

Old Bailey Proceedings

THIRD COURT.—*Friday, April 12th, 1867.*

Before Mr. Common Serjeant.

KENT CASES.

Reference Number: t18670408-427

427. THEODORE CLARENCE RAFE *alias* RALFE (25), Stealing four bills of exchange for 50*l.*, 100*l.*, 100*l.* and 150*l.*, the property of John Garrett.

MR. POLAND *conducted the Prosecution, and* MR. METCALFE *the Defence.*

JOHN GABRETT . I live at 6, Heath Street, Lewisham, and am engaged in business in London—I am in the habit of receiving bills of exchange from China every mail—they are sent to my address at Lewisham—these bills (*produced*) are seconds of exchange, I had received the firsts from Hong Kong, they had all been cashed—from the ordinary practice I should expect these to come by the next mail—I also expected one first of exchange for 153*l.* 17*s.*—they are on the Hong Kong and Shanghai Banking Company, London—I received no letter by the mail which arrived on 11th February—it should have been delivered at Lewisham on Monday night, the 11th—I saw the prisoner on Thursday, the 14th; an appointment had been made with him the day before by my sister, who gave me four bills late on Wednesday evening, and next morning the prisoner called—I asked him how he became possessed of the bills—he said that he had found them the day before in a railway carriage; that he went up by a train the day before from Lewisham, giving the time; that the train stopped at Spa Road Station, and a lady, who had been talking to a gentleman, who showed her the bills, got out there, and the train went on to London Bridge, where the gentleman got out, who, having taken the bills from his breast-pocket, intended to put them into his pocket behind, instead of which he left them on the seat; that he picked them up and ran after the gentleman, but could not see him—I asked him what time the train left Lewisham—he said, "The mid-day train"—he mentioned the time, but I do not remember it—I said, "How is it that you did not go to the Lost Property Office"—he said, "Oh! yes, I did, but they would not receive them," and that he then looked at them, and thought he would run off to the Bank with them—I said, "When you went to the Bank, did you put the bill on the counter or put it into the clerk's bands?"—he said that he could not say—he was very flippant, and said that the clerk went to the back to see if it was advised, that it was not, and that the bills were given to him back—I said, "Are you sure a banker had these bills in his hands, and gave them to you back?"—he said, "Yes"—I said, "I believe you have been a banker's clerk"—he said, "Yes"—I said, "What bank?"—he could not recollect, so I suggested the London and County—he said, "Yes, and that was enough for me"—I asked him to walk to the station to describe the gentleman who left these bills behind him—he went with me—the sergeant who took the charge asked him his name and where he lived—he hesitated in saying where he lived, but at last said, "The Point, Blackheath"—the sergeant said "That is a large house"—he said, "On Blackheath, it matters not where"—we sent a policeman to the neighbourhood, and found that he was the son of the man who should have delivered the letter—the writing on this bill for 50*l.* is not mine, but that of my correspondent in China; it is, "Pay J. Garrett, or

order, T. M. Anson," under which is "J. Garrett, received"—that is not my writing, and I do not know whose it is; it was on it when the bill was brought to me—the other bills are endorsed in the same way—I have signed the first of exchange to get the money.

JANE THOMS . I am a widow, and am Mr. Garrett's sister—I live with him—on Wednesday afternoon, 13th February, about half-past two o'clock, the prisoner called on me and said that he had found these bills that morning in a railway carriage, a gentleman having dropped them from his pocket, who had been flourishing them about and showing them to a lady who got out at Spa Road Station; that the gentleman got out at London Bridge, and dropped the bills, and he picked them up and followed him, but lost him in the crowd; that a porter came forward to take them, but he thought he had better take them to the Shanghai Bank, in Broad Street—he could scarcely tell me the time of the train he went by, but he guessed about 11.30—I said that he must call again when my brother came home—he left the four bills with me and arranged to call in the evening, which he did, but my brother had not arrived, and he came in the morning.

