warming her feet in a room by herself; that was on Wednesday night the 23d.

Lord Baltimore. Did you see her often when she was down?

Noble. I saw her many times, and she seemed to be very chearful and easy.

Lord Baltimore. Did you ever hear of any orders given to confine her?

Noble. No, none at all.

Lord Baltimore. Could she not have gone out of the house as well as any body else?

Noble. Yes.

Lord Baltimore. That Seat is not far from Epsom?

Noble. About a mile we call it; it is but half a mile from our park.

Jane Candler sworn.

I live at Woodcote; I am my Lord's house-maid at Woodcote; I remember Miss Woodcock being there; I was there all the time she was there.

Lord Baltimore. How did she behave?

Candler. Very well; the same as the rest of the ladies.

Lord Baltimore. Was she dejected, or in good spirits?

Candler. I observed no difference; she was under no restraint; I saw her on the lawn on the Monday, the day she came.

Lord Baltimore. Who was walking with her?

Candler. His Lordship.

Lord Baltimore. Before or after dinner?

Candler. Before dinner, as soon as they came down.

Lord Baltimore. In what manner did she walk with him?

Candler. She was close by him; I did not observe whether she had hold of him or not, but she seemed very merry and chearful.

Lord Baltimore. You warmed the beds there I believe?

Candler. I did.

Court. Whose bed did you warm?

Candler. I warmed the bed for Mrs. Harvey and Miss Woodcock.

Lord Baltimore. Did you warm the bed on Tuesday night?

Candler. I did.

Lord Baltimore. Who were there?

Candler. Doctor Griffinburg, his wife, Mrs. Harvey, and Miss Woodcock.

Lord Baltimore. Did you observe any thing?

Candler. They were all very merry.

Lord Baltimore. Did they laugh as if it was something sudden?

Candler. I can't say what they were so merry about.

Cross Examination.

Mr. Serjeant Leigh. Did you ever see Mrs. Harvey there before?

Candler. No, never.

Elizabeth Greenough sworn.

I am his Lordship's cook at Woodcote: I was confined to my bed on account of an accident I had; I was visited on Wednesday the 23d of December.

Lord Baltimore. Do you know by whom?

Greenough. One Miss Woodcock came in with Dr. Griffinburgh.

Lord Baltimore. In what manner did she appear?

Greenough. Very chearful.

Lord Baltimore. Did she appear in any distress of mind?

Greenough. No, she said mine was a very great misfortune; then she said to Dr. Griffinburg, Sir, will you take a walk; the Doctor said he would; she went out and put her hat on, and came into my room; then the Doctor and she went out to take a walk.

John Daniel Smith sworn.

Smith. I am a merchant: I have been acquainted with Lord Baltimore; I have known him about eight years; I was one of the party that made Lord Baltimore a visit at Woodcote.

Lord Baltimore. Who were the party?

Smith. There was Captain Pezer; a gentleman; and there was a young lady with us.

Lord Baltimore. Under whose protection was she?

Smith. Under mine. We came there about five o'clock.

Lord Baltimore. What day was it?

Smith. I believe on Wednesday the 23d of December: when we went up stairs I found my Lord, Mrs. Griffinburg, and Dr. Griffinburg, Mrs. Harvey, and Miss Woodcock, all at tea.

Lord Baltimore. Did not some amusement go forward in the Evening?

Smith. Yes, my Lord proposed to make a shade.

Lord Baltimore. Did Miss Woodcock lend a hand to this?

Smith.

Smith. Yes; first she pinned them, and afterwards took a needle and thread and joined them.

Lord Baltimore. While these shades went on, where was she? after she had done her work, what became of Miss Woodcock?

Smith. I saw them standing there all together; I went behind to perform, because we did not all perform at a time; I was a performer, and Mr. Pezer, and a little black boy.

Lord Baltimore. Did you see any more there?

Smith. While this exhibition was going forward, and almost over, my Lord and I came from behind the curtain; my Lord went on, and I stopt at the Chimney at the corner; I believe he went up to the ladies; I saw my Lord in a moment afterwards, sitting in an elbow-chair; Miss Woodcock came after him; my Lord sat down in the elbow-chair, and Miss Woodcock sat down upon his knee, with her arm upon his neck, not quite round his neck, rather upon his shoulder: I then observed my Lord kissed her, and he drew back, and she kissed him; I saw it plain: after this we went to supper, and I saw Miss Woodcock sit next to Miss Forrest, and she was sitting next my Lord, and she seemed to be very chearful and in good spirits; I observed one thing more, she poured out a glass of wine for Miss Forrest, and one for herself, and they drank to my Lord and the company; after supper was over, they wished us a good night. Next morning the ladies were not below when I came down; my Lord was already below, and Mr. Pezer; then the ladies came in successively, and they sat down to breakfast: I went to take a walk with my Lord; afterwards I came back and found the Ladies sitting in the room; I saw particularly Miss Woodcock with Miss Forrest running upon the terras, seemingly in high spirits and chearful; the other ladies walked behind.

Lord Baltimore. During the time you was there, was the lady under any constraint, uneasiness, or concern?

Smith. Not in the least.

Lord Baltimore. Could you observe she laboured under any private uneasiness and grief?

Smith. No, not to me.

Cross Examination.

Mr. Serjeant Leigh. Pray, Sir, where do you live in London?

Smith. In *Newman-street*.

Court. You are Guardian to Miss Forrest?

Smith. No, my Lord.

Court. I thought you said she was under your protection.

Smith. She is my housekeeper.

Henry Pezer sworn.

I was one of the three people that went to visit Lord Baltimore; I went down with the last witness.

Lord Baltimore. Who went down in your party?

Pezer. Mr. Smith, and Miss Forrest.

Lord Baltimore. What day did you go down?

Pezer. On Wednesday the 23d of December.

Lord Baltimore. When you came there, how was my Lord engaged?

Pezer. He was in the room with Mrs. Harvey and Miss Woodcock; they were drinking tea.

Lord Baltimore. How did you amuse yourselves in the evening?

Pezer. My Lord darkened part of the room; on the other side was placed a candle; I myself and others played there.

Lord Baltimore. Do you remember who assisted in joining the cloths together?

Pezer. The ladies did, Miss Woodcock and the others; the cords broke and it fell down.

Lord Baltimore. Did that create any laughter?

Pezer. May be it did; I did not observe these things.

Lord Baltimore. Do you remember who supped there?

Pezer. Yes.

Lord Baltimore. Miss Woodcock was one of the party; was she not?

Pezer. Yes.

Lord Baltimore. Did she refrain from drinking?

Pezer. No, she eat and drank as all the rest did; I took a bottle and said, You have no wine, ladies; and I poured them out wine; there was a hare froze in the ice, and they ran down to see it, and they ran up again; Miss Woodcock was one of them, upon honour.

Lord Baltimore. Did you observe any appearance of gloom in her countenance ?

Pezer. No, not the least, or discontent ; she appeared as the rest of the company.

Elizabeth Forrest sworn.

I am housekeeper to Mr. Smith ; I was at Lord Baltimore's with these two gentlemen.

Lord Baltimore. What time was that ?

Forrest. It was the 23d

Lord Baltimore. Of what month ?

Forrest. I can't tell.

Lord Baltimore. Was it before Christmas ?

Forrest. Yes.

Lord Baltimore. Did you see me there, and Miss Woodcock ?

Forrest. Yes.

Lord Baltimore. What time did you go there ?

Forrest. About five in the evening. I saw there my Lord, Mrs. Harvey, Miss Woodcock, Dr. Griffinburg, and Mrs. Griffinburg.

Lord Baltimore. What were they doing together ?

Forrest. Drinking tea.

Lord Baltimore. Was Miss Woodcock drinking tea with them ?

Forrest. Yes : I joined company.

Lord Baltimore. Was you left alone with Miss Woodcock any time ?

Forrest. No.

Lord Baltimore. Do you remember any pictures ?

Forrest. Yes.

Lord Baltimore. Do you remember my taking a walk ?

Forrest. No ; I do not remember it.

Lord Baltimore. Do you remember any thing about the pictures ?

Forrest. She (Miss Woodcock) got a candle, and looked at the pictures, and shewed them me.

Lord Baltimore. Did she then appear dejected ?

Forrest. No ; She was as merry as the merriest.

Lord Baltimore. Do you remember the magic Lanthorn ?

Forrest. Yes ; there was something of that sort ; I don't know what you call it.

Lord Baltimore. Did she join in the company that night ?

Forrest. Yes ; she was as much diverted as the merriest ; she laughed ; I lent her my pincushion ; she helped to pin them ; and when the needles and thread came up, she helped to sew them ; she was as much pleased as any of the rest ; she appeared to me to have the same liberty as the rest.

Lord Baltimore. Who supped with you ?

Forrest. We all supped together.

Lord Baltimore. Did Miss Woodcock eat any supper ?

Forrest. Yes ; she eat the same, and as hearty as the rest ; she laughed, and was as merry as the rest. As soon as supper was over, we women all got up together, and bid his Lordship a good night. As the four women retired after supper, we were going through a gallery, I said, there are a great many doors. She said, Yes ; and if I would go with her, she would shew me my Lord's bed-room. I went in with her.

Lord Baltimore. Had you any conversation upon that occasion ? Did any thing more pass that night ?

Forrest. No, nothing at all.

Lord Baltimore. What passed next morning ?

Forrest. Us women joined together to breakfast : the gentlemen had breakfasted before, except Dr. Griffinburg ; he sat down to breakfast with us ; Miss Woodcock breakfasted with us.

Lord Baltimore. That was on Thursday morning, I believe ?

Forrest. Yes it was.

Lord Baltimore. Did she eat any breakfast ?

Forrest. Yes, as much as the rest. After breakfast we walked up the Terras ; we talked with Miss Woodcock ; at breakfast she said she was ashamed of her linnen ; that if she had thought of his Lordship's staying so long down there, she would have provided herself with linnen. When we were walking upon the terras, she told me, she had never been there before, but had lived in my Lord's family above a twelvemonth.

Lord Baltimore. Did you walk out that morning ?

Forrest. It was a very cold morning, and she and I ran several times on the terras
by

by way of diversion. As soon as I came in again, I lent her a shift, an apron, and a pair of ruffles. I went into my own room, (the room I lay in.)

Lord Baltimore. Had you any conversation with Miss Woodcock at that time?

Forrest. She was not in my room at that time.

Lord Baltimore. What did she tell you there?

Forrest. I don't remember. After I had brought up the linnen into her room, she told me not to make myself uneasy; for as soon as she got home to his Lordship's house, she would send the linnen by one of the servants.

Lord Baltimore. So she looked upon my house as her own home?

Forrest. Yes.

Lord Baltimore. Did she eat and drink there at that time?

Forrest. Yes, she did, and poured herself out a glass of wine, and poured out some for me too.

Lord Baltimore. Did she drink to any body?

Forrest. Yes; she drank Lord Baltimore's health.

Lord Baltimore. Did she appear to be in a dejected state, or did she appear to be a woman that was well contented with her situation? Did she appear to be a person that was at liberty, or under restraint or confinement?

Forrest. She appeared to be at liberty as much as any body else; she might have got away if she would; she was in as high spirits as any of the rest; always in high spirits.

Cross Examination.

Mr. Cox. You say she was just as chearful as any of the rest, neither more nor less, but exactly as chearful that you observed?

Forrest. Yes.

Mr. Cox. And eat and drank just as the rest did exactly?

Forrest. Yes.

Mr. Cox. Did you make that observation at that time?

Forrest. No, not a particular observation.

Mr. Cox. When did you first make the observation?

Forrest. When we were at supper.

Mr. Cox. That was that time.

Forrest. No; this is the next day.

Mr. Cox. How came you to think of it?

Forrest. I don't know.

Mr. Cox. Upon what occasion did she tell you she had been there a twelvemonth?

Forrest. As we were coming off from the terras, I asked her if she had ever been down there before; she said No; but she had lived in his Lordship's family above a twelvemonth.

Court. How long have you lived with Mr. Smith, and in what capacity?

Forrest. I have been his housekeeper this twelvemonth.

Court. Where did you come from to him?

Forrest. From Nottinghamshire.

Court. Who did you live with there?

Forrest. I came from my father.

Robert Walter sworn.

I work for Lord Baltimore at Woodcote, as a carpenter.

Lord Baltimore. Do you remember my coming down in my carriage there?

Walter. Yes, I do. His Lordship came with three ladies and a gentleman: I knew Mrs. Griffinburg; there were two young ones, whose names I did not know; I have since heard who they were.

Lord Baltimore. What are their names?

Walter. Mrs. Harvey, and Sarah Woodcock. I saw one lady get out, and my Lord followed her: she appeared very agreeable and loving: I saw her again on Tuesday walking in the park; Mrs. Griffinburg was with her; she appeared very gay; she was arm in arm with Mrs. Griffinburg; I saw her walking about at other times while there; she always appeared gay and chearful; she seemed to be at liberty to go where she pleased.

Cross Examination.

Mr. Baker. Was not somebody always with her ?

Walter. Yes, I believe there was.

Elizabeth Dunning sworn.

I am governess to my Lord's daughters ; one of them is since dead.

Lord Baltimore. Pray, Madam, when did you first see this lady ?

Dunning. On Christmas-day she was introduced with her hat, cloak, and gloves on.

Lord Baltimore. As what ?

Dunning. A companion to the misses.

Lord Baltimore. Was she introduced by my Lord ?

Dunning. He said it was a person very well recommended by her father to be a companion to the misses.

Lord Baltimore. What said she to this ?

Dunning. She made no reply.

Lord Baltimore. In what way did she live in the family whilst she stayed there ?

Dunning. She eat and drank with me and the ladies, my Lord's daughters, as cheerful as any body ; she breakfasted, dined, and supped with Madam Saunier and the family.

Lord Baltimore. What was she employed in ?

Dunning. Sometimes working : on Saturday evening she was at work, and several parts of the day.

Lord Baltimore. Had my Lord and she any conversation ?

Dunning. They had upon Christmas evening.

Court. What was their subject ?

Dunning. Many subjects ; they were talking of scripture.

Lord Baltimore. What were they talking of ?

Dunning. They were talking of Paul, and Saul, and Ifaiah, and Adam and Eve.— Miss Woodcock said Adam was created upright ; at which we all laughed.

Lord Baltimore. Pray did she join in that laugh ?

Dunning. Yes.

Lord Baltimore. Pray do you remember Mrs. Pynson's coming to see the ladies ?

Dunning. Yes.

Lord Baltimore. She dined and supped with you, I think ?

Dunning. Yes.

Lord Baltimore. How was she employed that day ?

Dunning. That was on Saturday ; she was making gauze ruffles and aprons.

Lord Baltimore. Was any thing said about her playing at cards that evening ?

Dunning. Yes.

Lord Baltimore. You had opportunities of conversing with her, and sometimes, I suppose, alone ?

Dunning. I was with her many times alone.

Lord Baltimore. Could you discover, from the stile of her conversation, that she was uneasy, and detained against her will, or any secret discontent ?

Dunning. No, not in the least ; nor did I know to the contrary, nor who she was, till she was gone.

Lord Baltimore. From the manner of her being introduced to you, with her hat and cloak on, she certainly assisted me to impose upon you, or she would certainly have contradicted it ?

Dunning. Yes, I suppose so.

Court. Did she not come from Woodcote that day ?

Dunning. I did not know she had been at Woodcote ; I never heard a word of it.

Lord Baltimore. Your Apartments were distinct from the rest of the family, were they not ?

Dunning. There is a room where the masters attended upon the ladies ; there is a room for writing, and another for music, and the ladies are employed every hour of the day with one or other of the masters.

Lord Baltimore. It is a very large house ; is it not ?

Dunning. Yes.

Lord Baltimore. Do you know of her being in confinement ?

Dunning. Not in the least.

Lord Baltimore. Would she play at cards?

Dunning. No.

Cross Examination.

Mr. Serjeant Leigh. So you never knew all this time that this girl was in the house; you who are governess to his daughters, and lived in the same house?

Dunning. No, I did not know she was in the house till they came back again.

Mr. Serjeant Leigh. Or did you ever know Mrs. Harvey was there?

Dunning. No.

Mr. Serjeant Leigh. Did the young ladies never eat with my Lord?

Dunning. When he has no company, sometimes they do.

Mr. Serjeant Leigh. Did you ever see Mrs. Harvey before?

Dunning. No; I never knew there was such a woman in the house till this broke out: I never saw Harvey or Woodcock till Christmas-day.

Mrs. Saunier sworn.

Lord Baltimore. Pray, did you know Miss Woodcock?

Saunier. Yes.

Lord Baltimore. Do you remember her being at Woodcote that December?

Saunier. No.

Lord Baltimore. Was she introduced to you at any time, and in what character?

Saunier. Yes, on Christmas-day, as a companion to the young ladies.

Lord Baltimore. How long was she at the house in town?

Saunier. Three days, to my knowledge.

Lord Baltimore. Could she have gone out of my house if she thought proper? Were any orders given to the family to keep her in?

Saunier. No; she was under no restraint; she could have got out whenever she pleased.

Lord Baltimore. Did you ever see her in tears?

Saunier. No; she was as chearful as we.

Lord Baltimore. Do you know of her being to have a bed in your room?

Saunier. Yes; there was a bed made up there.

Lord Baltimore. Did she ever lie in it?

Saunier. No; she would not lie in it.

Lord Baltimore. What sort of a room was it?

Saunier. It was a little room; there were two beds in it; it was a good room; there was a bed made on purpose for her to lie in my room.

Lord Baltimore. Had she a nightcap in your room?

Saunier. Yes, and she went and fetched it out.

Lord Baltimore. Did you hear any thing said of Miss Woodcock's application to me?

Saunier. She refused to lie in that room, and said she would speak with me first: I told her I should see her again; she fetched the night-cap out, and said she did not choose to lie with any body in the room.

Elizabeth Pynsons sworn.

Lord Baltimore sent a note with his compliments to me on the 26th of December, and that if I was not engaged, he would send his coach for me. I went; I saw my Lord, his two daughters, Miss Woodcock, Mrs. Saunier, Mrs. Dunning, and Dr. Griffinburg; we all dined together.

Lord Baltimore. How did Miss Woodcock appear at dinner?

Pynsons. Extremely chearful, and the most pleased of any person there.

Lord Baltimore. Did she dine, and eat as other people did?—Did you stay there after dinner?

Pynsons. I drank tea there, and supped.

Lord Baltimore. How did you spend your afternoon?

Pynsons. The young lady after dinner, and Miss Juliet, got up, that is she that is dead.

Lord Baltimore. I believe she was about fifteen at that time.

Pynsons. Yes.—They got up, and went into the drawing-room together, both laughing

laughing immoderately. She was chearful and gay till tea-time came on, and then they were all at work. My Lord said, My ladies don't love cards: I said to my Lord, The ladies are very chearful at work, (she was at work on gauze); she said it would wash well, and that the apron I had on would wash well; it had been washed. I asked Mrs. Saunier how long that lady had been in the family; she said, the day before. I observed she was extremely chearful, and appeared as if she had been in the family a twelvemonth: she and Miss Juliet seemed very fond of each other.

Lord Baltimore. Did you observe any discontent of mind?

Pynsons. She appeared to me to be at her full liberty as much as I; she appeared under no restraint.

Lord Baltimore. She did not appear to be a person with an afflicted mind, did she? Did you see her cry?

Pynsons. No; if laughing is crying, she had sufficient of that.

Cross Examination.

Mr. Serjeant Leigh. Are you a married woman?

Pynsons. No, I am not: I have been married.

Mr. Serjeant Leigh. Where do you live?

Pynsons. In Warwick Court, Holborn.

Mr. Serjeant Leigh. Are you of any employment, or business?

Pynsons. No; I live upon my fortune.

Mr. Serjeant Leigh. You went to my Lord Baltimore's, and there were these people, my Lord and his two daughters, Mrs. Saunier, Mrs. Dunning, Dr. Griffinburg, and Miss Woodcock: it struck you very much, I think, that this girl was so very merry?

Pynsons. As I had not been in the family for five months, I enquired after her.

Mr. Serjeant Leigh. So then she was so extremely chearful, that you enquired after her on that account?

Pynsons. I was going to say to the ladies, Tell me what you laugh at, that I may laugh with you; but my Lord was there, and so I thought I would not.

Mr. Serjeant Leigh. How long did you stay after dinner?

Pynsons. I supped there.

Mr. Serjeant Leigh. Did the young ladies and my Lord Baltimore sup with you?

Pynsons. Yes.

Mr. Serjeant Leigh. And were they all as chearful at night?

Pynsons. Yes.

Mr. Serjeant Leigh. But this girl struck you?

Pynsons. They were all chearful.

Mr. Serjeant Leigh. You knew Mrs. Dunning was an instructor to the young ladies, and Mrs. Saunier; and yet you had not the curiosity to enquire who this young lady was?

Pynsons. No.

Mr. Serjeant Leigh. Well then, you thought, I suppose, she was brought in merely to laugh.—As you took so much notice of this girl, I wonder your curiosity did not lead you to enquire in what capacity she was in the family?

Pynsons. No, my Lord was present; it was when Mrs. Saunier went to the fire I spoke to her.

Mr. Serjeant Leigh. Well, but suppose my Lord was there, you was on a good footing; there was no great distance kept.

Lord Baltimore. If I understand you right, the reason why you took notice of this young woman was, because you had never seen her there before?

Pynsons. Yes.

Mary Okeley sworn.

I am a mantua-maker; I was sent for to my Lord Baltimore's the 26th of December.

Lord Baltimore. For what purpose?

Okeley. To make a gown for a young lady, whom, I since understand, is Miss Woodcock: I made the gown.

Lord Baltimore. Did you receive any directions from Miss Woodcock about making the gown?

Okeley. I did. I asked her if she chose to have it made with an apron, or without? She said, Without an apron.

Lord Baltimore. Did she chuse what colour her gown should be?

Okeley.

Okeley. I asked her what I was to measure her for? *Mrs. Griffinburg* asked, Would she have a night-gown, or a negligee? She chose a night-gown, because I told her it was impossible to have a negligee made by next day; *Mrs. Griffinburg* had said at first, you must have it made by to-morrow: and then she chose a night-gown. I asked her how she chose to have it made; whether to button before, or with a loose stomacher? She said, With a loose stomacher.

Lord Baltimore. Was it made?

Okeley. It was.

Lord Baltimore. When did you bring it home?

Okeley. I came to try it on at nine o'clock the same evening.

Lord Baltimore. Where did you find Miss Woodcock?

Okeley. At the top of the stairs, with a candle in her hand. I went into her bed-room; I tried it on; she desired me then to be as quick as I could, because it was supper time.

Lord Baltimore. Did you go away as soon as you had done?

Okeley. Yes; and came again the next day, and brought it home: I saw her then.

Lord Baltimore. Had you any conversation with her then?

Okeley. No; none.

Lord Baltimore. Did you bring the stomacher?

Okeley. I asked her to excuse me till Monday; she said, By all means, only let me have the gown by dressing-time to-morrow. And being in so great a hurry, going to supper, she did not let me take the pins out; I told her, I hoped she would excuse any little flaw that might happen. She said she would, by all means.

Lord Baltimore. Did you see her on Sunday?

Okeley. I did. There was *Mrs. Dunning*, the two ladies, *Dr. Griffinburg*, and another lady there. She appeared very brisk and merry; she was coming to the fire to *Dr. Griffinburg*, and there stood talking.

Lord Baltimore. Had she an opportunity to get out if she would?

Okeley. Yes, she had; she was under no restraint, and was alone on the top of the stairs.

Lord Baltimore. Did her eyes appear swelled with crying?

Okeley. Not in the least.

Isabel Hadley sworn.

I am a milliner, and live in Holborn; I was sent for to Lord Baltimore's; I saw a young lady; I did not know who she was.

Lord Baltimore. What did she bespeak?

Hadley. She chose a cap and a cloak, and some petticoats, and ordered some muslin to be brought.

Lord Baltimore. Did she shew any attention to the fashion and make of the goods?

Hadley. I shewed her some; she did not chuse them. She did not say any thing particular, only objected to a cloak that it was too dear.

Lord Baltimore. The question is, Did she want them fashionable?—There were under-petticoats?

Hadley. Yes; flannel petticoats.

Lord Baltimore. Did she give any directions how these were to be made?

Hadley. She desired these might be made to tye before, and they must be brought home by two o'clock. I never had such an order before.

Lord Baltimore. Did this young woman appear easy and chearful?

Hadley. She did not seem distressed.

Cross Examination.

Mr. Cox. You never saw any tears, or any thing of that sort?

Hadley. No; none at all.

Adock Humell sworn.

I am a musician.

Lord Baltimore. Did you teach any body music at my house?

Humell. I taught Lord Baltimore's two daughters every day.

Lord Baltimore. Do you remember going to my house in December? You know the time I refer to; you came to see some company in the parlour.

Humell. No; they were up stairs: it was the 28th of December.

Lord

Lord Baltimore. What time of the day?

Humell. Between Eleven and Twelve.

Lord Baltimore. When you came there, where was I?

Humell. I did not see Lord Baltimore at first when I came in; first I met Mrs. Saunier and a strange woman I did not know.

Lord Baltimore. Who did she turn out to be afterwards?

Humell. After that I went to the room to my scholars, and there was the eldest daughter and my Lord; they desired me to go and fetch a music-book from below; when I came up stairs into the room, I found his Lordship and the young woman, Miss Woodcock.

Lord Baltimore. Have you seen her since?

Humell. That was the only time I saw her.

Lord Baltimore. When you came back again, you saw somebody in the parlour; did you not?

Humell. I saw his Lordship and Miss Woodcock playing together. She had her back to the fire side, and she was handling her work. My Lord took her work from her, and pulled it from her; and she pulled it from him.

Court. What was the work?

Humell. A handkerchief, or some such thing.

Lord Baltimore. She was not crying, or weeping then?

Humell. No; she was gay and free.

John Burn sworn.

I am butler to my Lord at his house in Southampton-Row. I remember Miss Woodcock's going out, on Monday the 28th of December, with Miss Griffinburg and Miss Fanny. She is 8 years old. They went in a hackney-coach. I handed them all in.

Lord Baltimore. Did she go there freely?

Burn. Yes.

Lord Baltimore. Under no constraint?

Burn. No; not in the least.

Lord Baltimore. Did you see them all go freely into the coach? They were to drive to Queen-street, Soho?

Burn. Yes.

Lord Baltimore. You being the butler, very frequently attend the hall, and go to the door, do you not?

Burn. Yes.

Lord Baltimore. Is the door ever locked in the day time?

Burn. No.

Lord Baltimore. Are you pretty much in the hall?

Burn. Yes.

Lord Baltimore. Was any order given to stop her if she should want to go out?

Burn. No.

Lord Baltimore. Should you have stopped her, if she had offered to go out?

Burn. No.

Cross Examination.

Mr. Baker. The time you speak of was Monday the 28th; when did you first see Miss Woodcock?

Burn. I believe the day they went down to Woodcote: that was the first time I had ever seen her.

Mary Jacobs sworn.

I am servant to Dr. Griffinburg.

Lord Baltimore. Do you remember any body coming in a coach to Dr. Griffinburg's on the 28th of December?

Jacobs. Yes; Mrs. Griffinburg, Miss Fanny, and Miss Woodcock. When they came, I opened the door.

Lord Baltimore. Who came out first?

Jacobs. Mrs. Griffinburg.

Lord Baltimore. Where did the coach stop?

Jacobs.

Jacobs. About five or six doors off. Mrs. Griffinburg took Miss Fanny out, and brought her into the passage, and Miss Woodcock followed.

Lord Baltimore. Where did they go?

Jacobs. Into the parlour. Mrs. Griffinburg came down twice or three times into the kitchen.

Lord Baltimore. How long was she out of the parlour at a time?

Jacobs. About eight or ten minutes.

Lord Baltimore. Then nobody was left with Miss Woodcock but Miss Fanny. Was the street door so fastened that she could not open it?

Jacobs. No; it was not fastened at all: she could have gone to the door in a minute.

Lord Baltimore. Do you remember the parlour fire being out?

Jacobs. I made it up. Miss Woodcock said she was cold. Mrs. Griffinburg took her cloak, and put it on her. She said, Madam, you'll spoil me. She seemed merry.

Lord Baltimore. Not at all dejected?

Jacobs. No.

Catherine Smith sworn.

I am fourteen years old.

Lord Baltimore. When was you fourteen?

Smith. A quarter of a year ago.

Lord Baltimore. Don't you live with Dr. Griffinburg?

Smith. Yes.

Lord Baltimore. Do you remember any thing of any company coming to your master's house in December?

Smith. Yes.

Lord Baltimore. Who were they?

Smith. Miss Woodcock, Mrs. Griffinburg, and Miss Fanny.

Lord Baltimore. How did they come?

Smith. They came in a coach.

Lord Baltimore. Do you know where they stopt?

Smith. They stopt at a milk-cellar.

Lord Baltimore. How far is that from your street-door?

Smith. About five yards.

Lord Baltimore. Then they were obliged to walk five yards to your door. Could the coach have come nearer up to the door?

Smith. No.

Lord Baltimore. What room did they go into?

Smith. The back parlour.

Lord Baltimore. Is that on the ground floor?

Smith. Yes.

Lord Baltimore. How far is it from the door of that parlour to your street door?

Smith. About three yards.

Lord Baltimore. When Mrs. Griffinburg was come home, there was some dinner preparing, was there not?

Smith. There was.

Lord Baltimore. Did she stay in the room all the time?

Smith. No; she went down stairs: the first time, she staid a quarter of an hour, I believe, and went again after that.

Lord Baltimore. Could she have gone to the door, and let herself out, if she pleased?

Smith. Yes, she could.

Lord Baltimore. Was nobody with her besides the little girl?

Smith. No; there was not.

Lord Baltimore. When did they come?

Smith. At Four o'clock.

Lord Baltimore. That was day-light, was it not?

Smith. Yes.

Mary Vanburg sworn.

I am a servant of Lord Baltimore's. I went to Dr. Griffinburg.

Lord Baltimore. Did not you go from thence to Whitechapel?

Vanburg. Yes; I went with Lord Baltimore, Dr. Griffinburg, Sarah Woodcock, Miss Fanny, and Mr. Morris.

Lord Baltimore. Pray what time did you get to the tavern?

Vanburg. It might be between Eight and Nine.

Lord Baltimore. How long might you stay there?

Vanburg. It might be two hours. Miss Woodcock, Miss Fanny, and I, were left by ourselves in that taven in Whitechapel.

Lord Baltimore. Where were the others gone to?

Vanburg. I don't know; they went out of the room.

Lord Baltimore. Had Miss Woodcock any opportunity to get out of that room, if she pleased? If she had offered to go out of the room, should you have stopped her?

Vanburg. No; I had no such orders; and if I had, I should not have pretended to have stopped her.

Lord Baltimore. Where did Miss Woodcock lie that night?

Vanburg. I saw her in my Lord's bed.

Lord Baltimore. Pray how did she go up to bed?

Vanburg. She went up stairs; she sat some time in the room before she went to bed; she was as chearful as any person could be, and was very merry.

Lord Baltimore. Was she under any restraint?

Vanburg. No; she was under no restraint whatever.

Lord Baltimore. Had she her liberty?

