

Correspondence between Samuel Marsden and Judge Advocate Wylde

January 7th 1817

Sir/

A Letter appeared in the Sydney Gazette signed "Philo free" which no doubt you have seen, and which I consider contains a Libel on my private and public Character as principal Chaplain of this Colony.— I beg to call your Attention to one particular Paragraph in this Letter beginning with the following words. "In former times the Active and enterprising Spirit of the jesuits" and ending with "whose never dying Names are there trumpeted forth." I would further observe that there are other Paragraphs in this Letter of which I have just Cause to complain— Having stated the above I have only to request you will file or allow me to file in your name a Criminal Information before the next Criminal Court against the Printer of the Sydney Gazette for the said Libel.—

I have the Honor to be

Sir

Your most obedient

Humble Servant

(Signed) "Sam^l Marsden"

To/

The Honorable

Mr Judge Advocate Wylde

&c &c &c [f]

Correspondence between Samuel Marsden and Judge Advocate Wylde

(A Copy)

Judge Advocate's Office™

Jany 7th 1817

Sir

I beg leave to acknowledge the receipt of your Letter, dated as above, respecting the publication of a Letter in the Sydney Gazette and which you consider as containing a Libel upon your private Character — As I have really not yet had an opportunity of perusing the Letter referred to and as there will not most probably be a Criminal Court assembled for some time I will take the earliest Opportunity of taking the Subject into Consideration and communicating the result to you. —

I am

Rev^d Sir_

Your very obed^t

humble Servant

(signed) "J^{no} Wylde"

Judge Adv[ocat]^e N.S.W.

To

The Rev^d. S. Marsden

Principal Chaplain

&c &c &c

Correspondence between Samuel Marsden and Judge Advocate Wylde

A true copy

Rob^t Cartwright J.P. [f]

(A Copy)

Parramatta January 7th 1817

Sir

A Letter appeared in the Sydney Gazette last Saturday signed "Philo free" which no doubt you have seen, and which I consider contains a Libel on my private and public Character as principal Chaplain of this Colony. I beg to call your Attention to one particular Paragraph in this Letter beginning with the following words "In former times the Active and enterprising Spirit of the Jesuits"; and ending with "whose never dying Names are there trumpeted forth." I would further observe that there are other Paragraphs in this Letter of which I have just Cause to Complain— Having stated the above I have only to request you will file or allow me to file in your name a Criminal Information before the next Criminal Court against the Printer of the Sydney Gazette for the said Libel.—

I have the Honor to be

Sir,

Your most Obedient

humble Servant

(Signed) Sam^l. Marsden

To/

Correspondence between Samuel Marsden and Judge Advocate Wylde

The Honorable

Mr Judge Advocate Wylde

&c &c &c

A true Copy of the Original

A.W.Riley J.P. [f]

(A Copy)

Judge Advocate's Office™

January 7th 1817

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Your very Obed^t

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Correspondence between Samuel Marsden and Judge Advocate Wylde

Judge Adv[ocat]^e N.S.W.

To The Rev^d. S. Marsden

Principal Chaplain

&c &c &c

A true Copy of the Original

A.W.Riley J.P. [f]

A Copy

Judge Adv[ocate]^s Office

Jany. 11th 1817

Sir./

Having received a Communication, a Copy of which is inclosed, from the Rev^d Samuel Marsden Principal Chaplain of the Territory, as to the Insertion of a public Letter in the last Weeks Gazette, signed Philo Free, and having Since for the first time been excited therefore to a perusal and consideration of its Contents, I think it proper to call your Attention to the Subject as Censor of the Press and to enquire, whether the same obtained a Place in the Paper under the Sanction & Permission of a Government Imprimatur.

I have the Honor to be

Sir,

&c &c &c

(Signed) J^{no} Wylde

Correspondence between Samuel Marsden and Judge Advocate Wylde

Judge Advocate N.S.W.

To Mr Sec^y Campbell

&c &c &c

(Signed) A true Copy

J.N.

