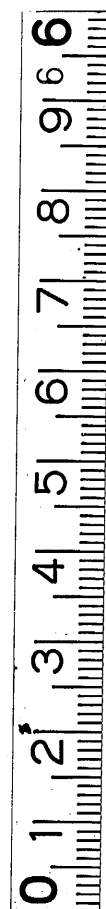


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0249

OBSERVATIONS
ON THE
Buyers or Receivers
OF
STOLEN GOODS,

Particularly of
LEAD, IRON, &c. taken
from Buildings;

WITH AN
ATTEMPT to Remedy such
INIQUITOUS PRACTICES.

In a LETTER to a Member of
PARLIAMENT.

L O N D O N :

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A

LETTER to a Member
of Parliament.

S I R,

THAT Vice and Immorality are at a high Pitch, that Robberies of every kind do daily increase, and that neither the bare complaining thereof, nor the Recommendation of Virtue and Honesty, will in Opposition to such Practices reform the Offenders, is a melancholy Truth not to be doubted.

Relief to the Publick, and Amendment in the Offenders, can only be expected from effectual Laws.

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? : A : Many Laws are in Being for the Punishment of Thieves and Robbers, and the Buyers and Receivers of Stolen Goods ; the Latter of whom, are in an Act of the 1st of Queen Ann, Chap. 9. said to be *the principal Cause of the Commission of such Felonies*. And they may, I think, with great Propriety, be term'd so many MASTER THIEVES.

Mr 4th 2 : An Act passed in the 4th Year of his present Majesty, *for the more effectual punishing Stealers of Lead or Iron, Bars fixed to Houses, or any Fences belonging thereunto* ; in which Act, the BUYERS AND RECEIVERS are made subject to the same Punishments with the Principals. But neither that, or the other Laws in Being, especially with Regard to the Buyers, have obtained the intended

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tended Effect: For notwithstanding the Number of Offences daily committed, the Offenders are seldom apprehended, and, when they are, frequently escape on their Trials ; delivered from Gaol, they generally become abandoned, renew their old Courses more daringly, and, I may add, more frequent, being encouraged thereto, as well from the Chance they have, of not being again apprehended, or getting off on their Trials if they are, as from the little Apprehension they may have of the Punishment of Transportation, if convicted—However this be, it is, I think, demonstrably true, that the Number of Offenders in both Kinds increase, witness the frequent Advertisements of such Robberies, and the ineffectual Offers of Rewards for Discovery,

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both Parties being cemented by Mutual Interest, as well as Mutual Safety, all Rewards are vain; from which, I apprehend, it appears that the Laws already made are not effectual for preventing such Practices—Which leads me to point out to the best of my Judgment, the Reasons of their Inefficacy, and to recommend a Law now in being, as a Precedent, humbly conceived, proper to be followed in the present Case, and give some Reasons why such Law is more likely to obtain the desired Effect than any other now in Being, for punishing the Offenders before complained of: And this, I think, were better done by rendring the Prosecutions and Convictions more easy and speedy than by any Increase of Corporal Punishment; and

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and here it may be noted, that the particular Kinds of Felony pointed at, are such as were intended to be remedied by the said *Act of the fourth Year of his present Majesty*; but the Necessity of extending such Law is obvious, from the Discoveries lately made of enormous Thefts committed on the River *Thames*, and the Wharfs adjacent, which could never have been carried to such a Degree, but by the most extraordinary Combinations, betwixt the ROBBERS and RECEIVERS; therefore the more extensive the more useful it will be to Society. — If any Objection should be made to its being General, which I am not apprized of, I think there can be none against it, in the Particulars of *Lead, Iron, Copper or Brass, Part of Buildings, and the*

(6)

the Utensils or Ornaments thereof, stolen from Dwelling-houses, Out-houses, &c.

