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A

SECOND LETTER

TO A

BRITISH MEMBER OF PARLIAMENT,

RELATIVE TO THE

OPPRESSIONS & CRUELITIES

OF

IRISH REVENUE OFFICERS,

WHEREIN THE OBSERVATIONS ON A FORMER LETTER
ARE CONSIDERED AND REFUTED.

BY THE

Rev. EDWARD CHICHESTER, A.M.

RECTOR OF THE PARISHES OF CLONCHA AND CULDAFF,
IN THE DIOCESE OF DERRY,

AND JUSTICE OF THE PEACE FOR THE COUNTY OF DONEGALL.

LONDON :


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SECOND LETTER

 *The writer of the following pages did not receive Mr. COFFEY's Pamphlet until the 20th Instant. This circumstance, he hopes, will be considered as an apology for any defects which may appear in them.*

London, 23d May, 1818.

Printed by THOMAS WOOD, 302 Strand, London.

SECOND LETTER

Bartholomew of Constantinople

In consequence of a typographical error in some copies of the Documents attached to this Letter, a few of the pages have been numbered wrong. In such copies, the pages 39, 40, 41, 42, 43, 44, 45, and 46, ought to have been numbered 35, 36, 37, 38, 39, 40, 41, and 42. It is necessary to apprise the reader of this circumstance, to avoid confusion in case of reference to them.

Houses of the Oireachtas

In consequence of a typographical error in some copies of the Documents attached to this Letter, in two of the pages have been numbered wrongly. In such copies the pages 39, 40, 41, 42, 43, 44, 45, and 46, ought to have been numbered 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, and 52. It is necessary to direct the reader of this circumstance, in order that he may be able to refer to the correct pages.

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SECOND LETTER

TO A

BRITISH MEMBER OF PARLIAMENT.

DEAR SIR,

I FIND it again necessary to resume my pen, to answer some observations made upon my former letter to you, respecting the oppressive nature of the Irish distillery laws, and the spoliations practised upon individuals totally unconnected with illicit distillation. Those observations bear the signature of Mr. Coffey; and though they are put forward in his name, they are evidently dictated by others. I believe, however, that he is the real author of a few of the remarks, and am justified in that belief by the style of his composition: for instance, in the 36th page he asserts, that one of my statements "is altogether at variance with fact, and that it is scarcely possible but that I must have known it to be so." In his pamphlet are to be found other expressions of similar tendency, which are pardonable in a man who does not appear to attribute much importance to the usual courtesies of society. I will therefore pass them over, without reply, and confine myself principally to those

parts of it which appear to have issued from the persons who have employed him to engross their statements.

I am very much surprised at the author of these observations, for asserting that the greater number and most atrocious of the outrages detailed by me were committed long before the existence of the statute to which I attribute them, as all those which I have recounted took place since the year 1807, and fines were imposed on parishes for illicit distillation, by an act which passed in that year, and which is referred to, and included in the statute which I quoted.*

Mr. Coffey is also wrong in asserting, that I impute the origin of illicit distillation to a sudden change in the distillery laws, as no such allegation exists in my first letter to you; but I repeat that the number of private distilleries increased enormously on the adoption of the system of monopoly in distillation, and have been ever since the greatest bane to the financial and moral prosperity of Ireland. But Mr. Coffey also accuses me of ignorance, in asserting that small stills were suddenly prohibited from *working*, when I ought to have said that their *erection* was prohibited. I believe, however, that the expression is sufficiently correct, if it be remembered that those small stills which had been previously established, though nominally per-

* 54th Geo. III. Chap. 150.

mitted to work, were really impeded by insurmountable obstacles.*

I ought to apologize for occupying your time with any remarks on petty cavils of this description, but I am compelled to take notice of them, as Mr. Coffey, in the subsequent pages of his observations, assumes such matters as grounds for impeaching my honesty.

I am next overwhelmed with official returns, purporting to prove that an increased consumption of legal spirits has been occasioned by the present system of monopoly. If, however, those returns are entitled to credit, the increase can be easily accounted for by the augmented population of Ireland, which is multiplying in a ratio far exceeding that of legal spirits, as published in the doubtful documents which Mr. Coffey produces.

The author of the observations seems indignant at the Irish gentry, because they have not always acted as gaugers. The justice of this indignation will not, I believe, be very evident to you, or to any other inhabitant of Great Britain; especially if you peruse the voluminous list of Irish Excisemen paid by the nation to repress smuggling. The nobility and gentry of Essex,

* From the 24th of June, 1792, it became unlawful to license any still under 500 gallons, until the year 1813, when an Act passed, enabling the Board of Excise to license smaller stills on impracticable conditions. Some trifling indulgencies have been granted since that time; but it is impossible to confide in licenses, as they are sometimes capriciously discontinued.

Sussex, or Kent, would be astonished if an English Exciseman were so bold as to vent his anger against them in print, because they do not personally explore the haunts of the smugglers who abound in those counties, and because they do not occupy their time in pursuing and seizing them, and searching for their bales of lace and their casks of brandy. And yet it does not appear that the gentry of Ireland, who have the misfortune to reside in mountainous districts, have ever encouraged illicit distilleries.—On the contrary, they generally discountenance them; and those among them who are magistrates, lend their aid in the execution of the Excise laws.

Mr. Coffey, however, accuses them of promoting the violation of the Revenue Laws, especially those gentlemen who inhabit the county of Donegall; and without pretending to produce any facts in justification of his charge, he endeavours to prove it by shewing that illicit distilleries increase the rents of land, by raising the market for grain, without recollecting that lawful distilleries would effect that purpose better than the unlawful.*—He then infers the misconduct of the gentry from what he terms their interest, and the substance of his argument is as follows:—"They are tempted to vio-

* In many parts of Mr. Coffey's observations there is a confusion of terms respecting lawful and unlawful distillation.

late the laws by countenancing smuggling, and therefore they *do violate them*." This conclusion may appear fair to the author of the observations, but it does not seem just to me, who happen to know many persons who can withstand temptation.

But the most extraordinary proof which he produces of the misconduct of the Irish gentry is an extract from a petition from Mr. Robert Young, a gentleman to whom I alluded in my former letter, and who suffered in a peculiar manner under the unjust severity of the Excise Laws. It would appear from Mr. Coffey's statement, that Mr. Young, in his petition to the Irish Board of Excise on that occasion, accuses *landlords* of illicit distillation, though he expressly attributes that offence to some of the *landholders*. It is strange that Mr. Coffey should have quoted the words of this petition, for they directly confute his conclusion. Mr. Young stated, that it was hard that he (a landlord) should have suffered more severely than those *landholders* (tenants), who have uniformly encouraged that unlawful trade. Mr. Young has distinctly disavowed any accusation against the country gentlemen by his expressions in this instance, and I cannot comprehend why Mr. Coffey should consider them in that light. It is extremely unpleasant to me to trespass on your patience by refuting such observations as

these, where, instead of discussing rational arguments, I am obliged to mark the author's ignorance of the English language.

Mr. Coffey states, in the eighth page of his observations, that I virtually admit that it is both the interest and practice of some of the Irish gentry to encourage illicit distillation, and he then represents me as the author of the following words, viz.: "that the law against that practice would, if successful, be a prohibition of agriculture in the poor and mountainous districts." In answer to which, I must request of you to read the whole of the 98th page of my former letter, from which Mr. Coffey asserts that he makes his extract. You will then see how far my meaning has been perverted; and I cannot persuade myself that, when I recommend the erection of legal distilleries, it is fair to insinuate that I am demonstrating the interest which the gentry must have in the encouragement of *illicit* distillation.

Mr. Coffey immediately afterwards makes a strange inference from my assertion, that the soil in the mountainous parts of the county of Donegall is barren, and the inhabitants numerous; for he concludes, that nothing but the practice of illicit distillation could draw a superabundant population to places so uninviting.— In answer to which I reply, that the inhabitants

are not *drawn** there, because they are *born* there. He then says, "that their poverty proves that the profits of their illicit distillation centre at last in the landlord;" but this conclusion depends on two mistaken assumptions—one, that *all* the inhabitants are illicit distillers—the other, that they give to the landlords the profits of their trade,† neither of which is founded on fact, especially as a majority of them are not landholders.

Mr. Coffey, after drawing the above conclusion, says that it is in vain for me to assert, that it is not the interest of the Donegall landowners to encourage smuggling; and adds to it, in a note, a charge against me of subsisting on the profits made by such violations of the law. I cannot, however, avoid the repetition of my assertion, that the landlords and the clergy are both materially injured in their circumstances, by that ill-fated habit. An illicit distiller generally hires labourers and horses to assist him in his work, and I am persuaded that the same sum of labour, when increased by his own work, would produce a greater profit if applied to the cultivation of the barren land, which generally abounds in such districts; so that the landowners and the clergy are considerable losers by illicit distilleries.

* To all strangers who have visited Ireland, the superabundant population of the mountainous districts has caused astonishment.

† The profits of their trade generally centre in another class of persons, to whom I shall presently allude.

