

Charge of Stealing Money & Furniture 1871

Salisbury Petty Sessions



Ann Waters, of East-street, Fisherton, who had been remanded on bail from the previous Monday, was again charged with stealing money and furniture to the value of 150/., recently the property of Mrs Mary Calloway, of Winterbourne Dauntsey, deceased.

The case came on last week, when it was understood that an account should be stated, as the defendant and the deceased were sisters, and that on the restoration of the property, the charge would, with the consent of the Bench, be withdrawn. That arrangement, however, fell through, and today the case was fully gone into, the Magistrates being engaged two or three hours in hearing it.

The prosecution was conducted by Mr Nodder. Mr Hill again appeared on behalf of the defendant, who was also represented by Mr Anderson, barrister.

Mr Hill said that on Monday last he applied for an adjournment in order that some arrangement might be made with Mr Nodder. On acquainting himself with more facts, however, it was impossible to make any compromise, as the charge was a most unfounded one. He had acted as Attorney for the defendant during the week, but on Saturday night the defendant's son in London gave intimation that Mr Anderson, a Barrister, would be sent down from London to watch the case for the prisoner. He wished it to be known that that gentleman had not been employed by him.

Mr Nodder, in opening the case for the prosecution, said that he was in hope that the case would have been settled. He complained of sending down a counsellor without giving him the slightest intimation. Up to the time of his entering the court he was under the impression that the property would have been given up; but such not being the case it was his duty to prefer that most serious charge, which Mr Hill had called an 'unfounded one.' He pledged himself to prove it to the satisfaction of the Bench who would, no doubt, commit the lady for trial. The charge was an unusual one, and it had never fallen to his lot to prefer such a one.

As far back as 1830, Mr Calloway, the husband of Mrs Calloway, recently deceased, made his will, whereby he gave a life interest in the whole of his property to his widow. At her decease the houses were to be given to four persons, named Green and Smith and two other parties. Amongst one of the many charges against the prisoner was that of stealing the Title Deeds relating to those houses.

Mrs Calloway died on the 18th of February last. In addition to money and goods left by her husband she had accumulated a considerable sum of money. There was 159/. in the house just before her death, 100/. being done up in four packets of 25/. each, which were labelled as she wished it distributed.

The defendant was entitled to one packet, Mr Morris to another packet, and two other representatives were to have the two remaining packets. These four packets were locked in a small box and placed in a larger green box, which he could prove had been taken from deceased's house and found in the possession of the defendant. Each packet had been opened and the labels taken off. Instead of dividing the money it had been mixed with the defendant's own money and placed in a bag. The remaining 59/. was also placed in a box, and that had been found in the defendant's possession.

In addition to the money, a lot of furniture had been found at Mrs Waters's, which had been identified as the property of the late Mrs Calloway. The defendant had taken possession of the house since the funeral, and had refused to allow anyone to enter. He did not know what answer could be made to the charge. There was an Act of Parliament vesting the property in the judge of the Court of Probate. If defendant had remained in the house and not moved anything it would have been a different thing; she not only took possession of everything, but actually removed it to her own house, destroyed the labels on the four parcels which showed that she did not mean to administer the property as deceased had intended. The Bench, he could not help thinking, could not come to any other conclusion than that the property was taken away by defendant and converted for her own use.

It appeared to him that the charge of felony was complete. Mrs Waters had given five pounds to the deceased's brother, and told him that there was nearly ten pounds more for him. When that was proved, the duty of the Bench would be to commit the prisoner for trial.

He would just call the attention of the Bench to the fact that on Monday last the defendant's son rose up in the Court and said some of the money belonged to him. There were three different versions in connection with the case, first, that the money corresponded within 30s of what was known to be in deceased's house; secondly, that the prisoner resisted the search warrant being made; and thirdly, that the son claimed some of the money.

Emma Philpotts, wife of Thomas Philpotts, of Winterbourne Dauntsey, was the first witness. She stated that she was a niece of the late Mrs Calloway, and that her father was the deceased's brother. She was in the habit of constantly seeing Mrs Calloway up to the time of her death - sometimes every day, and sometimes two or three times a week. She was conversant with the deceased's affairs. Some six months before her death, which took place in February last, witness had a conversation with her in reference to the contents of two green boxes which were in her bedroom.

There were four parcels of money, labelled, in a small box, which was placed in one of the two boxes. Witness read the names that were on the parcels, and then replaced them. The large and the small box were both locked. Early in February the deceased took out a bag of money and counted it on the bed. It contained 60/. and the deceased gave witness 1/. to buy something for her.

Her aunt was taken ill on the 5th of February, and Mrs Waters came to the house on the following day. Witness gave her the keys of the boxes, and had never seen the four parcels of money since. She said to the prisoner 'Aunt Calloway's other money is in the other green box,' and the prisoner replied that she didn't know there was any money there. The last time witness saw the 59/. was on that day, when she looked in for some biscuits. Witness continued to visit her aunt during her illness, and sat up with her every other night. She was not sensible, and died on Saturday, the 18th February.

