

AN
HISTORICAL ACCOUNT
OF THE
L U D D I T E S
OF 1811, 1812, AND 1813,
WITH
REPORT OF THEIR TRIALS
AT YORK CASTLE,
FROM THE 2ND TO THE 12TH OF JANUARY, 1813,
BEFORE
SIR ALEXANDER THOMPSON AND SIR SIMON LE BLANC,
KNIGHTS,
JUDGES OF THE SPECIAL COMMISSION.

HUDDERSFIELD :
PRINTED AT THE OFFICE OF JOHN COWGILL, QUEEN-STREET.

—
1862.



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P R E F A C E .

WE venture to predict that the re-issue of this publication will meet with your entire approval—the matter having been culled from the most authentic sources, and with the greatest care, to preserve the facts and most important incidents connected with that eventful period.

The reasons for re-issuing this book, after a lapse of fifty years, are—First: to satisfy that natural inquisitive demand for some knowledge of the HISTORY AND TRIALS OF THE LUDDITES, caused in very many instances by the relative or friendly connection with those deluded men; as incidents by “flood or field” in the particular district in which we reside, are of more interest than those occurring in other districts; just so do we anticipate the general reading of this re-issue, from the close and intimate connection it does, and ever will, hold in the history of this locality. Secondly: we re-publish it that the public mind may be the better informed of the real position of those, no doubt, good but misguided men, who felt themselves much aggrieved by the introduction of machinery to supplant manual labour, and the high price of provisions at that time.

That the introduction of machinery should create in men's minds a feeling of disgust, and incite them to tumult and riot at that period, we need not wonder, when we take into consideration the general intelligence not only of the workmen but of that class who were above them.

A few years before "GENERAL" LUDD made his appearance, we find the Legislature engaged on the *consideration* of a bill to repeal certain provisions, regulations, and restrictions, in various acts of parliament relating to the length, breadth, and weight of woollen cloths; the tentering, stretching, and straining, viewing, searching, and sealing of them by officers appointed for that purpose; the boiling of wool with certain ingredients; the prohibition of the use of lamb-wool; the use of gig-mills, and the number of looms, &c.; we say we need not wonder at the feeling of the populace, when we find the Government of that day seriously considering the *propriety* of abolishing that supervision and restriction which must have cost the clothier more by limiting his operations in the field of industry, than any damage done by the LUDDS. The country at large must have been greatly imposed upon by the worse than insane measures then in operation, in regard to the manufacture of woollen cloths.

Reader, be not too severe on the character of NED LUDD, for he only attempted to do that in a small way—*destroy the machine which ate his bread*—as the Government had done with restriction—by preventing the growth of machinery, and consequent increase of trade. Art and science, as then applied to the necessary wants and comforts of life, were in their infancy; every new invention had new difficulties to contend

with ; wherever machinery displaced men's labour they felt aggrieved, and the first impulse was to destroy it, but as the arts and sciences have become more applied to the every-day affairs of life, men have become wiser and more willing to turn themselves to better account ; and, instead of destroying it and jeopardizing their liberty and lives, have learnt to watch and serve it, taking good care, so far as their influence and power go, to make it the slave of the wants and wishes of an intelligent public ; to perform the greatest drudgery, or the most delicate operation ; to convey the heavy loads of merchandise from place to place, or to waft our thoughts from pole to pole ; to build our leviathans that plough the mighty deep, or cast the font that symbolize the words as they drop from our lips, is all the handiwork of science applied to the constant wants of a progressive people.

Let us hope that the perusal of this little book will warn all against the folly and prejudice of looking upon machinery as an evil. The market gardeners around London protested against the introduction of railways, the easy facility thus offered for bringing produce from the country would ruin them ; printers, weavers, spinners, almost every branch have given the same cry, and with the same results.

We do not deny, or shut our eyes to the fact, that every new invention, when applied to the manufacturing or agricultural interests of the country, has for a time thrown some hands out of employment, or perhaps wholly supplanted them, but at the same time creating new branches of trade, and considerably augmenting the number of hands engaged in others, so that the folly of *rising up* against machinery, or even *pro-*

testing against it, proves a weakness of mind in these days of cheap literature, mechanics' institutions, and working-men's reading rooms, anything but creditable to the individual.

Working-men "have contributed well to the advance of that science, which in turn has contributed to their good, and not only theirs, but the good of all. The people then have earned their right and title to share amply in all and everything that science can effect and work out for the general advantage of the human race."

In conclusion: we commit our little book on the tide of public opinion, with the confident hope that though tossed now and then on the rough swells of prejudice and ignorance, yet ultimately it will reach the haven of rest on the table or shelf of every cottage in the kingdom, the mansion, and the palace.

' Hail! mighty Science! Nature's conquering lord!
Thou star-crowned, steam-winged, fiery-footed power!
Hail! gentle Arts, whose hues and forms afford
Refined enchantments for the tranquil hour!
Hail! tolerant teachers of the world, whose dower
Of spirit-wealth outweighs the monarch's might!
Blest be your holy mission, may it shower
Blessings like rain, and bring, by human right,
To all our hearts and hearths, love, liberty, and light! "

HISTORICAL
ACCOUNT AND ORIGIN
OF THE
LUDD RIOTS.

TOWARDS the close of the year 1811, a spirit of riot and insubordination manifested itself in the county of Nottingham, which, in the course of that year, extended to the counties of Derbyshire, Leicestershire, Lancashire, Cheshire, and Yorkshire, and in some degree, pervaded all the manufacturing districts of England. The insurgents, who assumed the name of "LUDDITES," probably with a view of inspiring their adherents with confidence, the malcontents gave out that they were under the command of one leader, whom they designated by the fictitious name of Ned Ludd, or General Ludd, calling themselves *Ludds*, *Ludders*, or *Luddites*. There is no reason however to believe that there was in truth any one leader. In each district where the disaffection prevailed, the most aspiring man assumed the local superiority, and became the General Ludd of his own district.

The avowed and immediate object of the Luddites was the destruction of certain articles of machinery, the use of which had superseded or diminished manual labour, in the manufacture of the articles to which they were applied. These disturbances, which had now attracted the attention of parliament, and excited apprehensions of the most alarming nature, first manifested themselves by the destruction of a great number of newly-erected stocking-frames, by small parties of men, principally stocking-weavers, who assembled in various places round the town of Nottingham. The men engaged in the disturbances were at first principally those thrown out of

employment by the use of new machinery, or by their refusal to work at the rate of wages offered by the manufacturers, and they particularly sought the destruction of frames owned by those hosiers, or worked by those men who were willing to work at the lower rates. In consequence of the resistance opposed to the outrages of the rioters, in the course of which one of their number was shot, on the 11th of November, at Bullwell, near Nottingham, they became still more violent, and the magistrates found it necessary to call in the assistance of a considerable armed force, which was promptly assembled, consisting, at first, principally of local militia and volunteer yeomanry, to whom were added about four hundred special constables. The terror of this force seemed for a time to allay the spirit of insubordination; but before the end of the month of November, the outrages were renewed, and assumed a more serious systematic character. In several villages, the rioters not only destroyed the frames, but they levied contributions for subsistence, which rapidly increased their number, and enlarged their sphere of action.

A considerable regular military force was now sent to Nottingham, and in January, 1812, two of the most experienced police magistrates were dispatched from London to that place for the purpose of assisting the local authorities in their endeavours to restore tranquillity in the disturbed districts. The systematic combination with which the outrages were conducted, the terror which they inspired, and the disposition of many of the lower orders to favour, rather than to oppose them, made it very difficult to discover the offenders, or to obtain evidence to convict those who were apprehended. Some, however, were afterwards proceeded against at the spring assizes of 1812, at Nottingham, and seven persons, convicted of different offences connected with the riots, were sentenced to transportation. In the meantime, acts were passed by the legislature for establishing a police in the disturbed districts, upon the ancient system of watch and ward, and for making the destruction of stocking-frames a capital crime, punishable by death.

Early in the year, the spirit of riot and disturbance spread itself into Cheshire and Lancashire; at Tentwistle, in the former county, the cotton machinery in Mr. Rhodes's mill was totally destroyed; and at Stockport, the house of Mr. Goodwin

was set on fire on the 14th of April, and his steam-looms destroyed. On the 20th of the same month, the manufactory of Messrs. Daniel Burton and Sons, situated at Middleton, six miles from Manchester, was attacked by a mob, consisting of several thousand persons, and although the rioters were repulsed, and four of their number killed by the military force assembled to protect the works, a second attack was made on the following day, when Mr. Emanuel Burton's dwelling-house was set on fire, and destroyed. About the same time riots took place in Manchester, of which the alleged cause was the high price of provisions. At West Houghton, near Bolton-le-moors, the rioters taking advantage of the absence of the military, assailed the large manufactory of Messrs. Wroe and Duncuft, and after having forced the doors, and set fire to the mill and machinery, dispersed before the soldiers could be assembled.

Symptoms of the same lawless disposition appeared at Newcastle-under-line, Wigan, Warrington, and Eccles; and the contagion had spread to Carlisle, and into Yorkshire. In Nottinghamshire, the machinery obnoxious to the rioters was wide weaving frames; in Lancashire, looms wrought by steam; and in Yorkshire, gig-mills, or machinery used in the shearing of woollen cloth—all inventions of modern date, and each of them calculated to supersede or diminish the demand for manual labour. In the immediate neighbourhood of Huddersfield, in the West Riding of Yorkshire, the destruction of dressing machines began early in February. In March, the machinery belonging to Mr. Francis Vickerman, in that neighbourhood, was destroyed. In April, the destruction of Bradley Mills was threatened; but the execution of these threats was frustrated by the presence of a military guard, to which the protection of that extensive concern was, for many months, confided. The inhabitants of Leeds had for some time been much alarmed by information that attacks were intended to be made on various places in that town and neighbourhood; and early in the month of January, an assemblage of insubordinate workmen, with their faces blacked, and armed with offensive weapons, took place. On the first night of their meeting, they were surprised by the vigilance of the magistrates, and prevented from committing any outrage; but on the 19th of that month the

gig-mill of Messrs. Oates, Wood, and Smithson, was wilfully set on fire, and considerable damage done to the building and machinery. This incendiary act was succeeded by a regular and systematic attack upon the mill of Messrs. Thompsons and Brothers, at Rawden, in the same neighbourhood, on the night of the 23rd of March, when the shears used in dressing the cloth were broken, and the machinery rendered useless. Previous to the attack the rioters seized and secured the watch ; and when the mischief, which occupied but a few minutes in the perpetration, was effected, they assembled on a neighbouring eminence, and called over the numbers by which each man was designated, and instantly dispersed. Only two nights after, a quantity of woollen-cloth, of the value of five hundred pounds, dressed by machinery, the property of Messrs. Dickinson and Co. was cut in shreds in their dressing shops, at Leeds. At Horbury, near Wakefield, the mill of Mr. Foster was attacked by an armed body of men, supposed to consist of three hundred, who marched in regular sections to the assault, and destroyed the machinery, having previously secured two of the sons of the proprietor, by tying them together in their bedroom.

These outrages which had hitherto been practised in the county of York almost with impunity, were at length doomed to receive a check : about midnight on Saturday, the 11th of April, an attack was made by a body of armed men supposed to amount to about one hundred and fifty, upon the shearing-mill of Mr. William Cartwright, situated at Cleckheaton, at about an equal distance from Leeds, Huddersfield, and Halifax. The mill was defended with so much gallantry by Mr. Cartwright, the proprietor, assisted by two soldiers, and four of his work-people, that the assailants, after a number of desperate efforts, were completely repulsed, and two of their number left upon the field mortally wounded.

From this period, the insurgents determined upon a different course of conduct ; they had found one of the mills invulnerable, and it was supposed that other proprietors, animated by the success of Mr. Cartwright, would in future defend their property ; it was therefore determined no longer to attack the mills, but to strike at the life of the owners : in pursuance of this sanguinary resolution, Mr. William Horsfall, a respectable merchant and mill-owner at Marsden, in the neighbourhood of

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disaffected was clearly manifest, all which societies were directed by a secret committee, which might be considered as the great mover of the whole machine; and it was established by the various information received from different parts of the country, that these societies were governed by their respective secret committees; that delegates and messengers were continually dispatched from place to place for the purpose of concerting plans and conveying information;* that an illegal oath of the most atrocious kind was extensively administered;† and that secret signs were arranged, by which the persons engaged in these conspiracies were known to each other. The military organization, carried on by persons engaged in these societies, had also proceeded to an alarming length; in some parts of the country they assembled in large numbers, chiefly by night, upon heaths or commons, taking the usual precaution of paroles and counter-signs. The muster-rolls were called over by numbers, not names; they were directed by leaders, sometimes in disguise; they placed sentries to give alarm at the approach of any person, whom they might suspect of an intention to interrupt or give information of their proceedings; and they dispersed instantly at the firing of a gun, or other signal agreed upon, and so dispersed as to avoid detection. In some

* A small weekly contribution paid by every member of these combinations formed a fund, by which the delegates and messengers were wholly or in part supported, according to the nature and extent of their services. This fund there is reason to suppose was also applied to the support of the imprisoned Luddites; and its application in this way, combined with the nature of the oath, may in some degree account for the paucity of information collected from them while in prison, and even in the prospect of death. In fact, they made no disclosures. All their secrets, whether they related to the organization of their societies, the names of their leaders, or their depots of arms, died with them.

† Several copies of the oath were discovered, but the following appears to be the correct version:—

OATH.—“I, A. B., of my own voluntary will, do declare, and solemnly swear, that I never will reveal to any person or persons under the canopy of heaven, the names of the persons who compose this secret committee, their proceedings, meeting, places of abode, dress, features, complexion, or any thing else that might lead to a discovery of the same, either by word, deed, or sign, under the penalty of being sent out of the world by the first brother who shall meet me, and my name and character blotted out of existence, and never to be remembered but with contempt and abhorrence; and I further now do swear, that I will use my best endeavours to punish by death any traitor or traitors, should any rise up among us, wherever I can find him or them, and though he should fly to the verge of nature, I will pursue him with unceasing vengeance. So help me God, and bless me to keep this my oath inviolable.”

instances, signals were made by rockets and blue lights, by which they communicated intelligence to the parties, and the system evinced an extraordinary degree of concert, secrecy and organization. The collection of arms and ammunition, and the progress in discipline, as manifested in the attacks upon some of the mills, could not fail to produce in the country a great degree of alarm ; and the system of intimidation produced by the oaths administered to the initiated ; the destruction of property ; and the threats held out against, and, in some cases, executed upon their opposers, greatly aggravated this alarm, and for a long time tended to baffle every effort made to bring the offenders to justice.

In consequence of the report of the secret committee appointed by parliament, from which the foregoing relation is principally drawn, government determined to adopt decisive and vigorous measures against the insurgents. A bill was immediately brought into the house of commons, which made it a capital offence to administer illegal oaths ; and the power of the magistrates in the disturbed districts was considerably enlarged.

These measures were strongly objected to by Mr. Whitbread, Sir Francis Burdett, and several other members, on the ground that the report of the secret committee had been entirely made up from documents and evidence which were by no means entitled to implicit belief ; and which ought not to guide parliament when they were about to legislate for the purpose of curtailing the liberty of the subject and increasing the number of capital crimes, already much too great in the criminal code of this country. That at any rate, if such strong and severe measures as those proposed by ministers were to be resorted to, it would be but just that government should, at the same time, as much as lay in their power, remove the cause of the disturbances which they were about to punish ; that their principal cause must be sought in the extension of taxation, and destruction of commerce and manufactures ; and that these, in their turn, originated in the foolish and wicked continuance of a war without object and without hopes, and in the profligate expenditure of the public money. These representations, however, had no effect ; and it must be confessed, that when certain classes of the people, in any country, are so ill-advised as to have recourse to violence and force for the purpose of

removing their real or imaginary grievances, it is the first and most imperious duty of government to protect the peaceable and well-disposed, and to restore public tranquillity by subduing the lawless. After order and tranquillity are restored, government have another duty to perform, equally imperious—the removal of every real and well-founded cause for complaint and dissatisfaction: and a government that with equal judgment and promptitude performs both these duties, will be at once respected and loved, and will best secure the well-being of the nation committed to its charge.

The exertions of the magistrates in Lancashire and Cheshire, had, early in May, filled the gaols of those counties with prisoners, charged with various offences; and in the interval between the spring and the summer assizes, special commissions were issued to try the offenders. These commissions were opened at Lancaster on the 23d of May, before Mr. Baron Thompson and Sir Simon Le Blanc; and at Chester on the 25th of the same month, before Mr. Justice Dallas and Mr. Justice Burton. Under each of the commissions numerous convictions took place for every gradation of offence; and of the capital convicts, eight at Lancaster, and two at Chester, suffered the penalty of the law.

Although the excesses in the west-riding were checked by the executions in the neighbouring counties, and by the laws passed by parliament, yet no very important discoveries were made in the county of York, earlier than the month of July. At that time some commitments took place, and information was obtained, principally through the zeal, perseverance, and energy, of that intrepid magistrate, Joseph Radcliffe, Esq. of Milns-Bridge, near Huddersfield,* by which sixty-four persons, charged with offences connected with the disturbances in the west-riding, were, before the close of the year, apprehended and lodged in the castle at York. Government now determined to issue a special commission for the trial of these prisoners, which was directed to Mr. Baron Thompson, and Mr. Justice Le Blanc, who appointed the 2nd of January for opening the assize. The trials exhibited a scene of moral

* As a mark of the royal favour for the distinguished services rendered to the country at the period now under consideration, this gentleman was, in the course of the following year, created a baronet.

turpitude, at which the mind shudders ; of sixty-four prisoners, eighteen of which were capitally convicted ; of whom three, the murderers of Mr. Horsfall, were executed on Friday the 8th of January, and fourteen others on Saturday, the 16th of the same month, the sentence of the remaining capital convict being commuted to transportation for life. Six were convicted of administration of unlawful oaths, and sentenced to be transported for seven years ; seven others put upon their trials were acquitted : seventeen, against whom bills of indictment had been found for capital offences, were discharged on bail ; and sixteen others by proclamation.

For some months before the special assize, the disturbances in Yorkshire, as well as in all the other manufacturing districts of the kingdom, had nearly subsided ; and this tremendous example, made to the offended laws of the country, served to confirm and render permanent the public tranquillity.

SPECIAL COMMISSION.

YORK, *January 2nd*, 1818.

PROCEEDINGS UNDER THE SPECIAL COMMISSION AT THE CASTLE,
AT YORK, OPENED THIS DAY BY MR. BARON THOMPSON AND
MR. JUSTICE LE BLANC, FOR THE TRIAL OF OFFENCES, CON-
NECTED WITH THE DISTURBANCES LATELY EXISTING IN THE
WEST-RIDING OF THIS COUNTY.

The GRAND JURY, the same as the last Assizes, with the
exception of J. S. WORTLEY, Esq., in the room of Sir W.
INGLEBY.

Hon. HENRY LASCELLES, of Stainsby, Foreman.
Hon. WM. GORDON, of Radding Park.
Sir B. REGINALD GRAHAM, of Norton Conyers, Bart.
Sir HENRY CARE IBBETSON, of Denton Park, Bart.
Sir MARK MASTERMAN SYKES, of Sledmere, Bart.
JAMES ARCH. STUART WORTLEY, of Wortley Hall, Esq.
ROBERT FRANKLAND, of Thirkleby, Esq.
JOHN ROBINSON FOULIS, of Healerton, Esq.
THOMAS DAVISON BLAND, of Kippax Park, Esq.
JOHN LISTER KAYE, of Grange, Esq.
THOMAS NOECLIFFE, of Langton, Esq.
JOHN BELL, of Thirak, Esq.
RALPH CREYKE, of Marton, Esq.
HALL PLUMER, of Stockton Hall, Esq.
THOMAS DUNCOMBE, of Towlston Lodge, Esq.
JOHN YORK, of Halton Place, Esq.
RICHARD BETHELL, of Catfoss, Esq.
RICHARD STAINFORTH, of Hutton Lodge, Esq.
JOSEPH RADCLIFFE, of Milnsbridge, Esq.
ROBERT HARVEY, of Farnham, Esq.
JOHN WILMER FIELD, of Heaton, Esq.
HENRY WILLOUGHBY, of Hutton, Esq.
RICHARD YORK, of Wighill Park, Esq.

CHARGE TO THE GRAND JURY.

THE Grand Jury having been sworn, BARON THOMPSON addressed them in terms of the following import :—

“ Gentlemen of the grand inquest, we are assembled in this place by virtue of his Majesty’s commission, at a season of the year unusual for the solemnities of justice. None of us can be insensible of the necessity there exists of investigating the circumstances which have of late so much disturbed the public peace. You will perceive that I allude to those acts of outrage with which a great number of prisoners in the calendar stand charged ; that of having perpetrated various acts of outrage on the property and persons of individuals, and that in some instances repeatedly these acts of violence have been continued with little intermission, nearly the whole of the year, which has just closed. These mischievous associations, so dangerous to the public peace, and so destructive to the property, and in some instances, to the lives of individuals, originated in a neighbouring county, and at first had for their object the destruction of machinery, which by diminishing the quantity of human labour in our manufactures, was by them conceived to be inimical to the interests of the labouring classes ; a notion probably infused into their minds, by some evil-disposed persons, for the worst of purposes ; but a more fallacious and ill-founded argument cannot be conceived. It is to machinery that we probably owe the existence, certainly the excellence and extent of our manufactures. Whatever lessens the expense of preparing an article, by diminishing its price, promotes its consumption, and increases the demand for it, and if the use of machinery was discontinued, our manufactures would be destroyed.

“ The spirit of insubordination quickly spread, and reached the West-Riding of this county ; and from the destruction of machinery used in manufacture, transition was easy to the destruction of the buildings. When large bodies of men are associated for illegal purposes, the progress from one crime, to another still greater, is rapid ; the destruction of the buildings led to the stealing of fire arms, to carry on their daring designs ; and from the stealing of arms to the indiscriminate plunder of every kind of property, and even to murder itself. A temporary impunity for the law, though sure, is slow, may have embold-

ened these men in their lawless career, until they have struck at life itself. Innocent and useful men have suffered in their persons and their property from this violence, and these depredations, and some of them under circumstances which carried with them utmost terror and alarm. Armed bodies of men, in some instances several hundreds at once, under the command of leaders, have attacked, by day and night, buildings in which machinery was employed, and in one instance fired upon the persons in the building. But the worst feature is behind; I mean that of a most foul assassination, the murder of Mr. Horsfall in open day as he was returning from Huddersfield. He was fired at from behind a wall, a few miles from Huddersfield, by several persons, and severely wounded, of which wounds he died, within a day or two.

“With this murder several of the persons in the calendar stand charged, and when the cases shall come before you, you will treat them as the evidence laid before you shall dictate. In this case, as well as in some others, it may be necessary to submit to your consideration the testimony of an accomplice; you will attentively consider in what respects his evidence is corroborated, and rendered worthy of credit by other circumstances. He is in law a competent witness; but as he comes forward to charge others with a crime, in the participating of which he acknowledges himself guilty, you Gentlemen, and more especially those who will have ultimately to decide upon the case, receive his evidence with a sober degree of caution and jealousy.

“As it is probable that some indictments may be laid before you, on a charge of rioting, I will read to you a passage from the act commonly known by the name of the *Riot Act*. [His Lordship here read that well-known clause, which enacts, that if twelve persons riotously assembled, continued together one hour, after the act had been read by a magistrate, commanding them to depart, every person so remaining, should be guilty of felony, and suffer death.] He also adverted to the provision made in the same act, for the protection of dwelling-houses from tumultuous assemblages; and to another act passed in the present reign, for the protection of machinery; the 23rd Geo. III. which enacts, ‘that if any person or persons, by day or by night, enter into any house or shop to destroy, or

shall destroy any woollen weft, or warp, &c., or shall break and destroy any of the tools and machinery used in the manufacture of the same, such person or persons convicted thereof, shall be guilty of felony, and suffer death, without benefit of the clergy.' "His Lordship said, he particularly mentioned this act, because it would probably apply to many of these cases which would come before them.

"Several charges," said his Lordship, "will probably be brought before you, and indictments preferred for burglaries and robberies, by force and violence, by day and by night, as well as for malicious shooting, which has been rendered a capital offence in the present reign; on these cases I do not know that it is necessary to make any observation; you will dispose of them according to the evidence." [His Lordship then proceeded to explain the law, with respect to accessaries to felony, before and after the fact. An accessary before the fact, said his Lordship, is one, who without being present at the commission of a felony doth contrive, aid, counsel, or procure it to be done. An accessary after the fact, is one, who knowing of the felony, aids, comforts, succours, and conceals the felon; and in general, all succour afforded to the felon, previous to his apprehension, comes under this species of crime, an offence, which in many cases, is deprived of the benefit of the clergy. Misprision of felony, which is knowing of a felony, and concealing it, is also an offence at common law, and punishable as a high misdemeanor. There is another species of offence, deserving of your most serious attention; that of administering unlawful oaths. His Lordship here read extracts from acts recently passed, to prevent the commission of this offence, by which, every person administering or procuring to be administered, any oath to bind the party taking it, to be of any association, for the commission of any illegal acts, or to obey the orders or commands of any committee, or body of men, or any person not having legal authority, or to bind them not to inform, or give evidence, or not to reveal and discover, any illegal acts which may have been committed or not to discover any illegal oaths or engagements, shall be guilty of felony, and be liable to be transported for seven years, unless in certain cases excepted; the taking the oath by compulsion, and making discovery before a Magistrate, within four days; except when

prevented by illness, and in such case, within four days after that impediment is removed. The act also provides that it shall not be necessary in any prosecution under this act, to set forth the words of the oath, but only its purport, or some material part thereof. "By an act of the 52d Geo. III. which takes effect from the 9th July last; it is provided, that any person who administers, or takes an oath, binding to the commission of murder, shall suffer death, without benefit of the clergy. Provision is made in the act for indemnifying persons taking the oath, on the terms of making discovery of it, within a certain limited period.]

"No person," continued his Lordship, "who seriously reflects on the infinite mischief which may result to society, from men combining in unlawful associations, under the sanction of an oath, can consider these punishments in the least degree too severe.

"I feel perfectly convinced, that the county may safely rely upon your vigilance and attention, and that no indignation excited by the consideration of the atrocities which have been committed, will excite in your minds, any prejudice, when you are weighing the evidence against any individual, whose case may come under your consideration, and which you will determine solely by the evidence laid before you; for however the laws may have been trampled upon, and set at defiance, yet it will be exerted not more for the punishment of the guilty, than the protection of the innocent.

"I cannot conclude, without recommending to you, that your earnest endeavours be constantly exerted, to induce a spirit of subordination and obedience to the laws; and to confirm all within the sphere of your influence, in their allegiance to his Majesty's throne, which is the only effectual means of preserving the peace, prosperity, and happiness of of the country."

WEDNESDAY, *January 6.*

TRIAL OF THE MURDERERS OF MR. WILLIAM HORSFALL, OF
MARSDEN.

THE interest excited by this trial, which forms one of the most striking features in the proceedings under the special commission, has seldom been equalled in a court of justice, and at a very early hour, the Court was so excessively crowded, that it was with much difficulty, that the Counsel and Officers of the Court obtained their seats. At nine o'clock the Court was opened by the Cryer, and the following prisoners, who had been arraigned on the Monday preceding, and pleaded not guilty, were placed at the bar :

GEORGE MELLOR, of Longroyd-Bridge ; WILLIAM THORPE, and THOMAS SMITH, of Huddersfield, Cloth-dressers.

The prisoners were all young men, the eldest of them not more than three and twenty years of age, and their appearance was very respectable.

THE FOLLOWING IS A LIST OF THE JURY :

HUMPHREY FLETCHER, FOREMAN.

WILLIAM BUTTLE	JEREMIAH KIRK
WILLIAM ATKINSON	WILLIAM RIMMINGTON
JOHN JOHNSON, SEN.	WILLIAM SCHOLEFIELD
JONATHAN BARKER	JOHN WALKER
WILLIAM DENISON, JUN.	NICHOLAS WALTON
ROBERT KETTLEWELL	

Counsel for the Crown : Messrs. PARK, TOPPING, HOLROYD, and RICHARDSON. Attorneys : Messrs. HOBHOUSE, London, ALLISON, Huddersfield, and LLOYD, Stockport.

Counsel for the Prisoners : Messrs. BROUGHAM, HULLOCK, and WILLIAMS. Attorney : Mr. BLACKBURN.

