

# THE "SAN FRANCISCO."

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RETURN to an Order of the Honourable The House of Commons,  
dated 30 April 1867;—for,

COPIES "of the REPORT upon the INQUIRY recently held by order of the Board of Trade in the Case of the WRECK of the 'SAN FRANCISCO' in *Clonakilty Bay*, County *Cork*, in January last:"

"And, of the MINUTES of EVIDENCE taken at the Inquiry."

Board of Trade, Whitehall, }  
17 June 1867.

T. H. FARRER.

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(M. 3424.—April 23.)

REPORT of Captain *H. D. Grant*, R.N., and Mr. *Hughes*, to the Board of Trade, on Inquiry into the WRECK of the "SAN FRANCISCO," together with MINUTES of EVIDENCE taken at that Inquiry.

Sir,

London, 23 April 1867.

ON the completion of our report on the inquiry into the plunder of property at the wreck of the "Elizabeth Buckham," on the coast of Cheshire, we proceeded to Ireland without delay, agreeably with your instructions, in order to inquire into the wreck of the "San Francisco," in *Clonakilty Bay*, county *Cork*, in the month of January last.

On our arrival at *Clonakilty*, we forthwith made arrangements for holding an open court of inquiry at the Court-house of that town, and communicated with the magistrates, especially with Mr. Beamish, on whose property the vessel came ashore, the coast guard, and the constabulary, in order that those who were present at the wreck, and were acquainted with the circumstances, might be in attendance, and give evidence.

We learn from an official copy (annexed) of the Content of the vessel, which has subsequently been furnished to us by the collector of Customs at Swansea, that she was known by the name of the "San Francisco," but that she was registered at Gibraltar as the "Saint Francis," of 108 tons, official number 41,497, Guiseppe Garibaldi, master, with a crew of 11 hands, a cargo of 166 tons of steam coals; and that she sailed from Swansea for Gibraltar on the 21st of November last.

The master and the whole of the crew were foreigners, and they left Ireland immediately after the disposal of the wreck and cargo; we have, therefore, no information of the voyage after the vessel left Swansea, nor have we been enabled to ascertain whether any disaster occurred between the 21st of November, the date of her sailing (excepting that she was leaky), and the 7th of January, when she was run ashore at *Muckcross*, in *Clonakilty Bay*, for the purpose of stopping the leak.

It may be here observed, that the vessel was very old (App. p. 14), and that she was fastened and sheathed with yellow metal, which, throughout the evidence, is called "copper."

On the afternoon of the 7th January she was standing into the Bay under canvas, and she struck on the rocks, then submerged, and afterwards went over them about high water, on to the strand, which it was the captain's original intention of taking; and there appears to be little doubt that had the weather

continued moderate, he would have succeeded in stopping the leak, and proceeding on the voyage.

The intelligence rapidly spread abroad that there was a ship ashore; and in a very short time a crowd of people had assembled for the purpose of plunder.

The coast guard were on the spot when the vessel ran ashore (App. p. 26), and some of the county constabulary soon followed (App. p. 17); there was therefore no lack of diligence on their part on this occasion. And it is due to Sub-constable Shields to state that he volunteered to man the boat for landing the crew, and that in so doing he lost his uniform, when no one else would venture with Mr. Gallway in his gallant conduct on that occasion.

The subsequent proceedings in regard to this vessel form the subject of this inquiry, and it may be convenient to classify them as follows:—

- I. The Receiver of Wreck, the Coast Guard, and the Constabulary.
- II. The Proceedings of Mr. Beamish, and the Persons whom he appointed Salvors.
- III. The Plunder.
- IV. The disposal of the Property.
- V. Conclusion.

#### I. The Receiver of Wreck, the Coast Guard, and the Constabulary.

The Collector of Her Majesty's Customs at Cork is the Receiver of Wreck, and he has a deputy at Kinsale, who exercises the functions of the Receiver for the district in which Clonakilty is comprised. From the Deputy Receiver, Mr. Quill, we learned that, although he was apprised of the wreck, and was requested by the officer of the coast guard to go up, he declined to do so, excusing himself on the plea of bad roads, and inclement weather (App. p. 12). Mr. Quill made no effort to see the master, or to take his deposition, as required by the 448th section of the Merchant Shipping Act, and paragraph 39 of his instructions. In fact, in this instance the functions of the Receiver appear to have been ignored until the question arose of a claim for services rendered, when a deposit of 20*l.* was made with Mr. Quill, and returned to the parties upon a settlement of the claim without his interposition (App. p. 12).

The coast guard were, in the absence of Lieutenant Synge, the chief officer, from sickness, under the command of the chief boatman in charge, Mr. Bridle. They were protecting the property from the hour of the vessel coming on shore to the final sale of the wreck; but when we refer to the evidence of Sub-constable Shields (App. pp. 18, 19), and find that he saw the property unprotected by them when numbers of people were there for the purpose of plunder, it is our opinion that it would have been more satisfactory if an officer of greater energy than Mr. Bridle had been in charge to control and direct the men; and especially so on the occasion of the stone-throwing on Thursday night, when the coast guard fired several rounds of ball cartridge on the people, an act which we consider to be of a very serious character that should never have been resorted to, excepting when the danger to life was imminent. It is fortunate that no one was hurt on either side. There was no evidence of immediate danger to the coast guard, therefore the firing was, in our opinion, quite unjustifiable (App. pp. 14, 15, 25, 27, and 29).

With reference to the absence of the inspecting commander from this wreck, where his presence would have been of so much value, we learn that at the time, in consequence of the disturbed state of the country, he was instructed to be constantly at Kinsale, and ready for any emergency when his services would be required.

The constabulary, on this occasion, were early in attendance, and in sufficient force to assist the coast guard on Monday, and until the afternoon of Tuesday, in maintaining order. We are of opinion that, in directing the withdrawal of the police, Mr. Beamish acted injudiciously. It was solely through their instrumentality that several persons were convicted of stealing the property; and although there was a diversity of opinion expressed as to the time when the plunder of the sheathing was effected, we believe that there would have been less if the services of the constabulary had been continued.

We shall merely refer to Mr. Thomas Beamish's disparaging testimony (App. p. 29),

p. 29), for the purpose of expressing our confident opinion that the charge he has made cannot be substantiated.

There may be a difference of opinion whether civilians or the coast guard and police are the best guardians of wrecked property, but we are inclined to believe that disciplined men, properly armed, are better prepared to resist a mob of wreckers than civilians.

## II. The Proceedings of Mr. Beamish, and the Persons whom he appointed Salvors.

Captain Garibaldi landed, as before stated, on Monday evening, the 7th January, and he soon afterwards was in communication with Mr. Beamish, of Muckross, a magistrate of the county of Cork, who, as he states (App. p. 31), by the captain's consent, appointed his four sons, his father-in-law, and Mr. Gallway, salvors.

With reference to this appointment of salvors by Mr. Beamish, we have to observe that the captain was then in possession, and that there was no salvage duty to be undertaken. A salvor is a person by whose assistance a ship or her cargo is saved from damage or loss; and we have Mr. Gallway's testimony that up to the following day at noon Captain Garibaldi refused to delegate his authority to anyone (App. p. 24). Moreover, we have had no evidence that Mr. Beamish went personally to the vessel on Monday to give directions, and take command as a magistrate in the absence of the Receiver, under the 441st and 445th sections of the Act. We therefore consider that the appointment of salvors by him on that day was invalid and improper. We have here to observe that Mr. Gallway declined to act as salvor unless he had charge from the captain himself (App. p. 24); and that later in the evening the coast guard and constabulary went "and cleared the vessel of the persons on board." Mr. Beamish informed us that his father-in-law, a very old man (one of the salvors whom he appointed), was forcibly removed from the vessel (App. pp. 26, 36) by the police, who, according to the evidence of Mr. Clements, the head constable, were thanked by Captain Garibaldi on the following day for protecting the property (App. p. 16).

On the afternoon of Tuesday, at Mr. Beamish's solicitation, Captain Garibaldi signed a document which entirely transferred his control over the wreck and cargo to Mr. Beamish, and from that time until he was superseded by the Messrs. Cummins, of Queenstown, he had legal authority to take charge and give directions as he might think proper (App. pp. 21, 23, 25, and 31).

His first act after receiving this authority was to discharge the police. From his account, there was nothing to protect (App. pp. 23, 32); but we have the evidence of the coast guard and police (App. pp. 15, 16, 20, 25, 26, 28); of Mr. Colman and Mr. Gallway (App. pp. 21, 24), that there was a crowd of people there at the time the police retired, with an evident indication of lawlessness and plunder; and we consider that it was injudicious to remove them.

We are the more confirmed in that opinion when we find that the persons appointed by Mr. Beamish, rendered no assistance whatever in guarding the property (App. pp. 25, 27, 29, 34), and we can arrive at but one conclusion with reference to this proceeding on the part of Mr. Beamish, that he was superseding an efficient, trustworthy, and most active body of men, who were of essential service, for persons who, from their habits and position, were unfit for the work to be done.

Mr. Beamish expressed himself in very animated language (App. p. 36) on the inversion of society, by the supposition that gentlemen were expected to do the duty of common labourers. We do not hesitate in submitting that the gentlemen whom Mr. Beamish appointed were out of place there; and noting his own repeated remark of the small value of the property to be guarded, to appoint his own relatives, one of whom was far advanced in years, and therefore incapable of exertion, at the rate of 1 *l.* per diem, to do what could be much more efficiently done by policemen earning 1 *s.* 6 *d.* or 2 *s.* per diem was, to say the least of the transaction, highly inconsistent.

In the statement with which Mr. Beamish favoured us on the third day of the inquiry, he observed that it might be supposed "that a dozen of the coast guard and a dozen of the police were necessary for the protection of that property" after his purchase of it; but it must be borne in mind that before his



purchase the hull had been entirely denuded of everything. The materials, rigging, sails and stores had been dispersed, the sheathing stripped off, and the bolts removed; in fact the hull was then in the condition that Mr. Beamish endeavoured to show the vessel was in when she came ashore with all her stores on board, "with nothing to protect." His "moral influence" may therefore, in this instance, be said to be in abeyance (App. p. 36).

Mr. Beamish having expressed a wish that the statement made by him should be carefully reported, we have only here to call especial attention to his observations (App. p. 35).

### III. The Plunder.

No sooner had the tide receded, and the vessel was high and dry, than the plunder of the metal sheathing commenced. There does not appear to have been any cessation of this plunder from the moment that the vessel came on the beach until the whole of the sheathing that could be got at was carried away. The coast guard and the constabulary, so long as they were there, did all they could to prevent the lawlessness that prevailed; and we consider the statement of Mr. Thomas Beamish in regard to the conduct of the two services on this occasion (App. p. 29), to be undeserving of attention; on the contrary, we find that it was through the instrumentality of the police that several offenders were brought to justice (App. p. 19); and we also find that one of the sails was being carried away from the forecastle on Tuesday night, when the coast guard frustrated the robbery. The names of the offenders, who were tenants of Mr. Beamish, were given to Mr. Henry Beamish, but no notice was taken of the offence (App. p. 27).

We have no evidence of the plunder of any other portions of the wreck. The rigging, sails, and small stores, appear to have been placed in security, and to have been sold at the auction.

Our attention was directed during some considerable portion of the inquiry to the disposal of the sheathing that was plundered, and we elicited from the various witnesses that it was much loosened, and a large quantity was washed away at the time, and subsequent to the vessel being on the rocks (App. pp. 24, 26, 28). The quantity thus lost may be estimated at one-fourth, or three cwt.; the quantity plundered at five cwt., and the quantity stripped off and delivered to the final purchaser, Mr. Beamish, at five cwt. We have made this estimate after a careful consideration of all the evidence. One of the coast guard (App. p. 28), estimates the quantity of sheathing of the vessel at one ton, and the quantity plundered and washed away at 12 cwt. Mr. Hoffman, the auctioneer, who has had considerable experience in such matters, and who carefully looked over the wreck, gives the full sheathing at seven cwt., and the bolts three cwt. (App. p. 44). Mr. Gallway states (App. p. 24), that the sheathing was "as thin as brown paper." Taking the evidence as an approximation to the truth, we believe that the country people carried away, as we have above stated, about five cwt. of the sheathing, and some of the bolts; and, with the exception of what was taken from them when in the act of plunder by the police and coast guard, we are of opinion that the quantity so plundered has never been recovered. It may appear from the tenor of the questions put by us to the respective witnesses, and from the expressions of Mr. Beamish, that we were under the impression that the copper which was stolen came ultimately into his possession; we deem it right to state, that our object was to ascertain what became of it, and in no way to imply that he received it.

### IV. The disposal of the Property.

The captain made an arrangement with Messrs. Cummins' clerk for a sale of the wreck and cargo on the Monday following (14th January), and on that day a public auction took place. We have from Messrs. Hoffman (the auctioneer), Hogan, Hughes, and Coleman, an account of what occurred. The property was sold in lots in the usual manner, but the auctioneer describes the interruptions (he calls it opposition and intimidation), on the part of Mr. Beamish, and the consequent confusion (App. p. 44), so that the lots were not carefully



fully marked. A dispute arose with Mr. Beamish as to the chains and anchors (App. p. 44), the auctioneer believing that he sold the three lots for 18 *l.* 15 *s.*, and the price of them was reduced to 6 *l.* 15 *s.* Then there were several things that could not be found, in the confusion, and the purchasers refused to pay for them. The total proceeds of the sale, according to the auctioneer's account, was 154 *l.* 9 *s.* 6 *d.*; but to this amount is to be added a sum of 5 *l.*, being the difference between the sum of 55 *l.*, for which the hull was knocked down to Captain Hughes, and its subsequent purchase by Mr. Beamish for 50 *l.*; and 12 *l.* on the chains and anchors, as previously stated. These two sums make a total of 17 *l.*, which ought to be paid by Captain Hughes to the credit of the ship (App. p. 44).

On applying to Mr. Hoffman, the auctioneer, and Mr. Hogan, who kept the account of the sale, we find that no copy of the account has been kept by either of them, the original having been handed with the other vouchers to Captain Garibaldi. We can only express our opinion on this very irregular mode of proceeding; it is usual in all such cases for copies of the vouchers and accounts to be kept for reference.

The only other person who noted the sale of the respective lots was Mr. Bridle, the chief boatman of the coast guard (App. p. 35). We annex the memorandum furnished by him, which, after correction, shows a total of 181 *l.* 6 *s.* Therefore, after adding to the sum accounted for by the auctioneer (154 *l.* 9 *s.* 6 *d.*), the sum of 17 *l.* due from Captain Hughes, there appears to be a deficiency (if Mr. Bridle is correct) of 9 *l.* 11 *s.* 6 *d.*, which is the sum due for the missing lots; in fact, there is a sum of 26 *l.* 11 *s.* 6 *d.*, which ought to have been received by the auctioneer, to the credit of the account, and which still remains unpaid. Messrs. Cummins Brothers, who were agents for the Captain at the time of the sale, are fully cognizant of this deficiency, but we have no knowledge of their intentions in regard to it. Had the sale of this property been conducted in the usual and regular manner, and the lots duly paid for, there would have been a much more favourable balance at its close.

On the evening of the auction, Captain Hughes gave directions for the charge of the hull, and for stripping the remainder of the sheathing which was on it, and then in the shingles. The quantity thus obtained, with the bolts, was what Mr. Beamish describes in his evidence (App. p. 35), as having been purchased by him.

Four days after the sale, Mr. Beamish purchased the hull by private contract from Mr. Hoffman, who acted for Captain Hughes, the purchaser. Much has been said during this inquiry about the loose "copper," whether it was sold with the hull, and whether, if any was discovered, it would go to the purchaser of the hull. After very carefully sifting the evidence, we cannot find that any such "copper" came to the purchaser, excepting a quantity (about 1 cwt.) which was seen by Mr. Hogan on the day of the sale in Donovan's house (App. p. 45). This small quantity was missed by every one else; no one seems to have thought of this loft over the room where the other articles were stored; and although Mr. Hogan states that it was sold with the hull, it does not appear to have been accounted for. We have previously referred to this matter in page 4 of this report.

In the absence of the vouchers showing the particulars of the disbursements, we are unable to direct our attention to them, but on referring to the account current, a copy of which we annex, it will be perceived that, considering the small value of the property, the charges are considerable. It is true that Clonakilty is a long way from Quenstown, and, as Mr. Walter Cummins justly remarked, people could not be expected to travel thither for nothing (App. p. 45). We may instance the demand of Mr. Colman of 36 *l.* 9 *s.* 7 *d.*, which included the expenses incurred by him on behalf of the purchaser of the hull, and which was reduced to 6 *l.* 17 *s.*

Had it not been for the liberality of Messrs. Cummins, assisted by others, Captain Garibaldi, after the disposal of his vessel and her cargo, would have been penniless in a strange land, and without the means of departing to his own country.

## V. Conclusion.

In view of what has transpired with regard to the coast guard claim, we would suggest whether it would not be advisable to adopt a fixed scale of remuneration similar to that now in existence for the Irish constabulary, on occasion of attendance at wrecks; and in the case of foreign vessels, where the masters do not understand Government officials being paid for what they look on as a part of their duty, it may be worthy of consideration whether the Government should not defray the charge. Where a claim is made we think it should be adhered to. The coast guard claim is still in abeyance, though the sum of 6 *l.* is retained by Messrs. Cummins for its payment; and the constabulary accepted a sum of 5 *l.* in lieu of 9 *l.* 3 *s.* claimed by them according to the established scale.

We have, &c.  
(signed) *Henry. D. Grant*, Captain R.N.  
*J. Hughes.*

The Secretary, Board of Trade.

## APPENDIX.

St. Francis—Official No. 41,497.

Port of Swansea.

Ship's Name and Destination.	Tonnage and Number of Guns.		If British, Port of Registry; if Foreign, the Country.	Number of Crew.	Name of Master.	Number of Passengers or Troops.
	Tons.	Guns.				
San Francisco :						
Gibraltar - -	108	-	Gibraltar - -	11	G. Garibaldi	-
Number of Documents—Cargo.		Number of Documents—Stores.		British Goods and Foreign Goods free of Duty, and Foreign Goods not for Drawback.		
Bills, bonded goods. Bills, drawback goods (Excise). Pricking notes for the above. Bills, drawback goods (Customs). Pricking notes for ditto. Certificates annexed to victual- ling bill. Bills for free goods.  <i>Clerk.</i>		Red bills, bonded goods. Red bills, drawback goods (Ex- cise). Pricking notes for the above. Red bills, drawback goods (Cus- toms). Pricking notes for ditto, Bond notes. Authorities.  <i>Clerk.</i>		One hundred and sixty-six tons steam coal.  <i>R. D. Price,</i> Skipper.		

Broker, Marteo & Penco.

Cleared, Swansea,

Dated 27 October 1866.

Examined,

(signed) *A. Cherry*, Searcher.

I do declare, that the above Content is a true account of all goods shipped or intended to be shipped on board the above-named ship, and correct in all other particulars, and that all the requirements of the Act 17 & 18 Vict. cap. 104, have been duly complied with.

(signed) *G. Garibaldi*, Master.

Signed and declared, this 27th day of October, 1866, before me,

(signed) *Thos Ferris*, Collector.

[Stamp, 6 d.]

I HEREBY authorise and empower Henry B. Beamish, Esq., of Muckross, in the County of Cork, to take charge of my vessel, the "San Francisco," and her cargo, laden with coals of Swansea, and bound to Gibraltar, now stranded and run ashore on the beach of Muckross, his property; and to save and preserve the cargo and materials of said vessel, and deposit the same in a safe place, and to employ labourers, and such persons as may be necessary for that purpose, and to pay the men employed reasonable hire for their services, and to compound and settle all salvage claims to the extent of one-fourth of the value of the vessel and her cargo, first deducting 5 l. per cent., agent's fees.

(signed) *Giuseppe Garibaldi.*

Dated this 8th day of January 1867.

Present,  
(signed) *John S. Forster.*Dirk Cove Coast Guard Station,  
28 January 1867.

No salvage claim, but remuneration granted by the agents at the time of sale, for services rendered by the crews of Dunny Cove and Dirk Cove Stations, from the 7th to 14th of January 1867, at the wreck of the brig "San Francisco," at Duneen Point, near Muckross.

	£.	s.	d.
28 Journeys of 14 miles, at 3 d. per mile	-	-	-
34 Men, entire days and nights, at 4 s. per day and night	-	6	18
Horse hire for officer, on night of the 7th	-	-	5
TOTAL	-	11	19

R. J. Quill, Esq., Collector, &c. &c.  
Kinsale.(signed) *James Bridle,*  
Chief Boatman in charge, Dirk Cove.Gentlemen,  
ANNEXED is the account of expenses *in re* "San Francisco."

Customs, Kinsale, 30 January 1867.

Yours, &amp;c.

Messrs. Cummins & Brothers,  
Queenstown.(signed) *R. J. Quill,*  
Deputy Receiver of Wreck.

Sir,

Coast Guard, Kinsale, 28 February 1867.

MESSRS. CUMMINS & Brothers, Ship Agents of Queenstown, having, on behalf of the captain and owners of the ship "San Francisco," declined to pay the coast guard claim of 11 l. 18 s. 6 d. for guarding and protecting, on the ground that such wholesale robberies had been committed on the wreck that there was not sufficient proceeds, I am directed by the Comptroller General, before taking other steps, to apply to you, as the magistrate on the spot, the principal salvor, and the gentleman who was witness to the agreement of the agent of Messrs. Cummins to pay the amount claimed, to know if you will pay the sum in question, or whether you consider yourself bound to enforce payment thereof of the agents or owners.

I have, &amp;c.

— Beamish, Esq., J.P., Clonakilty.

(signed) *Charles Gray Jones,*  
Inspecting Commissioner.

## SALE of Wreck and Cargo of "San Francisco."

£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
1	10	-	-	6	-	-	7	6	-	6	-	1	-	-	-	12	-
1	6	-	1	-	-	-	18	-	-	12	6	-	15	-	1	8	-
2	-	-	1	12	-	-	6	-	-	6	-	-	9	-	-	1	-
-	14	-	1	10	-	-	9	-	-	1	10	-	-	17	-	7	6
-	12	-	-	17	-	52	10	-	-	1	12	-	2	10	-	-	15
3	5	-	-	3	-	65	-	-	-	2	-	1	7	-	2	15	-
1	3	-	-	8	-	2	10	-	-	3	5	-	1	10	-	-	-
1	6	-	-	16	-	18	15	-	-	1	6	-	1	-	-	181	6
1	1	-	-	1	-	2	2	-	-	15	-	-	3	6	-	-	-
1	1	-	-	19	-	-	5	-	-	13	-	-	18	-	-	-	-

*James Bridle, Chief Boatman in charge, Dirk Cove.*



## REPORT, &amp;c. RELATIVE TO THE

(The Original, with the Vouchers, handed to Captain Garibaldi.)

