

7. TRIAL OF SAMUEL HARFORD¹²

The trial of the rioters at Tisbury and Heytesbury were reported in *The Times* on 5 January 1831. Samuel had been arrested on 25 November 1830. On Monday 3 January 1831 he was presented to the Wiltshire Special Commission as one of a batch of twelve prisoners to be tried. The names and ages of those presented were:

William Bartlett 30,	William Munday 38,	Joseph Beminster 26,	Richard Whatley 40,
James House 23,	Samuel Harford 22,	Joseph Hunt 20,	William Bevan 30,
William Farley 27,	Henry Potticary 30,	James Wheeler 25,	William Smith 33



Prisoners' Dock Unchanged from Samuel's Trial

The prisoners were charged with *"having riotously and tumultuously assembled, and forcibly destroyed a thrashing machine, the property of Ambrose Patient the younger at Corton in the Parish of Boyton, on 25th November 1830."* Samuel faced three counts of destroying machines.

The Attorney General opened the case to the Jury and stated the particulars of the offence with which the prisoners were charged and said:

"I will also take the opportunity to pay tribute Colonel a'Court who upon this occasion conducted himself as a civil magistrate with a patience, a firmness a resolution and a consistency which entitled him to the thanks of the country. On being informed of the course which these misguided men intended to pursue, Colonel a Court did all he could, by way of warning and advice, to prevent them from getting the scrape in which they were involved. In consequence of his arguments he thought at one time that they had separated; but unfortunately other counsels prevailed with them, and they proceeded to commit the outrages for which they were now put on trial. When Colonel a'Court heard of their misconduct he went with a body of special constables and such other forces he could muster, and took all these prisoners in the very commission of the offence for which they are now to be tried."

The Times then indicates that *"the learned gentleman then detailed the outlines of his case which he afterwards proceeded to substantiate by his witnesses."*

The first witness, Ambrose Patient was called. On being examined by Mr. Coleridge he said:

¹ *The Times* 5 January 1831

² Wiltshire machine Breakers Vol1 Jill Chambers

"I reside at Corton, in the Parish of Boyton. On 25th November, I had two thrashing machines on my estate but I had taken them down. One of them was placed near my house. I could have put them together again, if I had pleased. At about 12 o'clock on 25th November, 300 persons armed with sticks, hammers, axes and other weapons, came to my house. Several of them had parts of thrashing machines in their hands. I saw all the prisoners but Bartlett in that mob. Most of them are agricultural labourers.

*When they came to my house I went and met them. I knew they wanted to break my machine and asked them what reason they had for doing so. They gave me no reason. **Harford** said they had come to break it and break it he would. He asked me where the cylinder was. I said it was with the rest of the machine. I advised them not to break the machine. I told them if they did break it they would repent it. They did not mind this and broke it all to pieces. It is so broken that it can't be repaired. I saw Wheeler very active with a coal hammer beating the machine. I saw Potticary active in striking the machine. I saw all the rest of the prisoners, save Bartlett, crowding so thick about the machine that I could not distinguish what each was doing.*

When I found they were determined to break the machine I went to my house, where I and left my wife and children. They came after me to my house and demanded beer and cider. I refused to give them any for a considerable time, but afterwards I gave them some, for my wife and children were much frightened. They said they had had a half hogshead of cider from another farmer, whose machine they had broken and they must have it from me. I said there was no reason why I should give them any. Whilst they were talking with me Colonel a Court came up."

On being cross examined by Mr. Ball who was acting on behalf of the prisoner Wheeler, Mr. Patient answered, *"there was some part of the machine broken by my men when they took it down. The side boards were destroyed. All the boards of the original machine would not be in it when put together again. It could not have been worked without more boards being added."*

On being re-examined Mr. Patient replied *"We could have worked the machine without those boards, but not so effectively."* Mr. Ball submitted that upon this evidence the present indictment could not be maintained. The Act of Parliament said that if any person should unlawfully and maliciously cut, break, or destroy or damage with intent to render useless any thrashing machine, every such offender should be guilty of a felony and so on.

