THREE

REMARKABLE and SCARCE

TRIALS,

VIZ.

I. The Trial between THEOPHILUS CIBBER, Gent. Plaintiff, and WILLIAM SLOPER, Esq; Defendant, for CRIMINAL CONVERSATION with the Plaintiff's Wife.

II. The Trial of RICHARD LYDDEL, Esq; for CRIMINAL CONVERSATION with Lady ABERGAVENNY.

III. The Trial of Col. CHARTRES for a RAPE, committed on the Body of ANNE BOND, his Servant.

It plainly shews he gave Consent,
And is the Man they represent.

See C——R.

LONDON:

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Advertiſement.

THE EDITOR of theſe TRIALS (which made ſo much Noiſe in the World) is deſirous of informing the Reader, that there are no Expreſſions contained in any of them, capable of giving Offence even to the chaſteſt Ears; for by particular Order of the Reverend JUDGES, who preſided at the ſeveral Trials, Care was taken that nothing indecent, immodeſt, or unbecoming the Dignity of a Court of JUDICATURE, ſhould by the Council, on either Side, be drawn from the Mouths of any of the Witneſſes.

THE

TRIAL

BETWEEN

THEOPHILUS CIBBER, Gent. Plaintiff,

AND

WILLIAM SLOPER, Eſq; Defendant,

For CRIMINAL CONVERSATION with the Plaintiff's Wife.

ON Tueſday the 5th of Decem. 1738, at nine o'clock in the morning, at the Sittings in the Court of King's-Bench in Middleſex, before the Rt. Hon. Sir William Lee, Knt. Lord Chief Juſtice of that Court, came on the remarkable trial before a ſpecial Jury of Gentleman of a cauſe in which THEOPHILUS CIBBER, Gent. was Plaintiff, and WILLIAM SLOPER, Eſq; was Defendant.

The Declaration (which was opened by the Junior Council for the Plaintiff) was for Aſſaulting, Raviſhing, and Carnally knowing SUSANNAH MARIA CIBBER, the Plaintiff's Wife: And this was laid, to be done at three ſeveral periods of time, at divers days between ſuch a day, to ſuch a day, at each period; whereby (the Declaration ſaid) the Plaintiff loſt the Company, Comfort, Society, Aſſiſtance, &c. of his Wife, to his Damage of FIVE THOUSAND POUNDS.

The Council for the Plaintiff were, Mr. Sollicitor General, Mr. Hollings, Serjeant Agar, Mr. Marſh, Mr. Denniſon, (now Mr. Juſtice Denniſon,) and Mr. Lawſon. The Council for the Defendant were, Serjeant Eyre, Mr. Noel, (late Mr. Juſtice Noel,) Mr. Lloyd, Mr. Murray, (now Lord Mansfield,) and Mr. Barnadiſton.

Mr. Solicitor General, (Sir John Strange, Knt. ſometime after Maſter of the Rolls) ſtated the caſe for the Plaintiff; and (among many other things) obſerved to the Court and the Jury, that the injury done to the Plaintiff was of the moſt tender concern to his Peace of Mind, Happineſs, and Hopes of Poſterity, and was the higheſt of all Injuries for which he could come before them to ſeek a recompence or ſatisfaction in damages; and that indeed it was impoſſible to give a pecuniary ſatisfaction adequate to the injury: For that no ſum of money could reſtore a man's tranquility of mind. But that the Plaintiff muſt reſt upon ſuch remedy as the Law had given him.

He farther obſerved *(upon the Plaintiff's being a Player)* that it is true the Plaintiff was a Player, but he was a Gentleman; being well deſcended and having had a liberal Education; that the Plaintiff himſelf

ſelf was a very good Player; that that his Father was well known to all Gentlemen, who delighted in Theatrical Entertainments to be of the firſt figure in that profeſſion, and an Author too; that the Plaintiff's Grandfather was the beſt Statuary of his time; and that the Plaintiff by the Mother's ſide, was related to William of Wickam; and in Right of that Pedigree, had received his Education upon a Foundation of that great Man.

He ſaid he knew it was attempted by ſome, to have the Players conſidered in this nature, as not upon the ſame footing with the reſt of the ſubjects; as if it were more lawful to invade their properties, than thoſe of other people; but he knew no Law that deprived them of thoſe comforts, of thoſe rights which other ſubjects ought to enjoy: That the Stage had been cheriſhed and encouraged by the politeſt and wiſeſt States, as a School of Virtue and good Morals; and that many receive good Leſſons, and Impreſſions from what they hear at the Theatre; who perhaps don't incline to ſeek for Inſtruction elſewhere.

That there had been a good deal of pains taken to ſpread a report about Town, as if the Plaintiff had been conſenting to the Wrong the Defendant had done him; but this was only to blaſt the Credit of the Plaintiff's Cauſe before the Trial; and that it might come with Prejudice before the Jury. That his Brief inſtructed him, that there could not be the leaſt colour or ſhadow of proof to ſupport ſuch a ſurmiſe.

Mr. Solicitor General alſo ſtated the Evidence for the Plaintiff, in part as it comes from the Plaintiff's Witneſſes in the following pages; but as to part of what comes from Mr. Carter of Kenſington, it doubtleſs was never mentioned in his his Brief. And as to the principal facts he mentioned, the witneſs Mr. Hayes's looking through a little hole in a wainſcot partition, which parted Mr. Hayes's cloſet from a room in which the Defendant and Mrs. Cibber were together; and that through that hole Mr. Hayes at ſeveral different days and times ſaw them guilty of Criminal Familarities, and in ſuch acts and with ſuch circumſtances, and particularly the laſt time, he, Mr. Hayes, *ſaw ſuch a ſight*, as he, (Mr. Solicitor) would leave to the witneſs to tell; for it ought to be related *but once*.

Mr. Hollings alſo ſpoke very well on the ſame ſide, pathetically obſerving to the Gentlemen of the Jury the miſchievous conſequence of ſuffering a man to commit ſuch an injury to the married ſtate without being obliged to repair it in damages; that the Plaintiff was an Engliſhman, and as ſuch, had rights which ought not to be invaded, particularly in the preſent inſtance; that he had brought his complaint before a Jury of Engliſh Gentlemen; and he (Mr. Hollings) did not doubt, that they would give the Plaintiff proper damages.

The Plaintiff's Council then proceeded to call their witneſſes: And firſt, to prove the marriage between the Plaintiff and his Wife, they called Mrs. Brett, but ſhe did not appear at this time.

Note, *She appeared in the afternoon as will be mentioned hereafter.*

The Plaintiff's Attorney then called Mr. Cibber, *the Plaintiff's Father, who being preſent at Court, was ſworn. His evidence was in ſubſtance as follows:*

Q. Do you know of the Plaintiff's being married to his preſent wife?

Mr. *Cibber.* I was not at the marriage, but I am as well convinced that they were married, as that I myſelf was married. I was againſt the match.

Q. Why were you againſt the match.

Mr.

Mr. *Cibber*. Becauſe ſhe had no fortune.

Q. Did they at firſt live happily together?

Mr. *Cibber*. They did live happy, very happy, much happier than I expected; for I was averſe to the match.

Q. How long did they live thus happily together.

Mr. *Cibber*. About three years; within that time they had two children, which are both dead.

Q. Did Mr. Cibber, the Plaintiff during that time, ſupport her well and liberally, as became an affectionate huſband?

Mr. *Cibber*. He did, even to profuſion. I often admoniſhed him about it; and adviſed him to retrench his expences; for I thought them a good deal too large for his condition, or what he was able to afford. He made her ſeveral valuable preſents of rings and jewels.

Q. Is not Mrs. Cibber a good Actreſs? And how did ſhe become ſo?

Mr. *Cibber*. When they married ſhe was a Singer, but there were better voices. I thought her voice not the beſt; and if not beſt, it is nothing. I thought it might poſſibly do better for ſpeaking. I aſked her huſband if he had ever heard her attempt to ſpeak a part? he ſaid he had; and that ſhe did it very prettily. I tried her, and was much ſurprized to find her do it ſo very well.

Q. Did not her huſband take pains to inſtruct her?

Mr. *Cibber*. I believe I was the perſon who chiefly inſtructed her; I ſpent a good deal of time, and took great delight in it: for ſhe was very capable of receiving inſtruction. In forty years experience that I have known the ſtage, I never knew a woman at the beginning ſo capable of the buſineſs, or improve ſo faſt.

Q. When did you firſt hear of any diſagreement in the family?

Mr. *Cibber*. Soon after he came from France, about laſt April.

Mr. Fleetwood, *Maſter of Drury-lane Play-houſe was ſworn.*

Q. Sir, Do you know the Plaintiff's Wife? Is ſhe a good Player?

Mr. *Fleetwood*. Yes, Sir, I think her a good Player for her time.

Q. What ſalary did you give her? What advantages did ſhe bring to her huſband?

Mr. *Fleetwood*. She played three ſeaſons: For the firſt, her ſalary was an hundred pounds, and ſhe had a benefit.

Q. What was that benefit worth?

Mr. *Fleetwood*. I cannot be particular, becauſe I have not looked into the accounts on this occaſion: If I had known I ſhould have been examined to this, I could have been particular. I believe it might be about a hundred pounds.

Q. Well, Sir, the ſecond year?

Mr. *Fleetwood*. The ſecond year, Sir, I gave her two hundred pounds ſalary, and ſhe had a benefit.

Q. What was that benefit worth?

Mr. *Fleetwood*. Her ſalary the third year was two hundred pounds, and ſhe had a benefit.

Q. What was that worth?

Mr. *Fleetwood*. I believe it muſt have been worth a hundred and fifty pounds; for ſhe grew much in the favour of the town, and 'twas a very good benefit.

Note, *The examination to theſe matters was at firſt oppoſed by the Defendant's Council, as not being ſupported by the declaration; but the Plaintiff's Council inſiſted, that it being laid in the declaration, that by the means there alledged the Plaintiff* had loſt the aſſiſtance of his wife, *he had a right to prove the loſs he ſuſtained by the Defendant's taking her off the Stage, and the* Quantum *of that loſs. And of that opinion was the Court; ſo Mr.* Fleetwood *was examined as above. The Defendant's Council inſiſted that*

nothing here appeared that the Defendant had taken her off the Stage, and they croſs-examined Mr. Fleetwood.

Q. Sir, how comes it that Mrs. Cibber does not play this ſeaſon?

Mr. *Fleetwood.* Becauſe we could not agree upon the terms. I would not come up to her terms.

Q. What were her terms?

Mr. *Fleetwood.* She inſiſted to have as good a ſalary as any woman in the houſe; and the firſt benefit.

Q. Perhaps ſhe deſerves as much; is ſhe not as good a Player as any in the houſe?

Mr. *Fleetwood.* I can't ſay that, I can't pretend to determine that. I have got more money by Miſtreſs Clive.

Mr. Quin, Mr. Johnſon, and ſome others were called for this purpoſe; but the Court was of opinion, 'twas now proper for the Plaintiff's Council to eſtabliſh their principal fact.

Mrs. Hayes *was ſworn.*

Q. Mrs. Hayes, pray give my Lord and the Jury an account of the Defendant's and Mrs. Cibber's coming to your houſe. Do you know Mrs. Hopſon?

