

# CENTRAL CRIMINAL COURT.

GIBBS, MAYOR. ELEVENTH 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 a prisoner is known to be the associate of bad characters.*

## LONDON AND MIDDLESEX CASES.

OLD COURT.—Monday, September 15th, 1845.

*First Jury, before Mr. Recorder.*

1797. ALFRED CARLILE was indicted for unlawfully selling and publishing indecent prints.

MR. CLARKSON conducted the Prosecution.

ALFRED CHARLES SMITH. I live in Maps-row, Stepney-green. On the 5th of July I was employed by the Society for the Suppression of Vice, to go to the shop of Mr. Ward, No. 103, Strand—before I went I was searched at the Society's chambers, by police-sergeant Chadwick, to see that I had no prints about me—Chadwick afterwards accompanied me to No. 103, Strand—he remained outside—when I got there I saw the defendant, and purchased the two prints now produced, of him, personally, for 3s. and 5s., 8s. for the two—when I came out I accompanied Chadwick to the Society's chambers in Lincoln's-inn-fields, where Chadwick marked the prints as well as me—on the 9th of July I went again—I was searched as before, by Chadwick—I bought the print now in my hand—I gave 5s. for it—I produced that to the officer on coming out—I went to the chambers, and marked it as I did the others—this second purchase was not made of the defendant, but of a person in the shop, who was serving behind the counter—I have seen him several times serving in the shop.

Cross-examined by MR. BALLANTINE. Q. What are you? A. An agent and accountant—I have been so fifteen years—before that I was in the Custom-house for twenty-one years—in the Long-room, as an agent, not employed by the Customs—I did business for a number of gentlemen—I was in partnership with Benjamin Elias—we carried on our business in the Long-room—after the Custom-house closed, I went on Change, or to Lloyd's—I had a nominal house of business at No. 31, Mansel-street—my name was not up there—I was rarely there—our business was done in the Long-room—papers and letters were sent to Mansell-street—Elias and I quarrelled about family and law matters, and parted—he continued in the Long-room, but I did not—we did business for Mr. Cohen, the father-in-law of Mr. Rothschild, and Mr. Rothschild himself, exporting

goods as Custom-house agents, making entries for them—my place of business now is in Maps-row—my name is not on the door—I find quite enough to do without giving publicity to my business—I have a bed-room and the use of a parlour—my agencies are too various to go through them—I have been connected with this Society about thirteen years—I am paid by the job, according to the time it occupies—I have been three or four days about this, and am to have 5s. a-day—I do not expect more than 25s.—I have received nothing yet—I am to get 2s. 6d., or 5s. for the day I bought the prints—it depends on the time I am engaged—if it is only an hour or two, I have half-a-crown—I have not been engaged thirty times on matters of this kind, nor half that—I remember laying an information against Mr. Duncombe—if I swore he sold me a print he did so—I think it was a book, but cannot recollect now—it is years ago—I do not think he was acquitted—I was employed by a gentleman for the society—he probably wrote to me, but I do not know now—the society made the first communication to me about Carlile—I am sure I did not give them information—it always comes from the society, and I obey their instructions—I cannot recollect when they communicated with me about this—I had been to the defendant's shop before the 5th of July—I cannot say how often—three or four times—I will swear I had not been a dozen times—I may have been five or six times, for several parts of the Wandering Jew—the society did not send me for that—I did it of my own accord—I first bought one number—I think I bought three parts at one time, and at another I bought two—I do not think I bought anything else—I cannot say how much I paid—it was not out of my own pocket—I bought the first of my own accord—I might be there five or six times before I bought the prints—I asked him perhaps two or three times for these pictures before I got them—I did not provoke him to procure them—I did not describe them to him before I got them—he showed me in the shop some exhibits—I said I understood he had something more curious.

Q. Was that by direction of the society? A. I was desired to ascertain whether such things were sold there or not—he showed me something more curious—(that was the first or second time I spoke of it,) and I bought it—the greater part of the Wandering Jew was bought after the sale of the prints.

COURT. Q. You kept up the communication with him after you bought the prints, not letting him know your object? A. Yes.

MR. BALLANTINE. Q. On the first occasion, when you asked for something more curious, did not he tell you he had nothing more curious to show you? A. Indeed he did not—the gas was lighted in a little back room—I was desired to walk in there, and eighty or ninety of these were exhibited in a book—I bought two of them—they were nearly alike—that was perhaps the second or third time I went there—I cannot say which, but I know the greater part of the Wandering Jew was purchased after the prints—I have always been searched before I went on these jobs of late years, not when I was first engaged, as, perhaps, it was not suspected that a person charged in this way would be base enough to swear the prints were taken into the shop instead of being purchased out of it—it was to prevent that.

