THE QUEEN *against* FEARGUS O'CONNOR AND OTHERS.

TRIAL OF FEARGUS O'CONNOR, AND FIFTY-EIGHT OTHER CHARTISTS, FOR SEDITIOUS CONSPIRACY, AT LANCASTER, WEDNESDAY, MARCH 1, 1843, AND THE FOLLOWING DAYS, BEFORE ROLFE, B.,(*a*) AND A SPECIAL JURY.

PROCEEDINGS IN THE COURT OF QUEEN'S BENCH ON MOTION IN ARREST OF JUDGMENT, BEFORE LORD DENMAN, L.C.J., PATTESON, WILLIAMS, AND COLERIDGE, JJ., MAY 26 AND JUNE 7, 1843. (Reported in 5 Q.B. 16.)

In August 1842 a widespread strike took place in the Lancashire manufacturing districts. Bands of strikers went about forcing the hands to turn out, and on August 9 all the mills in Manchester were stopped. At numerous meetings held during the strike Chartist speakers urged the people to remain out until the Charter became law, and similar advice was given by a Chartist conference which met at Manchester on August 17. Feargus O'Connor, the Chartist leader, and fifty-eight others were indicted subsequently for a seditious conspiracy and other misdemeanors. The jury found some of the defendants, including O'Connor, guilty on the fifth count, and others on the fourth count as well. Judgment was afterwards arrested on the fifth count, and the defendants convicted on the fourth count were not called up for judgment.

Ruled by Rolfe, B.—

1. *Conspiracy—Common Object—Different Means.*

A combination of two or more persons to do, or cause others to do, an illegal act, or to bring about a legal act by illegal means is a criminal conspiracy.

To find the defendants guilty on any count, they must be found guilty of one and the same conspiracy. It is not enough that the defendants should have done the same illegal acts; they must have been associated in a common object.

2. *Competency of Parties indicted to give Evidence.*

Any one of several defendants who have been indicted for misdemeanor and put upon their trial together, is a competent witness against the rest, provided that, at any time before verdict, a *nolle prosequi* in regard to him be entered, or a verdict of acquittal taken.

Held by the Court of Queen's Bench—

3. *Counts for Misdemeanor—Venue—7 Geo. 4. c. 64. s. 20.*

A count for misdemeanor containing no statement of venue, either by special reference to the marginal venue or otherwise was bad at common law after verdict, although a venue was stated as usual in the margin of the indictment.(*b*)

Such defect could not be cured by 7 Geo. 4. c. 64. s. 20, enacting that no judgment after verdict, or confession, or default should be stayed for "want of a proper or perfect venue, provided it shall appear by the indictment that the Court had jurisdiction over the offence," for "jurisdiction" here meant local jurisdiction and not jurisdiction with reference to the nature of the charge. The venue in the margin was insufficient, as it only implied that the indictment was found by a grand jury of the county named.

Held also, that a count alleging, without any statement of venue, that certain persons did unlawfully assemble, &c.. and then charging, with a statement of venue, that the defendants did "unlawfully aid, abet, assist, comfort, and support and encourage" the said persons, even if bad at common law, because laid as regards a material fact without a proper assignment of venue, was cured by 7 Geo. 4. c. 64. s. 20, as an imperfect ve because the indictment showed the Court to have jurisdiction.

(*a*) Afterwards Lord Cranworth, L.C.

(*b*) See now 14 & 15 Vict. c. 100. s. 23, which enacts "it shall not be necessary to state venue in the body of any indictment, but the name of the county only, or other jurisdiction nai in the margin thereof shall be taken to be the venue for all the facts stated in the body of indictment, provided that in cases where local description is or hereafter shall be required, si local description shall be given in the body of the indictment." By s. 24 of the same Act, " indictment for any offence shall be held insufficient . . . . for want of a proper or per' venue."

In August 1842 serious disturbances,(*a*) beginning with a general strike against a threatened reduction of wages, took place in the Lancashire and Cheshire manufacturing districts, as hereinafter described. Bands of strikers went about forcibly turning out the mill-hands and stopping the mills, in many cases by taking the plugs out of the engine boilers, whence the name "Plug Riots" applied to these disturbances. Conflicts with the military occurred at Blackburn and Preston. Rival agitations were being prosecuted at the time for the repeal of the Corn Laws and the establishment of the Charter, and Chartist speakers urged the strikers to remain out until the Charter became law. On August 9 the strikers marched into Manchester, and all work was stopped in the town and the surrounding district. On August 16 and 17 a conference of leading Chartists, including *Feargus O'Connor*, *M'Douall*, *Cooper*, and others, met in Manchester, and sanctioned the issue of a placard known as the Executive Placard, and signed by the five members of the Executive Committee of the National Charter Association. The placard, which was couched in violent language (see below), boasted that within fifty miles of Manchester every engine was at rest, and urged the people to remain out until the Charter became law. The conference also issued an address approving of the Executive Placard, and containing similar advice. Still more serious disturbances occurred at the same time in the Potteries.(*b*)

A Special Commission having been opened on October 10, at Liverpool, by Lord *Abinger*, C.B., *Alderson*, B., and *Cresswell*, J., for the trial of the Lancashire offenders concerned in the late disturbances,(*c*) the grand jury found a true bill against *Feargus O'Connor* and fifty-eight others for a seditious conspiracy and other misdemeanors.

The defendants traversed to the Spring Assizes, and on November 2 the indictment, at the instance of the *Attorney General*, was removed into the Queen's Bench.

(*a*) As to these disturbances, see Gammage's History of the Chartist Movement, c. 52; the Plug Plot, p. 234; the account of the Manchester Conference in Cooper's Life, p. 207, &c.; and debates in Hansard, vol. 68, p. 42; For O'Connor, see Place MSS. 27,819 (27); Alexander Somerville's Book of a Diligent Life, pp. 213–225; Forty Years' Recollections by Thomas Frost, pp. 169–209; Urquhart's "Chartism," "Diplomatic Review," July 1873, p. 227; as to Harney, *ibid.* 216; as to M'Douall, Somerville's Autobiography of a Working Man, pp. 422–424, and 476.

(*b*) See Cooper's trial, below. "The conspiracy, it is said, was organised in eight counties." Letter of Alderson, B., quoted at p. 81 of his Life.

(*c*) See Lord Abinger's charge, below.

LANCASTER SPRING ASSIZES.

Sitting at Nisi Prius.

March 1, 1843.

Before ROLFE, B., and a Special Jury.

Trial of *Feargus O'Connor* and others.

Mr. Baron *Rolfe* took his seat at nine o'clock precisely, and the prothonotary, having called over the list of special jurors, some were excused on valid grounds from serving, and others were fined 25*l.* each for non-attendance. As there were only nine persons remaining, a *tales* was prayed for, and three others were added from the common jury. The following are their names:—

James Anderton, of Duxbury, Esq., Foreman.
James Rothwell Barnes, of Great Lever, Esq.
Edward Brooke, of Rusholme, merchant.
Isaiah Ashley, of Kirkdale, merchant.
Thomas Edgeley, of Rusholme, merchant.
Forsyth William Smith, of Toxteth Park, merchant.
Charles Armstrong, of Everton, merchant.
James Blyth, Plymouth Grove, Chorlton-upon-Medlock.
Thomas Hague, of Wavertree, merchant.
Richard Harrison, of Burnley.
Charles Stores Kennedy.
William Scott.

Counsel for the Crown: the *Attorney General* (Sir *Frederick Pollock*),(*a*) *Stuart Wortley*, Q.C.(*b*); Sir *Gregory Lewin*, Q.C.; *Hildyard*, and *Pollock*. Counsel for the defendants: *Dundas*, Q.C., *Atherton*(*c*) with him for *Robert Brooke*. *Baines*, Q.C., *Cobbett* with him for *James Scholefield* and *William Scholefield*; *Atherton* appeared alone for *James Fenton* and *William Stevenson*. Serjeant *Murphy* appeared for *Thomas Railton*, *John Durham*, and *Peter Murray M'Douall*. *M'Obrey* appeared for *John Thornton*, *James Mooney*, and *William Aitkin*. The other defendants had no counsel, and chose to defend themselves.

