

Theft & Losses of Milestones, Mileposts, Fingerposts and other wayside markers

The purpose of this Guidance Note is to set down some basic principles and guidance for the Milestone Society and those public bodies and private individuals with which it comes into contact, on the range of issues which affect historic road signage (in all its forms) by theft, unauthorised removal or loss.

Theft is defined as the knowingly unauthorised removal of items of roadside heritage without the permission of the object owners, in order to take advantage, financially or otherwise, from such possession.

Unauthorised removal is defined as the same process, but not necessarily with intent to profit; however, the act of removal amounts to the same degree of loss to the heritage object(s) and its location.

Loss is defined as the removal of an in-situ object for whatever reason(s) without intent to return. This may be a more casual process than either of the above, and is usually determined by neglect, accident, indifference or lack of awareness.

The object(s) throughout this Note can be a milestone or milepost, a plate from a milestone, a finger post (in all or part) or any other form of recognised waymarker such as a boundary stone.

This Note should be read alongside existing Policy Guidance published by the Society and included on its website, specifically:

- *Policy Note 1: Position and Conservation of Milestones*
- *Policy Note 2: Appropriate Levels of Conservation for Milestones*

It adheres to the key overall principles set down in those documents, specifically:

- *The object should be restored to the condition and position indicated by the earliest records*
- *The object should remain in public ownership with unrestricted access and good visibility to travellers along the relevant road*
- *The presumption is in favour of retaining the object in its original position and condition, subject to proper research*

Where these guiding principles are not achievable, the Society has developed a hierarchical approach to assessing alternatives, which is also followed in this Note. This 'positional hierarchy' is set out in detail (nine specific points) in the *Position and Conservation of Milestones* Guidance Note.

This set of parameters has evolved since the early days of the Milestone Society in Millennium Year 2000 and has been tested on a wide range of case studies. As with all the Society's Guidance Notes, it is an evolving document, to be revised and upgraded at intervals.

As a basic assumption, it is always accepted that

- *Objects 'listed' as of historic interest are by definition protected by law and carry a higher level of protection and historic significance.*

Private ownership of heritage objects

One key issue developed from experience has been the Society's approach to the private ownership of heritage *objects* formerly in the public domain. It is important to segregate these objects from those which could (and should) be shown to be either outcomes or *theft, unauthorised removal or loss*.

It is recognised that historically there was a long period following the abandonment of the turnpike system in the later years of the C19 until the greater awareness of historic significance in more recent years, during which time roadside heritage *objects* were less regarded for their historic value, and indeed often neglected by the owning body, typically a highway authority. This attitude may be regarded as most widespread throughout the first half of the C20 and indeed later in some areas.

This is the context in which examples of roadside heritage found their way into private hands having been disposed or, sold or otherwise removed from their in-situ position. Numerous examples were also destroyed completely during this period, which includes the particular circumstances of the Second World War.

Given that the key overall principles listed above cannot necessarily be achieved when objects are legitimately in private ownership, the Society's policy is nevertheless:

- *To seek, if not the restoration of the object to its original position where this might be achievable, then a degree of public access and/or good visibility by suitable arrangements for any object held in private possession.*

Theft, Unauthorised Removal and Loss

The Society's policies as already set down cover its general approach to objects in these categories, specifically within the key overall principles listed above. The Society now has a considerable body of experience in such matters and seeks to share this information via its various publications for the general benefit of all.

In practical terms it is important to establish very clearly (and early) in any particular case into which category a reported or discovered loss of an *object* actually falls. It is always tempting to assume that theft is the cause, whereas there are many examples of removal (both legitimately by the object owners and unauthorised, by others).

Discovering that removal is or is not legitimate by checking with the relevant highway authority is always a priority task; it also serves to alert that authority (a) to any unauthorised loss and (b) to the Society's interests in these matters, which has been found to be an important means of raising awareness generally.

If there is clearly cause for concern, moving to these next steps may be appropriate:

Dealing with the Police

Only once such checks have been made should any report be made to the Police. It is however important to react relatively speedily to any notified 'disappearance' as Police interest is best activated if the circumstances are relatively recent.

