

Mr. Cruden greatly injured: an account of a trial between Mr. Alexander Cruden ... and Dr. Munro [and others], defendants ... July 17, 1739, on an action of trespass, assault and imprisonment ... To which is added a surprising account of several other persons who have been most unjustly confined in private madhouses / [Alexander Cruden].

Contributors

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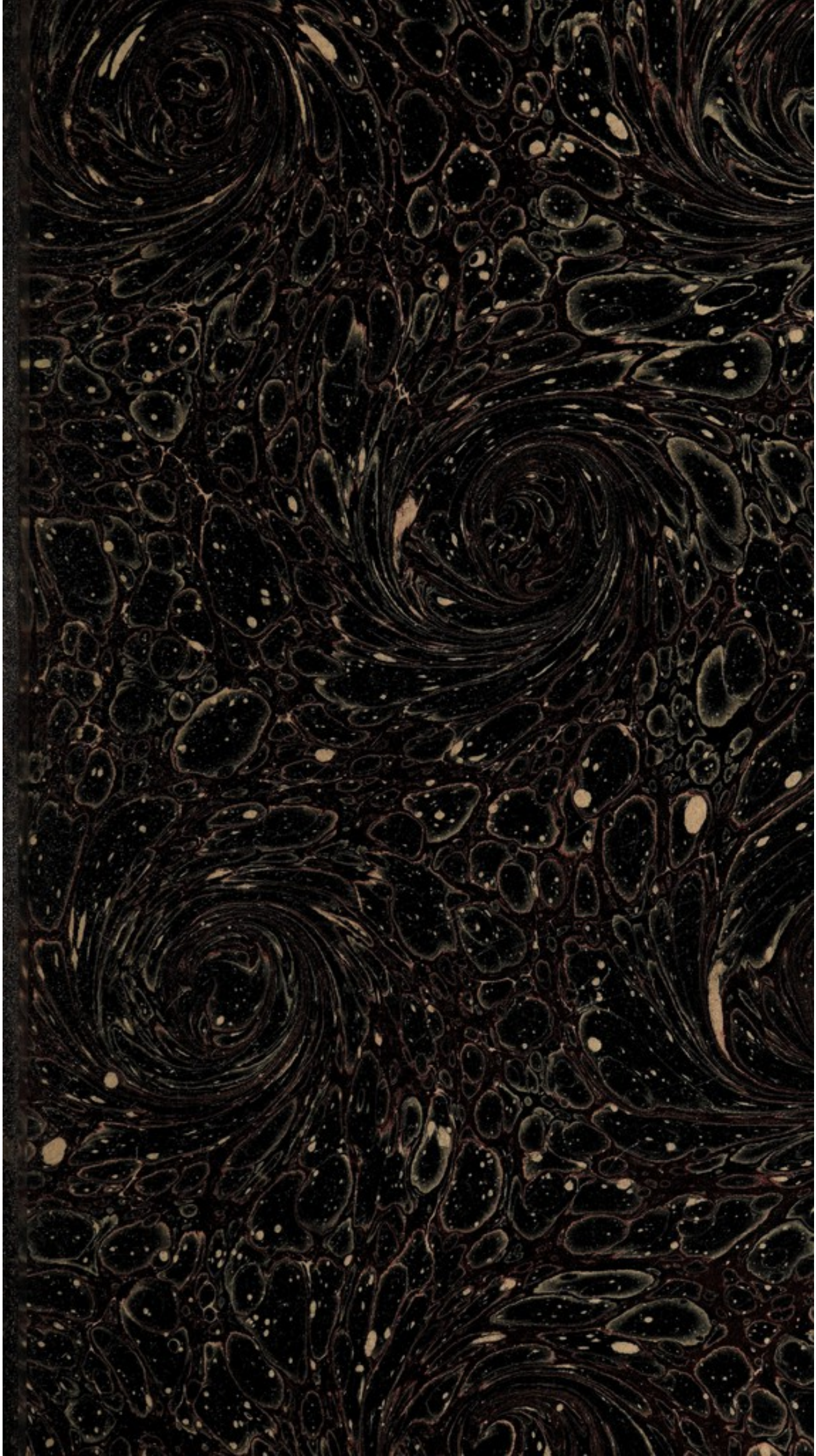
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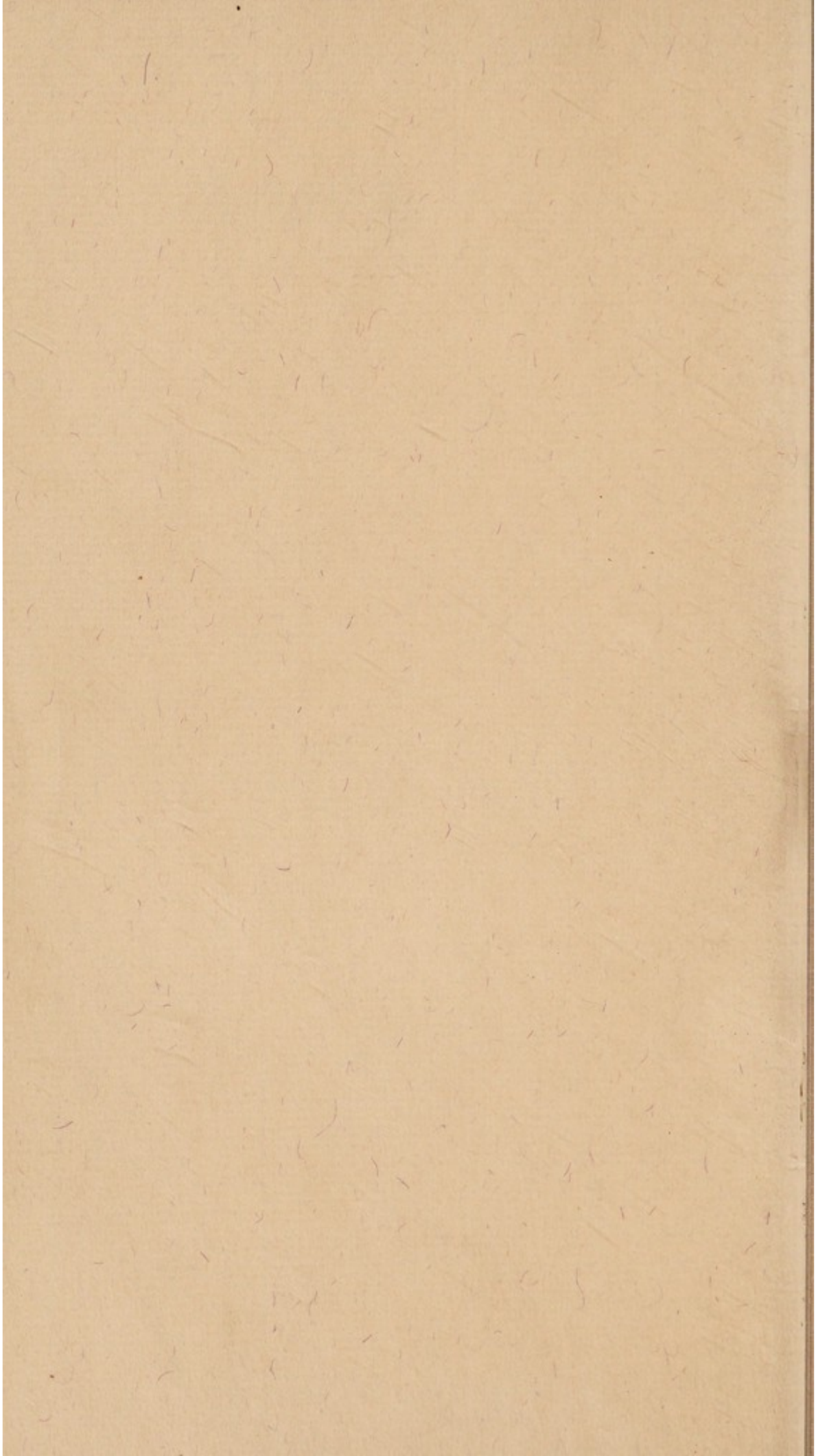


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Mr. CRUDEN Greatly Injured:

A N

A C C O U N T

O F A

T R I A L

BETWEEN

Mr. ALEXANDER CRUDEN Bookseller to the late QUEEN, Plaintiff, and Dr. *Monro, Matthew Wright, John Oswald, and John Davis*, Defendants; in the Court of the *Common-Pleas* in *Westminster-Hall* July 17, 1739, on an Action of *Trespass, Assault and Imprisonment*: The said Mr. CRUDEN, tho' in his right Senses, having been unjustly confined and barbarously used in the said *Matthew Wright's* Private Madhouse at *Bethnal-Green* for nine Weeks and six Days, till he made his wonderful Escape *May 31, 1738*.

To which is added

A surprising Account of several other Persons, who have been most unjustly confined in *Private Madhouses*.

The Whole tending to shew the great Necessity there is for the LEGISLATURE to regulate *Private Madhouses* in a more effectual Manner than at present.

To do Justice and Judgment is more acceptable to JEHOVAH *than Sacrifice.* Prov. xxi. 3.

L O N D O N:

Printed for A. INJURED near *Temple-Bar*: And Sold by the Pamphlet-Sellers of *London* and *Westminster*. 1739.

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T O T H E
K I N G .

May it please Your MAJESTY,



B E G leave most humbly to address Your MAJESTY, and to petition Your MAJESTY in a most dutiful and most humble Manner, that Your MAJESTY may be graciously pleased to take such Methods as may be effectual to redress those great Evils and Injuries, to which Your MAJESTY'S Subjects are exposed by the present unrestrained Grievances of Private Madhouses.

T H I S humble Address is intended as a humble Petition to Your MAJESTY the Father and Shepherd of Your People : And it's humbly hoped the Presumption of this humble Petition will be graciously excused, seeing it is a most necessary and most dutiful Petition from One of Your MAJESTY'S most loyal Subjects, who hath been injured in an unparallel'd Manner, as fully appears from the Printed Journal of his great Sufferings, and from the following Treatise.

SEEING your humble Petitioner hath lost Her late MAJESTY his great and illustrious PATRONESS, who was so dear to Your MAJESTY, and so greatly and so justly esteemed by Your MAJESTY's Subjects, to whom can he more naturally apply than to Your MAJESTY, whose great Aim is to preserve and defend your People in the Enjoyment of their Liberties, that Your MAJESTY may be graciously pleased to take the greatly Injured Person under Your Gracious and Royal Protection, at least so far as that Justice may be done to your humble Petitioner, and that he may not be more and more oppressed by his injurious Adversaries; but that he may be delivered from those wicked and unreasonable Men, and that no Person may be able to screen injurious Men from the Penalties they are justly and legally obnoxious to.

MAY the great GOD be pleased to multiply his Blessings upon Your MAJESTY and every Branch of Your Illustrious Family: And may GOD graciously incline your Heart to shew Compassion to your most humble and greatly oppressed Petitioner.

THESE are the sincere Prayers of him who begs leave to say that he is with great Humility and Sincerity,

May it please Your MAJESTY,

Your MAJESTY's most dutiful, most obedient,

and most devoted Subject, and Servant,

London October 10,
1739.

ALEXANDER CRUDEN.



A N

ACCOUNT of a TRIAL

In *Westminster-Hall*, on *July 17, 1739,*

BETWEEN

Mr. *ALEXANDER CRUDEN* Plaintiff,

A N D

Dr. Monro and Others Defendants.



HE unjust Imprisonment and barbarous Treatment of Mr. *Cruden* at *Bethnal-Green* having made so great a Noise in the World, it is humbly conceiv'd that some Account of the Methods he hath taken to obtain a legal Satisfaction, and to vindicate his Character, will not only be agreeable to those who have a good Opinion of Mr. *Cruden*, but also to all his Majesty's Subjects, who have heard of his uncommon Case, and have read the Account of his unparallel'd Sufferings in his *Journal* publish'd in *March* last, under the Title of, *The LONDON-CITIZEN Exceedingly Injured*, which contains a true Account of the great Injuries done him, that have been very amazing and surprising to the Readers.

