

tapster, as he lay asleep, of these four 36 s. pieces, (producing them) and some little piece; I don't remember any thing more.

*Prisoner's defence.*

I found the money upon the floor in the tap-room. Guilty, Death.

395. (M.) James Bryson was indicted for stealing one picture set in gold, value 30 s. the property of Thomas Frederick, Esq; Guilty.

396, 397. (M.) Jane Johnson was indicted for stealing 2 live turkeys, value 2 s. the property of John Jones; and John Johnson, her husband, for receiving them, knowing them to have been stolen, Sept. 12. † Both Acquitted.

398, 399. (L.) Sarah Robertson, widow, and John Hunt were indicted for a conspiracy, in order to take away the life of Benjamin Jones.

*The following bills of indictment against Benjamin Jones produc'd and read in court.*

1. A bill in October sessions, 1754, against Benjamin Jones, for a rape by him committed on the body of Sarah Robertson, October 5, 1754, her name only upon the back of it. (*This was returned by the Grand Jury, ignoramus.*)

The same sessions, a bill against the said Benjamin Jones, for an assault on Sarah Robertson, with an intent to commit a rape, Oct. 5, 1754. Sarah Robertson on the back of it. (*This bill was found, to which he appear'd at Guild-hall, Feb. 13, 1755. the prosecutrix did not appear. He was Acquitted.*)

A bill in December sessions against him, for a rape, Oct. 5, 1754. This was found by the Grand Jury, Sarah Robertson on the back of it. *He was tried Jan. 16, 1755, and he was Acquitted. See N<sup>o</sup> 91. in this newspaper.*

Another was found in February sessions against him, for an assault, with an intent to commit a rape, Oct. 5, 1754. The prisoner pleaded his being formerly tried for this, and Acquitted.

*The witnesses were examined apart.*

*Samuel Caldicot.* I was present at the trial of Benjamin Jones, for a rape committed on the person of Sarah Robertson. I was his attorney.

Q. Was you present on the examination of Robertson and Hunt?

*Caldicot.* I was.

*Court.* Recollect as much as you can of the evidence Sarah Robertson gave upon that trial.

*Caldicot.* She said, Jones and she was together at the Leg-tavern, Fleet-street, on the 5th of October, between the hours of four and five in the evening, in the uppermost room in the yard; she was ask'd whether the windows and door were open or shut; she made answer, the windows were down, and the door shut: I think she said nobody went into the room to them after the wine was carry'd in, and that Jones made her an offer of an hundred pounds stock to put her into a public-house, provided she would let him lie with her, and that her answer was, she would not do such a thing, neither would she defile Mr. Hunt's bed.

Q. Did you take any of it in writing?

*Caldicot.* I did at the time. Then she was ask'd who Mr. Hunt was; she said, he was in the Fleet, and she had a written contract of marriage with him.

Q. Did she say she had liv'd with Hunt?

*Caldicot.* She said she had liv'd with him, I think, 14 or 15 months; but that I can't exactly say.

Q. Was she ask'd if she knew Hunt had a wife?

*Caldicot.* She was, and seem'd to *bem* and *hawn* a little, and said, she believ'd she had heard it. She said Jones laid hold of her and pull'd her forwards, and unbutton'd his breeches, and put her hand to his private parts, and that he forc'd her petticoats up before; that she cry'd out as loud as she could, but nobody came to her assistance, that she struggled very much, and got herself disingaged; and afterwards he got her cloaths up backwards in order to lie with her that way; that she cry'd out again, and, I think, she lost the heel of her shoe in the struggle; she described him then as sitting in a chair, and she in his lap, and he threw her cross his lap, and one of her legs was between his, her head upon the ground, and she then found him enter her body; he had one of his hands upon her's, and with the other he put in his private parts.

Q. Did she swear this was against her will?

*Caldicot.* She did, and by force.

Q. Did she give an account that when this act was committed, she struggled, cry'd out, and made a noise, and nobody came to her assistance?

