THE

TRIAL

OF

ARTHUR WALLACE,

ASSISTANT DEPUTY POST-MASTER OF CARLOW,

FOR STEALING NOTES OUT OF THE POST BAG,

AND FOR FORGERY.

DUBLIN:

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1800.

THE

TRIAL,

&c. &c.

ARTHUR WALLACE of the town of Carlow, Apothecary, ſtood indicted for that he, on the 1ſt of March, in the fortieth year of the King, at Carlow, being a perſon employed in buſineſs relating to the Poſt-office; that is to ſay, aſſiſtant to Lydia Wall, Deputy Poſt-miſtreſs, feloniouſly did ſecrete and embezzle a "*packet*" directed to Henry Loftus Tottenham, at Roſs; which packet was ſent by the Poſt, and came to the priſoner's hands, and which packet contained

1. A promiſſory note, dated January 29, 1800, made by Croſbie Callan, (the agent of Leighton and Company, Bankers, uſually entruſted by them to ſign ſuch notes) and payable to James Gorman, for ten pounds ſterling.

2. And another note of like deſcription, payable to R. Walſh, for ten guineas, dated January 31, 1800.

3. And another note of like deſcription, payable to J. Lynn, for five guineas, dated January 13, 1800.

4. And another note of like deſcription, payable to R. Fulton, for ten guineas, dated January 3, 1800.

In the *ſecond* count he was charged as a perſon employed in buſineſs relating to the Poſt-office, without deſcribing his office. The notes were ſtated to be made by Leighton and Company, and ſigned by Croſbie Callan, and were

1. A note to R. Fulton for five guineas, Feb. 17, 1800.
2. To R. Walſh—ten guineas, Feb. 10, 1800.
3. To R. Fulton—ten guineas, Jan. 3, 1800.
4. To C. Whyte—ten pounds, Jan. 31, 1800.

In the third count he was charged generally as having ſtolen out of a packet directed to Mr. Tottenham, and ſent by the poſt, notes made by C. Callan for Leighton and Company:

1. To C. Whyte for ten pounds, dated Feb. 17, 1800.
2. — R. Fulton—five guineas, Jan. 31, 1800.
3. — R. Walſh—ten guineas, Jan. 31, 1800.
4. — C. Whyte—ten pounds, Jan. 31, 1800.

In the *fourth* count he was charged as in the *third*, the notes being deſcribed as made by Leighton and Co. and ſigned by C. Callan, viz.

1. To J. Lynn, for ſeven guineas, 13 Jan. 1800.
2. — R. Fulton—ten guineas, 3 Jan. 1800.
3. — J. Gorman—ten pounds, 29 Jan. 1800.
4. — R. Walſh—ten guineas, 10 Feb. 1800.

In the *fifth*, *ſixth*, *ſeventh*, and *eighth* counts, the charge was made as in the four firſt, except that the word "*letter*" was uſed inſtead of the word "packet."

In the *ninth* count he was charged generally with ſtealing a "packet" ſent by the poſt to H. L. Tottenham, at Roſs, the notes not being ſet forth.

In the *tenth*, as in the ninth, calling it a "*letter*."

In

In the *eleventh*, that he, being *Assistant Deputy Post-master* of Carlow, did steal out of a bag of letters sent by post, a "*packet*" directed to H. L. Tottenham.

In the *twelfth*, as in the foregoing, calling it a "*letter*."

In the *thirteenth*, with having opened and embezzled a *packet* sent by post, directed to H. L. Tottenham, after it was delivered to the Post-office, he, the said Wallace, not having any warrant for the same, the said H. L. Tottenham not having refused to pay the postage, and being to be found.

In the fifteenth count, as in the foregoing, calling it a "*letter*."

[There were six other indictments grounded on the Post-office act, upon which the prisoner not having been tried, it is deemed unnecessary to relate them.]

In the *eighth* indictment he stood charged with having forged upon a note, made Jan. 31, 1800, by C. Callan, for Leighton and Co. to R. Walsh, for ten guineas, the name of H. L. Tottenham, with intent to defraud Leighton and Co.

A *second* count laid the intent to defraud H. L. Tottenham.

A *third* charged him with a similar forgery upon a post-bill to R. Fulton, for ten guineas, dated Jan. 3, 1800, with intent to defraud Leighton and Co.

A *fourth*, with intent to defraud H. L. Tottenham.

To these indictments the prisoner pleaded NOT GUILTY; and the morning of Tuesday, August the 5th, 1800, was appointed by Lord Kilwarden for the trial.

COUNSEL

COUNSEL FOR THE CROWN.

The Right Hon. the Attorney General,
Arthur Moore,
William Johnſon,
John Parſons,
Richard Jebb, and
Harding Giffard, Eſqrs.

AGENT, R. Waddy, Eſq. Solicitor for the General Poſt-office.

FOR THE PRISONER.

J. P. Curran,
Richard Colles,
Charles Ball,
Chriſtopher Antiſell,
William Ridgeway, and
John Grogan, Eſqrs.

AGENT, Charles Moore Macmahon, Eſq.

Auguſt 5, 1800.

The priſoner being called to his trial, Mr Curran moved to have the trial poſtponed, upon the ground that the priſoner was yet unprepared to enter upon his defence. He had conſulted a profeſſional gentleman for this purpoſe, who was not yet arrived in town, though he was every moment expected. This gentleman was perfectly acquainted with the nature and arrangement of his defence, and his preſence was deemed by the priſoner eſſential to his ſecurity.

Mr. Curran obſerved, that there appeared to be a great number of counts and indictments, which from the haſty note he had taken of them when read by the Clerk of the

the Crown, he conceived to be of a very complicated nature; and as he aſked only till the next day, he hoped the Court would conſent to poſtpone the trial.

Lord Kilwarden ſaid, there ſeemed to him to be nothing complicated in the indictments; they were drawn in ſuch a way as to take the offence charged in all its poſſible views; but the nature of the offence itſelf was eaſily underſtood.

The priſoner having exhauſted his number of peremptory challenges and ſeveral perſons having been ſent by the proſecutor, the following Jury was ſworn:

1. James Herring	7. Abraham Barker
2. Richard Budds	8. Joſeph Nicholſon
3. Philip Butler	9. John Morton
4. James Bennet	10. John Nowlan
5. James Brown	11. George Little
6. Simon Barker	12. John Little

Mr. Giffard opened the indictments.

The Right Hon. the Attorney General.——My Lord, and Gentlemen of the Jury, the importance of this proſecution to the ſafety of commercial intercourſe, and the ſecurity of public credit, has induced me to take out of the hands of my learned friend (Mr. Moore) the taſk of ſtating to you the circumſtances upon which you will be required to ſound your verdict: ably and excellently would he have performed that duty, and it is not from any vain hope of exceeding him in the diſcharge of that duty that I undertake it, but becauſe I feel this to be that kind of caſe in which my official ſituation commands me to take a part.

You have heard the indictments read, which, complicated as they have been aſſerted to be, reduce the object of your enquiry

enquiry to ſimple and naked facts. The firſt of them charges the priſoner at the bar with having ſtolen bank notes out of the poſt-bag; the other, with having forged the name of Mr. Tottenham upon certain bank notes therein mentioned.

As this is the firſt proſecution which has taken place under the particular clauſe of the Poſt-office Act, on which ſome of the counts in this indictment are founded, it may be neceſſary to read you that clauſe.

" 3. And be it enacted, That if any Officer *or other* " *Perſon whatſoever*, in any wiſe acting under or by virtue " of this Act, or under or by virtue of any other Act, " paſſed or to be paſſed in this Kingdom, relative to the " Poſt-office, or any Deputy, Clerk, Agent, Letter-carrier, " Poſt-boy, or Rider, or any other Officer or Perſon em- " ployed, or to be hereafter employed in receiving, ſtamp- " ing, ſorting, charging, carrying, conveying, or deliver- " ing letters, or packets, or in any other buſineſs relating " to the poſt-office, *ſhall wilfully ſecrete, embezzle or deſtroy*, " or ſhall wilfully permit or ſuffer any other perſon or per- " ſons wilfully to ſecrete, embezzle, or deſtroy; or if any " other perſon or perſons ſhall, with or without the conſent " of any ſuch clerk, deputy, agent, letter-carrier, poſt-boy, " or rider, or other officer, or perſon whatſoever, em- " ployed as aforeſaid, wilfully ſecrete, embezzle, or deſtroy " any letter or letters, packet or packets, bag, or mail of " letters, which ſhall have been ſent by the poſt, or with " which any ſuch deputy, clerk, agent, letter-carrier, poſt- " boy, or rider, or other officer, or perſon to be employ- " ed as aforeſaid, ſhall and may be reſpectively entruſted, " or which ſhall have come to his, her, or their hands or " poſſeſſion, which ſhall contain any Bank-Note, Bank-Poſt- " Bill, Bill of Exchange, Treaſury or Exchequer Bill,

