the bottom; but here the tyrants would be deceived, for the Chartists would make their ball so hard that if it broke one of the pieces would knock the sense out of the aristocracy. He spoke of the military being called out, and said their fathers and grandfathers had fought enough for other people, and the Chartists would fight only for themselves. He said that if Lord *John Russell* should say to him, "You shall take up a musket," he would say in answer, "It shall be to fight for myself, and not for those who oppress the working people." He then referred to the great charter of our liberties, which, he said, was obtained by the barons marching against King John; "and shall the people," said he, "be now less successful" in obtaining the People's Charter? He then said that a rural police was contemplated, and he recommended all chartists if the police interfered with them to break their heads.

Such, gentlemen, are some of the expressions which will be proved to have been used by *Vincent* upon the occasion to which I have called your attention. They will be proved by the mayor of Newport, who, in consequence of information which he had received, went to the spot and anxiously listened to what was said. That meeting lasted for several hours, commencing at about seven or eight o'clock and not breaking up till ten or eleven o'clock at night.

Gentlemen, on the 25th of March another meeting was held of the same character, which was attended by an equal number of persons, and at which language of a similar kind was addressed to them. *Townsend*, upon that occasion, was in the chair. *Dickenson* also took an active part and said that, if the police should attack the Chartists, they would be warranted in treating them as mad dogs. That meeting fortunately terminated without any actual breach of the peace.

On the 27th March another meeting took place, and you will find that *Edwards*, a person of considerable physical power, was seen going along the streets, first sweeping them down to a place called Pillgwenlly, at a distance from Pentonville, and then returning again with the parties he had assembled together to the place at Pentonville where the meeting was held. The aspect of these processions, which came after dark along the streets, was such as to excite terror and alarm among the peaceable inhabitants of the place. First of all there were some lads, some with sticks, and some without. Behind them followed a number of persons linked arm in arm along the streets, and behind them followed a number of other persons who did not appear to be immediately connected with them, but who were probably attracted by curiosity to the spot; and in that form they proceeded on several occasions to the place where the meetings were held. There was a waggon placed under the light of a gas lamp, and from that place the people were harangued in the manner which you will hear from the witnesses. By this time the Convention had determined that the National Petition, as it is called, should be presented to the House of Commons on the 6th of May. That was a petition for an Act of Parliament by which there should be granted what these defendants call universal suffrage, though it is not strictly speaking so, for that would involve all persons of both sexes, and of all ages, but the suffrage which they call universal is that every person of full age, unconvicted of crime, and of the male sex, should have a voice in the election of members to serve in Parliament. The next claim is that Parliaments should last only for a year, next that the votes should be taken by ballot; next that there should be no property qualification required to enable persons to sit in Parliament; and the last point was that the representatives of the people should be paid for their services. The first proposition, if granted, would, no doubt, work a tremendous alteration in the government and constitution of this country. It is not for me to say whether that change would be a change for evil or for good; and, as to the last proposition, I think those who brought it forward did so with reference to their own pockets, or to some much more narrow object than that by which they professed to be actuated. These were the principles expounded by *Vincent*, and also by the three other defendants; and whatever you may think, or I may think, of these principles, I am not here to contend before you that the assertion of them calmly, deliberately, or fairly, or that the looking forward to some future time when the people might be prepared for so great and momentous a change is either unlawful, or in any degree culpable. I am very far from meaning to contend before you that either the adoption of these principles, their assertion through the press, or their calm and temperate discussion on fit occasions would be of itself an offence against the law; but you will find that at the meeting to which I am now calling your attention, *Vincent* recommended the people to be ready against the 6th of May, when he said every hill and valley would be prepared to send forth its army, if required by the Convention. These were not meetings for the purpose of collecting signatures to a petition, not meet-

ings held with the view of keeping alive in the hearts of the people a desire to accomplish these objects at some fitting time. No one could suppose for a moment that the Legislature would at once adopt such a petition; and the object of these parties, no doubt, was to hold out that the people were to be prepared upon the failure, which they knew and anticipated, to use that force and terror by which alone the Charter could by possibility be obtained. Accordingly *Vincent* called upon the people with reference to the 6th of May to be ready to act. He was answered by cries from the crowd of "We will, we will." He then called upon those who were ready to swear or to engage to support the Convention on that occasion to hold up their hands. Upon this a great many hands were held up, and among the rest *Edwards* held up an arm of considerable force, crying out at the same time, "Here is stuff," meaning, no doubt, Here is something I am prepared to use in case of need for the purpose of obtaining by force those political advantages or immunities which we have no other means of obtaining. *Vincent* then referred to some persons resident in the town. He referred to Mr. *Phillips*, the mayor of Newport, and to Mr. *Prothero*, his partner, and said that they were two of the greatest enemies that the working man had. He was answered from the crowd by a corresponding cry, and then he said, "I should like to see Mr. *Prothero* hung up to that lamp-post, and when he is cut down I could point out a fit place for his interment." Now, I do not mean to impute to *Vincent* that he uttered those words with any intention of shedding Mr. *Prothero's* blood, or that he was actuated by any deep or malignant motive, but I call your attention to them to show you how excitement of this description may induce people to say things, and do acts, which in their cooler moments they would mourn over and lament.

Gentlemen, the next meeting to which your attention will be directed was held in the same place on the 18th of April. *Vincent* being the gentleman who had come down from London for the purpose of exciting the Chartists and putting them into action was, of course, the principal speaker on that occasion. *Townsend* was in the chair. *Vincent* then attacked the aristocracy in very severe terms. He said that they now looked upon the Chartists with contempt, but that when the time arrived for the Chartists to rise, such a blow would be struck as in twenty-four hours would decide their fate. He said that England was a large farm, the poor labourers upon which had been plundered by a set of scoundrels who should no longer do so; that the plunderers should work and earn their bread honestly or the Chartists would throw them over the hedge. *Vincent* also told the people that the higher class was the idle class, that they lived upon the produce of their labour, and he called upon them in future not to allow them to do so, and then he added that which I am afraid you will find to have been uttered more than once at these meetings—he added this short sentence, short, but likely to be deeply impressed on the minds of those whom he addressed:—

"You are not bound by the laws, because they are made by men in the election of whom you have no voice."

You will find that on this, as well as on other occasions, reference is made to the working classes as apart and separate from the rest of the community, and they are termed by these men "the useful classes." Now that they are most useful, and that among them is to be found as much virtue as is to be met with among any class of men on the globe, God forbid that I should deny it. But is it just, is it fair, is it honest to address these men as though they alone bear all the care and all the suffering which unhappily prevails? I should like to know whether those who produce all the graces and ornaments of life are not useful too, and whether they have not their sufferings and their cares, from many of which the working classes are exempt.

Then, gentlemen, there was another meeting on the 19th of April. On that occasion *Edwards* was seen in the street in the first instance getting the people together, and when he had collected a sufficient number he was seen running with them to a place called Mill Street, where the crowd greatly increased. He had a stick himself, and many of the parties who were with him had short sticks also. I do not present that to you, however, as a very important feature in the case, because I do not suppose that any immediate or instant breach of the peace was then in the contemplation of these parties, nor is it necessary that there should have been to satisfy the charge made against them. It is sometimes much more fearful to find a large number of persons whose actions may be swayed by men capable of directing their force when a convenient time arrives, and something more awful and alarming in the very order in which they are kept, than there is in a mere accidental tumult which may arise and pass away with the immediate excitement which causes it. On this occasion also *Vincent* made a speech to which

your particular attention will be called and in the course of that speech he said :—

"When the time for resistance arrives let your cry be, 'To your tents, O Israel!' and then with one voice, one heart, and one blow perish the privileged orders! Death to the aristocracy! Up with the people and the Government they have established!"

