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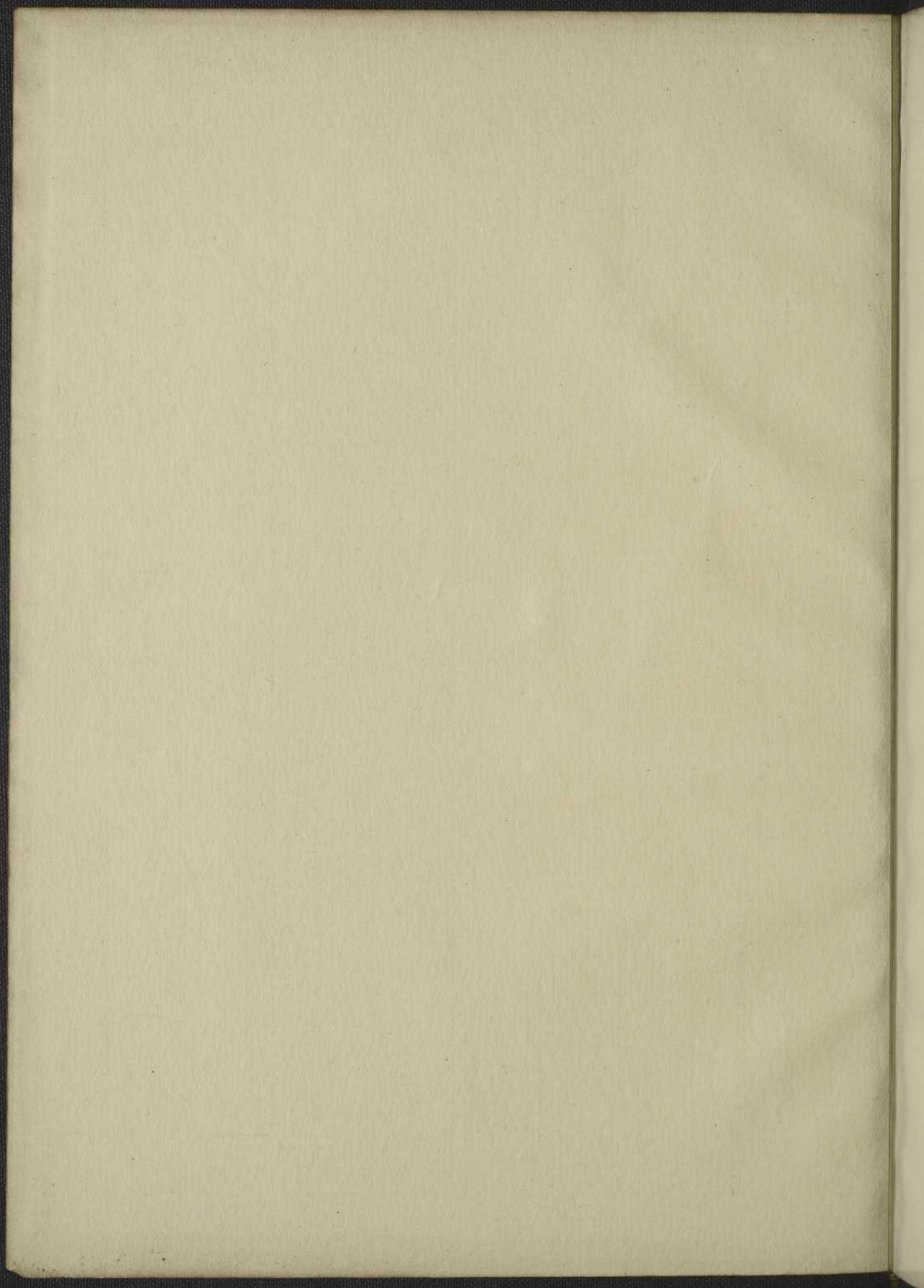
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