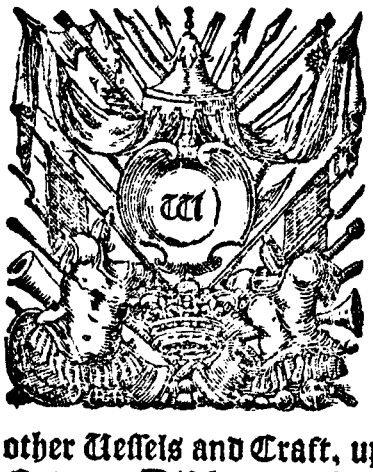
Anno vicesimo nono

# Georgii II. Regis.

An Act for more effectually discouraging and preventing the stealing, and the buying, and receiving of stolen Lead, Iron, Copper, Brass, Bell-metal, and Solder, and for more effectually bringing the Offenders to Justice.



WHEREAS the pernicious Practice of stealing Lead, Iron, Copper, Brass, Bell-metal, and Solder, fixed to, or lying, or being in or upon Houses, Out-houses, Mills, Warehouses, Workshops, and other Buildings, Areas, Vaults, Yards, Gardens, Orchards, or other Places; and also the stealing of such Materials from Ships, Barges, Lighters, Boats, and other Vessels and Craft, upon navigable Rivers, in Ports of Entry or Discharge, Creeks and Docks belonging thereto; and also from off Wharfs, Keys, and other Places, is become a great and notorious Evil, by reason of the Preamble.

Difficulty in apprehending and convicting the Thieves, and the ſtill greater Difficulty of diſcovering and convicting the Buyers or Receivers thereof; which Buyers or Receivers are the principal Cauſe of the Commiſſion of ſuch Thefts; and in regard that the ſaid Offences are committed in ſuch cloſe and clandeſtine Manner, that there can be no Witneſs or Witneſſes to the ſame, but ſuch who is or are Partakers of the Offence: And whereas if the Buyers and Receivers of Lead, Iron, Copper, Braſs, Bell-metal, or Solder, knowing, or having reaſonable Cauſe to ſuſpect, the ſame to be ſtolen, or unlawfully come by, were made original Offenders, and puniſhable independent of the Apprehenſion and Conviction of the Thief; and if the apprehending, proſecuting, and convicting the Offenders in both Kinds were rendered more eaſy and ſpeedy, it might more effectually tend to the Diſcovery and Suppreſſion of the ſaid Offences: For Remedy whereof, be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Firſt Day of October, One thouſand ſeven hundred and fifty ſix, every Perſon who ſhall buy or receive any Lead, Iron, Copper, Braſs, Bell-metal, or Solder, knowing the ſame to be ſtolen, or unlawfully come by; or ſhall privately buy or receive any ſtolen Lead, Iron, Copper, Braſs, Bell-metal, or Solder, by ſuffering any Door, Window, or Shutter to be left open or unfaſtened between Sun-ſetting and Sun-riſing for that Purpoſe; or ſhall buy or receive the ſame, or any of them, at any Time in any clandeſtine Manner from any Perſon or Perſons whatſoever; ſhall, being thereof convicted by due Courſe of Law, although the principal Felon or Felons has not or have not been convicted of ſtealing the ſame, be tranſported for Fourteen Years to any of His Majeſty's Colonies or Plantations in America, according to the Laws in Force for the Tranſportation of Felons.

Buyers or Receivers of any of the Materials herein mentioned, knowing the ſame to be ſtolen, or unlawfully come by, &c.

if convicted, to be tranſported for 14 Years.

And be it enacted by the Authority aforeſaid, That it ſhall and may be lawful for any One Juſtice of the Peace, upon Complaint made to him upon Oath by any credible Perſon, that there is cauſe to ſuſpect ſtolen Lead, Iron, Copper, Braſs, Bell-metal, or Solder, is concealed in any Dwelling-houſe, Out-houſe, Yard, Garden, or other Place or Places, by Warrant under his Hand and Seal, to cauſe every ſuch Dwelling-houſe, Out-houſe, Yard, Garden, and Place, to be ſearched in the Day-time; and if any Lead, Iron, Copper, Braſs, Bell-metal, or

Where there is a juſt Cauſe of Suſpicion, Juſtice to iſſue a Search Warrant,

Solder, suspected to be stolen, shall be found therein, to cause the same, and the Person or Persons in whose House, Out-house, Yard, Garden, or other Place, the same shall be found, to be brought before any Two or more Justices of the Peace for the same County, City, Riding, Division, Liberty, or Place; and if the said Person or Persons shall not give an Account to the Satisfaction of such Justices, how he, she, or they came by the same; or shall not, within some convenient Time, to be set by the said Justices, produce the Party or Parties of or from whom he, she, or they bought or received such stolen Lead, Iron, Copper, Brass, Bell-metal, or Solder, that then the said Person or Persons, so offending, shall be deemed and adjudged guilty of a Misdemeanor.

and the Materials, and the Party with whom the same are found, to be carried before 2 Justices, &c.

