

Old Bailey Proceedings Online (www.oldbaileyonline.org, version 8.0, 19 May 2020), October 1828, trial of WILLIAM BRACKEN THOMAS BELNAP (t18281023-110).

WILLIAM BRACKEN, THOMAS BELNAP, Theft > animal theft, Theft > receiving, 23rd October 1828.

2053. WILLIAM BRACKEN was indicted for stealing, on the 10th of October, 2 asses, price 36s., the property of Thomas Bennett Sturgeon; and THOMAS BELNAP was indicted for feloniously receiving 1 ass, price 18s., part of the same, knowing it to have been stolen; against the Statute.

JOHN NORRIS. I am a constable. I received information, and went on the 14th of October, and found two asses in a shed in Gibraltar-walk, Bethnal-green; I waited there till the evening, when the two prisoners, and another person came to the shed, and began to feed the asses: I went in and asked who they belonged to, and each of the prisoners owned one - I asked who the third boy was, and he said he merely came to see them; I then asked where they got them, and they said they bought them in Smithfield on Friday last - I asked what they gave for them, and Belnap said he gave 7s. for his, and Bracken said he gave 10s. for his - I told them I suspected they were stolen, and took them to the office.

THOMAS BENNETT STURGEON. I am a farmer. I bought ten asses on the 10th of October, in Smithfield, and sent them to Mr. Gardner's, at the Globe public-house, Mile-end, who takes in cattle: I heard that two of them had been stolen, and I have seen the two which the officer shewed me - I could be positive of one of them though the mark I made on them had been erased.

Cross-examined. Q. How long had they been in your possession? A. Only while I bought them, and turned them over to a drover; I did not see them above two hours - the one I speak of had a sore place on the back, just where the saddle goes; I objected to it on that account - such a thing is very common.

SAMUEL WILLIAMS. I am in the employ of Mr. Gardner. I drove these ten asses to the gate, and told the man to put them in; I have seen these two asses, but I cannot swear to them - I had shut them into the field the morning before, and the next morning two were missing.

THOMAS GARDNER. I received the asses, and am accountable for them, but I did not see them.

WILLIAM COX. I am an officer. I took up Lees on the 16th of October.

SAMUEL LEES. I am a bricklayer. I have known the prisoner these two or three months; I was at Smithfield with Bracken on the 10th of October - I did not see the other prisoner there; I saw Mr. Sturgeon there, whom I had seen before - I saw him buy three asses that day; I do not know whether Bracken saw him buy them - a drover, who lives near Mr. Sturgeon's, took the drove of asses out of the market; Mr. Sturgeon told me to mind them - I went with them down to the Globe; Bracken was there, but the other was not - we staid there till about half-past eight o'clock, when we went to the field, and he took out one donkey, and I took another; we took them to the top of Hoxton and put them into a field - the next morning we went to Belnap's in Old-street-road, and told him we had been and taken two donkeys, which Mr. Sturgeon had been buying, and we had stolen two out of his drove: Belnap had the smallest and paid me 7s. for it - they told me they took the other round Hackney and Hotherton; Belnap offered 13s. for the other, but Bracken would not take it, and he kept it - I believe it was found in the stable; I told the same story to the officer.

Cross-examined. Q. Have you always told the same story? A. Yes; I have been in the House of Correction - they put me there for fear I should not come here; I was never there, nor in a Court of Justice before - my mother was at the Police-office; she did not tell me what to say - she did not say "I say Sam, mind what I told you, when you went down yonder, mind you say 'Mind E. B. B.'" nor any thing to that effect, either there or at any other place.

COURT to MR. STURGEON. Q. What did you give for the asses? A. 18s. for one, and 20s. for the other.

BRACKEN - GUILTY . Aged 16.

BELNAP - GUILTY . Aged 18.

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