

September 24 1863

SINGULAR CASE OF STEALING AND RECEIVING IRON AT BILSTON At the Petty Sessions, held at Bilston, on Tuesday last, before the Stipendiary Magistrate, **Richard Sumner** and **Walter Bibbins**, both boatmen, were charged with having stolen between nine and ten tons of iron, the property of the Birmingham Banking Company. Joseph Whitehouse, of the Phoenix Foundry, Tipton, was also charged with receiving the same iron, knowing it to have been stolen. Mr Kennedy (of the Midland Circuit) instructed by Mr Beaumont, of Birmingham, conducted the prosecution; and Mr Motteram (of the Oxford Circuit) instructed by Mr Round, of Tipton, appeared for the defendant Whitehouse. Mr Jackson, solicitor, Bilston, defended Bibbins. From the opening statement of Mr Kennedy, it appeared the Birmingham Banking Company were the owners of several tons of iron which had been stored at Shale's Wharf, at Millfields, some four or five miles from Whitehouses's foundry at Tipton. In August last they entered into a contract to sell to the Barbersfield Company between four and five hundred tons of this iron, but as the purchase money had not been paid the iron remained upon the wharf. He should be able to show that on the night of Saturday, the 18th instant, the two prisoners, Sumner and Bibbins, loaded a quantity of iron from Shale's Wharf into a boat and conveyed it by canal to within a short distance of Whitehouses's foundry. An agreement was there made between a person named Barney, Mr Whitehouses's agent, and it would be shown that Whitehouse himself purchased the iron from the two prisoners, knowing it to have been stolen. Mr Kennedy then called Mr Fowler, a member of the firm known as the Barbersfield Company, who proved the contract by the firm to purchase the iron in question from the Birmingham Banking Company, and stated that he, together with an agent from the bank, marked the iron as it lay stacked upon Shale's Wharf. On Monday, the 21st instant, he went with two police officers to Whitehouse's foundry, and identified a quantity of this iron, which he then ascertained had been stolen from the wharf. He had since had a conversation with the prisoner Sumner, who, upon the condition that he (witness) would use his influence with the Bench to take a merciful view of his part of the robbery, made a statement respecting the robbery. He stated that he and Bibbins, alias Watty, agreed to sell the stolen iron to Joseph Whitehouse for £8, and that they went with Barney (Whitehouse's agent) to a public house in Tipton, kept by a person called Hipkins. A bill was there made out, but on the suggestion of Whitehouse, the sum named upon it was £18, instead of £8. The account was made out by a person named Shaw, the shopman at the public house, who accepted the bill for Sumner putting his mark to it. The witness then went on to say that he had that morning held a similar conversation with the prisoner Bibbins, in the presence of Mr Beaumont, solicitor. Bibbins stated that he had received £2 2s 6d as his share of the transaction. The prisoner Whitehouse, when asked to account for his possession of the stolen iron produced the receipt for £18, and said he had bought it from two boatmen, who represented to him that they had taken it in lieu of wages. - In cross-examination by Mr Motteram, he (witness) stated that the contract price for the iron was £2 10s per ton. Whitehouse had bought it from the other two prisoners at the rate of £2 5s per ton. Witness had agreed to pay the Birmingham Banking Company for the iron on the 10th of October, whether it was delivered or not. - **John Townshend**, boatman, stated that the prisoners Sumner and Bibbins requested him to assist in loading the boat at Shale's Wharf with iron for Mr Fowler. They took the boat to a place called the Malthouse Lock at Tipton, and they then sent him home with the horse. - Mr Kennedy then, with the consent of the Stipendiary, abandoned the charge against Sumner, and called him as a witness for the prosecution. Sumner stated he was a boatman in the employment of Mr Fowler. He worked for Townshend, and Townshend was employed by the company, and he had worked for him on and off fifteen years. On Friday, the 18th, he saw Bibbins, as they were unloading the boat at Wolverhampton. He came back with him in the empty boat, the boy Townshend driving the horse. On the way Bibbins said he "knew where they could take a bit of iron to, if he (Sumner) knew where they could get it". Sumner replied, "There is some at Shale's Wharf, yonder, at Millfield"; and asked him where they could take it to. Bibbins said that Joseph Whitehouse, at Tipton, would buy any quantity from him. - He received the sum of £8 from Whitehouse for the iron, and gave the prisoner £2 2s 6d for his share. In cross-examination by Mr Jackson he stated that Bibbins was not with him when he received the money for the iron. - William Shaw, shopman in the employ of Mr Hipkins, licensed victualler, deposed to having made out the bill for Sumner in the name of Jones. Upon seeing him about an hour after he asked him if he had received his money, to which Sumner replied by producing a handful of gold and silver, amounting to about £14 or £15. Witness could not swear to Bibbins. Police-sergeant Harrison said that the prisoner Whitehouse showed him the receipt for the iron, and afterwards attempted to snatch it from his hands, when he went with Police-constable Cook to inspect his premises. - Mr Motteram then addressed the Bench on behalf of Whitehouse, and asked that this man might not have his character ruined upon the unsupported evidence of Sumner, who, upon his admission, was a rogue and a thief. The Stipendiary committed both Whitehouse and Bibbins for trial. Bail was granted, in two sureties of £100 each, and the prisoners £200.