Party not accounting satisfactorily, deemed guilty of a Misdemeanor.

And be it further enacted by the Authority aforesaid, That every Constable, Headborough, or Tythingman, in every County, City, Town Corporate, or other Place where they shall be Officers, and every Beadle within his Ward, Parish, or District, and every Watchman during such Time only as he is on his Duty, shall and may apprehend, or cause to be apprehended, all and every Person or Persons who may reasonably be suspected of having, or carrying, or any ways conveying, at any Time after Sun-setting, and before Sun-rising, any Lead, Iron, Copper, Brass, Bell-metal, or Solder, suspected to be stolen, or unlawfully come by; and the same, together with such Person or Persons, as soon as conveniently may be, to convey or carry before any Two or more Justices of the Peace for the County, City, Riding, Division, Liberty, or Place aforesaid; and if the Person or Persons so apprehended conveying any such Lead, Iron, Copper, Brass, Bell-metal, or Solder, shall not produce the Party or Parties from whom he, she, or they bought or received the same, or some other credible Witness to depose upon Oath the Sale or Delivery of the said Lead, Iron, Copper, Brass, Bell-metal, or Solder (which Oath any such Justices are hereby impowered to administer) or shall not give an Account, to the Satisfaction of any Two or more of such Justices, how he, she, or they came by the same, that then the said Person or Persons so apprehended, shall be deemed and adjudged guilty of a Misdemeanor.

Suspected Persons, with any of the said Materials in the Night-time, may be apprehended by the Parish Officers or Watchmen,

and carried before 2 Justices, &c.

and not accounting satisfactorily, deemed guilty of a Misdemeanor.

And be it enacted by the Authority aforesaid, That where any Person or Persons shall be convicted of either of the Misdemeanors aforesaid, it shall and may be lawful for any Two or more of such Justices to cause such Lead, Iron, Copper, Brass, Bell-metal, or Solder, to be deposited in the Hands of the Churchwardens or

In either of which Cases, the Materials to be deposited with the Churchwardens, &c.

Overseers of the Poor of the Place where such Lead, Iron, Copper, Brass, Bell-metal, or Solder were found, or in any other convenient Place, for any Time not exceeding Thirty Days; and in the mean Time to order the said Churchwardens and Overseers of the Poor, or One of them, in all and every of the Parishes within the Bills of Mortality, to insert an Advertisement in some Publick Paper, and in every other Parish or Place to cause Notice to be given by some publick Cryer, and by fixing on the Church or Chapel Door Notice describing such Lead, Iron, Copper, Brass, Bell-metal, or Solder, and where the same shall be so deposited, to the end that Persons having lost such Lead, Iron, Copper, Brass, Bell-metal, or Solder, may come and claim the same, or any reputable Person on their Behalf; and in case any Person or Persons can prove their Property to the said Lead, Iron, Copper, Brass, Bell-metal, or Solder, upon Oath, to the Satisfaction of any Two or more of such Justices of the Peace for such County, City, Riding, Division, Liberty, or Place, that then such Justices shall order Restitution of such Lead, Iron, Copper, Brass, Bell-metal, or Solder, to the Owner or Owners thereof, after paying the reasonable Charges of removing, depositing, and giving publick Notice of the same; and if at the End of the said Thirty Days no Person or Persons shall come and prove his, her, or their Property, nor any reputable Person on his, or their Behalf, to such Lead, Iron, Copper, Brass, Bell-metal, or Solder, the same to be sold for the best Price that can reasonably be had; and after deducting the Charges as aforesaid, One Moiety of the Money arising from such Sale to be given to the Person or Persons who shall apprehend the Party or Parties guilty of the Misdemeanors aforementioned, or either of them; and the other Moiety thereof to the Poor of the Parish where such Offence shall be committed (if it is known where) or else where such Convictions shall be made.

and publick Notice by Advertisement, and otherwise, to be given thereof,

and the Owner, proving his Property therein, is to have them,

otherwise they are to be sold, and the Money divided between the Officer and Poor of the Parish.

