

Select proceedings at the Old-Bailey ... Containing the trials at large of I. Captain Morris, for a rape on the body of Mary Shortney. II. Miss Hannah Philips, a young lady, for shop-lifting. III. William Adams, for defrauding His Majesty / [James Morris].

Contributors

Morris, James.
Great Britain. Central Criminal Court.

Publication/Creation

London : J. Robinson, 1757.

Persistent URL

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SELECT
PROCEEDINGS
AT THE
OLD-BAILLY,

In the Fourth SESSIONS of the Mayoralty of

The Right Hon. MARSHE DICKINSON, Esq;
LORD-MAYOR of the CITY of LONDON.

Containing the TRIALS at large of

- I. Captain MORRIS, for a Rape on the Body of *Mary Shortney*.
 - II. Miss HANNAH PHILIPS, a young Lady, for Shop-Lifting.
 - III. WILLIAM ADAMS, for defrauding His Majesty.
-

LONDON:

Printed for J. ROBINSON, at the *Golden-Lion*, in *Ludgate-Street*. 1757.

[Price Six-Pence.]

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PROCEEDINGS
AT THE
OLD-BAILLY,

In the Fourth Sessions of the Mayoralty of

The Right Hon. MARSH DICKINSON, Esq;

LORD-MAYOR of the CITY of LONDON.

Containing the TRIALS of

I. Captain MORRIS, for a Rape on the Body of Mary
Sawyer.

II. Miss HANNAH PHILIPS, a young Lady, for Shop-
Lifting.

III. WILLIAM ADAMS, for detaining His Majesty.

LONDON:

Printed for J. Robinson, at the Golden Lion, in Ludgate Street, 1757.

[Price Six-Pence.]

THE P R O C E E D I N G S O N T H E

King's Commissions of the Peace, and Oyer and Terminer, for the City of
LONDON, and at the General Sessions of Gaol Delivery of *Newgate*, holden
for the said City of LONDON, and County of MIDDLESEX, at *Justice-
Hall* in the *Old-Bailey*, &c.

BEFORE the Right Honourable MARSH
DICKINSON, Esq; Mayor of the said
City; the Right Honourable William
Lord Mansfield, Chief Justice of the
Court of King's-Bench; Sir Edward
Clive, Knt. one of the Justices of the Court of
Common Pleas; the Honourable Heneage Legge,
Esq; one of the Barons of the Court of Exche-
quer; and others his Majesty's Justices of Gaol
Delivery for the said City and County.

London Jury.

Thomas Chappel
John Hall
Joseph Crish
Richard Steward
William Clark
Stephen Goodson
Southerne Payne
David Rivers
William Lee
Robert Garrard
Thomas Bradgate
James Jervis

Middlesex Jury.

Ralph Marsh
John Hailey
John Braint
Daniel Weedon
Edmund Franklin
Thomas Nichol
William Hawkins
William Green*
John Frame
William Cox
Francis Pope
Joseph Finch

* *Henry Bristow served part of the time, in the
room of William Green, who was taken ill in
court, and could not longer attend.*

The right hon. the Lord Mayor, after the court
was opened the 20th day of April, 1757, taking
notice, that in the Public Advertiser of Monday
the 18th day of this instant April, the following
advertisement was printed, viz.

‘ To the truly charitable and humane, friends
‘ of and enemies to the violators of virtue.

‘ An unhappy gentlewoman, whose husband
‘ being under unavoidable misfortunes, was ne-
‘ cessitated to be continually on the foot amongst
‘ her friends endeavouring to extricate him, was
‘ way-laid by a base and notorious villain, who,
‘ under pretence of assisting her husband, inveigled
‘ her into his power, and cruelly used and ravished
‘ her, for which he stands indicted these seven
‘ months past, ever since which he has absconded.
‘ But upon hearing that he was to be out-lawed,
‘ and that the poor woman was dangerously ill (as
‘ she has been for four months since this unhappy
‘ affair) he put the unhappy sufferers to great ex-
‘ pences in attending several notices of his surren-
‘ der to trial (at times that he was well assured
‘ that the poor woman was not able to sit up in
‘ her bed, much less to appear in court to try him)
‘ which expence, her sickness, and the loss of her
‘ husband's time, has rendered them objects of
‘ unutterable compassion. They therefore are in-
‘ dispensibly obliged thus most humbly to call up-
‘ on the truly charitable and humane, to enable
‘ them to bring this vile offender to justice, who,
‘ from the strength of mercy, and the powerful
‘ friends, that he (vile as he is) has to stand by
‘ him, boasts, that he'll get over this prosecution,
‘ which so loudly calls for the assistance of every
‘ virtuous lady, tender husband, and truly af-
‘ fectionate parent. This (now) unhappy couple,
‘ having nothing to back them in this melancholy
‘ prosecution, but the justness of their resentment,
‘ fear, that it is absolutely necessary for them to
‘ have proper council at the trial, to minutely ex-
‘ amine his witnesses (as they are told he has a
‘ great many prepared) have it not in their present

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‘ abilities

abilities to see council (as he too well knows and boasts of) unless charitably aided, as above requested; upon the strength of which he proposes taking his trial next sessions at the Old-Bailey, which begins on Wednesday next, and has given notice to the prosecutors, that he will surrender in court that day.

And that in the Public Advertiser of Tuesday the 19th day of this instant April, the following advertisement was printed, viz.

‘ To the truly charitable and humane, friends of and enemies to the violators of virtue.

‘ An unhappy gentlewoman, whose husband being under unavoidable misfortunes, was necessitated to be continually on the foot amongst her friends endeavouring to extricate him, was way-laid by a base and notorious villain, who, under pretence of assisting her husband, inveigled her into his power, and cruelly used and ravish’d her, for which he stands indicted these seven months past, ever since which he has absconded. But upon hearing that he was to be out-lawed, and that the poor woman was dangerously ill (as she has been for four months since this unhappy affair) he put the unhappy sufferers to great expences in attending several notices of his surrender to trial (at times that he was well assured that the poor woman was not able to sit up in her bed, much less to appear in court to try him) which expence, her sickness and the loss of her husband’s time, has rendered them objects of unutterable compassion. They therefore are indispensibly obliged thus most humbly to call upon the truly charitable and humane, to enable them to bring this vile offender to justice, who, from the strength of money, and the powerful friends that he (vile as he is) has to stand by him, boasts, that he’ll get over this prosecution, which so loudly calls for the assistance of every virtuous lady, tender husband, and truly affectionate parent. This (now) unhappy couple, having nothing to back them in this melancholy prosecution, but the justness of their resentment, fear, that it is absolutely necessary for them to have proper council at the trial, to minutely examine his witnesses (as they are told he has a great many prepared) have it not in their present abilities to see council (as he too well knows and boasts of) unless charitably aided, as above

requested; upon the strength of which he proposes taking his trial next sessions at the Old-Bailey, which begins to-morrow, and has given notice to the prosecutors, that he will surrender in court that day.

‘ Donations will be most gratefully acknowledged in this paper, or in person by the unhappy sufferers, if admitted; and will be received by Mr. John Frip, apothecary, in Carey-street, opposite to the Plough-inn, Lincoln’s-inn, who has attended the poor woman in her sickness these four months past, and still attends her, and who, in compassion to their deplorable situation, is pleased to take the trouble upon him.

‘ N. B. In line 18 of this advertisement yesterday, *the strength of mercy* was printed by mistake instead of *the strength of money*.’

The court after mature deliberation had thereof declared their opinion to be, That the printing and publishing such paragraphs relative to a prosecution for felony depending in this court, was not only a public offence punishable by indictment, and a private injury for which the party aggrieved may maintain his action at law, but also was an high contempt of this court, and ought to be taken up and treated as such, for the honour of public justice, and to check a practice so illegal and wicked, as the printing and publishing what may tend to prejudice a question depending in judgment here upon a criminal prosecution, and therefore made an order to the effect following.

London and Middlesex.

At the general sessions of gaol delivery of Newgate, holden for the city of London and county of Middlesex, at Justice-Hall in the Old-Bailey, on Wednesday the 20th Day of April, 1757, before the Right Hon. Marshe Dickinson, Esq; Mayor of the City of London; the Right Hon. William Lord Mansfield, Chief Justice of the Court of King’s-Bench; Sir Edward Clive, Knt. one of the Justices of the Court of Common-Pleas; the Hon. Heneage Legge, Esq; one of the Barons of the Court of Exchequer; and others his Majesty’s Justices of Gaol Delivery for the said City and County of Middlesex.

It appearing to this court, that in two public papers intituled the Public Advertiser, one dated Monday April the 18th, 1757, and the other dated Tuesday April the 19th, 1757, and printed and

and sold by W. Egellsham, at the corner of Ivy-lane in Pater-noster-row, there is contained an advertisement in the said order particularly specified, and to the effect herein before set forth.

And the preparing and printing the said advertisements relating to a prosecution for felony depending before this court, and endeavouring under the same to obtain donations for carrying on such prosecution, being a contempt of this court, and having a manifest tendency to the perversion of public justice, it is therefore ordered by this court, that the printer of the said papers do personally attend this court to-morrow morning at ten o'clock, to shew cause why he should not be proceeded against for the aforesaid contempt and misdemeanor.