Mrs. *Hayes.* Yes, Sir, it was juſt this day twelve-month, the fifth of December, that Mrs. Hopſon came into my lodgings. I live in Blue-croſs ſtreet, Leiceſter-fields; on the Saturday Mrs. Hopſon came to my houſe and took my lodgings; ſhe beat them down as low as ſhe could, for ſhe ſaid ſhe was a ſingle woman, and ſhould give but very little trouble, ſhe had nobody to come after her but a Gentleman and Gentlewoman that would come to ſee her ſometimes. She had the lodgings for ſeven ſhillings a week; two rooms on the firſt floor; there was a bed in each of them; one of the beds was a turn-up bed. She was to come in on Sunday, but ſhe ſent me word that ſhe ſhould not come in till Monday, and on Monday the fifth of December, ſhe came in hackney-coach, and ſome boxes and things with her. On Sunday in the evening a young Gentleman, whom I afterwards knew to be Mr. Sloper, called and aſked if Mrs. Hopſon had not taken the lodgings, and whether ſhe was come: We told him ſhe had taken the lodgings, but that ſhe ſhould not come till Monday.—She lay there on Monday night.—Neither Mrs. Cibber nor Mr. Sloper came that day, but they came ſoon after, I think it was on Tueſday, and they ſupped together, and went away between eleven and twelve o' clock; Mrs. Hopſon ſat up, and let them out, and locked the door after them. They often came in the ſpace of ſix weeks that Miſtreſs Hopſon had the lodgings; I believe near twenty times. They did not come together, but dropping in one after the other. They ſometimes dined, but moſt commonly ſupped there. Mrs. Hopſon uſed to leave them together every time they came, ſometimes two or three hours at a time. She often made errants to go out to buy ſomething; and ſometimes ſat two or three hours at a time below ſtairs with me, while they were above together. They ſtayed ſometimes till one or two o' clock in the morning; and how they went away I cannot tell, for I was in bed at theſe times, but I believe they uſually went in chairs or coaches.

Q. When they were thus left alone, did they uſe to faſten the door?

Mrs. *Hayes.* Yes, the door uſed to be faſt; Mrs. Hopſon uſed to go and knock at it, and they let her in; and ſometimes ſhe could not get in, and uſed to come down ſtairs again.

Q. How did you know they were Mr. Sloper and Mrs. Cibber?

Mrs.

Mrs. *Hayes*. There was an acquaintance of mine at my house one day, when Mrs. Hopson came down stairs to me; one Mr. Rowe, and he knew Mrs. Hopson; *How do you do Mrs. Hopson?* says he. So after she was gone, I asked him who Mrs. Hopson was, and he told me, she was Mrs. Cibber's maid; so I gave her warning, and let my lodgings to another; for I did not like their coming. Mrs. Hopson did not usually lie there o'night, except when they had been there in the evening; but on those nights she did lie there. One day after I gave warning, Mr. Sloper was in a great passion above stairs at something, and Mrs. Hopson came to me, *You have made a fine kettle of fish of it*, says she. I do not know what she meant by her kettle of fish. *What fish do you mean* says I. *Why there*, says she, *you have been talking of matters, and he's stark mad at it above stairs*. She would have kept the lodgings; but I chose not. I let them to another, and so they went away.

Q. Did Mr. Cibber ever call at your house, and talk with you about them?

Mrs. *Hayes*. Yes, about five or six months ago, he came and asked me, if Mrs. Hopson had not lodged there? I told him she had. He asked, who came to see her, and I described them, both by their clothes and their persons; so he said no more, and went away.

Mr. Hayes *sworn*.

Q. Sir, give an account of Mrs. Hopson's lodging at your house, and who came to see her, and what happened, &c.

Mr. *Hayes*. When Mrs. Hopson had my lodgings, Mr. Sloper and Mrs. Cibber used to come often to her, and she used to leave them together two or three hours at a time. They used to go away at one, two, or three o'clock in the morning, in coaches or in chairs. I have a closet on the same floor, adjoining to the room where they used to sit; I bored holes through the wainscot, and could see them very plain. He used to kiss her, and take her on his lap. On the 22d day of December I was looking thro'; he took her on his knee, lifted up her clothes, and took down his breeches, and took his privy member and put it in his hand, and put it between her legs. On the 12th day of January, I was locked up in the closet at one o'clock in the afternoon; and he came first and he was very angry, because she was not come; and he sent Mrs. Hopson for her. In about two hours she came. Mrs. Hopson went away and left them alone: So he spoke something to her in an angry way about Mr. Fleetwood; she said she would take away her brother from his house, and that she did not value Mr. Fleetwood. He and she grew friends again; they made it up, and he took her upon his lap, took up her clothes, took down his breeches, and put his privy member between her legs. I stayed there longer.—Between five and six in the evening he let down the turn-up bed softly, she laid herself upon it, upon her back, and pulled up her clothes; her body was bare. He unbuttoned his clothes, hung his bag-wig upon a sconce, let down his breeches, took his privy member in his hand, and lay down upon her.

Hereupon some further questions offered as to the fact, his Lordship interposed to this effect; *there is no occasion to be more particular; we are not trying a rape*. However the witness did say there was a criminal conversation, and being a foreigner, he expressed himself as much by gestures as by words.

Q. Was the chamber lock'd?

Mr. *Hayes*. No, it was fastened with a screw. The holes are there to be seen in the wainscot and the door.

Q.

Q. Who did that ſcrew belong to?

Mr. *Hayes.* I believe it was Mrs. Hopſon's. I have ſeen it lying in the chamber window.

Q. How did you know who they were?

Mr. *Hayes.* Mr. Rowe was one day at our houſe, and he ſpoke to Mrs. Hopſon; and afterwards he ſaid, ſhe was Mrs. Cibber's maid. Beſides I dogged them both home in their chairs: Her chair carried her to Mr. Cibber's houſe, No. 12, in little Wild-Court, and his chair went to his father's houſe in St. James's place. After he was gone into the houſe, I aſked the chairmen *whoſe houſe that was?* and they told me, *old Mr. Sloper's.* I had often ſeen him at the Tennis-Court, and knew his name there.

Mr. Rowe *was ſworn.*

I was one day at Mr. Hayes's, and Mrs. Hopſon came in, I aſked how ſhe did? I had known her for a good many years before; and the laſt time I had ſeen her, I had been told ſhe lived with Mr. Cibber. I believe I told Mrs. Hayes ſo.

Juryman. My Lord, we would beg leave to call back the laſt witneſs (Mr. Hayes) to aſk him this queſtion? Why he took the pains to dog Mr. Sloper's chair, at that time of night, to learn who he was, when he had known him at the Tennis-Court?

Mr. Hayes being called in again, and queſtion put to him; he anſwered to this purpoſe:

As Mr. Sloper and Mrs. Cibber came into my houſe, I knew them both, becauſe I had ſeen him at the Tennis-Court, and her on the ſtage; but to be the more certain, I went and followed their chairs, as I told you.

Mr. Carter *was ſworn.*

Q. Give an account of Mr. Cibber and Mrs. Cibber's Lodging at your houſe in March laſt, and whether Mr. Sloper reſorted there?

Mr. *Carter.* Yes, Sir, on the 2d of March Mrs. Cibber took the lodgings, I believe for them all; there were three beds.

Q. Do you remember any thing of Mr. Cibber's going to France, and whether Mr. Sloper came there during his abſence?

Mr. *Carter.* Yes, Mr. Cibber went to France ſoon after and Mr. Sloper did lodge there part of the time while he was abſent; and he lodged there again ſoon after Mr. Cibber came back; and there was a lodging taken for Mr. Cibber at Blue-Green, about a mile and a half from Kenſington, and after Mr. Cibber, Mrs. Cibber, and Mr. Sloper had ſupped together, Mr. Cibber had a man with a lanthorn and candle, between nine and ten o'clock at night to light him to Blue-Green. He came back to breakfaſt next morning, and every morning; and they dined, and ſometimes ſupped together; and he went to Blue-Green at night; and Mr. Sloper, and Mrs. Cibber lay at my houſe, but I do not know what beds they lay in. When Mr. Sloper went away from my houſe, back to London, Mr. Cibber left Blue-Green, and came and lay at my houſe.

Q. Who bore the expences of their houſekeeping?

Mr. *Carter.* Mr. Sloper did.—Sometimes he gave my wife money to lay out; at other times, my wife laid out what was neceſſary, and made a bill of it, and Mr. Sloper paid it.

Q. Did Mr. Cibber know this?

Mr. *Carter.* Yes, Sir, it was very often before his face.

Q. Did he ever offer to pay any thing?

Mr. *Carter.* No, Sir.

Hannah Calcot, and Ruth Calcot being ſeverally ſworn and examined had little to ſay.

They lived at Burnham in Buckinghamſhire; where Mr. Sloper and Mrs. Cibber ſpent part of the laſt ſummer.

ſummer. They did not live in the family. The amount of their evidence was, that Mr. Sloper and Mrs. Cibber lived at the ſame houſe at Burnham; they were ſure he lived there becauſe they had ſeen him walk abroad in his ſlippers, and in an undreſs.

Fife and Watſon being ſeverally ſworn, depoſed, That they and another in a coach went with Mr. Cibber to Burnham in September laſt, to take away Mrs. Cibber; that they left the coach in a field and went to the houſe where ſhe and Mr. Sloper were; that ſhe was in a night-gown ſitting at a tea-table, and Mr. Sloper was at the other ſide of it, in his ſlippers; that Mr. Cibber ſaid he came to demand his wife; that Mr. Sloper curſed, and ſwore, and called Mr. Cibber hard names, but ſuffered one of the Witneſſes to lead her to the coach, and walked on the other ſide of her himſelf; that ſhe gave him a watch out of her pocket; on which he ſaid *by G—d well remembered, the Raſcal would have had it elſe.* That they drove away with Mrs. Cibber in the coach, along with Mr. Cibber and two of his aſſiſtants, the third being on horſe-back. That Mr. Sloper ſoon overtook them; that he ſwore there was a villain in that coach, who ſhould never live to go into another: that they came to Slough; and there Mrs. Cibber not being well, deſired Mr. Sloper (who was at the ſide of the coach, before the door of the Inn) to get a dram; that Mr. Sloper brought her a glaſs of rum. That ſhe was above a quarter of an hour in the coach at the door of the Inn, while Mr. Cibber was in the houſe providing for her accommodation. That when Mr. Cibber was in the chamber in the Inn, ſhe called her Huſband a great many Villains, and ſaid, that now he had ruined her Reputation: She did not value if all the world knew ſhe was with Child by 'Squire Sloper, and that ſhe loved him dearly, for he was an honourable Gentleman; that Mr. Slooper took up a room in the Inn for ſome time, ſwore much, and fired a Piſtol; which one of the Witneſſes ſeemed willing to believe was intended at him; but being croſs-examined, he did own that the Muzzle of it was elevated, ſo as to point over the ſtable; and alſo that Mr. Cibber and his aſſiſtants had two caſes of piſtols loaded. Theſe proved that Mr. Sloper went away in the night-time from the Inn, which determined Mr. Cibber to ſtay all night; that he ſat up all night himſelf; and procured a woman to lie in bed with his Wife. She would eat no ſupper tho' there was one provided; for ſhe was ſulky. The next day he did not take the direct road to London, but drove a-croſs part of the country and got to London in the evening.

—— Stint *was ſworn.*

—— *Stint.* Mr. Cibber employed me to take care of his wife when he brought her to Town, that ſhe might not be taken away again, and he uſed her, and provided for her very honourably, and gave orders at the Tavern, the Bull-head near Clare-market, that ſhe ſhould want for nothing: Meat was dreſſed there for her, and brought to her, and wine, a pint of white, and a pint of red. She complained that it was cold weather, and I made her a fire; and locked her up in the room; but ſhe knocked and called, and begged for God's ſake I would let her out, or elſe ſhe ſhould be ſtifled for the chimney ſmoaked. So I let her out and put out the fire. Mr. Thomas Arne, her brother, came there, and he begged and prayed that I would let her go along with him; but I would not break my truſt, I could not do it: He came ſeveral times, and finding I would not do it, began to break open the

houſe, and at the ſame time bid her cry out Murder; ſhe cried out Murder, and I believe there was an hundred mob aſſiſting him to break open the Houſe. I had a caſe of piſtols, and laid my back againſt the door; but they were too ſtrong for me, and took my piſtols out of each hand, and held me faſt by each arm; and beat me ſeverely, and tore all the cloaths off my back, and took Mrs. Cibber away with them.