And be it further enacted by the Authority aforesaid, That every Person to whom any Lead, Iron, Copper, Brass, Bell-metal, or Solder shall be brought and offered to be sold, pawned, or delivered, shall, and is hereby empowered and required (there being reasonable Cause to suspect that such Lead, Iron, Copper, Brass, Bell-metal, or Solder, was stolen or unlawfully come by) to apprehend, secure, and carry before a Justice of the Peace for the County, City, Riding, Division, Liberty, or Place where the same shall be so brought or offered (having

Person to whom any such Materials shall be brought, to be sold or pawned, may in any suspected Case stop and carry the Party before a Justice, &c.

it in his or her Power so to do) the Person or Persons so bringing or offering the same, together with such Lead, Iron, Copper, Brass, Bell-metal, or Solder; and such Person or Persons so apprehended shall be dealt with, and such Lead, Iron, Copper, Brass, Bell-metal, or Solder, shall be deposited, and disposed of, in the same Manner, as if he, she, or they had been apprehended by the Constable, Headborough, Tythingman, Beadle, or Watchman, as aforesaid; and if it shall appear upon the Oath of any Person, notwithstanding such Person or Persons was or were concerned in the stealing the same, if corroborated with other credible Circumstances, to the Satisfaction of Two or more Justices of the Peace for the County, City, Riding, Division, Liberty, or Place, where the same shall be so brought or offered as aforesaid, that there was reasonable Cause to suspect such Lead, Iron, Copper, Brass, Bell-metal, or Solder was stolen or unlawfully come by; and that the Person or Persons to whom such Lead, Iron, Copper, Brass, Bell-metal, or Solder, was so brought or offered, did not (having it in his, her, or their Power so to do) apprehend, secure, and carry before a Justice of the Peace as aforesaid, the Person or Persons who so brought or offered the same, that then the Person or Persons to whom such Lead, Iron, Copper, Brass, Bell-metal, or Solder was so brought or offered, shall be deemed and adjudged guilty of a Misdemeanor.

otherwise, upon Proof of such reasonable Cause of Suspicion, he is made liable to a Misdemeanor.

And be it further enacted, That every Person deemed and adjudged guilty of a Misdemeanor, in having in his, her, or their Possession, any Lead, Iron, Copper, Brass, Bell-metal, or Solder, suspected to be stolen or unlawfully come by, and not producing the Party or Parties, of whom he, she, or they bought or received the same, nor giving a satisfactory Account, how he, she, or they, came by the same, or in having, carrying, or conveying of Lead, Iron, Copper, Brass, Bell-metal, and Solder, suspected to be stolen or unlawfully come by, and not producing the Party or Parties, from whom he, she, or they, bought or received the same, nor any credible Witness to depose upon Oath the Sale or Delivery thereof, nor giving a satisfactory Account how he, she, or they, came by the same (as the Case shall be) shall, for every such Misdemeanor, forfeit for the First Offence, the Sum of Forty Shillings, and for the Second Offence, the Sum of Four Pounds, and for every subsequent Offence, the Sum of Six Pounds; and that every Person deemed and adjudged guilty of the Misdemeanor of neglecting to apprehend, secure, and carry before a Justice of

Persons adjudged of a Misdemeanor in having in their Possession any of the said Materials suspected to be stolen, &c. and not accounting satisfactorily for the same,

to forfeit for the First Offence 40 s. for the Second, 4 l. and for every subsequent one 6 l. and being guilty of a Misdemeanor in not carrying suspected Persons before a Justice,

of the Peace, the Person or Persons (having it in his, her, or their Power, so to do) who brought or offered to sell, pawn, or deliver, any Lead, Iron, Copper, Brass, Bell-metal, or Solder (as the Case shall be) suspected to be stolen, or unlawfully come by, shall, for every such Misdemeanor, forfeit for the First Offence, the Sum of Twenty Shillings, and for the Second Offence, the Sum of Forty Shillings, and for every subsequent Offence, the Sum of Four Pounds; all which said respective Forfeitures, shall and may be levied by Distress and Sale of the Goods and Chattles of every such Offender (rendering to him or her the Overplus, after Charges of the said Distress and Sale deducted) by Warrant under the Hands and Seals of any Two or more of such Justices, before whom such Offender was deemed and adjudged guilty; which Forfeiture shall be paid, One Moiety thereof to the Informer, and the other Moiety thereof to the Overseers of the Poor, for the Use of the Poor of the Parish or Place where such Offence was committed (if it is known where) or else where such Conviction shall be made; and if no sufficient Distress shall be found, whereon to levy the said respective Forfeitures, then the said Justices shall and may commit every such Offender, so respectively deemed and adjudged guilty as aforesaid, to the Common Gaol or other Prison, or House of Correction, within their Jurisdiction, without Bail or Mainprize, for the Space of One Month for the First Offence, and for the Second Offence for the Space of Two Months, and for every subsequent Offence, until such Offender shall be discharged by Order of the Court of General or Quarter Sessions.

to forfeit for the First Offence, 20*s.* for the Second Offence, 40*s.* and for every subsequent one, 4*l.*

Forfeitures how to be levied and applied.

For want of Distress, Offender to be committed.

