preserve the public peace and tranquillity, and separate and disperse the said plaintiff and others so assembled.

Fourthly. That the plaintiff and other ill-disposed and disaffected persons, to the number of 60,000 and more, armed with stones, bludgeons, and other offensive weapons, did, on the said 16th day of August, unlawfully meet and assemble together at Manchester, in a tumultuous and menacing manner, to the great danger of the public peace, and to the great nuisance, terror, and alarm of the liege subjects of his said late Majesty, there, to wit, at Manchester, inhabiting, residing, and being; and that they remained and continued so met and assembled for a long space of time; whereby the liege subjects of his said late Majesty there residing, dwelling, and being, were put in great fear and terror, and whereby the public peace was greatly endangered. This plea also alleged that the defendants were present, and requested the plaintiff and others so assembled to disperse, and a refusal on their part to disperse. The defendants then in this plea, proceeded to allege their laying hands, &c., on the plaintiff and the said other persons, in order to separate and disperse them; and to justify the supposed trespasses, because they could not otherwise preserve public peace, and could not otherwise separate and disperse the plaintiff and others so assembled.

Fifthly. That on the said 16th day of August, at Manchester, the plaintiff, and other ill-disposed and disaffected persons, to the number of 60,000 and more, being armed with stones, bludgeons, and other offensive weapons, did routously and unlawfully meet and assemble together, in a tumultuous, dangerous, and menacing manner, for the purpose of disturbing the public peace, and to the great nuisance, alarm, and terror of the liege subjects of his said late Majesty, there, to wit, at Manchester, inhabiting, residing, and being. The remainder of this plea was, in substance, the same as the corresponding part of the last preceding plea.

Sixthly. That on the said 16th day of August, at Manchester, the plaintiff, together with divers other ill-disposed and disaffected persons, to the number of 60,000 and more, did unlawfully meet and assemble together, in a dangerous and menacing manner, to the great danger of the public peace, and did remain and continue so assembled, for a long space of time, whereby the public peace was greatly endangered. The remainder of this plea was, in substance, the same as the corresponding part of the fourth plea.

Seventhly. That on and before the said 16th day of August, A.D. 1819, an unlawful, wicked, and seditious conspiracy had been entered into by divers wicked, malicious, seditious, and ill-disposed subjects of his said late Majesty, to the number of 200,000 and more, for the purpose of moving and exciting discontent and disaffection in the minds of the liege subjects of his said late Majesty, and for the purpose of moving and exciting the liege subjects of his said late Majesty to hatred and contempt of the Government and Constitution of this realm, as by law established, and of causing and procuring great multitudes of the liege subjects of his said late Majesty, from time to time, to assemble and meet together for that purpose; and that before the said 16th day of August divers of the said last-mentioned ill-disposed, wicked, malicious, and seditious persons, to the number of 40,000 and more, had been clandestinely trained and drilled to the use of military weapons and arms; and that on the said 16th day of August divers of the said subjects, in that plea first mentioned, to the number of 60,000 and more, of whom divers, to wit, 30,000, had been so drilled and trained as last aforesaid, did, in pursuance of the said last-mentioned conspiracy, with force and arms, at Manchester, unlawfully, maliciously, and seditiously meet and assemble together, armed with stones, bludgeons, and other offensive weapons, with intent to pursue and carry into effect the said last-mentioned conspiracy; and that further to pursue and carry into effect the said last-mentioned conspiracy, the said last-mentioned subjects did publicly exhibit divers flags, banners, and ensigns, bearing divers wicked, malicious, seditious, and inflammatory inscriptions, and devices, calculated to move and excite disaffection in the minds of the liege subjects of his said late Majesty, and to move and excite the liege subjects of his said late Majesty to hatred and contempt of the Government and Constitution of the realm, as by law established. The remainder of this plea was similar in substance to the corresponding part of the third plea.

Eighthly. That on the said 16th day of August, at Manchester aforesaid, the said plaintiff, together with divers other malicious, seditious, disaffected, and ill-disposed persons, to the number of 60,000 and more, unlawfully and maliciously intending and devising to disturb the peace of his said late Majesty, unlawfully, maliciously, and seditiously did meet and assemble together, for the purpose of raising and exciting discontent and disaffection in the minds of the liege subjects of his said late Majesty, and for the purpose of moving and exciting the liege subjects of his said late Majesty to hatred and contempt of the Government and Constitution of this realm, as by law established; and did remain and continue so assembled for that purpose for a long space of time.(*a*) The remaining allegations in this plea were, in substance, similar to the corresponding ones in the fourth plea.

Ninthly. That the plaintiff and others committed a riot and breach of the peace (as before alleged in the second plea), and that thereupon Charles Wickstead Ethelston, clerk, being one of the justices of the peace of his said late Majesty in and for the county of Lancaster, came as near as he safely could to the said plaintiff, and the said other persons so assembled to the disturbance of the peace, and made proclamation according to the form of the statute in these words, "Our Sovereign Lord the King chargeth and commandeth all persons, being assembled, immediately to disperse them-

(*a*) "The language of the count of the indictment on which Hunt and others were convicted at York was similar to that of the eighth plea." Starkie, N.P. 3, 94 n.

selves, and peaceably to depart to their habitations, or to their lawful business, upon the pains contained in the Act made in the first year of King George for preventing tumults and riotous assemblies; God save the King." The plea then alleged that the plaintiff and the said other persons so riotously assembled, notwithstanding the making such proclamation, unlawfully, riotously, and tumultuously remained and continued together, and did not disperse themselves; whereupon the defendants, being lawfully present, and seeing and observing the said riot, tumult, and disturbance of the peace committed within their own view, did then and there, after making the said proclamation, and in order to restore public peace, lay hands on the plaintiff, and the said other persons so assembled, &c. The defendants in this plea then proceeded to justify the supposed trespasses, by reason of the premises in that plea alleged, and because they could not otherwise separate or disperse the said plaintiff and the said other persons so riotously assembled, and so continuing together and not dispersing.

