

THE  
T R Y A L  
O F  
HENRY SIMONS,  
A *Polish* Jew Merchant,  
A T  
CHELMSFORD ASSIZES,  
*July 12, 1752.*

At the Prosecution of *James Asbley*,  
on the following Indictment.

THE  
TRIAL

OF  
HENRY SIMONS

A Poet & Merchant

AT

CHESTERFIELD ASSIZES

July 12, 1752

At the Petition of James Whaley  
on the following Indictment

WALSLEY  
VALERIANUS, LIBRARIUS

## The INDICTMENT sets forth,

*Essex.* THAT *Henry Simons*, on the 5th September, in the Twenty-fifth Year of His Majesty's Reign, did, in Form of Law, before *Richard Chamberlayne*, Esq; one of His Majesty's Justices of the Peace for the County of *Middlesex*, make his Information in Writing, by which he did, amongst other Things, charge and accuse one *Joseph Goddard*, and one other Person, by the Description of another Person, unknown, of the Crime of Felony and Robbery, to wit, That the said *Joseph Goddard*, and the same Person unknown, had lately before, feloniously stolen and carried away from the said *Henry Simons*, in the Dwelling-house of the said *Joseph Goddard*, Five hundred fifty-four Ducats.

*Count. I.* That the said *Henry Simons*, wickedly devising to vex and aggrieve one *James Ashley*, of *London*, Merchant, on the 8th of *October*, in the same Year, with Force and Arms, at *Chelmsford* in the County of *Essex* aforesaid, did, secretly and subtilly, put and convey into the Right-hand Pocket of the Coat which the said *James Ashley* had on and wore, Three Pieces of Foreign Coin of Gold, called Ducats; and the said *Henry Simons* did afterwards, in the Presence of divers of His Majesty's Subjects, falsely charge and accuse the said *James Ashley*, that he was the same Person who, with the above-named *Joseph Goddard*,

*dard*, was so, as aforesaid, supposed to have committed the Felony and Robbery above specified, and to have stolen and carried away the said Five hundred fifty-four Ducats from the said *Henry Simons*, with Intention unjustly to cause the said *James Asbley* to be apprehended, and to have it believed, that he was the same Person who, with the said *Joseph Goddard*, was so, as aforesaid, supposed to have committed the Felony and Robbery aforesaid.

- II. That the said *Henry Simons*, on the said 8th of *October*, at *Chelmsford* aforesaid, further wickedly intending to aggrieve the said *James Asbley*, did, privily and subtilly, put and convey into the Right-hand Pocket of the Coat which he then wore, Three other Pieces of Foreign Gold Coin, called Ducats; and the said *Henry Simons* did afterwards, falsely charge and accuse the said *James Asbley*, that he had feloniously taken from him the said *Henry Simons*, the same Three Ducats last mentioned, and divers other Ducats, with Intention to cause it to be believed and suspected, that the said *James Asbley* had been guilty of Felony; and to cause him to be apprehended and arrested for the same.
- III. That the said *Henry Simons*, on the same Day and Year last aforesaid, at *Chelmsford* aforesaid, with Force and Arms, did make an Assault upon the said *James Asbley*, and into the Right-hand Pocket of the Coat which he then had on and wore, Three other

other Pieces of Foreign Gold Coin, called Ducats, he the said *Henry Simons* did then and there privily, and without the Knowledge of him the said *James Asbley*, unlawfully put and convey, and cause to be put and conveyed, with a most malicious, wicked, and cruel Intention, then and there falsly to charge and accuse, and to cause it to be thought and believed, that the said *James Asbley* had robbed him the said *Henry Simons* of the same.

- IV. That the said *Henry Simons*, on the same Day and Year last above-mentioned, with Force and Arms, at *Chelmsford* aforesaid, upon the said *James Asbley* did make an Assault, and into the Right-hand Pocket of the Coat which the said *James Asbley* then and there had on and wore, Three other Pieces of Foreign Gold Coin, called Ducats, did privily, and without the Knowledge of him the said *James Asbley*, unlawfully put and convey, and cause to be put and conveyed; and that he the said *Henry Simons* did afterwards, then and there, most falsly and maliciously charge and accuse the said *James Asbley* with having robbed him the said *Henry Simons* of the said Three Ducats, with Intent unjustly and wrongfully to subject the said *James Asbley* to the Pains and Penalties inflicted by the Laws of this Kingdom for such like Offences.

To this Indictment *Henry Simons* pleaded *Not Guilty*.

The Names of the SPECIAL JURY.

*Walter Vane, Esq;*  
*Thomas Smith, Esq;*  
*Robert Andrews, Esq;*  
*Samuel Savill, Esq;*  
*Thomas Stubbing, Esq;*  
*Joseph Clarke, Esq;*  
*Thomas Sewell, Esq;*  
*Matthew Howland, Esq;*  
*Bennet Clere-Rand, Esq;*  
*John Lawton, Esq;*  
Talefmen, { *George Mead, Esq;*  
                  { *Samuel Pilbrow, Carpenter.*

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THE  
TRIAL, &c.

*The Evidence in Support of the Prosecution.*

*James Ashley, the Prosecutor.* I Am a Merchant in *Bread-street, London*; I deal in Brandy and Wine.

Q. Do you know *Henry Simons* a Jew?

*Ashley.* I do; the first Time of my seeing him was at *Mr. Goddard's*, whom he charged with a Robbery, and having Notice of it, he came voluntarily and surrendered himself at the House of Justice *Fielding*, before Justice *Chamberlayne*; at which Surrender there were People whom he had wrote to, to be by to give such Testimony of him as they thought he deserved. *Simons* had Notice to be there. There were upwards of Twenty substantial Tradesmen of *Mr. Goddard's* Friends; I was there for one.

Q. Have you dealt with *Mr. Goddard*?

*Ashley.* I have, but not for much, for some small Matter.

*Council.* Proceed.

*Ashley.* *Simons* having sworn the Robbery so fully upon him, notwithstanding his general Character did appear so good, by Gentlemen of great Character that attended, the Justice ordered his Commitment.

Q. When was this you saw *Simons*?

*Ashley.* I think it was the 11th of September; after that, I was obliged to take a Journey into

*Gloucester.*

*Gloucestershire*, and knew nothing of their Proceedings, no more than that I read it in the News Papers; that *Goddard* was honourably acquitted, and the Jew represented to be a very bad Man, and *Goddard* came off with great Reputation. And on my coming to *London*, *Mr. Ford* told me how honourably his Client had come off, and that the Jew was a very bad Man; and that *Mr. Goddard*, upon a Consultation with some great Men, particularly my Lord—

*Council*. That is not to the Purpose, keep to the Matter in hand.

*Ashley*. On my Return from *Gloucestershire*, one *William Death* was arrested at my Suit, which I was informed of by *William Newman*, at the *Red-Lion* at *Ingatestone*; he desired I would come down to *Chelmsford* and discharge him. The Letter was so pressing I thought it adviseable to come down, which I did, I think, on the 4th of *October*, and discharged him. Upon my Return again, I lay at *Ingatestone* that Night, and the next Day, being *Sunday*, I dined at the *Green Man* at *Ilford*; I thought to take such time as would carry me home; I set out a little after Five o'Clock, and, as I was betwixt *Ilford* and *Stratford* I saw *Simons* the Jew, he was nearer *Stratford* than *Ilford*; I looked at him, thought I, this is the Man that *Mr. Ford* told me of, that he had an Indictment against him for Perjury; I drew up a little nearer to him, and perceived he was the Man, but I do not remember I spoke any thing to him.

Q. Which Way was he going?

*Ashley*. He was coming this Way into *Essex*, he was on my left Hand, as my Face was towards *Stratford*.

Q. Was there Any-body with him.

*Ashley*. I really think there was No-body with him or nigh him for a good Distance.

Q. If

Q. If Any-body had been near him, should you have seen them ?

*Asbley.* I should.

Q. Was it light ?

*Asbley.* It was a little duskyish.

Q. Are you certain you did not speak to him ?

*Asbley.* I do not remember any thing that passed; I proceeded on my Journey and went to my own House; it did not enter into my Thoughts at all to give myself any Trouble about it. About Twelve o'Clock the next Day our Cook told me, there was nothing for Dinner; I had not been out of my House; I went into *Honey-lane-Market* undressed, with a dirty Shirt on, no Buckles in my Shoes, far from any Intention to take a Journey after *Simons*; I recollected having seen the Jew, and knowing Mr. *Ford*, who was Solicitor for *Goddard*, had told me there was an Indictment against him for Perjury, I went to inform him where I met the Jew, that if he thought it adviseable, he might send in Pursuit of him, for I thought he was going out of the Kingdom, by his having a Knap-sack on his Back. Mr. *Ford* said, he had a Warrant against him, and pressed me that I would go along with his Clerk.

Q. Was Any-body in the Hearing of this ?

*Asbley.* There was a Gentleman with him when I went into the Room, but in this Conversation I really think we were alone together. The Gentleman withdrew; the Clerk, which Mr. *Ford* pressed me to go along with, is since taken into the Service of the Clerk of the Crown-Office, who is concerned in this Prosecution. Mr. *Ford* shewed me a Warrant, under the Hand of Alderman *Gascoyne*; said this is of no Force in *Essex*; said he, the Alderman is a Justice of the Peace for *Essex*; said I, it does not seem to me to be a regular Warrant.  
Then

Then he took a Pen and Ink, and in my View wrote, *Essex and*, and said, I will stand by it, this is a regular Warrant; I, supposing it was so, and by his Persuasion, and on his promising to pay me all the Charges I should be at, complied to go. He recommended me to take a Post-Chaise at the first Place I could.

Q. Should you have gone, if he had not pressed you in this Manner?

*Ashley.* Indeed I should not.

Q. Then you did go?

*Ashley.* I went with *Newman*, we took a Post-Chaise in *Whitechapel*.

Q. Who had the Warrant?

*Ashley.* He gave me the Warrant, I believe; we pursued from Stage to Stage, and asked People on the Road, if they saw such a Person on the Road, describing him; a little on this Side *Witham* I saw a Boy on Horseback.

Q. How far is *Witham* from *Chelmsford*?

*Ashley.* It is about Nine Miles beyond it. I asked this Boy. I said, I was told, there was such a Man as I described; the Boy rode on and stopped him.

Q. Was the Warrant shewed to the Boy?

*Ashley.* I believe the Warrant was taken out and shewed to him; I shewed it him, and said, *for Perjury, for Perjury*. Upon the Boy's stopping him, there was another Boy with a Cart just by. Being thus taken, *Newman* and the two Boys put him into a Cart, and the Boy that belonged to the Cart held him as well as he could, this was in order to convey him to a Constable; I enquired where the next Constable lived, and was informed, it was at *Witham*. After he was in the Cart I heard a strange Outcry, and was told, the Jew had bit the Boys  
Finger

Finger as they were holding him about the Head.  
The Jew jumped out of the Cart.

Q. How many of you were in the Cart with him?

Abley. I believe there was only one Boy with him; he appeared to be about Nineteen Years of Age. The Jew ran about half the Length of this Town before he was taken again; I think I was then in the Chaise all the Time. The Boy that was before on Horseback ran after him alone; he was brought back, then I got out of the Chaise and he was put in and we carried him to *Witham*.

Q. Did Any-body ride in the Chaise with him?

Abley. I believe both the Boys were put into the Chaise with him, we carried him to the Post-House there; I walked on foot part of the Way; I believe they went into *Witham* before me; *Newman* directed them to the Post-House; then I desired the Constable to be sent for, and accordingly he was.

Q. What was his Name?

Abley. His Name is *Isaac Hubbard*.

Q. What Charge did you make against him?

Abley. I delivered him and the Warrant to the Constable, the Warrant was for wilful and corrupt Perjury; the Constable and some Assistants took him out of the Post-Chaise and conveyed him into a Room.

