**Name**: Rev. William Robert Hay

**Occupation**: Magistrate and Parson

**Home**: Ackworth

**Date**: April 8, 1822

**Source**: Redford v Birley, 426-435

**Summary**: Claims that the appearance of the crowd left no doubt as to its bad intentions, and ‘considered that the Magistracy would have betrayed the trust that was committed to them, if they had not taken effectual means to apprehend the promoters of the meeting.’ Heard Mr Ethelstone read riot act in a very powerful voice, so that the crowd would have heard it. Also claims to have seen stones thrown after the cavalry rode in.

**Done by**: RM

*The Rev. Wm. Robert Hay sworn: examined by Mr. Serjeant Cross.*

Q. After all that we have heard, I shall trouble you with very few questions. We understand from Mr. Hulton, that you occasionally assisted the committee of Magistrates?

A. I did

Q. Though you were not yourself one of them?

A. I was not one of them, because I was obliged to return home into Yorkshire, and could not give constant attendance; and therefore, I withheld myself till found it necessary to come to them.

Q. On what day preceding the 16th. August, did you arrive at Manchester?

A. As soon as I heard that the Magistrates had forbidden the meeting that was to take place on the 9th., I immediately set out; and I believe that was upon the 4th.: and I slept at Wakefield, and got, in good time the next day, to Manchester.

Q. That would be the 5th. August?

A. That would be the 10th. or 11th. day before the meeting of the 16th.

Q. Did you remain there, Sir, to perform the duties of a Magistrate, till after the meeting was over?

A. I remained there till the afternoon of the 17th.

Q. During all that time were you employed in concerting measures for the public safety?

A. I gave what attendance I could to the gentlemen of the committee. I had constant access to them, and I gave them such advice and assistance as I thought was requisite, wishing not to interfere with their general arrangements.

Q. You remained at Manchester for that purpose?

A. For that purpose.

Q. You, we have already learnt, Mr. Hay, were at the meeting of Magistrates at Mr. Buxton's house?

A. I was.

Q. Was there any proclamation read of the riot act?

A. There was. Prior to the meeting of the 16th. I directed impressions to be made on cards, one of which I have here, of the proclamation, in order that they might be distributed amongst the Magistrates; and I myself distributed them amongst them. This is one of them, (shewing a printed card)

Q. That, I presume, is the proclamation required by the riot act to be read on such occasions?

A. It is.

Q. About what time of the day was it read?

A. It was read just at the time, I think, in the interval between the Yeomanry coming up, and whilst they were forming—just as they began to form. That is the recollection that I have of it.

Q. By whom, sir, was the proclamation read?

A. By the Rev. Mr. Ethelston, one of the Magistrates.

Q. Where was he stationed when he read it?

A. In a one pair of stairs room, in Mr. Buxton's house.

Q. From what part of the room?

A. He read it with his head very far out of the window. The base of the window, (I don't know how to describe it,) the lower part on which the sash attaches when it is down, was very low, not much higher than where I am now standing. He leant so far out, that I stood behind him, ready to catch his skirts for fear he might fall over. Mr. Ethelston is a gentleman whom I have occasionally heard sing, and he has a remarkably powerful voice. When he drew back his head into the room, after having read the proclamation, I observed to him, "Mr. Ethelston, I never heard your voice so powerful."

*Mr. Justice Holroyd*.—It was powerful, was it?

A. Very powerful indeed, my Lord; I could not have conceived he could have thrown it out, under the circumstances, so far.

Q. I presume you had observed the demeanour of the multitude throughout the course of the morning?

A. I had.

Q. And down to that time?

A. I had.

Q. Was it a quiet, or, in your judgment, a tumultuous meeting?

A. It was, under all circumstances, either as to common apprehension, or, as to what one has heard described in law books as an illegal meeting, as illegal a meeting, in my apprehension, and as tumultuous, as one could have expected to have seen. By tumultuous, I mean this; such as was calculated to inspire terror in the King's subjects.

Q. Upon your own view, prior to the proclamation, had you felt any alarm for the tranquillity and safety of the town?

A. Very great. And in that view, I should have considered that the Magistracy would have betrayed the trust that was committed to them, if they had not taken effectual means to apprehend the promoters of the meeting.

Q. You heard the shout, I believe, at the moment the Yeomanry arrived in front of Mr. Buxton's house?

A. I heard the shout, and saw the demeanour of the mob, and the way in which they turned themselves round. I could not mistake it to be in marked defiance of the Cavalry.

Q. Prior to the meeting, did you concur with Mr. Hulton and the other Magistrates, in their determination, if possible, not to require military aid?

