

Correspondence between Marsden to the Right Hon. Earl Bathurst

(Copy)

Parramatta, Nov. 28th 1817

My Lord

It is with feelings of much pain and regret that I am compelled to prefer a complaint against the Editor of the Sydney Gazette, and also against John Thomas Campbell, Esq. the Confidential Secretary of his Excellency Governor Macquarie, under whose immediate inspection the Gazette is published, for inserting in the said Gazette on the 4th of January, 1817 a Letter signed "Philo Free" containing a scandalous libel upon me and the Missionaries belonging to the Church & London Missionary Societies in the South Sea Islands - This is not the first time, My Lord, that I have been libeled in the Sydney Gazette, nor the first time I have been obliged officially to complain - I am persuaded, that His Majesty's Government would never sanction any of the Confidential servants of the Crown, in this, or any other British Colony, to use this most deadly weapon to wound the reputation, and to destroy the peace of any of His Majesty's subjects, much less those who hold high official situations and have a certain degree of respectability to maintain - The Sydney Gazette is a Government Paper - it is published by the authority of Government and its contents are sent into the world with a degree of public sanction - hence the injury done [f] to the individual who may be affected by any Libel publisher in this paper is far more extensive and inflicts a deeper wound - I beg also to observe to your Lordship that the injured person can have little chance of obtaining redress at this remote distance from home, and under the peculiar local circumstances of this Colony

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however much he may suffer in his character or peace of mind – In all cases like this the Honour of Government must be affected if justice is not done to the injured individual – and in the present instance there can be no comparison, my reputation though dear to me is not to be weighed in the same balance with the reputation of Government; - under such circumstances I would humbly submit to your Lordship, whether any solitary individual can entertain a reasonable hope, that he shall obtain redress however fair his claim – I am a Member of Government myself, and am fully aware of how much importance it is to support the respectability of persons in high official situations for the good of His Majesty's service and the general welfare of Society, and none would be more unwilling to Cast a stain upon the public character of any man in a public situation, than myself – at the same time, it would not be doing justice to my own public and private character to suffer my reputation to be wounded, and my good name defamed, in every part of the world through the Medium of the Sydney Gazette, without making some exertion to protect myself from such dark and secret attempts to injure me.

I have held the sacred situation which I now fill under this Government for more than Twenty three [f] years, I believe to the general satisfaction, and I am confident, My Lord, without being once supposed ever to have done any thing derogatory to the dignity of my situation, either as under this Government, or as in connection with those Societies, for which I have the honour to act in this part of the world – therefore your Lordship will see, that if the confidential servants of the Crown will permit one of the Members of the

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Government to be falsely stigmatized in dark and anonymous publications through a channel which is only open to themselves, that the reflection must fall upon Government itself, and that it must in a certain degree, thereby lose its respectability, but how much more so, My Lord, if those being confidential servants of the Crown themselves, will have recourse to this secret and ruinous way of injuring the character of a Member of Government - especially as a power is deligated to them of taking public cognizance of such insinuations and inuendos were founded upon fact - and by the enclosed documents, your Lordship will find, that this most deadly weapon has, more than once, been wielded against me by one of the Confidential servants of the Crown, and issued to the public through a Government Paper, thereby obtaining the appearance of Government Sanction, and leaving an impression, which no document, afterwards published in order withdraw Government Concurrence, can do away - Neither My Lord, have I any means of defending myself in this Colony, from the wanton attacks made upon me in the Sydney Gazette, nor of repelling them when made, but by an appeal, either to the executive [f] or judicial authority, as there is no public paper through which Channel I could set my Character right in the public opinion - Your Lordship must be aware that both the executive and judicial authority would be more alive to the interest, honour, and reputation of Government, than to that of any Individual however high his rank -

After I had instituted a criminal prosecution against the Editor of the Sydney Gazette, His Excellency Governor Macquarie was kind enough to issue

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a general order expressive of his regret that such a Letter should have been inserted in the Sydney Gazette, and by which he withdrew all public sanction from it – at the same time My Lord, I shall never feel myself secure from similar attacks, while the same persons have the sole controul of the Sydney Gazette, unless they are restrained by the executive authority – To be compelled to appeal to the judicial authority as I am at present, in any future case, would be too expensive for me, and attended with such difficulties and vexations, as I need not further explain to your Lordship –

From the accompanying documents, I trust your Lordship will allow that my complain is not without just cause, and that you Lordship will give such directions as may prevent a recurrence of such attacks being made upon my reputation in future, through the medium of the Sydney Gazette by the Confidential servants of the Crown

I have the honour to be your

Lordship's most ob^t. humble servant,

(signed) Samuel Marsden

To the R^t. Hon.^{ble} Earl Bathurst,

Senior

Chaplain

Principal Secretary of State.