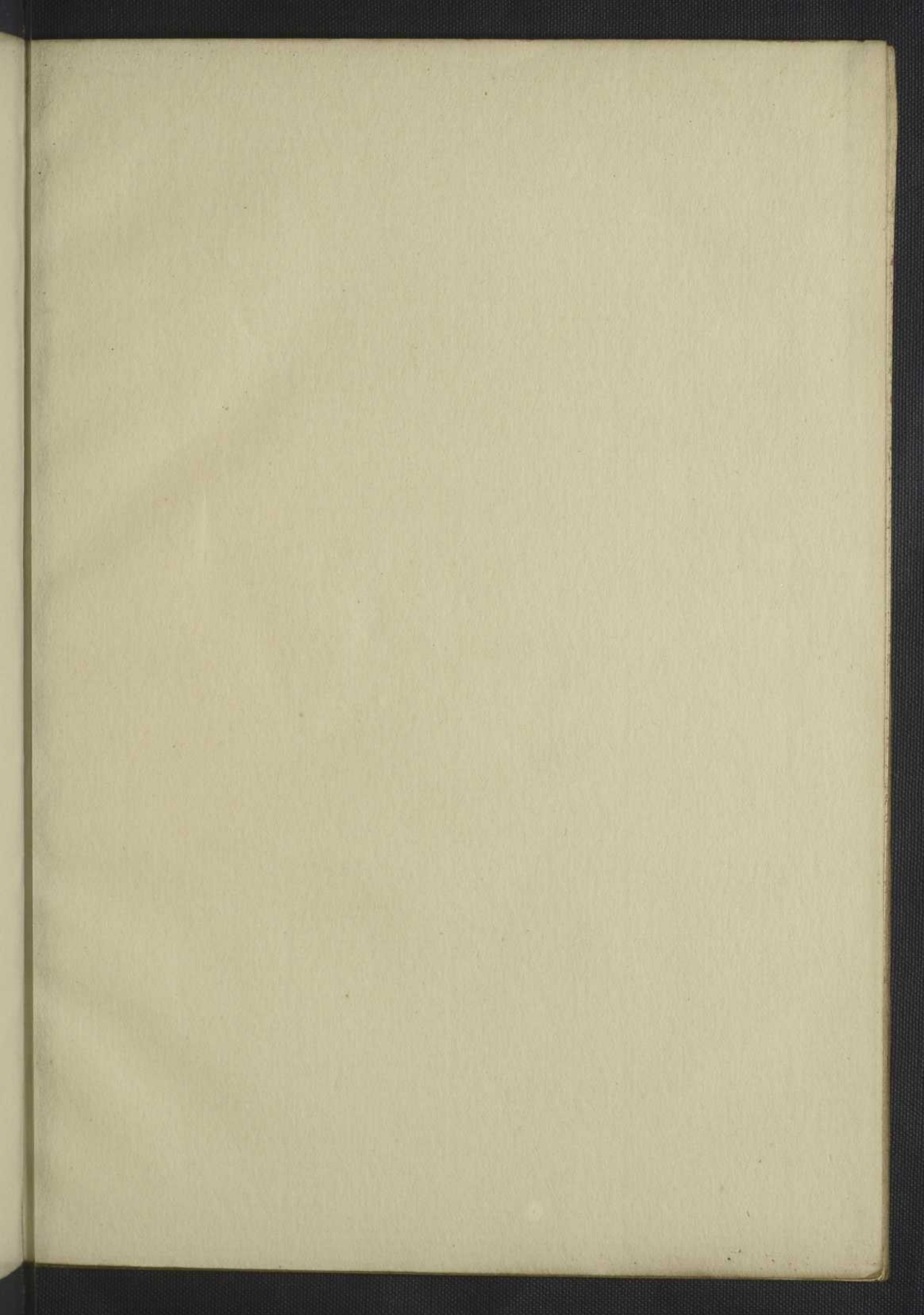
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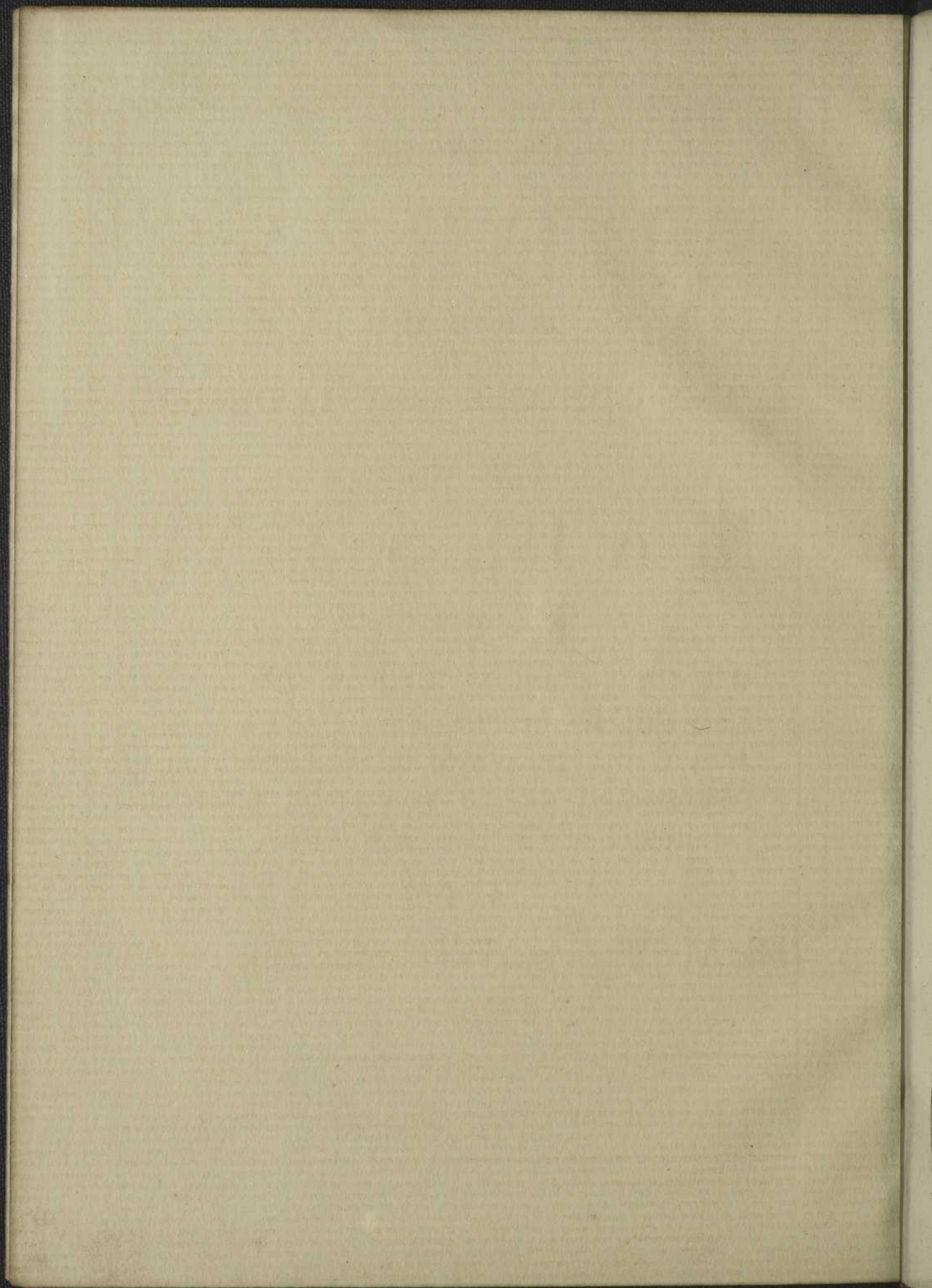
Volume 5-19687

