

SMUGGLING

JOURNAL of the SOCIETY
for
ARMY HISTORICAL
RESEARCH

VOLUME FIFTY-TWO—1974

THE BADGE OF THE SOCIETY



THE BLAZON

On a roundle azure, in base a wall, embattled and masoned proper, issuant therefrom a rising sun in splendour or, over all two swords in saltire gules, hilts and pommels or interlaced with a scroll fesswise, thereon the motto of the Society, "*Præterita Explorando Discimus*," the wall charged with a hand-grenade gold fired proper between two crosses crosslets sable, the whole within a collar bearing the words

"THE SOCIETY FOR ARMY HISTORICAL RESEARCH."

MARSH'S REGIMENT—THE 77TH

Rank in the Regt.	Name	Rank, time of appl.	Duty, time of appl.	Date of appl.	Source
Colonel	James Marsh	Colonel	Lt. Col. 43rd Ft.	12th Oct., 1787	W.O. 4/993, f. 371.
Lieut.-Colonel	James Balfour	Lieut.-Colonel	½p. 99th	18th Oct., 1787	W.O. 4/994, f. 2.
Captains	John Hayman	Lieut.	17th Ft.	3rd Nov., 1787	L.G. No. 12934.
	Lord Charles Somerset	Do	13th L.D.	26th Jan. 1788	Ibid., No. 12959
	Richard Mark Dickens	Do	44th Ft.	Do	Do
	John Montresor	Capt. Lieut.	½p. 99th	Do	Do
Capt. Lieut.	Wm. Fred Spry	Lieut.	64th Ft.	Do	Do
Lieuts.	Lauchlan McQuarrie	Lieut.	½p. 71st	Do	Do
	Hugh Trevor	Do	½p. 81st	Do	Do
	Joseph Owen	Ensigns	25th Ft.	Do	Do
	Thomas Weston	Do	60th Ft.	Do	Do
	J. Herbert Dalrymple	Do	17th Ft.	Do	Do
	Arch. Campbell	Do	36th Ft.	Do	Do
	Hon. George Cochrane	Do	71st Ft.	Do	Do
	John Shaw	Do	42nd Ft.	Do	Do
	Wm. Attwood Oliver	Do	14th Ft.	Do	Do
	St. John Fancourt	Do	55th Ft.	Do	Do
Ensigns	Chas. Erskine	Do	43rd Ft.	Do	Do
	Henry Davers	Do	36th Ft.	Do	Do
Ensigns	James Blackwell	(Gent.)		Do	Do
	John Taite	Do		Do	Do
	R. B. Campbell	Do		Do	Do
	Arch. Campbell	Do		Do	Do
	John Dick	Do		Do	Do
Chaplain	James Dalton	(Clerk)		10th Nov., 1787	Ibid., No. 12936
Adjutant	Chas. Erskine	Ensign	43rd Ft.	27th Oct., 1787	Ibid., No. 12932
Q. Master	Chas. Stewart	Serjt.-Maj.	43rd Ft.	Do	Do.
Surgeon	And. Cairncross	Surgeon	½p. 73rd	Do	Do

N.B. The East-India Company was permitted to recommend the Major, four Captains, eleven Lieutenants and four Ensigns.

MILITARY OPERATIONS AGAINST SMUGGLING IN
KENT AND SUSSEX, 1698-1750

BY PAUL MUSKETT

Whenever governments attempt to levy taxes on trade they provide an incentive to evasion. The form and extent of this avoidance are continually changing, influenced by multiple factors. These determinants can be described under two headings; economic considerations and the risk of detection. Illicit traders are subject to the same economic dictates as their law abiding counterparts. They need a source of supply, a market for their merchandise, and a distribution network. Like any business enterprise the scale of the smuggler's activities will depend on capital availability, the labour market, storage facilities and transport costs. The contraband trade differs from normal trade in the degree and nature of the risks incurred. Deterrents have ranged from confiscation to transportation, and when planning his ventures the smuggler has to consider such eventualities in his over all reckoning. If duties are particularly high, and illegal sales flourishing, he can afford to lose the occasional shipment. When the preventive service is undermanned and poorly equipped the risk of detection is low, and the smuggler can disregard the law. Where he has the support of local populations, he can often defy the agents of the revenue service, or if sufficiently entrenched and well enough organized, he can either buy or enforce silence. The customs officials have often been accused of corruption, but blanket condemnations should be avoided, since instances of negligence and crime among the administrators of the law always receive disproportionate attention.

Smuggling is a complex phenomenon, which can not be analysed solely in economic terms, it provides scope for the social, economic, and political historian, and in 18th century England there is material for the military historian as well.

The ideal items for the smuggler are high value goods subject to heavy duties, which can be easily moved, easily hidden, and rapidly disposed of. This remains true regardless of the effectiveness of the preventive organization. In practice contraband has come in many guises, depending on the tariffs and prohibitions imposed by governments. England's main export from the 14th to the 18th century was wool, at first as a raw material, and later as woollen cloth. Progressive increases in the export duty on wool, and then a ban on foreign trade to protect the home cloth manufacture, created a clandestine traffic which did not entirely disappear until the early 19th century.¹ In the 16th century exporters ignored prohibitions on the shipment of corn, leather, livestock

¹ N. Williams, *Contraband Cargoes* (1959), pp. 1-13, 47-48, 73-76, 78-81, 87-89, 94-95. C. Harper, *Smugglers* (Newcastle 1966), pp. 17-23.

and iron cannon,² while revised rates of import duties encouraged the smuggling of French wines and silks.³ The 17th century saw both the spread of pipe smoking and the development of a number of intricate frauds perpetrated by the tobacco merchants.⁴

The short sea crossings between the Kent and Sussex coasts and the Continent, the long stretch of coastline, with numerous remote spots ideal for loadings and landings, and the proximity of the London market, all contributed to the build up of smuggling in the two counties. The growth of Romney Marsh as an area specializing in sheep rearing and wool production further stimulated "owling" or the illegal export of wool. By the middle of the 17th century the problem was getting out of hand. It was no longer a question of straightforward tax dodging, for the owlers were prepared to defend their trade by the blatant use of force.

William Carter, an agent of the woollen manufacturers with a warrant to arrest smugglers in Kent and Sussex, complained in 1656, that even when honest men "did detect these caterpillars" they found it impossible to get the offenders punished. Such were the combinations and interests in the officers who ought to punish, such favours shown to the smugglers in the courts of justice that "the dearest lover of his country" dared not "to prevent that mischief which his eyes beheld".⁵

At the Restoration, owling was made a capital offence⁶, but this did not discourage the Romney Marsh men, who armed themselves to resist arrest, with the result that "none dare meddle with them without five files of soldiers".⁷ Carter maintained that gangs of ten to twenty men would load wool in the night time on to French shallops, and that in the course of a year twenty thousand packs of wool, much of it bought inland by Marsh men, would find its way to Calais in this way.⁸ In 1669 he heard that seven Kentish ships were unloading wool at Calais, and securing a special warrant from Charles II, he rode down to Dover to await their return. There he arrested Thomas Pierce, one of the shipmasters, and brought him before the Mayor, who committed him for trial. Mrs. Pierce promptly saddled a horse and rode to Folkestone to warn the other men. When Carter arrived at Folkestone he was pelted with pebbles from the beach by a gang of smugglers' wives, lead by Mrs. Pierce. All the men in his custody were rescued.⁹

Six years after this incident Joseph Trevers was to repeat the accusations of collusion previously made by Carter.