Wightman and *Oswald*, the two first Actors, say, that it is not manifest that they had a selfish and wicked Design in this Affair at first; but it appears that the Key of this seemingly mysterious Scene of Iniquity is as follows; “ That these two
“ meddling and precipitant Men, having committed a most
“ unaccountable and unjustifiable Action in Mr. *Cruden*'s un-
“ just Imprisonment, and thereby having involved themselves
“ in a Labyrinth, would not act like Men of Wisdom and
“ Integrity, and acknowledge their precipitant Manage-
“ ment; but like proud penurious Men would oblige Mr. *Cruden*

B

“ den

Green. There was a Writ taken out of the *Poultry-Counter* to arrest *Wightman* for the Money; for which he found Bail, namely *Cooke* and *Horton*, two of the *Combination* or Judges of his *BLIND-BENCH*: But this Affair hath been shifted from Court to Court by the Defendants, so that the Plaintiff hath yet got no Satisfaction. The second Action against *Wightman* was brought before the *Kings-Bench*, and was to have been tried on the 27th of *June* last, the Witnesses being subpoena'd and present at *Guildhall*: But the *Lord Chief Justice Lee*, supposing it would be a long Cause, appointed it to be tried on the 29th of *July*; so that the other Cause against *Wightman's* Accomplices, *Monro*, *Oswald*, *Wright*, and *Davis*, came on *July* 17, which ought rather to have been tried after *Wightman's* Trial. This Action betwixt Mr. *Cruden* and *Wightman* is not yet tried; but it's said the Plaintiff is determin'd to try it the next Term, namely *Michaelmas-Term*.

The chief Design at present is to give a short Account of the Trial betwixt Mr. *Cruden* Plaintiff, and *Matthew Wright*, *John Davis* his Servant, *Dr. James Monro*, and *John Oswald*, four of *Wightman's* great Accomplices. *Monro* precrib'd Physick to the Plaintiff before he visited him. *Monro* and *Oswald* gave Tickets to Persons for visiting the Plaintiff at *Bethnal-Green*; and Orders were given that none should be allow'd to see the Plaintiff without an Order from *Wightman*, *Monro*, or *Oswald*, which was plainly assuming a Power over his Person. *Monro* became intirely *Wightman's* Creature, and was the Head of the *Combination* to send the Plaintiff to *Bethlehem*, after he refused to sign the Release to indemnify *Wightman* and *Oswald*. *Wright* and *Davis* were guilty of imprisoning, chaining, handcuffing, and strait-wastecoating the Prisoner, and of other Barbarities, while they detain'd the Plaintiff unjustly as their Prisoner. *Davis* also gave the Plaintiff a severe Blow near the Eye, which much disfigur'd his Face for some time.

The Plaintiff brought an Action against those four Persons in a Plea of *Trespas*, *Affault* and *Imprisonment* in the private *Madhouse* at *Bethnal-Green*, &c.

The Declaration was, in Substance, as follows: 'That
' *Matthew Wright*, *John Davis*, *James Monro*, and *John*
' *Oswald*, together with *Robert Wightman*, *James Grant*, and
' *Anna his Wife*, did make an *Affault* upon *Alexander Cruden*
' the Plaintiff, and him did beat, wound, evilly treat, and im-
' prison; and him, there in Prison, contrary to the *Laws* and
' *Customs* of *England* against his will did detain; his *Letters*
' and *Messages* stop and intercept, and him from the *Assistance*,
' *Comfort* and *Conversation* of his *Friends* and *Acquaintance* did
' keep, obstruct and hinder; and *Iron Fetters*, *Chains*, *Cords* and
' other *Instruments* of *Cruelty* and *Oppression* on him did put, and
' far

for a long Time did continue the same, namely, for the Space of ten Weeks, from the 23d of March to the 31st of May, 1738. By reason of which he is much injured in his Calling, Reputation and Business; and his Constitution, Health and Strength were, and still are very much weaken'd and impair'd; and his Body very much wounded, that his Life was in great danger: And other Wrongs and Injuries they to the said Alexander did, and against the Peace of our Lord the King, &c. whereby the said Alexander is greatly injured: And he brings his Suit against the said Wright, Davis, Monro, and Oswald for Damages of ten thousand Pounds'.

Monro and Oswald said, that they were not in any wise guilty of the said Trespass complain'd of by the Plaintiff, and pleaded Not guilty. Wright and Davis could not deny the Plaintiff's being their Prisoner; and therefore pretended to justify it, by pleading that he was mad and sent by Robert Wightman to be taken care of: But the Plaintiff replied that it was wrongfully and wickedly done by them. And upon this Issue of Pleading it was brought to a Trial in Westminster-Hall, on Tuesday the 17th of July 1739.

The Jury having been sworn, the Declaration was open'd by one of the Plaintiff's Counsel, and the Case more fully explain'd by another, and a third Counsel made an excellent Speech against the Evils of private Madhouses; and particularly told the Jury, that no Person had Power even to send a Lunatick to a Madhouse without a Commission of Lunacy, or the Authority of two or three Justices of the Peace: And told the Jury, that it was proper for them to consider these Questions. What Authority had the Defendants to commit the Plaintiff? And what way could they justify their meddling with the Plaintiff, and abusing him in the Manner complain'd of? The Act of the 12th of Queen Anne about Lunaticks, was refer'd to, which the Defendants had violated; for by that Act a Person furiously mad, who is not of such an Estate as to afford the Charges of a Commission of Lunacy, is not to be confin'd without the Authority of two or more Justices of the Peace: And what greatly aggravated the Defendants Guilt, the Plaintiff was so abused when in his right Senses.

The following Witnesses were brought by the Plaintiff, and solemnly sworn as usual.

Samuel Reynardson, Esq; one of the six Clerks in Chancery, made Oath, that he had known the Plaintiff about fifteen Years, and that he had been Tutor to Mr. Coltman's only Son at Southgate his near Relation: That the Plaintiff behaved in that Family to Satisfaction. That the Plaintiff was at his House about the 8th of March 1737-8, being about a Fortnight before his Confinement at Bethnal-Green: That the Plaintiff behaved

haved very well, and was about three Hours in his Company, having supped that Night with his Family. That he himself was present at a Meeting at *Oswald's*, in *June* or *July* last Year, when *Dr. Monro* ask'd several Questions of the Plaintiff, particularly if he was mad: That the Plaintiff answer'd, that he was no more mad than *Dr. Monro* himself: That at that Meeting they talked of sending the Plaintiff to *Bethlehem*: That he said at this Meeting, that he did not believe the Plaintiff was mad, and, as a Proof thereof, he told them that he could prevail with him to stay in his Lodging for a Week, which he accordingly did at his Desire. That he behaved well afterwards, and that he never took him for a Madman.

Mr. Reynardson's Evidence shews, that those Men who met at Oswald's at that time, which was June 27 1738, about a Month after Mr. Cruden's wonderful Escape, desegn'd unjustly to send Mr. Cruden to Bethlehem: And the Court itself thought it material.

Mr. Thomas Fletcher of Ware declar'd that the Plaintiff had been his Usher for *Latin* and *Greek* about a Year, in or about the Year 1730, and that his Behaviour was good and unexceptionable: That *Mr. Kelsey Bull* and *Mr. Frederick Bull* having procur'd a Ticket from *Wightman* for three Persons to visit the Plaintiff in *May* 1738, he went to *Bethnal-Green* with them and with *Mrs. Bull*, and found the Plaintiff perfectly in his Senses. That at his going into the Room the Plaintiff had his Bible before him, and he had Conversation with the Plaintiff about two Hours; and that he receiv'd them agreeably, and behaved very sensibly, and that he thought there was no Occasion for his Confinement. That he had seen him at his House at *Ware* some time after his Escape from *Bethnal-Green*, and at other Times, and that he always behaved sensibly. That he had receiv'd since his Confinement several Letters from him, which were very sensible. That he had frequently seen him, and had employ'd him as a Bookseller, and that he never saw him in any disorder.

Dorothy Mayleigh, Wright's Servant-Maid, declar'd that *Wright* had often said, that he would set the Plaintiff at Liberty, provided he would sign the Letter sent by *Wightman*, and that he came to *Bethnal-Green* well, and behaved well for two Days. That about two Days after his coming he had Physick in the Evening by *Dr. Monro's* Order, who had not visited him, and that the Night after taking Physick he awak'd, and call'd for *Davis* to come to assist him, (the Prisoner being chain'd to the Bedstead) who not coming, the Plaintiff made a Disturbance. She declar'd, that *Oswald's* Wife had taken the Room for the Plaintiff. She said that the Plaintiff had beat some Persons for refusing to go to Prayer with him. *This Woman aggravated*

aggravated several Things about the Plaintiff's dreaming once about a dead-Corps, and quarelling with Wright and Davis; but it is not to be wondred at, seeing the Plaintiff had suspected her of Criminal Conversation with Davis, from his observing Indecencies and Familiarities between them, and had complain'd to Wright and his Wife of it during his Confinement. Her Evidence was invalidated by Mr. Simpson a following Witness.

Mr. Charles Rivington Bookseller declar'd that he never saw Mr. Cruden the Plaintiff in any disorder, and that he always look'd upon him to be a wise calm Man, and that he was concern'd in the printing of Mr. Cruden's Concordance to the Bible. That the Book was well done, and was the best Concordance extant.

Mr. William Hollowel, Journeyman to Mr. Jackson Barber on Bethnal-Green, declar'd, that he had shav'd the Plaintiff about eight Weeks when in the Madhouse, twice a Week, and often three Times a Week, and that he found the Plaintiff always in his right Senses, and that he conversed always very sensibly. That the Plaintiff often desir'd him to carry out Letters, and that he at one time particularly receiv'd eight Letters to be put in the Peny-Post-Office: That the Plaintiff gave him a Shilling, eight Pence for the eight Letters, three Pence for Shaving, and a Peny to himself; but Samuel Wall a Servant of Wright's came soon after he was gone, and took the Letters from him, and the eight Pence. This Witness was hurried off, and he says that he was not allow'd time to make a proper Evidence.

Mr. Alexander Cruden, Sergeant-Major, declar'd, that one William Simpson told him in March 1738, that the Plaintiff wanted to see him at Bethnal-Green; and he went next Day, being two Days after his Confinement, but was told by Davis that he had strict Orders to let no body see the Plaintiff without an Order from Wightman, Monro, or Oswald. That he upon his return went to Oswald at his Shop in the Poultry, and desir'd a Ticket from him to see the Plaintiff. Oswald said, that he had been concern'd in the Affair at first, but had now left it to Wightman. That he with his Wife went to Wightman at Oswald's on April 27 for a Ticket to visit the Plaintiff; but he told him that he was very ill, and not fit to be seen. That Wightman gave him a Letter to Dr. Monro, who said, that the Plaintiff was very ill; and the Deponent ask'd the Doctor, if the Plaintiff's Distemper was a Lunacy? The Doctor said, No, but only a Fever on the Nerves. That he and his Wife prevail'd with Dr. Monro to give them a Permit for visiting the Plaintiff: That they had great difficulty to get access at Bethnal-Green, and that upon seeing the Plaintiff he and his Wife found him very compos'd, and perfectly in his Senses, and as well as ever they had seen him;

him; and they were with him for three Hours, from nine o' Clock to Noon. That he got from the Plaintiff the *Letter of Release* sent by *Wightman* to him to keep in Safety, and had it in his Custody for two Months. That the Plaintiff not being allow'd Pen, Ink and Paper, he gave him a piece of Paper and his Pencil to write down the Names of some of his Acquaintance: That he desired him to go to them, or to write to them of his unjust Confinement, and to desire them to visit him, which he did according to the Plaintiff's desire. That the Plaintiff was chain'd to his Bedstead, and that his Face was much disfigur'd by a Blow near his Eye, which the Plaintiff said was done by *Davis*. That *Wright* had shewn this Deponent some of the Papers he had seiz'd of the Plaintiff's the Day before, particularly the Copy of a Petition to his Majesty, which was sensibly and well drawn up. That the Plaintiff had lodg'd in his House since *August* last, except two Months he had been in the Country at *Madam Coltman's* House: That he always behaved very well, and that he never saw him in any disorder.

Mr. *William Simpson* declar'd, that he saw the Plaintiff the 24th Day of *March* 1737-8, the Day after his Confinement, and that he was in his right Senses; and he was for some Hours in his Company. That he was chain'd at that time to his Bedstead. The Judge desired him to consider whether he could swear, that the Plaintiff was then chain'd to his Bedstead, the Woman *Wright's* Servant having sworn that he was not chain'd for the first two Days: This Deponent answer'd, that he was very positive about that, for the Plaintiff had held up his Leg to him, and shew'd him the Chain upon it. That he visited him about the 23d of *April*, being the *Lord's-Day*, and was a great Part of that Day with him. That the Plaintiff desired him to go to the Meeting on *Bethnal-Green*, to write down the Heads of the Sermon, which he accordingly did, and brought them to him. That he was perfectly in his Senses, and conversed very reasonably. That he came the Day after to *Bethnal-Green*, as he had been desired by the Plaintiff; but *Davis* said, that he would not give him access without an Order from *Wightman*, *Morro*, or *Oswald*. That he did not see him any more till he saw him at his Lodging in *Downing-Street* the Day after his wonderful Escape, when he was well and sensible. That he had been acquainted with him for seventeen Years, and never saw him in any disorder.

