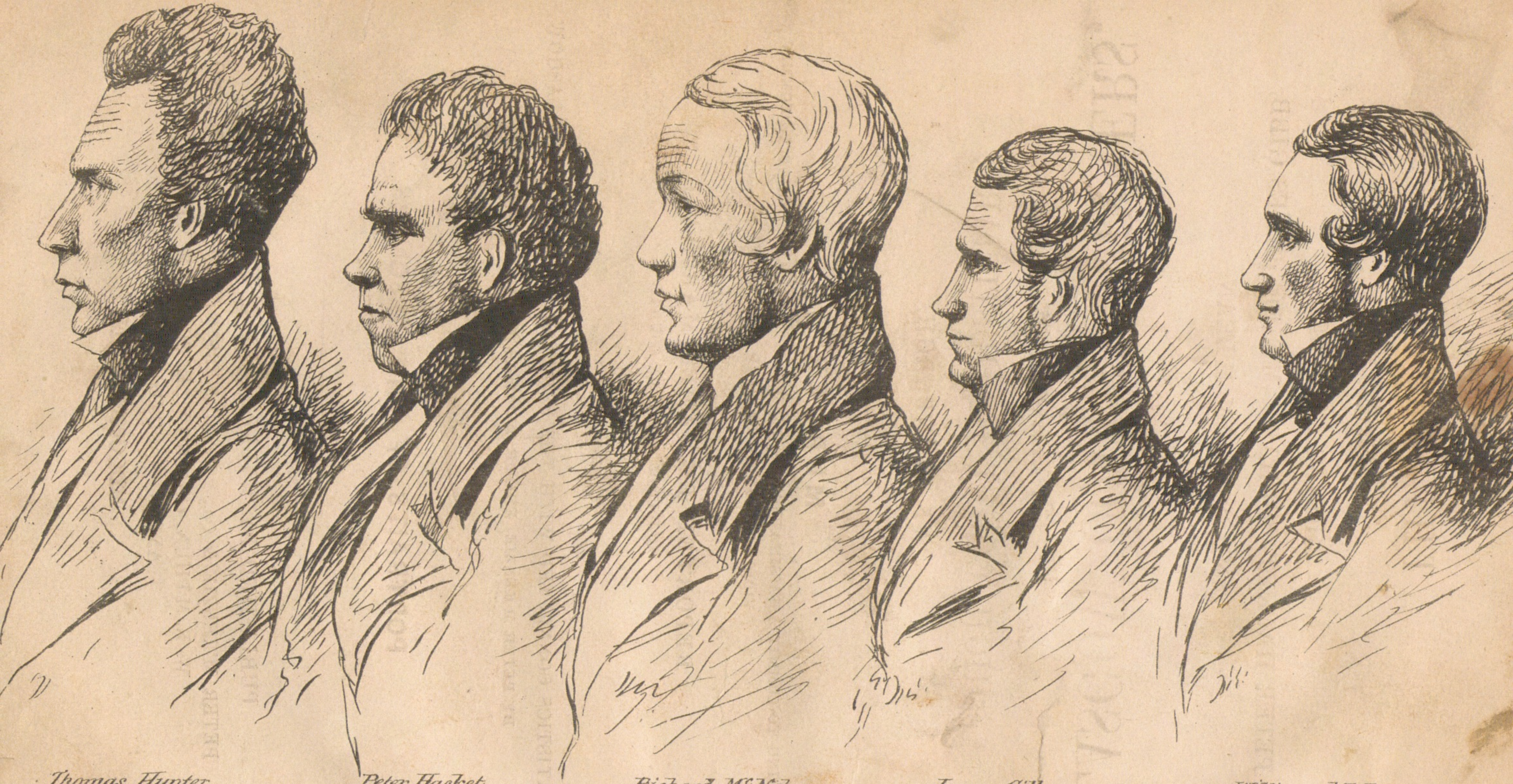

Thomas Hunter
President

Peter Hacket
Treasurer

Richard Mc Niel
Secretary.—

James Gilk
Assistant Secy.

William Maclean
Guard.

THE TRIAL

OF

THOMAS HUNTER,

PETER HACKET, RICHARD M'NIEL, JAMES GIBB,

AND WILLIAM M'LEAN,

THE

GLASGOW COTTON-SPINNERS,

BEFORE THE

HIGH COURT OF JUSTICIARY,

AT EDINBURGH,

ON CHARGES OF

MURDER,

HIRING TO COMMIT ASSASSINATIONS—AND COMMITTING, AND HIRING TO COMMIT, VIOLENCE TO PERSONS AND PROPERTY.

REPORTED BY JAMES MARSHALL,

SOLICITOR, SUPREME COURTS.

TO WHICH IS ANNEXED

STATISTICS CONNECTED WITH THE SPINNING TRADE, &c., OF GLASGOW,

BY PETER M'KENZIE, EDITOR OF "THE REFORMERS' GAZETTE."

WITH

PORTRAITS OF THE PRISONERS.

PUBLISHED BY WILLIAM TAIT, EDINBURGH;

PETER M'KENZIE & Co., "REFORMERS' GAZETTE" OFFICE, AND

W. R. M PHUN, GLASGOW; EFFINGHAM WILSON,

AND N. H. COTES, LONDON.

MDCCCXXXVIII.

HE following sheets contain a substantially accurate report of this unparalleled criminal trial. It is necessary, however, to bespeak indulgence for several trivial inaccuracies which have crept into the early portion of the impression, owing to the rapidity of its progress through the press—the whole being thrown off within an hour after the verdict of the Jury was returned.

ERRATA.

Page 7, *for* J. Handyside *read* Robert Handyside.
... 7, *for* Daniel Fisher *read* Charles Fisher.
... 33, line 12, *for* "new chairman of the cotton-spinners" *read* "chairman of the Trades' Committee."
... 39, last line, *for* Miller *read* Mellon.
... 41, top line, *for* Leish *read* Nish.
... 43, line 27, 28, and 34, *for* Killocher *read* Callaghan.
... 44, ... 13 and 17, *for* Rafferty *read* Lafferty.
... 45, ... 38 and 39, *for* Killocher *read* Callaghan.
... 46, ... 20, *for* M'Caffer *read* M'Caffle.
... 48, ... 10 and 14, *for* M'Caffer *read* M'Caffle.
... 59, ... 39, *for* Givan *read* Divan.
... 64, ... 7, *for* M'Kinnovan *read* Mike Cannovan.
... 64, ... 26, *for* Moir *read* Morison.
... 84, last line, *for* Carmigan or Calligan *read* Callaghan or Gallaghan.

FROM THE STEAM-PRESS OF PETER BROWN, PRINTER, EDINBURGH.

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INTRODUCTION.

On the night of Saturday, the 22d July 1837, John Smith, operative cotton-spinner, Glasgow, while walking from the market, along Clyde Street, homewards, in the company of his wife, received a wound, from a pistol-shot, under his right shoulder, of which he died on the 25th. There was at this time a *strike* of the cotton-spinners of Glasgow and neighbourhood, in consequence of a resolution of their employers to reduce the rate of wages; and, as violence to both person and property, of various kinds, and directed against those inimical to the operatives who had struck work, had recently been committed, suspicion fell upon their leaders as the contrivers of the assassination.

In consequence of information received upon these matters, Sheriff Alison, with Mr Salmond, Procurator-Fiscal of the county, and a party of police, repaired, on Saturday, 29th July last, to an apartment of a spirit-shop, in Blackboy Close, Gallowgate, Glasgow, where they discovered and apprehended seventeen cotton-spinners, who were met there on the business of those who had struck work. Of these, Thomas Hunter, Peter Hacket, Richard M'Niel, and James Gibb, were kept for trial; but, after some detention for investigation, the others were liberated on bail. William M'Lean was apprehended the following week.

This proceeding, on the part of the Judge-Ordinary, was denounced by all the operatives as arbitrary and tyrannical; and detailed reports of meetings on the subject, held in all quarters, were widely circulated, calling upon all to aid the oppressed, and to obtain redress against the course pursued by the officials. Complaints were also made against the conduct of the keepers of Jail, (Bridewell;) and notices on the subject on both sides were published. Considerable sums were contributed by the operatives, in the manufacturing towns of England and Scotland, to obtain the assistance of the first counsel at the Scottish bar, and otherwise defray the expense of the defence of those five men; and they purposed to force on their trial by a process, directed against the Fiscal, as the public prosecutor, which is called "*running their letters;*" but, as the *Fiscal* is not a competent prosecutor for crimes charged in the Informations, or applications upon which the warrants of imprisonments followed, fresh *Letters* were directed, in November, against the Lord Advocate.

INDICTMENT *served 23d October* 1837.

Accordingly, in October, copies of an indictment, at the instance of

the Lord Advocate for the public interest, were served on THOMAS HUNTER, from Cogan's Land, Main Street, of Bridgetown; PETER HACKET, Dyke's Land, George Street, of Mile-end of Calton; RICHARD M'NIEL, Spring Place, Hutchisontown; JAMES GIBB, Craig's Court, Canning Street, of Calton; and WILLIAM M'LEAN, King Street—all of Glasgow, cotton-spinners, and then prisoners in Bridewell of Glasgow. The indictment set forth, as the *major proposition*, "That albeit, by the laws of this and of every other well-governed realm, illegal conspiracy of workmen, forcibly and illegally to raise or keep up wages, or the price of labour, by means of the writing and sending threatening letters to masters or their managers, and of the wilfully setting fire to, or attempting to set fire to, the dwelling-houses, mills, or warehouses of owners, masters, or their managers, and of the forcibly invading of the dwelling-houses of workmen, and of assaulting and murdering workmen, or by means of the perpetration of one or more of these unlawful acts, with the illegal and felonious intent and purpose of deterring and intimidating them respectively from giving or taking employment at the rate or on the terms which they please, and of forcing them to do so on the terms and at the rate prescribed by the members of such illegal conspiracy; and when such threatening letters are written and sent to such masters or their managers, and fire is so set, or attempted to be set to, dwelling-houses, mills, or warehouses of owners, masters, or their managers, and the dwelling-houses of workmen are invaded, and themselves assaulted and murdered, or one or more of these unlawful acts are perpetrated in pursuance of the said object and purpose of such illegal conspiracy; as *also* murder, more particularly, the wickedly, maliciously, and feloniously assassinating a workman, with the wicked and felonious intent thereby of deterring other workmen from continuing in, or taking employment at, such rate of wages or on such terms as they may choose—are crimes of an heinous nature, and severely punishable:—Yet true it is and of verity, that you, the said THOMAS HUNTER, PETER HACKET, RICHARD M'NIEL, JAMES GIBB, and WILLIAM M'LEAN, are, all and each, or one or more of you, guilty of the said crime of conspiracy, as above libelled; *or* otherwise, of the said crime of murder, actors or actor, or art and part."

This Indictment occupied twenty-six *quarto* pages. Its substance, however, is, that several years ago an ASSOCIATION of operative cotton-spinners was formed at Glasgow, for the purpose of raising or keeping up wages: That the members came under a *secret oath*, to support the resolutions, orders, or directions, and to execute every task or injunction of the majority, and not to divulge the oath: That great numbers, composing almost the whole cotton-spinners in Glasgow and adjoining districts, had joined: That the Association had resolved, at various times, that its members, or certain of them working at certain mills, should strike work, on account of disputes with the masters; and that, on these occasions, the Association illegally and feloniously conspired, confederated, and agreed together, for the purpose of *forcibly* and *illegally* raising or keeping up their wages, or prevailing in the dispute, by using *intimidation*, *molestation*, and

threats, to operatives working, or willing to work, upon different terms from those stipulated by the Association, and also to *perpetrate acts of violence* against the persons or property of such operatives: That, in furtherance of this conspiracy, a GUARD COMMITTEE was appointed, as occasion required, to watch the cotton-mills, and, by means of terror and alarm, caused by such demonstrations of force, and by molestation and threats of violence, and by actual assaults committed by the Guards, to prevent operatives from working there; and that the Association paid this Guard, and rewarded the perpetrators of those assaults: That, in cases where the Guards had been apprehended and committed for trial on such charges, the ASSOCIATION, in order to *frustrate the ends of justice*, and that those GUARDS might *elude trial* and punishment by absconding, procured law agents and others, to become cautioners in the bail bonds that the Guards would appear at trial, and impressed the amount of the bail bonds in the hands of the cautioners, to meet the forfeiture: That the Association had directed threatening *letters* to be addressed to masters and managers; and mills, warehouses, dwelling-houses, to be *set fire to*; the *dwelling-houses* of workmen to be *invaded*, and themselves to be *assaulted and murdered*—all in order that, by the *terror and alarm* thereby created, the masters and managers might be compelled to submit to the demands of the members of the Association: That, to manage these things, the Association occasionally appointed, by ballot or lot, or other secret mode, a "SECRET SELECT COMMITTEE," whose names were kept secret from the *ordinary* members of the Association; but the ordinary members knew that the functions of this Committee were to enforce and obtain the object of the strike, by organizing and preparing the means, making choice of, and engaging, and hiring, or rewarding the persons so to be employed, for the *firings, writings, invasions, assaults*, and *murders*, &c.: That various such acts had been, on occasions of strikes, so planned, committed, and rewarded; and the committee were not bound to explain the special application of monies paid therefor; and did not: That the Association, by its Committee, or governing body, resolved on and made one GENERAL STRIKE of work, from and after 8th April last, in consequence of a reduction of wages resolved on by their employers; and the operatives refused to submit to any reduction: That the Association or Committee of Directors, met in apartments in the house of William Johnson, publican, *Blackboy Close*, Gallowgate, and appointed a GUARD COMMITTEE, to watch the mills at meal hours, and at their opening in the morning and closing at night, for the purpose already described: That the prisoners had been members of the Association for years—at least, were so from January last till they were apprehended, and had been, during April, May, June, and July—

THOMAS HUNTER, *President or Chairman of the Association, or Committee, or Court of Directors.*

PETER HACKET, *Treasurer and Member of Committee or Court of Directors, and of Supply Committee.*

RICHARD M'NIEL, *Secretary, and ditto.*

JAMES GIBB, *Assistant Secretary, and ditto.*

WILLIAM M'LEAN, *Member of the Guard Committee, and had acted as a Guard.*

That the strike continued during May and June, when legal proceedings were taken to check and put down the system of intimidation, &c.; and that several operatives yielded, and became willing to work upon the masters' terms; and the funds of the Association became exhausted, or nearly so.

The indictment then detailed *eight criminal acts*, introduced with the allegation—

That the prisoners, being parties to the *strike*, and cognizant of, and concurring, and participating in these proceedings, and resolved to maintain these and the like, in defiance of law, and being members of the governing body of the Association, or otherwise taking an active and a leading part in the business, did, with others, unknown—

1*st*, About 14th June 1837, hold a meeting of the Association, in Blackboy Close, at which the *illegal proceedings were resolved on*, as have been detailed; and the prisoners attended and concurred in the motion for the appointment of a "*secret select committee*," and were elected; and, thereupon, *acted* as members in the *prosecution* of these *illegal proceedings*, hiring, directing, engaging, instigating, and rewarding from the funds the actual perpetrators, and being themselves so.

2*d*, They, on 15th June last, hired persons to assault, and assaulted, David Gray, and also Edward Kean, cotton-spinners.

3*d* and 4*th*, They caused two letters, in June, to be sent to Alexander Arthur, a mill-manager, threatening his life; and the threatening passages were quoted.

5*th*, The same to John Bryson, in July, threatening his life, and that of his son.

6*th*, They hired men, in June, for the purpose, who, at midnight, invaded the residence of Thomas Donaghy, a spinner, and made him swear not to work; and those men having been apprehended, and liberated on bail for trial, the Secret Select Committee paid the penalty, and thereby, and otherwise, aided their escape from justice.

7*th*, They hired men, in July, to burn the house of James Wood, of F. Wood & Co., manufacturers; and those men attempted it.

8*th*, They hired the prisoner M'Lean, in July, to assassinate Smith, which he did by a pistol shot.

The Indictment farther set forth one general *alternative* charge, embracing the whole, in the following words—"Or, otherwise, you, the said Thomas Hunter, Peter Hacket, Richard M'Niel, James Gibb, and William M'Lean, being all and each of you operative cotton-spinners, employed in cotton-mills in or near Glasgow, and members of an Association called 'The Association of Operative Cotton Spinners of Glasgow and Neighbourhood,' or bearing some similar designation; and the said Association having, on or about the 8th day of April last, in consequence of a difference or dispute between the owners, masters, or managers of the cotton-mills in and about the city of Glasgow, and the operative cotton-spinners employed by them, with respect to the wages to be paid to said operatives, ordered or directed the whole members of the said Association employed in said mills to strike work,

on or about that day, for the purpose, and with the intent, of compelling the said owners, masters, or managers, to pay the rate of wages demanded by the members of the said Association; and the said strike having, accordingly taken place, and continuing during the said month of April, and the months of May, June, and July last, and the said Association having appointed various committees of the members of their body, called by the names of 'The Guard Committee,' 'The Nob Committee,' 'The Secret Select Committee,' or 'Secret Committee,' or by other names to the prosecutor unknown, for the wicked, illegal, and felonious purpose of intimidating, by menaces, and threats of personal violence, and by assaults, and by forcible invasion of their dwelling-places, any operative cotton-spinners, willing and desirous to work at the rate of wages or on the terms offered by the said owners, masters, or managers, from continuing to work, or from engaging to take work, or working in the said cotton-mills, in place of the members of said Association who had so struck work, and for the purpose also of intimidating the owners, masters, or managers of said cotton mills, by sending to them letters containing threats of personal violence and of death, and by wilfully setting fire to, or attempting to set fire to the said cotton mills, or warehouses, or dwelling-houses, belonging to or occupied by them, from engaging or keeping in their service, operative cotton-spinners, or persons of other callings, willing to take work in their mills, in place of those who had struck work as aforesaid; and, accordingly, during the continuance of the said strike, menaces, and threats of personal violence having been used towards, and assaults having been committed upon, the persons of said operatives, working, or willing to work on the terms offered by the said masters, and their dwelling-houses having been also forcibly invaded; and threatening letters having been written and sent, containing threats of personal violence and of death to the owners, or masters, or managers of said cotton-mills, and attempts having been made wilfully to set fire to their said cotton-mills, warehouses, and dwelling-houses; all which acts were done by the members of the said Association, or by or under the direction of the said committees appointed as aforesaid, and that for the purposes aforesaid: And you, the said Thomas Hunter, Peter Hacket, Richard M'Niel, James Gibb, and William M'Lean, being all and each, or one or more of you, members of the said illegal association, and of one or more of the said illegal committees, and having all of you struck work as aforesaid, and taken an active part in the foresaid wicked, illegal, and felonious proceedings of the said illegal association and committees; and having conceived deadly malice and ill-will against the said owners, masters, and managers of the said cotton-mills, and against the said operatives working in said mills, on the terms offered by the said owners, masters, or managers, and having wickedly and maliciously resolved to murder one or more of said owners, masters, managers, or operatives; thereby to intimidate, by fears for their lives, the said operatives from continuing to work, or engaging to work in said mills; and the said owners, masters, and managers, from continuing to employ or engaging in their service said operatives; and having, with such purpose

and intent, conspired, confederated, and agreed together, to murder one or more of said operatives, working as aforesaid, you did, all and each, or one or more of you, proceed to provide yourselves with a pistol, or other fire-arm, loaded with gunpowder, and one or more leaden bullets, and you did, all and each, or one and more of you, on the night of the 22d day of July 1837, or on one or other of the days of that month, or of June immediately preceding, or of August immediately following, and in or near to Clyde Street of Anderston, in or near Glasgow, wickedly and feloniously, maliciously and unlawfully, shoot John Smith, then residing in a tenement called Houldsworth's Barracks, in Cheapside Street of Anderston aforesaid, an operative cotton-spinner, then in the employment of Henry Houldsworth & Sons, cotton-spinners, in their cotton-mill, situated in Cheapside Street of Anderston aforesaid, being one of the mills in which the members of the said Association had struck work as aforesaid, and in which the said John Smith was working, on terms offered by the owners, masters, or managers, by one of you discharging said pistol or fire-arm, loaded and charged as aforesaid, at or against the person of the said John Smith; and the said shot did take effect on his person, and one of the bullets with which the said pistol or other fire-arm was charged, entered his person, under or near to his right shoulder, and did mortally wound him, and he died in consequence of said wound so received, on or about the 25th day of July 1837; and the said John Smith was thus assassinated and murdered by you, the said Thomas Hunter, Peter Hacket, Richard M'Niel, James Gibb, and William M'Lean, or one or more of you; and all this you did with the wicked and felonious intent thereby of deterring other workmen from continuing in, or taking employment at such rate of wages, or on such terms as they might choose, as more particularly above set forth.

As there existed considerable excitement among the Trades' Operatives in Glasgow, on account of the treatment of the Committee of cotton-spinners, and particularly of the prisoners, it was by the authorities considered expedient to dispatch the prisoners from Glasgow suddenly, and early in a morning, by a coach, to Edinburgh, in charge of thc ordinary complement of messengers, rather than to have recourse to military or other extra power for security; and this took place a few days before the day of trial.

HIGH COURT OF JUSTICIARY,

10th November 1837.—*Ten o'Clock, P.M.*

PRESENT.

Bench.

LORD JUSTICE CLERK.

LORD MACKENZIE.	LORD MEDWYN.
LORD MONCRIEFF.	LORD COCKBURN.

Counsel for the Crown.

The LORD ADVOCATE MURRAY.
The SOLICITOR-GENERAL RUTHERFORD.
JOHN SHAW STEWART, Esq., *Advocate-Depute.*
J. HANDYSIDE, Esq., *Advocate-Depute.*

Counsel for the Prisoners.

DUNCAN M'NEILL, Esq.	JAMES ANDERSON, Esq.
PATRICK ROBERTSON, Esq.	H. G. BELL, Esq.
ALEX. M'NEILL, Esq.	

Agents.

For the Crown—D. CLEGHORN, Esq., W.S.
For the Prisoners—DANIEL FISHER, Esq., S.S.C., and Messrs KING & GEMMEL, Writers, Glasgow.

THE prisoners were then placed at the bar, and, the indictment having been called and read, they severally pled *not guilty.*

Special defences were put in, as follows:—

"The defenders are not guilty of any of the charges contained in the libel.

"In regard to the alleged murder of John Smith, which seems to be more particularly charged as having been committed by the defender M'Lean, the prosecutor has not specified the precise hour at which it is said to have been committed. It is proper to state that, during the whole or greater part of the night of the 22d July, M'Lean was in the public houses of Angus Cameron, in Salt-Market Street, and Gilbert M'Huraith, in Bridgegate Street, and in the vicinity of these places."

Mr M'NEILL, explaining that he, with his brethren, were of counsel for all the prisoners, proceeded to state *objections to the relevancy* of the indictment. The indictment accuses the prisoners of two charges—conspiracy *or* murder—not of conspiracy *and* murder, as is set forth in the *major* proposition. The prisoners may be convicted

of one or other of those two crimes, but not of both. Refer to the charge of conspiracy. The introductory description sets forth no particular time, place, or persons. A conspiracy to do a thing, is not the doing of it; and these two things are put alternatively. Now, is the murder set forth in evidence, or in pursuance of the conspiracy, or is it here a substantive charge of a crime? The *species facti* is conspiracy, and yet the trial, according to this indictment, is murder. Can these men be tried for murder under the charge of conspiracy? or can they be tried for murder *per se* under this indictment? Look, again, to the character of the Association. It is not set forth, *ab initio*, to have been illegal; but that, on occasions of *strikes*, the members *then* illegally conspired. This would not be a constant or continuing conspiracy. Then there are conspiracies within conspiracies charged; and this against different Bodies. For instance, there is one charge against the committee of directors, or one of the members thereof, "*or* OTHER *governing body*." Now, this Body may be anybody. There is no description of these conspiracies; their beginning and ending—by whom, and against whom—all are unexplained. Take one of these conspiracies. It is to appoint a guard to go and *watch*. But it is not said that the conspirators devolved on the guard the duty of *using threats*. The guards may have exceeded their powers, and done so; but the conspiracy, it seems, was simply to watch the mills. Another conspiracy begins on the 14th June, but it is not the Association, Committee of Directors, or Governing Body that conspired, which is an acknowledgment that the Association is not the conspiracy.

LORD JUSTICE-CLERK.—These prisoners are said to be Members of Government and Committee throughout.

Mr M'NEILL.—But it is *persons*, members of the Association, who conspired—the President and Treasurer, &c. who conspire—not the Association itself. I admit that this is a charge of conspiracy against the individuals at the Bar; but I deny that the Association, to which they were members, is here set forth to have been itself a conspiracy, and I wish this kept in view, with reference to what is proposed to be proved. Now, the acts are not charged as done necessarily through the intervention of the Association. Then a charge is made of *writing* and *sending* threatening letters, not that they *contained* threats; and the Court is required to judge of this charge by partial quotations from the letters without the whole letter having been set forth, by which it may be judged whether, taking them altogether, the letters will severally bear the construction here demanded to be put on them; that is, whether they be threatening letters. The charge of murder is put alternatively with the conspiracy. But with this charge of murder there is mixed up the conspiracy, the attempting to set fire, assaults, &c. Those things are all charged under this charge of murder. Will it do to prove that houses were invaded, and so forth, without specification of time, place, or person, under this charge. How can such charge be defended by the accused?

LORD MONCREIFF.—Do you dispute the relevancy of the charge of murder, as set forth in the *major* proposition?

Mr M'Neill.—*Intent* is what is libelled; but proof of intent would not prove the crime.

Mr Handyside.—In regard to the explanation contended for, of the two charges, it will be remarked that no objection is stated to the *major propositions* as they stand; and Mr M'Neill will concede that those majors are alternative. We shall be satisfied with one or other of the *majors* being found proved. The *minor* consists of two parts; the first portion of which is narrative, and is put in as explanatory of the charges made against the prisoners, in the subsequent parts of the indictment containing the charges of certain acts. The first charge or act directed against the prisoners, is upon the 14th June. The previous narrative contains no substantive charges against the prisoners. Thus, where forgery is charged—the preparation to commit the crime may be set forth as explanatory. In murder, previous malice may be set forth; if by poison, it may be set forth, that previous purchases of poison, with the view of attempting the crime, may be set forth as explanatory of the intent. Wherever a *charge* is made, the prisoners are entitled to have time, place, &c., specified, but not so with regard to the narrative. Since 1826, the objects of this Association were legal; masters and servants having become entitled to combine, the one to raise, and the other to lower the amount of wages; but then here we set forth that, in the outset, illegal oaths were taken by the members, and to keep secret that there were such oaths. Now, it is the *acts* of this Association with which we have to do—or Committee of it, or members of it—and to which the prisoners were parties, and they have the benefit of all the alternatives. An objection is stated that one charge, though a good one, against the prisoners, is not directed against the Association.

Lord Justice-Clerk.—You are supported, however, in the charge as to preventing men taking work contrary to the directions of an Association such as has been described in the indictment.

Mr Handyside.—Yes, my Lord, we aver that this Association *became* an illegal body by certain of its acts and directions. Now, is not the prosecutor entitled, in his charge and narrative of conspiracy, to set forth generally the character and persons, acts or conduct of the Association, on similar occasions, and these probably even before these parties became members of it? I have the highest authority for saying he can. As to the objection that a whole threatening letter is not quoted, I refer to the case which occurred in Glasgow in 1834 of a combination, by acts of violence, and by writing and transmitting threatening letters. Mr M'Neill was then prosecutor. The letters there were not fully quoted. But the whole letters are matters for evidence. Take a case of a speech in which passages occurred of a criminal nature—must the whole speech be set forth in the libel? With regard to the charge of murder, the mode is particularized, and the intent by the commission of the murder. It is not the bare ordinary charge of murder. A case occurred of a master who murdered his apprentice, where a charge of a train of previous maltreatment was set forth and sustained.

The Lord Advocate.—This indictment leaves nothing ambiguous.

The charge is fully set forth in the *major proposition ;* and facts are alleged to support it. The whole charges are against one association—and the indictment proceeds in detail to connect the prisoners with every act. If the prisoners be innocent, they have the adadvantage of our failing to establish, or they disproving, that previous illegalities of this Association ceased during the present year. With regard to an entire letter said to be a threatening one, not being embodied, the whole will be before the Jury, and the prisoners may point out other passages which destroy its character as a threatening letter.

Mr Robertson.—We admit that there are relevant matters of *dittay* embodied in the charge of the 14th June. We are agreed on the constructions of the majors, and that the prisoners cannot be found guilty of both the majors. But the conspiracy of June cannot be proved by leading evidence as to the conspiracy of April. The conspiracy, it is said, commenced in June, and I protest against any evidence being led as to previous concluded conspiracies. The acts to be proved must be acts of conspiracy, and that conspiracy distinctly specified. The Association when formed, is not said to have been formed to commit murder. The oaths do not refer to these, but to obey the majority. The House of Commons follow a similar course. But was the Association a conspiracy, or was it an Association to enter into conspiracies at particular times? Refer to the introduction to the first act, and remark the new conspiracy—it is *of the Association*—and they conspire for what?—to appoint delegates. Who are they? Are they or are they not members of the Association? This is not told us. Well, these Delegates commit the crime ; *they* appoint the Secret Select Committee. The Delegates may be the tailors of Edinburgh—and who may not be the Secret Select Committee? Again, the murder must have its own major and its own minor proposition. But I demur to the *minor :* it is for sending letters, firing cotton-mills, threatening masters, &c., and committing murder with a certain *intent,* and these all in furtherance of the Association. But what has the Association to do with the second *major?* What has the murder of Smith to do with it? This would be to try both the conspiracy *and* the murder! Next, the charge is of sending *a threatening letter ;* that is, *the whole* is a threatening letter, not that there are passages in it. It won't do to say that, when we are on trial, the whole letter will be proved. Your Lordships are called on to construe the letter as a threatening letter. You have nothing but certain quotations to form your judgment upon whether it is or is not so ; and you are expected to decide that this is a relevant charge, although, for all you know yet, the letter may conclude—"Believe me, my dear Alick, what I have here written is a jest from a letter addressed to myself from Manchester."

This discussion occupied four hours. The judges then retired, and consulted nearly two hours, and then expressed their decision that the indictment must go to a jury. The interlocutor of *relevancy* having been pronounced, the Court adjourned till Monday, 27th November. The Public Prosecutor agreed to defray the expense of the

prisoners' witnesses upon this occasion, which is a very unusual occurrence.

Indeed, a person was cited for trial on the same day, and his cause was continued till the day following. That day was occupied with other trials till evening, when he was put to the bar, and tendered a plea of guilty to part of the charge. He occupied no time in raising or discussing objections to the relevancy; but the offer was rejected, and that case was then, in like manner, continued till the 27th November. He had fifteen exculpatory witnesses in attendance on *both* days; but no allowance of expenses was made, and he was destitute of *all* pecuniary aid, while, at this period, it was stated that £700 had been contributed to defray the expenses of the spinners. A few days before the 27th November, that person, and also the cotton-spinners and their agents, received notices that they need not bring witnesses on the 27th. Meantime, the Public Prosecutor, in the one case, repeated an indictment in the same terms. In the other, he prepared *criminal letters*, which, after abandoning the indictment, were served on the 2d December, containing a warrant of citation for trial on Wednesday the 3d January 1838.

Public meetings were of new held in all quarters, and the proceedings of the Public Prosecutor severely animadverted upon, and censured by the operatives, for these repeated postponements of the day of trial, and other treatment of the spinners. The hardship was urged, of having only fifteen days allowed, subsequent to the service of the first indictment, for precognoscing the Crown witnesses, and preparing defences for the day of trial first resolved upon; but, on the other hand, it may be observed, that it was only on the night preceding that day, that a list of the fifty exculpatory witnesses was furnished for the Prosecutor. Besides, the day of trial was consumed in objections for the prisoners to the relevancy of the indictment, which were overuled. That day happened to be a Friday; so that the effect of proceeding then with the case, would have run the trial into Sunday. If the objections had been sustained, a new writ would have been issued, and this object was accomplished by the course voluntarily adopted by the Prosecutor.

There is no intention here to advert to the existing criminal law and practice of Scotland; but those who are conversant therewith, will see that there occurred nothing in all the proceedings, particularly with reference to delays,* in the circumstances, out of the usual

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* There were prisoners in the Edinburgh jail committed for trial on 23d July 1837, who had received no indictment at 10th December thereafter. *Running of letters* might have embarrassed the Public Prosecutor; but the forgetfulness, the departure, or the death of witnesses, and the effect of unobtrusive patience, where the charges are of a serious nature, and proof doubtful, are perhaps equivalent contingencies. The friends of the cotton-spinners dared the Public Prosecutor, stigmatized his conduct, and put him on the defensive. They "Resolved, that, since *justice cannot be obtained by law*, application be immediately made to Parliament for the immediate trial or liberation of the Committee of the Glasgow spinners."—*Public Meeting, Lyceum Rooms, Glasgow, 27th Nov.* 1837. Parlia-

course, or which might not have been in a great measure anticipated, or with regard to which all observation at least suspended till the issue of the trial.

Criminal Letters.

The *major proposition* sets forth, "THAT ALBEIT, by the laws of this and of every other well governed realm, ILLEGAL CONSPIRACY of WORKMEN, Forcibly and Illegally to Raise or Keep up Wages or the Price of Labour, by means of Threats, Intimidation, and Molestation to other Workmen, and by perpetration of acts of Wilful and Illegal Violence against the Persons or Property of Masters or Workmen, with the illegal and felonious intent and purpose of thereby Deterring and Intimidating them respectively from giving or taking Employment at the Rate of Wages, or on the Terms which they please:—*as also* ILLEGAL CONSPIRACY of WORKMEN, Forcibly and Illegally to Raise or Keep up Wages, or the Price of Labour, by means of the Writing and Sending Threatening Letters to Masters or their Managers, and of the Wilfully Setting Fire to, or Attempting to Set Fire to the Dwelling-houses, Mills, or Warehouses of Owners, Masters, or their Managers, and of the Forcibly Invading of the Dwelling-houses of Workmen, and of Assaulting and Murdering Workmen, or by means of the perpetration of one or more of these unlawful acts, with the illegal and felonious intent and purpose of thereby Deterring and Intimidating them respectively from giving or taking Employment at the Rate of Wages, or on the Terms which they please; and when such threatening letters are written and sent to such Masters or their Managers, and fire is so set, or attempted to be set to, Dwelling-houses, Mills, or Warehouses of Owners, Masters, or their Managers, and the Dwelling-houses of Workmen are Invaded, and themselves Assaulted and Murdered, or one or more of these unlawful acts are perpetrated in pursuance of the said object and purpose of such illegal conspiracy;—*as also* the wickedly and maliciously WRITING and SENDING of a THREATENING LETTER to any of the Lieges;—*as also* MURDER, more particularly the wickedly, maliciously, and feloniously ASSASSINATING a WORKMAN, with the wicked and felonious intent thereby of Deterring other Workmen from continuing in, or taking employment at such rate of wages, or on such terms as they may choose, are crimes of an heinous nature, and severely punishable."

A narrative then follows, similar to, but more comprehensive than that of which the substance is given on pages second and third, concluding that the unlawful Association having resolved that its members

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ment was petitioned, and the Lord Advocate satisfied the House (Dec. 8) that no delay had taken or would take place that could be avoided; but it was his duty not to enter into details which might prejudice the prisoners in the eyes of the public.

should *strike* in April, struck accordingly ; and Maclean being a member, and the others members and office-bearers of the unlawful association, and parties to the strike, and having resolved, in defiance of law, to compel their masters to re-employ the spinners upon their own terms, and those working to desist, unless on such terms—

1*st*, That they, in concert with Sideserf, Docherty, Smeal, Dunn, Campbell, Walker, Gallocher, Greenhill, Munro, Johnston, Parker, Morrison, Bunyan, and Trotter, all spinners and members of Committees of the unlawful Association, agreed in April to use intimidation, molestation, and threats, &c., for the said purposes, and appointed a Guard Committee to discover and mark, and molest and assault spinners, and deter them from taking work—and at the various cotton-mills—and the guards were under the command or direction of a member appointed for the purpose—and they beset the mills and created terror and alarm ; More Particularly—

2*d*, That the members of the unlawful Association struck work at the Oakbank Factory ; and they, and the Guard Committee, and the prisoners, on 8th May 1837, appointed Maclean, Parker, Montgomery, Linton, Canovan, and M'Gown, &c., to be guards thereon, who beset the mill, and molested and threatened the spinners for two weeks, and the police were obliged to escort them ; and on 9th May, Farmer and Gordon were mobbed and struck with stones, and were severely hurt by the guard, and persons under their orders.

3*d*, That, on 15th May, in like manner, Keddie, Young, Lynch, Stevenson, M'Bride, M'Luskie, M'Elmell, Connell, Buchanan, and Johnston, were set as guards, and proceeded in like manner on the Mile-end Spinning Company's Factory ; and they were apprehended by the police, and charged with intimidation, &c. ; and David Keddie was tried before the Sheriff on 20th and 22d May, and found guilty, and sentence was postponed, on the assurance of Andrew Gemmel, writer, agent for the Association, that the Committee would put an end to the intimidation, &c. ; and, at a meeting on the 22d, Mr Gemmel repeated this promise, and the members and prisoners gave orders and the guards were withdrawn, or their numbers diminished.

4*th*, That the prisoners, in manner and as aforesaid, in concert with most of those named in the first act, and others, members of committees, on 23d May, conspired to set fire to the factory in Dale Street, Bridgeton, in order to cause terror and alarm, &c., to the proprietors, Hussey & Son ; and they hired a person or persons, to whom they offered £20, or other reward, to set fire thereto, or attempt it, which was, in this way, attempted on that night by a packet of combustible materials thrown into the yarn room.

5*th*, That the prisoners, in manner and as aforesaid, in concert with the same and other members of committees, on 14th June 1837, called a meeting of Delegates, of one from each work, and there Hunter, or other member, moved, the prisoners being present and assenting, and it was carried, to appoint a secret select committee by ballot or secret mode, who were hired to send threatening letters to employers, and set fire to a cotton-mill, and forcibly to invade the dwelling-house of a spinner ; and commit assaults on spinners, and shoot and murder a

spinner; and these acts were done and committed, or attempted, in pursuance of the object and purpose of the illegal conspiracy, with the intent, &c., foresaid. AND, PARTICULARLY—

6th, That, on 15th June, £10 were offered, or other reward offered for an assault on spinners working at the Adelphi Cotton works, Hutchisontown of Glasgow, and Gray and Kean were assaulted.

7th, That, on 20th or 22d June, the letter of 20th June to Alexander Arthur, was written and sent him. It is fully quoted. See *Inventory*.

8th, On 3d July, the letter of 3d June was written and sent him. Fully quoted.

9th, On 24th July, the letter of that date was sent to and received by John Bryson. Fully quoted.

10*th*, On 30th June, Riddle, M'Manus, M'Caffle, or Cohill, and other spinners, were hired, and invaded and broke into the house of Thomas Donaghey, and made him promise or swear not to work at the mills; and information having been given to the Fiscal, they absconded, and received £10 each, or other reward.

11*th*, On 11th July, £20 were offered for setting fire to the house of James Wood, of Francis Wood & Company, cotton-spinners, Bridgeton; and this was attempted by throwing in by the window two tin canisters, containing inflammable combustibles, with an aperture and a burning match.

12*th*, That M'Lean was hired, on 22d July, to assassinate a cotton-spinner, and was offered £20, or other reward, for this; and M'Lean undertook this, and shot John Smith.

The libel then charges M'Neil, as an operative spinner at the old Adelphi Mill, and having, with other members of the unlawful Association, struck work, with the writing and sending of the first letter to Arthur. AND it charges the whole prisoners, or one or more of them, as members, and having struck work, and having conceived deadly malice against operatives and masters, opposing the will of the unlawful Association, and having resolved to murder an operative, "thereby intimidate, by fears for their lives, the said operatives from continuing to work or engaging to work in said cotton-mills; and having, with such purpose and intent, conspired, confederated, and agreed together to murder one or more of the said operatives working as aforesaid," they, or one or other of them, murdered Smith, who was working on terms offered by the master at one of the mills in which the members of the said unlawful association had struck work.

To this writ there was attached a list of ninety-one witnesses for the Prosecutor, which extended it to thirty-nine quarto pages.

AN INVENTORY OF ARTICLES FOUNDED ON IN THE ABOVE CRIMINAL LETTERS, ARE ADDED TO THEM.

These documents were lodged with the Clerk of Court, and copies or excerpts are here inserted, for more convenient reference in the subsequent proceedings.

NO. I.—ARTICLES OF THE ASSOCIATION OF OPERATIVE COTTON-SPINNERS OF GLASGOW AND NEIGHBOURHOOD.

ART. 1.—*Designation of the Association.*—This Association to be termed The Association of Operative Cotton-Spinners of Glasgow and Neighbourhood, and to have for its only object the supporting of prices, and enabling its members to obtain a fair remuneration for their labour. The funds of this Association shall not be applied to any other purpose than those specified in the articles.

2. *Government and Election.*—The affairs of the Association to be conducted by the Delegates, and a Committee of twelve, consisting of President, Treasurer, and Secretary, and nine Directors, to be elected at the quarterly meeting as follows. &c.

3. *As to Duty of Delegates, or Representatives from Shops.*

4. *Duty of President of Committee.*—He shall not upon any account lend his key, but must attend at the opening and shutting of the safe, and watch over the transactions of the Treasurer and Secretary, and not allow any of the funds of the Association to be misapplied. He must keep them strictly to their duty, as directed by the articles, and that the Delegates violate none of the articles. He shall act as a guardian over the interest of the Association, by opposing all illegal claims, and allowing no more than four general votes to be taken—the 1st, for raising the instalments; 2d, for strike; 3d, for uplifting the funds; 4th, for altering or amending the articles; and when returned, to have the power of investigating them, none being allowed to vote who is more than 3s. in debt, and no vote to be taken without the voter's name. He shall see all referees properly appointed, and have the power to demand investigation in all cases in which he is dissatisfied, by entering such cases in the Order-Book; but cannot bring forward any motion or claim from any shop or individual, but must attend only to the welfare of the Association.

5. *Duty of Treasurer.*—The Treasurer shall receive all money belonging to the Association, with all bills and other documents, and shall deposit them in the safe, of which he shall hold the centre key—the President holding the right hand key, and the Secretary the left. [Other usual duties of a Treasurer added.]

6. [*Usual duties of a Secretary.*]—He shall not have power of any

money, or take part in any discussions, unless called upon for explanation.

7. *Duty of Directors.*—[To watch over interests.]

8. *Duty of Members generally.*—[Ditto, and pay regularly.]

9. *Funds of the Association.*—[To be lodged in bank,] not upliftable without a vote of the Association, and advertised in *The Liberator*, and, failing it, any other journal that may be agreed upon, and six days must have elapsed after date of said advertisement; it shall likeways be the duty of the Committee to observe that the funds of the Association do not any time fall below £1000 sterling; and, in the event of any such fall being likely to take place, the Committee shall, with the concurrence of the delegates' meeting, have power to raise the instalment according to the following table: namely, if the expenditure is, per fortnight—above £10 and under £20, 9d.; above £20 and under £30, 1s.; above £30 and under £40, 1s. 3d.; above £40 and under £50, 1s. 6d.; above £50 and under £60, 1s. 9d.; above £60 and under £70, 2s.; above which it cannot rise without a vote of the Association, which, if carried, every member shall pay in proportion as he pays his odd spinner per day.

10. *Funds, how raised.*—The funds of the Association shall be raised by fortnightly instalments, [or privileges lost.]

11. *Business of General Meetings.*—Four general meetings will be held in the year, &c.

12. *Submitting to a Majority.*—Every member of this Association binds and obliges himself to submit to a majority of his brethren in all cases connected with the Association; which majority must, in all cases relating to strikes, or altering the articles, bear two-thirds of the votes returned; but, in other cases, the majority will consist of one above the half of the votes returned.

13. *Strikes.*—No shop, individual, or individuals in a shop, considering themselves aggrieved, shall have the liberty to strike work upon any pretence whatever, without giving intimation at a delegate meeting in due form, as specified in article 3d, when, after being fully considered, and a general vote taken, (which must take place in all cases relating to strikes or threatned reduction,) and, if the vote be carried, they shall cease to work, as directed by the Association, and be entitled to regular aliment for the period of thirty-four weeks from the date of their ceasing to work; and any member on a strike is at liberty to take wheels wherever he can find them, at the standard price; and odd spinners are entitled to aliment for a period of seventeen weeks.

14. *Conduct of Members during Strikes.*—No individual shall be allowed to take wheels in any shop where any allowable strike or dispute between the men and their employers is existing, until the said strike or dispute is considered settled by the Association, and an order from the Committee to that effect. Any member acting otherwise shall be expelled the Association; and any member on aliment finding employment at any other trade or occupation, or refusing to take wheels or odd spinning if offered, or failing to exert himself in finding employment, shall, on clear proof being given, immediately

cease receiving aliment ; and any odd spinner on aliment working more than three days and eight hours in one week, shall for that week receive none.

15. *Instructing Spinners.*—This Association binds and obliges every one of its members to refrain from instructing any individual in the art of spinning, except such as are sons or brothers of a spinner who may have been or is at present a member of this Association ; and it must be remembered that such persons can only be admissible by having served them as piecers ; and, that individuals having admissible piecers may not take advantage of their neighbour, they are strictly prohibited from allowing such piecers to spin in their absence, but must follow their draws, and overlook them in all their instructions and practice, and no person will be allowed to learn a male piecer, except such as are privileged, as specified in this article.