To/ The Rev^d S. Marsden

&c &c &c

A true Copy of the Original

A.W.Riley J.P. [f]

A Copy

Secretary's Office

14th January 1817

Sir./

I have been honored with your Official communication on the subject of a Letter which appeared in a late Sydney Gazette, under the signature of Philo Free and accompanied by the Copy of one addressed to yourself by Mr Marsden desiring to file a Criminal Information in your Name, against the printer of the Gazette for having published that Letter which He considers to contain a Libel on himself. —

By a reference to the Gazette in which the Letter Complained of appeared, You will observe that a Weighty press of Government matter in a Proclamation of

Correspondence between Samuel Marsden and Judge Advocate Wylde

considerable length, and different Government and General Orders which there have my official signature claimed no small share of my time and principal attention on that day;— I may also add, that I framed (tho' not officially) the Paragraph which appeared in that day's Paper descriptive of the late congress of Natives at Parramatta, and that I had various letters to write and papers to Dispatch to His Excellency the Governor, and to other persons. My object in mentioning these circumstances is to shew what I am sure you will easily imagine, that those several Duties must have necessarily divided my attention in no common degree (each claiming a share) and consequently that any Ordinary or extraneous matter was not then likely to obtain the smallest consideration on my part. —

At.

The Honorable

Mr Judge Advocate Wylde

&c &c &c

[f]

At such a time and under such circumstances the letter signed Philo Free was laid before me as a Candidate for admission into the Gazette of that day, and I have no hesitation in saying that I felt a degree of satisfaction by the revival in it, of the Philanthropic Society question, which in common with many other of its Members I had often lamented should have lain so very long in a dormant state.

Correspondence between Samuel Marsden and Judge Advocate Wylde

With the subject (which I do consider an interesting one) the letter commenced, and with it, it also ended, giving the first and last impression and bias of my mind exclusively to that favorite object. —

In my earnest desire to see something done in this business I may perhaps have overlooked some intermediate passages, irrelevant to the main subject and which perhaps on a more leisure [sic] perusal I should have objected to on the ground that they might be considered by some persons as tending to Convey a Reflection on one or more of a respectable body of Religionists, whilst at the same time I cannot say that I do even now consider that such construction is a fair or liberal one. If however my hasty perusal of that Letter, and my not having sufficiently appreciated the tendency of those intermediate Passages may induce any Law Process such as M^r Marsden is desirous of, I shall regret it, as a Measure which in every point of View it is my wish to avoid —

M^r Marsden having taken so decided a Step as that of filing a Criminal Information against the Printer, without making me any Official Communication previously on the Subject, Altho' he must be aware that [f] I am as the Secretary of this Government the Censor of its Press, I do not think that it is in this Stage of the business at all incumbent on me to Attempt procuring him any friendly explanation to do away what I conceive to be his Ill grounded apprehensions or to relieve [sic] his feelings in regard to himself, and as under the exercise of my Judgment as Censor that letter was printed. I feel it my duty to relieve the Printer

Correspondence between Samuel Marsden and Judge Advocate Wylde

from any possible responsibility consequent on its publication he having merely performed his duty on the Occasion I having given it my Official Imprimatur. —

In drawing this letter to a Conclusion I beg to observe that His Excellency The Governor's residence being at present at Parramatta I had it not in my Power to submit the letter of Philo Free to His Excellency's Superior judgment and by this Means I was left without any Alternative but either to admit or reject it in toto, it not being within the province of a censor to expunge or alter any Sentiments so committed to His perusal. —

I have the Honor to be

Sir.

Your Ob[edien]^t H[umbl]^e Servant

(Signed) "J^{no} Tho^s Campbell"

Secy.

A true Copy

J^{no} Wylde

(Signed) Judge Adc[ocat]^e N.S.W.

To The Rev^d Samuel Marsden

&c &c &c

A trew Copy of the Original

A.W.Riley J.P._ [f]

A Copy

Correspondence between Samuel Marsden and Judge Advocate Wylde

Judge Advocate's Office Sydney

January 14th 1817

Sir.

