THE QUEEN *against* DOWLING.

TRIAL OF WILLIAM DOWLING FOR TREASON-FELONY, AT THE CENTRAL CRIMINAL COURT, BEFORE ERLE(*a*) AND WILLIAMS, J.J., SEPTEMBER 22 AND 23, 1848. (REPORTED IN 3 COX, C.C. 509.)

The prisoner was indicted under the Treason Felony Act,(*b*) 11 & 12 Vict. c. 12., for feloniously compassing to depose the Queen, &c., and to levy war against the Queen in order, &c. Evidence was given that he was secretary of the Davis Confederate Club, in London; that in July and August 1848 he took part in meetings of Chartists and Irish Confederates, at which a rising was planned for August 16th; and that on that day groups of men were arrested in different parts of London armed with pikes, guns, combustible balls, &c. Verdict, Guilty.

1. *Treason-Felony.—Levying War.—Compassing to depose the Queen.*
An intention that numbers should assemble in arms, prepared to resist opposers, and intending to prevent the Government from the free exercise of any of its lawful powers is an intention to levy war against the Queen, within the meaning of 11 & 12 Vict. c. 12.
An intention to subvert the monarchical constitution, or to sever Ireland by force from the Crown of England, is an intention to depose the Queen from the style and royal name of the Imperial Crown of Great Britain and Ireland, within the meaning of 11 & 12 Vict. c. 12.

2. *Practice.—Copy of Indictment.—Lists of Witnesses and Jurors.—Reading over Panel.—Inspection of Indictment and names of witnesses after arraignment.*
In felony the prisoner is not entitled to a copy of the indictment, or to lists of the witnesses and jurors, or to have the panel read over (*c*); but he is entitled to have the indictment read over once before arraignment, and it is the practice, after arraignment, to allow the prisoner's counsel to look at the indictment and the names of the witnesses indorsed on it.

3. *Challenge.—Voir dire.*
A juror cannot be examined on the *voir dire* until a cause of challenge has been assigned.

(*a*) Afterwards Chief Justice of C.P.
(*b*) Short title under the Short Titles Act, 1892; see note to *Reg.* v. *Mitchel*, 6 St. Tr. N.S. 599.
(*c*) But see *Reg.* v. *Cuffey*, below, p. 467.

CENTRAL CRIMINAL COURT.

Before ERLE and WILLIAMS, JJ.

On Thursday Sept. 21st, the grand jury returned true bills against *William Dowling* and others for treason-felony under 11 & 12 Vict. c. 12. The prisoners, who were Chartists and Irish Confederates, were charged with conspiring to effect a rising in London on August 16th, 1848, as herein-after described.

Counsel for the Crown.—The *Attorney-General* (Sir *John Jervis*,(*a*)) *Welsby*, *Clarkson*, *Bodkin*, and *Clerk*.

Counsel for the prisoner.—*Kenealy*.

Kenealy applied on behalf of *Dowling* for a copy of the indictment. This is a prosecution for treason disguised as felony by the Crown and Government Security Act, and it would be a hardship for the prisoner to come before the Court without knowing the nature of the charge. The common law right to have the indictment read over, very slowly, twice or three times would involve great waste of time.

Ballantine on behalf of other prisoners made the same application, and referred to the recent case of *Reg.* v. *Martin*,(*a*) in Ireland, where it was granted *ex gratia*.

ERLE, J., refused the application. This is a trial for felony, and ought to be conducted in the same way as other trials for felony. It would be the worst possible example to make any difference in a court of criminal justice, as to the mode in which that justice is administered. The intention of the Legislature in lowering the more aggravated crime of treason to that of felony, was that persons guilty of this breach of the law should be tried in the same way as other criminals. With respect to the parties not knowing what they have to answer, the depositions for the most part give full information of the facts. Sometimes there are persons who look at the way the facts are stated in the indictment in point of form as a fruitful source of technical errors, and by availing themselves of them, justice is frequently defeated. We ought not to give any extra facility for that species of objection, beyond what our law has provided.

Bodkin stated that the prisoners' counsel might have access to the indictment, to save the necessity of its being read over two or three times in open Court.

(*a*) Afterwards Chief Justice of C.P.

(*a*) 6 St. Tr. N. S. 958.

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Friday, September 22.

Kenealy, after an application had been made on behalf of the other prisoners to postpone the trials, stated that his client desired to be tried at once, and again appealed for a copy of the indictment.

ERLE, J.: You are entitled to have it read over at full length.

Kenealy: I believe I am entitled at common law to have it read twice. I have a very strong idea that I can produce cases to have it read three times.

Attorney-General: I must state in my own justification that Mr. *Kenealy* was informed that he should have an opportunity of reading the indictment. He went to the office of the *Clerk of Assize*, saw it, and would not read it, and now he makes this application.

ERLE, J.: My opinion is that you are entitled to have it read once. I have considered this matter in consequence of your mentioning your intention yesterday. I am quite sure that the rules and practice of the Court are to be conducted upon some principle which shall tend to the due administration of justice. And I am clearly of opinion that where the counsel has had the opportunity of seeing the indictment and where afterwards that indictment has been read over once slowly in his presence, it would be an absurd rule of practice to say that those same words shall be read three times slowly, merely to waste the time of the Court. I therefore decide that you may have it read once slowly but not more.

Kenealy: Your lordship has decided without hearing me. I have the names of twelve cases in the State Trials where it was done.

ERLE, J.: I will hear anything you wish to say.

Kenealy: In *Grahme's* trial before *Holt*(*a*) the indictment was read twice in English and once in Latin; in *Charnock's* case,(*b*) three times; in *Rosewell's* case,(*c*) three times; in *Weston's* case,(*d*) twice; in Lord *Maguire's* case,(*e*) twice; in *Morris's* case;(*f*) in *Lilburne's* case;(*g*) in *Atkin's* case,(*h*) twice; in *Konnigsmark's* case,(*i*) twice; in *Ratcliffe's* case,(*j*) three times; in *Algerom Sidney's* case,(*k*) twice.

(*a*) 12 St. Tr. 645.
(*b*) 12 St. Tr. 1386.
(*c*) 10 St. Tr. 152.
(*d*) 2 St. Tr. 912.
(*e*) 4 St. Tr. 653.
(*f*) 4 St. Tr. 1250.
(*g*) 4 St. Tr. 1269.
(*h*) 7 St. Tr. 231.
(*i*) 9 St. Tr. 3.
(*j*) Fost. Cr. L. 40.
(*k*) 9 St. Tr. 836.

ERLE, J.: Have you taken the trouble to enquire whether these double readings were not in the time when the indictment was in Latin?

Kenealy: My lord, that makes no difference at all.

ERLE, J.: In the one case it would be a sensible proceeding, and in the other an absurd one. Have you taken the trouble to enquire whether the second reading in English was at a second stage or another day?

Kenealy: Certainly it was on another day. That makes no difference.

ERLE, J.: Your application at this moment is that the indictment should be read over three times consecutively—that is what I have decided you have no right to.

The indictment was read by the Clerk of Arraigns.

Parry: I understood it was to be read slowly; it is being read rather fast.

Roberts (*prisoners' attorney*): I must personally apply to have it read so that I can copy it.

ERLE, J.: I must conduct this case in the same way as all other trials for felony. I refuse the application.

The prisoners were called on to plead, and all pleaded, Not Guilty.

Kenealy: Your lordship has said that the case is to be conducted as an ordinary felony, but I do not know if the *Attorney-General* will grant the application that I am about to make for a list of the jurors.

ERLE, J.: I refuse the application. If you wish to make any such application to any other person you are at liberty to do so, but I myself feel that I am bound to conduct the trial for this felony by the rules applicable to felonies. The judge does public mischief who at all at his discretion departs from those rules. I therefore feel it my duty at once to say that I will not direct any list of jurors to be given in the case which would not be granted in an ordinary trial.

The *Attorney-General* having refused a list of the witnesses, *Ballantine* applied that the prisoners' attorney might see the names of the witnesses on the back of the bill.

