

Liverpool Mercury – 6th February 1852

Holy Cross Chapel Incident

Sessions House

Dennis Farrell stated that he was one of the Chapel Keepers. In consequence of the beam cracking an alarm was created. The people came down stairs, and when in the street he saw officer 291, who gave the alarm and in less than a second a whole volley of police came and commenced committing assaults on the people; Saw Jackson strike first.

John Morecroft identified Jackson (142), as having struck the people, and Charles O'Donnell saw 491 knock a man down. The man was felled by a straightforward blow, and the officer then gave a back blow to another man as though he (the officer) was going to cut him across. Witness saw four or five of the police strike, but he could not tell who they were. Sergeant Tomlinson then made a statement in his defence. He said that, about half-past nine o'clock, Monday evening, he was informed by police constable 291 that a party of Orangemen had broken into the Holy Cross Chapel, in Standish Street. He immediately went into Vauxhall road, and got the assistance of officers 629 and 731. On going along Marybone 731 said it was not safe to go without more assistance, as the people were killing one another in the chapel. He (Sergeant Tomlinson) sent him along Marybone to fetch more men. He (Tomlinson) went down Standish street, along with 731 and 629, to ascertain what was the matter. When he got to the door of the chapel there was a crowd of 500 or 600 people in the street. He asked what was the matter, and the people said there had been a crack in one of the beams and that that was the cause of the people running out of the chapel. Some policemen then came down Standish street, knocking their sticks., which caused a great many people to fall one over the other. He sung out to the men not to use any violence, as it was not required After this he saw 291 strike with his stick at some person in the crowd. He (Tomlinson) caught hold of the officer by the coat, behind, and pulled him down, and he fell into the street, over a woman. He (Tomlinson) saw no other officer strike.

Cross-examined by Mr. Aspinall.—Mr. Aspinall : 'Did you make a report of this' ? Tomlinson : 'I did'.—'On the same night' ? 'Yes'—'Is that in the book now?' 'I can't say ; I have nothing to do with the book'.—'Do you not know that it has been torn out' ? 'I can't say that I do know'. – 'Be correct, now, in what you say'.—Mr. Mansfield : 'Have you made more than one report upon this matter?' 'Yes ; I made two, sir'—Mr. Aspinall : 'Who asked you to make the second?' Tomlinson : 'I asked my self'—'Why

did you make a second report, having made the first? 'Because I did not like the other'.—'Did you put everything in the second report which was contained in the first?' 'As nearly as I can tell'—'Had you the first report before you when you made the second?' 'Yes'.— 'Were you asked' ? 'I asked myself to make a report'.— 'What did you do with the report you made yourself?' 'I tore it up'—'Did you show it to anybody' ? Several persons might have seen it; several parties came into the office, but I do not know who they were'.—'Did Mr. Dowling ask you to make the report?' 'He did not'. —'Did any person ask you' ? 'I asked myself'. – 'What was the second report for?' 'For the information of the head constable, or any one who wished to look at it'.— 'Having given yourself the trouble to make this report, why did you not give it to the superintendent' ? Because I did not see him'—'Why did you not forward the copy of the report to the head constable?' 'I did'.—'What was in the first report that you did not like?' 'It was not very well wrote'—'Why, then did you not take a copy of it, and forward that?' 'I had not time just at that moment; I had been out on duty'—'Would it have taken more time to copy it than to make a second: I want to know why you made a second report?' 'Because I could not swear to the first if I were put on my oath. I took things into consideration, and changed my mind'— 'Perhaps you will tell us the part you could not swear to?' 'The people being knocked down in the streets. I could not swear who knocked them down'—'What was it you omitted in the second report which you had inserted in the first one?' 'Whether the policemen knocked the parties down, or that they fell themselves, I did not know'.— 'So you put that out?' 'I did'.—'You said, in the first report, that the police knocked them down?' 'Yes'.—'I want to know what you did with the first report?' 'I delivered it to the superintendent ; to Mr. Murphy' – 'Have you seen that report since?' 'Yes'. – 'And left something out?' 'Yes, a little' — 'You told me just now that the reason why you wrote a new report was that the first one was not well written'.

A bridewell report-book was then handed to the witness, who said this was a similar book to that in which the report was inserted ; and, on being further pressed, he said it was the book.

Mr. Mansfield examined the book, and found there was a hiatus from 886 to 890.

Mr. Mansfield : ' In whose custody is this book kept?'

Mr. Clough : 'The clerk of the station has the entire charge of the book'.

Mr. Mansfield: 'There is something here so grossly improper and irregular, that the matter must be fully investigated. There has been a leaf removed here for some purpose'.

