



Crime and Punishment

Minety

Court Case

William Henry Smart

Sensation was common in Cirencester on Wednesday night on confirmation of the rumour of the arrest of William Henry Smart, grocer, of Nos 57 and 58 Castle-street, charged under a warrant with an offence in the office of trustee of the estate of the late Mr Skuce of Querns Hill. The alleged offence is one of forgery and misappropriation. Accused, a native of Minety, Wilts, was apprehended there at the G W R Station early in the afternoon, and brought to Cirencester by PC Hamblin.

The prisoner was brought up at the Police Court on Thursday morning, before Messrs W H Cole and T C Ovens. There were present Messrs Sewell and Rawlins, solicitors, of Cirencester; Mrs Skuce, Mrs Locke (daughter), and Mr A Rimes, accused's co-trustee.

The charge was that, on March 1st, at Cirencester, prisoner, with intent to defraud Eliza Skuce, did unlawfully induce the said Eliza Skuce to sign a certain valuable security, to wit a banker's cheque, for the payment of the sum of £159 1s 2d, contrary to the form of the statute in such case made and provided.

Mr Sewell said he would make a statement in reference to the matter before the court and place the prosecutrix in the box, after which he should ask for a remand, as other charges may be preferred against the prisoner.

On Tuesday, his client made inquiries as to what had become of certain monies deposited in Lloyds and the Capital and Counties Banks in Cirencester, and was informed by the managers of both banks that it was drawn out. He (Mr Sewell) saw prisoner and asked for information as to what had become of the money invested by him for Mrs Skuce. He (prisoner) refused to give any information, but promised to meet Mrs Skuce at his office on Wednesday morning. That promise was not kept, and prisoner leaving the town by the 0.47 train, he placed a warrant in the hands of the police for Smart's arrest.

Mrs Skuce, who was evidently much upset, said she was the widow of Joseph Skuce. On his death, she was left with a sum of money, which was in the Capital and Counties Bank. The prisoner suggested she should invest the money. On March 1st she received from him a written request to sign a cheque which he sent. It was blank. She refused, and sent it back. Afterwards prisoner called on her and produced the cheque. They had a conversation, and prisoner said he wanted her signature to the cheque to enable him

to get the interest for the money which he had invested for her on chapels. She signed the blank cheque and he took it away.

By the Chairman: He did not say what amount the cheque was for.

By Mr Sewell: When she went to the Capital and Counties Bank she found the cheque was drawn for £159 1s 2d, and the money was paid out.

The Clerk: Have you ever had the interest?

Mrs Skuce: I have not had any since signing the last cheque. I had it all right before.

Did prisoner ever tell you that he was going to draw a cheque for so large a sum?

No, it was to be only for the interest.

Mr Sewell produced a pass book, and the Clerk read out dates and withdrawals: February 2nd 1906, £200; September 6th 1906, £200; January 6th 1907, £200; March 1st 1907, £159 1s 2d, making a total of £759, from the Capital and Counties Bank.

In reply to the Bench, Mrs Skuce said she held no security for this money paid to Smart. She was not cognisant of the amounts paid out on the previous blank cheques she signed.

The Chairman said there must be a remand. It might weigh on their decision as to admitting prisoner to bail if there was to be another charge.

Mr Sewell said they should be advised by the Clerk as to that course, but probably at the next hearing, they should go into other items.

The Chairman repeated the reason of the question and asked what was the total amount in both banks.

Mr Sewell: About £1,200 and all has been drawn. To Mrs Skuce: With reference to the two cheques for £200 each, you know they were for alleged investment in chapel buildings.

Mrs Skuce: Yes, one at Chippenham and the other at Swindon.

PC Hamblin gave evidence of prisoner's arrest at Minety. Prisoner made a statement, which was taken by Supt Webb.

Mr Sewell again applied for an adjournment until that day week. The Chairman said it would be granted.

Prisoner asked to be allowed to make a statement. The Chairman said he certainly could do so, but as it would have no effect at this point, he advised prisoner not to do so. Prisoner said it was only to say he did not shirk the meeting as arranged with any intention. He gave the promise on the spur of the moment, thinking he could see a gentleman and then settle the matter. He did not know but that it may be done now. He had told Mrs Skuce she would be secured if she waited a time, and he tried his best to see the people to put it right. Might he apply for bail?

