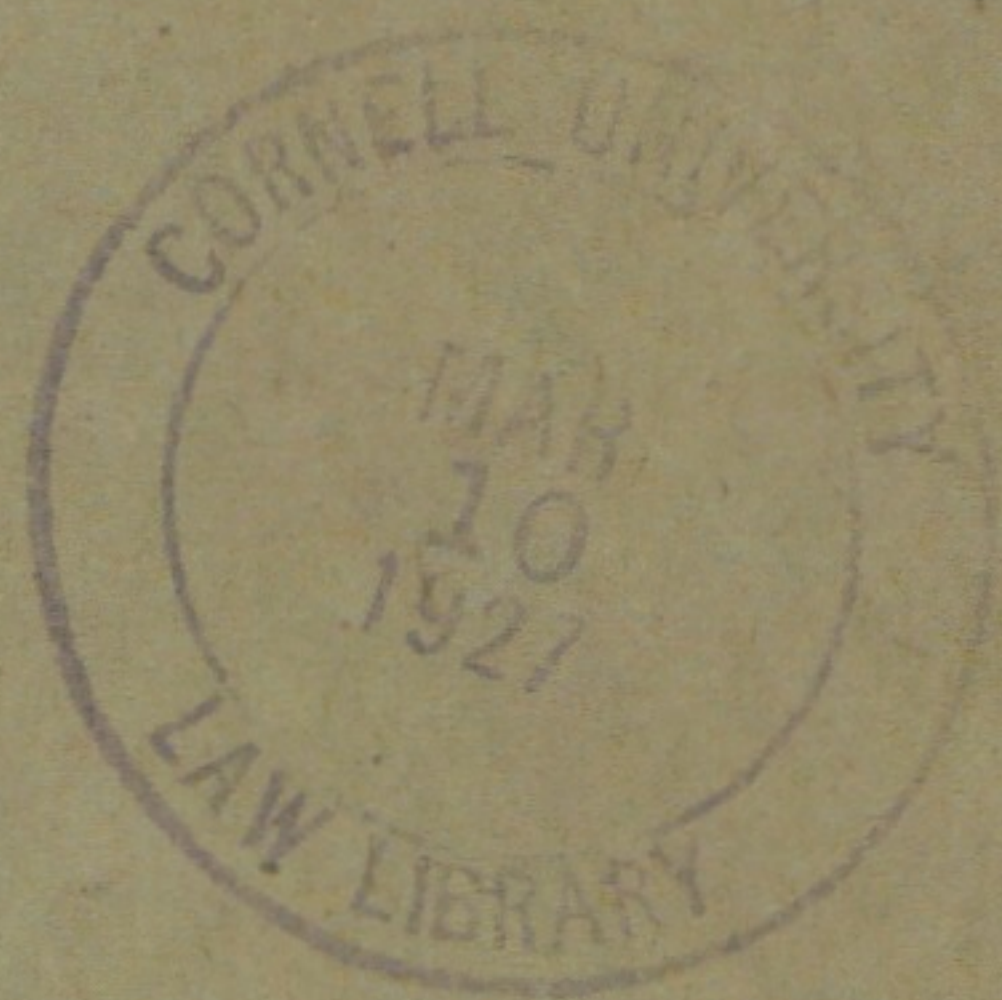


No. 12



Treats of
T. J. Hawkins
and
E. Underwood.

THE
T R I A L,
AT FULL LENGTH,
OF
THOMAS JAMES HAWKINS,
ALIAS
HENRY HAWKINS,
AND
EDWARD UNDERWOOD,
On a Charge of obtaining Goods and Money,
THE PROPERTY OF
MARY MARNER,
UNDER FALSE PRETENCES,
WITH THE
CROSS-EXAMINATION OF THE PROSECUTRIX,
By UNDERWOOD;
THE
TESTIMONIES OF THE WITNESSES
WHO APPEARED TO THE CHARACTER OF THE PRISONERS,
AND THEIR DEFENCE.

London:

Printed by J. W. MYERS, No. 2. Paternoster-row;

FOR WEST AND HUGHES, NO. 40, PATERNOSTER-ROW,
AND C. CHAPPLE, NO. 66, FALL-MALL.

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Trails

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THE TRIAL, &c.

THOMAS JAMES HAWKINS, *alias* HENRY HAWKINS, and EDWARD UNDERWOOD, *Labourers*, were indicted for obtaining Money and Goods, the Property of MARY MARNER, under false Pretences.

MR. ALLEY, Counsel for the prosecution, stated the particulars of the case. He lamented the absence of the learned gentleman who was engaged as leading counsel, and who, from his talents and minute knowledge of the subject, would have been enabled to unfold one of the most complicated scenes of villainy that ever came, perhaps, before a British Jury. As the task devolved on him, he should state the whole as briefly as possible. This prosecution was instituted as much for the benefit of society, as the redress of the individual; it was to be sincerely lamented that young men, of the appearance and education of the prisoners, should be brought to the bar of public justice, to answer such a crime, but it was still the more necessary to check them in their

career, as those advantages gave them the greater facility of committing those depredations. Who they were, what they were, or whence they came, were things of which he was wholly ignorant.