Vanburg. She had her full liberty.

Lord Baltimore. Do you remember her going to my Lord Mansfield's? Do you know what became of the key of the door where she lodged?

Vanburg. She put it in her pocket.

Hugh Morris sworn.

Morris. I am a linnen-draper.

Lord Baltimore. Have you any connexion with these people? How came you one of the party at the Crown and Magpye?

Morris. Dr. Griffinburg had paid me some money that day, and he desired me to carry a letter.

Lord Baltimore. For what reason?

Morris. Because he could not speak English very well.

Lord Baltimore. Did he direct you where to go?

Morris. No; he went with me in the coach. We went to the Crown and Magpye, Whitechapel. I asked Dr. Griffinburg what was the matter? He said nothing at all. I followed him into the room.

Lord Baltimore. Where was the room?

Morris. On the ground floor. I passed by the bar; there was a woman selling of oysters on one hand, and two or three people in the bar, and several in the kitchen, all of which we passed; and I saw in one room a dozen people.

Lord Baltimore. What passed when you got into the room?

Morris. Miss Woodcock asked, Who had got the letter? I said, I have. She took the letter out of my pocket, and said, This is my own hand-writing; go and tell my father or sister to come here directly. I went. Mrs. Berry said, They were not at home, and she could not tell when they would come home. I went back to my Lord again. He was for sending me to Justice Fielding to enquire for Mr. Woodcock. Miss Woodcock thought Justice Fielding would do no business at that time of night, and her father would probably be at home soon. We staid about half an hour. She proposed sending the letter, and leaving it there. My Lord asked her if she thought Mrs. Berry would deliver the letter? She said she would. She proposed writing a few more lines. She opened the letter, and wrote. My Lord desired to see what she wrote. She read it to him. There were about five or six lines. I went and gave the letter to Mrs. Berry. Mr. Woodcock was not yet come home.

Lord Baltimore. If this young woman had wanted to have gone herself to her father, could any body have hindered her?

Morris. She stood between me and the door. There was nothing could hinder her from going out, if she chose to lift up the latch of the door. We went back, and I was set down at *Bridges-street* to go to Sir John Fielding's. My Lord desired me to ask for Miss Woodcock's father and sister, and desire them to come to her at Dr. Griffinburg's house. When I went there, I could not find her father. I was carried directly to Sir John. He asked me, how I came to go with them? I told him Dr. Griffinburg asked me to go with a letter. He called one of his clerks up to write a card to Miss Woodcock, to desire her to come to him to meet her father and friends there. I went with Mr. Lee, one of Sir John Fielding's clerks, to Dr. Griffinburg's. He delivered the card to

Miss

Miss Woodcock. I was rather frightened by Sir John. He told me it was a dangerous affair, and advised me to have nothing more to do with it. I said I would not.

Court. Was the card desiring her to come that night, or some other time, to meet her father?

Morris. That night.

Court. Was not her father then at Sir John's that night?

Morris. I don't know.

Lora Baltimore. Was not you sent to enquire whether the father was not at Sir John Fielding's?

Morris. They never satisfied me.

Lord Baltimore. What was the answer she made on delivering the card? What did she say with regard to Sir John?

Morris. The last words she said was, But desire them to come to Dr. Griffinburg's.

Lord Baltimore. When she was at the tavern, writing that letter, did I give any direction to her?

Morris. I did not hear my Lord say a single word. It was all wrote by her own hand, and of her own dictating.

Cross Examination.

Mr. Serjeant Leigh. Was my Lord Baltimore in the room?

Morris. Yes.

MR. BARON SMYTHE.

Gentlemen of the Jury,

THE prisoner at the bar, Lord Baltimore, stands indicted for feloniously ravishing and carnally knowing Sarah Woodcock, spinster, against her will, on the 22d of December last, at Epsom; against the statute which makes this offence felony: and the other two prisoners are indicted as accessaries before the fact, by feloniously and maliciously procuring, aiding, and abetting Lord Baltimore, to commit the said rape, at the said time and place. To this they have pleaded Not Guilty; and you are to try if they are guilty. Before I state the evidence, I will mention to you two or three things: In the first place, my Lord complains of libels, and printed accounts of this transaction, which have been circulated. It is a most unjustifiable practice, and tends to the perversion of publick justice; and therefore if you have seen any thing printed on the side of the prosecutrix or the prisoners, I must desire you to divest yourselves of any prejudice that such publications may have occasioned, and give your verdict only on the evidence now laid before you. Another thing I desire, is, that whichever way the verdict is given, none of the friends of any of the parties will make use of any expressions of approbation or applause, which are extremely improper and indecent in a court of justice, and I shall certainly commit any person whom I shall know to be guilty of it. The last thing I shall mention to you, is, to desire that no resentment you may feel at the manner in which she was carried to Lord Baltimore's house, may have any influence on your verdict; for however unwarrantable the manner was, in which she came into his power, if at the time he lay with her it was by her consent, he is not guilty of the offence of which he is indicted; though it was proper to be given in evidence in this trial, to account for her being with him, and his having an opportunity of committing the crime; and to shew, from the indirect manner of getting her to his house, the greater probability that her account is true. Having said this, I will now state to you the whole evidence as particularly as I can.

Mr. Baron Smythe then stated the whole of the evidence to the jury, as before given, which took up three hours, and on account of the length of it is not repeated here; and then concluded.

In point of law, the fact is fully proved on my Lord and the two other prisoners, if you believe the evidence of Sarah Woodcock. It is a crime which in its nature can only be proved by the woman on whom it is committed; for she only can tell whether she consented or no; it is, as my Lord observes, very easy to be made, and hard to be disproved; and the defence can only be collected from circumstances; from these you must judge whether her evidence is or is not to be believed. Lord Hale, in his History of the Pleas of the Crown*, lays down two rules: 1. If complaint is not made soon after the

* Vol. I. p. 632. 3.

injury is supposed to be received ; 2. If it is not followed by a recent prosecution ; a strong presumption arises that the complaint is malicious. She has owned the injury was received December 21st, and the complaint was not made till December 29th ; but she has accounted for it in the manner you have heard. The strong part of the case, on behalf of the prisoners, is, her not complaining when she was at Lord Mansfield's, the supreme magistrate in the kingdom in criminal matters : you have heard how she has explained and accounted for her conduct in that particular, which you will judge of. Upon the whole, if you believe that she made the discovery as soon as she knew she had an opportunity of doing it, and that her account is true, you will find all the prisoners guilty ; if you believe that she did not make the discovery as soon as she had an opportunity, and from thence, or other circumstances, are not satisfied her account is true, you will find them all not guilty ; for if he is not guilty, they cannot be so ; for they cannot be accessory to a crime which was never committed.

After Baron Smythe's summing up of the evidence, the jury went out for about an hour and twenty minutes, and then returned to the court.

Clerk of Arr. Gentlemen, are you all agreed on your verdict ?

Jury. Yes.

Clerk of Arr. Who shall say for you ?

Jury. Our Foreman.

Clerk of Arr. Frederick Calvert, Esq; Baron of Baltimore, hold up your hand. (*which he did*) Gentlemen of the Jury, look upon the Prisoners : How say you, is Frederick Calvert, Esq; Baron of Baltimore, guilty of this felony and rape whereof he stands indicted, or not guilty ?

Jury. Not guilty.

Clerk of Arr. How say you, Gentlemen, is Elizabeth Griffenburg guilty of this felony and rape whereof she stands indicted, or not guilty ?

Jury. Not guilty.

Clerk of Arr. How say you, Gentlemen, is Ann Harvey, otherwise Darby, guilty of this felony and rape whereof she stands indicted, or not guilty ?

Jury. Not guilty.

Clerk of Arr. Hearken to your verdict, as the court hath recorded it. You say that Frederick Calvert, Esq; Baron of Baltimore, in the kingdom of Ireland, is not guilty, and so you say all.

And you say that Elizabeth Griffenburg and Ann Harvey are not guilty, and so you say all.

F I N I S.

JOSEPH GURNEY,

BOOKSELLER and BINDER, N^o. 39. *Bread-street, London;*

TAKES down Trials at Law, and teaches the ART of SHORT-HAND, according to the most approved Method ever made public.

Of whom may be had, Price Eight Shillings,

The Sixth Edition of BRACHYGRAPHY, or Short-Writing made easy to the meanest Capacity. Dedicated, by Permission, to the Earl of BUCKINGHAMSHIRE.

T R I A L

IN PARLIAMENT

IN PURSUANCE of an Order of the House of
PEERS, of the Eighteenth Day of April 1760,
I do appoint SAMUEL BILLINGSLEY to Print and
Publish the Trial of LAWRENCE EARL FEVEREAUX, for the
Murder of JOHN JOHNSON; And do forbid any other
Person to Print or Publish the same.

Henry C. S.

IN Purfuance of an Order of the HOUSE of
PEERS, of the Eighteenth Day of *April* 1760,
I do appoint SAMUEL BILLINGSLEY to Print and
Publish the Trial of *Lawrence* Earl *Ferrers*, for the
Murder of *John Johnson*; And do forbid any other
Person to Print or Publish the same.

Henley C. S.

SHIRLEY, *Lawrence*, *earl Ferrers*

THE
T R I A L
OF
LAWRENCE EARL FERRERS,
FOR THE
MURDER of *JOHN JOHNSON,*
Before the RIGHT HONOURABLE
The H O U S E of P E E R S,
IN
WESTMINSTER-HALL, in Full PARLIAMENT,

On WEDNESDAY the 16th, THURSDAY the 17th, and FRIDAY the 18th
of *April*, 1760: On the last of which Days, Judgment for MURDER
was given against him.

Published by Order of the HOUSE of PEERS.

L O N D O N :

Printed for SAMUEL BILLINGSLEY, in *Chancery-Lane.*

M. DCC. LX.

THE
TRIAL
OF
LAWRENCE EARL FERRELL
FOR THE

MURDER OF JOHN JOHNSON,
OF THE HOUSE OF COMMONS,
IN
WESTMINSTER-HALL, IN THE PARLIAMENT,

On Wednesday the 18th, Thursday the 17th, and Friday the 16th
of April, 1700: On the 11th of which Month Judgment for Murder
was given against him.



Published by Order of the House of Commons

LONDON:
Printed for SAMUEL BILLINGSLEY, in Church-Lane.
M.DCC.LXX.

T H E
T R I A L
 O F
LAWRENCE EARL *FERRERS*,
 FOR THE
 MURDER of *JOHN JOHNSON*,
 Before the RIGHT HONOURABLE
The H O U S E of P E E R S,
 I N
WESTMINSTER-HALL, in Full PARLIAMENT.

Wednesday, April the 16th, 1760.

In the Court erected in WESTMINSTER-HALL, for the TRIAL of *LAWRENCE*
 Earl *FERRERS*, for the Murder of *John Johnson*.

ABOUT Eleven of the Clock the Lords came from their own House into the Court erected in *Westminster-Hall*, for the Trial of *Lawrence Earl Ferrers*, in the Manner following:

The Lord High Steward's Gentlemen Attendants, Two and Two.
 The Clerks Assistant to the House of Lords, and the Clerk of the Parliament.
 Clerk of the Crown in Chancery, bearing the King's Commission to the Lord High Steward,
 and the Clerk of the Crown in the King's Bench.
 The Masters in Chancery, Two and Two.
 The Judges, Two and Two.
 The Peers eldest Sons, Two and Two.
 Peers Minors, Two and Two.
York and Windsor Heralds.
 Four Serjeants at Arms with their Maces, Two and Two.
 The Yeoman Usher of the House.
 Then the Peers, Two and Two, beginning with the youngest Baron.
 Then Four Serjeants at Arms with their Maces, Two and Two.
 The Serjeant at Arms attending the Great Seal, and Purse-Bearer.
 Then *Garter* King at Arms, and the Gentleman Usher of the Black Rod, carrying the White Staff before the Lord High Steward.
Robert Lord Henley, Lord Keeper of the Great Seal of *Great Britain*, Lord High Steward,
 alone; his Train borne.

When the Lords were placed in their proper Seats, and the Lord High Steward upon the Woolpack ;

The Clerk of the Crown in Chancery, having his Majesty's Commission to the Lord High Steward in his Hand, and the Clerk of the Crown in the King's Bench, standing before the Clerk's Table with their Faces towards the State, made Three Reverences ; the First at the Table, the Second in the Midway, and the Third near the Woolpack ; then kneeled down ; and the Clerk of the Crown in Chancery, on his Knee, presented the Commission to the Lord High Steward, who delivered the same to the Clerk of the Crown in the King's Bench to read : Then rising, they made Three Reverences, and returned to the Table. And then Proclamation was made for Silence, in this Manner :

Serjeant at Arms. Oyez, Oyez, Oyez ! Our Sovereign Lord the King strictly charges and commands all manner of Persons to keep Silence, upon Pain of Imprisonment.

Then the Lord High Steward stood up, and spoke to the Peers.

Lord High Steward. His Majesty's Commission is about to be read : Your Lordships are desired to attend to it in the usual Manner ; and all others are likewise to stand up, uncovered, while the Commission is reading.

All the Peers uncovered themselves ; and they, and all others, stood up uncovered, while the Commission was read.

GEORGE R.

GEORGE the Second, by the Grace of God, of *Great Britain, France, and Ireland*, King, Defender of the Faith, and so forth. To our Right Trusty and Wellbeloved Councillor *Robert Lord Henley, Baron of Grainge*, in Our County of *Southampton*, Keeper of our Great Seal of *Great Britain*, Greeting, Know ye, That whereas *Lawrence Earl Ferrers, Viscount Tamworth*, late of the Parish of *Breedon*, in Our County of *Leicester* (before Our Justices, assigned by Our Letters Patent under Our Great Seal of *Great Britain*, to enquire more fully the Truth, by the Oath of good and lawful Men of Our said County of *Leicester*, and by other Ways, Means, and Methods, by which they should and might better know (as well within Liberties as without), by whom the Truth of the Matter may be the better known and enquired into, of all Treasons, Misprisions of Treasons, Infurrections, Rebellions, Counterfeitings, Clippings, Washings, false Coinings, and other Falsities of the Money of *Great Britain*, and of other Kingdoms or Dominions whatsoever, and of all Murders, Felonies, Manslaughters, Killings, Burglaries, Rapes of Women, unlawful Meetings and Conventicles, unlawful Uttering of Words, Assemblies, Misprisions, Confederacies, false Allegations, Trespasses, Riots, Routs, Retentions, Escapes, Contempts, Falsities, Negligencies, Concealments, Maintenances, Oppressions, Champarties, Deceits, and all other evil Doings, Offences, and Injuries whatsoever, and also of the Accessaries of them, within the County of *Leicester* aforesaid (as well within Liberties as without), by whomsoever and in what manner soever done, committed, or perpetrated, and by whom, or to whom, when, how, and after what manner, and of all other Articles and Circumstances concerning the Premises, and every or any of them, in any manner whatsoever ; and the said Treasons, and other the Premises, according to the Laws and Customs of *England*, to hear and determine), stands indicted, by the Oath of good and lawful Men of Our said County of *Leicester*, of Felony and Murder, by him the said *Lawrence Earl Ferrers Viscount Tamworth* done and committed ; We, considering that Justice is an excellent Virtue, and pleasing to the Most High ; and being willing that the said *Lawrence Earl Ferrers Viscount Tamworth*, of and for the Felony and Murder whereof he is indicted as aforesaid before Us, in Our present Parliament, according to the Law and Custom of Our Kingdom of *Great Britain*, may be heard, examined, sentenced, and adjudged ; and that all other Things which are necessary on this Occasion may be duly exercised and executed ; and for that the Office of High Steward of *Great Britain* (whose Presence, upon this Occasion, is required), is now vacant (as We are informed) ; We, very much confiding in your Fidelity, Prudence, provident Circumspection, and Industry, have, for this Cause, ordained and constituted you Steward of *Great Britain*, to bear, execute, and exercise (for this Time), the said Office, with all Things due and belonging to the same Office in this Behalf : And therefore We command you, that you diligently set about the Premises, and (for this Time) do exercise, and execute with Effect, all those Things which belong to the Office of Steward of *Great Britain*, and which are required in this Behalf. In Witness whereof, We have caused these our Letters to be made Patent. Witness Ourselves at *Westminster*, the Sixteenth Day of *April*, in the Thirty-third Year of Our Reign.

By the King Himself, signed with his own Hand.

Yorke and Yorke.

Serjeant at Arms. God save the King.

Then

Then *Garter*, and the Gentleman Usher of the Black Rod, after Three Reverences, kneeling, jointly presented the White Staff to his Grace the Lord High Steward: And then his Grace, attended by *Garter*, Black Rod, and the Purse-Bearer (making his proper Reverences towards the Throne), removed from the Woolpack to an armed Chair, which was placed on the uppermost Step but one of the Throne, as it was prepared for that Purpose; and then seated himself in the Chair, and delivered the Staff to the Gentleman Usher of the Black Rod on his Right Hand, the Purse-Bearer holding the Purse on the Left.

Clerk of the Crown. Serjeant at Arms, make Proclamation.

Serjeant at Arms. Oyez, Oyez, Oyez! Our Sovereign Lord the King strictly charges and commands all manner of Persons to keep Silence, upon Pain of Imprisonment.

Then the Clerk of the Crown, by Direction of the Lord High Steward, read the *Certiorari*, and the Return thereof, together with the Caption of the Indictment, and the Indictment certified thereupon, against *Lawrence Earl Ferrers*; in *hæc verba*:

The *Certiorari* } *and Return.* } **G**EOERGE the Second, by the Grace of God, of *Great Britain, France, and Ireland*, King, Defender of the Faith, and so forth, To Our Justices, assigned by Our Letters Patent under Our Great Seal of *Great Britain* to enquire more fully the Truth, by the Oath of good and lawful Men of Our County of *Leicester*, and by other Ways, Means, and Methods, by which they should and might better know (as well within Liberties as without), by whom the Truth of the Matter may be the better known and enquired into, of all Treasons, Misprisions of Treasons, Insurrections, Rebellions, Counterfeitings, Clippings, Washings, false Coinings, and other Falsities of the Money of *Great Britain*, and of other Kingdoms or Dominions whatsoever, and of all Murders, Felonies, Manslaughters, Killings, Burglaries, Rapes of Women, unlawful Meetings and Conventicles, unlawful Uttering of Words, Assemblies, Misprisions, Confederacies, false Allegations, Trespasies, Riots, Routs, Retentions, Escapes, Contempts, Falsities, Negligences, Concealments, Maintenances, Oppressions, Champarties, Deceits, and all other evil Doings, Offences, and Injuries whatsoever, and also of the Accessaries of them, within the County aforesaid (as well within Liberties as without), by whomsoever and in what manner soever done, committed, or perpetrated, and by whom, or to whom, when, how, and after what manner, and of all other Articles and Circumstances concerning the Premises, and every or any of them, in any manner whatsoever, and the said Treasons, and other the Premises, according to the Laws and Customs of *England*, to hear and determine, and to every of them, Greeting; We, being willing, for certain Reasons, that all and singular Indictments and Inquisitions of whatsoever Felonies and Murders whereof *Lawrence Earl Ferrers* Viscount *Tamworth*, late of the Parish of *Breedon*, in the County of *Leicester*, is indicted before you (as is said), be determined before Us, and not elsewhere, do command you, and every of you, that you, or One of you, do send, under your Seals, or the Seal of One of you, before Us, in our present Parliament, immediately after the Receipt of this Our Writ, all and singular the Indictments and Inquisitions aforesaid, with all Things touching the same, by whatsoever Name the said *Lawrence Earl Ferrers* Viscount *Tamworth* is called in the same, together with this Writ, that We may further cause to be done thereon what of Right, and according to the Law and Custom of *England*, We shall see fit to be done. Witness Ourself at *Westminster*, the Eighteenth Day of *March*, in the Thirty-third Year of Our Reign.

To the Justices assigned to enquire of all Treasons, Murders, &c. committed within the County of *Leicester*, a Writ of *Certiorari*, to certify into the Upper House of Parliament the Indictment found before them against *Lawrence Earl Ferrers* for Murder, returnable immediately, before the King in Parliament.

Return. } **B**Y Order of the Lords Spiritual and Temporal in Parliament assembled, by virtue of the within Writ to me, and others, directed, I send to our Sovereign Lord the King, in this present Parliament, under my Seal, the Indictment and Inquisition within mentioned, with all Things touching the same, in certain Schedules hereunto annexed, as I am within commanded.

H. Bathurst.

Leicestershire. } **B**E it remembered, That at the General Session of our Lord the King, of Oyer and Terminer, holden for the County of *Leicester*, at the Castle of *Leicester*, in and for the same County, on *Friday* the Fourteenth Day of *March*, in the Thirty-third Year of the Reign of our Sovereign Lord *George* the Second, now King of *Great Britain*, and so forth,

forth, before *Henry Bathurst*, Esquire, one of the Justices of our said Lord the King, of his Court of Common Bench; *James Hewitt*, Esquire, one of the Serjeants at Law of our said Lord the King, and others their Fellows, Justices of our said Lord the King, assigned by Letters Patent of our said Lord the King, under his Great Seal of *Great Britain*, to them and others, and any Two or more of them made, of whom our said Lord the King would have the said *Henry Bathurst*, Esquire, and *James Hewitt*, Esquire, to be One, to enquire more fully the Truth, by the Oath of good and lawful Men of the County aforesaid, and by all other Ways, Means, and Methods, by which they should or might better know (as well within Liberties as without) by whom the Truth of the Matter may be the better known and enquired into, of all Treasons, Misprisions of Treasons, Insurrections, Rebellions, Counterfeitings, Clippings, Washings, false Coinings, and other Falsities, of the Moneys of *Great Britain*, and of other Kingdoms or Dominions whatsoever; and of all Murders, Felonies, Manslaughters, Killings, Burglaries, Rapes of Women, unlawful Meetings and Conventicles, unlawful Uttering of Words, Assemblies, Misprisions, Confederacies, false Allegations, Trefpasses, Riots, Routs, Retentions, Escapes, Contempts, Falsities, Negligences, Concealments, Maintenances, Oppressions, Champarties, Deceits, and all other evil Doings, Offences, and Injuries whatsoever, and also of the Accessaries of them, within the County aforesaid (as well within Liberties as without) by whomsoever, and in what manner soever, done, committed, or perpetrated, and by whom or to whom, when, how, and after what manner, and of all other Articles and Circumstances concerning the Premises, and every or any of them, in any manner whatsoever; and the said Treasons, and other the Premises, according to the Laws and Customs of *England*, for this Time, to hear and determine, by the Oath of *John Grey*, *John Palmer*, *Thomas Boothby* the Elder, *William Pochin*, *Nathan Wrighte*, *Charles Skrymsher Boothby*, *Thomas Boothby* the Younger, *Joseph Craddock*, *Edward Farnham*, *Rogers Rudding*, *Charles Morris*, Esquires; *John Smalley*, *Richard Walker*, *John Willows*, *James Silmey*, *Thomas Ayre*, *Gabriel Newton*, and *Robert Hames*, Gentlemen; good and lawful Men of the County aforesaid, then and there sworn, and charged to enquire for our said Lord the King, for the Body of the same County.

It is presented, That the Bill of Indictment hereunto annexed is a true Bill.

BLENCOWE.

Leicestershire. } THE Jurors for our present Sovereign Lord the King, upon their Oath, present, That the Right Honourable *Lawrence Earl Ferrers*, Viscount *Tamworth*, late of the Parish of *Breedon*, in the County of *Leicester*, not having the Fear of God before his Eyes, but being moved and seduced by the Instigation of the Devil, on the Eighteenth Day of *January*, in the Thirty-third Year of the Reign of our present Sovereign Lord *George* the Second, by the Grace of God, of *Great Britain*, *France*, and *Ireland*, King, Defender of the Faith, and so forth, with Force and Arms, at the Parish of *Breedon*, in the County of *Leicester* aforesaid, in and upon one *John Johnson*, in the Peace of God, and of our said Lord the King, then and there being, feloniously, wilfully, and of his Malice aforethought, did make an Assault, and that He the said *Lawrence Earl Ferrers*, Viscount *Tamworth*, with a certain Pistol of the Value of Two Shillings, then and there being charged with Gunpowder, and a leaden Bullet, which Pistol he the said *Lawrence Earl Ferrers*, Viscount *Tamworth*, in his Hand then and there had and held, at, against, and upon, him the said *John Johnson*, then and there feloniously, wilfully, and of his Malice aforethought, did discharge and shoot off: And that he the said *Lawrence Earl Ferrers*, Viscount *Tamworth*, with the leaden Bullet aforesaid, by Force of the Gunpowder aforesaid out of the said Pistol, by him the said *Lawrence Earl Ferrers*, Viscount *Tamworth*, so as aforesaid discharged and shot off, him the said *John Johnson*, in and upon the Left Side of the said *John Johnson*, a little under the lowest Rib of the said *John Johnson*, then and there feloniously, wilfully, and of his Malice aforethought, did strike and wound, giving to the said *John Johnson* then and there, with the leaden Bullet aforesaid, out of the said Pistol so as aforesaid discharged and shot off, in and upon the said Left Side, a little under the lowest Rib of the said *John Johnson*, One mortal Wound, of the Breadth of One Inch and Depth of Four Inches; of which said mortal Wound the said *John Johnson*, at the said Parish of *Breedon*, in the said County of *Leicester*, did languish, and languishing did live, until the Nineteenth Day of the same Month of *January*, in the Thirty-third Year aforesaid; on which said Nineteenth Day of *January*, about the Hour of Nine of the Clock in the Morning, he the said *John Johnson*, at the Parish of *Breedon* aforesaid, in the County of *Leicester* aforesaid, of the mortal Wound aforesaid died: And so the Jurors aforesaid, upon their Oaths aforesaid, do say, That the said *Lawrence Earl Ferrers*, Viscount *Tamworth*, the said *John Johnson*, in manner

and Form aforesaid, feloniously, wilfully, and of his Malice aforethought, did kill and murder, against the Peace of our said Lord the King, his Crown and Dignity.

A true Bill.

Witnesses, *Elizabeth Burgeland, Sarah Johnson,*
Elizabeth Saxon, Thomas Kirkland,
Elizabeth Doleman, William Tomlinson:
Sworn in Court.

Lord High Steward. Is it your Lordships Pleasure, that the Judges have Leave to be covered?

Lords. Ay, ay.

Clerk of the Crown. Serjeant at Arms, Make Proclamation for the Lieutenant of the *Tower* to bring his Prisoner to the Bar.

Serjeant at Arms. Oyez, Oyez, Oyez! Lieutenant of the *Tower* of *London*, Bring forth *Lawrence Earl Ferrers*, your Prisoner, to the Bar, pursuant to the Order of the House of Lords.

Then *Lawrence Earl Ferrers* was brought to the Bar by the Deputy Governor of the *Tower*, having the Ax carried before him by the Gentleman-Gaoler, who stood with it on the Left Hand of the Prisoner, with the Edge turned from him. The Prisoner, when he approached the Bar, made Three Reverences, and then fell upon his Knees at the Bar.

Lord High Steward. Your Lordship may rise.

Then the Prisoner rose up, and bowed to his Grace the Lord High Steward, and to the House of Peers; which Compliment was returned him by his Grace, and the Lords.

Then, Proclamation having been again made for Silence, the Lord High Steward spake to the Prisoner, as follows.

Lord High Steward.

Lawrence Earl Ferrers,

YOU are brought to this Bar to receive your Trial, upon a Charge of the Murder of *John Johnson*; an Accusation, with respect to the Crime, and the Persons who make it (the Grand Jury of the County of *Leicester*, the Place of your Lordship's Residence), of the most solemn and serious Nature.

Yet, my Lord, you may consider it, but as an Accusation: for the greatest or meanest Subject of this Kingdom (such is the Tenderness of our Law) cannot be convicted capitally, but by a Charge made by Twelve good and lawful Men, and a Verdict found by the same Number of his Equals at the least.

My Lord, in this Period of the Proceedings, while your Lordship stands only as accused, I touch but gently on the Offence charged upon your Lordship; yet, for your own Sake, it behoves me, strongly to mark the Nature of the Judicature before which you now appear.

It is a Happiness resulting from your Lordship's Birth and the Constitution of this Country, That your Lordship is now to be tried by your Peers in full Parliament. What greater Consolation can be suggested to a Person in your unhappy Circumstances, than to be reminded, that you are to be tried by a Set of Judges, whose Sagacity and Penetration no material Circumstances in Evidence can escape, and whose Justice nothing can influence or pervert?

This Consideration, if your Lordship is conscious of Innocence, must free your Mind from any Perturbations that the Solemnity of such a Trial might excite; It will render the Charge, heavy as it is, unembarrassing, and leave your Lordship firm and composed, to avail yourself of every Mode of Defence, that the most equal and humane Laws admit of.

Your Lordship, pursuant to the Course of this Judicature, hath been furnished with a Copy of the Indictment, and hath had your own Counsel assigned; you are therefore enabled to make such Defence as is most for your Benefit and Advantage; if your Lordship shall put yourself on Trial, you must be assured to meet with nothing but Justice, Candour, and Impartiality.

Before I conclude, I am, by Command of the House, to acquaint your Lordship, and all other Persons who have Occasion to speak to the Court, during the Trial, that they are to address themselves to the Lords in general, and not to any Lord in particular.

Lord High Steward. *Lawrence Earl Ferrers,* Your Lordship will do well to give Attention, while you are arraigned on your Indictment.

Here *Earl Ferrers* was arraigned, in the Form of the said Indictment against him, by the Clerk of the Crown in the King's Bench.

Clerk of the Crown. How say you, *Lawrence Earl Ferrers,* Are you guilty of the Felony and Murder whereof you stand indicted, or not guilty?

Earl Ferrers. Not guilty, my Lords.

Clerk of the Crown. Cul' : prit,

How will your Lordship be tried ?

Earl Ferrers. By God and my Peers.

Clerk of the Crown. God fend your Lordship a good Deliverance.

Clerk of the Crown. Serjeant at Arms, make Proclamation.

Serjeant at Arms. Oyez, Oyez, Oyez ! All manner of Persons that will give Evidence, on behalf of our Sovereign Lord the King, against *Lawrence Earl Ferrers*, the Prisoner at the Bar, let them come forth, and they shall be heard ; for now he stands at the Bar upon his Deliverance.

Lord High Steward. My Lords, the Distance of this Place from the Bar is so great, that I must desire your Lordships Leave to go down to the Table for the Convenience of hearing.

Lords. Ay, Ay.

Then his Grace removed to the Woolpack, and delivered the White Staff to be held by the Gentleman Usher of the Black Rod ; who, during the whole Trial, always received and delivered back the White Staff upon his Knee.

Mr. Perrott.

