

Terence Shortney, Mary Shortney, Fared Leigh, Edmund Thomas Warren.

Theft: extortion.

7th December 1757

Reference Number t17571207-40
Verdict Not Guilty

49, 50, 51, 52. (L.) Terence Shortney , Mary Shortney , Fared Leigh , and Edmund Thomas Warren , were indicted for a conspiracy, for that they did unlawfully and wickedly contrive and conspire together to prosecute John Morris for a rape, pretended to have been committed by him, on the body of the said Mary Shortney , with intent to extort money from him , June 23, 1756 . ++

Captain Morris. I was recommended by my lord Mansfield to prosecute this affair, who tried me for a rape, pretended to be committed on the woman at the bar: That it may appear that I have no malice against the prisoners, but what I do is for the sake of publick justice, in prosecuting these people, the injury I received by that prosecution is notorious; the trial is printed, consequently every body must know it: I have suffered greatly by it. Now, in regard to the matter of fact, I will apply myself to it as soon as possible. On the 15th of July, 1750, the woman at the bar watch'd me to a publick coffee-house, call'd the Green Park coffee-house, Picadilly.

Court. Tell the beginning.

Morris. A few days before this I was sitting on a bench.

Q. Can you name the day?

Morris. The 10th of June, 1756, about two o'clock in the day, in the Green Park, before Mr Pelham's, now my lord Gower's. The woman at the bar came walking along, and sat down at the other end of the bench, where she began with a very lamentable story, telling her distresses, and mentioning she had been to see a member of parliament, who had been her very good friend a long time; but the family were gone out of town that had supported them in their distresses. She told me that she and her husband had not eat bread for some days, she had not shifted herself for a week, and that she was destitute of every necessary of life; her story was so moving that I thought to give her some trifle. I put my hand into my pocket, and

told her I had no small money. She importuned me to give her something. I told her I lived near at hand, and would go home for some small money, but she still importuned me. I told her I had nothing about me less than a moidore (I look'd at it, and thought it was half a crown at first) so I told her I could not give her that, but if she would tell me who she was, that I could tell where to meet with her, if her distresses were so, I would relieve her. At length by her prevailing arguments, I lent her the moidore, and she promised me to send her husband to give me security for it. I really intended to give her a crown or half a crown. She gave me a direction that she lived in Chapel-Street, Westminster, at Mrs. Undthank's. Accordingly she went away, and promised she would send her husband to give me security that day, or the day following. I desired a gentleman that lived in the neighbourhood to inquire into their characters, and gave him a direction. He soon after told me the woman was next to a Park walker, and her husband a very dangerous man. Upon that I was determin'd I would never see her or her husband, if I could help it. From that time they kept writing me letters, both she and her husband; she for a long time, and, at last, her husband concluded it. I never saw her but twice after that, as far as I can remember. The letters were of such a nature, they are printed in the public trial. *When I had read the first, I plainly saw what they were; indeed, I threw some of them into the fire, but the first I read I kept. At last the woman, I think, on the 15th of July, watch'd me, as I apprehend, and have great reason to believe, to the Green-Park coffee house, about nine o'clock one morning, where I used to go.

[*See capt. Morris's trial, No. 1. in April sessions.]

Q. Did you ever see her between the time you saw her first in the park, and that time she watch'd you into the coffee-house ?

Morris. I think I saw her once within that time, in the park, somewhere about the library. Nothing past material between that time and the 10th of July; then she beg'd of me to give her some more money, saying, her goods would be seized for rent. I told her I would have nothing to say or do with her. I was going out of town. The woman of the house sent up the boy to call me down, I came down stairs, and spoke to her at the door. She said, as I had reciev'd them, she hop'd I would bellow something upon them, as I was going out of town as she heard. I told her she had proposed to send her husband to me to give me security for what I had done, that she had wrote me such letters that I was ashamed to read, and that I would not give or lend her any thing, and that she was not the baronet's: eice she told me she was, but had deceived me, and that she was next to a park walker. She said will not you give or lend me one guinea? - no nor one shilling When she perceived I was absolutely determin'd to give or lend her nothing, she changed colour, and turn'd herself short round and went away. I saw her go towards Petty-France, where they lodg'd, and seem'd to be in a passion. About two o'clock the same day I was walking with Mr. Jones, secretary to the due of Newcastle. round the Rose within the park, almost before my own door, and as soon as we parted, this man at

