

## Quarter Sessions

Perth, Wednesday, 7<sup>th</sup> January, 1846.

**John Dearden**, Sergeant in H.M. 51<sup>st</sup> Regt., was charged with forging an order for the payment of money, (£2) with intent to defraud Mr. R. Wells, one of the public officers of the Western Australian Bank. Second count, feloniously uttering the same order with same intent.

Isaac Wood. – I am clerk in the W.A. Bank. I recollect that on Wednesday the 24<sup>th</sup> of December last, Sergt. Seely of the 51<sup>st</sup> Regt., presented to me, at the said Bank, the cheque now produced. While I was looking at it, Seely said, you perceive that it is made payable not to me but to Sergt. Dearden, who said Mr. Irby did not wish it to be presented till after the 15<sup>th</sup> but Dearden gave it to me on the 14<sup>th</sup>, when I cashed it for him. I looked at the signature of Mr. Irby, took the cheque, and having paid many cheques drawn by him before, and the signature bearing a general resemblance to that gentleman's usual signature, I paid the cheque. On the close of the day's business, I compared the cheque produced with Mr. Irby's former cheques, and found a difference between the signatures, and took the cheque to Mr Irby, who pronounced it a forgery. There is no other person of the name of Irby who keeps an account at the W.A. Bank.

Cross examined – Mr. Irby usually signs his cheques 'A. H. Irby, Actg. Paymaster Lieut. 51<sup>st</sup> Regt.' I found a difference between the form of the A, the initial of the first Christian name in the cheque produced, and Mr. Irby's usual signature. When Mr. Irby accepts bills, he does not sign 'Actg. Paymaster' to his acceptance.

Stephen Seely. – I am a Sergt. In the 51<sup>st</sup> Regt., and am a Pay Sergt. I have before now seen a cheque very like the one produced. The prisoner came to me on or about the 14<sup>th</sup> of December last, (I am sure before the 16<sup>th</sup>) and asked me for the loan of 15s., saying at the same time, he had a cheque from Mr. Irby for £2, dated the 16<sup>th</sup> Dec., which he showed me, but said that Mr. Irby did not wish the cheque to be presented before the 16<sup>th</sup>, because the pay drafts would not be issued till then.

I looked at the cheque and having often before cashed cheques of Mr. Irby in prisoner's favour, and believing the signature to the cheque given to me by the prisoner, to be Mr. Irby's true signature, I cashed the cheque. I am pretty well acquainted with prisoner's hand-writing; the hand-writing in the body of the cheque is to the best of my belief, the prisoner's. Prisoner came to me after I had received the cheque from him, and said he thought of getting the cheque back from me and getting a £5 order from Mr. Irby instead, but he never did get back the cheque. I had no particular reason for keeping the cheque till the 24<sup>th</sup>, when it was paid. The Mr. Irby I allude to, is Lieut. Irby, of my regiment.

Cross examined – When prisoner talked of getting back the cheque, he told me he would tell me when to present it. Dearden had but one conversation with me between his giving me the cheque and my presenting it for payment.

By the Bench. – After I had received payment of the cheque at the Bank, I told the prisoner of it, he made no remark.

By the Prisoner. – The hand-writing now shown to me, resembles the prisoner's, but is different from that in the body of the cheque. I have seen prisoner alter his hand-writing. The second specimen of hand-writing shown to me is not generally like the prisoner's. I have seen prisoner write in different hands in my own ?????, I suppose to show his expertness. The writing in the body of the cheque produced, is not much like Mr. Irby's. I have seen him write his own name different ways. I had no occasion to go to the W.A. Bank, between the 15<sup>th</sup> and the 24<sup>th</sup> Dec.

A. H. Irby, Esq. Lieut and Actg. Paymaster of 51<sup>st</sup> Regt. deposed that the signature to the cheque produced, was not in his hand-writing. The prisoner, acting as his clerk, had access to the orderly room, where, in a drawer, his cheque-book was kept. He never authorised prisoner or anyone else to sign cheques for him.

Further evidence, bearing upon the case, was adduced. The jury returned a verdict of guilty on both counts. Sentence, 7 year's transportation.

[Transcription: *Perth Gazette and Western Australian Journal* (WA : 1833 - 1847), Saturday 10 January 1846, page 3 (2)]