&c &c &c [f]

December 8th 1817

My Lord,

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In addition to the above documents, I beg to make a few further remarks for the information of your Lordship -

When I was libelled through the same channel, on a former occasion, alluded to in the Deposition of Richard Jones Esqr. I applied for redress to his Excellency Governor Macquarie, who refused to order the printer to give up the author, but told me, by Letter, that I must apply to a Court of Justice if I were dissatisfied. I knew I was at the time, too weak to contend with those in power, and was therefore, compelled to submit to the odium and scandal thrown upon my public character, by the anonymous publication in the Sydney Gazette, however much my feelings were wounded.

When the latter "Philo Free" appeared in the same Gazette, I complained again to his Excellency who could easily have ordered the Editor (as being a servant of the crown) to give up the author of the said letter, and which I conceived I had a right, in common Justice to expect, as being an Officer serving the present Government - If his Excellency had done this, it would have saved me much trouble, vexation and expense - I told his Excellency at the time, that I should not rest satisfied, till I should bring the Author of the Libel to Justice, and that I had no doubt but that I should finally discover who that was - At length I obtained sufficient proof (part of which has been laid before your Lordship) against John Thomas Campbell Esqr. the Governor's Confidential Secretary to bring the matter to a Legal investigation, though in doing this I met with the greatest opposition from [f] a Quarter where I had a right to expect the greatest impartiality - At length, after many vexations and difficulties, my

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Complaint was exhibited before the Criminal Court – At the end of three days investigation, a verdict was given in my favour against the Secretary on Oct. 24th 1817.

As the Scandal had now been publicly wiped away from my character I was satisfied. But in the next Gazette of November 1st 1817, there was published the most false and scandalous representation of the trial, which tended to throw the greatest reflection upon my cause. On which account I was now compelled to appeal to the Supreme Court for redress, and in that Court I obtained Justice without any difficulty, to the general satisfaction of the Public, and to the honour of the Judge and Members of the Court for their impartiality and independence –

As it is probable that both trials will in due time be laid before the public, I shall not trouble your Lordship with the Details, but shall only notice the evidence given by one Individual, M^r Michael Robinson, principal Clerk in the Secretary's Office, stated upon oath before the Supreme Court, that the whole of the Letter "Philo Free" was written or copied by M^r Secretary Campbell, on the very day on which it was sent to the printing Office, that M^r Secretary Campbell shewed him (the said M^r Robinson) the letter on that very day, and that the whole was in the hand writing of M^r Secretary Campbell.

Your Lordship has seen that M^r Secretary Campbell states in his Letter to the Hon. the Judge Advocate, that the letter "Philo Free was laid before him on that day "as a candidate for insertion [f] in the Gazette", That not having time to

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read it, he only noticed the first and last parts thereof which related to the philanthropic Society question -

His Excellency the Governor states in the Government and general orders issued upon the occasion "his regret that the said Letter should inadvertantly, from the great pressure of Government business in the Secretary's Office, have got admission into the Gazette"- It must be inferred, that his Excellency the Governor was, at this time, ignorant that his Secretary had written the Letter "Philo Free" and ordered it to be published in the Sydney Gazette, otherwise he never would have made this public apology, for its insertion upon false grounds - Yet notwithstanding the apology published in the Government and general orders, and M^r Secretary Campbell's evasion, as stated in his Letter to the Judge Advocate, it has been clearly proved, My Lord, before the Supreme Court, that the pressure of public business was not so great as to prevent M^r Secretary Campbell even from writing the whole of the Letter "Philo Free" upon that day, and taking it personally to the printing Office - He could not have written the letter on that day, and be ignorant of its contents, as he pretended, nor could he have subaffixed his official Signature, to the Government and General Orders, without knowing at that very time, that the Orders were incorrect, and that the Supreme Magistrate of this Colony was putting his Official Signature to a public document, which might at a future day be proved to be incorrect, and by which the honour of the Executive Government might be injured in the public opinion.