the bar, Shortney, came running up to me with a great stick in his hand, out of breath, and said, Sir, is not your name capt. Morris? - yes, Sir, - it is you that have made me the most miserable of men, or to that effect, - pray tell much how? - My name is Shortney said he. I co a little. I presume then, said I, I have behav'd your distresses; said he I am the man you gave something to the wife of, but have not you been with her at Marybone ? - no, never in my life. - did not you take her in a coach to Marybone and lie with her? - never in my life, I don't know what you mean, - d - n the bitch I drub'd it out of her, lifting up his stick. I told him I was surprised at his treatment, and apprehended he had conceived a very bad opinion of his wife, but I had never been in a room with her, or darken'd a door with her. I never spoke to her but twice, once in the park, and once in the street. He said, d - n the bitch, give me something to wast me over sea. take her and do what you will with her. I said I was astonish'd at his behaviour, it was a bad return, instead of giving me security for the money I had lent them. He followed me out of the park, and just before I came to the stables he got up with me, and said will not you give me a stinking guinea a honey ? no no said I, nor a single shilling, as I told your wife; upon that he lifted up his stick, and said, may perdition seize me, I'll follow you to the pit of hell.

Q. What do you apprehend he meant by this?

Morris. He wanted me to give him a single guinea, and to take the woman. He swore if ever he met me he'd do for me. I put my hand to my sword; it was in the public day, or I believe he would have done my business. He went away, and I never saw him afterwards till in this place as I remember. On the 27th of the same month I was sent for by two or three gentlemen to the Green-park coffee-house, the waiter that came for me mention'd Mr. Leigh and Mr. Warren. I went to them, it was about eight in the evening. I found three gentlemen sitting together, Mr. Leigh and Mr. Warren were two of them, the other was a stranger. When I went in the stranger offer'd me his chair, I refused it for some time, but at last they prevail'd with me to sit down in it. Mr. Leigh told me they had come to speak to me in regard to some gentleman I had prevented paying some money that was due to them.

Q. Who did he mean ?

Morris I believe he meant Mr. Warren and Duhamel from receiving some money; they mention'd it with some irony, and seemed to be excessively angry with me about it. I told them I thought I had done what I thought was just and right, as the gentleman had made it to appear to me and some others.

Q. Explain that of receiving of money?

Morris The person that was to have paid them had made it appear to me that the demand was exorbitant and usurous, and the treatment was very cruel: they said they would be up with me for it, or they should be very soon up with me for it.

Q. Which said so?

Morris. They both of them said so, the discourse was from both, the gentleman that was with them was gone from them; then I told them, gentlemen, if this is what you wanted with me, I am very sorry I can stay no longer with you, I am obliged to get out of town tomorrow morning, I'll take my leave of you. I was going to get up. Mr. Leigh then address'd himself to me in another tone, saying, captain sit a little closer to me, I want to whisper with you - don't you know one Mrs. Shortney. I recollecting myself a little. said, that is the woman I on that bench in the park, pointing out at the window. Said he, you was at Marybone with her, no said I never was, - no said he, you lay with her at Marybone, and carried her there in a coach, - no said I, - said he the coachman will prove it, and the people of the house will prove it, - that is impossible, because I never darcken'd a door with her. He went on and said, it is true you relieved them in their distresses, you must give them something and make them easy. I said I would not give them a shilling, that she had deceived me, she had told me she was a baronet's neice, but she was a very bad woman, and I had learn'd the man was not much better, being a dangerous man. Upon this Mr. Warren said, not give them a shilling captain? - not a shilling said I. Well, said he, if you don't give them 100 l. she shall swear you forced her to lie with you at Marybone. Upon this I got from my chair, and felt into a good deal of warmth. Mr. Warren said, Poor Polly shall not suffer thus, if you don't give them a hundred pounds, she shall swear you forced her to lie with you at Marybone, meaning Mrs. Shortney.