The Reasons why the Laws hitherto made have proved ineffectual, to answer the Ends proposed *with respect to the Robbers*, seems to arise from the Difficulties in apprehending the Thief, the present legal Powers being insufficient, (as appears to me) for the detaining suspicious Persons, or the Goods found on them, a convenient Time for Examination; for want of which they often escape, when perhaps a Day or two might produce the Owner of the Goods, with Evidence of the Theft; but suppose they are apprehended, carried before a Justice of the Peace and committed, how many Chances have they to get off upon their Trials?

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Trials? A cautious Prosecutor perhaps will not swear to the Identity of the Goods, as one Piece of Lead, or one Iron-Bar, &c. may be like another, and this I have known to be the Case, even where a Piece of Lead has been painted (which strengthens the Proof) and has tallied with the Piece from which it was cut — as also where Iron Bars of a large Brewing Copper have been in question; and tho' before the Justice the Thief has acknowledged, or his Accomplices confessed the Fact, yet on the Trial, it was not sufficient for the Prosecutor to swear to his Belief only, but necessary to be direct and positive to the Identity of the Goods; for want of which Evidence, no further Witnesses were examined,

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examined, and the Prisoner of Course acquitted.

In many Instances where the Thief is taken, such strong Evidence appears against him, before the Justice on his Examination, (perhaps from his own Confession or that of an Accomplice ; the Goods found upon him, or other strong and flagrant Circumstances) against which the Prisoner is not able to make any manner of Defence, and in consequence of which Examination, the Justice is obliged, as I apprehend, to commit the Prisoner, and bind over the Party to prosecute ; yet under such and many other Circumstances, how frequent is it for the Offender to be acquitted ? And as the Law now stands, it cannot, as I conceive be otherwise, neither can the Justice or
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Prosecutor be excused, if the one fails in committing, or the other in prosecuting such Prisoner, tho' the Magistrate may probably judge that the Evidence is not sufficient to convict.

From such Prosecutions no Benefit can arise ; on the contrary, great Expences to the County where such Prisoners are confined, Trouble to the Court, Loss of Time and Expences to the Prosecutor in addition to the Loss of his Goods.

Perhaps it will be said, the Prisoner, tho' acquitted, is severely punished by his Confinement in Gaol—'Tis true, but the consequence of such Confinement, as has been before observed, only makes him a more hardened Offender. Out of the Numbers who are acquitted on
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their Trials for the Kind of Robberies before mention'd, how few can be presumed Innocent of the Crimes for which they are tried, I think, in a great measure appears from the few Copies granted by the Court of such Persons Indictments, which I apprehend, if demanded to be generally granted, where the Prisoner is maliciously prosecuted.—Further these Chances of the Prisoners being acquitted, together with the Consideration of the Expence of carrying on a Prosecution, and the Loss of the Prosecutors Time, makes many chuse rather to sit down with the Loss of their Goods than engage in such Prosecutions, by which means no doubt many escape, who, if brought to Trial, might be convicted.

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The Reason why the Laws in being against the BUYERS and RECEIVERS of stolen Goods have not proved effectual, I apprehend is, because such Laws do not, as I know of, take Effect but in Cases where it can be proved THEY KNEW THEM TO BE STOLEN, *and who but the Thieves and themselves can know that?* Nor can they be convicted of Felony until the Principals are first convicted; by this means such Room is left for the Buyers to escape, that notwithstanding the Notoriety of the Fact, *viz.* that there are many such BUYERS or RECEIVERS, yet how seldom is any one apprehended or tried for such Offence? and how rarely convicted?