At the same time it was said that the soldiers would not act against them, and that they were their brothers, and cheers were given for the British soldiers. *Vincent* on that occasion again told the meeting that as they had no voice in the election of those by whom laws were made they were not bound to obey the laws. *Vincent* will also be shown to have said that they would assemble on a certain day in thousands and tens of thousands like the Jews on the feast of the Passover, and used expressions importing that the people had a right to be armed, and woe to those who should venture to resist them.

Gentlemen, that meeting excited great alarm among the people resident in the town of Newport. Shortly afterwards *Edwards* went again into the collieries accompanied by *Vincent*, and returned on the 25th of April, when another meeting was held. Before that time the magistracy had become alarmed at the state in which they found the town, and they thought it right to issue a hand-bill, which I will present to you because it was made the subject of comment at a subsequent meeting. It is in these words:—

"Borough of Newport, county of Monmouth. —Whereas it has been made to appear unto us the undersigned justices acting in and for the borough aforesaid that public meetings have been holden in houses and places within the said borough at which resistance to the laws has been advised and encouraged, and that large numbers of people have attended such meetings at late hours in the evening, and have proceeded through the streets of the town in organised bodies, many of such persons being armed with bludgeons, to the disturbance of the public peace and to the alarm of many of the inhabitants of the town. And whereas all meetings at which resistance to the laws is counselled and encouraged, and all meetings of great numbers of people accompanied by circumstances likely to endanger the public peace, and particularly organised processions through the streets of the town, calculated to excite fear and apprehension in the minds of the inhabitants, are unlawful assemblies, now, therefore, we do hereby strictly charge and enjoin all persons whatsoever to abstain from attending meetings assembled with a view to encourage resistance to the laws or to disturb by violence the settlement of property, and all meetings calculated to endanger the public peace, and to abstain from joining in organised processions through the streets of the town. And we also charge and enjoin all publicans and others to allow no meetings of an illegal character to be held in their houses. Given under our hands this 24th day of April 1839.

"(Signed) T. Phillips, junr.
"W. Brewer.
"Lewis Edwards."

Gentlemen, another meeting was held, as I have told you, on the 25th April, and there language of the same character to which I have before called your attention was used, and the hand-bill which I have just read to you. *Vincent* insisted that these meetings were perfectly legal and that they would hold them when and how they pleased, and that no one should obstruct or prevent them. I will not fatigue you by stating to you all that was said at these different meetings, for you will hear the particular expressions from the witnesses who will be presented before you. *Vincent* addressed the meeting as citizens of the British Democracy. It was then announced that *Vincent* was about to leave Newport on the following day for a short time, and all his friends were invited to assemble opposite to *Frost's* house for the purpose of showing him respect. Accordingly a great crowd of persons assembled opposite to *Frost's* house on the 26th of April. That, of course, was not a night meeting, and so far it wants the character which belongs to all the other meetings. *Vincent* was about to leave for Bristol by the packet, and the meeting was necessarily held in the early part of the day, and when *Vincent* was at the wharf he left the people what he called his parting instructions. He said he was going to attend a great meeting on Brandon Hill in the city of Bristol, and he then told them when some yeomanry were passing by to look at themselves, to see what great fists they had and what nails they had in their shoes.

"Think," said he, "if you were to give one of those men a kick with one of those great shoes of yours, heavy as they are with nails, what would become of him?"

Those were among the parting words of *Vincent* when he left for Bristol, whereupon his arrival he attended a meeting which was held on Brandon Hill, which is only material here because he referred there to what he had been doing during the previous five or six weeks in the town of Newport. *Townsend* went with *Vincent* to Bristol, but he returned on the following day; and I shall call a witness before you who will tell you how he expressed himself with respect to the share he had taken in these meetings, and he will describe a conversation which

occurred on that occasion which will tend to throw some further light upon the character and views of these parties.

Now, gentlemen, these are the facts which will be laid before you in evidence with reference to these respective meetings. I will show you the aspect which these meetings bore, the part which each defendant took in them, and the language which they uttered. We charge that their real objects were not to lead the people to a calm consideration of their duties or their rights but to excite them to resistance to the present state of things and to render all property insecure. We charge them not with merely seeking to inculcate some great political principles, but with a desire to carry those principles into action by force and terror. We charge them with having sought to set one class of the people against another, as if the one class were meritorious and the other consisted of none but oppressors, and with having endeavoured to inculcate a most dangerous and unjust doctrine; that the property which has descended to men from their forefathers should be divided amongst those to whose passions these considerations were addressed. Gentlemen, the witnesses who will be called before you are persons who, I believe, are entitled to your full reliance, at all events they will come before you with an intention of stating that which is strictly true. It will, of course, often happen that in a crowded assembly where a good deal of tumult exists some expressions may strike the mind of one person, and others another, that some incidents will be present to the minds of one, and not to another. But you will bear in mind that what the witnesses will describe to you passed in the public streets of Newport in the presence of hundreds of people. The meetings were perfectly public and notorious. Therefore, the expressions to which I have called your attention will not be proved to you, as they have been proved in some cases where Governments have thought it right to induce persons to assume the guise of friendship and alliance with those whose schemes they wish to baffle, and having first made them spies, afterwards to make them witnesses. Nothing will be presented to you which did not take place in the presence of great numbers of people; and if what is stated by the witnesses we should call before you should be untrue, there must be abundant means of contradicting them. Whether my learned friend will lay evidence of that description before you, or whether he will trust to the address which he will make to you at the close of my case, I cannot tell. I rejoice that the interests of the defendants are committed to the care of a gentleman of great acuteness and eloquence, who is brought from the bar of another circuit,(*a*) and that he is assisted by a gentleman of the greatest talent and highest promise on our own. If my friend should call no witnesses, this will be the only opportunity that I shall have of addressing you. I might, if I had thought fit, have claimed the right of reply,(*b*) this being as I have stated to you a Government prosecution, but I have thought it better to abstain from exercising that right. If my friend should seek to defend his clients by suggesting to you that there have been other meetings held on other occasions which may have exhibited some of the appearances present at this, and that those have been allowed to pass away without notice, I shall first ask you to recollect that it is not from one circumstance alone as the number of persons collected together, the time of night at which they assembled or from some of them being armed with sticks, but it is from the purpose avowed, and the language used by these parties, that I shall ask you to come to the conclusion that they are guilty of the charges here made against them; and in the next place I entreat you to bear in mind that the question is not whether other persons may not at some other time have used language which may have brought them under the censure of the law, but whether the bounds of fair discussion have not in the present case been greatly overstepped.

Gentlemen, to these considerations your attention will be directed. I ask no assistance from any prejudice you may entertain. I make no appeal to inflame your passions, whatever may be your opinions with respect to the doctrines of which these persons are the avowed advocates, whatever distrust you may have with respect to their motives, or whatever fears you may entertain with regard to their ultimate success. I ask you to decide nothing against them except upon a scrupulous and nice consideration of the evidence which will be laid before you. If we had been here now, not in the midst of order and tranquillity and veneration for the laws and for those by whom they are administered, but were engaged upon the trial of these parties by the light of incendiary fires or amidst the cries of an active revolution, I would still say, Preserve the dignity of the laws, and let them be sustained. Even if you should fear that the constitution of this great country, with all the happiness it has cherished,

(*a*) Roebuck was a member of the Northern Circuit.