October 1 1863

ALLEGED EXTENSIVE RECEPTION OF STOLEN GOODS BY AN IRONFOUNDER

Yesterday, Joseph Whitehouse, ironfounder, of Tipton, was brought before the Stipendiary and Mr Sidney Cartwright, at the Petty Sessions, at Wolverhampton, charged with receiving twenty tons of pig iron, the property of the New British Iron Company, knowing it to have been stolen by a youth named **Cornelius Wood**, boatman to the company. Wood was also arraigned with Whitehouse, charged with stealing the iron from his employers.

Mr Kennedy, instructed by Messrs., Coldicott and Canning, Solicitors, of Dudley, appeared for the prosecutors; Mr Young, instructed by Mr Round, of Tipton, appeared for Whitehouse, and Mr Thurstams appeared for Wood.

When the case was called on, Mr Young said he had to make an application for an adjournment. His Honour would remember that there was a charge made against Whitehouse at Bilston last week of a similar nature to the present, when in consequence of certain information which he gave at the time to the police this charge was brought. Wood, however, had only just been apprehended. In consequence, Whitehouse had not had all the opportunity he desired in which to make the necessary enquiries. His Honour would know how prejudicial it would be to a man even if he should be innocent, and have two charges against him at the Sessions or Assizes. Therefore he hoped that the Magistrates would adjourn the case.

The Stipendiary: It appears to me that I ought to go into the case as far as it goes; and then if there is reasonable ground for an adjournment it can be granted.

Mr Kennedy then rose and said the case was a short one. He appeared on behalf of the New British Iron Company, who carry on business and have premises at Corngreaves, near Brierley Hill. They had been for some time past in the habit of sending pig iron to Messrs., Barrows, ironmasters, of the Bloomfield Works, Tipton, where Mr Whitehouse lived. The iron was usually sent in quantities of twenty tons at a time. Wood, the elder, was a boatman in the employ of the Company, and the younger Wood, the prisoner, was in his father's service. On the 15th of September, twenty tons of pig iron were sent in the usual way to Messrs., Barrow and Sons. It was entrusted to young Wood, who, instead of delivering it to Messrs., Barrows, sold it to Whitehouse for the normal sum of £65; but

Wood really received only about half that amount. When arrested, he said he had bought it from Wood, who had received it as wages. But young Wood had made a confession, and would plead guilty on that occasion. With the Magistrates' permission, he proposed to have Wood convicted and sentenced under the Criminal Justices' Act, and then to produce him in the witness box to give evidence as to the nature of the transaction with Whitehouse.

The Stipendiary: You can go into the stealing first, and then we will see. Whitehouse had better stand down.

The prisoner Wood was then charged with stealing the iron, the following evidence was produced in support of that charge.