Tenthly. That on the said 16th day of August, at Manchester aforesaid, the said plaintiff, and one Henry Hunt, John Knight, Joseph Johnson, and James Moorhouse, together with divers malicious, seditious, disaffected, and ill-disposed persons, to the number of 60,000 and more, unlawfully, riotously, routously, and tumultuously did assemble and meet together, to disturb the peace of his said late Majesty, armed with stones, bludgeons, and other offensive weapons, and did then and there make a great noise, riot, tumult, and disturbance, and that divers of the justices of the peace of his said late Majesty in and for the county of Lancaster, to wit, William Hulton, Esq., William Robert Hay, clerk, Ralph Wright, Esq., Robert Feilden, Esq., Charles Wicksted Ethelston, clerk, John Silvester, Esq., Thomas William Tatton, Esq., William Marriott, Esq., James Norris, Esq., and Ralph Fletcher, Esq., observing, upon their own view, the said riot to be committed, to the great disturbance of the public peace, and the great terror and alarm and common nuisance of the peaceable and well-disposed subjects of his late Majesty, &c., issued their warrant, under their hands and seals, directed to the constables of the township of Manchester, in the county of Lancaster, and also to all other constables and peace-officers within the said county for the apprehension of the said Henry Hunt, John Knight, Joseph Johnson, and James Moorhouse. The plea then alleged the delivery of this warrant to Joseph Nadin, one of the constables of the township of Manchester, to be executed, and that the said defendants were then and there required by the said Joseph Nadin, as such constable, and by the other constables of the township of Manchester, to aid and assist them in the execution of that warrant, and that the said defendants did thereupon aid and assist the said constables in the execution of the said warrant, and that, whilst the said defendants were lawfully acting in the execution of the said warrant, and in aid of the said constables, the said plaintiff and divers of the said persons so riotously assembled, assaulted the said defendants, and them the said defendants did strike, beat, bruise, wound, and ill-treat, and cast and fling divers large stones and brickbats at and against them the said defendants, to the great danger and hazard of their lives; whereupon the defendants defended themselves against the plaintiff and the said other last-mentioned persons, and, in so doing, did necessarily and unavoidably a little strike, cut, bruise, wound, and ill-treat the said plaintiff, doing no unnecessary damage to the said plaintiff on that occasion, &c.

Eleventhly. As in the last preceding plea; except that the assault upon the defendants was, in this plea, alleged to have been committed upon the defendants immediately after the apprehension of the persons specified in the warrant.

Twelfthly. That the plaintiff and others, to the number of 60,000 and more, committed a riot, as in the second plea. That the defendants being lawfully present, and seeing and observing, upon their own view, such riot to be committed, did, as far as in them lay, endeavour to restore the public peace. The plea then alleged an assault upon the defendants by the plaintiff and others, and a justification of the supposed trespasses by the defendants, as in the last preceding plea.

Thirteenthly. That the plaintiff and others, to the number of 60,000 and more, unlawfully met and assembled as stated in the eighth plea. That the defendants, seeing the said plaintiff and others, on their own view, so assembled, did then and there, as far as in them lay, endeavour to preserve the public peace, and to hinder and prevent the said plaintiff, and the said other persons so unlawfully assembled, from further disturbing the public peace, and from further prosecuting their unlawful purpose. The plea then alleged an assault on the defendants, &c., and a justification by the defendants, as in the eleventh plea.

Fourteenthly. That the plaintiff and others made an assault on the defendants, whereupon the defendants defended themselves, &c., as in the eleventh plea.

The plaintiff, in his replication, joined issue upon the first plea. And as to the 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, and last pleas, replied that he ought not, by reason of anything in those pleas alleged, to be barred from having or maintaining his action against the said defendants, because, protesting that the said warrant was not signed by the magistrates, or directed to the said constables in manner and form as the said defendants had in their eleventh plea alleged, nevertheless replied that the said defendants, of their own wrong, and without the residue of the causes in those pleas alleged, committed the said several trespasses in manner and form, as the said plaintiff had in his declaration complained against them the said defendants; and this he prayed might be inquired of by the country, &c.(*a*)

(*a*) "In addition to these pleas, several others were originally filed, to the number altogether of 51. Some of the additional pleas differed

Blackburne: May it please your Lordship, gentlemen of the jury, from the statement of the pleadings you have heard by my learned friend, Mr. *Evans*, you will now have collected what the subject matter of the complaint of the plaintiff is, and you have collected also what are the defences the defendants rely on to save them harmless for the outrage committed on the plaintiff. And I cannot but assure you that I am unfeignedly sorry that I have not more talents and experience to bring into the service of this important case. But, whatever other complaint my client may have against his advocate, he shall not complain that I do not exert all the energy and zeal I possess, to endeavour to obtain reparation for the serious injury he has sustained. You have heard that this is an action for an assault and wounding. The circumstances that gave rise to it took place on the 16th August 1819, at Manchester; and when I state that, many of you will have heard of various things that happened on that occasion. But I trust that none of those things will make any impression on your minds, but that you will come to the consideration of this case simply on the evidence laid before you, and not on what you may have before heard, not on anything you may have before imagined, but simply on the testimony on the one part and the other. You will then judge whether the defendants are justified in the acts of outrage committed on this plaintiff; for as to the committing the assault upon him, there will be no question whatever in this case. That will be fully, clearly, and distinctly proved to you beyond all possibility of doubt; and the only circumstance you will have to inquire into is, whether the defendants are justified in the assault or not. It has been said that this is a matter more deserving criminal than civil justice; and, for my own part, I cannot but say I should have agreed in that opinion originally. But you cannot have forgotten that for a long time an inquest sat on a person at Oldham.(*a*) You cannot have forgotten that various attempts were made in order that this should become the subject of criminal justice; and you cannot have forgotten that none of these have succeeded. All have proved abortive, and now the plaintiff comes to obtain the only redress left him, namely, a compensation, in damages, for the injury he has sustained: an injury he has sustained in common with all the subjects of the realm. For if it is right that he should be cut and wounded for attending a public meeting, which at that time, at all events, it was the right of His Majesty's subjects to attend, then equally may His Majesty's subjects, at a meeting for any purpose whatever, be subject to the same outrage as has befallen this plaintiff. You will recollect that in the years 1817, 1818, and 1819, considerable distress was felt throughout the whole of the manufacturing districts of this kingdom (*b*); and that distress was nowhere more poignantly felt than in that part of this county which is about Manchester, and bordering on Yorkshire, and the manufacturing districts of Yorkshire were in the same situation—in such a state, in many instances, that starvation was almost the consequence. This gave rise to discontent; for no man is contented to suffer starvation. No man can be contented while his family are in misery around him; and, whenever that prevails to a great degree, as I have heard from a noble Lord, whose talents are not surpassed by those of any man in the country, where great discontent prevails there will be great misgovernment, for people generally mistake not their true interest—they naturally love the Constitution under which they

