**Name**: John Davenport

**Occupation**: Weaver

**Home**: Stockport

**Date**: April 4th 1822

**Source**: Redford v Birley pp68-71

**Summary**: Testifies to being attacked with a mace by the yeomanry whilst at the hustings.

**Done by**: RM

*John Davenport sworn; examined by Mr. Evans*

Q. You are a weaver at Stockport?

A. Yes.

Q, Were you at the meeting at Manchester on the 16th August 1819?

A. Yes.

Q. How many did you come with from Stockport?

A. I came alone with myself.

Q. What hour did you come on the field?

A. Perhaps near eleven o'clock.

Q. Did you see the Manchester Yeomanry come on the field?

A. No Sir; I did not see them till they came about four yards off me — behind me.

Q. What part of the field were you in?

A. I cannot tell you.

Q. What did you see the yeomanry do?

A. I made my escape to the hustings; the yeomanry came round the hustings, and I was strucken with a mace. I made my escape to get on to the hustings, out of the way.

Q. What happened to you?

A. I was strucken with a mace, and I saw an opening between the yeomanry, and I made my escape to go out; and when I got out, the blood was running down.

Q. What made your blood run?

A. Why, I was cut by the yeomanry cavalry.

*Mr. Justice Holroyd*.—Did not you give other evidence about the trespass?

*Mr. Evans*.—We have proved one of these defendants committed the trespass. -

*Mr. Justice Holroyd*.—You must prove the others did; the regular way is to go to that.

*Mr. Evans*.—I never knew counsel prevented from following their own course.

*Mr. Justice Holroyd*.—I have known them constantly required to prove the trespass; because the Judge must know whether these things, are or are not evidence, and now to apply them.

*Mr. Evans*.—I submit that having proved one of the cavalry struck this man, his cut is the cut of all, if they were acting illegally: we are shewing that now. It will be for the opposite party to shew they had some justification.

*Mr. Serjeant Hullock*.—My learned friend misconceives the question altogether. He is only shewing that which he shewed before; that other individuals, with whom no connection subsisted between them and the defendants, made cuts, and did so and so.

*Mr. Evans*.—In a trespass, all persons aiding and assisting and abetting, are principals, and all equally liable. It is scarcely worth my while to contend it, because we shall prove every one of these defendants were there, and were cutting.

*Mr. Justice Holroyd*.—The first thing to be proved is the trespass, which is the ground of the action. It being denied there was a trespass committed by the fault of any of the parties, you lay your foundation by proving the trespass. By way of anticipation, you are at liberty to go and disprove that which may be let in, by way of defence ; and the way would be, to affect the persons as trespassers, to do that first; because you may not be able to give some of the things in evidence, as to some of the parties, without doing that. You have proved a trespass against one at present, and which may or may not affect the others.

*Mr. Evans*.—We prove him one of the Yeomanry, and we are to prove the other defendants were Yeomanry and were present.

*Mr. Justice Holroyd*.—You have given no evidence this man was under the command of any of the others. I am only doing that which I should do in any other case; to give such proof as you have of the trespass, then to anticipate the answer to that which they allege as their justification.

*Mr. Evans*.— Does your Lordship wish that I should not finish this witness?

*Mr. Justice Holroyd*.—You may go on if you please. I am only suggesting that is the course. Then one applies one's mind to the evidence, as it affects the different persons. It simplifies it.

*Mr. Evans*.—I have only another word to ask him.

Q. You were wounded?

A. Yes.

*Mr. Serjeant Cross*.—That is what we think we have a right to object to. In an action for an assault on A, you call B, C, and D, to prove they were assaulted by somebody.

*Mr. Serjeant Hullock.—*The Yeomanry Corps came riding in: whether or not they had sufficient legal ground for that, and the other acts they did, is the question; but what these particular men suffer cannot be evidence on this action.

*Mr. Evans*.—I only give the evidence to prove the fact of their committing an assault on the people.