Brig "San Francisco." Captain Garibaldi.

To N. &amp; J. Cummins &amp; Brothers, Queenstown.

*Dr.*

		£.	s.	d.
January 1867 -	To paid Surveyor's fees - - - - -	6	6	-
	" Beamish's account - - - - -	37	8	-
	" Coleman's account, 36 l. 9 s. 7 d. (unsettled demand; since settled for 6 l. 17 s.)	6	17	-
	" Boat's crew, running out lines (demand, 20 l., compromised for 7 l.).	7	-	-
	" Coast guard, four men, six days, at 5 s. per diem (still unsettled; proposed settlement).	6	-	-
	" Police (demand, 9 l. 3 s., settled for 5 l.) - - -	5	-	-
	" Clerk, travelling expenses - - - - -	3	-	-
	" Interpreter, travelling expenses, per bill - - -	3	16	10
	" Clerks, time and attendance at sale, &c. - - -	6	-	-
	" Interpreter, time and attendance at sale, &c. - - -	5	-	-
	" Storage of cargo - - - - -	3	-	-
	" Bennett, notary - - - - -	8	16	4
	" Crew assisting to save cargo - - - - -	11	15	-
	" Captain's hotel bill - - - - -	5	5	5
	" Board and lodging of crew, eight for 15 days, at 2 s. per diem.	12	-	-
	" Sundry expenses to Cork, <i>re</i> protest, &c. - - -	3	-	-
		*130	5	7
	Agency Commission - - - - -	6	10	3
		136	15	10
	Balance over - - - - -	-	4	-
	TOTAL - - - £.	136	19	10

\* Should be 130 l. 4 s. 7 d.; error in addition, 1 s.

*Cr.*

		£.	s.	d.
January 1867 -	By Proceeds of ship and materials - - - - -	101	19	6
	Ditto - cargo - - - - -	52	10	-
		154	9	6
	Less Auctioneer's deductions, per account - - - - -	17	9	8
	TOTAL - - - £.	136	19	10

Io dichiaro di avere esaminato il veynento conto e trovai tutto in perfetta regola e ricevo quattro scellini per saldo.

(signed) G. Garibaldi.

## MINUTES OF EVIDENCE TAKEN AT THE INQUIRY.

## CONTENTS.

## FIRST DAY.

Mr. RICHARD QUILL, Deputy Receiver of Wreck, his evidence - - - - -	PAGE 12
Captain JONES, Inspecting Commander of the Coast Guard, the wreck reported to him -	13
His subsequent proceedings - - - - -	14
JOHN WARREN, Commissioned Boatman, describes the vessel on the 8th January -	14
Assaulted with stones, and fired - - - - -	14
Copper was off at time of sale - - - - -	14
Captain said vessel was leaky - - - - -	14
An old vessel; stern post rotten - - - - -	14
JOHN E. WARREN, Boatman: number of coast guard and police at the wreck -	15
Crowd of people when police left - - - - -	15
No assistance given by the Messrs. Beamish - - - - -	15
ALEXANDER CLEMENTS, Head Constable: six police sent to wreck -	15
Searched the vessel; captain ashore - - - - -	15
Police removed on Tuesday - - - - -	16
At the sale by request of auctioneer - - - - -	16
Vessel stripped of her copper then - - - - -	16
Police diary produced - - - - -	16
Sub-inspector SIMPSON, of police, examined - - - - -	17
Police withdrawn by order of Mr. Beamish - - - - -	17
THOMAS SHIELDS, Sub-constable, was the first at wreck -	17
Mr. Gallway landing the crew - - - - -	17
Describes the landing - - - - -	18

## SECOND DAY.

THOMAS SHIELDS, recalled; describes the plunder - - - - -	18
Names of persons prosecuted - - - - -	19
CHARLES TIMMING, Constable, took persons into custody - - - - -	19
Wanted assistance, but was withdrawn - - - - -	20
MICHAEL MULLENS, Constable. The crowd moved from the beach on Monday night -	20
Property in entire charge of coast guard and police on that night -	20
RICHARD COLMAN, Agent, sent telegram to Messrs. Cummins - - - - -	21
Interview with Captain Garibaldi - - - - -	21
Document signed at Mr. Beamish's - - - - -	21
Police discharged - - - - -	21
Was at the sale of the wreck - - - - -	21
Captain Garibaldi gives up his papers - - - - -	22
When vessel was stripped of her copper - - - - -	22
Considered property unprotected, and applied to stipendiary magistrate -	22
Mr. BEAMISH produces document signed by Captain Garibaldi - - - - -	23
Vessel was poor, and was bought by him - - - - -	23
RICHARD COLMAN the Younger, examined - - - - -	23
Mr. GALLWAY; interview with Captain Garibaldi - - - - -	24
The captain would do nothing on Tuesday morning - - - - -	24
Sheathing was as thin as paper - - - - -	24
Would not act as salvor - - - - -	24
At noon on Tuesday the captain would not allow any one to take charge -	24
Gallant conduct of himself and Sub-constable Shields - - - - -	24

	PAGE
Mr. JAMES BRIDLE, Chief Boatman, overhauled the vessel - - - - -	25
Police discharged by Mr. Beamish - - - - -	25
Messrs. Beamish did not assist to protect - - - - -	26
Captain employed shore hands to carry sails ashore - - - - -	26
JOHN CARR, Commissioned Boatman, present when vessel came ashore - - - - -	26
Searched vessel with police - - - - -	26
Cleared her of all on board - - - - -	26
Describes the plunder when the police were withdrawn - - - - -	27
Messrs. Beamish gave no assistance - - - - -	27
The sails taken from the wreck on Tuesday night - - - - -	27
RICHARD COLMAN, re-examined—the sale - - - - -	27
JOHN WILLIAMS, Boatman, examined - - - - -	28
Was at the sale - - - - -	28
Quantity of copper on the vessel, and quantity carried away - - - - -	28
Fired ball cartridge at the people - - - - -	28
Crowds at the wreck when police left - - - - -	28
Did not see Messrs. Beamish protect the property - - - - -	29
Mr. THOMAS BEAMISH; captain did not require assistance - - - - -	29
They began to unrig the vessel on Tuesday - - - - -	29
Coast guard and police not active enough - - - - -	29
Charge against both services - - - - -	29
Who were employed as salvors - - - - -	30
Claim for service, and how paid - - - - -	30
Explains the service rendered - - - - -	30
Refers to plundering at wreck of "Numero Quatro" - - - - -	30
Mr. CLEMENTS, re-examined, on wreck of "Numero Quatro" and "Podesta" - - - - -	30
WILLIAM PARSON'S examination - - - - -	30
JOHN CARR, re-examined as to conduct of police - - - - -	30
Mr. BEAMISH, saw Captain Garibaldi soon after he landed - - - - -	31
Appointed salvors immediately - - - - -	31
Captain went to Cork on Thursday - - - - -	31
Prevented sale until his claim for salvors was settled - - - - -	31
Purchased the cargo, the hull sold - - - - -	31
Quantity of copper purchased - - - - -	31
Claims of salvors should have been made through the Receiver of Wreck - - - - -	32
Is questioned as to the salvors - - - - -	32
Interference of police with salvors - - - - -	32
Gentlemen's sons, and labourers - - - - -	32
His purchase of the hull - - - - -	33
Quantity of copper on the vessel - - - - -	33

## THIRD DAY.

Mr. WRIGHT, solicitor, on Mr. Thomas Beamish's evidence - - - - -	33
Lieutenant SYNGE, examined - - - - -	34
John Carr reported that he could get no assistance from Messrs. Beamish - - - - -	34
Was at the auction - - - - -	34
Claim of coast guard - - - - -	34
Mr. BRIDLE, re-examined - - - - -	35
Amount of proceeds of sale stated - - - - -	35
Describes the sale - - - - -	35
No person employed to strip the copper until after the sale - - - - -	35
Mr. BEAMISH states the quantity of copper, in explanation of yesterday's evidence - - - - -	35
Mr. BRIDLE corrects his evidence as to the price of the hull - - - - -	35
Mr. BEAMISH addresses the Court; his first act was to dismiss the police, and then to see to a dismissal of the coast guard; was the agent legally appointed, but was supplanted by Messrs. Cummins; permitted the sale to proceed; purchased the hull by private bargain afterwards; had no guard on his purchase; his moral influence sufficient; police out of place at wrecks; defies the Court - - - - -	35, 36, 37
RICHARD COLMAN, recalled; as to his bill - - - - -	37, 38



## FOURTH DAY.

	PAGE
Mr. BEAMISH, ascertains the objects of the inquiry - - - - -	38
His further evidence as to the copper - - - - -	39
Mr. BRIDLE, re-examined as to the copper sold - - - - -	39
CORNELIUS DONOVAN, examined as to the stores in his house - - - - -	40
After the sale, stripped the copper off the vessel for the purchaser - - - - -	40
RICHARD COLMAN, re-examined as to the sale - - - - -	40
The purchaser left the hull in his hands - - - - -	40
Afterwards it was sold to Mr. Beamish - - - - -	40
Quantity of copper - - - - -	40
All the expenses in one bill - - - - -	40
Mr. WRIGHT's questions, put to Mr. Thomas Beamish - - - - -	40, 41
Mr. BEAMISH, police and coast guard not best suited to protect wreck - - - - -	41
Mr. THOMAS BEAMISH, re-examined - - - - -	41
States that it is difficult to get evidence - - - - -	41
Police and coast guard connive at wreck - - - - -	41
The wreck of "Numero Quatro" instanced - - - - -	41
CORNELIUS DRISCOLL, examined as to conduct of police and coast guard - - - - -	42
Major GILLMAN, J. P., and Mr. HUNGERFORD, J. P., as to report of inquiry being evidence - - - - -	42
Mr. BEAMISH, finally addresses the Court respecting his conduct and authority - - - - -	42, 43
The Court adjourned to Queenstown - - - - -	43

## FIFTH DAY.

Captain HUGHES, purchase of the hull - - - - -	43
The same sold to Mr. Beamish - - - - -	43
Mr. HOFFMAN, auctioneer, describes the sale - - - - -	43
The quantity of sheathing and bolts in the vessel - - - - -	44
Discrepancy as to proceeds - - - - -	44, 45
Mr. W. HOGAN, late clerk to Messrs. Cummins', went to vessel and saw the captain - - - - -	45
The plunder was going on then - - - - -	45
The sale explained - - - - -	45
Found a sack full of copper in a loft - - - - -	45
Explains the account furnished to Captain Garibaldi - - - - -	46
Mr. HOFFMAN, the vessel broke up the night after she was purchased by Mr. Beamish - - - - -	46
The Court finally closed - - - - -	46

Court House, Clonakilty, 4th April 1867.

COURT of INQUIRY relative to the WRECK of the "SAN FRANCISCO," at Muckcross, in Clonakilty Bay, in the Month of January last; conducted by Captain H. D. Grant, R.N., and John Hughes, Esq., Inspectors, appointed by the Board of Trade, under the 14th Section of "The Merchant Shipping Act, 1854."

Mr. Hughes said,—I have to acquaint you that the Board of Trade have, in consequence of circumstances of an unusual character, directed inquiries to be made with reference to the wreck of a vessel called the "San Francisco," at Muckcross, in Clonakilty Bay, in the month of January last. In consequence of the large number of occurrences of this description which have taken place within the last year or two, it is probable that the Government may ere long adopt very stringent measures relative to the protection of wrecked property, and the Board of Trade have thought fit to institute inquiries in reference to the arrangement for protecting the property when this ship was wrecked. She was manned by foreigners; came on shore in this bay, and became a total wreck. The property was at first in charge of the coast guard and constabulary, but some circumstances occurred which altered the condition of the case, and considerable plunder took place; and it is principally in consequence of that plunder that this inquiry is directed to be instituted. I shall now explain the authority under which we act.

Mr. Hughes then read over the sections of the Act, under which the inspectors were appointed by the Board of Trade, with power to hold an inquiry, and summon any witnesses they might desire to call before them, and to examine such witnesses upon oath.

It is almost unnecessary to say, that we shall proceed with this inquiry, without prejudice to any one, and with a simple desire to elicit the true circumstances of the case.

Mr. RICHARD QUILL, sworn; Examined by Mr. Hughes.

I AM the Deputy Receiver of Wreck, and Principal Officer of the Customs at Kinsale. I have held that office since 1860. I communicate with the Board of Trade, through the Collector at Cork. The whole of Clonakilty Bay is in my district, including the position in which the "San Francisco" was wrecked. I heard of the wreck the day after it occurred. I heard of it through a letter from the officer of the coast guard. I have not got that letter with me. It merely mentioned that the wreck had occurred, and requested me to go up. I had two letters from the coast guard. In reply I told him that I could not go. I gave no particular reason, merely said that I could not leave home, and could not attend. I do sometimes go over in cases of wreck, but on this occasion the weather was very severe, and the roads almost impassable. It was in consequence of the state of the weather that I did not go. I did not give him any instructions to act in my behalf. I have not received any special instructions from the Principal Receiver of Wreck at Cork, with reference to the mode in which my duties are to be performed. There was no deposition taken in this case. I did not report the case to the Board of Trade. I do not communicate direct with the Board of Trade, but through the Receiver at Cork. Personally, I was not present, and saw nothing of the wreck. The distance from Kinsale to the wreck is about 25 or 30 miles. I never saw the captain or any of the crew. I have no knowledge of what the cargo consisted, excepting from hearsay. Mr. Synge wrote to me to say that 20 £. was lodged in his hands to cover a claim made for saving the lives of the boat's crew. That was deposited by the auctioneer. I wrote him to get that sum of money for me to cover the claim; merely to send the money to me. I retained the money till I received a letter from the agent in Queenstown, saying that the parties had been paid. I then returned the money back again to the agents. The letter was to the effect that they authorised somebody to pay 11 £. 16 s. to the coast guard.

Is that the document (*handing a paper to the Witness*)?—Yes, that is the paper. There was no sum paid, they refused to pay it. No claim was put in by me. If Mr. Synge had put in a claim, I should have kept the 20 £.; there was no proper claim upon the printed form.

By Captain Grant.] Are you not in the habit of taking depositions in cases of wreck?—Yes; in this case, I got no instructions to act; I generally apply to the Receiver whether I should proceed or not. I have a special warrant from the Board of Trade as Deputy Receiver. I believe that warrant gives me full powers to act as Receiver.

This being so, why did you not attend to that most essential part of your duty, the taking the deposition of the captain of the vessel?—I cannot proceed without the sanction of the Receiver. I always apply to him, though there is nothing in my instructions to that effect. Mr. Gallway wrote me a letter; he said he had no printed form, but put in a claim

claim verbally, through his letter, for this 20 l., for saving the lives of the men; on receiving that letter, I wrote to Mr. Synge to demand the sum of 20 l. towards that claim. That 20 l. was not in respect of any claim by the coast guard; it was for Mr. Gallway's claim.

I understand you, if the claim had been made by Mr. Synge, you would have retained that 20 l.?—I would.

It left the impression on our minds that you claimed the 20 l. for the coast guard?—It was for a boat's crew, for Mr. Gallway's claim. That claim was compromised for 7 l. It was for saving the lives of the crew, and guiding the vessel.

By Mr. Hughes.] When was the last deposition taken by you?—Some day lately.

By Captain Grant.] There was a vessel called the "Assaye" wrecked, about two years ago, was there not?—I think that was on the Skibbereen side.

By Mr. Hughes.] I have no knowledge of the flag of this vessel, or to the country to which she belonged.

Captain JONES, examined by Mr. Hughes.

I AM inspecting commander of the coast guard; I remember the wreck of the "San Francisco." As far as I recollect, she came on shore about four o'clock in the afternoon of the 7th of January. The officers under me have written orders, whenever a wreck occurs, to hire horses or cars and to send intelligence to me at once. This was done in this case; the intelligence reached me shortly after daylight on the following morning. The information was to the effect that the ship was well on the beach; that the crew were on shore; and that my presence was not required. In course of the next two or three days I received a small note from Lieutenant Synge, who was then sick in bed; but who appears to have received reports from Mr. Bridle, the chief boatman in charge, to the effect that the wreck was going on well, that there was nothing wrong. I was not aware that there was anything going wrong until I was informed by Lieutenant Synge that the claim for payment of the coast guard had not been paid, and that Messrs. Cummins' brokers had not forwarded to him the money from Queenstown. I then proceeded to the spot, and called on some of the coast guard to give me their statements as to what had taken place. It appeared to me that things had been mismanaged, and that an inquiry was necessary. I made a report of the circumstances to the Controller General of the coast guard. There has been a variety of correspondence between myself and the Controller General, and between myself and Messrs. Cummins on the subject. With reference to the transactions on the beach, Mr. Synge will be better able to acquaint you than myself; I could only repeat what he has told me; I came down to the spot about 10 days after the wreck, and held an inquiry on the 1st of February. The ship was under English colours, with a foreign crew; I did not see the captain or any of the crew.

By Captain Grant.] Did you report the tonnage of the vessel?—It appeared in the Wreck Report, W. R. 1. I think it was about 500 or 600 tons; it might be a little less.

By Mr. Hughes.] On this occasion I wrote to the Deputy Receiver as soon as I found out how matters stood. I was aware that he knew that the wreck was on shore. He wrote to me, and informed me that he was not going to the wreck. Afterwards, when there was a question about the money not being paid; I was in constant communication with him. I reside at Kinsale. With reference to the duties of the Deputy Receiver, until it became a question of non-payment of expenses or salvage, I am not aware that there was any communication between him and the people in charge. I think it would be convenient that the Receiver of Wreck should attend in cases of this kind. I think that very often the coast guard, from various circumstances, are not able to form a judgment in such cases, and there should be persons who are able to give an opinion on the spot. I have no doubt Mr. Quill would have been able to give advice, and to render assistance, had he been there. Lieutenant Synge was still on the sick list, and therefore, as far as the duties of the coast guard are concerned, he had nothing to do with it; but Mr. Bridle, the chief boatman in charge, not being an officer, and their being nobody else to apply to for advice, he appears to have gone to Lieutenant Synge and to have been guided by his advice. Mr. Synge has been at Donnycove, 11 or 12 years. The chief boatman has been at the station longer than that; I do not consider Mr. Bridle an energetic officer at all, and I have previously informed the Controller General to that effect; I do not think there was anything lost through the negligence of any person in connection with the coast guard; I think that the coast guard were wholly incapable of contending against the numbers of people that were there, and that Mr. Bridle was perfectly aware that they were incapable of doing so, and that still he allowed this state of things to continue, he stating that the principal salvor, Mr. Beamish, had said that they were sufficient, he considered that the blame was taken off his shoulders. The coast guard station is about four miles from the wreck, it would take an hour to reach the wreck from the station. When the wreck took place there were only four men there to protect the property. They were armed with pistols. The captain retained command of the vessel for 24 hours after she came on shore, he having informed the chief boatman that he intended to retain that command. The chief boatman's statement is that at the end of 24 hours he was informed



that Mr. Beamish had been appointed principal salvor by the captain, and that up to that time the constabulary were engaged in protecting the wreck. At the end of the 24 hours Mr. Beamish read a paper to him to the effect that he was appointed principal salvor. On that, Mr. Beamish dismissed all the constabulary in charge, stating that their services were not required. Mr. Bridle states that when he was told that, he represented that the coast guard were not sufficient to protect the wreck. Mr. Beamish said that was his business, that he was the magistrate on the spot; that he was in charge of the wreck, and had been appointed salvor, and if they were not sufficient, he would appoint other persons who would assist the coast guard.

By Captain *Grant*.] In the 24 hours before this alteration took place, when the captain had charge of his ship, the coast guard were watching the ship, together with the constabulary.

JOHN WARREN, sworn; Examined by Captain *Grant*.

I AM a commissioned boatman; I was present at the wreck of the "San Francisco," in January last; it occurred on the 7th of January, between three and four o'clock; we got to the wreck about one o'clock on the day following. I cannot say how many of the coast guard were there when I arrived; several were there. I remained on duty for 24 hours from that time; whilst I was on duty I saw no plundering going on; the chief part of the copper was stripped off the bottom before I arrived there; I could not say how much copper had been stripped off. The masts did not go by the board; the top-gallant yards and everything were all left; they were never broken up during the whole time we left her there. All the spars, and sails, and ropes were landed; I am not aware that any portion of it was stolen; it was put into a house on the top of the cliff. I did not see any small stores belonging to the ship; I saw amongst other stores a carpenter's tool chest; that was put into the house along with the rest of the wreck. The sea was breaking over the vessel at high water; at high water you could not get on board of her at all; at half tide you could get on board and strip her. On the 8th I was assaulted with a shower of stones from off the cliff; I could not tell the cause of that; the people were on the cliff, and in portions of the cliff; I fired upon them with ball cartridge; I do not know whether I hit anyone; it was in the night. There were four of the coast guard altogether; none of the police were there then; there were no civilians on guard; we four were the sole protectors of the property. This shower of stones continued for about a quarter of an hour or 20 minutes; I do not know what caused them to desist, unless it was the firing; none of us left in consequence of the stones being thrown; we came on the cliff occasionally, to see that the mob were all cleared away; I did not think it was necessary to take any steps to get reinforcement; for the remainder of the night it was quiet. The following morning (the 9th) they commenced collecting again, some on the cliff, some on the beach; those who were on the beach tried to take the copper from the ship, and we stopped them; we did not arrest anyone.

By Mr. *Hughes*.] Mr. Beamish had charge of the vessel; the captain gave the ship up to him. I never saw Mr. Beamish from the time that the wreck took place until the time of the auction; I was there on the day of the auction. The copper had been taken off the ship by force, and not by the rocks; my reason for saying so is this, it was taken off the starboard side, and the ship was laying off from the shore; and therefore it could not have been taken off by the rocks; it was torn off all along the waist, from the fore to the main chains; she was a brig; I am told there was over 500 tons of coal on board of her.

Mr. *Beamish* stated that there was nothing near so much; only about 160 tons.

The *Witness*.] This copper was taken off the same night the ship came on shore; I do not know how she took the ground; her seams had very much opened; when I went there the coal was in the ship; I went on board; I went into the cabin; I did not see any cases of brandy, or rum, or anything of the kind. It was all a complete wreck.

By Captain *Grant*.] I heard the captain say that he had thrown overboard a quantity of coal; that was before he came on shore.

By Mr. *Hughes*.] He said that the ship was leaking through stress of weather; she appeared to me to be a very old ship; her stern post was quite rotten.