The Reverend Mr. *James Wood* declar'd, that he visited the Plaintiff twice at *Bethnal-Green* in *April* 1738, and was some Hours in his Company, and found him of a very calm and composed Mind. That he conversed with the Plaintiff on several Subjects, and on purpose twisted him; and to try him,
ask'd

ask'd him many Questions, which requir'd a great Chain of Thought, and could not have been answer'd by him, had he not been an intire Master of his Reason: But he could observe nothing of disorder in him. That the Plaintiff read to him the Letter of Release, and that he approved his not signing it. That *Wright* sent one of his Servants to him, and said, that he would not allow him to come so often to his House; and that if he would not withdraw he would oblige him. That he never saw the Plaintiff in any disorder.

Mr. *Henry Newcome* of *Hackney* declar'd, that he received a very sensible Letter from the Plaintiff about *April 10, 1738*; and he and his Son went two Days after to visit him. That he spoke very sensibly, and found him as well as ever he had seen him in his Shop. That he had known the Plaintiff about eight Years, and had employ'd him as a Bookseller when he kept his Shop under the *Royal-Exchange*, and that he never saw him in any disorder. *Mr. Newcome had the Letter in his Hand that he received from the Plaintiff when confin'd at Bethnal-Green; and it was surprizing that the Court did not want it to be read. Mr. Newcome had said, that the Letter would be of more service to the Plaintiff than the Evidence he could make. This appears to be rather a Method of NOT TRYING Causes, than of TRYING them.*

Mrs. *Hannah Wall* declar'd, that she saw the Plaintiff at *Bethnal-Green* handcuffed on *Easter-Sunday 1738*, and that he conversed very sensibly, particularly to very good purpose to Mr. *Atkinson* Stationer, about the Nature and Ends of the Passover. That he invited her to go to Prayer with him, which she refused, not thinking *Wright's* House a House of Prayer. That she saw him afterwards that very Day Mr. *Newcome* visited him, and that he behaved very sensibly.

Mrs. *Christiana Cruden* declar'd, that she was refused access to visit the Plaintiff at the same Time with her Husband, and of her being admitted afterwards by the Authority of Dr. *Monro's* Ticket to visit the Prisoner. Her Evidence was much the same with what her Husband had made. *But she mention'd her conversing with the Plaintiff's Woman-keeper at Bethnal-Green; and she not remembring her Name, and the Plaintiff knowing the Conversation to be material, he wanted his Woman-keeper Anna Thomson to appear, she being in Court; but the Judge did not think proper to allow it; and this Witness was dismissed.*

Mr. *John Robinson* declar'd, that he saw the Plaintiff five Times at *Bethnal-Green*, and that he behaved very sensibly, and that the second Time he visited him, he endeavour'd to be on the catch, but could find nothing of disorder in him. That his Conversation would have sustain'd the Trial of an exact Printer, an accurate Corrector, and a critical, if candid, Reader. That he was with him a great Part of two *Sabbath-Days*, and that his Discourse was worthy of a Man of Reason, Learning and Religion; and he declar'd that the Plaintiff sanctified that sacred Time according to

the Scriptures, and that they both pray'd together. That he had known him for many Years, and had never seen him in any disorder.

Oliver Roberts Chairman, who by *Wightman's* Order hired a *Hackney-Coach* to carry the Plaintiff to *Bethnal-Green*, was call'd for as another Witness; but the Court discover'd an Inclination not to examine more Witnesses. The Plaintiff thought there was a sufficient Number of Witnesses examin'd to prove his *Sanity*, the thing being so fully confirm'd, and even by Witnesses of undoubted Character and great Reputation in the World; but the Plaintiff said to one of his Counsel, that he supposed they were to examine more Witnesses: He answer'd him, that they would soon go upon the Examination of other Witnesses relating to the Intercepting of Letters and other Points in the Brief. There were several Articles against *Monro* and *Oswald* particularly mention'd at the End of the Brief, and particular Witnesses sett down for proving the said Articles; but how the Counsel came not to insist upon their being call'd, is very mysterious.

The Counsel for the Defendants presently entred upon their Defence, which chiefly amounted to this, that the Plaintiff had been in disorder; and they said, that they acted out of Friendship. Several slanderous Falsities were utter'd by the Counsel in the Defence, but that is to be chiefly charg'd on those who gave them their Instructions. The Judge, contrary to common Custom, directed the Counsel about their Defence, and desired them to begin with the Letters they mention'd.

There was a short Letter produced by the Counsel from the Plaintiff's Father to *Wightman*, dated *June 21, 1738*, wherein he thanked him for what he had done, and said that the Plaintiff had been in *Scotland* under a disorder about eight or ten Years ago, and that he had been well ever since.

This Letter was supposed by his Lordship to be the greatest Foundation for casting the Plaintiff, it being from his Father. It was said, in the time of the Examination of the Witnesses, that the Defendants would be cast, and that the Plaintiff would have an Estate of five hundred a Year: But the Affair took a surprizing Turn, which was plainly owing to the uncommon Speeches of a Person in Authority; for if this Letter be duly consider'd, it was by no means sufficient to cast the Plaintiff. This Letter was occasion'd by a long Letter of four Pages writ to the Plaintiff's Father by *Wightman* *June 8*, and was the only Letter he had writ to *Wightman*, who was an entire Stranger to him. It can be made appear that *Wightman's* Letter contain'd several gross Falsities, and the Plaintiff's Father being an aged Man of great Integrity, and near four hundred Miles from *London*, might have been easily impos'd upon by such a Sophister as *Wightman*, who had intercepted the Son's Letters to the Father, and the Father's to the Son, the Plaintiff having sent several Letters at *Bethnal-Green* to his Father, which were intercepted by *Wightman*.

April 22, 1738, the Plaintiff deliver'd a long Letter for his Father to Mr. Cooke who promis'd to forward it to the Postoffice; but it was basely open'd and read by Cooke, Dr. Guyse and Oswald, and afterwards deliver'd to Wightman. Wightman says in his long Letter to the Plaintiff's Father, that his Letter to his Son of April 10th came to hand; but he might have added, *to Wightman's Hands, but never to his Son's.*

Moreover it is to be consider'd that, in the Course of the Post, Wightman could not receive the Letter of June 21st, sooner than June 30; and therefore it may be ask'd of Wightman, whether he had the least Shadow of Authority for his unaccountable Management from March 23d to that Time? Yea upon the Supposition of real Madness, even a Father or the nearest Relation cannot confine the disorder'd Person without legal Authority: And the Plaintiff had a just Right by *Common Law* to have a Verdict against the Defendants, even tho' he had been mad, much more when his Sanity was so fully proved: But alas! where is *Justice* and *Judgment*! The Plaintiff's Father died June 27, 1739, and he some time before had sent to the Plaintiff Wightman's long Letter, and other Letters he had sent him, which is far from being a Proof of his approving of what Wightman had done, for they were sent to be useful to the Plaintiff in his Actions at Law. *It is very hard therefore that after the Father's Death, his Letter should cast his Son; but welcome is the Will of God.*

This Letter being so much spoke of by some People who don't know matters thorowly, no-body can justly blame the Plaintiff for exposing the Affair of this pretended disorder at *Aberdeen*, which he forebore publishing in his *Journal*, not being willing unnecessarily to expose his Relations, altho' he had drawn up an Account of it. He gave a full Account of this matter to Mr. Fletcher when he visited him at *Bethnal-Green*, and of the great Injuries done him at that time.

It is to be observed, that the Plaintiff's Father's Letter says, that he was in disorder in *Scotland* about eight or ten Years ago, whereas the Plaintiff arrived at *Woolwich* near *London* in the *Phoenix* of *Aberdeen*, Captain *Alexander Sailor*, April 2, 1724, and hath never been out of *England* since that time: And this pretended disorder was in *November* 1720, which, instead of eight or ten Years, wanted only a few Months of eighteen Years. This material Mistake would perhaps appear to some Courts sufficient to make void his Father's Letter; and on the supposition of any disorder in the Year 1720, it cannot prove a disorder in 1738 so many Years after. Some of the Plaintiff's Adversaries have some Years ago been said to be Adulterers, but that cannot prove Adultery this Year. Moreover Providence hath favour'd the Plaintiff so much since his coming into *England*, that he hath not been burdensom to the Family, and consequently not in a State of Dependence, tho' he thinks it is his duty to honour his

Parents according as the Law of God directs and commands him. The Plaintiff's Father has often discover'd himself to be too easy in his Temper, and might be easily over-persuaded and imposed upon by some Persons; and *Wightman* may be said to have left no Stone unturn'd to screen himself from Justice.

But as to the Plaintiff's uncommon Treatment when a Youth at *Aberdeen*, he had been greatly provoked and highly affronted by his Relations, and therefore he would not live at that time with them: Upon just Occasions the Plaintiff's Temper is not easily to be diverted from what he thinks to be his Duty and is lent upon; and he is at Times resolute and firm in his Opinions; and his Resolution raises in him a Confidence of surmounting almost invincible Difficulties, of which his wonderful Escape from *Wright's* Madhouse is not one of the least Instances. The Plaintiff's resolute Behaviour at that time not being thought suitable to his ordinary meek Temper, some Persons precipitantly and from a Spirit of Delusion and Infatuation reported that he was beside himself; tho' he spoke and behaved very sensibly; and many of the Town were surpris'd at their unaccountable Management. *A Person's being call'd mad is far from being a Proof that he is really mad: For the Prophet was call'd a mad Fellow, who was sent to anoint Jehu King of Israel; and Festus thought the Apostle Paul was mad. Let us also consider that extraordinary Instance of our blessed Lord, whom his own Relations and the Scribes and Pharisees took to be mad or beside himself; 2 Kings ix. 11. Acts xxvi. 24. Mark iii. 21.*

The Plaintiff was in the Year 1720 in a treacherous Manner decoy'd into the publick Prison at *Aberdeen*, by the Advice of a conceited Man, and was confin'd there about a Fortnight, which bad Treatment he greatly complain'd of, and he thinks that they who had the chief Hand in it deserved to undergo the severest Punishments. He was backward to come out of Prison, but they prevailed upon him by good Words to come. He hath often reproach'd his Relations about this Affair, and even that very Day he left *Scotland*; and he also writ about it before the late Trial. He was inclinable for some time after to pursue them to the utmost; but on some Christian Considerations, and out of respect to his Relations, he was willing to pass it over. A short Time after his barbarous Treatment a noted and affectionate Minister visited the Plaintiff at *Aberdeen*: He said to him, what shall I do with them, meaning his criminal Relations? The Minister answer'd with uncommon Concern and Affection: "Pray, my Dear, don't trouble your Head about them, for your God will appear for you, and make it some time or other to turn to your good."

Another Paper produced in Court to prove the Plaintiff's Insanity, was a Letter to Mrs. *Payne* dated at *Bethnal-Green* May 25, 1738, which was a Love-Letter, and writ very sensibly and accurately: There were in it some rhetorical Figures and Similitudes, that rather rendred it a proper Letter for the Purpose, than proved

proved it to have been penn'd by a Madman. This Letter was rather an Aggravation of the Defendants Crimes, because they had impudently and illegally intercepted it, as they did a great many more. There was no particular Part of it excepted against; and if some might be apt to think that it was a familiar Letter, it's to be remembred that it was not penn'd to be read in the Court of the *Common-Pleas* at *Westminster-Hall*; but only by Mrs. *Payne*, whom the Plaintiff studied to please. See an Account of his Courtship with Mrs. *Payne* in his *Journal*, page 2, 3. *The Plaintiff, under all his Troubles and Disappointments, is so happy as to have a good Conscience as well as a good Cause; for no Woman can complain of any Injury or Immodesty done by the Plaintiff to her; for he has an Abhorrence of Sin and Wickedness, and desires to remember what Joseph said; How can I do this great Wickedness, and sin against God?*

There were also a few Lines of the Plaintiff's Writing on *March 19*, which had been partly occasion'd by a Dream the Night before, and a Concern upon his Mind about the Salvation of his Friend Mr. *Bryan Payne*, he not having seen him on his Death-Bed: And his Thoughts about Mr. *Payne* were revived from his reading the Day before at Mrs. *Payne's* a Funeral Sermon, in *Manuscript*, preach'd on Mr. *Payne's* Death from *Prov. xiv. 32*. This Paper was not subscribed.