With respect to the rate of tithes being affected by illicit distillation, I think it necessary to make a few remarks. An acre, according to the Irish measure, is greater than an English acre and a half. For the tithe of an Irish acre of barley, Mr. Coffey thinks that 12s. is a valuation much too high.* If, however, it be considered that twelve Irish shillings are about eleven British, this circumstance, added to the difference of measure in the acre, will bring the charge for tithe to the rate of about seven shillings and sixpence British, for the tenth part of an English acre of barley. It has always been the practice of agitators to calumniate the clergy of Ireland, especially on the subject of their tithes, and I therefore think it peculiarly necessary to shew you the foundation on which such charges rest, and I earnestly hope that Parliament will soon take into their consideration the propriety of ordering an inquiry into the rates at which the Irish tithes are let, for in that case I have no doubt that the moderation of the Irish clergy will appear to be greater than that of any other

* Though the general description of Donegal is that of a county abounding in waste lands, yet there is some good soil in it on which barley is generally cultivated. I cannot, however, recollect any instances of twelve shillings having been charged for the tithe of an acre of barley in Innishowen.—Mr. Coffey grounds his assertion on the report of an investigation held in presence of a Commissioner of Excise at Londonderry, in the year 1816. That report, as produced by the Irish Board of Excise, has been printed, by order of the House of Commons, and the testimony to which he appeals is not to be found in it.

class of the community, and that they voluntarily resign more than half the value of their benefices. Mr. Coffey, in some of the observations which appear in his name, seems to have travelled beyond the subjects with which his occupation should render him familiar, for that which affects the rates of tithes appears to be very erroneous. He brings it forward to support his assertion, that the price of barley is increased three hundred per cent. by illicit distilleries, forgetting that the low charge which he instances, as made for the tithe of a rectory, rather proves its depreciation.

From all the documents, therefore, which Mr. Coffey has brought forward to prove the corruption of the Irish gentry, I may justly infer that he has failed in establishing the truth of his assertion; that he has not produced one instance which supports him, and that, on the contrary, he is confuted by many of his own facts and his own arguments.*

* As an illustration of his charges against the gentry of the county of Donegall, the author of the observations produces in a note, answers made by General Hart, one of the Representatives for that county, when examined before a Select Committee, in the year 1816. The part of his examination to which he alludes, is to be found in the 104th page of the minutes of evidence. The following are the words:—Q. “Do haymakers drink parliament whiskey? A. I should think not, if they could get any other.” Q. “Did your haymakers drink parliament whiskey or not? A. I would not give it to them if I could get any other.” These answers prove General Hart’s opinion of the insolubility of the spirits made in legal stills (commonly called parliament whiskey), but they prove nothing more. If Mr. Coffey had been the real author of that note, he would have probably added, that

On the subject of the corruptions of Excisemen, Mr. Coffey appears to be somewhat rash in defying me to produce the names of the parties accused by some of the inhabitants of Innishowen, and he injures his own cause when he ventures on a general denial of the charge. With respect to the suppression of those names, I consider the reason given in my former letter to you as a sufficient explanation of my conduct; and my forbearance at that time arose from reluctance to expose any person on the authority of a simple affidavit. The question relating to the corruption of Irish Excisemen will, however, be set at rest by the following authentic documents, exclusive of those which are given as a supplement to this letter.

the illegal spirits which had been seized were generally sold by auction, and made legal at the Revenue Stores in Londonderry, from which town General Hart's residence is about four miles distant. As an Excise Officer, Mr. Coffey had peculiar means of knowing this fact, which, if it had been brought forward, would have thrown some light on the meaning and object of his note.

The following extract from the testimony of Mr. Hawthorn, the chief Commissioner of Excise in Ireland, will enable the public to judge of the grounds on which Mr. Coffey's charges rest.

Question. Have you any complaint to make generally in regard to the conduct of the country gentlemen, in the want of zeal and co-operation in suppressing illicit distilleries? Answer. I have no complaint to make against the country gentlemen. The above minutes of evidence, p. 137.

Extract of a speech delivered by the Right Honourable John Foster, Chancellor of the Irish Exchequer in the House of Commons, 13th of March, 1805.

“The Excise, it is true, has not answered in the prospect of an increased collection, particularly as to the great object of the distilleries. In talking of the collection of the revenue, I believe many gentlemen who hear me can bear testimony that there is not a city or county in Ireland where the duties on distilleries are collected; they are not collected in the counties of Donegall, Tyrone, Cavan, or any one county in Connaught. I may almost say, there is hardly one licensed still in them. As to Dublin, I will not enter into the detail of how the distillery stands there; we know it is a common topic of conversation. I will only say, that among the many distillers I have talked with in Dublin, there is scarcely one who has not actually avowed to me that he did defraud the revenue; that he was under the necessity of doing so for the sums he was under contribution for to the Revenue Officers, and that he could not exist if he paid both them and his Majesty’s duties. Not very long ago the whole of them, seventeen

or eighteen in number, refused to be examined on oath before the Commissioners, and sent in a memorial, by way of apology, formally signed by them, stating that it would be an act of perfidy in them to disclose facts which must tend to the injury of others, and that they could not, as men of honesty or honour, submit to be sworn to give answers or make discovery; I have a copy of the memorial. I will add one circumstance more among the many which I could mention, that in the books of a distiller there, who became a bankrupt, was a charge, as I am well informed, of £1,200 paid in one year as a compliment or contribution to the Revenue Officers on him. The wretched system which is pursued with regard to the officers, is one great cause of the bad collection; their salaries are so small, and their habits of expense so great, that human nature cannot be expected to resist the temptation they are subject to. We must raise their salaries liberally, establish gradations in their amount, through which merit and merit alone shall raise the officer, before we can hope to rescue the distillery from fraud and speculation. All the exertions of the superior officer will be inadequate without this measure being adopted. I hope soon to offer to your consideration means for ameliorating the whole system: it wants amendment. It will hardly be believed

in this country, that the Sub-Commissioners of Excise, before whom almost every matter of revenue, whether import, export, or internal is tried, are themselves seizing officers; that in every trial their own case, in some other place, may be at issue; that their interests, their education, their habits, lead them naturally to a bias against the defendant. How can a jurisdiction so constituted be palatable, or how can it expect that efficacy and vigour which the whole country might be inclined to give to the decisions of Magistrates, or the verdicts of Juries?"

*Extract from the Fifth Report of the Commissioners appointed to enquire into the fees, gratuities, &c. of Public Offices in Ireland, page 153 and 154.**

"(EXCISE—DISTILLATION OF SPIRITS.)

"After describing the system established in Ireland for the collection and security of the duties arising from licensed distilleries, and the general conduct of the officers who had the immediate charge of them, we wish we could add, that the several regulations for the support of that system appeared to be so efficiently and faithfully executed by the Officers, as to have become an adequate protection for the revenue;

* This Report was published in the year 1807.

but, on the contrary, our enquiries have developed to us a scene of almost incredible neglect, collusion and fraud. When we advert to the depositions of several eminent distillers, one acknowledging that he frequently made 5,300 gallons of spirits in the week, at a time when he was charged with 2,057 gallons only; another, that he usually made between 9,000 and 10,000 gallons of spirits weekly, when his charge was but 4,970 gallons, and that, but for some defect in his apparatus, he could have made a yet greater quantity; a third, that he made on an average 6,500 gallons, and sometimes 7,000 weekly, when charged with but 3,500; and a fourth, that he believes the spirits privately made by distillers in general, were at least equal in quantity to the spirits with which they were chargeable; and when we find all the examinations concur in stating, that the distillers everywhere made considerable quantities of private spirits, we probably should not exaggerate, if we compute the private spirits made by licensed distillers to have been more than equal both to those which paid duty and those exported from the King's warehouses. The average amount of duty paid in the two years, ending 29th September 1806, was £714,241. 10s. 6d. and the quantity of spirits exported from the King's stores on the average of two years, ending the 10th of October 1806, was 654,558 gal-

lons, the duty on which would have amounted to £141,820 18s. 0d. If, therefore, we were well founded in the computation of the quantity of private spirits made by the distillers, of which their testimony can leave little doubt, it will follow, that by the frauds of licensed distillers alone, the Revenue has, on the average, sustained a loss of £856,000 and upwards, for each of the two last, and perhaps several preceding years.* This monstrous fraud on the Revenue, we are sorry to remark, could not have been effected but by the collusion and connivance of the officers, whose corrupt intercourse with the distillers appears to have been general, and would, almost without other evidence, be manifested by the enormous amount of their fees.

From the appendix to the same, page 193 and 194, being an extract of the deposition of James Forbes, Esq. taken on oath, on the 11th, 15th, and 18th days of September 1806.

“ There is ground for suspecting the seizure of unlicensed stills to be in many instances preconcerted; and that the distiller stipulates to afford the opportunity of making a seizure, upon condition of the officers forbearing to prosecute. We cannot, except on the supposition

* If the Commissioners of enquiry had also calculated the frauds and unnecessary expences attendant on the system of suppressing illicit distillation, they would have computed the annual loss to the nation at a sum approaching to three millions sterling.

of some compact of this nature, account for the extraordinary disproportion between the number of seizures made, and of informations brought. It might, therefore, possibly, be advisable to extend the principle already acknowledged, in the partial reduction of the rewards, by adding to the present amount of them, where the seizures are followed by convictions; and in other cases withdrawing them altogether from the Officers of Excise. We have dwelt the more fully on this part of the subject, because we are persuaded, that the frequency of convictions, especially of individuals concerned in unlicensed distillation, would be amongst the most probable means of effecting its suppression.

“ Notwithstanding the severity of the laws in force against unlicensed distillation, they do not appear to have answered the end proposed.”

Extract from the examination of W. B. Swan, Esq. taken on oath, the 12th, 16th, and 22d of September 1806.—Page 229.

“ Examinant saith, that in his opinion, preventive Surveyors and Gaugers who have no salaries, very much encourage private distillation, that they may lay under contribution those who are concerned in it; and he believes that many of them draw therefrom a very considerable income.

“ Examinant thinks, that the bounties of Revenue Officers, and the Military, for the detection of private stills. are in general very fraudulently obtained, and thereby a great expence to the Revenue improperly incurred. Examinant is of opinion, that the easy manner in which these bounties are obtained, is a great temptation to such frauds. He thinks it would be better to allow the military double the present subsistence money, and that the bounties should in future be paid only out of the penalties levied on the parishes, which would give the Revenue Officers and Military an interest in the successful issue of the prosecution. Examinant conceives, that if private stills were effectually put down, public stills would, in many instances, be erected, whereby a great increase of Revenue would be produced.

