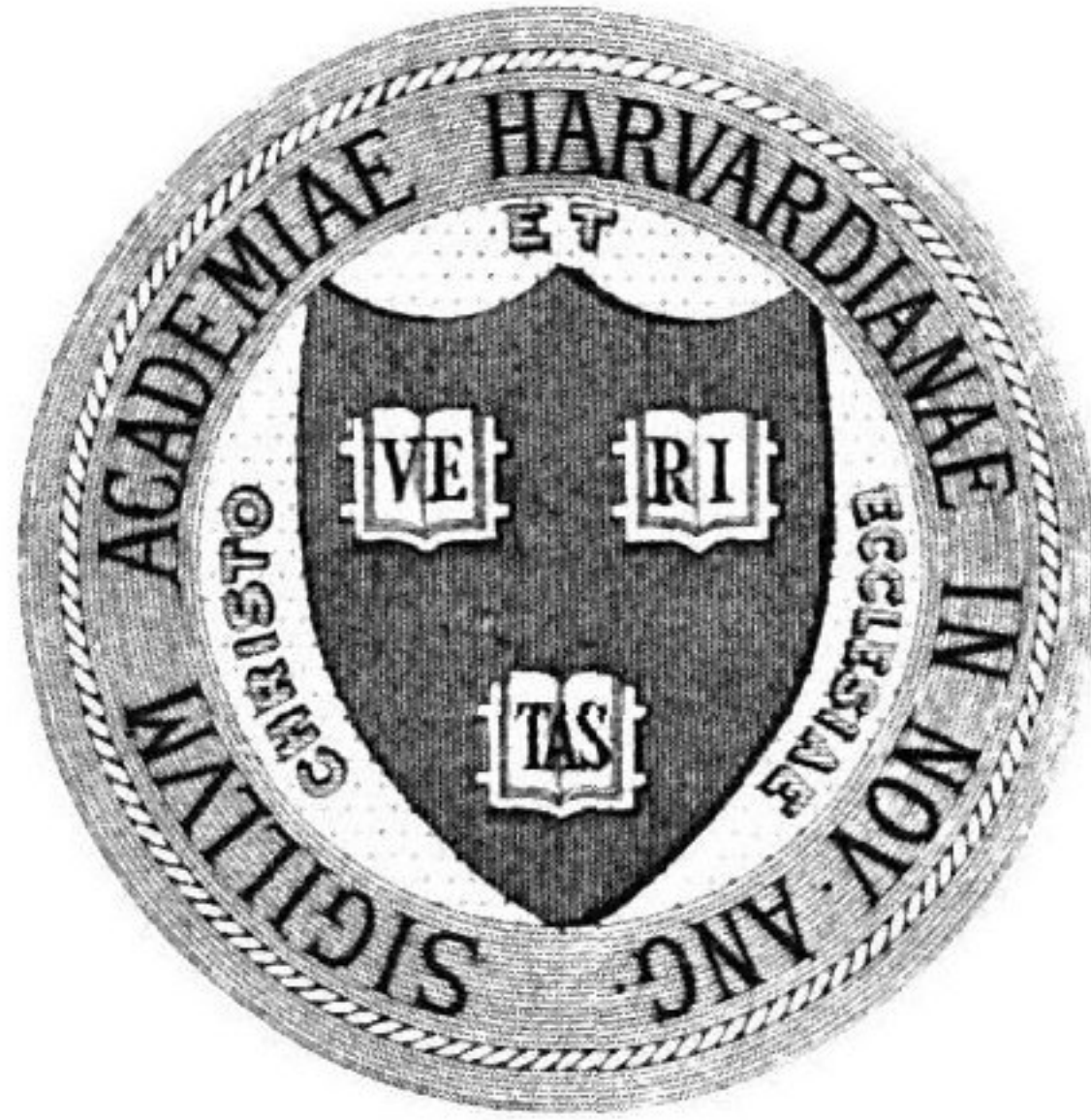




500^c

200

71



HARVARD LAW LIBRARY

Gift of

Alfred Hemmerway

RECEIVED FEB 21 1931

1

W. L. O. M.
141

THE
TRIALS AT LARGE
OF
W. GRIMSHAW and R. KIDMAN,
(WITH A SHORT NARRATIVE OF THEIR LIVES)

FOR
BURGLARIES AND ROBBERIES,
*Committed in the House of Mr. JOSEPH BUTCHER,
and in CAIUS COLLEGE, in the University of
Cambridge;*

AND OF
HENRY COHEN,
AS AN ACCESSORY BEFORE THE FACT,
TRIED BEFORE THE
Hon. Sir Dash Brose,
ONE OF HIS MAJESTY'S JUSTICES OF THE KING'S BENCH,
ON FRIDAY AND SATURDAY,
The Thirteenth and Fourteenth of March, 1801.

ALSO OF
HENRY COHEN,
AS AN ACCESSORY AFTER THE FACT,
TRIED BEFORE
Baron Hotham,
ONE OF HIS MAJESTY'S JUSTICES OF THE KING'S BENCH,
ON WEDNESDAY, JULY 22, 1801.

*** Taken in Short Hand by J. H. BLANCHARD, No. 35,
Chancery Lane, London; and published by J. NEWBY, Chapel-
Clerk of Trinity College, Cambridge.*

CAMBRIDGE,

PRINTED BY J. BURGESS, PRINTER TO THE UNIVERSITY;
AND SOLD BY THE PUBLISHER, AND J. DEIGHTON, CAMBRIDGE;
T. HURST, PATER-NOSTER ROW, LONDON; AND J. DINGLE,
BURY ST. EDMUNDS.

1801.

PRICE THREE SHILLINGS.

FEB 21 1931

2/21/31

THE
T R I A L
OF

WILLIAM GRIMSHAW,

*For a Burglary and Robbery in the House of
Mr. JOSEPH BUTCHER, at Cambridge, in
the Night of the 24th of January, 1801.*

*The Indictment was Stated by the Clerk of Arraignment: to
which the Prisoner pleaded, NOT GUILTY.*

Mr. Wilson. **M**AY it please your Lordship—
Gentlemen of the Jury—It is
my duty to state to you, very shortly, the circum-
stances which attend the offence the prisoner stands
charged with.

Gentlemen, The prisoner is by trade a Chimney
Sweep, and in that capacity he had several times,
and, I believe, about three weeks before, been em-
ployed to sweep the chimney of Mr. Butcher's
house. Mr. Butcher is an Attorney, living in Cam-
bridge, who had a considerable property in plate for
daily use. In the evening of Saturday, the 24th of
January last, Mr. Butcher's house was fastened in
the usual way by the servants, who will be called
A before

before you, and who will tell you, in what way the different fastenings were left, when they went to bed, about 12 o'clock at night. Early on the morning of Sunday, when one of the servant maids got up, she was surpris'd to find that the kitchen window and the kitchen door were open; this alarmed her; and in consequence of that a search was made, and a great variety of plate was miss'd. The articles were in daily use; the servants will speak particularly to what was lost, from their knowledge of the marks, and it will appear clearly to be the plate of Mr. Butcher.

Gentlemen, This happened on the night of the 24th of *January*, in the night between Saturday the 24th and Sunday the 25th of *January*: there were various searches made, which it is not necessary for me to state to you, but in consequence of those inquiries a suspicion fell on the prisoner, Grimshaw, which induced Mr. Forlow, Mayor, and other Gentlemen to search his house, and those Gentlemen will give you an account of what they found there.—The day, on which they made the search in Grimshaw's house, was Tuesday the 3d of *February*, about ten days from Saturday the 24th of *January*, when the robbery was committed—from Saturday the 24th of *January*, to Tuesday the 3d of *February* is about ten days. I believe it will appear, that at first Grimshaw denied that any thing could be found in his house of the kind; but, however, they found concealed under the stairs (not in a way, which a man would keep any property he came honestly by), they found all those articles, without any exception, which had been taken on the Night of the 24th.

Gentlemen, The short case I shall lay before you, on the part of Mr. Butcher, is this—Those goods, having been found so concealed, it will be for the
 prisoner,

prisoner, Grimshaw, to account, if he can, how they came into his possession—If he cannot shew that, it will be for you to draw the inference, whether he is the person guilty of breaking into Mr. Butcher's house?—This is all the case I have to lay before you, and I will not take up your time any further.

Gentlemen, I have only one request to make of you, which is this :—You may have heard numerous reports with regard to various robberies, charged on Grimshaw, and other persons.—With respect to all those, if you have heard of them, you are to dismiss them from your minds. He is charged with the single offence of breaking into Mr. Butcher's house, and stealing the plate; with regard to every thing else, he stands at present an innocent man. The whole you have to do, is to dismiss any thing you may have heard from your memory, and attend only to the evidence you shall hear on this charge.

Ann Pratt, Sworn.

Mr. Wilson. Question. You are cook maid to Mr. Joseph Butcher, I believe?—*Answer.* Yes.

Q. Was you cook maid to Mr. Butcher in *January* last?—*A.* Yes.

Q. Do you know Mr. Butcher's Christian name?—*A.* Joseph.

Q. Do you know the name of the parish Mr. Butcher lives in?—*A.* Yes.

Q. What is it?—*A.* St. Andrew's.

Q. Are there two parishes of the name of St. Andrew in Cambridge, do you know?—*A.* No, I don't know.

Q. Is there any thing added to the name beside St. Andrew?—*A.* Great St. Andrew.

Q. Do you know the prisoner, Grimshaw?—*A.* Yes.

Q. What business is he?—*A.* A chimney sweep.

Q. Had he ever been employed in sweeping the chimneys at Mr. Butcher's?—*A.* Yes.

Q. How long before this robbery?—A. I think about two months.

Q. Do you remember on the 24th of January, what time you went to bed?—A. About 12 o'clock.

Q. That was on a Saturday, I believe?—A. Yes.

Q. Before you went to bed, did you look to see whether the doors and windows were fastened?—A. Yes.

Q. Describe in what way they were fastened?—

A. I locked the outer gates, but I did not take the key out of them.

Q. You locked them?—A. Yes.

Q. It is the gate of the yard?—A. Yes.

Q. How were the house doors fastened?—A. I locked the pantry door, brought the key into the kitchen, and put the key on the shelf; I then barred the kitchen door.

Q. Does that open into the yard?—A. It opens into the kitchen.

Q. Do you go from the yard into the kitchen, or not?—A. Yes.

Q. There is a little passage, I believe, that leads to the pantry on one side, and the kitchen on the other?—A. Yes, there is.

Q. You fastened the pantry door, and carried the key into the kitchen?—A. Yes.

Q. Did you fasten the kitchen door?—A. Yes, I barred it; it has no lock, it is fastened with an iron bar.

Q. Did you put up the iron bar of the kitchen door?—A. Yes.

Q. Is there any other door to the house?—A. Yes; there is one next the street, I looked at it, I did not lock it, but it was quite fast, it was fastened with a bar, the same as the kitchen door.

Q. Were the windows of the house fastened?—A. All but the kitchen window, and, I believe, that was not; it has a long bar.

Q. Was

Q. Was it a casement, or a sash?—*A.* A casement.

Q. Was the casement down?—*A.* Yes.

Q. Has it shutters?—*A.* Yes.

Q. Were the shutters shut?—*A.* Yes.

Q. Within the shutters, I suppose, there was an iron bar?—*A.* Yes.

Q. Was that iron bar put up?—*A.* No, I don't think it was within side.

Q. Did I understand you—was this iron bar within side, or outside?—*A.* There is one bar on the outside, and another on the inside, that was not put up.

Q. The one on the outside was put up, you think?
A. Yes, I know it was.

Q. How was the bar on the outside? Had that any fastening that came through?—*A.* Yes.

Q. Was the bolt in?—*A.* The bolt that came through from the outer bar was in, but not keyed.

Q. In this state it was when you went to bed at 12 o'clock?—*A.* Yes.

Q. Was you the last person up?—*A.* Yes.

Q. Was you the first person that came down in the morning?—*A.* Yes.

Q. What time did you come down?—*A.* About half past seven.

Q. Was it light or dark?—*A.* It was then light.

Q. In what state did you find the doors and windows, when you came down?—*A.* I found the kitchen window nearly open.

Q. And the bar was down, I suppose?—*A.* Yes, the bar was taken down, and the shutters nearly open.

Q. Was the kitchen door open or shut?—*A.* The kitchen door was shut, but the bar was down.

Q. The door was shut too, but the bar being taken down, any body could open the door?—*A.* Yes.

Q. Did you miss any thing?—*A.* I saw the key
A 3 of

of the pantry was taken from where I put it, and thrown into the middle of the kitchen.

Q. Did you miss any thing?—*A.* I took the key, and went to the pantry, and found the door locked.

Q. Did you miss any thing out of the pantry?—*A.* Yes.

Q. Can you give an account of what you missed?—*A.* I missed flour, but I don't know how much there might be.

Q. Did you miss any plate?—*A.* Yes.

Q. Can you mention any thing you missed?—*A.* Some tea spoons—I don't know how many, a soup ladle and a cream pot.

Q. Any thing else?—*A.* I don't know of any.

Q. Nothing else in the pantry?—*A.* Nothing else in plate.

Q. How do you know that they had been in the pantry before—when did you see them last?—*A.* I saw them when I locked the door in the evening.

Q. Were they things in daily use?—*A.* Yes.

Q. Did you miss any thing out of the kitchen?—*A.* Yes, I missed the plate out of the kitchen cupboard.

Q. Can you tell us what was there?—*A.* There was a strainer, a silver skewer and half pint pot.

Q. Are they all silver?—*A.* Yes, and a pepper box; I don't recollect any thing more—there was more, I dare say, but I don't recollect.

Q. You think there was more, but those are all you recollect?—*A.* Yes.

Q. Had you seen those things in the kitchen the evening before?—*A.* Yes.

Q. Did you look into the parlour?—*A.* Yes.

Q. Was there any thing missing out of the parlour?—*A.* Yes, a silver waiter, some small ladles—I don't know exactly how many, three or four.

Q. Some sauce ladles, were they?—*A.* Yes.

Q. Any thing else?—*A.* Silver snuffers and stand,
and

and sugar tongs out of the sugar bason—I don't recollect any thing else.

Q. Did you miss any thing else from any other part of the house?—A. No, I did not.

Q. Had all this plate Mr. Butcher's mark on it?—A. Part of it had.

Mr. Justice Grose. Prisoner, Would you ask this witness any questions?

Prisoner. No, my Lord, I don't wish to ask her any thing.

William Peace, Sworn.

Mr. Wilson. Q. I believe you are a carpenter?—A. Yes.

Q. Did you go with Mr. Forlow, the Mayor, and other Gentlemen to Grimshaw's house at any time?—A. No.

Q. Were you at Grimshaw's house when they were there?—A. Yes.

Q. What day was it?—A. I believe it was about the 3d of February.

Q. You, Mr. Forlow, and Dr. Mansel, were at Grimshaw's house?—A. Yes; the Master of Caius, and several other Gentlemen.

Q. Was Grimshaw at home?—A. I believe not, I did not see him.

Q. Did you see him at any time on that day?—A. No, I did not.

Q. Did you, by the direction of those Gentlemen, make any search?—A. Yes, I was ordered to pull the stairs down.

Mr. Justice Grose. You are not a constable, are you?—A. No, my Lord.

Mr. Wilson. You was ordered to pull the stairs of Grimshaw's house down?—A. Yes.

Q. You did that by order of the magistrates?—A. No, I did not, I ascertained where it was without pulling the stairs down.

Q. They

Q. They were searching the house?—A. Yes.

Q. They desired you to pull down the staircase, but you found it without pulling it down?—A. It was not requisite to pull it down, it was found underneath without pulling it down.

Mr. Justice Grose. Q. This was a common staircase up to the first story?—A. To the first story, the first step projected into the front room, the door shut upon the stair. Upon my searching within side in the coal hole, I perceived a board nailed up with a new nail.

Mr. Wilson. Q. The coal hole is underneath?—A. Yes, seeing an old board nailed up with a new nail, gave me reason to think, that if there was any thing under the stairs, it was there; I immediately wrenched the board off, and there I took out all the plate that I could find.

Mr. Justice Grose. Q. Could you have searched that place without taking off the board?—A. No, I could not.

Mr. Wilson. Q. What did you find there?—A. I found some plate, a tankard, bent very much, and a waiter, different articles, spoons, and other things.

Q. After you found them there, you took them all out, I suppose?—A. Yes.

Q. To whom did you deliver them?—A. One Wicks, I believe, was the man.

Q. Was Mr. Forlow, the Mayor, by?—A. I don't recollect Mr. Forlow was at that time, because, as I stooped down, I could not see any body at all, as I held it up with one hand, I was forced to lie down: I recollect Wicks taking it of me.

Q. All the articles that you discovered, you delivered to Wicks?—A. Yes.

Q. As I understand you, from the staircase you are speaking of, you come down into the parlour, the inside staircase of the house?—A. Yes.

Q. And

Q. And it came down into this room, and was divided from the room by a door?—A. Yes; there was one door to the coal hole, and one to go up stairs.

Q. It was not an outside staircase?—A. No, it led from the lower room into the chamber.

Mr. Justice Grose. Q. The lower step came into the lower room?—A. Into the lower room, my Lord.

Mr. Justice Grose. Prisoner, Have you any questions to ask of this witness?—Prisoner. No, my Lord.

Mr. Forlow, Sworn.

Mr. Wilson. Q. I believe you are the Mayor of Cambridge, and a magistrate?—A. I am, Sir.

Q. Did you go on the 3d of February last to search Grimshaw's house?—A. Yes, I did; I went with the Vice-Chancellor and the Master of Trinity.

Q. Did you direct the last witness, Peace, to search the staircase?—A. I do not recollect desiring him particularly, but somebody was.

Q. What did he do?—A. We were informed that plate was concealed under the bottom stair: to get at that stair, it was necessary to get into a small closet by the side of the fire place, a coal hole, I believe it is. I staid at that door, while they searched this place. Peace was the person who wrenched off the board; and said, he had found it.

Q. If I understand you right, Peace went into the coal hole, in order to open the staircase?—A. He did.

Q. You stood at the door?—A. Yes; there might be another person with him, but he was obliged to lie down, or kneel down, in order to do it.

Q. The place was not big enough to stand up in? A. No, I stood at the door, and received out what he found there.

Q. What

Q. What did he deliver out to you?—A. Various articles of plate—I have them here—a tankard, and a very large waiter: they have been in my custody ever since.

Q. You received them all at the same time?—

A. Yes, I did, three or four keys were found at the same time.

(The Plate and Keys produced.)

Q. Those are the keys, are they?—A. They are, and that is the plate.

Q. Had you seen Grimshaw that day?—A. No, I had not.

Q. He was then committed to prison, I believe?

A. Yes, he was, previous to our going to search.

Q. How long before?—A. I think the day before, but I will not be positive.

Q. *To Peace.* Do you remember finding those keys?—A. I don't know that they are the keys, I remember taking some keys out.

Q. The keys that you found there you handed out in the same way you did the plate?—A. Yes; there was a partition, the keys were on the left hand side, and the plate on the right.

Q. *To Mr. Forlow.* Be so good as to put some value upon this plate. Is it worth 10*l.*?—A. Yes.

Mr. Justice Grose. Prisoner, Would you ask any questions of this witness?

Prisoner. No, I only wish to ask pardon, that is all I wish.

Mary Nicholls, Sworn.

Mr. Wilson. Q. You are servant to Mr. Butcher, I believe?—A. Yes.

(The Tankard shewn to the Witness.)

Q. Is that Mr. Butcher's property?—A. Yes.

Q. Are you sure of it?—A. Yes.

Q. And that half pint mug?—A. Yes.

The

(The Pepper Box and Waiter shewn to the Witness.)

Q. Are those Mr. Butcher's?—A. I know the waiter by this particular bruise.

Q. By what do you know the pepper box?—A. Living in the family so long, and having had the care of them; they are all cyphered.

Q. Do you know what the cypher I R B stands for?—A. I do not exactly know, I know the soup spoon. *(The Salts shewn to the Witness.)*

I am sure they are all Mr. Butcher's.

Q. How long had they been under your care?—A. The last nine years.

Q. Do you know the value of them?—A. No, I do not.

Q. Do you remember the time when the house was robbed about ten days before these things were found?—A. Yes, on the 24th of *January*.

Q. When you understood the house had been robbed, did you go and search and find that any plate had been taken away?—A. I went with the other servants.

Q. And you found that the things were missing?—A. Yes, I did.

Q. Were those things, that you have spoken to, the things you missed after the house was robbed?—A. Yes; they are the very same.

Mr. *Justice Grose*. Q. to Mr. *Forlow*. You have no doubt about these things being worth more than forty shillings?—A. No doubt at all, my Lord.

(Some Spoons shewn to Mary Nicholls.)

Nicholls. I believe those spoons to be Mr. Butcher's, but they are not marked.

Mr. *Justice Grose*. Can you tell me, whether those have ever been marked, or have the marks been taken out?—A. They never have been marked; those three salt spoons are not Mr. Butcher's; I cannot swear to the skewer; but this spoon belongs to Mr. Butcher's youngest daughter.

John

John Sayer, Sworn.

Mr. Wilson. Q. Perhaps you can assist us by putting a value upon this plate.—(*The Plate shewn to him*). *A.* I suppose this to be worth about 3*£*. I do not mean to say, I can ascertain the value exactly, it is worth 3*£*. and more.

Mr. Justice Grose. Prisoner at the bar. You have heard the case that has been proved against you; have you any thing to say in your defence.

Prisoner. My dear Lord, I have nothing to say; I have nothing to say, my dear Lord; I have only to beg pardon, if you please to shew it me: I leave all the mercy at your feet.

Mr. Justice Grose. Have you any witnesses?

Prisoner. I have no one soul in the world: most of the Gentlemen here I have worked for a good many years.

Mr. Justice Grose. Have you any witnesses to your character?

Prisoner. Yes, plenty about here, I dare say; there is a gentleman there, Mr. Fisher, I see, that I worked for.

Mr. Fisher. My Lord, I don't know any thing against the man, but I can say nothing for him.

Mr. Justice Grose. The question I should put to you, Sir, would be what his general character has been; that is the only regular question I could put.

Mr. Fisher. I can only say, I never heard any thing against the man before this.

Mr. Justice Grose. You do not chuse to be sworn?

Mr. Fisher. My Lord, I really know nothing of him, except being a chimney sweep at my house for some years.

William Peace. My Lord, I have known the prisoner many years.

Mr. Justice Grose. What has been his general character?—*A.* I never heard any thing against him in my life. I never heard any thing before this; I could

could always trust him in my house when he has worked for me. I never heard any thing of him before this.

Prisoner. There are many Gentlemen who know me in the town; that Gentleman knows me very well.

Mr. Broadbelt, Sworn.

Mr. Wilson. Q. Look at that, and see whether it is plate, and tell us the value of it; but under value it, rather than over. What do you say, the value of that is?—*A.* It is worth more than ten pounds.

Q. You are sure of that?—*A.* Yes.

Mr. Justice Grose. Q. Prisoner, Have you any thing more to say, or any witnesses to call?

Prisoner. No, without these Gentlemen chuse to speak for me.

Mr. Justice Grose. Does any Gentleman chuse to speak.

Mr. James Farish, Sworn.

Mr. Justice Grose. Q. How long have you known the prisoner?—*A.* About twelve years.

Q. What has been his general character?—*A.* I never heard any thing against him till lately, he has always done business for me for above twelve years. I never suspected him at all, nor do I recollect, that I ever employed any other person.

Summing up.

Mr. Justice Grose. Gentlemen of the jury. The charge against the prisoner at the bar, is for having committed a burglary, in the dwelling house of Mr. Joseph Butcher, with an intent to steal; and that in fact, he has stolen a silver tankard, and a variety of other things. I should tell you, that this indictment contains a capital charge against the prisoner, in two ways; it charges him with breaking, and entering the dwelling house of Mr. Butcher, in the night time, for the purpose of committing a felony; and likewise for stealing, to the value of 40s. in the dwelling.

B

dwelling house; either of which is a capital offence. It is for you to judge, whether he has broke into the house in the night time, for the purpose of committing a felony, and whether he has actually stolen in the house to the value of 40s.