*Caldicot.* She did. She was ask'd if she was positive whether he enter'd her; she said, she was sure he did. She was ask'd also, whether she perceiv'd any thing to come from — to which she answer'd, no. Then he said, she said, d——n it, he could do nothing; and she told him, she

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would

would raise Fleet-street about his ears, unless he would let her go; and that then he would not let her go till she had sworn she would return back to supper, and that her cloths were torn almost off her back; that she went home, and afterwards Jones came to her house to buy pots that evening about 7 o'clock.

Q. How long did she say she staid with Jones in this room?

*Caldicut.* I think she said, she was there better than an hour; she said one Gwyn was at her house, who wrote a receipt for 12 s. that she received of Jones for the pots, and that Hunt bid her sign the receipt; and after Jones was gone, Hunt beat her most unmercifully for not signing the receipt at first, when he bid her; and that then she told him Jones had us'd her ill, but I did not take that down. She was ask'd if she did not know the Leg-tavern, till Jones appointed to go there; she said, she never knew there was such a house before; she was ask'd whether any body came to her assistance, when she cry'd out; she said, nobody came.

Q. Did she say she saw any body?

*Caldicut.* She said she saw the maid at the bar?

Q. Did she say she complain'd to her?

*Caldicut.* No; she said she never did.

Q. Did she give any account of any complaint she made, while in the house?

*Caldicut.* No, I believe not.

Q. Did she give any account of having black eyes at any time, can you tell?

*Caldicut.* I think she told my Lord Mayor, when she was before him, she got them by something in the cellar falling upon her.

Q. Were Hunt and she examined in the hearing of each other here in court?

*Caldicut.* No, they were examined apart by desire of their council.

Q. Do you remember Hunt being examined on that trial?

*Caldicut.* I do.

Q. Did he give any account of having liv'd at any place near the Leg-tavern, Fleet-street?

*Caldicut.* He did mention his paying half a year's rent; and, I think, he said he liv'd there better than a quarter of a year, but not quite half a year.

Q. What place did he mention?

*Caldicut.* A place not above 8 or 9 doors from the Leg-tavern.

Q. Was the question ask'd him, whether or no Mrs. Robertson did not know the Leg-tavern, as they had liv'd so near it?

*Caldicut.* He was ask'd that question, and he

answer'd, he believ'd she did, because he had forewarn'd her going to the Leg-tavern often, almost 40 times, knowing it to be a house of ill fame.

Q. Do you remember his being ask'd, whether he beat her?

*Caldicut.* I can't tell that.

Q. During the course of this trial (look upon this paper) tell my Lord and the Jury, whether it was shewn to Hunt or not?

*Caldicut.* (He looks at it.) It is a letter wrote to Jones's wife; he was shewn it, and he declar'd it to be his hand writing.

Q. Here is another letter, do you remember this? (putting another letter in his hand.)

*Caldicut.* Hunt was ask'd also, whether this was his hand writing, and he declar'd it was.

Q. Where have these two letters been ever since that trial?

*Caldicut.* They have been in the hands of Mr. Jones's council, and my own, ever since.

*The first letter read to this purport.*

Madam,

" This is to inform you what a base man Mr. Jones is to you; he came yesterday about four o'clock in the afternoon, and bought some pewter pots at my house, the sign of king Henry the eighth's head in Fleet-market. I being a prisoner in the Fleet, the business and house was oblig'd to be carry'd on in the name of Sarah Robertson; and, upon finding myself deceiv'd in her management, gave orders for the household goods to be sold, and the house to be shut up; and, upon your husband seeing this Mrs. Robertson, he has fallen, he says, in love with her, and never shall be easy without her; and, upon promising to put her into a public-house, with a 150 l. stock, he persuaded her to go with him to the Leg-tavern in Fleet-street, where they had writings drawn up upon the penalty of 100 l. five guineas he gave her down, as a present, if he did not on Monday or Tuesday next put her into this house with the 150 l. stock, upon condition she would let him lie with her, which was done at the Leg-tavern; after which he took her to a lodging where she now is; and if you please to come to me, at N<sup>o</sup> 13, in the middle gallery in the Fleet-prison, I will send the person with you that gave me this intelligence, and she will shew you where this Mrs. Robertson now is. I am, madam,

Oft 5, your friend and servant,

1754. John Hunt."

Directed to Mrs. Jones, at the Barley-mow, Chick-lane, near Smithfield.