—— Applesford [*the* Reading *Stage Coachman*] *was ſworn.*

This witneſs proved that he was hired to carry two Ladies and a Gentleman, ſome time in September laſt from Slough to Reading. He was to meet them at Slough, and met them accordingly. The Gentleman walked out of town in his boots, about half an hour before the coach, and when the witneſs overtook him, he took him in: he knew neither him nor the women.

This witneſs was paid two guineas for his charges; and ſeveral other witneſſes from Slough were alſo paid who had nothing to ſay to the purpoſe.

Mrs. Brett *was ſworn.*

She proved the Marriage; and being aſked when and where ſhe ſaw Mrs. Cibber laſt? ſhe anſwered, this morning, at her mother's.

This laſt queſtion was aſked becauſe it had been inſinuated that Mrs. Cibber at that very time cohabited with Mr. Sloper.

Mr. Serjeant Eyre, for the Defendant, opened the defence. And among other things obſerved, that he believed this was the firſt action of the kind that ever came from the Theatre; that he never heard that it was a place celebrated for virtue: that Mr. Sollicitor General had taken ſome pains to diſplay the Plaintiff's pedigree as deſcended from William of Wickham; that there was no proof made of this pedigree; but he obſerved in the time of William of Wickam, who was a Clergyman, celibacy prevailed among the Clergy; therefore the Plaintiff could not be deſcended in a *right line* from him. That Love is the moſt governing paſſion in human nature; that as it is ſo, all Theatrical Performances abound with it; that they cannot expect to pleaſe without it: That a very wiſe and modeſt man who hath wrote one of the beſt plays extant, could not depend on his hero for ſucceſs; that he was forced to interlard it with love-ſcenes, or it might probably have been damned the firſt night; and this is the Tragedy of *Cato*. That the Hero of this piece, that very *Cato*, the greateſt man of the time he lived in; is recorded in hiſtory to have had very free notions of love and matrimony; that he lent his wife to a friend to breed out of her, and when they had done, he took her back again, very well contented. That the players are a people who act, and enter into all manner of characters, that their men and women are made to fall in love with each other every day, this day with one, to-morrow with another; that this practice in variety muſt give them an uncommon propenſity to love, without any confinement of the paſſion to a particular ſubject; that it is very likely this enters into their common courſe of life. That their women learn all the allurements that can engage the eye and ear, and ſtrike the imagination of young Gentlemen; they dreſs, chat, ſing, dance, and every way charm unguarded young Gentlemen, who are not aware of any ill conſequences. That it had already appeared, and would further appear in the courſe of the evidence, that if there was a ſuſpicion of any thing amiſs in the acquaintance between Mr. Sloper and Mrs. Cibber, that the Plaintiff muſt thank himſelf for it; that the Plaintiff had taken pains to bring them acquainted, to

live

live under the same roof, and used to leave them together to improve their acquaintance; that he (Serjeant Eyre) hoped, that nothing criminal had passed between them; but if there had, the Plaintiff had certainly encouraged it, and had no pretence to come to a Jury for damages.

Mr. Lloyd, on the same side, made an excellent speech, which we do not take upon us to give the reader; we shall only mention a hint or two. He hoped (as Mr. Serjeant Eyre had done) that nothing criminal had passed between the Defendant and the Plaintiff's wife; but if any thing seemed to tend that way, it at the same time appeared, that the Plaintiff was privy and consenting to whatever intercourse or familiarities there passed between them. That if there had been any thing done amiss with such circumstances (he submitted to his Lordship's direction, but) apprehended that the Plaintiff had no wrong done him, upon this maxim in Law and Reason, *Volenti non fit injuria*; and that therefore he, (the Plaintiff) ought not to have a verdict. But that if it should be thought proper (notwithstanding such consent) to find a verdict for the Plaintiff, it would at least be fit and necessary for the Gentlemen of the Jury to proportion it to the size of the trespass, which he hoped would be taken in consideration upon this occasion.—He said this and much more, in a much better manner than we can relate it (for a reason already given) and proceeded to the evidence for the Defendant.

Anne Hopson *was sworn.*

Q. Did you lodge at Mr. Hayes's about this time twelvemonth?

Anne Hopson. Yes, Sir, I was then out of service. I had left Mr. Cibber's; and intended to follow the business of mantua-making: I was bred to it.

Q. Did Mr. Sloper and Mrs. Cibber sometimes meet at your Lodgeings?

Anne Hopson. Yes, they came to see me pretty often. They desired they might come there, and usually had a bit of something for supper.

Q. For what purpose did they meet?

Anne Hopson. As they were acquaintance, to converse together.

Q. Did you use to go out, and leave them alone together?

Anne Hopson. Yes, I often had occasion to go and buy something for supper, or some tea and sugar; and I had occasion to be below stairs to get supper ready.

Q. When you came up stairs did you use to find the chamber-door fast?

Anne Hopson. Sometimes it was so: and Mr. Sloper used to open it to me.

Q. Pray what could you believe was the occasion of these private meetings.

Anne Hopson. I will tell you all I know of the matter. I do not fear my character; there are enough in Court that will give me a very good character. It was about March was twelve-month that Mr. Sloper used first to come to our house, to Mr. Cibber's: The servants did not know who he was; but my master called him Mr. Benefit, and used to say he was a *Romp*, and *a good-natured boy*. Mr. Cibber was then very bare of money, and afraid of his creditors. I was sorry for it; for he owed me a good deal of money, and does so still. But one day he told me: Anne, says he, I shall have a good deal of money soon, and you shall have some. And I know he soon after had a good deal of money, and he paid me five guineas. That summer we went to lodge at Kingston, and Mr. Sloper with us. My Master used often to leave Mr. Sloper and my Mistress at home,

and go a riding or abroad, ſome where or other. The reſt of the ſervants wondered at it as well as I; but I knew no harm. They did not know Mr. Sloper's name. My maſter called him his couſin Thompſon. Afterwards when they came to town I left the ſervice, and took that lodging.——In laſt Spring, about March laſt, I lived with them again. My Maſter took me aſide, and made me promiſe ſecrecy concerning ſomething he was about to ſay to me. He told me he was going to France: That there was an affair between Mr. Sloper and his wife: That he was ruined for ever if it ſhould be publickly known. And he made me promiſe to live with her till he ſhould come back, that the reſt of the ſervants might not know any thing of the matter. I promiſed him. They took lodgings at Kenſington, and my maſter went to France in March or April. He was ſome weeks gone, and in his abſence Mr. Sloper was commonly at the lodgings at Kenſington. When my maſter came back he was at a bagnio in Goodman's Fields, and ſent word to my miſtreſs. Mr. Sloper was not then at Kenſington. My miſtreſs and I went to Goodman's Fields in a hackney coach, and he came back with us to Kenſington. In our return we changed our coach two or three times by the way, that he might not be diſcovered. She told him ſhe expected Mr. Sloper in a day or two. My maſter ſaid he would take a Lodging when Mr. Sloper came; or if there was not time for that, he would go and lie at ſome inn in the town. Within two or three days Mr. Sloper came; and then Mr. Cibber ſent and took a lodging at Blue-Green, and after ſupper about nine or ten o'clock he went there, with a man carrying a lanthorn and candle, and left Mrs. Cibber and Mr. Sloper at the lodgings at Kenſington. He came back to breakfaſt next morning, and dined, and I believe ſupped: and ſo he did ſeveral days, till Mr. Sloper went away; and then Mr. Cibber paid off the lodgings at Blue-Green, and came to the lodgings in Kenſington to his wife.

Q. Was you at Burnham with Mr. Cibber and his wife, and Mr. Sloper.

Anne Hopſon. Yes, laſt Summer it was. They three and I looked over the houſe; that they might contrive in what rooms to lie, and the reſt of the ſervants know nothing of the affair. It was a large houſe, ſeven rooms on a floor. Mr. Cibber's bedchamber and Mr. Sloper's had a door opened between them. Mrs. Cibber uſed to undreſs herſelf in my maſter's room, and leave her cloaths there, and put on a bed-gown, and take away one of the pillows from my maſter's bed, and go away to Mr. Sloper's room; my maſter uſed to ſhut the door after her, and ſay, *Good night my dear*; and ſometimes he uſed to knock at their door in a morning, to call them to breakfaſt, and at other times he ſent me to call them; and the pillow was brought back again; for my maſter's bed was always made with the two pillows.

Q. Did you ſee Mrs. Cibber the day ſhe was reſcued, and where?

Anne Hopſon. Yes, I ſaw her at her Mother's, Mrs. Arne's.

Q. Was Mr. Sloper there?

Anne Hopſon. He was there.

Q. What became of Mrs. Cibber?

Anne Hopſon. I do not know. She went away ſomewhere. I did not ſee her till two or three days afterwards.

Q. Did you go down into the country with her afterwards?

Anne Hopſon. Yes, we went to Reading. Mr. Sloper met us at Slough, and there we went into the Reading coach, Mr. Sloper walked out ſome time before us, and the coach took him up.

Q.

Q. Where was Mrs. Cibber afterwards?

Anne Hopſon. At Reading with Mr. Sloper, till ſhe came to town about five weeks ago.

Mrs. Carter *(the Wife of a former Witneſs) was ſworn.*

She gave in ſubſtance the ſame evidence that her huſband did before; and that Mr. Sloper uſed to pay her the money for houſekeeping. That when the lodging was taken at Blue-Green, and upon her aſking the meaning of it, ſhe had for anſwer, it was becauſe Mr. Cibber was a mean ſpirited dog.

Q. Why would you keep ſuch a houſe?

Mrs. *Carter.* I thought it no buſineſs of mine, if the huſband conſented, and was ſatisfied.

Jane Philips *was ſworn.*

Q. Give the Court, &c.

Jane Philips I lived at Burham, and uſed to make the beds. Mr. Cibber and Mr. Sloper's beds.—— There were two pillows on Mr. Cibber's bed, and only one pillow on Mr. Sloper's; but there was the mark of only one perſon having lain in Mr. Cibber's bed, and of two in Mr. Sloper's. The bed-chambers opened into each other: I never ſaw Mrs. Cibber undreſs, nor do not know who brought back the pillow every morning.

As little hath been ſaid with regard to the reſt of the Council, ſo as to Mr. Murray, we ſhall mention but a few hints from his ſpeech.

He obſerved, that the Plaintiff by his Council ſhewed himſelf related to William of Wickham; but would have been entitled to claim that alliance if he had obſerved William of Wickham's motto, that *Morals make the Man.* The words are, *Manners make the Man*; but *Manners* are there intended to ſignify *Morals.*

That upon the whole of the evidence, (he the Council) was afraid that the Plaintiff's wife and the Defendant had gone beyond the bounds of duty; but whatever had paſſed, appeared not only to have been with the Plaintiff's conſent, but even to have been concerted by him. That the Defendant was a young Gentleman of fortune, who became acquainted with a Player and his wife: That ſhe being miſtreſs of the alluring arts of the ſtage, firſt engages the young Gentleman's affection and draws him in, and this with the huſband's privity and aſſiſtance. For the Plaintiff conceals the Defendant's true name from the knowledge of the ſervants; at one place he calls him couſin Thompſon; at another, Mr. Benefit; a cant name, taken from a particular night in the year when they get a great deal of money. The Plaintiff tells the ſervants the Defendant is a *Romp* and *a good natured boy*; and he makes a boy of him. He takes his money, lets him maintain his family, reſigns his wife to him; and then comes to a Court of Juſtice, and to a Jury of Gentlemen for reparation in damages. The Council further repreſented, that it would be of the utmoſt ill conſequence if it ſhould once come to be underſtood in the world, that two artful people, being huſband and wife, might lay a ſnare for the affections of an unwary young Gentleman, take a ſum of money from him, and when he would part with no more, then come for a ſecond ſum to a Court of Juſtice.