Q. How do you know that?

Morris. Because I reasoned with them about it, I ask'd them both if they knew her family, and how they came to credit her before me. I told them I had many letters of theirs that I was willing to shew them, but time would not permit me. I began to speak very high, for before this we only whisper'd. Mr. Leigh got hold of my coat, and said captain, don't put yourself in a passion, nor speak so high, no body knows of this, but us and the two people; it shall go no farther if you'll pay the 100 l. - and if you will not, she shall swear you forced her, under or by my direction; upon this I fell into a violent passion.

Q. Did he say direction, or advice?

Morris. I think it was the word direction. I reduced it into writing as soon as I had an opportunity. I told them I thought they had been gentlemen, but I perceived they did not act the part of such, and I would stay no longer. I got to the room door to go down stairs, and Mr. Leigh call'd me back again, saying, he had something more to say. I turned round, and made use of this expression, very loud, Gentlemen there is no fencing against a stall, and I think myself in more danger with you, than with the man and woman you have mention'd. I turn'd my face back and saw the third person sat writing behind a table where I sat I could not learn who he was; I imagine they placed him there on purpose I went home and when I had been at home about an hour card with the of both them which I believe to be of their own hand writing; I have seen them both write. It was brought by the servant at the coffee-house, directed to me. I believe the body of it to be wrote by Mr. Leigh.

It is read to this purport:

' Sir, if you'll give your attendance a little at ' the coffee house, where you met us, perhaps ' you may save further consequences, that must necessarily ' arise.'

Your's, J. L. E. T. W. .'

To capt. Morris, in Bolton-Street, speed.

I went to the assizes the next morning with my lord Conyngham, and when I returned I received the letter by the penny post, which I believe to be the hand-writing of Mr. Leigh.

It is read to this purport:

" To Capt. Morris, at his house in Bolton-Street, Piccadilly.

Wardrobe Court, August 30, 1756.

SIR, In the affair of Mr. Shortney I would recommend you to endeavour to redress him, and appease his wrath; I cannot without your resolute endeavour prevent a prosecution, which will certainly be carried on very soon.

As the crime is of so heinous a nature, against a man of your years and station, I need not expatiate thereon to you; I would only beg leave to assure you, that tho' the facts can be fully proved, yet I would lend you all the assistance in my power, and am, Sir, your very humble Servant, J. Leigh.

P. S. As some of his best friends have been consulted in the affair with me, they have thought proper to employ a fit person, experienced in these kind or prosecutions, to bring this on at the Old Bailey, so soon as possible."

I staid in town, after I returned from the assizes, till the 9th of September, and laid this before my attorney, who told me to take no notice of it, saying, they wanted to extort money from me. When the sessions began at Hick's Hall, on the 15th, they then prefer'd two bills against me; one for an actual rape on the woman, committed at Marybone, and the other for an attempt, &c. On the 14th of the same month Mr. Leigh, in company with the man Shortney, came to my house, but I was not at home.

Cross Examination.

Council for prisoners. Are you a captain ?

Morris. I have been a captain of foot, and about sixteen years in his majesty's service.

Q. Was not you recommended to prosecute for a libel?

Morris. That was the case; my lord Mansfield told me I might prosecute for a libel, a misdemeanor and a conspiracy, or an action at law.

Q. If I understand you right, you say you saw this woman, the first time, on the 10th of June, and she began, of her own accord, to tell you her distresses.

Morris. I don't remember I spake a word to her till she began of herself.

Q. Then you did offer to go home for some money to give her?

Morris. She appeared to be an object of distress, and told me she was a certain baronet's niece, which if she had, undoubtedly she must have been a relation of mine.

Q. What representations did she make of her circumstances ?

Morris. She said she had great expectations from her friends, and there were some things upon the anvil that might come about, saying her husband was applied for to be a messenger.

