

ALEXANDER BLACK senior, coal-hewer, now or lately residing at or near Hawkiesfauld or Wellwood Colliery, in the parish of Dunfermline, and county of Fife; ALEXANDER BLACK junior, coal-hewer, son of, and now or lately residing with, the said Alexander Black senior; and THOMAS SPOWART; JAMES JOHNSTON, coal-hewer, and DAVID KINGHORN, journeyman weaver, now or lately prisoners in the prison of Dunfermline, you are Indicted and Accused, at the instance of ANDREW RUTHERFURD, Esquire, Her Majesty's Advocate for Her Majesty's interest: THAT ALBEIT, by the laws of this and of every other well-governed realm, MOBING and RIOTING, especially when committed for the purpose of violently and unlawfully compelling any of Her Majesty's subjects to leave the locality and neighbourhood in which they resided and were employed, and to abandon their employment; As also, the VIOLENTLY, MASTERFULLY, and UNLAWFULLY INVADING and ENTERING the houses of any of Her Majesty's subjects for the purpose of searching for and violently and unlawfully ejecting any person or persons therefrom; As also, the VIOLENTLY, MASTERFULLY, and UNLAWFULLY EJECTING any of Her Majesty's subjects from the houses in which they resided or in which they lawfully were; As also, ASSAULT, are crimes of an heinous nature, and severely punishable: YET TRUE IT IS AND OF VERITY, that you the said Alexander Black senior, Alexander Black junior, Thomas Spowart, James Johnston, and David Kinghorn, are, all and each, or one or more of you, guilty of the said crimes, aggravated as aforesaid, or of one or more of them, actors or actor, or art and part: IN SO FAR AS, on the

24th day of June 1850,

(Monday)

or on one or other of the days of that month, or of May immediately preceding, or of July immediately following, you the said Alexander Black senior, Alexander Black junior, Thomas Spowart, James Johnston, and David Kinghorn, did, all and each, or one or more of you, along with a mob or great number of riotous and evil-disposed persons, of which you formed a part, a great number of you being armed with sticks or bludgeons or other similar weapons, wickedly and feloniously, assemble at or near Townhill, with-

in or near the burgh of Dunfermline, in the county of Fife, for the common purpose of violently and unlawfully compelling a number of Her Majesty's subjects, who were natives of Ireland, or were supposed by said mob or great number of riotous and evil-disposed persons to be so, and who then resided at or near Townhill aforesaid, and were all or many of them employed as colliers or as labourers or workmen at or near Townhill aforesaid, or in the neighbourhood thereof, to leave the said locality and neighbourhood, and to abandon their employment, and also for the purpose of assaulting and intimidating Her Majesty's said subjects, or for some other unlawful purpose to the prosecutor unknown; and said mob or great number of riotous and evil-disposed persons did, then and there, and particularly at or near the Water Row, and at or near the Back Row, and at or near the Long Row, all at or near Townhill aforesaid, conduct themselves in a violent, riotous, and menacing manner, in breach of the public peace, and to the great terror and alarm of the inhabitants of Townhill aforesaid and neighbourhood; and did, by threats and intimidation, and by their number and show of force, violently and unlawfully compel a number of Her Majesty's foresaid subjects, who were natives of Ireland, or were supposed by said mob or great number of riotous and evil-disposed persons to be so, to leave the said locality and neighbourhood in which they resided and were employed as aforesaid, or at least to fly and hide themselves from the violence of said mob or great number of riotous and evil-disposed persons; and did, violently, masterfully, and unlawfully invade and enter the houses of many of Her Majesty's subjects, situated in the various localities particularly above libelled, for the purpose of searching for, and violently and unlawfully ejecting therefrom, any of Her Majesty's subjects, natives of Ireland, or supposed to be so, and did assault and violently, masterfully, and unlawfully, eject from said houses or from some of them, several of Her Majesty's subjects, natives of Ireland, or supposed to be so, who resided or were lawfully therein; and did in a violent and menacing manner surround the houses of several of her Majesty's subjects, situated as above libelled, and did threaten and intimidate several of Her Majesty's subjects, natives of Ireland, or supposed to be so, for the purpose of compelling them to leave the foresaid locality and neighbourhood, and to abandon their employment there; and all this the said mob or great number of riotous and evil-disposed persons did in the execution of the common illegal purpose or purposes above libelled: AND IN PARTICU-