² P. Muskett *Smuggling in the Cinque Ports in the 16th Century* 1. Cantium, January, 1970. P. 9-15.

³ N. Williams, op. cit., p. 59.

⁴ *Ibid.*, p. 56-68.

⁵ K. M. Clark *Many a Bloody Affray* (Rye 1968), p. 9.

⁶ *Ibid.*

⁷ *Ibid.*

⁸ *Ibid.*

⁹ *Ibid.*

Smugglers are not of the meanest persons in the places where they dwell, but have oftentimes great interest with the magistrates and being purse proud, do not value what they spend to ingratiate themselves with persons of authority, to distrust all such as discover their fraudulent dealings, or else by bribes to stop their mouths . . . The smugglers are not only well acquainted with some attorneys and clerks, but they make good interest with the undersheriffs in the counties where they drive their trade; and these have strange tricks and delays in their returns, in which some of them will take part with the offenders, instead of executing the law against them.¹⁰

Until 1671 the Crown could afford to look on smuggling with a certain amount of detachment, since the customs were farmed out. A farmer purchased the right to levy duties, and subsequently it was up to him to make his investment pay. This method gave the Crown a guaranteed income, but the sums raised were small, and in 1671 the Board of Customs was set up under the supervision of the Treasury. The Commissioners of Customs had the task of increasing the revenues from duties, and the responsibility for suppressing smuggling. A waterguard was established in 1680, consisting of ten cutters for the whole coast, two of which patrolled between the North Foreland and the Isle of Wight. They had some initial successes in making seizures, but the smugglers soon learned to adjust their schedules or to use shallow draught vessels to avoid the customs cutters.

William Carter also had a good record in 1685 and 1686. He seized twenty French shallops and ten English craft, carrying a total of 300 packs of wool.¹² His was an uphill and often unrewarding mission. In 1688 he and his assistants arrested eight or ten men on Romney Marsh, who were carrying wool by packhorse down to the sea for shipment to France. Carter requested the Mayor of Romney to commit them, but the Mayor refused and granted the smugglers bail. Carter and his men retired to Lydd, where about 8 or 9 o'clock they made a further effort "to prevent the exportation of wool, which was supposed to be intended to be transported that night". As they went through the streets of the town they were suddenly attacked by unknown persons and forced to abandon their venture. Realising the grave danger that threatened them, they adopted the advice of the Mayor of Lydd's son, and left early in the morning for Rye. They were pursued "by about fifty horsemen or thereabouts, armed", as far as Camber Point. At Guildford Ferry, Carter and his company hastily dismounted "and had not the boats belonging to several vessels given their attendance and took us in, we might have been destroyed". Breathless and exhausted, they reached the safety of Rye.¹³

¹⁰ K. M. Clark *Many a Bloody Affray* (Rye 1968), p. 9.

¹¹ Williams, op. cit., p. 78.

¹² Clark, op. cit., p. 11.

¹³ *Ibid.*

The same year a cavalry detachment was sent into Kent, but if a later commentator, John Haynes, who wrote in 1715, is to be believed, they were more of a liability than an asset.

What Assistance they gave was chiefly to the owlers, who bribed them to connive at the Exportation of the Wooll: Nay, there is good ground to believe that they not only conniv'd at that clandestine Practice, but left their Stable doors open, upon compact with the Exporters, to give them an Opportunity of making use of their Horses in the Night time, for conveying the Wool to the Sea-side, where the Shallops lay ready to receive it.¹⁴

Without supporting evidence these assertions need to be treated with scepticism, but it is certain that the military presence did little to assist Carter. He was complaining in 1690 that none of the cases in which he had an interest had come up for trial in the Exchequer, although he had exhibited informations against forty smugglers. Most of those informed against had been allowed to compound for fines, so cheating Carter of his reward.¹⁵

A complicating factor was introduced in 1688 when James II was forced into exile in France, and England became involved in the first of a series of wars whose purpose was the containment of French territorial expansion in Europe, and the destruction of French overseas trade. The curtailment of the contraband trade now had three objectives. Besides increasing revenue and protecting home industries, the government had to try and close down a communication route which could be used for correspondence with the court at St. Germaine, or by Jacobite agents. Despite the dangers, the preventive service was in effect reduced. So great was the threat from French privateers that the customs cutters had to be withdrawn from service.¹⁶

A land guard of eight riding officers was appointed as a substitute, a force totally inadequate to deal with the smugglers. The Commissioners later admitted this, claiming that the riding officers had been established "when there were frequent hostilities upon the shore; but it was as much to prevent the going and coming of passengers, intelligence and correspondence with France, as the hindrance of the owling and smuggling trade".¹⁷ In December, 1690 Carter asked the government for additional mounted men, and for the Channel between Dover and Beachy Head to be patrolled by a frigate. At the same time he sought protection from frivolous arrest, and powers to call on the customs officers for assistance.¹⁸ No further aid was forthcoming, and the smuggling went on. One day in

¹⁴ John Haynes *Great Britain's Glory*. First published in 1715, reprinted in *English Wool Trade, Select Tracts* (Farnborough 1968), p. 29.

¹⁵ Williams, op. cit., p. 79.

¹⁶ Calendar of Treasury Papers, 14th August, 1690.

¹⁷ *Ibid.*, 8th December, 1698.

¹⁸ Williams, op. cit., p. 79.

1692 revenue officers seized 16 bags of wool in Scotney barn, which belonged to the Mayor of Hythe, Julius Deeds. On hearing this Deeds ordered his servant Thomas Birch to rescue the same, whereupon Birch and 13 other men assaulted and wounded several of the officers with quarter staves, and rescued the wool. At the trial Deeds' counsel insisted that the officers had acted illegally as they had not been accompanied by a constable or civil officer, to which counsel for the Crown retorted that the Borsholder, or Constable, who should have assisted them was Birch himself. Despite the evidence, the jury was induced to believe the said wool was designed to be shipped to some other part of England.¹⁹

By 1694 the landowners of Romney Marsh were becoming desperate. Fines were levied on hundreds where a crime had been committed but the offender not brought to justice. This on account of the smugglers, had become an intolerable burden, and in December that year the "gentry and freeholders now or lately inhabitants of the Cinque Ports and places adjacent in Kent and Sussex", petitioned Parliament, pointing out that many owners had been forced to give up their estates to meet the cost of fines.²⁰

Positive steps to reform the preventive service, and legislation to control the wool trade were delayed until 1698, after the Treaty of Ryswick. The waterguard was reactivated in March, when three sloops were appointed for the Kent and Sussex coasts. The vessels were purchased at Dunkirk, the Commissioners thinking it advisable "to buy such vessels as had been employed in the privateer trade".²¹ In May the impeachment of a ring of Huguenot "free traders" on charges of owling, smuggling, carrying convicts and forging a custom house seal, revealed the vast extent of the trade. The accused pleaded guilty, and fines totalling £19,500 were imposed. The smugglers raised the money in a matter of hours.²²

Legislation followed swiftly, the impeachment hearings having prompted Parliament into a sense of the urgency of the situation. The seizures being made in the years before 1698 were so sizeable that it was obvious smuggling was posing a real threat to home industry. In 1696 informations had been filed in the Exchequer Court amounting to £30,000. The smugglers had tried to stay execution by causing John Saunders, the Crown's leading witness, to be arrested on execution of £146-13-4 "being the late King's part of a penalty recovered upon him sometime before for importing French silks, and for which they had promised to save him harmless". Saunders died, and ironically, John Ford, the customs officer at Chichester responsible for the first stages in uncovering

¹⁹ Clark, op. cit., p. 10.