Q. What Time of the Day was this?

Abley. Then it was dark; then the Constable said to me, these wicked Jews carry about with them Snicker-snee Knives, and very mischievous Weapons, as I have heard; said I, I have nothing to do with him, I have delivered him to you, if you can convey him before the Justice To-night, I should be very glad; said he, there is no such thing, the nearest Justice is *Mr. Bragg*, who lives so far off,

off, said he, I will take care of him 'til the Morning. He said he was almost afraid to meddle with him, 'til he saw he had nothing capable to do Mischief; whereupon, some People, at the Constable's Direction, put their Hands to his Pockets; but nothing else as I saw; for my part, I went to bed.

Q. By whose Desire was he searched?

Abley. It was *Hubbard* himself came to me, and desired to search him, but I went out directly into the Kitchen; the Constable came to me again in the Morning, and said, we will carry him before Justice *Bragg*; I went on in my Post-Chaise to Justice *Bragg's*.

Q. Where does he live?

Abley. He lives between *Witbam* and *Chelmsford*; the Constable carried him there.

Q. Was you present there?

Abley. I was, the Justice said it was the Time of the Quarter Sessions, and the Justices were assembled at *Chelmsford*, and it would be no Delay of Justice for us to carry him there; so he directed us thither; they brought him here to a Room at the *Saracen's Head*; there was a Room full of People; I seeing the Under-Sheriff, Mr. *Johnson*, advised with him what to do; I or the Constable shewed him the Warrant; he said, you are all wrong here, for Alderman *Gascoyne* is no Justice for *Essex*.

Q. Who shewed him the Warrant?

Abley. I took it out of the Constable's Hand and shewed it to him. Upon my Salvation I really thought Alderman *Gascoyne* was a Justice of the Peace for the County of *Essex*; said Mr. *Johnson*, it would be adviseable to get this Warrant backed as soon as possible; by his Advice I got it backed by Mr. *Tindal*.

C. This is a long Preamble of nothing to the Purpose: What was done at the *Saracen's Head*?

Abley.

*Ashley.* We were in a Room there ; it being signified to the Jew that he must go to *London*, and so to *Newgate* ; as he apprehended, it put him upon this wicked Resolution that came immediately into his Head ; I was sitting at one Corner of the Room, and he at the other ; he beckons to me to come to him, I saw him pull out a Purse, out of which I saw something like Pieces of Gold, how many or what I did not know ; I told him I did not understand his Language that he spoke, and that he knew mine, so I would not come ; I went out to hire a Post-Chaise to come to *London*, after I had hired one and come back again, he then came to the Fire-side ; then he again desired to speak to me ; I leaned my Head down.

Q. Was he sitting or standing ?

*Ashley.* I think he was sitting by the Fire ; in about a Minute or two after, he worked himself into such a Fit of Passion, that would surprize any Christian Man to see. I generally wear my Coat open and my Pocket quite easy, for Any-body to put any thing in.

*(Here it was proposed to examine the Witnesses apart)*  
I was talking to some other People in the Room at the Time these were put in my Pocket.

Q. Do you know the precise Time ?

*Ashley.* No, I do not.

Q. How many People were there in the Room ?

*Ashley.* There was *Isaac Hubbard*, and, I believe, three or four more ; the Cook and two other Maids were there belonging to the House ; there was *Mr. Gaines* that keeps the *Star* ; and a Quaker was there ; he is a Distiller in this Town ; the Jew cried out, *You rob me, you rob me, you got my Ducats ; you rob me, you got my Gelt, my Ducats, you Villain ; you Rogue, you rob me, you rob me.*

Q. Did he charge you with a Robbery ?

*Ashley.*

*Ashley.* He did, he charged me with robbing him of his Ducats; he said, *You rob me, you got my Ducats, you rob me, they be in your Pocket now.*

Q. Did he make any Signs?

*Ashley.* He put his Finger to his Neck, and said, *Goddard, Goddard,* and had some sort of Gestures; I was quite surprized; there were People in the Room, they said, this Man says, you have robbed him, you have got his Ducats in your Pocket, I put my Hand in my Left-hand Pocket and pulled out my Pocket-Book, and shewed it him; *No,* said he, *here be the Gelt in this Pocket, me swear it is not in that Pocket; t'other Pocket, here, here, here be de Gelt, here be de Gelt.* I was quite surprized, I took my Handkerchief out of my Right-hand Pocket, and there dropped down a Ducat; I put my Hand in again and found Two more; my Handkerchief was on the Top of the other Things in my Pocket.

Q. Did you know a Ducat before?

*Ashley.* No, I never had seen a Ducat before, I did not know what sort of Coin it was, but they proved to be Ducats; said I, how they came here I cannot tell: With that, said *Eleanor Brown* to the Jew, I saw you put your Hand into his Pocket; and a great Number of them charged him; they saw his Hand in my Pocket. He, immediately upon this, seeing Three Ducats, said, *This be my Ducats, this be my Gelt.* Then *Eleanor Brown* said, I saw you put your Hand in his Pocket just now: And so said seven or eight more; there were ten or a Dozen-said so.

Q. Did he charge you with them?

*Ashley.* He did then. I positively say, *I did not put them in myself;* and, *to the best of my Knowledge,* I never saw a Ducat before that Time in my Life; and by these Circumstances I concluded, none could

could put them into my Pocket but he; and I am sure they had been there but a little while, because I had bought a Pennyworth of Walnuts, and put them into that Pocket, and was just come into the Room again.

Q. Had you no such Money with you when you came out of *London*?

*Ashley*. I had not; to the best of my Knowledge, I never saw a Ducat before in my Life.

C. *Whether or no did you positively swear, you never saw a Ducat, or to the best of your Knowledge?*

*Ashley*. I do not know that ever I had seen a Ducat; I never was interested in or possessed of any. I having seen and spoken to Mr. Alderman *Gascayne* in the House a little before that, and supposing he was somewhere in the House, I sent my humble Service to him, and that I should be glad if he would please to come down and examine this Man.

Q. How long after this Affair was it that he came down?

*Ashley*. He came in about Three quarters of an Hour; it was a long time: He came into the Room; I related to him the Substance of what I have been telling here. Then the Jew, *thinking* he had the Charge laid before a *Magistrate*, he put himself on the best Defence he could. Then all the People said, We saw you put these Ducats into Mr. *Ashley's* Pocket. Then he said, *No me, none of mine Ducats*. Then he denied it, although before he would have sworn a Robbery.

Q. What did he deny?

*Ashley*. He denied he had said any such a thing; but the People were all with one Voice; the general Cry was, that he had put these Ducats in my Pocket, calling him Rogue.

Q. What did the Jew say then?

*Ashley*.

*Ashley.* He said before the Aldermen, *These be not mine Ducats*: He said so to the Alderman, who understands a little of his Language; he can best give an Account of the Discourse: Then he said, *They be not mine Ducats, they be Goddard's Ducats.*

Q. Did you hear him say this?

*Ashley.* I did, so far as I know *English*.

Q. Was any thing said in *Dutch*?

*Ashley.* There were Questions and Answers, but this Talk was in broken *English*.

Q. Upon your Oath, whether before and after the Alderman's coming, he did not make use of the same Expressions? Did he charge you in the same Manner he denied it, or in other Words?

*Ashley.* Yes, Sir, he charged me before the Alderman; he did admit them to be his own Ducats.

*Cross Examination.*

Q. When was the first time you saw *Simons*?

*Ashley.* It was at Justice *Chamberlayne's*; and the next time, I met him on the Road, between *Ilford* and *Stratford*.

Q. Did you not see him between those Times?

*Ashley.* I do not remember I ever did.

Q. Are you certain there was No-body with him when you met him on the Road?

*Ashley.* I really believe there was No-body with him. On the last Trial, there was a Person declared he was with him; he gave a very romantick Account, about pulling out a Handful of Ducats; I suppose we shall have him now.

Q. Do you remember any thing of meeting that Person after that Time?

*Ashley.* I do not remember any thing of it.

Q. Will you say he was not there?

*Ashley.* I will not say, I am sure he was not; I think he was not.

Q. Must you not have seen him if he had been there?

Afbley. May be he was seven or eight Yards distance from *Simons*; it was almost dark; I was obliged to come pretty nigh.

Q. How nigh?

Afbley. Within about a Yard and half of him.

Q. Whether you did not go to Mr. *Ford*, on purpose to acquaint him the Jew was on the Road?

Afbley. You have as much Design as I had then; when I went out I had no Design to go to Mr. *Ford*.

Q. Who did you intend to serve, Mr. *Ford*?

Afbley. He was my Acquaintance, and I thought proper to let him know, that he might bring the Jew to Justice.

Q. Who did you intend to serve by going to Mr. *Ford*?

Afbley. I thought it was for Justice, public Justice, and that Mr. *Ford* ought to know it; it was to serve the Public only; I went out of a friendly Motive for the sake of public Justice.

Q. Do you remember you made a voluntary Offer to go after him?

Afbley. I do not know I did.

Q. Who was the Warrant delivered to by Mr. *Ford*?

Afbley. I cannot say to whom he delivered it.

Q. Who do you believe had it?

Afbley. I really believe he delivered it to Mr. *Newman*.

Q. *Newman* and you set out together, did you not?

Afbley. We did, in Pursuit of *Simons*.

Q. Did you not meet with Mr. *Johnson* and Mr. *Cresswell* at *Ingatestone*?

*Ashley.* We did.

Q. Do you remember the Discourse which passed betwixt you and them ?

*Ashley.* I do not remember very well ; I know I told Mr. *Johnson* what we came about, and asked him, if he had seen such a Jew.

Q. Do you remember the Advice Mr. *Johnson* gave you ?

*Ashley.* If I had taken it, I should not have fallen under the Hands of these unmerciful Jews. He advised me to return back again.

Q. Did you not acquaint Mr. *Johnson* you had got a Warrant against him ?

*Ashley.* I do not remember any such thing.

Q. Did you shew him a Warrant ?

*Ashley.* I believe I did ; what is Truth I will keep to.

Q. Did you declare, what was your Motive in going after *Simons* ; who you intended to serve by it ?

*Ashley.* He said, I should fall into bad Hands ; I said, as I am now come so far, I will pursue him : As to *Goddard* and a great many other Innkeepers on the Western Road, they all believe *Goddard* an Innocent, and the Jew a very wicked Man. I believe I might say so far, that it would be a great Satisfaction to all the Innkeepers on the Road between *London* and *Bath*, that such a wicked Man be brought to Justice.

Q. Whether you did not declare, you would pursue him to the utmost, for the sake of *Goddard* your old Acquaintance ?

*Ashley.* I think I never spoke such a Word.

Q. Was this the only Answer you gave ?

*Ashley.* I believe it was.

*Council.* I will put you in mind, whether you did not tell him, it was for your Interest to pursue *Simons*.

*Ashley.*

*Ashley.* I do not know I said so ; I believe this I did say, that, as I deal with most of the Inns between *London* and *Bath*, it would be highly satisfactory to them, to have him brought to public Justice.

Q. Whether you did not declare, that if you served your Friend *Goddard*, you should serve all the Inns on the Western Road with Spiritous Liquors ?

*Ashley.* I said, it would be a general Satisfaction to all the Innkeepers on that Road, knowing *Goddard* was an honest Man, to have the Jew brought to Justice.

Q. Do not you remember you said, it would be of some Advantage to you in the way of your Trade ?

*Ashley.* I do not remember I said so.

Q. What was the Lad's Name which you desired to go after *Simons* ?

*Ashley.* I do not remember his Name.

Q. Do you remember what you told him you was about to take up *Simons* for ?

*Ashley.* Said the Boy, What is it for ; I believe, either Mr. *Newman* or I said, here is a Warrant for Perjury.

Q. Did not you say he was a Highwayman ?

*Ashley.* The Boy rode on ; There is, my brave Boy, said I, a Highwayman ; that was to encourage him to pursue and apprehend him.

Q. Was the Jew searched at *Witbam* ?

*Ashley.* I think he was ; but I was not in the Room.