By the Court.

On Thursday morning the 21st day of this instant April, the said Wells Egellsham, the printer of the said papers, in obedience to the said order, appeared here in court, and being publicly examined, owned that he was the printer of the daily paper called the Public Advertiser, and had printed the said advertisements herein before set forth in the said Public Advertiser of Monday and Tuesday last, and expressed great sorrow for what he had so done, and alledged in excuse for the same, that he had done it thro' inadvertence, and signified to the court his readiness to discover those who had drawn him in to print and publish the same, and having produced to the court the original draught of the advertisements brought to him to be inserted in the said daily papers, and alledging that he had made enquiry at the house of the said John Fripp, whom he well knew, to find out who was the author of the said advertisements, and that he understood upon such enquiry one Terence Shortney, in Chapel-street, Westminster, the husband of the woman mentioned in the said advertisements, was the author thereof, and had brought the same to the said W. Egellsham to be printed, the court took the matter so offered by him into consideration, and in regard the trial, to which the said advertisements related, was appointed to come on in this court on Saturday the 23d day of this instant April, directed the said Mr. Egellsham to attend here again that day at ten o'clock in the forenoon, and afterwards made an order to the effect following.

London and Middlesex.

At the General Sessions of Gaol Delivery of Newgate, holden for the City of London and County of Middlesex, at Justice-Hall, in the Old-Bailey, on Thursday the 21st Day of April, 1757, before the Right Hon. Marthe Dickinson, Esq; Mayor of the City of London; the Right Hon. William Lord Mansfield, Chief Justice of the Court of King's-Bench; Sir Edward Clive, Knt. one of the Justices of the Court of Common-Pleas; the Hon. Heneage Legge, Esq; one of the Barons of the Exchequer; and others his Majesty's Justices of Gaol Delivery for the said City and County of Middlesex.

It is ordered by this court, that John Fripp and Terence Shortney do personally attend this court on Saturday next, at 10 o'clock in the forenoon, to answer all such matters and things as shall then and there be objected against them, for a certain contempt and misdemeanor, in causing an advertisement to be inserted in the Public Advertiser of Monday the 18th, and Tuesday the 19th of April, for the raising of public donations for the carrying on of a prosecution depending before this court for felony; and for endeavouring to create public prejudice against the person charged in such advertisements as the offender, and who was to be tried in this court on an indictment found against him, to the manifest perversion of public justice.

By the Court.

The court on Saturday morning the said 23d day of April, 1757, proceeded to the trial of James Morris, the person charged in the said advertisements as the aggressor, and who was indicted by the name of James Morris, gent. otherwise John, otherwise Joseph, otherwise called Capt. Morris, for that he, on the 15th day of June, 1756, assaulted Mary the wife of Terence Shortney, and by force and against her will feloniously committed a rape on, and had carnal knowledge of, her body.

Mary Shortney being sworn deposed, That on the 10th of June, in the year 1756, she had been to Clifford-street, to wait upon a very good friend of her husband's and hers, to solicit his favour on her husband's behalf, where she met with great disappointment, and in coming back from thence she sat herself down as much distressed, in one of the chairs in the Green-park, to rest herself. Mr. Mor-

ris, the prisoner, came up to her there, and asked her leave to sit down by her, and then said, Madam, you seem to be greatly in trouble, and look to be more overwhelmed than a person of your years usually is, and I have often observed you as you have passed and repassed this way, that you always looked melancholy; to which she answered, God help me, young as I am, I have met with a large share of trouble, which is needless to acquaint you of, who are a stranger to me; and then he asked her if she was married, and she said yes. Then he asked her if she had a bad husband, and she said she had as good a one as any woman had; he then entreated her to let him know the nature of her affairs, and told her he had a wife for whose misconduct he was obliged to part with her, after having had nineteen children by her, that he was then in mourning for a relation or friend that had left his two daughters five thousand pounds each, and that he had an income of his own of five thousand pounds a year, and that as his inclinations were always exerted to relieve the unhappy, he begged of her to let him know her misfortunes; whereupon she told him that her husband had met with great misfortunes in life, and had been ruin'd by those he took to be his friends; and seeing Mr. Morris to be a grave man, and thinking him to be a person that heaven had sent to relieve her, she acquainted him with the state of her husband's affairs, to which he said that he knew several people that she had mention'd, and the man that she charg'd as the occasion of her husband's misfortunes had drawn him (Mr. Morris) in for 100l. and then he bid her be comforted, and that he would reward her expectations in every thing, and he then put his hand into his pocket and took thereout a moidore, which he gave her, and said, he was sorry he had no more money about him, but that as she often came backwards and forwards through the park, he should have an opportunity at noon or evening to see her again soon, and that she had set him upon a work that was a heaven upon earth to him. Soon after she parted from him, and went several times afterwards as her occasions called her that way, but did not see Mr. Morris again until she met him by chance passing along in Albemarle-Meuse the 15th day of June, 1756, when he told her he was going to wait upon the lords of the admiralty and could not stay then, but desired her to meet him in the Green-park at five that evening,

when he would talk farther to her on the subject she had before spoke to him; that she went at five that evening into the Green-park, where she met Mr. Morris, and he then told her he had inquired into her husband's affairs, and found he was upon the duke of Grafton's list, to be one of his majesty's messengers, and that he Mr. Morris had a great deal to say to her, and the Park not being a proper place to talk in, he desired she would go to a tavern with him, which she objected against; on which Mr. Morris said to her, do you think I would desire you to do an improper thing? no, I have children of my own, and if she thought a tavern an improper place to go to, he would go a little way in a coach with her out of town; and she unhappily consenting thereto, he ordered the coachman to drive to Marybone, in the way to which place she told him as nigh as she could what valuable things of her husband's were pledged and parted with, and he said he would take an account of them in writing, when they came to Marybone; and afterwards the coach stopped at the garden house tavern Marybone, where Mr. Morris carried her into a room up stairs, and ordered some wine and a basket of cakes, and as soon as he was served with them and the servant was gone down, Mr. Morris began to talk to her in a different strain to what he had before spoke to her, and said he hoped she would comply with his desires. On which she told him she would perish by inches first, and thereupon he said the finest ladies in the land will do it, and that adultery was no sin in the eyes of the Almighty, it was only called so by the vulgar; that he pull'd her and teaz'd her all the time, and at last by force threw her on the carpet which was in the room, from which she got up again upon her knees, and beg'd and intreated him to let her go home, and that she would never mention the offence he had attempted to be guilty of, but would bear it in her own breast; then she got up and went to the door, which she found fasten'd, on which she went to the window in hopes to see somebody; that he then seized on her behind, and threw her on some chairs, and struck her head against some part of a chair which stunn'd her, and then he committed the vile fact on her by force and against her will. As soon as she could get from him she told him she would bring him to justice, notwithstanding the distressed circumstances her husband was in. On which he said, have patience and compose yourself,

yourself, and not go to expose yourself, as it would only gain her husband's displeasure; and that as no body was nigh or by to prove the fact, she would only ruin herself, and render him incapable of doing what he had promised on her husband's behalf: and he said he would do every thing according to his promise for her and her husband, and ten thousand times more, if she would but behave with discretion. To which she gave him no answer, but beg'd he would send her home; and as she said, she was unable to pay for a coach, he carried her back along with him in a coach, and in the coach he repeated his promise over and over, and said he would make it ten thousand times more if she would keep what had happened to herself. That when she got home, she told her husband she had seen the gentleman she had before told him of, and what he had said to her; and her husband very chearfully wrote out the list of his effects pawned. And as for several days after that she never heard from Mr. Morris, her husband said, as you do not hear from this gentleman, according to the promise you told me he had made, I'd have you write to him, which she accordingly did, and thereupon he promised to meet her, but did not; then she wrote a second time, but he did not meet her; but she afterwards seeing him, he bid her be easy for a few days, and afterwards again meeting with her, he desired her to walk through the narrow passage into St. James's-street with him, which she did, and when he got her into the passage, being a lonely place, he there attempted to do what he had done at Marybone, but she got from him, and immediately went home and told her husband of all that happened.

Q. Did you write those letters yourself?

Answer. I wrote them from copies my husband first wrote.

Q. Give an account of the contents of the first letter.

Answer. I did not take a copy of it.

Q. Do you know it again when you see it?

Answer. If I see the letter I can swear to my own hand.

Q. What was the substance of the first letter?

Answer. To appoint a time for Mr. Morris to meet me.

Q. How long was this after you had been with him to Marybone?

Answer. I can't tell to a day.

Q. Can you to four or five?

Answer. No.

Q. Can you tell when you sent the second letter?

Answer. Not to a day.

Q. Can you to four or five?

Answer. No, it was but a few days distance.

Court. It will be necessary for you, in point of law, to be a little more particular as to the assault on you by Mr. Morris, and what he did afterwards to you.

Answer. I will answer any question.

Court. She shall be asked in her cross examination.

Council for prisoner. We make no doubt of what an answer she will make.

Q. Had you ever seen the prisoner before he came to you in the Green-park?

Answer. As I have gone to Bond-street I remember such a gentleman, but no farther, and I have met him in the Park with a couple of dogs.