Mr C B Hodgetts, furnace manager to the New British Iron Company, deposed that he knew Wood, whose father was a boatman in the employ of the company. On Thursday last he found a quantity of iron at Whitehouse's wharf, at Tipton. He believed it belonged to the company. - Samuel Pearson deposed that he was stocktaker to the company. On Tuesday the 15th of September, he had loaded a boat of twenty tons at Fly Wharf for the company. He told the prisoner and his father to take the iron to Bloomfield. He found the boat gone the next morning. On Thursday last he went to Whitehouse's. I there saw a quantity of iron of the company's. It was the same that had been loaded in the boat. - William Phair, police-inspector at Tipton, deposed to apprehending the prisoner. On Tuesday morning the 22nd of September, he took the prisoner into custody, and handed him over to the parish constable. The prisoner, however, got away. He did not see him until Tuesday morning, when he found him at Messrs., Barrows' offices. He told him he should charge him with stealing twenty tons of iron, the property of the British Iron Company. Before he could tell him more the prisoner said, "It's all right; I've been telling them all about it; and I'll tell you all about it". He said, "I sold the iron to Joseph Whitehouse:" that he got six £5 notes at Whitehouse's own house. There was no one by, he said, but Whitehouse's own wife. He said, I asked him for some more. Mrs Whitehouse was then going upstairs. He said, "Hush! Don't let her hear you." Whitehouse gave him 3s more. He said he brought the iron from the British Iron Company. In answer to a question, he remarked, "No one else was concerned in the robbery but myself". He added, "I took the boat about 200 yards beyond the Bloomfield Basin. I then went up to Whitehouse's. On the Saturday morning, the 19th, I wanted a line and shaft to get the boat up, and young Sam Whitehouse gave me a new rope and shaft to do it with. Whitehouse and his brother James were by at the time. I met Whitehouse after in the street, and told him that the iron was right". He said he left the iron in an arm that runs up to the Meat Colliery, and that he told Whitehouse where he had left it. He then went between eight and nine o'clock at night to Whitehouse's house, where he told him to call again in a couple of hours. He went again in about three hours.

By Mr Kennedy: He said he unloaded the iron from the British Iron Company's boat into Whitehouse's boat himself. It took him an hour and a half or two hours. No one was with him. He was frightened that any one should know it besides himself. Prisoner denied that he had told Whitehouse that he had received the iron for wages. He said, "I had no receipt for the money at all". The mark in the receipt produced was not his mark. The following is a copy of the receipt:- Tipton, Sept 19th, 1863, Bought of C Wood, jun, 20 tons of pig iron, at £3 5s per ton, £65". To this paper, which is half a sheet of note paper, there is a receipt stamp affixed, having on it a large cross in ink. The writing is much like that of a woman. The figures "19" in the date had apparently been written by a man, and were marked over a date that seemed originally to have been "12th". The £65, also had originally been £60, but the alteration was made by the same apparently feminine hand which wrote the £60. Witness asked him what he had done with the six notes, he said he had five of the £5 notes in his pocket when witness caught him, the night he escaped. He had about three sovereigns in his pocket besides. In the sculls, however, he said he lost the notes.

The prisoner Wood pleaded guilty to stealing the iron.

Mr Pearson deposed, in reply to Mr Thurstans, that the prisoner had been employed in the company about two years. He had never heard anything against his character before this time.

Mr Kennedy said it was the wish of the prosecutors the prisoner should be dealt with summarily but leniently.

Mr Spooner said the Magistrates had considered the case very carefully, and they thought they could not mitigate one single iota of the punishment which the Act allowed them to give. The only thing they could do towards adopting the recommendation of the prosecutors was not to send the prisoner for trial. In ordinary cases of a servant stealing from a master nothing would have induced him to pass judgement upon it himself, as he thought that no judgement he could pronounce would be equal to the offence committed. Still, however, there were circumstances in this case – the recommendation to mercy and the prisoner's previous good character – which induced him to deal with the case summarily, instead of sending it to the Sessions for trial. It was a great question in his mind, however, and he thought it also in the minds of the other Magistrates, whether he ought to deal with it summarily. He could not, as he had before said, diminish one single iota of the punishment he was able to give. He should sentence the prisoner to six months imprisonment with hard labour.

Whitehouse was then called up, and evidence was given against him on the charge of receiving the iron, for stealing which Wood had just been sentenced.

Pearson, the stock taker, deposed that he had seen a boatload of iron near the bank at the Corngreaves Works, on the 15th September. One of the pigs had a "runner" attached to it, and the pig now produced was the one in question. The iron was also marked in chalk "No 4" and "5". These numbers represented the quality of the iron, which the Company sold in large quantities to Messrs., Barrows; and the boat was loaded and marked for them. Last Thursday he went to Whitehouse's wharf, and found in a boat there the pig with a runner now produced, and also four pieces marked with chalk, as he had described. The boat was not the Company's boat.

Cross-examined by Mr Young: The two Woods were in the habit of taking iron from the Company to Bloomfield. The iron was in no way concealed at Mr Whitehouse's.

