

# The *Almorah* Affair: Tea, Shipping and the Colony

By John Bryson

Early in 1825 Sydney must have seemed a quiet backwater of Empire at the far end of the world. Free settlers, including energetic merchants, wealthy landowners, farmers, craftsmen and small traders, with government officers and a regiment of soldiers, were beginning to outnumber convicts in a population of about 25,000. The navy had established the colony but was represented only by a guard ship; the sloop *HMS Slaney* of the Royal Navy's Indian Station had shown the flag in Sydney since 16 December 1824, commanded by Captain Charles Mitchell R.N., and her crew were converting the ship *Phoenix* to a hulk to house convicts after she had run on to the Sow and Pigs Reef. Things became eventful on Saturday 12 February. The ship *Mangles* left Port Jackson, carrying retiring deputy judge advocate John Wylde and other passengers, and cargo said to be valued at £30,000: wool, timber, trenails, fur and animal skins. The *Mangles* passed Sydney Heads by 10 in the morning and had difficulty getting clear of land, as the wind lulled to a calm when the ship was nearly abreast of the Macquarie lighthouse, the current ran strong and southerly and there was a high swell from the north-east. The ship was saved from the cliffs by anchoring, firing guns and hoisting the distress signal. Senior Lieutenant Bathurst Mathews of *HMS Slaney* immediately set off with four well-manned boats and a hawser. The pilot boats brought an anchor from the ship *Grenada* and other boats came from the dockyard. The *Mangles* was held in a safe position until she hove away to sea and out of danger with a favourable breeze at about five in the afternoon.

Lieutenant Henry Bathurst Houston Mathews was the hero of the hour, and Sydney's two newspapers published tributes to Mathews and his sailors. Merchants, some interested in the cargo, subscribed 240 Spanish dollars for the sailors. On a sudden call they had rowed from Sydney Cove to a point off the Macquarie lighthouse, secured their hawser to the *Mangles* and spent five hours rowing against the current and swell to keep the *Mangles* in position; and then



rowed back to Sydney Cove. Mathews lived in a glow of local fame, entertained at dinner by the Governor and acclaimed whenever he appeared. His career needed enhancement. He had no aristocratic patron in a navy which openly stated that promotion was 'by interest.' He used his forename Bathurst prominently but he was not at all connected with Earl Bathurst, the Secretary of State for the Colonies, a great force in British government and affairs. Mathews had served in the navy below decks for years until he was commissioned lieutenant several days before the Battle of Waterloo. Britain's success over Napoleon brought a large reduction in its army and navy. Many officers including Mathews were left on half pay for years without duties but subject to recall when their services were required. He had been recalled in 1823 to serve with the *Slaney*. The *Slaney* with other Royal Navy vessels had taken part in one of the recurring wars with Burma into which Lord Amherst, the Governor-General of the East India Company's Presidency at Calcutta, expensively blundered, and Mathews had served with credit and been lightly wounded. His service was reported on favourably but he received no promotion or significant acknowledgement. Several files of information adverse to Mathews were making their way around the offices of the Admiralty in London. Several sailors had left the *Slaney* at Fanfaron, Mauritius in January 1824 on the voyage out to India; Mathews said that they had deserted but they reported themselves to the next Royal Navy ship to

arrive and said that he had dumped them on shore. Then off Pointe de Galle, Ceylon, late at night on 25 February 1824 Mathews, in liquor, had behaved and spoken disobediently, at length and with great disrespect to Captain Mark Currie of *HMS Satellite*. Mathews had boarded the *Satellite* unbidden to give himself a short passage down the harbour to his own ship, and refused to return to his boat when so ordered: the *Satellite's* crew heard all this. The Admiralty had ordered that Mathews return to London for court-martial, but as the *Slaney* moved between India, Burma and Australia the order had not yet caught up with him. Later the Admiralty decided against court-martial after Currie accepted Mathews' deeply abject apology. Mathews' merits were those of a sailor and not those of a gentleman.