LAR (1.), the said mob or great number of riotous and evil-disposed persons did,

Time above libelled,

violently, masterfully, and unlawfully, invade and enter the house at or near the Back Row aforesaid, then and now or lately occupied by Janet Sharp or Robertson, residing there, and did search the said house; and did, violently masterfully, and unlawfully eject therefrom Thomas McCann, a coal-drawer, then residing there, and now or lately residing with Peter Baynes, coal-hewer in the Back Row aforesaid: AND (2.),

Time above libelled,

the said mob or great number of riotous and evil-disposed persons did, in a violent and menacing manner, surround the door of the house at or near the Back Row aforesaid, then and now or lately occupied by Thomas Smith, coal-hewer, residing there, and in which William Smith and James Smith, both coal-hewers also, then resided; and did, then and there, or in the immediate neighbourhood, by threats and intimidations, and by their numbers and show of force, compel the said Thomas, William, and James Smith, or one or more of them, to promise that they would abandon their employment at the Townhill Colliery, in the neighbourhood of Townhill aforesaid, where they were then employed: AND (3.),

Time above libelled,

the said mob or great number of riotous and evil-disposed persons did, violently, masterfully, and unlawfully, invade and enter the house at or near the Back Row aforesaid, then and now or lately occupied by William Macdonald, coal-drawer, residing there, and did search the said house; and did, violently, masterfully, and unlawfully, eject therefrom Patrick Linen, labourer, and Owan Linen, coal-drawer, both then and now or lately residing in or near Back Row aforesaid, who were then lawfully within the said house: AND (4.);

Time above libelled,

the said mob or great number of riotous and evil-disposed persons did, violently, masterfully, and unlawfully, invade and enter the



house at or near the Water Row aforesaid, then occupied by John Glancy or M<sup>c</sup>Glancy, then residing there, and did search the said house: AND (5.),

Time above libelled,

the said mob or great number of riotous and evil-disposed persons did, in a violent and menacing manner, surround the house at or near the Water Row aforesaid, then and now or lately occupied by Barnard M<sup>c</sup>Guire, coal-hewer, residing there, in which the said Barnard M<sup>c</sup>Guire and his family, and also several Irishmen who had taken refuge therein, then lawfully were, and did intimidate the said inmates and order them to leave the said house and neighbourhood, and did threaten to return at night, then to eject and maltreat them if they or any of them were still there; and the said houses particularly above libelled were invaded, entered, and searched, as above libelled, for the purpose of violently and unlawfully ejecting therefrom any of Her Majesty's subjects who were natives of Ireland, or were supposed by the said mob or great number of riotous and evil-disposed persons, to be so, and the persons particularly above libelled, as having been ejected or threatened and intimidated by the said mob or great number of riotous and evil-disposed persons were natives of Ireland, or were supposed to be so, and were all or many of them employed as colliers or as labourers or workmen at or near Townhill aforesaid, or in the neighbourhood thereof; and you the said Alexander Black senior, Alexander Black junior, Thomas Spowart, James Johnston, and David Kinghorn, did, time above libelled, and places above libelled, or one or more of them, form part of the said mob or great number of riotous and evil-disposed persons, and were all and each, or one or more of you, present at, and aiding, and abetting, and actively engaged with the said mob or great number of riotous and evil-disposed persons in their said illegal, riotous, and violent proceedings, and in the particular acts of mobbing and rioting, aggravated as aforesaid, and of the other crimes, aggravated as aforesaid, above libelled, or part thereof: And you the said Alexander Black senior, Alexander Black junior, Thomas Spowart, and James Johnston, having been apprehended and taken before Charles Shirreff, Esquire, sheriff-substitute of the Western District of Fife, did, each of you respectively, in his presence at Dunfermline, on the

26th day of June 1850,

emit and subscribe a declaration : And you the said David Kinghorn having been apprehended and taken before the said Charles Shirreff, did, in his presence at Dunfermline, on the