A. Undoubtedly I did. From the reports we had heard, it became absolutely necessary that the civil power should avail itself of all the military that it could, by any possibility, get within its reach, to be ready for the safety of the public; and I wrote a note, requesting the assistance of the military, to Col. L’Estrange, which was signed by Mr. Hulton, as chairman. It was delivered to Col. L’Estrange in my presence.

Q. When was that?

A. I think the evening before.

Q. That was merely to desire he would be in readiness?

A. In readiness. It should be understood, we had nothing to do with any arrangement of the military.

*Mr. Justice Holroyd*.—That was the day before?

A. The day before.

Q. I think you say the Magistrates had nothing to do with the arrangements of the military, that you left that to the commanding officer?

A. Most pointedly. Having requested that Col. L'Estrange, who had heard something with regard to the state of the country, would be good enough to retire into another room, and make his own arrangements.

Q. Judging him doubtless more competent to make those arrangements than yourselves?

A. Judging we had nothing to do with military arrangements; military men must make their own arrangements; we only called for military service.

Q. Then, under the circumstances of the moment, in your judgment, could the civil power have executed your warrant alone?

A. I can only say this, that if I had thought fit, which I had a right to do upon my own view, to have proceeded to arrest those persons who were upon the hustings, I could not have done it without the aid of military power; and, of course, I could not depute other people to do that which I should not dare to do myself.

Q. You were going to add something?

A. Having been present when Mr. Hulton gave his examination, I think it right, for the justice of the case, to set a matter right upon which he had certain doubts. He stated that he believed that I was down in the area at the time that the Yeomanry came up, and afterwards, with regard to my seeing the sticks. The truth was, though I did go down into the area, I saw the formation of the Cavalry, I saw the manner in which they went up to the edge of the crowd, and I observed that when they got there, they were not let into the crowd as if they had made a charge; but they got in as they could, sometimes one alone, sometimes two, sometimes three; and that as fast as any got in, the crowd closed upon them. In a little time I saw such matters as Mr. Hulton speaks to, of stones and things flying about, and I saw bricks flying, and sticks playing about.

*Mr. Justice Holroyd*.—When you was down in the area?

A. I was in the room; Mr. Hulton was mistaken; at least, he was not certain about it.

Q. When you saw the Cavalry in the crowd?

A. After they had entered the crowd in the way in which I have described.

Q. You saw what?

A. Stones and different things flying in the air; some sticks flying in the air, and some as if they were playing about. I saw the tops of them. From the scattered way in which the Yeomen had been able to enter the crowd, and observing those circumstances that I have related, I was under apprehension, looking at the state of the crowd, that the civil power—for there were constables there in the crowd, as well as Cavalry, that they might be demolished, the crowd was too great for them.

Q. That they were overpowered?

A. That they were overpowered. I had many personal and intimate friends in the corps of Cavalry, and among the special constables; and I never shall forget the relief my heart felt, when Col. L'Estrange had come upon the ground, and I saw every thing right.

Q. You were not aware, perhaps, at the moment, that any person had been hurt?

A. I saw nothing but the general confusion; but the sight was dreadful. It was dusty then; there was so much dust flying, that it had a worse appearance than it could have at another time. It appeared to me to be as black a thing as one could see; it was dreadful to me.

Q. Is there any thing else you would wish to add?

A. No; any more than this. That as early as July the 21st., about a week before the sessions, I had been suddenly called upon by Mr. Norris of Manchester; in consequence of that, I went to Gen. Byng. I came to the sessions. I advised the appointment of this committee, and so on, and I felt it necessary to report to the General the instant I got back.

*Cross-examined by Mr. Evans.*

Q. Where did you reside at this time?

A. I resided at that time, from whence I came now, about eight miles beyond Wakefield.

Q. You were then rector, and are yet rector of the same place there?

A. I am rector of Ackworth.

Q. Since this took place, you have had another living?

A. Since this took place, I have been presented, by the Archbishop of Canterbury, to the living of Rochdale.

Q. You have stated, Mr. Hay, that the riot act proclamation was read just on the Cavalry coming on the ground, and before they had formed?

A. The truth of the matter is, it passed in so little time, that any body might honestly mistake two minutes. I believe the whole of the transaction did not last much above ten minutes.

Q. As far as you recollect, the riot act was read in that space of time?

*Mr. Justice Holroyd*.—It is called reading the riot act; in fact, it is a very short proclamation.

Q. It was during that time that you read this proclamation?

A. I did not read it, Mr. Ethelston did.

Q. Supposing there was a person in a room above, and another person on the steps of the door of the house, must they not have heard him read it?

A. That must depend on people's organs, and different things. I can only say it was read, and those circumstances passed as to myself and Mr. Ethelston.

Q. As he has a fine voice in singing, and it is uncommonly loud, is it possible any person could stand in those positions and not hear it?