ERLE, J.: I have seen it constantly done in trials, after the party is called on upon the arraignment, for the counsel for the prisoner to see the indictment, and that I have been told is the regular rule; and therefore I will direct, if you wish it, that the indictment should be handed to you, your client being now arraigned. It is usually permitted, and I permit you to look at it now.

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Kenealy applied that the list of jurors should be read over, and referred to *Townley's* case.(*a*) That was high treason, where the prisoner had already a copy of the panel, but the common law right to have the panel read over was allowed. This is a strange case.

ERLE, J.: If it is put now as a matter of right, and I am called upon to decide whether upon every trial for felony the counsel for the prisoner has a right to have the panel of the jury read over, I am of opinion that there is no such right, and I refuse the application.

William Preston having been called—

Kenealy: I wish to ask if that gentleman is a special constable?

ERLE, J.: You have no right to ask any such question. You have a right to challenge him.

Kenealy: I know I have a right to challenge twenty, and I wish to examine every one of them on the *voir dire*.

ERLE, J.: Not without exercising some right of challenge.

Kenealy: Then I shall challenge him for cause, and then ask if he is a special constable.

ERLE, J.: What is your cause?

Kenealy: I am not bound to state the cause.

Attorney-General: My lord will ascertain whether it is a good cause, and will appoint triers to try him.

Kenealy: My lord, I cannot tell you the cause until I have the juryman sworn on the *voir dire*.

ERLE, J.: Have you any cause?

Kenealy: That he does not stand indifferent.

Attorney-General: That is no cause. You must state a particular cause.

ERLE, J.: As I understand a challenge for cause, you must make out to the satisfaction of the Court some reason for believing that your cause is well founded. Can you state to me what is your reason for believing that you have cause for challenging the impartiality of *William Preston?*

Kenealy: I have reason to believe that he is a special constable and has prejudged this case. It is perfectly notorious that the great majority of the inhabitants about here were sworn as special constables. I have no special instructions with regard to this gentleman. I never heard his name before.

ERLE, J.: Then I now proceed—having disposed of that challenge for cause—the officer of the Court will proceed with *William Preston*, and the swearing of him in due course.

Kenealy: Am I to understand your lordship to say that I am not to be allowed to examine upon the *voir dire?* Am I to understand that that right is to be taken away from the people of England, as all the other rights are taken away by this Crown and Felony Act? I am not aware of a single instance, and I assure your lordship that I have entered into this case with a great deal of particularity, where a judge called upon a counsel to assign a cause. I do not know whether it is *Hawkins* that your lordship has in your hand, but I believe Mr. Serjeant *Hawkins* was one of the loosest law-writers who ever wrote. He has laid down a good many things which are not law.

ERLE, J.: I have never seen it done. I have read many text books upon the subject and I have never seen the right laid down. I have had no authority cited to me showing that the right was ever exercised, and it appears to me an extremely unreasonable and improper thing that a juror should without any reason be cross-examined by the counsel for the prisoner without any instructions upon the subject. I am sure that no harm can be done to the prisoner while the prisoner has the right secured to him by law of challenging peremptorily any juror who is unsatisfactory to his mind. That being the state of the case, I dispose of your application to put questions to the juror by saying, that in my opinion, you have not that right, and I direct the officer of the Court to swear the juror.

Kenealy applied to the Court to reserve the point.

ERLE, J.: I am clearly of opinion that if the question was answered in the affirmative, it is no ground of challenge.

The jury having been sworn.

Kenealy: I believe I have a right to have the indictment read again, but at present I waive it.

ERLE, J.: I was going to say that inasmuch as several of the gentlemen of the jury were not present before, if it was your wish to have it read, it must be done.

Kenealy: No, my lord, I waive it.

The jury were charged with the prisoner.

INDICTMENT.

Central Criminal Court, to wit.—The jurors for our Lady the Queen, upon their oath present that Alfred Dowling, late of the parish of Christchurch, in the county of Surrey, labourer, with several others named, being subjects of our said Lady the Queen, not having the fear of God before their eyes, nor weighing the duty of their allegiance, but wholly withdrawing the love, obedience, fidelity, and alle-

(*a*) Fost. Cr. L. 7.

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giance which every true and faithful subject of our said Lady the Queen, should and of right ought to bear towards our said Lady the Queen, heretofore and after the passing of an Act of Parliament made and passed in the eleventh year of the reign of her present Majesty, intituled —"An Act for the better security of the Crown and Government of the United Kingdom," to wit, on the fifteenth day of August, in the year of our Lord one thousand eight hundred and forty-eight, and on divers other days and times as well before as after that day, with force and arms, at the parish aforesaid, in the county aforesaid, and within the jurisdiction of the said Court, wickedly and feloniously, amongst themselves and together with divers other evil-disposed persons, to the jurors aforesaid unknown, did compass, imagine, invent, devise, and intend to levy war against our said Lady the Queen within that part of the United Kingdom of Great Britain and Ireland, called England, in order by force and constraint to compel her to change her measures and counsels, and the said compassing, imagination, invention, device, and intention, did then and there express, utter, and declare, by divers overt acts and deeds hereinafter mentioned; that is to say, in order to fulfil (*1st overt act*) and perfect, and bring into effect their felonious compassing, imagination, invention, device, and intention aforesaid, they the said Alfred Dowling, and the others, on the said fifteenth day of August, in the year of our Lord aforesaid, and on divers other days and times as well before as after that day, with force and arms, at the parish aforesaid, in the county aforesaid, and within the jurisdiction of the said Court, wickedly and feloniously did assemble, meet, conspire, consult, and agree amongst themselves, and together with divers evil-disposed persons to the jurors aforesaid unknown, to stir up, raise, make, and levy insurrection, rebellion, and war against our said Lady the Queen within this realm, and to overthrow and destroy the constitution and Government by law established within this realm; and further to fulfil, &c, (*2nd overt act*), they, &c., wickedly and feloniously did purchase, procure, provide, and have divers large quantities of arms, to wit, swords, daggers, pikes, bayonets, guns, and pistols, and divers large quantities of ammunition—to wit, gunpowder, leaden bullets, and shot, with intent therewith to arm themselves and other evil-disposed persons, in order to attack, resist, fight with, kill and destroy the soldiers, troops, and forces of our said Lady the Queen, and the police constables and peace-officers acting in the execution of their duty within the realm; and to raise, make, and levy insurrection, rebellion, and war against our said Lady the Queen within this realm; and further to fulfil, &c., (*3rd overt act*), they, &c., wickedly and feloniously did assemble, meet, conspire, consult, and agree together amongst themselves, and together with divers other evil-disposed persons, to the jurors aforesaid unknown, to set fire to, burn, and destroy divers police stations, railway stations, houses, and buildings, and to provide and prepare divers combustibles and materials for the purpose of setting fire to, burning, and destroying the same; and further, to fulfil, &c., (*4th overt act*), they, &c., wickedly and feloniously did enrol themselves, as, and became and were, members of divers unlawful, secret, and dangerous associations, clubs, and confederacies, holding secret correspondence and communications with each other, for the purpose of organizing, raising, making, and levying insurrection, rebellion, and war within this realm; in contempt of our Lady the Queen and her laws, to the evil example of all others in the like case offending, against the form of the Statute in that case made and provided, and against the peace of our said Lady the Queen, her crown, and dignity."

The second count averred the compassing and intent to be to deprive and depose our Sovereign Lady the Queen from the style, honour, and royal name of the Imperial Crown of the United Kingdom of Great Britain and Ireland, and was in all other respects the same as the first count.

Opening Speech for the Crown.

[The *Attorney-General* stated that this was the first prosecution in England under 11 & 12 Vict. c. 12., which he explained had been passed in consequence of a defect in the law, which divided all political offences into treason, with its penal consequences, and misdemeanors. One result of this was that foolish and vainglorious persons were tempted to make martyrs of themselves by incurring the penalties of treason,—a stimulus, which was taken away from them by this Act, allowing such offences to be prosecuted as felony. The only privileges of which it deprived the subject were the privileges of being hanged and disembowelled and treated as a traitor.]