By Captain *Grant*.] As far as I could understand, the captain ran the vessel on shore in order to save the crew; they were all saved. I received no orders to desist from using my fire-arms; no one spoke to me about it.

By Mr. *Hughes* (to Mr. *Quill*).] There is a notice to be given by the salvors to the Receiver to detain the property until their claims are satisfied?—I had no demand of that kind made to me.

Mr. *Quill* said, in answer to Captain *Jones*, that Form W. R. 18, was sent to him from Lieutenant *Synge*, which he forwarded to the Board of Trade.

Captain *Jones* stated that he had received a similar form, which he forwarded to the Controller General.

Mr. *Hughes* (to Mr. *Quill*).] The form of claim for travelling charges was made use of by the coast guard?—Yes, it was.

JOHN E. WARREN, sworn; Examined by Mr. *Hughes*.

I AM a boatman; I have been at Ring going on to 3½ years. If a wreck takes place on the other side of Clonakilty Bay, I generally go over to assist. Muckcross is within my guard; I recollect the wreck of this vessel; I got there the day after she was wrecked, 24 hours after; there were 200 or 300 people on the shore when I arrived there; I saw them attempt to plunder, and they were stopped; there was none of the stores, rigging, and so on, of the ship, landed; everything was in its place; I saw several attempting to get the copper off. Besides us four there were three or four more of the coast guard; seven or eight altogether; there were some of the police until about three o'clock in the evening; they were sent away; I should say there were eight or nine policemen; I was not there all the time; I was relieved occasionally. I did not see the police ordered away from the wreck; I know they were withdrawn; they went away the day that I came there, the very same day. I went away on the 9th; I do not know how it was they went away, and did not know why; that had nothing to do with me.

By Mr. *Beamish* (through the Court).] Do you know whether the police had any property there to protect?—I do not know; I had no interference with them.

By Mr. *Hughes*.] When the police went away there was a crowd of people there; I should think about 400 or 500 people. The spars and rigging were not taken on shore. I saw the people attempting to take copper away; the copper that was taken off was on the starboard side, most of it; I have no idea what quantity was taken away. I went there again on the 10th, and remained there 24 hours. The auction took place on the following Monday, the 13th.

By Mr. *Beamish*.] What property were the police protecting?—They were protecting all that was in the ship; they were doing the same duty that we were doing. I do not know of any plunder subsequently.

By Captain *Grant*.] We considered that we had property to protect. There were the spars, rigging, sails, and copper on the ship. We had a guard over the house that the stores were taken to. There was no attack made upon that house that I know of. Dooley was one of the men on guard there. We were assaulted with stones on the 8th; we fired our pistols. I believe the people wanted to drive us away from the wreck, so that they might get a chance of plundering. There was property there at the time. It was on the 9th, about 11 o'clock, that the vessel was commenced stripping. We remained on guard about an hour after they commenced stripping the vessel. There were no policemen there on the 9th. There were no police there when we were pelted with stones, only four of the coast guard. There were no other persons guarding the property at that time excepting two of Mr. Beamish's sons, who were in the house on the cliff, but they did not lend us any assistance. They were supposed to be assisting in guarding the property. I understood that they were actually protecting the property at that time. They came down to the beach after we fired, the stones had ceased then. They asked us why we had fired, and they advised us to retire from the beach. That was on account of the stone throwing; they did not think it safe for us to remain. They did not offer to get further assistance in protecting the property. None of the crew of the vessel were there at that time; it was about midnight. We were the sole protectors of the property. We did not leave the beach then, because there would have been no one to protect the property. Mr. Beamish's sons did not say anything as to our getting additional aid. We pointed out to them that if we left the beach the property would be unguarded. They made no reply; but we remained on the beach. A great deal of copper was stripped off one side of the ship, from the foremast to the mainmast, but how it had come off I cannot say. I think some of it might have been done by the action of the sea, when the ship went on the rocks. I went round the ship.

Mr. *Hughes* read a letter signed "Nicholas Podesta," which had been found on board the "San Francisco." The letter was handed in by the head constable, Mr. Clements. It was a letter of introduction of "Captain Garibaldi" to a firm in London, and soliciting the assistance of the firm in obtaining freight.

ALEXANDER CLEMENTS, sworn; Examined by Mr. *Hughes*.

I AM the head constable at Clonakilty. My district extends to Muckcross, and all over that neighbourhood. I recollect the wreck of the "San Francisco." It occurred on Monday the 7th of January, somewhere about three o'clock in the afternoon. I think I got the intelligence about five o'clock. As soon as I received this intelligence I communicated with a magistrate, and got what police I could spare from the fair, and sent them to the wreck. It was fair day at Clonakilty. We had two police from the Common Mountain, and four from Clonakilty; six altogether. I sent the police before, and I went there with an officer afterwards. I arrived there about 10 o'clock. The ship was aground then; I did not see her register; I searched, but got no other documents except the letter that has been handed in and read. I went on board; the captain was not there then; I think he was at Mr. Beamish's house. I saw him the next day. The captain knew

that the police were assisting to protect the property. He said he was thankful for that; and I took down his name. I went on board with another policeman on purpose to see what things might be loose about the deck. I left the other man below to prevent parties coming to take away the copper. There was a great crowd then. Some attempted to get on board, but I prevented them. I thought there were more on board than was necessary, and I sent some of them off. I found the doors of the cabin open. I saw no spirits there at all. I searched, but found none.

Mr. *Beamish* stated that there was a jar of rum on board when the vessel came in; it was brought on shore and broken, and the spirit was spilt about the strand, so that there was no opportunity for the people to get the drink.

The *Witness*.] I remained there till about two o'clock. I saw the coast guard there. I saw people going about the vessel to steal the copper, and I had to remove some of them. I think there was a small portion taken off the side next the sea. When I saw it afterwards I thought more of it had been taken. I think it was stolen during the night. My officers will be able to state what occurred during my absence. On the following day I sent two men to assist the coast guard; they came back and said that they had been dismissed by Mr. *Beamish*, and that their services were no longer required. These men were *Wilson*, and acting constable *Mara*. I went to Mr. *Beamish* and asked him if he had sent the police away from the wreck; he said he had; that he had taken charge of the wreck himself, and that the coast guard were quite capable of taking charge of the vessel, and that he did not require the services of the police there any longer. I then asked Mr. *Beamish* if he had any objection to my saying to the Government that he had dispensed with the services of the police. He said, No, not the slightest; that he took all the responsibility on himself. After that we withdrew altogether; we knew nothing at all about the wreck afterwards; we came home then, under the direction of Mr. *Beamish*, the magistrate. There was plunder going on then. On the auction day Mr. *Hoffman* came to me, and said that he was afraid that there might be something wrong there, and that he required the services of the police. So I went down and examined the vessel then; she was completely stripped of the copper on the day of the auction. Not in the same position that she was when we left her.

By Captain *Grant*.] I saw Mr. *Beamish* in his own house; after leaving Mr. *Beamish* we came home; the last time I saw the wreck was on Tuesday, the 8th, at about 12 o'clock; she was in a very safe condition then; there was not much copper stripped off her then; on the day of the sale she was completely stripped; that was the 14th, Monday. I did not see her between the 8th and the 14th. The copper was plundered, there is no doubt.

Sometimes the agents of the ship give orders for the copper to be stripped off the ship for the purpose of selling; was that copper sold at the sale?—It was not; I was present, and I saw no copper sold separately from the ship; there was only a portion that I brought out myself, that was taken from some people that had plundered it from the ship. That was sold, and no other lot of copper was sold except a very small portion, perhaps nine or ten pounds, not more. None of my men came down to the wreck between the 8th and the 14th; I am sure they did not. Mr. *Hoffman* called upon me for the services of the police on the day of the auction; I was not called upon before. In consequence of Mr. *Hoffman*'s request for the police, I went down with a party. On Wednesday, when the police had left, I met some property coming in a car, which was going to Mr. *Beamish*'s place—some ropes, some spars, and some sails; I asked where it was going, and they said it was going to Mr. *Beamish*'s house.

By Captain *Grant*.] That was Tuesday; there were no policemen on duty on Wednesday.

By Mr. *Hughes*.] The ship came on shore on Monday, and we were removed on Tuesday about two o'clock in the afternoon.

By Captain *Grant*.] Have you a diary of the duties of the police?—I have; I will produce it. When I left her on Tuesday, her chain and anchor, and cables, and her sails were on board. Some of the sails were taken down; I think some of them were bent on the yards, and some of them were down on the deck. The sailors were tying some of the sails up and sending them on shore; the property was passing from the ship to the shore.

A diary containing an account of the duties of the police was handed in, and portions relating to the wreck of the "San Francisco" and other wrecks were read over.

Mr. *Hughes* (to Mr. *Beamish*).] It is quite clear from the evidence that the police were withdrawn on Tuesday, the 8th.

Mr. *Beamish*.] I deny that.

Mr. *Hughes*.] Of course you will produce evidence to prove that.



Sub-inspector SIMPSON, of the County Constabulary; Examined by Mr. *Hughes*.

I BELIEVE you gave certain instructions to your officers with reference to the wreck?—Yes; it was at night when I went down to the place, about 10 o'clock; I believe it was on the 7th.

Will a reference to this book refresh your memory (*handing the diary to the Witness*)?—Yes, it would; it was on Monday, the 7th, that the police went down, and it was on Tuesday, the 8th, that they were withdrawn by Mr. Beamish's orders.

Mr. *Hughes* (to Mr. *Clements*).] Did you say that you had any instructions from the magistrate, with reference to the withdrawal of the police or any communication respecting their withdrawal?—None, excepting through Mr. Beamish; but when I mentioned it to others, they said they were surprised to hear it.

Mr. *Hughes* (to Sub-inspector *Simpson*).] We should like to have your statement on oath.

Sub-inspector SIMPSON sworn.

By Mr. *Hughes*.] The statement you have just made with reference to the day that the ship was wrecked is correct?—Perfectly correct; the police were withdrawn on the following day, Tuesday, the 8th.

By Captain *Grant*.] Did you have any communication with your head constable as to the withdrawal of the police?—No more than when the constable told me that the police were withdrawn, I went to Mr. Beamish's and made myself sure that it was a fact that they had been withdrawn, and I saw him personally in his own house, and he told me that it was true, and that they had been withdrawn, and that he had got possession of the vessel from the captain; that the coast guard and his own men were quite sufficient, and that the police were not necessary; and I further asked him whether he had any objection for me to mention the matter to the Government, and he said he had not. He said that the value of the vessel was so small that he wished to save expense.

Who were the other men whom he considered were sufficient?—They were his own sons.

By Mr. *Beamish*.] Did I state to you that I thought six of the coast guard were quite ample to protect the property that was there?—Yes, you did.

Captain *Grant* (to Mr. *Beamish*).] After the police were withdrawn, a large quantity of the copper was stolen?—I may say there was scarcely any copper at all upon the vessel when the police were withdrawn; it will appear in evidence.

Captain *Grant* (to Mr. *Clements*).] Who is the constable who was first at the wreck?—Shields; he is here.

THOMAS SHIELDS, sworn; Examined by Mr. *Hughes*.

I AM one of the Constabulary of this district; I heard of this wreck on the 7th of January, Monday. It was the fair day at Clonakilty, and I remember it partly on that account. I went down to the wreck at about half-past three. The vessel was ashore at that time; the Captain was there. I could not get to the ship then without a boat. The sails were on when she came on shore; the captain set full sail to run her aground. When I got down she did not appear to be much damaged. I could not observe her sides at that time, but at low water there seemed to be pieces of copper washed off in different places; I remained there till I saw the sailors brought to shore. I then returned, and went to Mr. Gallway, who seemed to be in charge of the vessel, and asked him whether he thought the assistance of the police would be required; and Mr. Gallway told me that Mr. Beamish, a magistrate, was there, and therefore he would give me no instructions.

By Captain *Grant*.] Mr. Gallway is a gentleman who lives at the Common Mountain.

By Mr. *Hughes*.] Mr. Gallway was superintending the getting off of the crew. After the crew were got off, I asked him if he thought it necessary the police should attend there; and he would not give me any decisive reply whether or not; but he said, "Go to Mr. Beamish." After that I went to Mr. Beamish, in company with Mr. Gallway. I got all information from the captain first, as to his name, the name of the vessel, what she was laden with, and where she was bound to, and where she sailed from. She was the "San Francisco," and was in charge of Captain Garibaldi; and was sailing for Gibraltar from Swansea. I saw the name on the stern, it was "San Francisco." When I saw Mr. Beamish, I asked him for instructions; I said, "I have to make a report of this; will it be necessary for the police to attend?"

By Captain *Grant*.] He seemed to have some hesitation in giving me a decisive reply; and I pressed him to tell me the number that would be required, if any; afterwards, he told me that he thought one policeman would be sufficient in company with the coast guard.

By Mr. *Hughes*.] That was on Monday; I then returned to my barrack, and made a report



report. I then went back to the wreck, taking one man with me; and from the number of persons there, I did not consider it safe to send the man with the report. There were a great many persons there; they seemed to be endeavouring to plunder as much as possible.

By Captain *Grant*.] To plunder what?—Everything; sailor's property, and copper, and everything else; they were inclined to plunder.

By Mr. *Beamish* (through the *Court*).] I heard no conversation about the appointment of salvors. The conversation between Miss Gallway and the captain was so confused, that I could form no idea as to what was intended. It was in French, and of course I could not understand it. I do not remember your appointing salvors. I was not present when you appointed Mr. Gallway as one of the salvors; I know nothing whatever about the appointment of salvors.

By Mr. *Hughes*.] I took another man down, and remained there until one o'clock that night, and I was then relieved by the officer; that was Tuesday, the 8th. I arrived there about eight o'clock, and remained there until about half-past three, when the police were withdrawn; they were withdrawn by Mr. Beamish's orders. I am quite confident that it was the day following the wreck of the ship. I am quite positive of it; not the slightest mistake about it.

By Captain *Grant*.] What was the nature of the salvage rendered in taking the men off the ship?—There was a boat, and I believe eight men; the boat went out first, and I believe there were six sailors including the captain taken off. The boat made two trips, but the men that were employed to go in the boat made but one trip. In consequence of the boat being swamped, the men that went out the first time seemed to be afraid of going out again. When I went out the second time with Mr. Gallway, we went out in the boat the second trip, and one of Mr. Beamish's sons was on board the vessel. Mr. Gallway seemed to have charge of the vessel at the time the boat went out. The crew of the "San Francisco" went up to a small house above the cliff. At about half-past nine or ten o'clock the following day I saw the crew coming down as if they were returning from Mr. Beamish's house; and immediately afterwards the sailors went on board, and commenced stripping the vessel. About half-past three o'clock I was withdrawn. I am not aware of any of our men going down to the vessel between the 8th and the 14th.

Mr. *Hughes* requested to know whether Mr. William Hogan of Queenstown, who had been summoned to attend, was in Court.

The *Head Constable*, called Mr. Hogan in the usual manner, but he did not answer to his name.

[Adjourned until the next day at 11 o'clock.]

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## SECOND DAY.

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Court House, Clonakilty, 5 April 1867.

Sub-constable SHIELDS, recalled; Examined by Captain *Grant*.

WE will not swear you again, but you are under the same oath as you were under when the Court adjourned yesterday. "In your evidence you stated, that you arrived at the wreck on Tuesday the eighth, at about eight o'clock, and remained there until half-past three; did you visit the wreck after that hour?"—I went and saw the wreck again at about seven o'clock; no one but the coast guard were on duty at that time; there were six coast guard there, at least they were in the house close by, the house on the cliff. None of the coast guard were on the beach; they were all six in the house; there were some people on the beach then. I did not see Mr. Beamish's son on duty. I could not say I saw any plunder going on, because I was on the cliff at the time; and having no authority to act, I did not go near the vessel, but I heard hammering at the vessel. I may state that the owner of the house where they were stopping came in whilst I was there, and he said, "As high as the tide is they are still rapping at her," meaning the ship; I understood by that, that they were taking away what they could get, that was my impression.

By Mr. *Hughes*.] This was subsequent to our being ordered away by the magistrate. I went back to the ship because a rumour seemed to get afloat that Mr. Beamish had charge of the vessel; and immediately at this the people seemed to come down and commence plundering wholesale. They came down as soon as the rumour got afloat that  
Mr.

Mr. Beamish had charge of the vessel; there were not less than 400 or 500 people there. The ship's sides were completely covered with people knocking with hatchets outside; I prosecuted a number of them for carrying plunder away. I saw on the 8th a man named Goggan, with a hatchet, trying to get the copper off the vessel; all that I saw was that he was getting it from the vessel; he was not cutting it by anybody's authority, because I arrested him, and brought him before Mr. Beamish; Mr. Beamish told me to take his name, and I did so, and summoned him; and he was fined 5 l. for attempting to plunder the ship.

By Captain *Grant*.] That would be about 10 o'clock on Tuesday the 8th, in the morning.

By Mr. *Hughes*.] There were three other parties that I saw take possession of a quantity of copper, I also took their names.

Would this book refresh your memory (*handing a diary of the duties of the police to the Witness*)?—It would.

Who else was found?—There was Dennis Sullivan, John Sullivan, and Cornelius Connolly; I did not take them into custody, I took their names. They were subsequently prosecuted for having a quantity of copper in their possession. Dennis Sullivan lives about two miles from the wreck, John Sullivan is a servant boy to a farmer, and lives about a mile from the wreck, Cornelius Connolly lives in the immediate vicinity of the wreck; I believe he is a tenant of Mr. Beamish's.

Mr. *Beamish* stated that Connolly was not his tenant.

The *Witness*.] These were the only parties whose names I took; they were prosecuted for having a quantity of copper in their possession. I have no account of the quantity, but I remember what the quantity was, it was in sheets about 18 inches long, and there seemed to be two of these sheets together, as if two were taken off together; there were only these two sheets between these three parties; they seemed to be dividing them amongst them. I found the property on the beach 30 or 40 yards from the vessel. These were the only persons who were plundering at that time. There were others convicted at another time; there was Cornelius Driscoll just before we were brought from the ship; I found Timothy Colman also engaged in chopping copper off the vessel. We left at half-past three o'clock; immediately before that I saw this person plundering, I took the hatchet from him, and being stationed at the Common Mountain at the time, I knew him, and I let him go because I had not time to take his name; I had him summoned afterwards and fined 5 l. at this Court-house. Daniel Donovan was convicted, Cornelius Driscoll of Duneen, and there was also Daniel Collins of Common Mountain. Collins was convicted for what he had been engaged in on the night of the 7th; the other men for what they did on the 8th. Those were all the persons who were convicted for plundering (*handing the diary to Mr. Hughes*).

Mr. *Hughes* (to Inspector *Simpson*).] I believe this is the official record of the Petty Sessions in this district (*pointing to the diary*)?—Yes, it is the public record.

By Captain *Grant* (to the *Witness*).] Besides the copper, I saw several pieces of rope and canvass carried away; I also saw a barrel rolled away, and I stopped the person and made him give it up: I did not take his name. The coast guard were there, and two of Mr. Beamish's sons, but there was no attempt made by them to stop this man. He rolled the cask along the beach; I followed him, and brought it back; it was an empty cask. I did not see any rum taken out of the ship. There was no desire on the part of the coast guard to assist me in stopping this man; my reason for saying so is this; the man had rolled the cask 50 or 60 yards before I followed him; and in bringing it back, two of Mr. Beamish's sons were standing close by, apparently enjoying the joke of seeing me driving him back.

By Mr. *Hughes*.] This person was not employed by anyone, he intended to plunder the property; he would have taken it away had he not been stopped by me.

CHARLES TIMMINY, sworn; Examined by Mr. *Hughes*.

I AM one of the Constabulary of this district; I was present at the wreck of the "San Francisco;" it was on the 7th of January; it was on the fair day; I recollect it well on that account, also, because I had prosecutions. I arrived at the wreck about seven o'clock in the evening; it was dark then; and I could not accurately see what her condition was; she was on the beach; I could walk to her on one side, but not on the other; I could not say exactly how many persons were there at that time, about 100 I should think. I was relieved about one o'clock at night, and returned about eight the next morning. I saw some persons attempting to plunder; I took some of them into custody; that was about 11 o'clock in the day; I took Daniel Donovan, of Duneen; he pulled the copper off the side of the vessel, I should say that he had about half a square foot in his possession, nothing more than that; I took him before Mr. Beamish; Mr. Beamish merely told me to take his name and summon him. He was convicted before the magistrates, and fined 5 l. That was about 11 o'clock on the morning of the 8th. I was in company with the last witness when we saw the three parties taking away copper also, and we

took their names, and they were all convicted. It was about one or two o'clock when these men were found plundering. I could not be quite sure. There were about 500 people there; they were very much inclined to resist us. Two policemen were there besides myself, and one in charge of the sails. Two of the coast guard were there also; not more at that time. There were crowds of people assembled, and they seemed to be very troublesome; so I spoke to the acting constable, and told him what police were there, and that they were not able to prevent the people plundering the wreck; and he said he would send a man for more assistance; he did so, and the man was not long gone, when through the acting constable I received Mr. Beamish's order to withdraw.

By Captain *Grant*.] The name of the acting constable is Thomas Marra.

By Mr. *Hughes*.] After these directions from my superiors I withdrew. That was between three o'clock and half-past.

Can you, upon your oath, recollect whether it was on the Tuesday or the Wednesday that you were ordered away?—It was on Tuesday the 8th. On my oath it was on the Tuesday, between three and half-past.

Mr. *Hughes* (to Mr. *Beamish*).] Would you like to ask the witness any questions with reference to what you have stated on this matter?

Mr. *Beamish*.] I have no questions to ask him; I have been inquiring, and have asked a good many persons in my neighbourhood whether the police were in charge on the Tuesday or not; and the answer I received was that they were. I asked a man whether there were any police on Tuesday night, and he told me that they were there up to eight o'clock, but that they did not continue there.

Mr. *Hughes*.] The matter has been put in this way, because you distinctly said yesterday that the men were not withdrawn until Wednesday.

Captain *Grant* (to the *Witness*).] There was some copper off the ship, but not much. The people were trying to take copper off the ship when we were withdrawn. I am quite positive about it, because we sent off for more assistance on that account. Very little copper had been taken off when the police were withdrawn.

MICHAEL MULLINS, sworn; Examined by Mr. *Hughes*.