At Winchester, the judges had decided that if a machine were taken to pieces, and if those pieces could afterwards be so arranged as to form a thrashing machine again, the breaking of those pieces in a separate state was the breaking of a thrashing machine. Now, at Salisbury there was evidence that the detached pieces of this thrashing machine could not be joined together again, so as to form a thrashing machine. To make the detached pieces into a thrashing machine it would be necessary to add to them the side boards as connecting links between the different parts of the machinery. Therefore the parts of the machinery destroyed by the prisoners did not form a thrashing machine: and if so the *corpus delicti* in this case has no existence, and the indictment could not be sustained.

The Court over ruled this objection. They were of the opinion that as the machine could be worked without the boards, though not so effectively, it was still a thrashing machine and that the indictment was therefore sustainable.

Mr. Patient was then again cross examined by Mr. Ball and he stated that he did not know that these men were in great distress; he believed they were not. Mr. Ball then proceeded to inquire into the amount of wages received by the labourers but he was stopped by the Court, which informed him, that in a case of this description such evidence was scarcely regular. They would, however, hear any consideration of that kind hereafter.

William Morgan was then called to give evidence:

*"I am a farmer at Heytesbury. I followed the mob from that place to Corton. I saw the mob as they were coming from Mr. Patient's. I can identify Whatley, House, Bartlett, Bevan, Bemminster, Hunt, and **Harford** as being among the mob. I saw Hunt and **Harford** dragging a man by the collar and calling upon him to come along. I saw Henry Potticary very active about the machine. I saw the mob start from Heytesbury. Bartlett, Munday, Bemminster, Whatley, House, Bevan, Farley and Smith were with them but not **Harford**, Hunt or Potticary."*

Colonel a'Court was examined by Mr. Coleridge. He told the Court how some men had assembled at Heytesbury on the evening of 24th November. He had spoken to them and warned them of the illegality of the gathering. Despite this warning the same men, with others had gathered again early the next morning.

*"I remember a mob assembling at Heytesbury on the morning of 25th November. I read the proclamation in the Riot Act to them and when I concluded it I saw it was 25 minutes past 7. At that time there were only 80 to 90 persons standing in a dense mass. There were other persons assembled about them. I saw in that mob Bartlett, Munday, Bemminster, Watley, House, **Harford**, Hunt and Farley. I think Bevan was there but I am not certain.*

*Not only on that morning but on the previous night, at 10 o'clock, I had spoken to these people on the illegality of their proceedings. I spoke to Bartlett, Munday, Bemminster on the previous evening; also to Hunt and **Harford**. I warned them of the illegality of their conduct.*

It was an hour and a half after I had read the proclamation in the morning that the mob started from Heytesbury. They went to Knook to get, as they said, some cider from a farmer of the name of Parham, who had promised them some. From something they said, I doubted their intentions and followed them. Knook is about a mile and a half from the place of their assembly. I left them at Knook because that they said they would keep the peace and separate after drinking their cider.

In consequence of information I afterwards received, I went to Corton. I got there at a quarter before 12. I found the mob at a turn of the road leading to Corton. They were then consulting which turn they should take. They took the road to Mr. Patient's farm. I saw Bartlett there, taking the lead in the party. He cheered them on and gave the word of command. I am not sure whether he had anything in his hand at first, but he had afterwards a club, which he held up in a menacing manner. I saw Munday repeating the word of command after Bartlett and acting with great violence. Bemminster was there and very noisy. At this time there was a great change in the temper of the mob from that they had exhibited in the morning. I begged them to desist. I told them that I would mark every man.

They did not mind me but formed a crowd around the machine. It was broken in a minute evidently by persons who understand the trade- I should think by blacksmiths and carpenters. On breaking it they said it was the seventh machine they had broken. I heard something said at that time about cider. I pushed my horse as well as I could through the mob, and told Mr. Patient at his peril not to give them any. He said that he was forced to do so.