Mr C B Hodgett, the furnace manager to the prosecutors, was then re-examined, and gave similar testimony to that before given by him, and confirmatory of the evidence of the last witness. Before Pearson came to Whitehouse's premises he had the iron that was on the wharf put back into the boat. He was not there when Pearson came. Cross-examined by Mr Young: Police-sergeant Harrison came to him in the first instance and desired to have it examined. The iron in question was worth about £4 a ton. It was gray forge pig iron, and the current price of the iron on the 19th of September, was about £4 a ton, four months bills, with 2 1/2% off for cash. Cornelius Wood was then brought back into court, in the custody of the police, but the Stipendiary having suggested that he should be the last witness examined, he was again taken out for a time.

Inspector Phair was then recalled. On the 21st he said he went into Mr Aston's public house, Owen Street, Tipton. He called him out, and said, from information he had received he wanted to know how he came possessed of 20 tons of iron lying at his wharf. The prisoner said, "It is all right, I can produce the bill for that". Witness then walked with the prisoner and one of his brothers to his house, accompanied by Police-sergeant Harrison. On the way, witness asked him where he had it from? Prisoner replied, "I bought it of young Nealey Wood." Witness asked him what he gave for it, and he replied, "£65". In the house witness said, "If you will produce me the bill that is all I want". Prisoner directed his wife to look for it in the window. Soon Mrs Whitehouse came

downstairs with it. Prisoner then said, "I gave him thirteen new Bank of England notes for this; didn't I, missis", (addressing his wife). His wife said, "Yes". Witness said, "Do you know how Wood became possessed of this boat load of iron". Prisoner replied, "He told me he got it for wages". Witness took Wood into custody, and he escaped. Witness then went again to Whitehouse about one o'clock in the morning of that night. He was in bed. Witness told him that he must take him into custody on a charge of receiving this iron, knowing it to be stolen. Witness did not then know whose iron it was. Prisoner, on the road to the station, made the same statement as before as to how he came by the iron. On the way to Bilston prisoner began to talk about it, as he rode in a cab to Bilston Police Court. He said, "I expect they will turn round and say I have not given him so much money for it as I have".

Witness cautioned him to say nothing, as he should have to tell it again, and he (Whitehouse) would be offended.

Cross-examined: Witness took down no note of the conversation. Did not remember that the prisoner said, "They may as well say that I stole the twenty tons that I bought from Wood the other day". Must refuse to tell from whence he got the information about the prisoner having twenty tons of iron, but would say that he did not receive the information from Wood. Declined to say where he heard that Wood was to give evidence that day (yesterday).

Police-sergeant Harrison recalled. On Monday morning, the 21st of September, at half past six, he went to the prisoner's wharf, with Mr Fowler, the prosecutor in the case that was heard last week, and there saw some iron in a boat. He went away and returned about four in the afternoon, with Inspector Phair, with whom he went to Aston's public house and from there to the house of the prisoner. There Inspector Phair asked him for the bill. Prisoner and his wife began to look for it. Phair left the house and on his return Mrs Whitehouse brought the bill downstairs. On the following Thursday witness went to the wharf with Hodgetts, who said it belonged to the prosecutors, and witness remained in charge of the iron. He then sent for the prisoner, who came to the wharf. Witness said, "I charge you with stealing or receiving this iron, the property of the British Iron Company, knowing it to have been stolen, and I am going to take it away". Prisoner responded, "I bought it; you can take it". Witness said, "Whose boat is this that it is in? I am going to take it". He replied, "It is mine". Witness then removed all the iron, which weighed nineteen tons. The piece identified by Pearson was amongst it, and also four pieces marked with chalk. - Cross-examined: Had not had any conversation with Wood. Inspector Phair was then again recalled, on the application of Mr Young. He deposed to apprehending young Wood, and handing him over to the parish constable, he went out to arrest his father. Immediately upon it he heard a door slam. He went back, and found that young Wood had escaped. Since then he had been in diligent search of him, but although he had heard of Wood being at the Potteries and elsewhere, he could not arrest him till he found him at Messrs., Barrows. Whitehouse had extensive dealings, and was in business with his brother as an ironfounder.

Re-examined by Mr Kennedy: Whitehouse had no counting-house, and kept no books. He was a cinder dealer and ironfounder.

Esther Wood called and deposed: On Saturday last she saw the prisoner near Aston's public house, in Tipton. He asked her if they had got young Wood (meaning Cornelius, her nephew), and added that they (meaning her sister, Cornelius's mother) were to keep him back till it was over, and, further, that he (Whitehouse) had given £65 for it, and if he should be asked where he got the iron from, he was to say they must find out.