But he believed, in the course of the trial, it would appear to the satisfaction of the Jury and the Court, that they were not the persons they represented themselves to be, either as to birth, connection, expectation, fortune, or rank in life. Here he entered into a statement of the principal circumstances, and the specious arts which they employed to impose on the credulity of a woman, for the purpose of carrying their plan into execution; such as artful stories of high birth, exalted rank, flattering expectations, a castle in Scotland, which turned out to be a castle in the air; money in the Bank, that turned out to be a bubble; and the gilt curricule, that sunk into an humble one-horse buggy, or a common taxed-cart. When those illusions vanished, and when the prosecutrix found that they had stripped her of her property, she, as it was natural to suppose, began to complain, but insult was added to robbery. "You creature," said Hawkins to her, "what redress can you expect?" But he hoped, that a British Jury would convince Mr. Hawkins, that she would obtain redress. He was sorry, however, but he did not blame the legislature, because he was persuaded it was dictated in prudence, that whilst the smallest theft, in

another way, was punished with death, yet the fraud in question, did not affect the lives of the prisoners, and in case of conviction, the greatest punishment the Court could inflict, was transportation only for seven years.

Mary Marner, the prosecutrix, deposed that she lived at No. 2, Ranelagh-walk, Chelsea, where she had kept a house upwards of seven years, ever since her husband left her; the furniture was her own.

On the 21st of January last, as she was walking through Great George-street, Westminster, she was accosted by the prisoner Hawkins, she could not recollect what he first said to her, but believed it was something about the weather; such as "this is a fine day." He walked with her, and held her in conversation on some trifling subject; as she was in haste she wanted to get rid of him; she could not recollect what led to it, but she told him she was going on business to a gentleman's in Tufton-street, Westminster; he said he would accompany her, as her manners and conversation were so engaging; she still wanted to get rid of him; he wanted her to come through Westminster College, where he said he was educated, and where he would shew her his name in letters of gold; she refused to go that way. Having transacted her business in Tufton-street, he waited for her till she came out, and renewed the conversation; he began

to profess a great attachment to her, as he said she resembled a lady that he once passionately admired. She told him that she had to call in Oxford-road, and that she wished to go through Parliament-street; he said no, for if I am seen with you by the officers, who are my acquaintances, as I have a brother in the guards, they'll *quiz* me, in consequence of which he persuaded her to turn down Great George-street. As they walked along he told her that he was the son of General Hawkins, that his father lived in Spring-gardens, and that his uncle, Sir Cæsar Hawkins, lived in Sackville-street, that he had been a little gay, but that he had 500l. a year, independent of his father, on whose death he was heir to a considerable property. He also added, that he had expectations from an uncle in the East Indies, a general, who was at the taking of Seringapatam, and whose wife in this country was allowed 5000l. a year. He amused her with these stories, the truth of which she did not suspect till they came to Saville-row, where he proposed to meet her the next day (Wednesday) in Spring-gardens, near his father's house; she said she was invited to a wedding the next day, so that of course she could not meet him; he then named Thursday (the day after) about one o'clock, to which she consented; he then told her that his father lived at No. 14, in Spring-gardens, (which it seems is the house in which Mr. Drummond lives) and that he should be looking out at the window at that hour. He

wished, however, to have some pledge that she would not disappoint him, as he would be quite impatient till he saw her again; he desired her to give him any thing, that she set a value on; she pulled off her glove to give him, but as the day was cold, he said he would not deprive her of it; she had two rings; the one of little value, and the other of more; she gave him the one of little value; he desired to look at the other, and then put it in his pocket, and refused to return it, saying, "that ladies had sometimes given him rings, nay, even pictures of more value, and did not afterwards keep their appointments." He also took a fancy to her ear-rings, and said, that his sister had exactly such a pair. She said he was dressed "flovenly genteel," just as he was at the time in the bar, (in black, with boots.)

On Thursday, as she promised, she passed by the house, which he called his father's, in Spring-gardens, looked up at the window, but saw no one. He met her in the street, and apologized for not looking out at the window as he had promised, as he was closely watched by his father, in consequence of an attachment to a lady sometime since; so that he was obliged to act with prudence for a while, but that in a short time every thing would be as it ought to be; a gentleman rapped at No. 14, at the time they were talking, "that is my brother," said he, "he has an estate at Hampstead, and he