“ This Examinant saith, that private malting is also carried on to a considerable extent in Ireland, but more especially in the counties before enumerated: the general practice in this case is, to wet the corn in sacks in bogs; it is then brought into barns to be worked, thence to places called corn-kilns to be dried; it is afterwards ground at some country mill, and sent to the private distiller.

“ Sometimes malt is purchased from a licensed maltster, for the purpose of being used in private distillation; in these cases a permit is taken out in the name of some neighbouring

gentleman, who may be reasonably supposed to have occasion for it for his own brewing. He is of opinion, that the selling of private malt and spirits to the owners, after seizure and before condemnation, which is very much the practice though prohibited by the Board, is a great inlet to private malting and distilling, the private maltsters being usually either private distillers or concerned with them."

In order to expose the fallacy of my statement respecting the corruption of Excisemen, I am represented in Mr. Coffey's observations as having said that they enter into collusions with those who are seeking to destroy them. In this exposure of my absurdity, however, the author has been compelled to make use of his wonted stratagem of confusion. The fraudulent compacts which were formed between Excisemen and Distillers, took place *previously* to the fining system; but *subsequently* the distillers have been outbidden by the still fines, and corruption has run in another channel. As a proof that this is my meaning, I must refer you to the 18th page of my former letter, wherein I represented to you one of the erroneous arguments in favour of the fines, viz. that they would induce the Excisemen to do their duty.*

* In several cases, however, collusion has existed since the commencement of the fining system, as the Excisemen occasionally forego the advantage of a fine for the purpose of nurturing the profitable evil of illicit distillation.

That their corruption is still maintained by their superiors in office, I again assert; for some of those persons, whose guilt was established at an investigation before Mr. Thery, one of the Commissioners of Excise, in the year 1816, are now in employment, and receiving pay under the authority of that Board. Mr. Coffey need not taunt me on this occasion with defiances to produce the names of such persons. I am willing to give them up to any competent and disinterested tribunal.

Mr. Coffey next proceeds to impeach the correctness of my statement respecting an Excise-man who was convicted of fraud at Londonderry, and has been, since that time, elevated to a confidential situation. He grounds his denial upon his ignorance of that fact; but I can assure Mr. Coffey that it is, nevertheless, true, and perfectly capable of proof.

But as a conclusive proof of my tendency to misrepresentation, he says that I have not fairly stated the number of articles for which still fines may be imposed, and he corrects my disingenuousness by asserting that singlings, and low wines are the same.* In reply to this, I must beg leave to inform you, that I did not allude to low wines in my former letter. I therefore think that he ought to correct the errors of those persons who have obtained his signature to untenable assertions, before he endeavours to

* P. 16 of Mr. Coffey's observations.

convict me. On this subject, however, I can appeal to many persons who were present at the assizes for the county of Donegall, held in the summer of the year 1814. On that occasion Mr. Justice Moore expressed with becoming indignation, his horror at the gross attempts which were often made by Excisemen to impose several fines for one detection, by lodging a separate information for each article which they had seized.

As another proof of the laxity of conscience which pervades the lower orders of Excisemen, I am authorized to state, that at the last assizes for the county of Clare, a Gauger shocked and disgusted the whole Grand Jury* by an information against a countryman for smuggling tobacco, when upon being questioned as to the grounds on which he swore, he said that he *knew by the feel of the tobacco that it was smuggled.*†

I know not how to reply to all Mr. Coffey's cavils, without incurring the charge of unjustifiable prolixity. I will, therefore, in the present instance direct your attention to the leading points of the observations published under his name, assuring you, at the same time, that I can refute the others, however vexatious or trivial they may appear. The assertions contained

* Information from a Grand Juror who was present.

† It has been already stated by me, that gaugers are empowered to imprison, enslave, and transport their fellow men, by the accuracy of their sense of smelling.

in my letter are in most places accurately, and in all *substantially* true.

In answer to Mr. Coffey's allegation, that parishes at large are not liable to fines for illicit distillation,* I reply, that many thousands of pounds are due in the county of Donegall (and I believe in some others) for fines imposed upon parishes at large, where no vigilance of the individual inhabitants could have succeeded in warding off the imposition of these unjust and insupportable contributions.

The production of the errors of dealers in spirits and of licensed distillers,† is a strange mode of confuting my reasonings on the impolicy and cruelty of the fines on parishes and town lands, as those errors are the very points which I have attacked; one principal object of my former letter having been to convince such persons that they have mistaken the means of suppressing illicit distillation.

That this system has been unsuccessful in the county of Donegall, is evident to any person who knows that during the last two years fines have been incurred by the several town lands in that county, to the amount of thirty thousand pounds, notwithstanding that the Board of Excise had nearly destroyed some parts of that county by their previous severity in the levy of them; and be it remembered, that at the assizes held there in the *last month*, fines were imposed,

* Page 16 of his observations.

† Ibid, p. p. 20, 21.

for recent offences against the distillery laws, exceeding the sum of nine thousand pounds, a circumstance sufficient, I should think, to silence the clamours of all those misinformed merchants and interested Excisemen, who demand the continuance of cruelty.

Mr. Coffey's mode of accounting for the failure of the fining system* in that county would, however, be very amusing, were it possible to smile at any thing connected with this tragical subject. He asserts, that the disappointment is attributable to the *lenity* of the Commissioners of Excise, who, yielding to a mistaken humanity, have encouraged the peasantry, by too much indulgence, to continue in their illegal habits. If Mr. Coffey were not under the influence of that Board, I should deem this assertion a specimen of the most bitter and malicious satire. Whatever the frailties of the Commissioners may be, lenity is certainly not one of them. Their severity will be remembered for many centuries, in the unhappy districts where their indiscriminate cruelties have been committed; † and it is an instance of great imprudence in Mr. Coffey to expose this *amiable weakness* of his employers, at a moment when some parts of Ireland are still resounding with the groans of want, and the cries of despair—caused chiefly by their severity. ‡

* Ibid, p. 61.

† I beg leave again to repeat, that there are individuals at that Board for whose virtues I entertain respect, and who were probably absent, or in the minority, when the exceptionable measures were determined upon.

‡ Mr. Coffey extols the liberality of the Board of Excise for not levying in the year 1817 fines equal in amount to those which were taken in 1816. It

The following extract, from the evidence given by Mr. Æneas Coffey (when examined before the Select Committee of the House of Commons in the year 1816) contributes, with several other matters, to persuade me that Mr. Coffey is not the author of the greater part of the observations published under his name:—

Q. "What expectation of success have you in suppressing illicit distillation, provided the practice of fining town lands be adhered to? A. I think that if it be adhered to, and rigorously executed, it will succeed in rooting illicit distillation entirely out of the cultivated campaign part of the country, and, at least, *confine it to the more mountainous and inaccessible districts.*"

It ought to be remembered, that the mountainous districts constitute a large portion of Ireland, as you may see, by consulting the statistical surveys of the counties. It is probable that they contain at least a million and an half of souls.

The part, however, of Mr. Coffey's observations, which bears hardest on the credit of my former assertions respecting the failure of fines, is the semblance of official accuracy which ap-

is, however, difficult to glean property in a country which is laid waste. Mr. Coffey also censures me for stating that the peasantry of Innishowen supposed that the fines which had been imposed on them previously to the year 1814 exceeded the fee simple value of their farms. He grounds his censure on the suspension of the Act which authorized them, but he ought to have recollected that the peasantry are no lawyers, and that few persons can determine what parts of the distillery laws are suspended, what are repealed, and what are in force.

pears in the returns presented, apparently on the authority of the Board of Excise; on this point, however, I must trouble you with a few remarks as to their authenticity, and the mode of their application.

It is generally understood that the House of Commons have, during this Session, and the preceding one, ordered the production of a copy of an investigation held in Londonderry, in the year 1816, respecting the alleged misconduct of certain Excise Officers. This investigation was held by order of Earl Whitworth, at that time Lord Lieutenant of Ireland; and Mr. Thery, one of the Commissioners of Excise, was specially deputed by that Board to preside at it. Its object was to inform the Irish Executive as to the truth of some complaints which had been transmitted on the subject of the great oppressions committed by Excisemen. Instead, however of complying with the orders of the House, the Board of Excise directly disobeyed them, being influenced probably by the dread of publicity. They succeeded, however, in keeping the House of Commons in ignorance of the facts, during the last Session of Parliament, and repeated their contumacy at the commencement of the present one, until threatened (if I am correctly informed) with the consequences of their disobedience; when, at length, the document thus repeatedly demanded was produced, with at least *the half of the truth suppressed*, and that half contained matters

which it must have been disagreeable to them to reveal.

Another order was then issued for a true account of that investigation ; and after a further delay, a second portion of it was produced, again suppressing several most important facts, which I believe are still withheld from the House. Of this I have some right to speak with confidence, having been present at the greater part of that investigation, and having endeavoured, on that occasion, to expose the frauds and excesses of the persons employed by the Board of Excise, which conduct, on my part, appears to have displeased Mr. Coffey.

It would be highly unbecoming in me to suggest what conduct the House of Commons ought in this instance to pursue, for the purpose of enforcing respect to their authority ; for I am convinced that all the Members will see that such misconduct, if it pass unpunished, will form a precedent for future contumacy, and may eventually lead to serious infractions of the constitution.

In consequence of such conduct on the part of the Board of Excise, I do not hesitate to declare, that I disbelieve their Official Returns.

But granting, for the sake of argument, that their reports are authentic, I still maintain that they do not refute my assertions respecting the failure of the fining system, because the only considerable diminution of illicit distillation which they set forth, is represented as having

taken place in the year 1817, a time when the famine and high prices of grain effectually prevented private distillers from working. In Innishowen alone did illicit distillation exist at that period; for it was in Innishowen that the laws which authorize the imposition of still fines were most rigorously executed.