I shall not trouble your Lordship any further [f] than first to observe that

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I have been informed that the Governor's Secretary has made representations against me to His Grace the Archbishop of Canterbury, and also to the Lord Bishop of London - Under all the circumstances, as simply related, Your Lordship will easily believe that if my enemies had any facts to alledge against me, they would not have recourse to anonymous publications in the Sydney Gazette, which, as I before observed to your Lordship, is only open to themselves - I therefore feel confident that neither your Lordship, nor His Grace the Archbishop of Canterbury, nor my Lord Bishop of London, will be influenced to entertain unfavourable impressions to my prejudice, (after I have served 24 years in the Colony, and enjoyed the countenance, confidence and I may add, friendship of every Governor who has exercised the Government here, till the present Administration) by the base assertion of M^r Secretary Campbell, against whom I have obtained two Verdicts, one in the Criminal Court, and the other in the Supreme Court, notwithstanding all the advantages which his public situation gave him over me -

At the same time I am aware, My Lord, that it is not possible to say, what impression such a man as Secretary Campbell may make (holding as he does, such an high confidential situation under this Government) upon the minds of persons at a distance - and I think your Lordship will admit that any apprehension is justifiable when you will reflect, that his Excellency the Governor who is upon the spot, and acquainted with every local circumstance, could be induced to believe, that the great pressure of Government business in the Secretary's Office was the cause of the Libel in question gaining admission

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into the Gazette [f] without due examination, and to publish this in the Government General Orders as a fact, whereas the contrary has been proved, on the clearest evidence, before the Supreme Court.- Had the evil effects of the Libel been confined to these Settlements, I should not have taken any public notice of it whatever - But as it was sent into the world, under such an apparent public sanction, and likely in its operation to affect the character of many innocent individuals I felt myself compelled to appeal to the Courts of Justice, in order to justify my own public reputation, and to defend that of those who are associated with me in promoting the Civilization of the Natives in the South Sea islands - I am informed, My Lord, that the Libel hath already found its way to the Asiatic Mirror, and probably before this period may also have been noticed in other public papers in different parts of the world - There can be no doubt but that it was the Author's intention that it should be as publicly and universally known, as the light of the Sun, and that it should injure the general Interest of the Societies in the public opinion, and expose them and their Missionaries to unmerited odium and Contempt -

Having made the above remarks, I leave, with confidence, my Complaint to your Lordship's favourable consideration -

The recent circumstances will clearly shew the spirit of Hostility, that hath long existed against me without cause, and the trying situation in which I have been placed - and will, I trust also, explain the reasons why your Lordship was ever troubled with any representations of my Conduct, which I am bold to assert has been always regular & uniform. [f]

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My Talents, whatever they may be, have been devoted to His Majesty's Services, ever since I have had the honour to hold His Majesty's Commission, and under which I have performed my Sacred Functions in this Colony from its infancy-

I have the honour to be,

My Lord,

Your Lordship's most obedient

humble servant

(signed) Samuel Marsden

Senior Chaplain

To the Rt. Honble

Earl Bathurst

Principal Secretary of State

&c &c &c [f]

The few enclosed documents will be sufficient to shew Your Lordship the line of Conduct which John Thomas Campbell, Esq^r Secretary to His Excellency Governor Macquarie has pursued in the present case which has been the ground of my complaint.

N^o 1 is my Letter to the Hon M^r Judge Advocate Wylde of date January 1817.

N^o 2. is the Answer of his Honour the Judge Advocate to M^r Campbell Secretary of date 11th January.

N^o 4 Is M^r Secretary Campbell's Reply to the above Letter, dated 14th January,

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Nº 5. Is the General order of His Excellency Governor Macquarie of 15th January.

Nº 6. Is the Deposition of M^r George Williams, dated 18th March 1817.

Nº 7. Is the deposition of Richard Jones, Esq^r before the Judge Advocate on the 13th November 1817—

Numbers 1, 2, 3, &d are already in the Society's possession. [f]

Government House,

Parramatta, 15th Jan. 1817

No 5

The attention of His Excellency the Governor, having been called by the Honourable the Judge Advocate to the consideration of a public letter, inserted in the Sydney Gazette of the 4th Instant, signed "Philo Free" and of the several communications which have since passed on the subject between the Judge Advocate, and M^r Secretary Campbell, and the Rev. Samuel Marsden, His Excellency deems it necessary in Justice to his own feelings, as also to the highly respectable and benevolent persons and Societies engaged in Missionary labours and purposes which have ever received his public support and sanction, Thus publicly to express his disapprobation of the letter referred to, and his regret that it should inadvertantly [sic], from the great pressure of Government business in the Secretary's Office have got admission into the Gazette, for which his Excellency would thus publicly withdraw all of

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Government Sanction authority or concurrence its insertion might perhaps otherwise be considered to have bestowed.