I AM an Officer of the Constabulary of this district. I recollect the wreck of this ship. I went there on the evening of the 7th at eight o'clock. I was there as early as any of the other officers; I was accompanied by two sub-constables and a constable. There were some of the coast guard there before me: two, I think. I did not go on board the ship. I saw a great many people on the beach; it was dark at the time. From the pressure, and from the way in which they moved round the ship, I thought it was necessary to move the people off the beach, and I suggested that they should be moved away, for we could not protect it during the night if they were left crowded round the vessel. The chief boatman also agreed with me that it was right to clear the beach. We succeeded in partly clearing the beach. There was no copper taken off the vessel during that time. The vessel was inclined partly to one side; her masts and sails were up. She was coppered half way up; she was perfect, as far as regards the copper, when I saw her; there may have been a little taken away by the rocks. There was no plunder on Monday night, because the tide was up; and I had some coals taken down, and I kindled a fire just opposite the ship, and I lay down and stopped there; and there was no copper taken; and at nine o'clock the acting constable came and relieved me. At that time I was there, there was from 200 to 300 persons there, well inclined to plunder; I did not see anyone taking copper off the ship. I did not permit anyone to go round the vessel. I was not there at the time the police were ordered away. I did not give evidence before the magistrates in relation to these convictions of which I have spoken.

*Sic.*

By Captain *Grant*.] The crew of the vessel were in little house on the cliffs. They did not come down to protect the property on the night of the 7th. I did not see the captain come down to look after it.

By Mr. *Hughes*.] They left the property entirely in charge of myself and the coast guard.

By Captain *Grant*.] There were two or three of the coast guard on duty then. There was one stone thrown at night, and that was the time I suggested clearing the beach. We had no difficulty in clearing the beach, they moved off; we forced them off; but we did not succeed in clearing the beach altogether, but we did in such a way as that we had perfect command of the vessel. On the morning of the 8th I was relieved about nine o'clock. The crew had not commenced to strike the masts, they were just going out of the house they slept in at the time I was leaving; and I believe they were going on board.



RICHARD COLMAN, sworn; Examined by Mr. *Hughes*.

YOU sent a telegram to Messrs. Cummins, of Queenstown, on the 8th of January, here is the telegram: "Dear Sir,—There is a vessel ashore in Duneen strand, laden with coals, rum, and brandy; I have taken her in charge in your name, and on your behalf. Let me know, am I to commence to unload her, or am I to wait till you arrive, or will the bearer of the despatch wait in Bandon until you arrive there? Make all haste, as the vessel is expected to go to pieces in a few hours." Is that your telegram?—Yes. I went to the wreck about six or seven o'clock in the evening of the 7th of January. I found the vessel had come ashore. I went and made an inquiry where the captain and crew were. One of Mr. Beamish's sons told me that the captain went to Greenfield, to Mr. Gallway's. He told me that Mr. Gallway and himself had taken the vessel in charge. I went to the little house where the crew were stopping; they were all ashore before this. I inquired of the coast guard standing there how many men was taking charge of the vessel; as far as I can recollect, he told me two. The coast guard were then in charge of the ship. The police did not arrive until some time afterwards. I inquired of him where the captain and crew were, and he told me they were inside this little house on the cliff. I found the captain there; I spoke to the captain then, to know where he was bound, and to whom did she belong. I was not able to understand the language he spoke: he spoke a little broken English. He said his name was Garibaldi; the name of his ship the "San Francisco," bound to Gibraltar, from Swansea. I think one of the crew told me she had about 180 tons on board. He told me in plain English that there were 180 tons on board. I think the register would be about 130 tons. I received a reply from Messrs. Cummins. This is the reply: "Commence discharge, and save all you can for the benefit of whom it may concern; ask coast guard to protect, and also police, if necessary. We send a person immediately. Messenger need not wait. Telegraph name, and further particulars." No person came from their office. Upon receipt of this telegram I told the captain the authority I had received from Mr. Cummins.

I apprehend you would take charge of any ship belonging to this firm on behalf of Messrs. Cummins?—I should. The captain told me Cummins was the proper man. He said "Cummins proper man." He has not made any protest, that I am aware of. I have no knowledge of what he has done. I inquired of one of the coast guard to know from him had he sufficient force to protect the vessel. It was dark, and there was a lot of people there; and he turned round to me, "How is it possible," says he to me, "for I and another to protect this ship?" I told him Mr. Beamish's two sons and the coast guard was there, and they would manage it; just in that sort of way. Well, he told me that if I had any interest in the vessel, it was better to acquaint the police; and in accordance with that I went to the barracks and acquainted the heads there, and sent the police off. I wrote to Messrs. Cummins, explaining what I did. I told them the property was taken charge of by Mr. Beamish. I remained there until Thursday. Mr. Bridle came and told me that it was better to accompany the captain to Mr. Beamish's house, and we went there. We remained there for about three-quarters of an hour; Mr. Beamish appeared there with a written paper in his hand, and he showed it to the captain, and told me, in the captain's presence, that the captain had assigned the vessel to his charge. I could not tell in what form, but that he had assigned the vessel to him. I wrote to Messrs. Cummins, and told them what was done. Mr. Beamish read the written paper. I could not say whether the captain understood it or not. I saw the wreck from day to day. I went out on the following morning, in company with the head constable, and I saw the vessel with small pieces of copper off her here and there: there was not much taken off. I did not see anyone plundering. There was a large crowd of people, from 400 to 500. I then went to Mr. Beamish, and he said he took charge, and that he discharged the police. That was on the Tuesday; he said so to me; and he said also, that he had commenced unloading, and would give the people that he had employed in unloading fair wages for doing so. I did not think it at all a judicious thing to take the police away. I am sure that the persons there in addition to the coast guard were not sufficient to protect the property. If the captain had appointed me to look after the vessel, I should certainly have considered it my duty to the captain to have procured further assistance. I know nothing of the protection of the property after the police went away. I then went to Queenstown, and remained there until Mr. Cummins sent two men up. We proceeded at once to Mr. Beamish's house. We went to look at the wreck before we got to Mr. Beamish's, and from the condition I saw her in on Tuesday, the entire copper, nearly, was all stripped and taken away; I do not know by whom; I could not tell by whose orders it was taken away.

If it was taken by the orders of the captain, it would be in safe keeping?—I do not know of its safe keeping. I was at the auction, and I do not think there was over 10 or 12 lbs. weight sold at the auction; that was all. I am positive there would be from three to four tons of copper taken away by some one; upon my oath I believe that to be the case. I believe that when the ship came on shore there would be three or four tons of copper on her. She was entirely stripped of the copper before she was sold. I do not think there would be a quarter of the copper under her that could not be got at.

Then the inference would be, that there being three or four tons upon the ship, and one-fourth remaining on her when she was sold, there must have been more than two tons plundered?—There was more than that plundered. I attended the sale; there were not many bidders. It was sold in lots. There was a proper account taken of the sale. The



cargo was sold separately. I was at the sale of the cargo; it was sold by the ton. I do know who weighed it off; it fetched 7 s. 6 d. a ton; I think the price was fair.

Mr. *Beamish* stated that the copper was stripped off on the Tuesday.

By Mr. *Beamish* (through the *Court*).] What property was there to protect when I ordered the police away?—Up to that time I did not go on board at all.

By Mr. *Hughes*.] On the Tuesday afternoon, at three o'clock, it was the opinion of Mr. *Beamish* that there was no property to protect, and the police were ordered away; was that your opinion?—I do not think it was judicious to send the police away. My opinion is, that there was property to protect; I do not know what else besides the copper.

By Captain *Grant*.] I received no authority from the captain to act as agent for the ship. When you informed the captain that you were the representative of Messrs. Cummins, did he authorise Messrs. Cummins to act as his agent?—Not until Tuesday. On Monday, when I went down, the captain did no act or deed by which I could take charge as agent for the ship. On Tuesday, he told me verbally, by word of mouth, that he authorised Messrs. Cummins to take charge as his agent; he sent no document whatsoever. He told me verbally, as far as I could understand it. I saw Mr. *Beamish* about an hour after this time. He then brought this paper, that I have described, and read it to me. I cannot recollect the exact words of the paper, it was simply that the vessel was made over to him.

Why did you interfere with the vessel afterwards as agent of the ship?—I might have a dozen different instructions, but if the captain appointed some other person as agent, I should not be justified in interfering in the matter. I did not interfere. Mr. Cummins took charge, when he sent the two gentlemen representing him to the wreck. These gentlemen arrived on Friday. I went with them on Friday to the wreck. They saw the captain.

Did he give them any authority to act as the agent?—He did; he handed over his ship's papers to them.

Then that is an act which proves at once that the agency is transferred to Messrs. Cummins. Did you inform those gentlemen that Mr. *Beamish* also had authority to act as agent for the ship?—I told them so.

Did you remonstrate with Mr. *Beamish* on the withdrawal of the police on the Tuesday?—No, I thought it was not my place when he said he had all charge, and he a magistrate. At that time I saw no plunder; I returned home then.

By Mr. *Hughes*.] Was it because Mr. *Beamish* was a magistrate that you relinquished your authority to act as agent?—I thought Mr. *Beamish* a sufficient authority for the protection of the property. I did not wish to interfere any further, until I received further instructions from Messrs. Cummins. It was because of his authority as a magistrate that I withdrew. I was present at the sale. The auction did not take place until Monday.

You say that two persons representing Messrs. Cummins came down on Friday; how was it they came down, if previously there had been an understanding that the property was in the charge of Mr. *Beamish*; had there been any communication between the captain and Messrs. Cummins?—I could not tell; I cannot account for Messrs. Cummins claiming to act as agents, after the captain had transferred his authority to Mr. *Beamish*. Messrs. Cummins' man told me that the captain's assignment to Mr. *Beamish* was useless. They told me it was useless, because it was written in his own house; that was all I could understand about it.

Mr. *Hughes* said, that the fact of the document being written in Mr. *Beamish*'s house would not affect the legality of the assignment.

The *Witness*.] I cannot account for the transfer of the agency to Messrs. Cummins.

By Captain *Grant*.] In whose presence was this document read besides yourself?—The captain, two of Mr. *Beamish*'s sons, and the coast guard, were present.

Who was the coast guard, can you see him here?—That is the man (*pointing to Mr. Bridle*). I could not say whether that paper was ever produced to Messrs. Cummins.

When you went there, was the document then produced by Mr. *Beamish*?—No; I could not say whether any question was ever raised as to the authority of Mr. *Beamish* between Tuesday and Friday. I did not hear of any reference made to Mr. *Beamish*'s having charge of the vessel from the Tuesday to the Friday by anyone.

By Mr. *Hughes*.] There was property to protect at the time the police were withdrawn, there was the copper on the vessel; but I did not go to see the vessel afterwards until Friday. If I had been in charge, I should have retained the services of the police.

By Mr. *Beamish* (through the *Court*).] Was there any property to protect besides the copper, at the time the police were withdrawn?—The vessel was all that I saw. She was stripped on Friday, but she was not stripped on Tuesday. There was some property taken to some buildings near the beach. The coast guard were in charge of it. On the Tuesday

Tuesday the copper was there, and on Friday it had been stolen away; there was no trace of it.

Mr. *Beamish* stated that there was no property except the copper to protect.

By Captain *Grant*.] I certainly consider the small stores of the ship, and the sails, ropes, and spars, to be property. That was left unprotected by the withdrawal of the police when I saw her. There were people running up the sides of the ship in spite of the force that was there. At the time I saw the vessel, there were only two coast guard there, and they appeared to be quite insufficient to protect it. There were at that time 400 or 500 people on the shore. They were making repeated attempts to get on board the ship, to plunder whatever they could get at. I certainly consider that there was property on board the ship to be plundered.

By Mr. *Hughes*.] Did you in the course of Tuesday or Wednesday apply to any magistrate?—I did not on Wednesday at all; I applied to the stipendiary magistrate in the form that I have shown you, about the protection of the vessel. I applied to him because I thought; it was when Mr. *Beamish* turned off the police, I told him all about it, and he told me that he would see about it; that was on the Wednesday. I felt it my duty to communicate with the magistrate, that I thought the property was unprotected, and I requested the assistance of the police to protect it. I do not know what action the police took in the matter. The chief of the police said to me that he would consider the matter.

Mr. *Hughes* (to Mr. *Beamish*).] In the present state of the proceedings, would you have any objection to the production of the paper you had from Captain *Garibaldi*?—Not in the least.

Would you kindly let us see it?—Certainly.

Mr. *Hughes* read the document, which purported to be an authority to act as agent for the master in taking charge of the wreck and property.

Mr. *Hughes* (to Mr. *Beamish*).] That document was signed in the presence of Mr. *Foster*?—It was.

Mr. *Beamish*.] From my experience I considered it right to have such authority from the captain. The captain then went over to Cork, and when there he made arrangements with certain persons by which he superseded the authority which he gave to me; I did not interfere any further in the matter, I did not consider it worth my while to have anything further to do with it. I do not know that I have anything to say with reference to the witnesses that have been examined; I suppose I shall be examined as a witness myself by and by. What I hold is this, that there was nothing there that needed the protection of the police; the vessel was a poor one, and it was my business to save as much as possible; and I maintain that the copper which was upon the vessel was in a great measure removed from the vessel at the time I told the police their services were not required. I became the purchaser by private contract of the copper that remained on the vessel. I gave the auctioneer the same sum that Captain *Hughes* had purchased it for, he allowing me 5 *l.* off. I thought it worth my while to run the risk of trying to get the vessel off. I am now in possession of 7½ *cwt.* 0 *qr.* 14 *lbs.* of copper which was taken off the vessel. I have a written paper of the contract by which I purchased the vessel. I appointed my sons to protect the property; they were appointed long before the captain sent me authority to act. It was with the consent of the captain. I had no authority whatever.

By Captain *Grant*.] This document which we have seen is authority?—That was signed on the 9th. It was not signed upon the day it was stated.

Captain *Grant* stated that the date on the document must be taken.

To Mr. *Beamish*.] Who awarded this amount that has been paid?—I deducted it before I allowed the auction to proceed. I probably would not have got a penny. I did not allow the auction to go on unless payment was guaranteed to me. Mr. *Foster* is my father-in-law.

By Mr. *Hughes*.] I can form no idea of the proceeds of the sale; I think something less than 200 *l.*

Mr. *Hughes* read over the account current between Captain *Garibaldi* and Messrs. *Cummins*, showing a balance of 4 *s.* due to Captain *Garibaldi*, after payment of all disbursements, commission, fees, &c. &c.

RICHARD COLMAN (the younger) sworn; Examined by Mr. *Hughes*.

I AM the son of the last witness. I went to the wreck on Monday, at about half-past four o'clock. I merely went there to look on. The ship was then aground: she was rolling, tossing about. It was high water. It was daylight when I was there; I could see the hull of the vessel quite plain. When I first saw her her head was seaward. I saw the copper on her sides; I did not notice exactly in what condition it was. I saw two of the

coast guard there; they were only looking on; they could not get to the ship then. The rudder had come adrift; it was coppered, and the people were breaking it all off the rudder. I returned home about half-past one o'clock. I did not go there the following day. I saw her on the Tuesday. There was copper on her sides at that time, but a little of it was off, not much. On Friday there was no copper left upon her, except what was on the ground. The captain took us on board to see her. I was at the sale, but took no part in it. I did not purchase anything. There were not many bidders. The small things were sold in separate lots.

MR. DENNIS M'CARTHY GALLWAY, of Greenfield, sworn; Examined by Mr. Hughes.

I KNOW when this ship went on shore. I saw her first on the evening of Monday the 7th of January, about four o'clock; half-past three or four. A man came up to the house, and said there was a vessel running ashore at Muckross, and I went down then; she had struck when I got there; I saw the captain, and I went on board. The captain ran the ship on shore to save her; that was what he said to me. I could not tell whether she was leaking much at the time. I did not see her register. She was a brig, and about 100 or 200 tons; she was a small brig; she was not 200 tons register. She was registered at Gibraltar, sailing under English colours. His crew were foreigners. I was not present when any arrangement was made with Mr. Beamish; Mr. Beamish told me on Tuesday morning that the captain would do nothing. Mr. Beamish told him that he should have employed the people to protect his property, and he said, "The property is very poor, and it won't pay me for protecting it." There were four of the coast guard there at the time, as well as I can recollect; but there was nothing to protect up to the time I left on Tuesday night, because the tide was so high nobody could get near her. Of course it would recede in a few hours, and the vessel would then be open to plunder. There were not 100 people there when I left her. Had there been 100 people there, and a quantity of copper on the sides of the ship, I should not have considered the force there sufficient to protect that property; two persons would be sufficient to protect the property at high water, but not when the tide was down. At that time a larger force would be requisite. I do not know of my own knowledge that Mr. Beamish ordered the police away; I heard so; I think that was on Tuesday evening. At that time, as far as I could see the vessel, I think a very small force was sufficient to protect her. The copper had either been taken off her side or rubbed off her side by the rocks on Monday night; it was only metal sheeting, about as thin as brown paper; it was all metal.

By Captain Grant.] Miss Gallway did not go off to the ship; there was a very heavy swell at the time. The crew were landed by a shore boat; that went out at first to assist them. A countryman was in charge of this boat; I do not know his name; I heard that he received 7 l. for his boat. I wrote to Mr. Quill that we intended to put in a claim for him; I did not send in a claim myself for that. The owners of the boat made this demand of 20 l. for landing the crew. It was not alone for landing the crew, but for going out in their boat, and for leading the vessel into a safer place when they saw her going ashore; that demand was subsequently compounded for 7 l.; I think they deserved more than that. I visited the wreck on Tuesday morning. Mr. Beamish said on Tuesday that he would appoint me and his two sons as salvors; but I said I would not act unless I got a charge from the captain. Mr. Beamish had not got the authority to act as salvor then; of course, it is cheaper to employ the ship's crew to get down the masts and sails, and so on; but if I had charge of a vessel I should employ no labour whatever, but sell the ship and cargo just as she was. I am not aware that the crew of the vessel were paid for striking the sails, and taking them to a place of safety; I understood that they worked entirely on shore.

By Mr. Hughes.] When the ship went on shore the crew would have nothing, therefore a claim was sent in of 11 l. 16 s. on their behalf for assisting in saving the cargo. The men were employed for about two hours on Tuesday in lowering down the sails at one tide; I do not know who took the sails on shore; the captain, at the time I was there, gave up charge to no one, and would not allow anyone to take charge but his own people; that was on Tuesday, about 12 o'clock. The police were there when I left. If I had had charge, I would have retained some of them.

In this case the property was upon the beach, easily to be obtained; and you had only to say as soon as the tide recedes, and the vessel is dry, we will land the sails and stores of this vessel, and put them in a place of safety. Any person would do that as labour, and not as salvage?—Certainly they would.

A discussion ensued as to the meaning of the term "salvage," and the section of the Act was referred to and read over by Mr. Hughes.

Mr. Beamish stated that in former times wrecks were protected by the gentlemen of the country, and that he thought the duty was better performed than it is now by the police and the coast guard.

The Witness thought the conduct of the police who went out in the boat with him was deserving of the highest commendation, as none of the country people would go out to save the lives of the crew. This man (*pointing to Sub-constable Shields*), was the only man who would venture out with me, and he lost his uniform by so doing.

JAMES



JAMES BRIDLE, sworn; Examined by Mr. *Hughes*.

I AM Chief Boatman in charge at Dirkcove; that is about seven miles from Muckcross. I have held that office in this locality for 17 years. I got down to the wreck at about seven o'clock, or a little after, on Monday night. I was sent by Lieutenant Synge, with three others; we all arrived there about the same time. The wreck was lying aground. It was high-water about four o'clock. She was not lying over at all; she was upright. There were about 50 or 60 people on the beach at that time. The copper was a good deal of it loose; it was loosened by the straining of the ship. When I went down at low-water some copper had been taken off, I think by the sea. I went on board about 10 o'clock; I did not see any spirit there; there was none on board the ship. I overhauled the ship, and went fore and aft. I found a cargo of coals; there was nothing at all but coals; she was pretty full of coals. The hatches were off. I was there from Monday night until Tuesday night. On Tuesday, between three and four o'clock, the police were ordered away by Mr. Beamish. He told me he would send some more hands to take charge of her. I went up to Mr. Beamish's house with Mr. Coleman. Mr. Coleman told me to go and see if he was to have charge of the vessel. We stayed there 20 minutes, and shortly after Mr. Beamish brought in the statement, which he read over, and said he had charge of the vessel from the captain. We went down to the vessel, and he discharged the police at once. That was on the Tuesday afternoon; it was the following day after the ship came on shore; I will swear that it was between three and four o'clock; there were about 100 people, or more, there then. I should have kept some of the police had I been in charge of the vessel. The persons who were left by Mr. Beamish were not armed; they did not render any assistance in protecting the property.

By Captain *Grant*.] Mr. Beamish's sons were supposed to be guarding the property. They were stationed on the beach; the beach is a little cove. They were all abreast of the vessel; there were three of them there. The property was not all put in the house on the cliff on Tuesday; what was brought on shore on Monday evening was put into the house. The crew commenced stripping the ship at about 10 o'clock on Tuesday the 8th; they did not complete stripping her either that night or next day. They were getting the sails off on Tuesday; those sails were carried up to the house on the cliff, and put in store. The captain employed five or six hands, shore people, to carry them up. I saw some of the small stores, and they were carried up to the house; I was at the auction; I saw those small stores sold. I cannot say they were all there; I fancy they were. In the absence of Mr. Synge I am in charge of the detachment. If any of my men were away from Dirkcove they would report to me anything that occurred during the time they were on guard. They were on duty at Muckcross on the night of Tuesday the 8th. When I went up to Mr. Beamish's house with Mr. Coleman the crew were down stripping the vessel. The captain went up with me to the house; that was about half-past two.

You have said that Mr. Beamish was absent three quarters of an hour before he brought the paper which he read over; was Captain Garibaldi with you then?—No, he was not. The document was not signed in my presence although I was there; I was in one room, and the document was signed in another. I never saw the document written, or anything else; I was in one room, and Mr. Beamish in another. I sat down in the parlour for some time, and Mr. Foster said he would go out and see if he could find Mr. Beamish. A short time after that I saw Mr. Beamish and Mr. Foster come out. Mr. Beamish went round by the back door, and Mr. Foster came round by the fore door. Foster came right in where we were and sat down. In a short time he went out again, and was not long before he came and called the captain out; and soon after Mr. Beamish brought in that paper and read it. When Mr. Foster came in, after I had seen him pass with Mr. Beamish, he said Mr. Beamish would be in directly. The conversation that went on was with reference to the wreck. Mr. Beamish did not come into the room before Captain Garibaldi was called out. When Mr. Beamish returned with the captain, he brought that paper with him, and he said the captain has given me charge of the vessel, and he read the paper out. I was under the impression that that paper was signed at that time. I could not say when it was signed. I told Mr. Beamish that if the police were discharged he must send some responsible person to assist the Coast Guard; and he said he would. I saw no one sent but Mr. Beamish's sons and Mr. Foster. I suppose they were considered responsible men. I saw no one else; I did not think they were sufficient substitutes for the police in protecting the property. I kept one man more than Mr. Beamish wanted.