Q. By whose Direction was he searched ?

*Ashley.* I think it was by the Direction of the Constable.

Q. Did not you give Direction about his being searched ?

*Ashley.* I do not know that I did.

Q. Had you no Discourse with Mrs. *Bourne* about the Search ?

*Ashley.* I had, with her and Every-body about the House.

Q. Did not you say, you searched him for Ducats ?

*Ashley.* Lord have Mercy upon me ! it never entered into my Heart.

Q. Did or did not you order him to be searched, to see if he had any Ducats about him ?

*Ashley.* I do not know any thing of it ; I do not remember a tittle of it.

Q. How came you by the Knowledge, that the Jew understood he was to go to *Newgate* ?

*Ashley.* Because it was said, he was to go to *Middlesex*, and so to the County Gaol.

Q. Do you know who interpreted for him ?

*Ashley.* I do not know Any-body did.

Q. Is he a Foreigner or an *Englishman* ?

*Ashley.* He is a Foreigner, I believe.

Q. Did you understand his Language ?

*Ashley.* It is a Language of his own, which I did not understand.

Q. Does he understand *English* ?

*Ashley.* He understands a good deal of *English*,

Q. Did you go to the Jew when he beckoned you ?

*Ashley.* No, I did not.

Q. How far distant were you ?

*Ashley.* He was at one Corner of the Room and I at the other ?

Q. How big is the Room ?

*Ashley.* It is about as big or a little bigger than this Court.

Q. Did you see him take something out of his Purse ?

*Ashley.*

*Ashley.* I did; it appeared to be Gold.

Q. Can you say it was Gold?

*Ashley.* Indeed I cannot; he had the Purse fumbling among his old Rags and Tatters that he had on.

Q. Did you see him put the Ducats into your Pocket?

*Ashley.* I did not.

Q. Why do you say he put them in?

*Ashley.* I will not pretend to say he put them in.

Q. You say, he said, *You rob me, you rob me, you got my Ducats, they be in your Pocket; you have got my Gelt in your Pocket, me swear*; did he declare this in *English*?

*Ashley.* Yes, he did, in this Language; it was quite broken *English*; he said, *T'other Pocket, not that, t'other, t'other.*

Q. How came you to know they were Ducats, as you say you had never seen any before?

*Ashley.* I did not know that they were Ducats, at the time of the pulling them out.

Q. Do you know *Higham Levi*?

*Ashley.* I saw him here the Time of the other Trial; which was the first and last Time I ever saw him in my Life. I am sure you yourself did not believe what he said about Ducats; I never saw him 'til I saw him in the Place where I now stand.

Q. Do you know one *Elizabeth Ward*?

*Ashley.* I never heard of such a Person.

Q. In what Country are Ducats the current Coin?

*Ashley.* I believe they are a *German* Coin.

Q. Was you ever Abroad?

*Ashley.* I was once; I crossed over to *Holland*, where I was about two or three Days.

Q. Was you ever in *Flushing* in *Zeeland*?

*Ashley.* I believe I was ; we went through *Zee-land.*

Q. Was it a Journey of Pleasure or of Traffick ?

*Ashley.* I believe I did trade, but it was more out of Pleasure ; there was a Person with me that traded.

Q. Did not you trade ?

*Ashley.* I believe I bought a few Things.

Q. Did you sell any thing ?

*Ashley.* I believe I did sell something.

Q. Was it by way of Truck, or had you Money ?

*Ashley.* It is about Thirty Years ago, and I can tell nothing at all about it.

Q. What Year was it ?

*Ashley.* It was some time before the Year 1730.

Q. Did not you see Ducats there ?

*Ashley.* I remember nothing at all that ever I saw a Ducat in my Life.

Q. What is the current Coin in *Holland* ?

*Ashley.* Guilders are the current Coin there.

Q. Was Mr. *Tindal* in the Room when the Ducats were found ?

*Ashley.* He was not in the Room at all when the Jew was there.

Q. Who undertook to interpret for the Jew ?

*Ashley.* No-body did but Alderman *Gascoyne.*

Q. Did not the Constable ?

*Ashley.* The Constable said little or nothing in *Dutch.*

Q. Did the Jew deny the Ducats to be his at last ?

*Ashley.* He denied what Every-body confirmed.

Q. What were the Words he made use of when he denied them ?

*Ashley.* I think it was, *Neet myn Ducats.*

Q. Do

Q. Do you remember the Observations of the By-standers, made on the Jew's pronouncing these Words?

Ashley. The Observations of the By-standers were; that he put them in, he was seen by the People, which you will have from them.

Q. Repeat what he said when he charged you?

Ashley. He said, *You have mine Ducats, you, you, you, you; you have mine Ducats.*

Q. When did he first charge you?

Ashley. Immediately after he found it was seen by the other People.

Q. Where did you carry him from *Chelmsford*?

Ashley. He was conducted to Justice *Fielding's*.

Q. Did you charge him with this Offence before the Justice at that Time?

Ashley. No; that was not the Matter then before him; I said nothing of it then, but I did afterwards, by the Advice of Mr. *Ford*. Then we went before Mr. *Fielding* to take out a Detainer after he was committed.

Q. Did you make Application to a Justice of the Peace here upon this Occasion?

Ashley. No, I did not.

Q. Was you before the Justice when *Goddard* surrendered?

Ashley. I was.

Q. Did the Jew then charge you with having robbed him of his Ducats?

Ashley. No, he did not.

Council for the King. This Examination makes it necessary to ask a few Questions.—How long were you and Mr. *Johnson* together?

Ashley. Not above two or three Minutes.

Q. Can you tell what you did say to him?

Ashley. At this Distance I cannot.

Q. Was you in the Room at the Search at *Witbam*?

*Ashley*. I cannot take upon me to say I was, only when they began to search.

Q. How long did you continue in any one Place when in *Flushing*, or thereabouts?

*Ashley*. I did not continue above Three Days in any one Place.

Q. The Jew made use of *Neet my Ducats* to Alderman *Gascoyne*. The other Council would have it be understood, the By-standers said he was then repeating his Charge, that you had his Ducats: Did the People understand it so from those Words?

*Ashley*. The People saw him put them in.

Council. You do not understand the Question.

*Ashley*. He did not make use of the Expression, *Neet mine Ducats*, when he charged me.

Q. Had he declared before to the By-standers they were his Ducats?

*Ashley*. He had, in my hearing.

Council for Defendant. Was it not in *February*, 1729, you was in *Flushing*?

*Ashley*. It was.

Q. What did you trade in?

*Ashley*. There was a Person with me had a Parcel of Cloth.

Q. Was not you concerned in it?

*Ashley*. I was partly concerned in them.

Q. Is there any other Gold Coin in *Flushing* and *Middleburgh* besides Ducats?

*Ashley*. I do not know, really; I do not believe Ducats are the current Coin there; there are Guilders; they have another sort of Coin that I do not know; it is a *German* Coin, that I know.

Q. Can you be positive, whether you was by when the Jew was searched at *Witbam*?

*Ashley*. I cannot be positive whether I was present or not; if I was, it was but a very short time.

Q. Re-

Q. Recollect; What was he searched for?

Afbley. There was no Search for any thing but Snicker-snee Knives.

Q. Recollect; Did or did you not stop, when you drove up to him on the Road?

Afbley. I really cannot say I stopped one Moment.

Q. Can you say, you did not stop?

Afbley. I cannot say I did not.

Q. Are you sure you did not speak to him?

Afbley. I do not know I spake one Word to him; I do not know I did or did not; I think I did not.

Q. Have you never said in Company, that you spoke to him?

Afbley. I might relate in Company, that I looked at him; but I do not know I ever said, in any Company, I stopped and spoke to him.

Isaac Hubbard's Evidence.

Isaac Hubbard. I was Constable at *Witham* in *October* last; on the 7th I was sent for to the *Blue Posts*; when I came there, Mr. *Afbley* said to me, Are you a Constable? I said, I am. Said he, We have detected a Villain, a Jew, that I must deliver into your Charge; saying, Here is a Warrant under the Hand of Mr. Alderman *Gascoyne*. I took him and the Warrant into a Room; I asked Mr. *Afbley*, whether it was proper to search him for Knives or any thing of that sort, which he might do us a Mischief with? I ordered two Men to search him: They searched him; but not for Money; I never enquired for Money, for my part.

Q. Was you present in the Room at the Time of the Search?

Hubbard. I was not. I keep a Publick-house, the *Cock*, at *Witham*; I took him there 'til Morning; then we brought him near two Miles this way to Justice *Bragg's*; he desired us to come to *Chelmsford*,

*ford*, the Gentlemen then being sitting at the Quarter-Sessions. We went to the *Saracen's-head*. The Warrant was backed by the Rev. Dr. *Tyndal*, at the Coffee-house. When we were in the Room at the *Saracen's-head*, I was backwards and forwards to keep People from coming in; I was walking about; being in a little Passage, I heard a Noise in the Room; Some-body said, *You rob me, you rob me*; I did not see him attempt to put his Hand in Mr. *Ashley's* Pocket; I heard him accuse him of having robbed him; he said, *You rob me, you got my Ducat*; and directly pointed to his Pocket, saying, *You have got my Gelt*: Upon these Words, Mr. *Ashley* denied it; and I desired Mr. *Newman* to search him: He searched his Left-hand Pocket, and pulled out a Book and some other Things.

*Cross-Examination.*

Q. Do you know of its being given out, the Jew was a Highwayman?

*Hubbard.* No, not I.

*Council for the King.* Did you hear the Jew talk to Alderman *Gascoyne*?

*Hubbard.* The Alderman came in; they talked together; I cannot say what the Jew said to him.

*Council for the Defendant.* In what Condition was the Warrant when delivered to you?

*Hubbard.* There was, *Essex* and in Writing, and *London* in Print.

Q. Did not you interpret to the People.

*Hubbard.* I do not know that I did; what I knew, in all likelihood, I might explain, but I do not know that I did; I understand but a very few Words; when they want to Eat, or Drink, or Lodging, or so.

Q. Do you understand the *English* of *Neet myn Gelt*?

*Hubbard.* I cannot say I do.

Q. What

Q. What did he say ?

Hubbard. He said, *My Gelt be neet here in this Pocket*; he said, *You rob me*; that is *English*, I thought.

Q. Is that all the *English* you understood he said ?

Hubbard. He pointed to Mr. *Abley*, and said, *You got my Ducat*; and I heard him say, *God stroaken*.

Q. What Answer did you make to that ?

Hubbard. I made him no Answer at all.

Q. Did not you say, *God d—n you, God Almighty hath nothing to do with such a Villain as you* ?

Hubbard. I do not know or remember I said so.

Q. Did you not say so ?

Hubbard. I cannot tell whether I did or not say so; I cannot tell, upon my word.

Q. Did he say any other *English* Words ?

Hubbard. He worked himself up into a Passion; I heard him ask for Water and Bread, and I helped him to what he asked for; He called me *Constoole*.

Thomas Mayhew's Evidence.

Thomas Mayhew. I live at *Witbam*; I was charged by the Constable, on the 7th of *October* at Night, with *Simons*, in the Constable's House, to take care of him; which was the first time I ever saw him: I came with him to *Chelmsford*, to the *Saracen's-head*. We set out on the *Tuesday* Morning, and got there between Twelve and One: Mr. *Abley* was backwards and forwards several Times in the Room where *Simons* was: There was *Isaac Hubbard*, and one *Richard Taylor*; there were six or seven of us, and I believe near eighteen or twenty People in the Room; there was one *Eleanor Brown*, and one *Hughes*.