from those abstracted above, in omitting the allegation of a *request* to disperse; and there was a complete second set of pleas, which corresponded with the previous ones in every respect, except that they justified a *battery* only, and not a *wounding*. On motion made by the plaintiff, the Court referred it to the Master, to expunge such pleas as he might deem to be superfluous. In the result the Master struck out the duplicate pleas, omitting a request, and also the second set of pleas, which justified the battery only. The former class were rejected on the consideration that, if the defendants proved such facts under the pleas alleging a request as amounted to a justification, they would be entitled to a verdict, although they might fail the proving a request as alleged, the pleas being in their nature divisible. See *Spilsbury* v. *Mecklethwaite*, 1 Taunt. 146. With respect to the second set of pleas, which justified a battery only, it was urged on the part of the defendants, that it was possible that on the trial a battery only might be proved, and no wounding; and if it were then to be held that the pleas which justified the wounding were bad in law, the defendants might then entirely lose all benefit of their special pleas. But it was considered that the pleas were so far similar that if as much of any one were to be proved which was an answer to so much of the trespasses as were proved, the justification would be complete. Upon these grounds all those duplicate pleas were expunged, and some other alterations were made on the same principle." Starkie, N.P. 3, 83*n*. "There were originally 51 pleas, containing 39,000 and odd words, and extending over 541 sheets, but the Master struck out 37, leaving the above 14." Report in Annual Register, 1822, p. 354.

(*a*) See above, p. 216 *n*.
(*b*) „ p. 293 *n*.

are born; never being desirous of change, except where there is great distress.

[The learned counsel read the advertisement calling the meeting,(a) and proceeded thus:] Now, gentlemen, it is plain from this that it was not the intention, at least, of the persons who called this meeting that anything illegal should take place at it. They at least imagined, in common with their fellow-subjects, that at that time persons might meet in order to discuss their grievances, and, if they thought that Parliamentary Reform would effect a useful purpose, they might discuss that subject also. They thought they might petition the Legislature, or any branch of it, for Reform; they thought they might meet to discuss, whether or not it would be useful to do so; and, until that took place on this day, which will be shown to have taken place, I believe it was generally understood throughout this realm that every man had a right to meet his fellow-subjects to consider the grievances that oppressed them, and to take (or at least to suggest) such measures as they thought might repress or remove those grievances. There were many who thought that Reform of the Parliament would remove their distresses. They had heard of the difference between actual and virtual representation, and they wished to have the former, instead of the latter; they thought that, if they themselves were at liberty to choose a person to represent them, that person would be more likely to have a due regard to their lives, liberties, and properties than any virtual representative. They had heard that the members for the borough of Grampound(b) (now for its corruption disfranchised) were equally the representatives of the whole kingdom, as they were the representatives of that place. They, having felt that that species of representation did not sufficiently guard them, did not sufficiently protect their rights, their property, and their liberties, did not coincide in such opinion, and they thought fit to meet their fellow-townspeople, in order to see if they could not adopt another mode of representation, and choose a person more likely to meet their wishes, and to guard and take care of their interests.

Accordingly, upon the 16th of August, 1819, a great many persons collected together, not merely from the town of Manchester, but from the neighbourhood. They came, as has been represented to me, "in beautiful order." They came and ranged themselves in order around hustings formed of carts in St. Peter's Field; they came with banners and flags flying, for the purpose of keeping the people of the different townships distinct from each other, in order that each might attend to his own township, that each person might follow that to which he belonged, and not be misled to another, and for no other purpose whatever. When you have to consider whether a meeting is legal or illegal, the first consideration that should present itself is, What was the intention of the persons who called the meeting? What was the intention of those persons who called the present meeting? Was it an illegal act they had done? They had clearly shown that it was not; for when it was shown to them that their requisition for the first meeting contained matter that would render their meeting illegal they abandoned it, and required their fellow-townsmen not to meet without authority, but to request the borough-reeve to call them together legally. What was it, then, that rendered this meeting illegal? Surely it was not the carrying the banners; if the carrying the banners was for the purpose of keeping them separate and distinguishing the townships, there could be nothing illegal in that. [Having contended that there was nothing illegal in the inscriptions on the banners, the learned counsel proceeded:] Now it will be necessary for me to tell you who the defendants are:—The first, *Hugh Hornby Birley*, was a captain of the Manchester Yeomanry; Mr. *Richard Withington* was another officer of the yeomanry, *Edward Meagher* was a trumpeter in the corps, and *Alexander Oliver* one of the privates. Now, in point of law the assault of any one of them is the assault of the whole; if they went to the hustings for an illegal purpose, the commander of the corps would be equally guilty with the person who struck the blow. If all were engaged in this enterprise, supposing it to have been illegal, all will be answerable for the act or acts of any one of them. That this is the law of the land, will, I am sure, not be disputed by any one; it cannot be denied that all persons concerned in an illegal act are equally amenable, in point of law, for the necessary or probable consequences that may result from such act.(a) The people having been thus assembled around the hustings, the cavalry came up to the hustings at a quick trot, at a quick pace around the hustings. I do not know whether you are acquainted with the ground; they came from a place called Pickford's Yard, by Cooper's Cottage, and by a high wall, and formed in line before the house where the magistrates were sitting. They there formed the line, and presently after set off; they immediately moved towards the people. [An immense

(a) See p. 442.
(b) „ p. 786.

