C

MISCELLANEOUS LETTERS, ETC INWARD TO GOVERNOR MOODY

[TRANSCRIPTION OF EARLY H VOLUMES]

14 January 1845 to 23 December 1846

2

6. B. G.
R. M. C.

Office of Ordnance
22nd. December 1863.
2225

Sir,

I am commanded by the Board of Ordnance to transmit to your Ex.y a "Means" shewing the Ordnance and Stores at Port Louis, East Falkland, transferred by Lieut. Tyssen, Comd.g the Rifle "Sparrow" to you, and which it has been decided after communication with the Secretary of State for the Colonies, shall be left in your possession. In reference thereto I have the honor to request your Ex.y will cause to be prepared and forwarded to the Board, at the close of each successive year, Returns of the enclosed Forms, accompanied by Vouchers and Certificates of Expenditure

5

&c.

I have &c.
(Sigd)
R. Byham

To His Ex.y
The Lieut. Govr.
of the Falkland Islands

5

Memo. Showing the Ordnance and Stores at Port Louis East Falkland Island, transferred by Lieut John Tyssen.

Lieut R. Moody Lieut Govr of the Islands 26th Sept 1805

			Nos
Ordnance	Iron Carronade	12 Pr	1
Carriage Top for	do	12 "	1
Slide for	do	12	N.A
Axes Pole			5
Barrels, Half Metal Lined			2
Boxes, Cartridge			2
Cartridges, Flannel 12 Prs	Muskets Filled with Powder Mesh		100
Do Ball Flint	Musquet Pistol		50
			20
Cases Metal lined Quarter			2
Cover Lead for sight			1
Chest for Arms			1
Flints Pistol			9
Match Slow Bundles			3
Pikes Strong			5
Pistols flint Lock Single			5
Rockets, Signal Mounted			1.7
Shot Round 12 Prs			43
Sight Congreves, Carronade 12 Pr			1
Swords Sea service with Scabbards			5
Tubes Tinmores			184
Wads 12 Pr Carronade			80
Boxes of grape & Canister, tin Case Shot for 12 Prs Cars de Full			5
Box Tube without Straps			1
Sett for 12 Pr Carronade			1

The above articles were delivered over to Lieut Moody by the Second Master, Mr A. S Harraran, of the Ketch Speedy Commanded by Lieut Tyssen

Stanley Jan.y 14th 1846

Sir,

In reply to your letter dated the 10th Inst. charging me with misrepresentation; I beg to say that satisfied of my own integrity, and uprightness of purpose, I am totally unconscious of having misrepresented anything; my object being to state the truth, and appeal to facts.

I have &c. &c.

(Sig.d) John Leahy

To His Ex.y
The Gov.r

7

Stanley Febr 3rd 1845

Sir /

In reply to your letter dated this day, I beg to inform you that Edmund is cutting Peat for Mr Scully, and by his order.

Having no employment of any kind, he was glad to accept the offer; in fact if he has no employment to answer his purpose, he has made up his mind to leave the Colony, and altho' this may be thought of no moment, it would be to me the subject of deep regret.

I have &c.

(Sigd) John Cuby

To His Exy
The Govr

To His Excellency Governor Hardy
&c. &c. &c.

The Humble Memorial of W. H. Moore
Stipendiary Magistrate

May it please your Ex.cy

An auction having been held of building materials, composing the old Settlement, at Ansan Port Louis, by the Auctioneer of the Colonial Govt., on the 10th of September last, I purchased the residence of the Spanish Cattle Catchers there, which had been built by Govt.; amongst other conditions of sale, there was one, viz. That all the Building Materials should be removed from the premises, within six months after the sale. The situation of the place in a direct line from this Settlement is 30 miles distant by land, and considerably more by water.

Memorialist further states, that there is no possibility of carrying building Materials by Land, there being no road - the route being over the hills, marasses and across Rivers, and Estuaries of the sea, where a horse is obliged often to swim across, and sometimes is bogged in the marasses, up to the saddle girths. That an opportunity of Conveyance by sea seldom occurs, there having been but one during the last five months - which the "Nemra" a small Schooner

the /

the property of Mr. Melville, one of the Colonists, went up to "Gerson" for some Building materials he had purchased, which completely filled her, that Memorialist on her arrival made arrangements with said Mr. Melville to bring down here to Stanley, the materials of the House Memorialist had purchased which he agreed to do, as soon as he had time, but as he was then about to sail for Monte Video and Rio de Janeiro, he could not then undertake it. Memorialist further shews that said Mr. Melville has been now absent on said voyage from the Colony more than two months, and may in all probability be longer and as the time limitted to Memorialist to remove his house and building materials, by said auction conditions, will expire on the 10th day of next March, and as it will as Memorialist has reason to believe, be no detriment whatever to the Colonial Govt. to have said house to remain on the Govt. unappropriated land, there being no person having at the late Settlement of Anson but one Colonist, till Memorialist has an opportunity of removing it here, and as it would be a serious loss to the Colonial Government to forfeit Memorialist said House to the Colonial Govt. after all

all the money Memorialist has paid for it, and has Memorialist learn house of his own in this Town to live in.

Memorialist therefore humbly hopes that your Exc.y, on the part of the Colonial Govt will be good enough to extend the time for allowing Memorialist an opportunity of removing said House until the Tenth day of March 1847, as the Winter is now approaching, and during the cold of the winter months in this very severe Climate, Colonial Carpenters cannot progress in the same as in Summer.

And Memt will pray

(Sgd) William Henry Moore

Stipendiary Magistrate

* Memorialist appears to forget that he has been resident nearly 12 months and that he has taken no steps to put up his house the materials of which be brought from England already framed with doors windows & complete, and that he is at this moment dwelling in one of the best houses in the town which he has rented.

(Sgd) W. C. M.

Stanley

Falkland Islands

9th February 1846

11

Sullivan's Cottage
10th February 1845

Sir,

Having been informed, that the Bodies of George Burns and John Edwards alias Nibbs, the two Colonists, who have been missing for the last three weeks, have been discovered by James Martin, floating in the Kelp near Whalebone Bay, in this harbour. I have to request that your Ex.y will be good enough, to direct the Clerk of the works, to have two coffins prepared, and that Constable Watts with a boat and crew, may be sent, to bring the bodies to the Settlement, for the purpose of having an Inquest held thereon, previous to their interment, the expence of which will be borne by the assetts of the deceased.

I have &c &c

(Sig.d) W. H. Moore

To His Excellency
Governor Moody

Government House Stanley
Wednesday Feb.y 11.th 1846

Sir,

I regret to say that I consider it my duty as a Christian Clergyman respectfully to call your Ex.y attention to the disgraceful fact that the dead bodies of two of my late Parishioners have been left laying on the shore of Whale bone bay in this harbour exposed to dogs and birds since Sunday evening last.

I beg most respectfully to suggest that your Ex.y will be pleased to make enquiries into the facts of the case which are in my opinion most painful to the friends of the deceased and most disgusting to every respectable Settler.

I have &c &c

(Sig.d) James Leith Moody
Colonial Chaplain

His Ex.y
The Governor

D

Sullivans Cottage Stanley
13th Feby 1846.

