

GJ/2/15

Donegal Grand Jury

Memorial to Grand Jury

6 March 1851

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Donegal County Archives

G3/2/15(1)

To the Foreman & Grand Jury of the County
of Donegal

The Memorial of William Scott Harvey now of
Londonderry humbly prayeth that, Whereas the Laws
hitherto framed for Ireland cannot prevent the increase
of horrid murders & base violence, which show a
necessity for Landlords (especially the great) to exert
themselves; & forthwith to adopt a clause in every
tenants' future agreement, that a fine of $\text{abt. } \frac{1}{4}$ of a year's
rent on large holdings, & of $\frac{1}{2}$ ^{of} one year's rent on all
small holdings be leviable immediately on any injury
being committed on Landlord, agent, bailiff or their near
relatives, (part repayable on conviction), which fine w^d
probably cause such a watchful, counteracting &
extended defence against the parties (generally suspected)
who direct or commit such crimes, as possibly to prevent
any such fine ever being called for, & even to cause a
reduction of our police, constabulary & other county rates;
And which crimes also show that a necessity exists for a
change in the laws in order to obtain more trustworthy
witnesses ^{petty} & jurymen; & more especially with respect
to traverses for damages for land taken for County
roads, to obtain a more just mode of forming juries,
which in such cases are now chiefly composed of the men
who are the parties interested most in the result of their
own verdict - that is - who decide whether they themselves
shall pay nothing or something for the property taken
from an individual; & who are (as almost all such
jurymen are now Tenant-right-men) consequently
against the traverser, if he be a landlord, or not of

2
their own ~~party~~ principles; which circumstance seems
absurd, contrary to the British Constitution & most
unjust in the present increase of civilization & of
consequent jesuitical & deceitful depravity: = for
example; suppose a case ^{to be} tried by a Tenant-right jury & to
be proved by Tenant-right witnesses, & that said jury & witnesses
should be the guiners by their own decision against
traverser; - what could the ~~opposer~~ of the Tenant-right
party expect from such jury of human beings of the
present day; - the opposer himself being perhaps quite
ignorant of all practice of Law, with an inefficient, or
perhaps Tenant-right-affrighted provincial attorney, &
also ignorant of the principles of the demerit sects & the
nature of the existing associations, combinations, secret societies,
strange licences & aggressive Tenant-right leagues, or
Jesuitical doctrines now universal: - for, that Jesuitical
teachers now superabound among the Presbyterian Min^{is}
istry as well as among the ^{real} Churches of England & Rome,
it is quite certain, & proved so by their ^{fruits of} Jesuitical
doctrine & teaching lately & loudly declared, when the
Tenant-right practice promised to the flock or hearers
a spoil worthy of throwing off the mask which covered
some corrupt hearts & consciences, to which Jesuitism or
Tenant-right doctrine now gives a permission to break faith
as soon as such a breach may contribute to their present
or future worldly gain; holding forth now as in times past,
when plunderers ranged the wide World from East to West,
the same Jesuitical argument, "Tis all for your own
good;" & so, even now daringly repeating their violence in
Ireland under the cloak of "Tenant-right," & declaring
again, "Tis all for your own good; because, if we do
not plunder you (the possessors), you will be murdered".
& what follows? - why, without much delay, on some parties

a larger estate which would chiefly benefit said estate. — The oaths of the witnesses, ^{of the jury} caused land worth £²⁴ of an acre ^{annum}, to be taken from the possessor at a yearly value of 8/6 of statute acre — or the ^{purchase} price of £8/10/ for ever —

Memorialist now thinks that had those ^(supposed) gratuitous witnesses ^{enslaved by} been of the true old Presbyterian ^{faith} principles ^{of a} tenant-right or Jesuitical speculation, they w^d have sworn the whole truth; & being their sole witnesses, w^d not have been silent in the presence of memoth legal agent on any matter, but w^d have tried to help & enlighten him on all sides; & at the same time have shown that they belonged not to any party, but were thankful to memorialist for having shortly before the above-mentioned combination against him ^(not unwisely) most generously [&] found himself to give (where nothing was due) to their friend (a tenant at will) £140 on leaving at Nov. following, which act most probably no other very small proprietor w^d have done; more especially as memoth had been during nearly 30 years very generous to said tenant & has during the last two years witnessed from tenant such looks, words as if amounting to threats, a violent tenant-right disposition in him & his nearest friends, & a refusal to leave the farm unless he rec^d £300 —

while Memorialist further states that the above verdict ^{made} ^{by} ^{the} ^{jury} makes him believe that a Tenant-right conspiracy existed against him, that the jury & witnesses were mostly Tenant-right men, that by the ^{men} T^h Right public declaration, [&] are permitted to break faith, & consequently unfit to sit on juries, & that by the present law they have the power to decide their own case, Memorialist feels thus urged to beg ^{The Grand} ^{jury} to consider the propriety of a new law, which w^d not leave verdicts for traverses to the decision of parties so entirely & deeply interested in the result, & which would