2d day of July 1850,

emit and subscribe a declaration : Which Declarations, being to be used in evidence against each of you the said Alexander Black senior, Alexander Black junior, Thomas Spowart, James Johnston, and David Kinghorn, respectively, by whom the same were emitted, at your trial, will, for that purpose, be in due time lodged in the hands of the Clerk of the Circuit-court of Justiciary before which you the said Alexander Black senior, Alexander Black junior, Thomas Spowart, James Johnston, and David Kinghorn, are to be tried, that you may respectively have an opportunity of seeing the same : ALL WHICH, or part thereof, being found proven by the verdict of an Assize, or admitted by the respective judicial confessions of you the said Alexander Black senior, Alexander Black junior, Thomas Spowart, James Johnston, and David Kinghorn, before the Lord Justice-General, Lord Justice-Clerk, and Lords Commissioners of Justiciary, in a Circuit-court of Justiciary to be holden by them, or by any one or more of their number, within the burgh of Perth, in the month of September, in this present year 1850, you the said Alexander Black senior, Alexander Black junior, Thomas Spowart, James Johnston, and David Kinghorn, OUGHT to be punished with the pains of law, to deter others from committing the like crimes in all time coming.

G. YOUNG, A. D.

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#### LIST OF WITNESSES.

1. Charles Shirreff, Esquire, sheriff-substitute of the Western District of Fifeshire.
2. John Macdonald, procurator-fiscal of the Western District of Fifeshire.
3. David Black Templeman, now or lately clerk in the sheriff-clerk's office at Dunfermline.

4. Thomas Lambert, now or lately superintendent of police for the burgh of Dunfermline.
5. William Mungall, now or lately overseer at the Townhill Colliery, in or near Dunfermline, and now or lately residing at or near Townhill, in or near Dunfermline.
6. James Mungall, son of, and now or lately residing with, the said William Mungall.
7. James Izatt, now or lately contractor at said colliery, and now or lately residing at Townhill aforesaid.
8. Thomas M<sup>c</sup>Cann, now or lately coal-drawer or labourer, and now or lately residing with Peter Bains, coal-hewer, at or near Back Row, at or near Townhill aforesaid.
9. Thomas Smith, now or lately coal-hewer, and now or lately residing at or near the Back Row aforesaid.
10. William Smith, now or lately coal-hewer, and now or lately residing with the said Thomas Smith.
11. James Smith, now or lately coal-hewer, and now or lately residing with the said Thomas Smith.
12. Peter Scantlin, now or lately coal-hewer, and now or lately residing at or near Store Row, Forth Iron Works, in the parish of Carnock, and county of Fife.
13. Margaret Branan or Macdonald, wife of William Macdonald, now or lately coal-drawer or labourer, and now or lately residing at or near Back Row aforesaid.
14. Patrick Linen, labourer, now or lately residing in or near Back Row aforesaid.
15. Owen Linen, coal-drawer or labourer, now or lately residing with the said Patrick Linen.
16. Elizabeth Robertson or Smith, wife of the said Thomas Smith.
17. Margaret Sharp or Robertson, a widow, now or lately residing at or near Back Row aforesaid.
18. Margaret M<sup>c</sup>Garrity or M<sup>c</sup>Guire, wife of Barnard M<sup>c</sup>Guire, now or lately coal-hewer, and now or lately residing at or near the Water Row, at or near Townhill aforesaid.
19. The said Barnard M<sup>c</sup>Guire.
20. Charles Cahill, labourer, now or lately residing in or near Water Row aforesaid.
21. Peter Smith, labourer, now or lately residing in or near Water Row aforesaid.
22. James M<sup>c</sup>Garrity or Magarity, redsman or labourer, now or lately residing with the said Barnard M<sup>c</sup>Guire.

23. James Jaffrey, labourer, now or lately residing with the said Charles Cahill.
24. John Walls, now or lately night-watchman of police in Dunfermline.
25. Ann Paterson or Japp, wife of Alexander Japp, coal-brewer, now or lately residing at or near Engine Row, Townhill aforesaid.
26. The said Alexander Japp.

G. YOUNG, A. D.



# LIST OF ASSIZE

For the Circuit-court of Justiciary to be holden at PERTH, in the month of September 1850.