Gentlemen, The first witness is Ann Pratt. She says she was cook to Mr. Joseph Butcher in *January* last; that the prisoner was a person sometimes employed by him as a chimney sweep, and that he was employed about two months before. She says, that on the 24th of *January*, the day on which the robbery was committed, the family went to bed about 12 o'clock—that she examined the fastenings of the doors and windows—that they were all fast; that she locked the pantry door, carried the key into the kitchen, left it on the shelf, and barred the kitchen door. She says, she believes the iron bar with inside was not put up, there were two bars, one outside, and one in; she says, she was the last person that was up, and she was the first down in the morning about half past seven. Gentlemen, before I go further; it will be proper to state that burglary consists in breaking into a dwelling house in the night time, and the law deems that only to be night time in which a person cannot see the face of man, so as to distinguish it by the natural light of day; so that with respect to the burglary, it seems to be laid out of the case, and I will tell you why—you find the young woman says, that when she came down at half past seven, it was light, so it might be that it was light at the time of the entry—you will lay out of your consideration therefore the burglary, but the other part you will attend to, for you find the party stealing goods to the value of 40s. which is a capital crime, whether it is done by night, or by day, it is a capital felony. She says, the bar was taken down and the shutters nearly open, she gave
you

you an account of the key being taken from the place where she put it, and of its being thrown into the middle of the room; she says, she found the door locked, and that she missed a quantity of plate. Then, Gentlemen, she gave you an account of the plate that she missed, which agrees with the plate in the indictment, and so found in Grimshaw's house.

Gentlemen, Mr. Peace a carpenter states, that he went about the 3d of *February*, with Mr. Forlow, the Mayor, and some other Gentlemen, to the house of Grimshaw; he says, he did not see the prisoner there on that day, that he was ordered to pull down the staircase, but that he discovered the plate without pulling it down; at the bottom of the stairs of the first story, he says, there was a step projected into the front room, and on searching the inside in the coal hole he perceived a new nail to an old board; he says, I thought if any thing was under the stair, it probably was there; he tells you, he wrenched the board off, and took out all the plate he could find; he says, he could not search without wrenching the board off, and the reason of asking that question, was, that if it was so, the property was found in a singular place, and the circumstances under which it was found affords strong presumption of guilt, for according to the situation in which goods are found, and the circumstances under which they are found, it affords an inference of these articles being in such a situation, that you cannot get at them without wrenching, is most extraordinary, and affords a considerable degree of suspicion. He says, he found a tankard bent very much, and that what he found he delivered to Mr. Forlow.

Mr. Forlow was then called, and he tells you, that he was present at the examination, and received the plate from the other witness; and that with

the plate, he took several keys, and those keys are certainly of a description, which may not be known to those who are not so much used to see them, as other persons who go elsewhere; myself for one; they are now and then produced at the Old Baily, they are keys of a very suspicious sort for the purpose of opening locks.

Gentlemen, Mary Nicholls says, she is servant to the prosecutor, the property is shewn to her, and she thinks they are of much more value than 40 s.; she swears they are Mr. Butcher's property, and that many of the things are the things she missed after the house was broke open. Then Mr. Sayer is called, who from living in London, and being one of the Bow-Street officers, I thought he might possibly set a value upon the property; he tells you it is worth more than 3£. but to put it out of all doubt, Mr. Broadbelt, a silversmith, positively swears they are worth more than 10£.

Gentlemen, This is the evidence on the part of the prosecution—You have heard what the prisoner had to say. I asked him whether he would call any witnesses, he turns round to the Gentlemen, all of whom he says are in the habit of knowing him, but Mr. Peace speaks to his character; he says, he has known the prisoner many years, that he has worked for him, that he never heard any thing against him till this time. Mr. Farish says, he has known him twelve years, that he never heard any thing against him, that he has done business for him, and as far as his experience goes, he is an honest man.

Gentlemen, This is the evidence on the part of the prosecution, and of the prisoner. The charge that I would have you direct your attention to, is whether or not, the prisoner is guilty of stealing in
the

the dwelling house of Mr. Butcher goods to the value of 40 s. Gentlemen, I was much obliged to the learned counsel who opened the case, and I am much obliged to him for this, because he warned you not to attend to any thing, that you have heard or read concerning this robbery, or concerning this business out of doors; to forget every thing when you went into that box, and form your judgement by the evidence, not by any thing you have heard before you came there, but by what you have heard here. Gentlemen, I warn you to do the same, I am very sorry, it is a melancholy instance of the misbehaviour of different people about that; they will insert in News-papers, and in different ways, circumstances which I have known repeatedly to mislead, though otherwise meant well, and therefore whenever there is a matter of this sort much talked about; I feel it my duty to warn a jury against attending to any thing, but what they have heard sworn. I remember once a very able man, an Attorney General, put a stop to that abominable practice, by giving the printers notice, that he would file an information against any man, who should think fit to publish such misstatements; and if such an information was filed, I should not be sorry for them, then the public would know the consequence.

Gentlemen, I told you before, the only question you have to consider, is whether the prisoner has been guilty of stealing to the value of 40 s.—I think this is clear, if you attend to the two young women, that the house has been broke open, and that the felony was committed by somebody—then the only question is, whether it was committed by the prisoner at the bar—You know that burglary, the breaking open a house while the family are in bed and a sleep, is seldom proved by persons who see the thief; and if it cannot be proved by persons who happened to

see the fact committed, what is the next thing— if the goods stolen are such as can be identified, and are found within a reasonable time in the possession of some one, who cannot shew how he came by them, and under circumstances that warrant a reasonable presumption that he stole them, it will warrant a jury to say, they were stolen in the way stated.— In the case of the prisoner at the bar, these things which amount to more than 40 s. are found—where? not open, not in his cupboard in his parlour, but they are found, where they could not be got at without breaking the stairs and without force—the purpose for which they were put there is undoubted, it was to conceal them; if the prisoner had come honestly by them, the first question is, why he concealed them? but it does not want that to form the ground of suspicion—Look at the plate, every man knows plate that is stolen is generally stolen for the purpose of melting, and the first thing is either to blot out the marks, or to deface it in the way this is, I mean by making it crooked or bending it for the purpose of putting it into a crucible and disposing of it— The circumstance of these goods being found so concealed under the stairs, and he being a man who does not appear to be in the habit of having any quantity of plate in his house, calls upon him to account how he came by it. Did any body else put it there? That is not probable, and if any body did get into his house to put it there, what is the presumption?—that he knew they put it there—Did he come by them honestly? If so, why did he conceal them, and use all those means which guilty men generally make use of.

Gentlemen, There is the circumstance of the keys, whether or not they were used upon this occasion does not appear, it does not appear that they could be of any use, but they are strong guides to lead
you

you to believe what sort of trade this man has been carrying on, and how it is that he might come by such a commodity as that.

Gentlemen, These are the strong and leading features of the case. He has called witnesses to his character, what I have to say upon that is so well known, that it is almost unnecessary to repeat it; but now I am on the subject, I will just mention that character in a doubtful case ought to weigh, in a clear case it ought to weigh nothing. The only question as to character, is whether it is a doubtful case or a clear case, then you will resort to the evidence, and consider whether this can be a doubtful case, how he came by the plate so concealed, so abused and pulled to pieces, and by these keys. You will take these circumstances in your mind, and consider whether any reasonable man can doubt an instant from these circumstances with respect to the guilt of the prisoner. The distance of time is not very great between the time of the robbery on the 24th of *January*, and the 3d of *February*, when the things were found. These are the circumstances of the case, and I will say no more than this, if you have a doubt whether he is guilty or not, you will say he is not guilty; but if the case is so strong that you cannot doubt about it, it will be your duty by saying he is guilty.—GUILTY.

THE
T R I A L
OF
R I C H A R D K I D M A N,

For Burglaries and Robberies in the Colleges of Caius and King's, in the Nights of the 13th of October, and the 5th of May, 1799.

THE clerk of arraigns stated the indictment, charging the prisoner with a burglary and robbery, in the College of Caius, after which the following proceedings were had.

Clerk of Arraigns. (To the prisoner). Richard Kidman, Are you guilty of this burglary and felony, or not guilty?

Prisoner. Guilty.

Mr. Justice Grose. Prisoner, it is my duty to apprise you, that by the law of this land, every man has a right to insist upon guilt being proved against him—Although you have pleaded guilty, you may yet retract, and if you think proper, plead not guilty. I inform you of it, and you are to use your discretion. The clerk shall call upon you again—I now apprise you, it is the liberty of every man in this country charged with an offence, to put his accusers upon
proof

the proof of the crime charged—your reasons for pleading guilty are unknown to me; but if you persist in it, it will be recorded; if you chuse to retract it, you may.

Mr. *Alley*. My Lord, I will submit that, although I am not of council for the prisoner.

Mr. *Serj. Sellon*. I look upon it as my duty to oppose any observations Mr. Alley may be inclined to make, as he is not concerned for the prisoner.

Mr. *Alley*. If I am wrong, I know I shall be corrected, and properly so, but what I have to say, is this—I have the misfortune to be called upon to defend a man, who is charged as accessory to this burglary and robbery; therefore, as his counsel, I must feel an interest.

Mr. *Justice Grose*. This is quite irregular, you are neither counsel for the man, or called upon by the court.

(To the clerk of arraigns). Call upon the prisoner for his plea.

Clerk of Arraigns. Are you guilty of this felony, or not guilty?

Prisoner. Guilty.

Mr. *Justice Grose*. (To Mr. Alley.) If you are counsel for the accessory, you will have an opportunity of controverting the guilt of the principal, just as much as if the principal was on his trial.

Mr. *Alley*. Certainly, my Lord.

The prisoner was again indicted for a burglary, robbery and sacrilege, in on the 5th of *May*, 1799,—To which he pleaded guilty.

Clerk of Arraigns. Do you desire that plea to be recorded?

The prisoner assented by a nod, and withdrew from the bar.

THE
T R I A L
OF
HENRY COHEN, &c.

March 14, 1801.

The Prisoner being at the Bar.

Mr. *Alley*. **M**Y Lord, I understand there are two indictments, one in each of these cases.—I conceive it my duty, on this occasion, humbly to apply to your Lordship for an indulgence, which I am sure, I have no difficulty in saying, I expect I shall receive; because it is an indulgence that borders much upon the right of the accused.—I conceive it is a matter of right, that no man shall be called upon to answer the offences imputed to him in those indictments, at one and the same time. The prisoner at the bar, has been committed as an accessory after the fact, under the statute for receiving stolen goods; against that charge, therefore, I am prepared to defend him, but the prosecutors have thought fit, under the learned directions they have received, to bring forward another indictment, charging him as an accessory before the fact, but against which he is not prepared to defend himself:
and

and what, I trust, your Lordship will be disposed to grant is, that one or other of these indictments may be quashed; and that the Gentlemen on the part of the prosecution, may not be at liberty to say, we will take that which we think is the strongest, and shall not proceed on the other, unless we fail on the first.—My Lord, I am not applying as for a matter of favour, but stating that, which I am authorized to do by a decision on the subject, namely on the authority of the case of Mary Doran, in Mr. Leaches, Crown Law, 608.—In that case, this objection was taken, though certainly not precisely in fact the same.—In that case, your Lordship observes, there were two indictments preferred, the one charging her as a principal offender, and certainly the other charged her as an accessory after the fact, which made her amenable to punishment. Upon their being returned to the court, a similar application was made, and the court held they were not to encourage proceedings of that sort against the defendant.—And, my Lord, there are reasons why it should not be so.—I cannot state particularly what the facts of the case were, as I did not know that any objection of this sort could arise, till the bills were brought in.—There is also the case of the King against Young, I believe, in 3d term reports, for obtaining money under false pretences—that case was removed into the court of King's Bench.

Mr. *Justice Grose*. Was it not the King and Theropean?

Mr. *Alley*. I believe it was—it was for obtaining money under a false pretence.

Mr. *Justice Grose*. That case is so fresh in my memory, that I can say it was not like this at all—not the least in the world.

Mr. *Alley*. It did not approximate in circumstances to this certainly, but the doctrine held out on that occasion is apposite to this case.—One of the objections

tions were, that the indictment was bad, because there were several counts in it, which the defendant was not prepared to defend; but your Lordship said, that the application came too late, that if it had been made at all, it should have been made at the time of trial.

Mr. *Justice Grose*. We said, that objection was not well founded—I wish that case should be perfectly understood, and also that I have conducted myself accurately, according to the law of the subject.—If there are different counts in one indictment, we will oblige the prosecutor to put his finger on the count he means to proceed on, and will not suffer a prisoner to be perplexed with defending two felonies in one and the same record; but we never said, there should not be two indictments against one person. There must be a great deal of argument to satisfy me, that it is in my power to do what you ask.—I don't know that they are the same offence—It is not in my power to quash it—Can you shew me any instance, in which the court having before them two indictments, have determined on which the prosecutors shall proceed.—I cannot conceive they are the same offence—I can conceive a case, where seeing an indictment bad, I might say, that the time of the public shall not be thrown away, because it is bad.—As far as they appear to me, I do not know, but that they are different offences.

Mr. *Alley*. I submit, with that respect I certainly owe to the court.—At this moment your Lordship knows, that we are entitled to challenge the jury.

Mr. *Justice Grose*. I know you are.—I was prepared to tell you it is your right—that is, not an indulgence, it is your right, and I shall immediately order that you shall challenge as many as you think fit, according to law, and then there will be other Gentlemen called—I have no doubt, but the sheriff has done his duty in providing another pannel.

Mr.

Mr. *Alley*. I did consider it my duty to challenge some of them, knowing the operation reports have on the minds of men, but now I shall wave all objections.

Mr. *Justice Grose*. You may do as you think proper; but with regard to quashing the indictment, such a thing never was heard of—I say the court could not quash it.

Mr. *Alley*. I certainly have no objection to any of the jury.

The Clerk of Arraigns then read the Indictments, to which the Prisoner pleaded, Not Guilty.

Mr. *Best*. May it please your Lordship.—Gentlemen of the jury. It is incumbent upon me, as one of the counsel for the prosecution, to open to you the indictment, but as you have this moment heard it read to the prisoner, I may save myself the trouble, and the court their time.—To this indictment, you find he pleads, Not Guilty; and upon that he is to be tried.

Mr. *Serjeant Sellon*. May it please your Lordship.—Gentlemen of the jury. That there have been for some time past various depredations of different kinds upon the property of the inhabitants of this place, is a matter of public notoriety; and the evil consequences that have resulted from them, have been most seriously felt.

Gentlemen, Within your own knowledge, two persons have already been convicted as offenders, and I most heartily hope, that the discovery which has been made, may prove the providential means of removing all that disquietude and apprehension, all those fears and alarms, which have for some time prevailed; and restore tranquility and social confidence to the Town and University. Gentlemen, One other person is now brought before you, charged with being implicated in this offence; and permit me to adopt that excellent and humane
C
advice,

advice, which fell from his Lordship on a former trial; namely, most seriously to admonish you, not to suffer any extraneous circumstances, or any reports that may have reached your ears, to make the least impression on your minds to the disadvantage of the prisoner.—Gentlemen, He is to be tried upon the evidence that is to be brought before you, and in order that that evidence may come before you in the most fair and impartial manner, I shall look upon it as my duty, on the part of the prosecution, only to state to you the nature of the crime, and the general tenor of the evidence, without making any comments, any observations, or any applications.

Gentlemen, The prisoner at the bar, is charged as an accessory before the fact of a burglary and felony, committed by one Kidman, who has been convicted of the offence. In crimes of this nature, three distinct parties may be concerned; there may be persons concerned in counselling, in advising, in urging another, to commit an offence, and such person is called an accessory before the fact.—There may also, and must be the person who himself commits the offence, and that person is termed, the principal;—and there is a third class of persons, who may be concerned in some act of receiving part of the property, or of concealing the felon himself, after the fact is committed; and he is called an accessory after the fact. Gentlemen, This is an indictment, charging the prisoner at the bar, with being an accessory before the fact; that he counselled and advised, and by that counsel and advice, incited Kidman, who has been convicted, to commit the offence of which he stands convicted: and there is as great distinction between accessories before and accessories after the fact, as can prevail between any two offences.—They are committed at different times—they are different in nature; and different in

in extent of criminality—they are different as to their punishment by the law of this country, and that law is founded, not only in this, but in all other respects, though particularly in this, on reason, common sense and justice; that he who promotes another to offend; he whose evil heart first suggests the offence, and was the cause of plotting it, is a much greater offender, than the very hand who does it; and therefore it is, that an accessory before the fact is guilty of felony.

Mr. *Alley*. I beg your pardon, Mr. Serjeant Sellon; but pray let all the witnesses go out of court.

(The witnesses ordered to withdraw.)

Mr. *Serj. Sellon*. Such then, Gentlemen, is the general nature of the offence, with which the prisoner at the bar stands charged.—I shall now briefly state to you, the general tenor of the evidence, and the manner in which this prosecution will be carried on, by the witnesses being called to prove the respective points, merely that your attention may be hereafter drawn to the facts, as they occur; but I shall not anticipate what they will be called upon to say.

You find, Gentlemen, that the principal, Kidman, has been convicted of this offence; he has been convicted of the burglary itself, upon which this second charge is grounded, having acknowledged the crime. It will not be necessary for me to be so minute, or particular in the proof of these facts, as otherwise it might have been expected, had this been the charge of burglary itself against Kidman, the principal. It stands confessed, that the burglary was committed at the day, and time stated; the fact is upon the record; however, though it is an admitted fact, I still think it necessary, by way of removing every possible doubt, and by way of connecting properly the nature of the charge against the prisoner at the bar,

with that offence of burglary; to shew by general evidence, that the burglary was committed in point of fact, on the 13th of *October* at Caius college, that plate was stolen from thence, and that therefore Kidman having been convicted in the manner he has; namely, by his own plea of guilty, it will clearly appear to you, that notwithstanding that has been the nature of his conviction, still the charge itself will be satisfactorily proved to your minds.

Gentlemen, The burglary itself was committed in part of Caius College; namely, in the buttery; and two witnesses will be called to that fact. — The next thing I shall prove, is this; that some of the very articles, that were stolen from Caius College, on the 13th of *October*, were afterwards found in the possession of Kidman. Gentlemen, That then would have been, and is full evidence of the principal, and original fact; but I shall not take up your time by being so minute, with regard to the quantity of plate, or the value of it, and other circumstances, as I should have been, if it had been against Kidman; but lay before you evidence to satisfy your minds, that it was a burglary. Having done that, as the foundation of this charge against the present prisoner, I will briefly state to you, in what way I shall adduce evidence to support the charge against him; and first, I shall shew you by two, or three witnesses, that there was an intimacy, and a connection subsisting between Cohen, the prisoner, and Kidman, the person who has been convicted of the burglary, long previous and up to the time when this burglary was committed. — I again repeat, that I hope you will always bear in mind, that this is a charge against Cohen, as being an accessary before the fact; and here, Gentlemen, an important point will be discovered; you will hear what the witnesses say, but the point is this; that at the time when Kidman was apprehended, in *January* last, Cohen, the prisoner

soner at the bar, in the presence of several persons, not at one time, but at different times, and under different circumstances, in the way they will relate, affected a great surprize, put on a wonderful appearance of astonishment, who this Kidman could be, he did not know the man; he pretended not to have had the least acquaintance with him; he in fact disclaimed all sort of knowledge of him, he did not even know his person; but I shall shew you by witnesses, who lived close to him, and who at times worked in the very house, when it was under repair; and others, who from time to time, for three years previous to this, saw Cohen himself with Kidman, coming to his house, walking about, closeted with him, and in fact, in habits of the greatest intimacy. That will lay unquestionably a broad and solid foundation, to shew that such connection subsisted between him and Cohen; and likewise coupled with other suspicious circumstances, it will lay a broad foundation for the introduction of a more material fact; namely, being a counsellor, and exciter of Kidman to this identical burglary.—In order to prove this, I shall call the woman who has just been desired to go out of court, and I think, so far, very properly. I mean, Mrs. Kidman, who will prove to you, that such counsel, and such advice, as is now the subject-matter of complaint, and which unquestionably must from the nature of it have been secretly given; for it is not likely, that any very particular evidence of the real counsel itself should be attainable; and it is more wonderful, that even such evidence as we shall be able to produce has been obtained.—I say, I shall call her, and she will relate what passed respecting this particular fact of Cohen, being the person who counselled Kidman to commit the robbery. Gentlemen, I think proper just to anticipate this, that it probably will appear, and I wish not at all, that it should not; in the

course of her examination, that she was the means of leading to discoveries, under certain circumstances of persuasion, by the Gentlemen who at that time attended; intimating, that it would be better for her to make such discoveries; and I mention it, because I do not wish you to have Mrs. Kidman before you, without having her evidence under all the circumstances, and that as far as you think there is any thing which may tend to impeach her credit, you will give it weight. You will be to consider how far there are other circumstances in this case, which may be positively proved, and which will be facts themselves that cannot lie; and how far they go in confirmation and corroboration of her evidence—for no doubt, you may look upon her as in a certain degree standing upon the footing of an accomplice, and although the evidence of an accomplice is admissible in certain cases, yet always with the utmost caution; but there can be no question as to the admissibility, when coupled with the facts themselves; which facts would have existed, if no such confession had been made; you will judge therefore in the first place, as to the evidence before the fact, how far what she says is probable, and you will hear, which is the last sort of evidence, I shall produce to you, one or two circumstances after the fact, not meaning to impeach him at all on that ground, but only one or two circumstances to corroborate the relation whatever it may be, that Mrs. Kidman may give, and to convince you, that she in all human probability speaks the truth.

Gentlemen, With respect to any thing having been said to Mrs. Kidman herself at that time, either as she, or any other person may relate it, it was said certainly by Gentlemen, most respectable in character, and condition, Gentlemen of the University.—I only just observe, on their part, it was not at all to be wondered at under the first surprize, that

that they should not be upon their guard, considering the great anxiety which prevailed in this place, and their desire that an ample discovery might be made.

Gentlemen, This is all I at present mean to trouble you with. First, I shall prove the burglary committed on the 13th of *October*; I shall prove the plate found in the possession of Kidman; I shall then go on with the evidence to bring home the charge against Cohen, of being an accessory before the fact; first, by direction and counsel; and lastly, by shewing one or two facts to confirm the evidence of the person who speaks to the material part. And having done that, you will then lay your heads together, and I am sure you will do justice by giving a verdict according to your consciences.

Evidence for the Crown.

(*The record of the conviction of Richard Kidman read.*)

Elizabeth Wilson, Sworn.

Mr. *Wilson*. Q. In what situation are you at Caius College?—*A.* My husband is the butler.

Q. Do you remember on the night of the 13th of *October* last, locking up the buttery?—*A.* My husband locked it up, but I was present.

Q. At what time in the evening?—*A.* About 10 o'clock, as near as I can guess.

Q. Did he secure it in the usual way?—*A.* Yes; I am certain of it.

Q. This buttery is in the college, is it?—*A.* Yes.

Q. Under the roof of the college?—*A.* Yes.

Q. Do you recollect, whether you left any candle there?—*A.* We left a candle and candlestick on the dressing board near the door, and we blew it out as we went out.

Q. What sort of candlestick was it?—*A.* A metal candlestick, or something of that kind.

Q. Was there any plate in the buttery?—*A.* Yes.

Q. Where

Q. Where was it?—A. Locked up in the Buttery; it is in a closet through the buttery.

Q. Can you go to this closet where the plate is, without going through the buttery?—A. No.

Q. Was that door locked?—A. Yes.

Q. At what time did you go into the buttery the next morning?—A. Our servant went the next morning about 8 o'clock.

Q. Who is your servant?—A. John Fabb.

Q. How soon after did you go yourself?—A. It might be about a quarter of an hour, they sent for us immediately, they sent a person for us.

Q. When you went upon receiving notice, in what state did you find the buttery?—A. The buttery was as usual; we went directly into the plate closet, the closet door was not locked.

Q. Did you find the plate closet open, or shut?—A. The doors were both open.

Q. Was the plate gone?—A. A part of it was gone, and part left behind.

Q. As to that part that was gone, are you sure that was there the night before?—A. I am positive of it.

Q. Can you mention any particular things that were missing?—A. There were several candlesticks, and other things; salts and different things.

Mr. Justice Grose. Q. Is there any thing turns upon the value, this is only in corroboration of the record.

Mr. Alley. No, my Lord, nothing on the value.

Mr. Wilson. Q. Among the things missing, do you remember a pint mug?—A. Yes, very well.

Q. Where there any table spoons?—A. A great many.

Q. Were there any tea spoons?—A. Yes, there were.

Q. Were they marked in any manner?—A. Yes, they were; there were 16 spoons that had a pelican upon
upon

upon them, and a dozen marked with the college mark.

