

Name: Henry Kirkman
Occupation: Cotton weaver
Home: N/K
Date: 9 October 1819
Source: Lees Inquest 509 – 510
Summary: Testifies that Col Fletcher, a Magistrate from Bolton was mixing with the constables “striking the people”.
Done by: CW

HENRY KIRKMAN called by Mr. HARMER.

The CORONER (*to the Witness*)—Where were you when you were called? Were you in the room?

A. Yes.

Mr. HARMER (*to the crowd, below a bar placed this day across the further end of the room*)—I desire that all persons, who are to be witnesses may withdraw, or their examinations will not be taken. That has been determined to be the law, by the Coroner.

Mr. BARROW—And all other Coroners lay down the same, to my knowledge.

Mr. HARMER—And I conceive, they lay it down improperly, if they do so.

The CORONER (*to the Witness*)—What are you?

A. I am a cotton weaver.

The CORONER—What, more cotton weavers!

The WITNESS was now sworn, and examined by Mr. HARMER.

Q. Were you at the Meeting in St. Peter’s-field, on the 16th of August?

A. Yes.

Q. After the Cavalry had proceeded to the hustings, did you see any person, and whom, intermix with the special constables, and striking at the people?

The CORONER (*to Mr. Harmer*)—"What did you see?" is the proper mode of putting the question.

The examination of the WITNESS resumed by Mr. HARMER.

Q. Well, what did you see?

A. I saw Mr. Fletcher.

Q. What Mr. Fletcher?

A. Mr. Fletcher, the Magistrate of Bolton.

Q. What Colonel Fletcher, as he is called?

A. Yes.

Q: Where did you see him?

A. He was near the hustings, mixing with the constables.

Q. What was he doing?

A. He was striking the people.

[The Constable who had been sent to summon Mr. Astley, by the desire of Mr. Harmer, now entered the room.]

The CONSTABLE—Mr. Astley cannot attend.

Mr. HARMER—I beg then, that his contempt may be recorded. But first I beg that the constable may be sworn to the service of the summons on Mr. Astley.

The CORONER (*to the Constable*)—What is your name?

The CONSTABLE—John Campbell.

JOHN CAMPBELL sworn by the CORONER and examined by Mr. HARMER,

Q. Did you serve the summons on Daniel Astley personally?

A. Yes.

The CORONER—This day?

A. Yes.

The examination of the WITNESS resumed by Mr. HARMER.

Q. What did he state?

A. He told me he could not attend, because, in consequence if he did, and his name put in the newspapers, he would be thrown out of bread, and therefore he could not attend.

Mr. HARMER—I beg then, that the usual proclamation may be made.

[Daniel Astley was now called three times with the usual proclamation, but did not answer.] The WITNESS - His father is in the warehouse now, when I came away.

The examination of the Witness, HENRY KIRKMAN, resumed, by Mr. HARMER.

Q. Did you see any thing done by Mr. Fletcher?

A. I saw him strike several people with a staff which he had in his hand.

Q. Was that at the time that the Manchester Yeomanry were at the hustings, or near them?

A. Yes; it was, when they were near them.

Q. What were the Yeomanry doing at that time?

A. Galloping about the field.

Q. Were they doing any thing else, beside galloping about the field?

A. I saw several of them strike the people with their swords.

Mr. HARMER—This is all I ask this Witness.

The Witness cross-examined by Mr. BARROW.

Q. Did you hear him say any thing to the people?

A. "Get off the field or you will be all killed."

Q. Did they go, in consequence of that?

A. They fled as hard as they could.

Q. Then none of them remained round the hustings and could not go away?

A. I saw nothing of the kind.

Q. You will swear, perhaps, that none did remain round the hustings?

A. I saw nothing of the sort.

Q. Will you swear it was not the case—that many persons- did not stop there?

A. I will not swear that.

Q. Where were you, at this time, yourself?

A. Do you mean when they were striking the people.

Q. Yes?

A. I was fleeing towards Mosley Street, about thirty or forty yards from them.

Q. From the hustings, do you mean?

A. Yes.

Q. Then if you were fleeing towards Mosley Street, you had your back upon the hustings?

A. Yes; I had my back on the hustings.

Q. Then will you tell the Coroner, and the Gentlemen of the Jury how you, with your back towards the hustings, could see what passed at the hustings?