" Debenture

" Debenture or Acquittance, South-Sea, Eaſt-India, or
" City of Dublin, Bond, Dividend-Warrant of the Bank
" of Ireland or England, South-Sea, Eaſt-India, or other
" Company, Society, or Corporation; Navy, or Victualling
" or Tranſport Bill, Ordnance-Debenture, Seamens' Ticket;
" Iriſh or Britiſh State Lottery-Ticket, or Share of any
" ſuch Ticket, Bank, Treaſury, or other Receipt, for Pay-
" ment of any public Loan, Note of Aſſignment of Stock,
" in the Iriſh or Britiſh Funds; Letter of Attorney for
" receiving Annuities or Dividends, or for ſelling Stock in
" the Funds of Ireland or Great Britain, or belonging to
" any Company, Society or Corporation; Goldſmith, or
" Banker's Letter of Credit, or Note for or relating to the
" Payment of Money; or Bond or Warrant of Attor-
" ney, Draft, Bill, or Promiſſory Note, or other Security
" or Securities, or Paper, Voucher or Thing whatſoever,
" for the Payment of Money, or whereby or whereon any
" Sum of Money may be had, gotten, received or reco-
" vered, or which ſhall contain any Part of the ſaid ſeve-
" ral Vouchers, Securities, Papers, Matters or Things here-
" in before mentioned, or of any of them, or ſhall ſteal
" or feloniouſly take out of any Letter or Packet that ſhall
" come to his, her, or their hands or poſſeſſion, or which
" ſhall have been ſent by the Poſt, any of the vouchers,
" ſecurities, papers, matters, or things herein before-
" mentioned, or any part of them, or of any of them, or
" any other ſecurity or ſecurities, or matter or paper, or
" thing whatſoever, or any part of them, or of any of
" them, for the payment of money, whereby, or whereon
" any ſum of money may be had, gotten, received or re-
" covered, or ſhall ſteal or feloniouſly take out of any
" letter or packet that ſhall come to his, her, or their
" hands or poſſeſſion, or which ſhall have been ſent by the
" Poſt, any part of any of the vouchers, ſecurities, pa-

 " pers,

" pers, matters or things herein before mentioned, or any
" part of any other ſecurity or ſecurities, paper, matter,
" or thing whatſoever for the payment of money, whether
" money can be had, gotten, received, or recovered thereby
" or thereon or not, or if any perſon or perſons ſhall be
" aiding or aſſiſting in the committing of any of the ſaid
" offences, or if any perſon or perſons ſhall receive any ſuch
" letter or letters, packet or packets, bag, or mail of let-
" ters, ſo as aforeſaid ſecreted or embezzled, or any of the
" vouchers, ſecurities, papers, matters, or things herein be-
" fore mentioned, contained in ſuch letter or letters, packet
" or packets, bag, or mail of letters, or any part of them,
" or of any of them, knowing the ſame to have been wil-
" fully ſecreted or embezzled as aforeſaid, or if any perſon
" or perſons ſhall receive any of the vouchers, ſecurities,
" or papers, or any part of them, or any matter, article,
" or thing, which ſhall have been feloniouſly taken out of
" any letter or letters, packet or packets, bag, or mail of
" letters, knowing the ſame to have been ſtolen, or felo-
" niouſly taken as aforeſaid, every ſuch offender or offend-
" ers, being thereof convicted by due courſe of law, ſhall
" be deemed guilty of Felony, and ſhall ſuffer Death as a
" Felon without Benefit of Clergy."—38 *G. III. c.* 47,
§ 3.

Upon a ſubject ſo deeply concerning the common intereſts of the country, the Legiſlature found it thus neceſſary to make an additional proviſion for the ſafety of the public, by which frauds committed upon the Poſt-office are puniſhed with death, even though committed by perſons not entruſted by the Office; thus guarding the medium of intercourſe againſt the difficulty which has ſometimes occurred, of proving exactly the authority under which Deputy Poſt-maſters, and their ſervants, have been entruſted with the care of the mails.

Having

Having ſaid thus much as to the law, I will briefly ſtate the circumſtances of this caſe.

The priſoner at the bar, Mr. Arthur Wallace, is a man of conſiderable talents; he was bred an Apothecary, and though born and educated in the county of Mayo, was early in his life in the ſituation of a journeyman to Mr. Reed, a reſpectable Apothecary in this town. After ſome time they diſagreed; Mr. Reed made charges of diſhoneſty againſt the priſoner—Mr. Wallace brought an action for defamation againſt Reed, in which action he failed———

Mr. Curran. Can this matter be proved in evidence?

Attorney General. I conceive that the character of the individual, and his previous habits of life, are of importance in a trial of this kind; and I think too that it is neceſſary to detail the ſteps by which Mr. Wallace came to be entruſted with the ſituation he held.

Lord Kilwarden. The Counſel cannot, in ſtating the caſe, go into any foreign matter not connected with the indictment.

Attorney General. My Lord, I could find very many precedents to warrant this and greater latitude; but I bow to the deciſion of the Court, and ſhall omit what I was about to mention.

In the courſe of his reſidence in this town, Mr. Wallace became acquainted with Mrs. Lydia Wall, the Poſt-miſtreſs of Carlow; ſhe wanted an aſſiſtant in her office. The priſoner, who is a man of great addreſs, perſuaded her to admit him as her aſſiſtant, reſerving to herſelf the ſalary, and giving to him, for the whole labour of the office, the incidental profits, which might amount to about 60l.

yearly; this ſhe conſented to the more readily, as the priſoner had, by a reſidence of ſeven or eight years, become well known and eſtabliſhed in the town, and bore a moſt reſpectable character.

This took place about two years and an half ago; ſince that time, Gentlemen, it will appear, that the priſoner has acquired a very ample fortune, and has engaged in various profitable branches of trade to an extenſive degree; but whatever ſuſpicion theſe facts may have excited in others, it ought to be recollected by you that they bear at leaſt equally in favour of the priſoner as againſt him; for it is natural to ſuppoſe, that affluent circumſtances, like thoſe he enjoyed, would raiſe him above the temptation of committing crimes of the turpitude of thoſe with which he ſtands charged.

Mr. Wallace being aſſiſtant to the Poſt-miſtreſs, and himſelf doing the whole of the duty of the office, it ſo happened that Mr. Henry Loftus Tottenham, a gentleman holding an office under the Crown, which gives him occaſion to receive and remit large ſums of money, had occaſion to receive early in this year a ſum of nearly one thouſand pounds, from the bank of Sir Thomas Leighton and Co. according, on the 27th of February laſt, a letter was put into the Poſt-office at Dublin, containing notes and bills (which had been before in circulation) to this amount, and directed to Mr. Tottenham at New Roſs. To proceed to New Roſs, it was neceſſary that the letter ſhould paſs through this town; the difficulties of the country had altered the uſual courſe of the mail coaches, and made it requiſite for them to avoid travelling at night. Carlow, unfortunately for the priſoner, was the place of reſting. The mails for Roſs, Cork, and Tullow, arrived here at five o'clock in the evening, and departed at ſix the next morning, giving to the priſoner, in whoſe care they remained,

full

full opportunity to inſpect and examine, and, if inclined, to *rob*.

It will appear from the courſe of evidence which we ſhall lay before you, that this packet, or letter, directed to Mr. Tottenham, muſt have been opened and plundered by the priſoner, and the letter itſelf probably deſtroyed.

Having thus got poſſeſſion of notes to the amount of nearly one thouſand pounds, the next object was to put theſe ſecurities into circulation without incurring the danger of detection. On one of them was indorſed the real name of Henry Loftus Tottenham (they having been in previous circulation) ſo that as all the notes were ſpecially made payable to that gentleman, the priſoner had a model by which he could forge Mr. Tottenham's name; for amongſt his various talents, he poſſeſſes that of a ready and ingenious penman.

To put theſe notes, upon which he had thus forged Mr. Tottenham's indorſements, into circulation, he made uſe of other letters which paſſed through the office. It will appear in evidence, that Capt. Smith, of the Downſhire regiment, quartered at Clonegal, had put into the Poſt-office there a letter, containing bank notes correſponding in amount with ſome of thoſe taken out of Mr. Tottenham's letter; theſe the priſoner took out, and ſubſtituted an equal amount of Mr. Tottenham's notes, upon which he had, as I have mentioned, forged the indorſement of that gentleman. Capt. Smith had not, in his letter, given any particulars of the ſecurities he had encloſed; and this letter was in courſe forwarded according to the direction to his brother, Mr. John Smith, in Dublin, application was made by Mr. Smith at the bank of Leighton and Co. for payment, and at the bank the notes were ſtopped

as

as part of thoſe ſent from their houſe to Mr. Tottenham, and never received by him.