Q. What is the college mark?—A. C G C.

Q. Were the tea spoons marked in any way?—A. Nothing but the pelican.

Q. Or the pint mug?—A. There was Hubbard's name on it.

Q. Did you observe any thing particular about the candle, that you left there?—A. There had been a candle burning in the place, put into a silver candlestick.

Q. You left the candle in a common candlestick in the buttery?—A. Yes.

Q. Did you find any candle in it, when you went in the morning?—A. No, it was taken out.

Q. Where had it been put?—A. In the plate closet.

Q. In what?—A. In a silver candlestick.

Q. Had you left any candle in a silver candlestick, when you went away?—A. No, there never had been a candle in it before; it was a candlestick we used to put into a branch, there was not any candle, it was burnt quite down; it was about half a candle that we left.

Q. You found it in the plate closet extinguished, and burnt into the socket?—A. Yes.

Cross Examination.

Mr. Alley. Q. What time in the morning was it, that you returned to the plate closet?—A. It might be about half past eight.

Q. Common sense tells us, it was day light at that time?—A. Certainly.

Q. You say, it was about ten o'clock at night when you left it?—A. Yes.

Q. Is your husband here?—A. No, he is very ill.

Q. You suppose the door was locked, because you saw your husband turn the key?—A. I am certain it was.

Q. You

Q. You did not go to try it, or push it?—A. I recollect my husband pushing it with the key, as he always does.

Q. Is the plate closet you speak of, a closet that has light externally?—A. None at all.

Q. Therefore, if a person went in, even in day light, they must take a candle there?—A. Yes, to be sure they must.

John Fabb, Sworn.

Mr. Best. Q. What situation did you hold in Caius college, in *October* last?—A. Under butler.

Q. The butler is Mr. Wilson, I believe?—
A. Yes.

Q. Were you at the buttery of Caius, on the night of the 13th of *October*?—A. Yes.

Q. Was Mr. Wilson there?—A. Yes.

Q. Was Mrs. Wilson, the last witness there?—
A. Yes.

Q. Did you observe Mr. Wilson fasten the door of the buttery, in the usual manner on coming out?

A. Yes.

Q. How did he fasten it?—A. He double locked it, as usual.

Q. Before you came out of the buttery, did you observe any thing of a candle and candlestick in the buttery?—A. Yes; we put it on the board against the bread binn, and blew it out.

Q. How much candle do you suppose there might be?—A. About half a candle.

Q. In what sort of candlestick?—A. In a metal one, I think.

Q. I believe you went to the buttery the next morning?—A. Yes.

Q. In what situation did you find the door of the buttery?—A. Ajar.

Q. Had you the key with you, when you went in the morning?—A. Yes.

Q. How was it, that you perceived the door was
open?

open?—*A.* As soon as I was off the steps, I saw the door ajar, and I thought somebody might have gone in.

Q. Then you did not apply the key at all?—

A. No.

Q. Did you go into the buttery?—*A.* Yes.

Q. What did you observe on going into the buttery?—*A.* I got a candle, and went to the plate closet.

Q. In what situation did you find it?—*A.* Both the doors were open; there are two doors, one is a wooden door, and the other an iron one.

Q. Do you mean wide open?—*A.* Yes; wide open.

Q. Had you taken notice of the plate, in the plate closet the night preceding?—*A.* Yes, I locked it up safe the night preceding.

Q. Had you taken notice of the plate itself, in the plate closet?—*A.* Yes.

Q. What plate in particular had you observed in the plate closet the preceding night?—*A.* I cannot say particularly, I counted over all the articles I usually had in use.

Q. Can you mention any particular things?—

A. There were cups, tankards, butter boats, ladles, and stoops.

Q. Was there a pint mug?—*A.* Yes, there was.

Q. Had it any mark on it?—*A.* Yes.

Q. How was it marked?—*A.* I am not certain of the mark, I never had it in my use, though I locked it up.

Q. Were the spoons marked?—*A.* Yes, some marked with a pelican, and some with C G C.

Q. Did you upon going into the buttery in the morning, find this plate there, or not?—*A.* There was some left.

Q. Did you find this pint mug?—*A.* No, it was gone.

Q. Were

Q. Were any of the tea spoons marked as you have described them?—A. Yes.

Q. You sent for your master?—A. Yes.

Q. Did you take any notice of the candle and candlestick, that had been left the night before?—A. Yes.

Q. What notice did you take?—A. It was laid down by the lid of the bread bin.

Q. Was there any candle in it?—A. No.

Q. Did you take notice of any candlestick left in the plate closet?—A. There was a silver one, a candle had been burnt in.

Q. Whereabouts was that silver candlestick?—A. Upon the portmantua.

Q. Do you recollect, whether in the morning, you found it in the situation in which it was the preceding evening?—A. No, it was not, it was moved.

Q. Had there been any candle in it the night before?—A. There had not.

Q. Had it been used to your knowledge?—A. No, it had not at all.

Rev. Dr. Mansel, Sworn.

Mr. Serjeant Sellon. Q. I believe you are Master of Trinity College?—A. Yes.

Q. Did you go at any time, and when, to search the house of Kidman?—A. The 2d of February last; I went with the Mayor, and the Master of Caius, to Kidman's house; Kidman himself was in custody at the time with Grimshaw; I went there, hearing that a variety of articles had been concealed there; we searched the house, and found a variety of articles; crucibles, tools of various kinds, and I believe, keys; a variety of articles of very suspicious appearance; upon which, we questioned the woman, what could be the use of those things.

Q. Was her husband present?—A. He was not.

Q. Then

Q. Then don't tell us any conversation you had with the woman, only what you saw?—A. The next day, in consequence of information we had received of there being plate secreted in a particular part of the house of Kidman, we went the next day; I then directed to have a particular board, of a particular part of the room taken up; I had been informed there was some particular part where it was concealed, but I found the board nailed with old nails so strongly down, that I was almost tempted to give up the search; but however, at last we got it up; a man then put his arm to the full extent under the board, and pulled out a quantity of plate; I observed, they belonged to Caius College, there is a cup with the name of Hubbard, to Caius College, the gift of Hubbard to Caius College in a Latin inscription; this mug, and some spoons, and some other articles, I don't know whether they were marked; we found them up and delivered them up to the Vice-Chancellor; we went all over the house and found a variety of articles, drawers, and other things.

Cross Examination.

Mr. Alley. Q. Did I understand you to say, that this was in the month of *February*?—A. Yes.

Q. We understand, that the robbery was committed in *October*?—A. Yes.

Q. Did you not find at the house of Kidman, a great part of the plate, almost all?—A. I do not exactly know all that had been lost.

Q. Nearly two, or three months had transpired before the search was made?—A. Yes.

Q. There was abundance of opportunity to have disposed of the plate, by the persons who had the previous knowledge of the transaction?—A. Yes.

Q. You are the magistrate who took the examination?—A. Yes, I did.

D

Q. When

Q. When you examined Cohen, and asked him as to his knowledge of Kidman, did he admit that he knew him?—A. He said, he knew him a little.

Mr. Serj. Sellon. When was it that you took the examination of Cohen?—A. A day or two after, I don't exactly remember the day.

Q. After the 2d of February?—A. Yes.

Rev. Dr. Gretton, Sworn.

Mr. Wilson. Were you at Kidman's house, at the time Dr. Mansel searched it?—A. No.

Q. Have you got the articles from there?—A. Yes, they were brought to the Lodge to me; John Newby was the person who brought them to me.

Mr. Serj. Sellon. Q. (To Dr. Mansel.) Do you know when Kidman was apprehended?—A. No.

Mr. Alley. I will not give them the trouble to particularize the plate.

Mr. John Newby, Sworn.

(Produces the Plate.)

Mr. Wilson. Q. Do you produce the plate that was delivered to you at Kidman's?—A. Yes.

(The Mug shewn to Mrs. Wilson.)

Q. Do you know that cup?—A. Yes.

Q. Did that belong to the college?—A. It did.

Q. Is that the pint mug that you missed, on the night of the robbery?—A. That is the same pot.

Q. Do you know these table spoons?—A. No.

Q. Do you know these tea spoons?—A. Yes.

Q. Were they taken on the night of the robbery?
A. They were.

Q. (To Mr. Newby.) Were there any other things found, beside the plate?—A. Yes, many others, these were all taken out of the same place; this pint pot and the spoons were under the point of the hearth at Kidman's house.

Q. Was you present?—A. I took them out myself.

Mr.

Mr. Justice Grose. Q. Are those false keys?—
A. Yes, my Lord.

Cross Examination.

Mr. Hart. Q. These things, if I understand you right, were all found at Kidman's house?—A. Yes.

Q. Do you know of your own knowledge, whether the prisoner lived at the house—don't you know that Cohen did not live there?—A. He did not.

Q. Will you be kind enough to look at that hand bill?—A. Yes.

Q. Was you the Gentleman, that was kind enough to circulate an hundred of these in court yesterday?—A. I did not circulate an hundred.

Q. Did you circulate any?—A. I gave some to a Gentleman in court.

Rev. Dr. Belward, Sworn.

Mr. Best. Q. You are Master of Caius, I believe?—A. Yes, I am.

Mr. Justice Grose. Will you be so good, as to give me the proper name of the college?—A. The Master, or Keeper, and Fellows of the College of Gonvil and Caius, founded in honor of the annunciation of Blessed Mary the Virgin, in the University of Cambridge.

Mr. Best. I wish to ask you, Sir, whether the college has not lost much more plate, than that which is now produced?—A. A great deal more; to a very great amount.

Q. To what amount in ounces?—A. I suppose about 4 or 500lb. weight.

Q. You were, I believe, at Kidman's house, at the time it was searched?—A. I was.

Q. Did you see Mr. Newby searching the place described by the last witness?—A. Yes.

Q. Did you see him produce the mug, and other plate?—A. He did produce a mug, and I immediately said, This is Mr. Hubbard's mug.

Q. Do you find on looking at it, that it is Mr. Hubbard's mug?—A. It is the same; it bears a mark, that it is Mr. Hubbard's gift; it says, Rev. Henricus Hubbard, B. D.

Q. All the plate, I believe, that was found upon the search at Kidman's, was that mug, and some other articles produced?—A. That mug, and these spoons; I think there were some large spoons besides these; there were 28 small ones, I know.

Q. Was that all?—A. That was all.

Cross Examination.

Mr. Bell. Q. You reside in the lodge, I believe?—A. Yes.

Q. In a separate dwelling house?—A. It is my dwelling house.

Q. Is the buttery in which that plate is kept, a part of your dwelling house?—A. It is under the same roof.

Q. Has it any connection with the college, or is it a specific part of the lodge appropriated to your private use?—A. This plate closet is for the general use of the college.

Q. I ask, whether it be a part of your dwelling house, or not; not whether it is under the same roof, but whether it be a part of your dwelling house?—A. I do not perfectly understand the question, any further than it is a part of the college; it is a closet used by me occasionally, I can tell you how far it is connected with the dwelling house.

Q. The lodge is considered that part of the college, which is appropriated to the private use of the Master?—A. Yes.

Q. Whether this is as much for the use of the college as the library?—A. It is not appropriated to my use, so much as the other part of the lodge, the society at large have the use of it.

Q. Is there any communication between your house, and this plate closet?

Mr.

Mr. *Justice Grose*. The indictment takes it in every possible way.

Mr. *Bell*. Q. Pray Dr. Belward, have not the Fellows, and the Students of the college, particular rooms belonging to them personally?—A. There are rooms generally used by the Fellows.

Q. Which have no communication whatever with your apartments?—A. Certainly not.

Q. There are different rooms occupied by the different Fellows, and Students, that are appropriated exclusively to the use of each occupier.

Mr. *Justice Grose*. I know very well how this is, there can be no doubt, but the buttery is part of the *Doma Mansionalis*.

Dr. *Belward*. All those rooms are not at the disposal of the Fellows—one part of the college is absolutely at my disposal.

Mr. *Justice Grose*. I take it, the plate closet belongs to the college.

Mr. *Serj. Sellon*. Q. Does your own private servant keep the key of the college plate?—A. No; the college servant.

Mr. *Bell*. Rent is paid by the students?—A. It is by some.

Q. It is laid in the indictment as the dwelling house of the Master, and Fellows; I wish to ask, whether all the Fellows have lived, and resided in the college, since they have been Fellows; whether they have slept there?—A. I look upon it, we have not a Fellow in the college, that has not slept in the college.

Mr. *Justice Grose*. You are endeavouring to prove, that it is impossible to say, breaking and entering a college is a burglary.

James Whiley, Sworn.

Mr. *Serj. Sellon*. Q. Do you remember in January last, being at the Black Lion, Cambridge, in company with the prisoner at the bar?—A. Yes.

Q. Do you know what day in *January*?—*A.* The 27th.

Q. Had you any conversation with him, about a person of the name of *Kidman*?—*A.* I think not; somebody was talking about it.

Q. Did you hear the prisoner at the bar say any thing about it, at that time?—*A.* They were talking about *Mr. Butcher's* house being robbed.

Q. Were they talking about *Kidman*?—*A.* They were talking about *Kidman* being in jail.

Q. Did you hear *Cohen* say any thing respecting *Kidman*?—*A.* *Mr. Cohen* said, he did not know *Kidman*; I do not recollect any thing else.

Q. Did he make any enquiries, or put any questions about him?—*A.* No, I don't recollect.

Q. Did he ask who it was?—*A.* It was mentioned, that he lived in *Bell Lane*.

Q. What did he say to that?—*A.* I cannot say, he did not make any answer to that; there were a good many people in the room.

Q. All that *Cohen* said was, that he did not know him?—*A.* Yes.

Cross Examination.

Mr. Alley. Q. Was that conversation in *Cambridge*?—*A.* Yes, at the *Black Lion*.

Q. Was it at the time *Kidman* was in jail?—*A.* Yes.

Q. And there was a conversation about the robbery?—*A.* There was a conversation about the robbery.

Q. This man is a Jew, is he not?—*A.* I believe so.

Q. Does he speak as distinctly, and intelligibly as a christian; could you understand every thing as distinctly as if it was spoken by a christian?—*A.* They do speak different.

Mr. Justice Grose. Answer the question; do you understand him as well as you do any other person?—

son?— *A.* Not so well; but I understood what he said.

Mr. Alley. Where was it, at the public house?—

A. Yes.

Q. Did you happen to be sober at the time?—

A. Yes.

Q. Do you mean to say, you was quite sober when you say he made use of that expression; were you not at that time a little in liquor?—*A.* No.

Q. Had you not been drinking before?—*A.* Some little.

Q. Have you never said to any body, that you was a little merry, and did not know the expression he made use of?—*A.* No.

Q. You never have said such a thing as that?—*A.* No.

Q. Do you mean to swear that?—*A.* What I have said, I swear to.

Q. What time of the day was it, that this took place?—*A.* In the evening.

Q. Of course you had been drinking after dinner, and went to the alehouse for the purpose of drinking?—*A.* Without doubt.

Q. I ask you; have you not said, that at the time when the expression was made use of, you was in liquor, and could not perfectly understand what he said?—*A.* No.

Q. Do you know of your own knowledge, how long this man has lived in the town?—*A.* Six, or seven years.

Q. Do you know whether he went out of town for some days afterwards?—*A.* For three, or four days.

Q. Although the robbery had been talked of, he remained in town for some days afterwards?—*A.* Yes.

Q. He is an itinerant pedler — he goes about with boxes, you know he was under the necessity occasionally of going out of town?—*A.* Yes.

Q. But

Q. But he remained in the town for some days afterwards?—A. Yes.

Charles Thorpe, Sworn.

Mr. *Wilson*. Q. I believe, you keep the Black Lion, public house?—A. Yes.

Q. Do you remember Cohen being there, at the end of *January*, after Kidman was taken up?—A. Yes.

Q. Do you remember the day?—A. I believe, the 27th.

Q. Was there any conversation in Cohen's presence, about the taking up of Kidman?—A. It was the night, I believe, that Cohen came from town, by the coach.

Q. What was said?—A. Some person in the room said, there was a man taken up on suspicion of stealing plate; and Cohen said, yes, he knew it, the coachman had told him so; he asked what his name was, I made answer myself, his name was Kidman, that he lived in Bell Lane; he said, he did not know him; he asked me what sort of a man he was; I told him he was a kind of a rough looking man, and wore a light coloured coat, a sly looking man, I made that answer; Cohen said again, he did not know him, or where he lived; those were the words, and that was all that passed in my house.

Cross Examination.

Mr. *Hart*. Q. You are the landlord?—A. Yes.

Q. How long has the prisoner lived in Cambridge?—A. I suppose he has been in the town eight years, he lived in my house the first four years.

Q. Where did he live at the time he was taken?—A. I suppose in London; he came from London to my house that evening.

Q. Do you know whether, or not, there are other persons of the name of Kidman, besides the prisoner, Kidman?—A. Yes, there is another; a farmer.

Q. How

Q. How long did he stay at your house before he went away?—A. He went out that evening.

Q. Did he quit your house immediately, or did he not remain for three or four days after?—A. Yes, from the Tuesday, to the Friday.

Q. When he went away, did he not leave word with you where he was going?—A. Yes.

Q. Did he not leave his boxes with you, to forward them to him?—A. Yes.

Q. And did you not send those boxes?—A. Mr. Mason brought a note from Mr. Cohen, describing what they were, and I sent them accordingly.

Q. Don't you know in fact, that he gets his bread by carrying about boxes?—A. Yes; I know he does.

Mr. *Wilson*. You mention another man of the name of Kidman?—A. Yes.

Q. Does he live in Bell Lane?—A. No; it may be in the same parish.

Q. You say, Cohen lived in your house some time?—A. Between three and four years.

Q. How long ago is that?—A. Four years ago.

Q. After leaving your house, did he live in Cambridge?—A. Yes; at the house of Mr. Greef, a plumber and glazier.

Q. Had he ever a house of his own?—A. Yes, he lodged along with Greef a year and a half, and then he moved into a house of his own; one that he hired, in St. Botolph Lane.

Q. How long did he live there?—A. Possibly, a year and a half.

Q. Did he live there last *October*?—A. Yes; he was not gone so long ago as that.

Q. When did he quit this house, and leave Cambridge?—A. In *November*, or *December*, I really cannot say.

John Doggett, Sworn.

Mr. Best. Q. You are a publican, in Cambridge?
A. Yes.

Q. What house do you keep?—A. The Compasses.

Q. Have you kept the Compasses any length of time?—A. Since last *May*, I think.

Q. Pray, do you recollect seeing Cohen at your house, sometime about the latter end of *January* last?
A. Yes, I think he was.

Q. Do you know what day it was?—A. I cannot exactly tell the day of the month.

Q. What time of the day was it?—A. In the middle of the day.

Q. Was it in the tap?—A. In the tap room.

Q. Were there any other persons besides yourself and Cohen?—A. Yes, there was; I owed him a little sum of money for some pots, he came, and my wife paid the bill; and I could have brought the bill and receipt, to shew the day.

Q. Was there any conversation about the robberies, and about Kidman being in custody?—A. Not at my house.

Q. Did you see Cohen at any other house upon that day, or any other day?—A. On Monday, the 2d of *February*.—The Mayor sent to me, as a constable, to go and meet him at Kidman's house, on the Monday.

Q. Had you seen Cohen at the Ship public house?—A. That was on the Thursday evening.

Q. Do you know the day of the month?—A. The 5th, I believe; on the 2d I was in possession at Kidman's, and on the Thursday following, I saw Cohen at the Ship, at what we call, a neighbourly club.

Q. Did any conversation take place respecting Kidman?—A. Yes, it was rumoured about the club, of Kidman being taken.

Q. Did

Q. Did Cohen take any part in the conversation?

A. Cohen sat smoking his pipe within the distance of a man, or two from me, I had very little opening to talk about it, being a constable; but Cohen came to me, and said, Is Kidman taken? Yes, says I, he is taken—Well, says he, I don't know him, nor I can't know him.—I have very little to say more upon the business; I turned the business over, because it was not my duty to talk about it.

Q. Does the prisoner speak as plain as you do—Does he speak plain enough to be understood?—

A. He spoke so that I understood him.

Cross Examination.

Mr. Alley. Q. This was in a four-penny club?—

A. Yes.

Q. He was a member, was not he?—A. No, he was not a member; he came from London.

Q. He had been a member?—A. Yes.

Q. And you would not admit a man among you, that you had a bad opinion of, I suppose—I take it for granted you would not?—A. To be sure, I would not.

Thomas Wiggins, Sworn.

Mr. Serj. Sellon. Q. Had you at any time, about *January* last, any conversation with Cohen, the prisoner, respecting Kidman?—A. No; I had not.

Q. Did you hear any thing pass from him about it?—A. Yes.

Q. When was it?—A. On the 27th of *January*, at the Black Lion.

Q. Kidman was in custody?—A. Yes.

Q. What did he say?—A. He said, he did not know him, and he could not know him; the company could not pacify him to know him.

Q. How did the conversation arise?—A. I don't know how it arose; I heard him say, he did not know him, two or three times.

Q. Did

Q. Did you send for a barber?—A. Yes.

Q. When was that?—A. The next morning.

Q. Where was it?—A. At the black Lion.

Q. Did he say any thing about him then?—A. Yes; he said he did not know him then; I cleaned his boots in the morning, and he said, he did not know him.

Q. In those very words always?—A. Yes.

William Lardner, Sworn.

Mr. *Wilson*. Q. Were you in company with Cohen, in *January* last?—A. Yes, about the 29th.

Q. Where was that?—A. At the Ship, in the parish of St. Mary the Less, there was some more company.

Q. Was any thing said about Kidman?—A. Yes; I was enquiring of John Doggett respecting the news of the day—I had been in the country.

Q. What was said?—A. I do not remember precisely all the particulars; he told me, that Grimshaw had been in custody, and that he had been in possession at Kidman's house.

Q. Did Cohen say any thing?—A. He enquired what kind of person he was, and he seemed to be very ignorant, and not to know any thing at all of him; he said he knew nothing at all of the person of Kidman, he knew nothing of him.

Q. Did he say any thing else?—A. No, Doggett was giving me a description of some crucibles, I think they call them.

Jeremiah Payne, Sworn.

Mr. *Best*. Q. You live at Cambridge, I believe?
A. Yes.

Q. In what part?—A. In Bell Lane, in St. Giles's parish.

Q. Is that the Bell Lane in which Kidman lived?
A. Yes.

Q. What business are you?—A. A lawyer.

Q. Do

Q. Do you work at your own house?—A. No; at different yards in the town.

Q. Have you any saw-yard belonging to your house?—A. It does not belong to me, it is right opposite to the yard belonging to Kidman.

Q. As you worked at different yards, you are not always at work in the same yard?—A. No.

Q. Did you frequently work in that yard?—A. Sometimes one day in a week, sometimes two; just as a man wants his work to be done.

Q. Do you know the prisoner at the bar?—A. Yes; very well.

Q. Have you ever seen him at Kidman's house?—A. Frequently; I have seen him go in sometimes once a day, sometimes twice, and sometimes three times a day, when I have been at work.

Q. Did you observe any thing when he used to go to Kidman's house?—A. He had a flat box.

Q. In what manner did he approach the house of Kidman?—A. He used to take a complete survey of the Lane before he went in.

Q. Can you describe a little, the manner in which he did it?—A. If he saw any body about the Lane, or at the end of the Lane, he would not go in; he would go up the Lane, passing Kidman's house, then he would return, finding the coast to be clear, and open the door and go in, and shut it after him.

Q. Did he not knock at the door?—A. No, he opened it.

Q. What sort of visits were they as to time?—A. In general in the day time, sometimes in the morning.

Q. Were they short, or long?—A. Sometimes a quarter of an hour, sometimes half an hour, and sometimes three quarters of an hour.

Q. Had you an opportunity of seeing him, while you was at work in the yard?—A. Yes.

E

Q. How

Q. How long ago do you think is the last time you saw Cohen go into Kidman's house?—A. About seven months, up to this time, as near as I can guess.

Q. You have told us it was seven months; for how long a time before the last time you saw him, in the way you describe, going into Kidman's house; have you seen him paying those visits.—A. I have seen him going in for these three, or four years past.

Cross Examination.

Mr. Alley. Q. You are a lawyer?—A. Yes.

Q. You say, this intercourse which took place, is about seven months since the last time you saw him?—A. Yes.

Q. These visits were paid in the day time?—A. Yes.

Q. And this box you speak of, he carried publicly?—A. Yes.

Q. Don't you know it is his business, and trade?—A. It may be.

Q. You know he is a pedlar, do you not?—A. He is a Jew, I suppose.

Q. Do you know that he is a pedlar?—A. Yes; I saw him with his box, but I cannot say what was in it.

Q. Did you ever see Kidman's wife there?—A. I saw Kidman's wife in her own house.

Q. You say, he frequently surveyed the coast before he went into the house?—A. Yes.

Q. Did you ever communicate that to any body, before you was asked to be a witness?—A. No, I did not; I don't remember it.