Q. What is your husband's employ?

Answer. He did belong to the machine at Westminster-bridge, but does not now.

Q. Did you tell him you had been abused by Mr. Morris, in the way you have mention'd, when you came home from being at Marybone with Mr. Morris?

Answer. No, Mr. Morris told me the great things he would do for my husband, and no body being near, nigh or by, when he did the act, I thought if I told my husband of it, it wou'd ruin me for ever, and I chose rather to pine my life away, than to let my husband know of it.

Q. Did Mr. Morris, the prisoner, tell you his name?

Answer. He did, I did not know it before.

Q. What did he say his name was?

Answer. He said he was colonel Morris; he told me also were he liv'd, and that he had an income of five thousand pounds a year, but from what I have heard since, it is not so.

Q. Did he tell you his christian name?

Answer. No, he did not, he said he was a colonel in the guards, and by the directions he gave me I found him out.

Q. On which letter did he meet you?

Answer. The second, and bid me be easy for a few days.

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Q. from

Q. from prisoner (he shews two letters and a cover.) Are these your hand-writing?

Answer. These are my hand-writing, and this is the cover, *taking them into her hand.*

Then the prisoner shew'd her a third, a fourth, a fifth, a sixth, a seventh, an eighth, a ninth, all which she own'd to be her own hand-writing, and sent by her to the prisoner. *They were read in court, and are as follows.*

LETTER I.

Dear Sir,

When I had the favour of seeing you, you promised to see me the day following, and as I have not had that favour ever since, I am afraid you, good Sir, are displeased with me in some shape, which heaven forbid. I beg you will please to let me see you this morning at the usual time. If you choose to favour me with any answer by the bearer, please to let it be by a line sealed up, for reasons I shall tell you when I have the pleasure to see you, which I hope will be this day.

I am with all gratitude and respect,

Dear Sir,

Your most humble servant,

29th June, 1756.

M. SHORTNEY.

To capt. Morris, in Bolton-street.

LETTER II.

Dear Sir,

I was in great hopes to have the favour of seeing you yesterday. I attended almost all the day, from one at noon, till eight at night. I shall esteem it the greatest favour, that you, good Sir, will be pleased to spare me three minutes of your company this day. I am now in the Park, where I shall wait your kind answer.

I am with all duty and respect,

Dear Sir,

Your much obliged and very humble servant,

July 1st, 1756.

M. SHORTNEY.

To capt. Morris, in Bolton-street.

LETTER III.

Dear Sir,

As it is no more in my power (nor do I think it possible) sufficiently to apologize for being so troublesome to you, than it is to extol your unparalleled kindness to me, I shall not attempt to trouble you to read any thing I am able to write

on that head; but this please to give me leave to assure you of, that a more grateful heart is not under the canopy of heaven than my abject self is possessed of, and that I and my poor husband, whose heart is so full of gratitude to you, my dearest and best of gentlemen, that he can scarcely contain himself, shall be ever on our tiptoes to merit your kind and great favours. As you, dear Sir, was pleased to promise to see me this day without saying what time, I now most humbly beg to know, what hour you will do me that favour. I wait your kind answer as before.

I am with unalterable gratitude,
and the highest respect,

Dear Sir,

Your most obliged and ever dutiful servant,

Saturday morning.

M. SHORTNEY.

To capt. Morris, in Bolton-street.

LETTER IV.

Dear Sir,

I am frightened almost to distraction lest you think me troublesome; if I am, my dear Sir, please to tell me, and I shall never be so any more, my study shall be to deserve your favour. I humbly and most pressing beg you will please to appoint a time that I may have the favour of speaking a few words to you, I shall not detain you many minutes.

I am, with all deference and respect,

Dear Sir,

Your ever grateful and most obedient

I wait the favour of your humble servant,

your answer as before.

M. SHORTNEY.

Tuesday morning.

To capt. Morris, in Bolton-street.

LETTER V.

Dear Sir,

From the experienced knowledge I have of your good nature, I humbly presume you will not think me too troublesome. I made bold to write you a line a Saturday, and received for answer that you would please to see me at seven in the evening, and I waited in hopes of that favour from before that hour, till past eight. I most humbly beg the favour of seeing you this day; if you, good Sir, can spare time now, I shall not detain you three

three minutes. I wait your kind answer as before.

I am with the utmost sense of gratitude,
and due respect,

Dear Sir,

Your most obliged and ever dutiful servant,
To capt. Morris, M. SHORTNEY.
in Bolton-street.

LETTER VI.

Dear Sir,

I have such an absolute necessity to speak two or three words to you, that I most humbly and most pressingly beg, you will be pleased to let me have that favour now; my dear Sir, I beseech you not to deny me this favour, for which I now in great hopes wait. I shall not attempt to trespass on your time three minutes if you please. I must entirely rely on your goodness for pardon for my thus importuning you. I am with inexpressible gratitude, and the greatest respect,

Dear Sir,

your ever dutiful,
and most obedient servant,

To capt. Morris, M. SHORTNEY.
in Bolton-street.

LETTER VII.

Dear Sir,

Words cannot express the uneasiness for fear I have in some shape offended you, which heaven forbid; this I dreadfully apprehend from my not having the favour of seeing you, agreeable to your several promises. I every day waited, and God knows with an aching heart; what adds infinitely to my fear is, that I saw you on Saturday evening, in the Park, twice, and paid my respects to you in a prudent manner, as I thought, and you did not take the least notice of me; I waited till almost 10 o'clock; sure you, dear Sir, who was so feelingly touched with my unhappy case, so kindly assisted me, and in your great goodness was pleased to promise me your future friendship, will not turn your back to me without a real cause; (which indeed you shall not have from me) my fears and apprehensions does almost distract me; if my importunity has unhappily displeased you, my dear Sir, pardon me, I shall not do it any more. I am, and shall be quite unhappy, till I have the favour to speak to you, which I beg, for God's sake, you will let me have this morning; I shall

wait at the usual place, from the time this letter is left till 10 o'clock; my dear Sir, don't let me wait in vain. I am, with the utmost sense of gratitude, and the greatest respect,

Dear Sir,

Your most obedient
and most humble servant,
Monday morning. M. SHORTNEY.
To capt. Morris, in Bolton-street.

LETTER VIII.

Dear Sir,

I waited yesterday evening, agreeable to your appointment; my dear Sir, please to pardon my being thus troublesome, which I cannot help till I have the favour of seeing you, which favour I hope you will now please to do me, as I shall wait in hope thereof.

I am with due respect,

Dear Sir,

Your most humble servant,
To capt. Morris, M. SHORTNEY.
in Bolton-street.

LETTER IX.

Dear Sir,

I most pressingly beg the favour to speak a word to you; sure, dear Sir, you can spare me one minute; I am the bearer of this myself.

I am, with due respect,

Dear Sir,

Your most humble servant,
M. SHORTNEY.
If I have not the favour to see you now, I shall wait all the morning and all the evening, for see you, by some means, if you please, I must.
Wednesday morning.
To capt. Morris, in Bolton-street.

Q. Did you discover the whole that happen'd between you and Mr. Morris to your husband, after he made the second attempt?

Answer. I did.

Q. Can you tell how many letters have pass'd?

Answer. No, I cannot; my husband first wrote all the nine letters which have been read, and I copied them and sent them.

Q. How often might you see him after the 15th of June.

Answer.

Answer. Upon my word I can't positively say how many times. I saw him two or three times. It was three times, and he proposed every time what he would do, and beg'd that I would not divulge any thing.

Q. What were the favours he had done you?

Answer. He gave me a moidore, and likewise went to the duke of Grafton to speak in the behalf of my husband, as he told me, and found my husband upon the list for a messenger, and recommended him also to the duke.

Q. When did you make the first discovery of this to a magistrate?

Answer. It was in September.

Q. Where?

Answer. At Hicks's-Hall, where the indictment was found against the prisoner, and I had a warrant granted on it afterwards against him.

Q. Was there no proposal ever made from you or your husband to the prisoner, to make it up?

Answer. No, never, no such thing.

Q. Give an account of all the times you was with him.

Answer. I was with him on the 10th of June, the 15th, and I believe three times afterwards.

Q. from prisoner. What time of the day was I with you at Marybone?

Answer. I met you at five in the evening in the Park, and we were at Marybone between six and seven, on the 15th.

Q. from prisoner. How long did we stay there?

Answer. That I can't positively say; I was in too great a confusion to observe the time. I had no watch or clock.

Q. In what room were you there?

Answer. In a one pair of stairs room backwards out into the garden.

Q. Who did you see going up-stairs into the room?

Answer. I saw nobody but a servant that serv'd us there. When we got into the room I saw a woman, but nobody but a servant came nigh me.

Q. How many chairs was this injury done to you on?

Answer. I don't know, neither can I say in what manner they were placed.

Q. What was you doing at the time he placed the chairs?

Answer. I was gasping for breath. I did not see him take the chairs, for my back was towards him.

Q. Did you, at that time, when you found the door fast and flew to the window, make any outcry in order for assistance?

Answer. I call'd out, knock'd several times with my heel, and lamented and cried, but nobody came. I cried very much, that they might have heard me the whole house over.

