

Name: Hugh Williamson
Occupation: Cotton weaver
Home: Manchester
Date: 5 October 1819
Source: Lees Inquest 301 – 309
Summary: Brought by Harmer to establish the intent of the Yeomanry on the field by testifying to their behaviour as they arrived. Causes an uproar by naming the man who gave them the order to charge, setting off legal arguments about the scope of evidence admissible.
Done by: CW

HUGH WILLIAMSON called, sworn, and examined by the CORONER.

Q. Where do you live?

A. In Oldham-road.

Q. Is that here, or at Manchester?

A. At Manchester.

Q. What is your trade, or business?

A. I am a weaver.

Q. What, a cotton weaver?

A. Yes.

Q. Do you know any thing of the death of John Lees? Did you know him at all?

A. No, Sir.

The CORONER (*to Mr. Harmer*)—Well, Mr. Harmer, what is this witness to prove?

You see he knows nothing about John Lees, nor how he came by his death.

Mr. HARMER (*to the Coroner*)—The witness had better withdraw, Sir, and then I will state to you, what I understand he is to prove.

The CORONER (*to the Witness*)—Well, you are to go out of the room.

[The Witness here retired.]

Mr. HARMER (*to the Coroner*)—This witness, Sir, I understand, saw the Manchester Yeomanry drawn up upon a spot adjacent to the field: he heard them receive some orders from one particular individual, and he then saw them galloping into the field, and heard them making use of certain expressions, indicative of their intentions, and which the witness will state to you.

The CORONER—Does he repeat any thing that we have heard took place at the hustings?

Mr. HARMER (*to the Coroner*)—No, Sir.

The CORONER (*to Mr. Harmer*)—Does he know, that those who were making use of those expressions, whatever they were, went to the, hustings?

Mr. HARMER (*to the Coroner*)—That is already in evidence.

The CORONER (*to Mr. Harmer*)—It is not proved that any thing was done by them at

the hustings.

Mr. HARMER (*to the Coroner*)—I have proved, Sir, what was done at the hustings by the Manchester Yeomanry.

The CORONER (*to Mr. Harmer*)—I want to know whether this man will say that they went into the field for the purpose of doing that.

Mr. HARMER (*to the Coroner*)—I submit, Sir, where persons are seen proceeding to a place where a particular offence is committed, and are heard, before they go into that place, to make declarations of their intention, those declarations are evidence against them?

The CORONER (*to Mr. Harmer*)—Whether they commit the offence or not?

Mr. HARMER (*to the Coroner*)—No, Sir; but I will shew they did commit an offence.

Mr. ASHWORTH (*to the Coroner*)—But you have decided, Sir, over and over again, that nothing is evidence but that which was done at the hustings; and, surely, all the party are not to be implicated in a serious charge, on account of the declarations of any one man.

The CORONER (*to Mr. Ashworth*)—I am going to see whether the witness can prove any thing that was done at the hustings.

The Witness, HUGH WILLIAMSON, was here called into the room again, and examined, in the manner following, by the CORONER.

Q. Were you on the ground where the hustings were on the 16th of August?

A. Yes.

Q. On what part of the ground were you on that day?

A. At this corner, near to St. Peter's.

Q. Near to St. Peter's church, do you mean?

A. Yes.

Q. How far from the church were you?

A. I cannot say exactly; but I suppose I might be twenty, or twenty-five yards from it.

Q. There is part of the land there called St. Peter's-street. Were you on that?

A. I was on the waste ground, on this side of the street.

Q. Were you near Dickenson-street?

A. Yes.

Q. How far were you from any part of Dickenson-street, do you suppose?

A. I cannot say.

Q. Give a guess, or an opinion?

A. I cannot say. I took no particular notice; but I was on the top of the stumps, between it and the church.

Q. Were you forty or fifty yards from Dickenson-street?

A. I cannot say on account of the number of people.

Q. But you are not a stranger to Manchester?

A. No; but I do not know which is Dickenson-street.

[Mr. Harmer here handed over to the Coroner a large plan of the locus in quo to which the attention of the witness was then directed.]

The examination of the WITNESS resumed by the CORONER.

Q. Now where were you; were you near Mosley-street?

A. Yes; I was near Mosley-street; when I was on the waste ground there, looking towards the hustings, Mosley-street was on my left hand.

Q. Can you give any opinion how far you were from the hustings?

A. I cannot say.

Q. Could you, from where you were, discover any thing that was done at the hustings?

A. Only by shouting and cheering.

Q. Could you hear them speak?

A. No; I could hear them shouting, and they said it was Mr. Hunt coming, but I could not see him beside another.

Q. Could you see the hustings?

A. I could see a multitude of people much higher than the crowd, and they told me they were standing on the hustings; but as for near it I could not get.