I then followed the mob to another farm. They broke a machine there but they broke it so quickly that at the time I did not know it was broken. I then turned round to go away. The mob then cheered. I turned round and I saw them raise their sticks. I pushed my horse back into the mob, and marked Bartlett as one of the men who so raised a stick.

The witness here identified all the prisoners as having been present at the second farm. *"William Smith was there. I was much shocked at seeing him. He is a labourer of my own. I saw him with a bill hook. I then left the mob. I heard them say that they would go to Sutton (Veny), which is about a mile and a half from the place they then were. I had sent for the yeoman cavalry and the special constables to meet me at a certain point. The cavalry and special constables took all the prisoners except two. I took the other two, whom I had noticed, in their own houses. The river was much swollen, but when the cavalry came the mob took to the river to get out of their way."*

Colonel a'Court was cross examined to which he replied "*There was not a man in the mob intoxicated.*"

In their defense many of the prisoners said that Farmer Parham had told them that if they would come and break his machine on 25th November, he would give them half a hogshead of cider, and if that was not enough he would give them more. They went to Famer Parham's accordingly. They got the cider, the cider got into their heads, and thus it happened they were placed at the bar. Watley said that he was getting up on the morning in question when some persons came in to him and told him that they wanted to have their wages raised and in consequence he went with them. **Harford** protested that he had taken no part in this transaction.

The prisoner Watley received an excellent character reference. Colonel a'Court and two other gentlemen spoke highly of the character of Bevan and Farley as did Rexsworthy and others of the character of Farley.

Mr. Justice J. Parke, in summing up the case, told the jury they must dismiss from their consideration what the prisoners had said about Farmer Parham having given them drink, first as there was no evidence as to the fact and secondly, because it would not alter the case the prisoners even if there were. Inquiry should, however, be made into the circumstance, and if it were found that any individual had been found wicked enough to give the prisoners drink with intent to excite them to mischievous designs, that person, upon conviction, would meet with exemplary punishment.

The Jury returned a verdict of *guilty* against all the prisoners but recommended Bevan and Farley to mercy on the account of the excellence of their characters.

On Tuesday 4 January 1831, The Special Commissioners took their seats on the bench in the Nisi Prius Court. Soon after, the prisoners who had already been convicted, were brought up to receive their sentences.

The first prisoners were those who had been convicted of the attack on Mr. Benett's machine at PytHouse. Mr. Baron Vaughan addressed the prisoners saying:

"You have been severally convicted of breaking a thrashing machine and the law in its wisdom thought fit to give its special protection to this species of property by appointing the punishment of transportation for seven years on its destruction. I have no hesitation in saying that had the outrages, which have taken place in this and the adjoining counties been anticipated, the punishment would have been more severe. These outrages were of a premeditated and aggravated nature, and called for the utmost severity of the law.

Besides the crime of destroying machinery you have been guilty of a degree of personal violence, which has well nigh placed your lives in jeopardy, by having risked that of the gentleman on whom you made the attack. You therefore might think yourselves fortunate that you do not stand in a situation in which your lives might have been forfeited to the law. I am aware that many of you are agricultural labourers and it has been suggested that you are suffering great distress, but to suppose that this distress has been aggravated by the use of machinery is a most gross delusion.

Everybody knows that the times are not favourable but people must submit to the visitations of Providence. I can only hope that the fate which awaits you and the other prisoners will be a warning to other persons in your condition of life.

The prisoners were then given their transportation sentences.

