

Old Bailey Proceedings, 18th August 1873.

504. BENJAMIN THOMAS (36) , Stealing a post letter containing a cheque for 10*l.*, the property of Her Majesty's Postmaster-General; and JOHN ALFRED THOMAS (27) , feloniously receiving the same.

MR. METCALFE, Q.C., *and* MR. SLADE *conducted the Prosecution; and* MR. BRINDLEY *defended John Alfred Thomas.*

HENRY WIX . I live at Clay Hill, Walthamstow—on 30th June I enclosed a cheque for 10*l.* in a letter addressed to Messrs. Haines & Potter, wine merchants, 24, High Street, Kensington—I posted it myself at 6. 45 in the morning—not having an acknowledgment I wrote to them and heard from them afterwards—it was the only cheque I drew that day.

*Cross-examined.* The cheque is payable to bearer.

FREDERICK HILL . I am postmaster at Walthamstow—I sent off the letters on 30th June in the mail bag to the Eastern District Post-office at 9. 45 a. m.

EDWARD MCDONOUGH . I am a sorter in the ' Eastern District Post-office—a portion of the letters which came there would be forwarded by me—those posted at Clay Hill before 7 o'clock arrive at the District Office about 11 o'clock—those addressed to Kensington would be forwarded at 11. 20 to the Western District Office.

CHARLES HOOD . I am a sorter in the Western District Office—the letters which arrived on 30th June addressed to Kensington from the Eastern District, were sent by me to the Kensington Branch Office at 12. 50 that day.

*Benjamin. Q.* Are there not a number of mis-sorts in the post-office? *A.* Yes; there are such things as mis-sorts.

*Cross-examined.* A letter would probably go through ten hands—I can't say that that letter was forwarded.

*He-examined.* There is a sealed bag for Kensington—it is not opened from the time it leaves ray hands till it gets to Kensington.

JOSEPH DRAKE . I am head letter carrier, in the Kensington Branch Office—I know the prisoner Benjamin Thomas, he has been employe.

JW a letter—carrier in that office, for about four months—the mail bag arrives from the Western District Office, at 1. 20—any letter coming in that bag on 30th June, addressed to Messrs Haines and Potter, High Street, Kensington, would be sorted

to the prisoner Benjamin for delivery—he should deliver that letter at its address at 1. 50 the same afternoon.

*Benjamin. Q.* I believe I have always done my duty while I was under you? *A.* To the best of my belief.

*Cross-examined.* I saw the letter sorted to him myself—I can speak to the identical letter—there are very few letters at that time of the day.

*Re-examined.* Benjamin Thomas has pleaded guilty to two charges of taking letters from this office on the day he was taken. (*See page 297.*)

FRANK POTTER . I am a member of the firm of Haines & Potter, wine merchants, 24, High Street, Kensington—I never received a cheque for 10*l.* on 30th June, from Mr. Wix.

ALFRED WARD . I am a hosier, at 173, Westminster Bridge Road—about 9 o'clock on the evening of 30th June, Alfred Thomas came in—he addressed me as Mr. Ward, and I was under the impression that I knew him as a customer—he purchased an umbrella and shirts and other things to the amount of 30*s.*—he tendered me a cheque—I told him it was rather late, and I was going to catch my train—I told him to call in the morning—he called, and I gave him 8*l.* 10*s.*, the balance of the cheque—this is the cheque he gave me—I asked him his name and address—he gave me "Edward Evan, 9, Addington Square, Camberwell"—he was there about ten minutes or a quarter of an hour—his face seemed familiar to me as a customer—it was about 8. 45 when he came in the morning—I had a good opportunity of seeing him—this is one of my shirts; I know it by a mark which is put in by the laundress on all our shirts—I saw him afterwards at 146, Cambridge Street, Pimlico, and identified him—he wore a dark coat and a tall hat with a band.

*Cross-examined.* I have not said before that he had a hat-band, the question was not put—after seeing him I said I thought he was the man who passed the cheque—I was willing to give him the benefit of any doubt—I saw him at work as a tailor at his own house—he said he thought he had seen my face before, and that I was a publican—I have a great many shirts in my shop, and all that the laundress washes are numbered—fifty laundresses may use that number—it was about five weeks from 1st July before I saw him again.