Q. Where

Q. Where is *Hughs* now ?

*Maybew.* I do not know where he is. I fixed my Eyes upon the Jew, and never took them off; he had three Fingers together, and his Thumb, and extended his Little-Finger; they were on his Belt or Girdle; and while Mr. *Ashley* was wanting to know what was said, as he was talking to Mr. *Newman*, the Jew lifted up the Right-hand Flap of Mr. *Ashley's* Right-hand Pocket, with his Right-hand, and clapped something in after this Manner (*holding his Fingers in the Manner mentioned, and making a Motion with his Hand*). I saw something shining yellow, like Gold: While Mr. *Ashley* was listening, I saw the Jew look about to see who perceived him; his Hand was out in a Moment, and his Fingers in the same Manner again on his Sash; then he shook his Hands in this Manner (*shaking both his Hands extended*) and said, *You rob me my Money, my Gelt.* Some People did then blame the Jew. Mr. *Ashley* said, What does he mean? Some People said, you have robbed him of his Money. He said, he was surprized. Then Mr. *Newman* searched Mr. *Ashley's* Left-hand Pocket, and pulled out a Pocket-book, and some Papers: The Jew pointed to him, *Not there, this Pocket, the other Pocket,* pointing to it, which was the Right Pocket: Then Mr. *Ashley* took out a Handkerchief first, and one Ducat fell from it; he laid the Handkerchief on the Table; then he searched again, and pulled out some Half-pence, and some Walnuts; and there came out two more Ducats, which he produced upon the Table.

Q. What said the Jew to this ?

*Maybew.* He seemed to be in a great Flutter. Just after this, Alderman *Gascoyne* came in; then Mr. *Ashley* told the Alderman what passed; the Alderman said it was a very wicked Affair, and said

said he would seal the Ducats up, which he did. The Constable asked the Alderman if it was proper to iron or hand-cuff him; the Alderman replied, By all means, make him as secure as possible. He was ordered to *London*.

Q. In what Language did the Jew say they were his Ducats?

*Maybew.* He said it in *Dutch*.

Q. Did you understand him?

*Maybew.* No, I did not.

Q. How do you know it then to be so?

*Maybew.* I heard Alderman *Gascoyne* say so. He went to *London*, and I went back to *Witbam*, and was at Home by Nine o'Clock.

*Cross-Examination.*

Q. Was you charged by the Constable at their first coming to *Witbam*?

*Maybew.* No, Sir; I lodged at Mr. *Hubbard's* that Night.

Q. Was you at the *Blue-Posts*?

*Maybew.* No, I was not.

Q. Was he searched at the Constable's?

*Maybew.* No, he was not; *Daniel Hughes* and I sat up with him all Night.

Q. Did you hear it given out, that he was a Highwayman?

*Maybew.* No, I did not.

Q. Was you subpoenaed at the last Affizes?

*Maybew.* I was.

Q. Was you called?

*Maybew.* No, I was not.

Q. Did you attend the Court then?

*Maybew.* I did all the time.

Q. Do you know why you was not called?

*Maybew.* I do not know the Reason.

Q. Did you tell Mr. *Ashley* you could swear this before the last Affizes?

*Maybew.*

*Maybew.* Yes, Sir, I did.

Q. Can you tell what that was you saw in *Simons's* Hands?

*Maybew.* I saw something shining; it looked like Gold; it was in his Right-hand.

Q. Was it a single Piece, or more?

*Maybew.* I cannot tell.

Q. In what Position was *Mr. Asbley* then?

*Maybew.* He had his Hands behind him, stooping.

Q. On which Side was the Jew?

*Maybew.* The Jew sat on his Right-side, by the Fire-side.

Q. Did the Jew get up?

*Maybew.* No, he did not; *Mr. Asbley's* Coat was close to his Hand almost.

Q. Did you see his Belt?

*Maybew.* I did, it was tied round him, under his loose Gown that he wore on his Shirt and Waistcoat.

Q. Whereabout in the Room were they?

*Maybew.* They were close to the Fire,

Q. Do you remember, on the other Trial, *Taylor* said it was next the Window.

*Maybew.* I believe he did say so.

Q. How long after the Ducats were found was it, that Alderman *Gascoyne* came into the Room?

*Maybew.* He came in, in about four or five Minutes after.

Q. Did you charge the Jew with this at that Time?

*Maybew.* No, I did not.

Q. Why did you not?

*Maybew.* I was going to inform *Mr. Asbley* about it; and he was in such a Flutter, I had not an Opportunity to inform him.

Q. When

Q. When was the first Time you thought fit to tell him ?

Maybew. I did, before I left the Room.

Q. Before whom ?

Maybew. Before *Eleanor Brown, Taylor, and Hughes*, and several.

Q. Did you tell Mr. *Ashley* every Circumstance before you left the Room ?

Maybew. I did, after the Ducats were sealed up.

Q. How came you not to make an Affidavit with the rest ?

Maybew. I was not called upon to do it.

Q. What Reason can you give, you was not called upon to give your Evidence, who was the best Witness of them all ?

Maybew. I cannot tell.

*Eleanor Brown's Evidence.*

*Eleanor Brown.* I have been Cook at the *Saracen's Head* in this Town these four Years.

Q. Give my Lord and the Jury an Account of what you know of this Matter ?

*Brown.* I went into the Room where the Jew was ; Mr. *Ashley* was talking to Mr. *Newman* ; the Jew was sitting on that Side the Fire next to the Window, on the Right-side of Mr. *Ashley*, who was on the Left-side, talking to Mr. *Newman*. I had not been there but a very little while, a Minute or two, before I saw the Jew's Hand go under the Flap of Mr. *Ashley's* Right-hand Pocket ; his Hand was doubled up ; I saw him put his Fingers under it and lift up the Flap ; he stayed a little while ; then he called, *You, you, you, you robbed me, you got my Geld, you have got my Ducats.* Mr. *Ashley* is a little deaf, I believe ; said Mr. *Newman*, do you hear what he says ; no, said he ; he says you have robbed him of his Ducats ; Mr. *Ashley* said, Bless my

my Soul! what have I robbed him of? Said Mr. Newman, satisfy him; he said, I have nothing of his; and went and talked to Mr. Newman again.

Q. Repeat the Expressions?

Brown. He said, *You rob me, you got my Gelt, my Ducats.*

Q. Did he speak plain to be understood?

Brown. Yes, very plain, that I could understand him?

Q. Did he talk as plain as you do?

Brown. No, not so plain.

Q. Proceed?

Brown. Mr. Newman put his Hand into Mr. Asbley's Left-hand Pocket, and pulled out a Book and some Papers; the Jew started up, and said, *No, no, my Mooney is not here, my Gelt is in this Pocket*, pointing to the Right-hand Pocket. Mr. Asbley said, I have nothing in this Pocket but a Handkerchief, some Walnuts, and Three-pennyworth of Half-pence. He pulled out his Handkerchief, and out dropped one of the Ducats; God bless my Soul! said he.

Q. Did you know it to be a Ducat?

Brown. No, I never saw a Ducat before; it was about the Bigness of Half a Guinea; he laid it down on the Table, and said, God bless my Soul, if the Rascal hath not put Money in my Pocket! he then pulled out Two more Three-pennyworth of Half-pence, and some Walnuts; and said, Did you ever see such a Rogue? Then I directly said, I saw him put his Hand to your Pocket. The Jew went like a Bear, *He has got my Mooney, my Ducat, my Mooney.*

Q. Which Hand did he make use of to put towards his Pocket?

Brown. To the best of my Remembrance he made use of his Right-hand; I made answer directly, and said,

said, I thought he put it in; for I saw his Hand under the Flap of your Pocket.

Q. Who were present?

Brown. There were several heard me say so; there were two of our Maid-servants, and several besides.

Q. What were the Maids Names?

Brown. *Sarah Penney* and *Sarah Crabb*; there was a great Noise in the Room; I do not know who heard me; there was *Daniel Gaines* in the Room.

Q. Did you see his Hand at his Belt?

Brown. No, I did not.

Q. How long was it before *Alderman Gascoyne* came in?

Brown. I cannot tell.

Q. Was it three Quarters of an Hour?

Brown. No, it was not; the Jew was in a Passion with me, because I said, I saw his Hand at the Pocket. He burst into such a Passion, I did not understand him; but I never saw a Man in such a Passion in my Life. I quitted the Room before *Alderman Gascoyne* came in.

*Cross-Examination.*

Q. How many People were there in the Room?

Brown. I cannot tell, there might be Ten or more.

Q. Were there Twenty, do you think?

Brown. There might be Twenty.

Q. Do you know *Mr. Rayment*?

Brown. I do, he was in the Room; but I do not know whether it was before the Money was found, or afterwards.

Q. How was his Hand doubled?

Brown. His Fingers were closed and his Thumb under them; and when *Mr. Asbley* pulled the Money out, the Jew said, *Look ye there, he got my Money, my Gelt.*

Q. Did he speak plain?

Brown. He said, *Ducats, Gelt, Mooney*; and looked pleasant when he saw Mr. *Ashley* had his Money. He was not angry 'til I came to speak.

Q. Whereabouts in the Room was you?

Brown. I stood against the Door, that is, side-ways as we come in.

Q. Where was the Jew?

Brown. He sat next the Window, on the Right-hand.

Q. How near was you to the Jew?

Brown. I was pretty near him; I stood all the Time at the Door, and that was but a very little Time.

Q. Can you be certain which Hand the Jew made use of?

Brown. I cannot be certain.

Q. Was he sitting or standing?

Brown. He was sitting; but he burst out afterwards and arose up.

Q. Did you understand him?

Brown. I understood every Word he said, 'til when he was in a Passion, then I did not understand a Word of that.

Q. Did not you say on the last Trial, the Jew did not speak one Word of *English* all the Time?

Brown. No, I did not.

Q. Where was Mr. *Ashley* at the Time?

Brown. Mr. *Ashley* was on his Right-hand, about a Yard from the Window.

*Sarah Penney's Evidence.*

*Sarah Penney.* I live Cook at the *Saracen's Head*; I was backwards and forwards in the Room; I saw the Jew make several Attempts to Mr. *Ashley's* Pocket. He held his Hand up to his Right-hand Pocket; Mr. *Ashley* stood, and the Jew sat by the Fire-side, next to him, on the Right-hand Side; he

he arose out of his Chair, and shewed his Hand to Mr. *Ashley's* Pocket.

Q. What Posture was his Hand in ?

*Penney.* I cannot say that, I did not take particular Notice ; he touched his Pocket-lid several Times.

Q. Did you see his Hand under the Pocket-lid ?

*Penney.* No, I did not ; I heard *Eleanor Brown* say, she saw his Hand under Mr. *Ashley's* Pocket-lid.

Q. What did the Jew say to Mr. *Ashley* ?

*Penney.* He told him, he had robbed him, and he had got his Gelt, his Ducats ; saying, *You got my Gelt, you got my Ducats ; you rob me.* The Jew was very angry ; but most with *Nell Brown*, because she told him, she saw his Hand up to the Pocket. He was before pleased at seeing the Ducats ; he jumped up and said, *They are my Gelt, they are my Ducats.*

Cross-Examination.

Q. How many People were there in the Room ?

*Penney.* I cannot tell, sometimes it was pretty full and sometimes pretty empty.

Q. Was you a Witness here last Time ?

*Penney.* I was not, I never was examined before.

Q. Did you tell them before, you could give the same Account ?

*Penney.* I did.

Q. Was you in the Court during that Trial ?

*Penney.* I was not.

Q. If the Ducats had not been found, should you have taken notice of your seeing his Hand towards the Pocket ?

*Penney.* No, I should not ; I was reaching over the People's Heads ; I was not so near them as *Eleanor Brown* was ; I was just at the going in at the Door.

Q. Did you know Mr. *Ashley* before ?

*Penney*. I have seen him at our House before several times.

Q. Was it, that he put his Hand to the Pocket, with an Intent to put something in, or take out, do you think ?

*Penney*. I do not know.

*Council for the King*. The Gentlemen have been talking, whether it was for pilfering, or putting any thing in ; do you think it was for any Good ?

*Penney*. No, Sir, I think it was not.

*Council for the Defendant*. What Words did you understand which he mentioned ?

*Penney*. I could understand *Money* and *Ducats*, very plain.

Q. How near was *Eleanor Brown* to him ?

*Penney*. She was close to him.