Wing E2801

England, Parliament, House of Lords







× The Humble

ADDRESS

OF THE

Lords Spiritual and Temporal

TO HIS

MAJESTY,

In Relation to the

PETITION of *Charles Desborow*,
Late Captain of His MAJESTY's Ship
Mary Gally, Employ'd in the Expedition to
Newfoundland, in the Year 1697, under the
Command of Captain *John Norris*.

AND

His Majesty's most Gracious ANSWER
thereto.

London

Printed for *Charles Desborow*, 1699.

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The Humble

ADDRESSES

OF THE

Lords Spiritual and Temporal

TO HIS

M A J E S T Y

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P E T I T I O N of Charles Darnley
Liege Captain of the Tower
May Golly, his loyde in the
Newfound in the Year 1568, next the
Command of the same

A N D

His Majesty's most Obedient
petition



Printed for Charles Darnley

To the Right Honourable the LORDS
Spiritual and Temporal in Parliament
Assembled.

The humble Petition of *Charles Desborow* :

SHEWETH,

THAT Your Petitioner was Commander of His Majesty's Ship *Mary Gally*, in the Expedition to Newfoundland, Anno 1697. together with Ten Men of War more, Two Fireships and Two Bomb-Ketches. The 21st of June, Mr. *Ponti* appear'd off the Port of *St. John's*, which gave the fairest Opportunity imaginable to those that were imployed on that Expedition to have taken them, had they then believed the Intelligence that from time to time was given them by your Petitioner, and others; but instead of giving Encouragement to your Petitioner for his readiness to do service to the Nation, and to cover their own fault, your Petitioner was unjustly charged with Breach of Orders, and Neglect of Duty, and dismiss'd from his Command; which your Petitioner is ready with

*Witnesses to prove, either at the Bar of Your Lordships
House, or as in Your Lordships Great Wisdoms shall
think meet.*

Wherefore Your Petitioner most humbly Prays,
That Your Lordships will enquire into Matter
of Fact, that Justice may be done both in re-
lation to His MAJESTY, the Kingdom
of England, and your Petitioner, who has
been a great Sufferer on this Occasion; And,
as in Duty bound, he shall ever Pray.

Cha. Desborow.

Die

Die Luna 17 April. 1699.

WE Your Majesty's most Dutiful and Loyal Subjects, The Lords Spiritual and Temporal in Parliament Assembled, Humbly acquaint Your Majesty, That We have received a Petition from *Charles Desborow*, late Captain of Your Majesty's Ship the *Mary Gally*, employ'd in the Expedition to *Newfoundland* in the Year 1697. under the Command of Captain *Norris*: Which Petition sets forth, That on the 21st of *July*, 1697. Monsieur *Ponti* appeared off the Port of *St. John's*, which gave the fairest Opportunity imaginable to those that were then employed on that Expedition, to have taken the *French*, if the Intelligence that from time to time was given by the said *Charles Desborow* and others, had been believed: And that instead of receiving any Encouragement for his Readiness to do Service to the Nation, he was unjustly charged with Breach of Orders, and Neglect of Duty, and dismiss'd from his Command.

Which We conceived to be a Matter of so Ill Consequence to Your Majesty's Service, if there were Truth in it, that We thought fit to enter into a particular Examination upon Oath, of the Allegations of the said Petition: Wherein the said *Desborow* does acquaint the Committee of this House, That on the 21st of *July* Five *French* Ships appeared off *St. John's*, which were reported by Prisoners taken, to be part of Monsieur *Nesmond's* Squadron appointed to Attack *St. John's*.

B

That

That on the 23^d of *July*, Four *Englishmen* who had been taken Prisoners by *Ponti*, made their Escape, and informed him the said *Desborow*, That the Five Ships before-mentioned belonged to *Ponti*: That most of his Men were sick, and that their Provisions were short. These Four Men informed *Commadore Norris* the same thing, and also that they came from the *West-Indies*; but he would not believe them.