If, however, it could even be proved, that this unjust system had been attended with success, it is dearly purchased by the sacrifice of property, life, and morals; for no expediency, however great, can justify the doing of so much evil, that good may come of it.

As to the quantity of spirit permitted into the barony of Innishowen during the last year, the change could be fully accounted for, even granting that the official reports are credible, as it is easily explained by the practice generally adopted by licensed publicans; which is, the introduction of permitted spirits to their houses, in order that they may veil from detection their traffic in the illicit*.

The private distillers in that barony, however, have been of late considerably harrassed by two gentlemen attached to the police, who were sent there to apprehend felons, and are also employed as Excise Officers; but it is necessary to observe, that they neither take bribes *nor impose still fines*. I lament to say, however, that illicit distillation is still prevalent there, and that it has greatly increased in the adjoining barony.

* The conveyance of illicit spirits, by means of false permits, is notoriously prevalent in Ireland.

With respect to the great improvement which Mr. Coffey alleges to have taken place in Erris, I have only to observe, that he is considerably misinformed respecting that district of the barony of Innishowen.

Every thing possible was done by their landlord, Captain Charleton, to effect the destruction of their illicit distilleries; and the inhabitants jointly and severally swore, that they would neither distill privately, nor permit others to do so. Unhappily, however, some of the individuals who had bound themselves by those sacred obligations were lately detected in the act of illicit distillation. Among the evils which the present Excise system has extended in Ireland, one of the greatest is that of perjury; and if the Legislature does not soon interfere on this point, it is impossible to calculate the probable deterioration of the people. The great inducement offered to excisemen to impose fines, prompts them to commit that crime to gratify their avarice, while the ruin which menaces the peasantry, acts as a corresponding temptation to them to meet their informations by the same means.*

In the arguments which I have offered against the principle of punishing the innocent for the offences of the guilty, I am accused of supposing extreme cases. If they are extreme

* See 54th Geo. III. Chap. 150, Sec. 4th. This clause is not only contradictory to the spirit of law and the rules of evidence, but subversive of all honourable dealing, all moral sentiment, and all religious principle.

cases, the majority of them have had actual existence, as may be seen in the different documents which have been already made public.

Having stated in my former letter to you, that the powers with which Excise Officers are invested are very extensive, and that "the present existence of illicit distillation is a conclusive proof of their fraud," Mr. Coffey infers, that I have inadvertently given my testimony in favour of the fining system. It is evident that he mistakes my meaning; for I alluded to their power of personal punishment, which, if better modified, and honestly exerted, is more likely to intimidate offenders, than the legal calamities inflicted on their neighbours.

I know not in what terms to convey to you my astonishment at the 35th and 36th pages of Mr. Coffey's observations. He there puts into my mouth the sentiments which I had represented as the delusions of the peasantry, with respect to the establishment of the camp at Baskil, and then accuses me of wilful falsehood. Had I delivered all those opinions as my own, he might have also charged me with folly. His observations being so much misplaced at the commencement of his subject, it is no wonder that the remainder of his reasonings should be erroneous. He makes it, however, unnecessary for me to trace his mistakes, because after fighting me with great animosity, he suddenly deserts from the enemy to my side, and assists me

in carrying my point—he expresses his sudden concurrence with me on the very subject of our dispute, and agrees with me in saying, that the *camp had a very bad effect, and greatly encouraged smuggling in Innishowen.**

He soon, however, returns to his former party, and exposes my inconsistency, in asserting that the peasantry were irritated at a military force, which in the end did not molest them; and from this it would appear, that he conceives that a threat of destruction contains no offence, provided that subsequent events prevent its execution.

I conceived that I had shewn sufficiently that the peasantry were in a state of irritation previously to the establishment of the camp.† Mr. Coffey, however, thinks that I have omitted to do so. The only mode which I can devise for accommodating this difference of opinion is, to request that he will read my statement. As I do not wish to impute to him wilful misrepresentation, I will only remark, that he has not informed himself sufficiently to make just observations upon my letter.

As to Mr. Coffey's denial or palliation of the offences discovered on the investigation before Mr. Therry, it is sufficient to observe, that the

* He does not even undertake to defend the Excise Officers stationed in that camp, against the charge of encouraging the sale of illicit spirits in it. He probably confided in the *lenity* of the Board of Excise, which is very great towards *Excise Officers*.

† Page 67 and 70 of my former letter.

question is set at rest by the Board of Excise having thought it necessary to make compensation to several of the individuals whose cases appear on that investigation;* thus affixing an official stamp upon the justice of their cause. I cannot therefore but wonder at the imprudence of Mr. Coffey in bringing forward these cases against my statement, and introducing the names of Mr. Colhoun, to whom £100 was granted, of Moriarty, who was convicted of an outrageous assault, or of Newman, who was dismissed for his misconduct by order of the Lord Lieutenant—all of them instances so strongly confuting his allegations against my candour.

It is not likely that any person will be biassed much in favour of Mr. Robert Newman, the collector of fines, by the documents which Mr. Coffey produces in his favour. The appointment and retention of that individual (who is a cashiered military officer) fixes an indelible stigma on the character of the Board of Excise.† The verdicts given against him for his outrages,

* Mrs. Anne Bramhall, whose sufferings were entirely unmerited, is old, desolate, and unprotected, and has received no compensation. For an account of her sufferings, see the annexed affidavits.

† At a General Court Martial, held at Bombay the 12th of December, 1810, Lieutenant Robert Newman, of the 2d batt. 56th regiment, was arraigned for conduct unbecoming the character of an officer, and highly subversive of good order and military discipline, and having been found guilty of those charges, he was sentenced to be cashiered; and his Royal Highness the Commander-in-Chief directed that those charges, together with the finding and sentence of the Court, should be read at the head of every corps, and entered in the regimental order book.—Extract of a General Order issued from the Horse Guards, Nov. 27, 1811.—No. 222.

by disinterested juries, are set aside by Mr. Coffey's decision, who libels the administration of justice,* that he may contradict my statements respecting his outrages. Mr. Coffey would have employed himself to his country's good, if he had informed the public what portion of the many thousands of pounds (levied as still fines by Mr. Newman) has been accounted for; the number and description of the goods seized, and the manner in which they were sold. It would have been also a meritorious act in him to have furnished an exact copy of the *bond of security* which the Commissioners required of him when they employed him to levy indiscriminately so great a sum of money off the innocent and the guilty. Such documents as these would have thrown light upon the motives and conduct of the Board of Excise, and would have rescued its character from much suspicion and obloquy.

In order, however, to shew to the world the perjury of the juries which gave verdicts against Mr. Newman, the Excise Collector of still fines, Mr. Coffey, produces a *private* communication to the Board of Excise from their *own Solicitor* and their *own Counsellor*, who were feed by them to defend Mr. Newman in the actions to which I allude.† I do not say that these Excise law-

* Page 49, in which Mr. Coffey says, that a Revenue Officer tried in such a county as Donegall, is not tried by his peers.

† The Commissioners of Excise have hitherto employed their law officers to defend gaugers in actions of a private nature, and at the Lent Assizes for the county of Donegall, in the year 1817, two of them were supported

yers were influenced by the great incomes which they derived from the fees for imposing still duties, for I do not (like Mr. Coffey) consider temptation as the rule for determining the conduct of individuals; but I must ever protest against the *instructions of an attorney*, or the *brief of an advocate*, when produced as evidence against the decision of a Court of Justice. I must therefore still continue to believe, that the Board of Excise ought not to have appointed Mr. Newman to so confidential and delicate a situation as that which he filled, after his having been cashiered by a court martial; and that they ought not to have retained him in office after two verdicts had been given against him for flagrant misconduct.*

In the 53d page of Mr. Coffey's observations, he is peculiarly unfortunate in appealing against me to the testimony of T. Brady, as recorded in the minutes of the Excise investigation, held at Londonderry, because those minutes contain an admission of that individual, that he had stolen a mare from among the distrained cattle. On that occasion, it was promised that Brady should be immediately dismissed. He is still, however, under the protection of the Board of

Board in a case of a wanton and cruel assault upon a very peaceable individual, committed by them in their drunkenness when they were not on revenue duty.—The case was, *Doherty v. Underwood, &c.*

* It is generally believed that the Board of Excise made Mr. Newman's present of £500, exclusive of all the allowances previously ordered. Mr. Coffey, who has access to their confidential papers, will probably be able to ascertain this point.

Excise, and employed and paid as a gauger. After having made this unfortunate remark, Mr. Coffey proceeds to say, that I have contradicted myself, having in my former letter accused Mr. Newman of a robbery, though I had on another occasion denied it. I am not, however, aware of having applied that expression to Mr. Newman's forcible seizure of a purse of money from a man named M'Candlass. I ought, however, to have denominated that deed a robbery, if I had believed that Mr. Newman had not accounted for the money.

It is asserted in the observations (page 57), that I have stated, without authority, that blank Excise Returns contain columns for seized wearing apparel. This information, however, I have derived from a very respectable source,* and therefore I cannot retract my allegation.

It is remarked (in page 58 of the observations) that I listen to witnesses who reside in a country where perjury is common. If I do so, I imitate the conduct of Mr. Coffey, who brings forward the testimony of Excisemen in contradiction to my assertions. Were the Judges in Westminster Hall to reject those witnesses who come before them, because perjury is very common in London, Mr. Coffey would deem it an extraor-

* Mr. Samuel Lumsden, of the 50th regiment, who, having been ordered by Excisemen to attend them with a military force to levy still fines, saw those returns in May, 1816. That gentleman has rendered eminent assistance to the Magistracy, in quelling the insurrection excited by the execution of the Excise Laws.

dinary rule of Court. A perjured *individual* ought certainly to be an inadmissible witness.