*Daniel Gaines's Evidence.*

*Daniel Gaines*. I live in this Town, and am a Sadler ; I was at the *Saracen's-head* at this Time ; I cannot particularly remember the Day ; Mr. *Rayment* and I went in together ; there was *Hubbard*, and *Eleanor Brown*, and others ; I was not there at the Beginning ; but when he charged Mr. *Ashley* with a Robbery, we went directly in. Something was taken out of Mr. *Ashley's* Left-hand Pocket, when they were searching that Pocket ; they held it up to the Jew, and asked him if it was his ? He put out his Hand, as if he meant, No ; but pointed to the Right-hand Pocket, and said, *Here be mine Gelt, mine Gelt be here* : They searched the Right-hand Pocket ; Mr. *Ashley* pulled out a Handkerchief, and a Ducat fell down on the Ground ; then he put in his Hand again, and pulled out some Walnuts, and some Half-pence, and Two Ducats more. Mr. *Ashley* seemed much surprized, and almost frighted out of his Wits, and said, The Jew was a very great

great Villain; or, Was there ever such a Villain! The Jew jumped up, and seemed very much overjoyed; but I cannot recollect one Word I could understand. I was sent for away at that Time Home; I heard *Eleanor Brown* fall a swearing at the Jew very much, calling him Rascal, and that he ought to be hanged, and I do not know what all; because she looked upon it, he put them in the Pocket; she said, That Villain hath put the Ducats into your Pocket.

*Cross-Examination.*

Q. Where was you when you heard the Jew had charged *Ashley* with a Robbery?

*Gaines.* I was in the Kitchen, that joins to a little Room, and I heard a Noise; then we went into the Room directly, else we had not went into the Room.

Q. Did you see the Handkerchief taken out of the Pocket?

*Gaines.* I was in the Room then and saw it.

Q. How near was you to the Jew?

*Gaines.* I was almost touching the Jew's Chair.

Q. Is this the same Account you gave on the other Trial?

*Gaines.* It is.

*Sarah Crabb's Evidence.*

*Sarah Crabb.* I am Chamber-maid at the *Saracens's-head* in this Town; I was in the Room, and heard the Jew say to Mr. *Ashley*, *You have got my Gelt, my Ducats; my Ducats, my Gelt*, in broken *English*, so as I could understand him; Mr. *Ashley* did not understand what he said; he asked what he said; Mr. *Newman* told him he said, he had got his Ducats, he had robbed him; and asked him to let him feel in his Pockets: Then Mr. *Newman* put his Hand into Mr. *Ashley's* Left-hand Pocket, and pulled out a Pocket-book, and held it up:

The Jew said, *My Gelt be in the Right-hand Pocket, my Gelt, my Gelt*: Then Mr. *Ashley* pulled out his Handkerchief, out dropped a Ducat: The Jew flew out of his Chair, and seemed flushed with Joy, and said it was his *Gelt*; a Man held him down in his Chair: Then Mr. *Ashley* said, That Rogue hath put this Money in my Pocket; then he put his Hand in his Pocket again, and pulled out Two Ducats, and some Walnuts: I saw *Nell Brown* hold up her Fist at him, and said, she saw his Hand at his Pocket several Times; and I heard her tell Mr. *Ashley*, when he came into the Kitchen, she saw him put his Hand to his Pocket several Times. Mr. Alderman *Gascoyne* came into the Room; he sealed them in a piece of Paper. That is all I know.

*Cross-Examination.*

Q. Do you understand *Higb-Dutch*?

*Crabb.* No, I do not.

Q. What Language did the Jew speak?

*Crabb.* He spoke broken *English*, but so plain as I understood him very well.

Q. What Time of the Day was this?

*Crabb.* I believe it was after Dinner, but I cannot say what o'Clock it was.

Q. Had you heard rumoured, before you went into the Room, that he had charged *Ashley* with a Robbery?

*Crabb.* No, I had not.

Q. How big is the Room?

*Crabb.* It is not a very large Room. The Jew sat in a Chair by the Window all the time I was in the Room; Mr. *Ashley* stood almost close by him.

Q. Did you observe any thing he did?

*Crabb.* I did not observe him, but only what he said.

Q. What

Q. What did he say?

Crabb. He said, *You got my Ducats, you got my Gelt*, several Times: Mr. *Ashley* is very thick of hearing.

Q. How do you know that?

Crabb. He hath spoke to me several Times, and I to him, before.

Q. Was you in the Room when Alderman *Gascoyne* came in first?

Crabb. I was, but went away soon after he came in; I came in again, and saw them sealed up.

*Mr. Cornelius Norton's Evidence.*

Mr. *Cornelius Norton*. Mr. *Newman* gave Evidence here on the last Trial; I have taken out a Process against him to subpcena him; I left it in *London*, in order to have him subpcenaed; after I came away, we made all possible Endeavours, by Day and Night, in order to serve him with it.

## The EVIDENCE in Behalf of the DEFENDANT.

*The Evidence of Israel Levi.*

(Being a Polander, and not understanding English, David Hart was sworn Interpreter, and spoke as follows.)

*Israel Levi*. I am a Polander; I know *Henry Simons*, he is a Merchant, he bears an exceeding good Character, and deals for upwards of One Thousand Pounds a Year.

Q. Do you think he is a Person that would be guilty of such a Crime as is laid to his Charge?

*Is. Levi*. No, I do not think he would; he is a worthy, honest Man; I came over with him from *Holland* to *England*, and then saw his Girdle about half full of Money.

Q. Did you count them ?

If. Levi. No, I did not; but I believe there were about Four or Five hundred of them : I remember I was in the Boat, and Mr. *Simons* was in the *Pacquet*; he squeaked out and made a Noise; *Higham Levi* was in the Boat at the same Time; I desired him to go and see what was the matter; I followed him, and saw the Officer looking at his Money : I came as far as *Colchester* with him, there we kept our Sabaoth together; I there borrowed some Money of him, Three Ducats, which he took out of his Girdle.

Q. Could he speak *English* then ?

If. Levi. No, he could not speak one Word of *English*; when he wanted Bread, or any thing, he was forced to make use of Signs.

Q. When did you land ?

If. Levi. We landed at *Harwich* about Twelve Months ago : He came to me when he set out for *Bristol* from *London*, and took his Leave of me; and when he returned, he came in a bloody Condition, and said he had been robbed; then I lent him Half a Crown; he begged I would lend it him : At that Time he went from one Person to another to beg and borrow : I know he pawned his Veil.

Q. Is it not customary among the Jews, to part with their Veil the last Thing they do ?

If. Levi. It is; it must be very great Extremity that causes them to part with that. I took my Leave of him when he set out for *Harwich* from *London*; I believe all the Money he had then about him was Half a Crown I lent him, and Half a Crown another Person lent him.

Q. Do you believe he had any Ducats then ?

If. Levi. I cannot say that I believe he had.

*Cross-Examination.*

Q. Do you know whether *Simons* was ever in *England* before this Time?

A. *Levi*. He was, about Seven Years ago.

Q. Was you here at that Time?

A. *Levi*. I was not.

Q. Was he here above once before?

A. *Levi*. I never knew that he was.

*Higham Levi's Evidence.*

*Higham Levi*. I came over from *Holland* to *Harwich* with Mr. *Simons*; I never saw him in my Life before; I cannot say the exact Time we came over, it was in the Paquet; his Belt was then about half full of Ducats.

Q. How many would it hold, do you think?

A. *Levi*. It would hold above a Thousand.

Q. What sort of a Belt was it?

A. *Levi*. It was a long Belt, about a Yard long; he carried it, as *Polish* Jews all do, round his Waist under his Cloaths, over his Shirt; I saw the Officer take it to search it.

Q. Can they take any Ducats out without taking the Belt off?

A. *Levi*. They may take a few out without taking it off, but that is troublesome.

*William Peace's Evidence.*

*William Peace*. I am a Custom-house Officer at *Harwich*; *Simons* the Jew came over, I think, the 8th of *August*, to *Harwich*; I searched him; he had a Belt round him; I examined it, the Money came out at one End; it was tied with large Strings at the End; I took the Belt off him myself; there was a black Wrapper on the Outside of it; the Money lay in the Middle of it; when I saw it was Money, I delivered it him again: He did not understand *English*; he said, *Myn Gelt*.

## Moses Jacobs's Evidence.

*Moses Jacobs.* I have seen several of these Belts, and have had this very Belt of *Simons's* in my Hand; they wear them round their Body; there is a String to draw and tie it together like a Purse, and they buckle on; there is no way of getting at the Money but at the End where it is put in; the String may be loosed while it is on the Body, but it is very troublesome to take Money out without taking it off.

Q. Can it be done in Three Minutes?

*Jacobs.* It cannot; the Money lies behind, at the Back. *Simons* was at the Synagogue that very Day he set out to go to *Harwich* for *Poland*; I saw him there; he came to my House that very Day.

Q. Did you see any Ducats he had then?

*Jacobs.* No, I believe he had none; if he had had any he would have come to me; I am a Goldsmith, if any of our People want Ducats, or foreign Money, they generally come to me for it.

## Berend Abrahams's Evidence.

*Berend Abrahams.* I live in *Houndsditch*; I know *Henry Simons*; I remember his coming to *London* about a Year ago; on the 14th of *August* he came to my House; he set out on the 20th to go to *Bristol*, and returned the 22d or 23d of *August*, about a Week before he set out and returned again; this was the second Time he lodged at my House.

Q. Did he bring any Money to your House?

*Abrahams.* He did; I was present when my Wife counted the Money over, there were Five hundred fifty-four Ducats; he put them into a long Bag, with a Buckle to buckle it round the Body. When he set out the second Time, I went with him as far as *Piccadilly*, and there parted from him.

Q. When did you see him again?

*Abrahams.*

*Abrahams.* I saw him again the nex Day; he cried, and said he had lost his Money, saying, he had been robbed at *Cranford-Bridge*.

Q. Did you examine the Belt?

*Abrahams.* I did; there was not a Farthing in it: After that, I trusted him with Victuals and Lodging about a Month: He sent me to sell his Silk Gown for him; which I did, in *Monmouth-street*, for Seven Shillings; he paid me the Seven Shillings, which he owed me, and I gave him a Shilling again; he begged Charity from one House to another, and also pawned his Veil for One Pound.

Q. What is the Use of the Veil?

*Abrahams.* It is to put on when we go into the Synagogue to pray; we never sell them unless we want Victuals.

*Cross-Examination.*

Q. Do you know any thing of *Simons's* being in *England* before this Time?

*Abrahams.* I do, it was about Seven Years ago.

Q. Hath he been here above once before?

*Abrahams.* No, he hath not; the first Time he bought some Goods, and he then went to *Bristol*; he came from *Harwich* the same as he did now.

Q. How long time might he be in *England* the first Time.

*Abrahams.* About Three Months.

Q. Do you think he was possessed of Ducats at his going away this last Time?

*Abrahams.* I do not believe he had the Quantity of one Ducat.

*Council for the Defendant.* If he had Two or Three, do you think he would go to put them into Any-body's Pocket?

*Abrahams.* No, I do not think he would be such a Fool.

Q. Was

Q. Was he publickly about, between the Time of the Trial of *Goddard*, and the Time of his going to *Harwich*?

*Abrahams*. He was every Day, he was every Morning and Night, before the Synagogue, and asking Charity about.

Q. to *Moses Jacobs*. Did you lend *Simons* any Money?

*Jacobs*. I did, Thirty Shillings. He first borrowed Seven Shillings and Six Pence; at another Time Fifteen Shillings: It was in order to carry on the Prosecution against *Goddard*. The very last Day he was going away, he came to me, and said, Here is your Money; then he paid me Three Half Crowns, and I gave him Half a Crown back.

*Moses Franks*, *Esquire's Evidence*.