That *Alexander Cumberbatch* (who was a Prisoner with *Ponti*, but being sent under a Guard to the Shore to get him Provisions, and liberty to Water) gave us Notice hereof by Letter; and told us, That if we would serve our Country, this was the time.

That *Edwards* and *Shuttleworth* brought this Letter from *Cumberbatch*, and affirmed the same thing; but we would not believe them.

That on the 26th of *July* the said *Desborow* was sent out to discover them; and *Captain Littleton* was sent out the same day, or the next, to *Carbonier*, where pursuing a *French Boat* sent out from *Ponti*, the *Frenchmen* were forced on Shore, and surrendered themselves to the Merchant-men that kept Guard on the Island of *Carbonier*, who brought Five and twenty of them to *Captain Norris*, to whom they owned it was *Ponti's Fleet*, and not *Nesmond's*; but he would not believe them, but threatned to Whip them.

While this was doing, the said *Desborow* came in, and assured them, There were Five *French Men of War*, and no other Ships near them; but neither the *French Prisoners*, *Shuttleworth*, the said *Desborow*, nor the four *English* that had been Prisoners, could be believed; so it was resolved, Not to go out to fight them.

William Essex and *Charles Hasbfield* being Examined before the said Committee, said much to the same Effect;

fect ; and particularly, That they heard the four *English* Prisoners say , That those *French* Vessels were Five Men of War under *Ponti*, come from *Carthage-na*, who they said were weakly Manned, and had but little Wood and Water Aboard.

And *Cumberbatch* inform'd the said Committee, That when he came out of *France*, the Commissioners of the Admiralty gave him 500 *l.* and a Medal and Chain of 150 *l.* value ; and gave his Mate 50 *l.* and a Medal of 30 *l.* for the Intelligence he the said *Cumberbatch* had given to Commadore *Norris* at *St. John's*.

John Bayly deposed, That the Ship *Monk*, where Captain *Norris* was Commander, had several Bails of Linnen and Woollen, Brandy, and Wine, Haberdashery Ware, and Druggets on Board ; and that the Bails lay between the Guns, and before the Cabbin-door, from the 21st to the 28th of *July* ; and that the said Ship was so pestred with Goods, that she was not fit to go to Sea all the while *Ponti* lay there ; and they took the Fishes, Top-Masts, and Chains, to make a Boom a-cross the Harbour, to keep *Ponti* out.

George Wittered also deposed, That the said *Monk* was so pestred with Goods on the 21st of *July*, when *Ponti* appeared at the Mouth of the Harbour, that she was not fit to go out ; and that they took the Fishes, Top-Masts, and Chains, to make a Boom to keep *Ponti* out.

We have likewise lookt into the Resolution of the Council of War, of the 24th of *July*, 1697. which was called upon the receiving an Express from the Masters of the Merchants Ships at *Carboneir*, of Five *French* Men of War being seen off that Port, which the Officers of the said Council of War judged to be a Part of Monsieur *Nesmond's* Squadron ; where it was

considered, Whether the Squadron should go to Sea or not ; to which Council of War the Land-Officers were joined ; and the Question being put, the Votes were as follow ; every man signing his Opinion to his own Name.

Seamen.

Francis Dove, Yea.
Robert Stapilton, Yea.
James Littleton, No.
Charles Desborow, Yea.
Cooper Wade, Yea.
Roffey, No.
James Mighells, Yea.
Tho. Day, Yea.
John Cranby, Yea.
John Drake, No.
Nicholas Trevannon, No.
John Norris, Yea.
Tho. Smith, No.

Landmen.

John Gibson, No.
Tho. Dore, No.
Tho. Handusyd, No.
Cliff. Brexton, No.
Griff. May, No.
Hugh Boyd, No.
M. Smith, No.
Jos. Hargrave, No.
Rob. Dalyell, No.
H. Petit, No.
George Watkins, No.

These Votes were signed the 24th of *July*, at Three of the Clock in the Afternoon ; by which it was carried, That the Squadron should not go to Sea.

After this We Examined all the Captains that are now in *England*, that had been employed on that Expedition ; who owned the Intelligence above mentioned, but distrusted the Truth thereof, thinking still it must be *Nesmond*, and not *Ponti* : And yet by an unaccountable Negligence took no care to send out others to be further satisfied of the Truth of the aforesaid Intelligence.

As concerning the said *Desborow's* being broke by a Court-Martial on the 11th of *August* following for Neglect

