

himself, and several of his Men: He prayed the Mercy of the Court, and so concluded, &c.

Where upon due Consideration of the Premises, the Court were of Opinion, that the said *John Constable*, Captain, fell under the 12th, 14th, and 20th Articles of War; and adjudged the said Captain *John Constable* to be immediately cashier'd, and render'd incapable of serving Her Majesty, and be imprisoned during Her Majesty's Pleasure, and sent home to *England* a Prisoner in the first Ship the Admiral shall think fit; and be confined a Prisoner till then.

Oct. 10, 12. **C**aptain *Cooper Wade*, Commander of the *Greenwich*, was Tried before the aforesaid Court; on a Complaint exhibited by the Judge Advocate, on the Behalf of the Queen, of high Crimes and Misdemeanors, of Cowardice, Breach of Orders, and Neglect of Duty, and other ill Practices, committed during a Fight, commenc'd the 19th of *August*, 1702, as aforesaid. (*Refer to that Part of Colonel Kirkby's Trial.*)

The Witnesses sworn on Behalf of the Queen.

The Honourable *John Benbow, Esq; Admiral,*  
 9 *Lieutenants,*  
 3 *Masters,*  
 3 *Inferior Officers.*

16 *Witnesses.*

Who deposed, That during the Six Days Engagement, he never kept the Line of Battle, fired all his Shot in vain, not reaching half way to the Enemy; That he was often told the same by his Lieutenants and other Officers; but notwithstanding, he commanded them to fire, saying they must do so, or the Admiral would not believe they fought if they did not continue the Fire. That during the whole Fight the Admiral was engaged in, the said Capt. *Wade* received but one Shot from the Enemy; That he was in Drink the greatest Part of the Time of Action; And that he signed the Paper or Consultation drawn up by Colonel *Kirkby*, as aforesaid; and in the Time of Fight arraigned the honourable Courage and Conduct of the Admiral.

All which being fully proved as aforesaid:

That the said Captain *Cooper Wade* denied the Arraignment of the honourable Courage and Conduct of the Admiral, during the whole six Days Engagement; declaring the Bravery and good Management of the Admiral in this Time of Action, and that no Man living could do more or better, for the Honour of the Queen and Nation. He called some Persons to justify his Behaviour, who said little in his Favour. He begged the Mercy of the Court, and so concluded. Whereupon the Court was of Opinion, That the said *Cooper Wade*

fell under the 11th, 12th, 14th and 20th Articles of War; and accordingly adjudged the said *Cooper Wade* to be shot to Death: But it was farther declared by the Court, That the Execution of the said *Cooper Wade* be deferred till Her Majesty's Pleasure be known therein, but be continued a close Prisoner till that Time.

October 12. **C**aptain *Samuel Vincent*, Commander of the *Falmouth*, and Capt. *Christopher Fogg*, Commander of the *Bredab*, were tried before the aforesaid Court, on a Complaint exhibited by the Judge-Avocate, for high Crimes and Misdemeanors, and ill Practices in time of Admiral *Benbow's* Fight with Monsieur *Du Casse* as aforesaid, in signing a Paper called a *Consultation* and Opinion held on Board the *Bredab*, the 24th of *August*, 1702. (*Which is Verbatim recited in Colonel Kirkby's Trial, to which refer.*) It tending to the great Hindrance and Disservice of Her Majesty's Fleet then in Fight: And the said Paper so written, being shewed to each of them, they severally owned their Hands to the same, But the said Captain *Vincent* and Captain *Fogg*, for reason of signing the same, alledged, That being deserted during each Days Engagement by Colonel *Richard Kirkby* in the *Defiance*, Captain *John Constable* in the *Windfor*, Capt. *Cooper Wade* in the *Greenwich*, and Capt. *Thomas Hudson* in the *Pendennis*, and left as a Prey to Monsieur *Du Casse*, they had great reason to believe they should be Captives to the Enemy. And the Honourable *John Benbow, Esq; Admiral, &c.* coming into Court, declared, That during the Six Days Fight the said Captain *Fogg* behaved himself with great Courage, Bravery, and Conduct, like a true *Englishmen*, and Lover of his Queen and Country: And that the said Captain *Samuel Vincent* valiantly and courageously behaved himself during the said Action, and desired Leave to come into his the said Admiral's Assistance, then engaged with the Enemy, and deserted by all the rest of the aforesaid Ships; which he did, to the Relief of the said Admiral, who otherwise had fallen into the Hands of Monsieur *Du Casse*.

Whereupon the Court being of Opinion, That the signing of the aforesaid Paper brought them under the Censure of the 20th Article of War, accordingly adjudged Captain *Samuel Vincent*, and Captain *Christopher Fogg*, to be suspended: But the Execution thereof is hereby respited, till his Royal Highness Prince *George of Denmark*, Lord High Admiral of *England*, &c. his further Pleasure be known therein.

Capt. *Thomas Hudson*, Commander of the *Pendennis*, died on Board his said Ship, in the Harbour of *Port-Royal*, at *Jamaica*, the

At Five a-Clock the 12th Day of *October*. 1702. the President, &c. having finished all the Business before the Court, dissolved the same.

CLXXV. *The Trial of Haagen Swendsen, at the Queen's Bench, for forceably taking away and marrying Mrs. Pleasant Rawlins, Nov. 25. 1702. Mich. 1 Ann.*

**O**N *Wednesday* the 18th of *November*, the Grand-Jury of *Westminster* found the Bill of Indictment against the Defendants. On that Day an *Habeas Corpus* was moved for, and left at *Newgate*, and the Keeper refused to bring up the Prisoner on *Thursday*, but brought him on *Friday* Morning; and then he was Arraigned, and pleaded not Guilty; and the Court then appointed the Trial to be on *Wednesday* the 25th, that being the last Day that he could be tried, to have Sentence given against Convicted Persons in that Term.

Mr. *Swendsen* moved for a longer Time, alledging, That a *German*, a material Witness for him, was gone into *Yorkshire*. The Court then told him, that if any Person would Swear that any of his Witnesses could not be at the Trial on *Wednesday*, the Court would put off the Trial; but no Oath thereof being made, the Trial came on upon the Day appointed.

The Court being sat, at which were present the Right Honourable the Lord Chief Justice Holt, Sir John Powell, Sir Littleton Powis, and Sir Henry Gould:

*Haagen Swendsen* being brought to the Bar, Proclamation was made for Silence; and he being a Foreigner, claimed as his Right, the Benefit of a Party Jury; which was allowed him, and Leave to Challenge whom he would. He Challenged some; and the Gentlemen sworn were, viz.

George Ford, Esq;	} Gent.
Enoch Roose, Gent.	
Timothy Thornbury, Esq;	
Abraham Faulcon, Gent.	
John Pack, Esq;	
James Boynebb, Gent.	
Francis Chapman,	} Gent.
Erasmus Johnson,	
Robert Bampton,	
Matthew Boddin,	
Thomas Pitts,	
Henry Henderson.	

Cler. of Arr. *Haagen Swendsen* hold up thy Hand. Which he did.

Cl. of Arr. Gentlemen of the Jury look upon the Prisoner at the Bar. He stands indicted by the Name of *Haagen Swendsen, late of the Parish of St. Giles in the Fields, in the County of Middlesex, Yeoman; for that on the Sixth of November 1702, one Pleasant Rawlins, Gentlewoman, and a Virgin, and Unmarried, Grand-daughter and Heir of William Rawlins, Sen. then deceased, and Daughter and Heir of William Rawlins, Jun. before then also deceased, was above the Age of Sixteen, and under the Age of Eighteen, and then had Substance and Estate in Moveables and in Lands and Tenements, viz. in Money, Goods and Chattels, to the Value of 2000 l. and in Lands and Tenements to the Value of 20 l. per Annum, to Her and the Heirs of her Body.*

And that the several Persons, *Swendsen, Baynton, Hartwell, Spurr and Tho. Holt, the said 6th*

*Day of November, with Force and Arms, the said Pleasant Rawlins, as aforesaid, being Unmarried, and Heir, and having Substance and Estate at the Parish of St. Giles in the Fields, in this County, for the Lucre of such Estate and Substance of the said Pleasant Rawlins, did unlawfully, feloniously, violently, and against the Will of the said Pleasant Rawlins, take, carry, and lead away, with Intent to cause and procure the said Pleasant Rawlins, against her Will, in Matrimony to the said Haagen Swendsen to be joined, and to him to be Wedded and Married; and that the said Haagen Swendsen being a Man of a dishonest Conversation, and of none, or very little Estate or Substance, then, and there, by the Help and Procurement of the other Defendants, did feloniously marry the said Pleasant Rawlins, and was joined to her in Matrimony; and then, and there, her did carnally know; to the great Displeasure of God, against the Laws of the Queen, to the Disgrace and Disparagement of the said Pleasant Rawlins, and to the great Grief and Disconsolation of all her Friends, to the evil Example of all others, against the Form of the Statute, and against the Queen's Peace, her Crown and Dignity. And that the said Tho. Holt, after the said Pleasant Rawlins had been so unlawfully, violently, and feloniously taken, carried, and led away, and to the said Haagen Swendsen Married and Wedded as aforesaid; well knowing the said Pleasant Rawlins to have been so taken and lead away against her Will, and to the said Haagen Swendsen to be Wedded and Married, afterwards, viz. the said Sixth Day of November, in the said first Year of the Reign of this Queen, at the Parish aforesaid, the same Pleasant Rawlins, and also the said Haagen Swendsen, did wilfully, knowingly and feloniously receive, abet, comfort, conceal and assist, the said Haagen Swendsen, with the said Pleasant Rawlins to lye, and her carnally to know, then and there did feloniously incite, abet, help, cause and procure, against the Form of the said Statute, and against the Queen's Peace, her Crown and Dignity.*

Cler. of Arr. Upon which Indictment he hath been arraign'd, and pleaded not Guilty, put himself upon God and you the Jury at the Bar, being half Foreigners and half Natives.

Cryer. O yes! If any one will give Evidence on Behalf of our Sovereign Lady the Queen, against the Prisoner at the Bar, let them come forth, and they shall be heard; the Prisoner stands at the Bar for his Deliverance.

Mr. *Swendsf.* Pray, my Lord, let me have Pen and Ink, I am not allowed Council; (which his Lordship granted.) My Lord, I would beg the Favour of your Lordship, that the Evidence may be examined apart.

\* Mr. *Soll. Gen.* Is it not your Lordship's Pleasure to call the other Jury, the Facts are so twisted together, and have such a Dependance one upon another, that there will be an Inconvenience to us, if it be otherwise?

\* Sir *Simon Harcourt.*

Mr. Serj. Darnel. They may stand at the Bar by themselves.

Mr. Montague. Or else it will break our Evidence: They may stand on the other side.

L. C. J. Holt. He must be tried single.

Mr. Soll. Gen. May it please your Lordship, and Gentlemen of the Jury, I am of Council for the Queen: It was formerly reckon'd a less Crime to steal a Fortune of 10000 *l.* than to steal 12 *d.* of her Money or Goods; but in the Third Year of the Reign of King *Henry VII.* to cure this Defect in the Law, an Act of Parliament was made, whereby the taking away a Woman, having Goods or Lands, or being an Heir apparent, contrary to her Will, and afterwards Marrying her, is made Felony, and upon this Law the present Indictment is grounded.

*Pleasant Rawlins* was the Daughter of Mr *William Rawlins*; he having left her a considerable Estate, appointed *George Bright* and *William Busby* to be her Guardians. Mr. *Bright* being dead, the other Guardian Mr. *Busby*, for the better Education of Mrs. *Rawlins*, placed her under the Care of his Sister *Sabina Busby*. Mrs. *Busby* and Mrs. *Rawlins* have lodged about Three Years last at the House of the Widow *Nightingale*. *Haagen Swendsen*, with Mrs. *Baynton*, lodged at Mrs. *Blake's* in *Holbourn*, and there they first projected and contriv'd how they might make a Prey of this young Gentlewoman. The first Step they took towards executing this Design, was to get Lodgings at Mrs. *Nightingale's* House for Mrs. *Baynton*; for which Purpose she was to pass for a Country Gentlewoman of a plentiful Fortune. One Mrs. *St. John* was sent to Mrs. *Nightingale* to take Lodgings for Mrs. *Baynton*, commending her to be a very good Woman; and that having the Misfortune of a Law-suit, and being obliged for that Reason to attend it in Town, 'twas her greatest Care to lodge in so reputable a House as Mrs. *Nightingale's* was. Under this Pretence, Lodgings were there taken for her. At her first coming, she was forced to put on a Disguise; she seem'd to live a virtuous Life, that she might ingratiate herself into the Favour of the Family, as often as she had an Opportunity of conversing with any of them: She pretended she had a Brother of a good Estate, one of the best Men in the World; and she hop'd he would shortly come to Town, that she might see him. In a little time after came this *Swendsen* (being nothing related to her) and appeared as her Brother, and frequently visited her under Pretence of that Relation. But Mrs. *Baynton* was too well known in Town to continue long undiscover'd; Notice was soon given to Mrs. *Busby* of the vicious Life Mrs. *Baynton* had led, and that she was not fit to be in the same House with her. Mrs. *Baynton* having discovered this, and finding she had no Time to bring about her Designs by Frauds and Wiles, and that no other Ways was left but open Force, the Prisoner at the Bar and she took Measures accordingly; and in order thereto 'twas agreed, that a Writ should be taken out against Mrs. *Rawlins*. Mrs. *Baynton* contrives to get Mrs. *Rawlins* and Mrs. *Busby* into a Coach, and at a Place appointed a Signal was given, and the Writ executed; and Mrs. *Busby*, Mrs. *Rawlins*, and Mrs. *Baynton*, were all carried in the Coach to the *Star and Garter* Tavern in *Drury-Lane*, where particular Care was taken to separate Mrs. *Busby* and Mrs. *Rawlins*, because unless they did that, they could not hope to accomplish their Designs. Mrs. *Busby* was by Force kept at that Tavern, without any Process against her till the Marriage was over; but Mrs. *Rawlins* was forcibly carried to

*Hartwell's* the Bailiff's House. Mrs. *Baynton* pretended to be much concern'd for Mrs. *Rawlins*, and went in all Haste to call some of her Friends to be Bail for her. Some Time after Mrs. *Rawlins* was got to *Hartwell's*, in comes Mrs. *Baynton*, pretending that by mere Accident she had discover'd her being there, hearing her Name as she was passing by the Door; that she had been in Search, but could find no Help; and that her last Hopes was her dear Brother *Swendsen*, and she doubted not but he would Bail her: He by Agreement had been plac'd near the Bailiff's, and so was soon found, and brought thither, and was very ready to assist her. In order to her Discharge, the Prisoner, the Bailiff, and Mrs. *Baynton*, carry'd Mrs. *Rawlins* to another Tavern, where they had a Parson ready for the Purpose, and there this young Gentlewoman, thro' divers Artifices, of which you shall have a full Account, was constrain'd to Marry. These are the principal Circumstances, and they shall be plainly proved to you.

Mr. Serj. Darnel. My Lord, I think it necessary to open a little the Manner of getting this young Lady away, and the Contrivance of getting her into the Coach; for your Lordship knows, that if any are taken away without their Consent, tho' they do afterwards consent to be Married to such Taker, yet he is guilty within this Statute. They were resolved to take this Woman by Force, when they found they could not otherwise accomplish their End. And Mrs. *Baynton* knowing Mrs. *Busby* and Mrs. *Rawlins* were used every Friday Morning to go to a Chapel called *Oxendon Chapel*, Mrs. *Baynton* said, *I am going to Golden-Square, and if you are going to the Chapel, I'll set you down if you please*: They, glad of such a Convenience, thought no Harm, but went in the Coach. They had gone no further than *Dartmouth-Street*, but these Bailiffs come. *Hartwell* opens the Coach, and goes into it; they cry out to the People for Help; *Hartwell* pluck'd up the Glasses, and those Bailiffs about the Coach cryed, *It is an Arrest of a Cheat that owes Money to Tradesmen*. By this Means they carried her to the *Star and Garter* in *Drury-Lane*. When they had them there, the next Thing was to get her away from her Friend *Busby*, for unless that were done, they despair'd of getting her to marry *Swendsen*. Mrs. *Baynton* pretended to go find out Mrs. *Rawlins's* Friends to Bail her; but that was to meet with *Swendsen*: As soon as Mrs. *Baynton* was gone, the Bailiffs forced Mrs. *Rawlins* from Mrs. *Busby*, and Mrs. *Busby* was kept there by Force till Five a-Clock, till all was over. The Bailiffs, as they carried Mrs. *Rawlins* away, called her Jade and Slut, and bid her pay her Debts; and said, *Put on your Mask you Jade, for we will have no Mob to rescue you*; she put on her Mask, and the rest of the Bailiffs followed her, and said, *She was a Cheat and was arrested*. Then it was Time to open the Scene. *Hartwell* carried her to his House, and Mrs. *Baynton* pretending to be coming by and hearing of her Name, open'd the Door, and by an extraordinary Manner burst into the House, and told her, *Madam, I went to all your Friends, but could find none at home; but I have been with my dear Brother Swendsen, who will come with another to Bail you, and 'twill not be long before they come*; for they were placed at the *Five Bells* very near *Hartwell's* House: Upon this she went out again, and brought in *Swendsen*, and one *Holt* who keeps the *Mitre* Tavern in *King-Street, Westminster*. And truly when they were there, and talked of being Bail, then they would all go in a Coach to the *Kine* Tavern, the Place where they designed the Marriage;

Marriage; and they had got Two proper Instruments ready there for the Business, the Chaplain and the Clerk of the *Fleet*. When they had her there, my Lord, the Bailiff asked if she had any Bail? Mrs. *Baynton* said, that Mr. *Swendsen* and Mr. *Holt* would be her Bail; the Bailiff said, *I will not take Swendsen's Bail, he is a Man I know not, but Mr. Holt I know, I will take his.* The poor Woman begged upon her Knees, for Christ's Sake let me send for my Friends; and they pretended to send for abundance of them, but none came. Then she was threatned with *Newgate*, for that often came out; *If you cannot get Bail, to Newgate you must go, and there must lie.* This was often said by *Hartwell*. Then Mrs. *Baynton* cry'd (as she could do at command) *O how I pity you, Mrs. Rawlins, Is there no way in the Law to help you? I believe if you were married that would put an End to the Action.* Then speaking to the Bailiff said, *If this Gentlewoman were married, would it not put an End to it?* The Bailiff said, *I can't tell but it might, if such a Thing were.* Well, now her rich Brother *Swendsen* is proposed, she must be married to him; the Bailiffs threatning her severely, that to *Newgate* she must go if she did not. Immediately they brought in the Chaplain and Clerk of the *Fleet*, and read the Form of Marriage, and after carried her to several Places, lest they might be followed and prevented, Beds being provided for the Purpose at those Places, as your Lordship shall hear. And, my Lord, this taking of this Woman thus away against her Will, is an Offence against the Act of 3 *Henry VII.* and my Lord, we desire that the Statute may be read.

*L. C. J. Holt.* It shall be explain'd.

*Mr. Broderick.* My Lord, there was a whole Night compleated before the Prisoner was seized.

*Then Mr. W. Busby is called for, and sworn.*

He is asked, Do you know Mrs. *Pleasant Rawlins*?

*Mr. Serj. Darnel.* Give an Account of her.

*Mr. Busby.* She is the Daughter of *William Rawlins* deceased, who left his Estate to Dr. *Bright* and my self, to be sold for Payment of his Debts and Legacies, and left the Surplufage to his Daughter, which is about 2000 *l.*

*Mr. Serj. Darnel.* What Lands has she?

*Mr. Busby.* She has 20 *l.* a Year.

*Mr. Serj. Darnel.* What Age is she of?

*Mr. Busby.* She is near Eighteen.

*Mr. Montague.* Was she ever married, or no?

*Mr. Busby.* She was unmarried.

*Then Mrs. Sabina Busby was called and sworn, as also Mrs. Nightingale.*

*Mr. Swendsen.* My Lord, I beg the favour that only one Witness be heard at a Time.

*Mr. Soll. Gen.* Mrs. *Nightingale*, Do you know Mrs. *Pleasant Rawlins*, and Mrs. *Busby*?

*Mrs. Nightingale.* Yes, I do.

*Mr. Soll. Gen.* Have they lodged at your House?

*Mrs. Nightingale.* Yes.

*Mr. Soll. Gen.* How long?

*Mrs. Nightingale.* Above Three Years.

*Mr. Soll. Gen.* Have you any Knowledge of Mrs. *Baynton*?

*Mrs. Nightingale.* Yes.

*Mr. Soll. Gen.* How came you acquainted with her?

*Mrs. Nightingale.* One Mrs. *St. John* came to me to know whether I took Boarders? I said, I had taken some, but would take no more, unless it were the same Ladies again.

*L. C. J. Holt.* Who was it came to you?

*Mrs. Nightingale.* One Mrs. *St. John*.

*Mr. Soll. Gen.* Mrs. *Nightingale*, speak out, that my Lord may hear you.

*L. C. J. Holt.* Did Mrs. *Busby* lodge with you?

*Mrs. Nightingale.* Yes, my Lord, we were very intimate before; and since it pleased God to take away her Husband, I was pleased with her, and very willing to take her into my House.

*Mr. Soll. Gen.* Acquaint his Lordship how Mrs. *St. John* came to you.

*Mrs. Nightingale.* Yes, my Lord, as near as I can. She came to me, and ask'd me, if I took Boarders? I told her, No, I would take none, except it were those Ladies I had before: She told me, she had an Acquaintance that was a Widow Lady that came out of *Wiltshire*, about a Suit of Law, and would be in a very sober Family near a Church. But however, I denied her Lodgings, and did expect to hear no more of her. But about three Weeks or a Month after, she came to me again, and asked me whether I had altered my Resolution.

*L. C. J. Holt.* Go on.

*Mrs. Nightingale.* My Lord, Mrs. *St. John* said, that the Lady was come to Town on the *Saturday* Night before, very much indispos'd in her Journey. I asked her whether she knew this *Baynton* or no? Mrs. *St. John* said, Yes; she was very intimate in the Family, and she said a great deal more of her, which I cannot remember. She said also, that she would have Boarded her her self, and would have been glad of her Company, if she had had Conveniences for her. Then she asked me, whether she should come her self and give her own Character? We thought no harm, she being a Woman, and not a Man. She further said, that Mrs. *Baynton* had seen a Maid whom I knew, and she believed she would take her. I enquired of another who lived in the *Mews*, if he knew Mrs. *Baynton*; he said, Yes, and that she came of a good Family. At length she came, and made a very modest Appearance in her Behaviour and Garb. She said to me, that I was very curious in taking in Boarders, and for that she liked me the better. I consented she should come. She asked me what I would have a Week? I told her Twelve Shillings for her self, and Ten Shillings for her Maid. She concluded to come on the *Wednesday* following; which she did with her Maid, a modest Girl, and a Neighbour, which gave me the more Encouragement. She carried her self very well till *Michaelmas-Day* at Night, when we heard of her new Brother; she seem'd elevated at the News, and fell into Convulsion-Fits, which I believ'd were real Fits. She said she had a dear Brother, a good Christian, and he would come on the *Morrow*. When he came, he brought two Gentlewomen with him, very modest, which I never saw before, nor since. Mrs. *Baynton* made a Pot of Coffee, and sent for a Bottle of Wine, and she told her Brother before me, what good Lodgings she had, and said she wished he would come and lodge near them, for she knew he had but a puny Stomach, and believed he would like her Victuals. He said it was not convenient for him, because his Business called him every Day to the *Change*. She said also, there was a *Bowling-Green* near them, where he might divert himself. But all would not do. She asked me what I would have a Meal if her Brother should come at any Time: I said, when I had other Ladies, if any of their Friends came, I had Twelve-Pence a Meal of them. On *Friday* he came; I went to

Church, and left them together at Cribbage, as I found them at my Return.

*L. C. J. Holt.* What Day of the Week was this ?

*Mrs. Nightingale.* The *Friday* before the *Sacrament*. *Mrs. Baynton* said to *Mr. Swendsen*, before *Mrs. Busby*, You have an extraordinary Hand at making Punch ; so they agreed to make a Bowl the *Monday* following ; but *Mrs. Rawlins* hardly drank any, she not liking any strong Liquors. After this, she told me, her Brother was very ill of his Journey, being lately come out of the Country, tho' I don't understand he was in't. The *Monday* before *Michaelmas-Day*, we were at Dinner with two more than our Family, when *Mrs. Baynton* said, she had an Interest in a *Norway Ship*, and invited us all aboard ; But he, *viz.* *Mr. Swendsen*, did not come to our House till Four Days after ; but on *Friday* we concluded to go on *Saturday* ; there were Eight of us in Company in all, *Mrs. Rawlins*, *Mrs. Busby*, I and my Daughter, and *Mr. Ball* another Lodger, belonging to the Exchequer. We went, and had much Discourse ; after having drank a Glas of Wine, the Cloth was laid, and the Master offered a Bowl of Punch ; says *Mr. Swendsen*, Ladies, I would please you all, and leave you all to your Liberties to drink what you please.

*L. C. J. Holt.* Is this Person *Mrs. Baynton's* Brother ?

*Mrs. Nightingale.* This is he that went for her Brother.

*L. C. J. Holt.* Whereabouts is your House ?

*Mrs. Nightingale.* Near *Tuttle-fields*.

*Mr. Soll. Gen.* This *Mrs. Baynton* came to you under the Character of a Country Lady on a Law-Suit ; do you understand that she was so ?

*Mrs. Nightingale.* My Lord, She said she came from the *Bath*.

*Mr. Soll. Gen.* You misapprehend the Question ; Do you understand that her Pretence was true or not ?

*Mrs. Nightingale.* I enquired of several Persons, who acquainted me that the *Bayntons* lived in *Wiltshire* ; but it was not long before we began to suspect her, for there seemed to be an extraordinary Love between her and *Swendsen*, more than is usual between Brother and Sister. I said, Madam, I wonder you don't marry your Brother. She said, she thought that 'twas not lawful. I said there was such a Thing done in *Westminster*, of a Man's marrying Two Sisters.

*Mr. Soll. Gen.* Pray call to mind what Time it was that you first gave Notice to her that she should not continue in your Lodgings.

*Mrs. Nightingale.* When I first mistrusted her, I gave Notice of it in my Family. But we being all Women, and fearful of her, thought not fit to give her Warning till her Month was up. But before that, she came to me, and told me, and said *Mrs. Nightingale*, I have received a Letter from my Sister *Baynton* in the Country, which informs me, that the Trustees will agree, and so I design to return when my Month is up, for this Town is very chargeable. Very well said I, for I expect some Ladies very shortly. I went down to my Family and express'd my Joy to them, and said, I was very glad *Mrs. Baynton* had prevented me, for if she had not given me Warning, I would have given her Warning, for I resolv'd she should not stay.

*Mr. Soll. Gen.* *Mrs. Nightingale*, it seems you had Notice of *Mrs. Baynton's* ill Carriage ; did you take any Notice of it to her self ?

*Mrs. Nightingale.* No ; I did not, but I gave the Maid Notice as soon as I suspected any thing.

*Mr. Soll. Gen.* Do you know whether the Maid had told any Thing to her or not.

*Mrs. Nightingale.* The Maid said to her, Madam, don't you see a Strangeness in the Family ? Yes, said she, I can see and bear a great deal ; but when I am roused, I'll be like a Lion.

*Mr. Soll. Gen.* How long was this before *Mrs. Rawlins* was taken away ?

*Mrs. Nightingale.* I can't prefix the Time, but it was before she gave me Warning.

*L. C. J. Holt.* Was she gone from your House before this Thing happen'd.

*Mrs. Nightingale.* No, my Lord she told me on *Wednesday* that her Time was out ; but said, There is a Fellow in Town that I fear will cheat me, and I am taking out a Statute of Bankruptcy against him, which I think will cause me to stay in Town a Week longer ; she also told me, she had taken a Place in the Coach to go on *Thursday*, but must lose her Earrest, for this Business would detain her a Week longer.

*Mr. Raymond.* Did you ever observe they were together in private ?

*Mrs. Nightingale.* No, my Lord, we never had any Suspicion of *Mr. Swendsen*, but of the Woman ; for she could put on all Manner of Disguises.

*Mrs. Busby* being called, she is sworn.

*Mr. Soll. Gen.* *Mrs. Busby*, pray do you know *Mrs. Rawlins* ?

*Mrs. Busby.* Yes, I do.

*Mr. Soll. Gen.* How came you first acquainted with her ?

*Mrs. Busby.* My Brother *Busby* was one of her Guardians, and put her under the Care of my Husband, while he was living, which was four Years ago this *Christmas*. She came to us by the Consent of her Guardian.

*Mr. Soll. Gen.* At what Place did you lodge ?

*Mrs. Busby.* We lived in *Stretton-Grounds*, but since my Husband died, which is Three Years last *July*, I left House-keeping, and then we went and lodged at *Mrs. Nightingale's*.

*Mr. Soll. Gen.* How long have you continued at *Mrs. Nightingale's* ?

*Mrs. Busby.* We have continued there ever since.

*Mr. Soll. Gen.* Do you know *Mrs. Baynton* ?

*Mrs. Busby.* Yes, I do, she lodged at *Mrs. Nightingale's*.

*Mr. Soll. Gen.* Was there any body who used to come to her there ?

*Mrs. Busby.* None except a *Change-Woman*.

*Coun.* Do you know any Thing of *Mr. Swendsen* ?

*Mrs. Busby.* Sir, The first of his coming to *Mrs. Nightingale's*, was the Day after *Michaelmas-Day*. *Mrs. Baynton* said, that she had a Brother that was to come to Town, which he did the Day after, with Two Gentlewomen, which I never saw, either before or since ; but *Mr. Swendsen* after this came several Times to her as her Brother, her Sister's Husband ; and she desired that he might dine with her sometimes ; for which she agreed with *Mrs. Nightingale* at 12 *d.* per Meal.

*Mr. Soll. Gen.* Was this *Mrs. Rawlins* at any Time in private with *Swendsen* ?

*Mrs. Busby.* Never that I know of in all my Life ; we were always in Company together when he dined there, and the Times that he dined there we computed to be 9 or 10 ; he was there sometimes when we were not at home.

*Mr. Soll.*

Mr. Soll. Gen. How did Mrs. Baynton behave herself when she was at Mrs. Nightingale's?

Mrs. Busby. We thought very well of her, till at last we discerned too much Freedom between Mr. Swendsen and her self; we suspected her Virtue, and thought she would Drink; and were informed she would Swear: She said she must stay in Town about a Month or Six Weeks about a Suit of Law. Her Maid told her of the Strangeness of the Family; she said they had best be Civil, or else she would stay and plague them. She told Mrs. Nightingale at length, the Town was chargeable, and her Business done, and that she would return into the Country.

Mr. Soll. Gen. What do you know concerning Mrs. Rawlins being taken away?

Mrs. Busby. Mrs. Baynton knowing it was our Custom to go to Oxendon Chapel every Friday Morning, she came and told us she had occasion to go to Golden-Square; and that being in the Way, she invited us to go with her in the Coach, and she would set us down at or near the Chapel. When we came to Dartmouth-street, somebody bid the Coachman stop: I expected she should set us down as she promised. On that side where I sat, there were old Buildings, and as I was looking out, I heard Mrs. Baynton cry out to the Coachman, Drive on; and all of a sudden I saw a Man in the Coach, which was Hartwell the Bailiff. Mrs. Rawlins and I were in a very great Fright, knowing nothing. I said for God's sake let's come out, we are not concerned. Hartwell said we were the Persons that he came for. I begg'd of him to let us come out: Hartwell had his Arms about Mrs. Rawlins's Side, and said, 'tis this Lady and you that I am concerned about. I ask'd him what it was. Said he, let you and I have two or three Words together, and all will be well enough. I said, you don't think I will say any thing to you, unless I have my Friends by me; Mrs. Baynton in the Coach, said, No, Madam, be sure you don't. I could not tell what he would do with us; at length he carried us all to the Star and Garter Tavern in Drury-Lane. I press'd him to let us go to Fleet-street, for I had Friends there. Hartwell was very angry, and would hear nothing of it. When we came to Drury-Lane, Mrs. Baynton would have had us put on our Masks; I said I had done nothing amiss, and I would not. When we were in the Room at the Tavern, Mrs. Baynton hastned out of the Room as fast as she could, pretending to go for my Friends. Mrs. Rawlins and I were in a great Conternation, wondring what they would do with us: I took hold of her Arm, and told her I would live and die with her. The Bailiffs came in, and said she was their Prisoner, and took her by Violence from me: They told me she must go with them, for they said she was arrested by a Writ out of one Court, and I by one out of another. When she was going, I put my Head out of the Window, and cry'd Murder, Murder, several times: When I pull'd in my Head again, Spurr said, What have you got by your Bawling? And said they were better known there than I. They brought a Man to me, who said he had Orders to keep me, and that he had only a Crown for his Pains; but he would not suffer me to send for any body. The Gentlewoman of the House came up, and said I had done a Diskindness to her House by crying out Murder: She said to me, Look and see whether your Name be spelt right, for it may be a false Arrest, &c. Wakeman that went away with Mrs. Rawlins, came back again, and said, the young Woman was well, and that he left her eating Fowl and

Bacon; I said, I wish she was well. The Gentlewoman of the House bid the Bailiff shew me the Writ: He said he could not read well; but there was the Name of Sabina Busby, at the Suit of one Jones: But when he heard my Complaints a considerable while, he said he would go to my Friends, and would go as cheap as a Porter, and as soon. I sent him to Mr. Thornton and Mr. Nash: He pretended to go, but return'd no more till Night.

Mr. Soll. Gen. You say you cry'd out Murder, how did Mrs. Rawlins behave herself then?

Mrs. Busby. It was her great Fright and Crying that made me endeavour her Rescue; when we said we wou'd die together, then it was when they forc'd her from me; the Surprize was so great that made me cry out after that manner that I did: Upon which some Neighbours came in, but they told them it was an Arrest, and therefore they would not meddle in it.

Mr. Soll. Gen. Mrs. Busby, they kept you till Night, you say; did they take or require Bail for you before you was discharged?

Mrs. Busby. I'll tell you, Sir, if you please: I did not know what I was arrested for, it might be Murder or Treason, for aught I knew. There was a little Boy by, said, Madam, I know Mr. Unkle, your Friend in Newmarket, and I'll go for him: He went, but when he return'd again, he said he was not at home; which I thought was a Lye. There was a poor Man, a Labourer, working in the Chimney, he gave me a Wink, and said, Madam, I'll go for him; but I said to him, Pray don't leave me; I began to be afraid, for I did not know how my Life might be concern'd. Said the little Boy, I'll go any where for you. I sent him for Two Gentlemen, who came: The Bailiffs said they had an Action of 200 l. against me; the Gentlemen told the Bailiffs they were come to bail me: The Bailiffs were very impudent, but shuff'd about a-while, and left me, and took no further notice.

L. C. J. Holt. Did they take any Bail for you?

Mrs. Busby. No, they left me with these Gentlemen.

Mr. Mountague. When you went out in the Morning, did you design to go any where else but to Chapel.

Mrs. Busby. No where else.

Mr. Mountague. Was it your Invitation to Mrs. Baynton, or her Invitation to you to go in the Coach?

Mrs. Busby. It was Mrs. Baynton's Invitation to me; I had not a very good Opinion of Mrs. Baynton, for we suspected her Virtue in the Family, by reason of her too familiar Carriage to her Brother; but being to go shortly away, I apprehended no harm.

Mr. Mountague. Did Mrs. Rawlins go with you?

Mrs. Busby. She did.

Mr. Mountague. Mrs. Busby, do you know the Prisoner? Is this the Man that came to Mrs. Nightingale's House?

Mrs. Busby. Yes, Sir.

Judge Powel. How long was it from the Time that you were parted after Arresting, that you saw Mrs. Rawlins again.

Mrs. Busby. The first time after was on Saturday, when they were before the Recorder.

L. C. J. Holt. When did you find her?

Mrs. Busby. On Saturday in the Afternoon.

L. C. J. Holt. Was you at the finding?

Mrs. Busby. No, my Lord.

L. C. J. Holt. What Time was it?

Mrs. Busby. About Noon, I believe.

Mr. Moun-

Mr. *Mountague*. When you saw her put into the Coach, did you hear her cry out?

Mrs. *Busby*. No, Sir; it was I that cry'd out.

Mr. *Mountague*. Did Mr. *Swendsen* make any Entertainments, or no;

Mrs. *Busby*. But one, as I know of.

*Prisoner* speaks to Mrs. *Busby*, and said, Have you done?

Mrs. *Busby*. I think so.

*Prisoner*. If you have, I'll ask you a Question; Did you know of any Love between Mrs. *Rawlins* and me?

L. C. J. *Holt*. Did you know any thing of Love between Mrs. *Rawlins* and the *Prisoner*, or no?

Mrs. *Busby*. No, my Lord.

Mrs. *Baynton's Maid* call'd and sworn.

Mr. *Soll. Gen.* Pray, did you know Mrs. *Baynton*?

*Maid*. Yes.

Mr. *Soll. Gen.* Was you her Servant?

*Maid*. Yes, Sir.

Mr. *Soll. Gen.* Who recommended you to her?

*Maid*. Mrs. *St. John*.

Mr. *Soll. Gen.* Do you know one Mr. *Swendsen*?

*Maid*. Yes, my Lord; there he is; pointing to him.

Mr. *Soll. Gen.* Did you ever see him before you were hired to your Mistress.

*Maid*. No, my Lord; I never saw him before?

Mr. *Soll. Gen.* Did you see him when you was with your Mistress?

*Maid*. Yes, my Lord.

Mr. *Soll. Gen.* Do you know whether there was any Relation between them?

*Maid*. Yes, my Lord; they went for Brother and Sister.

Mr. *Soll. Gen.* How long was you with her?

*Maid*. About a Month.

Mr. *Soll. Gen.* How did she behave her self?

*Maid*. Till the last of her Time, very well; but the Family had a Mistrust of her long before she went away.

Mr. *Soll. Gen.* Do you know the Reason why they mistrusted her?

