

BERKSHIRE EASTER SESSIONS.

NEWBURY, APRIL 15.

H. Stockwell, J. Harper, (not in custody,) and *S. Hedges,* of Abingdon, were indicted for stealing 154 lbs. of lead, at Radley, the property of Benjamin Kent; and *Charles Jones,* of Oxford, for receiving the lead, knowing it to be stolen.

Stockwell and Hedges pleaded Guilty, but Jones pleaded "Not Guilty."

Jones was then put on his trial, for receiving the lead with a felonious knowledge, &c. from the two prisoners who pleaded guilty.

Mr. Shepherd said, he appeared on the behalf of Mr. Kent, the prosecutor of Jones, under a new statute, (sec. 44, 7, Geo. IV. c. 29.) which made the offence a felony. By the 54th sec. of the same statute the receiving of property feloniously stolen would also constitute a felony. The circumstances of the case were sufficiently strong to satisfy the Jury that the lead was stolen.

Mr. B. Kent examined.—I live at Radley-house; about 100 yards from the office is the larder; the roof is covered with lead. In January last a considerable quantity of it was stolen.

Cross-examined by Mr. Talfourd.—I am tenant of the house. Sir G. Bowyer is the proprietor. I am yearly tenant.

James Smith examined.—I am servant to Mr. Kent; the hips of the larder were covered with lead. The lead was stolen in January last; I saw it gone on the 29th January. There was a ladder found near to the ditch. There were three hips cleared of the lead.

Richard Burgess examined.—I live at Abingdon; I am a sawyer; on the 28th of January I went to Oxford, and on the road, having some bones in my cart to sell, I met the three men, Stockwell, Hedges, and Harper. Hedges asked me if I were going to Oxford? and would I carry a parcel? I carried a parcel for them. Harper went back for something, for a bag; the other two went on with me. Near Sir G. Bowyer's Lodge I was desired to stop. I at first objected, but I did stop about five minutes. Harper soon afterwards came up with a bag; they went into a plantation, near where Mr. Kent lives; they were not five minutes away when they brought a bag, which appeared to be very heavy. I never saw what was in the bag. Stockwell carried a piece of lead on his shoulder. This was afterwards put in the bag by Hedges and Stockwell. Shortly after Jones met the prisoners, and they had some conversation together. I went on to Oxford, to Mr. Round's wharf; and near the gates I put the parcel of lead down, and delivered the bones to be weighed. Stockwell and Jones came up in about half an hour, and put the bag with the lead into the cart again. I said, where are you to take this? and Jones said, "Come on back again; follow me." I followed him up the City-road; and near the Castle met Hedges and Harper. They turned back with us through the Butcher-row; when Jones called out "Hold off there; here it is," meaning the place where it was to be taken to. The bag was then taken out of the cart by Jones and Stockwell, and carried up a passage by Stockwell. They soon after came back, but I did not notice that they had the bag. Jones said, "What are you going to give the man for bringing it?" When Stockwell said, give him sixpence, and Jones did so.

Cross-examined by Mr. Talfourd.—I am a sawyer; I don't collect bones. I don't deal in lead. I did not know what was in the bag; I had no suspicion whatever. I was carrying the bones for Mr. Owen, of Abingdon.

Mr. John King examined.—I am a glazier, in Oxford. I know Jones; on the 28th January I saw him at my house. He came to say he had some lead to sell. I told him I wanted lead, and asked what price he wanted? He said 16s. a hundred. I said lead was low in price, and if it was good for any thing I would buy it. He brought the lead in about half an hour; he said he had an hundred and a half. Three young men came with him, but I should not know them again. I paid Jones for the lead; he received 20s. 6d. It was in three pieces, I believe. Some pieces were afterwards cut off by my shopman. It corresponded with the hips from which it had been taken.

James Smith produced the lead. The lead was given to me by Mr. Walker, the gaoler. I marked the lead before the Magistrates.

Cross-examined.—The price I gave was a fair price. I had before dealt with Jones, and have known him three or four years. I never heard any thing against his character.

Mr. D. Godfrey examined.—I was present at the examination of Jones; what he said I took down myself. This is the signature of Mr. Bowles, the Magistrate. The prisoner declined signing his statement. [It stated that the three prisoners asked him where there was a source for lead? and then corroborated a good deal of the testimony as adduced for the prosecution.]

Mr. Talfourd submitted there was no evidence of receiving to go to the Jury—no actual receiving into possession.

Mr. Shepherd.—That will be for the Jury to decide upon.

Mr. Talfourd.—And it is precisely what I mean to say.

Chairman.—He receives the lead, and makes a bargain for the sale of it. And if that is not a receiving, I am at a loss to know what a receiving is.

Rev. Mr. Sawbridge.—And he pays the carriage of the lead.

E. Gardener, Esq.—Yes, and he helped to carry it up the passage.

The prisoner in his defence said,—I asked Stockwell how he came by the lead, when he replied Hedges is captain, and got it where he had been at work. I said I would go to Mr. King, for there I could get a fair price. Stockwell wanted 14s. or more for the hundred weight, and I told them all to go to Mr. King, if they pleased. At last it was agreed I was to have all above 13s. for the first hundred, and all above 14s. for the remainder. I have been left friendless for nine years, and have got the best living I could by buying sheep-skins, rabbit-skins, or any thing else, for I was not nice. When the young gentlemen are at the University, I make pastry, and carry it about from house to house. I have one friend in Court, a Mr. Dyer.

Isaac Dyer called.—I am brother-in-law to the prisoner; I am confectioner at Abingdon; I have known Jones for twelve years nearly, and always understood him to be an upright and bright character. He has been a youth of a thousand for *honesty*, and for getting through difficulties by *industry*.

The Chairman summed up the case to the Jury.—If the Jury were of opinion, that he did not know the lead was stolen—that he had not a guilty knowledge,—they must acquit him.

Verdict,—Not Guilty.

The Chairman cautioned Jones, previous to his discharge, to avoid purchasing lead and other articles, in future; he had had a very narrow escape.

Jones.—I trust in God I shall; it shall be a thorough caution.

Hedges and Stockwell were ordered to stand at the bar, and were told their offence was not of a trifling nature, for, by a very old statute, it was severely punished; and by the present statute the Court may pass sentence of transportation. Under all the circumstances, the sentence of the Court was, that they be transported for seven years.

In quitting the bar, Stockwell struck Hedges familiarly on the back, and laughed.