Q. Do you now consider it as a suspicious circumstance?—A. I don't consider it at all.

Q. Do you, or not now consider it as a suspicious circumstance?—A. I do not consider it at all.

Q. Have you no impression upon your mind, whether

whether it was apparently honest, or dishonest.—
Did you think it a suspicious thing?—*A.* I should think an honest man would not do any thing like it.

Q. You gave information, I suppose, directly?—
No, I did not.

Q. You say, he frequently passed by Kidman's house, and did not go in?—*A.* Yes.

Q. He might have been going elsewhere, you know?—*A.* Yes.

Q. Did you ever see any body else go past Kidman's house, and not go in?—*A.* Certainly.

Q. When was you first applied to, to be a witness upon this occasion?—Who first applied to you?—
A. Dr. Mansel sent for me.

Q. Was not Master Newby the person that first asked you?—*A.* No.

Q. Have you never had any conversation with him?—*A.* Never to my knowledge.

Q. You don't converse with people, and not know it?—*A.* I never conversed with him upon this subject.

Q. Then you have a knowledge, that you did not do so?—Have you ever heard of any thing like a reward?—*A.* I have seen it in the public Newspaper.

Q. And you expect a good share of it, don't you?—*A.* No, I don't expect any thing of it.

Q. Upon your oath, don't you expect part of it?—
A. I don't know.

Q. And that is as true as all you have said?—*A.* Yes.

Mary Payne, Sworn.

Mr. Wilson. *Q.* I believe you are the wife of the last witness?—*A.* Yes.

Q. You live in Bell Lane?—*A.* Yes.

Q. How far is your house from Kidmans?—
A. A very little way, only a gateway parts the two houses.

Q. Have you ever seen the prisoner, Cohen, go into Kidman's house?—A. Yes.

Q. How long is it since you first saw him come to Kidman's house?—A. About three, or four years ago.

Q. Do you remember whereabouts was the last time you saw him there?—A. I cannot exactly say what time it was; some time in the summer, between Stourbridge fair, and Wisbeach fair.

Q. Did he go often?—A. Yes; I have seen him go twice, and three times a day.

Q. Did he do that often?—A. Yes; two, or three times in a week.

Q. Did you observe any thing particular in his going into the house?—A. I have been up at the window, and seen him go by Kidman's door, and if there had been people in the Lane, he would not go in; he always cast his eye round to look if any body saw him, and if any body did not see him, he went in; if any body did see him, he used to go a little way up the Lane, and then returned and went in.

Q. Did you see him turn when he has gone a little way up the Lane to come back?—A. Yes.

Q. Has he gone into any other house, before he came back?—A. No.

Q. When he went into the house, did he use to knock at the door?—A. No, he lifted up the latch and went in.

Q. Did he use to stay any considerable time?—A. Sometimes I have not seen him come out, and sometimes I have.

Q. Did he use to call for a few minutes, or stay a good bit?—A. He used to stop a good bit, when he was in sometimes three quarters of an hour.

Cross Examination.

Mr. Alley. Q. Was you in court when your husband was examined?—A. No.

Q. Have

Q. Have you got any family at home?—A. I have got two children.

Q. Do you keep a servant, or mind the house yourself?—A. I manage it myself.

Q. I should think with managing your house, and the care of your children, you would not have much time to mind your neighbours affairs?—A. I happened to be looking out at the window.

Q. Then it was mere matter of accident, or did you look out at the window to seek for it?—A. When I have seen him stop, I used to make it my business to look after him.

Q. Then it was in consequence of some suspicion you entertained, I suppose, that you made it a point to watch for him?—A. Yes.

Q. Your husband knew that you had a suspicion?—A. Yes, of his going in, in such a manner.

Q. Then your husband had a suspicion, that all was not right?—A. Yes.

Q. Do I understand you correctly, to say, that you and your husband having some suspicion, looked for the prisoner coming to Kidman's house?—A. Yes.

Q. That is so?—A. Yes.

Q. Did you and your husband, ever converse about it?—A. He used to say sometimes, he wondered what Cohen could go into Kidman's house so often for; that he should think Cohen used to carry some stuff to make Bell Lane sixpences.

Q. If your husband has said, he had no suspicion, that could not be true?—A. No.

Q. Do you know any thing of the reward?—A. No.

Q. Your husband is a journeyman, is not he?—A. He is nothing but a labouring man.

Q. Has he, or not, the politeness to read the Newspaper to you?—A. No.

Q. Can he read?—A. Yes, a little.

Q. Not enough to read the Newspaper?—A. No.

Q. You say, you know nothing about the reward.—I ask you, has your husband never told you about such a thing, as a reward?—A. No; I never heard him say any thing about it.

Q. Upon your oath, has he never told you of it, before you came to give evidence to day?—A. He never told it me.

Q. This was a secret then, and he does not tell you secrets.—Have you never heard of it about the town?—A. I have heard something about it, but I never gave an ear to it.

Q. Then you know there was a reward, for you have heard of it?—A. I heard something about it, but I never took any notice of it.

Q. Did you never hear how much it was?—A. I never did.

Q. Your husband is a journeyman?—A. Yes.

William Vaughan, Sworn.

Mr. Best. Q. How long have you been acquainted with Kidman?—A. About six years.

Q. Did you ever work for him, at a house in Bell Lane?—A. Yes.

Q. What business are you?—A. A bricklayer.

Q. How long ago is it, that you worked for him?—A. About three years ago.

Q. Were you doing inside work, or outside work?—A. Inside, outside and all.

Q. Do you remember Cohen coming to Kidman's?—A. Yes.

Q. In what way did he come up to the house; how did he enquire after him?—A. He used to hollow, Dick, if he was near the building.

Q. Have you ever observed any thing of the manner, in which Cohen used to come up to the house?—A. Yes; if there was any body in the Lane, he would walk by; if he saw the coast clear, he would go into the house.

Q. Did

Q. Did he come frequently to Kidman's, while you was at work there?—A. Yes.

Q. How many times in a day?—A. I have seen him twice, at different times, sometimes three times a day.

Q. Upon his coming and finding Kidman at home, what did they do?—A. They used to go into the house together.

Q. Did you remain present with them?—A. No.

Q. What did they do?—A. They used to go into another room.

Q. Did they remain together any length of time?—A. Yes, twenty minutes, or a quarter of an hour.

Q. Did they shut the door?—A. Yes.

Cross Examination.

Mr. Alley. Q. You say, he used to call him Dick sometimes?—Yes.

Q. You don't know perhaps, whether it is the custom of the Jews, not to call people Mr. so and so, but by their christian name?—A. He used to call him Dick, that is all I know about it.

(Sarah Kidman called.)

Mr. Alley. My Lord, I feel it my duty at this stage of the trial, to submit to your Lordship, an objection, going not merely to the credit, but to the competency of this witness.—It is admitted she is the wife of Kidman, the principal, or supposed principal felon, to whom the prisoner, Cohen, is charged to have been an accessory.—That a wife cannot, generally speaking, be a witness for, or against her husband, is a proposition not to be disputed; it is therefore unnecessary to state the principles of domestic policy, on which this rule has been established; but I will take leave to read an observation of a very learned, and eminent judge. I mean, my Lord Chief Justice Hale, who speaking on this subject, says, "A woman is not bound to be sworn, or give evidence against her husband, in
case

case of theft, &c. if her husband be *concerned*, though it be material against another, and not directly against her husband." This is the observation of that great man, as I find it in my note book; for from that I am forced to read it, not having the original in court, as I did not expect a question of this sort could arise; if however, I state it inaccurately, I will thank the learned Gentlemen on the other side, to set me right. As I find no interruption, I must presume the sentence is correct; and if this is the expression of that learned judge, it appears to me, with humble deference, the woman now offered cannot be admitted as a witness.—Had the husband been tried along with the prisoner, the question would not admit even of an argument: for in that case, though it was in her power to prove every thing necessary, towards establishing the guilt of the accessory; and though she could not say any thing tending to criminate her husband, yet unquestionably she could not be heard, such is the policy of the law. Therefore, to enable her to become a witness upon the present occasion, some strong distinction must be shewn, perhaps it may be said, as her husband is already attaint, what she swears to day, cannot even *collaterally* affect him; this, if deemed an answer, might be given to the case I have just put; but certainly, even in that case, it would not be sufficient. However, to argue thus, can only be begging the question, for I contend with humility, her husband will be interested in any thing she may swear to day; to assert the contrary, would be to belie the impression upon my heart with respect to the benevolence of the court; for I cannot but suppose, if this unfortunate woman should prove to the satisfaction of your Lordship, that her husband was only a tool, in the hands of the prisoner at the bar, that in such case, those feelings which ever appear conspicuous on the bench,

and

and that philanthropy which always emanates with the adjudications of your Lordship, would interpose between her husband, and the hand of the executioner ; that on the contrary, should she prove deep criminality in him (and she will be bound at the peril of perjury to speak the truth) that in such case, all hope of mercy would be lost ; and your Lordship in your justice would say, the law must take its course. Hence, therefore in my opinion, she is deeply interested, and so not a competent witness. But it may be said, the record of the prisoner's conviction cannot be given in evidence against her husband, and that therefore the event of this trial legally, and strictly speaking, cannot injure him. That the record cannot in any legal proceeding, be used against him, I admit ; but notwithstanding, it may operate in the way I have stated, and therefore to guard against such difficulty, it is, as it appears to me, that my Lord Hale has used the term "*concerned,*" on which I beg leave to pin my faith ; an expression, if taken in its full extent, decisive in favor of my objection, and which I humbly contend, is not to be understood in a limited and confined sense ; that is, when he says, "the wife shall not be a witness in case of theft, &c. if her husband is concerned." He intimates, that on no occasion shall she be called upon to disclose his guilt, no matter whether at the moment of his trial, or that of any other person ; and therefore I infer, she is equally incompetent on the trial of a man, charged as accessory to such husband, though not tried along with him, as she would be on the separate trial of her husband, who was charged as principal.

I am aware there is a case, at which I observe the learned Gentlemen on the other side are looking, which may at first view be considered as militating against me ; but on examination, it will be found rather to operate in my favor. The case I allude to is

is that of Mrs. Rudd, reported by Leach ; in which an objection was taken to the competency of a witness, named Perreau ; on the ground, that she came to speak, impressed with a hope of saving her husband's life, who had been convicted of the crime of forgery, but that case will not apply, being by no means apposite ; on the contrary, your Lordship will find, that *the case in which the witness was called, and that on which her husband was tried, were totally different and distinct*, and it was on that ground the court received the witness ; for in giving its opinion, it stated, that the bond for which Perreau, the then witness's husband was convicted ; and that for forgery, which Mrs. Rudd was tried were different, and not the same ; but in the present case, the crime charged upon the prisoner, Cohen, participates of the offence of Kidman, grows from it as it were, and cannot exist without. So widely, and so essentially do those cases differ.—My Lord, I thought it my duty at this time to submit the objection, and beg with humility to repeat, that I consider this woman as incompetent, being interested, and deeply interested in the event of the present trial ; but let me suppose for a moment, what I hope for the sake of justice, could never have taken place ; that Kidman, the principal, was seduced into a plea of guilty, under the promise of a pardon, for the purpose of giving plausibility to the present attempt. What would your Lordship say, if that should turn out to be the fact ? Would your Lordship consider the conviction against him, as a legal or an honest conviction, so far as it leads to the accessory. I hold in too much respect your Lordship's justice, to think that you would consider it so ; it may be conclusive against himself, though obtained under such promise ; but as against the accessory it must, I contend, be legally and strictly proved : for the confession of the principal cannot operate as against the
accessory,

accessory, it being a positive rule, that what one prisoner says cannot affect another. Then, to pursue the question, let me ask; shall this woman be deemed competent to make out her husband's guilt to day, when she would have been deemed inadmissible and incompetent yesterday? My Lord, I have no more to add, but submit my objection with humble confidence to the determination of the court.

Mr. *Hart*. I also am of counsel for the prisoner, and shall add but few words to what my learned friend has said on this subject.—It appears to me, that in order to prove this indictment, not only the guilt of the prisoner must be proved as an accessory, but she must prove the crime to have been committed, and then she undoubtedly gives testimony against her husband; the question is, whether the disability of the wife to criminate her husband, arises upon the narrow view of it, that is, in the event whether it can hurt him, whether or not, it is in law to be permitted between persons standing in the relation of husband and wife.—I apprehend, there is that union between them, that the law will not suffer to be interrupted; if that be so, it is immaterial whether the husband is proved guilty by her, either before the trial, at the trial, or after the trial; because in all those cases the relation subsists, which incapacitates her; and as long as that relation subsists, that incapacity subsists; I apprehend that rule is not overturned by the case of Mrs. Rudd, because there the bonds were different; there was no apparent reason to conclude, that Mrs. Perreau in giving testimony against Mrs. Rudd, would affect her husband; the offences were wholly different, the bond upon which Robert Perreau was convicted, was different from that for which Mrs. Rudd was going to be tried, and the only question that could arise was, whether the remote expectation of the
Royal

Royal clemency was sufficient to go to her competency; it was decided, that it could go only to her credit, it not being necessary to substantiate or to prove any fact of a criminal nature, either for which he was to be tried, or for which he had already been tried.—Upon these grounds, I contend there is nothing proved by that decision; and therefore, that, that case will not at all be an authority in the present, because the calling Mrs. Perreau did not affect the relation subsisting between her and her husband; but the husband of this woman is materially affected in the present case, and as I contend must operate to the exclusion of the testimony of the witness.

Mr. Bevil. My Lord, I also as counsel for the prisoner, have to submit one or two observations on the present subject.—I take it, that in all objections which arise as to matters of law, where different lines of argument may be taken, if there are any of them, that are of less effect than others, your Lordship will rather resort to those which are the material points, than those which are to be considered as less applicable to the subject.—My Lord, the broad rule by which all questions of this sort are to be determined is, that a wife cannot be a witness either for, or against her husband; and if it can be shewn, that she is either for, or against her husband, that under that rule, she is not admissible.—The view then, that I have the subject, in order to substantiate the point for which I contend, is this.—Her husband stands upon his own confession, convicted of a particular offence; if we are at liberty in answering the charge made against the accessory, to shew no such offence has been committed; and if the event is such, that the crime was not committed, I humbly contend, that would go beyond any thing which has been stated, and that so far from going merely in mitigation, merely to mercy and compassion, it
would

would necessarily in law, be considered as a reversal, but the verdict might be pleaded in error.

Mr. *Justice Grose*. Where is your authority for that—Is that any thing like law? I should like to know whether that man, upon his confession, is not a felon convict.

Mr. *Serj. Sellon*. I shall trouble your Lordship with very few words.—I look upon it the whole distinction in all these cases, (and this is a distinction that ought to be attended to) is whether the objection that is made, goes to the credit or competency of the witness; that perhaps it may have some weight with regard to the credit of the witness, I do not deny, but with regard to the competency, I look upon it a clear point, that there can be no question, and for this reason; that although it may be unquestionably true in part, that they may have a right to impeach the crime itself, so as to shew the impropriety of the former record in this trial; yet I contend, that record and conviction will always be conclusive as between these parties; and if that is conclusive as between these parties, it would not be by any impeachment of that, that the learned Gentlemen could affect Kidman, but it would go the length of affecting the accessory.—That being the case, there cannot be any kind of objection which can prevail on the ground they have put it, for if the wife is neither to be brought for, or against her husband, it cannot operate in either way—he stands convicted, and sentence is passed upon him, the utmost length they can go, is to merely the presumption, that the learned Gentlemen think fit to draw; namely, that some bias might be in her mind, that in case of her evidence being given, some hope might be extended to Kidman her husband, that brings it precisely within the case of Mrs. Perreau. The case of Mrs. Perreau is decisive of this.—Mrs. Perreau's husband had been tried and convicted for

F

the

the offence of forgery ; and Mrs. Rudd, although she had been an accomplice, and although as such she had all the hope of favor, that accomplices have ; she was afterwards put upon her own trial, because it was argued and determined, that although accomplices should upon certain conditions have their pardon, yet if they were not fully complied with, they were done away, and they themselves would be liable to be tried and convicted.—Mrs. Rudd under these circumstances was put upon her trial, and the very first question put to Mrs. Perreau by the counsel on the part of the prisoner was, “ Is it not your opinion, that the fate of your husband will depend on the conviction of Mrs. Rudd.—Nothing could be stronger than such a question to a witness, provided it was in the affirmative ; but she says, “ I am not clear of that.” “ Do you not hope, or expect, that the conviction of Mrs. Rudd will be a means of obtaining your husband’s pardon ?” to which she said, “ I have nothing but the truth to say.” On being pressed to answer the question directly, she said, “ I don’t hope for the conviction of Mrs. Rudd ; I hope Mr. Perreau’s innocence will clearly appear.” She was then asked, “ Whether she did not apprehend that Mrs. Rudd’s conviction would contribute to procure her husband’s pardon ?” to which she answered, “ If Mrs. Rudd is found guilty, I suppose it will.—I hope it may be the means of procuring Mr. Perreau’s pardon.”—If then, my Lords, she did not come to give evidence in favor of her husband, according to the argument of the learned Gentlemen, I don’t know what it is to be called—notwithstanding the objection so taken, it was argued and determined after consideration, that she was a competent witness, but that it did go to her credit.—Upon these grounds I humbly submit, that the fate of Kidman is determined ; I humbly submit, that the reason of his being named
in

in the record at all, and the only principle upon which it is necessary to mention he was found guilty, is for the sake of the accessory before the fact, that he shall be at liberty still by way of vindicating his own innocence, to shew no such crime was committed, and therefore he is at liberty to impeach the record—and let me see how the judges, most properly, certainly have gone the length, with regard to suffering the party accused to impeach the fact itself; but that is not to be taken on too broad a ground—Your Lordship will find what is said on the subject; as to the record being conclusive in the case of the King and Smith, 1st Leach 323—there the general principle is, that “an accessory may controvert the guilt of the principal, notwithstanding the record of his conviction.”—“And it was admitted by Mr. Justice Gould, upon the authority of Foster, that the record of the conviction of the principal was not conclusive evidence of the felony against the accessory, and that he has a right to controvert the propriety of such conviction; for a record is only conclusive evidence against those who are parties to it.”—My Lord, that being the case, the accessory is left to impeach the record, and it is settled there can be no interest in a witness so circumstanced, except some little hope that may prevail in the mind.

Mr. *Wilson*. My Lord, I will submit a few words, as I cannot add much to the argument of Mr. Serjeant Sellon.—The authority Mr. Alley has cited, is from Lord Hale—I need not observe to your Lordship, that Lord Hale is the most accurate of all writers; and if there had been any thing more in his meaning, he would not have failed to insert it; he lays it down, that where a husband is tried along with another man, the wife shall not be at liberty to give evidence against another.—That is strong to shew what my Lord Hale’s opinion was, it is that

if he was not tried with another man, that the wife in that case might be a witness; there is no reason why he should have confined it to the single case of the husband being put upon his trial with another person; he would have gone on and said, if the husband is tried first and convicted, and the accessory tried afterwards, the wife may be a witness—he does not say so, and from the multitude of cases he had in his mind, and the care he took to express himself, it follows clearly he made that distinction. I understand he does afterwards say, “A woman is not bound to give evidence against another, if her husband be concerned” — that may be when the husband is tried with another person. Is the husband in this case concerned? No; he has been already convicted, and received judgement; and if Cohen should be acquitted on the ground, that there was no burglary committed, the record is still conclusive against Kidman; he is, and he remains an attainted person, and no legal consequences with regard to him can follow.

My Lord, if that be so, all that can remain is an expectation from the hope of mercy, and that I submit, brings it directly to the case of Mrs. Perreau. Kidman is an attainted person; and it might be argued, that in that situation he can have no relations whatever; for the declaration of the law is, that a felon convict is dead in law; and if he is dead in law, I submit he cannot stand in relation of husband to any person. In legal language, he cannot be said to be the husband, because he has no existence whatever. — If that be so, whether the husband is convicted upon the same evidence the other is charged on, or upon different; which was the case of Mrs. Rudd, it is not material. The question is, Is the wife under the influence of any hope that may be of consequence to her husband. If she believes that her evidence, as on
the

the trial of Mrs. Rudd, would entitle him to mercy; that is an expectation which would, no doubt, weigh with the jury in the credit they will give to her testimony.—If she believes that this will have any effect in favor of her husband, that will be considered by the jury; but it is only an expectation, and that has been determined in the case of Mrs. Perreau; therefore, under these circumstances, I submit an expectation of mercy is not such an objection as will prevent her evidence from being received.

Mr. *Best*. My Lord, I am on the same side, and am to submit upon two grounds, that Mrs. Kidman is an admissible evidence, whatever degree of credit the court may suppose she is entitled to; and I can only put the same point you have already heard for your consideration; namely, that between persons so circumstanced, no relationship subsists between husband and wife. I contend in the eye of the law, he having been convicted of an offence, all social relations which he bore are put an end to, and determined, and therefore the wife is no longer excluded from giving her evidence; because she owes no allegiance to him, all sort of connection is determined between them; and it is supposed in the eye of the law, that no such person exists as the husband; therefore, the rule which has excluded the wife from being evidence against her husband, which proceeded from the mutual relation they bore to each other, for social comfort, is now at an end; the principle does not apply, there are no premises upon which it can operate.

My Lord, the next ground upon which I submit, she is a competent witness, is this; that the evidence she is to give can in no manner affect the record which now exists against Kidman, which is conclusive as against him; it is impossible by any evidence whatever, that the record against Kidman can be disturbed, she has not that interest, she can have

nothing more than expectation, that in case she should disclose the whole truth, Royal clemency and mercy may be extended.—That being the case, it cannot be contended, that it goes to the competency of this woman; at the same time it is admitted on all hands, that it may affect the credit, that is to be given to her. These are the two points upon which I conceive she is competent, and I shall not trouble your Lordship with saying any more.

Mr. *Wilson*. I just wish to state to your Lordship, that she is not called to contradict, but to confirm her husband; he has said, he is guilty, and she is called upon to say, what he has said before.

Mr. *Alley* (*in reply*.) My Lord, I will not apologize for offering a few words, in answer to what has fallen from the learned Gentlemen on the other side; for conscious I am, it is your Lordship's anxious desire to hear every thing, that can be urged on the discussion of a question which so deeply interests the prisoner at the bar; and before I proceed to reply to the arguments of the learned serjeant, I shall take leave to notice the observation with which the Gentleman who had just sat down (*Mr. Wilson*), concluded. He said, if I understood him correctly, "that this woman was to be called not to contradict, but to confirm her husband, for he has pleaded guilty, and she is called to say what he has said before." This is the language of the learned Gentleman, and it contains in my mind, as full and decisive an answer to all his other arguments as by possibility can be given; for it implies, that without her evidence, there is not proof sufficient whereon to found a conviction, if her husband's confession is abstracted. What then does this amount to? It amounts to neither more nor less than this; that by some inducement or other, he has pleaded guilty, and kindly supplied the defect of the prosecutor's proof, and enabled him to make
up

One Hundred Pounds Reward.

Public Office, Bow Street,

October 31, 1798.

To Silversmiths, Pawnbrokers, and others.

STOLEN from TRINITY COLLEGE CAMBRIDGE, on Monday Night last, the following Articles of PLATE, Viz.

