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## SMUGGLERS AGAIN.

BY W. SENIOR.

HIDDEN away in the Law Reports for the latter part of the eighteenth century is the case of the King against Coombes, little more, as it appears there, than the record of a legal quibble characteristic of the times, which was raised on behalf of the defendant ; but the facts of the smuggling affray out of which it arose afford a striking illustration of the boldness of the runners of " uncustomed and prohibited goods " in the seventeen-eighties, and are easily to be gathered in greater detail elsewhere. So far as I know the story has not been told in any printed collection of the exploits of revenue cutters and their adversaries, although the contemporary journalist describes the affair as " an action " and " a cutting-out expedition." Nor was he altogether unjustified in his choice of words, since there is no doubt that His Majesty's sloop-of-war, *Orestes*, used her guns to cover a landing party in Christchurch Harbour, and that the smugglers opposed the approaching boats with musketry fire from behind buildings and walls ashore for close upon three hours.

On the 15th July, 1784, two large luggers arrived off Christchurch Point from the Channel Islands laden with several tons of tea and much spirituous liquor. They were observed by the revenue cutter *Excise* of Cowes, which was cruising thereabouts, but although they were known to be smugglers her captain did not feel strong enough to tackle them, and they made the harbour without any attempt being made to stop them. The weakness of the preventive service was no new thing. It was but a few years earlier—in 1781 to be exact—that the master and crew of the Customs cutter, *Swift*, had been put into a small boat at sea and left to shift for themselves by the stronger crew of a smuggling yawl which the *Swift* had incautiously overhauled off the Essex coast. It may be that this instance of the biter bit was present to the mind of the master of the *Excise* ; at all events all he did in the present case was to despatch a boat to ask for assistance from the man-of-war *Orestes*, which was then at anchor in Freshwater Bay. Precisely when the boat was sent or how long it took to reach the Isle of Wight does not appear. According to the

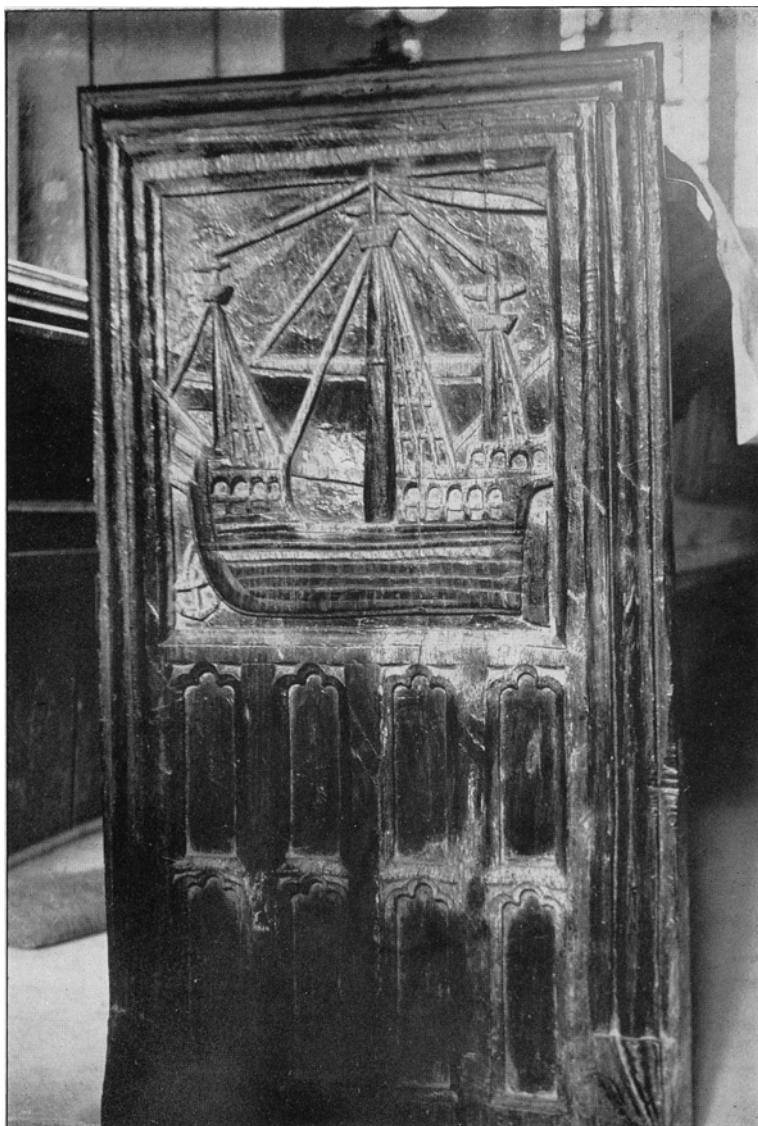
Captain's Log the *Orestes* weighed anchor at eleven o'clock, and sailed westward. Even then prompt action was not taken ; for the same record states that she was lying to outside Poole Bar, some miles beyond Christchurch, from three to five in the afternoon of the 16th, in company with the *Excise*, and the *Swan* revenue cutter, a further reinforcement. Great caution seems in this instance to have characterised the preventive service. One cannot, of course, be certain whether a little reverse that had happened to the *Orestes* herself about a month before had anything to do with it. But in a list of seizures of smuggling craft made by His Majesty's ships which is preserved in the Public Record Office there appears against her name the following rather Hibernian entry : " June 10th, 1784—*Orestes*—Nature of Seizure—A Large Lugsail Landing Boat laden with Tea, *but afterwards rescued by a large armed Cutter.*" So that perhaps the sloop-of-war wanted to make quite sure of her prize this time. Unfortunately, the smugglers had meanwhile been able to run their cargoes safely ashore. A newspaper of the day says that upwards of fifty waggons and nearly four hundred horses were employed in conveying them from the water side to various hiding places inland. These figures need not be implicitly relied on, but it is evident that a large quantity of contraband goods was smartly discharged in broad daylight, with the assistance of many persons ashore, and that during that day the *Excise* cutter remained a passive spectator in the offing awaiting the arrival of her consorts.