Mr. RICHARDSON opened the pleadings, and Mr. PARK addressed the Jury in nearly the following terms :—

“ You are now empannelled, and have been sworn to try and enquire into a matter of blood. It is one of those great crimes on which the law of God, as well as of man, has denounced the penalty of death ; nor is it material in the present enquiry, who the person is, who is the subject of this investigation, for the law in this respect makes no distinction of persons ; the meanest subject, as well as the highest, are equally under its

protection. The matter of enquiry is, whether the deceased came violently by his death, under circumstances of premeditation; or whether all of the prisoners, or any of them, are the persons who produced it. But though the law makes no distinction as to the person who perishes by violence, it is necessary for the elucidation of the case, that I should state who the deceased is. Mr. Horsfall, into whose death we are now to enquire, was about forty years of age; he was a married man, had a family of children, and was a manufacturer to a considerable extent, in the West Riding. It is well-known to you all, that for a considerable period, dreadful disturbances have taken place in this county, but which did not begin until after the Judges had finished the business of the Spring Assizes; but it is well-known, and it is part of the history of the county, that at the Spring Assizes at Nottingham, a great number of persons were charged, and were tried, for offences connected with the destruction of machinery, and about this period, a similar disposition began to manifest itself in the West-Riding of this county, particularly in the neighbourhood of Huddersfield. About the 11th April a very violent attack was made on the mill of Mr. Cartwright, in which, by the gallant and successful defence that was made, a number of the assailants were wounded, and two killed; and this transaction will be found to be materially connected with the present case. It will be proved, that this defence gave rise to the most gross abuse and threats against the proprietors of such machinery, and more particularly against Mr. Horsfall, who had an extensive establishment of this kind; who employed a great number of workmen, by whom he is represented to me to have been greatly beloved. But inasmuch as he employed this obnoxious machinery, and had expressed himself with a manly warmth against the delusions under which the manufacturing classes laboured, some may think his warmth imprudent, but I am not of that opinion; he became the object of the most barbarous revenge, and was marked out for destruction.

On the subject of these delusions, which have produced such tragical occurrences, I should not have thought it necessary to have made any observations either on account of you Gentlemen, or with respect to the case of the prisoners, but for the sake of the vast number of persons who are now assembled, I would

say that nothing could be more ill founded; than the idea, that the introduction of machinery into our manufactures, lessens the quantity of human labour, and abridges the means of subsistence; the very reverse of this is the truth; it greatly increases and enlarges both. And on this subject, after what has passed, I trust that these illusions will be dispelled. In conducting this investigation, I mean to state no fact which I shall not endeavour to substantiate by evidence. Mr. Horsfall, the deceased, was a man of warm feelings, and who saw the fallacy and absurdity of the prejudices against machinery, had declared his intention of resisting the attempts of the daring violators of the law, and of supporting the machinery, attempted to be put down by violence; in consequence of this, it was determined that he should be taken off. It was known that he was in the constant habit of attending the Huddersfield market. He left Huddersfield between five and six in the afternoon, on the 28th April, (being Tuesday, which was the market day, at Huddersfield, and at that season of the year, the sun does not set until seven o'clock) on his return to Marsden, a distance of seven miles. When he had rode as far as the Warrener House, a public house known by that name, kept by Joseph Armitage, he stopped to get some refreshment, but without alighting from his horse, having got a glass of rum and water, and ordered some gin and water for two of his labourers, who were in the public-house, he proceeded homewards; when he had got as far as the corner of a plantation, belonging to Mr. Radcliffe, a distance of about 800 yards from the Warrener-house, at the corner of this plantation Mr. Horsfall was shot; he fell on the neck of his horse. There was a person of the name of Parr, riding a little behind Mr. Horsfall, who heard the report of the gun or pistol, saw him fall, and heard him call out murder. Mr. Parr hurried to him, and Mr. Horsfall begged him to ride back, and inform his brother, and procure him assistance; Mr. Parr instantly galloped back to Mr. Horsfall's brother, and in the mean time a person of the name of Bannister came up, by whose assistance Mr. Horsfall was conveyed to the house of Armitage, the publican, where he languished thirty-eight hours, and then died. The indictment states, that only one pistol was fired, and that by George Mellor, but it is immaterial which hand fired the pistol: but if William Thorpe, or Thomas Smith

fired it, and the other prisoners were present, consenting and aiding in the deed, they are all equally guilty; the law in the case of murder, makes no distinction between principals in the first and second degree. The fact is, as it will come out in evidence, that two pistols were fired. A declaration was made by Mr. Horsfall a short period previous to his death, but which I only just mention, because I am not certain whether I can make it legal evidence; because to make declarations of this kind of evidence, they must be given in the immediate view and prospect of death which the law considers as equal to the sanction of an oath; but he stated, and it will turn out to be material, that four men were in the plantation, near the road, when Mr. Horsfall was shot; this I shall establish beyond the possibility of a doubt. Parr, the person referred to before, as the first who approached the spot, after the deed, saw four men run away. Gentlemen, I shall call before you an accomplice, one of the four men, who perpetrated the deed. Some of you, Gentlemen, yesterday heard the law respecting the evidence of accomplices clearly laid down by the Judge, and therefore I do not think it necessary to dwell upon it. An accomplice is a competent witness, and there are many cases in which crimes, and those of the most enormous kinds, and the most dangerous to society, in which there is scarcely any other mode of convicting the perpetrators." Mr. Park particularly mentioned the case of murder by poison, and of unnatural offences. "Gentlemen, I will admit, and state to you, because it will save myself, and my learned friends who are counsel for the prisoners, some trouble, that this accomplice is a very wicked man, and equally guilty with the rest of the prisoners: but I shall not ask you to convict the prisoners on his testimony only, I shall confirm it by a chain of strong and well connected circumstances, all tending to establish the guilt of the prisoners. But it is not necessary that an accomplice should be confirmed to every circumstance, had that been the case, his evidence would be unnecessary, and we should not have taken him from that bar, and placed him in the witness box, but have left him to that fate his crimes have deserved.

This accomplice, Benjamin Walker, will state to you, that in the shop in which he worked at Longroyd-Bridge, a short distance from Huddersfield, conversation of the most inflammatory kind

passed, with respect to the transactions at Nottingham, which these men were unfortunately in the habit of reading in the newspapers, and that the attack upon Mr. Cartwright's mill, in which some persons were killed and wounded, on which occasion George Mellor, the first of the prisoners named in the indictment, said that he was determined to have Mr. Horsfall taken off. But the accomplice knew nothing of the time, until the very afternoon when the threat was carried into execution, and he will state to you, that the proposal took him by surprise, that he consented to accompany them, and had a pistol given to him by Mellor, who himself had a large horse pistol loaded almost to the top. It will be proved to you, that this pistol was one which had formerly belonged to Mellor : it was a pistol with a large bore, and brass mounting, this pistol he had either sold, or given away, but I shall prove to you, that he had borrowed this pistol, that he put into it a double charge of powder, that he then put in a ball, as large as a musket ball, two slugs, and another ball, all of which he rammed down into the pistol ; the person who observed this extraordinary act, said you do not mean to fire that pistol I hope ? he replied, and his answer is important ; *yes, I mean to do for Horsfall*, will you go with us ? Thorpe, the second prisoner, was also seen to load a pistol at Wood's shop, the place where all the prisoners worked.

It will no doubt strike you as singular that declarations of this kind should be made in so open a manner ; but it proves the dreadful state in which this part of the country was when a murder could be talked of with so little caution and disguise. This appointment to shoot Mr. Horsfall, I shall prove by several witnesses, who will all state conversations on facts which denote the preparations for this deed of blood. I shall now go on with the testimony of the accomplice, who will state to you that when the proposal was first made he rather objected to go, but at length was prevailed on to be one of the party. The proposal was made first about four o'clock and it was settled they should be in the plantation of Mr. Radcliffe about half past five o'clock. Smith and witness went together and arrived at the spot before Mellor and Thorpe, each provided with a pistol, on the road Walker proposed to Smith to turn back and not to go, but Smith said nay, let us go to the place and try to persuade them not to do it, for if we do not go we shall be

shot. Mellor and Thorpe were to stand at the corner of the plantation where they could command the road, and Walker and Smith at about twenty yards distance. When Mellor and Thorpe had taken their place, Smith went to them as he stated to Walker to persuade them not to do it, but he returned and said, if they went away they would be shot, and that Mellor and Thorpe would fire first, and if they missed, Walker and himself were to fire. They stooped down that they might not be seen from the road; they had not remained long before the word was given that Mr. Horsfall was coming. Mellor and Thorpe almost immediately fired, and ran to Walker and Smith and called them flats, a term of reproach, for not firing. Thorpe put his pistol into Walker's hand and said he would carry it no further. Walker carried it some distance, and then said that he would carry it no further. They all four ran over some fields to Dungeon Wood, and Mellor and Thorpe then said they must separate, which they did, Smith and Walker concealed their pistols in some Ant-hills, in Dungeon Wood.

Mr. Park proceeded to state, that Mellor and Thorpe went to Dungeon Wood bottom, to a relation, Joseph Mellor, where they deposited the pistols, concealing them among some flocks, they left their great coats there; in the coat worn by Thorpe, were found two ball cartridges, the pistols so left were unloaded, one of them exactly corresponded in description to that which Mellor had borrowed; Mellor also had borrowed a top coat of another colour, leaving his own at the house. He then proceeded to state various declarations made by Mellor and Thorpe, distinctly admitting that they had perpetrated the deed. And on the following day an oath was administered by Mellor and Thorpe to the work people at the shop, to keep the murder a secret.

It seems that nothing can be clearer than the mass of evidence I have now gone through. The detail of all that will be stated to you in evidence, it may have been unnecessary thus to fatigue you, myself, and the Court, for when this evidence is laid before you, it will be impossible for you to arrive at any but one conclusion, that the prisoners at the bar are guilty of the crime laid to their charge. One cannot but lament that three young men, the eldest of which is not more than twenty-three years of age, should have brought themselves into this

situation. But there is also pity due to the country, to those individuals who have suffered in their persons or their properties from the attacks of lawless violence. You have a most important duty to perform. If after hearing the evidence you have any reasonable doubt upon the case, for God's sake, acquit the prisoners. But if from the chain of evidence I shall lay before you, and by which the finger of providence has pointed out these men, and furnished as strong proofs of their guilt, as if you had seen them commit the murder with your own bodily eyes, you will discharge your duty to God, to your country, and to your own conscience, by finding the prisoners guilty, and guilt must speedily be followed by punishment against the crime of murder. The Almighty himself, at the restitution of all things denounced the penalty of death. He who sheddeth man's blood, by man shall his blood be shed, and who has declared that the land can be purged of the guilt of blood *only* by the death of him who shed it."

The first witness called was JOSEPH ARMITAGE, of Crosland Moor, publican, who was examined by Mr. Topping, and deposed as follows :—" I keep the Warrener public-house, and had known for many years the late Mr. Horsfall, who lived at Marsden, and was a merchant and manufacturer ; I saw him on Tuesday the 28th of April in the morning, on his way to Huddersfield, which market he was in the habit of attending. I saw him in the afternoon about a quarter before six ; he stopped at my house and took a glass of rum and water. John Sykes and Joseph Sykes, hawkers of cloth, were there and he treated each of them with a glass ; he stopped about twenty minutes and then went away. There is a plantation on the way to Marsden, about a quarter of a mile distant on the Marsden road. About half-past six some children came down the road and said, " Mr. Horsfall is shot ;" both the Sykes and myself went to the place, and found him sat upon the road thirty yards below the plantation nearer my house. Joseph Banister was with me, Mr. Horsfall was brought down to my house, and stayed there the day but one following."

Cross-examined by Mr. Hullock : said he looked at the clock, and knew it was a quarter before six when Mr. Horsfall came, he did not alight, cannot exactly say how long he continued at

his door ; the ground to the plantation is rising ; Mr. Horsfall seldom rode fast.

HENRY PARR examined by Mr. Holdroyd, said, " I was going home from Huddersfield to Marsden on Tuesday, the 28th of April ; I cannot say what time it was when I left Huddersfield ; when I came near the Warrener House, I heard the report of fire arms, it was a very large crack, and seemed to come out of the nearest corner of Mr. Radcliffe's plantation ; I saw the smoke, and saw four persons in the plantation, from which I was about 150 yards. I did not know the persons, but they were all dressed in dark-coloured clothes ; after the report, the horse of a person riding before turned round, and the rider, whom I afterwards found to be Mr. Horsfall, fell with his face upon the horse's chine ; he raised himself up by the mane and called out "*Murder,*" and as soon as he called out murder, one of the four men got upon the wall with one hand and both feet, and I called out to him and said, " What art thou not content yet ? " I then rode up to Mr. Horsfall at a gallop as hard as I could, the men ran out at the back side of the plantation the farthest from the road ; when I came up to Mr. Horsfall he was sat upright on his horse, and said, " Good man, I am shot." There was a mark of blood on the upper part of his breeches ; he fell sick and was going to fall off, I took hold of his arm and came back a foot space ; the blood gushed out of his side several inches ; he said " Good man you are a stranger to me and I to you—go to Mr. Horsfall's ; " he then fell off the horse, both his feet were fast in the stirrups and I loosed them out ; two boys both sons of Abraham Willie were gathering dung on the road, and I called them and then galloped down to Mr. Horsfall's brother's."

Cross-examined by Mr. Williams ; he has lived in the neighbourhood of Huddersfield five years, he does not know the young men at the bar, his attention was drawn to the place where he heard the report ; he saw four men together at the corner of the plantation nearest to Huddersfield ; the plantation is only about thirty yards over.

Re-examined ; before Mr. Horsfall got opposite the plantation, the four men were walking about in the plantation ; he saw them before he heard the crack ; when he got up to the

plantation one of them stooped under a bough and fired a piece, the other three were standing behind him.

JOSEPH BANISTER, of Holdroyd, clothier, said, "I was riding from Huddersfield at nearly half-past six in the evening of the 28th of April and another person on the same horse with me; saw Henry Parr returning to Huddersfield, we rode up and saw Mr. Horsfall lying on the road very bloody and took him to the Warrener House."

ROWLAND HOUGHTON of Huddersfield, Surgeon, said, "I was called in about seven o'clock, and went to the Warrener House as soon as possible. I got to the Warrener House between eight and nine, and found Mr. Horsfall lying on a bed with his clothes off; he was sick, pale, and much exhausted, and his pulse could scarcely be felt it was so weak and tremulous.—I found two wounds on the upper part of the left thigh, about three inches asunder; another on the lower part of the belly on the left side; another on the lower part of the scrotum, and two more on the right thigh, and a slight bruise, not a wound, on the the lower part of the belly; one ball had been extracted from the right thigh; and I extracted one musket ball from the outside of the right thigh, near the hip joint, gave the ball to Mr. Horsfall's brother, the Rev. Abraham Horsfall.—On Wednesday afternoon from four to five o'clock, Mr. Horsfall appeared in a more cheerful state, but I had never any well-founded hopes of his recovery—I had little hopes, as I apprehended the temporal artery was wounded, but his continuing so long gave me some hope."

The REV. ABRAHAM HORSFALL produced one bullet which he received from Mr. Houghton, who on being re-called, said, he believed that to be the bullet that he gave to Mr. Horsfall. Had no doubt but the wound which he described was the cause of Mr. Horsfall's death; not the smallest. He was present with the magistrate, Mr. Scott, when Mr. Horsfall made some declaration on the subject—Witness then conceived him to be a dying man.—Mr. William Horsfall said, "What is your opinion Doctor?" and he replied, "Indeed Mr. Horsfall, I consider you in a very dangerous state." The deceased answered, "These are awful times, Doctor."

Mr. JOHN HORSFALL produced a ball which he saw extracted from the thigh of his brother.

Mr. Houghton, cross-examined by Mr. Brougham, said, this slug was extracted by two Persons; his own assistant, and a Surgeon—Mr. Houghton corrected himself, and said, it was the *femoral artery*, not the *temporal* that he supposed to be injured.

BENJAMIN WALKER, the accomplice, a cropper by trade said, “ I worked at John Wood’s near two years, at Longroyd-Bridge, about a quarter of a mile from Huddersfield; Mellor and Smith worked also at Wood’s in April last.—Thorpe worked at Mr. Fisher’s, a shop about two or three hundred yards from Mr. Wood’s—I was not acquainted with Thorpe; I remember the report respecting the attack on Mr. Cartwright’s mill; it happened before the shooting of Mr. Horsfall, and was conversed about in the works of Wood; when they conversed about it, Thorpe was of the party, and the men killed at Cartwright’s were talked about by them.—They said it was a hard matter. Mellor said, the method of breaking the shears must be given up, and instead of it, the masters must be shot.—That was most that I heard said; they said they had lost two men, and and they must kill the masters. I do not remember what day Horsfall was shot, but I was that day at Wood’s; Smith and Mellor worked in one room, and I worked in another; I remember being with Mellor between four and five in the afternoon, and there was William Hall and my father and Wm. Walker. He asked me if I would go with him to shoot Mr. Horsfall? after that he went to his drinking, and was absent about half an hour; on my return, I found Mellor in the shop, and there was my father, Varley and Hall. He gave me a loaded pistol, and said I must go with him and shoot Mr. Horsfall; he told me it was loaded with double ball; and it was primed and loaded nearly up to the top: he ordered me to go to Mr. Radcliffe’s plantation; I think both Smith and Thorpe were present; Smith and I went together; Mellor was dressed in a drab coloured jacket when he was in the shop, but when he came to the plantation, he wore a bottle green top coat; Thorpe had a dark top coat; Smith and I both wore close-bodied bottle green coats; Smith and I went up the high-way past the Warrener-house; Smith had a pistol with him, which he told me he had bought of a person of the name of Mills at Throw: it was without a cock when he bought it, but on the

way to the plantation, I saw it had got a cock; he told me it was loaded. We had been at the plantation about ten minutes before Mellor and Thorpe came, and they came past Daniel Batty's on the foot road; Smith went to Mellor and Thorpe, but I did not go. I told Smith as I was going, I would not do this deed; but Smith said, let us go forward, and counsel them to turn back, it was a pity to go. On Smith's return from Mellor and Thorpe, he said they told him if we offered to leave them, they would shoot us. I saw Mellor's pistol in the wood after the job had happened; we were about twenty yards from Mellor and Thorpe when Smith went to them. I had not seen Mellor's pistol the day we went to the plantation, but had seen it before; the barrel of it was nearly half a yard long: he said he brought it from Russia, and that he had sold it to Richard Hartley; Smith and I received orders from Mellor and Thorpe to stand twenty yards from them; Mellor and Thorpe stood in the corner of the plantation nearest the Warren House; Smith and I were ordered to fire if Mellor and Thorpe missed him; they were to whistle when Mr. Horsfall was coming. One of them, (I think Mellor,) on the approach of Horsfall, said—"He is coming." The plantation is surrounded by a wall a yard and a quarter high; Smith and I got up when we heard he was coming. I do not know what Mellor and Thorpe did, I could not see them for the wood; we heard pistols go off, and Smith and I fled back into the wood, and were joined directly by Mellor and Thorpe; I then saw Mellor's pistol, and Thorpe gave me his, saying he would not carry it any further. Mellor damned Smith and myself, and said we should have shot however it had been. On receiving Thorpe's pistol, I observed that the cock was gone down, and the barrel was warm. I never saw Mr. Horsfall. We all went over the fields into Dungeon Wood; I saw three or four men coming up, as they crossed the road from Huddersfield; we went off as fast as we could run, we're so "*flaid* over th' job." I threw down Thorpe's pistol, and Mellor took it up. Both Smith and myself hid our pistols in a mole-hill. On separating, Mellor gave me two shillings, because I had no money on me. They ordered us to go towards Honley, which is two miles from the Dungeon Wood, and we went thither. Mellor gave me some powder in a horn, which horn I hid near the Dungeon Wood

after I had hid the pistol. The public-house we went to is at the bottom of Honley; we found a collier drinking, nearly drunk, and making a deal of game. A man came in from the market and said, Mr. Horsfall had got shot; on that, Smith struck up a whistling, and the collier danced to it. We left the public-house in Honley, between eight and nine o'clock. Smith and I had seven or eight pints of ale, and when we got home it was nearly ten o'clock at night. We were all four together on the following day. Mellor sent for me into the shop on the following day, by a person of the name of Sowden, about nine o'clock in the morning, and I was ordered to be sworn to keep the counsel. Thorpe produced a bible, and Mellor ordered him to take the book, and swear, and told me my father, my brother William, and Varley had been sworn. I took hold of it, and an oath had been read to me from the bible, but I do not know what chapter it was; I do not recollect a word he used; Thorpe ordered me to kiss the book, which I did, and returned the book to Thorpe. I had no conversation with them about the wall; Mellor's finger was tied up, and he told me he had hurt it with firing; Thorpe's face was bloody when he was in the Dungeon wood, and he said he had hurt it in the plantation. Mellor told me next morning that they had been at Joe Mellor's near the bottom of Dungeon Wood."

Cross-examined by Mr. Hullock: does not recollect the words used when the oath was administered, but does recollect, that he has sworn to-day to speak the truth. Witness is twenty-four years of age; he came from Manchester on Saturday, and had been in the Castle at Chester ten weeks. Was at Mr. Littlewood's, the Adjutant, at Huddersfield. It was about six o'clock when the misfortune happened, and he returned from his drinking about five; Hall, Varley, his father, and his brother, were in the shop when Mellor came in, and the first thing Mellor asked him, was, to go with him to shoot Mr. Horsfall; and, after taking time while he cut two boards of cloth, to consider of it, he said he would. This was *before* he went to his drinking; on his return, Mellor had a pistol for him, which was delivered to him in the presence of all the persons mentioned above. They all heard the conversation, and Thorpe was in the shop at the same time. He ordered Smith and me to go off together. This was Huddersfield

Market-day, a deal of people passed them on the road. It was at a distance of twenty yards, or more, when Smith left him to go to Mellor and Thorpe, but he could not see them, they were out of sight, and continued out of sight till the shot took place; persons going up the road could see Mellor and Thorpe, but they could not see them, because they were higher up the wood. A person coming up the road from the Warrener-House, he thinks, could not see him and Smith, because they were laid down near the wall. The height of the wall might be about a yard and a half; They were never all four together in the nook (corner) of the plantation. Mellor and Thorpe complained of their not shooting, because they were not as ill as they were; Mellor told him after, that he would not have minded if he like Smith and witness had not shot. Smith and witness were at Honley about two hours. He first told this story to his mother that night when he went home; told both his father and mother how they had gone on. His mother went to Mr. Radcliffe about a week before he went to Chester, which is about ten weeks ago. It will be either eleven or twelve weeks on Wednesday since they first went before Mr Radcliffe. The witness had been taken up before he turned informer. Mellor and he were taken together. Had never before opened his mouth to any person, except his own family; his mother went to tell Mr. Radcliffe, by his direction; *he cannot read.* Had heard a reward of £2,000 was offered, for giving the information. Never heard of any reward but from Sowden, who said it was in the newspaper. He heard of this reward before he went to Mr. Radcliffe. Saw Maria Dransfield, and requested her to go to desire Mrs. Hartley to go to Mr. Radcliffe, and to swear that she was the first to come into the yard to tell him, because he thought she would be a safeness to him, as he had told the Justice so, but in truth, he never saw Mrs. Hartley at all on the evening Mr. Horsfall was shot. Had some conversation with a person the evening Mr. Horsfall was shot, and told him he knew nothing of it, but that was not true. He thought Mrs. Hartley would come up and say, they were all at Wood's.

Re-examined by Mr. Topping—said he had never ridden from the Warrener-House to the plantation. Mellor was at work on the night of the murder, and employed in pressing. Before

he was taken up, Sowden had read the newspaper, in the works, that mentioned the reward.

WILLIAM HALL, a cropper, the next witness called said, "I worked at the time of the murder, at John Wood's; I was applied to by Mellor on that day, between four and five o'clock in the afternoon, for the Russian pistol, which I had bought of a man on Mirfield Moor, near Thomas Sheard's, the Star Inn; the pistol had an iron end, with screws at the side, and a barrel about a foot long; I had heard from Mellor, that he had brought that pistol out of Russia, and sold it to Richard Hartley. Mellor is the son-in-law of John Wood; I lent him it at the Yews, about a quarter of a mile from Wood's shop; it was then unloaded—saw George Mellor load it; he put nearly two pipe-heads full of fine powder into it, and then a ball and some slugs which he beat out with a hammer from balls; and put two or three in, and then put in a ball at the top, and rammed them all down. I asked him if he meant to fire that, as I knew the pistol would jump when he fired it. He said he meant to give Mr. Horsfall that. He asked me to go with him, but I said I did not like to go; he had a bottle green top-coat, under which he put the pistol. He saw Thorpe that afternoon, with a pistol in John Wood's shop, and saw Thorpe braying some slugs in the shop window, to put in his pistol; both Thorpe and Mellor said they meant to shoot Horsfall that day. Smith and Walker were present, and when Mellor asked witness to go with them, Walker said they would go. The morning following a bible was produced in Wood's shop; witness went in, and saw Thorpe and Sowden sit at the press-table, and Mellor and some other persons were present, but cannot recollect, exactly, who they were. The bible was on the press-table; when he went in, a paper was on the table, which said, if ever we revealed any thing concerning that thing, we were to be shot by the first brother. Sowden gave him the bible into his hand, and he kissed it. Mellor complained on the Tuesday night, when they were going to bed, and said he had hurt his finger by the firing of the pistol, and did not know whether it would be right again or not. Witness slept with Mellor, and Smith was in the same room. They heard of the murder about seven o'clock in the shop where Mellor works; the information was given by old Widow Hartley. Mellor told him that he and Thorpe had

called at his cousin's, at Dungeon-end, and left the pistols in some flocks, and said Joseph Mellor's apprentices were in the shop, and he told them they must give them to their master when he came home. He said they came through Lockwood to Huddersfield, and there parted. Smith came home at ten o'clock or after; he said that he and Walker had been at Honley, and said they had hidden the pistols in Dungeon Wood as they were going through; he said they had some beer at Honley. Saw Mellor give Smith a guinea or a pound note on the Monday after the murder. It was three weeks before witness got his pistol again, and it was then delivered to him by Varley. Mellor told him there were some men come from Leeds, that wanted arms, and he asked witness if he would let his go, and after some hesitation he consented. Mellor asked him, one Saturday night after the murder, which was two or three days before he was taken up, and when he was expecting being apprehended, Mellor wanted him to have the coat Thorpe wore when Horsfall was shot, as he was likest Thorpe, to go before Mr. Radcliffe, the Magistrate, when they were called on; he was to go in Thorpe's place, and say, he was going with Mellor to his cousin's, and it was he from whom he wanted work; he consented that night, but he bethought himself after that, the witness might swear to him instead of Thorpe. He had heard Mellor talk of going to America. He went with Smith the Sunday morning after Mr. Horsfall was shot, to seek the pistol. They hunted all up and down amongst the Ant-hills, but did not then find it; Smith shewed him the pistol two or three weeks after, and told him he had found it.

Cross-examined by Mr. Williams.—Mellor, said, he had lived for a long time with his father-in-law, Mr. John Wood, who is in an extensive line of business. Witness knew what was to be done with the pistol when it was borrowed. He was Mellor's bed-fellow. Knows the last witness was taken before Mr. Radcliffe; witness, had been examined on a charge of shear-breaking, but was not examined for Walker. Does not recollect meeting either James Harper or Joseph Rushworth, and saying to them, he had cleared Walker by showing, that he was not at the place when the murder happened. Did not see Ben. Walker sworn, he met him coming in as he was going out of

the place where the oath was administered. When he was sworn what was read was not out of the Bible, but from a paper.

JOSEPH SOWDEN, a cloth-dresser, examined by Mr. Richardson—said, “I lived at the Yews, on the 28th of April; between half-past four and five, I saw Mellor and Thorpe, come into the New Shop at John Wood’s, with each a pistol in his hand, all the shop-mates were in but one, who was at Huddersfield; there was Benjamin Walker, John Walker, and his son William, W. Hall and Varley; I heard George Mellor order Benjamin Walker, to go home and fetch top-coats and a pistol. He went out but I was not in when he returned; I do not recollect seeing Smith that day—did not learn, whether the pistols were loaded or not; they were of the horse pistol kind, and one of them was a brass mounted and brass guard pistol, about three inches longer than Smith’s. I did not see any of the prisoners, till after Horsfall’s death. I saw nothing in their dress but what was common. I saw Mellor, the evening of the murder, about half-past seven. I had then heard what had happened to Mr. Horsfall. The day following, the three prisoners, and Benjamin Walker jointly and separately represented to me the circumstances of the murder, substantially the same as that you have heard to-day. Either next morning, or the morning following, Thorpe came into the New Shop, and said, “Sowden, I want thee, and must have thee sworn to keep Horsfall’s murder, in all its circumstances, a secret.” I objected and said, I never took an oath in my life, much more an illegal oath, and the consequence would be seven years transportation. He said, if I did not, he would shoot me dead; I knew that he could realize his threat, as he never went without loaded pistols about him. I submitted—and he administered the oath: the substance of which was, to keep the murder of Horsfall secret in all its circumstances, on pain of death, and being finally put out of existence by the first brother I should meet. After that, he made use of the same threatening language, and swore by his Maker, now thou shall administer it to the others, or I’ll shoot thee dead.—I did under the influence of the same terror, administer it to Thomas Smith, Benjamin Walker, John and William Walker, W. Varley, and Joseph Hall. Mellor brought the men into the Shop, by twos and threes to receive the oath.