Witness went to the house on the following Monday, but could not get into the bedroom where the body lay, the door being locked. The prisoner remained with the deceased to the time of her death and Ann Sansom, a niece, was also there. The funeral took place on the 24th of February, and witness afterwards made another attempt to get into the house, but could not succeed. She had seen the things found at the prisoner's house, having gone with the police officer when the warrant was executed. There was a chest of drawers there, which she had seen standing in her aunt's bedroom. She never saw the bag of money or the parcels after she gave the keys to the prisoner.

Cross-examined: She consulted Mr Wilson about the matter, about a month after the deceased's death. She also spoke to Mr Nodder, who went with her and the police to the prisoner's house. Witness pointed out the things, which were not hidden away. Any one might have seen them. The prisoner was taken into custody. Mrs Sansom was in the deceased's house on the 6th of February. She said she had sent for the prisoner to come over; but she didn't say it was at the request of the deceased. She took the keys from the deceased's pocket while she was insensible, and went to look for the biscuits. She then saw the money in the bag and counted it. It was then correct. She counted it because she thought Sansom might have taken some of it. She didn't find any biscuits in that box, and didn't open the other. She found the biscuits elsewhere. The deceased didn't tell her to give the keys to the prisoner. She wouldn't say whether it was in September or October that she saw the four parcels of money. It was about six months before her aunt's death.

When she saw them on the 6th of February it was in the presence of the prisoner. She unlocked both boxes in the prisoner's presence, but did not open the parcels. She was present at the funeral, and asked the prisoner when she was going to part the money. Thomas Morris, the prosecutor in the case, was there, and wished everything done fairly. The prisoner said she would divide the property as soon as she had paid the debts due from the deceased. The prisoner locked up the rooms, and one box was taken away when the corpse was locked in. The box was taken out in the daytime by a person named Smith. Witness did not see any of the other things removed, but she heard of their removal about a fortnight afterwards. Witness did not object to the removal of anything by the prisoner.

Re-examined: The bag produced (found at the prisoner's house), was the one that contained the 59/. Another bag produced also belonged to her aunt. Witness had seen it in her pocket scores of times, but wouldn't swear where she kept it. She missed a bed, and saw that a pig sty belonging to the deceased had been pulled down. She did not know at the time of the funeral that anything else had been removed. The small box produced was one that was placed in the larger box, and it contained the four parcels.

Elizabeth Smith said she was a widow, and lived at Winterbourne Dauntsey. She knew where the late Mrs Calloway lived, and also knew the prisoner. After Mrs Calloway died, witness took a box tied up in a handkerchief, and a bundle, out of her house by direction of the prisoner, and gave it to Prince, the carrier. She believed the box produced to be the same. She took away no other things.

Police Constable Agnew deposed that he received the warrant produced by Superintendent White, on the 1st of July. He went to execute it, and was accompanied by PC Hatton, Mr Nodder and Mrs Philpotts. He saw the prisoner, and explained the warrant. He searched the house, and found various articles of furniture, together with 157/. in money, tied up in bags.

Cross examined: After the search he charged the prisoner and took her to the police station. Her son and his wife accompanied her. Mr Nodder said he really couldn't help it; she must go. He gave her the usual caution and left her at the station in custody.

Police Constable Hatton, of the county force, stationed at Winterbourne, said he went with the last witness when the search warrant was executed on the 2nd of July. He found the goods mentioned at the house, and removed them to the police station. One of the money bags contained 97/. and another 60/. 10s., all in gold. He also found 2/. 10s. in a small tin box. He told the prisoner that they were searching for money, and she said she had none but her own. Witness turned the green box towards the window, but the prisoner stood before him, and said she would not allow him to examine it. He told her he must do so, and ordered her to stand back. He unlocked the large box, and found that it contained a smaller box. The prisoner said he shouldn't have it, but he took it, unlocked it, and counted the money in her presence. She interfered with him, and he requested Agnew to keep her back. He put the money back into the bags, and tied them up in the prisoner's presence. He sealed them, and afterwards handed them over to Superintendent White, who put another seal upon them in his presence.

Cross-examined: The house searched was within the city boundary, but witness was accompanied by Police Constable Agnew, of the city force, Mr Nodder, and Mrs Philpotts. Witness was present the whole time, and Mr Nodder told the prisoner that she would have to go to the police station. That was after the search.

At the close of the case for the prosecution, Mr Anderson submitted that there was no felonious intent on the part of the prisoner, who took the property away with a view to an equal division after the expenses incidental to the funeral &c., had been paid.

The Bench were of opinion that as there was a meeting after the funeral at which it was agreed to divide the property, there was no felonious intent on the part of Mrs Waters in causing it to be removed. The case was therefore dismissed.

Mr Anderson applied for costs, and also contended that as the Court had decided to dismiss the case, the police should be ordered to give up the money and property to the defendant.

The Bench, after considering the matter, decided to make no order either with regard to costs or the disposition of the property.

Mr Anderson intimated that in all probability proceedings would be instituted against Superintendent White to compel him to give up the money.

We understand, however, that an arrangement between the parties was afterwards come to, and that further legal proceedings will thereby be avoided.

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