(*b*) See 1 St. Tr. N.S. 46*n*; 2 St. Tr. N.S. 271, 477, 560, 1019.

all the genius it has kindled, and all the virtue it has nurtured, is about to pass away from the world and hold a place only in the wonder and admiration of succeeding ages, if you think with pain upon the danger impending over your country and of the horrors of civil commotion, I implore you not to let one throb of anxiety abate your close attention to the evidence which will be laid before you. I pray you to look at the evidence in all its bearings, to give the defendants the benefit of any reasonable doubt you may entertain, mercifully to interpret everything which may appear to be uncertain, and only to find them guilty if the evidence forces upon you an irresistible conviction that these assemblies are inconsistent with the peace and order of well-regulated society, and that the defendants have borne a guilty part in them. Whether you come to the conclusion of conviction or acquittal, think not of the consequences of your verdict, but leave them in the hands of Him whose aid you asked when you entered upon the solemn duty which you are now about to discharge, and feel assured that His protection will not fail you. (Some little applause followed the opening speech.)

ALDERSON, B.: Let me have no more of this. I mean to try this case just as I should if it was an action for goods sold and delivered, and I expect but perfect order and decorum.

EVIDENCE FOR THE CROWN.

On the part of the prosecution the following evidence was given:—

Thomas Phillips: I am mayor of Newport. In consequence of information I received on the 19th of March last I directed the superintendent of police to go to Pentonville to protect persons and property. At eight o'clock in the evening of the 19th of March I went to Pentonville, an open place in the town of Newport about 100 yards long and 15 wide. It is an oblong space of ground. I found about 300 persons; a stage was erected against the lamp-post, and *Vincent* was addressing the meeting.(a) My attention was first called to his description of the system of government under which we lived in this country. He described it as a cannibal and atrocious system. He said he could not call it by any other name, for it doomed men, women, and children to toil in factories in a state approaching to starvation and nakedness, for the sake of increasing the wealth of the aristocracy. He then cited an anecdote, which he said was in *Paley*,(a) of a flock of industrious pigeons, who were employed in collecting grain, and one overgorged pigeon remained in a corner doing nothing but devouring the produce of the working pigeons. The overgorged pigeon called to its aid other pigeons that did no work, and they drove away the working pigeons from the grain which they had collected, allowing the working pigeons, to whom the grain belonged, nothing but chaff. He said:—

"Such is the system under which we live: the wealthy classes devour the labour of the working classes, devouring the corn, and leaving them nothing but chaff."

He asked if such a system should longer exist, and said a home in a cavern would be preferable to living in such a state as this. He then referred to the People's Charter, and to the snowball of Chartism, which was gradually increasing in size. He said they had got near the top of the hill, and he called on the men of Newport to assist in getting the snowball to the top of the hill, and when there they would call on their oppressors to beware, and get out of the way, or the snowball would roll down and crush them. He said their fathers and grandfathers had served in the militia long enough. He said:—

"If Lord John Russell(b) were to ask me to take a musket, I should say no; for if I am to fight at all, it will be against the oppressors of the people."

He said that Magna Charta had been obtained by the barons marching against King *John*, and asked, why should the people now be less successful? He said the Government contemplated the establishment of a rural police,(c) and added—

"If any policeman interfere with you, break his head."

(a) See as to the above meeting, Dorling's Life of Vincent, p. 17.

(a) Moral Philosophy, Book 3, Part 1, Chapter I.

(b) Home Secretary at this time. The making of lists and the ballots and enrolments for the militia were suspended in 1829 by 10 Geo. 4. c. 10, as continued by annual Acts, a provision being contained in section 2 of that Act that proceedings might be had, during such suspension, for the making of lists, &c. if so directed by Order in Council.

(c) On the 22nd July, 1839, Lord John Russell stated that it was his intention to ask leave to bring in a Bill to enable county magistrates to establish a constabulary force in counties or districts of counties for the better promotion of the peace and tranquillity of such counties and districts. Leave was moved for accordingly, and granted on the 24th July. The Bill was read a first time on the 30th July and a second time on the 6th August. Hansard, Parl. Deb. 3rd series, 49, 621, 727, 992, 1385.

He went on to say that, if the people appealed to Government the answer was,

"Do not we build beautiful prisons for you?" (*a*)

On April 19th I had been from home, and returned about eight in the evening. I saw groups of people about, and as it became dark I heard shouting, and on looking out I saw a large crowd. They were shouting and cheering. Myself and the other magistrates published a caution,(*b*) which was generally circulated.

On the 25th of April there was a meeting. I saw *Edwards*. He had a stick, and people followed him. He halted them in front of *Frost's*(*c*) house for a short time, and then went on. This was about seven in the evening, and about eight I went out with the late mayor. I heard shouts, and a crowd passed us. In the front of the crowd were a great many young lads from 12 to 18 years old; following them were a number of men, arm-in-arm, to the amount of some hundreds. (The population of Newport is about 12,000.) The mob was about 1,000 persons, and the street was crowded by spectators besides. When they approached us they hooted; I understood it to be meant for me. *Edwards* was with them. They sang at intervals the line of "Rule Britannia," "Britons never will be slaves." They came to a stage, and *Edwards* said that *Vincent* was not come, and proposed that *Dickenson* should take the chair. *Edwards* said he must go and look after his special constables, and he said to some persons, "Each of you must watch his neighbour." *Dickenson* addressed the meeting, and said they had heard a sermon, and been told to fear God and honour the King, and that they did fear God, but the doctrines of the sermon advised honour to a *Nero* or a *Caligula*. (A sermon on this text had been preached at the church on the previous Sunday.) *Vincent* came, and was received with much shouting. He said the magistrates had branded their meetings as illegal, but they were perfectly legal. He challenged the magistrates to apprehend him, as there was nothing but a letter of Lord *John Russell* to make these meetings illegal.(*d*) He said the magistrates were liars and base insidious knaves. He said:—

"I understand you to mean that you will have the Charter by the consent of the Government if it may be, but that you will have it."

This was responded to by shouts of "Yes." *Vincent* compared the constitution to a three-legged stool; the Sovereign was a leg, whether useful or not he would not say; the House of Lords another leg, whether useful or not he could not say; the House of Commons was the third; he did not say whether that was useful or not. He said that on the following Tuesday he was going to the Convention, and should inform the Convention that the men of Wales would join the men in other places to obtain the Charter. He said that the Convention must go on, as the people were a wall behind them. They would soon triumph over their enemies, and would meet to proclaim one universal jubilee. There was much cheering during the speech. *Dickenson* said that they ought to do honour to *Vincent* by accompanying him next day to the packet station. Next day there was a crowd, at about one o'clock, opposite *Frost's* house. Mr. *Phillips*, of Whitson, who is a county magistrate, passed in his carriage. He is a magistrate, and active in getting up the yeomanry. The mob groaned at him. At half-past one the crowd moved to the packet-station. *Vincent* addressed the crowd from a wall where he was with *Dickenson* and *Townsend*. *Vincent* said, in reference to Mr. *Phillips'* corps of yeomanry:—

"If they interfere with you throw them over the bridge. What fists you have! What legs you have! What feet you have! And your shoes, how thick they are! and what nails are in them! And if by chance you should kick one of the fellows, what would become of him?"

