

THE CHARGE OF SELLING OBSCENE PHOTOGRAPHS AT ROTHERHAM.

At the Rotherham Borough Police-court, yesterday, before G. W. Chambers, Esq., and H. Jobb, Esq., Benjamin Smith, alias Martin Stanley, of Alma place, or Old Mill Fold, Westgate, Rotherham, was charged on remand with publishing and selling obscene, lewd, and filthy photographs of such a nature as to offend and deprave human nature. Mr. Whitfield again appeared for the prisoner; Mr. Fennell, of Sheffield, defended the prisoner; and Mr. Edwards watched the case on behalf of a witness named Arthur Whitehouse.

Mr. Whitfield having opened the case in a similar manner to that which was published in the *Independent* of Friday last, Mr. Inspector Horne was called, and he deposed to writing letters to the prisoner in the name of Thomas Rodgers, of Southwell, near Doncaster, and obtaining several filthy photographs from him. (On his entering the prisoner's house on January 13th, he found a letter which had been sent to the prisoner by a person named Arthur Whitehouse, of West Eildon, near Donby, which contained an obscene photograph and a stamped addressed envelope for a reply. He also found another letter from a person named Scott. On his proceeding to search the house, the prisoner said to him, "You will find no more of them things here, but I suppose you will take me." Witness replied, "It depends," whereupon the prisoner said, "On what?" He made no answer to this, and the prisoner then said, "If you will leave me I will tell you where they are kept," and he then gave the address of 37, Alvercliffe Common, and said the man's name was A. Perry, and afterwards that his right name was Wm. Gilliam. Witness apprehended the prisoner on the following day, and read over to him the warrant, when he said, "It's all right; it's a pity it's gone so far." On the 15th January, the prisoner at that time being in custody, he (witness) received into his possession from the Rotherham Post-office about a dozen letters, addressed to "B. Smith, Alma place, Westgate, Rotherham." They were delivered at the Police-office, and he took them to the prisoner in the cells, and offered them to him. He would not receive them, but took two newspapers. The prisoner said, when the letters were offered to him, "I can't do my business in here, and I don't know who can do it for me, except William Gilliam, of Alvercliffe Common." In addition to these letters he (witness) had received a great number of others, also addressed to B. Smith, making about 50 in all. He had taken upon himself the responsibility of opening all that he had received.

Mr. Fennell said he should submit that without the consent of the prisoner the opening of the letters or even the delivery of them by the postmaster was a misdemeanor liable to prosecution.

Mr. Whitfield said Mr. Fennell would be perfectly at liberty to take any steps he pleased in the matter, which was no part of the prisoner's reply. The police would take all the responsibility upon their shoulders. He however might mention that the express authority of the Postmaster-General and of her Majesty's Secretary of State had been obtained, and the letters were not opened until they had been searched. Mr. Fennell said he should object to these letters being produced. Letters addressed to persons must go direct from the postmaster to the person to whom they were addressed. He should like to see the authority which had been obtained. He appeared for the prisoner, and there were several of those letters relating to business orders.

Mr. Horne, in reply to further questions by Mr. Whitfield, said all these letters were delivered by the post-office authorities at the police-office. He had another lot of letters, about 30 or 40 in number, addressed to Mr. Stanley, part of which were left at the police-office, and the remainder he obtained from the house where the prisoner lodged. Amongst the letters he received from the prisoner's lodgings was a packet containing a book (produced), and inside the book were several prints and a number of stamps. He afterwards received from Walter Smith, of York, two pictures from his own hand, and the same evening on the following day sent him three more in a letter addressed to the police-office, at Rotherham. Another letter he found amongst those addressed to Stanley contained three photos, and three other letters contained one each. He had made diligent inquiry for a man named M. Stanley, but could not find any one of that name. Cross-examined by Mr. Fennell: The witness said the letters which he obtained from the prisoner's lodgings were taken there by the postman and offered to him last night, but she refused to receive them. He then took possession of them. He took them on his own authority. He had no authority from the Postmaster-General, or from the Secretary of State. He did not know whether permission had been received. He had seen the Rotherham postmaster, but he had not asked him the question.

Mr. Whitfield said there had been a communication received from the Postmaster-General, and it was now in the possession of the Postmaster at Rotherham, who had received directions as to what to do, and he (Mr. Whitfield) had received directions as to what to do on behalf of the prosecution.

Cross-examination resumed: I received about 30 or 40 letters at the prisoner's lodgings, addressed to M. Stanley. I did not consider it my duty to return any of these letters to the person who sent them. There are not letters amongst them relating to the ordinary trade. I say that these letters applying for late enclose 2d. to stamps, and the person who received them on take three halfpence out of it and send the late, and that is the way he lives. I am prepared to swear that I believe they are not genuine orders. If these orders are from respectable men, they are respectively taken in. (Laughter.) I believe that the prisoner's name is Benjamin Smith, and not M. Stanley.