*Maid*. I do not know, my Lord.

Mr. *Soll. Gen.* Do you know what was the Cause the Family mistrusted her?

*Maid*. They thought her a loose sort of a Woman, and therefore they mistrusted her.

L. C. J. *Holt*. Did they discern any Familiarity betwixt them?

*Maid*. No more than as Brother and Sister.

Mr. *Soll. Gen.* After this Suspicion, do you know whether the Family express'd any Resentment?

*Maid*. No, my Lord.

Mr. *Soll. Gen.* Did you live with her when Mrs. *Rawlins* was taken away?

*Maid*. Yes, my Lord; but I went away the next Day.

Mrs. *Berkley* Sworn.

Mr. *Soll. Gen.* Mrs. *Berkley*, pray was you present when the *Prisoner* was taken up; and do you know whether he and Mrs. *Baynton* were Brother and Sister;

Mrs. *Berkley*. I went to Mr. *Swendsen* himself, and said, Is this wicked Woman your Sister? Says he, I cannot say she is; but I have made her my Tool, and she has done my Business, and I would get rid of her To-morrow, but that being *Sunday* I will not; but on *Monday* I'll give her a Reward for what she has done, and then I'll discharge her, and never see her more.

Mr. *Mountague*. Relate what Discourse you had with him to the Gentlemen of the Jury.

Mrs. *Berkley*. I asked Mr. *Swendsen*, Whether Mrs. *Baynton* was his Sister? He said, No, she is not my Sister; but I have gained my End, in making her a Tool to my dear Wife: I'll gratify her for what she has done, and put her away on *Monday* and never see her more.

*Council*. I think you lodged in the House with her?

Mrs. *Berkley*. No; but I was a Neighbour, and was very frequently there.

*Council*. Did you see any thing to cause you to mistrust that there was any thing more than ordinary betwixt them?

Mrs. *Berkley*. No Cause at all, that I know of.

Mr. *Blake* and his Wife sworn.

Mr. *Soll. Gen.* Mr. *Blake*, pray do you know Mrs. *Baynton*?

Mr. *Blake*. Yes, Sir.

Mr. *Soll. Gen.* How long have you known her?

Mr. *Blake*. About Twelve Years.

Mr. *Soll. Gen.* Pray is she a Country Lady that has got a good Jointure?

Mr. *Blake*. I know nothing but that she works for her Living.

Mr. *Soll. Gen.* Hath she any Estate in the Country?

Mr. *Blake*. None, as I know of.

*Council*. Do you know the *Prisoner* at the Bar?

Mr. *Blake*. Yes, Sir.

*Council*. Where did he lodge at any Time?

Mr. *Blake*. He lodged at my House.

*Council*. How long?

Mr. *Blake*. About 6 or 7 Months.

L. C. J. *Holt*. Where is your House?

Mr. *Blake*. In *Red-Lyon-street*.

L. C. J. *Holt*. What other Lodgers had you at the same time?

Mr. *Blake*. I had a Parliament-Man lodged with me at the same Time.

L. C. J. *Holt*. Where did Mrs. *Baynton* lodge;

Mr. *Blake*. In the opposite Room against the Gentleman.

L. C. J. *Holt*. How long time?

Mr. *Blake*. About Seven Months.

*Council*. How long was Mrs. *Baynton* gone from your House before this Matter happened?

Mr. *Blake*. About Five or Six Weeks.

L. C. J. *Holt*. How long before *Michaelmas*?

Mr. *Blake*. I cannot certainly tell; but I believe much about that Time.

*Council*. When they were in your House, what did you see betwixt them?

Mr. *Blake*. Nothing of any harm, as I know of.

L. C. J. *Holt*. Mr. *Blake*, did you never see any harm by Mrs. *Baynton*?

Mr. *Blake*. Not as I know of.

Mr. *Soll. Gen.* Do you know whether she lay-in at your House?

Mr. *Blake*. I know not; for aught I know she might: I know nothing of Womens lying-in.

Mr. *Wakeman* call'd and sworn.

Mr. *Soll. Gen.* Were you one of the Bailiffs that Arrested Mrs. *Busby* and Mrs. *Rawlins*?

*Wakeman*. I was the Man that executed the *Marshal's-Court* Writ, and Arrested them.

L. C. J. *Holt*. Who employed you?

*Wakeman*. Mr. *Hartwell*.

L. C. J. *Holt*. Were you at Mr. *Hartwell's* House?

*Wakeman*. My Lord, I'll tell you the Truth of the Matter: On *Wednesday* before they were Arrested,

rested, Mr. *Hartwell* was at my House to see for me; but being not at home, but in the Country, I came home about 11 at Night: My Daughter said to me, there was a Writ left by Mr. *Hartwell* for me to be served, and it must be done To-morrow Morning. On the Morning he came to me, and said, Mr. *Wakeman*, will you execute a Writ? He carried me to the *Mitre-Tavern*, and called for a Pot of Ale and a Bottle of White-Wine, and we had a Toast and some Cheese. While I was there, one Mr. *Holt* came in, a Man that I never saw in all my Life, and said, The Business cannot be done this Day.

*L. C. J. Holt.* What Day of the Week was this?

*Wakeman.* *Thursday*; he appointed me to call upon him at Nine next Morning. He said, If I came first we should get what we had before: He came in before we had done, and the Man of the House was dressing himself in the Kitchen: We eat a Toast, and drank the Wine, and after that, we had another. Mr. *Holt* call'd Mr. *Hartwell* out, and said, It cannot be done; by and by he said it might be done: I don't know what it was, but they took me to *Stretton-Street*; Mr. *Hartwell* and Mr. *Spurr* was with me: I was asham'd to stand in the Street, so I went into an Alehouse, and drank a single Pot of Drink.

Mr. *Soll. Gen.* Had you seen Mr. *Swendsen* before that Morning?

*Wakeman.* No: I never saw him before in all my Life. At that, if it please your Honour, Mr. *Hartwell* and Mr. *Spurr* went before, and bid me follow the Coach. I did so as near as I could, but could not keep pace with the Coach, being lame; but at *Dartmouth-Ground* Mr. *Spurr* stopp'd the Horses, and then I came up to the Coach; and Mr. *Hartwell*, I suppose, gave the Word of Arrest, and into the Coach he went; but I did not go in because there was no room, but rid behind it. The Coach was order'd to go to the *Star and Garter Tavern* in *Drury-Lane*. When we came there, we went into a Back-Room; and the Gentlewoman that had a Band-Box said to Mrs. *Rawlins*, I will go to some of your Friends.

*L. C. J. Holt.* What did they do in *Stretton-Grounds*?

*Wakeman.* They were Arrested there: The Gentlewoman was carry'd by Mr. *Hartwell* to his House, and I follow'd them; but meeting with a Gentlewoman of my Acquaintance, she stopp'd me. When I came to *Hartwell's* House, Where is she, said I? They told me she was below Stairs. I said I had a little Business elsewhere, that will detain me about an Hour: He gave me leave to go. When I went out, Mr. *Holt* call'd me over the Way, and ask'd me, if Mr. *Hartwell* was at home? I said, Yes. And is the young Gentlewoman there too? I likewise said, Yes. He led me to the *Five-Bells* in *Witch street*, into a Room where there were Three Boxes, and carry'd me to the middlemost Box, and there was a Gentleman.

*Council.* Was it the Prisoner at the Bar?

*Wakeman.* Yes, I think so. At that Mr. *Holt* fill'd me a full Glass, which I drank off; and I told him, I was going to do some Business in *St. Martin's*. And when I had done that, I went to *Hartwell's* House again: I enquir'd for the Gentlewoman. Mrs. *Hartwell* said, her Husband was gone along with the Gentlewoman to *Holborn* to make an end of the Matter. I ask'd her, Whereabouts? She said, At the *Vine Tavern*. I went thither, and ask'd for Mr. *Hartwell*. There was he, and Mr. *Butler*, and a Tallow-

Chandler going to eat Stakes: They invited me to eat some with them; which I did. Mr. *Holt* came into the Room two or three times: Then Mr. *Holt* told me, I was discharged of my Prisoner; so away I went.

*L. C. J. Holt.* You were eating Stakes, you say, at the *Vine Tavern*; Was she there then?

*Wakeman.* There is a Court against the Tavern, and I saw the Gentlewoman looking out of the *Vine Tavern*, where there were new Sash-Windows; as I came over the Way thro' the Court, this Gentlewoman look'd out of the Window.

*L. C. J. Holt.* What, before you went in?

*Wakeman.* Yes, my Lord; but I went in and saw him alone, but knew not whom he was.

*L. C. J. Holt.* Did you see Mrs. *Rawlins* there?

*Wakeman.* No, not at the Tavern.

Mr. *Soll. Gen.* When *Hartwell* took away this Gentlewoman, did she go away quietly, or did Mrs. *Busby* and she make an Outcry?

*Wakeman.* She was a little frightened.

*L. C. J. Holt.* Where was it you first saw Mr. *Swendsen*?

*Wakeman.* At the *Five-Bell Tavern*.

*L. C. J. Holt.* When was it you saw him there?

*Wakeman.* About Twelve a-Clock.

*L. C. J. Holt.* Where was it he gave you the Pot of Drink?

*Wakeman.* At the *Five Bells*; but it was Mr. *Holt* that gave it me.

*L. C. J. Holt.* How many were there in Company there?

*Wakeman.* Only Mr. *Holt*, and Mr. *Swendsen*.

*Council.* What was the Occasion of your going?

*Wakeman.* Mr. *Holt* call'd me.

*Council.* When was it you saw him out of the Window?

*Wakeman.* About an Hour and a Quarter after.

*Council.* What Answer did you give, when they ask'd you where the Gentlewoman was?

*Wakeman.* I said, she was at Mr. *Hartwell's*.

*Council.* You said you serv'd a Writ on Mrs. *Rawlins*, had you no Process against Mrs. *Busby*?

*Wakeman.* No, none at all.

*L. C. J. Holt.* On what Account did you keep Mrs. *Busby*?

*Wakeman.* I did not keep her; but one *Spurr* was employed to do it.

*Council.* You came back to Mrs. *Busby's*; did not you say that you had been with a young Gentlewoman, who was eating Fowls and Bacon?

*Wakeman.* Mr. *Hartwell* ask'd me to eat some.

*Council.* Did not you shew Mrs. *Busby* a Writ, and read it to her?

*Wakeman.* I cou'd never read a *King's-Bench* Writ.

*L. C. J. Holt.* Can you read a *Martial's-Court* Writ?

*Wakeman.* Yes, but not the *Latin* of it.

*Coun.* When you went to *Hartwell* at the *Vine-Tavern*, did you ask for Mrs. *Rawlins*?

*Wakeman.* Yes, yes; I ask'd where she was? They told me they were making an end of it. My Lord, I had like to have forgot; I asked where was the Prisoner? And Mr. *Holt* told me, they had just made an end of the Business.

*Mrs. Pleasant Rawlins sworn.*

Mr. *Soll. Gen.* Give an Account to his Lordship, after what manner you were Arrested, and carried from Tavern to Tavern.

Mrs. *Rawlins.* My Lord, I was Arrested with Madam *Busby*, and carried to the *Star and Garter Tavern* in *Drury-Lane*.

*L. C. J.*



*L. C. J. Holt.* How were you carried thither ?

*Mrs. Rawlins.* I was in a Coach going to *Oxendon Chapel*, when three Bailiffs were about the Coach.

*Mr. Soll. Gen.* Where did they carry you ?

*Mrs. Rawlins.* They carried us to the *Star and Garter* in *Drury-Lane*.

*Mr. Soll. Gen.* Who did they carry with you ?

*Mrs. Rawlins.* There was *Mrs. Busby*, *Mrs. Baynton*, and I, and *Hartwell* the Bailiff ; when we came to the *Star and Garter*, they forced me up Stairs into a Back Room, but we got into a forward Room ; but we had not been there long till they parted *Mrs. Busby* and I ; *Mrs. Baynton* was gone, for our Friends, as she pretended. I was in a very great Fright, but *Mrs. Busby* saying we will die together, they took me by Force from her ; *Hartwell* swore a great Oath, and thrust me down Stairs and forced me out of a Back-Door into an Alley. When he went to put me into a Coach, I cry'd out, Murder ; then he threatened to put me into *Newgate*. He carry'd me to his own House, and no body came to help me a great while ; but *Mrs. Baynton* said, that as she was going by the Door she heard my Name, and came in in a mighty Fright ; she said to me, Madam, I pity you, will no body Bail you ? She told me, I will send to my Brother who shall be Bail for you. She sent for him, he came into the Room, and he said, what is the Matter with you, I said, Enough is the Matter when I am arrested for 200 *l.* and owe no Man a Penny. Said he in a Jocosse way, what makes you affrighted at that, I have a good mind to arrest you my self. Then they took me thence to the *Vine Tavern* in *Holbourn*, where I was an Hour or Two before I heard any Thing of Marrying or any such Thing.

*Coun.* What did they do with you all that Time ?

*Mrs. Rawlins.* They got a Dinner ready, and after we had dined, she begged of me to have her Brother, and said, that if I did not marry him, I should be ruined. I told her I would do nothing without the Advice of my Friends. I desired my Friends to be sent for, but they would not admit it. She looked on my Ring on my Finger, and said, let me see your Ring from your Finger. I said, No, you shall not. She said I will force it off. I said I'll try that : But she forced it from me.

*Prisoner.* Remember you are upon your Oath.

*Mrs. Rawlins.* I know I am. When she took my Ring away, I asked her what she would do with it ; she said, we should go and get a Wedding-Ring made by it. I told her I would not marry without the Advice of my Friends. Away she went and bought a Ring, and came up again, and said to her Brother, she had a Ring ; well said I, give me my Ring and do what you will with the other ; she said, If I did not marry her Brother I should be ruined for ever.

There was a Minister in the House, whom they said had been there about a Quarter of an Hour, but I supposed longer ; they brought him, with the Clerk, up Stairs ; the Parson saying, I hear there is a Couple to be married ; he asked no Questions, but told me, if I did not marry this Gentleman, I should be sent to *Newgate* and ruined for ever.

*Coun.* Give an Account of what was after the buying the Ring.

*Mrs. Rawlins.* When they brought the Ring, they said to me, will you be married or no ? I answered, I will not, there are none of my Friends here, and I will not marry without the Consent

of my Friends ; They said, If I did not I should be ruined for ever. So with many Threats and Persuasions, they at last prevail'd with me to marry. I was forced to marry him out of Fear, not of going to *Newgate*, but of being murdered.

*Coun.* Where did they carry you ?

*Mrs. Rawlins.* To *Blake's House* in *Red-Lyon-Street*, *Holborn*.

*L. C. J. Holt.* What Time of Day was it ?

*Mrs. Rawlins.* I cannot give an exact Account ; but I think it was Candle-light.

*Prisoner.* It was about Twelve a-Clock, at Noon.

*L. C. J. Holt.* What Time was it that you were marry'd ?

*Mrs. Rawlins.* My Lord, it was about Three a-Clock.

*L. C. J. Holt.* When you went to *Blake's House*, who was with you there ?

*Mrs. Rawlins.* None but *Mr. Swendsen*, *Mrs. Baynton*, and I.

*L. C. J. Holt.* Was there any Force or Threats us'd when you were at *Blake's House* ?

*Mrs. Rawlins.* Yes, there was, my Lord.

*L. C. J. Holt.* Give an Account of it.

*Mrs. Rawlins.* They thrust me up Stairs, and ordered to have a Bed sheeted. *Mrs. Baynton* said to me, Undress and go to Bed. I said I would not. She said she would pluck my Cloaths off my Back. I said she should not. She said she would pluck off my Cloaths and make me go to Bed.

*Coun.* What did she do with you ?

*Mrs. Rawlins.* She put me to Bed.

*Coun.* Did she use any Violence with you ?

*Mrs. Rawlins.* Such Violence that made me go to Bed.

*L. C. J. Holt.* How came you to be released ?

*Mrs. Rawlins.* It was *Saturday Morning* before I was released ; there was some of my Friends came to the Place where I was.

*L. C. J. Holt.* Then you were with him all Night ?

*Mrs. Rawlins.* Yes, my Lord.

*L. C. J. Holt.* *Mr. Swendsen*, will you ask her any Questions ?

*Prisoner.* She must be my chiefest Evidence my Lord, when the Witnesses come ; she must be the chiefest of them.

*L. C. J. Holt.* You will not ask her any Questions now, but when the Witnesses are call'd.

*Prisoner.* My Lord, I presume she does not go out of Court. *Orders given for her to sit down.*

*Mr. Soll. Gen.* We have done with our Evidence at present.

*L. C. J. Holt.* *Mr. Swendsen.* What do you answer to the Evidence ?

*Prisoner.* My Lord, I am very much unprepar'd for a Tryal at present.

*L. C. J. Holt.* Why so ?

*Prisoner.* Because I had but little Time for Preparation, and I am not prepared, I desire that I may be allow'd Council.

*L. C. J. Holt.* No, no, it cannot be allow'd you ; and as for the time of your Trial you were told, if you would shew good Cause to have it put off yet, the Court would have done it.

*Prisoner.* Then I hope if I speak any Thing that may be prejudicial to my Cause, that the Court will not take Advantage from it.

The first Time I was at *Mrs. Nightingale's*, I was desired by *Mrs. Busby* and *Mrs. Baynton* to make a Bowl of Punch, which I did, and we were very merry over it, then I invited them to go on Board a Ship

Ship, which they all did, and we in a short Time came very well acquainted. My Lord, I desire my Wife might stand by her self, and none of them near her.

*L. C. J. Holt.* There is none near her that will hurt her.

*Prisoner.* My Lord, I beg she may stand by her self, that I may have a fair Trial; I pray your Lordship to grant me this Favour. My Lord, will you please to grant it?

*L. C. J. Holt.* Must I grant it only for your Humour?

*Prisoner.* 'Tis not a Humour, my Lord, but of a great Consequence to me: Will your Lordship grant me it? I beg it, my Lord, for 'tis the most material Thing I have to ask; I beg all those People may be removed from her, 'tis the greatest and most material Thing I have to say.

*L. C. J. Holt.* I'm sorry for it.

*Prisoner.* It is so, good my Lord grant me that.

*L. C. J. Holt.* There's no body near her that concerns you at all.

*Prisoner.* There are those by her that will do me no Kindness. *Then she was ordered to be remov'd.*

*Mr. Soll. Gen.* My Lord, her standing there is enough to disorder her.

*Prisoner.* My Lord, she is very well.

*L. C. J. Holt.* Remove her a little further.

*Com.* My Lord, he does it on purpose to fright her.

*Prisoner.* We went (as I was telling your Lordship) aboard a Ship, and they invited me to come the Week following to partake of a Treat; accordingly I went, and there was one Mr. Pugh, and he and I made a Bowl of *Punch*. Mr. Pugh at that Time courted Mrs. Rawlins, and that little Time I was acquainted with her, I discerned she had a Kindness for me, as I had for her; and I told her I could not be easy while she suffered Mr. Pugh to kiss her; she desired me to be easy, and it should be remedied.

*L. C. J. Holt.* Mrs. Rawlins, do you remember any such Thing?

*Mrs. Rawlins.* My Lord, I do not remember any such Thing, or that any such Words ever came out of my Mouth.

*Prisoner.* Did not you say this, Mrs. Rawlins, Mrs. Swendsen I should say, did not you say, if I would not sit by you you would not eat a Bit or a Crumb; when I sat by you and profered my Place to another, can you say you were not offended?

*Mrs. Rawlins.* No, I was not.

*Prisoner.* Are not you upon your Oath? did not you give me some Encouragement?

*Mrs. Rawlins.* I do not know how I could shew it you, I know not of any such Thing.

*L. C. J. Holt.* You ought to speak the Truth, because his Life depends upon it. Did you in the first Place ever admit of his Courtship, in order to marry you?

*Mrs. Rawlins.* No, my Lord, I don't remember any such Thing.

*L. C. J. Holt.* Did you ever shew any Kindness to him upon any such Account?

*Mrs. Rawlins.* No, I don't know I shew'd him any more Kindness than all the rest of the Family shew'd him.

*L. C. J. Holt.* Was you ever in his Company alone?

*Mrs. Rawlins.* No, my Lord.

*Prisoner.* To give me more Ease and Satisfaction

after Dinner we had our Bowl and Walnuts, Mrs. Swendsen peeled the Kernels and gave them to me; she gave them faster than I could eat; she heaped my Plate with them, every one at the Table took notice of it, and she jogged me with her Knee, that I should take them, and gave some to Mrs. Baynton, and bid her take them and give to me.

*L. C. J. Holt.* Mrs. Busby, Were you there?

*Mrs. Busby.* Yes, my Lord.

*L. C. J. Holt.* Did you see any Thing of this kind?

*Mrs. Busby.* No, my Lord.

*Prisoner.* Will your Lordship be pleased to ask her yourself?

*L. C. J. Holt.* Mrs. Rawlins, did you e'er give peeled Walnuts to him, or send them to him in particular?

*Mrs. Rawlins.* No, my Lord, I do not know that I was more kind to him than the rest of the Company.

*Prisoner.* Every Body took notice of it, and Mr. Pugh in particular.

*L. C. J. Holt.* What do you say, Mr. Swendsen?

*Prisoner.* My Lord, Mr. Pugh, if he were here, would say the same as I do. He was afraid I should get away his Lady.

*L. C. J. Holt.* Where is he?

*Court.* He is in the Court.

*L. C. J. Holt.* You may have him for a Witness if you will.

*Prisoner.* More than this, before he went away, she told him she did not care for him; this she spoke to make me more easy still. This I believe Mr. Pugh can witness, in as much as Madam Busby complain'd to her about it, at Mr. Scoreman's the Picture-Drawer's, who is one of my Evidences; I desire he may be called.

*L. C. J. Holt.* Well let him be called.

*So he was called and came.*

*L. C. J. Holt.* Hear ye, he calls you to be a Witness, you are not to be upon your Oath, but are under the highest Obligation to tell the Truth.

*Mr. Scoreman.* While I was drawing a Gentlewoman's Picture, Mrs. Baynton's, there was a Fire, it began to be Cold, they fell into Discourse about Mr. Swendsen and Mrs. Rawlins, Mrs. Busby was there at the same Time, they fell into Discourse about Mr. Swendsen and the young Lady.

*L. C. J. Holt.* Was she there?

*Mr. Scoreman.* Yes:

*L. C. J. Holt.* Where was it?

*Mr. Scoreman.* At my Lodgings; there were Mrs. Busby, the young Lady, and Mrs. Baynton.

*L. C. J. Holt.* Whose Picture were you drawing?

*Mr. Scoreman.* Mrs. Baynton's. They fell into Discourse relating to a Matter of Love, between Mr. Swendsen and the young Lady. She said the young Lady had a Love for Mr. Swendsen more than the other.

*L. C. J. Holt.* You heard her say so?

*Mr. Scoreman.* No, but I can say Mrs. Baynton said so.

*L. C. J. Holt.* But tell us what you heard.

*Mr. Scoreman.* She should have said so, I did not hear her my self, but afterwards upon a Discourse she afterwards said, what she had said she would stand to.

*L. C. J. Holt.* What did she say?

*Mr. Scoreman.* I do not know that she said so or not.

*Prisoner.* My Lord, may I speak it as well as I can, he cannot speak *English* right, I'll speak it to him, my Lord.

*L. C. J. Holt.* No, no. Did you hear Mrs. *Busby* say any Thing? What did she say?

*Mr. Scoreman.* In way of Discourse she said so.

*L. C. J. Holt.* What, in way of Discourse, did she say nothing?

*Mr. Scoreman.* I heard the Lady say only that Word, that all she said she would stand to.

*L. C. J. Holt.* What did you hear them talk about?

*Mr. Scoreman.* They were playing at Cards, and she took up the Tricks of *Mr. Swendsen*, which discovered Love.

*L. C. J. Holt.* The Question is, Whether you did hear them speak any thing of Love, or not?

*Prisoner.* My Lord, he would speak better with an Interpreter.

*L. C. J. Holt.* Let an Interpreter be called for.

*L. C. J. Holt.* What Countryman are you?

*Prisoner.* My Lord, he is a *Dane*.

*The Interpreter, a Jury-man, was sworn, and beginning to talk with Mr. Scoreman; and then he said, he is none of my Country, he is a Dutchman, I don't understand him.*

*L. C. J. Holt.* He speaks *English* well enough.

*Prisoner.* Very well; but he knows not where he begins: He would say what *Mrs. Busby* and *Mrs. Baynton* were speaking, but knows not how to utter himself.

*L. C. J. Holt.* He cannot say any thing for you.

*Mr. Scoreman.* I heard but a few Words, and cannot say much of it.

*L. C. J. Holt.* You must have a better Witness, or you are in a dangerous Condition.

*Prisoner.* My Lord, *Mr. Pugh* complained to *Madam Busby*, that she slighted him very much.

*L. C. J. Holt.* What, for Love of you.

*Prisoner.* Yes, my Lord, I could tell you of divers Things that pass between Lovers, that would be impertinent for me to relate to wise Men.

*L. C. J. Holt.* Let us hear some of them?

*Prisoner.* When we were by our selves, she kissed me; and squeezed me by the Hand, when we walked privately in the Garden.

*L. C. J. Holt.* Did she kiss you?

*Prisoner.* Yes, my Lord, and squeez'd me often.

*L. C. J. Holt.* Did you not think her very coming?

*Prisoner.* Yes, I did; and when we talk'd of Marriage, she seem'd to be very well pleased.

*L. C. J. Holt.* *Mrs. Rawlins*, you hear what he says: Did you squeeze him by the Hand, and kiss him? Is it true?

*Mrs. Rawlins.* No, my Lord, I did no such Trick, not I; and as for walking in the Garden, I did not walk in the Garden alone with him.

*Prisoner.* I could mention a great many of these little Things; but if she denies them I cannot help it. My Lord, the last time I was at the House we had a Barrel of Oysters; I stood with my Hands behind me, and as she passed by at any time, she gave me squeezes by the Hand.

*L. C. J. Holt.* What say you to this, *Mrs. Rawlins*?

*Mrs. Rawlins.* My Lord, I did not do so upon my Oath.

*L. C. J. Holt.* She says she did not do it, upon her Oath.

*Prisoner.* Now for the Matter of Fact; as for the Arrest, I never knew any thing of it, directly or indirectly, till I saw her at the Bailiff's House.

*L. C. J. Holt.* If she did know any Thing of, or was consenting to the Arrest, why did you force her to the Tavern, and marry her with a Parson you had provided for that Purpose?

*Prisoner.* She married me with as much Freedom as could be in a Woman.

*L. C. J. Holt.* What say you to that *Mrs*?

*Prisoner.* Will your Lordship please to ask her, whether I offered any Violence to her either by Word or Deed.

*L. C. J. Holt.* *Mrs. Rawlins*, give an Account how you were carried from the Bailiff's House.

*Mrs. Rawlins.* My Lord, when I was at *Hartwell's* the Bailiff's House, *Mrs. Baynton* pretended to come accidentally by, and that she heard my Voice, and came in and said, *How do you do, Mrs. Rawlins*? You know how I do, said I. She pretended to help me, and proposed to go to her Brother to bail me; and he came, and I was carried from thence in a Coach to the *Vine Tavern*,—*She was asked whether he came into the Coach to her?*

*Mrs. Rawlins.* Yes, he did.

*L. C. J. Holt.* Did you cry out when they put you into the Coach?

*Mrs. Rawlins.* No, my Lord, I did not cry out then, I made no Noise then.

*L. C. J. Holt.* What did he do then?

*Mrs. Rawlins.* They carry'd me to the *Vine Tavern* a Prisoner.

*Mr. Soll. Gen.* She went willingly enough from *Hartwell's* House to the *Vine Tavern*, because she thought that there she should be bailed.

*L. C. J. Holt.* *Mrs.* What was the Pretence of your being carried from *Hartwell's* House?

*Mrs. Rawlins.* My Lord, they would not tell me before they carry'd me to the Place.

*L. C. J. Holt.* *Mr. Swendsen*, Will you ask any other Questions?

*Prisoner.* Not yet, my Lord. I desire the Parson may be called that marry'd us. *Which was done.*

*L. C. J. Holt.* Come Doctor you are not upon your Oath; How come you to be concern'd in this Match?

*Parson.* My Lord, it was at the *Vine Tavern* where I saw them in *Holbourn*.

*L. C. J. Holt.* Was it the *Mitre*, or the *Vine*?

*Parson.* The *Vine*, I believe, my Lord.

*L. C. J. Holt.* How came you there?

*Parson.* There was a Gentleman fetch'd me and the Clerk from the *Fleet*.

*L. C. J. Holt.* What to do?

*Parson.* He said there was a Gentleman there to speak with us. When we came there, the Clerk and I went up one Pair of Stairs and drank a Pint of Wine. Then we were led into another Room; I asked him what I was to do. He told me, for to marry him to that Young Gentlewoman.

*L. C. J. Holt.* Was there a Licence?

*Parson.* Yes; When I saw the Licence I read it, and saw it a true Licence; Then I asked the Gentlewoman her Name, to know whether it was the same that was in the Licence; and found it was the same.

*L. C. J. Holt.* Was it written in the Licence, that the Marriage was to be performed at the *Vine Tavern*?

*Parson.* No my Lord. But a Blank was left.

*L. C. J. Holt.* Did you take the Queen's Duty?

*Parson.* No, my Lord, but returned their Names to the Supervisor: My Lord, when I asked her Name, I also asked her whether she was willing to be married. She said she was willing. And another Gentlewoman was with her, that said she was her Sister: I said to her; Madam, if you consent, and your Sister is willing, here is a Licence, for I believe there is no Danger to marry you.

*L. C. J.*

*L. C. J. Holt.* Did you ask her any other way than in your Form, *Will you have this Man to your wedded Husband?*

*Parson.* I ask'd her, whether she was willing to marry, she said, Yes, she was willing.

*L. C. J. Holt.* But did you ask her before you did the Office?

*Parson.* Yes, my Lord, I did, and she consented to it.

*Counsel.* Pray who was the Person that came to the Fleet to you, to carry you to the Tavern; was it the Gentleman at the Bar?

*Parson.* No, 'twas not him.

*Mr. Mountague.* How long was it before you went to him, after you went into the Tavern?

*Parson.* My Clerk and I went in, and sat the drinking a Pint of Wine, about a quarter of an Hour; then we went to the Gentleman.

*L. C. J. Holt.* Do you think that they should grant Licences to marry in a Tavern, and out of Canonical Hours?

*Parson.* I never did it in all my Life before, and never will do it again.

*Mr. Soll. Gen.* What was the Reason why you were conducted into another Room, and not where they were?

*Parson.* I know not the Reason.

*Mr. Soll. Gen.* How long were you in the Room where they were?

*Parson.* I cannot well tell.

*L. C. J. Holt.* Did you Marry them as soon as you came in?

*Parson.* Almost as soon.

*Mr. Mountague.* Did you ever marry any at a Tavern before?

*Parson.* No, my Lord.

*Mr. Soll. Gen.* Will your Lordship be pleased to hear the Licence read?

*L. C. J. Holt.* It may be read. You may see the Date and the Names. The Licence is dated *Oct. 14. 1702.* The Names *Haagen Swendsen* in the Parish of *St. Paul's Shadwell*; and *Pleasant Rawlins* in the Parish of *St. Mary Whitechapel.*

*Council.* Is there any Blank left?

*Parson.* Yes, there is a Blank left, that the Marriage may be in the Parish Church of *St. Mary Whitechapel,* vel a Blank.

*Mr. Mountague.* Were you entertained there?

*Parson.* Before the Marriage the Clerk and I drank a Pint of Wine in the first Room.

*Mr. Mountague.* Had you any Victuals then?

*Parson.* Not before they married; but after.

*Mr. Soll. Gen.* Pray, Sir, did you bespeak a Dinner before the Marriage?

*Parson.* No, Sir, the Gentleman bespoke a Fowl.

*Mr. Dan. Cotbett* was called.

*Prisoner.* My Lord, I desire he may be asked whether he heard any Noise, or whether any Violence was offered to the Young Woman?

*L. C. J. Holt.* Did you hear any Noise or perceive any Violence offer'd to the Young Woman?

*Mr. Cotbett.* No, my Lord.

*Prisoner.* Ask Mrs. Cotbett whether any Noise or Violence was offered to the Young Lady?

*L. C. J. Holt.* I'll ask her that Question: Was there any Noise, or Violence used to the Young Lady?

*Mrs. Cotbett.* No, my Lord, there was no Noise; they came in and asked for a Room, and I shewed them a lower Room, but they would not have that, but went up. Soon after Mr. Holt the Vintner came down and went out, and Mr. Hartwell call'd for a

Pint of Wine for the Coachman, but the Drawer grumb'd at it; and said he did not know who'd pay for't. Then Mr. Hartwell the Bailiff told me it was an Arrest, and that the Parson was to be Bail for the Lady, and at that I very much wondered; and afterwards they told me there was a Wedding above, which we admired at, that there should be a Wedding and Bailiffs: And after all was over, the Gentleman and the Lady went out at the Back-Door, and took Coach.

*Prisoner.* Did you see Mrs. Swendsen Discontented when she went out?

*Mrs. Cotbett.* No, my Lord, she seem'd not Discontented: What I know I'll speak, and no more.

*Sarah Walker* called.

*L. C. J. Holt.* Do you live at the *Vine-Tavern?*

*Walker.* Yes, my Lord.

*L. C. J. Holt.* What Place?

*Walker.* Cook, my Lord.

*L. C. J. Holt.* Was you in the House when that Young Gentlewoman was carried Prisoner there? Where were you then?

*Walker.* In the Bar, my Lord.

*L. C. J. Holt.* Did you keep the Bar?

*Walker.* No, my Lord; but I was washing the Bar at that time.

*L. C. J. Holt.* Did you hear any Noise?

*Walker.* No, my Lord.

*L. C. J. Holt.* Did you hear of a Wedding?

*Walker.* Yes, my Lord.

*Prisoner.* My Lord, Will you be pleas'd to ask her, if she was not had before the Recorder, and promis'd a Reward if she would say any thing for their Service.

*L. C. J. Holt.* What do you say to this?

*Walker.* My Lord, only this, That if I knew any thing, and discover'd it, I should be satisfied for my Trouble.

*L. C. J. Holt.* Were you sent up Stairs to the Gentlefolks to receive Directions for the Supper?

*Walker.* Yes.

*Mr. Soll. Gen.* When you came up into the Room, what Condition was the Young Gentlewoman in?

*Walker.* She sat at one End of the Room, and seem'd to be very Melancholy.

*Mr. Soll. Gen.* How did she look when she went away?

*Walker.* Not Melancholy then. When Orders were given about the Supper, I asked her what Sauce she would have; she said she would eat nothing at all.

*Mr. Blake's Daughter* being called.

*Prisoner.* Ask what she knew of my Wife?

*Blake.* My Lord, she carried it very well; the Lady was pleas'd to say that I should wait upon her. I offer'd to pull off her Shoes and Stockings when she went to Bed, she held out her Legs, and I pull'd off her Shoes and Stockings.

*Mr. Soll. Gen.* Were you present at the beginning, before she began undressing?

*Blake.* Yes.

*Mr. Soll. Gen.* When she was come in, were you there all the Time?

*Blake.* No, I run to and fro.

*Mr. Soll. Gen.* Do you know Mrs. Baynton?

*Blake.* Yes, Sir.

*Mr. Soll. Gen.* Pray, did she ever lie-in at your House?

*Blake.* Yes, Sir.

*Mr. Soll. Gen.* Hath she a Husband?

*Blake.* I cannot tell.

*L. C. J. Holt.* Did you make the Bed in Mr. Swendsen's Chamber?

Mr.

*Blake.* Yes, my Lord, I made it where he lay, I saw nothing.

*L. C. J. Holt.* How long was it after from the Time they came, to the Time they went to Bed?

*Blake.* I know not, they came into the House just about Dinner?

*L. C. J. Holt.* What time was it?

*Blake.* About three or four a-Clock in the Afternoon.

*L. C. J. Holt.* How long was it after they came, before they went to Bed?

*Blake.* About two Hours, or thereabout.

*L. C. J. Holt.* Do you think that 5 or 6 a-Clock was a fit time to go to Bed?

*Blake.* I knew not what was betwixt them.

*Mr. Soll. Gen.* Is it usual to go to Bed at that time at your House?

*Blake.* No; I did not know what was betwixt them.

*Mr. Mountague.* What time did they rise again?

*Blake.* About 7-Clock.

*Mr. Mountague.* Did they lie at your House that Night?

*Blake.* No; they did not.

*L. C. J. Holt.* When did they go away?

*Blake.* They went away as soon as Supper was done.

*Prisoner.* My Lord, I desire she may be asked whether my Wife was Sorrowful or Discontented, or unwilling to go to Bed.

*L. C. J. Holt.* What time was it they went to Bed?

*Blake.* About Four a-Clock.

*L. C. J. Holt.* Did you know what the Design was?

*Blake.* No, my Lord, I did not know any other-wise than as *Mr. Swendsen* told me the Young Lady was his Wife.

*L. C. J. Holt.* What time did they rise again?

*Blake.* About two Hours, they rose up and got to Supper.

*Judge Powis.* What time did they go from your House?

*Blake.* Between Eight and Nine a-Clock.

*L. C. J. Holt.* Where did they go? Do you know where they went?

*Blake.* Indeed, my Lord, I cannot tell.

*Mr. Blake Sworn.*

*Mr. Soll. Gen.* *Mr. Blake,* How long have you known *Mrs. Baynton*?

*Mr. Blake.* About 12 Years.

*Mr. Soll. Gen.* Did you ever know that *Mrs. Baynton* had a Husband?

*Mr. Blake.* I cannot tell, it was reported that she had one.

*Mr. Soll. Gen.* Did you ever see *Mr. Baynton*? Did he own her to be his Wife?

*Mr. Blake.* My Lord, They did not live with me while he was living.

*Mr. Soll. Gen.* How long has he been dead?

*Mr. Blake.* I don't certainly remember; about three or four Years.