The sum of money granted by the Grand Jury of the county of Donegall to repair roads and bridges, is adduced as an unanswerable proof by Mr. Coffey, that the levy of still fines could not have been severe; yet, strange as it may appear to Mr. Coffey, the Grand Jury were induced to grant a large sum for those purposes, in consideration of the exhausted state of the country. The money expended in making roads is received by the poorer inhabitants of the counties which contribute it; so that the Grand Jury rates, when restrained within due bounds, afford a seasonable relief in times of distress, by affording to the poor pay and employment. This measure was earnestly recommended by the Judges of Assize in several counties in Ireland during the last year, and it in some degree alleviated the general misery.

You will observe that Mr. Coffee, in endeavouring to explain, by an evasion, the breach of faith committed in seizing grain contrary to the spirit of the Board's proclamation, seems to think that it was justifiable, because the *sufferer is a tinker, and because he makes stills for smugglers*. These reasons, if they were even sufficient, are produced on the authority of Mr. Coffey himself.* But to any person who will take the trouble of reading the affidavits annexed to

* Page 65 of the observations.

my statement of that transaction, it will appear that the quibble which Mr. Coffey has been instructed to use will not apply to the case.

As a proof that Excisemen are not interested in the collection of still fines, Mr. Coffey asserts, that the responsibility of the Treasury for their moiety of the fines must make it appear that a sense of duty is the motive which urges them to levy them—(page 66 of the Observations.) He seems to have forgotten, that those who collect them are granted a reward, by the Board of Excise, for every pound which they collect, exclusive of that moiety.

It is not easy to reconcile to the old rules of evidence the account given by Mr. Æneas Coffey* of the Rev. Lucius Cary's conduct towards Excisemen, as he rests the truth of his assertions on the minutes of evidence taken before a Committee of the House of Commons. But in order to enable you to comprehend the full effect of his representation, it is proper that I should inform you who the witness is whose testimony he cites. *He is no other than Mr. Æneas Coffey himself!!!*† so that Mr. Æneas Coffey con-

* Page 69 of his observations.

† Mr. Coffey's statement is as follows:—Part of the evidence given before that Committee, relative to that *Reverend* Gentleman, and which remains uncontradicted, was, that he imported “man traps into Derry, for the avowed purpose of catching any Revenue Officer that might attempt to come into his grounds;” and that, when summoned on a Revenue trial, to give evidence against one of his tenants, he addressed the lawyer who conducted the prosecution, in such words as the following:—“You know a Revenue oath is of no consequence, and you will find me of very little service

firm the charge of murder and perjury against a Clergyman, by appealing to the authority of Mr. Æneas Coffey! Such are his grounds for destroying the characters of individuals! Had Mr. Coffey lived in other times, he might have instructed Blackstone in the nature of testimony, or enlightend Locke on identity and diversity.

It is, however, possible that Mr. Cary may have used, in jest, the expressions imputed to him, especially the satirical remarks on the perjury of Revenue Officers; but Mr. Coffey has, in his observations, given him a memorable lesson on the necessity of preserving in future an unchangeable gravity, and abstaining from social gaiety and lively conversation.*

In the 73d page of Mr. Coffey's observations, he dwells much on an inaccuracy in my former letter to you, respecting a very oppressive measure towards a respectable individual, who, from public spirit alone, had been induced to spend a large sum of money in the erection of a legal distillery, confiding in the regulations established by an Act of Parliament. This subject has caused much conversation of late years, and I have several times heard the matter related as I have described it. A trivial discordance, however, between Colonel Barry's testimony, and to you;" then turning to the smugglers, who were in great numbers in Court, he continued, "Now, my boys, you shall see how I will switch for you," or some such words.

* Mr. Cary imported man traps to intimidate robbers from pillaging his gardens and cutting down his trees.

the story as it was reported to me, affords to Mr. Coffey an opportunity for a warm attack on me, in which he aims his blows both at my head and my heart; but the entire of my crime appears to consist in my having stated that the Board of Excise *withdrew* his license, when I ought to have said that they *refused* it. The hardship, however, which that generous gentleman incurred by the refusal, was precisely the same as that which would have been caused by the resumption of a license previously granted.

On this subject he indulges himself in a considerable degree of exultation, which he will pardon me for interrupting by the production of the following document.

Copy of an Order issued by the Commissioners of Inland Excise in Ireland, to the Collector of Excise at Belfast.

Excise Office, Dublin, Dec. 24th, 1816.

No. 537.

SIR,—You are to apprise the proprietor of the distillery at Carrickfergus, that a large still being about to be erected at Belfast, the policy of licensing a small still so near Belfast will then cease, and that the Board think it right to give him notice that it is their intention not to renew the license for such small still on the expiration of the present one at Michaelmas next.

By order of the Commissioners,

GEORGE WALLER.

SIR,—The above is the Copy of an Order which has been received here concerning your distillery, which I hereby communicate to you.

I am, Sir,

Your obedient Servant,

ISAAC FLEMING, Pro-Collector.

To Mr. John Thompson,

Carrickfergus.

The following Petition to the House of Commons, on the same subject, will also contribute to shorten the duration of Mr. Coffey's triumph.

To the Honourable the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled.

The Petition of John Thompson, of Carrickfergus, in the county of the town of Carrickfergus,

Humbly Sheweth,

That your petitioner commenced distilling in Carrickfergus, under the Small Still Act,* in the year 1813; from which period, till the 12th day of December, 1816, your petitioner had expended in his concern upwards of £6000 sterling; that on the said 12th day of December your petitioner was served with a notice from

* The statute which is called the Small Still Act, is totally useless to the peasantry.

the Commissioners of Excise in Ireland, acquainting petitioner that they would not renew his license after Michaelmas then following, on account of a larger still being about to be erected in the town of Belfast. That your petitioner sent a remonstrance to the Board of Excise, but received no reply.

That on the 26th day of December last, your petitioner applied for licence to work a still of 60 gallons contents, at the same time consenting to be charged with 200 doublings per month; this the Board of Excise refused to grant; and your petitioner submits, that the present law does not empower the Commissioners of Excise to refuse such licence, when the distillery formerly worked under the Small Still Act, and the distiller consenting to be charged with two hundred doublings per month.

That your petitioner has at the same time to state, that the Board of Excise has granted licence, on similar applications from other houses in the trade.

That your petitioner has repeatedly made application for a licence adapted to the extent of his concerns, but has as repeatedly been refused.

That your petitioner having laid out so large a sum of money on his distillery, was induced to consent to work a larger still than his work would admit of, as the Board of Excise would grant no other licence to your petitioner.

That your petitioner having attempted to work the said last still for the last five months, is now obliged to abandon the trade, with a loss of £1000 sterling, besides charges unjustly preferred against your petitioner by the Excise for a very large amount.

That your petitioner has further to state to your Honourable House, that he has repeatedly called on the board of Excise for an investigation into the improper conduct of some of the officers in charge of petitioner's distillery, and has as often been refused; and your petitioner has not been left any other alternative than to appeal to your Honourable House for redress.

Your petitioner therefore prays your Honourable House will take his case into consideration, and order the Commissioners of Excise to grant him such a licence as by law he has a right to, and order them to have petitioner's grievances investigated. And memorialist, as in duty bound, will pray.

JOHN THOMPSON.

Carrickfergus, April 21, 1818.

With respect to the powers thus exerted by the Board of Excise, I think it unnecessary to trouble you any farther; for the injudicious defence which has been put into Mr. Coffey's hands, has elicited such evidence on this point as must silence all disputes on the subject.

On my proposal, that small stills should be indulged with some concessions, Mr. Coffey's advisers have furnished him with the following remarks:—*

“Inexperience is at all times fertile in invention, because it is unchecked by the difficulties of execution; but few will agree with Mr. C., that it would be an easy matter to create, by Act of Parliament, an arbitrary boundary between the richer and the poorer districts,” &c.

He afterwards says: “the subject is fraught with great difficulties; and when Mr. C. said it would be an *easy matter* to legislate on the principle he proposed, he was bound at least to enter into some details to show the apparent practicability of his plan.”

It appears that the real authors of these remarks are not influenced by the *argumentum ad verecundiam*, as their assertions are in direct opposition to the sentiments of an individual whose situation deserves respect—the Chairman of the Irish Board of Excise. Mr. Coffey, an Excise Inspector,† could not have presumed to arraign in such terms the opinion of the chief of his department; so that I am fully justified in my belief that he has had a very small share in the composition of the pamphlet which bears his name—a name to

* Page 80.

† A sort of upper gauger.

which I sometimes allude from necessity, as it is that which appears in the title-page. It is not therefore necessary for me to assert that this regulation has succeeded in Scotland,* as it may suffice to quote Mr. Hawthorne's opinion, which, *in this point at least*, favours my proposal.

The following are extracts from the evidence given by Charles S. Hawthorne, Esq. Chief Commissioner of the Irish Board of Excise, some parts of which are not in unison with Mr. Coffey's sentiments.

