

Name: Robert Lancashire
Occupation: N/K
Home: Middleton
Date: 9 October 1819
Source: Lees Inquest 566 – 574
Summary: Witnessed the cutting of a woman's breast by the Yeoman, Edward Meagher, wounding her and causing her to drop her child on the floor.
Done by: CW

ROBERT LANCASHIRE called by Mr. HARMER: sworn, and examined by the CORONER.

Q. Where do you live?

A. At Middleton.

Mr. HARMER.—I believe, Sir, that I can give you a statement of the evidence of this man. — (*Here Mr. Harmer looked among his papers.*)—I certainly took some minutes of this man's statement for his evidence; but, unfortunately, I have not got them here.

The Examination of the WITNESS resumed by the CORONER.

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

A. Yes.

Q. What time did you arrive on the ground?

A. About half-past twelve?

Q. What time did you leave the ground?

A. I cannot say, positively, what time it was.

Q. But, to the best of your opinion?

A. I count, that it was between three and four o'clock, or somewhere thereabout.

Q. Were you near the hustings?

A. Yes; I was near the hustings.

Q. Whereabouts were you?

A. I was close to the hustings; and I came here to *indemnify*, that I saw EDWARD MEAGHER cut a woman's breast open, who had a child in her arms; and she fell down with the child, and I picked the child up.

Q. Who told you to come here to *indemnify* that, as you call it?

A. I come here to swear that I saw it.

Q. Who told you to come here, and tell what you saw?

A. I was told to come here, and tell the truth; and I saw that man do this, and I come here to swear to it. That is what I come for.

Q. Who told you to come here to tell that, and nothing else.

Mr. HARMER.—He did not say he came here to tell that, "and nothing else," Sir.

The CORONER.—I beg, I may have no interruptions. The witness is in my hands.

The Examination of the WITNESS resumed by the CORONER.

Q. You said, that you came here to *indemnify* that. Who told you to come here to *indemnify* that, and nothing else?

A. I did not come here to *indemnify* that, and nothing else. Nobody told me to come here to *indemnify* that, and nothing else.

Q. Why did you say, then, that you came here to *indemnify*

A. Because I can prove it.

Q. Then you were not to identify John Lees?

A. No; I never saw him.

Q. When you gave me this information, I asked you how long you remained close to the hustings. You can *indemnify* that perhaps now?

A. I was close to them.

Q. How long were you close to them at any one time?

A. I was there half an hour the first time I went up.

Q. Was Mr. Hunt come upon the hustings at that time?

A. He came up just at that time, when I went away on account of the heat.

Q. Did you go off on account of the heat, before Mr. Hunt got on the hustings?

A. I was just coming off when he arrived.

Q. Then you went away from the hustings before Mr. Hunt got out of his coach?

A. Yes.

Q. What distance did you go before you stopped again?

A. About ten or a dozen yards at the back.

Q. Which do you call the back? Do you mean towards Dean's Gate?

A. I do not know Dean's Gate.

Q. Do you know Windmill street?

A. No.

Q. Do you know the nearest way to the ground from here?

A. No: I do not. I only came there that day.

Q. And you were at the back, you say?

A. Yes.

Q. How long did you remain there?

A. I can't tell, I am sure. I remained there until they drove us away.

Q. Did you see any other person wounded, or any other wound inflicted close to the hustings?

A. Nobody but the woman I saw wounded.

Q. Answer my question. Did you see any body wounded within a yard or two, or five yards, of the hustings?

A. I did not.

Q. How distant from the hustings was the woman that you saw wounded?

A. Ten or twelve yards on the other side of the hustings; and I picked up the child, and gave it to another man. EDWARD MEAGHER was the man that did it; and I spoke to him while he did do it.