A. I did not say I saw any thing passing at the hustings.

Q. Yes you did?

A. No; I said *near* the hustings.

Q. Then how happens it that you, with your back towards the hustings, could see what was done by the Yeomanry near the hustings?

A. Because I went by them.

Q. In your road?

A. Yes, in my road.

Q. Where had you been before you ran?

A. On the coach that Mr. Hunt came in.

Q. Did you get, off the coach to begin to run away?

A. When the Cavalry had cleared the hustings, there was a vacant place, and I jumped off the coach, and ran by Mr. Fletcher, amongst the crowd.

Q. Where did you first see Mr. Fletcher?

A. That was the first time I saw him that day.

Q. Did you see him coming towards the hustings?

A. No; he had his back on the hustings the same as I had.

Q. Then the first time you saw him that day, was when you ran past him?

A. Yes, it was.

Q. Of course you did not see him come up, then?

A. No.

Q. And what he had said to the people, before you passed him, you do not know?

A. No, I do not,

Q. He is a Magistrate?

A. Who?

Q. Mr. Fletcher is?

A. Yes.

Q. When were you first ordered to attend here?

A. On Saturday.

Q. That was the first time you heard that you were to attend here?

A. Yes.

Q. Who told you to attend?

A. Mr. Peter Baron, of Cockey Moor.

Q. Have you had a summons to attend here?

A. No.

Q. To whom did you first tell this story?

A. What story?

Q. What you are now telling?

A. What I am stating now?

Q. Yes.

A. I told it to the same person several weeks before.

Q. What is Mr. Baron?

A. He is a statesman.

Q. What do you mean by a statesman?

A. A landed man—a man of landed property,

Q. In what little Mr. Fletcher said to the people was he very cross?

A. He was striking them with his stick.

Q. Did he appear to be very cross, or was he advising them to go away?

A. I can't say that.

Q. You could not tell?
A. I could not tell whether he was telling them to go away quietly, or whether he was very cross.

Q. He struck some people?
A. Yes.

Q. You don't know who they were?
A. No.

Q. Did they fall down?
A. Several fell down,

Q. Will you swear that any of those Mr. Fletcher struck, fell down?
A. No I will not say that.

Q. Did they appear to you to be hurt by his striking them?
A. No, they did not appear to me to be hurt.

Q. With what, did you say, he was striking them?
A. With a staff of some sort, he struck them.

Q. Do you mean to say whether it was a constable's staff, or a stick?
A. I can't say whether it was a constable's staff or a stick.

Q. You won't swear one way, or the other?
A. I won't swear one way, or the other.

Q. Were the people whom he struck persons standing still, or running away?
A. Running away.

Q. When he struck them?
A. Yes.

Q. Then he struck them over the back?
A. Yes.

Q. All of them?
A. All that I saw.

Q. How long do you think you were, in passing them?
A. Not long.

Q. How long?
A. Not above half a minute.

Q. And you were running very fast?
A. As fast as the crowd would allow me.

Q. I thought you said, there was a vacant place?
A. I ran from the coach, across a vacant place to the crowd.

Q. Then there was a vacant place between the coach and the crowd?
A. Yes, a vacant place. It was cleared by the Yeomanry.

Q. Then you would not have much time to see what he did?
A. No, not much time.

Q. How many did you see him strike?
A. I cannot say.

Q. But can you not form an idea?
A. I saw him strike one or two. He had his cane up.

Q. Do you mean to say that it was a cane?
A. It was either a cane or a staff; I don't know which.

Q. You won't swear that it was not a cane?
A. No. I won't swear that it was not. I don't know what it was.

Q. But you know the difference between a cane and a constable's staff?
A. Yes, I do.

Q. And yet you will not swear which it was?
A. I will not swear which it was.

Q. You said you would swear that he struck one or two?
A. Yes.

Q. Will you swear he struck two?
A. I will not swear positively to two.

Q. Will you swear to one?

A. Yes, I will swear I saw him strike one; but I don't know who it was.

Q. Were there any people standing still at this time, near the hustings?

A. I did not see any.

Q. Now, upon the oath you have taken, did not Mr. Fletcher come upon the ground to advise the people to go away?

A. To advise the people to go away?

Q. Yes. Will you swear that he did not advise them to go away?

A. I have said he was telling them to go away.

Q. Will you swear, from any thing you saw, that that did not appear to be his object?

A. I don't know upon that subject.

Mr. BARROW—Very well.