The various duties of my Office immediately and urgently pressing on my Attention, have opposed my wish of sooner communicating with you on the subject of your Letter to me upon Philo Free's public Letter in the Sydney Gazette—

I took as early opportunity as I could after your reference to peruse the Letter in question and having taken the contents into consideration altho' from my state of knowledge as to Persons and subjects treated of in the Observations, I could not trace sufficient of allusion or remark or circumstance to perceive that yourself or any other Individual was particularly pointed out and designated, I certainly feel surprize and regret that any composition which could possibly be considered or construed as reflecting upon you or the respectable Societies connected with you in Missionary purposes and Exertions, should have been admitted into a Government Gazette, and thence appear to assume a kind of public Authority and Sanction.— With this view I thought fit to address a Letter to M^r Secretary Campbell as Censor of the press, a Copy of which is inclosed as also of his Answer thereto, which will explain his Sentiments on the subject and the manner in which inadvertently the letter obtained admission into the Gazette.—

Correspondence between Samuel Marsden and Judge Advocate Wylde

I have had the Letter much in consideration; because if I could satisfied [sic] myself, that in the plain obvious and natural construction of it— [f] the Writer of the Letter must be understood to designate and therefore have in purpose maliciously to defame any particular person or Individuals (as to constitute a Libel, the writing you are aware, must descend to Particulars and refer to Individuals and not be of general observation only or against a particular order of Men) I should have felt it my duty and would have performed that Duty of filing and Exhibiting as judge Advocate of the Colony a public charge against the printer, unless the Author had been given up— But I really have been and am unable to fix upon any passage from any knowledge that I have, which by Inuendo in any Indictment I could shew as reflecting upon yourself or any particular Individual— All the observations and remarks in terms and construction are limited and pointed to the islands and Inhabitants of the islands in the Pacific, which however absurd idle or evidently not in purpose with the apparent Object— or satisfactory to the presumed Intention of the Writer, yet if the inevitable deduction and necessary sense of the Language and Sentence used must be construed and taken as the only proper and real meaning. Sense and tendency of the passage or Object and design of the Composer._

There is you will perceive a locality pervading the construction of every Sentence, that leaves the direction & its application where it originated in the islands and Inhabitants of the islands in the Pacific— “thus the worthy Head of the

Correspondence between Samuel Marsden and Judge Advocate Wylde

Visionaries” as the Visionaries and Sectarians themselves must relatively and constructively be placed there also for the relative Advance “there” completely limits and confines the Parties designated to the situation previously pointed out, and there is no antecedent. Whatever but “the Inhabitants of the islands “ before [f] observed and suggested— There are Missionaries I understand, actually on the spot, may it not then be understood more naturally and justly as referable to some individual there, especially as the animadversion is chiefly directed to the practice of Distillation which is suggested as existing there, and which seems to make the reflection local and determinate—

I have however used this much of observation only to acquaint you with the grounds upon which I at present do not conceive that I should be warranted in preferring a public Indictment in my own Name and Character against the printer— for I beg to inform you, I shall still very readily, if you persist in your purpose and will furnish me with Affidavits of persons who reading the Letter, will make Oath— on which however I hope they will duly pause— that any part or the whole of it in their Judgment plainly and obviously is directed against and intended to designate yourself, comply with your request of Exhibiting at the Court of criminal jurisdiction an Indictment in that respect you may think fit to present.

It is my Intention also to call the attention of His Excellency the Governor to this subject and to transmit a Copy of your Letter to me and my present Answer, as

Correspondence between Samuel Marsden and Judge Advocate Wylde

I am satisfied that His Excellency would with myself be desirous of promoting much less of defending from all obloquy any benevolent Exertions or Worthies, who have proved a sincere Intention of introducing civilization and the blessings of pure Religion among the hapless Natives of the neighbouring Islands—

I have the Honor to be

Rev^d Sir

Your very Ob[edien]^t H[umb]le Serv[an]^t

(Signed) Jn^o Wylde

Judge Ad[vocat]^e. N S W.