*Mr. Soll. Gen.* How long is it since *Mrs. Baynton* lay-in at your House?

*Mr. Blake.* About four Months ago.

*Mr. Soll. Gen.* When she was such a Woman as this, and brought a Gentlewoman to your House, and ordered a Bed to be made, how could you admit her into your House again?

*Mr. Blake.* I did not know that it was any clandestine thing.

*L. C. J. Holt.* Have you any more Witnesses, *Mr. Swendsen*?

*Prisoner.* Let the Constable be call'd for.

*L. C. J. Holt.* What Questions shall I ask him?

*Prisoner.* Ask him what it was my Wife said to him?

*Constable.* My Lord, the Man was in one Room and the Woman in another; when I opened the Door the Gentleman asked her how she did.

*L. C. J. Holt.* What Gentleman was it?

*Constable.* It was the Gentleman that gave me the Warrant. He said to her, Are you married? Yes; There is my Husband. She seemed very much satisfied: He said to her, Madam, I wish you much Joy, and if you please to go to the Recorder's, there is your Guardian to approve of what you have done: But when she was dress'd, she would go to the next Justice of the Peace: They could not agree about going, but they drank each of them a Glass of Wine and went away. The Gentleman that brought me the Warrant was also with me.

*L. C. J. Holt.* Are they here?

*Constable.* The Warrant was to take up the Bailiffs and all together.

*L. C. J. Holt.* Where do you live?

*Constable.* In *Lincoln's-Inn-Fields*.

*L. C. J. Holt.* In what House did you see them?

*Constable.* 'Twas in *Red-Lyon-street*, over-against the *Red-Lyon-Tavern*.

*L. C. J. Holt.* About what time of the Night was it?

*Constable.* About Seven a-Clock.

*L. C. J. Holt.* What Night was it?

*Constable.* Indeed, my Lord, I cannot tell.

*Mr. Mountague.* Whose House was it? Was it *Blake's* House?

*Constable.* Yes, it was so.

*L. C. J. Holt.* Where is your Warrant?

*Constable.* They took it away from me.

*L. C. J. Holt.* But you ought not to have parted from your Warrant.

*Constable.* The Men were not there that the Warrant run for.

*L. C. J. Holt.* Was not the Warrant against *Mr. Swendsen*?

*Constable.* The Warrant was for such Men as took the Young Gentlewoman away. I cannot tell whether his Name was there or no.

*L. C. J. Holt.* *Mrs. Rawlins* what were those Men who came along with the Constable; were they your Friends?

*Mrs. Rawlins.* Yes, my Lord, they were my Friends.

*L. C. J. Holt.* What is this *Geary*?

*Mrs. Rawlins.* He is an Acquaintance of *Madam Busby's*?

*L. C. J. Holt.* Did you say you consented to the Marriage before them?

*Mrs. Rawlins.* If I did, I did not know what I said.

*Prisoner.* My Lord, I desire she may be asked what she said to the Constable.

*Mrs. Rawlins.* My Lord, I do not know whether I said such a thing; if I did, I was not in my Senses, I did not know what I said.

*Prisoner.* My Lord, I hope you will give me leave to speak. She said to the Constable, I am very well content with the Marriage, and this is the Ring that married us.

*L. C. J. Holt.* What say you to that, *Mrs. Rawlins*?

*Mrs. Rawlins.* I don't know but I might; but I did not know what I said.

*L. C. J. Holt.* Had you been in Bed then ?

*Mrs. Rawlins.* Yes, we were in Bed about an Hour.

*Mr. Soll. Gen.* Was there any Threats used by *Mrs. Baynton.*

*Mrs. Rawlins.* Yes, my Lord ; she said that I must own him for my Husband, or else we were all ruined.

*Justice Baber called.*

*Prisoner.* My Lord, he is one of the chiefest Witnesses that I have, I desire it may be asked him, what my Wife declared to him of her own accord.

*J. Baber.* My Lord, I think it was *Friday Night*, the 6th of this Month, the Prisoner here at the Bar, and I suppose that may be the Gentlewoman too [pointing to her] and another Gentlewoman and a Woman came to me to my House in *York-Buildings*, and desired me, but the Prisoner in particular, that I would administer a voluntary Oath to the young Lady, which she was willing to take, that she was married to this Gentleman. I told him that I had nothing to do to confirm Marriages, and told them I was loth to meddle with it.

*L. C. J. Holt.* How came they to you ? Had they any Officers ?

*J. Baber.* No, my Lord, they came in a Coach without any Officer.

*L. C. J. Holt.* Was there any Oath taken ?

*J. Baber.* No, my Lord.

*Council.* What was the Reason that you did not tender the Oath.

*J. Baber.* Because I thought I had nothing to do with it.

*Council.* What sort of Frame was the young Woman in ?

*J. Baber.* In very great Disorder ; not like a Gentlewoman, but in a very confused Condition : She spoke what she said by her own Consent ; but with much Disorder.

*Prisoner.* My Lord, I desire it may be asked *Justice Baber*, whether I desired him to tender the Oath to my Wife.

*L. C. J. Holt.* Did *Mr. Swendsen* desire you to tender the Oath ?

*J. Baber.* He did put me upon it at first.

*Prisoner.* I ne'er did so in all my Life.

*Mr. Bulkeley called.*

*Prisoner.* My Lord, I desire this Man may be heard.

*Mr. Bulkeley.* This Gentleman, on the 7th of *November*, in the Forenoon, stopped at the Porch of my Door, and gave me Orders to wait upon him, upon the Business of my Calling.

*L. C. J. Holt.* What is your Calling ?

*Mr. Bulkeley.* A Barber. He told me that he was married. I asked him, What are you married ? Yes, said he, I am ; and here's my Wife ; and the Gentlewoman she said so too. At that, I wished them much Joy and Happiness. The young Woman said, She did not question it, since what she had done, was with her own voluntary Consent.

*Mr. Hudson called.*

*Prisoner.* What did you hear my Wife say ?

*Mr. Hudson.* When *Mr. Swendsen*, with his Wife, came to our House, (my Lord) he bid her take *Mr. Blake* by the Hand and ask him how he does. She said, Yes, my Dear. She went into the House and took my Master by the Hand, ask'd him how he did. *Mr. Swendsen* said, This is my dear Wife ; and she said, This is my dear Husband, and took him about the Neck and kissed him.

*L. C. J. Holt.* What Trade are you ?

*Mr. Hudson.* An Upholsterer ; *Mr. Blake* is my Master.

*L. C. J. Holt.* You say the young Woman took *Mr. Blake* by the Hand, and said, How do you do ? Did she ever see *Mr. Blake* before ?

*Mr. Hudson.* Not that I know of. But *Mr. Swendsen* said, This is my dear Wife.

*Mr. Soll. Gen.* When was this ?

*Mr. Hudson.* On *Saturday Morning*.

*Mr. Soll. Gen.* If they lay there over-night, what Necessity was there for *Swendsen* to tell *Mr. Blake* that was his dear Wife.

*Mr. Hudson.* He did not say so to him, but to his Wife ; and she kissed him.

*Mr. Mountague.* What need he to tell *Mr. Blake* that was his Wife, when he knew it before ?

*Mr. Hudson.* Why may not I, if I had a Wife, come to her and say, *My dear Wife* ?

*Mr. Soll. Gen.* *Mr. Blake*, Pray was *Mrs. Rawlins* at your House before then ?

*Mr. Blake.* Never, as I know of.

*Mr. Green called.*

*Prisoner.* I desire that this Man be asked what he heard my Wife say before the Recorder ?

*L. C. J. Holt.* What did you hear the young Woman say before the Recorder ?

*Mr. Green.* She owned that she was married to the Gentleman, by her own Consent, without any Force or Compulsion.

*L. C. J. Holt.* Did she marry him willingly ?

*Mr. Green.* Yes, my Lord, she said so.

*Prisoner.* My Lord, I desire he may tell how she behaved herself there.

*L. C. J. Holt.* What said she ?

*Mr. Green.* She said she was married to that Gentleman without Force or Compulsion.

*Council.* Did she say nothing else ?

*Mr. Green.* This is all that I remember.

*Mr. Soll. Gen.* Did the Gentlewoman continue in that Tone all the Time she was at the Recorder's ?

*Mr. Green.* No, I believe she did not.

*L. C. J. Holt.* Was the Recorder by then ?

*Mr. Green.* Yes, the Recorder was by. Then he asked her whether she was married by her own Consent.

*L. C. J. Holt.* What did the Recorder say more ?

*Mr. Green.* He said, he was afraid she was drawn in by this Man, who he feared was a Spark and Bully of the Town.

*Council.* Pray, when she said she was married by her own Consent, had *Mr. Swendsen* her Hand in his ?

*Mr. Green.* Yes.

*L. C. J. Holt.* Then I ask you whether *Swendsen* was afterwards withdrawn ?

*Mr. Green.* He was so.

*L. C. J. Holt.* And did you hear what she said after that ?

*Mr. Green.* No, I did not, I was thrust out.

*L. C. J. Holt.* Where do you live ?

*Mr. Green.* I live in *Carter-Lane*. I belong to the General Post-Office.

*L. C. J. Holt.* How came you to be acquainted with this Matter.

*Mr. Green.* My Lord, I came into *Red-Lion-Street* accidentally, two Doors off *Mr. Swendsen's* : I went to *Mr. Swendsen's* Lodgings, and asked how he did. I was told he was very well, that he had married a Fortune, and was in Bed with his Lady.

*L. C. J. Holt.* What was the Man's Name ?

*Mr. Green.* His Name was *Blake*, my Lord ; it was a pure accidental Thing to me.

*L. C. J.*

*L. C. J. Holt.* How long have you known Mr. Swendsen?

*Mr. Green.* I have known him several Years.

*L. C. J. Holt.* Have you dealt with him?

*Mr. Green.* Yes, I have; and I believe here are many present, can give a better Account of him than I can.

*Prisoner.* My Lord, I desire he may be asked, what my Wife said to the Recorder.

*Mr. Green.* My Lord, upon Examination she seemed to be much surprized upon that Occasion, but what she did, she said was voluntarily; and that as he was her Husband, so she would own him; and when she was asked whether she was in Drink; she said she was never given to drinking.

*Prisoner.* And as I have been represented by some as a Bully of the Town, I desire I may have my Friends heard, as to my Life and Conversation.

*One of his Friends called.*

*L. C. J. Holt.* Where do you live?

*Ans.* At Ratcliff; my Education has been at Sea. I have been acquainted with Mr. Swendsen two Years, and have found him to be a very honest and ingenious Man.

*L. C. J. Holt.* Had you any Dealings with him?

*Ans.* Yes, my Lord, I have dealt with him for 3000 *l.* and better?

*L. C. J. Holt.* In what manner did you deal with him?

*Ans.* I consigned my Effects to him.

*L. C. J. Holt.* From whence?

*Ans.* From England to Norway.

*L. C. J. Holt.* How could they be consigned to him when he was here?

*Ans.* He was not here then, but at Norway. In May 1701. he came over, and had a Ship of mine, called the *Swan*, and sold her for my Account.

*Coun.* Did you apprehend that he traded for himself, or as a Factor?

*Ans.* He traded for himself; and I can shew you the Bills of Lading that will shew they were for his Account: And I believe all that knew him, will give him the Character of an honest Man.

*Mr. Evans called.*

*L. C. J. Holt.* What do you know of Mr. Swendsen?

*Mr. Evans.* I was in Norway, and found then that he lived in very good Repute and Credit there among all People, the best of Trading People; and I found he had a familiar Converse with them: I was with him at the *Generance* and *Admirance*, which are the chief Offices in the Place: I was by his Letter of Recommendation credited by the most eminent Merchants of Norway. At that Time he had several Ships consigned to him for Lading, at a Time when Goods were difficult to be gotten, and he did load them.

*Another Witness called.*

*L. C. J. Holt.* What do you know of Mr. Swendsen?

*Ans.* My Lord, I was born in Norway, where this Gentleman lived for some Years, and was esteemed worth 10000 Dollars. I have had no great Dealings with him, but when he wanted Money, when Money was short with him, I lent him some, which he paid again very honestly.

*Prisoner.* Call John Shorey.

*Shorey.* The Knowledge I have had of him was caused by his buying several Parcels of Goods of me, and order'd them to be shipp'd, and paid me honestly for them.

*Another Witness called.*

*L. C. J. Holt.* What say you?

*Ans.* I have known this Gentleman about two Years: The first of my Knowledge was, I had a Bill of Exchange of 50 *l.* drawn upon him, which he paid very honestly. I never heard any otherwise, but that he was a very honest, just Man.

*Mr. Soll. Gen.* I would observe to your Lordship, that the principal Part of our Evidence the Prisoner hath given no Answer to; that is, the Force: If the taking and detaining Mrs. *Raxelins* was by Force, as several of our Witnesses have testified: And if she married while she was under that Force, no subsequent Act or Consent of hers can lessen the Offence, if the Jury could give Credit to the Prisoner's Evidence, and believe her Consent was real. The Gentlewoman did herself confess, that after she had been hurried from Tavern to Tavern, she did declare he was her Husband, and that she consented to the Marriage; but what afterwards happen'd, plainly shews that it was through Fear and nothing else: Had she really consented to the Marriage, why was she carried to the Justice of Peace to take an Oath, that she was married by her own voluntary Consent? Whilst the Prisoner held her by the Hand before the Recorder, she confessed that she married with her free Consent: As soon as the Prisoner was withdrawn, she burst out into a Flood of Tears, and confessed that she was married by Constraint. My Lord, there is but one thing more I would answer, and that is the Licence which was given in Evidence to give Colour to this Marriage; but this plainly shews, that this whole Management was the Prisoner's contriving. The Licence bears Date three Weeks before the Time of the Marriage, which shews how long they had waited for an Opportunity to accomplish this Design. When the Prisoner took out this Licence he swore her Age to be 25, and his to be 35.

My Lord, now we will examine some Witnesses to these Facts, and so we'll have done. She was carried to Justice *Baber* to take a voluntary Oath. If your Lordship pleases he may again be called: We will examine him upon Oath.

*Justice Baber called.*

*Mr. Soll. Gen.* Pray, Sir, give an Account of the whole Matter.

*J. Baber.* They came to me about 8 or 9 a-Clock on Friday Night the 6th of this Month; and the Prisoner here told me the Purport of his coming, that it was a light and short Business; and pointing to the Gentlewoman, said, that she came to take a voluntary Oath, that she was married to him with her own Consent; she said she was married, and that with her Consent. I told her, I had nothing to do with confirming Marriages. He told me, amongst other Things, that he had a Certificate. You know that best, said I; a Marriage is a Marriage, and I have nothing to do with it.

*Mr. Soll. Gen.* But when she told you that she was married, what Condition was she in?

*J. Baber.* She was in a very great Disorder.

*Another Witness.*

*Mr. Soll. Gen.* Was you before the Recorder?

*Witness.* Yes, on Saturday the 7th of this November. While Mr. Swendsen held her by the Hand she owned the Marriage; but when he was withdrawn she threw herself upon me, and desired me to stand by her, or she was undone.

*Mr. Soll. Gen.* What Account did she give when Mr. Swendsen was withdrawn?

*Ans.* She spoke much to the same Purpose as she

she has done here; and that what she had done was all by Force, and out of Fear.

*Mr. Taylor call'd and sworn.*

*Mr. Soll. Gen.* Do you know any Oath the Party took, in the taking of this Licence?

*Mr. Taylor.* Yes, my Lord.

*Mr. Soll. Gen.* How old did he say the Gentlewoman was?

*Mr. Taylor.* He said that she was 25, and that he was 35 Years old.

*Mr. Soll. Gen.* Are you sure he took the Oath?

*Mr. Taylor.* Yes, my Lord, there is the Surrogate's Hand, and the Prisoner's own Hand to it.

*Mr. Soll. Gen.* Were you present?

*Mr. Taylor.* No, I was not, but my Clerk was.

*Mr. Serj. Darnel.* My Lord, there's his Hand to it, and we can prove his Hand.

*Mr. Soll. Gen.* My Lord it is an Act of the Court.

*Cum.* My Lord, I hope that may be of the same Force as a Deposition in *Chancery*.

*L. C. J. Holt.* It cannot be read as Evidence. *Mr. Taylor,* did he ever take a Licence at any other Time?

*Mr. Taylor.* No, my Lord.

*L. C. J. Holt.* Was the Licence dated that Day he took it?

*Mr. Taylor.* It is always dated the same Day it is taken.

*Mr. Mountague.* My Lord, I desire *Mrs. Busby* may be asked, whether she talked at the Picture-Drawer's about any Thing of Love, or no? *Mrs. Busby,* the Question is, Whether or no you talked any Thing about Love at the Picture-Drawer's?

*Mrs. Busby.* My Lord, *Mrs. Baynton* desired me to go with her to the Picture-Drawer's to see her Picture drawn; we were talking by the Fire-side that *Mrs. Rawlins* had spoke by way of Discouragement to *Mr. Pugh*; *Mrs. Baynton* said that she thought her Brother would make her a very good Husband, and was able to make her a considerable Jointure here in *England*. My Lord, *Mr. Pugh* came, by the Consent of Friends, on honourable Terms.

*L. C. J. Holt.* Gentlemen of the Jury, This Prisoner is indicted for Felony, in taking away by Force *Mrs. Pleasant Rawlins*, and marrying of her; this is Felony by the Statute of the Third of *Henry VII.* which enacts, "That if any Person shall take any Woman that hath any Substance in Goods or Land, against her Consent, and marry or defile her, he and his Procurers and Receivers, shall be adjudged to be Felons."

Now it hath been proved to you, that this young Woman had a Personal Estate left her by her Father, to the Value of 2000 *l.* and had another Estate in Land, to the Value of 20 *l. per Annum.* If any one shall take her away by Force, and marry her, he is guilty of Felony by that Statute. You have heard that she was placed by her Guardian, under the Tuition of *Mrs. Busby*, who took a Lodging about 3 Years last past, at one *Mrs. Nightingale's*, in *Stretton-Grounds, Westminster*; and boarded with her, who took Boarders into her House; and if any Friend of her Boarders came to Dinner there, she receiv'd 12 *d. per Head*: About 3 Weeks or a Month before *Michaelmas* last past, there came one *Mrs. St. John*, and recommended to her a Lodger of her Acquaintance, and desired that she might board with her as others did, and said she was a Widow that came out of the Country about a Suit of Law, and represented her to be a sober Person. *Mrs.*

*Nightingale* refused her at that Time, and heard no more of her till about 3 Weeks after; then she, *Mrs. St. John*, returns and prevails with *Mrs. Nightingale*, to take her Acquaintance into her House. *Mrs. Baynton* that is mentioned in the Indictment, was the Person designed by *Mrs. St. John*; and she came to *Mrs. Nightingale*, and desired to be with her as other Boarders were; she pretended to be of very good Quality, so she was taken into the House; her Carriage and Demeanor there were very civil, and she pretended she had a Brother, that would come to see her: The Prisoner at the Bar was the Person that came, and she call'd him Brother, and owned him for such; he dined there several Times with the rest of the Boarders; he said, He had an Interest in Shipping, and invited all the Family to go on Board a Ship. They accepted of his Invitation, and were very well entertained, but suspected nothing; but at length it was observed there was too great a Familiarity between *Mrs. Baynton* and the Prisoner, more than was common betwixt so near Relations; they afterwards perceived that *Mrs. Baynton* was inclinable to drink, which caused some Jealousy of her in the Family, and she perceiving the Strangeness of the Family, gave *Mrs. Nightingale* notice that she should go in a short Time, for that she had finished her Business at Law, and that the Town was chargeable, and she intended to be gone at such a Time. When that Time was expired, she pretended to *Mrs. Nightingale* that there was another Thing had happen'd that would detain her a Week longer: She consented that she should stay. Now you may observe by the Evidence, that it was usual for *Mrs. Busby* and *Mrs. Rawlins* to go to *Oxendon Chapel* on *Friday*; which *Mrs. Baynton* very well knew, and pretends that she was to go in a Coach that way into *Golden-Square*, and invites them to go in her Coach, and promised to set them down by the Chapel: They accepting the Invitation, and being come near the Place, the Coach was stopped by several Men. *Hartwell* the Bailiff opened the Door, got into the Coach, said it was an Arrest. At which *Mrs. Busby* was very much concerned, and thought this Arrest was for *Mrs. Baynton*, and that she and *Mrs. Rawlins* might go out, for they were not concerned in the Matter. At last they perceived it was of themselves; and then *Mrs. Baynton* pretended to be concerned for them: And when the People in the Street asked what was the Cause of the Disorder; the Bailiffs said, that they were Cheats and Trading-Women that owed People Money, and now they are Arrested for it. Under this pretended Arrest, they were carried to the *Star and Garter Tavern* in *Drury-Lane*, and put into a Back-Room. They were in a great Consternation at their being Arrested, being not conscious to themselves that they owed Money to any Person. One came to *Mrs. Busby*, and said, See that your Name be right, that you are rightly Arrested. Another of the Bailiffs, by Force, carry'd away *Mrs. Rawlins*, saying, she was his Prisoner; and it was pretended, that one Bailiff had a Process to carry the one to *Newgate*, and another had another Process to take the other to the *Marshalsea*. *Mrs. Rawlins* was carried to *Hartwell's* House. When she was there, *Mrs. Baynton* pretended that coming by accidentally, she heard her Voice, and came in, and seem'd to pity her, and said, Madam, will none of your Friends help you? She proposes her Brother to be Bail, and *Holt* he was to be the other. Under that Pretence of being bailed, they carry her to the *Vine Tavern* in *Holbourn*, where *Hartwell* pretended



tended to be very willing to take his Bail, and said he knew *Holt*, but questioned the Prisoner. It will appear to you from this Evidence, and that which follows, of this Force and Contrivance, that their Design was to bring about the Marriage; for when the Bail was pretended to be refused, Mrs. *Baynton* proposes a Marriage between the Prisoner and Mrs. *Rawlins*, as the best way to make an end of this troublesome Business: She would have the Ring from her Finger, to get a Wedding-Ring made by it. Says Mrs. *Rawlins*, I have no mind to be married: Says Mrs. *Baynton*, it's best for you to be married; and threatned Mrs. *Rawlins*, that if she did not marry, she should be committed to *Newgate*. There was a Parson and Clerk ready, who were called to do the Office. The young Woman being under this Terror, the Office of Matrimony was performed; and she was forthwith conveyed to one *Blake's*, and by Constraint there was put to Bed in the Day-time. You must go to Bed, says Mrs. *Baynton*: I will not go, says the young Woman: And some Violence was used to force her Cloaths off, and she was put to Bed, where she lay about an Hour or Two, and thereby the Marriage was supposed to be consummated.

The Prisoner, on the next Day, being discoursed with about this Matter, and asked, whether he was Mrs. *Baynton's* Brother? No indeed, says he; I made use of her as my Tool; she hath done my Job for me; I'll make her Satisfaction for it, not Tomorrow, being *Sunday*, but on *Monday* I will do it, and never see her Face more. After all this Evidence, the Prisoner doth insist upon his Innocence, because he was not present at the Arrest; and hath produced several Witnesses to prove, that this young Woman was very well satisfy'd with the Marriage; and that Reverend Divine the Parson asked her, whether she was willing to be married to the Gentleman? And she said she was willing. And then Mr. *Blake's* Maid and Daughter said, that she desired them to pluck off her Shoes and Stockings, undress her, and put her to Bed. And that very Night the Prisoner and Mrs. *Rawlins* went to Mr. *Baber's*, a Justice of the Peace, at *York-Buildings*, to take a voluntary Oath before him, that she married this Prisoner by her own free Consent. Mr. *Baber* would not Administer the Oath. And that afterward they Bedded together that Night, and the next Day they went abroad together in a Coach; and meeting his Barber, the Prisoner bids him come to him to shave him, and says to him, Here is my Wife; she said likewise, that he was her Husband: He wished her much Joy; she reply'd, that she did not question it, seeing that what she had done was by her free and full Consent; and declared, she was well satisfied with what was done. The next Proof is of their Return to *Blake's* House, where they first lodged; the Prisoner *Swendsen* orders his Wife to take Mr. *Blake* by the Hand, and ask him how he did? Which she did, and expressed to him how well she was pleased with the Marriage, saying, This is my dear Husband, and kissed him. His Witness tells you, on *Friday* Night a Constable comes with the *Recorder's* Warrant, to apprehend the Persons supposed to have committed this Force; and discoursing with her, she expressed her self very well satisfied with her Marriage, so that they desisted from serving the Warrant. Then he relies upon his Reputation, as being a Man of great Credit, and having had Goods consigned to him, and paid Bills of *Exchange*; and produces Witnesses to prove, that he was a Trader in *Norway*, where he lived, and in good Credit, remitted Mo-

ney, drew and paid Bills of *Exchange*, freighted Ships, &c. and was in very good Esteem by the chiefest in those Parts. Then he called other Witnesses, to let you know how the young Woman carried it at the *Recorder's*; that there she said, that she was married by her own free Consent, &c. Gentlemen, this is the Sum of the Evidence that he hath given. To which it is replied, That as to what was said before the *Recorder*, that is true; so long as he had her Hand in his, she declared her Consent to, and Satisfaction in the Marriage; but when he was withdrawn, and she was examined by her self, she declared her Marriage was by Violence and Force, that she did it out of Fear, &c. Then they tell you again, of a Licence that was taken out by him, and produced by him, but bore Date almost Three Weeks before this Marriage was accomplish'd: It was observ'd also upon the Licence, that this Licence was to marry Mrs. *Rawlins* of the Parish of *St. Mary White Chapel*, when she lived not there.

This is the Sum of the Evidence on both Sides, and these Observations are to be made from it:

I. You are to know, That if she be taken away by Force, and afterwards married, tho' by her Consent, yet is he guilty of Felony: For it is the taking away by Force that makes the Crime, if there be a Marriage, tho' by her Consent.

II. In the next place it is to be observed, That she was taken away by Force, and a Stratagem was used to give an Opportunity thereunto, and the Arrest was but a Colour.

III. You may consider upon the Evidence, how far the Prisoner was concerned in the first Force: It is true, he was not at the Arrest, and did not appear until she was brought to *Hartwell's* House; and under that Pretence of Bailing her, she was carried to the *Vine* Tavern, where there was a Parson ready, and the Marriage was had in such manner as you have heard. Now, considering these Matters, it is left to you to determine, whether the Marriage was not the End of the Arrest? And if so, how it would be possible for such a Force to be committed to effect the Prisoner's Design, and he not be privy to it?

IV. If it can be imagined, that he was not privy to the colourable Arrest, yet she was under a Force when he came to her at *Hartwell's* House; and from thence she was carried by Force unto the *Vine* Tavern, where she was married. That is a forcible taking by him at *Hartwell's* House; and tho' when she was at the *Vine* Tavern she did express her Consent to be married, yet it appears even then she was under a Force, and had no Power to help her self. Her Marriage was by Force, when she was carried to *Blake's*, and put to Bed; all this was Force: Nay, when she was carry'd to the Justice of Peace, even then she was under a Force; and all that she said was not freely, but out of Fear: Such a Force would avoid any Bond, for she was under Imprisonment. But however, if the first taking was by Force, and she had consented to the Marriage, the Offence is the same, it is Felony.

And as to his Reputation, it is possible he might have been an honest Man: A Man is not born a Knave, there must be Time to make him so, nor is he presently discovered after he becomes one. A Man may be reputed an able Man this Year, and yet be a Beggar the next: It is a Misfortune that happens to many Men, and his former Reputation will signify

nify nothing to him upon this Occasion. If you be satisfied upon the Evidence, that he is guilty of this Crime, you are to find him so; if not, you ought to acquit him.

Mr. *Swendsen*. I desire, my Lord, that my Wife may be asked, Whether she did not, upon her Knees, swear, she went away from me as a good a Maid as she came to me?

L. C. J. *Holt*. That is a Question need not be ask'd, since the Marriage is so plainly proved, which is sufficient to bring you within the Statute.

*The Jury desire the Act may be read.*

L. C. J. *Holt*. Let it be read. *It was so.*

The Jury ask Mrs. *Rawlins*, how old she is?

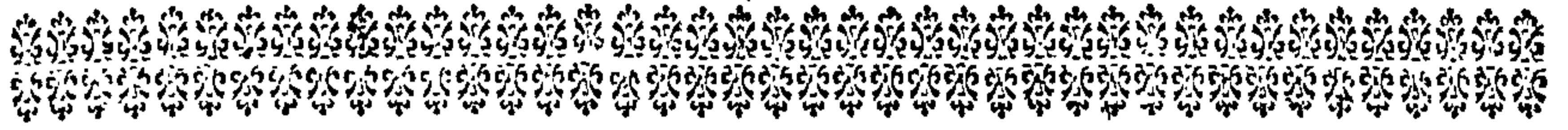
Mrs. *Rawlins*. Eighteen at *Candlemas*.

L. C. J. *Holt*. Would you ask any Questions upon this Act?

Jury. No, my Lord.

*Then the Jury went out, and after three Hours stay, brought him in Guilty.*

*He was sentenced afterwards along with Sarah Baynton.*



CLXXVI. *The Trials of SARAH BAYNTON, JOHN HARTWELL, and JOHN SPURR, at the Queen's-Bench, for forceably taking away Mrs. Pleasant Rawlins, and procuring her to be married to Haagen Swendsen, Nov. 25. 1702. Mich. 1 Ann.*

**A** Motion was made by the Queen's Council, for putting off this Trial to Friday, November the 27th, but his Lordship would not grant it, but ordered it to begin presently.

*The Prisoners were call'd to the Bar, and a Proclamation made for all concern'd to attend.*

The Jury were sworn, whose Names are, viz.

Robert Lympany, Gent.	Giles Ridle, Gent.
John Outing, Gent.	Robert Legg, Gent.
Francis Parr, Gent.	Thomas Elton, Gent.
Richard Bealing, Gent.	Charles Longland, Gent.
Charles Murry, Gent.	Simon Smith, Gent.
John Cannon, Gent.	Henry Lobb, Gent.

Clerk of the Ar. **S**arah Baynton, John Hartwell, and John Spurr, hold up your Hands. [*Which they did.*] Gentlemen of the Jury, look upon the Prisoners, and hear their Charge. *Then the Indictment was read as in the first Trial: Upon which they were Arraigned, and plead not Guilty.*

\* Sir Simon \* Mr. Soll. Gen. May it please your *Harcourt*. Lordship, and you Gentlemen of the Jury: The Prisoners at the Bar, together with one *Swendsen*, stand indicted before you for a very great Offence; *Swendsen* (for whose Sake this Felony was committed, for which the Prisoners are now to answer) has already had his Trial: The Three Prisoners at the Bar were his Accomplices. The Law, to shew how odious such Offences are, and to deter all Persons whatsoever from committing them, has made no Distinction between the Principal and Accessories: The Abettors, Procurers, or Contrivers, are declared and enacted to be, and to be judged as principal Felons. The Gentlewoman mentioned in the Indictment, Mrs. *Pleasant Rawlins*, was the Daughter of Mr. *William Rawlins*, who left her a good Fortune: Her Grandfather likewise left her an Estate of Inheritance. Her Father being dead, her Guardian, Mr. *Busby*, placed her under the Care of his Sister, who boarded with her at one Mrs. *Nightingale's*. Mrs. *Baynton* (one of the Prisoners at the Bar) and Mr. *Swendsen* lodged at Mr. *Blake's*,

where they projected what was afterwards put in practice. Lodgings were to be taken for Mrs. *Baynton* at Mrs. *Nightingale's*. In order thereunto, 'twas pretended, That she was a Country Gentlewoman who came to Town about a Law-Suit, and being very tender of her Reputation, would board in a sober Family. By these Insinuations, Lodgings were taken for her at Mrs. *Nightingale's*, where in a little Time she got acquainted with the Family; and in Conversation, as often as 'twas possible, would take some Opportunity to discourse of her own Affairs, particularly of her Relations, of her dear Brother *Swendsen*, who was never mention'd without many Commendations. Mr. *Swendsen*, tho' no ways related to her, often visited her under that Character: But Mrs. *Baynton* having lived a very scandalous lewd Life in Town, could not long continue under the Disguise she came in to Mrs. *Nightingale's*. Intimation was given to the Family of her true Character, and Notice thereof was soon given to her by her Maid. Whereupon she resolved to quit her Lodging; and being past all Hopes of betraying Mrs. *Rawlins*, and wheedling her into her Ruin with her Consent, she enters upon another Project, which was to bring about the Marriage by Force and Violence.

In this Contrivance, you will find every one of the Prisoners at the Bar had their several Parts to act; *Hartwell* was to get a Writ, Mrs. *Baynton*, who could not be concerned in the Execution of the Writ, was to contrive when and in what manner it might be executed: *Hartwell* sues forth the Writ, and Mrs. *Baynton* appoints the Time. She knowing it to be the usual Custom for Mrs. *Busby* and Mrs. *Rawlins* to go to Church on Friday Mornings, she prepares a Coach, and offers her Service to set them down at the Chapel, and prevail'd with them to come into the Coach. As they were going toward the Chapel, *Hartwell* the Bailiff stops the Coach, and gets into it; and *Spurr* conducts the Coach to a House that they had prepared for their Purpose. When *Hartwell* got into the Coach, Mrs. *Rawlins* and Mrs. *Busby*, not imagining themselves to be concerned, desired him to let them go out; No, says *Hartwell* to Mrs. *Busby*, it is you that I am concerned with; let you and I have a few Words together,

gether, and all Things will be set to rights. But Mrs. *Busby* refusing to have any Discourse with him, away they were all carry'd (Mrs. *Busby*, Mrs. *Rawlins*, and Mrs. *Baynton*) to the *Star and Garter Tavern* in *Drury-Lane*. While Mrs. *Busby* and Mrs. *Rawlins* were kept together, they had no Hopes of making Mrs. *Rawlins* marry; and therefore *Hartwell* by Force takes away Mrs. *Rawlins*, and carries her to his own House: *Spurr*, who had no Process whatsoever against Mrs. *Busby*, yet keeps her Prisoner at the *Star and Garter*. Mrs. *Baynton* seeing her Friends used in this manner, pretended a very great Concern, and out of Kindness went to find their Friends to bail them. Mrs. *Rawlins* had not been long at *Hartwell's* before Mrs. *Baynton* came into the House to her, in a great Surprize to find her there, telling her she fancied, as she passed by *Hartwell's* House, she heard Mrs. *Rawlins's* Name mentioned: Immediately she gave her a very melancholy Account, how she had been in Search for her Friends; but none could be found, and to Goal she must go, except Bail could be got. At last she thought of her Brother, she was sure he would be her Bail; and having placed him hard by, she brings him to *Hartwell's*. When he comes there, all Three of them (*Hartwell*, Mrs. *Baynton*, and Mr. *Swendsen*) under Pretence of setting Mrs. *Rawlins* at Liberty, take her to another Tavern, where she was plainly told, she must marry Mr. *Swendsen*, or go to *Newgate*, and undergo the Miseries of a Goal: If she married, then all should be well. The Circumstances of the Taking, Detaining, and Marrying this Gentlewoman at that Tavern, and of the several Facts I have mentioned, our Witnesses will prove to you.

*Mr. Busby sworn.*

Mr. *Serj. Darnel*. I pray give his Lordship an Account of this young Gentlewoman, Mrs. *Pleasant Rawlins*.

Mr. *Busby*. My Lord, her Father, Mr. *William Rawlins*, was a Man of very good Estate: He ordered his Estate to be sold to pay his Debts and Legacies, and the Overplus was given to his Daughter this young Gentlewoman, which was about 2000 *l*. Her Grandfather likewise by Will left her an Estate of 20 *l. per Annum*.

*Mrs. Nightingale sworn.*

Mr. *Serj. Darnel*. Mrs. *Nightingale*, pray give an Account to his Lordship, how long this Gentlewoman lived in your House.

Mrs. *Nightingale*. My Lord, she hath lived with me about three Years; and since Mrs. *Busby* and Mrs. *Rawlins* came to live with me, my Husband died: I am likewise a Widow too; we all lived together. Mrs. *St. John*, about nine Weeks before this Fact, came to me, and asked me whether I took Boarders? I said, No, I would take none without it were those Ladies that boarded with me before. She told me, this was a Country-Gentlewoman that was coming to Town about a Suit of Law; she was a very good Woman, and would be near a Church. She told me, that she was a-kin to the Lady *Anne Baynton*, and a great deal more that I cannot remember: But I told her, I did not design to take Boarders. She came about three Weeks after, and asked me, whether I was in the same Mind? She told me the Gentlewoman was come to Town: She told me she was an extraordinary good Woman, and that her Husband was acquainted with the Family, and gave her an extraordinary Character. She said she would not have parted with her herself, but that she did not take in Boarders, and therefore thought it not worth her while to take her in.

*L. C. J. Holt*. Did she say, she was her Husband's Acquaintance?

Mrs. *Nightingale*. She told me, That her Husband was very well acquainted with the Family. She told me, Mrs. *Baynton* came to Town on *Saturday Night*, and was very weary with her Journey. She said to me, Madam, if you please she shall come to you, and recommend her self. At length she came, and repeated the same Things, That she was a Country-Gentlewoman, and came up about a Suit of Law, &c. She said, Madam, I understand you are very nice in taking of Boarders, which makes me the willinger to come to board with you. I took her to be a very sober Woman; and seeing it was but for a little while, I agreed with her. She said she would come on *Wednesday*: The Reason she told me, that she came to Town no sooner, was, because her Maid was sick of a Fever. Mrs. *St. John* recommended to her a Neighbour's Child, which was a pretty civil Girl; she hired her, which made me still like her the better. On *Wednesday*, Mrs. *Baynton* and her Servant came: We were all Widows, and became very familiar in a short Time; for she is a Person of a great deal of Sense, if pleased God to give her Grace. She invited us on *Michaelsmas-Day*, to go on Board of a *Norway Ship*; she had a Friend there. One of my Friends asked, whether she had any Interest in it? She said, Yes, she had. She likewise said she had a dear Brother come to Town, an extraordinary Christian, that had married her Sister: They strived, she said, who should out-do one another in Affections; and when her Sister was upon her Death-bed, she recommended Mrs. *Baynton* to be both his Wife and Sister. Mrs. *Baynton* said, My dear Brother will come To-morrow to see me. Accordingly he came, with two Gentlewomen with him, that we never saw before nor since: Then she sent for a Bottle of Claret, and desired us to drink, which we did, with them. Then she took Occasion to praise the Family she was in: She invited her Brother to live in the same Street near to her, seeing he had but a pingling Stomach; and said, she believed he would like their Victuals. He declined that, saying, it was out of the way for his Business, being obliged to be every Day at *'Change*. Then she asked me, what I would have a Meal, if he should come at any Time to see her? I told her 12 *d*. for a Dinner; for so I had of the young Ladies Friends that came to see them.