The WITNESS re-examined by Mr. HARMER.

Q. Whatever the intention of Mr. Fletcher was, did he strike the people in such a way that you should like to receive similar blows from good-nature?

A. I should not like to receive such blows.

Q. Was his conduct likely to diminish or increase the confusion?

A. I can't say that.

Q. You cannot say one way or the other?

A. No.

Mr. BARROW—This ought to be put through the Coroner.

Mr. HARMER- I beg your pardon; I should submit not - Mr. Ashworth has repeatedly re-examined witnesses.

The CORONER—I say that every thing that Mr. Ashworth has put in the shape of re-examination, has been through me.

Mr. BARROW—Yes, Sir; but according to the course that Mr. Harmer wishes to adopt now we should have, instead of three examinations of a witness, four; because a witness is examined by Mr. Ashworth, or by me, in his absence, and then by Mr. Harmer, and then if I or.. Mr. Ashworth were to re-examine him, when you examined him, that would be no less than four examinations. It would be the same if. Mr. Harmer, was first to call the Witness, and then he was, after we had examined him, to re-examine him, as he wants to do in this instance.

Mr. HARMER—Well, I will put the questions through the Coroner to avoid losing time in discussion.

The CORONER.—It will be very necessary to shorten the business as much as possible, consistently with Justice.

The Witness re-examined by Mr. HARMER through the Coroner.

Q. Did you stop to see what was the effect of the blows which Mr. Fletcher gave?

A. No, I did not.

Q. Why did you not stop?

A. I did not stop, because I was fearful of my own life.

Q. How had that part of the ground been cleared about Mr. Hunt's carriage, through which you ran?

A. By the Cavalry.

Q. How had the Cavalry made it clear?

A. By galloping up and down the place, and over the people.

Q. Mr. HARMER.—Will you be good enough to ask him, Sir, whether when Mr. Fletcher said to the people, "you must go away or you will all be killed," that was accompanied by a blow?

The CORONER (*to the Witness*) - What was Mr. Fletcher doing at the time he said this?

Mr. HARMER—I must intreat, Sir, you, will repeat the question as I requested you to put it.

The CORONER—I shall repeat the question as I choose.

Mr HARMER—I trust, Sir, you will repeat it as I requested you.

The CORONER—I have.

Mr. HARMER—I beg your pardon, Sir. The question I requested you to put was, Whether when Mr. Fletcher said, "You must go away, or you will all be killed," he accompanied that, with a blow, and the shape in which you put the question is, "What was Mr. Fletcher doing at the time he said this?"

The CORONER—In substance, it is just the same.

Mr. HARMER—Well, the Witness has heard the question as I put it, and he will answer it.

A. He said that at the time his cane was lifted up, and then he struck it down.

The Witness examined by the CORONER:

Q. Will you tell me what time it was, when you ran away from the Cavalry?

A. I can't tell what time it was.

Q. Can you tell us what was done at that time?

A. Yes.

Q. Was it immediately upon the Cavalry coming up to the hustings?

A. They had reached the hustings, and had surrounded the hustings, when I went away from the carriage.

Q. How far had you proceeded from the carriage before you saw Mr. Fletcher?

A. I should suppose about twenty or thirty yards.

Q. Which way were you proceeding?

A. I was proceeding towards Mount-street.

Q. And you did not see Mr. Fletcher before them?

A. No; I did not.

Q. How far was the carriage off the hustings?

A. About four or five yards distance from the hustings?

Q. It is quite true that Mr. Fletcher was a least twenty or thirty yards from the hustings?

A. It is exactly true;

Q. Did he strike any person, nearer to the hustings than twenty-four yards?

A. No, he did not.

Q. Do you know any thing of John Lees?

A. No; I don't know any thing of him.

Q. Did you hear on the ground that such a man had been hurt?

A. No, I did not.

Q. Was Colonel Fletcher alone? Was he without any friend or attendant?

A. I can't say that. I saw him personally.

Q. Did you see any other person dressed as a gentleman?

A. No; not that I took notice of,

Q. You saw nobody else speaking to the people as he was?

A. No, not that I heard.

Q. You say you believe you saw him strike one man?

A. I say I saw him strike one man.

Q. What part did that blow 'light upon?

A. Somewhere about the back or the shoulders as he was clearing away.

Q. Did the man proceed to flee from him?

A. Yes; and he was next to me.

Q. And he fled from him in the way that you did?

A. Yes; in the way that I did.

Q. Did he follow you, that you know of?

A. I don't know whether he followed me or not. I was fleeing to get away.

A JUROR—Are you sure you know Colonel Fletcher?

A. Yes, quite sure.

The CORONER—How was he dressed?

A. He had a black coat and waistcoat on.

The CORONER—That is all I ask this witness.

Mr. HARMER—Now, Sir, I should propose to call Mr. Buckley, a witness whom I before examined, to prove a new fact, with respect to the firing of a pistol. He states to me, that one of the gentlemen. of the Manchester Yeomanry has acknowledged to him, that he fired it. The CORONER—He was examined before, without the benefit of being cross-examined at all, by any party; and it is in my recollection what his evidence was. I don't know how much it would go to his credit; or how he can be called to prove any other fact, unless it is a fact that has recurred subsequent to his last examination.

Mr. HARMER—It is, Sir, a fact that has occurred subsequent to his former examination.

The CORONER—But I don't know when or where, this inquiry is to terminate, if you are to go on calling witnesses back again after they have been examined once.

Mr. BARROW—If he is to be again called, I should certainly claim a right to go through his full cross-examination.

Mr. HARMER—Unquestionably.

Mr. BARROW—But he might have stated this before.

Mr. HARMER—The Coroner asked me, whether it was a fact that occurred since his former examination, and I told him it was; he then said, that as a new fact, it was admissible.

The CORONER—I have no objection to it, but as to the procrastination of the business. If it is to be mutual, I have an objection to it. There will be no end to it. (*To Mr. Woods, a reporter, who was taking notes.*)—Who are you taking notes for?

Mr. WOODS—I am taking them for the establishment to which I belong;

The CORONER—You are taking them for the *Times*, and how dare you do so, after I said that no person was to take notes for that paper?

Mr. WOODS—I beg your pardon; I never did belong to the *Times*.

The CORONER—Well, I forbid you to take notes.

Mr. WOODS—I was taking notes all day yesterday, Sir; and when you looked towards me, I held my book up, and you saw me, and never prohibited me then.

The CORONER—Who are you taking notes for?

Mr. WOODS—The *Chronicle*.

The CORONER—Then you are a very impudent man. I before prohibited you from taking notes.

Mr. WOODS—I beg to say, Sir, that you saw me taking notes yesterday, and you looked towards me as I sat behind Mr. Ashworth. I held up my book, in order that you might see I was taking notes, and you did not then prohibit me from taking notes.

The CORONER—How long is this speech to last?

Mr. WOODS—Sir, I have a right to explain my conduct, I submit; besides you called upon me.

The CORONER—I tell you, I prohibited any person from taking notes for the *Chronicle*, after they published the proceedings in defiance of my orders.

Mr. WOODS—You permitted me to take notes yesterday, Sir.

The CORONER—I did not.

Mr. WOODS—I held up my note book, Sir, and you saw I was taking notes, and did not prohibit me.

The Coroner—I prohibited you before.

Mr. Barrow—Yes, I recollect he was prohibited before.

The Coroner—I wonder how you dare take notes again. I require you to go out of the room. It is the people from London alone, that treat me with this contempt.

Mr. Woods—I should not have disobeyed your, order, Sir, had you not permitted me to take notes yesterday.

The Coroner—I did not permit you. Did you not hear me before, order no notes to be taken for the Chronicle?

Mr. Woods— I admit your order, Sir.

The Coroner— Well, and I will attempt to enforce it in a criminal manner.

