

## **A Report on the Administrative History of the 'Chartist Trials' Papers**

### **Introduction:**

The documents now referred to as the 'Chartist Trials' papers, an archive collection conserved and catalogued by Newport Public Library c. 1960 in a series of twenty-five bound volumes, consist primarily of the records generated during the magistrates' preliminary hearings conducted at the Westgate Hotel, Newport, the scene of the Chartist Rising. These hearings, held in preparation for the Chartist Trials at Monmouth in January 1840, commenced on Tuesday 5 November and were held almost continuously down to Saturday 30 November (some residual cases were heard at Monmouth on the 4 & 5 December), before the Grand Jury for the Special Commission assembled at Shire Hall on 10 December 1839. In the course of these hearings the capital charge of high treason was initially made against fifty of the accused. The Attorney-General, Sir John Campbell, and the prosecution team subsequently reduced the number charged with high treason to a total of twenty persons (in part for reasons of practical legal management). Broadly speaking the remaining Chartists indicted for offences during the Rising were prosecuted on the lesser charges of riot and conspiracy, and sedition. The Grand Jury (sitting 10-11 Dec.) found true bills to proceed to the main trial by Petty Jury against fourteen of the twenty persons presented for the charge of high treason.

Of the preliminary hearings that commenced on the morning of 5 November John Frost, Charles Waters and John Partridge were the first accused brought before the makeshift courtroom (Frost had been arrested the previous evening in the house of the printer John Partridge, by Thomas Jones Phillips). Phillips, a Newport solicitor, acted as clerk to the examining magistrates, and played a prominent part in the gathering of testimony for the hearings. The nominal head of the examinations, as solicitor to the crown prosecution, was William Truman Harford Phelps (a Bath based solicitor, and also Monmouthshire industrialist/coal owner). The presiding magistrate for most of the hearings was the Revd James Coles.

The eye-witness statements heard in the courtroom on the day following the Rising included that of a wounded participant, Matthew Williams, a quarryman, of Argoed (this statement, is perhaps the first of the prosecution documents compiled, as this had been taken in draft form at the Workhouse Infirmary on the previous evening by the examining magistrate Lewis Edwards). In the days and weeks that followed the magistrates examined over 100 Chartist 'suspects' and over 200 witnesses appeared before the court (additional testimony was gathered in by the authorities for the trials preparation by employing agents to take statements directly from witnesses across the coalfield and the valleys communities). A total of 60 prisoners appear on the Calendar of Prosecutions for the Special Commission. Wilks (1984) calculates that the total number of prosecutions or committals of Chartist prisoners was 79 (this number includes subsequent prosecutions at other Monmouthshire sessions but excludes Breconshire which was under separate jurisdiction) and estimates that 60-70 per cent of prisoners originally examined were discharged for lack of evidence.

Beyond the period of their active use by the prosecution team the papers accumulated were effectively lost from official custody. Official use of the documents may have extended beyond the formal termination of the Special Commission as some Chartist prosecutions (mainly under the purview of T.J. Phillips) continued to be heard at a later date, most notably at the Lent Assizes in 1840. The actual custodianship of the papers, broadly speaking, in the period 1840-1915 cannot be directly verified. These were discovered apparently randomly by Mr Thomas Cartwright during 'some business changes to overhaul the contents of his office' in 1915; and then (Sept. 1915) donated to Newport Museum and Art Gallery. As far as is known there is no correspondence or documentation held by the museum which provides precise confirmation of the premises at which Mr Cartwright, a Monmouthshire colliery proprietor, made this discovery. Presumably it was Mill Parade. "Cartwright's, 'Red Ash' Collieries Office' is recorded at 32 Mill Parade, Pillgwenlly, in a Newport commercial directory for 1914 (the firm had occupied premises at Dock Street in the town at an earlier date). With regard to Mill Parade these premises in 1887, for example, are recorded as then occupied by R. Stoddart, engineer. In 1840 the former corn mill at Mill Parade, and adjacent buildings, later the site of the Isca Foundry, had been utilised as a Barracks for the additional military force stationed in Newport in consequence of the Chartist Rising. A detailed plan of the barrack buildings is contained among the War Office files held at the National Archives (**Appendix 6**, Plans of Pillgwenlly, Newport).

Internal evidence of the papers provides an indication that some items at least had been consulted or were in the possession of a 'Wm Kerlake junior' in 1864; < vol. 5 pp. 9,17> contains dated marginal annotations with Kerlake's name, and details from an anecdote contained in the margin of the MS, are also referred to by W.N. Johns in his *The Chartist Riots at Newport*, first published in 1884. The Kerlakes operated a flour mill at Portland Street, Pillgwenlly, Newport.