*The letter read to this purport.*

Madam,

“ This morning I sent you a letter by a woman,  
“ to inform you Mr. Jones took one Mrs. Robert-  
“ son (who is the person that he bought the  
“ pewter pots of last night) to the Leg-tavern in  
“ Fleet-street, and there lay with her, and con-  
“ tracted to put her in a public-house, and is now  
“ at lodgings for that purpose. I have kept a  
“ person waiting at my room all this day, in or-  
“ der to shew you the place, or any other person  
“ you please to send, but not hearing from you,  
“ makes me believe that letter is not come to  
“ your hand. I am, Madam,  
No. 13. Middle- your friend and servant,  
Gallery, in the Fleet. John Hunt.”

Directed to Mrs. Jones at the Barley-mow,  
Chick-lane, near Smithfield.

*Cross examination.*

Q. What did Hunt say, was his motive for writing these letters?

*Caldicut.* I can't remember that.

Q. Do you remember he said Mrs. Jones came to him?

*Caldicut.* I remember he said something of Mrs. Jones's coming upon the receipt of the last letter, and I remember she said she did go up in his room in the Fleet, and there saw Mrs. Robertson sitting with two black eyes, and I believe she said Hunt was there.

Q. Do you remember what person was with Mrs. Robertson?

*Caldicut.* I don't.

Q. Do you remember what she swore?

*Caldicut.* I don't particularly remember.

Q. How came you to be so extremely correct to take notes on one side, and not the other?

*Caldicut.* That is easily answered, I did it for the benefit of my client, all that would be of service to him, I ought to do, and what would not, I had no business to take notes of. I determined to give myself a good deal of trouble to find out the truth of things.

Q. If your motive was doing right, whether you don't think there is the same justice to the public to take notice of what is said on one side, as well as the other?

*Caldicut.* At that time, my business was to re-collect every thing for the benefit of my client.

*Council for prosecution.* Do you now give all the evidence you are capable of, both for and against the defendants?

*Caldicut.* I do, if I knew any thing that would be of any service to them, I would speak it.

Q. *from Hunt.* Whether you don't remember I said there was a mistake in the date of one of the letters, and that they should both be dated the 6th of October?

*Caldicut.* I do not remember that.

Q. Can you with certainty say, that Hunt said upon the trial, that the first letter had a mistake in the date?

*Caldicut.* I rather should be induced to believe they were sent on different days, but I am not positive.

Q. Was there any proposal made from the prisoners, for Jones to give a sum of money to stop the prosecution of the rape?

*Caldicut.* I know nothing of that, there was none made to me.

*Benjamin Jones.* I know both the defendants to my sorrow.

Q. How came you acquainted with John Hunt?

*Jones.* About four or five years ago, he came and brought an old man a lawyer (I think they called his name Harrison) he told me he understood I had got some money, and he had got a fine house on the other side the water, and an acre of land, and he wanted me to lend him 200l. I told him if it was free land, and if he had a right title to it, I'd let him have the money. I went to see it, but found he did not bear a very good character, I found it not to be free land, but he was to pay 10l. a year for it.

*Council.* Perhaps that may be a long detail, not much to the purpose, answer this question, did you ever lend him any money?

*Jones.* Yes, I have lent him money several times, here is a note of hand of his for six guineas, which I lent him (*producing it,*) sign'd John Hunt.

Q. Do you know his hand writing?

*Jones.* Yes, I do, I have seen him write, this is his hand writing, he has discharged this note by the insolvent act, the note is dated 1753.

Q. Did you ever make application to them to have money or goods for that note?

*Jones.* Yes, I have several times. I once went up stairs to him, and he would not be seen, when he did appear he threw me down stairs, and struck Mr. Griffith, who went with me. Then I gave George Needham a writ against him. I have met him in the fields, and asked him for the money.