The *Attorney General* said, that with respect to *William Scholefield*, his learned friend might dismiss all further concern. He thought a *nolle prosequi* had been issued; but he would take a verdict of acquittal either now or at the end of the case.

Serjeant *Murphy* said he appeared for *George Johnson*; but that defendant said he should prefer conducting his own case, and he therefore defended himself.

(*a*) Afterwards Lord Chief Baron.
(*b*) Afterwards Recorder of London.
(*c*) Afterwards Attorney General.

Pollock opened the indictment, which was in the following form:—

Lancashire } The jurors for our Lady the Queen
to wit } upon their oath present, that Feargus O'Connor, late of Manchester, in the county of Lancaster, labourer; Peter Murray M'Douall, James Scholefield, James Leach, Christopher Doyle, John Campbell, Jonathan Bairstow, Bernard M'Cartney, James Arthur, otherwise called James M'Arthur, David Ross, Richard Otley, George Julian Harney, James Cartledge, Thomas Cooper, William Hill, Robert Brooke, James Taylor, John Hoyle, John Thornton, John Norman, Joseph Clarke, John Massey, John Fletcher, Thomas Browne Smith, Thomas Fraser, John Allinson, James Grasby, William Beesley, James Chippendale, Samuel Parkes, Thomas Railton, Robert Ramsden, James Mooney, Thomas Mahon, John Leach, David Morrison, John Lomax, John Arran, James Skevington, William Scholefield, Richard Pilling, William Aitkin, Sandy Challenger, otherwise called Alexander Challenger, George Candelet, John Durham, James Fenton, William Stephenson, John Crossley, Albert Woolfenden, Robert Lees, John Lewis, Patrick Murphy Brophy, George Johnson, Thomas Storah, William Booth, John Wilde, William Woodruffe, Frederick Augustus Taylor, Thomas Pitt (all described as late of the same place, labourer), together with divers other evil-disposed persons, to the jurors aforesaid as yet unknown, on the first day of August, in the sixth year of the reign of our Sovereign Lady Victoria, and on divers other days and times between that day and the first day of October in the year aforesaid, at the parish of Manchester, in the county of Lancaster, unlawfully did conspire, confederate, and agree together, by causing to be brought and gathered together divers unlawful tumultuous and riotous assemblies of seditious and evil disposed persons in various parts of this realm, and by forcing and compelling divers of Her Majesty's peaceable subjects, being then employed in their respective trades, manufactures, and occupations, to desist and depart from their respective employments and work, and by divers seditious and inflammatory speeches, libels, placards, and other publications, to create alarm, discontent, and confusion, with intent thereby unlawfully to effect and bring about a change in the laws and constitution of this realm, against the peace of our said Lady the Queen, her crown and dignity.

The second count was for unlawfully conspiring—

by force and violence, and by creating alarm, discontent, tumult, and confusion, unlawfully to effect and bring about a change in the laws and constitution of this realm.

The third count, after reciting that—

heretofore on the first day of August, in the year aforesaid, and on divers other days and times between that day and the first day of October, in the year aforesaid, and at divers places within this realm divers evil-disposed persons unlawfully and tumultuously assembled together, and by violence, threats and intimidations to divers other persons being then peaceable subjects of this realm, forced the said last-mentioned subjects to leave their occupations and employments and thereby impeded and stopped the labour employed in the lawful and peaceable carrying on by divers large numbers of the subjects of this realm of certain trades, manufactures and businesses, and thereby caused great confusion, terror and alarm in the minds of the peaceable subjects of this realm,

charged that afterwards the defendants—

on the first day of August in the year aforesaid and on divers other days and times between that day and the first day of October in the year aforesaid, at the parish aforesaid, in the county aforesaid, together with divers other evil-disposed persons to the jurors aforesaid as yet unknown, the defendants did unlawfully conspire, combine, confederate, and agree together to aid, abet, assist, comfort, support and encourage the said evil-disposed persons in this count first-mentioned, to continue and persist in the said unlawful assemblings, threats, intimidations, and violence, and in the said impeding and stopping of the labour employed in the said trades, manufactures, and businesses, with intent thereby to cause terror and alarm in the minds of the peaceable subjects of this realm, and by means of such terror and alarm, violently and unlawfully to cause and procure certain great changes to be made in the constitution of this realm, as by law established, against the peace of our said Lady the Queen, her crown and dignity.

The fourth count was in precisely the same terms as the third, except that it omitted the words "conspire, combine, confederate, and agree together," and simply charged that the defendants "did unlawfully aid, abet," &c.

The fifth count charged that the defendants—

together with divers other evil-disposed persons to the jurors aforesaid as yet unknown, afterwards, to wit, on the first day of August in the year aforesaid, and on divers other days between that day and the first day of October in the year aforesaid, together with divers other evil-disposed persons, to the jurors as yet unknown, unlawfully did endeavour to excite Her Majesty's liege subjects to disaffection and hatred of her laws, and unlawfully did endeavour to persuade and encourage the said liege subjects to unite, confederate, and agree to leave their several and respective employments, and to produce a cessation of labour, throughout a large portion this realm, with intent, and in order by doing, to bring about and produce a change the laws and constitution of this realm, again the peace of our said Lady the Queen, h crown and dignity.

The sixth count charged the defendant with conspiring—

"to assemble and meet together unlawfully riotously, and tumultuously, and to cause diver other persons to assemble and meet togethe

and by threats, menaces, violence, and intimidation unlawfully to force, and endeavour to force, divers of Her Majesty's peaceable subjects . . . to depart from their employment and work, against the peace of the Queen, &c."

The seventh was for—

"unlawfully inciting and stirring up, and endeavouring to incite and stir up, great numbers of Her Majesty's liege subjects, with force of arms, unlawfully, riotously, and tumultuously, to assemble together, and by threats, violence, and intimidation, unlawfully to force, and endeavour to force, divers of Her Majesty's subjects to depart from their employment and work."

The eighth,—

"that the defendants and divers others did unlawfully meet and assemble together in a formidable and menacing manner, with clubs, sticks, and other offensive weapons to disturb the tranquillity, peace, and good order of this realm, and in contempt of Her Majesty the Queen, and against her peace, her crown, and dignity."

The ninth was the common count for riot.

OPENING SPEECH FOR THE CROWN.