(a) See p. 1210, below.

crowd was formed round the hustings. The people were peaceably and calmly engaged in the business of the meeting, until the cavalry came up.]

Gentlemen, if any thing was required to be done with a view to the arrest of any individual, at least they should have first tried the civil power: it was not for a man to say I cannot execute a warrant without the aid of the military; it was his business to try. By the laws of this country, a lawful power only is to be used in executing the process of the law, and that power is at least to be attempted to be used, so that no person may be unnecessarily injured. At all events, they have no right to make use of a destructive weapon. Nay, if you are to take a man guilty of the highest offence, the law recognises you have no right to use violence till all other means fail, till there is resistance to the execution of the warrant, and such resistance as cannot be overcome by any other means than the use of the sword or those instruments which occasion death. In this instance, without any resistance to the execution of the process of the law, they had recourse to violence and the use of those weapons which did occasion death to many and the wounding and maiming of hundreds: I say the cavalry having gone to the hustings and taken away Mr. *Hunt* and the other persons prisoners, one would have thought their purpose had been answered, that they would have been satisfied with what they had done, and that they would have abstained from further violence. Was that so? No; they rode after the people, who were dispersing in all directions, some towards the Quakers' Meeting-house, and some to other places. But before this, two regiments of infantry were stationed near the great area of Peter's Field, closing up the two great outlets from which the multitude could have escaped from the swords of the cavalry. Having got to the hustings, and arrested the parties who were then met there, having dispersed the meeting, and performed the purpose for which they were sent, one would have thought they would have desisted from further violence. Did they return to the place? Did they form before Mr. *Buxton's* house? One would have thought that, having accomplished their object, they would have returned and not have meddled any more with the populace, that they would have returned peaceably and quietly. Did they do so? No; on the contrary, they rode after the alarmed multitude; for at that time the shrieks of helpless and unoffending women were heard. I should have told you that this meeting was not composed of men alone, but a great number of women and children—a very great number of women. The people, in dispersing, went towards the Quakers' Meeting-house, followed by the soldiery, and followed by the Manchester cavalry; and it was then that the plaintiff, having come from Middleton, and having one of the flags in his hand, was rode after by the defendant, *Oliver*, who was seen to cut at him with his sabre, inflicting a severe wound upon his shoulder; a wound that confined him long from his work, kept him long from his family, and from the effects of which he is now only partially recovered. The people got under logs, under trees, in order to conceal themselves; others scaled the walls of the Quakers' Meeting-house to avoid the fury of the soldiers who were attacking them; numbers of them got away; numbers ran along Mosley Street, and endeavoured to escape in every direction. I shall show you that the cavalry rode after them; not satisfied with having dispersed them, not satisfied with having taken those who were the great actors, they resolved to teach the people that they should not assemble for any purpose. They were resolved to close their mouths against calling for Parliamentary Reform. They were resolved that they should never meet to express their grievances, or to petition the Legislature for redress. They were resolved to show them that they were never to assemble together to express their opinion of the grievances that were oppressing them. [The learned counsel described the evidence which he proposed to call to prove that no resistance had been offered to the cavalry.]

You will observe that we have now got into the year 1822, and that these circumstances took place so long ago as 1819. It will be therefore necessary I should say a word or two why so long a period should have been suffered to elapse between the commission of the outrage and the complaint made by the person I represent. You will recollect that, for a long time, as I have already stated to you, it was supposed that this was a subject rather for criminal than civil redress. That circumstance alone would, for a long time, prevent any person from endeavouring to obtain civil justice; and I have further to state that the unfortunate person, who is the subject of this outrage, is a hatter in Middleton,(*a*) but he is not in affluent circumstances. And, therefore, a long time would elapse before a person in his situation could get together the means of coming into a court of justice for redress. It has been said that a person,

(*a*) As to Redford, see Bamford's Passage in the Life of a Radical, 1, 210, 213.

however poor he may be, may sue *in formâ pauperis*: that is certainly true; but in order to do so it is necessary for a man to swear that he is not worth more than five pounds. Now, there are many persons worth more than five pounds who cannot afford the expenses of coming before a court of justice: and if he does come, all he is allowed is, that he shall have no stamps and pay no counsels' fees; but if he has witnesses who are necessary to prove his case, he must bring them at his own expense, he must bear all their expenses. This will sufficiently account for the length of time that has intervened between the perpetration of this outrage and the period at which this action is brought. It was brought as long ago as the month of October last (*a*); so that this poor man, as soon as he had the means of coming before a jury of his country, has come. I have omitted to state that besides the persons I have said I should call as witnesses, I shall call a number of persons who were on the hustings, and who were there to report for the various newspapers. These are a class of witnesses most likely, from their experience and from the number of things of the same kind they have attended, to give an accurate account of the proceedings that take place. To them it is of the greatest importance that no one should observe any particular fact that has not been remarked by themselves, for it is to their accuracy of observation they owe the means of giving correct accounts of what passes at a public meeting. They are the persons who, of all others, are the most likely to give a correct account of what did take place. I have told you all that did place. I have mentioned to you the witnesses I shall call. I have given you the outline of the case. I trust you will attend to it with care and attention. The poor man I represent has come before you for justice. He has the powerful to contend with; he has the rich for his adversaries. To you that circumstance will make no difference: if it has any effect, it will only be to make you more careful to watch for his interest, more attentive to guard and protect him. It long has been, and long will, I hope, continue, the boast of British jurisprudence that the poor man, when he asserts his rights, is heard with the same respect and attention as the richest of his neighbours; in all ordinary cases it is so. I am aware that sometimes from circumstances the mind is prejudiced by a person of the condition of the plaintiff coming to procure justice. I trust you are not in that condition. I trust you will dispel every thing from your mind you may have heard or read; that this man will have the justice he requires at your hands; and that the laws of this country in their administration may continue to deserve the praise which has been given to them, and that they will continue what it has been said they are, the envy of surrounding nations and the admiration of the world.