Before the passing of this Act there were three classes of treason, an attempt or desire, as it is called a compassing to murder the Sovereign, a compassing or intention or desire to depose the Sovereign, and a compassing or desire to levy war, that is to raise an insurrection, or by force to compel the Sovereign, or the Government of the Sovereign, to change their measures. It would have been highly impolitic and improper that any mitigation whatever in the first class of the offences should be attempted by the legislature, and therefore any attempt upon the life of the Sovereign, is now, as it was, visited with the highest penalties of the law; but to attempt to depose the Sovereign, to attempt to levy war, to drive the Sovereign by force to change the measures of the Government, has by this Act, mercifully and most judiciously, been reduced from the higher penalty of the law to the offence of felony, for which the party may suffer the high penalty of

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transportation for life, or a lesser term of seven years, or even, if the circumstances justify it, may be simply imprisoned for a period not exceeding two years. The charges, therefore, under this statute, as they are expounded technically in the indictment, are two. The first is, the intention—that is, the compassing, and imagining and devising and intending to levy war against the Queen, in order to constrain and compel her to change her measures and councils. The second is a similar compassing, in order to deprive and depose the Queen from the style and honour of the royal name of the Imperial Crown of this kingdom. Each of these compassings, as was the practice formerly in treason, which is now retained by a provision of this Statute, is established in the indictment by a statement of a variety of what are called overt acts, as applicable to each count of the indictment. They are the conspiring, consulting, and agreeing together to raise insurrection—that is one; the purchasing, providing, procuring, and having arms and ammunition—that is the second. The third is, assembling and conspiring amongst themselves to set fire to, burn, and destroy police stations, railway stations, and others. The fourth is to enrol themselves and become members of unlawful, secret, and dangerous associations and clubs. If all, or any one, of these overt acts is proved to your satisfaction, justifying the intent laid in the indictment, it will be your duty to find the prisoner guilty of this charge. Now, it ought not to be forgotten that the charge being founded and supported by the allegation of felonious conspiracy, the inquiry is not limited to the sole and simple acts of the prisoner standing at the bar; for, the conspiracy having been once ascertained and proved, which is the foundation of the charge, the acts of others joining in the conspiracy, and the assertions of other parties to that combination, will be evidence against the prisoner.

I regret to state that the prisoner at the bar has moved in a different sphere from those as to whose cases we have principally been engaged upon in this and former sessions; he is a man of education, a man, I am told, of considerable talent, an artist by trade, who, if he had devoted himself to the application of his honest industry, might have supported himself with credit and respectability; but unfortunately from some, I presume, perversion he has connected himself, not with politics, for of that there can be no complaint, but given himself to a course and practice which, if it had not been detected fortunately on the 16th of August, the day when the rising was to take place, would have been attended with the most melancholy and destructive consequences, not only I fear to the lives of many, certainly to the property of most, but infallibly to the trade and commerce of this kingdom. You have heard possibly from general report, that amongst others who are to be called as witnesses, there are some who have taken part in the illegal course, now the subject of this enquiry. I shall be compelled to call more than one such person, and in the outset I beg of you, while you recollect that it is impossible from pure sources to get evidence in transactions of this description, I beg of you to watch narrowly the testimony of those who stand here in the character of accomplices, and to take care they are confirmed in important matters, although I am sorry to say in this case that there is under the handwriting of *Dowling* himself, conclusive confirmation of the case I am about to state to you.

You have heard that there has been in this country for many years a body of persons who have become advocates of the People's Charter; of that there can be no complaint here or elsewhere. Everyone has an undoubted right to entertain what political opinions he pleases, and to advocate and to agitate for the assertion of those political opinions, provided he keeps himself within the calm course of free discussion, and attempts to do nothing treasonable or illegal.

You know, likewise, that recently, I regret to say, Ireland has been in a state amounting to open rebellion; and, I believe, comparatively recently, a new addition to the Chartist Associations——

Kenealy: My lord, I object to the *Attorney-General* attempting to influence the minds of the jury by reference to any matter of which he will not give evidence. On the recent trials here for sedition, I heard the *Attorney-General* talk about Communism and Jacobinism. He gave no evidence, my lord, of Communism or Jacobinism, though he attempted to influence the jury on both.

Erle, J.: If you look at this in the nature of a public event, universally known, it may be alluded to for the course of justice. I do not undertake to speak to the exact accuracy of the language, but in a treatise on evidence I have seen that laid down—contemporaneous history I have seen alluded to.

Attorney-General: We are aware that Ireland has been in the state I have described. I regret to state that not only have the Chartists, as they were called, deviated from the fair mode of discussion and meeting to advocate their political opinions, but there were Con-

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federate Clubs of Irishmen, whose object was to do what they could in this country by creating disturbances, by resorting to force, not only to intimidate the Government and to paralyze their exertions when directed to Ireland, but to harass the people of this metropolis, who, feeling the importance of peace and quiet, without reference to their political opinions, were willing to rise to a man for the protection of order. There were these Clubs and Confederates associated together to disturb the public peace, and it had gone to such an extent that the Chartists, who had met originally merely to discuss and assert their political opinions, issued handbills and papers to create and to form illegal combinations and corresponding societies, a copy of which I now have in my hand, by which they arranged to divide the metropolis of the country into districts. They had Class Leaders and Corresponding Delegates, and were in communication throughout the whole country, so that they could, without the knowledge of the Government, have simultaneous risings throughout the country, and, by dispersing the force of the authorities, paralyze and neutralize the utility of that force, and with them the Irish Confederates associated. I mention that with reference to the prisoner, because he was the secretary of the Davis Confederate Club. I will read to you the resolutions of that club entered in a book, I believe, in the handwriting of the prisoner, found in his lodgings after his apprehension. You will forgive me for saying, and I say it with sincerity, I blush for my profession to be obliged to read them—but they show pretty clearly what was the object and intention of the prisoner—and I am compelled to read, and, therefore, I do read them, let me assure the learned counsel, with no other intention but the sincere discharge of my duty on this occasion. This is from a minute book of the proceedings of the Confederation of the Davis Club—

"Public Meeting, Wednesday, May 3rd. Mr. Thomas Corcorran, Vice-President, in the chair. —The news from Limerick was read from the *Telegraph*. Articles were read by Mr. Dowling from the *United Irishman*. Mr. Doheny,"——

a gentleman who, we hear, is the leader of the disturbances in Ireland—

"Barrister-at-Law, attended and addressed the meeting, amidst the highest enthusiasm. This address was practical, and recommended to every man to make himself as strong as possible, that no aggression may find them unprepared.—Saturday, 10th June. Mr. Dowling was directed to attend as Secretary, *pro tempore*.—Wednesday, 14th June. Mr. Donald Mathewson in the chair. Mr. Kenealy moved a resolution to the effect that this Club disclaim all connection with Chartists and physical force men. Mr. —— seconded the motion, and Mr. Nolan, in a long speech, opposed the motion, and objected on the ground of irregularity. It was finally left to the decision of the club in committee. On Friday evening subscriptions were received for the Defence Fund, amounting to 1*l*. 9*s*. 1*d*. Mr. Kenealy moved the following resolution:—That this club disclaims all connection with pikes, rifles, guns, and pistols, and will use none other than legal and constitutional means in accomplishing its object. Mr. —— seconded the resolution."

Remember what *Dowling* moved. He moved an amendment—

"That it be postponed till the day of judgment, —carried unanimously."

And, gentlemen, this is, I believe, the handwriting of *Dowling* himself, as secretary. A gentleman (I wish he had not been there), from some motive moves that the Club disclaim resorting to force. *Dowling*, who is charged with arming, providing, and procuring arms, and agreeing to levy war, one of the overt acts, moves that that appeal to the meeting, not to resort to force, be adjourned to the day of judgment. He argues it, it is supported and carried in that club unanimously, he enters it in the minutes in his own handwriting.