Q. Did you expect your money again?

Morris. I expected a note for it; I did not care whether I ever saw it again, but certainly I should rather he had come and gave me a note of hand.

Q. Why did you inquire into his character?

Morris She gave me direction, and the man not coming I sent Mr. Rush to inquire, and tell me what they were.

Q. How long was it after that, before you received any letter?

Morris. That was on the 10th of June, and the first letter I received, I believe, was in less than fifteen days after I think two or three of the letters that came first I flung into the fire, having heard her character.

Q. Did you see either of them between the 10th of June and the 15th of July?

Morris. That was, I think, the third time I ever saw her.

Q. Did you promise to see her again at any time?

Morris. I never in my life promised to see her again after the first time I saw her.

Q. Nor made no appointments ?

Morris. No.

Q. Was the first letter dated the 29th of June? it begins with these words, " Dear Sir, you promised " to see me, &c." and the second. " I was " in great hopes of seeing you yesterday." What could she mean by these expressions?

Morris She would write any thing. Her husband swore he wrote them for her.

Q. How many letters did you receive from her?

Morris. I cannot tell.

Q. The letters were of no great mo in themselves, only desiring a meeting

Morris. They were in a scandalous character and what I would not have received if I could have prevented it.

Q. How scandalous?

Morris. In making love to me.

Q. Did that affect your modesty ?

Morris. Whether it did or not, had something of understanding to discern what I should never have complied with.

Q. How came you to burn some of the letters, or indeed how came you not to preserve them all?

Morris. The letters which I burnt were bing letters, but when I came to see the others were in so uncommon a stile I was determined to keep them all, and made my servant indorse on the backs of them the time when I received them, for I thought by the character of the people

they were determined to do me some great hurt. I refused going to the lower park and went to the higher, to avoid seeing her.

Q. How many times might you have seen her after the 29th of June ?

Morris. I don't remember to have seen her and speak to her only that time at the coffee house, on the 15th of July.

Q. Did you ever give her any answer to any of the letters?

Morris. No, nor speak to her afterwards.

Q. Was you never with her at any other place but the park and the coffee house?

Morris. No, never; I never was under a roof with her, to my knowledge.

Q. Can you account for it why a woman should be sending you love letters; would that answer the purpose of enabling her to support a prosecution against you, or would it not arm you against a prosecution?

Morris. I rather think they were the husband's letters than her's, for it plainly appear'd to me at the trial that he wrote them all; and the end is very apparent, he wanted to make a property of me, and to bring me into a snare.

Q. You said you would not lend or give her a shilling, upon which you discovered she was in a passion; why should she be angry?

Morris. She went as though she was running, I thought she was going to raise something against me.

Q. When the man ask'd you if you had not been with his wife at Marybone, was not you surprised?

Morris. I never was more surprised in my life, I did not know the man; if that attack was made upon you, you would be surprised. I really thought the man was mad.

Q. Since you was so greatly surprised on account of the subject, what had you to caution you to get your servant to write upon the other letter, dated the 16th?

Morris. I thought they wanted to bring me into some preliminary or other, but did not suspect the thing till one of them said, did not you lie with the woman at Marybone?

Q. Now I come to the 27th of July, at the meeting of Leigh and Warren, did you know the third person?

Morris. No, if I see him perhaps I may.

Q. You say it was mention'd with irony, what was the meaning of that?

Morris. That matter came before me in order to be considered; I was arbitrator, not by due form of law.

Q. You say they made it appear to you that the demand was exorbitant and usurious ?

Morris. Yes.

Q. Do you grant protections?

Morris. No, I do not.

Q. Are you a minister?

Morris. I have been a resident.

Q. Does this refer to any protections that have been granted by a minister?

Morris. I was secretary to a minister, Count Haslang, who had granted a protection to a person that Mr. Leigh wanted to give trouble to, and they desired that protection might be withdrawn by petition.

Q. Was it upon that, that they said they would be up with you?

Morris. It was.

Q. Was the third person gone then?

Morris. He was gone, he went immediately upon my going into the room. I never saw him after, till I was going to go out.