That he (the Council) deſired to be underſtood as by no means an advocate for the immorality of the action; but this is not a proſecution for the publick, or to puniſh the immorality: This is only a queſtion whether the Defendant has injured the Plaintiff; and certainly the Plaintiff cannot be injured if he has not only conſented, but has even taken a price.

However,

However, if it ſhould be thought requiſite to find a verdict for the Plaintiff, we had not a denomination of coin ſmall enough to be given him in damages.

Mr. Sollicitor General in his reply, obſerved the ill conſequence of letting it paſs for Law that men might ſell their wives, which would be the conſequence of giving a verdict for the Defendant.

His Lordſhip ſummed up the evidence,

And the Jury withdrew, and in about half an hour brought in a verdict for the Plaintiff, and ten pounds damages.

THE

The CASE *of* RICHARD LYDDEL, *Esq; as it appeared upon his Trial at the Court of* Common Pleas, *before the Right Honourable Lord Chief Juſtice* EYRE, *for carrying on a Criminal Converſation with the late Lady* ABERGAVENNY; *on* Monday *the* 16*th Day of* February, 1729-30.

THE Jury being ſworn to try the iſſue between the Right Honourable the Lord Abergavenny, Plaintiff, and Richard Lyddel, Eſq; Defendant, upon an action of treſpaſs; for that he the ſaid Richard Lyddel, did carry on a criminal correſpondence with the Plaintiff's Lady, by which means he did debauch, carnally know, and committed adultery with her, to the great loſs, diſappointment, and uneaſineſs of the Plaintiff.

The Council for the Plaintiff, having learnedly opened the circumſtances of the offence, and peculiar aggravations attending it, with regard to the Defendant, proceeded to call the witneſſes, who depoſed as followeth.

Elizabeth Hopping depoſed, That ſhe lived in his Lordſhip's family for ſix years, and about three weeks before Chriſtmas was twelve-month, taking notice of Mr. Lyddel's frequently kiſſing her Lady in the dreſſing-room, thought the familiarity too great betwixt them, and unbefitting, which gave occaſion to her to watch their converſation; that ſhe had often ſeen her Lady's bed tumbled when none but Mr. Lyddel and her lady had been in the room: Another time knowing them to have been in the dining-room, about nine in the morning, was willing to ſee what they were doing, and placing herſelf in the with-drawing room, ſhe looked through the key-hole in the parlour, and ſaw her lady againſt the door that went into the hall, and Mr. Lyddel againſt her, her lady's petticoats up as high as her garters, and his coat unbuttoned, but could not ſee his breeches down, becauſe his coat covered them; that ſhe ſaw him doing ſomething that a man ought not to do. Being aſked what ſhe thought he was doing; replied, ſhe thought he had a criminal converſation with her lady, and being ſurprized, ſhe looked a ſecond time, and ſaw them in the ſame poſture. Then ſhe went and told the laundery maid that ſhe had ſeen her lady with Mr. Lyddel againſt her, with her petticoats up, and that ſhe thought he was debauching her lady. Being aſked whether ſhe thought they were in criminal converſation together both the times? She ſaid, ſhe believed they were; being aſked what was the ground of her ſuſpicion; ſhe replied, ſhe ſaw him often kiſs her in her bed-chamber, dining-room and dreſſing-

dreſſing-room. Being aſked how Mr. Lyddel was received by his Lordſhip when he came there? She replied, his Lordſhip always received him very joyfully; that Mr. Lyddel came very often, and ſtaid there ſometimes a week together, that he lived from his Lordſhip's houſe about ſeven miles. She being aſked, why ſhe did not acquaint her Lord with it? Replied, ſhe thought her Lord would not believe it, but that ſhe told her fellow ſervant, Elizabeth Letchmere, and that ſhe told no other ſervant of it. Being aſked how it came to paſs when ſhe ſaw ſo notorious a fact, that ſhe did not diſcover it preſently to her Lord? Replied, that ſhe dared not open ſuch a thing to his Lordſhip, till her Lord aſked her about it.

Elizabeth Letchmere depoſed, That her fellow-ſervant came to her, and told her, three weeks before Chriſtmas was twelve-month, that her lady was a Devil; that ſhe aſked her the reaſon, ſhe then told her ſhe looked through the key-hole and ſaw her againſt the door in the parlour with her petticoats up, and Mr. Lyddel before her; that this was about nine in the morning. Being aſked whether ſhe diſcovered it to any body? Replied, ſhe told Mr. Oſman of it.

—— *Pinches* depoſed,—That the obſervation ſhe made, was when Mr. Lyddel came to her lady, about a twelve-month ago: her lady gave her orders to go out of the room when Mr. Lyddel came; that the bed was unmade when he came, and when ſhe went up to make it, ſhe found the door was locked, that when her lady gave her notice of it once or twice, ſhe kept out of the way. Being aſked, whether it was uſual for her to leave the room when viſitors came to her lady? She replied, that ſhe never did when ſhe was making the bed; and that viſitors never came into her lady's chamber, but into the dreſſing-room. Being further aſked, whether, when her Lord was at home, ſhe never ſaw my Lord and Mr. Lyddel in my lady's chamber together? Replied, ſhe never knew them together there.

Mary Hodſon depoſed,—That ſhe lived two years with the Lord Abergavenny in town and country both, as a laundery maid; that as ſhe ſtood at her window, facing her lady's dreſſing-room, ſhe hath ſeen Mr. Lyddel take her lady by the pinners and kiſſed her, that when he pulled her lady away, the window-ſhutters were one-quarter or half ſhut too; that ſhe had obſerved this ſeveral times very plainly. Being aſked, how long after he had kiſſed her lady, that ſhe hath obſerved the window-ſhutters to be put too? Replied, about a quarter of an hour. Being aſked whether theſe obſervations were made in town? She replied, yes.

William Smith depoſed,—That being porter to my Lord Abergavenny, he was ordered by his lady, whenever Mr. Lyddel came to admit him, that ſhe would not be at home when Mr. Lyddel was there, but when Mr. Lyddel was gone, his Lady would be at home to any body that came; that Mr. Lyddel was always admitted, and that was his direction. That when Mr. Lyddel hath been at his lordſhip's, his lordſhip and he have gone out together, and he hath returned again before him, and gone to his lady's apartment. That Mr. Lyddel and a gentleman have dined with his Lady, went out together, and Mr. Lyddel has returned again, and ſtaid with his lady two hours; that when he came he uſed to aſk him, whether his lady was at home: and if the footman hath been out of the way, he hath waited upon him himſelf to his lady's apartment; that he was always admitted; when his lord was at home he would go to his lordſhip's apartment, and afterwards from his lordſhip's to his lady's.—

Being

Being aſked, whether he ever knew him denied when his lord was at home? He replied, he never did.

Mr. *Matthews*, my Lord's Gentleman depoſed, that he had a great many ſuſpicions of a criminal correſpondence between Mr. Lyddel and his lady; he had taken notice ſhe would order none to be let in but Mr. Lyddel; that one evening his lady ſaid, ſhe would be at home to none but him; that he went up and found none but Mr. Lyddel there with his lady, and only two candles burning; that he went and brought up two others, that there might be light in the room, that when he came to go into the room the door was faſt; that he heard his lady run from the couch to the fire-ſide, which is about ſix feet, ſhe opened the door and ſaid, *You fling the door ſo hard you will make the bolt fly*; that when he came in he ſaw Mr. Lyddel upon the couch, as if he were putting up his breeches; that he had ſince flung the door ſeveral times, and found the bolts not to fly. That when he went into the country, he had ſeveral pair of leaſes to engroſs for his lord's tenants; that the apartment he writ in was under Mr. Lyddel's room, called the White Room; that one morning October 13th he heard the voice of a man, and preſently heard the White Room bed crack. Upon which being in a great ſurprize, was reſolved to ſee who came out; that he went half way up the great ſtairs, and ſaw Mr. Lyddel coming out, who deſired his ſervant to be called to him. That running as hard as he could, he met one of his lord's ſervants, and deſired him to ſend Mr. Lyddel's man up to his maſter, after which he went up the back-ſtairs through the long gallery, and ſaw his lady come out very red, and diſordered, and thought ſhe came from Mr. Lyddel's room. Being aſked, whether he afterwards met with her, and in what room? Replied, that the next morning the 14th of October, about nine o'clock, he heard a woman come in after the ſame manner, and heard the ſtep of a man, and the bed crack, as the morning before; then he went up the back-ſtairs, and at the end of his lord's gallery he took off his wig, and laid himſelf down, that no body might ſee him? that he heard the bolt of Mr. Lyddel's door open, then he ſaw Mr. Lyddel come out of his chamber door looking about him, and going in, immediately his lady came out, with her hands ſpreading her petticoats; but when he ſaw her, he got up with a book in his hand, as waiting his lord's getting up in the morning, which was his known practice; that then his lady went into her own dreſſing-room. Being aſked, why ſhe held her petticoats after ſuch a manner? Replied, becauſe Mr. Nevell, who was in a room hard by, ſhould not hear the ruſtling of her ſilks. The next day being from home, could make no obſervation. That on Thurſday he heard the ſame noiſe in the White Room, after the ſame manner as he had done before. In the afternoon of the ſame day he acquainted Mr. Oſman, his Lord's Steward, for he ſaid he could not bear to ſee his Lord injured after ſuch a manner. That on Friday, as he was writing again, he prevailed with Mr. Oſman to be preſent with him, and when they were together, he aſked Mr. Oſman whether he did not hear ſomebody come in? He ſaid, yes? and in a little time they heard the bed crack; that this Deponent ſaid to Mr. Oſman, in a little time you will hear the bolt of the door make a noiſe, and ſo it happened, for they being at the great ſtairs; Mr. Oſman told him he heard it very plain, and ſaw the lady come out of Mr. Lyddel's room, with her petticoats held up in her hands as ſhe