Sir/

I have the honor to acknowledge the receipt of your Exy letter of the 11th Inst, enclosing a copy of one from the Revd Mr Moody, stating, that the dead bodies of two of his Parishioners, had been left laying on the Shore of Whalebone Bay in this Harbour for 48 hours, exposed to dogs and Birds, and requesting your Excellency to make enquiry into the facts of the case, which his Reverence therein states/ even before he knows what the facts really are/ to be most painful to the feelings of the deceased, and disgusting to every respectable Settler. I have since made the necessary enquiries and find, that the circumstances alluded to in His Reverence's letter, exist in his imagination only, as none of the friends of the deceased have been in the least degree pained in their feelings, nor has any disgust existed in the minds of any of the respectable Colonists, to whom I have applied on the subject, and further I am given to understand by the Shipmates and friends of the two poor deceased Colonists, that their feelings are quite as keen and sensitive, to the decent treatment of the Bodies of their deceased Shipmates, as those of his Reverence can possibly be: and that they

and/

was no day without miles of where the Bodies were discovered, being in a wild part of the Colony, six miles from the Settlement; and that they brought them up from the Beach to the high land, and laid them on their faces, and covered them up in a proper manner to protect them from the visits of Birds, and they would have brought them into the Settlement sooner, were they not prevented by a very heavy Gale which lasted 24 hours, and they very prudently, in my opinion, did not risk their lives by going in a boat to convey the bodies of their deceased Shipmates into the Settlement in such a tiddy Gale of Wind, which blew a whole boat off the dry land down to the beach, and stove five of her planks. From the circumstance of the Bodies having been three weeks in the water before discovery, and a decomposition having set in, they could not be brought up from where they were found, a distance by water there and back of six miles from the Settlement, without being enclosed in Coffins, and the procuring of these occupied a day, so as far as I have been able to ascertain, the bodies were discovered on Sunday afternoon, that night, Monday and Monday night, it blew a Gale of Wind from

from the South, on Tuesday the Offices were made, on Wednesday morning the Bodies were brought into the Settlement, the inquest held, Verdict of accidental death found, and the Coroner's warrant to bury issued same day, and on Thursday they were interred So that as far as I has a Magistrate amable to learn, every exertion and attention has been rendered which it was in the power of the Colonist to have done, and that the cause of complaint mentioned in His Reverence's letter existed entirely in his creative fancy.

I have &c &c

(Sig^{d}) W. H. Moore

To

His Excellency

Governor Moody

&c &c &c

Sullivans Cottage
Stanley
14th February 1845

Sir/

In reply to your Exs letter of the 30th Ulto, relative to the discovery of some remains by Mr Scully near "Robins Cove", supposed to be those of the Boy missing on the 18th of March 1845, from the "Pescadoosa" Whale Ship, Capt. Goodwin Master - I have to inform your Exy that I rode out there accompanied by Mr Scully on the 12th Inst., and after some time discovered where the remains were interred, they consisted of some bones nearly decayed, from having been most nearly 12 months back, and a bit of Red Shirt - about 3 Inches square but not a vestige of anything by which the Remains could be identified, the person appears to have perished from fatigue and starvation, as the place where he was discovered is from 12 to 13 miles from the Settlement, in a wild and barren country. The few bones there have been interred, and in the absence of any evidence whatever, it must only rest on conjecture, that they may be those of the poor boy who strayed away into the Country in March last.

I have &c &c

(Sigd) W. H. Moore

To His Exy
Governor Moody
&c &c &c

17

Sullivan's Cottage
Stanley
16th February 1846

Sir,

In reply to your Ex.y letter of the 14th Inst. I highly approve of Mr Francis Parry, being appointed Chief Constable, vice Corporal Watts, whose numerous other duties, must more than occupy his time.

I have &c. &c.

(Sig.d) W. H. Moore

To His Ex.y
Governor Moody
&c. &c. &c.

Government House Stanley
February 15th 1846.

Sir,

I venture respectfully that you will be pleased to move the Right Honble the Secretary of State for the Colonies to grant me five years leave of absence to proceed to England on my private affairs—

I am aware that the short time I have been in the Colony precludes me from all claims on the Colonial Office for half pay while in Europe.

But I think your Ld will be more inclined to favour this application when you call to mind the promptitude with which I obeyed Lord Stanleys order to join and the fact of my so going from H. M. S. Thalia after nearly four years foreign service without furniture clothing or any of the common necessaries for a Settler.

The foundations of the Parsonage house are as yet undug and I am not sanguine enough to expect that it will be completed previous to the latter end of 1848.

By making my opportunities to and from the Colony I do not expect that I shall be absent more than eight or nine months. I apply for a years leave in order to be under rather than over my time.

I have &c &c.

His
Ex. The Governor (Sigd)

James Scott Moody
Colonial Chaplain

19

Port Cudson Feb.y 18.th 1846

Sir /

Having left my Ship 6 days since at Fox Bay where She is on Rep.y for the purpose of obtaining assistance I have consumed all the provisions I brought with me, and at the present time having nothing for my Crew to subsist on, I shall therefore be obliged to call on your Ex.y for a small quantity of bread. and some powder and Shot. with which I shall do very well until I can reach my Ship.

I am &.

(Sig.d) Jn.o Bowers
Master of the
Amer.n Whaleship "Gabriel"

To His Ex.y
The Gov.r of the
Falkland Islands.

Government House
Feby 20th 1846

Sir,

I have the honor to acknowledge the receipt of your Exy letter of the 19th Instant enclosing a communication from the Stipendiary Magistrate.

I am much gratified to find that upon a Magisterial investigation the admitted neglect in not bringing the bodies into the Settlement on Sunday Evening or early on Monday Morning did not arise from culpable negligence but from a praiseworthy though groundless fear on the part of the Coroner of risking a boats Crew in an enclosed harbour.

I have had four years experience at sea and must say that since I have been in this Colony I have not seen a day including last Sunday on which I would not have gone on duty to any part of the harbour in any of the Government boats excepting the dinghy.

With respect to the delay consequent on having to wait for shells for the bodies it is usual in England to have a dead body conveyed under cover in a hand barrow, shutter or two planks nailed together without waiting for a shell.

I am delighted to hear that the dead bodies were immediately removed to the higher ground and partially covered and that my information was on some points incorrect although I have every reason to believe reliance on the source from which I derived it.

I have &c
(Sgd) James Leith Moody
Colonial Chaplain

2 of
His Ex.y
The Governor

21

Port Jackson
March 7th 1845

Your Excellency

Governor of the Falkland Islands
Sir We the undersigned do hereby certify that
the Schooner "Aborto" is not sea worthy and that
we are not willing to proceed any further unless
she is thoroughly repaired in hull sails and
rigging we wish to have her overhauled
by disinterested persons. We the undersigned
do hereby certify the truth.

(Sig.d)

" Thomas Black
" Sevy his X mark Depon
" William his + mark Brown
" Edward.A. his X mark Brown
" James Kiernan
" Manual his X mark Rhodes
" Francisco his X mark Defrates
" Henry Richardson
" Sorbure Batte
" Peter his + mark McQuire
" Thomas New Pan Burgh
" Edward See
" David Folk

9th March 1846

Stanley Harbour

Stanley

Port William Falkland Islands

We whose hands are hereunto subscribed at the special instance and request of Luther B. Johnson, Master of the Schooner "Ceres" Thos. Black the mate thereof and James Kirman one of the crew of the said schooner proceeded this day to hold an inspection and Survey on said schooner now laying in this harbour and find that upon our examination of the log book that during the heavy gale they experienced to the S. E. of Cape Horn on the 25th day of February last, the vessel made a great deal of water principally through the stern frame and bows and that her frame was so weak that the crew were afraid she would go to pieces, and after a careful Survey of the vessel we find the stern to be badly decayed, and the apron split through the centre and rotten, the bow timbers and breast hooks in a very bad condition, examining the deck beams and found the 1st 2d 6th 7th 8th & 9th badly decayed leaving but three of the deck beams sound, opened the vessel on the larboard bow and both sides amidships and found the timbers in a bad condition most of them rotten and decayed and several of them broken found the stern very defective and the planking so rotten that we could pick holes

holes through almost any part of it with a knife, found the planking both sides abreast the chain plates to be in a very bad condition also the inner ends of the quarter planking decayed and broomed up where it has been refastened, also that the said vessel has sustained serious damages to her sails and tackle, therefore we the undersigned condemn the said Schooner "Monte" as not sea worthy and it is our opinion that she ought to be sold for the benefit of whom it may concern

(Sig^{d}), Jon^{a} Bowers, Master
Ship Galen
" I. G. Kelway Shipwright
" James Phillips, late Master
of Brig Mary Gray

Sullivans' Cottage
Stanley
6th March 1846.

Sir,

In reply to your letter of the 25th Ult. stating that "considerable convenience "to the Public would result, by my permitting an exchange of a portion of my "Suburban allotment, on the Eastern "Side for an equivalent of reserved Crown "Land on the Northern and Southern "sides for the purpose of enabling the "Colonial Government to form a road" I beg leave to inform your Excy that I fully consent to the Government forming the intended Road, thro' my private property, on receiving the equivalent as it is for the Public good And as the Road may hereafter be useful for Military Purposes, if I might be allowed to suggest should I take the liberty of proposing that it be called "Cannon Road"

I have &c.
(Sigd) W. H. Moore

To His Excellency
Governor Moody

25

Report of Public Sale of the Schooner "Alonzo" by J. Mc. Dean this 13th day of March 1846.