Attorney General: May it please your Lordship and gentlemen of the jury, I can assure you most unfeignedly, that I never rose to discharge a more painful duty than it is now my lot to discharge this day, nor one in which I consider the responsibility cast on those who have advised the Crown to be greater than it is on the present occasion, while for a moment I allude to circumstances, which more or less must be in the knowledge of everyone of you, as probably they are of almost every person in Court, while I advert to them but for a moment, in order to caution you against any impression which you may have received with respect to any individual before you came into that box. It is scarcely possible not to entertain a strong impression of the danger and the mischief that might arise from offences such as are imputed in the indictment, if indeed they have been committed by any of the defendants. Gentlemen, I would call your attention exclusively on this occasion to the evidence that will be laid before you, and I state at the outset, without the slightest difficulty, that if you are not satisfied of the guilty participation of every defendant, let all those who have, by their own evidence, or by the weakness of the case for the prosecution raised a favourable doubt in your minds, have the benefit of that doubt, and by your verdict be acquitted. Gentlemen, the offence imputed to the defendants is that of endeavouring, by large assemblies of persons, accompanied by force, violence, menaces, and intimidation, to produce such a degree of alarm and terror throughout the country, as to produce a change in some of the fundamental points of the constitution of this country. I shall not stop here to inquire, nor shall I detain you a moment to discuss, the merits or demerits of the change, nor the beauty of the constitution under which we live, nor the happiness which it may, or may not, shed around those who have the blessing to live under it I am here not to discuss any political subject whatever. I am not here to praise the constitution; I am here for the purpose merely of vindicating the law. I doubt not his Lordship will tell you that the course of proceedings which I have adverted to is illegal, and that it is no by such proceedings that any change of whatever sort is to be brought about in the constitution of this country; and if you are satisfied by the evidence that the respective defendants have taken a part in a proceeding which had this for its object, and that these means which I have adverted to were the means to be resorted to by them, then it will be your painful duty to find them guilty. Gentlemen, as little have I to do with the political origin of the meetings to which I must first call your attention. I propose to enter into no secret history of the motives of any individual anterior to the time when first the law was violated. I propose not to enter into any inquiry as to what were the circumstances that led to the commission of these offences, beyond what is absolutely necessary to render the facts intelligible to you. And, gentlemen, having thus stated to you the duty that I conceive I have to perform, and entreated you to dismiss from your recollection any circumstance tending to cast any prejudice, or which may weigh against any of the prisoners individually, I shall proceed, as shortly as I can, to narrate the facts which I propose to lay before you as matters of evidence.

Gentlemen, somewhere about July 26, there was a meeting held at Ashton-under-Lyne, which is about six miles to the east of Manchester. At that meeting the defendant *William Woodruffe* was chairman, and another of the defendants, of the name of *Pilling*, was present, and was called upon to speak; *Woodruffe* exhorted the people to give over work until they could get a fair day's wages for a fair day's work. He then called upon *Pilling* to address the meeting. The language which *Pilling* used was very strong, and particularly directed against the owners of mills. A person named *Aitkin*, one of the defendants, said he would advise the cotton lords to keep

within the precincts of their own palaces, as the dark nights were coming on, and some bold hand more daring than the rest would reckon with them, for the reckoning day was near, and a bloody reckoning it was likely to be. Gentlemen, shortly before this it appears there had been some reductions made by the masters in the wages of those they employed; I think there had been as many as two or three reductions, and the last preceding reductions had been carried into effect in the month of April in the last year. Some of the observations of this meeting were made with reference to the expected reduction of wages. There were other meetings, at one of which notice was given of a further meeting to take place on Sunday, August 7, at Mottram Moor, or Wedensough Green, about four miles from Ashton, where the Chartists had been in the habit of holding their camp meetings. In the meantime, of the manufacturers, who had given notice of an intended reduction of wages, I believe all except one had withdrawn their notice of reduction; but on Friday, August 5, one house having continued its notice—a sort of meeting of the masters and men at that factory occurred, at which something was said that gave offence to the men. I can hardly suppose that it was intended to give that offence. It, however, did create much offence, and the men immediately abandoned their work, and that, I believe, was the first occasion of what is called the turn-out. On Saturday, August 6, there was a procession of not less than fifteen or sixteen thousand persons who went through Newton, headed by *John Durham*——

Gregory: (*a*) Fifteen or sixteen hundred.

Attorney General: Another defendant and *John Crossley*. On Sunday, August 7, there were two meetings, one in the forenoon and another in the afternoon. *Muirhouse*, the chairman, addressed the meeting, and then, gentlemen, perhaps for the first time, the object of the meeting was distinctly avowed. *Muirhouse* told the meeting that it was neither a wage question, nor a religious question. It was a national question, and their object was to make what was commonly called the People's Charter the law of the land. On that occasion *Candelet*, one of the defendants spoke, and *Wilde*, who is now, I believe, suffering under sentence at Chester, (*b*) was another who addressed that meeting. At two o'clock in the afternoon there was a larger meeting at which the defendants *John Leach*, *Thomas Storah*, *Thomas Mahon*, and *William Stephenson* spoke. At that meeting it was stated that on the following day there should be a general turn-out, and, that no one should return to work till the Charter became the law of the land. On that occasion, *Muirhouse* used language, of which, I believe, this is a correct statement——

Dundas: My Lord, I do not think that *Muirhouse's* name is in the indictment.

Attorney General: I am not aware that *Muirhouse* is a defendant. I stated that he used this language, and I am perfectly correct in stating to you that what the chairman was permitted uninterruptedly to state is at least evidence of the intention of those who were present; and at that meeting I believe several of the defendants were actually present.

"The people had been told of the evils we labour under; and I am requested to tell you that to-morrow a meeting will take place at Stalybridge, at five o'clock in the morning, when we will proceed from factory to factory; and all the hands that will not willingly come out, we will turn them out; and when we are out, we will remain out till the Charter, the only guarantee you have for your wages, becomes the law of the land. I hope to meet you all to-morrow at Stalybridge, when we will join hand in hand in this great national turn-out."

Gentlemen, there was a meeting on the following morning, at Haigh, near Stalybridge; there were from two to three thousand persons present; and there was a placard at that meeting:—

"The men of Stalybridge will follow wherever danger points the way."

Another placard was:—

"They that perish by the sword are better than they that perish by hunger."

Gentlemen, that meeting proceeded first to Messrs. *Harrison's*; they there turned all the hands out, and stopped the mills; they then proceeded to Messrs. *Lee's*, where they did not find the same willingness to receive their proposal to stop labour. The burst open the doors, and by force they did that which at *Harrison's* they were able to do merely by their presence and appearance.

Gentlemen, it was arranged that they should meet the following morning, a something was said about going to M chester; and at a very early hour Tuesday, August 9, there were me ings at Hyde, at Stalybridge—(the defe dant *Pilling* was there)—and at Ashton and from the places where they a assembled, they determined to marc upon Manchester. And accordingly, som thousands of persons, you will find, wit a certain description of arms, with blu

(*a*) Solicitor for the prosecution.

(*b*) Tried and convicted before Lord Abinger, C.B., at the Cheshire Special Commission for seditious conspiracy, and sentenced to be imprisoned for two years in Chester Castle.

geons and banners—having some appearance of military rank, and array, and order—marched upon the town of Manchester; and, finding the military very near the entrance of the town, they halted, and there was a sort of parley between them, the magistrate and the military. To the remonstrances of the magistrate they answered, that their object was peace, law, and order; and they promised faithfully to keep the peace, and to commit no disorder of any kind. The magistrate withdrew the military, and putting himself—not exactly at their head as a leader, but for the purpose of pointing out to them, I suppose, where they might go with propriety, and to watch them, that they did no mischief—the magistrate placed himself along with them, and they marched into the town together; the military having been withdrawn to prevent any hostile conflict. They had scarcely got into the town, when those who were rather in the rear separated themselves from the rest; and forming into various bands went from street to street, and from house to house, and took possession of the town. For three days the shops were shut up; all labour was stopped; portions of the mob went from place to place; not merely at the mills, but at every place where the labour of man was used, they went and enjoined the cessation of labour. In some instances they demanded bread; in others, they accepted money; but, for three days, Manchester was in a state of the most lawless riot and confusion. The following week was remarkable at Manchester, for the introduction of some other proceedings, still more threatening in their aspect than perhaps the assemblages of these persons already described. It appears that at that time there had been sitting at Manchester a collection of delegates or persons in the Trades' Union (*a*); and I beg to call your attention to a resolution of the trades, which was put forth on Friday, August 12. Gentlemen, the resolution was this:—

"That we, the delegates representing the various trades of Manchester and its vicinities, with delegates from various parts of Lancashire and Yorkshire, do most emphatically declare, that it is our solemn and conscientious conviction that all the evils that afflict society, and which have prostrated the energies of the great body of the producing classes, arise solely from class legislation; and that the only remedy for the present alarming distress and widespread destitution is the immediate and unmutilated adoption and carrying into law, of the document known as the People's Charter.—'That this meeting recommend the people of all trades and callings forthwith to cease work, until the above document becomes the law of the land.