The donation of the material to the museum is described in an article for the *South Wales Argus* by H. Tudor Davies (30 Sept. 1915). This article offers no further background information on Mr Cartwright's discovery, although indicates that this had only been made public 'during the last few weeks'. Tudor Davies records that with the kindness of Mr Gunn, the museum curator, he was permitted to examine the contents from the large tin box found by Mr Cartwright where:

"in a little storeroom over the Newport Museum far above the roar of the traffic passing through Dock Street... there was hardly room to arrange these documents, many of which were covered with the dust of three-quarters of a century, but ... [were] all around me on tables, chairs, boxes, shelves and on the floor."

It is commented by Tudor Davies however that even in this recently discovered and uncatalogued condition the mass of witness statements had remained 'neatly tied in bundles' and '*in strict alphabetical order* [emphasis added]'; the draft prosecution manuscript is described as 'a huge vellum-covered brief-sized document ...endorsed... "Copies of Depositions. Mr Solicitor-General"' - this has now become **Volume 3** of the 'Trials Papers' in the Newport Library arrangement. The first guide to the 'Documents Used In Connection With the Trial Before the Magistrates' was compiled by the museum curator, W.A. Gunn, and published for the centenary of the Rising, jointly with Newport Public Library as *Catalogue of Chartist Literature Prints and Relics* (Newport Chartist Centenary Committee, 1939), pp.55.

### **Scope and Content of the 'Trials Papers': 1839-1840, 1842, 1845, 1863-1873**

The documents produced by the legal process of the magistrates' examinations include:

Lists of prisoners and charges; lists of witnesses with some printed list of witnesses; summonses to witnesses; notes of the Attorney-General <vols 16-23> ; indictments/ indictment drafts and printed copies of indictments; brief for the crown prosecution, incl. list of jurors, list of special constables <vols 1-2> and 'copies of depositions' [ page numbered 1-199 comprising the draft prosecution case abstracted from the witness statements] <vol.3>.

It should be noted that indictments in the bound volume arrangement are also interspersed with the papers of examinations and depositions. However the collection does not, for example, seem to contain indictments fully representative of all committals and it is noted in the introduction to the 1939 guide by the Centenary Committee's chairman William Mordey that 'extensive as it is, the collection is not complete', and 'missing documents' he concluded had been 'abstracted for use at the Trial'.

The bulk of the collection, about 80 per cent of the material, comprises the examinations and depositions of prisoners and witnesses, now arranged in two alphabetical sequences. The first for Regina v Frost, A-W <vols 4-5> and the remainder of cases of Examinations and Depositions A-W <vols 6-15>

Miscellaneous letters addressed to Phelps and notes and bills for expenses incurred in the prosecution comprise about 60 items contained in <vols 24-25>

The letters now collected in volume 24 it will be observed contain items that increase the scope of the collection beyond 1839-1840. This includes six letters written by John Frost, 1863-1873; and letters concerning assignment of the Frost property written by Mary Frost and Gabb and Secretan solicitors, 1842, 1845. This latter material did not form part of the original collection but was acquired piecemeal by the Museum and Library Service and incorporated when the material was placed in bound volumes by the Library.

### **Schedules and Catalogues of the 'Trials papers' 1939, c.1960:**

In the period of time the 'trials' records have been in the custody of Newport Museum and Art Gallery and Newport Public Library respectively two distinct schedules or catalogues of the material have been produced. The first referred to above produced by W.A. Gunn for the Chartist Centenary (1939) and the second, a typescript schedule, reflecting the rearrangement of the material in the present bound volume format at Newport Library during the 1960's.

The content and arrangement of the records as a bound volume series has been broadly indicated above. Gunn arranged his schedule of the records as: **Documents** (a) Miscellaneous – including notes of Attorney-General, copies of depositions, lists of prisoners and witnesses (MS and printed), jury lists, summonses to witnesses, etc ; **Documents** (b) Examinations and Depositions – with an alphabetical listing of the prisoners and witnesses giving information before the magistrates, and **Correspondence**: (a) General – miscellaneous letters **Correspondence** (b) mainly letters to Phelps.

The letters of Frost, four of which were the possession of the Library, and two in the possession of the Museum, appear in a section of the guide compiled by the Librarian John Warner as '**Autograph Letters**'.

### **Document Numbering and Arrangement**

The schedule of records compiled by Gunn requires some comment in one aspect or feature in particular. That is the appearance against many, but not all, of the documents listed in it of a set of numbers in brackets arranged out of sequence in the text. Gunn certainly offered no explanation for the appearance of these numbers or indeed of how he had proceeded with the task of sorting and arranging the documents.

Thus we have:

'Notes for reply by the Prosecution (318).'

'Copies of depositions of witnesses against John Frost and nineteen others.' [unnumbered]

'List of examinations and depositions of witnesses (827).'

A list printed of the jury for the trial of John Frost (98).'