Cross-examined: Neither Wood's mother, nor anybody else but Mr Whitehouse, told her that Wood had received £65. That day (yesterday) was the first day that she detailed the conversation with Whitehouse. The person to whom she detailed it was Police-sergeant Harrison. She had before told this extraordinary story to her husband and his brother, and the boy's father, with whom and with her husband she had come to Wolverhampton.

Cornelius Wood deposed: My father is a boatman to the British Iron Company, and I assist him. I remember on the 15th of September last being directed to take a boatload of iron to Messrs., Barrows of Tipton. I sold that iron to the prisoner for £30. We had a boat over more than we had a note for. About a month before that time the prisoner had asked me if I could get him a boat of iron. I have known him several years. I have lived near him; and I suppose he knew I was employed for the British Iron Company. I sold the prisoner the iron on the Saturday after the Tuesday on which I had been directed to take the boat to Bloomfield. He paid me in six £5 notes. I gave him no receipt. I made my mark upon no paper. Until Inspector Phair showed me the paper produced (the alleged receipted bill described as above) I had never seen it. I did not make that mark upon it. The prisoner paid me in his house, and his wife was going upstairs at the time. I can neither read nor write.

By the Stipendiary: I took the iron on the Tuesday, and put the boat against the Tippington Iron Wharf, at Tipton. On the Saturday, I got a boat from the prisoner, and loaded the iron out of the New British Iron Company's boat into that belonging to the prisoner. I shoved the company's boat 200 or 300 yards from this place. The distance from the New British Iron Company's works to Messrs., Barrows is five miles. I have always lived at Tipton, and about 200 or 300 yards from the prisoner's house.

Cross-examined: I was paid the £30 at about six the same (Saturday) night. No paper was brought out to be receipted. I did not go down to the Post Office for any stamps, and Mr Whitehouse did not tell him I must give him a stamped receipt. Mr Whitehouse did not give me a shilling to buy receipt stamps on that day, nor did I go down to the Post Office on the same day for a shilling's worth of postage stamps.

Mr Young was proceeding in his cross examination when

The Stipendiary suggested that probably he had better reserve it, as the Magistrates had resolved to commit.

Mr Young said he was told that it was not unusual in that district for wages to be paid in iron.

The Stipendiary: What! £60 worth of iron? I should like to be the boatman.

Mr Young wished to put further questions but

The Stipendiary again counselled their being reserved for the trial.

Mr Young conversed with the solicitor by whom he was instructed, and then said he should act upon the suggestion of the Stipendiary, and was about to apply for bail to be taken, when

The Stipendiary interposed, and said that nothing should induce him to take bail, "If there were no receivers," he added, "there would be no thieves. It was a case of the utmost possible importance".

Mr Cartwright said that if the counsel talked all day he should still remain of the same opinion as the Stipendiary.

The prisoner: He told me it was his iron. He told me it was his father's iron. If you please, so take bail. I have nothing to say only I should like bail. There is Mr Barrows there (on the Bench), he has known me for many years; Mr Barrows, if you please.

Major Barrows: I have nothing to do with it.

The prisoner was then committed to the Sessions, and the Court, which had been crowded, now became much thinned. Looking round to the back of the Court before he was taken out, the prisoner called out "Good bye"

THE TIPTON IRON STEALING CASE
YESTERDAY

BEFORE THE EARL OF LICHFIELD, CHAIRMAN

Walter Bibbins (27), boatman, was indicted for stealing nine tons weight of iron, the property of the Birmingham Banking Company, at Bilston, and Joseph Whitehouse (on bail) was indicted for receiving the same, he well knowing it to have been stolen. Mr C R Kennedy (specially retained) and Mr A S Hill conducted the prosecution. Mr Kenealy and Mr Motteram defended Whitehouse. Mr Young appeared on behalf of Bibbins.

