

## Transcript of a letter from Lord Ivory to the Lord Justice Clerk, Lord Hope.

Edin. June 19<sup>th</sup> 1851

My Lord,

I had the Honour to receive your Lordships Letter of the 16<sup>th</sup> with its inclosures, relating to the case of Alex. Black Senior, who was, along with his son of the same name, and three others, tried before me on a charge of Mobbing and Rioting, at the Circuit Court Perth in the month of Sept<sup>r</sup> last.

As all the five Prisoners were convicted, on a Plea of Guilty, I have, of course, no Notes of Sentence to transmit:- nor, indeed, have I any other knowledge of the case, than what appears on the face of the Indictment:- which, with the Prisoners' Declarations, I beg now to transmit.

The points, to which it is my duty to call Your Lordships' attention, are these:-

1. That the prisoner did not plead Guilty to the Entire Indictment, - but only to the charge of "Mobbing and Rioting as libelled":- and some as to this, not to all the particular acts charged, but only to those in the 1<sup>st</sup> and 3<sup>rd</sup> heads.-

2<sup>nd</sup>. That this case did not stand alone, but was one of three cases. - all of the same Mobbing and Rioting. - and together implicating no fewer than 12 Prisoners. Pleas of Guilty, - more or less qualified once accepted from all, - and conviction followed, and Sentence was passed on all.-

As it may be well, your Lordship should be fully informed on the whole matter. I take the liberty of inclosing copies of the petitioners Indictments. Your Lordship will at once recognize the masterful riot that took place in Dunfermline on 24 June of last year,- which had for its object to Expel from the town all the Irish inhabitants and which fomented to such a length, that the place was for a time under the entire command of the mob, from which it was only relieved by interference of a military force.

3<sup>rd</sup>. As there is reason to explain, that these outrages may in some measure be traced to previous acts of extreme violence on the part of the Irish towards some of the inhabitants of Dunfermline, I deem it right also to commend to your Lordship two

other Indictments – of Peter Couney & Charles Wynne - for assaults, on the 22<sup>nd</sup> and 23<sup>rd</sup>. June being but a day, or at most two, before the acts of Mobbing and Rioting now in question:- upon both of which, after full trial, the Prisoners were also convicted, and had sentence. It appears from my notes of the Evidence that though only one Prisoner was brought to trial, in each of these cases (from difficulty, I presume in identification) there were many more, and all Irish engaged in the acts of assault. – and that indeed the cases had a good deal, themselves, of the later general outbreak of Mobbing and Rioting which was presented in the Indictment of the native inhabitants. There is every reason to believe that the latter- especially the lower classes of them-were very much excited by what had then taken place, - and being considerably intimidated some were then induced to combine, in order to rid themselves of the Irish altogether.

4<sup>th</sup>. All this was strongly argued by the Counsel for the present Pet<sup>r</sup>. Black, and the other eleven parties, who were engaged in the popular riot of the day. And both Lord Mackenzie, whom I naturally consulted on the punishment to be awarded, and myself, gave at the time full weight to this statement.- I had postponed sentence in each of the four cases till the whole should be gone through, so that it was with every advantage, that Lord M. and I proceeded to deliberate on the punishment. And we believed at the time, that taking every thing into train we had sufficiently tempered justice with mercy. Had it not been that the Perth Procurator brought up so many for sentence, the punishment awarded might have been more severe. As it was, we hesitated whether transportation should not be applied to one or more of the prisoners. But as all had wisely pleaded Guilty, we had no room for making distinction. And we naturally shrank from transporting twelve poor people, - whose characters were otherwise unimpeached, - and who had been carried away, it is probable, in a moment of impulse and excitement.-

On the whole, reviewing the circumstances as deliberately as I can, it does not strike me that there is any strong ground, for acceding to the Prayer of Black's Petition. One great difficulty is the difference which would then be made between him and all the other eleven without so far as I see, any other ground for reduction. Mr. Black's own son, was his fellow culprit; too, probably misled by his father's example.

And finally, as to the statement now made, that he was not actively participating in the riot, your Lordship will observe, that half of the Indict<sup>t</sup> to which he pleaded Guilty, charged him (p4) & his fellows, not only with forming part of the mob, - but of being "aiding and abetting and actively engaged with the said mob in their said illegal, riotous, and violent proceedings –and in the particular acts of mobbing and rioting" specifically pleaded to.

It only remains that I explain to your Lordship, the various sentences which were Pronounced in the different cases.

1. As to the Irish.

(1) Couney - - - sentenced to 7 years transportation

(2) Wynn - - - -----12 months imprisonment

2. As to the native inhabitants.

(1) Henry Donaldson

John Donaldson

John Bell

& John Seaton.....18 months imprisonment

2/ Adam Baxter

Duncan McNaughton

& George Philip .....18 months imprisonment

3/ Alex Black Snr

Do Jnr

Thos Spowart

James Johnston

& David Kinghorn.....15 months imprisonment

I have the Honour to be

My Lord

Your most obedient & faithful servant

**J Ivory**

**Right Hon<sup>ble</sup>.-**

The Lord Justice Clerk

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**[Ends]**

Eden. June 19<sup>th</sup>. 1857.