Q. On the 5th of October, was you at the house which Robertson kept in the Fleet-market?

Jones. I went to the house to get, as they call it, *myself home* for that note, the goods a selling were Hunt's goods, but he threw himself in the Fleet, and put the goods in her name.

Q. What do you mean by getting yourself home?

Jones. I mean to get what goods I could, and pay with the note.

Q. Had you any conversation with her about goods that were to be sold?

Jones. I had, I ask'd her what there were to be sold, she run up stairs into a two and three pair of stairs room, and said if I had a mind to any of those goods I should have them, but for God's sake, said she, take no notice of that note. I look'd at some chairs, there was a woman there, that she said was her mother. She said if there is any thing that you like, I will go with you to the Kings-arms or the Leg-tavern, Fleet-street, which you like, and we will agree for them there, for if you take notice of the note here, there may come anger. I said, if it is your mother, why must we go to either of those houses, can't you tell me the price of them? I called for half a pint of wine in her house; she said, make it a pint, I'll pay the half. So the waiter brought up a pint of wine, she drank to me, and I only drank one glass. Then she called me back into a little room, and said, which house will you go to, for we must not do business here? I said, I was going to the Goose in Sheer-lane, she said that will be nothing out of your way, so I said, then I'll come to you at the Leg-tavern. She ran away to go there. I was going along the street that way, and she ran along the street, and put her hand on my shoulder, and said, you are a man of your word; did not you promise to come to the Leg-tavern. I said, I am going now. But had I not seen her I should not have gone there. She ran into the Leg-tavern, and into a room, that faces the bar in the yard, and I followed her. She called for a pint of wine, she drank one glass and I another; then she said, I told you that was my mother, but it is not, and I am afraid she will wrong me, and I must be back as soon as possible, but I'll be here again in 10 minutes. She went away, and did not stay above four or five minutes at most in the room. I said, I suppose you'll not come any more, she said nothing but death should keep her. I rung the bell, the waiter came, I asked him to drink a glass of wine, which he did, and I gave him a shilling, and went away, and said if any body comes for me, tell them I am gone. I

never was in the Leg-tavern before that time, and I know I could no be there a dozen minutes that time. I believe the wine was in the bar when we went in, or it could not have been brought so soon.

Q. Were the windows and door of the room open or shut?

Jones. The windows were both up to dry the room, and they never were down during the time I was in the room.

Q. Whether, at that time, you offered any violence to her of any sort?

Jones. I can't say whether I ever kiss'd her lips in my life; but I never in my life offer'd any violence to her.

Q. How long have you been married?

Jones. I have been married ten years.

Q. Upon your oath, when you was there, whether you either ravish'd her, or attempted to ravish her?

Jones. Upon my oath, I never attempted to ravish her; I offer'd no more violence to her than I do any body now; I might have laid with her a hundred times, I believe, if I would, since I have known her, by the freedom she has shew'd.

Q. Has Hunt a wife?

Jones. Yes; there she sits, (*pointing to her*) she has three fine children by him, as I am credibly inform'd. (*She made obedience to the court, and said, my name is Hunt.*)

Q. Did you hear the evidence Robertson gave upon your trial?

Jones. I did. I never offer'd any such thing as she swore to, neither was her cloaths torn as she said. I remember she was ask'd, upon that trial, if she ever knew the Leg-tavern before; she said, no, she never did; and Hunt said, upon his examination on that trial, that he had forewarn'd her of going there 20 times; and it appear'd, by Hunt's evidence, that they had liv'd together within about 8 or 10 doors of it. I was first indicted for an assault; I was bail'd and gave notice of trial; then they went and found a bill against me for an absolute rape; then I went into the country and came, I believe, the first day of sessions, and surrendered myself to the keeper of Newgate. I ran into the tap-house one morning before people were much about, fearing any body should take me. I ask'd for a pint of purl, the boy said we serve no purl but to prisoners; I said, be so good as to let me sit down; soon after came Mr. Spivey the master of the tap; then I ask'd him to let me have a pint of purl; and said, I am come to be a prisoner here;

here; he laugh'd at me; I said, I'll assure you it is true.