Mr Kennedy, having briefly opened the case, called

Henry Fowler, who stated that he was the agent of the Barber's Field Company, at Bilston. On the 24th of August last, he had contracted with Mr Morris, the agent of the Birmingham Banking Company, for the purchase of 400 or 500 tons of iron, which was lying stacked up at Shale's Wharf, Millfields. In consequence of something said to him by Mr Morris, he marked the iron with a piece of mortar, or something of the kind, which he picked up in the yard. (A piece of iron was here produced, which the witness identified as part of the iron he had marked). Witness continued: On the 21st of September he went, in company with Police-sergeant Harrison and Police-constable Cook, to the premises of the prisoner Whitehouse, where they found a quantity of iron similar to that which he had marked. He knew Sumner from his working under Townsend, who was a steerer in their employ. On the 20th of September, he saw Sumner at the Police Station, and it was in consequence of something which Sumner told him that he went to the house of the prisoner Whitehouse. On the 22nd of September, he saw "Barney" who was an agent of Whitehouse. The prisoner's works were near the canal side, and about four miles from Shale's Wharf. Bibbins was a stranger to him; the first time he saw him was at the Police Station, on Sunday. On the following Tuesday, previous to going before the Justices, he told him that he had received £2 2s 6d as his share, and that he expected no more. The day previous, witness had seen Whitehouse, who said he had purchased the iron from two men, who said they had received it for wages. He further stated that he had given them £18 for it, and that he had got a receipt, which he produced. The prisoner went with him, and pointed out the iron which he had bought. Witness was returning the receipt to Harrison, the policeman, when the prisoner snatched it away, saying that it was his property. Cross-

examined by Mr Young: Sumner had not received any punishment. It was on the Sunday he saw Sumner in the cell at Bilston. Witness said, "Speak the truth; it will be in your favour afterwards". He also promised to use his influence to obtain a mitigation of punishment. When he saw Bibbins on the Tuesday Sumner was there. There were also present Mr Beaumont, the attorney for the prosecution, and several police-constables. Cross-examined by Mr Kenealy: He was informed by the police that "Barney" was the agent of Whitehouse. He would not swear that Whitehouse was an ironfounder. When Harrison wanted to keep the receipt the prisoner said he wanted it, and then snatched at it. Harrison then said to prisoner, "If you don't give it up I shall take you and the iron as well". Prisoner then gave up the receipt to Harrison. Witness stated that he was not aware that it was at all usual to pay boatmen their wages in iron, but upon being pressed by Mr Kenealy he admitted he had known isolated cases of it being done.

Richard Sumner said he was a boatman, and worked under John Townsend, who was a steerer, in the employ of the Barber's Field Company. He had worked for him about fourteen or fifteen months. In September last he went to Wolverhampton in a boat. When he arrived there he saw Bibbins, who helped him to unload the boat. They then went back together to Millfields. On the way Bibbins said "Barney" had been to him, and wanted him to get some iron, and told him he knew a place to take it to. Bibbins said there was some at Millfields. He said take some, as he knew where they could sell any quantity, and upon being asked where, said at Whitehouse's, at Tipton. Witness, Bibbins and Townsend then went to Shale's Wharf and took the iron, and put it in the boat. The weight of the iron they took was nine tons all but 14lbs. They left the wharf at about seven o'clock in the evening, and went with the iron to the Malthouse Turn. In going to the Malthouse Turn they passed through a lock. In passing through the lock Bibbins said, "Tell them it is "lightening"". Upon arriving at the turn they made the boat fast. The Malthouse Turn was about 200 yards distant from Whitehouse's. At about ten o'clock that night he went to "Barney's". The next morning, at seven o'clock, he went to Mr Whitehouse, and told him they had brought the iron "Barney" had told Bibbins to bring. Whitehouse asked if it was the iron "Nealy Wood" had spoken about. Witness said, "No", and then asked if "Barney" had not mentioned it to him, when he said, "No, he had not seen "Barney"". Witness then told Whitehouse the iron was there, and he said, "Bring it into the basin, and I will go and look at it". Witness saw Whitehouse soon after, when he told him he had seen the iron, and that it was not up to much, and then asked what they wanted for it. Witness replied, "What you think proper". Whitehouse said he had eight sovereigns in his pocket, and they could have that if they liked. Bibbins was present. He took the eight sovereigns, and Whitehouse asked where they had the iron from. Witness replied, "Not far off". He did not say that they had received it for wages. Whitehouse said he should require a bill of the iron, and that the sum of £18 was to be put on the bill as the price paid for the iron. The bill was drawn up in a liquor vaults in Tipton, in the presence of witness and "Barney". "Barney" was not present when the bargain was made. Witness and Bibbins got the iron out of the boat. After getting the iron out, they met Whitehouse and "Barney". Whitehouse sent "Barney" to get the bill made out. The bill was made out, at the request of "Barney", by a Mr Shaw. Wm Hughes was not present at the time.