16. *Admission of Members.*—Any person may be admitted a member of this Association who has served a regular time as a piecer in the Glasgow district, and in possession of a pair of wheels, and who has received the approbation of the trade, and by paying the sum of £1 : 3s. sterling ; this sum, one pound of which goes to the funds of the Association, must be paid on or before the night of his admission ; and any member of the Renfrewshire Association, (but none other,) may be admitted a member of this, by conforming to the whole of the above, except that of piecing in Glasgow, and by producing satisfactory evidence that he is a worthy member, and not more than 3s. in debt to the Renfrewshire Association. Any individual occupying a pair of wheels in any of the above-specified manners, is entitled to pay the current instalment from the date of his commencement.

17. *Idle Men's Benefit.*—Any member losing his employment, and not more than 3s. in debt, shall be entitled to the benefit of the clear idle men for the period of thirty-four weeks from the date of his being enrolled in their books, which must be at least two weeks after leaving work, and no member can be again admitted to the idle men's benefit without having been employed as a regular spinner; and a period of twelve weeks must have elapsed since he received the last allowance from No. 60, whether he had then received the full thirty-four weeks or not. Every member receiving the benefit of the clear idle men, must consider himself bound to be governed by their laws, so long as they have the sanction of the Association.

[18 Refers to provisions for *Deputations ;* 19 to *Funeral Money ;* and 20 to *Arbitration.*]

21. *Committee Room.*—The Committee must take a room, not connected with a public-house, to accommodate both themselves and the idle men ; the idle men to have use of the room every lawful day from the hour of seven morning till six evening, and Saturday from seven till four.

22. *Duty of Officer.*—He shall attend all meetings, to open the doors and see the room put in order, and observe that none but members are present, and allow no person to enter the committee-room unless on business, so that the Committee be not disturbed while transacting their business. He shall likeways give notice to the shop of meetings,

and serve them with votes, or any other reasonable service that may be required of him.

23. *Violation of Articles.*—To serve the general interest and proper government of the Association, it shall be the bounden duty of the Committee in general, and of the President in particular, as specified in article 4th, strictly to observe that none of the foregoing articles are either violated, altered, or amended to suit the views of any person or persons self-interested in the issue of alteration or amendment; but should the Association become generally convinced that the articles require alteration or amendment, it must be done as follows:—The Secretary shall, by order of the delegate meeting, should they think proper, draw up a requisition, signed by himself and the whole Committee, President excepted, and at least two clear members from every shop, requesting the President to call a general meeting, specifying, in such requisition, the nature and amount of such alteration or amendment, and the cause which you require it; when, after the President has satisfied himself that the signatures have all been fairly obtained from the subscribers, with a full conviction that they knew what they were subscribing for, he shall call a general meeting, and allow the subject a fair discussion; after which a general vote through the shops must be taken, and which votes carry for a revision, alteration, or amendment, must have two-thirds of the votes returned in its favour; every man's vote, in this case, to be taken, whether in town or country shops, unless 3s. in debt, and the result of votes given in the schedule.

24. *General Expense.*—Each committeeman, per quarter, £2, the new to pay the old. The clerk to receive, per week, 15s., and to be elected annually on the first Wednesday of September. The officer to receive, per week, 10s., and to be elected annually on the first Wednesday of September. Aliment per week, 12s. Funeral charges, £4. Deputations, £1 per day, however many; and if to the country, their expenses paid. Each referee, 4s., the half to be paid by the applicant, unless when one accuses another, in which they pay as directed by article 20th. No. 60, per week, £6. Delegates, 6d.; and a country delegate, on bringing money, 2s. Directors each, 6d. per night of meeting. Expenses for paper, pens, and ink; expenses for strikes; letters, hall, and committee-room rent; hall rent for extraordinary meetings; President of the meeting, 1s. per night. R. M.

NO. II. OF INVENTORY.—"EMIGRATION."

The Committee appointed by the trade to inquire into the cause or causes of the great and overwhelming increase of hands into it, from which a redundancy is perpetually choking up the labour market, and also to prepare measures connected with emigration, met on the 31st May 1836, and having disposed of some preliminary business, proceeded to consider the subjects.

It is evident that one great cause of the increase of hands proceeds from the fact that Glasgow is higher paid than any other cotton-spinning district in Scotland. On this account spinners are anxious to

come to Glasgow from other districts, in order to obtain a higher remuneration for their labour; and it is a well known fact, they are always employed in preference to a Glasgow man. Now, the very circumstance that Glasgow men have boldly and fearlessly struggled against every opposition, whether it were from the capitalist or from the combination laws of a cruel and tyrannical government, upwards of thirty years, spending enormous sums of money, and the youth, the health, and even the lives of her best men, when other districts were partially asleep on the subject. We need inquire little further into the cause how others are employed in preference to them. The tyrannical dispositions of many masters have been but too successful in making examples of our active men; and for the truth of this we have only to look to our streets, to see men who have known better days, suffering, with their wives and starving families, every human privation, and sinking every day lower and lower in vice, from the effects of poverty and depressed hearts. These are causes and effects of our noble conduct in supporting our union, and it is our duty, as men and as Christians, to remedy the evils. We propose that those called illegal men, nobs excepted, presently occupying wheels in Glasgow, should be offered a union on the same terms as proposed to the west country spinners—viz., by paying £5 as entry-money. That these illegal men pay 5s. per fortnight, along with the regular instalment of the trade. They shall grant a bill of security for value received. The £5 of entry-money, and the current instalment, from the time they occupied wheels in the Glasgow body, must all be paid up before they can be admitted as legal members. If any illegal man now occupying wheels should be refractory, and not agree to those reasonable terms of union, *No.* 60 *shall receive £5 for each of them they unshop; also £1 for every stranger which they shall keep from occupying wheels.* In both cases, No. 60 will be obliged to prove them by a referee, clearly and satisfactorily to the trade, before they receive any money. As this body has always respected the laws of their country, wishing rather to protect their union by moral force and public opinion than to have recourse to measures of an opposite nature, let it be distinctly understood, and duly inculcated to every member, that if No. 60, or idle men, commit themselves in point of any violation of the laws of the country, they must themselves alone be responsible. No member of the trade shall have power to bring in a petition, either directly or indirectly, to solicit money in behalf of any such men, who may thus wantonly commit themselves in violation of our express laws. Another, and perhaps a greater cause of the increase of hands into our trade, is the employing of boys as piecers. We have before our eyes many examples of other trades acting nobly to cure this evil of apprentices, and it is certainly our paramount duty to use every method we can suggest to stop the increase of boy piecers. We propose to embody this law in the obligation, that no man shall employ a boy as piecer, except according to the privilege long ago stated in our rules. However, if necessity compels a man to employ a boy, he shall in no case whatever do it further than an inside piecer, and discretionary power shall belong to the shop, and not to the man, in all cases of this

nature. We would here strongly recommend to No. 60, that any of them who can piece ought to throw away all false delicacy, and take piecing. By this means they would be in the way of employment, and get wheels sooner than they were idle. It would also have the double effect of having boy piecers and strangers out, and we are confident it would have a great tendency to cure that moral depravity which is the sure and faithful attendant on idleness. These several subjects duly considered, well understood, and once firmly established, we feel confident the trade might proceed with Home and Foreign Emigration.

Plan Proposed.

Rule 1*st*, That No. 60 money be applied to emigration, both home and abroad.

That no person shall be entitled to the privilege of the ballot unless he has been a member of our Association for at least two years, and clear when he makes application. All idle men not entitled to No. 60, and engaged in any other occupation, shall not be entitled to the ballot until they occupy wheels for at least six months. And, be it further understood, that all those who have got up their 60 money in lump, shall be subjected to the same regulation.

2d, That three men from No 60 go away every fortnight—lot by ballot.

That two working men go away every fortnight—lot by ballot; and for this purpose, to save the present funds, the instalment shall be raised 6d.

That all wishing to emigrate within the period of 56 days, shall give in their names on the given day, to be announced by the Committee in a delegate meeting, and submit to the legal investigation. All approved of shall draw from the ballot, where there shall be eight prizes, to be numbered 1, 2, 3, &c. Those unfortunate to go into the next ballot. The fortunate candidates all to go at any period within the 56 days they please. If these do not go within the 56 days, they shall have no claim beyond that period unless by a new ballot. The latter part of this rule applies to the working men only. (The idle men to regulate their own ballot.)

Rule 4th, That each of the above parties shall receive the sum of £10.

5th, That the present members of No. 60 shall receive 2s. 9d. per week to their time be run up. Those accepting this weekly allowance shall not be entitled to the ballot for emigration, unless they give up said allowance within four weeks after the passing of this law. Those losing or giving up their wheels, after the passing of this law, shall have it in their power, if clear, to apply for the ballot, but shall receive no weekly allowance.

6th, Those who enter for the ballot shall be allowed to continue to successful; but those once receiving the £10 for this philanthropic purpose shall not again be allowed the same privilege.

7th, That each and all of the parties shall be examined by a referee, to discover what views they have for emigrating, that the Committee may know upon what grounds to act. All referee-men to be chosen by the delegates. That, for security, the applicant must produce two men in good business, and if approved of they shall sign a stamped bill for £10; which bill shall be forfeited if the person receiving the £10 occupies wheels within the period of three years, or the applicant must allow a decree to be obtained against him for £10, previous to receiving that sum, or any part thereof. But let it be understood that, in the event of the securities being members of the Association, neither they nor the persons receiving the £10 shall be deprived of their funeral money, in the event of their death, if they have not violated any part of their previous contract with the trade. [CARRIED that this be law.]

Inventory, No. III.—DEBT BOOK of TRADES.

Inventory, No. IV.—ALIMENT BOOK.

Inventory, No. V.—ACCOUNT of OUTLAY.

Inventory, No. VI.—"MINUTE BOOK, of what?—Nothing.

May 17, 1837.

John Bunyan, James Docherty, and John M'Cairns, go with Leslie to Mr M'Lusky about money.

John Blair has not yet spoke to his friend concerning money, but will do so.

James Stevenson will sign James Wilson's grandmother's bill.

The man has not yet been sent to the Airdrie colliers.

Bernard Hare is still ready to give us money on loan.

Robert M'Arthur's brother is in Ireland; but it is expected we will get money on loan from him when he comes home.

Here various similar Entries follow; and the following are EXCERPTS, *as specimens.*

The propriety of publishing placards, circulars, &c., to the masters, as well as other influential gentlemen in and around Glasgow, stating the fair position in which we stand, shall be taken into consideration after the conference with the masters is finished; likewise a manifesto *denouncing any connection with violence.*

Robert Johnstone and Adam Sideserf are gone to Greenock, to visit the trades.

William Smeal has not appeared these two days.

James M'Nish has a debt of 18s. 6d. against Peter M'Donald, likewise one against Michael M'Cann, of 13s. 6d.—[9d. in ink, but altered with pencil to 6d.]

William Collins has a debt of £1, or upwards, against Michael M'Cann, and decreeted. Richmond against Peter M'Donald, de-

creeted. A letter found by a weaver, containing a proposal by the Glasgow masters of uniting with the Renfrewshire masters, in order to stop the supplies, which is in our possession.

John M'Caffer and James Moat go to Wilson with regard to his grandmother's bill.

Angus Campbell, Robert Greenhill, and Adam Dixon, go to Daniel M'Callum to-day, with regard to money.

Richard M'Neil and Thomas Hunter visit the females working in Tradeston at cotton-spinning, for the purpose of soliciting their support in our present struggle.

May 18, 1837.—Ten names signed, marked No. 5.

The masons of Greenock have agreed to give 6d. a-week while our strike lasts. There are about 100 in number.

The joiners of Greenock, in number , give 6d. per man while our strike lasts.

The potters of Greenock, in number about 80, give 6d.

The moulders, boiler-makers, and engineers, will have meetings this week, and endeavour to bring their mind to the same conclusion as the above.

The tailors of Greenock would not admit the deputation.

May 22.—Marion Branon pieced to John Nixon and John Barbour in Mile-end, and wishes to know if she can force her pay, as they have refused to pay her lying week.

May 23.—Robert Reid gives up his aliment on receiving 5.

June 1, 1837.—John O'Niel, from No. 25, threatens to get work unless he gets aliment, 2s. 6d., and something regularly.

John M'Caffer and Thomas Hunter are gone to Milngavie, and are to go round by Dumbarton, for the bail-money of the Duntocher men. The sum is £40.

John Bunyan and Daniel M'Donald are gone after a £5 bill from Litster, in Bridgeton.

The first subject for discussion to-morrow morning is the utility of publishing large placards, and circulating them through the country, along with part of the committee, to explain and raise supplies.

June 2, 1837.—Agreed that placards be published and posted in all the surrounding country, and men sent along with them to explain and answer questions; the object is to raise supplies.

Deputations to the carters, glass-blowers of Townhead, to Robert M'Arthur and Barnerd Hare.

June 3, 1837.—Received from James Thomson a decreet, Crawford against Ferguson, a Nob.

The Renfrewshire body has bills against Mechan for £10; likewise against Mitchael for £3. Andrew Patrick has got the above debts, and likewise the decreet from James Thomson.

Peter Quigly must warn a man from every working shop on Monday night at eight o'clock, in the committee-room, to form a committee for regulating the working-shop payments—namely, the third of their wages.

June 4th, 1837.—£10 to be got in the morning from Mr Halket, with the promise of a hundred more very soon. Six names here subscribed.

The above are the names of persons who are meaning to nob, No. 30. Then follows a number of names.

[*The entries, till* 12*th June, chiefly relate to supplies from operatives, &c.; and then follows a list of contributors of watches, &c., for pawn, with small sums of cash, the total proceeds amounting to* £80 : 4s.]

June 15, 1837.—Moved at the general meeting by William Johnstone, and unanimously carried, the names of every Nob at present working, and the districts they last wrought in, should be enrolled in a book, and at the end of the strike, unless a change in the list takes place, they be printed; but, at all events, the names of all who remain Nobs at the termination of the strike shall be printed, and sent to all the spinning districts in Scotland, England, and Ireland, and that they remain Nobs for ever; and a persecuting committee be appointed to persecute them to the utmost.

June 16, 1837.—Received from Thomas Gallocher, per William Martin, Townhead, £30.

Inventory, No. VII., is a Bible.

Inventory, No. VIII.—CERTIFICATE as to appointment of the SUPPLY COMMITTEE, 12th April 1837.—To act as a Supply Committee in lifting subscriptions, or contracting loans for the Association, during their present strike.

J. C. (Signed) RICHARD M'NIEL, *Sec.*
H. L.

Inventory, No. IX.—Glasgow, 16*th May* 1837.—[This letter gives some detail about increase of Nobs, &c., and proceeds:]—There was rather a serious fracas the same evening that you left us, a mistake having occurred with No. 30, in the Committee having desired them to be up at Oakbank in the afternoon. They took the trouble of warning almost all the Trade, and the meeting having assembled at the Blockquarry Church, the Committee not appearing, the anger was great. We meet them coming through the Cowcaddens, and the had the insolence to say that some of us was drunk. However, at next day's metting we crushed the discontents in a few minutes, and since the utmost confidence exist. A great demonstration took place at Friday night at Oakbank, but the result was not so favourable as we could have wished. A few hundreds of Police, Thief-catchers, &c. &c. escorted the worthies home, and on Saturday some horsemen; and Sunday gave to the world a proclamation by the Lord Provost and Magistrates against the cotton spinners metting in tumultious mobs! We have laughed them and their Proclamation to scorn.

Inventory, No. X.—Glasgow, 24th May 1837.—[This letter complains on Hacket for not writing, and proceeds:]—It grieves me much to say that one or two of the shops have actually begun to *discuss* the propriety of halfing the differance on the Pirns. This, you know, if not promptly checked, will send all to damn. We have called a select metting for to-morrow afternoon, to take some precautionary steps.

Several of the men was seised at Mile-end shop the other day, for doing (tell it not in Gath) *nothing at all*, but walking with their hands in their pockets! One of them, David Keady, has been tryed by the sheriff, and would have got Thirty days of Bridewell, had not Mr Gemmell pledged his word, if the sentence was delayed, that the spinners would not only repudiate their connections with such crowds at the mills, but would publish the same to the world. Accordingly, an advertisement is published in to-day's *Liberator*. All the guards have been withdrawn for a time, rather than sacrifice *Ten* or *Twelve* men.

RICHARD M'NIEL.

For Mr Peter Hacket, at Mr John Doherty, Hyde Cross, Manchester.

Inventory, No. XI.—Glasgow, 28th May 1837.—DEAR SIR,—I am truly happy that you have at last received and answered one of our letters, for we have been these eight days past in the firm belief that our letters was intercepted. Your first letter is dated as far back as the 13th, and the second and last the 26th; but enough.

Henry Dunn wrote you on Sunday the 21st, enumerating the various items that had been paid to England, Johnstone, &c. &c. But you apparently have not received it. I will, therefore, give you the gross amount.

From	To Johnstone,	£999	10	0
1837.	To England,	713	16	6
	Combination Laws,	360	0	0
	Time Bill,	721	0	0
	To Emigration,	4375	0	0
	Public Question,	100	0	0
	Liberator Newspaper,	978	0	0
	Cabinetmakers,	180	0	0
	Block-Printers,	340	0	0
	Duntocher Strike,	3024	0	0
	Voters,	90	0	0
	1837.	£11,881	6	6

I have given you the above almost wholly from memory of the document that was drawn out and forwarded to you by Henry Dunn. I sincerely sympathise on the harrassing nature of your mission. So strong was the opinion that your letters was intercepted, that the Committe was to send a man off to Manchester on Monday if your letter was not received by that time. I informed you of a few cheepers in Graham's shop, talking of giving up *two* sizes. A few in Dunlop's and Barrowfield. The Committe, happy to say, they have given up the subject entirely. Chas. M'Kie (as a matter of course) led on the cheeper; but all is quiet for the time being. We have had a world of difficulties to contend against these two weeks past, for want of cish. We were only able to pay 3s. 6d. on Saturday, being disappointed in cash from Ireland to the amount of £100. What has become of the £40 that Patrick mentioned the Manchester spinners was taking their three general votes upon, or the sum that was looked for eight

days ago? I am afraid that we need not place much dependence on England. You will be kind enough to write as often as you possibly can, for it is necessary to keep up the spirits of the men; some of them are suffering extreme want. I have heard from good athority that some of Hussey's men are actually going out in two and threes to the country begging. They say they may not have been the best of payers, but they will prove themselves the best soldiers, now that they are in the field.—RICHARD M'NIEL.

For Mr Peter Hacket, care of W. Arrowsmith, Secy., No. 24, Scott St., Walter St., Ashton New Road, Manchester.

Inventory, No. XII—Is, LETTER, PATRICK M'GOWAN to PETER HACKET.—*Manchester, July* 10, 1837.—DEAR SIR,—This is the fourth letter without an answer. What can be the reason I can have no conception. Have I done anything to deserve such tratement at the hands of the committee? One was addressed to Henry Dunn, two to you, the last of which should have been answered to-day; but it is now past post time. I am afraid our correspondence is intercepted. I know, to a certainty, that three letters, addressed to Henry Roth-well last week, were all opened before he got them, which circumstance has alarmed us both very much. One of them was the letter from Glasgow, mentioning the six men who had left you for England on the 1st inst., none of which had arrived at any of the districks which were represented at the Delegate Meeting at Stockport yesterday. I hope in God they are not taken. Should they arrive here, I will be able to make arrangements for their perfect safety until you say what is to be done with them. If you have received any of my letters, you know that England is now making arrangements in good earnest to support you. You will also know that Bolton has arisen from its lethergy.—[This letter then enters into details as to prospective funds, and the writer's progress through England.]

(Signed) PATRICK M'GOWAN.

Nos. XIII. and XIV.—Schedules.

Inventory, No. XV—Is, LETTER to Mr ARTHUR, having post-mark of 3d July 1837:—"*Glasgow,* 3 *June* 1837.—Sir, Altho' I am not a practical Cotton-Spinner, and therefore, as an Individual, Little Interested in the success or failure of the present Contest. Yet, as I hold Reductions to be an Evil, and an Evil only. Inasmuch as it Entails ruin on the operatives without ultimately benefiting their Employers:—or Society in general:—And as I hold that every Man who acts under a Sense of Duty, and Enlightened Self-Respect, will Lend his [*word obliterated*] and influence, for the purpose of Shortening the hours [*word obliterated*] Labour, and advancing the Physical Comforts and Moral improvement of the Working Classes, in order to give them time and means to perform the various Duties which devolve upon them as Moral and Reponsible Beings, Destined to Exist in another World—and as I understand that you have made yourself very officious in providing nobs!!! not only for your own Master, But also

for other Employers, yourself a working man before, and do not know how soon you may be again. You ! ! I consider your Conduct base, scandlous, and very Criminal. My object at present is to warn you of approaching danger, for, depend on it, you are marked as a victim, and happy for yourself and family if consequences do not prove fatal, be on your Guard, yours truly, (signed) A friend."

Inventory, No. XVI—Is, LETTER to Mr BRYSON:—"*Glasgow, July* 24, 1837.—Mr Bryson, Sr, we understand that you was a tyriant to your old men, But we never though that till Just now, you have Showing at this tim to the whole of the trad, after what the men in the Shop had Done for you and your Son, and Lickwyess you er Doing all that Lies in your Power to fill the mill with nobs, But that Lett as no whether you er a tyriant or not, i in a Dam tyriant to But you er nothing ells But a Dam tyranical fello, after Learning your nob Son to Spin a Pair of Whiels But I will just tell you this, that Both you and your Son to praper for yourself, for we er just determent to put a end to Both you and him. No more at present, but yonder your"—*and below there is a figure drawn of a coffin, or apparently intended to resemble the figure of a coffin.*

No. XVII—Is the LETTER to Mr ALEXANDER M'ARTHUR:—"*Glasgow, June 20th,* 1837.—Sir, I take the liberty of writing these few hurried and disjointed remarks on your conduct these Ten weeks past, And I have only to say, that the language of a letter is too inadequate to convey the feelings of scorn, indignation, and contempt, at the petiful line of conduct you have pursued towards the Cotton-Spinners during that period; I am not a Cotton-Spinner, but I am depending on the Cotton-Trade, though in a remote degree Nevertheless, I have been taking a steady and retrospective view of your mean and mercenery conduct towards those brave but starving men—engaged as they are in a struggle the most righteous that ever man engaged in—the PROTECTION of their *labour, their only capital*; and I find that you are not only using every energ in your power to injure these brave men, but you are doing more, you are acting the *low tool* or *cringing sycophant* of a greedy and Tyranical Capitalist: There is another *Grumph*, a quandum chum of yours, not far distant, who may rest assured that there is an eye upon his actions that will not rest till it has slacked itself in the best blood of his heart. Believe me, Alick, the time is not far from hand when a *Bellingham* will appear to take into to account the base *Percevils* who have attempted to ruin them and their children, and I sincerely hope the mark will be as effectual, although they should be suspended, like Mahomet's Coffin, between heaven and earth, for so doing. You may sneer at this, and consider it a mere idle threat, but a short time will shew the contrary, so carry on your *Laudable* and HONOURABLE career, for it is a noble feather in your cap, at the Expense of so many starving familys; was you a man distinguished for either *moral* or intellectual *worth*, why there might have been some palliation of your enormity. But I forbear further remarks on one, whom not one single solitary virtue shields from my contempt,

One to whom any thing like moral expostulation would be a vain and hopless remedy indeed. In conclusion, I would say, BEWARE! for if I forget you, may my God forget me: I am, Sir, &c. &c.

(Signed) C. T.

No. XVIII—Is a LETTER, R. MACOME, Writer, Dumbarton, to JOHN BUNYAN and PETER HACKET, of 29th April 1837, acknowledging consignation of £40, on becoming cautioner for Michael M'Callyan and John O'Donald, to be returned to you if they appear, &c.

No. XIX.—LETTER, JOHN PARKER to R. M'COME, Writer, Dumbarton, as to position of O'Donald and M'Callyan, at Circuit Court, dated 26th September 1837.

No. XX.—DISCHARGE by JOHN PARKER, Treasurer of the Association, for £40, in favour of Mr M'Come, of the £40 having been paid by him on forfeiture to Sheriff-clerk.

No. XXI.—LETTER, R. MACOME to G. SALMOND, Esq., Procurator-Fiscal, Glasgow, requesting delivery of his obligatory letter to Macome and Bunyan.

No. XXII.—*Liberator* Newspaper, of 17th June 1837.

No. XXIII.—CERTIFICATE as to WILLIAM M'LEAN.—*Committee Rooms, July* 11*th* 1837.—This is to certify that William M'Lean is A Clear Member of the Glasgow Operative Body of Cotton-spinners. He has always done his duty, and we recommend him to all our friends. (Signed) THOMAS HUNTER, JAMES GIBB, PETER HACKET, RICHD. M'NIEL.

No. XXIV.—CERTIFICATES as to WILLIAM M'LEAN.—This is to certify that Wm. M'Lean was in my house till 12 o'clock on Saturday, the 22d July, from about 10 o'clock.

(Signed) ANGUS CAMERON.

Wm. M'Lean was in our company from 9 o'clock on Saturday, the 22d July, till about 2 o'clock on Sabbath morning.

(Signed) THOS. LOAG, ALEX. STEVENSON, JOHN THOM, JAMES GRIEVE, JAMES CONIGAN, JOHN MILLER, JOHN LOCKHART, JOHN ANDREW.

No. XXV.—CERTIFICATES as to WILLIAM M'LEAN, 3d August 1837.—This is to certify that William M'Lean was in my house from ten o'clock, P.M. on Saturday, 22d July, to twelve o'clock.

This is to certify that William M'Lean was in our company on Saturday 22d July last, from nine o'clock in the evening till about two o'clock next morning. (Signed) ALEX. STEVENSON, JAMES GRIEVE, JAMES CORIGAN, ANDREW WHITE, THON. THOM.

No. XXVI.—LETTER, J. W. SHAW, Liverpool, 17th July 1837, to Messrs Hamilton, Brothers, & Co. as to passages to New York.

No. XXVII.—A Book, with name "Robert Christie."

Nos. XXVIII., XXIX., XXX., and XXXI.—Sentences, &c., against other Spinners.

No. XXXII.—Copy PLACARD as to Mr DENNISTOUN's Election as M.P.

TO THE ELECTORS OF GLASGOW.

An infernal and unprincipled document has this day been got up, in name of the Cotton-Spinners of Glasgow, saying—

That those who acted against JOHN DENNISTOUN, Esq., *are not the Committee of that body.*

We, as a Committee acting for that body, distinctly deny *any connection with the above-mentioned Document,* and farther say, that the Men's Names signed to the Placard, are *Traitors to that Body,* and to the common cause of Liberty; for, as we have no political feeling upon the subject, all we wish is to oppose Mr DENNISTOUN, *as we have found him to be an enemy to the working classes, and an enemy to a fair remuneration for the Workman's labour, and to the price which the market can afford.* The Men who signed that *Placard,* now posted upon the walls of our City, we suspect, are under DENNISTOUN's pay, and prepared to work at a reduction, to which the majority of our body *will never submit.* We, therefore, warn the public to be aware of DANIEL SEDLEY and JOHN ROONEY; they have endeavoured, as we suspect, (under the Clique Pay) to *Deceive the Public. They have deceived us, and we fondly hope others will watch them, for they will deceive every body. Beware also of a* hoary-headed Traitor, a Cotton-spinner, who has deceived the Public for the last 20 years, who generally accompanies the above-mentioned individuals. This OLD HOARY-HEADED MAN has been a nuisance to all classes, wherever he has been connected, particularly in a Town called Belfast in Ireland.

(Signed) THOMAS HUNTER, *Chairman;* RICHARD M'NIEL, *Secretary;* PETER HACKET, *Treasurer;* [with other eleven names, including JAMES GIBB's.]

29th July 1837.

Found in the Committee Rooms.

(Initialed) G. S.

No. XXXIII.—DEPOSITION of JOHN SMITH. At Glasgow, Royal Infirmary there, 23d July 1837 years, in presence of the Sheriff-substitute,

Appeared John Smith, who, being solemnly sworn, and warned by the sheriff to tell the truth, the whole truth, and nothing but the truth, as if in the prospect of death, depones, That he is forty years of age, is a native of Ireland, a cotton-spinner to trade, and for about the last four years has wrought to Messrs Henry Houldsworth & Sons, in their cotton-works, Cheapside Street of Anderston, near Glasgow. That, some time ago, the operative spinners in said cotton-mill struck work, and they have since continued idle: That the deponent, about three months ago, took work as a spinner, and got the wheels in said mill which had previously been wrought at by David Edwards, who

stays somewhere in Cheapside Street: None of the old hands have since threatened to hurt the deponent, but they have passed him without speaking: That last night, he and his wife left home about ten o'clock, and went to a shop at the head of Clyde Street, where they got some tea; they then came down Clyde Street, and having bought some meal in the shop of one Bain, they were coming down the middle of the street, his wife being on his right hand, as he thinks, and when opposite Marshall's wood-yard, he was shot through the back, under the right shoulder, by some person behind him. At the instant of being struck, he called out he was shot, and he fell forward on the street, and became insensible of what was going on around him; he is unable to say who shot at him, and has no suspicion of who did so: That when he and his wife were passing the corner of Clyde Street, to go into the tea-shop at the top of that street, he saw Patrick Canovan, and Hugh M'Cafferty, and a third lad, with a white jacket and trowsers of moleskin, who were arguing together, but about what he could not learn; and, after leaving the tea-shop, the same persons were still at the corner, as he and his wife passed them and went down to Bain's. He did not observe whether they left the corner and followed him, nor did he hear any footsteps behind him, before being shot. That one day, about eight days ago, Arthur M'Grady and Michael Sinclair taunted the deponent about taking wheels from Houldsworth & Sons, and M'Grady told the deponent that he would not be like him for the world: That he is convinced that the old spinners would have injured him, if they could have got opportunity, and that it is on account of his having taken work from Houldsworth & Sons, that he was shot last night.—And all this he depones to be truth, as the deponent shall answer to God.

[Docquet appended, that declarant is in sound mind, &c.]

No. XXXIV.—MEDICAL CERTIFICATE of condition of JOHN SMITH, on 23d July 1837.

That his life was in the greatest danger; that, although exhausted, he was sound and collected in mind, and that his judicial examination was immediately required. JOHN SPITTAL, M.D.

No. XXXV.—[*Post mortem examination of body of* JOHN SMITH, *concluding*]—A leaden bullet was found lodged in the body of the first dorsal vertebra, a little to the right side; it was flattened on the surface in contact with the bone, and convex on its unflattened surface; it weighed 132 grains. The bullet in its course had completely cut the spinal cord across, and the divided portions were only connected by a portion of the membraneous covering of the spinal marrow on the right side. The above injuries were the cause of the death of John Smith.—J. M. PAGAN, M. D., W. AUCHINCLOSS, M. A.

Nos. XXXVI. and XXXVII.—Bullets.

No. XXXVIII.—Cannister.

No. XXXIX.—PLAN, *see page* 31.

No. XL.—REPORT on COMBUSTIBLE PACKETS, by Dr CORKINDALE.

Glasgow, 35th May 1837.—These bales are of a cylindrical shape, about eight inches in length, and twelve inches in circumference. They both consist of a quantity of hemp or flax, covered first with pieces of blotting paper, and then with rolls of coarse cotton cloth, and all tied round with small twine. I found in one of them a stone, about half-a-pound weight. I saw another stone, but lighter, which, I was told, had been taken out of the other packet. The cotton cloth and paper had been steeped in a solution of nitre, which made them burn slowly, and without flame, similar to what is called *match paper*. The inside of the cloth was partially spread over with tar, or melted pitch. There was seen at the end of one of the packets a quantity of granular particles, somewhat in appearance resembling gunpowder. It was found, however, to be only sand, drenched with the nitre solution. The whole mass, cloth, blotting-paper, hemp or flax, and sand, had been completely soaked in oil of turpentine. It was evident that both of these packets had been on fire, as the hemp or flax, the paper, and the cloth, all shewed unequivocal marks of combustion.

The construction of these masses clearly betrays a mischievous intent. The stone inclosed in them would give them impulse in throwing: and, if they had reached their destination on fire, they would have continued to burn slowly and silently, and would have been capable of raising fire in any highly combustible matter with which they might come in contact.—JAMES CORKINDALE, *M. D.*

No. XLI.—Packet of combustibles.

No. XLII.—PROCLAMATION OF MAGISTRATES.

ATROCIOUS MURDER.

WHEREAS, on the night of Saturday last, the 22d July current, between the hours of 11 and 12 o'clock, John Smith, cotton-spinner, while peaceably passing along Clyde Street, Anderston, with his wife, on his return to his dwelling-house, was wickedly and maliciously FIRED at by an ASSASSIN, armed with a pistol, two balls from which entered the body of the said John Smith, and he immediately fell, MORTALLY WOUNDED, and is *since dead*.

AND WHEREAS, there is reason to believe that this MURDEROUS ASSAULT has been committed by one or other of the *Turn-out Cotton Spinners*. And the master cotton-spinners of Glasgow being determined to use every means in their power to bring to condign punishment the perpetrator of this cold-blooded murder, hereby offer

A REWARD OF £500

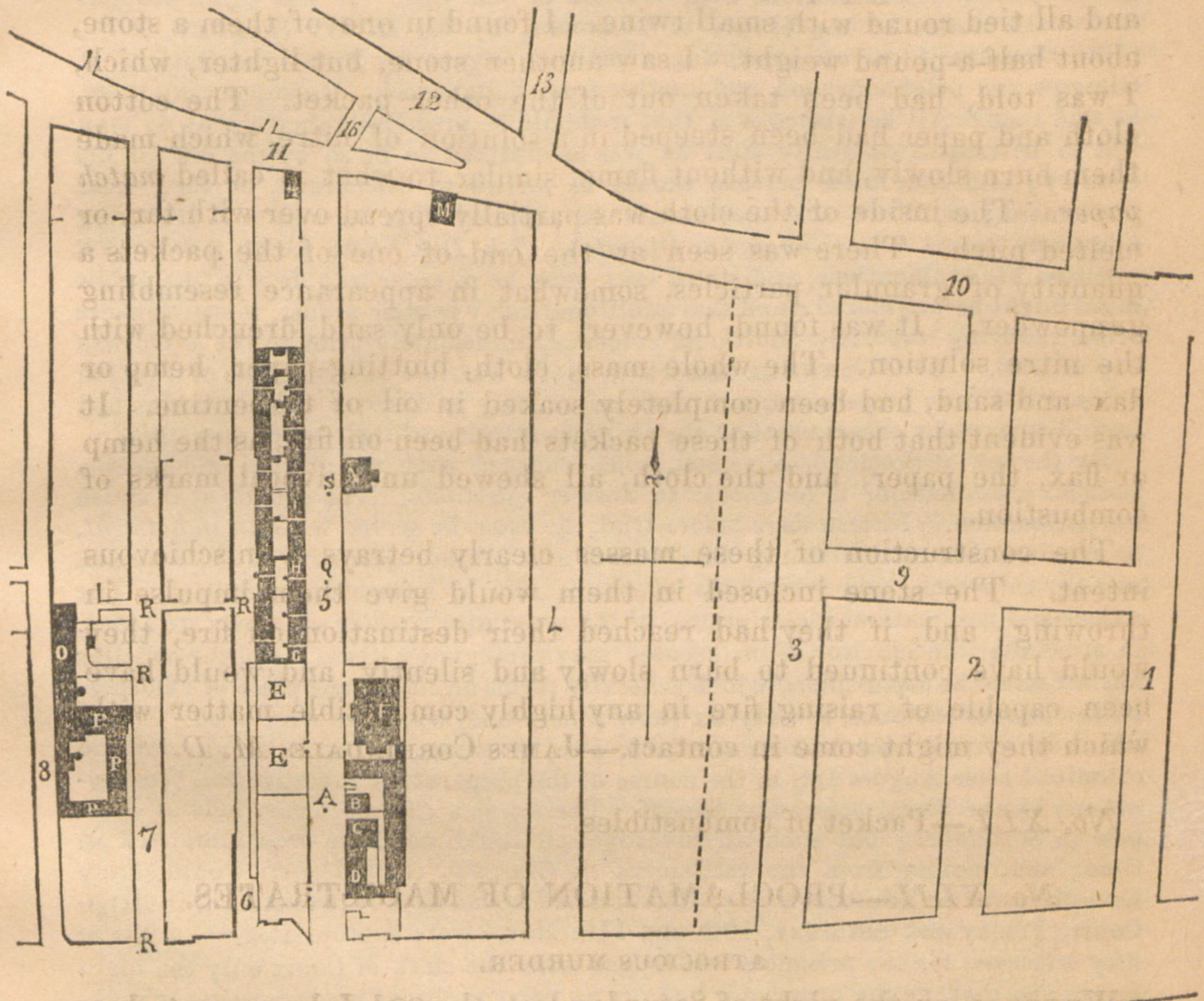
To any person or persons who will give such information to George Salmond, Esq., Procurator Fiscal, as will lead to the apprehension and conviction of the guilty party or his associates.

Glasgow, 24th July 1837. P. Mackenzie & Co. Printers.

No. XLIII.—Complaint against Keddie.

PLAN OF LOCALITY.

STREETS IN GLASGOW.



THE LETTERS REFER TO POINTS SPOKEN TO BY THE WITNESSES.

REFERENCE TO STREETS, ETC.

1. Brown Street.
2. Carrick Street.
3. Macalpine Street.
4. Washington Street.
5. Clyde Street.
6. Piccadilly Street.
7. Cheapside Street.
8. Warroch Street.
9. West College Street.
10. Argyle Street
11. Stobcross Street.
12. Main Street.
13. Bishop Street.
14. } (*Not numbered*) Pitt Street and
15. } Douglas Street, *off* Argyle Street.
16. North Clyde Street.
17. Ferry Stairs, *off* Broomielaw, to—
18. River Clyde.

ADDITIONAL OBSERVATIONS ON PUBLIC DEMONSTRATIONS.

HAVING now presented the indictment and discussion upon it, the criminal letters, the documentary evidence of the public prosecutor, and a PLAN of streets of Glasgow, it remains, before entering on the proceedings of 3d January, to recur to the public demonstrations with relation to this case. It was again brought under the notice of the House of Commons, by Mr D. W. HARVEY, M.P., (12th December,) on his presenting a petition, signed by 20,000 inhabitants of Glasgow and neighbourhood, and another from Kilmarnock. In supporting these, he said that "All he wished was, that it should be practically shewn that no man was to be treated as guilty until he was ascertained to be so by the law of his country; and that these persons should be forthwith discharged, or their trial accelerated; or, if not, that they should be supplied with the means of procuring a fair and honest trial."—*London Dispatch, 17th Dec.* The LORD ADVOCATE repeated his explanations, and stated that, were he to enter into details, the public mind might be prejudiced; and that additional delay became proper, in consequence of his receiving important additional evidence, immediately prior to the *adjourned* day of trial. Mr O'CONNELL remarked, that a horrible assassination of a cotton spinner had been perpetrated, and that no activity to discover the murderers had been displayed by those who had shewn great activity in their other operations.

By the law of Scotland, a person, when charged with an offence, undergoes a judicial examination, if he *choose* to answer questions. The document is called his *declaration.* Fifteen days before trial, he must be served with an *indictment*, or *criminal letters*, containing an accurate and minute narrative of the way and manner in which, and when, the offence is said to have been committed. The names and designations (descriptions) of the prosecutor's whole witnesses are added, in order that the solicitor of the accused may precognosce them; and the solicitor has access to the *declaration*, which generally forms an important piece of evidence. In the present instance, seventy-six (now ninety-one) witnesses were cited. These fell to be selected from numerous others, who, of course, had to be sought out and examined after August 1st, in the course of the preparatory investigation (*precognition*) by the Fiscal before the Sheriff. There was a *Circuit Court* held at Glasgow in September; but such an investigation could not have been completed in time; and, besides, from the excitement in Glasgow, the prisoners would surely have preferred an Edinburgh jury. The first and second days of the sitting of the High Court (Friday and Saturday, 10th and 11th Nov.) were appropriated.* A list of fifty witnesses for the prisoners was lodged with the clerk of Court only the night before; so that, as the prosecutor had not an opportunity of precognoscing or making inquiries regarding them, the prisoners would then have proceeded to trial at an advantage. Friday, however, was occupied in objections by the prisoners, to the effect that the indictment was not sufficiently specific. Had the objections been sustained, fresh LETTERS would have been issued; but, although the objections were *repelled*, fresh LETTERS, as it has been shewn, *were* issued; and the circumstance of obtaining additional information relative to a case of this description, in which the operatives have so interested themselves, is certainly a sufficient reason for some additional delay, in order to attain the ends of truth and justice. The power of delay (and oppression?) is misconceived to be greater in Scotland than in England. Compare the provisions of the *Habeas Corpus* Act, 31 Charles II., with the power in Scotland conferred by act W. & M., 1701, c. 6.

At the same time, it is impossible, and would be unpardonable, to overlook the hardship where, by possibility, innocent persons are enduring this protracted imprisonment in the face of the spirit of the law, that a man shall be held asinnocent till found guilty. This arises from the misfortune of a *probable cause*, on due inquiry, being found against them. Then, the security of the person, and *some* prison discipline, are indispensable; much privation is the consequence; and the requirements of the existing law, and other detailed circumstances, account for the delay.

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* Other cases were (as is usual) set down for the 10th, to provide for the occupancy of such time on that or next day, as by contingency should not be occupied with this trial.

But another ground of complaint is the want of "*means* of procuring a fair and honest trial." This surely is unfounded, since it is acknowledged that £1000 have been received in contributions for the purposes of the defence. This is a sum perhaps greater than has been spent in defending all the criminal trials that have occurred in Scotland during the last twelve months; and it will not be supposed that those trials have not been fair and honest. Other cases have been already referred to. In one of them, the prisoners (in custody since 23d July) were tried and acquitted, at no expense to themselves, on 27th December. In the other, the third indictment (necessary from accidental circumstances) has not yet (2d January) been served.

But by some, no abuse of the present proceedings has been spared. The new chairman of the cotton-spinners, in his introduction to the pamphlet called "The Rights of Labour defended, or the Trial," &c., says that "Everything was done by those in power, who committed the brutal assault, to pervert facts, and prejudice public opinion against their victims, through the means of the press, till public indignation was raised to its highest pitch." It is a pity that the Preses should imbibe such notions, and, greater still, that the appetite of the working classes should be fed with anything importing such groundless cause of mistrust in the public authorities. It is with this feeling, and as a friend to the working classes, that these additional remarks are here urged. It is, by some styled friends of the prisoners, publicly objected that they cannot have a fair trial under the Scottish institutions, or by a jury not their peers—that is, (according to their interpretation,) not composed entirely of the labouring classes; and it was announced, by a gentleman at a public meeting at Edinburgh, that he was present during the discussion of 10th November, which, to him—a barrister, who had had a highly distinguished practice—appeared a ridiculous farce, got up for the five hours' entertainment of five Whig lawyers on the one side, and five Tory lawyers on the other; having five judges (whom he satirized) placed on a bench as umpires; and five honest, innocent men secured below, whose liberties and lives were thus sported with, as the subject of the entertainment. The effect of such remarks upon the minds of the working classes must be powerful; and what could Mr O'Connell's panacea of a constable to preside over the meeting do for this? Verily, a few common-sense remarks by a newspaper reporter, put into the hands of those who listen to such statements, would be more serviceable. Although the barrister already alluded to drew contrasts to the disadvantage of Scotch procedure, and particularly with reference to the *precognition*, or, as he delighted to call it, the *inquisition*, any comparison between the English and Scottish legal institutions need not here be indulged in. Anomalies, no doubt, exist in both. But what could be the advantage to the ends of justice in having the preparatory investigation made public, as by reporting the evidence led before the Grand Jury in England, or, what would be akin to it in Scotland, by publishing the *precognitions* when reported to the law officers of the Crown? Such a course might afford *some* pretext for saying that, before the trial, those in power "prejudiced public opinion." But every effort to administer justice must necessarily fall short of perfect correctness, from defects of evidence—from the infirmity of judges—from the wrong biases of human opinion—from errors in reasoning—from ignorance, and passion, and prejudice, independently of all intentional wrong, or corrupt motives, or malice, or dishonesty, or deliberate baseness. If crimes are to be tried and punished, if rights are to be enforced and wrongs redressed, there must be judicial tribunals; and similar proceedings to the present would have been adopted under any government and in any part of the empire.

The writer has endeavoured, as every one ought, to avoid every remark which may not be applicable, whatever may be the result. He sincerely hopes the prisoners will establish their innocence. But, whether their present condition has arisen from their misfortune or their imprudence, or from crime arising out of grievous disappointment at the result of their deplorable miscalculations and consequent agony of mind, as office-bearers and directors, and so the onerous arbiters of the welfare of thousands—or even if they be the deliberate, cold-blooded criminals which the Criminal Letters set them forth to be—they are still objects of our sympathy or compassion.

THE TRIAL.

HIGH COURT OF JUSTICIARY,

Edinburgh, Wednesday, 3d January 1838.

Bench.

Lord Justice-Clerk.	Lord Moncrieff.
Lord Mackenzie.	Lord Cockburn.

The public prosecutors, counsel, agents, and prisoners in their places as on the first day.

The prisoners were put to the bar, and seemed undaunted. Hunter is slender and tall, having a high, full forehead, and a countenance remarkably expressive of firmness and concentrated thought; Hacket has a strong, thickset person, and a brisk countenance, lighted up by dark sparkling eyes; M'Niel is full and fair, and has rather a placid expression of countenance; Gibb is of diminutive stature, and has an inquiring, sedate look; and M'Lean, who is youngest, is probably the least reserved and thoughtful, and presents the appearance of a soft lad, though good-looking.

The *Criminal Letters* being read, and the prisoners called on, severally pled—"Not Guilty, my Lord."

