

The Case of the Chimney Sweep's Boy – leader's script

10:00-10:05 Welcome to NRS, name labels, introductions, fire precautions, toilets
Slide 1 – title page
What is an archive?

Explain that the material we are going to work from is contained in an archive of a Court Case which occurred in Glasgow in 1840. It is a true story about real people. We are going to piece together what happened and see what we can find out about the people involved. As it is a Court case, we are also going to consider people's rights and responsibilities.

10:05-10:25 **Activity 1: A report of a body**
Pupils on floor in front to Smartboard

Slide 2 – Report of a body

Explain to students their role this morning as investigators. It is Glasgow and the year is 1840.

A message is brought to the Police as follows:

"The dead body of a boy about eight or nine years old has been carried to the house of Mrs McCallum in Saltmarket Street in Glasgow by two young men. A Doctor has been called to examine the body. We have interviewed some of the witnesses and sent their statements to you. Please advise."

Encourage the students to originate a set of questions to be asked about this incident. Encourage specific questions and speculation about who might have the answers.

Slide 3 – Your questions

Get the class to put their questions on the Smartboard. Get the teacher to type them up as you go along or put main questions on a flipchart.

For example:

Who is the boy?

How did he die?

What was he doing when he died?

Who was there?

Where did he die?

When did it happen?

Was someone responsible?

So we now need to find out more information via the witnesses.

10:25-11:00 **Activity 2: The Investigation**

The Police have identified witnesses so as investigators you are going to study their statements. As these people are all now dead, we are going to use the statements recorded by the court in 1840.

Groups will
need witness
statements,

pencils & A4
timeline to
record their
findings

Introduce the first witness, **Rodger Kayes**. Get the class to read out this summary of his testimony and then gather the main clues that it provides. Discuss/consolidate the evidence gathered so far.

Slide 4

Key evidence

Rodger Kayes' testimony

Rodger is 19 years old and works as a chimney sweep. He lives with his employer **Thomson Black, a master chimney sweep**, in Gallowgate Street in Glasgow.

Dead body

He works beside **Francis Hughes, another chimney sweep**, and each of them has an apprentice. Rodger's apprentice or climbing boy is Laurence McAllister. **Hughes has a boy called John O'Neill**, aged about 8 or 9, working for him.

Date of death

Rodger saw Hughes and O'Neill between 8 & 9 o'clock on the morning of Thursday, **23 January 1840** when they left the house in search of work and he didn't see them till about 5 o'clock when Hughes came back in a panic.

He says that he and Thomson Black arrived at the house where O'Neill was, but they didn't know which vent O'Neill was in. They shouted but couldn't get an answer. McManus, another apprentice, knew where he was and tried to climb down to him but it was too tight. He thought he heard O'Neill coughing. They went to the bottom of the vent but the fireplace was blocked with stones left by the builders. They then broke a hole in the wall to make an opening.

Leader read out this further extract from Rodger Kayes Testimony for further clues.

Rodger Kayes

Glasgow 25 January 1840

New evidence

That Thomson Black with a long stick cleared away the stones and rubbish and he made a remark that he felt the boy's feet and he knew from the way they were hanging that he must be dead.

McManus brought out the dead body

That McManus was then sent up the vent, and he had not gone up many feet when he called out 'Thomson, Thomson I've got him - he's dead. And he descended with the body on his shoulders.

O'Neill was cold and wet

That O'Neil was quite dead, and when the Declarant put his hand upon his heart and the lower part of his body he felt the same quite cold.

That there was no foam or blood about the boy's mouth – but the top of his head about his hair was all wet as it had been a very wet stormy day, and the Declarant's impression was that the rain had

caused the wetness. And his clothes also were very wet.

*That **both Black and Hughes burst into crying** at seeing the corpse and Black carried it off to the Toll House in the neighbourhood and **Mr McIntyre, surgeon, being sent for opened a vein in the boy's arm but no blood came.** And the body was afterwards carried to Mrs McCallum's house in the Saltmarket.*

Slide 5 – tenement vents

Show picture of 'vents' in a tenement. Get the class on their feet in groups of 3 and 'create' the vents for themselves and climb into the small space.

Pupils return to the floor in front to Smartboard

Slide 6 – Meet the other witnesses and investigate their evidence

Thomson Black
Francis Hughes
James Fleming
Robert Allan
Drs Corkindale and Spittal

You are going to read their statements to answer the questions that you have posed and to work out exactly what happened to the dead boy.

Explain their research task. Divide pupils into 5 groups.

Each group gets a statement from a witness in the trial. The group's job is to read through the statement and find more evidence about the case. Each group receives a paper timeline of Thursday 23rd of January 1840, showing morning, afternoon and evening spaces. They can fill in any times from the witness statement they have, using clues in the text to work out the approximate time of day, and use the space around to make notes.

Slide 7 – Timeline

If you have any evidence of times in your statements, come out to the timeline on the Smartboard and add your clues. Not every group will have times. Don't repeat info already there.

11:00-11:10

Activity 3: Feedback

Groups gather together in front of the whiteboard with their witness statements and any notes they've made.

Teacher works through the questions and groups answer **verbally** those they've got information about.

11:10-11:20

Roles on the Wall

On separate paper outlines of human figures we create three separate

3 x A3 bodies & coloured pens to write

'role on the wall' diagrams of **Francis Hughes, Thomson Black and John O'Neill**. Each group is invited to fill in information on the appropriate place on the diagram.