One Silver Porringer, (marked Burdon); 1 Cup, (Galf. Hornby); 2 Cups, (Trin. Coll. Cant.); 1 Cup, (William Hall); 1 Cup, (John Courtney); 3 Cups, (Henry Thomson); 2 Pots, (Trin. Col. Cant. 1790.); 1 Pint, (No. 9.); 1 Pot, (Aynscombe); 2 Spoons, (No. 7, and 12, St. George); 1 Table Spoon, (Trin. Coll. Cant. No. 11); 2 Trowels, 16 Desert Spoons, and 3 Marrow Spoons, (Walpole); 1 Table Spoon, (Trin. Coll. Cant. No. 32.); 3 Spoons, (Blagrove, No. 1, 5, and 10.); 14 Forks, (Eden); 1 Sauce Boat, (Sir Rob. Smith); 3 Spoons, (Trin. Coll. Cant. No. 5, 10, and 11.); 1 Marrow Spoon, (Trin. Coll. Cant.); 1 Pepper-castor, (Pratt); 2 Soup Ladles, (Dr. Hooper); 1 Two-Eared Pot, (Francis Arundell and Charles Montagu); 1 Decanter, (Benjamin Bousfield); 3 Sauce Boats, (Laurence Brockett); 4 Cups, (Sheldon Cradock); 3 Candlesticks, (Om. Table); 1 Pint Pot, (Clarkson); 1 Decanter, (Dickenson); 1 Decanter, (Damer); 3 Pint Pots, (Elsley); 1 Pint Pot, (Fydell, No. 2.); 1 Ewer, (Freer); 1 Two-Eared Pot, (Le Neve and Parson); 1 Bason, (Maccastrand); 1 Decanter, (Pratt); Decanters, (Scarlett); 2 Pint Pots, (No. 2 and 3, Sutton); Candlesticks, (John Thoroton); 1 Bason and Ewer, (Vincent and Woodyear); 4 Cups, (Vernon); 24 Desert Spoons, (Wake); Candlesticks, (Wilkinson); 22 New Cups; 6 Butter Ladles; 36 New Spoons; 3 Plates, Sandwich, Huffleys, &c.

* * * The above Articles all marked *Trin. Coll. Cant.* and have the Arms of the College.

If offered to be Pawned or Sold, stop the same and the Party, and give immediate Notice to SIR WILLIAM ADDINGTON, at the above Office, and you shall receive a Reward of ONE HUNDRED POUNDS, on Recovery of the same, and Conviction of the Offender or Offenders, from the Owner.

Wanted a Steady Shopman in the Silversmith and Jewellery Line: He must understand the Value of Watches; write a good Hand, and be capable of superintending the Whole of such a Business. Address with real Name, Proposals, and Reference, to A. B. at No. 120, Strand.

Wants a Situation, a Young Man, who has been Seven Years in the Pawnbroking Business, and can have an undeniable Character from his last Place, where he has lived Four Years. Direct to H. P. No. 9, Chiswell Street, Finsbury Square.

up a record of conviction against him, the principal, so that the accessory may be called to answer; but let me ask, Is that altogether fair, shall one man confess himself guilty of a crime, though there is not evidence sufficient to convict him, without such confession; and shall a record, built on such a confession, be taken as the ground work of an accusation against another as accessory? I trust your Lordship will say, no; for in such proceedings, there appears to me a violation of the general rule, which says, "the declarations of one prisoner, shall not operate so as to affect another." What I mean by saying it would violate such rule, is this; as the accessory is permitted to controvert the guilt of his supposed principal, he is entitled to insist, that the principal should not be convicted (as against him) on his own confession; and to say, though he, the principal, may chuse to confess guilt against himself, so as to authorize his conviction, yet he has no right thereby to prejudice, or injure me. But further, let me ask, shall the counsel for the prosecution be at liberty to call this woman to support what her husband has said, when we, who are of counsel for the defendant, could not call her to contradict him; and to prove her husband's innocence, which on this charge would be a deference for the prisoner, Cohen.

Mr. Serj. Sellon. There is no doubt you might.

Mr. Alley. Then I take leave to say, the Gentlemen are blowing hot and cold, and I will be bold to contend, we could not call her whilst her husband lives; but say the Gentlemen, "her husband is dead in law, for he is attaint." That he is attaint, I admit, and that he is dead in law to certain purposes, I allow; his child could not inherit through him, and he is dead to many other purposes; but I submit he is not dead as a husband, and that the marriage union continues undissolved. Let us observe

serve how the learned Gentlemen argue; they say, that the attaint, that is, in other words, “that the distress and misfortunes of the husband exonerates the wife from her duty.” What, my Lord, shall it be said, shall it go abroad under the sacred sanction of your Lordship’s authority, that in the hour of calamity the wife may desert her duty, may violate her marriage vow, and annul the solemn engagement entered into at the altar? Or shall it not rather be said, that she is bound to attend on her husband in all possible circumstances, in every vicissitude of life, in prosperity, and in adversity; nay, does not the voice of nature command her attentions more imperatively in the latter, than in the former situation? No man can negative the question; therefore, I will not repeat it.—But it has been said, further, “that this woman is at liberty to marry again, even before the *natural* death of her husband.” This is so monstrous a proposition, that I can scarcely think the Gentlemen were serious when they made the observation.—So differently do I think upon that subject, that I contend a second marriage, under such circumstances, would be felony, and the woman might be indicted for bigamy, under the statute of James; for, as I contend, there are but two ways by which a marriage can be dissolved; the one by process through the ecclesiastical courts, sanctioned by parliament, or perhaps by parliament alone; the other by the hand of death, which ultimately dissolves all the dearest connections of human life.—When I am speaking thus, I am not arguing hypothetically, for my memory serves me with a case in which a point pretty similar was determined.—It was a question, that arose upon a parish settlement, the circumstances of which were as well as I recollect, as follows; A man had been convicted of a highway robbery, and sentenced to die, but pardoned on condition of serving in the army; he enlisted, went abroad,
and

and after he was absent five years, his wife married, and had a child by the second husband; and after sometime the first husband returned; the question was, whether the child gained its father's settlement, or should be considered a bastard, and settled where born; and the court of King's Bench held, that the second marriage was clearly void, and of consequence, that the first continued in force." Let me then ask, Is not that case decisive of the present question? Does it not prove, that this woman still continues the wife of her attainted husband, and that in case he is pardoned he may compel her, if she shall be unwilling, to return under his protection? I humbly contend it does, and that on this ground the objection stands unimpeached, for it has been admitted, that if she continues the wife, she cannot be sworn.

Mr. Serj. Sellon. I never mentioned the second.

Mr. Alley. I have not attributed the expression particularly to the learned Serjeant, but it was made use of, and indeed the whole scope of the argument for the prosecution intimates nothing else. However, to recur to the argument first adopted by the learned Serjeant, he has contended, that because the record of the prisoner, Cohen's conviction cannot be used against this woman's husband; she is a competent witness perhaps, generally speaking, such an argument might be adopted; but to all general rules there are exceptions, and the present case in my mind furnishes a strong one to such rule; and for this reason, that if this woman is sworn to day, she becomes a witness in a cause, in which she could not have been offered as a witness yesterday, nor at any other time, had this prosecution been conducted as is usual, and the prisoner, Cohen, charged as accessory, tried with her husband who was accused as principal. And in truth, it appears to me in every instance, that the learned counsel for the prosecution,

secution, have built their arguments on erroneous assumption; they have taken that for granted, which they were not authorized to assume, and stated, and broadly too, a fact which has led them astray; namely, that on the trial of the accessory, they need not prove all the facts necessary to shew the guilt of the principal, which I contend, must be fully ascertained; first, a burglary must be proved; next, that such burglary was committed by Kidman the supposed principal; and lastly, that the prisoner, Cohen, did in the language of the indictment, feloniously incite, move, procure, aid, and abet Kidman to commit the said burglary, and all this by a witness competent to be sworn on Kidman's trial, which it is not pretended this woman could have been.— Under this impression, I have submitted the objection to your Lordship, and sit down, humbly expecting your Lordship's determination in my favor.

Mr. *Justice Grose*. I shall shortly give my opinion; with regard to this objection, made as to the competency of the witness; which is, that the wife of the husband cannot be a witness in any thing that shall affect the husband, who stands convicted on this record; it is said likewise, that she has an interest. Now with regard to the interest, she has undoubtedly, the case of Mrs. Perreau comes completely up to this; for if there is any interest, the jury will consider how far it affects her credit, but it certainly does not affect her competency. Then it comes to the first question, whether or not the witness can give evidence in a case where, upon the record her husband is mentioned, for it is no more than that her husband is mentioned as a person convicted, and as a person dead in law; for I take it, that a capital convict is dead in law. Let us for a moment suppose he is not dead in law, and that first of all the prisoner at the bar was not attaint; what would be the effect of this record upon the former?

none,

none, for it only says, it appears on the record, that the principal offender is convicted; and suppose him convicted, what does it prove, that it corresponds with the former record; for upon the former record he appears to be convicted, and it confirms it; it don't seem by any possibility to affect the husband; then if it does not, I cannot conceive, why this woman is not competent; I certainly, as at present advised, shall hear her evidence, and if any thing should strike me respecting the bias on her mind, I shall state it to the jury, and leave them to judge of the credit due to her; but as, at present advised, I cannot find out how she is swearing any thing that will affect the guilt, or innocence of her husband, because at present that guilt, or innocence cannot be altered by any verdict in this case; no judgment in this case can ever avail to set aside the judgment in the former, by which he is said to be a felon convicted.—If a case is decided in which it is said, that a witness in such a situation as this cannot be heard, I can only say, I am not aware of it, it is new to me. If I had reason to doubt upon it, of course I should give him the benefit of that doubt; at present I am clearly of opinion she is a competent witness.

Sarah Kidman, Sworn.

Mr. Serj. Sellon. Q. You are the wife of Richard Kidman?—A. Yes.

Q. Where do you live?—A. In Bell Lane.

Q. How long have you lived there?—A. Between eight and nine years.

Q. Do you know the prisoner at the bar, Cohen?—A. Yes, I do.

Q. How long may you have known him?—A. Better than four years.

Q. Has he been in the habit of visiting your husband?—A. Yes, a great many times.

Q. How

Q. How often?—A. Generally, upon the average, once, or twice a week.

Q. At any times oftener than once in a day?—A. Sometimes twice in a day.

Q. Are you sure from what you have seen, that they were in the habits of intimacy with each other?

A. Yes, they were.

Q. Do you remember at any time, and when, hearing Cohen say any thing to your husband respecting Caius college?—A. Yes, I do.

Q. When might it be—about what time?—A. It was a great while before the robbery.

Q. What robbery?—A. The robbery at Caius.

Q. What was it you heard him say?—A. He wished him to go to rob Caius college.

Q. Does your recollection serve, whether he mentioned the name of the college?—A. Yes, he did.

Q. Did you ever hear him more than once talk about it?—A. I have.

Q. Did your husband in your presence make any objection to it, or say any thing about it?—A. He has.

Q. Can you mention any day, or times, at all?—A. It was sometime before the robbery.

Q. You say your husband has made objections, and said something on the subject?—A. He has said, he did not like to go, he was afraid.

Q. Did you hear Cohen tell him how he might go, in what way, and with whom he might go?—A. He first persuaded him to go with Grimshaw.

Q. What I am now asking you is all relating to Caius college?—A. Yes.

Q. Do you mean to say, it was about Caius college?—A. Yes.

Q. What did he say to that?—A. After Grimshaw and he had gone several times together, he persuaded my husband to go by himself.

and

Q. Who persuaded him to go by himself?—A. Cohen.

Q. Did you ever hear your husband tell Cohen any thing as to the success of their having been together?—A. Yes, he told him, that they had been together, and Cohen did not think Grimshaw a proper person to be trusted.

Q. Did you ever hear your husband tell Cohen of any difficulty in the business?—A. Yes, they had a great deal of difficulty.

Q. What did you hear him say?—A. That they had a difficulty to get into Caius college.

Q. Did he say in what way?—A. In the way of making the keys and fitting them.

Q. Was it at that time, that he persuaded him to go by himself, and said that Grimshaw was not a proper person?—A. After they had partly gone through the business, he did.

Q. He did what?—A. He persuaded him to go by himself.

Q. Did he give a reason to Kidman, why he wished him to go by himself?—A. Because he thought Grimshaw would flaunt about with the money, and it would be discovered; that he would spend it too fast.

Q. Did your husband give any reason, why he could not go without Grimshaw?—A. He gave a reason, that he was afraid Grimshaw would discover it.

Q. Who said so?—A. My husband said so.

Q. Did your husband give any reason, why he could not go by himself?—A. He was afraid Grimshaw would discover it.

Q. Why?—A. Because they had been so many times together, that Grimshaw would suspect him—Grimshaw would suspect my husband committing the robbery, if he went alone.

G

Q. Did

Q. Did Cohen then say any thing?—A. Cohen said, if my husband had any plate in the place he would buy it of him, and Cohen said, he would take care that Grimshaw should not suspect him.

Q. Did he mention in what manner he would take care Grimshaw should not suspect him?—A. Grimshaw expressed a desire to go and see his son, in the Cambridgeshire militia.

Q. Did he say where?—A. At Ipswich.

Q. You are telling us, that he said, Grimshaw would suspect him; and added, that Cohen said, he would take care he should not, because he had expressed a desire of going to see his son at Ipswich.

Mr. Justice Grose. How was that to prevent his discovering it?

Mr. Serj. Sellon. I want to know how that was to prevent Grimshaw suspecting your husband; did Cohen say any thing more about it?—(No answer.)

Q. Did he say any thing more than merely express a desire to see his son?—A. He did not say that before the robbery was committed.

Q. Do you know whether he went to Ipswich, or not?—A. Yes, he did.

Q. By what means?—A. Cohen gave him a guinea.

Q. When was it?—A. A little while after Caius robbery.

Q. Was he gone at that time?—A. He was not gone at the time the robbery was committed, he went a few days after.

Q. Do you know when Cohen gave him the guinea?—A. I cannot say the day.

Q. Did you see him give him the guinea at all?
A. I heard him say so.

Mr. Alley. Was it Grimshaw that said so, or Cohen?—A. Cohen said so.

Mr. Serj. Sellon. Can you tell me, whether he gave

gave him a guinea in point of fact, or not?—*A.* He said a few days after the robbery, that he had given Grimshaw a guinea to go to Ipswich.

Q. Was Grimshaw then at Ipswich?—*A.* No, he was not.

Q. Did you see Grimshaw?—*A.* I did not see him myself.

Q. How do you know he was at Ipswich?—(*No answer.*)

Q. Did Cohen say at what time he had given him the guinea?—*A.* Not particularly; he said he had given it.

Q. Can you tell, whether any thing more passed between Cohen and your husband before the robbery, as to any agreement to commit the robbery; was any thing more said?—*A.* Nothing more before the robbery, any further than he came a great many times, and persuaded him to go and do it.

Q. The first time was sometime before the robbery?—*A.* Yes.

Q. How near was the last time to the robbery?—*A.* But a very little while; not more than a day or two.

Q. Did Cohen at any of those times say any thing to him as to the plate, or any thing of that kind?—*A.* He said, if it was got he would take it away and pay him for it.

Q. In point of fact, do you know of your husband coming home any day, and when, with a quantity of plate?—*A.* I cannot say the date in particular.

Q. Was it a day or two after Cohen tried to persuade him to rob Caius college?—*A.* Yes, it was.

Q. What time did he come?—*A.* He came home about three in the morning.

Q. What quantity was it?—*A.* A great deal.

Q. What was done with it?—A. It was put under the cellar stairs.

Q. Was the whole of it put there?—A. The whole of it was put there.

Q. How long might it continue there?—A. It continued there but a very few days, I cannot positively say when it was taken out; it was melted all but a few articles.

Q. Was it melted in your house?—A. Yes.

Q. At that time did you see any thing of Grimshaw?—A. No; Grimshaw was at Ipswich at the time it was melted.

Q. At the time the plate was melted, Grimshaw was at Ipswich?—A. Yes, he was.

Q. Did your husband come home alone?—A. He did, so far as I know; I was in bed.

Q. You say it was melted?—A. It was melted.

Q. Some few articles were not?—A. A few articles were not.

Q. Tell me any one, or two that were not?—A. There was a dozen tea spoons of one sort, and there was a pint pot.

Mr. Justice Grose. Should you know the pint pot again, if you was to see it?—A. Yes.

Mr. Serj. Sellon. Look at that?—A. This is the same pot, and these are the same spoons.

Q. Are this pot, and these spoons, part of the quantity of plate, that your husband brought home at three o'clock in the morning?—A. They are.

Q. Do you remember where this pint pot and these articles were, at the time they were found by Dr. Mansel?—A. I do; they were found under the garret floor.

Q. Was that the place they were first put into?—A. That is the first place they were put into, after being taken from under the stairs.

Mr. Justice Grose. They were put first under the stairs, and then taken up to the garret floor.

Mr.

Mr. *Serj. Sellon*. At this time, was Cohen at your house frequently, I don't mean the day you had the conversation, but just before the robbery?—

A. Yes, he was.

Q. Did he bring any thing to your husband, for the purpose of this business?—*A*. Nothing particular; he did not bring any thing particular to him.

Q. Do you remember a day or two after, Cohen bringing any thing particular?—*A*. No, I do not.

Q. What were they melted in?—*A*. They were melted in a crucible, they call it.

Q. Was it your husband's own?—*A*. Cohen bought it for him before that time.

Mr. *Justice Grose*. When did he bring the crucible?—*A*. I cannot say particularly; he brought two.

Mr. *Serj. Sellon*. Did Cohen afterwards come as he said he would, to do any thing with this plate?—

A. He came to buy it of him.

Q. How long after it had been melted?—*A*. I cannot positively say the day he had the first away; I can say when he paid the first money for it.

Q. When was that?—*A*. The 9th of *November*.

Q. Do you mean to say the money he paid, was for some of the plate, that your husband brought home that night?—*A*. It was.

Q. How much did he pay him?—*A*. A hundred pounds; in ten pound bank notes.

Mr. *Alley*. This is certainly evidence of a substantive, and a distinct offence.

Mr. *Serj. Sellon*. I mean to couple the facts.

Mr. *Justice Grose*. It goes to shew that he is the person stated in the indictment; it is evidence of his receiving the plate, the paying 100*£*. is evidence.

Mr. *Hart*. The only question is, whether you can prove one felony by another.

Mr. *Justice Grose*. No, no; the truth is, it is only part of a number of transactions, constituting one transaction as you may call it.

Mr. Serj. Sellon. You say, they were 10£. notes?

A. Yes, ten 10£. bank notes; I took them into my hand, and they were never out of my possession till I delivered them to Mr. Newby.

Q. Was that the time they came to search the house?—A. It was afterwards.

Q. What time was it?—A. I cannot positively say what time it was, it was a day or two after the plate was found.

Q. How many of the notes did you give up to him?—A. I gave him six ten pound notes; I did not give the whole ten, but only six, four were changed.

Cross Examination.

Mr. Alley. Q. You stand quite at your ease I see. Do you know that your husband is at this moment under sentence of death?—(No answer.)

Q. You don't understand my question quite so well as you did the other Gentleman's; do you know that your husband is under sentence to be hanged?—A. I do not know it.

Q. Do you mean to swear that?

Mr. Justice Grose. I understand what she means to swear, I cannot but feel for her; she does not know exactly what the word sentence is.

Mr. Alley. Do you, or not know, that your husband was found guilty yesterday, of an offence for which he is to be hanged?—A. I don't understand the question.

Q. You know what it is to be hanged, don't you?—(No answer.)

Q. Do you, or not know the fact?—A. I come here to answer to the truth.

Q. Who was it applied to you, to come to give evidence here to day?—(No answer.)

Q. You don't understand that, do you?—A. No.

Mr. Justice Grose. Who applied to you to come here to day?—(No answer.)

Q. Who desired you to come here to day?—
A. A Gentleman.

Mr.

Mr. *Alley*. Who is he, do you know?—(*No answer.*)

Q. Do you remember his name, or not; if you recollect it, say so?—(*No answer.*)

Mr. *Justice Grose*. Is the Gentleman in court, do you see him.

Mr. *Sharpe*. It was me, my Lord; I am clerk to the Attorney

Mr. *Alley*. Q. *To Mrs. Kidman*. At the time that he applied to you, had you any conversation with him, more than desiring you to come here to day?—

A. No more than he gave me a paper.

Q. Had you any conversation with him?—A. He merely gave me a bit of paper.

Q. He did not tell you what you was to come here to day for?—A. He never spoke a single word.

Q. Can you read?—A. I can read a little.

Q. Could you read what was written in that paper?—A. I can read the most part of it.

Q. Did you apply to any body to read it for you?—A. No, I did not.

Q. Do you mean to say, that without any information and without its being read to you, you knew what you was to do; and that you was to come here to be a witness.—A. I came upon the paper.

Q. Do you mean to say, you had no conversation?—A. I had none.

Q. You never got the subpoena read by any body else?—A. I did not.

Q. That you mean to swear?—A. I do.

Q. You have never had any conversation with that Gentleman at any other time?—A. I do not know him.

Q. When was it he gave you that paper—Have you got the paper with you?—A. I have not.

Q. Did any body tell you any thing about what might be the consequence of giving evidence to day, whether

whether it would be good or bad for your husband?
—*A.* Nobody.

Q. I ask you, whether any body said, it would be good or bad for your husband, for you to come forward to be a witness against Cohen?—*A.* I had nobody said any thing to me.

(Mr. Alley desired Mr. Newby to step out of court.)

Q. How long have you been acquainted with Mr. Newby?—*A.* I have not had any acquaintance with Mr. Newby to signify.

Q. How long have you been acquainted with Mr. Newby?—*A.* No further than speaking.

Q. Have you had no conversation with Mr. Newby upon the subject of this trial?—*A.* No.

Q. I ask you, upon your oath, do you mean to swear you never had any conversation with Mr. Newby upon the subject of this trial?—*A.* No.

Q. Did he never tell you, that it would be well, or ill for your husband, if you gave evidence to day?
A. No; how should he know.

Q. That will not do—Do you mean to say, that Mr. Newby never said any thing to you with respect to the consequence of your evidence to day, as it might affect your husband.—*A.* No, nothing at all; he told me nothing about it.

Q. Did he not tell you, that you might procure your husband's pardon?—*A.* No, he did not.

Q. Did any body else ever tell you so?—*A.* No; nor any body else.

Q. I ask you, did any body else say any thing to you, from which you might conclude, that your husband's life might be spared by your coming forward to day?—*A.* No, nobody said any thing about it.

Q. Was Mr. Newby with the Attorney's clerk, when he came to you with the paper?—*A.* No, he was not.

Q. When

Q. When did you last see Mr. Newby?—A. I saw him walking about as other people did.

Q. I ask you, when was the last time you saw Mr. Newby, before you saw him in the court?—A. I cannot say particularly the minute.

Q. Did you see him this morning?—A. I saw him walking about like other people; I don't know nothing no more about it.

Q. I ask you again, do you mean to swear you don't know when you saw him?—(No answer.)

Q. Did you see him this morning, or not?—A. Yes.

Q. I ask you, do you mean to swear you have only seen him walking up and down, as other people do?—A. I know I am on my oath to speak the truth.

Q. Do you mean to swear, you had not seen Mr. Newby, excepting when he was walking as other people do?—A. I have not seen him to have no conversation with him.

Mr. Justice Grase. Have you had any conversation with him?—A. I have not.

Mr. Alley. Did you see him any where but in the street?—(No answer.)

Q. Was you at the prison this morning?—A. No.

Q. Did you ever see him at the prison, in company with your husband?—A. No.

Q. Have you never gone with Mr. Newby to the prison to your husband?—(No answer.)

Q. Do you mean to swear you have never gone with Mr. Newby to the prison to your husband?—A. (After considerable hesitation) I have gone with him once.

Q. Have you gone with him more than once?—(No answer.)

Q. I ask you, have you gone more than once with

with Mr. Newby to the prison to your husband?—
(*No answer.*)

Mr. *Justice Grose*. Answer the question; have you been with Mr. Newby more than once to the prison to see your husband?—*A*. Yes, I have.

Mr. *Alley*. Have you not been frequently?—*A*. I have been twice.

Q. More than twice?—*A*. I don't know that I have.

Q. Will you swear, you have not been more than twice?—*A*. I cannot swear any thing about it.

Q. You can remember what happened six or seven months ago, but cannot recollect how often you have been with Mr. Newby to your husband in the prison, since he has been confined?—(*No answer.*)

Q. Well, I will not press you—Do you mean to tell me, that you have not had repeated conversations upon the subject of your husband pleading guilty, and your being a witness here?—*A*. No, I have not about that.

Q. For what purpose did you go with Mr. Newby to the prison?—*A*. I went with him as a neighbour.

Q. You went with the witness against your husband as a neighbour.—Do you mean to swear, that that is the truth?—(*No answer.*)

Q. Do you venture to swear that?—(*No answer.*)

Q. Did you not tell me this moment, that you was only slightly acquainted with him; and now you tell me, that you went with him to the prison to your husband as a neighbour; did you not say so?—*A*. I had leave to go with him.

Q. Leave from one of the magistrates, was it not?—*A*. I had an order.

Q. Had you not an order to go for the express purpose of persuading your husband to plead guilty, and for you to be a witness?—*A*. No, I did not.