				£	℔
Lot 1		The Schooner Alonzo with her Tackle, Rigging & Furniture			
			Buyer DeWolff	500	0
2	Wbeelboat	"	DeWolff	14	0
3	Do Boat	"	Scully	31	0
4	Squaresail	"	Bruce	10	4
5	Do Yard	"	Colquhoun	4	0
6	Stove	"	Moore	18	0
7	Cordage	"	Robinson	6	0
8	Sundry Buckets	"	T. Wearden	2	0
9	2 Gun Carriages	"	Black	2	2
10	3 Lances 2 Harpoons		Chappell & Black	3	0
11	2 Barrels of Beef	"	Bruce	6	4
				654	0

Stanley March 15th 1865

Sir

Being about to leave for Fox Bay and entirely destitute of Provision of any kind, I have to request of Govt the supply of 75 lb of bread, 200 lb of beef a Canister of Powder and 3 lb of Shot, the same to be charged to the Ship "Galen"

I am &c.

(Sgd) Jos. Barnes
Master Ship "Galen"

To
James R. Longden Esq
Govt Office

47

Government House Stanley
March 23rd 1846.

Sir,

I beg to inform your Excellency that one of my Parishioners a man named M'Intosh has applied to me under the following distressing circumstances—

His eldest daughter a girl under the age of Twenty she has declared her intention of living in a state of adultery with one of the Guards in the house attached to the Government Quarters at Sharrow Lane every means have been taken to dissuade her, but I regret to say without the slightest success— I have therefore respectfully to request your Excellency's assistance in preventing her carrying her plans into execution as in so small a Colony such conduct must have a most demoralizing tendency.

I have &c &c.

(Sgd) James Leith Moody

His Excy
The Governor &c &c &c

Colonial Chaplain

Stanley March 27th 1845

Sir /

I beg respectfully to approach your Exc.y to request you will be pleased to grant me the indulgence of drawing rations.

At present I have the honor to hold the appointments of School-master and acting Clerk to this Parish but from the small number of children in the Colony my pupils are few / 9 in number / and my pay from this source necessarily small but if your Excellency will be graciously pleased to grant me my petition it will materially assist in enabling me to support the respectability of my situation with every feeling of respect

I have &c &c

His Ex.y
The Governor

(Sig.d) William Williams
Schoolmaster & Acting Clerk

Stanley March 28th 1866

Sir /

Owing to the stormy weather I have not been able to proceed with my boats, and I am again under the necessity of requesting a further supply of One Hundred Pounds of bread which if you can let me have you will please charge to account of Ship "Galeri".

I have &c

James Langden Esqr (Sigd)
Private Secretary

Jno. Brewer

Government House Stanley
April 7th 1845

Sir /

I respectfully request your Excellency will be pleased to allow me to draw from the Government Store Six Blankets, Six Sheets, and one bed - I have tried without success to purchase these articles from the Storekeepers in the Colony

Trusting your Ex^cy will favorably consider this application on account of the circumstances under which I arrived in the Colony.

I have &c.

His Excellency (Sig^d) James Smith Moody
The Governor Colonial Chaplain

31

Stanley April 9th 1845

Sir /

I have the honor to enclose an affidavit I have this day made claiming exemption from the Income Tax, and have respectfully to solicit that your Excellency will be pleased to cause it to be forwarded for the consideration of the Property Tax Commissioners.

9th April 1845

I have &c.

(Sigd) J. M. Slaughter

His Excellency

The Governor

Clerk

Anson April 10th 1805

Sir,

I am under the necessity of going to Port Louis to day with part of my Crew, the rest of them I shall have to leave here until my return, and as we have consumed all the provisions we brought with us I am obliged to request of you a quarter of beef which you will if you can safely me with it charge to the Ship Galen

And Obliged Sir, &c &c

(Sigd) John Bowers
Ship Galen

James Longden Esqre
Private Secy to
H. E. The Governor

Sullivans Cottage
Stanley
9th April 1846

Sir /

Head Constable Parry having yesterday sworn an information before me, charging certain of the Colonists, named John Miller an Alien, as Principal accompanied by one Louis Bates also an Alien / both being Americans / and one Thomas Black, a Scotchman, as accomplices with, having on Saturday the 11th April Instant, at said Parry's Residence in Philomel Street, obtained from him possession of a certain Boat, his property, under the pretence of "Going a Gunning" to the Mangera for Sunday last, and which possession, said Parry has sworn, was obtained knowingly, unlawfully, & designedly, by false pretences, to enable said parties to abscond from this Colony, to several of the Inhabitants of which, they are indebted in large sums of money. As he expected their return here on Sunday night, and as they have not since returned, I have granted him a warrant for their apprehension. I have now to request, that your Ex^cy will have the kindness to direct, whom your Ex^cy may please, to Charter and Man, Provision and arm the Schooner "Alarm" now in the Harbour, to go in pursuit of the accused, and accomplish their apprehension, in aid of that branch of Her Majesty's Service, appointed for the furtherance of Public Justice

I have &c &c
(Sig^d) W. H. Moore

To His Excellency
Governor Moody

Sullivan's Cottage
Stanley 10th
April 1845

Sir,

Herewith I enclose the
Charter Party of the Schooner Despatch

I have &c

(Sgd) W. H. Moore

To
His Exc.y
Governor Moody

For Charter Party enclosed Ride General Memorandum
Book Pages 45 and 46.

Stanley April 10th 1846

To His Excellency The Governor of the
Falkland Islands

Sir,

Having this day received a letter from your Exc.y respecting the Charter for the British Schooner Despatch. I have consulted with Mr. John Sculley, Mr. Moss' Agent, and were are of opinion that the aforesaid Schooner may be chartered for Government under the following terms.

1st. Thirty Pounds for the first week at the rate of Twenty Five Pounds for the Second week and Three Pounds per diem for every day afterwards.

2nd. The Governor to provide the whole party going on board with provision and bedding.

3rd. That each person from the vessel to receive six Shillings per diem for the days he may be engaged on shore.

4th. That all Risks with respect to Insurance and the value of Cargo that cannot be removed to be borne by Government. The value of such Cargo to be made known to the Govt. previous to sailing.

We &c. &c.

(Sig.d) Thos. Walker Bowlyes, Master
of the Schooner Despatch
" John Sculley — F. Agent,

Sullivans Cottage Stanley
10th April 1846

Sir,

In reply to your Ex.y letter of the 9th Inst., in which you state, that it does not appear clear to you, how Constable Parry, could swear, that his boat was obtained from him, "knowingly, unlawfully and designedly by false pretences to "enable the parties to abscond from the "Colony." I can only say, that I am sure, he would not have done so, unless he had good reason for so doing, and this also appears to be your Ex.cy impression, as a little further on you state, that information had reached you from other sources, which not only induced you to fear, the men had absconded with the boat, but that if they should meet another body of disaffected foreign whalers, the whole being armed the junction might lead to much mischief in the present situation of the Colony. Your Excellency seems to have forgotten that I made this communication to you on Thursday personally. With respect to their being in debt, I have repeatedly advised the Storekeepers in the Colony to be careful of giving credit to persons, who might not be able to pay them. I cannot see what paucity of information in my letter your Ex.cy is pleased to waive, as it appeared to me, that I gave you the fullest information in my power therein stating almost in totidem verbis, the substance

substance of the information laid before me, I respectfully submit to your Ex^y. the consideration of the prudence of requiring me to lay before you copies of all the voluminous documents connected with the Administration of Justice which might put me in a situation of declining as these are matters of Public Record and can at any moment be inspected in my offices, more particularly as such a course would be unconstitutional, and establishing a precedent quite unusual, and conducive of material inconvenience to the Public Service. I would also respectfully call your Ex^y attention to the prudence of requesting me to accompany a party of Constables, in a Coasting voyage round the Islands, on an expedition to Capture men, on whose case I may have to sit as judge and whether your Ex^y on reflection, would consider it as decent, dignified, and conducive to the respect to be entertained for Justice. That the judge should go out after the accused as a Constable, more particularly as same may occupy a months time, during which time, circumstances might occur of vital importance, to render my services in the Colony indispensably necessary. Your Ex^y is already aware that I

have /

been commissioned by Her Majesty with the control and management of my Department, connected with the Administration of Public Justice in the Colony, and have received my Instructions from the Minister but was not requested by him, to act as a Constable. I flatter myself that your Ex^cy does me the credit to think, that I have hitherto, and will always act therein to the best of my Judgment and discretion - I have given the fullest directions to Captain Bowlby, whom I have sworn in Special Constable, and put the Post under his command and place every reliance on his skill and integrity, and have adopted such ~~measures~~ measures as appeared most prudent to my humble Judgment for the purpose of furthering the ends of Justice.