On the 16th of August a number of persons were apprehended at the "Orange Tree," in Orange Street, Red Lion Square. *Ritchie*, I think, having a quantity of combustible balls under the seat where he was sitting, and having at his lodgings, upon his premises, 117 ball cartridges, 4 bullet moulds, 4 loose bullets, 3 combustible balls, a powder horn, a bottle full of gunpowder, a bayonet, and a ladle for melting lead, a piece of lead, 50 percussion caps, and a quantity of shot. A number of persons were arrested on the same day, eleven I think, at the "Angel," in Webber Street, Blackfriars Road, every one of them, armed with bullets, cartridges, pikes, and pistols loaded, and one of them not shewing courage commensurate with his apparent boldness, having some kind of tin plate upon his breast to resist an attack upon himself, I presume. On the same day, in various parts of London, armed people were apprehended, one of them, *Argue*, going to a meeting, which I will show was arranged beforehand, with a gun concealed under his coat which he said was an umbrella he was taking to St. Giles', where he heard there was to be a meeting of armed persons, for his own defence.

Now, that being so, we will see what preceded these acts, which—if connected

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with the prisoner as part of the previous arrangement, my lords will tell you—clearly amount to arming in support of the overt act charged, and are sufficient to make out this indictment. It seems that matters had arrived at such a state that not only the Chartists but the Confederates were determined to act offensively, and they appointed what was called the "Plotting Committee," of which the prisoner was a member.

[The *Attorney-General* proceeded to state that evidence would be given by *Powell* as to the election of the "Plotting Committee," on July 20th, and an adjourned meeting on July 23rd, when a map of London was produced, and a plan of the Seven Dials. Consultations were held between the parties with reference to the best mode of destroying the police stations and the railway stations, and the mode of making barricades, and assassinating the police. *Powell* would also give evidence as to subsequent meetings, especially one on August 4th at *Cartwright's* Coffee House, when another person of notoriety appeared on the scene, *Cuffey*, who was appointed secretary to the "Plotting, or Ulterior Committee." It would be proved that *Cuffey* gave directions to another man for the preparation of ball cartridges and offensive weapons; and being remonstrated with, and asked what was the use of that, because the man had no gun, said they would break open the gunsmith's shops and provide themselves with guns, but they must be prepared with ammunition. *Powell* would also give evidence of other meetings, especially one at the "Orange Tree" on August 14th, when propositions were made to select persons who could be depended upon, to station them at particular places, to fire houses, police stations, and railway stations, and *Ritchie* and others were directed to endeavour to prevail upon the men of the North Western Station, who were then out, to join in the Confederation. Each delegate made a report to the committee of the stock of ammunition, and of the men who he believed were prepared to act under his directions.]

I now come to the 15th of August, and it is a most important meeting. On the 15th there was a meeting of delegates by adjournment at the "Lord Denman" beer shop, there were present 40 persons, *Ritchie*, *Gurney*, *Dowling*, *Cuffey*, *Fay*, *Lacy* and many others. *Lacy* who had been in the North and had returned, stated that he was watched by the police—and I believe warned by a boy that he was so watched—that he was sure the people in the North were ready to rise to a man, and proposed that the sub-committee of five should retire and consult together. They accordingly retired to a coffee-house in the neighbourhood. All but *Lacy* returned and *Mullins* then made a statement, I believe, in the presence of *Dowling*, of the result of their deliberations, which I will now read to you. "Gentlemen, as you are all aware of the sub-committee having retired and come to certain resolutions, they have appointed me to give you certain instructions. You all understand very well what we have met here for, and I have one question to ask you. You will understand that there is to be no flinching in the matter, you are to speak out honestly and boldly; to-morrow night the blow must be struck. I shall put the question plainly, whether you will come out to a man?" At this point *Cuffey* interposed and said, "The time is precious, you know I must be off, you know all my men are waiting for me, I take the Western Division." *Mullins* put it round to the various persons, "Yes or no, are you prepared?" And all but two announced their intention of being prepared and their determination to act. *Dowling* was one who assented, and *Powell* assented likewise. They were to go out and fight, there is no question about it. He further says, "The further instructions I have to give you are these, we shall take up four positions." One was to meet a body on Clerkenwell Green, and another at the Tower Hamlets, another at the Broadway, Westminster, and the fourth position was the Seven Dials. *Brewster* was to take Clerkenwell, *Payne* the Tower, *Mullins* the Broadway, and a man named *Bassett* the Seven Dials. They were to meet at twenty minutes past nine to a second; every man was to be there; and *Ritchie* was to meet four confidential men from each locality—men that would do everything or anything—at the "Orange Tree" public house at five o'clock. That there might be no mistake, a sort of tri-coloured ribbon was produced to be worn on the wrist, as a badge, by the leaders. And you will find that on the apprehension of one of them, such a badge was found, confirming in that respect the testimony of the accomplice.

Now, how is that statement confirmed? On August 16th at five, or a few minutes after, we find in the "Orange Tree," the men there with *Ritchie* in the course of active conversation. About the same time we find at the Angel, in Webber Street, 11 men, armed with the most deadly weapons; and though, of course, their apprehension spread like wildfire and gave warning to the disaffected, we find, during the night, men going armed in various parts of London—one of them, *Argue*, saying that he was going to Seven Dials with a gun, which he called an

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umbrella, to protect himself in the event of there being a riot.

We have, therefore, in the acts of the parties, the clearest confirmation of the evidence of this witness. It may no doubt be said that everybody has a right to have arms or ammunition, but here we find persons assembled at five o'clock in the afternoon, in large numbers, armed with weapons that nobody has for self-defence; we find in the hands of men who from their position in life would not be expected to have them, combustible balls, pikes and pistols, for purposes of offence, the combustible balls being charged with nails and pieces of iron, with a fuse running through them for the purpose of easier ignition. You will find that *Mullins*, at nine, goes to give notice that these parties have been arrested, and to disperse the meetings.

[The *Attorney-General* stated that evidence would be given by *Baldwinson*, *Carder* and others, confirming *Powell*.]

This, gentlemen, is a general outline of the case. At the outset we acquire a knowledge of the ultimate wishes of *Dowling*, the prisoner, because he repudiates altogether a resort to moral force and moral argument, and adjourns to the day of judgment the resolution that there should be no resort to pikes and arms. I will show you that he was in constant communication with these parties, and confirm it by the fact that the risings took place as they were originally intended. I now conclude by reading a letter, in his own handwriting, addressed, I believe, to his aunt. I am glad that this Act of Parliament has taken from him the vain glory, the foolish and absurd notion, that he is to be a martyr. A traitor to be dignified by the name of martyr—he is a mere felon; he admits the full extent of his liability, he sees the consequence, but consoles himself that he is a victim, a martyr, a traitor—

[The *Attorney-General* read the letter (*a*).]

Now, nobody living, and having heard the account of *Powell*, can read this without knowing what the judgment of this person is of his own case. He says, *Powell* has betrayed us—that is, *Powell* has stated what he knew, and the consequence is what, "I am outlawed—my neck is in jeopardy; but I calculated the consequences before I did the act, and I must fly from the country." This, I believe, is in the handwriting of the prisoner himself, it is found upon his person, and nobody can doubt when they contrast all the circumstances that I have mentioned with the statement of *Powell* and other persons present, that the prisoner, *Dowling*, is guilty of the felony which is imputed to him by this indictment. I must again caution you that, of course, in this, as in every case, you will act only upon the evidence which is adduced before you, not omitting (you are not bound to do so) your knowledge of the circumstances of the times. You must watch, of course, narrowly the testimony of the accomplices, but if they are confirmed, I am convinced that you will not lay down that dangerous rule, that in cases where of necessity it is utterly impossible to get evidence from pure sources of the extent of these treasonable designs thus harboured by ill-affected persons, that dangerous doctrine that unless honest and unsuspected testimony can be produced before a jury the instigators of these foul attempts are to go unpunished.

(*a*) See below, p. 398.

EVIDENCE FOR THE CROWN.

Joseph Thompson—Examined by *Clarkson*.