²⁰ W. Ogg, *England under the Reigns of James II and William III* (Oxford 1969), pp. 57-58.

²¹ Calendar of Treasury Papers, 14th March, 1697/8.

²² Williams, op. cit., pp. 87-88.

the gang's operations, found himself arrested for the sum. So confident was this gang that in the six months after Saunder's arrest they brought in another £4,500 worth of silks and other goods.²³

The 1698 Act ordered that all owners of wool in Kent and Sussex, within ten miles of the coast, give three days' notice to the customs before moving it, and obliged all those within fifteen miles of the sea to enter into a bond not to sell their wool within a fifteen mile limit. The purpose of the legislation was to simplify the task of identifying the owlers, since in effect it banned the transport of wool in the vicinity of the Kent and Sussex coasts. The force of riding officers was expanded to fifty, and army units were sent into Kent with instructions to assist the customs officers when called on.

The same year Henry Baker, Solicitor to the Customs, undertook a tour of the region to examine into the extent of smuggling, and the suitability of the existing measures for its prevention. His letters to the Commissioners and his final report present a vivid picture of a thriving contraband trade, from the Medway to the Arun. From a beach to the north east of the Isle of Sheppey goods were shipped at "almost any time of the tide", and "for the conveniency of passing on or off by land there are three ferries belong to it who will upon all occasion assist the owler or smuggler, and will be as so many spies for them". At Canterbury an elaborate scheme had been devised by the smugglers. One gang was made up of a dozen Frenchmen who lived with the Walloon wool combers in the city. As soon as there was any risk of one of them being arrested, he would return to France. They are described as being "all sturdy young fellows". One seizure had been made there with army help "where one of the said Gang was so hardy as to make opposition with a Quarter Staff, but happened to have the worst of it, for he was cut and much wounded by a soldier who assisted the seizures". Baker attributed the rise of new gangs in Canterbury to a decline in silk making, which had put many out of work. As this might well have been the result of illegal silk imports, it is easy to sympathize with their turning to owling. Wool was taken to the coast at Herne, Reculver and the Isle of Thanet. Baker recommended more riding officers in those parts, and told the Commissioners "I can so order it, they may have some help from the Dragoons quartered at Canterbury".

Detachments of four Dragoons were also stationed throughout Romney Marsh, with quarters at Folkestone, Dymchurch, New Romney, Lydd, and East Guildford, near Rye.²⁴ Their presence was essential; in April, 1696 Baker wrote to the Treasury to inform them that "In a few weeks 103 score sheep would be shorn in that marsh, the fleeces of which would amount to 300 packs of wool, the greatest part whereof would be sent off hot into France".²⁵

²³ Calendar of Treasury Books XIX, 14th February, 1703/4.

²⁴ P.R.O. T1/63, 30th August, 1699.

²⁵ Harper, op. cit., p. 21.

The Sussex shore had less in the way of a preventive force than did Kent, and when Baker carried out his survey he made no mention of military personnel in the county. From Rye to Selsea the smugglers plyed their trade almost with impunity. Edward Martin, riding officer on a beat from Winchelsea to Hastings, had so impossible a task that he was said to be "No more of a guard for his ride on this coast, than an honest man on the road is, against five highwaymen". At Seaford the townspeople had French brandy and wines in their houses, which they would sell to the wholesalers and retailers of Lewes. On the cliffs between Newhaven and Brighton, a smuggler named Garland "had vaults for silks that has received and delivered out more than a waggon could load away at a time". He was reputed to have had five French sloops unloaded in one night, and thirty horses and riders out at a time. Baker called Selsea "The best spot of ground in England for the smuggling trade, as they the inhabitants have lately boasted. Here's one farmer that since the war began, has got ten thousand pounds by this way of trade". At Chichester goods were brought in by long boat and carried into the country in the middle of the day.²⁶

Troops were first sent to the Kent coast to help the customs officers by an Order in Council of 23rd June, 1698. Three troops of dragoons were quartered at Canterbury and Ashford "and other places within the said County of Kent, according to a disposition made by then Secretary at War with the said Surveyor General. The detachments were to be changed and relieved from time to time from the respective headquarters, as should be thought necessary".

To encourage the soldiers, and the landlords on whom they were billeted, each dragoon was to receive an allowance of two pence a day "and in proportion to the officers, the whole not to exceed £200 per annum". These sums were to be paid by Baker out of the forfeitures arising by seizures and convictions.²⁷

The Queen's Regiment of Dragoons under Brigadier Lloyd was stationed in Kent from August, 1698 to August, 1703,²⁸ when they were replaced by troops from the Earl of Essex's Regiment, who remained until April, 1706.²⁹ The effectiveness of Baker's measures was subject to dispute. By December, 1703, the Surveyor General felt the situation was well in hand. "I do believe", he wrote, "the neck of this owling trade, as well as the spirit of the owlers, is in great measure broke, particularly in Romney Marsh. But for fine goods as they call them (viz. silks, lace, etc.) I am well assured that the trade goes on through both counties, though not in such vast quantities as have formerly been brought in—I mean in those days when (as a gentleman of estate in one of the counties has within this twelve months told me) he has been at

²⁶ T1/63, 30th August, 1699.

²⁷ P.R.O. P.C. 1/3/50.

²⁸ Calendar of Treasury Books XIII II, 12th April, 1708.

²⁹ *Ibid.*, XX III, 17th January, 1705/6.

once, besides at other times, at the loading of a wagon with silks, laces, etc. till six oxen could hardly move it out of the place. I do not think the trade is now carried on as twas then".³⁰

Contradicting this cautious optimism is the testimony of Walter Devereux, a customs official at Folkestone, whose virulent attacks on his superior were eventually to cost him his position.

Mr. Henry Baker, who has the management of the coasts of Kent and Sussex, though he only comes there once or twice a year, has the face, I hear, to set forth in a petition to the Queen and Council, that he has stopped exportation in Kent and Sussex, and pretends to do the same throughout the Kingdom, whereon the Commissioners of Trade have ordered him to draw up the heads for a bill to be presented to a Committee in Parliament. That your Lordships may see the falsehood of these allegations, I send you an account which I had from one of the transporters who can give undeniable proof of its truth; and says this is not a quarter of what was transported by him and others in the latter part of the late reign, and all within a distance of seven miles or so.³¹

Baker held the military contribution to have been instrumental in suppressing the smugglers on the Marsh, particularly in "supporting the officers upon the landing of the French from their sloops in their small boats in the night times, which they frequently did, and especially since the war, still continue to do". In March, 1699, the dragoons intercepted a "desperate gang of owlers, well armed, with 7 or 8 horses" carrying wool from Canterbury to the coast. There must have been a fierce mêlée, for one of the smugglers was "shot through the head dead" by another member of the gang. They lost one horse with its load of wool. The following August two dragoons assisted in seizing six packs of wool and two horses "in the Marsh near the sea side", and in December, 1702, they helped repel a "party of French landed near Dungeness", who had landed in the night and made great firing upon the officers then on duty. Such were the perils of night duty, that every riding officer was instructed to go out with a dragoon as escort.³²

Baker was using these incidents to support his case for a military presence there were probably many other instances where the dragoons were the aid of the riding officers. There was one major flaw in the system; the "great discouragement from the irregular payment of the allowances intended" for both men and officers. As late as 1708 the Queen's Regiment was still owed £625-10-0. Nor were the allowances generous. The Earl of Essex's Regiment received £553-6-8 for its three years service, well within the £200 p.a. maximum stipulated in 1698.³³

³⁰ Cooper, op. cit., p. 21.