Q. Who was the reckoning paid to?

Answer. Nobody came into the room to receive the reckoning.

Q. Who paid the reckoning?

Answer. I don't know.

Q. Who did you see in the house?

Answer. I saw nobody but a girl at going out.

Q. How old might she appear to be?

Answer. She was a woman grown. She can swear she saw me there, but I can't find her.

Q. Did you make any complaints of the injury you had received, to any there?

Answer. No.

Q. Did you to the coachman?

Answer. No.

Q. Whether or no you have made it a custom to solicit people in the Park about charity?

Answer. No, I never did.

Q. Did not you ask the prisoner for charity?

Answer. No.

Q. from prisoner. Give an account of the injury you received; you are a married woman, and can very well do it.

Council for the prisoner. In what situation did you find him?

Answer. I found him in my body.

Q. Did you perceive any thing come from him?

Answer. I found him discharge nature in my body.

Q. How long ago is it that you had notice of his surrendering, and taking his trial at this sessions?

Answer. Last Thursday was se'nnight.

Q. Where is the girl you say you saw at Marybone?

Answer. She is gone to another place, and they will not inform me where.

Terence Shortney, the husband of the said Mary Shortney, being sworn said, That all the nine letters, as were produced, were every one of them originally wrote by him before he knew any thing of the fact, with which the prisoner now stands charged;

charged; that witness's wife told him how the prisoner had proposed to be a very good friend to witness, who thereupon said to his wife, take care, my dear, and be upon your guard: As I was at that time confined at home, under the most unhappy circumstances in the world, and could not go out myself, my wife told me he (the prisoner) desired me to send him a list of what cloaths I had in pawn, which I did, and not hearing from him, I said to her, I am surprised I don't hear from the gentleman, as you said he appeared to be a man of fortune.

Q. Did you ever ask any body else about him?

Answer. Not as I can recollect.

Q. What time was this correspondence continued? for it certainly must be between the 15th of June and the 13th of September, when the bill was found. When was the last letter wrote?

Answer. They were all wrote near one another.

Q. When did your wife make this discovery to you?

Answer. I can't tell the day, but at that time I ran out and found him in the Park; I observed her in tears in bed before that.

Q. Did she go to see the prisoner with your consent?

Answer. She did, and as soon as she came home she burst out into tears; I said, what is the matter? She said, "Why will you send me to look like an object of charity, sitting in the Park?" Upon my hearing this I went to the Park, and ran myself quite out of breath (I did not stay to hear whether he really had committed the fact) and by the description she had given me of the prisoner I found him.

Q. Had you ever been with her in the Park?

Answer. Yes, I had often; I said to the prisoner, is your name Morris? yes, said he: I said, my name's Shortney. He said, I'll certainly do for you; you, you villain, said I, you do for me? you have ruined and undone me. What is the matter? said he; on which I said, have you not ruined my wife? I desire no satisfaction of you, you have ruined and undone me; will you fight me?

Q. When was this?

Answer. This was the very morning just after she told me what had happened.

Q. What day was it?

Answer. Upon my word I can't tell when it was.

Q. How long might it be before the bill of indictment was found?

Answer. I believe it might be about a month before, or something thereabouts.

Q. Did you get a warrant before the bill of indictment was found?

Answer. No, I did not.

Q. Why did not you get the warrant first?

Answer. I did not know what to do, I had no friend to apply to. I went to one Mr. Lee, and told him the affair. He said, he knew the man extremely well, he is a man of a bad character. Mr. Lee came to our house, and my wife told him every thing that passed. He call'd upon me one Sunday, and desired me to go as far as Marybone with him, which I did. He examined the servant of the house. The girl said she remembered the prisoner being there. Mr. Lee said, if he found it as she said, he would undertake it. He can swear what the girl said, for we suspect he'll deny being there; for he said to me, when I went to him, "Upon my honour I never was in company with her in my life." No! not at Marybone, said I; no, never in my life, said he.

Q. How many times after the 15th of June did your wife meet him with your privity?

Answer. Upon my word I cannot tell. I believe it may be fifteen times; very frequently.

Q. from prisoner. Look at this letter, is the same, and the name your writing?

Answer. (He takes it in his hand.) It is.

Q. from prisoner. Here is another letter, pray look at that.

Answer. (He takes it in his hand.) This is my hand-writing. Then the letters were read, and are as follow:

LETTER I.

S I R,

I humbly hope, as you in your great goodness have been pleased, from the melancholy account you have given my wife leave to relate to you of our distresses, to aid us in the kind and charitable manner you have done, and have promised us your future aid (unheard of goodness and charity! to a degree that wants a name) that you will please to pardon my taking this unseemly liberty, for which I blush; but my wife has sent me word,

D

that

LETTER II.

S I R,

When I spoke to you Friday noon on the immediate knowledge of the cruel injury you have done me, under the pretended sanction of friendship, I then (God help me) could not talk coolly to you, as indeed how could I? O misery, misery, what have you exposed me to? Or can you ever expect to look your Maker in the face?—Without saying more, for I cannot now dwell upon the unhappy subject, if you will immediately enable me to dispose of what was most dear to me, that you cruel man have vilely forced from my arms, so that she may not become an open shame, and enable me to waft myself to some foreign isle, where I may struggle through the remainder of my life with some peace, for here I can never have any, I shall be satisfied to let the unhappy matter be buried in oblivion (this you know you ought in conscience to do, even if the law would not touch you, but you will find it can, and that severely too) but if you will not, and that immediately on the receipt of this, I do assure you, you shall be prosecuted to the utmost rigour of the law, and a true state of the case made public, as the injury done me of course must be; don't feed yourself with fancies that you may laugh at the poor injured man because of his distresses in life, that you have so vilely taken advantage of; no, believe me, you shan't, you will find I shall have powerful friends to stand by me, if necessary, to prosecute so unheard of piece of villainy. Be disposed to expend what you will in law, you will find that the justice of my cause will weigh you down and expose your infamy, and the world will pity me.

I have not open'd the matter to any one as yet, my lawyer will be in town this evening, till which time I shall be at home, and if you have a mind to accommodate the matter privately, I will see you calmly, provided you act with any necessary prudence; but, by all that is heavenly, if you suffer me to stir at all, nothing can or shall prevent my going to the utmost length to do myself justice. I will admit of no solicitor but yourself; I value my character, though in distressed circumstances, as much as any man under heaven, so that if this matter is the least exposed, which it will be to-morrow (unless you prevent it this day) I will never drop it till I have the satisfaction the law allows me; this you will find to be orthodox, and if you
chuse

that you are going out of town for some time, which indeed is the principal cause of my presuming this liberty. That the great God may pour down a succession of blessings on you, shall be my constant prayer whilst I breathe. At least this I am confident of, that your benevolence will not be unrewarded, and I am pleased with thinking that the providence of the Almighty has sufficient blessings in store for such unutterable goodness, and will discharge the obligation certainly, tho' it might not be pleasing to his Divine Will to make me the happy instrument in doing it. However, nothing in my power shall be wanting to shew my gratitude; I shall make it the business of my life to thank you, and to deserve your kind favour. As I have not the honour to be known to you, shall not presume to say further of myself than this, that if I could be enabled to wait on you, and that you would be pleased to give me leave to do so, I flatter myself, you, good Sir, will find me deserving of bread, as indeed, Sir, there is nothing in my abilities, becoming a man, that I would not cheerfully do for honest bread. Be pleased to believe me, that I am not an idle nor an indolent man, tho' I am, God help me, so much distressed. I have been living, or rather starving on promises, till I have been necessitated, to keep life and soul together, to leave myself destitute of even such apparel as entitles me to look after any sort of bread, and must now, with my poor wife, inevitably perish, unless immediately relieved; in short, words cannot tell our deplorable situation at this present juncture; upon the whole, as you, good Sir, in your wonted goodness have been pleased to give me such strong instances that you are a truly charitable and humane gentleman, I humbly make bold to lay our melancholy case before you, in hopes that you, in your great goodness, will be pleased to enable me to recover as much of my cloaths, as will enable me decently to go of doors in, which indeed, good Sir, will prevent the immediate ruin of the most abject, the most grateful young couple under the canopy of heaven. I shall hope your kind answer, and am with all deference and respect,

S I R,

Your most obedient

and most humble servant,

Chapple-street, Westminster, T. SHORTNEY.
opposite the Bluecoat-
school, July 13, 1756.

chuse to find it necessary to absent yourself, you will find it will stick to you as close as wax; notwithstanding, I tell you once more, Sir, that I will give you but this day to consider, and that I shall be at home till evening.

Monday Morn.

The injured
T. SHORTNEY.

Cross Examination.

Q. Was not your wife very frequently in the Park, soliciting alms?

Answer. No, never; our circumstances were very poor, I very frequently sent her out, in order to get my cloaths out of pawn, and to get money from her friends, because I was in such unhappy circumstances.

Q. from prisoner. What was you bred to?

Answer. I served my apprenticeship to a merchant.

Q. from prisoner. How long have you been from Dublin?

Answer. I believe about four years.

Q. How long have you been married?

Answer. Upwards of three years.