 uſed

uſed to do, to prevent the Gentleman that lodged by her from hearing her. On Saturday morning this Deponent and Mr. Oſman heard and ſaw as before. Being aſked, what method he took in order to have it diſcovered? Replied, that he diſcourſed with Mr. Oſman and they conſulted what method they ſhould take; that ſeveral mornings they had had thoſe conſultations; further, that he acquainted Mr. Day with it. It being aſked what concluſion they came to? He replied, it was agreed upon, that their lord ſhould know of it ſome way or other. They propoſed the diſcovery ſhould be made by his lordſhip's mother, but ſhe was under a great deal of concern about it, and deſired ſomebody elſe might do it; then they thought no perſon ſo proper as Mr. Day to do it, who is a neighbour and relation of his lordſhip's. Mr. Day accepting of the propoſal did communicate it. Being aſked, when it was communicated to my lord, what anſwer did he give of what his lordſhip would do? He replied, that Mr. Day told him, that his lordſhip was willing that we ſhould ſurprize him the very act. He gave this direction to Mr. Day and Mr. Oſman. The method that we took was, that Mr. Day, Mr. Oſman, and myſelf were to conceal ourſelves in a cloſet, adjoining to the room where Mr. Lyddel lay, and on the 8th of November laſt, about ſix in the morning, we all placed ourſelves there; that they ſtaid there till about nine, at which time her ladyſhip came into Mr. Lyddel's room, went round it, and was heard to ſay with a low voice, *I cannot ſtay with you now*; upon which Mr. Day and Mr. Oſman thinking her gone were for going away, but this Deponent acquainted them that ſhe was not, prevailed with them to ſtay, and he liſtening very cloſe heard a noiſe, upon which they all went together into the chamber, and coming ſoftly to the bed-ſide withdrew the curtains, upon which Mr. Lyddel cried out, *O God!* That this Deponent ſaw her ladyſhip in a very indecent poſture, who in a great ſurprize ſaid, *Dear Matthews do not ruin me*; upon which he ſaid he was very ſorry for what was done, ſhe repeated it again, *Do not ruin me*; he told her that he was ſent by his Lord's direction, and that he muſt be true to his lord. That Mr. Lyddel in his ſurprize ſeemed not to have heard what was ſaid, and therefore cried out, *What do you ſay?* This Deponent anſwered him, *Sir, I thought you could not have been guilty of ſo foul an act.* And Mr. Oſman ſaying to him, *For you, Sir, to come ſo frequently, in ſuch a ſhew of friendſhip, and to wrong his Lordſhip after ſuch a manner as you have done, is a crime for which you can make him no ſatisfaction*; that Mr. Lyddel replied, *It is very true I can make no ſatisfaction.* Then he ſaid he would take horſe and ride away, and never return to his lordſhip's houſe any more. Then Mr. Oſman ſaid to him, it was his lordſhip's direction that he ſhould be kept there. This Deponent being aſked what room this was in; replied, that it was Mr. Lyddel's room; that they lay croſs the bed when they opened the curtains.—Being aſked, how many days Mr. Lyddel was at his lordſhip's at this time? he replied, that he came the 7th of November. Being aſked who he received his inſtructions from; he replied, from Mr. Day and Mr. Oſman, and that his lordſhip in his inſtruction ſaid to them when he went to bed, be ſure when you come into the room; and if you find my wife there I deſire ſhe may be uſed tenderly;—that this was over night, and they were taken together at nine o'clock the next day. Being aſked what directions his lordſhip gave with reſpect to Mr. Lyddel? replied, 'That in caſe we take them together

ther in the manner we found them, that then I ſhould come to town and give orders to Mr. Staples to proceed againſt him according to law. Being aſked, what was to be done with Mr. Lyddel in the mean while? replied, that his lordſhip gave directions to ſecure him in the houſe till further orders. This Deponent being aſked, whether he went to London after this? replied, Yes, and went to Mr. Staples, and went to Mr. Staples, and made affidavit of what he ſaw, upon which there was a proceſs taken out, which this Deponent delivered to the Sheriff's bailiff, and was executed on Monday morning; that then he ſuppoſes he was carried away to the County-goal. Being aſked, what orders were given about his Lady's going? he replied, that he had no orders about her, but ſhe went away on the Saturday after the diſcovery, very big with child.

Mr. *Oſman* depoſed, that Mr. Matthews came to him and expreſſed himſelf much concerned, with concerned, with relation to the intimation he had obſerved betwixt Mr. Lyddel and his lady, and ſaid that Mr. Lyddel had abuſed his lord, by lying with his lady; and gave this Deponent ſeveral inſtances of it, (as before-mentioned in his evidence) and that he went himſelf to Mr. Matthews's room as deſired, and ſaw the ſame two mornings together. That he was very much concerned and ſurprized at the obſervation of theſe paſſages, and to find his lord abuſed after ſo groſs a manner; for he believed that his Lordſhip was as tender a huſband, and had as great a value for his wife as any perſon in the world, that none can be more fond; and tho' they knew it would be a great affliction to their lord, were notwithſtanding reſoved to acquaint him with it; for they could have no peace in their own conſciences while they kept it as a ſecret from him; to which end Mr. Day was acquainted with it; he accepted of the office, and acquainted his lordſhip with it on the 6th of Nov. laſt, after this manner: —— 'He deſired his lordſhip would be pleaſed to walk in the fields with him, for he had ſomething very particular to communicate to him; but his lordſhip being very preſſing to know what it was, Mr. Day opened it to him; his lordſhip was extremely concerned that his friend had done ſuch a thing, and ſaid, *He could not have done ſo to him.* Then his lordſhip gave directions to make diſcovery, which was after this manner: We propoſed early the next morning to go into a cloſet that joined to the room where Mr. Lyddel lay, which we accordingly did, that this deponent being placed againſt the cloſet door could ſee the room, and had ſuch a command of it, that no-body could go in or come out but what he muſt ſee; that a little after eight o'clock, Mr. Lyddel's man went into the room, and as he was coming out, his maſter being in bed, ſays to him, ——, Are your raſors ready, for I ſhall ſhave myſelf by and by;' —Then the man went out of the room, and at nine o'clock his lady came along the gallery to Mr. Lyddel's door, and entered his chamber, that he ſaw her thro' they key-hole, when ſhe came againſt it ſhe made a ſtop, and then went to Mr. Lyddel's bed-ſide, and ſaid ſomething to him; then ſhe returned, which made this Deponent conclude ſhe was gone quite away, likewiſe Mr. Day ſaid ſhe was gone, but Mr. Matthews was of another mind, and went and opened Mr. Lyddel's door, and ſtept to the bed and undrew the curtains of the bed-ſide, and ſaid, *So then!* the lady was lying acroſs the bed, and her cloaths by that time this Deponent came, was down to her knees, that he ſaw her legs; and then Mr. Lyddel had nothing but

his ſhirt on; that ſhe uſed ſeveral expreſſions in great ſurprize, 'I ſhall be ruined, but we told her we were there by his lordſhip's direction; that Mr. Lyddel raiſed himſelf up and ſaid,—'What is the matter? I have heard nothing you have ſaid.' This Deponent ſaid, 'We come to obſerve the vile treatment you have uſed towards my lord, and for this you can never give his lordſhip ſatisfaction.' He ſaid, it is very true, I will take my horſe and go away, and never return more; upon which this Deponent ſaid, *You had as good ſtay while you are here.* Being deſired to give an account of the friendſhip which was between his lordſhip and Mr. Lyddel, he ſaid, that the friendſhip was very great, that his lordſhip always received Mr. Lyddel with a great deal of pleaſure and ſatisfaction that there was as good a proviſion made for him by his lordſhip, as for any-body that came to his houſe, that it was his opinion that his lordſhip's ſecrets were communicated to him, and that he never knew of greater friendſhip and intimacy, than there was betwixt his lordſhip and Mr. Lyddel. Being aſked, when her ladyſhip went away after the diſcovery? he replied, ſhe went away at three o'clock the day of diſcovery, by his lordſhip's order, to General Tatton her father.

Mr. *James* depoſed, that at the deſire of the lady he went into Mr. Lyddel's room on Saturday morning on the 8th of November laſt, after the diſcovery was made, that when he came into the room he found Mr. Lyddel in a great confuſion and diſorder, ſaying, 'I am a vile wretch; for God's ſake do not ſpeak to me; for God's ſake do not ſpeak to me.'

Mr. *Day* depoſed, that he was his Lordſhip's Steward and took care of his eſtates in ſeveral counties, that he obſerved the intimacy between his Lord and Mr. Lyddel, and in his eſteem his Lordſhip was the greateſt friend Mr. Lyddel had in the world, that there was as entire a friendſhip betwixt them as ever was amongſt men, and that their mutual reſpect for each other was very ſtrong; ſo that this Deponent was ſurprized when Mr. Matthews let him into ſome of the ſecrets of his Lady and Mr. Lyddel's intimacy, the firſt of which was about the month of March laſt; that he could not conceive that Mr. Lyddel would be guilty of ſo foul a crime, when he knew the intimacy that was between his Lord and him; he could not give credit to thoſe reports till the account they gave him of the obſervations they made in the five mornings, that then this Deponent did believe it, and that they fixed upon him to diſcover it to his Lordſhip which he did upon the 6th of November; that he aſked his Lordſhip, whether, conſidering the great affection he had for his Lady, he could bear the diſcovery of it? That this Deponent propoſed the method of the diſcovery which his Lordſhip approved of, and what he did was by his Lordſhip's orders.

The Council for the Defendant acknowledged, that a verdict ought to be given againſt the Defendant, but uſed divers arguments for mitigation of the damages; as that the damages ought to be proportioned to the circumſtances of the perſon offending, that it lies before the Jury to give more or leſs, according to circumſtances. That the Defendant's eſtate, is only an eſtate for life, and under great incumbrances.—— Argument was offered, that this action was not laid for an aſſault in debauching the Plaintiff's Lady, but for deſtroying the health, ſatisfaction and comfort of the Plaintiff, that from the time the fact was committed to the time of her death, was ſo ſhort that the injury his Lordſhip ſuſtained in his health could not be very great. Another argument was the Lady's

Lady's chamber, by which means ſhe became a temptation to him, and was a temptation hard to be reſiſted, that this fact between Mr. Lyddel and the Lady, might have been as well prevented as diſcovered, if they had thought fit, but that it ſeemed as if an agreement was made to lay a ſnare and temptation to draw him into a criminal action. Another argument is, that his preſent affliction is a great puniſhment to him; and that even the witneſſes for the Plaintiff ſay, that he thought himſelf the moſt miſerable wretch living, and if ſo, then what muſt his affliction be now, that he ought to be conſidered as a very unfortunate and unhappy perſon, upon which account there is no reaſon to charge much damages as to the total ruin of him who is miſerable enough already.

Several Lords and Gentlemen appeared to his reputation, who gave him the character of a very civil, modeſt, well bred Gentleman, and could never have thought he would have been guilty of any thing of this nature. There were ſeveral mortgage-deeds produced in Court, upon the eſtate of the Defendant amounting to 11000 *l.*

The Council for the Plaintiff in their reply urged, that the damage ought not to be calculated from the time the fact was committed to his Lady's death, the conſideration of the damages ought to regard futurity; that when once the ties of mutual love are broken, it can never be repaired, and if they had not been detected they might have gone on with impunity. As to the plea made uſe of, that his eſtate is not capable of paying large damages, a caſe was mentioned of a footman for the like crime, who was fined 5000 *l.* for it is but reaſonable, if a perſon deſtroys the happineſs of another, his happineſs ought to be diſturbed as long as he lives. There is a ſtanding law againſt adultery, the Adultreſs and Adulterer too are to be put to death. There is nothing here can make ſatisfaction but a pecuniary puniſhment.

Upon the whole, the Jury withdrew, and after a ſhort ſtay brought in their verdict for the Plaintiff, Ten Thouſand Pounds damages.

THE

THE

TRIAL

OF

FRANCIS CHARTERIS, for a RAPE.

This TRIAL *is taken*, verbatim, *from a very ſcarce* Manuſcript.

ABOUT the beginning of December, 1729, a Bill of Indictment was found at Hicks's Hall, againſt Colonel Francis Charteris, for an attempt to raviſh Anne Bond, Spinſter; whereupon a warrant was iſſued out againſt him by the Right Hon. Sir Robert Raymond, Knt. then Lord Chief Juſtice of England, and delivered into the hands of Mr. Chadwick Chambers, his Lordſhip's Tipſtaff, who was often, but in vain, in purſuit of him; for the Colonel took a trip to Flanders, and on his return kept himſelf private till the 25th of February, when the Seſſions began at the Old Bailey, and then Mr. Counſellor Strange mov'd the Court, that the Colonel might be permitted to ſurrender himſelf the next day, in order to take his trial; which being granted, he appear'd at the Seſſions houſe, but unexpectedly found the bill for an attempt to raviſh, turn into an indictment for an actual rape, when he was brought to the bar, and arraign'd as follows.