EVIDENCE FOR THE PLAINTIFF.

Alexander Anderson.—Examined by *Evans.*

Where do you reside?—Manchester.

What are you?—A weaver.

Were you at the meeting on the 16th August 1819?—I was.

Were you one of the persons who called that meeting?—I was one of the persons who signed my name to the requisition.

What was your object?—To petition Parliament for a reform.

Serjeant *Hullock:* The requisition will speak for itself.

Evans: You object, do you?

Serjeant *Hullock:* I do object.

[Witness spoke to the presence of women and children at the meeting.]

Had you any other object in calling the meeting but what was stated in the requisition?—Nothing at all.

To your knowledge had any other person?—Not to my knowledge.

Cross-examined by Serjeant *Hullock.*

I have been at many other meetings at Manchester. I was at the meeting on the 16th August. I was somewhere about the Quakers' Chapel.(*a*)]

Did you not see several march in ranks like soldiers?—There was no symptom of that.

What did they march like?—Some were very poor and ragged, without anything in their hands.

(*a*) The venue was originally laid in Middlesex. On the application of the defendants it was moved into Lancaster. The defendants made (January, 1821) a joint affidavit in which they said, "Great prejudice has been created "against them, particularly in the county of "Middlesex, by means of false and calumnious "reports of the circumstances attending that "meeting, and of the conduct of the said "deponents on that occasion contained in the "public newspapers and by false and exagge- "rated accounts of the same transaction, and "imflammatory comments upon their conduct "delivered in speeches at public meetings, "and such printed accounts have been pub- "lished and such meetings held and speeches "made reflecting upon the conduct and charac- "ter of the deponents, and calculated to deprive "them of the benefit of a fair trial to a greater "extent in the county of Middlesex than in "any other county."

(*a*) See Plan below, p. 1399.

A ragged regiment? How did they march? With their feet in "beautiful order"?—Quietly.

Just in the same way as soldiers?—Not the same way as soldiers; they always have firelocks.

With that single exception they marched the same way, but had no fire-arms?—No.

That was the only difference, that they had no firelocks, and soldiers have?—Yes, when they are marching out of town.

These men had nothing in their hands?—Some might.

What had they in their hands?—I cannot say.

Tell us what you think they had in their hands?—Some odd ones had a small rod in their hands.

A switch, you mean?—Yes.

Very few of them had anything?—Some had bits of rods.

[I cannot swear how many there were in a party. I never saw so many persons as at the meeting. I will not pretend to say, for I cannot recollect, what was written upon any of the flags. I think I did see the flag with "Let us die like men, and not be sold like slaves." I never attended drilling nor saw any. I saw the people halt before *Murrey's* house; but I do not know whether we were halted by word or by the sound of the bugle.

William Mackilroy.—Examined by *Evans.*

I am a weaver living at No. 69, Silk Street. I signed a paper calling the meeting. I had no other object in signing the requisition but what was stated in the requisition. I was at the meeting from between ten and eleven till the cavalry charged. The meeting consisted of men, women and children, old and young, in great numbers.]

Had many of the men sticks?—Why, some of the countrymen had bits of sticks or rods; some crooked, some straight.

Did you see any armed with bludgeons?—I saw none armed with bludgeons of any size.

Did you see any disturbance in the meeting?—No disturbance till the rush came when the cavalry went among the people, round by the wall.

[The cavalry came round the wall near Cooper's (*a*) Cottage.]

What did they do then?—They formed in front of the wall, one end close to the line of constables.

How long did they stay there?—A very short time. They made a second move, a piece further down the field.

Well?—They formed three deep.

Well?—A gentleman in coloured clothes I did not know, came and seemed to write something, as I conceived, to the commander.

Well?—They then advanced, and coming through a straggling part of the crowd, they came to the close body of the people; I saw some fall.

Holroyd, J.: Close body of what, did you say?—The meeting.

What persons do you mean by some?—I saw several odd men go down as the horses rushed forward: several of the people in the crowd.

Did you see any attack on the yeomanry as they came down?—Not the least further than cheers.

You say not further than cheers; when did the cheers take place?—As the cavalry advanced.

Did you see any stones thrown?—Not any. I am certain no stones were thrown; I stood on a height where I could see; there were none thrown in my sight.

Had that height any particular name?—I do not know no name.

Could you point it out in the plan?—I do not know.

How many yards from the hustings?—It might be twelve yards.

Did you see any persons strike the yeomanry?—I am positive no one struck at them in my seeing, as long as I durst stand.

Well?—I had no apprehension that they would cut the people till one of the constables cried out "Stand fast No. 1." Then I made my escape; and at the same time they began to lay on with their truncheons—began to lay on with their constables' staffs.

How far had the yeomanry advanced from the hustings?—It might be about thirty yards, or it might be less; I was in a hurry to get away.

Did you then go home?—I made the best of my escape home.

You saw no more?—I saw no more; I passed away backwards.

Cross-examined by Serjeant *Cross.*

[The divisions took up their ground very regularly. Some had drums, some had only fifes. I do not remember whether there were bugles.]

In short, they all took up their ground in as nice order as a regiment?—Not as a regiment, but as a sick club or a society.

By sick club you mean bodies of people without firelocks?—Certainly.

You do not consider them as assuming the appearance of soldiers till they have firelocks?—I do not consider them; they had neither regular step or march.

They did not please you as regulars?—Not as soldiers.

(*a*) See Plan below, p. 1399, and evidence of Col. L'Estrange below, p. 1189.

How long have you been a soldier?—I never was a soldier; I have been in a volunteer corps, never as a regular soldier.

You were within fifteen yards of the hustings?—Thereabouts; I cannot exactly say.

In front or touching the column of constables?—Very near.

Quite at the head?—Not quite at the head; the distance that reached to the hustings.

What space was between you and the constables?—Sometimes close, sometimes a yard or two from them.

You then were fifteen yards from the hustings?—At the head of the constables, past the hustings.

Did you see whether they surrounded the hustings?—I did not.

Was any body with you?—No person that I know.

So besides their drums and fifes they had little rods?—Country people in general have.