May it please your Lordships,

THIS Noble Lord *Lawrence Earl Ferrers*, the Prisoner at the Bar, stands indicted for the felonious Killing and Murder of one *John Johnson*, and the Indictment sets forth, That the Right Honourable *Lawrence Earl Ferrers*, Viscount *Tamworth*, on the Eighteenth Day of *January*, in the Thirty-third Year of his present Majesty's Reign, with Force and Arms, at the Parish of *Breedon*, in the County of *Leicester*, in and upon one *John Johnson*, feloniously, wilfully, and of his Malice aforethought, did make an Assault ; and that a certain Pistol then and there, being charged with Gunpowder and a leaden Bullet, which Pistol he the said *Lawrence Earl Ferrers* then and there held in his Hand, at, against, and upon him the said *John Johnson*, then and there feloniously, wilfully, and of his Malice aforethought, did discharge and shoot off ; and with the leaden Bullet aforesaid, by Force of the Gunpowder aforesaid, out of the said Pistol by him so discharged and shot off, the said *John Johnson* in and upon the Left Side of the said *John Johnson*, a little under his lowest Rib, then and there feloniously, wilfully, and of his Malice aforethought, did strike and wound, giving to the said *John Johnson* then and there, with the leaden Bullet aforesaid, out of the said Pistol so as aforesaid discharged and shot off, in and upon the said Left Side, a little under the lowest Rib of the said *John Johnson*, One mortal Wound, of the Breadth of One Inch and Depth of Four Inches ; of which said mortal Wound the said *John Johnson* did languish, and languishing did live, until the Nineteenth Day of the same Month of *January*, in the Thirty-third Year aforesaid ; on which Day, about the Hour of Nine of the Clock in the Morning, he the said *John Johnson*, of the mortal Wound aforesaid, died ; and so the Jurors, upon their Oath, do find, That the said *Lawrence Earl Ferrers*, the said *John Johnson*, in manner aforesaid, feloniously, wilfully, and of his Malice aforethought, did kill and murder, against the Peace of our Lord the King, his Crown and Dignity.

To this Indictment the Noble Lord, the Prisoner at the Bar, hath pleaded Not guilty, and for his Trial hath put himself upon your Lordships his Peers here present.

We, who have the Honour to serve the Crown in this Prosecution, shall call our Evidence ; and, if we prove the Fact charged by this Indictment, we doubt not but your Lordships will find him guilty, and give such Judgment for the same as shall be just.

Mr. Attorney-General.

May it please your Lordships,

IAM likewise of Council for the Crown ; and it is become my Duty in consequence of that, to open to your Lordships the Facts and Circumstances of this Case, out of which your Lordships are to collect and find the Crime that is charged in this Indictment.

The noble Prisoner stands here arraigned before your Lordships for that odious Offence, malicious and deliberate Murder. There cannot be a Crime in human Society that deserves more to be punished, or more strictly to be inquired after ; and therefore it is that his Majesty, the great executive Hand of Justice in this Kingdom, has promoted this Inquiry, whereby all Men may see, that in the Case of Murder his Majesty makes no Difference between the greatest and meanest of his Subjects.

The Prisoner has a Right from his Quality, to the Privilege of being tried before this noble Tribunal ; if he is innocent, he has the greatest Reason to be comforted, that your Lordships are his Judges ; for that Nobleness and Humanity, which prompt you naturally to incline towards Mercy, will strongly exert themselves in the Protection of Innocence. But, on the other Hand, if the Prisoner is really guilty of the Charge, his Case is truly deplorable ; because your Minds cannot be deceived, by the false Colouring of Rhetorick, nor your Zeal for Justice perverted, by any unmanly Compassion.

This impartial Disposition in your Lordships calls upon the Prosecutors to observe a Conduct worthy of this noble Assembly ; not to enlarge or aggravate any Part, or advance a Step beyond their Instructions ; but barely to state the naked Facts, in order that, by that means, your Lordships may be enabled the better to attend to the Witnesses when they are called, to examine and cross examine, and sift out the Truth with more Accuracy.

My Lords, as I never thought it my Duty in any Case to attempt at Eloquence, where a Prisoner stood upon Trial for his Life, much less shall I think myself justified in doing it before your Lordships ; give me Leave therefore to proceed to a Narration of the Facts.

My Lords, the deceased Person Mr. *Johnson*, I find to have been employed by the *Ferrers* Family almost during the whole Course of his Life : He was taken into their Service in his Youth, and continued in it unfortunately to the Time of his Death.

At the time a Bill was passed by your Lordships about Two Years ago, to separate Lord *Ferrers* from his Lady, Mr. *Johnson* was appointed Receiver of his Lordship's Estates. At that time his Lordship seems to have entertained a good Opinion of him, because I am told he was appointed Receiver at his Lordship's own Nomination ; but, very soon after he became invested with this Trust, when the Noble Lord found there was no possible Method, by any Temptation whatever, to prevail on Mr. *Johnson* to break that Trust, his Lordship's Mind grew to be alienated towards him, and his former Friendship was converted into Hatred.

The First Instance of his Lordship's Malice, that will be produced, will be his giving him Notice to quit a beneficial Farm that Mr. *Johnson* had obtained a Promise of from the Earl, or his Relations, before he was appointed Receiver ; but when it appeared that the Trustees had made good the Promise, and had granted him a Lease, my Lord was obliged to desist from that Attempt.

When he found it was impossible to remove him from the Farm, his Resentment against Mr. *Johnson* increased, and he took at last a determined Resolution within himself to commit the horrid Fact for which he now stands arraigned.

My Lords, I find several Causes assigned by the Prisoner for this Indignation expressed against the deceased ; he charged him with having colluded secretly with his Adversaries, with being in the Interest of those he was pleased to call his Enemies, and instrumental in procuring the Act of Parliament : Whether these Charges were justly founded or not, is totally immaterial ; such as they were, he had conceived them. His Lordship, who best knew the Malice of his own Heart, has confessed that he harboured these Suspicions.

Another thing he suspected was, that, in Confederacy with Mr. *Burlem* and Mr. *Curson*, he agreed to disappoint his Lordship, in regard to a certain Contract for Coal Mines. These Notions, tho' void of Truth, had so poisoned his Lordship's Mind, that he was determined at last to gratify his Revenge by Murder.

This Determination being once settled and fixed in his Mind, your Lordships will see, with what Art and Deliberation it was pursued ; notwithstanding these seeming Causes of Disgust, he dissembled all Appearance of Ill-will or Resentment, his Countenance towards the Deceased for some Months seemed greatly to be changed, and his Behaviour was affable and good-humoured.

The poor Man, deluded with these Appearances, was brought to believe he was in no Danger, and that he might safely trust himself alone with his Lordship.

Matters being thus prepared, on *Sunday* the 13th of *January*, the Prisoner made an Appointment for Mr. *Johnson* to come to him on the *Friday* following.

His Lordship, though the Appointment was Five or Six Days before, remembered it perfectly ; nay, he remembered the very Hour he was to come, and took his Measures accordingly ; for your Lordships will find, that, in order to clear the House, Mrs. *Clifford*, a Woman who lives with his Lordship, and Four Children, were directed by him, at Three o'Clock precisely, to absent themselves ; they were ordered to walk out to Mrs. *Clifford's* Father, about Two Miles from my Lord's House, and not to return till Five, or Half an Hour after Five.

The Two Men Servants likewise, the only Servants of that Sex then residing with him, were contrived to be sent out of the Way ; so that when Mr. *Johnson* repaired to *Stanton*, my Lord's House, at Three o'clock, there was no Person in the House, except his Lordship, and Three Maid Servants.

Mr. *Johnson*, when he came to the House, rapt at the Door, and was received by his Lordship, and directed to wait some Time in the Still Room ; then his Lordship ordered him into the Parlour, where they both entered together, and the Door was immediately locked on the Inside.

What passed in that Interval, between the Time of Mr. *Johnson's* first going in, and the Time of his being shot, can only be now known to your Lordships by the Noble Earl's Confession, which has been very ample indeed upon the present Occasion.

After Mr. *Johnson* had been there the best Part of an Hour, one of the Maids in the Kitchen, hearing some high Words in the Parlour, went to the Door to see if she could discover what was doing ; she listened, and heard my Lord, as she was at the Kitchen Door, say, Down upon your Knees ; Your Time is come ; You must die ; and presently after heard a Pistol go off : Upon that,

that, she removed from the Kitchen, and retired to another Part of the House; for she did not care to venture into his Lordship's Presence.

Though it appeared, afterwards, that Mr. *Johnson* had then received that Wound of which he died, he did not then immediately drop; he arose, and was able to walk.

Just then, my Lord *Ferrers*, as he confessed afterwards, felt a few momentary Touches of Compassion: He permitted Mr. *Johnson* to be led up Stairs to Bed, till better Assistance could be called; he suffered a Surgeon to be sent for, nay, the very Surgeon that Mr. *Johnson* himself had desired; and Mr. *Johnson's* Children, by his Lordship's Order, were acquainted with the Accident, and sent for to see him.

Mr. *Johnson's* Daughter was the first Person that came; she met the noble Lord, and the first Greeting she had from him was, that he had shot her Father; and that he had done it on Purpose, and deliberately. Mrs. *Clifford*, who had been apprized of this Accident by the Servants, came not long after; and, in an Hour and an Half, or Two Hours, Mr. *Kirkland*, the Surgeon, who was from Home when the Servant was dispatched, and at a neighbouring Village, hastened with the best Expedition he could make, to *Stanton*. When he came to *Stanton* he met my Lord in the Passage.

Here your Lordships will observe, that the Noble Lord's Conduct and Behaviour, from this Time to the Time that Mr. *Johnson* was removed to his own House, seemed all along calculated for his Escape; and that the only Anxiety he expressed was the Dread of being seized, and brought to Punishment in case Mr. *Johnson* should die.

Upon Mr. *Kirkland's* first Appearance, my Lord had told him, that he had shot Mr. *Johnson*, and that he had done it coolly; he desired he might not be seized till it was known with Certainty, whether Mr. *Johnson* would die or not; and threatened, that if any Person attempted to seize him, he would shoot them. Mr. *Kirkland* told him, he would take Care that nobody should meddle with him.

Mr. *Kirkland* was then brought up to Mr. *Johnson*, who was upon the Bed; the Surgeon examined the Wound, and found that the Ball had penetrated a little below the Ribs on the Left Side; he took an Instrument in his Hand, called a Director, in order to probe the Wound: Here my Lord interrupted him, and said, You need not be at that Trouble; pass your Instrument downwards; I, when I shot off the Pistol, directed it that Way; and Mr. *Kirkland* found this, upon Examination, to be true; the Ball had not passed through the Body, but remained lodged in the Cavities of the Abdomen.

When my Lord found that the Ball was in the Body, he grew uneasy; for he was apprehensive that the Ball, if it remained there, might prove fatal: He asked Mr. *Kirkland* if it could be extracted; Mr. *Kirkland* told him, from what he observed, it would be impracticable to extract the Ball: but, to give him better Hopes, he told him, that many Persons had lived a long while after they had been shot, though the Ball had remained within them.

Presently after this, the Surgeon went down Stairs to prepare a Fomentation, and soon after returned: When he came back into the Room, Mr. *Johnson* complained of the Strangury, and found a considerable Difficulty in making Water; this alarmed his Lordship again: He then asked Mr. *Kirkland*, What would be the Consequence, if the Bladder or Kidneys were hurt? Mr. *Kirkland* having laid down his Rule of Conduct, wherein his Prudence deserves to be commended, answered, that, though the Bladder should be wounded, or the Kidneys hurt, there had been many Cures performed upon such like Wounds.

This made his Lordship tolerably easy: He then began to be in better Spirits, which, I am sorry to say, at that Time were somewhat heightened with Liquor; for, although he was cool and fresh when he did the Fact, yet the Moment it was done he began to drink, and continued drinking, at Times, till Twelve o'Clock at Night: This Liquor, however, only contributed to raise his Spirits, without disordering his Understanding; for he appeared to be compleat Master of himself the whole Day.

After Mr. *Kirkland* had given him so much Encouragement, they together went down to the Still Room; and now, his Lordship verily believing that Mr. *Johnson* would recover, he grew less cautious in avowing the Deliberation with which he did the Fact, and declaring all the Circumstances that attended it.

And here, because I will not wrong the Noble Lord, by adding a single Letter to my Brief, your Lordships shall hear his Confession, from thence, in his own Words.

' *Kirkland*, says he, I believe *Johnson* is more frightened than hurt; my Intention was to have shot him dead; but, finding that he did not fall at the first Shot, I intended to have shot him again, but the Pain he complained of made me forbear; there Nature did take place, in Opposition to the Resolution I had formed. I desire you will take Care of him; for it would be cruel not to give him Ease, now I have spared his Life.

' When you speak of this afterwards, do not say (though I desire he may be eased of his Pain) that I repented of what I have done; I am not sorry for it; it was not done without Consideration; I own it was premeditated; I had, some Time before, charged a Pistol for the Purpose,

' being

' being determined to kill him, for he is a Villain, and deserves Death; but, as he is not dead, I desire you will not suffer my being seized; for, if he dies, I will go and surrender myself to the House of Lords; I have enough to justify the Action; They may not excuse me, but it will satisfy my own Conscience; but be sure you don't go in the Morning without letting me see you, that I may know if he is likely to recover or not; I will get up at any Time; at Four o'Clock in the Morning.

' To this very strange and horrid Declaration Mr. *Kirkland* answered, by promising his Lordship, that he would certainly give him the first Intelligence touching Mr. *Johnson's* Condition; and, as it was proper, for very prudent Reasons, as well with respect to himself as Mr. *Johnson*, to dissemble with his Lordship, he proceeded further, and told him, that he would give a favourable Account of this Matter. The Noble Lord then asked him, what he would say if he was called upon; he told him he would say, that though *Johnson* was shot, that he was in a fair Way of Recovery. His Lordship asked Mr. *Kirkland*, if he would make Oath of that? He said, yes.

' Mr. *Kirkland* then went to see Mr. *Johnson* again, and found him better; they then went to Supper, and, during the Time they were at Supper, his Lordship mentioned several other Particulars: He said he was astonished that the Bullet should remain in his Body; for, says he, I have made a Tryal with this Pistol, and it pierced through a Board an Inch and an Half thick; I am astonished it did not pass through his Body; I took good Aim, and I held the Pistol in this Manner; and then he shewed Mr. *Kirkland* the Manner of his holding his Pistol.'

He also declared the Grounds and Motives for his killing *Johnson*; that he had been a Villain; that he was in the Interest of his Enemies; that he had joined with those who had injured him, and taken away his Estate, by an Act of Parliament; that he had colluded with Mr. *Curzon* and Mr. *Burlem*, with respect to the Coal Contract.

Another Thing he mentioned with respect to the Farm; says he, I have long wanted to drive *Johnson* out of the Farm; if he recovers, he will go back to *Cheshire*, where he came from. Mr. *Kirkland* said, no doubt but this Accident would drive him Home again.

After they had supped, Mrs. *Clifford* came into the Room, and she proposed, that Mr. *Johnson* should be removed to the *Lount*, which is the Name of Mr. *Johnson's* House, and lies about a Mile from *Stanton*; his Lordship refused to consent to that, not because he thought Mr. *Johnson* might be hurt by the Removal, but, to use his own Words, because he would have him under his own Roof, to plague the Villain.

When Supper was over, they returned back to Mr. *Johnson*, who was then under the greatest Uncasiness; he was restless, and the Complaint of the Strangury increased: Then my Lord was alarmed again; he enquired of the Surgeon what would be the Consequence, in case the Guts were shot through? Mr. *Kirkland* gave him a favourable Answer that revived his Spirits; he went out of the Room, and invited Mr. *Kirkland* to take a Bottle of Port; they then drank together, and during that Time, the same, or the like Expressions were repeated; I will not trouble your Lordships with them again; but he all along declared, he did not do it hastily, but coolly and deliberately; that his Intention was to have killed him: And that the Reason why he did it at that Time was, because he would not sign a Paper of Recantation, acknowledging all the Injuries he had done his Lordship.

They then again returned to Mr. *Johnson*, after they had drank out the Bottle: Whether the Liquor was prevalent or not, I don't know; your Lordships will observe what followed: His Behaviour to the poor Man, though he lay there under the Surgeon's Hands, was totally changed, and his Resentment grew outrageous; my Lord again attacked him upon the same Charge as before, compelled him to acknowledge before all the Company (of which his Daughter was one) that he was a Villain; nay, he was about to drag him out of Bed upon the Floor, which would hardly have been prevented, if Mr. *Johnson*, who was tutored by a Wink from Mr. *Kirkland*, had not said, I do confess I am a Villain: My Lord at last went to Bed; but, before he departed, he said, with great Earnestness to Mr. *Kirkland*, May I rely upon you? are you sure there is no Danger? may I go to Bed in Safety? Mr. *Kirkland* said, Yes, your Lordship may. When his Lordship was gone, poor *Johnson* begged to be removed to his own House. Mr. *Kirkland* wished it as much; for, besides that he could not have that free Access to his Patient that was necessary, if he was to remain there, he thought himself in the utmost Peril. My Lord had confessed too much, and *Kirkland* too little; so that if Mr. *Johnson* had died there, no Man in Mr. *Kirkland's* Situation would have wished to have been alone with his Lordship, considering the dangerous Conversation that had passed between them.

Mr. *Kirkland*, therefore, immediately went to the *Lount*, procured Six or Seven armed Men, and came back by Two o'Clock in the Morning. They removed Mr. *Johnson*, put him into a great Chair, and wrapped him up in Blankets, and so conveyed him home. Towards Morning the poor Man's Symptoms grew worse, and Mr. *Kirkland* then went away.

Mr. *Johnson* lay languishing till Seven or Eight in the Morning, and then died.

In the mean time Mr. *Kirkland* had procured a Number of armed Men to go down to *Stanton*, and to seize his Lordship. When they came there, my Lord was just out of Bed; he had his

Garters in his Hand, and was seen passing towards the Stable. The Horses were all saddled, and every thing got in Readiness for his Escape.

Mr. *Springthorpe* advanced towards him; and when his Lordship found he was really to be attacked, he fled back to his House, and there stood a Siege of Four or Five Hours. While he was thus beset, he appeared at the Garret Windows, and, thinking himself secure in that Place, he began to parley, and asked, what they wanted with him? They told him, Mr. *Johnson* was dead, and that they were come to secure him. He said, he knew that was false; for Mr. *Johnson* was not dead: That he wished it might be true: That he would not believe it, unless Mr. *Kirkland* would declare it: That he would pay no Regard to any body else. He did not think fit to surrender; but continued in the House, till he thought he had an Opportunity of escaping through the Garden. He was there discovered by one *Cutler*, a Collier, who was a bold Man, and determined to take him: He marched up to him; and though his Lordship was armed with a Blunderbuss, Two or Three Pistols, and a Dagger, he submitted to the Collier's taking him, without making the least Resistance: And the Moment he was in Custody, he declared he gloried in the Fact; and again declared, that he intended to kill *Johnson*. He was then carried to Mr. *Kinsley's* House, and remained there till after the Coroner sat upon the Body.

I must mention to your Lordships, that upon Mr. *Hall*, a Clergyman's being introduced to him, he told him, he knew his Duty as well as he or any other Clergyman: That the Fact he had committed was coolly and deliberately done. So that your Lordships see his Declarations were consistent and uniform, from the Beginning to the End.

I shall neither aggravate nor observe.

These are the Circumstances which attended this horrid Murder. I have opened them faithfully from my Instructions. The Case is rather stronger than I have made it.

The Witnesses are to acquaint your Lordships, whether I have opened the Case truly. If the Evidence comes out as I have represented it to your Lordships, then your Lordships Sentence must be agreeable to Law. The noble Earl at the Bar must be found guilty.

If he has any Defence, God forbid that he should not have a fair Opportunity of making it. Let him be heard with Patience. The Prosecutors will be as glad as your Lordships to find him innocent.

The Evidence is to determine; and upon that Evidence we shall leave it.

Mr. *Sollicitor General*,
The Hon. *Charles Yorke*, Esq; } MY LORDS, we will now proceed to call our Witnesses.
Call *Elizabeth Burgeland*.

Who came to the Bar, and one of the Clerks held the Book to her, upon which she laid her Hand.

Clerk of the Crown. Hearken to your Oath.

The Evidence that you shall give on Behalf of our Sovereign Lord the King's Majesty, against *Lawrence Earl Ferrers* the Prisoner at the Bar, shall be the Truth, the whole Truth, and nothing but the Truth.

So help you GOD.

Then she kissed the Book.

Mr. *Sollicitor General.* My Lords, This Witness was in the House at the Time when the Fact is charged to have been committed.

Lord *High Steward.* If your Lordships please, the Clerk may go down to the Bar and repeat to your Lordships what is said by Lord *Ferrers* or the Witnesses.

Lords. Ay, Ay.

Earl *Ferrers.* My Lords, There was something said by the Gentleman, Council for the Crown, that is a little false, relating to a Lease said to be given by Sir *William Meredith* to Mr. *Johnson*; I did not know of that Lease previous to this Fact; there were other Matters mentioned that are not right; I will not take up your Lordships Time to answer them now, but leave that Matter till I come to my Defence.

Mr. *Sollicitor General.* My Lords, Whatever his Lordship thinks material in his Defence, he will have many Opportunities to offer.

Mr. *Sollicitor General.* You was a Maid Servant in Lord *Ferrers's* House the 11th of *January* last?

Burgeland. Yes.

Mr. *Sollicitor General.* Did you know one Mr. *Johnson*?

Burgeland. Yes.

Mr. *Sollicitor General.* Do you know any Thing of Mr. *Johnson's* being employed by Lord *Ferrers*? did he use to attend him?

Burgeland. He sometimes attended my Lord *Ferrers*.

Mr. Solicitor General. Did you know any Thing of his being expected to wait on Lord Ferrers at any Time in January last?

Burgeland. Yes.

Mr. Solicitor General. What do you know of it?

Burgeland. I know he came to the House.

Mr. Solicitor General. Do you know what Day in January?

Burgeland. I don't know what Day.

Mr. Solicitor General. About what Time of the Day was it?

Burgeland. About Three o'Clock in the Afternoon.

Mr. Solicitor General. On what Day of the Week was it?

Burgeland. On Friday.

Mr. Solicitor General. When Mr. Johnson came, who let him in?

Burgeland. I let him in.

Mr. Solicitor General. What did he say?

Burgeland. He asked whether his Lordship was within; I told him he was in his Room.

Mr. Solicitor General. What happened after that? Did my Lord expect him?

Burgeland. I believe he did.

Mr. Solicitor General. When he was let in, did you go with him?

Burgeland. No; he walked up to the Room Door, and knocked at it himself.

Mr. Solicitor General. At the Door of the Room where Lord Ferrers was sitting?

Burgeland. Yes.

Mr. Solicitor General. Did he go in then?

Burgeland. No; he did not go in then.

Mr. Solicitor General. Did Lord Ferrers speak to him?

Burgeland. Yes; and told him to walk into the other Room.

Mr. Solicitor General. Do you know any Thing of what passed between them?

Burgeland. I cannot say any Thing about it.

Mr. Solicitor General. You said Lord Ferrers expected Mr. Johnson, how do you know he expected him?

Burgeland. Mrs. Clifford told me in the Morning, that Mr. Johnson was to come to his Lordship that Day.

Mr. Solicitor General. Did you hear, or do you know, any Thing of what passed between Lord Ferrers and Mr. Johnson, when Mr. Johnson went into my Lord's Room?

Burgeland. No.

Mr. Solicitor General. Was the Door locked or open, after he went into the Room?

Burgeland. Locked.

Mr. Solicitor General. How came you to observe that?

Burgeland. I heard it locked.

Mr. Solicitor General. Where did you go after Mr. Johnson was in the Room with Lord Ferrers?

Burgeland. Into the Kitchen.

Mr. Solicitor General. Who was with you there?

Burgeland. The other Maid Servant.

Mr. Solicitor General. What was her Name?

Burgeland. Elizabeth Saxon—There was another Maid Servant in the Kitchen when he went in.

Mr. Solicitor General. Who was she?

Burgeland. Elizabeth Doleman.

Mr. Solicitor General. After that, did you hear any Thing?

Burgeland. I did not hear any Thing myself.

Mr. Solicitor General. Did you afterwards hear any Thing of what happened?—Do you know whether Mr. Johnson came out of the Room?

Burgeland. I cannot tell any Thing of it.

Mr. Solicitor General. Did you go into the Room?

Burgeland. I did not go into the Room; I was not out of the Kitchen.

Mr. Solicitor General. Did you hear any Noise?

Burgeland. No; I heard no Noise at all.

Mr. Solicitor General. Did you hear any Pistol go off, or any Noise?

Burgeland. I heard a Pistol go off.

Mr. Solicitor General. What did you do then?

Burgeland. When I heard the Pistol go, I run into the Yard, and the other Maid Servant with me.

Mr. Solicitor General. What happened afterwards?

Burgeland. We staid in the Yard a while, a few Minutes, and came back to the Wash-house.

Mr.

- Mr. Solicitor General.* Was the Room Door open after you heard that Noise?
- Burgeland.* I did not stay till it was open.
- Mr. Solicitor General.* Did you stay till Lord Ferrers came?
- Burgeland.* My Lord came when we were in the Wash-house, and called.
- Mr. Solicitor General.* What did he say?
- Burgeland.* He hooped and hollood, Where are you all?
- Mr. Solicitor General.* What did he say then?
- Burgeland.* I went out, and said, We are here, my Lord; he asked me, Where we had been. I said, in the Bleaching Yard.
- Mr. Solicitor General.* Did he give you any Order?
- Burgeland.* He ordered that we should walk down to the House.
- Mr. Solicitor General.* Did he give any other Order?
- Burgeland.* He sent up a Maid Servant into the Yard to fetch the Man in.
- Mr. Solicitor General.* Did he say any Thing of Mr. Johnson?
- Burgeland.* Not till I got into the Room.
- Mr. Solicitor General.* What did he say then?
- Burgeland.* He went up to Mr. Johnson and asked, how he did?
- Mr. Solicitor General.* What did Mr. Johnson say?
- Burgeland.* That he was a dying Man, and desired he would send for his Children.
- Mr. Solicitor General.* Did any Thing else pass?
- Burgeland.* That is all I know.
- Mr. Solicitor General.* Who else was in the House besides the Servants you have named and yourself?
- Burgeland.* There was nobody in the House but us Three when Mr. Johnson came; and but Two in the Kitchen when it was done.
- Mr. Solicitor General.* What other Servants did my Lord use to keep?
- Burgeland.* One Man Servant; an old Man, I don't know whether he was a Servant.
- Mr. Solicitor General.* Did any other Person live with him?
- Burgeland.* Mrs. Clifford, and the four young Ladies.
- Mr. Solicitor General.* Were they all out at the Time when this happened?
- Burgeland.* Yes; they were all out but the Two Maids.
- Mr. Solicitor General.* Were they out by Accident, or by Order?
- Burgeland.* I do not know any Thing of any Order.
- Mr. Solicitor General.* Did you give Mr. Johnson any Assistance to carry him up to his Room?
- Burgeland.* Yes; I took him up to Bed by the Arm, by his Lordship's Order.
- Earl Ferrers.* Was not the Door locked before Mr. Johnson came?
- Burgeland.* Yes.
- Earl Ferrers.* Has it been locked before?
- Burgeland.* It has several times, when my Lord has been upon Business.
- Earl Ferrers.* Was not Mr. Johnson at my House on the Monday?
- Burgeland.* Yes, he was there on the Monday.
- Earl Ferrers.* Did you hear any Dispute or Words between Mr. Johnson and me on the Monday?
- Burgeland.* No, I did not hear any at all.
- Earl Ferrers.* Had not I packed up my Trunks, intending to go to London the Week following?
- Burgeland.* Yes.
- Earl Ferrers.* On the Monday while he was there, and sent to the Carriages?
- Burgeland.* Yes.

Mr. Gould. Our next Witness is *Elizabeth Saxon* (who was sworn in like manner).

Mr. Gould. Did you live with Lord Ferrers in January last?

Saxon. Yes.

Mr. Gould. Did you know John Johnson?

Saxon. Yes.

Mr. Gould. Do you remember Mr. Johnson's coming to Lord Ferrers in January?

Saxon. Yes.

Mr. Gould. Upon what Day?

Saxon. The Eighteenth.

Mr. Gould. What Day of the Week was it?

Saxon. On Friday.

Mr. Gould. Who was in the House when he came?

- Saxon.* Nobody, only Three Maids and my Lord.
- Mr. Gould.* What Time of the Day did he come?
- Saxon.* About Three o'Clock.
- Mr. Gould.* What was become of the rest of my Lord's Family?
- Saxon.* I don't know: Mrs. Clifford and the Misses were gone out.
- Mr. Gould.* How long were they gone out before Mr. Johnson came.
- Saxon.* About Half an Hour.
- Mr. Gould.* Do you know the Reason of their going away?
- Saxon.* No; my Lord came into the Still-house, and said, they might go and fetch a Walk.
- Mr. Gould.* How long was it before they did go upon the Walk?
- Saxon.* They went directly.
- Mr. Gould.* What Time of Day did my Lord give this Leave?
- Saxon.* It was about Three o'Clock.
- Mr. Gould.* Was any thing mentioned where they were to go?
- Saxon.* Mrs. Clifford asked him, whether they might go to her Father's? And my Lord said, Yes.
- Mr. Gould.* Was any thing mentioned how long they might stay?
- Saxon.* He said, they might stay till Five, or Half an Hour after.
- Mr. Gould.* What Men Servants belonged to the House?
- Saxon.* There is but One Boy and an old Man.
- Mr. Gould.* Where were they?
- Saxon.* I cannot tell.
- Mr. Gould.* Were they in the House?
- Saxon.* No.
- Mr. Gould.* When Mr. Johnson came in, in what Room was my Lord Ferrers?
- Saxon.* In his own Room.
- Mr. Gould.* Where did Mr. Johnson go when he came into the House?
- Saxon.* He went up to my Lord's Room.
- Mr. Gould.* Did my Lord appear?
- Saxon.* My Lord came to the Door.
- Mr. Gould.* Did you hear any thing said by my Lord to Mr. Johnson?
- Saxon.* No.
- Mr. Gould.* Where did Mr. Johnson go when my Lord came out?
- Saxon.* My Lord came out, and ordered him to go into the Still-house.
- Mr. Gould.* What became of my Lord then?
- Saxon.* He went into his Room.
- Mr. Gould.* How long did he stay there before he came out again?
- Saxon.* I don't know: May be a few Minutes; not long; Ten Minutes, or such a Matter.
- Mr. Gould.* When he came out did he speak to Mr. Johnson?
- Saxon.* I don't know that he did: I did not hear him.
- Mr. Gould.* Did you see Mr. Johnson when my Lord came out a second Time?
- Saxon.* No.
- Mr. Gould.* What became of Mr. Johnson; did he go into any Room with my Lord Ferrers?
- Saxon.* I know he went into my Lord's Room.
- Mr. Gould.* Was the Door locked or not?
- Saxon.* He locked to the Door after Mr. Johnson was in.
- Mr. Gould.* Did you hear the Door locked?
- Saxon.* Yes, I heard it locked.
- Mr. Gould.* What did you hear pass in that Room?
- Saxon.* Nothing at all; I did not hear any Thing.
- Mr. Gould.* Did you hear any Expression, any Words used by my Lord to Mr. Johnson?
- Saxon.* No.
- Mr. Gould.* Did you hear any Noise?
- Saxon.* Yes; I heard them very loud; I heard my Lord say, Down on your other Knee, and declare what you have acted against Lord Ferrers, and then the Pistol went off; and I and the other Maid were frightned, and run away.
- Mr. Gould.* Did you hear my Lord, or Mr. Johnson, say any Thing more in the Room, than what you have mentioned?
- Saxon.* No.
- Earl Ferrers.* Was it not customary for Mrs. Clifford to speak to me before she went out?
- Saxon.* She said, my Lord, where must we go to?
- Earl Ferrers.* Was it customary to speak to me?