was sure if she would come with him to his father's house, in the absence of the general, that his brother would be very glad to see her, as he was a very polite well-bred gentleman, adding, that his sister lived at her uncle's Sir Cæsar Hawkins, in Sackville-street. As they walked along, he said in order to be a little more at liberty, he had taken chambers in Clifford's-inn, for which he had paid 400l. and that he asked her if she would accompany him, and see them, as his servant was waiting for him; she consented, and on the way he made great professions of attachment to her, and told her, as he said he wished to be candid at once, that he would settle 500l. a year on her, and in addition to that, he would do something handsome for her, on the death of his father; as all this came with the greatest appearance of sincerity, she told him that it was a very tempting offer, but that was more than he could spare; to which he answered, never mind that, you don't know my expectations; I have been extravagant, but that's all over. In short she consented to live with him; the chambers were on a second floor in Clifford's-inn, No. 14, he remarked how extraordinary it was, that his chambers and father's house should be the same number. She thought the chambers looked very shabby, and yet it did not raise any suspicion in her mind, that he was not what he represented himself to be. He let himself in with a key, and declared he was very much surprized that his

servant should be out of the way, as he desired him to stay till he returned. She saw a hat in the window-seat, which she supposed belonged to the servant. He insisted that she should stay dinner, as he expected some company; she consented; he renewed the subject of his circumstances, and told her that he had 9000*l.* in the Bank. She saw no company, nor even the servant. She pressed him to return her rings, as he could not say she had forfeited them; he said he had forgot them among some trinkets at his father's, but that he would certainly give them to her the next day. Underwood, the prisoner dined with them. Hawkins, in the absence of Underwood, said, that he was the son of Doctor Underwood, of Broad-street, that he had procured him a commission in the army, and hinted as much as that he was a dependant. He asked if she had any silver, on which she pulled out her purse, which contained a guinea and four shillings, he put the money in his pocket, and threw the purse in the fire, saying, that it was a shabby one. She was anxious as the night approached, to return to her house, a coach was called, he handed her in, and then took his seat beside her, and began to flatter her, by saying, what pleasure he promised himself, in the company of such a woman, and that he had now found what he had been so long in pursuit of. The coachman refused to drive further than Hyde-Park corner, and as the night was wet, he accompanied her

home on foot; after supper he put several questions in an indirect manner, as to her furniture, and seemed to be very well pleased when he found they were her own. She shewed him a miniature picture set in pearls, and two watches, one of which was gold, with some other trinkets, which seemed to give him a great deal of pleasure.

Court. Who paid for the coach-hire at Hyde-Park corner?

Prosecutrix. He did, for I gave him all the money I had about me. The next morning after breakfast, he wrote a draft for eight pounds, in consideration of the trouble which he had given, but on reflection, he said it was too trifling a sum to trouble his banker with, and took it up and put it into his pocket. He then persuaded her to pack up the best articles of her furniture, and to deposit them in his chambers, as he said they would then be at hand, and perhaps, that it would amuse her to look over them occasionally; which, after some persuasion, she agreed to do, and he assisted in packing them, and seemed very particular that the watches, and the rest of the trinkets should be put up. He asked her what the miniature picture cost? she answered ten guineas; he said he was very intimate with the gentleman that sat for it; he then assisted to put the boxes in a coach, and desired the coachman to drive to Clifford's inn. In passing through Parliament-street, he happened to see a fine coach, which he said was his father's, on

which he threw himself back in the coach, that he might not be seen; he nodded in the way to several persons of fashion, as if he was familiar with them. When they came to chambers, the boxes were put in the sitting room. Soon after they arrived, Underwood entered, Hawkins desired the prosecutrix to open her box, and to shew Underwood the miniature picture, as he said he was as well acquainted with the original as he was; that they had both known him for a long time. She did so; Hawkins wished that she would hang it up, to ornament the room, as he expected every day to lay in furniture, but was prevented by one thing or another. He then began to talk of a journey to Scotland, and of a fine castle in that country; he did not know how soon he would be obliged to set out on that journey; he talked very much of the pleasures they would enjoy when they came to the castle, which really made her impatient for the day; she believed he took notice of this, for he immediately began to say, that she should rid herself of all incumbrances, and that he thought the best way would be, to dispose of her furniture, as otherwise, she would not be at ease in her mind, but still thinking of them; besides, it was uncertain when they would return, as he had many friends in Scotland; so that their time would be very agreeably spent in paying and receiving visits; she said she would take some time to consider of it; he answered, that perhaps it might be too late, as he did not know the moment he should be called on to set out, and that he would not

break his word for the world. She asked him to return the miniature picture, as she had a great value for it, but he would not; began to quarrel with her, and threatened to throw it in the fire, to prevent which she desisted, expecting to recover it when he returned to his temper. She complained of his behaviour to Underwood, who said, "Hawkins is sometimes an odd kind of fellow, and sometimes petulant in his temper, but he is a man of honour, family, and fortune; he will return it to you bye and bye, depend on it; you will have no reason to repent of any thing that he has taken, or any thing that you have done, or may do."