John Townsend, a boatman, said the prisoner Bibbins came to him and Sumner on the 18th of September, whilst they were unloading a boat at Wolverhampton. They all returned together, but witness did not hear the conversation between Sumner and Bibbins as they were in the boat, and he was driving the horse. Sumner said that Mr Fowler had promised to give them some ale to take the iron to Tipton. They went to Shale's Wharf and loaded the iron. Upon arriving at the Malthouse Turn he left the other two, and returned with his horse. He recollected the Deepfield Stop. The man asked for a ticket when they arrived there, when Bibbins said, "Say it is only a bit of lightening".

James Shaw said he remembered Saturday morning, the 19th September. On that morning, Sumner and "Barney" (whose proper name he believed was Barnabas Bowman) came into the spirit vaults in which he was an assistant. He knew "Barney" worked for Whitehouse. Both "Barney" and Sumner asked him to make out a bill. "Barney" asked him first. Sumner described himself as "Richard Jones". After he had made out the bill they went away. - On cross-examination by Mr Kenealy, the witness stated that Sumner returned in about an hour with three others, and ordered something to drink. He put his hand into his trousers pocket, and brought out a handful of money. He (witness) said he should think there were not less than fourteen or fifteen sovereigns in his hand. He had an opportunity of seeing, as the prisoner had to look over his money in order to pick out a shilling with which to pay for the liquor. He had some silver in his hand, but not much. He read the bill and receipt over to Sumner (who could neither read nor write) before he affixed his mark.

John Harrison stated that he was a sergeant of police. On the 21st of September he went to the house of the prisoner Whitehouse. He asked him if he had bought any iron during the last week besides at sale. Prisoner replied that he had bought some on the previous Saturday from two men on the canal. He did not know the men, but had seen one of them about twenty years ago, He then produced

a bill which he gave to witness, who handed it over to Mr Fowler. Mr Fowler examined the bill and returned it to witness, when the prisoner snatched it away saying, "I shall keep this". He told the prisoner that the iron was stolen on the 18th September from Shale's Wharf, Millfields. Prisoner then went with him and Mr Fowler and showed them the iron, Witness told Whitehouse that he should summons him for receiving the iron knowing it to be stolen. Prisoner said, "I bought the iron and paid for it". After snatching the bill away he afterwards returned it. Mr Fowler was then recalled and said that in August iron of the same description as that which was stolen was worth £3 per ton. In answer to Mr Kenealy, he stated that the price of iron at that time was very fluctuating.

This being the case for the prosecution, Mt Young addressed the Jury on behalf of the prisoner Bibbins, and was followed by Mr Kenealy, who, in a speech of some length and great ability urged upon the Jury the unreliable nature of the evidence brought forward against his client, and stated that he should call witnesses who would by their evidence completely establish the innocence of Whitehouse of the charge preferred against him. Subsequently, however, he intimated that he should not do so.

Immediately upon this intimation being made, Mr Kennedy claimed his right to reply, upon the ground that Mr Kenealy had mentioned circumstances which he said he should prove in evidence, and which he now declined to do. - The noble Chairman suggested to Mr Kennedy that he should withdraw his claim to a reply, as the Jury would put their own construction upon the matter. Mr Kenealy then called his witnesses.

Mr Turner said he was a clerk in the employ of Messrs., Blackwell and Co., and that he had known instances of steerers being paid their wages in iron.

Mr Thompson, a clerk in the service of the Parkfield Company, corroborated this statement, and added that the sum Whitehouse had paid for the iron (£2 5s per ton) was not a small price at the time. Other evidence was produced confirmatory of these statements, and a number of witnesses were called who testified to the good character of the prisoners.

Mr Kennedy having replied,

His Lordship summed up, and the Jury after consulting for a few minutes expressed a wish to retire. After being absent half an hour they returned into Court, and delivered a verdict of Guilty against each of the prisoners. - His Lordship then sentenced Bibbins to three months imprisonment, remarking that there could be no doubt but that he had been made the tool of others, both from the small sum of money he had received, and the whole circumstances surrounding the case.

Joseph Whitehouse was then indicted for feloniously receiving from Cornelius Wood twenty tons of iron, the property of the British Iron Company, at Tipton, he well knowing the same to have been stolen.

(By Electric Telegraph)

Verdict "Guilty". Sentence eighteen months imprisonment.