Mr. *Moses Franks*. I know *Simons*, and have seen him frequently between the Trial of *Goddard* and the Time of his going out of Town, begging Charity about; Any-body might have taken him if they pleased. He was extremely poor; I saw him the Morning before he went away; I gave him Half a Crown, he appeared a poor unhappy Wretch, miserably poor all the while.

*Cross-Examination*.

Q. Did not the People assist him?

Mr. *Moses Franks*. I believe he might now and then have Half a Crown given him; our People knew nothing of him then, 'til they sent to enquire about him, and then they found him to be a Man of strict Honesty.

*Naphtali Franks*, *Esquire's Evidence*.

Mr. *Naphtali Franks*. I knew nothing of the Man 'til after the Robbery.

*Council for the King*. Do you contribute towards the carrying on of this Trial?

Mr. *Naph. Franks*. I do.

C. Proceed?

Mr. *Naph. Franks.* Some People thought him an honest Man, some thought not; after hearing his Character from Abroad, and that he brought a great deal of Money with him, by a Letter that was sent, and other Information from People which came from *Holland* to *Harwich*, and the Story that the Man told of bloody Wounds he had received, it made People pity him. As soon as I found he was an honest Man, and that his Wife and Family must starve in that Country from whence he came, unless he returned; we thought it just to assist him, as he was thus oppressed. This was the real Motive for our so doing, and it still subsists. As to what has been said about his talking *English*, I do not believe he understands a Sentence of six Words in *English*: Whenever I have had occasion to speak to him, I have been forced to have a Servant of mine to interpret for him to me.

Q. Do you think he understands *English* enough to charge a Person with the Affair of this Robbery?

Mr. *Naph. Franks.* Not in *English*; I do not think he does.

Q. Do you think he could understand *Eleanor Brown*, when she talked to him?

Mr. *Naph. Franks.* No, I do not think he could.

Q. Do you think he understood the Meaning of the Word Money.

Mr. *Naph. Franks.* I believe he may.

Q. Do you think he knew the Meaning of the Word Villain?

Mr. *Naph. Franks.* I do not think he can understand it; Me swear, that is *English*; *Skwaring*, is a *German* Word too.

Q. Was

Q. Was he seen very often in public, between the Time of the Trial of *Goddard* and his going towards *Harwich*?

Mr. *Naph. Franks*. He was, he hath been often at my House begging Charity; I do not think he ever intended to conceal himself from Justice; neither do I remember I heard, at that Time, of any Warrant against him. He hath come to my House as in the utmost Distress, in the greatest Agonies, exclaiming against *Goddard*, and complaining of the cruel Usage he had met with. I have given him Alms.

Q. Do you take him to be an honest Man?

Mr. *Naph. Franks*. He is, he seems to me to be a religious Man, particularly so; it would be the last Distress he could be reduced to, to make him pawn his Veil; nothing but wanting a Mouthful of Bread would bring him to do that.

Q. You have heard what the other Evidences have said, such as, *You robbed me, you robbed me, you have got my Ducats*; Do you think he could speak this in *English*, as they have expressed it?

Mr. *Naph. Franks*. No, I think he could not; if he did speak at all, it must be in *Dutch*.

Q. *You have got my Gelt in your Pocket*; what is your Opinion of that?

Mr. *Naph. Franks*. I think he does not know what *Pocket* means, there is no Affinity between the *German* Word *Sac* and the *English* Word *Pocket*.

Q. Do you think he was worth Three Ducats when he was going to leave *England*?

Mr. *Naph. Franks*. No, I do not think he was.

*Cross Examination.*

Q. What was his Complaint to you when he came for Charity to you?

Mr. *Napb. Franks*. He complained, as a Man that had been injured and robbed; and the good Opinion I had of him hath grown much, the longer he hath staid in the Kingdom.

Q. Did you know him before, when he was in *England*?

Mr. *Napb. Franks*. I never knew him 'til after he was robbed.

Q. Do you think all these People who have sworn, as to his charging Mr. *Ashley* with a Robbery, are perjured?

Mr. *Napb. Franks*. I beg to be excused giving my Opinion as to that; I do not know whether it is safe.

*Council for the Defendant*. Sir, you may give your Opinion as to that Question.

Mr. *Napb. Franks*. Then, I believe Mr. *Ashley* is very much so.

Mr. *Lazarus Simon's Evidence*.

Mr. *Lazarus Simon*. I have known *Simons* since the Affair of *Goddard*, and not before; I first saw him at the Synagogue; he gave an Account he had been robbed and beat; we were surprized which way he should come by the Money; after this, they indicted him for Perjury; all this before we supported him. After we had great Reason to think he had been robbed and ill-treated, we did support him, as we thought him innocent; had we believed him guilty we should not. Mr. *Ford*, *Goddard's* Solicitor made a Proposition to us, that he would drop the Indictment for Perjury against him, if we would. I am Overseer of the Poor; the poor Man came crying and telling how unhappy he was, that he had spent his Money after the Trial, and was obliged to pawn his Veil, and, I think, three Shirts. He turned out all his Pockets, there was not one Farthing in them. I do solemnly declare, that  
when

when he went to go out of the Kingdom, I believe he had not the Value of a Ducat in Money about him. Then he said he was going back to *Holland*.

Q. Did he talk to you in *English*?

Mr. *Simon*. No, he talked to me in the *German* Language; he does not understand *English*; when People have been talking *English* he hath desired to know what they have said; I do not think it possible he could speak so much *English*, as they on the other Side have said. I have enquired of People that come from that Part he does; they say, he is an honest Man, and that he acted at Home as a Broker, and sometimes as a Merchant.

Q. What is your Opinion of him as to Honesty?

Mr. *Simon*. I believe he is an honest Man, or I would not assist him.

*Cross-Examination.*

Q. Where did he first apply to you?

Mr. *Simon*. When I was at the Vestry he represented himself to me as an Object of Charity, and I gave him some Money out of the Poor's Box; we ordered him a Crown; he said he wanted to go Home.

Q. Do you believe he was not worth a Ducat when he was going Home?

Mr. *Simon*. Upon my Oath I do not believe he was.

Q. Do you think it possible for a *German* to come into this Country and not understand a Word of *English*?

Mr. *Simon*. I know a Man, a *German*, in England, Fourscore Years old, that does not understand a Word of it.

*Council for the Defendant.* Is Half a Crown or a Crown sufficient for a Person to travel Home from *England* for *Harwich*?

Mr.

Mr. *Simon*. We sometimes have given a Person but a Shilling to carry him to *Harwich*; they have their Passage for nothing.

Q. When he turned out his Pockets, did he shew you his Girdle?

Mr. *Simon*. He did; it was empty.

Mr. *Simon David's Evidence*.

Mr. *Simon David*. I saw *Simons* after he was robbed; he wanted a little Money to go on with the Prosecution against *Goddard*; saying, he could not pay the Council or Attorney. He was begging, and crying, and wringing his Hands, and said, he had No-body to take his part; so he received some Charity; some gave him Half a Crown; I assisted him with Three Guineas to carry that Cause on.

Henry Keys's Evidence.

Henry Keys. I understand the *Dutch* Language; I know Mr. *Simons*, the first Time that I saw him was that very Day that he was robbed in the Morning, at the House of Mr. *Goddard*: I knew him from that Time to the Time he left *London* to go to *Harwich*; he was really in a miserable Condition: I do not believe he was worth Half a Crown in that Time, except it was collected by Gentlemen. He applied to me to interpret for him; I went with him to Justice *Chamberlayne* to obtain two Warrants, one to take up *Goddard* and the other to search his House. Then Mr. *Simons* could not speak a Word of *English*, and I question whether he could speak two Words of *English* when he set out for *Harwich*. I am positive he could not express such Words as *Eleanor Brown* says he did; nor could he understand her what she hath mentioned in Court, *Neet myn Gelt*, is not my Money.

Q. What is *Mynbeer*?

G

Keys.

*Keys.* It is *Sir*.

*Q.* Mr. *Ashley* has declared, it is all from a public Spirit he acted; how does it appear to you?

*Keys.* He was noticed as one to be Bail for *Goddard*, and he did appear before Justice *Chamberlayne* for that Purpose. As to his taking upon him to say, he hath been in *Holland* and never saw a Ducat; I have been in *Rotterdam* and *Zeeland*, Gold Ducats are the current Coin there; therefore I must beg his Pardon, if I say, I cannot believe him: he must have seen some if he hath changed any Money there. He would have it, that Mr. *Simons* wanted to charge him with being concerned with *Goddard* in robbing him. I have heard *Simons* declare often, Was the other Person to stand before him, he should not know him; which he declared before Justice *Chamberlayne* that same Day divers Times.

*Q.* Did you ever see the Jew publickly about after the Trial of *Goddard*?

*Keys.* I have, he went publickly about; I saw him just before he went away.

*Joseph Isaac's Evidence.*

*Joseph Isaac.* On the 6th of *October* last, which was on a *Sunday*, I went from *London* for *Colchester* Fair, which begins on the 10th; when I came to *Bow* I overtook *Simons*; *Ashley* met us pretty near the *Rising-Sun* in the *Ilford* Road; he drew up to us and said, Are not you the Jew that was robbed at *Cranford-Bridge*? He gave him no Answer; he asked him once more; then he put his Whip out of his Right-hand into his Left, and put his Right-hand into his Pocket and pulled out a Handful of Ducats, and said, Ducats, Ducats, Are not you the Man that was robbed at *Cranford-Bridge*? *Simons* and

and I were close together, and *Ashley* drove his Chaise cross the Way, very near us, he could not be nearer; at last he doubled his Fist and held it out at him, and said, I will have you; and went off. I asked *Simons* if he knew him, he said, No.

Q. Are you certain they were Ducats he held in his Hand?

*Isaac.* I am, I know Ducats from other Gold.

Q. How long did he stop?

*Isaac.* He stopped six or seven Minutes.

Q. How near was you to *Simons*?

*Isaac.* I was very close to him; *Ashley* said nothing to me; I asked *Simons* where he was going when I overtook him; he said, he brought a great deal of Money to *England*, and now he was obliged to go out of *London* with only Money enough to bear his Expences to *Harwich*.

Q. Was you in the Foot-path?

*Isaac.* There was no Foot-path, we were in the Highway.

Q. What Time of the Day was this?

*Isaac.* This was about Four o'Clock in the Afternoon on the 6th of *October*; we parted at *Ilford*; on the *Tuesday* Morning, I went from this Town towards *Witbam*; about a Mile and a Half on this Side *Witbam* I met *Simons* again, and a Constable; *Simons* said in *Dutch*, They have taken me Prisoner: the Constable said to me, Can you talk *Dutch*? I said, Yes; then he said, You shall not speak to him, and pushed me away: after that, *Ashley* and another Man came in a Chaise.

*Cross-Examination.*

Q. Was the Chaise Mr. *Ashley* was in a high or a low Chaise?

*Isaac.* It was a very low Chaise.

Q. Did he rise up to take the Money out of his Pocket

*Isaac.* He moved a little, but did not stand on his Feet, but continued sitting; he shewed me the Money very low.

Q. to *Hubbard.* Did you meet this Man near *Witbam*?

*Hubbard.* I met several People on the Road; I cannot say I met this Man; I think I did not meet this Man.

*Isaac.* About Half an Hour after I met them, I went to Breakfast in *Hubbard's* House, and his Wife told me the whole Story.

Q. to *Ashley.* Did you meet this Evidence when you met *Simons*?

*Ashley.* I declare, in the Presence of Almighty God, there was no Man with *Simons*; and every Tittle that this Man says, as I hope for Salvation, is false, as there is a God in Heaven! Christ have Mercy upon us! It was not so dark but I could distinguish a Man, if there had been any; as I hope to be saved, I did not produce my Money; I call God to be my Witness; my Chaise is a very high Chaise.

*Isaac.* It is a Single-horse Chaise, and a very low Chaise.

Q. How came you to say, it was about Four o'Clock?

*Isaac.* I went out from *London* at Three; I met *Ashley* about four Miles from *London*; it might be about a Quarter past Four o'Clock; the Sun shone; it was, I believe, above an Hour high.