By Mr. *Hughes*.] I had no stones thrown at me; the stone-throwing was on Thursday night. The men fired blank at them; I have no recollections of anything previous to that.

By Captain *Grant*.] Who did you receive the report from that there had been stone-throwing, and that the Coast Guard had fired blank cartridge?—From Dooley; he belongs to the Dirkcove Station; John Warren, the boatman, was there, too, that night.

Will you state who were actually on duty when the stoning took place (*referring to a paper*)?—John Warren, John Williams, John Dooley, and John Warren the boatman, and William Kidney; they were all at the wreck.

By Mr. *Hughes*.] Some of the property was in some buildings above the beach; it was under a lock and key, and there was a man always stationed there. With the exception of this building there was only the ship to look after.



By Captain *Grant*.] I asked you a question just now, whether the whole of the sails and spars, and so on, were stripped off the ship on Tuesday?—It was not.

You have just said there was no property to protect on Tuesday?—Only what was in the house.

Do you not consider that the spars, the rigging, and the sails are property?—Yes; they are property.

At low-water the people could plunder that property?—They could.

Then at low-water on Tuesday night the ship was open to being plundered?—Yes; she was.

Were all the sails up on Tuesday night?—No; one was found in the ship after; they were all taken down on Tuesday except that one sail. The running gear was not unrove that night. I consider the running gear is property, and liable to be plundered. At half tide, after Tuesday morning, we could get on board. I saw no attempts made to get on board to plunder the ship after Tuesday. I certainly consider that there was property left on board the ship liable to plunder on Tuesday night.

By Mr. *Beamish* (through the *Court*).] I do not think that four men were sufficient to protect the rigging on the masts, and the copper on the vessel; I do not think that four men could keep the people away.

By Mr. *Hughes*.] I told Mr. Beamish that four men were not sufficient without further assistance. I had two of Mr. Beamish's sons to assist, but they rendered no help at all. I did not see anyone attempt to plunder that night. The people were inclined to plunder. It was hard work to protect the wreck; we had enough to do to keep moving about, and keep knocking the people about to keep them away. I saw Mr. Beamish's sons on the beach. They took no more part in assisting us than you did yourself. I never saw them speak to any of the people, or try to make them desist from plundering. There were five men on the beach; we were relieved every 24 hours. There were always five of the Coast Guard there; one protecting the house, and four the ship.

By Captain *Jones* (through the *Court*).] I was present on Monday night. I was there all night. I was on the beach on Wednesday night also. It was reported to me that our men had apprehended some persons for carrying off the sails. That was on Thursday night. I was present at the wreck when the police were withdrawn. I came down from Mr. Beamish's house along with him, after he had taken charge of the vessel. At that time there was nothing lying about the beach, or in process of being carried from the ship to the house. I was aware that persons had been captured in the act of plundering a sail. I was told that a report of the conduct of these people was taken to Mr. Beamish. I did not speak to Mr. Beamish on the subject.

By Captain *Grant*.] All the sails, with the exception of the one found on the fore-castle, were removed on Tuesday night; that one remained till after Thursday. It was that sail which the people were taking away in the middle of the night. The people got on board in the middle of the night, and concealed themselves. I do not know how they got on board. A man told me that they went on board and found them there.

Who was the man that discovered them?—There were three or four; John Carr, John Warren, and young John Warren.

JOHN CARR, sworn; Examined by Mr. *Hughes*.

I HAVE been in the Coast Guard in this district about 10 years. I am stationed at Donnycove. I was at the wreck. I got there about a quarter before three on Monday. I saw the vessel run ashore. Her sails were full; she was going two points before the wind. It was broad daylight and clear. I saw the boat come into the cove and take the ground. I did not go on board the ship. Mr. Gallway was on board. The Captain was on board. I saw him. The ship was about 160 tons. The Captain told me he had about 160 tons of coal on board, and that he had thrown some of it overboard to save the vessel. I was in charge up to 12 o'clock that night. The vessel got in between two rocks, and the copper was knocked off her bottom. We took charge of the rudder, which came on shore. There were so many people round the vessel at that time that we could not protect this piece of wood. The police arrived about seven o'clock. At the time of her wreck she did not want protection, for the tide was up. When the tide left her, about 10 o'clock, there were a great many people there attempting to plunder. I left at 12. I did not see any plunder going on, but as soon as the water left her I got on board of her by means of a short ladder. The Inspector of Police and the Head Constable also got on board, and we got into the cabin. Mr. Simpson was there, and one of the police. We had a look round, and saw what was there. There were some sails, and some tar, and some rice; and there was a cask there, and I wanted to see what was in it, and I afterwards found it was rice. When Mr. Gallway came on shore, he ordered a jar to be broken; it contained about half a gallon of spirit. Mr. Gallway gave me a compass, and the Captain handed the other one to one of our men. Young Beamish and his brother insisted on staying on board. We cleared the ship of all persons who were there, with the exception of one of the policemen, and myself, and another Coast Guard, and we remained on board till we were relieved at one o'clock; and some persons remained until Monday night, when the tide got round her

her, and they then left her. The next morning she was broadside on to the beach. That was Tuesday. There were a good many people there; over 200. I had not room to pass from one to another, and I had to hit them with my tuck stick to keep them away. They increased in numbers after this time. They were very troublesome attempting to plunder. The police went away on Tuesday between three and four o'clock. I was surprised that they should be taken away. I was sorry to lose them. The people were hammering on the sides of the ship; 50 caulkers would not make so much noise as the hammering did.

By Mr. *Beamish* (through the *Court*).] We had property to protect then. The copper was off on Tuesday; they could not get any more off then. I take upon myself to say, that five armed men were not sufficient to protect the property then, with the crowd that was on the beach; they were creeping up the sides of the vessel on one side, while I was on the other.

By Mr. *Hughes*.] Mr. Beamish's sons came down, but they were of no assistance whatever. Mr. Beamish said he would send some of his workmen, but I said I did not want any of them, for they were all plunderers. When the sail was taken away from the fore-castle on Tuesday night, I gave two of the names to Mr. Henry Beamish, but they were never prosecuted. I do not know why. They are tenants of Mr. Beamish's.

Mr. *Beamish* being asked whether he wished to make any remark on this point, said that he had no questions to put to the witness.

By Captain *Grant*.] I was on duty at 12 o'clock on Monday, and from 12 o'clock on Tuesday, till one o'clock on Wednesday. There was no conflict between the Coast Guard and the people on Tuesday during any time, nor any firing of pistols. I was not there after Wednesday; I was quite knocked up. I was one of those who found the men carrying the sail away from the fore-castle. Six men had hold of the sail.

By Captain *Jones*.] The people went into the water and lifted one another up, and so got on board; they could not get on board any other way.

By Captain *Grant*.] I was on the wreck on the Tuesday night. I was there during the whole night. I was not pelted by the people with stones. There was no stone-throwing whilst I was there.

JOHN WARREN, recalled.

By Captain *Grant*.] You stated yesterday, that on Tuesday night, the 8th, you were pelted with stones, and that you fired on the people?—Yes.

Where was Carr at that time?—I could not say whether he was on the beach or on the cliff.

Was he out of reach of your firing?—I did not fire at that time. I did not say that I did.

The evidence of the previous day was referred to, and it was found that the witness had stated that he fired with ball cartridge.

Captain *Grant*.] Do you wish to correct your evidence on this point?—It was on the 10th, Thursday, and not on the 8th.

RICHARD COLEMAN, senior, recalled; Examined by Mr. *Hughes*.

You stated, in the telegram relating to this cargo, that the vessel was laden with coals, rum, and brandy?—Yes, one of the sailors (I think it was the mate) told me there was a lot of drink on board. I did not see any spirit at all. I think it must have been a mistake. I did not see any of the men drunk.

By Captain *Grant*.] The last time I visited the ship was on Friday before the sale. I saw no one carrying anything away.

By Mr. *Hughes*.] I was at the sale. The lots were sold separately. The first lot was the coals. I did not see any copper sold, except the 10 or 12 pounds I mentioned before; I believe that went in as part of another lot.

When the hull of the ship was sold, was there any mention made by the auctioneer of anything besides what was then and there before him; did he say, "I sell you with this lot any quantity of copper that you can get anywhere and from anybody"?—I could not recollect anything of that kind being mentioned. I think he said there was some copper, but I should not like to be positive.

There was a large quantity of copper, and that copper has been stolen by some one, and we want to know where it went to?—I cannot tell.

By Captain *Grant*.] Will you state what occurred in Mr. Beamish's house when you went there about the agency of the ship?—We went into the parlour, and remained there for some time before Mr. Beamish came. The captain went out, as I understood, to look for Mr. Beamish. He was absent about four or five minutes, and then he returned along with Mr. Beamish, and Mr. Beamish read the paper that has been alluded to, and said the captain had assigned the ship to him. I am quite certain that the act of assignment was performed while the captain was absent from the room, because, as we were walking up to the house, the captain told me he had made no assignment to anyone.

JOHN WILLIAMS, sworn; Examined by Captain Grant.

I WAS on duty at the wreck about half an hour after she struck; I was not there when the crew were landed. Some of the property was landed when I arrived; when she came on shore all her sails were set. I think there must have been some mistake in the captain not being acquainted with the nature of the place, for she nearly cleared the rocks; had she done so, she would have run in safety on the beach, and would not have harmed at all. I was not there on Monday later than dusk. I came on duty again about half-past 12 on Tuesday morning; I relieved Carr. There was a great crowd there. The men did not report to me that they had any difficulty with the people. I was on board till the tide came up, and there were Mr. Beamish's son and servant. The tide was coming in, and I was rather afraid of remaining too late, so I took my men out of the ship. As soon as we got out, some one hauled the ladder up, and they got into the cabin. I did not take any steps to clear the ship, because I considered that there was no one on board but who had authority to be there. I considered Mr. Beamish's sons had authority to be on board. I am quite certain it was on Monday night, or rather Tuesday morning, that Mr. Beamish's sons were sent. They were supposed to be assisting us in protecting the wreck, so they told us themselves. I was not there when anyone was removed by force; that was before I arrived. I did not go on board again because I was relieved the next day at 12 o'clock, and there was another wreck, and I had to go and attend to that. The people were very troublesome; we were always on our legs. I never saw Mr. Beamish's sons guarding the property on Tuesday at all. There was only one of them and the servant on Monday, that I saw. I did not remove the servant because he said he was employed by Mr. Beamish.

You were placed in charge of this property, and it was your duty to keep off any person whom you considered suspicious or doubtful; now, if any person came down and alleged that he was somebody's servant, would you be bound to believe him and to allow him to act as your colleague?—I should not have done so if I had not been aware that the man belonged to Mr. Beamish; I had seen him drive Mr. Beamish's car before.

By Mr. *Hughes*.] I was at the sale; I saw all the lots sold. Mr. Hoffman was the auctioneer. I believe Mr. Bridle kept an account of the sale. The lots were sold separately. I heard of the sale of the hull. I think the copper that came off the ship was given with it, because I think I heard some reference that it went with it.

The Head Constable (Mr. *Clements*), stated that he gave about 7 or 8 lbs. of copper to Mr. Hoffman, which was sold.

The *Witness*.] I think there would be about a ton of copper on the ship. I should say there would be 7 or 8 cwt. under her when she took the ground, so that there would be about 12 cwt. taken away by some one: I believe that 12 cwt. was plundered by some one. There might be some of it taken off by the rocks; I think there was a great deal taken off by the rocks. None of the port copper was taken off. I should say there were 5 cwt. or 6 cwt., or more, left on the ship, that was subsequently plundered. I should think there would be 7 cwt. on the ship when she was sold. In addition to that 7 cwt. there was a quantity that was not produced, that was sold with it. There was none sold separately from the ship except what was produced.

By Captain *Jones* (through the *Court*.] I was on duty on Thursday night. I was pelted with stones about 12 or one o'clock; it lasted about a quarter of an hour. I fired with ball cartridge, two or three rounds; each of us fired with ball cartridge. They stopped in consequence of our firing; it did not continue after that. Two of Mr. Beamish's sons came down on the beach; they told us we had better go up on the road, out of the way of the ship. We said we would not leave the ship. They did nothing to assist us; they went away on the cliffs.

By Captain *Grant*.] If we had had the constabulary with us when the stones were thrown, I think we should have secured some of the offenders. After this there was no more stone-throwing. Mr. Beamish's sons never came down again; they went away.

JOHN DOOLEY, sworn; Examined by Mr. *Hughes*.

I BELONG to the Dirkcove station. I have been in this district 10 years. I am well acquainted with the coast. I did not see the ship come ashore. I first came to the wreck on Tuesday, about 10 o'clock in the morning. I was there the whole of Tuesday and Tuesday night. I went home about 10 o'clock in the morning (Wednesday). There was a great crowd there, they were trying to plunder the ship. We had a great deal to do to keep the people off the ship. I did not give evidence in any of the prosecutions. The crowd increased all through the day; in the afternoon there would be three or four hundred people. They were close to the ship, we could hardly walk alongside the ship; we had to use our tuck sticks to keep them off. They were trying to overreach us if they could. There were four of the Coast Guard there and one man in charge of the stores. On Tuesday afternoon, about four o'clock, instructions were given that the police should be withdrawn; it



it was by Mr. Beamish's orders. I did not think it was right to send them away, as there was such a crowd of people there. I did not see any property stolen whilst I was there. On Tuesday afternoon there was a good deal of copper gone off the ship. I think there was as much on her on Friday as there was on Tuesday. I was at the sale. There were about 150 people at the sale. There was a tolerably spirited bidding, one against the other.

By Captain *Grant*.] I did not see Mr. Beamish's sons do anything to protect the property. Mr. Foster remained in the house all night, I did not see him out at all. I saw one of Mr. Beamish's sons on the beach; he stood there a few moments and then walked away. I considered there was plenty of property to protect; and I considered I was there to protect it. I was on duty on Thursday night; I was pelted with stones during that night; I fired with ball cartridge; I fired at some one unknown, we could not see any one. There was no one on the beach but the coast guard at the time; the stones came from the cliffs. Mr. Beamish's sons came down upon the firing; the pelting of stones ceased when they came down. They said we had better go up on the road, that we should see the ship from the road, and be out of danger from the stones. They did not intend us to leave the wreck altogether, but merely to go up into the road to protect the property, as we could see the ship from the road, and no one could go down unknown to us, as it was a still night. We did not go into the road; we thought the beach was the fittest place for us.

By Captain *Jones* (through the *Court*).] How far is the road from the ship?—Forty yards.

Was it not possible for the people to go along the rocks without going near the road, and so get to the ship?—They might go along the rocks to the ship without passing us, no doubt. They might have got on board the ship without our knowledge, provided they made no noise. Any number of people could have got on board the ship, supposing they had been quiet, if we had gone to the road.

MR. THOMAS BEAMISH, sworn; Examined by Mr. *Hughes*.

I RESIDE, near Muckcross?—I knew of the brig being on shore about half an hour. I went on board. She belonged to Gibraltar. Was bound from Swansea to Gibraltar. She was less than 200 tons register. I did not see the register.

Mr. *Beamish*, senior, stated that the register was 108 tons, and that the captain said she would carry 180 tons.

The *Witness*.] The vessel was aground when I got there. There were some country people there. The captain could speak a little English. He did not require any assistance. I think he came on shore on purpose. The men were not at the pumps. I think the crew were nine, including the captain. I had a boat, and offered to take him on shore. He did not ask me for assistance in any form. They began to unrig the ship about 11 o'clock on the following day, not the spars but the sails. Some of the copper was knocked off the ship. She must have been injured by the rocks, and the action of the sea drove her up a considerable distance. I think the captain employed four men to strip the ship. The property was taken up to a small house on the cliff. The coast guard were there when I got there, and the police came about 10 or 11 o'clock. I do not know when directions were given for the police to be removed. That was in consequence of something that transpired between my father and the captain, there was a paper relative to that. I was not on the beach when the police were sent away. My opinion is that the police were no assistance whatsoever, that is my belief. I think they were not active enough. I would not say that the coast guard were of no service, but they were not active enough. I should say that civilians could protect that property better than the coast guard or the police, from what I know of them. I am aware that the coast guard are armed. My opinion is that if the people gave them a little whiskey they would allow plunder to go on. I have seen wrecks before now, and I have seen them allow things to go on in that way. I am aware that on this occasion several persons were taken up and punished by the magistrates for plundering, but I believe that was in consequence of statements made in the newspapers. The names were taken by the constables, but they had no intention to summon them until it appeared in the newspapers. I believe that the publicity given to the robbery was the cause of the people being prosecuted. I think the robbery was committed before the constables were discharged on Tuesday; I did not think it worth my while to remain there, thinking I would get nothing for my services, and I believe it was during the time the police were there that the greater part of the copper was taken off. I am aware that the prosecutions which took place were brought about by the instrumentality of the police. I believe they gave the evidence by which the parties were punished. Notwithstanding this, I believe that if the case had not appeared in the newspapers, the police would never have interfered in the matter. I was employed as one of the salvors. There were three of my brothers and Mr. Foster employed also. The sails of the vessel were landed by four men that were employed by the captain.

There was a claim made of 37 l. 8 s. for services rendered in saving the property; how was that money distributed?—I got 6 l. of it. There were five persons got 6 l. each. I do not know what became of the 7 l. 8 s. remaining. I was at the sale. The coals were sold in one lot.



When the hull was sold, was there any statement by the auctioneer that the purchaser of the hull and the copper that was round the ship, would receive any other copper that was anywhere else?—I am not sure; I was not near enough to hear him particularly.

By Captain *Grant*.] I remained on board the ship until the crew and the captain had left. That was about 12 o'clock; there were one or two of the constables and the coast guard on board also. I am aware that the rudder was hauled up on the beach, but there was no motive in doing it. I was regularly appointed to guard the ship. My father, as a magistrate, appointed me and one of my brothers to do so. It was either my father or one of my brothers who told me to go on board to protect the property. I am not sure which. I occasionally helped to carry things out. When I saw that the men were overworked, I would lend a hand now and then, nothing more than that. I would not say that I was on board more than two hours, if so long. Part of Tuesday I did not consider that I was on duty at all, because I did not think if I came before a magistrate I would get anything that would be worth my while accepting. I went on duty again on Tuesday after my father sent for me to say that the paper was signed by the captain. I think it was between two and three o'clock. I remained at the wreck till seven or eight o'clock. I was constantly on and off.

Will you state what time you got there on Wednesday?—I would not swear.

Will you give a probable idea?—It was about 10 o'clock. I think I remained until dinner time, because my brother used to relieve me. I am almost sure I was on duty on Wednesday night. I was there part of every day. I will not swear I was there on Thursday night. I did not see any people there to drive off; I only saw two people pass during the three nights I was there. I only remember having seen two or three people. I was not on duty when the coast guard had a collision with the people, and fired their pistols.

What amount of property did you and your brothers save to justify that claim?—The time that the sails were brought up I did not consider that I took any part at all in that; I did not consider I was a salvor at that time, because I did not think it worth my while to make a claim before a magistrate. I received the sum of 6 £, and I would not do it again for 12 £; they were frosty nights, enough to kill any one. What I say is this, that what I have seen at wrecks before, I think it would be much better if the police were not there at all. I have seen cotton taken away at the time the "Numero Quatro" was wrecked; and I have heard say that if the police have plenty of whiskey given them, they will allow people to plunder. I think I was present when the police brought a man before my father. I do not know how soon the summons was issued after that.

Head-Constable *Clements* stated that the summons was taken out two days after the men were taken.

Mr. *Hughes* (to the *Witness*).] When was the "Numero Quatro" wrecked?—About January 1865. She was wrecked on my father's property.

Mr. *Hughes* (to Mr. *Clements*).] Were you present at the wreck of the "Numero Quatro"?—I was. The cargo consisted of cotton. There were ten of us there at first, but we were ultimately reduced to two. That was by desire of Mr. O'Brien, in Queens-town. She was a Spanish ship. The cargo was taken over by the underwriters to Liverpool, and sold there. I think there was some plunder at that time by the country people. We took out summonses against nine people on that occasion, and brought them before the magistrates in this court. I have never heard any complaint against the police except this by Mr. Beamish. I have not had a single complaint against any of my men for drunkenness within the last two years. There was a complaint made against one of the police at the wreck of the "Numero Quatro," for taking something from that vessel, but the charge was dismissed. At the wreck of the "Podesta," there were 21 persons prosecuted at the instance of the police. No person came before this court to assist on that occasion except the police. The fines on that occasion amounted to upwards of 56 £.

WILLIAM PARSONS, sworn; Examined by Mr. *Hughes*.

DID you give any information to any one about the "Podesta"?—Yes, I gave it in to the police, and the police took two more men.

JOHN CARR, re-called; Examined by Mr. *Hughes*.

I WAS at the wreck of the "Numero Quatro." There was plunder going on there; stealing cotton. The police assisted in protecting that property. I am confident that the police will always do their duty; they did it on that occasion. I have often served with them, night and day. I have never seen them take a drop of spirits. I have once seen them negligent of their duty. I think they were negligent in this case; they tried to get out of the wind's way; they got into shelter. I have no other charge of negligence against them.

By Captain *Grant*.] I am certain they would not wink at any improper conduct. I have never known any of the coast guard charged with drunkenness.

By

By Captain Jones (through the Court).] There were several of the resident gentry present at the wreck of the "Numero Quatro." They never rendered us any assistance.

Mr. Beamish stated that he considered himself quite justified in what he did in this case, and that he would do the same again. He had no statement to make to the Court, but would answer any questions that might be put to him. He would prefer being placed on oath.

HENRY BALDWIN BEAMISH, Esq., J.P., sworn; Examined by Mr. Hughes.

