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JAMES SANDERS VERNELL

15 December 1862

CENTRAL CRIMINAL COURT

Sessions Paper.

ROSE, MAYOR.

SECOND SESSION, HELD DECEMBER 15TH, 1862.

MINUTES OF EVIDENCE,

TAKEN IN SHORT-HAND BY

JAMES DROVER BARNETT

AND

ALEXANDER BUCKLER,

Short-hand Writers to the Court.

ROLLS CHAMBERS, No. 89, CHANCERY LANE.

THE POINTS OF LAW AND PRACTICE,

REVISED AND EDITED BY

ROBERT ORRIDGE, ESQ.

OF THE MIDDLE TEMPLE, BARRISTER-AT-LAW.

LONDON:

BUTTERWORTHS, 7, FLEET STREET,

Law Publishers to the Queen's Most Excellent Majesty.

THE

WHOLE PROCEEDINGS

On the Queen's Commission of

OYER AND TERMINER AND GAOL DELIVERY,

FOR

The City of London,

AND GAOL DELIVERY FOR THE

COUNTY OF MIDDLESEX, AND THE PARTS OF THE COUNTIES OF ESSEX,
KENT, AND SURREY, WITHIN THE JURISDICTION

OF THE

CENTRAL CRIMINAL COURT,

Held on Monday, December 15th, 1862, and following days.

BEFORE the Right Hon. WILLIAM ANDERSON ROSE, M.P., Lord Mayor of the City of London; Sir Samuel Martin, Knt., one of the Barons of Her Majesty's Court of Exchequer; William Taylor Copeland, Esq., M.P.; Sir John Musgrove, Bart.; Thomas Quested Finnis, Esq.; Alder-men of the said City; Russell Gurney, Esq. Q.C., Recorder of the said City; William Lawrence, Esq.; William Ferneley Allen, Esq.; Edward Conder, Esq.; James Abbiss, Esq.; Thomas Dakin, Esq.; and Sills John Gibbons, Esq.; Aldermen of the said City; Thomas Chambers, Esq. Q.C., Common Serjeant of the said City; and Robert Malcolm Kerr, Esq., Judge of the Sheriff's Court; Her Majesty's Justices of Oyer and Terminer and General Gaol Delivery of Newgate, holden for the said City and Judges of the Central Criminal Court.

JAMES CLARKE LAWRENCE, Esq. Alderman.

HUGH JONES , Esq.

Sheriffs.

FREDERICK FARRAR, Esq.

JOHN MACKRELL, Esq.

Under-Sheriffs.

CENTRAL CRIMINAL COURT.

ROSE, MAYOR SECOND SESSION.

A star () denotes that prisoners have been previously in custody—two stars (***) that they have been more than once in custody—an obelisk (†) that they are known to be the associates of bad characters—the figures after the name in the indictment denote the prisoner's age.*

LONDON AND MIDDLESEX CASES.

OLD COURT.—Monday, December 15th, 1862.

PRESENT—The Right Hon. the LORD MAYOR, M.P.; Mr. Ald. WILLIAM LAWRENCE; Mr. Ald. ALLEN; Mr. Ald. DAKIN; and Mr. COMMON SERJEANT.

Before Mr. Common Serjeant.

[There follows various other cases.]

123. JAMES SANDERS VERNELL (22) , Unlawfully obtaining by false pretences from John Cooke Hester, 118 lbs. weight of tea, with intent to defraud.

MR. COLLINS *conducted the Prosecution.*

JOHN COOKE HESTER . I am the prosecutor in this case, and a merchant carrying on business at Great Tower-street—I was formerly at 14, Little Tower-street—I have known the prisoner for about three or four months; I think I saw him first in August or September last—he called several times at my office; the first time he requested me to give him a commission for the sale of tea in the west of England—I told him I was not then wishing to extend my business—he either at that time, or on one or two subsequent occasions, mentioned the names of several London grocers and tea-dealers, and asked if I did business with them—with some I said I did,

with others not—he said they were friends of his, and if he should get orders from them, would I pay him for them—I said I had no objection provided I approved the names—he mentioned the names of several he said were friends of his; he said that he had got some Chancery business, and that his wife was near her confinement, so that he did not care much about going out into the country; he was not entirely dependent on it, but if he made a little money it would help him on—I said, "If you get orders from names that I approve, those that you mention particularly I shall be most happy to execute them, and will pay you for your trouble"—he called several times between that and entering the order on which I am prosecuting—he called on the 23rd October, and entered an order for two half-chests of tea, to be sent to Grainger Brothers, in the Walworth-road—he made an entry in a book; that book was produced before the Magistrate, but it has since been burnt in the fire which took place at my premises in Little Tower-street—he did not make an entry in my order book; every one had a book specially for himself—a book was given to the prisoner which belonged to a traveller who had left us; it was a book that was kept at our office.

COURT. *Q.* You mean given to him for the purpose of making that entry? *A.* Yes; a waste-book—it has since been destroyed.

MR. SLEIGH. *Q.* Did you see the prisoner make any entry in that book in reference to this? *A.* No.

MR. COLLINS. *Q.* Do you know the prisoner's handwriting? *A.* I do—that entry in the book was his handwriting; it was produced at the first examination.

COURT. *Q.* You did not see the entry made? *A.* No; I have had letters from the prisoner, and I believe I have seen him write—I can swear it was his handwriting in that book; there was more than one entry of the prisoner's handwriting on that day—I believe I saw him make this entry—I believe I recollect the piece of furniture in the

office where he wrote it—I know I saw him make some entry in that book, and, I believe, this particular one—my business is a very large one—I don't take much notice of the town-travellers generally as they come in, but I think I remember, on a corner of a little stand in my room, he entered that order, for I remember him asking for a particular sample to show to a person in the Borough, and I looked at it to see if it was that particular order, and it was not; it was the one to Grainger.

THE COURT *considered that, as the book could not be produced, there was no evidence against the prisoner.*

NOT GUILTY .