There is, Gentlemen, in an office of conſiderable truſt in the department of the General Poſt-office, a man of peculiar ſagacity and unceaſing diligence in protecting that eſtabliſhment from the frauds to which it is expoſed—a more active, or more uſeful officer, his Majeſty does not poſſeſs; this gentleman (Mr. De Joncourt) was reſorted to by Mr. Smith, in conſequence of theſe bills being ſtopped. They were ſhewn to him, and he inſtantly recognized, in the ſuppoſed indorſement of Mr. Tottenham, the hand-writing of the priſoner at the bar; farther enquiry diſcovered many other of Mr. Tottenham's notes in circulation, and upon tracing them through various channels, ſuch evidence came out affecting the priſoner, as to make it neceſſary to iſſue warrants for his apprehenſion.

Before theſe warrants were put in execution, and before the ſuſpicions againſt the priſoner were divulged, it was determined to make a full and fair experiment of his guilt or innocence, by a moſt juſtifiable and ingenious contrivance. Under the advice and direction of Mr. Waddy, Solicitor to the Poſt-office, letters were written, and put into the office at Carlow, containing bills marked in ſuch a way as to be eaſily identified. The young gentleman who was directed to put them in (a clerk of Mr. Waddy) ſaw the priſoner Wallace lift up the cover of the receiver, and take theſe letters with others into his ſorting-office. In purſuance of the plan, Mr. De Joncourt placed himſelf at Caſtlecomer, the next poſt-town on the Dublin road, to examine the mail when it ſhould arrive from Carlow, and diſcover whether theſe letters had ſuſtained any alteration.

The morning after theſe letters were put into the office at Carlow, Mr. De Joncourt ſtopped the bag at Caſtledermot, and

and examining one of the letters directed to Mr. C. Rigney, he found that the note enclofed had been taken out, and one of Mr. Tottenham's fecurities fubftituted in its place.

Upon this additional proof of the prifoner's guilt, Mr. De Joncourt, attended by Major Swan, fet out for this town; they went to the houfe of Mr. Wallace, which they furrounded, to prevent efcape, and fearched his perfon; they found on him but a guinea note. They afked, had he any more? he declared upon his honour that he had not; but, Gentlemen, Major Swan is not a man eafily impofed upon or put off, he made further fearch, and in an infide concealed pocket, he found a great number of half notes of Mr. Tottenham's fecurities, folded up and ready to be fubftituted in the room of half notes of fimilar amount, part of which had been forwarded, and the other part of which he expected to find in the following mails; and thofe half notes he had carefully labelled according to the feveral directions of the letters in which they were to be fubftituted; and in his pocket-book was found the very note taken out of the letter to Rigney, put into the office the evening before by Mr. Waddy's clerk.

I have thus as fhortly as poffible ftated the facts of the cafe; if they are proved in evidence there can be no doubt of the nature of your verdict.

Mr. Crofbie Callan fworn.

I am a clerk in the Bank of Leighton and Co. I was in that fituation in February laft. We correfponded with Mr. Henry Loftus Tottenham of Rofs. I made up a parcel of notes for him on the 26th of February, and on the 27th put them into a large cover for him. I have the entry of them here, and a copy of the letter in this letter-book, in

my

my own hand-writing. There were twenty-five notes for ten guineas each, thirty for five guineas, twenty for ſeven guineas, twenty-nine for three guineas, twenty for 10l. each, and one for 7l. 9s. 7d. They were all payable to different perſons, except the laſt, which was a balance bill, payable to Henry Loftus Tottenham or order. There was alſo a 10l. bill, which had been before made payable to Mr. Tottenham, was indorſed by him, and had been paid in conſequence, and was then re-iſſued. All the bills were ſpecially inderſed to him, except the balance bill drawn in his own favour. They had all been in negociation before. They were put into the packet by myſelf; there was alſo a letter in the packet. I made them up—it was my department to do ſo. They were ſigned by me. I ſign notes now, Mr. Brooke did ſo before. I ſealed the packet, and left it on my deſk to be taken with others to the Poſt-office; this was the duty of Edward Holland, another clerk.

[The following half notes were then ſhewn to Mr. Callan, which he identified as having been ſigned by him, and part of the parcel ſent to Mr. Tottenham:

No. 2130,	10l.	31 Jan. 1800,	payable to	C. Whyte,
2140,	10l.	31 Jan. 1800,		C. Whyte,
2116,	10l.	29 Jan. 1800,		J. Gorman,
9027,	5 Gs.	17 Feb. 1800,		Rd. Fulton.

Alſo, the following whole notes:

No. 7674,	10 Gs.	31 Jan. 1800,	payable to	Rd. Walſh,
6048,	7 Gs.	13 Jan. 1800,		J. Lynn,
7834,	10 Gs.	10 Feb. 1800,		Rd. Walſh,
6306,	10 Gs.	3 Jan. 1800,		Rd. Fulton,
6307,	10 Gs.	3 Jan. 1800,		Rd. Fulton.

Alſo,

Alſo, the remaining halves of

No. 2116,	10l.	29 Jan.	payable to J. Gorman,
2140,	10l.	31 Jan.	C. White.]

Croſs-examined.

I left the letter in my office with other letters; it is a public office, in which about eight clerks write, every one of them had acceſs to it.

Mr. Edward Holland ſworn.

I was in Leighton's bank in February laſt. It was my duty to leave letters in the Poſt-office in the evening. I collect bills during the day. I put letters in the office on the 27th of Feb. laſt. There was amongſt them one for Henry Loftus Tottenham, of Roſs. I got it in the office on Mr. Callan's deſk. It was ſealed. I always examine whether letters are ſealed; and I ſign in the letter-book, oppoſite the copy of the letter, to aſcertain that I have put the letter into the office. I did ſo with this letter. I put it into the office in the ſame ſtate I found it on the deſk. This is the letter-book, and theſe are my initials oppoſite the letter.

Mr. Trevor Hill ſworn.

I am an officer of the Poſt-office; the Cork mail was made up under my inſpection on the 27th of Feb. laſt—it included the Roſs mail; and was diſpatched in the uſual and regular manner

Croſs-examined.

I remember the night very well, the mail at that time ſtopped for the night in Carlow; the Roſs bag was ſealed. The ſeal was, I ſuppoſe, known to the Officer at Roſs; it is a ſecurity that the bag ſhall not be opened till it reaches Roſs.

Henry Loftus Tottenham Esq. ſworn.

I live at Roſs; I keep an account at Leighton's bank. I had occaſion for remittances from thence in February laſt, and wrote to them for the amount of a note of 925l. which I ſent to be diſcounted. I was to receive the amount in Poſt-bills at Roſs. I received none for that note at that time, nor any letter of the 26th of February encloſing any Poſt-bills, nor of the 27th.

[The notes endorſed "Henry Loftus Tottenham," were ſhewn to the witneſs.]

This is not my writing.

[Mr. *Antiſell*, of counſel for the Priſoner, objected to this evidence. He inſiſted that Mr. Tottenham could not prove the forgery, as being an intereſted witneſs.]

I have been paid by the bank, and paſſed them a bond of indemnity. I was obliged to threaten them with a ſuit. The bond I gave was againſt my own real indorſements but they paid me for the forgeries.

No croſs-examination.

Iſaac De Joncourt, Esq. ſworn.

I hold an office in the General Poſt-office, that of Deputy Comptroller—I held it in February laſt. I am acquainted with the courſe of the Munſter mail; the Roſs mail is included in it. In February laſt it paſſed through Carlow, where it delayed from the evening until the morning of the next day. It ſhould for that time have remained in the cuſtody of the Poſt-maſter of Carlow. I know the priſoner; he held the employment of Aſſiſtant to the Poſt-miſtreſs, Lydia Wall. The Poſt-office was held in his houſe; ſhe did not live there—he held the cuſtody of the mails.

There

There was no other place between Dublin and Rofs, where there was any confiderable delay of the mails. I know that the Clonegal bag comes to Carlow—it was here included in the Munfter bag; it alfo made a delay at Carlow from evening to morning. The Tullow mail was under fimilar circumftances. The mail from Dublin to Cork, and thofe crofs mails, were all delayed at Carlow from evening to morning. The general order was, that no mail fhould travel by night; fo that the crofs mails muft have come in in the evening. There was no other place where the mails delayed fo long. I know Mr. John Smith of Aungier-ftreet; I went to his houfe in March laft. Two bank poft-bills of Leighton's bank had been ftopped at the bank, and Mr. Smith's fervant brought to me in cuftody with the notes. I would know thofe notes again.

[Here Mr. De Joncourt identified the notes, 6306 and 6307, 3d Jan. 1800, for ten guineas each, payable to R. Fulton.]