Mr D. M'Neill stated that there were serious objections to the relevancy. After the general narrative, there are charges of three conspiracies—one in April, one in May, and one in June. These are different, and the one is completed, generally, before the other is formed. The *first* conspiracy is to use violence against *operatives*. The *second* is, that, in May, certain persons in an apartment conspired to set fire to Hussey's Mill, not to do violence to persons, &c. The *third*, of June, is introduced with an additional narrative, and is more general in stating its objects than the others, but is followed up by an enumeration of seven acts. The first conspiracy of the majors is to effect objects; the second, to commit certain acts. But when I proceed to the minors, I do not not know which of these majors applies to the first, second, or third conspiracy. Is that of April under the first or under the second major? Is there any minor that *exhausts* the first major and is *covered* by it? If not, why is there this major? Under the second major, all the acts are charged; but, under this major, the prisoners and your Lordships do not know what the punishment would be applicable to those acts. A prisoner must know by the major the *effect* of a conviction. Take the second conspiracy—it is to set fire to Hussey's Mill; but the charge goes on to say that the *attempt* was made. Does the major cover this attempt, as well as the *conspiracy* to make this attempt. Can there be a conviction for *attempting to raise fire?*

The Court and the Solicitor-General explained that there was no intention to demand this.

Mr M'Neill said he was satisfied. Then as to the murder. Supposing there had been a major and a minor for murder, it would have been competent to prove it as set forth in the first description of the murder. But, if the prosecutor prove that it was committed in the second way described, it is a different way. In the first, the prisoners are said to have themselves committed it. He cannot do this, and then say, as also, the murder was committed in another way, as by *hiring*, &c. This is inconsistent. It might be stated alternatively, as done the one way OR the other. Refer to the words of the criminal letters, introducing the murder in the two several ways. There are other objections. The essence is to raise and keep up wages. Every act must be within this. It would not do to say the prisoners burned a mill, unless it be charged that the object of doing so was so *to raise and keep up wages.* But is this within the first act charged?

Lord Moncrieff.—Look to the narrative introducing the first charge.

Mr M'Neill.—The particular conspiracy described in the first charge is not previously set forth. The charge is not that the Association did, or that, in pursuance of any resolution, did so and so. The act is, that *certain persons*, named, did so and so; and the same remark applies to the next charge. Then, as to the details of the first act, the purposes of appointing Guards, members of the Association, are limited; but the charge goes on to say that one or more of those *Guards* (not, it may be, members of the Association, and not, it may be, appointed by the Guards) and *disorderly persons*, did certain things. Now, this goes beyond the purposes of appointing, and powers of the Guard with which the prisoners have nothing to do, and as to which they cannot be put upon trial.

Lord Justice-Clerk, after consulting the other judges, stated that they had no great difficulty on the criticisms generally; but they wished to hear the Solicitor-General on the objection as to the copulative charges of murder.

The Solicitor-General.—There is a charge of murder connected with the illegal conspiracy. We thought this right with reference to the charge of murder, which is not put alternatively, as in the former indictment. There is no such inconsistency as that both modes of charging may not be true. The two are, in fact, the same. Charging the whole, actors or actor, or art and part, is not inconsistent with M'Lean alone committing the act. The *species facti* is the same in each charge. What more is done with the "As also" than throwing the charge directly upon the five pannels, independently of the Secret Select Committee of an illegal Association? There might have been difficulty if the Prosecutor had put his charges inconsistently with one another; but this is not the case.

Mr Robertson.—Observe, 1st, the Secret Committee and prisoners engaged M'Lean to shoot, &c., and offered him rewards. Take this *minor* as it stands; it is a murder committed by M'Lean alone, so selected by the Committee and the prisoners. Under this, it could not be proved that Hunter or any other committed the act. Hacket

could not do the act of murder if he hired M'Lean, and M'Lean by that hiring did it. Look to the other *minor*—that the prisoners, members of the Association, conspired together—not the Committee, but all and each of the prisoners, provided themselves with a pistol, &c. These are inconsistent. Why are the introductory words—Or otherwise? As also—is very different. It may introduce charges, 1st, that I murdered Smith by shooting him in Glasgow on one day; and, 2d, that I murdered him by knocking him down with a bludgeon next day in Edinburgh.

The Solicitor-General.—Do my learned friends admit that the charge, as first set forth, would fall under the fourth major? If so, we will pass from the last mode of setting forth the charge, beginning—As also.

Lord Justice-Clerk.—I am decidedly of opinion that there is a clear charge of murder contained in the first mode of setting forth the murder, directed against the whole prisoners. Otherwise, I would have stated my opinion that the charges are alternative, and so could not go together to the jury as they stand.

Lord M'Kenzie.—I am not disposed to go the length of Mr M'Neill; but the prosecutor withdraws the second charge of the murder, and I am clear that the first of those charges is one of murder against the whole.

Lords Moncrieff and Cockburn concurred—Lord Cockburn remarking that it was new to hear a construction of the words As also to mean Or otherwise.

The last general charge, in so far as the murder is concerned, was then withdrawn, and *the first twelve charges were found relevant.*

Lord Justice-Clerk.—There must be no publication until the trial be finished, otherwise the Court will know how to proceed.

The charge of murder found relevant is—"Likeas, (12th,) The Secret Committee and the first four prisoners, all and each, or one or more of them, members of the unlawful Association, parties to the illegal conspiracy, and to the appointment of the Secret Select or Secret Committee, hired M'Lean to shoot a spinner; and offered and engaged to pay M'Lean £20, or other reward, to induce him to do so; and this to cause terror among operatives, and to deter them from taking work on the masters' terms, or terms different from those dictated by the Association; and M'Lean, being so induced and hired, and being furnished with implements, proceeded, in fulfilment of that object and design of the Secret Select or Secret Committee, and of the other prisoners, and committed the murder.

Jury.

Several balloted were challenged for the prisoners. Those empannelled were—Smith Ferguson, silk-mercer; John Ritchie, merchant; David Redpath, confectioner; Matthew Frier, baker; George Oxley, hatter; John Clark, grocer; Thomas Stevenson, brushmaker—all in Edinburgh; William Smith, agent, Leith; Henry Lediard, Viewfield Cottage; Robert Martin, grocer, East Calder; Alexander Stoddart, farmer, Ingliston Mains; William Burton, wright, Collin-

ton; John Graham, farmer, East Whitburn; Robert White, meal-dealer, Bathgate; George Bain, merchant, Dunbar.

Witnesses for the Crown.

GEORGE SALMOND, Procurator-Fiscal, and WALTER MOIR, Sheriff-Substitute, proved the emission of the declarations freely and voluntarily; and swore, also, to Smith's declaration being emitted while quite collected, and aware that he was dying.—(See No. XXXIII., p. 28.)

It was admitted that the articles referred to in the declarations are those libelled and produced.

Mr SALMOND (again called) was present when the prisoners (except M'Lean) were apprehended in Smith's, Black Boy Close, Gallowgate. Was accompanied by Sheriff Alison, Mr Nish, Mr Miller of the Police, and a number of policemen. There were a number of people about the door. The Sheriff and Nish went first up the stair; but seemed at a loss to find the door. Witness the first that entered. Found Hunter sitting at the head of the table. Asked if he was President? —Yes. Hacket at one side at other end. Gibb asleep, or lying on something like a sofa. M'Niel was brought into same room. His wife was at the door. There might be six or seven more in the room. Does not remember the names; but, afterwards, they were all understood to be members of Committee. All in that and another smaller room were apprehended. In the smaller room, £19, or so, taken from Hacket, which, he said, belonged to the Association. The money was claimed by, and delivered up afterwards to John Trotter, on the part of the Association. On a table in the small room, found some papers and a book. The book was claimed by Hacket. There was a safe standing in the larger room, which was locked. Thinks Hacket gave the key, and it was opened. There were some books within, and there was a lockfast place within, requiring three keys to open it. Got one key from Hacket, who said he did not know who had the other two. It was then forced open. Found within, a minute, with seal and signatures attached. Saw other books in the rooms. Identifies Nos. I., II., III., V., VI., VII., and VIII. of the inventory; also No. XXXII., of which there were several copies. Remembers of hearing of an outrage upon Donaghey's house, about noon of the 1st of July. Went to the spot, and took precognition. Ordered search for M'Caffie, or Cohill, Riddle, and M'Manus, which was unsuccessful. Reported the precognition to the Crown agent, and these persons were indicted for trial at Glasgow circuit. Identifies indictment against them, relating to this matter. Was in court when they were outlawed. Got information as to these individuals within the last month, and sent to Manchester. Got one of them apprehended there; and he is now in Glasgow jail, for trial for this offence. Has seen the indictment against him. Remembers receiving information as to an attempt on Wood's mill; and went and saw canisters. Took precognition. Raised criminal charge under (Hume's) act 1825. Person found guilty. Mr Gemmel attended the diets, as agent for that person. After he was found guilty, Mr Gemmel requested delay in pronouncing sentence, and

that he would use his influence with the committee of the associated spinners to prevent repetition of such molestations. The cause was, in consequence, delayed from day to day. The Sheriff was present. In consequence of this, witness remarked a gradual diminution of the numbers of spinners who surrounded the factories, particularly at one factory, which he had occasion to pass daily. Knows John Sheriff, shopman to Mr M'Dougal. Inquired at him about bullets, and got two like No. XXXVII. from him shortly after Smith had been shot, and gave them to Drs Pagan and Auchincloss. Got bullets like XXXVI. from them, along with their report.

ANTHONY NISH, messenger-at-arms, also swore to the taking of the prisoners' declarations. Accompanied last witness, &c. at the apprehension of the prisoners, except M'Lean. Saw the £19, books, and papers found. Got key of safe from Hacket. Box within, with three locks. Got one key from Hacket, who said he did not know who had the others. Identifies the articles found there, Nos. I., II., III., V., VI., VII., and VIII. Remembers being instructed by Mr Salmond, to search for Thomas Riddle, but failed. Searched also for M'Manus, &c., unsuccessfully.

ALEXANDER CUNNINGHAM, Sheriff-Officer.—Searched Hacket's house. Found letters there. Identifies Nos. IX., X., XI., XII.

The LORD ADVOCATE—Stated that great difficulty had occurred in obtaining persons to come forward, and that assurance was necessarily given of safety, which his Lordship trusted would be repeated by the Court.

Mr D. M'NEILL.—Let us know what was done.

The LORD ADVOCATE.—Protection both before and after trial.

JAMES MOAT being tendered as a witness—

Mr ANDERSON—We object to this witness, that rewards were offered, one by the Sheriff, and one by Her Majesty. (Reads No. XLII.) The other reward, money and pardon, is offered by Lord Russell, to such as shall give information *and evidence* which shall lead to the discovery of the guilty party. (Cases were referred to.) The reward is not to be paid unless the evidence given shall lead to a conviction. This, therefore, is clearly a reward for giving evidence, and evidence too of a particular kind. What is the effect of this reward? There has been a newspaper controversy as to the respective merits of various claims for this reward, which we shall prove; and we have put in the newspapers.

The SOLICITOR-GENERAL.—The objection occurs to the whole of the witnesses, if it all—those already examined, as well as those to be examined. The objection can only apply to the murder; and we may examine the witness as to many other things. The objection should not be stated *hoc statu;* but the judgment may now be taken. It may affect the *credibility,* but not the admissibility of a witness, that he has had the promise of a reward. He then referred to Alison's work, and the various cases and authorities mentioned by him.

The LORD ADVOCATE spoke as to the fact of the witnesses being reluctant, not eager, to give evidence.

Mr ROBERTSON.—That is not before us. Neither is it an answer to

tell us that we have permitted some witnesses to be already examined. This is not a reward offered under a *statute*. At the time that evidence is giving, the witness is earning the reward. This is not the reward becoming due upon conviction being pronounced.

Lord Moncrieff.—It is payable on information and evidence. The meaning is, that information alone won't entitle the witness to the reward, unless he support his information by evidence.

Lord Mackenzie.—There is a clear distinction between a public offer of reward, like this, for giving evidence, and a bribe to swear to falsehoods.

Lord Moncrieff.—I am of the same opinion. The law of Scotland is very jealous of any person who has an interest to speak in one way in preference to the other; but the statute and law would be absurd if they applied to the matter before us. We here conclude that the discovery must be communicated in the first instance. Much is said as to giving *evidence;* but I cannot draw a distinction between this and a case where the reward is made payable, generally, *on conviction;* for the interest in the witness in that case is the same as if the reward were payable for giving evidence to *lead* to a conviction. The prisoners' counsel, to give effect to their objection, would go the length of admitting that, after this reward, no trial or conviction whatever could follow the crime.

Lord Cockburn concurred, and said, he thought the objection was by no means an open one, by the previous authorities on the point in Scotland. Public justice requires a proceeding like this, and that it shall not be an objection. The reward is for speaking truth.

Lord Justice-Clerk.—The *credibility* is a matter for the jury. It would be a dangerous precedent to sustain an objection like this.

James Moat, operative cotton-spinner, was a member of the Association upwards of twenty years. So in 1822–3; Association divided into three districts; each returned four men as a committee. President elected—cannot tell how. He nominated three to be a Secret Committee. The remaining nine were all sworn not to tell who the Secret Committee were. In 1837, a new method, different a little, was proposed. Heard this at a Supply Committee. The delegates were enjoined to bring in one name from each shop, which names were to be put in a hat, and the Secret Committee were to be drawn therefrom, as he understood, by some of the Supply Committee. Recollects of one Cairney being burnt with vitriol about 1822 or 1823. Was, some months after that action was done, elected a member of the Finance Committee. Recollects that the whole Committee were against such measures, and enjoined the District Committees not to countenance such measures; and that those who had been guilty were receiving their aliment, not as a right, but for "God's sake;" but the sums they received were as aliment for those deeds, and amounted to 12s. weekly; and the aliment then given was always for some work done. If a *strike* was brought to a close, and members were then refused re-employment, these were put on aliment—the unmarried, 10s.; and the married, 12s. Remembers Miller and Kean receiving such aliment, as he understood,

for the burning of the young man with vitriol. This was the understanding of the Committee; but the aliment was continued, as already mentioned, under the salvo of being "for God sake." Was a member of the Supply Committee at last strike. These merged into the Finance Committee. Witness was reluctant that a strike should take place. In bad health—and did not attend regularly. Understood, however, that a Guard-Committee were appointed at the commencement. Understood that they were to manage the Guards placed on the different mills. John Trotter, and another of the Guard Committee, were known as such by the witness. Never, however, saw them acting as such. The design of the Guards, from invariable practice, is to reason with those who worked during a strike, and, if occasion required, to intimidate and threaten them, so as to induce them to desist. These men were called *nobs*. If members did not fulfil what was conceived to be a duty, they were subjected to fines. One such duty was to act as Guards, if required. The members of the Supply Committee were Angus Campbell, *M'Niel*, Monro, Greenhill, M'Caffer, Sideserff, *Hunter, Gibb; Hacket* and Bunyan were members of the Finance Committee, which merged into the Supply Committee. Henry Dunn was also a member of this Committee. Identifies letter No. VIII. It is the stamp of the Committee on it. Cannot say that it is M'Niel's signature adhibited, or that the document is in his handwriting. Hunter, President of the Supply. Were I to answer as to Hacket, I would say he was everything—he acted in all capacities. M'Niel was Secretary. Gibb officiated as Assistant Secretary. Cash kept by Hacket and Bunyan. Thinks M'Lean was a member of the society. Remembers of the appointment of a Secret Committee after this, and six or seven weeks after the strike of April. Recollects the meeting in June on Green. This second committee was appointed the same night. The object of that meeting was to get relief for *all* operatives of Glasgow. Was at a Supply-Committee that night, and also of Select Delegates of the Association. About forty men in Black Boy Close. The delegates had been called from every shop by the Supply Committee. Gibb was in the chair, and Hunter introduced the subject of appointing Secret Committee. His language was ambiguous, and he used what I call sophistry; but his object was to shew that some more efficient means were necessary, for attaining the objects of the Association. He did not come to the point, nor mention a Secret Committee. John Davies moved that a Secret Committee should be put into existence. This motion was seconded. It was carried nearly unanimously. M'Gown opposed it, and said that he would have nothing to do with it, being disgraceful. Witness opposed it upon one ground, that it might raise a suspicion in the minds of the masters which would make *them* more determined. All that had been any time in the trade and Association knew the object. Its chief design was to destroy life and property, according to the understanding and belief of witness at the time. Witness also stated as an argument, that by this Committee they could not improve the position of their affairs. One objection by witness was, that the people's knowledge of their natural rights was such, the blame of

any act would fall on the Association. Leish answered this part of his argument. Witness did not argue on the ground of injustice, but on that of inexpediency ; the former argument would have been laughed at. Had a conversation with M'Niel on the way home, urging and repeating his objections, and M'Niel replied to him, referring to the bad conduct of Mr Arthur, manager of the Adelphi Mill, as justifying any measure resorted to by the Association, and he said that Neil Thomson, the proprietor of that mill, had left the country from fear of the spinners. The Adelphi had struck work. M'Niel inferred that the purposes of the Association would be gained by intimidation, as other masters would follow this example of leaving the country, or yield. Saw Gibb weeks after this meeting, and he said he understood that witness had left the Committee, as it would be *no go*, meaning that the strike would not succeed. Witness acquiesced ; and said he would have nothing to do with the affairs so long as a Secret Committee was in existence. Gibb said, There is nothing done yet. Witness said, It is for the want of funds ; and Gibb said it was, and that he had been against such a measure, but would now be one of the Secret Committee, considering how the Association had been used by the masters. This was some time before Smith's murder. Knows M'Lean. Hacket was in England at the time of the meeting. M'Niel was present. Uncertain if Sideserff was present, but thinks Smeal, Dunn, Campbell, Walker, Gallocher, Greenhill, Monro, &c. were. M'Niel has not been long (two or three years) a member. Hunter and Hacket were for many years. Gibb eight or nine years. When a member went from one mill to another, a line was furnished by the shop to the meeting, bearing whether he had paid up. This line was signed by three men of the same particular shop or work. Is shewn No. XXIII. It is signed by the first four prisoners. This is not an ordinary *Free Line* of which he spoke. It has a black stamp. It is the usual stamp. (Reads it.) It is an exception. It is not from a shop, but from the Association. When a person was going to leave the country, sometimes the Association signed the line put in by the three members of the same shop. Identifies No. III., *Debt Book*. M'Lean is there entered 7s. 8d. in debt in 1835 ; again, he is inserted 13s. 8d., which witness understands to be debt. In 1836, January 2, 13s. 9d. ; February 13, he is entered as having left the place where he contracted that debt—that is, No. 19, which refers to his mill. The column is headed *Debt*. It is in that column that he finds 13s. 9d. ; and he understands certainly that that implies M'Lean was so much in debt. Identifies No. VI. Knows it is in Gibb's handwriting. Reads the minute in it of 16th June 1837. The line in favour of M'Lean witness would understand was by the Secret Committee. Shewn No. V., *Outlay*. It was used in the Supply Committee. It was kept often by Munro. Sees this entry, "Expenses with Nobs, £19." Date blank. Can't tell the date. The mills were known by numbers. This expense might be incurred by going and drinking with and reasoning, or by maltreating the nobs—no otherways. Sees Nos. XIII. and XIV. They are *Income* and *Expenditure*. Knows IV., *Aliment Book*, kept by M'Niel. Has seen him writing in it frequently.

Cross-examined by Mr D. M'Neill.—Was at the meeting on the

Green, and heard Dr Taylor. Went from that to the Supply Committee meeting, about eight o'clock. Walked home with M'Niel, perhaps before twelve. Thinks it was a Monday. Davies of Boggle's, moved the appointment. It was opposed by M'Gown. He is not a clear, distinct speaker. The discussion was in the Committee, the large room. It is used as a kitchen through the day. Ross of Sommerville's was present. Kean and others got aliment, with reference to the burning with vitriol. Knows that a person was charged and acquitted. When the last strike took place, M'Donald was a member. Can't say where he was working, but thinks he worked at Humphrey's. Has been a considerable time confined, both in Glasgow and in Edinburgh Jail. Murdoch, Christie, Moat, and Thorburn, all in the same room. All kept there for protection, and for no offence.

The Court adjourned at half-past seven o'clock, P.M.—causing this witness to be detained separately from others, and the jury to be lodged in hotel, in charge of Macers of Court.

Thursday, 4th January.

JAMES MURDOCH, cotton-spinner.—Some time in Renfrewshire; entered Association in 1816. This was when he went to Hussey's Mill. Could not remain there unless he had joined the Association. Association was not then so general, and he was told that, unless he entered and joined it, he would be put out of the work; and was afraid that, by the influence the men supposed they possessed, they would make his life uncomfortable. Witness had a brother-in-law in that work, which induced witness to prefer it. Took an oath in two branches—one of secrecy of the taking of the oath, after explaining the good to flow from the oath; the second branch was administered, to abide by resolutions of majority, in all cases, and to keep secret the proceedings. A Bible was used, by being placed on the occasion, in the right oxter (arm-pit.) A word was given—*Ashdod*, from Isaiah xx. 1. *Signs* also used for recognition to the Brethren. An addition was made in 1822, in the word and oath —*Armageddon*, from Revelations xvi. 16. The oath was more vicious in its nature, introducing something about punishment and abhorrence of *nobs*. Understands a nob to be a man who enters at a reduction of wages during a *strike*, or, what is a greater offence, by revealing the names of the Secret Committee, or speaking to any man who reveals the Secret Committee. Had not been present at an oath for nine or ten years, since after a third was introduced, and that oath was much worse than either of the former. It contained something about masters, not in the prior ones. Was appointed a Member of a Secret Committee in 1818. Mr Dunlop's Broomward Factory had been started and filled with women, and the object of the Secret Committee of three, then appointed, was to get them put out, and they had a power independent of any control from the body of the Association. A man's name was taken from each shop or factory. One of the Finance Committee then went round with a

hat, and lifted these names from the Delegates, and put them in his pocket. The Secret Select Committee was then considered on, it being understood that the three were chosen by the Finance, or otherwise, so that the trade should not know who they were; and the three had the full power of the whole money. The duty of this Committee at that time was to put out the women. The first attempt was to set fire to the mill. Knows this from the public newspapers, and the entries in the schedules of money expended, handed round with the receipts every fortnight. It was inserted "*Colliery,*" which was a term perfectly well known by the whole Association, and witness understood it to be money paid for attempting to burn the factory; but it is a word which then for some years implied mischief generally. The object of the Committee at that time failed. Several other acts of violence to person and property were committed by that same Committee before another was elected. Two men were sent to America at the expense of the trade, whom witness understood had been guilty of taking a widow's life, of the name of M'Pherson, whose daughter had been working at that mill, and the members understood that the mother was the victim instead of the daughter, by mistake. This might be in 1820 or 1821. Patten Dunlop and Barnard M'Kerry, members, were the two men sent to America. Their names, and money paid them for emigration, were in the schedule, which was the source of witness' knowledge. There was no other reason assigned; and believed that they were sent abroad as the murderers. There was one M'Quarry shot at and wounded in 1820. Recollects of three different payments for Colliery; made one to Andrew Durrock, and Owen Killocher, and Stephen Campbell, for shooting at M'Quarry, a *nob.* Killocher was afterwards transported for shooting John Orr at Paisley. Campbell remains at Brigton or thereby. In the schedules saw entries of sums paid in name "Barr Strike Collieries"—Barr being the name of the proprietor of a mill then in *strike.* The individuals' names were not entered. Was an eye-witness to shooting M'Quarry. Campbell fired. Thomas Lochrie and James Easdon were also present, and Durrock, and Killocher, and M'Connel. This was on the Green of Glasgow. Met Lochrie in Brigton, who told him that an attack was to be made on Barr's Mill at its "skailing"—(closing or dismissing for the day.) Found several spinners were in a hollow in the Green. The nobs came from their work, and two brothers named Carr, and M'Quarry, went through the Green by the Monument. Durrock walked a few steps across the Green, and fired a pistol at the Carrs. Shot did not take effect. Campbell then fired at M'Quarry with a pistol. He was wounded. Did not anticipate this scene, though he expected a disturbance. Had no reasons to believe that the others did more. There was no trial. Witness gave no information, because he was afraid of similar consequences. Campbell was a member. £300 of reward was offered on account of these and several other assaults which had taken place.

Objection taken for the prisoners to a question—what Campbell said as to receiving payment—in respect that the best evidence must be brought—Campbell's own evidence, or the person's who paid or saw him paid.

The Lord Justice-Clerk and Lord Mackenzie were for sustaining the objection; but Lords Moncrieff and Cockburn thought the question admissible, after the evidence on the subject already given; but recommended that the question be withdrawn. It was so.

Witness recalled.—Remembers the shooting of John Graham. After this, witness was a member of the Select Committee; but it then acted openly on account of dispute which had taken place in the trade about the shooting, it being resolved that such a measure should not again be repeated or authorized. Kean was the person who fired the shot. He was whipped through the streets of Glasgow, and banished. Daniel Orr had made claims on the Committee, and a reference was made to five, to consider his claim. Witness one. His claim was, that he had been hired, with Kean and Rafferty, and another man, to shoot at Graham. His claim was £20. Referees ordered him to produce a witness to prove his hiring, and he produced Thomas Paterson, and the referees were satisfied, and awarded the sum. After Kean's trial, 12s. weekly for 18 months were paid his wife. Rafferty's wife got the same. He was convicted, sent to Bridewell, and then, by the Association, sent to America. Knew these things as a member of Committee. The expenses of Kean's trial were paid by the Association. This was in 1825, or early in 1826. Remembers a meeting of the Association after this, to deny the charges that the Association had anything to do with these crimes. Two reporters were brought to report the speeches, which were reported in the newspapers. Thomas Paterson, already mentioned, spoke, denying any participation in the Association; but this meeting was before Orr's claim. Remembers one M'Dead. He was not convicted or tried, so far as witness knows; but he was paid £4: 16s., he thinks, for maltreating Margaret Banks in 1825 or 1826, because she was a nob. Witness a member of Committee for two months. No change in mode of appointment. Has not been a member of Committee of late. Remembers Walker, a member, tried for shooting at Brown in 1827. Was present at a private consultation, before his trial, at a shop meeting, Hussey's, with members, as to his defence. It was proposed to get men to swear that Brown had himself hired persons to shoot at his house. It was not known then that Walker would plead guilty. Knew that the proposal as to men swearing so would be falsely. Walker pled guilty, and was banished. Remembers Cairney, who had been *nobbing*, getting one of his eyes burned out with vitriol. There was a trial. Peter Mellen was tried for this, and acquitted. Saw schedules at that time of payment of aliment to four men, James M'Donald one, for this burning, for being impeached with that action. M'Donald was not tried for it, because he fled on account of that business to Catrine Works. Knows Hunter to have been a member eighteen years; Hacket, twelve years; M'Niel nine years; Gibb, twelve; and M'Lean ten or twelve. There was a strike last April. Applied then for aliment. There was a Supply Committee—Hunter President; Hacket, Treasurer; M'Niel and Gibb, members of Committee; but does not know if they held any office. M'Lean a member of Association, but not a member of Committee; but has seen him in the Committee rooms calling on Hacket. Witness was at no meetings after

that strike. Witness went to the rooms to apply for aliment, as others were getting it. This in July; had received none previously. Did not get any till August. Members clear of debt get *free lines* from three persons free from debt in the applicant's factory. The office-bearers have no authority to give certificates. It must proceed from the factory. Sees No. XXIII. Knows the stamp. Does not know the handwriting. It is not in usual form, and witness never saw such line given, unless where the person has done something for the Association which compels him to go away; and such he understands this to be. The Secret Select Committee have an absolute power to do this, even if the member be in debt. Sees No. III. Sees a column at the top, which applies to shops, and the names under are the men of the shop. There is a column for debt. Sees M'Lean's name, in 2d January 1836, another entry in February, of debt. If he were clear, that would be put out. Sees No. VII. Turns up Rev. xvi. 16; the page is much soiled and worn. The same at Isaiah xx. 1. This Bible is marked as printed in 1825. Identifies Nos. XIII. and XIV. Schedules such as he has mentioned, and fragments. Sees No. V.—Entry, expenses with nobs, £19. This may be explained variously. It might be given to one or severals for maltreating a nob; it might be for drinking with him. Saw guard of members walking up and down past the gate. Great numbers at the Old Adelphi, on the south of the Clyde. This was after the April strike. Knows Davidson and John Morison, acting as Guards, and Walter Morison as a master of Guards. Never saw M'Lean acting as a Guard. Has seen Morison come up to see if the Guards were doing their duty. Remembers the day Smith was shot. Saw M'Lean down by the Broomielaw, on the quay, during the fore part of that day. James M'Donald and Keith with M'Lean. Saw Keith and M'Donald again between six and seven o'clock, at the foot of Cobourg Lane, south side of Clyde They were just then parting. Witness heard them then agreeing to meet again during the same evening. Did not hear when or where. On that day M'Lean had light trousers, long coat, black hat.

Cross-examined by Mr Robertson.—Easdon and Lochrie accompanied witness to the Green, on the occasion mentioned. Lochrie has dropped the spinning. After M'Quarry was shot, Lochrie followed him a bit over the Green. Campbell was standing on witness' left hand, and witness saw both shots fired. There were three pistols; Killocher, and Campbell, and Durrock, one each. Killocher fired his pistol in the air after leaving the place. The last meeting of the Association, or Delegates, or any Committee, witness was at, may be about nine or ten years ago; and he has not seen an oath administered since. This was in William Ewing's. Has not seen Secret Committee acting since, and only knows from hearing of this. Was never more than twice a member of Committee, and that two months at a time: the first was on Finance in 1817—kept no books then; the second in 1826, he thinks. Was a Delegate. Was Secretary in 1826 to the Association, or thereby, for two months; he was then on the Committee, but it acted openly; combination laws just then repealed. Did not come upon Committee, or have anything to do with books from 1817 till 1826. Severals had kept the books during

this period, but witness had no occasion to examine them. As Secretary, kept Debt-Book, and Book of Income and Expenditure, for two months. Thereafter ceased to have anything to do with them. The Debt-Book shewn goes no farther back than 1832, and never saw it till to-day. Witness, when Secretary, was furnished by Delegates from shops with states, from which he made the entries. Trusted to the accuracy of the Delegates; if he was wrong, the Secretary's Book was wrong. Saw no Guard Committee appointed last strike. Applied last for aliment previous to the shooting of Smith, because family idle, and he lying badly. Four years since, he was last engaged as a spinner. Witness had struck at general strike in 1824; and, in the circumstances, and others having got aliment in similar situations, he applied, but was refused. He was in jail; and, while there, aliment was sent him. Application in July was to Thomas Hunter by card, and he told witness to give it to officer, which he did. Henry Dunn conveyed the refusal. Was in jail with Moat and Christie. Was in jail in Paisley in 1832 or 1833, for gripping a hare. Was badly with rheumatisms. Work was stopped. Hare was killed. Was nowhere else in jail. John Ferguson accompanied him at gripping the hare. It was not shot. Knows M'Caffer. M'Donald fled into Ayrshire. Saw a line like that in favour of M'Lean while Secretary 1826; none since. If a member was going to England or Ireland, he got a line signed by the men of the shop. But M'Lean's is not so. Once signed one while one of the open Secret Committee. The application was from America, and witness considered it was for Patten Dunlop, but could not swear. The name, however, was fictitious, and the certificate was granted in favour of that name. Thought, prior to that period, that such would be useless in America. If clear of debt, a member can demand certificate from his shop. This has nothing to do with the Secret Committee. There was a Thomas Lochrie, the father, and a Lochrie, his son. Orr is about a work in Glasgow. Thomas Paterson was about Anderston when he heard of him last.

By Court.—Aliment in August sent was first 2s. 6d., then 5s., then 2s. Can't tell if the family has got more since. His daughter brought it. The dispute and resolution that proceedings should be open was after the trial of Kean, and was in order to prevent repetition of such occurrences. There were only three shifts of the open Committee till the old system of secrecy was resumed. No one durst know, or inquire, or name a member of the Secret Committee; otherwise, such person would be *nobbed*. Has been in prison for his own safety only.

Henry Cowan.—Has been an operative spinner since 1814. Came to the Lanarkshire mills and joined the Association in 1818. When the oath was half administered to him in 1817, witness drew handkerchief off his eyes, and refused to proceed that night. Before entering the Association in Lanarkshire, he satisfied that Association, by stating that he had been a member, by possessing a free line, and paying 20s. Could not avoid taking the oath, because the Association in Lanarkshire believed that he had been sworn in Renfrewshire. Once was elected delegate in Lanarkshire; did not

serve, and paid fine of 2s. 6d. Recollects strike in April 1837. Was working in Hussey's. All the hands there struck; witness was one. He was averse to it, but was forced out along with the rest. Remembers Supply Committee being reported to have been appointed. Understood there was a Guard Committee appointed, but cannot tell how, from seeing the Guards, and men superintending them, who were pointed out as members of the Committee. Hussey's mill sent Delegates to the Association. John Adams was one shortly before, or at the time the guards were put on. Adams remained a fortnight, and then refused to go back; and William M'Graw was sent in his place. M'Graw was to be one of the delegates from whom the Secret or Select Committee was to be appointed. Purpose of sending a delegate from Hussey's the same as from all the other shops. An order came from the Supply Committee to return a delegate. A member of Supply Committee came to a shop-meeting, and gave directions for choosing delegate; and the purpose was explained, that it was for taking therefrom the Select Committee. Adams stated that he could not tell the thing he was sworn to keep secret. This was when the shop were bothering him to explain his objections to continue to act; and he said to witness he would be damned before he would go back to such a place. M'Graw went. It was very well known in the trade what a Secret Select Committee meant. It was generally known in the trade that there was property or person to be destroyed, or vitriol thrown, or the like, which things required a Select Committee to hire persons to accomplish such things. Has seen the word "*colliery*" in the schedules. It means sums paid for shooting, or maiming, or injuring. There were no Guards at Hussey's house; no hands remained or went in. The Guards' duty was to try to take out the new hands who were working at reduced rates, and to prevent others going in. The means were—by advising, treating to drink, or assaulting. The Guards were relieved about the middle of the day by another party, and at other times; but Guard continued from the earliest hour in the morning till the work was dismissed. Much mobbing at Mile-end, Oakbank, and Glinburn Mills. Remembers Keddie tried by the sheriff for his connection with the Guards. There was a party of twelve or thirteen sent from Hussey's mill to the Hall, Universalists' Chapel, where the Association occasionally met at this time daily. Sometimes witness was one of the party. A report by this party to Hussey's shop, from the Association, that the sentence was to be delayed if the Guards should be taken off, and that it had been explained by Mr Gemmel that the sentence would be delayed if the Guard should be removed. The Guards were, in consequence, taken off for a day or two, and then put on in smaller numbers. The men of the shop acquiesced in the resolution passed at the Hall. Instructions were also given to keep quieter for a time. Remembers of combustibles being spoken of as thrown into Hussey's mill. One day the whole men of the shop received instructions from the Association, that they should all be at home by eight o'clock that night, and to have proof to that effect. Thinks this was after the combustibles were thrown into Hussey's. Witness declined the order, as he was in

employment collecting the town's dues. It was understood by the workmen of Hussey's in general, that the order was to be obeyed—and they obeyed it. After sending up delegates, it was expected that something would be done, long before anything was done. It was quite general to ask for news, and the answer was, "No, nothing done yet." Expected to hear of some one shot, or hurt with vitriol, or something of that sort. Knew Thomas Riddle of Hussey's shop. They broke into Donachey's house, and assaulted him—at least this was reported at the shop next morning; and Riddle and M'Manus, Thomson, M'Caffer, and the others, fled. Does not remember the precise date. Riddle was not a joined member; the others were. At one time, witness brought out the aliment, and he made a payment for Riddle, to a person whom he understood was authorized to receive it; and he was sent to M'Caffer's wife, after he had gone off with aliment. Thomson, who was chairman of the shop meeting, so sent him. Was at the election of Guards at the Monument. The captain was John Trotter. He made appointments from a book. This was about the middle of May. The captain divided the Guard into parties, under charge of sergeants. Witness has been a Guard, and his duty was to obey the sergeant, and witness' instructions were to deal with the nobs in the way he has mentioned. Was only once a Guard—was repeatedly appointed, but refused, and paid fine, one shilling. His sergeant's name was Rossan; acted repeatedly under him. Don't know M'Lean. Knows the other prisoners; and has seen them attending meetings of the Association.

Cross-examined by Mr D. M'Neill.—The first Delegate was John Adams. He is in Hussey's mill. M'Graw was the second. He is in Hussey's also. Trotter, the captain, he thinks, spins in Gemmel's mill. The sergeant, not the captain, gave the instructions. Can't speak to the date of throwing the combustibles into Hussey's. Got the instructions to remain at home on 26th July last. Witness has not always been a cotton-spinner—was a public-house-keeper from 1828 till 1830, at Linwood, in Renfrewshire. Was a toll-keeper in 1833. Has known James Moat about a year. Does not know if he has been anything else than a cotton-spinner; was not intimate with him. Witness has been in prison for security. Was in Glasgow prison, in 1833, eight months, for debt, at the instance of the city chamberlain, for not paying him the toll-duties. When acting under the sergeant, was instructed to take *nobs* to public-houses, and, if drink did not do, strike.

By Lord Advocate.—Did not think himself safe in his own house, and he went to prison in November. He had not been cited, but he had been precognosced by the Fiscal; but he refused to go to Mr Gemmel's, to be precognosced by him. Was against the strike in 1837. Earnings from £1 to £2 a-week, some a little more. The average to a man like witness himself, would be 23s. or 24s. a-week; but those who were employed spinning fine numbers would have £2 and more. The proposed reduction would have yielded £1 : 1s. a-week. Witness could have made this after paying piecers.

By Court.—Took the toll at a rent; and witness considered that

the tacksman had broke bargain with him. Could not find caution, and so was thrown into jail.

ARCHIBALD ALISON.—Is Sheriff of Lanarkshire. Has filled that office three years. His attention was drawn to the strike in April, and he expected something would go wrong; and his attention since has been kept incessantly on the subject. During the first fortnight, no alteration was reported to him. In the beginning of May, he got information of large bodies of men assembling in and parading the town, and that they were assembling in great numbers at Oakbank, Cowcaddens. Witness was unwell. As soon as he got out, he went to investigate. Sent instructions to Mr Miller, the Superintendent of the Glasgow Police, to have as large a body as possible of police. Thinks the first day witness saw the bodies it was 8th May. There were from 500 to 800 people assembled, along the whole road to Oakbank. There were no assaults then, five o'clock, P.M.; the working spinners having been escorted away previously by police. Thought it necessary to apply for aid of military. A proclamation was agreed upon with magistrates. Oakbank had struck, and knows that about twenty or thirty new hands were working; and witness saw ten or twelve of them with faces bleeding. Magistrates agreed on the propriety of having military, and witness then applied for military aid. Consulted with officers, and arranged that a party of lancers should meet the Provost, and go to Oakbank. There was a Guard, appointed, as he presumed, by the Association, constantly in attendance. Went and saw, at the commander-in-chief's, two persons who struck him as being Guards. Went with military to Oakbank; but the crowd had been drawn off. Considered that the military was necessary, as the whole civil force could not contend with the mobs. A week after, heard that the mobs commenced again at Mile-end, where the police did not extend. Reads a proclamation by Magistrates, Sheriff, Justices, &c., setting forth, that all acts of molestation, &c., and that any person being one of such collections or mobs, even though no direct violence perpetrated, were contravening the law. It referred to the proceedings spoken of; and witness knew of his own knowledge the statements set forth in the proclamation. Witness advised to apprehend some one of the intimidators. Keddie was tried and defended by Mr Gemmel. Identifies No. XLIII. as the conviction. Keddie was a cotton-spinner, and was defended with great keenness and ability; but witness thought there was the clearest evidence, and was about to pronounce sentence of three months in Bridewell; but Mr Gemmel said the person was a respectable man, who he considered had got himself involved from ignorance of the law; and that he thought he had influence with the Association to cause them to desist from such practices in future, and therefore requested the witness to get the Fiscal to delay. Witness was too glad at the proposal to reject it, and the man was liberated on bail. Next week, Mr Gemmel reported that he had applied successfully. Other five were in custody; and witness said that, if the violence should cease, he would have them all passed from; but otherwise they should be all brought to punishment. Several adjourn-

ments took place in May, and latterly till August. After these adjournments, witness was absent. Returned on 14th June, and learned that there was to be a great meeting on Glasgow Green that day; and witness communicated with the magistrates as to having the military ready. The complaints from that date till 29th July of violence were incessant, of insulated acts, several of them of violence, assaults, fire-raising, &c. Does not think that Glasgow was at that time in safety without 100 horse and 100 foot soldiers, independent of the police. The persons assaulted were new hands at spinning-mills, called nobs, and the spinning-mills were attempted to be set fire to. There was a sort of bomb thrown into a manufacturer's house, of a work which had struck. Complaints were constant, and demands for military and protection. On Sunday, heard officially of Smith's murder, which had taken place the previous night, 22d and 23d July. Communicated with the Home Secretary, and got authority to offer a reward in the same terms as those which he adopted. The man died on Tuesday. An investigation was begun. On the 28th, Mr Salmond told him that certain persons were willing to give information if they could be protected in the meantime. Met these by appointment in a secluded place in Glasgow, and took their declaration. This was Thursday. Got information of the name of another, who was to be murdered, and got that person out of the way. From information, he resolved to arrest the whole Committee at their next meeting on Saturday. Expected resistance. Got information that the Committee had been assembled from 9 o'clock of Saturday morning, and remained all day. Got twenty police, and Captain Miller, and accompanied them to the Committee Rooms at 10 o'clock of that evening, 29th July, where the party was fortunate enough to get the whole Committee. Found books and papers in rooms and in safe, and took possession of all. Salmond, Miller, and Nish accompanied him. Fifteen were there apprehended, and three others were arrested the same night, by Nish, at the public-house where the Guard Committee were met. The prisoners, except M'Lean, were of the fifteen. M'Lean not got at that time. By this time, however, it should be mentioned that many other strikes of other employments had taken place in and about Glasgow; and the acts of violence, therefore, latterly, were of all those trades; but, since the arrest, there have been no acts of violence or intimidation, or anything that witness could trace to any union or association. A meeting was resolved on by the spinners, to be held on 31st July, to deliberate what should be done; and then instantly all the works which had been stopped recommenced, and the hands all went in.

By Mr Robertson.—The meeting of 14th June was one of all operatives, and Dr Taylor made a speech at it.

The Court complimented the Sheriff on the course he had taken.

Henry Miller is Superintendent of Police of Glasgow. Got report as to Oakbank Factory, about middle of May, being surrounded by turn-out spinners; stationed police officers, in consequence, to protect the new hands, and accompany them, which was necessary, from the mill to their homes. Gordon and Farmer called at the police-office about 11th or 12th May, to have an escort to Oakbank Mill, which is

within the royalty of Glasgow. Knows that a proclamation was issued by Magistrates in consequence of these assemblages—the numbers were reduced, and the police were continued there for a short time. The other mills are not within the bounds of police.

ALEXANDER ARTHUR is manager of the Adelphi Cotton Spinning Mill at Hutchisontown; was so in April last. There was a strike on 10th April, and the mill was closed till 4th May. This mill does not spin high numbers, but the second kind. It is rather easier to instruct new hands with the lower than the higher numbers. Intimation was made to old hands that they would get preference at reduced rates; but, if not, new hands would be got; and they were got; and the mills were watched or guarded by the turn-out spinners, who molested the new hands in great bands, by throwing stones and dirt at the new hands; so that beds had to be furnished at night to the new hands, as they could not leave safely. This necessity continued for some weeks. New hands, Grey and Kean particularly, were assaulted while taking a walk while the mill was undergoing a washing. Did not see them receiving blows; but saw marks after on Kean's cheek. Witness received letters, containing threats against himself. Identifies No. XVII. He received it by post—also No. XV. He received it also by post; it is dated 3d June; but the post mark is July. Knows M'Niel. He was a spinner in the Adelphi, prior to the strike. Never had occasion to see him write. Never had any quarrel with M'Niel. A good workman could make 26s. to 28s. weekly, prior to the strike; the difference by the reduction proposed by the masters, would have reduced this to 24s., after paying the piecers.

The letters were read.

PRISONERS' DECLARATIONS.

The following declarations of the prisoners were here read in part, and partly at other stages of the trial. The first declaration by each, bears, that, in the first place, the declarant was duly admonished, as is the practice, that he may decline answering any question, and need not say anything to criminate himself. Of this species of evidence, Professor David Hume, in his "Commentaries," says, (vol. ii. p. 318,) "Of course it (the judicial declaration) cannot weigh at all against any other pannel, and even against himself (the declarant) it must be taken qualified, as he has chosen to give it, but liable always to be overcome in those favourable particulars, by the other evidence or presumptions in the case, which often prevail against it."