Q. When

Q. When was it that you received an order?—
A. Sometime ago.

Q. I ask you, for what purpose did you go to the prison?—A. On purpose to see my husband.

Q. Upon your oath, did you go for no other purpose with Mr. Newby, who accompanied you; for there was no occasion for him to accompany you to see your husband?—A. I did not like to go by myself.

Q. You did not like to go by yourself, and therefore he accompanied you to the prison?—A. I never had no occasion to go to a prison before.

Q. I ask you again upon the oath you have taken, did you not go to the prison with the intention of persuading your husband to plead guilty, expecting his life might be saved in consequence?—A. No, I did not; I have not taken any oath about that, I come to swear to the truth of the robberies.

Q. Do you mean to swear you did not go to the prison, for the very purpose of endeavouring to persuade your husband to plead guilty?—A. No, I did not go to persuade him.

Q. Did you desire him to do it?—A. No; why should I desire him to do it.

Q. Did you ever hear such a thing from Mr. Newby?—A. No, I did not.

Q. Did you not hear him say it would be better for him to save his life?—A. No, I did not.

Q. Did you never yourself say so?—A. No, I did not take any oath about that.

Q. I warn you, if you swear what is not true, that you will be indicted for perjury.—Upon your oath, did you not endeavour to persuade your husband to plead guilty to the indictment against himself?—(No answer.)

Q. Did you, aye, or no, persuade your husband to plead guilty to the indictment?—(No answer.)

Mr. Justice Grose. You must speak; did you or not persuade your husband to plead guilty—Answer
the

the question truly and honestly?—*A.* I did persuade him.

Mr. Alley. Then how dare you just now swear, that you never said any thing about it; I will not make you perjure yourself any more, I will leave you.

Mr. Serj. Sellon. *Q.* To *Dr. Mansel.* This woman had an order to go to the prison?—*A.* Yes.

Q. Did you desire Mr. Newby to attend her?—*A.* I believe Mr. Newby suggested it himself, it was a general order; I had given directions that nobody should have access to the prisoner.

Q. Who is Mr. Newby?—*A.* He is the chapel clerk of Trinity college.

Q. Have you got in your possession the bank notes?—*A.* No, I never had them.

Mr. Wilson. *Q.* To *Mr. Newby.* Have you got in your possession any bank notes?—*A.* Yes, I have.

Q. How did you come by them?—*A.* I took them by the desire of the magistrate from Mrs. Kidman.

Q. Was that at the time the house was searched?—*A.* It was two or three days after.

Q. Did you receive them from Mrs. Kidman in the presence of the magistrates?—*A.* No, in the presence of two witnesses.

Q. Was Dr. Mansel present then?—*A.* No.

Q. Or any of the magistrates?—*A.* No.

Q. When you received the notes, who did you deliver them to?—*A.* I received the notes of Mrs. Kidman before Charles Claydon and John Taylor. I put them up in a letter, sealed them up, and delivered them before the same witnesses to the Vice-Chancellor.

Q. To *Dr. Gretton.* Did Mr. Newby deliver any bank notes to you?—*A.* He delivered me a parcel, which I wrote upon myself; these are the individual notes, which Mr. Newby gave into my possession.

Q. I

Q. I believe that is your hand writing?—A. Yes, I swear to it.

Q. How long did they remain in your custody?—A. A considerable time; I should think near three weeks.

Q. To whom did you deliver them?—A. I delivered them back to Mr. Newby unopened.

Q. To Mr. Newby. When you received them back again, how long did they remain in your custody?—A. They have remained in my custody ever since they were opened at Guildhall, in London, before the sitting magistrate.

Mr. Alley. I will admit they are the notes found in Mrs. Kidman's possession.

Cross Examination.

Mr. Alley. Q. We have already heard, that you are the person, who has been so active in distributing these bills, as well as on other occasions?—A. I have circulated some of these hand bills.

Q. Do you know what reward there is in this case?—A. Not any reward at all.

Q. You live in the college?—A. Yes.

Q. Do you mean to swear, there is no reward?—A. There have been offered at different times many rewards.

Q. You don't know that there is a large reward?—A. I know the reward is due to no one.

Q. You know it is not due until it is earned.—Do you not expect to earn a part of the reward by giving evidence to day?—A. I do not.

Q. That you mean upon your oath to swear?—A. I do.

Q. Have you and Cohen been upon good terms?—A. We were never upon bad terms, we have always been upon good terms, as far as I know.

Q. Have you never quarrelled, and has he not threatened to complain to the University of your conduct towards him?—A. Never in his life.

Q. Has it ever happened, that you made any application to him to borrow 3, 4, or 500*l.* for a certain young gentleman, and did you not send him to London, in consequence of that application, to negociate a certain sum for a particular person; for whose name I have too much respect to mention it?—*A.* No.

Q. You are sure of that?—*A.* Yes.

Q. Did you not promise to give Cohen two guineas?—*A.* No.

Q. Did he never go to London for you?—*A.* No; I applied to Mr. Lyon.

Q. Then it was not to him, but to a friend of his?—*A.* I cannot say; I applied to him myself, I accompanied the person who made the application.

Q. Did not the prisoner go to London by the direction of Mr. Lyon at your instance; was you not to pay him for the journey?—*A.* I don't know that the prisoner went to London; he said he did.

Q. And upon that a quarrel arose?—*A.* No; no quarrel.

Q. Did he not apply to you to pay the two guineas?—*A.* No.

Q. Did you pay him?—*A.* No.

Q. Did he ever apply to you?—*A.* He applied to me, to apply to be paid.

Q. Now, my good Mr. Newby, in consequence of his application which you refused, did he not threaten to complain to the college?—*A.* No, not to my knowledge.

Q. Did he not?—*A.* Never.

Q. Have you ever been in prison with Cohen?—*A.* Once I have.

Q. How often did you go to see Kidman?—*A.* I do not know how many times; I don't know at all how many times; I might go many times to ask him how he did, and so forth.

Q. Let us know what that so forth is—What do you

you mean by so forth?—*A.* If I had any question to ask Mr. Kidman, I went to ask him.

Q. Did you go for no other purpose than merely to ask him a question?—*A.* No.

Q. Was he an old acquaintance of yours?—*A.* No.

Q. Pray how came you to go to ask him questions?—*A.* To ask him questions upon this business, which was the plate business.

Q. The wife of the prisoner accompanied you two or three times.—How often did you go together?—*A.* Once or twice she applied to the magistrates to see her husband, and she begged of me by a note to go with her.

Q. Did you not yourself go, for the purpose of persuading him to plead guilty, and confess the fact?—*A.* Never.

Q. Did you ever go into the prison to enquire after the health of any other prisoner?—*A.* I have asked him after the health of Cohen, and after the healths of some debtors.

Q. Have you ever been philanthropic enough to ask after the healths of any other felons till this time?—*A.* I went to see Mr. Cohen several times.

Q. Did you not go for the very purpose of inducing one, or the other, to confess their guilt?—*A.* I never made use of any such words.

Q. Do you mean to swear, that you did not go with any such design?—*A.* As what design.

Q. Do you mean to say, that you went to the prison, not with an intention to obtain something that might be evidence against him, or to induce him to confess?—*A.* I went two or three times in order that I might be able to make something out respecting the business of the plate, which it was my duty to do.

Q. You went, you say, for the purpose of extracting evidence from him?—*A.* Yes.

Mr. *Alley*. Then I will not ask you more questions.

Sarah Grimshaw, Sworn.

Mr. *Best*. Q. I believe you are the daughter in law of Grimshaw, the chimney sweeper?—A. I am.

Q. Do you remember your father in law leaving Cambridge, for the purpose of going to Ipswich?—

A. At that time I lived at Ipswich.

Q. Tell me, whether he came there in *October* last?—A. He did.

Q. About what time?—A. About the middle of *October*.

Q. How long did he stay?—A. He came on the Monday night, and went away on the Wednesday morning.

Q. Your husband, his son, was in the Cambridge-shire militia?—A. Yes, he was.

Mr. *Justice Grose*. Prisoner at the bar, you have heard the evidence against you; what have you to say in your defence?

Prisoner. My Lord, I am not guilty of the offence; when I came on Tuesday, the 27th of *January*, as soon as I came to the club, they mentioned a man was taken up; I said, I do know him; but they might understand me, I don't know him, as I speak different from other people.—I went to another place, and there I heard again, Grimshaw was taken up—that was Thursday morning.—Mr. Smith told me, says he, “I have just been up to the examination of Kidman;” I told him, I know him very well, for he mended something for me.—On Thursday a man says to me, “Let us take a walk down to the Ship,” and there was a girl in the house, and there I heard of it again; more than that, I went to the fish market, where a person came to me, and said, “I heard you was taken up;” says I, “What did you think I was taken up for?” says he, “I did hear so;” says I, “I would thank you to tell me who told you

you so ;” says he, “Cohen, it is not worth while, I would not say a word about it, if I was in your place.”—I did not say, I did not know him, I cannot say no such thing, for I acknowledged it before the justice, and never denied it. It was Thursday when I came into the town, and I told them how long I should stop in Cambridge.—I was going on a journey with a man, and that man I asked; for they said he went away this morning; when I went away to Godmanchester, near Huntingdon. I left my boxes here, and meant to come back with this man on Sunday; and he was to take a journey with me to the place where I was going; when I thought it was no use going back again, I sent for my goods. If I had been guilty, or done any thing of the kind; or if I had any such connection with this man, I had a days march before them, and could have got away without sending to tell where I was.—I was not taken up till the Wednesday week following.

Mr. *Alley*. I have witnesses to prove the fact of his leaving his box, and sending for it; but as that is admitted, I will only call witnesses to character.

William Evans, Sworn.

Mr. *Hart*. Q. Where do you live?—A. At the Greyhound, in St. Andrew’s parish in this town.

Q. How long have you known the prisoner?—A. Five or six years.

Q. During this time, what has been his general character for honesty; did you consider him as an honest man?—A. Perfectly so.

Charles Thorpe, Sworn.

Mr. *Hart*. Q. How long have you known Cohen?—A. Eight years; the first four years he lived along with me, I never knew any thing against him.

Charles Constable, Sworn.

Mr. *Hart*. Q. Where do you live?—A. In Cambridge.

Q. How long have you known the prisoner, Cohen?—A. Five or six years.

Q. What is his character as to honesty?—A. He has always dealt with me, and I consider him as an honest man.

Charles Yorke, Sworn.

Mr. Hart. Q. Do you live at Cambridge?—A. Yes.

Q. How long have you known the prisoner?—A. Five or six years.

Q. During that time, what have you to say about his honesty?—A. I don't know what to say about it, he always paid me for what he bought of me.

Q. Did you consider him an honest man?—A. Yes.

Thomas Markham, Sworn.

Mr. Hart. Q. Do you live in Cambridge?—A. Yes, I do.

Q. How long have you known Cohen?—A. Five or six years; I always considered him to be a very honest man.

George Freeman, Sworn.

Mr. Hart. Q. Do you live in Cambridge?—A. Yes; I have known the prisoner in Cambridge for some years.

Q. What is his character for honesty?—A. I never heard a bad character of him; I went to fetch him from March, to apprehend Mr. Cohen.

Q. What was his conduct?—A. He behaved himself as well as a man could do.

Q. Did he discover where his boxes were?—A. Certainly; he discovered every thing—they were all sealed up and brought to Cambridge.

Swinton Stoddart, Sworn.

Mr. Hart. Q. Where do you live?—A. I live in Cambridge, and have known the prisoner about two years; the last two years, I always looked upon him to be an honest man.

George

George Chapman, Sworn.

Mr. Hart. Q. Where do you live?—*A.* I live at the Unicorn, and have known the prisoner about six years; I have had some dealings with him, and always considered him as an honest man.

John Wattenball, Sworn.

Mr. Hart. Q. Do you live in Cambridge, and do you know the prisoner?—*A.* I live in Bridge Street. I have known the prisoner about five years; I never heard any thing but an honest character of him.

Mr. Alley. My Lord, we have a number more witnesses to character, but I do not think it necessary to trouble the court with any more.

Summing up.

Mr. Justice Grose. Gentlemen of the jury.—This indictment charges Henry Cohen, as an accessory before the fact, in feloniously, and maliciously counselling, commanding, and procuring Richard Kidman, who has been convicted of felony and burglary, in stealing plate out of Caius college so to do. Now, Gentlemen, it was truly stated to you, that in offences of this sort, there may be three degrees; there may be the man who is the principal, who steals or commits the act; the man who persuades him to commit it, but who is not present, and who is called the accessory before the fact; there may be another person who receives the prisoner, knowing he committed the felony; and there is likewise another, which is, if a man receives goods, knowing them to be stolen, he is made accessory after the fact.

Gentlemen, You observe on the face of this indictment, that the prisoner is neither accused of having committed the robbery, or of receiving the felon; but he is accused of counselling, advising, and procuring Kidman to do that; for which Kidman is convicted and condemned.—Therefore, the charge you have to try is this;—Kidman has received
judgment

judgment of law to die, having committed the burglary stated in this indictment; and the present prisoner is charged with procuring him (Kidman), to commit it; whether he did procure Kidman to commit the burglary, is the question you have to try. I will read the evidence to you; but the most material witness is the wife of Kidman, and I shall only beg of you, as I proceed, to attend to every thing, that you conceive tends to corroborate her evidence.—Under the examination you have heard from her, she must stand in a light, respecting which it is for you to judge. If she is so deserving of credit, as to make it no difficult matter for you to say, that the prisoner is guilty of the felony of which he stands indicted, you will pronounce him so, by your verdict; but I have no difficulty in saying, that if you are of opinion she does not deserve credit, then the prisoner ought to be acquitted.—You will attend to the evidence of all those persons, who in your opinion have said any thing that corroborates her evidence.

Gentlemen, They first give evidence to prove the felony committed, which is proved by the reward; but at the same time, they thought it proper, and it was proper, notwithstanding Kidman confessed he was guilty of the felony, to shew that he was guilty of it by evidence, as well as by the record you have heard read.

Gentlemen, Elizabeth Wilson states herself to be the wife of the butler of Caius college, that on the night of the 13th of *October*, the buttery was secured in the usual way—the buttery is in the college,—they left a candle and candlestick just by the board, inside of the buttery, which they blew out.—She says, the next morning the servant went to the buttery, who soon after sent for her; that she went and found the buttery as usual; but tells you, that both doors of the plate closet were open; she says, part of the
plate

plate was gone, and part left; that what was gone she is sure was there the night before; then she says, there were several candlesticks and other articles missing; particularly a pint mug, which by her description, is the pint mug described in the indictment.—She says, there had been the candle burning in the closet, in a silver candlestick, which she left in a metal candlestick the night before in the buttery; that it was half a candle which she left, but that it was quite burnt into the socket in the morning.—On her cross examination, she says, it was about half past 8 o'clock when she went in the morning to the plate closet, it was then day light; and, Gentlemen, to be sure it might happen that the buttery was broke open after day light, but I think you can have no doubt of the burglary, for this plain reason, if it had been day light, they need not have had a candle.

Mr. *Alley*. I beg your Lordship's pardon, the witness said, that even in day time they must have a candle in the closet.

Mr. *Justice Grose*. Gentlemen, It was so said; but when I find that a man, for that must have been the case, carries with him probably a tinder box for the purpose of lighting a candle, it is for you to judge.

John Fabb says, he is under butler; that he was at the buttery on the night of the 13th of *October*; Mr. and Mrs. Wilson were there, he observed Mr. Wilson fasten the door of the buttery in the usual manner before he came out; he observed half a candle in a metal candlestick—the next morning, he went to the buttery, and found the door ajar; that he then went to the plate closet, and found both the doors open; that he missed a number of articles, and among the rest, a mug; that he took notice of a candle and candlestick, left the night before; that the candlestick was left, but there was no candle; that

that he found a silver candlestick in the closet, which had had a candle burnt into the socket.

Doctor Mansel is then called; who says, that he went to search the house of Kidman; where they found crucibles, tools of various kinds, and a number of keys; that the next day, in consequence of information they had received, that plate was concealed, a particular board was taken up, and a quantity of plate discovered; amongst the rest, he observed a mug, which belonged to Caius college.—On his cross examination, he says, there was time enough between the robbery, and the search, to have disposed of the plate; and he says, the prisoner admitted he knew Kidman; this was a day or two after the search. Gentlemen, You will observe there was a question put, whether there was not time enough to dispose of the plate before the search; that question was certainly material, when you are called upon to presume the offence was committed from the circumstance of the place where the articles were found; but, Gentlemen, though there was time enough to dispose of the plate, you will recollect this circumstance, that the man who had so secreted it up stairs, where it required great force to get at it, would have no reason to think it would be discovered; and therefore it might be an easier thing for the man who had stolen it, to conceal it in his house, than to dispose of it—that seems to answer what was said on the cross examination.

Then the Vice-chancellor is called; he says, he has got the articles which were found at Kidman's; that they were brought to him at the lodge by John Newby.—Then John Newby tells you, he searched Kidman's house, and found the plate concealed under the hearth, and also a number of keys.—Gentlemen, Those are remarkable, for they are the sort of things you heard of yesterday; they are false
keys,

keys, nobody can see them without observing that it is probable the plate was stolen by the assistance of those false keys, and by the person who could make those keys.

Gentlemen, The next witness is the Rev. Dr. Belward, and I asked him particularly the name of the college, to see whether it was properly named in the indictment; it is enough for me to tell you it is.—He says, he is the master of Caius college, which has been robbed of plate to the amount of 4 or 500lb. weight.

Dr. Belward. My Lord, I beg leave to correct myself, I should have said about 140lb. weight.

Mr. Justice Grose. I don't think it signifies much, whether a man is guilty of stealing 50lb. weight, 500lb. weight, or 140lb. weight.—Dr. Belward then says, he was at Kidman's house when it was searched, that there was a quantity of plate found; amongst which was a pint mug, upon which there is engraved the Rev. Henricus Hubbard, to denote that it was the gift of Mr. Hubbard.—On his cross examination, he says, the buttery is part of the dwelling house, and that examination was meant to see whether the house named in the indictment, was not improperly called the dwelling house.—All I can say is, that you will have no doubt about it being properly laid — it is properly laid as the house of the college; it is laid as the dwelling of the master and fellows; and if it is not the dwelling house of one or other, then there can be no indictment for burglary in any of the colleges.

Gentlemen, Before I go any further, I will state that the evidence thus far, has been given for the purpose of corroborating the record, that a burglary was committed in the dwelling house of the college of Caius, and I think this evidence corroborates the statement in the indictment.—The record which you have heard read, would be conclusive evidence, if
you

you did not hear any other to confirm it; therefore, assisted by this evidence, there is no doubt the college of Caius was broke open, and a burglary committed in it.—They then go on with other evidence to affect the prisoner, who has not hitherto been affected. They call first of all James Whiley, who says, he was at the Black Lion in Cambridge; that in *January* last, he was in company with the prisoner, Cohen, when a conversation took place about the robbery at Mr. Butcher's, and about Kidman being in gaol.—Gentlemen, All this is material, when you come to consider whether the prisoner was totally innocent of the offence—it is very material, because he says, the prisoner was there; who said, “he did not know Kidman.”—If that was true, to be sure it was totally immaterial to him, whether Kidman had committed the robbery, or not; but if he really had known him, and he asserted a falsity, by saying, that he did not know him, you are to judge whether it might not be for the purpose of preventing any suspicion falling on him; and if it was, you will judge whether he did not feel himself conscious a little, that from the connection between them, there might be grounds of suspicion. He says, somebody said, Kidman lived in Bell Lane; to which the prisoner made no answer.—On his cross examination, he says, that the conversation took place at the public house; that he was quite sober at the time, and that he never told any body he was not.—I presume, that somebody would have been called to contradict him in that fact, but nobody is called.

Charles Thorpe is the next witness; who says, he keeps the Black Lion public house; that he remembers Cohen being there on the 27th of *January*, after Kidman was taken up; that some person said there was a man taken up for stealing plate; that Cohen said yes; he knew it, for that the coachman
had

had told him so; he asked what his name was, to which the witness said, his name was Kidman, and that he lived in Bell Lane; the prisoner said, he did not know him, and asked the witness what sort of a man he was, who told him he was a rough sly looking man; to which the prisoner replied, he did not know him, or where he lived. You are to say, whether that was true; and if it was not true, for what purpose he said it. On his cross examination, he says, the prisoner lived in Cambridge eight years; that he lived in his house four years, that he came from London that evening; that he knows another person of the name of Kidman, who is a farmer; and that the prisoner remained at his house three or four days after this. Gentlemen, This is certainly a material fact in favor of the prisoner, for if a man is conscious of having committed an offence, it is not likely he would stay in the place where the offence was committed, and where in all probability an enquiry would be made; and his staying there, shews that he feels unconscious of any offence, and therefore is not likely to have done the thing that is charged. It is also material, that when he went away, he left his boxes and a direction where they were to be sent. Now, Gentlemen, The purport of this cross examination seems to be like his defence, and you will give him all the benefit of that fact; you will consider his staying there, his leaving his boxes, and a direction where they might be sent; and by which it might be known where he was to be apprehended; if he was guilty, it does not appear to be the conduct of a guilty man certainly.

Gentlemen, John Doggett is then called; he says, he is a publican in Cambridge; that on Monday the 2d of *February*, he was sent for as constable to Kidman's house; that on the Thursday following he saw the prisoner, Cohen, at the Ship public house, at a club; that a conversation took place re-

specting Kidman being taken up, that Cohen sat smoking his pipe within the distance of one or two from him, and that he asked him, whether Kidman was taken, to which the witness said, yes.—Well says Cohen, *I don't know him, nor I cannot know him*; upon which the witness says, he declined any further conversation on the subject on account of his being a constable.

Thomas Wiggins says, he was at the Black Lyon, on the 27th of *January*, that he heard Cohen say, he did not know Kidman.

William Lander says, he was at the Ship public house in *January* last, when Cohen was there; that he was enquiring of John Doggett about the news of the day, who told him, that Grimshaw was in custody, and that he had been in possession at Kidman's house; upon which Cohen enquired what kind of person he was, and appeared not to know any thing of him.

Gentlemen, They then examined a number of witnesses to shew you, that although Cohen said he did not know Kidman, yet that assertion is not true, for that he knew him very well.

Jeremiah Payne says, he lives in Bell Lane, and is a lawyer; that he knows the prisoner at the bar, having seen him at Kidman's house, one, two, or three times a day. Gentlemen, This is the man who when he is asked after Kidman, appears to be a perfect stranger; and who says, he does not know him, he cannot know him. The witness says, if the prisoner saw any body in the Lane, he would not go into Kidman's house, but pass by it, then he would return, open the door and go in; he says, that he sometimes staid a quarter of an hour, or three quarters of an hour, and that the last time he saw Cohen go into Kidman's house, was about seven months since. On his cross examination he says, those visits were paid in the day time, that he never
gave

gave information of it to any one, for that he did not consider it as suspicious at that time.

Mary Payne was the next witness; she says, she is the wife of the last witness, and that Kidman's house and her's nearly adjoin; she says, she has seen the prisoner often go into Kidman's house, that the first time she saw him do so, was three or four years ago; that she has seen him go in two or three times a day, but that if any persons were in the Lane he would not go in; that he always cast his eye about, and if any body saw him he went up the Lane, and then returned; she says, she has seen him go past, and return, and then go in, without going any where else. On her cross examination, she says, she has two children; that she and her husband did suspect, when they saw this man proceeding in this way, that all was not right, and that her husband used to say to her, he wondered what Cohen could go into Kidman's house so often for; she says, she has no knowledge of a reward.

Then, Gentlemen, William Vaughan is called; he says, he knows Kidman; that about three years ago he was at work at his house, as a bricklayer, and remembers Cohen frequently coming there and calling Dick, which was Kidman's name.—This is evidence to induce you to doubt very much, whether what Cohen said concerning his knowledge of Kidman can be true or not, for he went to his house frequently, under very suspicious circumstances indeed, if you believe those witnesses.

Gentlemen, Next comes a witness the most material of all; for hitherto nothing has been brought home to the prisoner at the bar, to shew that he was an accessory before the fact.—By an accessory before the fact, I have told you is meant the person who advises, or procures the felony to be committed.—You find the prisoner under very suspicious circumstances, walking up and down near Kidman's house,

yet there is no evidence of his having persuaded Kidman to commit the burglary and robbery.—You heard a great deal of discussion, whether she was a competent witness; I thought she was, but I shall leave the credibility of her to your good judgment, for certainly she does not come before you without suspicion—she comes before you as a witness, who probably by her evidence may assist to save her husband's life; considering her as the wife of a man who is under the sentence of the law, and considering her as having that bias, which an unfortunate woman may be supposed to have, under such circumstances; you are to look at her evidence and say, whether you will give credit to her. I will read to you her evidence, and you will use your good sense and say, whether you are perfectly satisfied, that you believe what she says.