I have &c &c

(Sig^d) W. J. Moore

To His Ex^cy
Governor Moody

49

See page 70

Sullivan's Cottage
Stanley
3rd June 1845

Sir,

I went up to the Govt Office to day about noon, pursuant to your Ex.y Circular of the 31st March last, stating "that your Ex.y would see Govt Officers between the hours of 1082 on every day except Sunday" to see your Ex.y on Public Business, this being the first day the weather would permit my going out, since my return to the Colony - while waiting to see your Ex.y in the Office, I requested your Private Secretary to favour me with the number and date of a Public Govt. being a despatch from your Ex.y (of either the latter end of March or Commencement of April 1845) to the Secretary of State, to which I had occasion to call his attention but the Private Secretary retired and had an interview with your Ex.y, shortly returned, and informed me that for so simple a matter as the number and date of the Public Document in question, I should address your Ex.y in the form of a Public Despatch, and at same time informed me your Ex.y could not see me till 11 O'Clock tomorrow morning - In accordance with which Instructions I request your Ex.y will favour me with the number and date of the despatch alluded to - The subject of which relates to the Meeting of the "Carcoena" Bay the affair with the Officers of H.M.S. "Modeste" and the General State of this Colony on my arrival

I have &c &c

(Sig.d) W. H. Moore

To His Excellency
Gover.r Moody

Stanley April 11th 1846.

Sir /

If you think proper to give me the information, I should be glad to know why you object to Edmund proceeding in the Despatch, after Mr. Moore had appointed him for that service.

When I gave up my determination of remaining at Ansan I was induced to do so by your wish and advice; and by your stating that you would both Edmund and myself employment

Your Excellency particularly dwelt on the advantage it would be to my family to receive rations for myself and Son.

As to myself my health was so bad during the Summer that I was often incapable of any exertion and I do not regard it, if this is attributed to selfishness and indolence in fact any thing but the true cause, but Edmund is strong and active, and has worked steadily and well, and at this time ready to accept any employment you might think proper to give him, which I would superintend if required.

I am &c.

Sig.d John Cooley

To His Ex.y

The Governor

Sullivan's Cottage
Stanley
11th April 1865

Sir,

From the tone and tenor of your Excellency's official letter bearing date the 9th Inst., I have to request that any communications you may have to make with respect to any department of Her Majesty's Service may be sent to me as its head in the usual official form as must for the future be adhered to, personal communications on official matters.

I have &c.
(Sigd) W. H. Moore

Stanley April 11th 1866

To His Excellency the Governor of the
Falkland Islands

Sir /

According to promise We the undersigned have this day made a Statement of the value of Cargo, which remains on board the Schooner Despatch and cannot be removed.

	£	s	d
102 Tons of Coal at £3..15 per ton	112	0	1
1102 of Bread in two casks tobacco	19	0	9½

(Sig.d) Thos Walker Bowlyes
Master Schooner Despatch
" John Scully - Ag.t

Sullivans Cottage
Stanley
Six O'C Saturday Evening
11th April 1846

Sir,

A messenger has this moment handed me a letter from your Exc.y stating that you wished me to be present at your signing a Charter Party, I had half an hour ago written to your Private Secretary which the messenger may have left at his residence Stanley Cottage saying that I am particularly engaged writing you a letter on Public Business which does not admit of delay and have now to inform you, that it is by no means legally necessary, that I should witness your Signature, any Clerk in the Govt. Office will answer as well.

I have &c &c.

(Sigd.) W. H. Moore

To His Excellency
Governor Moody
&c. &c. &c.

April 11th

Suburban Cottage Stanley
Half past 11 Oclock
Saturday afternoon

Sir,

I have this moment received a letter from you, stating that the Govr. wished to see me, but anticipated that your letter and mine must have crossed, as I had sent a letter to the Governor informing him, it would not be in my power to wait on him this afternoon, and requesting any communication may be forwarded to me, as I am at this moment engaged in writing officially to His Ex.y on matters connected with the Public Service, which do not admit of any delay.

I am &c.

J. Pc. Longden Esqre (Sigd)
Pc Secy

W. D. Moore

Sullivan's Cottage
Stanley
13th April 1845

Sir

Allow me respectfully to call your Excellency's attention to the present unprotected State of the lives and property of Her Majesty's Subjects in this Colony, and this late influx to it of a body of foreigners, to the number of 28 or 36 Americans, with whose nation, / in the absence of the Mails now at Monte Video, / we are not at present aware, whether we are at peace or War, should we be at peace, and an attack be made on us, we would be justified in considering them as Pirates. Should we be at War, we are at their mercy. Under these circumstances I would take the liberty of suggesting, that your Ex^cy would summon the Executive Council and lay the matter before them, and cause a minute drawn up, stating that a respectful letter be written to the Admiral on our Station, representing the present defenceless State of the Colony and the fact, that several American Whalers are about our Coasts, And that Americans to the number of 30 have landed amongst us, and in the event of a war with that nation, they would easily deprive England of this Colony, as

/ we /

me have not means to hold it against superior numbers, and requesting him on receipt of your Excellency's letter and that "Minute of the Executive Council", enclosed therein, to send down a Ship of War, of sufficient force for the purpose required, which Ship might also bring down the mails for this Colony, now lying at Monte Video. I would also respectfully suggest for your Excellency's consideration, that Captain Bowyes of the Schooner Despatch, on his return to this Port, be entrusted with such letter, with directions to deliver same on board the Admirals Ship, on his way to Rio de Janeiro, and that Captain Bowyes should be paid for this service out of the Colonial funds. I am sure the importance of this subject will be my excuse for thus trespassing on your Excellency's time.

I have &c.

To His Excellency
Governor Moody

(Sigd) H. H. Moore

Julians Cottage Stanley
11th April 1846.

Sir /

Enclosed you have copies of the two Letters, I Sent to Captain Boucheyes on Saturday Evening.

I have &c &c

To His Excellency
Governor Moody

Sigd W. H. Moore

Sullivan's Cottage
Stanley
11th April 1845.
Saturday Night - 7 O.C.

Sir,

I have just received your letter informing me, that the British Schooner Despatch was now ready for sea, and only waited for the Charter Party to be signed, and my orders for sailing - I have to inform you that Yesterday Evening I received a letter from His Exy requesting me to draw up a Charter Party on the conditions contained in your letter of the 10th to which he had agreed therein enclosed, which I did. And in order that no time should be lost, I sat up very late last night and completed it, and so early as Nine o'Clock this morning forwarded it to Government House; as the Governor said in his letter to you of Yesterday that "when it was completed he would send for you to sign it" and I really concluded that as I had used such strenuous exertions to have it ready early for you this morning that it would have been signed before ten o'Clock and that you would have sailed out of Harbour this afternoon however to my astonishment I received a note from the Governor this Evening at 5 O.C. saying he wanted me to witness his signature /

signature to a Charter Party, to which I immediately sent word it was not at all legally necessary for me to witness it, as any Clerk in the Govt Office would answer as well as I at the moment happened to be writing him a letter on important Public Business which did not admit of delay. If you can conveniently call on me this Evening at 8 O'C. I will give you written orders to said, so that you need not be delayed on that account, as I am and have been most anxious that not a moment should be lost in setting out to make a Capture of the three whom who have absconded from the Colony, and have frequently urged this circumstance on His Ex.cy and why he should have delayed you this entire day I cannot account for.