THOMAS HUNTER declares (1st August) that he is aged forty-one, a native of the county of Antrim, Ireland, and came to Scotland twenty-four years ago. For many years he has been a member of the Cotton-Spinners' Association, the object of which was, that its members should have a fair remuneration for their labour, by all lawful means. Entry

money is £1. No ceremony at initiation, and no oaths of secrecy imposed. A strike, in April, when committee of twelve appointed to find supplies. Declarant was elected Preses. No minute-book. Met daily—no meetings on Sabbath. No oath imposed on Supply Committee—no sub-committee—no ballot. Guard Committee appointed to watch factories, and report as to persons employed; but the Guards were withdrawn several weeks ago, and the Committee was necessarily dissolved. Not aware of any list of names. Never heard of a Select Secret Committee, appointed by ballot or otherwise. Never heard of one assaulted for opposing such a measure. Never heard of resolution to murder masters. Was at a meeting of the working classes on the Green of Glasgow, in June last, which was addressed by Mr Taylor of the *Liberator* newspaper office. Did not propose at a meeting that night to form Select Secret Committee. Guards withdrawn, by recommendation of law agent of the Association, and complaints from mill-owners. Guards had no allowance from the funds. Average aliment, at that time, about 3s. weekly; but lately reduced to 9d. No measure adopted for supplying the place of Guards; but not for want of funds. Never saw the book now shewn him, commencing "Emigration." Knows nothing about the entry "No. 60 shall receive £5 for each of them they unshop." Never heard of a persecuting committee, as alluded to in minute of 15th June. Committee have had a stone weight of meal, besides the money. Never heard of violence to masters or hands. Never heard of offer of £20 to assassinate a master or a new hand, or *Nob*. Barnard Murphy is clerk; but declarant knows nothing of entry of £15 : 1s. paid Guard Committee. Peter Hacket and John Bunyan appointed a Finance Committee. Payments on Saturday evening; and payments just completed last Saturday when Sheriff and party came in. Money kept in a safe. Heard of Smith's murder on Sunday, 23d July. Left Committee previous night at 5 P.M. Saw offer of reward of £500 for discovery of the assassins, and insinuating that the deed had been committed by turn-out cotton-spinners. Every one of Committee deprecated this act; but no resolutions or steps taken. Heard of attempt to burn Hussey's factory. Does not know James Murdoch, cotton-spinner. Heard of combustibles thrown into Wood's house; but this was never talked of in Committee. Declarant innocent of all. No inquiry instituted by cotton-spinners. Does not know who proposed "guard system." They were never supplied with arms or money. Funds have come to low state. Not aware that they have been diverted to unlawful expenditure. Three locks on drawers; but declarant did not keep a key, and does not know who keeps keys. Never saw the Bible in Committee-room. Has been in Mrs Ewing's eating-house, High Street, kept by Scouller. Had no conversation there about Smith's murder.

In his second declaration, (1st September,) HUNTER adhered to the above, as containing the truth, and declares he signed certificate of "11th July 1837." It is a *clear line* to William M'Lean that he had paid up his accounts; but declarant signed it from information, without examining books.

PETER HACKET (31st July) declares that he is thirty-six years of age.

—[He gave a similar account of the objects of the Association.] It had regulations; but he cannot say whether these are approved of by the Justices. He is shewn a minute of election of Supply Committee of 12th April 1837. Cannot say how M'Donald and Bunyan were elected. Declarant is Treasurer. Believes there are no minutes taken. The only record is of the money received and paid to the men. Not aware of any other committee. Never heard of Guard Committee. Never heard of Select Secret Committee, or of committee to effect objects of Association by force and violence. No oath. No recollection of book beginning "Emigration." Does not know what is meant by "No. 60," or of memorandum of 15th June. Was not at the meeting when such a resolution was made. Did not receive the £30 from Thomas Gallocher, mentioned in the memorandum. Association had a room rented in Smith's. Declarant has had key of safe for last four weeks. No books or papers removed since Monday 24th inst. Was in England in May. Did not know of more than one book in safe. Book he alludes to contains pawn tickets. Has heard the name "Nob" applied to persons taking work contrary to wish of Association. Drawer in safe, with three locks and keys. Does not know who kept the other two keys. Never saw drawer opened. Declines to sign the docquets upon the productions exhibited, without legal advice.

On re-examination (1st September) HACKET adheres to the above as truth. Declarant was in England at the date of the memorandum. He was absent three weeks and odd days. Was in Manchester. Received letters there, but declines to say if these from M'Niel. Shewn three letters, 16th, 24th, and 28th May, and asked if these be the letters—declines to answer. Does not remember if these letters were in his house. Cannot remember if the letter, now shewn, of 10th July, was received by him from Patrick M'Gowan. The greater part of the book "*Outlay*" is in declarant's hand-writing. Sees entries, "Walter Morison, £3; John Dodd, £3; Expenses with Nobs, £19." Remembers paying the two first for aliment, but the third item is in the pound column instead of the shilling column, by mistake, and must have been to defray reckonings in public-houses. Shewn five schedules, and asked if these be income and expenditure; he refers to Barnard Murphy as the clerk, and knows nothing about them. Declines to answer whether declarant furnished materials to Murphy to make them up. Does not know the meaning of the entries, "Fugitives, £5 : 18 : 6," and "Guards and Expenses, £24," and "For Running Letters, 14s." Does not remember of seeing the letter now shewn him of 29th April, signed R. Macome. Does not know who paid the sum there mentioned. Signed the certificate of "11th July 1837." It was given to M'Lean, who was going to England to seek work. He was paid 3s. at same time, and this sum was entered in outlay-book. Sees M'Lean now. By M'Lean doing *his duty*, is meant that he acted like other members in paying their accounts, and certificate is in usual form. Satisfied from M'Lean's shopmates that he was clear. Never knew or called at M'Lean's residence.

RICHARD M'NIEL (31st July) declared that he is aged twenty-eight. He is a member of the Committee of Supply, and acted as

Secretary since 12th April. Cannot say where the regulations at present are. Cannot say if they were confirmed by authority. Declarant used to take pencil notes, which were destroyed when matter accomplished. Gives a similar account of the objects of the Association. Not aware of Guard Committee, or money paid to such. His time occupied keeping aliment book. Shewn an entry headed "Policy Act," and list of names below it, and an entry, "12th June—The following names have been added by the Guard Committee." Thinks these entries are in his hand-writing, but uncertain. Not aware who constituted the Guard Committee referred to. Sees two schedules, which he thinks are in Murphy's hand-writing. Declines to answer who furnished Murphy with materials to make up these schedules. He will not answer the question, whether there is a Finance Committee. Not aware that he had before seen the schedules. Does not know of payment of £15 : 1s. to Guard Committee, which he sees entered. Knows nothing of book now shewn, commencing "May 17, 1837," or of the resolution as to appointing "Persecuting Committee." Not aware of a Secret Select Committee.

On re-examination (5th August) M'Niel adhered to his declaration as truth. He attended the meeting of working classes on the *Green* in June, when it was addressed by Mr Taylor. Cannot remember of attending meeting of Supply Committee that night; and his impression is, there was no meeting that night. Never heard of proposition to constitute a Select Secret Committee to commit violence. Knows Alexander Arthur, manager of the factory in which the declarant wrought. Never used threats to him, or expressions that he would be assassinated. Always on friendly terms, and he was kind to declarant. Never wrote any threatening letters to him. The letter shewn, of "June 20, 1837," is not in declarant's hand-writing, and he never saw it before. Were the schedules of the income and expenditure of the Supply Committee prepared and issued to the various factories, from time to time, since the strike, for the information of the members of the Association in the factories, or was this information withheld by the Committee since the strike, and, if so, for what purpose was this information withheld? Declines to answer the question, and adds, that he does not consider it applies to himself. He does not recollect of seeing the term "casualties" employed in any schedules which came under his notice. Declines to say whether or not he ever saw a schedule-book in the Supply Committee rooms. Heard of Smith's murder on Sunday night, the 23d July. Cannot remember whether the declarant attended a meeting of the Supply Committee on 24th July. Remembers of seeing a placard as to shooting Smith. Did the Body take any steps to remove the insinuation contained in the placard? Declines to answer; and he adds—that he does not think the question applicable to him. Were any books or papers of the Committee put out of the way on said Monday, or last week? Declines to answer, for the reason above stated. Knows M'Lean, but does not recollect to have seen him on said Monday at the Committee-Rooms, or anywhere else. Cannot charge his memory as to whether M'Lean got any money to take himself off

to England; and his impression is, that M'Lean proposed a week or two before to go, and he may have got a shilling or two to help him on. Does not remember of Hacket giving M'Lean money. Does not recollect of speaking of M'Lean since Smith was shot. He was never told by M'Lean that he shot Smith; and has no reason to know or suspect who did so.

In another examination, (1st September,) M'Niel adhered to the two former as truth. Declines to say whether three letters now shewn, dated 16th, 24th, and 28th May 1837, are in his hand-writing; two paid letters bear to be signed "Richard M'Niel," and addressed Peter Hacket. Declines to answer if his signature. Knows nothing of letter 29th April 1837, signed "R. Macome."

James Gibb declared, (1st August,) That he is aged thirty-three. Declines to answer where he was made a member. Declines to answer whether there was any ceremony gone through at his initiation, or any oath. Has frequently held office. In April, a committee of twelve appointed to procure supplies for strike, and three or four others were assumed. Declarant was one of those assumed. Declarant wrote the names of the Committee in book now shewn; and the docquet under them. Thinks he has seen the paper of 12th April before. No regular minutes kept; but declarant kept a memorandum-book of anything that was done, or resolutions gone into. Sees it. Supply Committee met daily, and occasionally on Sabbath, usually in Smith's Tavern, Gallowgate. Have occasionally, from pressure of applicants for supply, retired to Ballantyne's, High Street, or Mrs Johnstone's in King Street, or Neilson's Boot Tavern, Salt Market. On two Sabbaths they met in Johnstone's, Main Street, Bridgeton. Neither he nor colleagues came under oath in regard to duties. No regulations laid down for Supply Committee, but all to do their best to raise supplies. Shortly before strike, a Guard Committee was appointed, to advise persons as to taking work against wish of Association, or to discontinue such work. Does not know their number, or all their names, nor extent of duties. Walter Clark, John Trotter, Walter Morison, and Matthew Park, were of the Guard Committee. There was a Finance Committee appointed by the delegates. Hacket and Bunyan were elected, and Munro was added to Committee of Finance. Each intrusted with key of safe, and of keys of drawer within it. No allowance to Guard Committee for what they did personally; but where money was advanced to persons who had been prevailed on to take work, the Committee was reimbursed. Guards withdrawn weeks ago—never heard of any substitute—never heard of Select Secret Committee, to procure persons to murder the mill-owners, or destroy factories. Never heard of £15 paid to Guard, nor ever more than £5 at one time. Remembers resolution of general meeting, that, if any persons received money from funds, and granted bills for it, and should then take work without leave, they should be prosecuted and harassed for repetition after strike ceased, seeing that a stipulation was they should not work against wish. This resolution entered by declarant. Cannot say how many "nobs" are indebted. He has reason to believe that practice once existed for

members to grant bills for fictitious value, and allow decreet to go against them for payment, in order that the prosecution should be followed up if the parties turned out adverse. "*Emigration*" is a book containing a set of regulations not acted on since strike. Never accessary to payment of £20 to any one to murder a mill-owner or a "nob." All paid 1s. in Smith's on Saturday, and the funds on hand retained by Hacket. Was in Committee room a little after twelve on Saturday 22d July. Next day he heard that Smith had been shot. Saw placard of REWARD, and insinuation against spinners. No steps to remove insinuation. Heard of attempt to burn Hussey's mill; and combustible materials thrown into Wood's house. These offences talked over in Committee rooms, but no inquiry instituted. Has seen Bible in Committee rooms, but never saw it used. Cannot remember of any conversation in Scouller's, High Street, as to Smith's murder, with any of the Committee.

On re-examination, (1st September,) GIBB adhered to the above as truth. He signed M'Lean's "Clear Line." It is in the usual form.

WILLIAM M'LEAN (9th August) declares that he is aged twenty-six, a native of Glasgow, son of Archibald M'Lean, lately a cotton-spinner, a member for twelve years. Cannot remember in what house, nor if put upon oath. Understood all were to obey the majority. Has had aliment since strike, varying from 8s. to 8d. a-week. Has not seen the regulations for a good many years. Supply Committee and Guard Committee appointed. He never acted as a "Guard." Believes Guards met in Hannah's, Trongate; and Walter Morison, Samuel Shield, and John Trotter were of that Committee. Was at the meeting in the Green when meeting addressed by Mr Taylor of *The Liberator* Office. Does not remember if, on that evening, John Davis proposed Secret Select Committee to destroy cotton-spinners or new hands: never heard of such a Committee. Knew the deceased, Smith. They worked at same mill. Does not know if he was a member. Two or three years since he saw him. Since the strike, heard that Smith was working at Houldsworth's. Does not know where Smith lived. Never heard of his being complained of as "nobbing." On Sabbath, 23d July, heard that a cotton-spinner had been shot; and on Monday, learned that it was Smith. Has no knowledge or suspicion who did it. Declarant in Glasgow on Saturday. Does not remember of being in Christie's tavern, Gallowgate, on that Saturday, or the day before, or that week. Knows James Campbell; met him in Saltmarket of Glasgow about six P.M. of Saturday, and John Orr was along with Campbell. The three went along Trongate and Argyle Streets to Virginia Street, where they turned to the Cross, and parted. Declarant then went home for supper, and saw neither Orr nor Campbell that night. He had got no drink. No one called for declarant. He did not remain, but left home at seven, and went to the Cross, where he remained for half-an-hour. He then accompanied his father down Saltmarket. Father left him at a well, and then he called at a spirit cellar of David Cooper for James Gall, and he found him and James Broadley, and Duncan M'Neill, all spinners, and also two flesher lads. Had seen Gall at Cross. Left party in Cooper's.

Went to Glasgow Green. Saw James Jaffray and William Johnstone. Upwards of 100 persons there, to get their aliment. Went to shop of Angus Cameron, in *Saltmarket*, with a dozen of spinners, to wait for aliment. Among them were Thomas Loag, Alexander Stevenson, James Grieve, John Thom, William Hannah, John Miller, James Lockhart, James Corrigan, John Andrew, and Andrew Whyte. It was nearly ten when Johnstone brought the aliment—1s. each. Party remained in Cameron's till after twelve, and had three or four mutchkins of whisky. Johnstone, Stark, and Jaffray had gone, also Hannay. Declarant did not leave the party during this period. Remembers of being asked to the door by John Buchanan and Peter Findlay, two shopmates, and he brought Gunn in to get some spirits. Some accompanied him to M'Ilraith's, *Bridgegate*, where they had some more whisky. He was the worse of it. Stevenson, Miller, Lockhart, Corrigan, and Andrew were of this party. After one, all the party went home, except Stevenson and declarant, who went to the *Cross*, where they met four or five spinners. He only remembers the name of Anderson, who lives in *Brassbell Entry*. They went there, and got more drink. Recollects of leaving Anderson's with Stevenson—went along *Main Street* of *Calton*; but, after that, his senses forsook him, and he did not regain them till the afternoon of Sunday, when he awoke in his father's house, and learned that he had been brought home about seven A.M. Did not leave home till Monday morning, when he met Thomas Campbell, spinner. They called at Edward M'Guire's, spirit-dealer, Gallowgate, and declarant continued drinking during the greater part of the day. He was not in Christie's on Monday. Went to the Committee rooms during afternoon, expecting aliment. Place full. Does not recollect of demanding 15s. or £1. No conversation there, nor in M'Guire's, about the man who had been shot. Not in Christie's during Monday; and made no entry in a book there. On Saturday he was dressed in a green long-tailed coat, grey trousers, and black hat. He had whiskers till one day in the middle of last week, when he happened to be cropping them with a pair of scissors, but having made a "gaw" in them, he shaved them off altogether, with the intention, however, of allowing them to grow as before. Remained at home during the week after Smith had been shot; but, on Monday 31st July, went to reside with his cousin, Ann Cameron, who is married to one Smith, a printer at *Kincaid-field, Campsie*, because he had got information from James Walker, a cotton-spinner, that some persons had given false information to the Fiscal, that he had several years ago committed a violent assault on Mr Miller, a spinning master at Lancefield; and £100 reward had been offered for the depredator. By advice of friends, went out of the way till he should have an opportunity of proving that he had nothing to do with that assault. Never knew till Sunday evening, 6th instant, that he was accused of Smith's murder. On the day he went to Kincaid, he wrote the certificate now shewn, and adhibited to it the names of the persons who had been with him on Saturday, 9th July. He did so on advice of friends, who thought it as likely he should be charged falsely with the one crime,

as with the other; and it was, therefore, better to prepare for the worst, as his going out of the way might strengthen the suspicion against him for the murder, if information should be given against him for that too. Declarant's impression, however, is, that he was in England during assault of Mr Miller. When officer asked at Kincaid, whose house is this, he called to Mrs SMITH to answer, having forgot; but she did not answer. Officer asked his name, and he gave it. Had an intention, on 11th July, of going to England for work, and he applied for a "travelling card." Committee advanced him three shillings; but he spent it, and abandoned his design.

On re-examination, (12th August,) M'LEAN adhered to the former as truth. Declares, he was not at mid-day of Monday, 24th July, in CHRISTIE'S *shop, Gallowgate,* with other persons, for about an hour, and say then that it was he who shot Smith. Does not recollect of being in that shop that day, nor of using such expressions. Did not say to CHRISTIE, or any one, that he was going to America, and that his passage would be paid. Recollects now of being in CHRISTIE'S either on *Monday or Tuesday evening,* and expressed a wish to go to America. CHRISTIE expressed a wish to go too. Does not remember seeing proclamation, offering a reward for Smith's murderer, opposite Christie's. Dozens of his friends advised him to go out of the way, but this was after the Committee was seized, and no one advised him to do so before that time; and Christie did not. Heard of their apprehension on the 30th July; and his father and friends then advised him to go away; but this was relative to the assault. Heard whisperings of a Select Secret Committee, but not from an authentic source. Never was a *watch* at Houldsworth's when the new hands were passing Never saw SMITH or his WIFE there. Was not there with JAMES M'DONALD and JAMES KEITH, upon the forenoon of the day of Smith's murder, nor with with ROBERT PARK; and walked with none but ALEXANDER FERGUSON and ROBERT FERGUSON. Not south of Clyde that day. Was in Black Boy Tavern on 24th July, but did not there say, "That b———'s asleep now." Did not say so to ADAM DIXON, and did not see Dixon. The aliment he was to get on Monday was 1s. 6d.; but he has only got 1s. since: and got nothing in a dark room. Had no means but the aliment, and of course nothing to carry him to America. Never borrowed a pair of dark worsted gloves from CHRISTIE, and not on night of 9th July. Was in CHRISTIE'S that night. THOMAS LOCHRIE and JOHN ROXBURGH were with him. Did not return with gloves, and speak about them. Saturday of murder, was not in M'GUIRE'S along with THOMAS CAMPBELL, or any other person. When apprehended, 5s. upon him given him by his friends. DANIEL MONTGOMERY was with him in CHRISTIE'S on the Sunday in *Hospital Street.*

Witnesses for the Crown resumed.

HECTOR GAVIN.—Is an engraver, Edinburgh. Has turned his attention to the differences in handwriting, and has frequently been examined in courts of justice, as to comparisons and identity of handwritings. Is shewn judicial declarations, signed Richard M'Niel.

They are all the same signatures. Is shewn No. VIII. of inventory. It has the very same signature, and the whole paper is written by the same individual who signs M'Niel. Is now shewn No. XVII. It is in the handwriting of the signatures of the declarations, and of the body of No. VIII. Quite satisfied of this. Has had previously an opportunity of considering these deliberately. The handwriting of No. XVII. is not written with the same degree of freedom as No. VIII., but is in some way disguised; but not sufficiently to prevent witness being quite satisfied that both are written by the same individual. Is shewn Nos. IX., X., XI. Two of these are signed "Richard M'Niel." These two letters bear a considerable resemblance to the handwriting of the minute; but they seem more disguised. It must have been five or six weeks ago since witness saw them last. Only examined them once. There is a changing and an alteration in the handwriting of these; and the same remark applies to the third letter. Sees No. IV. It contains a long string of names in the handwriting of the minute or certificate VIII. Sees same handwriting on another page. Examines the first page, and continues onward. This page, and page 19, are evidently in the same handwriting—M'Niel's. There are other people's handwriting in the book, as well as M'Niel's.

Letters No. IX., X., XI., (pages 23, 24, 25, were here read.)

Hugh Wilson.—Is an engraver in Glasgow. Is shewn minute No. VIII. He has seen it before. Sees also the signatures to M'Niel's declarations. There are all in the same handwriting. Is shewn No. XVII. It is in the same handwriting. Is shewn No. IX. Never saw it before.

Thomas Clark, engraver, Edinburgh.—Is shewn minute, No. VIII. and the declarations of M'Niel. Has seen them before. The signatures to these declarations, Richard M'Niel, also a letter signed C. T., are all, in the opinion of witness, in the handwriting of the same person. Sees Nos. IX., X., XI. Has seen them before, but did not pay much attention to them, as his attention was more particularly directed to the letter of 20th June, and the minute. Attended particularly to the others. From what he did and does now observe, the whole bear a strong resemblance to the others he has sworn to.

Thomas Donaghey.—Has been a cotton-spinner for some years. About, or during the strike, went to the Mile-end Spinning Company, and was working there at reduced rates. Lodged in Reid Street with Mary Givan or Michan for a few weeks, while working there. Some of the Association asked witness civilly to desist; but he said he was not disposed. He was not threatened until the night of the attack, which was on the 30th June or 1st July. Went to bed betwixt nine and ten, P.M. Some time about midnight, Michan asked if he heard anything? She repeated, did he hear anything? He said no; and she said some stones were thrown in. He asked her the hour, and she said, a few minutes to twelve. Lay still, and then directly heard cheering in Dale Street. Before two, some people came to the door, and required witness to open. It was the voice of Thomas Riddle, who was a cotton-spinner, who had struck. He belonged to Hussey's. He called witness by name, desiring him to open. Witness listened

till the noise was repeated. Then he was threatened that, if he would not open, they would force the door open. Still made no answer; and the party without attempted and commenced to break open the door. Michan rose and desired them to go away; but they refused until they should see witness, and they continued beating, till they forced out a panel. Riddle put in his head and shoulders, and spoke some time, and then came in. The door was not opened to him, Michan held the door. Witness stood in the floor with a pistol in his hand, which he threatened to fire, if the party would not go away. Riddle was for going away, but some behind urged him on. Riddle asked again if he would desist working, and witness said, provided they would go away quietly, he, witness, would join in the strike at 8 o'clock in the morning. Riddle made witness give him his hand on this. Witness gave it. Riddle said, Now, say you will come out at 8 o'clock. Witness said he would. Riddle told him to say—" I declare to God;", and witness said it. They then went to the foot of the stairs, and turned, and said they would be in. Riddle then came in by the panel. The rest were behind; and, as they were to follow, the door was opened and all came in and demanded the pistol from witness, who hesitated a little; but, on their persisting, he gave it up to Riddle, and Riddle snapped it at the door, put it in his pocket, and carried it away. They wanted witness out, to treat him. Knew Richard M'Manus, and Thomson, and Nicolson to be of the party; heard also Thomas M'Caffle or Cohill outside. Knew them all, and they were all spinners who had struck. Heard M'Caffle cry to let him in, that he might tear the nob-b——'s guts out. Witness gave his hand through the panel of the door, on his knee. Witness went to his work next day, and has continued there since. Some of them were to lift hands on witness; but Thomson interfered in his behalf. They said something about their knowing that the matter would come out, and they would be transported, but this they did not care for.

Mrs Michan, Reid Street, Bridgeton.—The last witness was her lodger last summer. He was a spinner at Mile-end. On the last day of June at half-past eleven, the panes of her window were broke. After this, heard noise on street of voices. Party returned betwixt that hour and the morning. The party called for the *nob*, and to get into him. Witness rose, and kept the door fast as long as she could. Heavy noise, and at length a panel of door broken, and of partition, by which a brick fell, and injured the person of witness. A man came in by the pannel—Riddle, a neighbour. He told the nob to come off his mill at eight in the morning; and Donaghey agreed to do so. Saw him go down on his knees. Was in a state of alarm, and could not repeat words. Riddle came through the door, and the door was opened, and M'Manus and Thomson entered. Did not see M'Caffle. Donaghey had a pistol, which Riddle took. Donaghey removed next day, as witness was afraid to keep him, from fear of more danger.

James Wood, partner of the firm of F. Wood, & Co., cotton-spinners, St James' Street, Bridgeton, Glasgow.—The workers in that mill struck in April, and left it. About six weeks after that, fresh hands were taken into the mill. Observed Guards set on the mill, of

turn-out cotton-spinners. Sometimes from four to twelve persons watching the whole day. Two of the new hands left the work. Can't tell the reason. On the night of the 11th or 12th of July, after twelve, P.M., was to sleep in the parlour that night, when, just as he was going into bed, a canister, blazing at one end, was thrown in at the window. The window-blind stopped it, so that it did not get far into the room. Witness caught it before it fell to the ground, as it was impeded by the blind of the window. The flame issued from the top of it, out of the lid; lifted it, and threw it out at the window. Another canister was thrown while he was, instantly afterwards, fastening the shutters. It struck witness on the breast; it was blazing. He threw it out also, after crying from the window for assistance. Went out in half-an-hour afterwards. Found one of the canisters, Could not find the other. Identifies No. XXXVIII. as the canister. Gave it to Mr Salmond. It contained black paper. Heard no explosion from any of the canisters. Could not say if the canisters were full when he threw them out; but both were burning. The next morning, saw a change. There were no Guards; nor all that day. Guards were there the day before, as usual.

COUNSEL.—It was the night of the 12th.

CROWN.—It was a Wednesday.

THOMAS BLANE, clerk to F. Wood & Co.—Resides in the same street, and opposite the house of last witness. On Wednesday night, 12th July, witness was in his own house, and heard a noise of breaking of glass, and looked out and saw a light on the street, and another falling from Mr Wood's house. Heard Mr Wood's voice cry, Murder! and went down stairs. Assisted Mr Wood to search, and Mr Wood found a canister. Before going down, heard an explosion; it was of the one he saw dropping. On searching, he could not find the other cannister. The light, or combustible, of the one which exploded, scattered on the street.

JOHN FERGUSON.—Is a tinsmith at Stockwell Street, Glasgow. Remembers three persons, on the 12th of July, between 5 and 7 P. M., came to buy canisters. They seemed to be like workmen. They purchased four half-pound snuff tin cannisters. Identifies No. XXXVIII. as one of those canisters. Compared it with the only two he had left of the parcel of six, from which he sold the four. He tried the cover upon the other two, and they fitted exactly. Has not the least doubt that this is one of those sold. It had no hole in the top when sold. Has never seen the men since. There was no hole in the bottom when he sold it; hole!—no, it would not sell with a hole in it.

DONALD M'KINNON.—Is a clerk and warehouseman to Hussey & Sons, cotton-spinners, Bridgeton, Glasgow. Their factory spins the finer yarn. A strike took place among the spinners in April last, and Hussey's men left them. It is more difficult to take in new hands into such a mill where the work is finer. Hussey & Sons had a very large stock in hand at the time. They took in no new hands—spinners. The stock was kept in a large room called the yarn-room. There is another room called the waste-room, in which nothing is kept but waste, lying loose on the floor till packed up. In the yarn

room the yarn is put up in boxes—tea-boxes and soap-boxes. The boxes were put into rows on the floor during the strike—about a yard off the windows. Recollects of the window of that room being found broken one morning. During the afternoon of the day before everything was in its usual way. Locked up that yarn room about four o'clock, P.M.

[Here this witness fell down in an epileptic fit, and was carried out. It is said he is subject to this.]

GEORGE DARROCH.—Was porter at Hussey & Son's mill in May. About the latter end of that month, recollects of seeing in the morning some combustible matter in the yarn-room, near the yarns; it did not touch any of the boxes. It had come through, at least a window was broke. Found nothing else in the mill that morning. There was a stone in one end. Sees a thing very like it, No. XLI. Sees his name, which he signed at that time, on a label attached to it. It had a stone in the end, which it still has. It had a burned appearance, and strong smell of burning. Was shewn another that morning, which he understood was also found in the factory.

WILLIAM FINDLAYSON.—Is a clerk to Hussey & Sons, and was so in May. Shewn No XLI. Saw one of these two packets in a place where waste was lying. Took no note of the date. It was during the strike. Had visited the yarn-room first with Donald M'Kinnon, to be shewn one which he had said he had found in the yarn-room. Thinks Mr Hussey took the packets to Glasgow. The one witness found was about one and a half foot from the waste. If it had been on fire when it came, and had actually come into contact with the waste, it would have set it on fire. Waste is very inflammable. Never go there with a light. A pane of glass of the waste-room was broken, and another in the yarn-room. The matches were two yards and a half from the window. The window is twelve or fourteen feet from the ground. Witness generally shuts the work. These windows were entire, so far as he knew, when last in those rooms. Saw chips of glass lying about. The boxes were recently arranged in rows up and down, so as to pass easily through them. The combustibles would have reached them, before this alteration, more readily. The value of the yarn in that room might be £5000 at that time. The cotton waste would be worth £10. There is a door from the one room to the other. The proposed wages, as reduced, would have averaged £1, after paying the piecers. Before the reduction, they earned 25s., he thinks, weekly.

DAVID GRAY.—Is a cotton-spinner of the Adelphi mill, Hutchisontown, Glasgow. Entered there during the *strike*. Kean also entered there. Upon the 15th of June, two individuals, near South Wellington Place, came behind Kean and witness at the Adelphi, and knocked them down. Rose and called for assistance, and ran off, and were pursued, and witness made a sudden halt, and the parties passed him. Was knocked down again, then got assistance. When first attacked, the persons said, "We'll make you desert," or something like that. Ran to Hutchison Bridge. Got no assistance the second time. The persons went along and over the Bridge into Glasgow. There were a great number—witness thought, a band of cotton-spinners—about the

Bridge, who gave no assistance, but stopped witness, and asked what was wrong. Was thus prevented from following the assaulters across the bridge. On this occasion, got two blows on the ear. Was kicked while on the ground. Can't say that he was previously threatened by spinners. Saw spinners about Thomson's mill. Does not recollect of anything said to witness while leaving the mill in the evening. They might call names, such as *nobs*. Does not know the names of the two men who attacked him.

Edward Kean.—Was a cotton-spinner in Thomson's Mill while the spinners were on the strike; witness worked at the reduced wages. Knows David Gray, who was there at same time. While leaving the factory, saw bodies of spinners, and witness and others working were called names—nobs, and the like. Was attacked in June near South Wellington Place. Gray with him. Gray knocked down, and then also witness suddenly was knocked down by some one behind. Called murder. Looked up, and saw a tall man. He came running as if to give witness a kick, but was in such a state that he can't say whether he received the kick. Saw the person proceed towards Gray, who was running away. Witness' face was a little injured. Saw two men pursuing Gray, who was running, as witness thought, to the mills. Saw nothing more that happened to Gray.

William Fletcher is a cotton-piecer at the Adelphi Mill. Knows Gray and Kean. Saw them together approaching the Hutchistontown Bridge. Saw two spinners leave the body of spinners there, and follow Gray and Kean. Lifted Gray's cap, after seeing them struck by those two men. Saw one of them knocked down. Gray turned to get back, and one of the men turned twice to strike Gray. Gray made for the bridge, and so did the two men, and they got away. Gray got along the bridge to the opposite end, but was there stopped. Arthur came to his relief. The two men started from a crowd on the bridge.

Dr Corkindale, Glasgow.—Identifies Nos. XLI. Made a report on them. Reads his report, No. XL. (See page 30.) It is a true report.

John Farmer.—Is a cotton-spinner, Port-Dundas, Glasgow. Knows William Gordon, a spinner. Witness and he entered into Galbraith & Co.'s Oakbank Factory, together, last May. Nobody disturbed witness or the others at that time in passing in and out to the mill. Spinners were about the mill, as witness and others went out. The police were in attendance, to guard witness and others down the road a piece, till near the Phœnix Foundry, a full quarter of a mile. The crowd accompanied witness, &c., all that way. The police then went along a by-road, with some of the men who had to go in that direction, and then witness and Gordon were left by themselves near Cowcaddens Toll, and then the spinners threw stones at witness, and Gordon and he received blows from stones on the forehead, at the back of the ear, and on the back, and he bled, and then took refuge in a house, and then the watchmen escorted witness home. Next morning went to the police-office, to be conveyed again to the work and home, for two nights; and then the masters took lodgings for

witness and the others. Gordon was also struck with stones on the occasion mentioned. Did not look sufficiently to recognise assaulters. For two or three weeks there were always men watching in this way. Knew few of the men. Has seen John Parker and Daniel Montgomery acting there. Knows the prisoner M'Lean. Can't say he has seen him there, as he thinks. Knows Patrick M'Gowan, Robert Linton, and M'Kinnovan. All these were with the crowds, looking after witness and the others, by the Canal behind the mill. These men could see witness and others working. Those watching, (hundreds often,) some of them held up their fists, and some their thumbs, which was understood to mean the drawing of a trigger. Has been a cotton-spinner for many years. When working to Mr Houldsworth, an oath was put to witness in Smith's, Black Boy Close. James Gibb put the oath. This would be five or six years ago. The purport of that oath was, that he should leave Houldsworth's, as there was a strike there, and a dispute, and that he should be honest to the Association, which would prove true to him. Hugh Rae, R. Ayton, and Morison, were present, and others. Understood that Gibb was acting as one of the Committee in administering this oath. Was not, prior to this, a member of the Association, and never was so, farther than as to what took place that night. Can't say if he was a member after this; but they paid what they promised, and witness fulfilled his engagement. He got aliment, 12s. a-week, till it amounted to £21. Prior to that engagement, the Association had people at him every meal hour. He was solicited to go to the Black Boy Close, by Walter Moir and Hugh Rae; and he went in their company there.

Cross.—It is a public walk at the back of the factory.

William Gordon.—Is a cotton-spinner at Oakbank factory. Belonged to the Association, since he went on one occasion of a strike to Houldsworth's, and came out and joined the strike; and the reason was that he did not want to be beholden to solely one master in getting work. Was asked by Walter Morison and Hugh Rae out of the mill. This is about five years ago. They were spinners. They were in Dod's house in the Gallowgate. He was sworn there. Does not remember the terms. He was sworn, however, to be guided by a majority of the trade in lawful matters. Forget the words; but that was the principal portion of it. James Gibb administered the oath. Does not recollect whether the oath said anything as to what should happen, if he violated the oath, farther than the fact of violating it. There was a Bible before witness at this time. It was laid down on the table, and a portion of Scripture shewn witness; but does not remember what part it was. Placed his hand upon it. Thinks it was about the middle. There was a *word*. Could not be positive what the word was. The pass-word was *Ashdod*. There was a sign; but does not recollect it. Would not be positive whether there was another word. Never heard *Armageddon* used as a *word*. Does not recollect any other word. Could not be positive to say whether there was a sign by which the members might be known. Became a member that night. Morison, and Rae, and Gibb were present. Could not say positively as to others. Reason of joining was, that he wanted a fair chance at other

works, and other works would not give him anything but odd spinning. Mr Houldsworth had had a dispute with his men. Witness was at his work before being sworn in. The meaning of witness is, that he would not have been permitted by those of the Association to get into a mill to have fair work, as he must rely on others having a turn with him; and the members would not go out of turn. Entered at Oakbank factory in May last. New hands were taken in there. Had left it some time before—five years. Did not meet with ill treatment till the evening of the first day he went there—in May. John Farmer is a fellow-workman. When witness came out at the gate, a good number were about the mill—a crowd. Could not say he saw spinners. There were a few police to accompany witness and Farmer to Cowcaddens, and the mob threw fish-heads and stones at witness and companions. Could not say if cotton-spinners, or that he saw one among mob—boys and girls, and some men. They cried, hissed, and cheered at times. Called no particular names. Considered this was for going into the work.

By Court.—Was in Galloway for five years. Saw no spinners in the crowd with whom he had worked in former years. Did not see a man there that he could say was a cotton-spinner.

By Lord Advocate.—Was hurt. Took refuge in a public-house until relieved by police. Went to police-office next morning, and was accompanied by police to the mills. There were persons here and there. Heard they were guards, but could not tell what they were. Few such persons came in the morning. No language used that he heard. There was a great crowd the second night. No language used of a threatening nature to witness, or others, that he heard.

By Court.—Was at Factory when he understood the Sheriff was there, but did not see him. Did not hear of any outrage upon the mill, the day before, by persons breaking into it.

By Mr D. M'Neill.—Eleven pair of wheels now at Oakbank—there were thirteen.

Peter M'Donald being proposed to be introduced to swear to Letter No. XII., it was objected that the letter could not be received in evidence, merely on the evidence of the persons who found the documents in Hacket's house, without bringing forward other evidence to connect it with the prisoners or Hacket—such as the writer of it, M'Gowan.

The Court adjourned at ten o'clock, P.M.

Friday, 5th January 1838.

The Solicitor-General absent.

With reference to the objection taken last night, the prisoners' counsel requested the Court to read the evidence taken down as to the documents found in Hacket's house, and then tendered an objection that those documents were not proved.

Answered for the Crown.—*The evidence is not concluded.*

Hacket's declarations were then read.—(See p. 52.)

James Smart.—Is Superintendent of Police of Calton, Glasgow. Remembers the time of the apprehension of prisoners. Was with

Cunningham when Hacket's house was searched. This might be four or five days after they were apprehended. Not more. Some papers and letters were found. The letters were found in several parts of the house. Some in drawer of table; some in a drawer in a chest of drawers. These places were open. No other places that he recollects.

COURT.—Endeavour to recollect the date.

WITNESS.—Went to assist Mr Cunningham, Mr Nish's assistant. Quite certain it was close after the apprehension in the Black Boy Close. Thinks it was close about the time he heard of the apprehension of the cotton-spinners. Heard of the apprehension the same night, or next morning. Mrs Hacket and family were in the house when it was searched. The papers were all got in a room; not kitchen. House composed of room and kitchen. Cunningham one, but cannot say if another accompanied them. He was an officer. Thinks one of Mr Nish's men from the Sheriff's office. Has not seen the third person here.

LORD JUSTICE-CLERK.—Mr Smart, *that is not the way such searches should be made.* You did not go on that mission from idle curiosity, and I would recommend to you to be more particular in future upon such occasions.

Mr ROBERTSON resumed the objection. The document proposed to be read, No. XII., bears to be dated 10th July. I take it as tendered in evidence, not only on the point under proof at present, but of any part of the case. It is signed "Patrick M'Gowan"—having the post marks of Manchester and of Glasgow, 11th July. It is an open letter. Who M'Gowan is, whether he had anything to do with the Association or conspiracies, does not appear.

The LORD JUSTICE-CLERK referred Mr Robertson, from his notes, to passages where a M'Gowan, and a Patrick M'Gowan, has or have been referred to specially by witnesses.

Mr ROBERTSON.—Then all we have is the evidence of Moat and Farmer about this M'Gowan. There is no evidence whether this be either of the M'Gowans, or that the document is a genuine document. Now, all we have is, that *papers*—what papers?—were found in an open drawer, and searched for, and taken in such a slovenly manner that your Lordships were so struck with it that you animadverted upon it to the last witness. This is *not* the best evidence. Where is the third person who was present at the search, for instance? This won't do as evidence in a case of life and death. Whether it ever was in Hacket's possession is not established. There should have been a more effective fixing down of the document to the prisoners. (*Starkie*, 205.) It is nowhere set forth that this letter is one written by a cotton-spinner.

Mr SHAW STEWART.—The post-marks are evidence sufficient here that the letter passed through the post-office. But it is objected that the best evidence has not been produced. This is a charge of conspiracy to do many things; and, among others, to hire or employ to commit violence. Take the case of M'Manus, &c., invading a house and committing violence, which is proved;—that these parties absconded—were outlawed—and that aid was given to the wives of these absconding parties—that Riddle was ascertained to be in Man-

chester—that he was searched for and discovered there—and is now in custody, and indicted for trial. It is proved that the letter was found in Hacket's house ; that he was *Treasurer* of the Association is proved by his declaration. The letter is not addressed to his house, but to the *office* of the Association. Therefore, it is made out that there is sufficient evidence for having this letter identified with the Association. Then, that Hacket had received the letter—he does not *deny* that he received it ; all he says is that he does not recollect. It is said we must prove who Patrick M'Gowan is, and must have him produced. From the nature of the case, many parties are implicated in guilt ; but it is not to be expected these could be brought here. On page 11 of the indictment, Patrick M'Gowan is specially mentioned. (See charge 2d, page 13.) If that Patrick M'Gowan be the writer of the letter, from his implication in guilt, we are not bound to produce him. But the letter must be in the hands of the Court, that they may judge whether it can be evidence or not, by reference to its bearing and its reference to the Committee. There is an additional evidence in letter No. XI., dated 28th May 1837. "What has become of the £40 that *Patrick* mentioned?" (P. 24.) Again, in a P.S. to that letter, there is—"Compliments to Mr *M'Gowan*."

Mr Robertson.—But Patrick wants M'Gowan, and M'Gowan wants Patrick.

Mr Shaw Stewart.—The letter refers to a previous communication from *Patrick*, and at *Manchester*.

Lord Cockburn.—Have you, or can you have, any evidence that the letter was written by any particular Patrick M'Gowan?

Mr Shaw Stewart.—No. The letter refers directly to the business of the Association. We are entitled to have the letter laid before the Jury as to the latitude given to the character of the proceedings. This is authorized by a passage in Hume.—(*Hume*, II., 396, and *Alison*, II., 612.) Watson's case there mentioned touches the point to which particular attention is requested. Hardie's case referred to by Mr Robertson is a different case. Reference is made to Thelwall's letter. That was not an authorized act, nor connected with the conspirators: but the present letter is brought home to them, or to their conspiracy.

The Lord Advocate.—The point is, the admissibility of this as evidence *at all ;* but this is a question of *degree*. It is for the Court, on reading the letter, to say whether it contains matter to throw discredit upon it, and the prisoner has had full time to prepare to throw discredit on it. (*Starkie's Law of Evidence*, II., p. 235.) The letter may be sufficient to a certain extent, though not evidence to the full extent; it is evidence as to the proceedings which were going on. (See *Starkie's Law of Evidence*, II., p. 235–6, as to Margarot's correspondence.) The question is, whether the letter be an act in the prosecution of the conspiracy, by one conspirator to another. Distinctions all turn on this point. (*Downie & Watt's Trial*, 1794.)

The Solicitor-General came into Court.—He referred to a case which is mentioned in *Starkie*, 236.

Mr D. M'Neill.—There is no evidence that this Patrick M'Gowan was a member, or that the letter is written by a member of the

Association. (*Starkie*, 140 and 613.) In Watson's case, evidence was led, that no one had entered the lodgings after the apprehension, and prior to the search. It is merely alleged here, on this point, that the prisoner has led no evidence to disconnect himself with the letter; but the answer is plain—that, up to this stage, the prisoner could prove nothing. It is only after the prosecutor's case is completed, that the prisoners begin their case with evidence. Refer to the specialty in case mentioned, *Starkie*, II., 234, that no one *could* have access but the prisoner himself, to the place in his lodgings where the document lay. Then as to the letter having ever come through the post-office, the date is important of the post-mark; but on this point look to the authorities. (*Starkie*, p. 660, also p. 446; the King *v.* Johnston—*Note.*) The post-mark is, at most, *prima facie* evidence of the stamping. But here we have no evidence of the stamping; and what stampings are they? Papers were found and taken possession of at Black Boy Close, to which this letter was addressed. It is not proved *how many* letters were found there. Then, several days afterwards, this letter, which was directed to Black Boy Close, is found in Hacket's house. But who put it there? The letter must be traced in order to have it received. See Lord William Russell's case. The present letter is not proved to have emanated from a conspiracy. Again, although the word *conspiracy* has found its way into this case, it is not a case of such nature as to warrant the application of the law and authorities in cases of conspiracy properly so called. (See *Burnet's Criminal Law*—Muir's Case, 4th January 1793.) In Skirving's case, the letter was a letter of a member of the Convention; and it came out in a cross-examination of the prisoner that a letter was taken from his pocket. In Gerrald's case, a copy of a newspaper, but *authorized by the Association*, was produced without objection. But that is not the case here. M'Gowan was *not* authorized. The *Patrick* mentioned in the letter which has been referred to, may be Patrick Robertson; and it is not to be presumed that the *Mr* M'Gowan in the postscript can be the same; the presumption is otherwise.

The Judges consulted together.

Lord Mackenzie did not think the letter wholly inadmissible; and what degree of effect was to be given was another matter. There is *prima facie* evidence that the letter was found in Hacket's custody—that is, in the house occupied by him. The address, the post-mark, and other circumstances, raise a most reasonable belief that the letter was received by Hacket. This letter, directed to the treasurer, and containing the matter it does, relative to the private affairs of this conspiracy, bearing in its tenor to be by a person connected with the conspiracy, is an important adminicle as to the character of the Associates. There is a distinction between this and the point we have formerly decided in this case, upon *hearsay* evidence.

Lord Moncrieff considered it satisfactory that such a point should be decided; but agreed with Lord Mackenzie. It cannot be assumed that this is *the* letter of *M'Gowan;* but it is one purporting to be written by a person employed in the business of the Association, addressed to the *Treasurer*, on cash matters, at the Black Boy Tavern, and finds its way into Hacket's house, and into his repositories; and

we are bound to consider the contents, and say whether this letter shall go to the Jury or not, according to the common-sense view of the case, and as Hacket, in his declaration, gives no denial and expresses no surprise.

Lord Cockburn was of opinion, under the whole circumstances, that Hacket received the letter. As a juryman, he would hold that Hacket received the letter. But the letter is not traced to a conspirator as the writer. In all the cases mentioned, the difficulty was always that the letter was not offered as a *thing*, as it is here; but that it was the letter of conspirators. Here, by reading the letter, we see that this is a letter having distinct reference to the Association. I look at the letter just as one of the boxes or other things put in in evidence yesterday, affecting the prisoners or their Association and its proceedings. Look at the letter as an anonymous letter, or as a placard.

Lord Justice-Clerk concurred with their Lordships.—If the question had been raised at the outset of the trial, and before the evidence that has already been led in this case, the case might have been different; but after so much evidence on the proceedings and character of this Association, it must be received. Hold the letter to be anonymous, it is of consequence—it is a document which cannot be withheld from the Jury.—*Objection repelled.*

The letter was then read. (Inventory, No. XII., p. 24.)

David Fleming.—Is a criminal officer in the Glasgow Police Establishment. Knows the Oakbank Factory. Recollects the strike. Was sent to that factory when new hands were taken in there. Six criminal officers, besides day-policemen, composing a force of sixteen or seventeen, to protect the new hands. The greatest force of crowd was between the mills and Cowcaddens. Crowd composed of workmen employed in in-door labour—manufacturers. When the mill was closing for the evening, the crowd was greatest. Upon the road, coming down Ann Street, saw a number of persons, one night, coming towards the toll at Cowcaddens. Crowd running towards the toll or Gushet House. Two had taken refuge; one, Farmer, was bleeding, the other, Gordon, appeared also hurt, and witness has seen them both in attendance. Rescued them, and sent for additional force, and conveyed them to police office. Thinks this was about the 10th or 11th May. It strikes him that a portion of the mill was opened that day with new hands. A portion of police were then stationed for several days for their protection.