lect of Duty, and Breach of Orders ; We have likewise Examined as many of the Captains of that Court-Martial, as are now in *England*, who do not charge the said *Desborow* with any particular Breach of Orders, or Neglect of Duty ; but referred themselves to the Depositions taken at the Court-Martial for the Ground of their Reasons for breaking the said *Desborow* : Whereupon we had Resort to the Original Depositions then taken upon Oath ; and First of *John Stoneman*, the Master of Your Majesty's said Ship, *Mary Galley* ; which saith, That having Sailed out of *St. John's Harbour* on *Monday* the Six and twentieth Day of *July*, they Steered to the *Northward*, and on the Seven and twentieth of the same, they gave Chace to Three small Sail, one whereof proved to be the *Lisbon Merchant*, Captain *Sookes* Commander, who came that Morning from *Carbonier*, and acquainted them, That the Night before there was taken a *French Man of War's Boat*, with several Prisoners ; and that Captain *Littleton* was gone thence with them to *St. John's* : Also that there were Five Sail of *French Men of War* then at *Anchor* in *Conception Bay* : He further deposes, That on the Eight and twentieth they saw them at about Four Miles distance from them ; that the biggest of them had a White Flag at Main-top Mast Head, which he judged to be a Ship of about 80 Guns under Sail ; That thereupon they made the best of their way to *St. John's Harbour*, to acquaint the Commander in Chief with it ; That they plyed off and on, off *St. John's* till the 29th ; when they Sailed again to the *Northward*, the Wind at *South West* and by *West*, and the Weather very Foggy ; That at 11 that Night they fell in with the aforesaid Five Sail near *Cape St. Francis* ; That the Sternmost of them Fired a Gun, and made false Fires. Upon which all their Lights were put out immediately,
and

and they lost sight of them, it being hazy Weather ; That they stood upon a Wind till it clear'd, which was about 2 in the Morning, when the Wind coming out at *N. N. E.* and seeing no Sail, they stood in for *Carbonier* to gain Intelligence if those Ships had done any Injury there ; That their Captain went a-shore, and returned at 9 at Night, and brought a *French* Prisoner with him ; which had been taken in the forementioned Boat. He further adds, That that Night about 12 a Clock the Current set them so near to the Shoar, that they were obliged to come to an Anchor till 3 in the Morning, when they weighed and made Sail for *St. John's* ; but the Wind being contrary, they got not off that Harbour till the 31st, when their Captain went into the Harbour in his Boat, to acquaint the Commander in Chief with what Intelligence he had learnt.

Mr. *John Crow*, Lieutenant of Your Majesty's said Ship *Mary Galley*, *John Car*, and *Nicholas Bundocks* Mates of Your Majesty's said Ship, in their several Depositions say near to the same Effect.

Mr. *Arthur Bass*, Lieutenant of Your Majesty's Ship *Monk*, doth depose upon Oath, That being sent by Captain *John Norris*, Commander in Chief of Your Majesty's Ships in *Newfoundland*, to get Intelligence from the *Northern* Parts of the Coasts, on the 28th of *July*, under *Bell-Isle*, he saw Five Ships which he was informed by the Inhabitants of that place were *French* Ships, Men of War ; and that he did at the same time see in the Bay Your Majesty's Ship the *Mary Galley*, and to the best of his Judgment she was from 6 to 8 a Clock no nearer to the *French* Ships than two or three Leagues.

Which being the only Deposition that charges *Desborough* with being at that distance from the *French* Ships,
We

We must observe, That the said *Bass* was not on Board the same Ship with *Desborow*, which the other Four Deponents were; and besides, the said *Cumberbatch*, who was then Aboard *Ponty's* Ships, does depose, That on the 28th of *July* (as he believes it was) he saw a Frigate-built Ship of 36 Guns which he took for *English*; which Ship in truth proved to be the said *Mary Galley*; so that it does not appear to us, That any Breach of Orders, or Neglect of Duty, could justly be charged upon the Petitioner *Charles Desborow*: Whereupon this House proceeded to Pass the Three following Votes. (*viz.*)

I. It is Resolved by the Lords Spiritual and Temporal in Parliament Assembled, That it is the Opinion of this House, That Captain *Charles Desborow* was unjustly broken; and also that an Humble Address be Presented to His Majesty from this House, That he may be restored to His Majesty's Favour, and his own just Rights.

II. It is Resolved, That the Squadron Commanded by Captain *Norris*, at *St. John's* in *Newfoundland*, not going out to fight *Ponti* upon the several Intelligences given, was a very high miscarriage, to the great Disservice of the King and Kingdom.

III. It is Resolved, That the joining the Land-Officers with the Sea-Officers in the Council of War of the 24th of *July*, 1697. was one occasion of the Miscarriage in not fighting *Ponti*.

All which, according to our Duty, we lay before Your Majesty, to the end Your Majesty may be plainly and impartially informed of the great Miscarriage in that Expedition, and the true Cause and Ground of it; not doubting, but that Your Majesty upon a serious Reflection of this our Humble Representation, will give effectual

effectual Orders for the Redressing and Recompencing this poor Man's Grievances and Sufferings in particular, and for Vindicating the Reputation of Your own Service both at Home and Abroad, which we are sensible hath extremely suffered on this Occasion, and for preventing the like discredit, damage, and mismanagement for the future.