Saxon. Yes.
Earl Ferrers. How came you to be at my Door at that Time?
Saxon. I was not at my Lord's Door.
Lord Mansfield. Who was the other Maid that was with you when you over-heard what passed in my Lord's Room?
Saxon. The other Witness that was here?
Lord Mansfield. Had that other Servant the same Opportunity to hear as you had; was she as near the Door, listening in the same Way you was?
Saxon. No, she was not.
Earl Ferrers. Do you know what Time Mrs. Clifford was to return?
Saxon. About Five o'Clock, or Half an Hour after Five.
Earl Ferrers. Did not Mrs. Clifford very often go out about that Time after Dinner, about Three or Four o'Clock?
Saxon. Yes.
Earl of Morton. You said in the First Part of your Evidence, that you heard my Lord say to Mr. Johnson, Down on your other Knee. My Lord Ferrers asked you, how you came to be near the Door. You said, that you was not. Where did you hear it?
Saxon. I was at the Kitchen Door: I was no nearer than the Kitchen.
Earl of Morton. You say, that Lord Ferrers locked his Door?
Saxon. Yes.
Earl of Morton. Was it customary for him to lock it when People were with him, or when he was alone?
Saxon. I don't know.
Earl of Morton. Did you ever know Lord Ferrers lock his Door when Mr. Johnson was with him?
Saxon. No.
Earl Ferrers. Did you never know that I locked the Door when I had Company with me?
Saxon. No; I don't know that his Lordship did it ever since I came.
Earl of Hardwicke. You have said, that Lord Ferrers told Mr. Johnson to kneel on the other Knee; and that you heard it, though you was no nearer than the Kitchen Door: What Distance was there between the Kitchen Door and the Door of the Room where Lord Ferrers was?
Saxon. Not a great Way.
Earl of Hardwicke. What Distance was it?
Saxon. It might be Ten or a Dozen Yards, may be.
Earl Ferrers. Was there not a thick Wall between that Room and the Kitchen, and a Chimney.
Saxon. Yes.

Elizabeth Dolman sworn in like manner.

Mr. Norton. Was you Servant to Lord Ferrers in January last?
Dolman. Yes.
Mr. Norton. Did you know Mr. Johnson the Deceased?
Dolman. Yes.
Mr. Norton. Do you remember his coming there in January last?
Dolman. Yes.
Mr. Norton. What Day of the Month was it?
Dolman. The Eighteenth.
Mr. Norton. What Time of the Day?
Dolman. About Three o'Clock.
Mr. Norton. Who was in the House of Lord Ferrers at that Time?
Dolman. Three Maids.
Mr. Norton. Nobody else?
Dolman. No.
Mr. Norton. Was not his Lordship there?
Dolman. Yes.
Mr. Norton. Do you know where the rest of the Family was at that Time?
Dolman. I know nothing of that: I believe Mrs. Clifford and the Children were gone out.
Mr. Norton. Do you know whether Mr. Johnson was expected at Lord Ferrers's that Day?
Dolman. I don't know.
Mr. Norton. Was you in the House when Mr. Johnson came in?
Dolman. I was in the Kitchen.

- Mr. Norton.* Who let him in ?
- Dolman.* Elizabeth Burgeland.
- Mr. Norton.* Who did he ask for ?
- Dolman.* Lord Ferrers.
- Mr. Norton.* Did you or Elizabeth Burgeland shew him to Lord Ferrers ?
- Dolman.* Elizabeth Burgeland.
- Mr. Norton.* You was there ?
- Dolman.* I was in the Kitchen.
- Mr. Norton.* Did you hear any thing that passed between Lord Ferrers and Mr. Johnson ?
- Dolman.* No.
- Mr. Norton.* Did you hear a Pistol go off ?
- Dolman.* Yes.
- Mr. Norton.* At that Time where were Lord Ferrers and Mr. Johnson ?
- Dolman.* In my Lord's Room.
- Mr. Norton.* How long had Mr. Johnson been in my Lord's Room before you heard the Report of the Pistol ?
- Dolman.* May be about Half an Hour.
- Mr. Norton.* Was you there when Mr. Johnson went into the Room ?
- Dolman.* I was in the Kitchen.
- Mr. Norton.* Did you hear the Door locked ?
- Dolman.* Yes.
- Mr. Norton.* How did you hear it ? Was there a Spring, or was the Key turned ?
- Dolman.* It was turned with the Key.
- Mr. Norton.* Did you hear the Key turned, and the Door locked ?
- Dolman.* Yes.
- Mr. Norton.* How soon did you see Mr. Johnson after the Pistol went off ?
- Dolman.* I did not see Mr. Johnson till after he was laid upon the Bed.
- Mr. Norton.* Did you see Lord Ferrers after Mr. Johnson was laid upon the Bed ?
- Dolman.* Yes.
- Mr. Norton.* Did you hear any Conversation between my Lord and Mr. Johnson at the Time Mr. Johnson was upon the Bed ?
- Dolman.* Lord Ferrers ordered me to go up and see what Mr. Johnson would have done.
- Mr. Norton.* Then his Lordship was not in the Room at that Time ?
- Dolman.* Not then ; he came in after.
- Mr. Norton.* What passed then ? What did you hear between them ?
- Dolman.* I went up Stairs, and asked Mr. Johnson how he did. He said, he was very poorly.
- Mr. Norton.* Was Lord Ferrers there then ?
- Dolman.* No.
- Mr. Norton.* How soon did he come in ?
- Dolman.* He did not come in till after I had fetched a Bed out of the Garret, and laid it on the Bedstead.
- Mr. Norton.* Did you hear his Lordship say any thing to Mr. Johnson ?
- Dolman.* Yes ; his Lordship told him, that he would shoot him through the Head.
- Mr. Norton.* Did Mr. Johnson make any Reply to that ?
- Dolman.* He said, No Matter how soon, my Lord.
- Mr. Norton.* What Time of the Night was this ?
- Dolman.* It might be between Four and Five o'Clock.
- Earl Ferrers.* Did not I send you for the Bed, and order it to be well aired ?
- Dolman.* Yes.
- Lord Ravensworth.* How long did you live with my Lord Ferrers before this supposed Accident ?
- Dolman.* It might be Two Months.
- Lord Ravensworth.* Did Mr. Johnson ever, during the Time you lived with my Lord Ferrers, before the 18th of January, to your Knowledge, come to Lord Ferrers ?
- Dolman.* Yes ; I have seen him there.
- Lord Ravensworth.* I should be glad to know, whether from your own Knowledge, or from any Conversation with others, you had any Reason to suspect or believe that Lord Ferrers bore Mr. Johnson any Ill-will ; or did his Lordship ever make any Complaint, to your Knowledge, in regard to Mr. Johnson ?
- Dolman.* No ; I never had.
- Lord Ravensworth.* At what Time did Mr. Johnson come to Lord Ferrers ?
- Dolman.* About Three o'Clock.

Lord Ravensworth. When Lord *Ferrers* and Mr. *Johnson* went into the Room, did Lord *Ferrers* appear to be in Liquor?

Dolman. No, not at all.

Lord Ravensworth. When you was in the Room, and Mr. *Johnson* said he was but poorly, did you imagine he was shot?

Dolman. No.

Lord Ravensworth. Did Lord *Ferrers* take Mr. *Johnson* by the Wig, before he said he would shoot him through the Head?

Dolman. Yes.

Lord Ravensworth. Did you hear the Pistol go off, and where?

Dolman. I was in the Yard; and I heard the Pistol go off.

Lord Mansfield. Did you hear any Part of the Conversation between Lord *Ferrers* and the Deceased before the Pistol went off?

Dolman. I did not.

Lord Mansfield. Was you near enough to have heard it, if any such Conversation had passed?

Dolman. I was not.

Lord Mansfield. Had *Elizabeth Saxon*, from the Place where she was, a better Opportunity of hearing what passed?

Dolman. I cannot say.

Lord Mansfield. Where was you at that Time?

Dolman. I was in the Yard.

Lord Mansfield. Where was *Elizabeth Saxon*?

Dolman. She was in the Kitchen, I believe.

Lord Mansfield. What was the Distance between the Kitchen Door and the Room where Lord *Ferrers* and the Deceased were?

Dolman. I cannot justly tell.

Lord Mansfield. Might a Person that was at the Kitchen Door hear any Conversation or Words which passed between Two People in that Room?

Dolman. Yes.

Lord Mansfield. Was it as far off as to that Bench?

Dolman. Yes.

Earl Ferrers. Did you ever hear any Conversation that passed in my Room, at any Time when I had Company and you was in the Kitchen?

Dolman. I have heard Talking.

Earl Ferrers. Could you distinguish what was said?

Dolman. I never took Notice.

A Lord. Was you at the Kitchen Door when my Lord *Ferrers* and Mr. *Johnson* were in his Room?

Dolman. I was in the Kitchen.

A Lord. Did you hear Lord *Ferrers* tell Mr. *Johnson* to kneel on the other Knee?

Dolman. No; I heard no such Thing.

A Lord. Was you with the other Witnesses at the Time she says she heard these Words?

Dolman. I was not.

Lord Mansfield. I desire to know of this Witness, whether at the Time that the Pistol went off, she was not in the Yard; and the Maid, that heard the Conversation, at the Kitchen Door?

Dolman. I was in the Yard then.

Lord Mansfield. Where was you when you heard the Key lock the Door?

Dolman. I was in the Kitchen.

Lord Ravensworth. You say you was in the Room when Lord *Ferrers* went up to Mr. *Johnson*, and he pulled Mr. *Johnson* by the Wig, and said, he would shoot him; how long was that from the Time that you heard the Pistol go off?

Dolman. I cannot justly say.

Lord Ravensworth. What Space of Time was there, from the Time that you saw Mr. *Johnson* in the Room, to the Time that Lord *Ferrers* came and pulled him by the Wig, and said, he would shoot him through the Head?

Dolman. I cannot say, he had lain upon the Bed some Time.

Sarah *Johnson* sworn.

Mr. Perrott. You are the Daughter of *John Johnson*, to whom this Accident happened?

Johnson. Yes.

Mr. Perrott. Was your Father concerned in Lord *Ferrers*'s Estate?

Johnson. Not that I know of.

Mr. Perrott. Was he his Steward?

- Johnson.* He did live with him, but not within these Two Years.
- Mr. Perrott.* Did he receive any Rents?
- Johnson.* For nobody but Lord Ferrers.
- Mr. Perrott.* Did he rent any Farm that was Part of the Estate of Lord Ferrers?
- Johnson.* Not that I know of.
- Mr. Perrott.* Do you remember his going to Lord Ferrers, at any Time in January last?
- Johnson.* On the 18th of January.
- Mr. Perrott.* Do you know whether Lord Ferrers had been with your Father any short Time before that 18th of January?
- Johnson.* Lord Ferrers was at our House on the Sunday before.
- Mr. Perrott.* Did you hear any Conversation that passed between Lord Ferrers and your Father, on that Sunday?
- Johnson.* I did not; I came home before he was gone.
- Mr. Perrott.* Did you hear Lord Ferrers say any Thing to Mr. Johnson?
- Johnson.* No; I was not in the Room.
- Mr. Perrott.* Did not you know before the 18th of January, that your Father was to go on that Day to Lord Ferrers's?
- Johnson.* I heard my Father say, that he was to go to Lord Ferrers's on the Friday.
- Mr. Perrott.* Do you know upon what Occasion he was to go?
- Johnson.* No.
- Mr. Perrott.* Upon whose Appointment?
- Johnson.* No.
- Mr. Perrott.* Was you sent for to Lord Ferrers's on the 18th of January?
- Johnson.* Yes.
- Mr. Perrott.* At what Time?
- Johnson.* I think it was between Four and Five o'Clock.
- Mr. Perrott.* Who sent for you?
- Johnson.* I believe it was Lord Ferrers.
- Mr. Perrott.* Who was it that came for you?
- Johnson.* A Man that was at Work there.
- Mr. Perrott.* What Message was brought to you?
- Johnson.* That I must come down to the Hall to Lord Ferrers.
- Mr. Perrott.* Then was any Thing said about your Father?
- Johnson.* I asked, what he wanted me for? and he said, my Father was taken very ill.
- Mr. Perrott.* When you got there, did you see my Lord Ferrers?
- Johnson.* Yes.
- Mr. Perrott.* What did he say to you?
- Johnson.* I cannot say: I asked him how my Father was; he ordered one of the Maids to go up Stairs, and shew me where my Father was.
- Mr. Perrott.* Was Lord Ferrers in the Room when you was with your Father?
- Johnson.* He followed me up directly.
- Mr. Perrott.* In what Condition did you find your Father?
- Johnson.* He was in Bed; but he did not say any Thing to me.
- Mr. Perrott.* Did Lord Ferrers say any Thing?
- Johnson.* When Lord Ferrers came up, he said, he thought he had not shot him.
- Mr. Perrott.* Was any Thing done upon that?
- Johnson.* Some Time after that, Lord Ferrers came up again; and I, or he, turned the Cloaths down; and he said, he saw he had shot him; and throwed something out of a Bottle; I don't know what it was; he poured something upon it, out of a Bottle.
- Mr. Perrott.* Who poured that out of the Bottle?
- Johnson.* Lord Ferrers.
- Mr. Perrott.* Did he tell you how the Accident happened?
- Johnson.* He did not then say any Thing about that.
- Mr. Perrott.* Did he at any Time?
- Johnson.* He said, he did not know what he had done; he had shot him; he said, it was what he designed.
- Mr. Perrott.* Was that the same Day or afterwards?
- Johnson.* The same Day.
- Mr. Perrott.* Did Lord Ferrers say any Thing about your Father's Family?
- Johnson.* He said he would take Care of his Family, if my Father died.
- Mr. Perrott.* Was that all; was there no If?
- Johnson.* He said he was in hopes, I would not let any body come to take him; that he would take Care of the Family; that he would not go out of the House till my Father was buried, if he should die.

Mr. Perrott. Do you know of any Thing more that passed between Lord *Ferrers* and you, about your Father?

Johnson. My Lord, when Mr. *Kirkland* was searching the Wound, shewed him which Way he held the Pistol when he let it off.

Mr. Perrott. Did Lord *Ferrers* say at that Time it was an Accident?

Johnson. No; he said he designed it.

Mr. Perrott. Did he give any Reason for it?

Johnson. I did not hear him give any Reason for it.

Mr. Perrott. Do you know whether your Father was ever served with any Notice to quit a Farm?

Johnson. Yes.

Mr. Perrott. What Farm was that?

Johnson. The Farm he lived in.

Mr. Perrott. Whose Estate was it?

Johnson. Lord *Ferrers's*.

Mr. Perrott. Who gave him that Notice?

Johnson. Either Lord *Ferrers* or Mr. *Clifford*; Mr. *Clifford* gave it me; they were both together.

Paper produced.

Mr. Perrott. Is that the Paper?

Johnson. Yes.

Paper read.

“ I Do hereby give you Notice to quit your Farm at *Lady-Day* next ensuing, or Six Months after the Date hereof, *November* the 7th, 1758, agreeable to your Lease granted to me,

“ *Richard Clifford.*”

Mr. Perrott. Was Lord *Ferrers* by when that was given to you?

Johnson. Yes.

Mr. Perrott. Did you hear any Thing said about that Farm?

Johnson. No.

Mr. Perrott. Shewing her the Body of the Paper, Whose Hand-writing is that?

Johnson. This is Lord *Ferrers's*, I believe.

Mr. Perrott. Did you ever see Lord *Ferrers* write?

Johnson. No.

Mr. Perrott. When you was up in the Room with Mr. *Johnson*, do you remember any body attempting to pull the Cloaths off?

Johnson. Lord *Ferrers* attempted to pull them off.

Mr. Perrott. What Time was that?

Johnson. I cannot say; about Ten or Eleven o'Clock.

Mr. Perrott. Do you know of any Occasion that was given for my Lord's attempting to pull the Cloaths off your Father?

Johnson. I cannot say what was the Reason of it.

Mr. Perrott. What had passed before that?

Johnson. I cannot tell: Lord *Ferrers* seemed to be very angry before; but I cannot tell what about.

Mr. Perrott. Did my Lord *Ferrers* pull off the Cloaths?

Johnson. He did not pull them off.

Mr. Perrott. How did that happen?

Johnson. I caught hold of them.

Mr. Perrott. Do you remember any thing That Lord *Ferrers* said at the Time that he attempted to pull off the Cloaths?

Johnson. He said, he knew him to be a Villain, and that he had acted Things against him, that were not right.

Mr. Perrott. Did your Father say any Thing to you about Lord *Ferrers's* having shot him?

Johnson. I don't remember he did.

Mr. Perrott. Did not your Father tell you, that Lord *Ferrers* had shot him? And that he believed he should die?

Johnson. I heard him say he believed he should die; but I did not hear him say, that Lord *Ferrers* had shot him. I do not remember it. My Lord said, he knew the Pistol to be a good one, he had shot through a Board with it.

Mr. Perrott. Was any body by when Lord *Ferrers* said that he had shot him, and that it was what he designed?

Johnson. Mr. *Kirkland* was by.

Earl Ferrers. Do you think that I was sober when I came into the Room where your Father was?

Johnson. At the time I came in I think his Lordship was.

Mr. Perrott. At the Time of this Confession?

Johnson. I cannot tell: I think he was not quite sober when he said that.

Lord Talbot. I believe the Confusion of this unhappy Witness has occasioned an apparent, though not an intentional, Variation in her Evidence; therefore I desire she may be asked again about the Farm.

Mr. Perrott. Did you know of your Father's renting a Farm of Lord *Ferrers*?

Johnson. He rented no Farm but what he had of Lord *Ferrers*.

Mr. Perrott. And did he rent one of him?

Johnson. Yes.

Mr. Perrott. You was asked at first about the Lease; he might have the Farm and not the Lease.

Johnson. He had a Lease; but I believe he had it but the last Year.

Lord Ravensworth. I agree with the Noble Lord, that there is a particular Tenderness in the Situation of this Witness; but imagine your Lordships are desirous of knowing as many Particulars as may be relating to this unhappy Affair; therefore I desire this Witness may be asked, whether she, at any Time near the Time of the Decease of her Father, did hear her Father express any Degree of Uneasiness, or Apprehension, from his being to wait upon Lord *Ferrers*?

Johnson. No, I never heard him say, that he was afraid of going to Lord *Ferrers*'s.

Mr. Attorney General. My Lords, we will now call Mr. *Curzon* to prove the Body of the Notice that has been read, to be all of Lord *Ferrers*'s Hand-writing.

Earl Ferrers. I do not deny it. I hope the Witnesses may be detained by your Lordships, in case I should think proper to call them again.

Mr. Attorney General. My Lord, we will take Care that they shall be forth-coming.

Thomas Kirkland sworn.

Mr. Attorney General. What is your Profession, or Occupation?

Kirkland. A Surgeon.

Mr. Attorney General. Where do you chiefly practise?

Kirkland. At *Asby De la Zouch*.

Mr. Attorney General. How far is that from Lord *Ferrers*'s House at *Stanton*?

Kirkland. Two computed Miles.

Mr. Attorney General. Do you know the Noble Earl at the Bar?

Kirkland. Yes.

Mr. Attorney General. How long have you known him?

Kirkland. I have known him many Years. I have been employed for his Lordship about Nine Years.

Mr. Attorney General. Did you know Mr. *Johnson* the deceased.

Kirkland. Yes.

Mr. Attorney General. How long did you know him?

Kirkland. I have known him a great many Years. I have been intimately acquainted with him Ten or Eleven.

Mr. Attorney General. Had he any Employ under my Lord *Ferrers*, or any Part of his Family?

Kirkland. I believe so.

Mr. Attorney General. What was his Employ?

Kirkland. Steward.

Mr. Attorney General. Did you, in the Month of *January* last, see Mr. *Johnson* or my Lord *Ferrers*?

Kirkland. I saw them together.

Mr. Attorney General. At what time in that Month in particular?

Kirkland. The Eighteenth of *January*.

Mr. Attorney General. What Day of the Week?

Kirkland. On *Friday*.

Mr. Attorney General. Upon what Occasion did you see the one or the other?

Kirkland. I saw Mr. *Johnson* to take Care of a Wound he had received in his Left Side.

Mr. Attorney General. Who sent for you?

Kirkland. They told me that Lord *Ferrers* had sent for me.

Mr.

- Mr. Attorney General.* Who was sent for you? What was his Name?
- Kirkland.* I have since found that his Name is *Henry Wales*.
- Mr. Attorney General.* At what time did you receive that Message?
- Kirkland.* About Five o'Clock in the Afternoon.
- Mr. Attorney General.* Where was you at that time?
- Kirkland.* At *Caleorton*.
- Mr. Attorney General.* How far is that from *Stanton*?
- Kirkland.* A Mile and a Half, or a Mile.
- Mr. Attorney General.* Did you go directly to *Stanton*?
- Kirkland.* I went first to the *Lount*.
- Mr. Attorney General.* What Place was that?
- Kirkland.* The Place where *Mr. Johnson* lived.
- Mr. Attorney General.* How far is that from *Stanton*?
- Kirkland.* I think Half a Mile, or it may be a little more.
- Mr. Attorney General.* Did you hear any thing there?
- Kirkland.* I first heard at the *Lount*, that *Mr. Johnson* was shot; the Boy that came for me, told me that he was sent to me from my Lord.
- Mr. Attorney General.* Did you, when you came to the *Lount*, and had had this Intelligence, proceed to *Stanton*?
- Kirkland.* Yes.
- Mr. Attorney General.* When you came there, who did you see?
- Kirkland.* I met one of the Servant Girls in the Clofe next to the Yard.
- Mr. Attorney General.* What was the Girl's Name?
- Kirkland.* I cannot tell, it was dark.
- Mr. Attorney General.* Did any Thing pass there?
- Kirkland.* She said my Lord had been charging Guns and Pistols.
- Mr. Attorney General.* What happened next?
- Kirkland.* I heard my Lord calling out in the Yard, who is there? I immediately spoke to his Lordship; he ordered me to come along. I went to him; he told me, he had shot *Johnson*, and desired I would go and take Care of him. As we went along, his Lordship desired I would not suffer him to be seized, because *Johnson* was not dead; and if any body offered to seize him, he would shoot them.
- Mr. Attorney General.* What Answer did you make to that?
- Kirkland.* I told his Lordship, that nobody should meddle with him. I then went up Stairs; and upon seeing *Mr. Johnson*, and that he had lost no Blood, I bled him.
- Mr. Attorney General.* Did *Mr. Johnson* make any Complaint?
- Kirkland.* He complained of a violent Pain in his Bowels.
- Mr. Attorney General.* Did he at that time say that he had received any Wound, and where was it?
- Kirkland.* I looked, and found the Wound below the lowest Rib, on his Left Side.
- Mr. Attorney General.* How large was that Wound?
- Kirkland.* I put my little Finger into it. I then took a Director to search the Wound. My Lord told me, *Mr. Kirkland*, you must pass your Instrument slanting downwards, I held the Pistol in this manner when I shot him. After that my Lord asked me, whether I could find the Ball? I said no, it was lodged in the Abdomen; and after this he again asked me, if I could not extract it? I told his Lordship I believed it would be better to remain where it was (indeed I looked upon it impracticable to extract it). My Lord asked me then, what would be the Consequence of the Ball's lying in the Abdomen? I told him that Balls often lay there many Years, without giving any Disturbance: With this my Lord seemed satisfied, and said he knew they would.
- Mr. Attorney General.* Was there any Surprize expressed by any body at the Ball's being lodged, or any thing said?
- Kirkland.* I cannot say there was.
- Mr. Attorney General.* Was any thing said concerning the Goodness of the Pistol?
- Kirkland.* My Lord asked me, if the Ball had not gone through? I told him no. He said he wondered it had not; for this Pistol had carried a Ball thro' a Board, and broke the Bricks, or Wall, I don't know which.
- Mr. Attorney General.* Was *Mr. Johnson* by, and did he hear what passed?
- Kirkland.* Yes he did.
- Mr. Attorney General.* Did this provoke him to utter any thing?
- Kirkland.* He did. My Lord went out of the Room at that time, and *Mr. Johnson* said, what a Villain this is.
- Mr. Attorney General.* Did you order any thing to be prepared for the Dressing of the Wound?

Kirkland. I dressed the Wound; it had already been dressed. There was a Dressing upon it. I ordered a Fomentation, and what other Things I thought proper. I then went down Stairs. My Lord told me, he thought *Johnson* was more frightened than hurt.

Mr. Attorney General. Did you both go down Stairs?

Kirkland. No, we did not.

Mr. Attorney General. You said it had been dressed before, What was that Dressing?

Kirkland. I believe, tho' I am not certain, it was *Arquebusade*.

Mr. Attorney General. Was there any Plaister found upon it?

Kirkland. To the best of my Remembrance there was not.

Mr. Attorney General. Was there a Rag upon it?

Kirkland. I believe there was; a Rag that had been dipt in *Arquebusade*. After my Lord's telling me that *Johnson* was more frightened than hurt, he said, he intended to have shot him dead, and that, seeing he did not fall at first, he intended to shoot him again; but the Pain he complained of made him forbear. Says he, there Nature did take Place, in Opposition to the Resolution I had formed. And, says he, it is cruel not to give him Ease, now I have spared his Life; therefore I desire you would do all you can for him. One Thing I omitted to mention, while I was up Stairs. My Lord desired I would take all the Care imaginable of Mr. *Johnson*; that he would send one of his Servants for any Thing I wanted.—I forgot to relate to your Lordships, that my Lord was in Liquor when I saw him. He desired, when I spoke of this Affair, that I would not say, tho' he desired me to ease him of his Pain, that he repented of what he had done. He was not sorry for it; for he owned it was premeditated; that he intended to shoot him, for he said he was a Villain and deserved Death. But, says he, as he is not dead, I desire you will not suffer my being seized; for, if he dies, I will go and surrender myself to the House of Lords; I have enough to justify the Action: Perhaps they may not excuse me, but it will satisfy my own Conscience.

Mr. Attorney General. Did he say any Thing about his going away, or not going away, the next Morning?

Kirkland. He told me thus: *Kirkland*, be sure you don't go away in the Morning before I have seen you. I will get up at Four o'Clock, or at any time that you call. I told his Lordship I would let him know before I went.

Mr. Attorney General. What particular Complaint did Mr. *Johnson* labour under when you went?

Kirkland. A Pain in his Bowels.

Mr. Attorney General. What other Complaints had he?

Kirkland. A Strangury. A Difficulty of making Water.

Mr. Attorney General. What did my Lord *Ferrers* say upon that?

Kirkland. He asked me: "*Kirkland*, don't you think that the Bladder or Kidneys are wounded?" And what would be the Consequence? I set it in such a Light as to make him believe that they might, and no bad Consequence ensue.

Mr. Attorney General. Was that, or was it not, your Rule, upon which you represented Things in this Light?

Kirkland. I, immediately from the Time of my seeing Mr. *Johnson*, thought he would be dead; but I thought it prudent to deceive my Lord for our Safety.

Mr. Attorney General. Was my Lord satisfied with this flattering Account that you gave?

Kirkland. Yes, he seemed satisfied.

Mr. Attorney General. Were any Orders given to get Things in Readiness; any Orders for the Horfies?

Kirkland. I don't know any Thing but what the Servants told me.

Mr. Attorney General. Did any Discourse pass between you relating to their Seizure of my Lord's Person?

Kirkland. My Lord did desire that I would take Care he was not seized, and I promised him I would.

Mr. Attorney General. Did you tell him how you meant to represent it?

Kirkland. My Lord asked me, what I should say upon the Occasion, if I was called upon? I told his Lordship that I should say, that, tho' Mr. *Johnson* was shot, yet there was a great Probability of his recovering; and that I thought there was no Necessity of seizing his Lordship. His Lordship then asked me, if I would make Oath of that before a Justice of the Peace if I was called upon? I said, Yes.

Mr. Attorney General. Where was this? and about what Part of the Night did the last Conversation pass?

Kirkland. It was in the Parlour.

Mr. Attorney General. What time was it? Was it an Hour before Supper?

Kirkland. I think this was before Supper; but it was repeated before and after Supper.

Mr. Attorney General. Did my Lord, in this Discourse, say any Thing relating to Mr. *Johnson*?

Kirkland. He told me, that Mr. *Johnson* had long been a Villain to him. He said, he began his Villany in 1753; that he assisted in procuring the Act of Parliament; that he was in the Interest of his Enemies; that, on Mr. *Johnson's* first coming there in the Afternoon, he ordered him to settle an Account. He then told him, *Johnson*, you have been a Villain to me; if you don't sign a Paper, confessing all your Villainy, I'll shoot you. My Lord told me *Johnson* would not sign one. Therefore, says he, I bid him kneel down on his Knees to ask my Pardon. I said, *Johnson*, if you have any thing to say, speak quickly. Then, says he, I fired at him. I know he did not think I would have shot him; but I was determined to do it. I was quite cool. I took Aim; for I always aim with a Pistol in this manner.

Mr. Attorney General. Did any Thing pass in reference to the Farm?

Kirkland. My Lord told me he had long wanted to drive *Johnson* out of his Farm; and that he imagined, after he recovered, he would go into *Cheeshire* from whence he came, and give him no more Disturbance. He said he had long intended to shoot him: That the chief Reason he did it at this time was, an Affair between Mr. *Curzon*, Mr. *Burslem*, and his Lordship. But the greatest Part of this Discourse was at the time that my Lord was full of Liquor.

Mr. Attorney General. Was he so full of Liquor as to be deprived of his Understanding?

Kirkland. I think not; he seemed to understand very well what he did?

Mr. Attorney General. Was he in Liquor when you first saw him?

Kirkland. Yes; not much.

Mr. Attorney General. Did he continue drinking during the Time you saw him?

Kirkland. He was drinking Porter; they said it was Porter.

Mr. Attorney General. Did you go to Mr. *Johnson* again?

Kirkland. Yes; after Supper I went up Stairs to Mr. *Johnson*; nothing material passed; but my Lord inquired what I thought of Mr. *Johnson*; and upon my setting Things in the Light I thought I should, my Lord seemed very well satisfied.

Mr. Attorney General. Was any Thing said about the Bowels or Guts?

Kirkland. My Lord asked, if the Bowels were wounded, what would be the Consequence? I said, some had had Wounds in their Bowels and recovered.

Mr. Attorney General. There was an Expression used, that the Bullet was lodged in the Abdomen; Was that yours or my Lord's Expression?

Kirkland. It was my Expression.

Mr. Attorney General. Did you and my Lord sit together in the Evening?

Kirkland. Yes.

Mr. Attorney General. Was any Wine brought?

Kirkland. Yes; Mrs. *Clifford* brought a Bottle of Wine, and then his Lordship again repeated, that he had shot *Johnson*, and that he intended it.

Mr. Attorney General. Was there any Thing passed between you relative to my Lord's Circumstances?