In the Case of buying stolen Lead particularly, tho' in many

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Instances the Thieves have discovered, or it has by other means been known to whom they have sold the same, I do not remember any Instance of a Person's being convicted for the buying or receiving such stolen Lead, and few, if any, can be produced—Yet these BUYERS and RECEIVERS continue their wicked Trade, under the strongest suspicious Circumstances, that such Goods are stolen; as by the Time when—Manner how—and Persons by whom they are brought and deliver'd—as well as from the Nature of the Goods themselves—Circumstances generally so strong as amount to the highest Probability, and often to a moral Certainty of their being unlawfully come by. For Instance, when Goods are brought

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in the Night-Time, or under Covers to conceal them, by Persons unknown, tho' more frequently by those well known, from their constant Trading; and such Goods in particular, as *old Lead* visibly cut from some Building, *Pieces of Sheet-Lead*, cut off from Coverings of Houses, Out-houses, &c. or *Pieces of Lead*, *Pipe*, *Gutters*, *Plumbers Solder*, *Coppers*, *Brass-Cocks*, *Bells*, and *Knockers from Doors*, *Iron-Bars*, and the like.

And here it may not be amiss to observe, that the Mischief to Sufferers, by stealing of Lead in particular, is far greater than of all the other Articles before mention'd taken from Houses and Out-houses put together, and does not consist barely in the Loss of such a Quantity of Lead, but

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but the Buildings from whence it hath been taken have often been thereby greatly Damaged, before such Loss has been discovered. How many Houses in the City of *London* and *Westminster* have been stripp'd and robb'd of their Lead, while the Families have retir'd in the *Country*.

Who that sees the above Things so brought and offer'd to Sale, but must know, they cannot possibly be the Property of the Parties bringing them. (unless Theft or Breach of Trust can be supposed to give them a Property.) — Nay, who but must know they are Goods that can only be the Property of either the Owners of Lands or Houses, or the Occupiers of such, or of Master-Workmen of some Trade employed in Building or Repairing such

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such Houses, Out-houses, &c. And further they must also know such Goods are more valuable to the real Owners, than at the Rate offer'd to be sold by a Sett of *Vagrants*, *House-breakers*, or by some *pilfering Day-Labourers*.

Yet, tho' under all these Circumstances of Suspicion, who of these BUYERS or RECEIVERS ever ask any Question of the Parties how they came by them, or offers to stop them on Suspicion, which surely is a Duty incumbent on every honest Man and fair Trader, and therefore where it is not done may justly merit Notice.

Besides, many of these BUYERS have Contrivances ready at hand for altering the Form and Appearance of the Goods, that if searched after, as stolen, they cannot

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cannot possibly be known, nor the Identity of them sworn to : As by breaking Cast-Brafs, Bell-Metal, cutting into Pieces Cop-pers, melting Lead and Solder, into other Forms, and the like.

Therefore a Law as would punish such Actions seems necessary.

It may be proper to observe, that these Kinds of Thefts and Dealings seem peculiar to the City and Suburbs of *London* and *Westminster*, and the Neighbouring Towns and Villages in the four adjoining Counties ; at the Distance of twenty Miles there is seldom if ever any such Thing attempted, the Practisers in these Thefts at such Distance would run too great risque of being discovered, before they could find Shelter for themselves, or a Mar-

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ket for their Goods—Whether the like be practised at any other great Cities or trading Towns in this Kingdom, I will not pretend to say.

Now the Law I would humbly recommend, as a Precedent in this Case, is, The Act of the 15th Charles II. Chap. 2. entitled, "*An Act for the Punishment of unlawful cutting, or stealing, or spoiling of Wood and Underwoods, and Destroyers of young Timber Trees.*" In the Preamble of which it is said. "The said Offences are committed in such a close and clandestine Manner, that there is none Witnesses to them, but such as are Partakers to the Offence." Which is parallel to the Case before us, as also in the Circumstance, that a Law

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before made had proved ineffectual.