To/

The Rev^d Sam^l Marsden

Principal Chaplain

&c &c &c

True Copy of the original

A.W.Riley J.P. [f]

A Copy

Judge Advocate's Office

January 14th 1817-

Sir/

I beg leave to call your Excellency's Attention to a public Letter inserted in the Sydney Gazette Signed Philo Fee of the 4th June [?] and to the

Correspondence between Samuel Marsden and Judge Advocate Wylde

Several communications which have since taken place on the Subject between myself, Mr Sec^y Campbell and the Rev^d Sam^l Marsden copies of which I have the Honor to include._

I do not deem it necessary but to submit the matter to your Excellency's consideration well persuaded as I am that yours Excellency still continue to have and exercise every Disposition to give Effect and support to any benevolent Measures which may bestow the Blessings of Civilization + Religion upon the unfortunate inhabitants of the Islands in the South Seas. —

I have the Honor +

&c &c &c

To His Excellency

(Signed) Jn^o Wylde

Governor Macquarrie

Judge Adv[ocat]^e N.S.W.

A true Copy

(Signed) J.N.

To The Rev^d Sam^l Marsden

&c &c &c

A true Copy of the Original

A.W.Riley

J.P [f]

A Copy

Correspondence between Samuel Marsden and Judge Advocate Wylde

Government House

Parramatta 15th January 1817

Sir/

I have the Honor to acknowledge the receipt of your Letter of Yesterdays date, with its several accompaniments— which I have attentively perused and maturely considered—

As it ever has been my sincere wish to promote and support the pious and praise worthy endeavours of the missionary Societies at Home and Abroad— for extending the Blessings of Civilization and Religion to the ignorant Heathen Inhabitants of the South Sea Islands, I very much regret that any thing should have been published in the Sydney Gazette which could have been considered as reflecting on these benevolent Societies or any respectable Individual belonging to them.—

I do therefore lament that the Letter signed “Philo Free” published in the Sydney Gazette of Saturday the 4th Instant should have got admission into that Paper owing to the hurry and pressure of much public Business in which the Secretary to Government was on that day necessarily engaged; but in order to do away completely the least ground of suspicion that the Publication of the Letter alluded to was sanctioned or approved by me, I have deemed to advisable to Publish a Government and General Order of this date on this Subject, and which

Correspondence between Samuel Marsden and Judge Advocate Wylde

Order I herewith send you a Copy for your own information and that of the Rev^d
Mr Marsden.

To the Honorable

I have the Honour to be

Mr Judge Advocate Wylde

Sir, your most Ob[edien]t Serv[an]t

&c &c &c

(Signed)

L. Macquarie

I hereby Certify this to be a

true Copy J^{no} Wylde

(Signed) Judge Adv[ocat]^e N S W

A true Copy of the Original

A.W.Riley

J.P. [f]

A Copy

Judge Advocates Office

Jany. 11th 1817

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Having received a Communication, a Copy of which is inclosed, from the
Rev^d Samuel Marsden Principal Chaplain of the Territory, as to the Insertion of a
public Letter in the last Week's Gazette, signed Philo Free, and having since for the
first time been excited therefore to a perusal and consideration of its Contents, I
think it proper to call your Attention to the Subject as Censor of the Press and to

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I have the Honor to be

Sir

&c &c &c

(Signed) "J^{no} Wylde "

Judge Adv^e N.S.W.

To M^r Sec^y Campbell

&c &c &c

A true Copy

(Signed) JN.

To the rev^d S. Marsden

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A true Copy of the Original

Rob^t Cartwright J.P. [f]

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and accompanied by the Copy of one addressed to yourself by Mr Marsden desiring to file a Criminal Information in your Name, against the printer of the Gazette for having published that Letter which He considers to contain a Libel on himself. —