Cross-examined by Mr. Brøugham—one of the two pistols

had a brass end as well as brass mountings. He heard Benjamin Walker sent to fetch great coats and a pistol, but witness did not know for what purpose they were intended ; saw none of them that night after the murder but Mellor, and he never spoke to him that night. He heard it the following day, when they came to him and told him all the circumstances. He next swore him to keep it a secret. Told them taking the illegal oath was punishable with seven years transportation. He received the oath, but does not call it taking it, because it was not voluntary ; he did not kiss the Bible, he only put it to his face. He read the paper to Walker amongst others. He is not secretary to any association whatever, nor did he ever make a tour to see other societies.

JOHN WALKER, worked in the shop of Wood ; his son William Walker has always lived at home.

MARTHA MELLOR, the wife of Joseph Mellor, a cloth-dresser, cousin of George Mellor, one of the prisoners at the bar, said, " We live at Dungeon Bottom, about two hundred yards from Dungeon Wood. I heard first of the firing at Mr. Horsfall, that night between eight and nine o'clock ; our family consisted then of only one child and four apprentice boys, and a servant girl. One of the apprentices, Joseph Holdham, left our employment, about a week after George Mellor was committed to York, on account of misbehaviour ; I saw Mellor in the afternoon of the day of the murder, about a quarter-past six o'clock ; there was a gentleman with him then, whom I have not seen since. They came from the workshop into their house. George asked if my husband was in ? I told him he was at the market. He then asked me if we wanted a man to work ? I told him we had no occasion. He asked me to lend him a handkerchief, and I lent a black silk one. He asked me if I would allow that gentleman to wash himself. He had light coloured stockings, light coloured waistcoat and light coloured breeches ; he had not then a great coat on, he had put it off. The other person had a great coat—George asked to borrow a coat, and I told him my master's coat was in the shop. They stopped about a quarter of an hour.

Cross-examined by Mr. Hullock—does not know where the apprentice is that ran away, he stopt with his father a few days. Fixes the time by the return of her husband, which was near

seven o'clock. Mellor has always borne a good character since she knew him, which is about two years.

THOMAS DURRANCE, apprentice of Joseph Mellor, is about 17 years old, was with him in April last. Does not know George Mellor, but thinks he saw him at his master's house, in the shop, on the night of the murder. There was a man with him, thinks Thorpe was with him; they had dark coloured coats when they came into the shop, he thinks top-coats. George Mellor took off his top-coat, and had then an under-coat, the top-coat he put on the brushing-stone. Witness went up stairs with George, the other man did not go; when he got up stairs he gave them two pistols, about a foot long, they both put them under the flocks, which are the refuse of the cloth; this was a room where they work, there was not many flocks but sufficient to hide the pistols. Did not observe in what state the pistols were; did not know whether the pan was up. Mellor said he need not say anything about them, but witness told his master when he came home. Soon after they hid the pistols, the persons in the shop started of their work. Kinder, Joseph Holdham and Francis Vickerman were his fellow apprentices; he shewed the pistols to his fellow apprentices, but did not observe whether they were discharged or not.—His master and he hid them in the barn, and put straw upon them. He saw Mellor before Justice Radcliffe, and saw him afterwards, when Mellor told him to mind and speak the truth about what he had said and what he had seen. Mellor gave him 5s. and told him to give half to his fellow apprentice Kinder, and not to say any thing about the pistols."

Cross-examined by Mr. Williams—had never seen Mellor before that afternoon, and he was with him only a short time.

JUDGE.—“What time did you and your master take the pistols into the barn?”

DURRANCE.—“In about two hours after they were put in the flocks.”

JUDGE.—“What time did your master return home after those people were in your shop?”

DURRANCE.—“In an hour and a half.”

JOHN KINDER, apprentice to Joseph Mellor, upwards of 18 years of age, says he has not known Mellor a year, did not know him right when Mr. Horsfall was shot; told Durrance he

thought it was George Mellor, met him coming down from the flock room that evening; he went into the room and Durrance shewed him two pistols which he took from under the flocks. Does not know whether they were loaded, but thinks he blew through one of the touch holes and found it empty, he observed that it was not primed. He had half-a-crown from Durrance.

Mr. JOSEPH MELLOR, cloth-dresser, cousin to George Mellor, remembers the time when Horsfall was shot; witness left Huddersfield that evening at six and got home about seven o'clock. Durrance shewed him two pistols that night; had not then heard that Horsfall was shot, but had seen a bustle among the military. Durrance and he went and hid the pistols in the laith under some straw. They did this for fear they should be found on his premises; one of the pistols had a larger bore than the other. He had heard Mellor say he had brought a pistol from Russia. One of them was without the ramrod. He found on his return home a dark top-coat on the brushing stone with two ball cartridges in the pockets, he found also another dark green top-coat, next morning; neither of these coats belonged to him. James Varley came the Sunday after and he told him where the pistols were."

JUDGE.—“Was there any coat of your's missing which you had left at home?”

MELLOR.—“Yes, a light drab top-coat.”

Mr. STAVELY, the gaoler at the Castle, produced a dark bottle green coat, which he said he took from Mellor soon after he came into the castle; and Joseph Mellor being again called and asked to look at that coat, said, it was like the coat he found on the brushing stone, but he could not swear to it.

ABRAHAM WILLIE, a workman to Mr. Radcliffe, was in the building attending his horses that evening in the first close beyond the plantation. He did not see any man in the wood, but he saw four persons run down the plantation towards Dungeon Wood. They were within fifty yards of him. They all wore dark coloured clothes. They were out of his sight when they got a field off. He heard that Mr. Horsfall was shot about three or four minutes after, from two of his boys who were gathering dung on the road.

EDWARD HARTLEY, was coming from Crosland to Lockwood the evening Horsfall was shot; was near the spot and heard a

report of a gun, and he saw soon after four men run out of Mr. Radcliffe's field, and jump over a wall in the direction of Dungeon Wood, they were all dressed in dark clothes; he saw the brass end of a pistol from under the coat of one of them; witness made an observation about seeing the pistol to a person who was with him, which he supposes must have been heard as the man who held it immediately covered it with his top-coat.

MARY the wife of Robert Robinson, publican, at Honley, heard of Mr. Horsfall's murder the day it happened; two young men came to their house that evening and had something to drink. She remembers a collier was present, and one of the young men whistled very much and well, and the collier danced. The news of the murder was brought in soon after the young men entered, and she thought they looked down when they heard of it. They came between seven and eight, and went away about nine. Her husband asked them where they came from? and they said from Longroyd Bridge.

THE DEFENCE.

The evidence for the prosecution being gone through Mr. Justice Le Blanc said, "This is the time, prisoners, to make your defence. Would you, George Mellor, Wm. Thorpe, and Thomas Smith, wish to say anything for yourselves?"

PRISONERS.—"We leave it to our Counsel."

WM. HANSON, the first witness called on behalf of the prisoners, said, that he was at Huddersfield on the 28th of April, saw Mellor about a quarter of a mile from Huddersfield, going to Longroyd Bridge about a quarter before seven.

JOHN WOMERSLEY, is a clock and watch-maker, saw Mellor on the evening Mr. Horsfall was shot, at a quarter after six in Huddersfield, at the corner of the Cloth-Hall street, had a note in his pocket for him, he owing him 7s. for business done, went with him to Mr. Tavenor's, the White Hart near the Cloth-Hall, and stopped in the house about twenty minutes, where he drank with the prisoner Mellor, and left him there with one Wm. Battersby. Witness went then to the Brown Cow, another public-house, and he had no sooner got in than the news arrived that Mr. Horsfall was shot, and the soldiers were going.

Cross-examined by Mr. Park—had just time to go to the Brown Cow after he left the prisoner at Tavenor's, it was about twenty minutes to seven o'clock, the prisoner paid him the 7s. and he could produce the note, had no particular acquaintance with him, but had done work for his father for many years. From Longroyd Bridge to Huddersfield is about a quarter of a mile.

Re-examined : Crosland-moor is more than twice as far from Huddersfield as Longroyd Bridge.

WM. BATTERSBY, the next witness, lived then at Taylor-Hill, was at Huddersfield on the 28th of April ; and recollects that evening by being at Tavenor's, saw George Mellor and Jonathan Womersley, and drank with them ; they had two pints of ale, and Jonathan Womersley left him in company with George Mellor, they were at this inn half-an-hour. At the end of that time they heard of Mr. Horsfall being shot for the first time. They came out and he parted with Mellor at the door.

JOHN THORPE, lives in Castle street, Huddersfield ; has known Mellor 16 or 17 years, saw Mellor in Huddersfield near the George Inn, on the evening Horsfall was shot, at ten minutes before six, witness had a watch which he wanted to sell him, and stopped with him two or three minutes ; he asked him if he would buy his watch, and produced it, when it appeared to be the time he mentioned.

Cross-examined by Mr. Topping—does not know what street in Huddersfield the George Inn is in ; says it wanted just ten minutes to six by his watch ; Mellor examined the inside, and asked him the price of the watch ; witness valued it at £3 13s. but he did not buy it.

JONATHAN BATTERSBY, a shoemaker, remembers the evening Mr. Horsfall was shot ; he saw Mr. Horsfall that evening in his father's yard ; he was on horseback, and went in the direction homeward ; it was between five and six o'clock ; he went into his own house, stopped till he got his tea, and then put on his coat, and went up street, this was about twenty minutes after he had seen Mr. Horsfall ride up. He saw Mellor in the New-street, and conversed with him a minute or two. It was not quite six o'clock when he parted with the prisoner at the bar, he then went home, and heard of the shooting of Mr. Horsfall, as soon as he got home.

GEORGE ARMITAGE, blacksmith, living at Lockwood, knows where Joseph Mellor lives, his house is between the Dungeon and Huddersfield, saw George Mellor come past between five and six o'clock, they go to their drinking sometimes at five, and sometimes at half-past. That evening he had been detained by a job till after five o'clock; had some conversation with the prisoner; observed that he was coming from the bar, and going towards Huddersfield. He said he was coming from Joseph Mellor's.

Cross-examined by Mr. Park—Mellor said he had been at Joseph Mellor's, with a man that wanted work.

JOSEPH ARMITAGE, saw Mr. Horsfall at his shop door, going towards Huddersfield from Lockwood Bar, saw his brother talking with George Mellor at drinking time, between five and six o'clock.

CHARLES RATCLIFFE, cloth-dresser, of Huddersfield was at Mr. Fisher's of Longroyd Bridge, on the afternoon of the day of Mr. Horsfall's murder, seeking work; was in the raising shop at half-past five; knows Thorpe, and saw him raising a blue coat piece, in that room; he conversed with him for a quarter of an hour, or upwards; left him there, and there was a young woman fetching water in a can, out of the raising shop. He returned to Huddersfield, where he arrived twenty minutes after six, by the Cloth Hall clock: about half-an-hour after, he heard of Mr. Horsfall being shot at.

Cross-examined by Mr. Topping—he was in search of work, did not see Mr. Fisher; Thorpe was the only man he saw, or conversed with there.

FRANCES MIDWOOD, of Longroyd Bridge, keeps her father's house, and says, that on the 28th of April, as their usual practice is, they drank tea about half-past four o'clock. The next day was their washing-day, and they got water from Mr. Fisher's shop. About five o'clock, just after tea, she went with a can to fetch water from that shop—The first time she went there was nobody in the shop; it requires about ten minutes to go, and she returned immediately, and then she saw William Thorpe. He asked her if she was fetching water, and she said "Yes." Went the third time some other person was with him. She continued fetching water for some time, but desisted on hearing of Mr. Horsfall's murder; heard of it between six and

seven o'clock, but she does not exactly know what time. Saw W. Thorpe every time she went for water except the first. One of the times she saw Abraham Pilling, a shoemaker, who was bringing her a pair of new shoes. He followed her into the raising shop and she left him with Thorpe.

Cross-examined by Mr. Park—she does not know how long it takes to go from Joseph Mellor's to Fisher's, nor does she recollect when she was first asked at what hour they drank tea on the 28th of April; it was not within these few days. When she was asked it was in the presence of Mr. Blackburn, the prisoner's attorney. A person fetched her to Mr. Blackburn's, but that person did not put the question to her; she first told them, it was soon after the prisoners came to York, but she cannot recollect the exact time.

ABRAHAM PILLING, shoemaker, made the last witness shoes and delivered them on the night the murder was committed; he took them from Huddersfield, to her father's, and he saw her crossing the road with a can in her hand. He followed her to the door which goes into the raising house, found Fanny Midwood, and Wm. Thorpe there, she was laiding water out of a cistern with a can. He waited till she had done. It was a quarter to six when he set off from home, and his house is a mile from Longroyd Bridge. She asked the price of the shoes, and went and fetched a guinea note belonging to Ingham's bank. He stopped in the place, and had some discourse with Thorpe. He continued in the place about half-an-hour, when he set out for the Marsh, which is nearly another mile on the Lindley road, but when he came out of the raising shop and had just got into the lane, he was told that Mr. Horsfall was shot.

JOHN BOWER, a boy, about seventeen, apprentice to Mr. Wood, of Longroyd Bridge, examined by Mr. Williams—said, Mellor superintends the work for Mr. Wood; recollects the day Mr. Horsfall was shot at; saw Mellor that day in the afternoon; they were pressing. The press was to harden and Mellor assisted at the harding of the press; there were Thomas Smith, Benjamin Walker, James Varley and John Walker; it was near seven o'clock; is quite sure Benjamin Walker and Smith were present at the harding of the press; Smith, the prisoner, was an apprentice. William Hall and he slept in the same room.

W. HALL says: Widow Hartley brought this news about

seven o'clock, it was a particularly busy day, and they did not go to drinking till six o'clock, and soon after they heard that Mr. Horsfall was shot.

WILLIAM HIRST, of Longroyd Bridge, has lodged at Mr. Wood's some years; remembers Benjamin Walker, remembers the time when Mr. Horsfall was shot, there was noise enough about that; when he first heard of it, he said to Benjamin Walker—"Horsfall is shot!"—and Walker replied—"That is too good news to be true."

It was objected by the Counsel for the Crown, that what Walker said was not evidence, and ought not to be received, and in that objection his Lordship concurred. William Hirst in continuation said, he had been at Huddersfield that day, and left it at about twenty minutes before seven o'clock.

Cross-examined by Mr. Topping—he was no relation to any of the prisoners; his son is a merchant in Huddersfield, and employs Mr. Wood, as well as many other people. On being asked what he meant by saying that there was noise enough about the murder of Mr. Horsfall? he said all he meant was, that it was a very bad thing, and produced a great outcry.

JOSEPH RUSHWORTH, the last witness called, said, he lived at the bottom of Cowcliff, that he knows William Hall, who has been examined here to-day, remembers him being before Mr. Radcliffe on the 12th of October; Hall was coming to Mr. Radcliffe's when he saw him, but had no conversation with him after he had been before the Magistrate.

SUMMING UP BY THE JUDGE.

The evidence, having been gone through, was summed up by Mr. JUSTICE LE BLANC.

GENTLEMEN OF THE JURY,—This, which has so long engaged your attention, is a charge brought against the prisoners at the bar, GEORGE MELLOR, WILLIAM THORPE, and THOMAS SMITH, of the wilful murder of William Horsfall. It is not necessary particularly to call your attention to the manner in which the charge is made. The indictment charges that they or one of them, and it is perfectly immaterial which, or whether one or two of them actually fired the pistol, or whatever piece it was that was fired; but that one or other of them firing

a piece at Mr. Horsfall, inflicted the wound which occasioned his death, and that the rest were there. It charges them all as principals in the murder; and there is no doubt in point of law, that if all or any of the prisoners at the bar went out with a formed design, known to all of them, to waylay William Horsfall, for the purpose that either all or any of them (as should be most convenient) should take an opportunity of firing at him and wounding or killing him, and in consequence of that a shot was fired by any of them which produced his death, it is murder in all of them. There is as little doubt in the present case, that the person, respecting whose death we are enquiring, has been murdered; because there is no circumstance which has appeared in the case, which in point of law can make this otherwise than a murder of the foulest description. No question therefore will arise on the nature of the offence; and the only question you will have to attend to is, whether or not the evidence which has been laid before you, and which I will detail to you as well as I am able, shall or shall not satisfy you that the three prisoners charged with this offence, or any of them, are the persons who were so concerned in waylaying him, and firing the fatal shot.

It will be only necessary just to advert to the time, as mentioned by the person who proved the fact. It appears that Mr. Horsfall had gone to Huddersfield on the 28th of April in the course of the forenoon, and had attended Huddersfield market in the course of his business. It appears that he was in the habit of going there; so that it was perfectly known that his course of proceeding was to attend the market, and to go home again afterwards to his house at Marsden, at the distance of about six or seven miles from Huddersfield. It was in proof, by a person of the name of Armitage, who kept a public-house at Crosland-Moor, called the Warren House, that he had seen Mr. Horsfall go to Huddersfield market in the morning; that he seldom missed going on a market-day; that he had called at his house on his return back, and he says as far as he can fix the hour—(speaking at this distance of time not very particularly, and no one can speak particularly as to time, unless his attention was called to it)—it was a quarter before six in the evening that he stopped at his door, the Warren House, on his way back, being then on horseback. He says

that he drank a glass of rum and water at the door, and that there were two men of the name of Sykes, who were workmen, and had been employed under him, whom he treated with a glass of liquor each, and he went away, never having got off his horse, but having stayed at the door about twenty minutes. So that according to his account, it was a few minutes after six o'clock when he left the Warren House, to proceed on to his house at Marsden. Then, he says, Mr. Horsfall rode homewards. He describes the plantation of Mr. Radcliffe, as being by the road-side as he proceeded along. According to the map it is on the left-hand-side of the road as Mr. Horsfall was going homewards. That plantation, he says, is something better than a quarter of a mile from the Warren House. So that, according to his account of the time—(supposing him to have stopped there about a quarter-before six, and to have stayed twenty minutes, and to have set out five minutes after six)—he would have had to go a quarter of a mile before he came to the plantation where this circumstance happened, which would bring it to a short time probably after six o'clock. He says, that at nearly half-past six o'clock that evening, as nearly as he can recollect, some children brought the account to his house, that Mr. Horsfall had been shot. That tallies very much with the account he had before given of the time Mr. Horsfall had been at his door, and the period which must have elapsed before this unfortunate accident happened. He says, that he and the two men of the name of Sykes, who had been just before treated with some liquor by Mr. Horsfall, set out immediately, and so soon that they had not finished the liquor Mr. Horsfall had ordered for them; that they found him sitting by the road-side, about thirty yards below the plantation, and rather nearer to his house than the plantation was. It appears that a person who had been upon the road at the moment, had assisted in keeping him upon his horse for a time. He says, Joseph Bannister was at that time with him; that he found Mr. Horsfall bleeding very much; that they got him down to his (the witness's) house as speedily as ever they could, and he died the next day but one. He is particularly asked as to the time, and fixes it at that hour as nearly as he can recollect it. He says that many people come into his house, and he is frequently looking at the clock to see when their horses are to

be ready; and that he is sure it was nearly half-past six when the news came that Horsfall had been shot, because a person went to look at the clock at that time. So that, according to what he says, it must have been between ten minutes or a quarter after six and half after six, that this act (whoever did it) must have been done at the plantation.

The next witness is a person of the name of Parr, who gives this account: He was going home from Huddersfield on the same road that Mr. Horsfall was going; he passed this inn, where Mr. Horsfall had stopped, and before he got to the plantation he heard a very large crack, like the report of a gun or a pistol, and it seemed to him to come out of Mr. Radcliffe's plantation, out of that nook nearest to the public-house where Mr. Horsfall had stopped; that he saw the smoke arising from the spot where the gun had been fired, and he saw four persons in that corner of the plantation. He says that he was himself at the distance of about one hundred and fifty yards from the plantation, going along the road, at the time he heard this noise, and saw the smoke, and saw the persons who were in the plantation; so that he was in a different situation from the person who was just abreast of the plantation in the road. So far things would have a different appearance, and persons might be visible in a wood or plantation from one point, who might not from another. He says that all the four persons he so saw in the plantation, had dark-coloured clothes on; that at that time there was a person riding along up the road before him (that is, going the same way that he was riding); that after the report of this gun or pistol, that person's horse turned round as quick as possible, and the man immediately fell with his face upon the horse's neck; he raised himself up by the mane, and called out "Murder!" As soon as he had called out murder, there was one of the four men got on the wall with one hand and both feet; he called out to this man, and said, "What, are not you contented yet?" and immediately put his horse into a gallop, to ride up to the spot as fast as he could; and the four men ran out at the side of the plantation farthest from the road, that is, going the other way; he himself rode up to Mr. Horsfall, and perceived that the blood had just flowed on his breeches; he was sitting on horseback when he rode up to him; he said, "Good man, you are a stranger to me; I am shot;"

and he seemed to fall sick, and was going to fall off his horse; upon which the witness held him upon his horse, and the horse went on a foot pace; and while he was holding him upon his horse, the blood spouted out upon his side; he then desired him to go to Mr. Horsfall, a relation of his near that place, and immediately he fell off his horse; that he put him straight at the side of the road; and that there were two boys, sons of Abraham Willey, a witness afterwards called before you, who were gathering horse-dung upon the road, and that he called them, and left them with this gentleman who had been so shot, and galloped towards the other Mr. Horsfall's, in order to inform him of what had happened. He describes this plantation as being narrow, not more than thirty yards over. He is sure he saw four men; that they were all strangers to him; he did not know them; he saw them walking about in the plantation, before he heard the crack of the gun or pistol, before he got up; and he says, that when Mr. Horsfall seemed to get up abreast of the plantation, then he observed one of the men stoop under the boughs of the trees, and then he saw the smoke and heard the firing, and that the other three seemed to be standing behind. This is the account given by this Mr. Parr.

Mr. Joseph Bannister, a clothier, states, that he was upon the road on this same evening, the 28th of April, and he fixes it at nearly half-past six, when he met Parr, who had assisted Mr. Horsfall, and had left him in the care of the two boys, galloping upon the road. This tallies with the account which Armitage had given, that this happened by a quarter-past six, or thereabouts. He states, that immediately on being informed by Parr of what had happened, he galloped up, and found Mr. Horsfall lying by the side of the road, very bloody; and that he was removed from thence to the Warren House, and he remained with him there some time.

At the Warren House he was visited by Mr. Houghton, a surgeon, who tells you that he was informed he was sent for about seven o'clock, and that another professional gentleman had got to Mr. Horsfall before he reached him, he did not get to the Warren House till between eight and nine in the evening, when he found Horsfall lying on the bed; that he appeared sick and pale, and his pulse was so much exhausted, that it was

scarcely to be felt; it was a weak tremulous pulse; he examined him, and found two wounds on the upper part of the left thigh, three inches asunder; there was another wound, on the lower part of the belly, on the left side; two more on the right thigh, and a slight bruise on the lower part of the belly. He says, one of the balls had been extracted before he came, and he extracted another large ball from the inside of the right thigh, near to the hip joint; that he thought very unfavourably of him, and particularly as that one ball he describes as having entered on the left side, (the plantation being on Mr. Horsfall's left hand,) had penetrated from the left side to the right side, and had nearly penetrated the femoral artery, and that he had no well-founded hope of his recovery from the beginning. In fact, this gentleman died the following day, and there is no doubt but that this wound, which the surgeon points out, which had penetrated from the left side to the right, was the cause of his death. And the two bullets were produced, one being a pretty large bullet, almost the size of a musket ball, and one which appeared to have been cut and flattened. One of these was extracted by Mr. Houghton, and another by a gentleman who was there before him: they were produced by two relations of Mr. Horsfall, with whom they were deposited after they were extracted. That is the evidence with respect to the cause of the death; and to be sure there cannot be a doubt that this person being so shot at, as he was proceeding on the King's highway, it was wilful murder, unless it can be shewn by some circumstances, that it was merely accidental.

Then they call witnesses, for the purpose of shewing who these four persons were, that were seen in this plantation by Mr. Parr, who was following at some little distance after Mr. Horsfall, and who actually saw the fact committed, hearing the crack, seeing the smoke, and seeing the men run away out of the back part of the plantation after the deed was committed. They call first Benjamin Walker, a person who himself professes to have been one of these four men; and you are to attend to the account that he gives. I need not state to you that a man who is produced, admitting himself to have been one of the four men who lay in wait armed for the purpose of shooting another, and who had gone out because he was asked

so to do, was himself an accomplice in the deed that was done ; and that therefore he does not stand in the situation of a witness, to whom full and perfect credit must be given. So far his testimony is to be received, as the account given by himself, and the corroboration given to it by other witnesses that shall be produced, may satisfy you that the account he gives is true.

Benjamin Walker says he himself is a cropper, and that he worked as a cropper at the manufactory of Mr. Wood, at Longroyd Bridge, which is between Huddersfield and the place where this transaction happened ; that he worked there nearly two years ; that it is a distance of only a quarter of a mile from Huddersfield ; that Mellor and Smith worked at this same manufactory of Mr. Wood ; that since April, Smith left that service, where he was an apprentice ; that the other prisoner Thorpe worked at the manufactory of a Mr. Fisher, in the same business of a cropper as he himself worked, and that Fisher's manufactory and Wood's are not more than two or three hundred yards distant from each other, both very near Longroyd Bridge ; that he was not so well acquainted with Thorpe as with the other prisoners. He states (alluding to what has been heard perhaps in the county, but is not the subject of the present enquiry) that an attack had been made by a very mischievous description of people, on some manufactories or mills belonging to a Mr. Cartwright, some short time before, that on that attack on Mr. Cartwright's mills and premises, the assailants had met with a proper resistance, and in that resistance some of them had been wounded and killed ; that they were talking, in this manufactory of Wood's, about what had happened at the attack on Cartwright's, and that they had said it was a hard matter that these men, who had attacked the property of others, had had the misfortune to be killed themselves, or wounded in the attack ; that upon that occasion George Mellor said that there was no method of smashing the machinery, but by shooting the masters ; that they had lost two men in this attack on Cartwright's. He further states, that the day Mr. Horsfall was shot, he was at work at Wood's ; that George Mellor and Smith worked together in one room, and he (Benjamin Walker) worked in another ; and that on that day, between four and five in the afternoon, George Mellor, the prisoner, came to him into the shop where he was at work,

and he describes William Hall, and his father (John Walker) and his brother (William Walker) as being in the shop at the time. He says that Mellor asked him to go with him to shoot Mr. Horsfall; that he did not consent at the time, and Mellor went away, and he himself went away to his drinking. This was between four and five o'clock. He was absent about half-an-hour, and came back. When he came back, he found George Mellor in the shop; one Varley was there, and Hall, and his father; and then Mellor came again, and gave him a pistol into his hand loaded, and said he must go with him to shoot Mr. Horsfall, and told him it was loaded with double ball. He lifted up the pan to see whether it was primed, and found that it was loaded nearly to the top, and primed. To be sure, gentlemen, it is an extraordinary thing to those who have not been in the habit of hearing such occurrences, that any men in this world should hold such converse so openly together; but this is the account given. Upon which this man (Walker) says, he said he would go with Mellor, and an order was given to go to Mr. Radcliffe's plantation, and he thinks that both the prisoners Smith and Thorpe were present; and Mellor directed Smith to go with this witness to the plantation. He says, that at the time the prisoner Mellor came into the shop to him, Mellor had on a drab jacket, but afterwards when he joined him in the plantation (for he did not see him till he joined him in the plantation, he and Smith being ordered to go to the plantation and wait there for him) Mellor had on a bottle-green top coat (and it becomes material, in considering the circumstances given in evidence in confirmation, to attend to the dress of the prisoner); and that the other prisoner Thorpe had on a dark-coloured top coat. He says that Smith and himself, who had been ordered to go first up to the plantation, had each a dark green coat on, but no top coats. He says Smith and he got up to the plantation first, and that they went there by the high road most part of the way, but part of the way they went through the fields, and then they got into the plantation; that the prisoner Smith had a pistol with him; Smith told him it was a pistol which he (Smith) had bought of one Mills, and that it was without a cock when he bought it, but that he had since put a cock to it; that when he saw it, it was loaded, as Smith told him. This man himself had a pistol,

which Mellor had put into his hand, and put into his hand, as he says, ready loaded. He says, that when Mellor and Thorpe got to the plantation, he and Smith had been there about ten minutes. Mellor and Thorpe came over the fields, he thinks not the same way that he and Smith had gone. He says, that he had had some conversation with Smith, as he went along, in which he expressed to Smith that he did not quite like the business they were going on, and that he was not for going any further. However, Smith said, "Let us go forward, and then let us counsel the others to go back again; it is a pity to go." However, he says that Smith afterwards went up to the other two, when they were in the plantation, that is, to George Mellor and Thorpe, but that he (Benjamin Walker) did not go up with Smith, that they were at the distance of twenty yards, and when Smith came back, he told him that Mellor had said, that if they offered to leave him, he would shoot them dead. He fixes the distance, at which he says Mellor and Thorpe were from him in the plantation at that time, at about twenty yards. He says he himself could not see them at that time when they were in the plantation, but he himself was at the distance of only twenty yards from the wall which separated the plantation from the road; that both Mellor and Thorpe were out of his sight, while they were in the plantation waiting for Mr. Horsfall's coming up; that he got sight of them again after the piece had been discharged. Their seeing one another, or not, must depend very much on the situation of the plantation, or the wood being more or less thick in the particular line in which they were viewed; they might not see each other, and yet they might be visible to persons looking from another point, as Parr describes himself to have seen them. I think there is no contradiction in that respect. He says that he himself did not see either Mellor or Thorpe, but he had seen Mellor have a pistol before that time, and that he saw it in the wood after this job (as he calls it) was done; that Mellor's pistol was a large horse pistol, the barrel of it nearly half a yard long; and the account Mellor had given of it was, that it was a pistol that he had brought with him from Russia, where he had been, and that he had sold it to a man of the name of Hartley. Then Walker says, that when they first got to the plantation, by the road side near to the Warren House, and that he and