Q. Were any body by at this time?

Morris. There was the man of the house, and three or four gentlemen, but they were all along whispering till I got up.

Q. Did you ever see Mr. Leigh and Mr. Warren after this, to talk with them of this affair of Shortney's?

Morris. No, I don't know that ever I did.

Q. Was there any time except the 27th of July, when Mr. Leigh and Mr. Warren sent for you and talked with you about your protecting any person, relative to the affair of a prosecution to be commenced.

Morris. No, except this on the 27th of July.

Q. Did you never see them since?

Morris. No, I have not till now here, I might have passed them in the street

Q. Had you never any conversation with Mr. Leigh afterwards?

Morris. No, only at the last sessions; he ask'd me if I was ill natur'd, if you call that conversation.

Q. What answer'd do you make ?

Morris. I said I did not think it in him.

Q. Are you sure you never had any conversation with him about Shortney and this affair, besides that on the 27th of July ?

Morris. No, I never had, neither directly nor indirectly.

Council. I'll put you in mind. I believe it is about six weeks ago; tell me whether ever you said you believed Mr. Leigh was never in any conspiracy against you?

Morris. I never said so, for I always believ'd he was.

Court. Captain Morris, have you no council?

Morris. No, my lord, I trust to the justice of my cause only.

Elizabeth Bolton . I keep the Green-park coffee house. I saw Mr. Warren and two gentlemen with him at my coffee room, but I can't say who they were. Shortney came into the room to them.

Q. Look at Mr. Leigh?

E. Bolton He might be one of them there, I can't say - I think he was.

Q. What day of the month was it?

E. Bolton. I can't tell that.

Q. Was it in the winter or summer?

E. Bolton. It was in the summer.

Q. Was it in July or August?

E. Bolton. I cannot be clear which, but rather think it was July.

Q. Was it the latter end or beginning?

E. Bolton. I can't say, so many gentlemen use my coffee house, I don't take notice; my business is to attend my bar. I can only say I saw captain Morris leave them in a great passion. I remember Shortney did come in, I believe he was sent for.

Q. Who sent for Shortney?

E. Bolton. I can't say, captain Morris was sent for by my servant, he is a little boy; he carry'd a letter or card to him.

Q. Do you know the letter again?

E. Bolton. I do not.

Q. Did you see the direction upon it?

E. Bolton. I did not.

Q. Did you hear them order the boy to go there ?

E. Bolton. I did not understand a word they said.

Cross Examination.

Q. Was Mr. Warren there?

E. Bolton. I am sure Mr. Warren was, but cannot be positive to Mr. Leigh.

Q. Do you know Shortney?

E. Bolton. I never saw him but that day.

Q. How can you be positive he was there that day?

E. Bolton. Because I heard his name, and knew that to be the very man.

Q. Did you hear the name Leigh mention'd that day?

E. Bolton I did.

Q. Was there any other person there?

E. Bolton. There were.

Q. Was Mr. Watts there?

E. Bolton. I believe he was.

Q. Was he there when Shortney was?

E. Bolton. I can't say he was.

Q. How long did Shortney stay?

E. Bolton. I can't tell.

Q. How long had they been there before they sent for captain Morris?

E. Bolton. I can't tell.

Q. Did they come in together, or one after another?

E. Bolton. I believe three of them came in together.

Q. How many were there of them in all?

E. Bolton. There were four of them with Shortney; how they came in I cannot say; I know Shortney came in with a great stick in his hand.

Q. How long did they stay?

E. Bolton. I don't know; captain Morris went away first.

Q. to Morris. Did you see Shortney there?

Morris. I did not.

John Stevens . I know Shortney, and have seen the woman once; I have seen Leigh, and, I believe, I have seen Warren, Shortney, Mr. Leigh, and another man. This Mr. Warren may be the other man, but I can't say; they came to captain Morris's house.

Q. What are you?

Stevens. I was his servant some time before; I was come to town, and happened to be at his house at that time; I was gone to the coffee-house.