Mr. Woods—I should not have infringed that order, Sir, but you saw me yesterday taking- notes. I held up my book, as I said before, and you did not then prohibit me.

The Coroner—I desire you will withdraw. Your paper was the first to publish the evidence.

[Mr. Woods here withdrew.]

Mr. Harmer—Upon the subject of reports, Sir, appearing in the newspapers relative to this inquest, I would take the liberty of calling your attention to the *Courier* which I hold in my hand, and which contains three or four columns of comments on the evidence.*

The Coroner—I will not hear them.

Mr. Harmer—I beg, Sir, you will, us there are some most indecent observations made, even upon the Jury.

The Coroner—I have no doubt of it.

Mr. Harmer—I beg then, Sir, that you will ask whether there are any reporters for the *Courier* in Court.

Mr. Barrow—I understand that there is no reporter here for the *Courier*.

Mr. Harmer—I have received credible information that both those gentlemen (*pointing to Mr. Cowper and Mr. Radley*) send communications to the *Courier*; and as that paper contains, in more numbers than one, some most indecent observations relative to this inquiry, I trust those gentlemen may also be removed from the Court.

The Coroner—Prove that they sent up the evidence.

Mr. Harmer—I challenge either Mr. Cowper, or Mr. Rashleigh, to deny that they send up communications to the *Courier*.

The Coroner—"Radley" is that gentleman's name; not "Rashleigh."

Mr. Harmer—Well, Sir, I challenge either Mr. Radley, or Mr. Cowper, to deny that they send communications to the *Courier*.

The Coroner—Those gentlemen are writing for me.

Mr. Harmer—If that be so, Sir, their conduct is still more reprehensible; and I challenge them to say whether they have not sent communications to the *Courier*, respecting the proceedings here.

Mr Cowper—I have simply sent up a letter to the *Courier* daily,

* Vide the *Courier* of 4th October.

stating what progress was made in the Inquest; and you will find a short letter of mine in the paper you allude to.

Mr. Radley remained silent.

The Coroner (*to Mr. Cowper*)—Have you communicated evidence to the *Courier*?

Mr. Cowper—No.

The Coroner—You said, Mr. Harmer, that there were two people here taking evidence for the *Courier*.

Mr. Harmer—I said no such thing, Sir. I said there were two persons here who sent *communications* to the *Courier*, *commenting* indecently on the Witnesses and the proceedings; and I say so still. If they merely sent up *the evidence* I should not complain.

The Coroner—I tell you what; you completely tire out my patience.

Mr. Harmer—Then you don't prohibit these gentlemen from taking notes.

(Here some noise took place at the lower end of the room.)

The Coroner—I can hear nothing for the noise you make. The noise is intolerable, and these interruptions would tire the patience of Job.

Mr. Harmer—Then you do not prohibit these gentlemen, Sir, from sending their communications to the *Courier*?

The Coroner—I prohibit any man from communicating any of the evidence to any paper; and I call upon the gentlemen round me to point out to me any person taking notes to be published in any paper whatever, before this inquiry has terminated. That is all I will do.

Mr. Harmer—Then your objection Sir, is confined to evidence being published, but what I object to, is comments—and in the *Courier* newspaper, there are comments upon almost all the evidence hitherto given; and also, I am sorry to say, some most indecent comments on the conduct of the Jury.

Mr. Cowper—I never uttered a syllable, with respect to the Jury, in what I have sent to the *Courier*.

The Coroner—I rather think, Mr. Harmer, you are not to interfere with the Jury in this way; and you cannot expect that I will let you read three pages or columns of a newspaper here.

Mr. Harmer—I am not going to read them, Sir; but while you are denouncing other papers, pray do not let the *Courier* escape.

The Coroner—I won't. I prohibit any persons from sending up the evidence to London; and I restrain all newspapers from publishing it. But I must also say something further; and I ask how far it is decent, or proper, or common for any solicitor, during an investigation of this sort, to attempt to prejudice the minds of the Jury, and of the public, by having a sort of affidavits of persons inserted in the newspapers which would not be evidence.

Mr. HARMER--Such things were never inserted in any newspapers by me, or with my concurrence. But here is the *Courier*, in another number of it, that has been put into my hand, making reflections on the Jury, of a most disgraceful nature, which I trust you will take notice of, Sir.