WILLIAM POWIS . I am porter at the cloak-room, Lost Property Office, London Bridge Station—on Wednesday, 13th February, a few minutes past twelve o'clock, the prisoner came and asked me if that was the Lost Property Office—I said, "Yes"—he said that coming up in the carriage he saw a gentleman *flashing* some bills; that there was only a lady in the carriage; that he got out at London Bridge after the gentleman, and found the bills—he asked me to take his name and address, and gave his name, Mr. Ralph, Montpellier Vale, Blackheath, at Mrs. Moss's—I saw, "Pay J. Garrett," on one of the bills, which he had in his hand—he said that they were for over 400*l.*—I told him if anybody called I would give them his direction.

Cross-examined. Q. Did you advise him to go to the Bank? *A.* No, but he said that he was going.

WILLIAM SMITH . I am a porter at the cloak-room, London Bridge Station—I was present when Powis spoke to the prisoner, shortly after twelve o'clock—he arrived there again shortly after three, saying that he had found the owner of the bills, and had received 20*l.* reward for his trouble—he walked up towards the station, and then about two yards back again, and I did not see him any more till I was at Greenwich Police-court.

Cross-examined. Q. Are you sure he said he had received the 20*l.*, or that he was to receive it? *A.* That he had received it for his trouble.

GEORGE HENRY BARRETT . I am a clerk in the Hong Kong and Shanghai Bank, Old Broad Street—on Wednesday, 13th February, between twelve and one o'clock, the prisoner came there and asked me if we had a depositor there named Garrett—I said that we had no depositor of that name, but I knew a gentleman of that name, who occasionally came there with drafts drawn on our branches in China—he asked what his address was—I told him he lived somewhere about Lewisham or Black heath, I did not know his address—he said that his reason for asking was that he had found some bills in a railway carriage that morning with Mr. Garrett's name on the back, and asked me what sort of man Mr. Garrett was, whether he was a young man, because he saw a young man in the train flourishing some bills of exchange before some ladies, and left the bills on the seat behind him when he got out, and he picked them up and took them to the Lost Property Office, London Bridge, where they advised him to bring them on to the Bank; he then took them out of his pocket, and the manager took them from him—on referring to our books we found that the first of exchange

of three of them had been paid—the prisoner first offered to leave them, but ultimately said he thought the best way would be to take them down to Mr. Garrett himself—I asked him to leave his address, which he did, and I found it to be correct, but I do not remember it—it was the manager who spoke to him in my presence about the bills having been paid.

HARRIET REPPINGTON . I am forewoman in a shop where Mrs. Moss lives—about a fortnight before I was examined at the police-court the prisoner came into the shop—it was in February—he asked me if I could change him a note or cheque for 50*l.*—I told him I could not—he did not show it to me—he then went away—I think it was the beginning of the week.

Cross-examined. *Q.* Was there a man named Taylor in the shop at the time? *A.* No; I was talking to a lady—he was not obliged to make some excuse for speaking to me; he did not come into the shop, he only stood at the door—I saw him in the evening, and said something about it—he said that it was of no consequence, as I could not cash it for him—he did not say that he merely made that the excuse for speaking to me, seeing there was some one with me.

MR. POLAND. *Q.* Was Mrs. Moss present? *A.* No—it is a boot and shoe shop, kept by Mr. Marsden, who I live with, and not with Mrs. Moss—Mrs. and Miss. Moss live in the upper part of the house.

COURT. *Q.* What time in the afternoon was it he came? *A.* Rather late; it was before the gas was lighted—it was quite as late as four or five o'clock—I only knew him before by seeing him come to Mrs. Moss's.

SARAH MOSS . I am a widow, and live at Montpelier Yale, Blackheath—I know the prisoner—I saw him on Monday, Tuesday, and Wednesday, the 11th, 12th, and 13th February—on the Tuesday Miss **Reppington** came up into my apartments, and said to the prisoner, "Mr. Ralph, I was very sorry I could not cash that bill for you, but we do not keep as much cash in the house"—he said, "It is not of the slightest consequence, Miss **Reppington**; I can cash it in the morning as I go to town at the bank"—I am sure that was on Tuesday, the 12th—I did not see the bill—I took these letters (*produced*) from under my daughter's head in bed on Sunday morning last, read them, and, finding what they were, I took them to the detective—I do not know the prisoner's writing.