I may here incidentally remark, that, if a number of persons had formed the design of going about the country, from place to place, for the purpose of creating a cessation of labour, and compelling the public authorities of the country to adopt a particular change in the constitution, all those, who, in any way, afforded encouragement of any sort to the persons who were so acting, became, what in law are called, accessories—whether before or after the fact, would make very little difference; for, in a case of misdemeanor, which this is, all accessories are principals; all who aid, encourage, assist, or foment this description of offence, are themselves guilty of that which they encourage in others.

By this time, the state of Manchester had attracted the attention of the authorities there, and also the authorities in London; and on the 14th there was a proclamation issued by the magistrates of their own authority, and on the 15th there was a proclamation issued in the name of the Queen by the executive government. And after those proclamations, calling upon every one to observe the peace, to abstain from giving encouragement to the violence of others, it became still more and more the duty of all persons who were determined to obey the law, or who were not determined to disobey it, to abstain from any proceeding that could give encouragement, directly or indirectly, to those who were still going about the country, from place to place, by intimidation, to turn out those who were anxious to continue at work for their masters. On the Monday there was a meeting of trades at, I think, the "Sherwood Inn," Tib Street; and they adjourned to the Carpenters' Hall. You will find, that at that meeting various motions and resolutions were carried; and at length it was determined to issue a placard, to which I think it right to call your attention.

"LIBERTY.

"Liberty to the trades of Manchester and the surrounding districts.—Fellow-workmen, we hasten to lay before you the paramount importance of this day's proceedings. The delegates from the surrounding districts have been more numerous at this day's meeting than they were at yesterday's, and the spirit and determination manifested for the people's rights have increased every hour. In consequence of the unjust and unconstitutional interference of the magistrates our proceedings were abruptly brought to a close by their dispersing the meeting; but not until, in their very teeth, we passed the following reso-

(*a*) See history of Trades' Unions, Place MSS. (B.M.), 27,799, &c.

lution:—'Resolved—That the delegates in public meeting assembled, do recommend to the various constituencies which we represent, to adopt all legal means to carry into effect the People's Charter; and further we recommend that delegates be sent through the whole of the country to endeavour to obtain the co-operation of the middle and working classes in carrying out the resolution of ceasing labour until the Charter become the law of the land.'—Englishmen, legally determine to maintain the peace and well-being of society; and show, by your strict adherence to our resolution, that we are your true representatives. Do your duty. We will do ours. We meet again to-morrow; and the result of our deliberations will be fully laid before you."

Now, gentlemen, I have read to you every word of this. There occur in it expressions with respect to "legal means," and "keeping the peace." Gentlemen, I am afraid that those who directed the framing that paragraph would probably differ from the views which his Lordship will probably lay down to you, as to what are the legal means by which such objects may be carried into effect; but it will be for you to judge whether, because the language of "peace, law, and order" is upon the lips of those who use such expressions, accompanied by very different conduct—it will be for you to judge how far these expressions, which are used in a placard put forth to the public, really convey the intention of those who use them; or whether they are used with the intention to depart from those professions, whenever a convenient opportunity may occur.

Gentlemen, on Tuesday, August 16, there was another meeting, not now of the trades, but there was a meeting of delegates,(*a*) forming a sort of convention to represent the people of England, from different parts of the country: and I believe that not less than from forty to sixty or seventy delegates arrived at Manchester. At one of the meetings, undoubtedly, about forty actually attended. Gentlemen, at that meeting an address was considered and approved, as an address to be printed and published to the people of England. It was an address from five persons, styling themselves "The Executive Committee of the National Association for carrying the Charter," and I now beg to call your attention to the contents of that paper. The proofsheet of this paper, corrected in the handwriting of one of the defendants—I think *Peter Murray M'Douall*—will be produced in evidence before you; and with respect to his participation in it, it would be idle to suggest any doubt, because the proofsheet was actually corrected by himself, in his own hand-writing. I beg to call your attention to the title of this placard. It is an

"Address of the Executive Committee of the National Chartist Association to the people."

"Brother Chartists,—The great political truths which have been agitated during the last half-century have at length aroused the degraded and insulted white slaves of England to a sense of their duty to themselves, their children, and their country. Tens of thousands have flung down their implements of labour. Your taskmasters tremble at your energy, and expecting masses eagerly watch this the great crisis of our cause. Labour must no longer be the common prey of masters and rulers. Intelligence has beamed upon the mind of the bondsman; and he has been convinced, that all wealth, comfort, and produce, everything valuable, useful, and elegant, have sprung from the palms of his hands; he feels that his cottage is empty, his back thinly clad, his children breadless, himself hopeless, his mind harrassed, and his body punished, that undue riches, luxury, and gorgeous plenty, might be heaped in the palaces of the task-masters, and flooded into the granaries of the oppressor. Nature, God, and reason, have condemned this inequality; and in the thunder of a people's voice it must perish for ever. He knows that labour, the real property of society, the sole origin of accumulated property, the first cause of all national wealth, and the only supporter, defender, and contributor to the greatness of our country, is not possessed of the same legal protection which is given to those lifeless effects, the houses, ships, and machinery which labour have alone created.

"Therefore it is that we have solemnly sworn, and one and all declared, that the golden opportunity now within our grasp shall not pass away fruitless; that the chance of centuries, afforded to us by a wise and all-seeing God, shall not be lost; but that we do now universally resolve never to resume labour, until labour's grievances are destroyed, and protection secured to ourselves, our suffering wives, and helpless children by the enactment of the People's Charter. Englishmen! the blood of your brethren reddens the streets of Preston and Blackburn"——

Gentlemen, I regret deeply to say, that at Preston and Blackburn there had been a conflict with the military, which ur

(*a*) Delegates to the Conference of the National Charter Association, founded by Feargus O'Connor. Each town or district possessed an association of Chartists, who subscribed 1*d.* a week. Each of the district associations had a president, treasurer, and secretary. Members were also expected to take quarterly tickets at 2*d.* each, the money to go towards the expenses of the executive committee of five, each of whom received 30*s.* a week, and was expected to give his whole time to the movement. Each town or district which had an association had the privilege of sending delegates to the conferences held from time to time on condition of providing their expenses.—Mr. Gregory's report on the disturbances. Treasury Solicitor's Papers, 2677.

fortunately did terminate in bloodshed. Now you perceive the language there is used with reference to that event.

"Englishmen! the blood of your brethren reddens the streets of Preston and Blackburn, and the murderers thirst for more. Be firm, be courageous, be men! Peace, law, and order, have prevailed on our side—let them be revered until your brethren in Scotland, Wales, and Ireland are informed of your resolution; and when a universal holiday prevails, which will be the case in eight days, then of what use will bayonets be against public opinion? What tyrant can then live above the terrible tide of thought and energy, which is now flowing fast, under the guidance of man's intellect, which is now destined by a Creator to elevate his people above the reach of want, the rancour of despotism, and the penalties of bondage? The trades, a noble, patriotic band, have taken the lead in declaring for the Charter, and drawing their gold from the keeping of tyrants. Follow their example. Lend no whip to rulers therewith to scourge you.

"Intelligence has reached us of the wide-spreading of the strike; and now, within fifty miles of Manchester, every engine is at rest, and all is still, save the miller's useful wheels and friendly sickle in the fields."

Gentlemen, that was perfectly true. Within fifty miles of Manchester, all was still; but in what way that stillness was produced, whether by the spontaneous wish of all persons who were compelled to observe that stillness, you shall judge to-day by the evidence; and then you must further judge whether those who penned this document could by possibility be ignorant, that though undoubtedly a large portion of that rest from labour was accepted cheerfully by many, a very considerable proportion of it—I believe I should not be wrong if I said the greater part of it—was imposed upon a reluctant population by the activity, force, and threats of those who went from place to place to produce a compulsive abandonment of labour.