I saw Captain Garibaldi soon after the ship came on shore. She came ashore about three or four o'clock. I did not see her come on shore. When I saw her she was on the rocks, and they were landing the sails, boxes, and articles belonging to the sailors; that was on Monday evening at four o'clock. The captain came on shore on Monday evening; he was one of the last who came on shore. On the following day they began to unload the ship. The sailors took a good deal of time to get the sails down; they were all on the masts, just as if the vessel was at sea. They removed the spars, leaving nothing standing but the lower masts. They did not cut the masts away, they were standing when the vessel was sold. The whole of the property was taken ashore into a place of safety. There was a difficulty in understanding what the captain said, he being a foreigner and speaking English very badly; and Miss Gallway happened to come down and she acted as interpreter. It was represented to him that there was a danger that his property might be plundered, and that it was necessary for him to appoint salvors; and when it was so represented to him he gave his assent that they should be appointed, and then I appointed, with his consent, four of my sons and Mr. Gallway. That was before the signing of the paper; it was immediately after he came on shore on Monday. He came to my house and remained there for a week. I was not acting as salvor, I acted as agent; and I consider that I acted under the authority of the captain, he alone having the power to appoint any one. These parties were appointed before that paper was signed. I acted with the full authority of the captain. I did not want to act except as a magistrate, unless I was called upon to act in that capacity. I did not want to put myself to any inconvenience. I acted as agent of the master in giving directions to save the property. The captain entered into an agreement with me. A little time after, two gentlemen came up from Cork, perfect strangers to me, and they had some conversation with the captain; they knew Italian, and they spoke to the captain; and they so managed as to carry him off to Cork with them. I think that was on Thursday, and he remained, I think, until Saturday. When he returned from Cork he told me that he had arranged matters in Cork, and that the property was to be sold on the following Monday. I mentioned his agreement with me, and said that I did not think his conduct in the matter was exactly what it ought to have been. I would not allow the goods to be sold until the claims of the gentlemen who had acted as salvors were settled; and when the parties found that they could not sell the goods, they came to terms and settled my account. They then proceeded to the auction. As it appeared to me, the auctioneer took down the different items and the sums they brought. They then went down to the wreck and proceeded to sell the coals. They first wanted to sell the coals for 160 tons, the captain saying that he did not throw over more than six tons; however, I said that I thought there was more than that thrown over, and ultimately they reduced it to 150 tons. I took the coals at the lump as 150 tons, at 7s. a ton. After the sale of the coals, they then proceeded to sell the hull. The auctioneer mentioned everything connected with the vessel in the hull. There is a statement of his which I put before you, in which he says, "to deliver up the copper which is in the house."—(*Two papers were handed in, showing the items of sale and the amount paid, receipted and stamped.*)

Mr. Hughes.] I understood from this that you were aware that there was a quantity of copper belonging to the ship somewhere?—There was some in the little house on the cliff, and the copper that I got stripped off the vessel after it was purchased by Captain Hughes, and the bolts. I thought I might have a ton of the copper in her; but there turned out to be 150 small bolts, about two pounds each, and that only metal; no copper at all. I have some 130 of these bolts in my possession. I got possession of them and I shall keep them. I have got possession of copper to the extent of about  $7\frac{1}{2}$  cwt. 14 lbs., including the steerage metal, and the sheeting and bolts.

There is a sum of 7l. 8s. which I do not quite understand?—Probably there would be 5l. of that for the use of my land.

It is almost unnecessary for me to remind you that there is an officer called the Receiver of Wreck, and you are aware that when wrecked property comes on shore it is the duty of the persons taking charge of it to report it to the Receiver of Wreck?—In my own case I do not believe the Receiver had anything at all to do with it, because I think that I have a right to the royalties myself.

My reason for mentioning this to you is this, that your claim of 37l. 8s. as a salvor ought to be made to the Receiver of Wreck?—I do not claim as a salvor, I claimed on behalf of the salvors. I appointed them, and, in my opinion, legally appointed them, and their claim is as good as gold.

We must define what your position was. You stopped the sale until this 37l. 8s. was paid; now the law says that the notice of a salvage claim should be made to the Receiver, and

and that he should stop the sale. I will read you the section of the Act relating to this point.

Mr. Hughes read the section of the Act relating to the duties of the Receiver of Wreck.

Mr. Hughes.] I only wished to show you that it is the duty of the Receiver to detain that property until the salvage and expenses are paid. I should like to know in what capacity you were acting; whether it was as a magistrate, representing the Receiver of Wreck, or as a salvor, or agent for the salvors?—As agent for the salvors, it must have been; and it was well for those parties whom I appointed that I insisted upon their claim being settled. I do not think the police have got anything yet. The Coast Guard have not been paid, and I think they ought to be handsomely paid for their services. I think the constabulary ought also to be paid for their services, and the agents told me that they had settled with them on coming to Clonakilty.

By Captain Grant.] The copper in my possession was stripped off the ship before the sale; I got it; I purchased it; everything that was in the house I purchased; I believe there was copper taken into the house before I purchased the ship; I cannot say who took it there: I do not say whether Captain Hughes was acquainted with that fact or not. I appointed my sons as salvors; I had the best authority from the captain to appoint persons for that purpose.

Will you explain the statement we have had, that the captain refused to give up his possession of the ship?—He did not refuse that persons should be appointed to protect the ship.

Then your sons were not salvors, but the protectors of the ship?—I think it is pretty much the same thing; not according to the Merchant Shipping Act, and it is that under which we are acting.

How was it that the captain afterwards gave you authority to act as his salvor?—He thought it was the best thing he could do. I asked him to give me authority over the vessel, or I would have nothing to do with her. That was on Tuesday morning.

How was it that you, as a magistrate, having the command of the constabulary, and having an available body of Coast Guard, should think it necessary to employ civilians and to dismiss the constabulary?—In the first instance, I must tell you that I have been at very many wrecks, and a pretty long time in the world; I have been at wrecks before there were any constabulary there, or any Coast Guard either; and I have seen how things were carried on, and I found that the civilians did the duty as well, and my opinion is that they still do it as well, because the civilian has a moral influence over the people in his neighbourhood, and they dare not interfere to that degree which you may suppose; they may possibly pilfer from constables, but they would be more liable to be detected by the civilians; that is my experience; I think the country gentlemen would protect wrecks much better than either police or Coast Guard.

How was it that the civilians did not arrest any one when the police did?—I told you in this case I believe the police came on board about twelve o'clock, and proceeded to interfere with the salvors I had appointed; I inquired, and I probably may follow it still further, whether a finger was put near one of them by the police, because I understand that they removed my father-in-law out of this vessel and likewise that one of my sons had to quit the vessel in consequence of the orders of the police. Why, what state of things must there be in the country if the gentlemen of the country, on their own property, and legally appointed by me as salvors, are to be treated in that way?

As a magistrate, have you had occasion to have any of the constabulary before you for neglect of duty?—I do not remember that I have; I think they are a very efficient body; but this duty is not exactly the duty which suits them. Of all the wrecks I remember, there was less pilfering at the wreck of the "San Francisco" than any other; and for the very best reason, there was nothing to steal. I was perfectly justified in dismissing the police, and I would dismiss them again to-morrow.

You have stated that you dispensed with the services of the police in order to save expense; had the police and the body of the Coast Guard remained on duty from the wreck of the vessel to the time of her sale, do you think the expenses of those men would have amounted to what you have divided amongst your sons?—It is quite a different thing; I do not know what you do in England, but here we do not expect gentlemen's sons to be paid at the same rate as labourers; you are under a great mistake if you think so.

In your evidence you stated that you did not wish to act in any way so as to impair your position as a magistrate; it seems strange that you should get yourself appointed as agent for the ship, when the recognised agent came down to attend to it. Mr. Coleman came down showing you the authority under which he wished to act?—I would do the same thing at every wreck, and if I did not I would just go home.

With regard to the copper which was in the house, when did you first ascertain that there was copper placed there?—I cannot tell you.

Did you take any steps for delivering that property to the Receiver of Wreck?—I purchased it.

It was there before you purchased the property?—It was sold at the auction; it was there before the auction; it was sold at the auction.

Can you inform the Court who brought the copper there?—I do not know. I took very little notice of it.

Do



Do you think it is probable that it was stolen property?—I do not know; I never heard of it until now.

By Mr. *Hughes*.] How did this copper come into your possession?—How did what come into my possession? I told you I purchased nothing at the auction of the small things that were in the house. When those things were sold, purchased by strangers, the auctioneer and parties from Queenstown went down there to where the vessel lay; that is about a quarter of a mile from my house, and from the place where the auction of the first things took place. He proceeded to sell the coal belonging to the vessel; I purchased the coals; I did not purchase anything else; don't misunderstand me. Captain Hughes came in and purchased the hull of the vessel and everything, as I understood, which was in the vessel, and the copper which belonged to her; that is my impression. Then, a few days after, the auctioneer came down to my place, and we went down and inspected the vessel, and examined her timbers, and also saw what quantity of copper there was in her; and a bargain was struck up with me. I thought it worth the risk; I thought I might have got the vessel off, and if the weather had held until Monday I would have got her off, in my opinion; I had until Saturday to get the coals out, and I could not have had them out until Saturday; and on that day the weather began to break.

You tell us there were 7 cwt. of copper; how did he produce this copper to you?—That 7 cwt. of copper was in this wise. There was 130 bolts, which were all the bolts that I could detect in the vessel; there were two pieces of brass which held on the rudder, and the rest was sheet copper. I believe the sheet copper amounted to about 4½ cwt. A great deal has been said about this sheet copper, and it really is the bulk of the whole proceedings, the other articles having been taken to my house, and lodged there. My opinion, on mature reflection, is that there was about a ton of copper on the vessel. I think the Coast Guard spoke the truth when they said that. A great deal of this was torn off by the sea, and some of it is even washing on shore to this day. After I purchased the copper, I saw a piece of it come in on the beach; there were two or three folks there, and they bolted into the sea like fishes and carried the copper away. "Well," says I to them, "you have earned that at all events," and I allowed them to take it away; I thought they had well earned it. And so it is—you are holding this investigation, and making all this fuss about a common coal vessel with a ton of copper in her; and the fact is that this copper was a great deal of it carried away by the sea; and though a large number of persons were said to be there, I really believe that there were not more than 150 ever saw the vessel, and that number was composed of men, women, and children; and wherever they can pick up anything, they have a propensity to plunder a wreck.

I have yet to learn how this 7 cwt. of copper came into your possession?—Private purchase.

You bought the hull of a private person; but at the time you bought the hull, I apprehend, the copper was not attached to the vessel; how did it come into your possession?—It was taken off. There was a man of the name of Donovan, who was employed by Captain Hughes to take the copper off the vessel, and secure it for him, and of course, when I purchased Captain Hughes's right to it, I purchased that copper. That was all the copper I got. I did not get any that had been taken away by anyone.

By Captain *Grant*.] I think some of the copper was taken off before the sale. I believe it was lodged in Donovan's house. I think it was lodged there before it was purchased by Captain Hughes; that is my impression. I cannot say that Captain Hughes knew the copper was in that house when he purchased the ship. I think he knew of it being there when he sold the vessel to me.

The Court was then adjourned until the next day at 11 o'clock.

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### THIRD DAY.

Court House, Clonakilty, 6 April 1867.

At the commencement of the proceedings this day, Mr. Wright, a solicitor of Clonakilty, stated that Mr. Thomas Beamish having made some observations the previous day with reference to the conduct of the police, he was desirous of asking that gentleman whether he would point out any of the police who had been guilty of any misconduct.

Mr. *Hughes* observed, that no legal adviser or advocate could be allowed to take part in the proceedings, but that if Mr. Wright had any questions to put to Mr. Thomas Beamish, such questions, if handed to the Court in writing, would be put to him.

Mr. *Beamish*, senior, stated that his son would be in Court on Monday, and would then answer any questions that might be put to him.

Mr. ROBERT SYNGE, sworn; Examined by Mr. *Hughes*.

I AM Lieutenant of the Coast Guard; I am in charge of the station at Donny Cove; the immediate locality of the wreck is in my district. I remember the wreck of the vessel "San Francisco." I was sick at the time; I was unable to attend at the earlier part of the proceedings; I attended on the 10th of January. I saw nothing of the transaction until the 10th of the month. When I got there a good deal of the copper was taken off, but the people were tolerably quiet; that was on Thursday, between one and two o'clock. The vessel was high and dry; she lay on her beam-ends. On the side opposite to me the copper was nearly all taken away. I do not know whether any persons, carpenters, or others, had been employed to take away the copper; I saw no copper in the house where the stores were placed. None of the police were on duty when I arrived at the wreck. I saw some of Mr. Beamish's sons there; they said nothing to me; I did not say anything to them as to the guard being sufficient or not. Carr reported to me that the persons appointed by Mr. Beamish would not render him any assistance whatsoever; the people were trying to steal the copper; and these people would not assist him at all. They were sitting on the rocks, smoking and laughing at him. It was on Wednesday that Carr came and reported to me; he said he was sick and tired with exhaustion. I went to the ship every day after; I did not observe any plunder myself. The people were not trying to plunder when I was there. There were spars and ropes lying about; the spars were on the road, and the ropes in the field. They were stripping the ship; that was on Thursday and Friday. They did not complete stripping her then. It was her own crew that was stripping her. I was at the sale. The lots were properly sorted out. I did not see any copper, nor did I hear anything about any copper at the sale. I suppose the copper that was taken off the ship was stolen. I have no idea that any person was employed by the parties in charge of the ship in taking the copper off the ship, and preserving it for those who were concerned in it. I did not see any copper at all.

By Mr. *Beamish* (through the *Court*). The standing rigging was not carried up to the house at all; it was in a field close to, above the beach. The men were stripping the ship; the things were lying there altogether. I did not see them taken to the house at all. From the time they were unstripped from the ship they were left on the field. There was no guard there but the Coast Guard.

Mr. *Beamish* stated that the ropes were removed either into his own house or into the house on the cliff.

The *Witness* (to Mr. *Beamish*). I saw no rigging taken up to your house at all.

By Captain *Grant*. The spars and those things, I mean the standing rigging, were in the same place on Saturday night as they were on Thursday night, when I first saw them. They remained in the field; they were of some weight. I was inside Cornelius Donovan's house, where the stores were taken on the day of the auction. The rooms are about eight or nine feet square. I was only in one room; I do not know of their being any other rooms in the house. If there had been 7 cwt. or 8 cwt. of copper there, I should have seen it. The entrance door would face inland, not towards the sea; that door opens into a room, and that is the only room I saw, and I did not see any copper there. I attended the auction. The leading parties there were the auctioneer, an agent from Mr. Cummins; and I think the Captain was there, but I am not sure. I brought forward a claim in behalf of the Coast Guard at Mr. Beamish's house; Mr. Beamish, the auctioneer, the agent, and Mr. Foster were present. I think the claim amounted to 11 l. 18 s. They agreed to it at once; and then Mr. Beamish asked me whether I would look to him for it, or whether I would take those gentlemen's word that they would give it me, and I said I would take their word. Mr. Beamish originally named the sum of 9 l. as the claim for the Coast Guard, but I said that was not enough. I did not prefer a claim until Mr. Beamish named this sum himself. I told him that I had a claim against the ship for the services of the Coast Guard. When Mr. Beamish handed in his own account, he included in it a claim for the Coast Guard; that was the first time I heard of his making any claim for us. It was without my sanction that he included the claim for the Coast Guard in his claim. I have not yet been paid that account.

Is that the account you sent in (*handing a paper to the Witness*)? Yes, that is the one. There was no account produced at the time of the sale. There was no conversation with regard to the amount at Mr. Beamish's house, except that it would be paid directly the sale was over. On the completion of the sale, they gave me a written paper to say that they would pay on the production of some printed form, and it turned out that there was no printed form required. I have a copy of the Coast Guard instructions in my possession; it contains a form on which the Coast Guard claim for "Travelling and Subsistence." That form was sent to the Receiver. I think it was not given to the agent. He had only our verbal word for the actual amount claimed for the services of the Coast Guard at the time. I did not know what form the auctioneer alluded to; and I wrote to the Receiver to know what printed form he was to have, and he said there was no printed form required. I forget the total amount of the claim Mr. Beamish made; there was a claim for a boat, and 6 l. for each of his sons and the police. He claimed for everybody in that document. I think Mr. Beamish afterwards put forward his claim by itself; but I was not present; they came down to settle when I was not there. I presume the agent, the auctioneer, Mr. Beamish, and Mr. Foster settled the claim between them.

Mr. BRIDLE, Chief Boatman in charge, recalled; Examined by Mr. *Hughes*.

I WAS at the sale on Monday the whole time. I took an account of what was sold, and I have a memorandum of it.

Could you tell us from the memorandum what was the total amount of the proceeds of the sale?—Yes (*referring to a paper*), 191 l. 6 s. is the amount. Everything is down there to the best of my knowledge (*handing the paper to Mr. Hughes*). I firmly believe, upon my oath, that in this document I have got everything that was sold. I am quite confident that every one of those lots is accurately stated.

There is a lot sold for 52 l. 10 s., what was that?—I think that was for the coals.

What is this 65 l.?—That was for the ship.

You stated that you believe that this is an accurate statement of the number of lots, and the total proceeds of the sale?—I do. The lots were all sold outside the house. I know the number of sails in use upon the ship; they were all disposed of to the best of my knowledge. With the exception of what was under the ship in the sand, the copper was taken off the ship before the sale. I do not know what became of that copper. The small stores were taken to Donovan's house. I saw no quantity of copper amongst the stores. I saw no persons legally employed to strip the ship of her copper. I was there from Monday until Thursday, and then I was there again on Saturday, and again on Monday, and I can state that no persons were legally employed during the period that I was on guard in stripping her of her copper. I saw a sheet or two sold at the sale, a very little quantity. The auctioneer tried to get the best price he could for the ship. He made no reference to any copper that would be found elsewhere, when he put the ship up for sale. He sold the hull as it was, and, of course, what was in her, except the coals.

By Captain *Grant*.] Where was the ship put up for sale?—On the road abreast of the ship. I know Donovan's house; I have been in all the rooms in his house; on Monday I was there. I saw no stores there at all but what belonged to Donovan himself. Had there been eight cwt. of copper in any room in that house I am quite confident I should have seen it. I state confidently that there was no copper in the house on Monday. I could not see any, and I went into every room of the house. There are only two rooms, and I was in both of them, and the copper was not there then.

Mr. *Hughes* (to Mr. *Beamish*).] "According to your evidence of yesterday, there was a quantity of 7 or 8 cwt. of copper that you obtained and purchased somewhere, after the sale, and we want to know where that property came from, and how it came back into Donovan's house?—I should like to sell it to you.

Captain *Grant* (to Mr. *Beamish*).] Yesterday you stated that there was 7 cwt. or 8 cwt. of copper in Donovan's house?—Oh, no; you must have taken it wrong. I asked you four or five times on that point, I most distinctly asked you that question.—You misunderstood my answer; I will account for the copper. I told you that there were about 150 small bolts containing about 2 lbs. each, and I got something over 130 of them; that I believe would make something about 2½ cwt. of copper. There was then the copper which kept on the rudder, I think about half cwt., and the remainder was sheet copper, which of course must have been taken off. It was removed by Donovan, and put into this house.

Mr. *Hughes* remarked that there was a large quantity of copper unaccounted for.

Mr. *Beamish* said that he believed there was some copper in the house at the time, but that after he purchased the coals, and after the copper and all that was purchased by Captain *Hughes*, he did not concern himself at all about the auction.

Mr. *Bridle* came forward, and said that he had just been informed that the ship only sold for 55 l., not 65 l.; he had only put it down to the best of his knowledge; he thought it was an indistinct figure that caused him to make the mistake.

Mr. *Beamish* said, I should like to add some statements to the evidence I gave yesterday; and I think this latitude ought to be allowed, inasmuch as the evidence, with few exceptions, is on one side, very little having been taken on the other side, excepting as proceeding from Mr. *Galloway*, my son, and myself. I should particularly wish that what I am about to say may be taken down by the shorthand writer.

Gentlemen, when I was appointed to act as agent by Captain *Garibaldi*, and when the document, which I considered gave ample and sufficient authority was signed, the very first thing I did was to dismiss the police. That I considered it my duty to the underwriters of the vessel, if she had been insured, and if not insured, to the owners of the vessel and cargo. My next step was to see to the dismissal of the Coast Guard; and for that purpose I spoke to my son, I do not know which of them, to intimate to the Coast Guard that it was my intention to dispense with their services. The message was conveyed to me that the Coast Guard stated that they would not leave without the orders of their superior officer. I consider that I had no power whatever of removing them; that they might there remain in defiance of my authority, and what I intended to do after the proceeds of the auction, which should, properly speaking, have come into my hands in the usual way, as being the agent legally appointed by the Captain—but overruled and supplanted, I won't say how properly or improperly—by the Messrs. *Cummins*; when that money had come into



my hands, would have been ample time for the Coast Guard to have put in their claim in the usual way, either to have served the Receiver of Droits, or to have served the Collector of Customs with the ordinary and proper notice, and the full security of them and their claims could in the ordinary way have come before the magistrates of this Bench, and whatever they awarded them, it was my determination to pay. Well, now gentlemen, that settles affairs so far as I am concerned, either with reference to the underwriters, should there be any, or with reference to the owners of the vessel and cargo.

Now, then, with respect to my own personal conduct. On the 14th, it was the day of the auction; mind you, I permitted that auction to go on; I watched Mr. Cummins in his proceedings, reserving to myself the full power of acting under that instruction which I held to be legal and sufficient, to interfere in any way which I thought was advisable; and interfere I did, in the case of the auction. At the time of the auction I purchased the cargo of the vessel; in four days I think afterwards, I purchased by private sale from the auctioneer the property which Captain Hughes had purchased, and paid the amount in presence of witnesses. Therefore, to all intents and purposes, both the cargo and the vessel, and the different other articles which were purchased by Hughes, came into my possession by a fair and equitable purchase. When that was so, now mind you, you might suppose that a dozen of the Coast Guard and a dozen of the police were necessary to the protection of that property, but I say it, with every respect to you gentlemen, how did I act to protect my private property? I protected that property by appointing two of my people, and my sons too. I had no constables, no Coast Guard; the property was mine, my private property, let it be known and understood; and I have no objection to let it go forth on the wings of the wind, that I, residing at Muckcross, having purchased the bulk of this property, did protect it with two of my men; and after I had kept these two men, who remained up that night, in a few days I dismissed them altogether, and had no persons at all either by day or night. I mention this to you to show that the moral influence which I possessed was sufficient to protect this property, and that the view which you appear in your examination to have taken, that I was not justified in dismissing four of the police, is a mistaken view; that my act was perfectly just, proper, and becoming, and that the vessel was my own private property; and that I protected that property with two of the country people which belong to the place.

Now, gentlemen, you may be perhaps, from your habits, I dare say you are, English. You may be more acquainted with the habits of the English people; but as far as we are concerned here, the gentlemen of this country will not be satisfied to act as common labourers, nor will they act in that capacity which you, with every degree of respect, would be willing to put my sons into. Their position in society; three of those men do not live in my house; they are independent of me, and I state that though 6*l.* was paid to each of them, it was inadequate remuneration for their services, and not a sixpence of it went into my pocket; and that though I was justified in receiving this paltry sum of 10*l.*, I received nothing except merely 5*l.* for the use of my land, which it is well known by every person here was a very small sum indeed; it might have been better both for the owners of the property and all concerned, that this vessel had remained in my hands, that it had gone on in the ordinary way; but as others thought proper to supplant me, I have nothing whatsoever to do with the accounts which are furnished to you, but I have performed my duty honourably and honestly.

