



## Transported for Theft of Potatoes

### Wilts Lent Assizes

Charles Burgess, James Bayley, James Fatt, William Stokes, and Charles Kitt, were indicted for stealing four sacks of potatoes, from Mrs. Tabitha White, in the parish of Eddington, on the night of the 4th February. The prisoners were five as fine looking young men, as it is possible to see placed together. John White, a farmer at Eddington, lives with his brothers along with his mother. In a field adjoining the house, they had a potato pit; it contained 19 sacks; on going to the pit on the morning of the 5th, he discovered that it had been broken into, and 4 sacks taken away. The potatoes were the property of his mother.

James White is the brother of the last witness; they had lost some potatoes on the morning of the 5th. Suspicion falling on Burgess, he and his brother went to his house; the distance was about 100 yards from his mother's; they found some sacks in an outhouse, and from the colour of the mould about them, as well as from the potatoes, when compared with those in the pit, they were certain that the potatoes were their property. There was another circumstance too, which tended to confirm this belief: the mice had made their way into the pit, and the potatoes in the bags, as well as those in the pit, had suffered from the little marauders. Burgess had formerly a pit of his own, in another field; but the soil of that field was totally different from that in which the potatoes were grown; when before the magistrates, he said that he could bring persons to prove that he brought the potatoes from his own field. [The prisoner Burgess here interrupted, and said so he could.] Witness then saw the prisoners at Tinhead; they were on the other side of the hedge; heard Burgess say, "We must all keep to one story, and swear to what we will do." The prisoner Kitt said "How bad a thing it would be for anyone to swear false." Burgess said. – "What bee'st thee afraid of a false oath?" on which they, as with one voice, said, "We'll swear that that shall do; we'll stick to them like bricks," and then there was a general burst of laughter. He was present when the examinations were taken down; they contained no confession, but, an avowal of the potatoes being the property of Charles Burgess.

Elizabeth White confirmed the testimony of her brother, as far as regarded the appearance of the pit on the day after the robbery. It was covered on the 4th, but open on the morning of the 5th.

Catherine Hurd deposed to all the parties being at her house at the Bear Inn, Eddington, on the evening of the 3rd. They did not all come in together; they sat together; they had four pints of beer; they staid till 9 o'clock, and they all went out together:

A man of the name of Francis had a rudge of land; He had been working there a fortnight before the 4th February; he knew that the potatoes belonging to Burgess had been carried away before those belonging to White were stolen. When he looked at the pit all the potatoes were gone; the pit was quite empty. Richard Burgess worked for Burgess at Eddington on the 3rd of February. On that day he asked him to go and help him to steal some potatoes to help pay the fine he had to pay for poaching; he knew the prisoners well; was with them the whole of the day prior to the robbery. All their conversation was about stealing White's potatoes; they said they were going to Tinhead, and if he would go he would pay for his own beer; they went to a house and had seven pints.

The plan for the robbery was laid there; and soon carried into effect. Fatts and the rest told him to say nothing; he never mentioned this till after they were confined; he was afraid to do so.

The Jury, after a very perspicuous charge from the Judge, found Charles Burgess guilty, but acquitted the others.

In passing sentence, the Judge told him that his crime was highly aggravated by his attempting to engage his companions to add perjury to his other crime – 7 years transportation.

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OPC Note: Charles Burgess was transported to New South Wales, arriving on 27 August 1829, on the convict ship "Norfolk".