*Re-examined.* I told my son I thought I had seen the man—at that time I knew my son was to see him—I never had the least doubt.

HORACE WARD . I am the son of the last witness—I was in the shop when the prisoner Alfred Thomas came in and gave the cheque to my father—I did not take much notice of him—I saw his face, and I knew him again when I saw him—I was

taken to Bow Street Police Court, and picked him out of fifteen others—I was present when my father gave him the 8*l.* 10*s.*—I am certain the prisoner is the man.

*Cross-examined.* I did not have any conversation with my father—he told me he thought he had seen the man.

CHARLES JAMES STEVENS . I am attached to the missing letter branch of the Post Office—on the morning of 7th August I accompanied Mr. Ward, senior, and Since, to the house of Alfred Thomas—I went in first, closely followed by Smee and Mr. Ward—Mr. Ward wished the prisoner good morning—he said "Good morning, Mr. Thomas; do you know me?"—he said "No, unless you are a publican; I think I have seen your face"—Mr. Ward said "You have been to my shop in the Westminster Bridge Road"—he turned to me and said "I identify him as the man who brought the cheque to my house"—I took the cheque out of my pocket, and told him that Mr. Ward identified him as the man who had called and bought several articles; and I said "Do you know anything about it?"—he said "No, I have not been in Mr. Ward's shop"—Smee took him to the (General Post

Office, where he was told the charge—he was asked whether he had a brother in the Post Office, living at Hammersmith, and he said "Yes"—I had received an application from Mr. Wix about the cheque.

ADOLPHUS FREDERICK ESSE . I am a clerk in the London and Westminster Bank, Lambeth Branch—Mr. Alfred Ward keeps an account there—this cheque was paid in to his account on 1st July.

WILLIAM SMEE . I am a constable attached to the Post Office—on 6th August Benjamin Thomas was in custody—on the evening of that day I went with Stevens to Alfred Thomas's house—he was asked if his name was Thomas—he said "Yes:"—and if he had a brother named Benjamin, in the Post Office—he first replied "No"—he said "My father's name was Benjamin, and he lodged round the corner"—he was asked whether he had a brother, and "did he call here last evening?"—he said "I refuse to answer those questions unless I know the object of them"—it was repeated to him again—he said "Yes, I have a brother, but I can't say whether he was here, I was, not in"—I went to his house the following morning with Ward, who identified him—he said he knew nothing about the cheque, and never saw it before—I took him to the Post Office, and he was there told that he would be charged with receiving the stolen cheque and negotiating it, and his brother would be charged with stealing it out of a letter which he should have delivered—I found a key on him, and went to his house again in the afternoon—I unlocked the cupboard, and found this hat—this coat was in the bedroom, and the shirt I obtained from the laundress—I went to 9, Addington Square, but found no one named Edward Evan living there.

*Cross-examined.* The prisoner's father is a respectable man, and I know nothing against Alfred.

SARAH BEAGLEY . I was servant to Alfred Thomas, at 146, Cambridge Street—Benjamin was in the habit of coming to see his brother four or five times a week—he had a key and let himself in—he came there on Tuesday, 5th August, about 7. 15—his brother Alfred was out—he waited a little while and went away—he called again; Alfred was in then, and they both went out—Alfred came back about 10 o'clock—the constable had been the evening before, when he was out, and he came again the next day with another person—after he was taken away the constable asked me for an umbrella, and I went and searched for it—Mrs. Cuthbert is the washerwoman for my master—I had taken some shirts to her to be washed.

*Cross-examined.* I don't know the date my master's brother called—I know the day—I could not say that this was a shirt I gave out to wash.

JANE CUTHBERT . I am a washerwoman, at Westbourne Place, Pirmlico—I washed for the prisoner Alfred Thomas—I gave that shirt to the constable on Friday, 8th August—I had received it from the last witness the Tuesday before.

*Cross-examined.* I do a considerable deal of washing, chiefly ladies' things—sometimes I have two or three shirts, sometimes five.

*Benjamin's Defence.* I have about 5,000 letters through my hands a week, and I believe that letter never came into my hands at all. The two letters I am charged with stealing I have pleaded guilty to, but this letter did not come into my hands, and I am quite sure my brother knows nothing of it.

GUILTY — *Five Years' each in Penal Servitude.*