Mr Sewell, having regard to prisoner's conduct and the seriousness of the charge, objected.

Supt Web said so far as he knew anything of the case at the present time he must oppose bail.

The Chairman said they were agreed, in view of the apparent serious character of the charge, they could not under the circumstances admit prisoner to bail.

Accused was then removed.

Gloucester Citizen 16 May 1907

Further Remand

It was generally understood in Cirencester that the re-appearance of William Henry Smart (35), grocer, at the Police court on Thursday morning would be only for the purpose of a further remand, and this was realised. Prisoner arrived by the 10.45 am G W R from Gloucester, having as his attendant traveller PC Kelly, of the city force. Their coming was awaited by a numerous and curious crowd, nearly of the dimensions of that which greeted Smart on his former return as a prisoner from Gloucester to the town in which he has lived some fifteen years, and for a period of nine years carried on a somewhat extensive grocery and provision business. Once Smart was inside the police station, the spectators dispersed to other events.

Mr William Flux and Mr T C Ovens attended the Police court at noon, and Smart was at once placed in the dock. There were present Supt Webb, Mrs Eliza Skuce, whose money Smart is charged with obtaining under false pretences and misappropriating, Mr Anthony Rimes, and some others of witnesses in the case.

Prisoner again bore himself with utmost nonchalance, though looking pale and anxiously about on the little gathering of persons whom he knew so well and had associated with under other circumstances. He manifested no sign of undue concern, and went through the brief proceedings in the most matter-of-course fashion.

Mr Flux occupied the chair. No charge was read.

Supt Webb, facing prisoner, said he applied to the Bench to further remand prisoner. Communication had been received from the Public Prosecutor that he was not in a position today to go on with the case, and he therefore asked their Worships to remand prisoner until 10 o'clock next Tuesday morning, when the matter would be fully gone into.

Mr Flux: Smart, you will be remanded again until next Tuesday morning at 10 o'clock. I think it right to say a word to you about something which may be for your benefit, and that is that you may apply to be defended.

Prisoner: Yes, I think I understand about that.

Mr Flux: If you make an application to the Bench it will be considered. I cannot say what the result will be. The proper time for you to make application is when you are committed. I think that is it, and it is for you to make application to the Bench for the exercise of the powers of the Act before they can put it in operation for your defence.

Prisoner: Yes, sir, thank you.

Smart was then taken below, and later returned in custody to Gloucester Gaol.

Gloucester Citizen 30 May 1907

Trial

William Henry Smart (35), grocer, was charged as follows:

(1) That he, between the 23rd November 1905, and the 7th January 1907, at Cirencester, then being trustee under a certain will of one Joseph Skuce, of certain property, to wit, the sum of £505 13s 2d, for the benefit of one Eliza Skuce and others, did convert the same to his own use and benefit, with intent to defraud.

(2) That on the 2nd February 1907, at Cirencester, having been entrusted by Eliza Skuce with certain property, to wit, a banker's cheque for the sum of £200, in order that he might apply the proceeds thereof for the purpose of investment on a mortgage security, he did unlawfully and fraudulently convert the proceeds to his own use and benefit.

(3) That he did at the same place, on the 5th September 1906, having been entrusted by Eliza Skuce with certain property, to wit, a banker's cheque for the sum of £200, in order that he might apply the proceeds thereof for the purpose of investment on a mortgage security, he did unlawfully and fraudulently convert the proceeds to his own use and benefit.

(4) That he did at the same place, on the 7th January 1907, having been entrusted by Eliza Skuce with certain property, to wit, a banker's cheque for the sum of £200, in order that he might apply the proceeds thereof for the purpose of investment on a mortgage security, he did unlawfully and fraudulently convert the proceeds to his own use and benefit.

(5) That he did at the same place on the 4th March 1907, having been entrusted with certain property, to wit, the sum of £159 1s 2d in money, for and on account of Eliza Skuce, unlawfully and fraudulently convert the same to his own use and benefit.

(6) That he did at the same place on the 4th March 1907, unlawfully and knowingly, by certain false pretences, induce one Eliza Skuce to make a certain valuable security, to wit, a banker's cheque for the payment of £159 1s 2d with intent to defraud.

Prisoner pleaded not guilty to all the charges.

Mr Spokes prosecuted on behalf of the Treasury, and briefly opened the case in respect of the first charge.