"Countrymen and brothers, centuries may roll on, as they have fleeted past, before such universal action may again be displayed: we have made the cast for liberty; and we must stand, like men, the hazard of the die. Let none despond. Let all be cool and watchful, and, like the bridesmaids in the parable, keep your lamps burning; and let your continued resolution be like a beacon to guide those who are now hastening, far and wide, to follow your memorable example. Brethren, we rely upon your firmness; cowardice, treachery, or womanly fear, would cast our cause back for half a century. Let no man, woman, or child, break down the solemn pledge; and, if they do, may the curse of the poor and starving pursue them—they deserve slavery who would madly court it.

Our machinery is all arranged, and your cause will, in three days be impelled onward by all the intellect we can summon to its aid: therefore, whilst you are peaceful, be firm; whilst you are orderly, make all be so likewise; and whilst you look to the law, remember that you had no voice in making it, and are therefore the slaves to the will, the law, and the price of your masters. All officers of the association are called upon to aid and assist in the peaceful extension of the movement, and to forward all moneys for the use of the delegates who may be expressed over the country. Strengthen our hands at this crisis. Support your leaders. Rally round our sacred cause, and leave the decision"——

Now where, gentlemen, do you think the decision is left after these appeals to "peace, law, and order," and to "peaceful struggle"?

"Leave the decision to the God of justice and of battle."

Gentlemen, this placard was extensively dispersed over Manchester, and it became a sort of rallying point to the various meetings that took place afterwards; and the question that you have to decide with regard to all those who are concerned in the framing and putting forth of that placard—is whether in the entire scope and object of that publication you do not find a direct encouragement to those persons who were going about the country from factory to factory, and from mill to mill,—I might say almost from house to house,—to suspend labour of every kind, and to do it by force and menace, in order to carry out that change in the constitution which would be effected by making the People's Charter the law of the land.

Gentlemen, you will have evidence given of what occurred at the meeting of delegates; and as against one of the defendants, I mean Mr. *F. O'Connor*, you will have the clearest evidence of his participation in it, by a direct allusion to it in his own newspaper, the *Northern Star*, to which his name is affixed as a proprietor, and for the contents of which he is responsible. Gentlemen, I propose first to read to you, from the *Northern Star* of the 20th of August a few expressions which clearly connect Mr. *Feargus O'Connor* with the publication of that document. Gentlemen, I think it perfectly right here to say, that, I believe that before this time, many paragraphs had been published in the *Northern Star*, dissuading the people from taking the course that they seemed to be bent upon; and whatever benefit in any way Mr. *Feargus O'Connor* can derive from a candid admission on my part, I admit at once, that, prior to this time, apparently the *Northern Star* was directed against the strike. But from the paper which I hold in my hand you cannot doubt that for some reason —whether because the impulse seemed to be so strong—whether the current seemed

to be so irresistible that it was no longer of any use to stem it—whether he was carried along by that current, or whether, seeing that there was such a prospect of Chartism becoming the law of the land, Mr. *Feargus O'Connor* thought the time was come when a use might be made of the turn-out, I know not; I deal with the facts merely as they are before me.

On the 20th of August the following paragraph appeared in the *Northern Star* in reference to the meeting of delegates in conference in Manchester:—

"This body was driven by the 'troublous times' from the consideration of the particular matters and things for which it was summoned. The all-absorbing interest of the 'strike' movement was forced on the attention of its members as a first object of consideration. It being known that the sitting of this body was to commence on Monday, it was generally understood and believed that they would take up the subject; and the decision to which they might come as to the course of action to be commended was looked for by hundreds of thousands with an intenseness of anxiety perfectly indescribable.

"The conference commenced its session at two p.m., and continued, by adjournments, till about seven on Wednesday evening."

And then he gives the statement:—

"Their deliberations were, as might be expected, most anxious; the discussions most animated and earnest, and while some difference prevailed on the course to be recommended to the people, one soul and purpose seemed to animate the entire assembly as to the necessity of enforcing, by every means in their individual and collective power, the observance of peace, law, and order by and among the people. Each member, in the first instance, stated to the conference, so far as he had the means of knowing it, the state of his own district, and the opinion of his constituents in reference to 'the strike.'

"A general, anxious, and protracted discussion then ensued upon the question of adopting the following resolution of the delegates:—

"'That whilst the Chartist body did not originate the present cessation from labour, the conference of delegates from various parts of England express their deep sympathy with their constituents, the working men now on strike; and that we strongly approve the extension and continuance of their present struggle until the People's Charter becomes a legislative enactment, and decide forthwith to issue an address to that effect; and pledge ourselves, on our return to our respective localities, to give a proper direction to the people's efforts.'

"Every speaker was restricted to five minutes, and no man allowed to speak twice on the same question. An amendment was proposed, differing from the resolution in phraseology, but having the same purport. Another amendment was proposed to the effect that—'The information laid before this conference by the several delegates of whom it is composed does not warrant this conference in now recommending to the people any national strike or holiday, or in any way mixing up the Chartist name and movement with the present strike for wages, subsisting in some districts, and originated, as this conference believes, by the Anti-Corn Law League; not seeing any means whereby the said strike can now be made a successful effort for the carrying of the People's Charter; while at the same time this conference deeply sympathise with their oppressed brethren on strike, and admire the spirit of energy and patriotism with which the trades of Manchester and at other places have declared for the People's Charter."

The narrative goes on after alluding to this amendment:—

"After almost every member had spoken upon the question it was put, and the original resolution carried by a large majority."

Now observe what that original resolution was:—

"That the meeting pledge themselves to assist the people in their present struggle, and put the Charter on the issue of the strike then going on."

"It is but fair to state that a considerable majority of delegates were from the districts actually out and taking part in the struggle. After the adoption of the above resolution the following address was agreed to *nem. con.* The mover and supporters of the amendment deeming it both unnecessary and unwise to maintain an opposition, which, from being persisted in when seen to be powerless, might justly have been considered factious."

[The *Attorney General* read from the *Northern Star* the following passages from the address adopted at the conference, remarking that the paper was only evidence against the defendant *O'Connor*, its proprietor, but that the address would be proved independently.]

"You have not struck, you have been stricken; but let the stroke recoil upon the tyrants who have so cruelly arrayed themselves against the interests of labour.

"Brothers, these are not times to hesitate! The corn has a golden hue while your visages are pale, but hope for change and better times. We are fortunate in having an accredited Executive, bearing the confidence of all, at our head."

Gentlemen, that is the Executive Committee of five persons whose address, ending with an appeal to the "God of justice and of battle," I have already re to you.(*a*)

"They, too, have called upon you. You read their address; it breathes a bold and man spirit. We could not, in times like the pr sent, withhold from them, your servants, o cordial support, as in union alone is security be found, and from unanimity alone can succes be expected.

(*a*) Above, p. 948.

"Brothers, the trades have issued a noble address.(*a*) It breathes a spirit worthy of old laws and old English liberties. This, brothers, is the time for courage, prudence, caution, watchfulness, and resolution.

"In conclusion, brothers, we would, above all things, counsel you against the destruction of life or property.

"Remain firm to your principles, which are to be found in the document entitled the People's Charter."

On a subsequent day, on September 3, Mr. *F. O'Connor* published another number of the *Northern Star*, in a leading column of which he gives an account of the meeting of delegates. It is in the form of a letter, but I believe that is the usual manner in which Mr. *O'Connor* puts a leading article into his paper. This is a letter from Mr. *Feargus O'Connor*, addressed to the imperial Chartists. He says, amongst other things,—

"The delegates arrived at eight. Of course I don't know any of them, as it appears that Sir C. Shaw has a desire to learn their names. I was one. We sat from eight to twelve in calm discussion, but no course was decided upon. When Mr. Hargraves arrived, it was unanimously resolved, very much against my will, that neither I nor any other delegate should absent himself for the purpose of attending the Carpenters' Hall meeting, and a message was sent to Rev. Mr. Scholefield to request him to make that communication to the meeting at Carpenters' Hall, which he did.