I fee thefe endorfements, "pay Henry Loftus Tottenham, "or order;" then follows, "Henry Loftus Tottenham." I am acquainted with the prifoner's hand writing—I have feen him write. This is an affectation of another hand; and I firmly believe the words, "Henry Loftus Tottenham," to be the hand-writing of the prifoner. When I faw thofe notes I went to the houfe of Mr. Smith, and took them with me. I communicated with Mr. Smith, Mr. Thompfon of the Poft-office, and Mr. Waddy the Solicitor———

[Here Mr. Ball, of counfel for the prifoner, objected to Mr. De Joncourt's teftimony, proving thefe endorfements to be the prifoner's hand-writing.]

This was on the 21ſt of March. On a conference, we came to a determination to apprehend Wallace. I lodged informations againſt him; but, in the mean time, it was agreed that a trap ſhould be laid to bring his guilt to light, in ſuch a way as to bring it home ſo unequivocally to the priſoner, that all the world ſhould feel and acknowledge it. It was, that letters ſhould be written as from this town, and bank poſt-bills incloſed in them of ſimilar ſums to thoſe complained of as having been loſt in the letter, directed to Mr. Tottenham at Roſs. I got old notes for the purpoſe, as new ones might have led the party to ſuſpect: I would know theſe notes again, for I marked them. [Here a note was ſhewn to the witneſs, No. 1312, for ten guineas, payable to J. T Warner, and dated 28th Auguſt, 1800.] This is one of them which I marked to be put into the Poſt-office here.

I went to Caſtledermot; a perſon was directed to put the letters into the office here at ſeparate times; this was in the month of May laſt; Mr. Waddy was before me at Caſtledermot; Major Swan, and Mr. Smith, his aſſiſtant, were ordered to be at Athy.

Early in the morning I arrived at Caſtledermot, having travelled all night, leſt my coming ſhould be known; when the coach ſtopped I opened the mail, and took out the Carlow bag, which I alſo opened; I found the letters which had been directed to be put in, the contents of one of them were perfect. On opening the other, which was directed to Mr. Chriſtopher Rigney, Great Britain-ſtreet, Dublin, we found that one of the bank poſt-bills had been taken out, and, according to my ſuſpicion, one of thoſe with the ſignature of "Henry Loftus Tottenham," ſubſtituted in its place. This is the bill, 7674, payable to R. Walſh for 10 guineas; this is the letter in which I found it,

it, marked with my own hand-writing, " 9th of May." Upon ſeeing this, I ſent an expreſs to Major Swan, to meet us at a particular moment in Carlow; we came there, and when we were aſcertained that Wallace was at home, we repaired to his houſe; there were Mr. Waddy, Major Swan, Mr. Carter, Mr. Smith, and myſelf. We found Wallace at home; we took him into a back room and examined him; he was deſired not to anſwer any queſtion if he did not think proper. Mr. Waddy aſked him then, whether any perſon but himſelf had acceſs to the letters? he ſaid, nobody; he was aſked, had he received any money or notes that morning, or the day before? he ſaid, he had not from the Wedneſday before; this was Friday. We aſked for the keys of his deſk, and whether there was any money or notes in it? he ſaid, he had notes to the amount of 470l. in it, and gave us the keys. The deſk was opened, and in it we found a large pocket-book, in which were a number of bank notes. He pointed out the pocket-book without heſitation; and, in the pocket-book, on turning over the notes, I found the one which we had miſſed out of the letter directed to Rigney, and in place of which we had found the note endorſed with Mr. Tottenham's name, at Caſtledermot. This is the note I found in the pocket-book.

[This note was marked 1312 payable to J. T. Warner for ten guineas.]

The perſon of the priſoner was ſecured. He was firſt aſked whether he had any notes about him? he ſaid he had not. I then quitted that part of the houſe, and left him in poſſeſſion of Major Swan. I went to ſearch his office.

Croſs-examined.

There have been frauds in the office at Dublin. It is certainly poſſible to counterfeit any mark upon a paper. A

witneſs

witneſs may be miſtaken in his belief, that a name was written by any particular perſon; his teſtimony can only amount to his belief that it was ſo written. Mail bags have been ſometimes loſt. I found in the priſoner's office two mail bags, which ought to have gone forward. Bags have been ſometimes loſt, ſometimes ſtolen. No perſon is ſuffered to tranſact the buſineſs of the General Poſt-office, who does not take a very ſolemn oath. When the bags are made up, the office ſeal is put upon them; but, from the manner they are carried, it often happens that the ſeals are rubbed off. There is no mode of preventing this; the bags at ſometimes are of great bulk, ſometimes ſmall; they are ſometimes forced in, ſometimes thrown looſely into the boot.

I have had dealings and intercourſe with the priſoner, and until my firſt ſuſpicion of him aroſe, I had as good an opinion of him, as a man of honour and integrity, as I had of any other man. The accounts of his office were correct; none were more ſo in the Kingdom of Ireland, as far as came to the knowledge of the Poſt-office. He had other means of acquiring property beſides his ſituation in the Poſt-office—he was an apothecary. He ſhewed not the leaſt reluctance or heſitation in giving up the keys.

Here the priſoner aſked Mr. De Joncourt, whether he had not met him in a friendly manner on his coming into the houſe, and without any apparent conſcioufneſs of guilt? —Witneſs. He came up to me in a friendly manner; but whether it was in conſequence of the impreſſion on my mind or not I cannot ſay, but I thought I ſaw in his countenance that he was not glad to ſee me.

Mr. James Carter ſworn.

I tranſact buſineſs for Mr. Waddy, the Solicitor for the Poſt-

Poſt-office, to whom I am ſerving my time. I was employed by him on the 8th of May laſt to put two letters into the Carlow Poſt-office, containing ſecurities and bank poſt-bills. I put them into the office myſelf—they were never out of my poſſeſſion till I put the letters into the office. One of them was directed to Mr. Chriſtopher Rigney, the other to Mr. Godwin Pilſworth. This is one of the letters, that directed to Rigney. This is a bank Poſt-bill for ten guineas, which was in the letter to Rigney when I put it in the office. I put a mark on it at Johnſtown. The notes were all marked with the initials of my name, I C; but as the ſame initials on all might have been ſuſpicious, I changed the mark on this note to P C. This letter and note were put by me into the office at Carlow. This was about the 8th or 9th of May. I believe it was on a Thurſday. I left Dublin on Wedneſday for the purpoſe. I ſaw the priſoner in the office at the time I put this letter in. He made a motion towards the receiving box. I cannot ſwear that I ſaw him open the box. The wafer was not dry in the letter when I put it in.

I was afterwards in company with Mr. De Joncourt at the priſoner's houſe. I ſaw this note in Mr. Waddy's hands then. I was, when it was found, in another part of the houſe. Mr. Waddy called me—I knew the note when I ſaw it.

[The note found in the letter to Rigney, when ſtopped at Caſtledermot, being ſhewn to the witneſs,]

This note certainly was not in the letter when I put it in.

I have in my hand a memorandum in my own writing of the notes I put into the letters.

Major

Major William Bellingham Swan ſworn.

I recollect the 9th of May laſt. I went to the priſoner's houſe on that day. On Mr. De Joncourt and I and two more coming into the houſe, the priſoner went into the parlour with us. Previous to any ſearch, Mr. Waddy aſked him ſeveral queſtions, as—whether he had made up the mail the night before? He ſaid he had; that no perſon had acceſs to it but himſelf. Mr. Waddy had ſaid that he was not bound to anſwer if he did not chooſe; the priſoner ſaid he would ſtate every thing. I told him I had a warrant againſt him. He was much ſurprized, and ſaid, there was not a more loyal man in the country than he was. We aſked whether he had any papers? he pulled out his keys. We aſked whether he had any notes about him? he ſaid not. I ſaid, I don't like to put my hands into a gentleman's pocket; upon which he turned out his own pockets, coat, waiſtcoat, and breeches—there were a penknife and ſome ſmall papers there, but no note. I then felt the lining and collar of his coat—I had often found notes in ſuch places. I made him take off his ſhoes; I opened his waiſtcoat, and found a red waiſtcoat under his outſide waiſtcoat, and in a pocket in it ſome little packets; I opened one of the packets, and ſaid, "why, theſe are "bank notes." I called for pen and ink, and marked the labels in which theſe notes were rolled up. This is one of them.

[Here *Major Swan* identified the following parcels:

1. Labelled, *John Reilly*, *Waterford*, and containing the halves of the following notes.

Leighton's,	2140,	31 Jan. 1800,	10l.	to C. White.
	2116,	29 Jan. 1800,	10l.	to Js. Gorman.
	889,	————	10l.	————
B. of Ireland,	299,	————	10l.	