Smith were ordered to fire, if Mellor and Thorpe missed Mr. Horsfall. The consequence of that was, that they remained, as he says, twenty yards off, Mellor and Thorpe being close to the wall at the corner. It was intimated before, that one of the other two was to give a whistle, to intimate when Mr. Horsfall was coming; that no whistle was given, but one of the people, and he thinks Mellor, said Mr. Horsfall was coming; that the wall which separated the plantation from the road was about a yard and a quarter high; that he and Smith got up when they heard Mr. Horsfall was coming. From that account, I should suppose they had been on the ground before, but that the wood was so thick he could not see what Mellor and Thorpe did, whether they lay down, or stood. But he heard the pistol go off, and then, he says, immediately upon the pistol going off, he and Smith fled a bit backwards, and directly after they were joined by Mellor and Thorpe. At that time Thorpe put his pistol into the witness, Benjamin Walker's hand, saying, he would not go with it any further, and at that time he saw Mellor's pistol in his hand; that Mellor, on coming up to them, swore at them, and damned them for not shooting. He said that he had shot, and that they ought to have shot, however it had been, whether the others missed, or not; but, however, they did not shoot. He says, he himself did not see Mr. Horsfall, for that he was in a thicker part of the plantation. This is the account he gives of what took place in the plantation, making the number of four persons agree with the account of four persons whom Parr had seen in the plantation as he rode up, just before the piece was fired and the report heard, which he gave an account of, and all in dark-coloured clothes, which, according to this man's account, they all had on. And then his account is, that after this had happened, they all four went straight forward out of the plantation, over several fields, to a wood called Dungeon Wood, and to get to which they crossed a road which goes between the fields at the back of the plantation and Dungeon Wood, a road from Huddersfield to Crosland; that they crossed that road, and when they crossed that road to Dungeon Wood, they were going as fast as they well could; that they all got into Dungeon Wood together; that he threw Thorpe's pistol down before he got into the wood, in crossing the closes, and that upon that Mellor

took it up; that what became of it afterwards he himself, Walker, did not know; that when they got into Dungeon Wood, Smith and he hid their pistols in some ant-hills in the wood; and that in Dungeon Wood these four persons separated, George Mellor and Thorpe ordering the other two to go towards Honley, being a different way from that which they themselves were going; that upon that George Mellor gave them two shillings, because they said they had no money to buy any beer; and accordingly they (the witness and Smith) separated, and saw no more of George Mellor and Thorpe at that time, but proceeded on to Honley, which is about two miles from this Dungeon Wood; that he had a powder-horn from Mellor before he went, which, he says, he hid at the bottom of Dungeon Wood. Nothing particular turns upon that, for it was not found afterwards. Then he gives an account where he and Smith went to at Honley; that they went into a public-house, he does not know the name of it, it is at the bottom of Honley, on the left-hand side; and he says there was a collier drinking there, who appeared to be pretty fresh in drinking; and that some men came into the public-house from Huddersfield market, and brought an account that Mr. Horsfall had been shot; and upon that being said, Smith, the prisoner, who whistles particularly well fell a whistling; and that this collier, who was in liquor, was pleased with the tune he was whistling, and got up, and attempted to dance. That is mentioned as a circumstance, because you will find it confirmed by other persons not connected with the transaction, who remember what passed at the time from that circumstance. He says they drank as much as seven or eight pints of ale at this public-house, and left it between eight and nine o'clock, and it was near ten o'clock before they got home to their own house. That was the conclusion, according to his account, of what passed that night. The next morning, he says, the prisoner Thorpe came into the shop at Mr. Wood's, where George Mellor worked, and then George Mellor, sent a workman, of the name of Sowden, to fetch this witness, Benjamin Walker, into the shop where Mellor worked. He says he went in, and he there found George Mellor, and Thorpe and Smith; and that then they ordered him to be sworn, in order to keep the counsel, to keep it secret; and he says, upon that occasion the prisoner Thorpe produced a book,

which he said was a Bible, and that Mellor said he (Benjamin Walker) must be sworn; and that Varley, and Benjamin Walker's father, and a brother of his, William Walker, Sowden and Hall, had been sworn; that he took hold of the book, and Thorpe read the oath to him, while they held the book but he does not know what it was that he read; and after it had been read, Thorpe ordered him to kiss the book, which, he says, he did. Then he gives this further account; that Mellor told him that he had hurt his finger with the firing, and that the next morning, when he saw him, his finger was tied up; that when they were in Dungeon Wood, after the deed had been done, the other prisoner's Thorpe's face was bloody, and the account he gave of it was, that he had scratched it or hurt it in the plantation. And he further says, that the next day George Mellor told him that he and Thorpe had been at Joseph Mellor's, at the back of Dungeon Wood, after they had parted the day before.

He is then cross-examined on the part of the prisoners, and is asked, where he had been for some time past; and he says, That he now comes immediately from the Castle here; that he was brought to York a few days ago, that he had been at Manchester, and from thence at Chester ten or eleven weeks, when he was brought here. He had been probably apprehended, or charged with being concerned in this foul transaction, and in consequence of that he was committed to safe custody, that he might be forthcoming, to have his testimony submitted to a Jury, when this matter should be enquired into. He says he supposes it to have been about six o'clock when this affair happened; that a man of the name of Varley, William Hall, and his father, and brother William, were all present when the pistol was delivered to him, and he expects that they saw it and heard the conversation; that Smith was in the other shop; that before firing in the plantation, they were never nearer than twenty yards to George Mellor or Thorpe, and that he was never in the nook or corner of the plantation; that he and Smith were behind, at nearly twenty yards' distance. He is then asked when he first made this discovery: He says he first told this to his mother and to his father, the same night, after he came home, and that his father had heard what they were about before; that his mother went to Mr. Rad-

cliffe's about eleven or twelve weeks ago, in order to give this account, and to get her son examined, (as a witness, I suppose;) that Thorpe and Mellor had been taken up before she went to Mr. Radcliffe's; he says they were not all taken up together, that Mellor and he were taken together; that a reward had been offered for the apprehension of the murderers; that he heard from Sowden, it was £2000. He is then asked, whether he had sent any message to a woman of the name of Hartley; and he says, that while he was in custody, he sent a person of the name of Mary Dransfield to request Mrs. Hartley to go before the Magistrate, to prove that he (Walker) had been at some other place at the time this murder was committed. He says that he told Mary Dransfield that he had told Mr. Radcliffe that Mrs. Hartley was the first to come into the yard to tell of Mr. Horsfall having been shot, and that he thought she would be a safeness to him by shewing he was in the yard at the time, which he was not; that he told a man of the name of Firth, that he knew nothing of the murder; that he was examined before Mr. Radcliffe, when he was first taken; that he had William Hall for a witness for him, and had sent to Mrs. Hartley to tell her that he had told Mr. Radcliffe that she was the first that came to tell Mrs. Wood, thinking she might say something to his advantage; and he says the reason was, that George Mellor had told him that Mrs. Hartley had been the person that had informed the people at the works, of Mr. Horsfall having been shot. This is the account which is given by this witness, who certainly, by that account, makes himself out to be one of the persons, who (if his account is true, and he had been standing at the bar) must have shared the fate, which the others will, accordingly as your verdict passes for or against them. Therefore, you will examine the different parts of the account he has given, and see how far there are different circumstances proved by other witnesses, which induce you to doubt the truth of what he has said, or to believe that the account he has given is true.

The next witness called, is a man of the name of William Hall. He does not stand here in the situation of an accomplice in this felony; but he does not stand free of blame, any more than several others who worked in this manufactory of Mr. Wood's;

because language, dangerous in the highest degree, appears, according to their account, to have been used among them, without much fear of exposure, as to liberties intended to be taken with the lives and the property of others. But he does not appear to be a partaker in this particular transaction. The account he gives you is, that he was a cropper, employed at John Wood's; that he remembers the day on which Mr. Horsfall was shot; that on that day George Mellor applied to him for a Russian pistol, about four or five in the afternoon; that was a pistol which George Mellor had brought from Russia; that he, William Hall, had bought it of a man at the top of Mirfield Moor, so that it belonged to William Hall; Mellor had sold it to one Richard Hartley, who sold it to somebody else, who sold it to Hall; and then he gives a description of it, that it had a brass hoop, and that the barrel of it was about a foot long; that he accordingly lent Mellor that very pistol that day. This, he says, was about four or five o'clock in the afternoon of this same day; and that is the same on which Benjamin Walker tells you application was made to him for the first time, that he would be a party to go out with them to shoot Mr. Horsfall. He then relates, that George Mellor went home with him (William Hall) to a place called the Yews, which is just by their manufactory, and there he took the pistol, and put it under his coat; that the pistol, when he gave it to him, was unloaded; that he saw Mellor load it at his (William Hall's) house; and that he put near two pipe-heads full of fine powder into it, and then put one ball into it, and afterwards some slugs that he flatted out from other balls by hammers, and put them with the one bullet he had first put in; and he put in another ball at top, and he rammed them all down; that seeing him do that, he asked Mellor whether he meant to fire it, for he thought that the pistol would jump back if he did; he said, "Yes, he meant to fire it, and meant to give Mr. Horsfall that;" and that George Mellor set off directly. This is the account this man gives. He does not stand, I think, clear of blame, by any means. Being applied to by Mellor, to lend a pistol, he lends that pistol; he sees him load it in the way he describes; and if he believed the man sincere, and suffered him to go out of his presence without giving an alarm, he cannot stand as an innocent man. How-

ever, this is the account he gives upon his oath. He says, George Mellor had before asked him (William Hall) to be of the party, and to go out along with him, and he said he did not like to go; that Mellor put the pistol into his pocket, and went away. Then he gives the same account, as to the dress of George Mellor, as Walker had done; that George Mellor had at that time a bottle-green top-coat on, and an under-coat; that he had seen Thorpe that same afternoon in John Wood's shop, and that he was possessed of a pistol of nearly the same size with Mellor, and that when he saw him in the shop, he was braying some slugs at the window (which I understand to be hammering them out); that Benjamin Walker and Smith were in the shop at the time; and that when Mellor asked him (Hall) to go, and he refused, one of them said, he would go. He then gives an account of what passed the next day in the shop of John Wood, the father-in-law of Mellor; that Mellor produced a Bible, and that he (William Hall) was called into the shop; that Thorpe was sitting there, and a man of the name of Sowden, and one or two other men whose names he cannot recollect; that a paper was read over to them: he says he does not recollect the whole of what the paper contained, it was something about "if ever we revealed any thing concerning that business, we should be shot by the first brother;" that the Bible had been put into his hand before and after it was read over; he (William Hall) kissed the Bible. He further says, that he slept in the same room with Mellor on the night Mr. Horsfall was shot; that when they were going to bed, Mellor said he had hurt one of his fingers by firing off the pistol, and he did not know whether it would be right again or not. You have heard the account which this man before gave of the manner in which the pistol was loaded. He goes on to relate, that he heard that same evening, about seven o'clock, that Mr. Horsfall had been shot; that he heard it in Wood's shop, where Mellor works, and the woman who brought the account in was Dame Hartley; that that same night, as they were going to bed, Mellor told him that he and Thorpe had called at his (Mellor's) cousin's, Joseph Mellor, at Dungeon Bottom, and that they had left there the pistols in some flocks. This certainly is a very material fact, when you come to consider the evidence given on that part of the transaction, and compare it. He represents

Mellor to have added, that there were two apprentices of Joseph Mellor's there, whom he had told to give the pistols to their master when he came home, and that he and Thorpe had gone through Lockwood to Huddersfield. That I take to be the straight way from Dungeon Bottom, where they parted, to Huddersfield. The other two men had gone, according to the account of Benjamin Walker, to Honley. Hall says, that Smith, who went the other way with Walker, came home that night, and he likewise slept in the same room with the witness; Smith said they had been at Honley, and that they had hid their pistols in Dungeon Wood as they were going through; (Benjamin Walker, you may remember, says they hid them in some ant-hills), and that they had some beer at Honley; that the Sunday after this he saw the prisoner Mellor give Smith a guinea or a pound note; and that it was as much as three weeks after this, before he (Hall) got back the pistol which he had lent to George Mellor, and which, according to their account, had been left at the cousin Joseph Mellor's house, at Dungeon Wood. He says after that George Mellor asked him, one Sunday, to lend his pistol to go to Leeds, saying that there were some people come from Leeds, that wanted some arms; and accordingly he let it go. He gives this further account, that on the Saturday night, two or three days before Mellor was taken up, and when he was expecting to be taken up, he asked this witness if he would have that coat that Thorpe had on, to go before Mr. Radcliffe, the magistrate, as he (Hall) was the most like Thorpe; that he asked him to put on Thorpe's coat, that somebody might mistake him for Thorpe; that he was to go to the justice's with that coat on, when he was called on, and say he was the person who had gone with George Mellor to his cousin Joseph Mellor's, and had asked for employ in his work: but he would not do that. On the Sunday after Mr. Horsfall had been shot at, Smith asked him to go with him to seek the pistols that were hid in the ant-hills; they went to Dungeon Wood, and hunted for them among the ant-hills, but did not find them that morning, and they were never found. Two or three weeks after, Smith shewed him a pistol, and told him somebody had been with him, and found that of his. He is particularly asked, whether, when Benjamin Walker was taken up for this offence, he had sent for him (William

Hall) to be his witness. He says he was sent for, but was not examined on behalf of Walker, but was examined relative to some other subject of shear-breaking, that has nothing to do with this business. That is the evidence of William Hall; whose testimony, though he is not an accomplice, you will consider very attentively, as he is certainly very much tainted.

The next witness is Joseph Sowden, who says he is a cropper in Wood's shop; that he saw all the three prisoners the day Mr. Horsfall was shot; that at about half-past four, or between that and five, he saw Thorpe and Mellor enter the shop, while he was getting some refreshment, with each a pistol in his hand; that was the shop where he and Ben. Walker worked; Mellor worked in another shop. He says Ben. Walker, William Hall, John Walker, and his son William, and a man of the name of Varley, were there. He says he heard George Mellor, the prisoner, order Benjamin Walker to go home, and to fetch top-coats and a pistol; that Benjamin Walker accordingly went out, but he was not there when he returned, as that day he was working in what they call the raising shop; that he did not see Smith that day at all. He says that one pistol, which they came in with, was Smith's that the other was brass-mounted, with a brass guard, and was three inches longer in the barrel than the other pistol; that he saw no more of any of the prisoners till he heard of Mr. Horsfall's death; that what he heard pass was in Wood's kitchen, after he had got home; he had before that heard of what had happened to Mr. Horsfall. The next morning, he says, the three prisoners and Walker, both jointly and severally, related to him the particulars of their laying in wait for Mr. Horsfall. He did not repeat the particulars, but he said that they all of them had related what had happened, and that the next morning, or the morning after, Thorpe called him out of the shop, and he followed Thorpe into the press-shop; that Thorpe said to him, "Sowden, I must have you sworn to keep the murder of Horsfall a secret in all its circumstances." Sowden states, that he said he never took an oath, either legal or illegal, in his life; that he never had had occasion to be examined before a magistrate, and he did not choose to take any oath; upon which, George Mellor swore that he should take it, or he would shoot him dead; that, through fear of his life,

knowing that he had it in his power to realize his threats, and having reason to believe that he never went without loaded pistols, he submitted, and received the oath, which was administered in the press room; that Thorpe produced the oath out of his pocket, and that the substance of it was, to keep the murder of Mr. Horsfall a secret in all its circumstances, under pain of being followed by the most unceasing vengeance, and finally put out of existence by the first brother he should meet; that there was a Bible at the time produced; that they afterwards, by the same threats, forced him (Sowden) to be the person to administer that oath to all who knew of the murder of Mr. Horsfall, and that he accordingly administered it to Benjamin Walker, John and William Walker, James Varley, William Hall, and Smith, who were all the persons that appear not only concerned in it, but aware of the communications which had been made from one to the other.

He says, upon cross-examination, that when Mellor came in, he ordered Benjamin Walker to go home and fetch great coats and pistols; and that he did not himself know at that time what they were going about.

They then produced on the part of the prosecution, John Walker, the father of Benjamin Walker, who had been referred to as a person who was in the shop, and heard what was passing, and as having been sworn. They called him up to ask whether he was there at the time, in this shop; and in order that the other side might have an opportunity of putting what questions they pleased to him. However, no questions were put to him. This is the evidence as to what took place on the day on which Mr. Horsfall was shot, on the night when they returned home, and the next day, when, according to the account given by these witnesses, all those persons who knew any thing of the transaction, were bound by this abominable oath (if it was administered) to keep this matter secret.

They then proceed to the other points of the case opened on the part of the prosecution, as circumstances to affect the different prisoners in the parts they took in the transaction, after the murder of Mr. Horsfall had been committed. And they first call Martha Mellor, who says that her husband, Joseph Mellor, is the cousin of the prisoner George Mellor; that she and her husband live at Dungeon, about two hundred

yards from Dungeon Wood ; and that to come from Mr. Radcliffe's plantation to their house, the nearest way is to come through Dungeon Wood. She says that she heard of Mr. Horsfall having been fired at, between eight and nine o'clock in the evening on which it happened, by the report of some persons that came in. She states that her family consisted of her husband, herself, one child, four apprentice boys, and a servant girl. She speaks of one of the apprentices having misbehaved, and run away ; and two of the apprentices being here. She says, that her husband is a cloth-dresser ; that on the same evening on which she heard afterwards that Mr. Horsfall had been shot, she saw the prisoner at the bar, George Mellor, about a quarter after six, when he came to her house with another person whom she did not know ; that they came first into the workshop, and then from the workshop into the house ; that George Mellor asked her if her husband was within ; she said that he was gone to market ; he then asked if they wanted a man to work ; upon which she said, " No, there was no occasion." They had no work, I suppose, in which they wanted to employ him. He then asked her to lend him a handkerchief ; it does not appear for what purpose ; and she lent him a black silk handkerchief ; and then George Mellor asked her to allow the gentleman who was with him to wash himself, and she accordingly allowed him to wash himself ; and she describes George Mellor as having on a dark-coloured coat, but no top-coat on at that time, that is, when he came into the house, he having been in the shop. She says, the gentleman who was with him had a dark-coloured top-coat on. They stopped there about a quarter of an hour. George Mellor asked her to lend him a coat ; she told him her husband's upper-coat was in the shop ; and accordingly both these men went through the shop, the same way they had come into the house ; and they said, if they did not meet her husband, they might probably call again about ten o'clock that night. She says, she thinks it was a quarter-past six o'clock when they came, for she guessed they had been gone about half an hour before her husband came home ; and she thinks he came home about seven o'clock. She is asked, whether the prisoner, George Mellor, has borne a good character, and she says he has.

Then the whole of this transaction is closed by the account of the apprentices. They had seen these persons come in, for they came into the shop first. Durrance, one of these apprentices, who is about seventeen years old, says, he saw George Mellor at his master's house at Dungeon Bottom this night, when Mr. Horsfall was shot; that he was in the shop when George Mellor came in, and a man with him, who, he thinks, was like Thorpe; that at that time they had dark-coloured top-coats on, but George Mellor took off his top-coat, and put it on a brushing-stone, and he then had a green coat on; that he asked the apprentice to go up stairs with him, and he went up with him; the other man stayed below; that when they got up stairs, George Mellor gave the apprentice two pistols; that they might be two feet long; that they put these two pistols under some flocks to conceal them; that he himself did not take particular notice of them to know whether they were loaded or not, and that George Mellor told him he had no occasion to say anything about them; but he says that when his master came home, he (very properly) told his master who had been there, and what they had left there; that he and his fellow-apprentice stopped at work, and George Mellor went down; that he showed the pistols to his fellow-apprentices, Kinder and Oldham, and that Kinder told him at the time that it was George Mellor, he himself not knowing him. Now, he says, he thinks that the first prisoner is the man. He says, when his master came home, he told him his brother had been there, and what he had left there; that he shewed his master, Joseph Mellor, the pistols, and that his master, Joseph Mellor, and the apprentice, took them from under the flocks, and carried them into the laith, and hid them under some straw in the laith. He says he has himself been before Mr. Radcliffe the magistrate; and that after he had been before Mr. Radcliffe, George Mellor gave him (this apprentice) five shillings, and bade him give the other apprentice, Kinder, half of it, to speak the truth of what they had seen; but he told him to keep the pistols a secret, that is, to speak the truth, but not the whole truth.

On his cross-examination, he says, they stayed but a short time; that the time when his master came home was an hour, or an hour and a half, after these men had been at the house.

Then the other apprentice, John Kinder, who saw Mellor come in, and told his fellow-apprentice who he was, is called. He says that he remembers the night when Mr. Horsfall was shot; that he saw George Mellor come in, and Durrance asked him who that was that came, and he told him he thought it was George Mellor; that he himself was in the fold; that he met Mellor coming down again after he had been in the shop; that Durrance shewed him the two pistols Mellor had left there; that they took them from under the flocks, and he thinks they were not loaded, and that for a very good reason, because he opened the pan and blew through the touch-hole; and he confirms the account of having received from Durrance half-a-crown, which, Durrance says, George Mellor had given him to speak the truth of what they had seen, but not to say anything about the pistols.

Joseph Mellor, the cousin, who was not at home when they came, is the next witness. He says he was at market on this afternoon, that he got home, as nearly as he can guess, about seven in the evening; that Durrance, the apprentice, when he came home, shewed him two pistols; that he had, before he got home, heard that Mr. Horsfall had been shot, and when Durrance shewed him the pistols, he went with him, and hid them in the laith, because he was afraid of their being found upon his premises. He says the pistols were nearly of a size, but one was of a larger bore than the other, the larger one was brass-mounted, and he himself had heard George Mellor before say, that he had brought a pistol from Russia. He says this too, which is a material circumstance, that he found a dark-coloured top-coat upon the brushing-stone in his shop, and in the pockets of that there were two ball cartridges, and he found a dark bottle-green coat behind the door, but neither of them belonged to him; that a man of the name of James Varley came the morning after, and he told Varley he had the pistols; and in about a week after the pistols were gone, but how they got away we do not know, there is no account of who fetched them away. He also says that he had left a top-coat of his, which was a drab top-coat, at home, and that was gone.

Now, the evidence of these four last witnesses, is evidence, which, as it respects George Mellor in particular, calls very much for some explanation; because on this very night; and at

this very time, according to the evidence of one whom you cannot suspect at all of being influenced by any bias against these prisoners, George Mellor and a stranger came to the house of the cousin, and having been before in the shop, asked the wife of the cousin, whether they could give any work to this man who was with him? She said, "No." He then asked for the loan of a handkerchief; and it appears by the evidence before you, that one of them had hurt a finger, and one of them had scratched his cheek in going through the wood. It also appears, according to the evidence of the apprentices who saw them come into the house, that each of the two persons who came, had dark-coloured top-coats on; that they took them off; that George Mellor laid his upon the brushing-stone, and there was another dark-coloured top-coat hung behind the door, which Joseph Mellor found when he came home; that both having top-coats when they came, (and dark-coloured top-coats,) George Mellor asked his cousin for her husband's coat, and took away a light-coloured drab coat of the husband's, which was hanging up there. That, to be sure, has the appearance very much of a desire of changing clothes, so that the dress in which they had been, and might have been observed, should not tend at all to betray them. But there is another circumstance; the first thing done by George Mellor, and this person, who is not recognized except by one of the apprentices, is to hide a brace of pistols, which the apprentice is desired to say nothing about, and they are both of them discharged pistols; they are afterwards taken into a place of concealment, because the cousin, Joseph Mellor, thinks it not safe for them to be found on his premises; and they are afterwards fetched away, but nobody is here to tell us who fetched them. Joseph Mellor, when he comes home about an hour after, finds his coat gone, but two dark-coloured top-coats are left, one on the brushing-stone and one behind the door; in the pocket of one of which there are two balls. This is left wholly unexplained. This is fixed to be George Mellor, by the wife of the cousin. And if these circumstances were unconnected with this transaction, some account might have been given by evidence, with what transaction they are connected, so as to shew that they are to be considered features in some other transaction, and not features applicable to that which is the subject of our present enquiry.

That is the end of the evidence, with respect to what took place at Dungeon Bottom.

The only additional evidence is that which is produced by Mr. Staveley, the Governor of the Gaol. The top-coat taken off Mellor, the prisoner, when he came here, which is acknowledged by Mrs. Mellor to be the same that had been left at her house, and Joseph Mellor says is the same that he found left at his house, when he got home that evening.

The Counsel for the prosecution next call witnesses who had nothing to do with this transaction, for the purpose of giving an account of what they saw in the neighbourhood of this plantation. Abraham Willey says he was a workman for Mr. Radcliffe; that he was at work about two hundred yards from the spot where Mr. Horsfall was shot, that is, in a field which I would describe as behind the plantation, with respect to the situation of the public road along which Mr. Horsfall was travelling; that he heard a gun, but did not see it, being in the stable. He says it came from the nook of the plantation next the road; that upon hearing it, or soon after, he went up, and saw four men running down by the end of the building, across the fields between the plantation and Dungeon Wood, and making for Dungeon Wood; that they were not nearer to him than fifty yards, and that all the four men (he agrees in the account given by Parr and others) had dark-coloured coats on at that time; and he says this must have been the time Mr. Horsfall was shot, because in two or three minutes afterwards, his two boys, who are referred to by another of the witnesses, as being collecting dung in the road, came and told him what had happened to Mr. Horsfall: so that the point of time is fixed.

Then further as to that part of the case, a person of the name of Hartley was going along the road from Crossland to Lockwood, which runs at the back of the fields, and of Mr. Radcliffe's plantation, and would give him the command of the sight of those fields and of Dungeon Wood. He says, as he was going along that road, he heard the report of a piece, and that when he got to the top of the close of land where he was, he saw four men come out of Mr. Radcliffe's plantation, and jump over the wall that went to Dungeon Wood, and so into Dungeon Wood; that they had all dark-coloured clothes on;

that as they were getting over the wall, he observed that one of them had a pistol, with a brass end to it, under his coat, because the coat flew back as he jumped over the wall, and on the man looking back, and, as he supposes, taking notice of him, he pulled his coat over the end of the pistol. That again confirms the account, that the number who did this consisted of four, and that they immediately made off that way.

Mary Robinson, the landlady of the public-house at Honley, to which the prisoner Smith and the accomplice (according to the account of Benjamin Walker) retired after the murder had taken place, says, that her husband keeps a public-house at Honley, on the left hand, at the bottom of the town : that they heard that Mr. Horsfall was shot on the same evening, by some market people coming in ; that on that evening two young men came to their house, and had something to drink ; that she recollects a collier being at her house, who had got a little fresh with liquor ; and that when the news was brought, soon after these young men came in, that Mr. Horsfall was shot, Smith, one of these two young men, who whistled very well, began to whistle, and pleased the collier, and that he began dancing. She says that the time when the young men came in, was between seven and eight in the evening, and that they went away a little before nine. That tallies nearly with the account Benjamin Walker gives. And she says, that when her husband came in, he asked them where they came from ? and they said they came from Longroyd Bridge ; which is the place where these two persons lived.

This is the evidence on the part of the prosecution, which consists of the evidence not only of Benjamin Walker, who is, in the strictest sense of the word, an accomplice (going out with them, and continuing with them, though, he says, the latter part of the time against his will, being afraid to go back) but of the different other witnesses belonging to the same manufactory, who appear to have been witnesses to preparations going on, and declarations made after the act had been done, so as to know what had been done, and for a considerable time at least never to have disclosed it, though they were not themselves parties in the act itself. There is the confirmatory evidence of those persons who saw the four men, immediately after the report, making off in the direction described by the

accomplice, and dressed, as is described by the accomplice, all in dark clothes. And above all, there is the transaction which took place at the house of the cousin of George Mellor, where the two dark top-coats, and the pistols not loaded, were left, under the circumstances which the witnesses have detailed to you; and likewise what took place at the public-house where Walker and Smith went, according to Walker's account.

On the part of the prisoners, they have called witnesses to shew that this account is not true, for that some or all of the prisoners were seen by different witnesses at places and times, where they could not have been, if they had been concerned in this transaction. You see, no proofs are given to explain any of those strong passages of the evidence, which I observed upon to you as I went over it, and those in part from persons connected with one of the prisoners; but witnesses are produced, to shew that one or other of the prisoners, and all of them in some instances, were seen at such a time in the evening, that they could not have been at this plantation when the piece was fired off, by which Mr. Horsfall was shot. This must depend very much, not only on the credit given to those different witnesses who have been called, but certainly, at this distance of time, upon the accuracy of their recollection; and some of them, you will see clearly, according to the account given by the other witnesses, must be mainly mistaken as to time.