Q. Then you could not see any soldiers at the hustings, could you?

A. There were no soldiers there until I left the ground, only what I saw bring up at the dead wall.

Q. Do you mean that when you left, you saw the soldiers?

A. Yes.

Q. Where were they?

A. They were down near to that dead wall (*pointing it out on the plan*); I saw them at a distance off.

Q. After you left the field, did you come on again?

A. Yes.

Q. When?

A. When I came to a street called Portland-street.

Q. But when you had left the ground once, did you go to it again that day?

A. No, Sir.

The CORONER (*to Mr. Harmer*)—Then this is certainly not admissible evidence.

Mr. HARMER (*to the Coroner*)—I wish to ask the witness, Sir, whether he saw any, and what Yeomanry Cavalry, galloping into, or towards the field?

The CORONER (*to Mr. Harmer*)—I shan't put that to him.

Mr. HARMER (*to the Coroner*)—Well, Sir, it is for me to produce the witness, and to suggest a question to be put to him, which I conceive to be a legal question; and if you will not suffer that question to be put, of course I cannot help it.

The CORONER (*to Mr. Harmer*)—It is not admissible testimony. It is not applicable to the case.

Mr. HARMER (*to the Coroner*)—I wish, Sir also, to ask him whether he heard any directions given by any body, and whom, to that body of Yeomanry, before they galloped into the field, and whether the Yeomanry, in his hearing, made any declarations as they were galloping in? I will put the question, Sir, with your leave, and you will, if you think proper, stop the answer.

Q. (*to the Witness*)—Did you see any person giving directions to the Yeomanry, just before they went to the field?

A. I did.

Q. Who was it gave those directions?

A. I heard Mr. -----

The CORONER—(*to the Witness*)—Hold your tongue, Sir, hold your tongue. Don't answer that question.

Mr. ASHWORTH—(*to the Witness*)—Stop, stop, Sir! you know you ought not to answer that question, and why will you do it?

Mr. BARROW (*to the Witness*)—Stop. He does it on purpose, because he knows that he ought not to answer the question.

[*The Coroner, Mr. Ashworth, and Mr. Barrow, raised their voices in the utterance of the above sentences, so as to stifle the voice of the Witness, and thereby rendered the remainder of his answer inaudible.*]

Mr. ASHWORTH (*to the Coroner*)—Really, Sir, I hope this course will be put a stop to. It is imposing on and insulting you, Sir: you have decided, that such a question ought not to be put, and still this gentleman, with the same pertinacity, will continue to put questions which he knows and believes are objectionable. Some improper purpose is to be advanced by this conduct, and I do really wish, Sir, that the step-mother may be produced, in order that we may see this gentleman's authority for appearing here.

Mr. HARMER (*to the Coroner*)—I submit, Sir, that I have a right to have that second

question answered.

Mr. Ashworth (*to the Coroner*)—Really, Sir, I hope you will not suffer this indignity to be offered to the proceedings of a Court of Justice. After you have again and again decided, that evidence of circumstances which did not take place at the hustings, is not admissible, this gentleman continues to call witnesses who are to give the same evidence. Does he mean to say, Sir, that your decisions shall be set at nought, and is he to be permitted to pursue this course, nobody knowing who he is, or by whom he is employed, for I understand he is not employed by the relations of the deceased?

Mr. HARMER (*to Mr. Ashworth*)— Do you make that assertion, Sir, without calling the witness whom you have talked about to prove that your assertion is correct?

Mr. ASHWORTH (*to Mr. Harmer*)—I understand, Sir, that you are not employed by the step-mother of the deceased.

Mr. HARMER (*to Mr. Ashworth*)—I say, positively, Sir, I am; and you must be careful how you make assertions when you have not truth to sanction them.

Mr. ASHWORTH (*to Mr. Harmer, in a loud and boisterous tone*) —I am not afraid, Sir, I am not afraid.

Mr. HARMER (*to Mr. Ashworth*)— Nor am I, Sir; I am not to be put down by clamour of this sort, Mr. Ashworth, any more than you.

Mr. ASHWORTH (*to Mr. Harmer*)—Nor am I, Sir. Nor will I be restrained from objecting when improper evidence is tendered, and indignity is offered to the Coroner himself.

Mr. HARMER (*to Mr. Ashworth*)—That is presuming that the Coroner neither knows his duty, nor how to protect himself:

Mr. ASHWORTH (*to Mr. Harmer*)—When you know this sort of evidence has been decided to be inadmissible, why will you persist in offering it?

The CORONER (*to Mr. Harmer*)— You are always presuming to dictate to me my duty.