On Thursday 17 February the merchant ship *Almorah* arrived in Sydney from Batavia. The *Almorah*, 416 tons, was built in Selby, Yorkshire in 1817 and had made journeys to Australia transporting convicts, most recently arriving in Port Jackson with women convicts and free settlers on 20 August 1824. Her owner was Matthew Boyd and her captain was George Hay Boyd. In August 1824 Governor Brisbane foresaw a food shortage after a long drought. The Governor feared that a shortage of wheat would cause large expense for the Crown. Under Governor Macquarie the colonial government had paid wheat farmers 10 shillings per bushel to encourage production; in scarcity in 1824 the price had gone high as 25 shillings, and there were mentions of sales at 30 shillings and even 50 shillings a bushel. Governor Brisbane told Deputy Commissary General William Wemyss to charter a vessel to sail to Batavia, the nearest supply port, and bring back a cargo of rice and flour. After their conversation the Governor's written instruction was to obtain 'rice, flour, Etc.' The *Almorah* was available by the first of September after discharging her convicts and passengers; Wemyss chartered her and she departed for Batavia on 10 September 1824 and took Assistant Deputy Commissary John Clements with her.

The commissariat was responsible for supplying food and tea for some thousands of people entitled to draw on it: officials, soldiers and convicts. Clements had authority to raise funds by negotiating Treasury Bills, payable in sterling by the Treasury in London and saleable in Batavia, as in Sydney, at a discount representing the time and trouble before the proceeds could be collected in London. Through an English trading house in Batavia Clements raised about £30,000 and bought several hundred tons of foodstuffs and 106,000 Spanish dollars. A Marine Survey showed that the ship's trim would be improved with a few more tons of cargo and he bought 300 quarter chests of tea, almost four tons. He reported fully and directly to the Treasury in London and set out how he had used the Treasury's money and what he had bought. Quite apart from the instructions given to Wemyss by the Governor, Wemyss and Clements had authority from the Treasury in London to make these purchases, all of which were needed for government purposes in Sydney. Clements also bought some private supplies: six cases of wine and some spices and seeds for Brisbane himself, and eleven quarter chests of tea on behalf of himself and other Commissariat officers. He did not use the Treasury's money for these purchases. Someone else, either Captain Boyd or the Super Cargo Mr Thomas bought and loaded 24 half chests of tea; Clements and the Treasury's money were not involved in these. There are discrepancies among various accounts of what was in the cargo. When the *Almorah* returned to Sydney the drought had broken, there had been no famine, there had been an adequate harvest and wheat was selling in Sydney at seven shillings one penny per bushel.

There were many merchants and prominent persons in Sydney who strongly disapproved of Governor Brisbane's decision to purchase supplies and silver dollars in Dutch possession and import them to Sydney at the expense of the government. Whether or not they had read Adam Smith's *The Wealth of Nations* or knew the expression 'laissez-faire,' they understood the principles and regarded shortage of wheat or a famine or any other adverse workings of Divine Providence as legitimate opportunities for merchants and trade and not occasions for intervention by the colonial government with funds drawn on the British Treasury. Governor Brisbane's decision had been good government but bad politics, more suited to the time of Governor Macquarie when a paternal and autocratic governor saw himself as responsible for securing a good outcome in every thing, and less suitable after the Bigge Report and a retreat to functions of

government by a Governor supported by a Colonial Secretary and a Colonial Treasurer and advised by an Attorney-General. Many people prominent in the colony had given thought and energy to making trouble for Governor Brisbane, and Earl Bathurst had decided to resolve all controversies by recalling Governor Brisbane and appointing someone else. News of the recall had not reached Sydney in February 1825. (His replacement Governor Ralph Darling could illustrate the aphorism 'Be Careful What You Wish For.')