A. I cannot say. I cannot argue what other people's sensations may be.

Q. When did this meeting become so tumultuous and illegal?

A. I will explain what I meant by tumultuous; that sort of meeting which I consider illegal, and a breach of the peace, either in point of common sense, or according to legal authorities.

Q. You are no doubt a great criminal lawyer, but you are not come here to give us the law. I should like to know what breach of the peace you saw committed?

A. I consider a breach of the peace committed by large bodies coming into a town in such a manner as to strike terror into his Majesty's subjects. I consider that a breach of the peace; whether I am mistaken or not I do not know.

Q. Was it from the beginning of your first going there that you thought that?

A. I could have no doubt, by the time, I had seen two or three of the different columns, coming in with those ensigns, that they were coming in in a sort of way that was not consistent with the preservation of the peace; but when I connected with that the emblems that I saw, and the flags which I saw, I think I could not be mistaken, that that was a considerable aggravation of the attack on the peace of the country.

Q. You read the inscriptions?

A. They were pointed out to me; I saw them. I saw the black flag, and something of a representation of a pike. Several of the inscriptions were visible; the flags waved as they were moved by the wind. I could have no doubt, having seen these things, any one of them singly denoted a bad intention; taken altogether, it rather was too much to expect I should come to any other conclusion.

Q. I ask you, Dr. Hay, on your oath, did you see any breach of the peace on that day?

*Mr. Serjeant Hullock*.—He is not Dr. Hay.

A. I consider what I have said to be a breach of the peace.

Q. Any thing else than that?

A. I consider what I have stated to be itself a breach of the peace.

Q. Any thing else, Mr. Hay?

A. I don't know that I did see any thing else?

Q. Pray what was the number of military that were collected together that day?

A, I have not the least guess. I have no doubt that all collected in Manchester were brought within reach that day. I cannot; tell any thing of the number. I know nothing of the squadron that went up to the ground.

Q. You say you saw stones thrown?

A. I saw stones flying.

Q. Were there any stones on the ground in the morning?

A. I did not go on the ground in the morning. We went directly from the Star to the house.

Q. Did you see Mr. Norris that evening?

A. Certainly; I could give you an account of that evening but it would be tedious.

Q. All I want is an answer to my question; you need not trouble yourself to do any thing more?

A. It was not till very late in the evening.

Q. Did you give an account of the proceedings of the day?

A. I did; that was my reason for saying that I saw Mr. Norris very late. I had been engaged out of doors; I came in very late, and I ought to have written the account which he was obliged, in a great hurry, to write, I being so fatigued. When he wrote the letter—

Q. Did you mention to Mr. Norris this important fact of stones being thrown?

A. We had no power; there was not any time to do any thing, but write the best account, in a hurry, we could. We could merely save the post, and I was unable to keep a copy of the letter. And I think it right to state, that there are in the letter some things overstated, with regard to four women reported to be dead, but it was the best account we could give, and such as was reported to us to

be true.

Q. You did not communicate the fact to Mr. Norris that night?

A. We had no opportunity of communicating facts.

Q. Did you see any body wounded?

A. Nobody.

Q. You did not see any body brought into Mr Buxton's house wounded?

A. I believe you allude to a woman. I did see a woman who seemed to be oppressed with heat and fright. I saw her sitting in a chair in the room where Johnson and those people were brought in.

Q. You will swear you believe she was not wounded?

A. This is the first time I heard it mentioned she was.

Q. Did you look at her accurately?

A. Upon my word, there seemed to be no great temptation.

Q. Did you see any blood flowing from her? It may be very laughable to you, but that day is not so laughable to other people.

A. Certainly not; else I should have supposed she must have been wounded.

Q. You saw the troops advance towards the edge of the constables?

A. I did.

Q. How far was that edge from the house where you were?

A. I am a very bad judge of distances. I should really think somewhere about 50, 60, or 70 yards.

Q. Do you recollect Hunt coming to the Police Office, and offering to surrender himself on the Saturday night before?

A. I was not there. I was going down to the New Bailey, and I met Hunt and Johnson in a gig coming over Salford bridge, as from the New Bailey. When I got to the New Bailey, I heard he had been there, and had been asking some questions about a warrant.

Q. State what time the reading of the proclamation, required by the riot act, might occupy?

A. It is two or three short lines. That is the whole of it (handing a card).

*Mr. Justice Holroyd*.—The words of it are stated in the Act of Parliament.

*Mr. Cross* (Prothonotary) read the proclamation as follows:

"Our. Sovereign Lord the King chargeth and commandeth all persons, being assembled, immediately to disperse themselves, and peaceably to depart to their habitations, or to their lawful business, upon the pains contained in the Act made in the first year of King George the First, for preventing tumults and riotous assemblies. God save the King."

*Mr. Justice Holroyd*.—That is what they call reading the riot act That is the common expression.