The cross-examination of Tomlinson was then continued.

Mr. Aspinall : 'At the time you copied the report, was it in the book or out of it' ?
Tomlinson : 'It was not in the book'.—'Who gave it to you?' 'I asked for it' – 'Who gave it you' ? 'Mr. Clarke, I think'—'Who asked you to make the second report?' 'I don't know that any one did, I heard the report read, and I did not like it; I met Mr. Towerson in Byrom street, and told him I did not like it, and we went down together to hear it read'—'Did Mr. Towerson and you discuss it as you read it?' 'Yes, I said I did not like it'.—Mr. Aspinall : And Mr. Towerson said he did not like it' ? Tomlinson : 'I can't say that he did'. — Did he say anything about it' ? 'I can't say particularly that he did'.— You can't say he said anything particularly; what did he say' ?. 'He said something about it being a bad report, or something to that effect'—Was it upon his saying that that you set to making a new report' ? 'I said I did not like it; I did not like to swear to it—to : say whether the police knocked down the parties, or not. : It was not long after this that I made a new report'.— 'Who read to you the report?' 'The first report was read to me by Superintendent Towerson out of the book'.— 'Have you seen your second report in the book?' I have , not.

Mr. Mansfield—'The first report has been removed ; there is only the second. The book has been tampered with'.

Mr. Superintendent Towerson wished Mr. Dowling to be sent for. He said it was such a garbled report that he would not have it in the book'.

The book was here produced, and handed to Sergeant Tomlinson for examination.

Mr. Aspinall: 'Is that the book from which Mr. Towerson read the report to you—your own—the first report?' 'I have no doubt that that is the book'.—'Have you seen Mr. Dowling between this and last Monday?' 'I have, twice'—'Did you say anything to him about this?' 'Yes I reported 291 for striking, and no one appeared against him'.—'When did you report him' ? 'On Tuesday morning'. —'Did you try to get any one to appear against him?' 'No, I did not, it is not my place'—'Did you see anybody strike' ? 'I saw 291 strike'—'Did you see anybody else' ? 'I can't say I did ; I would not swear it'.—'Can you swear you didn't?' 'No, I can't'—'How do you account for so many people getting wounded' ? 'I can't account for it at all ; they fell down over each other'.—'Then you believe the injuries on the head which we have seen may have arisen from falling over each other?' (No answer)—Tomlinson then stated that 165 and 166 came up to him. After the row was over he saw 142, 393, 452, and Sergeant Wilson. The row did not last more than a minute. He did not see 491 there at all.

The magistrate called upon 231 to make any statement he had to make in his defence. The officer stated that, about half-past nine o'clock, he was passing with some jackets that had been stolen; and as he got to the corner of Standish street, he found two men there singing party songs, when he drove them away. Two men

and a woman came to him and stated that Dr. Cahill was preaching in Holy Cross Chapel, and that an opposition party had got into the chapel and fired a pistol, and had got knives and were killing and slaying all before them. He could not ascertain the real cause of the disturbance ; people were coming head first down the stairs. He then went and told his story to Sergeant Tomlinson, and told him it would be necessary to get a few more men. He subsequently went and told Sergeant Wilson's section, and turned them back, and when they arrived there was great confusion. Sergeant Tomlinson rushed off the step of the chapel, and said "God damn you man, what are you doing ?" The sergeant then pushed him back. He was sent back to the bridewell and reported for striking. He could call witnesses to prove that he never lifted his stick to strike any one. He was knocked down, and fell over a woman. He was not aware how the people got hurt.

He called John Roulstone, who stated that on Monday night he was at the chapel when the disturbance commenced. The disturbance appeared to be inside the chapel. The last witness went for the police, and when they came several of them struck at persons in the crowd. He did not see Sergeant Tomlinson strike any one ; he took hold of an Officer to prevent him striking.

Cross examined.—Sergeant Tomlinson was there when the police were striking the people, and heard him say, "Damn you, what are you raising your sticks for"? Thought he did see the police striking the people.

Mr. Dowling (having been sent for at the request of Superintendent Towerson) entered the court, and was told by the magistrates why his attendance was required. He stated that Sergeant Tomlinson reported Boardman, 291, as being the cause of the disturbance. When before him (Mr. Dowling) Tomlinson's statement did not bear out his report, and he asked him could he conscientiously swear to it. He said he could not. It was stated in the report that he saw the police indiscriminately striking the people, whilst in his statement he said he only saw Boardman striking the people. He (Mr. Dowling) desired him then to make a correct report, such as he could swear to. This was done ; the report he made was entered in the books, and, consequently, the first report was taken out, and this one put in.