By a reference to the Gazette in which the Letter Complained of appeared, You will observe that a Weighty press of Government matter in a Proclamation of considerable length, and different Government and General Orders which there have my official signature claimed no small share of my time and principal attention on that day;— I may also add, that I framed (tho' not officially) the Paragraph which appeared in that day's Paper descriptive of the late congress of Natives at Parramatta, and that I had various letters to write and papers to Dispatch to His Excellency the Governor, and to other persons. My object in mentioning these circumstances is to shew what I am sure you will easily imagine, that those several Duties must have necessarily divided my attention in no common degree (each claiming a share) and consequently that any Ordinary or extraneous matter was not then likely to obtain the smallest consideration on my part. —

At such a time and under such circumstances the letter signed "Philo Free" was laid before me as a Candidate

The Honorable

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Correspondence between Samuel Marsden and Judge Advocate Wylde

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Candidate for admission into the Gazette of that day, and I have no hesitation in saying that I felt a degree of satisfaction by the revival in it, of the Philanthropic Society question, which in common with many other of its Members I had often lamented should have lain so very long in a dormant state. With the subject (which I do consider an interesting one) the letter commenced, and with it, it also ended, giving the first and last impression and bias of my mind exclusively to that favorite object. —

In my earnest desire to see something done in this business I may perhaps have overlooked some intermediate passages, irrelevant to the main subject and which perhaps on a more leisure [sic] perusal I should have objected to on the ground that they might be considered by some persons as tending to Convey a Reflection on one or more of a respectable body of Religionists, whilst at the same time I cannot say that I do even now consider that such construction is a fair or liberal one. If however my hasty perusal of that Letter, and my not having sufficiently appreciated the tendency of those intermediate Passages may induce any Law Process such as Mr Marsden is desirous of, I shall regret it, as a Measure which in every point of View it is my wish to avoid —

Mr Marsden having taken so decided a Step as that of filing a Criminal Information against the Printer, without making me any Official Communication previously on the Subject, Altho' he must be aware that I am as the Secretary of its

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In drawing this letter to a Conclusion I beg to observe that His Excellency The Governor's residence being at present at Parramatta I had it not in my Power to submit the letter of Philo Free to His Excellency's superior judgment and by this Means I was left without any Alternative nut either to admit or reject it in toto, it not being within the province of a censor to expunge or alter any Sentiments so committed to His perusal. —

I have the Honor to be

Sir,

Your Ob[edien]^t H[umbl]^e Servant

(Signed) "J^{no} Tho^s Campbell"

Teey [?]

(Signed) A true Copy

J^{no} Wylde

Judge Adc[ocat]^e N. S W.

Correspondence between Samuel Marsden and Judge Advocate Wylde

To/

The Rev^d Samuel Marsden

&c &c &c

A true Copy of the Original

Rob^t Cartwright J.P. [f]

(Copy)

Judge Advocate's Office Sydney

January 14th 1817-

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The various duties of my Office immediately and urgently pressing on my Attention, have opposed my wish of sooner communicating with you on the subject of your Letter to me upon Philo Free's public Letter in the Sydney Gazette—

I took as early opportunity as I could after your reference to peruse the Letter in question and having taken the contents into consideration altho' from my state of knowledge as to Persons and subjects treated of in the Observations, I could not trace sufficient of allusion or remark or circumstance to perceive that yourself or any other Individual was particularly pointed out and designated, I certainly feel surprize and regret that any composition which could possibly be considered or construed as reflecting upon you or the respectable Societies connected with you in Missionary purposes and Exertions, should have been

Correspondence between Samuel Marsden and Judge Advocate Wylde

admitted into a Government Gazette, and thence appear to assume a kind of public Authority and Sanction. — With this view I thought fit to address a Letter to Mr Secretary Campbell as Censor of the press, a Copy of which is inclosed as also of his Answer thereto, which will explain his Sentiments on the subject and the manner in which inadvertently the letter obtained admission into the Gazette. — [f] I have had the Letter much in consideration; because if I could satisfied [sic] myself, that in the plain obvious and natural construction of it— the Writer of the Letter must be understood to designate and therefore have in purpose maliciously to defame any particular person or Individuals (as to constitute a Libel, the writing you are aware, must descend to Particulars and refer to Individuals and not be of general observation only or against a particular order of Men) I should have felt it my duty and would have performed that Duty of filing and Exhibiting as judge Advocate of the Colony a public charge against the printer, unless the Author had been given up— But I really have been and am unable to fix upon any passage from any knowledge that I have, which by Inuendo in any Indictment I could shew as reflecting upon yourself or any particular Individual— All the observations and remarks in terms and construction are limited and pointed to the islands and Inhabitants of the islands in the Pacific, which however absurd idle or evidently not in purpose with the apparent Object— or satisfactory to the presumed Intention of the Writer, yet if the inevitable deduction and necessary sense of the Language and Sentence used must be construed and taken as the only proper and