The Reasons why I conceive a Law made upon that Plan, with such Variations as the Case may require, more likely to work a Reformation, and render Thefts and Robberies less frequent, and the Buyers of stolen Goods to be more easily discover'd and brought to Punishment, are. *viz.*

Because by the Act referred to, " Every Constable, Head-borough, or any other Person
" in every County, City, Town
" Corporate, or other Place
" where they shall be Officers
" or Inhabitants, have full Power and Authority to apprehend
" or Cause to be apprehended,
" all and every Person or Persons they shall suspect having,
" or carrying, or any Ways conveying

(19)

" veying any Burthen or Bundles
" of any kind of Wood, Underwood, Poles, or young Trees,
" or Bark, or Bast of any Trees,
" or any Gates, Stiles, Posts, Pales, Rails, or Hedgewood,
" Broom or Furze, and by Warrant under the Hand and Seal
" of any one Justice of the Peace directed to any Officer, such
" Officer *hath* Power to enter
" into and search the Houses, Out-houses, Yards, Gardens,
" or other Places belonging to the Houses of all and every
" Person or Persons they shall suspect to have any kind of
" Wood, Underwood, Poles, or young Trees, or Bark, or Bast
" of any Trees, or any Gates, Stiles, Posts, Pales, Rails, or
" Hedgewood, Broom or Furze.
" — And wheresoever they find

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" any

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“ any such, to apprehend or
 “ cause to be apprehended, all
 “ and every Person and Persons
 “ suspected for the cutting, and
 “ taking of the same, and them
 “ and every of them as well
 “ those apprehended carrying or
 “ any Ways conveying any kind
 “ of Wood, Underwood, Poles,
 “ or young Trees, or Bark, or
 “ Bast, of any Trees, or any
 “ Gates, Stiles, Posts, Pales,
 “ Rails, or Hedgewood, Broom
 “ or Furze, as also those in whose
 “ Houses, or other Places be-
 “ longing to them, any such
 “ Wood, &c. shall be found,
 “ to carry before one Justice of
 “ the Peace of the same Coun-
 “ ty, City, or Town Corporate;
 “ and if the said Person and
 “ Persons so suspected, appre-
 “ hended, and carried before the
 “ said

(21)

“ said Justices, do not then and
 “ there give a good Account,
 “ how he and they came by such
 “ Wood, &c. by the Consent
 “ of the Owner, such as shall
 “ satisfy the said Justice, or else
 “ shall not within some conveni-
 “ ent Time, to be set them by
 “ the said Justice, produce the
 “ Party or Parties of whom they
 “ bought the same Wood, &c.
 “ Or some other credible Wit-
 “ nesses, to depose upon Oath, such
 “ sale of the said Wood, &c.
 “ (which Oath the said Justice
 “ hath, *by the said Act*, Power
 “ to administer) That then the
 “ said Person or Persons so sus-
 “ pected, and not giving such
 “ good Account, nor producing
 “ any such Witness upon Oath
 “ to testify the said Sale as afore-
 “ said, shall be deemed and
 “ ad-

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" adjudged as convicted of the
 " said Offence of cutting and
 " spoiling of the said Woods,
 " &c. within the meaning of a
 " former Statute of Queen *Eliza-*
 " *beth*, and shall be liable to the
 " Punishment therein contained,
 " and to such other Proceedings
 " and Punishments as by *the said*
 " Act is further constituted and
 " appointed on that behalf, and"
 it is further " Enacted, that all
 " and every Person or Persons
 " convicted of the said Offence
 " in Manner and Form before in
 " said Act mentioned, shall for
 " the first Offence, give the
 " Owner or Owners such Re-
 " compence or Satisfaction for
 " his or their Damage, and with-
 " in such Time as the said Ju-
 " stice shall appoint, and over
 " and above Pay down presently

(23)