When she asked him for her gold watch with a ribbon and seals, he said he should keep it as a further security. He told her, if she would consent to sell her furniture, he would give her, as a security, the lease of his chambers, which cost 400l. she told him, that she could not stay at chambers that night, as she was obliged to return home; he said he could not be seen in her house again, as it might come to his father's ears. They went to an exhibition in the Strand, and from thence she went home. In the course of the day, he told her again, that he was the son of General Hawkins, and she had not the least doubt but he was.

The next day, (Saturday) she returned to Chambers, where she saw Underwood in a blue coat, with a red collar. Hawkins told her, that he was an officer in the Surrey Fencibles; Hawkins re-

newed the conversation about the sale of her goods, and, in a more pressing manner than before, she said they cost her a great deal of money : he answered, what did it signify if they did? in a short time he would think very little of money ; that was not the object ; all that he wanted to secure was her affections, which he was afraid he could not do effectually, as long as the furniture was in question, for she would be always talking or thinking of it. He then turned the conversation to a jaunt in the country the next day, (Sunday) in Underwood's brother's curricule ; she said she had no objection to a little airing in the country. After some time, he began again about the sale of the goods ; she said, she had an aunt, Mrs. West, to whom she was under every obligation, and she could not think of leaving her in distress behind her ; on which Hawkins said, make yourself easy about that ; my friend Underwood will take care of her. After many persuasions, she consented to sign the bill of sale, which was drawn up by Mr. Wilkin-son. This was done on Saturday night.

On Sunday morning she prepared for her jaunt to the country ; when Underwood came, and told them, with great appearance of disappointment in his countenance, manner, and voice, that his brother unfortunately was engaged that day to dine with Dr. Lettsom in the country, Hawkins seemed to be very much disappointed ; but, said he, I have

sent to a gentleman, a very particular friend of mine, who will lend me his curricie, I am sure. In a few minutes after, the groom, (or, as they called him, the groom,) came, and said, that he was very sorry that his master had drove out that morning in his curricie. Hawkins paused for some time, and said, "we must not be disappointed of our jaunt at any rate; I'll send to a person who will furnish us with one; accordingly, Underwood was dispatched with this message. They all walked to Blackfriar's-bridge, where they found a one-horse buggy, which she refused to go in; they returned to chambers; she was very much disappointed indeed. As Hawkins saw that her spirits were low, he told her not to be cast down; that the next morning they would go to the Bank, and that he would sell out 9000l. which he had in the funds, and that henceforward every thing would be right; that she would hear his name called over by the man in the red cloak, which was done when persons of fashion only went to sell out. On Sunday night he told her, as his furniture was not come in, that he thought it would be best to write to her aunt for some articles which they wanted; at length she consented; he took up a piece of paper, and wrote a note, in her name, for a pair of sheets, to her aunt, to which he added, without her knowledge, "send all the plate." He called a porter, and sent the note by him, who returned with all the articles he had written for. When the laundress took out the sheets to put them on the bed, she

followed her into the room, with a view of knowing something of Hawkins; she began by asking her if the bed was well aired; the laundress said, she believed no one had lain in it since the last lodger; Hawkins came in, and prevented any further conversation.

The next morning, they went to the Bank, accompanied by Underwood, where she actually did hear the man in the red cloak call out the name of Hawkins twice, but Hawkins did not answer, as he said he did not wish to make himself too public, lest his father should hear that he was selling out stock. In a short time, he shewed her a paper, part written, and part printed, filled with the sum of 9000*l*. Mr. Alley handed her a common stock-broker's paper, such as she described, and asked if it was like that? she said, yes.

On seeing this paper filled with so large a sum, all her uneasiness was removed. He asked her, if she was now satisfied? and she said, yes; which truly was the case. They got out of the coach at Saint Paul's, and walked to chambers. Mr. Postan, the Broker, came in the evening, and said, he could afford to give no more for the furniture than 38*l*.; she objected to so small a sum, and said, they had cost her 140*l*. and that she would much rather have them sold by public auction, as she was not ashamed to have them sold in that manner, as she didn't owe a farthing in the neighbourhood, or any place else. Hawkins said, it would

take some time to dispose of them in that manner, and might end in the disappointment of their journey to Scotland, from which he had great expectations; that Mr. Postan was a man of honour, and that he, (Hawkins,) would make up the deficiency; he said many things besides, which she could not recollect, to induce her to agree to the proposal; she still persisted in declaring, that she could not think of parting with them for so small a sum: she did not see Mr. Postan till the things were sold, nor from that day to this. On Tuesday, the next day, she was told, that her furniture was sold, but she never received a farthing of the money, nor could she say who received it. She forgot to relate another circumstance: on the morning of that day, as they were preparing to set out for the Bank, Underwood came in; Hawkins asked him, if he had changed the 100l. bank note; he replied, that he had not, and produced two guineas, which she supposed he had raised at the pawnbroker's on her property. On Monday night she slept at Chambers, and the next morning was told, that Postan, the broker, called, but did not see him. On Wednesday, she insisted on going to her house, which she found stripped of all the furniture; returned to chambers that evening, and slept there that night. On Thursday, she was permitted, after much altercation, to visit a friend in Covent-garden; in her absence, Hawkins took a letter out of her box, which he made the ground of a quarrel. She now began to find,