The first witness called, is William Hansard, who says he was at Huddersfield (where he lives) on the 26th of April last, the day on which Mr. Horsfall was shot; that he knows the prisoner George Mellor, to whom he particularly speaks; that he saw him about a quarter of a mile out of the town of Huddersfield at a little before seven o'clock in the evening; that he had heard of Mr. Horsfall's being shot, and that Mellor was passing as if going to Longroyd Bridge. I do not know whether that is consistent with the date at which the firing appears clearly to have happened. It must have happened some short time after six o'clock, according to the account of the first witness, Armitage. As nearly as he can recollect, it was a quarter before six, when Mr. Horsfall stopped at his door, and he fixes the utmost time he stayed at twenty minutes, which would bring it to a quarter after six, and he had a very little way to go to the plantation before the shot was fired; so

that it would probably be between a quarter after six and half-past six, when the shot took place. This witness fixes it a little before seven, when he saw Mellor on the road, as if going to Longroyd Bridge. That comes very nearly to the time he was at Joseph Mellor's. The woman says he was there at a quarter after six o'clock; but clocks vary, and the memory of people varies as to time; and therefore one cannot try very correctly by that test, unless one has something more than the mere recollection of persons. However, he says that a little before seven he met George Mellor upon the road, going to Longroyd Bridge.

Jonathan Womersley, a clock-maker at Huddersfield, says that he saw George Mellor on the evening on which Mr. Horsfall was shot, about six o'clock or a quarter or ten minutes after, at the corner of the Cloth-Hall-street in Huddersfield; that they went to Mr. Tavenor's, to settle a little account, where they had one pint, and then a second; he stopped till he got his money, and then he left Mellor there, and then he went to the Brown Cow in the market-place, and the soldiers were then riding over the market-place, full speed. I suppose, upon the alarm of this person having been shot, the soldiers had been ordered out; that has not been proved, but I suppose that is what is to be understood. He says that he saw him about six, or a little after that time. According to the account of his cousin, he was at Dungeon Bottom at a quarter after six. They may all think that they speak accurately, but still it shews the little reliance which can be placed upon evidence as to particular times, when you come to be bringing several transactions within the space of pretty nearly an hour. Mrs. Mellor says that they stopped a quarter of an hour; so that according to her account, Mellor did not leave her house till half after six.

The next witness is William Battersby, a shoemaker, who was at Huddersfield and at Tavenor's at the time the other man speaks to; he confirms his account, that they had two pints of beer, and that they remained in company till they had drank it, and he thinks they stayed half-an-hour at Tavenor's, it might be more or less. That does not carry it further as to time, only that he was there with Womersley. The only question is, whether it was sooner or later.

John Thorpe says, he lives at Castle-street in Huddersfield;

that he knows George Mellor; that he remembers, the day Mr. Horsfall was shot, that he met George Mellor opposite the George Inn in Huddersfield, about ten minutes before six o'clock; (that is carrying it, you see, very early); that he stopped in the street with him a few minutes; he says he knows it wanted ten minutes of six, for that he had a watch he wanted to sell him, and he asked him if he would buy it; that he took the watch out, and that that makes him know it was ten minutes before six o'clock. That is not reconcilable at all with the account given by the cousin, but by supposing that the clocks or watches vary very much, or that the memories of the people vary very much.

Jonathan Battersby, a shoemaker in Huddersfield, says he saw Mr. Horsfall on the evening when he was shot; that he went up the street towards the Market-place, a little after five o'clock; that he (the witness) then went into his own house, that he drank tea, and then he put on his coat, and went up the street about a quarter of an hour after Mr. Horsfall had got on horseback (that would be about half after five o'clock); that he went across the Market-place leading to New-street, where he met George Mellor coming towards the George Inn; that they passed a few words, and were not above a minute or two together at the furthest; that he went home; that it was not quite six o'clock, when he left George Mellor, and he did not hear of Mr. Horsfall's being shot till after he had got home. Still these all fix him to have been in Huddersfield at a time not at all consistent with the account given by Mrs. Mellor of his being at Dungeon Wood.

George Armitage, who is a blacksmith at Lockwood, says, that his shop is between Joseph Mellor's house and the town of Huddersfield; that he was in his shop between five and six, and that he saw George Mellor come past, but he cannot say within a few minutes as to time; that he had not been at his drinking that evening, that they generally drank between five and half after five, but that he had been shoeing a horse, and perhaps it might delay him; that when he saw George Mellor pass, he was coming as if from Joseph Mellor's, and going towards Huddersfield. Now between this man and Joseph Mellor's wife, there must be a mistake; because she says, according to her account, he did not leave her house till half

after six, and this man says he came past his shop between five and six. He says he has known George Mellor some time, and that he never heard anything against his character; that the account he gave was, that he had been at Joseph Mellor's, with a man that wanted work. To be sure, either Joseph Mellor's wife, or this man, must have erred very much in the time. They were not aware, perhaps, of each other's evidence.

Joseph Armitage, a brother of the last witness, says, that he saw George Mellor, on the day on which Mr. Horsfall was shot, at the shop-door of his brother; that his mother came to call them in to their drinking, and that he went to the door, and saw his brother talking with George Mellor. He does not fix the time, only that it was after his mother had called them in.

The next witness speaks particularly with respect to the prisoner Thorpe. Charles Ratcliffe states, that he is a cloth-dresser at Huddersfield; that he remembers the night Mr. Horsfall was shot at; that he was at Mr. Fisher's, at Longroyd Bridge; that he went there at half-past five o'clock that evening; that he went into a room at Mr. Fisher's, called the raising-shop, and that he saw Thorpe there raising a blue coat cloth, that he had a conversation with him for a quarter of an hour, and left him there when he came away; that there was a young woman fetching water out of the cistern in the shop, in a can; that he returned to Huddersfield immediately, and that when he got there, it was about a quarter or twenty minutes after six by the Cloth Hall clock; and that half-an-hour after that he heard of Mr. Horsfall being shot. So that, according to his account, he saw Thorpe in the raising-shop at half-past five o'clock that evening, and he stayed there nearly a quarter of an hour, which would bring it to nearly a quarter before six, with the variation of clocks. I apprehend a very little time would be necessary to go from Longroyd Bridge to the plantation. Still, if they are accurate in speaking, by the same clocks, the account appears inconsistent; but, accounting for the difference by the difference in clocks and memories, I do not think it is so very striking. Ratcliffe states, that Thorpe was the only man at that time who was at work in the shop.

Frances Midwood, a young woman living with her father at Longroyd Bridge, states, that she recollects the 28th of April; that they were to wash the next day, and she was fetching

water from the raising-shop of Mr. Fisher, for washing the next day; that she began going about five o'clock, that the first time she went there was nobody there; that when she went about ten minutes after five, William Thorpe was there, and again the third time William Thorpe was there, talking with another man, but she did not know who he was; that she went repeatedly, and continued going until she heard some report about Mr. Horsfall being shot; and that then she did not fetch any more water, but that every time she went to the raising-shop, after the first, she saw Thorpe there; and that one of the times when she was there she saw Abraham Pilling, who had been making her a pair of shoes, and had followed her to the shop, which he saw her go into.

Then Abraham Pilling is called, who is a shoemaker in Huddersfield. He says, that he had made a pair of shoes for the last witness, Frances Midwood; that he delivered a pair of shoes to her on the night Mr. Horsfall was shot; that he was going to her father's with them, and saw her crossing the road with a can, that he followed her into the raising-house, where he found her and William Thorpe; that she was lading water out of a cistern with a can; that it wanted a quarter to six when he set out from home, and Longroyd Bridge is better than a mile from his house. So that according to his account, it must have been past six o'clock probably before he got there. He says that Frances Midwood took the shoes, and asked him what was to pay, and she went to fetch money to pay him; and in the meantime he talked with Thorpe, and then she came back with a note. He stayed a little while longer, and then he went forward a mile another way, where he was going; and that as he was going out of the raising-house, the neighbours told him that Mr. Horsfall had been shot.

John Bower, who is apprentice at John Wood's at Longroyd Bridge, says, that the day when Mr. Horsfall was shot, he saw George Mellor on Mr. Wood's premises; that they were hard-pressing, that George Mellor was assisting him at the hardening of the press; that Thomas Smith, Benjamin Walker, James Varley, and John Walker, were there assisting, and that the time when they were so doing was somewhere near seven o'clock in the evening; that they stripped up their shirt-sleeves to work; and that he saw the prisoner Smith go to his

drinking about six o'clock ; that he had seen him a good many times at work between noon and six o'clock ; that he went in to his drinking about six ; that he was at work in a different room from Smith, but that he went into the room where Smith was, to fetch the pieces for the press ; that he slept in the same room with Mellor the night Mr. Horsfall was shot, and Thomas Smith slept in the same room ; that William Hall had a house of his own, but he cannot recollect whether he slept in the same room that night or not. William Hall says that he did. The boy then gives an account of a transaction, that he saw the Widow Hartley come down the yard about seven that evening, and that she first brought the account of what had happened to Mr. Horsfall, and that he and William Hall were then in the press-room ; that she brought the news of Mr. Horsfall's accident before Mellor and the others came to harden. Now he does not speak to having seen them come to harden till after the news was brought. He fixes it about seven o'clock ; how much later it was, he does not say precisely, but that it was about seven. It could not be, consistently with the others, unless it was some time after. He says he had been to call them before she came, that it was a particularly busy day, and they did not go to their drinking till six o'clock ; that he had not seen George Mellor there, from three in the afternoon, till they came to harden. You have the account as to George Mellor, where he was a part of the time, from those who knew him well ; that he was at his cousin's short of seven o'clock, and somebody with him, whom the apprentice believes to have been Thorpe.

Then Mary Thorpe, a servant to Mr. Wood, says, that on the 28th of April she saw Smith and Bower coming in at the kitchen door ; they came in at six o'clock to have some drink ; that it struck six as they came in ; that Mr. Wood's clock is kept pretty accurately by the Cloth-hall clock ; that she supplies the men who live in the house, every day, with beer ; that John Bower, Thomas Smith, George Mellor, and William Hall, live in the house ; and she states this circumstance, that Smith has a very good knack at whistling.

The last witness called, is a man of the name of William Hirst, who lives at Longroyd Bridge, and lodges in the house of Mr. Wood, with whom most of these men work and many

of them lodge. He says he knew Benjamin Walker, that is the accomplice; that he remembers the day when Mr. Horsfall was shot; that he was at Mr. Wood's house that evening; that he went down the yard about seven o'clock, and that he met Benjamin Walker there. He says he had heard of Mr. Horsfall being shot before he left Huddersfield; and that his son is a merchant living at Huddersfield, who employs Mr. Wood as he does other persons, to do his work.

This, gentlemen, is the evidence produced on the part of the prisoners; evidence of different persons coming in at different times, for the purpose of shewing that, at points of time in that evening which they fix, they saw either all the prisoners, or some of them, in situations not consistent with the time allotted by the account given by the other witness for this transaction. When you see the point of time at which it took place, and the nearness of all the different spots where they were to the place in question, perhaps it is not so surprising that there should at such a distance of time, be so much variance in the account given by different witnesses, as to the periods of the day, as there appears to be upon the present occasion. Even supposing the witnesses to come under no improper bias or influence in what they are saying, they are speaking of a transaction, which not only took place a long time ago, but was not imputed to the prisoners at the bar till a considerable time after it had taken place. For this took place, in the month of April, and it does not appear that enquiry was made before the magistrate, or any of these persons committed, till the month of October. Nothing happened immediately after the transaction, to lead these persons particularly to watch, so as to be accurate in the hour or time on that particular evening, when they saw these persons at a particular place; and we know how apt persons are to be mistaken, even when care is taken, in point of time. However, gentlemen, it is for you to compare the evidence. The evidence on the part of the prosecution rests, not on the testimony of Benjamin Walker only, but of several other workmen in this manufactory, who are not accomplices in this transaction, though they appear to have had a knowledge of it, which I cannot say is not to a certain degree guilty. For I cannot hold them innocent in knowing of such a transaction going on, and treating it so lightly as to give no information

respecting it, and to keep it concealed longer than while there was an immediate impression of fear of personal danger to themselves. But, independently of this, you have evidence of that which appears to me to be the strongest part of the case, and to require the most explanation, but which has not been explained, and which applies particularly to the prisoner Mellor, and to Thorpe, if you are satisfied he was with Mellor: I mean the transaction which took place at Joseph Mellor's house at Dungeon Wood, and which goes to contradict, in point of time, the evidence given by the different witnesses on the part of the defendants. The enquiry is a serious one, not only as it regards the prisoners themselves, but as it regards the public peace and security. You, who have heard the evidence, will lay the facts together in your minds, and will do justice between the country and the prisoners.

THE VERDICT.

The Jury retired at half-past seven, and returned at five minutes before eight, finding—

GEORGE MELLOR, GUILTY.

WILLIAM THORPE, GUILTY.

THOMAS SMITH, GUILTY.

The prisoners being severally asked in the usual manner, by the CLERK OF ARRAIGNS, if they had anything to say, why sentence of death should not be pronounced upon them? answered:

MELLOR.—I have nothing to say, only I am not guilty.

THORPE.—I am not guilty, sir; evidence has been given false against me: that I declare.

SMITH.—Not guilty, sir.

THE SENTENCE.

Mr. JUSTICE LE BLANC immediately passed sentence of death upon them in the following words:

“ You, the several prisoners at the bar, have been tried and convicted of wilful and deliberate murder—under all circumstances an offence of the deepest malignity, but under the circumstances which have appeared in this case in particular, as far as one crime of the same denomination can be distin-

guished from another, this may be pronounced a crime of the blackest dye. In other cases, the court has been able to discover something which might work upon the passions of mankind, and might induce them to commit an act, at which, in their cooler moments, their minds would have revolted. But, in the present case, the crime was committed against a man, who appears to have given no offence to any one of you, except that he was suspected of having expressed himself with a manly feeling against those who had set up a right to violate all property, and to take away the life of any man who had been supposed to encourage others to do, (what, I trust, there still are men sufficient in this country to do,) to stand manfully forward in defence of their property. For that reason, he was marked out by you as an object of the most cowardly revenge. You, attempting to associate with yourselves such men as you could prevail upon to join in your wicked purposes, waylay him at the moment when he is returning home, almost in mid-day, with a boldness which one has scarcely ever witnessed in trying offences of this description. But in the course of your trial, proceedings have come before the court, at which human nature shudders. That the national character should be so debased; that men, who ought to boast of their character as Britons, should have dared to hold forth, in the language in which you have held forth, and with so little discretion that assassination and destruction of property were instruments in your hands, to be exercised at your pleasure, and against any person who had happened to offend you—independently of this, that you should have dared to take into your hands the Holy Scriptures, and to administer an impious oath to those who were cognizant of your offence, calling the Almighty as a witness, (that Being whom you were conscious you had offended in the highest degree;) calling upon Him for vengeance upon the heads of those who should discover your crimes: these are circumstances which have appeared in the course of this trial, and which have scarcely ever appeared in the course of any trial which has been brought before a court of justice.

“It is not upon the testimony of one, or of two, or of three witnesses, that your guilt depends; and let me advise you not to lay that balm to your souls, that you have been deprived by false accusation, and by false oaths, of your lives. A chain of

circumstances has been discovered in the course of this trial, which does not depend upon the oath of any one, or two or three men, whom you may denominate even as bad as yourselves. But even from the testimony of those, who, if they had not been honest to a certain degree, would have given a different evidence, it is clear that two at least of you were guilty; and as little doubt remains, from other evidence, upon the guilt of the third of you.

“In the shop where you have worked, some of you appear to have gained such an ascendancy over the minds and over the consciences of the workmen, who were in some degree under your control, that you could mould and fashion them to any wicked purpose you yourselves might imagine. Their eyes, I hope, will be opened by the fate which awaits you; they will see, that though for a short time the career of the wicked may continue, yet the law is sure at length to overtake them.

“To you, the unfortunate persons who stand at the bar, (for every man who has disgraced his character as you have, must be deemed unfortunate,) to you the only kindness I can offer, is in the advice to prepare, as speedily as you can, for that execution of this sentence, which must shortly await you; to make the best use you can of the period still allotted to you in this world—longer far than was allowed to the unfortunate person who was the object of your revenge; that you will take the opportunity of making your peace with that Almighty Being whom you have offended; that by the sincerity of your repentance, the fulness of your confession, and the acknowledgment of your offences, you may endeavour to obtain that forgiveness in the world to come, which I cannot hold out to you any hopes of obtaining in this world.

“It remains only for me to pass upon you the sentence of the law. That sentence is—That you, the three prisoners at the bar, be taken from hence to the place from whence you came; and from thence, on Friday next, to the place of execution; that you be there severally hanged by the neck until you are dead; and your bodies afterwards delivered to the surgeons to be dissected and anatomized, according to the directions of the statute. And may God have mercy upon your souls.”

The prisoners, who still retained their self-possession, were

then removed from the bar, where they had stood from nine o'clock in the morning, till between eight and nine o'clock at night. During the whole of the trial, and even while the solemn sentence of the law was passed, not one of them shed a tear, but their behaviour was perfectly free from any indecent boldness or unbecoming levity. The proceedings of the court were conducted with unusual solemnities, and the behaviour of the spectators was strictly decorous and becoming. From amongst the numerous relatives and friends of the unfortunate malefactors, an expression of anguish frequently reached the ear, but it was deep, not loud; and in that part of the auditory that was connected with them, only by a common nature, abhorrence at their enormous crime, was not unmixed with commiseration, at the premature fate of these early victims of a lawless confederacy.

At the opening of the court on Thursday morning, the Jury recommended Thomas Smith to mercy, and an application was, we understand, made to the Judges, to have the sentence of the law, on such of the murderers as they might think proper to order for execution, carried into effect, not at the usual place of execution, but on the spot where the murder was perpetrated; but, we hear, that it was not thought expedient to comply with this application.

THE EXECUTION.

The execution of these unhappy men took place on Friday, January 8, 1818, at nine o'clock, at the usual place behind the Castle, at York. Every precaution had been taken to render every idea of a rescue impracticable. Two troops of cavalry were drawn up at the front of the drop, and the avenues to the castle were guarded by infantry. Five minutes before nine o'clock, the prisoners came upon the fatal platform. After the ordinary had read the accustomed forms of prayer on these occasions, George Mellor prayed for about ten minutes; he spoke with great apparent fervency and devotion, confessing in general the greatness of his sins, but without making any confession of the crime for which he suffered. He prayed earnestly for mercy, and with a pathos that was affecting. The surrounding multitude were evidently affected. William Thorpe also prayed, but his voice was not so well heard. Smith said

little, but seemed to join in the devotion with great seriousness. The prisoners were then moved to the front of the platform, and Mellor said—"Some of my enemies may be here, if there be, I freely forgive them, and all the world; and I hope the world will forgive me." William Thorpe said—"I hope none of those who are now before me, will ever come to this place." The executioner then proceeded to perform his fatal office, and the drop fell. Some alteration had been made in the drop, so that all the whole body was visible when they were suspended; in former executions only the feet and head could be seen by the spectators. They were executed in their irons. They appeared slightly convulsed for a few moments.

The number of people assembled, was much greater than is usual in this city, on these melancholy occasions, but not the slightest indication of tumult prevailed, and the greatest silence reigned during the whole of this solemn and painful scene. Such has been the issue of that fatal system, which, after having produced in its progress great terror and alarm, and much mischief to the community, has at length terminated in the death of those who were its most active partizans. And thus have perished, in the very bloom of life, three young men, who, had they directed their talents to lawful pursuits, might have lived happy and respected. They were young men on whose countenances nature had not imprinted the features of assassins.

In the interval between the trial and execution, the prisoners behaved very penitently, though they refused to make any confession either in the prison, or at the place of execution. Thorpe, on being asked if he did not acknowledge the justice of his sentence? said—"Do not ask me any question." Mellor declared—"That he would rather be in the situation he was then placed, dreadful as it was, than have to answer for the crime of their accuser, and that he would not change situations with him, even for his liberty and two thousand pounds;" but with all his resolution, he could not conceal the agonies of his mind, for on the night before the execution, he fell to the ground in a state of insensibility, and it was thought he would have died in his cell; but he soon recovered, and in the morning his health was perfectly restored.

On the fate of these malefactors, and on the dangerous tendency (to themselves we mean) of the association of which they were members, one observation presents itself so obvious as to force itself upon the notice of all, and yet too important to be omitted at the close of the melancholy details that we have felt it our duty to lay before the public. It will from hence appear that men confederated for the commission of crimes, can have no well-grounded confidence in each other—not even when their compact is confirmed by oaths and cemented in blood. If this be admitted, and the history of every age and country, as well as the fate of George Mellor, William Thorpe, and Thomas Smith, confirms the truth of the observation, the inference is irresistible, that all those persons who may in future be invited to become members of such confederacies, should resist such invitations, as they would avoid the greatest calamity; and all those who may have been so far instigated as to become members of such societies, should, from this moment, and by one common consent, desist from taking another step in furtherance of their objects. They must now see that they have stood on the brink of a frightful precipice, and that another step might have plunged them into that gulph that has overwhelmed their less fortunate associates.

THURSDAY, *January 7th.*

TRIAL OF JOHN SCHOFIELD, THE YOUNGER, OF NETHERTHONG, CLOTH-DRESSER, CHARGED WITH WILFULLY SHOOTING AT, OR COUNSELLING, AIDING, AND ABETTING, SOME PERSON TO SHOOT AT, WITH INTENT TO MURDER, JOHN HINCHLIFFE, OF UPPERTHONG, CLOTHIER.

The Prisoner, on being arraigned, pleaded—NOT GUILTY.

Mr. RICHARDSON opened the pleadings, and Mr. PARK, in addressing the jury on behalf of the prosecution, said—That the prisoner was indicted under two Acts of Parliament, the former called the *Black Act*, the other passed in the 43rd year of his present Majesty, usually called *Lord Ellenborough's Act*. The framers of the latter act seemed to have had in their contemplation crimes of precisely the same nature as that imputed to the prisoner at the bar, for in that act it is provided :

“That if any person or persons, shall wilfully, maliciously, and unlawfully shoot at any of his Majesty's subjects, or shall wilfully, maliciously, and unlawfully present, point, or level any kind of loaded fire-arms at any of his Majesty's subjects, and attempt, by drawing a trigger or in any other manner, to discharge the same at or against his or their person or persons. In every such case, the person or persons so offending, their counsellors, aiders and abettors, knowing of and privy to such offence, shall be and are hereby declared to be felons, and shall suffer death as in cases of felony, without benefit of clergy.”

The learned Counsel then proceeded to state the nature of the evidence that would be submitted to the consideration of the jury, and concluded by calling the first witness—

JOHN HINCHLIFFE, who said, I live at Wickens, in the township of Uppertong, in the parish of Almondbury, and am by trade a woollen manufacturer, and was in the month of July last, clerk of Holmfirth Chapel, in which situation I had been not quite a year. I have known the prisoner Schofield many years; I taught him to sing, but that is now more than a year and a half ago; we have since that time sung together, but not often; I had been well acquainted with his voice; I have lived at Wickens from six to seven years; I am a married man, and have six children; Jonas Moulding and Thomas Hinchliffe are my neighbours, their houses adjoin mine; there is a fold before

our houses, and a road passes at the bottom of the common. The prisoner lived at Lowerthong in the month of July, which is a mile from Wickens; he had lived there ever since I knew him; he is, I believe, a married man. On the 22nd of July, I retired, together with my family, at the usual time; between eleven and twelve o'clock that night, somebody came and knocked at my door; I think it was at that time, but cannot be very sure, as I have not a clock in my house; a voice called out, "John Hinchliffe," and said, "Does John Hinchliffe live here?" I answered, "Yes." I knew the voice that called; it was the voice of John Schofield, the prisoner at the bar; I have no doubt in my own mind about it; I then got up and went and opened the door, as soon as I got out of my bed; at that time the moon was nearly at the full; I found two persons at the door, both with pistols in their hands; they had hats on; one of them had his face partly covered with a light striped handkerchief; when I saw the pistols, I made an attempt to shut the door upon them, but could not; a voice, but I don't know which of them, spoke and said, they would not hurt me; they then both fastened their hands on my shirt, one at one side and the other at the other, and haled me to the outside of the door; I told them they would hurt me; they again said they would not; they then told me they wanted me to shew them to a man; just then, a horse came trotting up the lane, at which John Schofield ran away. The man that stopped, asked me what I had been doing? I said, I had been doing nothing amiss to any man. He said, I was a liar; I had been fetching a warrant against John Schofield. I said, I never was before a Magistrate in my life on any business whatever. He then gave whistle, and I set off to run to my neighbour Thomas Hinchliffe's. This man then fired upon me, and I was struck in my left eye, and by that shot I lost my eye; I then cried out with all my might, and ran into Thomas Hinchliffe's; I saw the prisoner in Upperthong lane, in May, about ten weeks before this; I was returning from chapel after the afternoon service, and met him in this lane; he said he would go and get some drinking with me. When we came to the turn of the road, he wished me to go a little way with him, and I went with him two or three hundred yards. He asked me if I was a *Ludd*? I said, "No." He said, "Would I be?" I said,

“No.” He took a paper from a pocket within the breast of his coat and began reading; I remember it said—“In the name of God Almighty, any one that enters into this society, and declares anything, will be put to death by the first brother.” He said they were wanting to get a body of men within the liberty of Holmfirth; they had got such a body at Huddersfield, and they wanted to get a body of men at all other places, and then they might all start in a moment and overturn the government; he said he had been on that business from four o’clock in the morning, and he was going to a meeting then, and he said there would be one from Manchester and different places at that time, and two delegates were to be found to go up to the House of Commons, and see what they could do there; he said that all the officers and men, except one serjeant, in a whole regiment were *swissed in*, besides four of the Queen’s Bays, and then we parted. I saw him next on the 20th of July; he came to my house about six or seven o’clock in the morning; I was in bed, but my family were up; I got up directly; I went out with him at his request; he asked me if I had declared what he said to me; he said he had heard that I had declared it to Mr. Blyth, the constable of Holmfirth, and that Mr. Blyth said that as soon as York Assizes were over, he would have him taken up and sent to York Castle, as he could imprison him there for six months, if he could do nothing else at him; I said I had not told Mr. Blyth, but that I had told Mr. Keeling and Mr. Charlesworth; he replied it was a very bad job, and asked if I had told them about the paper? I said I had. He said he did not know how it must be got over; that his life was in my hands, and it would not be amiss to tell a lie, and swear it, to get off. We then parted, and I did not see the prisoner again till the night of the 22nd, when I received the wound.

Cross-examined by Mr. Hullock: He said one conversation took place on the 20th of July, and that before in May. These were the only conversations he had held with the prisoner on those subjects. He has not always given the same account of this transaction. An examination was made the day after he was shot, and while he considered his life in danger, he was examined by two Magistrates, Mr. Scott and Mr. Armitage, but he could not recollect everything at that time. There was

the same in his examination, he fancied, then as now, but rather more to-day. He cannot tell how long the Magistrates were with him, the examination was taken in writing by Mr. Scott, and witness signed it. He did not mention Schofield as one of the parties concerned in this transaction till three weeks or a month after it happened; it might be more.

He told every person that asked him that he did not know that Schofield was one of the persons that attacked him. His faculties were not complete when he was examined before the Magistrates, though he did not tell the Magistrates he was not in a condition to be examined. Had got from his door about two hours and a half when the horse came trotting up. They repeated that they would not hurt him, and the only further conversation that had taken place was that in which they said they wanted him to shew them the road to a man. He saw the horse 40 yards off. John Schofield ran away as soon as he heard the sound of the horse's feet. He soon lost sight of Schofield, and never saw him again till after he was apprehended. The other man stopped, and he and witness had the conversation together after Schofield ran away; it did not occupy many minutes. Witness then ran away, and the other man fired at him. Swears to Schofield both from his voice and his person. Never told Schofield he knew him.

Here the Counsel for the prisoner submitted that as the firing did not take place till after Schofield had left the witness and the other man, and as there was no evidence, that it was in the contemplation of the prisoner to shoot him, the charge was not established, and there was in fact nothing to go to the Jury.

This objection the judges over-ruled: on the ground, that the calling of Hinchliffe out of his bed, dragging him out of his house, and the fact of both the men being armed with pistols, was a sufficient evidence that the prisoner was aiding and abetting the act of his fellow.

THOMAS HINCHLIFFE the next witness called said:—I am no relation to the last witness, but his neighbour. I heard a noise on the night John Hinchliffe was shot, but I do not recollect what day of the month it was; at first I could make nothing of the noise, I think it was the voice of two persons I heard, but whether it was in an enquiring or declaring voice, I cannot tell. I heard and knew John Hinchliffe's voice, I thought I

heard John Hinchliffe say—Witness to my body. I then heard a fire-piece go off almost directly. I heard John Hinchliffe call out, “Tom! Tom! Tom! a man has shot my eye out.” I got up and unlocked the door as soon as I could, and let John Hinchliffe in: He said, “My eye is burst all to bits;” he bled hard, I do not know how long he remained in my house.