Mr. *Serj. Darnel*. Pray, how did the Country-Gentlewoman behave her self?

Mrs. *Nightingale*. She seem'd to be very modest, but shew'd abundance of Love to her Brother.

Mr. *Serj. Darnel*. In her Behaviour?

Mrs. *Nightingale*. Very well, below Stairs; but the Maid said she would swear above.

*Council*. How oft did he dine there?

Mrs. *Nightingale*. Nine or ten Times.

*Council*. You say he dined nine or ten Times at your House, did you discern that there was any thing of Love betwixt him and Mrs. *Rawlins*?

Mrs. *Nightingale*. No body in the House discerned that there was.

Mr. *Serj. Darnel*. Were they observed at any Time to be alone?

Mrs. *Nightingale*. No, Sir, they were never alone that I know of.

Mr. *Serj. Darnel*. Had you any mistrust of Mrs. *Baynton*?

Mrs. *Nightingale*. Yes, Sir; she came twice I home elevated with Drink, and we began to suspect there was something between her and her Brother that was

was not usual. My Lord, her Servant took notice, that we carried it with Strangeness towards her Mistress; insomuch that she said to her Mistress, Do you not discern the Family to be strange? Ay, *Betty* (said she) but I do not care; if they rouse me, they'll find me like a Lion; Or to that Effect.

*Mr. Soil. Gen.* Did Mrs. *Baynton* discern that you knew that she said so?

*Mrs. Nightingale.* No, Sir.

*Mr. Soil. Gen.* Did you express any Dislike of her?

*Mrs. Nightingale.* No, Sir, not to her; tho' I discovered my Dislike of her to several of the Family, telling them, I designed to give her Warning when her Month was up. But before that, she came to me and paid me, as her Custom was, for a Week. She told me she had received a Letter from her Friends, That the Trustees had made up the Business; and the City being chargeable, she designed to return into the Country. I went to my Mother in another Room, and expressed to her, with a great deal of Joy, the Warning she had given me. When her Time was expired, she came to me again, and said, There was a Fellow would cheat her in Town, and that she must take out a Statute of Bankrupt against him, which would detain her a Week longer; and upon her D-fire, because I would part friendly, I consented to her staying a Week longer.

*L. C. J. Holt.* Speaking to the Prisoner *Baynton*, said, She might ask Questions.

*Mrs. Baynton.* Yes, my Lord. *Mrs. Nightingale*, when I went into your House there was no such Character of me, as you speak of; but you invited me; and I said, That if I should be troublesome, I would not come.

*L. C. J. Holt.* She liked you well by the Character that was given you by *Mrs. St. John*, but afterwards she had no such good Thoughts of you.

*Mrs. Baynton.* If they did not like me, my Lord, they might have given me Warning; but instead of that, when I gave her Warning, she seemed to be sorry.

*L. C. J. Holt.* She was glad of the Opportunity of your giving her Warning.

*Mrs. Baynton.* You were pleas'd, *Mrs. Nightingale*, to speak of going aboard of Ship, it was after *Mr. Swendsen* had been there a second Time: When he came to your House, you said you loved Punch entirely; and I said, If you please, Madam, *Mr. Swendsen* shall make a Bowl; and this was before our going on Board.

*L. C. J. Holt.* Was *Mr. Swendsen* aboard the Ship?

*Mrs. Nightingale.* Yes, he was; but I knew not of his being there.

*Mrs. Busby sworn.*

*Mr. Serj. Darnel.* Come *Mrs. Busby*, give an Account to my Lord and the Gentlemen of the Jury what you know of this Matter.

*Mrs. Busby.* My Lord, I know *Mrs. Nightingale* told me that *Mrs. St. John* came to take Lodgings for *Mrs. Baynton*, according as *Mrs. Nightingale* expressed her self; and I was a little curious in enquiring what she was, and begged her Pardon for asking so many Questions about her.

*Mr. Serj. Darnel.* After she had been there, how did she carry her self?

*Mrs. Busby.* At *Michaelmas-Day*, at Night, she came up very brisk, and said she had heard from her dear Brother, and fell a praising him, and said how happy she was in him; and that her Sister, upon her Death-bed, said that she should be both

Wife and Sister to him; She said likewise, that she had been a Widow 4 Years, and that she would never marry for the Love she had to her Brother.

*Mr. Serj. Darnel.* Pray give an Account, *Mrs. Busby*, whether there was any Talk in the Family of this Woman's leaving the Family?

*Mrs. Busby.* Sir, as to her leaving the House, we were informed that she was not what we took her to be; and *Mrs. Nightingale* and I were very uneasy; at which *Mrs. Nightingale* design'd to warn her away.

*Council.* *Mrs. Busby*, Pray give an Account of your going in the Coach with her.

*Mrs. Busby.* On *Friday Morning*, the 6th of this Month, *Mrs. Baynton* said she was going to have her Lac'd-Head washed; she sent her Maid for a Coach, and said she would set us down near the Chapel. After she had invited me, and I saw the Coach, I did not know how to evade it well, but accepted of her Civility. She bid the Coach stop at *Hedge-Lane*, and said we should be as near to the Chapel, as she went to the Place whither she was going. When we came to the old Buildings, I was looking out at them, and on the contrary Side I heard a Bustle, *Mrs. Baynton* called to the Coach to go on, and presently *Hartwell* was in the Coach, with his Arm about *Mrs. Rawlins's* Waist. I did think *Mrs. Baynton* was arrested, I cry'd out for God's Sake let us alone, we are not concern'd. *Hartwell* pull'd up the Glass, and said we were the Persons concerned. She (pointing to *Hartwell at the Bar*) said, This is the Man, and he himself own'd it before the *Recorder*, that he told me 'twas the young Lady and I was concerned; says he, Let me have a few Words with you, and all will be well. I said, To be sure I will not say any thing to you except my Friends were near. This Lady, *Mrs. Baynton*, said, No Madam, be sure do not; she advised me not to be frightned, for such a Case once happen'd to her with her Niece. I asked *Hartwell* what he would do with us? He said he would carry us to a Place where we might send for our Friends, and make up the Business. *Mrs. Baynton* seemed to take my part, and said she would go to my Friends; and such Discourse as this held till we came to the *Star and Garter Tavern*.

*Council.* *Mrs.* She pretended to be your Friend?

*Mrs. Busby.* Yes, Sir, she argued with the Bailiff and said, may I not go where I will? And seemed to be very angry with him. *Mr. Hartwell* also seemed to be very angry with her, and call'd her *Mrs. Pert*, saying; if she were Civil, she should have the more Respect.

*Council.* Whom did he call *Mrs. Pert*?

*Mrs. Busby.* He called *Mrs. Baynton* so. Then they carried us to *Drury-Lane*, and she advised us to put on our Masks upon our Faces: I thought to do it, but afterwards recalling my self, and thinking I had done nothing amiss, I would not. They conducted us to the Tavern and put us into a back Room, and *Mrs. Baynton* hastened out of the Room as if she would go for some of my Friends, as she said she would: I directed her to *Mr. Thornton* and another; which she said she went to. The Room where we were was very dark, so we pressed into a forward one: We were in a very great Fright, insomuch, that I said to *Mrs. Rawlins*, We'll live and die together, and then she took me hold by my Arm. *Hartwell* seeing that, took her from me by Force, and said she must go with him. I understood she was arrested in one Court, and I in another; She must go to the *Marshalsea*, and I to

*Newgate.* Then they hurried her down Stairs out at a back Door into a Coach: I cry'd out *Murder* out of the Window, and said, For God's Sake take care of the young Woman, for I know not where they are carrying her. After this, Mr. *Spurr* said to me, What have you got by Bawling? We are better known here than you. My Fright was very great, and I was very much surprized: There was a Man left with me, I made my Complaint for Friends to be sent for. Says I to him: Is it Treason or Felony? He told me he did not know, he was only hired for a Crown to keep me: I desired that the Gentlewoman of the House might come up to me; it was about 12 a-Clock, and at last she did. And Mr. *Wakeman* came up, and said, Madam, Why do you not Eat and Drink? He said the young Gentlewoman was well, and did both. Said the Woman of the House to me, Do not you owe Money? I said, No. Nor the young Lady neither? I answered, None that we should be Arrested for. When this Mr. *Wakeman* was here, said the Gentlewoman of the House to me, Why do you not enquire into the Cause of Action? *Wakeman* told me, that there was a Writ against *Sabina Busby*, at the Suit of *William Jones*, and that *William Jones* arrested me. Says the Woman of the House, it may be your Name is not right, and so you may be falsely Arrested. I asked whether I might not send for Bail, it being an Action of Debt. It being an Action of Debt, says he, you may; and I will go for you as cheap, and as soon as a Porter. But I saw him no more till Night.

*Council.* How long did they keep you?

Mrs. *Busby.* It was betwixt 10 and 11 when they carried me there first, and it was not till near Night that I saw him again.

Mr. *Serj. Darnel.* Did he make you give Bail for your Discharge in the Afternoon?

Mrs. *Busby.* There was a Lad in the Room said, Madam, I will go to some of your Friends for you. I directed him to some of them, and when he came again, he said, they were not at home. There was a poor Man, a Labourer, at work in the Chimney, he gave me a private Wink, and said he would go for me, for he knew Mr. *Unkles*; he went, and Mr. *Unkles* came. I likewise sent for Mr. *Thornton* and another; they all came, and met together. Mr. *Thornton* demanded on what Account they kept me there? They said they had a Writ against me of 200 *l.* Then they said they would bail me. They asked them, Where the young Lady was? They told him she was with her Friends. Then, my Lord, after this, the Bailiffs shifted off, and I knew nothing more of it, but went away to get a Warrant to take care of the young Lady.

*Council.* Had you any manner of Dealings with Mr. *Jones*?

Mrs. *Busby.* No manner of Dealings with him in all my Life.

Mr. *Mountague.* When you came into the Fore-Room, was *Hartwell* then with you in the Room?

Mrs. *Busby.* She and I was in a great Fright; several was there, and *Hartwell* was one of them.

*L. C. J. Holt.* Was Mrs. *Baynton* there?

Mrs. *Busby.* Yes, my Lord.

*L. C. J. Holt.* How long did she stay?

Mrs. *Busby.* She went out presently; she told me she would go to some of my Friends; and away she went.

*L. C. J. Holt.* Did she come again?

Mrs. *Busby.* No, my Lord.

*L. C. J. Holt.* Did you see *Hartwell* there?

Mrs. *Busby.* My Lord, he was there, and forced the young Lady from me; and *Spurr*, when I put my Head out of the Window, and cried after her, said to me, What have you got by your Bawling? We are better known here than you.

Mr. *Justice Gould.* Pray, when was the first Time you took Notice of *Spurr*?

Mrs. *Busby.* Sir, the first Time I took particular Notice of him, was, when I put my Head out of the Window; but it seems he rid behind the Coach; he was left with me when Mrs. *Rawlins* was taken away, and was in the Room when my Friends came; and Mr. *Wakeman* was there too.

Mr. *Justice Powell.* I ask you, did your Friends offer Bail?

Mrs. *Busby.* Yes, Sir, they did.

Mr. *Justice Powell.* Did any of them require Bail?

Mrs. *Busby.* My Friend, Mr. *Thornton*, asked on what Account they kept me? And they said they had an Action of 200 *l.* against me.

Mr. *Hartwell.* Was I there then? Did I ever come back after you were there?

Mrs. *Busby.* I believe you were, but I cannot be positive; but you were in the Coach, and you were the Man that carried away Mrs. *Rawlins* from me.

Mr. *Wakeman called.*

Mr. *Soll. Gen.* Give an Account to my Lord and the Council, of what you are concerned in this Matter.

Mr. *Wakeman.* If it shall please your Honour, my Lord, Mr. *Hartwell* came on *Wednesday* (before this Thing happen'd) to my House, and left Word there, that there was a Writ to be executed, if I would execute it: I was not then at Home, but when I came Home, which was late at Night, my Daughter told me of it. I went to him on *Thursday* Morning. He said to me, Mr. *Wakeman*, I have a Writ to be executed, will you do it? I said I would. Then he carried me to *Westminster* to the *Mitre-Tavern*, and made no stop nor stay; then he called for a Quart of Ale, and a Quart of White-Wine, and a Toast and Cheese; and when he had eat one Toast, we had another. The Man of the Tavern came in, whose Name was *Holt*. Mr. *Hartwell* said to me, We must not do the Business this Morning; it cannot be done, said he: But he appointed me to come on *Friday* Morning. He ordered me, if I came first, to call for Wine, and the same as we had before. I came first, and called for Wine, Ale, a Toast and Cheese; in the mean Time Mr. *Hartwell* came in, and eat some with me.

*L. C. J. Holt.* Who was the Writ against?

Mr. *Wakeman.* It was against Madam *Rawlins*. Mr. *Holt* went out, and called Mr. *Hartwell*, and said, the Business would be done that Morning. Then we followed him to *Stretton-Ground*. Mr. *Holt* said to *Spurr* and my self, we had best stand near the Place: He took Mr. *Hartwell* with him to the Top of the Street, the People gazed at us, and I was ashamed, and went into an Ale-House; a Man came back, and said, The Coach is at the Door; and Mr. *Hartwell* came and said, the Coach would come by presently; Mr. *Hartwell* and *Spurr* went before, and bid me follow the Coach; and coming near the Park, in *Westminster*, I was behind; Mr. *Spurr* stopped the Coach. Mr. *Spurr* stopping the Coach I made up to it; but before I came to it Mr. *Hartwell* was in the Coach, and what he said to them I do not know.

*L. C. J. Holt.* Who stopped the Coach?

Mr. *Wakeman*. Mr. *Spurr* stopped the Coach, and served the Writ ; it was my Writ. Mr. *Hartwell* ordered the Coach to drive to the *Star and Garter* Tavern in *Drury-Lane* ; we went all along with it ; and when we came there, they led us to a little Room, and the Gentlewoman did not like it, but went into a forward Room, and this Gentlewoman (pointing to Mrs. Baynton) with her Band-box, was with them.

*Council*. Who was it ?

Mr. *Wakeman*. (pointing to Mrs. Baynton at the Bar, said 'twas she) I did not know but she was this Lady's Friend ; I never saw any of them before in all my Life. Mr. *Hartwell* went down, and Mrs. *Baynton* ; and I thought she went to fetch Madam *Rawlins's* Friends. Mr. *Hartwell* came to the young Lady, and said, You must go to my House. The young Gentlewoman said, O Lord, don't part us. But he did so, and put her into a Coach. I saw the Gentlewoman going, but did not go with her myself, for I was stopped by a Gentleman of my Acquaintance ; but when I came to Mr. *Hartwell's* House, I said, Mr. *Hartwell*, Where is the young Gentlewoman ? He told me she was below Stairs. I told him that I had something of Business elsewhere. I asked him, and he gave me Leave to go. I went, and when I returned back to Mr. *Hartwell's* House, I asked for him, but his Wife told me he was not within. I asked where the young Gentlewoman was ? She answered, that she was gone with her Husband to the *Vine-Tavern* in *Holborn*. I went and asked for Mr. *Hartwell* ; they told me he was above Stairs. I went up, and found him with Mr. *Spurr*, and a *Tallow-Chandler*. I should have told you, that when I went from Mr. *Hartwell's* House about my Errand, I saw Mr. *Holt* standing near the Back-Door of the *Five-Bell* Tavern in *Witch-street*, and he asked me where Mr. *Hartwell* was ? I told him he was at Home. Then *Holt* asked for the Woman, I said she was at *Hartwell's*—Afterwards I saw Mr. *Swendsen* at the *Five-Bells* with *Holt*, and he gave me a full Glass of *Claret* ; I drank it off, and away I went. When I went to the *Vine-Tavern*, Mr. *Hartwell*, Mr. *Spurr*, and a *Tallow-Chandler* were in a Room by themselves. I saw that Gentleman (looking out of a Window) that was with *Holt* ; he looked at me, and I at him. Mr. *Hartwell* asked me if I had dined ? I told him No. He said there were some Stakes. I dined there ; then the Gentlewoman, viz. *Baynton*, at last came out of Door and called Mr. *Hartwell* to her. When Mr. *Hartwell* came from her, he told me the Matter was made up, and the Prisoner was discharged.

L. C. J. *Holt*. Who was the Writ against ?

Mr. *Wakeman*. Mrs. *Rawlins*.

L. C. J. *Holt*. When the Prisoner was discharged they gave you the Writ again ?

Mr. *Wakeman*. Yes.

L. C. J. *Holt*. Had you a Writ against Mrs. *Busby* ?

Mr. *Wakeman*. I had none against her.

*Council*. How far is it from *Hartwell's* House to the *Star and Garter-Tavern* ?

Mr. *Wakeman*. It is about a Furlong.

*Council*. What was your Writ for ?

Mr. *Wakeman*. But 20 l.

L. C. J. *Holt*. And you said you had an Action of 200 l.

Mr. *Wakeman*. My Lord, Mr. *Hartwell* said so. I do not know the Woman, but she will be shewed us.

L. C. J. *Holt*. Look at the Prisoner at the Bar. Was she in the Coach when Mrs. *Rawlins* was Arrested ?

Mr. *Wakeman*. Yes, yes. I had no ill Design in what I did.

L. C. J. *Holt*. Did you go behind the Coach ?

Mr. *Wakeman*. Yes, my Lord, I did.

*The Writ produced and read in Court.*

Mr. *Just. Gould*. Were you there at the *Star and Garter* when Mrs. *Busby's* Friends came to Bail her ?

Mr. *Wakeman*. When I came to the *Star and Garter* Tavern, the Gentleman came and asked me, whether I knew where Mrs. *Busby* was ? I told him I left her at the *Vine-Tavern*, and believed that there they might find her.

L. C. J. *Holt*. Was *Spurr* at the *Vine-Tavern* any Time ?

Mr. *Wakeman*. My Lord, I left *Spurr*, *Hartwell*, and the *Tallow-Chandler* at the *Vine-Tavern*.

Mr. *Serj. Darnel*. Was it Mr. *Hartwell* or *Spurr* that asked you to eat Stakes ?

Mr. *Wakeman*. It was *Spurr*.

Mrs. *Baynton*. Mr. *Wakeman*, Did you ever see me before the Arrest ?

Mr. *Wakeman*. No, I never saw you before then.

*Mrs. Berkley Sworn.*

Mr. *Serj. Darnel*. Pray look upon this Prisoner, Mrs. *Baynton*, Do you know her ?

Mrs. *Berkley*. Yes, Sir, I do know her.

Mr. *Serj. Darnel*. How came you to know her ?

Mrs. *Berkley*. By her lodging in Mrs. *Nightingale's* House, and no otherwise.

Mr. *Serj. Darnel*. Did you ever hear her speak of a Brother that she had ?

Mrs. *Berkley*. Yes, Sir, she said this Mr. *Swendsen* was her Brother.

Mr. *Serj. Darnel*. Mrs. *Rawlins*, Are you Sworn ?

Mrs. *Rawlins*. Yes, Sir.

Mr. *Serj. Darnel*. Stand forward a little. Do you give my Lord an Account of the whole Matter,

Mrs. *Baynton*. Mrs. *Rawlins*, speak the Truth, I desire nothing but Justice.

L. C. J. *Holt*. You are upon your Oath remember, and therefore speak nothing but the Truth.

*Council*. Give an Account of your Proceedings in the whole Matter.

Mr. *Serj. Darnel*. Do you know any of the Prisoners at the Bar ?

Mrs. *Rawlins*. Yes, I know them all, Mrs. *Baynton*, Mr. *Hartwell*, and Mr. *Spurr*.

L. C. J. *Holt*. Do you know them ?

Mrs. *Rawlins*. Yes, my Lord.

L. C. J. *Holt*. How came you to be acquainted with Mrs. *Baynton* ?

Mrs. *Rawlins*. My Lord, I came to be acquainted with her by her taking Lodgings at our House. She came and took Lodgings at Mrs. *Nightingale's* for a Month or Six Weeks. When her Month was out, she said her Business was done, and she must go into the Country.

Mr. *Serj. Darnel*. Give an Account of what happen'd to you on *Friday* the 6th of *November*.

Mrs. *Rawlins*. We were going to *Oxendon* Chapel, Mrs. *Busby* and I. Mrs. *Baynton* told us, she was going that Way, and invited us into her Coach ; she said she would set us down near the Chapel ; we accepted of her Invitation, and went with her. When we were at the *Broad Way* in *Dartmouth-Ground*, there was *Hartwell*, and Two more Bailiffs ; they stopp'd the Coach, and Mr. *Hartwell* got in. Said Mrs. *Busby*, to him, For Christ's Sake let us go out we owe no Man any thing. He said the Matter concerned Mrs. *Busby* and me, and he ordered the Coach to be driven to the *Star and Garter* Tavern in *Drury-Lane*.

Mr. *Serj.*

Mr. Serj. Darnel. Did any Body come into the Coach?

Mrs. Rawlins. Yes, Sir, Mr. Hartwell.

Mr. Serj. Darnel. Did he do any Thing to the People in the Coach?

Mrs. Rawlins. No, Sir, but ordered the Coach to go to the *Star* and *Garter* Tavern. When we came there we went up Stairs, and did not stay above a Dozen Minutes in one of the Rooms, but removed from thence to a Room forward: Mrs. Baynton was gone, and Hartwell sent up Spurr.

Mr. Serj. Darnel. Mistress, Pray look, Do you see the Man that came up to you?

Mrs. Rawlins. I suppose it was the Man that is next to Mrs. Baynton; if I be not mistaken it is him; I cannot be positive.

Mr. Serj. Darnel. Some of them came up to you and said, they must have the young Lady down Stairs?

Mrs. Rawlins. Yes, Sir; and Mrs. Baynton said, Nay. They after that forced me away.

Mr. Serj. Darnel. Who was it that did that?

Mrs. Rawlins. It was Mr. Hartwell that did it.

Mr. Hartwell. Who is Mr. Hartwell?

Mrs. Rawlins. Your self, Mr. Hartwell, took me about the Middle, and drove me down Stairs. I cried out Murder, and desired some good Body to go with me; he said, if I did not hold my Tongue he would send me to *Newgate* that Minute.

Mr. Serj. Darnel. Where did he carry you?

Mrs. Rawlins. He carried me from the *Star* and *Garter* Tavern to his own House.

Mr. Serj. Darnel. Where is his House?

Mrs. Rawlins. In *Witch-street*.

Mr. Serj. Darnel. How long did he keep you there?

Mrs. Rawlins. I do not know justly, but I think it was about an Hour.

Mr. Serj. Darnel. What did they do with you there?

Mrs. Rawlins. They put me into a Back Room, there was no Body with me: but at last Mrs. Baynton came in and pretended she was going by and heard my Name, and therefore came in. I was very much frightened. She said she had been at several of my Friends, but could get no Body to come. She told me she would send for her Brother, and he should be Bail for me.

L. C. J. Holt. You say she would send for her Brother to be your Bail?

Mrs. Rawlins. Yes, my Lord.

L. C. J. Holt. What followed then?

Mrs. Rawlins. She went for her Brother to come to be my Bail, and it was hardly half a Quarter of an Hour before she came in again with her Brother.

Council. What is her Brother's Name?

Mrs. Rawlins. Swendsen. Mr. Hartwell came into the Room where I was, and said, Is Mrs. Rawlins's Friend come yet? Mrs. Baynton answered, Yes. They had a Coach prepared at the Door, and in that they carried me to the Tavern in *Holbourn*; there was in the Coach, Mrs. Baynton, her Brother, Mr. Hartwell, and I.

Mr. Mountague. Where did they carry you?

Mrs. Rawlins. To the *Vine-Tavern* in *Holbourn*.

Mr. Mountague. What did they do with you then?

Mrs. Rawlins. They carried me up Stairs, put me into a Room, I cannot tell exactly how long I was there.

Mr. Mountague. What did they do then?

Mrs. Rawlins. Then Holt was there to be the other Bail; they were very willing to take his Bail, but

were very scrupulous in taking Mr. Swendsen's Bail. They told me, in short, that I must marry Mr. Swendsen, and that would put an End to it, or else I must go to *Newgate*.

L. C. J. Holt. Who said so?

Mrs. Rawlins. Mrs. Baynton said, If I did not marry her Brother, I must go to *Newgate*. I replied, that I would not marry without my Friends Advice; but I was not so much afraid of going to *Newgate*, as I was of being murdered, or sent away somewhere into the Country, where I might never see or hear of my Friends.

Council. How did they behave themselves in the Room?

Mrs. Rawlins. They importun'd me to marry Mr. Swendsen, and for that End Mrs. Baynton would have my Ring from my Finger; I would not let her have it, but she forced it away from me. I asked her what she would do with it? She told me, she would go and get a Wedding Ring made by it. She went and bought a Wedding Ring, and gave me my own again: Then the Minister and Clerk was brought into the Room; the Minister and Clerk came in and married Mr. Swendsen and me.

Mr. Serj. Darnel. How long did you stay in the Room after you were married?

Mrs. Rawlins. Not a Quarter of an Hour.

L. C. J. Holt. Where was Hartwell?

Mrs. Rawlins. They were in the Room over-against us.

L. C. J. Holt. Who brought the Parson into the Room?

Mrs. Rawlins. Holt brought them in.

L. C. J. Holt. Where did they carry you then?

Mrs. Rawlins. To Mr. Blake's House in *Holbourn*.

L. C. J. Holt. Who went with you?

Mrs. Rawlins. No body but Mr. Swendsen, Mrs. Baynton, and my self.

L. C. J. Holt. What did they do then?

Mrs. Rawlins. They ordered the sheeting of a Bed, and put me to Bed.

Council. Was there any Compulsion in going to Bed, or did you go voluntarily?

Mrs. Rawlins. I did not go freely, but was forced to Bed; Mrs. Baynton asked me to go to Bed; after which she asked me the Reason why I would not go to Bed? Says I, my Reason is, because I don't care to go to Bed so soon.

Mr. Serj. Darnel. Who undressed you?

Mrs. Rawlins. Mrs. Baynton and Mr. Blake's Daughter.

Mr. Serj. Darnel. How long was you in Bed?

Mrs. Rawlins. About an Hour or Two.

Mr. Mountague. When you went out, had you any Expectation to go any where else but to Church?

Mrs. Rawlins. No where but to Church, upon my Word.

Mr. Mountague. Did you go voluntarily to the Tavern in *Drury-Lane*, or against your Will?

Mrs. Rawlins. To be sure it was against my Will.

Mr. Hartwell. Did you see me, Madam, at the *Vine-Tavern* the Time that you were confined there?

L. C. J. Holt. Did you see Hartwell at the *Vine-Tavern* before you were married?

Mrs. Rawlins. Yes, Mr. Hartwell, you may remember that you were once in the Room where I was: I will give you an Instance of it; you were smoaking a Pipe of Tobacco; Mrs. Baynton said to you, What would you have with her? You said I was the Prisoner.

L. C. J. Holt. Did they take the Bail that was offered?

Mrs. Rawlins.

Mrs. *Rawlins*. Mr. *Hartwell* said, he would consider it with Mrs. *Baynton*; and they all went out, and left me alone by my self. Mrs. *Baynton*, after they had consulted together, came in and told me that they refused the Bail.

Mrs. *Baynton*. When you were left by your self, Mrs. *Rawlins*, if you had not a mind to marry Mr. *Swendsen*, why did not you make your Escape.

L. C. J. *Holt*. Did she come there by her Consent?

Mrs. *Baynton*. No, my Lord, but when she was left to her self, she might have easily got away.

L. C. J. *Holt*. Mrs. *Rawlins*, You were left alone in the Room, Was there any Proposal of your Marriage to Mr. *Swendsen* made before that?

Mrs. *Baynton*. My Lord, if I may have leave to speak, they contracted Friendship almost a Month before.

L. C. J. *Holt*. Mrs. stay your Time. [To Mrs. *Rawlins*] Consider the Question.

Mrs. *Baynton*. My Lord, the Ring was bought before she was left alone, she knows it very well, and was looking upon it when I came into the Room again.

L. C. J. *Holt*. To Mrs. *Rawlins*. Had you the Ring before that?

Mrs. *Rawlins*. Not as I know of, my Lord.

Mrs. *Baynton*. You had the Ring upon your Finger, and said, it was a very handsome one; but I had bought it a little too wide for you.

Mrs. *Rawlins*. It is very ridiculous; I said no such Thing.

L. C. J. *Holt*. She was left in the Room alone, when you both went out; but it seems it was upon her Desire to be Bailed, and therefore she would not escape.

Mr. *Serj. Darnel*. Yes, yes, it was with the Intent to be Bailed that she did this.

L. C. J. *Holt*. Mrs. *Baynton*, it is now Time for you to make your Defence.

Mrs. *Baynton*. My Lord, I will. Mrs. *Busby*, when Mr. *Swendsen* came to her House first, called him her dearly beloved Likeness; Did not she say so Mrs. *Rawlins*?

L. C. J. *Holt*. Did you ever hear Mrs. *Busby* call Mr. *Swendsen* her dearly beloved Likeness?

Mrs. *Rawlins*. My Lord, I desire she may answer for her self.

Mrs. *Baynton*. Pray, my Lord, let her stand by her self a little, that no body may speak to her.

L. C. J. *Holt*. Did you ever hear her speak of Mr. *Swendsen*, that he was her dearly beloved Likeness?

Mrs. *Rawlins*. Yes, my Lord; I do not know but she might say so.

L. C. J. *Holt*. What, when Mr. *Swendsen* was by?

Mrs. *Rawlins*. No, my Lord.

L. C. J. *Holt*. Do you remember that you ever heard Mrs. *Busby* call him so?

Mrs. *Rawlins*. Once, my Lord, to Mrs. *Baynton*.

L. C. J. *Holt*. What say you Mrs. *Busby*, did you call him so?

Mrs. *Busby*. My Lord, I thought him very much like my Husband in one Part of his Face, and Mrs. *Baynton* her self call'd him my beloved Likeness.

Mrs. *Baynton*. My Lord, How could I call him her beloved Likeness, and never saw her Husband with my Eyes?

L. C. J. *Holt*. Well, what Questions will you ask?

Mrs. *Baynton*. My Lord, I will ask Mrs. *Rawlins* several Questions. The Second Sunday when I was at their House, Mrs. *Rawlins*, you know you staid at home, and I did so too; Did not you say then, that you wished Mr. *Swendsen* was there, when they were all at Church, did not you say so? Remember you are upon your Oath.

L. C. J. *Holt*. Upon your Oath, do you remember any such Thing?

Mrs. *Rawlins*. No, my Lord; and I would not for all the World say any thing but the Truth.

L. C. J. *Holt*. Did you, or did you not?

Mrs. *Rawlins*. Indeed, my Lord, I do not remember that ever I said any such Word.

Mrs. *Baynton*. Mrs. *Rawlins*, did you not come to my Bed-side often, and kiss and hug me, and would be talking with Pleasure of Mr. *Swendsen*?

L. C. J. *Holt*. Do you remember that you sat at her Bed-side, and spake of Mr. *Swendsen*, and kissed and hugged her?

Mrs. *Rawlins*. My Lord, indeed Mrs. *Baynton* did much talk of her Brother.

L. C. J. *Holt*. But did you talk of her Brother?

Mrs. *Rawlins*. My Lord, if I did say any Thing, I did not speak with a Design to have him; it may be I might do so.

Mrs. *Baynton*. Mrs. *Rawlins*, did not you bid me to tell him, that there was a good Lady, that had her Fortune in her own Hands, and at her own Disposal, that would make him a very good Wife? Did not you tell me this?

Mrs. *Rawlins*. I did not say so; but said there was a very good Lady that would make a very good Wife whenever she married; but did not say, that she would make him a good Wife.

Mrs. *Baynton*. Mrs. *Rawlins*, Have not you been the most uneasy Woman in the World, when he did not come to dine at Mrs. *Nightingale's*?

L. C. J. *Holt*. Speak out.

Mrs. *Baynton*. My Lord, Mr. *Swendsen* had a Cold, and she told me, she could not be easy till he was cured of it.

Mrs. *Rawlins*. I never said such a Thing. Can you say so, Mrs. *Baynton*?

Mrs. *Baynton*. My Life is upon it, and I will not for my Life say any Thing but the Truth.

L. C. J. *Holt*. Did you express any such Thing to Mrs. *Baynton*, of your Uneasiness till Mr. *Swendsen* had got rid of his Cold?

Mrs. *Rawlins*. No, my Lord.

Mrs. *Baynton*. But, Madam, Did not you seek to tell me these Things by your self? You told me, you had a great deal of ill Usage; and told me, you lived more like a Servant than any thing else: You said, that when there was another Lodger there, because you went to see her in her Room, you were chid severely for it, and charged never to go near her.

Mrs. *Rawlins*. I do not know but that I might do it.

L. C. J. *Holt*. But why did you do it?

Mrs. *Rawlins*. My Lord, I can give you no Account?

L. C. J. *Holt*. Did you bid her tell him, that you knew a Gentlewoman, at her own Disposal, that would make him a very good Wife?

Mrs. *Rawlins*. My Lord, I do not know but that I said to Mrs. *Baynton* I wished her Brother a very good Wife.

L. C. J. *Holt*. But did you say, that you knew a Gentlewoman, at her own Disposal, and a Fortune, that would make him a very good Wife?

Mrs. *Rawlins*.



Mrs. *Rawlins*. My Lord, I did not speak with a Design to marry her Brother, but was resolved to take the Advice of my Friends.

Mrs. *Baynton*. Did not you say, that you wish'd your self Mr. *Swendsen's* Wife, several Times?

L. C. J. *Holt*. Did you ever tell her, that you wished your self *Swendsen's* Wife?

Mrs. *Rawlins*. My Lord, I don't know whether I did or no.

L. C. J. *Holt*. How came you to have such a good Opinion of Mr. *Swendsen*?

Mrs. *Rawlins*. Mrs. *Baynton* told me he was a very good-temper'd Gentleman, and never out of Humour.

L. C. J. *Holt*. Would you marry a Man for his good Humour only?

Mrs. *Rawlins*. I never had married, if there had not been a Force put upon me.

L. C. J. *Holt*. Did you tell Mrs. *Baynton*, that you would never marry, but by the Consent of your Friends?

Mrs. *Rawlins*. Yes, I did.

Mrs. *Baynton*. My Lord, I never heard her say so in all my Life.

L. C. J. *Holt*. Did you tell her, notwithstanding what you said of Mr. *Swendsen*, that you would never marry without the Consent of your Friends?

Mrs. *Rawlins*. My Lord, I did often say, that I would never marry without their Consent.

Mrs. *Baynton*. Mrs. *Rawlins*, did not you, when you were acquainted with Mr. *Swendsen*, slight Mr. *Pugh*?

L. C. J. *Holt*. Did you shew any Dislike of Mr. *Pugh*, upon *Swendsen's* Account?

Mrs. *Rawlins*. My Lord, I cannot tell; if I did shew any Ill-will to Mr. *Pugh*, it was not with a Design to have Mr. *Swendsen*.

L. C. J. *Holt*. Hath there been any Courtship carry'd on betwixt Mr. *Swendsen* and you?

Mrs. *Rawlins*. My Lord, no more Courtship to me than to all the Family; my Lord, I did not perceive that Mr. *Swendsen* shewed me more Favour than any in the rest of the Family.

L. C. J. *Holt*. Have you any more Questions, Mrs. *Baynton*?

Mrs. *Baynton*. When Mr. *Swendsen* was walking in the Garden, did not you say, that you would go and walk with him, but that they would take notice of it? But pray, said I, do not, you may make them angry by it. Did not you say, that you would go up, and look out of the Window, with Expectation to have been called down by me? Did not you walk with Mr. *Swendsen*, and discourse with him about the Things of Love, and he said, he would have no body but you, and you likewise said, that you would have no Body but him?

L. C. J. *Holt*. Were you alone with Mr. *Swendsen*, at that Time in the Garden?

Mrs. *Rawlins*. I think I was with him in the Garden at that Time, but not alone.

Mrs. *Baynton*. My Lord, she was alone with Mr. *Swendsen* in the Garden several Times.

Mrs. *Rawlins*. I can speak it upon my Oath, that I was never in the Garden with Mr. *Swendsen*, but that Time.

Mrs. *Baynton*. Did not you say that you would have no body but Mr. *Swendsen*?

Mrs. *Rawlins*. No, I never said any such Thing.

Mrs. *Baynton*. What made you go up Stairs, and cry for an Hour together; and said to my Servant, that you would have your Belly full of

crying, before you went away: *Betty* can testify this, she is in the Court, but must not be heard.

L. C. J. *Holt*. She may be called, if you will.

Mrs. *Baynton*. Pray Mrs. *Rawlins*, did you not once come up to me, and said you had been twice there, and wished that you could see Mr. *Swendsen*, and that you could not be easy without his Company?

Mrs. *Rawlins*. As I am upon my Oath, I never said such a Thing.

Mrs. *Baynton*. Mrs. *Rawlins*, did not you say a Hundred Times, that you loved Mr. *Swendsen*, above any Man in the World?

Mrs. *Rawlins*. I never said any such Thing in my Life.

Mrs. *Baynton*. Did not you peel Walnuts for Mr. *Swendsen*, and desire me to carry them to him;

Mrs. *Rawlins*. I never did so.

Mrs. *Baynton*. My Lord, I would have her asked; whether she consented to be taken away, directly, or indirectly?

L. C. J. *Holt*. What say you to that Mrs. *Rawlins*?

Mrs. *Rawlins*. My Lord, It was all against my Knowledge and Will, I never consented to it.