At length at six in the evening the three vessels outside Poole stood to the eastward and began their rather tardy operations. All three manned and armed their boats, and sent them into Christchurch Harbour with the object of taking possession of the luggers. The latter were aground : one account of the affair says that the smugglers had run them ashore and partly dismantled them in order to render them more difficult to cut out. The flotilla of boats numbering six or seven was promptly fired upon by the smugglers, who with the persons " aiding, abetting, comforting, assisting, and maintaining " them—to use the legal language of the day—are said to have been some three hundred strong. The law-breakers had the advantage of the cover afforded by their two luggers, and by some houses within a hundred yards or so of the foreshore, from the windows and doors of which they kept up a fusillade upon the approaching boats. It is also on record that a temporary breastwork was run up for their better protection. The defence was certainly a determined one, in spite of the fact that both the *Orestes* and the two revenue

cutters brought their guns to bear from outside. The conflict lasted from shortly after six until nine o'clock. The attacking party did ultimately reach the luggers, driving the crews to their entrenchments ashore, and seems to have been surprised to find their intended prizes fast aground. The impossibility of moving them, the growing dusk, and the fact that the smugglers were still keeping up "a constant fire" are the reasons given in the Log of the *Orestes* for the retirement of the boats with nothing at this time accomplished.

Mr. William Allen, the Master of the *Orestes*, had been mortally wounded earlier in the evening. The boat in which he was ran aground on what is quaintly described as a "hilly" part of the harbour in the course of the advance, and he had jumped overboard and was standing in four feet of water helping to shove her off when two bullets from the shore struck him—the second of which inflicted injuries from which he died at six o'clock next morning. The circumstances of his wounding led to the ingenious point, already referred to, which was raised on behalf of George Coombes, undoubtedly one of the firing party on shore, when he was found guilty at the Admiralty Sessions at the Old Bailey of aiding and abetting the murder of Allen. As the boat was aground on the sandbank, and as Allen was moreover standing on the ground at the moment, and the shot came from the land, could the murder be said to have been done on the high seas—that is to say within the Court of Admiralty's jurisdiction as charged in the indictment? Ought not Coombes to have been tried at the Assizes for the county? Coombes was defended by Mr. Fielding, the son of the novelist, and by Mr. Garrow, a great advocate and afterwards a Baron of the Court of Exchequer, though at this date a young man of but some two years' standing at the bar. These gentlemen propounded the foregoing conundrum, which was twice argued before the Judges, with the Attorney and Solicitor-General and several Admiralty practitioners appearing on behalf of the Crown. It resulted in prolonging Coombes' sojourn in the condemned cell for exactly six months, and in enshrining his name for ever in the first volume of Leach's Criminal Cases. Otherwise, it availed him nothing, for on the 21st January, 1786, the Judges held that he had been tried by a court of competent jurisdiction. Two days later there was the usual procession from Newgate to Execution Dock, where we are told the prisoner "behaved with that decency which became his untimely end." The eulogium is better meant than expressed.

But to return to the naval operations. It was not until three o'clock in the morning following the fight that the luggers were captured. In a flat calm the two revenue cutters were towed into the harbour, probably in order to overawe the opposition by their guns at short range, and their boats this time towed out the smugglers' craft unhindered. The *Orestes* brought them into Cowes the following afternoon. They were said to be fine little ships, one of them on her first trip. The casualties on what the chronicler of the day calls the "royalist" side included, besides Allen the Master killed, only one man wounded. This looks as if a good deal of the three hours' "constant fire" had been *in terrorem* only. The coroner's inquest on Allen resulted in a verdict of wilful murder against a person or persons unknown. It also found that William May and William Parrott, the reputed masters of the two luggers, were aiders and abettors, on what evidence except general probability it is impossible now to say. It seems to show, however, that the names of men prominently engaged in smuggling and likely to have participated in any encounter with the authorities were well enough known in their own district. In the criminal proceedings begun in 1785, Parrott is named as principal, and as the law then stood, ought to have been, and no doubt had been, previously convicted, because Coombes and two other men were tried on the 22nd June of that year for aiding and abetting him. Coombes had been wounded in the knee, which if it does not account for his capture would at all events make it difficult for him to say he wasn't there; the evidence against the other two men was slight, and they were acquitted. I have set out the details of this encounter not only because the subsequent trial exhibits an amusing instance of the point, in those days often taken, about the Court of Admiralty's jurisdiction, but because the affray itself shows the popularity of smuggler, and the assistance he could count upon, at all events in that neighbourhood. And did not the bold smuggler, Will Watch, the hero of the ballad, who, according to tradition, sailed out of Hayling, inspire his followers and shipmates—not to mention Susan—with a devotion that outlasted even his "untimely end"?



BENCH-END AT BISHOP'S LYDEARD, SOMERSET.