

Among our other duties, a court-martial became necessary. The services we were engaged in had rendered it impossible to convene one prior to our arrival here; and if it had not been for the imperative necessity of making an example in the case of two marines on board the Peacock, I should have been inclined still to defer it from want of time. Besides the two marines, there was an unruly fellow by the name of Sweeny, an Englishman, who had been shipped in the tender at New Zealand, and was at times so riotous on board my ship, that I determined to try him also. A court composed of the oldest officers of the squadron sentenced them "to be flogged at such time and place as the commander of the squadron might think proper." Understanding from our consul that the sailors of the whaling fleet, as is most generally the case, were disposed to be disorderly, and my interference having been several times asked for, I thought it a good opportunity to show the crews of all these vessels that authority to punish offences existed. I therefore ordered the sentence of the court to be put into execution publicly, after the usual manner in such cases; a part of the punishment to be inflicted at each vessel, diminishing very much its extent in the cases of the two marines. At the time of the infliction of the punishment I received a letter (for which see Appendix IV.) from the most respectable portion of the crew, requesting Sweeny's discharge, and stating that he was a troublesome character. To insure his dismissal, they offered to pay all the debts he might owe to the government. As he had no claim on the squadron or flag, which, I was afterwards told, he had frequently cursed, and as he had been only six months in the squadron (having joined it with scarce a shirt to his back), I resolved to comply with the men's request, and sent him out of the squadron at once, with his bag and hammock, far better off than when he joined us. The ship became orderly again, having got rid of one of the greatest of the many rascals who are found roaming about Polynesia.

This act, together with the legal punishment of the marines for refusing to do duty, when their time of service had not expired, was another of the many complaints brought against me on my return.

I have obtained a copy of the enlistment of the marines, (which will be found in Appendix V.,) that it may be seen whether it was, or was not, my duty to hold control over these men. The signing of the roll of enlistment took place before I took command of the squadron. The original document was on file in the Navy Department, when the judge advocate of the court was endeavouring to prove there was no such document in existence.

The men's time of liberty having expired, they were again received