A sort of play things?—Such as a man takes in his hand when he goes to walk a bit.

Men, women, and children, and little rods, crooked and straight, were all you saw? I think you say you saw none armed with bludgeons of any size?—I did not.

But you did see some that you called bludgeons?—No; I call them bludgeons that would knock a man down.

What you would call a shillelah in Ireland?—Yes.

When the cavalry came up, you say a person in coloured clothes also came up?—When they came up to where they made the last stop.

Before the house?—Not so low down.

Do I understand you that this gentleman in coloured clothes rode before them as they reached the hustings?—He appeared to reach something to the officer, and then he retired back.

Re-examined by *Blackburne*.

[The people resembled processions of sick clubs more than soldiers. The sticks were not fit instruments to cope with swords.

William Harrison.—Examined by *Blackburne*.

I am a cotton spinner at Oldham. I went with a company of my townsmen from Oldham to Manchester. On the 16th August four divisions, the Lees, Moseley, Royton, and Oldham, met at Oldham. They were about five or six thousand when they arrived at Manchester. My wife and child, a year old, went.]

Will you tell us what proportion of women were among this five or six thousand?—There were, as near as I can think, near 1,000 women; young girls, some thirteen, some ten years old.

About 1,000?—I think in our procession from Oldham; some dressed in white.

When you went, had you any sticks with you?—No; we came up without sticks.

Had any others sticks who went with you?—Some old men; when walking in our country, they usually take sticks with them.

Now, when you got to New Cross at Manchester, did anything there take place?—We stopped there, and called out one to another. We met four people on horseback; we thought they were magistrates; we thought something was hatching then.

What became of the sticks then?—We called out one to another, those who had sticks to throw them away.

Was that done?—I saw some of the sticks in the company I was in thrown away at the New Cross.

I think you say New Cross is a mile from the place of meeting? [I was seven or eight yards from the hustings when I saw the cavalry come on the field.

Tell us what you saw?—I could see them cutting the people, waving their swords backwards and forwards, this way (flourishing his arm); there were some with black spots on them, and some with silver tops.

Well?—I saw the constables begin to attack the banners.

Where were the banners?—Fixed in a circle round the hustings.

Were they upon the ground, or on the cart?—Those on the ground were round the hustings with staves of a great length.

They attacked those who held them?—Those who held them, the constables began to take them from.

Where were the cavalry at this time?—The constables and cavalry joined together round the hustings then.

Cross-examined by *Littledale*.

You are a cotton-spinner?—Yes.

Whose factory are you in?—*Thomas Cosen's*, of Oldham.

What wages did you get a week at that time?—Well, about twenty shillings.

Did it depend upon the work you did?—It depended on the work I did.

Were the other men in the factory paid at the same rate?—Yes; they were all paid alike, but there are different sorts of work, more of some sorts than others, so that it makes a difference in wages.

How many days did you work? I believe you generally took Mondays and Tuesdays for holidays about that time?—Not at that time; at one time of day they used to do so.

Did you and the other people in the factory work six days in the week?—They generally worked six days in the week.

[I know but little about drilling. I did once go to White Moss, the Sunday before the Manchester meeting, but the drilling was over when I got there. I believe I went to the White Moss when *Murrey* was "dead wounded."]

Did you not stop at a house which they told you was *Murrey's* house?—I will not swear I did.

You can bring it to your recollection?—I cannot recollect; it was called *Murrey's*.

Was it the same *Murrey* who was wounded at the White Moss?—We stopped at the New Cross, and went along to the ground.

After you left the New Cross, did you not stop at a person's house?—No, we did not.

Will you swear you did not?—To the best of my knowledge.

Then you never attended this meeting? You said you went and they were gone?—I went the Sunday before.

But you went there?—I went, but it was mere nonsense; thirty or forty men; one division; some boys ten years old, some as old as you—some old men, well and ill.

[There were three or four companies. They had no bugle. The words of command were "Stand at ease," "As you were," and the like. I went to Oldham Edge about a week or fortnight before I went to White Moss. One company was assembled to drill. About forty were in it. They marched about half a mile down a lane. They did not march as soldiers do, for they had not common sense to do it; such low boys, so little, thirteen or fourteen years of age. There were different descriptions of people, but chiefly boys. I marched a little way with them. There was no regular order. It was mere nonsense. Sometimes they marched, sometimes they halted, treading on one another's heels; no regular order at all. The words were "Quick march," "Halt," and the like. Sometimes we marched or halted according to the words of command, and sometimes we laughed at them. I never heard the word "Fire" given. I never was a soldier. Several of the people whom I had seen at Oldham Edge formed part of the people who marched to Manchester. The inscriptions on the banners were "Major Cartwright's Bill," "Election by Ballot." On the black flag might have been "Equal Representation or Death." I did not see "Let us die like men, and not be sold like slaves." I believe I saw something like "No Corn Laws." We had no drums or fifes. We had something of a kind of trumpet.

Abraham Wrigley.—Examined by *Blackburne*.

I was a cotton spinner living at Oldham in 1819. I went with the Oldham people to Manchester on the 16th August. In the course of our progress, nothing was done to excite a disturbance. I was about five or six yards from the hustings with my back to the constables. I saw the yeomanry advance. Before that time the people conducted themselves in a very decent manner; all appeared to be harmony and conviviality. The yeomanry had got close up to me before I could see them. When they first came up to the place where I stood, they were cutting away with their swords at the people. When they come up to me, I stood, as I observed before, with my back to the constables. The constables that stood next to me began to strike the people with their truncheons; and one of the constables standing nearest to me pushed me forward close to the cavalrymen's horses; and I received a blow on the hat, which I conceived to be by one of the cavalrymen's swords. It knocked it off.]

Did you observe anybody else?—Yes; I saw many that were struck by the cavalrymen in that situation.

Did you see the effect the blows had on them?—I saw blood flowing very copiously from the heads of some of them, after their hats were struck off; they struck them over the head.

Which way did you get away?—I was forced back by the pressure of the crowd, in the way where the constables stood; that is, to my back. I was forced against the higher part of the houses that formed Windmill Street.