Police-sergeant, F 11. On the night of 20th August, in consequence of information, I apprehended the prisoner in Lambeth Walk. He asked if I had a warrant against him, I said, "No; it was felony, and there was no necessity for a warrant." He said his name was *William Dowling*. I said, "You live at No. 5, Nassau Street." I took a pocket-book from him, and this letter (*marked No.* 1), which was folded up, but not sealed. He said, "You will not take that letter, I suppose; it is only a private letter to a friend." I had been to 5, Nassau Street the day before, and there found some papers in the back room, second floor, which Mrs. *Dorothy Jarvis* pointed out to me, and I there found all these books. Among other things there were two recipes for making gun-cotton—(*producing the letter marked* 1; *book marked* 2; *paper*, 3; *list of members of the* Davis *Confederation Club*, 4; *a number of cards of admission to that club*, 5; *appointment of collectors to that club*, 6; *a book, entitled "National Defence Fund,"* 7; *a list of subscriptions to the club, and a fund for Mrs.* Mitchel, 8; *a paper headed "Defence Fund Account,"* 9; *and a letter from a person named* M'Manus *to the prisoner, containing an account of expenses attendant on the defence of* Frank Looney *and others*).

Cross-examined by *Kenealy*.

Did you attend any of the meetings of that club?—No, I was very anxious to get the prisoner into custody. I shall not tell you when I received information that he was at Lambeth. It was from some conversation that I had with some of the police.

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Dorothy Jarvis, the wife of the landlord of No. 5, Nassau Street, confirmed the last witness as to the finding of the books and papers in the prisoner's room.

Charles Frederick Chubb—Examined by *Welsby*.

I am an attorney, residing in Gray's Inn. I have known the prisoner about a year and a half. I have occasionally corresponded with him. I have never seen him write, to my knowledge. I believe this to be his writing (*looking at letter, No.* 1). There is a difference in the writing in this book (*No.* 2). I can point out what I think to be his writing. This entry of 12th June I believe to be his. This of 14th June appears to be a very different writing from that. The first three and a half lines of June 12th I have no doubt are his. I do not think the first four lines on 14th June are his. I have seen this book before, but very cursorily. I think the whole of the entry of the 16th is his writing, except the last four lines. There is a peculiarity of style about his writing; he generally wrote in a large hand, but the very small hand I cannot detect. I have no doubt that this "Monday, 3rd July," is his writing, and the whole under that head. The whole under 10th and 12th of July, and I believe 14th, 17th, and 19th. That is the whole of the page. I have not read any part of it. I have only looked at different words. I believe this under the head of meetings 15th, 17th, 19th of May is his writing, and that of 3rd May also. The whole of book (*No.* 6) I believe to be his writing.

Cross-examined by *Kenealy*.

How long have you known the prisoner?—About a year and a half. He is the son of a respectable solicitor. He is a portrait painter of very considerable talent. I have known him intimately for the year and a half. During the time I knew him he appeared a perfectly loyal subject of the Queen. I always believed him a very inoffensive man, and I did not believe he had any particular view on any political subject. He was a person of very mild demeanour. He has always expressed and conducted himself as a peaceable subject.

The following entries were read from book (*No.* 2)—

"May 12th. Committee meeting. Mr. Dowling in the chair. The minutes of the last meeting were read and passed. The secretary called the attention of the members to the necessity of procuring new members to the club. Notice of the following motion: 'That a committee of seven be appointed to consider the most effectual mode of organizing the Irishmen in'—(*a word scratched out, and the word 'Heaven' put in*)—'so as to form a National Guard Brigade, or any other name that may be thought proper.'

"Notice of motion by Mr. T. O'Mahoney, 'That the club take the earliest opportunity of holding a public dinner, to which to invite the prosecuted patriots, Messrs. Meagher, O'Brien, and Mitchel, &c.'

"Friday, 16th June. Mr. Kenealy moved the following resolution: 'That this club disclaims all connection with pikes, daggers, and pistols, and will use none other than legal and constitutional means for accomplishing the object it has in view.'

"Mr. Dowling moved an amendment: 'That it be postponed to the day of judgment'; which was seconded, and supported by Messrs. Nowlan, Barry, English, and others. Mr. Kenny moved a second amendment, which was seconded, and after a protracted and stormy discussion, the first amendment was carried almost unanimously.

"12th July. A resolution was moved by Mr. Dowling, and seconded by Mr. James Barry, tendering the allegiance of the club to the Irish League. Mr. Crowe spoke to the resolution; carried unanimously.

"14th July. The Secretary gave notice, 'That on Friday next he would move the dissolution of the Davis Club and the formation of a league club, or such other body as may be deemed advisable.'"

Several other extracts were also read. Letter marked "*No.* 1" read—

"London, Sunday. My dear Ann,—This has been an eventful week in my history. It was only last Monday that I had made up my mind to abandon politics for a while, and retire into the quiet neighbourhood of Gloucester and Wiltshire, and recruit my health and purse; for it has so happened that almost all my connection in London has come from these parts, and these have fathers, and mothers, and brothers there, who are all anxiously awaiting for a visit from me, which I have been for the last twelve months promising, to paint their portraits: a nice connection, ready cut and dried, to my hand. My friend William Chubb went down last week to spend a month with his father, who is a magistrate, and solicitor to the Corporation of Malmsbury, and he wrote to me on Thursday, inviting me down, and requesting me to fix the day. Previous to my receiving his letter the events, which I wrote of to John, occurred. On Friday evening I was informed that the secretary of the Felon Club was arrested, and I knew immediately that my turn was next; I accordingly resolved not to return home till late, and to start for Malmsbury next night. I spent the night in bidding farewell to some quiet English friends, who abominate Chartism, and where I was obliged to act the hypocrite, which I am pretty well used to now; and after midnight I made for home, reconnoitreing cautiously as I went along. As I drew near to my own street I perceived a figure watching me sideways. I strove to avoid him, but he walked up to me; it was a friend. He gave me a sign to keep

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quiet, and we proceeded quickly in another direction, when he told me he had discovered, through a friend in the police, that there was a warrant out for me, and that there were two policemen, in plain clothes, waiting opposite my own door. He and another friend had posted themselves at either end of the street, outside the police, so as to prevent my falling into their hands at either side. It was, however, a very narrow escape, for the police had noticed their movements. I went with my friends to the private residence of one of the foreign Ambassadors, where I supped, slept, and breakfasted next morning; not with his excellency, however, for he was not in town, but with his landlord, a jolly old brick, who seemed quite pleased with the mystery. I was introduced to his wife and daughter as a Mr. Robinson, and I was near getting into a little hobble by forgetting my new name" (*an erasure was here made*). "I scratch this out for fear of this letter being opened. When I went out I learnt that two of my friends went to my lodging and burned or carried away every paper that had any allusion to political matters before four o'clock on Saturday. They were scarce gone when the police arrived and carried away everything they could find, and among the rest Wm. Chubb's letter, which gave them a clue to my intended route, and of course compels me to forego all my connections, and wander somewhere where I have no friends. I am now an outlaw, and there's no use in bilking the question, my neck is in danger if I am caught; however, I am in excellent spirits, and the only thing in the world that frets me is the bad opinion that will be formed of me by Wm. Chubb, and a few other English friends, whose good opinion I valued. However, my conscience is quite at rest; I calculated the risk before I entered upon this business, and I am content to abide the consequences. I must write very little to any of you for a while, and that little will come to you with the London post-mark. As long as I am silent you may be sure I am safe, as I will write the moment I am arrested, if I am so unfortunate. My friends are all astonished that I am so little uneasy, but I only laugh at them; it is, however, most strange, for it has always happened with me that even trifling misfortunes have preyed upon my spirits; but this utter wreck of my prospects has produced a kind of reckless levity that seems almost unnatural. I have met with the greatest kindness from parties from whom I could not have expected it; but it is only in adversity that you can know who are your friends. Whenever any of you want to write to me, seal up the letter, without any direction except the word 'Forward' on the upper left hand corner, and inclose it, under cover, to Mr. J. Lawler, 17, Pratt Street, Lambeth; and in writing be cautious to say nothing that will give any clue to them, if they should open it. I will adopt my mother's name, but do not endorse it on your letters; Mr. Lawler will do that. Write very soon. God bless you all. I was delighted that you wrote to me. Ask Margaret to write to me, but you must not expect answers for some time. Give my love to Mrs. Johanna Kennedy and Mary O. B—Oh, bother I mean, Mrs. ——; faith, I forget her name. Yours ever, Roderic Vich Alpine Dhu. Mind always to both wafer and seal your letters. Seal both inclosure and cover, so that Mr. Lawler may know if they have been opened. I should have mentioned that it was one of the Chartists, a fellow named Johnson, his real name being Powell, who betrayed us.—W. D. To Miss Dowling, M'Connel Buildings, 36, Jervis Street, Dublin."