Mr. Mansfield.—'Why was it taken out' ?

Mr. Dowling.—'Because it was not a correct one. The only difference was that he said he saw the police, when they came up in Sergeant Wilton's section, indiscriminately strike the people. I said, "Did you see it" and he said "No ; he had reported it from what he heard." I then said "You must only report such as you can swear to."

Mr. Mansfield.—'Do I understand that you wished the sheets to be taken out?

Mr. Dowling.—I said "Take that report out, and let Sergeant Tomlinson write a froth one and put it in."

Mr. Mansfield asked who took it out?

Mr. Dowling said he did not know.

Mr. Mansfield, addressing Jones, the clerk, said he wished to know by whose orders the sheets had been removed .

Jones said the sheets were removed by order of the commissioner. Jones went on to state that he did not know where the sheets were which had been removed. They were removed by a Mr. Miller, but he did not know what had been done with them. They were taken out on Wednesday or Thursday. In reply to questions from: Mr. Aspinall, Mr. Dowling stated that when he ordered the report to be taken out, he did not know an inquiry was coming on. It was taken out yesterday, and he knew of the inquiry some time yesterday; but he was not certain he knew at the time he directed the report to be taken out. He was not aware on Wednesday Mr. Mansfield had ordered a report to be made to him, for he was not in town that day. In case of an inquiry, he expected Sergeant Tomlinson would be called on to swear to his report. He was not certain whether he knew of the inquiry at the time. He was very unwell, and whether he knew it or not at the time, he could not exactly say. He knew that Mr. Mansfield ordered a copy of the report to be made out for him.

Mr. Mansfield could not understand why the report should be torn out of the book. It was surely not a usual thing to do so. Nothing was more easy than to draw a stroke across the page, and say it was cancelled.

Mr. Dowling did not know whether he might have said the sheet was to be taken out, but the impression on his mind was that he ordered the report to be taken out. In reply to a question by Mr. Aspinall:

Mr. Dowling said he knew on Thursday that the first report had been taken out. He did not find fault with the report being torn out. He told Mr. Towerson he should like to be present if anything required explanation. He must have first read Tomlinson's report on Tuesday morning; he did not know how it was he had not informed Mr. Mansfield there was another report. The report was copied into the books, and he signed it as a matter of course.

Mr. Miller, the clerk before referred to, was then cross-examined.—He stated he removed the pages in question by order of Mr. Dowling. He gave the pages to Mr. Cowan along with the report book.

Mr. Cowan said one of the pages did not refer to this matter, and it could be produced. But the other leaf after it had been corrected, was extracted, and handed over to Mr. Clarke to be copied.

Mr. Mansfield: What became of it ? Clarke said he left it on his desk.

Mr. Cowan continued to state that the report was corrected up stairs, in Mr. Dowling's room. It was not a usual thing to tear out sheets from the books. He did not remember another instance of it, but there might have been. In the first instance he (Mr. Cowan) object. to this.

Mr. Mansfield.—That was quite right.

Mr. Cowan—The book was given to Miller, who said he could abstract it without it being noticed. When he took it out he handed it to him (Cowan), and he gave it to Clarke ; and what became of it he did not know. He said at the time he thought it a wrong to tear leaves out of official books. It did not look well.

Clarke said he was not certain whether it was kept or destroyed. They were very busy at the time.

In reply to a further question, Mr. Cowan stated that both Mr. Dowling and Mr. Towerson were present When he objected to the leaves being torn out. The parts of the report taken out were those which pressed strongest against the police. He was not present when it was done ; he had been chief clerk in the office twelve years. and he did not remember a similar abstraction, though it might have been done.

Mr. Aspinall directed attention to the evidence of Sergeant Tomlinson, in which he denied he had received any instructions. He said he advised himself.

Mr. Mansfield remarked there was no doubt Tomlinson had grossly prevaricated, if he had not told an absolute falsehood.

Officer 629 was then called upon for his defence, and stated that he was ordered to go into Crosshall street with other officers, and was told that the breaking of the beam in the chapel had caused the people to run out. At this time there was a knocking of sticks behind, and a great rush was made. He was right in the middle of the crowd and could not stir ; and he denied positively ever having struck a blow, he having been knocked over in the confusion.

Mr. Mansfield read the evidence of Edward Duffy, who swore positively to seeing 629 strike several blows.— Officer 629: 'That is a mistake'.—Officer 142 was then called upon for his defence, and denied that he was present at the time of the row, having remained some distance off with Sergeant Wilson, and consequently could

not have used his stick in the manner described. Officer 491 also said he was in the rear with Sergeant Wilson, and he had not struck any person.