Q. When was this?

Stevens. I believe it was the 14th or 15th of September, 1756. Mr. Morris's servant came and let me know there were three gentlemen come; that they wanted to search the house, and were going to take the goods away. I went to the captain's house, where they ask'd for captain Morris. I told them he was gone into the country. They said they must see him that night, for they had business with him.

Q. Who said so?

Stevens. Mr. Leigh said so to me, and the prisoner Shortney. They said they were sure he was not far off, and they would search the house.

Q. What did the third person say ?

Stevens. I can't be particular what he said; they went all three of them into most of the rooms of the house. If this is the gentleman [meaning Mr. Warren] he had another wig on. Mr. Leigh said, here is your authority and gave a paper to the other man. I desired to look upon it. He said to the man, you have no business to look at it any further. They search'd the house, and found he was not in it Then they would not go out without they saw where I went to; they followed me to the coffee-house, and drank part of a pint of wine with me; at the same time he was at my lord Conyngham's.

Q. What did you apprehend by his delivering the paper ?

Stevens. I apprehended he deliver'd a warrant.

Q. Was it not to the constable?

Stevens I don't know, it was like this gentleman [pointing to Mr. Warren.]

Council. We don't dispute that Mr. Leigh deliver'd a warrant to the constable, but Mr. Warren was not there.

Elizabeth Straton . I know neither of the prisoners.

Q. Don't you know the woman at the bar?

E. Straton I never saw her to my knowledge, only at this court.

Q. Where do you live?

E. Straton. I live at Marybone, and keep Straton's tea warehouse.

Q. Did you live there in July, 1756?

E. Straton. I did; we were at the gardens at Marybone before we let it, the 5th of July, 1756.

Q. Did you see the woman at the bar there in June, 1756?

E. Straton. She might come there fifty times and I not see her. I was there in the month of June.

Q. In what capacity was you?

E. Straton. I acted as mistress of the house, and was chiefly in the bar.

Q. from capt. Morris. Whether you ever saw me there that year?

E. Straton. No, never in my life till the latter end of August or September last, when he discover'd to me who he was.

Elizabeth Porter . I was servant at the tavern at Marybone.

Q. Did you ever see capt. Morris at your house?

E. Porter. No, not to my knowledge.

Q. Did you ever see the woman at the bar there?

E. Porter. I think I have.

Q. Did you ever see her in capt. Morris's company there?

E. Porter. To my knowledge I never did.

Q. How many people were there to wait on the company besides you?

E. Porter. There was nobody else.

Q. Was it possible for you to recollect everybody that came there?

E. Porter. It was not.

Q. What time was it you think you saw the woman?

E. Porter. I can't tell what time.

Q. Was it in the summer or the winter?

E. Porter. It was in the summer.

Q. What summer?

E. Porter. The summer before last.

Q. Was she alone or in company?

E. Porter. There was a gentleman with her.

Q. Should you know him again if you saw him?

E. Porter. I don't know whether I should or not.

Q. Do you know one Ann Hope ?

E. Porter. No, we had no such servant.

John Fripp . I am an apothecary; I have known Mr. Leigh four years and a half. He called upon me, and asked me to attend a woman that he knew was very ill. I went, it was the woman at the bar, and found her very ill. He called upon me next morning, to ask how she was; I told him, very ill. He wanted to know whether she was able to attend at the Old-Bailey, a cause being depending wherein she was a most material witness. I said she was not. He asked if I could make affidavit of it, and I said yes. He drew up one at the coffee house; the husband Shortney was there We came here, and made affidavit that she was not able to attend. Mr. Leigh told me that the husband and Mr. Warren were together at Marybone, to ask if Mr. Morris had ever been there.

Cross Examination.

Q. How long have you known Mr. Leigh?

Fripp. Upwards of four years.

Q. Do you think Mr. Leigh would be concern'd in a conspiracy to indict people, if he thought they were not guilty

Fripp. I always had a very good opinion of him, and believe he really thought the woman had been injured, and that there had been a rape committed.

Q. from capt. Morris. Whether you was ever in company with Mr. Leigh, Shortney and his wife or Mr. Warren, to consult measures relating to me ?