The next batch of prisoners was brought in. In this case, Mr. Justice Alderson addressed the prisoners:

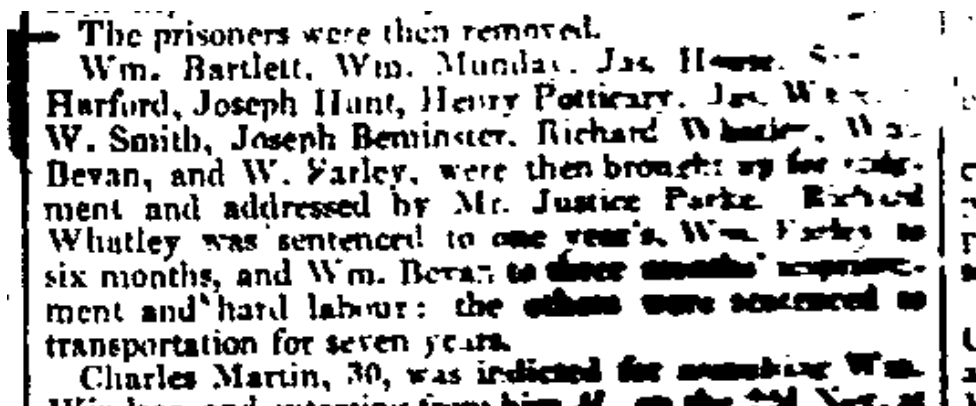
"You were convicted before me yesterday of breaking and destroying a thrashing machine, a crime which must be put down by the strong arm of the law. Your cases were accompanied with every species of

aggravation. Your offence was committed when all honest people were in bed, at a late hour of the night persons were called up and the neighbourhood disturbed. You were not satisfied with destroying the machine, but you compelled the farmer and proprietor to give you straw that you might burn it. You got drink and money and then you impudently said that you would go to his house for bread and cheese. What punishment under such circumstances can be too severe?

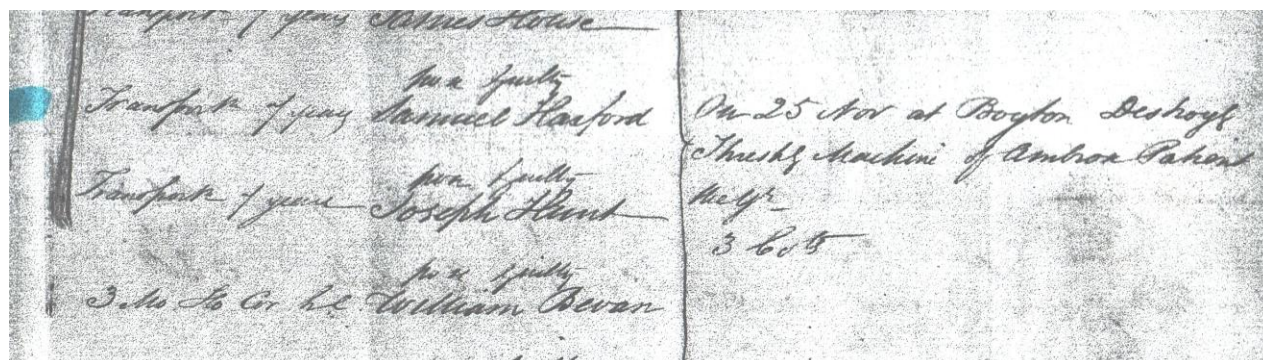
Most of you were in better circumstances than the general class of persons charged with this offence. Some of you have wives and children, but you should have remembered them when you were about to commit the offence. Wives and children are pledges to the state of good behaviour, those pledges have been broken, the sorrow and affliction that will fall upon your families is a portion of your punishment, and you will be separated from them. The sentence upon you all is that you will be transported for seven years “

All the prisoners were then removed many of them sobbing aloud as they left the court.

Finally, for that sitting day, the batch of twelve prisoners, including **Samuel Harford**, were put to the bar. A suitable address was given by Mr. Justice Parke. *The Times* and other newspapers do not record the content but no doubt it was along similar lines to those given by Baron Vaughan and Justice Alderson earlier. They were all sentenced to seven years transportation with the exception of Whatley, Farley and Bevan who were sentenced, the first to twelve months, the second to six months and the third to three months' imprisonment, with hard labour in the House of Correction. The Court had obviously listened to the character references provided on behalf of these prisoners.



Salisbury & Winchester Journal Report of Samuel's Sentence



Samuel Harford's Record of Sentence Monday 3rd January 1831³

³ ASSI24/18/3