

CAMBRIDGE CHRONICLE and JOURNAL 3rd November 1877

THE DEFALCATIONS AT CAMBRIDGE

John Wright Neville, 31, solicitor, was indicted on two charges of forgery and uttering certain receipts "for money, purporting to be and given by Messrs. Jones and Fitzmaurice, with intent defraud, in the year 1875, and on the 11th of August, 1876." He was also charged with "forging and uttering a certain receipt for money, purporting to signed and given by George Vint and Brothers, with intent to defraud." The prisoner was further indicted for having stolen £147 10s on the 3rd of September, 1875; £100 on the 24th of January, 1877; and a further sum £500 on the 21st of July, 1877, the moneys of the Cambridge Improvement Commissioners.

The prisoner (who was very pale, and appeared unwell) was arraigned in the usual way and he replied: By the advice of counsel, I plead guilty.

The CLERK of ARRAIGNS: You say you are guilty.

Prisoner: Yes.

The CLERK OF ARRAIGNS then read over the several indictments, and the prisoner pleaded guilty to each.

Mr. F. PHILBRICK, Q.C., said : Perhaps your lordship will allow to say one word in reference to this case. My learned friend (Mr. Horace Browne) is associated with me in the defence this unhappy man. We have most anxiously considered the circumstances of this most painful case. With the concurrence of my learned friend, I have taken upon myself the painful and, I fear, the almost inevitable duty of advising Mr. Neville to plead guilty to the charges which in various forms are repeated in the several indictments to which he has just pleaded guilty. My lord, I feel, and my learned friend feels, the facts disclosed by the evidence in this case would have rendered any attempt to obtain an acquittal almost hopeless; and the only amends he could make, if such can be called an amend, would be to express so much contrition as he feels by pleading, as he has pleaded, guilty now before your lordship. I need scarcely say that to a person of the age and in the position which he is, the fact of such a charge having been made against him inflicts a bitterness which perhaps few who stand at the bar can fully realize. And when I tell your lordship that this young man has risen from a comparatively humble position by his energy, exertions, and industry, to become associated with respectable firm of solicitors in Cambridge, that he has risen himself to the position of a member of that firm, and enrolled in the ranks of an honourable profession and had an honourable career open to him, you

will see that his case differs from many who stand the bar. Not only the punishment to himself, but there are those who are dependent him, a wife and family. The consequences of this conviction will be of course to ruin him personally, socially, and professionally; to bring suffering those who are dependent upon him. I have nothing more to say your lordship on behalf of the prisoner, but, with your lordship's permission, I may say that if the case had gone on to its ordinary termination there is one witness, whose name is on the depositions, who would not have been called today, because since the committal of this prisoner for trial that witness has absconded. I will not allude to this fact further than to say that from the nature of the accounts, which are the subject of this charge, they could scarcely have been brought to that state by one person—that is by the prisoner alone. I do not mention names, and I say nothing more than this—that the prisoner is the younger man, and in apportioning the punishment which the law sanctions for offences to which he has pleaded guilty, I trust your lordship will remember that the brunt of this is now borne by the unhappy man the bar, and that he who is partner in the guilt is not here to witness the degradation or to receive the punishment due to him. With regard to the Cambridge Improvement Com I am bound to say this—that they have had to discharge a necessary and painful public duty. As to the action in the matter on the part of the prisoner, I can say nothing but I leave the matter in your lordship's hands, beseeching you to remember the punishment inevitably brought upon the prisoner in the irretrievable disgrace and ruin brought on him and on those connected with him. There is only one other word which I would add. He went into prison a young man in good health. He is now bleached with the anguish of his position. I should be able to show you, if it necessary, by the Surgeon and Governor of the Gaol, that he has been subject fits, and that his state of health has been thoroughly broken down since be has been awaiting his trial. As fas as is consistent with the ends of justice, I would ask your lordship to temper justice with mercy.