"On Wednesday we met again, forty, and very excellent men. I believe there were exactly forty, Mr. O'Connor and Griffin made forty-two. We sat all day. There were two resolutions and one address passed, and that was all the business done. I seconded the address, which was carried by a great majority. I proposed one of the resolutions, which was carried unanimously. I drew up the address, the only address that was passed by the delegates, and, curious to say, the *Northern Star* was the only paper in England that published any one of the acts of the conference, and it published every one of them. I never saw so good a feeling pervade any meeting of the people's leaders, never in my life. All was union and harmony. At the close of the proceedings, and after the chairman had vacated the chair, some one asked—Tom Styles of Snookstown, I think—whether or no the placard that professed to come from the Executive [the one that appeals to the 'God of battle'] should appear in the *Star*? I said, 'Yes, as an advertisement, and I will pay for it.' At ten o'clock I walked down to Mr. Heywood's. He was out. I remained till he returned, and the first word he said was, 'Well, sir, the poor devil that printed the placard purporting to emanate from the Executive has been seized, and his press and type are all taken,' and, I believe, gentlemen, in consequence of that circumstance, the address did not appear in the *Northern Star*."

Now, gentlemen, I have not mentioned every one of the defendants by name; but I shall, for a very short time call your attention to one of the defendants before I enter on the evidence—Mr. *Scholefield*, the elder. Mr. *Scholefield* himself gave the use of his chapel for this meeting; he was present, and you will hear from the witnesses the language used at the meeting by the several defendants. Several of the speakers alluded distinctly to the use of direct physical force. I know that the object of many of the Chartists was to carry out their views without having recourse to physical force; but, as to some of the defendants, you will find that one man(*a*) in particular stated that he came from a district where force had been resorted to.

"I have been,"

said he,

"at Birmingham, Bilston, and the Potteries, and I have witnessed the feeling of resolution among the people. I will support the resolution without making a long speech on it, because I believe the people in Staffordshire and many other parts are determined to fight, and are prepared for the worst. The Shakespearians of Leicester will not be behind in the cause. Nothing will gain our object but showing that we are prepared to fight."

Gentlemen, language of this kind used in the presence of other persons who make no objection to it—who hear a speaker of this kind, who take his vote on an address—who reckon him as one of themselves, and then put forth some address with phrases "of law, peace, and order;" why, gentlemen, I might make here an appeal to your good sense if you can find any meaning in these phrases that justly should bring impunity and acquittal to any of the parties present. It is my duty, and I can assure you, gentlemen, a most painful duty it is, to bring under your cognizance all these circumstances, and to ask you what is the construction you put upon them as men of sense and experience. As to the language used and the conduct adopted, I ask you whether those persons who put forth this address and passed these resolutions, and published them, can possibly be considered in any other light than as associates with the more unfortunate and less enlightened parties who were going from town to town, and from mill to mill, encouraged by those addresses,—I might almost say provoked by them—into the

(*a*) Above, p. 946.

(*a*) Thomas Cooper. See his trial at Stafford, below, 1249.

excesses which otherwise they might have escaped?

Gentlemen, I mentioned that Mr. *Scholefield*, the proprietor of a chapel, had given it up for the use of the meeting. He was present when they deliberated; he was there perfectly cognizant of what was going on, and it will be for you to consider whether by any overwhelming fear he was obliged to be there, whether he was not a part or parcel of the conference, and whether he did not assent to its proceedings. Let me call your attention to some words uttered by him at Carpenters' Hall while the delegates were sitting in his house. I understand there was a tea party at Carpenters' Hall in honour of some memorial to *Hunt*.(a)

"I am glad,"

said Mr. *Scholefield*,

"to see you so comfortable under the circumstances in which you are placed. I have a duty to perform with a friend (Mr. O'Connor). I have left him with other friends of the people advising plans to carry on the movement, that is, the people's cause. I have to state, considering the exact state of the town, that it would be better if Mr. O'Connor did not appear at this meeting. The cause may be retarded for a short time, but it will again raise up its head if our leaders are not taken. The object of our enemies is to seize our leaders; but the committee thought it best to deprive them of that opportunity."

Mr. *Scholefield* it appears was actively employed in going from one meeting to another, as well as giving the use of his house to the delegates; and it will be for you to say in what light he appears. I own it would be to me a matter of some gratification to find that, with reference to him, some mistake had been committed as in the case of his son. I should rejoice as much as anyone in the innocence of any one defendant before you to-day. But I have a duty to perform to you and to the public at large, and painful as that duty may be in many respects, it is impossible for me to shrink from its performance.

Now, gentlemen, I have but one general statement to make beyond that to which I have called your attention, and it is one that I make with very mingled feelings indeed; it is with respect to the intelligence and forbearance of those who mingled in this movement, but it is one that at the same time suggests an idea of the great extent and extreme peril in which the country might have been placed if such things could take place as I am now authorised to state. Gentlemen, all labour of every kind had been stopped, not merely at the large manufactories where they were spinning by steam engines, but there was a general turn-out of all the hands employed in all trades except of those who assisted in the production of the most ordinary necessaries of life. I believe the baker and the butcher were permitted to go on; but even the shoemaker and the tailor were stopped in their labours until the object of the turn-out should be carried. But it was manifest that, if this rule were enforced rigidly and to the letter, very great public mischief must ensue; and accordingly there sat in at least two places (I say two because I am in a condition to prove there were two, but I believe there is some evidence of committees sitting in other places), committees sat who at first styled themselves Committees of Public Safety, but whether the recollection of the connection of that name with some of the scenes of the French revolution suggested that they had better adopt another name I am not prepared to say, but I believe they afterwards called themselves the Committee of Operatives. Their object was to receive applications for a remission of the strict rule of abstaining from labour, and to give licences to persons to carry on to a limited extent their labours for the purposes specified in the licence. Gentlemen, I stated to you, and I did so most unequivocally, that I have ever considered the existence of those committees as one of the most formidable evidences of the extent to which the "strike," as it is called, had prevaded all classes of operatives; but I can prove to you that two, I think, at least, of the defendants (one of them is named *Durham*) sat at a table composing a committee of some ten or twelve, and received applications of the nature I have alluded to. For instance, a tailor on one occasion, in consequence of the death in the family of one of his customers, was applied to to make some mourning clothes, but he did not dare do so until he went to the committee and obtained permission. I believed there was some doubt entertained that he went beyond the license, and a deputy was sent to inquire into the matter. On another occasion the waterworks of the town were nig being stopped under a similar pretence It so happened that the power which conveyed the water was also employed in connexion with some private works, and, while the committee gave an order to have the power employed for the use of the waterworks, they forbade it with reference to the private interest connected with it. In other cases a licence was granted to get coals enough to supply

(a) See Huish's Life of Hunt, and Trial of Henry Hunt, 1 St. Tr. N.S. 171.

the engine which kept the coal pits free from water. I believe I need not detail all the instances of this kind which occurred; but you will find that there is quite evidence enough to satisfy you that a committee sat, and that one or two of the defendants were members of that committee, and that they were granting licences, permitting persons to carry on to a certain extent the labour which otherwise they would not be permitted to do. Gentlemen, this is a proof of the extraordinary extent and intelligence with which this matter was carried on, and the numbers that were engaged in this species of strange violation of the law, which at the same time appeared to have for its object to a certain extent the interests of society.