Gentlemen, She says, she is the wife of the unfortunate Kidman; that she has known Cohen about four years, who has been in the habit of visiting her husband very often.—That he wished Kidman to go and rob Caius college; she says, she does not remember the exact day and time when it happened, but it was sometime before the robbery, that her husband made an objection, and said he did not like to go, as he was afraid; that after he had gone several times with Grimshaw, Cohen persuaded Kidman to go by himself, as he did not think Grimshaw a proper person to be trusted; for this reason, because he thought he would spend the money too fast; that Kidman said, he could not go without him, for that he would discover him, as they had been so often together, and he would suspect him; upon which the prisoner said, he would take care he should not discover him, for that he had a desire to go to see his son, who was in the Cambridgeshire militia, at Ipswich, and he would send him there; for which purpose, he gave him a guinea.—She is corroborated
in

in that circumstance by another witness.—She says, nothing more passed before the robbery, except that the prisoner agreed to buy the plate.—She says, she recollects her husband went out and returned about three o'clock in the morning, with a great deal of plate; the whole of which was put under the cellar stairs, and afterwards part of it was melted at their house, all but a few articles.—As to melting it, you will recollect there was evidence of a crucible being found; which circumstance in some degree, corroborates her in her story.—She says, Grimshaw was at Ipswich when it was melted.—The pint mug and spoons are then shewn her, which she says, are the things that were found at her house, and part of the plate her husband brought home.—She says, that Cohen came afterwards and bought the plate; that the first money he paid, was on the 9th of *November*, when he paid 100*£*. in 10*£*. bank notes, six of which 10*£*. notes have been produced to you.

Gentlemen, It is very material for you to attend to this evidence.—If you find her prevaricating in her evidence; if she gives evidence in which she is not corroborated fairly and clearly, to be sure it is not fit you should say, the prisoner at the bar should die for this offence; for to be sure, the person who comes with such a bias as she does, ought to tell a story which you feel yourselves warranted in believing throughout. On her cross examination, she says, that nobody told her it would be good for her husband, if she was examined.—Now, Gentlemen, I begin to doubt by what I see afterwards, whether that is true.—She says, there was no conversation upon the subject of the trial between her and the person who subpoenaed her; that he never told her it would be good for her husband if she was examined to day, nor did any body else tell her so.—Gentlemen, I very much doubt that, because I think it is hardly possible, but what she must have understood,

and did understand, that the probable effect would be of her doing justice, that her husband's life would be saved, that seems to be the true reason why she does it.—She is asked if she had seen Mr. Newby; she says, she had seen him in the street walking along; she then asked, if she never saw him in the prison with her husband; to which she says, I never saw him in the prison; she is pressed very much upon that, and at last she says, I went with him once.—Then, Gentlemen, what she said before is not quite true;—and she afterwards says, I have been there more than once, but I don't know that I have been there more than twice; I have not been to talk about my husband pleading guilty, I only went with Mr. Newby as a neighbour.—Gentlemen, He did not seem to me, to be that sort of neighbour, who was likely to go with her without it was for some purpose; and Newby himself says, it was for the purpose of finding out something.—She is then asked about an order she had from the magistrates when she went to see her husband, and whether she did not go to persuade him to plead guilty—she says thus, I did not go to persuade my husband to plead guilty, I never desired him so to do, or did Mr. Newby in my hearing.—After that, there is a pause, and a great deal of very proper examination to get at the whole truth; questions were put which she did not answer readily; to answer which she was pressed again and again by the counsel, and pressed again and again by me, at last this question was put.—Did you persuade your husband to plead guilty?—her answer at last was after all that hesitation, “I did persuade him.” Gentlemen, Undoubtedly you should consider that, and weigh well with yourselves, what credit you will give to such a witness as this, when you recollect that the life of the prisoner rests in your hands on her testimony.—I need not repeat to you, that upon her
evidence

evidence principally, you are to say, whether he is guilty, or not.—Dr. Mansel tells you very fairly and honorably, that he gave her an order, and it is very proper he should give her an order to see her husband.

John Newby says, he is chapel clerk to Trinity college; he produces the bank notes given to him by Mrs. Kidman, and I understand it to be admitted by the counsel for the prisoner, that those bank notes were the notes given him by the woman.—Newby on his cross examination tells you, he has heard something about a reward, which has been very properly offered; indeed it is so considerable, that he must have heard of it, but you are to consider whether these witnesses are biased by that, or not. I cannot say, that it occurs to me to be so with regard to any of the witnesses, except as to the woman, who has admitted her motive.—He tells you, he never has quarrelled with Cohen, nor did Cohen ever threaten to complain to the University of his conduct;—after a good deal of examination he tells you this, that though there was no quarrel between him and Cohen, there was some dispute about two guineas between him and one Lyon. He gives you the account which you have heard, and it appeared to me, that he might as well have told the whole of the story at first, I think he might.—Whether from the manner in which he gave his evidence you think you can give credit to him, it is for you to judge.

Gentlemen, One more witness is called for the purpose of corroborating the testimony of Mrs. Kidman, which is Sarah Grimshaw.—She says, she is the daughter in law of William Grimshaw; and that she remembers her father in law being at Ipswich in *October* last.—This evidence is to shew, that that part of the story of Mrs. Kidman is true,
respecting

respecting Grimshaw being persuaded to go to Ipswich, while the plate was melted.

This is the evidence on the part of the prosecution, and I must repeat to you, that what I call the fringes of this prosecution are proved.—The great question is, whether the prisoner at the bar is guilty of procuring Kidman to commit the robbery; and if you lay out of the case the evidence of the woman, to be sure the prisoner must be acquitted; for the most material circumstances are told you by that woman;—then recollect, you are to determine upon the credit of her evidence, whether you will convict the prisoner.—I must beg you to take into consideration the manner in which she sometimes answered, sometimes not at all, at other times she answered evasively, at other times she paused, and at other times she gave an answer which afterwards she contradicted.—I would have you collect all these circumstances, and weigh them together—I say this to you, because as I have said to you on another occasion, if you are firmly persuaded, that the prisoner did commit this offence; it is due to the country to say, he shall suffer for it; but resting as the matter does, on the evidence of Mrs. Kidman, if you make a pause and consider it a doubtful matter, whether he is guilty, or not; then you should refer to the evidence the prisoner has called to his character; namely, nine witnesses, who all say they think him an honest man.—After having given so much evidence to character, the counsel for the prisoner very wisely said, that calling twenty more witnesses just to prove the same thing in the same words, does not tend to strengthen the case of the prisoner.—If you should be of opinion, he has a good character from the testimony of those nine witnesses, whether they are corroborated by ninety more, does not signify one farthing.—I always thought if I could get one or

two credible witnesses to prove the character of a man, that evidence is just as good as the evidence of a hundred.

Gentlemen, I have told you before, this case seems to rest more particularly on the evidence of Mrs. Kidman; I have commented upon her behaviour; all I shall say further, is this, if from the evidence and from the behaviour of that woman, you think she tells a true honest story, and that she is corroborated as far as it is reasonable to expect she should be corroborated; in that case you ought to find the prisoner guilty; but if you pause, or doubt about it, God forbid that a man's life should be taken away upon doubtful evidence; that is, on the evidence of a witness, whose credit is doubtful; it would be your duty, not only to the prisoner, but to the public to acquit him.—Lay your heads together, and use that wise discretion which I have observed you to use on former occasions.

The jury having retired for about half an hour, returned a verdict of—NOT GUILTY.

The prisoner was detained on another indictment.



The sentence passed on William Clayden, and William Grimshaw by Mr. Justice Grose, was as follows.

Prisoners. You, and each of you, have been convicted of several offences, for which by the law of the land you are doomed to die;—whoever has heard the evidence brought to prove your guilt, can make no doubt of the propriety of the decision of the jury.—It is melancholy to observe, that men like yourselves, who could live by honest labor, should
 resort

resort to rapine and plunder, living upon that which is the produce of the industry of honest men.—Your case, William Clayden, is not of that aggravated nature, that induces me to say, certain mercy, upon certain terms, may not be extended to you; but when I say that, I mean that mercy will be extended in case it so pleases him in whose breast alone that prerogative lays.—As to you, William Grimshaw, your's is a very different case; those who have heard of your extreme guilt in rapine, plunder, and every thing that is bad; must perceive that it is absolutely necessary for the good of society, that example should be made to prevent such evils in future.—It is not for me to hold out to you, even a glimmering of pardon, in order that other men may not commit like offences; the law upon you must be executed; you have now less to do, you know what your fate is to be, and recollect that in the course of a few days you must necessarily appear at another tribunal, before that tribunal where the hearts of all men are laid open, where nothing will be concealed, and where the sum and substance of all your merits will be more minutely considered. — Prepare then for that moment, Repent, and be saved; for know, that by proper contrition and repentance, you may expect hereafter that mercy from the Father of all, which we dare not extend to you.—I must now pronounce upon you the dreadful sentence of the law; which is, that you William Clayden, and you William Grimshaw, be taken from hence to the place from whence you came, and from thence that you be taken to the place of execution; and that you be each of you hanged by the neck, until you are dead.—Prisoners, may the Lord have mercy on your souls.

THE KING
AGAINST
HENRY COHEN,

July 22, 1801.

Mr. *Wilson*. **M**A Y it please your Lordship.—
Gentlemen of the jury.—This is an indictment against the prisoner, Henry Cohen, for an offence of a very high description, and probably I need not state to any of you, that for a number of years past, robberies to a great amount have been committed in the town of Cambridge; and that vast quantities of plate have been taken from different colleges; in consequence of which, diligent enquiries were made, and a long time elapsed before any intelligence could be gained; at length, however, the prosecutors were more successful, and the two persons principally concerned in those robberies, were convicted at the last assizes; one of the name of Richard Kidman, who is now under sentence of death; and the other named William Grimshaw, who has since been executed.

Gentlemen, We all know very well, that thieves and robbers could hardly be able to carry on their business (and particularly in offences of this sort, where plate to a large amount is the subject of the robbery), unless they were assisted in it by a set of
people

people more dangerous than any other; namely, those who receive from them the produce of those robberies.—In the present instance we propose to shew you, that the two persons I have mentioned, were assisted in this way, by a man of the name of Cohen, a Jew, who now stands before you; we shall shew you, that in the night of the 13th of *October*, or early in the morning of the 14th, the buttery of Caius college was broke open, it having been properly secured; and that plate to the amount of many hundred ounces was taken away by Kidman alone, and for that offence Kidman was at the last assizes convicted; which plate, when it was so taken by Kidman from Caius college, was sold to Cohen.—I should inform you, that Kidman lived in a place in this town, called Bell Lane; and when he got the plate home, after melting it (as it will appear by the evidence) in crucibles, furnished by Cohen, the prisoner, it was carried by Kidman to Cohen's house, who at that time lived here;—the price agreed upon between Kidman and Cohen I do not know; but it will appear, that he paid him 50*£*. in gold, and 50*£*. in bank notes at one time; and that at another time he paid him 100*£*. in 10*£*. bank of England notes,—four of them I believe had been changed for his own purposes; but ~~five~~ six of these individual notes which Cohen gave to Kidman were found in his house, and will be proved to you to be the identical notes given to him with this intimation; that they had a day or two before that, issued from the bank to Cohen's correspondent.

Gentlemen, The charge against Cohen is, that he was an accessory after the fact, by receiving these goods knowing them to have been stolen.—I stated, that Kidman had melted the greatest part of the plate, and carried it to Cohen's house; but there was a part not melted, which was found under the floor of Kidman's house; — a part of that plate will be
produced

produced before you, and it will be distinctly proved to have been plate belonging to Caius college; therefore, with regard to that, there will be no doubt but the principal part of this case will be to fix upon Cohen, that he was concerned in this robbery, by receiving the plate and paying for it, knowing it to have been stolen; and for that purpose, we shall call to you the wife of Kidman, as a witness; she has been examined on this business before, and will be called again;—we propose to establish by her evidence the facts I have stated; she will tell you, that Cohen was in habits of intimacy with her husband, and that he used to come frequently to her house where he saw him.—To her testimony we shall add other, to shew the way in which he used to come; not open, unguarded, and undisguised as a man goes when he has no bad purpose in view; but that he went there in secret; in the day time, it is true; yet always when he went, which was sometimes twice or three times a day, he looked round to see whether any person observed him, and if any body was in the street he passed by the house, went on till the coast was clear, then turned back, and went into Kidman's house.—Mrs. Kidman's evidence will go to prove the fact of a long connection between Cohen and her husband, and conversations between them respecting the actual receipt of the plate, and the payment for it, as I before mentioned.

Gentlemen, It may be said, that she comes under suspicious circumstances, for she must admit, that she knew of this robbery as it was going on, and it will be said, that she being a person under those suspicious circumstances, amounts to shewing that she was privy to a great crime.—I think it is not quite correct to say, that she was exactly an accomplice; I conceive she does not stand in that light; for whatever she did, or knew respecting it, was done under the influence of her husband, and if

Mrs. Kidman had been indicted for being concerned in it, she must have been acquitted, as having acted under the authority of her husband, so that she does not stand in the circumstances of an accomplice; but at the same time, I admit, that as she comes here to state her knowledge of these transactions, and her privity to them; although she is not an accomplice, yet it is very proper her evidence should be fully and deliberately weighed by you, and corroborated as far as possibly by other evidence.—If it stood upon her evidence alone, it will be for you to consider the manner in which she gives her testimony, and whether, without any other evidence, you can believe her; but I submit, in point of law, if you thought she spoke the truth, it would be sufficient, and you would be justified in finding upon her evidence alone, that Cohen is guilty; but I shall add to that evidence, of the conduct of Cohen himself.—I shall prove a very long intercourse carried on between him and Kidman, and that at the time Kidman was apprehended, Cohen was not in Cambridge, but returned in a day or two after; when it was the universal subject of conversation, Cohen arrived at Cambridge, and of course was present at various conversations respecting Kidman's transactions, where he thought it necessary to disclaim all knowledge of him; we shall prove, that upon a variety of occasions he said, he never had seen Kidman in his life; begged the people would describe his person and dress, and tell him where he lived, that he might judge whether it was possible he could have seen his person; and after all he could not recollect him.—Now, Gentlemen, Why did he do that, if he had no concern with Kidman; if he knew no more about the matter than you, or I did; what reason was there Cohen should be so anxious to deny all knowledge of his person?—None, except he knew he was a party concerned; and that its
being

being known he was acquainted with Kidman might create suspicions, and therefore he was anxious to deny that he had any acquaintance with him;—that, I think, if any confirmation is necessary to support Mrs. Kidman's evidence, will be sufficient.

Gentlemen, I will not detain you by going more at large into the circumstances of the case; it will be necessary shortly to prove the robbery in Caius college; and that these articles were stolen, and received by Cohen, he knowing them to have been stolen. I shall call evidence to shew the intimacy between him and Kidman; and then you will hear Mrs. Kidman, who will give you an account of the facts as I have stated; and it will be for you, upon the whole to say, considering the manner in which she gives her evidence, together with the confirmations she will receive, whether Cohen is guilty, or not.

Gentlemen, There is one circumstance which probably will be insisted upon; namely, that Cohen had an opportunity of running away, because he was for some time at large, after Kidman was taken.—It is true, he did not; he went about the country as usual, and I am not instructed to say, that he concealed himself.—It is true also (and much stress was laid on it, upon the former trial), that when he was taken up in the Isle of Ely, he permitted his box to be searched without hesitation;—it is true, he did so, which may be taken as evidence of conscious innocence; but you will recollect, that at the time he was taken, his box contained nothing of this plate, which the prisoner was aware of; so that it was no great mark of innocence in giving up a box, which he knew contained no evidence against him. You will hear all the circumstances, and I have no doubt, give such a verdict as will do justice to the prisoner, and at the same time justice to the publick.

(*The conviction of Richard Kidman read.*)

Mrs. Elizabeth Wilson, Sworn.

Mr. *Wilson*. Q. I believe you live at Caius college?—*A.* I do.

Q. And had the charge of the plate there?—*A.* My husband has.

Q. Is he butler?—*A.* Yes.

Q. Was it you that locked up the plate on the evening of the 13th of *October* last?—*A.* No, it was our servant.

Q. Is he here?—*A.* Yes.

Q. Did you see the plate before it was locked up?
A. I saw part of it.

Q. In the closet where it is usually kept?—*A.* Yes.

Q. Can you mention any part of it?—*A.* There were cups, tankards, waiters, pint mugs, filyer spoons, and a great many other things.

Q. Did you see the things that were afterwards found at Kidman's house?—*A.* Yes.

Q. Were any of those things there?—*A.* Yes.

Q. Mention them particularly?—*A.* There was two dozen and four tea spoons, and a pint mug.

Q. Had you seen them in the evening?—*A.* Yes.

Q. What is the name of your servant?—*A.* John Fabb.

John Fabb, Sworn.

Mr. *Wilson*. Q. Was you at the locking up of the buttery at Caius college, the night of the 13th of *October*?—*A.* Yes.

Q. What time?—*A.* About 10 o'clock.

Q. Did you observe the plate that was there?—*A.* Yes.

Q. Did you see the plate afterwards, that was found at Kidman's?—*A.* Yes, since it has been found.

Q. Do you remember any particular thing you found there, that you can speak to, as having been
locked

locked up in the buttery on the 13th of *October*?—

A. Yes; two dozen and four tea spoons, some marked with a pelican, and some C G C.

Q. A pint mug has been mentioned?—*A.* Yes; but I don't recollect the mark of that.

Q. You locked it up?—*A.* My master locked the buttery door, and pushed it with the key after he locked it.

Q. Did you see the buttery in the morning?—*A.* Yes, about 8 o'clock.

Q. Was you the first person that went there?—*A.* Yes.

Q. What state did you find it in?—*A.* The door was ajar, the buttery door open, and a great quantity of plate gone.

Q. Do you recollect the circumstance of a candle being left?—*A.* Yes, in a silver candlestick.

Q. Did you leave it in the outer part of the buttery?—*A.* Yes.

Q. Was it in a silver candlestick, or a brass candlestick, when you left it?—*A.* In a brass candlestick, in the outer part of the buttery.

Q. Where did you find it in the morning?—*A.* It laid close against the bread binn in the buttery, and there was no candle in it.

Q. You left a candle in a brass candlestick?—*A.* Yes.

Q. Was it a long candle, or a short bit?—*A.* About half a candle.

Q. Where did you find it in the morning?—*A.* I found no candle in the morning in the brass candlestick; I found some tallow in a silver candlestick.

Q. Where was that?—*A.* In the closet.

Q. Had there been any candle in the silver candlestick the night before?—*A.* No.

Q. The candle was so entirely burnt out, there was nothing found but the snuff?—*A.* Nothing but the snuff.

Q. Of course you told what a discovery you had made, and people came?—A. I made an alarm.

Cross Examination.

Mr. *Alley*. Q. You have told us you found the candle in the morning not as you left it?—A. Burnt out.

Q. It was about 8 o'clock when you went there?—A. Yes.

Q. This was the month of *October*?—A. Yes.

Q. I understand this buttery is so dark you cannot see in it without a candle?—A. No.

Q. Therefore, it would be necessary to have a candle in day time, as well as night?—A. Yes, I suppose it would.

Mr. *Wilson*. Q. (*To Mrs. Wilson.*) You was told in the morning by Fabb, that the door was open; did you go to look at it?—A. He sent a person to us, and we went—he had shut himself in, and would not let any body in till we came; we found a great part of the plate was gone.

Q. Were the mug and spoons gone?—A. Yes, they were.

(*The Rev. Dr. Belward called.*)

Mr. *Alley*. My Lord, I remember it was proved on the former trial, that this plate was found in Kidman's house; and as I have no wish to give the court, or the Gentlemen of the University, any unnecessary trouble, I will admit it.

Mr. *Wilson*. Then we will now call Sarah Kidman.

Sarah Kidman, Sworn.

Mr. *Alley*. Although it is not perfectly regular, I wish to put a question or two to the witness.

Q. You are the wife of the unfortunate man who has received sentence of death?—A. Yes.

Q. Were you not employed to persuade him to confess he was guilty?—A. Yes.

Q. Was

Q. Was it not in consequence of your persuasion, and that alone, that he pleaded guilty?—A. Yes, it was.

Q. Was not that in consequence of your being authorised?—A. Yes.

Mr. *Wilson*. If you are going into a long history, as to what she said to her husband, I object to it.

(Here Mr. *Alley* made an objection to the competency of Mrs. *Kidman* as on the former trial, which was over-ruled.)

Mr. *Wilson*. Q. (To Sarah *Kidman*.) Do you know Cohen, the prisoner at the bar?—A. Yes.

Q. How long have you known him?—A. I don't know.

Q. Have you known him many years?—A. Not many years.

Q. Two or three years?—A. Yes.

Q. Was he acquainted with your husband?—A. He was acquainted with him.

Q. Did he ever come to your house?—A. Yes.

Q. Frequently?—A. Yes.

Q. For two or three years past?—A. He sometimes used to come.

Q. They were very well acquainted together?—

A. They were acquainted together.

Q. He came to your house often?—A. Yes.

Q. Do you remember his coming to your house about the month of *October* last?—A. I don't know what particular month.

Q. Did he come to your house in harvest last?—You have been acquainted with him for several years.—I ask you whether he came to your house in the course of the last summer, or the last autumn?—A. He has come.

Q. Do you recollect seeing him in the month of *October* last?—A. I cannot say particularly the month.

Q. You

Q. You remember the time when the plate was taken from Caius college?—A. I cannot say the time.

Q. You heard it was done?—A. I heard it was taken away.

Q. Had Cohen been at your house with your husband before that time?—A. He might have been with him, but I cannot say.

Q. I ask you, had he, or not?—A. He had called upon him.

Q. Do you recollect any conversation between your husband and Cohen, previous to the time the plate was taken from Caius college?—A. I cannot say.

Q. When you was present?—A. When he was present; I cannot understand one word in ten what he said.

Q. Did you hear any conversation between Cohen and your husband about Caius college?—A. Their conversations was all to themselves, and their dealings were all to themselves; I know no more than what I have been told.

Q. You never heard any thing between them?—A. Nothing, but what I have been told; and I cannot recollect the particular words that I have been told.

Q. I only wish to caution you, that you are upon your oath?—A. I know it; but I did not know it the last time.

Q. I only caution you, that what you say is taken down, and that you are upon your oath, and are bound to speak the truth, the whole truth, without any favor to any body, and to keep no part back?—A. I know I am upon my oath, the last time I did not know that I was; I was not sensible, I know my husband was promised the King's pardon the first of all.

Q. Is

Q. Is it true, that your husband after he had melted the plate, brought from Caius college, carried it to Cohen's house?—A. I cannot say.

Q. Did any body pay your husband for it?—A. I did not see any money paid.

Mr. *Baron Hotham*. Q. Did any body pay your husband for the plate?—A. I did not see any body pay it.

Mr. *Wilson*. Q. There were some bank notes found in your husband's house, at the time he was apprehended?—A. I delivered some up.

Q. What were the bank notes you delivered up?—A. I cannot tell you what they were now.

Q. As near as you can?—A. I believe there was 100*l.* in the whole.

Q. They were in your custody, were they?—A. They were when I delivered them up.

Q. Who did those notes come from—how did your husband come by them?—A. I don't know; I was not a witness to it, I cannot swear who he took them of.

Q. You did not see them delivered by the prisoner?—A. I did not; though I was misled to say, I did see them.

Q. Then you mean to say, that you never saw any body deliver this 100*l.* to your husband?—A. I was no witness to it; I know no more than I have been told.

Q. You did not see them paid by any body to your husband?—A. I did not.

Q. Have you ever had any conversation with Mr. Cohen on that subject?—A. No; I had no conversation with Mr. Cohen about that business at all.

Q. Were you ever examined before Mr. Forlow, the mayor, about this business?—A. I don't know who I have been examined before, or what I have said, or done.

Q. Then

Q. Then you don't know who you was examined before?—A. I don't know; I know I was never an eye witness to their dealings, and know nothing about it.

Q. Do you know whether that is your hand writing? (shewing a paper to the witness)—A. That is my hand, I suppose, but how I came to write it, I don't know.