The colony's commissariat existed from the earliest days, with recurring thefts, frauds and scandals. In 1815 the Treasury in London took control and organised the commissariat on businesslike principles under the management of commissariat officers. These officers were appointed and controlled by the Treasury in London and not by the governor, and were organised on lines which resembled the army: they had careers, ranks, promotions and an ethos of public service and high purpose. Its highest officer in Sydney was Deputy Commissary General William Wemyss and his responsibilities included finding funds for payment of salaries and purchasing supplies for thousands of government and army officers and for many soldiers and convicts.

Wemyss was in very good standing, senior in the commissariat service, a justice of the peace and an assessor of the Supreme Court in civil cases and an elder of the Scots Church. He had the Treasury's authority to write Treasury Bills with the governor's approval, and Governor Brisbane's approval seems to have been given readily when asked.

In 1825 silver dollars were central to the operations of the commissariat and of commerce in the colony. Not enough sterling coinage was available and silver dollars were commonly in use. The first act of council of the new Legislative Council in 1824 made silver dollars and not sterling the colony's currency. The commissariat would purchase silver dollars from merchants in Sydney and pay for them with Treasury Bills discounted for the need to collect them in London. This inconvenient and expensive process produced enough silver dollars to pay the garrison and buy supplies. When the commissariat could not get its hands on the silver dollars on the *Almorah* it advertised for merchants to sell dollars to the commissariat. New South Wales reverted to sterling in 1827. When the silver dollars on the *Almorah* eventually returned to Sydney they had to be shipped to London for recoinage into shillings.

One commodity which the commissariat had to issue was tea in great quantities. Tea had enormous prominence in the

culture, revenue and politics of the British world in 1825. Drinking and enjoying tea occupied cultural space now filled by many amusements. Convicts received an allowance of tea. Tea was cheaper in the colony than in Great Britain, as the customs duty was only five percent of value and the East India Company and its licences were not involved.

Tea was obtainable only from China. The Chinese Government would only allow foreigners to purchase it at Canton: for British subjects, only the East India Company. The East India Company held a monopoly, first granted by Queen Elizabeth I in the last days of the 16th century and renewed many times since then, over all trade by British (at first English) subjects in most of the world between the Cape of Good Hope and the Straits of Magellan. The Company had a legal as well as a practical monopoly over importing tea into Britain and all British territories. The Company made huge profits; the British government levied huge import duties. For Ireland, North America and other British territories tea was re-exported from Britain after bearing these profits and duties, and this caused political trouble. More tea was smuggled into Britain than was lawfully imported. In 1784 an insightful reform by William Pitt's government lowered the duty and greatly increased the revenue actually collected. Late in the 18th century the British parliament renewed the Company's monopoly for twenty years at a time. The Company had enormous political and parliamentary influence, as its shareholders included many wealthy London merchants, and many peers owned fortunes derived from India and controlled House of Commons seats. The Company lent vast sums to the British government and paid further large amounts whenever its monopoly came up for renewal. When the Company had severe financial troubles it could not be allowed to fail because winding it up would require the British government to repay its vast loans. The Company's behaviour in India was mercenary, aggressive and disreputable, and for all its power, as time passed the British government began to impose controls on its behaviour.

The Company obtained renewal of its monopoly for twenty years in 1794. This continued its right to control trade with New South Wales, but apart from occasional oppressive but unsystematic interventions the Company exercised no real control and did not ever have a presence in Sydney to issue its licences and collect money for giving them. In 1814 the monopoly was renewed for the last time and was diminished. The British government's control was increased and the Company was required to pay for some things it did not want, including



an Anglican Bishop of Calcutta. The Company's control over trade with Australia was ended with a few exceptions, and its monopoly on trade in tea was continued.