Q. Was you not in custody of any body then?

*Jones.* No, I was not. I never was in custody but once, then the serj'd serv'd me with a warrant, and then they wanted to make money of me; that is, Hunt did.

Q. Did Hunt come to you?

*Jones.* No, he sent one Coleman, as Coleman told me, to see if I would make it up.

*Mr. Speer.* The tap in Newgate belongs to me; I remember Mr. Jones's coming to surrender, it was on a morning betwixt 9 and 10 o'clock, and Mr. Akerman was acquainted with it in about an hour after, and I remember his taking his trial afterwards.

*Mr. Akerman.* It is impossib'le for me exactly to remember Mr. Jones's surrender, but I believe he did surrender.

*Council for the Defendants.* We do allow he did voluntarily surrender.

*William Howard.* I was waiter at the Leg-tavern. On the 5th of October last I remember a woman that gave evidence against Mr. Jones and now stands at the bar; she came to the tavern betwixt 4 and 5 o'clock alone, and went away and soon after return'd with Mr. Jones; they went into a room facing the entry, and I was in a room, joining that room, mending some painted paper hangings. That room in which they were, had been wash'd, and the windows and door were open all the time; the woman did not stay five minutes; they did not go away just together.

Q. Can you take upon you to say upon oath, she did not stay in that room ten minutes with Jones.

*Howard.* I can.

Q. Did you hear her cry out when she was there?

*Howard.* No, I did not; and I am sure if she had I should have heard her, for people can't talk any thing louder than common in that room, but they must be heard in the room where I was. When she went away I went to see where the man was, fearing they should go without paying for the wine.

Q. Did she, in going away, complain of any ill usage?

*Howard.* No, she did not. After she was gone a little time, he paid for the wine and went away.

Q. Had you ever before that time seen Robertson at your house?

*Howard.* No, I never had.

*Susannah Goodwin.* I liv'd servant at the Leg-

tavern, Fleet-street. I remember on the 5th of last October, a man and a woman coming there to drink a pint of wine, about 4 or 5 o'clock. I was about the kitchen doing my business. I had scoured the room that day when they went in, and the windows and door were all open, and I found them the same when they were gone.

Q. How long did they continue in the room?

*Susannah.* I did not see them go away.

Q. Suppose there had been an outcry in that room by the woman, should you have heard it?

*Susannah.* That I should; for I was in the kitchen, and the kitchen windows and door were open; there was no outcry at all, nor any other disturbance; had they talk'd but a little louder than ordinary, I must have heard them.

*John Coleman.* I was constable. Mr. Hunt deliver'd a warrant to me to take up Jones, sometime about September or October last; it was for a felony and rape, committed by him on Sarah Robertson. Hunt would have had him to be brought to a public-house, and said, if he'd submit and give a treat of a bowl of punch, or bottle and bird, he would endeavour to accommodate the affair. I told Jones this; but he said, he'd sooner spend 50*l.* rather than submit to a villain.

*Caleb Davis.* I am an attorney. Hunt the defendant apply'd to me about carrying on a prosecution against Mr. Jones. He told me he was a sheriff's-officer, and one of the first note, and was one that took care what he did. I was concerned for him in conjunction with Sarah Robertson, in two bills that were found. I began not to like them nor their cause, hearing Hunt had a wife, so I would be concerned no farther. I looked upon it to be a bad thing; so I had nothing for what I had done, and wholly declin'd acting in it.

*Sarah Richards.* I know Sarah Robertson. I once ask'd her how she came to take such a scandalous affair in hand; she said, she never would have done it if she had not been compel'd to it by somebody else putting her upon it.

*Mr. Bishop.* I am brother-in-law to Hunt's wife; he was married to her about eighteen or twenty years ago; he turn'd her and her three children out of doors, and I have them all at my house. Both Guilty.

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400. (M.) John Harris was indicted for stealing 27 yards and a half of shag, value 1*l.* the goods of Charles Capper, June 17. *l.* Acquitted.