Gentlemen, I can further say, and it will appear from the evidence, that the police—and I have every respect for the police—I believe them to be a most efficient force, but I believe they are in a measure out of place when put to protect wrecks; they are in my opinion a military force. And when they went upon that vessel, I am informed, between 11 and 12 o'clock, to seize upon an old man, my father-in-law, a gentleman, and command my sons to quit that wreck, though my sons acted under my authority as a magistrate, though I had legally, properly, and constitutionally appointed them salvors, and it was their bounden duty as my sons, and living on my property, to see that these things were carried properly into effect, I say for any policeman receiving his 1*s.* 6*d.* or 2*s.* a day to do so—and, gentlemen, I would wish to impress upon you that if you think by inverting society, by putting common officers in the place of gentlemen of proper intelligence and worth; if by any means that should once be effected, and that if the magistrates of this country are degraded by imposing over them stipendiaries—I say that the glory of old England is set for ever, and her sister island will perish in the sea. I do feel that it would be my duty that if I could get evidence against any constable who attempted to put a finger upon any one that I appointed, and to remove them from that position, I say, if I can get evidence, I shall produce it here to the magistrates of this bench, and I trust they will prove that they will support the gentlemen of this country. You, gentlemen, acting on the part of the Board of Trade, you shall have every advantage from me that I can put you in possession of. I fear not your utmost; do your business; I am here to set you at defiance; I know the rectitude of my conduct. I care as little about that petty business of the “San Francisco,” and her value of 200*l.*, as I care for 200 pence. My son will be here, and we defy you. I am here to prove what I have stated; I have simply done my duty; it is for you now to do yours.

Mr. Hughes.] I have one or two words to say with reference to the eloquent, but not very temperate, speech that has been delivered by Mr. Beamish. It appears to me that there is a disposition rather to disparage this inquiry, and the officers conducting it. There is no doubt whatever that the law relating to wreck here is precisely the same as it is in England;

England; I believe it is administered as fairly and as justly here as in England; and I have not the slightest doubt that the county magistrates will do their duty as justly as they do in England. At the same time, I think it is but right to say that it is rather out of place on the part of Mr. Beamish to make these disparaging observations, for I am quite sure he will admit that every courtesy has been shown to him by us on this inquiry. We have no defiance to throw out to anyone, we are merely doing a plain simple duty, entrusted to us by the Board of Trade; that duty is to elicit in this case, as in others, what are the circumstances which have attended the plundering of a ship to a very large extent, before she was sold. It is not a question of amount, it is the question of organization for the protection of wrecked property, and the demoralization resulting from its not being properly protected. I maintain that there is a quantity of this property still unaccounted for, and I am quite sure that Mr. Beamish has no disposition to prevent us from ascertaining the facts, and those facts we are determined to ascertain if we can. Mr. Beamish has thought proper to speak of his private property and manorial rights, and of his position as a magistrate of the county; he has spoken also of his position as the agent for the ship. There is no doubt in my mind that he was justly the agent of the ship, when he was appointed by the captain. But I think he must admit that at the time when these gentlemen, his sons and father-in-law, were first appointed salvors, he was not the legally appointed agent of the ship. He was not appointed until Tuesday afternoon. There are circumstances in connection with this matter which still require explanation. There is a quantity of copper—I tell Mr. Beamish plainly, not as affecting himself, but as affecting this inquiry—that there is a quantity of copper which we have not yet had accounted for; it was taken from the ship, and we want to know more particularly what became of it. I am sorry if Mr. Beamish understands an implied censure upon him; it is not that. We are here to obtain information, and to report to the Board of Trade the result of that information, as we have done in other cases; and I repeat, I am rather sorry that Mr. Beamish should have gone out of his way in order to throw out defiance to the officers conducting this inquiry.

Mr. *Beamish*.] I think that, sitting there as chairman, you have performed your duty admirably, and I thank you, gentlemen, for the kindness you have manifested in listening to me. Anything I have said was given utterance to under the feeling that as I was the principal salvor, it was thought that any portion of copper which might have been there, came into my possession in any way improperly, thereby implying a theft; what every man with common feeling will feel indignant about. If any attempt be made to imply that a purchase made by me of another man, that I could in any way have come into possession of property which did not belong to me, it would be perfect robbery. There has been a large number of police examined here, and a large number of the coast guard, all upon one side.

Mr. *Hughes*.] I distinctly stated that the inquiry was without prejudice to any person whatsoever; and I would again state that the object of the inquiry is not so much as Mr. Beamish terms it, the paltry coal vessel which came on shore at Muckcross, but to ascertain whether the arrangements are such as can or ought to be maintained in future.

Captain *Grant*.] I wish to add, that I entirely coincide with what my colleague has stated before, but I do not wish to allow the opportunity to pass without entering my protest also against the expressions as to the stipendiary magistrates being placed over others on the bench. I do not wish to make any further observation; I simply say that a remark of that nature ought not to be allowed to pass without protest.

Mr. *Beamish* said that he considered that he had the authority of the Captain to appoint salvors; and that salvors were appointed by him, and that as such he considered that the constabulary should be in subjection to the salvors; and that the constables were not justified in the slightest degree in interfering with the salvors he had appointed. He wished it to go forth on the wings of the wind that what he did was legal and constitutional.

Mr. *Hughes* stated that Mr. Beamish's remarks would be fairly represented at head quarters, and that nothing would be said that was not just and fair to him.

Captain *Grant* (to Mr. *Beamish*).] You have stated that this inquiry was one-sided, as we have examined all the police and the coast guard; we have put it to you several times whether you have any witnesses to bring forward whom we might examine on your behalf; we have no one whom we can call properly, except those we know to have been concerned in this matter. We have sent for the auctioneer; he has been summoned, but he cannot attend until Monday, but he will be under examination before the inquiry closes. If you at anytime are able to throw light upon the subject, and can bring forward witnesses, we shall be most happy to examine them in the same way we have conducted the inquiry hitherto.

Mr. *Beamish*.] You shall have abundant evidence that seven and half cwt. of copper came into my possession rightly.

Mr. COLEMAN, recalled; Examined by Mr. *Hughes*.

IN the account placed before us, there is a claim by you of 36 *l.* 9 *s.* 7 *d.*, have you a copy of that?—No; the 36 *l.* was my claim for the entire expenses; it was subsequently settled for 6 *l.* 17 *s.*

By Captain *Grant*.] I have lost 30 *l.* by the transaction.

Mr. *Hughes*.] You mean to say that you would have been 30 *l.* more in pocket if you had got the whole amount you claimed.

By Captain *Grant*.] Have you lost 30 l. of your own money?—Oh, no. The amount I received, 6 l. 17 s., was the actual amount that I spent: I included the expenses of Captain Hughes in auctioning the vessel. He directed me to employ four men in taking away the rudder irons that were up her side, and as much of the copper as I could; I agreed with the man of the house, then, at the rate of five shillings a week, to give us the use of the little house; and, up to this time, I included that claim in the bill I sent down; I never got a farthing from the Captain for the labour of those men up to this time.

By Mr. *Hughes*.] I attended the sale. I did not keep an account of the various items; Mr. Bridle was the person who did, I think. I do not know the amount of the sale.

By Captain *Grant*.] Did you hear what the total amount was at the time of the sale?—I could not recollect, I asked Mr. Hogan twice about it; and he said, he had not time to make it out before he left town.

Mr. *Hughes*.] I am sorry, gentlemen, that owing to the absence of the auctioneer, we are under the necessity of adjourning the Court. He told us the other day that, if the fine was 100 l., he could not come before Monday, and that, therefore, if we summoned him, he should be obliged to pay the fine. He has since been summoned, and will be here, we trust, with Mr. Hogan, the clerk of Messrs. Cummins, on Monday; and it will be for us then to ascertain all the information we can relative to the sale of this property; and if any gentleman in court chooses to bring forward anyone who can give us further information, we shall be much obliged to him for doing so. The Court is now adjourned until Monday, at eleven o'clock.

[Adjourned accordingly until Monday next, at Eleven o'clock.]

#### FOURTH DAY.

Court House, Clonakilty, 8 April 1867.

A Letter was handed in by Mr. Beamish from the Inspecting Commander, dated the 28th February, relative to the Coast Guard claim of 11 l. 18 s. 6 d. That Letter, together with Mr. Beamish's Reply to the same, dated the 1st March 1867, was read.

Mr. *Beamish*.] AND now, gentlemen, I see by the letter you forwarded to me from Cork, that you are conducting this inquiry under the 14th section of the "Merchant Shipping Act, 1854." I have been looking at that section, and I find it to be as follows: (*reads the section referred to*). Now, as I have been in a measure placed in rather an awkward position, I would wish to know from you, gentlemen, under which of these heads do you now carry out your inquiry? or, I ask you, rather, what is your object at present, or to what should I apply myself to give you every satisfaction which may be in my power; whether your object is, as I take it, from that letter of Captain Jones, to see that the payment of 11 l. odd should be made to the coast guard; or, in fact, what is your object at all? If it be 11 l. odd, I think the case is as clear as possible; that is, that the coast guard put in their claims in the usual way; if this be your object, Mr. Synge is the person you should look to.

Mr. *Hughes*.] I think we shall save you some little inconvenience by explaining that it is not that; it is the whole question of the preservation and protection of wrecked property; and to enable you the more clearly to understand what is the nature of the duties we have been entrusted with by the Board of Trade, I shall read to you the letter appointing my gallant friend, and myself, and also the authority under which we hold this court.

(Mr. *Hughes* read the letter and his appointment as inspector, under the 14th section of the Act.)

"Under this authority, we are here to inquire into the circumstances attending the wreck of the 'San Francisco.' It is not a question affecting salvage; it is not a question of expense; but it is a question as to the mode in which the property was protected or not protected; under whose charge it was from the time it came ashore up to the time of the auction; and I believe I can most truly say that we have confined ourselves entirely to those circumstances. With reference to your question as to the coast guard, and the expenses that were incurred, it is only an incidental matter, of comparatively little importance. We want to ascertain whether the gentleman who first took charge of this property, as a magistrate, did the duty required of him, or not; and whether the Receiver, the Coast Guard, the constabulary, and others, did their duty, as required by law, and if they did not, why not. I say again, that our proceedings have been conducted hitherto without prejudice to any one, and they will continue to be so conducted."

Mr. *Beamish*.] I have now to ask you whether you will carry your inquiry still further, and inquire into wrecks which occurred here upon this coast two years ago, and another soon after the "San Francisco," near the same place.

Mr. *Hughes*.] We have no special instructions in that matter. If that is introduced as collateral evidence, with the view of showing how property could be better protected in future, there would be no objection to it; but it is almost irrelevant, unless it is introduced with that object.

Mr. *Beamish*.]



Mr. Beamish.] You have it in evidence by the police, that up to Tuesday at four o'clock, comparatively speaking, there was little of the copper of the vessel plundered or taken away. Is that the sum and substance of their evidence?

Mr. Hughes.] I believe there was not much stolen up to Tuesday afternoon.

Mr. Beamish.] You have it in evidence by the coast guard that, comparatively speaking, all the copper was taken away before the police were discharged.

Mr. Hughes.] That is not so. There is a conflict of opinion as to when the copper was stolen; but there is no doubt upon our minds that at whatever time it was stolen, a very large quantity of copper was plundered from that ship.

Mr. Beamish.] Well, gentlemen, you have now to consider as to the quantity of yellow metal that was not copper which was upon the vessel; in my opinion, there was little more than a ton altogether.

Mr. Hughes.] There is a difference of opinion upon that point; if you can give us any evidence as to the quantity that was upon the vessel when she came ashore, and the quantity that was left when she was sold by auction, we shall be glad to have such evidence.

Mr. Beamish.] I would say that I have been at a great many wrecks, and in no wreck that I have seen would your inquiry be of so little effect as in this, because here there was nothing to plunder except this copper.

Mr. Hughes.] It is quite clear that Mr. Beamish is of opinion that because the property that was taken away was of small value, the question before the public is of very little importance; I must express a different opinion; it is not entirely a question of value, but of the evil effects upon the people when they are allowed to plunder wrecks without interruption by the proper authorities. We had better go to the evidence. Is there any person in court who will come forward and tell us what quantity of copper was plundered or not? (To Mr. Beamish.) Would you produce any evidence? There is no one in this court who can give us that information so well as you can yourself.

Mr. Beamish.] I shall be happy to give you any information I can.

Mr. Hughes. (to Mr. Beamish).] Will you kindly tell us what quantity of copper was sold at the auction?—I could not tell you that, for I was not there; I was at the auction, so far as the auction of the coals was concerned, I purchased the coals at the auction. I was present at the sale of the vessel.—“What were the conditions of sale?—Was there anything said by the auctioneer to the effect, that if there was any copper in any man's house, or anywhere else, that the purchaser of the ship would be entitled to it if he could get it?”—I think he said that he sold the hull, the masts, and everything in the vessel, and on her; that is what I believe to be the fact. When that was sold I gave myself no further concern in the matter.

Mr. Hughes.] Some one bought from Mr. Hoffman the hull of the vessel, with everything that was in and on her at the time?—Yes.—Independently of what was in and on her at the time, there was a large quantity of copper sheathing, and other things somewhere else?—No, there was a small quantity in that little house, Donovan's house.—That was purchased by Captain Hughes, I understand; subsequently I purchased the hull from Mr. Hoffman; he came to my house; I suppose he came to receive his money. I did not purchase any copper between the time of the sale and the time Mr. Hoffman came down to sell the hull. That was on Wednesday, or Thursday, after the auction; he asked me to purchase the ship. When I bought the hull, as she was, with what was in and on her, from Mr. Hoffman, on behalf of Captain Hughes, I considered that I bought exactly what Captain Hughes purchased at the auction.

Mr. Hughes.] “Will you let us know how you came into the possession of this  $7\frac{1}{2}$  cwt. 14 lbs. of copper?”—A part of that consisted of bolts in the vessel; the bolts made  $2\frac{1}{2}$  cwt., I think; the rudder irons were yellow metal; they amounted to about half a cwt., that is, the metal on the rudder. This half cwt., as well as the  $2\frac{1}{2}$  cwt., was comprised in the quantity in Donovan's house. The remainder consisted of sheath copper; I could not tell how much I got of that; some of it was in the house at the time of the auction; probably it was taken from the people that might have been plundering it about the beach. It was sold at the auction. Then the balance was taken off the vessel, and put into Donovan's house; and then, when it was sold to me, Mr. Hoffman handed me the key of the house, and in that house I got what copper I have.

Mr. Hughes.] There is a discrepancy which we want explained; we have had it in evidence, three or four times over, that all the copper that was in the possession of the auctioneer was 10 or 12 pounds, and that was sold separately from the hull; we have therefore 4 cwt. to account for.

Mr. Beamish.] In my mind you are committing an error. When Captain Hughes bought that vessel, he set men to work to strip the vessel of the remaining portion of the copper, and this remaining portion of copper was put into this same house. I think you will have sufficient evidence, now, to prove that all the copper in the house was taken out and sold at the auction. It was brought back again by Captain Hughes, and put into the house.

Mr. BRIDLE, recalled; Examined by Mr. Hughes.

I WAS at the sale.

After the small stores, ropes, and rigging, and spars, had been sold, was there a small quantity of copper that was taken out of a small house?—There was a small lot.

What quantity would there be in that lot?—About 10 or 12 pounds. I am certain there was not a quarter of a hundred weight. I can swear positively to that. I was in Donovan's

house an hour before the sale, sitting down where the things were, and I saw no copper there at all. There was none in or about the house at that time.

CORNELIUS DONOVAN, sworn; Examined by Mr. *Hughes*.

I LIVE in a small house near where the wreck occurred. Some of the stores of the ship were carried to my house from time to time. I could not say when they first began to put the copper in my house. I had nothing to do with it until the day of sale. I was employed shifting the rigging inside the house, before the day of sale; I could see nothing outside while I was inside. I slept at home every night. There was a little copper put into my house. I could not tell how much; I do not think there was much. I was at the auction. The sailors brought all the copper out of my house for the purpose of selling it; there was not any left anywhere about my house; I swear it. It was all cleared out. I cannot say whether the auctioneer sold it or not. After the sale they began to get the copper off the vessel, because Captain Hughes agreed with me for stripping the vessel, and to take away the gravel from under her; and I took away as much copper as I could get. We began to strip the vessel after purchasing her; it was on Tuesday, and we went on until Friday. As we got it off we put it into the house. Then Mr. Beamish sent his horse and cart, and we got all the house cleared out. I really could not say how much there was came into my house. There was no copper brought into my house that had been plundered. I was about the wreck all the time on and off. There was a deal of copper taken off by the waves when she came on shore. I do not know whether any was plundered or not. I suppose some was carried away. I know that some of them stole the copper.

(The Witness endeavoured somewhat to evade the examination; but being closely pressed, he admitted his knowledge of the fact that a certain portion of the property had been plundered.)

There was more stripped off by the waves than by the people. There was some of it plundered, of course. I was guarding the copper for Captain Hughes; before that time, the coast guard and the police were in charge of it.

By Captain *Grant*.] My house is on the top of the cliff. I slept in the house. I remember Thursday night, after the wreck of the vessel. I ought to remember, because I could not but recollect everything. I heard pistols fired. I did not go out of my house; I went down to my bed, and I went asleep, because I was not paid for being up; and I did not want to be up, since I would not get paid for it. I did not turn out of bed until daylight came on. I began to work on Tuesday morning, after the sale. They brought copper into my house on that day. Mr. Coleman used to bring the key home; he used to come here, to my own house, and used to take out the key every morning, because I would not keep the key myself at all.

Mr. COLEMAN, recalled; Examined by Mr. *Hughes*.

THE hull of the vessel was sold to Captain Hughes on the day of the auction. I do not know what he gave for it. It was sold with everything that was in and on her. At that time there were some 10 or 12 lbs. of copper sold in a separate lot; Captain Hughes bought that lot. All the copper that was not on the beach was bought by Captain Hughes. It was taken into the little house. Captain Hughes left the ship in my charge on Monday afternoon. On the following Tuesday he ordered me to employ men to strip the remaining portion of the copper, to remove the entire of it, and to take down as much of copper as I could. I employed a number of persons for that purpose. I left my son in charge during the day, and told Donovan to bring back the key into Clonakilty, and left two men to take care of the house where the copper was. As far as we could get at the copper we took it out. We had pretty well got it all off on Friday.

At the time when the sale took place to Mr. Beamish, what quantity of copper was in Donovan's house?—There could be no copper in Donovan's house, except that which we took from the ship; there were, not many bolts, only the sheet copper, and a sort of brass piece belonging to the rudder. I think it would not be more than 3 cwt. or 4 cwt. of copper; that quantity was stripped by me off the ship and put into Donovan's house.

There was a charge made by you of 36 l. 9 s. 7 d. upon the wreck?—There was: I included in that charge the expenses of stripping the wreck. I included everything.

After the sale the property was in the hands of some other person, how could you charge it against the ship?—I did not charge it against the ship.

You made a bill against Captain Garibaldi and the owners, whereas, in fact at that time, the property did not belong to these parties at all; it belonged to Captain Hughes?—I furnished the bill, and I put the particulars in one sheet, to Mr. Cummins; I placed the whole in Mr. Cummins' hands.

Mr. *Hughes*.] If you brought an action against Captain Garibaldi for this money, the Court would not hear you; it was the person who bought the ship that had to pay you. I understood from Captain Hughes that I was to furnish the entire bill.

By Captain *Grant*.] I received instructions from Captain Hughes on the Monday evening, that I was to strip the ship. I had some people to do so on the Monday night, they commenced to work the moment I received instructions, Captain Hughes gave me authority before he left.

Mr. *Wright* being present in court—

Mr. *Hughes* said, I think, Mr. *Wright*, you wished to put certain questions to Mr. Thomas

Thomas Beamish. I have before stated that there is no accusation against any one, that we came here without prejudice, and that we have no charge to make against any person whatever. I do not mean to say, that if in our report we have occasionally to speak strongly of any person, that we shall not express our opinion with reference to the conduct of such person, but it is not a Court for criminating any one.

Mr. *Wright*.] I do not wish to interfere, but what I ask of you, as a matter of justice to a force that has been aspersed by a witness, is, that you should ask the names of the parties who committed the acts alleged to have been committed; when those acts were committed; and where they were committed? Those are the three questions I wish to ask Mr. Thomas Beamish.

Mr. THOMAS BEAMISH, recalled; before the Questions were put to the Witness,

Mr. *Beamish*, senior, said,—Perhaps you will allow me to make an observation. The parties concerned now are the police, and the coast-guard. These are public bodies; and I think it right, and only just to say of both of them, that of all the wrecks that I have seen, the disposition generally, on the part of those who are there to protect the property, was not actually to punish the unfortunate people (for you may call them unfortunate), but rather to preserve the property for the owners, and to do it in the best possible way. In my neighbourhood I should not wish to see a wreck at all, because it thoroughly demoralises the people. In the case of the "San Francisco," there could be nothing to plunder, except whatever portion of copper was plundered. There was a wreck which occurred some distance from that, where a valuable cargo of wheat was lost, and this vessel was well coppered; and the place where the wreck occurred was at such a distance, and the wreck was so torn up, that large quantities of property were scattered up and down, and an immense amount of plunder took place. It was impossible for the police to have protected it, because their exertions were confined to one particular spot. If the law was carried stringently into effect, there is no doubt that shipwrecked property may be protected; but, as I stated before, I do not think the police, or the coast-guard, actually are the persons to protect shipwrecked property.

Mr. *Hughes*.] We are rather of a different opinion in that matter; had it not been for the police, and the coast-guard, we believe there would have been a great deal more plunder.

Mr. *Hughes* further stated that the subject was rather irrelevant, and could not be further proceeded with.

Mr. *Thomas Beamish* said,—I wish to state that it is rather difficult to get any evidence against the police, as the country people are afraid of them. They have sworn that my brother and myself were smoking and laughing on the beach. I further state, that in my opinion Lieutenant Synge must have smoked something stronger than tobacco, by which he saw double, and I would like to know what Mr. Synge did himself.

By Mr. *Wright* (through the Court).] Could you bring any evidence to prove that the police connived at the cotton wreck, at the improper disposal of property?—I have heard that the police, and the coast-guard also, connived at this wreck, and that they spent their time mostly asleep in the house.