I remain &c

(Sig.d) W. H. Moore

To Thomas Walker Bowlyes Esq.r
Master of Schooner "Despatch"

Sullivan's Cottage
Stanley
11th April 1845.
Saturday Night, 8 O'C.

Sir,

In consequence of your having informed me by letter this Evening, that you were ready to sail in pursuit of the three men who have absconded from this Colony, named in the Warrant held by Head Constable Parry, and subscribed the Charter Party and my orders for sailing. I refer you to my letter of this Evening on the subject, and have now to give you my orders for sailing; the particulars of which you will find mentioned in the Charter Party. I now request you will proceed immediately on getting it signed, in command of the following men, whom I have this day sworn in as Constables, and informed them that they are under your orders. You having been sworn as a Special Constable by me.

Head Constable. Francis Parry
Sub Constables. John Robertson
William Brown
Charles Mark Scuffle
Daniel M.c Dead
Christopher Munro
John Mundy
Daniel Kelly
Michael Delany
James M.c Evoy
Joseph Hopkins Lowry

I trust you will be successful in making the Capture, and that we shall see your return in a few days, as I am certain you will use every exertion in your power to save expense to Govt.

I remain &c
(Sig.d) W. H. Moore

Thomas Walker Bawlyes Esq.
Master of the Schooner "Despatch"

Vulcans Cottage
Stanley
14th April 1845

Sir,

In reply to your Excellency's letter of this day stating that you had learned that a man named ~~Jean~~ Frederick George Spear was discharged by my authority from the British Schooner "Despatch". I beg to inform you such is not the case. He and his Captain came before me to arrange the usual preliminaries which when done I referred them to your Ex.y as Governor of one of Her Majesty's Colonies as in such cases usual Captain Barbier stating that when he was getting his Papers finally settled he would notice it to your Excellency.

I have &c.

To His Excellency
Governor Moody
&c &c &c

(Sig.d) W. W. Moore

Sullivans Cottage
Stanley
11th April 1846
2.06 P.M.

Sir,

The Head Constable has called upon me and states, that on Saturday the 11th Instant pursuant to the directions of Mr. Longden the Storekeeper, he waited on him at half past 2 o'Clock, for the arms and he directed him to go to Corporal Watts at half past four o'Clock for them who at that time told him he had received no orders to deliver them, and up to this moment neither the Constable or his party have received the arms to equip them for the expedition about to depart for the purpose of capturing the three men who have absconded from the Settlement. I have to request your Ex.y will at once give the necessary directions to Mr. Longden to have them given in charge of the Head Constable who will give a receipt for them.

To His Excellency
Governor Moody

I have &c &c
(Sig.d)
W. S. Moore

Sullivans Cottage
Stanley
14th April 1845

Sir /

I am in receipt of your Excellency's two letters of the 13th Instant - I address your Ex.y in my letter of the 11th to respectfully requesting you to consider the prudence of desiring me to act as a Constable in accompanying a party in pursuit of the three men who have absconded on whose trial I may have to sit as Judge - Your Ex.y states that you have done so and that you deem it absolutely necessary that I should accompany them - I shall do so at once, as soon as the Charter Party is signed to enable the Schooner Despatch to go to sea, and when the arms are delivered to the Constables to prevent any prejudice arising to Her Majesty's Service At the same time I must respectfully protest against the legality and unconstitutional nature of the order, which to my mind savours more of Military Despotism than constitutional jurisprudence and which I shall feel myself obliged to refer to the Ministers in the usual way - I shall answer your Excellency's letter of the 13th on the subject of my duties at length which I have time but as I am

about /

about now to embark on an expedition which may take a Months time, I require a few minutes to prepare for it.—

I have &c.

/ Sig.d / W. H. Moore

To His Excellency
Governor Moody

&c. &c. &c.

Stanley April 14th 1845

To His Excellency Governor of the Falkland Islands

Sir,

After having called upon your Exc.y with two letters addressed to me from Wm Moore the Magistrate dated Saturday Evening the 12th Inst.; I received one of 13th Inst.; from your Exc.y in which I was informed that your Exc.y detained me, the British Schr. Despatch, and the party engaged to go on board, in search of the three men absconded, from this Settlement, until I receive further instruction from your Exc.y Under such prevailing circumstances the undersigned do make claim for detention from the 13th April 1845; such claim to be as mentioned in the Charter party not yet signed viz Thirty Pounds for the first week, and at the rate of Three Pounds Seven Shillings and Six Pence for the second week and Three Pounds per diem for every day she may be detained afterwards.

We &c.

Sig.d/ Thomas Walter Bowlyes
Master of Schooner Despatch
John Smiley J. Agent

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Stanley April 11th 1847 P.M.

To His Excellency Governor of the Falkland Islands.

Sir,

I have made all enquiries, and sent my two lads which I had on shore in search of the lad F. G. Spear, whom I spoke to your Excellency about sanctioning his discharge but have not been able to find him up to this hour, Wherefore I beg your Ex.y will excuse me, for not calling with him before your Ex.y as ordered, but as soon as we return will take the earliest steps to bring him before your Ex.y if required.

I remain &c. &c.

(Sig.d)

Thos Walker Bowlby

Master Schooner Despatch

Stanley May 21st 1845

Sir,

I respectfully request your Excellency will be pleased to recommend to the favourable consideration of the Right Hon. the Secretary of State for the Colonies the following application for an increase of my Stipend of £300 a year which I find inadequate for the proper maintenance of the respectability of my office

In making Requests of this nature I believe it is usual for the petitioner to give some good reason or reasons why his petition should be acceded to I beg therefore respectfully to state that the grounds on which I have made this application are the heavy expences of every necessary of life, fuel, washing &c. with the exception of beef. the high wages requisite to induce a Servant to remain with you and my being obliged for want of regular communication with England to furnish my house at an enormous expence from Rio de Janeiro where every article pays heavy port and Custom dues

The pay of the Stipendiary Magistrate exclusive of his private practice as a Barrister is £400 to which sum I respectfully suggest that my pay be raised.

At present I am and have been the

His Ex.cy
The Gov.r

the only Magistrate on the Settlement Mr Moore the Stipendiary Magistrate being absent on duty, I and am therefore I conceive liable at any moment to be called upon to discharge similar duties equally responsible with any that Gentleman can be called on to perform.

The Colonial Surgeon also receives £300 a year in addition to his private practice. Under these circumstances therefore namely the great expense of all the necessaries of life the Stipendiary Magistrate receiving £400 a year, the Colonial Surgeon £300 in addition to their respective private practises which will increase as the Colony advances while my salary of £300 a year without any contingent advantages to meet the many claims which are often made on Clergymen, viz. for bibles, prayer books &c. remains stationary.

I trust your Excy will feel yourself justified in recommending to the Right Honble the Secretary of State for the Colonies to grant me the above advance of Stipend. I solicit to maintain with respectability the position of Colonial Chaplain a position in my humble opinion second neither to that of Stipendiary Magistrate or Colonial Surgeon.

I have &c &c

(Sigd) James Leith Moody
Colonial Chaplain

Stanley May 25th 1846

Sir,

I respectfully request your Ex.y will be pleased to grant me some fuel for the use of the School room. Have up to the present date supplied the Schoolroom from my own Store which is now beginning to run short trusting Your Ex.y will be pleased to grant my request.

I have &c &c.

(Sig.d) James Keith Wood
Colonial Chaplain

His Excellency
The Governor

Stanley April 20th 1846

Sir /

I respectfully request your Excellency will be pleased to allow me to purchase the following articles from the Government Stores as I am unable to procure them from the Storekeepers in the Colony.

Three Inch Deals
Two Inch Do.
One ½ Do. Do.
One Do. Do.
One pair of small brass box hinges

I have &c.

