



Wesleyan Methodist Chapel

Chapel Anniversary at Bishopstone

On Sunday last, the 30th, ult., special anniversary services were held in the Wesleyan Chapel, when two excellent and appropriate and soul stirring sermons were preached by the Rev. N. Stevens, a newly appointed minister who has recently come into the Swindon circuit. There were large and attentive congregations at both services, but more especially in the evening; and collections were made in behalf of the trust fund. Besides the usual hymns, the choir sang with much credit a pretty anthem, entitled, "The Heavenly War". Mr. Garrett presided at the harmonium, and Mr. E. Tarrant conducted the singing. We advise those who wish to hear some good singing for a village dissenting choir to go to the Wesleyan Chapel, Wroughton.

On the following Monday afternoon a tea was provided in the above chapel, at which between 50 and 60 sat down, and in the evening a public meeting was held, presided over by Mr. Ellis, of New Swindon, who, with the Rev. N. Stevens and Mr. Gadd, delivered very interesting and impressive addresses. Between the addresses the choir sang some of Sankey's hymns and the anthem they rendered so nicely on the previous day.

The usual votes of thanks to the chairman and the speakers were passed, and the proceedings closed. The meeting was not a large one, and the collections were not so good as those of last year.

Swindon Advertiser and North Wilts Chronicle, 6 October 1877

TO BUILDERS

TENDERS required for the Erection of a WESLEYAN CHAPEL, at Wroughton.

Plans and Specifications to be seen at Mr G. BAKER'S, Regent Street, New Swindon;
to whom Estimates must be sent on or before SATURDAY, May 18.

The Trustees do not bind themselves to accept the lowest or ant Tender.

Swindon Advertiser and North Wilts Chronicle, 13 May 1878

Swindon County Court – Wednesday
Before Mr. Laing sitting as Deputy Judge.

His Honor sat at ten o'clock to take the following jury cases, which occupied the attention of the Court for some hours.

The Wroughton Band of Hope and Their Harmonium

Hogg v. Salter – The Rev. John Hogg, Superintendent minister of the Swindon Bath road circuit of the Wesleyan Connexion, was the plaintiff in this action, and Henry Salter, of Wroughton, was the defendant.

The action arose out of a dispute amongst the members of the Wroughton Wesleyan Band of Hope in regard to an harmonium. The following jury were empanelled to try the case :- Messrs. J. H. Chandler (foreman), F. Collard, W. J. Crook, H. Gilling, and C. W. Martin. Mr A. E. Witby appeared for the plaintiff, and Mr. G. Butterworth was for the defence. In opening the case, Mr. Witby said the plaintiff very much regretted having to trouble his honor and the jury with the case. The plaintiff was suing on behalf of the Wroughton Band of Hope of which defendant was formerly a member. This case had arisen through an unfortunate dispute in a semi religious body at Wroughton. Every attempt had been made by the Band of Hope to effect a settlement, but without avail, and it was left as the only alternative to bring the matter into Court. The claim was for damages against the defendant for detaining from the plaintiff – who was the person entitled to demand the same – a certain instrument of music, viz. An harmonium, the property of the Wroughton Wesleyan Band of Hope. The claim was for £15 the value of the harmonium or its return, and £3 damages for the detention of the same. The question for the jury to decide was as to whom the harmonium belonged – whether to the defendant or to the Wesleyan Band of Hope/ This Band of Hope was started in connexion with the Wesleyan Chapel at Wroughton in 1889.



Officers were appointed, and meetings were held at regular intervals. Defendant joined as a member, and eventually became an officer. The rules which were drawn up stated that it was a Wesleyan Band of Hope . It went on successfully, and acquired certain property, including this harmonium, which was purchased out of the funds of the Band of Hope, and the proceeds of a bazaar, held at Wroughton in connexion with the Band of Hope, which realised £12. In order to make the proceedings of the Band of Hope a little more interesting and harmonious the harmonium was purchased in 1892. Mr. Withy proceeded to read the rules of the Band of Hope, one of which stated that “three trustees shall be elected by the members at a general meeting, and shall remain in office for the pleasure of the Band of Hope; and shall hold all property of the Band of Hope in trust for the Band of Hope”. After referring further to the rules, Mr. Withy proceeded to state that throughout the Wesleyan Connexion there were temperance

organisations held in connection with their chapels throughout the country, and the Wesleyan Conference had drawn up a set of rules to apply to all Wesleyan Bands of Hope throughout the country.

