

Conspiracy and Riot 1818

Salisbury Assizes Monday March 16
Before Mr Justice Holroyd, Nisi Prius Court

The King v Rev Wm Easton, clerk, James Jerrard and eight other persons for a conspiracy to disturb a congregation of dissenters at Anstey near Tisbury in this county, and for a riot.

The following were the facts of this case, conducted like the former by the Society established in London for the protection of the religious liberty of the Dissenters, as stated by Mr Serjeant Pell, and proved by the witnesses for the prosecution.



The Rev Wm Hopkins, a dissenting minister at Tisbury, was invited to preach at Anstey, an adjoining parish.

Of that parish the Rev Wm Easton was the perpetual curate, and James Jerrard was the tythingman, but the clergyman resided also at Tisbury, three miles from the place of riot.

A dwelling-house belonging to James Butt was certified as the place of the meeting of the Dissenters. Hopkins first attended in November 1816; he repeated his visits, and noises were made without the house which interrupted the worship at the several times when he so attended, until December 31st 1816, the time particularly stated in the indictment.

On that evening he went about 6 o'clock to preach, when 70 persons were assembled without the house; the night was showery and cloudy and the ground wet.

Among the persons assembled were the several defendants and also Mr Easton (the clergyman) and Jerrard. The mob were supplied with cow horns, large bells and various discordant instruments and, encouraged by the clergyman and peace officer, made the most clamorous and terrific noise. They paraded about nine yards from the house and notwithstanding the remonstrances of the High Constable of the Hundred, who attended the meeting-house, and other respectable persons, they persevered in their disturbances until the minister could not be heard and he was compelled abruptly to discontinue the religious service.

On the return of Mr Hopkins, he was followed by the same mob, amidst execrations, noises, and their horrible music, for half a mile to the boundaries of the parish of Anstey.

Mr Casberd, for the defendants, endeavoured to convince the Court and Jury that there was no conspiracy and that as the people did not enter the house of meeting, nor personally ill-treat the minister or congregation, there was no riot. But Mr Justice Holroyd interposed and declared that as to the conspiracy, the Jury should decide, but that the proof of a most indecent, unwarrantable, illegal riot was distinct and incontrovertible.

Mr Serjeant Pell then stated that the dissenters, from lenity to the clergyman, not by way of compromise, would not press for a verdict for the conspiracy, but only for the riot, and for which they would certainly bring up the defendants to London for the judgement of the Court of King's Bench during the ensuing term.

At this liberality the Judge and the court expressed satisfaction and the Jury returned a verdict of Guilty of the Riot against the Rev Wm Easton, James Jerrard, and seven other defendants.

Salisbury & Winchester Journal Monday March 16th 1818

The King, on the prosecution of Wm Hopkins,
against the Rev Wm Easton, James Jerrard, and seven others

Court of King's Bench, Salisbury, Saturday, May 2

The defendants were convicted, at the last Assizes for Wilts, of a riot at the parish of Ansty, on the 31st of December 1816; and on this day Mr Serjeant Pell moved for judgement against them.

Mr Justice Holroyd, who tried the cause, having reported the evidence given on the trial, Mr. Easton put in an affidavit, made by Lord Arundell, Thos Grove, of Fern House, Esq., John Hungerford Penruddocke, Esq. (late High Sheriff of Wilts), Alex Powell, Esq. (the present High Sheriff), Wm. Helyer, of Sedghill, Esq., (four of his Majesty's Justices of the Peace for the county of Wilts); Henry Linton, D.D. Vicar of Dinton; and the Rev James Hibberd, Rector of Sutton Mandeville; giving Mr. Easton an excellent character.

Mr Easton, by his affidavit, deposed, that on the 31st of December, 1816, he called at Jerrard's house, and whilst he was there, three persons came, and stated that they wished he would go down to the village, as some dissenters had threatened to take them into custody because they were standing together opposite James Butt's house; that Jerrard desired deponent to accompany him thither; they went together to the place called Dancing Place.

That immediately after deponent's arrival, Thomas Jay, of Fovant, came up to him, and, in an impertinent manner, asked his profession, to which he replied he was the Minister of the parish; on which Jay said to him, "You are no minister; and, if you are, you are no preacher of the gospel; nor have you the dress of a clergyman" or words to that effect.

The deponent confessed he was irritated by such insolent behaviour, which made him indifferent to the conduct of those of his parishioners who were playing music and making a noise. That he sincerely lamented he should have been betrayed into an instance of misconduct; and that his being so betrayed into or involved in the offence, was entirely accidental and unforeseen. That he authorised application to be made to the prosecutor and the person who superintended the prosecution (as deponent had heard and believed for a society in London), to ascertain what terms would satisfy the wishes of the prosecutor, and, amongst other severe terms, was required the degrading and insurmountable condition of a public apology in the newspapers, a condition which deponent humbly trusted his station as a clergyman should have spared him the affliction and affront of being exacted of him.