Francis Charteris, of St. George, Hanover-Square, Eſq; was indicted, for that he not having the fear of God before his eyes; but being moved by the inſtigation of the Devil, did on the 10th of Nov. laſt, raviſh, and carnally know Ann Bond, Spinſter, againſt the will of the ſaid Ann Bond, againſt the peace of our Sovereign Lord the King, and againſt the ſtatute in that caſe made and provided.

To this indictment the priſoner pleaded *not-guilty*; and for his trial put himſelf upon God and his country.

The Council for the Proſecutor opened the cauſe, obſerving, that though facts of this nature were now-a-days made little account of by too many perſons of levity, yet they had always been, by all civiliz'd nations, nay even by many barbarous ones, rank'd among crimes of the moſt heinous nature. Having

Having amply ſet forth the manner and nature of the offence, they ſupported the Charge by the following evidence.

Ann Bond depoſed, that being out of place, and having been ill, ſhe happened to be ſitting on a bench at her lodging, and a woman, whom ſhe knew not, took an occaſion to enter into converſation with her, and aſked her if ſhe wanted a place, telling her ſhe was very ſerviceable in helping ſervants to places; ſhe replying that ſhe would willingly embrace a good ſervice, ſhe told her ſhe could help her to a very good one, which was to one Col. Harvey; that accordingly ſhe went, and was hired, and did not know for three days but that the priſoner's name was Harvey. That for the firſt three days ſhe was treated well; that he ſent his footman with her, and he redeem'd ſome cloaths that ſhe had been obliged to pawn; and he had alſo money, and orders given him to buy ſome linen, which when ſhe came home the priſoner ſaid ſhe ſhould have: but ſhe refuſed to take it, ſaying ſhe had no occaſion for it. That after three days he began to ſollicit her to let him lie with her, offering her a purſe of gold, telling her he would give her a great many fine cloaths, get her a good huſband, would give her a houſe, he having a great many, if ſhe would go to bed with him: that ſhe told him ſhe would take none of his money on any ſuch account: that ſhe came not thither for ſuch purpoſe, that if ſhe did not do his work to his mind he might turn her away: That afterwards ſhe hearing one come to the houſe, enquiring for Col. Charteris, ſhe ſpoke to the houſe-keeper, telling her ſhe thought her Maſter's name had been Harvey; that ſhe had heard a bad character of Col. Charteris, and was not well, and muſt go away.

She added. When I offered to go away, he threatned my life, and I was kept in, and not permitted to go out of the houſe, the door being kept lock'd, and if the clerk of the kitchen went out, the houſe-keeper or butler had the key, ſo that I never could get out after the three or four days.

Being aſked what time ſhe went to live with the priſoner? She replied, about the 24th of October, and came away the 10th of November.

That on the 10th of November, the Colonel rung a bell and bid the clerk of the kitchen call the Lancaſhire bitch into the dining-room. That ſhe going in, he bid her ſtir the fire, while ſhe was doing it he lock'd the door, and took her and threw her down on the couch, which was nigh the fire, in the farther corner of the room, and forced her down with violence, and lay with her; that ſhe ſtrove what ſhe could, and cry'd out as loud as ſhe could, and he took off his night cap and thruſt it into her mouth, and then had carnal knowledge of her.

Being told by the Court that ſhe muſt ſpeak plain, and tell the naked truth, that the law required it; and being aſked whether the priſoner had his cloaths on? She reply'd, he was in his night-gown.——Being aſked whether ſhe had not her petticoats on? She reply'd, yes; but he took them up, and held her down upon the couch.—Being aſked, whether ſhe was ſure, and how ſhe knew he had carnal knowledge of her,? She reply'd, ſhe was ſure he had, and that he laid himſelf down upon, and entered her body.——She was alſo aſked how it was afterwards? She replied, that there was a great deal of wet. That ſhe afterwards told him ſhe would certainly proſecute him for the injury ſhe had received from him, and take all lawful methods to do herſelf juſtice; that he endeavoured to pacify her with promiſes of a great many fine cloaths, &c. if ſhe would hold her tongue, and ſay nothing of it; but ſhe would accept

of

of none of his offers: She added, that then he call'd her a brimſtone bitch, and curs'd and ſwore, and threatned he would beat her to death. And about one hour after he had lain with her, he took a horſe whip and beat her very much, and alſo beat her with the great end of it; and no ſervants came till he opened the door, then the clerk of the kitchen came up, and he bid him take all ſhe had, and turn the brimſtone bitch out of doors: That being got out of doors, ſhe went to a Gentlewoman and made her complaint, and deſired her to go with her to get her cloaths, and when they came and demanded them he bid 'em turn the bitches out, and pretended I had robb'd him of thirty guineas, and ſometimes he ſaid twenty.

Being aſked if ſhe complain'd of the Colonel's uſage of her? She ſaid ſhe did, to Mrs. Parſons, that very day, and ſhe acquainted Mr. Biſs with it, and that ſhe preferr'd the bill of indictment againſt the priſoner; that it was drawn, at firſt, for an aſſault, with an intent to raviſh, and that the foreman and Jury, upon queſtions they put to her, ſaid, it was not an intent, but it was fact, and ſo the indictment was alter'd.

The priſoner being informed, that now the proſecutor had given her evidence againſt him, he was at liberty to aſk her what queſtions he pleas'd; and he put the following queſtions.

Priſoner. Did not you live at Cockeram?

Proſecutor. No.

Priſoner. Did you never ſee me in Lancaſhire, at Cockeram?

Proſecutor. No.

Priſoner. Did you not bring me a letter?

Proſecutor. No; I brought no letter.

Priſoner. If I don't prove it I'll be hang'd. Did not your ſiſter live on my eſtate? Did not you know the whole Lordſhip was mine? To which ſhe anſwer'd, no.

Priſoner. Did you never lie in bed with your maſter?

Proſecutor. No: I was in the truckle bed one night, when ſhe, who was my bed-fellow, lay in the bed with you, and you call'd me to come to bed to you; you ſaid, you Lancaſhire bitch come to bed to me, and lie on the other ſide that I might lie in ſtate; this was the fifth night, and I ſlipt on my gown and went down ſtairs, and ſat there all night; and I was told, you had order'd I ſhould have no bed; I was not willing to lie there at all; but was told you was ill, and I muſt; the ſervants had all ſat up.

Priſoner. Did not you lie in the truckle-bed a nights?

Proſecutor. I did lie four nights in the truckle-bed, in the Colonel's room, with a maid.

Priſoner. Did you not bring my breeches, with fifty guineas, that day you ſaid you were raviſh'd? Did not you lie, the night before your pretended raviſhment, in the truckle bed? Did not you throw the ſnuff-box, with a guinea, behind the grate, when you were call'd up? To moſt of which the proſecutor anſwered in the negative: Adding, I was call'd up, and there was two Gentlemen with you, and you ſaid you had got a pretty Lancaſhire bitch; and the Gentlemen gave me each of them half a guinea.

Priſoner. Did you tell my ſervants that you had met with any bad uſage?

Proſecutor. I complain'd to every ſervant that I had bad uſage?

Priſ. What was the bad uſage?

Proſecutor. In being raviſh'd and horſe-whip'd.

Priſoner. Did you not accept of a ſnuff-box?

Proſecutor. That was given the ſecond day after I came, I ſaid I did not want it, I would not have it: You

You ſaid I ſhould have it; keep it in your pocket, if it be loſt you ſhall be anſwerable for it?

Priſoner. Did you complain to a Magiſtrate the very day you pretended to be raviſh'd?

Proſecutor. I applied to Mrs. Parſons, and ſhe acquainted Mr. Biſs, and the Lord Chief Juſtice's warrant was taken out.

Priſoner. Did not you bring the chamber-pot, and hold it, and take my member out of my breeches?

Proſecutor. No.

Priſoner. Did you not tell ſome of the family, that ſince I had ſo much ſilver, I ſhould have my inſtrument tipp'd, for it would not pleaſe a woman?

Proſecutor. No.

Mary Parſons, the Proſecutor's Evidence, being call'd, was aſked, When Ann Bond came to her and made her complaint? She anſwer'd, it was the 10th or 11th of November, ſhe came to her in a very great ſurprize, ſaid, the Colonel had uſed her very ill, and ſaid, that That morning he had forced her againſt her inclination, and ſhe was beat croſs the ſhoulders and back, and that he had taken all her cloaths from her, that ſhe went with her to demand her cloaths, and the priſoner bid his ſervants turn the bitches out of doors. Then I told her I would have her to a Gentleman, who would do her juſtice, and this was Mr. Biſs.——Being aſked, If ſhe told her when ſhe firſt came to her, that the Colonel had raviſhed her? Mrs. Parſons reply'd, ſhe ſaid, he lay with her againſt her inclination.

The next evidence for the Proſecutor was Mr. Biſs, who depos'd, That about the 10th or 12th of November, to the beſt of his memory, the Proſecutor told him ſhe had liv'd with Colonel Charters; that ſhe thought ſhe had gone to live with one Colonel Harvey; that he had treated her very handſomely for two or three days; that he ſent a ſervant to fetch home her cloaths that ſhe had pawn'd, and order'd him to buy ſome linen; that ſhe refus'd to have it; that ſhe had been whip'd both before the Rape and after it; that the Colonel pretended to be very ill, and ſhe was order'd to lie in a truckle-bed in his chamber, and conſtrain'd to lie in his room. That the 5th night, he call'd her Lancaſhire bitch; that ſhe kept her petticoats on; that about two o'clock he call'd her up, and horſe-whip'd her, telling her ſhe ſhould obey his commands, that was what ſhe deſerv'd, and muſt expect. That on the 17th day of her being there, ſhe was call'd up, that the Colonel lock'd the door, forc'd her to the remoteſt part of the room, threw her down on the couch, and forc'd her body; that ſhe cry'd out as loud as ſhe could, and he took his night-cap, and thruſt it in her mouth, and had carnal knowledge of her body. That ſhe aſk'd him, if ſhe had not beſt apply to a Juſtice? That he told her, the Quarter-Seſſions was near, and he thought that would be the beſt way; and when ſhe came to the Grand-Jury, they told her, that this was not an intent, but the fact; and the Foreman of the Grand-Jury order'd two to go to Mr. Lindon, and the indictment was drawn accordingly; and one of the Grand-jury ſaid, the Colonel had attempted his Siſter; that they went to get a certificate, but could not get it that night; that he told one Mr. Harriſon of it, and (as he was inform'd) he acquainted the Colonel, and the Colonel went out of town the next morning.

Sarah Colley depos'd, That ſhe waſh'd for one of the Priſoner's ſervants, and he ſeeing her, aſked her, If ſhe knew of any likely country girls that ſhe could ſend for to town? But not to mention his name, and

that he order'd her to go the Crown and Wheatſheaf on Ludgate-Hill, and to bring one Mrs. Betty to him; but not to mention his name, and he would give her a guinea.

The proſecutor having gone thro' her evidence, the priſoner's evidences were called.

Mr. Gordon being aſked what he knew about the bringing of a letter? anſwered, That Ann Bond came, and ſaid, ſhe had ſent in a letter to your honour, and waited for an anſwer; that he (this evidence) came into the parlour, when Mr. Irving was reading the letter.

Gordon being aſk'd by the priſoner, what he knew more of Anne Bond? he replied, you roſe very early the morning ſhe went away, ſhe brought you your breeches, and held them while you put your legs into them. This was about two o' clock in the morning.

Queſt. Where was this?