*Ashley.* It was dusk before I went from *Ilford*.

*Mrs. Frances Bourne's Evidence.*

*Mrs. Frances Bourne.* I keep the Post-House at *Witbam*; I remember Mr. *Ashley's* coming to my House in the Month of *October* last; I do not know the Day; I had some Conversation with him about meeting

meeting the Jew on the Road ; I remember he told me he was going between *Ilford* and *Stratford*, he met the Jew, and stopped the Chaise, and talked with him, and asked him if he remembered *Goddard* ; and likewise either shewed or mentioned Ducats to him, I cannot say which ; and likewise put his Finger to his Throat, to signify something about his Throat being cut by *Goddard* ; and he said, the Jew did not seem to understand him, and therefore he drove to *London* in order to get a Warrant to take him up.

Thomas Foley, *Esquire's Evidence.*

Mr. *Thomas Foley.* I was at Mrs. *Bourne's* House ; I cannot say the Day of the Month, but I know it was the Day before the Quarter-Sessions ; Mr. *Ashley* was there ; there was a Cry of, Highwayman : I had the Curiosity to ask *Ashley*, what the Jew had done, as they brought him there : He said, he had got a Warrant against him, to have him tried for Perjury in the Case of *Goddard* : He said he had been at *Ingatestone* about Business ; and going back again, he met the Jew ; that he either put his Hand in his Pocket, or to his Pocket ; and mentioned Ducats ; and asked him, if he knew *Goddard* ? and the Man made no Answer. At that Time, he said, he was writing a Letter to Mr. *Goddard*, to let him know he had taken the Jew : Some-body came and told him, the Jew was ready to be searched ; so he went out of the Room.

Mr. *Thomas Ford's Evidence.*

Mr. *Thomas Ford.* Some time in the Beginning of *October* last, Mr. *Ashley* came to my House, and told me he had met Mr. *Simons* on the *Essex* Road ; I do not remember what Part of the Road : He understanding I had a Warrant to take him up,

said, if I would give it him, he would get it executed, if I would suffer one of my Clerks to go along with him.

Q. Did you desire him to go?

Mr. Ford. No, I did not; he offered it, and particularly, for the sake of Public Justice: I should not have asked him to have went, if he had not offered it; he offered to go, as a Friend of *Goddard's*: I remember I then made use of such an Expression, That I thought he did well in doing it.

Q. Who was the Warrant taken out by?

Mr. Ford. It was taken out by some of my Clerks; it was brought up to me by Mr. *Newman*, and I named him to go with Mr. *Ashley*.

Q. Who did you deliver the Warrant to?

Mr. Ford. I delivered it to Mr. *Ashley's* own Hand, at his Application; he mentioned my sending one of my Clerks with him; he was not in my House above three or four Minutes; there were two Men in my Room at the Time I was told he was below; one of them, I think, was Mr. *Clark*, the other Mr. *Russell*; I do not remember I went even out of my Office; I was concerned for Mr. *Goddard* for the Prosecution for Perjury.

Q. Was it in the Forenoon or After, that he came to you?

Mr. Ford. It was, I believe, about One o'Clock; but I am not sure.

*Cross-Examination.*

Q. Did Mr. *Ashley* look as if he came off a Journey?

Mr. Ford. He did; and he looked a little discomposed in his Countenance.

Q. Where is Mr. *Newman* now?

Mr.

Mr. Ford. I have recommended him to Mr. Smith at the *Crown-Office*, about a Month or five Weeks, but he is at my House occasionally.

Q. When did you see him last?

Mr. Ford. He was at my House last *Tuesday*, all Day long almost.

*Mr. Henry Creswell's Evidence.*

Mr. Henry Creswell. I met Mr. *Ashley* and Mr. *Newman* when they were upon this Expedition; Mr. *Ashley* being acquainted with Mr. *Johnson*, who was with me, he asked him, how he did; and what Business that Way; he told us, he had got a Warrant upon an Indictment for Perjury against *Simons*, and he was in pursuit of him, in order to apprehend him. Mr. *Johnson* told him, he believed he might as well let it alone; he might fish in troubled Waters; and advised him not to proceed any farther; and expostulated with him a good deal, and told him, the Jew had sworn nothing against him, but *Goddard* was the proper Person to pursue him, if any: But he was pretty warm, saying, he would follow him to the last, or to the utmost. Then Mr. *Johnson* and Mr. *Ashley* took a little Turn for about ten or twelve Minutes; what passed I cannot tell; when they returned, I found Mr. *Johnson* advising him to desist, saying, he might get into Trouble. I think *Ashley* had reflected a little upon it; and he proposed he would go no farther: Soon after that, he relapsed again, and said he would pursue; and said, he believed *Goddard* was a very honest Man, and that the Jew was a Rogue and a Villain, and a very bad Man; and that he would pursue him for the sake of Public Justice. I saw him again in the Forenoon following; he was sitting at the *Saracen's-head* in this Town; there was *Hubbard*

the Constable, and two or three more, bringing the Jew up the Town; they pushed him into the *Saracen's-head*; they went into the back Room, I followed them; they had a good many hard Words, calling him a Villain, and Rogue; the Jew fell a crying, and lamented his Fate very much.

Q. Who used those Words to him?

Mr. *Creswell*. *Hubbard*, and *Maybew*, and others; the poor Creature had a good deal of Uneasiness: I took a Turn out, but was backwards and forwards very often in the Room; but was not in the Room at the Time of the Ducats being found, but came in after they were sealed up; the People were saying, he put Ducats into Mr. *Ashley's* Pocket, but I heard nothing about charging *Ashley* with robbing him; the Jew seemed under great Uneasiness that such a Thing should be charged upon him.

Q. Did you see the Warrant?

*Creswell*. I did; there was *Essex* and wrote upon it.

Q. Who had the Warrant?

Mr. *Creswell*. *Ashley* had it, and *Hubbard* was then in Company.

*Mr. William Prior Johnson's Evidence.*

Mr. *William Prior Johnson*. On the 7th of *October* last, being the Day before the Quarter-Sessions, I saw Mr. *Ashley* at the *Red-lion* at *Ingate-stone*; he mentioned to me he had a Warrant against the Jew: We had a little Conversation about it; I advised him, not to give himself any Trouble about it: I thought once I had prevailed upon him; but at last he would go: I took him by himself, and said, Why do you intermeddle so much? He said, *Goddard* was a very honest Man, and that the Jew was a very great Rogue; and as *Goddard* lived on the Western Road, he thought it

it might be of Service to him, if he was assiduous in it, in his Trade among the Innkeepers on that Road.

Luke Claxton's Evidence.

*Luke Claxton.* I was going of an Errand for my Master on Horseback; I met Mr. *Ashley* and Mr. *Newman* in a Post-Chaise; they asked me, if I had met a Jew with a long Beard on the Road; I said I had come up a Lane into the Road. I went on my Errand; and as I returned, I asked them the Reason why they asked me; they told me to ride on, and see if I saw him, for he was a Highwayman: I rode on about a Quarter of a Mile, and saw him; I turned, and asked them if they would swear he was a Highwayman? they said, Yes, a Highwayman, a Highwayman, take hold of him. There was a Lad with a Cart came to my Assistance before they came up with the Post-Chaise; when they came, they said he was a Highwayman: We took him to *Witham*; Mr. *Ashley* said he was a Highwayman, and we should search him for Knives: I was by when he was searched; they felt in all his Pockets, but I saw nothing taken out.

Q. Did they pull off any of his Cloaths?

*Claxton.* I cannot tell whether they did or not.

Q. to Mr. *Foley.* Did you talk with Mr. *Ashley* about the Jew being searched?

Mr. *Foley.* I asked him if they found any Arms upon him; he told me that was not what they searched him for, they searched him for Ducats; I asked him if they found any; he said, No, he found only One Shilling and Nine Pence Half-penny.

The Reverend Mr. John Tindal's Evidence.

The Reverend Mr. *John Tindal.* Some time in October last, Mr. *Ashley* and another Person came to the Coffee-house at *Chelmsford*, and desired me

to

to indorse a Warrant, as a Justice of the Peace ; I looked upon it, and found it signed by Alderman *Gascoyne* ; I asked Mr. *Abley* and the other Person, whether there was Any-body that could prove the Hand ; he said, there was ; it was proved, and I indorsed it. There was a great Rumour before the Coffee-house Door ; Mr. *Abley* said, Sir, I must beg you would commit this Man. I found, at the same Time, the Constable of *Witbam*, and other Persons, were using him in such a Manner as I never saw a Murderer or a Highwayman. I address'd myself to the People, and asked them, whether they were *Barbarians*, or not ; and told them, they appear'd like an *English* Mob, to use a Foreigner so. Then I turned to Mr. *Abley*, and asked, what he wanted with me ? He said, I desire you would commit this Man. The Jew was coming close to the Steps ; I said, I have no Business to commit him, you must carry him to the original Jurisdiction. Said he, Sir, who is to defray the Expences ? Said I, See you to that. I saw the poor Jew much distress'd ; I asked him, if he was a *Portuguese* ; having been in *Portugal*, and could talk a little of the Language : I found he knew no Language I could understand ; I tried him in *English* and *French*, and could not make him understand one Syllable : He appear'd in the greatest Agonies that ever I saw, or any Man could express ; at last, he took hold of my Breeches Pocket, and said, *Ducats, Ducats, Ducats, Ducats*, very loud : Some-body said, He is going to swear you robbed him of Ducats ; said I, He hath just said enough to let me know, he is the poor Jew that was robbed of Ducats by *Goddard*, as we have seen in the public Papers. Some By-standers accus'd him of saying, *I robbed him* : He took hold  
of

of my Pocket as I was on the Steps and he below. After that, I said to the Peace-Officer, Be who you will, if you do not take care of this Man, and behave better, I will be at the Trouble and Expence of calling you to an Account. The poor Fellow took hold of the Rails, and was very unwilling to go; they dragged him from me in that violent manner, that if he had had his Hand a little more in through the Rail, he must have had his Arm broke all to pieces.

Q. Did you hear Mr. *Ashley* give an Account of the Words the Jew said? Whether, from the Experience you have of his Language, he understood that?

Mr. *Tindal*. I did think at that Time, and I do still, that the Man did not understand one Word of *English*; absolutely, I could not get one Word from him.

*Crispe Gascoyne, Esquire's Evidence.*

Mr. Alderman *Gascoyne*. I went to *Chelmsford* about some Business, but did not come there, to the *Saracen's-Head* (the House where I always put up at) 'til all was over. Just before I got off my Horse, there were a Crowd of People calling out, Here is Alderman *Gascoyne* come; the Jew is taken up upon your Warrant. I went up Stairs, and in a very little time came down again; *Ashley* spoke to me, and said, I have got the Jew. I met Mr. *Tindal*, he said, The poor Jew is in Custody; the Affair hath been the Subject of much Inquiry; it would be kind of you to go in and examine him. I went in; the Jew stood in the Corner of the Room; *Ashley* told me, this Rogue, the Jew, hath put Ducats into my Pocket, and pretends to swear a Robbery against me; I will indict the Fellow, or the Rascal, for a Conspiracy. Some-body called out,

out, Search him. *Ashley* told me, that the Cook and other People saw him put his Hand into his Pocket; and that when they were searching him (*Ashley*) the Jew pointed to his Pocket, saying, Not that Pocket, but the other; and that, amongst his Walnuts, he found Three Ducats, and begged of me to see them. I thought it a very odd Circumstance; I searched the Jew; I believe never Man was searched nearer; there was, I believe, Two Shillings or Half a Crown, and some Halfpence found upon him; He looked in very great Concern, and was in great Agony; I spoke to him in the little *Dutch* that I understood; after I had tried him, and could not make him understand *English*, I asked him, whether he could speak *Dutch*; he jumped from the Corner of the Room through all the People, rushed upon me with great Eagerness, and still kept on in his own Language with all the Joy he could express, for that Somebody had spoke to him in a Language he understood; he jumped to me and hugged me; the People cried out, Stand away you Rascal, you want to pick the Alderman's Pocket: Said I, Let the Man alone; sit down. After that, I had the Curiosity to ask him, how he could be such a Rogue (I then was a little suspicious, this Man having been talk'd of in *London*, but I never saw him before) to go to put Ducats into Mr. *Ashley's* Pocket; he answered in *Dutch*, I have no Ducats; *Goddard, Goddard, Goddard, bath my Ducats*. I asked him some other Questions, and as he answered me, I gave his Answers to Mr. *Ashley*; there were several People told me he had charged Mr. *Ashley* with a Robbery; when I asked him in *Dutch*, he said, *Lee* (that is) *false*, his Words were, *Neet myn Ducaten, Mynbeer*: Before I could give the Reply to the People in *English*, they said, Look ye there, the  
Dog

Dog says, they are his Ducats; he owns they are his Ducats. I asked him, if he did charge *Ashley*; he denied it as strongly as a Man could do; he called God to Witness, and most heavily complained, and appeared in great Affliction, and expressed the greatest Innocency in the Affair.