In the year 1893 it was discovered by the Superintendent Minister of the District – who occupied what he might term the chief official position in the Circuit – that the rules of the Band of Hope, although it was called Wesleyan Band of Hope, and the meetings held in the Wesleyan Schoolroom, were not in accordance with the rules established by the Wesleyan Connexion. Therefore, he gave notice to that effect to the Band of Hope, pointing out that they ought to be working under the Connexional rules. To that the defendant seemed to have taken some objection, and at a meeting of the Band of Hope, held on November 9th 1893, certain resolutions were passed, including the following important one :- “Resolved, that the harmonium be removed to Mr. Salter's at once”. This was carried, an amendment that it be not removed, being lost. It was further resolved “ That notice be sent to Mrs. Kemble stating with regret that we have to refuse the use of the harmonium at the mothers meeting”. Another resolution was passed, “That we do not entertain or recognise the rules of the Wesleyan Connexion”. Proceeding, Mt Wither said that acting upon the resolutions passed at the meeting, the harmonium was removed to Mr. Salter's house by defendant and William Hyde, another of the trustees also assisting them; and there it had remained ever since.

In the month of January, 1895, a large meeting was held, it being the annual meeting of the Band of Hope, and at the meeting it was decided by an overwhelming majority in favour of adopting the Connexion rules, though the defendant objected. Now, No. 14 of the new rules stated that the whole of the books, cash and other property of the Band of Hope in the hands of any officer or member, or any other person, should on demand, be delivered up to the committee. Upon that rule, added Mr. Wither, he rested his case.

The defendant was present at the meeting and notwithstanding that he objected to the adoption of the new rules, he voted upon subsequent matters. Defendant was, in fact, proposed as an officer of the new committee, but in consequence of his being unable to comply with one of the rules of the new society, which was that the officers should be members of the Wesleyan body or some other Christian church – on that ground he was incapacitated from taking office. After that the defendant ceased to belong to the society, but the Band of Hope had held its meetings regularly ever since. When defendant left he took with him, he said, some thirty or forty members, leaving a membership of some 160. Defendant had not started any other Band of Hope, and he was still holding this harmonium – paid for by public money – as his own private property, and using it for his own private use. He (Mr. Wither) had written to defendant demanding the return of the harmonium, and on the 13th August last defendant replied stating that the harmonium was not held by him as a private individual, but in his capacity as an officer of the Band of Hope viz. A trustee. Defendant added a postscript to his letter as follows :- “In case we return the harmonium please say who it must be returned to, and who will give me a receipt for it”.

Proceeding, Mr. Wither said the plaintiff had named three persons to whom the harmonium might be sent, and if defendant was not content with that he might name individuals himself to whom the article might be returned. Nothing came of that, however. At the commencement of this matter, when the alteration in the rules of the Band of Hope took place, the Rev. R. Harper was Supt. Minister, but he left more than a year ago, and was succeeded by the Rev. John Hogg, who was president of the Band of Hope by virtue of his office as Supt. Minister, and it was to be who brought this action, but he knew very little about the matter. On October 3rd, 1894, Mr. Hogg wrote to the defendant as follows :- “I find on coming into this Circuit that there is a most unpleasant matter in dispute concerning the Band of Hope . . . I do hope you will avoid litigation by conveying the harmonium back to the Wesleyan Chapel.” He (Mr. Wither) suggested that that was a very proper letter for Mr. Hogg to write. In reply, the defendant wrote on October 9th :- “Dear Sir, - Your letter of the 3rd inst. received. I have forwarded copy of same to my co-trustee for his opinion thereon, but have not yet received any reply from him. Meanwhile I may say we don't desire to engage in any litigation re the harmonium: : but our position is this : we were elected as trustees, and have not yet been removed, and while we remain we have to look after the property. We are willing to settle the matter on fair terms”. The defendant's letter went on to state the terms, which were in effect that the harmonium should be disposed of and the thirty or forty members of the old Band of Hope who had left and joined the new one should have their fair share. This the defendant thought would be better than spending £1000 in proceedings “As some of the local preachers”. Mr. Wither proceeded to criticise this statement in

defendant's letter, pointing out that the harmonium was not acquired by private subscriptions, but by the proceeds of a bazaar and public subscriptions.