And in the alphabetical sequence:

Alexander, Robert . J Gayton (421)

Aust, James. List of witnesses (158) Notes for the defence (841) John Richards and others (608)

When these bracketed documents numbers are rearranged in ascending numerical order two things become apparent. First there are gaps in the number sequences. Second a distinct system of arrangement for filing and classifying the documents is indicated. Thus the consecutive numbers:

(100) to (117) are Briefs for the Prosecution

(142) to (249) Lists of Witnesses printed and MS

(253) to (305) Summonses to Witnesses

(316) to (320) Notes used by the Prosecution and Defence

(325) to (802) Examinations of Witnesses (with approximate alphabetical sequencing)

Numbers between (1) and (99) are the most broken of the sequence (documents corresponding with No.'s 6, 8-32, 37-38, 40-47, 49-79, 81-82, 84-97 are missing) with gaps also shown at (250-252); (306-312); (321-324); (331); (368); (373); (394); \*(413-418). It would seem the most likely explanation for the numbers shown on the documents is that they were already there when Gunn commenced work on them and that they represent a system of filing put in place by the magistrates' clerks when the papers were in active use by the prosecution. The existence of these gaps would perhaps explain why the introduction to the 1939 guide concluded confidently that

material had been abstracted and the collection was incomplete. It would seem at least a possibility therefore that indictments and other material originally part of the trials' preparation process and corresponding with these numbers could subsequently have been filed with the official records of the actual trial proceedings - forming part of the Oxford Circuit Assizes papers now preserved at the National Archives.

With regard to the arrangement of the papers when they were created clearly there was little concern on the part of the authorities at the time to link these to the actual dates of each hearing as few of the papers indicate the exact date any particular statements were compiled or taken by the courts. The subsequent catalogues of the trials' papers therefore have no chronological link with the date of composition of the depositions.

Thus in the alphabetical arrangement of the bound volumes:

The Examinations A-D<vol.6> are headed by Robert Alexander a defendant who appeared on Day 19 of the hearings (27 November)- followed by James Aust a defendant who appeared on Days 2 & 3 of the hearings (6 & 7 November)

A chronological structure for the various papers can be partially reconstructed by using the details of the magistrates' hearings recorded in contemporary newspaper reports. Dates at which individuals being prosecuted appeared at the hearings are shown in the Appendix to the study of *South Wales and the Rising* by Wilks (1984). As an aid to transcribing and researching the depositions the dates of witness statements from 5 November down to 5 December 1839 recorded in the *Monmouthshire Merlin* have now also been included as a Timeline on the Cynefin Transcription website [**?Appendix 1 of this report**]. Because not all of the witness statements contained in the trials' papers derive directly from those appearing in court however – and material was gathered in from other locations a full chronology of the material cannot be easily compiled.

To add what might be termed micro-complications to this story of the cataloguing – there are also a number of variations evident in the use of this older number sequence shown in the 1939 Guide and the typescript catalogue for the Newport Library bound volumes – put simply in Gunn's guide for example there are documents identified with the numbers (1), (2), (3), and these at some point have simply been removed and then renumbered using some of the previously 'missing' old numbers e.g the Mary Ferraday document appears as (1) in the Gunn guide and as 'old' number (414) in the Newport Library bound volumes <vol. 9 p.3 >; Doc. No. (2) - John Fraser re James Rawlings -becomes (415) -<vol. 14. P.5> and so on. At some point by the time of the production of the bound volumes various document numbers had been altered and the old number sequence also added to. However, as the items were now being placed in bound volume every item had a new reference anyway – in the library typescript schedule each document is identified by its volume number and page in that volume, and the 'old' numbers where these exist on documents are shown alongside.

Thus:

e.g . Volume 9 EXAMINATIONS, DEPOSITIONS ETC F

Page No. Doc No. Description

Page No. in W & G



this important archive with information in the documents geo-referenced to the 1840's tithe maps, to be accessed on the People's Collection Wales.

For the purposes of the transcription project the referencing of the volumes is given as:

Vol.\_ Page\_

e.g. 05\_ 085\_ 01

Although fairly extensive use of the magistrates' papers was made by Ivor Wilks (**1984**) and David J.V. Jones (**1985**) for their studies of the Newport Chartist Rising, the online project will produce a fully searchable database for this collection for the first time. The value of the collection lies very much in the fact that a great proportion of the eye witness accounts did not become part of the official court proceedings and the published accounts of the trial. As commented by Tudor Davies when he viewed the documents in the 'little storeroom over Newport Museum' one hundred years ago:

"The evidence of those who did not appear at Monmouth is in these days of considerable value, as statements they made considered not material to the Crown still throws light on many features and incidents of those stirring times, which would otherwise have been for ever lost"

## **APPENDICES**

(1) Evidence Timeline of the Magistrates' Examinations...

(2) Numerical list of Documents in 1939 Catalogue (Warner & Gunn)

(3) Documents Used in Connection With the Trial Before the Magistrates (reproduced from Warner & Gunn)

(4) Outline Contents List of the Newport Public Library Schedule of Chartist Documents

- (5) List of Depositions files among Assizes Circuit records, Kew
- (6) Plans of Pillgwenlly Newport (site of Cartwright's colliery office, Barracks and Kerlake's mill?)

### **Bibliography**

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