2. Labelled,

2. Labelled, *Clonegal, Thomas Wade, Dame-ſtreet*, and containing the halves of

Leighton, 2130, 31 Jan. 1800, 10l. to C. White.
Beresford, 645, ——————— 10l.

3. Labelled, *James Lennon, Cork*, and containing half of a bank poſt-bill of Leighton's, 9027, for 5 guineas, payable to R. Fulton, and a Bank of Ireland bill for 10 guineas.]

Having finiſhed the ſearch of his perſon, I opened the deſk. Mr. Waddy aſked the priſoner, had he received any bank notes that day? He ſaid not. Whether he had received any the day before? He ſaid, not ſince the Wedneſday before. This was on Friday. I opened the deſk—there was a large pocket-book in it—I opened the pocket-book. In going over the notes which were in it, Mr. Waddy or De Joncourt ſtopped me at one particular note—they ſaid it was the one they wanted—I then marked it. This is it.

[Major Swan here identified the note, No. 1312, payable to J. T. Warner.]

I delivered the notes into Mr. Waddy's poſſeſſion. I am poſitive theſe parcels are the very ſame I found on the priſoner.

Croſs-examined.

The waiſtcoat was a ſcarlet one, it was an inſide one, but not ſecret, nor was the pocket a ſecret one; it was ſuch a waiſtcoat as any man might wear without any deſire of concealment; he anſwered every queſtion without heſitation; I never in my life performed a more painful taſk than ſearching him.

John Gorman ſworn.

I am a mail guard; I received the Carlow bag from the

priſoner himſelf on the 9th of May laſt; I put it into the boot, and went with it to Caſtledermot, where I gave it to Mr. De Joncourt.

Croſs-examined.

It ſometimes happens that the mail is carried to the coach by other hands than mine. I have every reaſon to recollect that particular day, for his wife gave me a letter to forward after I had got the bag. I have not been affected in my underſtanding ſince that time; I have been ſick in a bad fever. In the fever I was in a ſtate of derangement; the fever went aſtray on me, but I remember that day very well.

Mr. Richard Weſt ſworn.

I live in Newtown Barry, and did ſo in April laſt. I recollect writing a letter to Mr. Thomas Wade, No. 16, Dame-ſtreet, Dublin; Clonegal is our poſt-town. I encloſed half bank notes in the letter, one of a ten pound, the other of a five guinea note. [A letter being ſhewn to the witneſs,] this is my writing; it is the letter in which I encloſed theſe half notes. It has a poſt mark, which I conceive to be "*Clonegal.*" The letter is dated the 20th of April.

[One of the half notes for 10l. numbered 645, found in a parcel taken on the priſoner, and labelled, *Clonegal, Mr. Wade, Dame-ſtreet, Dublin*, was here ſhewn to the witneſs.]

This is the half note I encloſed to Mr. Wade.

[Another, endorſed "Henry Loftus Tottenham," and numbered 2130, being ſhewn,]

I never ſaw this note to my knowledge before.

No croſs-examination.

Mr.

Mr. Thomas Wade ſworn.

I know Mr. Weſt, the laſt witneſs. I received half notes in a letter written by him in April laſt; it came by poſt. This is the letter; it contained half a 10l. note, and half a five guinea note; this is the half 10l. note I received. [Here the witneſs identified the note endorſed "Henry Loftus "Tottenham," and numbered 2130.

The half note which Weſt had ſworn he put into the letter, being ſhewn to witneſs,]

This was not in the letter. I never received the correſponding half of this note; but I received by hand another half of a note, No. 645; it was left at my houſe, and received by my clerk, Edward Kelly.

Mr. Weſt called again.

I ſent the remaining halves of the notes I encloſed by hand by Mr. John Carty, to deliver to Mr. Wade, with directions to ſay that I had ſent the others by poſt.

Mr. John Carty ſworn.

I know Mr. Weſt. I received ſome half notes from him in April laſt, with directions to deliver them to Mr. Thomas Wade, Dame-ſtreet; or, if it ſhould not be convenient to me to delay in Dublin, to give them to his brother-in-law, Mr. Iſaac Stewart, and ſay, the others were ſent by poſt. I am poſitive that I delivered them to Mr. Stewart.

Mr. Iſaac Stewart ſworn.

I know Mr. Carty—I received half notes from him—I believe it was in April. I delivered them to my brother Thomas, with ſome directions pinned upon them in Mr. Weſt's hand-writing. I delivered the identical half notes to my brother.

Mr. Thomas Stewart ſworn.

I know the laſt witneſs. I received ſome half notes from him, directed to Mr. Thomas Wade, Dublin—I took them to Mr. Wade's, and gave them to Edward Hely, his clerk.

Mr. Edward Hely ſworn.

I live with Mr. Wade. I got theſe half notes from Mr. Thomas Stewart, and put them into a drawer till Mr. Wade came in, when I gave them to him.

Mr. Thomas Wade called again.

I received theſe half notes from Hely.

Mr. John Brophy ſworn.

I recollect in April laſt encloſing half notes to Mr. John Reilly, Waterford; they were halves of four notes or bank poſt-bills to the amount of forty-five pounds. I believe I put the letter into the poſt myſelf. This is the letter. On the 22d of April I received a letter by hand from Mr. Reilly, deſiring me to give the money I had for him to Caſey, a boatman. I told Caſey that I had ſent the firſt halves by the Carlow Poſt-office, and gave him the remaining halves of thoſe I had ſent. I would not know the notes again.

Mathew Caſey ſworn.

I know Mr. Brophy—I received ſome half notes from him to lay out in Dublin for Mr. Reilly. This was in April. I gave them to Tom Wall. Wall lives in Dublin, and is a clothier. I poſitively gave Wall the ſame half notes Mr. Brophy gave me. I did it by Mr. Reilly's order.

Mr. Thomas Wall ſworn.

I know Caſey; I received from him half notes for account of Mr. Reilly of Waterford—I put them into a

deſk

deſk when I received them. I afterwards received half notes from Reilly by poſt to match thoſe I got from Caſey; two of them did not match, and I gave the four parts of theſe notes back to Caſey.

Mat. Caſey called again.

I received four half notes from Mr. Wall, and gave them back to Reilly.

Mr. John Reilly ſworn.

I recollect receiving a letter with half notes by poſt from Mr. Brophy of Carlow. This is the letter, and this memorandum of the notes was taken in my preſence, and by my directions, becauſe there had been a diſappointment before.

[Two half notes being ſhewn to the witneſs,]

Theſe are two of the halves I ſo received, and they agree with the memorandum.

[Theſe were the halves of 2116 and 2140, the correſponding parts of which were ſworn by Major Swan to have been found on the priſoner's perſon, labelled, *John Reilly, Waterford.*]

Here are the two I ſent to Wall. The other halves brought back along with them by Caſey, do not correſpond with them.

[The half notes given by Brophy to Caſey were here examined, and found to tally exactly with the two halves found on the priſoner's perſon—889, Leighton, for five guineas; and 299, Bank of Ireland, for ten pounds, and encloſed in the ſame direction, *John Reilly, Waterford.*]

Thomas Tipping Smith, Eſq. ſworn.

I am a Captain in the army. On the firſt of May laſt I was

I was quartered at Newtown-barry; Mr. John Smith, my brother, being then in Dublin, I had occaſion to write to him. I had a bill due on the 7th of March, payable at his houſe in Aungier-ſtreet. On the firſt of March I encloſed to him two ten guinea notes for the purpoſe of paying it, and put the letter into the Poſt-office at Clonegal. I have an account of thoſe notes in my own hand-writing. Bank note, 6796, payable to bearer, dated 25th Jan. 1799. Bank Poſt-bill, 5355, dated 9th, & accepted 23d Dec. 1799, payable at 7 days ſight to John Flood, both for ten guineas. This letter is my writing. It is directed to my brother, and is that in which the notes were encloſed. There was no deſcription of the notes in the letter. Not getting an anſwer, I had recourſe to my memorandum, and wrote an account of them to my brother. I had a letter, in which my brother expreſſed his ſurpriſe that I had not ſent proviſion for the bill. I did not open the letter after I had ſealed it. The firſt letter was dated the 1ſt, the ſecond the 9th of March.

John Smith, Eſq. ſworn.

I am a barriſter—I live at No. 31, Aungier-ſtreet; on the 6th or 7th of March I received a letter from my brother. This is the letter: it contained two bank poſt-bills: No. 2306, 2307, for ten guineas each.

Captain Smith called again.

Theſe were not the notes I encloſed in that letter.

Mr. Francis Bogard ſworn.

[This witneſs was alſo called to prove the ſubſtitution of notes in letters put into the Carlow office; but it was deemed by the proſecution unneceſſary to go into further evidence.]

Mr.

Mr. John Ward ſworn.

I know Mr. Henry Loftus Tottenham ; I am his clerk.

