

James Fleming, aged 16, an apprentice to William Forsyth, Builder.

Declares that on Thursday the 23<sup>rd</sup> current the declarant was desired by Mr Forsyth to look over and superintend some chimney sweeps who had been employed to clear away the hardened lime which had accumulated in the chimneys of a new tenement which he has lately erected near the Parkhouse Toll Bar on the Paisley Road.

That the prisoner Francis Hughes was one of the sweeps and the other was a little boy named John. That the boy was very ill clad having only a pair of trousers & a shirt on, and he had no jacket or shoes.

That there were forty-two vents to be cleared out and the boy went up one & down another till he had cleared out thirty-seven of the vents.

That the Declarant during this time was stationed at the top of the chimney stalk and when the boy was coming up the thirty-eighth vent he delayed in it and Hughes who was at the top at the time called to him several times to come up and the boy always said '*I'm coming*'. That the boy was about twenty minutes in the vent when Hughes began to threaten him and say if he did not come up quickly he would take off his belt and thrash him.

That the boy at the end of twenty minutes or so, ceased to speak and Hughes & Declarant went away to look for a rope to assist the boy by putting it down from the top. That they could not find one, and when they returned to the chimney top, they could get no answer from him when they spoke to the boy.

That Hughes put off his jacket & tried to descend the chimney but it was too strait and he could only get down about two feet. That Hughes about five o'clock went away to the Gallowgate to get the Master as he said, and Declarant waited about ten minutes but by this time the night had got dark & he got frightened & he went away home.

That the next day the Declarant saw that a hole had been made in one of the vents where it was said the boy had been taken out dead.

That Hughes on several occasions threatened the boy if he would not go down the chimneys, and on one occasion he lifted the boy & thrust him down.

### **Declaration of Francis Hughes**

At Glasgow the 25<sup>th</sup> day of January 1840, appeared Francis Hughes who declares that he is 20 years of age, is a journeyman chimney sweeper in the employment of Thomson Black, a chimney sweeper in Gallowgate Street of Glasgow. Declares that on Thursday last the 23<sup>rd</sup> day of January current, the

declarant was employed by Mr Forsyth, a builder, to sweep the vents of a new tenement which he lately erected near the Parkhouse toll bar on the Paisley Road.

That there were 42 vents in said tenement to be swept and Forsyth bargained to pay him two pence for each vent. That the declarant proceeded to the building along with John O'Neil, one of Mr Black's apprenticed boys who is about 9 years of age or thereby. That the boy O'Neil swept or cleared 37 of the vents, and he did it by going up one and down the other. That the boy entered the thirty-eighth vent at the top and descended to the bottom of the vent as declarant believes, but he could not get out from the quantity of hard lime which was accumulated near the bottom.

That the boy called to the declarant that he could not get down altogether, and the declarant told him to come up and they would endeavour to clear away the obstruction from below with a stick. That the boy said he would come up and he ascended to within twelve feet or so of the top and declarant saw a cold chisel which the boy had in his hand to pick the lime and clear the vents.

That the boy however did not come up and after he had been near an hour in the vent the declarant took alarm and ran away as hard as he could for his Master.

That declarant's Master was accompanied by another journeyman of his name Rodger Kayes and declarant himself returned to the building with another climbing boy named McManus.

That the evening was dark and a considerable time was lost in getting some light and a hammer to break a hole in the wall of the chimney. That a hole was at last made in the wall near the ceiling of the ground floor and McManus went up a few feet and brought down O'Neil who was quite dead.

That the boy was carried into the toll house and a surgeon sent for who opened a vein in the boy's arm but no blood came and the doctor said he was *'quite dead'*.

## **Robert Allan**

Robert Allan, aged about 21, journeyman joiner in the employment of William Forsyth above designed, and the Declarant resides in North Cumberland Street of Carlton near Glasgow. Declares that the Declarant was at work in the new building referred to in Precognition, and saw the two chimney sweeps referred to going about the premises. That about three in the afternoon the little boy came down the chimney of an apartment where declarant was at work, and the boy was complaining bitterly of cold and seemed to be very much exhausted & *'far through'*.

That his clothes were in a wettish state, and the boy on leaving said apartment went to the one immediately above, & as the flooring was not laid the Declarant could see betwixt the joists.

That Hughes the prisoner was there and he was swearing at the boy and threatening him. That after the boy had got so far up said chimney, Hughes took a stick and put it up the chimney & kept thrusting away there but whether he hit the boy or not the Declarant cannot say but at all events the boy did not cry out as if hurt with the stick.

That the boy had been a good while in said chimney when the Declarant asked if the boy was sticking and Hughes said he was but after the lapse of half an hour or so Hughes said he was moving on. That the Declarant wrought at the building till half past four when he left it, at which time he had not heard of anything having gone wrong. That the Declarant did not see Hughes strike the boy, and altho he swore at him for his delay, he seemed kindly disposed to him in so far as he took him by the hand & led him across the joists in case he might fall. And all this is truth.

### **Rodger Kayes**

Appeared Rodger Kayes being examined declares that he is 19 years of age, is a chimney sweep, and he resides in the house of his employer Thomson Black, chimney sweep, Gallowgate Street, Glasgow.

That the Declarant saw Francis Hughes and John O'Neill between 8 & 9 o'clock morning of Thursday last, 23 January 1840.

When they left the house in quest of work and he saw no more of them till about five o'clock afternoon when Hughes came in alone and in great haste saying 'the damned Cat or Creole (meaning O'Neill) has got into a vent and he would neither come up or down and he wanted the assistance of Hugh McManus, another of Black's apprentices to assist in getting him out.

That Hughes at length came with McManus and having pointed out the vent, as that in which O'Neil was when he left it – and learning from Hughes that he had sent the boy down it from the top, Thomson Black got upon the top of the house and repeatedly called out, but getting no answer, he exclaimed 'Good God my boy is dead!'

That the whole of them had got up to the top of the house by this time, and hearing what Mr Black said as to the boy's being dead, Hughes fell a crying.

### **Thomson Black**

Thomson Black, aged 22 years, a chimney sweeper and resides in Gallowgate Street, Glasgow, declares that the deceased John O'Neill was an apprentice of

Declarant and was about eight years old when he died. That Francis Hughes, complained upon, occasionally took employment as a journeyman which he, like others in the trade was authorised to do, accounting to the Declarant as his Master, for the half of his earnings & he was at liberty to take the Declarant's climbing boys if he required them.

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Declares that O'Neil got breakfast on said Thursday but nothing afterwards so far as the Declarant knows. That the Declarant does not consider that O'Neil could be overworked by the sweeping of 37 vents, and the Declarant himself when acting as a climbing boy has swept forty vents in a day. That the Declarant broke up the vent as far as he could reach with the hammer and up to that point the Declarant found that the vent was completely stopped by an accumulation of stones and lime ??? so that O'Neil could not have got down much farther than where he was found and perhaps no farther at all; and as to that tho' Declarant ??? speak for he did not examine the vent above where it was broken up.

That O'Neil was a stout healthy boy while in Declarant's service which was for ??? months. And this he declares to be truth.