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Old Bailey Proceedings, 14th September 1796.

THE WHOLE
PROCEEDINGS

ON THE

KING's Commission of the Peace, Oyer and Terminer, and Goal Delivery

FOR THE

CITY OF LONDON;

AND ALSO,

The Goal Delivery

FOR THE

COUNTY OF MIDDLESEX,

HELD AT

JUSTICE-HALL, IN THE OLD-BAILEY,

On WEDNESDAY, the 14th of SEPTEMBER, 1796, and following Days,

BEING THE SEVENTH SESSION IN THE MAYORALTY OF

The Right Honourable WILLIAM CURTIS, ESQUIRE,

LORD MAYOR OF THE CITY OF LONDON.

=====

TAKEN IN SHORT-HAND BY

MARSOM & RAMSEY,

=====

LONDON:

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Doctors' Commons.

1976.

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474. DAVID JONES was indicted for feloniously stealing, on the 23d of July, five ounces and a half of rhubarb, value 3s. 6d. the property of Thomas Harrison, Edward Fawkes, and John Horner.

JOHN HORNER *sworn.*

I am a wholesale druggist, No. 28, Bucklersbury, in partnership with James Harrison and Edward Fawkes; the prisoner was a porter in our house. On the 23d of July, after having been certain that we had lost a great quantity of rhubarb, we weighed our stock of rhubarb, that was open particularly; and in the afternoon about five o'clock, we found some had been taken; when our porters left their work, for we have another besides him, about half past seven o'clock, I saw them go into the public house, the Green Man, in the neighbourhood; I had sent for a constable, and went with my partner, Mr. Harrison, to the door, and gave charge of both the men; I saw the two men come out, and Fenner the constable had charge of them; they were coming from the public house towards our own house; Fenner and the prisoner went first, and I walked behind them; the other porter was with Mr. Harrison; I saw the prisoner put his hand to his right hand pocket, and then the constable perceiving it, put his hand upon Jones's hand, and I saw him take four or five pieces of rhubarb out of his pocket; that was within four or five doors of our house, and then he confessed he had taken it from us.

Q. Had you used any threats or made any promises to induce that confession?—*A.* Neither; he said, he had taken about five or six pounds of rhubarb, and not more; on the 16th of July we had taken stock very accurately, we found a deficiency then of 68 lb. between the 1st of May and the 16th of July, which is a very large quantity, and which we could in no way account for.

Jury. Q. How much had you in the house at that time?—*A.* Upwards of 200 lb. suspecting we had been robbed we cut round holes with a knife; at first we thought of putting paper into the holes, but we thought the pilferer, whoever he was, would be aware of that; there are two or three pieces of these pieces that are so marked, we had marked them that very morning; Mr. Harrison and myself went to see him the next morning at the Poultry Compter.

Q. Now I must ask you again, if you made use of either promises, or threats to him?—*A.* I did not; he then said, he had been in the habit of taking rhubarb from our house since April; that he was induced to do it by a man of the name of Bavington, who lived in Old-street-square; we found he told us truly; there was such a man there, and we searched his house, but found none; he told us that Bavington gave him 4s. a pound.

Q. What may be the value of rhubarb a pound?—*A.* The rhubarb that was found upon him cost 9s. I believe, or 9s. 2d. it was not fine rhubarb; he said that Bavington way-laid him, and induced him to steal; the other porter is still in our service; we have no reason to suppose he was an accomplice.

— FENNER *sworn.*

I am a constable, street-keeper of Cheapside; I was applied to on Saturday the 23d of July by Mr. Horner, to apprehend the prisoner; I kept a look-out for the porters when they left work, and I took them between seven and eight in the evening, I and my brother officer; I took charge of the prisoner; as we were going from the Green Man to Mr. Horner's, I observed the prisoner put his hand into his right hand coat pocket; I immediately seized his wrist, and took it out of the pocket; I put my hand into it and pulled out some pieces of rhubarb; in going to the Compter

with him I wished my brother officer to go before the Lord-Mayor for me on Monday, because I was obliged to go to Guildhall assizes; the rhubarb was not opened before my Lord-Mayor till I returned; my brother officer kept it fastened up, (*produces four pieces of rhubarb, they are deposed to by the prosecutor.*)

Prisoner's defence. I have been in London sixteen years, and never did any thing of the kind before; I have a large family, and beg for mercy.

Jury. Q. Does not the rhubarb lose considerably in its weight by dryness?—*A.* No, rather the contrary; we never found a deficiency before in taking stock, but rather the reverse.

Court. Q. How long had he lived with you?—*A.* Between four and five years; during that time I entertained a good opinion of him.

GUILTY, (Aged 55.)

Transported for seven years.

Tried by the London Jury, before

Mr. Baron THOMPSON.