Mr. HARMER (*to the Coroner*)—I trust I have not used any language unbecoming a gentleman; I have been repeatedly told there is an appeal if your judgment is wrong, Sir; but how am I to make' my application to a higher authority hereafter, without I submit the evidence to you here, and have your decision upon it? Unless I bring this evidence before you, and when you reject it, I submit to you that it is legal evidence, how am I to have an appeal hereafter against your decision? Every man is fallible, and your decision here, Sir, may be wrong, as the decisions of others, even of the Judges of the land, are found frequently to be, and, therefore, surely I may be considered as meaning nothing personally offensive to you in the course I have followed.

The CORONER (*to Mr. Harmer*)—I will tell you the way. It is your business to hand to me in writing such question as you wish put to a witness, and then, if I find that such evidence as would be given in answer to those questions' is inadmissible, you will have the benefit of my decision in that way.

Mr. HARMER (*to the Coroner*)—I did pursue that course once, Sir, and then you were not pleased with it, and refused to adopt it.

The CORONER (*to Mr. Harmer*)—In one instance you did do so, after I had so far examined your witness as to discover that he could not give proper evidence, but you never tendered me in the first instance, in writing, the evidence which your witness was to prove. Is that correct?

Mr. HARMER (*to the Coroner*)—That, Sir, was when the examination of a witness was stopped, before he was suffered to enter into any material facts.

The CORONER (*to Mr. Harmer*)—Upon your assurance that the witness was to prove something admissible, I examined him, and found that his evidence was inadmissible.

Mr. HARMER (*to the Coroner*)—Recollect, Sir, upon what occasion it was that that passed to which you are alluding. You asked the witness whether he knew John Lees, and whether he saw him cut. He said he neither knew John Lees nor saw him

cut; and you said immediately, "Then your evidence is not admissible."

The CORONER (*to Mr. Harmer*)—I deny that, it is not correct. It was a vast deal more than that.

Mr. ASHWORTH (*to the Coroner*)—I entreat, Sir, before we go any further, that this matter might be put upon its right footing. Sir, you have said that evidence of a certain description is inapplicable and inadmissible, and therefore I say, that: if it is tendered again, that is an insult to you; but I again repeat, has not the learned Gentleman the full advantage of his objection, with respect to all the evidence which you say is inadmissible, if you have once laid it down, that all evidence of that particular description is not receivable? Let the Gentleman who attends here for that purpose, take that decision down, and Mr. Harmer can then take any advantage that it will really entitle him to at any future period. After your general declaration, that evidence of circumstances that have taken place at any other part of the field but at the hustings is inadmissible, the learned Gentleman has the full advantage of your refusal to receive such evidence, therefore do not let him be continually producing the same sort of evidence, because it is an insult to the Court, and unhinges one for the moment. For my part I never saw such conduct pursued in the conducting any investigation whatever that I have witnessed here. It must be intended to have an effect upon the public mind, and I can only conceive it is intended to have an improper, an illegal, and an unfair effect upon the minds of the Jury. It is intended, in fact, to make the Jury themselves change places with you, and to make them usurp your office, and to make them the judges of what is legal and illegal, without any attention whatever being paid to you as the only legitimate organ through which they ought to receive the law. It is to make the Jury of their own accord, and of themselves, judges, whether evidence is legal or illegal when tendered. The object is in fact two-fold. It is directed, first, to dictate to the Jury and to inflame the public mind; and, secondly, to make a cipher of you, Sir. You will, however, take care, I trust, that those acts of parliament are carried into effect, by which you are invested with your power, and once for all determine that you will not have your decisions treated with that contempt that they have been treated. If you do not act firmly upon this point, Sir, you will have the same ground to trace over again.

The CORONER—I must say Mr. Harmer pays very little respect to any order of mine.

Mr. ASHWORTH (*to the Coroner*)—Let the Gentleman, if he be so advised, take any legal measures he thinks proper, to arraign the correctness of your decision, if it be doubted. Let him tender you a bill of exceptions but do not let him be continually, reproducing evidence which you have broadly stated is illegal evidence. But there are some objects to be answered, which are inconsistent with the pursuing of any regular course.

[Mr. Harmer here rose to address the Coroner.]

The CORONER (*to Mr. Harmer*)— I will not hear you, Sir.

Mr. HARMER (*to the Coroner*)—Well, Sir, if I am to sit and hear all these observations of Mr. Ashworth's, and then my mouth is to be closed, and I am not to be suffered to answer him, I had better leave the Court at once.

The CORONER (*to Mr. Harmer*)—Well, what have you got to say?

Mr. HARMER (*to the Coroner*)—I was going to say this, Sir - that I certainly must have misunderstood the rule you laid down on Saturday last, when the discussion took place with respect to the admissibility of particular evidence. I certainly then understood the rule laid down was, that you would not hear any witness unless he would state to you positively that he saw the deceased wounded near the hustings. I may have been mistaken; but certainly that is what I understood the rule to be.

The CORONER (*to Mr. Harmer*)—I am surprised to hear you say so. I never laid down any such rule.