Q. Then you don't know any thing about this paper?—A. I don't know how I came to sign it.

Q. Then you mean to persist in saying, that you never heard any conversation between your husband and Cohen respecting Caius college at all?—A. Not to my knowledge.

Q. And that you don't know who paid your husband for the plate?—A. I don't know, I was not an eye witness to it.

Q. Then it is not true, that you saw 50*l.* paid in gold by any body to your husband?—A. I don't know; I never saw any money, only what my husband has said.

Q. Neither money or notes?—A. Neither money or notes.

Q. Then it was not true, you saw 50*l.* paid in gold?—A. It is not true.

Q. Or 50*l.* in notes?—A. I never was witness to any.

Q. It is not true, that you saw 100*l.* paid in 10*l.* notes, of 10*l.* each?—A. I never was present at any part; I never saw any part neither first or last; what I have said or done, I don't know.

Q. Did Cohen, the prisoner, or any body else, take away any of this plate, or the remainder of it?—A. I never saw any taken away.

Q. Neither by Cohen, or any body else?—A. Neither by Cohen, or any body else.

Q. Of course it was not carried away in a piece of leather?—A. I did not see it carried away at all.

Q. Is

Q. Is it true, that you have said you did not see this payment of one 50*l.* in gold, and another payment of 100*l.* in bank notes;—did you see a third payment made?—*A.* No.

Q. Not by any body?—*A.* No.

Q. Then the whole is entirely false?—*A.* It is as far as I know.

Q. You are speaking now on your oath?—*A.* I know what I am saying now, I did not know before.

Q. You now say, you did not see any body pay your husband, neither Cohen, or any body?—*A.* No, I was no eye witness.

Q. And you never heard Cohen say any thing on the subject at all?—*A.* I never heard any conversation about it.

Mr. Wilson. Then, my Lord, I cannot trouble you any further on this case; but there is another part of justice, that must be satisfied.—I will put in this examination, and consent to the prisoners acquittal; but as against this woman, I shall move, that she be committed for perjury.

Mr. Baron Hotham. Gentlemen of the jury.—I am extremely concerned from the evidence that is given, that the counsel is under the necessity of giving up a prosecution of this sort; for unquestionably after what had passed, he was well authorized to suppose the same would pass now as before; therefore there is no wonder the prosecution has been instituted.—At present, it is a lamentable thing to say, that you are bound, in defiance of all justice, to acquit this man, from the conduct of that woman; but it is my duty to tell you, there is no evidence against him at present; and therefore, you must acquit him.—NOT GUILTY.

Mr. Wilson. My Lord, I beg to put a question to *Mr. Forlow*, on which I shall ground my motion.

Mr.

Mr. *Forlow*, Sworn.

Mr. *Wilson*. Q. Did you take that examination of Mrs. Kidman? (shewing a paper)—A. I did.

Q. She swore that before you, did she?—A. Yes.

Q. I presume it was read over to her before she swore and signed it?—A. Yes.

Sarah Kidman. Begging your pardon, I was sworn before that was taken.

Mr. *Wilson*. Upon this examination it appears perfectly clear, that she has in one case or the other committed perjury; my motion to your Lordship is, that she be now committed for perjury, and we undertake to prosecute her.

Mr. *Baron Hotham*. Let her stand committed for perjury.

(*Sarah Kidman was then taken into custody.*)

Mr. *Baron Hotham*. (*To Cohen.*) I wish to say a word or two to you, before you go.—We are, as you know, only an earthly tribunal, and can only be guided by the evidence which is brought before us; upon the evidence that has been now adduced, the jury have, as they ought to do, thought fit to acquit you, and you now stand acquitted of this charge; whether you are guilty of it or not, is between God and your own conscience; and I have only to remind you, that though you are acquitted here to day, another day will come when you must stand before another judge, and that judge cannot be imposed upon by any art or concealment of your's.—If you should be found guilty by him, you have added to your guilt, by not only having been the means of the execution of one fellow subject, the conviction of a second, but probably of the transportation of a third; that is the situation in which you will stand before him; therefore I most earnestly recommend it to you, to think well of your situation, and though we must suppose you innocent, in point of law, yet you will recollect, that you have a very deep and solemn account to make up with him.

A

A

SHORT NARRATIVE

OF THE

LIFE OF RICHARD KIDMAN, &c.

Who were concerned in the Robberies, lately committed in the several Colleges in *Cambridge*.

RICHARD KIDMAN, the principal subject of this short narrative, was one of the most artful and successful plunderers, for the time he flourished, that ever infested society. He appears to be about 45 years of age, and was born at Waterbeach, a village in this neighbourhood. At a proper time his parents, who were labouring people, bound him apprentice to a gardener, in Cambridge; where he soon distinguished himself by a number of irregularities, and by his attachment to the barbarous sport of cock-fighting. Having robbed his master's garden, he was committed to bridewell; but as it was his first publick offence, his master generously forgave him, and received him again into his service. This act of generosity he repaid by robbing his master again, and several of the neighbours, particularly of some game fowls. For

L

this

this latter offence he was committed to the castle, tried at the sessions, and punished by being publicly whipped in the market place. As soon as he was at liberty, he bound himself to a shoe-maker for three years, and has worked in that capacity for several of the trade in Cambridge. Having from some cause taken a dislike to this profession, he applied himself to the business of a plumber and glazier; he had the good, or bad fortune to meet with a master in this line, who was more celebrated for ingenuity in his business, than integrity in his conduct; his master was not long in discerning the talents of his pupil, and frequently used to say of him, *that there were but two clever fellows in Cambridge, and his man Dick Kidman was one of them.* At his death, he bequeathed to his favourite scholar a set of tools, and various other mechanical instruments and contrivances.

With this stock in trade Richard Kidman now began to set up for himself. His talents and ingenuity led him at first to make and clean wooden clocks for the country people, in which employment he acquired considerable reputation; but his unsteady disposition still led him to other pursuits of a different tendency; he was very fond of bird catching, and used to pass whole nights in that employment in the fields behind the colleges; and by his mechanical skill, in contriving lures and traps to entice the birds, was very successful; it is not improbable, that the stillness and silence of these occasions, might inspire him with the first idea of robbing the colleges then under his view. During this period, he still continued to work at his profession, of plumber and glazier, as employment presented itself, and by this means made himself perfectly acquainted with the interior situations of the butteries, and private apartments of many colleges, where his business had carried him. It happened, that as Kidman was employed

employed in the course of his trade to clean the windows of a private room, in King's college, Grimshaw at the same time was occupied in sweeping the chimnies; they soon fell into discourse; and Kidman observed, *how easy it would be to rob colleges in the summer, when the gentlemen are gone down into the country.* Grimshaw, who has since paid the forfeit of his crimes, was a man who under the mask of religion, attempted to conceal strong passions and profligate manners; he was much addicted to the society of women, which involved him in expences far above what the honest earnings of his trade could satisfy. It will therefore easily be supposed, that he felt the full force of Kidman's remarks; an intimacy grew up between them from this incident; they used to take frequent walks together, during which they planned that unexampled series of robberies, which for near four years baffled all the vigilance of the police, infused distrust into families, destroyed the confidence in servants of unshaken, and till then, of unsuspected fidelity; and kept a populous town in a continual state of amazement and alarm.

The first robbery that was committed by these confederates, took place in the month of *August*, 1796, at the treasury of King's college. It had been usual with the Provost, upon his quitting college for the summer, to send his plate to this place for security till his return. The two confederates repaired to the door in the night, and by means of a piece of wood, covered with tinfoil in the shape of a key, were enabled to take an impression of the wards of the lock; this served as a model to Kidman, who after some trials, succeeded in making a key from it, to fit the lock, which put them in possession of their booty; after securing which, they locked the door again, nor was the robbery discovered till the Provost's return to college, and of course sending to remove the plate. A reward of one hun-

dred guineas was offered by the society, for the discovery of the robbers, but without effect.

The two plunderers remained for some time satisfied with this booty. At length, in the month of *September*, 1798, the butteries of Catharine hall were robbed, but this was done by Grimshaw alone; he entered by means of false keys, the number of which, it may be easily supposed, the two villains had lost no opportunity of increasing since their success at King's college, and escaped with his booty without noise or suspicion. The same summer he swept off all the plate, belonging to the rooms of a fellow of Trinity college, which was never missed till the Gentleman's return. During this period, Kidman did not remain idle; he was meditating the great robbery of Trinity college, one of the most daring and successful of his exploits. After having, by repeated trials, adapted keys to the locks of the great iron gates next to the walks, the wicket of the cloisters, and the buttery door; he admitted himself by these means, on the night of the 29th of *September*, 1798, a night remarkable also for a violent storm of wind. He brought a five bushel sack with him, into which he packed his booty; and although he must have staggered under the weight of it, yet he was able to reach his house, in Bell Lane, unassisted, and without exciting any alarm. A robbery of this magnitude, of course occasioned a prodigious noise in the town the next morning; as soon as it was discovered, an express was sent off to the magistrates at Bow-street, to acquaint them with the particulars; the turnpikes near London were beset that evening by a party of their runners, in order to stop all carts of a suspicious appearance; another party was sent down to Cambridge, to assist in the search, and to investigate the manner in which the robbery had been accomplished. In the midst of a very active inquiry, Kidman did not escape
without

without suspicion; his sudden wealth, his late hours, the lights that were seen in his house at unseasonable times, had unavoidably drawn the attention of his neighbours; it was suggested, that his house ought to be searched; in consequence of which, a constable attended by some other persons, went there, and were admitted by Kidman himself, and even without the authority of a warrant, to make whatever search they thought proper on his premises. Their search was however fruitless, so artfully had he concealed the plate, that it escaped their observation; and the number of tools of all sorts, crucibles, and mechanical contrivances, which they found in his house, seem rather to have raised their curiosity, than suspicion; for he was considered as an ingenious man, who lived by clock making, and under the idea that these implements were useful to him in his profession, seemed to be satisfied. The booty was however within their reach at the time of the search; and Kidman has since declared, that it was with the utmost alarm he saw the publisher of this narrative, rest his hand upon the very wall in his cellar he had lately bricked up, and behind which it was hid, in a forsaken and dry well pit, of which there were no appearances above ground.

All endeavours used by the master and fellows of Trinity college, in which neither expence nor pains were spared, failed, and our heroes did not seem in the least intimidated, but still continued their system of depredations. In the course of that winter, Grimshaw went by himself to Emmanuel lodge, as Kidman did not like to enter a private house, and took from thence all the plate that he possibly could get at, without the least suspicion, and got it safe to his house. In the succeeding spring, they robbed the combination room at Caius college; the butteries at Christ college; and attempted the butteries of Emmanuel, where some sudden alarm

obliged them to decamp without their booty; in the other instances, however, their usual success attended them, and they escaped without detection. The summer of 1799, Grimshaw plundered three private rooms in Trinity college, the chimnies of which he was employed to sweep, and carried off his prizes in the foot bag. The plate of these rooms was all locked up in one case, (so far did he carry his hypocrisy,) at his own suggestion to the bed-maker; but he had previously secured keys to the closets, from which he was sensible he could take it at his leisure, and with the less suspicion. In the midst of these petty pilferings (as they may be called), in comparison of their great exploits.—Kidman and Grimshaw had engaged in an enterprize which required all their courage, and all their skill to achieve; this was no less than the robbery of King's college chapel, and the series of rooms included in it; one of them contained a most valuable collection of medals, both gold and silver. Grimshaw had, early in the spring, secured a key of the outer door of the chapel, by which the two confederates admitted themselves for several nights, and worked without interruption, on the different locks that stood between them and their projected booty; many of these locks being very antique, and of an unusual construction, put Kidman's ingenuity several times to the rack; in about a week's time they had mastered all the locks but one, and this last gave them so much trouble, that Grimshaw in despair, relinquished his part of the undertaking, alledging to his comrade "*that the place looked so awful, that he trembled every time as if he had the ague;*" the panic was communicated, Kidman and Grimshaw both desisted from their attempts, with an intention to renew them no more; however, Kidman did not give up the enterprize when so near its completion; but went without the assistance
of

of Grimshaw, whom he termed, a cow-hearted fellow. With this encouragement Kidman went to work again, and by great perseverance, conquered every lock; and saw himself at last in possession of what he had so long and so anxiously laboured for; but at this moment he was again seized with a fit of religious awe, and felt the panic so strong, that he went away leaving his booty untouched. Sometime after, his panic having subsided, he returned to the chapel, and brought away the medals, some in the box they were kept in, and some in his pockets. The society offered a reward of five hundred guineas, to be paid on conviction of the robbers; but it was attended with no better success than offers of the same kind in the preceding robberies. But the next robbery which these villains engaged in, and which was fortunately doomed to be the last they concerted in common, far exceeded all the former ones, both in respect of the magnitude of the booty, and the skill and perseverance which it required to its accomplishment; it was indeed a master piece of villany, in which our hero, Kidman, displayed talents, which if honestly exerted, might have raised him to an honourable distinction in society. Since the former robberies at Caius college as related above, the master and fellows of that society, as a security against any future attempt, had caused a closet to be constructed within their butteries, furnished with an iron door, and further guarded by such other precautions as were deemed most adapted to render it a place of sufficient security, for the deposit of their plate in future. It formed as it were, one chest within another; for besides the iron, there was still another door, by which it communicated with the butteries; the buttery door had also a spring-bell attached to it; notwithstanding all these obstacles, our two confederates had the courage to attempt to surmount them all. One indeed failed in the attempt,

attempt, partly owing to his own want of resolution, and partly to the contrivance of his accomplices, who did not think him worthy to be trusted, as appears from the trial; the other by dint of long perseverance, was attended with usual good fortune. The means they used to get access within the walls of the college were these: Grimshaw secreted himself one night in the college, and unscrewed the lock of one of the gates towards Trinity hall; Kidman, who was waiting without, took it home with him, and in less than an hour made a key to fit it; after which, they replaced the lock the same night in its original situation: they could now admit themselves without ceremony, but there still remained three doors to master before they could gain possession of their prize; these three doors presented difficulties, which many times appeared insurmountable to them. It will be needless to mention all the particular obstacles which occurred in the course of their attempts, to master the locks of these doors, or the experiments which Kidman's genius supplied him with to overcome them; it will be sufficient to say, that six weeks of pretty constant labour in the night, elapsed from the first unscrewing the lock of the gate, to the time when Kidman feasted his eyes with the contemplation of his booty; the night he removed it, he went twice with his sack, and was going a third time, but the morning which was breaking fast, forced him to relinquish the remainder with regret. But the career of these robbers was now drawing fast to a close. Kidman's increasing wealth, displayed in the purchase of some land, had again excited, and confirmed the former suspicions, relative to his means of acquiring it; indeed, the public opinion at last kept no reserve in pronouncing him to be the *plate stealer*. It was easily foreseen, that the next robbery of the kind would produce an explosion, that would clear up the mystery that had
hung

hung so long over these flagitious transactions. It accordingly happened, in a short time after, upon the robbery of a private house. Both the parties, Kidman and Grimshaw, were apprehended, and their houses searched; when partly from circumstances, and partly from their own confession, the plot was unravelled, and the particulars made known; from which the publisher has been able to compile the foregoing narrative.



Town of Cambridge, in the County of Cambridge, to wit. } The voluntary Examination and Confession of Richard Kidman, of the Parish of St. Giles, in the said Town of Cambridge; taken upon Oath, before John Forlow, Esq; Mayor of the said Town, on Thursday the 19th Day of *February*, in the Year of our Lord, 1801.

“ WHO upon his said oath, saith, That the first robbery this examinant was concerned in, was at the treasury belonging to King’s college, in the University of Cambridge; and which, to the best of his recollection, was about four or five years ago, and was in company with William Grimshaw, a chimney sweeper; from which treasury, they took two sacks full of plate, one of them carrying each to this examinant’s house, which was deposited in his cellar, and remained there about three weeks, or a month; when this examinant and Grimshaw cut with a pair of shears (which this examinant had bought in London), the thin parts of the said plate, which they converted into shillings and sixpences; and then he, and Grimshaw divided the same as so cut;

cut; and the remainder being the rims, and thicker parts, they replaced in the cellar, where it remained near three quarters of a year. But this examinant says, they could not get rid of very few of such fixpences and shillings; therefore, on consulting together, this examinant proposed to cast them in sand, which he did; some in half crown pieces, some in crowns, and some in shillings; but not answering his wishes, he never uttered the same, but laid them by in his house for about half a year. That about this time, Grimshaw came to this examinant, and said, he had got a chap for his stuff, meaning the silver; and if he, this examinant chose it, he would also take his (that this proposal was made, after they had melted down the thick part of the said plate, which had been placed in the cellar, and divided between them).—This examinant said, he should be glad of a purchaser, and gave Grimshaw a piece of the said plate, of about two pounds and an half weight; saying, he would not take less than 5s. per ounce; and have the money down, otherwise not to leave it. On the next evening, Grimshaw came again with the said piece, and informed this examinant, the man would not have any thing to do with it at that price;—that about a week after, Grimshaw came again to this examinant, and said, if you will come to my house about six o'clock this evening, the man who bought the stuff of my man, will buy your's; whereupon this examinant went at the time, and in about half an hour, a person came in (who Grimshaw afterwards told this examinant was Cohen), they then went into a room, where Cohen asked this examinant, 'If he had any silver the same as Grimshaw;' he said, 'Yes;' the said Cohen asked this examinant, 'What he would have for it,' to which he answered, 'The same as Grimshaw;' Cohen said, he would take it, and came the next evening to this examinant's

nant's house, and took the same away (having first each of them weighed it, and it amounting to about 14lb. at 16 ounces to the pound), and paid him at the rate of 44s. per pound.

“ This examinant further saith, That after the said transaction, the said Cohen frequently came to this examinant's house, to know if he had any more plate to sell; and asked whether he should not soon get some more, and when; that he was going to London, and wished to take some, and many observations to the same effect.

“ That Grimshaw's money being all gone, he came to this examinant, and proposed to rob Trinity college butteries; and in order to accomplish it, the said Grimshaw obtained the impression, or model of the works of the key, belonging to the door at the bottom of the cloisters; and by which model, this examinant made a key, which unlocked the same. That at this time, Cohen came repeatedly to this examinant, and finding he had procured the means of entry, advised this examinant not to permit Grimshaw to go with him, to which he consented; but at the same time, was apprehensive Grimshaw might discover.—Cohen informed this examinant, that he would prevent Grimshaw's going, as he would dissuade him from it; which he according did, and this examinant robbed the said butteries by himself.—That in order to get into the said butteries, this examinant went three times with a parcel of old keys; and at last, one of them unlocked the buttery door; but after entering and seeing the plate, he retreated without taking any.

“ That two or three days after, the said Cohen came again to this examinant's house, to know if he got any thing for him, to which he answered, no—that he had been and seen the plate, but was fearful of being discovered by Grimshaw; therefore, took nothing;—but said Cohen, urging this examinant

two or three times to go, and saying he would take care that Grimshaw should know nothing of it; he at last went again to the said butteries, where he took all the plate he could see; and wrapping it up in some table cloths, which lay in the butteries, he put it into a sack, and brought the same away, through the cloisters, and the high walk into the fields; and deposited the same in his house, in the inside of his well, where the same laid about a month.—That during the time it laid in the well, the house was searched by Mr. Wheeler, the high constable, who did not discover it;—that said Cohen called several times, and hearing from this examinant, that search had been made, advised him to melt it immediately, and he would take it away as fast as he could.—Whereupon this examinant directly melted it, and Cohen came and fetched it away, at about 20lb. weight at a time, and paid for it as he took it; first weighing it by his own weights, and giving 50s. per lb.; and that said Cohen came about four times. And this examinant saith, that the said Cohen observed to him at several different times, he could find money enough to pay, if it was a hundred pounds a week.

“ That after this robbery, the said Grimshaw accused this examinant of doing it; which he denied, and referred him to said Cohen, who upon being asked by Grimshaw, confirmed what this examinant had said.

“ This examinant further saith, That some time after said robbery at Trinity, he and said Grimshaw, went one night and robbed Emmanuel combination room; where they took a silver tobacco pot, and wine strainer, which they took to Grimshaw's house; that the same night, they both went to Caius college combination room; where they took some candlesticks, and other articles, which they also took to Grimshaw's house; that they then, the
same

same evening, got into the butteries (by means of a ladder and keys), at Christ college; where they took some silver pots, and other articles, which they also carried to Grimshaw's house. And this examinant saith, that said Cohen was privy to their intentions of committing said robberies, and frequently inquiring when they should have any thing for him. That said plate was melted by said Grimshaw, and this examinant, at his house; and Cohen came and fetched the same away, paying this examinant for the whole, who paid Grimshaw his share thereof.

“That some time after, this examinant and Grimshaw, agreed to go and rob King's college chapel; the said Grimshaw having heard, and told this examinant there was a large quantity of silver therein. That they went into the said chapel, upwards of a dozen times, but could find no plate, and gave it up, this examinant refusing to go any more.—Grimshaw came again, but this examinant would not go; till Cohen calling on this examinant, and urging him to go by himself, and get his favorites (meaning the large candlesticks at the altar); this examinant did at last go, and got into the library, where he saw a box, and shaking it, thought there was something valuable in it; but did not take it away, and returned without any thing.—That a few days after, Cohen came again, and asked if he had got his favorites; he said, No, if he had he would have known it; but informed him (said Cohen), he had seen a box, but did not take it; for which, Cohen rebuked him; and desired him to go, and bring the box away as it was; that he accordingly went alone, and unlocked a box, from which he took a great many pieces of coins, which he thought were silver and brought them away in his pockets; the other box he brought away locked as it was,

M

with

with its contents.—That on the next day, the said Cohen called on this examinant, to see what the box contained; in which were several pieces of gold and silver, and desired this examinant to melt the silver directly, and he would take the gold as it was; that he accordingly melted the silver, and on the next day (to the best of this examinant's recollection), the said Cohen came, and took about 12lb. weight of silver away, and paid for the same. That the gold coins weighed about 21 ounces, which said Cohen took away at the same time, and paid this examinant for it, and desired him to burn the box.

“ This examinant further saith, That about the beginning of the last winter, he, at the desire of the said Cohen, went alone to Caius college butteries, and robbed them of a sack and a bag full of silver; which he brought away at two different times, and carried to his own house, where he deposited it in the cellar; that about a fortnight after, the said Cohen came to this examinant, to know if he had melted that plate down; to which he answered, No. Whereupon Cohen said, he was going to lend Grimshaw a guinea, that he might go and see his son, who was in the Cambridge militia; that if Grimshaw went, he (said Cohen), would not call on this examinant again, otherwise he would call;—and in case he did not call, desired this examinant to melt it directly, and was then to inform Cohen of it, which he did; and a night or two after, Cohen called, and desired this examinant to carry the same to his house, and he would go and clear the same, so that nobody should be there.—That he carried 40lb. weight of the said plate to Cohen's house, where he left it with him, his wife being present. That about a week after, said Cohen called at this examinant's, and desired him to take about 50lb. more of the said plate, which he
did,

did, and delivered it to his wife, by whose direction he put it in a cupboard (this being on a Sunday). That on the Sunday following he called again, and ordered this examinant to carry 50lb. more the next morning, which he did, and delivered to him. That in the course of the same week said Cohen called on this examinant again, saying, he was going to London, to hire a house; that he might deliver the remainder of the plate to his wife, who would send it to town after him; upon which this examinant said, should any body be at your house, what excuse am I to make? whereupon he, the said Cohen said, you must ask to look at the oven, which is to be sold. That in the beginning of the following week, he took 24lb. more of the said silver (reserving about 12lb., because he had not received the whole of his money). That on his opening the door of Cohen's house, he saw a man and woman in his house, which man he knew by sight, having worked with him at Mr. Painter's the glazier; whereupon this examinant enquired if the oven was gone; she said, No; took a candle and went with this examinant into the wash-house, where he delivered the 24lb. of plate; and told her she must give him something to take back, or he dare not leave it, as the man in the house knew him; upon which Mrs. Cohen took up a spit-pan, and wrapping it first in a paper, and then in a piece of dirty leathern apron (or some such thing); this examinant put the same under his arm, and went away.

“That on Cohen's return from London, he called on this examinant for the remaining 12lb. which he took away in his pocket with the leather apron, brought from his house; and paid this examinant all the money for the said plate, at the rate agreed upon as aforesaid.—This examinant saith, that his

wife was present at most of the payments that Cohen made”.

The mark of
+
RICHARD KIDMAN.

*This examination and Confession was
made, and taken the day and year
first above written, on oath,*

Before me,

JOHN FORLOW, *Mayor.*

F I N I S.