Well?—In that situation, the houses in Windmill Street have cellars.

HOLROYD, J.: You are now speaking about other people in the cellars?—Yes; there were some cellars: the houses have mostly cellars in that street; there was an iron railing to prevent accident, which was broken down by the pressure.

Iron railings opposite the cellaring?—Yes.

Well?—I was then forced into a back yard of Windmill Street.

HOLROYD, J.: I do not know whether this is material.

Did you observe anything more of what happened?—After we were driven through the yard, followed by the constables, a great many constables followed and struck several of the people. We were then compelled to make our escape over a

fence, not being safe, a very high fence of boards; from there I got down to a brckyard.

I got into a brickyard towards Lower Msley Street. I came on the field again inten minutes after I was forced away.

What did you then see?—I was coming on the top of Windmill Street; I met an old man, whom I knew, bleeding profusely, from, apparently, a sabre wound received on his forehead.

Was the blood from his forehead?—Yes.

Did the blood come from a wound in his forehead?—Yes.

What more?—I observed to him——

What did you see?—After I had seen him, I came down to that part of the ground where I had been, in order to obtain my hat or get another.

You came back to get another hat? Had you seen anybody else that had lost their hats?—Many.

What did you see?—When I came back, I observed that most of the people had fled, and that the cavalry were riding about and forming in a sort of column, and the constables near them.

Did you see anything more?—I saw the constables striking the people who had got away, infirm people.

[I had at that time walked with a stick for three quarters of a year, for a complaint. But I did not bring it with me to Manchester that day. I had heard that the people were to go without any sort of instruments. That made me leave my staff.]

Cross-examined by *Starkie*.

How long before this had you been at drill?—I never was.

Never at drills?—I had never no connexion with them; I disapproved of them; I persuaded others to keep from them.

You disapproved of them yourself, and endeavoured to dissuade others from going?—Yes.

Because you thought mischief might take place?—I did not conceive anything of that sort; I thought it was the work of some incendiary.

Were the persons women and children, you gave this advice to?—Young men, just coming into men; perhaps some of them up to eighteen.

[I never was at White Moss or Tandle Hill. We met, when we were going to Manchester, somewhere near eight o'clock. There were 5,000 or 6,000 from townships within two or three miles of each other. There was one bugle or an instrument of that description. I will swear that I did not on a Saturday night on Sunday morning constantly hear the sound of a bugle. We had no commander. When the parties met at Oldham, it was arranged that they should proceed by the sound of the bugle. The bugle sounded from time to time on the road to march and stop. We had a fife or two, and I believe there was one drum. The fifes were playing and drums beating when we passed on to Manchester, and in that array we went on to Manchester. When we got to the New Cross, some, not all, of the little switches were thrown away. We went from New Cross to St. Peter's Field along Swan Street, down Shude Hill, by the Exchange, up Dean Street. I did not know at that time that it was not the direct way. I believe it was through ignorance of the nearest way.

Joseph Brierley.—Examined by *Blackburne*.

I am a hatter, and live at Oldham. I went with my townsmen on the 16th August 1819 to Peter's Field. I was five yards from the hustings on the Deansgate side. I saw the cavalry come up.]

When they came among the people what did you see?—They were making havoc; cutting, and crying "murder" in every direction; and "shame, shame."

Did you remain at the place where the cavalry was, after you got to the hustings?—I was pushed back between two cellars in Dean Street, as near as from the Windmill public-house.

The Windmill public-house is near, opposite to where the hustings was?—Yes; to what they call Mr. *Buxton's* house.

Did you see any person taken from the hustings?—Yes.

Well?—By the time it was over, that is, after the cutting away, I was thrust into this cellar; the railing broke; and I was thrust into the cellar, with many more.

What I want to know is, whether you saw anything of the cavalry after you got up to the hustings?—Yes; I saw them, undoubtedly, when the pressure drove me, and they were close up to me. I was forced into the cellar hole. The railing broke.

They had got past the hustings at the time?—Yes.

Did you observe what became of the people?—After I got in the cellar I could observe nothing. I heard "murder" cried. There was a woman lay dead in the place.

Cross-examined by Serjeant *Hullock*.

[I had not full employment at the time. I never was at White Moss in my life. I never was at any drilling before I went to Manchester. I was a soldier. I do not know how it was known we were to assemble at Oldham Green; it was represented up and down the country. I was

in Oldham before six o'clock. About 6,000 or 8,000 formed the outside of the different divisions. There were a great many women and children.]

Joseph Hindle.—Examined by *Evans.*

I am a weaver at Little Bolton. I was present at the meeting at Manchester on the 16th. I was on the north side, by the Windmill public-house.

Did anything occur to you?—Yes, I was wounded in my right arm.

By whom were you wounded?—I could not identify the person.

Was it one of the yeomanry?—Yes.

What did you do then?—I was striving to make my escape, but could not, owing to the press of the people that were before me. To keep the blow from me I stooped under the horses; and they cut an old man with a grey head over the head, and the blood spouted over my breast.

Did you see anything more?—After they had cut as long as they well could, they drew back to let us go.

You went away?—Yes,

Did you see any stones thrown at the cavalry?—No; they could not stoop to throw stones until the ground was cleared.

Did you see any resistance made to the cavalry?—No.

Cross-examined by Serjeant *Cross.*

You went from Bolton that day?—Yes.

That is about ten or twelve miles from Manchester?—Yes.

How did you happen to go?—A few of us were standing in front of the door, and I wished to go to Manchester to see the *Hunt* meeting; and I had a sister-in-law at Manchester I wished to see too.

How many were there of your party?—There were four of us, and we overtook six or seven.

Then it was by mere accident you went? You had no intention of going before?—I had no intention of going; it was too far.

Was that the first meeting you had been at?—Yes.

William Cheetham.—Examined by *Evans.*

[I am a weaver at Little Bolton. The meeting was quiet until the yeomanry came. I saw them just as they got up to the hustings, not before.]

Did you see them do anything?—Yes, I saw them strike the people with their swords.