³¹ Calendar of State Papers Domestic, 13th November, 1702.

³² P.C. 1/3/50.

³³ Calendar of Treasury Books XX III, 29th June, 1706, and XXII II, 12th April, 1704.

The effectiveness of any preventive system is difficult to assess, but two general limiting factors which apply to security operations must have applied to the army's efforts to control the smugglers: lack of information, and lack of support from the local inhabitants. Walter Devereux had brought both problems to the attention of the Treasury when criticizing Baker's proposal that riding officers should be single men who could easily be transferred from one station to another, so avoiding social contacts between themselves and the smugglers. Devereux pointed out the defects of such a policy in an area like Romney Marsh. Bachelors would need to find accommodation, and suitable lodgings were hard to find when "there is not one in five but is well wishers to the owlers, though they do not owl themselves." The alternative of living at an inn was, if anything, worse, "because owlers and smugglers may be entertained there, as well as officers".

Secondly, the removal of officers frequently was of known prejudice in the late reign, when Folkestone, Hythe, Romney and Lydd were once in a month or six weeks supplied from Dover, in all which time it was scarce known that any service was performed till they were more settled in the said stations, and then by their care and industry got such acquaintance as would not before venture to speak with them for fear of being seen in their company, which was then looked upon as a crime, and would give such occasion of jealousy to the rest of the owlers as was not easily reconciled.³⁴

The dragoons were placed in this same situation, since the regular change over of detachments prevented the consolidation of local contacts, and inhibited the collection of information, at the same time the riding officers do not seem to have co-operated to the full. This difficulty was recognised by the Board of Customs in 1717; when reviewing the state of affairs at the beginning of the century they acknowledged that the dragoons may not have been used to their potential through "misunderstanding between those soldiers and the officers of the customs, or for want of a sufficient number or proper disposition".³⁵

Devereux was a bitter and disappointed man, his own scheme for improving the preventive service having been rejected in favour of Baker's proposals, and he provides no concrete evidence of Baker's failure. It is perhaps significant that there is only one really large seizure noted in the Treasury Books for the period from 1700 to 1710, a parcel of silks found at Steyning, valued at £4,000.³⁶ During the same period there is no mention of large armed gangs in Romney Marsh. This is by no means conclusive, and the absence of notable seizures could simply be because the smugglers had refined their techniques, but what information is available suggests that Baker had reason for satisfaction.

³⁴ T1/60, 9th March, 1698/99.

³⁵ P.C. 1/3/50.

³⁶ Calendar of Treasury Books XIX 12th April, 1704.

When the large armed gangs did revive late in the second decade of the 18th century they were to prove an even greater menace than they had been in the 1690's. There were indications that the trade was picking up between 1707 and 1709, shortly after the dragoons had been withdrawn. In 1708 Baker was sent instructions from the Treasury regarding "the treacherous practices now used on the coast of Sussex in holding correspondence with Her Majesty's enemies".³⁷ He was to take especial care to see that those "country people who run down in numbers, not to annoy the enemy, but to have traffic and correspondence with them", were placed under arrest. The following year the clothiers petitioned the Treasury to take action to prevent the export of wool from Kent and Sussex. The only change made was to redistribute the riding officers.³⁸

By 1713 there were definite indications of a smuggling revival. A party of Frenchmen landed at Fairlight to take on board a cargo of wool. They were only repelled after a party of riding officers opened fire. The same year two smugglers in possession of a parcel of wool were taken into custody, but were rescued by William Iden, a fellow smuggler, and some of his companions. In 1715 a smuggler was killed in an affray with customs men at Telham, near Battle.³⁹ In his tract on the wool trade John Haynes complained of the "Great Mischiefs arising from the numbers of Men travelling arm'd to convey the Wagons, Horses and other Carriages loaden with Wooll under Pretence of securing it".⁴⁰

Saxby, the new Surveyor General of the Riding Officers, carried out a survey in 1716. His findings were disturbing.

The owlers and smugglers in those parts are now grown so very numerous and insolent, particularly a gang at Mayfield, that they often appear in a body of no less than 20 or 30 men, well armed, and in open defiance of the officers of the customs and civil magistrates, do forcibly convey great quantities of wool to the sea side to be put on board French vessels, which for that purpose lie hovering on the coast, and in return do bring back brandy, silks, and other prohibited and uncustomed goods, which they lodge in their own public warehouses in Mayfield. That some of our riding officers having not long since fallen in with several strong parties of owlers and smugglers, did endeavour to seize them and their prohibited and uncustomed goods but being over powered by numbers, and dangerously wounded, were prevented from making any seizures. That these gangs are become oppressive to the country in living at free-quarter when ever they please. That he has reason to believe they were made use of during the late rebellion to disperse the Pretender's declarations and

³⁷ Calendar of Treasury Books, XXII II, 16th August, 1708.

³⁸ *Ibid.*, XXIV II, 5th August, 1710.

³⁹ The Collier Papers, ed. E. L. Sayer (Custom House Library, London), pp. 2-4.

⁴⁰ Haynes, *op. cit.*, pp. 63-64.

other traitorous and seditious papers, for that they publicly drink the Pretenders health.⁴¹

The waterguard had been increased to three sloops in 1713, but if the land smugglers were to be eradicated a military force was essential. The Customs Commissioners could find no reason why dragoons had been withdrawn in 1706, and urged the Lords of the Treasury to seek an Order in Council to restore them to the coast. To stir the enthusiasm of the officers and men, it was proposed they be allowed "one half of the King's part, and one third of the custom house officers part" of any seizure in which they took part "to be divided among them in proportion according to the respective pay of such military officer and soldier".⁴²

The desired Order in Council was issued on 17th December, 1716. Three troops of dragoons were directed to Kent and Sussex. It was to be nearly four years before they were in a position to strike a really damaging blow against the Mayfield gang.

In 1720 there was a serious clash between riding officers and a gang of armed smugglers reputed to be 200 strong, at Goring. During another battle at Langley Bridge, near Eastbourn, Reeves, a customs officer, was killed. Two members of the Mayfield gang, Borer and Tomkin, were indicted for the offence, though neither had struck the fatal blow. There could not have been sufficient evidence to convict Tomkin, for on 19th September, 1721, the *Daily Post* carried this report.

Lieutenant Jekyll, of Brigadier General Groves Regiment, with a party of grenadiers, near Burwash, 40 miles from that place—the chief ringleader of the owlers, named Gib Tompkin; and pursuing one Jervis, another noted owler, with several of his accomplices, came up with them, upon which Jervis fired his pistols, and retired with his men to a wood, whereupon some of the grenadiers were ordered to fire likewise, but the smugglers being very well mounted, got off and Lieutenant Jekyll continued to pursue them all that day and night and the next morning surrounded a lane at Nutly, where he took Robert Sergeant, William Blackman, William Kennard and Thomas Highsted, with five horses, and all their ropes and running tackle, which he carried with him, and the men were committed to Horsham gaol.⁴³

The reporter was somewhat misinformed, not appreciating that Tomkin and Jervis were the same man, and failing to mention that he was taken, and entrusted to the care of John Chasemore, Constable of Horsham. He escaped, allegedly through the connivance of one John Rogers, who accepted a bribe of ten pounds,⁴⁴ though given Rogers's position this was

⁴¹ P.C. 1/3/50.

⁴² *Ibid.*

⁴³ W. Cooper *Smuggling in Sussex* Sussex Archeological Collections, 1958. Reprinted Newcastle, 1966, p. 44.