Kirkland. A little before he went to Bed, before I went to Mr. *Johnson* the last Time, my Lord said, *Kirkland*, I know you can set this Affair in such a Light, that I shall not be seized if you will; I owe you a Bill, you may have some of your Money now, and the rest when you want it; I told his Lordship I did not want Money, I should be glad to receive it, when it was most convenient to him.

Mr. Attorney General. Did you afterwards see my Lord and Mr. *Johnson* together?

Kirkland. Yes.

Mr. Attorney General. What passed?

Kirkland. My Lord went up to the Bedside, and spoke it temperately; *Johnson*, you know you have been a Villain to me; Mr. *Johnson* made no Answer, but desired my Lord to let him alone at that Time: My Lord kept calling of him Villain; his Passion rose, and he began to pull the Bed Cloaths, and said, have not you been a Villain? Mr. *Johnson* said, my Lord, I may have been wrong as well as others: Upon this, my Lord run up in a violent Passion to the Bedside, I thought he would have struck him; but upon Mr. *Johnson's* declaring, he might have been a Villain to his Lordship, my Lord went to the Fire-side.

Mr. Attorney General. How came Mr. *Johnson* to make that Answer?

Kirkland. I winked at him, and he made the Answer.

Mr. Attorney General. Was Miss *Johnson* in the Room?

Kirkland. Yes; my Lord went to her, after he had abused her Father, and said, Though he has been a Villain to me, I promise you before *Kirkland*, who I desire to be a Witness, that I will take Care of your Family, if you do not prosecute.

Mr. Attorney General. Did my Lord go out of the Room?

Kirkland. Yes; he went down Stairs; he sent for me, and told me, he was afraid he had made Miss *Johnson* uneasy; he desired I would tell her, he would be her Friend: We came up Stairs together; his Lordship asked at the Top of the Stairs, whether I thought Mr. *Johnson* would

would recover ; I replied, Yes ; he said, then I may go to Bed in Safety ; he went to Bed directly.

Mr. Attorney General. What passed after ?

Kirkland. The first Thing I did I went to Mr. *Johnson*, who desired, for God's Sake, that I would remove him ; while we were talking, I heard my Lord open the Door, and call up his Pointer : Mr. *Johnson* was a good deal alarmed at it, fearing my Lord should come again ; but my Lord shut the Door ; then he again intreated me to remove him.

Mr. Attorney General. Was any Proposal made to remove him before that ?

Kirkland. Yes ; Mrs. *Clifford* came down before that into the Still Room, and said, cannot *Johnson* be removed ? My Lord replied, No, he shall not be removed, till he be either better or dead : And some time after that he said, he was glad he had him in the House, that he could plague the Rascal ; or some such Words.

Mr. Attorney General. Why did you propose to remove him ?

Kirkland. I thought it prudent for many Reasons to remove him ; I imagined, Mr. *Johnson* would die ; and if my Lord came and found him dying, his Repentment would rise against me ; besides, Mr. *Johnson* was in a good deal of Apprehension of being again shot ; I really apprehended he might die through Fear, for he was a Man of a very weak Constitution ; upon this, I went to the *Lount*, and got a Parcel of Fellows, and placed Mr. *Johnson* in an easy Chair, and carried him upon Poles to the *Lount*, where he got without being much fatigued.

Mr. Attorney General. Did you apprehend that the moving would be prejudicial to him, considering the Condition he was in ?

Kirkland. It is impossible to say it might not ; but there was much more Danger in leaving him at *Stanton* ; and he expressed Satisfaction on my removing him : When he came there, he desired he might be removed from one Room where he was, into another ; for he said, my Lord might come and shoot him there, the Window was facing the Bed ; I told him, he might make himself easy, I would place a Centry at each Door.

Mr. Attorney General. At what Time was Mr. *Johnson* removed ?

Kirkland. I believe about Two o'Clock in the Morning ; I am not quite certain of the Hour.

Mr. Attorney General. How long did he live after that ?

Kirkland. He lived, as I was informed, till about Nine ; I did not leave him till Seven o'Clock.

Mr. Attorney General. In what Condition was he when you left him ?

Kirkland. Weak and low, and cold in the Extremities.

Mr. Attorney General. What was your Judgment about him ?

Kirkland. That he would be dead ; he thought so himself.

Mr. Attorney General. What happened after he was dead ?

Kirkland. Nothing more than my examining the Body.

Mr. Attorney General. What did you do upon that ?

Kirkland. I examined it the next Day, when the Coroner's Inquest was taken.

Mr. Attorney General. Did you give an Account of the Wound ?

Kirkland. The Ball had passed just under the lowest Rib, on the Left Side, through One of the Guts, and through a Bone we call the *Os Inominatum*, and lodg'd in the Bone called the *Os Sacrum*.

Mr. Attorney General. Do you apprehend that Mr. *Johnson* died of that Wound ?

Kirkland. I do ; I am clear in it.

Mr. Attorney General. Was you there when the Earl was seized ?

Kirkland. I was not ; I went to ask Advice what was to be done.

Earl Ferrers. You said that when I asked you to extract the Ball, that it was lodged in the Abdomen, and that I wondered at it.

Kirkland. That Question was asked before I told your Lordship it was lodged ; I remember the Question was asked.

Earl Ferrers. When I told you I had shot it through a Deal, was it not mentioned with Surprise ?

Kirkland. The Surprise seemed to be, that it had not also gone through the Man.

Earl Ferrers. At the Time that we were talking this over a Bottle of Wine, did you talk with me as a Friend ; or did you intend to betray me ?

Kirkland. I do own, my Lord, that I intended to deceive you ; and I thought it absolutely necessary.

Earl Ferrers. Did you intend to give this in Evidence ?

Kirkland. I knew I should be called upon on this Occasion.

Earl Ferrers. Did you not take Advantage of my being in Liquor ?

Kirkland. No, I could not, my Lord ; what you said was quite voluntary.

Kirkland. He told me, that Mr. *Johnson* had long been a Villain to him. He said, he began his Villany in 1753; that he assisted in procuring the Act of Parliament; that he was in the Interest of his Enemies; that, on Mr. *Johnson's* first coming there in the Afternoon, he ordered him to settle an Account. He then told him, *Johnson*, you have been a Villain to me; if you don't sign a Paper, confessing all your Villainy, I'll shoot you. My Lord told me *Johnson* would not sign one. Therefore, says he, I bid him kneel down on his Knees to ask my Paron. I said, *Johnson*, if you have any thing to say, speak quickly. Then, says he, I fired at him. I know he did not think I would have shot him; but I was determined to do it. I was quite cool. I took Aim; for I always aim with a Pistol in this manner.

Mr. Attorney General. Did any Thing pass in reference to the Farm?

Kirkland. My Lord told me he had long wanted to drive *Johnson* out of his Farm; and that he imagined, after he recovered, he would go into *Chebbire* from whence he came, and give him no more Disturbance. He said he had long intended to shoot him: That the chief Reason he did it at this time was, an Affair between Mr. *Curzon*, Mr. *Burslem*, and his Lordship. But the greatest Part of this Discourse was at the time that my Lord was full of Liquor.

Mr. Attorney General. Was he so full of Liquor as to be deprived of his Understanding?

Kirkland. I think not; he seemed to understand very well what he did?

Mr. Attorney General. Was he in Liquor when you first saw him?

Kirkland. Yes; not much.

Mr. Attorney General. Did he continue drinking during the Time you saw him?

Kirkland. He was drinking Porter; they said it was Porter.

Mr. Attorney General. Did you go to Mr. *Johnson* again?

Kirkland. Yes; after Supper I went up Stairs to Mr. *Johnson*; nothing material said; but my Lord inquired what I thought of Mr. *Johnson*; and upon my setting Things in the Light I thought I should, my Lord seemed very well satisfied.

Mr. Attorney General. Was any Thing said about the Bowels or Guts?

Kirkland. My Lord asked, if the Bowels were wounded, what would be the Consequence? I said, some had had Wounds in their Bowels and recovered.

Mr. Attorney General. There was an Expression used, that the Bullet was lodged in the Abdomen; Was that yours or my Lord's Expression?

Kirkland. It was my Expression.

Mr. Attorney General. Did you and my Lord sit together in the Evening?

Kirkland. Yes.

Mr. Attorney General. Was any Wine brought?

Kirkland. Yes; Mrs. *Clifford* brought a Bottle of Wine, and then his Lordship again repeated, that he had shot *Johnson*, and that he intended it.

Mr. Attorney General. Was there any Thing passed between you relative to my Lord's Circumstances?

Kirkland. A little before he went to Bed, before I went to Mr. *Johnson* the last Time, my Lord said, *Kirkland*, I know you can set this Affair in such a Light, that I shall not be seized if you will; I owe you a Bill, you may have some of your Money now, and the rest when you want it; I told his Lordship I did not want Money, I should be glad to receive it, when it was most convenient to him.

Mr. Attorney General. Did you afterwards see my Lord and Mr. *Johnson* together?

Kirkland. Yes.

Mr. Attorney General. What passed?

Kirkland. My Lord went up to the Bedside, and spoke it temperately; *Johnson*, you know you have been a Villain to me; Mr. *Johnson* made no Answer, but desired my Lord to let him alone at that Time: My Lord kept calling of him Villain; his Passion rose, and he began to pull the Bed Cloaths, and said, have not you been a Villain? Mr. *Johnson* said, my Lord, I may have been wrong as well as others: Upon this, my Lord run up in a violent Passion to the Bedside, I thought he would have struck him; but upon Mr. *Johnson's* declaring, he might have been a Villain to his Lordship, my Lord went to the Fire-side.

Mr. Attorney General. How came Mr. *Johnson* to make that Answer?

Kirkland. I winked at him, and he made the Answer.

Mr. Attorney General. Was Miss *Johnson* in the Room?

Kirkland. Yes; my Lord went to her, after he had abused her Father, and said, though he has been a Villain to me, I promise you before *Kirkland*, who I desire to be a Witness, that I will take Care of your Family, if you do not prosecute.

Mr. Attorney General. Did my Lord go out of the Room?

Kirkland. Yes; he went down Stairs; he sent for me, and told me, he was afraid he had made Miss *Johnson* uneasy; he desired I would tell her, he would be her Friend: We came up Stairs together; his Lordship asked at the Top of the Stairs, whether I thought Mr. *Johnson* would

would recover ; I replied, Yes ; he said, then I may go to Bed in Safety ; he went to Bed directly.

Mr. Attorney General. What passed after ?

Kirkland. The first Thing I did I went to Mr. *Johnson*, who desired, for God's Sake, that I would remove him ; while we were talking, I heard my Lord open the Door, and call up his Pointer : Mr. *Johnson* was a good deal alarmed at it, fearing my Lord should come again ; but my Lord shut the Door ; then he again intreated me to remove him.

Mr. Attorney General. Was any Proposal made to remove him before that ?

Kirkland. Yes ; Mrs. *Clifford* came down before that into the Still Room, and said, cannot *Johnson* be removed ? My Lord replied, No, he shall not be removed, till he be either better or dead : At some time after that he said, he was glad he had him in the House, that he could plague the Rascal ; or some such Words.

Mr. Attorney General. Why did you propose to remove him ?

Kirkland. I thought it prudent for many Reasons to remove him ; I imagined, Mr. *Johnson* would die, and if my Lord came and found him dying, his Repentment would rise against me ; besides, Mr. *Johnson* was in a good deal of Apprehension of being again shot ; I really apprehended he might die through Fear, for he was a Man of a very weak Constitution ; upon this, I went to the *Lount*, and got a Parcel of Fellows, and placed Mr. *Johnson* in an easy Chair and carried him upon Poles to the *Lount*, where he got without being much fatigued.

Mr. Attorney General. Did you apprehend that the moving would be prejudicial to him, considering the Condition he was in ?

Kirkland. It is impossible to say it might not ; but there was much more Danger in leaving him at *Stanton* and he expressed Satisfaction on my removing him : When he came there, he desired he might be removed from one Room where he was, into another ; for he said, my Lord might come and shoot him there, the Window was facing the Bed ; I told him, he might make himself easy, I would place a Centry at each Door.

Mr. Attorney General. At what Time was Mr. *Johnson* removed ?

Kirkland. I believe about Two o'Clock in the Morning ; I am not quite certain of the Hour.

Mr. Attorney General. How long did he live after that ?

Kirkland. He lived, as I was informed, till about Nine ; I did not leave him till Seven o'Clock.

Mr. Attorney General. In what Condition was he when you left him ?

Kirkland. Weak and low, and cold in the Extremities.

Mr. Attorney General. What was your Judgment about him ?

Kirkland. That he would be dead ; he thought so himself.

Mr. Attorney General. What happened after he was dead ?

Kirkland. Nothing more than my examining the Body.

Mr. Attorney General. What did you do upon that ?

Kirkland. I examined it the next Day, when the Coroner's Inquest was taken.

Mr. Attorney General. Did you give an Account of the Wound ?

Kirkland. The Ball had passed just under the lowest Rib, on the Left Side, through One of the Guts, and through a Bone we call the *Os Inominatum*, and lodg'd in the Bone called the *Os Sacrum*.

Mr. Attorney General. Do you apprehend that Mr. *Johnson* died of that Wound ?

Kirkland. I do ; I am clear in it.

Mr. Attorney General. Was you there when the Earl was seized ?

Kirkland. I was not ; I went to ask Advice what was to be done.

Earl Ferrers. You said that when I asked you to extract the Ball, that it was lodged in the Abdomen, and that I wondered at it.

Kirkland. That Question was asked before I told your Lordship it was lodged ; I remember the Question was asked.

Earl Ferrers. When I told you I had shot it through a Deal, was it not mentioned with Surprise ?

Kirkland. The Surprise seemed to be, that it had not also gone through the Man.

Earl Ferrers. At the Time that we were talking this over a Bottle of Wine, did you talk with me as a Friend ; or did you intend to betray me ?

Kirkland. I do own, my Lord, that I intended to deceive you ; and I thought it absolutely necessary.

Earl Ferrers. Did you intend to give this in Evidence ?

Kirkland. I knew I should be called upon on this Occasion.

Earl Ferrers. Did you not take Advantage of my being in Liquor ?

Kirkland. No, I could not, my Lord ; what you said was quite voluntary.

- Earl Ferrers.* Did I say I had come to a Resolution to do it deliberately?
- Kirkland.* I do not remember.
- Earl Ferrers.* Did you never hear me say, that I did not intend to kill him?
- Kirkland.* Your Lordship did.
- A Lord.* Did you, at any Time, hear Mr. *Johnson* say, that Lord *Ferrers* had shot him?
- Kirkland.* As soon as Mr. *Johnson* had got home, I said to him, Was my Lord in Liquor when he shot you? He was, when I first saw him. Mr. *Johnson* said, No, he was not: I imagined he got what Liquor he had afterwards. I did not think he would have shot me. I thought he only wanted me to sign a Paper. I asked him, Was you down on your Knee when my Lord shot you? He said, I think when my Lord shot me I was rising; though I cannot be sure whether I was or not, being hurried.
- Mr. Attorney General.* At the Time of this Relation of Mr. *Johnson's*, was any other Person present?
- Kirkland.* No, there was none; we were by ourselves in the Room.
- Mr. Attorney General.* Did you hear my Lord say to Miss *Johnson*, that he would take Care of them?
- Kirkland.* Yes, I heard my Lord say so to Miss *Johnson*.
- Mr. Attorney General.* He said to you, I owe you a Bill?
- Kirkland.* My Lord said, You can set this Matter right: If you do, I owe you a Bill; you may have some Money now, and the rest when you want it.
- Mr. Attorney General.* Did you ever hear Mr. *Johnson* express any Apprehension of my Lord *Ferrers*?
- Kirkland.* Mr. *Johnson*, in Conversation at different Times, has said to me, he did not think my Lord *Ferrers* would do him any Harm.
- Lord Talbot.* My Lords, this Witness has told you, that in One of his Conversations with Lord *Ferrers* his Lordship declared, that he did not intend to kill Mr. *Johnson*; and also that Lord *Ferrers* shewed him the Position in which he held the Pistol, when his Lordship thought the Instrument went wrong, as Mr. *Kirkland* was probing the Wound; I would ask, whether the Conversation was previous or subsequent to the probing the Wound?
- Kirkland.* He told me, before I entered the Director into the Wound, You must pass it in that Manner. The other Conversation was subsequent to this.
- Lord Talbot.* Do you believe that his Lordship's shewing the Position of the Pistol, in order to acquaint you with the Direction of the Ball, was with an Intention to facilitate your Operation?
- Kirkland.* I believe it was.
- Mr. Attorney General.* Did he appear in Liquor?
- Kirkland.* He was in Liquor at first; but it got more upon him.
- Mr. Attorney General.* As that unhappy Fury rose, the more Liquor he had, the more he seemed to persist in the Action?
- Kirkland.* Yes.
- Mr. Attorney General.* But when he was calmer, in his better Senses, he said, he did not wish to kill him?
- Kirkland.* No; he said at first, that he intended to kill him.
- A Lord.* When he told you the Direction of the Ball, did he not mean that tenderly, to assist the unfortunate Man?
- Kirkland.* I took it, that he was directing me to enquire into the Nature of the Wound.
- A Lord.* Could he direct you with any other View than to assist?
- Kirkland.* I remember when I told my Lord the Ball could not be extracted, he said, I do not intend to direct you; pursue your own Method, and do the best you can for him.
- A Lord.* You mentioned that he sent to you?
- Kirkland.* Yes.
- Lord Mansfield.* You have said, that, from the first to the last, Lord *Ferrers* told you that he designed to kill the Deceased; now, in Answer to a Question lately asked, you say, he said, he did not intend to kill him; upon what Occasion did he say that?
- Kirkland.* I think we sat by the Fire in the Still-Room, but I am not quite certain, and his Lordship said, that he did not intend to shoot him dead; I intended only to make him smart, and shoot him into the Hip, or Side.
- Lord Mansfield.* Could such a Wound as this be given to a Man without a certain Hazard of his Life?
- Kirkland.* It was certain Death to such a Constitution as Mr. *Johnson's*.
- Lord Mansfield.* How long after this Time was it, that he told you that you could set that Matter right?

Kirkland. He mentioned it at the very Beginning, and several Times after, till the End of the Evening.

Lord Mansfield. Did your Fear of Lord *Ferrers*, arise from his being in Liquor ?

Kirkland. I should not have been afraid of Lord *Ferrers* if he had not been in Liquor ; I thought, if he had found Mr. *Johnson* had died, that, as I had deceived him, I should have had his Repentment.

Lord Mansfield. Did you see Lord *Ferrers* in the Morning ?

Kirkland. No. I did not.

Mr. Springthorpe, sworn.

Mr. Gould. My Lords, we call this Witness to give an Account of the Manner of seizing Lord *Ferrers*, and what passed upon that Occasion.

Mr. Gould. Was you present at the Time of taking Lord *Ferrers* ?

Springthorpe. I was.

Mr. Gould. What Day was it ?

Springthorpe. On Saturday Morning.

Mr. Gould. What Time in the Morning ?

Springthorpe. I believe it was between Ten and Eleven o'Clock.

Mr. Gould. Had you a Multitude of People with you ?

Springthorpe. The first Part of the Time I had not ; but before he was taken there were a great many.

Mr. Gould. Was you armed ?

Springthorpe. I had a Pistol I took from Mr. *Burstem's*.

Mr. Gould. Where did you go first ?

Springthorpe. I went to see Mr. *Johnson* ; he was my Friend, and I found he was dead. Mr. *Burstem* desired I would go and help to take Lord *Ferrers* : I condescended to do it. When I came to the Hall Yard, my Lord, in a few Minutes, came ; he seemed to be going to the Stable, with his Stockings down, and his Garters in his Hands ; his Lordship seeing me, demanded to know what I wanted. I presented my Pistol to his Lordship, and I said it was he I wanted, and I would have him ; he put his Hand, whether he was going to put his Garters in his Pocket, or to pull out a Pistol, I cannot say : but he suddenly run into the House : I never saw more of him for two Hours ; in about two Hours he came to the Garret Window ; I went under the Window ; he called, I asked what he wanted ; he said, How is *Johnson* ? I said he was dead ; he said, you are a lying Scoundrel, G——d d——n you. I told him he was dead ; he said, I will not believe it till *Kirkland* tells me so. I said he was dead ; he said, then disperse the People and I will go and surrender : Let the People in, and let them have some Victuals and Drink. I told him I did not come for Victuals, but for him, and I would have him. He went away from the Window, swearing he would not be taken. Two Hours after that, there was a Report that he was upon the Bowling-green ; I was at this Part of the House ; I run there, and, by the Time I got there ; I saw two Colliers had hold of his Lordship. I said, I would take Care no-body should hurt him. I took from a Man that had hold of him, a Pistol and a Powder-Horn ; I shot the Pistol off, and it made a great Impression against the Stones. I heard my Lord say, he had shot a Villain and a Scoundrel, and, clapping his Hand upon his Bosom, he said, I glory in his Death. That is all I know of the Matter.

Francis Kinsley sworn.

Mr. Norton. You keep a Public-House at *Abby De la Zouch* ?

Kinsley. Yes.

Mr. Norton. Was Lord *Ferrers* brought to your House when he was apprehended ?

Kinsley. Yes.

Mr. Norton. Did you hear him say any Thing about killing of *Johnson* ?

Kinsley. I heard very little of it.

Mr. Norton. Do you remember one Mr. *Hall*, a Clergyman, coming to your House at that Time ?

Kinsley. Yes.

Mr. Norton. Did he desire to be admitted to Lord *Ferrers* ?

Kinsley. Yes.

Mr. Norton. Did you hear what passed between Mr. *Hall* and my Lord *Ferrers* ?

Kinsley. A great many Words passed.

Mr. Norton. What passed ?

Kinsley. I heard Mr. *Hall* intimate to his Lordship, as a Clergyman, that his Lordship seemed to be pretty much in Liquor at that Time, and desired he would not make Use of those Expressions. He told Mr. *Hall* he was extremely obliged to him for his good Advice; he apprehended what it was; however, he told Mr. *Hall* that he knew his Duty, perhaps as well as a Justice of Peace.

Mr. Norton. Was Mr. *Hall* a Justice of Peace?

Kinsley. Yes. I did not hear much more said between Mr. *Hall* and my Lord *Ferrers*. Mr. *Hall* staid with his Lordship some Time in the same Room; then he came down Stairs, and I never saw him afterwards.

Mr. Norton. Did he say any Thing about killing of Mr. *Johnson*?

Kinsley. He asked, a great many Times, if I had heard that *Johnson* was dead; I told him, a good many Times, that I heard he was dead: He said, I will not be convinced till I hear it from the Coroner.

Mr. Norton. Did he say any Thing else?

Kinsley. His Lordship behaved very well with me, and decently, from the *Saturday*, to the *Monday* at Ten o'Clock.

Mr. Attorney General. My Lords, we rest it here for the Crown.

Lord High Steward. My Lord *Ferrers*, the Council for the Crown have done; now is the Time for your Lordship to make your Defence; and if you have any Witnesses to examine, now is your Time to call them.

Earl Ferrers. My Lords, there have been a great Variety of Circumstances that have appeared through the Course of this Evidence. I really do not recollect any Thing that happened since the Time relative to the Affair; and I should hope your Lordships would give me a farther Day to make my Defence.

Lord High Steward. Your Lordship hath had a great deal of Time, and you have had Council assigned you, and Orders for summoning your Witnesses. It is now the Time to proceed to your Defence.

Earl Ferrers. I hope your Lordships will be so good as to give me till To-morrow, as there are some Circumstances that I could wish to consult my Council about.

Lord Mansfield. My Lords, as your Lordships cannot debate here upon the Application that has been made by the Noble Lord at the Bar, to adjourn the Trial till To-morrow, I could wish he would open to your Lordships the Nature of his Defence, or some Reason why he is not prepared to go on now; otherwise, when your Lordships adjourn, you will have nothing to debate upon, but barely whether there shall be this Delay because it is asked; and it may be a dangerous Precedent to establish, that a Trial shall be adjourned, as of course, if desired, just when the Evidence in Support of the Prosecution is closed. If he should give your Lordships a Reason for it, then it will be in your Lordships Discretion, whether that Reason is sufficient to induce your Lordships to adjourn 'till To-morrow. I think he should open the Nature of his Defence, and state some Ground for the Delay he asks.

Elizabeth Burgeland called in again.

A Lord. Do you know of any particular Quantity of strong Liquor, of any Kind, that Lord *Ferrers* had drank that Day?

Burgeland. No. I cannot tell any Thing of it: He drank some Brandy in his Tea in the Morning.

A Lord. Who is the Person that kept the Key of the strong Liquor?

Burgeland. Mrs. *Clifford*.

A Lord. Do you know of any that he had that Day?

Burgeland. I cannot tell any Thing about it.

A Lord. Was it usual for my Lord to drink Brandy in his Tea?

Burgeland. He did not drink Tea every Morning; but, when he drank Tea, I believe he did put Brandy in it.

A Lord. Was Mrs. *Clifford* returned to the Hall before the Surgeon, Mr. *Kirkland*?

Burgeland. Yes.

A Lord. How long?

Burgeland. I cannot justly say; it may be near, or near upon two Hours.

A Lord. Had you, or any Person, carried any strong Liquor to my Lord before Mr. *Kirkland* came?

Burgeland. I cannot tell any Thing about it.

A Lord. At what Time did Lord *Ferrers* dine that Day?

Burgeland. At Two o'Clock.

A Lord. When you saw Lord *Ferrers*, after the Fact, was he drunk, or sober?

Burgeland.

Burgeland. I did not observe he was much in Liquor then ; but, soon after, he was quite fuddled.

A Lord. The first Time you saw him after the Pistol went off, how was he then?

Burgeland. I did not observe that he was much in Liquor at the Time when it was done.

A Lord. Did you see him any Part of that Day, before you heard the Pistol go off, or before Mr. *Kirkland* came to the House, appear intoxicated with Liquor?

Burgeland. I saw him at Dinner ; I never saw him after till it was done.

A Lord. How was he at Dinner?

Burgeland. My Lord was sober at Dinner.

Earl Ferrers. My Lords, by the Kind of Defence recommended to me it will be impossible to go on at present ; there are several Witnesses to be examined, and, really, my Lords, I am quite unprepared.

Earl of Hardwicke. I believe it is expected by your Lordships, that the Noble Lord at the Bar should now open to you the Nature of his Defence.

Lord High Steward. My Lord *Ferrers*, it is required that you should open the Nature of your Defence ; my Lords will be able to judge, from that, whether it will be proper to give your Lordship Time to make your Defence, agreeable to your Request.

Earl Ferrers. My Lords, I can hardly express myself, the very Circumstance shocks me so much ; but I am informed, from several Circumstances, of an Indisposition of Mind.

Then the Lord High Steward returned back to the Chair.

Lord Ravensworth. My Lords, I move your Lordships to adjourn to the Chamber of Parliament.

Lord High Steward. Is it your Lordships Pleasure to adjourn to the Chamber of Parliament?

Lords. Ay, ay.

Lord High Steward. This House is adjourned to the Chamber of Parliament.

The Lords, and others, returned to the Chamber of Parliament, in the same Order they came down ; and, after some Time, the House was adjourned again into *Westminster Hall*, and the Peers being there seated, and the Lord High Steward in his Chair, and the House resumed, the Serjeant at Arms made Proclamation for Silence, as usual.

Lord High Steward. My Lord *Ferrers*, you are to proceed to your Defence.

Earl Ferrers. My Lords, the Kind of Defence I mentioned to your Lordships before, I really don't know how myself to enter upon ; it is what my Family have considered for me, and they have engaged all the Evidence that are to be examined upon this unhappy Occasion, who I really have not seen ; I do not well know what they have to say : I should, therefore, hope your Lordships will give me all the Assistance that is possible in their Examination.

My Lords, I believe that what I have already mentioned to your Lordships, as the Ground of this Defence, has been a Family Complaint ; and I have heard that my own Family have, of late, endeavoured to prove me such. The Defence I mean is occasional Insanity of Mind ; and I am convinced, from recollecting within myself, that, at the Time of this Action, I could not know what I was about. I say, my Lords, upon reflecting within myself, I am convinced, that at that Time I could not know what I was about.

It has been too plainly proved, that, at the Time this Accident happened, I was very sober, that I was not disordered with Liquor : Your Lordships will observe, from the Evidence both of Mr. *Kirkland* and Miss *Johnson*, that it plainly appeared that this Man never suspected there was any Malice, or that I had any.

Mr. John Bennetford sworn.

Earl Ferrers. How long have you known me?

Bennetford. Above these Twenty Years.

Earl Ferrers. Was you ever employed by me in any Shape?

Bennetford. Yes.

Earl Ferrers. In what Shape?

Bennetford. In receiving his Lordship's Rents, when they were sent him out of the Country.

Earl Ferrers. Did you know any of the Family besides me?

Bennetford. Yes.

Earl Ferrers. Do you remember my Uncle, or any other of the Family?

Bennetford. Yes, the late Lord *Ferrers, Henry*.

Earl Ferrers. What Disorder had he?

Bennetford. Lunacy.

Earl Ferrers. How many Years before he died?

Bennetford. Several Years before he died, at *Kensington Court*.

Earl

Earl Ferrers. Did you know Lady Barbara Shirley?

Bennefold. No.

Earl Ferrers. Did you never hear that she was disordered?

Bennefold. Yes, I have.

Earl Ferrers. Please to observe what you know of my Conduct, as to the State of my Mind, without having any particular Questions asked you?

Bennefold. His Lordship has always behaved in a very strange manner, very flighty, very much like a Man out of his Mind, more particularly so within these Two Years past, such as being in Liquor, and swearing and cursing, and the like, and talking to himself, very much like a Man disordered in his Senses; and then he has behaved himself as well as any other Gentleman at times.

Earl Ferrers. Do you know of any particular Time, or of any particular Action?

Bennefold. Nothing in particular, more than the particular Circumstances of my Lady, and expressing great Hardships, and Dissatisfaction with the Act of Parliament.

Earl Ferrers. Have you observed irrational Behaviour when I have not been in Liquor?

Bennefold. Yes, I have.

Earl Ferrers. Was it frequent or seldom?

Bennefold. It was often.

Earl Ferrers. Can you recollect any particular irrational Behaviour in me when I have not been in Liquor?

Bennefold. I cannot say that I can recollect any particular Passage.

Earl Ferrers. Did you ever see me walking about the Room, talking to myself; making Motions with my Head, and talking to myself?

Bennefold. Yes, a great many times.

Earl Ferrers. Did you think that I was disturbed in my Mind?

Bennefold. Yes.

Mr. Attorney General. My Lords, I should be glad to know what is this Witness's Trade and Occupation?

Bennefold. I am now Clerk of *St. James's* Parish; I was a Peruke-maker by Trade.

Mr. Attorney General. Was you acquainted with my Lord *Ferrers* in the Country or in Town?

Bennefold. In Town.

Mr. Attorney General. Was you admitted to my Lord's Friendship or Familiarity?

Bennefold. To both.

Mr. Attorney General. In Conversation at any time, have you observed my Lord to give you irrational or insensible Answers?

Bennefold. I cannot say he has given me any insensible Answers.