Mr. Butterworth, for the defence, said his "preliminary outwork" was that the rules of the Society were not properly passed. He offered no objection to Mr. Hogg suing as plaintiff; no doubt he was the proper person.

The Rev. John Hogg was then called, and in reply to questions put to him, he said he brought this action very unwillingly: he wished to avoid litigation.

By Mr. Butterworth : He did not go and see defendant personally: he did not know him. James Cook, of Wroughton, said he was one of the original trustees of the Band of Hope, and was the chief mover in starting it. The Band of Hope grew out of a Sunday School teacher's meeting. The harmonium was purchased in March, 1892, for £15. The defendant and Mt. Wm. Hinder were appointed by the Band of Hope to make the purchase. The harmonium was used at the Band of Hope meetings, and also at Divine service in the chapel, and at mothers' meetings. It was removed from the chapel in accordance with a resolution passed at a meeting of the Committee of the Band of Hope, at which the defendant presided and gave his casting vote. He (witness) assisted in the removal of the harmonium, but he had since altered his opinions on the question. The meeting in connection with the Band of Hope held on the 15th January, 1894, was a meeting of the Band of Hope Committee and Sunday School Teachers. By Mr. Butterworth : This matter had given rise to a great deal of newspaper controversy. A number of letters had appeared in the Swindon Advertiser. He had set out his views in one of the letters. He only contributed the letter which bore his signature.

Mr Withy : There are yards of this correspondence.

Mr. Butterworth : Oh, miles. Except that one of the letters is one of the wittiest I have ever read, it would be a misfortune to the jury to have to read it all now. Proceeding with his cross examination of the witness. Mr Butterworth asked him why he had changed his mind on the question of the removal of the harmonium?

Witness : The longer I live the more I learn (laughter). Mr Butterworth : Then you believe that with years comes wisdom? Witness : Yes. Mr Butterworth : Your friends have been calling you in the Press a "jolly-wobble" (laughter). Witness : I don't mind that (laughter).

In reply to his Honor, witness said he was of the opinion that the harmonium should be returned to the Band of Hope.

The Rev. Richard Harper, formerly Superintendent Minister of the Swindon Circuit which included Wroughton, was the next witness. He said he was here for three years ending Sept. 1894. Witness gave a detailed account of what took place at the meeting of the Band of Hope in January, 1894. He presided at that meeting by virtue of his position as Superintendent Minister. In that capacity he was *ex-officio* Chairman of all Committees holding their meetings on Wesleyan property. He knew the defendant Salter, who was not a Wesleyan nor a Primitive Methodist, nor was he a Moravian. By Mr. Butterworth : The meeting of the Band of Hope at which he took the chair was the first he had attended in connection with the Band of Hope. He had no recollection of defendant protesting against taking the chair.

William Thomas Collett, a young man now living at Gloucester, and formerly a member of the Wroughton Band of Hope, also gave evidence, and said that at meetings of the Band of Hope little children voted. This concluded the evidence for the plaintiff. For the defence Mr. Butterworth raised a point of law. He argued that under the decision of Lane v. Norman (a case in which a schoolmaster was dismissed by a school committee), tried before Mr. Justice North, if there was the smallest irregularity in holding this meeting the proceedings would be null and void. Upon that ground the meeting of January, 1894, was, he contended, null and void because proper notice was not given of the meeting, and Sunday school teachers voted thereat who were not members of the Band of Hope.

His Honor pointed out the defendant took part in the proceedings at the meeting in January 1894, after entering his protest. He (his Honor) ruled against Mr. Butterworth on the point of law.