⁴⁴ P.R.O. T1 238, 2nd October, 1721 and 24th October, 1721.

unlikely. Tomkin must have been recaptured soon afterwards, for the same year he was convicted of having seized a custom house officer and his assistant at Seaford, and kept them confined while he and his gang loaded and carried off some brandy.⁴⁵

The following month acting on instructions from the Treasury, Jekyll and his grenadiers undertook a mopping up operation, which if it had been supported by the civil magistrates, would have crushed the Mayfield gang. With John Rogers, a hop merchant with a special warrant to arrest smugglers, and a riding officer, they set out on a smuggler hunt through West Sussex. Moving off on a Sunday morning, they went from Arundel to Russington, where they took Edmund Martin and Richard Ford. "From thence they proceeded the same day to Kingston, and there took Richard Webb." The next day they visited Chichester and took "one Scarvel and one Weetly, both of Pegham parish". On the Tuesday they left Chichester and "at a little ale house in the road towards Arundel they took William Reading". Returning to Kingston they arrested James Cunningham, then to Preston, to pick up William Waller, and finally, on their way back to Arundel, Richard Prouton was taken into custody.

The prisoners were taken before Eversfield and Wicker, justices of the peace at Horsham. According to Rogers, Eversfield "layd him on with his whip" and dismissed him from the room while he examined the smugglers. He released them on the grounds that they were not taken according to the law, since they had no magistrate or constable with them when the arrests were made.⁴⁶

The previous year at Rye a party of Dragoons was involved in a more violent action. Two smugglers, Jacob Walter and Thomas Bigg had landed from a French sloop at Dungeness light house, and gone to the Three Mariners, at Lydd. They then went to the home of Phillip Levermore, Supervisor of the Riding Officers, and challenged him to come out. Levermore loaded his pistols and went to confront the pair, but they had left. The Supervisor collected a posse of riding officers and gave chase as far as the Camber. After an exchange of fire, which Levermore only survived when Bigg's gun flashed in the pan at point blank range, the smugglers were taken and placed under armed guard at the George Inn, Lydd. This was on the Friday. The following Sunday evening "nine men, well mounted and as well armed with pistols, swords, coopers adzes, wood bills, forks, etc. rid up to the George door, fires into the passage, forces their way upstairs firing all the way at the officers, the officers at them, shot Warwick and Marten, wounded Foreman with the cooper's adze, got between the officers and their arms, and carried the prisoners away. In case they had miscarried in the said attack, they were provided with 100 men quartered at several places in the Marsh, to have made a second, and bound in oath to rescue the prisoners or die".

⁴⁵ Collier Papers, p. 14.

⁴⁶ Tr 238, 24th October, 1721.

Writing to the Custom House on the same matter, Nathaniel Pigram, Commander of the Rye revenue cruiser, implored Mr. Wyatt to press the government to send a company of dragoons to round up the smugglers, "or in a short time they will rise in rebellion. The number of them is not less than 200, and every man of them for the Pretender". At the time of his writing there were three Calais sloops lying off Rye, each with 30 men on board. The riding officers were afraid to carry out their duties, and Pigram could not risk taking his cutter out for "if I have not more men or a man at war to cruise with me, I am useless".⁴⁷

A detachment of dragoons belonging to Brigadier Grove's Regiment, was sent from their quarters in Battle to deal with the situation. Walter was captured and taken to London under a guard of 20 men, since it was thought the smugglers would attempt another rescue. Lieutenant Burnett, the officer in charge, was afterwards awarded £200 for his part in this affair, and for finding "several large quantities of brandy, and horses".⁴⁸

Notwithstanding the efforts of the army and the customs, the smuggling trade continued to thrive, especially import smuggling of tea, which was to reach massive proportions. In 1731 the Commissioner for Excise submitted a memorial requesting more dragoons be sent to Sussex for the assistance of the excise officers.⁴⁹ The following February they submitted a second request, representing that "the said smugglers to be so numerous and audacious as to carry off goods at all times of the day, beat their officers and threaten them with death".⁵⁰ This was very similar to a memorial delivered by the Commissioners of Customs in July, 1732. Tea and brandy were being brought in by well armed gangs of smugglers operating on the shores of Suffolk, Essex, East Kent and Sussex. Within the last year over 54,000 lbs. of tea, and 123,000 gallons of brandy had been seized. The smugglers were so powerful as to intimidate both the customs officers and the sherriffs. As a solution the Board proposed an increase in the number of dragoons on preventive duties.⁵¹

A Parliamentary Committee was set up in 1733 to enquire into frauds and abuses in the customs. Its findings echoed the memorials of the Commissioners. The smugglers "had grown to such a height of insolence as to carry on their wicked practices by force and violence, not only in the country and remote parts of the Kingdom, but even in the City of London itself, going in gangs armed with swords, pistols and other weapons, even to the number of 40 or 50". The customs officers and magistrates were unable to control these gangs "even by the assistance of such regular forces as have been sent to their aid". Since Christmas, 1723,

⁴⁷ Collier Papers, pp. 8-11.

⁴⁸ Calendar of Treasury Papers, 16th December, 1721.

⁴⁹ *Ibid.*, 20th May, 1731.

⁵⁰ *Ibid.*, 29th February, 1731-32.

⁵¹ *Ibid.*, 28th July, 1732.

250 revenue officers had been assaulted on duty, and six murdered. In the same period 251,320 lbs. of tea and 652,924 gallons of brandy had been seized.⁵² By 1736 the value of goods under prosecution since 1723 had increased to £4,071,820.⁵³

In Kent and Sussex violence flourished throughout the 1730's and 1740's, reaching a peak with the exploits of the notorious Hawkhurst gang in the years 1747 and 1748. The army kept fully occupied providing the armed strength necessary to prevent a state of chaos degenerating to one of complete anarchy. A few cases will give some idea of the desperate state of affairs in the two counties.

A large gang operating in Romney Marsh in 1734 would travel through the towns of Lydd and New Romney at midday, "and the smugglers, who were armed with blunderbusses, etc. baited half an hour at the Warren House, in sight of the whole town, and declared they would be opposed by nobody".⁵⁴

The Groombridge gang was so terrorising that neighbourhood in 1737 that the Surveyor General of the Kent Riding Officers, John Collier, felt it necessary to have a detachment of soldiers sent down to curb them.⁵⁵

In 1743 Mr. Clare, Supervisor of Riding Officers, wrote to Collier to relate how on his tour of inspection he had been unable to stay at the Rose and Crown in Romney. "When I came there, to my surprise, I found the stables were filled with smugglers horse." He summoned the Romney officers, and together they lamented their impotence.

The boat came that night and worked for goods at Romney Warren, post in the morning. About eight o'clock the same morning the smugglers to the number of 18 men, armed with brass musketoons, brass fuzees and pistols, and one boy, all with brazen faces, came into Romney town with 60 horses, all loaded with dry goods, tea I took it to be; and as near as I could guess, there was three hundred weight upon a horse. They took possession of the two inns. viz. the Dolphin and the Rose and Crown, where breakfasted and baited their horses about two hours then went into a long string or train out of town, to make themselves or show to the inhabitants, that they were such fellows as dare bid defiance to all laws and government.⁵⁶

The same year John Darby, a riding officer at Lydd, had to leave his station after frequent threats from the smugglers who "came in the night to his house swearing and threatening his life if he went out on duty". They came night after night, telling him they would "cut him to pieces",

⁵² W. Cobbett, *Parliamentary History* 1733-37, p. 167.

⁵³ Calendar of Treasury Papers, 22nd June, 1736.