James Smart recalled.—My district is the Calton. There are numerous factories there. I know the factory of the Mile-end Spinning Company. Remember the strike. My attention was directed on 15th May to the gates being opened for new hands. Application was made to me for force. I stationed ten policemen on the 15th. I instructed them not to interfere unless the workers were molested in passing to or from their work. I was often there myself. On the 15th I found a great crowd, and that the force I had sent was insufficient for keeping the place in proper order, and therefore I doubled it. The new hands got their victuals brought to them in the factory, which was surrounded by thousands of people, generally the workers

of factories of that description. Knew a great number of them personally, as persons who had struck work. Towards evening, the crowd increased considerably. We, the police, escorted the workers home. A number of the crowd behaved very badly, pushing against the police and the persons they were conveying; and hooting and hissing took place. Next day crowd assembled in greater numbers at the Mile-end work. A police force was there the whole day. Escorted the spinners home that night too. Large crowd followed, coming from Park Lane. The police were likely to be beat altogether in a very short time. Apprehended Keddie, who was one of the most forward, and took him to the office. I caused the Magistrates' proclamation, issued some time before, to be posted up in our district. Mob continued daily till the 22d, when Keddie was brought to trial. We had meantime apprehended several others. Young, Stevenson, M'Bride, Connel, M'Luskie, M'Elwell, Buchanan, and Johnston, were apprehended. I don't remember Lynch. Was at Keddie's trial. He was found guilty. I recollect what took place. Mr Gemmel interfered, and sentence was postponed, and no more disturbance took place there for some time.

Sheriff Alison stated, with reference to this witness not examining Hacket's house more particularly, that this matter was entrusted to the sheriff officer; and that he considered it right to mention that this witness holds a high professional character.

Lord Justice-Clerk.—The Court sees this from his answers now made; but the circumstance was a remarkable one. The explanation is satisfactory.

George Jeffrey.—I am Superintendent of the Gorbals Police, Glasgow. I remember the strike in April. My assistance, as a peace officer, was required in protecting the new hands. About 8th May, it was reported to me that the new men of the Adelphi mill were annoyed. Went and found men apparently stationed to watch the Adelphi and other two mills. Seeing these Guards, I took measures to have men ready in case of actual violence; instructing my men not to interfere otherwise. I examined day and night. Saw a constant systematic change of the Guards take place, attended by a crowd of men, women, and children—the men appeared to be cotton-spinners; and I knew some of them to be so. The changes which took place were among these spinners, some of whom I knew. This continued for some weeks. Several assaults took place; but these happened to be beyond my jurisdiction. I remember the investigation into Gray and Kean's case.

Margaret Lochrie or Smith.—I am the widow of John Smith, who was a cotton-spinner. I don't know the exact date of his death. He was in the employment of Houldsworth & Co., spinners, Anderston. Resided in Houldsworth's Land, or Barracks, Cheapside Street. Know there was a strike of the spinners in April. My husband worked in Houldsworth's after the strike. I remember going with my husband to the market on a Saturday night in Clyde Street. Cheapside is not so full of shops as other streets. We always—very often—went to Clyde Street to make market. It was crying eleven when we went into Washington Street and into a shop there, which is near Clyde

Street. Then we went into a flesher's about the end of Clyde Street, along the Anderston Walk. After being in these shops, went into John Bain's shop in Clyde Street. This would be a quarter or twenty minutes past eleven, or perhaps rather more. After leaving Bain's, had to go down by the foot of Clyde Street, intending to go home by the Broomielaw. Went down the street. I know Mrs Cross's shop. We passed that, and then my husband was shot. I was by his side, walking together. The shot came from behind our backs. Husband fell forward. I looked round, but I was started by the report, and my senses almost forsook me from agitation—only I saw four persons. I could not call them men, more than that they were bodies. They were behind—dark bodies. I stooped to lift up my husband by the arm. I did not know where the persons went. The persons did not come to my assistance. I don't know in what direction they went. When I rose, I did not remember to look after the persons, and the first apparently who came to my assistance was a man from the bottom of the street. I had screamed out murder two or three times. By the time that man reached, more persons were round me. I do not know any one of the persons who came to my assistance. When my husband was lifted, I went up the street before them. He was carried to the doctor's shop at the head of Clyde Street. He was afterwards taken in a coach to the Infirmary. I did not examine his body in the shop—the doctor did not allow me. I was with my husband in the Infirmary when he departed (died.) When we left Cheapside, went up Clyde Street, round by head of Clyde Street. Went round Washington Street. When my husband came to himself, he said he was shot. He said nothing then to me about the cause; I supposed it was for working; he was what is called a *nob*. He had not expressed any fears of injury before that. I remember men passing as Guards about Houldsworth's. I was not much acquainted with any of the Guards. I do not think I could name one of them. I see M'Lean standing up. I think I have seen him passing and repassing the street like another man. It was a face, I thought, when I saw him in Bridewell, that I had seen before; and I thought this might be about the time when the Guards were at Houldsworth's Mill. The man I now see is the same man I saw in Bridewell. Houldsworth's Barracks are close to the mill.

Lord Justice-Clerk.—In the course of your shopping that night, did you see any persons?

Witness.—We passed persons, and saw three at the head of Clyde Street, and knew two of them, a boy, Arthur M'Grady—the other had just come from Spain—I do not know his name; the third I did not know. No persons spoke to us. I took no particular notice. Fifty people might be passing and repassing, and this was so in the different streets. Had no observation of any one that appeared to be following us. No one spoke. My husband came home past ten. The police were calling the hour. We went out then together, and were at Clyde Street when eleven was calling by the policeman coming down, and we were going up.

By Mr Robertson.—Do not know how far past Cross' shop we had passed—a little bit. The spot was opposite factory. There is

an open space—a gable—on one side. I pointed out the spot to two or three different gentlemen.

PETER M'QUISTON.—Is a land-surveyor in Glasgow. I made a plan; it is correct. (Copies were handed to the Court and to the Jury. (See XLIV., page 31.) I see Clyde Street. E E are woodyards, right hand going down; F is a church; G is the shop of Cross, at the corner; N, opposite, is the shop of John Bayne; K, I, and H, opposite, are shops; K is Cotton's shop; I is the shop of John Shaw; H of Henry Birrel. On the opposite side, near bottom of street, A, candle-shop of Boyd; C, shop of W. Stewart, formerly the shop of Bernard O'Donnell; D is shop of Arch. Willison. There are a number of through-going closes from Clyde Street into Piccadilly Street. Above the yards, there is a black spot, where there is a through-going close; and above, there is another, both into a court, and thence to Piccadilly Street. Below H, there is another entire division, and passage from that into Piccadilly Street. Going upwards, there are several other such communications between Piccadilly Street and Clyde Street. In Piccadilly Street, there is unbuilt ground, and at R. R., there is a communication from Piccadilly Street into Cheapside Street. Houldsworth's barracks look into that street. They are marked P. P. P.; and the mill is marked O. Piccadilly and Cheapside are retired streets—not entirely built. The distance between the top or bottom of Clyde Street, and the Salt Market, does not appear from the plan—but is fully one mile. Don't know the length of Salt Market; suppose a quarter of a mile.

Cross-examined by Mr ROBERTSON—I measured distance between Cameron's shop in the Saltmarket, and spot marked A on plan, and Clyde Street. I paced it—it is one mile and 192 yards. That is by the nearest way. I paced the distance from M'Ilwraith's shop in Bridgegate Street, to the same point A; by the nearest way, the distance is 1712 yards. The nearest way is by Miller's Place, King Street; along it, to Bridgegate Street; along it, to Stockwell Street; along it and Clyde, to foot of Clyde Street, and up Clyde Street, to point A. Another way, going down Saltmarket, and along Clyde the whole way. This would be a little longer. Third route is by Princes' Street and along Argyle Street; the second route might be a difference of 20 yards. The third way would be a difference of a quarter of a mile. The distance between the Gallowgate to A, by the nearest route, think a mile and a quarter, or a mile and a half. Distance from A to Barrowfield, nearly three miles. A is the spot where I was told by Mrs Smith the murder was committed. Washington Street has no through-going close to Clyde Street.

LORD JUSTICE-CLERK.—This looks as if a defence of *alibi* is to be set up, and the defence should have been put in to that effect. I do not know what the prosecutor knows; but neither the Court nor Jury have heard anything of a special defence. It should have been read at the outset of the case.

The defences were here read, as follows:—

DEFENCES.

The defenders are not guilty of any of the charges contained in the libel.

SPECIAL DEFENCE.

The prosecutor has not specified the precise hour at which the alleged murder of Smith is said to have been committed. None of the defenders were at the alleged *locus delicti* (place of murder) at the time of the alleged murder. During the whole, or the greater part of the night of the 22d July, 1837, the defender, Hunter, was in the houses or shops of Robert Johnston, and —— M'Arthur, at or near Barrowfield Toll, or in the vicinity thereof; the defender, M'Lean, was in the public houses of Angus Cameron in Saltmarket, and —— M'Ilwraith, in Bridge Street, Glasgow, or in the vicinity of these places; and the other defenders were in the tavern of William Smith in Gallowgate Street, or in the vicinity thereof.

Signed by the PRISONERS' COUNSEL.

Dr PAGAN.—I am one of the medical officers of the Glasgow Infirmary. I remember John Smith, a patient, coming to the Infirmary early on Sunday morning, 23d July, shot in the back and in right arm. Every attention was paid him. He died on Tuesday morning. Made a *post mortem* examination of the body. (Reads it—See No. XXXV., page 29.) A bullet had passed through Smith's spine. Have no doubt the flattened ball shewn is the one I took from the body. I got other from Mr Salmond. I weighed them all. The two I got from Mr Salmond were within a few grains of the weight of the other. I understand that bullets lose a little in weight by firing them; difference, I think, was five grains.

John Smith's declaration was here read. (See No. XXXIII., p. 28.)

ROBERT CHRISTIE was sworn, and warned that the law would give him full protection, if he told the truth. Was a spirit-dealer in the Gallowgate of Glasgow. Joined nine years come February next. Swore to support the Association in all respects, and to keep secrecy, and not to reveal where I was sworn. I was sworn in Hutchisontown. Left my employment three weeks before the strike, but had been keeping a public house besides for three years in Hutchisontown. Keep a Public still. Had one also at one time in the Gallowgate. Took it up some little time after the strike—three weeks after the term day. Closed it five days or so after the murder of Smith. I know M'Lean, and also M'Niel. I have known them some time. I have known M'Niel shortest—M'Lean for three years. He was often about my house in Gallowgate. Do not know the other prisoners—Hunter, Hacket, and Gibb—so long, nor so well, until of late. I know Mr Thomson's Adelphi spinning mill. I recollect the night that Smith was murdered. Before that, M'Lean was in the habit of frequenting my house—not long before. I remember a conversation shortly before, in my house, with M'Lean, about Arthur, the Adelphi manager. The strike, at that time, had lasted a good while. On the night of the conversation, M'Lean came into my shop, and said he

was going an errand to the other side of the water. I said, if he would wait, I was going to close my shop in a few minutes, and I would accompany him. It was late. I did so. He waited, I closed, and we went on together. Before we reached St Andrew's Square, he spoke to me several times concerning Mr Arthur. I did not understand at first what he meant; but, when we came the length of St Andrew's Square, he said he was going direct across the water to *death* Mr Arthur. I trembled when I heard the words he expressed, and I began to flatter him, and put him off the notion. He said he was determined to do so, and he gave a wee bit stagger to aside, and put his hand in his pocket, and said, "It is here that will do him." It was his coat pocket. I still continued to coax him, and put him off doing this, but he still persisted, and said he would be damned but he would. No more passed concerning Arthur till we reached the English Church, which was in our road, and near to Glasgow Green. When we reached the church, M'Lean was making an awful noise about Arthur, and I put my hand on his mouth purposely, to prevent him speaking so loud; and told him if he would not speak lower, the people might hear. I told him to stop speaking altogether —the people passing would take notice, and I was afraid of danger; but M'Lean damned himself there was no fear—meaning thereby, of people hearing him. He still continued speaking of Arthur on our way going home. When we reached the bridge—about the middle of it—he put his hand again to his coat pocket, and said, "I'm damned, but it's here I will do the b——!" He told me, also, that there were three chums who were to meet him at the other end of the bridge, and he named two of them—one, James M'Donald; and the other, James Keith. When he came to the end of the bridge, I was going away, and he made for the foot of Crown Street. When he went to the foot of the street, he returned, and swore he would be damned—or some other oath—that they were not there; and he ran forward to me and said, "I'm damned but I'll do him myself!" When I heard the expression, I repeated some flattery and coaxing, but he seemed not to mind. When I saw him so anxious about Arthur, I asked him if he knew where Arthur was that night, and he answered, that he knew damned well where he was. I coaxed him to turn, and I was trembling. I coaxed him to go home. I advised him to turn, but he would not mind me. At this time we were near the foot of the street. I advised him terribly, for I thought it my duty. He then asked the loan of sixpence, but I declined; however, I gave him some coppers, and said, if he would go home, like a good man, and reflect in the morning, he would be pleased that he had not committed such an action. I saw that I had rather persuaded him, and he promised to go home; and I said that I would not leave him till he would promise faithfully to go home. He was turning to go home, and I was not contented, but asked his hand, and he said, "I'll give you my hand, Bob;" and he did it. I held his hand, and told him to go straight home. He promised, and he went away, and I stood, and, after he was a few yards distant, I cried after him to be sure. I did not see him any more till after the murder of Smith. When he put his hand at his pocket and

staggered, I saw the butt end of a pistol, as I thought. He had got a good glass of spirits. He was elevated. He was walking straight by the time we parted. He knew what he was saying perfectly well. He impressed me by his earnestness, that he really intended to do what he said, and I did not think they were the mere ravings of a drunk man. I saw M'Lean next on the Tuesday following Smith's murder, in so far as I think. This conversation was on the Wednesday or Thursday preceding the murder, which was a Saturday. On Tuesday morning, the first of my hearing of him, was that I understood he was in M'Quire's, as M'Quire had come into my shop. M'Lean came into my shop about half-past 7 o'clock, A.M., or between that and 8 o'clock. We had some few words of conversation, and asked me what Edward M'Quire had been saying to me about the debt that he, M'Lean, owed me. He was in my debt at this time. I told him that M'Quire had told me that he, M'Lean, had been telling M'Quire that he would be damned if he would pay me more than 10s. or 12s. M'Lean said—"You need not be afraid of the debt. Don't you know what Edward M'Quire is?" I said I knew nothing about the man, but M'Quire was wanting to purchase the debt; and that he had offered 10s. in full for it, but the debt was 25s.; but I said to M'Lean that I had said to M'Quire, that I would rather take my own risk of my debt, and he M'Lean said, "You will get all your debt, every fraction;" and he said, "For you know that the Committee is never dishonourable in these debts." He said he was going up that day to get some money from the Committee, and that he would pay me 10s. of the debt, and I might go to the Committee at any time and get the rest. He then left the shop.

COURT.—What Committee?

I suspected, at the time, that the Secret Select Committee was what he meant, at Black Boy Close. I was aware that there was such a Committee then in existence among the cotton-spinners. This was quite well known. Prior to this, at my own shop door, before Smith's murder, it was commonly mentioned by spinners at my door, that nothing was done yet. M'Lean came over to my other shop in Hutchisontown, on a Sunday evening. I saw him. Other four were with him. One of them, Daniel Montgomerie, called me to the back door, and asked me for something, and he said he would send out Willie, meaning M'Lean. M'Lean came out, and asked me for a pair of dark gloves. This was in a back green. I agreed to give him a pair. I got him a pair, and asked what he was to do with them, and he answered, "Oh, naething." They sat till it was pretty late. I went into them, and told them it was getting to 12 o'clock, and that they must go away, and M'Lean had his head on the table, and Montgomerie told him to come away, and then M'Lean put his hands to his coat pockets, and said "All's right." They were going out at the back door, and M'Lean turned and asked if I had heard of anything, and I said, "No," and he said they were watching for Arthur for two or three nights back. He brought the gloves back on the Tuesday before Smith's murder, and said that they had been at a certain house, but was directed to the wrong door, and that

they had put their shoulders to the door, and driven in the panels, and went in, and that the wife was on her knees, with her arms round her husband's neck, praying for mercy, and the woman said to the three individuals, for the love of God not to meddle her husband; and the husband spoke out and said, they were directed to the wrong house, but to go away, and there would be no more of it, and the panels would be sorted; and he said, "No wonder that she said so, to see three awful-like ruffians like us go in upon her." On the Tuesday after the murder, at my shop in the Gallowgate, I saw him for the second time of that day, about 11 o'clock. He came in and asked for some spirits, along with Thomas Campbell and the same Montgomerie, cotton-spinners. M'Lean remained in the shop outside, and the two went in, and then he said, "I've made one b—— sleep." I said, "O William, what's that you are saying?" And he pointed to a placard on the opposite side of the street; and I said, "Yes. It's an offer of £50 of a reward;" and he said, "No; it's £500;" and I took him by the breast, and told him to make his escape as quick as possible; "for," says I, "you will be apprehended." He turned and said, "*There's nae down.* They are awa after another man at Liverpool" —meaning the suspicion was not on himself. He asked for a light to his pipe; and I told him to go to next close, up the back stair—he would find a light there. When he was going out, he put his hand in his pocket, and then held out his hand, saying, "There's the wee paw that did the trick." I asked him if any person saw him do it; and he answered, that "He took damned good care of that." He also formally put himself into a position of firing a pistol; and did thus, (shewing;) and then M'Lean just said—"*He walked off.*" I asked, if he ran away; and he answered, "No; I just ran across the street." He got a light, and then joined the company. He was in and out of my shop two or three times besides that. One time he came in with James Keith, to the best of my knowledge, and the other was the same Montgomerie. That day, in the afternoon, M'Lean came in alone, and said he had done one b——, and he would do some more of them; and said he had done Miller in Lancefield, when no other person would take it in hand. That person was a spinning-master; and that he got £50 or £100 of a reward for it. I think that he referred to Miller getting a terrible beating. "I wish to God," he said, "that there were three days of darkness, that I might do all the b——s!" You would know that he had been drinking. He spoke a great deal of foolish talk. He was sleeping upon the seats in the back room sometimes. On Wednesday, next day, I saw him in the fore part of the day. I had some conversation with him. M'Donald, I think James, and another were with him. They began to speak of going to America, and M'Lean said he was going, and I asked if he was prepared, and he said "All *that* has been sorted for me." When he was going out, he said "The Committee have supplied me with them things." Before he left the room, I said that I had friends in America, and they wished me to go; I said I should like to go, and he said—"Let who will go, I must go," and he nodded his head; and he spoke about going with Hamilton Brothers, and was to be second steward on the passage.

After this, on the same day, I saw him and some others again in my shop. They had some spirits, and he told me that it was to go down to the old account, and I was not to be afraid of it. He meant the Committee account. He tasted the spirits. There were three or four with him; he was in the room, and his (M'Lean's) head was resting on his hands on the table, and one of the lads said he, M'Lean, should be away—it was a wonder he was not away. I don't know these persons. They were spinners. I did not see him after Wednesday. The last time I saw him was late that afternoon. On the same occasion, one of the lads came out and said, "Bob, I heard that Smith was dead yesterday"—I said, "Oh, is he?" and he said, "Yes, I heard so yesterday;" and he returned to the room. M'Lean came out and was going to speak, but people being in the shop, I pushed M'Lean back into the room. When the strangers went away, M'Lean told me that Smith had been questioned by Houldsworth and Salmond, who asked Smith if he knew who had done the deed, and that Smith had answered no. He swore an oath, and said, "Little did they think I did it." He went away, and afterwards I heard of his apprehension. He rarely had any money. Once I saw him with money. I gave him credit to the account of the Committee. He was often with the Committee, and they all frequented my house. I went to the Committee rooms on Wednesday, and not when he bade me on Thursday. He told me to call for Hacket, and if not him to see M'Niel. I went and asked for M'Niel. I saw him, the prisoner. He came out, and I told him I wanted a little debt paid—£1 : 5s.; wholly contracted by M'Lean and his associates. M'Niel said he could not pay it at all, as M'Lean was contracting too much upon the Committee. M'Niel bade me stay a minute until he should return to the rooms. I stayed; but lost patience, as my shop was not sufficiently attended to. I made some communication to James Tod, to the best of my knowledge, on Tuesday night after Smith's murder. I went to Mr Salmond's, and was examined, and let go. The second time I was kept in safety.

By the COURT.—I did not tell Mr Salmond all the story I have now told.

Cross-examined by Mr ROBERTSON.—When I was away, I was visiting friends in London. When I said to M'Lean I would like to go to America, I had no serious intentions. About a fortnight before that, I had serious intentions. I had abandoned my resolution during the intervening period. I cannot give any reason. I said to M'Lean that I was wishing many times to go. I gave up the shop on the Wednesday night after the murder of Smith. I had formed my intention of giving up my shop a fortnight or so before the murder. I lived in Hospital Street, and had then a shop there. I have a wife and family. On the night I walked with M'Lean along the bridge, after closing my shop, there were no persons with us. A great many persons on the streets. When we came to the English Church, he made great noise. Know no reason for M'Lean's communications; but that he was coming about my shop. Did not mention the conversation with M'Lean to any one but my wife, and I only mentioned the murder of Smith. I do not remember whether I mentioned the Bridge conversation to my wife or not. It was a Sunday night the gloves were borrowed—

the Sunday before Smith's murder. I did not know the object. They were black worsted gloves. John or Robert Osburn was with M'Lean on that Sunday—one John Brown, Montgomerie, and Thomas Campbell. I do not remember Lochrie. There were only four and M'Lean, so far as I recollect. No one heard the conversation about the gloves. I had been in the room. First Montgomerie asked a pair of mits, in a clandestine kind of way, and I asked for an explanation; and he said, "Oh, you are not up!" and he said, "I'll send out Willie." This was at the back door. Willie said—"It's gloves;" and I said I would get him a pair, and he went in, and I went to my goodmother's, Mrs M'Kenzie, second close above. I got them from her. They were men's gloves. I asked them first from my wife. I did not know whether she had them. I thought my mother-in-law might have a pair of her deceased husband's. I returned, and gave them to him at the back door. I asked him out of the room. I was to give him them at the door of the room, but he pushed out at the back-door. After he got the gloves, I suspected something wrong. My wife suspected this too. On that Sunday evening, they had eight or nine gills among the five—they were drunk. They were quite sober-like when I came into the house. M'Lean lay with his head on the table, apparently asleep, after he had got the gloves. Either Monday or Tuesday after he got them, he returned them to me at the Gallowgate shop. Daniel Montgomerie was present at this time. It was at this time he told me about breaking the panel of the door, and the woman on her knees. This was in the shop. The room is to the left. He was behind Montgomerie, who was going out. He told me a part of it in the room, and part in the shop. Montgomerie and he came into the shop together. He gave me the gloves over the table in the room. I cannot say how long they were in the shop at that time. They were in my premises about twenty, or twenty-five minutes altogether. I went into the room. No one was in the shop that I remember, when I went into the room. Can't say if the room door was shut at all. The gloves were given in presence of Montgomerie. M'Lean spoke as they both came from the room to the shop—Montgomerie first. Can't say how far M'Lean had gone on with his story before they came to the shop. Montgomerie made no remark. I understood him to mean Montgomerie, as he was present; and supposed Campbell to be the other "ruffian" alluded to by M'Lean. Can't say Montgomerie heard. He was near. Don't say he is deaf. He might have heard. He did not make answer. I never measured the room. M'Lean spoke low and slow. Did he swear low? He swore rather slow, and was speaking low. He spoke in the room, near the window—all sat beside one another—pretty close—near the window.

Mr Robertson.—Have you any doubt *now*, sir, that Montgomerie heard all this conversation?

Witness.—I don't know if he heard it all. I cannot say how long I was in the room—twenty minutes, perhaps. I could see into the shop. I don't remember whether the door was wholly shut. There is a partition. I sat facing the lads on the opposite side of the table. M'Lean was nearest to the door. There are two rooms besides

the shop. The one the lads were in was to the left. The window looks into the Gallowgate. The shop door opens also to the Gallowgate. When M'Lean told all that passed, it could be known he was drinking. What I told M'Lean that M'Quire had said, was true. There was no person with M'Lean when he first told me about the shooting. It was eleven o'clock. It could be known he had some liquor. No one heard that conversation. No person was coming or going while M'Lean was telling me. The shop door was open. He never told me anything as to Smith in presence of any one—not of Montgomerie. The last thing was when he was coming into the shop in the afternoon. One of the foolish things that M'Lean said, which I alluded to, was the days of darkness. I did not pay attention to any of the foolish things. One was—" I've done for the b——."

Mr Robertson.—You told us that before. Tell me the foolish things that he said, besides what you told us before.

[The witness, in answer, two or three times proceeded with some part of the statement already given.]

Mr Robertson.—I want the foolish things.

Witness.—About doing for the b——?

Mr Robertson.—Was that one of the foolish things? [A pause.]

Witness.—I don't particularly mind. I did not heed.

Mr Robertson.—Give me the foolish things apart from what you have told us. I ask you, for the third time, what were the foolish things?

Witness.—I disremember them.

Mr Robertson.—Do you remember any expression he used?

Witness.—Yes. On Tuesday, after he said he had done the trick, or——

Mr Robertson.—That you told us.

Court.—Do you remember anything besides what you have told us. [A pause.]

Mr Robertson.—What led to all this conversation?

Witness.—It was concerning the crimes he had been committing.

Mr Robertson.—It was concerning the crimes he had been committing! Did you ever hear that there was any reward offered for the person who would give information and evidence as to the murder of Smith?

Witness.—Yes, I did, that Tuesday when M'Lean let me see it placarded on the wall opposite. After he told me, I read it. I only saw one to my knowledge. I heard of another, but not till after I came back from London. I disremember where I first heard it. I gave information first about all this, after I was in prison. I believe I was in perfect safety in London.

Mr Robertson.—Being in perfect safety in London, why did you not give information to the authorities there?

Witness.—I cannot give an implicit answer to that; one thing is clear, that it might be a bad job for me, and would do me evil again.

Solicitor-General.—Were you examined more than once in pre-

sence of the Sheriff, before you made the disclosures you have now sworn to?

WITNESS.—I was examined six or seven times before the Sheriff, before I told all I have now disclosed. I was reluctant, knowing that I was under an oath not to reveal anything about the Association, and knowing that many individuals had been shot at and burnt with vitriol by that Association. It was a scrupulous fear of my oath, and of that danger, which made me keep silence to the Sheriff until I became persuaded, by strong assurance of the sheriff, of protection and safety. I did not tell, though it was a right thing to disclose a murder, until that I saw I was in safety; and I did not refuse to speak out, because M'Lean's statements had left any doubt upon my mind of the truth of what he had told me. It was the breaking of the oath and the fear. To the best of my knowledge, M'Lean had a green coat, moleskin or fustian trowsers, and a black hat.

By LORD MONCRIEFF.—I left my wife and children in Glasgow while I was in London.

LORD JUSTICE-CLERK, after impressing the witness with his situation as on oath, asked—Are the statements you have now made true? —or are they false?

WITNESS.—They are true.

JAMES HAMILTON.—Is a shipping agent, and a partner of Hamiltons, Brothers, & Co., Broomielaw, Glasgow. Shewn a letter of 17th July addressed to himself from a correspondent in Liverpool, as to the sailing of a vessel, Henry IV., which was advertised to sail from Liverpool on the 24th, for New York. I recollect of some persons waiting on me, after the 17th, to take a passage. Several persons applied for a passage for a spinner. We had some conversation. The letter would be received on the 18th. I think the conversation would be some day after that, which was a Tuesday, but not later than Friday following. I read the letter to the persons who called. It was now read. (See No. XXVI. p. 27.) The date of sailing was the 24th, and from Liverpool. M'Niel is not one of the persons. M'Lean is one. He inquired about a steerage passage. There was another man with him, very short, not any of the other prisoners. I gave them particulars. They did not take the passage, but said he would call back—but he did not.

By Mr ROBERTSON.—Never saw M'Lean before, that I know of. I saw him afterwerds in Bridewell. I think he had on a velveteen coat when he called, and I am perfectly satisfied that he is the man. He wanted to know the rates. I told him. He said, being a poor spinner, he hoped I would take him for less. There were no spinners going abroad then, though a very great number had been going from the Society, and we understood that the Society paid for them. The Society directly paid frequently for spinners' passages, and passed drafts for spinners and their families. With few exceptions, understood them all to take fictitious names for debt or the like.

By LORD ADVOCATE.—He did not tell me his name.

WILLIAM ARMSTRONG.—Is clerk to Hamilton, Brothers, & Co. Sees the letter mentioned by last witness, and remembers about the vessel sailing. Remembers that the week that Smith was murdered spinners

applied for a passage by five men, on the Monday or Tuesday prior to the murder. Mr Hamilton was not in. They asked the rates of passage to New South Wales, then to New York. Told them. I see distinctly. [The prisoners were made to put on their hats.] The persons who called that day were not dressed as the prisoners are. I think that the middle one (M'Niel) is one. I don't see any of the other five. They were to return when Mr Hamilton should be in. They mentioned no time. Did not see them again. They spoke generally—passage-money of a steerage passage.

Adam Dixon.—I am a cotton-spinner in Hutchisontown of Glasgow. I have been a spinner thirteen years. Prior to the strike, I was with Oswald & Co. I have been a member of the Association thirteen years. I was initiated in the Black Boy tavern. I was not sworn—no oath was administered to me afterwards. The articles of their society were read when I was admitted. I know there was a strike in April. I joined in it. I attended general meetings of the society after it. I attended a meeting when twelve individuals were appointed, called the Finance Committee. This was two or three days after the strike commenced. Some called it the Supply Committee. I was not a member of that Committee. I never heard of a Secret Select Committee. My name is Adam Dixon. I never heard of such a Committee. I have heard of select meetings; having the most wise and judicious of their number from each shop appointed to attend, when important measures required discussion. There was such a selection of wise and judicious men sent from the shops. They were Delegates, one from each shop. These were appointed shortly after the strike—four weeks. Archibald M'Kay was appointed from our shop. Got instructions that a meeting was wanted of a man from each shop, by the Committee. This was stated at a general meeting of the Association, which was held in the Universalists' Chapel. Customary to send Delegate to Committee every week. The Delegate continues generally two months. There was a Delegate both before and after the strike. The Delegates are the wise and judicious men.

The Court pointed out that his statement was irreconcilable.

Witness.—There are other orders binding upon the Association, beyond those of the Delegates, when anything particular occurs. Cannot speak as to whether the men sent in after the strike were in addition to the ordinary wise men, or Delegates. A proposition was made by our employers; the whole society offered to work at the rate of the first reduction, but there was another. Was in the Black Boy Tavern on the Monday following Smith's murder. I know M'Lean by sight. I see him. I saw him in the passage of the Committee Rooms on Monday. He spoke to me. He was very much the worse of liquor at the time; and he catched me by the collar, just as I was passing, and said, "I believe there's one b—— asleep." I asked what he meant. He asked if I had not heard of the man being shot in Anderston. I told him I had, and that it was a pity. He asked if I knew that the Committee were in. In reference to the murder, he laughed, or expressed a jesting word, but I am not particular what it was. He said that he wanted money. He spoke of having got mony, a few shillings, and mentioned two numbers; but

whether these were "five or ten," or "ten or fifteen," I do not remember. I do not remember anything else. He said, "I believe there's nae down"—being an expression used in Glasgow by young and old, meaning or implying that no one is suspected of something done. He said, in reference to my saying that it was a pity that such thing was done, "that I was a *Methody face*." I can earn at present from 30s. to 35s. a-week, after paying piecers; and, before the strike, I could make £2 : 2s. a-week. If the prices had not been reduced, I could have earned nearly £2 : 2s. a-week. The reduction on my wages would be twenty-three per cent. Some are not making more than 15s. or 16s. a-week, and from that to a pound. I am about the highest. The wheels are all one size in a work. They are large in ours, and all the men have the wages I have.

Cross-examined by Mr Robertson.—I came under no obligation to do acts of violence; never heard of such, or anything of the kind. I have been a member thirteen years. I am speaking freely at present, and without any mental reservation. I remember the time of a general meeting of the trades in June last, when Dr Taylor addressed it. I did not attend. There was a meeting that night in Black Boy Close of Delegates. I was there. There would be from thirty to forty there. Don't remember of seeing any of the Finance Committee there that night. I was there nearly two hours. The meeting broke up some time before ten o'clock. The subject of discussion was to endeavour to adopt measures to assist the Finance Committee. I recollect who was in the chair. It was myself. I was in the chair all the time. I don't remember of seeing Gibb, or any of the prisoners there that night. I know James Moat, a cotton-spinner. I know William M'Gowan and John Davies. Don't remember of seeing Moat; but sure he made no speech. Don't remember of Davies making a speech. I am not positive he was there, or William M'Gowan. Upon my solemn oath, I heard no proposal for the appointment of a Select or Secret Select Committee. Nothing of the kind was addressed to me as chairman; and I am quite certain Gibb was not in the chair. I never heard of a Secret Select Committee in my life, or of any Committee of a similar name, or any other having for its object the destruction of life or property. The objects of the Association were just for the purpose of endeavouring to keep up the rate of wages by lawful means. Aliment was given to persons out of employment during strikes. Money was occasionally afforded to persons emigrating from the country—aliment to wives and children of poor operatives. I never knew nor heard of any money given as an instigation to, or rewards for, actual violence. I am still a member. Archibald Mackay was delegate at the time of this meeting. I met him promiscuously, and he took me along with him; and I was proposed for the chair, but I don't remember by whom. I have known Hunter since I became an operative cotton-spinner; Hacket, four or five years; M'Niel the same; Gibb, ten or twelve years. They have all wives; but I don't know if M'Niel has any family. So far as I have known them, they have been all steady men. I have seen them frequently at the Association. I never heard them propose or instigate any measures of violence. Have known M'Lean slightly for a short time. I am an elder, and have

been for three years, in Mr Harvey's Relief Church. I, at one time, kept a Sunday School. M'Lean appeared to be very much the worse of liquor in Smith's on the night I mentioned. M'Lean did not say he had had any concern with Smith's murder; and, as he did not say it, I could not tell.

COURT.—What did you think he meant?

WITNESS.—I did not form any meaning. I looked most upon the vulgarity of the language. I did not look upon it as the confession of a murderer.

By Mr SHAW STEWART.—There is a schedule sent every fortnight through all the different works, of the income and expenditure. I know the Guard Committee. There was one appointed at last strike. Each of the Committee had a certain number of men under them. They went to the various works who were taking in new hands, to see what new hands were going in. I could not tell all the names of the Guard. Sometimes there were a few, and sometimes the double—six, eight, ten, and twelve. The numbers varied. Walter Morison, John Trotter, Mathew Park, John Parker. I held office about twelve or fourteen months since. I was a member of Finance Committee. I never remember of seeing the word "Colliery" in the schedule but once. It was in Mr Salmond's office I saw it. I don't understand the entry. I did not know what it meant. There was another word. I don't remember whether I ever saw an entry of fugitives.

By COURT.—I never saw nor heard of "Colliery." I have seen an entry of payment to Guards. I see an entry of £24 to Guards. I do not know how to explain it. I cannot. I knew that the Guards treated the new hands and their friends, and I know of no other meaning it could have. I do not know what is meant by "Expenses with nobs," unless it be the same thing; but where these two entries follow one another I don't know how that can be explained. The schedules are given once a-fortnight. I know a Patrick M'Gowan, a member of the Association, at least he was—some years ago, he was, and left, and I believe he is now working again with Mr Bogle. I have been only in prison one night, which was some time ago. I cannot tell the night I was chairman. I think it was about the 14th June. I have no other cause, unless hearing Members say that they had that day been hearing Dr Taylor on the Green, for recollecting that that was the night I was in the chair. When I came away, the meeting broke up, and two or three came out of the close with me. Archibald M'Kay and James M'Nish were two. It was about 10 o'clock. Met about 8. A number there before I went in. They were all sitting chatting. It is customary at all Meetings, that others as well as Delegates attend. I cannot tell any other occasion of a Meeting of Delegates where a Member not a Delegate was made Chairman. I never saw schedules given out with the word "Colliery." I did not see any of the schedules after the strike. The sending of schedules is a great expense after a strike, for paper; and, after last strike, the schedules, on that account, were not sent. They were not sent to the works I do not remember of seeing them. Never knew of violence. Guards sent to see if any of the new hands were

drawing aliment, and to report; so that their aliment might be stopped. Heard of disturbance between Nobs and Guards, but never saw it. I could not say whether the Association systematically, and extensively, and continually tried to obstruct the nobs. I would not have liked the risk, had I been a nob, of trying to travel the streets of Glasgow alone, by day and by night, in consequence of the state of the Guards. I remember two brothers, Keddie. One was tried and found guilty of using violence to new hands. Heard it stated immediately in the Association, that such had taken place—that they had been apprehended for molesting an individual. I heard that sentence was delayed, upon an engagement being made that there should be no *more* molestation. I understood that that undertaking was made by the Association. I was told also that the Guards were to be withdrawn, after that molestation, from the whole works. I heard one schedule read during the strike.

LORD COCKBURN.—I explain to you, that the word "Colliery" is not in the Schedules produced in this trial. Does the term mean fugitives, or nobs having monies spent upon them?

WITNESS.—I cannot explain.

JURY.—Explain to us what is meant by persons selected *beyond* the Delegates.

WITNESS.—The Delegates go by rotation. Beyond this, when important business occurs, another wise and judicious person is sent, not generally on the same night.

LORD JUSTICE-CLERK.—Do you adhere to your statement, that you never heard of a Select Secret Committee?

WITNESS.—I never heard of it in the trade. Never heard an oath or word from Scripture used. Never saw a Bible in the Association. (Shewn the Bible, No. VII.) Never saw it until in Mr Salmond's office.

Saturday, 6th January, 10 *o'Clock.*

ARCHIBALD CAMPBELL.—Is a cabinet-maker at Kirkintilloch. I lived there in July last. I live now in Calton of Glasgow. I remember coming to Calton from Kirkintilloch on Saturday evening. I travelled in the track-boat. I reached Glasgow between eight and nine, P.M. I walked from the track-boat in company of a man who had been in the boat with me. I walked from Port Dundas, and down the High Street. It was proposed to have some drink at King's in Stevenston Street, Calton. We went into a room; other persons, seven or eight were there. It was a private room, not a tap-room. By their dress they appeared to be spinners; but uncertain if they were so. I overheard a conversation among them. It was not said all at once. They were drinking. The first words I heard were—"Smith will be shot to-night." This was about ten o'clock. On hearing this, I did nothing but looked at the party; the man who was with me was conversing to me at the time. I looked round, but could not say which of the party made the remark. A little after that, some one said—"It's a pity of poor Carmigan or Calligan. He's in

Glasgow, but he is, or he'll be well hidden." Uncertain which of the two names were used. I just turned round, and said—"He'll be gey weel hidden if he's no gotten." They just looked at me on this, *angry like*, at me speaking to them. The man who was with me was a man above thirty, or thereby. I have never seen him since. Next morning, (Sunday,) I heard that a man had been shot down about the Broomielaw on Saturday night.

By Lord Justice Clerk.—I had never before seen any of those six or seven men. They appeared to be all of one company. Can't say if both the expressions about Smith, and also about Calligan, were used by the same person, but they were used in the same company. I have never, to my knowledge, seen any of those persons since. On the Monday or Tuesday I learned that the name of the person who had been shot was Smith. I heard the man, while talking, speak about a canister—"It was well packed, but bad thrown." They did not speak about their trade. We might be distant from the party about six feet. They were talking all very quietly; but these expressions got out all of a sudden, and I overheard them in that way. They were men of different ages. They were very drunk, and had drink before them. I cannot say I was the worse of liquor. I had a perfect recollection of what passed. I knew nothing of the name Calligan, or any one of that name.

John Sheriff.—I am a fishing-tackle maker, in the employment of Mr Dougal, Arcade, Glasgow. We keep pistol and musket leaden balls for sale. I remember in July of some persons coming to purchase pistol balls. I really do not know the date. It would be the Tuesday or Wednesday before the deed was done—the cotton-spinner shot. There were three persons who came. From their appearance and dress, I formed an opinion what trade they were in; but not till I heard of the murder. On recalling the circumstance, I remembered their dresses and appearance, and formed that conclusion. Only one came into the shop. He asked for bullets for a pistol. The other two at that time were looking in at the window. I said I had pistol bullets. The man shewed two pistols, in order to fit the bullets to the pistols; the one was uncommon small—you will seldom see one so small; the other was a very large holster pistol. My bullets scarcely fitted either of the pistols—the nearer a bullet fits, the better for practice in pistol shooting. As the bullets for the large pistol were too small, and the bullets for the small pistol too large, I said they were useless. The person said he did not mind if they fitted exactly; he was idle, and was going to have a shot or two for pastime or practice. He made a purchase of half a dozen of the large size—too large for the small pistol. He then went away, accompanied by the others. One of them came no farther than the step of the door. You will get bullets twelve in the pound to fifty-four in the pound. Those were thirty-four in the pound. (Shewn the bullets.) I gave two balls to Mr Salmond of the same kind as I had sold. They were of the description now shewn me. I do not think I could recognise either of the men.

By Court.—I had not a great deal of light. It might be from one to

three o'clock, P.M. The man was in some time; but others were in the shop at the same time. I don't recollect the features of any of the men. The man's height would be five feet six inches. I did not observe the size of those without.

WILLIAM SMITH.—Was a cotton-spinner; was last in the employment of H. Houldsworth & Sons, Hutchisontown, Glasgow. At present I am doing nothing. I remember the strike of the spinners in April. I went, after that, into employment at Houldsworth's. I had been some years out of work before that. It would be about May when I went. I had been, at one time, a member of the Association. After I went into this employment in May, I remember one occasion of accompanying the late John Smith through Glasgow several streets. Does not remember the time. It was about the beginning of June. Nothing particular happened on that occasion. I remember another occasion of going to the house of one James Murdoch, a spinner. That was the night Smith was shot, the 22d July. After leaving Murdoch's, I called at a house in Tradeston, on the Gorbals side of the water. Came over to the Bromielaw side about 11 o'clock. Quite sure of the hour. I lived in Hutchisontown; but I went to my (new) lodgings that night, which were situated in the vicinity of Houldsworth's, at Brownfield. In the course of that day, at 4 o'clock, when the work stopped, coming down Cheapside Street, I saw a great crowd of men at the foot of it. Houldsworth's Mill is in that street. I saw a great crowd of men, apparently idle spinners. I met my wife. She asked me what was ado to-night. She appeared alarmed, seemingly. I returned an answer, "God only knows! for I've heard of their shooting in daylight." We moved off from the crowd. A cotton-spinner, a good-looking man, followed me with a quick pace. He did not speak, but he was taking a very strange eye at me. The works were then skailing. I went into a house, and lost sight of them. I was what is called a nob at that time, for working against the will of the Association at reduced wages. I had been idle for some time before, and was anxious to get employment. I came under an obligation, when I entered the Association, to get a fair remuneration for my labour; and there was something about abiding by the decision of the majority. I was told to keep this obligation secret, under a condition if I broke it. There was a law called the combination law, and there was an obligation to keep the secret owing to that. There was no Bible used; it is twenty years since I was admitted. There was no entry money, but I was called on afterwards to contribute to supporting men who were standing out against the masters. Paid these contributions generally every pay night, sometimes more, sometimes less, just as was required. I and every member were bound to do so. I have paid as high as 16s. a-fortnight. The trade had a word; but it is so long ago, and as I never used it, I forget it. It was for the purpose of letting members recognise one another. It was taken from the Bible. (Interrogated—Was it "Ashdod?") No, that was not the word I got. (Interrogated—Was it "Armageddon?") Yes. I do not remember of the date of repealing the combination laws; but I have not been present at an

initiation since, and I do not personally know how the initiation takes place. The members got notice from the office-bearer or delegate of each mill of what was required as to funds. I have been a member of Committee since I joined—the Supply Committee. It would be nine years since then. The members of the Supply Committee have access to all the documents of the Association. I did not see a Bible used at an initiation. It might be done, but I never saw it. I have seen schedules of the Association. One goes to each shop—at least they did so while I was a member of the Committee of Supply, specifying the application of the funds. There was not, at that time, a Guard Committee. There was no strike then. (Interrogated—When a strike takes place, is a Guard Commitee appointed?) It was not the practice, so far as I know, during my time in Committee. It is nine years ago since I had anything to do with the Association. I saw persons surrounding Houldsworth's mill during the last strike. They call themselves Guards. They attended particularly at meal hours. I knew several of them—Walter Morison, John Colquhoun, John Stark, William Johnston, James Walter. They were turn-out spinners at that time, and appeared to be acting as Guards. I worked at reduced prices. The highest wages I made then was 21s. That was like a general run; but sometimes lower. The wheels are very large—among the largest.

Cross-Examined.—Knew a Mary Watson, wife of Allan M'Donald. She is dead. She died shortly after Smith was shot. She was no relation of mine, but a particular friend. I had a conversation with her about the shooting of Smith. She lived in Clyde Street. I had heard that she had seen the shooting of Smith, and that led me to go to her. I asked, and she told me she had seen it. I asked what like the man was who fired the shot. She told me he was a little-set man, with dark moleskin clothes on; jacket and trowsers of the same. I asked where he went; she said she saw the direction he took, and followed him about, and he went into the first throughgoing close—she said, Cross's Close—the one first to the west, in Clyde Street, going into Piccadilly Street, the next one to the wood-yard. She said he went at a quick pace, after adjusting his hat upon his head, and she followed him a bit. She told me the same story both times. She was quite well at the time. She died soon afterwards.