Mr. Colles. I underſtand this witneſs comes to prove that theſe endorſements are not Mr. Tottenham's writing; I object to his proving any thing in this caſe but the actual forgery by Wallace, the priſoner.

The Court over-ruled the objection.

Mr. Ward (in continuation.)

I ſee theſe endorſements ; none of them are Mr. Tottenham's hand-writing.

[Theſe endorſements were upon

No. 6306, } received by Mr. J. Smith,
No. 6307, }

and No. 7674, found by Mr. De Joncourt at Caſtledermot, in the letter directed to C. Rigney.]

Croſs-examined.

I ſwear from a thorough knowledge of Mr. Tottenham's hand-writing.

Here the evidence for the proſecution was cloſed for the preſent.

DEFENCE.

William Henrican ſworn.

I know Mr. Wallace the priſoner—I was in his ſhop the ſame day on which he was arreſted—it was about three hours before the arreſt—about one o'clock, or later—I inſtructed his children—I ſaw a perſon come into the ſhop to buy ſtamps ; he aſked, was it there they were ſold ? and ſaid he wanted forty ſhilling ſtamps. Mrs. Wallace was in the ſhop ; ſhe looked at him, and aſked, was it for his

own

own uſe he wanted them? He ſaid he wanted them for citations. She counted the ſtamps to him, and he pulled out a ten guinea note, and aſked for change. She opened the deſk, and ſaid, "upon my honour, I have not change." He ſaid, "I would be much obliged to you to get me the "change, as I am a ſtranger in the town." She bid me look at the bill, and I ſaw on it the name of F. or J. Warner; the ſame name was on the back of it.—[Here the note 1312, payable to J. Warner, was ſhewn to the witneſs.]

I ſee the name on it; but I am not certain that it is the ſame note. From my recolleſtion of the bill, I do not think it could be more like. If a note could be identified by any perſon, I think I could identify this. I handed the note to Mrs. Wallace; ſhe ſaid, "I'll try has Mr. "Wallace leſt ſo many ſmall notes in his deſk." She went into the parlour, and took out a pocket-book full of notes. She took out a five guinea note, and five guinea notes. He gave her back two guineas, and ſhe gave him two ſhillings as change. She put the note ſhe received into the pocket-book; it was a black-looking pocket-book. She took it back into the parlour, and put it in the deſk. I I ſtaid in the ſhop. There is a glaſs door ſeparating the parlour from the ſhop, which is eaſily ſeen through. There was one M'Daniel, a carman, in the ſhop at the time; he has carried goods for my brother from Dublin. I have lived in Carlow above twenty years paſt, and have taught ſchool all the time.

No croſs-examination.

John M'Daniel ſworn.

I know Mr. Wallace; I was in his houſe between twelve and one the day he was arreſted. Mrs. Wallace was there,

there, and a Schoolmaſter of the town, one Henrican. I went to Mr. Wallace's ſhop; he was my landlord; I had a ſettlement to make with him of two years and a half in rent. Mrs. Wallace ſaid he was not within, that he had rode out to Mr. Crofton's, and would ſoon be in. I waited ſome time, and a man came in and enquired for ſhilling ſtamps; he aſked for forty. She aſked him what he wanted them for? he ſaid, for tythe buſineſs, or citations. On that ſhe counted forty. He drew out a bank note, and bid her take it out of it. She ſaid ſhe had not change. He begged her for it. She found none in the ſtamp deſk; ſhe then brought out a pocket-book from the parlour with ſmall notes. She counted out a five guinea note, and ſaid, "there is half." She then counted the reſt, and he returned two out of the ten. I ſaw her hand the note to the Schoolmaſter, and I ſaw her put it into the pocket-book, and go into the parlour. Mr. Wallace did not come as I expected, and I went away.

No croſs-examination.

Mr. John Purcell ſworn.

I live in Carlow. I know Mr. Wallace and his wife. I recollect the day he was arreſted. I went to his houſe on that day. He was diſtributor of ſtamps. I had occaſion for an half-crown ſtamp; Mrs. Wallace was a long time looking for it. I went twice; he was come home the laſt time. Mrs. Wallace was ſo long looking for the half-crown ſtamp, that ſhe deſpaired of getting it, and I went to *Sykes*'s to look for one. She ſent after me to ſay, that ſhe had found it. She ſaid the ſtamps were confuſed by ſelling forty ſhilling ſtamps for citations. I remember the expreſſion, for ſhe called it by ſome wrong name at firſt. This was not above an hour and an half before he was arreſted. I dined oppoſite to him, and ſaw the arreſt.

Mr. Ashley Croftan ſworn.

I know the priſoner, and have known him for ten years. I have had dealings with him; he had always an excellent moral character. I was in the office on the morning of his arreſt, and ſaw him make up the mail. I had money tranſactions with him. I got from him twenty-five guineas in notes; this was after the mail was made up; he put no endorſement on them. I would have taken any note he gave me. He is a very ſhort time in the Poſt-office; he was in good credit, and a thriving way, before he got it. I had large dealings with him before. Mrs. Wallace had often acceſs to the Poſt-office; ſo had Mrs. Jennings; they often gave me letters out of the office. The door of the office often lay open; any perſon in the houſe might have gone in. Mrs. Wallace has often lent me money in the priſoner's abſence, which, on account of his buſineſs, was very frequent. I would take his word as ſoon as any man's bond.

Patrick Murphy ſworn.

I know Mr. Wallace. I live in the cellar under the next houſe to him. In Auguſt laſt I found a paper on the ground outſide his door; it was about twelve o'clock in the day. I brought it to Mrs. Wallace in half a minute after I found it. I handed it to her, and ſaid, my fortune was made. She opened one of the papers; it contained the halves of four ten pound notes. We went into the parlour, Mrs. Wallace, Mrs. Jennings, and myſelf, and after examining the halves, we could not get any two of them to agree in numbers. Mr. Wallace was not at home. Mrs. Wallace ſaid, they muſt have been dropped there by ſome perſon who would be uneaſy at their loſs, and that ſhe would keep them till Mr. Wallace came in.

She

She folded them up like a newſpaper, open at the ends, and put them in her pocket; this was Friday the 25th of April—I remember it; it was the laſt day of the quarter ſeſſion. When Mr. Wallace came home I was in the parlour; he aſked me how and when I had found them? He told me he would get them advertiſed; and next day he deſired me, when I would go out with letters, to ſay that ſuch things were found, and in his cuſtody. I carried out letters for him, and whenever I carried letters with money, he always made me bring him an acknowledgment. I have often been in the houſe when the mails came in; the Clonegal bag was often brought without a ſeal, and thrown on the office floor. One day that I ſaw it tied with a little ſtring, I ſaid there was the devil in the bag, and, on examining, I found in it a brace of wild fowl, and the letters all ſmeared with the blood. We reckoned the letters then; for Mr. Wallace was ſo angry, he ſaid he would be glad to find them wrong.

The mail guard did not come for the bags above once in fortnight. The people that cleaned the horſes, or little boys about the ſtables, uſed to be ſent for them to carry to the mail-coach hotel; I uſed to deliver them; Mr. Wallace employed me to arrange them.

No croſs-examination.

The Hon. Major General Henniker ſworn.

I know Mr. Wallace, and have frequently received money from him, and given him draughts for it. From every thing I have heard, I believe him to be a man of integrity, and I know him to be a man of ſtrict punctuality. I recollect his ſpeaking to me for a guard to eſcort the mail to Tullow, as he ſaid the Clonegal line was irregular and unſafe.

No croſs-examination.

Mr. John Weekes ſworn.

I know the priſoner very well, he is connected with me; I am in habits of intimacy with him. I was at his houſe in April laſt. I always lay there when I was in the country about buſineſs. I recollect ſeeing Murphy, the witneſs, there; I heard the evidence he gave now, and recollect being preſent about the 25th of April laſt, when there was a converſation at Wallace's houſe about half notes which were found by Murphy; it was the ſecond day of the quarter ſeſſions, which I attended. Mr. Wallace produced the half notes to me, and bid me look at them, from the odd circumſtance of their having been found at his door, while he was out at the quarter ſeſſions; they were folded in a ſmall compaſs, in a bit of paper; there were four parcels; he conſulted me on advertiſing them, but ſaid, as he was ſo ſoon to be in Dublin, he might as well wait, and perhaps the owners might apply for them. I ſet down the amount of them on paper; it was about 80l.

[Here the parcels found on the priſoner by Major Swan were ſhewn to the witneſs.]

The wafer was faſt in theſe papers; we drew the notes out at the end, and thus examined them; they were then returned as before.

I do not know this to be Mr. Wallace's writing; I don't think it is his uſual way of writing.

[The forged indorſement of Mr. Tottenham's note being ſhewn.]

I do not believe this to be Mr. Wallace's writing.

[Another was ſhewn.]