Q. from prisoner. What do you mean by the machine at the New-bridge?

Answer. I was concerned in the Dover and Canterbury machines, that came thereabout two years and a half ago.

Q. Did you write the printed case produced in court?

Answer. I did.

Q. Can you fix the precise number of times you understood your wife had met Mr. Morris?

Answer. It might be fifteen or twenty, or it might be a great many more.

Q. How long after the 13th of July was the second letter wrote by you?

Answer. It was a great distance of time after the first. I thought him my friend when I wrote the first; it was a day or two after I charg'd him with the fact in the Park.

There being no other evidence against the prisoner, the court and the jury thought it needless for him to call witnesses to his character, and the jury without going out of court gave their verdict that the prisoner was not guilty; and after the finding the aforesaid verdict, the foreman of the jury told the court, that the jury apprehended the

prosecution to be very iniquitous, and that the said Terence Shortney had prostituted his wife to set up the said prosecution, and to try to get a sum of money, for the benefit of himself and her, from the prisoner, and that the jury thought the said Terence Shortney ought to be taken notice of for his said misbehaviour.

After the said trial was over, the said Wells Egelsam on the said Saturday, the said 23d of this instant April, again appeared here in court, in obedience to the afore-named order, and being called upon by the court, produced an affidavit, which was read, and is as followeth.

Wells Egelsam, of Pater-noster-row, London, printer, and Robert Spavan, of the parish of St. Clement Danes, in the county of Middlesex, severally make oath, and say, and first this deponent Wells Egelsam for himself saith, that on Wednesday the 20th day of April instant, on receiving an order of the honourable court of general sessions of gaol delivery of Newgate, holden for the city of London and county of Middlesex, at Justice-Hall in the Old-Bailey, on Wednesday the 20th day of April, 1757, this deponent sent the other deponent Robert Spavan, to Mr. John Frip, apothecary, named in the advertisement set forth in the said order, to enquire and find out who was the author of the said advertisement: And this deponent Robert Spavan for himself saith, that he accordingly went to the said Mr. Frip's house in Carey-street, when the said Mr. Frip's wife informed this deponent, that the said Mr. Frip her husband was not at home, and that he was not the author of the said advertisement, but that one Shortney in Chapple-street, Westminster, husband of the woman mentioned in the said advertisement, was the author thereof. And both these deponents say, that on Thursday the 21st day of April inst. they went to the said Mr. Frip's house in Carey-street aforesaid, when the said Mr. Frip's wife told these deponents, that the said Mr. Frip her husband was not at home, and that the said Shortney was the author of the said advertisement, and that her said husband had only permitted the said Shortney to make use of his name to receive donations as an act of charity. And both these deponents further say, that they thereupon went to the said Shortney's lodgings in Chapple-street aforesaid, where these deponents saw the said Shortney's wife,

wife, who informed these deponents, that her husband, the said Shortney, was not at home, but that he was the author of the said advertisement, and that she herself was the woman mentioned and described therein. And these deponents further say, that they thereupon went back to the said Mr. Frip's house in Carey-street aforesaid, where they were informed that he was at a public house in the neighbourhood, to which public house these deponents went, and found the said Mr. Frip in company with the said Shortney, when the said Shortney owned to these deponents, that he was the author of the said advertisement, and that he himself wrote it and brought it to be printed in the news paper called the Public Advertiser, and that his name was Terence Shortney, or to that effect. And this deponent Wells Egelsbam saith, that the said advertisement was printed in the said news paper through inadvertency, and mistake, as supposed to be only a common begging advertisement; and this deponent is heartily sorry for the offence given thereby.

W. EGELSHAM,
R. SPAVAN.

Sworn the 23d day of April,
1757, at the Sessionshouse
in the Old Bailey, before

MARSHE DICKENSON, Mayor.

After the reading of these affidavits, the said Wells Egelsbam expressing a deep sense of the heinous nature of the crime which he had been drawn in to commit, and solemnly engaging for the future to take effectual care, that nothing improper should slip or be put into any paper he should print—The court severely reprimanded him for his said offence; and in regard to the frankness and ingenuity of his discovery and confession, did not think fit to proceed any further against him in a summary way for his said contempt.

The said Terence Shortney was then called upon, who appeared in court, and owned that he drew the said advertisement publish'd as aforesaid in the said daily papers, and that the draught thereof brought into court by the said Wells Egelsbam, as aforesaid, was all of his, the said Terence Shortney's, own hand-writing, and that he delivered the said draught to the said Wells Egelsbam, to be printed in the said Public Advertiser.

Then the said John Frip being called upon, ap-

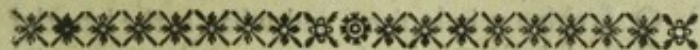
peared in court, and owned that before the said advertisements printed as aforesaid were carried as aforesaid by the said Terence Shortney to be printed, the said Terence Shortney called upon the said John Frip, and desired his permission to suffer the name of the said John Frip to be inserted in the said advertisements, for receiving the donations which should be made in pursuance of such advertisements, and that he the said John Frip consented thereto as an act of charity, without any apprehension of its bad tendency. And the said Terence Shortney and John Frip severally intreated the court to forgive them.

The said Mr. Morris, who remained in court, apprehending himself much aggrieved by the insertion of the said advertisements in the said Public Advertiser, and requesting the court that he the said Mr. Morris might be at liberty, and have leave of the court to prosecute the said Terence Shortney and John Frip at his own expence, for their said offences, the court thereupon ordered them to be severally prosecuted for the same, and that the said Mr. Morris should enter into a recognizance to prosecute them for the said offences, at the next sessions of Oyer and Terminer and gaol delivery which shall be holden for the said city of London and county of Middlesex, and the said Mr. Morris thereupon in open court entered into such recognizance; and the court then further ordered that the said Terence Shortney and John Frip should find sufficient sureties for their appearance at the said next sessions, to answer for their said misbehaviour; and that until they should find such sureties, they should severally stand committed to his majesty's gaol of Newgate.

Before the rising of the court the said John Frip found bail to the satisfaction of the court, for his appearance at the said next sessions, to answer his said contempt and misbehaviour, and was discharged out of the custody of the gaoler of Newgate.

But the said Terence Shortney acquainting the court that it was not in his power at present to find any bail for his appearance at the said next sessions of Oyer and Terminer and gaol delivery, to answer his said contempt, he was ordered to remain in the custody of the gaoler of his majesty's said gaol of Newgate, until he should find sufficient sureties for his appearance at the said next sessions, to answer for his said misbehaviour, in writing and causing

causing to be printed, in the Public Advertiser as
afore said, the said scandalous and malicious adver-
tisements, tending to prejudice a question depend-
ing in this court, on a criminal prosecution against
the said Mr. Morris, and to raise money unlaw-
fully for carrying on such prosecution, and to the
perversion of the public justice of this kingdom.



Hannah Philips, spinster, was indicted for
stealing on the 11th of March, 1757, ten yards
of silk lace, called blond-lace, value 15s. the pro-
perty of Henry Dean and John Potinger.

Walter Post. I live with Messieurs Dean and
Potinger.

Q. In what capacity?

Post. I serve them as shopman; on the 11th
of March last, about five or six in the evening, the
prisoner came into the prosecutors shop and asked
me to shew her some blond-lace, and I thereupon
handed the drawer of blond-lace before her, and
she handled several pieces of lace which were in
the drawer.

Q. In what manner were the pieces done up?

Post. They were rolled upon a card, and the
prisoner asked me the price of several of the laces,
and took some of them out of the drawer, and
looked at them, sometimes at one, and sometimes
at another in each hand, and I told her the prices
of several of them; she did not buy any, but con-
vey'd out of the drawer two cards or pieces of lace
that were therein, and I believe she had one piece
of lace in her left hand, when she took the other
two out of the drawer with her right hand; she laid
the pieces of lace she took out of the drawer on
the counter betwixt the drawer and herself.

Q. How far was the drawer from the edge of
the counter?

Post. I believe it might be about a foot; after
that she bent herself as it were forward over the
counter towards the drawer, and took hold on the
drawer and drew it nearer to her, and then she
brought up with her right hand one of those cards
of lace, which she had laid on the counter, and
conveyed it under her cardinal.

Q. Did she continue in that same posture, or
alter her position?

Post. She was bending then, and she bent up
again and looked me in the face, fearing (as I ima-

gined) that I saw her; she then bent herself over
the counter again, and pulled back her cardinal
with her left hand, and then drew the piece of
lace out with her right from under her cardinal,
and laid it on the counter again betwixt herself
and the drawer, from whence she had before taken
it.

Q. What did she say?

Post. She said nothing to me. After that she
put her hand in the drawer and examined several
pieces that were there, and passed some time away,
but never offered to buy any laces that were in the
drawer, and only asked the price of some she had
examined; I told her the price; then she bent her-
self over the counter again, and took with her right
hand the same piece of lace as she had before put
down, and carried it with a quick motion under
her cardinal, and put it as it were under her arm,
and held it with her arm, and then she put her
hand directly into the drawer, and taking hold of
the first piece of lace that lay uppermost, she took
it out and asked the price of it.