By Court.—Her husband was then alive, and is so yet.

By Crown Counsel.—I did not tell the woman to let the authorities know. I know that was my duty, but it was a neglect upon my part. She expressed particular disinclination to be brought into any trouble about it. She died of typhus fever, about a fortnight after our last conversation.

By Court.—It was about Houldsworth's that I learnt that she possessed this knowledge. Ferguson is alive. He is a witness in this case. Mary Wilson did not say she saw more; only a group of people at the close. She mentioned that Smith's wife was with him. She described that the man came behind Smith's back, and did it. She said she was out with her husband on the very ground. She said her husband was with her. She said she was behind the

men. She did not tell me where the men seemed to come from. She described that it was dark. There are few lamps at the place. She did not particularly describe the spot where the thing took place. She did not say whether she had been drinking. She was a sober woman, so far as I ever knew, and I was intimately acquainted with her. She did not tell me what number of persons were at the Close. She did not say that she went into the Close. She did not say whether the group went up the same Close. She said she stopped a while after, till she saw the shot man taken up to the Doctor. She did not tell me anything about her husband. She did not tell me anything about whether she had mentioned the occurrence to any one previo sl Eight days after the first interview, I heard of her being ill of fever. She died about a fortnight after the last conversation. I spoke on this subject to her husband. It was in her presence. She did not say anything about mentioning it first to her husband. Her husband seemed to know it before. She made no observation when I spoke of it to her husband. She did not say where she and her husband had been—only that they were out on the occasion mentioned. She told me she was going home, which would be going up Clyde Street towards the north—she had been coming like from the south end next the Clyde; and that she was behind both Smith and his wife, and the short-set man who fired the shot, when he fired. After Smith's shooting, it was a few days early in the week when the first conversation took place—at least during the week. She did not say she knew Smith, but that she had learnt this. She did not say it was Smith's wife, but that he was accompanied by a woman, and she afterwards learnt she was his wife. She said that Smith and his wife were crossing the street, and were going home together.

JOHN M'MANUS.—Is a carding-master, High Street, Glasgow. I was acquainted with the late John Smith. We were married to sisters. On the Saturday evening of Glasgow fair, middle of last July, I remember Smith calling at my house in High Street. I proposed that we should both go out to the Green. It might be at noon. He declined going through the Green. He did not give a reason. I insisted on going through the Green. We did go. After going through the Green, he proposed to go home. When we reached opposite the jail, there was a man opposite selling hardware, &c., by public auction. The auctioneer was selling a hair comb. Smith bade for, and bought it. On the man handing it down, a man opposite called out, "Don't give it him: he's a nob." Another said, "He's a black-neb," and hissed him. I took Smith by the arm, and brought him away from the stand, and told him to come away and go home, as I was afraid of his safety. On the same occasion, he then told me that that was the reason for declining to go through the Green. He said, the turn-out spinners were to beat those who worked, if they caught them there. Next time I saw him, was the evening of the 22d July. I was in his house, Cheapside Street, Anderston, that night, between six and seven o'clock, P.M. He conveyed me nearly home. We proceeded to the entrance of Bridgegate Street. He declined going through that street. He said that the turn-out spinners

had threatened to beat those who worked, if they caught them there. He assigned no reason for this conduct, at that particular street. We went up Stockwell Street, and we parted at the head of it, at precisely twenty-five minutes before nine, by the street clock. I wished him to go in before it should be any later. His wife was not with us.

DAVID THORBURN.—Is a cotton-spinner, residing at Houldsworth's barracks. I knew the late John Smith. I was in the same mill with him—in Houldsworth's. We were working there during the strike. I remember the night of his being shot, and I saw him betwixt ten and eleven o'clock. He was going westward, in Anderston Walk, to Cheapside Street. Before that, we were about two hours together. We went into a public house, and two men with us. We had some drink there. We did not stop long in the house. Then Smith and I went towards Anderston. I parted with him at the head of Clyde Street. He expressed fear and anxiety to get home. He was afraid of being ill-used, on account of working at Houldsworth's factory, and he said he had some things to buy yet. I think it was about ten or eleven o'clock when we parted. It was upon Anderston Walk that we met, and it was after eight o'clock. On parting, I went to see my brother's wife, at the head of Clyde Street. I there got information that Smith was shot; it would be half an hour after parting with him. There were Guards posted at Houldsworth's Mills during the strike. I knew some of them—a great number—Samuel Haig, Robert Dick, John Parker. I know William M'Lean. I see him. I cannot say he was a Guard. I saw him passing the mill when the Guards were on. I think I have seen him more than once—I do not think half-a-dozen of times—passing at the time of the Guards He walked backwards and forwards, just like the other Guards. The Guards were taken off. I saw him after that in the Sheds at the Quay, nigh to Clyde Street, but not at the mill. I do not recollect the day, but it was in the after part of the day. I do not recollect how long this was before Smith was shot. I know all the prisoners.

[Here they stood up; and the Lord Justice-Clerk ordered a policeman off, who had been stationed between the prisoners, as unnecessary; and Thorburn continued.]

I got money from Hunter to leave the country, because a spinner had got a beating. They would not let him work in Glasgow, and he would not go home to the west country.

[Here the witness's manner evidently betokened so much dread of the consequences of giving his evidence freely, that the Court felt it necessary to assure him, in strong terms, that he was completely protected, as already stated to former witnesses.]

I was concerned in that beating. The person beat was called Currie. About seven years ago, I was committed to Bridewell for sixty days for this; but, before that, was committed to jail previous to trial. I got money to leave the country, and was away three months; and, when I came home, I was apprehended, tried, convicted, and sent to Bridewell for sixty days. At that time I knew the office that Hunter filled. I got some money from him, and a little from another person. Two of the Guard got the money from Patrick M'Gowan, to give to

me. I cannot say what situation he then held in the Association. All I received was £2. There was a Guard shortly before that on Mr Dennistoun's mills, where there was a *strike*. I was not one of the Guards at that mill. Currie was working at Mr Blackburn's mill. Currie was what was called a nob. I was a member then of the Association. I was admitted in 1816. I ceased to be a member five years ago. The same Association continued after I quitted it. At that time the meetings were held in the Universalists' Chapel. The Committee sat in William Smith's, Black Boy Close, Gallowgate. I ceased being a member by going into Houldsworth's factory, and ceasing to pay my contributions. I remember a person of the name of M'Pherson, in the Calton, suffering injury—a widow woman. I was then a member of the Association. She was killed. I think it was on account of her daughter working at Dunlop's factory. There was no strike after I entered, for some time. I do not know the time of that killing. I remember the Committee pointing out to me a nob that was wanted to be injured. It was Kennedy Baxter who applied to me to point out the man; and it was because he was working at M'Phail's factory, as a nob. His name was M'Millan. They did not tell me what was to be done, only the men to be sent were to use their pleasure. None of the men knew that person but witness; and, therefore, I was to point him out to a party who were to go; and I did go with them. They only told me they were to break his bones. I did not point him out. It was to be his leg. I was acquainted with the man; and it was to prevent him from being injured that I did not point him out; but I told them that I did not see him. This was many years before the affair with Currie. After M'Pherson's affair, I learned it just the next morning; but only by hearing of it. Her murder was generally talked of in the Association; but they said they had killed the mother instead of the daughter, whom they wanted to kill. I cannot recollect the time of this. She stayed in Pollock's Land, and her daughter was working in Dunlop's Mill. It was long before Currie's affair. It was after I was asked to shew the man I have spoken of. I never acted as a Guard.

By Mr D. M'Neill.—The sum I got from Hunter spoken of, was 1s. 6d. The rest I got from the Guards, or M'Gowan. I did not apply for it.

By Court.—Hunter told me there was a warrant out against me; that I must leave the country, and he would go and see to get some money for me; and he brought me 1s. 6d. He said that would pay my bed, and not to go home that night. He said he would see and get more for me, and he gave me the 1s. 6d. He said he had gone to one of the Committee. He came out of Francis Gibb's house and gave me the 1s. 6d., and that he was to see and get more money. I got the rest of the money next week. I never went into my own house at night after that. Francis Gibb was a spinner, a member of the Association. They told me he was one of the Committee. I could not get work, and was obliged to come back. Idle spinners go under the name of No. 60.

By Lord Moncrieff.—I got instructions to go and do the affair

of Currie. There were other two with me. One Gall, and another Kelly. We got our instructions from two of No. 60—two Delegates of the Association, as names of other men of No. 60 are not entitled to go into the minutes. Their names are White and M'Gregor. I knew they were Delegates. When I got instructions there was no specific promise; but it was understood that so much would be paid for every west countryman that could be put away. I understood that when I took the money. The Committee paid 20s. for every man that was put away from his work. I cannot say if Currie left his work. When Hunter told me of the warrant being out, I don't think he said anything about Currie or M'Gregor.

John Douffy.—Is a labourer at Sandyford Toll, Barony parish of Glasgow. I know Clyde Street of Glasgow. I know a shop there which was occupied by Barnard M'Donald. I remember a Saturday night of going down Clyde Street, last July, with Luke Conolly and others, to have a glass. Going down the Street, I heard the report of a fire-arm. It was loud. I did not see the flash. At this time I could not say how far down I was—perhaps half way down the street, when I heard it. Two men came up on the west side of the street—when I heard the report. One was before the other, walking—not very far —a yard or two. I was in the middle of the street. They passed us. I looked at the one that was hindmost, on hearing the shot. I did not look so much at the first one. They were walking smartly. They had dark kind of clothes on. The last one had dark coat—a long coat. Could not say about the trowsers. I did not observe what he had in his hand. I could not just say. I had never seen him before. I could not speak about his face. He looked "gey and tall." Could not say if spare or fat; but he had a dark black or blue coat on him. I did not take so much notice of the first man. I did not observe his height. I could not say if the hindmost was as tall. I think not. I heard the wife cry that her man was shot, after I passed those men. I went forward. The other two men with me. The man was lying on his back, and said, "Murder, murder! I am gone—I am gone!" Jamie O'Donnel was to raise him, and I was keeping off the crowd who were collecting. I met no others between the woman and her husband, where I was. The man was carried to the doctors. Jamie O'Donnel asked his name, and he was called John Smith. I did not hear him say he was shot.

By Court.—When I got up to the man and woman, I did not see another man and woman on the street, who seemed tipsy or otherwise. There was a crowd gathered—women amongst them. I don't recollect either of the two men who were with me, saying anything at the time about the men who passed. There were four of us, including a boy, who is called Bonar. No person in the crowd said they had seen the shot fired. When I first came up, I saw nothing of a drunk man. I could not say if we were the first to reach the spot. We went straight on after hearing the shot, and had not to go very far before reaching the shot man.

Luke Conolly.—A labourer, Blackquarry, Cowcaddens, Glasgow.

I know John Douffy. I know Neil Bonar and James O'Donnel. I remember of going to take a glass with them at O'Donnel's public-house in Clyde Street. I heard a report. I saw the flash. We would be more than half way down. There is a wood-yard. We had not reached it. After seeing flash and hearing report, I saw two men go up the pavement on the west side. Could not say if they were abreast. They went at a regular step, middling quick. Could not say if old or young. Did not see either of their faces. Did not observe their dress. Did not see where they went. They went up the street. Did not hear any cry for ten minutes. I stopped when I heard the cries, not when I passed the men. It was ten minutes after the flash ere I heard a cry. I stopped when I heard the cry. I walked on after the flash till I heard the cry. Could not say how long I stopped after the cry. A man was lying bleeding. I heard him telling another man that he did not know the instigation of his being shot. He did not continue to speak. (Desired to remember and pause.) James O'Donnel asked what he was shot for, or what was the instigation? Only that he was a nob spinner at Houldsworth's Mill. I did not go after the men. I saw nobody, after passing the two men, till I reached the man on the ground.

James O'Donnell.—Is a labourer at Clyde Street of Anderston, Glasgow. I remember going down Clyde Street, with Bonar, Douffy, and Connolly, on a Saturday night, when I heard the report of a pistol. We were on the middle of the street going down. We all stopped and stood still. Saw people pass. It was dark. No lamps—could not say. Many people passing. Men going up and down. I was not in liquor. The report of the pistol alarmed me. We were all abreast. I could not say if I was in the middle; but to the best of my knowledge I was on the east side. I heard cries of Smith's wife, clapping her hands, and crying her husband was shot. We went forward, and I asked Smith why he was shot; and he said it was because he was a nob in Houldsworth's Mills.

Neil Bonar or Douffy, resides with John Douffy, former witness. I remember going down Clyde Street with Douffy, and O'Donnel, and Conolly. Heard a report of a pistol. I then saw the appearance of two persons coming up the pavement on my right hand side. It is the west side. I did not observe the dress of either of them. I saw nothing remarkable about either. They were going fast. Nothing was said by our party in passing, but Luke said—"If the but-end of the gun was foremost, he'll have a stinking potful."

By Court.—I did not think there was anybody shot at. I thought it was squibs. I don't know about Luke's remark.

James M'Dougall, sheriff and criminal officer for Stirlingshire, Lennoxtown, Campsie.—I remember of getting a warrant put into my hand, on a Friday, as I think, the 4th August, to search for William M'Lean. I required some information. Previously officers came from Glasgow, but I had got information previously. I went to the house of James Smith, calico-printer, Campsie. The reason I went there was, that I saw M'Lean's father coming up hurriedly with a bundle

under his arm, towards Campsie, from Kirkintilloch, 400 yards from Smith's house. I traced him to Smith's house. I and Robert Brown followed. Brown said, Donald M'Lean was on the Kirkintilloch road. No one went with me at the time. This was on the Sunday. I went up the stair; opened the door, right hand, and found the prisoner, M'Lean, sitting at the table, writing a letter. I stepped forward, and he snatched the letter, and put it in his pocket—one of his coat pockets. I asked his name. He said, "John M'Intyre." I asked where he stopped, and he said he was the occupier of this house. His father was sitting by the fireside; I pointed to him, and asked who he was. He said, "He's a lodger." I looked at him, and said, "Come, sir, tell me your proper name." And he answered, William M'Lean. I told him he was my prisoner. I told him the charge was murder. I took him prisoner, and searched him, and found the letter he had been writing, and some tickets. (Is shewn, No. XXIII., p. 27.) Donald M'Lean and Robert Brown came in while this conversation was going on.

By Court.—When charged with murder, he did not say anything. I did not mention any particular murder. He neither said one thing or another. He was very much agitated.

By Mr D. M'Neill.—I was engaged putting irons on him, when I particularly observed agitation. I did not converse on the way. He might talk with the person who had the immediate hold of him.

Donald M'Lean.—Is a criminal officer in the Glasgow police establishment. I went on Saturday, in the beginning of August, to apprehend the prisoner M'Lean. On the Sunday following, I saw the prisoner's father, and traced him to a particular house—I followed and traced him. M'Donald asked his name, and he said John M'Intyre. M'Lean's father was in the kitchen, and a woman. I knew M'Lean before. I did not hear all; the window was open, and I went there to guard. We apprehended him. He was not wearing whiskers. I told him that he was accused of shooting John Smith, in Anderston. He said he was not guilty of that charge. This was in the house, and on the way. I asked the reason of his going out of the way to that house. He said he was suspected of having assaulted a person, some five years before; and he was afraid he would be apprehended for it, on hearing that some spinners had been taken up at Glasgow, on the charge of the murder.

John Matthewson.—I am a sheriff-officer, Glasgow. I was employed to search the house of the prisoner, M'Lean's father. Is shewn Nos. XXIV. and XXV. I found them on the 4th August, in his father's house, in a locked chest of drawers.

These documents were read. (See p. 27.)

Thomas Loag.—I am a cotton-spinner, and a member of the Association. I remember Saturday the 22d July. I saw M'Lean then on the Green of Glasgow, putting the stone, and the like of that. We received our aliment that night. He had on a green coat, moleskin or cloth trousers, and a hat. We went, about a dozen of us, to the Cross, and stood a minute there. This was about 9 o'clock, P.M. I stopped then till I got my aliment, and then I went home. I re-

mained at home all night. I next saw M'Lean, on Monday, about eight o'clock in the morning, on the Green, at a meeting of the shop. I had no conversation with him; I did not see him again for two or three days, and I then saw him at the Cross or head of Saltmarket Street. I had no conversation then with him. I saw him on Sunday after that, at the Calton, between twelve and one o'clock of the day. I nodded and passed, and that was the last time I saw him. I know his father. He lives in King Street. I was asked by his father to sign a certificate about William. I signed it. His father told me that it was to let some neighbours see that William was in Cameron's house on the Saturday night at 12 o'clock. So I signed it. I went afterwards back to his father's that day, and told him I could not swear to it; and he said he would draw out another; and he laid past the old one or laid it aside. I did not sign another. I did not see another made out. (Is shewn XXIV., p. 27.) I see "Thomas Loag" there. I did not sign it—that is my signature, p. 27. I cannot say I know the handwriting of this paper. I have seen the prisoner M'Lean write. I could not say if it is in his handwriting. I have seen his signature. I see William M'Lean at the bottom; and I see his name also in the body of the paper. I see his name again at the top. I cannot say if it be in his handwriting. (Being called on to remember the time more particularly when M'Lean's father asked him to sign the certificate)—I remember the Committee being seized in the Gallowgate, and I think it was before that.

Mr Robertson referred the Court to the description of the paper, as set forth in the inventory, and asked, Does not the document appear to be plainly all in one handwriting—a copy, as it were, and not a principal having signatures? He then asked, You did subscribe a document?

Witness.—Yes.

Mr Robertson.—The paper shewn is a copy, gentlemen of the Jury.

Witness.—Alex. Stevenson, John Thom, John Andrew, John Miller, William or John Lockhart. There was a ——— Stephenson, James Green, James Corrigan, and Andrew White, all at the cross with me and M'Lean, on Saturday evening, when we came from the Green. Some of them proposed to go to Cameron's, to get a little wet [drink] there, till they could get their aliment. Nearly a dozen went away. I got my aliment from William Johnston—he was not one of those who went away as if to go to Cameron's. (Is shewn No. XXV., p. 27.) It is the paper which was drawn out for the men to sign their names to. Was not asked to sign it. Old M'Lean gave it to me. I took it to a house of Mrs Stevenson's, Hutchisontown, where the men were, and gave it there, to be signed by the men. This was the night the strike was settled. It was after the Committee were apprehended. It was six weeks or two months after the murder. I saw the men sign their names to it—five names.

Court.—It bears date 3d August. Explain that.

Witness.—I said I was not sure of the date.

By Mr Robertson.—I saw M'Lean at a meeting of the shop on Mon-

day morning, on the Green, of more than twenty men ; and many people were passing. The next time I saw him was at the Cross of Glasgow, about the middle of the day. The third time I saw him was between twelve and one, on the street. He was going about in his ordinary dress—green coat, moleskin or dark trousers ; the same dress he wore before the murder. I saw nothing remarkable about him. I came under no obligation on becoming a member ; took no oath. I was admitted in 1834, I think. I was admitted in no place, —I just paid my instalment.

Robert Macome.—I am a writer in Dumbarton. I was employed some time ago, to conduct a case at the Glasgow circuit. I was employed in December 1836 to defend three cotton-spinners charged with assault. The alleged crime was said to have been committed by three men at the Duntocher* mill. I was waited upon by Robert Currie, a spinner, on the subject. He was alone the first time. John Bunyan called at another time. Currie's object in calling, was, to get me to have them got out on bail. I proceeded to do this. I became cautioner myself for the whole three. The penalties were, £20 each—£60. Robert Currie said that he, Currie, was a stranger, and asked if lodging the money would do equally well. I said I did not think that the Sheriff-Clerk would take the money ; and I said, if he could not find a cautioner, and would lodge the money with me, I would sign the bond. Currie gave the money, and I granted an obligation of repayment, if it should not be forfeited. The persons were indicted for last April circuit. The case was called. Mulholland, one of the accused, did not appear, and was outlawed. The cause was deserted ; and the other two recommitted on a new warrant. Mr Russel, the counsel, was twice at me about precognoscing the witnesses. I wrote, saying I did not know where the witnesses lived ; and I was appointed by the men to go to the Black Boy Close, where, in a tavern there, I precognosced them. I went straight home to Dumbarton. Peter Campbell, a spinner, called on me, and asked me to sign the bond again. I had seen him first, I think, at the Black Boy tavern, or at the Circuit Court. I became caution for the two men again, at £20 each. I got back my first obligation, and gave one for £40. Identifies No. XVIII., (p. 27.) In writing it out, I proposed to address it to Bunyan ; but Campbell said, "You may address it to Peter Hacket." They were indicted again for the circuit ; but I did not go to the circuit. I got a letter from the sheriff-clerk, intimating that I need not attend. I gave up the money. Peter Campbell called on me with other three men, and wanted the money. I said I could not pay them the money because the bond was current. I said if they brought a letter from the advocate-depute with the bond, I would repay the money. Such a letter was brought; I paid the money, and got the discharge No. XX., (see page 27.) I paid the money to Parker, mentioned in the document, and received the

* The Duntocher strike is entered in one of the documents (No. XI.) as having cost the Association £3024, to which is to be added, the forfeited bail money for Mulholland, and law expenses.

letter now shewn me, No. XIX., (see p. 27,) September 26, 1837. Sees and identifies XXX. and XXXI. as applying in part.

By Mr Robertson.—I saw a letter signed authorizing bond to be delivered up. There was no understanding, express or implied, that the parties were to get Mulholland or the others out of the way; otherwise they would not have got me to sign their bond. No understanding that any of the bonds would be forfeited. There was nothing said about securing Mulholland, or sending messengers. I suspected nothing wrong in this transaction. Duntocher is in the county of Dumbarton. I paid the £20 to the sheriff-clerk.

By Lord Moncrieff.—I don't know of my own knowledge whether a witness went away or not. I heard about the Court that the principal witness was out of the country. It was stated openly in Court, but not judicially. It was a conversation which I overheard between the Fiscal and some one.

Mr A. M'Neill.—There was an objection to the relevancy of the indictment.

The counsel on both sides entered into a discussion in consequence of this; it being said, on the one side, that the objection had been repelled; and, on the other, that there was no evidence.

Mr Solicitor-General.—We have no more parole evidence; but we have some more documentary evidence to put in.

The following documentary evidence was then read:—Nos. XXXII., p. 28; IV., p. 21; II., p. 18; VI., p. 21; XIII. and XIV., p. 25; also Schedules and part of Schedules having Entries, as follow:—

On first page.

Guard Committee,	£27	2	6
Expenses with Nobs,	2	6	7
Decreet Committee,	2	13	0

On second page.

60 Extra,	£10	0	0
Guards and Expenses,	24	0	0
Fugitives,	5	18	6
For running Letters,	0	14	0

On eighth page.

Expenses with Nobs,	£3	10	10
Do. do.	2	12	1
Guard Committee,	15	1	0
Supply Committee Expenses,	6	11	8

This and the seven preceding pages, found in the possession of Barnard Murphy, by David Fleming.

29th July 1837.

On another.

N. 60* Letters,	£0	2	2
N. 60,	24	7	0
	37	12	2

To enter.

26. James Rea P.
Glasgow, found in House of P. Hacket.

* Drawn through with a pen.

The rest of the prisoners' declarations were here read.—(See p. 51, *et seq.*)

No. VI., (p. 21,) referred to as having a list of the names of Committee was put in—XIII., (a schedule,) having an entry, No. 60, £24 : 7s.

Evidence of the Witnesses for the Prisoners.

William M'Graw.—I am a cotton-spinner, and a member of the Association, and have been so for more than five years. I was admitted in Smith's Black Boy Tavern. No oath whatsomever was administered to me. I am quite sure of that. There was no obligation of any kind—none whatsomever—to preserve secrecy. Never heard tell of any such thing as coming under obligation to do acts of violence of any kind to person or property. The general object was to support a just and lawful rate of wages, and keep up the wages in case of strikes or otherwise, when the masters would not give what we thought our rights. I remember the strike in April. I was working in Hussey's. I was a Delegate from that mill. John Adams was the Delegate before me. There was no other reason for me taking his place, except that he went to Ireland to see his friends, having no employment at the time. The duty of the Delegate is to take the sense of the shop to a Delegate Meeting, and from the Delegates to the shops ; and, if in the power of the meeting of the Delegates, to take a vote—but, if not, the vote of the general body or Association was taken. I was appointed about a fortnight or three weeks after the strike. I was a Delegate during the whole month of June. I attended the meetings regularly during that month ; I was not absent from any. I remember a meeting in June—about the middle of it—of all the trades, on the Green, which was addressed by Dr Taylor. There was only one meeting about that time, which was addressed by him. It was a very large meeting. I was there. It would be after eight o'clock before it broke up. I, then, before Taylor's meeting was broke up, and, five minutes before eight, went to a Delegate Meeting in Black Boy Close, in the larger room. The chair was not taken before I went. Adam Dixon presided at that meeting. I know the first four prisoners. I know nothing of M'Lean. There were none of them at that meeting. I was there when the meeting broke up. This might be about half-past nine. The business was the making arrangements between master and man, and to raise supplies ; but the purport was, that it would have been better that some of the Committee-men were there ; but there were none of them there—I mean the Finance or Supply Committee—to receive instructions from us. I know James Moat, a cotton-spinner. I did not see him there. I do not know a man of the name of John Davies. I think I know William M'Gowan. I cannot recollect whether he was there or not. There was not such a thing brought overboard, as the electing of a Secret or Select Committee. No such thing proposed, or any committee or number of persons, under any designation, to have to do, or control, or instigate acts of violence. I swear that in

the plain terms I speak, without mental reservation, or reservation of any kind, so help me God! I attended all the meetings; at no meeting of any kind, I ever heard of any such propositions or measures —none whatsomever. Never heard any such thing whatsomever. I have heard of a Guard Committee: its purpose was to see if any of our hands were going in and working at the mills, and at the same time receiving aliment from us; and to see whether there was any prospect of bringing the strike to a termination, or if it was likely to be prolonged, and to offer the same aliment we were getting ourselves, and to persuade them by fair means. Giving them whisky—a glass, or so —if they were disposed, and agreeable to themselves, and, if not, they might let it alone. I have acted as a Guard myself, during the last strike. This was over Houldsworth's, Thomson's, and Wood's; also, at Oakbank. I wanted to see how the new hands were standing; if they were going in, if they were receiving aliment, and to report them. I came out of office, as a Delegate, after June.

Cross-examined by SOLICITOR-GENERAL.—I took no oath: saw none administered. Never heard anything about an oath at all. Never heard it was customary to take an oath. Association had lasted a great many years. I never heard of such a thing as an oath: I never saw a Bible there. I have seen a Bible elsewhere, and have read it. I never heard the word *Ashdod* or *Armageddon*. The object of our union was to get a proper rate of wages, by standing out, and preventing masters from producing their goods. The majority carried; that is, everything was to be carried by a majority; it was to guide the trade; but, if a member was not pleased, he was at perfect liberty; but, if he chose not to work, he might have the same share as the rest. He was not a member if he proceeded to work. (Interrogated by Counsel.—What was he called then?) Nothing. (Counsel.—Take care.) A Nob. I did not take you up. No. 60 are persons receiving aliment. I cannot tell when the Guard Committee was appointed. Five or six weeks after strike. I was a delegate about that time. The Guard Committee is appointed at a general meeting of the Association. I was not there. I was a Guard. I got instructions from the Guard Committee. They were Parker, Trotter, Morison, Stephens. The instructions they gave me were to go and see if any of our hands, and how many, were working, and to take their names, and to consider by that how long the strike might be prolonged. Five or six Guards on at a time, relieved three times a day. This was all their duty—if they could get an opportunity, to persuade them, but to use no violence, and no bad language. These were the orders. Some might go through them. I have heard of nobs molested; in that case, the Guards acted against the law. Never heard of one being put out of office for that. I have heard him get a reprimand for that and for using violence. I have heard tell of some violence. I don't know if this was while on guard, or while off guard. It was no part of the Association to use violence. If any one got a licking, it was generally allowed that it was the cotton-spinners had done it. I don't know whether they were members of the Association. Never heard of this at the meeting of the Delegates, or that it was commonly supposed that the cotton-spinners were sup-

posed to be guilty. Never heard of one David Keddie. Fever heard of any conviction. The Guards were taken off a little while, because the masters were complaining of the men walking about the mills. The Meeting at the Universalists' Chapel, was composed of a man from every five of the trade. There were Delegates from Hussey's. The Delegates to that shop next day. I am not sure I might be there or not. (Interrogated by Counsel—Did you ever hear of the report from that Meeting?) I heard that the Guards were to be taken off in consequence of some disturbances, and men being taken up, and masters complaining. It was reported the men were cotton-spinners. There were some taken at our mill. John M'Laren was the only one I know. It was my duty, as a Delegate, to report what was done in all matters. I never heard the name Keddie. A *nob* was in perfect safety to go into any mill he liked, and work as he pleased. The Guards' principle was to give no molestation. I was Guard at Oakbank, and at Thomson, and at Wood's. I never heard of any disturbances at any of the mills, except once. But I think a *nob* was in perfect safety, by night as well as by day, on the streets. I have seen a *nob* as late as myself at night. If I had been a *nob* I would not have been afraid. No danger on the Green, or in any other part of the town. I have seen them drunk as late as myself. I was at the meeting after Taylor's address. I saw the chair taken. It was a meeting of Delegates. Dixon took the chair. He is a member of the Association. Dixon may not have been a Delegate. I never saw a person on any other occasion, not being a Delegate, in the chair. Adams gave no other reason for going away but to see his friends. The chairman took down a sort of minute of anything that was proposed. He got a sheet of paper. The same took place at every meeting. I, or any one, told where money could be got. My name was taken down, and Finance Committee sent with me next day, to get the money. It was agreed that the reduction was shameful, and should be resisted. No vote about it. All went away, so far as I saw, at half-past-nine. No reason assigned for the absence of the Finance Committee that night. Never heard of a persecuting Committee. Never heard tell of a sum paid for unshopping a *nob*. There are no secrets. I should think I would know as well as anybody else. I attended regularly. There were no secrets that I knew of. I do not know what the west-country spinners paid for admission, or if anything. There was a time it was £5—indeed £10 at one time; but I never heard of paying No. 60 anything for unshopping a *nob*. A member was to pay £5 for entry-money, payable in instalments. The illegal men were to pay 5s. a-fortnight along with their aliment. (A Rule read to Witness—"60 to get £5 for every one they unshop.") Never heard tell of this. Never heard of a reward for unshopping. Never heard of a reference, in case of a dispute.

(Article IV., page 15, and No. II. of Inventory, page 19, as to references, read to witness.)

CROWN COUNSEL.—Tell me then what you have heard of with regard to rules of the Society?

WITNESS.—I saw the schedules of expenditure sent round. Every man got his turn to examine them. Have seen large sums paid, No. 60. This was paid to men out of employment.

CROWN COUNSEL.—Was this independent of aliment? And supposing it £20, where were the particulars entered?

WITNESS.—The Committee had a book. I had nothing to do with it. I took just the sum in the schedule without inquiry. Never saw sums paid "expenses with nobs." Never saw nobs mentioned in any schedule. No man paid money in that way to my knowledge.

COURT.—In those schedules there are entries for Guards?

WITNESS.—Yes; only for refreshment while on duty—that's all. There are two rooms in the Black Boy Close.

ARCHIBALD MACKAY.—I am a cotton-spinner, and a member of the Association since the year 1823. I was admitted at Blantyre, in connection with Glasgow. I came there in 1825. The first mill I worked at, was Graham's; since, at M'Phail's; and, for six or seven years, and at present, at Barrowfield. On entering, I took no oath. I came under no obligation of secrecy, nor to do or encourage, direct or indirect, any act of violence. I was not aware of any oath or obligation being taken by any member. It was not understood in any way that the members were under any oath, for the minority to be regulated by the majority; nor was there obligation nor declaration. Every person after admission was entitled to do what he pleased. The purposes of the Association were to see and uphold, by every legal and fair means, the prices of labour which we possessed. During strikes, aliment was given to men unemployed. Aliment was given even where there was no strike. Many years back, when a man fell in arrear, he was allowed a sum to see if he would get work. This was when there was no strike. This money was called No. 60; but this is now done away. It has been done away for three years. The term No. 60 has not been used since. I have frequently been a Delegate. I was Delegate for Barrowfield, and came on as such in May last. I continued till the end of the strike. I was three meetings absent during that time. I remember the great meeting Dr Taylor had in the Green in June. There was a committee meeting that night. I was at it. I went at eight o'clock. I remained about an hour and a half. The meeting was broke up before I came away. Adam Dixon was in the chair. I am quite sure of that. He was not a regular Delegate. It was customary for others to attend, as well as Delegates, so long as the room would hold them. No written mandate. The numbers of the shop just called over. Every shop's number is called when a vote is taken; and any one, not a Delegate, said nothing. The object of this meeting was to see how the strike was standing out, and to see if any offer had been made by the masters; nothing else—nothing about finance that night. None of the Finance Committee were there that evening. We generally spoke about raising money. I do not think there was anything said about raising money that night. I know James Moat by sight. I have heard him make a speech at the meetings of the Association in the chapel. I do not remember whether I heard him speak that night. I know John Davies—at least

a cotton-spinner of that name. I did not hear him make a speech that night. I don't think I saw him there. I know a man of the name of William M'Gowan. I don't think I saw him there. Upon my great oath, there was no proposal made to name a Secret Committee, nor to do or instigate any acts of violence. I never heard of anything of that sort at any meetings of Delegates, Committees, or Association, at which I was present. I never heard of the existence of any such under any form or name whatever, or deeds of violence to be encouraged or rewarded; and this I state in the plain words now spoken, without reservation of any kind whatever. I was at a meeting of the Association in the Universalists' Chapel, at which Mr Gemmel, the writer, and agent of the Association, attended. I came in when he was speaking. He was cautioning us against using any violence against the men who were working—nobs. There had been some people causing disturbance, and going about the mills. I was aware that people had been tried and convicted. It was connected with Oakbank, Mile-end. We took a vote to abstain from all violence; and we passed a resolution, that anybody who did not abstain from violence we should have nothing to do with. James Gibb, the prisoner, was in the chair. Gibb enforced the same object that Mr Gemmel had submitted and impressed on the meeting. The resolution was printed in the newspapers. It was passed unanimously. There might be 400 present. The chapel holds that number, and it was crowded. *The New Liberator*, of May 24, contains the resolutions, and a true account of what passed. They were published in the *Herald* and other papers.

Cross-questioned by the LORD ADVOCATE.—I have been a member since 1823. I came to Glasgow in 1825. The members were under no obligation. They might do as they pleased. They had nothing to do with others, not members. There have been no considerable strikes till last one. There have been some small strikes. There were strikes at Graham's works while I was there. Only lasted two weeks. None at M'Phail's. Previous to the last strike, I never did use violence. I have heard of violence being laid to the spinners; but I did not believe this. I do not believe, and I never knew of any cotton-spinner having done violence to a man, because of a man working contrary to a strike. I believe there was vitriol once thrown; but I don't believe this was done by cotton-spinners. I don't know who threw the vitriol. I have no conjecture, and no opinion upon the subject whether such was done because the sufferer was working against the will of the Association. I reflected upon it. I don't think a person could gain anything by throwing vitriol. I do not remember of any cotton-spinner being punished for throwing vitriol.

LORD JUSTICE-CLERK.—Do you not recollect, about 1825, of five men being tried before me for throwing vitriol, and transported fourteen years on a conviction?

WITNESS.—I do not. When I came to Glasgow, I heard no talk of such a subject.

LORD ADVOCATE.—But you said that you heard of vitriol being thrown, and reflected on it. When was this?

WITNESS.—Yes; I have heard people talking of it.

LORD MONCRIEFF.—Then you have heard they were speaking to one another?

WITNESS.—I overheard, but no one spoke to me of it.

LORD ADVOCATE.—You say you overheard this. When?

WITNESS.—I do not remember the time.

LORD ADVOCATE.—Did you hear of it after you came to Glasgow, or did you never hear of it after you came to Glasgow?

WITNESS.—Yes. I think it was after I came to Glasgow. I cannot say.

LORD ADVOCATE.—A year?

WITNESS.—I cannot say.

LORD ADVOCATE.—Five?

WITNESS.—I cannot tell.

LORD ADVOCATE.—Answer me this. Did you hear of it spoken of more than once?

WITNESS.—I could not answer.

LORD ADVOCATE.—If you heard it only once, could you recollect that?

WITNESS.—I could not say.

LORD ADVOCATE.—Have you not heard of it ten times, or more than fifty times?

WITNESS.—I cannot say.

LORD ADVOCATE.—I ask you now, sir, have you heard of vitriol being thrown upon a person more than a hundred times?

WITNESS.—I could not say. I could not answer that question.

(In answer to LORD MONCRIEFF.)—I heard of the case of the waiter being hanged for it.

LORD ADVOCATE.—Blantyre is eight miles distant. Very seldom heard what took place in Glasgow. Seldom came down there. I have heard of a cotton-spinner being punished, of the name of Kean, for shooting at a man whose name I do not know. I came to Glasgow within a month of the end of the year 1825.

WITNESS.—Could not say if the man shot was a nob. I know he was a cotton-spinner who was punished for it.

LORD ADVOCATE.—Oh, you knew that?

WITNESS.—I heard it. I never heard of a man, Crinan, being prosecuted for shooting a nob of the name of Watson.

LORD ADVOCATE.—Nor of Kean being prosecuted?

WITNESS.—I remember Walker being tried, but not particulars. It was for some molestation.

LORD ADVOCATE.—What molestation? Was it shooting a pistol?

WITNESS.—Do not know. I paid attention to nothing of the kind.

LORD ADVOCATE.—Did it not strike you as extraordinary, to hear of a spinner firing into a room upon a nob?

WITNESS.—I did not think of it. I don't remember what factory it was in.

LORD ADVOCATE.—Do you swear that you believe that there were no acts of violence by cotton-spinners since you came to Glasgow? You have sworn so before; but reflect and answer?

WITNESS.—Repeat the question. (It was repeated.)
WITNESS.—I only recollect of the case I spoke of last.
LORD ADVOCATE.—What case?
WITNESS.—Walker's.
LORD ADVOCATE.—Do you believe that that violence was committed? And did you come into this Court ready to swear that you did not believe that any acts of violence had been committed by turn-out cotton-spinners upon nobs since last strike?

WITNESS.—I believe there might. I knew of the Finance Committee and the Guard Committee. I knew of no other Committee. The duty of the Guard was to go and see if any person was going in who had aliment, and to report to the trade. I was never on Guard. I was not a member of the Guard Committee, nor of the Finance Committee, nor of any Committee connected with the Glasgow body. During last strike, I sometimes read, and took a walk, and looked about me.

LORD ADVOCATE.—Then you saw what was going on?
WITNESS.—Sometimes. I would sometimes go up and look on the mills.
By LORD ADVOCATE.—There were sometimes rippets—disturbances—at Mile-end Factory, and hissing? I never heard of the mobs doing more than this after last strike.
LORD ADVOCATE.—Do you believe that at last strike anything more was done than cheer or hiss?
WITNESS.—Yes; I heard of some nob-spinners being abused at Oakbank, and struck going through Cowcaddens. I heard of a man being shot. That was Smith. I left Dr Taylor's meeting, and went to the committee meeting, and staid an hour and-a-half. The numbers of shops called over. Talked about the state of shops and the like. I spoke myself at that meeting. A good many delegates spoke. I could not name any delegates who spoke that night. I knew the chairman. Knew the delegates. I think Daniel Mulholland spoke. I paid no attention who spoke. All we did was the regular business, hearing the reports from the different shops—any news of settlement—if any masters had sent for members. No. 60 was done away three years ago. I could not say that I have seen it in the schedules lately. I seldom see schedules. I don't think I said the books and schedules were open. The schedules I scarcely ever called for since the strike. The only thing we looked at was money. The Finance Committee looked to the schedules. We had three men at the head of affairs. Bunyan and Hacket, I think, were at the head of affairs. When we met we just chose a chairman.

Before the Court adjourned this evening, the Jury expressed much approbation of the conduct of the Macers of Court, Mr Amory and Mr Munro, in reference to the accommodation which they received while under their custody out of Court; and the Lord Justice-Clerk expressed the satisfaction of the Court, adding, that it was no more than he expected. The reporter has reason to believe that this compliment has been well merited by the Macers, who have been most assiduous in their attention to the Jury,

and have obviated by their personal services, as far as possible, numerous difficulties, which have occurred to some of them in their private business, from the confinement consequent upon this protracted inquiry.

The Jury having expressed a wish to be permitted to take an airing to-morrow, (Sunday,) or to attend public worship, under the surveillance of the two Macers, the Court granted this permission.

Accordingly, one party, with a Macer, took an airing in carriages a few miles into the country, and another attended divine worship in the High Church—facts which will make our southron readers stare, as contrasting strongly with their own strict-immuring and starvation system of managing juries.

Monday, 8th January—Nine o'clock, A.M.

ANGUS CAMPBELL.—Was admitted a cotton-spinner, fifteen years ago. Took no oath or obligation to obey the majority in matters unlawful, or to commit acts of violence against life or property. The delegates were appointed by the men of the respective factories to make reports of the then state of the society, and of the opinions of their constituents at the mills. There were select delegates appointed occasionally, when any question of importance was about to be discussed. It was thought more convenient to the Finance Committee, to send notice to the different factories to appoint the most judicious men. This was in addition to the ordinary delegates. The ordinary delegates met generally once a-week ; but, lately, there were exceptions to that, when they met once a fortnight. The Select Delegates met only when necessity required. When they were required to meet the Finance Committee, they instructed their officer to go round the different factories, and desired them to send a Select Delegate. These delegates were only of one night's standing. The Finance Committee were a permanent committee. Schedules were sent round by the Finance Committee, which contained the general expenditure of the Association, so that it might be seen by each member. There were no other standing committee but the Finance, which consisted of three members. There was a chairman of the Association, who was not a member of the Committee. The ordinary delegates appointed one of their own number to stand, for two or three months, as president of their meetings. There was no other chairman of the Association, except when the Finance or Supply Committee required a Chairman for that committee. Witness has attended meetings of delegates, as a delegate. Members not delegates, occasionally attended their meetings. During strikes, there existed the Finance Committee, with a Supply Committee attached to it. Witness believes there was a Guard Committee. I cannot charge my memory that I ever saw the word nob in a schedule. I have heard such an expression made use of at meetings ; but cannot say I ever heard it read from a schedule. The Guard Committee paid the expense of treating the nobs. (The witness was here told by Court not to make speeches, but to answer questions.) The clerk of the Association made the entries. The materials for making the entries were communicated by the Finance Committee.

The Guard Committee would be inserted for expenses with nobs. Aliment was put in schedule as a different item from expenses with nobs; or from the usual expenses of the Association. Aliment may have been put as expenses with nobs. A clear certificate was a certificate given to a member going to leave the place—going to a distance. It was given by the Finance Committee. I remember the strike of April. I was not a delegate in April; I was a member of the Committee of Supply in April. I know William Johnston. I remember being at meetings when he made motions. He was a regular attender as a Delegate. I recollect a meeting where he made a motion respecting the conduct of some of our men. Previous to this, there was a scheme of emigration contemplated and entered into; and those who were to avail themselves of it were to get £10 from the body. Those taking this benefit were to grant a bill that they would not work as cotton-spinners for the space of three years. They were to be prosecuted if they broke faith. (Told again to answer questions directly, and not go into detail.) The purport of Johnston's motion was, that, as a number had violated their obligations, the men should all be prosecuted. The proposition led to the appointment of a Committee. I think the motion was carried, and the result intrusted to a Committee; but I am not certain. I was at the meeting when Mr Gemmel addressed the Association. James Gibb (prisoner) was in the chair. It was a meeting of the Association; but the hall could not hold them all. Gibb was a member of the Supply Committee. The purport of the meeting was to induce the members and Guards to use their influence to prevent molestation to nobs. It was agreed to; and resolutions were published in the newspapers. The Guards had been on at the different factories before this. The molestation to the new hands had been complained of. Crowds had been assembled at the different mills; and there had been disturbances with the police; and persons had been assaulted. It was so reported; but I did not see it. There was a strike of two or three trades at this time—the sawers, and colliers, and founders. I remember that Gibb spoke from the chair at the meeting I have mentioned, to the effect that the proposition or decision of the delegates, as reported by Mr Gemmel, should be carried into effect; and that any person guilty of molestation in any way should be deprived of aliment. At no meeting that ever I attended, was violence or intimidation authorized or sanctioned.

Cross-examined by the SOLICITOR-GENERAL.—The members of the Finance Committee during the strike, were Bunyan, Hacket, and I do not recollect more of them. It was appointed in April. I was a member of no other Committee. I have been fifteen years a cotton-spinner. I entered the Association in Renfrewshire, about fourteen years ago. When I came to Glasgow, there was a new form of entry—that is, I had to pay £1 of entry-money; but I took no oath. I never heard of an oath taken by the members at initiation, or of any obligation. Such was never spoken of. I never understood such a thing. Indeed I could not, when I never heard the members speak of it. There was no obligation to stand by the decision of the Association, or

by any decision. A member could not remain a member of the Association, and refuse obedience to the resolutions of the majority.

SOLICITOR-GENERAL.—And yet there was no obligation to obey the majority ?

WITNESS.—No.

SOLICITOR-GENERAL.—Was there anything in the Rules to that effect ?

WITNESS.—There was, in the Rules, something to the effect that the members who joined voluntarily, would be guided by a majority of the Association. I don't remember the Rules pointedly.

SOLICITOR-GENERAL.—Were the words of the Rules that "every member of the Association binds and obliges himself to submit to a majority of his brethren, in all cases connected with the Association ?"

WITNESS.—I could not positively say that the Rules contained all these words. I believed that that was the import. [This witness always repeated the questions which were asked].