A certain Person in Court seem'd very fond of those three Papers, call'd for them, and hugg'd them as a Treasure: Whether this Person really thought them a sufficient Foundation to cast the Plaintiff and to acquit his Friend *Monro*; or what were his Thoughts and Ends in hugging them in such a Manner, his own Conscience knows best: But it may be justly said, that a certain Person spoke in too angry a Manner to the Plaintiff, and too zealously for the Defendants. He in the Beginning of the Trial said honestly, that he was prejudiced in favour of Dr. *Monro*; but also added that he would endeavour to guard against it: Perhaps the Injured Plaintiff will scruple to make an Affidavit that he kept his Promise. Dr. *Monro* was sitting on the Bench when a certain Person came into the Court, and this Person *en passant* shook Dr. *Monro* very familiarly by the Hand. This did not escape the Notice of some, tho' it was done with Quickness and Dexterity, and has been greatly censured, and look'd upon by some as a Sign of what follow'd.

A certain Person triumphed so much, after these Papers were read, that the Plaintiff was greatly astonish'd. It is not design'd to dishonour any Person in Authority by this Account, but to do Justice to the Plaintiff. The Plaintiff's Loyalty is unquestionable, no Disappointments having been able to shake it. Many Things, to avoid Offence, will be here cover'd over with a Veil; but it's absolutely necessary to mention some Things in a mild becoming Manner, else this Account would be grossly imperfect. His Lordship with great Zeal call'd for the Plaintiff's Attorney to re-
prove

prove or punish him for bringing an Action against *Monro*, and also for laying the Damages at ten thousand Pounds. The Court was in some Hurry or Confusion. His Lordship was inclinable that the Jurors should withdraw, which the Plaintiff refused; for he knew the many great and barbarous Injuries done to him, and would not therefore be so unjust to himself and the Publick, he persisting in his Design to endeavour to get an Act passed for regulating private Madhouses. The Plaintiff vindicated his Attorney, and said to his Lordship that he was of an excellent Character, and that he himself was ready to answer for every thing relating to this Action. Then his Lordship dropt his Displeasure against the Attorney, and said that he did not blame him for it.

If the Plaintiff had no ground to bring an Action against *Monro* and the other Defendants, he must be a very wicked Man to occasion so much trouble without a Foundation; but it may be said that there never was a Foundation for any Action at Law in any Civil or Criminal Case if there was none in the Actions against *Wightman* and his Accomplices; for those self-loving and self-defending Men may be justly said to have undone Mr. *Cruden* in his worldly Circumstances, and as much as they could in his Reputation; yea his Life was in great danger; and his Preservation was owing to the great Care of a kind Providence over him. Some have thought they should have been tried at the *Old-Baily*.

The Plaintiff thinks that he acted according to his Conscience, and did *Monro* Justice in making him a Defendant; for he looks upon him as a capital Offender in this Scene of Iniquity, as appears from the *Journal* in many Places. It was proved, that *Monro* had said, during the Plaintiff's Confinement, *that he was not ill of a Lunacy, but had a Fever on the Nerves*; yet he attended carefully the Meetings of the Conspirators at *Oswald's*, and was the necessary Supporter or Contriver of the desperate and diabolical Conspiracy to send the Plaintiff to *Bethlehem* after his Refusal to sign the Release to *Wightman* and others. He became intirely *Wightman's* Creature, and ventur'd every thing to screen him, as if he had been willing to mount the Pillory, or to be punish'd, if *Wightman* could escape. Pray where is the Crime in bringing an Action against Dr. *Monro*, seeing he deserves it? Because he is a mad Doctor, must he not be accountable for his Actions?

Monro's criminal Part and that of the other Defendants is fully related in the *Journal*, which is allow'd to be a well-writ Pamphlet: The History is so uncommon and so methodical, that some have said that it is like *Robinson Crusoe's* Adventures, and that they could not forbear finishing it after they began it. The Lady of a noble Lord was so affected with the *Journal*, that she held the Candlestick to herself, and read it all at once; yea some Ladies have cried and wept upon reading of it. If any of the Plaintiff's Adversaries will discover any real and material Misrepresentation in the Pamphlet, he will honourably rectify it in
the

the *Third Edition*; for he would rather be confin'd again, even at *Bethnal-Green*, than be wilfully guilty of that abominable Crime of Fraud and Falshood. And his Adversaries ought to answer this *Journal* publish'd in *March* last, else tho' the Plaintiff should be cast at Law, not only once but one and twenty Times, the World has no Reason to charge him with Falshood, but to say, *That Might often overcomes Right.*

As for the Damages being laid at ten thousand Pounds, the Sum could hardly be too great; for the Plaintiff's Life being in danger by their Crimes in his Confinement and at his wonderful Escape, it hath been said, that those four great Accomplices deserved to be sent to *Tyburn*. Moreover, who knows at what time the Plaintiff had been set at Liberty, had not Providence favour'd his wonderful Escape? Or whether he had not been continu'd, and died under his Confinement? Which some think most probable. His Majesty and all his Subjects seem to be concern'd that so great Criminals be not screen'd from Justice.

But we must remember we are now giving an Account of this Trial, which had a surprizing and unaccountable Issue. The Plaintiff's Counsel, whether dispirited from a certain Person's warm Appearance for the Defendants, or from what other Cause, they know best, were very silent; and indeed the Plaintiff himself could not but be astonished and affected with the unexpected Turn occasion'd by that Person: Yet a good Conscience embolden'd him to speak to his Lordship; but it had not the desired Effect, and proved only to be *Surdis canere.*

The Plaintiff spoke to this Effect, ' That he was as mad now
' as ever, and that he had been exceedingly injured, and barbarously used, and that no Verdict could make him believe, *That*
' *Two and Three make Six*: And that no Man could prevent the
' scandalous Lies of selfish wicked Men. He told he had Witnesses subpoena'd to prove his being in his Business, as the Cor-
' rector at the Printing-Office in *Wild-Court* before *Wightman*
' meddled with him; and that his Corrections were then of as
' much Authority as at any time: That he had corrected at the
' said Printing-Office, the whole Week before he was confin'd at
' *Bethnal-Green*, several Books, namely, *The Bible in Folio*, the
' *Spectator*, *Arrianus's Epictetus* in Greek and Latin, *Telemachus*,
' &c. and that this unaccountable mysterious Action had been
' done precipitantly and self-conceitedly, and that the Actors being
' involved and in a labyrinth, entred upon villanous and
' diabolical Methods to extricate themselves. He begg'd that
' the Court might seriously consider his Case, for it was of the
' utmost Importance: His useful Character, or a Reputation that
' might make him capable of doing good, if Providence favour'd
' him with an Opportunity, was now concern'd, and also his
' worldly Welfare and Interest; and even that of the Publick in
' general. That he had many material Witnesses subpoena'd
' (having in all near fifty) who could most evidently prove that
he

‘ he had been greatly Injured in many Respects.’ *He protested against passing Sentence, but the Judge said that he could not protest.*

Immediately afterwards the Judge, contrary to the Plaintiff’s Expectation, who did not think the Cause near an End, and had many material Witnesses to call, began to sum up to the Jury the Evidence of the examin’d Witnesses. It was proved that *Wright* had seized the Plaintiff’s Papers; but his Lordship thought fit to excuse it to the Jury by saying, *What evil Intention could he have in that, seeing he told it to Sergeant Cruden next Day?* He also said to excuse the severe Blow near the Eye given the Plaintiff by *Davis*, *Blessed be God, his Eye is well now.* As to the Injury done to the Plaintiff’s Character by being reputed mad by their Management, he said, *That was a common but a false Notion, for the wisest Men and best Genius’s were often most liable to that Disorder; and that it often proceeded from too much Religion or too much Reading.* A certain Person seem’d to be like a fond tender Mother towards the Defendants, who is willing to excuse all the Faults of her Children, and is very backward to give any Correction.

But a certain Person asserted *two Positions*, which seem most shocking in the Injured Plaintiff’s Apprehension, and perhaps will be amazing to all his Majesty’s Subjects, they propably having been never before heard of in *Westminster-Hall*, or told to any Jury in *England*.

First, “ *That if a Man have not a bad Intention, he is not to be blamed for sending a Person to a private Madhouse.*”

Secondly, “ *That in the present Case they could not be blamed for detaining the Plaintiff in his Confinement till he should sign a Release.*”

As to the *first extraordinary Position*, the Plaintiff acknowledges, that an Action done by a proud self-conceited precipitant Man, such as *Wightman* is known to be, may not be so bad and so criminal as one from Malice and Wickedness: If his Lordship had allow’d the Plaintiff to speak, he was to have answer’d him by quoting a Paragraph out of the great Civilian *Puffendorf’s Book*, *De jure Hominis et Civis*, which he was taught at the University as the Elements of *Ethical Philosophy*, Lib. 1. Cap. 6. Sect. 9. “ *Not only he who out of an evil Design does wrong to another is bound to Reparation of the Damage, but he who does so thro’ Negligence or Miscarriage, which he might easily have avoided: For it is no inconsiderable Part of social Duty to manage our Conversation with such Caution and Prudence, that it does not become mischievous and intolerable to others; in order to which Men under some Circumstances and Relations are obliged to more exact and watchful Diligence. The slightest Default in this Point is sufficient to impose the Necessity of Reparation.*”

Some are surpris’d at his Lordship’s not regarding two Acts of Parliament relating to Lunatics, namely, that of *Edward II.* whereby all Lunatics are declar’d to be under the Care of the King, and that the King is to take care of them and their Effects, and is

to provide for them: And also that full and plain Act of the 12th of Queen Anne, wherein it is said; *Whereas there are sometimes Persons of little or no Estates furiously mad, and dangerous to be permitted to go abroad, and by the Laws in being Justices of the Peace and Officers have not Power to restrain and confine them: Be it therefore enacted that two or more Justices of the Peace of the County shall have Authority to secure the mad Person, and it shall only be for and during such Time only as such Lunacy or Madness shall continue.* The Plaintiff has since the Trial consulted this Statute, and is surpris'd that any Person in Authority could tell the Jury to this Effect; that that Act of Parliament was not violated by the Defendants, whereas it is plain to one of the meanest Capacity that they have violated this Act; and with a very heinous Aggravation, the Plaintiff not being mad.

If any Person shall use any violence against the Plaintiff for decently representing his Case in a true Light, he ought to be compar'd to the Inquisitor-General or Supreme Judge of the Inquisition in Spain or Portugal. Let the other Side, if they can, answer this Account: The Press is open, and what can hinder them, but Guilt and Inability? Perhaps it will be said in mirth, *if the Plaintiff should do any thing amiss, he ought to be excus'd; for seeing he hath undergone the Punishments of a Madman, why ought he not to enjoy the Privileges of a Madman?* The Plaintiff behaves rationally and loyally, and in whatever Country he lives he will endeavour to keep himself from the Mouth of the Leviathan, if he can with a good Conscience.

As to the Second more Extraordinary Position. *That the Plaintiff's Adversaries were not to blame for making him a Prisoner till he should sign their Release.* This Position seems to be most absurd, and as contrary to Common-Law as it is to Common Reason. It was said in Judea when any scandalous thing came to pass; *Tell it not in Gath, nor publish it in the Streets of Askelon.* And we may perhaps say, *Tell not these Positions in Turkey, nor in the Dominions of the Great Mogul.* If those Propositions were to hold, then Persons might commit one another as fast as they could; and who then could be safe? But they seem so shocking and surpris'ing, that they do not require Confutation, and it's hop'd they will never be placed in any Book of Reports as true Law or true Practice.

Perhaps some will say that Self-Love and Self-Defence have prompted the Plaintiff's Adversaries to insist upon a Release from him, they being like wild Bulls caught in a Net that did not know how to get out; but if Persons do nothing injurious or illegal, they will have no need of any Release. Others may say, that a great Man sometimes takes Liberty to assert any Thing, and imagines that his Authority is sufficient to make it be receiv'd; for Men of the greatest Authority and Merit take often the greatest Liberties; as Schoolboys that are great Proficients in their Learning and their Master's Favourites, will adventure upon many Things without being punish'd, that would be punish'd se-

verely in the rest of their Schoolfellows. These two strange *Positions* were told by his Lordship to the Jury, and he said positively and authoritatively, ‘*You are to find for the Defendants.*’ The Plaintiff stood up to speak, but his Lordship said, ‘*I will commit you, if you speak one Word, after I have spoke to the Jury.*’

Perhaps some will blame the Jury, and say that they were too much influenc’d by a certain Person, and that they ought not, in such an important Affair, to have, without Consideration and in Precipitation, brought in their Verdict at his Lordship’s Desire for the Defendants. The Jurymen ought always to remember, that what they say is upon their solemn Oaths; and tho’ they may be advis’d by the Judge, yet they are to be govern’d by their own Consciences; for the Law hath not left the Subject in the Power of *one Man*, but of *Twelve*. Upon the Plaintiff’s hearing the Verdict for the Defendants, he said very meekly, ‘*I trust in God.*’ The Judge answer’d, ‘*I wish you had trusted more in God, and had not come here.*’

The Plaintiff, blessed be God, bore the unexpected Disappointment with great Serenity and Composure of Mind. He was kindly desir’d by a young Gentleman, once a Boarder in *Mr. Fletcher’s School*, to go to the *Crown-Tavern* in the *Palace-Yard*. There were two Gentlemen in Company, Strangers to the Plaintiff, and one of the *White’s-Alley* Witnesses for the Defendants came in, who all took notice of the Plaintiff’s serene and compos’d Behaviour under his great Disappointment, and said that no Man could behave better. After dining and tarrying about two Hours, he went home to his Chamber, and that Evening writ by Post a Letter to his valuable Friend *Madam Coltman*, and told her of his great Disappointment; but that he bore it patiently, and was favour’d with inward Peace and Serenity of Mind: And told her that he submitted to the Will of God, desiring to be in a Disposition always to do what God loves, and also to love what God does. *Welcome is the Will of God. Gods Time is the best Time. Wait thou on God, and he will save thee.*

The Plaintiff receiv’d the following Letter on *August* the *17th*, dated the said Day and subscrib’d, Your unknown Friend, *E. M.* It seems unanswerable. The Plaintiff has the Original, and is ready to produce it on Demand.