This speech was received with cheers and laughter. The people were in an excited state. *Vincent* further said:—

"I hear I am to be arrested in Gloucestershire, but they had better take care of what they are about, for there are many good fellows there who will stand by me!"

The packet bell rang, and *Vincent* went on board the packet.(*a*) In my judgment

(*a*) This is apparently a reference to the Prisons Bill and District Prisons Bill at this time before the House of Commons. See Com. Journ. 94 and Hansard, Parl. Deb. 3rd series, 47.

(*b*) See above, p. 1049.

(*c*) Afterwards indicted for high treason and convicted. See *Reg.* v. *Frost*, 9 C. & P. 129.

(*d*) As to the effect of proclaiming a meeting, see *Rex* v. *Fursey*, 6 C. & P. 81, and above, p. 543. Lord John Russell had issued an order to the Lords Lieutenants in the more disaffected counties, authorising them to accept the armed assistance of persons who might place themselves at their disposal for the preservation of the public peace. Ann. Reg. 1839, p. 304. See Hansard, Parl. Deb. 3rd series, 48, 134.

(*a*) He went away by the Bristol packet to attend, as he said, a meeting on Brandon Hill, Bristol (*Times*, 5th August 1839). This meeting was held on the 27th April, and was dispersed by the police, Vincent being present, and Morgan, the secretary, being arrested and bound over to keep the peace (The *Times*, 29th April 1839).

these meetings were calculated to lead to a breach of the peace, and to injury to persons and property. The meetings caused much alarm.

Cross-examined by *Roebuck*.

I have not attended many public meetings. I never reported a speech in my life. I heard *Vincent* tell the crowd to disperse peaceably, and to keep the peace. He may have said this more than once. There was no breach of the peace to my knowledge. No riot took place at all. By excitement I mean a state of mind in which they might easily be induced to commit violence. I have been at a Reform meeting; I did not see such excitement there. I did not consider the meetings calculated to alarm till the 19th of March. I did not understand that by telling each man to watch his neighbour he meant they should keep the peace. I did not see any people with bludgeons, nor hear any instigation to break the laws; both those things are stated in the caution. I there stated them from the information I received. I received no personal ill-treatment.

Morris Morris: I am a master shoemaker. I was a member of the Working Men's Association. All the defendants were members of it. Meetings were held and speeches made. *Vincent* was introduced as a member of the Convention and a missionary from that body to agitate the people of Newport and its vicinity. I attended one meeting at which he was present. He made a speech that the people were labouring under difficulties that ought not to exist, and ought to be removed. That they paid half their earnings in taxes direct and indirect, for which they received no consideration, and by the members and other persons who were present joining, they should obtain the People's Charter, and have a different sort of government, and the abuses removed. He said the mayor of Newport was a nincompoop. There was a fund called the National Rent. I paid what I paid to the treasurer, *Townsend*. It was no definite amount. That was raised for the members of the Convention. *Frost* was at these meetings. He attended as the delegate of Newport to the Convention, and at first as a member of the Association.

Watkins Richards: I am harbour-master at Newport. On the 19th of April, in the evening, I saw a crowd. *Edwards* was forming them in rank and file to the number of from 60 to 100. Some of them had sticks. They went away, and returned to the number of 700, including all the defendants. They were hallooing and hissing, and the boys singing, "Britons never will be slaves." Many had sticks, and some of them had them concealed under their jackets and ending in their trousers pockets; one had a piece of wood seven feet long and two inches diameter. I saw the platform, but could not get near, as near 1,000 persons were there. All the defendants were on the platform. I heard *Vincent* speak. He spoke of bastiles, Poor Law Commissioners, and destruction of children.(*a*) The meeting broke up between 10 and 11 o'clock at night. They came in a body to *Frost's*, and there cheered and parted. I was alarmed, not for myself personally, but I was alarmed for my family and the general peace of the town.(*b*)

Hawkins: I am an alderman of Newport. On the 19th of April I saw the procession pass four or five abreast. It was calculated to produce alarm and endanger the public peace. I had guns and pistols in my shop. I removed them to my bedroom for security.

Cross-examined by *Roebuck*.

There is a benefit society in Newport. They walk two and two, but not arm in arm; nor do soldiers.

Henry Webber: I attended four or five meetings, and saw the procession. They caused alarm to me. I expected a disturbance in the town.

Cross-examined: I heard hissing and hooting when they passed my door. That alarmed me. There were 3,000 persons in the crowd at the time.

Examined by ALDERSON, B.

I do not hold any office in the borough. I do not know why they hissed me.

J. Fraser: I am one of the public officers of the banking company.(*b*) On the 19th of April I was at the meeting. I heard *Vincent* say that the working classes were not bound by any laws enacted by

(*a*) Feargus O'Connor was tried before Coltman, J., and a special jury at the Yorkshire Summer Assizes, 1839, and convicted of publishing a libel in the *Northern Star* newspaper, describing the workhouses as bastiles, and relating a supposed case of starvation of a child in a workhouse. See Appendix A. See also the speech of the Reverend Joseph Rayner Stephens at the Crown and Anchor, in the Strand, April 4, 1839. Ann. Reg. 1839, Chronicle 67.

(*b*) As to the admissibility of declarations of persons as to the state of alarm in which they were, see per Abbott, C.J., in *Redford* v. *Birley*, 1 St. Tr. N.S. pp. 1236, 1237.

(*c*) The Monmouth and Glamorgan Banking Company at Newport.—The *Times*, 5th August, 1839.

a Parliament in which they were not represented. He told them they were entitled to be armed. These meetings were calculated to endanger the public peace.

Cross-examined by *Roebuck*.

I have heard him recommend the people to be peaceable. I received no interruption.

Thomas Griffin Phillpotts: I am an attorney, residing at Newport. I was in my office on the 19th of April. At about eight o'clock in the evening I heard cheering. I saw a crowd of persons, as many as 20 had sticks. They were walking sticks all but one, and that was short. The persons were in number several hundreds. In about half an hour I went to the meeting, and saw all the defendants, except *Dickenson*. I heard *Vincent* speak. He said the working class was an industrious class, and the upper classes were the idle classes, and living upon the industrious. He said a rising of the people was likely soon to happen; that parties were not bound to obey the laws unless they were represented. A great deal was said about the People's Charter. *Vincent* said a great deal was said about the British soldiers, and *Vincent* said when the time for resistance arrived, let the cry be—

"To your tents, O Israel! and then with one heart, one voice, and one blow, perish the privileged orders! Death to the aristocracy! Up with the people and the government they have established!"

The meeting was calculated to excite alarm. I was not alarmed. *Townsend* interrupted *Vincent*, and said they were going to shoot *Vincent*, and pointed at the direction from which they were going to fire. No firing occurred. *Edwards* was moving about, and said something about his police.

Cross-examined by *Roebuck*.

I did not hear *Vincent* say that if the meetings were illegally put down the time of resistance would be come. I had a stick myself. I always carry a good-sized one. I had dined, and had taken three or four glasses of wine. The words, "To your tents, O Israel!" are from the First Book of Kings, when the tribes revolted.(*a*) I have looked at the passage since, as it struck me. *Vincent* proposed that they should treat the soldiers kindly.

Re-examined: He advised that they should treat the soldiers as brothers, and he proposed three cheers for the British soldiers.

Henry Williams, surveyor, of Pentonville, Newport, deposed to seeing the defendants at a meeting on the 19th of March, 27th of March, 18th of April, and 25th of April. This witness also said, I heard *Vincent* speak at one of the meetings. He said the Charter was the only remedy, and they must resort to force if they could not get it in any other way. This was received with cheers. I apprehended danger to life and property.