Mr. Cockerell: I am instructed, with my friend Mr. Cooper, on behalf of the prosecution, and I have only one word to say with reference to the eloquent appeal of my learned friend Mr. Philbrick. Of course, when the prisoner's defalcations and forgeries were discovered, the Cambridge Improvement Commissioners had but one duty to discharge, and that was to prefer these charges, which represent four substantive offences. The prisoner has pleaded guilty, and I have only to say, on the part of the prosecution, that they leave the matter entirely in his lordship's hands. The only qualifying remark I would make is that Mr. Philbrick appears to have been rather misinstructed with regard to the effect that the confinement has had upon the prisoner's health. There is no doubt that the prisoner was bad health before the trial. I was not desired to say anything in aggravation of the charge, which is sufficiently serious without anything of the kind.

His LORDSHIP : Did the Commissioners authorise you to recommend the prisoner to the merciful consideration of the Court?

Mr. COCKERELL : No, my lord: I was simply instructed to refrain from saying anything in aggravation of the charge.

His LORDSHIP : How long was the prisoner in the service of the Commissioners?

Mr. COCKERELL : The Clerk to the Commissioners, Mr. Barlow, now fills the office of Mayor of Cambridge. The prisoner was clerk to Mr. Barlow being first of all articled to that gentleman and afterwards partner, and recently took an active share in the business of the Clerk to the Improvement Commissioners.

His LORDSHIP : Was the prisoner a salaried clerk to the Commissioners?

Mr. COCKERILL : No. he was not. Having taken an active share in those duties, he was in July, 1875, invested with certain powers to sign cheques which led to some of the forgeries, and in November, 1875, was appointed assistant-clerk the Commissioners to discharge the duties which Mr. Barlow was still liable to perform, but which personally Mr. Barlow, during his term did not fulfil. The prisoner virtually filled the office of clerk without salary, but as the partner of Mr. Barlow.

His LORDSHIP inquired who the witness was referred to as having absconded.

Mr. PHILBRICK : The Borough Surveyor, against whom other charges have been preferred, and against whom a warrant has been issued.

His LORDSHIP : What is the total that has been misappropriated by forgery?

Mr. COCKERILL : I cannot say. It is a considerable sum—some thousands; but I cannot say that the prisoner is liable for the whole of that amount.

Mr. PHILBRICK again explained the prisoner's connection with the Commissioners, and said the frauds were committed this way. It was the duty of the Borough Surveyor to certify for sums due to contractors for watering, scavenging, materials, and so forth. These certificates were before the prisoner, who would draw cheques for the sums they represented and hand them to persons entitled to them, those persons giving a receipt. In some instances the receipt was not forthcoming in the preparation for the audit, and the omission being discovered, a receipt was written, ostensibly before the clerk in the office, to be a duplicate receipt for production at the

audit, the others being supposed to lost, but attention was not called at the audit to the receipt being a substituted one and when these contractors were communicated with it was found that they had not received the moneys. This could not have been carried on alone by the prisoner at the bar.

His LORDSHIP: Tho receipts, course, were never received by the persons, by which means dirt was thrown in the eyes of the clerks at the office. Sums of money were audited, I suppose, which have never been paid. The total sum of money so accounted for, what does that amount to?

Mr. COCKERILL : £5000

Mr. PHILBRICK expressed his dissent at this statement.

Mr. COCKERILL : It does, indeed. If your lordship would—

His LORDSHIP : I don't want the amount exactly. How long has this been going on?

Mr. COCKERILL : it extends over a period of ten years.

His LORDSHIP : That, perhaps, is not the whole time which the prisoner has acted?

Mr. PHILBRICK : His authority only began in November 1875.

His LORDSHIP (to prisoner): Your position was one which provoked so much confidence that gave you the opportunity to do the things which, if you had not had that position, you would not have had the power of carrying out. The co-operation of others seems hardly a mitigating feature the case. You were making use of others either as your innocent agents or as implicated with you for the purpose of defrauding a public body. A public body is compelled to put confidence in somebody, or they could not carry out their duties, and in this case confidence was put in you, because, according to their views, your position deserved the confidence you would have forfeited. Some years ago you would have paid the penalty of this offence with your life; but with milder and wiser views, the law has reduced the penalty to something fitter, but something which is still sever, I should not be doing my duty to the public and to the law if I did not pass the sentence which I am about to pass upon you, which is that you be subjected to six years' penal servitude. The prisoner, who throughout the trial had worn a deadly pallor, at the conclusion of his lordship's words passed his hand across his forehead and walked unsteadily from the dock to the stairs leading to the cells.