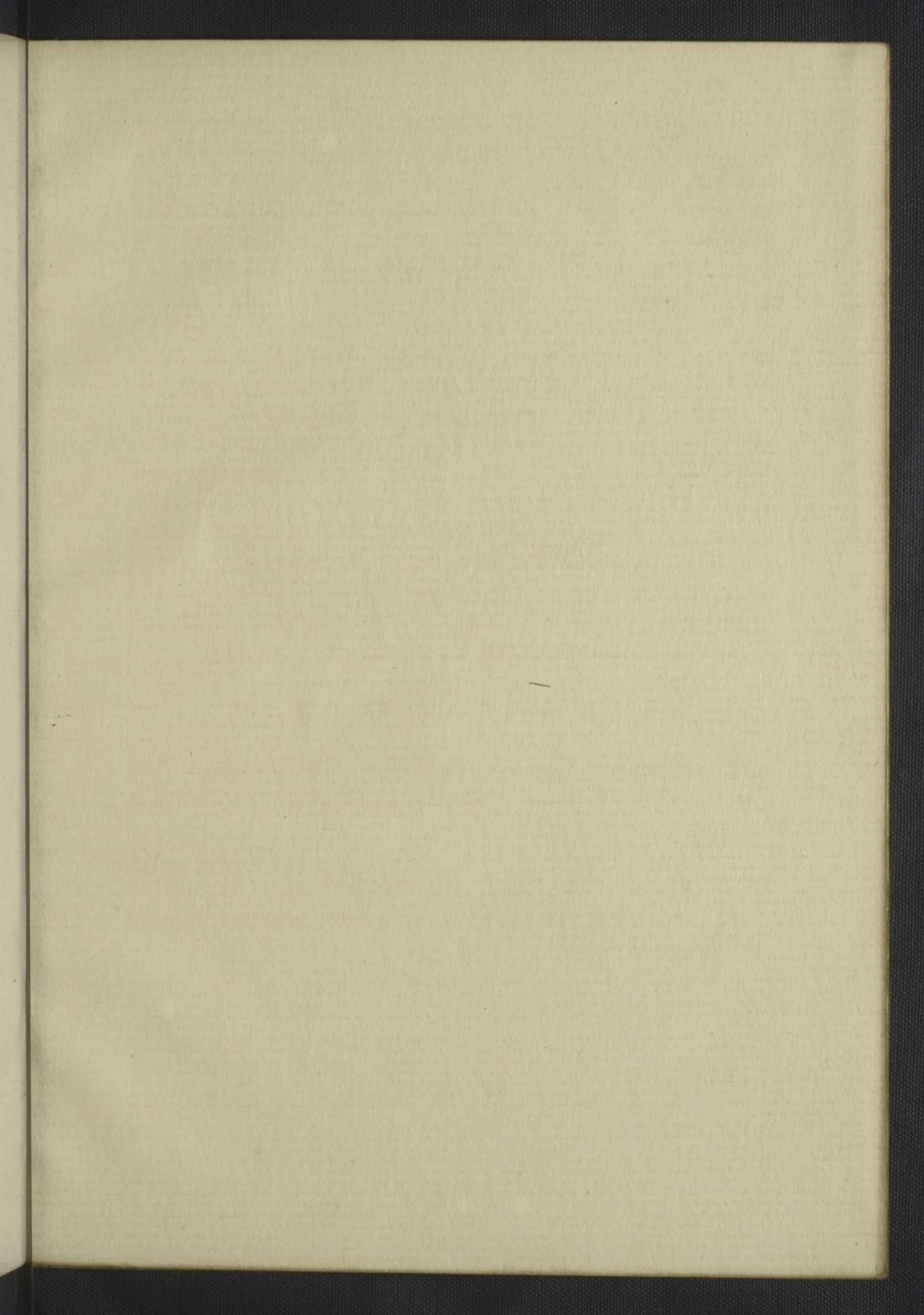
And whereas several Matters of very great Consequence, have been throughout the course of these Examinations Sworn against Captain *Norris*, which we forbear to enter into a more particular Enquiry of, because the said Captain *Norris* was not here to answer for himself: We humbly desire, That Your Majesty would give effectual Orders that the said Captain *Norris* be forthwith Remanded, and ordered to Attend this House the next Session of Parliament, to Answer such Matters as have been now objected against him: And that in the mean time the said Captain *Norris* may be suspended from his Employment in Your Majesty's Service.