Sergeant Wilson said 491 was in the rear with him, and could not have used his stick. He did not see any blows struck, but they were too far off to see them had there been any. There was a great rush of people, and children were lying upon one another. That was about 20 yards from the chapel. Some of his men, 291, 142 and others left the rear when he halted them, but he did not hear of any persons being struck.

Mr. Aspinall, by permission of the magistrates, was allowed to address a few observations to the bench on the evidence which had been offered. The evidence offered had borne out all he suggested in his opening, and had shown there was something more than accidental in the conduct of the policemen, and that this must have arisen from a spirit of animosity or feeling of party pervading the whole force from the very top to the bottom; and he thought the original charge faded into insignificance when compared with the one which had now come out and which appeared to be a most serious charge, affecting the position of a gentleman holding so high an office as that occupied by Mr. Dowling. Then with regard to the evidence as it affected the policemen. They would be led to the conclusion that there was little evidence as regarded 491, and it was possible persons might fix on the wrong man; he (Mr. Aspinall) would be sorry to make any charge against an innocent person, and he should not, therefore, press the charge against officer 491. As to the others, the evidence against 291 and 162 was exceedingly strong, notwithstanding their denial, it appeared they had rushed forward from the ranks, and did not return according to orders. There were some others who, though they did not strike any blows, had nevertheless acted with great impropriety. As to 622 no evidence had been offered by way of defence. It was for the magistrates to say whether they were satisfied with regard to Sergeant Tomlinson, whose conduct was to be looked at with more of sorrow than anything else. He admitted Tomlinson's part in this transaction might be overlooked, had he come forward and told a straightforward story from first to last; for one of the witnesses had stated that he interfered to prevent the men from striking; but the mode in which he gave his evidence before the magistrates could not; for how could a man like him, whose duty it would be to prosecute offenders, he believed, when he came into court today openly, and was guilty of the grossest prevarication. At first he refused to give any information, and he was not willing to say he made a second report at all; and, if there were nothing else, he deserved exemplary punishment for his evidence to-day. How could they in future believe a man of that description? he was certainly not a proper person to be in a police force. He now came to that which was the most important part of the case: he did not know whether this was the time to comment on it; but at some future time he would press as a charge

against Mr. Dowling that from him this transaction proceeded, he himself being a party to conceal evidence of the greatest possible importance, and the whole thing connected with party, having its source in Mr. Dowling, from whom the policemen came ; he was the party influence throughout, and it was by more chance in an inquiry into a matter comparatively trifling they had obtained evidence that he had been in the habit of doing that which in any clerk in a public office, may, even in any merchant's office, would be considered a most disgraceful and discreditable offence. Supposing a man came 'before the bankruptcy court, and it could be shown that he had altered his books, would he get his certificate ? Would any servant, in a private office, who had altered his master's books, be retained in his master's employ, much less in a public office ? He regretted that Mr. Dowling had thought fit to go away, and were he present he might make some further remarks. On being informed that Mr. Dowling was very ill in the next room, Mr Aspinall said he should, under the circumstances, abstain from making any personal allusions to him. He contended, however, that Mr. Dowling's illness was no excuse for his conduct in this matter; it was clearly his duty to furnish the bench with all the information on this subject and he put it to the bench whether, from his own evidence, Mr. Dowling did not know, at the time of this inquiry, that another report had been sent in by Sergeant Tomlinson, and which report ought to have been brought forward? Could any one doubt that he knew the , inquiry was coming on? And what could his Intention be, except to shield persons from justice whom he knew to be criminal? and this called for punishment much more marked than would have fallen on the heads of any of his subordinates.

Mr. Mansfield said that the inquiry had originated topics of great importance to the town. He was aware that strong feelings of partisanship had been exhibited by the police, and that he had used his best efforts to obtain the dismissal of the men who exhibited it, and said he was determined not to relax those efforts. In cases of accident between the police and Roman Catholics it was sure to be attributed to party feelings; and it was of the utmost importance that the whole of the police should be considered by all classes impartial protectors of the public peace. This case did not originate in party feeling. it originated with a young constable (291) having been misinformed about the cause of the tumult which took place in the chapel, and who, instead of ascertaining what was the matter, went and gave the alarm to the force. They came and, considering it to be one of those desperate conflicts which had so frequently disgraced the town, they struck right and left without any hesitation. The witnesses who came forward to support the complaint had given their evidence, so far as he could judge, very impartially, though many of them had received blows from the police. Taking all the circumstances into consideration, the accounts they had given did them great credit. As regarded the officer 491, it was probable there might be some mistake; but the evidence against

