

A
C O P Y of an O R D E R,
F O R T R Y I N G
C A P T A I N S A M U E L G R A V E S,
(Late Commander of His Majesty's Ship Danæ),
B Y A
C O U R T - M A R T I A L,
For the L O S S of a P A R T of
The Quebec Fleet, in 1780,
T H E N U N D E R H I S C O N V O Y.
Also, The Sentence of the Court-Martial,
A n d a C O P Y of a L E T T E R
F r o m t h e J U D G E A D V O C A T E t o C a p t. G R A V E S,
U P O N T H A T O C C A S I O N.

Published at the Request of several of Capt. GRAVES's Friends.

A COPY of an ORDER, &c.

By the Commissioners for executing the
Office of Lord High Admiral of Great-
Britain and Ireland, &c.

WHEREAS Captain SAMUEL
GRAVES, Commander of His Majesty's Ship Danæ, was
directed by our Order of the 7th of April, 1780, to take the
Pandora under his Command, and such Store-ships, Victuallers,
and Trade bound to Quebec, or into the Gulph or River of Saint
Lawrence, as might be at Spithead, ready to sail, and willing to
accompany him, under his Convoy; and putting to Sea with the
first favourable Opportunity of Wind and Weather, to proceed
with them as expeditiously as possible, consistent with their Secu-
rity, towards the Place of their Destination; and having seen them
in safety as far as the Ile of Bic, or as near to it as his way and
theirs might lie together, to return to Spithead with such home-
ward-bound Trade as might be ready to sail, and willing to ac-
company

company him from the Isle of Bic, on the 20th of October following; and to call at Galpee for such as might be there. And whereas he was directed by our said Order, to be directed by our said Order, to be particularly attentive to the Ships and Vessels which might proceed under his Convoy, keeping them together by every means in his Power, and giving their Masters such Orders and Directions as he should judge most conducive to that End; and on no Account to leave them, on pretence of their not sailing fast enough to keep Company with him, as we expected that in the Course of his Voyage he should accommodate his Progress to that of the worst sailing Ship amongst them.

AND WHEREAS the Merchants of London, trading to Quebec, have by their Memorial to us, dated the 13th of last Month, represented that they had frequently been requested from the Insurers, who had suffered from the Captures of their Ships, to apply to us for Enquiry to be made into the real Causes of the Separations from the Convoy appointed for their Protection. That having fully examined the Masters of their Ships in the Quebec Trade, they had found them all dissatisfied with the above-mentioned Captain Graves, on Account of his Conduct towards the Fleet, both on their outward and homeward bound Voyages; and that feeling the Misfortunes arising from their late Losses, and from Motives of Justice to the Insurers in particular, and to the Nation at large, had conceived it their Duty to send to us the Declarations of the Ship Masters, who sailed under Convoy of His Majesty's Ships *Danæ* and *Pandora*, which they were separately ready to attest.

AND

AND WHEREAS we think fit that an Enquiry shall be made, by a Court-Martial, into the Conduct of the said Captain Samuel Graves, in respect to the outward and homeward-bound Trade, which failed under his Convoy, in Pursuance of our above-mentioned Order, and that he shall be tryed for the same. We send you herewith an attested Copy of that Order, together with the above-mentioned Declarations, (numbered from 1 to 6), being those the Masters of the Ships named against those Numbers on the other Side hereof. And do hereby require and direct you to assemble a Court Martial so soon as the said Matters, and such other Evidence as the Merchants may have to produce, shall arrive at Portsmouth; which Court is hereby required and directed (you being President) to enquire into the Conduct of the said Captain Samuel Graves, in Respect to the outward and homeward-bound Trade, which proceeded under his Convoy as aforesaid; and to try him for the same accordingly.

Given under our Hands, the 20th of April, 1781.

S A N D W I C H.
L I S B U R N E.
J. G R E V I L L E.

To
Captain Charles Wolfeley, Commander of His
Majesty's Ship *Magnanime*, and Jenic
Captain of His Majesty's Ships and
Vessels at Portsmouth and Spithead.

By Command of their Lordships.

P H P. S T E P H E N S.

- No. 1. William Boyd, Master of the Betsey.
2. John Gibson, ditto Montreal.
3. Robert Richmond, ditto Fame.
4. Robert Whitfield, ditto Worsely.
5. Stephen Ingram, ditto Thetis.
6. William Beatson, ditto Abercorn.