Lachlan Macquarie

By Command of His Excellency

J.T. Campbell

Secretary [f]

New South Wales) George Williams voluntary

To Wit) maketh oath on the Holy Evangelists,
and saith, that he came to this Colony a free settler on the recommendation of John Barrow, Esqr Secretary to the Admiralty to Earl Bathurst, in the year 1813— This deponent further maketh oath and saith that he is a printer by profession, and that he was Chief printer to the Government at the Cape of Good Hope during the greater part of the time, that Colony was in the possession of the british Government previous to the peace of Amiens. This deponent further saith, that since his arrival in New South Wales, he has [been] employed more or less up to the present time by Mr George Howe, Government printer, at the printing office under his direction at the Salary of two pounds sterling weekly during the time this deponent was so employed, which employ this deponent left on the Eighty day of March 1817 in consequence of the notice received by him to quit the said employ, by order of His Excellency the Governor, Lachlan Macquarie Esq. To the said George Howe to dismiss him from his employ— This deponent further maketh oath and saith, that on

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Thursday the second day of January or on Friday the third day of January, one thousand Eight hundred and Seventeen, he was working in the printing Office of M^r George Howe, Master printer situate in George Street, Sydney, and this deponent further maketh oath and said that John Thomas Campbell esq. Secretary to the Governor of the Colony came into the printing office on the aforesaid second day of January, or on the aforesaid third day of January and this deponent further saith that he saw John [f] Thomas Campbell, Esq^r put into the hands of M^r George Howe, Master printer, a certain paper which contained a Letter addressed to the editor or printer of the Sydney Gazette which Letter was signed "Philo Free". This deponent further maketh oath and saith that there was no other person at that particular time working in the printing office but himself, and that on the delivery of the said Letter "Philo Free" to M^r George Howe Master printer by the aforesaid John Thomas Campbell, Esqr. Secretary to the Governor of this Colony, the aforesaid M^r George Howe immediately have the said letter "Philo Free" to this deponent to compose for the Sydney Gazette, and to the best of the opinion and belief of this deponent, the aforesaid letter was in the hand writing of John Thomas Campbell, Esqr. Secretary to the Governor of this Colony, and that he (this Deponent) composed the whole of this letter signed "Philo Free" for the Sydney Gazette previous to the said letter being printed and published in the said Sydney Gazette. This Deponent further maketh oath and saith That the aforesaid original letter was returned to the said M^r George Howe by this Deponent for the purpose of been [sic] given or sent to the aforesaid John Thomas Campbell Esq. Secretary to the

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Governor of this Colony, he having ordered Mr George Howe, master printer to do so. This deponent further maketh oath and saith that John Thomas Campbell, Esq. Secretary to the Governor of this Colony is not in the habit of coming to the printing office but on urgent occasions, and that no papers whatever that are sent for insertion in the Sydney Gazette are ever submitted for the sanction of the said John Thomas Campbell, Esq. Secretary to the Governor of this Colony, until the proof sheet of the said Sydney gazette is sent from the printing office to the said John Thomas Campbell, Esqr. Secretary to the Governor of this Colony for his approval.

(signed) George Williams

Sworn before me this

Eighteenth day of March 1817

S. Lord, J.P. [f]

In the Territory of New South Wales

Cumberland)

To Wit) Richard Jones, of Sydney, in the

said territory, merchant, being duly sworn on the Holy Evangelists, maketh oath and saith that their Deponent having had occasion to go to the Stores of George Howe of Sydney, printer of the Sydney Gazette, situate in George Street, in the Town of Sydney aforesaid, some time in the early part of the present year one thousand eight hundred and seventeen in order to get removed from thence a quantity of seal Skins which lay in the said stores— the said George Howe came out of his house to whence this deponent