Cross-examined: I apprehended danger as early as the first meeting. I attended the meetings for the protection of my property. I was at my own door. I live close to the meetings. I heard *Vincent* at every meeting tell the people to keep the peace. I once heard the phrase that their motto ought to be "Peace, law, and order." I have heard it urged on the people not to injure persons or property in Newport or elsewhere. I considered it likely that life and property would be in danger if the meetings continued.

Isaiah Waterloo Nicholson Keyes: I am in the printing office of the Merlin newspaper. I attended the meeting of the 25th of March. I heard *Vincent* address the meeting. I made a report for the Merlin. *Dickenson* said that if the Chartists were attacked they would be justified in treating those who attacked them as they would treat a mad dog; and at the meeting of the 27th of March *Vincent* said that every hill and valley should send forth its army in the event of its being called for by the Convention. I believe he asked those who would be prepared to hold up their hands. *Edwards* did so, and said, "Here is stuff." Many others held up their hands. I attended a meeting on the 18th of April. *Vincent* spoke. He said England was a large farm, the poor labourers on which had been plundered. He said the plunderers should earn their bread as the labourers did, or the Chartists would throw them over the hedge. He said a blow should be struck in England, and twenty-four hours would decide its fate. At the meeting on the following day I heard the expression used by *Vincent*—

"To your tents, O Israel! and then with one heart, one voice, and one blow, perish the privileged orders! Death to the aristocracy, and up with the people and the Government they have formed!"

On the 25th of April I was at another meeting. *Vincent* began by calling the people assembled "the British democracy."

Cross-examined by *Roebuck*.

I did not consider myself in danger. At one of the meetings someone, on the mayor's name being mentioned, said,

(*a*) 1 Kings, xii. 16.

"Choke him," and *Vincent* said, "Don't do that; I hope to convert them all."

Joseph Johnstone: I am a commercial traveller. I reside at Liverpool. On the 27th of April I called on *Townsend*. After business he asked me what I thought of the Chartists in Lancashire. I said I pitied them, as they were the deluded victims of designing knaves, who had no character or property to lose, but who sought to excite the people to rebellion in the hope that in a general scramble they should get something. I asked if they had many Chartists about Newport. He said they had a great many, and that at a meeting just held they had beaten or frightened the magistrates, and he said he was the treasurer to the body. I said, in a careless way, that if we had been in our former trade we might have turned it to a pecuniary profit. He inquired what it was, and I said, we had been in the trade of supplying the African chiefs with muskets, matchets(*a*) (a sort of short sword used in cutting sugar cane), cutlasses, and pistols. He asked the prices, and said he could give me an order, and pay cash for them, as he was treasurer of the body. I asked to what extent his order would go, and he replied, two hundred to three hundred muskets, five hundred to six hundred cutlasses, and pistols in proportion; and he added, "You must undertake the delivery at Newport." I then said very seriously, for I spoke jocularly before, that we would not supply arms for such an abominable purpose.(*b*)

Cross-examined by *Roebuck*.

I found great excitement at Pontypool, and I communicated with one of the magistrates, and I learnt at the iron works that *Vincent*, *Edwards*, and *Townsend* had been there, and they feared a revolt.

Re-examined: I heard that commercial men could get neither money nor orders as the country was in such an excited state that business was at a standstill. It was then that I communicated what I heard to the magistrates.

William Needham(*c*): I am a magistrate. I had great difficulty in getting special constables. At several of the iron works the men all refused.

ALDERSON, B.: Did you indict them for refusing?

Witness: No, my Lord.

ALDERSON, B.: You had better do so, if it occurs again.(*a*)

Edward Harris, saddler, Newport: I heard *Vincent*, at one of the meetings, say that the mayor was a nincompoop, and his partner Mr. *Protheroe*, no better; and they were the greatest enemies to the working people. The crowd shouted, "They are, they are." *Vincent* further said that he should like to see Mr. *Protheroe* hung up to the lamp-post, and he should like for the people to cut him down, and he would name the place for the interment of his carcase.

Cross-examined by *Roebuck*.

I am sure that *Vincent* did not say, in my hearing, that the mayor and his partner and such as they were, mistook the Chartists for persons who would hang people to the lamp-post. I am quite sure that he said that he should like to see Mr. *Protheroe* hung up to the lamp-post. I did not run away in horror. There was a good deal of cheering at the last sentence. I believe this was on the 25th of March.

Edward Karnes: I reside at Newport. My father and *Townsend* talked of the Chartists. The latter said the Chartists were so powerful in Newport that they could pull down the house of anyone who opposed them in an hour or half an hour.

David Jones.—Examined by Serjeant *Talfourd*.

Do you live at Pontypool?—Yes.

How far is Pontypool from Newport?—Between nine and ten miles.

Do you know the defendant *Vincent*?—Yes.

Do you know *Edwards* also?—Yes.

Roebuck: My Lord, I understand my friend to be about to prove the defendant to have been at Pontypool on a certain occasion. I submit that that can hardly be given in evidence upon this indictment. If my friends are entitled to go to Pontypool they may go to Gloucester, to De

(*a*) Spanish, *machete*, a large knife smaller than a sword and larger than a dagger.

(*b*) As to the arming of the Chartists, see debate in the House of Commons, Hansard, 3rd series, Parl. Deb. 47, 1025.

(*c*) Mr. Needham was serving on the Grand Jury at these Assizes. Indictments, Out Counties, No. 15.

(*a*) See 1 & 2 Will. 4. c. 41. s. 1; *Rex* v. *Pinney* above; *Rex* v. *Bower*, 1 B. & C. 587; *Rex* v. *Lone*, 2 Str. 920; *Rex* v. *Chapple*, 3 Camp. 91; *Rex* v. *Genge*, Cowp. 13; *Rex* v. *Clerke*, 1 Keb. 933, as to refusing to take the oath of office; *Rex* v. *Harpur*, 5 Mod. 96; *Fletcher* v. *Ingram*, 5 Mod. 127. But a person is not liable unless he be resident; *Rex* v. *Adlard*, 4 B. & C. 772; S.C. 7 D. & R. 340; see *Rex* v. *Mosley*, 3 A. & E. 488; S.C. 5 N. & M. 261. As to refusing to take the oath, see also *Rex* v. *Brain*, 3 B. & Ad. 614.

vises,(a) and to Yorkshire. I am aware of the difficulty under which I am placed by a decision of Mr. Justice *Bayley's*.(b)

ALDERSON, B.: Yes, the same point arose in that case.

Roebuck: It did, my Lord, and I am aware how it was decided; but still I hope your Lordship may be induced to take another view of the matter.

ALDERSON, B.: It is rather too much to ask me to overrule a decision of Mr. Justice *Bayley's*, confirmed afterwards by the Court of King's Bench; besides which, I take the rule to be a sound one into the bargain, and I do not believe that I have any discretion upon the subject. It will be very proper for you to observe upon it to the jury, but I think I have no discretion. I shall not, however, admit any overt act after the 25th of April, for that is the day on which you finally end.

Talfourd: We are going to show the first introduction of *Vincent*, my Lord.

You say you live at Pontypool; were you there on the 1st of January in the present year?—I was.

Did you see anything of *Vincent* and *Edwards* on that day?—I saw them several times.

Where did you see them first?—At Pontypool at the head of a procession with a band.

Was there a gentleman named *Frost* there?—There was.

Did you attend the meeting?—I did.