Fripp. You see it is after the bill was found a great while.

Q. from capt. Morris. What did they say of me?

Fripp. That you must be the vilest of men to use the woman in the manner she had related.

Q. How long did you attend the woman at the bar?

Fripp. About four months.

Q. Did you ever see them all four together?

Fripp. No, I never did; I do not know that I ever spoke to Mr. Warren.

Q. Did you ever see Mr. Leigh at Shortney's apartment?

Fripp. No.

Q. Do you know of any scheme form'd by either, in order for this prosecution?

Fripp No.

The indictment against capt. Morris and the record of his acquittal were read, and the witnesses names on the back of the indictment, which appeared to be Terence Shortney , Mary Shortney , Jared Leigh , and Edmund Thomas Warren .

For Mr. Leigh, and Mr. Warren.

John Watts , Esq; I know Mr. Leigh and Mr. Warren. I have known the latter about eighteen years, and Mr. Leigh about three or four. I was at the Green-Park coffee-house (I can't

remember the day of the month, but it was on a Sunday) and saw him there. I remember a gentleman being there in the room; they informed me it was Mr. Morris.

Q. Did you hear them have any talk with Mr. Morris about any protection or debt?

Watts. No.

Q. Nor about this prosecution?

Watts. I call'd in by accident, and was writing a letter to go into the country. I did not hear them talk about this affair of Shortney till after Mr. Morris was gone; they said it was a very bad affair; I heard there was a rape committed by Mr. Morris.

Q. Did you hear such a thing as a hundred pounds mention'd?

Watts. No, I did not.

Q. Was you there all the time Mr. Morris was?

Watts. I was.

Q. How near to him?

Watts. Not above two yards from him.

Q. Do you think you should have heard it if there had been any such thing talk'd of?

Watts. I think I should.

Q. Do you think Mr. Warren or Mr. Leigh would be guilty of convicting an innocent man, knowingly, such an offence ?

Watts. No, I do not believe it of either of them.

Mr. Morris. I do not believe I saw Mr. Watts there that time.

Watts. I can't recollect Mr. Morris's person, but they call'd him Mr. Morris.

Q. What, when he was there?

Watts. Yes, they did.

Q. Do you use that coffee-house ?

Watts. I do; the woman knows me very well: I went with Mr. Leigh and Mr. Warren to Marybone, I think it was to inquire whether Mr. Morris and a woman had been there. I was in the room on that day we went to inquire.

Thomas Gardner . I went with them to the garden house at Marybone. It was the summer before last, it might be about July, where they made inquiry about a room. On a Sunday in the afternoon we went all four in a coach together. Mr. Watts and I were in a one pair of stairs room together, while Mr. Warren and Mr. Leigh were inquiring. I heard somewhat of examining a girl about a room, about something that had been committed by a gentleman.

Mr. Jefferson. I have been acquainted with Mr. Leigh about three or four years; in September, or the latter end of August, he apply'd to me (as I am pretty much used to prosecutions in this court) with the state of this woman Shortney's case, as I apprehended drawn then by herself or her husband. There were a great variety of facts in it. Either at that, or some other time before the September sessions, I desir'd him to give me the times and places, names, &c. which he did, which I have in my hand, from which I drew two indictments, one for an actual

rape, and the other I believe for an assault to commit a rape, that was supposed to be at another time and place. He took the indictments, and I believe made use of them at Hicks's-Hall. I think the trial came on in April. I was an opposite neighbour to Mr. Leigh then, on the day of the trial he was present, and then informed me he had been out of town.

Q. What is Mr. Leigh's character ?

Jefferson. I believe that of a very worthy practitioner. I always looked upon him in that light, and in this case he seemed to me greatly touched with compassion, and at that time look'd upon it that the woman had been greatly injured. Upon that I was willing to give him all my assistance in drawing the indictments, and do what I could for him. I believe he did it from an intire honest motive, and no other.

Q. Do you imagine any thing look'd like spite against captain Morris?

Jefferson. No, I remember that the day captain Morris was tried Mr. Leigh shew'd me a man, that he said had apply'd to him to arrest captain Morris, on a bond for a 100 l or 200 l. but Mr. Leigh desired to have no concern in it.