Mrs. *Baynton*. Mrs. *Rawlins* is not this true, that you pulled your Ring from your Finger, and gave it me to have a Wedding Ring made by it, which discovered your free Consent to the Marriage?

Mrs. *Rawlins*. No, Mrs. *Baynton*, do you think that I would have given any manner of Consent to be married to him, without the Advice of my Friends, if I had not been forced to it?

Mrs. *Baynton*. Did not you send all Mr. *Pugh's* Letters back again, and desired him in your Letter to come no more at you; and that you would have nothing to say to him, and that if he came he would put you to such a Fright that you would not be capable of seeing him?

L. C. J. *Holt*. Did you tell her so?

Mrs. *Rawlins*. I do not remember that I told her any such Thing.

L. C. J. *Holt*. Did you send back Mr. *Pugh's* Letters?

Mrs. *Rawlins*. I do not remember that I spake any Thing to Mrs. *Baynton*, tho' I did send back the Letters.

L. C. J. *Holt*. Why did you so?

Mrs. *Rawlins*. It was not upon Mr. *Swendsen's* Account that I did so.

L. C. J. *Holt*. Do you remember that you repeated to her any of the Contents of a Letter that you had written to Mr. *Pugh*, about sending back his Letters?

Mrs. *Rawlins*. No, my Lord, I did not.

Mrs. *Baynton*. My Lord, I had it from her own Mouth, else how could I have known of it? I did not know it till she told me. Mrs. *Rawlins*, how can you say you told me not these Things?

Mrs. *Rawlins*. No, Mrs. *Baynton*, I did not.

Mrs. *Baynton*. Mrs. *Rawlins*, you do not say true. I never knew nothing but what I had from her own Mouth.

L. C. J. *Holt*. You sent his Letters back again, pray upon what Account did you do so?

Mrs. *Rawlins*. It was upon Things that we heard of Mr. *Pugh*, that was not very handsome. Mrs. *Busby* can tell the same.

L. C. J. *Holt*. Did the Courtship break off?

Mrs. *Rawlins*. My Lord, it was but the Day before this Thing happen'd.

Mr. Serj. Darnel. Mrs. Busby, did you know of the sending back the Letters? And who was it that put Mrs. Rawlins upon sending of them back?

Mrs. Busby. Yes, Sir, it was by our Advice:

Mr. Serj. Darnel. Whose Hand was it that wrote the Letter?

Mrs. Busby. Mrs. Berkley.

Mr. Serj. Darnel. Was it by her Inclination and Consultation of her Friends?

Mrs. Baynton. Had not you a mistrust, that there was Love betwixt Mr. Swendsen and Mrs. Rawlins?

Mrs. Busby. I had no mistrust of any such Thing.

Mrs. Baynton. Why did you tax me with it then?

L. C. J. Holt. When was this?

Mrs. Baynton. My Lord, it was at the Limner's; I heard something as if Mrs. Rawlins should speak Words of Discouragement to Mr. Pugh. Mrs. Busby, when I told her of it, she denied it, and said, Mrs. Baynton, I do not know this. But here is Mrs. Rawlins her self, and she shall answer for her self, if such a Thing is: She thought, if there was any Strangeness between Mrs. Rawlins and Mr. Pugh, it was occasion'd by Mrs. Rawlins's Love to Mr. Swendsen. When they asked my Advice of the Thing, Mrs. Rawlins and Mrs. Busby told me, that Mr. Pugh had Three or Four Thousand Pound Stock: I said, if Mr. Pugh had such a Love for Mrs. Rawlins as he pretended to, that he would do well to have drawn out One Thousand Pound, and given it to the young Woman.

L. C. J. Holt. Mrs. Baynton, have you any thing to ask?

Mrs. Baynton. Perhaps I may have more to say, but I am in Confusion, my Lord: Mrs. Busby, as well as Mrs. Rawlins, was never easy, but when Mr. Swendsen was there.

L. C. J. Holt. Mrs. Rawlins, upon the Oath that you have taken, did you consent to your being taken away after the Manner as you were, or gave any Encouragement to Mr. Swendsen?

Mrs. Rawlins. No, my Lord, I do not know that I gave him any manner of Encouragement.

Mrs. Baynton. My Lord, she gave him all the Encouragement imaginable.

L. C. J. Holt. I pray, Mrs. Baynton, do not put your self into a Passion: I speak in Favour to you; you will not deliver your self so well in Passion, as without.

Mrs. Baynton. She lay baiting of me Night and Day, and always speaking to me of her Love to Mr. Swendsen; and to hear her speak the quite contrary, really it moves me, my Lord.

Betty, Mrs. Baynton's Maid, called.

Mrs. Baynton. Betty, have not you told me, that Mrs. Rawlins said she would fill her Belly with Crying before she went, and that she would enquire for Mr. Swendsen?

Betty. No, I said no such Thing.

L. C. J. Holt. Speak the Truth, without being bias'd by one Side or other. Did you hear that ever Mrs. Rawlins went into the Chamber to cry, or enquire for Mr. Swendsen?

Betty. No, my Lord, I never heard it.

Mrs. Baynton. My Lord, I never was the Woman that asked this Maid any Question any way, but she frankly told me all this; and she often said, that she was sure Mrs. Rawlins had a very great Kindness for Mr. Swendsen: And one Day she hearing of such a Noise of Laughing, and the Doors flinging, that she went down Stairs to see what was the Matter; Mr. Swendsen was there then, and Mr. Pugh. Mr. Pugh was so offended at Mrs. Rawlins's Mirth, that he

went away in a great Distaste; and she said, that Mrs. Rawlins was never easy, but when she was talking of Mr. Swendsen.

Mrs. Baynton. Betty, did not you say, that she asked you several Times of Mr. Swendsen, and wished he would come and dine with them?

Betty. I never heard her but once.

Mr. Swendsen's Jury return to give in their Verdict all Twelve.

Gentlemen, are you agreed in your Verdict?

Ans. Yes.

Who shall say for you?

Ans. The Foreman.

Erasmus Johnson, a Dane, and one of the Jury said, He was not satisfied.

Johnson. If it shall please you, my Lord, I am not satisfied; I do not find, from any of the Evidence that hath been given, that he was privy to the Arrest; my Conscience will not let me comply with the rest, that he is Guilty.

L. C. J. Holt. What kind of a Conscience have you? Do you not believe what the Witnesses have said? Have you any Evidence that Mrs. Rawlins went away with her own Consent?

Johnson. I do not find, my Lord, that it was done by him.

L. C. J. Holt. Did not he go to Hartwell's House, and from thence, while she was under the Force, went with her to the Vine Tavern, where he married her? Which was a forceably taking by him.

Johnson. But, my Lord, it was with her Consent; else how could he marry her?

L. C. J. Holt. Tho' she did consent to the Marriage; yet if she was taken by Force, it is the same Offence.

Foreman. My Lord, he did agree that this was a Point of Law, and would leave it with your Lordship; he believes she was forced, but he thinks he was not privy to the Woman's Actions that he employed.

Johnson. My Lord, I do not see there were any Evidence against him.

L. C. J. Holt. When the Bailiffs were employed to take her, it appears by the Sequel, that it was with an Intent that he might marry her: What can be plainer? Govern your self by Reason.

Johnson. I believe that there was a Force by the Bailiffs.

L. C. J. Holt. Did not he take the Advantage of the Force? And was that to any other Purpose, but for him to marry her? There was no Cause of Action either against her or Mrs. Busby.

Johnson. It proved so, my Lord.

Foreman. My Lord, he would know whether he were in that Statute, in Point of Law, if this Maid did consent to it?

Judge Powel. He was guilty of the Thing; he was consenting to it afterward.

Johnson. They were in Streets and Houses before they married; and so, if she had not consented, she might have cried out.

Judge Powel. Did not he go to Hartwell's House, and to the Vine Tavern?

Johnson. I cannot believe him guilty, as I would answer it before God and the World.

L. C. J. Holt. Pray consider, do not give a Verdict contrary to plain Evidence.

Johnson. By all the Circumstances, she was as willing as he: All that I can say to it, my Lord, is that he had something of Connivance with this Woman.

Foreman. He believed that all along.

*Johnson.* I say, Mr. Foreman, at the Beginning there was such a Thing, as was done by Mrs. Baynton, without his Knowledge.

*Foreman.* He did consent before you to take your Lordship's Judgment; that if your Lordship be of Opinion that he was concern'd in the first Force, then that will carry it.

*Johnson.* I do not know that she complain'd to any body, my Lord: I do not speak for any Favour or Affection, my Lord; but 'tis merely out of a tender Conscience.

*Foreman.* He agreed, that if the first Force was within the Statute, then he would comply; and that we came away upon, to have your Lordship's Opinion. He believed, Mr. Swendsen did employ the Woman.

*L. C. J. Holt.* Do you agree?

*Johnson.* I cannot, but I leave it to your Lordship's Pleasure.

*Mountague.* The Fact he does agree to; he does agree that she was taken away by Force.

*L. C. J. Holt.* Was she taken away by Force?

*Johnson.* She was by the Bailiffs.

*L. C. J. Holt.* Did not he take the Advantage of this?

*Johnson.* She was under the Force before.

*L. C. J. Holt.* Besides, Did not you perceive that she consented for fear she should go to Newgate? The Law of England says, that is a void Consent, which is obtained out of Fear.

*Johnson.* My Lord, I don't know there was any Violence used by him either in Word or Deed.

*L. C. J. Holt.* Was not he present when Violence was used?

*Johnson.* Yes, my Lord.

*L. C. J. Holt.* Then was Violence used by him.

*Johnson.* But She was very well satisfy'd both before and after she was married.

*L. C. J. Holt.* She was under Force, before she was married; and indeed, all that Night, and afterwards.

*Mr. Johnson.* She was not hindred to send Letters.

*Coun.* Who would you have carried them, the Bailiffs, or Mrs. Baynton?

*Johnson.* No, my Lord; but somebody for half a Crown, or a Crown.

*L. C. J. Holt.* It appears very evident, if you will believe Witnesses, that she was under a Force, before she was married, when she was married, all Night after, and the next Day when she was at the Recorder's. If you are not satisfy'd, I'll say no more, not one Word more.

*Foreman.* We must go my Lord, and have been Fasting all Day, He is prepar'd for Fasting, if it be for a Day, or two or three.

*Judge Powel.* The Question is now, Whether you do not believe, upon all this Evidence you have heard, whether this Lady was not under an Arrest, and taken by these Bailiffs?

*Johnson.* Yes, I do believe that; but I do not believe Mr. Swendsen employed them; all that I speak upon is this, that she had her free Liberty.

*Foreman.* My Lord, he was resolv'd to stand by what your Lordship should say.

*Judge Powel.* If he did not set them to work, yet his Act afterwards made it as bad as if he had actually employ'd the Bailiffs.

*Johnson.* I can say no more, I must agree with the rest.

Gentlemen, Are you agreed?

*Foreman.* Yes, my Lord, we are all agreed now.

Then, Is he Guilty, or not Guilty?

*Foreman.* He is Guilty, — And so you say all, Yes.

What Goods or Chattles, &c.?

*Foreman.* We know of none.

*L. C. J. Holt.* Mrs. Baynton, Will you go on?

*Mrs. Baynton.* I hope your Lordship will take Notice that my Servant own'd it once.

*L. C. J. Holt.* What was it?

*Mr. Mountague.* Only whether he was to dine there.

*Mrs. Baynton.* That which I said, my Lord, she said to me.

*Mrs. Baynton.* Mrs. Rawlins, Will you be pleas'd to answer me some Questions?

*Mrs. Rawlins.* I will.

*Mrs. Baynton.* Did not you sit down in the great Chair in the Dining-Room, and you said, now I must go to Bed? Did not you pluck off your Things, and gave them to me, and I gave them to Mr. Blake's Daughter?

*Mrs. Rawlins.* I consider Mrs. Baynton, that you undressed me.

*Mrs. Baynton.* You sat in the Chair, and undressed your self, How can you deny it?

*Mrs. Rawlins.* Mrs. Baynton, I can deny it, for I did not.

*Mrs. Baynton.* Nay, more than that, when you were in Bed, Did not you call to Mr. Swendsen, my dear Husband, Why do not you come to Bed?

*Mrs. Rawlins.* I said no such thing.

*L. C. J. Holt.* Where was this?

*Mrs. Baynton.* My Lord, it was at Mr. Blake's.

*Mrs. Baynton.* Did not you say, Come to Bed my dear Husband, you must love no Body in the World but me?

*Mrs. Rawlins.* No, Mrs. Baynton, I did not; I have taken an Oath this Day, and I said no such thing.

*Mrs. Baynton.* Did not you say, that you loved him above all the Men in the World?

*Mrs. Rawlins.* No, Mrs. Baynton, I did not tell you any such thing.

*Mrs. Baynton.* Did not you say these Things?

*Mrs. Rawlins.* No, Mrs. Baynton.

*Coun.* Speaking to Mrs. Baynton, said, Do you know that ever Mrs. Rawlins writ any Letters to Mr. Swendsen?

*Mrs. Baynton.* She would; but I would not let her.

*L. C. J. Holt.* Why would you not let her?

*Mrs. Baynton.* I told her I would not carry any Letters to him, but if she desired me to tell him any thing by word of Mouth, I would do it; and my Lord, when Mrs. Rawlins was Arrested, I going down *Witchstreet*, the Coach that she was in coming along then, and I seeing her in it, that was the only Reason that I went into the Bailiff's House. When I came there, she hung about me, kissed me, and said she desired me to stand by her; when your Lordship hears, you will believe me no other than a Friend to her. She begged me not to leave her. I offered Bail to Mr. Hartwell, but he would not take it; but said I behav'd my self sawcily. And when Mr. Swendsen came in, she said, now she was happy. Besides, my Lord, when he was there, he did not desire her to go out of the House.

*L. C. J. Holt.* If you had no Design but for her Good, How came you to Mrs. Nightingale's up-

on such a Design with Pretence that you had a Law-Suit, &c. ? And why did you carry her out in the Coach, in order to be Arrested ?

Mrs. Baynton. My Lord, it was not the first Time that they went with me in a Coach, they desired me several Times to set them down, and I did so.

L. C. J. Holt. Why did you this ? You pretended that you had a Law-Suit, and that you came to Town about it, and it appears not that you had any.

Mrs. Baynton. No, my Lord, I did not.

Mrs. Nightingale. My Lord, It was Mrs. St. John that recommended Mrs. Baynton to me.

L. C. J. Holt. We know that.

Mrs. Baynton. If I were such a Woman as they represent me to be, Why did they not warn me out of their House. Mrs. Rawlins, say the whole Truth, and remember that you are upon your Oath, I desire not Favour or Affection. Did not you say to Mr. Swendsen, This is my own dear Husband, and this is the Ring that married us ? Did not he begin to speak, and you said to him, Hold your Tongue, and let me speak ?

Mrs. Rawlins. Mrs. Baynton, you know I was very much intoxicated, I hardly knew I had a Head.

Mrs. Baynton. Mrs. Rawlins, you can drink your Glass of Wine as well as any Body else. Mr. Swendsen was often there at Cards, and she was the most uneasy Creature in the World when he was not her Partner. Did not you desire me to let you sit by him in particular ?

Mrs. Rawlins. No, I did not.

Mrs. Baynton. Mrs. Rawlins had said this several Times to Mr. Swendsen, to desire him to sit by her. We play'd at Cards, and sav'd the Winnings till it should come to 20 s. and designed it for a Treat. Did not you say you would treat Mr. Swendsen, and would send for Walnuts and Apples ? But I said, No, you shall not ?

Mrs. Rawlins. I did send for Walnuts and Apples ; but it was not with a design to pleasure Mr. Swendsen.

L. C. J. Holt. Mrs. Baynton, Why did you say Mr. Swendsen was your Brother ?

Mrs. Baynton. I never said he was my own Brother.

L. C. J. Holt. You said it.

Mrs. Baynton. No, my Lord, I said he was my Sister-in-Law's Husband.

L. C. J. Holt. How was she your Sister-in-Law.

Mrs. Baynton. By Adoption, my Lord.

L. C. J. Holt. By Adoption, What do you mean by that ?

Mrs. Baynton. Mrs. Rawlins, if you had no mind to him, Why did you give him such Encouragement, as to kiss him, and go betwixt his Legs and kiss him ?

Mrs. Rawlins. I take it upon my Oath, that I never did so in all my Life.

Mrs. Baynton. Did you not love him ?

Mrs. Rawlins. No, not well enough for to make him my Husband.

Mrs. Baynton. My Lord, It is very hard that all these Things that I have said to her, are all true, and she hath made a Resolution to say nothing but No.

L. C. J. Holt. Mrs. Rawlins, Did you design to have Mr. Swendsen for your Husband ?

Mrs. Rawlins. My Lord, I was threatned to be sent to *Newgate*, if I did not marry him. You know, Mrs. Baynton, that you said, that if I did not marry your Brother, they would carry me to *Newgate*.

Mrs. Baynton. I never in my Life said any such thing.

L. C. J. Holt. Pray, Mrs. Baynton, give an Account how you have lived ?

Mrs. Baynton. I never run into any Body's Debt.

L. C. J. Holt. Had you a Husband ?

Mrs. Baynton. Yes, my Lord.

L. C. J. Holt. How long hath he been dead ?

Mrs. Baynton. Eight Years To-morrow.

L. C. J. Holt. But you have had a Child lately, within this four Months : Are you married now ?

Mrs. Baynton. Yes, my Lord, I am married.

L. C. J. Holt. How do you prove that ?

Mrs. Baynton. I could give your Lordship an Account ; but it is not proper now, before the whole Court.

L. C. J. Holt. Is it not proper now ?

Mrs. Baynton. No, my Lord, for some Reasons.

L. C. J. Holt. I think it is very proper. Pray give an Account how you have lived ?

Mrs. Baynton. I have a Sister at *Barbadoes* that hath been very kind to me.

L. C. J. Holt. Was you married to Mr. Baynton ?

Mrs. Baynton. Yes, my Lord.

L. C. J. Holt. Mr. Hartwell, Who directed you to take out this Writ against Mrs. Rawlins, at the Suit of one Jones ?

Mr. Hartwell. My Lord, I was sent for to the *Star and Garter Tavern* in *Drury-Lane*, by Mr. Holt.

L. C. J. Holt. Where is he ?

Mr. Hartwell. He is not yet taken. He sent for me twice before I went. When I came to him, I received Money for a Writ against that Lady ; on which I sent my Assitant for a Writ.

L. C. J. Holt. Who was your Assitant ?

Mr. Hartwell. (*Pointing to Spurr, said, he was his Assitant*). I sent the Writ to Mr. *Wakeman*, to get him to serve it. He was not at Home, and I went to him the next Morning. I asked him whether he would serve the Writ, he told me he would ; and I told him the same that Mr. Holt told me, that it could not be done till *Friday Morning*. On *Friday Morning* Mr. Holt went with me, and these Officers, *Wakeman* and *Spurr*. He bid us be ready, and said the Coach was coming. So we served the Writ as we were ordered, and went to the *Star and Garter Tavern* in *Drury-Lane* ; from thence I carried her to my House. If I had had any mistrust of any bad Design, I would have carried her back again. But I came forward with her to my House. In a little time after she had been there, came Mrs. Baynton, and one that is gone now [*meaning Mr. Swendsen*] was sent for, by some Stratagem that I knew not of. They being together, told me, that every thing was agreed of and made easy.

L. C. J. Holt. What was made easy ?

Mr. Hartwell. The Debt, as I thought, my Lord. When I carried the young Gentlewoman first to my House, I left her with my Wife and a young Woman. When I came Home again, I found Mr. *Swendsen* and this Gentlewoman there, who told me, that every thing was made easy. On which they desired to go to any Tavern, I knew not where : But they agreed to go to the *Vine Tavern* in *Holbourn*.

*L. C. J. Holt.* Why did you take her from her Friend *Mrs. Busby*?

*Mr. Hartwell.* It is usual with Officers to do with Prisoners as they please.

*L. C. J. Holt.* That is a barbarous Thing to separate them one from another, when you could apprehend there was no Danger of being rescued.

*Mr. Hartwell.* My Lord, I beg your Lordship's Pardon, I have no Counsel but my self; I may speak Things in Point of Law that may prejudice my Life; but as to the Purpose I'll speak the Truth.

*L. C. J. Holt.* You made her put on her Mask; you forc'd her to it.

*Mr. Hartwell.* *Mrs. Rawlins*, Did I force you to put on your Mask?

*Mrs. Rawlins.* Yes, he forced me, but I would not at first; but he forced me. When I cry'd out Murder, he said, Put on your Mask, and hold your Tongue, or you shall go to *Newgate*.

*L. C. J. Holt.* What Writ had you against *Mrs. Busby*?

*Mr. Hartwell.* There was no such thing, my Lord.

*L. C. J. Holt.* You said you had a Writ against *Mrs. Busby*, and another against *Mrs. Rawlins*.

*Mr. Hartwell.* My Lord, as to a Writ against the young Lady, there was one; I know no other positively.

*L. C. J. Holt.* Why did you refuse *Holt's* and *Swendsen's* Bail.

*Mr. Hartwell.* It was no such thing, my Lord; I cannot help what the People swear: I hope to prove to the contrary, both from the beginning to the end.

*L. C. J. Holt.* Why did you part with your Prisoner at the *Vine Tavern* without Bail?

*Mr. Hartwell.* My Lord, I no sooner came into the *Vine Tavern*, but the Person that employ'd me, gave me the Money; which was this Woman [*pointing to Mrs. Baynton*].

*Mrs. Baynton.* You said *Holt* employ'd you. I gave him no Money, my Lord; and he declared, that he never saw me before in his Life.

*Mr. Parker called.*

*L. C. J. Holt.* Where do you live?

*Mr. Parker.* I lived at the *Star and Garter* then, and *Mr. Holt* was there, who sent me for *Mr. Hartwell*.

*Mr. Hartwell.* My Lord, when I came there, *Mr. Holt* was drinking, and it was all out but a Glas. He asked me to drink; which I did. Then we went from the *Star and Garter* down to the *Mitre* in *Westminster*, which was *Holt's* House. Being there, and I smoaking a Pipe, in came this Lady [*pointing to Mrs. Baynton*] and gave me Money for a Writ. I sent my Assistant for the Writ, and the first Person I lit off, which was *Mr. Wakeman*, I made use of to assist me in it. When I serv'd it at the *Star and Garter Tavern*, this Gentlewoman [*pointing to Mrs. Baynton*] ask'd me where I lived? I said in *Witchstreet*. Said she, take care of her (*Mrs. Rawlins*) and take her along with you to your House, or you will lose your Money. So I carried her to my House, and having Business elsewhere, I left her with my Wife, and a young Woman to keep her Company. When I came again, I found *Mr. Swendsen* and this Gentlewoman there drinking a Pint of Sack. They told me if I would go to any Tavern, the Business should be made up. We took Coach and went to the *Vine Tavern*, and there the Matter was made an end of. They told me that they would satisfy me for my Trouble on *Monday*

Night, if I would meet them at *Mr. Holt's*. Away I went, and was taken ill to that Degree that I thought I should have died.

*L. C. J. Holt.* How can you prove that she employ'd you.

*Mr. Hartwell.* I believe I shall have somebody to prove that. But, my Lord, the main Witnesses of mine is not come in, and that is *Mr. Holt*.

*L. C. J. Holt.* He is fled.

*Mr. Hartwell.* But, my Lord, I suppose his Wife is here. My Lord, I hope you will allow *Mr. Wakeman* to come into the Court, that I may ask him some Questions.

*Justice Powell.* A Woman cannot be a Witness for or against her Husband; Then for what reason should she be called?

*Mr. Hartwell.* What can be more material than my going to *Holt's*? I have no other Persons to appear for me.

*L. C. J. Holt.* Did *Holt* first employ you?

*Mr. Hartwell.* He first sent for me, my Lord.

*L. C. J. Holt.* Have you any other Witnesses?

*Mr. Hartwell.* My Lord, I thought they call'd for *Wakeman*.

*Mr. Wakeman called.*

*L. C. J. Holt.* Ask him what Questions you will.

*Mr. Hartwell.* *Mr. Wakeman*, Who was it employ'd me.

*Mr. Wakeman.* He never told me who employ'd him till he came to the *Recorder's*, and then he told me that this Woman [*pointing to Mrs. Baynton*] employ'd him. The *Recorder* ask'd me who it was employ'd me? *Hartwell* made Answer, and said, I employ'd him; and said likewise, that the Woman brought him Money for the Writ.

*Mrs. Baynton.* I never gave *Hartwell* Money, nor employed him, nor confessed to the *Recorder*.

*Mr. Wakeman* call'd a Witness, who said for *Hartwell*, that 'twas *Mrs. Baynton* confessed before the *Recorder* upon her Examination, that she gave Money to, and employ'd *Hartwell* to sue out a Writ against *Mrs. Rawlins*, at the Suit of *W. Jones* for 20*l.* and gave for Reason, on farther Examination, that the said *Jones* owed *Mrs. Baynton* 20*l.* And he wrote to *Mrs. Baynton* to get Arrested *Mrs. Rawlins* for 20*l.* due from her to *Jones*; and that on such Arrest, *Mrs. Rawlins* would pay the Money to *Mrs. Baynton*.

*L. C. J. Holt.* Have you any thing more to say?

*Mr. Hartwell.* My Lord, I never saw *Mr. Swendsen* before he came to my House with *Mrs. Baynton*, when the young Gentlewoman was there. When I came in, they were drinking a Pint of Sack together. The young Lady was very free to go the *Vine Tavern*. Madam, Were you not free to go?

*Mrs. Rawlins.* I do not deny but I was free to go.

*Mr. Hartwell.* Did we offer any Rudeness to you at that Place?

*Mrs. Rawlins.* No, not then.

*L. C. J. Holt.* That is the Thing you are to answer to, your taking her away by Force.

*Mr. Hartwell.* My Lord, I know nothing of it; I cannot help it, my Lord, there is nothing in it.

*Mr. Hartwell.* *Mr. Wakeman*, Did I know any thing of your being with *Mr. Holt* and *Mr. Swendsen* at the *Five-Bell Tavern*?

*Mr. Wakeman.* I don't know that you did.

*Mr. Hartwell.* No, my Lord, I knew nothing of it till last *Thursday* he told me of it.

*L. C. J. Holt.* Who sent for *Mr. Swendsen*?

*Mrs.*

Mrs. Rawlins. Mrs. Baynton.

Mr. Hartwell. Mrs. Rawlins, Was I in the House at that Time?

Mrs. Rawlins. No, I did not see you there then.

Mr. Hartwell. My Lord, with Submission to your Lordship, I understand by something I have heard, since I have been in Custody, that this Gentlewoman, Mrs. Baynton, said to Mrs. Rawlins. Shall I send for my Brother?

L. C. J. Holt. Do you keep a Publick House?

Mr. Hartwell. No, my Lord, only a Prison-Room, but sell no Drink: This Gentlewoman was in the Parlour all the while.

L. C. J. Holt. Have you any thing more to say?

Mr. Hartwell. Nothing at all, my Lord; I was rul'd by the Person that employ'd me.

Just. Powel. What did you apprehend by this?

Mr. Hartwell. She told me there was one gone for; and she said she would bring a Gentleman to pay me the Money.

L. C. J. Holt. Mr. Spurr, What say you?

Mr. Spurr. I know nothing more of the Matter, than Mr. Hartwell's giving me Money for taking out the Marshal's Court Writ, and I was employ'd by him.

L. C. J. Holt. When Mrs. Busby cry'd out, did you not say, What have you got by your Bawling?

No Answer made.

Mr. Mountague. We have a few Words to reply, if the Prisoners have done. The Gentlewoman at the Bar insists upon it, that Mrs. Rawlins was consenting to the Matter, was in Love with Mr. Swendsen: We think, not only by the Evidence given, but by what they say themselves, that she was carry'd away by Force. Indeed when she was taken into Hartwell's House, there was no body by at that Time, but those she was not afraid of. To conclude; if there was any Consent by Mrs. Rawlins, it was only to have her bail'd; it was that only that she design'd. Hartwell says, he was only employ'd as a Bailiff by Holt: He carry'd them from his House to the Vine Tavern: Now, what Occasion had he to carry them to the Tavern for Bail? We shall prove further, that when they came to the Vine, Hartwell himself was said to be the Bail for the Action.

Anne Cotchet called, and sworn.

Mr. Mountague. Mistress, pray will you give an Account how Hartwell brought the Prisoner there?

Cotchet. Mr. Hartwell, when the Coach came, ordered a Pint of Wine for the Coachman. The Drawer said, We draw, and draw, but don't know who will pay for it, Mr. Hartwell came to me, and said, it was an Arrest for 120*l.* that he would see us paid.

L. C. J. Holt. Was it the Woman in the White Gown that was Arrested for 120*l.*

Cotchet. Yes, my Lord.

Mr. Hartwell. Did you see me in Company with the Parson?

Cotchet. You came down Stairs, and ordered a Pint of Wine for the Parson, and half a Pint besides; and told me the Parson was the Bail.

Mr. Hartwell. I did not know that the Parson was in the House, till I had just done my Business, and was going away. Did you see me with the Parson Madam Rawlins?

Mrs. Rawlins. I do not tell you so.

Mr. Mountague. All that is to be prov'd in this Indictment is, that she was taken away against her Will, and afterwards compell'd to marry.

Cotchet. I did not see Mr. Hartwell after that.

L. C. J. Holt. Gentlemen of the Jury, these three Prisoners are indicted for Felony, upon the

Statute made in the third Year of King Henry the Seventh; That they with *Haugen Swendsen* now convicted, and *Thomas Holt* that is fled, did violently and feloniously assault one *Pleasant Rawlins*, being seized of an Estate of Inheritance of about 20*l.* per Ann. and possessed of a personal Estate of the Value of 2000*l.* and took her away by Force against her Will; and that he, *Swendsen*, did marry her. Now the Question is, Whether the Prisoners at the Bar are guilty of this Crime? First, As to Mrs. Baynton, you have heard what an Account is given of her: She was a Person that came to lodge at Mrs. *Nightingale's* House in *Stretton-Grounds* in *Westminster*: She went for a Widow, by the Name of *Sarah Baynton*. It seems, Mrs. *Busby* and Mrs. *Rawlins* did lodge about three Years in Mrs. *Nightingale's* House. They being all single, were very well satisfy'd one with another. Mrs. *Rawlins* was plac'd by her Guardian under the Care of Mrs. *Busby*; and has a personal Estate of 2000*l.* and 20*l.* a Year. About three Weeks before *Michaelmas* last, you hear of one Mrs. *St. John* that was an Acquaintance of one Mrs. *Nightingale's*, came to her and told her of Mrs. *Baynton*, a well-disposed Gentlewoman, that was come to Town about a Suit of Law, and thought she should stay about a Month, and thought that her House was a proper Place for her Lodging, and gave her a very good Character, that she was a civil religious Woman, of a good Conversation, and desired to be near the Church. After some Time, Mrs. *Baynton* came her self. She said, as Mrs. *St. John* had done before, that she came to Town about a Law Business, was a Widow in the *West*. Mrs. *Nightingale*, by reason of the Character that was given her, received her into her House. When she was there, she behaved herself very civilly for some Time; so that Mrs. *Nightingale* and Mrs. *Busby* were well pleased with her, and thought her to be a Gentlewoman of very ingenious Conversation. She tells them she had a Brother that had Interest in Shipping; and so there was an Invitation of Mrs. *Busby*, Mrs. *Rawlins*, and Mrs. *Baynton*, to go on Ship-board, where they were treated by Mr. *Swendsen*. Mr. *Swendsen* used to visit Mrs. *Baynton*; and she used to call him Brother: While she was there, *Swendsen* dined 9 or 10 Times. She had not been there long, before they began to have different Apprehensions of her from what they had at first, and were very uneasy at her Continuance. Mrs. *Baynton* did apprehend there was some Appearance of Uneasiness; and came to Mrs. *Nightingale* and told her, she had made an end of her Suit of Law, and had no occasion to stay in Town, but would return into the Country. It seems Mrs. *Nightingale* and Mrs. *Busby* were well pleased with Mrs. *Baynton's* Warning. Before she went away, she understood that Mrs. *Busby* and Mrs. *Rawlins* used to go to *Oxendon Chapel*; she came to them and said, she had occasion to go that way with a Band-Box to her Milliner's; told them she went in a Coach, and if they pleased they might go with her, and she would set them down at a Place near the Chapel. They accepted her Civility, thinking nothing of any Design; and as the Coach was driving along, it was stopped by Bailiffs, and all on a sudden *Hartwell* opens the Coach, and thrusts himself into it. Mrs. *Busby* and Mrs. *Rawlins* were not conscious of any Cause of an Arrest, thought the Arrest was upon Mrs. *Baynton*, they began to be concern'd for her; but it appeared that 'twas upon them, and then Mrs. *Baynton* seem'd as much concern'd for them when they were both to be carry'd away; but asked *Hartwell* what

what it was for? He told them it was no great Matter; but if you and I talk together a little, all will be well. Mrs. Baynton express'd her self to be much concern'd for Mrs. Busby; she advis'd her not to talk any Thing with him, without her Friends were nigh. And when they were in the Coach, it was directed to be drove away. Mrs. Busby desired to be carried to Fleetstreet to her Friends; but Hartwell would carry her to the Star and Garter Tavern in Drury-Lane. Mrs. Baynton continued in the Coach until they came thither, and then pretended to go for Mrs. Busby's Friends; and when they were at the Star and Garter Tavern they were carry'd into a Back-Room. Mrs. Busby forced her self with the young Woman into a Fore-Room; then Hartwell laid Hands upon Mrs. Rawlins, and said she was his Prisoner, and carries her away by Violence, forces her down Stairs, and swears at her to put on her Mask, otherwise he would carry her to Newgate. Mrs. Busby, the Prisoner above Stairs, was to go to Newgate, as was pretended; but Mrs. Rawlins was to go to the Marshalsea. Away she was carried to the House of Mr. Hartwell; but Mrs. Baynton who pretended, that as she was going by chance that Way heard Mrs. Rawlins named; thereupon she goes in, and very luckily finds her there, and pretends to pity her Condition, and said she had been with several of her Friends to be her Bail, but could procure none of them to come. Then she said she would go for her Brother Swendsen, who she was sure would be her Bail. Upon that Message he came, and then Mrs. Rawlins was to be carry'd to the Vine Tavern. Mrs. Baynton went with her thither, as they pretended, to make up the Business. Then it was propos'd that Holt and Swendsen should be Bail. Hartwell refused them as insufficient: Upon which she was told she was in danger of going to Newgate, and Bail could not be taken; and the only Way was, that she must be marry'd to Swendsen; and if she did not marry, she should go to Newgate. Mrs. Baynton took the Ring from off her Finger, in order to get a Wedding-Ring to be made by it; which being procur'd, there was a Parson in the House ready provided with a Clerk to do the Office, who came into the Room where the Marriage was made, and so ended that Arrest. From the Vine Tavern she is carry'd with Mr. Swendsen and Mrs. Baynton to Mr. Blake's House, and there she was forc'd to Bed: Within an Hour and Half they arise again, at Seven a-Clock at Night; and thus the Marriage was consummated. As for Mrs. Baynton there is this further Proof upon her, that she did pay Hartwell for this very Arrest, which is proved upon her by her own Confession, before the Recorder. Then, as to Hartwell, he is affected by these Circumstances. First, there was no Process against Mrs. Busby, but yet she was Arrested and carry'd to the Garter Tavern, where she was kept in Custody until the Evening, and could not procure any Friends to be called to her; and during the Time of her being there, Mrs. Rawlins was married to Mr. Swendsen at the Vine Tavern. And it is further prov'd against him, that when the Parson was come, he told the Mistress at the Vine Tavern, that the Parson was to be one of the Bail. It is also prov'd, that he insisted upon very good Bail; for he told the Woman of the House the Arrest was for 120 l. when as it appear'd it was but for 20 l. Now you are to consider what hath been said in their Defence. Mrs. Baynton says, that Mrs. Rawlins was in Love with Mr. Swendsen, and did complain of her Confinement and hard Usage; and that she told her she could help Mr. Swendsen to a young Lady at her own Disposal; and

that there was one Mr. Pugh that made Application to Mrs. Rawlins; but she return'd his Letters that she had receiv'd from him: That Mrs. Rawlins did say, that she could help Mr. Swendsen to a Lady that had a Fortune at her own Disposal, which is own'd by Mrs. Rawlins; and that by that Lady she did mean her self; but that she had any familiar Discourse with him in the Garden, or that she was Sick for him, and went up and cried for him, that she denies upon her Oath. And further says, that she never intended to do any Thing against the Advice of her Friends, or that she had set her Love upon him. Then Mrs. Baynton charges Mrs. Busby, that she had a Kindness for her Brother Swendsen, because she said he was her beloved Likeness. Mrs. Busby owns, that he was something like her Husband, and on that Account might innocently call him so. As for Hartwell, he relies on his being a Bailiff, and in Execution of his Office, being employ'd by Mr. Holt and Mrs. Baynton, and that she paid him for the Writ. Mr. Holt sent for him, and he knew nothing but of Arrest, and was not privy to any other Design. It is prov'd indeed, that Mr. Holt did send for him. This is the Sum and Substance of his Defence. I must tell you, that if Hartwell was employ'd in this Design, in order to take her into Custody to carry on this Marriage, and was privy to it, then he is equally Guilty; but if he did only Act as a Bailiff, and did not know the Design, then he is not Guilty. But his Arresting Mrs. Busby, against whom he had no Process, and taking Mrs. Rawlins from Mrs. Busby to his own House, and from thence carrying her to the Vine Tavern; his pretending that the Warrant was for 120 l. when as in Truth it was but for 20 l. and his pretending that the Parson was to be the Bail, though he was not present in the Room where the Marriage was, but hard by; yet he was in the same House, which is all one, if he knew what Design was a-foot: These are the Things you are to consider of. As for Mrs. Baynton, she pretended she was a Widow, and you hear how she proves it; and when she is taxed with having a Child, then she says she hath a Husband. And when she is asked about him, she will give no Account, nor how she supports her self. She said indeed she paid every Body their own, and that she has no Difference with any Body whatsoever. She pretended she was Mrs. Rawlins's Friend in what she did; but it is plain by what she owns her self, that she employ'd Hartwell, and paid him for the Writ. And her pretending to set them down at Oxendon Chapel, there it was her Design to bring them under that Force to effect this Marriage. I must leave it to you to consider, whether from the beginning to the end she was not an Actress and a Manager of this whole Business. She hath been asked how Mr. Swendsen came to be her Brother. First she says, he was her deceased Sister's Husband. Then being asked who was that Sister? She said he was an adopted Sister's Husband. It was very extraordinary for her to go to Mr. Hartwell's Meousto the young Gentlewoman, and pretend that she came by chance, and heard her Name. I must leave it to you Gentlemen of the Jury to consider of the whole Matter: And as for Spurr, he was an Under-Officer, a Bailiff's Follower, and might be ignorant of the Business. You have not Evidence enough to make it appear that he was privy to this Design, and therefore you are to acquit him; but as to Mrs. Baynton and Hartwell, if they were privy to this Design of a forcibly taking away of Mrs. Rawlins, with an Intent to marry her to Swendsen, as it is plain that he was an Actor,

Actor, and the Abettor in the Force; then Gentlemen you are to find them Guilty: if you are not satisfied, you are to Acquit them.