My Lord,

I had the Honour to receive your Lordship's letter of the 16<sup>th</sup> with its Inclosures, relative to the Case of Atlas? Black Senior, who was, along with his Son of the same name, and three others, tried before me on a charge of Murder and Rioting, at the Circuit Court Perth, in the month of Sept. last.

As all the four Prisoners were convicted, on a Plea of Guilty, I have, of course, no Notes of Evidence to transmit:— nor, indeed, have I any other knowledge of the Case, than what appears on the face of the Indictment;— which, with the Prisoners' Declarations, I beg now to transmit.

The points, to which it is my duty to call your Lordship's attention, are these:—

1. That the Prisoners did not plead Guilty to the Entire Indictment, — but only to the Charge of

of

of "Mobbing and rioting as libelled":— and even as to this, not to all the particular facts charged, but only to those in the 1<sup>st</sup> and 3<sup>d</sup> heads.—

2<sup>d</sup> That this case did not stand alone, but was one of three cases, — all of the same mobbing and rioting, — and together implicating no fewer than 12 Prisoners. Pleas of Guilty, — more or less qualified were accepted from all, — and Counselors followed, and sentence was passed on all. —

As it may be well, your Lordship should be fully informed on the whole matter, I take the liberty of inclosing Copies of the respective Indictments. Your Lordship will at once recognize the mad and wild riot that took place in Devonport on 24 June of last year, — which had for its object to Expel from the Town all its Irish Inhabitants, — and which proceeded to such a length, that the place was for a time under the entire Command of the Mob, from which it was

only

relieved by interference of a Military force.

3.<sup>d</sup> As there is reason to believe, that these outrages may in some measure be traced to previous acts of Extreme Violence on the part of the Irish towards <sup>some of</sup> the Inhabitants of Downpatrick, I deem it right also to recommend to your Lordship, two other Indictments - vs. Peter Conroy & Charles Wynn - for assaults, on the 22<sup>d</sup> and 23. June being but a day, or at most two, before the acts of McDonny and Wisting now in question: - upon both of which, after full trial, the Prisoners were also convicted, and had sentence. It appears from my notes of the Evidence, that though only one Prisoner was brought to trial, in each of these Cases (from difficulty, I presume, and all in identification) there were many more, and several engaged in the acts of assault, - and that indeed the Cases had a good deal, resemblance, of the <sup>same</sup> General aspect of McDonny and Wisting which was presented in the Indictments vs.

the Nature Inhabitants. There is Every reason to believe that the latter - Especially the lower Claps of them - were very much Scared by what had thus taken place, - and being considerably intimidated were thus induced to combine, in order to rid themselves of the Irish altogether.

4<sup>th</sup>. All this was thought upon by the Counsel for the present Pet. Black, and the other Slave parties who were engaged on the popular side of the fray. And both Lord Mansfield, whom I frequently consulted on the Punishments to be awarded, and ~~with~~ myself, gave at the time full weight to the Statement. - I had postponed sentence in each of the four Cases, till the whole had <sup>had</sup> been gone through. So that it was with Every advantage, that Lord M. and I proceeded to deliberate on the Punishment. - And we believed at the time, that taking Every thing into view, we had sufficiently compared Justice with Mercy. Had it not  
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But that the Public Prosecutor brought up so many  
for sentence, the punishment awarded must  
have been more severe. As it was, we hesitated  
whether Transportation should not be applied to  
one or more of the Persons. But as all  
had wisely pleaded Guilty, we had no room for  
making distinctions. And we naturally shrank  
from transporting such poor people, - whose  
characters were otherwise unimpeached, - and  
who had been carried away <sup>it is probable,</sup> in a moment of  
impulse and Excitement. -

On the whole, reviewing the Circumstances  
as deliberately as I can, it does not strike me  
that there is any strong ground, for acceding to  
the Prayer of Blanche's Petition. One great diffi-  
culty is ~~the~~ the difference which would thus be  
made between him and all the other Slaves.  
- without so far as I see, any solid ground for  
distinction. - Now, Blanche's own son, was his  
fellow Culprit: too probably misled by his  
father's Example: And finally, as to the Male:



now made, that he was not actively participant  
in the riot. Your Lordships will observe, that kind  
of the Indictment to which he pleaded Gently, charges  
him (p. 4) & his fellows, not only with forming  
part of the mob, - but of being "aiding and abetting  
and actively engaged with the said mob, in their  
said illegal, violent and insubordinate proceedings -  
and in the particular acts of robbery and extortion  
thereof actually pleaded to.

It only remains that I explain to your  
Lordships, the various sentences which were  
pronounced in the different cases. -

1. As to the Reich.

- (1) Corney - sentenced to - 7 years Imprisonment  
(2) Wyon - 12 mo' Imprisonment

2. As to the Nature Indictments

- (1) Henry Donaldson  
John D.  
John Bell  
& John Scator } - 18 mo. Imprisonment

(2.) Adam Banks  
Duncan McLaughlin } also 18mo Impul  
& George Philip }

(3) Alan Black Junr.  
Do. Junior }  
Mrs Stewart } — 15mo Impul  
James Johnston }  
& David Kynghorn }

I have the Honor to be

My Lord,

Yours most Obedt & faithful Servant

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Respectfully

The Lord Justice Clerk

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