(Sigd) James Leith Moody
Col. Chaplain

His Excy
The Governor

Stanley, Monday
25th May 1846

Sir,

I have to report my return to the Colony after having been shut up in the Cabin of the small schooner "Despatch" not six feet square, for now nearly a six weeks Cruise, round the desolate shores of those Barren and Tempest tossed Islands, in the depths of the winter season of this tempestuous Climate having suffered dreadfully in my health, being illegally and unconstitutionally sent out by your Excellency as a Constable, in Search of the three men who absconded from the Colony. I have not since my embarkation interfered with the orders I gave the Special and head Constables dated 11th of April last, with Copies of which you have already furnished by me and on which in my future proceedings I mean to rely. I now enclose the Special Constables Report for your Ex.cy information, as he has forwarded it to me for that purpose.

And have &c &c

(Sig.d) W. H. Moore
Stipendiary Magistrate

Stanley
28th May 1846

Sir,

Enclosed is a copy of a letter
received by me yesterday which I have
send for your Excy's consideration

27th May 1846

I have &c &c
Sigd Wm Hutt Moore

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Stanley 27th May 1846

Sir /

I have obtained a boat from Mr Scully for the purpose of repairing to Elephant Bay near Jannings Head to bring some whale bone which lies on Shore there, to Stanley, and endeavour to make what money we can of our venture, taking with us what will be necessary for the time we purpose to be out say about a month, provided you have no objection. I mean to take the following Crew with me John Robinson, Thomas Garlson, Daniel McLeod, & John Adams. And request you will forward this our application to the Colonial Government to ascertain if there is any objection to our taking the whale bone for our own benefit or to our intended trip.

I remain &c

W. H. Moore Esqr (Sigd) James Martin

Stanley

The Stipendiary Magistrate would Recommend the Colonial Government to adopt a Gazette advertisement of Something to the following purpose.

Pounds Reward

Whereas on Sunday the Fifth day of April last three men named John Miller, Thomas Black and Sorin Battle left Stanley Harbour in a small boat which they obtained under false pretences and have absconded from the Colony Herewith Exhibit indebted to several of the Inhabitants of the Town of Stanley in various sums of money and have not since been heard of altho' the Stipendiary Magistrate sent a party of Constables with a Warrant for their apprehension who have returned to Stanley after having been nearly six weeks in search of them but they have not been so fortunate as to find them Now His Ex.y Gov.r Moody taking into consideration the necessity of preventing similar escapes from the Colony and to further the ends of Justice Hereby offers a Reward of Pounds Sterling to any person or persons who shall within Six Calendar Months from the date hereof apprehend and lodge in Her Majesty's Gaol in Stanley the said John Miller, Thomas Black and Sorin Battle and shall prosecute them to Conviction or the /

sum of Pounds Sterling
to any person or persons who shall
within the period aforesaid give such
private information to the authorities
as may lead to their apprehension.

Stanley
27th May 1865
By His Excellency's Command
Secy

Stanley May 18th 46

Sir

I have been waiting for several days the return of the Desfatches, but as the time of her arrival appears so uncertain and the Arbuckle is nearly ready I have concluded to sail for Fox Bay as soon as I can come to an arrangement with the Crew. You will therefore oblige me if you will speak to Mr Col. and request an interview for me when it may most suit his convenience.

I have &c.

(Sigd) Jonathan Bowers

To
James Langdon Esqr
Govt House

To His Excellency
Governor Moody

Vancouver Sir,

I am very sorry that I did not apply to your Ex.y for liberty to proceed in a whale boat from this port, but it was owing to my ignorance in such cases that I did not apply to you Ex.y in the first instance I will most anxiously wait your Ex.y reply.

I have &c &c
Sig.d James Martin

2.d May
1846.

His Excellency
Governor Moody

Honoured Sir,

We the undersigned have the honor to inform your Ex.y that the accommodations provided for us on board the Schooner Despatch were very bad consisting merely of boards laid on the Coals in the Vessels hold, consequently the Coal dust destroyed our clothing, left us destitute of our working clothes which is our greatest support on an Island of this description where it is so difficult to procure any others.

Your Ex.y is aware that we Despatched on the shortest notice and consequently there could be no better provision made for us under such circumstances. We humbly trust that your Ex.y will remunerate us for said losses and we as in duty bound will ever pray.

(Sig.d) James W. Parry
" Charles Mark Tuffle
" John his X mark Robinson
" William his X mark Brown
" James Harbin
" Charles his X mark McLeod
" David Reilly
" Christopher Murry
" John Murry
" Michael Delaney

There is a letter omitted here which is entered page 39

Mr. Longden Asst. Storekeeper.

Sir,

If possible you would greatly oblige me by sending the boat alongside for the planks for should the weather keep fine I shall have nearly all the coals out to day, then the rest of those planks will be wanted on deck, so that I shall not be able to discharge much more before they are Removed.

June 6 1846

I remain &c.
(Sigd) W. Bowbes
Despatch

Governor Moody

Sir/

On the 30th day of May last I received information of my vessel the Schooner Alonzo being at Port Anson by 3 men who were left in care of sundry articles saved from the ship Galen, from there I proceeded as fast as possible wind & weather permitting to this place to see to my vessel and property as the Capt. was not on board of her at the time. I also understand that the vessel had been sold by Mr Johnson. Now Sir, as there is not Consul for the U.S. at this place I apply to for advice as also for copies of the Said, Protest and Condemnation of the vessel which I consider to be illegal and the said Null and void. I know of & can either Ancient or modern that justifies the Said of a vessel by the Pilot especially when the owners and the Capitain is near or can be consulted. Mr Johnson knew very well that the American and the Catherine was to remain in the Islands until the 1st June. I am Sir inclined to think that the appraisal as well as the Said was done on purpose to defraud me by Mr Johnson. If your Excellency will be pleased to look at the papers given to Mr Johnson you will find he is not Master but Pilot. You will/

will find also when he came into the Island further to run to get here than he had to come where the ship was. You will see by an examination of his instructions that he has violated and reversed them. I beg Sir, you will not deem it imprudent in me for the liberty I have taken of applying to you, but deem it my duty to do so.

I remain &c. &c.

(Sig.d) W. G. Smyley

To His Excellency
Governor Moody

Nelson Island the 4th 1866

Port Williams East Falklands June 5th 1846.

Sir/

I acknowledge the receipt of the copy of the Protest of the Above and after a careful examination of the above named instrument I find the State-ments in many places to be entirely destitute of truth - First that Luther B. Johnson was Master - Secondly - that the vessel was not stout, Staunch or Strong - 3rd That she was not light 4th By that she was not light 5th By that she was properly victualled, 5th by that she was not very fit to perform the voyage 6th By that they had no stuff to repair sails or nothing to replace them, when they split they were by the Gale. Answer to the first - Mr Johnson was not master, he was but-pilot of the vessel which I am ready to prove -

2nd I am ready to prove the vessel was light and fit order and that every man that went in her, went with his own accord and in preference to this one.

3rdly I am also ready to prove that she was properly victualled and abundantly supplied.

5th By that, she was fit and able to perform the Voyage

6th By that the vessel had 2 Sets, 2 foresails 1 Storm Sail, a Try sail, a good Mainsail and a large sq sare sail nearly new - so in many /

many points more. I will show you that the statements is exaggerated and devoid of truth which I hope I will be able to show and convince any seafaring man. I will still crave to intrude further on your Ex.y to permit me to have another survey on the above named vessel which I consider to be in a fit condition and has been even at the time she in her with 3 hours labour of her own Crew.

Now Sir, as the Schooner Atlantic is about ready for sea as I understand, I wish to have her attached as I consider her my property, for if the vessel should leave this, I shall consider her as a prize, that is, if she leaves until there has been a hearing given me. I also wish to have a Power of Attorney made out for the apprehension of Luther B Johnson who sold the Schooner as I consider it illegal. Now it remains for your Ex.y to say whether it is my place to arrest him or those who he sold the property to. I beg Sir, you will inform me what steps to take as I wish to go straightforward into the business.

And Believe me &c &c

(Sig.d) W. H. Moody

Governor Moody
Stanley

To His Excellency
The Governor of the Falkland Islands

Sir,

Having been informed that Wm Smiley Master of the Schooner Catherine now lying in the Port of Stanley has two Guns mounted and loaded upon the deck of the said Schooner I beg leave to inform you of the same, leaving it to your better judgement for to what purpose he has taken the liberty to arm his vessel in a port under your Ex^cy^ Command.