Governor Brisbane had an energetic and successful military career and served under the Duke of Wellington. When the wars ended he spent some years studying astronomy, and his life experience was not much relevant to duties as governor. Unlike earlier governors he was not appointed to be an autocrat but was given recognisable constitutional arrangements: a Colonial Secretary and a Colonial Treasurer, an Attorney-General and a Solicitor General, a Legislative Council and an Executive Council. Brisbane's government did not function well. Brisbane lived in Parramatta and gave much time to astronomy. Response to any important event had to await his next visit to Sydney. After disagreements, cooperation with his Colonial Secretary Frederick Goulburn ended and Brisbane had to appoint a private secretary to get business done. Goulburn went his own way and became a better person to approach for action than the governor himself. Goulburn's brother Henry Goulburn was and had long been a member of the Tory Ministry; the Long 18th century was not quite over. The conflict was reported to the Lord Bathurst who recalled them both. There is no indication that Goulburn took any part in the events relating to the seizure of the *Almorah*, and he

was probably associated with the merchants and worthies who stood behind Captain Mitchell. When Brisbane was recalled and departed for Great Britain different groups of inhabitants sent starkly different documents to London, one commending him with great warmth and another remonstrating bitterly against his rule.

The legal world in Sydney was very small. Francis Forbes opened the new Supreme Court (which still exists) in May 1824, replacing earlier courts which had fewer powers. His Supreme Court had all the powers which the Common Law courts and Chancery had in London, but not the powers of the Vice Admiralty Court, the judge of which had left on the *Mangles*. There were only four barristers: the attorney-general Saxe Bannister to whom history has been unkind, and the Solicitor General John Stephen whose surname was his main claim to office. Two barristers in private practice had practised in London: William Charles Wentworth and Robert Wardell who held a Cambridge Doctorate in Law. There were a few attorneys who had the right to appear as advocates. Wentworth and Wardell owned, published and for the most part wrote the newspaper *The Australian*, sometimes publishing in support of their own advocacy. The older newspaper was *The Sydney Gazette and New South Wales Advertiser*, published by Robert Howe who had inherited it from

his father, wrote most of it and published much uninformed comment on legal affairs: a Bush Lawyer. Each newspaper gave considerable space to denigrating the other.

The sensation of the year began on 18 February when Captain Mitchell sent Mathews and a file of marines on board the *Almorah* in Sydney Cove, seized the ship and locked the cargo down. Merchants in Sydney had suggested to Mitchell that he should seize the ship, and had told him that there had been a breach of the East India Company's monopoly because the ship imported tea, and the ship and cargo were liable to forfeiture. They also told Mitchell that the company would get three quarters of the proceeds and Mitchell would get the other quarter. In 1825 and for many years most tea imported into Sydney had been imported by United States ships which were not liable to forfeitures or penalties because the monopoly only applied to British subjects. The merchants who bought tea from them and then traded it on may have been liable to penalties, but the East India Company did nothing to enforce its monopoly within the colony. These merchants had some need to understand the possible penalties for breach of the tea monopoly, but they cannot have passed any real understanding on to Mitchell.

Mitchell and Mathews did not ever ask any court or public authority for a warrant or authorisation to seize the ship and detain the crew and the cargo. Mathews and his marines detained Captain Boyd and his crew on the ship and would not allow anyone else to go on board. When asked on behalf of the governor what cargo was on the ship Mitchell reported figures from the ship's documents: 300 quarter chests of tea, 106,000 Spanish dollars, 288 bags of sugar and 480 bags of wheat. Mitchell and Mathews did not make a survey of what was on board and almost certainly did not know about the privately-owned tea, although somehow the governor's six cases of wine became known and were reported on with mockery in *The Australian*.