⁵⁴ Collier Papers, p. 18.

⁵⁵ *Ibid.*, pp. 56-57.

⁵⁶ *Ibid.*, pp. 94-95.

and burn down his house and barn at Wadhurst. When he could endure this no longer Darby fled to Hythe.⁵⁷

Also in 1743, a smuggling sloop was captured and brought into Dover Harbour, with 14 tons of tea on board. The smugglers did not accept this loss easily. On two occasions they attempted a rescue, riding into Dover 200 strong. "They rode through the town about 5 o'clock in the afternoon with pistols cocked in their hands, each having two carbines and cutlasses, swearing and threatening destruction to the officers of the customs, and to blow out their brains and burn their houses, and put the whole town into confusion."⁵⁸

The customs officers could be harried and intimidated, but it would be mistaken to accuse them, as a body, of pusillanimity. Though often helpless in the face of overwhelming odds, when able to unite, or with only minimal numerical assistance from the army, the revenue officers showed great courage and determination, frequently recovering run goods from large armed gangs.

In 1734 a party of excise men and soldiers discovered over 5,000 lb. weight of tea and a quantity of silks and velvets in a barn near Ashford. These goods were loaded on to two wagons and taken to the Excise Office in London, under escort. In the course of the seizure "the smugglers, being above 50, and armed, exchanged three fires with the soldiers, but having killed two of their number, thought fit to retire, having first attempted to fire the barn".⁵⁹

The *Gentleman's Magazine* reported two clashes between dragoons and smugglers the following year. An armed guard of riding officers and soldiers, with a sergeant from the Tower, were taking a coach filled with contraband tea to the capital. When they reached Lewisham they were attacked by four smugglers brandishing blunderbusses, pistols and cutlasses, who swore "Damn them, they would kill or be killed before they would lose their all". They opened fire, killing an officer's horse. The soldiers reply was more accurate, two smugglers died and one was captured.⁶⁰

The second incident concerned an ambush laid by dragoons and riding officers at Limpsfield Hill, Kent. There was a skirmish and a dragoon was hurt "and one of the smugglers had his thigh shattered to pieces, but the smugglers at last quitted the field, and both horses and tea became a prize to the officers". Nine hundredweight of tea and seven horses made this a profitable seizure.⁶¹

That same year Collier was preoccupied with two very different cases. One in which the preventive forces were bested by the smugglers, and the other involving the defence of two soldiers accused of murder for shooting a smuggler during an affray.

⁵⁷ Collier Papers, pp. 97, 132-133.

⁵⁹ *Gentleman's Magazine* (1734), p. 702.

⁶¹ *Ibid.*, p. 557.

⁵⁸ *Ibid.*, pp. 99, 110-111.

⁶⁰ *Ibid.* (1735), p. 498.

At Stonecrouch, Kent, a patrol was surrounded by a gang, who had: Come down with them all armed with firearms and clubs, and swore at the officers, "damned them, what, were they come to rob them?" And came up with their pistols cocked, and swore they would shoot them through the head, and clapped their pistols cocked close to their heads (and Peadle says he was pretty much beat and abused) seized their arms, and threatened to tie them back to back and leave them there, but afterwards obliged them to go with them to a green on the back of Lamberhurst Furnace, where they discharged these deponents arms and knocked their flints out of their pistols, and then released them, being about 5 o'clock.⁶²

In addition to the indignity of capture, the riding officers and soldiers had the humiliation of being made to lead the smugglers pack horses.

Thomas Elgood and Robert Biscoe, both privates, were indicted for the murder of one Thomas Peen, Collier drawing up the brief for the defence in February 1736. They belonged to Brigadier General Copes Regiment of Foot, and were part of a section detailed for preventive duties in Sussex, quartered at Hastings. This section consisted of five men under the command of sergeant Angell. On Friday, 24th October, the customs officers received information of an intended run in the vicinity, and Messrs. Carswell, Hide and Bourne went out on duty accompanied by the sergeant and his men, and private Robert Jones, "a soldier of Colonel Montague's Regiment, quartered likewise at Hastings". When they reached Hollington they split into two groups and prepared an ambush along a lane leading down to the sea. Carswell, Angell and Jones were with one party, Hide, Bourne, Elgood and Biscoe made up the other.

At midnight a solitary rider came by, and the ambushers, suspecting him to be a scout, let him pass. A quarter of an hour later the main body arrived. The forward ambushing party, including Biscoe and Elgood, kept under cover, and when the smugglers came abreast of the rearward group, Carswell stepped out and challenged them. He tried to seize the bridle of the leading horse, but the rider turned about, and the gang tried to retreat back the way they had come. "Hide and Bourne and the prisoners endeavoured to stop the smugglers retreat, but several of them struck at the officers with the great ends of their whips and the clubs they had in their hands, and being so assaulted and not able to stop the gang or seize any of their horses goods, Hide called out to the prisoners to fire, which they accordingly did." The gang escaped by breaking through the hedgerows at the side of the lane, but when their assailants examined the path they found a corpse, which was later identified as that of Peen, a Hawkhurst carpenter. The body was taken to a neighbouring ale house,

⁶² Collier Papers, p. 25.

where a coroner's jury sat, and decided the soldiers were guilty of manslaughter, since there was no proof of Peen having been a member of the smuggling gang.⁶³

A large seizure was made in Sussex in 1736, by three riding officers helped by three dragoons. Sixty horse loads of tea, amounting to 70 cwt. were taken to the customs house at Eastbourne. "The smugglers were about 40, a good part of whom, after an hour's tipling, made an attempt to regain the goods, but were repulsed, and several of them wounded.⁶⁴ Two months later, two dragoons, Joseph Reading and Richard Bailey helped John Miles, the Pett riding officer, seize a quantity of brandy at the Step, in Fairlight. This success was shortlived, for the same night a dozen men broke into Miles home, where the brandy was in temporary store, recovered their goods, and treated the officer to a vicious beating.⁶⁵

From 1737 to 1739 the smugglers appear to have avoided armed confrontations with the military, but in 1740 there was another serious clash, resulting in the death of Thomas Carswell, the Hastings riding officer. On Christmas Eve Carswell with his colleagues and four dragoons, set out on patrol along the coast to the west of the town. "Near Bulverhythe Hatches, about three or four miles distant from Hastings, it being very moonlight, they discovered the trappings of a great many horses on the sea sand on the beach, and thereby imagined that some smuggled goods had been landed and carried off." They followed the tracks to a barn near Hurst Green, arriving in the early hours of the morning. There they found 88 oilskin bags containing 2,000 lbs of tea. Carswell hired a wagon, and they set off to Hastings with the haul. After about a mile they realized they were not alone, twenty men, mounted and armed, were in hot pursuit. Carswell pulled up, and warned this gang to keep off on pain of being shot. They told him to "fire and be damned" and the dragoons got off a volley.

On which their horses whirled round a little to the left, and the gang pushing in nearer, discharged a great many blunderbusses and other firearms, by which Mr. Carswell was shot dead, Corporal Finlater received eleven bullets or slugs in his head, shoulder, elbow, and right side of his back, and James Crabtree received a ball in his right arm. Thereupon the smugglers rushed in and seized the dragoons arms and confined them prisoners and made the dragoons turn round with the tea and carry the same back to the Bull ale house at Hurst Green, where they unloaded the tea out of the wagon, and loaded the same on their horses and carried it off.⁶⁶

One of the men suspected of this attack, John MacDonald, was arrested at his house by Thomas Jarret and a party of dragoons. He

⁶³ *Ibid.*, pp. 28-29.

