

**James Fleming**

27 January 1840

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*'.