“ Your Affair with *Wightman* having made a great Noise in
 “ the World, my Curiosity led me to hear the Trial on *July* the
 “ *17th*, and must own I was not a little surpriz’d at a Verdict so
 “ different from what the World expected. The Opening of
 “ your Case carry’d with it an Appearance of the utmost Op-
 “ pression, and I am confident the Jury thought so.

“ Your many Witnesses (who seem’d to be of unexceptionable
 “ Credit) unanimously proving your *Sanity*, not only before and
 “ after your Confinement, but *even during your hard Treatment in*
 “ *the Madhouse*, gave me the utmost Assurance of a Verdict in
 “ your Favour: But its being proved that even *Dr. Monro* him-
 “ self

“ self had declar’d that your Distemper *was not a Lunacy, but*
 “ *only a Fever on the Nerves,* was, I think, sufficient to influence
 “ any considerate and judicious Juryman to be for bringing a
 “ Verdict for you.

“ ’Tis undoubtedly true, that the Law will not suffer any in-
 “ different Person to confine a Lunatick; and it would be of the
 “ most dangerous Consequence if the Law did: And this is
 “ evident from the *Twelfth of Queen Anne,* Chap. 23, wherein
 “ it’s recited by the Laws then in being, That even *Justices of*
 “ *the Peace and Officers* had not Power or Authority to restrain
 “ and confine Lunaticks; and therefore that Statute gives *Them*
 “ and *only Them* that Power: And lest that Act (which gives a
 “ Power to Justices and Officers *only*) should be construed to take
 “ away or abridge the Power which the Sovereign or Chancellor
 “ had, there is an express Proviso for that purpose, *That they*
 “ *might notwithstanding the Statute exercise their Power.*

“ The Law has chalked a Track for the Friends of the
 “ Lunatick to follow, and they have been always obliged to fol-
 “ low it.

“ It was said at the Trial, [by a Person in Authority] that
 “ the Intent of the said Statute was to compel Justices and Officers
 “ to secure Lunaticks, that they might not walk in a helpless
 “ and dangerous Condition, and that the Act was rather *com-*
 “ *pulsory* than giving them a Power: but whoever reads the Statute
 “ will find it *not so*; for it only gives them a Power which they
 “ had not before: And this is evident from what I said before in
 “ the Recital, and also from the enacting Clause, which says,
 “ *That it shall and may be lawful for Justices, &c.*

“ I could have wished your Trial had been taken down *verba-*
 “ *tim* and publish’d, for it’s a Scandal to the Legislative Power
 “ that so much Barbarity should be tolerated, and practis’d in
 “ Private Madhouses. Any Humane Person that heard your
 “ Treatment and Trial, must bear the utmost Detestation to such
 “ Proceedings.

“ Your private Papers which were read, and seem the only
 “ Evidence against you, were but of little weight with several
 “ of the Gentlemen then present: There is scarce any one Man
 “ that has any share of Vivacity or Flights of Temper, but has
 “ been Author of such Productions. I have myself often wrote
 “ much more confused Stuff than yours, yet never was taken for
 “ a Madman.

“ Undoubtedly *Wightman* represented you to your Father in a
 “ much worse Light than your Case deserved. *Wightman’s* Let-
 “ ter should have been produced and proved, before your Fa-
 “ ther’s Answer could be a satisfactory Evidence.

“ It was a piece of bad Policy in you to bring your weakest
 “ Cause on first; for, as against *Wightman,* you could never have
 “ failed of a Verdict: And this was the Opinion of several
 “ Counsel.

“ The foolish Maid’s Evidence, which was plainly invalidated
 “ by Mr. *Simpson* your Witness, I look upon as nothing”.

The Plaintiff does not think that his Letter to Mrs. *Payne* deserves to be call’d confused *Stuff*; but thinks that it only contain’d some Expressions that were a little uncommon, and the Design of them might not be understood upon their being read without the Plaintiff’s shewing for what end he intended them. It may be supposed, that the Defendants would take care to produce one of the Letters most liable to their Misconstructions, seeing they had injuriously intercepted a great Number of the Plaintiff’s Letters. It is plain by the Letter from this judicious Person who heard the Trial, that the Plaintiff was greatly injured, and that such a Verdict was not expected.

Perhaps the Jurymen were astonish’d, and at a loss what to do after a certain Person spoke so warmly for the Defendants, and had even threatned the Plaintiff’s Attorney for making *Monro* a Defendant; and had also in so zealous a Manner express’d his groundless Displeasure against the Plaintiff for printing his *Journal*, which neither the Defendants nor all that appear for them have hitherto been able to answer. Some think the Jurymen were not of the most judicious Sort, and that the Plaintiff ought to have had a special Jury in such an important Cause: It cannot be justly question’d, but that the surprizing Issue of this Trial was owing to one Person; for before he gave it a Turn by his uncommon Speeches, the Spectators and even the Confederates of the Defendants expected that there would be a Verdict for the Plaintiff.

Those that seriously read that *Journal*, which is writ with great Candour, must too much resemble Brutes and barbarous Heathens, and not Men nor Christians, who are not filled with Compassion for the Plaintiff, and Indignation against the wicked and criminal Actors: It must be remembred that the Person who found fault with the *Journal* had not read it, only he blamed the Plaintiff for printing it before the Trial: But it is to be consider’d that the Plaintiff was obliged to vindicate himself, as soon as possible, from the false Calumnies of his flandering Adversaries, and to silence the Calumniators; and it’s also to be remembred, that they had time enough to answer the *Journal* before the Trial, it being publish’d about four Months before. The Plaintiff desires not to injure his very Enemies, and his Behaviour, blessed be God, has been so inoffensive in the World hitherto, that, in the sight of Men, his Faults are very pardonable. The Calumniators, since the Publication of the *Journal*, may be said to be like Serpents without a Sting.

The injured Plaintiff thinks he did well in writing a *Journal* of his Actions: Is it not a strong and undeniable Proof of his Sanity? Can a Madman give an exact and solid Account of his Actions every Day? What can his guilty Adversaries say for themselves? It is said by a known Author, that *Ostervald’s*
 Maxims

Maxims proceed not from his corrupt Mind, but from the Corruptions of Mankind: Corrupt guilty Men will cavil at or deny the most evident Truths.

It hath been said by a judicious Person, that every Corporation in England ought to have a Copy of this Journal: Surely it is not improper, that all his Majesty's Subjects, who value their Liberty and Property, should read it. Can any Person in England defend those barbarous and illegal steps taken by the injured Plaintiff's Adversaries? What shall we say about the injured Plaintiff's not having a Verdict against the Criminals? Shall we not say, that Precipitation and Prejudice to a great Degree occasion'd it?

The Truth of the Facts narrated in the Journal cannot be contradicted even by the Plaintiff's Adversaries: The Plaintiff hopes to preserve his Integrity inviolable, for he would rather be clothed with the Strait-Wastecoat a second Time than be guilty of Fraud and Falshood the Weapons of his Enemies: Moreover the Journal hath been publish'd since March last, and the Plaintiff added the following Paragraph to several Advertisements in the News-Papers of the First Edition; and to the Second Edition of the said Journal in June last he annexed the said Advertisement, which is as follows:

N. B. "The greatly injured Person design'd to set his amazing Case in a true Light, and not to injure his very Enemies: If they can disprove any of the horrid Facts in the abovemention'd Pamphlet, they ought, in justice to themselves and the Publick, to answer it; else their Silence will be justly construed to be a full Proof of its being unanswerable, and their Crimes as black and unjustifiable as they are there represented."

The Defendants cannot answer the Pamphlet, and must be sensible that they were obnoxious to the Law, and that they could not justify what they had done: It's said that Monro soon told Wrightman after the Plaintiff's Imprisonment, that the Plaintiff might bring him to Trouble for what he had done: The Defendants Behaviour, when they received the Copy of the Writ in May last, remarkably discover'd their Guilt and Fears of Punishment. Wright and Davis upon receiving the Writ were uncommonly terrified: And Monro threatned to make his Servants beat the Person who served him with the Writ.

Oswald was speechless and like a dead Man upon receiving the Writ; and was so desperate and impudent as to write to the Plaintiff's Father, and falsely to assert that he would be obliged to come up to London, which may be supposed to have greatly disturbed the Plaintiff's Father, a pious and aged dying Man, who had been many Years a Magistrate in the City of Aberdeen; for he writ that he could hardly walk in the Streets, and that he was not able to come up. How villanous and barbarous was Oswald for disturbing the Plaintiff's Father! All rational and wise Men must, upon knowing the Case, be persuaded, that the Plaintiff should have had a Verdict against them,
and

and even they themselves thought so; therefore there was Occasion for them to be afraid: But their Guilt had made them rather desperate, than penitent in their Management. It was said by one of *Oswald's* Acquaintance, that the Defendants in this Action would use some Sort of Methods in Law to put the Trial off from time to time, and not let it be tried; but what Interest they made that gave them Courage to venture a Trial without any demurring their own Consciences know best.

Alas! What shall the injured Plaintiff say? *Is Judgment turn'd away backward! Doth Justice stand afar off! Is Truth fallen in the Street? And cannot Equity enter!* Is it Justice that the Plaintiff should have no Damages from the guilty Defendants! Is it Justice that he should pay his own and his Adversaries Costs! What hath the Plaintiff done that Justice should not be done to him! Why ought not the Defendants to be punish'd according to the Statutes of Law against them! Hath any Man Power to direct a Verdict to be given contrary to Law! Shall a loyal Subject and a Citizen be confin'd in his right Senses, and be most barbarously used! Is there no Redress at Law for being confin'd and chain'd, even more strictly than before, for refusing to sign a Release to those who had exceedingly injured him! Is it no Crime to chain one of his Majesty's loyal Subjects for five Weeks to his Bedstead, and never to have the Chain off Night nor Day on any Occasion whatever, that he might not escape from the Paws of the Lions, and be kept more securely from Pen, Ink and Paper, and that his vallanous Adversaries might be able more effectually to accomplish their desperate Design of transporting him to *Bethlehem* in order to avoid Punishment! How injurious is it that the Plaintiff's Money should be seized by *Wightman* a Stranger, and no Relation nor Creditor, and that he should be thrown out of Business! Shall *Oswald*, *Monro* and others *Wightman's* Confederates be acquitted in a Court of Justice, and the Plaintiff be more and more injured! Shall the Plaintiff be liable to be committed for not paying the Costs of his Enemies, after they have unjustly confin'd and chain'd him, and seized his Money!

Surely such horrid Injustice ought to be checked by the Supreme Powers of the Nation, else what will become of the Justice of the Nation? Hath any Man Power to commit the injured Plaintiff for defending himself! He is more afraid of Sinning than Suffering, and if he should suffer unjustly, he is willing to be a Martyr for the Liberties of the People of *England*, tho' it be a vastly inferior Honour to that of being a Martyr for the Christian Religion. If the Plaintiff hath transgressed against any of his Majesty's Laws, he desires chearfully to submit to Punishment; for it is one of his Maxims, *fat Justitia*: And Justice is painted blind as an Emblem that it hath no Respect of Persons, either of Mr. *Cruden* or Dr. *Monro*.

As to the Plaintiff's Character his Adversaries said in Court that they gave up that Point, knowing that it was intire and unblemish'd.

blemish'd. The Plaintiff hath certainly a good Title to the Protection of his Majesty and of the Laws of the Land; for, as he said in Court, *He is as remarkable for his Loyalty, as he is zealous for his Liberty.* And his useful Works and peaceable Behaviour thro' his Life, in which he hath aimed by the help of God to do all the Good in his Power, and to pass thro' the World without injuring any Person, seem to plead strongly for a particular Consideration of his *Declaration* and *Complaint* against his injurious Adversaries. A reverend and learned Gentleman of great Worth and of great Benevolence, express'd his Sorrow for the Plaintiff's hard Usage, and said that his *Concordance to the Bible* was the most useful Book that had been printed these fifty Years.