Q. Did you quit the ground after that, as soon as you could?

A. No.

Q. Where did you stand then?

A. I went and stood at the side of the Quaker's chapel.

The CORONER (*to Mr. Harmer*).—This is certainly not admissible evidence; and you must be aware that it was not admissible evidence, before you called this witness. I understood he came to speak to something with respect to John Lees.

Mr. HARMER.—You have heard him say, Sir, that he came to tell the truth, and the whole truth; and I contend, that every person who was on the field on that day, is not to be restricted in the evidence which he is to give. It is not lawful to restrict him, I say.

The CORONER.—He is to speak to things that are relevant, and not to things that are irrelevant.

Mr. HARMER.—I again must submit, Sir, that every person who was on the ground that day,

is entitled, according to the law of the land, to prove all that he saw.

The CORONER.—I have heard quite sufficient of your law before; and I knew my duty before ever you did.

[Mr. Harmer was here about to read the Act for the regulation of the duty of Coroners.] ,

The CORONER.—I heard that before, and I was obliged to interpose to stop you in reading it; I have heard that Act a great deal too often.

Mr. HARMER.—Well, Sir, I hope the law of the land can never be too well, or too often impressed upon you.

The CORONER.—I will not suffer this interruption. You read part of that before. You asked me whether you might read it, and you told me that you were going to read it, to tell me my duty; and I told you I knew my duty.

Mr. HARMER.—Well, Sir, if you will not let me read the statute, I must call your attention to the case in *Plowden*, and the other cases I before cited.

The CORONER.—I think that this is very arrogant of you ; and I desire I may not be any further interrupted.

Mr. HARMER. The Judges of the land, Sir, would never object to hear the law submitted to them, as it has been decided by their predecessors.

The CORONER.—After the Judges of the land had been treated by Mr. Harmer in the manner, in which he has treated me, they would have no more of Mr. Harmer's company.

[Mr. Ashworth had by this, time, again entered the Court.]

Mr. ASHWORTH.—Now, Sir, as I have heard the Judges of the land talked of, I must say, that I think, if any Judge of the land had stated, that evidence of a particular description was not admissible, he would not suffer himself to be insulted by such evidence being over and over again tendered to him. I say, that a Judge is responsible, as you are, Sir, if he decide wrong; but I also say, that after a Judge has once decided, that a particular description of evidence was not allowable, I never in my life knew such an insult to be offered that Judge (and it is to be hoped that. no Judge would suffer it) as for the same species of evidence to be again and again foisted upon him. I say, that it must be presumed, a Judge knows the law which be is entrusted to administer; and be is answerable if he does not do justice in the execution of that law. I say, he is answerable, if he acts corruptly in the administration of that law; and this inquest is liable to be set aside, and is liable to be made void, if the Coroner acts with injustice. The Coroner, therefore, with all these responsibilities about him, has decided again and again, that this is not legal evidence; and I say, that to tender it again and again, after that decision, with pertinacity, such as I never saw before, is the greatest insult I ever saw offered in any regular Court of Justice. I have been accustomed continually to trials in a Court of Conscience, and I am sure that this kind of conduct would not be borne there; and still this sort of evidence is obstruded upon you, though you have repeatedly declared your decision, that such evidence is inadmissible. You ought not to have made the decision, this gentleman says; and I submit, you ought not to have made it, unless you meant to abide by it. But I say, that another Court will tell you whether you are right, or whether you are wrong; and another Court will tell you what is right, if you are ignorant of the law of the land. You took upon yourself to say, "I decide so, because I am warranted by the law of the land in deciding so." Then, Sir, these proceedings are liable to be set aside if they are illegal; and you are liable to be called, before a Criminal Court of Justice, if you voluntarily act illegally. But it is the greatest insult, for this gentleman to be continually persisting in that course, which you have decided is illegal.