Cross-examined. *Q.* How do you know that the 11th, 12th, and 13th were the days he came there? *A.* Because on Monday he left my house at eight o'clock, which was a thing very unusual—he did not live there; but he came nearly every evening to see my daughter—I remember that it was on Tuesday that the prisoner spoke about the bill, because I had my brother and his wife to tea on Tuesday, and that was the day he spoke about the bill; but they were not there at the time he spoke about it—he spoke in another room; we were going down to tea—that is the only time this year that my brother came to tea—he is not here—I did not ask him or his wife what day it was—I had no reason to do so, because I remembered perfectly well—I was at the police-court, but was not examined—I had told the constable what I could say—I heard my daughter examined and Miss **Reppington**—my daughter seemed not to be able to remember the day, but I did not get up into the witness-box, because I was not asked—I had told the policeman it was Tuesday, and I knew I should be called if it was necessary—I am not so much annoyed with the prisoner as to do any one any harm, but of course it is a very annoying thing for my daughter.

MR. POLAND. *Q.* Was there any solicitor conducting the case for the prosecution? A. I believe there was, but I do not remember his name.

MARY ANN MOSS . I live at Montpellier Vale, Blackheath—I have known the prisoner since last December—I used to see him every day—he showed me some papers one day—I believe they were these bills—I think it was on the Tuesday—he said they were bills purporting to be about £400, and that he had them to change for a gentleman—he did not say who—I afterwards went with him to Mr. Garrett's—I believe that was the next evening—I remained outside the house; I did not go in—I received these two letters (*produced*) from the prisoner's father, and one from his father's housekeeper—they were not in envelopes—I do not know whether they are in the prisoner's writing—I have never seen him write—my mother took them from me.

CHARLES RALPH . I live in the parish of Greenwich, and was a letter carrier—Mr. Garrett's house was in my delivery—I was not on duty on the Wednesday in question—my last delivery on Monday night was 8.58—the prisoner is my son—he is turned twenty—I believe he slept in the house on Monday night, 11th February—I cannot say at what time he left in the morning, as he was gone before I returned from my delivery—I left home at 9.25 and returned at 10.5—I cannot say whether he slept at my house on Tuesday night, as I was ill in bed—I delivered all the letters I had to deliver—my son did not deliver any for me—I have seen my son write—I could not positively say whether this letter is in his writing unless I saw his signature, but it is my belief that it is—I did not see him write it—I did not go to my house on Monday night after I had got my letters from the post-office—I went straight on my delivery.

COURT. *Q.* Were your letters ever at your own house? A. No, they were not; I always went straight from the office to my delivery—I had them in a bag, which I threw on the table when I went home after I had finished—I did not give any papers to Miss Moss to my knowledge—I gave her two notes since my son has been in custody, which were sent to me along with some letters from the prison—I believe these are them—I cannot say, but they are like them—I should think they are my son's writing—this other one is also like his—they came to me in a letter from the prison, through the post office—it is burnt—I opened it—it was directed to me, and was written by my son.

JURY. *Q.* What is your son? A. He has been acting as deputy reporter, shorthand writer, and so forth—he was never in a bank—he was a letter carrier for a short time some three years ago—I never employed him to carry my letters.

The letters, being put in, were directed to Miss Moss, directing her what evidence to give, and stating that she need not be afraid, as the writer would cross-examine her; requesting her to swear to Wednesday being the day, and not Tuesday, by which means she could save him; and that no one but herself would be present before the Grand Jury, who would then throw out the bill.

MR. METCALFE *here stated that it was impossible for him to contend against this evidence; on which the prisoner undertook to conduct his own defence.*

WILLIAM CARROLL . I am a clerk in the circulation department of the General Post Office—the mail from China arrived there on Monday, 11th February, about 6.45 in the evening, and any letter in it directed to Blackheath or Lewisham would be forwarded the

same night to the South Eastern office, and ought to have been delivered at Blackheath that night.