And be it further enacted, That every Conviction of any Offender in any of the aforesaid Misdemeanors, shall be certified by Two or more of the Justices of the Peace, making the same, to the next General or Quarter Sessions of the Peace, to be filed and entered amongst the Records of the said Sessions; and that such Conviction shall and may be drawn up on Parchment, and certified in the following Form of Words (as the Case shall happen) or in any other Form of Words to the like Effect, mutatis mutandis; that is to say,

Convictions to be certified to the Quarter Sessions,

in the Form following.

BE

*Middlesex*, to wit. } BE it remembered, That on the Day of in the Year *A. B.* was convicted before us of the Justices of the Peace for the County, City, Riding, Division, Liberty, or Place aforesaid (as the Case shall be) of a Misdemeanor in having in his, her, or their Possession, Lead, Iron, Copper, Brass, Bell-metal, or Solder, suspected to be stolen or unlawfully come by, and not producing the Party or Parties, of whom he, she, or they, bought or received the same, nor giving a satisfactory Account, how he, she, or they, came by the same, or in having, carrying, or conveying of Lead, Iron, Copper, Brass, Bell-metal, or Solder, suspected to be stolen, or unlawfully come by, and not producing the Party or Parties, from whom he, she, or they, bought or received the same, nor any credible Witness to depose upon Oath the Sale or Delivery thereof, or not giving a satisfactory Account how he, she, or they, came by the same, or of neglecting to apprehend and secure the Person or Persons, who brought and offered to pawn, sell or deliver, Lead, Iron, Copper, Brass, Bell-metal, or Solder, suspected to be stolen, or unlawfully come by (as the Case shall be)

Given under our Hands and Seals the Day and Year aforesaid. The Form.

Which said Conviction, in the same or the like Form of Words, shall be good and effectual in Law to all Intents and Purposes, and shall not be quashed, set aside, or adjudged void or insufficient for want of any other Form or Words whatsoever, nor be liable to be removed by Certiorari into His Majesty's Court of King's Bench, but shall be deemed and taken to be final to all Intents and Purposes whatsoever. Said Conviction not to be quashed, or removed by *Certiorari*.

And be it further enacted by the Authority aforesaid, That if any Person being out of Prison, shall, after the said First Day of October, One thousand seven hundred and fifty six, commit any Felony, by stealing any Lead, Iron, Copper, Brass, Bell-metal, or Solder, and afterwards discover Two or more Persons, who shall buy or receive any stolen Lead, Iron, Copper, Brass, Bell-metal, or Solder, after the said First Day of October, One thousand seven hundred and fifty six, knowing the same to be stolen, so as Two or more of the Persons discovered, Felon convicting the Buyers or Receivers of such stolen Materials, is intitled to His Majesty's Pardon;

discovered, shall be convicted of such buying or receiving, he, she, or they, so discovering, shall have, and be intitled to, the gracious Pardon of His Majesty, His Heirs, and Successors, for all such Felonies by him or her committed, at any Time or Times before such Discovery made, which Pardon shall be likewise a Barr to any Appeal brought for such Felony.

and convicting any of a Misdemeanor, in not apprehending, &c. Offender, offering to sell or pawn the same,

And be it further enacted by the Authority aforesaid, That if any Person shall be concerned in the stealing any Lead, Iron, Copper, Brass, Bell-metal, or Solder, and shall afterwards, being out of Prison, discover any Person to whom he, she, or they, shall have, after the said First Day of October, offered to sell, pawn, or deliver, any stolen Lead, Iron, Copper, Brass, Bell-metal, or Solder, so as such Person be convicted of the Misdemeanor of not apprehending, securing, and carrying, him, her, or them, before a Justice, as aforesaid, that then the Person making such Discovery, shall not be liable to be prosecuted for stealing the Lead, Iron, Copper, Brass, Bell-metal, or Solder, so offered as aforesaid.

is discharged from Prosecution on account of such Felony.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced or brought against any Justice or Justices of the Peace, or other Officer or Person whatsoever, for doing, or causing to be done, any thing in pursuance of this Act, concerning the said Offences, the same shall be commenced or brought within Six Months after such Cause of Action has accrued; and the Defendant in such Case may plead the General Issue, and give the Special Matter in Evidence; and if upon such Action a Verdict shall be given for the Defendant, or the Plaintiff become Nonsuited, or discontinue his Action, the Defendant shall have Treble Costs.

General Issue.

Treble Costs.

Former Laws not vacated by this Act;

Provided always, That nothing herein contained shall extend, or be construed to extend, to repeal any former Law now in being, for the Punishment of such Offenders; and provided also, that such Offender, after having been punished by this Act, shall not for the same Offence, be afterwards punished, or be liable to be punished, by any such former Law.

nor Offenders liable thereby to double Punishment.

FINIS.

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