Nor this. I am well acquainted with his hand-writing.

When

When Mr. Wallace was abroad, Mrs. Wallace and Mrs. Jennings usually attended the office, so did the shopman, sometimes I did. The office-door could not be locked, there was such a constant application for letters; the door could only be locked on the outside; he could not lock himself in. I was acquainted with him before he got the Post-office; he was always in affluent circumstances. I knew him in January, 1798, to lend a gentleman 550l. before he got the Post-office; it was Captain Loftus of the 9th dragoons.

Cross-examined.

I live in Dublin, where I follow business as an attorney. My knowledge of the prisoner's hand-writing, arises from an occasional correspondence for three years past. I took the sums of these half notes on paper. I cannot say whether there was any thing written on the envelope which enclosed them. Mr. Wallace was to advertise the notes. I never saw the advertisement. If there had been any writing on the notes, such as "Thomas Wade, Dublin," I suppose he would have restored them to the owner. I cannot believe that "Thomas Wade, Dublin," was put on it by accident.

[Here the parcel, directed "*Clonegal*, Thomas Wade, "Dame-street," was shewn to witness.]

I swear that this is not Wallace's hand-writing, if I can be positive of any hand-writing. I cannot say whether it was written on the paper when I saw it.

I am married to a sister of the prisoner's wife.

[Then a letter was shewn to the witness.]

I believe this to be his hand-writing. I always thought the prisoner an honest man until this charge was made, and a good Post-master. He left the care of the office

to

to his friends, on account of the hurry of his buſineſs, which often took him abroad; he was rich enough to ſecure the office. I knew nothing of the ſtate of the bags that came in, only of the letters ſorted into the alphabet, to be delivered to the people of the town. I have ſeen many bags at his houſe, when the mails were uſed to ſtop at night; a vaſt number of them lay behind the counter after the family went to bed? other people might at that time have acceſs to them, as the houſe is not well ſecured.

Patrick Murphy called again.

There was ſome memorandum on the covers of the notes. I do'nt recollect what it was. They were ſealed. I think this is none of the papers. The papers were on the notes when I found them. I never ſaw the inſide of this paper before. I do not know what hand-writing theſe directions are in. I can form no belief.

Mr. Nicholas Hart ſworn.

I have known Mr. Wallace many years, and have had very conſiderable dealings with him. Since the year 1794 he has been in good circumſtances. When he commenced buſineſs, I uſed to aſſiſt him by accepting bills for him in Dublin. In 1794 I found he required very little aſſiſtance from me. He became Poſt-maſter in March 1798, about two years and an half ago. I correſpond conſtantly with him. I believe theſe endorſements of "Henry Loftus Tottenham" are not the priſoner's hand-writing. I never met an honeſter or more punctual man; he was as honeſt a man as ever I heard of, and, to my own knowledge, a moſt induſtrious man.

Jonah Barrington, Eſq. ſworn.

I know the priſoner perfectly well; I have known him about

about nine years, and for the laſt ſix intimately. Since I went circuit I have conſtantly lodged in his houſe; at firſt as a mere lodger, afterwards as a friend. I know what his circumſtances were before he got the Poſt-office. He was in the habit of lending money, and conſulting me as to the ſecurities he took. About three years ago he was lending a large ſum, in what I thought a fooliſh way; it was ſomething under 2000l. I adviſed him rather to veſt it in Government ſecurities. He then told me his circumſtances, and ſhewed me that he was making from 700 to 900l. a year—the greater part in his ſhop; and ſaid he had been making nearly the ſame for ſeven or eight years before; and lately, before this charge was made, he had occaſion to lay the whole of his circumſtances again before me, they had not increaſed in the laſt three years. I often ſtopped at his houſe, but never had much dealing with him in the way of money. His general character was moſt exemplary in point of integrity and honeſty. I never ſaw a man I would truſt ſooner than him. I have conſtantly ſeen him write; as far as I can judge, theſe endorſements are totally diſſimilar to his hand-writing.

Croſs-examined.

I have heard of his action againſt Reed; I was of counſel for him, and, as well as I recollect, the caſe was this: Wallace had lived with Reed; Reed charged him with roguery. Wallace conſulted counſel, and brought an action for calling him a rogue. Reed juſtified; and it appeared in evidence that Wallace had given ſixpenny worth of medicines to a poor ſervant-man, to cure him of a venereal complaint. This was thought ſufficient to defeat the action, though it did not, in the opinion of any man, fix the charge of diſhoneſty on Wallace. I think Wallace is about nine or ten years in buſineſs as an apothecary. I

am

am convinced he had no property at firſt; he had lived as foreman with Reed at a ſmall ſalary. He has been twice married: he firſt ran away with Mr. Byrne's daughter, but they afterwards gave him ſome fortune. I believe he got with his preſent wife, Mr. Croſton's (her father) bond for 500l. which is yet unpaid. He has always lived with ſtrict œconomy, and his wife was moſt attentive to domeſtic affairs. He entertained hoſpitably, but not extravagantly. He kept horſes to go on expreſſes. There are other apothecaries in the town. He applied to me to get him into the Poſt-office; I applied to Lord Ely, who ſaid he had given it to Mrs. Wall; but, as ſhe was in bad health, I adviſed him to agree with her, and take it even at a diſadvantage, in order to get into the way of ſucceſſion.

Mr. Solomon Boileau ſworn.

I live in Dublin, and am a druggiſt. I know the priſoner a long time, and have had dealing with him to a large amount; ſo conſiderable, that he muſt naturally have made great profits. I never found any body more punctual; he would have been an example for every perſon in his ſituation; his laſt year's account was from 470l. to 500l; an apothecary makes more than 50 per cent. I believe 500l. worth of original drugs would produce 500l. or 600l. more if ſkilfully compounded.

Croſs-examined.

I have ſaid, that he would be an example to others from his conduct in general; I never found any want of punctuality in him.

Mr. John George ſworn.

I am a partner with Mr. Boileau. I have been twelve years a druggiſt, and had for ſome time before been an apothecary. I think a country apothecary, retailing 500l. worth of a druggiſt's goods in a year, muſt make above

1000l.

1000l. I have known the prisoner nine or ten years, and I never knew a more punctual man in all his dealings.

Mr. Edward Duigan sworn.

I know the prisoner, and have known him six years. I never knew a fairer or better character in the whole course of my life.

Robert Cornwall, Esq. sworn.

I have not known the prisoner but by character until very lately, and when the stamp office of this town became vacant, I procured him the appointment. I never had any reason to think of him but as a man of integrity and honesty until this charge.

Mr. John Alexander sworn.

I know the prisoner eight or nine years; his general character has been always that of an upright, honest, sober, and industrious man.

Mr. Robert Cooke sworn.

I have had dealings with Mr. Wallace; he has often given me large bank notes for small ones; this was before he got the Post-office. On one occasion he lent me above fifty pounds.

Mr. Charles Cox sworn.

I know the prisoner nine or ten years; during that period his general character has been very good, as a man of probity and integrity. I would entrust him with half what I possess.

Here the defence closed.

The Counsel for the Crown desired to call Mr. De Joncourt to a point which had arisen from the nature of the defence.

Isaac De Joncourt, Esq. called again.

[The parcel found upon the prisoner, and labelled "*Clo-*" "*negal, Mr. Thomas Wade, Dame-street,*" was shewn to the witness.]

I believe this direction to be Wallace's hand-writing; the paper on which it is written is a part of a printed ſheet of dockets ſent from the General Poſt-office to the country Poſt-maſters, to accompany their bye-letters.

[The paper, directed to *John Reily, Waterford*, being ſhewn to Mr. Dejoncourt,]

I believe this alſo to be Wallace's writing, though the ſimilitude is not ſo ſtrong as in the other.

[That directed to "*James Lennon, Cork,*"] I believe this to be Wallace's hand-writing.

Croſs-examined.

Theſe printed dockets are ſent to every Poſt-office.

Jonah Barrington, Eſq. called again.

[The parcels being ſhewn to him] this is totally diſſimilar to any thing of the priſoner's writing that ever I ſaw.

Nicholas Hart called again.

[The papers were ſhewn to the witneſs.]

I do not believe this to be Wallace's hand-writing; one of them is ſomething like it.

Here the evidence was cloſed on both ſides.

LORD KILWARDEN.

Gentlemen of the Jury,

You are engaged in the diſcharge of a duty which requires your moſt earneſt attention, and the moſt thorough examination of the evidence laid before you. The charge againſt the priſoner at the bar is of a capital nature;—the evidence which has been offered in ſupport of the charge, is in its nature circumſtantial and various; and, though it ſometimes happens that no evidence can be

ſtronger

ſtronger or more ſatisfactory than circumſtantial evidence, yet it always demands a minute and cloſe attention. I wiſh the counſel on each ſide to attend to the ſtatement which I ſhall make to you of that evidence; for where ſo many various circumſtances are laid before me for the firſt time, it is not impoſſible that I may omit or miſconceive one or other of them.