"Be good enough to state, as fully as you can to the Committee, what in your opinion would be the effect that a reduction of the duty upon legal spirits would have in suppressing illicit distillation." "If a sufficient coercion be kept up on illicit distillation, I should think a reduction of duty to such a rate as might induce the consumption of legal spirits instead of illegal spirits, would greatly tend to its suppression. My opinion is shortly this, that in order to repress illicit distillation, so as that the Revenue would be in a state of safety (for total suppression is not to be expected) the system ought to consist of a very vigorous coercion upon the one hand, and on the other

* The licensing of small stills on favourable terms in the smuggling districts of Scotland, has within the last year increased the revenue of the country near £160,000.

of measures calculated to induce the people voluntarily to abandon their illicit practices: the coercion to which I refer is, that of maintaining the laws imposing fines upon town lands, or places where the offence is committed, in their full vigour; the inducements would consist in reducing the duties on home-made spirits to a lower rate than they are at present, and in liberally encouraging the establishment of small stills, viz. of the contents of between 65 and 44 or 40 gallons, with a view of affording a ready market for the corn of the country. With respect to the duties, I should be inclined to propose a reduction thereof with reference to the kingdom generally, and a further reduction by way of drawback to the consumer in the principal illicit still districts. It may be apprehended that this latter regulation may give rise to frauds against the Revenue; but I think that measures may be devised to guard against such frauds, principally by warehousing all the spirits brought for consumption into the illicit district from other districts, and also all spirits produced by stills erected within those districts; such spirits to be sent into consumption from the warehouse only; and by not allowing any spirits to be permitted out of those districts, except from the warehouses in which they were originally deposited. My object in proposing a reduction of duty, with reference to the kingdom generally, is to pre-

vent, if possible, illicit distillation spreading into, and becoming habitual, in those districts where it has only recently appeared and is not rooted; and my view in proposing a low duty in the principal illicit still districts is, to induce the people, by a reduction of price, to substitute the use of legal spirits for that of illegal spirits.

“What effect do you think that the reduction that you mention would have upon the revenue of the kingdom?”—‘If the reduction I mention shall have the effect I expect from it, namely, that of suppressing illicit distillation, or rather confining it within narrow limits (for, as I have already said, total suppression is not to be expected), it would be highly beneficial to the revenue in point of produce; but I consider the evil of illicit distillation to be so very great, that I think its suppression would be desirable, even at the sacrifice of some revenue, which, supposing it to take place, would, I believe, be but temporary.’

“Then you do not think that the operation of the fining system alone, unless accompanied with a reduction of duty, will suppress illicit distillation?”—‘I do not think that the operation of the fining system alone, without measures such as I have suggested, or others founded upon the same principle, will suppress illicit distillation.’

“Then you consider the reduction of duty

one of those measures?"—"I am not aware of any other that will be so efficient, in aid of the fining system, as a reduction of duty."

"Have you any doubt, putting out of the question the illicit distilleries, that the effect of lowering the duty throughout the kingdom at large would be exceedingly injurious to the morals of the people, and the quiet of the country?"—"From any thing that I know or have heard of, I don't think that the lowering of the duty to 4s. British per gallon (which would be the result of my measure) would have the effect now mentioned. I am not aware that, when the duty was 4s. a gallon, that there was a greater excess of drunkenness than there has been since it has been 6s. a gallon; nor am I aware that, when the half duty was in operation, which had the effect of reducing the duty from 5s. 6d. to a rate below that, in proportion to the quantity of excess spirits produced, drunkenness prevailed more than it had before."

"Do you consider that the effect to be produced by a reduction in the duty upon spirits is of so much consequence, that it must necessarily and essentially form part of any system for the suppression of illicit distillation?"—"It certainly would form part of any system to be framed by me."*

* These extracts do not countenance a report, generally prevalent, that Mr. Hawthorne has lent his assistance in the composition of the pamphlet which bears Mr. Coffey's name.

If those persons who dictated Mr. Coffey's observations will consider the above suggestions of Mr. Hawthorne, they will perhaps excuse a country Clergyman for having uttered the same sentiments.

It now remains for me to rescue my own character from the charges which Mr. Coffey has brought against it:—they are more than insinuations, and demand from me distinct answers.

In the 41st page of his observations, he makes the following remark:—

“If, for example, he had detailed the horrible manner in which the population expressed their savage joy when they had obtained the important triumph of murdering a soldier, in 1807, the brutal indignities which they practised on the unfortunate man's body in the plenitude of their exultation—if Mr. C. had detailed some of these things, his readers would be better able to appreciate the value of his eulogium on the general character of the Innishowen smugglers.”

I should have incurred the charge of egotism, had I unnecessarily informed you of my conduct on that occasion. In the present instance I do not bring it forward with a view to praise, because what I did was no more than my duty. If the nominal author of the observations will inspect the orderly book of the 2d Dragoons (or Scotch Greys), then quar-

tered at Londonderry, he will find that, instead of merely issuing a warrant, I obtained from the commanding officer a party, with which I proceeded in the night to the neighbourhood where the murder was committed, and after a troublesome search, personally apprehended and committed to gaol the individuals who had been identified as the criminals. If I am not greatly misinformed, he will also find an account of that transaction in the Chief Secretary's Office in Dublin Castle; so that I may venture to deny the charge brought against me by Mr. Coffey, of making eulogiums on smugglers and murderers.*

Mr. Coffey is also much mistaken when he says that I accuse the Judges of partiality in the administration of justice, and that I am drawn into the most violent invectives against all branches of the Government. On the authority of Sir John Stewart, the late Attorney-General of Ireland (a Privy Counsellor and Representative for the county of Tyrone), I mentioned an unexpected decision of a Judge, respecting a notice for trial. I did not presume to determine whether the point was ruled right or wrong, though it appeared unusual; but I totally deny the assertions which he makes respecting my invectives against Courts of Justice, and against all branches of the Go-

* On that occasion I was not able to ascertain that any indignities had been offered to the body of the deceased.

vernment.* If I have uttered them, I hope that he will inform me when, and where, and how.

I do not know of any part of my former letter to you in which I have directed animadversions against the Executive Government; and if Mr. Coffey says that I have expressed regret at the pardon of two soldiers who were convicted of murder, I must beg leave to inform him that he could not have read my letter.

In a note to the 31st page of the observations, the following passage occurs:—"It is curious to observe the tenderness with which Mr. C. describes these acts of rebellion committed by the smugglers of Erris; not a syllable of disapprobation is expressed at their proceedings."

As a commentary on this last remark, I beg leave to lay before you the following extract of the evidence given by Mr. Æneas Coffey before a Select Committee of the House of Commons, on Irish distillation, in the year 1816:—

"Have any successful operations taken place against Erris, by parties who were resisted in any recent instances?"—"Yes; in October, 1815, Mr. Pentland, Surveyor of Excise, brought several seizures out of Erris, although the inhabitants kept up a continual fire on his

* Mr. Coffey in a note says, that I have retracted my charges against the Judges. On this subject, both as to preferring and retracting them, he appears to be totally misinformed.

party (which was occasionally returned) for several hours. In November, 1815, a party, with Mr. Collisson and some other Revenue Officers, made many seizures there, which he brought to Derry. He reported officially to me, that upwards of 200 shots were fired by the people on his party, and nearly as many returned. He also speaks with gratitude in that report of the conduct of the Rev. Edward Chichester, a magistrate, who on that occasion interfered to prevail on the people to desist, and ran great risk of being shot. There have been several other expeditions made into Erris since May, 1815; but these are the only recent instances of resistance there."

In this case Mr. Coffey is not so faithful to himself as he appeared to be in the case of Mr. Cary, but rather exposes himself to disagreeable criticism as to his manner of answering my statements. I will not say to you (as he has said of me), that he must have known that he was stating matters in opposition to fact; for the mere idea of falsehood is too disgusting to admit of such an imputation; but I am well warranted in saying, that the authors of the observations have been very ill advised in sending them forth to the public under the name of a man who does not appear to possess *a good memory*.

Mr. Coffey is, like all other Excise Officers, required regularly to attend assizes. As he

must have been present during the whole of the Lent Assizes for the county of Donegall, in the year 1816, he must have known that a man was convicted there of having fired at me several times while I was searching for a chief of Insurgents, who was in the habit of commanding them in their battles with the military who accompanied Excisemen. This chief was a deserter from the camp established for Excise purposes, and which, Mr. Coffey says, *had a very bad effect, and greatly encouraged smuggling.*

In making these exertions in favour of the Revenue, I had no merit whatsoever, because it is the duty of a magistrate to support the laws, even those of which he disapproves; but it is absolutely necessary to shew you the spirit of Mr. Coffey's observations, as these matters, which are well known to him, entirely escaped his memory at the time when his name was affixed to a pamphlet of which he evidently composed but a very small portion.

On reading Mr. Coffey's observations on my former letter, you cannot fail to remark, that he has adverted to but a very small proportion of the arguments and facts which it contains. The few which he has taken notice of, he has failed in refuting. The principal parts of my letter seem to have passed unobserved, and he does not appear to have detected me even in one substantial error.

The Official Returns which he produces are extremely questionable as to their authenticity; but if I even admit that they are well founded, they prove nothing to the purpose. That the famine of the last year must of itself have diminished illicit distillation, is evident to every body; and self-evident propositions do not stand in need of demonstration from excise returns. If the peasantry had been duly encouraged to distil in a legal manner, and the powers of personal punishment judiciously executed, illicit distillation must have been suppressed in Ireland many years ago. The Excise Department have the advantage of the most summary laws to enable them to punish guilty individuals.* They also enjoy the absolute command of the army, and it is evident that corruption alone impedes the steady execution of them.† The punishment of the innocent instead of the guilty is therefore unnecessary, if it were even just; and its success has always been in the inverse proportion of the intensity of its application.

In my former letter I stated the commission of many crimes, which never can be justified, even if the safety of the community were at

* These laws require much revision.

† It will be recollected, that the same persons whose profligacy Mr. Foster exposed in the year 1805 were continued in employment, and are at this moment the Excisemen of Ireland. It is the testimony of those men which imposes fines on innocent persons, and it is to themselves that a moiety of those fines is given.

stake; and in the observations made upon that letter, there is no allusion to them, except a general admission that the fining system is necessarily severe in its nature. A reply of this description cannot be very convincing to unprejudiced men, and I am sure it will not have any effect upon the Legislators of Great Britain. Nothing can be received as an answer to such a statement, except a confutation of the *whole*. If even a *tenth part of it be true*, grounds are afforded for the most painful invectives against the statute law of the British nation.