I remain
Y. &c.
Sig^d^
Jonathan Bowes

Port Stanley
June 8th 1846

Monday June 8th 1840.

Sir,

You requested me to let you know authorised me to take the Cutter boat the property of Mr Wolff. I must inform you that it was Capt Bowlys of the Shooner Despatch.

I am Sir &c
(Sigd) J. Parry

To His Excellency
The Governor

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Stanley, East Indiaman June 8th 1815

Sir,

In reply to your letter dated June the 5th I beg to state that I received my information from Capt.n Bowers himself.

I am &c.

(Sig.d) W. H. Stanley

To His Excellency
Governor Macleay

Stanley Falkland Islands June
Governor Moody 10th 1845

Sir,

My duty requires me to write you again. In your last favour your Ex.y referred me to Mr Moore Her Majesty's Magistrate. I have complied with your request. But Mr. Moore could not proceed with the business owing to the correspondence between him and your Excellency. I beg Sir, you will take into consideration the situation it places me in at this moment there is awaiting the decision of this case 21 men in the Barque America, and 15 in this vessel. This is now the whaling season and every day I lose is from fifty to Seventy Dollars per day and perhaps your Excellency is not aware that my provision will last but from 3 to four days longer then I will have to make a total abandonment of this vessel as well as that of the "Clarice" to the Government as I do not feel myself justified in staying here on a case like this if the trial cannot come on. It is requisite I should have the depositions of the crew taken as early as possible here, at this moment on board the

Despatch

Despatch one of my men who is about to sail, there is another two days ago taken out of my vessel for Grog Bill which is contrary to both the Laws of England and the Un. States Perhaps your Ex^y is not aware by there being taken by your order you take from me a man who is owing me over forty Dollars and another not much less, besides I am under Bonds for every man I bring from the Un. States I beg Sir, you will give it your Consideration and bring the Business to a close as quick as possible, And you will oblige

Your &c &c.

(Sig^d) W. H. Smyley.

To

His Excellency

Governor Moody

Port Stanley East Falkland.
June 11th 1845.

To His Excellency
The Governor of the Falkland Islands

Sir,

I some time back purchased the Schooner Alonzo, and now hold a bill of sale to that effect, and consider that I have an undoubted right to proceed with the said Schooner, unless your Ex^y^ prohibits me, from this Port, to Fox Bay, to transship the Cargo of the Ship Galen and other effects of the wreck of the said Ship to this Port, for which sole purpose I purchased her. But I learn by report that William Smyley master of the Catherine has advanced claims on the said Schooner, and that she has been detained until such claims shall be enquired into, I am not aware how the detention has been effected whether by an attachment on the vessel, or by your Ex^y^ orders, and as the expenses of victualling the vessel and the wages of the crew are heavy, they leave to request that you will be kind enough to inform me by what process the said Schooner is detained, and to whom I am to look for the payment of demurrage if I find it necessary to advance such a claim.

I have &c. &c.

(Sigd) Jonathan Bowers

Sullivan's Cottage
Stanley
10th June 1865

Sir

In reply to your Ex.cy letter of the 5th Inst. enclosing two letters from Captain Smyley, Master of the American Schooner "Catherine", now in Harbour requesting me to investigate into the subjects thereon contained, and adjudicate upon them. I apprehend that I have no jurisdiction in the matter Your Ex.cy under your Commission from the Admiralty Court, is Vice Admiral of this Port, and the proper authority to adjudicate on such matters, any assistance that I can give as an Amicus Curiæ is at your Excellency's Command service

I have &c.

(Sig.d) Wm. H.m Moore

To His Excellency
Governor Moody

Sullivan's Cottage
Stanley
10th June 1845

Sir,

In reply to your Exc.y letter of this days date - It is my decided legal opinion that the case referred to in your Exc.y despatch of the 6th Inst. can only be tried in an Admiralty Court.

I have &c. &c.

(Sig.d) Wm. H. Moore

To.
His Exc.y
Governor Moody

Stanley
10th June 1846

Sir

In the case of Smyley Prominent Bowers respondent, referred to in your Ex.cy letter of this day, it will be necessary that your Ex.t should have the assistance of such Naval or Merchant Captains as are in Port, There is no person at present but Captain Bowdyer Master of the Schooner "Despatch" The form is that Prominents Pastor should state his case, and the Respondents reply but as there are no Pastors here, it will be necessary for Captain Smyley to state his own case, and I shall be happy to render such assistance as our common Creed affords me in my power.

I have &c.
(Sig.d) W. J. Moore

To
His Excellency
Governor Moody

Sullivan's Cottage
Stanley
10th June 1865

Sir,

In reply to your Ex.y letter of the 8th Inst. stating that you had learned from Captain Bowers "that it was "arranged between him and I to be "his legal adviser and bona fide pair "Agent, even in matters concerning "himself and Crew in regard to their "wages &c., and that he had been unable "to make this arrangement with me "because he anticipated much trouble "in settling up with them." Your Ex.y has fallen into an error in the construction you have given Capt.n Bowers's communication on his arrival in the Colony, he applied to me to draw up a protest for him, there being no Notary Public in the Colony and subsequently applied to me stating that he would be obliged if I would act as his broker and direct him what to do in reference to his Shipwrecked vessel and cargo now lying in Fox Bay West Falkland and stating that he would pay the Broker's fees usual on such occasions. This was all that occurred between us the extraordinary misrepresentation

Mr. J

that I was employed by Capt. Bowers as his legal adviser and paid for it in the settling the accounts of the crew between their owners and them because he anticipated much trouble in settling with them must have arisen from a gross error or misconception somewhere Captain Bowers has now settled with those of his crew he intends at present to discharge and nothing would give me greater pleasure than that your Ex. should call those individuals before your Ex. Bay in my presence and demand of them on any question which came before me judicially whether they were satisfied or dissatisfied with my decision upon it I am only this day on speaking to Capt. Bowers on the subject that your Excellency has behind my back and without my knowledge induced Captain Bowers to sign some document something to the purport contained in your Ex. letter of the 8th Inst. which when I explained the effect of he now entirely disclaims and is ready to go before your Ex. and state so and explain what he meant when he signed that document prepared by your Ex. and

I am

learn the matter placed in its true
and proper light. I must add how-
ever that I did not believe your
Ex.y capable of inducing a Gentleman
without my knowledge and behind
my back to sign a document which
might affect my character tho' he
did so as he now says under
erroneous impression of the
construction of it. I consider that
in was laying a trap to endeavour
to catch me in some indiscretion
if it could be accomplished but
truth and justice and plain
straightforward honest dealing
generally counteract whatever
private insidious attempts
may be made to wound a
Man's private or Public character
With respect to Captain Smyth's
letter of the 6.th June advancing
the circumstance / erroneously
tho' it be / "of my being legal adviser
"to Captain Bowers as a reason
"why he should labour under
"peculiar disadvantages" in an
adjudication of a matter between
him and that gentleman. Your
Excellency will at once see that
Capt.n Smyth need be under no
apprehension whatever on the
subject as the adjudication of
the matter in dispute between
him /

Sims and Captain Bowers does not ~~—~~ lie in mine but in your Excellency's Jurisdiction as Vice Admiral of this Port—

I have &c &c.

(Sig'd) W. H. Moore

To His Excellency
Governor Moody

Sullivans Cottage
Stanley
11th June 84.

Sir,

In reply to your letter of this date, I have to inform your Ex.y in addition to the information contained in my letter of the 10th Inst. That the Vice Col. is the only member who is legally and absolutely necessary to compose an Admiralty Court, and your Ex.y holds Her Majesty's Commission constituting you a Civil Officer of the High Court of Admiralty in England for that purpose. There are no other legal functionaries essential to the carrying out of the Judicial proceedings in such a Court or by law positively required save the subordinate Officers of Registrar and Marshal, the Registrar makes out Decrees orders &c. There are also Water Bailiffs also — Should his honour the Judge, think it necessary in case of any technical questions arising, he generally has the assistance of a Naval or Merchant Captain on the bench with him.

I have &c

(Sigd) W. H. Moore

To His Excellency
Governor Moody

Sullivan's Cottage
Stanley
12th June 1846.