Q. Was that the same drawer?

Post. The same drawer. I told her the price
was six-pence half-penny a yard; she then desired
me to cut her off a yard, which I did; she then
asked me for some striped ribbons.

Q. Was this at the same time?

Post. This was directly following it. I leaned
back into the window, and took the first piece of
ribbon thereout of the window and shewed it her;
she desired me to cut off a yard without asking the
price of it. I did, and folded up the yard of blond-
lace and the yard of ribbon together in one paper,
and gave them into her hand; then she desired to
know what there was to pay. I told her twelve-
pence half-penny, that was six-pence half-penny
for the yard of blond lace, and six-pence the rib-
bon; she paid me the same, and then went out
of the shop, and as soon as she was gone out at the
door I call'd to John Mortimore and Godfrey
Major; John Mortimore is my masters rider, and
was talking to the said Mr. Major backwards in
the shop.

Q. What is Major?

Post. He is a furrier of whom we buy muffs,
and I desired him to step forward immediately,
and told them what had happened, and directly
jumped over the counter, followed the prisoner,
and overtook her about five doors from my mas-

ters, and got her back into my masters shop, by telling her she had left something in the shop; and as soon as I got her into the shop, I directly said to Mortimore, I charge this lady with taking a piece of lace; she directly said to me, *Me with a piece of lace, I have not got any such thing, neither do I know any thing about it.* I directly said you have, and there is no occasion for you to deny it, for the lace you have got; and then I turn'd back her cardinal, and found the lace held between her body and her arm, (*produced in court, the card of lace so took from her*) and he described the manner in which she held it, putting his left hand close to his body, and sticking the lower part of the lace between his arm and body, and deposed, that he took the lace himself on the prisoner, and from between her body and arm under her cardinal, and gave it to the said John Mortimore.

Q. Were there any things besides under her arm?

Post. No, there were not.

Q. Where did she put the paper with the lace and ribbon she bought of you?

Post. I cannot be positive where she put it, but I imagine she put that in her pocket.

Q. What quantity is there of the lace on the card you took from her?

Post. There are ten yards.

Q. What is the length of the card?

Post. I believe it is about five inches long.

Q. Was it of that same sort of lace that she bought?

Post. No, of a different lace about half inch wide, like what he produced in court, and the lace which the prisoner took was about an inch and three quarters wide.

Q. What is that lace worth that you charge the prisoner with taking?

Post. It is worth about two shillings per yard to any shop-keeper in London. John Mortimore carried the lace up to Mr. Dean, and when he came down and the case was told to him, he sent for a constable, and charged the constable with the prisoner, and I left them and went forward to secure the box of lace that I had left upon the counter, and likewise the other card, that the prisoner had moved from the drawer, and laid on the counter, and then I left Mr. Dean and the prisoner talking together.

Cross Examination.

Q. What did the prisoner ask for at first coming into the shop?

Post. She asked for blond-lace.

Q. How many pieces might there be in the drawer?

Post. I believe there might be between ten and twenty cards.

Q. Is this a whole piece, and what is the length?

Post. I believe it is, the pieces don't run in particular lengths, sometimes they contain more, sometimes less; I believe there was none cut off the card, but it was as my masters bought it.

Q. Was the end of it so as it is now?

Post. I believe it came to my masters so as this is.

Q. Was there any lace in that drawer of larger quantities than this?

Post. I can't justly say whether there was or not; I believe there was some of this narrow lace that ran longer in length, and it might be more in bulk.

Q. Did you observe the prisoner had any other parcel with her when she came into the shop?

Post. Not that I saw.

Council. You say you imagine the person might think you saw her take the lace, and then she presently afterwards laid it down and took it up again?

Post. I do so, and that when she saw I took no manner of notice of her first motion, she ventur'd to take the second resolution.

Council. Then you imagine she saw herself detected in the first attempt, and after that took it up a second time?

Post. To be sure I do imagine she thought I saw her, or she would not have laid it down again.

Q. Describe the manner of the first taking.

Post. The first was done with a sort of a slide, and the second with a sudden jirk.

Q. In what position was you at the time?

Post. I was right before her all the time.

Q. How did she put it down again?

Post. She drew her cardinal back with her left hand, and slid the card of lace on the counter with her right, and after she had examined several other cards of lace, then she put her right hand by the side of the drawer, and took the card of lace up again.

again with a sudden jirk, and put it under her cardinal.

Q. How wide is your counter ?

Post. It is about a yard wide.

Council. When you called her back, she came you say very readily ?

Post. She did so.

Q. What was done upon that ?

Post. I immediately charged her with having the piece of lace.

Q. How far had you followed her ?

Post. About five doors from ours.

Q. Where is your shop ?

Post. It is in Cheapside.

Q. Did you go before her to your shop ?

Post. No, I kept behind her, fearing she should drop the lace.

Q. Did she hold the lace in her hand ?

Post. No, the lace was not in her hand.

Q. Have you always given the same account of this as now ?

Post. Yes.

Q. Had you never a doubt whether you took the lace from out of her hand, or from under her arm ?

Post. No, I never had any doubt about it, I was always very positive that I took it from under her arm.

Q. Do you remember when you was before the Lord-mayor ?

Post. Yes, very well.

Q. Did you then express any doubt whether you took it out of her hand or from under her arm ?

Post. No, I never was in any doubt at all about it; when the prisoner was asked by the Lord-mayor what she had to say for herself, her answer was, that the lace was in her hand. I directly contradicted her, and said it was underneath her cardinal. I was asked by some gentlemen there, whether her hand was under her cardinal or not. I said I was not positive to that.

Q. Was you never asked the question, whether you took the lace out of her hand or not ?

Post. I was never asked that, or at least I did not understand it so.

Q. When she came into the shop again with you, and before you took the card from her, what did she say ?

Post. She denied having it, saying she had not got it, and knew nothing of it.

Q. After this did she tell you who she was, or desire to send for any acquaintance, or whether she had not been buying things at another shop ?

Post. I believe she did, but cannot positively say; I have heard she mentioned something of that kind to Mr. Dean when I was not in the fore shop.

Q. Did not she say she dined with Mr. Belchier ?

Post. I believe she did.

Q. Was her request of sending for any acquaintance absolutely denied her.

Post. I can't say that it was absolutely denied her. I did not hear what answer Mr. Dean gave her.

Q. Do you remember Mrs. Dean and her daughter coming down stairs ?

Post. I remember Mrs. Dean's coming down, but as for a daughter she has none.

Q. Can you swear you did not hear Mr. Dean deny her sending for any person living ?

Post. I can, I did not.

Q. Who was in the shop at the time ?

Post. Mr. Mortimore and Godfrey Major.

Q. Were any persons sent for ?

Post. I believe none were sent for, but the person was immediately taken to the Mansion-house to be examined before the Lord-Mayor.

Q. What do you mean by saying you cannot say she was positively refused sending for any of her friends ?

Post. I can't be positive what answer Mr. Dean made her.

Q. What did she say before the Lord-mayor ?

Post. She only said she had the lace in her hand.

Q. Did she give no account how she came to have it in her hand ?

Post. No.

John Mortimore. I live with Messieurs Dean and Potinger, I am employed principally as their rider. I was in the back part of their shop on the 11th of last month, a little after five in the afternoon, talking to Godfrey Major. I heard Mr. Post say, Mr. Mortimore, pray step forward here, for there is a thief. I came to the door and look'd out, and saw Mr. Post speak to the lady, the prisoner, and she turn'd round, and he follow'd her very close; when they came into the shop, he said, Mr. Mortimore, this lady has stolen a card of blond-lace, on which she said, I have no lace I'll assure you; he said don't deny it, Madam, for you have it, then he drew back her cardinal, and there I saw the card of blond-lace sticking between her arm and her

her body; he took it from her and looked at it, and gave it to me; then I looked at it, and saw it mark'd with my master's private mark, and the maker's name, T. E. or W. E. and it contained ten yards. I asked her how she came to take the lace, she said she did not intend to take it. I said I would carry it up stairs to Mr. Dean, who would certainly send for a constable; on which she followed me to the bottom of the stairs, and said pray Sir don't, consider me, I never will offend in this way again. I afterwards went up stairs to Mr. Dean and told him the affair, who came down along with me and ordered me to go for a constable. I went to the Nag's-head tavern where the porters are, for Mr. King, a porter, to go for one, and came back and staid at the shop till the beadle of the ward came and took her into his custody, in order to carry her before the Lord-mayor, but I did not go with them to the Mansion-house.

Cross Examination.

Q. How long have you liv'd with the prosecutors?

Mortimore. I have liv'd with them from the 30th of last June.

Q. What did the prisoner say when you mentioned sending for a constable?

Mortimore. She said she never would offend in this way again.

Q. Do you remember when Mr. Dean came down, whether she wanted to send for any of her friends?

Mortimore. I do, she desired Mr. Dean would send for Mr. Ironside or Mr. Belchier, and she mentioned some friends, but I can't remember who. He told her he would not, but as the thing was so clear on her, he would carry her before the Lord-mayor, and she might send there for whom she would.

Q. Do you remember any thing of Mrs. Dean and another lady coming down stairs?

Mortimore. I do.