Thomas Powell—Examined by *Bodkin*.

Early in the present year I became a member of the Chartist Association. I believe it was between April and May; after 10th April. I continued to attend the meetings of the Association from time to time down to June, July, and August last. I have always understood there are District Associations of the Chartists. I was a member of the Cripplegate locality. There was a Council of Management consisting of five persons. It was appointed after I joined them. It consisted of Mr. *Battice*, Mr. *Fowler*, Mr. *Carter*, Mr. *Owen Jones*, and myself. I entered by the name of *Johnson*, and was known in the Chartist Association by that name. The Council had the general superintendence of the business of the Association. They usually met in the front long-room upstairs, at *Cartwright's* Coffee House, in Red Cross Street.

About 20th July a committee was formed to meet at the "Black Jack" public house, in Portugal Street, Lincoln's Inn Fields. It was called the Secret Committee. I was elected by the Council as delegate. I attended a meeting of that committee on Thursday, 20th July, at the "Black Jack." There were about fourteen persons present at that meeting. I have notes which I made, not the same day, but the next. The notes were made by myself (*referring to them*). Mr. *Payne*, Mr. *Brewster*, Mr. *Rose*, Mr. *Mullins*, Mr. *Dowling*, a delegate from Greenwich, myself, Mr. *Battice*, and another Confederate delegate, a Mr. *Allnutt*, of another locality, and two strangers, whose names I do not remember—each of those fourteen attended, like myself, as delegates from different districts. Mr. *Dowling* attended as one of the Irish Confederates; I was informed so that evening. There was also another person, a stranger, who represented himself as a delegate from the Confederates. I have no note of the transactions of that meeting, but I can remember them. Verbal reports were given in of the state of feeling of the members of their respective localities with regard to the physical force movement, and each delegate returned the number of men he could depend on, and

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were willing to fight. A committee was appointed for the purpose of drawing up five plans of action. *Payne*, *Brewster*, *Rose*, *Mullins*, and the prisoner *Dowling* were appointed on that committee. The meeting commenced at nine o'clock, or a little after, and lasted till about ten minutes after twelve. *Battice* was present the whole time. He had been requested by the Council to accompany me to witness the proceedings. When I went to the "Black Jack," on the Thursday, I was asked to produce my credentials, and I produced a paper which I had procured from a Mr. *Bezer* on my way to the meeting. *Battice* was with me at the time I received it.

Did *Bezer* say anything?—He said they were going to get up a bloody revolution.

Kenealy: *Battice* is not one of the persons charged, or in any way connected with the conspiracy.

ERLE, J.: This bears upon the general issue. I do not see that you have laid sufficient grounds.

Bodkin: We have shown *Battice* taking an active part in the meeting, and present as a delegate.

ERLE, J.: I do not think you have laid sufficient grounds for the introduction of the statement between *Bezer* and *Battice*. You must establish the existence of a conspiracy, and that *Bezer* and *Battice* were parties to that conspiracy, and that the words were uttered in furtherance of that.

Bodkin: We will postpone the question.

Witness: We were to meet at *Dennis's* Coffee House, Great St. Andrew Street, Seven Dials, on the next Sunday morning, 23rd.

On Sunday morning, 23rd, at ten o'clock, I attended at *Dennis's* Coffee House. I found the prisoner, and *Rose*, *Mullins*, *Brewster*, and *Payne* accompanied me. We were together about an hour before any one else joined us. During that hour *Mullins* laid a pocket-book on the table with a map of London unfolded, and the whole of the persons present had papers in their hands. There was also a pen-and-ink sketch of various parts of London, belonging to *Mullins*, and a portion of it marked "Seven Dials." I did not see either of the other four plans. The prisoner told *Mullins* that he thought it was difficult for him (*Dowling*) to undertake the management of the Seven Dials. In the course of the evening *Payne*, who occupied the chair, said, "Gentlemen, our object is to destroy the power of the Queen; and, if possible, to establish a republic," and there was a general acquiescence in that. I do not remember the words they used. There was some conversation about vitriol, and assassinating the police. I can't exactly remember the purport of it. *Rose* said, "We must first assassinate the police, burn down the station-houses, and build barricades." That appeared to be generally received. At the end of the hour *Allnutt*, a member from Greenwich, and another Confederate leader, came: there were ten persons present.

I do not know anything of this paper (*looking at a plan*). I can almost swear this paper (*marked A*) is the one I saw in *Mullins's* possession. There is no particular mark on it, but I will explain how I am so positive of it. I had a view of it, and I observed this drawing and also these pencil marks for barricades. There was some conversation by *Brewster* about the barricades being half-way down some street in Oxford Street, leading to some square. After the others came in, *Mullins* said he was sorry they had not quite matured the plans for their inspection. *Payne* left about half-past eleven, and the meeting soon after adjourned, and it was arranged they should meet at *Cartwright's* on the same evening.

We met there. *Payne*, *Mullins*, *Brewster*, and *Rose* were there. *Dowling* was not. They went into a back room. I did not accompany them.

I next met the same parties on Wednesday, 26th July, at *Hopkinson's* Coffee House, Saffron Hill. That had been arranged on the Sunday morning. There were eighteen present—*Dowling*, *Rose*, *Mullins*, myself, a delegate from Greenwich, *Brewster*, *Ferdinando* (this was his first appearance), a delegate from the "Green Gate," Hackney Road, whose name I do not know, *Flanagan*, *Allnutt*, and others. A return was given of the number of new delegates. There was nothing at all in writing, it was all done as matter of confidence one with the other. Reports were given of the feelings of the members of each locality, and the number of men they could depend on as fighting men. There was a motion made respecting an advertisement to be put in the *Northern Star*, calling on every Chartist and Confederate locality to send two delegates to meet on the following Tuesday, at the Dispatch Coffee House, Bride Lane, Fleet Street. That was adopted. There was nothing further of any consequence transacted that evening.

They adjourned to the same place on the Friday, the 28th. There were fourteen persons present then. There were two new delegates. There were reports made of the feeling of their localities, and the number of fighting men. Each new delegate made a similar report with respect to his own locality. A resolution was passed that the sum of 10*s.*, should be sent by the delegates to each locality, for the purpose

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of carrying out the object of the committee.

We adjourned, to meet at *Cartwright's* on the 30th. I attended there. There were twenty-eight persons present. They were *Payne*, *Dowling*, *Brewster*, *Rose*, *Mullins*, *Bassett* (his first appearance), *Stevenson*, a new delegate, myself, *Ferdinando*, *Fay*, and others. There was a return made from the new delegates of the feeling of the members of their localities, and also the number of fighting men that they could depend on. I believe that afternoon there was a resignation of the committee that met at the "Black Jack," on account of the charges brought against *Rose* and *Mullins*, as being spies. A new committee, called the Ulterior Committee, was then appointed, composed of *Payne*, *Rose*, *Mullins*, *Bassett*, and the prisoner. That was the same *Rose* as it had been suggested was a spy. There was a talk about his election. The person who charged him as being a spy was not left out (I judged it was *Brewster*). He was elected after discussion and an explanation. It was not stated what the Ulterior Committee were to take into consideration. It was generally understood what they were appointed for. A resolution was passed that the delegates should meet, if necessary, at *Cartwright's*, on the following Monday evening. There was no meeting that evening.