Mr. HARMER.—I would ask the worthy Barrister, whether be believes there is any gentleman at the Bar, who knows his duty that would not insist upon reading the statutes of the land, when he conceived that the Judge before whom he was arguing, did not rightly comprehend him, and the position he was contending for? I would ask him, whether he has so contemptible an opinion of the English Bar, as to believe, that a Barrister would not insist

upon reading, a statute, where he conceived that the interest of his client demanded it? If such be his opinion, I say, for the credit and honour of the Bar, he is mistaken. In the first place, no Judge would utter such an interdict; and if he did, the Bar would be degenerate indeed, if no Counsel could be found to disobey it.

Mr. ASHWORTH.—To put a stop to this, Sir, I say, that if a Judge observed, that he knew the Act of Parliament that was attempted to be read, and that he was fully acquainted with its enactments, he would not suffer a Barrister to persist in reading that statute; and it would be an insult to persist in reading it. When a Judge takes upon himself to say, that he is acquainted with the case or statute that are set before him—that he has examined them, and thoroughly understands them; to persist in reading them before that Judge, would be a complete insult. It is for the Judge to say what he will receive, and what is necessary for his information; and I say, that no Barrister, knowing the deference which is due to a Judge, would persist in reading an Act of Parliament, with which a judge said he was acquainted. I never knew a Barrister pursue such conduct in my life; and I say, that it can only be for the purpose of producing vexation and irritation.

The CORONER.—I beg leave to say, that this is not the point at all. When Mr. Harmer proposed to read this statute, he proposes to read it for the purpose of telling me my duty. Did you ever hear of a statute being read to a Judge, to tell him his duty?

Mr. HARMER.—I said, Sir, that that statute prescribed the duty of all Coroners; and I merely referred to it, to convince you that the legislature had directed the very description of evidence to be received, which you rejected; and I had therefore a right to presume that you had forgotten the enactments, and required to have your memory refreshed.

Mr. ASHWORTH.—Let the gentleman tender his objection. I desire it may be taken down. If the Coroner is wrong, let the gentleman appeal to another Court: that is the regular way of doing business. And the Coroner is not to have inadmissible evidence continually foisted upon him. It is great pertinacity, to persist in this course.

Mr. HARMER.—May I not read to you the statute, Sir.

The CORONER.—No, Sir; you may not.

Mr. HARMER.—Well, I can perfectly understand, Sir, your motive in not suffering the statute to be read; but I want to know, why this witness is not to be heard, as well as those which have been produced on the other side.

The CORONER.—I have already decided, that you must shew me in writing, what the witnesses are to prove, before I will examine them. I have examined this witness to every thing which I suppose to be admissible evidence. He tells you, he knows nothing but one fact. I asked him, who told him to come here and tell that fact; and if I had made him answer that question, I have no doubt that he would have told me, that it was you told him.

Mr. HARMER.—Sir, I agree, that you asked him the question that you are talking about; but he could not, consistently with truth, give you such an answer as you describe; and I beg you will compel the witness to give an answer to your question, that your unfounded suspicions may be removed, and my character cleared from your aspersions.

The CORONER.—I will hear no more.

Mr. HARMER.—But, Sir, no insinuations shall be cast upon me, without my rebutting them instantly.

Mr. BARROW.—Will you him ask the question yourself?

Mr. HARMER.—If that is put to me, I will, most cheerfully.

Mr. ASHWORTH.—I understand, Mr. Coroner, that you have decided, that nothing which was not done close to the hustings, is evidence.

Mr. HARMER.—Really, there have been so many determinations, and then alterations of those determinations, since I have been attending this inquest, that I really forget now what was decided. Will you have the kindness, Sir, to tell me what your decision is.

The CORONER.—I have repeated frequently, that, in consequence of the loss of time that has taken place, I shall receive no more evidence as to the character of the Meeting, unless I see you break in upon what their witnesses have proved. That was decided six times at Oldham.

Mr. HARMER.—You there told me, Sir, I should be allowed to bring witnesses as to certain

facts which took place within a few yards of the hustings.

The CORONER.—I desired you to do that, and you directly called a witness, to prove what was done in Portland Street.