The Jury went out for half an Hour, and brought in the following Verdicts.

Mrs. Baynton, Guilty.

Mr. Hartwell, Not Guilty.

Mr. Spurr, Not Guilty.

L. C. J. Holt said to Hartwell, *You have had a very Merciful Jury, let it be a Warning to you for the future.*

Mrs. Baynton. My Lord, I am with Child.

L. C. J. Holt. That will be considered on Saturday November the 28th.

*The Prisoners were called to the Bar to receive Sentence of Death.*

Mr. Soll. Gen. I pray your Lordship's Judgment against the Prisoners at the Bar.

Cl. of Arr. Haagen Swendsen hold up thy Hand. Thou hast been convicted of Felony done by thee and committed on Mrs. Pleasant Rawlins, and the Jury hath found thee Guilty; What have you to say for your self, why you should not receive Sentence of Death according to Law?

Mr. Swendsen. I could say a great deal, but I shall say but a very little. I do not doubt but the honourable Court observ'd how various she was in her Evidence. What she deny'd in my Trial, she confess'd in Mrs. Baynton's; and so I leave it to the Court, if there may be an Arrest of Judgment till the next Term.

L. C. J. Holt. Unless you can shew us some Cause for it, it will not be granted.

Mr. Swendsen. My Lord, She said those Things in her Trial which she deny'd in mine.

L. C. J. Holt. Some Things she mentioned in your Trial, that she had no occasion for in hers.

Mr. Swendsen. The same Things that were in my Trial were in hers.

L. C. J. Holt. There were some Things in her Trial that was not in yours.

Cl. of Arr. Sarah Baynton hold up thy Hand. Thou hast been Indicted for Felony, and found Guilty. What hast thou to say for thy self, why you shou'd not receive Sentence of Death according to Law?

Mrs. Baynton. My Lord, I am with Child.

L. C. J. Holt. That is no Plea against Judgment.

Mrs. Baynton. My Lord, I desire that it may be taken into Consideration, how that she contradicted her self in her Evidence; that she spoke those Things in Mr. Swendsen's Trial, that she contradicted in mine. I think I have a great deal of Injustice; I am as innocent as any Person in the Court.

L. C. J. Holt. That you did this Thing is most apparent: that you deluded this young Person, and pretended your self to be a Person of Quality, a Religious Woman, and one that came out of the Country about a Law-Suit; that you pretended that this Mr. Swendsen, the Prisoner at the Bar, was your Brother, your Sister's Husband; and all this False Dealing was to bring him in to delude this Woman. It is plain, you had no Suit of Law, as you pretended. It is plain, you took out this Process against the young Gentlewoman. It is plain, that you pretended you would set them down at a Chapel.

Mrs. Baynton. It is not the first time, my Lord, that I set them down.

L. C. J. Holt. But you made use of this Stratagem to accomplish the Arrest. You have deluded the World by these Things; and indeed it is very hard against you.

Mrs. Baynton. My Lord, they desired me to set them down.

L. C. J. Holt. The Licence was taken out before the 6th of November a considerable time.

Mrs. Baynton. My Lord, She cannot deny but she spoke for it to me. She her self ordered it to be done. My Lord, when I was upon my Trial, abundance of People prompted her to speak those Things she knew nothing of; Mrs. Busby in particular; though I do not question but she her self would have married Mr. Swendsen, for she expressed Love for him in calling of him her Beloved Likeness.

L. C. J. Holt. She said he was like her Husband and therefore on that Account she might say so.

Crier, *Make an O Yes.*

Mr. Swendsen. My Lord, my Trial has already made a great Noise in the World; and I do not know but that by this time it may be come to the Queen's Ear, therefore I desire that your Lordship would be pleased to make a favourable Construction of it to her.

L. C. J. Holt. Well, I do not question but Her Majesty hath heard of it.

Crier, *Make an O Yes, while Judgment is given.*

Justice Powell. You that are the Prisoners at the Bar, Haagen Swendsen and Sarah Baynton, you have been both Tried and Convicted of a very great Offence, for which you are brought to receive that Judgment that the Law requires. You have had a very solemn Trial, and have both been Convicted upon very plain and full Evidence. Your Offence is of a very high Nature; and I am glad that you have had such a solemn Trial, that all People may know how great a Crime this of Fortune-stealing is (which is Death by the Law) and may take Warning by you; it may be a great many People do not know how penal this Offence may be, but I hope your Trial may be a Means to deter others from making use of such wicked Practices. Your Offence hath been in a Nation where Property is better preserv'd than in any other Government in the World. Here it is Death for a Man to take away any Thing, though never so small, by way of Robbery: How much worse is it for you to take away the Child of a Man, and with her all that he hath gotten by his Industry all his Life-time, at once? This is most certainly a very great Offence against the Publick, being so great a Violation of Property; and the Injury you have done to this Woman is very great too, and cannot be repaired: All the Satisfaction that can be given, is by taking away the Lives of those Persons that were the Contrivers of it. You Haagen Swendsen have had the Privilege (the Law allows to Foreigners) of a Party-Jury; and I believe, had there been any room for a Jury to bring you in not Guilty, you had not been found Guilty; but the Fact was prov'd so plain upon you that they could not possibly avoid it. It is true, you insisted upon it that you were not present at her first taking, and that she gave her Consent to the Marriage. It is true, that you were not present when she was first taken, but there were strong Presumptions to conclude that you were privy and consenting to it, which will render you equally culpable as if you had been present. For when she was taken in Custody, she was brought to an House where Holt and you were seen together; Holt being the Man that set the Coach, and gave Directions to the Bailiffs when to seize her; and besides, you had a Licence prepar'd for your Marriage to her. These are very great Circumstances of your being privy to the first taking. But admitting you were not privy to the first taking, you were privy to her being in Custody under an Arrest, when you was brought to Bail this Woman; and Word was brought



brought in that they were contented to take Bail, but excepted against your's; and when she was told by *Sarah Baynton* she must go to *Newgate* unless she marry'd you, you were present at all this; and this being done and acted whilst the first Force was continued upon her, is in Law a forceably taking; so that you are plainly guilty of a forceable taking. And then also, if that were necessary, of marrying of her by constraint, she being under Menaces, that if she would not marry you she must go to *Newgate*: You yourself were conscious, this was no such Consent as Marriage requires, since that Evening you made Application to a Justice of Peace to take an Affidavit from her that she had given her Consent. When you brought Witnesses to give an Account of your former Life and Conversation, that some Years since you were an able Merchant in your Country, one in great Credit, an ingenious Man, and of good Interest and Acquaintance there, I confess, I had great Commiseration for you, and thought that this Misfortune befel you upon the Account of your Acquaintance with this ill Woman; the Acquaintance with such a Woman will make a rich Merchant quickly poor, will soon reduce a wealthy Man to a Morfel of Bread. I am afraid that she hath been a very great Instrument in your Ruin.

And you *Sarah Baynton*, when you were ask'd to give an Account of what kind of Life you liv'd, it appear'd to be but a very sorry one indeed, so that I could not but conclude you to be a very lewd Woman. You had Wit and Parts enough which might have been of great Service to you, if you had lived honestly; but you made use of them to another End, and it is not fitting that you should live longer that cannot live better. You contrived and carried on all this wicked Design from first to last; and that you might the better perform it, you went to a civil House under the Character of a Gentlewoman, that came out of the Country about a Suit of Law. There you pretend to be a very good Woman, and seem to be much pleased with the Family, because they were sober People; but your Design was to entice and delude this young Woman. Whether your Design at the beginning was to commit this Fact, I cannot tell; but being not used to this Course of Life, you could not wear your Disguise long without Discovery; you began to be suspected and to be seen through; the Family was very willing to be rid of your Company; which you perceiving, you resolved you would Atchieve your Design before you went. For that End you invite them into a Coach, promising to set them down where they were going; but instead of that, you employ Bailiffs to Arrest them; for you with your own Hand paid the Bailiff that was to do it; and after they were taken, you pretended to pity them. And when *Mrs. Rawlins* was at *Mr. Hartwell's* House, you pretended that you accidentally and providentially over-heard her Name mentioned in *Mr. Hartwell's* House, as you pass'd in the Street. You go into the House, and pity her Condition, and propose your Brother for her Bail; but instead of that, all your Design was to bring about this Marriage; and for that End you forced her Ring from her to get another made by it. It was you that told her she must go to *Newgate* unless she married your Brother; and after that forced her to Bed. From the Beginning to the End you carried on this wicked Design to the Ruin of this young Woman; you have a great deal to answer for. I have stated this Matter, that you may be satisfied that this Fact

hath been proved against you both very fully, and therefore you can expect no other than an Award of the Punishment the Law requires, that is, Death. I hope you will reflect upon those evil Courses that have brought you to this End. You have but a short Time to live, and therefore it would be well for you to consider your Future State: You may have better Instructions for that than I can give you; therefore I will now proceed to the Sentence, which is,

*That you shall go hence to the Place from whence you came, and from thence to the Place of Execution, and that there you severally hang by your Necks until you are dead; and so the Lord have Mercy upon your Souls.*

*Mr. Swendsen.* My Lord, now I am bound to do this Woman Justice. She hath not been the Contriver of it. It was all done by my Direction; and for her sake I desire the Queen may know of it.

*L. C. J. Holt.* Well, that will clear up the Doubt to some of your Countrymen, who did think that you were not the Contriver of it.

*Mr. Swendsen.* I desire, my Lord, that the Matter may be represented to the Queen as favourable as you can.

*Cl. of Arr. Sarah Baynton,* Hold up thy Hand.  
*Baynton.* My Lord, I am with Child.

*L. C. J. Holt.* Let a Jury of Matrons be sent for. *They are sent for. Upon the bearing of her Sentence she fell into Fits.*

*Cl. of Arr.* You the Matrons of the Jury, shall view and diligently enquire, and a true Verdict give according to your Evidence, whether *Sarah Baynton* be with Child, quick with Child, or not. So help you God.

The Names of the Jury of Matrons are as follow:

<i>Mrs. Sarah Johnson.</i>	<i>Mrs. Sarah Webb.</i>
<i>Mrs. Christian Walker.</i>	<i>Mrs. Dorothy Mordit.</i>
<i>Mrs. Susannah Goff.</i>	<i>Mrs. Eliz. Guernella.</i>
<i>Mrs. Mary Herbert.</i>	<i>Mrs. Mary Rogers.</i>
<i>Mrs. Sarah Randol.</i>	<i>Mrs. Jane Smithson.</i>
<i>Mrs. Mary Vere.</i>	<i>Mrs. Margaret Leach.</i>

*L. C. J. Holt.* You the Matrons are to consider well the Oath you have taken, which is diligently to enquire whether this Woman be quick with Child: If she be with Child, but not quick, you are to give your Verdict so; and if she be not quick with Child, then she is to undergo the Execution of the Sentence in convenient Time.

*About half an Hour after the Jury of Matrons came in.*

*L. C. J. Holt.* Are you agreed in your Verdict?  
*Ans. Yes.*

*L. C. J. Holt.* Who shall say for you?  
*Ans. The Fore-Woman.*

*L. C. J. Holt.* Do you find the Prisoner to be with Child, with Quick Child or not?

*Mrs. Johnson.* Yes, my Lord, she is quick with Child.

*L. C. J. Holt.* Is this your Verdict?

*Mrs. Johnson.* Yes, Sir.

*L. C. J. Holt.* And so you say all?

*Ans. Yes, my Lord.*

*L. C. J. Holt.* Hark ye, *Mrs. Baynton!* These Women by their Verdict give you longer Time to prepare you for Death, and therefore I hope you will improve your Time, for the Judgment is past, and will be executed soon after your Delivery.

Sarah

Sarah Baynton was reprieved, but Haagen Swendsen was executed.

*He made no Speech at the Place of Execution, but refer'd himself to the following Paper, which he left with the two Divines who attended him.*

I Do believe the World will expect I should say, something for their Satisfaction. That I had a Design to have Mrs. *Rawlins* for my Wife is most true. I was told of her by a Neighbour and Friend of hers, and then made a further Enquiry, and found her Quality such as I might, without any Exceptions, presume to, her Father being the Son of a Tradesman; the next was, how to get into her Acquaintance; and not knowing how to be introduc'd, I prevail'd with, and persuaded Mrs. *Baynton* to take a Lodging in the same House with Mrs. *Rawlins*, by which Means I found easy Access to my Wishes, and was as welcome to the Family, as if I had been one of themselves. I had their Company on Board a Ship, where I gave them an Entertainment, and was invited to dine with them, and by degrees I possess'd my self of Mrs. *Rawlins's* Affection so far, that she seem'd uneasy without me, and frequently importun'd for my speedy Return, and oblig'd me to sit next to her at Table, saying, that if I did not, she would not eat, and treated me with many private Caresses, by which Lovers, who have not frequent Opportunity of speaking, do by Signs and Tokens express themselves.

I do declare that I had as good Reception as a Lover could wish for, and all the Encouragement imaginable; insomuch that nothing seem'd disagreeable to my Intentions, but all things did promise to facilitate my Design with Success, she herself having told me that she was at her own Disposal, and would marry to please herself.

My Familiarity with Mrs. *Rawlins* before my Marriage was so great, that there was no room left for me to practise Violence upon her; tho' I must say I was impatient of Delays, and wish'd for an Opportunity to accomplish my Desire.

But as for the unhappy Contrivance of the arresting Mrs. *Rawlins*, I had no share in it, but was persuaded to consent to it by Mr. *H*— and his Wife; and when the Intrigue was brought to Perfection, I comply'd, and laid hold of the Opportunity, in order to marry Mrs. *Rawlins*, which with little Difficulty, and less Persuasion, I accomplish'd; so having, without any Force or Violence, declar'd to the Minister that she was at her own Disposal, and free to marry me, which the Minister declar'd in open Court, at my Trial.

After we had been in Bed, comes in one Mr. *Bennet*, a Constable, with some of Mrs. *Rawlins's* Relations, who requir'd me to go with them before a Justice of Peace; finding they had no Warrant, I refus'd to give Obedience to their Commands, which created some Dispute; and my Wife hearing the Noise, came out of the Bed-Chamber, desiring me to be quiet, and let her speak to them; which accordingly she did, in these express Words following, *viz.* *Cousin, I have married this Gentleman with my own free Consent, he is my Husband, and this is my Wedding-Ring, shewing the Ring on her Finger: As for Mr. Busby, I will give him under my Hand he shall come into no Trouble, and what would you have more?*

VOL. V.

Then said they, if it be so, then God bless you both together, and drank a Flask of Wine or two with me, and then departed; they were no sooner gone, but I asked her, whether she would be willing to appear and declare what she had said to her Friends to a Justice of Peace, and she said she would with all her Heart; then we went to Mr. Justice *Baber*, in *York-Buildings*, and declar'd the same to him; he told her he would take Notice of her Face, and bid her stick to that.

The next Day, about eleven of the Clock, there came a Constable with a Warrant, and carried us before the Recorder, unto whom she said the same thing over and over. Then said the Recorder, *Alas! Child, they made you drunk, and you did not know what you did.* To which she answer'd, *That there were a great many there present that knew her Life and Conversation, that she did not use to be drunk:* And when the Recorder could not prevail with her, he conceiv'd, that my being personally with her, oblig'd her to stand so firm to her Marriage; he then order'd me to be pull'd away by Force from her, at which she fell a weeping; how she afterwards was lectur'd by her Friends, was sufficiently attested by my Prosecution, Trial, and Sentence; and after I was committed to *Newgate*, I was remov'd by a *Habeas Corpus* to the *Queen's-Bench Bar*, there to be arraign'd, and pleaded Not Guilty to the Indictment. I pleaded for longer Time to prepare for my Trial, but was allow'd but four Days; when I was brought to my Trial, I mov'd for a Council to plead my Cause, as being a Stranger, and not acquainted with the Laws of *England*; my Life being thus at Stake, a powerful Interest against me, and the Court not for me, render'd my Case both despicable and deplorable; and as for some of my Evidence, I do verily believe they were bribed by the adverse Party, others taken off by sinister Art, and some hinder'd by Force from appearing in Court for me. As for Justice *Baber*, he shew'd himself but coldly in giving his Testimony, and said, that my Wife did confess before him, that she was marry'd by her own free Consent; but at the same Time he added, that she seem'd very much disorder'd: As for that Gentleman, I forgive him, and shall leave God to be Judge between him and me.

It is to be noted, That my Wife did not deny, in open Court, that she had made the Declaration aforesaid, of her Marriage, to Mr. *Bennet*, the Constable, and others, that Night we were married: But said, she did not know what she did when she said so, and many other Things she positively, upon Oath, denied at my Trial; which makes me have Pity upon her poor Soul, considering she confess'd many Things at Mrs. *Baynton's* Trial, which she denied upon Oath at mine: The World may see what it is to be a Stranger, and unacquainted with the Laws; nay, I myself heard my Wife openly confess in Court, in Mrs. *Baynton's* Trial, *That there was a young Lady in the World, who was at her own Disposal, that wish'd me a good Wife;* and at last confess'd she herself was the Person.

Amongst my many Misfortunes, I was represented by my Wife's Friends to the Court, to be a Sharper and a Bully; but I call'd in, and produc'd several Gentlemen of Repute, to give Account of my Life and Conversation, who have accordingly attested the Honesty of my Principles by my Practice.

“ It is further observable how my Jury disagreed  
 “ about the Verdict. There was one of them, Mr.  
 “ *Erasmus Johnson*, a Person to me altogether a  
 “ Stranger ; for I declare, in the Presence of Al-  
 “ mighty God, that I do not remember to have  
 “ been in his Company three Times in my Life, ex-  
 “ cept in Church : This Mr. *Johnson* alledg’d, that  
 “ none of the Evidence did prove, or swear, that I  
 “ had any Hand in the Arrest, nor used any Force  
 “ or Violence to the Gentlewoman, but she con-  
 “ fess’d the Marriage, which was prov’d by several  
 “ Witnesses ; which render’d my Case so hard, that  
 “ the said Mr. *Johnson* insisted upon it to have me  
 “ discharged, according to the Dictates of his Con-  
 “ science, but at last he was over-rul’d.

“ Since my Conviction I have us’d all the Means  
 “ I could to procure my Pardon ; but finding little  
 “ or no Probability of it, I am now going to beg  
 “ for Entrance at the Gate of Mercy in Heaven,  
 “ which I beseech God to open for me.

“ I expected my Trial should be published, that  
 “ the World might see my Treatment ; what I have  
 “ done, and what I have left undone in my Case ;  
 “ but I am inform’d it may not be printed. I have  
 “ said this only to do my self Justice, altho’ I could  
 “ say a great deal more of Moment to the Purpose ;  
 “ but my Time being so very short and precious, I  
 “ must employ that little Time to the saving of my  
 “ most precious Part, my Soul.

“ I humbly beseech Mankind to believe me ; and  
 “ that I have said, or shall say, are the Words of a  
 “ dying Man ; this is not the Time for me to equi-  
 “ vocate, nor to go out of the World with a Lie in  
 “ my Mouth : I do therefore declare, and call the  
 “ great omnipotent God of Heaven to my Witness,  
 “ that I have asserted nothing, to the best of my  
 “ Knowledge, but the whole Truth, nor utter’d a  
 “ Syllable out of Malice, or Bitterness of Heart,  
 “ against any Person whatsoever ; but so far from it,  
 “ I do frankly forgive all my Enemies, and beseech  
 “ God to put it in their Hearts to repent of their  
 “ Sins.

“ As for my Wife, I am so much in Charity with  
 “ her, that I cannot believe the Severity extended  
 “ to me, did altogether proceed from her self, but  
 “ her consenting to spill my Blood, makes the Guilt

“ her own. God of his great Mercy give her a  
 “ true Sense of her Crimes, that the heavy Judg-  
 “ ment hanging over her Head may not descend  
 “ on her.

“ As for Mrs. *Baynton*, who is likewise under Sen-  
 “ tence of Death on the same Account with my  
 “ self, as I have in the Court, so do I now again  
 “ positively declare she had no Hand in the Intrigue  
 “ of my Marriage, any more than what she did by  
 “ my special Direction and Persuasion ; for Mrs.  
 “ *Baynton* was wholly a Stranger to Mrs. *Rawlins*,  
 “ until the unhappy Contrivance of my Marriage  
 “ made them acquainted, neither did I know Mrs.  
 “ *Baynton* till June last past ; tho’ some have been  
 “ pleas’d to say that I kept her Company for three  
 “ Years, and have had two Children by her ; all  
 “ which I declare is a wrong Notion, and nothing  
 “ of Truth in it. The only Load I have on my  
 “ Conscience is her Death, of which I am the un-  
 “ happy Instrument. I beseech God in his Mercy to  
 “ move the Queen’s Clemency to spare her Life, that  
 “ her Blood may not rise in Judgment against me.

“ As for my self, I am now a going to suffer an  
 “ ignominious Death, for a Crime which my own  
 “ Conscience doth not accuse me of, but the Rigour  
 “ of the Law hath made it my unpardonable Crime.  
 “ And as I forgive all Mankind, so I beg Forgive-  
 “ ness of those, whom, thro’ Inadvertency, or other-  
 “ wise, I have injur’d or offended, beseeching God,  
 “ of his great Mercy, to vouchsafe them Forgive-  
 “ ness whensoever they shall ask it.

“ My great Comfort is, that I have reconcil’d my  
 “ self with my God, and that I die in my natural  
 “ Senses, and that short Time I have had since my  
 “ Trial, I trust in my Saviour, I have not mispent.

“ And now, O Lord God ! of thy infinite Goodness  
 “ hear my Petition, pardon my Offences, and forgive me  
 “ my Sins, forgive mine Enemies, and lay not my Blood  
 “ to their Charge, but grant that a sincere Repentance  
 “ may wash away their Guilt.

“ I am now going out of this Vale of Calamity  
 “ and Sin to my eternal Repose, where, thro’ the  
 “ Merits of my Saviour Jesus Christ, I hope to see  
 “ God in his Glory ; and so I conclude, O Lord re-  
 “ ceive my Soul into thy boundless Mercy, for the Me-  
 “ rits of my Saviour Jesus Christ. Amen.



## CXXVII. *The Trial of RICHARD HATHAWAY, at Surry Assizes for a Cheat and Impostor, March 24, 1702. 2 Ann.*

*Proclamation was made for all Persons concerned to  
 attend.*

THE Prisoner being brought into Court,  
 and acquainted what Liberty he had  
 to challenge those Gentlemen that  
 were called ; he making no Chal-  
 lenges, the Gentlemen that were sworn  
 on the Jury were,

Charles Bludworth,	} Esqs;	Will. Draper,	} Esqs;
Henry Tendall,		Rich. Nicholas,	
Walter Kent,		Cesar Bradshaw,	
John Burchet,		John Cater,	
John Petticward,		Sam. Pearson,	
Thomas Lowfield,	} Gent.	Rich. Hammond.	

The King against Richard Hathaway, for an  
 Impostor.

Surry ss. *The King’s Attorney General* has exhib-  
 ited an Indictment against the Defendant, by the  
 Name of Richard Hathaway, of Southwark, in the  
 County of Surry, Labourer ; and the Information sets  
 forth, That the said Richard Hathaway being a Per-  
 son of an evil Name and Fame, and an Impostor, and  
 contriving and maliciously intending, one Sarah Mor-  
 duck, the Wife of one Edward Morduck of South-  
 wark, in the said County, Waterman, who for the  
 whole Course of her Life was an honest and pious Wo-  
 man, and not a Witch, nor using Witchcraft, Inchant-  
 ment, Charm or Sorcery, to bring into the Danger of  
 losing her Life, the 11th Day of February, in the  
 12th Year of the Reign of the King, at Southwark,

*in the said County, in the Presence and Hearing of divers Persons, falsely, maliciously, devilishly, and knowingly, and as a false Impostor, did pretend and affirm himself, by the said Sarah, to be bewitched, and by the Occasion of that pretended Witchcraft, he could not eat, and by the Space of Ten Weeks to fast, and was affected with divers Diseases; and that he by drawing Blood from the said Sarah, by scratching, should be freed from the said pretended Witchcraft; that the said Richard Hathaway did then, and there, with Force and Arms, scratch the said Sarah, and did draw the Blood of her, the said Sarah, by scratching; and thereupon, he, the said Richard Hathaway, did then, and there, falsely, maliciously, and knowingly, by affirming himself to be freed from the said Diseases, by drawing the said Blood, whereas in Fact and in Truth, the said Richard Hathaway was never bewitched, and had not fasted for the Time aforesaid, nor for any great Time; and that whereas in Truth and in Fact, the said Richard, then, and there, well knew himself not to be bewitched by the said Sarah, to the great Contempt of our Lord the King and his Laws, to the evil and wicked Example of all others in the like Case offending, and against the Peace of our said Lord the King, his Crown and Dignity, &c.*

Mr. Raymond. May it please your Lordship, and you Gentlemen of the Jury, the Information sets forth, That the Defendant being a Person of an evil Fame, and an Impostor, and maliciously contriving to take away the Life of one *Sarah Morduck*, the Wife of *Edward Morduck*, who always was a good Woman, and not a Witch, nor using Witchcraft, the 11th Day of *February*, in the 12th Year of the Reign of the late King, at *Southwark*, in the Presence and Hearing of divers Persons, did falsely, devilishly, and knowingly, and as a false Impostor, pretend and affirm himself to be bewitched by the said *Sarah*, and that by reason thereof he could not Eat, but had fasted for ten Weeks, and was also affected with divers Diseases, and that by his drawing Blood from the said *Sarah*, by scratching, he should be freed from his said pretended Bewitching: That the Defendant did thereupon scratch the said *Sarah*, and did draw the Blood of the said *Sarah* by such his scratching, and thereupon he falsely affirmed, that by drawing the said Blood he was freed from the said Diseases; whereas in Truth and Fact he was never bewitched, nor had he fasted as aforesaid, and he knew himself not to be bewitched by the said *Sarah*, in Contempt of the said late King, and his Laws, and against the Peace of his Crown and Dignity.

Mr. Conyers. May it please your Lordship, and you Gentlemen of the Jury: This is an Information against *Richard Hathaway*, for a Cheat, for endeavouring to impose upon the People a Belief, that he had been bewitched by one *Sarah Morduck*, and that as an Effect of her pretended Witchery, he vomited up Nails and Pins, and that he could not speak, nor open his Eyes, and that great Noises were heard in the House where he lay, and there could be no Remedy for him, but by his scratching and fetching Blood of this *Sarah Morduck*; and by this Means the poor Woman has been very much abused by her Neighbours, reputed a Witch, and brought to a Trial for her Life as such; but that there was nothing but a malicious Design in it, will appear by the Evidence that will be produced. This *Richard Hathaway* was for some Time an Apprentice with one *Welling*, a Blacksmith, in *Southwark*. About *September* last was Twelve-month, he gave out that he was bewitched, and he went to this Woman's

House and scratched her; and the Pretence was, that scratching and fetching Blood of her recovered him. The Minister of the Parish, *Dr. Martin*, hearing that it was noised about, that the Defendant had been relieved by scratching *Morduck*, came and visited him. He could neither speak nor see, as he pretended; but understood what was said to him, and gave Assent to what was proposed to him, by holding up of his Hands. *Dr. Martin* tells him, he heard this Woman had bewitched him, and that his scratching of her was the Means by which he was relieved; and that he desired to see the Experiment himself, and therefore had brought *Sarah Morduck* there, and desired him to hold up his Hand, if he understood what he said; which he did. *Dr. Martin* had another Woman there at that time (tho' that was concealed from *Hathaway*) and *Sarah Morduck*, by the Doctor's Direction, spoke to him, and came to his Bed-side, and the Defendant was by the Doctor bid to scratch her. When he came to scratch, the Doctor took the Hand of the other Person, and put it into the Defendant's Hand, and as soon as he had scratched the other Person his Eyes began to open, and he could speak; and immediately it was made known to himself and the Company, that the Person he had scratched was another Person, and not *Sarah Morduck*. But notwithstanding this, he was not satisfied, but still there was a Prosecution of *Sarah Morduck* for a Witch, and she was forced for some Time to go and reside in *London*: And there the Rabble got about her and abused her; of which Complaint was made to a Magistrate in the City, and *Sarah Morduck* was had before him, and then *Hathaway* was sent for, and there again scratched her; and it was so far credited there, notwithstanding the Account given by *Dr. Martin* of the Experiment he made, that the poor Woman is committed for a Witch, and afterwards brought to a Trial for her Life; and upon the Trial it appeared plainly, that all this was a Contrivance, and there was no Evidence to charge her with the bewitching this Man; and after a long hearing, upon a full Evidence, the Jury acquitted her, and the Man was committed for a Cheat. But notwithstanding this Acquittal, he still goes on to persuade People, that he was bewitched; that he had fasted several Days together, and could not eat; and then for a further Conviction that he was an Impostor, and only endeavoured maliciously and falsely to impose this Belief on People, he is about the Beginning of last *November* committed to the Care of a Chirurgeon, one *Mr. Kensley*, where for Two Days he did not eat; but afterwards his Stomach began to come to him, and when he could get any Victuals privately, he had a very good Stomach, and could Eat and Drink till he was drunk. And it was contrived, that Holes were made into the Room where he was, and the Maid that looked after him was directed to give him Notice, that she would help him privately to Victuals; and from the second Day after he was there, till the eleventh Day, he did constantly eat every Day, tho' he pretended he fasted all that Time, and had done so for fourteen Weeks, and he was seen to eat thro' those Holes. All this, and much more, will be fully proved by the Witnesses. So that there has been a great Affront to the publick Justice of the Nation by this Proceeding, many having abbetted it; and they have put up Bills in several Churches to pray for him against the Trial, and gathered Money to support him in this false and malicious Pretence.

Mr. Brodrick. My Lord, the discovering and punishing such a Cheat as this, is highly necessary; and

and not only for the vindicating the publick Justice of the Nation, but for the Sake of Religion it self, which suffers by nothing more, than by the countenancing of indirect Practices, made use of upon a Pretence of maintaining and supporting its Credit. Religion has in it self such genuine and native Truth, as must work Conviction upon the Understandings of all Persons, who allow themselves Leisure to consider it without Prejudice: But when Tricks and little Arts are carried on for a Time, and attain a general Credit, and appear afterwards to be what are called *Pious Frauds*, they do far more Mischief than all the Good proposed by such Practices can make amends for. For when Men who are sceptically inclined, find that the Generality of Mankind run away with Stories of this Nature, and those Facts afterwards prove undeniably false, they carry their Doubts on much too far, and are apt to conclude, that they cannot securely rely upon the Relation of others, and general Consent of Mankind, for the Certainty of any Fact whatsoever. It is therefore the Duty of all Persons, that are concerned for Religion in general, to endeavour to detect such Practices which weaken one of its most solid Foundations.

And, my Lord, we conceive this Prosecution very necessary, in order to the vindicating the Justice of the Nation. Here was a Woman that underwent a solemn Trial, and upon a full Hearing was acquitted, yet afterwards, notwithstanding the thorough Examination of the Fact, and such an Evidence given as convinced every unprejudiced Hearer of the Innocence of the Defendant, and the Malice and Hypocrisy of the Accuser, such a Spirit did reign, that it was represented that the Accuser had hard Measure; and not only the Jury, but the Court too, were reflected on: Nay, it went so far, that after the Innocence of the Woman appeared by her Acquittal, a Magistrate (whose Name the Witnesses will disclose in their Evidence) gave publick Countenance to this Impostor (for by that Name I will venture to call him) and so far gave Credit to him, that when the poor Woman was abused by the Rabble, and her Life being in Danger, she made Application to that Magistrate for Protection; who, instead of affording it to her, encouraged her Prosecutors, as if she had really been guilty of the Witchcraft laid to her Charge; and considerable Collections were made for this Man, to support his Spirits under the Disappointment he met with in her being acquitted.

This Prosecution was necessary too, upon the Account of the poor Woman, who, unless some Check be put to the unruly Proceedings of unthinking People, is not yet safe in her House, but in Danger to be torn in Pieces: And it was thought most proper, that this Matter should be thoroughly examined in this Place, where the Scene of his counterfeiting, for the most part, did lie; that prepossessed People might be Ear Witnesses of the Fairness of the Proceeding, and that all Persons might have an Opportunity, if they thought fit, of offering any thing fit to be offered in his Defence.

My Lord, we need not trouble the Court with Evidence tending to prove, that the accused Person is not guilty of Witchcraft: She is acquitted of that, and it ought not to be suffered to be made a Dispute. But our Evidence will go beyond that, not only that there was no Colour or Foundation for the Charge on her of being a Witch; but that the Defendant did maliciously, without any Ground, and contrary to his own Knowledge, charge her with

the having bewitched him. And I think our Evidence, all through, will prove this Matter fully upon him, that he was not bewitched, nay, that he did not believe himself to be so, yet charged and prosecuted her.

The first part of his pretended Witchcraft shewed it self, by his vomiting Pins: How that Business was managed, and how he was detected in it, the Witnesses will declare. And though we are not obliged to endeavour the giving an Account of what it was that induced him first to undertake this Imposture, I think it will appear by the Evidence, that he had some Aim and Prospect of Gain to himself. For, upon his first pretending to vomit Pins, we shall prove he had prepared a *Narrative of his own being Bewitched*; and he himself carried it to a Printer, that so he might bring a Concourse of People to him: But the Printer being a Man of some Understanding, look'd on him to be a Cheat, and would not meddle with the Copy. He practised this Trick of vomiting Pins several Times; but pretending to it once, before one who did not take every thing upon Trust, but was curious enough to observe nicely, and search him; *after some Resistance, several Rows of Pins were found in his Pocket.*

The next Discovery of his Imposture, was the Affair wherein Dr. *Martin* was concerned; who brought two Women to him: The Particulars of which having been already opened, I'll not repeat them. The Doctor put an innocent Deceit upon him, but it was in order to disclose a vile Imposture. When the Woman was brought to him to be scratched, being conscious to himself, how little real Effect the barbarous Experiment would have upon him, the whole Company observed, that he felt three or four Times from her Hand to her Elbow, before he scratched, that he might be sure it was a Woman's Hand: And when he had scratch'd, and felt Blood, his Eyes were opened, tho' it was the wrong Woman.

Another Instance of his acting a Part, with Design to impose upon the World, was, when he was carried from the *King's-Bench* to Mr. *Kensley's*. It was necessarily to be imagined, that if he eat or drank nothing, nothing would come from him, either by Stool or Urine. He considered this, and for fear it should be taken notice of, that he discharged himself after so long a Fast as he pretended; having Occasion to make Water, he found the Lid of a Box, and making Water in it, put it out of Sight, on the Bed's Tester; and the first Discovery of his Counterfeiting at Mr. *Kensley's*, was by the dropping of that Water on the Cloaths of the Bed. After he had been two Days there (during which Time he really did not eat) Mr. *Kensley* not knowing but that his Complexion might incline him to such a Sullenness, as to starve himself, rather than directly confess his Cheat, having first examined his Mouth and Throat, and finding nothing there but as it was in all other Men, and that he had not only all other Organs, but that of swallowing, without any Obstruction, as other People had, thereupon he framed this Design: He took Occasion to pretend a Quarrel with the Maid-servant who lived in his House, within the hearing of the Defendant, and told her, she was as very a Hypocrite as this Fellow; and after warm Words on both Sides, and a seeming Resolution by her that she would quit her Service, the Master went away, leaving the Maid and the Defendant together. She, to insinuate her self into the Defendant, said, Her Master was an odd Kind of a Man, a dangerous Man, therefore she would not have the

Defendant take any thing from him; and said, she would take care to supply him whilst he staid in the House. Then his Stomach came to him very readily, and he was so far from being unable to drink, that he drank Brandy and other Liquors to Excess, and this for several Days. But still those in the House being wary, thought it might be pretended by People who were very willing to believe him, that this happened by the Charm's being dissolved, and that he was unable to eat before; and therefore it was thought advisable to bring in several Persons of Reputation, who should observe him through a Hole fit for the Purpose: Who, after they had seen him eat, examined him how long he had been a Faster? And he made Signs, *that he had fasted twelve Weeks, and dung up his Belly as a Proof of his Emptiness, according to his common Practice, though he had in their Sight, just before, eaten a plentiful Meal.* So that, Gentlemen, it is evident, that what he did was done maliciously, and with a Design to deceive and impose upon the World. After this, there being sufficient Proof of the Imposture, it was thought fit to bring him before a Court of Justice; thereupon this Information was exhibited against him: And if we prove it, I doubt not but that you, Gentlemen of the Jury, will do that Right to the Government, and to Religion, as to find him guilty of it, that he may be brought to the Punishment that such a Crime deserves.