When Brisbane heard that the cargo included tea he was alarmed. The East India Company was a power in London and there were political dangers in breaking its monopoly. At first he told Bannister that the tea and the silver dollars in the cargo had nothing to do with him and had not been purchased on behalf of the Crown. In a confrontation with Wemyss Brisbane asserted that he had not authorised the purchase of tea or silver dollars and had not been told that that would happen; Wemyss firmly stated that he had told Brisbane that these might be bought. Wemyss reported to the Treasury that he had shown Brisbane his written authorisation. Brisbane reported these events to London in terms severely critical of Wemyss, and the government there took no notice. The controversy was not important because the commissariat had the Treasury's authority for the purchases in any event. Bannister knew that Clements had purchased tea and silver dollars with Treasury money and on behalf of the Crown, and more importantly he knew that the Crown was not bound by the Company's monopoly and that any statutory provisions authorising forfeiture did not apply to cargo owned by the Crown. He soon brought Brisbane to see that everything that Clements had purchased with the Treasury's money should be claimed as the property of the Crown. But in some way word got out to Wentworth and Wardell and they tried to make something of this, mostly by asserting in their newspaper that all the tea was a private purchase by Clements, a ridiculous proposition.

The governor and Bannister tried to arrange for Mitchell to release the Crown cargo (other than the tea) and for the governor to deposit Treasury Bills in the Colonial Treasury as security for any forfeiture which might be awarded to Mitchell. They were only interested in the Crown's property and left the owner of the ship to fend for himself.

While negotiations continued Brisbane entertained Mitchell with a pleasant day's outing around the harbour and made some gentlemanly expressions of hospitality and charm towards Mitchell and Mathews; these cannot have run very deep. Bannister negotiated with Wentworth and Wardell representing Mitchell in nominally polite language which barely concealed their intense mutual detestation. Mitchell would not agree and opposed any arrangement to deliver up the cargo. Mitchell's position was barely rational: he wanted money to be placed in a bank or in his account, which suggested that Mitchell did not trust the governor. Much later Mitchell's disrespect for the governor's wishes counted very severely against him in the view which the admiralty took of his conduct. Possibly Mitchell's stand represented the real motivations of the merchants, which was to keep the goods and the dollars out of the hands of the commissariat and off the market while the commissariat went to the market to buy replacements. (This later happened.) Inconclusive negotiations and events continued for about 10 days after the seizure.

Their conduct in the negotiations suggests that Wentworth and Wardell did not know about the privately-owned tea, or did not grasp its importance. Privately-owned tea in the cargo would have supported a claim to forfeit the ship herself even if the rest of the cargo was protected by Crown immunity. Of course Clements and Captain Boyd knew all about the privately-owned tea: Boyd asked Clements to join him in forging bills of lading and ship's manifest to show that Clements had bought all the tea for the government. Clements indignantly refused and told Boyd that if he was worried about his 24 half chests he should throw them over the side. Boyd forged documents in the form he wanted and produced them with a ship's protest which he swore was true before a notary. Mitchell and his lawyers did not know of reasons to question this and did not do so. No harm ever befell Boyd for these crimes. As only one of his 24 half chests of tea was found in the cargo in Calcutta it is likely that he did throw most of them over the side.

Bannister told Mitchell in a letter of demand on 22 February '... We have not in New South Wales any tribunal by which a case of this sort can be tried...' historians, and perhaps Wentworth and Wardell at the time, understood this to refer to there being no effective Vice Admiralty Court after its judge had left on the *Mangles*, but there was a deeper basis for what Bannister had said, although there is no sign that he explained it to anybody else at the time.

Legislation relating to the East India Company was an unconsolidated maze of statutes and charters over more than two centuries since Tudor times, with tedious prolixity and enmeshed in lengthy preambles and repetitions. Sometimes provisions had been superseded rather than expressly repealed. There was no way of systematically tracing amendments and repetitions. Real understanding was not possible for anyone but a lawyer who had long been immersed in the company's legal affairs. The statutory provision which empowered seizure and forfeiture of ships and cargoes breaching the monopoly and distribution of three quarters of the proceeds to the Company and one quarter to the seizer was Section 129 of the Charter Act 1793. The Act of 1793 related only to the 20 years' monopoly which expired in 1814, but its provisions were made applicable to the renewed monopoly, as an assiduous and well-furnished researcher could see. Section 140 was also important. It provided in mandatory terms that penalties and seizures were to be sued for and adjudged in the Common Law courts at Westminster and three named courts in India, clearly meaning that no other court such as the Supreme Court of New South Wales could decide such cases. Possibly Bannister knew of section 140, as he said that there was no tribunal in New South Wales by which such a case could be tried: not that such claims had to be heard in the Vice Admiralty Court which did not have a judge in the colony.