Mr. HARMER.—I beg your pardon, Sir; you stopped me in examining that witness.

The CORONER.—I have allowed your witnesses to prove a great deal more than ought to be proved; and I now desire you, will produce some testimony which is evidence.

Mr. HARMER.—I conceive, Sir, that all the testimony which I have tendered to you, is evidence; but if you will allow me, I will bring to your recollection the testimony of the witness that you allude to, with respect to Portland Street.

The CORONER.—It is now nearly an hour since you began to interpose in this way, and I will not hear you any more.

Mr. HARMER.—But, I beg you will, Sir.

The CORONER.—No, I won't; because you begin altercations, and then you deny them.

Mr. HARMER.—But, Sir, if you will allow me, I will bring to your recollection the circumstance you allude to.

The CORONER.—Tell me when it was.

Mr. HARMER.—Why it was at Oldham. I called a witness, who was to prove that he saw the Manchester Yeomanry Cavalry in a particular place, from whence they galloped into the field. While they were in that particular place, he heard certain expressions made use of by them, and you would not allow him to state what those expressions were.

The CORONER;—Had I not, days before that, allowed you to state, when the Yeomanry Cavalry had assembled in a certain street, what was done, what directions were given in charging, and what was to be done before they marched. Is there any necessity or use, in having that proved twenty times over?

Mr. HARMER.—It was a new fact, Sir; and it was because you allowed me to give that species of evidence before, that I was astonished when you stopped me as you did.

Mr. ASHWORTH.—If you will give me leave, I will tell you what I understand the Coroner to say is admissible evidence in this case. I understand him to say, that if you produce evidence of any body being cut near the hustings, by any person known or unknown, so that it may be taken that the person cut was the deceased, then that it is evidence; but if a witness comes here, and proves a blow was given to a woman, and not to a man, that cannot be applicable to the present inquiry; because we are now investigating the cause of the death of John Lees. If the person who struck him is known, and the person who is struck is a male, so that it might be John Lees; then if the person who struck him be one of the military, it perhaps might be an excess, and therefore evidence to that person so described is admissible: but if the person who is proved to have been struck is so described, either by name or by sex, that it cannot be John Lees, then I understand the Coroner to decide, that that cannot be evidence.

The CORONER.—Yes, certainly. Any thing that was afterwards done, either in Portland Street, or down by the Quaker's Meeting-House, subsequently to this man's receiving his wound, I say, is not evidence.

Mr. HARMER.—Then, Sir, I will endeavour hereafter to seethe witnesses, and ascertain that such as I am going to produce, can prove admissible facts according to this rule, before I tender them.

The CORONER.—I think you stated a week ago, that you had exhausted that kind of evidence.

Mr. HARMER.—Oh dear! no, Sir.

The CORONER.—Why, you cannot prove that any wounds were inflicted near the hustings.

Mr. HARMER.—So far from that, Sir, I have not less than two or three hundred wounded persons that I could, if necessary, produce; and it is impossible that I could have said so.

The CORONER.—But are they wounded persons who were wounded at the hustings?

Mr. HARMER.—No, Sir; but they are persons who were coming from the hustings, and who were cut by the Yeomanry in their retreat, at or about the time that Lees was wounded.

The CORONER.—Now, you see, you are going to witnesses who were cut coming from the hustings, and not *at* the hustings.

Mr. HARMER.—Yes, Sir; and I submit, that their evidence is admissible.

Mr. ASHWORTH. Then, Sir, to put a stop to this, let the gentleman mention any number of witnesses that he thinks fit, to prove these facts, and that he has tendered them to prove these facts; and that shall be taken upon your notes, so that he may have the benefit of that hereafter. I propose this for the purpose of shortening the business. Suppose he says he has five hundred witnesses to prove these facts; we will take it at that.

Mr. HARMER.—No; I will not mention any number, until I have ascertained what the number really is. You have suggested five hundred; but I have not mentioned that number.