" unto the Overseers, for the Use
 " of the Poor of the Parish where
 " the said Offence or Offences
 " were committed, such Sum
 " of Money (not exceeding ten
 " Shillings) as the said Justice
 " shall think meet; And if such
 " Offender or Offenders do not
 " make Recompence or Satisfac-
 " tion to the said Owner or
 " Owners, and also pay the said
 " Sum to the Poor in Manner
 " and Form aforesaid, then the
 " said Justice shall commit the
 " said Offender or Offenders to
 " the House of Correction, for
 " such Time as the said Justice
 " shall think fit, not exceeding
 " one Month, or to be whipp'd
 " by the Constable or other Offi-
 " cer, as in his Judgment shall
 " seem expedient; And if such
 " Person or Persons shall again
 " com-

(24)

“ commit the said Offence and
 “ be thereof convicted as before,
 “ That then they and every
 “ of them so offending the se-
 “ cond Time, and thereof so
 “ convicted, shall be sent to
 “ the House of Correction for
 “ one Month, and be there kept
 “ to hard Labour; and if such
 “ Person or Persons shall again
 “ commit the said Offence, and
 “ be thereof convicted as before,
 “ that then they and every of
 “ them so offending the third
 “ Time, and thereof so con-
 “ victed, shall be taken, adjudg-
 “ ed, and deemed as incorrigi-
 “ ble Rogues.

“ And it is further enacted
 “ that whosoever shall buy any
 “ Burthens of Wood, or any
 “ Poles, or Sticks of Wood, or
 “ any other the Premises *therein*

“ par-

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“ particularly mentioned, which
 “ may be justly suspected to
 “ have been stolen, or unlawfully
 “ come by, that it shall, and
 “ may be lawful, to, and for,
 “ the said Justices of the Peace,
 “ Mayors, Bailiffs, and Head
 “ Officers, or any one of them
 “ within their respective Juris-
 “ dictions, upon Complaint to
 “ them thereof made, to ex-
 “ amine the said Matter upon
 “ Oath, which they and every
 “ of them respectively are *there-*
 “ *by* authorized to administer,
 “ and if they shall find, that
 “ the same was bought of a
 “ Person who might justly be
 “ suspected to have stolen or
 “ unlawfully come by the same,
 “ and that the same was stolen
 “ or unlawfully come by, that
 “ in such Case, the said Justices

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“ of

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“ of Peace, Mayors, Bailiffs, or
 “ other Head Officers, or any
 “ one of them respectively shall
 “ and may award the Party,
 “ who bought the same, to pay
 “ Treble the Value of the same,
 “ to the Party from whom the
 “ same was stolen or unlawfully
 “ taken, and in Default of pre-
 “ sent Payment thereof, to issue
 “ forth their respective Warrants
 “ to levy the same by Distress,
 “ and Sale of the Offenders Goods,
 “ rendring the Overplus to the
 “ Party, and in Default of such
 “ Distress to commit the Party
 “ to the Gaol at his own Charge,
 “ there to remain one Month
 “ without Bail.”

I have chosen to recite the
 Clauses in the Act, to shew how
 parallel the Case of *the Stealers*
of Lead, Iron, Copper or Brasses,
and

(27)

and the Spoilers of Houses, &c.
 thereby, is with *the Stealers and*
Spoilers of Wood, &c. and the
 BUYERS in both Cases.

And I make no doubt but
 when that Law was made, it
 would have been extended to the
 Offences of stealing Lead, Iron-
 Bars fixed to Houses, &c. and
 the Buyers of such, for the pre-
 venting of which, *the Act of the*
4th of his present Majesty was
 made, if such Robberies and the
 Buying of such stolen Goods had
 been then practised; but I take
 this kind of Thieving, and the
 Buying and RECEIVING of *such*
 stolen Goods, to be amongst the
 more modern Inventions of Vice
 and Roguery, and therefore that
 a new and more effectual Law
 becomes absolutely Necessary,
 for the better preserving the pro-
 perty

(28)

erty of the Subjects in their Freehold Houses, Out-houses, &c. and for making their Goods in them more safe and secure, which I fear can never be, until the BUYERS and RECEIVERS of such can with more Ease be detected, and more speedily brought to Justice.