Q. What did Mr. Dean say to them?

Mortimore. The prisoner desired they would petition for her, and she never would do so again; the ladies did compassionate her, and Mr. Dean said to them, it is my business to look after this matter, and sent them up stairs.

William King. I am a porter. On the 11th of last month I was sent for by the last witness to call

a constable, I went and brought one to Mr. Dean's shop; there was that lady (*pointing to the prisoner*) there, and I heard her say to Mr. Dean, pray Sir, I beg you would forgive me, for I never did such a thing before in my life.

Humphry Ralph. I am about 16 years of age. I live with Mess^{rs}. Dean and Potinger, and I was in the shop on the 11th of March, but not when the lady was detected; I came in afterwards, there were Mr. Dean, Mr. Mortimore, Mr. Major, Mrs. Dean, and the ladies that were visiting at Mr. Dean's there, and Mr. Dean desired I would go for a constable, and as I was going out the lady, the prisoner, beg'd she might be forgiven, and said she never did such a thing before, and this she spoke several times.

Q. What were the words she made use of?

Ralph. She beg'd he would have compassion on her, and not send her away, and said she never did such a thing before.

Cross Examination.

Q. Did you hear her say she had taken the card of lace by a mistake, before you heard her say those words?

Ralph. I came in almost when she was going to be sent away; after she was committed to the constable I heard her say she had other things, and took it amongst them; but not at that time.

Q. Did you hear it said by Mr. Dean or Mr. Potinger, that she had said she had taken it by mistake, as soon as she was charged with it?

Ralph. I have heard it has been given out so, after she was charged with stealing it; but I did not hear her say so.

Prisoner's defence.

I am intirely innocent of any intention of stealing. I dined at Mr. Belchier's that day, from whence I went to Mr. Piggot's, and bought a pair of gloves for a lady; from thence I went to the prosecutor's shop, and bought a yard of ribbon for myself, and a yard of blond-lace, which I paid for; there lay a great many pieces of lace upon the counter, and in taking up my things I took up the lace, for which I am prosecuted, inadvertently, and went out of the shop. I had not gone far before a man came and said I had left something behind me in the shop, and thereupon I went back and asked what it was; then he directly took the blond-lace out of my hand,

hand, and charged me with having stolen it. It never was under my arm. I beg'd he would let me send for my friends, and they would testify to him who and what I was. This they would not permit, and I applied to a couple of ladies, which I have heard since were Mrs. Dean and her sister, and beg'd of them to ask Mr. Dean to do it; he said nothing should prevail upon him; then I beg'd of him to send for Mr. Piggot; they said they would send for nobody, but charged a constable with me, and carried me to the Mansion-House, where my Lord-mayor not being at home, they carried me to Wood-street Compter. I had three other little parcels with me, a pair of gloves, a yard of ribbon, and a yard of blond lace, *which were produced by her in court.*

Q. to Post. Had the prisoner two or three little parcels in her hand, which she laid on the counter while she was looking at the drawer of lace, that she had bought some-where else?

Post. I did not see one parcel; I am positive there was not one lying on the counter.

Q. When you took her back had she any parcel in her hand?

Post. No; I saw no parcel she had, during the whole time.

Q. When you brought her back, did she say she took it inadvertently?

Post. She said she did not know that she had it.

Q. from a juryman. Might not the drawer be so high, between you and her, that it might cover a little parcel from your sight?

Post. I am positive that I saw no parcel, and that there was none put by her on the counter. I saw the two pieces of lace that lay down between the drawer and herself, and if there had been the least parcel besides, I must have seen it.

Q. How deep is the drawer?

Post. I believe it not quite a foot deep, but near it.

For the Prisoner.

William Hodges. I live with Mr. Piggot, a haberdasher. He lives about a dozen or fourteen doors from Mess. Dean and Potinger. I remember the prisoner coming to our shop on a Friday in the afternoon, about five o'clock; I don't know the day of the month.

Q. Was it the day you heard Mr. Potinger lost some blond lace?

Hodges. It was the same day; she bought a pair of gloves, cost 13d.

Q. Look at these (*which were produced*) are these the gloves she bought?

Hodges. This is the sort of leather. I matched them to a pattern glove.

Q. How were they folded when she took them away?

Hodges. Just as they are now (*doubling them together.*) She asked for some blond lace. I told her it was on the other side, but she said none would suit her. A gentleman's servant came in to buy a pair of gloves for a lady, and I went backwards.

Q. Do you recollect any thing of her buying any ribbon?

Hodges. No.

To her Character.

William Belchier, Esq; I remember her being before the Lord-mayor in the evening, when she was fetch'd from the Compter, and what pass'd there. There was the witness Post there.

Q. Do you know whether he was asked by any body, whether this blond lace was taken from under her arm?

Belchier. I particularly ask'd him that question myself, and I'll give the reason why I did ask him. This young lady I have known I believe eighteen years. I had and have still a great regard for her family. I was at the Pope's-Head Tavern that evening, where Mr. Ironside came to me, and said I am come to tell you of a very odd affair. Miss Hannah Philips is in the Compter, she has been at a haberdasher's, and has bought some ribbon and a little piece of lace, and through a mistake she has taken away a piece that she did not buy, and they have charged a constable with her and sent her to the Compter. I desired him to go to Messieurs Dean and Potinger, and give my service, and tell them if they would be so kind as to release her from the Compter, I would be answerable for her appearing before any magistrate; he brought me word back they could not do it; then I sent to the Lord-Mayor, and desired he would be so good as to send for her from the Compter, and hear what she was charged with that night, which he comply'd with. I was there when she was examined before the Lord-mayor, and heard her say, she carry'd a piece of lace out in her hand which she did not pay for, and I particu-

larly asked the first witness who was examined, whether he found it in her hand or not, to satisfy indeed my own mind, because if I thought her the least guilty, I would not have appeared here on her behalf. I said are you sure where you took this piece of lace from her, he said from under her cardinal; I ask'd was it in her hand or not, he stop'd; then I ask'd him was it under her cardinal or not, it was; did you take it from out of her hand or not, he said I can't tell upon my word, whether it was or not. I then went away satisfied that her own story might be true. I have known her from a small infant.

Q. What is your opinion of her?

Belchier. I believe none can exceed her as to her integrity and honesty, and as to other things I believe she is very careless and negligent. I never had any reason to doubt her honesty.

Q. Do you think her capable of robbing people in the manner she has been charged?

Belchier. I do not, and from all the conversation I have had with Messieurs Dean and Pottinger, I could never bring any thing to my mind to induce me to believe that she is guilty of what she is charged with.

Cross Examination.

Q. Did you hear all the evidence given before the Lord-mayor?

Belchier. I heard part of it, but not all. She did insist before his Lordship that she had taken it thro' inadvertency.

Q. Did you hear all Post's evidence there?

Belchier. I did not, her excuse there was, that she said, God bless me, I have got it, and I did not know I took it.

Mr. Edward Ironside. I was before the Lord-mayor, and heard the prisoner say, that when she went into the shop, she had taken up a piece of blond lace by accident, or thro' inadvertency.

Q. How long have you known her?

Ironside. I believe I have known her ten or twelve years.

Q. What is her general character?

Ironside. She has always bore the character of a very honest sober girl, and from the character that she has borne, and from her behaviour that I have known, I do not think her capable of committing the fact laid to her charge. I am so far satisfied with her honesty, that I can't think she did this

with intent to defraud. I heard Mr. Belchier ask Mr. Post the question, whether the prisoner had the lace in her hand, or whether it was conceal'd under her arm, and he said he could not tell whether it was or was not, that was his answer; he said it was under her cardinal.

Richard Neve. I am a haberdasher.

Q. Have not you known mistakes often happen in people's taking things that did not belong to them, and carrying them away?

Neve. I have had two instances of it, one within these three months; one was a lady came into my shop and wanted a pair of silk mittins, I took some out of a drawer and shew'd her. I believe there might be seven or eight pair on the counter. She asked me the price of a pair. I fitted them on, and told her the price was four shillings or four and six-pence; she said, can't you take no less, and paid me for them, and took them away. I thought she had taken no more; she return'd in about an hour after, I was in the shop, and said, Sir, I have made a very great mistake, you remember I was here to buy a pair of mittins, and I have got two pair instead of one, and delivered one of them to me again.

Q. How long have you known the prisoner?

Neve. I have known her I believe seventeen or eighteen years.

Q. What is your opinion of her?

Neve. My opinion is that she never could be intentionally guilty of the thing laid to her charge.

Q. Has she bought things of you?

Neve. She has.

Col. Colliton. I have known the prisoner from a child.

Q. In what manner has she behaved?

Colliton. With great honesty and integrity?

Q. Do you think she is capable of doing such an act as is laid to her charge?

Colliton. I don't think she is.

Captain Best. I have known her between three and four years.

Q. What is your opinion of her character?

Best. She has been upon a visit at my house near four months at a time, and in that time I have trusted her with a considerable charge (when I was obliged to go down into the country) with my writings, bonds, money and every thing that I had in my house, and I believe at that time there might be above 1400*l.* or near 1500*l.* in the house; when

when I came home I found every thing as I left them. She was mistress of my keys, and from what I know of her I verily believe I myself would be guilty of what she is charged with as soon as Miss Philips would. I know she is a little careless, it is a thing I have often told her of, in leaving things about in one place or another where she did not know afterwards to find them.