C O P Y.

At a Court-Martial, assembled and held on board His Majesty's Ship Warspite, in Portsmouth Harbour, on Saturday, the 21st Day of April, 1781, by Virtue of an Order of the Commissioners for executing the Office of Lord High Admiral of Great-Britain and Ireland, &c. dated the 20th Day of the same Month, and adjourned from Saturday, the 21st Day of April, to this 9th Day of May, both Days inclusive, Day by Day, Sundays excepted.

P R E S E N T.

Captain Charles Wolfeley, Commander of His Majesty's Ship Magnanime, and senior Captain of His Majesty's Ships and Vessels at Portsmouth and Spithead, PRESIDENT.

C A P T A I N S.

John Macartaney.
Thomas Pringle.

Robert

Robert Pallifer Cooper.
Samuel Whitwring Clayton.
Francis John Hartwell.
Hercules Wyborn.
Anthony Hunt.
William Parker.
Samuel Reeve.
William Fooks.
George Wilson.
John Howorth.

The Court, in Pursuance of an Order from the Commissioners for executing the Office of Lord High Admiral of Great Britain and Ireland, &c. dated the 20th Day of April, 1781, proceeded to enquire into the Conduct of Captain Samuel Graves, Commander of His Majesty's Ship *Danzæ*, in Respect to outward and homeward-bound Trade, which proceeded under his Convoy, in Pursuance of the Order of the said Commissioners, of the 7th of April, 1780, and to try him for the same; and having heard the Evidence, as well in Support of the Charge, as on the Prisoner's Defence, as also the Defence of the Prisoner, and very maturely and deliberately considered the same, is of Opinion, that Captain Graves chased on the 4th and 5th of May, per Log, but not out of Sight of his Convoy. That Captain Graves was not censurable for his Conduct on those Days. That the Conduct of Captain Graves, on the 6th of June, per Log, when the Convoy was attacked by a French Ship of the Line, was proper, and Officer-like.

like. That Captain Graves, on the 7th and 8th of June, per Log, acted improperly, in chasing a Ship, supposed to be an Enemy, out of Sight of the Ships believed to be a Part of his Convoy, instead of endeavouring to collect and re-join them. That the Separation of the Clepflow Brig, on the 24th of June, per Log, was not owing to any Misconduct in Captain Graves, who, it appears, was in the Body of the Fleet, and went at no greater Rate of sailing than the said Brig might have kept Company; and it does not appear the said Brig made any signal to speak with Captain Graves, in order to inform him that she was overpowered with Sail, or unable to keep Company. That Capt. Graves is not censurable for the Separation of the *Mary Amelia*, on the 10th July, per Log, as it appears Captain Graves accommodated his Rate of Sailing to the worst sailing Ship in the Convoy; and that several Circumstances have occasioned the Court to entertain a Suspicion, not only of great Neglect in the Master of the said Brig, in not paying proper Attention to Signals, but also of an Intention to part Company. That the Separation of the Convoy discovered on the 13th July, per Log, upon the Weather clearing up after a Fog, was owing to the Inattention of the Masters of the Ships under Convoy, to the Signal to tack on the 11th, at 10 P. M. which appears to have been properly made at that Time, by the *Danae*, and repeated by the *Pandora*; and that this Inattention in the Master of the Ships under Convoy inevitably threw them out of a Possibility of hearing the subsequent Fog Guns. That the Conduct of Captain Graves, on the 17th July, per Log, in chasing and taking an American Privateer, so as to lose Sight of the *Pandora*, and the four Sail remaining of his Convoy, though not unjustifiable,