A number of apparent barriers can often appear at this early stage, including:

- any assumption that only the owner of an object can report its loss. This is incorrect – anybody can report criminal damage, including theft, and should do so. The Society always recommends taking a positive approach when making a report to Police, obtaining a crime number or Police Incident Number as evidence
- the need to report loss within a defined police area, i.e. where the loss has occurred. Although it is possible to make a report at a police station anywhere, a more immediate response is likely if the 'local' station can be used, once located.

Experience shows good practice includes:

- Prepare a brief written report (using the Society's logo if this is appropriate e.g. via a county representative or committee member), and hand this over as an early statement of evidence. This obviates (or at least reduces) the tedious report-compiling process at the time of making a visit to a police station and gives the Police a clear statement from the outset
- Sign and date such a document and be very clear not to make any assertions which may later prove to be erroneous i.e. only suggest rather than assert at this stage
- Most importantly, obtain as part of this exchange the *Police Incident Number* which allows an audit trail to be maintained from the start. Without it, communications thereafter will always risk an element of error. Also, theft reporting websites such as Salvo, which the Society supports, will not list alleged stolen items without one
- Involve from an early stage the county representative and/or other members of the Society including committee members and officers. The Society's national databases are available in this way in order to check the body of historic knowledge accumulated on any one *object*. This is valuable back-up information and has proved its worth in numerous cases of theft and loss
- Avoid early contact with the press; this is always a difficult area and can be counter-productive until a good body of facts has been gathered. Beware of false allegation. Instead, plan how best to use the strengths and support of the local media perhaps at a later stage. Good news later is usually more advantageous in the long term than bad news early. Always involve the owning authority in such matters.

Objects offered for sale

This is another difficult area where opinions, including within the Society itself, can be sharply divided. Typically, objects can be offered for sale in antique shops, at car boot and other 'ephemera' sales and on the internet, most usually on the internet selling site Ebay. Private sales can also occur.

The following general principles apply, within the context of the key overall principles listed above, where the Society:

- *as a general rule is opposed to the buying and selling of roadside heritage objects, and instead adheres to its key overall principles as listed*
- *will not, also as a general principle, itself acquire by purchase roadside heritage objects, except as an agent where the process of acquisition is a legitimate means of ensuring that the key overall principles can be achieved e.g. restoration of an object in situ or to some form of public display, and where there is a plan of action in place*

- *does accept that, given the existence of heritage objects in private possession, there will from time to time be a legitimate trade in such objects; in which cases it will use its best endeavours to bring such objects back into the public domain in some suitable way.*

In the specific use of the internet, especially Ebay, offering objects for sale, the Society now has a good body of case history which shows the following to be the best route through the process:

- to have an alerting system of as many Society members as possible undertaking checks on Ebay or other internet sites for possible items offered (offers are usually time-limited so quick notification is always essential here)
- having a reporting back system, which alerts the relevant officers and county representatives, so that information (obtainable as from national databases etc) can be checked and individual circumstances verified.
Note: this works best by email, and has frequently clarified the difference between an apparently legitimate privately-owned object offered for sale and one of an object not obtained in any authorised way
- reporting suspicious circumstances immediately to the owning authority, usually the relevant highway authority, and encouraging it to contact Ebay directly, if necessary involving the Police.
Note: case history shows that although the Society as a national amenity body seeks to carry influence with Ebay authorities, it is clear that direct intervention by the legitimate property owner(s) and/or the Police inevitably carries a higher impact.

The following advice has been obtained:

Trade and good title

An item bought in a recognized open market or established car boot sale before 3 Jan 2005 is treated as market overt. By this process the purchaser is deemed to have acquired good title no matter if the seller's title was worthless. Since 3 Jan 2005 an object thus purchased assumes good title to the new owner irrespective of the quality of the seller's title provided it had been bought in good faith and provided its title is not successfully challenged in law during a period of six years from the date of purchase.

The test of 'good faith' is a distinctly grey area, but the particular nature of milestones, finger-posts and the like would incline the law to take the view that good private title was practically unobtainable nowadays and that it would be reasonable to expect possessors to be wary

Promotion and dissemination

The Society seeks to keep a record of successes and failures by the adoption of these Guidelines and thereby provide a body of case history for future use and benefit, and a record of heritage *objects* which are 'out of place' and no longer in situ. It uses its various publications to disseminate this information.

Disclaimer: the Society for itself and its members accepts no responsibility for the actions of any one individual or group of individuals, whether in membership or otherwise.

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