Correspondence between Samuel Marsden and Judge Advocate Wylde

real meaning. Sense and tendency of the passage or Object and design of the Composer.

There is you will perceive a locality pervading the construction of every Sentence, that leaves the direction & its application where it originated in the islands and Inhabitants of the islands in the Pacific – “thus the worthy Head of the Visionaries” as the Visionaries and Sectarians themselves must relatively and constructively be placed there also for the relative Advance “there” completely limits and confines the Parties designated to the situation previously pointed out, and there is no antecedent. Whatever but “the Inhabitants of the Islands.” _ before observed [f] and suggested. – There are Missionaries I understand, actually on the spot, may it not then be understood more naturally and justly as referable to some individual there, especially as the animadversion is chiefly directed to the practice of Distillation which is suggested as existing there, and which seems to make the reflection local and determinate –

I have however used this much of observation only to acquaint you with the grounds upon which I at present do not conceive that I should be warranted in preferring a public Indictment in my own Name and Character against the printer – for I beg to inform you, I shall still very readily, if you persist in your purpose and will furnish me with Affidavits of persons who reading the Letter, will make Oath – on which however I hope they will duly pause – that any part or the whole of it in their Judgment plainly and obviously is directed against and

Correspondence between Samuel Marsden and Judge Advocate Wylde

intended to designate yourself, comply with your request of Exhibiting at the Court of criminal jurisdiction an Indictment in that respect you may think fit to present.

It is my Intention also to call the attention of His Excellency the Governor to this subject and to transmit a Copy of your Letter to me and my present Answer, as I am satisfied that His Excellency would with myself be desirous of promoting much less of defending from all obloquy any benevolent Exertions or Worthies, who have proved a sincere Intention of introducing civilization and the blessings of pure Religion among the hapless Natives of the neighbouring Islands. —

I have the Honor to be

Rev^d Sir./

To/

Your very Ob[edien]^t

The Rev^d Sam^l Marsden

humble Serv[an]^t

Principal Chaplain

(Signed) “Jn^o Wylde”

&c &c &c

Judge Ad[vocat]^e N.S.W.

True Copy of the original

Rob^d Cartwright J.P. [f]

A Copy

Judge Advocate’s Office

Jan^y 14th 1817-

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Correspondence between Samuel Marsden and Judge Advocate Wylde

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I do not deem it necessary but to submit the matter to your Excellency's consideration well persuaded as I am that yours Excellency still continue to have and exercise every Disposition to give Effect and support to any benevolent Measures which may bestow the Blessings of Civilization and Religion upon the unfortunate Inhabitants of the Islands in the South Seas. —

I have the Honor +

&c &c &c

(Signed) Jn^o Wylde

To His Excellency

Judge Adv[ocat]^e N.S.W.

Governor Macquarrie

(Signed) A true Copy

J.N.

To,

The Rev^d Sam^l Marsden

&c &c &c

Correspondence between Samuel Marsden and Judge Advocate Wyld

A true Copy of the Original

Rob^d. Cartwright J.P. [f]

(Copy)

Government House

Parramatta 15th January 1817-

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I do therefore lament that the Letter signed “Philo Free” published in the Sydney Gazette of Saturday the 4th Instant should have got admission into that Paper owing to the hurry and pressure of much public Business in which the Secretary to Government was on that day necessarily engaged; but in order to do away completely the least ground of suspicion that the Publication of the Letter alluded to was sanctioned or approved by me, I have deemed it advisable to

Correspondence between Samuel Marsden and Judge Advocate Wylde

Publish a Government and General Order of this date on this Subject, and which Order I herewith send you a Copy for your own information and that of the Rev^d Mr Marsden.