There are two indictments given you in charge: one for taking letters and notes out of the mail bag, and having embezzled them; the other, for forging of the name of Mr. Tottenham. In one count, with intent to defraud Leighton and Co.—in the other, Mr. Tottenham himſelf.

In the firſt indictment there are fourteen counts: that is, the charges are ſpread on the indictment in fourteen different modes, in order to ſquare the charge to ſuch evidence as ſhould be laid before you; but, this number of counts is not to be ſuppoſed to lay the priſoner under any difficulty. It does not—the general nature of the charge continues the ſame; though, in order to attain the ends of juſtice, to preſerve the intercourſe of ſociety, and the property of the honeſt ſubjects of the ſtate, it is found neceſſary to uſe ſuch caution; but truth cannot be confounded thereby, nor is the priſoner laid under any difficulty whatever.

[Here his Lordſhip recited the different counts of the indictments.]

I will now, Gentlemen, recapitulate the evidence: [his Lordſhip here recited the evidence, making, as he went on, the following obſervations.]—Mr. Callan tells you, that he made up certain notes, (which he minutely deſcribes) in a letter directed to Mr. Tottenham, at Roſs; Holland ſwears that he put the letter into the Poſt-office in Dublin.

Here, gentlemen, you muſt be ſatisfied that the letter was carried by Holland to the Poſt-office in the ſame ſtate. Callan made it up, otherwiſe the charge under the Poſt-office act entirely fails.

Hill proves the mail to have been regularly made up on the 27th of February; it is for you to conſider, whether the letter, with the bills, went into that mail.

Mr. Tottenham proves that he received no ſuch notes; ſo that if you believe them to have been put into the Poſt-office, ſomething muſt have prevented them arriving at New Roſs.

As to the evidence of Mr. Tottenham, reſpecting the endorſements not being his hand-writing, you are to put it out of the caſe, for I am to tell you that he is an intereſted witneſs.

Mr. De Joncourt's evidence goes, in the firſt inſtance, to raiſe a probability that this letter was ſtopped in Carlow. He tells you that the mails for Cork, and Dublin, and Clonegal, delayed in the town of Carlow.

If you believe De Joncourt and Carter, it is proved that a letter, with notes in it, was put into the office in Carlow, and that in the office here one of the notes was changed. It will be for your conſideration, from the circumſtances, whether it was changed by the priſoner.

As to the character of the priſoner, a variety of witneſſes of great reſpect have ſworn him to be a man of the moſt unſuſpected integrity.

The evidence of Mr. Weſt goes to charge the priſoner with having opened a letter from Clonegal to Dublin, and ſubſtituted notes in the room of thoſe it contained.

Throughout all the evidence there is no direct proof of the

the embezzlement; but it is for you to confider whether, from all the circumftances, you have juft reafon to believe upon your oaths, that he did embezzle thofe notes and letters.

You cannot doubt, I think, that they got into the mail. You are told that fufpicion fell upon the prifoner, and you will probably think that fuch fufpicion was in fome degree confirmed by the half notes found upon his perfon.

It appears that, in confequence of this fufpicion, a fcheme was laid to detect the guilty perfon; and I cannot help faying that the fcheme, far from deferving any blame, appears to me to be not only ingenious, but highly juftifiable and praife-worthy—an honeft defign to detect fraud.

If you believe, from what has been fworn, that the prifoner took out of Rigney's letter the note payable to Warner, and fubftituted one of thofe payable to Tottenham, it is ftrong evidence to prove that the parcel addreffed to Tottenham was embezzled by the prifoner.

It is alfo proved that there were found on him in parcels feveral half notes, and the names of perfons to whom thofe half notes were originally fent by poft, written on the labels; and it is proved, that thofe perfons received half notes payable to Mr. Tottenham in their ftead. This is another circumftance to prove the embezzlement of Mr. Tottenham's notes.

But, gentlemen, you have heard the account given of thofe notes and labels by the prifoner's witneffes. If you believe their teftimony, it is poffible that fome other perfon might have taken them out of the letters in which they were enclofed, and having loft them, they might be found in the way you have heard fworn; if you give credit to this account, you muft acquit the prifoner.

You

You are alſo to conſider how it was poſſible that one of Mr. Tottenham's notes got into the letter directed to Rigney, and the note for which it was ſubſtituted into the poſſeſſion of the priſoner.

The object of Henrican and M'Daniel's evidence went to the laſt point; and if you believe that the note found in the priſoner's pocket-book, was taken by his wife in payment, you cannot ſuppoſe the priſoner to have been the perſon who took it out of the letter; and I ſhould here remark a difficulty the priſoner lies under, in this part of his caſe, his wife cannot give evidence. By our law a wife cannot, in a caſe of this kind, give evidence for or againſt her huſband.

If, however, you believe De Joncourt and Swan, the priſoner ſaid no perſon had acceſs to the mails but himſelf; at the ſame time you will conſider, that ſuch an anſwer may have proceeded from a conſciouſneſs of his negligence, and a deſire to keep his place; for you have been told of the neglectful manner in which he kept his office; and it is directly ſworn, that any body might have acceſs to it. You recollect the evidence of Carter, and you will ſee whether it goes to prove that the priſoner took the letter out of the box himſelf, or whether it might not, by poſſibility, have been taken by ſome other perſon who had acceſs to the office, and might have given it to the ſtranger who came to buy ſtamps. Though finding the half notes on the priſoner's perſon, goes in ſome degree to corroborate the contrary opinion, and weighs much againſt the credit of thoſe men, Henrican and M'Daniel.

You have heard the evidence given by the priſoner's witneſſes, of theſe half notes being found at his door: it is evidence of a moſt awful nature. If you believe it, the preſumption of guilt from finding them on him fails entirely; and if it be not true, how can the unhappy man

at

at the bar account to God and his conſcience for having brought it forward.

But the evidence gives an account conſiſtently enough. You are told that thoſe half notes when found were examined accurately by the priſoner. One of the witneſſes tells you that the priſoner told him of them before the arreſt, and propoſed to advertiſe them. If this be true, it muſt take from the weight of evidence of finding them on him. You are then to conſider the directions written on the lables; if you do not believe the priſoner wrote them, you may ſuppoſe they were thus prepared to be ſent to the owners by ſome other perſon. The witneſs for the priſoner ſaid two of them were not like his hand-writing; that the third was ſomething like it. Mr. De Joncourt, who, from his office, is a perſon well acquainted with compariſon of hand-writing, ſaid they were the writing of the priſoner. And here you may conſider a circumſtance which ariſes from the priſoner's own defence: It is ſworn, that he had theſe parcels for a conſiderable time in his poſſeſſion, with the written directions on them; in that time, it is natural to ſuppoſe, it ought to have ſtruck his mind that theſe were the directions of the owners, and that he ought to have communicated the finding them according to their directions.

When ſearched by Major Swan, he denied having any notes, and, in confirmation of his denial, turned out all his pockets with readineſs. It is for you to conſider whether he did ſo, utterly forgetting that he had thoſe parcels about him, or whether he hoped to conceal them by theſe means.

As to the evidence of character reſorted to by the priſoner, it cannot be queſtioned. He appears to have had as good a character as man could poſſeſs. If you have a

doubt

doubt as to his guilt, his good character is a ſtrong ground for acquittal; but that doubt muſt not be light or capricious—it muſt be the doubt of a reaſonable man, acting impartially upon his oath.

Another ſpecies of evidence has been offered, and, in caſe of doubt, ſhould weigh ſtrongly in his favour; it is ſworn that he was in ſuch a way of affluence, that he had no motive to attempt acquiring by ſuch crimes as are charged againſt him. If you are not fully convinced of his guilt, this ſhould have weight in your determination.

As to the forgery, the evidence is not of ſo ſtrong a nature as upon the other indictment; for, though it is proved that theſe endorſements are not Mr. Tottenham's writing, you muſt, in order to convict the priſoner, alſo believe that he actually forged them. Mr. De Joncourt ſwears, that he believes them to be the priſoner's hand-writing; but this is not a very ſtrong kind of evidence.

You, gentlemen, are the judges of the evidence for and againſt the priſoner. You will maturely weigh and conſider it. If you have a reaſonable doubt of his guilt, you will acquit him; but you muſt not ſuffer yourſelves, on the one hand, to be warped by pity for his character and ſituation; nor, on the other, by a deſire of bringing to puniſhment a man charged with crimes of ſo ſerious a nature.

At half paſt eight the Jury retired, and, having been encloſed about twenty-five minutes, returned a verdict of GUILTY.

Sentence of death was then paſſed, and the 16th of Auguſt ordered for the execution.

THE END.