The CORONER.—You said, you had five hundred witnesses more, a week ago.

Mr. HARMER.—Yes, and so had, Sir; but I did not say I should call them.

The CORONER.—And I am of opinion, that there has been sufficient time allowed, for either you or any other reasonable man to examine all the witnesses that are necessary.

Mr. HARMER.—I cannot admit, Sir, that there is sufficient time allowed for that purpose, if there are witnesses still produced, who can give important information respecting the transactions of this day, and they are not to be examined.

The CORONER.—If individuals come here to prove irrelevant facts, I won't let them be examined.

Mr. HARMER.—You will probably, Sir, give me until Monday morning, to examine what the witnesses can prove; and I will then produce those that can prove admissible facts, according to your last decision.

The WITNESS examined by Mr. ASHWORTH.

Q. By whom were you examined before you came here?

A. By no one. I never was before a Judge or a Jury in my life.

Q. Whom did you first tell this to?

A. To Mr. Whitworth.

[Mr. Nicholas Whitworth, who was gone out of court for Mr. Harmer and Mr. Denison, now wanted to get in again, but was prevented by the Constables; in consequence of which, some noise arose at the door.]

The CORONER.—Who is that impudent man making that noise?

A CONSTABLE.—It is the person that I brought into you before, Sir.

The CORONER.—Then, if he interferes again, I desire you will take him into custody.

The Examination of the WITNESS resumed by Mr. ASHWORTH.

Q. You told it to Mr. Whitworth, you say?

A. Yes; I told to it him.

Q. Did you tell him first of all?

A. Yes.

Q. When was that?

A. When was it that I told it to him!

Q. Yes.

A. On Friday Morning.

Q. Do you mean yesterday morning?

A. Yes. To-day is Saturday; is it not?

Q. Did you tell that person all you could prove?

A. I told him all I have told you to-day; but I did not tell him all I know, nor have I told you; but I would if I was let.

Mr. HARMER.—It is extremely hard, Sir, that I am not allowed to go on examining this witness, and yet Mr. Ashworth is allowed to cross-examine him.

Mr. ASHWORTH.—If you can ask him any facts that the Coroner decides are admissible, I will stop.

Mr. HARMER.—No, Sir, it is no use; the Coroner has decided that the fact's which this witness can prove, are inadmissible; and yet you proceed to question him.

The Cross-Examination of the WITNESS resumed by Mr. ASHWORTH.

Q. Did you tell him, in fact, about the woman and the child.

A. I have told you one story, and I shall tell you no more. I will not tell it to you twice over to-day.

Mr. HARMER (*to the Witness*), But you are bound to tell him; and as often as that gentleman puts a question to you, you must give him an answer; and I beg you will do so civilly and respectfully.

The Cross-Examination of the WITNESS resumed by Mr. ASHWORTH.

Q. Did you tell this gentleman, Mr. Whitworth, the story about the woman and the child?

A. Yes.

Q. Did you tell him that you had not seen John Lees?

A. No; I never knew such a man. I do know a man of that name at Middleton; but I do not know a man of that name of Oldham.

Q. Who told you that the Trumpeter's name was Meagher?

A. I knew it before the Meeting.

Q. Who told you his Christian name?

A. I knew that, also, before the Meeting.

Q. You had not told him any thing else, except what you have stated?

A. No.

Mr. ASHWORTH.—That is all I ask this witness.

The CORONER.—I now adjourn this Court from hence until Wednesday morning at nine o'clock.

Mr. ASHWORTH.—I understand, that is at the request of the Jury, Sir?

The CORONER.—Yes; they complain of ill health, and they say they cannot stand it.

A JUROR.—Perhaps you will make it ten o'clock, Sir.

The CORONER.—Well, let it be ten o'clock.

ADJOURNED TO WEDNESDAY THE 13TH OF OCTOBER.