Section 133 of the Charter Act 1793 designated the persons by whose order and authority offending ships goods and merchandise could be seized and sued for in the name of company: the holders of several company offices 'and by such other persons as shall be from time to time especially deputed and authorised for that purpose by the Court of Directors ...' No reference has been found to any authorisation ever given to Captain Mitchell or to Captain Bremer to seize the *Almorah* or any ships and cargo. There is no sign that any lawyer or anyone else in Sydney or for that matter in Calcutta ever addressed whether either of these naval officers had such authority. In a world where naval officers from time to time seized ships carrying contraband in wars, ships breaching the navigation Acts and ships in the slave trade, it seems to have been widely assumed that Royal Navy Captains had such authority. However no one had such authority unless it had been especially conferred on him.

The negotiations and the stalemate ended on Tuesday 1 March when Bannister and all Sydney awoke to find that the *Almorah* was no longer in Sydney Cove. At about four in the morning crew from the *Slaney* had

hoisted sail and taken the *Almorah* to Point Piper. Bannister felt that Wentworth and Wardell had led him along insincerely with the real object of making sure there was no agreement until the ship could clandestinely leave. Bannister could well have been right in this, but the truth is not known. Professional relations became even more poisonous, so much so that Bannister and Wardell fought a duel about 18 months later. Bannister fired at Wardell and missed, probably the luckiest event in his whole career, and Wardell fired into the ground.

Tuesday 1 March was a day of frenzied activity. The *Almorah* was anchored off Point Piper conveniently distant from the guns on Dawes Point. Mathews was in command with marines and sailors from the *Slaney*, some circling the *Almorah* in boats and keeping other boats clear with a show of tomahawks. The *Almorah's* captain and crew were still detained on board. Brisbane considered ordering the army to take the ship by swarming it and decided not to initiate fighting between the army and the navy. He sent a message to Mitchell directing him to issue orders that no violence was to be used when Bannister came to take the Crown's property. He instructed Bannister to obtain a warrant which would authorise him to inspect the cargo. Bannister obtained a warrant authorising him to inspect the Crown cargo and take it from the ship, issued by D'Arcy Wentworth, a justice of the peace (who was William Charles Wentworth's father). (This warrant did not add to the authority to take the Crown's property which Bannister had been given by Brisbane.) Bannister took the Chief Constable and the warrant down the harbour by boat, approached the *Almorah* and told Mathews what he wished to do. Mathews told him that he would sink his boat, and at his order the marines fired musket balls into the water around the boat, three times. Bannister withdrew to the sound of three cheers from the marines, and encountered Mitchell who was proceeding by boat towards the *Almorah*. He told Mitchell that he was preparing to go back a second time and Mitchell told him that he had better not go on board. Bannister went back to the *Almorah* later: the events were repeated and musketry was fired around his boat again. He returned to Sydney Cove and prepared and filed an information charging Mathews with assault with firearms, a felony, and charging Mitchell as an accessory. He obtained a warrant for Mitchell's arrest, the sheriff arrested Mitchell later that evening and held him until the following day when two of the merchants gave bail of £2000.

The marines had been ordered to fire on any approaching boat which was not

flying the Blue Peter flag and did not stop when challenged: when Mitchell's boat had approached he too had been fired on, as he had forgotten to fly the Blue Peter. Eventually Mitchell got on board and was heard telling Mathews that he had done his duty.