Mr. HARMER (*to the Coroner*)—Well, Sir, if that is the case, I must call those witnesses back again; because they can prove a great many most important facts, which, I understood, you quite rejected on Saturday.

The CORONER (*to Mr. Harmer*)—But I will not allow that. I will not examine witnesses twice.

Mr. HARMER (*to the Coroner*)—I now recollect, Sir, particularly, that you refused to let me ask the witnesses as to the names of particular persons who were extremely active about the hustings, unless they could prove that those persons actually struck John Lees.

The CORONER (*to Mr. Harmer*)—No such thing.

Mr. HARMER (*to the Coroner*)—Do you mean to say, Sir, that you did not refuse to let me ask the witnesses these questions?

The CORONER (*to Mr. Harmer*)—No such thing.

Mr. HARMER (*to the Coroner*)—This is most extraordinary.

The CORONER (*to Mr. Harmer*)—Well, if this is an open Court, I will take care to restrain all interruptions, the same as in any other open Court. I will not be subject to these insults. I said so before, and I now say so again, Mr. Harmer, that due respect is not paid by you to my situation as Coroner. As to myself, I care nothing about it. But as to the office which I fill, I should have some respect paid to me; and I must say, that Mr. Harmer pays the least regard of any one to any thing I say.

Mr. HARMER (*to the Coroner*)—I am very sorry, Sir, that you entertain such an opinion.

The CORONER (*to Mr. Harmer*)—So am I very sorry to be obliged to entertain it. Nobody wished more than I did, that this inquiry should be conducted in an amicable manner, and no one is more hurt than I am that it has not been so conducted;

Mr. HARMER (*to the Coroner*)—I am very sorry, Sir, that you entertain the opinion that you have expressed; but, really, when the learned Barrister thinks fit to attribute to me bad motives, it is a duty which I owe to myself, and one which I must and will discharge, to repel such an insinuation.

Mr. ASHWORTH (*to Mr. Harmer*)—What other motives can you have?

Mr. HARMER (*to Mr. Ashworth*)—You know very well, Sir, that I have no bad motives.

The CORONER (*to Mr. Harmer*)—I am sure this investigation will never be closed—at least in no reasonable time. The time of the Jury and of myself and of the public must not be exhausted in this way; and you shall not interrupt the Court so frequently as you do. During twenty years I have held this situation, in all the cases I have had before me put together, I never had the interruptions, that I have had in this case. I therefore desire, that I may have no more of these sort of witnesses called.

Mr. HARMER (*to the Coroner*)—Will you be good enough to inform me then, Sir, what description of witnesses you will allow me to call?

The CORONER (*to Mr. Harmer*)—Why, any that know any thing of what was done upon the ground.

Mr. ASHWORTH (*to Mr. Harmer*)—That is, at or near the hustings.

The CORONER (*to Mr. Harmer*)—Yes, about the hustings.

Mr. HARMER (*to the Coroner*)—Do you not allow me then, Sir, to call evidence to shew the conduct of these same military on the field, who were proved by the last witness to have gone into it?

The CORONER (*to Mr. Harmer*)—Yes, the same military; but how do you know they were the same military?

Mr. HARMER (*to the Coroner*)—Why, they were dressed in the same manner. And will you not allow me to shew the conduct of the same military coming immediately from the field?

The CORONER (*to Mr. Harmer*)—No; certainly not. You said just now that you wanted to shew their conduct going to the field.

Mr. HARMER (*to the Coroner*)—With respect to the last witness, unquestionably I did, Sir. Then may I be allowed to call witnesses to identify them on the field?

The CORONER (*to Mr. Harmer*)—Yes, under certain circumstances; but you said that you would prove by this last witness the conduct of this military, not only in Portland-street, but afterwards at the hustings.

Mr. HARMER (*to the Coroner*)—I beg your pardon, Sir. I said this witness would prove that he heard directions given to them near to the field, and that he then saw them galloping into the field, and heard them make use of some particular expressions in their way.

The CORONER (*to Mr. Harmer*)—But how could you trace them up to the hustings? How could you prove by him that it was the same body who were acting at the hustings?

Mr. HARMER (*to the Coroner*)—I did not attempt to prove it by him, Sir; but I say that he saw them galloping along Portland-street, and into the field. I prove by other witnesses that that very corps ranged themselves opposite to Mr. Buxton's house, and, upon receiving orders, galloped to the hustings and did the mischief, on account of which I charge them with murder.

The CORONER (*to Mr. Harmer*)—And none of these people are recognised as being at the hustings.

Mr. HARMER (*to the Coroner*)—I beg your pardon, Sir; the whole body are recognised as being at the hustings; and I again repeat the charge I made against them before, that if any one of them caused the death of an individual, they are all equally guilty of murder.