The next meeting was on Tuesday, 1st August. That was the meeting which I alluded to, that was to take place at the Dispatch Coffee House, Bride Lane. There were thirty-four persons present, all delegates, or representing themselves as such. *Payne*, *Rose*, *Mullins*, *Brewster*, *Dowling*, *Bezer*, myself, *Fay*, *Thompson*, *Donovan*, *Lynch*, *Fuzzon*, *Warry*, *Allnutt*, *Ferdinando*, *Raymond*, and others. A report was given in by the new delegates the same as before (there had been a resolution passed at *Cartwright's*, on July 30th, that four more should be added to the Ulterior Committee, to make it nine). I do not think I saw this paper there. I might have done so. *Bezer* gave in his return of fighting men as fifty. He came from our district, *Cartwright's*. I cannot say what number the others returned. It was taken down either in pencil or ink. The Irish Felon Society was held in our locality, and the Star Society. There was also a club called the *Davis* Club, the *Emmet* Brigade, and *Tom Paine's* locality, and various others. There were delegates from each of those localities at the meetings I have mentioned. There was a jealousy that there were not enough Irish on the Ulterior Committee, and four more were added. They were *Thompson*, *Lynch*, *Fay*, and *Donovan*. There was a discussion on the propriety of sending a person to some part of Limerick or Cork, to ascertain how they were getting on. I do not know who proposed it. It was not adopted. The reason stated was because it was not likely they could get any true intelligence of the state of the country. A proposition was made by the prisoner that there should be a demonstration on Sunday, 6th August, at two o'clock, of Chartists and Confederates, on Primrose Hill, to ascertain the strength and numbers of the people. It was lost by a majority of five. A resolution was carried to the effect that every delegate should return to his locality, and ascertain how the members were for regularity of preparation, and readiness to be called out at an hour's notice. I do not know that that was a substitute for the Primrose Hill meeting. It was after that had been disposed of. A resolution was passed that they should meet at *Cartwright's* on Friday, August 4th, at eight o'clock. *Mullins* stated he had seen Mr. *Kydd* that day, 1st August, and that Mr. *Kydd* had said, if the people came out for physical force, he would not be backward in heading them; but that he, *Kydd*, had entered on the Executive as a moral-force man, and had taken the office only on that ground. That was what *Mullins* remarked on *Kydd's* statement to him. That was received with a degree of belief. *Kydd* was one of the Executive Council of the Chartists, of the Convention that sat in John Street. I know our Cripplegate Street district was in communication with the Executive in John Street.

We next met at *Cartwright's* on Friday evening, 4th August. There were thirty-two present. Mr. *Payne* was in the chair. *Rose*, *Brewster*, *Gurney* (his first appearance), *Mullins*, *Bassett* (his second appearance), *Cuffey*, *Donovan*, *Lynch*, *Dowling*, myself, *Thompson*, and others. The committee had met previously at three, before the whole body. The prisoner was present in the evening, but I will not say he was present at the committee. The committee sat half an hour or an hour before the rest of the body joined them, and there was a discussion about what scarfs were to be worn as a sign of officership. It was determined that they should have red scarfs. I should tell you that the committee who were sitting—*Payne*, *Rose*, *Brewster*, *Mullins*, and *Bassett*—had some conversation about a circular that Mr. *Kydd* had received, stating that they were desirous of knowing how far the committee of delegates then sitting in London were disposed to send a delegate to Manchester. It was decided to do so. Mr. *Lacy's* name was mentioned, and *Bassett* was deputed to wait upon him,

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and *Rose* gave *Bassett* money that *Lacy* might go on the following morning (Saturday). A resolution was passed that evening to the effect that the delegates should submit to the determination of the Ulterior Committee, whatever it was. The thirty-two were then present. A resolution was passed that the delegates should call on the members in their localities to meet at half-past two on the following Sunday, the 6th, at their localities, and to prevent, if possible, the members attending the meeting on Kennington Common. There was a meeting advertised to take place at Kennington Common, that day, called by Mr. *Dwaine*. Each delegate, in his particular district, was to have his members at their place of meeting, to keep them from going, till the delegates returned from the Dispatch Coffee House. It being an unlawful meeting, many of the members would be brought in contact with the police, and they were desirous of preventing it. There was a resolution passed that we should meet on the following Sunday at the Dispatch Coffee House. There was also another resolution passed for every delegate to select four men, to appoint them as telegraphs on the Sunday, and to station them from Fleet Street to Kennington Common. The delegates were to be at the Dispatch Coffee House, and thus communicate with the persons at Kennington Common.

I attended the meeting on the Sunday, August 6th. There were from twenty-five to thirty persons present. I do not recollect that the prisoner was present. The arrangement was carried out of having men placed between the Dispatch Coffee House and Kennington Common. I was appointed as one of the lookers-on, to see that the telegraphs should be stationed. A resolution was passed that they should meet at *Dennis's* Coffee House on the Monday evening. I attended it. There were about thirty present. It began at eight. The prisoner was there. *Ritchie* and *Cuffey*, and the whole nine of the Ulterior Committee were there, and others amounting to thirty. That night the Ulterior Committee resigned, on account of the reports in the papers of the arrest of *Smith O'Brien* in Ireland, and *Mullins* explained that he had no confidence in the other men who were selected on the committee; that he had not seen their plans. He alluded to the four new Irishmen that had been added. One or two of the others made the same statement. There was a fresh election. Messrs. *Rose*, *Mullins*, *Brewster*, *Payne*, and *Bassett* were elected, and were called the Ulterior Committee. A resolution was passed that there should be a president, and that the one who had the lowest post on the committee was to retire when the president came in. This was a visionary president. He was not named. There was some remark made by persons present that he was somebody and nobody. He was somebody to be talked about, and nothing more. A resolution was then passed that the sum of three-farthings should be levied on every member of every locality for the purpose of paying this president, to supply him with a salary. No time was specified for the payment. Every delegate was to make the statement to the members in his locality. A letter was read by Mr. *Payne*, which I can only explain in this way, as he read it, that trade was very good, and we should soon have a good order. He stated that the letter came from Mr. *Lacy*, who had been sent to Manchester. There was some degree of satisfaction expressed by many of the delegates present. They were glad to hear *Lacy* was going on well. A resolution was passed that they should meet on Wednesday, August 9th, at the "Lord Denman" beer shop, in Suffolk Street, Blackfriars Road.

Messrs. *Payne*, *Brewster*, *Rose*, *Mullins*, *Dowling*, myself, *Gurney*, *Donovan*, *Bassett*, and others, twenty-eight in all, were present there. Reports were given in by the new delegates of the feeling of their localities, and the number of fighting men, and the state of preparation they were in. I do not think anything was said about ball-cartridges, or anything of that sort; merely about preparation. *Payne* was in the chair, but *Mullins* acted as chief speaker. He was vice-chairman, and sat at the other end of the table, He called on all the delegates to declare their allegiance and determination to abide by the decision of the committee for the good of the people. They did not swear, but some declared solemnly, and some said they were determined to risk their lives, and abide by the decision of the committee. *Payne* read another letter from *Lacy*, stating that all was going on well, that he was still at Manchester or some other part of the country, and there was a question asked how long he was to continue there, and *Payne* said he was to remain there as long as necessary. A resolution was passed that they should meet at *Perry's* Coffee House, Church Street, Bethnal Green, or Shoreditch, on the following Friday, 11th, at 8 o'clock. I went, but found no meeting. I was informed that the police had been to *Rose's* house, and had seized his papers, and that all was up. I then went home.