## PERTHSHIRE.

### *Special Jurors.*

- James Grimmond, flax-spinner, Oakbank.  
 Robert Stocks, farmer, Kilgraston Mains.  
 Thomas Wylie of Airleywright.  
 Andrew Morison, farmer, Wester Inchmichael.
5. John M'Farlane, founder, Perth.  
 Alexander Drummond, farmer, Powgavie.  
 Alexander Drummond, land-surveyor, Perth.

### *Common Jurors.*

- James Mailler, feuar, Dunning.  
 William Carron, merchant, Perth.
10. John Keay, farmer, Sheriffston.  
 John Rutherford, farmer, Kiertherton of Aberargie.  
 James Sime, tenant, Bishophall.  
 John Cameron, farmer, Bonhard Mill.  
 James Clark, farmer, Stanley.
15. William Walker, farmer, Hatton.  
 John Sime, smith, Hillylands.  
 William Miller, farmer, Kilspindie.  
 James Imrie, wood-merchant, Kinrossie.  
 James Allan, tenant, New Ardonachie.
20. Thomas Jackson, carver and gilder, Perth.  
 James Patton, farmer, Redhill.  
 John Craig, sawyer, Burrelton.

## FORFARSHIRE.

### *Special Jurors.*

- Alexander Mills, manufacturer, Victoria Street, Dundee.  
 James Spankie, merchant, Constitution Road, Dundee.
25. James Bell, grocer, Mid Street, Constitution Road, Dundee.  
 Alexander Stewart, Royal Hotel, Nethergate, Dundee.  
 John Anderson, farmer, Dod, Monikie.  
 James Grant, miller, Inzion, Lintrathen.  
 James Ainsworth, Invereighty House, Kinnettles.
30. David Carlean, farmer, East Nevay, Eassie and Nevay.

### *Common Jurors.*

- Thomas Martin, farmer, West Coatside, Barry.  
 William Meffan, wright, Lochee, Liff.  
 George Young, weaver, village of Barry.  
 Adam M'Farlane, currier, Forfar.
35. Thomas Knight, fisherman, Long Lane, Broughty Ferry, Monifieth.  
 Thomas Child, hacklemaker, Reform Street, Dundee.  
 John Lamond, farmer, Ghenty, Airlie.  
 Peter Robb, feuar, Northmuir, Kirriemuir.  
 George Buchan, merchant and feuar, Charleston, Glam-miss.
40. David Smith, slater, West Townend, Forfar.  
 Alexander Fyfe, farmer, Crookhill, Barry.  
 George Lyall, farmer, Burnsagart, Edzell.  
 Alexander Thomson, accountant, Kirriemuir.  
 Hector M'Donald, maltman, Gallowhill, Brechin.

## FIFESHIRE.

### *Special Jurors.*

45. John Berwick, farmer, Vantage.  
 Thomas Bywater, factor, Wemyss Castle.  
 James Birrell, merchant, Kirkcaldy.  
 Robert Hutcheson, corn-merchant, Kirkcaldy.  
 James Tod, farmer, Easter Cash.
50. John Phillips, Saint Colms House.  
 James Ireland, manufacturer, Sinclairtown.

### *Common Jurors.*

- John Campbell, farmer, Bellfield and Thornton.  
 Alexander Brown, farmer, Lochhead.  
 John Clark, feuar, Auchtertool.
55. David Gardiner, baker, Cupar.  
 Walter Heggie, dyer, Kirkcaldy.  
 James Mercer, gardener, Priory Gardens.  
 William Greig, farmer, Caskie Berran.  
 David Traill, weaver, Woodhead Street, Dunfermline.
60. Robert Stevenson, mealdealer, Kirkcaldy.  
 George Pentland, fletcher, Kirkcaldy.  
 Robert Young, weaver, Links of Abbotshall.  
 David Scott, publican, Thornton.  
 Alexander Lorimer, plasterer, Bishopgate, Cupar.
65. James Forsyth, labourer, Spittal.



Perth, September 1850.

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INDICTMENT

AGAINST

ALEXANDER BLACK SENIOR,  
ALEXANDER BLACK JUNIOR,  
THOMAS SPOWART,  
JAMES JOHNSTON, AND  
DAVID KINGHORN.

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(*Mobbing and Rioting.*)

2 acts of Unlawful Ho.  
& Spouting pieces

Imprison. 15 mo