The Plaintiff was recommended to be her late most excellent Majesty's Bookseller in *December* 1734, by an Attestation from the then Lord Mayor and eight Aldermen, and five Gentlemen of Distinction: He was said in this Attestation to be, "A Person of good Character and great Integrity, truly affected to his Majesty's Person and Government, and to the Protestant Succession in his Illustrious House." He was admitted and sworn in to the Office of her Majesty's Bookseller on *April* 10th 1735. He had the Honour to present his *Concordance*, Dedicated to the great Queen *Caroline* in *November* 1737, to her Majesty the very Week before her fatal Illness, and her Majesty express'd her Design of remembering our Plaintiff. And he also had the Honour to present his *Concordance* to his Majesty, whom God long preserve.

The Plaintiff had a Letter dated *December* 5, 1737, from a valuable and reverend Gentleman of great Learning of the University of *Oxford*, who had been a Subscriber for the *Concordance*; wherein he says, "Your *Concordance* came safe to my Hands, and as far as I can judge by a cursory View it seems to be a most accurate, complete and useful Work. May it meet with Encouragement equal to the immense Pains it has cost you! I hope you had an Opportunity of presenting it to your *Illustrious Patroness* before her Illness. Her Death must otherwise be an irreparable Loss to you, as indeed it is to the Nation in general. *Your fine Dedication deserved her highest Regard.*" It is said that the *Concordance* bears a good Character at *Oxford*, and that a certain noted Bookseller sends more Copies thither than to any Place whatsoever.

Surely it may be said that our Plaintiff is not an Outlaw, and that those who have so notoriously injured him in this Affair ought to answer for what they have done against him. Is there no good and generous Man in the Nation that will stand up for the Plaintiff and deliver him from the Oppression of his Adversaries! Would it not be a Sort of unparallel'd publick Injustice to commit the Plaintiff to Prison for not paying the Costs of his guilty Adversaries! How a Verdict could be given for the Defendants is unaccountable! The Plaintiff was told by a Counsel, that, upon the Supposition

position of a Disorder, the thing could not be justified by Law: Therefore the Issue of this Affair is the more surprizing, when the Plaintiff's Sanity was proved by so many Witnesses of good Reputation. In whatever Light it had been taken, the Plaintiff had a Title to a Verdict; but some present at the Trial said they never saw a Cause so managed, and that it appear'd in the End, as if the Plaintiff had been bought and sold. Whether the Plaintiff's Counsel were terrified by a certain Person and on that Account dispirited from defending the Plaintiff, they know best.

What shall we say of Dr. *Monro's* Character, who was spoke so well of by some Gentlemen of the Law not proper Judges of his Business, that he had been very useful in curing Lunaticks. The Plaintiff doth not accuse him of want of Ability but of Integrity: But is there so great Merit and Dexterity in being a mad Doctor? The common Prescriptions of a Bethlemetical Doctor are a Purge and a Vomit, and a Vomit and a Purge over again, and sometimes Bleeding, which is no great Mystery: But if *Monro* a common Swearer and an irreligious Man, who doth not cohabite with his Wife, and of bad Report as to his Chastity and Loyalty, be so much regarded by any in Authority under his Majesty, that a Person of an unblemish'd Character, zealously and truly affected to his Majesty and his Illustrious Family, who hath formerly declar'd that he would fight thro' Floods of Blood for them, cannot have the Protection of the Laws, it is no good Omen. Must the Plaintiff be injured in his Character, Person and Substance! And such a Man be unjustly screen'd from Punishment!

Oswald and his Wife being involved by their great Guilt, have acted like most impudent and abandon'd Persons in order to screen themselves. Their great Guilt is unquestionable, for they may be said to have always directed and assisted *Wightman*. *Oswald* and *Wightman* again and again applied to Mr. *Goodwin* of *Broadstreet*, to be one of the Sureties for sending the Plaintiff to *Bethlehem*, once at *Oswald's* House and afterwards at Mr. *Goodwin's*. Mr. *Goodwin* was subpoena'd as a Witness, and Mr. *Kelsey Bull*, Mr. *Frederick Bull* and others, who were more material Witnesses than those that were examin'd, and were particularly directed to in the Counsel's Briefs; but how the Counsel could allow the Trial to come to an End before more Witnesses were examin'd, is almost as mysterious as this whole Affair is: Surely some of the most material Witnesses were not examin'd, and that and many other Reasons may be given for obtaining a new Trial, that Justice may be done, and the Plaintiff may be deliver'd from the Oppression of his stubborn Adversaries.

As to the two other Defendants *Wright* the Keeper of the Madhouse and *Davis* the Under-keeper, their Guilt was evident, for their Justification was evidently falsify'd, the Plaintiff's Sanity being confirm'd by many unexceptionable Witnesses. *Wright* is an old Offender, and would receive any Judge in *England* or most judicious Person as a Patient in his abominable Madhouse, and is a
Man

a Man guilty of several Immoralities, and is said by many to be fitter to be a Patient in a Madhouse than a Keeper of such a House. *Wright* said of his Servant *Davis*, "That he neither fear'd God nor the Devil, Heaven or Hell." *Davis* does not live with his Wife, and upon *Wright's* dismissing a young Woman out of his Service, who was a Witness upon this Trial, *Davis* took a Lodging for her near *Bethnal-Green*; but upon his coming too often after her the People of the House refused to give her Lodging. This young Woman was House-maid in the private Madhouse, where *Davis* was Under-keeper, during the Plaintiff's Imprisonment, and was of a most turbulent Behaviour, and sometimes abusive to the Plaintiff; and she even, in presence of *Davis*, fell down on her Knees at two different Times to him in his Confinement, and acknowledged her Offences.

Wightman the great Actor in this barbarous Affair, is a known Projector, a Busy-body, and by his self-conceited Projects hath greatly injured himself. Is it therefore unjust or improper, that this Projector should be *Strait-wastecoated, Chained and Confined*, so far at least as to hinder him from being injurious to others? A noble Lord, well known in the House of Peers, ask'd the Plaintiff, Why *Wightman* confin'd him more than any Body else? This noble Lord has some Knowledge of *Wightman*, and calls him a madish sort of a Man, for he is notorious in *Scotland* for his wild Projects; and by his Project of the *Pier of Leith*, an useless Work, he hath run the City of *Edinburgh* into Debt many Thousands; yea some say eighty thousand Pounds Sterling, chiefly by his wild and expensive Schemes of the *Pier and Crane of Leith*.

This *Schemist* for about eight Months, after he went home to *Edinburgh* with *Dr. Monro's* Son, did not answer the Letters sent to him by *Mr. Crawford* his own Attorney; and *Mr. Crawford* told the Plaintiff that *Wightman* writ that he had done a thing the Law could not justify. *Mr. Crawford* also told the Plaintiff that *Wightman* was a strange self-conceited Man, and that if the Plaintiff had sent *Wightman* where he had sent him, he believed it might have done him good: And many have said that *Wightman* ought to have been sent to *Bethnal-Green*: But that would not make Satisfaction for the Injuries done to the Plaintiff by *Wightman* and his Accomplices. It might have been reasonably supposed that no considering Person, much more any Person in Authority, would discourage *Mr. Cruden* in prosecuting of *Wightman* and his Accomplices, and in trying to recover Damages for his loss of Reputation and Credit, his long and cruel Sufferings, even to the danger of his Life, his Loss of Money, the Intercepting of his Letters, and many other Damages that can be proved against *Wightman* and his Accomplices: And the Citizens of *London* and his Majesty's Subjects may readily judge, that, if such barbarous Treatment in *Wightman* and others go unpunish'd, no Man can be secure from being carried to *Bethnal-Green* upon

the least Surmise. But we must refer the Reader to the *Journal*, which gives a more full Account of Mr. *Cruden's* uncommon Case, and to p. 50, 51, &c. for a short Account about *Wightman* and his unaccountable Steps. Those that pretend to defend *Wightman* and his Accomplices, may next undertake to defend Adulterers and Felons.

Dr. *Guyse*, Mr. *Crookshank*, *John Cooke* and *Richard Horton* four of the Judges of the BLIND-BENCH, discover by their Behaviour, that they persist in their Crimes without Remorse, at least they have made no Submission to the Plaintiff. Dr. *Guyse* is a valuable Gentleman, but he ought to be more cautious and to guard against the poisonous Conversation of *Oswald* and his Wife; for he hath been greatly overseen in this Affair, and ought before this time, if he had acted in a right Manner, to have shewn an Example of making an Acknowledgment and Satisfaction for his illegal and criminal Steps: But he has behaved otherwise, for he was much chagrin'd at his being subpœna'd as a Witness in this Trial, and said warmly to the Plaintiff in *Westminster-Hall* that Morning the Trial came on: "You are very imprudent to subpœna me as a Witness." The Plaintiff answer'd the Doctor and said; "That he could give Evidence of his seeing him at *Beth-nal-Green*, and particularly of the Manner of the intercepting of a Letter to his Father." The Doctor discovered so much Warmth at that time, that it was greatly taken notice of in the Hall by the Plaintiff's valuable Friend *Sir Thomas Brand*.

Mr. *William Crookshank* desired the Plaintiff, before the printing of his *Journal*, to say nothing of him in it. The Plaintiff then desired him to write a Letter to him, and to acknowledge his unreasonable Conduct, which he refused to do. At that time he put Mr. *Crookshank* in mind of his persisting in his Injuries against him, by his going to a certain Lady of an excellent and benevolent Character at *Kensington-Palace*, who had expressed her Concern for the Injuries done to the Plaintiff, and seem'd very inclinable to be a Friend to him; and *Crookshank* had unsuccessfully endeavour'd to dissuade the Lady from it. *Crookshank* went to the Lady's Apartments, and behaved fillily, not unlike a Judge of the BLIND-BENCH. He was so bold as to tell the Lady to this Effect, "That Mr. *Cruden* was a very amorous Gentleman, and that he would be very apt to think that she was in love with him; and therefore he desired her to be cautious in what she said or did for him." The Lady answer'd, "That she knew how to conduct herself, and did not want his Advice." *Crookshank* ought to have been more cautious and prudent in his Conduct; and would have done better to have acknowledg'd his former criminal Steps. Mr. *Crookshank* was also subpœna'd as a Witness in this Trial; for he and Dr. *Guyse* could prove Dr. *Monro's* being an eminent Member of the BLIND-BENCH, and that he was very active in the wicked Design of sending the Plaintiff to *Bethlehem*.

John Cooke and *Richard Horton* two Judges of the obstinate but
illegal

illegal Court of the BLIND-BENCH, are too proud to make a humble Submission for their Crimes. They associate with the rest of the Plaintiff's Adversaries, and rather continue stubborn and unconcern'd, than are penitent and sorrowful for their Crimes, which entitle them to the Punishments due by Law against criminal Combinations.

The BLIND-BENCH may be look'd upon to have first acted weakly, and being once involved, to have afterwards acted wickedly. This Court was founded for the screening of *Wightman* and *Oswald* from Punishment; and their chief Plot was, by the help of *Dr. Monro*, to fall upon Methods to send the Plaintiff to *Bethlehem*, they depending upon *Monro* as ready to assert any thing for that End to the Governors of *Bethlehem*, tho' the Plaintiff should have behaved as judiciously and composedly before them as any Man in *England*: Blessed be God who frustrated the Designs of those unaccountable Men! It's said that there are only three Governors and *Dr. Monro*, who are commonly present at the common Meetings on *Saturdays* at *Bethlehem*, and that the Doctor can bring to pass what he pleases.

Can any reasonable unprejudiced Person say that *Wightman* and his Accomplices have not greatly injured the Plaintiff? Surely those who pretend to excuse them may be said to be either as wicked or as blind as the BLIND-BENCH themselves.

The Plaintiff's Adversaries by their horrid Lies and Falshoods have made many to suppose that he was really in Disorder; which therefore should make him careful not to omit to answer any thing objected against him. It was said that sometimes his Friends had Access to see him at *Bethnal-Green*, and at other times were refused when he was not fit to be seen. But this is abominably false, and easily confuted; for his Adversaries would have been glad to let any body see him, if he had not been fit to be seen. Strict Orders were given a Day or two after his Confinement at *Bethnal-Green*, that no-body should see him without a Ticket from the three Turn-keys, *Wightman*, *Monro*, or *Oswald*: But *Wright's* Wife and *Davis*, whether from Fear or from what other Motive they know best, about three Weeks after the Plaintiff's Confinement allow'd some Persons Access without Tickets; but the Orders being renew'd most strictly about the 26th of *April*, no Person whatsoever had Access without an Order or Ticket from one of the three aforesaid Goalers or Turn-keys. The Prisoner was chain'd to his Bedstead Night and Day, his Papers seized by *Wright*, and his Room-door lock'd on the said 26th of *April*; for his Enemies by this Time were desperate for his refusing to sign the Release, and wanted to confine him most closely, to keep him from Pen, Ink and Paper, that they might be able the more effectually to transport him to *Bethlehem*.