Pin on wall when completed.

Write information on the diagram in appropriate places according to the nature of the information. For example the description of John O'Neill's injuries could be written as "abrasion" beside each part of the body mentioned.

11:20-11:30
Put out A5 paper and pencils on tables whilst discussions ongoing

Activity 4: Thomson Black and Mrs O'Neill

Slide 8– Thomson Black's statement

Display a copy of the section of Thomson Black's statement describing the arrangement with Mrs O'Neill. This document is part of Thomson Black's statement to the court.

Read aloud:

That John O'Neill was aged between 8 & 9 and had been about 16 months in his employment. That the boy was under agreement to him for three years as arranged between Black and the boy's mother, Mrs O'Neill who lived somewhere about the High Street of Glasgow.

Declares that the terms of the agreement were that Black was to provide the boy with clothes, bed, board and schooling and to pay the mother One Pound a year.

Declares that the terms on which he employs his Journeymen are that he supplies them with climbing boys and the Journeymen are bound to pay Black one half of the sums earned in the sweeping of chimneys.

How old was John when he went to work for Thomson Black?
What did Thomson Black promise John's mother he would provide?

How do you think Mrs O'Neill felt about John working for Thomson Black as a chimney sweep?

What questions do you think Mrs O'Neill might have had for Thomson Black when they made the arrangement about John?
(Record the questions Mrs O'Neill might have asked on flip chart.)

11:30 – 11:40

Activity 5 – writing in role

This activity should follow the previous role play without a break or discussion.

Each student receives a piece of A5 paper and a pencil. They should each find a place to sit alone where they can write. They should write their own name at the top of the paper.

Although we know that Thomson Black could not write, and possibly Mrs O'Neill couldn't write either, you are going to write for them, as if you were hearing their words and writing them down.

You must decide to be either Thomson Black or Mrs O'Neill. If two members of staff are available divide the students into two groups and explain the tasks separately. Otherwise explain one then the other.

Thomson Black is to write to Mrs O'Neill explaining to her what has happened to John and how he feels about it.

Mrs O'Neill is to write in her private diary the night after hearing the news about her son's death. She writes about how she feels and what it was like to get the news.

Give students around 3-5 minutes to write, drawing to a conclusion when they seem to be finishing naturally. Pausing to think is quite common and shouldn't be interrupted unless a student is having difficulty starting to write.

Stop now and read over what you have written. Choose the sentence that you think best reflects the way you feel in this role. Underline it.

11:40-11:50

Activity 7: The chimney sweeps on trial

Slide 9 – the chimney sweeps on trial

*The Court papers show that Francis Hughes and Thomson Black were each charged with **Culpable Homicide**. This means they were both responsible for John O'Neill's death although they didn't intend it.*

1840

Precognition against Francis Hughes, Thomson Black for the crime of culpable homicide at Parkhouse Toll Bar, Glasgow

Accused: Francis Hughes, chimney sweep, for Thomson Black (co-accused), Address: Glasgow

Victim: John O'Neil

Accused 2: Thomson Black, chimney sweep, Address: Gallowgate Street, Glasgow
AD14/40/242

Slide 10 – Your verdict

The witness statements were given in court to help the Sheriff decide what happened on the day of John's death, and whether Francis Hughes and Thomson Black were each guilty of Culpable Homicide.

You are now going to discuss the case, re-examine the witness statements if you wish, and make a recommendation to the court about what verdicts you think it should reach for the two accused.

Students have 2 minutes to discuss and complete their voting slip. Hold class vote and discuss the outcome.

Voting slip for
Thomson Black
and Francis
Hughes for
each group

11:50-12:00

The Court's verdict**Slide 11 – the court's verdict**

8 May 1840

Trial papers relating to Thomson Black, Francis Hughes for the crime of culpable homicide at Parkhouse Toll Bar, Glasgow. Tried at High Court, Glasgow

Accused: Thomson Black, Verdict: Not guilty, Sentence: Assoizied simpliciter and dismissed. Note: The victim was around eight years old and was a servant or apprentice to Thomson Black (co-accused).

Accused 2: Francis Hughes, Verdict: Guilty, Sentence: Imprisonment - 18 months with hard labour. Note: Pannel to serve sentence in the Bridewell of Glasgow. The victim was around eight years old and was a servant or apprentice to Thomson Black (co-accused).
JC26/1840/286

Discussion about the verdict may follow. Some clarification of terms such as 'hard labour', 'Pannel', 'transport' might be needed.

Do these punishments exist now ?

Why not ?

What do you think about the verdict given in this case?

Another contemporary view:

Slide 12 – Lord Cockburn's view of the case

Case referred to in Lord Cockburn's 'Circuit Journeys'. "There was a shocking case of a poor child, scarcely eight years old, a climbing boy, who was compelled by threats to go up, or down, thirty-eight new chimneys successively, and without any interval for rest or food ----- It was only charged as a culpable homicide, and the master had rather an affection for the boy, and worked him to death from no anger or selfishness, but merely from the general brutality of his craft. We longed to transport him, and will be abused by the benevolent for not doing so; but, in the circumstances, we could not go beyond imprisonment." (see 'Circuit Journeys', Lord Cockburn (Edinburgh, 1888, facsimile edition, 1975), p.72)

Slide 13 - newspaper report

After this discussion show the students the *Horrible !* news report.

Is this news report an accurate one?

How would an incident like this be reported nowadays?

12:00

Thank you and goodbye!