By Mr. *Hughes*.] Could you specify any particular instance in which either the police, or the coast-guard, have connived at a specific act of robbery?—About the night of the 30th of January 1865, my brother and myself, and another man took a lot of wrecked property of the "Numero Quairo," and gave it in charge of the police, and those things were not forthcoming in the morning, and my brothers can swear to that. I mean to say that they were not forthcoming, and that they were given in charge to the police. Can you specify the names of the police?—Constable Driscoll was one, and Constable Clements was there too.

Mr. *Clements*.] Yes, we admit that we were there.

The *Witness*.] I say that they were stolen away, and that the police must have winked at it. This was in January 1865.

Captain *Grant*.] It is fair to warn you that you need not say anything by which you will render yourself liable to proceedings in another Court?—I am not at all afraid of anything that may be done; there is plenty of evidence; and if these people are brought forward, they have no right to be prosecuted afterwards for it.

Mr. *Hughes*.] A statement is voluntarily made in this Court; you are not asked anything about it, but you voluntarily state that the police would, if an opportunity occurred, sacrifice their duty for a small glass of whiskey?—I say it is the common report of the people in general, that they do take this whiskey from them, and that they allow wrecked property to be taken; and if civilians were not there, it is but very little wrecked property would be forthcoming at all.

Mr. *Hughes*.] Let us confine ourselves to the "San Francisco"; the property was unsold from one Monday to another, the police were backwards and forwards at least for two days; can you say, from your own knowledge, that there was any impropriety on the part of the police during that time; that you either witnessed it, or became acquainted with it?—I wish to bring evidence forward to prove my statement, and I think it can be done if you allow me to call witnesses. I wish Cornelius Driscoll to be called.



CORNELIUS DRISCOLL, sworn ; Examined by Mr. *Hughes* :

BEFORE giving his evidence, the Witness was informed by Mr. Beamish, senior, that he was not bound to criminate himself, nor, in a general way, was he bound to criminate others.

Mr. *Hughes* (to the *Witness*).] You will understand that you may refuse to answer any question put to you, for the reason given by Mr. Beamish.

Captain *Grant*.] Do you clearly understand that?—(No reply).

The *Witness* was understood to say (in the Irish tongue) that he could not tell his story in English.

Constable *Hogan* was employed as interpreter.

By Mr. *Hughes* (through the *Interpreter*).] I recollect the wreck of the "San Francisco." I saw the police at the wreck.

Did you see any improper conduct on their part?—I did not see them do a bit that was wrong.

By Mr. *Thomas Beamish* (through the *Court*).] Did you hear any of the coast-guard say anything to a man of the name of Patrick Driscoll, and that he told him to hurry over it?—I saw Driscoll, and he was taking copper off the vessel; and he said that Carr (one of the coast-guard) struck him with a tuck stick. I did not hear him say anything but that he struck him with the stick.

Mr. *Thomas Beamish* said, that the witness had told him previously that he heard Carr, a coast-guard, tell a man of the name of Patrick Driscoll to take the copper off the vessel, and that when their backs were turned he told him to hurry with it.

Mr. *Hughes* (to the *Witness*).] Did Carr tell him to hurry with it?—No, he did not. Did he say anything to the man when he struck him?—I could not say that he did.

Mr. *Hughes* stated that upon consideration, it was better not to proceed further into the inquiry with reference to the conduct of the police; some of the magistrates of the county were present, and they might inquire further into the matter, if they thought proper.

Mr. *Wright* asked whether it was not due to the police, and to the coast-guard who has been assailed voluntarily, and causelessly by Mr. Beamish, that an opinion should be expressed in the public Court that there was not the scintilla of foundation for those charges.

Mr. *Hughes* said, that before the Court closed some observations would be made upon the subject.

Mr. *Thomas Beamish* said that he did not think it right that the inquiry should drop in that way, he had stated what he believed to be true, and he was not ashamed to come before any one and state it. He thought that the inquiry had been conducted in a very one-sided manner, and that there was no desire for a fair and candid inquiry.

Mr. *Hughes* said that he felt it his duty to state that Mr. *Thomas Beamish* would have manifested more discretion if he had conducted himself in a different manner.

Major *Gillman*, J.P., inquired whether in the event of any proceedings being brought before the magistrates, the information given in this Court would be evidence?

Mr. *Hughes* thought not. This was merely a court of inquiry to obtain information.

Mr. *Hungerford*, J.P., said, as the oldest magistrate in this district, I must state, that we simply came here accidentally to witness what was going on, and that any case brought before the bench of magistrates will receive their unbiased attention, without any reference to what has transpired here.

Mr. *Hughes* (to Head Constable *Clements*).] Is Mr. Hoffman in Court?

The Head Constable called for Mr. Hoffman in the usual manner, but he did not answer to his name.

Mr. *Hughes*.] I think it is right to state in the Court that, under the Act of Parliament and the particular instructions under which we are now acting, we have the power of summoning witnesses; and that any witness who, upon receiving a summons, refuses to attend, is liable to a penalty of 10*l*. There have been two persons summoned to attend this Court from Queenstown; one of them was to have been here on Thursday, the other at 11 o'clock this morning. The two persons summoned were Mr. Hogan, who, when the sale took place, was clerk to Messrs. Cummins and Mr. Hoffman, the auctioneer.

Mr. *Beamish*, senior, here desired to state that he had previously made use of the term "set you at defiance," and he wished to explain that he only used it so far as it related to his own conduct, and not at all through want of respect to the Court.

Mr. *Hughes* (to Mr. *Beamish*).] You took charge of this property, and as soon as you took charge, I apprehend, you were responsible.

Mr. *Beamish*.] You are quite wrong; I say that on Monday I did not act as a salvor or agent in any way; I appointed salvors then to look after the property. I did not act by any means as an agent until Tuesday at four o'clock. I then acted as an agent for the benefit of the owners, and not for any benefit that I could have myself.

self. So far as there is anything against myself, I say again I fear nothing; *magna est veritas, et prævalebit*. I set everyone at defiance, so far as I am concerned; I stand upon truth, and defy anything else. That is the way in which I wish you to take my expressions, and in no other way. So far as you are concerned as chairman, you have acted very fairly and impartially. I may have made use of some forcible expressions, but they do not bear upon you personally at all. I have  $7\frac{1}{2}$  cwt. of copper in my possession, but that  $7\frac{1}{2}$  cwt. of copper came into my possession fairly and honestly, and in a straightforward manner. I am very sorry I got it, and I would be very glad if I had my money back again. It was a very bad bargain.

By Captain Grant.] I do not know who the surveyors were who came over from Queenstown.

By Mr. Hughes.] Here we are in want of information. There is, first of all, an item for surveyor's fees of six guineas; we should like to know how all this money was frittered away?

Mr. Beamish.] I can give you no information about that.

By Captain Grant.] During the whole time of the wreck the only persons, I understand, down here were Mr. Hogan, Mr. Hoffman, Captain Hughes, and Mr. Walter Cummins.

Mr. Beamish.] The interpreter was there also; I did not see any of Mr. Cummins' firm.

Mr. Hughes (after waiting some time).]—It is not probable now that the two witnesses will be here from Queenstown. It is our duty to thank the gentlemen and magistrates of the county for attending here to afford us information upon this matter. It is also our duty to state publicly here, that it is the opinion of my gallant friend and myself that the coast-guard and the constabulary rendered important and valuable services in this instance; and we think that in cases of this kind their services are always of the greatest possible value. As organised forces, who are well armed and well-disciplined, they are, in our opinion, better enabled to assist in protecting wrecked property than civilians. This is our opinion, and I think it right that we should give expression to it. In consequence of the absence of the two witnesses I have alluded to, this Court is adjourned until to-morrow at 11 o'clock of the forenoon, to be held at the Custom-house at Queenstown, where we shall hear what the auctioneer has to state with reference to these matters. We wish to see his accounts and have some explanation of the sale of the wreck and of the disbursements.

The Court adjourned accordingly to the following day at Queenstown.

#### FIFTH DAY.

Custom House, Queenstown, 9 April 1867.

Mr. Hughes stated that this was an adjournment, from Clonakilty, of the inquiry ordered to be made by the Board of Trade, into the wreck of the "San Francisco" in January last.

CAPTAIN HUGHES, sworn; Examined by Mr. Hughes.

I ATTENDED the sale of this vessel. I did not know Mr. Beamish before this event occurred, but I have often heard of him. I never spoke to him with reference to the purchase before the sale. There was no agreement between us. I bought the hull of the ship. There was no agreement or understanding that whoever bought the hull would be entitled to whatever copper might be afterwards recovered. There was no contract that I might have any that might have been stolen by the country people if I could recover it. In one of the lots there was a very small quantity of copper knocked down to me, but that was a separate lot. I bought nothing with the hull except what was in and on her. It was knocked down to me for 55*l*. I bought the hull without reference to any other property whatever. The cargo of coals was sold separate. After the sale I put three watchmen on; one on the shore, and two on the ship, to look after her; and I desired them to take as much copper off as they could and put it away. I returned home then. There was a man there of the name of Coleman, but I did not employ him; he said his son would assist him; and I think Donovan was the name of another. The ship was transferred on my behalf by Mr. Hoffman to Mr. Beamish. I requested Mr. Hoffman to sell. I wanted to get rid of the vessel. She would not be of any value to me, being so far away. I purchased her as a speculation, with the hope of being able to float her off and repair her.

By Captain Grant.] There was very little copper on the ship when I purchased her; there might perhaps be 4 cwt. or 5 cwt.; it was underneath the shingle; she was well stripped of her copper. The "rudder irons" were on her. I suppose there was 20 lbs. or 30 lbs. on the field. I did not pay particular attention. The sails were purchased separately; they were bought by several parties. I purchased the chains and the anchors.

MR. HOFFMAN, sworn; Examined by Mr. Hughes.

HAVE you with you the book in which the lots were entered?—No, it was in a pass book, and I drafted an account for the agent; it is a thing we often do. I have no account of  
265. the

the lots at all. I was the auctioneer. I marked the several lots for sale, and they were fairly sold. I did not do it carefully, in consequence of Mr. Beamish's opposition and intimidation. There was very great opposition on his part. He refused to allow the sale to go on unless I gave him a guarantee that I would pay this 37*l*. I said I would do no such thing; and I need hardly say that advantage was taken of that kind of thing; and the lots were not carefully marked. I went on with the sale. I was apprehensive of something of the kind, and I took down four police and a head constable with me. I sold every lot. There was a small quantity of copper that was not on the hull; that was in a field near the house; about 15 or 20 lbs.

Mr. *Hughes*.] Do you think, from the circumstances that occurred there, that there was any large quantity of copper anywhere, either on the beach, or in any outhouse, or anywhere else, which you ought to have sold and did not sell?—No; I am quite clear on that subject, for I went into every small house and cot to see if there was any; and particularly in one place there, where the man made a demand of 6*l*. for a store, and there was none there; and I am clear as noon-day that the vessel was stripped from the shingle to the bend, as clean as if she had been stripped in a dry dock. She was plundered by the people. I have not the slightest idea how the copper went; I suppose it was distributed over the country. I went round and round the ship, and went into every cottage, and there was no copper there at all, to my belief. What made me take such particular notice of the ship, and go round and round her, was, that Mr. Scott asked me if I thought she was worth buying to get off. I think she was 160 tons; she would carry 160 tons. I believe they threw some of the cargo overboard. I think she would certainly register 130 tons. I should suppose, if she had been fully sheathed, she would have from 6 cwt. to 7 cwt. of sheathing on her, independently of the bolts. I should say the bolts would weigh something over 3 cwt.

Will you state what was the total of the proceeds of the sale, and what the coals sold for?—The only way I can do it is from memory; I think it was about 151*l*. I am aware of a discrepancy between my account and the account which the coast-guard took, but I cannot explain that discrepancy. The vessel was sold to Captain Hughes for 55*l*., that is, the hull fetched 55*l*., and the chains and anchors, as I intended, and as I really think they were sold, in three lots, at 6*l*. odd each. When I came home to Queenstown, Captain Hughes objected to take the vessel. I had to get the price of the coals from Mr. Beamish, and I then asked him if he would take the vessel; and he then agreed to take her at 50*l*. That reduced it 5*l*.

Mr. *Hughes*.] There is an account taken by the officer of the coast-guard; he first of all made a mistake, and then corrected his evidence by saying that the vessel sold for 55*l*. instead of 65*l*., as he first stated, and the total of the proceeds in the amended account handed in by him is 181*l*. 6*s*. We find that the account that you returned to Mr. Cummins is 154*l*. 9*s*. 6*d*.; therefore, there is a considerable discrepancy?—There is 5*l*. that the vessel sold for to Mr. Beamish, less than she was purchased by Captain Hughes.

Mr. *Hughes*.] That would not appear in this account; it is the account of the sale we are speaking of; he makes out the sale to be 181*l*. 6*s*., and your account is 154*l*. 9*s*. 6*d*.

Mr. *Cummins* handed in an account of the net proceeds of the sale of ship and cargo, 136*l*. 19*s*. 10*d*.; if there were added on the expenses of the sale, it would be 154*l*. 9*s*. 6*d*.

Mr. *Hughes* (to Mr. *Hoffman*).] There is a difference as regards the chains; you say, in explanation, that instead of 18*l*. 15*s*., you sold them for 6*l*. 15*s*.?—I sacrificed 12*l*. in consequence of a dispute which was raised by Mr. Beamish upon these chains. He took the whole lot of the chains; he took Captain Hughes' purchase. I knocked down the lot for 18*l*. 15*s*., and in consequence of the dispute I reduced that lot by 12*l*.; I had no alternative.

Mr. *Hughes*.] That is 12*l*. accounted for out of the 26*l*.; there is now 14*l*. 16*s*. 6*d*., we should like to have an explanation as to that?—Well, then, in the confusion, there were several things that could not be found, and when the purchaser came to pay, of course I could not compel him to pay for the missing lot. I can give no further explanation about it. I swear that this sum of 154*l*. 9*s*. 6*d*. was the gross proceeds of the sale that I received.

By Captain *Grant*.] When I knocked down a lot to a purchaser, he is responsible for the whole amount for which it is knocked down to him, at least we say so, but we cannot make him so legally. The ship was knocked down to Captain Hughes for 55*l*. I sold the ship to Mr. Beamish for 50*l*. That 50*l*. was accounted for in the proceeds instead of the 55*l*. Therefore, the ship was a loser of 5*l*. by the transaction; that would be 5*l*. off the total of the proceeds. The lot is at the risk of the purchaser after it is knocked down. From the time the lot was knocked down to Captain Hughes, he took it with all risks for 55*l*.

Captain *Grant*.] Then that transaction should never appear in this account, and the loss of 5*l*. should be borne by Captain Hughes, and not by the ship; but on this occasion the ship is a loser by 5*l*. on that transaction.

Mr. *Cummins* said that there could be no question that Captain Hughes was liable for that amount.

By Captain *Grant*.] With regard to the anchors: the anchors were knocked down to Captain Hughes for 18*l*. 15*s*.; there is 12*l*. odd loss on that transaction; that makes 17*l*. altogether for which Captain Hughes is liable as regards this ship.

The Witness.]



The *Witness*.] He is really liable; nothing could get him out of it. He gave me a cheque out there as a deposit, and when he came back, he told me that he had prevented the cheque being paid.

Captain *Grant*.] Who surveyed the ship?

Captain *Hughes*.] I surveyed the ship; Mr. Tredesco was with me. It was surveyed on the day of sale, before the sale. For a single survey, the usual fee in the port is a guinea.

Captain *Grant*.] Then Mr. Tredesco is also paid here as interpreter and for his attendance, so that he makes one journey and is doing two duties, and being paid for two duties.

Mr. *Hughes* stated (to Mr. *Cummins*), that Captain Grant and himself considered the charges were high, and the items numerous, for so small a transaction. Out of the whole of the proceeds, amounting to 154 *l.* 9 *s.* 6 *d.*, there was only a balance of 4 *s.* handed over to Captain Garibaldi.

Mr. *Cummins* said that it was not to be expected that people could be induced to go down to Clonakilty and spend their time without being paid for so doing. Captain Garibaldi had received a subscription of 12 *l.* to pay his expenses homewards. It was subscribed by his firm, Messrs. Hoffman, Tredesco, Hogan, Captain Hughes, and others contributing a portion of it.

Captain *Grant* (to Captain *Hughes*).] What did you receive for this survey?—I received three guineas. I went down on account of the survey, and also to attend the sale.

MR. WILLIAM HOGAN, sworn; Examined by Mr. *Hughes*.

I was in the service of the Messrs. Cummins when this wreck took place. I went down on Thursday night, the Thursday before the sale; I saw Captain Garibaldi; I had a conversation with him as to his going down to Queenstown; I had an interpreter with me; the captain did not understand English well; he instructed us to sell the vessel; that was before we left the Strand at Muckross. We got instructions to sell the vessel before I left Muckross; it was outside Mr. Beamish's grounds. Mr. Beamish did not know what we were saying to the captain; Mr. Beamish never objected to any arrangement; we told him what instructions the captain had given us, and that we were going to sell the vessel forthwith; that was known to him before we left. The captain was not prepared then to go with us to Queenstown; I think he came the following day. I went on board the vessel on Thursday. There was about half the copper off the starboard side; the people were pilfering as much as they could, and the coast-guard and the police were doing the best they could to keep them off. The police found a lamp that the captain told me cost him 7 *l.*, that was stolen; he told me about it; and I gave instructions to a man to tell the police, and they found it; and I know that they found several fellows who had stolen property, and they were fined; I think the police did their duty well; I could not form an opinion about the coast-guard; I know when the police gave them instructions respecting what was stolen, they attended to it. I was told by Mr. Coleman to take the police there, and if the police had been left there, there would have been nothing gone at all. Mr. Coleman took them there, and Mr. Beamish turned them away. I went back again on Monday with Mr. Hoffman to the sale; the sale was conducted in the usual way; all that was there was sold before we came to the hull. There was a cottage with a kind of out-house attached to it, and they made a storehouse of it; I went into it; I saw some copper there, about one cwt.; it went with the sale of the wreck; I think there was about one cwt.; it was sold with the hull, as well as I remember; it was in sheets; copper that was taken from the fellows after they pulled them off; I think what I saw would go into a sack; from the opinion I can form, I fancy there was about one cwt.; it was left in the hut; it was not brought out into the field; and at the time the sale was going on, I understood that this copper that was in the hut went with the hull. I am quite sure that the copper that was in the hut was not brought out into the field and sold as a lot by itself; it was sold with the hull. There was a separate sale of copper that I remember. I know that the ship was totally stripped of copper on the starboard side the day that we went down to sell the vessel. Captain Garibaldi employed no one to strip the ship before the sale except his own crew. I understood that this copper had been taken from the parties who were plundering by the coast-guard. I kept an account of the sale on behalf of the vendors; I had a little book with the numbers of the lots, and the amount that they sold for. I gave that book to Mr. Hoffman, I merely kept the account for him. The copper that was in the house was sold along with the wreck; that copper was part of the plunder, I believe; it was not taken off by employing any person to strip the ship. I do not know what the total proceeds of the sale were; I did not make up the book; it might be about 150 *l.* or 160 *l.*; I did not calculate it. My duty was merely to take down the sums for which the respective lots sold, and then hand the book to Mr. Hoffman; that is all I did.

By Captain *Grant*.] Will you state clearly where you found this copper?—In the house on the cliff, it is only one room, and then there is a loft with a small square hole; I pulled myself about half-way up, and I took a glance at what was there, there was more gear besides that; the house was chock full of things which were all pulled out on the second day that I was there.

By Mr. *Hughes*.] Was there any copper sold in the field at all?—There was none of these sheets of copper on the field.

Captain *Grant* (to Mr. *Hoffman*).] You have stated that you sold a lot of copper separate, where was that copper when you sold it?—It was in the field, with the pump gear.

Mr. *Hoffman* stated that he did not go up into the loft alluded to.

Captain *Grant* (to Mr. *Hogan*).] What time was it when you saw the copper in the loft, was it before the sale or after?—I think it must have been before the sale, after the sale it was still there.

You had the making up of this account (*handing a paper to the Witness*)?—Yes.

Will you look over the items, and tell us if that is a true account (*the Witness examines the account*)?—Yes, it is correct; I gave my vouchers for everything, and the totals of those vouchers correspond with that amount. Mr. Coleman's account was submitted to me, I examined it, it was for 36 *l.* 9 *s.* 7 *d.*; the charges were enormous; I have not got any document showing the items of charges.

Mr. *Hughes*.] What would be your estimate of the value of the copper that was up-stairs in the loft?—It was poor stuff; it would be worth no more than 30 *s.*, what I saw.

Mr. *Cummins* desired that Mr. *Hogan* should be examined particularly as to the charges in the account.

Captain *Grant* (to Mr. *Hogan*).] You have charged here 3 *l.* for your travelling expenses, will you be good enough to state the items?—I really could not do so; I went twice to Clonakilty; I think I was away three days; I made two journeys, slept in Bandon one night, and in Cork two nights.

Mr. *Cummins* (to Mr. *Hogan*).] How much did you get altogether?—All I got was 4 *l.*

Mr. *Cummins* said that he wished the Court to understand that that was not a charge made by them for the services of their clerk, but that the clerk actually received that sum, and that he returned 2 *l.* towards the subscription for Captain Garibaldi.

Mr. *Hogan* stated that he paid other charges, which took away nearly the whole of the sum received by him.

Mr. *Cummins* expressed a hope that the explanation proved that the charges were not excessive on the part of Mr. *Hogan*.

Mr. *Hoffman* stated that the vessel broke up the night after the purchase by Mr. Beamish, and if she had broken up before Mr. Beamish bought her, she would not have fetched more than 5 *l.* or 10 *l.*

Mr. *Hughes* tendered the thanks of the Court to the gentlemen present for their attendance, and before closing the inquiry animadverted very forcibly on the non-attendance, at the time and place mentioned in the summonses, of Messrs. *Hogan* and *Hoffman*, pointing out the penalties to which they were liable. The explanation given was, that a change in the time of departure of the trains had misled them, and they regretted that they had been unable in consequence to attend at Clonakilty. They had now given the Court all the information in their power.

[The Inquiry then terminated.]

THE "SAN FRANCISCO."

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COPIES of the REPORT upon the INQUIRY recently held by Order of the Board of Trade in the Case of the WRECK of the "SAN FRANCISCO," in *Clonakilty Bay*, County *Cork*, in January last; and of the MINUTES of EVIDENCE taken at the Inquiry.

(*Mr. Stephen Cave.*)

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*Ordered, by The House of Commons, to be Printed,*  
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