Mr. Attorney General. I should be glad to know whether you have any Reason to believe, from his Behaviour, that he did not understand enough to distinguish Right from Wrong?

Bennefold. That is a Question I am in some Doubt of answering.

Mr. Attorney General. I have asked as to your Opinion; if you will recollect what Discourse has passed between you, you will be able to give an Answer; now, from your Discourse and Conversation, do you think or believe he was in that State of Mind as not to know Right from Wrong at any time?

Bennefold. That is a Question I cannot answer to.

Mr. Attorney General. You will be pleased to recollect, that you told me, when I asked you, that my Lord never gave you an irrational Answer; why cannot you give your Opinion as to his Sanity?

Bennefold. My Lord's Behaviour appeared in general in such manner as I have mentioned.

Mr. Attorney General. My Lords, This Witness did not mention any particular Act, only talking to himself, and Motions with his Head; I am questioning him upon those kind of Acts that proceed from Words or Speeches: Did you ever, from his Words or Speeches, conceive that he was not himself?

Bennefold. No further than by being displeas'd, often talking to himself, like a Man that was out of his Mind.

Mr. Attorney General. Did my Lord manage his Affairs by himself?

Bennefold. He managed them himself; he gave me Directions.

Mr. Attorney General. Were those Directions reasonable and sensible?

Bennefold. Sometimes they were, though thought unreasonable and insensible by the Persons he wrote to.

Mr. Attorney General. Can you recollect any Instances, and the Persons that thought them so?

Bennefold. I cannot recollect any Circumstance relating to Family Matters; his Mother, when I have carried such Messages, has thought him to be in a wrong Mind, in writing to her in the manner he did.

Mr. Attorney General. Did Mrs. *Shirley* ever treat him as an insane Person, or talk of sending for a Physician to him?

Benefold. Not that I know of.

Mr. Attorney General. Did any other Person think my Lord so insane as to want that?

Benefold. I cannot recollect any Person in particular.

Mr. Attorney General. Was it easy to impose upon his Lordship in his Affairs, or difficult?

Benefold. It was not easy to impose upon his Lordship, that I know of.

Mr. Attorney General. As you have known him so long, and have been admitted to his Familiarity, I wish you would recollect One single irrational Expression that you have ever heard him make use of.

Benefold. I cannot recollect any in particular.

Mr. Attorney General. You say that he seemed displeas'd with his Lady, and with the Act of Parliament; please to recollect, whether, upon that Occasion, his Behaviour was such as betrayed his Insanity, or any thing that was irrational?

Benefold. My Lord expressed a good deal of Dissatisfaction at the Act of Parliament.

Mr. Attorney General. What was the Dissatisfaction? and was it general as well as particular?

Benefold. In relation to the Estate's being taken away, and Receivers being put upon it.

Mr. Attorney General. Do you apprehend that that Sort of Expression denoted Insanity or Sanity?

Benefold. That I cannot take upon me to determine.

Mr. Attorney General. Please to recollect yourself, and give me an Answer to the Question: You said that he expressed a Dissatisfaction, because his Estate was taken from him, and a Receiver put upon it; I desire to know whether those Expressions bespeak a Man in his Senses or out of his Senses?

Benefold. I cannot say whether that denoted him to be in his Senses or out of his Senses.

Mr. Attorney General. Are those Expressions the Expressions of a Fool, or of a Man of Understanding upon the Subject?

Benefold. I should think, of a Man of Understanding.

Mr. Attorney General. You have not been able to answer as to any particular Speeches that denoted him to be insane; now do you remember any Act of his, of any kind, that denoted a disordered Mind?

Benefold. I cannot say I can; I was not so often with him, though I have known him long.

Mr. Attorney General. Then I desire to know, whether Lord *Ferrers*, from the Conversation you had with him, appeared to be rather of better Parts than an ordinary kind of Man?

Benefold. Yes, to be sure.

Mr. Thomas Goostrey sworn.

Earl Ferrers. How long have you known Lord *Ferrers*?

Goostrey. About Ten Years.

Earl Ferrers. How long have you been concerned for him?

Goostrey. About that time.

Earl Ferrers. Have you seen any Instances of any thing like Insanity in me?

Goostrey. I think I have.

Earl Ferrers. Please to mention the Instances.

Goostrey. I have been called upon very unexpectedly; I should have recollected myself, if I had had any Apprehension of being called upon.

Earl Ferrers. Then mention the Instances.

Goostrey. I know nothing within this Twelve Months past: Lord *Ferrers* always appeared to me to be of a very remarkable Disposition; and though Lord *Ferrers* was extremely sensible, and thoroughly acquainted with his Affairs, yet I have frequently had Directions from him to do Things that in my Opinion were either fruitless, or opposite to his interest, and upon those Occasions I have always found it in vain to endeavour to dissuade his Lordship from it; and as I always found that Lord *Ferrers* was extremely sensible, and thorough Master of his Affairs, I have never been capable of accounting for his Behaviour, otherwise than by apprehending that he has been at times out of his Mind.

Earl Ferrers. Do you remember any Instance where I appeared to be out of my Mind, and what?

Goostrey. I remember that all of a sudden he took it into his Head that he should be capable of impeaching a Family Settlement that he had long acquiesced under, and by which he was only Tenant for Life of his Estate; and though he had advised with many Lawyers upon the Occasion, and they were all of Opinion that it was impossible he could succeed, yet he per-

filled in his Resolution of bringing a Suit to destroy that Settlement; and upon those Occasions I have always found Lord *Ferrers* extremely strange; and when he has touched upon that Subject, his Conversation has been very wild, and inconsistent with what I have looked upon a Man of Sense and Understanding to be; and I remember One Instance, which was, when Lord *Ferrers* returned from my Lord *Westmorland's*, my Lord *Ferrers* followed me upon that Occasion into the City, and he came into the Room where I was with a great deal of Company. I perceived, by his Appearance, that something disturbed him, and therefore hastily came up to him, and got him out of the Room. When I came up to him, I asked him what was the Matter; and did at first apprehend he had been in Liquor, but I soon perceived that he was perfectly sober. He then told me a strange inconsistent Story of his having been down at my Lord *Westmorland's*, and of his having been ill treated by Sir *Thomas Stapleton*, and the Intent of his coming to me was, to draw an Advertisement to be inserted in all the Papers, tending to challenge Sir *Thomas Stapleton*, and to post him for a Coward if he did not give him Satisfaction. I was extremely uneasy; and with Difficulty did dissuade him from it, upon a Promise to wait upon him the next Day; but then looking upon him to be out of his Senses, I did not call upon him the next Day. From thence I declined being concerned for him, as looking upon him to be a Person out of his Senses: That is all; I have never seen his Lordship from that time to this, except when I had the Honour to wait upon his Lordship in the Tower.

Earl Ferrers. Did you know Mr. *Johnson*?

Goostrey. Very well.

Earl Ferrers. Was I in Friendship with Mr. *Johnson*?

Goostrey. I have often seen Lord *Ferrers* and Mr. *Johnson* together, and have likewise had Occasion to talk of Mr. *Johnson* with my Lord: I always observed that his Lordship had the greatest Regard and Esteem for Mr. *Johnson*; and I have, in the Course of my Business that I have done for Lord *Ferrers*, always found that Mr. *Johnson* was very exact and regular in his Accounts.

Earl Ferrers. Did you ever hear me at any time find Fault with Mr. *Johnson*, or express any Dissatisfaction at him?

Goostrey. Never, but always the reverse.

Earl Ferrers. Do you know if Mr. *Johnson* would have consented to have been Receiver under the Act of Parliament, without consulting me?

Goostrey. I heard Mr. *Johnson* declare, that when it was proposed to him to be Receiver, that he refused to be so, without first consulting his Lordship; and afterwards I saw Mr. *Johnson*, and he told me that it was at his Lordship's particular Request that he consented to be a Receiver.

Mr. Solicitor General. My Lords, I must beg Leave to ask this Witness a Question or Two.

Mr. Solicitor General. Mr. *Goostrey* gave your Lordships as a Reason for his Opinion that Lord *Ferrers* was insane, that his Lordship would very frequently send Directions in the Course of his Affairs, which Mr. *Goostrey* thought fruitless, or opposite to his Interest; in particular, he mentioned an Instance relative to his impeaching or setting aside a Family Settlement;

Now, I should be glad to ask Mr. *Goostrey*, Whether he thinks that the Manner of Lord *Ferrers's* receiving his Advice to dissuade him from endeavouring to set aside that Settlement, proceeded from a Tenaciousness of his Opinion, or from the Insanity of his Mind?

Goostrey. To say that it might be owing to Insanity of Mind might be going too far; but it was from his remarkable Disposition, his obstinate and improper Behaviour, his remarkable Tenaciousness of his Opinion, which was not consistent with the good Sense I have known him Master of.

Goostrey. If I may explain what I said before, I should rather think it tended to Insanity than any thing else, as it was so inconsistent with the good Sense and Understanding that I have always met with from his Lordship.

Mr. Solicitor General. Was it from any particular Circumstance which passed between you and Lord *Ferrers*, that you thought the Manner of receiving your Advice was owing to a Tendency in Lord *Ferrers* to Insanity?

Goostrey. My Reason is, that his Lordship had been advised by many Lawyers, that, by his long Acquiescence under that Settlement, and the many Acts he had done confirming it, that there was no Possibility of succeeding in it.

Mr. Solicitor General. Mr. *Goostrey*, You have had a great deal of Business, and been employed by many Clients, as well as Lord *Ferrers*; have not you, in the Course of your Experience and Transactions, met with several Clients of a Temper to proceed against the Advice of Council and Friends?

Goostrey. I never did in my small Experience meet with any Person that did so, that was possessed of the good Sense and Understanding that I have at other times found in my Lord *Ferrers*.

Mr. Solicitor General. Have you never met with Persons unsuspected of Lunacy, who acted in the Manner Lord *Ferrers* did upon that Occasion?

Goostrey. I do not know I ever had any other Client that was under such Circumstances; I do not know that I ever met with any Client that would commence a Suit after Council advised the contrary.

Mr. Solicitor General. How did the Suit end?

Goostrey. It never proceeded so far as to have an Answer; for, in the mean time, the unhappy Dispute between Lord and Lady *Ferrers* broke out, and that diverted his Thoughts from it.

Mr. Solicitor General. You mentioned an Instance of attending Lord *Ferrers*, with regard to the ill Treatment he had received from Sir *Thomas Stapylton*; upon that Occasion do you think that my Lord's insisting to have a Challenge inserted in the Papers, by way of Advertisement, proceeded from Insanity, or from mere Violence of Temper?

Goostrey. I did then think it Insanity; he being perfectly sober, I could impute it to nothing else, and from thenceforth I declined being concerned for him.

Mr. Solicitor General. Might it not be from Violence of Temper?

Goostrey. It was many Hours after the Accident happened that he came to me.

Mr. Solicitor General. Did you ever observe any thing frantick in my Lord's Behaviour?

Goostrey. Many times.

Mr. Solicitor General. Upon what Occasion?

Goostrey. Upon Occasion of his going from the Business we have been talking upon, I have often found him in Conversation lose himself intirely.

Mr. Solicitor General. Did he lose himself from Passion, or for want of Understanding?

Goostrey. He had nothing to ruffle his Temper but that particular Thing; it was from his talking to himself; I made it a Rule never to contradict him; and, during the Ten Years I was concerned for him, I never had a Word with him.

Mr. Solicitor General. You endeavoured to dissuade him from this Suit which he was going to prosecute as to the Settlement; How did he reason upon the Occasion?

Goostrey. Quite wild and inconsistent, and, upon this Occasion, in my Opinion, shewed Want of Reason.

Mr. Solicitor General. Do you recollect what he said, and how he argued? Mention the Particulars.

Goostrey. He treated it as if he had been imposed upon, and drawn in improperly to do it.

Mr. Solicitor General. Do you think that such a way of arguing shewed his Insanity and Want of Sense?

Goostrey. I thought it did, because it appeared to me to be inconsistent with the Facts.

Mr. Solicitor General. Might it not arise from a Difference in Opinion between you and him?

Goostrey. I should think not, because I always looked upon his Lordship to be a much more sensible Man.

Mr. Solicitor General. How long have you known him?

Goostrey. I said Ten Years; but I believe it may be Eleven.

Mr. Solicitor General. Do you know of any Instance in which his Friends or Family ever entertained the same Opinion of him as you do?

Goostrey. Never, as to taking out a Commission of Lunacy.

Mr. Solicitor General. As from the Conversation you had with him you think he was insane, did not you represent it to the Family?

Goostrey. Never; his Family knew it as well as I.

Mr. Solicitor General. As you was of that Opinion, did you advise a Commission of Lunacy?

Goostrey. Never.

Mr. Solicitor General. In the Time of your being concerned for him in his Affairs, did you prepare any Deed, Conveyance, or Lease for him?

Goostrey. In some Things I have.

Mr. Solicitor General. Did you ever prepare any Mortgage upon his Estate?

Goostrey. Never, that I remember.

Mr. Solicitor General. Did you ever attend the Execution of any such Deeds?

Goostrey. I was concerned in suffering a Recovery, and cutting off the Entails in the Settlement.

Mr. Solicitor General. In case of a Client's being insane, would you have suffered such Acts to be done?

Goostrey. There was no such thing happened in my Time; I never knew of any Act that my Lord did to his Prejudice in the Execution of any Deed in my Time.

Mr. Solicitor General. I ask you, if you had been desired to be a Party, or present at the Execution of any such Deed, whether you would have suffered it under such Circumstances?

Goostrey. Most certainly I should not.

Mr. Solicitor General. Was you ever a Witness to the Execution of any Deed by Lord Ferrers?

Goostrey. I have.

Mr. Solicitor General. Did you ever transact any Mortgage for him?

Goostrey. I do not recollect.

Mr. Solicitor General. Did you never get any Loan of Money for him?

Goostrey. Never. If the Gentlemen will find it out, I will not disown it.

Mr. Solicitor General. Has my Lord lately raised a considerable Sum of Money upon his Estate?

Goostrey. No, I never negotiated any such, nor was I privy to it.

Mr. Solicitor General. Was you employed to procure any Money?

Goostrey. Never to my Memory.

Mr. Solicitor General. Did you never converse with his Lordship upon the Subject?

Goostrey. Never.

Mr. Solicitor General. Did you, or did you not, in your Conscience and Opinion, upon the whole Matter, think my Lord Ferrers insane, or a proper Object to be under the Care of a Physician, or of the Court of Chancery?

Goostrey. I am in great doubt whether my Lord was so insane as that a Commission of Lunacy could be taken out; I should think a Commission of Lunacy could not be taken out against him.

Mr. Solicitor General. Why? because he was not insane?

Goostrey. I look upon it that he was insane only at particular Times, and in particular Instances.

Mr. Solicitor General. If he was insane only at times, would he not have been a proper Object of a Commission of Lunacy?

Goostrey. I cannot say at the times I have seen. If a Jury had been to inquire touching his Sanity, I am sure they would have found him a Lunatic.

Mr. Solicitor General. Mention the Times of which you speak.

Goostrey. I meant that particular Time when his Lordship came to me in the City, as I have mentioned.

My Lord Ferrers did propose to dispose of his *Northamptonshire* Estate. I do recollect there once was a Negotiation of a Loan of Ten thousand Pounds from Sir *Thomas Clarges*. I was no otherwise concerned in it, than only to see that the Deed which Lord Ferrers executed was a proper One. Mr. *Howell* of *Lincoln's Inn* was the Person concerned.

Mr. Solicitor General. You recollect the Negotiation of a Loan, and your being advised with?

Goostrey. I do recollect I was advised with, and I believe my Lord was then in *Leicestershire*.

Mr. Solicitor General. What Advice did you give?

Goostrey. The Money to be borrowed by my Lord was not to be put into his Pocket, but to pay off another Mortgage.

Mr. Solicitor General. What Advice did you give?

Goostrey. I do not recollect any particular Advice; I remember there was a Draught of a Deed; I believe it was laid before me.

Mr. Solicitor General. Did you, or did you not, advise the Execution of it?

Goostrey. I neither advised one way nor the other; I was no otherwise concerned than to see that the Draught was proper.

Mr. Solicitor General. You say my Lord asked your Advice; did you give him your Opinion with respect to the Propriety of the Deed?

Goostrey. I dare say if my Lord asked it, I did; I don't remember he did; 'tis most likely he did.

Lord Hillsborough. Why did you make it a Rule never to contradict my Lord Ferrers?

Goostrey. Because if I had contradicted him, I should have led his Lordship into a strange wild Way of Reasoning, that I had often experienced, by his reasoning with himself only.

Earl Ferrers. Was you ever concerned for any of the Family but me?

Goostrey. For Lady *Anna Eleonora Shirley* I was concerned.

Earl Ferrers. Do you know of any thing else?

Goostrey. Not that I recollect.

Lord Ravensworth. Do you know Lord Ferrers's Mother, or any of his Relations?

Goostrey. I know them all.

Lord Ravensworth. Do you mean that you know them as one that has transacted Business with them, and that you can speak your Opinion touching them?

Goostrey. Yes; I have had Business with them frequently.

Lord Ravensworth. Did you at any time, or at different times, speak to Lord *Ferrers's* Mother, or any of his Relations, to give them your Opinion of the Management of Lord *Ferrers*?

Goostrey. I never did; I should have thought it very unnecessary, because I was thoroughly satisfied that the Family knew it as well as myself.

Lord Ravensworth. My Lords, I have attended to Mr. *Goostrey's* Evidence, and am desirous of getting every Thing from him that I can; and therefore desire he will tell your Lordships, whether, during the time he did Business for Lord *Ferrers*, he ever signified to any of his Lordship's Family his own Sentiments touching his Lordship?

Goostrey. If I had been concerned for the Family, I should not have hesitated a Moment to have done it. I believe Mr. *Shirley* in particular knew that the Reason I declined being longer concerned in Lord *Ferrers's* Affairs was from an Apprehension that he was not in his Senses.

Lord Ravensworth. You declined being concerned for him upon his Behaviour about the Settlement?

Goostrey. No, upon his returning from Lord *Westmorland's*.

Lord Ravensworth. Should you have thought that alone sufficient, if, previous to that, you had not seen Marks that induced you to have a Suspicion of his Sanity, and to take the Resolution you did?

Goostrey. I don't know whether, if that had been the only Instance in which I had found my Lord behave in that odd Manner, I should then have given up his Affairs; but he had several times before acted so inconsistent, as to induce me to think it was out of my Power to be of any Service to him.

Lord Ravensworth. How long is it since he was at Lord *Westmorland's*?

Goostrey. About a Year and an half.

Lord Ravensworth. You say that you have known him between Ten and Eleven Years; during the whole time was you concerned in his Affairs?

Goostrey. There was something or other moving in his Affairs all the while; it was with the greatest Difficulty that I kept him within the Bounds I did.

Lord Ravensworth. Do you mean that, from the first time of your being concerned in his Affairs, you looked upon him in that Light, or only in that Instance?

Goostrey. Soon after I was concerned in his Affairs, I wished I had not engaged; but as I had got into them, it was difficult to recede, and for that Purpose I went on.

Lord Ravensworth. In your Opinion, and from your best Recollection, did you observe these Symptoms in Lord *Ferrers* the whole Time you attended him, the major Part of the Time, or more particularly at the latter Part?

Goostrey. Most certainly his Lordship was greatly affected with the Separation of Lady *Ferrers*; and at that Time I observed it.

Lord Ravensworth. Do you think it proceeded from Liquor?

Goostrey. I very seldom saw him in Liquor.

Lord Ravensworth. At the Times you recollect, was he sober?

Goostrey. Perfectly sober, at the Times I speak of.

Earl of Morton. Did you ever see him in such a Condition, that he was incapable of judging between a moral and an immoral Act?

Goostrey. I cannot say I ever did.

Then the Lord High Steward returned back to his Chair.

Lord Privy Seal. My Lords, I move your Lordships to adjourn to the Chamber of Parliament.

Lord High Steward. Is it your Lordships Pleasure to adjourn to the Chamber of Parliament?

Lords. Ay, ay.

Lord High Steward. This House is adjourned to the Chamber of Parliament.

The Lords, and others, returned to the Chamber of Parliament in the same Order they came down; and, after some Time, the House being there resumed, resolved to proceed further in the Trial of Lawrence Earl Ferrers, in Westminster-Hall, To-morrow, at Ten of the Clock in the Morning; and ordered that the said Lawrence Earl Ferrers should be remanded Prisoner to his Majesty's Tower of London, there to be kept in safe Custody; and that he be brought again to the Bar of this House in Westminster-Hall, To-morrow, at Ten of the Clock in the Morning.

Thursday April 17, 1760. The Second Day.

THE Lords, and others, came from the Chamber of Parliament into *Westminster-Hall*, in the same Order as on *Wednesday* last; and the Peers were there seated, and the Lord High Steward in his Chair.

Lord High Steward. My Lords, The House is resumed. Is it your Lordships Pleasure, that the *Judes* may be covered?

Lords. Ay, Ay.

Then the Serjeant at Arms made Proclamation for Silence, as usual; and afterwards the following Proclamation.

Serjeant at Arms. Oyez, Oyez, Oyez! Lieutenant of the *Tower*, bring forth your Prisoner, *Lawrence Earl Ferrers*, to the Bar, pursuant to the Order of the House of Lords.

The Deputy Governor of the *Tower* brought the Prisoner to the Bar, in the like Form as before; and then he kneeled down.

Lord High Steward. Your Lordship may rise.

Lord High Steward. *Earl Ferrers*, your Lordship will proceed in your Defence.

Thomas Huxley sworn.

Earl Ferrers. DID you know the late *Earl Ferrers*?

Huxley. I did.

Earl Ferrers. How long did you know him?

Huxley. About Fourteen Years.

Earl Ferrers. What was the Matter with him?

Huxley. He was a Lunatic.

Earl Ferrers. Was he under Confinement?

Huxley. He was under Confinement.

Earl Ferrers. Was he a Lunatic all that Time.

Huxley. He had Intervals.

Earl Ferrers. Was he not recovered of his Understanding sometimes, so as to return to his Seat in Parliament?

Huxley. Not in that Time that I was with his Lordship.

Earl Ferrers. Was he a Lunatic home to the Time of his Death?

Huxley. He was.

Earl Ferrers. Did you know *Lady Barbara Shirley*?

Huxley. I did not.

Earl Ferrers. Or *Lady Betty Shirley*?

Huxley. I did know *Lady Betty Shirley*.

Earl Ferrers. Is she living?

Huxley. She is dead.

Earl Ferrers. How long has she been dead?

Huxley. To the best of my Knowledge about Seventeen or Eighteen Years.

Earl Ferrers. Had she any Disorders that you know of?

Huxley. As I have been told, by her Servants, she frequently appeared to be very much disordered.

Mr. Attorney General. My Lords, I should be sorry to stop the Course of the Noble Earl's Evidence, but this is Hearsay.

Earl Ferrers. Did you know any other of the Family that were disordered in their Senses?

Huxley. Nothing more than by Hearsay.

Earl Ferrers. How long have you known the present *Earl Ferrers*?

Huxley. But a very few Years.

Earl Ferrers. What Relation was the late *Earl Ferrers* to the present Lord?

Huxley. His Uncle.

Mr. Attorney General. My Lords, we will not trouble your Lordships to cross-examine this Witness.

Mrs. *Wilhelmina Deborah Cotes* sworn.

Earl Ferrers. Did you know Lady *Barbara Shirley*?

Cotes. Perfectly well.

Earl Ferrers. What Relation was she to the present *Earl Ferrers*?

Cotes. His Aunt.

Earl Ferrers. How long did you know Lady *Barbara* before her Death?

Cotes. She is now living.

Earl Ferrers. Was she afflicted with any, and what, Distemper?

Cotes. Lunacy.

Earl Ferrers. Is she confined as a Lunatic at this Time?

Cotes. She was always looked upon as a Lunatic, and proper Care has been taken of her.

Earl Ferrers. Do you know any other of the Family that has been afflicted with Lunacy?

Cotes. Only by Hearsay.

The Honourable and Reverend Mr. *Walter Shirley* sworn.

Earl Ferrers. What Relation are you to me?

Shirley. Brother.

Earl Ferrers. Do you know any, and which, of the Family, that have been afflicted with Lunacy; if you do, please to mention their Names?

Shirley. I believe the Prisoner at the Bar has that Misfortune.

Earl Ferrers. What is your Reason for such Belief?

Shirley. I have many Reasons for it. The First is, that I have seen him several Times talking to himself, clenching his Fists, grinning, and having several Gestures of a Madman, without any seeming Cause leading thereto—I have likewise very frequently known him extremely suspicious of Plots and Contrivances against him from his own Family; and, when he was desired to give some Account what the Plots were that he meant, he could not make any direct Answer.—Another Reason I have for thinking him so is, his falling into violent Passion, without any adequate Cause.

Earl Ferrers. Do you believe that, at some Times, I have been hurried into violent Fits, so as not to know the Distinction between a moral and immoral Act?

Shirley. I believe, at those Times when my Lord has been transported by this Disease of Lunacy, that he has not been able to distinguish properly between moral Good and Evil.

Earl Ferrers. Has any other of the Family, besides myself, been afflicted with Lunacy?

Shirley. I have heard——— (stopt)

Earl Ferrers. Please to inform their Lordships, whether, at the Time I have been transported with such violent Fits, they have been the Effects of Drink, and whether they have happened when I was sober?

Shirley. Frequently when my Lord has been sober, much more so when he has been a little inflamed with Liquor.

Earl Ferrers. Do you know of any Intention in the Family to take out a Commission of Lunacy against me?

Shirley. I heard it talked of.

Earl Ferrers. How long ago?

Shirley. I think I can recollect it was at the Time of his Lordship's committing the Outrage at Lord *Westmorland's* House that it was proposed to be done; but afterwards they were afraid to go through with it; and the Reason given was, lest, if the Court of Judicature should not be thoroughly satisfied of my Lord's Lunacy upon Inspection, that the Damage would be very great to those that should attempt it.

Earl Ferrers. Why was the Family afraid that I should appear in the Courts of Judicature to be in my Senses?

Shirley. Because my Lord had frequently such long Intervals of Reason, that, we imagined, if he, on the Inspection, appeared reasonable, the Court would not grant the Commission against him.

Earl Ferrers. What Damage do you mean that the Family was apprehensive of, in case the Court should refuse a Commission?

Shirley. We apprehended my Lord would sue us for *Scandalum Magnatum*.

Earl Ferrers. Was the Family apprehensive of any other Kind of Damage?

Shirley. I know of none.

Mr. Attorney General. My Lords, I did not intend to have troubled this Gentleman; but from what he has said, your Lordships will permit me to ask him Two or Three Questions; I shall do it very tenderly, and with as much Propriety as I can.—In giving his Account of the Noble Lord's State of Mind, as far as I could collect it, said, That he had more Reasons than One why he deemed him to be insane.

Mr. Attorney General. *Mr. Shirley,* You said that the First Ground was, that his Lordship would, at Times, talk to himself, grin, and use certain Gestures, proper only to Madmen—Now, as to this First Mark of Insanity, Was this frequently the Case with his Lordship?

Shirley. Very frequently.

Mr. Attorney General, Did he, at those Times, speak loud, or use any intelligible Language to himself?

Shirley. He did not.

Mr. Attorney General. Did he, at such Times, offer to commit any Mischief, or betray any Marks of Disorder, while in that Situation?

Shirley. I do not recollect any.

Mr. Attorney General. Then, as far as I can understand you, at those Times, his Behaviour in those Intervals was perfectly innocent.

Shirley. Yes.

Mr. Attorney General. At such Times have you ever entered into Discourse with him?

Shirley. No, I do not remember.

Mr. Attorney General. Did you never ask him a single Question when you have seen him walking backwards and forwards in the Way you mention?

Shirley. I don't remember I have.

Mr. Attorney General. Did you never hear him speak at such Times to other Persons?

Shirley. Not whilst he continued in those Attitudes?

Mr. Attorney General. I don't ask you whether he conversed the Time that he was mute, but within a Quarter or Half an Hour?

Shirley. I am not certain.

Mr. Attorney General. Your next Ground for supposing him to be insane was, That he was accustomed to be transported into Passions without any adequate Cause, were those the Words?

Shirley. Without any seeming Cause.

Mr. Attorney General. Was not adequate the Expression you used?

Shirley. Yes.

Mr. Attorney General. I should be glad to know whether you deem every Man that is transported with Anger, without an adequate Cause, to be a Madman?

Shirley. I deemed it as a Sign of Madness in him; but there were other Causes.

Mr. Attorney General. I ask you a general Question, and I do not expect a particular Answer. Whether you deem a Person that is transported with Fury without Reason, to be a Madman?

Shirley. I think a Person may be transported to Fury without an adequate Cause, that is no Madman.

Mr. Attorney General. Then please to recollect some particular Instance of this frantic Passion, and state it?

Shirley. I really cannot command my Memory so far.—I have not seen my Lord these Two Years, till the Time of this unhappy Confinement.

Mr. Attorney General. Then I am to understand you, that you cannot recollect one particular Instance.—Am I or not?

Shirley. I cannot recollect any at this Time.

Mr. Attorney General. Then as to the Suspicion of Plots without any Foundation—Will you please to enumerate any of those?

Shirley. He never himself would give any particular Account of what he suspected, only that he did suspect that the Family was in some Combination against him; and when I have asked him, What it was that he meant? he would never give me a direct Answer to that Question.

Mr. Attorney General. Does that Kind of Behaviour, as you describe it, denote a Man out of his Senses?

Shirley. I thought so.—I was so fully possessed of that Opinion, that I declared to other People long ago, that I thought him a Madman.

Mr. Attorney General. Please to inform their Lordships, whether the unfortunate Earl lived well or ill with his Family?

Shirley. Indeed, he did not live in Friendship with his Family.

Mr. Attorney General. Were there not Disputes on both Sides?

Shirley. Yes there were, his younger Brothers and Sisters were under the unhappy Constraint of being for their Fortunes.

Mr. Attorney General. Then please to inform their Lordships, whether, in Truth, there was not a Combination in the Family against him?—I do not mean a Criminal one?

Shirley. I am very certain that was not what my Lord alluded to.

Mr. Attorney General. If you are certain of that, you can inform their Lordships what it was that he alluded to?

Shirley. I will give a Reason why I am certain it was not that; because it appeared to be some secret Combination: That was a Thing publicly known.

Mr. Attorney General. How did you collect that the Combination was secret?

Shirley. By my Lord's manner of expressing himself.

Mr. Attorney General. Can you recollect the Phrase or the Words he used?

Shirley. I cannot.

Mr. Attorney General. In another Part of your Examination you was asked, whether the Earl could distinguish between Good and Evil; you said he could not distinguish them properly.—Was he at that Time less able to distinguish properly between Good and Evil than any other Man that is transported into a violent Passion?

Shirley. I never saw any Man so transported.

Mr. Attorney General. Did he express himself in insensible Words, so as that you could discover the State of his Mind; and that it was that of a Madman, and not a Man in Passion?

Shirley. I considered it as Madness.

Mr. Attorney General. Can you recollect any Expression, in any Fit of Passion that my Lord was in, that might not as well have come from the Mouth of any other passionate Man?

Shirley. Indeed I cannot.