Anſw. The Colonel was ſitting in the parlour, they brought ſome tea, and the Colonel went to bed again; about four roſe again, and went out about ſix, and came home again at ten.

Queſt. What colour were the breeches that Ann Bond brought?

Anſw. I think they were brown cloth breeches, and then the Colonel miſs'd his money. I was order'd to bring up the woman that had lain with him that night, that he went to call Mrs. Bond, but ſhe did not follow him, but ran to the houſe of office, that he follow'd her, that ſhe did not ſtay there to do any thing, no longer than ſhe could go to it, and come back again; that then ſhe ran to the bed-chamber, and was doing ſomething under the fire, and he look'd under the fire-grate, and found a little ſteel box with a guinea in it.

Priſ. Were not ſeveral of my ſervants in the outer hall?

Gordon. I think it was about ten o'clock when the Colonel call'd for Mrs. Bond, and challeng'd her with the money; and I ſaw her about two or three o'clock in the morning come out of the room, and bring the Colonel's breeches with her, and ſhe was in the room, and help'd to dreſs him; Mrs. Bond went away about two o'clock in the afternoon, and was well pleas'd, till he challenged her with the money.

Queſt. Where did Ann Bond lie?

Anſw. She lay in the truckle-bed all the time ſhe liv'd with you, and Mary White lay with her only two nights.

Queſt. What did ſhe ſay about her treatment?

Anſw. She ſaid, you were very kind? but ſince you were a man of money, you ſhould have your inſtrument ſilver'd, for it was not able to pleaſe a woman.

Queſt Where did ſhe ſay this?

Anſw. In the kitchen among all the men and women ſervants, and they laugh'd at it.

Priſ Where were you from the time I got up till I went out?

Gordon. In the hall, upon the ſame floor, with the reſt of the ſervants.

Priſ. Did you hear any noiſe?

Gordon. No.

Mr. *Irving* depoſed, That the Sunday before his Majeſty's birth-day, he was with the Colonel, and his ſervant brought in a letter, and ſaid it came from a woman; the Colonel bid him open it, and read it, he believ'd it came from a whore, and he made no ſecret of thoſe matters: that the Colonel bid the woman be call'd in, and Mrs. Bond came in, in a riding-hood, and the Colonel call'd for tea, and aſk'd her when ſhe came out of the country? That ſhe replied, about three weeks ago. That he was deſired to ſtep out, and was call'd in again, and ſhe was ſitting in the chair, where he left her; and another Gentleman coming

coming in, the Colonel ſaid, Nanny, go down into the kitchen among the ſervants, and when I want you, I will call for you; that the Colonel ſaid, he knew her at Cockeram, that ſhe pretended to be a very modeſt girl, but one of the ſervants where ſhe had liv'd, had lain with her.

The proſecutor being aſk'd, whether Mr. Irving was in the room, when ſhe went to the Colonel's to be hir'd? She reply'd no, he was not in the room.

Mr. Irving being aſk'd, whether he heard any diſcourſe between the proſecutor and priſoner, about the letter? He anſwer'd, No.

The proſecutor being aſk'd, concerning her bringing a letter to the Colonel's, and deny'd that ſhe ſent or brought any letter.

John Gourley, one of the priſoner's ſervants, depos'd, That he was in the room with his Maſter, and Mr. Irving, when a ſervant brought a letter, and he went down, and Ann Bond was ſtanding at the door, and ſhe ſaid to him, I know you very well, I have ſeen you at my ſiſter's houſe at Cockeram.

Queſt. What day was this.

Anſw. It was on Sunday, a little before the King's birth-day; and that the next day he went out with her, with money to fetch her cloaths out of pawn, and he aſk'd her of ſeveral perſons in the country, that he did this for fear ſhe was a bite; but he found that ſhe knew them.

This evidence being aſk'd, where the proſecutor lay.

He depos'd, That ſhe lay every night in his maſter's room, that his maſter us'd to bid him ſend the girl in, that ſhe might not diſturb him; that there was a great harmony betwixt them, and ſhe commended her maſter for her kindneſs to her.

Ann Bond being aſk'd, whether ſhe came to the Colonel on a Sunday? She reply'd, No; it was on a Monday.

Gourley being ſhewn the letter, was aſk'd, if he knew any thing of that letter? He anſwer'd, Yes. That it lay open upon the table, and that he took it up, and read it, and put it in his pocket among ſome other papers, when he was going to Flanders, ſome days after.

Mr. Irving being ſhewn the letter, was aſk'd, if that was the letter he read at the Colonel's? anſwer'd, he did believe it to be the ſame letter, and pointing to the proſecutor, ſaid, this is the woman that was brought in by the ſervant, upon reading the letter; then the proſecutor being ask'd, whether Mr. Irving was preſent when ſhe came to the Colonel's firſt? She ſaid, No.

Then being ask'd, if ſhe knew him? She ſaid, Yes: I have ſeen him frequently.

This letter being ſhewn to Ann Bond, ſhe was ask'd, if ſhe did not bring that letter to the Colonel's? She anſwer'd, No; ſhe look'd upon it ſome time, and ſaid, ſhe could not read it: And being ask'd, if ſhe could write? Anſwer'd, Yes, a little, and being bid to write, took the Writer's pen, and wrote her name; but the hands were not alike. But the letter being prov'd by Mr. Irving and Mr. Gourley, to be brought by her, was read, and is as follows,

Hon. SIR,

I Underſtand you are in town, if your Honour pleaſes, I ſhould be glad to wait on you, I came from Cockeram in Lancaſhire; I came the next door to Mr, Jones, and ſhould be proud to wait on you, if your Honour pleaſes to give me that liberty; pray pardon this freedom, I am, with humble ſubmiſſion, and the greateſt reſpect, your humble ſervant, to command,

Anne Bond.

I wait at your door for an anſwer.

Wedneſday Night,

Three o'Clock.

James Davis being call'd, the priſoner deſired he might be aſked, whether he had not ſeen the proſecutor in the naked bed with him? He replied, Yes, and that ſhe lay every night in his maſter's room, he being aſked, when he came to live with the priſoner? He ſaid on the 4th of November, and that he had ſeen her in the naked bed with his maſter, and that he afterwards aſking her if ſhe was not aſham'd to lie with her maſter? She replied, no; ſhe was not aſham'd of it, for it was what ſhe uſed to do. He being aſk'd what time it was that he had ſeen the proſecutor in bed with his maſter? He anſwered, it was the next morning after he came there: And being aſked how he came to ſee it? That hearing the bell ring, he opened the door without knocking, and went in, and ſaw her in bed with him; he being aſked what buſineſs he had to go into his maſter's chamber, without knocking, and being but juſt come, was a ſtranger? And whether, or not, it was not ſaucy and impudent in him to do ſo? After ſome pauſe, he replied, he had a mind to lie with her himſelf, and having heard that his maſter lov'd a pretty girl, he ſuſpected ſhe lay with him, and ſo he took that opportunity to ſatisfy himſelf.

Hannah Lipſcombe being called, the priſoner deſired that ſhe might be aſked, how often ſhe had ſeen the proſecutor in bed with him? She anſwered, that the firſt night ſhe lay in the truckle-bed, and the ſecond ſhe lay with her maſter. Being aſked, how ſhe knew it? She anſwer'd, ſhe ſaw her in bed with her maſter in the morning when ſhe came to light the fire. It was alſo deſired, that this evidence might be aſked, what the proſecutor had ſaid, concerning the priſoner's private member? She reply'd, that he ſaid, that his member was worn out, and ſince he had ſo much ſilver, it ought to be tipt.—This evidence being aſked, if ſhe knew what lying in ſtate was? She declining to anſwer, was preſs'd to it, upon which ſhe replied, that ſhe indeed had heard from vulgar people that it was for a man to lie with 3 women at once.

Robert Vaux depoſed,—That on the 1ſt of November, Col. Chartres's groom came to him, to come to his maſter at five o'clock in the morning, that he went into the Colonel's chamber, and Ann Bond was in bed with him, that the ſervant opening the door, he went in, and ſhe turning aſide the bed-cloaths, put her legs out of the bed, came out in her ſhift, took up her cloaths under her arm, and dropping him a curteſy as ſhe paſſed by, went into another room to dreſs her. He added, that he was at the Colonel's ſeveral times, and ſhe was very familiar with him, and that he aſked her how ſhe liked him? And ſhe anſwered that her maſter was very kind to her; that he ask'd her concerning his performance, and ſhe ſaid, upon her word, he was uncapable to ſerve a woman. Being asked what he was? He anſwered, he was a Sadler, and had made the Colonel ſome ſaddles. He was likewiſe aſked what urgent buſineſs it was, that ſhould bring him there to diſturb a Gentleman ſo early in the morning? He replied, that one of the Colonel's horſes had broke his halter; upon which he was aſked if he could not have fitted his horſe with a halter, without diſturbing the Colonel himſelf? To which he reply'd, the Colonel had often ſtruck out articles in his bill, for want of verbal orders.

Thomas Cooper depoſed, That he had been in Flanders, and upon his arrival at Dover, a meſſage came to him to come to the Colonel, ſo he rode poſt, and came to the Colonel's houſe, and lay there, and being called up in the morning by his ſervants, he went into the Colonel's bed-chamber, and there he ſaw the proſecutor

fitting

ſitting upright in the bed, with her petticoats about her; and he withdrew, that ſhe might dreſs herſelf. He being aſk'd, what time this was? He reply'd, that it was on a Thurſday. Being aſk'd, what Thurſday? He ſaid, in October, he could not be exact as to the day of the month, without his journal; but he knew he came from Flanders the beginning of October, the firſt or ſecond, that he was about twelve hours in his paſſage to Dover; that the meſſage came to him on Tueſday; that Wedneſday he arriv'd in London, lay at the Colonel's, and the next morning, which was Thurſday, he ſaw the proſecutor in bed with the Colonel.

The Council for the Proſecutor obſerved, that he, this evidence, ſwore to 18 or 19 days before ſhe came to the Colonel's houſe, being aſked, if he was certain as to the time? He then replied, No, he did not know what queſtions he ſhould be aſk'd, had not brought his journal, and therefore could not be certain as to the time.

Mary White depos'd, The morning that Mrs. Bond went away, ſhe brought the Colonel's breeches to him about two of the clock; that the Colonel went out about ſix, and return'd about ten, and miſs'd his money; and then order'd Mr. Gordon to call up Ann Bond, and ſaid, that it muſt be either herſelf (this evidence) or ſhe that took it, there being no body elſe in the room, and deſired Ann Bond to own it, telling her, that if ſhe would, he would not ſend word down into the country; that ſhe ſaid, ſhe could not own what ſhe knew nothing of; and the Colonel order'd her cloaths to be kept, and herſelf to be turn'd out of doors: Being aſk'd, what time the Colonel ſaid he miſs'd his money? She ſaid, ſhe believ'd he ſaid, it was between eight and nine o'clock; being aſked where ſhe was from the time the Colonel got up, to the time he went out? She ſaid in the hall on the ſame floor. Being alſo aſked, if ſhe heard the proſecutor cry out? She anſwer'd, No. Being aſk'd, what colour the Colonel's breeches were that Ann Bond was ſaid to bring to him? She anſwer'd, black, as ſhe thought.

Mr. *Hambleton* depos'd, That he came to the Colonel's to put up ſome curtains (he being an Upholder) that this was about nine o'clock, and the Colonel ſaid he miſs'd ſome money; that he had 50 guineas in his pocket laſt night, and he had loſt 20 of them, and bid Mr. Gordon call all the ſervants up, and that he (this evidence) ſaw two ſhillings lying upon the couch.