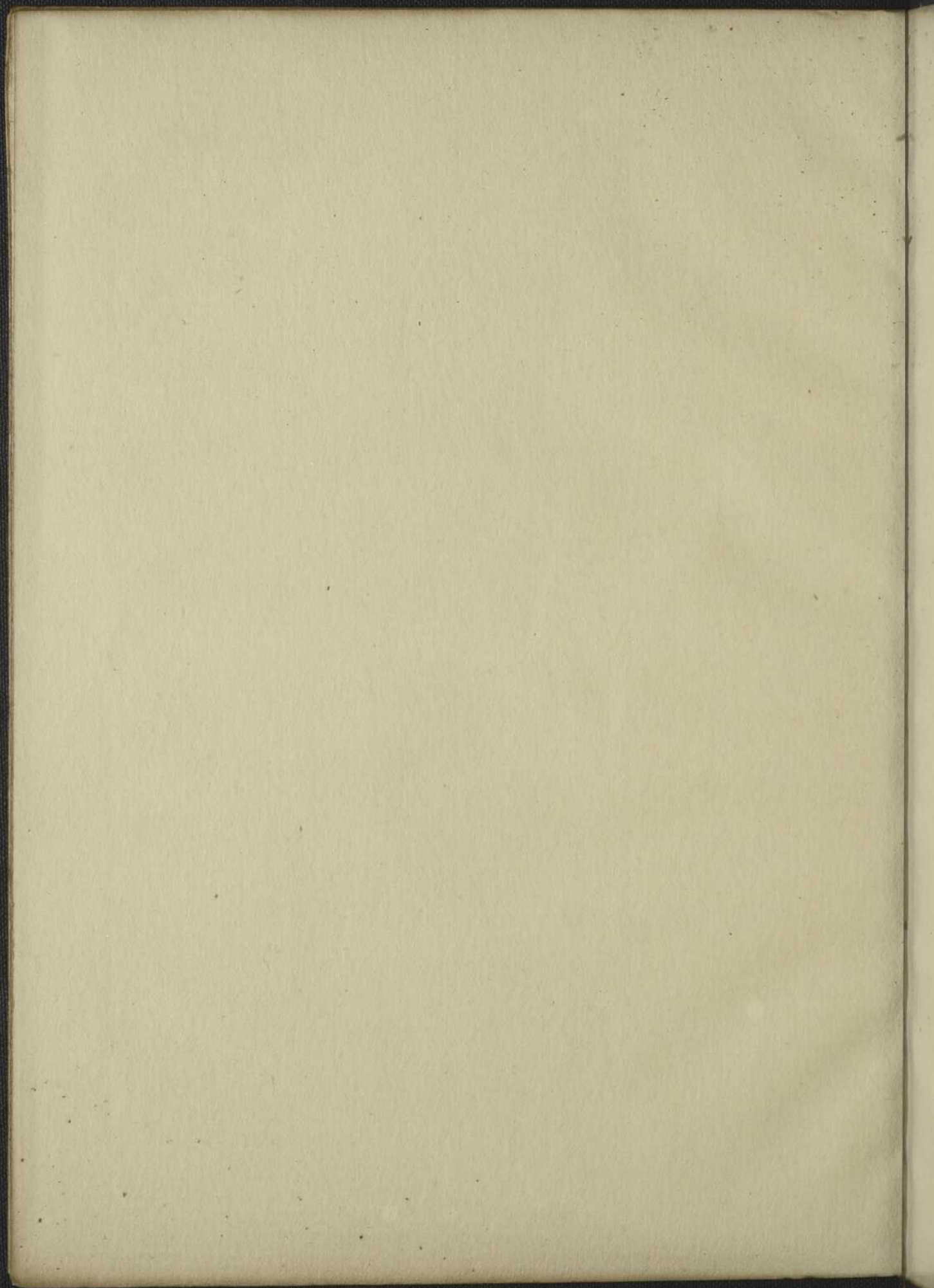
Die Veneris 21 April. 1699.

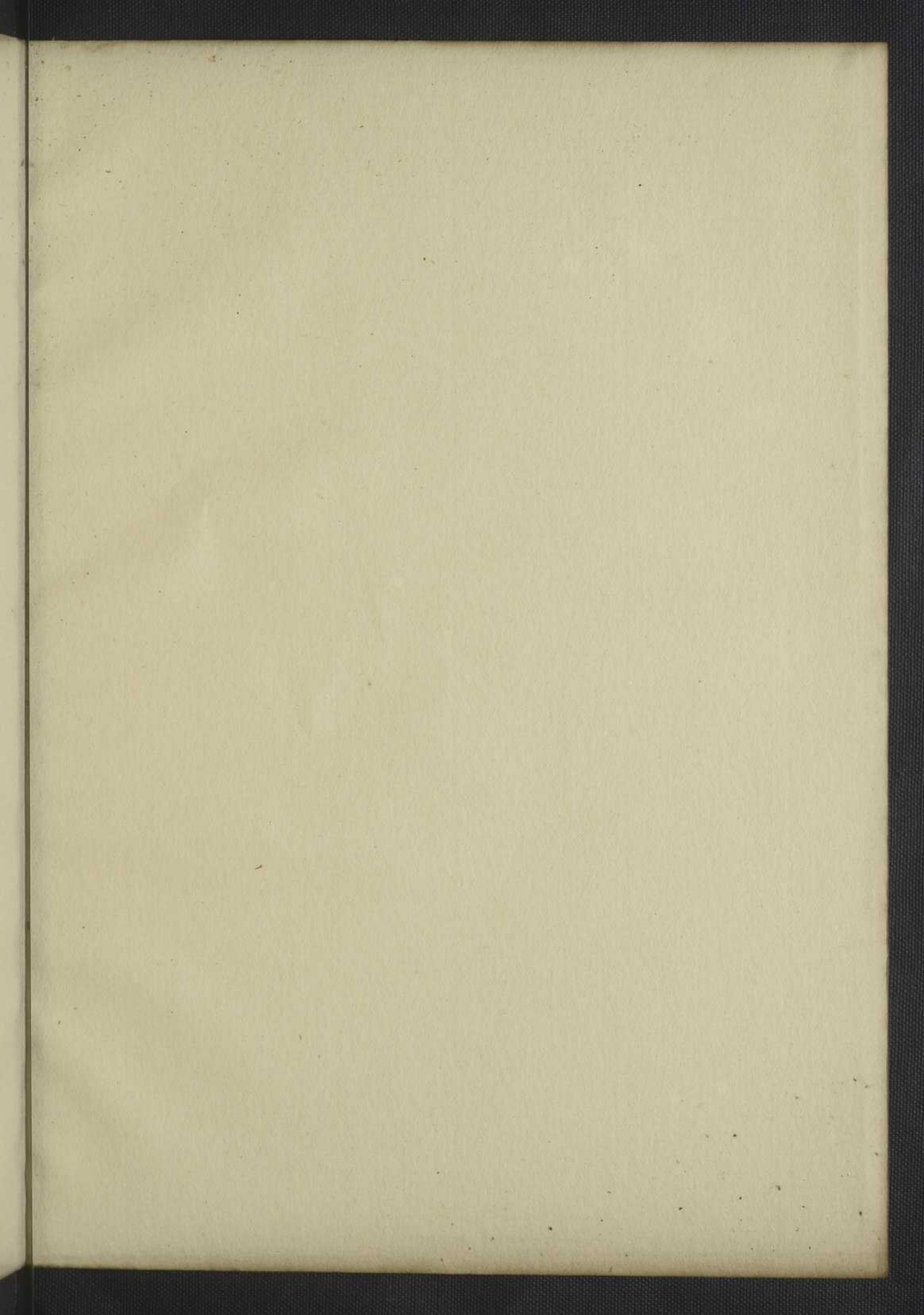
The Earl of *Bradford* Reported His Majesty's Answer to the Address Relating to Captain *Desborow* as follows:

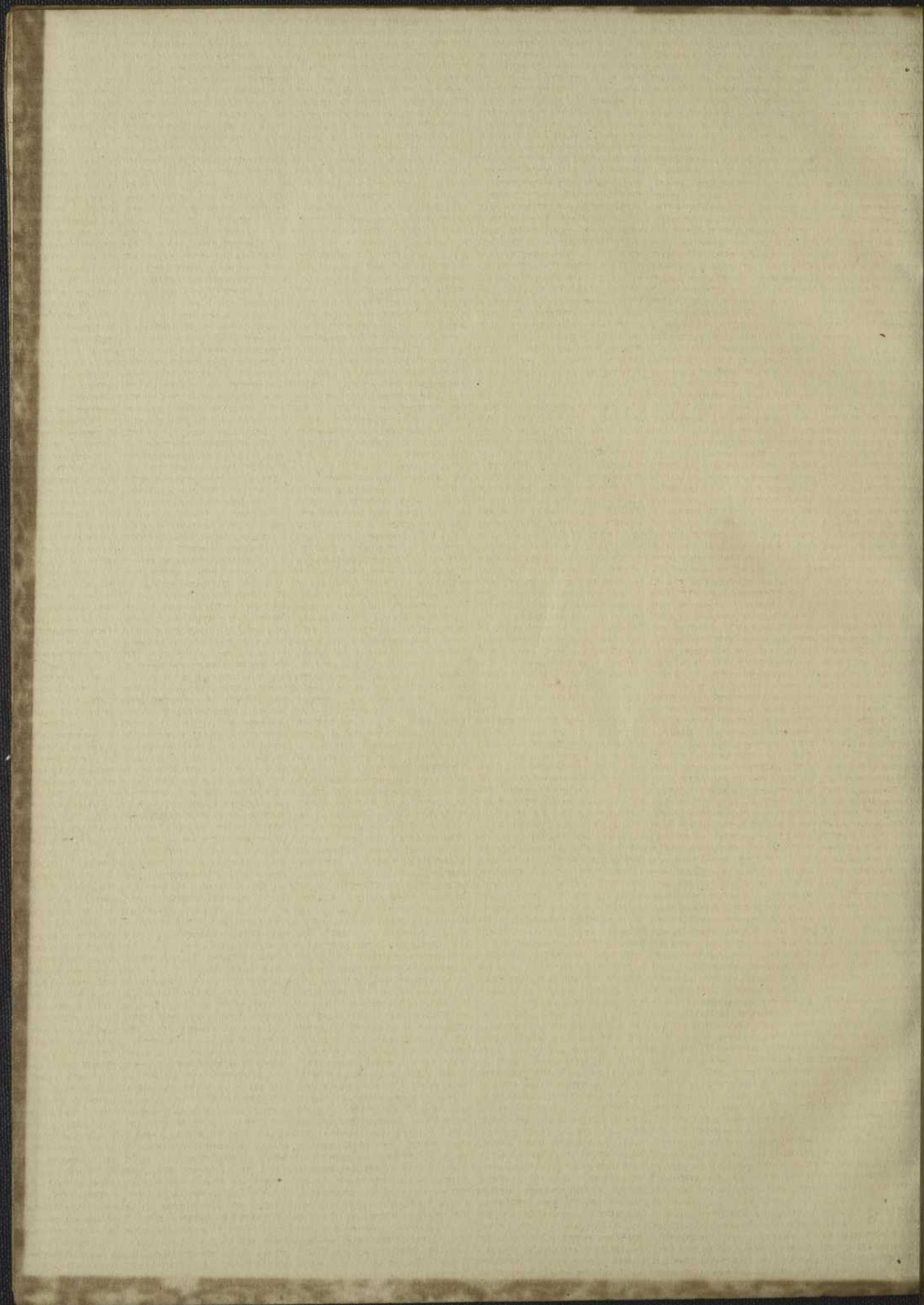
THAT His Majesty will Consider of the Address, and give the necessary Directions in order to what the House desires.

F I N I S.









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