Mr. Attorney General. You recollect an old Adage, *Ira furor brevis est*: Do you believe that his was such Madness as is there poetically described?

Shirley. I believe that it really proceeded from Madness.

Mr. Attorney General. Have you ever seen him so transported upon any other Occasion than that of Anger? Have you seen any Appearance of that Kind when he was cool and calm?

Shirley. I have seen him break into Passions without any seeming Cause.

Mr. Attorney General. You said you could not remember any Instance, when the Question was asked you; can you now?

Shirley. I remember once being at a hunting Seat at *Quarendon* in *Leicestershire*, as I chose to avoid the Bottle, I went up Stairs to the Lady's; Lady *Ferrers*, at that Time, lived with him; and, without any previous Quarrel, my Lord came up Stairs into the Room; and, after standing for some Time with his Back to the Fire, he broke out into the grossest Abuse of me, insulting me, and swearing at me; and I cannot to this Day or Hour conceive any Reason for it.

Mr. Attorney General. Had you never any Dispute or Quarrel with your Brother?

Shirley. Not at that Time.

Mr. Attorney General. Might not you have had some Quarrel a few Days before?

Shirley. No.

Mr. Attorney General. Are you confident of that?

Shirley. I am confident.

Mr. Attorney General. Had he no Suspicion at that Time of your interesting yourself with respect to my Lady *Shirley*?

Shirley. There was then no Quarrel existing.

Mr. Attorney General. Had there never been a Quarrel between my Lord and my Lady?

Shirley. I think not; it was soon after his Marriage.

Richard Phillips sworn.

Earl Ferrers. How long have you known me?

Phillips. About Eighteen Years.

Earl Ferrers. Are you a Tenant, or what Relation do you stand in to me?

Phillips. I am a Tenant to your Lordship.

Earl Ferrers. Did you ever see me mad?

Phillips. Your Lordship asked me one Day, whether I ever saw you mad? I said, I hoped not.

Earl Ferrers. How long ago is that?

Phillips. It may be Nine or Ten Years.

Earl Ferrers. Upon what Occasion was it that I asked you that Question; and what did I say further?

Phillips. Your Lordship said that you was a Madman, but could not help it; and when it was off you, you was sorry for it.

Earl Ferrers. Did I, at any Time, lament the Misfortune of my Family, in respect of Mad-ness?

Phillips. Your Lordship told me that it was in your Family.

Earl Ferrers. At the Time that you speak of, Ten or Eleven Years ago, was I upon a Visit at any Place that might make it necessary for me to caution People against my own Mad-ness, that they might not be affronted at my Behaviour?

Phillips. Your Lordship came then to live in the House where I live. I thought you spoke those Words in a Way to caution me, that I should not be surprized, in case you had such Fits.

Earl Ferrers. Did you hear *Johnson* the Deceased say that he thought me mad?

Phillips. I have.

Earl Ferrers. When was it?

Phillips. Some time ago.

Mr. Attorney General. My Lords, That is not Evidence, to speak of what he heard *Mr. Johnson* say.

Earl Ferrers. I thought, as the Evidence of Declarations of the Deceased was admitted against me, it would have been admitted for me.

Mr. Attorney General. My Lords, though the Declarations of the Deceased, whilst a dying Man, and after the Stroke is given, are to be admitted as legal Evidence; yet a Deposition of what he or any other Person said before the Accident, is clearly Hearsay Evidence, upon the same Foundation with all other Hearsay Evidence; and, with Submission to your Lordships, ought not to be admitted.

Mr. Attorney General. The Question is objected to by me; if my Noble Lord or his Council insist upon it, the next Step is to hear his Council upon the Objection; then we are to answer it, and they are to reply; and then it is for your Lordships Judgment.

Earl Ferrers. I waive the Question.

Gold Clarges, Esq; sworn.

Earl Ferrers. How long have you known me?

Clarges. From the Time of your Birth.

Earl Ferrers. Did you look upon me to be afflicted with any and what Distemper?

Clarges. Indeed I have looked upon your Lordship as a Lunatick for many Years.

Earl Ferrers. Has that Distemper increas'd of late Years, and how long?

Clarges. I think it has.

Earl Ferrers. How long?

Clarges. For these Two Years or more, ever since the unhappy Difference between my Lady and my Lord.

Earl Ferrers. Have you seen me in violent Fits of Lunacy?

Clarges. I cannot say I have; and the Reason that I have seen few extravagant Actions of his Lordship was this, as I look'd upon him to be disordered in his Mind, I avoided being in Company or having any Conversation with him as much as possible.

Earl Ferrers. Have you particularly remark'd that I am of a very jealous or suspicious Nature?

Clarges. That I have often.

Earl Ferrers. Has it been remarkably so in me more than in any other People?

Clarges. Much more so.

Earl Ferrers. Did you know any of my Relations being so afflicted?

Clarges. I remember *Henry Earl Ferrers* was.

Earl Ferrers. Had he a Commission taken out against him?

Clarges. He had.

Earl Ferrers. Was he after that restor'd to his Senses for any Time, so as to return to Parliament?

Clarges. He was; he return'd to Parliament about a Year and an Half, I believe, or thereabouts.

Earl Ferrers. What Relation was he to me?

Clarges. Uncle?

Earl Ferrers. Was his Return to Parliament after he had been confin'd for Lunacy?

Clarges. Yes.

Earl Ferrers. Had he, after that Year and an Half's being in Parliament, any Relapse?

Clarges. Yes.

Earl Ferrers. What became of him then?

Clarges. Another Commission was taken out, and he was confined to the Time of his Death?

Earl Ferrers. His being in Parliament a Year and a Half was after the first Commission issued against him?

Clarges. Yes.

Earl Ferrers. Do you know of any other of the Family being afflicted with that Distemper?

Clarges. I have heard, but do not know it?

Lord Ravensworth. Have you avoided being in Company with Lord *Ferrers*, or having any Thing to do with him for some Time past?

Clarges. I did as much as I could.

Lord Ravensworth. Please to inform their Lordships, whether you, at any Time previous to that, lived in any Degree of constant Correspondence and Intimacy with Lord *Ferrers*?

Clarges. Not much since he arrived to Manhood.

Lord Ravensworth. Whether, previous to his Arrival at Manhood, did you see a great deal of Lord *Ferrers*?

Clarges. A great deal, almost from his Cradle; for I being a Relation of his Family, was constantly with his Father and with him in the Country, and most Part of my Time I spent with them.

Lord Ravensworth. Whether in that Time, previous to his Manhood, did you observe any Thing in Lord *Ferrers* from his Behaviour, or any of his Deportment, that was particularly remarkable?

Clarges. I have.

Lord Ravensworth. You have known him during his Infancy and before his Manhood; Did you observe any thing remarkable constitutionally (if I may call it so), and singular in his Behaviour, during the Time you knew him?

Clarges. I have seen great Oddities in him beyond what I have seen in any other Man.

Lord Ravensworth. What Age was this present unfortunate Earl at the Time of the Death of his Father?

Clarges. I believe about Twenty-two or Twenty-three.

Lord Ravensworth. You say you was intimate with his Father; Had you at any Time any Conversation with the Father of the present Earl, relative to that which appeared to you to be singular in his Son?

Clarges. I cannot say I ever had.

Lord Ravensworth. Please to recollect, as far as possible, any Symptoms, be they of what Kind soever, that made you think Lord *Ferrers* so very singular in his Nature?

Clarges. I cannot specify any particular Thing.

Lord Ravensworth. You say that you have several Times seen that in my Lord, which made you think my Lord to be very singular?

Clarges. Yes.

Lord Ravensworth. Do you recollect any Thing?

Clarges. It is a great while ago; I cannot particularly specify any Thing.

Earl of Morton. This Witness has told your Lordships, that he has known the Noble Lord at the Bar from his Cradle—I desire he may be asked, if he ever observed any Defect of Understanding in the Noble Lord at the Bar?

Clarges. Not to my Knowledge; not whilst he was with me.

Earl of Morton. Upon no Occasion when you saw him?

Clarges. No, I cannot say I have.

Earl of Morton. Did you ever perceive the Noble Lord at the Bar so far deprived of his Senses, as not to know that Robbery or Murder was an Offence against the Law of God and Man?

Clarges. No, to be sure, my Lords; I cannot say that I ever did.

Peter Williams sworn.

Earl Ferrers. How long have you known me?

Williams. I have known your Lordship these Sixteen or Seventeen Years.

Earl Ferrers. Do you know of any Distemper that I am afflicted with?

Williams. Of late I have.

Earl Ferrers. What Distemper is that?

Williams. I have often observed your Lordship, when I have been in your Company, to be spitting in the Glass, and biting your Lips, and Stamping about the Room, which induced me to believe your Lordship was not in your right Senses; and further to convince me it was so, there was a Mare that your Lordship sent to me on the 17th January 1749, and remained with me to

the first of *April* following: One Day, being *Sunday*, your Lordship came to my House, about Four or Five in the Afternoon, with Two Servants; your Lordship arm'd with a Tuck stuck upon a Stick, the Two Servants with Guns and other offensive Weapons: Upon entering into the Yard, your Lordship jump'd off the Horse, and bid one of your Servants, you call'd *Tom*, knock the Padlock off the Stable Door.—He did so. My Wife hearing a Noise in the Yard, she came to know the Reason; and without any Ceremony your Lordship fell'd her to the Ground with your Fist: Upon my seeing this, I went into the Yard, and ask'd your Lordship what you meant by this Behaviour?

Earl Ferrers. My Lords, I desire to stop this Witness; I only meant to ask him a general Question.

Earl Ferrers. Have you observed, that That which you call a Distemper in me has increased lately?

Williams. Yes, in my Opinion I think it did: When your Lordship came to me, you, without any further Ceremony — — — (Stopp'd by Lord Ferrers).

Lord Ravensworth. My Lords, in Justice to myself and to your Lordships, I hope that the Witness may go on, tho' the Prisoner desires he may be stopp'd?

Lord Mansfield. If any of your Lordships have any Questions to ask the Witness, you will do it: The Prisoner will ask him such as he thinks proper.

Earl Ferrers. Do you know of any Design in the Family to take out a Commission of Lunacy against me?

Williams. I cannot say I do.

Earl Ferrers. Did you ever tell me that the Family wanted to prove me mad?

Williams. I don't remember I did.

Earl Ferrers. Did you yourself consider me as a Madman?

Williams. I considered your Lordship so at this Juncture, and many Times before.

Earl Ferrers. What Time did you mean by this Juncture?

Williams. I mean the Juncture of his Lordships coming on Horseback with Guns and other offensive Weapons to take away the Mare.

Earl Ferrers. What Time was that?

Williams. *Sunday* the 1st of *April* 1759; I mistook when I said 1749.

Earl Ferrers. Was it the general Reputation of the Country that I was mad?

Williams. It was; I have heard several People say, where is the mad Lord that us'd to be at your House?

Earl Ferrers. How long before this Accident, in regard to Mr. *Johnson*, was it, that my Lord came to your House arm'd in this manner?

Williams. I believe it was about a Twelvemonth.

Earl Ferrers. You said it was 1749 before.

Williams. I meant 1759.

Elizabeth Williams sworn.

Earl Ferrers. How long have you known Lord Ferrers?

Williams. A great many Years.

Earl Ferrers. Do you know of any Distemper that Lord Ferrers is afflicted with, and what is it?

Williams. He never appeared like any other Gentleman.

Earl Ferrers. Wherein did he differ from other People in general?

Williams. He always was amusing and talking to himself.—He spit in the Looking-glass, tore the Pictures, swearing he would break my Bureau open, and would break all the Glasses in my House, and would throttle me if I would not let him do it.

Earl Ferrers. Had he any particular Reason for this Conduct?

Williams. None that I ever saw, but like a delirious Man.

Earl Ferrers. Did you keep a Public House?

Williams. Yes.

Earl Ferrers. How near did you live to my Lord?

Williams. My Lord was at my House, and boarded with me.

Earl Ferrers. Are you the Wife of the last Witness?

Williams. Yes.

Earl Ferrers. Where did Lord Ferrers live, at the Time he behav'd in that odd manner you speak of?

Williams. He had Lodgings at *Muswell Hill*.

Earl Ferrers. How far did you live from him.

Williams.

Williams. Two Miles to the best of my Knowledge, he frequently us'd to come, I have made him Coffee and sent up a Dish, he always drank it out of the Spout, which surprized me, that I thought him delirious.

Earl Ferrers. How long ago is that?

Williams. I believe it is about Twelve Months ago to the best of my Knowledge.

Earl Ferrers. Have you often seen Lord *Ferrers* behave in that Manner?

Williams. I never saw him behave like any other Gentleman in my Life.

Earl Ferrers. Was the Coffee hot when he drank it out of the Spout?

Williams. Hot.—He always went about the Town like a Madman, throttled me and threw me down in the Yard, one Day when he took the Horse away.

Earl Ferrers. Did you think Lord *Ferrers* a Madman?

Williams. I know he was by all his Appearance.

Earl Ferrers. Was he generally thought so by other People?

Williams. By all the whole Town.

A Lord. When he threatened to break open your Bureau, and to use you ill if you did not let him do it, was he in Liquor?

Williams. Sober as I am now.

A Lord. Did you ever, upon any Occasion when he committed these Outrages, observe that he had been drinking?

Williams. Never; he never drank in a Morning but a little Tea or Coffee, or some Broth.

Earl Ferrers. Have you ever seen me commit any other Acts of Outrage besides these you have mentioned?

Williams. A great many more that are worse.

Earl Ferrers. Name them?

Williams. Swearing, cursing, and damning us; and wishing us all at Hell, and himself at Hell; and threatened to break the Glasses; and talk'd to himself for Hours together in Bed.

Earl Ferrers. Was he drunk or sober at those Times?

Williams. Very rarely; but he seem'd more to be disturb'd in his Mind.

Earl Ferrers. Mention the Circumstance about my coming for the Mare?

Williams. My Lord came for the Mare, it was at Church Time, and brought his Servants, and a Hammer in his Hand, and Guns, with a Tuck in his Hand, and broke the Stable Door open by Violence of Arms, and knock'd me down with his Arm, and run the Tuck into my Husband, fetch'd the Blood, I was obliged to have a Surgeon to attend him; and took the Mare away by Force of Arms, and if any-body came to hinder him, he said he would blow their Brains out. He always had Pistols, nobody knew of. I never saw any Gentleman that came to my House before, that had those Things about them. I us'd to like to take them out of the Bed-chamber, but was afraid to touch them, for fear of what he should do to me himself, by seeing his Mind so disturb'd.

Earl Ferrers. Were those Outrages committed when he was drunk or sober?

Williams. Sober for the general; and when he took the Mare away, as sober as he is now.

Earl of Hardwicke. Inform their Lordships, whether, before my Lord came in this Manner to get the Mare out of the Stable, he had before sent any Servant to demand the Mare, and had been refus'd?

Williams. Yes he had, the Boy was gone to Church. We always kept it under Lock, because there was more of his Lordship's Horses; and nobody was to go into the Stable but his Lordship's Ostler.

The Honourable Mr. *Robert Shirley* sworn.

Earl Ferrers. What Relation are you to me?

Shirley. Brother.

Earl Ferrers. When was the last Time that you and I had any Conversation together?

Shirley. Almost Four Years ago, between Three and Four Years.

Earl Ferrers. At that Time in what Light did you look upon me?

Shirley. Rather turn'd in your Head.

Earl Ferrers. Was there any Disorder in the Family? and what was that?

Shirley. Lord *Henry Ferrers* had Madness.

Earl Ferrers. Do you know Lady *Barbara Shirley*?

Shirley. I do not.

Earl Ferrers. Do you know of your own Knowledge any other besides Earl *Henry* that was a Lunatic?

Shirley. No.

Earl Ferrers. Have you any Reason to believe that I have been afflicted with the like Disorder?

Shirley. I have.

Earl Ferrers. Please to Name your Reasons?

Shirley. My Reasons are, that when I liv'd at *Burton-upon-Trent*, your Lordship came to my House with conceal'd Pistols in your Pockets, Pockets that were made on Purpose for that Use I apprehend; and that you likewise had a Snick-or-nee Knife, as it is call'd; and I apprehended myself and all the Family in great Danger at that Time; and I was obliged to shut the Doors against you; upon that I wrote to my Brother Captain *Washington Shirley*, that I apprehended you to be a Lunatic, and would join with him in taking out a Commission against you.

Earl Ferrers. Have you any other Reasons to believe me a Lunatic than my carrying Pistols?

Shirley. Yes.

Earl Ferrers. Name all your Reasons?

Shirley. Your Lordship has frequently ask'd my Opinion in relation to your Affairs, which I have told you to the best of my Capacity; but you was always so unsteady and jealous of me and your Friends, when we were endeavouring to serve you, that you would never venture to trust us in any Thing in which we could be of Service to you. I have likewise seen you in several strange Postures, walking about with great Confusion of Mind, and very often was absent for a considerable Time, when I have been asking you a Question I could hardly get an Answer from you.

Earl Ferrers. Was it usual for me to go arm'd?

Shirley. I believe for Four Years past, or very near, you have hardly ever gone without conceal'd Pistols about you.

Earl Ferrers. Did I use to go arm'd formerly when you knew me?

Shirley. I never knew that his Lordship went arm'd, till he came to my House at *Burton-upon-Trent*, which was the last Time I saw him.

Earl Ferrers. Do you know any Thing more?

Shirley. I have further to say, that my Father made a Settlement in 1741, which you subjected yourself to and acquiesced under for near Twenty Years; and then prefer'd a Bill, in order to set that Settlement aside; and, contrary to the Opinion of your Solicitor and Council, you still would insist upon doing it, and obliged me to put in an Answer for myself and my Son.

Earl Ferrers. Do you know of my being subject to Fits of violent Rage?

Shirley. I cannot say but I have.

Earl Ferrers. Did you ever see me so outrageous as not to know the Difference between Good and Evil?

Shirley. I really cannot particularize any Thing, 'tis so long ago; but upon Occasions I have seen you extremely passionate and warm, and so much so, that I believe you did not know what you did sometimes.

Earl Ferrers. Do you think that these violent Passions you speak of arose from constitutional Defects?

Shirley. I really believe so.

Earl Ferrers. If you have any Thing more to offer, mention it yourself; I have no more Questions to ask you.

Shirley. I have nothing more to offer.

Lord Cadogan. How long was it before this Accident, that you wrote to Captain *Washington Shirley* about taking out a Commission of Lunacy against my Lord?

Shirley. It is upwards of Two Years ago since I wrote to him.

Doctor *John Monroe* sworn.

Earl Ferrers. Did you know the late Earl *Ferrers*?

Monroe. I did.

Earl Ferrers. Did you know him in any and what Distemper?

Monroe. I attended him as a Physician when he was under the unhappy Influence of Lunacy.

Earl Ferrers. Have you heard all the Evidence that has been given in this Cause, on the Charge against Earl *Ferrers*, on both Sides?

Monroe. I have.

Earl Ferrers. You are desired to mention what are the usual Symptoms of Lunacy?

Monroe. Uncommon Fury, not caused by Liquor, but very frequently raised by it; many others there are which tend to Violence against other Persons or against themselves: I do not know a stronger,

stronger, a more constant, or a more unerring Symptom of Lunacy than Jealousy, or Suspicion without Cause or Grounds: There are many others too long to enumerate.

Earl Ferrers. Has the carrying of Arms been generally a Circumstance of Lunacy?

Monroe. I have known it to be so, but not generally.

Earl Ferrers. Please to inform their Lordships whether any and which of the Circumstances which have been proved by the Witnesses are Symptoms of Lunacy?

Mr. Attorney General. My Lords, if the Noble Lord means to insist upon that Question, I object to it.

Lord High Steward. Lord Ferrers, do you desire your Council to be heard upon that?

Earl Ferrers. I do.

Earl of Hardwicke. My Lords, this Question is too general, tending to ask the Doctor's Opinion upon the Result of the Evidence, and is very rightly objected to by the Council for the Crown: If the Noble Lord at the Bar will divide the Question, and ask whether this or that particular Fact is a Symptom of Lunacy, I dare say they will not object to it?

Mr. Attorney General. My Lords, I shall not.

Earl Ferrers. My Lords, I submit to have it go on in the Way recommended by Lord Hardwicke.

Earl Ferrers. Please to inform their Lordships, whether quarrelling with Friends without Cause is a Symptom of Lunacy?

Monroe. Very frequently one.

Earl Ferrers. Whether being naturally suspicious is a Symptom of Lunacy?

Monroe. Yes it is without Cause a constant one.

Earl Ferrers. Whether going arm'd where there is no Danger is a Symptom of Lunacy?

Monroe. That must be according to the Circumstances.

Earl Ferrers. Whether going generally arm'd where there is no apparent Danger is a Symptom of Lunacy?

Monroe. I should think it was.

Earl Ferrers. Whether spitting in the Looking-glass, clenching the Fist, and making Mouths is a Symptom of Lunacy?

Monroe. I have frequently seen such in Lunatic Persons.

Earl Ferrers. Whether walking in the Room, talking to himself, and making odd Gestures, are Symptoms of Lunacy?

Monroe. Very common ones.

Earl Ferrers. Is quarrelling without Cause a Symptom of Lunacy?

Monroe. It is a very frequent Attendant upon such unhappy Complaints, and they are generally malicious.

Earl Ferrers. Whether drinking Coffee hot out of the Spout of the Pot is a Symptom of Lunacy?

Monroe. I should think it one in the present Case; it is not a general one.

Earl Ferrers. Whether Lunatics, when they are angered with or without Cause, know what they are doing?

Monroe. Sometimes, as well as I do now.

Earl Ferrers. Is it common to have such a Disorder in Families in the Blood?

Monroe. Unfortunately too common?

Earl Ferrers. Whether Lunatics in their Intervals are conscious of their being Lunatics?

Monroe. They are conscious of it; many, both in and out of their Intervals; very few that are not.

Earl Ferrers. Whether Lunatics are apt to be seized with Fits of Rage on a sudden?

Monroe. Very often.

Earl Ferrers. Without any apparent Cause?

Monroe. Without any apparent Cause.

Earl Ferrers. Is there any other Way of discovering whether a Man is a Lunatic or not, but by the Irregularity of his Behaviour or his Pulse?

Monroe. By the Irregularity of his Behaviour; I know of no other Method; the Pulse discovers nothing in general.

A Lord. Please to inform their Lordships, whether a Person under an immediate Visitation from God of Madness, has not commonly a Fever?

Monroe. Seldom or never, unless it may be at the first Attack of the Distemper, or in some very violent Fit.

Roger Griffith sworn.

Earl Ferrers. How long have you known me?

Griffith. About Twelve Months.

Earl Ferrers. Did you know me when I lived at *Muswell Hill*?

Griffith. Yes, very well.

Earl Ferrers. When was that?

Griffith. It was about Twelve Months ago.

Earl Ferrers. At that Time was I generally reputed a Madman, or a Man in his Senses?

Griffith. Generally reputed a Lunatic; some said, crack'd in his Head.

Earl Ferrers. My Lords, I desire Leave to call Mr. *Goostrey*, to ask him a Question I forgot Yesterday.

Mr. *Goostrey* sworn again.

Earl Ferrers. Have you observ'd me remarkably jealous and suspicious, and for what?

Goostrey. Very remarkably so all the while I had the Honour to be concern'd for him, and much more than any other Person. In the course of Time that I was concern'd for his Lordship, he has been at different Times——

Lord High Steward. You are not to go into a Detail.

Earl Ferrers. My Lords, I have done with my Evidence; but it is impossible for me to sum up, and what I have to offer to your Lordships I have reduced into Writing, and desire the Clerk may read it.

Lord High Steward. Is it of your Lordship's own Writing?

Earl Ferrers. My Lords, the Attorney got it copied.

Clerk reads.

My Lords,

IT is my Misfortune to be accused of a Crime of the most horrid Nature. My Defence is, in general, that I am *Not Guilty*: The Fact of *Homicide* is proved against me by Witnesses, who, for ought I can say to the contrary, speak truly.

But if I know myself at this Time, I can truly affirm, I was ever incapable of it, *knowingly*; If I have done and said what has been alledg'd, I *must* have been depriv'd of my Senses.

I have been driven to the miserable Necessity of proving my own Want of Understanding; and am told, the Law will not allow me the Assistance of Council in this Case, in which, of all others, I should think it most wanted.

The more I stand in need of Assistance, the greater Reason I have to hope for it from your Lordships.

Witnesses have been call'd to prove my Infanity,—To prove an unhappy Disorder of Mind, and which I am griev'd to be under the Necessity of exposing.

If they have not directly prov'd me so Insane as not to know the Difference between a *moral* and an *immoral* Action, they have at least prov'd that I was *liable* to be driven and hurried into that unhappy Condition upon very slight Occasions.

Your Lordships will consider whether my *Passion*, *Rage*, *Madness* (or whatever it may be called), was the Effect of a weak or distemper'd Mind, or whether it arose from my own Wick- edness, or Inattention to my Duty.

If I could have controul'd my *Rage*, I am answerable for the Consequences of it.—But if I could not, and if it was the mere Effect of a distemper'd Brain, I am not answerable for the Consequences.

My Lords, I mention these Things as *Hints*—I need not, indeed I *cannot*, enlarge upon this Subject: Your Lordships will consider all Circumstances, and I am sure you will do me Justice.

If it be but a Matter of *Doubt*, your Lordships will run the Hazard of doing me *Injustice* if you find me Guilty.

My Lords, If my Infanity had been of *my own seeking*, as the sudden Effect of *Drunkennes*, I should be *without Excuse*. But it is proved, by the Witnesses for the Crown, *that I was not in Liquor*.

Mr. *Kirkland*, who drank and conversed with me, in order to betray me, (Mr. Attorney may commend his *Caution*, but not his *Honesty*) represents me as the most irrational of all Madmen, at the Time of my doing a Deed, which I reflect upon with the utmost Abhorrence.

The Council for the Crown will put your Lordships in Mind of every Circumstance against me, I must require of your Lordships' Justice, to recollect every Circumstance on the other Side

My Life is in your Hands, and I have every Thing to hope, as my Conscience does not condemn me of the Crime I stand accused of; for I had no preconceived Malice; and was hurried into the Perpetration of this fatal Deed, by the Fury of a disordered Imagination.

To think of this, my Lords, is an Affliction, which can be aggravated only by the Necessity of making it my Defence.

May God Almighty direct your Judgments, and correct my own.

Earl Ferrers. My Lords, I will mention One Circumstance, which I did speak of Yesterday; it was said, that I knew of a Lease *Johnson* had, but it has never been proved; therefore, I imagine, that what I asserted, that I did not know of it, must be admitted as Truth.

Lord High Steward. Earl Ferrers, Hath your Lordship any thing further to offer?

Earl Ferrers. No.

Mr. Solicitor General.

My Lords,

IT is now my Duty, to lay before your Lordships some Observations, upon the Evidence offered both for the King and the Prisoner, in Reply to the Defence made against the Charge.

The Fact of killing Mr. *Johnson* (the Person named in the Indictment), is admitted as well as proved. The Noble Lord at the Bar only denies the Consequence; that the Fact is Murder. For, he tells your Lordships, that, upon considering all the Circumstances, he is satisfied, that he was incapable, knowingly, of doing what he did; and therefore insists upon an Incapacity and Infanity of Mind in his Defence.

My Lords, It is certainly true, that the Fact is not Murder without Malice; so natural Justice says; so the Law says, on which the Indictment is framed: And Malice must depend, in every Case, upon the Will and Understanding of the Party. If the Defence is founded in Truth; as the Noble Prisoner at the Bar has seen the Anxiety of your Lordships, to give it all due Weight, through the whole Course of his Trial; so now, in the Conclusion, he will receive from you, as his Judges, the full Benefit of that Defence in his Acquittal. If it is not founded in Truth, I am persuaded, that no other Consideration, respecting the Rank and Quality of the Noble Prisoner, and his Relation to your Lordships, will turn your Attention from the Evidence, nor make the least Impression upon the Firmness of your Justice.

Before I observe upon the Evidence, I will presume, with your Lordships' Indulgence, to state to you the Legal Notion of that Defence, which has been urged and attempted in Proof.

My Lords, The Law of *England*, which is wisely adapted to punish Crimes with Severity, for the Protection of Mankind, and for the Honour of Government, provides, at the same Time, with the greatest Equity, for the Imbecillity and Imperfections of human Nature. Therefore, my Lord Chief Justice *Hale* (the Weight and Authority of whose Writings are known to your Lordships and to the whole Kingdom), explains the Law upon this Subject, at large, with his usual Clearness and Accuracy. It is, in his First Volume of the History of the Pleas of the Crown, (fol. 30), where he traces all the Distinctions, which the Nature of this Question admits, as it concerns the Trial of Criminals for Capital Offences. I will collect the Substance of what he says, and submit it to your Lordships, as founded not only in Law and Practice, but in the most unerring Rules of Reason and Justice.

My Lords, He begins with observing, that "There is 1st, A Partial Infanity of Mind, and " there is 2dly, A Total Infanity. 1st. Partial Infanity is, either in respect to Things, when " they, who are competent as to some Matters, are not so as to others; or else it is Partial, in " respect to the Degree. This is the Condition of many, especially of Melancholy Persons. As to " such, a Partial Infanity will not excuse them; for (he says) that Persons who are Felons of " themselves, and other Felons, are under a Degree of it, when they offend." It is difficult to draw the Line, which divides Perfect from Partial Infanity; and he refers it to the Discretion of the Judge and Jury, who must duly weigh and consider the Whole; "Left on one Side, there be a Kind of Inhu- " manity towards the Defects of Human Nature; or, on the other Side, too much Indulgence " given to great Crimes." Then, my Lords, he speaks of the general Rule, which he would chuse to lay down, as the best Measure of his own Judgment; and it is, "That a Person, who has " ordinarily as great a Share of Understanding, as a Child of Fourteen Years of Age, is such a " Person, as may be guilty of Treason or Felony. 2dly, As to Total Infanity or Alienation of

“ Mind, which is perfect Madness, this (Lord *Hale* agrees) will plainly excuse from the Guilt of Felony and Treason.”

But he distinguishes under the Head of Total Insanity, between “ that Species, which is fixed and permanent ; and Lunacy, which comes by Periods or Fits.”

Of this latter Kind he expresses himself thus : “ Crimes committed by Lunatics, in such their Distempers, are under the same Judgment, as those committed by Men partially insane. The Person, who is absolutely mad for a Day, killing a Man in that Distemper, is equally not Guilty, as if he were mad without Intermision. But such Persons, as have their lucid Intervals, have usually, in those Intervals at least, a competent Use of Reason ; and Crimes committed by them are of the same Nature, and punishable in the same Manner, as if they had no such Defect.”

My Lords, Afterwards, he treats of that Insanity, which arises from Drunkenness, and lays it down, that “ By the Law of *England*, such a Person shall have no Privilege from this voluntary contracted Madness, but shall have the same Judgment, as if he were in his right Senses ;” (unless it be occasioned by Medicine unskillfully administered, or Poison accidentally taken). Indeed, if, by such Practices, an habitual fixed Frenzy be caused, it puts the Man in the like Condition, with respect to Crimes, as if that Frenzy were at first involuntarily contracted.