Police-constable Thomas Hinkson then deposed to receiving letters from Inspector Horne to post at Southwell, and to going there and receiving replies addressed to "Thomas Rodgers."

Police-constable William Holmes stated that he had delivered letters to Hinkson and his wife to post at Southwell. He went with Inspector Horne to search the prisoner's house on the 13th January, and he saw the inspector take possession of a number of letters which were lying on a table before the prisoner. They were all open.

Mrs. Hinkson deposed to having received letters from the last witness for her husband to post at Southwell, and Lake White, postman at Rotherham, deposed to having letters addressed, both in the names of Smith and Stanley, at the prisoner's lodgings in Old Mill Fold. He had also received receipts from the prisoner for registered letters. He gave the receipts to the prisoner to sign, and they were handed back to him with the signatures "M. Stanley," but he did not see the prisoner sign them.

Henry Wesley Shaw and Samuel Beale, both letter-carriers at Rotherham, deposed to having delivered letters at the prisoner's lodgings addressed to both Smith and Stanley.

Ann Gerrill, widow, of Old Mill Fold, said the prisoner had lodged with her for over three years. Alma place and Old Mill Fold were in the same yard at Rotherham. She had never had a person named M. Stanley living at her house. A large number of letters arrived at her house, some of which were addressed to Stanley and some to Smith. She always gave them to the prisoner. (On the morning that Inspector Horne came to the house Smith received the letters. Cross-examined by Mr. Fennell, the witness said the prisoner had always conducted himself as a respectable man while he had been at her house. She had never seen any indecent prints, or he would not have been allowed to stay there. She never heard him make use of an indecent word. His wife was dead, and his child, who was three years old, lived with her. He examined by Mr. Whitfield, the witness said Mrs. Shaw, a neighbor, had told her that she had seen an advertisement in a paper, and she asked if Smith was selling obscene pictures or photos, or anything of that kind. She replied that she had seen some very nice pictures—(laughter)—and she had some in her shop window containing the Queen and so forth. She told the prisoner one day that a man had been inquiring for Mr. Stanley, and he replied that Stanley was travelling with jewellery.

William Hawley, a clerk at the Sheffield Post Office, said the prisoner had been to the Sheffield Post Office many times to cash money orders. The orders were in the name of M. Stanley. Cross-examined by Mr. Fennell, the witness said he saw the prisoner on Monday last, when Inspector Horne brought him to the Post Office and asked him if he could recognize the prisoner as the man who brought Post Office orders in the name of M. Stanley. The orders were always signed when the prisoner brought them.

Walter Smith, a lithographic printer, residing at 10, Hensgate, York, said he wrote a letter (produced) on the 13th January to M. Stanley, of Old Mill Fold, Rotherham. He received the three photographs produced from M. Stanley. He afterwards sent them to Mr. Horne at Rotherham. He had written to Stanley three or four times, and had sent postage stamps, receiving in return the photographs produced. In answer to Mr. Fennell, the witness said he had never seen the prisoner before, and for anything he knew to the contrary any other person might have sent the photographs to him.

A young man named Thomas Howcroft, who said he resided with his father, a millman, at Newton-in-Willows, Lancashire, said he wrote to the prisoner the letter produced on the 13th January, enclosing the three cards in reply produced. The letter was addressed to M. Stanley, Old Mill Fold, Rotherham. He had written before to the same address, asking for him. He received the letter produced.

John Moleworth Moody, a detective officer of the Sheffield Borough Police, said he searched the house of Henry Gilliam, at 37, Alvercliffe Common, on the 13th January, and there found the obscene photos produced. There were seven of them. He had not seen Gilliam since.

Inspector William Toulson, of the Sheffield Borough Police, stated that he accompanied the last witness in searching the house on Alvercliffe Common. He found the price lists produced. They were similar to those which had been produced that day. He had seen the prisoner and Gilliam many times together, at Alvercliffe. Gilliam was summoned to appear before the Sheffield magistrate last Friday, but he had absconded. This concluded the case for the prosecution, and

Mr. Fennell then said he appeared for the prisoner, as it he submitted that the case was not brought home to him. If the Bench were determined that the case should go to the jury, or that they would fine the prisoner, he should not address them at any great length.

The Bench replied that they should not take it upon themselves to deal with the case. Mr. Fennell then said he should ask for bail, as the prisoner could find substantial security, to which the Bench replied that they could not refuse bail. The prisoner was then charged in the usual way, when, on the advice of Mr. Fennell, he replied, "I am deeply sorry of the charge."

The Bench said they should require the prisoner to bond himself in £200, and six co-sureties in £100 each.—The prisoner was then removed in custody.