And this, I conceive, can only be by such Law, pointing out explicitly particular Circumstances to be observed by the Buyers, that may oblige them to *make strict Enquiry in whom the Property is, of the Goods offer'd to Sale*: The Probability there is of the Persons having such Property who offer them to Sale, and an Obligation on the Buyer to produce or give good Account of the Person or Persons of whom he buys any Goods, that shall afterwards

(29)

wards appear to have been stolen — With an absolute Prohibition of buying of such Persons, and under such and the like Circumstances, as before described in Pages 12 and 13. annexing such Penalties or Punishments as in the Wisdom of Parliament shall seem just and meet.

And this, I humbly conceive, cannot be better effected than on the Plan of the Act of the 15th Charles II. above quoted, on which Plan both the Thief and the Buyer of the Goods may with much greater Ease and Certainty be detected.

I am not aware of any Objections against such Powers being granted for the Purposes under Consideration, but what may be well answer'd, and with equal Propriety be objected to the said

(30)

Law for the Preservation of Wood, &c. and to many other Laws made for good and just Purposes.

The only Objections I have heard to such kind of Provisions and Powers being extended to the Cases under Consideration, are

That they are Infringements on the Liberty of the Subject, and tend to impede the free Negotiations of Trade—When that can be made appear to be true, no doubt but in such Instances as can be pointed out, a proper Provision will be made.

But, Sir, I do not conceive, that the Liberty of the Subject in any lawful Acts will be at all affected, or fair and honest Traffick impeded thereby.

As to any Infringement on the Liberty of the Subject (in my

(31)

my Apprehension) it can only mean where innocent Persons may be question'd : And who would be offended at this, for the obtaining so good an End, as discovering of the Guilty?—As to a Trader or Buyer, what will be more required of him than is the Duty of every Man, *i. e.* to be circumspect in his Dealings, that he may not become the Countenancer or Encourager of dishonest Persons; and is it not reasonable to bear with small Inconveniences for such great and valuable Purposes, as the detecting and discouraging, and thereby preventing, such frequent Thefts and Robberies.

Were such a Law enacted, this great Evil may be in some Measure cured.

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The late Discoveries made of enormous Thefts committed on the River, as before mentioned, are amazing! The Buyers and Receivers equally astonishing! And as not only many eminent Merchants of this City, honest and fair Traders, have suffered great Loss thereby, but 'tis justly apprehended, the publick Revenue has been likewise much injured, I cannot therefore doubt but Application will be made to the next Session of Parliament, for some Law to prevent such wicked Practices, which will, I hope, remedy these Evils, and be the Means of rendring the greatest Part of our idle and wicked Vagrants useful and industrious Members of Society, who now are the greatest Pest of it.

If I have erred in any Thing herein advanced (not being conscious

(33)

scious thereof) I hope to be excused; having offered my Thoughts on this Matter, with a View only to the Benefit of Society, and by pointing out, as I have endeavoured to do, the Reasons why the Laws hitherto made against BUYERS and RECEIVERS of STOLEN GOODS have not had the intended Effect, any Advantage should arise therefrom to the Public, my Labour will be sufficiently recompensed, who have the Honour to be, S I R,

Your most obedient

London,
Dec. 31, 1750.

humble Servant,

Philopatriæ.

P. S. Altho' it has been observed in Page 3, how ineffectual the Offers
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of Rewards for Discovery of particular Robberies have been, yet if the Legislature should think it proper to give Encouragement by Rewards, for the Discovery on Conviction, of the BUYERS and RECEIVERS of stolen Goods KNOWING OR SUSPECTING THEM TO BE STOLEN; as also for the Discovery on Conviction of such Robbers, for which the Law has not yet provided any.

Though the Reward were small, even very small, probably it would greatly discourage the Practicers in both, as the present Cement of mutual Interest, and mutual Safety being destroyed thereby, it would become the Interest and Safety of each to discover the other.

F I N I S.