Exclusive of the direct expences caused by the fining system—exclusive of the encouragement given to illicit distillation by its tendency to render the peasantry smugglers, the finances of the nation are indirectly injured to an amount which baffles calculation. It is a plain proposition, that the public revenues of all nations will flourish in proportion to the morality and industry of the inhabitants; but unhappily it is demonstrable both from theory and fact, that this system has impaired the principles, and consequently the prosperity, of the Irish peasantry in every place where it has been tried. I already stated to you, that in the neighbourhood of *Ennis*, a considerable town in the county of Clare, many fines have been laid on town lands and parishes for illicit distillation, insomuch that the peasantry, remembering the past and dread-

ing the future, have despaired of legal redress, and resorted to the dreadful expedient of murder. The following occurrence, which took place on the *13th of the present month*, will convince you of the justice of my observation :—

For some little time past the Excise Officers have made more seizures than usual in the commons of Moyree, near the town of Ennis, where illicit distillation prevails to a considerable extent. On a late occasion, some country people accosted an Excise Officer in these words :— “ We know who gives you information against our stills, and you shall never see Bridget Cullinan alive again.” This notice, however, was not attended to, as the woman alluded to was unknown to the Excise Officer. It appeared, however, that a woman of that name did reside at Moyree, for she was soon afterwards murdered in a most cruel manner by a crowd of men who had combined for the purpose, and the dreadful deed was soon discovered, for on the following morning the body of this innocent victim of suspicion was found in a pool close to the spot where the deed was committed.*

* On this occasion an inquest was held by Mr. Ivers, a coroner for the county of Clare, and the jury found, “ that on the night of the 13th inst. John Burns, Martin Burns, Thomas Rougham, Patrick Sullivan, James Sullivan, Michael O'Connor, and John Whelan, together with other persons unknown, broke into the house of John Hynes, of Moyree, and thereout dragged Bridget Cullinan, whom they beat and abused in so savage a manner as to occasion her immediate death, and after her decease they conveyed her body to a pool of water, into which they threw it.”

The county of Clare (of which Ennis is the principal town) is situated in the south of Ireland, and the county of Donegall is in the north. Mr. Coffey, however, asserts, that it is only in the county of Donegall that illicit distillation has survived the effect of still fines. His pamphlet abounds so much with misinformation, that it would be an endless labour to detect all the instances where it occurs, and it is well known to every person except Mr. Coffey himself, that this system is productive of crimes in almost every place where it has operated; and so destructive are its consequences, that I shall count the moments with impatience until it shall be repealed or amended. It cannot be said that the crimes which I have instanced arise from any peculiarity in the Irish character, for if the same system were enforced in the most civilized part of England or Scotland, the attendant outrages would doubtless be as numerous and as dreadful.

Before I conclude, I think it necessary to shew you, by a few instances, the spirit of perversion or mistake which pervades the entire of Mr. Coffey's observations on my former statement, as well as his ignorance of that statement itself; for the very laws which, as a gauger or inspector, it is his duty to know, are represented by him as not having existed. He has asserted, that the outrages detailed by me took place be-

fore the laws which authorise the imposition of still fines, though it is well known that those fines commenced by an act for that purpose, which passed in the year 1807, and prior to the commission of any of the outrages instanced by me. Thus, then, if Mr. Coffey is the real author of that observation, he is convicted by himself of incapacity for his situation, being ignorant of the laws which relate to his own office. It is therefore a fortunate circumstance for him that the Irish Board of Excise are generally tender hearted towards their officers.

Another instance of Mr. Coffey's extreme ignorance of the transactions of his own department, is his assertion (p. 11 of his observations), that he does not know that any of the gentlemen of the county of Donegall ever acted upon the resolutions which they published in the year 1814, with a view to the suppression of illicit distillation; and yet it was stated by the Hon. James Hewitt, one of the Irish Commissioners of Excise, that in the subsequent year many of those gentlemen had materially assisted him in opposing the illicit trade.* This ignorance of Mr. Coffey is the more inexcusable, as it is stated by himself, that he is employed in the county of Donegall by the Board of Excise.†

* Minutes of Evidence on Irish Distillation in 1816, page 78.

† Mr. Coffey is also misinformed as to his assertion (page 84), wherein he declares, that no impediments are placed in the way of brewers in the remote and mountainous districts, for he ought to have been aware that no malt can

Mr. Coffey again asserts, that parish fines were not at any period collected under the orders of the Board of Excise, although it appeared by the testimony of a military officer on the investigation held at Londonderry, in the year 1816, (a document to which Mr. Coffey often appeals), that the collector of the fines acted in direct opposition to Mr. Coffey's assertion. That individual having proclaimed that he seized the goods of an unoffending man for a fine on the *parish at large*, because the town land, whether innocent or not, formed part of the parish. On this occasion one of his horses was killed, after having been distrained unjustly.*

These assertions of Mr. Coffey are only a few specimens of the ignorance which he displays and professes of his own peculiar business, and for which his employers ought to require him to account.

I cannot dismiss this subject without giving you two or three specimens of the reasoning powers (not to mention misrepresentations), which Mr. Coffey has exerted in different ways, according to the nature of his subject. In page 9 of his observations, he seems to imagine that I have proposed a *total repeal of the duty on spirits*, and from thence draws inferences against be purchased in such places, in consequence of the large capital and complicated conditions required of licensed maltsters.

* See the Report of the evidence taken before Mr. Thery, in 1816, in the case of Francis Boggs.

a position which has no existence any where except in Mr. Coffey's book.

At page 41 of the observations, he quotes from my former letter a passage, in which I stated some of the deplorable consequences resulting from the system of still fines. The mere recital of the sanguinary crimes which I there specified, is enough to fill the most indifferent mind with horror; and yet Mr. Coffey says, that it *would seem* from my representation *that the massacre of Revenue Officers would not signify much.* This inference is printed in italics, and is not only unsupported by any expression of mine, but is also directly at variance with the spirit and letter of the whole of the publication from which he draws it.

In the 56th page of the observations, he discredits the entire of an anecdote related by me, respecting the cruelty of the collector of still fines towards an aged widow, whose cow had been seized for the payment of a still fine incurred by others, though that cow formed the only means of support which she possessed for her son, who was a cripple.

His reason for discrediting my statement, is my omission to mention a circumstance which occurred afterwards, and which is now reported, on the authority of *Mr. Coffey himself!* It is totally irrelative to his purpose; and if it proves any thing, it only demonstrates in a more forcible

ble manner the cruelty under which the miserable woman had suffered, for it represents her as having become an object of alms to the compassionate. He says, that my account cannot be entitled to credit, because I did not say that an Exciseman* gave her money to purchase her cow at the subsequent auction, which cow appears to have been sold for the payment of a still fine incurred by others.

I have already remarked, that in some parts of Mr. Coffey's observations he censures me for assertions which I never made; in other instances, however, he changes his hand, and blames me for not having made statements which I really did make. Thus, in page 54, he has observed, respecting the hardships suffered by Mr. Harvey (whom I represented as having been forced to pay £200 for persons who were placed beyond the reach of his vigilance), that I have omitted to state that he had collected the greater part of that money from his tenants; forgetting that I distinctly stated in my former letter, that "some of his tenants had found means to advance that sum to ransom the property which had been seized, and he immediately paid it, believing that the Board of Excise would refund it, as soon as they should

* The Exciseman to whom Mr. Coffey alludes had amassed a considerable fortune by still fines, and was not the person who collected them or seized the cow.

learn the injustice of the proceeding."* Such being the manner of Mr. Coffey's reasoning, I cannot compliment him on his skill in argument, as it must be very easy to answer my statement when altered according to his own pleasure.

I must therefore remark upon the entire of Mr. Coffey's observations, that he has not only failed in his object, but materially injured the cause for which he is the advocate. He has exposed the corruption of the Excise Department by his inconsiderate attempt to deny it, and has forced me to remind the public of the official representations which have been so often made of the treachery of Excise Officers, who are (with the exception of a few casualties) the same persons that existed at the time when they were arraigned in Parliament by the Chancellor of the Irish Exchequer.

From those representations it is plainly to be inferred, that the profits arising from illicit distilleries are placed in the hands of the Excise Officers, and not in those of the landed proprietors.

By his attempts to throw discredit on my assertion that the Board of Excise withdraw licences in an arbitrary manner, he has compelled me to *condemn them out of their own mouths*, by producing their own orders respecting a distil

* Page 52 of my former letter.

lery at Carrickfergus; he has also subjected himself to ridicule, by founding his impeachment of my candour on the mistake of a numerical figure,* or my adherence to the spirit rather than to the letter of a particular document, quoted by me as a *corroboration*, and not as the grounds of my assertion.† If therefore the caprice and partiality of that Board are now irretrievably exposed, the disclosure ought to be attributed to Mr. Coffey himself.—Some of the official returns produced by Mr. Coffey are not the least amusing parts of his book. He says (page 25 of the observations), that it would embarrass the statement with complicated details, if he shewed that the actual consumption of legal spirits in the district of Londonderry was greater in the year 1818 than in the foregoing years; and yet this is the very point which he professes to prove to his readers. He also says, that numbers 2 and 5 of the official documents, which he presents to the public as unanswerable proofs of the success of the fining system, are not the proper parliamentary returns. In other words, *they are Mr. Æneas Coffey's own returns*, which this *lusus naturæ*, this double headed animal, brings forward to support his own assertions, supposing that the reader will

* Page 73 of Mr. Coffey's observations.

† See the Report of the Committee on Irish Distillation in 1816, page 58, 59, and 60.

not discover the identity of the advocate and the witness.