In his cross-examination the witness said, that by his clock it was better than half-past eleven; he had been in bed some time, but does not know whether he had been asleep or not.

FRANCIS FREELING, an officer at the Whitechapel Office, in London, said:—In consequence of a hand bill received from Huddersfield, I went on board the *Independence*, of New York, bound for America, on the 5th of August, and found the prisoner, Schofield; the ship was lying in the London Dock. I asked him if his name was John Schofield? and he said it was; I asked him how long he had left the country? he said about a fortnight. I then asked him what part of Yorkshire he came from? and he said Netherthong, near Huddersfield. I asked him if he knew any one besides himself in that neighbourhood of his name? he said he knew nobody of that name but his father. I asked him if he knew John Hinchliffe of that neighbourhood? he said he did not, nor he had never heard of the name. I then shewed him the hand bill I was in possession of; he looked at it, and said that it was his name, and the place of abode he had left. I told him under these circumstances he must go before Sir Daniel Sykes the Magistrate. He was dressed exactly as he was described in the hand bill.

The hand bill was put in and read by the officer of the court.

The witness, in continuation, said:—“On searching the prisoner’s trunk, I found a light-coloured pocket handkerchief,” which he produced in court; “the trunk was marked with his name, as well as the other packages belonging to him, and it contained only one handkerchief, two pairs of stockings, and a shirt.”

JOHN THOMPSON, stated, that he was a clerk in Sir Daniel Sykes’s offices, he produced the examination of the prisoner, taken before that Magistrate, which was put in and read, it contained the same fact stated by the former witness, with some additional circumstances, relating to his journey, and in it the prisoner denied all knowledge of John Hinchliffe.

JOSEPH SCOTT, Esq. the Magistrate, proved the examination of the prisoner taken before him ; it was dated the 31st August, and stated, that he was in bed at his father's house, at the time Hinchliffe was said to have been shot, that he knows Hinchliffe well ; that he learned him to sing, and that part of what Hinchliffe had said was true. This gentleman also stated, that he took the depositions of Hinchliffe the day after he was wounded, and Hinchliffe thinking he had omitted some trivial circumstances, he attended again with Mr. Armitage. Hinchliffe was apparently in danger, and seemed to be under the influence of fear, but not as he conceived the fear of death, he seemed perfectly rational in his answers ; these depositions had been returned into court.

ALEXANDER HOLYWOOD proved that in the morning of the 23rd July he had communicated to the prisoner and his father the circumstance of Hinchliffe having been shot, but that the son made no observations upon it.

The PRISONER in his defence said, he was not guilty of the offence imputed to him, and that he absconded for fear of being sent to York for some conversation he had held with John Hinchliffe, as Mr. Blyth, the constable, had threatened to send him thither, and not on account of his having been concerned in shooting at Hinchliffe.

Mr. HULLOCK moved the court that the Counsel for the prisoner might be allowed the deposition taken by Mr. Scott, the 23rd of July, with which request the court complied. These depositions, which were read by the Clerk of the court, after stating the manner in which he (Hinchliffe) had been called out of bed, and the firing the pistol, proceeded to say, that he did not know the person who fired, and that the other person had his face covered.

In the second deposition taken the same day, he expressly states that he had no knowledge of either of the persons ; and the Judge having again called upon Mr. Scott, he stated that the prosecutor had uniformly declared to him at different times, that he had no knowledge or suspicion of either of the persons who came to his house, and the first time he intimated that he had this knowledge was when Schofield was before him on the 31st of August.

JOHN JAGGER proved that the prisoner was in his father's

house at ten o'clock on the night of the 22nd of July, and that during the time he was there, John Schofield went up stairs with his wife, as he said, to bed.

CHARLES BARKER had attended a religious meeting held at John Schofield's father's; he saw the son about ten o'clock, who went to bed during the time he was there.

CHARLES BARKER had been at a religious meeting at the house of the elder Schofield, which concluded at half-past nine o'clock; when he came out of the parlour into the house, he saw the prisoner and his wife sitting on the hearthstone. Prisoner, soon after he went in, said to his wife, "Come, lass, let us go to bed," and they both went up stairs which open into the house. Witness remained until half-past ten; on his return home he found some list was wanting to finish a job; he accordingly returned to Schofield, to borrow some; the old man was gone to bed, but his wife weighed it for him; during the time she was doing this, the prisoner called to her to bring him some water for his child; witness took it up stairs, and gave it to the prisoner, that was in bed; when he got home the clock wanted five minutes to eleven.

MARY WOODHEAD stated, that on the night on which Hinchliffe was shot, her husband was ill; they went to bed about ten o'clock; he continued to grow worse, and in about two hours she got up and went to Mr. Schofield's house for a dose of Bateman's Drops; they were all gone to bed, but the old woman got up and opened the door, and got her the drops; she was to use them in sage tea. Mrs. Schofield went up stairs to her son's room to get them, and the witness went to hold her the candle, and she saw the prisoner and his wife in bed; it was then twelve o'clock; the prisoner was her brother.

These witnesses underwent a long cross-examination, but no inconsistency came out to discredit their testimony.

JOHN BROOK proved that Hinchliffe said in his hearing, the day he was wounded, that he did not know either of the persons who made the attack upon him; witness never knew the prisoner before he the witness came to York.

Mr. ELI HOBSON, spoke in high terms of the prisoner's character.

Mrs. MARY SCHOFIELD was called by the prisoner's counsel,

she was merely asked if she was the mother of the prisoner ; that the counsel for the Crown might examine her if they choose.

Mr. JOHN SCHOFIELD, the father, was put in the witness box for the same reason, and Mr. Park cross-examined him at some length ; the material part of his evidence was, that his son went from home about an hour after hearing that Hinchliffe was shot.

After BARON THOMPSON had addressed the Jury, they retired out of court for half-an-hour, and on their return pronounced the prisoner—NOT GUILTY.

On Thursday evening, the 7th of January, the Grand Jury came into court, and after stating they had no more bills before them, enquired if any more were prepared ?

Mr. PARK.—“ I shall, with leave of the court, answer the question put by the Grand Jury.”

Their LORDSHIPS bowed assent, and Mr. Park proceeded—“ My learned friends and myself have examined the different cases which have not been presented to you, and considering that many of these people have acted under the influence of other persons, have, in the exercise of that discretion confided to us by Crown, declined at present to present any other bills before you ; and, I hope, this lenity will produce its proper effects, and that the persons on whom it is exercised will prove themselves, by their future good conduct, deserving of it ; but if it be abused, proceedings against them can be resumed.”

The court adjourned at half-past six o'clock to eleven o'clock on Friday morning.

FRIDAY, January 8.

JOHN EADEN, aged 34; was tried for administering an unlawful oath to Richard Howell, at Barnsley, in the county of York, in the month of May last.

The prisoner, as proved in evidence, had some conversation with Howell about *Luddites*, and told Howell he could make any man one, and in the course of two or three days after, the prisoner renewed the conversation, by asking Howell what he thought of what they had been talking about; (Howell lodged in the house of and worked with the prisoner as a weaver at the time :) Howell did not recollect, and prisoner said it was about the *Luddites*, and asked Howell if he would be one; he said he would; prisoner then put a common prayer book into his right hand, and asked his christian name, and desired Howell to repeat after him. Prisoner gave a paper to Howell, and told him to get it off as soon as he could, and he got it off accordingly. It purported to be the oath he had repeated to him, which was, that he was not to reveal any secrets of any brother or brothers, and that if any traitors were amongst them, they were to be punished with death; Howell kissed the book. The paper given by prisoner to Howell was signed by prisoner in his own hand-writing. This was supported by another witness called Thomas Broughton, who had received the paper from Howell on the 12th of June, and not understanding its import, asked prisoner what the paper meant, and was informed by him that it was to form a regular organization in the county, to overturn the tyrannical system of government. Broughton was a weaver at Barnsley, and acquainted with Howell.

Mr. WILLIAMS, prisoner's counsel, took an objection on a point of law, that Howell did not take the oath in earnest. The learned Judges over-ruled the objection. The indictment charged the prisoner with *administering* an unlawful oath. A witness was examined on the part of the prisoner. A paper, purporting to be oath, was then put in and proved.*

The jury, after consulting in the box, almost immediately returned a verdict of GUILTY.

* For copy of the oath, see page 12.

The next prisoners tried were:—JOHN BAINES, the elder, aged 66; CHARLES MILNES, 22; JOHN BAINES, the younger, 34; WILLIAM BLACKEBOROUGH, 22; GEORGE DUCKWORTH, 23; and ZACHARY BAINES, 15; all of Halifax, in the county of York, for administering an unlawful oath to John M'Donald, at Halifax, on the 8th of July last.

It appeared that in July last, two persons were sent from Manchester (by Mr. Nadin, a very active police officer there) to Halifax, to discover offenders of the description charged in the indictment: and on the 8th of July last, John M'Donald and John Gosling (the persons sent) arrived at Halifax, in consequence of that arrangement, and went to a public-house called the Crispin; there they dined, and afterwards went to look for lodgings, and then returned; the circumstance of the attack on Mr. Cartwright's mill was talked of at the Crispin. Prisoner Milnes was there, and M'Donald entered into conversation with him on the hardness of the times; in the course of the conversation about the mill, Milnes said he knew the two men very well who were killed there, and spoke of the activity of a person who acted as an officer. M'Donald said, he would be as active as any of them, if they would twist him in or swear him in. Milnes said he had got many blank cartridges from a soldier; that he had been taken up but had got away, and stayed away three weeks. Milnes told M'Donald he could get him sworn in; there was an old man lived near there who could swear him in, and had been in that way twenty years. M'Donald said he was willing. They sat together till it was dark, and then went together to Baines's house about ten at night; all the prisoners were there. Milnes told them that he (M'Donald) was a stranger, but a good fellow, and wished to be a brother. Old Baines then said, he must be handy about it, because he expected the watch and ward in before eleven o'clock. He said nothing more, but got a paper and a book about the size of a Testament; put the book into M'Donald's hands, and desired him to say after him. M'Donald said his name was John Smith, and repeated after Baines, who appeared to read from the paper.

M'Donald does not recollect many words, but it was—I, John Smith, must never reveal any brother's secrets, either by signs or words; and if any traitors arise up amongst them,

they were to put them to death; and repeated much more than he could recollect, and kissed the book. Prisoners were all sitting down until the oath was administering, when they all stood up. Zachary Baines, the boy, stood with his back against the door, to keep it shut. M'Donald himself was afraid, lest the watch and ward should come; he however sat down, and said he would pay for something to drink for them. Old Baines said he expected the watch and ward, and they had better go; that one of the neighbours had reported to the magistrates what sort of a house he kept, and was afraid of watch and ward; all the prisoners but old Baines and the boy, went with M'Donald to the Crispin; Duckworth left him at the door; the said three went in. Gosling (the said police assistant) came in almost immediately after, and sat drinking together; M'Donald told Gosling, in the presence of these prisoners then in the house, that he had been *twisted in*, and they said, yes they had, and Milnes said he had introduced them. A day or two afterwards they met again, when M'Donald told Gosling, that is the old man that *twisted me in*; Baines said he had, and put his hand up and said they must be cautious where they said that; hush! his eyes had been opened a matter of three-and-twenty years. This was confirmed by Gosling.

Mr. JOSEPH NADIN is a police-officer at Manchester, he stated that the two witnesses who had been examined on the part of the prosecution, had been employed by him to go to Halifax and other places, for the purpose of detecting persons in the habit of administering illegal oaths.

On the part of the prisoners, separate *alibi* were set up for each of them, supported by witnesses apparently unconnected with each other.

JOHN THOMAS, a master shoemaker, and THOMAS COCKCROFT, his apprentice, deposed that John Baines, the younger, was working at his shop at Luddenden, on the 8th of July, the day sworn to by John M'Donald, and that he remained all night at their house. Luddenden is about four miles from Halifax.

WILLIAM LONGBOTTOM, who lives at Outlane, six miles from Halifax, had occasion to come to Halifax on some business, and remained there over the night of the 8th of July, where he slept at the prisoner's (George Duckworth's) father's; on

the night of the 8th of July was with the prisoner George Duckworth, the whole of the evening, and could undertake to swear that he was not at the house of John Baines, the elder, that night.

WILLIAM DUCKWORTH spoke to the fact of the last witness being at his house on the 8th of July, and remaining there all night.

THOMAS ELWALL is son-in-law to John Baines, the elder; is a private in the 83rd regiment; was at his house on the 8th of July last; went about eight o'clock and remained until twelve at night, and during that period no person came into the house except Zachary Baines, his brother; being asked how he could amuse the old man so long? he said he had been in the East Indies, and though he had often told the story before, the old man liked to hear it again and again.

HANNAH CROWTHER, of Halifax, stated, that she saw Blakeborough on the 5th of July last, and it was proposed to go to Saddleworth on the 8th of July, to his brother's; that they went on the day appointed, in the morning, and remained there ten days. Witness paid ninepence a day during the time she was there; paid between eleven and twelve shillings when she came away, to the prisoner's brother. Witness is generally employed in burling cloth.

JOHN BLAKEBOROUGH stated the facts as deposed to by the last witness, as to his brother coming to his house on the 8th of July; that he remained there ten days. The last witness, Hannah Crowther, was there; she had money to pay for her board, but she did not pay *him* any.

After a charge from the Judge, the Jury retired for some time, and then returned into court, and found a verdict of GUILTY against all the prisoners, except Zachary Baines, who was acquitted.

SATURDAY, *January 9.*

TRIAL OF THE PERSONS CHARGED WITH BEING CONCERNED IN
THE ATTACK ON MR. CARTWRIGHT'S MILL, AT RAWFOLDS.

JAMES HAIGH, of Dalton, aged 28; JONATHAN DEAN, of Huddersfield, aged 30; JOHN OGDEN, of Huddersfield, aged 28; JAMES BROOK, of Lockwood, aged 26; JOHN BROOK, of the same place, aged 22; THOMAS BROOK, of the same place, aged 32; JOHN WALKER, of Longroyd Bridge, aged 31; and JOHN HIRST, of Liversedge, aged 28; were indicted for having, in company with GEORGE MELLOR, WILLIAM THEORPE, and THOMAS SMITH, and one hundred persons and upwards, to the jurors unknown, riotously assembled on the night of the 11th of April, and having begun to demolish a certain water-mill, occupied by Mr. William Cartwright, situate at Rawfolds, in the parish of Liversedge.

The three last persons mentioned in the indictment were executed for the murder of Mr. Horsfall, the preceding day.

The prisoners pleaded—**NOT GUILTY.**

The following gentlemen, composing the jury, were then sworn:—

ISAAC NEWTON
JOHN MICKLETHWAITE
GODFREY PARK
WILLIAM PARKER
HENRY POPPLEWELL
GERVAS SEATON

CHRISTOPHER SMITH
ROBERT STUBBING
RICHARD TOTTIE
THOMAS TOOTAL
RICHARD WADDINGTON
HENRY WILKINSON

Counsel for the Crown: Mr. PARK, Mr. TOPPING, Mr. HOLROYD, and Mr. RICHARDSON.

Counsel for the Prisoners: Mr. BROUGHAM, Mr. HULLOCK, and Mr. WILLIAMS.

The JURY desired to have a list of the prisoners, which was delivered to them.

All the witnesses, both on the part of the crown and of the prisoners, were directed to withdraw.

Mr. PARK said he should be under the necessity of frequently mentioning the names of the unfortunate men now no more, which he did not from a wish to say anything harsh of them, but because it was unavoidable.

Mr. RICHARDSON opened the indictment, and Mr. PARK stated the case on the part of the prosecution, and called the following witnesses :—

Mr. WILLIAM CARTWRIGHT examined by Mr. Topping. He stated, that on the 11th April last, he was in possession of a mill at Rawfolds, in the township of Liversedge, in the West-Riding. Had been in possession of it nearly three years. It was a Water Mill, erected for the express purpose of finishing cloth by machinery. Previous to the 11th of April he had been apprehensive, or rather he expected an attack being made upon it, and in consequence of this expectation he had taken such measures for its security and protection as he thought best adapted to the purpose. He had slept in the mill for six weeks previous to the attack, and had procured musketry and ammunition, and several of his workmen slept in the mill for the week immediately preceding the attack. Witness had beds in the mill, and himself slept in the counting-house. On the 11th of April last, which was Saturday, he had in the mill five soldiers and four of his own people besides himself. Witness retired to bed twenty-five minutes past twelve o'clock; in a quarter of an hour he heard the dog bark furiously; it was on the ground floor, and had been placed there for the purpose of giving the alarm, on the approach of any person in the night-time. He got out of bed supposing the dog had given a false alarm, because he expected the first alarm to proceed from the watch at the outside of the building. As soon as he opened the door he was astonished by a heavy fire of musketry, accompanied by a violent breaking of the windows on the ground-floor; the crash was considerable; a violent hammering was at the same moment commenced at the door, and a part of the assailants went round to the other door at the end of the building. One side of the mill was protected by a pond of water, and on that side there was only a narrow footpath. Mr. Cartwright proceeded to state that they flew to their arms instantly, which had been piled the night before; they had not time to put on any of their clothes, nor did he think of it, but commenced a brisk firing.

A bell had been put upon the roof for the purpose of giving alarm to a small detachment of cavalry stationed in the neighbourhood. This bell was immediately rung, but unfortunately

the rope broke. They fired through loop-holes which were in an oblique direction with respect to the interior of the building, but which commanded the front of the building. The firing was kept up regularly by the people out of doors for a considerable time. He continued to hear the most violent crashing and hammering against the doors and occasionally heard loud cries of "Bang up, lads," "In with you," "Are you in?" "Keep close," "D—the bell, get to it and silence it." The bell-rope broke almost immediately on the first ringing of it, but so important did he consider it that it should continue to give the alarm, that he ordered two men to get upon the roof to ring it. Mr. Cartwright said he heard distinctly the expressions, "In with you, lads." "D—them, kill them every one." The number of people appeared considerable. A constant firing on both sides continued for some time, he could not form a correct opinion as to the time, but from the number of shots fired by them he supposed it must have occupied as much as twenty minutes. After the firing from without had slackened, they abated theirs within, with a view to save the effusion of blood. He then heard a confused alarm on one side as if an attempt was making to carry off the wounded men. After the firing had ceased he heard the cries of the wounded men. The people in going off appeared to divide and take different roads, but both of them leading ultimately towards Huddersfield. Witness would not for a moment have delayed giving assistance to the wounded after their companions had left the ground, had he not considered it imprudent to open the doors before the arrival of some person who could witness the situation in which the building and doors were, this he thought a necessary precaution, as in the state of mind in which many persons were towards him. The first person that came was a Mr. Cockell, and the doors were then opened. They found two men wounded of whom as much care was taken as the bustle and confusion would allow. Mr. Cartwright then proceeded to describe the situation of the mill after the attack: the windows on the ground floor were entirely broken with the exception of nine squares of glass, out of three hundred, and the wood work of the windows was damaged so much as to be entirely useless, and all the frames were obliged to be taken out, one of the doors was almost literally chopped to pieces, and holes made

in it that a man might put his hand through ; in striking at the door they sometimes appeared to have struck the stone-work about the door. The other door had suffered no injury. The windows in the upper story had also suffered considerable damage. The building which was of stone had received a number of shots, the marks of which were visible. A number of implements used in the attack were found by himself and work-people the next morning. Mr. Hullock merely asked some questions to ascertain whether Mr. Cartwright was the sole occupier of the mill, which he answered in the affirmative. Mr. Cartwright said he was not able to speak to the person of any individual concerned in the attack. In answer to a question from the bench, he stated that all the frames of the windows on the ground floor were so much damaged as to be obliged to be taken out. Mr. Cartwright produced a large bag filled with hatchets, mauls, hammers, masks and other implements used in the work of destruction, also the butt end of a musket, and a man's hat which was found in the mill-dam.

JAMES SANDS was next called, who proved the finding of most of the articles contained in the bag produced by Mr. Cartwright, on the morning after the attack.

JAMES WILKINSON found a bag in the mill-dam, the morning of the attack about five o'clock, witness picked up some of the instruments produced by Mr. Cartwright, near the mill, some of them were found in the inside of the mill.

WILLIAM HALL stated, that he was a cropper, remembers the Saturday on which Mr. Cartwright was attacked ; witness worked at John Wood's at Longroyd Bridge, near Huddersfield, none of the prisoners worked there ; he knows Joshua Dickinson, who is a cropper, saw him about the middle of the day at John Wood's shop ; Sowter was there at that time, he came to bring powder and ball, none of the prisoners were there ; he brought a good bit of powder, about a pint, and a good deal of ball, the powder was in paper, and the ball in a little bag ; he also brought two or three ball-cartridges ; gave him directions what to do, and in consequence of these directions he went to a field belonging to Sir George Armitage ; he went with Smith and George Dyson, and overtook George Brook, of Lookwood ; got to Sir George's field about ten o'clock, found there two or three score people collected when he got there ; remained there

a good part of an hour, and during that time a number of other persons joined them ; could not state the number, but there was a good deal more than a hundred. Witness stated, that before they left the field they called over the people, not by name, but by numbers, each person answering when his number was called ; witness was No. 7 ; there was a man to put them in order. They were formed into companies ; witness was in the pistol company. Mellor and Thorpe were the men who formed them into a line ; there were two companies of pistol-men ; there was also a company of musket-men, which marched first, they were two deep and ten in breast ; witness was in the pistol-company ; George Rigg and witness were ordered to go last and drive them up, and see that none went back. They went all in a line over Hartshead Moor, and in this manner went to Rawfolds. Witness said, they assembled at a place where there was an *article* called the Dumb-steepie. Witness said, there were hatchet-men, and others who had sticks, and others who had nothing at all ; there were also hammers and mauls. When they got to Rawfolds, they were stopped and formed into lines, thirteen abreast ; Mellor formed the musket company, Thorpe formed the next company. The witness was desired to look at the bar, and point out the persons whom he saw there, named James Haigh, Jonathan Dean, John Ogden, James Brook, John Brook, John Walker, and John Hirst, he did not see Thomas Brook there. They formed into a line, and then advanced towards the mill. There was a good deal of firing from the inside of the mill ; witness was amongst the last, when he got up to it they were breaking the windows and doors ; heard Mellor call out, "The door is open," "Fire at the bell ;" heard one call out, "There is a man shot," saw a man lying on the ground, did not know him. Witness fired twice into the mill. The firing on both sides continued a considerable time. The door in the front was cut through, but not opened. Witness only saw one person on the ground ; when the firing ceased they got away as fast as they could, he went through the beck in the direction to Hightown ; saw Hirst going from the mill to Hightown. Overtook James Dyson, saw none of the other prisoners going from the mill. Did not see any person without a hat. There was a hat brought to John Wood's shop by Thomas Brook, who told him

to get it to the place it belonged to, if he could, and referred him to George Mellor, as the person who would inform him to whom it belonged. Mellor told the witness, that he did not know where he was until he got to Hightown, and that he called at Samuel Naylor's. Witness said, he did not remember stopping on the road or any of the party stopping, nor heard them ask for anything on the road. Sir George Armitage's field, where they assembled, was about three miles from Mr. Cartwright's mill.

Cross-examined by Mr. Williams: Witness said it was a pretty fair night for seeing, it was not very dark, and he could know a man at a moderate distance, within a yard or two. He said he saw the prisoners in the field of Sir George, does not know whether he saw them after, he saw them when they were standing together, not in ranks, and had not seen them before they got to this field, which was the place appointed for them to assemble at. Witness knew Mellor and Thorpe before the day on which the attack was made; witness said he had seen Haigh at a public-house kept by Robinson, but did not desire a person of the name of Berry, or any other person to point out Haigh to him, and had never said that he did not know Haigh; had known him before; could distinguish a good many persons there by their voices; saw the men he had spoken of in Sir George Armitage's field; did not see them at the place where they halted.

On his re-examination he said, that being ordered to see that none of the persons went back, he could state that only two persons left them, and they let them go because they were sick and would do them no good.

JOSEPH DRAKE, examined by Mr. Topping: I am a cloth-dresser, and worked at the time of the attack on Mr. Cartwright's mill, at John Drake's. He went with John Walker and Jonathan Dean, from Jonathan Dean's house, set off about ten o'clock at night, had been acquainted with them some time. They were to meet in a field of Sir George Armitage's; as they went, they overtook many persons going to the same place, but did not overtake any of the prisoners; when they arrived at the place of meeting they found a considerable number of persons collected, from one hundred and thirty to one hundred and fifty; did not see any of the prisoners

there in Sir George's field. They were mustered in companies, cannot say who it was that mustered them, were called over by numbers, and placed two by two. A good number of them had arms. Witness was in the pistol companies; did not know how many companies there might be. There were companies of musket-men and pistol-men, there was also a company of hatchet-men; when they were put in order, they marched to Mr. Cartwright's mill. Witness did not go to the mill, but halted within about sixty yards of it. Never saw the prisoner Dean after they left Sir George Armitage's field, but did not see him go away. Witness when he was at the place where they halted heard a good deal of firing, many of the party stopped behind. Witness had a pistol part of the way, but had not a pistol when they halted, he had then no arms. The main body proceeded to the mill; the firing was loud, could not hear the breaking of the windows for the noise of the firing; the firing continued from a quarter of an hour to twenty minutes. Dean had a hammer with him, and was solicited to go by John Walker, who had a pistol with him, and a smock-frock on; did not know James Haigh; knows Thomas Brook, first saw him near Hightown on their return. The party went off in different directions. Witness went towards Hightown; Thomas Brook had nothing with him when he saw him; had seen him before, his clothes were very wet. Witness thought he said he had been in the mill-dam, and he was without hat. George Mellor was with him, they stopped at Samuel Naylor's, and a hat was borrowed there for Thomas Brook. Mellor was the person who borrowed the hat, and he went along with them; they stopped at another place near Clifton, where they asked for some muffins and water; a woman gave them some out of the window. The hat was delivered to them by Samuel Naylor's wife. Witness knew John Ogden (another of the prisoners), had known him before the 11th of April, met with him at Hightown after the attack, had not seen him before; he had a pistol with him and nothing else, he said he had been at the attack at the mill; they parted with him before he got to Cowcliff.

Cross-examined by Mr. Brougham: he said it was a very dark night before they fell into ranks at Sir George Armitage's field; the field was near a lane that occupied a considerable

space; it was also near a lane that went up by the side of a wood, remained there a quarter of an hour, it was then very dark.

BENJAMIN WALKER, (the accomplice in the murder of Mr. Horsfall) stated that he was one of the party who went to Rawfolds mill on the night the attack was made upon it, he went with George Mellor, William Thorpe, and Thomas Smith, (the unfortunate men who had been executed) to Sir George Armitage's field, saw none of the prisoners there, nor before they got there, he was No. 13, they were there formed into divisions. Mellor's company was the first, and was chiefly armed with guns, the next company was armed with pistols. George Mellor had the command of the first company, and Thorpe of the second. Saw the prisoner Jonathan Dean in going from Sir George Armitage's field, between that place and the spot where they halted, it was nearly at the mill; witness continued in the first company armed with muskets, there was a good deal of firing; witness fired his piece. Witness saw Booth who was wounded, and is since dead; he did not see any other person wounded. Witness saw Jonathan Dean in his own house the morning the attack was over, about six o'clock in the morning, he was in bed, and his hand was bleeding, he told him he had got hurt, but did not tell him where, said he had got hurt in the finger with a shot, but witness had no further conversation with him.

Witness stated that as they returned they stopped at a place where they borrowed a hat for Thomas Brook (one of the prisoners); it was at Hightown they stopped. Thomas Brook told him he had lost his hat in the mill-goit; he said he had fallen in, his clothes were very wet. Saw John Walker between Sir George's close and where they halted near the mill; he had a pistol with him, and saw him again some time after that. Saw James Haigh in the field of Sir George Armitage; thought he had a man; saw no other of the prisoners there. Witness knows the village of Clifton; got some muffins and water there, (which were given them by a woman); was armed with a gun and pistol; he gave the gun to Varley. Witness had a mask on that night, and some other persons were also disguised with masks. Mellor ordered him to burn his, which he did. The Counsel for the prisoners did not ask any questions of this witness.

JOSEPH SOWDEN stated that he was a workman at John Wood's shop at Longroyd Bridge; remembers the attack upon Cartwright's mill. Witness knows Jonathan Dean and John Walker and the three Brooks. Witness never heard anything personally from them of what passed at Cartwright's mill; never saw them for ten weeks after; had some conversation with John Walker the beginning of the week following; the conversation happened at John Wood's shop; he heard him say, not directing his discourse to the witness, that he had a horse-pistol; that he was standing looking in at a window and a ball came and struck the crown of his hat, and that he put his hand into the window, and fired his pistol at the place the flash proceeded from, and said, "I was determined it should go if my hand went with it." Nothing further was said. Previous to that attack, Jonathan Dean and John Walker were the first that proposed to commence the frame-breaking system, in imitation of the frame-breaking at Nottingham, and who came with a person to request them personally to consult, contrive, and adopt plans for the destruction of machinery, on the same principle as had been done at Nottingham. Nothing at that time was said about Mr. Cartwright's mill, the application was first made in the way of solicitation, but afterwards in a threatening way. Nothing was said in his hearing of the intended attack on Mr. Cartwright's mill. Witness said, so far from approving of these proceedings, he always detested them. Witness never heard anything from Brook on the subject.