4
would oblige all parties acting as witnesses & Jurymen to swear
"whether they believe that any power on earth can grant
or procure to them Heaven's forgiveness for any crimes
committed; if so believing, that they be not admitted
to act; as all Christians ^{know} that such belief entices men
Jesuitically into the wide gate w^h leadeth to destruction,
weakens every good feeling of those acting thereon,
encourages & thus forces individuals into sins & to injure
many of any sect, & is totally unsuited to subversive
of justice being done to any people or constitution
in any country; & that moreover, The Grand Jury
would consider the propriety of generally adopting
the above ^{mentioned} means of preventing the murder & robbery
&c of possessors of property, goods & chattels in
Ireland, & forwarding ~~the same~~ papers to the
Grand Jury, memorialist will ever pray for
their welfare -

William Scott Hamer
6 March 1851 -

at
Spring 1851
Memorial of Wm Scott
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parties suiting the action to the word, Six most respectable Gentlemen (one, a beloved townsman of Derry) are hurled into Eternity! - murdered so closely, as to time & locality, that one is almost tempted to imagine that one wounding sheet might have clad the Six - as Jesuitism is said to be, just such is Tenant-right; both clad in white linen, but inwardly leading men to murder & all minor crimes.

as a Practical illustration of the absurdity of a jury deciding how much said jury must refund from said jury's own pocket to a possessor of land; or, how much justice a Tenant-right or Jesuitical jury would in such case yield to an anti-Tenant-right man, Memorialist may beg The Grand jury's attention a little longer. -

Memorialist had, in 1850, written observations on Tenant-right affairs, & recommended his views of a plan calculated to yield mutual benefit to Landlord & Tenant &c, on the principle of giving to the ^{future} tenants on leaving farms a claim for the fair value of their actual & useful improvements on the land, by way of mortgage from the landlord bearing interest, transferable & payable at Landlord's convenience; which daring opinion &c &c raised the Jesuitical Tenant-right party against Mem^o - they determined on revenge. - In March 1851, Mem^o - traversed at Lifford for damages for land taken for a road through his farm adjoining Rametta bridge. = his surveyor recommended to make the valuation so low as to defy all just opposition, namely at 15/6 ^{a R. P.} annum of statute acre for 0.3.19 woodland grazing adjoining the bridge or town; & at an average rent of 1/14/6 ^{a R. P.} annum of acre for 2.2.10 prime arable land next to the former lot: = The Tenant-right party opposed him & two ^(perhaps) voluntary witnesses came forward swearing "the best arable land only worth £2 of plantation acre; while any skillful occupier there might safely swear," said

"said identical land worth £4 per ann^m of Cur^m acre - that is -
 worth above £3 for ^{one year's} potatoes & £10 & 12 for the two following
 years' crops: & the witness also swore, "that just one
 shilling had been paid some time before for his land
 taken for a road"; while the whole truth w^d have been
 "that his said land consists of deep bog & pure rock, &
 was almost useless without the road & drains, & that
 (perhaps) he desired said road to give him access to
 drain his bog, & to turn it to the back to profit; & that
 memorialist's land is of prime arable quality: - the
 witnesses swore, that the new line of road, by giving greater
 facility of access to the boggy part of ^{memorialist's} farm, will add
 to the value of the farm, that mem^l would be a loser for
 a few years of £3 & 4 per annum but afterwards w^d be a
 gainer; while both knew that the farm (a small property)
 had already a private road running, near to & nearly parallel
with the new line, in the heart of his small bog, with an
 other road branching far on through the farm; while D.
 new line runs very much too high above the bog & the
 inferior land & too far off, to be of material benefit
 even with a great outlay; & also that the old (present) high
 county road commands memorialist's highest ground, which
 the new road (not required by mem^l) never can do; & while
 the witnesses' friend (the late tenant) often declared, by word
 & pen, that the new road w^d much deteriorate the farm;
 & while this new road has been made for & by the desires
 of landlords, carters & farmers more Northward, to enable
 them to take heavy loads from Ramelton, who all pay
 nothing, though memorialist (not desiring the road) loses,
 even at the very low valuation of his surveyor, at 20 years
 purchase, nearly £100, (the real valuation being over, double
 the amount asked, as shown above); & moreover witnesses
 knew that mem^l's case is very different from that of a great
~~large~~ road & drains made through a large