justifiable, was imprudent. That Captain Graves having on the 25th July, per Log, gone from the Convoy between the Island Bona Ventura and the Main, was justifiable in so doing, from the secret Information and Instructions given him by the Admiralty; but that the Pandora should have been left with the Merchant Ships, and that the Danæ's anchoring was occasioned by a Calm. That the Detention of the Quebec Convoy at the Isle of Bic, in the River of St. Lawrence, from the 20th October, to the 6th November, was justifiable. That after the Convoy had been dispersed in the River of St. Lawrence, by the heavy Gale of Wind, and Snow Storm, on the 8th November; Captain Graves used his best endeavours to rejoin them; and that he rejoined Seventeen Sail of them on the 11th of the same Month. That Capt. Graves is Reprehensible for not making the Signal to wear, at or about 10. P. M. on the 15th November, as he thereby occasioned part of the Ships under his Convoy, to be separated from his Care, and for that he did not take any Measures to rejoin or collect his Convoy, during the Remainder of that Night. That Captain Graves's Conduct, from the 24th November, to the 27th of the same Month inclusive, was justifiable, from the necessity Capt. Graves appears to have been under to preserve the Ship under his Command, on Account of the heavy Gale of Wind, and high Sea. That Captain Graves's Conduct, on the 15th December, is reprehensible, for making Sail and leaving the Earl of Abercorn Brig. That the Capture of the Vessels sailing from England for Quebec, under the Convoy of Captain Graves, appears to have been owing to those particular Separations, wherein Captain Graves's

Conduct appears not to have been reprehensible; and that it does not appear that any of the Vessels on the Passage from Quebec, homeward, fell into the Enemy's Hands: the Court is therefore of Opinion, that the Charge is proved in Part; and considering that the Evidence of so material a Witness as Captain Perry, in Behalf of the Prisoner, was not completed; and that he was deprived of the Evidence of the Second Lieutenant of the Danæ. The Court doth adjudge, that the said Captain Samuel Graves shall be dismissed from the Command of His Majesty's Ship Danæ, and he is hereby dismissed from the Command of the said Ship accordingly.

C. Wolfeley.

John Macartney.

Anthony Hunt.

Thomas Pringle.

W. Parker.

Robert P. Cooper.

S. Reeve.

S. W. Clayton.

William Fooks.

F. I. Hartwell.

George Wilson.

Hercules Wyborn.

John Howorth.

W. Bettefworth, Judge Advocate, on this Occasion.

A Copy attested.

GEO. JACKSON, D. S.

COLLEDGE-STREET, 11th of *May*, 1784.

S I R,

THE Admiral informs me the Sentence was sent Express to their Lordships without any Copy being taken; I have therefore, with his Approbation, inclosed you the Resolutions upon which the Sentence is founded, which indeed are introduced into the Body of the Sentence, verbatim, except the formal Variations necessary to accommodate them to the Stile of the latter.

As these Resolutions contain the clearest Proof that not a single Ship was lost by any Act of *yours*, but on the contrary, that every Loss during the whole Voyage was owing either to the inevitable Chance of War, (as by the French Line of Battle Ship), or the Misconduct of the *Ship Masters* themselves, in not obeying your Signals. They contain the completest Information required by the Application to the Admiralty for the Court-Martial; and shew to *what* the Losses which brought on the Enquiry *were owing*, and that *not one of them* was owing to any Act of *yours*. The *Minutes* will also shew, that by your gallant Intrepidity, and meritorious Conduct, on the 6th of June, when the Ships under your Convoy were attacked by the French Line of Battle Ship, you not only did high Honour to yourself, and the British Navy, but protected, in a most Officer-like Manner, the Vessels under your care, and prevented many of them from being captured.

The

The Gentlemen therefore, on whose Application the Court-Martial was brought on, will find, that instead of placing the Lots of a single Ship to your Account, they are indebted to your great Gallantry and Officerfhip, for the Prefervation of a considerable Part of their Property. They will fee alfo how much they are indebted to your very laudable Conduct after the Fleet was difperfed in the River of Saint Lawrence, by the heavy Gale of Wind, and Snow Storm.

I have only to add, my fircere Wifhes that an Officer who has difplayed fo much Intrepidity and Conduct, may be again fpeedily employed in the Defence of his Country.

I am, Sir,

Your moft obedient

very humble Servant,

Copy.

W. BETTESWORTH, Judge Advocate.

N. B. Soon after the Sentence was paffed upon Captain Samuel Graves, the Earl of Sandwich, then Firft Lord of the Admiralty, gave him the Command of the Sceptre, a new Ship of Sixty-four Guns, coppered, and ready to fail for the East-Indies, where he arrived fome Months before the Commodore, under whose Command he left England, and had a diftinguifhed Share in Sir Edward Hughes's two laft *Actions* with Monfr. Souffrein.