My Lords, The Result of the whole Reasoning of this wise Judge and great Lawyer (so far as it is immediately relative to the present Purpose) stands thus. If there be a total permanent Want of Reason, it will acquit the Prisoner. If there be a total temporary Want of it, when the Offence was committed, it will acquit the Prisoner. But if there be only a partial Degree of Insanity, mixed with a partial Degree of Reason ; not a full and complete Use of Reason, but (as Lord *Hale* carefully and emphatically expresses himself) a competent Use of it, sufficient to have restrained those Passions, which produced the Crime ; if there be Thought and Design ; a Faculty to distinguish the Nature of Actions ; to discern the Difference between moral Good and Evil ; then, upon the Fact of the Offence proved, the Judgment of the Law must take place.

My Lords, The Question therefore must be asked ; Is the Noble Prisoner at the Bar to be acquitted from the Guilt of Murder, on account of Insanity ? It is not pretended to be a constant general Insanity. Was he under the Power of it, at the Time of the Offence committed ? Could he, did he, at that Time, distinguish between Good and Evil ?

The same Evidence, which establishes the Fact, proves, at the same Time, the Capacity and Intention of the Noble Prisoner. Did he weigh the Motives ? Did he proceed with Deliberation ? Did he know the Consequences ?

My Lords, He weighed the Motives. The Two Witnesses, who speak most strongly and materially to this Part of the Cause, as well as to every other, are, *Sarah Johnson* the Daughter of the Deceased, and Mr. *Kirkland* the Surgeon.

The Circumstances proved by their Evidence shew, that the Malice conceived, on this unfortunate Occasion, was steady, cool, and premeditated. Mr. *Johnson* had acted, for many Years, as Steward to collect the Rents of such Lands as Lord *Ferrers* had in Possession ; and he was himself Tenant of One of the Farms. At the Time of passing the Act of Parliament, Two Years ago, relative to the Noble Lord's Estate and Affairs, Mr. *Johnson* stood so well in his Opinion and Favour, as to be recommended by his Lordship to be Receiver, for the various Trusts and Purposes in the Act. Something passed on that Occasion, which disgusted the Noble Lord, and made him jealous, that *Johnson* had taken part against him. From that Moment, he entertained Repentment and Hatred in his Heart. More lately still, he took Offence against *Johnson*, as to a Contract for the Sale of Coals upon Part of the Estate, in which his Lordship thought (as he seems to be knowing and attentive in his private Business) that there had been some Collusion, to impose upon him.

My Lords, The first Instance of his Repentment appeared to you from the Evidence of *Sarah Johnson*, the Daughter : That, in the *November* preceding the killing of her Father, Lord *Ferrers*, accompanied by Mr. *Clifford*, delivered a Paper to *Johnson*, the Body of which was voluntarily admitted by my Lord to be of his own Hand-writing. It was a Notice to *Johnson* to quit the Farm which he rented, and *Clifford* was the intended Successor. This Step proceeded from Repentment, and it was so explained afterwards by himself to *Kirkland*, when he said, that he had long wanted to drive *Johnson* out of the Farm, and make him return to *Cheeshire*, from whence he came. My Lords, It is very plain, that the Noble Lord took his Resolution—

Earl Ferrers. Mr. Solicitor, you mistake ; the Notice was given a Twelvemonth ago last *November* ; it was not given in the last *November*.

Mr. Solicitor General. My Lords, I am extremely obliged to the Noble Lord at the Bar, for setting me right in the least Circumstance; and hope that he will always do it, whenever I mistake. I mean to be as exact as I am able. My Lords, The View with which I mention the Notice to turn *Johnson* out of the Farm, is this. Lord *Ferrers*, in order to shew the Improbability of his conceiving Malice against *Johnson*, has relied upon it, that he was always known to entertain the greatest Regard and Friendship for that unfortunate Man. My Lords, I admit the Friendship and Kindness down to the Time of passing the Act of Parliament: And I said, that his Lordship had recommended *Johnson* to be Receiver. But soon after the passing of that Act, he certainly changed his Opinion. It is sufficient, therefore, that the Notice to quit the Farm (which was the first strong Mark of his Resentment proved in Evidence) was given, subsequent to the Proceedings of the Legislature. Whether the Notice was given last *November*, or in the Year preceding, the Observation, as applied to this Purpose, remains in its full Force.

My Lords, I was saying, that, it was plain, his Lordship gradually wrought himself up to a Resolution of destroying Mr. *Johnson*. The Daughter, *Sarah Johnson*, proves, that his Lordship declared, in her Hearing, when she went to *Stanton*, in the Evening of the 18th of *January*, to see her dying Father, that he designed it. He declared to *Kirkland*, that since the Year 1753, *Johnson* had been a Villain; that he had done Things not right; that his Lordship fully intended to shoot *Johnson* dead, as a Villain who deserved Death; and that it was premeditated. He complained farther to *Kirkland*, that *Johnson* had colluded with his Enemies to obtain the Act of Parliament; but added, that the chief Reason, which had just then provoked him, was, the Contract with Mr. *Curzon*, in relation to the Profits of his Coals. He upbraided *Johnson* that Evening, upon his Death-bed, in like Terms of Reproach. And though the Witness said, that his Lordship might then be raised with Liquor in some Degree, yet he did not lose his Understanding; and the Manner, in which he spoke, was temperate.

My Lords, Can there be a clearer Proof, that the Noble Prisoner weighed the Motives of this Action? Neither these, nor any other Motives, will justify it; but the Evidence shews, that his Conduct was not absurd, but rational and consistent. The same Crime has been committed in all Ages, upon Grounds as slight, by Men who never thought of setting up the Defence of Lunacy. Motives like those suggested, might easily and naturally work upon one, the Course of whose Life (as explained by the Witnesses), betrays so many Marks of ungoverned Passion; though the same Motives would not have inflamed Tempers, less susceptible of Violence than his own.

My Lords, He proceeded with equal Deliberation to commit the Fact. The Attention, Thought, and Care, with which he acted, are remarkable.

It appears, that he had appointed a particular Day for Mr. *Johnson* to wait upon him. *Friday* the 18th of *January* was fixed, by the Order of Lord *Ferrers*; and the Appointment was made some Days beforehand. *Elizabeth Burgeland* has told your Lordships, that Mr. *Johnson* was expected at *Stanton* in the Forenoon of that very Day. *Sarah Johnson* tells your Lordships, that she heard her Father declare, on the *Sunday* preceding, that he was to attend Lord *Ferrers* on *Friday*. *Kirkland* proves, that the Noble Prisoner himself said to the Witness at *Stanton*, that, upon *Johnson's* coming into the Room, they had a Conversation together, after the Door was locked, by way of warm and violent Expostulation on the Part of my Lord; and that he tendered a Paper to be signed by *Johnson*, acknowledging his Villainy. *Elizabeth Saxon* overheard Part of what was said. That Paper must have been the Result of Thought and Consideration, probably prepared before *Johnson* came. Your Lordships observed, with some Emotion, the Account given of the Impatience, with which Confessions of Villainy were expected, and almost extorted afterwards, from the dying Man.

My Lords, when the Wound was given, the Noble Lord at the Bar told Mr. *Kirkland*, that he was cool at the Time he did it: That he took Aim; but not having killed *Johnson*, he intended to shoot again: That, however, Nature got the better of Resolution, when he observed the Pain under which *Johnson* languished. It is proved, that in the Evening, whilst *Kirkland* and Lord *Ferrers* sat together in the Still Room, his Lordship declared, that he did not intend to shoot *Johnson* dead, but only to make him smart in the Hip and Side. This was taken Notice of by the Noble Prisoner, as a Variation in *Kirkland's* Account of the Intention with which *Johnson* was shot, inconsistent with what the Witness had said before. But, the Variation probably arose from my Lord's own Manner of discoursing during that Evening. The Observation, therefore, cannot affect the Credit of the Witness; and the Intention declared, of killing or wounding, will not vary the Construction of Law upon the Fact committed. Your Lordships heard too, what Lord *Ferrers* said in the Hearing of *Sarah Johnson*; that he had tried the Pistol through a Deal Board, and knew it to be good. He said the same Thing to *Kirkland*; expressing some Surprise (as the Witness understood it), that the Ball did not go through *Johnson*.

All these Circumstances shew, the Deliberation with which the Noble Prisoner proceeded.

My

My Lords, let me now ask, when the Motives had been weighed, and the Fact deliberately committed, Did he know the Consequences?

His first Thought was, instantly to send for the Assistance of a Surgeon, and to enquire, whether *Johnson* would live or die. The Daughter came early in the Afternoon. He said to her, that he was afraid of being prosecuted; adding, that if she would not prosecute him, he would maintain her, and her Family. Does not this Circumstance prove, that he readily understood the Consequences? that he knew himself bound to answer to the Law for his Offence? When *Kirkland* came, his Lordship tempted him with fair Promises, to prevent the Neighbours from seizing him. He told *Kirkland*, that a large Bill was owing to him; and my Lord said, that he would pay Part of it then, and the rest in a reasonable Time. In talking over the Circumstances (which he recollected clearly and calmly), he added, that he could justify himself; though, upon his Surrender to your Lordships, he was doubtful whether his Justification would be approved. From what Consciousness in his own Mind did that Doubt arise? He expressed his Fears, during the whole Evening, that he should be seized. He was quieted, in this Respect, only by the Conversation of *Kirkland*, and the Manner of his Behaviour. Upon *Kirkland's* coming to *Stanton*, my Lord enquired much into the Probability of *Johnson's* dying. In the first Visit which my Lord and the Surgeon made to *Johnson* that Evening, his Lordship gave material Instructions; asked sensible and pertinent Questions, particularly as to the Place of the Wound, and the Effect of the Ball lying in the Abdomen. The Witness thought that Mr. *Johnson* would die, from the very Moment of his first Visit; but he told your Lordships, that he judged it right to deceive Lord *Ferrers*. The noble Prisoner was pleased to say, that the Caution of the Witness might be commended, but not his Honesty. My Lords, the Caution proceeded from Honesty: He was unwilling that his Lordship should escape. This was due to Civil Government, to Justice, and Humanity. To prevent Lord *Ferrers* from taking Alarm, and attempting to escape, *Kirkland* flattered him with Hopes of *Johnson's* Recovery, during the whole Evening; and his Lordship was told, that if the People should endeavour to seize him, the Witness would persuade them, that there was no Occasion for it. About Eleven o'Clock at Night, Mr. *Kirkland* went up again to *Johnson*: He still continued to amuse Lord *Ferrers* with Hopes of *Johnson's* Recovery; and, at taking Leave, when *Kirkland* gave him Assurances on that Subject, my Lord said, *when he might go to Bed* in Safety; and retired to his own Chamber. What do all these Circumstances speak, but a correct Knowledge of the Fact, and Apprehension of all its Consequences, either as they concerned *Johnson*, or himself? When he was seized, did he shew Marks of Insanity? He resisted, for some Time; but appeared, in every Respect, in the Judgment of the Witnesses, to be of sound Mind. Afterwards, when he was led into *Kinsley's* House, his Behaviour was decent; and he made Answer to a worthy Clergyman in the Commission of the Peace, who visited and admonished him, that he knew his Duty as well any Justice of the Peace.

This is the Substance of the Evidence, which has been offered for the King; and it not only proves the Fact, but proves it to be Murder.

My Lords, What is the Evidence produced by the Noble Lord to weaken the Force of it? In the First Place, there is none, which applies to the Time of committing the Fact. His Sobriety is admitted, and Drunkenness would not excuse; and even supposing it had appeared to your Lordships, that the noble Prisoner was sometimes, by Fits and Starts, under a degree of Lunacy or temporary Insanity; yet, if he was of sound Mind at that Hour, he is a Person within all the Rules and Distinctions, which Lord *Hale* explains. But, my Lords, in the next Place, I must observe, that no general Evidence has been offered, which proves his Lunacy or Insanity at any time; for his own Witnesses fail in their Endeavours to shew it. This appears from their manner of expressing themselves in their original Examination; but still more in the Answers, which they gave to the Questions asked upon the Cross-Examination.

The Two first Witnesses called were, Mr. *Benefold*, and Mr. *Goofrey*. They describe the Insanity of the Noble Lord at the Bar to consist of Flights. They say, that he would swear; would talk to himself; that he would use strange Gestures; that he had Friends, and suspected them; that he was of a positive Temper, and difficult to be dissuaded from any Opinion or Resolution which he had once formed. But Mr. *Benefold*, upon the Cross-Examination, admitted, that he never knew of any Act of Wildness done by his Lordship, nor of any Physician sent for, to take Care of him in that respect. He said, upon the whole, that he thought Lord *Ferrers* had better Parts and Understanding than ordinary Men. Mr. *Goofrey* told your Lordships, upon the Cross-Examination, that he had done Business several Years for Lord *Ferrers*; that he had advised and prepared Deeds for his Lordship to execute; that he had assisted in suffering a Recovery to bar the Entail of the Estate; and admitted his Sense and Capacity in general, but inferred Insanity from Positiveness of Temper and Opinion. However, in Answer to a Question proposed by one of your Lordships, he said, that he thought Lord *Ferrers* capable of distinguishing between moral and immoral Actions:

Several other Witnesses have been called To-day. I will first mention Mr. *Clarges*. He describes similar Circumstances with Mr. *Bennefold* and Mr. *Goofrey*, from which he collects the Insanity of the Noble Prisoner. He said, that he had observed great Oddities in my Lord, during his Minority, but no Defect of Understanding. He could not specify particular Instances; and added, that his Lordship was jealous and suspicious: But the Witness never saw him in such a Situation, as not to be capable of distinguishing between Good and Evil, and not to know, that Murder was a great Crime.

My Lords, This Account of the State of the Noble Prisoner's Mind is consistent, not only with a considerable Degree of Understanding, but with the highest Degree of it. If the Law were to receive such Excuses, it would put a Sword into the Hand of every savage and licentious Man, to disturb private Life, and public Order.

My Lords, There was another Witness of a different and a much lower Sort than those whom I have named; I mean *Elizabeth Williams*. She was the only Person who said, that the Noble Earl was always mad. When she came to explain the Instances from which she drew that Conclusion, the principal one insisted upon was ridiculous; the Anger which he shewed against a Servant, who had neglected to take Care of a favourite Mare, intrusted to his Management. This was a Vivacity so natural, that, if it be deemed a Symptom of Madness, few are free from it; and I doubt the Inference will go far in Cases of common Life.

The Two next Witnesses, whom I will mention, are the Brothers of the Noble Earl. My Lords, I own I felt for them. It gave me Pain to see them, in a Cause which touches a Brother's Life, brought to the Bar as Witnesses, to mitigate the Consequences of One Misfortune, by endeavouring to prove another of the most tender and affecting Nature; and if they had spoke stronger to Matters of Conjecture, Opinion, and Belief, for my Part, I could easily have excused them.

My Lords, They both spoke with Caution, and as Men of Honour; but One of them was the only Witness of Weight, who expressed a Belief, that, at particular Times, the Noble Lord might not be able to distinguish between moral Good and Evil. I did not observe, that he spoke of any Instance within his own Recollection. The Circumstances, from which these Gentlemen inferred Insanity, were for the most part of the same Kind with those which came from the Mouths of the other Witnesses. They did not carry the Marks of it in the least Degree beyond that Evidence. And Mr. *Walter Shirley* admitted, That the Noble Lord at the Bar had long Intervals of Reason. I endeavour to repeat the Expression, and I think it was so. Mr. *Robert Shirley* told your Lordships, That he had not seen the Noble Prisoner for Four Years past; that the last Time of seeing Lord *Ferrers* was, at *Burton upon Trent*. He mentioned the carrying of Pistols, and Arms, and a large Case Knife, at that time. I understood him to say, that the Noble Lord generally did so; the Witness had seen it only once; but from that Circumstance he argued Insanity. Your Lordships will judge, whether this Practice might not be owing to Jealousy and Violence of Temper, as well as to Lunacy and Madness. The Witness added, That he had written formerly to his Brother Captain *Washington Shirley*, about taking out a Commission of Lunacy against Lord *Ferrers*; but I could not find, that any Measures were taken in Consequence of that Opinion given by the Witness, nor did he himself ever take any Steps towards it, nor any Branch of his Family.

The last Witness called, on Behalf of the Noble Prisoner, was Doctor *Monro*. He was brought here to describe, what Symptoms he considers as Marks of Lunacy or Insanity. He said, that there were many; and on being asked particularly, as to the several Symptoms suggested in this Cause, Doctor *Monro* was led to speak principally of Three Marks of Lunacy. The First was uncommon Fury, not caused by Liquor, but raised by it. Surely this Circumstance will not infer Insanity. The Next was, Jealousy and Suspicion, with causeless Quarrelling. Do not many, who are not Lunatics, suspect or quarrel without Cause, and become dangerous to their Neighbours? The Third was, carrying Arms; which (he said) though less usual, might be a Mark of Lunacy. And it is equally true, that such Behaviour may prove, in many Cases, a bad Heart and a vicious Mind, as well as Lunacy. My Lords, the general Observation, which occurs upon Doctor *Monro's* Evidence, is this; that he did not describe any of these Things, as absolute Marks of Lunacy, so as to denote every Man a Lunatick, who was subject to them. Indeed he could not have said it, consistently with Common Sense and Experience.

This was the Import of the Evidence for the Noble Prisoner. No Witnesses were offered, on the Part of the King, in Reply to that Evidence. And, my Lords, the Reason, why they were not offered, was, because the Council who attend your Lordships for the King, chuse to submit it to your Opinions, whether the Evidence produced for the Prisoner does not tend to strengthen, rather than weaken, that Proof of Capacity, which arises out of all the Circumstances urged, in Support of the Charge? From those Circumstances, I have already shewn, that the Noble Prisoner was conscious of what he did, at the Time of the Offence committed; that he weighed the Motives; that he acted with Deliberation; that he knew the Consequences.

I will only take Notice of one Thing more. Your Lordships have attended with great Patience, and the most impartial Regard to Justice, to all the Evidence, and every Observation, which has been laid before you. You have seen the Noble Prisoner, for Two Days at your Bar, (though labouring under the Weight of this Charge), Cross-examining the Witnesses for the King, and Examining his own, in a Manner so pertinent, as cannot be imputed merely to the Hints and Advice of those Agents and Council, with which you have indulged him. I am persuaded, from the Appearance and Conduct of the Noble Prisoner, that if the Fact itself would have admitted Doubts, and probable Arguments, to repel the Force of any One material Circumstance, your Lordships would have heard him press those Arguments, with Sense and Sagacity.

But, my Lords, The Truth is, That the Fact tried this Day stands, without Alleviation. There is not a Colour for the Defence, unless it arises from the Enormity of the Crime, aggravated by the Manner of committing it; an old, faithful Servant of himself and his Family, murdered in cold Blood, whilst he was performing, by express Orders, an Act of dutiful Attendance upon his Master; murdered, in the most deliberate and wilful Manner, destructive of all Confidence in human Society. My Lords, in some Sense, every Crime proceeds from Insanity. All Cruelty, all Brutality, all Revenge, all Injustice, is Insanity. There were Philosophers, in ancient Times, who held this Opinion, as a strict Maxim of their Sect; and, my Lords, the Opinion is right in Philosophy, but dangerous in Judicature. It may have a useful and a noble Influence, to regulate the Conduct of Men; to controul their impotent Passions; to teach them, that Virtue is the Perfection of Reason, as Reason itself is the Perfection of human Nature; but not to extenuate Crimes, nor to excuse those Punishments, which the Law adjudges to be their Due.

My Lords, The Necessity of his Majesty's Justice; the Necessity of public Example, called for this Prosecution; and the Effect of the whole Evidence, is submitted to the Weight and Wisdom of your Judgment.

Then the Lord High Steward returned back to his Chair.

Lord High Steward. Lieutenant of the Tower, Take my Lord Ferrers from the Bar.

Which was done accordingly.

Lord Privy Seal. My Lords, I move your Lordships to adjourn to the Chamber of Parliament.

Lords. Ay, Ay.

Lord High Steward. This House is adjourned to the Chamber of Parliament.

The Lords, and others, returned to the Chamber of Parliament, in the same Order they came down: And, after some Time, the House was adjourned again into *Westminster-Hall*; and the Peers being there seated, and the Lord High Steward in his Chair, and the House resumed, the Serjeant at Arms made Proclamation for Silence, as usual.

Lord High Steward. Your Lordships have heard the Evidence, and every thing that has been alledged on both Sides; and the Solemnity of your Proceedings requires, that your Lordships Opinions on the Question, Of Guilty or Not guilty, should be delivered severally, in the Absence of the Prisoner, beginning with the junior Baron; and that the Prisoner should afterwards be acquainted with the Result of those Opinions by me. Is it your Lordships Pleasure to proceed now to give your Opinions on the Question, Of Guilty or Not guilty?

Lords. Ay, Ay.

Then the Lord High Steward stood up uncovered; and, beginning with the youngest Peer, said,

George Lord Lyttelton, What says your Lordship? Is *Lawrence Earl Ferrers* Guilty of the Felony and Murder whereof he stands indicted, or Not guilty?

Whereupon *George Lord Lyttelton*, standing up in his Place, uncovered, and laying his Right Hand upon his Breast, answered,

Guilty, upon my Honour.

In like manner, the several Lords after-mentioned, being all that were present, answered as followeth;

Wills Lord Harwich. Guilty, upon my Honour.

William Lord Mansfield. Guilty, upon my Honour.

Horatio Lord Walpole. Guilty, upon my Honour.

Thomas Lord Hyde. Guilty, upon my Honour.

Vere Lord Vere. Guilty, upon my Honour.

William Lord Ponsonby. Guilty, upon my Honour.

Thomas Lord Archer. Guilty, upon my Honour.

Anthony Lord Feversham. Guilty, upon my Honour.
Henry Lord Ravensworth. Guilty, upon my Honour.
George Lord Anson. Guilty, upon my Honour.
Matbew Lord Fortescue. Guilty, upon my Honour.
Thomas Lord Bruce. Guilty, upon my Honour.
Samuel Lord Sandys. Guilty, upon my Honour.
Richard Lord Edgcumbe. Guilty, upon my Honour.
John Lord Cbedworth. Guilty, upon my Honour.
Thomas Lord Montfort. Guilty, upon my Honour.
William Lord Talbot. Guilty, upon my Honour.
John Lord Monson. Guilty, upon my Honour.
William Lord King. Guilty, upon my Honour.
Matthew Lord Ducie. Guilty, upon my Honour.
Charles Lord Cadogan. Guilty, upon my Honour.
Richard Lord Onslow. Guilty, upon my Honour.
Allen Lord Batburst. Guilty, upon my Honour.
Samuel Lord Masham. Guilty, upon my Honour.
Francis Lord Middleton. Guilty, upon my Honour.
John Lord Boyle. Guilty, upon my Honour.
Nathanael Lord Delamere. Guilty, upon my Honour.
John Lord Berkeley of Stratton. Guilty, upon my Honour.
John Lord Ward. Guilty, upon my Honour.
William Lord Byron. Guilty, upon my Honour.
John Lord Clifton. Guilty, upon my Honour.
John Lord St. John of Bletsoe. Guilty, upon my Honour.
Hugh Lord Willoughby of Parham. Guilty, upon my Honour.
Edward Lord Wentworth. Guilty, upon my Honour.
John Lord Willoughby of Broke. Guilty, upon my Honour.
John Lord Delawarr. Guilty, upon my Honour.
James Lord Audley. Guilty, upon my Honour.
George Lord Abergavenny. Guilty, upon my Honour.
Jacob Viscount Polkstone. Guilty, upon my Honour.
Hugh Viscount Falmouth. Guilty, upon my Honour.
Frederick Viscount Bolingbroke and St. John. Guilty, upon my Honour.
Thomas Viscount Weymouth. Guilty, upon my Honour.
Richard Viscount Say and Sele. Guilty, upon my Honour.
Stephen Earl of Ilchester. Guilty, upon my Honour.
Thomas Earl of Fauconberg. Guilty, upon my Honour.
Philip Earl of Hardwicke. Guilty, upon my Honour.
Charles Earl Cornwallis. Guilty, upon my Honour.
Francis Earl of Guilford. Guilty, upon my Honour.
Francis Seymour Earl of Hereford. Guilty, upon my Honour.
Simon Earl Harcourt. Guilty, upon my Honour.
Charles Earl of Egremont. Guilty, upon my Honour.
Hugh Earl of Northumberland. Guilty, upon my Honour.
Henry Arthur Earl of Powis. Guilty, upon my Honour.
John Earl of Buckinghamshire. Guilty, upon my Honour.
Granville Leveson Earl Gower. Guilty, upon my Honour.
Francis Earl Brooke. Guilty, upon my Honour.
John Earl of Portsmouth. Guilty, upon my Honour.
William Earl of Harrington. Guilty, upon my Honour.
Thomas Earl of Effingham. Guilty, upon my Honour.
John Earl Ashburnham. Guilty, upon my Honour.
James Earl Waldegrave. Guilty, upon my Honour.
George Earl of Pomfret. Guilty, upon my Honour.
George Earl of Macclesfield. Guilty, upon my Honour.
Philip Earl Stanhope. Guilty, upon my Honour.
William Earl Cowper. Guilty, upon my Honour.
Henry Earl of Suffex. Guilty, upon my Honour.
George Earl of Halifax. Guilty, upon my Honour.
Heneage Earl of Aylesford. Guilty, upon my Honour.
Charles Earl of Tankerville. Guilty, upon my Honour.
William Earl of Dartmouth. Guilty, upon my Honour.

My Lords, I have been informed of this Intention of the Family before ; and your Lordships I hope, will be so good to consider, the Agony of Mind a Man must be under, when his Liberty and Property are both attacked: My Lords, under these unhappy Circumstances, though the Plea I have attempted was not sufficient to acquit me to your Lordships, according to the Laws of this Country ; yet I hope your Lordships will think, that Malice, represented by the Council for the Crown, could not subsist ; as I was so unhappy as to have no Person present at the Time of the fatal Accident, it was impossible for me to shew your Lordships, that I was not at that Instant possessed of my Reason.

As the Circumstances of my Case are fresh in your Lordships Memories, I hope your Lordships will, in Compassion to my Infirmities, be kind enough to recommend me to his Majesty's Clemency.

My Lords, As I am uncertain whether my unhappy Case is within the late Act of Parliament, if your Lordships should be of Opinion that it is, I humbly hope the Power of respiting the Execution will be extended in my Favour, that I may have an Opportunity of preparing myself for the great Event, and that my Friends may be permitted to have Access to me.

If any Thing I have offered should be thought improper, I hope your Lordships will impute it to the great Distress I am under at this Juncture.

Lord High Steward. Has your Lordship any Thing else to offer ?

Earl Ferrers. No.

Lord High Steward. Make Proclamation for Silence whilst Judgment is giving.

Serjeant at Arms. Oyez, Oyez, Oyez! Our Sovereign Lord the King doth strictly charge and command all manner of Persons to keep Silence, whilst Judgment is giving, upon Pain of Imprisonment.

Lord High Steward.

Lawrence Earl Ferrers,

HIS Majesty, from his Royal and Equal Regard to Justice, and his steady Attention to our Constitution, (which hath endeared him in a wonderful Manner to the universal Duty and Affection of his Subjects) hath commanded this Inquiry to be made, upon the Blood of a very ordinary Subject, against your Lordship, a Peer of this Realm: Your Lordship hath been arraigned ; hath pleaded, and put yourself on your Peers ; and they (whose Judicature is founded and subsists in Wisdom, Honour, and Justice) have found your Lordship unanimously Guilty of the Felony and Murder charged in the Indictment.

It is usual, my Lord, for Courts of Justice, before they pronounce the dreadful Sentence ordained by the Law, to open to the Prisoner the Nature of the Crime of which he is convicted ; not in order to aggravate or afflict, but to awaken the Mind to a due Attention to, and Consideration of, the unhappy Situation into which he hath brought himself.

My Lord, The Crime of which your Lordship is found Guilty, Murder, is incapable of Aggravation ; and it is impossible, but that, during your Lordship's long Confinement, you must have reflected upon it, represented to your Mind in its deepest Shades, and with all its Train of dismal and detestable Consequences.

As your Lordship hath received no Benefit, so you can derive no Consolation from that Refuge you seemed almost ashamed to take, under a pretended Insanity ; since it hath appeared to us all, from your Cross-examination of the King's Witnesses, that you recollected the minutest Circumstances of Facts and Conversations, to which you and the Witnesses only could be privy, with the Exactness of a Memory more than ordinarily found ; It is therefore as unnecessary as it would be painful to me, to dwell longer on a Subject so black and dreadful.

It is with much more Satisfaction, that I can remind your Lordship, that though, from the present Tribunal, before which you now stand, you can receive nothing but strict and equal Justice ; yet you are soon to appear before an Almighty Judge, whose unfathomable Wisdom is able, by Means incomprehensible to our narrow Capacities, to reconcile Justice with Mercy ; but your Lordship's Education must have informed you, and you are now to remember, such Beneficence is only to be obtained by deep Contrition, sound, unfeigned, and substantial Repentance.

Confined strictly, as your Lordship must be, for the very short Remainder of your Life ; according to the Provision of the late Act ; yet, from the Wisdom of the Legislature, which, to prevent as much as possible this heinous and horrid Offence of Murder, hath added Infamy to Death: You will be still, if you please, intitled to converse and communicate with the ablest Divines of the Protestant Church, to whose pious Care and Consolation, in fervent Prayer and Devotion, I most cordially recommend your Lordship.

Nothing

Nothing remains for me, but to pronounce the dreadful Sentence of the Law ; and the Judgment of the Law is, and this High Court doth award ;

“ That You, *Lawrence Earl Ferrers*, return to the Prison of the *Tower*, from whence you came ; from thence you must be led to the Place of Execution, on *Monday* next, being the 21st Day of this Instant *April* ; and when you come there, you must be hanged by the Neck till you are dead, and your Body must be dissected and anatomized.”

“ And God Almighty be merciful to your Soul.”

Lord High Steward. Lieutenant of the *Tower*, Take the Prisoner from the Bar. Which being done, Proclamation was made for Silence, as usual.

Lord High Steward. My Lords, This Trial being at an End, nothing remains to be done here, but to determine the Commission.

Lords. Ay, Ay.

Lord High Steward. Let Proclamation be made for dissolving the Commission of High Steward.

Serjeant at Arms. Oyez, Oyez, Oyez ! Our Sovereign Lord the King does strictly charge and command all manner of Persons here present, and that have here attended, to depart hence in the Peace of God, and of our said Sovereign Lord the King ; for his Grace my Lord High Steward of *Great Britain* intends now to dissolve his Commission.

Then the White Staff being delivered to the Lord High Steward, by the Gentleman Usher of the Black Rod, upon his Knee, his Grace stood up uncovered ; and, holding the Staff in both his Hands, broke it in two, and declared the Commission to be dissolved ; and then leaving the Chair, came down to the Woolpack, and said, Is it your Lordships Pleasure to adjourn to the Chamber of Parliament ?

Lords. Ay, Ay.

Lord High Steward. This House is adjourned to the Chamber of Parliament.

Then the Lords and others returned in the same Order they came down.

And the Prisoner was carried back to the *Tower of London*.

F I N I S.