The Coroner—I have something else to do, than to attend, to these things. They are just the same as the things that were, mentioned yesterday; for, I know nothing of them.

[Mr. Harmer here read a part of an account in the Courier of October the 5th, signed T. B. which was as follows:

" A number of witnesses have been produced, to prove the injuries which they received on the 16th, not one of whom could prove a single fact relative to the matter in question; and with no earthly view, but to inflame the Jury, and agitate the public mind. These very persons have preferred their complaints (by advice of Harmer and Co.) to the Grand Jury and Magistrates, but without effect; and now Mr. H. catches at this method of forcing their testimony on the public."

The Coroner has declined receiving their testimony, on the sole ground that it is irrelevant to the case. Doubtless, Harmer will resort to some other 'fair and honourable' way of intruding the evidence on the public."

Mr. Cowper—That is no language of mine.

Mr. Harmer—I presume not, because it is signed T. B, but I suspect the author is in the room,

The Coroner—I have already said, that I will not suffer the evidence to be published in any newspaper, before this inquiry has completely terminated. I can say no more.

Mr. Harmer—But that of which I complain, Sir, is comments— Will you not prohibit them?

Mr. Cowper—They are not mine.

Mr. Harmer—I trust, Mr. Coroner, that you will discover the author or authors of these comments, and bring them to punishment Here are most shameful reflections on the

Jury.

The Coroner—What have you got to do with the Jury? You interfere with them a great deal too much.

Mr. Harmer—You stated that before, Sir, and I flatly contradict it.

The Coroner—Why, we had it from your own mouth.

Mr. Harmer [*with great warmth*—I deny it, Sir. It is most false.

Mr. Batty—You did; you know you did. You said so with your own mouth.

Mr. Harmer—I deny it is most shameful, that such unfounded assertions are put forth. I said no such thing.

The Coroner—You did. You said you knew of the paper that was handed to the Jury.

Mr. Harmer – I deny it, Sir! I state most positively, that I did not know of it, and I never said so. I was told on a former day by Mr. Ashworth, by Mr. Barrow, and yourself, that you would prove I had made too free with the Jury. I challenge you now, as I challenged you then, to prove it. You told me you had witnesses to prove it. I challenge you to call them, and I defy you to prove any thing of the kind.

The Coroner—I will not have the time of the Court wasted in this manner.

Mr. Harmer—The time of the Court wasted, Sir? It is not I that waste it—But I shall not allow foul imputations to be cast on my character without contradiction. You stated that I made too free with the Jury. I call upon you to prove it. Establish that charge, if you can; and it is no longer fit I should remain in this Court. I call upon you, as a part of your duty, to prove the charge, if you can.

The Coroner—I did not say so.

Mr. Harmer—You certainly did state so; and so did Mr. Ashworth and Mr. Barrow.

Mr. Barrow—I did not.

Mr. Harmer —I say you did. And you, Mr. Coroner, have done me the injustice to state, that I have been too free with the Jury. I again call upon you to prove it, or state your grounds for making the assertion.

The Coroner—I have it down what I stated, and you will hear of it in due time.

Mr. Barrow—I have denied ever saying so.

Mr. Denison—I assert you said so.

Mr. Barrow—I say I did not; and perhaps my word is as good as yours.

Mr. Harmer—Perhaps not; but that will be tried probably hereafter.

The Coroner—I desire that an end may be put to this interruption.

Mr. Harmer—Don't let it be said, then, Sir, that I submit quietly to the accusation, "that I have been too familiar with the Jury."

The Coroner—What did you get the names of the Jury for?—I could say a great deal more than I have said; but I have got down what I did say.

Mr. Harmer—I knew not the names of the Jury, Sir, till you called them over.

The Coroner—Well, I could say more than I have said.

Mr. Harmer—I challenge you to say more than you have said, or to prove any thing that you have said. Say all you know; and prove what you can. Do not let us have insinuations, but let us have proof.

The Coroner—We have had more insinuations than we ought to have had.

Mr. Harmer—There certainly have been, Sir, many more insinuations than there ought to have been.

The Coroner—I admit it.