On the morning of Wednesday 2 March the *Almorah* was gone. During the night the *Almorah's* crew was put on shore, except for Captain Boyd and one other, and at about two o'clock the *Slaney's* boats began to tow the *Almorah* towards the Heads. By about three o'clock the *Almorah* was under sail commanded by Mathews with a very small crew from the *Slaney*, and by daylight she was in the open sea. The harbour master was not informed and there was no customs or port clearance. Much equipment from the *Slaney* including muskets, tomahawks and cartridges was left on the *Almorah* and sailed with her. The *Slaney's* boats got back to Sydney Cove about midday; the rowers had had a long day.

These events were but the start of years of misguided conduct, futile litigations, large losses and destroyed naval careers. Mathews sailed to Calcutta, with considerable damage when the *Almorah* was grounded on her way up the River Hoogley. He was not welcome in Calcutta: the Company's government there was not interested in forfeiting merchant ships, still less in forfeiting cargo owned by the Crown: the Company had no need of more enemies as it contemplated asking parliament to renew its monopoly in 1834. Some cargo was starting to rot. Mathews consulted lawyers in Calcutta who responded slowly, as even in Calcutta proceedings for forfeitures and penalties were not familiar court business. Mathews could not start proceedings in Mitchell's name as he had no power of attorney. Captain James John Gordon Bremer RN, commander of *HMS Tamar* and a much more senior naval officer, came to Calcutta on naval business connected with the war in Burma, and had a series of bitter and hostile exchanges with Lord Amherst the Governor-General, polished insults in nominally polite language without mentioning the *Almorah*. Bremer incurred the Admiralty's displeasure for this correspondence. Bremer seized the *Almorah* himself and started several lawsuits in the Supreme Court at Calcutta, and he claimed forfeiture and penalties in the name of the Company and of himself without the Company's actual authorisation. The Supreme Court at Calcutta appointed appraisers who carefully established what cargo was actually on board (after rotting food had been discarded) and the perishable cargo was sold at auction, at surprisingly good prices; the appraisers paid the proceeds into court where they awaited the outcome.

The Supreme Court ordered the silver dollars to be held in the Company's treasury, and released the ship when the owners gave a bond to secure her value: the owners paid £1200 for repairs and chartered the ship to the Company, which needed supply ships for its Burma war.

Bremer's litigation was adjourned and deferred for years, and the owner's lawyers showed their genius for procrastination when they obtained a commission for taking evidence in Sydney; this put off progress for almost two years. The navy sent Mathews, then Mitchell and later Bremer, back home to Great Britain, so that there was nobody in Calcutta to take any initiative. The Company disavowed any interest and discontinued the claims made in its name. Bremer's claim never came on for trial and in 1829 representatives of Bremer and the Crown agreed on a settlement: the money in court was paid out for costs and expenses and the silver dollars were sent back to the colonial government in Sydney. On the journey back they were shipwrecked once and purloined twice, and when they arrived in Sydney they were sent on to London for recoinage. The owners of the *Almorah* had never been paid; their freight and their ship had been badly damaged and kept out of their hands for almost two years, and eventually the British Government paid them £5000 in 1832. For Mitchell and Mathews their naval careers were over. Bremer was left on the beach for nine years, and then was recalled and served with great distinction, took part in seizing Hong Kong in the First Opium War and became a Vice Admiral.

In Sydney, Mitchell was tried on the charges brought by Bannister on 19 April 1825 and was acquitted by a jury of seven commissioned officers. The Crown sued Mitchell for damages for conversion of the Crown's property, while Mitchell sued Wemyss and Clements for huge penalties alleging breaches of the monopoly. These actions never came on for hearing, but Clements was held on bail and so prevented from going to Calcutta to oppose the forfeiture claims, and Deputy Assistant Commissary Goodsir was sent instead, with a very full written brief. Mitchell recovered £50 damages against Robert Howe for insults published in the *Sydney Gazette*. A few other lawsuits do not seem to have ever reached decision.

In any encyclopaedia of wasted energy and futile behaviour the *Almorah* should have a chapter. BN