

*intention* whatever of *defrauding* his majesty, and *there was no loss* sustained by his majesty from the said Musters, which they were clearly of opinion took off a *great part* of the crime of a false Muster; and the court did therefore adjudge your memorialist to be dismissed from the command of his majesty's ship *Thisbe*, and he was thereupon dismissed from the command of the said ship accordingly.

That your memorialist some time after his arrival in England in June last, to his great surprise and regret was informed, that the Lords of the Admiralty, notwithstanding the above-mentioned sentence had been passed by the court martial, had resolved, that for the said offence, your memorialist's name should be struck off the list of post-captains of his Majesty's Navy; which resolution against your memorialist implies, as he conceives, a disqualification from ever again serving in his Majesty's Navy. Of such new judgment having ever been given by the Lords of the Admiralty, in correction of the judgment of a court martial, your memorialist is advised there is no instance; nor can any analogous instance be found in the proceedings of any other superior court in the kingdom, which often reverse the erroneous judgments of inferior courts, but never pronounce new ones; that your memorialist conceives it would be extremely hard, that without hearing your memorialist, the Lords of the Admiralty should add to his punishment, in a case where they have no power to alter the sentence in his favour, and before your memorialist has had an opportunity of submitting to them any circumstances

X

*intention*