Sir,

In your Ex.cy despatch bearing date the 6th Instant, you state that you forward the letters on which Captain Smyley of the American Schooner Catherine founds his claims of Title to the possession of the American Schooner Abaete, for me to investigate into the subjects contained therein, and adjudicate upon them, and state, that you have detained the Schooner "Abaete" until this shall have been done, to which I replied by my despatch of the 10th Inst., that I had no jurisdiction in the matter, that your Ex.cy under your Commission from the Admiralty Court was Vice Admiral of this Port, and the proper authority to adjudicate on such matters and stating that any assistance that I could give as an Amicus Curiæ was at your Ex.cys service. On the 11th Instant I received another despatch from your Ex.cy stating that you requested I would afford your Ex.cy my legal opinion, as to whether under existing circumstances, your Ex.cy was justified in any longer detaining the condemned American Vessel Abaete, upon the Requisition of Capt.n Smyley as contained in his letter to which

which I replied, that as the question was at present sub judice before the Court, it would not be for me to interfere with the Court's Jurisdiction, altho I was then illegally and prematurely called upon to do so by the Judge and further requesting me, should it be my opinion that she could and ought to be detained, I was required by your Ex.y to take the necessary steps for so doing, to which I replied, that I could not interfere with a Res ata Questio sub judice before the legal constituted authority this being the present state of facts, I met Captain Bowers the present possessor of the said Schooner Aboutz and he requested to know of me, when he could depart on his business to transport the Cargo of his Shipwrecked vessel from Fox Bay, West Falkland, to the port of its destination, for the benefit of his Co. partners, and all concerned upon which I informed him that the entire question was now before your Ex.y and had sent your Ex.y yesterday a letter stating that as the case was now before the Court, I could not interfere /

interfere by any thing with the Courts Jurisdiction, when he informed me that he had yesterday received a letter from your Ex.y, stating that your Ex.y on a former occasion informed him it was necessary he should remain here, until some enquiry was made, and some steps taken with respect to Mr Smyley's claims against the vessel, claimed by him, that no other proceeding had been adopted, and that he Captain Bowers, was remaining for any thing your Ex.y knew to the contrary solely by his respect to your Ex.y verbal directions to him - Under these circumstances, Captain Bowers has now requested me to apply to your Ex.y, taking into consideration that your Ex.y informed him that when the Schooner Oberon left this Port no papers would be granted, whether he is now at liberty to take the schooner Oberon to Fox Bay to procure part of the Cargo to have it ready here to be forwarded to its Port of destination by the first opportunity, and whether Ex.y will give him no sailing license to pass and repass from this Port to Fox Bay for that purpose; that you would grant him the protection of the Union Jack, in charge of Mr Barr, who goes with

[illegible]

as Pilot / as Flag Captain; to enable him to transport his merchandize so as to show that he an American subject in distress, has received such protection from the British Government, as would be granted to a British Subject by the American Government under similar circumstances —

I have &c. &c.

(Sigd) W. H. Moore

To His Excellency
Governor Moody

Sullivans Cottage
Stanley
12th June 1846
3 PM P.M.

Sir,

The enclosed letter had just been written to your Excellency, when Captain Bowers called and read and informed me as his Brother, that he had just received a letter from your Ex.y, stating that your Ex.y had been informed by Her Majesty's Law Adviser, that the case of the "Alonzo" could only be tried in an Admiralty Court; and as circumstances precluded the formation of a such Court at present in this Colony, your Ex.y withdrew your directions for him to remain, under these circumstances I beg to call your Ex.y attention to the latter part of the enclosed letter, and request the favour of an answer thereto at your Ex.y earliest convenience

I have &c. &c.
(Sig.d) W. H. Moore.

To His Excellency
Governor Moody

Sullivan's Cottage Stanley
13th June 1846

Sir,

In reply to your Ex.y's letter of the 12th Inst. Your Ex.y in reference to your Commission from the High Court of Admiralty of England will find you are thereby appointed the Court the jurisdiction being centred in yourself. The Commission being directed to you. The American Captain W. H. Smyley applied to that Court by his Statement of the fourth and fifth of June Inst. which statements your Ex.y enclosed came to adjudicate on as Law Adviser to the Crown on the 6th Inst., whereupon on looking over your Ex.y's Commission, I then informed your Ex.y by my letter of the 10th Inst., that I as Law Adviser to the Crown had no jurisdiction, the commission not being directed to me, but that I would afford your Ex.y any assistance or advice in my power as an amicus Curiæ. The subject matter of complaint being a naked case of Title as to the possession of the condemned American Schooner "Clouris" now in harbour between Captain Smyley an American Captain and Captain Bowers another American Captain the latter being the person now in possession of the said small schooner in dispute. This being the State of facts your Ex.y required to know by your letter of the 10th was it my decided legal

January

opinion that the case referred to in your Ex.y despatch of the 6.th Inst being the aforesaid Case could only be tried in an Admiralty Court to which I replied on same day that my opinion was so when your Ex.y in another letter of same date required to be further informed of what numbers it was necessary the Court should be composed independant of the Vice Admiral and the forme of the business conducted in such Court, to which I replied same day, That the Court consisted of your Ex.y, but that it would be necessary that your Ex.y should have the assistance of such Merchant Captains as were then in port, the only one being Captain Bowlyes Master of the English Schooner Despatch. That the forme of the business was for the Promotors Proctor to state his case and the Respondents reply but as we had no Proctors here, Captain Smyly would have to state his own case and that I as Law Adviser to the Crown would afford the judge any legal assistance on Questions of Law that were referred to me as an Amicus Curiae. Your Ex.y then by your letter of the 11.th referred to me again stating I had not been sufficiently explicit

and I

and requesting further information whether a Vice Admiral was the only member, legally necessary to compose a Court, and whether there were not other functionaries who were necessary to carry out the judicial proceedings in such Court, and by law required who they were? what their functions? to which I replied same day your Ex.y was the only member legally necessary to compose the Court, under the Commission, and the only other legal functionaries were the subordinate ones of Registrar and Marshal. the former of whom made out the decrees and orders and the latter sold and executed said decrees and orders, there were water Bailiffs also and should His Honour the Judge in case of a technical question arising out of the case, have occasion he was usually assisted by a Naval or Merchant Captain on the bench with him, and I should afford any legal assistance requisite. Under these circumstances I considered the case before the Court and I am quite at a loss to know and cannot conceive why your Ex.y should be desirous of shunning a duty so specifically entrusted to you, by your Ex.y Commission, particularly when

your

you have both legal and professional assistance. Hauderier Capt.n Smyley told me yesterday he had received a letter from Your Ex.cy declining to hear his case at all. Your Ex.cys letter borne of this day states that I mention that Mr. Smyley's case is before the Court, and I was thereby precluded from interfering in a question subjudice and informing me that the Question was not before any Court, no Court having yet been formed, nor any legal proceedings commenced. In reply to this observation I beg respectfully to state that in my opinion Mr. Smyley's written statements to your Ex.cy of the fourth and fifth Instant put the case legally before the jurisdiction of the Court centred in your Ex.cy under your Commission, and that appears to have been your Ex.cys impression as you state in your Ex.cys despatch of the 6.th Inst., that you had detained the Schooner "Louisa" till it had been decided, and that your Ex.cy can adjudicate on it as in my humble opinion it would not last five minutes before the Court, Captain Bowlyes has left the harbour as he could wait no longer but there is another Captain Sellers came in last night with the English Brig name

Best

the Nancy from Monte Video whose assistance your Ex^y could have on a judicial question and I shall as before stated render any assistance to the Court in a legal capacity in my power. Under these circumstances I cannot understand, and am at a loss to know, why your Ex^y will not entertain the question. Both Captain Smyley and Captain Bowers have represented to me that this detention here is productive to them of much expense and inconvenience as Captain Bowers is anxious to lose no time in bringing his oil from Fox Bay here from his shipwreck at Weddell to forward it to its port of destination by the first opportunity, and Captain Smyley wishes to pursue his lawful avocations.

I have &c. &c.

(Sig^d) W. T. Moore

To His Excellency
Governor Moody