John Jones . Mr. Morris owing me a hundred pounds upon a bond, I apply'd to Mr. Leigh to charge him in custody, and Mr. Leigh said he would have nothing to do with it, he had one action against him, and he did not care to have to do with any more, saying it would look like spite.

Robertson Yarp . I was by when there was some conversation between Mr. Leigh and Mr. Morris in Mr. Jefferson's room here at the Old Bailey. Mr. Morris came into the room, and Mr. Leigh ask'd him what he meant by such ill-natur'd proceedings, and whether he thought him to have conspir'd against him, or owed him any ill will. He answer'd no, he did not think he did; he did not think any such thing of him (I think those were the words.) Then he ask'd him what could be the reason of his bringing that indictment against him. I think his answer was, he had been some money out of pocket, or to that purpose.

Q. from captain Morris. How long was I in the room?

Yarp. You was not in the room above six minutes.

Q. from captain Morris. Was I one minute?

Yarp. That you was.

Captain Morris. All that past was this, I did not know Mr. Leigh, he was grown fatter: I thought he was Mr. Jefferson, for he was sitting at the desk.

Council for prisoners. No man that ever saw those two persons could ever mistake one for the other; Mr. Jefferson is much thinner than Mr. Leigh.

Mr. Debhvill. I am a wine merchant, and was in the room at the time Mr. Leigh was at the desk, who said much to the purpose as Mr. Yarp has related. Mr. Leigh asked Mr. Morris why he brought on such a prosecution, whether he thought him to be necessary to any thing? Mr. Morris said no. I did not think to be call'd upon, only I was subpoena'd yesterday morning; but as Mr. Yarp has repeated it, it occurs to my memory more clearly.

Q. How long was Mr. Morris in that room?

Debhvill. I really believe he was there 5 minutes. I can't say to a minute.

Q. from the court to capt. Morris. Is this true that they have said ?

Morris. Upon my oath, what they have said is absolutely false.

Mr. Patenden. I have known Mr. Leigh about four years ?

Q. What is his general character ?

Patenden. I believe him to be a man of good character, and a man that I should employ as soon as any man I know.

Captain Taylor. I have been intimately acquainted with Mr. Leigh. He is a very honest man. I would take his word for any thing. He is an indulgent parent and good husband.

Mr. Ossiter. I have known Mr. Leigh about a year and a quarter. He is a very honest man, and to my knowledge he is one that does not encourage double and law suits.

Mr. Holland. I have known Mr. Leigh about seven years, and his family for twenty years. I never heard a bad thing of him. He has done business for me, and that with much caution.

Mr. Lucas. I have known Mr. Leigh fourteen or fifteen years. He is a man of a good character. I don't think he would be guilty of what he is charg'd with on any account.

Mr. Thomas. I have known Mr. Leigh exceeding well for nine or ten years. He has an extreme good character, I believe as to his profession no in has a fairer character.

Mr. Fry. I have known Mr. Leigh three or four years, I never heard him spoken of but with great deal of respect. I have known Mr. Warren about seven years, I always look'd upon him to be very honest man.

Mr. Chamberlayne. I have known Mr. Leigh about nine years, I always look'd upon him to be a honest man.

Mr. Baildon. I have known Mr. Leigh about four years. He is a man of good character, and a an of property. I have known Mr. Warren about two years, his character is good, I never heard it call'd in question in my life.

Joseph Baildon . I have known Mr. Leigh about four years, and Mr. Warren about eighteen. I never heard either of their characters the least peach'd in my life.

Mr. Bush. I have known Mr. Leigh three years and a half, and Mr. Warren about twelve, y are both men of good character, far from being guilty of such a crime as this.

Mr. Gardnir. I have known Mr. Warren ten years, and Mr. Leigh three or four, I believe them to be both men of strict honour and honesty.

There were many more witnesses in court to the characters of Leigh and Warren, but it was thought needless to call any more.

All four acquitted.