Mr. Phipps. My Lord, I humbly pray your Lordship's Indulgence of the same Side; and beg Leave to observe, this Man was formerly troubled with Fits, and there was a Design laid by him and his Friends to create a Belief in People, that those Fits were the Effect of Sorcery and Witchcraft; but whether to get Money, or take away the Life of the Woman, or both, I submit to your Lordship's Judgment upon the Evidence. 'Tis certain, they proceeded so far as to bring her to a Trial, and did what they could to take away her Life. And the better to carry on their Designs, and to prepare the World to believe the Impostor, we shall shew, that when he had these Fits, it was industriously published, that he was bewitch'd, and that it was by this Woman; and if he could but scratch her, he would be well. Dr. Martin, the Minister of the Parish, hearing of it, came to him; and to make an Experiment to discover the Imposture, brought another Woman with the pretended Witch, and said to *Hathaway*, if you think the scratching this Woman, meaning *Morduck* the pretended Witch, will do you any good, hold up your Hand: Which he did. Then the Doctor put the other Woman's Hand into his; and although at that Time he pretended to be Blind and Dumb, and he and his Friends would have had it thought, that he lay under the strongest of the old Woman's Charms; yet he was apprehensive of what he did, and so jealous lest he should be imposed upon, and thereby his Imposture discovered, that he felt several Times from the Wrist to the Elbow, to discover whether it was the Arm of the pretended Witch or no, before he would begin scratching; and then believing it to be hers (it being much about the same Size) fell to scratching, and being told he had fetched Blood, his Eyes were immediately opened, and his Speech restored.

The Doctor thinking every body was convinced of this Imposture, and believing the poor Woman would be quiet for the future, went away.

But notwithstanding this Detection, the People were dissatisfied; and *Welling*, the Master of *Ha-*

*thaway*, and others, being angry at the Discovery, pursued the Woman with more Malice than before: Where-ever they found her, they cried out, *A Witch*, and used her so barbarously, she was forced to leave *Southwark*, where she had lived many Years, and all her Employment, which had been profitable to her, and to go live in *London*.

Their Malice pursued her thither; and there *Hathaway*, with Soldiers and others, in a riotous Manner, got into the House where she lodged, and would have broke open the Door where she was; but a Constable being called in, the Soldiers went off, and *Hathaway* was carried before an Alderman of the City; and the poor Woman and her Friends acquainted the Alderman of the riotous and illegal Proceedings, and prayed that Justice might be done upon them. But instead of punishing them, he was pleased to say, there was too great Provocation for what they had done; and giving Credit to the Accusation of *Hathaway* against the Woman, ordered her to be carried up Stairs to be searched, to see if she had any Teats, or other Signs of a Witch, and permitted her to be scratched by *Hathaway*, and then committed her for a Witch; refusing 500 *l.* Bail, and dismissed *Hathaway*.

The Woman afterwards was brought to a Trial at *Guilford* Assizes, and was acquitted, and he was committed for a Cheat. And to make more ample Discovery of the Imposture, he was taken to the House of Mr. *Kensley* a Chirurgeon, and there he was obstinate, and would not eat for the first two Days; and a Quarrel was feigned between Mr. *Kensley* and his Maid, he saying she was as bad an Hypocrite as *Richard Hathaway*, and gave her Warning to be gone. The Maid seemed very angry with her Master, and said to *Hathaway*, Whatever you do, do not eat any thing that is given you by my Master or his Brother, for they are your Enemies; and promised she would help him privately to what he wanted. Whereupon he thinking she had been his Friend, and that he was safe in her Hands, took Meat and Drink from her from Day to Day, and eat heartily, and drank so very plentifully of Strong Beer and Brandy, and was so merry, that he play'd on the Tongs, and Danced, and shew'd Tricks before the Maid; but when any body else offered him Meat or Drink, he refused it, making Signs that he could not swallow, and signify'd to them, that he had fasted all the fourteen Days that he had been at *Kensley's*, and that he had fasted many Weeks before. And as to vomiting Pins, it will appear to you, that he carried Papers of Pins in his Pocket, to make use of on Occasion. But when he vomited in a Basin, and his Hands were kept down, and he not permitted to carry them up to the Basin, there was not one Pin in the Basin.

I will not trouble your Lordship with a Detail of all the particular Instances of this Cheat, but will call our Witnesses; and when we have proved the several Matters that have been opened, there will be no Room to doubt but that the Defendant is an Impostor, and the greatest this Age hath produced.

Mr. Conyers. We will first call Dr. *Martin* (who was sworn) we will go on with our Evidence in the Course of Time. The first Time that Notice was taken in the Parish of this Business, was in *September* was Twelve-Month. Dr. *Martin*, pray give my Lord and the Jury an Account, Whether you know *Richard Hathaway*, and when was the first Discourse of this Witchery.

Dr. *Martin*. *February* last was Twelve-Month, (the ninth Day, to the best of my Remembrance) I came

came to Church in the Afternoon, and after the Curate was gone into the Desk to read Prayers, I was going into the Pew; but hearing a great Hurly-burly in the Church, I sent the Sexton to know what was the Occasion of it. He brought Word that there was a Witch in the Church; so the Curate could not go on in reading Prayers; and the Sexton went and brought in one *Sarah Morduck* to me, and after her came a great many of the People into the Vestry; so that tho' it be pretty large, it was presently filled. And this *Sarah Morduck* came up to me, and told me what was the Occasion of her being brought there. I ask'd her how she had behav'd her self amongst her Neighbours, that should give such Occasion to deal thus with her. She began to cry, and said, she had given no Occasion for it. I told her, I had nothing to do to enquire into the Business, but bid her continue in the Vestry, the whole Congregation being so much disturbed, that they would go out of the Church if she staid in it. So I turned every body out of the Vestry, and locked her in. And Sermon being ended, I came into the Vestry, but found she was gone; and upon Enquiry, I understood the Reason was this, The Sexton told me, that she said, if she staid till all the People went out, she should be torn in Pieces, and begg'd of him to let her out while the Psalm was singing after Sermon, that she might go away undiscerned, and accordingly she went. Afterwards many of my Parishioners made Application to me to go to *Richard Hathaway*, who was supposed to be bewitched; and told me, that it was taken very ill that I had deferr'd it so long. Upon this I went to him the next Day; and meeting his Master below Stairs, I asked him what Condition his Servant was in. He said, he was Blind and Speechless, and was a very dismal Object. I said, I desired to be excused, for I did not love to see any dismal Sights. But he said, he was very sensible, and knew every one by their Voice. And with that, I went into the Room, and his Master (speaking to *Richard Hathaway*) said, Mr. Martin is come to see you. Says I, *Richard*, I am come to see you, and if you know me hold up your Hand: He did so, and took me by the Hand and kiss'd it. I ask'd him whether I should pray with him in the Prayers of the Church, and if he desired it, I bid him hold up his Hand: He did so, and I prayed with him, and he did seem to be affected with it, and lifted up his Hands several Times. Afterwards I took my Leave of him, and went down; and I discoursing with his Master for some Time, I asked him what he thought was the Reason of it; he said, an evil Tongue; and a bad Woman, *Sarah Morduck*, had bewitched him. But how do you know that? His Master then told me he had scratch'd her, and found Good by it; and said, he was utterly undone by it, and if he did not speak to the Church-wardens to take him off his Hands, he should be ruin'd. And hearing of this Scratching, it came into my Head to try an Experiment too; so I went away, but without discovering my Intentions. And about Ten a-Clock at Night, to prevent Jealousies, I went to the House where *Sarah Morduck* lodged, and found she was gone to Bed. I left Word that I desired to speak with her the next Day: But instead of her coming to me, her Brother, Mr. *Hearne*, came to me, and thanked me for preserving his Sister from the Mob. I gave him the Reason why we did that, and I told him then what I intended to do. He answer'd me, I am afraid my Sister will be so silly that it will fail in the Execution. I bid him leave that to me, I would give such Directions in

the Matter, that it was impossible for it to miscarry: So he left me to my Liberty to do what I thought fit. Then, says I, when I send for her, do you come with her. I went to the House where *Hathaway* lay, and went into the Room, where he lay with his Eyes fast shut, and seemingly Speechless. I spoke to him, *I am informed you have received Benefit by scratching Sarah Morduck formerly, now if I can get this Woman for you to scratch her, Do you believe by scratching her you shall receive any Benefit? If you do hold up your Hand:* So he did; and by and by there came a Message that Mr. *Hearne* and the Witch were come. I then desired Mr. *Bateman*, whom I brought with me for that Purpose, to sit by the Bed-side while I went down, lest any might inform him what was said, or he might over-hear any thing spoken below. So he sat there, and I went down, and I bid them let in as many as would come in; and when the Room was full, the Door was lock'd. I had before met with a poor Woman, whom I ordered to follow me, who received Alms of the Parish, designing she should be the Person the Experiment should be try'd on. I told them I design'd to try another Woman, and I will make him believe he scratches the Witch. The Answer was, This will signify nothing, *Wellings's* Wife said, he had scratched another Woman, and it signified nothing. Now this was, to the best of my Remembrance, one *Willoughby*, who is a very big Woman, and very much unlike *Sarah Morduck*: But I desired the Satisfaction to see it done my self; upon which it was consented to. Then I ask'd the Woman I brought about it; I told her I would give her a Shilling if she would let this Man scratch her: She flew off, and said she would not suffer it for all the World. At last somebody said, here is a Woman will suffer her self to be scratch'd; and this was one *Johnson*. I ask'd her if she would suffer her self to be scratch'd; she said she would, if there would come no Damage by it. Says I, whatever Damage you sustain, I will make it good to you; and you being about the Size of *Sarah Morduck*, are a very fit Person. She did decline it for some Time, but at last she consented; and after some Instructions given to her and *Morduck*, we went up together with many of the Neighbours. *Tho' you cannot see*, says I, to *Richard Hathaway*, *you can hear that there are many People in the Room; now, before all these People, Do you believe that Sarah Morduck has done you this Mischief? If you do, hold up your Hand.* He did so. *Do you believe you shall be relieved by scratching her? If you do, hold up your Hand.* He did hold up his Hand. *Sarah Morduck, do you speak to him, that he may know you are the Person.* Says she, *What is the Matter with you? Do you believe this Woman, said I, to be the Person that has bewitched you? If you do, hold up your Hand.* He held up his Hand. Then ask'd *Sarah Morduck*, are you willing this Man should scratch you? *Yes, with all my Heart, he shall have my Heart's Blood, if it will do him any Good.* Then, says I, pray give me your Hand. *Here it is.* And instead of taking her Hand, I took *Johnson's*, and clapt it into his; and I did observe, that two or three Times he felt from her Wrist to her Elbow; and I said, I have something else to do than to wait on you (and I spoke to him somewhat eagerly) if you will not scratch, I will be gone. Then he scratch'd her, and she whisper'd me in the Ear, she believ'd she should faint. I saw he had razed her Skin, and I said, you have drawn Blood, and you may be satisfy'd. With that he left off, and turned on his Back in his Bed. I turn'd out *Johnson* immediately

mediately, and I and *Morduck* stood together, and he lay still for some time; but I saw nothing would do, if I did not work him up. Now, says I, I would fain see how his Eyes are now; come some of you, look, do not his Eyes twinkle? With that both his Eyes were open as mine are now, and he caught hold of the Apron of *Sarab Morduck*, and look'd her in the Face. Then I told him his Mistake; and *Johnson* came in with her Arm bleeding. Says I this is the Woman you scratcht, you have not touch'd *Sarab Morduck's* Arm, not fetch'd one Drop of Blood from her. The Fellow upon this seem'd very much cast down. Now, says I, give way to no Humours, and go about your Business, and serve God and your Master. Then I went down, and several People were satisfy'd. Well, says I to *Welling*, your Man's Eyes are open now. It's well, says he, if his Eyes continue open. He can speak and see too now. I do not know, says he, it is strange if he should do well after this. Farewel, said I; and I went into *London*. Upon my Return, about Five-Clock, I enquir'd about him, and found *there was* a greater Mob in the House than before; and I was accosted at my first coming in by the Master and Mistres of that Fellow: What have you done? you have ruined both me and my Family—

*L. C. J. Holt*. Who said so?

*Dr. Martin*. The Master and Mistres of this Fellow. Why, What Hurt have I done you? You have given it out to be a Cheat. Did you get any Money by it? No, I never did expect it. But pray go and look on him now, he is in a worse Condition than he was before. Here hath been two Doctors, and they will take their Oath that he is bewitched. So I went away; but as I went out, I was stop't by *Johnson*. She cries out, What have you done? What is the Matter, said I, Does your Arm fester? No; but this wicked Woman has spread abroad that by scratching me he was relieved, and she is not the Witch, but I am the Witch; and it had reach'd her Husband's Ear, and he was become so jealous of her, that he would not have any thing to do with her. I went away after this, and going home, met her Husband, and gave him all the Satisfaction I could, that his Wife was no Witch. And I was inform'd the next Day, that *Sarab Morduck* had been dragg'd again to the House, some time after I went away, and brought to *Hathaway's* Bedside, and he scratch'd her, and his Eyes were opened, and he eat and drank, and walk'd about. Upon this, I sent one Evening to him to come to me; and I took him into my Study, and said, What is the Meaning of it, that you make such a Trouble in the Parish, to condemn this Woman for Witchery? I see no Reason for it. Says he, she has done me a great deal of Hurt; said *Hathaway*, she has bewitch'd me. He said, that was the Woman had done him all the Prejudice he labour'd under. Then says I, you are a poor sort of Fellow, you must get your Living by your Labour; now you had better go into the Country out of her Reach. No, Sir, says he, I am bound Apprentice to my Master; and if I go, I shall be as bad there as I am here: And seeing I was bound here, this Parish must keep me; and if I should go into the Country, they will send me back again. Why will you not try? No, I will not. Do you not believe I am bewitch'd? No, I do not. Then, says he, I may as well not believe what you say in the Pulpit; I may say to you, as our Saviour said to the Jews, *Tho' you see Miracles, you will not believe*. Whereupon, I turn'd him

away, and did not think I should have had any thing more to do with him. But about *Easter* last, *Sir Thomas Lane* sent to me, to desire me to come to him; the Witch being then got into *London* for Shelter.

I went accordingly, and when I came, I found *Hathaway*, his Master, and several others there. I found him looking briskly, and eating heartily, and I ask'd the meaning of it. It was answered, That before *Sir Thomas Lane*, he had drawn Blood of *Sarab Morduck*, and that had brought him to himself. I sent in my Name to *Sir Thomas Lane*, and he sent for me in. There was *Sir Owen Buckingham*, and I think, *Dr. Hamilton*. There were several People examined, while I was there, about this Person; and after all *Sir Thomas Lane* desired me to tell what I knew in this Matter. I gave an Account of what I have done here. Says *Sir Thomas Lane*, *Richard Hathaway*, Do you know that Gentleman? Yes. How? I have seen him in the Pulpit. What, no where else? Did not you see him by your Bedside? No. Was not I with you at your Bedside? No. All this while he was eating Bread and Cheese; till *Sir Thomas Lane* spoke to him, Lay by your Bread and Cheese, and be not so unmannerly. Says I, this is very unaccountable, that he should not know me; and yet he had said, that after *Mr. Martin* was gone, I was a great deal worse than I was before. This is a very unaccountable Thing, and I desire to know how this is consistent; therefore I do desire that his Master may be called in. And his Master was sent for, and *Hathaway* was going out to call him. No, says I, I desire he may not go out, I will call his Master myself. When *Welling* came in, I asked him whether he did not tell me that *Hathaway* was sensible from the Time I came to him? Yes, he was. Now I desire to know how these Things are consistent? And to put this out of doubt, that this Man did see me, the Woman stood at the side of the Bed by me near the Feet, and he took hold of her Apron readily. How can he come off in this Matter? Says *Sir Thomas Lane*, They tell you he had a most violent Fit after, and that made him forget what was done before. Another Question was ask'd *Mr. Welling*, You know you desired me to get this Servant of yours off your Hands, and that I would speak to the Churchwardens about it. Now I am inform'd, this Servant of yours was going to *Goodman's-fields*, and as he was going, the Press-masters met him, and he being a likely Fellow, they whipt him aboard. Is this true or no? Yes. And then you got a Letter, and went down and fetch'd him up. Yes. Then, says I, How come his Master to be so much concern'd to be rid of him as he pretended; and yet when he might have been rid of his Servant, would not take the Opportunity? To that *Sir Owen Buckingham* answer'd, It was only his Charity for him to fetch him from aboard; he could do no less considering his Condition: So I came away. In a little Time after, I heard that this *Sarab Morduck* was bound over to the Assizes, and I was subpoena'd to give my Evidence the last Assizes at *Guilford*.

Then the Indictment was read, upon which *Sarah Morduck* was Tried and Acquitted of Bewitching *Richard Hathaway*.

*Mr. Coniers*. *Dr. Martin*, pray go on.

*Dr. Martin*. I was subpoena'd to go to the Assizes, but before the Assizes came on, there were Bills put up in several Churches, and particularly at *Christ-Church*, where I hapned to preach. I read the Bill; *A poor Man being afflicted by an evil Woman,*



man, now coming to her Trial, desires the Prayers of this Congregation. I went down to Guilford to the Trial; and when I came up, I thought all People would be satisfy'd with the Justice that was done. But when I came to Town, I was abused by many People, both openly and privately: *You have the Blood of that innocent Man to lie at your Door; The Woman had been hang'd, if you had not saved her; The Judgments of God will fall on you.* One Woman followed me to the Water-side, and said, I was the Occasion of the Ruin of that innocent Man; for she her self —

*L. C. J. Holt.* Who is this?

*Dr. Martin.* I do not know her, I only give Evidence of the Abuses I underwent.

*Mr. Conyers.* Do you know any thing after the Assizes, how he behaved himself?

*Dr. Martin.* No, Sir, I know nothing of that.

*Mr. S. Jenner.* What was done by other People, ought not to be given in Evidence.

*Mr. Broderick.* If this Man does prove an Impostor, it will aggravate his Crime, if the Consequence be mischievous, and the World be still abused with a Persuasion that he was bewitched.

*Mr. S. Jenner.* What was done by other People signifies nothing to us.

*Mr. Broderick.* This is very material, for it is a Confirmation that there was a Design carried on — *(being interrupted).*

*L. C. J. Holt to Serj. Jenner.* What other People did, must not affect this Man. But hear what Answer can be given, you that are the Queen's Council?

*Mr. Broderick.* The Charge of the Information is, That he, as an Impostor, pretended himself to be bewitched by *Sarah Morduck*, to deceive the World, and prejudice the Woman. And what can be more proper Evidence of that Charge, than that altho' he really was not bewitched, yet he had so prevailed upon the Opinions of the People, that they still believe him bewitched, and affronted *Dr. Martin* for being instrumental in her Acquittal: 'Tis all of a Piece, a Continuance of the same Imposture.

*L. C. J. Holt.* This Evidence is proper. He is indicted for a Cheat, for endeavouring to beget an Opinion in People by his fraudulent Practices that he is bewitched. Now, *Dr. Martin* says, the People were still possessed with such a Belief; and thereupon affronted him, because they thought he was instrumental in having the Woman acquitted. Now, Is not this an Evidence that his pretending himself to be bewitched, begat that Opinion in the People.

*Mr. Serj. Jenner.* What the Doctor has said all along, has been of what others have done.

*L. C. J. Holt.* No, it has been what he saw himself. You say this Man's Evidence is most of what others have said. Not so, He has by himself prayed with him, and tried an Experiment with him upon a wrong Woman.

*Mr. Serj. Jenner.* He tells you what *Welling* said, and others; How does this affect my Client, what another Man, or another Woman said?

*L. C. J. Holt.* He was insulted upon the Account that *Hathaway* pretended himself to be bewitched, blind, speechless, and not able to eat.

*Mr. Serj. Jenner.* My Lord, with Submission, other People's censuring the Doctor cannot be brought as Evidence against my Client, unless they make it appear that he had a Hand in it, unless he put them upon it.

*L. C. J. Holt.* What other People have said, ab-

stractedly considered, ought not to affect *Richard Hathaway*; but if there be Evidence that *Hathaway* hath been guilty of Deceit, and a Design to deceive People, Will you not allow it be given in Evidence, that the People have been deceiv'd? And how came they to be deceiv'd, but by his feigning himself to be bewitched?

*Juryman.* Mr. Serjeant, If you have any Thing to object, we desire to hear what you say, for you speak so low we cannot hear you.

*Mr. Serj. Jenner.* I object to what the Doctor says by hearsay only.

*Juryman.* I believe that will be little considered by the Jury.

*L. C. J. Holt.* The Information is for an Impostor and Cheat: Now what is that? A Cheat is a Design to impose on the Credulity of others, to induce them to believe a Thing that is not true. Now *Dr. Martin's* Evidence is what *Hathaway* did, and that People did believe him to be bewitched; and they abused *Dr. Martin*, and told him he had done very ill in the Case of this Woman; and if it had not been for him she had been condemned.

*Dr. Martin.* I have only one Thing more to say; it was reported that I had been bribed; I was told I had received several Guineas; that the Judge was bribed and the Jury bribed, and the Judge would not suffer the Woman to be searched, he being bribed.

*Mr. Conyers.* Doctor have you done?

*Dr. Martin.* I have.

*Mr. Conyers.* We will next call *Mrs. Johnson* who was scratched.

*Mr. Broderick.* Sir, I think you mentioned a Gentleman that you sent for up? Where is he?

*Dr. Martin.* He is here.

*Mr. Broderick.* What is his Name?

*Dr. Martin.* Mr. *Bateman*.

*Mr. Broderick.* We will call him to give an Account of that.

*Mr. Conyers.* We will first call this Woman. *Mrs. Johnson*, Were you at any Time with *Dr. Martin* at such Time as *Hathaway* pretended to be bewitched?

*Mrs. Johnson.* Yes.

*Mr. Conyers.* Then pray give my Lord and the Jury an Account of what you know about it.

*Mrs. Johnson.* I went into the Room to see *Sarah Morduck*.

*Mr. Conyers.* What Room?

*Mrs. Johnson.* I was in the Room where *Dr. Martin* fetched her to be scratch'd; and *Dr. Martin* told me, he designed that he should scratch some other Woman; and he desired me to let him scratch me; but I denied him, and said, I was a Wife, and was not willing; at last I consented, and he told me I must not speak when I came into the Room where *Hathaway* was; and he brought me to the Fellow; and he said to him, If you think the Blood of this *Sarah Morduck* will do you any good, hold up your Hand. Which he did. Then he bid *Sarah Morduck* speak to him; which she did. Says he; Are you willing this Man should scratch you? She said, Yes: My Heart's Blood, if it will do him good. So with that he scratch'd me, and *Sarah Morduck* cry'd out. He had razed the Skin of my Arm, but no Blood came presently. *Dr. Martin* desired me not to speak, and I did not; the Blood came afterwards, but none then.

*Mr. Conyers.* Were you in the Room when the Doctor spoke to him?

*Mrs. Johnson.* I went into the other Room; *Dr. Martin* put me out before him.

*Mr. Conyers.*

Mr. Conyers. Was not you brought in again?

Mrs. Jobuſon. No, I went in of my own accord.

Mr. Conyers. In what Condition was he then?

Mrs. Jobuſon. He looked in this manner, his Eyes ſtaring open.

L. C. J. Holt. Were his Eyes ſhut, when you firſt came and was ſcratch'd, or open?

Mrs. Jobuſon. No, they were faſt ſhut.

L. C. J. Holt. Did he ſpeak then?

Mrs. Jobuſon. No, he ſaid nothing when I came back, till his Eyes were open, and then he ſaid, O Chriſt Jeſus, or O Lord Jeſus.

Mr. Phipps. But did he feel your Arm before he ſcratch'd you?

Mrs. Jobuſon. Yes, over and over.

Mr. Conyers. Call William Bateman (Who appeared and was ſworn). Pray give an Account what you know of this Defendant's vomiting Pins.

William Bateman. About a Twelve-month ago I went to ſee Richard Hathaway.

Mr. Conyers. Were you deſired to go to him by Dr. Martin?

William Bateman. I can't remember that.

L. C. J. Holt. Where do you live?

William Bateman. In Pembrokeſhire.

Mr. Conyers. Then you do not remember any thing that paſt then?

William Bateman. I do not ſay I do not remember any thing, but I do not remember whether Dr. Martin deſired me to go to him.

Mr. Conyers. Give an Account of what you know about his vomiting Pins.

William Bateman. About this Time Twelve-month, on a Sunday Night, a Woman came to Dr. Martin's Houſe to enquire for him. I went to the Door; and the Woman ſaid, If Dr. Martin would but come now, he might ſee Hathaway vomit Pins. Can I ſee him, ſays I? Yes, ſays ſhe. So I went immediately; and in the Houſe there were little Chinks that I could ſee through; and I ſaw him walk about the Houſe, and heard him talk to the People, and I ſtood ſome Time to hear him. At laſt I knock'd, and he came and let me in; and ſeeing me, he ſeemed to be troubled, and feigned himſelf to be in ſome Pain.

Mr. Raymond. You ſay you look'd through the Chink, How was he then? Repeat that.

William Bateman. He ſeem'd to be as well as he is now.

Mr. Raymond. What did you do then?

William Bateman. I knock'd, and he let me in; and when I came where the Light was, he knew me; and I ſaid to him, I hear you ſpew Pins. Yes, ſays he. Says I, Prithce let me ſee thee. So he ſate on a low Seat, and they gave him ſomething in a Cup, and by drinking this I was to ſee him vomit Pins; and he took ſome Drink, but as far as I could perceive he did not ſwallow any.

Mr. Conyers. What was the Effect of it?

William Bateman. He pretended then to be in an Agony, and vomited ſeveral Times, and there were Pins on the Ground. I had the Room ſwept very clean, and gave him the ſame again. He vomited again, and there were abundance of Pins on the Ground again. I believe he vomited fourteen or fifteen Times, and I believe there were ſome hundreds of Pins on the Ground; but I thought the Pins were dropt from one or other; and I took up ſome of them, and they were dry; and I took up two or three in a Chain; and I ſaid, I believed thoſe were the Pins that were ſhewn at our Houſe.

No, no, ſays his Maſter, theſe are not the ſame; and he did endeavour to ſatisfy me that he did vomit theſe Pins; ſo I deſired he might have a Pot to vomit in; and I had a Pot brought and made very clean, and I ſearched his Mouth and found no Pins there; and I held the Pot to his Mouth cloſe, and he often endeavoured to put his Hand to the Pot, and I would not ſuffer him, for I perceived his Hands often moving to his Pocket. He vomited ſeveral Times, and there were ſome Pins ſcattered on the Ground, but none in the Chamber-pot. Says I, theſe Pins do not come out of his Mouth; but the People were very preſſing on me to believe they did.

L. C. J. Holt. Who were they?

William Bateman. They were all Strangers to me. Upon this I told them, I believed he had a Slight of Hand to convey them there, and I took hold of his Pocket. He ſtopt my Hand, and would not let me put my Hand into it. But after ſome Time, ſays one, Let him, let him ſearch your Pocket. So I did, and took out ſeveral Things, and among the reſt ſeveral Parcels of Pins, and I believe theſe were they that he convey'd on the Ground.

L. C. J. Holt. Did you ſee him take them out of his Pocket?

William Bateman. No, but I took out ſeveral Hundred.

Juryman. What ſort of Shape were they of?

William Bateman. They were of a very odd kind of Shape.

L. C. J. Holt. Were they ſtrait or crooked?

William Bateman. They were crook'd in ſtrange Figures, like them on the Floor.

Mr. Broderick. And he made a great Difficulty of letting you meddle with his Pocket?

William Bateman. Yes.

Mr. Phipps. And when you would not let him put his Hand to the Pot, there were none in the Pot, but only on the Ground?

William Bateman. Yes, Sir.

Juryman. Did you ſee any Pins come out of his Mouth?

William Bateman. No, Sir.

Mr. Serj. Jenner. What became of the Pins you ſaw on the Ground; you ſay you ſaw abundance, what became of them?

William Bateman. They were ſwept away.

Mr. Serj. Jenner. Who ſwept them away?

William Bateman. Some of the Family.

Juryman. I think he ſaid that ſeveral of the Pins were taken up dry, were any of the Pins that were on the Ground dry?

William Bateman. Yes; and I ſaid, theſe Pins did not come from him.

Mr. Serj. Jenner. When was this?

William Bateman. About a Twelve-month ago?

Mr. Broderick. Now, my Lord, we will ſhew your Lordſhip that he drew up a Narrative for the Preſs, giving an Account of this Buſineſs. [Call Richard Ball, who was ſworn.] Mr. Ball, Pray give an Account of what you know of Richard Hathaway's endeavouring to print a Story of his vomiting of Pins.

Ball. About a Twelve-month ago, in December, Richard Hathaway brought a Writing, and withal a Diſh-full of crooked Pins, and told us, thoſe Pins he had vomited, and that he had been afflicted by a Woman in Southwark, and I think he ſaid he had not eat any thing from my Lord-Mayor's Day.

Mr. *Broderick*. What did he desire you to do ?

*Ball*. To print this Paper. And after he had told this Story, he said he had been with a Woman in *Goodmans-fields*. There was a Boy with him. And he desired us to print his Paper. It related the Story of his vomiting of Pins. He said he had taken *Quicksilver*, and it would not move him ; and *Madam Goodwin* was mentioned several Times in the Papers, that she had cured him.

Mr. *Conyers*. How came it that you did not print his Paper ?

*Ball*. My Master stood by ; says he, You look very well ; I will have nothing to do with it ; I believe you are a Cheat. I believe no such thing, says he ; and upon that went away. But the next Day there was a Paper printed by somebody ; and *Richard Hathaway* comes to us afterwards, and says, You have printed a Paper, tho' you would not have it of me : But it is not true, says he ; I can give a better Account.

Mr. *Broderick*. Then he talked very freely to you, tho' he had not eat in six Weeks before ?

*Ball*. Yes, Sir.

Mr. *Broderick*. And he looked very well ?

*Ball*. Yes, Sir ; and we wonder'd at it.

Mr. *Conyers*. Call Mr. *Hearne* (who was sworn).

Mr. *Hearne*, pray give my Lord, and the Jury, an Account of what you know of this Matter.

*Hearne*. About September was Twelve-month, my Sister was fall'n upon by this *Hathaway*, and scratch'd and abused in a barbarous Manner ; and about six Weeks after she was scratch'd again. After this we went before Justice *Riches*, and Justice *Riches* persuaded them to be quiet, and not to trouble this Woman ; and he persuaded her to remove to some other Place. After this there was a Tumult made about her in *Newgate-street*.

Mr. *Conyers*. Were not you present when Dr. *Martin* was with the Defendant ?

*Hearne*. Yes, Sir.

Mr. *Conyers*. Then give an Account of that.

*Hearne*. I went to Dr. *Martin* ; and Dr. *Martin* told me that he would try a Stratagem (to see whether he was bewitch'd) by making him scratch another Woman. I told him, I was afraid we should be betray'd. Says he, Let me alone to manage it : So I said no more. Says he, Do you go and fetch *Sarah Morduck* to me, and I will go before. So I came with my Sister to *Welling's* House, where Dr. *Martin* was, and there was a House full of People : And then he ordered the Door to be shut ; and then Dr. *Martin* left me at the Bed-side, and he got a Woman that was willing to be scratch'd. She refused at first, but afterwards consented. And then Dr. *Martin* brought them into the Room where *Hathaway* was ; and he ask'd him if he did believe that scratching *Sarah Morduck* would do him any good ; if he did he should hold up his Hand ; and he held up both Hands. Says he then to *Sarah Morduck*, Are you willing to be scratch'd ? Yes, her Heart's Blood to do him good. Then give me your Hand, says he ; but instead of hers he took Mrs. *Johnson's* Hand, and gave it into *Hathaway's* Hand. And *Hathaway* took her by the Wrist, and felt her several Times. Then says Dr. *Martin*, If you will scratch her, scratch her, I cannot wait on you always. Then he fell to work, and Dr. *Martin* said, he will open his Eyes presently, there is Blood enough ; and he presently opens his Eyes and catches *Sarah Morduck* by the Apron, and holds her as fast as he could, and the Woman that was scratch'd was gone into another Room ; with all the Strength I

had I could hardly loosen his Hands from *Sarah Morduck*. Now, says Dr. *Martin*, You are mistaken, this is not the Woman you have scratch'd ; and then his Countenance chang'd, and he looked like a Fool, he was so surprized. Then says Dr. *Martin*, Where is the Woman that he scratch'd ? And I fetch'd *Johnson* out of the other Room, and shew'd him her Arm, that she was the Woman he had scratch'd. Says Dr. *Martin*, I see what you are ; go and mind your Business ; or to that effect ; and then we went away. This was about Twelve or One a-Clock the 11th of February. And when we were gone, the same Day, as soon as it was dark, they got half a Dozen lusty Fellows to go to *Sarah Morduck's* House, and there they abused her.

L. C. J. *Holt*. How do you know that ? Did you see it ?

*Hearne*. My Lord, I will tell you presently. When she had had this Mischief she sent for me ; and when I came, her Shift on her Back was as wet as muck. She sent for me, because she had none to assist her but me, and I found her that Night in that pickle. They said, as soon as we were gone, the Fellow was bad again, and they have put this Trick upon us ; but we will have the right Witch to scratch her.

L. C. J. *Holt*. Who was at the House that Night that you say she was in an ill Condition.

*Hearne*. There were several at the House then, Mrs. *Sarah Hays* the Landlady was there, and others.

L. C. J. *Holt*. You say they were in a Hubbub, and would have the right Woman scratch'd. Who was it that would have it so.

*Hearne*. I heard so. But when I came to her, I found her in a lamentable Condition. Then I went to Justice *Riches*, and desired his Warrant to take some of them ; and he granted it, and I took up one *Osborn* ; and when I came with him to Justice *Riches*, we had no Body to swear that she was lame a Bed, and so he was discharged ; and Justice *Riches* said, if there be no other to prove it on the Trial you will spend a great deal of Money to no Purpose, and therefore he let him go. So she was moved to *Paul's Wharf*, but a Company of Fellows followed her thither.

L. C. J. *Holt*. How do you prove that ?

*Hearne*. I heard of it, and desired the Landlord to send for a Constable ; he did so ; and when we came there, all the People made their Escape, except *Hathaway* and another Person. So then she was carried before Sir *Thomas Lane* ; and they telling him that he had vomited Pins, and other things, Sir *Thomas* was persuaded to believe it. I told him, these Fellows had disturbed this Woman's Peace, and very much abused her. Sir *Thomas*, will you not let me know who this Man is ?

L. C. J. *Holt*. What Man do you mean ?

*Hearne*. *Jones*. I begg'd, Pray let me know this Fellow's Name. Says he, It is no matter, there was Provocation enough. And then when we were talking of the Pins, Dr. *Hamilton* look'd in *Hathaway's* Mouth, and found his Mouth very well ; and he gave him Beer ; and he, when he had taken it, struggled with all his Might to keep it out ; then he cry'd out. Let her be scratch'd, said Sir *Thomas*. Dr. *Hamilton* said, Forbear a little, let us see the Effect of this Beer ; and so they forbore a little longer. Then they talked again of the Pins, and Dr. *Hamilton* would have her scratch'd again ; so he spake to the Woman about it, but she would not consent ; for she said she had been abused, and would

would not be scratch'd, unless they would secure her for the future. But Sir *Thomas* would have her scratch'd; and so she was; and then when she was scratch'd, and he had drawn her Blood, the Fellow brustled about like a Cock-Sparrow; and then they call'd for Bread and Cheefe; and so he that before pretended he could not swallow any thing, show'd like an Antick to the People, for he was very greedy. And when he had eaten that, he call'd for more; and *Welling* said, Pray let him not have it, it will do him hurt, because he has not eat so long. Then Sir *Thomas Lane* ordered her to be stripped, and she was stripped above Stairs, and then he would commit her to Prison.

*L. C. J. Holt.* Why? Did any body say she had any thing extraordinary about her?

*Hearne.* No. Dr. *Hamilton* said she had nothing about her; I offer'd a Hundred Pounds Security for her; and Sir *Thomas Lane* would not take it. But when Dr. *Martin* had been with her at Night I Bail'd her out.

*Mr. Bar. Hatfell.* Was this *Hatbarway* dumb when he was at Sir *Thomas Lane's*?

*Hearne.* He spoke before, and when Sir *Thomas Lane* bound her over to the *Old-Baily*, and all that time he was as well as could be.

*Mr. Ser. Jenner.* Was you at the Affizes at *Guilford*?

*Hearne.* Yes, and gave Testimony for her there.

*Mr. Conyers.* My Lord, we have a great many others that were present with Dr. *Martin*; but we have proved that Matter sufficiently, Now we will shew how he behaved himself at Mr. *Kenfy's*. [*Call Mr. Kenfy, who appeared and was Sworn.*] Mr. *Kenfy.* Do you know *Richard Hatbarway*?

*Mr. Kenfy.* Yes.

*Mr. Conyers.* Was he not committed to your Care?

*Mr. Kenfy.* Yes.

*Mr. Conyers.* When was it?

*Mr. Kenfy.* It was in *November* last.

*Mr. Conyers.* Now pray give my Lord and the Jury an Account of what you know of his Fasting.