Mr. Butterworth then proceeded to address the jury on the facts. It might not strike them, he said, as being an important case, but these poor people, who had acted with the defendant, felt most keenly the way they had been treated in this matter. He should prove that the Band of Hope was not Wesleyan Band of Hope, but comprised members of various religious bodies, including the Church of England and Primitive Methodists, who were a strong element to it. This unfortunate dispute had resulted in a great loss to the old Band of Hope, as the Primitive Methodists had now started a new one, and had some 80 members. The old society went on very well without the assistance of Mr. Harper, who came to the circuit in 1891, and who did not think it worth his while to attend a meeting of the Band of Hope until two years later, when he pressed the new rules upon the members. The breach had entirely arisen owing to the arbitrary doings of Mr. Harper. Witnesses were then called for the defence. Defendant who affirmed, said he belonged to the Moravian denomination. He was on the committee of the Wroughton Band of Hope. It was untrue to say it was a Wesleyan Band of Hope. It was comprised of Wesleyans, Primitive Methodists, members of the Church of England, and his own family who were Moravians. The meetings were held at the Wesleyan chapel, and rent was paid for the use of the building. The harmonium in question was placed in his custody by a resolution passed at a meeting of the committee. He was appointed a trustee of the Band of Hope in Aug. 1892 : the rules were revised in January 1893 after 14 days notice had been given. Witness detailed the proceedings which took place at the meetings. Coming to the meeting held on January 15th, 1894, witness said the Rev. R. Harper took the chair at the meeting. Mr Hinder asked what was the meaning of the meeting, because there were persons present who were not members of the Band of Hope. Mr. Harper said "You know, Mr. Hinder, that I can take the chair under Conference Rules at all meetings of this kind held on Wesleyan property. The meeting proceeded, but he (defendant), emphatically protested against anything done at the meeting being binding on the members of the Band of Hope. Mr. Harper replied "I note your protest, Mr. Salter, but we shall go on with the business just the same." The meeting proceeded, and all persons present voted on the resolutions. Mr. and Mrs. Edward Tarrant and Miss A. Hancock were elected on the committee although they were not members of the Band of Hope. He (defendant) was not elected on the committee, because it was openly stated in the meeting that he was not a Christian, nor did he belong to any Christian church. At the time the Primitive Methodists had no Band of Hope in the village, with a membership of 80. He had been requested to join, but declined, preferring to wait until this dispute was settled.

In cross examination by Mr. Withy, defendant said that various members of the Primitive Methodist Band of Hope claimed to have a share in the harmonium. He did not know previously to the meeting that the alteration of rules was coming on for discussion at the meeting in January 1894. There were some 20 persons present at the meeting, many of whom were not members of the Band of Hope. At the previous annual meetings only members were present. He called two meetings at his house, and there were 13 persons present at one, including Mr. James Cook. He attempted to start another Band on Hope, but was not successful.

By his Honor : He did suggest that it was not a Wesleyan Band of Hope, but a mixed one. At this stage of the case, the Court adjourned for half an hour.

The first witness called after the adjournment was Charles Titchener, a clerk in Mr. Butterworth's office, who said he was a Wesleyan and lived at Wroughton. He was a Sunday School Teacher, and he remembered the Rev. Mr. Harper advising the teachers to go to the Band of Hope meeting in January 1894. He went and also eleven other teachers, who were not members of the Band of Hope. He had since joined the Band of Hope, which was now a very strong one numerically, and he was secretary at the present time.

Wm. Hinder, baker, living at Wanborough, said he formerly resided at Wroughton, and was president of the Band of Hope in question. It was an unsectarian Band of Hope, including, members of all denominations, there being many Primitive Methodists. Witness detailed what took place at the meeting in January 1894, and said he protested against the proceedings. He was a trustee of the Wesleyan chapel

at Wroughton and knew that the Band of Hope paid 30s. a year rent. When he solicited subscriptions for the harmonium, he stated that he required them for an Unsectarian Band of Hope.

Miss Moore, of Wroughton gave corroborative evidence.

Wm. Hyde, a member of the Band of Hope, and his mother, were both called, and said that they were both present at the meeting in January 1894, but did not vote on the question of adopting the Connexional rules. They were members of the Band of Hope.

Joseph Hyde, one of the trustees of the Band of Hope, said he now lived at Seend, having left Wroughton nearly two years ago. He supported and sympathised with the defendant in this matter.