About how many persons were present?—I should think from seven hundred to a thousand.

Who took the chair on that occasion?—*Edwards* was proposed and seconded to the chair.

Upon taking the chair did he make any address to the meeting?—He did. He explained what the Charter was, and he explained to them what were the five points.

What were those five points?—Universal suffrage, vote by ballot, annual Parliaments, no property qualification of members, and payment of members.

By their constituents or by the State?—By their constituents.

Who introduced *Vincent* to the meeting?—*Edwards*.

Did he say who he was or from whence he came?—I believe he did. He said he was a friend of the working classes.

Did he make any gesture?—He said the people were determined to have the Charter, and that he had a strong arm to help them with.

Talfourd: My Lord, I have no doubt about this being evidence; but there being another charge against these two gentlemen, I feel that perhaps it would be better not to proceed further upon this part of the case.

ALDERSON, B.: Otherwise you would be able to give evidence accumulatively in each case; conspiracy is a very large net.

Talfourd: As far as I have gone I do not think I have done wrong.

ALDERSON, B.: I always feel great difficulty in knowing where evidence ends in conspiracy, because I do not know what other people may consider as proof of agreement. I must leave myself in your hands, Brother *Talfourd*, and I have no doubt you will exercise a very sound discretion.

Talfourd: Then, my Lord, I will take upon myself not to enter into this part of the case.

ALDERSON, B.: If you were to ask my opinion, I should say you had done quite right.

At the conclusion of the case for the prosecution, *Roebuck*, for the defendants, asked that a witness, whose name was on the back of the indictment, might be called, that he might cross-examine him.

Talfourd: This is not a case of felony.

ALDERSON, B.: The calling of a witness whose name is on the back of the indictment, for the other side to cross-examine him, is by no means of course. It is discretionary even in felony, but it is a discretion always exercised, and I think it may well be exercised in misdemeanor.(a)

Talfourd: I shall make no objection.

The witness was called, but did not answer, and it was stated that he was not in Monmouth.

DEFENCE.

Roebuck: May it please your Lordship, gentlemen of the jury, when my learned friend opened this indictment I must say I felt a great deal more anxiety than I feel now that his case has closed. He told us at once, with that candour and kindness for which he is eminently distinguished, that this was a Government prosecution, and though he did say, and I felt the full force of his statement, that he did not mention that fact for the pur-

(a) There was a Chartist riot at Devizes on Easter Monday, April 1, 1839, at which Vincent had been present. See Ann. Reg. 1839, Chronicle 49.

(b) See *Rex* v. *Hunt and others*, 1 St. Tr. N.S. 172.

(a) See *R.* v. *Simmonds*, 1 C. & P. 84; *R.* v. *Beezley*, 4 C. & P. 220; *R.* v. *Bull*, 9 C. & P. 22; *R.* v. *Woodhead*, 2 C. & K. 520; *R.* v. *Cassidy*, 1 F. & F. 79; *R.* v. *Thompson*, 13 Cox, C.C. 181; Taylor on Evidence, 2, s. 1430; Roscoe on Criminal Evidence, 11th ed., p. 129.

pose of exciting any prejudice against my clients, but for the purpose of giving them the full effect that such a declaration might have, you must nevertheless be perfectly aware that a Government prosecution carries along with it a certain degree of solemnity and power which does not belong to a private accusation. But I am, I must say, singularly well pleased to discover at the outset that this is a Government prosecution; and before I have done, gentlemen, I think I can draw for you a picture of that Government which will not induce you to lend to their accusation any indirect force. Now, gentlemen, I beg you at the outset clearly to understand the nature of the charges which are made against these defendants. Unfortunately for us, they are multitudinous; but I will take the first, which is a charge of conspiracy. My clients are charged with conspiring together for the purpose of creating discontent for the purpose of bringing the Government into disrepute, for the purpose of altering that Government, and for the purpose also of breaking the peace. That is the thing of which they are accused. That is the thing for which they are alleged to have conspired together; and then certain acts are laid before you from which you are to conclude that such was their intention. They are, first of all, charged with conspiring together for the purpose of attaining a particular end, and then you are told that certain things were done by them for the purpose of carrying out their intention; and the things that were done by them are the things to which I should wish you now to direct your attention. The things that were done were the calling of meetings, and at those meetings making use of certain expressions. Now the things that I am going to assert to you are these, first, that the object which they had really in view when they did meet together, and when they did unite their efforts to attain one common object was a perfectly legal one, a perfectly defensible one, and in many good men's minds a highly beneficial one. And I shall also endeavour to make you believe, because I think you ought to believe it upon the evidence, that the means which they took to obtain this their legal end were also legal. But while I say this, gentlemen, do not for a moment fancy that I am come here to justify all the indiscreet propositions which men make. I wish you, however, thoroughly and completely to understand the state at present of this country as regards public opinion, the ordinary habit which men have now sanctioned by the highest possible authority of meeting in these large numbers; and then when you have got that clearly before you, to determine whether this is not one of those ordinary meetings to which we have been now accustomed for the last ten or fifteen years. Now, I shall, I say, endeavour to show to you that here there was no conspiracy for the purpose of overturning the Government, or for the purpose of committing a breach of the peace; but that there was an unity of purpose and a going forward, if you like, for a good end—I am bold enough to say it at once; the end of obtaining what they call their Charter. That is the end which they had in view, and the means which they took to obtain that end are those I am about to state to you and to justify. When I say that the Charter is a good end, do not suppose I am mixing myself up with any opinions whatever, for, though it has been attempted to deprive us of the glorious privilege which we have of defending all men, no matter of what they may be accused, and of thus lending to each man that security which the law ought to lend: though there has been an attempt made, and in high places, too, to affix on the advocate the opinions of those he defends, yet I shall most boldly come forward to justify the proceedings of these defendants, well knowing that you and my country will think I am strictly performing my duty as a member of the English bar.

Now, gentlemen, the object which these men had in view was their Charter. The means which they took to obtain their Charter was to get so large a number of names attached to what they call their National Petition as to make the Parliament of Great Britain feel that that petition was worthy of deep consideration, and that from its numbers it deserved respect, and they have attained that object. Their National Petition has been presented.(*a*) The Charter has been asked for from the Parliament of England, and though the Parliament in its wisdom has not thought fit to grant the request which was made to it, every man, from the highest to the lowest, in that august assembly declared that from the very numbers of signatures which had been obtained the petition was deserving of all consideration and respect. And, therefore, you clearly see that these men have been justified, and are justified, in seeking to obtain the end they have in view. And yet their petition has been turned against them, and has been made a means of accusation here as

(*a*) The National Petition, alleged to have been signed by 1,200,000 persons, was presented to the House of Commons by Mr. Attwood on the 14th June. See Annual Register, 1839, p. 304; Hansard, Parl. Deb. 3rd series, 48, 222; Com. Journ. 94, 339.