some of the others was conclusive. 211 (Boardman) and 142 (Jackson) must be suspended. There was, some doubt as to the part 629 had taken in the matter, and also as to 491. He now came to that which was a much more serious thing. That was a matter which was pretty clearly explained to the public by the proceedings of the court, and showed that certain of the police had considerably misconducted themselves; but, however this might damage the character of the force, no misconduct was so discreditable or disgraceful as the evidence given there of the way in which an attempt had been made to suppress the report—a report which, he had no doubt, was true. Every syllable of that had been now denied; and every attempt made to conceal from him (Mr. Mansfield) that which Mr. Dowling, Mr. Towerson, and Mr. Tomlinson had all endeavoured to suppress in the most disgraceful and discreditable manner. They had tampered with official books, in spite of the very proper warning on the part of the clerk. This should be made a matter of further inquiry. As regarded Tomlinson, for his gross falsehood, gross equivocation—indeed, he might say his perjury in this case, he must be suspended, he would impound those books, and refer the case to his brother magistrates. He never heard of a more disgraceful proceeding in his life.

The books were then handed over to the custody of one of the magistrates' clerks, Mr. Jameson, to be produced when called for

The proceedings did not terminate till nearly half-part five.

Our contemporary of yesterday gives the following report of what took place before the magistrates:

"On Saturday an inquiry into the charge preferred against several police officers, for assaulting persons who were leaving the Roman Catholic Chapel of Holy Cross, took place before a full bench of magistrates; in the magistrates' room, Sessions House. The mayor occupied the chair; Mr. Dowling and Mr. Towerson were in attendance. Mr. Mansfield briefly stated what had occurred during the inquiry in the adjoining court on the previous day, and in conclusion proposed to call witnesses to corroborate his statement, and then that Mr Dowling and Mr. Towerson be called upon for their defence; and when they had heard both sides of the question; be should be able to propose a further resolution. His first proposal was, that the meeting resolve to hear the witnesses relative to the charge against Mr. Dowling and Mr. Towerson. Mr. Dowling said he admitted distinctly the charges which were brought against him, and he could not feel there was any one to blame but himself. He had been unwell for some time. On Saturday last one of his Inspectors, who had been labouring under the same disease himself, came and asked to be reinstated, stating that he had been quite cured of the bronchitis by a medical man in town: He

was astonished and sent for the medical man. On Monday he called upon him (Mr. Dowling), and examined and prescribed for him and he found there was opium in the prescription and he had no hesitation in saying it had such an effect upon him that he did not know what he was about even of what took place yesterday he had no recollection. He was now better and restored to his senses. He then repeated his explanation given on the previous day relative to the report, and concluded by observing that he got rid of his disease, for the magic of the medicine had driven it away, and he had not coughed for some time. He could assure them such were the facts of the case. He might add the watch committee had entered on the subject, and, in the meantime, they had suspended him from his office. He was not at present head constable ; he was suspended from his office, at least whilst this inquiry was going on. Mr. Towerson was then called and questioned relative to his interference with the report, but he confined himself by stating that that he had acted under the orders of the head constable ; he also denied the statement made by Sergeant Tomlinson the previous day, that he said it was a bad report. Mr. Cowan, Mr. Clarke. and Mr. Miller, clerks in Mr. Dowling's office, were examined relative to the abstraction of the leaf and the part taken by Mr. Dowling and of Mr. Tomlinson in the matter. Their evidence was the same as that given by them on the previous day. Mr. Superintendent Murphy was next called. He stated that he had examined Tomlinson as to the correctness of his first report, and that Tomlinson said it was perfectly true and that the police had attacked and struck the people. He said he was an eye witness to the whole affair, and that, it was true. He then, of course, signed the report. Subsequently, Mr. Towerson asked him in a censorious way why he had signed the report, and he asked had Mr. Towerson inquired into the circumstances. Tomlinson told him he was an eye witness. After this he thought it was censuring him when the report was altered ; and, further, when he mentioned the subject to Mr. Dowling, he did not seem to recollect having heard of any such statement. Mr. Towerson said he communicated this to Mr. Dowling. At a subsequent stage of the proceedings Mr. Murphy returned and wished to make a communication to the magistrates. He had seen Mr. Dowling, who stated he had never heard of Tomlinson's statement, or he would not have allowed the report to be altered. A rather long discussion followed as to whether Mr. Towerson should be dismissed or suspended. It was ultimately agreed that he should be suspended for the present. The magistrates then adjourned to Thursday. During the proceedings of the magistrates, a deputation from the watch committee consisting of the chairman, deputy-chairman, and town clerk, had a private interview with the magistrates."