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was and entered into conversation with this deponent and saith that after a short conversation upon subjects of no moment, the said George Howe informed this Deponent, that the Rev. Samuel Marsden was about to file a criminal information against him (the said George Howe) as the Editor of printer of the Sydney Gazette for the publication of a certain letter which appeared in that Gazette on the Fourth day of January last, signed "Philo Free" purporting to be a malicious Libel on the said Rev. Samuel Marsden, and stated, that he (the said George Howe) regretted much that such a production should have been forced on him for publication, the more especially as the Rev. Samuel Marsden had treated him (the said George Howe) with civility & kindness since his (the said George Howe's) arrival in the Colony, and that he (the said George Howe) was sure the world would acquit him of any intention to hurt the feelings of the said Rev. Gentleman, by any thing that appeared in the Columns of the Sydney Gazette, and the said George Howe then also [f] stated to this Deponent that he (the said George Howe) had no controul whatever over the said Newspaper (the Sydney Gazette) nor could he insert even the smallest paragraph on any subject therein without the sanction of M^r Secretary Campbell, and he (the said George Howe) regretted that all the parts of the Newspaper, excepting what was occupied by the Government orders was not left wholly under his direction, and then he (the said George Howe) would answer for it, there should be no part of its Columns offensive to any individual— and the said George Howe then said, there had been but one other Libel published in the said Newspaper since its first publication and that was

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written by the Author of the present Libel "Philo Free" and against the same person— and the said George Howe then also stated to the deponent, that John Thomas Campbell, Esq Secretary to his Excellency the Governor, was the person who brought the original manuscript signed "Philo Free" to the Gazette office, and delivered the said Manuscript into his (the said George Howe's) hands in the printing Office, and that he, (the said George Howe) without looking at the Contents of the said letter handed the same then and there, in the presence of the said John Thomas Campbell, to George Williams, who was one of the printers in the office, to compose for the press and that the said Mr Campbell had enjoined secrecy upon the said George Howe as to the said Letter,— and saith that the said George Howe declared to this Deponent more than once or twice during the said conversation between the said George Howe and this Deponent, that the said Manuscript letter was in the hand writing [f] of the said John Thomas Campbell, with whose writing he (the said George Howe) was perfectly well acquainted.— The said George Howe frequently used this expression to this Deponent "It was his own hand writing Sir", meaning as this Deponent most clearly understood, the hand writing of the said John Thomas Campbell— and the said George Howe then also stated to this Deponent that in the course of a day or two after the delivery of the said Manuscript, a most peremptory order was sent by the said Mr Campbell to the said George Howe to return him (the said Mr Campbell) the said original Manuscript letter, which order was complied with— and the said George Howe then also lamented that he had been obliged to publish the said letter "Philo Free" as he (the said

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George Howe) had prepared for publication in the said Gazette on the same day a paragraph highly complimentary to the different Missions in consequence of Accounts of an agreeable nature, having been shortly before received from the different Missionary stations, and the said George Howe then also stated to this Deponent that he, (the said George Howe) had hoped that Mr Campbell would come forward and avow himself the Author of the letter in question, and not allow him, (the said George Howe, the innocent printer) to suffer because he (the said George Howe) was compelled by the Authority of the Writer to print that paper in the Gazette, and the said George Howe, then also stated to this Deponent that the before mentioned George Williams either had been, or was about to be turned out of the printing Office by a peremptory order from his Excellency Governor Macquarie, for having in conjunction with other persons signed a Petition to the House of Commons [f] complaining of certain Acts of his Excellency's Government and that he (the said George Howe) was ordered at his peril not to keep the said George Williams in his employ and that he (the said George Howe) had remonstrated with His Excellency the Governor, for turning Williams out of the printing Office, and stated to his Excellency that he could not carry on his various duties without the assistance of Williams, but that all his efforts were of no avail, the order was more positively insisted on— and the said George Howe then also informed this deponent, that it was in consequence of the said George Williams's being turned out of the printing Office, that the said George Williams gave private information who was the author of the letter signed "Philo Free, [sic] and the

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said George Howe then also informed this Deponent, that at the time the said George Williams was composing the said letter "Philo Free" his (the said George Howe's) son, Robert Howe said to him, the said George Howe and said "Father for God's sake do not print the Letter "Philo Free", it is so gross a Libel, you will get into trouble about it" – To which the said George Howe stated he answered "I have no choice, print it let the consequence be what it may" – and the deponent said that the said several statements were made by the said George Howe of his own voluntary accord to this deponent, that the said conversation was entirely begun and introduced by the said George Howe, of his own motion – that this Deponent had no idea of asking the said George Howe any question whatever relative to the Letter "Philo free" nor of receiving any kind of Information thereon from the said George Howe –

Sworn before me at my Chambers

This 13th Day of November 1817

(Signed) John Wylde

Judge Advocate

N S W