if they were about to overawe and terrify the Legislature; thus converting what was intended to obtain the respect of the Legislature into a means of overawing them. But, gentlemen, from whom does this accusation come? I have it from my learned friend that it comes from the present Administration; men who of all others ought not to have brought it; men who of all others have taught the people that this was the way to obtain their ends, and now when some of them go one step beyond what that Government desires, and ask for a modification of that which those very arts and those very means have attained, because their peace and comfort and their places are concerned, bring this accusation against my unfortunate clients. It is true—you know it, and there is not a man in this Court who does not—I appeal to all my learned friends and one particularly who is in Parliament. Have we not all seen the thing? Have we not all been part and parcel in the thing? We all know that the greatest names have been brought forward to sanction these proceedings by large meetings; and there is not a large town in Great Britain that has not had its rest and peace disturbed in this way by Reform meetings. You cannot teach them to-day and unteach them to-morrow. If in 1832 you made them believe you could obtain Parliamentary Reform by petitions coming from such an assembly, can you wonder that in 1839 they should seek to obtain their charter by the same means? You are called on to ask yourselves this question: Are these meetings at all different in their character from those which we have been accustomed to see for so many years? and is the rhodomontade language, of which you have heard some specimens to-day in that box, at all different from that which you have been in the habit of hearing, and which has been daily sanctioned by this very Government? At this very moment there is a man upon whose breath the stability of this present Ministry rests,(*a*) and who has every day of his life been ten times more guilty than my clients have been; a man whose breath has been agitation, who has preached up resistance to all law to obtain what he calls, "Justice for Ireland." And yet this man is the favourite of the Whig Administration, while my client here, because he does not happen to have a long tail in the House of Commons, is now brought before you charged with a misdemeanor, and his liberty endangered by these proceedings. You smile, gentlemen, when I talk about a "tail," but this prosecution being now acknowledged by the Government imposes upon you the duty of inquiring into these proceedings. It is for you to ask yourselves whether the speeches now before you, and which have been sworn to in that box, in the slightest degree differ from those which have been familiar to us all, or whether, if they do differ from them, the difference does not consist in the mildness of their character as compared with those which are daily sanctioned by the same Government across the Irish Channel. You will see why I put this to you. A man like my client, *Vincent*, or any of the other defendants, seeing these things daily take place, seeing them sanctioned by Parliament, seeing them sanctioned by the Ministers, says, "What is law in Ireland is law in England"; or, to use a homely phrase, "What is sauce for the goose is sauce for the gander." If Mr. *O'Connell* can call together five hundred thousand fighting men and the next day dine with the Lord Lieutenant, Her Majesty's Minister, surely my client may go down to Newport, and say two or three things which he might have left unsaid, without having a prosecution instituted against him under the sanction of that very Government. But we may have large meetings, we may obtain a large number of signatures to our petition, we do not say a word about men, we do indeed say something about our being over-taxed, and some one was foolish enough to follow Lord *Fitzwilliam's* example and say he would not pay taxes. If all that has been done in Ireland, although my Lord probably, in the exercise of his judicial functions, will tell you it is no justification to us, that it is not a legal justification, that it does not bring my clients without the grasping fingers of the law, yet in morals it does amount to a justification.

And I will tell you why I think it a justification in law also. Was there any danger? None whatever. My friend acknowledged it. In the commencement he said there was no danger of a breach of the peace immediately; but he said there was danger that at some time hereafter an intention would be shown to overawe the Government. Every one of the witnesses has said that there was no outbreak or breach of the peace committed; and although one or two persons spoke to some alarm being felt, it is obvious that there was not the slightest difference between the character of these meetings and of those which took place in the year 1832. They were of the same character; noisy and foolish as public meetings are, as I know to my sorrow, for I have attended a great number, and have

(*a*) O'Connell.

been art and part in making as much noise at those unfortunate meetings as anybody else. But this is a necessary evil, and if you are to have the forms of our present constitution, I do not see how you are to get out of it. The people are told, and clearly enough, that the only way except through their representatives of expressing their opinions is by thus vividly pourtraying what public opinion is. It is considered one of the beauties of the English Constitution that we should be able to come forward and state our grievances; so that, although we have a Parliament, that does not represent everybody, yet it shall have so vivid a perception of what the people feel through public meetings, that we shall obtain all the ends that could be attained even supposing every one of us was represented. If I have any anxiety in this business it is because you and I are at this moment in jeopardy of losing one of the greatest securities we have for the good government of this country. I wish you to understand that the object which these parties had in view was their five points, or even six, for my friend left out one which I will supply immediately. They did seek, they do seek, and I have no doubt they will continue to seek, for what they call universal suffrage, which is not in fact universal; for the ballot, for which I daresay my friend has voted; for annual Parliaments, for which I am sorry to say my friend has not voted, for doing away with the property qualification, and for the payment of members. Now as to that part of the claim made by those who advocate the principles of the Charter, I was really surprised at the observation of my friend. It was in accordance with his usual candour and justice, for he must have known at this very moment in six and twenty great sovereign and independent States and one great general Confederacy every man who goes to Parliament is paid for every day that he attends in Parliament. I now speak of the United States of America. Why, then, should it be thrown in the teeth of these humble men that they are seeking for plunder when they are simply seeking to establish in this country (whether wisely or not I do not inquire) that which is sanctioned by the names of *Washington* and *Franklin*, for if they are charged with avarice and a desire for money, so also ought those great luminaries of the world to have been? But they say they wish for no property qualification. Why that happens at this moment in the learned Universities which send representatives to Parliament; so that there is for all these things a certain degree of sanction, and though they are not in themselves very terrifying, but are plain, simple, and perfectly legal objects, you are told that they meant to bring the Government of the country into contempt. Now if by the Government is meant the present Ministry, I am one of the most offending men alive, for I do most sincerely wish to bring them into the contempt of the people of England, because I believe them richly to deserve it; and will anybody make my saying so the foundation of a charge against me? But they say we do not mean the Government; we mean, says one of the witnesses, the system of government. And so we do want to bring the system of government into contempt; and why? Why because we want to change it. Why every day brings change with it: and in 1832 there was a much greater change successfully propounded and carried by both Houses of Parliament. It is clear, therefore, that the object which these parties profess to have is not an indefensible, but a legitimate, one.

Now I have said that the object which they have in view is a legal one; and I think you must be satisfied that I am right in that. Then what are the means by which they seek to attain their end? The means are large meetings of the working classes. Now I most fully concur in the observation which my friend made about the evil likely to arise from what are called working men's associations. No man more deeply laments than I do the fact that in England there should be a separation of any portion of the inhabitants. I believe that all classes of people in this country have one common interest, and that that interest is best secured by a good Government and by everybody having the produce of his own labour. It is perfectly legitimate to obtain such an end, and I am about to show that the means by which we have sought to obtain it are perfectly legal also. "Now an unlawful assembly," says my learned friend, quoting the words of Mr. Justice *Bayley*,(*a*) "is one which is gathered together in such a manner as is likely to create terror and alarm either from its numbers, from the manner of its assembly, or from any other peculiarity about it." But that terror and alarm is not the terror and alarm such as a weak-minded woman might feel. It is not the sort of alarm that a child might entertain. But it is the alarm which sober and well-judging men, accustomed to the practical business of life, might entertain, taking into consideration all the circumstances of the case. Now suppose you had been accustomed to live in the town of Newport, and that you had seen all those meetings which you must have seen if you have lived in England or Wales since 1830—very

(*a*) See *Rex* v. *Hunt*, 1 St. Tr. N.S. 434.