The proſecutor call'd the following perſons to her character; Mr. Bell depos'd, That Ann Bond had liv'd with him about a year, and during that time, behav'd herſelf very honeſtly and very modeſtly, and that he takes her to be as honeſt, modeſt a young woman as ever came into a family; that ſhe came to him the beginning of July 1727, and alſo that ſhe behav'd herſelf very religiouſly, and when at any time ſhe could not go to church, ſhe always had ſome good book in her hand.

Mrs. *Bell* depoſed, That ſhe knew the proſecutor in the country, and had brought her out of Lancaſhire from her friends, and that ſhe always was very modeſt and honeſt, that ſhe never perceived the leaſt immodeſty by her, in her life, and ſhe did believe her to be a very honeſt, modeſt girl; and being aſked if ſhe thought ſhe would forſwear herſelf, to take a man's Life away? She anſwered, No.

Mr. *Harwood* depoſed, ſhe lived with him at Clapham nine months, and behaved very well during that time; and the reaſon ſhe went from him was, becauſe ſhe could not bear the rudeneſs of ſome watermen: that ſhe

ſhe behaved very ſoberly and modeſtly, and kept her church very conſtantly, and he did believe her to be a very modeſt ſober young woman, that would not by any means forſwear herſelf, to take any man's life: that ſhe went from him to Mr. Allen, and there alſo behaved herſelf very modeſtly and honeſtly, and he believed he would have been here, had he not been hinder'd by illneſs, ſhe came from thence not for any miſdemeanour, but by reaſon of other matters that were not agreeable to her.

The Jury, after a full hearing, went out, and brought in their verdict guilty. *Death.*

The following Articles are extracted from ſeveral News-Papers.

Courant, Saturday Feb. 28.—Soon after the Jury had brought in their verdict on Thurſday againſt Colonel Charteris, the Sheriffs of this City and County of Middleſex; as alſo the High-Bailiff of Weſtminſter, ſent perſons to take poſſeſſion of what they could find of his effects which are become forfeited. He is ſaid to be worth 200,000l.

Poſt-Boy, Feb. 28.—On Thurſday night about twelve o'clock, a ſervant maid of Col. Charteris fired a piſtol out of the window, one pair of ſtairs, and ſhot one of the Conſtables in the arm. We are informed, that by the verdict given againſt Colonel Charteris, all his eſtate is confiſcated, viz. What money is in the ſeveral ſtocks, as Bank, South-Sea, and India, and all his effects in the City, to the Sheriff of London for the time being: And all in Weſtminſter to Mr. Morrice, the High-Bailiff, who we hear, took poſſeſſion of the Colonel's houſe and effects in New Bond-ſtreet, yeſterday.

Daily-Poſt, Feb. 28.—Laſt Thurſday night, the Officers of William Morrice, High-Bailiff of the Liberty of Weſtminſter, went to ſeize the goods and chattles of Francis Charteris, Eſq; at his houſe in Great George-ſtreet, Hanover-ſquare, on his having been convicted of felony at the Old Bailey; but were deny'd admittance by the ſervants, who made a vigorous defence. One of them, a woman, fired a piſtol from a window and wounded a Beadle in the breaſt. Yeſterday the Officers enter'd, and ſeized vaſt quantities of rich plate and houſhold furniture, which were carrying away all day in carts, to an empty houſe of Mr. Morris's in Old Bond-ſtreet. Mr. Charteris's berlin, which he won at the Spaw, together with 20 horſes and his chariot, were alſo ſeized and carried away to Ormond Meuſe. Yeſterday the Sheriffs of London forbid any transfer or payment of, at the South-Sea-Houſe, and other companies, belonging to the ſaid convict.

Lond. Even. Poſt, Feb. 28. We hear that the Truſtees for the Duke of Wharton, have ſeized on the manor of Wooburn in Buckinghamſhire; Col. Charteris having a mortgage of 18,000l. on the ſaid eſtate. Orders are gone to the Sheriff of Lancaſhire, to ſeize on the ſaid Col. Charteris's three lordſhips in that county, viz. Hornby-Caſtle, Ormſkirk, and another within two miles of Lancaſter, all amounting to the yearly value of 4000l.——His man, John Gourly, (commonly called Truſty Jack) is gone expreſs to Scotland for the Earl of Weems, who married the ſaid Colonel's only child. We hear great interceſſion has been made to ſave the Colonel's life, but as yet without effect. He is reckoned worth 200,000l.—We hear an appeal is lodg'd againſt the ſaid Colonel.

Daily Jour. March 2.—Charteris's Council moved the Court, before ſentence paſt, for the indictment to be read in Latin, which was indulged and comply'd with; but there not being any flaw in it, no motion

was

was made in arreſt of Judgment; and the Colonel had ſentence paſs'd on him with the other malefactors. —The Colonel is lodged in the ſame room in the Preſs-yard where Major Oneby was formerly confined.

Grub-ſtreet Journal, *March* 5.—We hear that Col. Charteris ſet out this morning at five o'clock, for Scotland, from his late habitation.

Daily Poſt, *March* 10.—Col. Charteris is viſited in Newgate by Dr. Pringle, being greatly indiſpoſed.—*March* 21. When the expreſs arrived in Scotland, for the E. of Weems to come to London the Counteſs fell extremely ill on hearing of her father's misfortunes. Her Ladyſhip had ſeveral children now living: The ſecond ſon is named Francis Charteris, and hath a very handſome proviſion made for him by his grandfather.

St. James Evening Poſt, *March* 21. A ſuit, we hear, is going to be commenced, by order of the Treaſury, againſt the High Bailiff of Weſtminſter, touching his ſeizure of Colonel Charteris's goods and chattels in the liberty of Weſtminſter; John Edwin Eſq; laying claim to them by virtue of a grant of King Charles II. to his father and heirs, &c. of the office of proprietor of the waſte and ſoil in the ſaid liberty of Weſtminſter. The ſaid High Bailiff hath detained all Col. Charteris's caſh in the hands of Mr. Drummond, Goldſmith, at Charing-Croſs.

Daily Jour. *March* 24.—We hear that the pretenſions of John and Tho. Edwin, Eſqrs. to the effects of Col. Charteris, ſeized in George-ſtreet, Hanover-ſquare, are waved; Mr. Morris appearing to act under the juſt and legal title of Liſſee to the Dean and Chapter of Weſtminſter, of the ſoil and waſte thereof, for which he pays, purſuant to the leaſe made at his firſt entrance on his poſt, 100l. per ann. And that their claim as by charter from King Charles I. extends only to the diſtricts of the palace.

Whitehall Evening Poſt, *March* 28 The Earl of Weems hath paid Mr Morris, the High Bailiff of Weſtminſter, 700 l. for the 24 horſes which he ſeized at Col. Charteris's ſtables in St. George's, near Hanover-ſquare, as forfeited by being a felon.—Laſt Thurſday the Earl of Weems took lodgings at Mr. Ruſſel's on Ludgate-Hill, for the conveniency of attending his father-in-law, Col. Charteris, who, 'tis ſaid, will ſpeedily obtain his pardon.

London Evening Poſt, *March* 28. This day a great part of Col. Charteris's goods, ſeized by the High Bailiff of Weſtminſter, was carried back to his houſe in Great George-ſtreet, near Hanover-ſquare, the E. of Weems having paid 1000l. for them. The High Bailiff hath reſtored the Colonel all his linen.

Univerſal Spect. *April* 4.—The E. of Weems hath purchaſed of William Morrice, Eſq; High Bailiff of Weſtminſter, all the goods and chattels belonging to his father-in-law Col. Charteris, that were ſeized in Great George-ſtreet, for 3000l.

D. Poſt, *April* 4.—On Thurſday night the Lady of Colonel Charteris, arrived here from Edinburgh, and the next day took lodgings in Warwick-lane, near Newgate.—Yeſterday Col. Charteris was ſo ill with an aſthma and fever, that it was thought by the Doctors that he could not recover.—*Ibid April* 6. Col. Charteris is ſo ill in Newgate of a fever, that he hath four bliſters on, and is attended by three eminent phyſicians. *Ibid April* 8. On Monday night laſt Ann Bond, the young woman who proſecuted Col. Charteris for a rape, met ſeveral perſons of diſtinction and eminent lawyers at the Horn Tavern in New Palace Yard, Weſtminſter. The Counteſs of Weems is on the road from Edinburgh.

Evening Poſt. *April* 10. This day Mr. Juſtice Price, Mr. Juſtice Probyn, and Mr. Baron Thompſon, Recorder

Recorder of the city of London, who sat upon the trials of the criminals at the last-sessions at the Old Bailey, attended his Majesty in Council, (at which were present his Royal Highness the Prince, the Lord Privy Seal, Lord Steward, Lord Chamberlain, Duke of Bolton, Duke of Rutland, Duke of Argyle, Duke of Montrose, Duke of Ancaster, Earl of Westmoreland, Earl of Chesterfield, Earl of Burlington, Earl of Abington, Earl of Scarborough, Earl of Loudoun, Earl of Findlater, Earl of Marchmount, Earl of Stair, Earl of Ilay, Earl of Sussex, Viscount Townshend, Vis. Lonsdale, Vis. Cobham, Vis. Falmouth, Vis. Torrington, L. Wilmington, Mr. Chancellor of the Exchequer, L. Chief Justice Eyre, the Lieut. Gen. of the Ordnance, and Henry Pelham, Esq;) to make report of the trials of such as were capitally convicted at the said Sessions; and among others, of the case of Col. Francis Charteris, condemn'd for a Rape committed on the body of Ann Bond. And his Majesty having severally heard the opinion of the said Judges upon the said case, who all agreed in their report, was pleased, by the unanimous advice of his Privy Council, to order that the said Francis Charteris should be pardoned, and forthwith admitted to bail.

Sessions-Paper, Apr. 1730.—Francis Charteris, Esq; appear'd in Court, and by virtue of his Majesty's warrant was admitted to bail, on security given that he should appear at the next Sessions, and plead to his Majesty's most gracious Pardon.

Post-Boy, April 11.—Last night Colonel Charteris was bail'd out of Newgate; his two Sureties being bound in 500l. each, and himself in 1000l. in order to plead to his Pardon the next Sessions.——

Daily Post, April 13.—On Saturday last the Earl Weems was at Court to return his Majesty thanks for his most gracious free Pardon granted to Francis Charteris, Esq;--*April* 14. We hear that yesterday morning Ann Bond, the person who prosecuted Col. Charteris for a rape, had 800l. paid her by a Gentleman of St. Margaret, at Westminster.

St. James's Ev. Post, April 16.—We hear that yesterday morning the famous Anne Bond, was married at Gray's-Inn Chapel, to Charles Heather, a drawer at a tavern in Westminster; and that they have since taken a tavern in Bloomsbury, and design to set up a well-painted head of Col. Charteris for their sign.

D. Post, April 26.—Col. Chartres, who was thought to be gone to Bath hath hired lodgings at Kensington Gravel Pits; and last Saturday, as he was going in a hackney-coach to Chelsea, the mob fell upon him and beat him in a most barbarous manner for no other reason than that there were two women with him in the coach.

St. James's Ev. Post,—Col. Charteris hath cohabited with his Lady for some days, at her lodgings in Piccadilly, and on Saturday next she sets out on her return for Scotland.

Edinburgh. Feb. 29, 1731-2. On the 24th died Col. Francis Charteris of Amsfield, Esq; in his 57th year; descended from an ancient and hon. family in this county. He married Mrs. Helen Swinton, daughter of Sir Alex. Swinton, by whom he had one daughter, married to the Right Hon. the Earl of Weems, to whose second son he has left the bulk of his plentiful estate, and great portions to all the other children; with several legacies to friends and relations.

F I N I S.