⁶⁴ *Gentleman's Magazine* (1736), p. 618.

⁶⁵ Customs 41/42. Crown Briefs in Smuggling Cases, p. 4. (Customs House Library.)

⁶⁶ *Ibid.*, p. 13.

was taken before a justice, and then escorted to the county gaol by forty soldiers, "it being apprehended that his associates would attempt to rescue him". By the time the case came to trial in 1744 the dragoons, Finlater, Crabtree, Christopher Cleghorn and John Breckenridge, were serving in Flanders with the Scots Greys.

Another suspect, Joseph Nobody, or Lanton, was picked up in January, 1740, but subsequently escaped from the George Inn at Battle, where he had been placed under guard. This led to mutual recriminations between the soldiers set to guard him and Walker, a customs officer. The dragoons sent a petition to Collier which gives a good idea of the severity of disciplinary measures at that time.

Your petitioners were confined for eight days together in the round house at Tonbridge, and ordered to have no other subsistence than bread and water, which their corporal also neglected to supply for seven days, at the time giving strict orders to the respective public houses where your petitioners lodged, that they should on no account whatever send the least relief of any kind to the petitioners, so that had not your petitioners received some kindness from the neighbourhood, they have reason to think they might have been totally neglected, by reason of which confinement in a damp and unwholesome room, without anything but the cold earth to be upon, or other convenience whatsoever for their use, your petitioners health was very much impaired.

They went on to accuse Walker of gross negligence at the least, and hint at complicity on his part in the escape. Walker, for his part, blamed the soldiers, but since he had deprived them of their weapons he was equally responsible, a lapse which Collier charitably ascribed to "his having conceived too good an opinion of the prisoner's integrity".⁶⁷

Judging from the incidents recorded in Collier's papers the smugglers were growing in numbers and in audacity during the 1740's, and the customs officers were unable to control them. By 1742 there were 39 dragoons and 9 companies of infantry stationed in Kent. Collier wanted a further 30 dragoons.⁶⁸ More dragoons were sent into Sussex in 1743, but Collier was still agitating for support in his area, and argued that 200 dragoons were needed in Kent. Nor was his fellow Surveyor General in Sussex satisfied with the reinforcements provided. Major Battine wrote to the Board requesting that a stronger military force should be sent into Sussex, "to hinder the smugglers committing more riots". It had to be confessed that the only solution would be to denude the coasts of Kent, Suffolk and Norfolk of troops already engaged on preventive duties.⁶⁹ At the beginning of 1744 three regiments of marines

⁶⁷ Collier Papers, pp. 65, 68-69, 80.

⁶⁸ *Ibid.*, p. 90.

⁶⁹ Calendar of Treasury Papers, 13th December and 20th December, 1744.

were ordered to assist the riding officers in Romney Marsh, but Mr. Clare, Supervisor at Hythe, had doubts as to their effectiveness.

I know not how to proceed. Considering they are foot soldiers and therefore not of that service to the officers in the customs as dragoons would be, that should I apply to the commanding officer at Canterbury for a detachment of his men to act against the smugglers? If I have not a hundred men granted to plant at Lydd, Romney, Dymchurch and Hythe, it will signify nothing, for unless I have a number at first sufficient to make head against such numbers as there are, and so well armed, I should be only the cause of mens coming on the coast to be knocked on the head, which will make them more insolent than they are now.⁷⁰

Shortly after, Michael Bath, a dragoon, was killed in a fight with smugglers at Goring. Among those with the gang was Thomas Holman, a nephew of Collier, who escaped at the time, but was brought to trial in 1749. Only the strenuous efforts of the Surveyor General and his brother-in-law managed to save Holman from the gallows.⁷¹

In November, 1743 there occurred a second case in the Hastings area of soldiers shooting smugglers, but on this occasion the Coroner's jury acquitted them. A gang had broken into the house of Bayley, a customs officer at Bexhill. The dragoons were notified, and set off in pursuit, arriving at the Sluice at about 10 o'clock at night. There they stopped and while "refreshing themselves, three smugglers rode by the place, with goods under them, upon which 7 or 8 soldiers that were posted as a guard, shot one of them dead". A jury was summoned, which viewed the body and allowed burial, and then adjourned to Hastings. After sitting for three days, and examining 18 witnesses, "the jury returned that the soldiers firing was in execution of their duty, and in defence of the custom officers". Collier expressed the opinion "that the soldiers were too hasty in their fire".⁷² A curious statement considering his continual demands for military assistance, and the dangers endured by the riding officers. The jury's decision might have been a reflection of the growing unrest among the people of the coastal towns. While willing to condone smuggling, they were not inclined to tolerate terrorism and treason. It was reported in 1744 that the smugglers "have been so impudent as to publicly drink the Pretender's health, and confusion to his Majesty King George."⁷³ "There was also a belief that the smugglers were providing the French with information about English naval dispositions."⁷⁴ Certainly by 1747 the outrages of the Hawkhurst gang had so inflamed public opinion in the Weald that the villagers of Goudhurst, led by Lieutenant Sturt, a local man home from the French war, formed a militia with

⁷⁰ Collier Papers, p. 97.

⁷¹ *Ibid.*, p. 105.

⁷² *Ibid.*, p. 110.

⁷³ *Ibid.*, pp. 121-123.

⁷⁴ *Ibid.*, pp. 110, 112, 124.

the sole purpose of defending themselves against the smugglers. It was their successful defence of Goudhurst against an armed attack which marked the beginning of the end for that particular gang.⁷⁵

From the evidence of their combined operations, relations between the army and the customs were generally good. The often expressed opinion of senior revenue officers that only a strong military force could control the smugglers indicates their appreciation of the assistance given. Until 1746 Collier noted only two instances for complaint. In 1735 he complained to the Commissioners of the dragoons at Romney and Lydd "frequently making seizures of brandy and horses and delivering them again to the smugglers for one guinea each horse, and the brandy to an officer of excise, from whom they receive two shillings for each half anchor". This complaint must have been sent to the Commissioners for Excise. They counter-charged that Thomas Jordan, a riding officer at Folkestone, would purchase seizures from dragoons there at "half a crown for each half anchor and twenty shillings for every bag of tea".⁷⁶ The dragoons action was probably due to laxity on the part of the authorities in ensuring the seizures received their share in any confiscations. They preferred an immediate settlement to an indefinite wait.

In 1739 Collier noted in his report a misunderstanding between William Elliot, riding officer at Hawkhurst, and "a cornet commanding officer of the dragoons at Tonbridge, on removing some of the dragoons to Hawkhurst, and about Mr. Elliot's taking the others out on duty without acquainting the officer".⁷⁷

These were relatively unimportant disputes, which hardly seem to point to a serious rift which became apparent in 1746. The increase in the extent of military involvement on the coast and the personality of the commanding officer, General Hawley, were probably responsible. Originally the detachments had been sent to aid the customs officers, and were to be used at the discretion of the revenue officers, but when there were more military than civilian personnel engaged on preventive duties, it is hardly surprising Hawley should have wanted to have placed the operations under the supervision of himself and his officers. Hawley was not noted for his diplomacy, and instead of simply presenting his case, he launched into an attack on the integrity of the riding officers. In a memorial submitted to the Treasury he claimed that these officers withheld information from the army "under pretence they are afraid", whereas in fact, "tis very well known that when our detachments have been there formerly, the men when they came back, have declared how often the custom officers have kept them drinking while run goods have passed, this shows something of bribery, and even now they will never inform any officer where he may go and make any seizure, but when any goods

⁷⁵ Williams, op. cit., pp. 114-120.