when it was too late, that she was duped, and scarce slept a wink that night. She began to upbraid Hawkins with his duplicity, when he flew into a passion, and exclaimed, "What redress could a creature like her expect?" she spent that night in great uneasiness, as she did not wish to leave her boxes behind her. On Friday, Hawkins told her, that she should have part of her own furniture back again, for the use of her house; or that, if she did not like chambers, he would give her 50*l.* to take lodgings in Westminster, and if she did not think her trunks secure, that they should be lodged in the Salopian coffee-house: he wanted her to join him in a bond of 200*l.* which she refused to do; and, on the same day, she made her escape.

A seal, a miniature picture, with the setting broken, were now shewn to her, which she identified as her property.

The prosecutrix having closed her direct examination,

The prisoner Underwood said, he conceived that the property was not properly laid in the indictment, as it was stated to be possessed of in the county of Middlesex, whereas it did not come into the possession of his brother till it came to his chambers in Clifford's Inn.

The Court held the indictment to be good, as the rings, part of the property, were obtained in Saville-row, in the county of Middlesex. Besides,

Hawkins assisted in packing up the property in the house of the prosecutrix, and might, in the eye of the law, be said to take possession of it the moment it was put in the coach for the purpose of conveying it to Clifford's Inn.

Underwood then called on the prosecutrix, and desired to know where she was married? She answered, in Saint Martin's Church, in the Strand. He then called on her to know, if her husband was living, and his name? She said his name was Henton, and she did not know whether he was dead or not.

Mr. Alley told the prisoner, that perhaps he was not aware that there were three counts in the indictment. In the first, the property was laid in the maiden name of the prosecutrix as a spinster; in the second, as a widow, bearing her married name; and in the third, in the name of her husband, as if he were alive. The prisoner, Underwood, on the part of his brother and himself, proceeded to cross-examine the prosecutrix.

Q. Pray, when my brother was about to part with you in Saville-row, didn't you turn about, and smile on him, and appear, or at least affect to appear, as if you were unwilling to part with him?

A. No; I wished to get rid of him.

Q. Didn't you offer him your glove?

A. No; he asked me to give him some security, that I would meet him again. I wanted to get rid of him by giving him something of little value. I

had nothing about me ; not even my keys. At first he said, he would give me a guinea for my glove, but I didn't see a farthing of his money. When I pulled it off, with an intent to give it him, I suppose he saw my rings, and asked for one of them, as he said he would not take my glove as the day was cold ; I gave him one ring ; he asked to look at the other, which I foolishly shewed him, and he kept both.

Q. Didn't you say you were going to a house in Tufton-street ?

A. I told him I was going to a gentleman's house in Westminster.

Q. Did you not say that you were a lady of independent fortune ?

A. I did not say so.

Q. Didn't you say you had 30 guineas a month to support you ?

A. No ; I said no such thing.

Q. Didn't you say that you would like to have a husband, but no one would have you ?

A. I don't know but I might have said so in fun.

Q. Didn't you say that you abhorred a single life ?

A. I don't know but I might have said that too in fun.

Q. Didn't you say you were going to the masquerade, and that if he would accompany you, you would lend him a domino ?

A. I did not.

Q. Didn't my brother ask you to go somewhere else with him?

A. He asked me to go with him to his father's house, in Spring-gardens, which I objected to, as very improper.

Q. No where else?

A. No, I am sure he did not.

Q. Didn't you say you were not well that day, and that you could not go?

A. No, I never was better in my life.

Q. You say you wanted to get rid of him?

A. Certainly; I did not want him to follow me.

Q. Did you not press my brother to go home with you on Thursday night, the first day you dined at his chambers?

A. No, I didn't press him.

Q. Didn't you ask him?

A. No, but it was necessary that some one should see me home at night.

Q. Didn't you agree to live with him?

A. I admit that I agreed to live with him, after the fine promises that he made me; and fine ones they were, to be sure.

Q. Didn't you consent to go to Scotland with him?

A. Yes.

Q. In consequence of which you consented to bring your goods to his chambers in Clifford's Inn?

A. By his persuasion I did.

Court. Did the prisoner, Underwood, pack them up himself?

A. Yes.

Q. Were you not at perfect liberty at his chambers?

A. No; he swore if any person would dare come in, that he would knock them down; he would not let me out, or have a servant, and you were left to watch me when he went out.

Q. Were you in that situation that you could not escape if you had a mind?

A. I could have ran away, but did not wish to leave my boxes behind me.

Q. Didn't you bring both your watches and trinkets to the chambers?

A. He wished that I should shew them to you; he took the miniature picture, and I never saw it again.

Q. Didn't you give him the gold watch, and tell him to wear it; and at the same time shew him the other watch, and say, you may take which you please?