In a similar manner he asserts, that “the distress sold in the county of Donegall, to persons not the original owners, during the whole levy of fines, did not amount altogether to three hundred pounds;” and yet he admits he *has not the means of ascertaining the amount*. I must therefore be excused for doubting the accuracy of Mr. Coffey’s statement for two reasons— one of which is, that he professes absolute ignorance of several matters which, as an Exciseman, it is his duty to know; and the other, that the evidence, unwillingly forced from the Commissioners of Excise themselves, proves that many of the seized cattle were either secretly disposed of in the night, or sold to strangers for sums greatly inferior to their value. It would therefore require some credulity to believe in the lenity of the Board of Excise, in levying only £494 in the county of Donegall, in the winter of the year 1817; for the pestilence and famine of that season, added to the pillage of the preceding year, rendered it *impossible* for them to extract more property than they did, from a district of country which had been subjected to general pillage in the preceding year. The number of cattle, however, which were seized and sold for the payment of £494 must have exceeded one thousand, for they produced on an

average about ten shillings each, so that the miseries of the people, who were then suffering under the complicated visitations of famine and pestilence must have been inconceivable, if it be considered that the deprivations sustained by individuals were equally severe, whether the seized cattle produced a high or a low price when brought to auction. Let any person suppose himself and his family placed in the circumstances of the unfortunate Irish peasantry, when they are suffering under typhus fever. Let him recollect that the support derived from a cow is, in that case, essential to the preservation of their lives; and then let him estimate the maddening sentiments which must take possession of their minds when the seizures are actually made, the consequences of which are so fatal. This is the just point in which the dreadful effects of the fining system ought to be viewed, and not the point of expediency, which never can be justified by morality, and which in the present instance is not borne out even by *success*.

Notwithstanding the observations in reply to my former letter, it is evident that very little of that letter has been commented upon, and the facts mentioned in it remain not only unanswered, but untouched. The unjustifiable principle of the fining system is left undefended. The unprecedented permission of Excisemen, to ob-

tain enormous sums of money by their own testimony, is not once alluded to. Nothing is said on the subject of the great cruelty of charging those persons with heavy costs who traverse successfully in the actions for still fines.* No notice whatever is taken of the summary powers given to Excisemen to suppress illicit distillation by personal punishments, nor is any observation made on the general opportunity for private revenge afforded by the fining system to all vindictive or avaricious persons—a revenge from which neither the wise nor the virtuous can escape. The destruction of military discipline, the extinction of social confidence, and the unmerited forfeiture of estates, seem to be entirely overlooked; and in the same manner that the author of the observations omits the consideration of the law itself, does he pass over almost all the melancholy facts which I have enumerated respecting its execution.

He does not allude to the exaction of a town land fine from Sir John Stewart, for an offence committed by others while he was ill of a fever; nor does he appear to know that Colonel Barry and Mr. Alexander Stewart were dealt with in the same manner, when attending in their places in the House of Commons. Mr. Webber's case

* Mr. Coffey asserts (in page 17 of his observations), that the inhabitants of the town lands which are fined are always duly informed of the event of their trials, because they receive notice seven days *before* the assizes that a trial is to take place.

appears to the author equally unworthy of attention, although he was compelled to pay for offences which he had strained every nerve to prevent or punish.

The market for illicit spirits, so long tolerated at Moville, and at the camp which was established at Baskill to enforce the Revenue Laws; the exactions practised on John Doherty, Neil Farren, and Francis Boggs; the causeless invasion of the houses of the gentry; the secret removal of the cattle which were destined for public sale; and the seizure of the little articles of dress belonging to the country women; are passed over in studied silence.

The stratagem used by the country people to save their cattle, by hiding them under ground, is one of an extraordinary nature, and if it had been falsely related by me, would not, I presume, have escaped Mr. Coffey's animadversions; but this fact is unnoticed, as well as the murder of an unarmed countryman, by a part of the crew of a Revenue cutter, stationed in Lough Foyle; and the punishment of Mr. Henry Alexander, for an illicit still found six or seven thousand miles from him, is unobserved, because perhaps such an event is so like the familiar and ordinary occurrences resulting from the fining system. Mr. Butler's cruel murder, and the assassination of Balfour, are also unnoticed, as well as the attempts to assassinate Mr. O'Neill and Mr. Collisson.

Such is the mode of *answering* my statements, which has been adopted by the author of the observations; and it appears to be simply this—to *pass over in silence a great majority of the facts, and to leave the rest unconfuted.*

It will be recollected that I claimed investigation of the facts which I formerly stated, provided that I might be permitted to produce my proofs. Had such an opportunity presented itself, I should have convinced the public, long before this time, that the Irish Distillery Laws are radically defective, and administered with cruelty.—It is evident, however, that investigation will not forward the discovery of truth, if it be conducted by those who are interested in concealment; but a fair and open enquiry must effectually establish the validity of every allegation which I have made, and will exhibit malversations in the Excise Department of Ireland, exceeding those of any other European nation. I cannot, however, engage to prove my assertions, if I fall into the hands of those who deny me the power of speaking for myself; who are in the habit of silencing, by *forms of law*, the developement of crime, and who utter unmanly calumnies when protected by privilege. Of such persons I acknowledge my fear, but I solicit the scrutiny of all honest and disinterested men.

It is a subject of much regret to me, that the exposure of so many atrocities has devolved on an individual who occupies so humble and remote a station in society, as that in which my lot has been cast. It was my wish that this duty should have been performed by those whose talents and influence qualify them for the undertaking; and I trust that the consciousness of my inability will be viewed as a sufficient reason for my long omission of a duty which, as a Clergyman and a Magistrate, I have been imperiously called on to perform—and though I am well aware of the difficulties and dangers which embarrass an unsupported individual in any contest against superior numbers, I am notwithstanding convinced that personal risk and personal labour never ought to be placed in competition with the public good and the detection of crime.—*FIAT JUSTITIA—RUAT CÆLUM!*

I am, &c. &c.

EDWARD CHICHESTER.

APPENDIX.

The following is a copy of the Memorial of St. Catherine's Parish to the Commissioners of Excise.

The Memorial of the Churchwardens and Parishioners of the Parish of St. Catherine, Dublin, in Vestry assembled, 18th May, 1818.

SHEWETH,

That copies of two notices of informations for parts of unlicensed stills, alleged to have been found in different parts of Thomas-street, in said parish, the one by Daniel Marcus Collisson, upon the 16th day of March last, and the other by Robert Underwood, upon the 24th of January last, were each addressed to, and about the latter end of March last served upon three households in Thomas-street aforesaid, for the purpose of inflicting fines on said parish.

That upon service of said notices, memorialists consulted their counsel, who advised memorialists should, if possible, obtain permission to enter general traverses to said informations.

That said informations having been called on for trial, upon the first sitting day of last Easter term, memorialists appeared by their counsel, who moved for permission to enter general traverses, which motion was opposed on behalf of the informants; and memorialists obtained permission to traverse in the name of John Dwyer, a respectable inhabitant and householder in said parish, in the one case for collusion, and in the other the finding.

That the court appointed Monday the 13th of April for trial of said traverses, when memorialists, with their counsel, agent, and witnesses, were prepared; but the trial was postponed until the 20th, when both informations were withdrawn.

That memorialists' expenses for such traverses and defences have been taxed to the sum of £36. 15. 11d.

That the well-known poverty of the greater part of the inhabitants of said parish, is such as to render extremely grievous any addition to their burdens, already beyond their ability to bear.

That memorialists are firmly of opinion, that upon trial said informations would have been defeated, upon the ground of collusion, as may appear from the examination of one Cunningham, taken before the Magistrates of the Police Office, James's-street, about the beginning of

April last, copies of which are already before this Honourable Board; and the circumstance, that memorialists had no doubt of establishing an agency on the part of said Cunningham, in the matters complained of by said informations.

Memorialists submit that, for these reasons, this Honourable Board will be pleased to order Memorialists to be reimbursed the expense, so wantonly and unnecessarily heaped upon them, to be borne by such persons as, upon enquiry, shall be found to have occasioned said expense, and will direct such investigation and enquiry into the matter, as may appear to this Honourable Board best calculated to prevent a recurrence of such cases.

Presented 28th May, 1818.

Arthur Knox, Vicar	For Randal M'Donnell
E. Atkinson, Ch. Warden	Thomas M'Donnell
Arthur Guinness	Robert Smyth
James Edwd. Byrne	John Anderson
Thomas Fuller	Farrell Magee
John Dwyer	Peter Power
Edward Hearne	Joseph Dwyer
Andrew Ferrall	John Walsh
John Brown	John Thompson
George Sall	John Phelan

...last copies of which are already before
the Honorable Board; and the circumstances
last mentioned had no doubt of establishing
an agency on the part of said Commission, in
the matters complained of by said memorialists.
Memorialists submit that for these reasons
this Honorable Board will be
pleased to order Memorialists to be re-
imposed the expense, so warmly
and unnecessarily insisted upon them,
to be borne by the persons as upon
equity shall be found to have occu-
sioned said expense, and will direct
such investigation and enquiry into
the matter as may appear to the Ho-
norable Board best calculated to
ventilate the merits of such cases.

- Presented 28th May 1818
- | | |
|----------------------------|-----------------------|
| Arthur Knox, Vicar | For Randal M. Donnell |
| Edwin Atkinson, Ch. Warden | Thomas M. Donnell |
| Arthur Guinness | Robert Surry |
| James Blyth, B. W. M. | John Anderson |
| Thomas Yiller | Finnell Magee |
| John Dwyer | Peter Power |
| Edward Hourie | Joseph Dwyer |
| Andrew Kerral | John Walsh |
| John Brown | John Thompson |
| George Sall | John Inelan |