I have the Honour to be

Sir

Your most Obed[ien]^t Servant

(Signed) "L. Macquarie."

To,

The Honorable

Mr Judge Adv^e Wylde

&c &c &c

I hereby Certify this to be a true Copy

(Signed) J^{no} Wylde

Judge Adv[ocat]^e N. S. W.

A true Copy

Rob^d Cartwright J.P. [f]

(Copy)

Parramatta, Jan^y 16th 1817-

Sir/

I had the honor to receive your letter with the respective enclosures under date the 14th Inst^t in answer to which I bed first to notice some observations

Correspondence between Samuel Marsden and Judge Advocate Wylde

contained in Mr Secy Campbells Letter to you, a copy of which you did me the honor to transmit. Mr Secy Campbell intimates that I ought to have made some official communication to him previous to taking the Steps I have done in filing a Criminal information against the Printer of the Sydney Gazette; to this I beg leave to say, that I want no assistance from Mr Secy Campbell to set my Character right, nor am I aware that Mr Secy Campbell is Censor of the Press. I know of no Law that authorizes a Censor of the Press in any British Colony, nor is there to my knowledge any such Law in the British Empire as delegates that Authority to any individual. I consider the Sydney Gazette a Government Paper and Mr Secy Campbell the Official editor and that he acts in a similar capacity to the editor of the London Gazette; Mr Secy Campbell further observes that he feels it is his duty to relieve the Printer from any possible responsibility consequent on the publication of the Letter signed Philo Free; I consider in the present case it is not in Mr Secy Campbells power to relieve the Printer from any responsibility for publishing that Letter and that if ever the printer should give up the Author of the Letter in question he is still liable and wholly at the Mercy of the prosecutor and that he has the sole power either to extend his indulgence towards the Printer and to Stay the proceedings, or bring him to Trial— Mr Secy Campbell pleads the weighty press of Government business at that [f] period as partly the cause of the Letter complained of having been inserted in the Sydney Gazette; to this I reply that the Letter signed "Philo Free" was not of that urgent importance to compel the

Correspondence between Samuel Marsden and Judge Advocate Wylde

editor to insert it in that days paper – I conceive it very improbable that so long a Letter and of such tendency could be admitted in the Sydney Gazette without exciting the attention of ^r Sec^y Campbell and receiving his entire sanction; M^r Sec^y Campbell also observes that he felt a degree of satisfaction by the renewal in the Letter signed "Philo Free" of the Philanthropic Society question; no member of that Society could possess more ample means of information relative to its concerns than himself. He a member of the Committee, His Excellency the Governor Patron, His Honor the Lieut[enant] Governor – President; Deputy Commissary General Allen – treasurer, the Committee for accounts and the Collector M^r Jenkins, all reside at Sydney – from these sources along his enquiries might have been fully satisfied at any time on the spot, without any reference to me whatever as Secretary to the Society residing at Parramatta; having made the above remarks, I beg leave to notice the latter part of your official communication in which you acquaint me with the Grounds upon which you at present do not conceive that you would be warranted in preferring a public indictment in your own Name and Character against the printer of the Sydney Gazette; I believe criminal informations are sometimes filed against Libellers Ex Officio by the Attorney General without any Affidavit and I conceive in cases attended with less aggravated circumstances than the present of which I complain, it is not uncommon for the court of Kings Bench to grant an information on the simple Affidavit of the party aggrieved; I also humbly conceive that some consideration is due to my rank as Principal Chaplain

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of this [f] Colony and Minister of the Established Church here 24 Years and Magistrate, so far at least as to entitle me to the same indulgence which is usually granted in similar cases to a British subject, however as you do not consider yourself warranted in your Official capacity as Judge Advocate to prefer a public indictment against the Printer of the Sydney Gazette on my affidavit alone, I shall wave [sic] all objection on this question and have the honor to enclose the accompanying affidavit with my own which I have no doubt will remove all difficulties that can possibly arise against any complaint being heard and shall in the mean time take care to have an indictment duly prepared and ready to be exhibited before the next Court of Criminal Jurisdiction against the Printer of the Sydney Gazette whenever the Court may assemble.