A. No, he took the watch, and put it in his pocket, very much against my consent.

Q. Do you absolutely mean to swear that you didn't give him these things?

A. I do, most solemnly.

Q. On Saturday evening, when the bill of sale was in question, did not my brother, in your presence, desire my assistance to expedite the business?

A. Yes; he had your assistance completely.

Q. By your desire?

A. No.

Q. Now, as to the miniature picture, which you say my brother took without your consent; did you not give it to him to destroy? did you not desire him to break it; that the original might be quite obliterated, even from your memory, and that you might have nothing about you to bring it to your recollection?

A. I did not; he obtained the possession of that miniature, on which I placed a high value, by telling me that he wanted to shew it to you, as he said you were acquainted with the gentleman, and I often pressed him to return it, but he would not.

Q. Did I appear to you in the light of a friend or a foe?

A. A friend.

Q. Had you not many opportunities of going away if you had a mind?

A. It is true, if I suspected what you were, I would have contrived to get my boxes away, but I did not think you meant to rob me; I did not think that such villainy existed.

Q. Did you return to chambers on Sunday morning?

A. I did, as it was appointed to go into the country on that day.

Q. Didn't you consent to live with my brother, if he got better lodgings?

A. I did.

Q. Didn't you and he go out to look for lodgings, but could not find any to suit you?

A. I didn't go to any; he didn't bring me to any; I ran away from him in Queen-street; I consented to return with him, lest I should raise a mob round me.

Q. Didn't you request my brother to draw upon his father for 2000l.?

A. I did not; I always advised him to behave to his father as a dutiful son should.

Q. Did you not say, that in case my brother got that 2000l, that you would go with him to Scotland, and that you would keep your carriage?

A. I never did; I say again, that I never advised him to any such thing; I told him to behave well to his father; that I did.

Q. Did you ever hear me say that my name was Underwood?

A. That is the name Hawkins called you by, and you answered to it.

Q. If I went by the name of Underwood, was it not natural to suppose, that, on my introduction to you, my brother would have said, ah, Underwood! how do you do? and that he would have introduced me to you by that name?

A. I don't know, but you answered to that name.

Q. Pray, Mrs. Marner, do you know Mr. Howard?

A. Yes, Sir, a very worthy man.

Q. Pray, did you pass yourself for his sister? that is, did you never personate his sister?

A. No, Sir; I never passed myself for his sister; when I was at Margate, under the protection of that gentleman, many persons took me for his sister.

Q. So that you confess that you have been at Margate with Mr. Howard?

A. Yes, Sir; I have about six or seven years ago, and many persons took me for that gentleman's sister, but I never personated her; I defy you to prove that I did.

Q. Did you never personate yourself for any other person than what you were?

A. No.

Q. You mean to swear that?

A. I do.

Q. What do you say to the letter that was found in your box?

A. Why, that I was robbed of it.

Mr. Alley then called Mr. Jones, a Hair-dresser, who deposed, that in January last the prisoner, Hawkins, gave him a bundle to carry to Mary Evans, somewhere near Goswell-street. He said, it contained a petticoat, gown, shawl, and one piece of whole mullin; he delivered it to Mary Evans, as he was desired. He said, he never saw Hawkins before that time in his life, to his knowledge.

Mary Cole was then called; she said, she lived in the Strand; Hawkins called at her house about the 24th of January last, with a bundle, containing some articles of wearing apparel, which he said he had got from his mother; she could not call to her memory, whether he had a watch or no; but to the best of her recollection, he had a watch.

Mr. Alley then called Mary Evans, (a genteel girl, about fifteen years of age.)

[Mr. Alley, to the witness, don't tell how Mr. Hawkins treated you.]

Q. Did you receive a bundle from Hawkins?

A. Yes.

Q. What did it contain?

A. Gowns, petticoats, one piece of muslin, and a shawl.

Q. Why did he send those things to you?

A. In lieu, I suppose, of the things which he had taken from me.

Q. What became of those things?

A. I delivered them to an officer in Bow-street.

Q. You are sure that you delivered those very articles to the officer?

A. I did, on my oath.

Josiah Bray was then called.

Q. What are you?

A. A peace-officer.

Q. What have you got in that bundle?

A. What I received from Mary Evans.

The bundle was then opened, and the contents of it shewn to the prosecutrix, who said, that the gowns, petticoat, shawls, and muslin, were her property.

Another peace-officer said, that under the authority of a warrant, he searched Hawkins's chambers in Clifford's Inn, and traced him to new lodgings in the Temple, where he found a seal, which Mrs. Marner identified as her property.

Daniel Rees, a salesman, knew Hawkins; he brought a veil to his shop to sell; offered to sell at the same time a topaz ring; did not buy either one or the other.