The first witness was Anthony Rimes, who said he was co-executor with prisoner under Joseph Skuce's will. On Nov 23 1905, prisoner called at his house with a cheque for £300, and said he wanted witness to sign it for Mrs Skuce, who wished to invest the money in a new chapel, adding, "she will be getting 4 per cent interest, which is nearly double what she is getting at Lloyds Bank." Witness asked the prisoner if the money would be safe invested in the chapel property, and he replied "Oh, yes. You see, it is like this, it is like our chapel at Cirencester – so long as the chapel stands the money is safe." Witness asked Smart if Mrs Skuce knew all about it, and Smart said she was quite agreeable. Witness signed the cheque.

On Feb 23 1906, he received another cheque for £150, which he signed, and in January last, he had another cheque for £5 odd, which he signed and returned to prisoner. Witness had no recollection of signing a cheque for £55 13s 2d. Witness signed one cheque for £5 odd, which was altered into £55 after he had handed it to prisoner.

Mrs Skuce, widow, said she never authorised prisoner to draw out £504 from the bank and invest it on a chapel. Prisoner never produced any deeds representing investments on a chapel.

Alfred Bryan, cashier at Lloyds Bank, Cirencester, said that on the death of Mr Skuce the latter had a deposit account at the bank, which was afterwards transferred in the names of Rimes and Smart. On Nov 25 1905, prisoner drew a cheque for £300 on the trustee's account, one for £150 on Feb 24, and another on Jan 12, all of them being endorsed by prisoner. When the last cheque was drawn the account was closed. The cheques were subsequently paid into the account of defendant's wife, which was overdrawn to the extent of £110 6s 10d.

Edward Clare Sewell, solicitor, said he acted for the executors in proving Mr Skuce's will. In May last he was consulted by Mrs Skuce, and later he saw prisoner and asked him for particulars of the investments. Prisoner declined to give any, but an arrangement was made for prisoner to meet Mr Rimes at witness's office. Prisoner did not keep the appointment, but left the town. He had made enquiries, but had failed to find any investment of trust funds. Witness produced the Attorney-General's fiat for the prosecution.

Walter Ernst Welch, clerk to the Registrar of the Swindon County Court, produced the file of the court showing the prisoner was a bankrupt.

William Henry Street, a grocer, and trustee of the chapel in which prisoner stated he had invested Mrs Skuce's money, said the chapel cost £250 to build, and prisoner invested no money at all in it.

PC Hamlin deposed to arresting prisoner, and this closed the case for the prosecution.

Prisoner elected to give evidence on oath. He said: I withdrew the money with the pure motive of investing it for the benefit of Mrs Skuce. I invested it, lost it through an error of judgement and misfortune. I had no intention to defraud; no intention to benefit myself. I invested it for the benefit of the widow. My co-trustee at no time asked to see any proofs of the investments. The evidence given today shows no intention to defraud.

In cross-examination, prisoner said he paid the cheques into his wife's account. He had invested the money, but was not prepared to give the names of the persons.

Pressed by Mr Spokes and the Judge to give the names of the persons, prisoner declined, saying he did not wish to bring their names into it.

His Lordship told prisoner he could say what else he had to from the dock.

Prisoner, addressing the jury from the dock, said that when he found he had lost the money he made arrangements with some friends to replace the money at the bank as he found it, but the matter being put into the hands of the police prevented him doing this.

The jury found prisoner guilty.

Mr Spokes said he did not think it necessary to go into the other indictments. It was clear the prisoner also had £759 1s 2d from another account in the sole name of Mrs Skuce at the Capital and Counties Bank at Cirencester.

In reply to the Judge, prisoner said he did not think it necessary to go through the evidence again.

Mr Spokes pointed out that prisoner had taken every penny Mrs Skuce had in the bank.

The Judge told prisoner he had been guilty of a cruel and heartless thing. He, a preacher, a man who took upon himself to guide others in the way they should go, had no excuse. He induced this poor woman from time to time to sign cheques to the amount of something like £600 for his own benefit, and then got her to sign a paper which made her liable to £159. He spent every farthing the poor woman had, and refused to give the slightest information where the money was gone. He (prisoner) did not give that information because, in his (his Lordship's) opinion, he had none to give. He could not pass a less sentence than one of five years' penal servitude.

Cheltenham Chronicle 22 June 1907