Gentlemen, there can be no doubt that if any attempt of this sort was to be again made, it perhaps could not be made with more respect for property and for life than what it generally did obtain even where violence was used. I should, gentlemen, bear willing testimony to the forbearance and moderation that frequently appeared, even in the midst of the lawless acts that were committed. The boldest defiance of the law was accompanied by a respect for life and property to which I bear willing testimony. I feel rejoiced that I live in a country where, if excesses of this description occur, they are tempered by the forbearance and moderation which shines conspicuously even amidst the violation of law which I have mentioned. Gentlemen, in addressing you I have been under a sense of the extreme importance of the duty I have to discharge, and which you will by-and-by have to discharge In making this statement to you and in bringing forward the evidence, and you dealing with it as gentlemen upon your oaths, there sitting, sworn to do justice, I have, I hope, not less from temper and feeling than from a discreet discharge of my duty, abstained from using one solitary expression of harshness. I desire to give no character to these offences beyond that which the law does and has done; I desire not to raise your feelings from any sense of danger that you will not do justice. I invoke you as dispassionately as it is possible under these circumstances to do, calmly and boldly, but firmly, to assist in the administration of the law. Gentlemen, to you will be ultimately committed the question of the guilt or innocence of the parties who will be respectively called on. It is possible that as to some there may be that weakness of evidence, or that absence of violent spirit which may induce you favourably to consider the case of some individuals. In that favourable consideration I shall cordially go along with you, whether it be to exclude from your verdict of guilty or to find them guilty, and to recommend them to the favourable consideration of the Court above. Gentlemen, with these observations, endeavouring as much as possible to abstain from any topic that may disturb you in the calmest exercise of your functions, and in the most faithful discharge of your duty as well to the defendants as to the public on whose behalf this prosecution is brought before you, I leave the case for the present in your hands. Dismiss every recollection you have of any party, attend to the evidence, do justice, and deliver your verdict accordingly.

ROLFE, B.: With respect to what has been said by the *Attorney General* in reference to *Scholefield*, I wish to know are there any others against whom he will not proceed?

Dundas: Perhaps your Lordship will allow him to be acquitted.

ROLFE, B.: I do not think it right to acquit him till the whole case is gone through.

Baines: My learned friend the *Attorney General* offered it.

ROLFE, B.: I think we had better let the whole case be gone through.

Attorney General: I will give you a *nolle prosequi*.

O'Connor applied to have all the witnesses on both sides ordered out of Court.

The application was granted.

The *Attorney General* asked permission for two reporters, who were to be examined from their notes, to remain in Court.

ROLFE, B.: I shall not order out of Court either witnesses to character, or witnesses who are to give testimony of a formal nature such as proving notices, &c. The order applies only to witnesses who are to speak to the facts of the case.

O'Connor: No, my Lord, not witnesses to character, or to facts of no importance. I do not wish you to order out of Court such witnesses.

Wortley: There are two reporters to the public newspapers here, my Lord, Mr. *Hanly* and Mr. *Grant*, who are to speak to what they have in their notes, and it is not necessary that the order should extend to them.

O'Connor: I cannot take upon me to speak as to reporters who speak to material facts.

Attorney General: They are to give evidence as to what took place on other occasions.

ROLFE, B.: They will produce a written paper.

Attorney General: They will speak to facts from written documents.

ROLFE, B.: Then I shall not order them out of Court; that is in substance, producing a written document.

EVIDENCE FOR THE CROWN.

Joseph Haigh.—Examined by *Stuart Wortley.*

[A milkman at Ashton-under-Lyne. Spoke to being present last July at a meeting of about three or four thousand people on a piece of waste ground near *Thacker's* foundry at Ashton, *Thacker's* ground it is sometimes called. *William Woodroffe*, one of the defendants, was in the chair. He is a shoemaker. He introduced the defendant *Aitkin*. After speaking on the Charter and different things a considerable time, *Aitkin* said he should advise the cotton lords, particularly the Messrs. *Reyner's*, to keep within the precincts of their own palaces, as dark nights were coming on, and the reckoning day was at hand. There was a placard on the walls of Ashton headed that way.

I was also at a meeting at the Charlestown meeting-house near Ashton on Friday, August 12, at nine in the morning. There were from sixty to eighty persons present. *Woodroffe* proposed a resolution, that it would facilitate the advance of the wages of operatives, if all labour should cease till that advance were obtained. I was at a meeting on *Thacker's* ground, on Sunday, August 14. The defendant *Johnson* gave out a hymn beginning—

"A charge to keep I have;
A God to glorify;
A never dying soul to save,
And fit it for the sky."

After the hymn *Johnson* addressed the meeting and gave them a religious exhortation. After he had done, other persons came and gave exhortations. Then the chairman said he had received a communication—he knew not from whom, but he would read it to the meeting. It was to the effect that the committee had come to the determination that labour should not be resumed till the Charter became the law of the land. That was the first thing that was said about the Charter or labour. At the time that announcement was made, a great consternation took place in the meeting; there was some confusion as if the people were dissatisfied. *Johnson* and *Challenger* were present when the chairman read that out. I was in Stamford Street, Ashton, on Saturday, August 13, at nine in the morning. I was a special constable then. I had been sworn in on August 12. I saw a procession of men, women, and boys. There were four or five men abreast in front, and a lot of women and boys followed. The defendant *Woodroffe* was in front. There were about sixty or eighty in all. As they passed they said, "Fall in, fall in." They went towards Stalybridge.

Cross-examined by *Dundas.*

Aitkin is a schoolmaster; *Woodroffe* a shoemaker; *Challenger* a hatter. There were several thousands at the meeting on *Thacker's* ground on Sunday, August 14.]

Dundas: Now, after the chairman read out what you stated, you said there was great dissatisfaction?—There was.

How was that expressed?—By divisions of opinion, murmurs, and confusion.

Divisions and murmurs?—Yes. The people were put into a sort of moving condition; instead of sitting calm as before, they became agitated.

And how long did it last?—I cannot tell; I came away while it was on the way.

While what was on the way?—The dissatisfaction that appeared to seize the meeting.

While it was "agate," I suppose?

Henry Brierly.—Examined by Sir *G. Lewin.*

[A factory operative at Stalybridge. Spoke to being present at a meeting at the Haigh, near Stalybridge, on July 29. There were some hundreds there. A man named *Challenger* moved a resolution, that the present reduction of wages was injurious, not only to the manufacturers and labourers, but also to the shopkeepers, and to all classes of the community. The defendant *Pilling* moved a resolution in favour of a fair day's wages for a fair day's work, and they were of opinion that a fair day's wages could not be obtained without the Charter being made the law of the land. That is as near what was said as I can think. A man named *Brophy* moved, and *Storah* seconded, a resolution to draw up a memorial to Sir *Robert Peel* for ten thousand stand of arms to be raised to protect the lives and property of the working classes against those who refused to pay the property tax.(*a*) The meeting was adjourned to Hyde. They were to meet on Saturday or Monday, I think. The meeting took place, but I was not present. It was adjourned to Dukinfield, and a meeting was held there on August 2 or 3. I was present. There were over a thousand there. They met in the Hall Green. When I got there *Storah* was moving the second resolution.]

(*a*) The income tax imposed by 5 & 6 Vict, c. 35.

Sir *G. Lewin* (*to the witness*): The mover of the resolution was called *Storah?*—Yes.

And the same person was named *Storah*, and called upon to speak at a former meeting?—Yes.

Dundas: How do you know that it is this *Storah* (the defendant).

Sir *G. Lewin*: He was called by that name at a previous meeting.

Attorney General: My Lord, it may be at once necessary to take your Lordships opinion on this distinct point. Now, I will assume that the *Storah*, who spoke at the meeting, is not the person called in the indictment by that name; but then I say that the person named *Storah* (not the defendant), was present at a former meeting where some of the defendants were also present. That *Storah* goes to another meeting; and what takes place at this meeting and at various other meetings, it is quite evident are connected. The indictment charges that all the defendants conspired with divers others; and this meeting, we are now speaking of, is an adjournment of a former meeting where some of the defendants were present.