Mary Rees, wife of the aforesaid Rees, knew Hawkins; recollected that he had brought a veil to her husband's shop, but could not recollect the time; he said, his mother lived over the bridge, and that he had many more of the kind to dispose of. She gave him two shillings for the veil, which the prosecutrix said cost six and thirty.

Mary Delantry, the laundress, said, she recollected the lady, Mrs. Marnar, very well; that the

night she went to lay the sheets on the bed, the lady followed her into the room, but that Mr. Hawkins came in immediately after her, and huffed her, the laundress, for having spoken to the lady.

Laurence Delanty deposed, that on a Sunday night, he received a note from Mr. Hawkins to go to Ranelagh Walk for some articles, and that, as he was just going, Mr. Underwood said to him, "If you are asked in Chelsea where you are to take the property to, don't tell them."

Mr. Mainwaring to the Jury. "Gentlemen, you will be particularly attentive to this part of the evidence, as it will shew how they were connected."

Court. When you were called in to carry the note, did you hear any conversation about the contents of it; that is, what it contained?

A. There was some conversation; and I heard the lady say, that she would have nothing but the sheets sent for.

Court. You are sure you heard her say so?

A. I am sure of it; I heard her say so; and I brought all the things away safe.

Postan, the broker, deposed, that Underwood called on him, on Monday morning, with a bill of sale, made out by Mr. Wilkinson; Underwood told him that Mr. Wilkinson recommended him to him; the witness answered, that Mr. Wilkinson

was a very honest man. The valuation of the goods was made by his clerk, he said the goods were well worth 40l. but he would not recommend him to give more than 38l. He appointed to meet Underwood at the Hungerford Coffee-house, from whence they went to Clifford's-inn, where he saw the lady, (Mrs. Marner); she seemed to think 38l. too little, as they cost 140l. he (Postan) said that was the utmost he could afford to give, as there was a great deal of difference betwixt buying and selling. She wished that they should be sold by public auction, as she thought they would bring more. He, the witness, said, she might do as she pleased, but that she would find, if she sold them by public auction, that they would be cut up by commission, and other contingent expences. Mr. Hawkins said to the lady, my dear, we can't think of selling them by public auction, as you know we are to go into the country. He did not know from any entry, from his own memory, from his clerk, or from any other means, how these goods were disposed of; part of them, perhaps, was sold in the first sale.

Counsel. How long might that be after you purchased them?

A. Perhaps a fortnight.

Counsel. Did not Mr. Howard wait on you, and forbid you to dispose of these goods without further orders; pray were any of them sold at that time?

A. I suppose part of them.

Counsel. You say you saw the lady herself on Monday ; did she not object to the sale of them ?

A. She made no objection.

Counsel. Did you call at the chambers in Clifford's-inn, on Tuesday morning, upon the day of sale ?

A. I did.

Counsel. Did you see the lady ?

A. No ; but I heard two voices in the adjoining room, and from the softness of one, I concluded that she was there.

Counsel. Were you not summoned to Bow-street ?

A. I received a summons, but could not attend ; I wrote by my clerk, that I knew nothing of the business ; I left it all to him.

Question by a Magistrate on the bench. Pray Mr. Postan, did you never receive but one summons from Bow-street ?

A. Never but one.

Magistrate. Upon my honour there were three issued at that office, with particular orders to serve them on you, and I think, Mr. Postan, if you had attended it would be more to your credit.

Mr. Underwood, the son of Doctor Underwood, was now called, who deposed, that Underwood, the prisoner, was not his brother ; he had seen him

before, however, at a gentleman's house; how often he could not recollect.

The prisoners were now called upon for their defence; as they had no Counsel, Underwood undertook the defence of both; he trusted to the impartiality and candour of the Court and Jury. He then read the defence from a paper of considerable length; the substance was, that his father was a gentleman, and a scholar; that by unforeseen misfortunes, he was reduced to distress; but that he dare not question the wisdom and goodness of Providence in any of its dispensations. He strove, however, under accumulated misfortunes, to give his children a good education; he (Underwood) was articled to Mr. Bolton, an eminent attorney, in 1793; he served his clerkship to the satisfaction, he was conscious, of his master, and those who were employed in the same office. In this situation he defied malice to say, that he did not behave soberly, diligently, industriously, and when his clerkship expired, he continued with the best of masters, till that master's death; then, indeed, and not till then, he found himself cast on the world, without guide or rudder; his character, however, was still uppermost in his mind, and he did every thing that honour, honesty, and perseverance could suggest to maintain it. As the circle of his connexion was narrow, he saw that he should have many difficulties to contend with, if he should