Mrs. Ironside. I have known her fourteen or fifteen years, and during that time she has frequently been with me for several weeks together, and has behaved with great integrity and honesty, and I never heard any thing against her character, neither have I the least reason to believe any thing against it; she is a giddy girl, and I have often told her she would one time or other lose her things.

Q. Do you think she would be guilty of stealing the value of fifteen shillings intentionally?

Mrs. Ironside. Nothing should have brought me before this court, if I had thought such things of her.

Mrs. Belchier. I have known the prisoner fifteen years, and am of opinion that she is a very honest and good girl.

Q. Do you think her capable of stealing intentionally any thing to wrong any body?

Mrs. Belchier. If I did I would not have come here. I know she bought my cousin a pair of gloves that day, which I ordered her to buy, and I paid her for them next morning. I think these are the gloves, which she has produced, they were folded up as they are now.

Miss Belchier. I have known Miss Philips from a little girl, and have been very well acquainted with her these seven years; she has always bore an exceeding good character, or else I should not have appeared here on her behalf.

Q. Do you think her capable of committing intentionally the fact laid to her charge?

Miss Belchier. I think her incapable of it, but think her from inattention and absence of mind to be liable to make a mistake.

Mary Neve. I have known the prisoner ever since she was born, I never knew any thing of her but what was extremely good, I think her as incapable of doing it as myself.

Q. Do you think she would intentionally do it in order to wrong any body?

M. Neve. No, I do not, I would trust her with all I have.

Mrs. Thompson. I live with Mrs. Roberts of

Hackney, I remember Miss Philips being at her school a year and upwards.

Q. During that time what character did she bear?

Mrs. Thompson. A very good one, I never heard the least ill of her.

Ann Bell. I knew Miss Philips from a child, she has a very good character, I always thought her a person of honesty and integrity; she has been visiting at my house for weeks together, I think she is not capable of doing intentionally what is laid to her charge.

Miss Clark. I have known Miss Philips about sixteen years.

Q. What is your opinion of her honesty?

Miss Clark. My opinion is that she is very honest. I have been many months with her, and she with me backwards and forwards. I never knew any thing of her, but that she has been always very honest.

Q. Do you think she would intentionally wrong any body of fifteen shillings?

Miss Clark. I don't think she could.

Council for the Crown. Where did her father and mother live?

Miss Clark. They lived in Thames-street, and since her mother lived at Hackney, where she kept a house for lodgers, and now they live at Peckham, and deal in linen-drapery.

Miss Cole. I have known the prisoner a dozen years, I never knew any ill of her, nor don't think her capable intentionally to wrong any body, and I would trust her with any thing I have.

William Pointz, Esq. I have known the prisoner betwixt seven and eight years, and I never knew any harm of her, or thought her capable of doing the thing laid to her charge intentionally.

Q. What is your general opinion of her?

Pointz. I would trust her with any thing I have.

Dr. Cobourn. I have known the prisoner ever since she was a child.

Q. What is her general character?

Cobourn. She has a very good character so far as ever I heard or was sensible of, and from my own observation of her, I think her to be a woman of honesty and virtue, and that she is incapable of doing the thing laid to her charge intentionally.

Mr. Kindleside. I have known the prisoner between seven and eight years, and she has been frequently at my house a week at a time and more. I never had the least suspicion of her being guilty of

of any thing of this kind, I always look'd upon her to be extremely honest.

Q. Do you think her capable of the crime laid to her charge?

Kindleside. No, I do not.

Mrs. Cobourn. I have known Miss Philips above ten years, I always thought she behaved in a very proper manner, and believe her incapable of wronging or injuring any one intentionally.

Miss Ann Cobourn. I have known the prisoner some time, I think her incapable to wrong any one intentionally, and I never heard she had done any ill thing.

Q. Do you think she would take fifteen or twenty shillings value from any body?

Miss Cobourn. No, I do not think she intentionally would.

Thomas Lane. I have known the prisoner about four years and a half, and she has as good a character as any young lady I ever heard of; and from my own observation of her, I think she deserves the character she has always had.

Q. Do you think her capable of doing what is laid to her charge?

Lane. I don't think she would do it by any means in the world intentionally.

Fran. Cook. I have known the prisoner four or five years, and I always look'd upon her to be a young lady deserving every body's good word, and never thought her capable of what is laid to her charge.

Philip How. I have known the prisoner ever since she was a girl, and all her family.

Q. What is your opinion of her as to honesty?

How. I have always thought, with regard to honesty and integrity, no person ever deserved a better character; her father and mother were very careful to instil such principles into her, that would naturally lead her to behave with integrity.

Guilty.

And after the jury so brought in their verdict, the prosecutors by their council moved the court to shew what favour they could in this case to the prisoner.

William Adams, was indicted under the statute of the 2d of George the II. chap. 35. for feloniously forging, and causing to be forged an ac-

quittance or receipt, upon a false and counterfeited certificate, for the over-entry of twenty pipes of wine, whereby his majesty was defrauded of the sum of 252l. 1s. 0¹/₂, and for publishing the same knowing it to be forged.

The indictment (which under the statute was made felony without benefit of clergy) was laid four several ways:

I. For forging an acquittance or receipt upon a false and counterfeited certificate, specifying the instrument or certificate.

II. For publishing the same, knowing it to be forged, specifying the instrument or certificate.

III. For forging the same, without specifying the instrument or certificate. And

IV. For publishing the same, knowing it to be forged, without specifying the instrument or certificate.

John Piggot, assistant to the receiver general, gent. was first called, and deposed, That the prisoner was an examiner of certificates, or over-entries on the duties of wine, and that the prisoner on the 9th of February last brought to him the certificate, produced by this witness, for him to mark, which he did with the initial letters of his name, as was usual in such cases, and that the prisoner told this witness that the merchant had sign'd it, and he himself had witnessed it. The said certificate being read in court, it was thereby certified, that on the 26th of January, 1757, Phineas Coates, merchant, entered at the Custom-house ten tons of port wine, which being damaged was delivered up to the king, and therefore the merchant was intitled to a certificate of over-entry, and it appeared to be signed by the several proper officers.

Benjamin Batley, Esq; and John Keen, Esq; land-surveyors, look'd on the certificate, and swore their several names, which appeared subscribed thereto, were not of their respective hand-writing.

Alexander Goodwin and Richard Green, land-waiters, looked on the certificate produced, and swore their several names, which appeared to be subscribed thereto, were not of their respective hand-writing.

Joseph Creswicke, Esq; deputy collector, looked on the certificate produced, and swore his name, which appeared to be subscribed thereto, was not of his hand-writing, and that there was not any entry of wine at the Custom-house by Phineas Coates, on the 26th of January last.

Thomas

Thomas Causton, Esq; deputy-comptroller, looked upon the certificate, and swore his name, which appeared to be subscribed thereto, was not of his hand-writing, and that his business was to sign certificates of over-entries, and to see that the duties were rightly computed.

Robert Ashby, clerk to the deputy-comptroller, looked on the certificate, and swore his name, which appeared to be subscribed thereto, was not of his hand-writing.

James Wadsworth, clerk to the prisoner, looked on the certificate, and swore that the letters J. W. were not wrote by him; he also deposed he had often seen the prisoner write, and did verily believe *W. Adams*, which appeared to be subscribed thereto, and also the letters W. A. wrote on the back thereof, were of the prisoner's own hand-writing.

Edward Stanly looked on the certificate, and swore the four commissioners names, subscribed thereto, were of their own respective hand-writing.

Euclid Thompson looked on the certificate, and swore that the words, containing the particular duties and figures thereto, he wrote by the order of the prisoner, and did not know the intent.

Phineas Coates looked on the certificate, and swore that the name Phineas Coates, which appeared to be indorsed thereon, was not of his hand-writing; and farther, that he had not, neither at the time mentioned in the said certificate, nor at any other time, made any over-entry.

Humphry Becke, clerk in the receiver general's office, swore that the prisoner brought the certificate produced into the office, in order for payment of 252l. 1s. 0½, and that he, the said Becke, gave him a ticket for the same.

James Emmett, teller under the receiver general, swore, that on the 9th of February last, the prisoner brought the ticket mentioned by the last witness, and that this witness paid him 252l. 1s. 0½ by virtue thereof.

The prisoner in his defence said, he did not tell Mr. Pigott the certificate was sign'd by Mr. Coates, and that his own name was not to it at that time, neither was it witnessed; but that was done since he saw it; that it was brought to him fill'd up with all these names on it; that if he was imposed upon, he could not help it; he received the money and paid it again.

Guilty, Death.

F I N I S.

James Bennett, father under the receiver gene-
ral, wrote, that on the 6th of February last, the
receiver brought the ticket mentioned by the last
witness, and that the witness paid him a sum of

The prisoner in his defence said, he did not tell Mr. Piquet the certificate was signed by Mr. Coates, and that his own name was not to it at that time; neither was it witnessed; but that was done since he saw it; that it was brought to him filled up with all these names on it; that if he was implored upon, he could not help it; he received the money and paid it again.

Gully, Ditch.