Serjeant *Hullock:* Does your Lordship think this is evidence? Not one of these defendants is shown to have been upon the spot.

Holroyd, J.: It may probably be evidence by way of anticipation; but the correct way certainly would be, in the first place, to prove the trespass as laid in the declaration.

Serjeant *Hullock:* I am aware of their object, which is to create a prejudice. I submit that they must prove that the defendants were present. I do not even know to what time of the day the evidence refers. If they first prove the trespass, we shall have some insight into the subject.

Holroyd, J.: The proof of the trespass certainly should be introductory to the other evidence, because then we shall be able to judge what was evidence and what was not.

Serjeant *Hullock:* I feel no anxiety but for the regularity of the proceedings.

Evans: I submit we have a right to marshal our case as we please.

Holroyd, J.: There is one plea of Not guilty; therefore, the first thing is to prove the trespass, for if that is not proved all the rest of the proof is unnecessary.

Evans: There is a decision which shows we may go into the whole of our case.

Holroyd, J.: If a question arises about the evidence it may be necessary to go on in the regular way.

What happened to you?—I was severely cut.

By whom?—By a trumpeter.

Evans: He is one of the defendants.

Holroyd, J.: The present action is for a compensation in damages. What was done to this person, except as far as it may go to the other issues, is not evidence.

Serjeant *Hullock:* In strict regularity. they ought to prove the trespass first. There is no use going into this evidence, except they prove the trespass; it can only tend to produce an unjust prejudice. I must beg, after this, that my friend will proceed in the regular way.

[I saw no stones thrown at the soldiers.]

John Davenport was next called.

Holroyd, J.: Is that for the trespass?

Evans: No, it is not.

Holroyd, J.: Go on to prove your trespass.

Serjeant *Cross:* For anything that appears at present, none of the defendants in this action were there that day.

Holroyd, J.: The ground of the action should first be proved.

Evans: I submit that we are entitled to give this evidence. It has been decided by several of your Lordships that a certain discretion is to be given to counsel, that they will not give evidence wholly unnecessary; and if counsel were required to marshal their case as their adversaries wished, instead of justice being obtained, the contrary would be the case. I state,

as counsel, that it is our intention, and we shall fully prove, that one of these defendants did wound the plaintiff. These defendants came in a body into the field, and I contend they are all jointly liable for any act of trespass.

HOLROYD, J.: That depends on circumstances. I apprehend you must first prove your trespass. There is a plea of not guilty. If the trespasses are not proved, all the rest is immaterial; and it depends on the proof of those trespasses, whether many of the circumstances given in evidence are evidence, or not. I have constantly known it done: as in cases of ejectment, the judge puts the party to prove possession first, to see whether the other proof applies to the tenement for which the action is brought or not.

Joseph Prestwich.—Examined by *Blackburne.*

You are a weaver, I believe, and live at Droylsden, near Fairfield?—Yes.

How far is that from Manchester?—About five miles and a half.

Do you know *Alexander Oliver*?—Yes, sir.

Do you know *Thomas Redford*, too?—Yes.

How long have you known them?—I suppose I have known *Redford*, might be about fifteen years, and *Oliver* I have known about ten.

Do you know whether he was one of the Manchester yeomanry cavalry?—Yes, sir.

Did you see him on the field on the 16th August 1819?—Yes, sir.

And *Oliver*?—Yes.

Did you see *Redford* there too?—Yes.

Whereabouts was it from the hustings that you saw *Redford* first?—I saw him where he was cut, near by the Quakers' meeting-house, amongst some timber.(*a*)

Was that over Peter Street, from the hustings?—Yes.

On the other side?—Yes.

You say you saw *Redford* cut?—Yes.

Did you see his face before he was cut?—No, I did not; when he received the blow he turned round so sharply on me—knowing *Oliver* before; he was amongst the timber.

You had seen *Oliver* before that?—I had seen him about twenty yards from the hustings at first when I saw him.

Who was it that you saw cut *Redford*?—*Oliver.*

You say *Redford* was near the Quakers' meeting-house?—Yes.

Where was he struck?—He was struck upon the shoulder; I was expecting it would take one side of his head when I see the sword move.

When you saw him strike, what did you do?—I was busy making my escape as well as I could, expecting that would be the case with me.

Were there any other of the yeomanry cavalry on the ground at this time?—Yes, there were several others cutting in the same manner.

You perhaps were not acquainted with any others, were you?—Yes, I knew *Samuel Harrison.*

What time of day was it when you went to the meeting? What time did you get there?—It was between eleven and twelve, might be near twelve.

Did anybody go with you?—There was about six or seven.

From your village, your neighbourhood?—I was set down to breakfast when they came and invited me.

In what part of the field did you first take up your position?—The first place I offered to go to was near the gentlemen's houses, and there constables were fixed; I wanted to go through them, and they objected, so I took down; betwixt the multitude, and took the other side of the hustings, and found myself between the hustings and Windmill Street, near the end, towards Mr. *Buxton's* house.

Did you see the cavalry come up afterwards to that place?—Yes, sir; I stayed there and saw them when they first appeared in sight; when they appeared in sight, they came up in a short canter, to my recollection.

That was before they came in front of Mr. *Buxton's* house?—Yes.

After they came in front of Mr. *Buxton's* house, did you see them then set off towards the hustings?—Yes, sir, I did; I saw them wave their swords before they set off.

HOLROYD, J.: What was the first you observed?—To my recollection there was one singled him out in front of them.

What was he, do you recollect?—I do not recollect what he was; but he came a few paces, and the others followed him down the line of the constables.

At what speed were they coming?—They were coming a canter, as usual, before they halted.

By this time, in what manner had the meeting of the people conducted themselves?—Very decently; I would not have gone if I had any suspicions.

I only ask how they did conduct themselves in fact?—They conducted themselves very peaceably and quietly.

Did you see the cavalry then come up to the hustings?—Yes.

Did you see any sticks, any stones, or brickbats thrown at them?—No, sir, I did not.

Were you taking notice of them at the time?—Yes, I was.

(*a*) See Plan below, p. 1399.