attempt to follow the profession he was bred to. In consequence of which he turned his attention to the army, as he had some very respectable acquaintances in that line. He consulted his friends, and, as usual in all consultations of the kind, he was advised to follow up his plan by one party, and to relinquish it by another. Several circumstances, however, induced him to turn his thoughts to some other mode of life, though he was promised an ensigncy at the time; (here he produced some letters which he received on that occasion, from an Officer in the army.) He complained very much of the manner in which his brother's character, and his own, had been misrepresented in the Newspapers; nay, their very dress could not escape; they were held out to the public in all the caricature of Bond-street Loungers, than which, there was not a character that he held in a greater degree of contempt. When first brought to Bow-street, they were stated in the public prints to have appeared in puckered sleeves, large breeches, monstrous sized boots; when the fact was, that they wore the very same dress at the time in which the Court saw them; and he would leave it to the Court and Jury, if it resembled, in any manner, the dress of a Bond-street Lounger. He then commented, in very severe terms, on the character of the Prosecutrix, the Attorney and Counsel for the prosecution, and the gentleman who, he supposed, instituted the prosecution.

Mr. Alley said, the prosecution was instituted for the ends of public justice, and not, as insinuated by the prisoner, for the mere gratification of malice or private pique.

The prisoner then called some witnesses to his character.

Mr. Barrow said, he had known him during his clerkship with Mr. Bolton; that they never suspected his character, but that he was always looked on as a coxcomb. He was articled to Mr. Bolton in January, 1793.

Question from the prisoner to Mr. Barrow. Were you ever dissatisfied with my conduct?

A. I cannot say that I was.

Mr. Debourg said, that he knew the family upwards of fifteen years; nay, longer than that, he believed; he knew the prisoner's father was now no more, a very honest and worthy man. The prisoner had an elder brother, a young man of very brilliant talents, and the greatest integrity. He shortened his days by encountering foreign climates. He remembered the witness in his will, and out of gratitude to his memory, he recommended the prisoner, Underwood, to Mr. Bolton, an eminent attorney, and a most respectable character. He fre-

quently asked Mr. Bolton as to the conduct of the prisoner; he always spoke favourably of it, and said his abilities were above mediocrity. He recollected having dined with the prisoner at Mr. Bolton's table; he lost sight of him, however, for the last year. Could not say in what manner Hawkins, his brother, got his bread.

Court. Mr. Debourg, you say you know the family?

A. Yes.

Court. The prisoners are brothers?

A. They are.

Court. It seems their father is dead?

A. He has been dead for some time.

Court. What was his name?

A. Hawkins.

Court. So that the prisoners, then, are not the sons of Lieutenant-General Hawkins?

A. No.

Court. Nor the nephews of Sir Cæsar Hawkins?

A. No.

Court. Have they an uncle, a general in the East Indies, who was at the taking of Seringapatam?

A. No.

Court. Have they a brother in the Guards?

A. No.

Mrs. Potter gave the prisoner a good character. Underwood addressed himself to the Court, and

said, he wished to call some witnesses to invalidate the general character of the prosecutrix.

The Court said, if he could bring any evidence to invalidate the general veracity of her character, he certainly had a right to avail himself of such witnesses.

Mr. Alley said, he had no objection, but he would apprise those witnesses, that they would be called on to substantiate whatever they advanced on that occasion; the prisoner then declined calling any of them.

Hawkins being called on for his defence, said, that he had never represented himself as a gentleman.

Mr. Mainwaring, (the Chairman) in his charge to the Jury, observed, that the prisoners were indicted for a fraud, founded on a special act of parliament that was made to prevent such tricks as the prisoners were charged with. The act stated, that any person defrauding another of money or goods by representing himself, with that view, to be in a situation in which he was not, fell within the meaning of the said act, and, of course, was subjected to the penalties of it on conviction. The prisoners had called a witness to their characters, whose testimony defeated the object which they had

in view; for Mr. Debourg, who knew their family for many years, has declared, that they are not the sons of General Hawkins, nor the nephews of Sir Cæsar Hawkins, nor the nephews of a General in the East-Indies, who was at the taking of Serin-gapatam, and they have not a brother in the Guards; so that the whole of this fabrication was calculated for the mere purpose of defrauding the prosecu-
trix of her property.

Mr. Mainwaring, having recapitulated the chief points of the evidence on both sides, said, he believed it was unnecessary to enter into the detail, as he believed, from the peculiar attention which the Jury paid to every circumstance, that they were in possession of the whole.

The Jury withdrew; and, in the course of ten minutes, brought in both GUILTY. The Court immediately passed sentence on them, to be transported for the term of SEVEN YEARS.

The trial lasted from ten in the morning till half past five in the afternoon.

Mrs. Marner delivered her testimony in a very clear and unembarrassed manner.

The prisoners, throughout the whole of the trial, conducted themselves in a very proper manner.

The Court and the Jury listened with great attention to whatever Underwood advanced in defence of his brother or himself. The elder brother did not appear to be above twenty.

The Bench of Justices was quite full, and the Court was extremely crowded.

The prisoners bowed on receiving their sentence. Their youth, address, &c. if abstracted from the crime of which they were convicted, would be interesting.

FINIS.