Two Gentlemen, namely, *Mr. Kelsey Bull* and *Mr. Frederick Bull* had been admitted to visit the Plaintiff without a Ticket in *April*; but afterwards they were refused absolutely by *Wright's*

Wife, unless they brought an Order from one of the three Turn-keys. The above Objection and the following had almost been omitted by the Plaintiff.

A certain Person in Court blamed the Plaintiff for making *Monro* a Defendant, and said that it took off his Evidence. Nobody had Courage to speak against this Person, for some Persons seem'd to be as silent, and as much afraid to speak as Schoolboys are before the most austere Schoolmaster. That Person hath been greatly censured for speaking so warmly for the Defendants. The Plaintiff has already accounted for making *Monro* a Defendant: And as to this Objection, it is to be consider'd that Dr. *Monro*, an absolute Stranger to the Plaintiff, did not visit him till a Week after his Confinement, and therefore could not give Evidence of his Case at the Time of his Confinement. The Plaintiff talked always sensibly and becomingly to Dr. *Monro*, who gave him only four short Visits at *Bethnal-Green*. As for *Wightman* and *Oswald's* false Calumny of Intervals, it is as false as that *Two and Three make Six*. And the Plaintiff is persuaded that Dr. *Monro* can no more swear, *salvâ conscientiâ*, that he saw the Plaintiff mad, than he can swear that he never attended the Meetings at *Oswald's* House for transporting the Plaintiff to *Bethlehem*: Yea it was proved that he said to Sergeant *Cruden* that the Plaintiff was not a Lunatick, why should *Monro* then have been so active in endeavouring to send the Plaintiff to *Bethlehem*?

The Plaintiff is sensible that this Scene of Iniquity will be more fully understood by reading the *Journal* together with this *Trial*: The Issue of this *Trial* will doubtless be amazing to the Plaintiff's Friends in *Scotland*, as well as to those in *England*; for the Defendants themselves might justly expect they should be cast.

A noble Lord of great Generosity and a Patron of Learning, having read the *Journal*, ask'd the Plaintiff in *May* last, how he could be able to go thro' so many Hardships? The Plaintiff said, that the only Answer he could make to his Lordship, was to ascribe it to the Power and Goodness of God who supported him. This noble Lord at the same time greatly approved of his *Concordance*, and said that it was very well done, and in a most generous Manner rewarded him for a Copy of it the Plaintiff had sent his Lordship.

The Plaintiff received a Letter dated *April 3, 1739*, from Dr. *Rogers* of *Stamford*, Inventor of the famous Gout-Oils, who visited him four times at *Bethnal-Green*, wherein the Doctor says;

“ I have carefully read over your *Printed Case*. I am surpris'd
 “ how you bore up under so many Cruelties; for nothing but the
 “ Power of the great and good God could have supported you
 “ under so many Afflictions, and even in his Mercy to preserve
 “ you in your Senses. Thousands would have gone mad, had
 “ they suffer'd a tenth Part of the Tyrannies and Oppressions
 “ that were laid upon your Shoulders; nay, I may even say
 “ your whole Body and Constitution. I do most sincerely wish
 “ that

“ that every thing in this Life may turn out to your present Ad-
 vantage and future Felicity. Since I had your Book, I was
 favour’d with a Letter from Mr. *Frewen* of *Rye*, to whom I find
 you sent one: He writes very moving on your calamitous
 Treatment; and as you mention’d my visiting you four times
 at *Bethnal-Green*, he seems the more anxious of having my
 Sentiments thereon, the better to confirm the Veracity of the
 many horrid Hardships you then and there labour’d under. Last
 Post I gave him a true and impartial Relation of what I then
 saw, with my real Sentiments of your then and present Case;
 and I hope all will end well.”

The Plaintiff also received a Letter from the aforesaid Mr. *Frewen* Surgeon at *Rye*, dated *May 17, 1739*, wherein he says;

“ After acknowledging the Receipt of Yours, as well as the
 Narrative of your most barbarous Sufferings, I congratulate
 you upon being out of the Power of your merciless Persecutors.
Jucundi sunt acti Labores is a Maxim, I hope, you experience
 the Truth of, while your Relation can’t fail to move pity in
 all who have the least Compassion in their Natures. As soon
 as I had read your Book, finding that Dr. *Rogers* had made
 you several Visits while under Confinement, I gave him the
 Trouble of a Letter to ask his Sentiments, which are contain’d
 in his Answer now before me. He seems to suppose that you
 had met with some Disappointments to make you uneasy, tho’
 not any ways to deprive you of your Understanding; for he
 says that whenever he visited you at *Bethnal-Green* he always
 found you calm and rational, and as well as ever he saw you
 at any time before. He mentions settling an Account with you,
 and then, after giving some Description of the *Strait-Wastecoat*,
 which I need not repeat, he refers me to your *Journal*, which
 he believes is correctly true in every Particular. A hundred
 Part of the cruel Treatment you met with, would have been
 enough to have got the better of any Man’s Reason living:
 My Notion is that you have been most injuriously and, most
 barbarously treated, and I hope the Law will give you all
 possible Reparation.”

The Plaintiff received some very kind Letters from some
 Friends in *Scotland*, particularly from two excellent and pious
 Ministers of the *Gospel*. What follows was part of a Letter dated
Sept. 28, 1738, from the Reverend Mr. *Wil——n* a most useful
 and noted Minister near the River *Tay*.

“ Your Account of the Treatment you met with from Mr.
Wightman and others is most surprizing, and puts me at a Stand
 what to think of it. I see you have been laid in Darkness and
 in the Deeps, and Lover and Friend put far from you for a
 time; but I hope you will not rashly censure him, whose *Way*
is in the Sea, and his Path in the great Waters, so that his Foot-
steps are not known. Whatever Waves and Billows have gone over
you, I hope the Lord will command his Loving-kindness in the Day-
 time,

“ time, and in the Night his Song shall be with you, and your Prayer
 “ to the God of your Life, who hath hitherto preserved you, and
 “ will in the End bring his own Glory and your Good out of
 “ all those strange Providences that have passed over you. *The*
 “ *Foundation of the Lord stands sure, and he well knoweth those who*
 “ *are his, and will not let go the hold he hath taken of them :*
 “ Whatever Affliction he thinks fit to lay upon them, yea tho’
 “ they go thro’ Fire and Water, he will at last bring them out to a
 “ wealthy Place. I know you look above all Instruments to his
 “ wise and holy Hand that hath order’d this heavy Trial for you,
 “ and will adore him with Humility and Silence.”

This pious Minister thought it most proper freely to forgive
Wightman, and not to insist upon a Prosecution; and says;
 “ This Gospel-Method may be thought not unbecoming him who
 “ hath been, in the Hand of God, instrumental to bless the
 “ World with a *Concordance to the Holy Bible* that will perpetuate
 “ his Memory, and make it favourable to all the Lovers of that
 “ matchless Book the *Bible*, in which we have eternal Life.”
 But the Plaintiff writ to him, that *Wightman* had dared him, and
 said that he would have no Pardon from him; and the Injuries
 occasion’d by his barbarous Treatment will not allow any such
 thing, for it’s the Plaintiff’s earnest Desire to balance Accounts
 with every body: And therefore the Plaintiff must pursue his
 Adversaries as a Creditor doth his Debtors. *Wightman*, after
 the Lawsuit was begun, offered a Sum of Money to the Plaintiff,
 but it was no way equal to the Damages done him.

Another Letter dated July 16, 1739, was from the Reverend Mr.
M—t, a valuable Minister in the *West of Scotland*, wherein he says;
 “ I long exceedingly to hear from you what is the Issue of the
 “ Actions commenced against your Adversaries, who have ex-
 “ ceedingly injured you by the Accounts given in your *Journal*,
 “ which, when I read, have very much afflicted me. I hope
 “ your malicious Enemies will be obliged to make just Satisfaction
 “ and Reparation for the Injuries done you in your Personal
 “ Character and your Goods, seeing they have acted rashly and
 “ precipitantly, yea most unjustly, and without Cause or Authority.
 “ I pray our gracious God *may cause your Integrity and Innocence*
 “ *to shine as the Light at Noon-day*; and shall rejoice to hear, that
 “ those your Enemies were made sensible of their Wickedness,
 “ your Character restored, and your Damages repaired: *Wait on*
 “ *God and commit your Way to him, and trust in him who is able to*
 “ *bring it to pass*: Perhaps this Depth of Trouble you have been
 “ in, may be design’d by Divine Providence as an Introduction
 “ and Preparation to some great Things God has in store for your
 “ Good and Benefit. I pray, and hope upon Trial your Faith,
 “ Hope, Patience, and other Graces shall be found to Praise,
 “ Honour and Glory, and upon humbling yourself under God’s
 “ mighty Hand he will in due time exalt you.”

It may be justly supposed that all unprejudiced Persons, who
 have

have read Mr. Cruden's *Journal*, do agree with the Authors of those Letters, and think that his Adversaries, who have used him so unjustly and barbarously, ought to suffer the Penalties of the Law: And unless *Wightman, Oswald, Monro* and others can answer the *Journal*, they will never be able to clear themselves before the World of the black and unjustifiable Crimes they are justly accused of: But Men will be apt to say and most justly, that Wealth, Power and Interest have prevailed over Truth, Equity, and Justice. The Scripture commands most strictly the administering of Justice, in *Deut. xvi. 18, 19, 20. 2 Chron. xix. 6, 7. Prov. xxi. 3.* And in other Places in great abundance, that any may turn to by the help of a *Concordance*. The famous Example of Justice in *Zeleucus* Prince of the *Locrians* ought to be consider'd, who made a Law, 'That whatsoever committed Adultery should be punish'd by the loss of both his Eyes.' His only Son was the first Person convicted of that great Crime, and his Father being to execute the Law upon him, the People interceded much for him as being a Person otherwise of good Qualities. *Zeleucus* to fulfil the Law and to do Justice, order'd one of his Son's Eyes to be pulled out, and also one of his own; which was an eminent Instance both of Justice and Mercy. If such Instances of strict Regard to Justice were to be found among the Heathens, what should be expected in a Christian Country?

THE Verdict for the Defendants, as much expected as a Declaration, "That Two and Three make Six", tends also to injure the Publick greatly, by making Persons to suppose that there is not a Necessity for the LEGISLATURE to regulate Private Madhouses: The Plaintiff had been at much pains to write Letters, and to send Copies of his *Journal* to several noted Members of the Honourable House of Commons, and to wait personally upon some of them to beg they would be pleased to bring in or promote a Bill for regulating Private Madhouses: But his Application being late in the last Session he was told by an eminent Member, that nothing could be done that Session: And a Friend of the Plaintiff's had the Promise of a valuable Member to carry in the Bill the next Session. This Disappointment, occasion'd by one Person, tends to discourage this necessary Design; but it's hoped that this Account of the Trial will tend to open the Eyes of his Majesty's Subjects, and to shew the Necessity of such a Bill, that the two above-mention'd *Extraordinary Positions* may not take place, and that the Liberties and Properties of his Majesty's Subjects may be preserved.

The Plaintiff drew up a *Memorial* and sent it to two or three Members of Parliament, which was once intended to be printed in this Treatise, but it is too long to be here inserted. 'It expressed the many bad Motives that occasion'd Persons to be sent to Private Madhouses, and the Evils that had been practis'd, or might be practis'd in their present unrestrain'd Liberties; and that

• that often sober and judicious Persons had been sent to those
 • Houses from sinister Ends: That it seem'd necessary that Pri-
 • vate Madhouses should be licensed, and under proper Regu-
 • lations, and that the poor Patients should be visited at least once
 • a Month by Persons of Authority, and have Liberty of offer-
 • ing their Petitions. The absolute Necessity of such a Regu-
 • lation was shewn, and that it seem'd, that there was a sort of
 • a Defect or Oversight in the *Legislature*, in not making full
 • Provision against the Evils of Private Madhouses.'

Many are the Instances that might be given of Persons being unjustly confin'd in Madhouses; and when Persons are really disorder'd, Interest so far corrupts the Minds of some Keepers of Madhouses, that they use means rather to continue their Disorder than to cure it.