I heard on the following Sunday that there was to be a meeting on the following Monday night, 14th, at the "Orange Tree" beer shop, Orange Street, Red

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Lion Square. I attended it, and I was asked why I was not at the other two meetings that had taken place since Wednesday. I found, I should say, twenty-five there. I have not got their names, but I think I can tell them. There was *Cuffey*, *Brewster*, *Payne*, *Mullins*, *Gurney*, *Fay*, *Ritchie*, *Scurry*, myself, and others. *Dowling* was not there, at least I did not see him there. *Gurney* asked me how it was I did not go to the meeting at *Perry's* Coffee House. I said I did go, and there was none held. He said there was, and then he told me where it was held. *Payne* was in the chair at the "Orange Tree," but *Mullins* was the spokesman, and he was chief spokesman on all occasions. He called on us to give a return of the number of ball-cartridges that each delegate and his members had prepared. Each delegate gave in his return of ball-cartridges that he had prepared, and also what the members of his particular district had prepared. I did not take any note of the number. I think it was somewhere about 500 or 600. There was a return given in of the number of fighting men. *Mullins* stated that there were nearly 5,000 fighting men of the Chartists alone. A return was also given in from the Confederates. I cannot remember the number of them for a certainty, but I think it was something bordering upon the same number. It was a considerable number. *Mullins* said the time was near at hand. He said, "Gentlemen, the next business is that I want every delegate to select four or six men, or more, as many as he can select from his locality." There was a question asked what they were for, I do not know by whom. *Cuffey* answered, "To fire houses, railway premises, trains, or anything." I did not put anything down at the meeting. I was obliged to be cautious not to put anything down. *Mullins* looked up at the gas which goes along the ceiling and said, "If I look up at the gas, you will all know what I mean." I was asked how many men I thought I could select, and I said two, and the other delegates right round gave in a return also. It was said they were to be men who could be depended on, who would do anything and everything. In the course of the evening there was a proposition made and carried, to send a deputation of two persons to have an interview with some of the North-Western Railway engineers, and ascertain what their feelings were, and whether they were willing to come over and assist the Chartists. *Ritchie* and *Scurry* were proposed and unanimously carried for the purpose. I was not aware till that evening that there had been a difference between the engineers and the company. It was mentioned then, because it was requested to know what they were going for. 1*s.* 6*d.* was voted to defray their expenses for refreshment. They left forthwith on their mission. They were not present when the other resolutions were passed. I did not see any more of them that evening. There was a resolution passed that we should meet at half-past seven at the "Lord Denman" on the following evening, Tuesday, August 15th.

I went. *Payne*, *Brewster*, *Mullins*, *Cuffey*, *Dowling*, *Allnutt*, *Fay*, *Gurney*, *Lacy*, *Ritchie*, *Ferdinando*, and others, in all about forty, were there. *Lacy* was there when I got there. He entered into conversation with several of us, and told us that the men of Birmingham and Manchester, and I think he said Liverpool, but am not certain, were up and were doing, or would be doing that night, and he had been watched all day by the police, and as he was coming out of his street-door a boy came up and told him that he was watched by the police. I had never seen *Lacy* before, I had only heard of him. He said he had been to Birmingham and Manchester, and other places, but I do not remember for a certainty what those places were, and he had also been watched for two hours, and he gave the police the "double," and had reached the place in safety. About three-quarters of an hour after that there was a distribution of colours by *Brewster*. They were twisted plaited ribbons, and were given to the delegates so that they might be recognised as the leaders of the people. *Brewster* stated so. They were to be put on the left arm. They were three colours, red, white, and some other. I received one. *Mullins* was present at their distribution, and after that some of the committee came in. They were not all present, at least I did not see them, but one or two of them spoke, and told *Lacy* they had better retire and consult. The room upstairs was occupied by a "sing-song," and we had the lower room. *Lacy* said, "If you will wait awhile I will go and see at a neighbour's coffee-house whether we cannot have a room." He went out, returned, and said, "All right," or some such words, and the committee went out with him. I did not go. They were gone about three-quarters of an hour, or it might have been an hour. The delegates remained till they returned. They went away to consult together. When they returned *Cuffey* said, "Now, Mr. Chairman, you had better give the instructions as quick as possible." *Mullins* was acting as chairman. *Lacy* went with them when they went out. I did not see him return with them, and was surprised at it. *Cuffey* was secretary; I was informed he was

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chosen secretary by the committee. *Mullins* said, "Gentlemen, as you are aware, the committee have retired, and come to certain resolutions and decisions; they have directed me to give you the following instructions; and as our friend, Mr. *Lacy*, has informed us that the men of Birmingham and Manchester are up, and will be doing to-night, and we have no reason to doubt the correctness of his statement; therefore, gentlemen, to-morrow night you must come out to fight and strike the blow; and it is necessary, gentlemen, that you should speak out honestly and boldly, for there must be no flinching in the matter." *Cuffey* stood by the fireplace, and said, "You had better put it round, Mr. Chairman, to every one present; let them answer 'Yes' or 'No.'" *Mullins* on that appealed to a delegate sitting by me, and said, "Will you come out to fight?" He said, "Yes." He said to me, "Will you?" and I said "Yes." Then he said, "Will you?" addressing each in turn, one by one, round the room, till he came to Mr. *Ferdinando*, who made a bit of a speech, and explained his reasons that he could not conscientiously say "Yes" to coming out. He objected, he was not agreeable; in fact, he said, "No." He gave his reason, and then said, "No," and sat down. There was one more of the same opinion. I do not know his name. He was companion delegate, I understood, to *Allnutt*, who sat by his side. With the exception of those two, the answer from the rest was, "Yes." After that, *Mullins* said, "Gentlemen, you must understand we shall take up four positions: Clerkenwell Green will be taken by Mr. *Brewster*; the Tower Hamlets will be taken by Mr. *Payne*;" and the Seven Dials, and the Broadway, Westminster, were the other two positions. *Bassett* and *Mullins* were to take those two. I do not know which was to take each. *Mullins* said, after giving the instructions in that manner, "Gentlemen, every delegate must assemble the members of his locality, for them to communicate to their locality at eight o'clock precisely." It was to be the next night. There was a question asked by a delegate, I do not know who, how they were to get there with their pikes and poles? *Mullins* said, "I can only say they must get them there the best way they can" (some of the poles were ten feet long), "and at twenty minutes past nine, to a second, every delegate must be with his men at their respective positions." The delegates were to come armed. *Mullins* proposed, and it was carried unanimously, that *Ritchie* was to superintend and direct those men that were to be selected for the purpose of firing houses, railway premises, trains, or anything. *Ritchie* undertook it. The "Orange Tree" was to be the place of meeting. A question was asked, how *Ritchie* was to know these men, and some person said, "I propose the password to be, '*Frost* and *Mitchel*,'" *Allnutt* proposed the word "Justice." It was put, and carried unanimously; so that when these men entered the room *Ritchie* might ask them, "What do you want? who do you want?" and they would make reply, "Justice"; and then he would know them. *Mullins* said to *Payne*, "Just take a list of the number of men;" and he put them down; but he made a mistake, and there was some little confusion with the delegates. He went round the room again, and the number was reckoned forty-six. He applied to the person who sat next to me first, and then to me, and I said, "Two," but I could only depend on one. He went round to every delegate, and in that way forty-six was made up. *Gurney* was there at the time, and when I said I could select two, he said, "Oh, nonsense, you can select more than that—half a dozen, I know." I was rather put out at his taking on himself to judge upon it; in fact, there was but one man that I could depend on for the purpose. *Gurney* was one of the Wardens before I was elected on the Council. Each warden has 100 men under him, according to the rules of the society. After the number of men was taken the last words *Mullins* uttered were, "May the bitterest curse of God hang on the soul of that man that shall betray any one of us." It was such a colour as this—(*produced*)—that was to be tied round the arm. Nothing more took place that I remember. I came away. The prisoner was there that night, and sat nearly opposite me.

I attended a meeting on the following day, August 16th. It had been arranged on the Tuesday evening, at the "Lord Denman," that our locality, the Finsbury, City, and Clerkenwell localities, were to meet *Brewster* at twelve o'clock at the "Crispin," in Milton Street, Cripplegate, to receive the delegates from each locality. I went, but did not arrive till a quarter to one. I found *Brewster*, *Gill*, *Gurney*, and I believe *Fay*, and others, eight or nine altogether. I have not made a note. *Brewster* said it was his intention to attack the Artillery Ground, and, if possible, to take it, and he should have to fight b——y hard, and that we should know by four o'clock in the afternoon whether the Government had received any intimation of what was going on. There was another person with him at the time; in fact, it was the man who told me at *Perry's* coffee shop

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