large meetings of the people called together for a variety of purposes. For example, you have had people called together for the purpose of adopting measures with a view to procure the emancipation of the blacks; people called together for the purpose of petitioning against the poor law; people called together to petition for a repeal of the corn laws. Why there is not a single thing in the whole business of life that there is not some busy person gets up a meeting for; and if he can get a sufficient number together he always has it in the open air, and when he cannot get a sufficient number he has it in a small room, and states it to be "exceedingly respectable." Now did anything happen at these meetings different from that which I have stated? A meeting takes place on the 19th of March. People walk together. One man says they were "marshalled"; another says they were "banded together"; another says they were "linked arm-in-arm." Now is there any harm in that? Do not all of us, when we walk through the streets, walk arm-in-arm? It is the best way of getting through a crowded street; and I myself saw the streets of London actually blocked up from Copenhagen Fields right across Westminster Bridge past the Home Office, and into Lambeth, by a large meeting I think of the working classes. They passed by and gave to Lord *Melbourne*, the present Premier, a petition which he received from them with reference to the Dorchester labourers.(*a*) Therefore, there is not a matter that you do not have a meeting for; and people gather together just as every benefit club in this town and every other in the country do. So that I think we may put by that talk about marshalling the people. Then it is said that some of the people carried walking sticks, and one of the witnesses said that he himself carried a short one. I wish I had my own in Court at this moment, and I think you would say it was a pretty large one for such a little man to carry. Then says the witness, there was not simply a large number of people, but there was a great deal of cheering and hooting and hissing to boot. Are we to be hooted and hissed out of our liberty, because people present at a meeting choose to hiss or do any other foolish thing? For I think they are foolish. Then it is said there was violent language also used by certain parties, and from that language it has been sought to make you believe that the object of these people was, if their demands were not granted, to take that by force which was not granted to their peaceful desires. That is the real point of this accusation. One of the witnesses said that *Henry Vincent* stated something out of *Paley's* Moral and Political Philosophy.(*a*) Now I recollect the passage perfectly well. It is a very powerful one, and the only unfairness that I can see about the matter was Mr. *Vincent* or anybody else reading only the first part of it. The object on the writer was to show the advantages of property, and he put at first in a strong way the opposite side of the question, and lest there should be any mistake about it I will just read it. It is Book 3, title "Relative Duties." The passage is in these words:—

"If you should see a flock of pigeons in a field of corn, and if (instead of each picking where and what it liked, taking just as much as it wanted and no more) you should see ninety-nine of them gathering all they got into a heap, reserving nothing for themselves but the chaff and the refuse; keeping this heap for one and that the weakest, perhaps worst pigeon of the flock; sitting round and looking on all the winter, whilst this one was devouring, throwing about, and wasting it; and if a pigeon, more hardy or hungry than the rest, touched a grain of the hoard all the others instantly flying upon it and tearing it to pieces; if you should see this, you would see nothing more than what is every day practised and established among men. Among men you see the ninety and nine toiling and scraping together a heap of superfluities for one (and this one, too, oftentimes the feeblest and worst of the whole set—a child, a woman, a madman, or a fool); getting nothing for themselves all the while but a little of the coarsest of the provision which their own industry produces; looking quietly on while, while they see the fruits of all their labour spent or spoiled, and if one of the number take or touch a particle of the hoard, the others joining against him, and hanging him for the theft."

That is Archdeacon *Paley*, a clergyman of the Church of England, whose work on morals is taught in our universities, and who has himself put this very strong case against the existence of property which he takes pains afterwards to prove, in spite of all those evils which cannot be denied, is an advantage to the community at large. Now what does my client say? He says that there is a certain number who feed upon the labours of others, and he calls them the idle classes, and talks about the aristocracy (whether wisely or not it is not for me to say). But at this time of day shall it be said that because a man says the aristocracy are idle and mischievous, therefore he commits a breach of the peace and ought to be punished? Why I have with my own ears heard

(*a*) See Courts and Cabinets of William the Fourth, 2, 82; Ann. Reg. 1834, Chronicle 58; *Rex.* v. *Lovelass* below, Appendix A.

(*a*) Bk. 3, part 1, chap. 1.

people get up and say—aye, and print it, and put their names to it too, that the House of Lords is a nuisance, and yet nobody ever thought of charging such persons with a misdemeanor. It was left, as all such things should be left, to the good sense of our countrymen to determine the value of such propositions. That is the right way of testing them. That is the proper mode of treating such persons as these, and not a State prosecution. Then it is alleged that, supposing I get over that difficulty, other and worse things have been said. I think that *Vincent* was pretty much the sole speaker on these occasions, and that all the other persons are dragged into the conspiracy because they were sitting by while *Vincent* was indiscreet enough to make use of certain expressions.

Now let us run rapidly through all these various statements and see what they amount to. Why I think they amount to this: That parties go to the meetings very much prejudiced and prepossessed against the Chartists, and they seize on isolated phrases, and make them the groundwork of their accusation, leaving out all the qualifying clauses which would give to the speeches their true colour. Now, gentlemen, if I were to serve my friend in that way, and were to select some of the very eloquent things which he has written and published,(*a*) and take them without the context, I could show you some very democratic speeches, I could bring forward one very powerful and republican speech which he has put into the mouth of a Republican. If, however, I were to do so I should be doing my friend a very great injustice, because it is not by isolated passages, but by the whole context of a book, or of a speech, that you are to judge of its tendency. Now, how is *Vincent* proved to have acted throughout? He is proved to have recommended peace and order from first to last. He is proved to have used every effort to induce the people not to break the peace, and he is proved to have told them that, if they hoped to obtain the changes which they sought, they must be obtained by law and peace and order. But, says somebody, it is all very well to put these phrases forward as a sort of safeguard for himself, and under the shield of that general proposition to put forward dangerous assertions, just as we have heard of the old story of the Irishman who said to his friends, "You see that man yonder? Now be peaceable, my boys, and do not put him under the pump"; thus putting it into their heads to do that which before had never occurred to them. Now that is a broad and very homely way of stating it, and I put it thus strongly because I am going to answer it. There you see at once that the intention of the party was to guard himself, and yet to obtain a sinister end. But do you believe that *Vincent* would come down to Newport, and make it always the burthen of his song that there must be peace and order, and that all their intents and purposes could only be obtained by legal and peaceable means, if his object was to break the peace and to produce disorder? If in the excitement of the moment he made use of expressions which he would not have given utterance to if he had had time for reflection, ought he to be charged with a desire to break the peace when his constant endeavour was to preserve the peace? There are very few men who could talk for an hour on any subject which interests them deeply without saying something they would wish unsaid. But what you are to judge of is the real intent and meaning of the man, and not any hasty or even violent expression which in the heat of political discussion may have escaped from him. You are to consider what is the sober intention of the man, and you are not to judge him by a slip of the tongue. But the chief rhetorical phrase used is, "To your tents, O Israel!" Now that is a very unmeaning phrase by itself. It has a meaning in the place from whence it is taken,(*a*) and its introduction into the speeches on these occasions was nothing more than an intimation of the bad taste which has been handed down to us by our puritanical forefathers, and which has led people to quote passages from Scripture both in season and out of season. Now I really believe that the great part of this has arisen out of a personal feeling against *Vincent* and the others who got together these meetings, because they very unwisely quarrelled with the mayor and certain other of the authorities of Newport. And from the date of the Mayor of Garratt(*b*) downwards, that class of functionaries has been extremely quick and sensitive about their dignity. There is nothing like a lord mayor's or an alderman's dignity, and if you hurt it you must suffer for it. *Vincent* is charged with seeking to bring the lawful authorities into contempt because he called the mayor a nincompoop! That, no doubt, is the spring from which this prosecution flows. These parties were foolish enough to call the

(*a*) Serjeant Talfourd was the author of "Ion, a Tragedy," and other works. See Foss, Judges, 9, 273.

(*a*) 1 Kings, xii. 16.

(*b*) See Brewer's Dictionary of Phrase and Fable, 331.