A Lord *Chancellor* about thirty Years ago, without due Consideration gave a Commission of Lunacy against a Gentleman of an Estate in *Hertfordshire*; and it's said it was used as one Reason for taking the Seals from him.

In the Year 1718 when *Wright* kept a private Madhouse in *Well Close-Square*, Mr. C. of *Camberwell* declares, that a Friend of his Sir *Charles Bl——*'s Son, who was really mad, was confin'd in *Wright's* Madhouse; but that *Wright* would have made Mr. *Bl——*'s much worse than he really was, had not he and other Friends often visited him. He says, 'That *Wright is a great Villain, and so vile a Fellow that he cares not what Mischief he does if he can make but a little Money, and that his Wife is a cunning Hussy*'. Mr. *Bl——*'s was attended in *Wright's* Madhouse by Dr. *Hale*. The scandalous Report that hath pass'd upon a late mad Doctor, and a certain Woman now concern'd in a Madhouse, when she was above twenty Years ago a Nurse at *Bethlehem*, is not fit to be mention'd. The Plaintiff some Months after his happy Escape, told *Wright's* Wife at *Bethnal-Green* to this Effect, *That her House might on some Accounts be call'd rather a Bawdy-house than a Madhouse and that the Crimes and Barbarities to the poor Patients committed in it, were so gross and scandalous in a Christian Nation, that the Plaintiff humbly hoped that Providence would make him an Instrument of bringing these Things to Light, and of punishing them for their Wickedness*. The guilty Woman seem'd to be affected, and was quite silent. The aforesaid Mr. C. said to the Plaintiff "That such Wickedness has been committed at *Bethnal-Green*, that *Wright's* House deserves to be blown up with Gun-powder."

My Lady *Clarke* a Woman of Piety, and about seventy Years of Age, who not many Years ago lived in *Jermyn-Street*, was unjustly confin'd in her own House by Sir *Edward T——* her own Brother, and her Neice his Daughter. She was confin'd from a Pretence of Disorder, but her real Friends set her at Liberty. My Lady *Clarke* prosecuted the injurious Persons, and the Judge said, *If this Lady is mad, we are all mad*. The Neice died soon after,

after, and it's said for Grief, being under a deep Conviction that she had greatly injured her Aunt: *But Wightman and the BLIND-BENCH appear to be both blind and hardned hitherto, for nothing is like to melt their hard worldly Hearts, but the Fleecing of them according to Justice.* Mr. C. of *Camberwell* knew my Lady Clarke, and says that, upon his going to the *East-Indies* in 1719, the good Lady freely gave him a *Bible*, a *Common-Prayer-Book*, and the *whole Duty of Man*.

His late Majesty's Tallow-chandler at the Corner of *Arlington-street* was, by his Wife's Contrivance and Order, decoy'd into a *Hackney-Coach* some Years ago, and carried to *Wright's* Madhouse at *Bethnal-Green*; and the Tallow-chandler being sought after by some of his Acquaintance, the Discovery was made by the Number of the Coach being remembred. The Tallow-chandler had an Action at Law, and cast his Wife and *Wright*.

One Mr. *Copper*, who had a Pension from the Crown, was declar'd mad by his Relations, and they for some Years received his Pension till the Iniquity was discover'd.

An Husband, not many Years ago, near *Exeter-Exchange* in the *Strand*, gave a Shilling to his Wife to buy a Mop, and his Wife treated her Sister in Tea with the Shilling: The Man was so barbarous that he sent his Wife to a Madhouse on this Account, and kept her there for some Years.

A Druggist in *Picadilly* about four Years ago was, it's said, sometimes guilty of the great tho' too common Sin of Drunkenness; and his Housekeeper who had passed for his Wife, by the Assistance of a Porter-Servant and an Attorney, confin'd him in a Private Madhouse at *Chelsea*, then at *Wright's* at *Bethnal-Green*, and afterwards at a Madhouse at *Eggom* in *Berkshire*. 'Tis said that by a pretended Letter of Attorney they received some of the Druggist's Debts; and that the Housekeeper afterwards pretended that the Druggist was dead, clothed herself with a Widow's Mourning-Habit, and gave Receipts for Money as his Administratrix. 'Tis said also that his Legs were screw'd with Irons in the Madhouse, and his Teeth pulled out with Pincers: *Horresco referens!* The Druggist making his Escape out of the Madhouse, some of the Confederates arrested him for a sort of a Debt, and he is now a Prisoner in the *Fleet-Prison*; tho' the Druggist was an opulent Man before they meddled with him.

A Shopkeeper in *Vinegar-Yard* near *Drury-Lane*, about three or four Years ago, confin'd his Wife unjustly, and kept Company with another Woman. The Neighbours made him bring his Wife home again; but the poor Woman had been so terrified, that she soon died, and the Shopkeeper married his former Harlot.

A Taylor in a Court near the New Church in the *Strand*, not long ago confin'd his Wife unjustly, and the poor Woman died in the Madhouse.

It is observable that the very Day before our Plaintiff's Cause was tried, there was a Trial relating to Lunacy in the same Court.

There was indeed another Judge on the Bench, the Judge in our Plaintiff's Trial being ill and under Physick; but he came abroad to hear the Trial in which *Monro* was concern'd. Our Plaintiff was told the Morning of his Trial by some in the Hall, that it had been yesterday intirely determin'd in favour of the pretended Lunatick, and that the Jury was very tender about those said to be disorder'd Persons, and that they did not doubt of our Plaintiff's Success: But they did not know how powerful a Friend *Monro* had got.

This Trial was between an Apothecary in *Drury-Lane* Plaintiff, and the Reverend Mr. *James Knox* Commissary of the *Leeward-Islands* Defendant. Mr. *Knox* had been greatly injured and confined in *November 1737* by his Wife an Irish Woman, and by the Apothecary in Mr. *Waltel's* Private Madhouse at *Chel-sea*; and the Apothecary had also detain'd Mr. *Knox* Prisoner in his own House for some considerable time, and adventured to bring an Action against Mr. *Knox* for Maintenance and Medicines, but the Apothecary was cast. When the Judge summed up the Evidence to the Jury, he did it in a fair cautious Manner, and told them that if they believed the Defendant was not mad, they were to find for the Defendant; but if otherwise for the Plaintiff: But he did not direct them in a peremptory and authoritative Manner, as was done in our Plaintiff's Case. The Jury brought in their Verdict for Mr. *Knox* the Defendant.

Mr. *Knox* had observed a particular Intimacy between his Wife and the Apothecary, and he refused to support his Wife in the Manner she desired, during this Intimacy; therefore she and the Apothecary found means one way or another to overcome Mr. *Knox* with Liquor, and then examin'd his Pockets, and robbed him of about forty Guineas. Mr. *Knox* threatening to prosecute them for this Robbery, the Apothecary and others sent him to a Madhouse, and endeavoured to get a Commission of Lunacy against him; but their Affidavits being suspected, some were appointed to visit Mr. *Knox*, and he was ordered to be set at Liberty.

It is commonly said, 'That every Body's Business is no Body's Business:' and therefore some great Evils are very often long in being taken notice of and cured: But it is hoped that it will appear highly necessary, that some Provision should be made to deliver his Majesty's Subjects from those Evils and Barbarities that are a Reproach to a free Nation and a Christian Country, and that Mr. *Cruden's Journal* and this *Treatise* will shew the Necessity of a Remedy from the LEGISLATURE, to restrain the exorbitant Proceedings in sending and continuing sober and judicious Persons in Private Madhouses for sinister Ends: And it is to be wished that Dr. *Monro's* Conduct was narrowly inspected for the publick Good, and that his Authority in declaring Men mad might be impair'd, and that he might be severely punish'd, if he deserves it, seeing he is said to be always on the severe side with respect to his poor Patients. His Power seems to be too great a Power for him or any one Man; for the Corruption of human Nature, since

since the Fall of Adam, is so great that Interest very often prevails over Integrity.

Mr. Cruden hath been reckoned a very peaceable meek Man the former Part of his Life, and whatever his Adversaries may say, he thinks that he has not done any thing to injure his former Character, and that it is his duty on several Accounts to prosecute those who have so greatly injured him. If the Defendants had not greatly injured Mr. Cruden, he must be uncommonly wicked to bring an Action for so great Damages against them; but the Consciences of the Defendants Counsel and of a certain Person were not quite so hardened, but to appear to be convinced of the contrary. That Person, who strenuously appear'd for the Defendants was inclinable that the Jurors should withdraw; but some would not agree to it, unless Mr. Cruden would withdraw his other Action against *Wightman*; so that *Wightman* and all his Accomplices must have escaped Punishment for their horrid Crimes, which Mr. Cruden could not consent to, not only for his own sake, but also for the sake of the Publick.

The Injustice done to Mr. Cruden is very great, and attended with very injurious Consequences to him; and tho' many say it was a barefaced Injury and an iniquitous Judgment, yet that is not sufficient to make Satisfaction for the Injuries done to him by this uncommon Verdict given by a Jury, who were told that the Act of the 12th of Queen Anne did not relate to the Plaintiff's Case, whereas it is really otherwise; and they were not left to their own Consciences, but were told peremptorily and authoritatively, 'You are to find for the Defendants.' The Plaintiff made a most moving Speech to that Person in Court, that might have melted any Heart: But whether he shew'd a becoming Compassion to him or did him Justice, let his own Conscience determine, for the Plaintiff's Conscience and many others give it against him.

Surely many Reasons plead for a New Trial that Justice may be done the Plaintiff, and that the injurious Defendants may not escape Punishment; seeing this Verdict injures the Plaintiff most unjustly and greatly in his worldly Welfare, and also in his Character; for many, upon hearing this Verdict, will be apt to think that the Plaintiff's Sanity was not proved, which was evidently done by many creditable Witnesses. If the Plaintiff may be allow'd to say what he firmly believes, he can say that it is his Opinion, that no Person of Authority in *England* would have taken so much upon him as a certain Person did; for a Jurymen told the Plaintiff, that that Person as it were determin'd the Verdict. Some have said, it had been better that *Monro* had not been made a Defendant, and that Justice would then have been done to the Plaintiff. The Plaintiff is convinced that *Monro* fully deserved to be a Defendant; but if the Plaintiff had known *Monro's* Interest with a certain Person, he had been so prudent as to have laid the Action against *Monro* in another Court. Let Dr. *Monro* ask his own Conscience whether his Aim and End was not to screen
Wightman

Wightman in that desperate and diabolical Contrivance to send the Plaintiff to *Bethlehem*.

It hath been justly observed by the Plaintiff's Friends, that God hath greatly supported him under his many Troubles, and under this late great and unjust Disappointment in *Westminster-Hall*. Our Plaintiff hath been blessed with much inward Peace and Tranquillity, and hath bore his Troubles with great Calmness and Composure of Mind, which is more valuable than outward Prosperity; for real Happiness consists in Peace with God and Conscience, and not in external Blessings. The Plaintiff desires to pursue his Adversaries in a prudent Manner, as a wise Creditor would do his just Debtors; and after using all Means, to refer all Events to God. The Author of this Treatise has a good Conscience, which gives him great Courage, and he has no Reason to be afraid of any Power or Person; and he trusts in God's almighty Protection, who can restrain his Adversaries as formerly: *Hitherto shalt thou come, but no farther; and here shall thy proud Waves be stay'd!*

The Plaintiff, during his Confinement at *Bethnal-Green*, writ to *Wightman* of his Design to vindicate his own Character, and told *Wightman* that he might expect to suffer the Penalties of the Law for his criminal and unjust Management; but he also told him that he did not desire to say; "*I will recompense Evil, but to wait on God and he will save me.*" God's Time is the best Time. Tho' *Wightman* and his Accomplices had no Authority for what they did, and the Plaintiff told them their Danger, yet they would not desist, but injured him more and more; for his not signing a Release for them made them more and more desperate.

It is as plain as that *Three and Three make Six*, that the Plaintiff had a Right to recover great Damages from those injurious Men; for *Monro* and *Oswald* were evidently guilty, being *Wightman's* Creatures and Accomplices in this Scene of Iniquity; and *Wright* and *Davis's* Justification was plainly falsify'd by the Witnesses, those two Defendants having in their *Plea* asserted that the Plaintiff was in disorder all the time he was at *Bethnal-Green*: Therefore that Person, who occasion'd so great Injustice to be done to the Plaintiff, ought to be sorry for it, and, upon a Conviction in his own Conscience, make a just Recompense by doing the Injured Person Justice against his Adversaries, and by granting a New Trial upon the first Motion for it.

May God by his Spirit and Grace support and guide the greatly Injured Person, and in his Providence appear for him, and deliver him from the Oppression and Injustice of his Adversaries, and save him as to his Character and every thing relating to him; for he desires to wait on God for spiritual and temporal Salvation thro' *Jesus Christ* our Lord. *Amen.*