MR. CLARKSON. Q. Was it when you bought the first number of the Wandering Jew that you asked him if he had anything more curious? A. I think it was the second time that I went—I had been directed by the society to ascertain if he sold obscene prints—he took me into a back room

and produced a portfolio with eighty or ninety in it—they were French prints—I saw the eighty or ninety prints afterwards in possession of the Custom-house officers, who had seized them under a warrant issued by the Commissioners of Customs—I never bought any prints of him or anybody except by direction of the society—whether the prisoner is convicted or acquitted will make no difference as to the amount I am paid—I did not use any inducement or persuasion for him to procure them, but merely asked if he had such for sale—I never induce parties to sell them.

COURT. Q. You did not order them on one occasion against another?  
A. I did not—I asked for what was not exhibited in the shop window.

WILLIAM CHADWICK. I am a sergeant of police—I was directed by my superiors to accompany Smith to the shop in question—before he went I searched him both on the 5th and 9th of July, to see that he had nothing about him—on the 5th of July I accompanied him to 103, Strand—the name of Ward was over the door—he went in, and I remained outside—I did not see what took place—he was inside from five to ten minutes—when he came out I followed him down to the society's office—I never lost sight of him—we went into the office, and he gave me these prints—I marked them—on the 9th of July we went to the same place and pursued the same course, before he went in and afterwards—I marked the print he produced on that occasion—this is it.

Cross-examined. Q. Where did you search him? A. At the station-house the first time—I felt in his pockets and dress—I did not take any of his garments off—I satisfied myself that he had nothing about him—I kept him in view all the way—I did not lose sight of him above half-a-quarter of a minute, as he turned the corner.

COURT. Q. Were there any indecent prints exhibited in the window?  
A. No, I did not observe any.

EDWARD COOPER. I am in the employ of Mr. Vaughan, of Henrietta-street, Covent-garden, army and navy contractor. He rents the shop No. 103, Strand—I have received the rent of that shop from the defendant.

ALFRED CHARLES SMITH *re-examined*. Q. On any occasion were any prints in the window, from which you would reasonably infer that indecent prints were to be sold? A. There were French figures, which, on the removal of the front there was a female on a couch, but not so indecent as these—but in shops where these prints are sold, the indication is given by these “figures or toys,” as they are called, exhibited as a sign that indecent books and prints may be purchased there.

MR. BALLANTINE. Q. Did you ever say to Cooper that you expected to be well paid for this job? A. Never, to anybody—I do not know that I spoke to him.

MR. BALLANTINE to E. COOPER. Q. While waiting here last Session, did Smith tell you that he expected to be well paid for this job? A. I cannot swear that took place—I asked him what he should expect—he said he should be paid for his services—it was in reference to what I should get—I never saw any indecent prints exposed at this shop.

ALFRED CHARLES SMITH *re-examined*. Q. In what part of the shop were these prints produced that you induced him to sell you? A. In the part of the shop which is divided by a partition—nobody was present but me and him—I did not make any representation to him for what purpose I wanted them—they were on a chair in this room, which is part of the shop—there is a temporary partition put up—it is parted off.

Q. What was your application to him? A. He showed me one of



the French figures in the window—I had asked to see that, and asked him if he had anything more curious—on that he invited me into the back room, which is part of the shop, but it is divided and is dark—he then produced a book, in which were these prints, for me to look at, and to take which I chose—they were exhibited only to me—I asked the price, and took two—he did not tender them to me till I asked if he had anything more curious—I am almost certain this was the second time I went—I had not intimated that I should want anything of the sort when I came again, nor asked for anything of the sort before—he produced them to me immediately—I went to purchase the Wandering Jew, just to look about the shop to see what there was—I did not allude to prints on the first occasion I am almost certain—the second sale took place in the same back part of the shop, not in the public open shop.

MR. BALLANTINE *called*

THOMAS PROTHEROE. I am assistant signer of writs in the Court of Exchequer. I have known the defendant several years—he has borne a most unimpeachable character.

MR. CLARKSON. Q. What observation have you made on his conduct?  
A. He lodged at my house nearly twelve months by the name of Carlile—he left seven or eight months ago—he had this shop in the Strand at that time—I was in the habit of going there—I saw the name of Ward over the door—I believe he did not like the name of Carlile up on account of his father's notoriety.

(Charles Gould, boot-maker, 16, New-street, Covent-garden, also deposed to his good character.)

GUILTY. Aged 25. (*The Jury expressed their belief that the defendant had the prints in his possession for the purposes of sale.*)

*Judgment Respited.*