By his Honor : His opinion was that the harmonium should be sold, and the proceeds divided amongst the old members of the Band of Hope prior to the year 1894. His Honor : Who have paid nothing towards it?. This completed the evidence, and Mr. Butterworth then addressed the jury. He referred to the twelve Sunday school teachers who went to the meeting as the "Harper Brigade" and argued that they had no right to vote, not being members of the Band of Hope.

Mr. Withy then addressed the jury, pointing to the fact that the Band of Hope was started by Wesleyan Sunday school teachers, and its meetings were held in the Wesleyan schoolroom.

His Honor then summed up to the jury. He observed that whatever conclusion they arrived at they would be satisfied, he was sure, that this was a matter which they very much regretted had been brought into Court. It was a pity these parties had not settled their dispute amongst themselves, because it now appeared that defendant himself was willing, if the verdict of the jury was against him, to bring the harmonium into Court. If the verdict of the jury was the other way and for the plaintiff he really did not know what was going to be done. His Honor proceeded to deal with the evidence which had been given, and said the first question which the jury had to decide was whether this Band of Hope was undenominational or otherwise. And in doing that they had a right to look at the question in a general way, and see who were the founders ; they were young people who knew very little or nothing of the law, and there seemed to be no doubt that the founders were the teachers who belonged to the Wroughton Wesleyan Church. He was struck with the fact that the witnesses who were called as hostile to the plaintiff were Wesleyans. It was suggested by one of the witnesses, Mr Hinder, that he had written letters asking for subscriptions to an unsectarian Band of Hope. He (his Honor) did not know that that was evidence against the Wesleyan church in Wroughton. He did not know what was the experience of the jury but one often received letters from persons soliciting subscriptions, and if the person solicited did not happen to belong to the same denomination, the person asking often said "Oh, we are not particular : we take in others as well as those of our own denomination". And it might have been the reason which led the witness, Hinder, to say it was an unsectarian Band of Hope. That was a matter for jury to decide. It was certain that the rules were printed as the "Wesleyan Band of Hope", If they were such then they had no right to pass rules which would separate them from that body. After dealing with the rules of the society, his Honor said another point for the jury to decide was whether, if they considered defendant was justified in removing the harmonium at the time he did, was he justified in keeping it?. His Honour referred at length to the argument for the defence that the meeting in January was irregular, and said that if the jury found that it was a Wesleyan Band of Hope, then the Rev. Harper had a right to preside at the meeting, because he did not see any inconsistency in his presiding at such a meeting. He (his Honor), did not say defendant was not conscientiously fighting this case ; doubtless he was. In conclusion, his Honor said he did not think the jury need trouble themselves about the question of the value of the article : that was only put in in case the harmonium was not returned. With regard to the question of damages he did not think that had been put in an assessable form, and he thought if the jury found for the plaintiff they would be justified in fixing a nominal sum of 1s. as damages.

The jury then retired, and were only absent five minutes, when they returned with a verdict for the plaintiff for the return of the harmonium, and 1s. damages and costs.

Mr. Butterworth asked for leave to appeal, as there were points of law involved, and on which his (Honor had decided against the defendant.

His Honor said he did not know on what grounds the verdict was given : he directed them generally. He did not quite see on what grounds Mr. Butterworth applied : it could only be on the ground on misdirection to the jury. The question of law in the case was so much mixed up with the facts : he left the case entirely to the jury. Where the question was one of so small importance he did not think appeals should be encouraged.

Mr Butterworth said the amount claimed, and for which a verdict had been given, was very near the limit ; of it had been over £20, he could appeal without asking leave.

His Honor said he thought £15 was an excessive value to put upon the harmonium ; he should have gone into that more fully if he had not been told that defendant was willing to return the instrument.

Mr. Butterworth said his friend, Mr. Witby, represented a great body, who could not be hurt by the appeal, whilst his (Mr. Butterworth's) client was a poor man, and it was a great injustice if a point of law had been wrongly decided against him. He had taken every means to ascertain the law before coming into court. His Honor said he must exercise a reasonable discretion in the matter. He did not want to keep up this litigation.

Mr. Witby opposed the application. He observed that they had a good fight, and he should say let there be an end to it.

His Honor said he should refuse the appeal.

The hearing of the case lasted over six hours.

Swindon Advertiser and North Wilts Chronicle, 14 December 1895