

OLD BAILEY, LONDON.

SATURDAY, JANUARY 18.

TRAUD UPON SIR THOMAS FLINER, KNT.

Saturday Benjamin Walsh, Esq. M. P. was indicted for feloniously stealing, on the 5th of December, 1811, in the parish of St. Dunstan's in the West, 22 Bank of England notes, for the payment of £1000 each, and another note of the same Bank for the payment of £200, the property of Sir Thomas Fliner, Knt. There were six other counts in the indictment, alleging the offence in different ways, but without any very material alteration; in some places calling the Bank-notes warrants, and bills of exchange.

the present, there were no previous preparations—no settled plan of operations by which the prisoner hoped to escape with impunity—there was no purchasing American stock; there was no procurement of doubletons to fly with to a foreign country, and there were none of those other strong circumstances which characterized the case of Mr. Walsh. Eccles simply possessed himself of the bill and converted it to his own use. There was some difference of opinion as to the law of the case, but it was afterwards solemnly argued before the twelve Judges, who pronounced Mr. Eccles's offence to be felony, and he was accordingly banished the country. The crime, however, now under consideration, did not involve the life of the prisoner, it was but a transportable offence. The question in this case, if it was a question at all, was, whether, at the time Mr. Walsh received the prosecutor's bank-notes, he intended, in the language of the law, feloniously to take them against the will and without the consent of the proprietor, and convert them to his own use? Had the Jury any doubt that he so intended? Had they any doubt, when he purchased the doubletons and the American Stock, when he was overtaken at Falmouth, and confessed that he intended to go to Portugal, and actually delivered to the prosecutor's attorney the American debentures and the doubletons which he had purchased, and still less could they have any doubt when he caudally, in his letters, developed the whole of his plan, and confessed that he designed to run away with the prosecutor's property, that his intention was felonious?—It would be said, that his intention was not felonious, because he did not convert the whole of the prosecutor's money to his own use; that he honestly accounted to him for the £6000. That very circumstance, in his (Mr. Garrow's) mind, only showed that his plan was more cunning and subtle. The accounting honestly for the £6000 to the Solicitor-General, was only intended to lull all suspicions of the intended robbery; and so high an idea had the prosecutor of the prisoner's honour, that the detection of the offender was to be attributed to the merest accident. The simple addition of one or two words to the answer of the banker's clerk, when the prosecutor had asked whether Mr. Walsh had left any money along with the Bills of Exchange, caused the detection of his intended robbery, and prevented the successful completion of his intended robbery. The learned Gentlemen concluded, by anticipating such a verdict from the Jury, as would completely answer the object of this prosecution.

Sir Thomas Fliner was then examined. He stated, that, for many years past, he had employed the prisoner as his stock-broker. In the course of last summer, he made a contract for the purchase of a considerable estate, and informed Mr. Walsh of the circumstance, and that he should be obliged to complete the purchase by Michaelmas—in consequence of which, he consulted with Mr. Walsh upon the propriety of selling a large quantity of stock in the funds, for the purpose of meeting the occasion. Mr. Walsh, however, advised him not to sell soon, as there was a prospect of a considerable rise in the funds, and the later the sale was postponed the better. As the title to the estate which he intended to purchase was not made out, he was not in such a hurry, and therefore waited until Mr. Walsh himself, about the middle of November, urged him strongly to sell out his stock, giving him as a reason, that the funds would fall. He complied with his suggestions; but as the contract for the estate was not sufficiently forward for completion, he suggested the idea of laying out the money, which would otherwise lie idle, in the purchase of Exchequer Bills. He had given a written permission to the prisoner, on the 28th of November, to sell out his stock, and a subsequent day was fixed by Mr. Walsh for him to attend at his office, for the purpose of transferring the stock. He should not have sold out so soon, but for the repeated solicitations of Mr. Walsh. When the stock was sold out, he received an account of the produce from the prisoner, which he left him to pay into Messrs. Gosling and Co.'s (the witness's bankers), and which he said he would do. It was the 4th of December that he went into the city to transfer the stock. The prisoner said that he would call next morning at his chambers in Lincoln's-inn-square, to receive a check for the money, which he did, and witness gave him a check on Messrs. Gosling for £22,000. It was given for no other purpose than to purchase Exchequer bills, which prisoner promised to bring to him at four o'clock on the 5th of December. The prisoner accordingly called next day, about half past four, and produced Messrs. Gosling's receipt for £2000 worth of Exchequer bills, stating that he had contracted for the rest, but that they could not be got that day, as they were locked up by the teller, Mr. Trotter, in a drawer at Messrs. Gotts's, bankers, to which house he was agent; but adding, that he had paid the remainder of the money back to Messrs. Gosling, for Sir Thomas's account. Sir Thomas, on his way home, called at Messrs. Gosling's, and, on enquiry, found the Exchequer bills had been there deposited, but no money. This excited his surprise, and induced some enquiry, but he saw Mr. Walsh no more until he was in custody at Bow-street.

There were now several letters from the prisoner produced, in which he acknowledged the whole transaction. These letters were proved by George Thomas to be in the prisoner's hand-writing. During the reading of them by the Clerk of the Court, particularly where they mentioned the distress of his wife and children, and the manner in which he was forced to abandon them and a country where he could no longer bear to live in disgrace, the prisoner appeared to be convulsed with the deepest anguish, and frequently burst into tears.

The next part of the evidence went to prove the payment of the check at Messrs. Gosling's, to Mr. Walsh himself, with the numbers of the bank-notes.—It was next proved by Mr. W. Hanna, that he sold the £2000 Exchequer bills on the morning of the 5th of December to Mr. Walsh, and £1600 India bonds, which were paid for in ten bank-notes of £100 each, talking with those paid by Messrs. Gosling's.

Mr. Dennis De Berdt, partner in the house of Deaman and Co. proved that the prisoner applied to him on the 19th of November respecting the purchase of American Stock to the amount of £11,000, and of course completed the bargain on the 5th of December, paying him in bank-notes, the numbers of which corresponded with those paid at Messrs. Gosling's.

Mr. Joseph Walsh, the prisoner's brother, proved that his brother, after repeated application, had paid him a debt of £1100, on the 5th of December, paid him a note of the sum appeared to be one of those paid by Messrs. Gosling.

Mr. Fearo proved that the prisoner applied to him on the 2d of December for the purchase of £300 in the Portuguese doubletons, but afterwards, on the 5th, diminished his order to £200, which he then took and paid for in notes, which were proved to have been paid at a banker's to change for one of the £1000 notes before mentioned.