JOHN HENRY MORRIS . I am chief clerk in the office of the Surrey Commercial Dock Company—the prisoner was assistant clerk for eight or nine months—he left in September—I have frequently seen him write—I believe the endorsement "J. Garrett" on the back of this bill to be his writing—I have seen him write different hands, and have books in Court to prove it.

Cross-examined by the Prisoner. Q. During the time I was with you did you always find me honest in all things? *A.* Yes; you had very little opportunity of doing anything to the contrary—I never found you out in a lie—you were honest in all cash matters—it was your duty to take cash and fill up receipts during one hour at dinner-time, for which I used to sign a few receipts beforehand, and you filled them up—to the best of my belief, all these accounts in my books are in your writing.

CHARLES RALPH (*Cross-examined by the Prisoner*). *Q.* When you received those four notes, were they in an envelope? *A.* Yes, I opened it—it was directed to me—your sister gave them to Miss Moss—they came from this prison, to the best of my belief, and I believe them to be your writing—I do not think any of the family have been so zealous in your welfare as to write them for you—I swear there was nothing in my bag when I put it on the table—there was a young woman in the house at the time—she is at Portsmouth.

COURT *to* MARY ANN MOSS. *Q.* Has your mother affected you in what you have said? *A.* No; she knew nothing about it, only what she heard me say, and she went and told the detective all—she has not intimidated me or induced me to say anything contrary to the truth.

Cross-examined by the Prisoner. Q. Have you been at my father's house two or three times? *A.* Yes—I told him and his housekeeper that I had been suffering from dreadful threats from my mother—she threatened me she would disown me if I swore it was Tuesday, and I did not know that it was Tuesday.

COURT. *Q.* You say you believe it was Tuesday? *A.* Yes, but I am not sure—I did not say that I believed it was Tuesday before my mother said anything—I had no chance before—she went and saw the detective before I did, and told him about Mr. Ralph, but she told him nothing—she knew only what she had heard.

Prisoner. Q. When I showed you four bits of paper, can you recollect whether the conversation was about the amount of money I had in my possession? *A.* No—I saw the bills, but they were rolled up in your hand, folded as they are now—my mother has not induced me to say what is not true, but she said if I did not swear it was Tuesday she would not own me—she has tried all in her power to separate you and me—she said she would give the last drop of her heart's best blood to transport you for life, and I do not mind saying it before her face she told me that she had a private interview with Mr. Mould, the Magistrate, at Greenwich Police-court, before your committal, but I do not know anything about it.

HARRIET REPPINGTON (*Cross-examined by the Prisoner*). *Q.* With regard to my going to the shop, and asking you to cash a note, were you not afterwards told that it was an excuse? *A.* No—I have not been in the habit of making secret assignations with you unknown to Miss Moss—I have never walked with you of an evening—you have not often cashed my books

for me of an evening—you did not know that I had not 50*l.* in the shop—I knew that your name was Ralph—you did not present these bills at all—I do not know whether it was a note or a bill.

The prisoner, in his defence, complained that he was deserted by his Counsel. He admitted that he was now suffering from the effects of his duplicity in paying his addresses to the two young women at the same time, and stated that his father had lost his place in the Post Office, which he had held for twenty years, in consequence of this case.

GUILTY . *He was further charged with having been before convicted.*

THOMAS WATTS . I produce a certificate. (*Read:—"Central Criminal Court. Thomas Ralph, convicted November, 1864, on his own confession, of forging an endorsement to a bill of exchange.—Confined One Year."*) I was present at the trial—the prisoner is the person—I had him in charge.

Prisoner. Q. What are you? *A.* I was in the police at that time—I took you at Coutts's bank, in the Strand—you only had twelve months' imprisonment, on account of your youth—the bill in that case came from Hong Kong.

CHARLES RALPH (*re-examined*). My son has been convicted before.

GUILTY.—*Ten Years' Penal Servitude.*