Q. Did you hear Mr. *Ashley* give his Evidence here?

Mr. Alderman *Gascoyne*. I did not; being of the Grand Jury, I was attending with them.

*(The Council repeats the Words Ashley said he made use of.)*

Mr. Alderman *Gascoyne*. I do not think he was Master of such Words as these; he could not understand all my Words, in the little *Dutch* I have.

Q. Who told you he had charged *Ashley* with a Robbery?

Mr. Alderman *Gascoyne*. *Ashley*, *Newman*, and several of them told me so; I am certain all this was from their mistaking and misunderstanding of his Language.

Q. It hath been said, you gave the Advice to iron him; Was it so?

Mr. Alderman *Gascoyne*. I think the Constable said to me, He is a terrible or a sad Fellow, and asked me whether he might fetter him; my Reply was, No, why fetter him, the Man is secure enough, it is a Crime that isailable; but if you are not secure, the Keeper of the Goal will lend you a Pair of Handcuffs; but I do not see what Danger you are in. I do acknowledge I had been prejudiced against the Jew, but when I went away I was much altered.

Q. Was you at the Trial at the *Old Baily*?

Mr. Alderman *Gascoyne*. No, I was not; but  
my

my Prejudice arose about a Blow given him on his Head, which was there said to be given him by a Person near a Turnpike, a Week before; but that Matter hath been cleared up in a latter Trial at that Place.

Q. to Mrs. Bourne. Was the Jew searched at your House?

Mrs. Bourne. He was, by the Order either of *Ashley* or *Newman*; I saw him all unbuttoned to his Shirt, and they searched his Pockets; they found some Halfpence and some Silver.

Q. Did you see the Girdle on?

Mrs. Bourne. I did not; I believe *Ashley* said to me afterwards, they searched him for Arms or Money.

*Thomas Banbrick's Evidence.*

*Thomas Banbrick.* I remember the Jew being searched, by the Order of Mr. *Ashley*; I heard him give the Constable the Order; he was searched very closely: they unbuttoned his Cloaths, but took none off; they found some little matter of Silver and a few Halfpence; but I did not see the Money.

Q. What did they say they searched him for?

*Banbrick.* To see if there was any Weapon about him, such as a Knife or Pistol.

*Mr. Golding Greggs's Evidence.*

*Mr. Golding Greggs.* I was at the *Saracen's-Head* at the Time the Jew was in Custody; he uttered something to me quite unintelligible, Somebody asked what it was; *Hubbard* said it was, God's Will be done; *Hubbard* further said, with some Imprecation, God Almighty had nothing to do with such a Villain as he. I thought then *Hubbard* acted as an Interpreter for the Jew, and at such Times he would address himself to the Company in general.

Q. Did

Q. Did his Interpretations gain any Credit?

Mr. *Griggs*. With People that knew as little of that Language as I, it did.

*Mr. Richard Rayment's Evidence.*

Mr. *Richard Rayment*. I was backwards and forwards in the Room at the *Saracen's-head* at that Time; all I heard him say of *Englisch* was, *Floisb, Water, Brode*. I tried him, and it is all I heard him speak.

*Mr. James White's Evidence.*

Mr. *James White*. I was in the Room likewise, I heard him cry, *My Floisb*, very plain, when they handcuffed him: it is all I heard.

*Mr. James Clarke's Evidence.*

Mr. *James Clarke*. I was there likewise, I heard him call out for Water.

Q. How did he express it?

Mr. *Clarke*. He said, *Vater*, and when he was handcuffed he said, *Floisb*: it is all I heard.

*Higham Levi's further Evidence.*

*Hi. Levi*. About a Month after the Trial of *Goddard* I was sent for to my Brother-in-Law's House; his Name is *Jacob Abrahams*, in *Duke's-Place*; I went, there was Mr. *Ashley*, I did not know his Name then, he was sitting in a Corner and had a new Tankard before him; I drank with him; he said, he wanted a Wig made by me; said I, What sort? he said, Such a one as I have on; and asked what I would make one for; I looked at that and said, Five Guineas; he said, I do not think you can afford such a one for the Money, for he paid more for it; and said, he would give me six. Then he said, I believe you have sworn to a great many Things for *Simons* that are not true; and asked me, if I came over with him: At last he said, You swore to a very great Lie before Justice

Justice *Fielding* about the Sum of Money; I said, I never was before Justice *Fielding* in my Life: I was in the *Old Baily*, but did not swear to the Sum, Then he made a Computation on a Piece of Paper, of what Five hundred fifty-four Ducats, at Nine Shillings and Sixpence a Piece, came to. He said, I was a great Rogue and he would shew me to be such; he took out of his Pocket some Ducats, and asked my Brother-in-Law for a Pair of Scales; he weighed one Ducat, and laid another upon the Table; he said, they wanted One Shilling and Sixpence of what I swore: said I, You give yourself many Airs; said he, I am a Silversmith, and came to bring some new Silver to your Brother-in-Law's: I thought there was some Roguery in it, so I went away. There was my Brother's Wife there and *Elizabeth Ward*, she let me out at the Door, she was the Servant at that Time; I went away to the *Polander's* Lodgings, and asked him if any of his Ducats had Holes in them; seeing these Two had that he shewed me; the *Polander* said, There were about Twenty of them had, which his Wife used to wear about her Neck.

*Elizabeth Ward's Evidence.*

*Elizabeth Ward.* - I lived with *Jacob Abrahams*, in *October* last, in *Duke's-Place*; I remember *Higham Levi* came there; I had seen Mr. *Ashley* there two Times; the last Time was with *Higham Levi*; Master was there then; then I saw some Pieces of Gold upon the Table, some large, and some the Size of a Half-Guinea (*She is shewed Two Ducats*, and says, they were not like them, neither could swear what they were) I let *Higham Levi* out of the House; he said to me, There is a Piece of Rogery in it, and I will have nothing to do with it (*She points to Ashley*, and says, she knows him very well.

Mr.

*Mr. Thomas Gurney's Evidence.*

*Mr. Thomas Gurney.* I was here the last Assizes, *Mr. Asbley*, in answer to what *Higham Levi* hath now said, then declared, calling God to Witness, that he had not been in *Duke's-Place* for Five Years.

*Margaret Gough's Evidence.*

*Margaret Gough.* I lived with *Jacob Abraham's* in *Duke's-Place*; I saw *Mr. Asbley*, a little before *Christmas*, with his Hat flapped, with a light grey Coat, at *Master's House*; he was there again two or three Days after that: I remember he looked at a Silver Soup-spoon, and a Silver Pint Mug.

*Cross-Examination.*

Q. How do you know it was about *Christmastime*?

*Gough.* Because I went there to live about three Weeks before *Christmas*, and I did not like the Characters of the People, so I would not stay, but went away two Days before *Christmas*.

*Mrs. Frances Bourne to the Character of Thomas Mayhew.*

*Mrs. Bourne.* I know *Thomas Mayhew*; I know Characters are of great Consequence, and to meddle with them is a tender Point; but, as I am called I must speak the Truth: he is a Man of a very indifferent one; He is of no sort of Business, but is an idle drunken Fellow.

*Further Evidence for the King, in order to prove the Defendant's speaking English.*

*Thomas Ford's Evidence.*

*Thomas Ford.* I live in this Town, and am a Barber; I saw the Jew handcuffed, and, to the best of my Knowledge, he said, *You hurt my Floish*.

*Joseph Revil's Evidence.*

*Joseph Revil.* I live in this Town—He said just the same, with this Alteration; *Oh, my Floish*.

*Isaac Hubbard's further Evidence.*

*Hubbard.* I heard him say, *Oh, my Floish, oh my Floish*; he asked also for Water, Brandy, and Wine.

Q. How did he express the Words?

*Hubbard.* He said, *Vater and Brandy-vine.*

*Council.* That is Water and Brandy in his own Language.

*James Ashley's further Evidence in Answer to Higham Levi.*

*Ashley.* I call Heaven to Witness, that it is all as false as God is true in Heaven: I have not been in *Duke's-Place*, for, I am sure, six, seven, eight, or twelve Years; I never saw that Man (*Higham Levi*) in my Life 'til last Assizes; every Tittle he hath said, I call God to Witness, is entirely false, as God is my Saviour.

*Witnesses produced to the Character of James Ashley.*

*John Reynolds's Evidence.*

*John Reynolds.* I live in this Town; I have known Mr. *Ashley* fifteen or sixteen Years, and have dealt with him nine, for hundreds of Pounds; he dealt always very fair and honest, when I have left it to him.

*William Newman's Evidence.*

*William Newman.* I have been acquainted with him nine or ten Years.

Q. What Character does he bear?

*Newman.* I never heard any thing bad of him in my Life; whenever I gave him Orders it came accordingly.

*Joshua Smart's Evidence.*

*Joshua Smart.* I have dealt with him this dozen Years; he is a very honest Dealer.

*Appleyard's Evidence.*

*Appleyard.* I have known him more than twenty Years, and have had constant Dealings with him; I always found him very honest.

Robert

*Robert Daking's Evidence.*

*Robert Daking.* I live in this Town, I have known him some Time, and have dealt with him seven or eight Years in Brandy and Rum.

Q. What is his general Character?

*Daking.* A very good one.

*Charles Harman's Evidence.*

*Charles Harman.* I am a Publican in this Town; I have known him near five Years, and have dealt with him; he always behaved well in every thing, according to what I wrote for.

*John Ellice's Evidence to the Character of Elizabeth Ward.*

*John Ellice.* I live at *Dockhead, Surry*; I have known *Elizabeth Ward* about ten Years.

Q. What is her general Character?

*Ellice.* It is a very infamous one.

Q. Should you credit her on her Oath?

*Ellice.* No, I should not; I only happened to see her in Court.

*Cross-Examination.*

Q. Did you come down with Mr. *Ashley*.

*Ellice.* I did, but I am an utter Stranger to him.

F I N I S,

Robert Daking's Evidence.  
 Robert Daking. I live in this Town, I have  
 known him some Time, and have dealt with him  
 seven or eight Years in Drapery and Cloth.

Q. What is his general Character?  
 Daking. A very good one.  
 Charles Farrant's Evidence.  
 Charles Farrant. I am a Tradesman in this Town;  
 I have known him near five Years, and have dealt  
 with him; he always behaved well in every thing  
 according to what I wrote for.

John Elliot's Evidence to the Character of  
 Elizabeth Ward.  
 John Elliot. I live at Dockhead, Surrey; I have  
 known Elizabeth Ward about ten Years.

Q. What is her general Character?  
 Elliot. It is a very infamous one.  
 Q. Should you credit her on her Oath?  
 Elliot. No, I should not; I only happened to  
 see her in Court.

Q. Did you come down with Mr. Elliot?  
 Elliot. I did, but I am an utter stranger to  
 him.

T. W. I. D.