SOLICITOR-GENERAL.—Do you know what the majority was ?

WITNESS.—Two-thirds of the members.

SOLICITOR-GENERAL.—Have you any doubt now ?

The witness entered into an explanation, and the Solicitor-General stated that he would not answer his questions.

WITNESS.—Oh, yes ! I will answer your questions.

SOLICITOR-GENERAL.—Did a member cease to be a member of the Association if he would not submit to a majority ?

WITNESS.—Yes, if he persisted in this months or years. He became a bad member. But he would cease to be a member if he persisted.

SOLICITOR-GENERAL.—Suppose the Association resolved to strike, by a majority of the Association, could such a man remain a member of the Association for months or years ?

WITNESS.—I cannot answer that question, for the case never came under my observation.

SOLICITOR-GENERAL.—I daresay not. Could he work a week against a strike, and be a member ?

WITNESS.—My own opinion is that he could not.

SOLICITOR-GENERAL.—What's a nob ?

WITNESS.—What is a nob ? Do you mean a man ?

SOLICITOR-GENERAL.—Answer without preaching.

WITNESS.—A nob is a new hand that goes into work on a strike—that is what is generally denominated a nob. There are several kinds of nobs.

SOLICITOR-GENERAL.—Give me another sort of nob.

WITNESS.—I have seen a walking-stick with a *nob* on it—that is another kind of nob I have heard of. I am not acquainted with any other.

SOLICITOR-GENERAL.—Supposing a new hand, who had never joined the Association, were working, what would you call him ?

WITNESS.—He is generally called a nob.

SOLICITOR-GENERAL.—Oh, that's another kind of nob, is it ? Supposing a man disobeyed for months or years, would he be a nob ?

WITNESS.—Why, according to the meaning already given, he would.

SOLICITOR-GENERAL.—Why, that's another kind of nob. If a man were to be cut off or expelled the Association for any reason, would he be a nob?

WITNESS.—I think he would not.

SOLICITOR-GENERAL.—Now, we have four, including the stick. Do you recollect any other?

WITNESS.—No.

SOLICITOR-GENERAL.—Did you ever hear such a word as "Colliery?"

WITNESS.—Colliery! I don't know whether I have heard the word or not used by the cotton-spinners. If it have reference to colliers, I have.

SOLICITOR-GENERAL.—Have you ever read it or seen it in the schedules?

WITNESS.—Not the word collieries, that I recollect of. Something with reference to colliers I have seen. It may have been used and be in the schedules. No. 60 ceased to be used two years-and-a-half, or three years. The business of the Guards was this—two or three men were sent to the different factories in strike, to ascertain how many new hands were going into the factories, and to report the numbers to the Association, when met, so that they might judge of the propriety or expediency of protracting the strike, or of yielding to the masters' terms. They were not paid. They received refreshments; but nothing else but their aliment. They took it in rotation, and they were performing the duties of the Association. There was another reason for Guards, which was—in case of any of our men were going in, and, at the same time, receiving aliment—that was one object of the appointing of the Guards, and to report.

SOLICITOR-GENERAL.—Were they instructed to treat the nobs?

WITNESS.—There was an understanding that they were so empowered; and they treated with and sometimes treated the nobs. I was not aware that the Guards ever molested any of the nobs. I heard it reported that Guards had disturbed some of the nobs. I understood that some were apprehended; and now, that I recollect, I heard that one, or two, or three, were put in prison for this; but I was not personally acquainted with the circumstance. It was for molesting the nobs.

SOLICITOR-GENERAL.—Did you know at the time of the meeting where Mr Gemmel spoke, some hands were in custody?

WITNESS.—Yes; I may have heard that one was convicted; but that the prosecution at the time was to be given up if the Guards were to be withdrawn, peace preserved, and so on. The aliment formed a separate article in the schedules.

SOLICITOR-GENERAL.—Did you ever hear of entries, as expenses of Guards and others connected with them, being inserted in the schedules?

WITNESS.—I have heard expenses of Guards read.

SOLICITOR-GENERAL.—Were these expenses considerable?

WITNESS.—As necessity required—sometimes they were very considerable.

SOLICITOR-GENERAL.—Let me know how they could be considerable?

WITNESS.—When a number of new hands were induced, freely and voluntarily, to come out, this increased the expenditure considerably.

LORD JUSTICE-CLERK.—This would not apply to your own members; they would go on the aliment fund.

WITNESS.—My Lord, I acknowledge there was a Guard Committee, and for the supply of the hands we got out they were placed on the funds of the Guards. There might be sixty new hands taken out during last strike, or more. They were paid. It varied, according to the ability of the Association to pay. I can calculate, from what I got myself, what the utmost was. I have got 2s. 6d., 6s., and as high as 8s. per week.

SOLICITOR-GENERAL.—Were No. 60 paid anything for unshopping?

WITNESS.—I don't know what unshopping is. I recollect when the emigration scheme was introduced, a number of strangers were coming into town, and a proposition was made for unshopping, but that was not entered into; it was thrown aside.

SOLICITOR-GENERAL.—Did the Association give any assistance to any members, when taken into custody?

WITNESS.—Some refreshment, perhaps. They have paid for the expenses of their defences when tried; the friends applying for this.

SOLICITOR-GENERAL.—Then, you do recollect of cotton-spinners being in custody and tried?

WITNESS.—I recollect that friends applied for loan for befriending cotton-spinners, which would be repaid.

SOLICITOR-GENERAL.—Were the subject of these expenses for cotton-spinners molesting of nobs?

WITNESS.—Yes; they were taken up on that charge?

SOLICITOR-GENERAL.—Now, this is a satisfactory knowledge and more so than by report.

WITNESS.—Such a system never was acknowledged by the Association.

LORD JUSTICE-CLERK.—Do you know these to be facts which you have been speaking of?

WITNESS.—Yes.

SOLICITOR-GENERAL.—Did you ever know of convictions?

WITNESS.—Oh, yes; I heard, though I did not know the person.

SOLICITOR-GENERAL.—Do you recollect Mullholland, Campbell, and M'Donald being charged for molesting nobs?

WITNESS.—Yes.

SOLICITOR-GENERAL.—Had you anything to do with that?

WITNESS.—Yes; immediately—by another party. I knew that bail-money was obtained, and that they were cited to appear at the next Circuit Court. This was last April. Campbell and M'Donald

did appear, and two men were sent down to 'Duntocher to secure their appearance ; two were got, but Mulholland did not appear.

SOLICITOR-GENERAL.—Was it the Association money that was lodged for their bail?

WITNESS.—Yes, it was. Mulholland not appearing, and the rest going forward, I was requested to go and get up the money for those appearing ; and I went to Dumbarton to arrange with Mr Macome about the money as to his obligation. Mulholland was fugitated. The others were again cited to appear, and we sent a party to Duntocher to bring them up. The Association got back their money, as the trial was not persisted in. The Association got back the £60. I am not aware of there being a Bible in the Association. There may have been one. I never saw it among papers and documents in Smith's. I never saw a Bible there. Men may have had Bibles in their pocket. I cannot distinctly say if there was any minute taken of Johnston's motion. When I was examined by the Sheriff, I recollect of being shewn a minute bearing on the subject. The minute shewn to me may be the minute referring to the motion. The motion I heard was to prosecute men who had got emigration money and violated the conditions. I was a Member of the Supply Committee. I knew the whole cash transactions.

LORD JUSTICE-CLERK.—Shew me No. XXIII. Just recollect yourself now. You said there were three of the Finance Committee who signed lines. You said you could only name two, Bunyan and another. Look at that certificate, and read the names to me.

WITNESS read the names of Thomas Hunter, James Gibb, Peter Hacket, and Richard M'Niel ; and then said, " My Lord I will explain. The Finance Committee"———

LORD JUSTICE-CLERK.—Wait till you hear a question. Were these Members of the Finance Committee or not?

WITNESS.—Bear with me. (He then went into a long explanation, accounting for this, to the effect that the business became so heavy that the office-bearers signed such certificates latterly ; but, previous to the strikes, this was the duty of the Finance Committee.)

LORD JUSTICE-CLERK.—In what capacity are the names of these men adhibited to this document?

WITNESS.—Hunter, chairman of Committee ; Gibb, one of the Secretaries—an assistant ; Hacket was Treasurer ; M'Niel, Secretary.

LORD JUSTICE-CLERK.—And, in these capacities, their names were so adhibited?

WITNESS.—Yes, my Lord. Previous to the strike, they were always granted by the Finance Committee.

LORD JUSTICE-CLERK.—Were there shop certificates?

WITNESS.—Yes, to be referred to the Finance Committee.

LORD JUSTICE-CLERK.—What kind were they?

WITNESS.—They were a reference to shew if the applicant was clear. They were not called certificates, but lines.

LORD JUSTICE-CLERK.—What is this certificate for M'Lean?

WITNESS.—It is because M'Lean was intending to go abroad, as I

understood. I knew of this, being a member of the joint Committee. I saw this, or a line like this, so granted. It is a certificate.

LORD JUSTICE-CLERK.—Was Hunter in the chair, then, when he granted it?

WITNESS.—Was he in the chair?

LORD JUSTICE-CLERK.—Yes; was he in the chair?

WITNESS.—Yes.

LORD JUSTICE-CLERK.—Can you recollect, now, who the third member of the Finance Committee was?

WITNESS.—My Lord, I cannot charge my memory yet; but I think the third person's time had expired, and the third place would be vacant at this time; for I have seen such an occurrence before. I cannot recollect.

LORD JUSTICE-CLERK.—I wish you would recollect a little. The three managed the whole business, you say, before the twelve were added to assist to raise supplies?

WITNESS.—I am only forming my opinion that there was no necessity for filling up a man's place when so many were added, amalgamated with the Finance Committee.

LORD JUSTICE-CLERK.—Who was the person who retired from the office? Just answer me that question. Don't make a speech.

WITNESS.—I cannot tell distinctly, as I was not at the time connected with any Committee, and I being only elected one of the twelve after this.

LORD JUSTICE-CLERK.—Do you recollect who were the members of the Finance Committee at any time about or shortly before the strike?

WITNESS.—That is what I do not recollect.

LORD JUSTICE-CLERK.—Did the Finance Committee act by themselves, or with the twelve, all as one Committee?

WITNESS.—All as one—they acted all as one.

LORD JUSTICE-CLERK.—Did these four men at the bar act by themselves in the business of the Committee when there was no meeting?

WITNESS.—They acted only as President, and so forth, when the Committee were met.

LORD JUSTICE-CLERK.—Did Hacket never act as Treasurer without a meeting of Committee?

WITNESS.—Never, but under their injunctions. When met, they gave injunctions; and then, in their absence, he would act in any necessary duty.

SOLICITOR-GENERAL.—Can you explain how the Secretary and the Assistant-Secretary both sign?

WITNESS.—It was their duty, as the applicant wished three or more would sign.

By Mr ROBERTSON.—I shew you a certificate, (No. XXIII.) In whose handwriting is it?

WITNESS.—I cannot say. It is a long time since I saw it. I was present when W. M'Lean came and made application for it. It bears the date on which it was granted. The word *nob* is a general *cant* name applicable in all trades. I have seen an entry on one occasion, of £40, lent to colliers; and "colliers' bill" was entered,

so far as I recollect. The reason of the entry in that way was, that they had granted a bill, and this was the reason of the entry in that way. I do not know of the word *collieries* or *colliery*. I recollect, two years ago, an application was made, I think, to Hunter, to give £50 in loan to another branch of the colliers, independent of the £40. The sum was lent on heritable security, and during the last strike different branches of the colliers tendered assistance to the spinners. In some instances the money was given. Certificates were granted at all times, as well before as during strike, and stamped with the stamp of the Association. When there was no strike, this was signed by the Finance Committee, and office-bearers after it. Similar certificates were granted during last strike.

Lord Moncrieff.—Do you know any instances of persons remaining members of the Association, after the last strike, who took work.

Witness.—There were many mills which did not strike.

Question repeated.

Witness.—I was not aware. Know all the prisoners.

Court.—At that last meeting, where Mr Gemmel made the speech, were the prisoners all there?

Witness.—I think Gibb and M'Niel were there. I cannot say positively as to the others. I cannot say if Hunter was there or not. The members of the Supply Committee attended these meetings.

The witness was dismissed, and afterwards recalled into Court, by the Lord Justice-Clerk.

I came from Glasgow on Tuesday last. No communication was made to me since I arrived, on the subject of this trial. I was not in Court. I kept out by special instructions. I have heard nothing but general conversations on the subject of the trial, since it began. William Smeal is living with me in Edinburgh.

William Smeal.—I am a cotton-spinner for eleven years, and a member of the Association for eleven years. The business of the society was managed, before the strike, by a Finance Committee of three. In case of strikes, a Committee of Supply is elected. They then, together, form one committee. At the general meeting, an election takes places, to last two months; but it is not the business of any committee-man to occupy the chair at meetings. The delegates are chosen by the respective factories in which they work. There are occasions, when business of any importance is to be discussed, that the most wise and judicious men are chosen, and sent up by the shops. When I entered the Association, I took no oaths. I came under no obligation of secrecy. I undertook to abide by no resolution to do any thing unlawful. I neither heard nor knew of any such oaths. Three-fourths of a majority was to be binding upon the Association. I never heard of a Secret or Select Committee. I never heard of any Committee of any name connected with purposes of violence. I remember the last strike in April. The Committee of Supply existed during that time. It amounted to twelve or fourteen in number, of whom the ordinary Committee of Finance formed a part. Hacket and Bunyan were two of the Finance who merged into the Supply Committee. The time of the third one had just then expired,

and no one was put in his place, as the Committee of Supply was appointed. The Committee of Supply had no duty separately during the strike. I do not know the man who went out of office at that time. There was a Guard Committee during the strike. There was also a Decreet Committee for a week or two. The Supply Committee raised the funds—that was their principal duty. Certificates were occasionally granted at ordinary times *to members clear of debt*, and to persons leaving the country, by the Finance Committee. During strikes, both merged and acted as one Committee, and any of the Members who might be present granted the certificates. I was a Member of the Supply Committee during last strike. The Chairman of the Supply, or United Committee, was Hunter; Hacket was Treasurer, M'Niel Secretary, Gibb Assistant Secretary. They granted such certificates—several during the strike. They did so to James Dyer, *William M'Lean*, and to a member who went to Russia, and several others. There was one to Montgomerie, one to Joseph Porter, also one to Douffy. The words were generally that the bearer was a member of the Association, and had paid all lawful dues. (Shewn No. XXIII.)

WITNESS.—It is in the usual terms. I was not present when it was granted.

LORD JUSTICE-CLERK.—I don't read the words you have given us in this certificate.

WITNESS.—That's the import.

Is shewn No. XXIV., and reads it. "He is a clear member, and has always done his duty."

WITNESS.—I remember the Glasgow fair beginning the second Monday of July. I left Glasgow that day, to go to Blantyre. I saw M'Lean next day, Tuesday. Montgomerie was with him. I saw them at Blantyre Tollbar. I understood from Montgomerie, when he said *we*, that they were both going to England, and were going first to Blantyre, to see if the spinners would give them any money to help them on. I saw them next day, or the day after that, at Bothwell on the Carlisle road. I was going to see Lord Douglas's policies [Park.] I did not speak to them. They were not near me. There was a Guard Committee during last strike appointed in another, to see what members and others would be going in to work. Their purpose was to report, and so to have the aliment of such members cut off; and, at the same time, to see if it would be prudent to continue the strike longer. This was to be done by persons who volunteered that duty. They were to reason with the nobs, and point out the folly of taking work at reduction; and to treat them with ale or spirits, the expense of which was to be charged against the Association. The Guards had no separate allowance, or pay, farther than expenses in treating, and the like. These were paid by the Supply Committee. When the Guards succeeded in inducing new hands to come out, they were put upon aliment, the same as regular members. The names of the regular members were entered in a book or roll. The names of the new hands—some were added, and some not. This was accidental; there was no particular reason for it. Schedules were sent round, shewing the income and expenditure when there

were no strikes. Such schedules were also kept during the time of a strike. When the Delegates met at the meeting, schedules were given to each, and he gave it to the factory to which he belonged. For a short time before the expiry of the strike, these were not sent, but the income and expenditure was then read at the meeting of Delegates, and Committee of Finance and Supply. Nearly seventy new hands were put upon aliment. This was entered in one sum in the schedules. I am aware of entries of "Expenses for Guards." It was the refreshment and aliment supplied to the Guards for the new hands. "Expenses with nobs" appeared also in slump sums, which meant the expenses which had been paid in inducing the new hands to come out; and this entry was of the same description as the other. The Decreet Committee was appointed to pursue for sums of money due the Association. When a person was to emigrate, he got £10 to assist him, and he granted a bill for it; and, if he failed to go away, or returned, or began to work within three years, the bill was put in suit, and decreet obtained for it. This committee existed only a short time; it was also called the Debt Committee. I don't remember upon whose motion this committee was appointed. I was from home at the time I was a member of the Supply Committee during the whole of the strike. I know William Johnston. I was present, about June, at a general meeting of the Association, when he made a motion, that all who owed money should be prosecuted to the utmost. They were called *nobs*, because some of them had got the emigration money, and returned, or worked before the expiration of three years. Nob is a general term, referring to all not acting within the rules of the Association. I think every trade has its own term of that sort. A member, by paying back the £10, might again become a member of the Association. I never heard of a *Persecuting* Committee. Johnston's motion was for a *Prosecuting* Committee. During last strike, there was a good deal of molestation given, by some members, to nobs at Oakbank and Mile-end. I believe there was not a general strike in Glasgow, of all the trades. The colliers, sawers, and moulders throughout the country had struck. I was at a meeting in the Universalists' Chapel of the Association, which was crowded. James Gibb was in the chair, and Mr Gemmel addressed the meeting. Certain resolutions were passed and published, to the effect of refraining from violence. Gibb enforced the proposition, and the Guards were withdrawn. Cotton spinners had been apprehended before this. Part of the arrangement was, that, if the spinners behaved better, the prisoners then in custody would be liberated.

Cross-examined by LORD ADVOCATE.—If a person gave up working on a strike, he would not any longer be a nob. Nob is a reproachful term When new hands gave up working, we would not call these nobs; we would not then apply the term to them. As to the entry of "expenses of nobs," it could not apply to those persons, but aliment was paid them, and the entry may be referring to that. If they ceased from working, they were no longer nobs, though they might be called

so, and the entry would be made as aliment paid to nobs. It was sometimes paid as "aliment," and sometimes "expenses to nobs." The Treasurer was not always the same person, and some Treasurers might make the entry one way, and some another. Every member of the Supply Committee would understand this. No such question was ever put to me before, and a member of the Committee of Supply could, I think, be at no loss to answer the question. Sometimes a person would take the chair at the Delegate Meeting. In ordinary times, a Chairman was elected, and acted for two months. During a strike, no one was appointed to preside over the Delegates. I have at that time seen one for two or three times. Hunter continued President from the Monday or Tuesday after the strike till he was apprehended. M'Niel was elected Secretary the same day, and continued till he was apprehended. Gibb sometimes acted as Assistant Secretary, during the strike. He was particularly required on a pay night, but not always, and sometimes he acted when M'Niel was present. He acted as such in signing certificates or free lines—any member of Committee might do so—it was not his duty more than that of any other member of Committee. That day it was proposed that Hacket should continue Treasurer. He was so before of the Finance Committee. The prisoners at the bar acted during the whole of the strike, with the exception of Hacket, who was some time in England. Hacket went to England about the middle of May, and returned some time in June. John Bunyan acted in his absence as Treasurer. I am well acquainted with Hacket, and have seen him write—also with M'Niel, but it is rather longer since. I knew M'Niel, and cannot say whether I would know his handwriting or not. The Guards were removed from the mills—some remained. Cannot say how long the Guards continued on. I was present when the meeting with Committee took place in June or May. Thinks there were no Guards next day on the mills. Gibb addressed the meeting on that occasion—he was in the chair. Heard Gibb say that, if any person went on Guard, they would receive no aliment. He said something to that effect; and that they would be deprived of aliment if they did so. I never was near a struck mill, and never saw a Guard on. Heard reports that some were lingering about Houldsworth's mill. Police blamed them. I did not know whether they did or not, and some were taken up by the Police.

Interrogated.—Did you not hear that there were guards on the mill?

WITNESS.—I do not think I did. The Committee were against all riots. I am not aware that they ever gave any information or aid to the public authorities during last strike. I did not hear of combustibles being thrown into Hussey's mill until the Sheriff asked me. I heard from a member of Committee, of combustibles being thrown into Wood's house; but I am not aware whether the Committee or Association gave any information about these things or about Smith's murder. The Guard Committee were dissolved after Mr Gemmel's meeting; but those of the workers who came out still received their

aliment from the Guard Committee. It was composed of Morison and Parker. I do not remember others. These continued, throughout the whole term of the strike, to pay such aliment.

Interrogated.—Was there any resolution ever entered in the books regarding the crimes you have mentioned, particularly of Smith's murder?

WITNESS.—I have heard such things often talked of, and I have heard such a proposal; but the want of funds kept the Association from offering a reward. Hacket spoke of it. They never gave any information to the Sheriff.

LORD MACKENZIE.—How did you get information about workers when the Guard was withdrawn?

WITNESS.—When there was no Guards, persons residing in the neighbourhood told us about people working.

LORD JUSTICE-CLERK.—Do you mean to say that Morison and Parker ever went and paid Guards after the public meeting?

WITNESS.—I am not aware. They had no authority from the Association.

LORD JUSTICE-CLERK.—Do you mean to swear that you understood that no Guards were authorized to go to the mills after that meeting?

WITNESS.—I understood this, and that none went with authority.

LORD MONCRIEFF.—Do you know of any man's aliment being withdrawn because of his going and acting as a Guard after the meeting?

WITNESS.—No. I was apprehended in the Black Boy tavern along with the rest.

LORD ADVOCATE.—Were you in the Lock-up, along with the prisoners, last Friday night?

WITNESS.—Yes; I was. I was with Mr Fisher, one of the turnkeys. I remained with them above half-an-hour.

LORD ADVOCATE.—Did you tell Fisher you were to be a witness?

WITNESS.—No.

LORD JUSTICE-CLERK.—Were you cited for the prisoners before that?

WITNESS.—Yes.

Who remained with you?

WITNESS.—Robertson and Mrs Robertson; the keeper and his wife.

LORD JUSTICE-CLERK.—Had you any conversation with the prisoners?

WITNESS.—Nothing more than merely talking about the weather and their relations in Glasgow.

THOMAS ANDERSON, post-master.—I am post-master at Neilston, nine miles from Glasgow. When a letter is put in at my office for Glasgow, I stamp it No. 19—Neilston being No. 19. I put this stamp on every letter. I don't mark anything on it but that. I see a paper with this stamp, No. 19. I see a letter, No. XVII.* addressed Mr Arthur. It has the Neilston post-office stamp on it. I have no doubt that letter past through my office. There are a great many

* In the libel it was set forth, that this letter was put into the *Glasgow* post-office.

conveyances from Neilston to Glasgow. Coaches and vans daily from Glasgow.

Cross-examined by Mr SHAW STEWART.—I see the Glasgow post-office stamp upon it.

HUGH M'LEAN.—I am clerk in the Glasgow post-office. There are thirty-two penny-posts. Neilston is No. 19.—The witness corroborated the testimony of last witness.

ADAM SIDESERFF.—I am a cotton-spinner, and have been so twenty-five years, and twelve or fourteen years a member of Association. I took no oath, never heard of any, and came under no obligation of secrecy, or to do what the majority resolved on, farther than was mentioned in the rules of the trade; and there was no other obligation. Affairs were managed by a Finance Committee of three. No other Committee that I know of. The schedules of the Finance Committee were sent round to the different mills. Delegates were appointed, and occasionally Select Delegates, to lay before the body anything of importance; and to lay it before the collective wisdom of the trade. I have been a Delegate myself; but never a select one. During strikes there was generally what is called a Finance Committee, a Supply Committe, and a Guard Committee. The Finance Committee and Supply Committee sometimes acted separately and sometimes jointly. The duty of the Finance Committee was to receive from the Supply Committee the money, and to pay the men. They had other duties; but these were the principal ones. They had sometimes to give the Supply Committee assistance in various ways. The Supply Committee was to provide the means for carrying on the strike, by getting provisions and what not. The duty of the Guard Committee was to collect men, and see if any of our number went in to work before any settlement or agreement took place; and to give information. If any new hands made their appearance, they were to do everything in their power, in a legal way, to persuade them; they were to give them drink and a weekly allowance of aliment, the same as the rest of the body. The term "nobs" was the general one given to characters of that description.

COUNSEL.—Did Association approve of those that were nobbing?

WITNESS.—No, they did not like it very well.

COUNSEL.—Did you ever hear of any Secret Select Committee?

WITNESS.—No, never, save except what I have mentioned.

COUNSEL.—Did you ever hear of a Persecuting Committee?

WITNESS.—Never.

COUNSEL.—Was it customary, whether there was a strike or not, to grant clear certificates?

WITNESS.—Yes, it was. The clerk kept the books. Every man's name was entered, and the debt he owed to the Association. Every night there was a payment. On a strike of the body, every man connected with it, received 12s. per week. Got no aliment except there was a strike. It was the duty of Committee of Supply, to grant all lines. When no strike, no Committee of Supply. Several certificates to people to go elsewhere for employment, granted during last strike. I remember M'Lean getting one, and Thomas

Lochrie, Montgomerie, Porter, Nixon, I think, M'Ginty, and some others. (Shewn XXIII.) I remember M'Lean getting this. He applied for it.

COUNSEL.—What did he say?

SOLICITOR-GENERAL.—I object that the prisoner's statements can be evidence for the prisoner. The reasons he *assigned* for getting such a document, is of importance.

Mr ROBERTSON.—I want it as evidence with reference to the other prisoners. A member of the Association applies to the office-bearers, and I am entitled to the *res gesta*.

SOLICITOR-GENERAL.—This is not part of the *res gesta* of the crime.

Mr D. M'NEILL.—This letter is part of the evidence under which the other prisoners are to be connected with the alleged crime. It is therefore part of the *res gesta*, so far as they are concerned, to have it proved what took place when they were asked to put their names to the document.

The Judges consulted, and the LORD JUSTICE-CLERK announced that they were disposed, in this particular case, to permit the questions to be put.

WITNESS *called*.—The reason M'Lean assigned was, that he wanted to go elsewhere in quest of employment. It was during a forenoon in the Glasgow fair week. He was in arrear. However, that requires explanation. He was entitled to a sum of aliment, and his debt was taken off his aliment. When the members go away, they get no more aliment unless they return. Of course the Committee were glad to get quit of him. I never knew or understood that there was anything wrong about this certificate. Shewn XXIII. There is no common rule or modelling of certificates. I did not draw it.

Mr ROBERTSON.—Oh, no, you were not one of the "collective wisdom of the body!"

WITNESS.—The resolutions of the public meeting were published in two papers—the *Herald* and *Liberator*.

Mr ROBERTSON.—Were the resolutions to discourage violence?

The witness explained affirmatively.

Mr ROBERTSON.—You have answered my question in better language than I put it. Were the guards removed?

WITNESS.—Yes.

By SOLICITOR-GENERAL.—The guards continued off till the present day. They never were on again by the voice of the body. If they went, it was on their own responsibility. They never went on to my knowledge. I never heard of the Guards being on guard on any of the mills, and knew nothing of it. I was not a member of the Guard Committee—Morison, Clark, Parker, Trotter, were. There were four or five altogether. I have seen M'Niel write in a book that he kept. (Is shewn No. VI.) It is a book he kept—can swear to the handwriting. I have heard often of Nobs being molested—only from report. Never knew of the funds of the Association being applied to defend men accused of maltreating or molesting Nobs. I never personally knew of money being applied for bailing such persons. I don't know whether

such was known among the Association. I did not hear of Keddie's conviction, but I heard he was to be sent to Bridewell.

SOLICITOR-GENERAL.—Well, do you know that in this country people are not punished before conviction?

WITNESS.—It may be so. I don't think I ever heard of a man deprived of aliment for molesting Nobs, nor put out of the Association. I could not say whether it was general or not. I could not say whether a Nob was safe on the streets of Glasgow.

SOLICITOR-GENERAL.—If it had been your inclination to Nob, would you have been safe?

WITNESS.—*I don't know what my feeling would be if I had been transmoggrified into a Nob.*

SOLICITOR-GENERAL.—When Keddie and others were apprehended and convicted, and liable to be sent to Bridewell—prior to that, did the Association ever interfere for the protection of Nobs?

WITNESS.—It's not very likely.

LORD JUSTICE-CLERK.—Attend to the solemnity of the Court.

WITNESS.—My Lord, that's my intention—you may understand the question, but I don't.

It was repeated.

WITNESS.—I do not know if anything was done either to protect or molest the Nobs prior to the meeting. I never heard of any such resolution as that passed at the meeting of 23d May, so far as I know. My Lord, will you read what you have written? (Read.) That's right.

SOLICITOR-GENERAL.—Oh, yes, I believe you are quite right.

WITNESS.—I saw a proclamation by the Magistrates. (No. XLII. read.) I don't know whether I ever read this proclamation.

LORD MONCRIEFF.—You said you saw one.

WITNESS.—The Trade must have seen it.

SOLICITOR-GENERAL.—Between the date of that proclamation and the public meeting, was any meeting held for a similar purpose?

WITNESS.—No.

SOLICITOR-GENERAL.—And the Guards were on?

WITNESS.—Yes.

SOLICITOR-GENERAL.—Were the Guards on after the public meeting?

WITNESS.—They never were put on; not, so far as I know; I have expressed that six or seven times.

SOLICITOR-GENERAL.—Yes; you have given me a distinct answer to a distinct question.

WITNESS.—The Guard Committee were not put an end to till the end of the strike. They paid aliment.

SOLICITOR-GENERAL.—Have you heard of cotton-spinners throwing vitriol on the faces of nobs?

WITNESS.—I have heard of such. I was working out of Glasgow, ten or twelve miles, till four years ago, and there I heard of very few such reports. I could not say that I ever heard of the case of Kean, nor of his sentence. There was no Association in Renfrewshire till

after the termination of the Combination Law. The Finance Committee were Bunyan and Hacket. The time of the third Committeeman was out, and no one put in his place. The members had 5s. a-week for their trouble. The certificates were granted by any of the members of the Supply Committee.

Lord Cockburn.—Were the nobs in any danger during the strike?

Witness.—I do not know. I never saw anything of that kind.

Lord Cockburn.—Do you swear that it is your belief and opinion, that the nobs were not kept in intimidation during the strike.

Witness.—Some of them might be, some not. The nobs were not in danger, so far as I know.

By Jury.—I do not remember of a Debt or Decreet Committee; but I know that it was intended to have one. The Committee advanced £10 to members, for emigrating, chiefly before the strike, when balloted for emigration. No sum of £10 paid for this during the strike.

By Solicitor-General.—I never saw a Bible in the Committee-room.

By Lord Mackenzie.—I never heard of the Committee holding bills against any nobs, who were working during last strike.

George M'Callum.—I have been a cotton-spinner rather better than eight years, and a member of the Association all that time. I took no oath at my admission. I do not know of any being administered to others. I came under no obligation to abide by the decision of the majority. There was no secret obligation. I was admitted in a house in the Spoutmouth, a tavern in Gallowgate, and not in Smith's. Finance Committee managed affairs. There was an Emigration Committee, to send out members to America. The person going away had his name put upon a leet, and sent through the trade. The sum allowed them was £10, besides passage. They were to pay back if they returned, or would be prosecuted on the bill taken from them for the amount. Schedules of the expense and income sent to the different mills. Select Delegates were occasionally appointed to transact the business of the trade. The Delegates went in rotation from their respective shops. Remembers the last strike in April. The Committee then in existence were a Finance and a Supply Committee acting together. Their principal object was to provide supplies for the men who had struck. There was a Guard Committee; its object was to ascertain how many new hands were taken in, and to report to the trade, that the whole trade might know what position they stood in, whether they should continue the strike or not; they had no other duty. I know they were able to take some out by their own influence. Does not know whether they gave them drink or not. I was not a member of committee, but was a delegate about eight weeks at the latter part of the strike. Never knew or heard of any Secret Select Committee, or of any committee connected with violence. Remembers the large meeting in the Green, at which Dr Taylor spoke. Was at it. Left it in the after part of the day. Attended a meeting of the Delegates that evening, in Smith's in the Black Boy close. Went to it about eight o'clock. Elder Dixon was in the chair; came away in about an hour and a half; between

thirty and forty attended. Dixon and I were members of the Teetotalism. During all the time I attended, there was no proposal for a Secret Select Committee. We had run short of supply, and this meeting was held on the night of Taylor's public address, for considering about raising supplies of meal. The business was conducted conversationally. Thomas Ross was at that meeting. None of the prisoners were there.

Cross-examined by LORD ADVOCATE.—There were people called *nobs*. They were people who worked at the terms on which the masters requested them to work. All were called nobs who did so. I have heard of violence used to them; but I never saw it. I have heard of people being punished for it; but whether they did so or not, I cannot tell. Spinners were not, to my knowledge, disposed to injure them. I have heard, during the strike, of an individual at Mile-end being taken up for it. I never heard of any agent of the Society, until Mr Gemmel was appointed to this case. I was in Belfast. I was in Belfast shortly after—it might be a fortnight after. I was there for three weeks or better. Chosen a delegate about two months after strike—it might be about the beginning of June. Never heard of Guards when I came back. Never heard of oaths since I became a member. All were delegates, unless Dixon, at the meeting over which he presided.

LORD JUSTICE-CLERK.—To whom did the delegates report?

WITNESS.—Each reported to the body of delegates that belonged to their respective shops. No one complained, that I recollect of, that the Committee of Finance were absent. We met mostly every day. Contract with Mr Baird was part of the business. The Committee sit in another room, apart from the delegates. They might, or might not, be in another room that night. Our meeting was in the kitchen. There is another communicates with it. The Committee of Finance and Supply met daily; it was their duty. They consisted of twelve. We used to call them the twelve apostles. They might be met in that house without our knowing it. This is quite possible. When I left the meeting, I went to the Abstinence Society House. If Committee were not met that evening, they must have met at an earlier part of the day. I don't know that they had met that day. I have known them to be together till eleven o'clock, when paying money or waiting for it. It was only in getting money that I attended them.

HELEN CALDWELL or SMITH, (a witness in the crown list.)—My husband works at Mr Houldsworth's. I knew Mary Wilson or M'Donald. She died about a fortnight or three weeks after that, of typhus fever. She was quiet and sober. I conversed with her about the person who shot Smith on more occasions than one. I had the first on Tuesday after the murder in Clyde Street. I said, "There's a man been shot." She replied, "I saw it done." I said, "Then you'll know him." She said, she did not. She said, No, she did not know him, but his appearance. I asked, "What like was he?" She said, he was a little man, with dark moleskin clothes, or dirty moleskin clothes. I heard more of his description. She said, the flash met her

in the face, and she ran after the man who had fired. She said, she was going up the street. He trotted through the through-going Close, and there she lost him. She said he had a jacket, and was below the common size of men. I again conversed with her when M'Lean was apprehended. She described the thing again to the same effect. She was in good health when she made those statements. She said her husband was with her at the time. She said he was tipsy.

Cross-examined by SOLICITOR-GENERAL.—She said she was meeting Smith when the shot was fired, and the flash met her. She said the man ran before her up the street a little bit, and then into one of the Closes. She said Smith's wife was along with him. The flash was the first thing that struck her. Mrs M'Donald's house was near the head of Clyde Street. She said there were no persons there until she entered the through-going Close. She ran to see why the man was firing. She told me the man came in behind Smith's back, and then fired the pistol. She saw the flash, and followed him. She said she was not behind Smith and his wife. She said she saw no other man. She said to her husband it was time that the authorities knew about it; but she did not like to be troubled; she said she was afraid of the innocent suffering. Information was communicated to the authorities when she was in fever.

DANIEL MONTGOMERIE.—I have been twenty years a cotton-spinner and member of the Association. I applied for a certificate or clear line on 11th July last, as I was going to England to look for work. [Shewn it.] It is signed by Hunter, Hacket, M'Niel, and Gibb, members of the Supply Committee; and I told them the object of applying for it. I was on the strike. I was getting aliment of 1s. and 1s. 6d. weekly sometimes, and at first more. I know M'Lean. He got a certificate at the same time. I know Smeal; saw him at Blantyre on the 11th July, which was the day we, M'Lean and I, went away on our road to England. Spoke to Smeal. Asked assistance at Blantyre to carry us on. Got none. Went to Bothwell, and went to Glasgow, giving up the idea of going to England, having no means. I know Christie, who had a shop in the Gallowgate, and one in Hospital Street, where he lived. I was not in Christie's shop or house after I returned from Blantyre. I was last in the Gallowgate shop before going to Blantyre. Got 2s. 6d. from Christie, and never had it in my power to pay him back. I never, in that shop, or at the door, gave Christie a pair of gloves. I never knew of M'Lean borrowing gloves from Christie. I never borrowed a pair myself. I was in Christie's house on a Sunday night in Hospital Street, with M'Lean. We had drink together. I never in that house or shop asked to borrow a pair of gloves or mitts; nor did I do so at the back door; nor did I see M'Lean do so. I know of no purpose for which black gloves were used or wanted at that time. M'Lean was drinking along with the rest of us—one Brown, Osborne, and Lochrie; no person of the name of Campbell was there. Did not return to Christie's, as I owed him the 2s. 6d. Have been in Christie's with M'Lean before we went to Blantyre. I never, in Christie's shop or elsewhere, heard M'Lean make any statement to Christie about a woman, or about an act of violence of any kind that he had done; and M'Lean never told me any

such story himself. I do not recollect any remarkable conversation between M'Lean and Christie.

Cross-examined by SOLICITOR-GENERAL.—I have been in the Association for twenty years. Never served as a Guard, and knew nothing about Guards, or anything of that name. Never heard of a Guard Committee. Never heard of a Guard Committee during last strike at all. Never heard of Guards at the mills. Have heard of nobs being molested, but never heard of being molested by cotton-spinners. Never heard of any cotton-spinners being tried for molesting nobs during the last strike. Nobs have not been molested to my knowledge. It was no purpose of the Association to molest nobs; a nob was quite safe in the streets for anything I know. I do not believe he was in any danger at all. I did not join or walk with the procession of spinners at Oakbank.

SOLICITOR-GENERAL.—Pray, were you ever committed for any criminal charge?

WITNESS.—Yes. I have, for breaking a man's door open, and striking him in his own house.

SOLICITOR-GENERAL.—Were you ever committed for fire-raising?

WITNESS.—No.

SOLICITOR-GENERAL.—Were you not committed on any such charge within the last six years

WITNESS.—No.

SOLICITOR-GENERAL.—Do you know the Windford Cotton-Mills?

WITNESS.—Yes.

SOLICITOR-GENERAL.—Were you never committed on any charge about that mill?

WITNESS.—Never.

JOHN REEVIE, bill-sticker in Glasgow.—I remember of sticking up bills offering a reward of £500 for the apprehension of the murderer of Smith. Put up the bills on a Tuesday. I know the shop of a man Christie, in the Gallowgate. I put up two bills opposite his shop, one at each side of the Close, and the nearest eight or ten yards from Christie's; this, I think, I did about three o'clock in the afternoon. I got the bills in Mr Peter M'Kenzie's printing office, at the Buck's Head. I called at one o'clock, P.M., made a long round, and reached Christie's about three o'clock.

WILLIAM LOCKHART.—I am a cotton-spinner. Know M'Lean. Heard, on Monday morning following Smith's being shot, of the circumstance. I was with M'Lean in the Green, a little past eight o'clock in the evening of the previous Saturday. I went with M'Lean from that to Change House in Saltmarket, by cross, and then into Cameron's public in Saltmarket. There were a great number of people with us—John Thom, John Miller, Calligan, Corrigan, John Andrew, Alexander Stevenson, James Green, Andrew Whyte, and M'Lean, and many more. Went in to get a dram. We went there to wait for aliment. M'Lean proposed this. It rained—that was the reason of going there instead of waiting at the Cross. Remained in Cameron's till 12 o'clock. All those I have named remained there. M'Lean might be as far as the door. He brought Findlay in, who called at the door. This would be before eleven o'clock. M'Lean remained away

then about five minutes, getting his aliment. John Stark and William Johnston brought the aliment of 1s. I was working during part of the strike; not nobbing—my mill had not stopped. With the exception of the time I have mentioned, and five minutes that I was out, five minutes at half-past ten, I found M'Lean there; when I returned after getting my aliment, M'Lean was with me all the evening till twelve. Then M'Lean, Miller, White, Thom, Andrew, Corrigan, Stevenson, and Calligan, went together to M'Ilwraith's in the Briggate. We met one Walker, a spinner, on the road, and he accompanied us to M'Ilwraith's. It was after twelve when we reached that. The whole shops are shut by that time. The shutters were on the shop, but the door was not locked. We were there till after one o'clock, A.M. I went down the street then, and left M'Lean and Stevenson together at the Briggate in Stevenson's.

Cross-Examined by LORD ADVOCATE.—It was between nine and ten o'clock when we left the Cross. I don't know who went nearest me—don't recollect who immediately accompanied me—M'Lean was before me. I was never in Cameron's before. I don't remember of seeing Cameron. M'Millan had charge of the shop; Cameron might be there; M'Millan served. I know it was M'Millan's, because I have seen him since. I have been in the house since, two or three times, and seen Cameron there, and I know him by sight, but I did not see him in the shop that night that I recollect. I did not sit down in the shop, but went into the room; it was a pretty large one. I could not say how it was situated; I cannot say I have been in the same room or not; I have been once in the shop since. There was a table. We sat on a form. I was a little bit from the door. I don't know who sat next me. Can't say who sat opposite. I cannot say how many were in the room—there would be ten at least, who sat down. Could not say if more. Could not say how large—an ordinary sized room. I could not say if it would have held twelve more; could not say it would hold more than thirteen altogether. Cannot say what part of the room M'Lean was in. I did not attend—can't say if nearer the door than me—could not say if farther up or farther down. When he went out, I don't know whether he passed me or not. Could not say whether I passed him when I went out or not. I don't mind where I sat down when I came back. He was in the room when I came back, but I cannot say in what part. I could not say whether M'Lean returned back to the same seat after he went out.

LORD JUSTICE-CLERK reminded the witness of what he had been swearing.

By LORD ADVOCATE.—Findlay sat at the door when he came in, and M'Lean, when he returned with him, sat down with him. I don't recollect whether he was sitting next the door, before he went out. I don't recollect if he returned to the same seat he had been in. I had gone out before him. I don't know whether I passed him in going out, nor in coming in. I don't know who was at the head of the table. I was near that when I came back. I think I would be there before I went out; and so I would have to pass most of the party. John Thom and John Miller were beside me, each a while. Could

not say which side. Thom was next me; but whether on my left or right hand, or whether I sat between them, I could not say. The company were tossing halfpence on the table: M'Lean was at this. I don't know who gained or lost. We were tossing for whisky. I did not toss. Can't say how much whisky. I repeat that I can't say how much. Could not say how many glasses. I don't remember how much I paid. I paid only for myself. The reckoning was all collected on the table, and M'Millan came for it. Those who lost paid more, the others less. The reckoning, however, was equally divided. The whisky was sent round the table—all partook, and divided. There was nothing to eat. Don't remember if I had water with the whisky; it is most likely. Don't remember any kettle. All had small glasses —only one glass: it went round. M'Millan came ben and said, "It's twelve o'clock," and wanted us to go, and we went a few minutes afterwards. Can't say who went first. Can't say whether M'Lean or I went first. Can't say whether M'Lean or I went out first. Can't say who was first in the street. Paid in the room, not in the shop. We went to M'Ilwraith's. Had whisky. Then Miller, Henderson, Stevenson, Corrigan, and Walker went with M'Lean and me. M'Lean appeared to be acquainted in Cameron's, and he took us there; he also took us to M'Ilwraith's, because he was acquainted there. Do not remember if we had any conversation there. Could not say who I sat next. M'Lean sat opposite me. Walker sat next him. Can't remember who sat next me on either side. It was a small room. I was not near the door. Got a mutchkin of whisky there. I paid my share. No tossing. All came out by the back-door. Saw no others in house but M'Ilwraith's brother. We stood on the street a few minutes, and then dispersed. I went up to Kyle's eating-house with John Andrew. Sent the man out for a dram. This would be a quarter past one. Left Kyle's after two. Then I went to a house at Brig-end, and remained there about an hour. I was alone there. Got home at six in the morning. I stop at Pollockshaws, three miles out of town.

By Lord Cockburn.—We had gas—no fire. Did not see fireplace. Did not observe where the window was, nor where the gas was.

By Lord Moncrieff.—I saw M'Lean tossing halfpence; but I cannot tell what part of the evening this was.

By Lord Advocate.—I did not observe whether there were pictures or books. When I went to Cameron's house, nobody was with me but Miller. We had a dram, and we saw Cameron then.

Lord Justice-Clerk.—M'Lean had a black hat, dark-green coat, and moleskin trousers. I had on moleskin jacket, vest, and trousers.

Mr Robertson moved the Court to adjourn, it being half-past nine o'clock, p. m.; but the Jury motioned to proceed.

Andrew White.—I am a cotton-spinner. I signed a certificate for M'Lean, two or three weeks after Smith's murder. It was done in Stevenson's, at Brig-end. Loag brought it to me for signature. All three signed it at same time. I was not in to hear it read. I read it, and signed it by request of Loag; who said, M'Lean's father wanted for the satisfaction of M'Lean's friends and acquaintances, that we,

who were with him till one o'clock on Sunday morning, should sign this certificate. We all recollected that we were with him. We all agreed that we had been with him, from ten minutes to ten, till twelve, and that we had all gone there together from the Cross, and that we went together to M'Ilwraith's. This was talked among us. (Shewn No. XXIII.) That's the certificate I signed; I did not read it, but I knew the object of it, and just put down my name, and Loag brought it.