Before I conclude permit me just to remark on His Excellency the Governor's Letter— a Copy of which you also did me the favor to transmit agreeable to his directions, and in which His Excellency expresses his regret that the Letter signed "Philo Free" should have been published in the Sydney Gazette, I feel fully satisfied that His Excellency did not see it before its insertion or I am persuaded it would not have been published in that paper. —

I beg lastly to observe that as M^r Sec^y Campbell states in his official communication to you that he feels it his Duty to relieve the Printer from any possible responsibility consequent on its publication as the said Letter was printed under the exercise of his judgment as censor of the paper, and having given his

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official Imprimatur I say I have only to observe that I hope His Excellency will see the justice of my soliciting him [f] to direct the Secretary of the Government under the above circumstances to give up the author of that gross and Malicious Libel.

I have the honor to be

Sir,

Your most Ob^t Hble Serv^t

(signed) "Sam^l Marsden"

To the Honble

Mr Judge Advocate Wylde

&c &c &c

Sydney

A true Copy

Robⁿ Cartwright J.P. [f]

Parramatta, January 16th 1817-

Sir/

I had the honor to receive your letter with the respective enclosures under date the 14th Inst in answer to which I beg first to notice some observations contained in Mr Sec^y Campbells Letter to you, a copy of which you did me the honor to transmit. Mr Sec^y Campbell intimates that I ought to have made some official communication to him previous to taking the Steps I have done in filing a Criminal information against the Printer of the Sydney Gazette; to this I beg leave

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to say, that I want no assistance from Mr Secy Campbell to set my Character right, nor am I aware that Mr Secy Campbell is Censor of the Press. I know of no Law that authorizes a Censor of the Press in any British Colony, nor is there to my knowledge any such Law in the British Empire as delegates that Authority to any individual. I consider the Sydney Gazette a Government Paper and Mr Secy Campbell the Official editor and that he acts in a similar capacity to the editor of the London Gazette; Mr Secy Campbell further observes that he feels it is his duty to relieve the Printer from any possible responsibility consequent on the publication of the Letter signed "Philo Free"; I consider in the present case it is not in Mr Secy Campbells power to relieve the Printer from any responsibility for publishing that Letter and that if ever the printer should give up the Author of the Letter in question he is still liable and wholly at the Mercy of the prosecutor and that he has the sole power either to extend his indulgence towards the Printer and to Stay the proceedings, or bring him to Trial— Mr Secy Campbell pleads the weighty press of Government business at that period as partly the cause of the Letter complained of having been inserted in the Sydney Gazette; to this I reply that the Letter signed "Philo Free" was not of that urgent importance to compel the editor to insert it in that days [f] Paper, I conceive it very improbable that so long a Letter and of such tendency could be admitted in the Sydney Gazette without exciting the attention of r Secy Campbell and receiving his entire sanction; Mr Secy Campbell also observes that he felt a degree of satisfaction by the renewal in the

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indictment against the Printer of the Sydney Gazette on my affidavit alone, I shall wave [sic] all objection on this question and have the honor to enclose the accompanying affidavit with my own which I have no doubt will remove all difficulties that can possibly arise against any complaint being heard and shall in the mean time take care to have an indictment duly prepared and ready to be exhibited before the next Court of Criminal Jurisdiction against the Printer of the Sydney Gazette whenever the Court may assemble. __

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I have the honor to be

Correspondence between Samuel Marsden and Judge Advocate Wylde

Sir,

Your most Ob^t Hble Servant.

(signed) Sam^l Marsden

To the Hon^{ble}

Mr Judge Advocate Wylde

&c &c &c

Sydney

I certify this to be a true Copy

of the Original Sam^l Marsden