*Mr. Kenfy.* He was brought to my House the First of *November* last about Noon. I went to see him at the *Kings-Bench*, where about Nine in the Morning I found him in Bed. The Servants in the Prison told me his Tongue was swell'd. At my Request he put out his Tongue, which I found in a very good State and Colour, free from any Induration or Contraction. I observ'd the Glands under the Tongue, also his Throat, so far as I could see, free from any preternatural Accident or Impediment. He was brought to my House about Twelve the same Day. I kept him in the Room where we dined, and offer'd him Meat and Drink several Times, which he refused. About Eight at Night we put him to Bed, and took his Cloaths out of his Chamber. The next Morning we offer'd him Meat again, and he refused to eat; and we brought him his Cloaths, and he was furly and would not rise. At Night I offer'd him a Glass of Cordial, which he also refused. At the same Time we found his Rug wet, which we discovered to be his Urine dropping through the Tester of the Bed, he having hid his Urine upon it in the Cover of a large Box, through which it drained. And I threatned to discover him, and said, Pray discover who set you to work in this Matter: I look on you as a poor innocent Fellow, and that you are set on by others that have more Wit; but he would discover nothing. The next Morning I forced him to rise, and I found him resolute in his Humour of Fasting:

I found Persuasions and Promises of a Pardon could not prevail, nor Threatnings that I would starve him if he would not confess; so I feigned a Quarrel with my Maid, and railed at her in his Presence, saying, she was as very a Hypocrite as *Richard Hatbarway*, and that I would be troubled no more with her. And I order'd her, so soon as my Back was turn'd, to rail against me as bad as she could, and charge him not to take any thing from me or my Brother, for she alone would take care to feed him. After this we took him up every Day, and contrived Places and Holes, whereby we discovered him to eat and drink heartily, sometimes three Times a Day, he thinking no body was Witness to it but the Servant. Particularly one Day I had Fish and Oysters for Dinner, and I order'd the Maid to give him some, and to give him strong Beer and Brandy too, and he eat and drank freely. And afterwards he brought up his Dinner, and I coming in, told him I was glad the Witch was found out at my House, and I told him to-morrow I would find out the Pins and Needles. He took the Poker, and raked the Ashes over it, that it might not be seen what he had vomited.

*L. C. J. Holt.* But did he know that you saw him eat?

*Mr. Kenfy.* No, my Lord. The next Day I offer'd him something to eat, to see if I could make him speak. But he pretended to be so faint that he could not get off his Chair; this was after he had eat several Days. And he danced and play'd on the Tongs.

*L. C. J. Holt.* But did you not see him drink?

*Mr. Kenfy.* Yes, my Lord.

*L. C. J. Holt.* But did he know you saw him;

*Mr. Kenfy.* He thought no body saw him but the Maid; but I saw him drink.

*Mr. Broderick.* How did you see him?

*Mr. Kenfy.* I hid my self in a dark Place in my own Buttery, and did see him eat and drink several Times. I did not see him eat every Day. But the eighth Day he endeavour'd to make his Escape. My Brother and my Sons went into his Chamber with his Cloaths, and *Hatbarway* having dress'd himself, watch'd his Opportudity, and jump'd out of the Room, and bolted them in. But they staying so long, I sent the Maid up, and she met him stealing down Stairs, and then he went back again and let them out. On *Monday* the 10th I gave him his Cloaths, and I being alone, he had not Patience to dress himself, but immediately seized me; but struggling with him, he pretended Feebleness, and fell on the Bed.

*Mr. Conyers.* Can you give account of any thing afterwards?

*Mr. Kenfy.* Yes.

*Mr. Conyers.* What Discourse had you with him then?

*Mr. Kenfy.* I will tell you. He was very furly. That was the first Day he spoke. I came to him, and told him he was a Fool; that his Friends were in Custody, and had not been true to him, but had discovered the whole Matter; and advised him to make a Discovery himself; and if he would, I would go with him to my Lord Chief Justice. Upon that, he cried passionately, and said he would tell the Lord Chief Justice the whole Truth. But my Lord not being at his Chamber, he in about an Hour recanted, and said he was bewitch'd. When he cried, he ask'd if his Mother was safe.

*Mr. Conyers.* Did he at any Time tell you how long he had fasted?

Mr. *Kensy*. Yes. He made Signs that he had fasted several Times when we had seen him eat, and he took his Cloaths and wrapt them over him. And I said unto him how long hast thou fasted before you came to my House? He made Signs that he had fasted ten Weeks.

*L. C. J. Holt*. Did he pretend to be Dumb?

Mr. *Kensy*. Yes. And I asked him how long he had fasted at my House; and he pointed Two more.

Mr. *Conyers*. You say he made Signs that he had fasted ten Weeks before he came to your House, and two Weeks while he was there. Now how often did you see him eat at your House after the two first Days?

Mr. *Kensy*. I saw him eat several Times at Noon and Night. And after I had seen him eat. I would have persuaded him to eat, and he made Signs still as if he could not eat, and shook his Head.

Mr. *Serj. Jenner*. How did you know what he meant by shaking his Head?

*L. C. J. Holt*. How did you know what he meant by his counting? How did you know that he meant Weeks?

Mr. *Kensy*. He counted upon his Fingers, my Lord. I ask'd him how many Weeks he had fasted before he came to my House, and he counted Ten Fingers; and how long he had fasted at my House, and he counted Two more. And I ask'd him whether he had fasted Twelve Weeks then, and he made Signs of Twelve.

Mr. *Serj. Jenner*. You say he was dumb, and yet could hear.

Mr. *Kensy*. Yes.

Mr. *Serj. Jenner*. How is that likely, that he should hear, and yet was dumb?

*L. C. J. Holt*. Cannot a Man hear, tho' he be dumb?

Mr. *Conyers*. Call *Elizabeth Baker*. Where is she? [*She was Sworn.*] Were you a Servant to Mr. *Kensy* when this Man was at his House?

*Eliz. Baker*. Yes, I was.

Mr. *Conyers*. Then pray tell my Lord and the Jury what you know of him.

*E. Baker*. *Richard Hathaway* came to my Master's House about twelve a-Clock on *Saturday*. When we went to Dinner at one a-Clock, my Master offer'd him Meat and Broth, and he refused it; he was ask'd to eat several Times, but still refused it. They ask'd him again at Night, and he shook his Head, and would not eat. And when he went to Bed, we took his Cloaths, and lock'd him in. And the next Day he refused to rise, and at Noon they went to see if he would eat any Thing, and offer'd him a Glass of Sack, and he refused it. And on *Monday* Morning he was ask'd to rise again, and he would not; but my Master would have him rise; and would have him come down and sit by the Fire; and when he was come down, ask'd him to eat, but he would not. And at last he look'd in his Mouth, and said he saw nothing but that he might eat and drink if he would. And my Master said to me, When I am with him I will call you up, and take an Occasion to fall out with you, and when I am gone, do you rail at me, and tell him he should take nothing of me or my Brother. And so I did; I said my Master call'd me Presbyterian Jade, but I said I did not know what Religion he was of; and that he was not more willing to have me go, than I was to be gone. And I told him he should take

nothing of my Master or his Brother, I would look after him while I stay'd. So I went out of the Room, and fetch'd a Glass of Brandy, and gave it to him. But there was a Child with me, and he refused to drink it, with a Sign pointing to the Child; so I said I would hide the Child, and I stood between him and the Child; and then he drank it. And the same Day I gave him some Pudding and Small Beer; and at Night I carried him a Pint of Ale and a Toast, but found he had not eat the Pudding: I saw him eat the Toast and drink the Ale; but I did not see him eat the Pudding, tho' I suppose he eat it afterwards, for I saw it no more.

*Juryman*. In what manner did you convey this Provision to him?

*E. Baker*. My Master gave me the Key, and I went in and staid while he eat and drank, and I made him believe I had got the Key by Stealth. And I gave him a Glass of Brandy on *Monday* Night, and he drank it. And the next Day he eat and drank; he drank some Broth, and eat boil'd Mutton at Noon; and at Night he eat a Chop of Mutton, Bread and Cheese, and drank Beer and Brandy. On *Wednesday* we had a Shoulder of Mutton roasted, and after they had dined, I gave him a Plate of Meat, and he eat it in the Kitchen with me, and drank freely. And so he did every Day after while he was at our House.

Mr. *Conyers*. Did any ever see him eat besides your self.

*E. Baker*. Yes. That Day that we had fish, he was in the Kitchen; and being there, he went and wash'd his Hands, and I gave him a Plate of Fish, and set it by him; and he took it, and eat it. And I gave him a Bottle of Stout, and told him it was my Birth-day, and he must drink my Health; and after he had drank it, he pointed to his Forehead, signifying it was got into his Head; and about two Hours after, he was very merry, and danced about, and took the Tongs and play'd upon them. But after that he was mighty sick, and vomited sadly. And, says my Master's Brother, we shall see the Pins and Needles now. And to hide it, he falls a pulling the Fire over it.

Mr. *Conyers*. Did any of the Neighbours see him eat?

*E. Baker*. The 11th Day of the same Month, we had a Shoulder of Veal for Dinner; and after Dinner, my Master bid me set by some for him, and he would have some Gentlemen to see him eat it. They were accordingly hid in the Buttery and Coal-hole; and *Richard Hathaway* was brought down, and he took his Bread and Meat, and eat heartily, and drank with it.

Mr. *Raymond*. Who were those Gentlemen that saw him eat?

*E. Baker*. Mr. *Collet*. Mr. *Norberry*, Mr. *Page* and Mr. *Stanton*.

Mr. *Conyers*. These Persons are here.

Mr. *Serj. Jenner*. My Lord, all this is of what was done after the Trial, this Evidence ought not to be given; the Record bears Date the first Day of the Term, and all this is said to be done in *November*; it is all after the Record.

*L. C. J. Holt*. It is to prove the Imposture committed before now. What Mr. *Kensy* says of his pretending to fast twelve Weeks, tho' two or more be not within the Time of the Information, I hope they may give it as Evidence subsequent to prove what was done before,

Mr. Serj. Jenner. But I oppose all this of eating at their House.

L. C. J. Holt. It is an Evidence of his cheating since that Time, and that out of the Information ; but it is an Evidence also to prove that his pretended fasting before was a meer Deceit ; for he then pretended to have fasted ten Weeks before he came thither, and after pretends to continue fasting in the same Manner ; if that be proved to be a Fraud, it is strongly to be inferred, that this pretended fasting before was so too.

Mr. Serj. Jenner. But then they may not give Evidence in Matter after.

L. C. J. Holt. Matter afterwards that proves a Thing done before ; for if a Confession be made subsequent to an Indictment for a Crime, Shall not that Confession after be brought as Evidence of the Thing done before ? Sure it may.

Mr. Serj. Jenner. And will that prove what was before ?

L. C. J. Holt. It is certainly so. The Thing is, Whether I can give in Evidence any Thing after to prove what was done before. If he pretends to fast twelve Weeks, ten Weeks before he came there ; and the two Weeks after, he did not fast but only pretended it : Whether what he did after be not Evidence of what he did before ? Sure it is. For he that cannot hold out fasting two Weeks, but was glad to eat, tho' he pretended to fast, may strongly be presumed to have eaten during the ten Weeks, tho' then he pretended to fast.

Mr. Conyers. Call Mr. Stanton. (*Who appeared.*) Was you at Mr. Kenfy's House to see Richard Hathaway eat ?

Mr. Stanton. Yes. Mr. Kenfy came to me the 11th of November, and desired me to come to his House, to see whether he eat or drank or not ; and I went, and was put into a dark Place, and I saw the Victuals before he was brought ; there was five Slices of Meat, and Bread, and Beer. And he was brought where it was, and he looked about him earnestly to see if any one saw him, and then he fell to, and eat as heartily as any Man could. And hearing a Noise whilst he was eating, he run away with it, and set it on the Dresser. The Maid said, there is no body coming ; and then he went to it again, and eat it up, and drank the Drink, and sat down by the Fire. And afterwards we went to him, and carried a Bottle of Drink with us, and drank to him ; but he made Signs that he could not drink, and shew'd us that his Belly clung to his Back, which we thought was very strange.

Mr. Conyers. Call Matthew Shipps, and — Baxter. (*They did not appear.*) Jo. Hunt. (*He was sworn.*) My Lord, we call this Man to give you an Account of the strange Noises that they pretended were heard in Mr. Welling's House ; and we will make it appear how that Noise came. Mr. Hunt, pray give an Account what you know in this Matter.

Jo. Hunt. My Lord, an Acquaintance of mine, one Kelpin, told me that he had watch'd with Richard Hathaway one Night ; and the next Day he came to me, and told me he fell a-sleep, and had not watch'd him as he ought ; and desired me to sit up with him, and to observe him as narrowly as I could, and see if I could find any Deceit in him. Accordingly I did so ; and when I came into the Room, I sat down on the Bed-side. There were two Gentlemen in the Room, Mr. Pocock, and Mr. Butler, and Thomas Welling. He lay as if he were almost dead. In a little Time his Master, Tho. Welling, brought

in some Pins in a Coffee-dish, and said he had brought them up that Day, and that he believed he would bring up more. And after this seeing of the Pins, I went to Mr. Pocock, and said, I did imagine the Pins might lie in his Mouth, rather than in his Stomach ; and therefore it was very proper to have his Mouth search'd. And Mr. Pocock replied, Who will venture to do it ? And I said, If they would wash the Fire Poker clean, and put it into his Mouth, to prevent his biting my Finger, I would do it. Immediately upon this Hathaway raised himself, and began to make a Reaching, as tho' he would vomit ; and then Welling and his Wife said, now he is going to bring up Pins. Thereupon I kneeled down by the Bed-side with a Candle in my Hand to observe his Motions ; and after he had strain'd some Time, he made a Motion with his Tongue at each side of his Mouth, but I could not perceive any thing come up his Throat, tho' his Mouth was wide open ; and by and by he drew up his Mouth, and turned out two or three bright Pins, and presently after two more, which I catch'd in my Hands, and shew'd them to the Company, saying, they are bright and new ; and his Master said he believed they came out of some Chandler's Shop. Afterwards Hathaway lay down very quiet, and so continued for some Time. And Welling's Wife coming into the Room, ask'd why the Charms were not put on ? I replied, I have been told the Charms have been always taken off from him by the Witch ; but was resolved to watch so narrowly that Night, that they should not be taken from him. Then Welling and his Wife offering to put on the Charms, Hathaway made a struggling, as tho' he was unwilling to have them on ; and Welling said, you have always found Benefit by it, Why will you not ? They are order'd by Mr. Butler.

L. C. J. Holt. What are those Charms ?

Jo. Hunt. Three little Things in black Bags, I did not know what they were. And they ask'd him whether he was willing they should be put on ; if he was, he should hold up his Hand ; but he was unwilling. But I said, I was minded to have them put on ; so he lay still, and Mrs. Welling, or some other Woman, sew'd them to the Bosom of his Shirt. After the Charms were put on, I watch'd to see what would become of them ; and perceiving Hathaway to make several Motions with his Hands about them, I struck his Hands. I bid him either keep his Arms straight in the Bed, or else put them out of the Bed, for that the Charms should not be taken off that Night. Then I and the Company sitting still about the Bed, Welling said, Harken, you will not believe ; hear what a Noise there is, the like is heard here almost every Night. Whereupon all were silent. At last I heard a small scratching or rubbing at the Bed's Feet ; and putting my Head close to the Bed's Feet, listning, I heard something shriek ; and perceiving the Bed-cloaths stir, I took hold of the Fellow's Foot, and said, I have caught the Witch that made the Noise. I thought it had been Mice at first ; but seeing the Cloaths move, I catch'd his Foot. Thereupon Hathaway rose up, and in a Passion made a Motion towards me with both his Hands ; but I lifting up his Foot, he fell back upon his Pillow, and lay still, and the Noise ceased ; and about Five a-Clock in the Morning I left him, and the Charms upon him.

Mr. Conyers. Call Elizabeth Brand (*who appeared.*) Pray give an Account what you know of any Collection of Money for Richard Hathaway.

*Eliz. Brand.* There was betwixt six and seven Pounds gathered.

*L. C. J. Holt.* How was it gathered?

*Eliz. Brand.* We went about to get Money for him to bear his Charges to *Guilford*, and we got betwixt six and seven Pounds.

*Mr. Broderick.* Do you know of any other Sums that were gathered for him?

*Eliz. Brand.* Yes, but I know not how much.

*Mr. Conyers.* Who employ'd you to do this?

*Eliz. Brand.* A great many of the Neighbours.

*L. C. J. Holt.* Who was the Money paid to?

*Eliz. Brand.* To *Mrs. Welling*.

*Mr. Conyers.* Do you know any thing of his scratching *Sarah Morduck*?

*Eliz. Brand.* I over-persuaded her to let the Fellow scratch her.

*L. C. J. Holt.* Did she consent to it?

*Eliz. Brand.* Yes, my Lord, I call'd her, and said to her, Let me persuade you to let this Fellow scratch you; and she bid me go and fetch him. And he came, and sits him down on a low Seat. Says she, Will you engage he shall not scratch my Eyes out? At last he scratches, and there came no Blood; and he scratches again, and then the Blood came; and he cry'd, O my Eyes, O my Eyes. And I said, now the Blood comes, and he stared. Says I to him, Can you see me? Yes, says he, as well as ever I could.

*Mr. Conyers.* *Mr. Hearne*, you was at *Guilford* Assizes, How long did this Fellow pretend he had fasted?

*Mr. Hearne.* I cannot be positive what he said at the Trial as to that; but they said he had fasted six Weeks, before *Dr. Martin* tried the Experiment with him.

*Mr. Conyers.* Call *Matt. Shipps* (he was sworn). Was *Richard Hathaway* under your Custody?

*M. Shipps.* Yes; He was brought from *Guilford* Assizes upon the 31st of *July* last. He came home at Eleven a-Clock at Night, and they told me he was come a Prisoner from *Guilford* to the *Marshalsea*, where he continued four Days, and he was ordered to lie with me; and every Night that he lay there, he slept very well to my thinking: And several Times I ask'd him how he did, he answer'd, he was pretty well; and every Day while he was there, he eat and drank with me, as the rest of the Servants of the House did, and was not in all that Time in any Fit as I could perceive, but went very well out of the Prison.

*L. C. J. Holt.* What did he say at the Assizes about his Fasting?

*M. Shipps.* I was not at the Assizes.

*Mr. Conyers.* Then we must leave it here.

*Mr. Broderick.* My Lord, we have the Woman here that they pretended was the Witch; but it may be, they may think it not proper, and therefore we shall let her alone.

*Mr. Serj. Jenner.* My Lord, and you Gentlemen of the Jury, I am Council for the Defendant, *Richard Hathaway*, who is indicted for a Cheat and Impostor; and it is for pretending himself to be bewitched, and that he has used indirect Arts and Means to make People believe he was so bewitch'd; and that this *Sarah Morduck* was the Person that had bewitch'd him; and that this was contrived by him, in order to bring Mischief and Damage on this *Sarah Morduck*, and to the evil Example of the Queen's Subjects. You have heard the Evidence that has been given, and therefore I shall not repeat it, but only observe some good Things to you. The

Doctor has taken a great deal of Pains in this Cause; but that which he does tell you by Hearsay, what other Persons have told him, is not such Evidence as you are to take any notice of, that is, what *Jobnson* told him, and likewise what other Persons told him concerning this Man; for what they have said to him of this Man, tho' it may be true, is not to come under your Consideration. There are several others that have given Evidence of what other Persons have said, and they have given it as their Opinions that what this Man did was the Cause of their Doings; of which you are to take no notice. But, my Lord, that which seems to bear most hard upon us, is, That because the Doctor, and several others have been abused, both before and after the Trial, for what they endeavour'd to do; therefore they would insinuate as if my Client had had a Hand in it. But if a Man be doing any thing, and another takes the Advantage of it, to do another a Mischief, I hope that Mischief shall not be laid to his Charge. My Lord, there is one Man that has given a great deal of Evidence as to his Vomiting of Pins, and says that he was by, and he swept the Ground, and after he had vomited, there were Pins upon the Ground; and when he had a Chamber-pot to vomit in, he could not find any Pins there, but there was some upon the Ground again. So likewise for his Fasting, you have had Evidence to prove that a Cheat. And this seems to affect him most, that all this Pretence to be Bewitch'd, and Vomiting of Pins, and Fasting, was a Cheat. This is the Matter that they accuse him of. Of which if he be really guilty, I come not here to defend him; but I am to defend him as far as Witnesses will do. And now, my Lord, if my Brief be true, we shall satisfy you that my Client was in a very lamentable Condition, such as one would think no Man could be in and live; and I will lead you by these Steps. When he was thus disabled, could neither speak, nor take Sultenance, his Master, after he had served him two Years, and he had lived very civilly, and behaved himself well in his Master's Service, till he fell thus ill: Then he was so ill, that after the Master had spent a great deal of Money with Doctors and Apothecaries, he could get no Cure for him; then he got him into the Hospital, and there he continued a long Time, and at last they gave it in that he was incurable, and they turn'd him out. But his Master made Interest, and got him in again, and he continued some time there again; and there it was that he was first thought to be bewitched: For they had him twice, and could do no good with him, and the Tenders told him he must lie under some evil Tongue; and thereupon he was turn'd out as incurable, and with that Instruction that it was an incurable Disease. So he came Home again, and his Master and Mistress were acquainted with it; and they consider what Person it should be that should have any evil Design against him. And at last they recollect, that his Master had taken a Room over the Head of this *Sarah Morduck*, and she had gone to the Shop often, and had given them very ill Words, and she should be even with him one Time or other; and therefore they concluded this Woman was the Person. Upon this there were many Things contrived, what Course they should take to do him good, and there was one Thing concluded upon in order to his Ease (which I think none should advise) that is, the Business of scratching. But this Woman, when she was accused by them of bewitching him, offered her self to be scratch'd, and she was scratch'd, and

and from thence this Man found Ease. But afterwards he fell ill again, and he went into *London*, and was examin'd at *Sir Thomas Lane's*; and upon Examination they thought that this Man did lie under such an Affliction. I cannot say it is an irreligious Thing to say there are Witches in the World; but this Man lay under such a Distemper, that no Doctor could know what to do with it. And they could not imagine who should do it but this Woman, and she was there scratch'd by him, and he did find Relief by it. My Lord, this being the Matter of Fact, we shall call very substantial Witnesses to prove it. As to his Fasting, we shall prove that he was put under the Care of very substantial Persons, and that he did not eat or drink for three Weeks or a Month; so that it will appear we had no Contrivance in the World, but only would get Ease if we could. We have twenty Witnesses to call.

*L. C. J. Holt.* Let them all be call'd. Call as many as you will.

*Mr. Serj. Jenner.* Call *Anne Eaton* (*She appeared*). Do you know *Richard Hatbaway*?

*Anne Eaton.* Yes, Sir.

*Mr. Serj. Jenner.* How long have you known him?

*Anne Eaton.* Ever since he came to his Master.

*Mr. Serj. Jenner.* How long is that?

*Anne Eaton.* About five or six Years.

*Mr. Serj. Jenner.* Do you know what Condition he was in two Years ago?

*Anne Eaton.* Yes.

*Mr. Serj. Jenner.* Then pray give my Lord and the Jury an Account of it.

*Anne Eaton.* I watch'd with him several Nights.

*Mr. Serj. Jenner.* Where did you watch with him?

*Anne Eaton.* At his Master's House.

*Mr. Serj. Jenner.* In what Condition was he then?

*Anne Eaton.* He was in a very bad Condition, he was dumb and blind, and his Senses were gone, and he seem'd as if he were dead; and when his Senses have come to him, he has burn'd like a Flame of Fire.

*L. C. J. Holt.* How long did you watch with him?

*Anne Eaton.* About nine Weeks.

*L. C. J. Holt.* Did he fast all that Time?

*Anne Eaton.* Yes, my Lord.

*L. C. J. Holt.* Might he not eat in that Time and you not see him?

*Anne Eaton.* I was with him constantly at Nights, but not in the Day; I have been with him four or five Days and Nights together, and did not see him eat or drink.

*L. C. J. Holt.* What Time was this that you watch'd with him?

*Anne Eaton.* From the Time that he came from *Madam Davenport's*, till your Lordship confined him.

*L. C. J. Holt.* Who put him to *Madam Davenport's*?

*Anne Eaton.* I had nothing to do with that.

*Mr. Serj. Jenner.* Can you not tell what Month that was in?

*Anne Eaton.* I can't tell that.

*Mr. Raymond.* Did you observe him all that Time?

*Anne Eaton.* When I went out, I left one always in my Room.

*L. C. J. Holt.* You say you were with him four or five Days and Nights together.

*Anne Eaton.* Yes, my Lord.

*L. C. J. Holt.* Were you with him all Night and all Day?

*Anne Eaton.* My Lord, some Days I had Occasion to go out, but then I left some Neighbours with him.

*Mr. Serj. Jenner.* Call *Gibson* (*Who appeared*). Do you know this Man, *Richard Hatbaway*?

*Gibson.* I have seen him in a deplorable Condition.

*Mr. Serj. Jenner.* When was this that you saw him?

*Gibson.* About two Years ago. His Master asked me to go and see him, and when I came up I saw him foaming at Mouth; I thought he would not live till Morning. The next Day his Master desired me to watch with him at Night; and I did, and he was so bad that I thought he would not live till Morning. Afterwards I saw him again, and he was blind and dumb, as it appear'd to me. And he had a strange Motion, he threw himself forward, and afterwards threw himself backward, as if his Head lay in the Reins of his Back; and I said to this Woman then, I believe he has broke his Back. I believe this was after he came from *Madam Davenport's*, about the Time that he appeared at the Bar at *Westminster*.

*L. C. J. Holt.* The first Time that you speak of, when you say he was blind and dumb, you say that was two Years ago; was he blind and dumb when you saw him the second Time?

*Gibson.* Yes, the second Time I saw him he was blind and dumb. I saw him in a deplorable Condition three Times.

*Juryman.* We desire to know the Circumstances of his Condition.

*L. C. J. Holt.* The Jury desire to be satisfied of the Circumstances of his Condition. You say you saw him two Years ago, and he was then in a deplorable Condition, and you saw him twice after; the Jury would have you describe the Circumstances of it as plain as you can.

*Gibson.* His Master desired me to go to him, and I was willing to oblige him; and when I came to him, he was both blind and dumb.

*L. C. J. Holt.* How long was this after you saw him the first Time?

*Gibson.* About half a Year after.

*L. C. J. Holt.* Are you a Neighbour?

*Gibson.* Yes, my Lord.

*L. C. J. Holt.* You say you saw him two Years ago, and you say he then foamed at Mouth and Nostrils; was he blind and dumb then?

*Gibson.* No, my Lord; but he was when I saw him the second Time.

*L. C. J. Holt.* When did you see him after?

*Gibson.* It was about a Twelve-month after that I saw him.

*L. C. J. Holt.* And not before?

*Gibson.* He was seven Weeks in the Hospital.

*Mr. Broderick.* Then you did not see him in the Hospital.

*Gibson.* I did; but he went almost double.

*Mr. Broderick.* Did you hear any thing of *Mrs. Morduck* then?

*Gibson.* No, Sir.

*L. C. J. Holt.* What Trade are you?

*Gibson.* I am a Glazier.

*Mr. Conyers.* Have you no other Trade?

*Gibson.* Sometimes I work at the *Custom-House*. One Sunday we went to hear *Dr. Pead*, and *Richard Hatbaway* went with us. And when we were gone out a-Door, he could not speak; and when we came upon the Bridge, his Face was drawn a-wry



so strangely that it astonished me; he stagger'd the Length of this Table, and his Face was drawn back again, and he fetch'd a Reel; but in a Quarter of an Hour he spoke, and his Speech continu'd till he came to *Grace church-street*, and there we met Mr. Fox, and so he continued till we came to *Bishopsgate*: But coming to *Houndsditch*, he made Motions that his Speech was gone again.

*L. C. J. Holt.* Did you hear him speak at *Westminster*?

*Gibson.* No, my Lord.

*Mr. Serj. Jenner.* Call *Flummery* (*who appeared*). Do you know this Man?

*Flummery.* Yes, I am a Neighbour.

*L. C. J. Holt.* What is thy Name?

*Flummery.* *Flummery.* After *Guilford* Assizes I went to see him, and he was in a lamentable Condition; he was like a Stock or Stone, Blind and Dumb. I went to see him —

*L. C. J. Holt.* Did you ever see him before?

*Flummery.* I saw him several Times, but took no Notice of it; but then his Eyes stood wide open.

*L. C. J. Holt.* And yet you say he was blind, How could that be?

*Flummery.* My Lord, I will tell you how; I tried him, I wagged the Hair of his Eye-Lids, and put the Candle to his Eyes, and he took no Notice of it.

*L. C. J. Holt.* How could you know that he did not see?

*Flummery.* I tried him.

*L. C. J. Holt.* How did you try him?

*Flummery.* I tried him with my Fingers, and his Eyes would not wag.

*L. C. J. Holt.* Did he not look then as he looks now?

*Flummery.* No.

*Mr. Broderick.* Did you speak to him then?

*Flummery.* Yes, but I could not make him hear nor answer me.

*L. C. J. Holt.* Could he speak then?

*Flummery.* No, may it please your Lordship.

*Anne Pearse,* sworn.

*Mr. Serj. Jenner.* *Anne Pearse,* Pray tell my Lord, what you know of this *Richard Hathaway*.

*Anne Pearse.* I belong to the Hospital. When he came into the Hospital he was very bad.

*L. C. J. Holt.* Was he blind and dumb when he came in?

*Anne Pearse.* After he was brought in he was put to Bed, and he was taken with a Fit, and I was call'd to him; and I came to him, and he did not stir much, and turn'd up his Eyes. And afterwards one of his Master's Journey-men came to him, and he rais'd him out of his Bed; and one came to me and said, Sister, he is come to the Fire, but he is very bad still. Says I, What did you raise him out of his Bed for? He went upon his Ankles almost; he went very weakly, and continued so for some Time.

*Mr. Serj. Jenner.* How long was he in the Hospital?

*Anne Pearse.* About five Months.

*Mr. Serj. Jenner.* Was he out, and came in again?

*Anne Pearse.* Yes, he was. He complain'd he could not go to stool; and the Doctor gave him *Quicksilver*; and when it came from him, I heard the Apothecary made him take it again, and swallow it again.

*Mr. Serj. Jenner.* When he came in the second Time, Was you there then?

*Anne Pearse.* Yes.

*Mr. Serj. Jenner.* How long was he there the second Time?

*Anne Pearse.* How long he was there the second Time, I cannot tell.

*Mr. Serj. Jenner.* Can you tell when he was put in the second Time?

*Anne Pearse.* No.

*Mr. Serj. Jenner.* What was your Opinion of him?

*Anne Pearse.* I apprehended him to be in a very strange Condition; he lay seven or eight Days, and did not eat or drink; he had taken *Quicksilver*, and it did not come from him, and the Doctor wonder'd it should lie so long in his Body.

*Mr. Broderick.* Did the Doctor or you apprehend any thing of Witchcraft in the Case?

*Anne Pearse.* No, Sir. But at this Time his Eyes were set in his Head.

*Mr. Broderick.* When he was recover'd out of those Fits, did he pretend that he was bewitch'd?

*Anne Pearse.* No.

*L. C. J. Holt.* Did you never here him complain that he was bewitched?

*Anne Pearse.* No, my Lord, I did not hear of that.

*Mr. Serj. Jenner.* Call *Jo. Smith* (*who appeared*). *Mr. Smith,* Do you know this Person, *Richard Hathaway*?

*Smith.* Yes, Sir.

*Mr. Serj. Jenner.* How long have you known him?

*Smith.* About five or six Years.

*Mr. Serj. Jenner.* How far do you live from him?

*Smith.* I believe about two Stones-throw.

*Mr. Serj. Jenner.* Were you well acquainted with his Condition two Years ago?

*Smith.* Yes, I have done Business for the Family several Years. About five Years ago, I found him much afflicted with Convulsion Fits at his coming to his Master.

*Mr. Serj. Jenner.* How was he about two Years ago?

*Smith.* He was in a very strange Condition; and I advis'd his Master to get rid of him, and to get him into the Hospital.

*Mr. Serj. Jenner.* What did he ail?

*Smith.* He lay in a very strange Condition.

*Mr. Serj. Jenner.* How did he lie?

*Smith.* He lay struggling and striving often, and sometimes like a Man that was dead; and once when he lay in that Condition I laid Cupping-Glasses to him, and that enliven'd him.

*L. C. J. Holt.* What did you imagine ail'd him? Did you think he counterfeited or not?

*Smith.* Indeed, my Lord, I can't tell that.

*Mr. Serj. Jenner.* Why did you advise his Master to put him into the Hospital?

*Smith.* I can't tell.

*Mr. Phipps.* You say you have known him five Years, and that he has been troubled with Fits. Did he ever talk of being bewitched till within this two Years?

*Smith.* No, not till within this two Years.

*Mr. Bar. Hatfield.* When he lay seemingly dead, you do not know whether he counterfeited or no?

*Smith.* No, my Lord.

*Mr. Bar. Hatfield.* Do you think a Man can be in such a Condition as he seem'd to be, and yet only counterfeit?

*Smith.* Indeed, my Lord, I know not. I examin'd him whether he was subject to those Fits formerly; and he told me, he was very much troubled with them in the Country.

*L. C. J. Holt.* You do not answer the Question. Cannot a Man counterfeit in such a Case? What do you think of that?

*Smith.* Without doubt it may be counterfeited.

*L. C. J. Holt.* You say, when he was in those Fits, you put Cupping-Glasses to him, and it enliven'd him; now, if he were in a real Convulsion, do you think it would have enliven'd him?

*Smith.* Sometimes it may be so.

*Mr. Serj. Jenner.* Call *Elizabeth Willoughby* (*she appear'd*). *Mrs. Willoughby*, pray give my Lord an Account whether you know *Richard Hatbarway*, and what you know of him.

*E. Willoughby.* Sir, I have seen him since the Affizes at *Guilford*.

*Mr. Serj. Jenner.* Did you never see him before?

*E. Willoughby.* Yes.

*Mr. Serj. Jenner.* Then give an Account of what Condition you have seen him in.

*E. Willoughby.* I have seen him when the Breath came out of his Mouth like the Barking of a Dog. I had a Child that was troubled with Fits, and I was above Stairs, and I heard a great Noise; and I went out of the Door to see what was the Matter, and over the Hatch lay *Richard*. Lord blefs me, says I, is it you makes this Noise? And I could not fancy any thing, but that it was like the Barking of a Dog.

*L. C. J. Holt.* How thick was it? Was it not like other Folks?

*E. Willoughby.* No.

*Mr. Serj. Jenner.* What ailed him?

*E. Willoughby.* I cannot tell what ailed him.

*L. C. J. Holt.* Do you think he was bewitched?

*E. Willoughby.* I believe he was, my Lord.

*L. C. J. Holt.* I suppose you have some Skill in Witchcraft. Did you ever see any body that was bewitched before?

*E. Willoughby.* My Lord, I have been under the same Circumstances myself, when I was a Girl, in *Sir Edward Bromfield's* Time.

*L. C. J. Holt.* How do you know you was bewitch'd?

*E. Willoughby.* There was a Woman taken up upon Suspicion for it.

*L. C. J. Holt.* For bewitching thee?

*E. Willoughby.* Yes, my Lord.

*L. C. J. Holt.* Did you scratch her?

*E. Willoughby.* My Lord, I had no Power to do any thing. I flew over them all.

*L. C. J. Holt.* You say you were in the same Condition with this Man, and you say you flew; did you fast too?

*E. Willoughby.* One held me by one Arm, another by the other, and another behind, and I flew sheer over their Heads.

*L. C. J. Holt.* Woman, can you produce any of these Women that saw you fly?

*E. Willoughby.* It was when I was a Child; they are dead; it was in old *Sir Edward Bromfield's* Time.

*L. C. J. Holt.* What became of that Woman that made thee to fly?

*E. Willoughby.* I cannot tell, I have been well ever since I was married.

*Mr. Serj. Jenner.* How was you cured of that Witchery?

*E. Willoughby.* How do I know?

*Mr. Conyers.* Did you scratch her?

*E. Willoughby.* How should I scratch her, when I had not Power to see her?

*Mr. Conyers.* And yet you believe this Man was

bewitched as well as you. What Condition was this Man in? How long did he lie in this Condition?

*E. Willoughby.* Night and Day he has lain over the Hatch, and over the Bed, and made a great Noise with his Breath.

*Mr. Serj. Jenner.* Who did you suspect had done him this Harm?

*E. Willoughby.* I know not that.

*Mr. Broderick.* Are you a Widow?

*E. Willoughby.* No, Sir.

*Mr. Serj. Jenner.* Call *Keeling* (*who appeared*). Do you know any thing concerning this *Richard Hatbarway*?

*Keeling.* I watch'd with him 9 Nights.

*Mr. Serj. Jenner.* What did he eat or drink all that Time?

*Keeling.* He did neither eat nor drink, nor had he any Stool all that Time.

*L. C. J. Holt.* Did you watch with him 9 Nights and Days?

*Keeling.* There was another Man that watch'd with him in the Day; as I came out, he was let in; and as he came out, I was let in.

*Mr. Serj. Jenner.* How long was this before the Trial?

*Keeling.* Two or three Days before he came before *Sir Thomas Lane*.

Bridges sworn.

*Mr. Serj. Jenner.* Did you watch with *Richard Hatbarway*?

*Bridges.* Yes.

*Mr. Serj. Jenner.* How long?

*Bridges.* Nine Days.

*Mr. Serj. Jenner.* Did you watch with him the same Days that he watch'd with him in the Nights?

*Bridges.* Yes.

*Mr. Serj. Jenner.* Did you not stir from him till he came?

*Bridges.* No.

*Mr. Serj. Jenner.* Did you see him eat or drink all that Time?

*Bridges.* No.

*Mr. Serj. Jenner.* Where was it that you watch'd with him?

*Bridges.* In an old empty House.

*L. C. J. Holt.* Where was this House?

*Bridges.* By a Dock on the *Bank-side* in *St. Mary Overy's* Parish.

*L. C. J. Holt.* How came you to put him into that House?

*Bridges.* The Masters of the Parish put him in it.

*Mr. Webb* sworn.

*Mr. Serj. Jenner.* *Mr. Webb*, did you get a House to put *Hatbarway* in?

*Webb.* Yes.

*L. C. J. Holt.* How came you to do so?

*Webb.* His Master used to work for me, and he came to me, and said, I cannot tell what to do with my Man, unless the Masters of the Parish take some Care of him; and I did speak with some of them about it; and they said, we will not trouble the Parish about it, we will spend a Crown a-piece, and put these Men into the House with him.

*L. C. J. Holt.* You took the House then?

*Webb.* We borrowed the House, it being empty, and put in these two Men. There were four or five Neighbours more, and I said to him, They say you vomit Pins, I will be satisfied whether it be true or no; and we stript him, and could find none about him; we search'd his Shirt, his Stockings,