Mr. HULLOCK.—"Detesting as you did, these proceedings, why did you not instantly give information of them?"

SOWDEN.—"Because I did not conceive they would ever come to the pass they did."

Mr. HULLOCK.—"But when you found they had come to that pass, why did you not then inform? why should you conceal these enormities so long in your own breast?"

SOWDEN.—"I acted as every other person in the circumstances, and with my spirit, would have acted."

Mr. HULLOCK.—"Pray, sir, what kind of a spirit have you?"

SOWDEN.—"A timid spirit."

Mr. HULLOCK.—"But it seems you timidly at last gave way. How was it you at length summoned up courage to make a disclosure?"

SOWDEN.—“When I was questioned upon oath, I was then obliged to speak the truth, and leave the circumstances.”

Witness stated that it was the 24th of October that he first disclosed his knowledge of the circumstances he had given in evidence.

MARY BROOK lived at Clifton in April last; remembers the night of Rawfolds stir; some persons came to the door that night, and asked to buy some bread; she got up and gave them muffins and a pitcher of water through a pane that was broken, and they gave her threepence for them. Witness did not see any of the persons.

Mrs. SARAH NAYLOR lives at the top of Hightown, is a married woman; remembers in the night of the attack on Mr. Cartwright's mill, that some persons called at her house and asked her to lend a man a hat, which she did; does not know any of the persons who called at her house.

RICHARD TATTERSALL practises surgery, and lives at Lepton, which is about four miles and a half from Huddersfield; remembers some person coming to his house on Sunday the 12th of April, and saw him again on the Tuesday following; only saw him during the time he dressed his wound. Witness afterwards saw the same person at Mr. Radcliffe's and knew him again. Witness then was desired to look at the bar and point him out, if he was there. Witness looked at the bar and pointed out James Haigh. The first time James Haigh came to his house was about four o'clock, he said he wanted a wound dressing. The wound was on the right shoulder, at the back part; it was about an inch deep; it was not a perforation, but an open wound. His shirt was bloody; at the edge of the wound there was some lint; the wound was more wide than deep, and was a largish wound. Haigh said he came from Dalton, and the wound was occasioned by a stone. Witness said nothing to him, but dressed his wound; it appeared to be a bruise, and it appeared as if it might have been done by a stone. It appeared to be a fresh wound; sewed up at each end and in the middle, he took three stitches in the whole. Haigh did not tell him his name. The Judge asked some questions to ascertain whether the wound was a perforation or an open wound, but the witness persisted in asserting that it was an open wound.

JOSEPH CULPAN lives at Penistone Green, in a lone house ; it is fourteen miles from Huddersfield ; knows a place called Dalton, which is about twelve miles from his house. Witness has a relation lives at Dalton, of the name of Ardron ; saw him in April last, he came to his house ; there was another person with him ; it was on the 15th of April, between twelve and one at night. The witness was in bed. After some conversation, his wife and he got up, that they might lay down ; had only one bed in the house. Witness said the person who was with his relation was James Haigh. Witness thinks that Haigh said he had been hurt ; but the witness seemed extremely unwilling to give any account of what had passed. Witness said they got up at five o'clock in the morning, and after some trifling breakfast, set off with his relation, Ardron, to go to Ardron's mother, who lived at Willow Bridge, leaving Haigh at his house. The purpose of their visit was to prepare for James Haigh going there. Haigh remained at the witness's house until the next day in the afternoon. Ardron's mother lived about a mile from his house and thirteen from Dalton. No questions were asked of this witness by the prisoners counsel.

THOMAS ATKINSON went to James Haigh's house at Dalton, on the 28rd of April, to apprehend him ; found nobody in the house ; there were some brewing vessels containing liquor which had been in a state of fermentation, but which had completely gone off. Witness found the door locked, and broke it. In consequence of some information, witness went to Tattersall, the country surgeon, and from thence to Penistone, from Penistone to Ardron's mother, from thence to Wragby, and from Wragby to Methley, where he apprehended James Haigh ; the distance from Methley to Dalton in a direct line is nineteen miles, but by the circuitous route he went was considerably more. Witness found him at his brother-in-law's ; he was wounded in the shoulder. Witness took him before a magistrate ; asked him no questions respecting the manner in which he was wounded. Witness stated that the prisoner's shirt was taken off at Mr. Radcliffe's, who gave him one of his. The shirt being shewn to Major Gordon, he stated it as his opinion, that the rent had been made by a musket-ball ; James Haigh heard this, but made no observations upon it. The shirt had

been mended, the prisoner said by his wife; it was produced in court.

Mr. MICHAEL BENTLEY stated, that he remembers seeing the prisoner, James Haigh, in April last; saw him first at the witness's own house, where he shaved him; it was the day before he was taken up—on Sunday; witness said he appeared to be hurt in the shoulder, he thought it was the left shoulder; witness asked him no questions about his wound, but he asked him if he was one of the *Ludds*, to which he gave him no sort of an answer.

Mr. ALLISON, the solicitor, was called to prove the examination of Jonathan Dean, but it appearing that some expectation had been held out to him that it might be for his advantage to make a disclosure, Mr. Park said he would give it up.

The examination of John Hirst being proved, was put in and read, in which he admitted that he went to Rawfolds, and heard some firing.

Mrs. FANNY MILLS knows James Brook one of the prisoners, and lives near him; a window only parts the two doors. After the morning of the attack on Mr. Cartwright's mill, witness said she saw nothing particular, but a deal of whispering. James Brook was telling a very sorrowful tale, as she could tell by the motion of his hands. There were many of the shearmen going to and from the house; they were men who worked at their shop. Witness knew that if she went in they would give over talking; hung back, and heard James Brook say—"Of all the dismal dins that ever man heard, it was the most dismal; they might hear it for half a mile; and he would be *clammed* (hungered) to death before he would be in such a stir."

On her cross-examination, she said that her husband had procured James Brook to be apprehended, and had brought an action against him, with £100 damages; but, she said, he had never expressed to any one any desire of being revenged upon him, or anything of that sort. This witness closed the case on the part of the prosecution.

On the prisoners being called upon for their defence, James Haigh and Jonathan Dean said they were not guilty, but left their defence to their counsel. John Ogden said he was never

in company with them. James Brook said he was not in the affair. Thomas Brook said he was never at the place; and John Brook and John Hirst repeated that they were not guilty.

DEFENCE OF THE PRISONERS.

The following witnesses were examined on the part of the prisoners:—

ABRAM BERRY stated that he knew James Haigh, that he was in his company shortly after the last York Assizes, at a public-house kept by a person of the name of Robinson, a person whom he did not know, but who said his name was Hall, asked him. [The Court here said, unless the witness could state that the person who so accosted him, was the William Hall who had been examined on the part of the prosecution, it could not be received as evidence.] William Hall and a number of other persons were brought into court, and he was desired to point out the person with whom he had that conversation, but the witness after looking at them, said he could not point him out.

THOMAS ELLISON said he was a woolstapler, and lives at Lockwood, knows the prisoner James Brook, who lives with his father, at Lockwood, remembers the affair of Mr. Cartwright's mill, remained at Huddersfield until nine o'clock, and on his return stopped at a tavern called the Spring Gardens, where he remained until half-past ten o'clock, from thence to his own house was rather more than a quarter of a mile. In his way home he saw the prisoner, had some conversation with him, overtook him opposite his own house as he was going home, this was a quarter past twelve o'clock. Has known James Brook all his life, and there is not a man in Lockwood has a better character. Lockwood is about seven or eight miles from Rawfolds mill. Had some talk with him. Witness was here questioned by Mr. Park, whether Mr. Blackburn, attorney, had not communicated to him some particulars relative to the trial? Witness said he had not; had seen Mr. Blackburn, but the only question he put to him was, whether all the witnesses were forthcoming.

GEORGE ARMITAGE lives at Lockwood, remembers the evening of the 11th April, was down at Huddersfield, returned

nearly at twelve o'clock, saw the last witness Thomas Ellison. Witness called upon James Brook at his father's house, got there some time near twelve o'clock, saw James Brook sitting near the fire and had some talk with him, his father called out to him. Rawfolds mill is about eight miles from Lockwood. Witness heard of the attack on Rawfolds mill the next morning.

Witness on his cross-examination, said, he did not hear of the attack before he went to bed. Had seen Thomas Ellison at Huddersfield, he repeated that James Brook was sitting by the fire-side, and he remembers looking at the clock, and it wanted five minutes to twelve o'clock, it was within five minutes of twelve he recollects it from the circumstance of hearing of the attack on Rawfolds mill next morning. Nothing occurred till he was summoned to York to draw his attention to it.

HANNAH TWEEDLE knows Fanny Mills, lives very near her, heard her say she was determined to have the Brooks distressed before they came from that place, and that some of them must be hanged before they left York. This finished the defence of James Brook.

JOHN ELLIS worked for Thomas Brook in the spring of last year, worked for him at the period of the attack on Cartwright's mill. Thomas Ellerman and John Vickerman were working upon his premises at the same time. Thomas Brook did not work at the shear-board; they were very busy at this time; saw his master in the evening of that day in which the attack was made; he worked until his master came to the shop and said it was nearly twelve o'clock, he then went into the house and drew his wages, and then the clock struck twelve.

Cross-examined by Mr. Park: he said there was at that time no scarcity of work at Lockwood, they were busy; the persons he had mentioned and himself were the only persons then employed by the prisoner; cannot remember any particular person coming into the shop in the course of the evening; received a one pound note, this was the sum he usually drew; Saturday was the customary pay-day. Much time was consumed in questioning the witness as to a number of minute circumstances whether the children were up, where they slept, where the wages were paid, who was paid first, to which his answers were rather confused and inconsistent. He said he was working upon a piece of plain cloth, but could not recollect the colour of it.

In answer to a question from the Bench, he said he had been working the whole day except when he went to dinner.

RICHARD LEE knows John Walker of Longroyd Bridge, has lived with him nearly six years, lived with him in April last, went home between eight and nine in the evening of the attack on Rawfolds mill, remained at home the whole night. John Walker came in between ten and eleven o'clock at night; when he came home, went to fetch two barrows of coals from Hannah Blakey's, it was then about eleven o'clock; Joseph Walker went with him for the coals, when they had got the coals it was turned eleven o'clock. John Walker then shaved Joseph Walker who then went to his own house. John Walker slept in the lower part of the house and he slept in the chamber over it. Witness in the course of the night occasionally heard him cough and snore in bed. Nothing material came out on his cross-examination. In answer to a question from the Judge, he said that Joseph Walker came in about ten o'clock, and waited until John Walker came in to shave him, there was no one else in the house; there was no other person in the house except his wife, who told him they wanted coals; John Walker asked Joseph Walker to go with him for the coals.

JOSEPH WALKER lives at Huddersfield, remembers the stir at Rawfolds mill; was at Lockwood the night before; got there about half-past ten at night. The prisoner John Walker, asked him to assist him in getting a few coals from J. Blakey's; the wife's name was Hannah; fetched two barrows from Blakey's, who lives about two hundred yards from John Walker's. John Walker afterwards shaved him, and he left his house twenty minutes before twelve. When he got to Huddersfield he heard the town clock strike twelve. When he got to his own door, saw Richard Lee in the prisoner's house.

Cross-examined by Mr. Topping.—Lockwood is better than half-a-mile from Huddersfield; there are barbers in Huddersfield, but he always goes to John Walker's to be shaved. When he got there he was sat in his chair and strapping his razor; went for the coals before he was shaved.

HANNAH BLAKEY stated, that her husband was a mason, and that she sold coals; knows the prisoner John Walker; remembers Rawfolds stir; saw the prisoner on that night come to fetch two barrows of coals; Joseph Walker was with him; it was some time about eleven o'clock.

On her cross-examination, she said she was sure it was that night; always recollected that it was that night, because the next morning she heard of the affair of Rawfolds mill. She also remembered from putting the coals down on a slate; did not pay for them. Never lent the prisoner a smock-frock in her life, or ever lent one in her life to Drake. Witness repeated that she had always kept it in her recollection that it was the night of Rawfolds stir. In answer to questions from the Judge, she said John Walker had always bought his coals from her ever since she begun of selling; that they fetched them when they wanted them, sometimes on Saturdays, and sometimes on other days, but did not take any particular notice of any except the night she had spoken of, which she always kept in her recollection. This witness finished the defence as far as the above was concerned. A number of witnesses were then called, who spoke of all the prisoners as honest, industrious, and peaceable men.

SUMMING UP.

Mr. JUSTICE LE BLANC then summed up the evidence with his usual accuracy and precision. He stated that this indictment was formed on a statute of George III, made to supply the omissions of a former act. By this act it was made a capital offence to demolish any Water-wind-mill, or mill of any other description, that was, or might be in future, erected; and it was also made a capital offence to begin to demolish any such mill. There would, therefore, be two questions for the jury to determine. First, whether the evidence given in the trial, and which he should recapitulate, satisfied them that there was a beginning to demolish the mill. A mere breaking of the windows would not constitute that offence; but they would consider whether the breaking of the frames of the windows, and the instruments that were used, did not denote an intention to destroy the mill, and whether they had not, in fact, begun to carry this intention into effect? If they determined this question in the affirmative, and which he could not state to be one in which there could be much doubt, they would then have to say whether all the prisoners, or any of them, were present at this attack? Nor would it be necessary in this en-

quiry to make out any specific acts of violence committed by any of the prisoners, because every person present on such an occasion, and who thereby contributed to the general strength of the party, was in law equally guilty with those who might individually do the acts of violence alleged to have been done.

His LORDSHIP, after stating the law with respect to the evidence of accomplices, and the degree of credit to which it was entitled, proceeded to recapitulate the evidence, making those observations which naturally arose from the facts related by the different witnesses.

His LORDSHIP, in the course of his observations, spoke in warm terms of the firmness and spirit evinced by Mr. Cartwright, in the defence of his property, and that it was an example worthy of being followed by every person placed in similar circumstances; and which would prove the most effectual and speedy method of suppressing all tumults and outrages of this description. By this spirited conduct, the assailants were driven away without accomplishing their object. It will remain for you to consider whether they had not begun to demolish the mill.

His LORDSHIP, having finished his observations as to the subject matter of the offence, proceeded to comment on the evidence, as it applied to the cases of the respective prisoners, noticing particularly those facts which confirmed the testimony of the accomplices; of these were the wound in the shoulder of James Haigh; the wound in the hand of Jonathan Dean; and the circumstance of Thomas Brook having lost his hat, stated by one of them, and his being seen without one, and having one borrowed for him in their return after the attack.

His LORDSHIP then went through the witnesses called to establish an *alibi* on the part of the prisoners, and particularly on the discrepancy between the evidence of Richard Hill and of Joseph Walker, called to prove an *alibi* for John Walker; and on the inconsistencies of John Ellis, with respect to Thomas Brook.

His LORDSHIP concluded with recommending to the jury to weigh the evidence with serious deliberation; to consider its application to the different prisoners, and if they saw room for it, to make a discrimination between them. If they thought the evidence insufficient to convince them that any of the

prisoners were concerned in the attack, they would in that case acquit them; and if on the contrary, they thought it fully sufficient to satisfy them, weighing the evidence in favour of the prisoners, that they were all present at the attack, it will in such case be their duty to find them all guilty.

The JURY retired out of court at six o'clock, and in an hour returned into court, and pronounced James Haigh, Jonathan Dean, John Ogden, Thomas Brook, and John Walker, GUILTY; and acquitted James Brook, John Brook, and John Hirst.

TUESDAY, *January 5.*

BURGLARY AT UPPER WHITLEY.

JOHN SWALLOW, JOHN BATLEY, JOSEPH FISHER, and JOHN LUMB, were charged with burglariously entering the house of Samuel Moxon, of Upper Whitley, and stealing therefrom several promissory notes, twelve shillings in silver, and a quantity of butter, on the fourth of July last.

Mr. PARK, said, that though this offence was a burglary, and in that respect differed nothing from those offences which frequently came before a jury; yet, it was evident, from the number of persons concerned in it and from the open violence with which it was effected, that it arose out of, and was connected with, that system of outrage and depredation which had unfortunately been so prevalent in the West-Riding.

WILLIAM MOXON stated, that he lived at Upper Whitley, in the parish of Kirkheaton, with his father, Samuel Moxon; witness's family consisted of himself, wife, two children and two apprentices. On the night of the third, or the morning of the fourth of July, he was awakened by a loud noise, and presently after heard the report of a gun, and the breaking of the windows, accompanied with cries of "Open the door;" on the door being opened by the witness, a man rushed in, he was disguised, and had a pistol in his hand; on entering he said, "Your money in a moment," at the same time, he put the pistol to his breast.

Witness told them he had got very little money in the house,

as he had been paying for some wood at Huddersfield, and that he had only a guinea note and some silver in the house. "I must have it," replied the man, still holding the pistol to his breast; witness then went into his bedroom followed by the robber; witness took a guinea note and some silver out of a cupboard and gave it to him. In the meantime some more of the party had entered the house, and the man with the pistol called out is the watch *agats*? Witness did not hear any answer returned to this enquiry. The same person who had at first accosted him, then said, "This is not all the money you have in the house, and if you do not look quick and find some more I will blow your brains out;" witness replied he was sure they had no more money in the house, unless his father had some, and he did not know that he had. On which the robber said, "If his father had any money, and did not give them it, they would stab or stick him." After some further threats of the same kind, they searched the drawers, but without finding any. Witness at length took out of his pocket two £1 notes, which he gave to them, and some silver, which they also insisted on having; they took all except one shilling. Witness said while the man with the pistol was demanding his money, another in the house who had a gun said, "Stand out of the way, and I will shoot him." A quantity of butter, a piece of tongue, and some wearing apparel, were also taken away by them. Witness said four squares of the window were broken.

EARL PARKIN, an accomplice in the robbery, stated that all the prisoners were coal-miners, and that in pursuance of a previous arrangement, they met at Bedford's Cabin, at a place called Palace, about twelve o'clock at night, from which place they proceeded to Samuel Moxon's house. Witness had a gun, Joseph Fisher had a sword, and one of them had a pistol, which was brought by Swallow; before they set off they blacked their faces, and some of them put their shirts over their clothes. Witness then proceeded to state the particulars of the robbery; he could not tell whether a gun had been discharged about Samuel Moxon's house; does not recollect it. Witness said he and Lumb did not go into the house, but remained about the door; John Swallow, John Batley, and Joseph Fisher, went into the house. Witness said his brother, Samuel Parkin, was at Bedford's Cabin with them, and heard what was said

about robbing Samuel Moxon, but remained behind and would not go to the house with them. John Lumb was not disguised or armed.

SAMUEL PARKIN said he met with the prisoners at Bedford's Cabin, supposing they were going to Grange Moor to a meeting of *Luddites*, but heard nothing of a robbery, nor was it mentioned to him until he had got within about two hundred yards of the house; witness told them he would have no concern in the robbery, nor would he go a foot further, though Swallow threatened to shoot him; remained there until they returned; they brought with them some sort of clothes; he saw nothing else; they went to Grange Moor Side, where they divided their booty; witness had no share in it. John Lumb asked him if he did not mean to have anything? he replied, that he would have nothing to do with it. Samuel Parkin did not hear a gun fired that night.

JOSEPH PEASE lives at Lily Clough: he stated that as he was returning to his own house, between eleven and twelve o'clock at night, he met with some men; there were about half-a-dozen as near as he could tell; witness followed them some time, when one of the party said, "If he did not go about his business they would shoot him;" witness persisting in watching them, one of the party fired his piece over his head, and another attempted to strike him with his sword, but he gave back and avoided the blow; witness then returned part of the way back to his own house, but turned back and quickening his pace, walked very near them; they then threw at him stones and sticks, one of which struck him on the back and hurt him, and he then went home; one of the party followed him, and as he was entering his house told him he was well off that he had met with such quiet chaps as them, or he would have been a dead man. Two of them had their shirts over their clothes. The place where he saw them was not far from Samuel Moxon's house, and they seemed going in that direction. Witness thought he recognized the voice of one of the prisoners, but could not speak to it with any degree of certainty.

ALEXANDER LITTLEWOOD spoke to a conversation he had with Swallow on the 6th of July last, in which he admitted that he had been at Moxon's stir, but that he had got nothing but nine or ten pounds of butter, and two or three notes.

JOSEPH ROBERTS merely spoke as to the fact of seeing Swallow and Littlewood together at the time this conversation is said to have taken place.

SAMUEL STOCKS, a debtor in the castle, stated a conversation in which Fisher acknowledged that he was within twenty yards of Moxon's house, but did not go in; stayed there while they plundered the house, and that he had some part of the plunder, and that Lumb had also admitted being concerned in it, and that they both laid the blame on Swallow and Earl Parkin. Witness told Swallow what Lumb had told, and said it would be of very bad consequence, on which Swallow said it was done and could not be undone.

On the part of the defence, Mr. George Armitage was called, who said that Earl Parkin was a person of infamous character, and not to be credited upon his oath.

One witness was called to the prisoners' characters, who said he had never heard anything bad of them before this. This trial lasted the whole of Tuesday.

After a very able charge from the Judge, the Jury retired out of court for some time, and on their return found all the prisoners—GUILTY, but recommended John Lumb to mercy, on the ground of his appearing to have been influenced by Swallow, being unarmed and without disguise. John Lumb, in consequence of this recommendation has been respited, but his less fortunate companions were executed on Saturday, the 16th of January.

MONDAY, *January 11.*

ARMS STEALING, AT SKIRCOAT, NEAR HALIFAX.

JOB HEY, JOHN HILL, and WILLIAM HARTLEY, were charged with burglariously entering the dwelling-house of George Haigh, and stealing therefrom a gun and pistol, on a certain night in August last.

Mr. PARK stated that this offence was connected with the disturbances in the West-Riding. The obtaining of arms was one of the most prominent, and alarming features attending that system of terror and outrage, which had been carried to so great an extent. The crime of burglary was a capital one, and to constitute this offence there must be a breaking into the house in the night-time, with an intent to steal; but as he had occasion to state to a jury on a former occasion, it would be the same thing in point of law, if the occupier of the house was by threats and intimidation compelled to open it; nor was it material whether the property was taken by the persons so entering the house, or delivered to them through fear.

GEORGE HAIGH lives at Copley Gate, in Skircoat; in August last, he had a person lived with him of the name of Tillotson. On the night of the last Saturday in August, he heard a loud rapping at the door: on hearing the noise he got up, and went to the landing-place at the top of the stairs; heard a loud rapping at the door, as if with the butt end of a gun. Witness then heard the voices of several persons at the door. The first thing he heard was, "Your arms, your arms!" Witness then called, "Holla, holla! what do you want?" and was answered by one of the party, "*General Ludd*, my master, has sent me for the arms you have." Witness said to this demand, "I have nothing of the kind, for God's sake go home." They then began firing; there was a continued noise, occasioned, as he supposed, by beating against the door in the porch, which reverberated the sound. Witness proceeded to state, that after some altercation with them, in which they insisted that he had two guns and four pistols, his apprentice said to him, "Master, you had better give them up, or they will shoot us," on which he consented that he should give them the gun. Tillotson took it to the door to them, and he remained where he was at the top of the stairs, until Tillotson returned, who informed him,

that they had fire-arms, had demanded the pistol which he gave to Tillotson to give to them. Witness never saw anything of the party; heard them say, "Your arms, your arms! be quick or we will shoot you:" the voice then seemed to proceed from the kitchen.

JOHN TILLOTSON lived with the last witness in August last; remembers some persons coming to their house in the night, but does not remember the day of the month; heard a great knocking at the door; witness then declared the circumstances stated by the last witness, as to the terms in which the demand was made for arms, but further stated, that the people on the outside of the door said, if the door was not immediately opened, they would break into the house. His master told him, he must get up, open the door, and give them the gun. When the witness opened the door, some persons ran away from it to the corner of the house, where they were joined by some other persons; when they returned, they asked for guns and pistols; witness gave them the gun before they came into the house; witness remained within the door. They enquired if the gun was *fireable*; witness said it was; the ramrod being wanting, they told him if he did not find it immediately, they would shoot him; witness said he could not find it, on which they said there was another pistol, which they must have, and they followed him into the house; they had guns with them, having again threatened to shoot him, if they did not give them the other pistol. When the pistol was delivered to them, they told him if his master did not sell his milk among his neighbours, they would visit him again, with instant death. They took away with them a top-coat, which belonged to him; but the coat was left at a farmhouse for him, and was returned to him the next morning, found the butt-end of a gun the next morning, near the door. The time of this attack was a little after twelve o'clock at night.

Cross-examined by Mr. Williams, they were not more than two or three minutes in the house, it was dark at the time. Neither of the two last witnesses spoke to the persons of any of the prisoners.

JOSEPH CARTER lives at North Green, in Greetland, knows the three prisoners, was in their company the latter end of August: they met in a field between eight and nine o'clock,

met by appointment there. Witness knows George Haigh, himself and the three prisoners went to various places, and among others to George Haigh's; the three prisoners at the bar were there; some of their party went to the kitchen door, and others to the front door, they knocked very hard, and demanded arms. Witness then stated the circumstances related by the two former witnesses, previous to their entry into the house. When Tillotson delivered them a pistol, they then told him if his master did not sell his milk to his neighbours at twopence a quart, they would visit him again. One of the party took a top-coat, and threw it on Job Hey's arm, and he carried it from the house; after some time he enquired which of the party it belonged to, and finding that it did not belong to any of them, he said he would not have anything to do with it, and he left it at a farmhouse to be returned to Haigh's. Job Hey took the gun into his possession, and another of the prisoners took the pistol. The gun was carried into North Dale. Job Hey had a gun when they went to Haigh's house, and with which he knocked at the kitchen door, and broke it, a part of the stock was left behind; there were no fire-arms discharged; he struck the door very hard. The gun that was broken had been got that night.

Cross-examined by Mr. Williams: he is a cotton-spinner, and came to York from the House of Correction at Wakefield; got home between one and two in the morning; did not get drunk that night, it was another night; had been regularly employed in stealing arms for six weeks, or a month; was taken up on a Saturday night in December. Witness afterwards corrected himself, and said, that enquiries having been made after him, he surrendered himself up.

THOMAS CLARK is a serjeant in the Suffolk Militia; there is a party stationed at Elland; apprehended Job Hey at his house in North Dean. On searching his house he found 8½lb. gunpowder. Job Hey told he had had it sixteen years, but the gunpowder was fresh, and could not have been kept so long. In consequence of directions from Job Hey, he found a pistol concealed between the chimney and the roof.

LIEUT. ALFRED COOPER was present at the search of the prisoner's house, where a pistol was found, which he delivered to the constable,

Mr. GEORGE WHITEHEAD produced the pistol which he received from Mr. Radcliffe, in the presence of the last witness.

Mr. GEORGE HAIGH examined the pistol, said he believed it to be his pistol, but could not swear to it.

Mr. GEORGE HAIGH, JUN. would not swear to it, but believed it was the pistol taken away from their house.

JOHN TILLOTSON stated, that he had fired the pistol several times, it was then nearly new, was now much scratched, but he believed it to be the same pistol.

The examination taken before Mr. Radcliffe, was then proved and read. Job Hey says, "I was there, at George Haigh's;" and John Hill says, "I was there, but there was never any gun fired." William Hartley being charged with a felony, says, "I was there, but I had no arms, nor did I make any demand of any." The examination contained an admission of other depredations, but only those parts were read which applied to the present charge. Two witnesses were called to speak to the character of the prisoners, who represented them as honest industrious men.

Mr. JUSTICE LE BLANC, after commenting upon the evidence, and stating the law to the jury, as laid down by the counsel for the crown, said, that character which could not weigh much except in case of doubt, had less weight than usual in the present temper and discontent which had manifested itself in those districts, and where men, who would have shrunk back from the proposal of an ordinary robbery, engaged with alacrity in those depredations.

The JURY, without retiring, found the prisoners—GUILTY.

These prisoners received sentence of death on the following day, and were among the unhappy persons left for execution on Saturday.

TUESDAY, *January 12.*

ROBBERY AT FARTOWN, NEAR HUDDERSFIELD.

JAMES HEY, JOSEPH CROWTHER, and NATHAN HOYLE, were capitally indicted with committing a robbery in the dwelling-house of Mr. James Brook, of Sheepridge, in the parish of Huddersfield, on the 29th of November last.