Witness withdrawn.

The SOLICITOR-GENERAL objected to the admissibility of this witness. This certificate was not signed apart, but when all had met, and were asked to sign by Loag, acting as agent in the matter. When any party gets witnesses together, and, in presence of one another, it is arranged what they shall resolve to say, none of those witnesses are admissible.

Mr M'NEILL.—I should like to see authority for this. I answer, 1st, for the four prisoners, not M'Lean, who are charged with a murder, and the objection is, that some one, not M'Lean, got this certificate—no agent—no formal precognition—this is merely a certificate by uneducated lads, relative to a fact as to which they could all speak. It is not alleged that *any* of the prisoners had anything to do with the getting up of the certificate. The Judges consulted.

LORD MACKENZIE.—Objection important. I have so much doubt that I think it right, in this case, to admit the evidence, leaving this matter under all its circumstances to the Jury. There is no evidence that M'Lean directed this.

LORD MONCRIEFF.—There can be but one opinion on the importance; and, in concurring with Lord Mackenzie, I must state that I am by no means laying down what should be a rule of law. I have no idea, in a case where two prisoners are put to the bar, that one of them is entitled to corrupt the evidence. We know how defences of *alibi* are often got up, and they are often detected. I am inclined, in this case, where lives are so much involved, to accede to the admissibility of the evidence.

LORD COCKBURN.—The whole leaning and feeling of my mind is against the reception of these witnesses. In another case, the law would require me to decide accordingly. *Alibi* is easily concocted—and here the whole men meet and tie themselves down to one general statement. This is partial counsel. I cannot conceive that any distinction can be made, although there are more prisoners than one, and the principle I have referred to is, in this case, directly applicable. I am disposed, however, to admit this evidence, with a mark of imputation upon its credit, and *cum nota*.

The LORD JUSTICE-CLERK concurred with Lord Cockburn, that, in admitting this evidence, it must be received *cum nota*, or, in other words, with the greatest caution and circumspection. "I have never," said his Lordship, "in all my experience, seen witnesses offered and received under such disqualifying circumstances." It is no answer that there are plurality of prisoners at the bar.

WITNESS *recalled*.—I recollect when Smith was shot on a Saturday night. I know M'Lean. Saw him that night at the Green, betwixt

eight and nine, to get aliment. We were putting a stone. Lockhart, Miller, Thom, Stevenson, Grieve, Corrigan, and John Stark. Went to Cross. Wet evening. Waited at Cross for aliment to be brought by Johnston and Jaffray. Stark had gone for the aliment and joined us. Left Cross in ten minutes. Went to Cameron's in Saltmarket. Went together. Were in Cameron's till M'Millan told us to go out, as it was past twelve. Enjoying ourselves over a dram, and tossing pennies for it. M'Lean tossed, and I did. M'Lean was called to the door by Findlay. Findlay came in. M'Lean was no farther than the door then. With that exception, M'Lean was in all the time. Then went to M'Ilwraith's, Briggate. Walker joined us, and we were almost the same party. Had whisky there. Remained half-an-hour. Came away together. M'Lean came away with us. Remained on the street a little; parted, and went home to Brig-end at half-past one. Was in company with M'Lean all this time, with the exception of a few minutes that M'Lean left the room. Had seen Loag on the Green. A room in Cameron's, with table, and two forms, and gas-light. I put my name to a certficate in presence of the others. Loag asked us Before signing the certificate, I remembered all I have now stated.

Cross-examined by SOLICITOR-GENERAL.—Left Cross ten minutes before ten. Think I walked with Miller to Cross. I did not see who walked with M'Lean. He was in Cameron's before me. Room ben lobby and on the right, table in middle, forms at both sides. Nine of us—no more. I named all. All sat in this small room. M'Lean sat at my right hand, on the left hand side of the room as you go in. I was next door. Lockhart about head of table, I think. Could not say who was on my other side. Pitched pennies, and drank whisky. Had water. Half mutchkin stoup. One glass on table. Could not say how much I drank. Gas-light from roof. Door at one end, and at side next shop, more to left side of room as you go in. Window and fire-place. Room, a very small room—it held us, but that was all. I went to the door only a moment at any time. Findlay came in and went out again. He came in at eleven. M'Lean brought him in. Loag not there. Loag not there at all. Findlay and M'Lean came together. Findlay tasted and went away—don't think he sat down —maistly all of us tossed—M'Lean tossed with me—I tossed with Green. I think some missed tossing. Nothing to eat. Biscuit with dram. Could not say I saw Cameron. M'Millan served. Don't think we mentioned strike—no conversation with M'Lean—some speaking up and down; but I don't recollect about what. M'Lean sung a song. Don't remember any of the words nor air—it was funny. M'Lean sang a good while after we went in, and before Findlay came. All went to M'Ilwraith's but Grieve. Door a wee bit open. Went into room—fire burning—gas hanging from centre. Had two half-mutchkins. Sat down there. There was a table and forms in room —I don't recollect where I sat there, nor where M'Lean sat; it was a much larger room than the other. Could not say if I walked there with M'Lean, or with whom. Don't recollect who went first out of Cameron's. It was after twelve when we left Cameron's. Saw no clock or watch, but the shops were all shut. Could not say if the

forms [benches] were fixed or loose. I think in Cameron's they are fixed to the wall. Corrigan had grey coat, moleskin trowsers.

Lord Justice-Clerk.—You knew what was in certificate; tell me how you signed a certificate bearing that you were in M'Lean's company till two o'clock, when you say now you were home at half-past one?

Witness.—I signed it wrong in that. I would not take five minutes to go home, and I was home by half-past one.

Lord Cockburn.—When did you hear of Smith's murder?

Witness.—I heard of Smith's being shot on Sunday. I heard that M'Lean was suspected when he was apprehended.

Lord Cockburn.—Did you not think of sending word to the authorities?

Witness.—No, the authorities sent for me.

Interrogated by Lord Justice-Clerk.—I had never been so late with M'Lean as on that night. I knew the day of the month from it happening about the time of the strike. Next morning I heard of Smith's being shot, and that led me to think.

Lord Cockburn.—Why did that lead you think of M'Lean?

Witness.—I only connected it with him when I heard of his being apprehended.

Interrogated by Lord Moncrieff.—When we met to sign, M'Lean was in custody.

Lord Moncrieff.—What, Sir, if it should be known by the Court that he was not? (On examining dates of apprehension and date of certificate.) Now, how did you connect M'Lean with the murder?

Witness.—I could not be certain, but I thought he was. Loag did not say he was in custody. Loag did not assign any reason. I heard nobody speak of the thing but Loag, and he said it was to disconnect M'Lean with the murder.

Lord Mackenzie.—How did you happen—all you who had been present on the Saturday—to be all present at the signing?

Witness.—It was the night of settling the strike, and the room was full of spinners, and they saw us sign it.

Lord Justice-Clerk.—You have said before that you all talked the matter over at signing. Was this in presence of this crowd? What do you say to that?

Witness.—It was partly talked over in the room. The five had no appointment to be there. Knew nothing of it till Loag came with it. All of the shop (*Adelphi*) were there. All five belonged to that shop.

Lord Justice-Clerk.—You have said before that you never heard of there being any suspicion of M'Lean till he was apprehended. You say again that you heard of it from Loag, prior to the apprehension. Reconcile that.

Witness.—It was never spoken of at the mill till Loag told us of it.

[The witness remained some time, while the judges consulted.]

Mr Robertson repeated his motion for an adjournment, accompanied with a condition of keeping the remaining witnesses to the *alibi* enclosed, and this was acceded to, with an additional condition that the running of any letters be interrupted in the meantime. The first letters expire on the 11th inst. (*See page* 1.)

The Jury urged, as reasons for despatch, the enormous sacrifice they were exposed to in their private affairs—taken away, as they were, from their business, without making any provision for more than the detention of a day or so, and being so placed all this time without even reading their letters on private business. The Court adjourned at 11 P.M.

Tuesday, 9th January 1838.

LORD COCKBURN absent at the Glasgow Circuit.

JOHN MILLER.—I am a cotton-spinner. I remember the night that Smith was shot. I saw the pannel M'Lean that night. Saw him at the Monument in Glasgow Green. We met there by appointment, for the purpose of receiving our aliment. We were amusing ourselves in the Green, by putting the stone; there were nearly 100 spinners with us there. We went up to the Cross; it was a wet evening; we went from the Cross to one Angus Cameron's, in the Saltmarket. Andrew White, William Lockhart, Alexander Stevenson, James Corrigan, James Grieve, John Thom, John Andrew, William Hannah, went with us. We went into Cameron's shop about half-past nine o'clock; we left it about a quarter past twelve. We had some spirits in Cameron's, and were amusing ourselves there, tossing halfpennies. William M'Lean went out once. He was only out about two or three minutes at the most. He brought in Peter Finlay, and John Buchanan with him. They called on him. The waiter at Cameron's told us the hour. His name is M'Millan. We all left the house together. We went to the opposite side of the street, and met James Walker, one of our shopmates. We then went through Miller's Place, and down King Street, and went into the house of M'Ilwraith, in the Bridgegate. The most of those I saw westward, except Grieve and Hannah, went with us there. The prisoner was with us. He had on a dark green coat, dark vest, moleskin trowsers, and black hat. The police were calling past one o'clock when we left M'Ilwraith's. We had drink there. We then came out, and stood a little on the street, and then separated. I went home to Pollockshaws, where I reside.

Cross-examined by SOLICITOR-GENERAL.—I walked down with M'Lean from the Cross. He was first. I was near him. Just behind him. We sat in a back-room. I do not know how many rooms are in the house. The room we sat in was not very large. It was lighted with gas. M'Lean sat opposite to me. I sat near to the door, on the left side. We were talking on different subjects, but I paid no particular attention to the conversation. No songs were sung by any one. When the men came in that called for M'Lean, they said it was near eleven o'clock. They did not sit down. They did not remain many minutes in the room. It was a quarter past twelve when we went out from Cameron's for M'Ilwraith's. We had nothing at M'Ilwraith's but spirits. Went there twenty minutes after twelve. I paid no particular attention to that night till M'Lean was apprehended a fortnight after the party. I am a spinner. I recollect a meeting of the Adelphi Shop. I was only in town from Pollockshaws once or twice a-week. I was not at a meet-

ing when the strike was settled; but I was so above a day or two after. I was at one when settlement of the strike was reported. By settlement, I mean when the Association gave way; and this was reported to the shops. I don't recollect the date of that meeting. It was in the Green that our shop met and received the report. White belonged to my shop. I was not at a meeting in Stevenson's. I came into town. Thomson's spinning master, M'Intyre, then told me of M'Lean's apprehension for the murder of Smith. I said it was impossible, as he had been with me. I did not stop; but said M'Lean was innocent of that. This was the second Monday after Smith was shot. When we came out of M'Ilwraith's, we separated and went home.

By COURT.—I'm sure I knew M'Lean then. I knew him for two or three years. We were intimate. I was a member of the Association. I know M'Ilwraith's handwriting. I have seen him write. He is a very good writer. I do not know the handwriting of the certificate, No. XXV., now shewn to me. I was never asked to sign any certificate for him. I knew M'Lean's father. I don't know that hand, No. XXV., at all. I saw Cameron in his house. Do not recollect of his coming into the room. I think I saw him that night; but I am uncertain. I spent five-pence halfpenny in Cameron's. M'Ilwraith's brother served there. Had not been there for some time previously. I recollected quite well the night Smith was shot.

JAMES GRIEVE.—[The objection repeated to the admissibility of this witness and others, *pro forma*, and repelled.]—On 22d July, I was with M'Lean, in the Green, at half-past eight. M'Lean and a good many spinners there. Went to Cross at half-past nine; then to Cameron's, at ten minutes to ten. It was wet. M'Lean, Miller, Lockhart, Stevenson, Jaffray, Grieve, Hannah, White, and Andrew, with us. We remained in Cameron's till past twelve, drinking. M'Lean went out, but not exceeding two minutes. Findlay and Buchanan had called on him at the door. This was before eleven o'clock, as I guess by the time I had been there. Findlay and Buchanan came in, and asked who had the money; they being spinners on aliment. They did not sit, but tasted, and went away after being there five minutes. M'Lean went out with me. I then went home. I was not at M'Ilwraith's. It was half-past twelve when I reached home.

By LORD ADVOCATE.—It is eighteen months since I worked at Thomson's mill. I attended meetings during the strike. I was at a meeting on the day of the settlement of the strike. Thomson's mill met in Stevenson's, Hutchisontown. I went, because I was on aliment during the strike. I was in bad health. M'Lean was foremost. I did not see Cameron when I went in, but after awhile I did. He came in with change to Johnston. I do not recollect of his speaking. He did not drink. He came in afterwards with drink. He put it on the table. He said nothing. Did not see him on going out, only his man, and a woman and man getting drink. The waiter is here, but not Cameron. I know him by sight, and have spoken to him. I was never in his house before, but I have been in it twice since, in a different room. There are two. A room faces you, and another is to

the right. We were in the latter room. I sat about the middle of the table. There were forms and some chairs in the room, I think; but cannot speak exactly as to chairs. M'Lean sat opposite me. Cracked together, and tossed for gills. Talked about one man, chiefly of James Swinie, as being ill-natured when at his work. M'Lean was tossing. I tossed also. M'Lean did not talk of Swinie. M'Lean talked and tossed, but nothing else. Don't remember window—it was shut, and I did not observe much about it; and I have never been back. (Shewn Certificate, No. XXV.) I am not good at reading write. This was read to us. I was not correct in signing this certificate, as it includes two hours after twelve at night. Loag read it, and asked me to sign it. He explained the purpose; it was the day of the settlement of the strike at Stevenson's, and he brought it there. It was a Thursday. I don't know the day of the week. Heard nothing of it till the line was brought in. Johnston, Thom, Loag, White, Corrigan, and several others present. Loag explained purpose of signing, that M'Lean's father wished to satisfy his neighbours and friends that he was with us that night. He told us M'Lean had left the town by that time, and it was wished to satisfy them that he had not committed the depredation of shooting Smith. M'Lean said nothing to the beating or shooting of Miller at Lancefield. The certificate was brought in before M'Lean was apprehended. (Interrogated.—How long?) Cannot exactly say. Is sure it was before the apprehension. I objected to sign that he was in the company till two o'clock; but his remaining in my company till twelve was the cause of my signing it. Andrew White hesitated about signing it at all. He did not sign it. He ordered another man, (John Thom,) to sign it for him. Does not know the cause of White's objecting. John Thom signed for himself and White both. Cannot recollect whether any songs were sung in Cameron's. I sat about the middle of the room. The other persons said to me that it was but right I should sign the certificate, as I had been in his company that night. This made an impression on me, and I signed it. (Interrogated.—Can you name any of the persons that so spoke about it?) Yes; John Stark was one; but a heap of them spoke about it. They were all members of the Association. No other persons were present but members of the Association.

Peter Findlay.—I am a cotton-spinner, and remember the day Smith was shot; it was 22d July last. I had occasion to call that evening at the shop of Angus Cameron. I met John Buchanan, who works with me; this was between ten and eleven o'clock. I asked first for William Johnston. Angus Cameron said he was not there, that he had gone out three or four minutes before I called. John Buchanan asked if one John Stark was in the room: Cameron said no, that he had also gone away. Cameron told me that M'Lean and others were in, and M'Lean came out to me, and asked Buchanan and me to come in, which we did. M'Lean looked at the half-mutchkin stoup on the table, it was empty, and he called for another and got it. I remained half an hour altogether in the house in that company, and left M'Lean with above half a dozen spinners in the house.

Cross-examined by SOLICITOR-GENERAL.—Who brought in the spirits?

WITNESS.—I am not sure whether it was Cameron, or the man along with him.

SOLICITOR-GENERAL.—What was the conversation?

WITNESS.—Grieve and me had some words about my aliment. M'Lean was sitting almost opposite the door, and he remained there; I do not remember any particular conversation; I saw no tosses of halfpennies—that was by (past) before I joined.

By the COURT.—I parted with Buchanan at the corner of Crown Street, on the other side of the water, about half twelve o'clock.

LORD JUSTICE-CLERK.—Are there any particular circumstances which fix this in your mind, that the murder took place on the evening of the 22d July last?

WITNESS.—I called for my aliment from William Johnston; it was on the 22d.

LORD JUSTICE-CLERK.—How often was the aliment paid?

WITNESS.—Once a week—every Saturday.

LORD JUSTICE-CLERK.—Were you a spinner in the Adelphi?

WITNESS.—Yes.

LORD JUSTICE-CLERK.—Were you a Member of the Association?

WITNESS.—I was—the strike ended on 3d August—I am not certain whether I was at a shop meeting that night.

LORD JUSTICE-CLERK.—Were you at Stevenson's?

WITNESS.—I am not sure.

LORD JUSTICE-CLERK.—Was there on that day a general meeting in the Lyceum Rooms?

WITNESS.—I cannot say—I was not at it.

LORD JUSTICE-CLERK.—Was you present at any meeting of the shop, when it was proposed that certain persons should sign a certificate?

WITNESS.—I don't recollect.

LORD JUSTICE-CLERK.—Do you know Grieve and Scott?

WITNESS.—Yes.

LORD JUSTICE-CLERK.—Now, sir, answer the question, Were you not at a meeting with them about this certificate?

Witness hesitated, then said, "Yes."

LORD JUSTICE-CLERK.—Where was that meeting?

WITNESS.—It was in Stevenson's.

LORD JUSTICE-CLERK.—Was not that meeting on the 3d of August?

WITNESS.—I cannot say.

LORD JUSTICE-CLERK.—Was the certificate read?

WITNESS.—I am not sure.

LORD JUSTICE-CLERK.—Did you hear any one refuse to sign it?

WITNESS.—No, I did not.

LORD JUSTICE-CLERK.—Who brought the certificate to the meeting?

WITNESS.—Some of the men, but who it was I cannot say.

LORD JUSTICE-CLERK.—Was John Stark there?

WITNESS.—I am not sure—he may have been there.

LORD JUSTICE-CLERK.—Did he speak about it?

WITNESS.—I don't know.

Lord Justice-Clerk.—Did you hear of a man being shot that night before you went home to your own abode?

Witness.—No, I did not.

John M'Millan.—I am a shopman with Angus Cameron, in the Saltmarket. I remember the night Smith was shot. Some cotton-spinners were in Cameron's that night. I served them. They got at first two mutchkins of whisky, and some porter. There were eight or eleven of them. (Interrogated—Did you hear any noise among them?) I heard them dividing their money—their aliment—among them. They entered the shop between eight and nine o'clock. The gas was lighted. (Interrogated—Did you know them?) No, I was quite a stranger to them, and had not seen them before that. (Interrogated—Did you hear their names?) Yes; when they first came in, my master was out. They told me they had no money on them; but would soon get their aliment. When my master came in, I reported this to him. He told me, on looking at them, that there was one William M'Lean, a spinner, among them, sitting in the corner. That he was not afraid to trust him. That he was a decent lad, and would pay before he went out. They called for more liquor, and got it. The house was very throng that night. Two men came to the door, and asked if there were any cotton-spinners there. I said I was not sure, but would go and ask; I did so. They said they were cotton-spinners, and the two men went into the room and staid about ten minutes, and went away. After this, they had more spirits. I do not remember the quantity; but they stopped a long time. I think M'Lean was in the house on the Monday afterwards. I think the pannel is the man. He was dressed in a dark or green coat, but cannot tell the colour of his trousers. We shut shop at 12, or about it. I do not recollect of warning the party out of the house that night. I think it would be well on to half-past eleven when they left. They paid for the whisky, and left all together. When M'Lean came back to our shop on the Monday, I observed no difference on his dress.

Cross-examined by Lord Advocate.—I cannot tell when Mr Cameron came into the shop; he also served the customers that night. I think he went into the room where the spinners were, once, either with a gill or half a mutchkin of whisky, but he had no time to spare, and did not remain long in the room with them. Mr Cameron was there when I shut up the shop at twelve. I cannot say whether he spoke to them when they went out. Other two persons came into the house after them. (Interrogated—Have you ever seen them since?) I do not recollect. (Question repeated.—Same answer.) I was quite a stranger in the place at the time. The two men wanted to speak to Cameron, but he did not go to them. (Interrogated—Is Mr Cameron here?) No.

By the Court.—It was quite possible for some of the men to have gone out of the shop on the Saturday night without my noticing them. I think the prisoner was among the last that went away. (Interrogated—Are you sure of it?) No. (Interrogated—For what purpose did M'Lean come back on the Monday?) He just came with

another man. (Interrogated—Did they speak about their meeting on the Saturday?) No, they said nothing about it? (Interrogated—Had you then heard of the murder of Smith?) Oh, yes. I heard of it on Sunday? (Interrogated—Did any of the men speak of that murder?) They might do it in the house, but not in my presence.

GILBERT M'ILWRAITH.—I am a tailor to trade. My brother keeps a spirit shop in the Bridgegate. I kept it for him during four days in July last, about the time of Smith's murder, which I heard of on Monday. I remember some cotton-spinners coming to my brother's; there were eight or nine of them. The watchman was calling past twelve when they came in. (Interrogated—Did you know any of them?) Yes, I knew one of them in particular, but none of the rest. I know William M'Lean, the prisoner. I have known him for eight or nine years. (Interrogated—How was he dressed?) He had on a dark green coat, light moleskin trousers, and light vest; I am quite sure of that dress. He had no appearance of having been running or heated in any way. (Interrogated—What sort of a hat had he on?) Not a very good one; but it was a black hat. They remained till about one o'clock, and left all together.

The counsel for the prisoners declared their proof closed to-day, at half-past two o'clock, P.M., and then the Lord Advocate proceeded to address the Jury in support of the charges against the prisoners. The Court at this time was completely crowded in every part—the side galleries being filled with ladies, some of whom were even introduced upon the Bench. The interest excited by this extraordinary investigation is now rapidly approaching its extreme point—every person present looking anxiously forward to the impression which the counsel on both sides are to make on the Jury in their addresses, and especially to the summing up by the Lord Justice-Clerk. Throughout the whole proceedings, the Court has been completely filled; the audience consisting of all classes, including Peers, Judges of the Court of Session, estated and professional gentlemen, manufacturers, merchants, tradesmen, and men of every grade. Mr Feargus O'Connor,* with his friends Mr Beaumont of Newcastle, and the Rev. Mr Stephens of Ashton—"the most eloquent man in England"—the most prudent "friend of the people" (?)†—were within the bar on the first day of the trial, and remained till the close of the examination of the first material witness, James Moat; but they did not again make their appearance. No one

* We do not know much of the doings in Courts of Justice in the sister kingdom; but we doubt extremely whether it would there, or anywhere else, be thought in good taste to indulge in the levity which this gentleman persisted in, while Moat, the forerunner of an unpenetrated "*Cloud* of Witnesses," was giving his testimony.

† *Ex. gr.*—The *reverend* gentleman, addressing himself to the people of Glasgow, since he heard Moat's evidence, and, without waiting for confirmation or contradiction of it, is reported, by the public journals, to have spoken thus:—"We have sworn by our God, by heaven, earth, and hell, that from the east, the west, the north, and the south, we shall wrap in one awful sheet of devouring flame, which no army can resist, the manufactories of the cotton tyrants, and the palaces of those who raised them by rapine and murder, and founded them upon the wretchedness of the millions whom God—our God—Scotland's God—created to be happy."

who had the fortune to be present, will speedily forget the impression produced by the evidence of this witness, in which his extraordinary statements, his strangely calm manner, and clear and distinct style, all riveted attention. It was evening, the lamps were lit, and the moon was reflecting her beams athwart the Galleries of the Court, when he began his testimony; the effect of which, on the audience was, perhaps, heightened by these circumstances.

The Lord Advocate addressed the jury for the Crown. He began by expressing his satisfaction at the anxious attention which the jury had obviously evinced during the whole of this important and extraordinary trial—unprecedented in the history of this kingdom. In the discharge of his public duty, he had often heard of many offences; but he could not conceive it possible that such foul, and dark, and dangerous conspiracies and crimes as those developed in this case, could have been committed by Scotchmen. He knew that the case had been made the subject of much declamation by certain parties professing themselves the advocates and champions of the working classes, and that they had employed the most audacious, base, and hypocritical pretences to further their own most wicked ends. But they would soon be unmasked; the dark and tragical crimes and events disclosed in this case, by the evidence, would soon be unfolded to the country; and the working classes themselves would see how they had been pillaged and deluded, under the pretence of the "Rights of Labour." God forbid that he, as the Public Prosecutor of this country, should interfere with the working classes in their just and lawful attempts to better their condition, or to raise their wages: nothing would give him greater pleasure than to see every working man in this empire getting the most ample allowance for his toil and labour. But, while he conceded that point as much as the advocates for the prisoners themselves could do, he solemnly protested against the power of the working classes, or any other class whatever, to resort to acts of outrage, violence, wilful fire-raising, assassination, and murder, and all those other crimes which had been disclosed in this case, appalling to human nature, revolting to society, and at variance with every principle, civil or sacred, that bound mankind together. He was the best friend of the working classes that conjured them against such atrocities, so injurious and disgraceful to themselves. One extraordinary but melancholy feature in this case was, that the leaders in this dangerous Association—some of whom are yet concealed—had been able to wring from the working classes, by "assessments" to this secret Association, at the rate sometimes as high as 4s. and 8s. per week out of their hard-earned wages; and that there was squandered by their leaders the enormous sum of £12,000 sterling for various other objects; while, when they effected their strike at the bidding of the leaders of this Association, the poor starving wretches, driven by fear and terror of their lives out of employment, were put on an allowance of aliment at the rate of 3s. per week, and sometimes at the miserable sum of 9d. This state of things could not be tolerated in any free country. He had now brought some of the members of this most dangerous Association to the bar. They were answerable to a jury

of their countrymen for the crimes charged in the indictment, and proved; and he emphatically called upon the jury, by virtue of their oaths, to bring in a verdict of guilty against one and all of the prisoners. The speech of the Lord Advocate was most eloquent and impressive. He spoke upwards of five hours in commenting on the evidence.

Mr M'Neill stated that he was to limit himself to the conspiracies, and to limit his address to the case of Hunter, Hacket, M'Niel, and Gibb. In regard to the charge of murder, their defence is twofold:—*1st*, If Mr Robertson shall satisfy you that M'Lean did not commit the murder, then there is no case against these prisoners on that charge. But whether he be guilty or not, he (Mr M'Neill) was, *2dly*, to maintain, that they are not guilty of the hiring. All the offences are said to have been committed between April and July. Yet by far the great part of the time of the Jury has been occupied in listening to evidence referring to offences alleged to have been committed many years ago. It is grievous to think that, while the minds of the Jury have been filled with evidence on these subjects, no statements, touching or describing these offences, have been laid before those unhappy men, so that they might prepare themselves to meet them. He did not say that the Prosecutor should have shaped his indictment differently; but it is not permitted in our law, where a person is charged with a crime as having been perpetrated yesterday, to prove on his trial for it, that the same person committed the same crime also last year. The Jury would keep in view that the general charge of murder, which follows Act 12th, was withdrawn. Then, 1st, take the charge against M'Niel, of first writing, and, secondly, putting into the post-office at Glasgow, the letter to Arthur. It has been proved that the letter was put into a post-office in Renfrewshire, and thence was conveyed to Glasgow. There is no evidence of who put it in, and there is nothing but the evidence of engravers on the subject of the handwriting. Now, so little is the evidence of engravers relished in the sister kingdom, that it is not received at all. But, after all, the engravers did not swear to the identity of the handwriting. Then, 2dly, as to the conspiracy. He did not question that all and each of the things set forth were done; but he contended that there was no evidence that they were done by the prisoners. But the theory is, that, although they were not the perpetrators of the crimes, yet, that they conspired to do them, and paid certain sums to have such done. The acts charged are all between April and July, and, with the exception of Keddie and Donnaghey's cases, there is not the slightest connexion between these and the four prisoners. There being no documentary or parole evidence on this subject, except as to these cases, the prosecutor betook himself to the conspiring to hire a Guard Committee, and so on, from one conspiracy to another, to do certain things. But, suppose we had not the previous history, which is not the specific charge, look what is left as charged, or as proved. The prosecutor's theory is not that the Association was in itself a conspiracy against life and property, but that, in itself, it might be lawful—many things done by it were so. What is the conspiracy? It is to appoint a Secret Committee to do these things.

Then look to the proof. What is the proof? Only Moat's evidence; and he says that this appointment took place on the 14th of June. He fixes the time of day, the place, the room or kitchen, the number of persons present—*videlicet*, thirty Delegates—some of whose names he mentions. There could be no mistake here. He fixes everything as the prosecutor had charged it. He says he was at no such meeting for years before; and then he tells that there were names to be sent up, which were to be put in a hat, and the three selected from these; but he does not say that this was done—all the length he goes is, that it was *proposed*. This is far short of what was held out, independent of his being alone and unsupported in his statement. Then the prosecutor brings forward the elder, (Dixon,) who contradicts the whole of this statement; and he is supported by all the witnesses for the prisoners. But the Lord Advocate now says, that there might be a meeting of Supply after the meeting of Delegates. This won't do, as it is not the statement of the libel, nor of Moat. There could have been no such meeting. Cowan says there came an order to send Delegates, out of which a Secret Committee was to be chosen, and that M'Graw was sent; but he gives a very different account of the meeting on that night, from that of Moat. Cowan and Christie, who are confined with him, do not support him. They only *heard* of such a thing. Moat fixes on Gibb as having been in the chair, doubtless as being the most likely person, as he seems to have presided on all public occasions; but, unfortunately, Gibb was not there at all. There was a Committee of twelve known to all, and no concealment; but Moat says the Committee was to be of three, and three only.

The Lord Justice-Clerk referred Mr M'Neill to the words of Moat's evidence; and Mr M'Neill resumed:—

Well, the Supply Committee of April could not be the Secret Committee elected in June; and, if we have not a proof of the Secret Committee being appointed, we have nothing; for we have no proof that the whole Association conspired. Moat comes forward as if he were confessing his sins; but he never made any communication to the public authorities, which seems to be the prosecutor's mode of testing evidence. At least, Moat made no such communication till he read the offer of reward of £500; and, although we could not get names, yet it is pretty clear who the four men were whom the Sheriff said he met in secrecy and confidence. Now, as to the certificate given by the prisoners to M'Lean, it may be said "That is not a shop certificate," and I see that M'Lean appears by the books to be 9s. 2d. in debt. "I would naturally conclude," says Moat, "that M'Lean had done something to deserve the line." Well, the only objection is the debt of 9s. 2d.; but the proof is merely that, in 1836, he was then indebted in that sum. Again, is it reasonable to say, that this large Association would withhold this certificate from a person of whose aliment they were to be rid? One other such certificate is spoken of—the theory being, that a man in America, wanting a good character, sends for a certificate of crime; he carries it in his pocket, describing himself in it by a false name. What's the purpose of all this? Is it rational? Then, what was to be done with

M'Lean's certificate, while he was walking about with it through the public-houses of Glasgow, signed as it is by all the publicly known office-bearers of the Cotton-Spinners' Association? Mr M'Neill did not think it was creditable to send Guards to dissuade men from working, but he denied that it was criminal. But it is said that intimidation was used. Well, let the men be tried and punished under Hume's Act; but we have no such punishments; and we have only one conviction; and we have no evidence that Keddie and the others were sent by the Association. Keddie's affair occurred in a crowded street, at a distance from a mill; and it is not said that he was a guard. He was the nearest person to a policeman, and therefore he apprehended him. Is it proved to have been any part of the system to write threatening letters? No such thing; and accordingly, in anticipation of this defect, the prosecutor entered a separate charge against M'Niel as a private individual, which he (Mr M'Neill) had already disposed of satisfactorily. Where was the trace to the Association of the throwing of combustibles? He would speak to Campbell the cabinet-maker's evidence. The whole amounts to this—that because crimes have been committed, they have been done by a conspiracy; and, although the conspiracy is not proved, and the persons framing it untraced, yet that, because these men were office-bearers of this Association, they shall be the conspirators. This won't do. Murdoch begins in 1818; and in 1820 he tells of the shooting on the Green at M'Quarry. This is one of the most important parts of the case; but it wanted evidence, and the prosecutor excuses himself, that he brought the best that he could get. But why did he not ask the Procurator-Fiscal, while in the box, whether, in his official capacity at the time, he had ever heard of such an occurrence? And why had we not Lochrie produced as a witness? Murdoch alone tells this story. That, and still more the romantic tale about the old woman's murder by mistake, are pure inventions of Murdoch. Then Mulholland was acquitted, and M'Donald was never tried; so that there is nothing in the circumstance of aliment being given. But is not every man presumed to be innocent till found to be guilty? And is there anything strange in this payment? This was a liberal association, and there would be nothing strange in their paying aliment to the wives of guilty men after conviction. Again, Murdoch says that, when Walker was charged, there was a *proposition* at a meeting to get up false testimony to prove him innocent. But all these things occurred between 1818 and 1830, as to which period no charges are directed against the prisoners. Then, we have no such entry as "collieries" in the schedules exhibited. Where is the evidence of illegal oaths? We have established satisfactorily that there is nothing alarming in "Emigration;" it was a temporary scheme of the Association; and where is the evidence that the £5 to be paid for unshopping inferred violence? There is no evidence entitling it to bear such interpretation. On the contrary, see what follows that passage:—"As this body has always respected the laws of their country, wishing rather to protect their Union by moral force and public opinion"—"let it be distinctly understood and duly inculcated, that, if No. 60, or idle men, commit

themselves in point of any violation of the laws of the country, they must themselves be responsible." These passages are from the *secret* or private documents of the Association. The other writing, (No. VI.) is what is called a minute-book, but it is a mere nothing, and the word *persecuting* is the mistake of the uneducated writer; or it is not an unusual change of term among that class of people, as applied to the functions of lawyers. Mr M'Neill gave examples of bad spelling in the minutes. He (Mr M'N.) returned to M'Niel's handwriting, with reference to the letter to Hacket. If M'Niel had written it, he did so in sincerity, and there would be no occasion for disguising his hand; but Mr Gavin makes it the disguised hand, and the letter to Arthur the genuine one, and he does so by comparing both with M'Niel's writing in the books. He (Mr M'Neill) did not regret that the matter of Keddie's conviction had been brought forward, as the ground of the conspiracy now must be, that the Association used its influence to prevent acts of violence. It was frequently put to witnesses, "Did the Association publish their aversion to acts of violence?" Why, here they did so? "Oh, but," it is said, "you got people out on bail—lent money for this—searched for the men—one escaped; but you brought the others forward. They were not tried, and you are guilty on this account!" It is not said that we put the witnesses out of the way; and, if it had, why forfeit a sum for Mulholland? Lastly, as to the murder, *as against the four*. It proceeds upon the allegation, that, being parties to the appointment of a "Secret Select Committee, and members of the said unlawful Association, and parties to the said illegal conspiracy, and to the appointment of the said Secret Select Committee, they did hire, engage, instigate, or direct, or procure the said William M'Lean to assassinate and murder, by shooting with a loaded pistol, or other fire-arm, a cotton-spinner, and that he undertook this, and performed it." The Secret Committee is said to have been elected in June last—where is the evidence of that? And where is the evidence of hiring? It won't do to say that because they are members or office-bearers, they did so; for that would involve the whole Association. The evidence must shew that they were the individuals who hired M'Lean, and M'Lean alone; and if M'Lean did not commit the deed, there is an end of the case. Was M'Lean even in the company of one of them? They never met, unless when the certificate was granted. Nay, did they even meet then? And look to the evidence of the shipping agent and his clerk—and they may be mistaken. According to them, Gibb went first; was this to negociate for M'Lean? If so, why does M'Lean go separately? And why was the passage not taken? Christie says something about the Association agreeing to pay his claim against M'Lean; but he stands alone in this. He says, again, not only was the passage actually taken, but M'Lean was appointed assistant-steward. He (Mr M'Neill) did not believe that there was any conspiracy in this Association to take life; and there is nothing wonderful in persons who are starving becoming individually guilty. He (Mr M'Neill) would ask—Is the case as against these four men free from doubt? Were the Jury so keen for blood that, upon bare suspicion, they would convict these men? The Jury were not bound to solve

difficulties, or to bring what is hidden in darkness and mystery impenetrable, to light; and he concluded his address, which occupied three hours, by a most powerful and eloquent appeal to the feelings of the Jury.

Mr Patrick Robertson.—Gentlemen of the Jury, you have been secluded for the last eight days from all communication with society, and have been engaged in an investigation altogether unparalleled in the annals of judicial inquiries. The object of that seclusion has been that, under the obligations of a solemn oath, you might do full justice to the law and to the prisoners. That seclusion has not arisen from any doubt of your personal candour, or that you will be weighed in any way in your verdict, by feelings unbecoming this painful inquiry, and unsupported by evidence. Be the result what it may, I feel assured that you will not allow the state of public feeling, or the disclosures of the state of Glasgow, which I heard from the lips of the Sheriff with the most painful anticipations, to disturb your mind. Into this temple of justice nothing should be permitted to enter except what comes though the mouths of witnesses, or from written evidence, or from the advocates on either side, or from the judges. To everything else you are to turn a deaf ear, fearless of consequences, and regardless of the past, weighing nothing but what evidence has disclosed. The list of offences that has been brought before you is a truly fearful one. You have had the assaults on Broomward Mill—the murder of Widow M'Pherson—the assault on Margaret Banks—the shooting of M'Quarry and Graham—the assaults at Oakbank and Mile-end—the attempt to burn Hussey's Mill, and Wood's house—and, last of all, the infamous, the base, the damnable murder of the poor man Smith. But, beyond that catalogue, there is another still more dreadful, which, I trust, will never be added to the list—that a man not proved guilty by evidence clear and unshakeable, should perish on a common gibbet. Of all slaughters, that of an innocent man perishing by a judicial sentence is the most fearful. The learned gentleman then proceeded to state that he would divide his remarks into two parts:—1st, The evidence that M'Lean was connected with the conspiracy; and, 2d, To the evidence that he committed the murder. He then proceeded to go over the evidence on these two points, commenting upon it as he went along. He particularly dwelt upon the evidence of Christie, which he characterized as a tissue of absurdities, and endeavoured to turn into ridicule. He also adverted to a blunder in the proclamation which was issued, promising a reward to any person who should give information with regard to the murder of Smith, which contained a statement that the man had died in consequence of the shot fired at him, and which was dated the 24th of July, though, in point of fact, the medical certificate showed that he had died at five o'clock on the 25th. The learned Counsel, in concluding an elaborate and eloquent speech, said—If I have been at all successful in going through the circumstances of this case, I put it again to you, gentlemen of the Jury, to say whether this charge of murder be true? There are two things which a court of justice never should notice but to be reprobated. One of these is fear; the other is sus-

picion. The fear that crime shall go unpunished, is no reason for convicting without evidence. We had an appalling picture drawn by my friend, the Sheriff, of the state of Glasgow; and, at the outset, I called your attention to a number of atrocious acts mentioned and gathered together in this inquiry. I think my learned friend stated that there was reason to believe these were now terminated. For the purposes of this inquiry, I care not whether they are terminated or no. As a free citizen of this state, I trust in God that they are at an end. But any fear of the consequences should not affect you in the verdict which you shall return. No! Though the fabric of the Constitution itself should be undermined—though temple and tower went to the ground—let the pillar of justice still stand unshaken; and, amidst the darkness, and the desolation, and the dismay of revolution itself, let the flower of truth blossom in the wilderness. And as to suspicion, it has been said, by one of the noblest of created beings, that "suspicion sleeps at wisdom's gates." You have entered the gates of the temple of justice, and under these gates also does suspicion lie dormant. You must not only think no ill where no ill is; but you are bound to think no ill here where no ill is proved. And, last of all, let me implore you, now that my lips are about to be closed, and the last word that can, in this place, be uttered for the prisoner accused of the murder, whose case has been specially intrusted to me, and for the other prisoners at the bar—let me beseech you boldly and manfully, like Britons and like Scotchmen, to throw fear and suspicion away, and return that verdict for which you shall answer to God, and which is in accordance with the evidence. If you do otherwise, a more fearful and tremendous slaughter than even that of Smith will be committed by that judicial execution. The learned Counsel concluded his address at ten minutes before two o'clock.

The Lord Justice-Clerk proceeded to sum up and comment upon the whole evidence, which he read over from his notes. With regard to the murder, his Lordship said, most emphatically, that, if Christie is not to be believed—if he be a perjured witness—if the statements he has made be false—it is my opinion, and it is the opinion of us all upon the Bench, that the charge of murder preferred against these five prisoners has not been established. This is a cardinal point with us in our view of this case. But, on the other hand, the mode in which this *alibi* has been gone about, and the conduct of M'Lean's father, and M'Lean's associates, and the nature of the evidence led upon that subject, are very weighty matters indeed, in the consideration of this case; and though, in the stern exercise of their Lordships' duty on the Bench, they all felt themselves called on, in the strict interpretation of the law, to have rejected the witnesses brought to prove the *alibi*, who had signed the certificate; yet his Lordship did not regret that that evidence had been left for the consideration of the Jury. The reason assigned for granting that certificate, was to satisfy some of M'Lean's friends; but there is no proof led of any such satisfaction having been required, or of its having been applied to any such purpose. Afterwards, in commenting on the evidence of the several witnesses for the Crown, his Lordship

seemed to be impressed with a belief of the truth of Christie's evidence, while it appeared that there were the clearest manifestations of deliberate perjury on the part of some of the witnesses for the prisoners. The address, on this side of the case, occupied eight hours; and his Lordship, at eleven o'clock, P.M., stated that it was his duty to go over, comparing and contrasting, in the same manner, the whole evidence led for the prisoners; but he feared that, from exhaustion, he would not be able to do so, with perfect justice to the prisoners, without an adjournment. The Jury cheerfully accorded their submission and assent to the proposition; and Lord Moncrieff stated that it was absolutely necessary for his Lordship to have some repose.

Thursday, January 11.

The Court met at half past ten o'clock, A.M., and the Lord Justice-Clerk now directed the attention of the Jury to the evidence led for the defence. His Lordship pointed out, in the clearest and strongest light, the discrepancies in the testimony of many of the witnesses, particularly those in the evidence of Smeal, Sideserff, Montgomerie, White, and Lockhart. His Lordship finished his review of the evidence at a quarter to three, P.M., and was then, from exhaustion, compelled to pause for some time before finishing his address to the Jury, which he terminated at four P.M.

The Jury returned their verdict in these words:—Verdict—"The Jury, by a majority, find the charges Nos. I., II., III., and X., in the libel, against all the panels, Proven, as libelled, and unanimously find the rest of the libel Not Proven."

The Counsel for the prisoners stated an objection to passing sentence upon the tenth charge, in respect that the prisoners are not charged with it as a specific act, but as a branch of, and committed under, and in furtherance of the objects of a Secret Select Committee, said to have been appointed on the 14th June. The charge relative to the Committee, then said to have been appointed, is the fifth charge, which has been found not proven; therefore, the tenth charge, which is only a member of the fifth, must follow its fate, as being inseparable from and a portion of it;—the tenth being merely one of the *particulars* of the *general* charge—*i. e.*, the fifth.

The SOLICITOR-GENERAL contended that the utmost benefit that could be demanded is, that the tenth charge should be unaccompanied with anything connected with the Secret Select Committee.

The Court were at first for repelling the objection, but ultimately sustained it; and, on the motion of Lord Mackenzie—concurred in by Lord Moncrieff and the Lord Justice-Clerk—sentence was pronounced against all the prisoners, of transportation beyond seas for seven years.

It is understood that some of the gentlemen of the Press applied for permission to publish the evidence immediately after the proof was concluded, in consequence of the intense anxiety of the public; but, as that was no reason for departing from the rule of law, the request was refused.

ADDITIONAL APPENDICES will be published, containing, among other matter, the impressive SPEECHES OF THE BENCH after the verdict was returned.

APPENDIX.

"It is wonderful how much a small sum, comparatively, will do in supporting the Scottish labourer or mechanic, who is, if left undisturbed *in his* NATURAL STATE, perhaps one of the best, and most kind-hearted of human beings."—*Sir W. Scott, in his Life by Lockhart.*

STATEMENT,

SHEWING THE LOSS OCCASIONED BY THE GLASGOW COTTON-SPINNERS' STRIKE, FROM 8TH APRIL TILL 1ST AUGUST 1837; BEING A PERIOD OF SEVENTEEN WEEKS AND FIVE DAYS.

700 Spinners struck work; their average wages were 38s. per week, they had sometimes been higher; this makes	£19,040	0	0
2100 Piecers, and 2100 Card and Picking-room Hands, employed at the factories under the Spinners, were, in consequence of that strike, thrown out of employment; their average wage was 8s. per week,	28,560	0	0
Loss to the Operatives themselves by wages,	£47,600	0	0

Besides this, there is the Masters' loss of their profits on yarn.
Loss of Interest of their money vested in Buildings, Stock of Cotton, Machinery, &c.
Loss of Purchasers who supply themselves elsewhere.
Loss to the Cotton Merchants, or Importers, and their Servants.
Loss to the Coal Masters, who supply the Fuel, and their Servants.
Loss to the Tallow and Oil Merchants, &c., &c., &c.
The Merchants who are disappointed go to other markets, and there is no certainty of their ever returning—and thus a loss accrues to the country at large.
Besides these, the Provision Dealers, Grocers, Farmers, &c., who supply the Operatives, become serious losers.
The Operatives themselves and their Families are subjected to great privations, from want of employment, and are apt to acquire idle and dissolute habits and bad companions; and
he Piecers, &c., many of whom are young females, who receive by the strike no subsistence from the Spinners, are thrown destitute, and driven to the most miserable shifts, if not to absolute beggary or crime.

FROM THE STEAM-PRESS OF PETER BROWN, PRINTER, EDINBURGH.