Mr Jerrard, in his affidavit, deposed, that when he and Mr Easton arrived at Butt's house, one of the dissenters came up and accused deponent of being a party in the noise; and another of the dissenters impertinently and without foundation made the same accusation against him. That such conduct certainly offended and piqued deponent, and he acknowledged the feelings excited by such conduct, by the circumstance of the meeting being held at the cottage house of a man who was then notoriously leading a dissolute life with a lewd unmarried woman; and such cottage house having been selected near to the parish church, deponent did not feel inclined (as on better reflection he ought to have done) to interfere, and compel the dancing and noise to cease.

That deponent was desirous to offer atonement, and caused application to be made to the prosecutor, to learn what terms were proposed on his part, which it was utterly impossible he could accede to:

*To pay all the costs of the prosecution,
to pay 20/. to the Salisbury Infirmary,
to enter into recognizances to keep the peace,
to come up for judgement when called,
and to insert an apology in the newspapers*

Mr Jerrard also put in the affidavits of Lord Arundell, Dr Prevost, John Hungerford Penruddocke, Esq., and Thomas Grove, Esq., that Mr. Jerrard was well known to them; that deponents, Mr. Penruddocke and Mr Grove, had several times, in their magisterial capacity, appointed him a peace and parish officer, which he always executed with integrity and fidelity, and to their entire satisfaction: and all these gentlemen deposed, that, during the times they had severally known Mr. Jerrard, they had found him to be an honest, industrious, peaceable, religious, and charitable man.

Mr Casbard and Mr Charles Frederick Williams were heard with great ability in mitigation of damages. Mr Williams particularly impressed on their Lordships that Mr Easton and Mr Jerrard had never contended that their conduct was free from legal offence; feeling an error they had applied to learn of those who had promoted the prosecution, what moderate concession would satisfy the prosecutor's wishes; that the persons who carried on the prosecution had degraded themselves, and disclosed the true views of the prosecution, by endeavouring to exact, amongst other harsh terms, the revolting condition that a clergyman of the Church of England should make an apology to them in the public papers!

The learned counsel expressed his conviction that their Lordships would not hear of such a condition without sentiment of indignation. The defendants had spurned such terms, and the Court would recognize the justice of such disdain, and the untenable and indeliberate views of the prosecution. He said the Court would also recollect, with feelings of no common surprise, that Mr Jerrard's affidavit stated, the cottage house selected for the meeting of the dissenters was inhabited by a notoriously dissolute character, who lived there, with a lewd unmarried woman, a depraved life, and this too within a very short space of Mr Easton's church!! That such a place should be selected for a place of worship for a body of dissenters was a singular incident; that such a spot, so polluted, was a fit and ample scene for private religious admonition and self-correction he did not deny, but that it was a fit or decorous receptacle for the families of decent and devout dissenters to exercise their public worship in, he thought few would be so bold to affirm.

Lord Ellenborough asked "if that fact was sworn to in the affidavit?" Mr Williams said it was, and that the statement might with truth have been carried further. He said he was confident that, on a dispassionate view of the case, their Lordships would perceive ample grounds of mitigation of the offence of the defendants, as he anticipated from their Lordships a sentence that would satisfy all the public and legitimate ends of the prosecution, but which would greatly disappoint the reprehensible views and eager desires of the prosecutors, which were betrayed by the revolting terms they had attempted to exact of Mr Easton and Mr Jerrard.

The very honourable and gratifying characters spontaneously conferred on Mr Easton and Mr Jerrard, were a sufficient pledge to the Court that their indulgent sentence would be well merited by the future conduct of those defendants being such as it had ever been proved to be up to the date of the offence.

Mr Serjeant Pell spoke in aggravation of damages, and he candidly condemned the terms required by the prosecutor's solicitor, and said, "Who can account for the misguided zeal of persons who have not received the liberal education of those about me?"

Mr Gazelee followed the same side, and said, that certain propositions for a compromise had been made by the prosecutor, which would not have been made if he or his learned friend had been consulted.

Mr Justice Bayley, in passing sentence, said there was no difficulty in saying that dissenters were entitled to the protection of the laws, but that this offence, like many others, would admit of mitigation; and he could not but observe, that the prosecutor might, at a much less expense, have preferred his indictment at the sessions.

He did not prefer it at the January sessions or at March assizes, but postponed it to the Easter sessions, and then removed it by certiorari. That it did not appear that the business was instigated by the Clergyman or Mr Jerrard (the peace officer), but they were unfortunately drawn into it.

That Mr Easton did himself great credit by his affidavit; for he did not attempt to deny the truth, persist in that which was wrong, or justify what had been done. That terms of compromise had been required which ought not to have been asked. The Judgement of the Court was that Mr Easton should pay a fine of 5/. and Mr Jerrard 10/. and severally enter into recognizances of 100/. to keep the peace. The other defendants were fined 1s each, and bound by recognizances of 40/. to keep the peace.

Attornies:

Mr Wilks, Finsbury-square, for the Prosecutor

Mr Warden, Salisbury, for the Defendants

Salisbury & Winchester Journal Monday 11 May 1818