ROLFE, B.: That is not proved. They adjourned from Hyde, and he was not at Hyde.

Attorney General: I wish to take your Lordship's opinion upon this point. If some of the persons present at a former meeting are proved to be at this, then evidence of the general character of the meeting, and what was going on, may be admitted. In *Hunt's* case (*a*) I am told it was expressly held so.

ROLFE, B.: In a case of this kind where you cannot prove exact coincidence it is so.

Dundas: I understand the *Attorney General* to dwell much upon this point that *Storah* is the person in the indictment. No person is spoken of but a person of the name of *Storah*, and who that person is, he (the witness) knows not, except that a person was so named by the chairman. He does not know who were at the other meeting. All we have in evidence is, that there was a meeting at which this person, *Storah*, was present; but who the others are we do not know, nor have we *Storah* identified as one of the defendants. They must prove that *Storah* and some person at a former meeting are defendants, but it will not do to prove that at this third meeting there were persons proved to be present at a former meeting.

ROLFE, B.: I think it will. If it had been proved that fifty of the people at the former meeting were at this meeting, then no doubt it would connect both in their objects. Well, by proving only one to be present you are only reducing it. It is only pulling out the horse's tail hair by hair—one by one.

Sir *G. Lewin*: There is an end of your point.

[The defendants *Challenger*, *Woolfenden*, *Stephenson*, and *Pilling* were there. The same resolutions were passed as at the Haigh. *Pilling* delivered a lecture. On Friday, August 5, I saw a procession of *Bayley's* hands coming from *Bayley's* mills to Stalybridge, which is within a mile. They stopped near *Cheetham's* factory, and the women and a good many men sat down, so that *Cheetham's* hands could see them stop. They then went to the Haigh. *Stephenson*, *Fenton*, *Durham*, and *Mahon* were with them. All the rest were *Bayley's* hands. They met again in the evening, and also in the morning and evening of the next day. *Brophy* spoke, and exhorted them to turn teetotallers and keep sober. On Sunday, August 7, there was a camp meeting at Mottram Moor. There were several thousands there. *Stephenson* spoke, and said something about the principles of the people's Charter. In the evening there was a meeting in a preaching-room called the "Cave of the Adullamites,"(*a*) at the back of the "Moulders' Arms," Stalybridge. The working men had formed a committee to meet the masters, and a man came and said Mr. *William Bayley* wanted to see the committee. Some thought it advisable to go, and others not. *Mahon* said there was little use in going. They had come out for the Charter, and they would stick to it. Next morning (Monday, August 8) there was a meeting at the Haigh. *Brophy* said they must get the hands out by legal means if possible, or stop them as they were going to work. *Durham* said he would have a procession through Dukinfield and Ashton to let them see they were out. The body of the people then divided into several lots, and fetched out all the hands in the town. They met again at the Haigh. *Durham* said, "Form in procession, and put *Bayley's* hands out first, as they came out first, and go in a procession through Ashton." He told them to go peaceably. They had colours and banners; and *Durham*, *Stephenson*, *Mahon*, *Brophy*, and several others that I do not know, were in the procession. They went down Caroline Street and up Dukinfield Brow to *Hindley's* mill. When the hands at *Hindley's*

(*a*) 1 St. Tr. N.S. 171.

(*a*) Cf. Mr. Bright in 1866: "The right hon. gentleman has retired into what may be called his political Cave of Adullam, and he has called about him 'everyone that was in distress and everyone that was discontented.'"—Bright's Speeches (1876), 349.

mill heard the procession coming, they stopped the engine, and "turned out" before the procession arrived.

They went through Ashton, and all the mills stopped that day. I left them at Ashton, and went to Hyde at half-past four. They were fetching out the hands from the factories on Newton Moor. None of the men that came from Stalybridge were there. *Durham*, *Stephenson*, and *Leach*, of Hyde, were there. *Leach* was addressing the meeting when I got up to it. He told them it would be more proper for them to stand out for the wage than the Charter question. He said it was impossible for them to get the Charter at present. *Mahon* said the Stalybridge people must meet on the Haigh in the morning; and the Ashton people must meet near *Thacker's* foundry, and have a procession and go to Manchester, but they must take no sticks with them.

There was a meeting at the Haigh next morning (Tuesday, August 9). *Durham*, *Stephenson*, and *Fenton* were there. *Fenton* exhorted them to keep peace, law, and order in the procession to Manchester. When I left it was understood they were to form a procession to go to Manchester.

There was a meeting at the Haigh on the 11th. There was a falling out that morning between the wage question and the Charter. *Fenton* and *Durham* were in favour of the wage question. *Stephenson* and *Mahon* said they might as well contend for the Charter. It was decided to have a meeting at Hyde, and to be ruled by the majority. I was not at that meeting. They met at the Haigh every morning at five o'clock. On Saturday, the 13th, a procession came from Glossop to Stalybridge, and a large meeting was held. *Durham*, *Stephenson*, *Mahon*, *Fenton*, *Leach*, of Hyde, and *George Johnson* were present. There was a man in the chair; *Wilde*, I think, was his name. They had like to have thrown *Wilde* and *Johnson* out of the cart. *Wilde* opened the meeting for the wage question. They were talking of sending delegates to the manufacturing districts to ascertain which of the masters were giving most and least wages, and to draw up a list between both, so that the hands could go to their work. They could not return to work, as the masters had shut up the mill doors for a month. After they turned out, the masters agreed not to let them in again for a month. There were ten or twelve thousand present. There was a resolution passed that they were to stick out for the Charter, but it was forced on them by the Glossop people, who came every one of them armed with bludgeons and great sticks. There was a camp meeting on Sunday, the 14th. In the evening a gentleman with one arm from Manchester lectured, and said he was very sorry the people in that part of the country were out of work. It hurt his feelings to think they had come out for the Charter, for he thought they could not obtain it. On the 15th there was another meeting, and in the evening there was a meeting in the Chartist Association(*a*) room.]

Sir *G. Lewin*: Now tell me what took place there?—A piece was read out of the *Northern Star*, about appointing delegates to go to the conference in Manchester.

ROLFE, B.: He says something was read from a newspaper.

Attorney General: I take your Lordship's objection.

Witness: *Mahon* read something from a newspaper; and he was to go to Manchester as a delegate.

He was the person elected to go?—Yes.

Cross-examined by *Murphy*.

[There was a turn-out twelve years ago. The factories were all stopped for eleven or twelve weeks. There was no mention of a Charter then. A general committee was appointed to direct the movement of the people's turn-out. The masters would not let them return to work in consequence of the turn-out.]

Now are you aware whether, on the occasion of that previous turn-out, delegates were sent to the various factories, and from one district to another, to watch the proceedings of the turn-out?—Yes, there were delegates appointed for such a purpose on that occasion.

Do you recollect any processions at that time?—Yes.

Attorney General: I do not know in what way my learned friend wishes to connect what occurred twelve years ago with the present case. I suppose he does not mean to justify it. A mere passing allusion to explain how it affects the evidence is all I require.

ROLFE, B.: I thought as the cross-examination was going on, that the object of it was to show that the fact of delegates having been appointed twelve years ago to go from one factory to another to ascertain what were the proceedings of the different turn-outs, would not *per se* be criminal.

Murphy: My Lord, my object is clear—it is perfectly obvious. The *Attorn General* suggests that all this turn-out connected with the Charter, and som vast conspiracy for the promotion of Cha tist principles throughout the country. want to show that when no Charter wa spoken of similar conduct took place.

(*a*) The National Charter Association O'Connor's organisation.