⁷⁶ Collier Papers, pp. 23-24.

⁷⁷ Collier's Report upon a General Survey (1739). (Custom House Library.)

are passed by twenty miles or more, they then come in great haste to demand 5 or 6 men to follow them, then the commanding officer gives them 12 and a sergeant, when they demand 10 or 12, he gives them 20 or more men with an officer, or non-commissioned officer, this they don't like, and never desire to have an officer or non-commissioned officer go with them, therefore 'tis notorious they have hitherto always led them another way, not that it was practicable for our heavy horses ever to overtake any smugglers, who were so well mounted".

He maintained the customs men would so befuddle the soldiers with drink that they would credit stories of being cheated out of their proper shares of seizures by their officers, and so sell their portions cheap to the customs officers. On top of this, the drunken dragoons would then gallop home from the ale house and "kill or spoil the horses". A particular grievance, as the customs paid compensation only for animals which died under the rider, not for those which expired in the stable.

Hawley wanted to see quarters established inland, near waterways, and routes known to be used by smugglers, rather than scattered along the shore, where the troops could be easily by-passed, and because of their isolation, be exposed to bribery by them. The army officers should have greater powers of seizure, and the riding officers be subject to their direction, relegated to act as "advanced spies, to give the officers intelligence when any party of smugglers try to come that way". To prevent the "fraudulent practices of the riding officers" Hawley suggested that in future all prize money should be paid to the regimental agents, to be shared among all the men and the officers, according to their pay.⁷⁸

Collier and Battine were given copies of the memorial, and instructed to make their own investigations. Their findings were negative. They first contacted Major Johnson, asking for the names of any officers whose conduct had been unsatisfactory, and for details of specific incidents. Johnson could produce nothing to substantiate Hawley's accusations.

The Surveyors did agree that there was room for improvement in the disposition and utilisation of troops, and were willing to co-operate in such a re-organisation along the lines proposed by Hawley. Even in this they had reservations, feeling that it would be just as difficult to patrol the roads leading to London as it was to maintain surveillance on the coast. As to the allocation of prize money, this had been settled in 1732 by the Commissioners and the then Secretary at War.⁷⁹

The fundamental problem was a shortage of manpower, there were too few customs men and soldiers to prevent smuggling on a large scale. In France, by the middle of the 18th century, there were 24,000 customs men, organised on military lines, and commanded by retired officers, and this force could not entirely stamp out smuggling.⁸⁰ This does not mean the dragoons did not make a valuable contribution to the efforts to suppress

⁷⁸ P.C. 1/5/111.

⁷⁹ Ibid.

⁸⁰ P. Bequet *Contraband et Contrebandiers* (Paris, 1972), p. 13.

the trade in this country. Any attempt to assess the effectiveness of the preventive forces in the 18th century is fraught with difficulties. There are no complete statistics relating to seizures, and even if there were more figures available, drawing concrete conclusions from them would be a hazardous process, since so many variables have to be taken into account. As an example, if a smuggler's boat was seized with its cargo intact, then the seizure figures for the officers taking part would be given a considerable boost, whereas if they had had to try and trace the goods after they had been landed and dispersed, their returns would be meagre. A high number of seizures might indicate a high incidence of smuggling, rather than any especial diligence on the part of the officers in that particular locality. Riding officers confronted by large armed gangs would be less enthusiastic in performing their duty than when tackling local seamen who brought in the odd gallon of spirits or pound of tea. Bearing these factors in mind, too much should not be read into the seizure figures recorded by Collier for Kent in 1739 and 1741. These would seem to show that the officers who had military assistance close at hand, i.e. at Canterbury, Lydd and Folkestone, benefited from such aid, for they made seizures of far greater value than did the other riding officers in Kent.⁸¹

Baker, Saxeby Collier, Battine, and the Supervisors of Riding Officers all believed military aid to be essential, and in the later period, it was noticed how the smugglers tended to change their bases of operation to avoid the army detachments. The picture of heavy dragoons blundering haphazardly over the countryside in a forlorn chase after smugglers mounted on swift, sure-footed steeds, is a travesty. When supplied with information, and acting in concert with the riding officers, the army could be very useful. That the violence associated with smuggling escalated during the 1740's was not the fault of the military, there were simply not enough men. When violence did diminish it was the result of the laws against smuggling being implemented, and a change, if only temporary, in public opinion. A reduction in tea duties in 1746 placed the smugglers in a difficult financial position. They could no longer afford to lose shipments, and so resorted to greater violence to protect themselves from interference. This culminated in the savage murder of a customs officer and a potential informant by the Hawkhurst gang. After this many of the gang were rounded up and executed.

In 1757 the *Gentleman's Magazine*, relating an account of an incident at Arundel, when a dragoon and a customs officer were killed, claimed that "This is the first material resistance they have made since six of them were hanged by Special Commission some years ago."⁸²

⁸¹ Collier's Report upon a General Survey, 1739 & 1741.

⁸² *Gentleman's Magazine* (1757), p. 528. This is an isolated assertion. There is evidence that smuggling continued as before 1749, when many of the Hawkhurst gang were hung after trial at Chichester. Whether there was still widescale violence after these exemplary executions, is a question which still needs to be enquired into.

THE BRITISH GARRISON IN MONTREAL IN THE 1840's

BY ELINOR SENIOR

From the capitulation of Montreal in 1760 until 1870, Montreal was a British garrison town. It was never without a regiment of the line, a battery of Royal Artillery and some Royal Engineers. For these 110 years, Montreal, the commercial centre of the country, was to rival Quebec as the major British military station. The advantages of Montreal as military headquarters of the British army in North America became evident whenever internal or external tensions arose. Thus, in 1814, military headquarters was moved from Quebec City to Montreal. Again in 1836, "at a time of great excitement", Sir John Colborne decided, reluctantly, to fix his residence at Montreal.¹ With the commander of the forces in Montreal, it became expedient for other general and staff officers to move there from Quebec. By November of 1838 the military secretary had established his department at Dalhousie Square,² just opposite the imposing main Quebec Gate barracks of the garrison. Over the next year the departments of the commissary-general, adjutant-general, quarter-master general, inspector-general of hospitals, and ordnance were also transferred to Montreal, which was to remain military headquarters until the withdrawal of imperial troops in 1870.

The presence of the highest ranking officers of the military establishment, together with their aides-de-camp, deputies, clerks and servants gave Montreal a military prominence over the other garrison towns of Quebec, Kingston, Toronto and London. And, for much of the decade of the forties, when the city was also the political capital of the united province of Canada, Montreal resembled a European metropolis, having the seat of government and military headquarters located in the most important commercial city of the country.

In the early 1840's, the military aspects of Montreal were evident. To the traveller coming up the St. Lawrence in the spring of 1840, the first glimpse of Montreal would take in the Quebec Gate barracks which fronted the north bank of the river east of Bonsecours church. Here, some 1,000 infantry and artillery were quartered and here, too, were officers' quarters, commissariat store, bakery, brew house, stables and fuel yard. The garrison hospital was located to the east of the main barracks on Water Street while directly below the barracks a military "jolly" boat awaited those officers and soldiers on their way to quarters on St. Helen's island. About 560 soldiers³ were quartered on the island which was the main ordnance depot for the Montreal station.

¹ Lt.-Gen. John Colborne to Lord Hill, 21st November, 1836 (PAC, R.G. 8, C 1277, p. 136).

² PAC, R.G. 8, C 1292, p. 99.

³ PAC, WO/17/1544, Monthly troop returns dated 1st April, 1840.