JAMES BROOK stated, that he lived at Sheepridge, in the parish of Huddersfield. On Sunday, the 29th of November, in the night, two men came to his house; he was standing at the outside of his door; they asked him for his gun, he told them he had not got one, on which they said they knew he had a pistol, and followed him into the house; witness told them the pistol was nothing good for. As soon as they had got into the house they demanded money, threatening to shoot him if he did not immediately give them what money he had. Both the men had pistols; witness thought it was the prisoner, James Hey, that demanded the money; witness told them he had no money, they then forced him into a chair and bid him look at the fire. After they had spent some time in searching the house, they insisted on the witness walking up stairs and fetching them his pistol; they followed him up stairs. Witness gave the pistol to James Hey, who, after looking at it, said, "It was nothing good for." The children, who were in bed, were terrified and shrieked out, on which one of the prisoners said, (levelling a pistol at them,) "If they *mouthed* again, he would blow their brains out!" When they returned down stairs, they insisted on his opening the cupboard door; this he refused to do, but said his wife might do it. After some further threats, the door was opened, and a one pound note taken out of it, and about four shillings in silver; when they had got the money, one of them said, "He had a good mind to blow his head off, for telling them such a confounded lie." When they went away, they told him if he went out of doors in less than two hours he would be shot. Witness said there was a candle in the house, and the prisoner he believed to be James Hey, had an handkerchief over his face, but he sometimes put the corners under his hat, and he had then a view of his face, but he could not swear positively that the

prisoner Hey was one of them, but it was his belief. After they were gone, he missed his watch, which hung by the clock face.

JOSEPH CARTER knows the three prisoners, James Hey, Joseph Crowther, and Nathan Hoyle; met them on the Sunday the robbery was committed, at the top of a wood called Skircoat; they met by appointment to take guns and money at a place called Fartown. James Hey and Nathan Hoyle told him that they and Edward Crowther had been looking out some places at Fartown, which is four or five miles off; which appointment was made in the afternoon, and at night witness went with them to James Brook's house. Hoyle and Joseph Crowther told him they were to meet with Edward Crowther and Mitchell at a particular place that night, but they did not meet them, on which Joseph Crowther said as they had come, so far, they must not lose their labour, but try for themselves. As they were going to Fartown, they saw a man standing by the fence near the farmhouse, on which James Hey demanded his gun; the man said he had only an old piece, and it was without lock, and would be of no use to them. James Hey wished to look at it, and they followed him into the house; witness then detailed the circumstances of the robbery nearly as stated by James Brook, but did not mention anything about threatening to shoot the children. Witness said they all of them searched for the money. On their return, after obtaining their booty, Joseph Crowther shewed them a watch, which he had taken from James Brook's house; the watch was given to Nathan Hoyle, as part of his share of the plunder; they went in the course of the same night to several other places; and upon dividing their booty, they shared £15 each. Witness said they remained in James Brook's house only a few minutes; witness could not state how long he had been in the trade of robbing; and he begun of informing as soon as he was taken up, in the hopes of saving himself. He made no confession until he was apprehended.

EDWARD CROWTHER, the man referred to by the last witness as one who should have been of the party, stated that he was with the prisoners when the plan of going to Fartown was laid; their object was to receive property to better their families. Witness about a week before had seen James Hey, who told

him they had run through most of the places in that neighbourhood, but he knew a nice place towards Fell, it was a lonely place; witness said it was a pity to go there as she was a widow, and wanted her property to maintain her family. Job Hey then said, he knew some other places. Witness said though he had agreed to be one of the party, he changed his mind and did not go; after the robbery he saw the prisoners, who told him they had found better places in the dark than they did when they set off in the light, and that they had got a good deal of money, but did not say how much.

JONAS MITCHELL gave nearly similar evidence as to the conversation about the robbery; he said he was one of the party.

Two witnesses were called to the character of the prisoners, who spoke of them as persons who had borne a fair character up to the breaking out of the disturbances, and Mr. Broadbent spoke of the father of James Hey as a most respectable man.

After the JUDGE had recapitulated the evidence, the JURY retired for about ten minutes, and returned into court with a verdict of GUILTY against all the prisoners.

BURGLARIES AT KIRKBURTON.

DAVID MOORHOUSE, and JOHN SMITH, for burglaries at Kirkburton, having been put to the bar, Mr. PARK stated, that he was induced, by circumstances, to consent to their acquittal, and addressing the jury added:—

“GENTLEMEN,—I have no more cases of felony to bring before you. In the name of the country, I thank you for your attendance. It has been a most painful one undoubtedly, but I hope and trust that what has been done here, will restore peace and comfort to this deluded county, and that those within these walls, and all in every part of the kingdom, to whom the account of what has passed here may come, will be induced to abstain from the commission of such offences, and will be satisfied that lives of honest industry are far preferable, considered even in a temporal view, to lives of rapine, violence, and outrage against their neighbours, and to the assassination of honest and innocent individuals.”

The JURY immediately acquitted the prisoners.

Mr. PARK then addressing the bench, said :—

“ My LORDS,—There are still remaining in your calendar, seventeen persons, who stood capitally indicted for different offences. Upon looking through a list of their cases, with all the accuracy in my power, assisted by my learned friends, I discovered that three of the ringleaders in all those offences have already suffered the penalty of the law ; two others of those, who are involved in some of these indictments, have also been capitally convicted ; I will not state their names, because I wish to create no prejudice. I further observe, that two others of those persons were acquitted on a former trial, on Saturday night. I do not think that that ought to influence my judgment upon the present occasion, so as to render it my duty to put them upon their trial again ; but inasmuch as I consider that those whose cases remain, including the two who were acquitted, on Saturday night, have been, to a considerable degree, the dupes of designing persons, and that they have been led on by the five persons to whom I have alluded, I am in hopes that I shall not be doing wrong, in permitting them to be discharged, on giving bail to appear at any time, when called upon by the crown. And I do assure your Lordships, that if they will conduct themselves as honest and industrious subjects, they never shall be called upon ; and I trust that I shall very materially benefit this county, by the course I have taken, and that this lenity and forbearance on the part of the crown, (for so the prisoners must consider it) will have a powerful effect upon their minds.”

The seventeen prisoners alluded to, were accordingly discharged, upon bail, to answer the indictments when required.

SENTENCES.

After which, Mr. BARON THOMPSON proceeded to pass sentence upon the prisoners convicted, beginning with the minor offences.

Mr. BARON THOMPSON.—“ John Eaden, John Baines, the elder, Charles Milner, John Baines, the younger, William Blackeborough, and George Duckworth, you, the several prisoners at the bar, have been convicted of an offence, which the wisdom of the legislature has made a felony. You, John

Eaden, and John Baines, the elder, are convicted of having administered to different persons an unlawful oath, an oath tending to bind the persons taking it, and intended by you that it should so bind them, to join in a society of persons to disturb the public peace, binding them to secrecy in that association, and never to declare what they should know respecting that confederacy. You the other four prisoners at the bar, have been convicted of being present, aiding and consenting to the administering of that unlawful oath, by the prisoner John Baines, the elder, and your offence is of the same degree as that of the men who actually administered that oath.

“In the course of the very serious investigations, about which we have been so long employed in this place, it has but too plainly appeared what have been the dreadful effects of such oaths so taken. They certainly have been the means of inducing many unwary persons to enter into these illegal associations, and of which engagements in support of them, has been such as we have unfortunately witnessed in the evidence laid before us in the course of the enquiries; they have tended to the disturbance of the public peace in the most populous manufacturing part of this county; they have induced large bodies of men to engage in the most tumultuous proceedings, to attack the houses, plunder the property, begin to demolish the mills, and to destroy the machinery employed in those mills—nay they have had the effect of going much further, and have even induced persons to proceed to the horrid crime of murder. Strictly speaking, the administering those oaths does not make you in law accessories to those offences, but still they must lie heavy upon your consciences, if you have any sense of right or wrong left.

“You, John Eaden, seem to have been long practised in so administering these oaths. To the person to whom you administered it, you gave instructions to get that oath by heart, that he might qualify himself to be the administrator of it; and to a person who called upon you shortly after you had so administered that oath, you fully explained to what it was intended to bind the parties, not scrupling to admit that the intention of it was to overturn the very government of this country.

“You, John Baines, the elder, have made it your boast that

your eyes have been opened for three-and-twenty years, and you also declared your sentiments with respect to government, and with respect to no government, plainly, according to what we have collected from the evidence, preferring anarchy and confusion to order and subordination in society. Such is the offence of which you, the prisoners at the bar, stand convicted, and the punishment which the legislature has provided for that offence is certainly not a severe one, if it is considered only what a profanation of religion it is; such a daring appeal to the Almighty to witness your desperate engagements, as well as the horrid consequences that follow from it. If the offence committed by one of you, that is, by John Baines, the elder, of administering this oath, had been committed only two days later than it was, the administering of that oath would have amounted to a capital felony; for the legislature, seeing that the punishment was hardly sufficient for offences of such magnitude, have enacted, that to administer any such oaths, whereby a person is held bound to commit any murder or other capital felony, shall itself amount to a capital offence; that act of parliament, however, did not take place till a day after you had committed the offence.

“Under all these circumstances, we feel it our duty to pronounce that judgment upon you which the law has provided, and in the extreme in which it is provided. The judgment of the court upon you, the prisoners at the bar, is, that you be severally transported beyond the seas for the term of seven years.”

The unhappy persons capitally convicted, FIFTEEN in number, were then brought up for judgment. The bar, though a large one, was insufficient to contain the whole, and a seat in front of it was cleared of the spectators, that all the prisoners might stand at once in view of the Judges, and a more painful and distressing scene was never witnessed. The prisoners were all young and in the prime of life, and of respectable appearance, many of them particularly good-looking men.

They were placed in the following order:—John Swallow, John Batley, Joseph Fisher, John Lumb; Job Hey, John Hill, William Hartley, James Hey; Joseph Crowther, Nathan

Hoyle; James Haigh, Jonathan Dean, John Ogden, Thomas Brook, and John Walker. The last five prisoners were convicted of an attack on Mr. Cartwright's mill at Rawfolds, and beginning to demolish the same.

The CLERK OF ARRAIGNS then enquired of the several prisoners, in the solemn language of the law, why judgment of death should not be awarded against them? who each entreated that their lives might be spared.

BARON THOMPSON and Mr. JUSTICE LE BLANC, having put on the symbol of the awful sentence they were about to pass, BARON THOMPSON addressed these unhappy men in nearly the following terms:—

“ You, John Swallow, &c.—[his Lordship here repeated the names of all the prisoners, in the order we have stated them,]—the unhappy prisoners at the bar, stand convicted of various offences, for which your lives are justly forfeited

“ You have formed part of a desperate association of men, who, for a great length of time, have disturbed the peace in the West-Riding of this county; you have formed yourselves into bodies, and have proceeded to the most alarming outrages. The cause of your first associating appears to have been the use of machinery in the woollen manufacture, by which you apprehended that the quantity of labour would be diminished; but a grosser delusion could not have been practised upon you. In the attainment of this you have proceeded to the greatest extremities.

“ Your first object seems to have been the possession of fire-arms; and though some of you seem to have confined your depredations to this object, others of you have taken, by terror, force, and violence, property of every description.

“ You, the prisoners, Job Hay, John Hill, and William Hartley, do not appear, indeed, to have taken anything but arms; but you went armed and disguised in the night-time, and created great terror and alarm. James Hay, Joseph Crowther, and Nathan Hoyle, have been convicted of robbing in a dwelling-house, and putting the persons therein in great fear. You have all of you been convicted on evidence the most satisfactory.”

His LORDSHIP, then particularly addressing the last five prisoners, said:—“ You have been convicted of one of the

greatest atrocities that was ever committed in a civilized country; you had been long practised; you had formed yourselves into companies commanded by different leaders, and armed with guns, with pistols, with axes, and other weapons of offence and mischief, you marched in military array to the mill of Mr. Cartwright, which you afterwards begun to pull down; you kept up a dreadful fire for some time; others of you begun the work of destruction, and you were evidently bent on the worst of mischief, intending, doubtless, to demolish the machinery. This attack was accompanied by cries and exclamations.

“ This tumultuous assemblage, of which you formed a very powerful part, was such as to alarm a man of less firmness than him with whom you had to contend. The cries you uttered were, ‘ Get in, get in, and kill them all!’ and there is no doubt that if you had gained admittance, this threat would have most assuredly been carried into effect.

“ The courage and resolution displayed in the defence of the mill, were successful in repelling your attack; but two of your wretched companions paid the forfeit of their lives. It was this defeat that afterwards instigated some of your companions to the more atrocious crime of deliberate murder, and the persons immediately concerned in that murder have suffered the punishment which the law inflicts; and a similar fate is about to await you, the prisoners at the bar.

“ The jury who tried you, recommended one of you, John Lumb, to mercy; they thought they saw grounds for discriminating between your case and that of the other prisoners included in the same charge. On this ground it is possible that mercy may be extended towards you, and that your life may be spared. For the rest of you, I wish I could have discovered any grounds for mitigating your sentence; but this I have not been able to do. It is of infinite importance to society that no mercy should be shewn you; it is of importance that your sentence should be speedily carried into effect; and it is but right to tell you, that you have but a very short time to remain in this world; and I trust, that not only those who now hear me, but all, without those walls, to whom the tidings of your fall may come, will be warned by your fate, and avoid those fatal steps which have conducted you to it; for they may

rest assured that, when once engaged in lawless enterprizes, it will be impossible for them to say, 'Hitherto will I go, but no further;' and that they will go on till death will, sooner or later, overtake them in the shape of punishment.

"Prisoners,—I would exhort you to set about the great work of repentance, and to make your peace with God; and that, feeling convinced of your crimes, you will make a full confession of them, as the only reparation you can make to society, and that you will give yourselves up to the admonitions of the Rev. Clergyman whose office it is to prepare you for your awful change; and God grant, that, by worthily bewailing your sins, and sincerely forsaking them, you may find mercy of the Lord.

"Prisoners,—hear the sentence which the laws of man award against your crimes. The sentence of the law is, and this court doth award it—That you be taken from hence to the place from whence you came, and from thence to the place of execution, and that you severally be hanged by the neck until you are dead, and may Almighty God have mercy upon your souls."

One of the prisoners fell into a fit during the time the Judge was addressing them; and when he came to that part of his address in which he spoke of the certainty and near approach of their execution, involuntary groans of anguish burst from several of the prisoners. The scene was inexpressibly painful.

The Judges, before they left York, ordered for execution fourteen of these unhappy persons, on Saturday, the 16th of January. Lumb is the only person respited. Seven of them suffered at eleven o'clock, and the other seven at two o'clock.

EXECUTION.

We now approach to the last awful scene of this tragical assize. After sentence of death had been passed upon the persons convicted of making the attack on Mr. Cartwright's mill at Rawfolds, and of the burglaries, all of them (except John Lumb, to whom mercy was extended,) were removed to the condemned ward, and their behaviour in that place was very penitent. They confessed they had offended against the

laws of God and of their country, but on the subject of the offence for which the sentence of death was passed upon them, they were unanimously silent and reserved. All of them, except one, tacitly confessed that they were guilty of the crimes of which they stood convicted, and when they were asked if any of them could say they were not guilty, they all remained silent, except James Haigh and Nathan Hoyle, the former of whom said, "I am guilty," and the latter, "I am innocent;" this was the day before the execution; but Hoyle did not make any declaration to that effect when brought to the platform. Their minds for the most part had attained a wonderful degree of composure, except the mind of John Ogden: he appeared for some time to be much disturbed, but on the question being put to him whether his agitation arose from any discovery that he had to make, and with the weight of which his conscience was oppressed, he answered no, his agitation arose from the terrors of his situation.

And here it seems proper to observe, that if any of these unfortunate men possessed any secret that it might have been important to the public to know, they suffered it to die with them. Their discoveries were meagre in the extreme. Not one of them impeached any of their accomplices, nor did they state, as might reasonably have been expected, where the *depot* of arms, in the collection of which some of them had been more practically engaged, was to be found. When interrogated on this point, some of them disclaimed all knowledge of the place, and others said Benjamin Walker, the informer against Mellor, Thorpe, and Smith, could give the best information about the arms, as he had been present at most of the depredations. On the question being put to them whether they knew who were concerned in the robbery of a mill (not Rawfolds) near Cleckheaton? James Hey said, "I and Carter, the informer, were present at that robbery." It was observed to James Hey, that it was very extraordinary that he who had had the advantage of a religious education, his father being of the Methodist Society, should have come to such a disgraceful situation; to which he replied, in a manner that shewed that his vices, however flagrant, had not extinguished in his bosom the feelings of filial affection, "I hope," said he, "the son's crimes will never be imputed to his father."

The principal part of these ill-fated men were married and have left families. William Hartley has left seven children; their mother, happily for herself, died about half-a-year ago. On the morning before the execution, the eldest daughter of Hartley obtained permission to visit her wretched parent, when a scene took place which we will not attempt to describe. The heart-broken father wished to have been spared the anguish of this parting interval, but the importunate entreaties of his child at last prevailed, and they met to take a long farewell, never again to be repeated in this world. What must be the feelings of an affectionate father, (for such, in this trying moment, he appears to have shewn himself,) when, though standing on the brink of eternity, he declines to see a darling child! How great an aggravation of his punishment must those parting pangs have inflicted, and how loud an admonition does this melancholy incident suggest to the fathers of families, against entering into combinations that may place them in the same inexpressibly afflictive situations! It was Hartley's particular request that the public should be informed of the number, and unprovided situation, of his orphan family.

At eleven o'clock on Saturday morning, the Under Sheriff went to demand the bodies of John Ogden, Nathan Hoyle, Joseph Crowther, John Hill, John Walker, Jonathan Dean, and Thomas Brook. They were all engaged in singing the following hymn:

Behold the Saviour of mankind,
Nail'd to the shameful tree;
How vast the love that him inclin'd
To bleed and die for me, &c.

which one of them dictated in a firm tone of voice; and in this religious service they continued on their way to the platform, and for some time after they had arrived at the fatal spot. They then joined the ordinary with great fervency in the prayers appointed to be read on such occasions; and after that gentleman had taken his final leave of them, ejaculations to the throne of mercy rose from every part of the crowded platform.

Joseph Crowther, addressing himself to the spectators, said, "Farewell, lads;" another, whose name we could not recollect, said, "I am prepared for the Lord;" and John Hill, advancing a step or two on the platform, said, "Friends! all take warning

by my fate; for three years I followed the Lord, but about half-a-year since I began to fall away, and fell by little and little, and at last I am come to this; persevere in the ways of godliness, and O! take warning by my fate!" The executioner then proceeded to the discharge of his duty, and the falling of the platform soon after, forced an involuntary shriek from the vast concourse of spectators assembled to witness this tremendous sacrifice to the injured laws of the country.

The bodies, having remained suspended for the usual time, they were removed, and while the place of execution was yet warm with the blood of the former victims, the remaining seven, namely, John Swallow, John Batley, Joseph Fisher, William Hartley, James Haigh, James Hey, and Job Hey, were led, at half-past one o'clock, from their cell to the fatal stage; their behaviour, like that of their deceased confederates, was contrite and becoming. James Haigh expressed deep contrition for his offences. John Swallow said he had been led away by wicked and unprincipled men, and hoped his fate would be a warning to all, and teach them to live a life of sobriety and uprightness. They all united in prayer with an earnestness that is seldom witnessed in the service of devotion, except in the immediate prospect of death. A few moments closed their mortal existence, and placed them at the bar differing from all earthly tribunals in this infinitely important particular—*here*, owing to the imperfections of all human institutions, repentance, though sincere, cannot procure forgiveness;—*there*, we have the authority of God himself for saying, that the cries of the contrite and broken-hearted shall not be despised. Charity hopeth all things.

The criminal records of Yorkshire do not, perhaps, afford an instance of so many victims having been offered, in one day, to the injured laws of the country. The scene was inexpressibly awful, and the large body of soldiers, both horse and foot, who guarded the approach to the castle, and were planted in front of the fatal tree, gave to the scene a peculiar degree of terror, and exhibited the appearance of a military execution. The spectators, particularly in the morning, were unusually numerous, and their behaviour on both occasions, was strictly decorous and becoming.

SUMMARY OF ALL THE PRISONERS.

The following is the result of the Special Commission opened at York on Saturday, the 2nd of January, and which finished on Tuesday, January 12th, 1818. The calendar contained the names of sixty-six persons, charged with offences connected with disturbances in the West-Riding of this county. Of this number, eighteen have been capitally convicted, of whom three were executed on Friday the 8th, and fourteen on Saturday the 16th of January, and one reprieved. Six have been convicted of simple felony, and sentenced to be transported for seven years. Seven have been acquitted; seventeen, against whom bills of indictment had been found for capital offences, have been discharged on bail; fifteen discharged by proclamation; and one indicted for a misdemeanor, discharged on finding sureties to try his traverse the next assizes.

George Mellor, William Thorpe, and Thomas Smith, were convicted of murder, and executed on Friday the 8th day of January.

John Swallow, John Batley, Joseph Fisher, Job Hey, John Hill, William Hartley, James Hey, Joseph Crowther, and Nathan Hoyle, were convicted of burglary and robbery in a dwelling-house, received sentence of death, and were executed on Saturday the 16th of January.

James Haigh, Jonathan Dean, John Ogden, Thomas Brook, and John Walker, capitally convicted of riotously assembling together, and with beginning to demolish a mill of Mr. Cartwright's, received sentence of death, and were executed on Saturday the 16th of January.

John Schofield, the younger, charged with maliciously shooting; Craven Cookson and Zachary Baines charged with administering illegal oaths; John Hirst for being concerned in the attack on Rawfolds mill; Joseph Brook, David Moorhouse, and John Smith, for burglary, were acquitted.

John Lumb, convicted of burglary, was reprieved, and afterwards the sentence was commuted to transportation for life.

The following were discharged on bail, it being understood that they would never be called upon to appear so long as they should be of good behaviour:—

James Varley, Joseph Thornton, George Brook, (of Wool-

dale,) George Beaumont; Abraham Armitage, Samuel Haigh, Benjamin Hinchliffe, John Taylor, Robert Fritton, Charles Thornton, James Brook, John Brook, George Brook, (of Lockwood,) Samuel Booth, George Brook, (of Dalton,) George Lodge, and Joshua Schelefield.

James Starkie discharged on bail to enter and try his traverse at the next assizes.

The following, against whom no bills were preferred, were discharged by proclamation :—

Joshua Haigh, Samuel Harling, John Shore, William Whitehead, Cornelius Hobson, Benjamin Sisswick, Thomas Green, William Hanson, Mark Hill, George Rigge, Charles Cockcroft, John Walker, (of Salford,) James Dysen, Benjamin Walker, and Joseph Carter.

The bodies of George Mellor, William Thorpe, and Thomas Smith, were taken to the County Hospital at York, for dissection, and a strong military guard was placed there several nights, to prevent any attempts to rescue them.

In pursuance of the system, which was pursued throughout these prosecutions, of tempering justice with mercy, the Government, as soon as the capital convicts had suffered the punishment justly due to their crimes, issued a Proclamation on the 18th of January; which was succeeded, after a short interval, by another on the 1st of February; both of which, being immediately connected with the preceding trials, are subjoined.

By His Royal Highness The PRINCE of WALES,
 REGENT of the United Kingdom of Great Britain and Ireland,
 in the Name and on Behalf of HIS MAJESTY.

A PROCLAMATION:

GEORGE P. R.

WHEREAS it hath been represented unto Us, That divers unfortunate and misguided Persons, who have been induced by the Artifices of wicked and designing Men to take some Oath or Engagement, contrary to the Acts of Parliament in that behalf made in the 37th and 52nd Years of His Majesty's Reign, or one of those Acts, or to steal Ammunition, Fire Arms, and other offensive Weapons, for the Purpose of committing Acts of Violence and Outrage against the Persons and Property of His Majesty's peaceable and faithful Subjects, and who are not yet charged with such their Offences, may be willing and desirous to make a Disclosure or Confession of such their offences, and to take the Oath of Allegiance to His Majesty, upon receiving an Assurance of His Majesty's most gracious Pardon for such their Offences; WE, therefore, acting in the Name and on the Behalf of His Majesty, being willing to give such Assurance upon such Conditions as are hereinafter mentioned, and earnestly hoping that the Example of the just and necessary Punishments which have been inflicted in the Counties of Lancaster, Chester, and York, upon certain Offenders lately tried and convicted in those Counties, may have the salutary Effect of deterring all Persons from following the Example of their Crimes by a Renewal of the like Atrocities, HAVE thought fit, by and with the Advice of His Majesty's Privy Council, TO ISSUE THIS PROCLAMATION; and as an Encouragement and Inducement to His Majesty's misguided Subjects to relinquish all disorderly Practices, and return to their due and faithful Allegiance to His Majesty, We do hereby, acting in the Name and on the Behalf of His Majesty, promise and declare, that every person not having been charged with any of the Offences hereinbefore mentioned, who shall, previous to the first Day of March next ensuing, appear before some Justice of the Peace or Magistrate, and declare his Offence, and the Oath or Engagement

by him taken, and when and where the same was taken, and in what Manner, or the Ammunition, Fire Arms, or other offensive Weapons by him stolen, and when, where, and from whom the same were stolen, and the Place where the same were deposited, and also, according to the best of his Knowledge and Belief, the Place where the same may be found, and who shall at the same Time take before such Justice of the Peace or Magistrate the Oath of Allegiance to His Majesty, **SHALL RECEIVE HIS MAJESTY'S MOST GRACIOUS PARDON** for the said Offence; and that no Confession so made by any such Person shall be given in Evidence against the Person making the same in any Court or in any Case whatever.

Given at the Court at Carlton House, the 18th Day of January, 1813, in the 53rd Year of His Majesty's Reign.

GOD Save The KING.

*By His Royal Highness The PRINCE of WALES,
REGENT of the United Kingdom of Great Britain and Ireland,
in the Name and on Behalf of HIS MAJESTY.*

A PROCLAMATION.

GEORGE P. R.

WHEREAS We have beheld, with the deepest Regret, the daring Outrages committed in those Parts of England wherein some of the most important Manufactures of the Realm have been for a long Time carried on : And being firmly persuaded that such Outrages have been, in a great Degree, occasioned by the wicked Misrepresentations and Artifices of ill-designing Persons, who have deluded the ignorant and unwary, through the specious Pretext of procuring additional Employment and increased Wages for the labouring Manufacturers, by the Destruction of the various Kinds of Machinery now most beneficially employed in the Manufactures of this Kingdom, and have thus seduced them to enter into unlawful Associations, and to bind their Consciences by Oaths and Engagements not less injurious to their own Welfare, than destructive of the good Order and Happiness of Society ; and seeing that the Extent and Progress of the Trade and Manufactures of this Country, which have been continually advanced by the Invention and Improvement of Machinery, afford the best practical Demonstration of the Falseness of all such Pretexts ; WE, therefore acting in the Name and on the Behalf of His Majesty, being anxious by every Means in Our Power, to bring back His Majesty's misguided Subjects to a just Sense of their own INDIVIDUAL INTERESTS, as well as of THEIR DUTY TO HIS MAJESTY, and of the Regard which they owe to the Welfare of the Community, HAVE thought fit, by the Advice of His Majesty's Privy Council, to issue this Proclamation ; and We do hereby, in the Name and on the Behalf of His Majesty, exhort all His Majesty's loving Subjects strenuously to exert themselves in their several Stations to prevent the Recurrence of those atrocious Combinations and Crimes, by which the public Peace has been so long disturbed, and the Persons and Property of Individuals endangered and destroyed, and which have so justly drawn

down upon the Offenders the severest Penalties of the Law. AND We do more especially warn those, who may be exposed to such seductions, against the Danger of binding themselves by illegal Oaths, and Engagements to obey the Commands of secret Directors, who, keeping themselves aloof, involve their deluded Associates in all the Guilt and Peril of Violence, Robbery, and Murder. AND We do further, in the Name and on the Behalf of His Majesty, earnestly recommend and enjoin His Majesty's loving Subjects, whenever it shall be found necessary, to have Recourse to the salutary Measures which the Wisdom of Parliament has provided for the Protection of Persons and Property. AND We do further exhort the Proprietors of Machinery, not to be deterred from continuing the Use and Employment of the same, but vigilantly and strenuously to exert themselves in the Maintenance and Defence of their Property, and in the Prosecution of their lawful and meritorious Callings, in the full Persuasion that due Watchfulness and Resolution, exhibited in the first Instance on their own Part, will, as has been proved by recent Experience, most effectually prevent or repel such unlawful Aggressions. AND We do, further, in the Name and on the Behalf of His Majesty, charge and command all Sheriffs, Justices of the Peace, Mayors, Bailiffs, Constables and other Civil Officers, to continue their utmost Vigilance and Activity for the Preservation of Peace and good Order, the Prevention of Nightly and other unlawful Meetings of ill-designing and wicked Men, and for the Defence of His Majesty's peaceable and industrious Subjects from the secret Machinations and open Attacks of the Violators of Private Property, and the Disturbers of the Public Tranquillity: Trusting, as We do, that by the constant and active Exertions of all well-disposed men, the Misguided may be reclaimed, and the Mischievous kept in Awe, without the necessity of recurring to the Chastisements of the Law, which it will be Our Duty, as Guardian of the general Peace and Prosperity of the Realm, strictly to enforce, if unhappily the Renewal of such Atrocities, as We have lately had to deplore, should again call for the Infliction of just and exemplary Punishment.

Given at the Court at Carlton House, this First Day of February,
1813, in the 53rd Year of His Majesty's Reign.

GOD Save The KING.

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