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From the National Intelligencer.

CASE OF COMMODORE TRUXTUN.

(Concluded.)

Com. Truxtun has stated, that, by his letter of March 3d, 1802, however the language of it may be, he, in fact, did not *intend* to quit the service. To this point then as to his *intention* the remarks of this paper will be principally confined. And it will, I trust, thence be manifest, that he not only did in express language tender his resignation but that such also was actually his real *intention*.

From his printed vindication, it appears that he has been invariably and unmoveably fixed in the opinion that the present Secretary of the navy was from the beginning determined upon *disgracing* him, in order thereby to *force* him to quit the service. And for this opinion, as profound as it is liberal, he has gravely assigned this very sagacious reason, viz that he Thomas Truxtun had gained such prodigious renown in fighting the French!! However this kind of reasoning may appear to other understandings, the idea had so fastened itself upon his imagination, that it had beguiled him into the persuasion that all the steps taken by the Secretary of the Navy in relation to his command of the Mediterranean squadron were with a view to *disgrace* him, and thus to *force* him to *quit the service*. May it not then be fairly presumed, that, to avoid this disgrace, which at the time of writing his letter of March 3d, 1802 he imagined was accumulating, he had resolved to resign: and that under the impulse of such resolution he had written that letter and that therefore his real *intention* then was, as is therein expressed, a *resignation*.

Com. Truxtun, in his letter of March 3, 1802, declared to the government—"If this cannot be done (meaning the letting him have, as Dale had, a captain) I must quit the service."

"*To quit the service*," is a technical appropriate phrase, and of the same import as to resign a commission. It is not only the accustomed language of Navy officers; but it is perfectly familiar to all persons whatever. It is indeed admitted in this sense by the commodore himself in his defence. For from a consciousness of the true meaning of the language of his letter, he has, as his only refuge, hazarded the assertion, that the word * "*Mediterranean* before the word service" had from some oversight been omitted by him.

By inserting then the word, thus alledged to have been omitted commodore Truxtun would appear to have declared to the government, that he must quit the *Mediterranean* service—that is—that he must refuse to perform the *particular* service to which he had been specially ordered—that he must in other words, disobey a military order of his government. Without stopping to inquire whether this magical word Mediterranean had really been forgotten, I will proceed to state, and all military gentlemen will go with me in the statement, that no point of discipline is better settled than that when an officer has received from his government an order to perform any particular service such order must be obeyed. And although the officer should conceive that his rank or any other essential right had not been duly respected, yet his only alternative, even in such case, is an *obedience* of the order, or a *tender* of his resignation. From the general service of his country by resigning his commission, an officer of the Navy may under *special circumstances* withdraw: but from a *particular* service to which he had been ordered by his government he cannot at *his* option withdraw, and at the same time *hold his commission*. This distinction is well known to all military gentlemen of correct habits, it is obvious to common sense and it is confirmed by universal experience. Who then can imagine that commodore Truxtun in writing his letter of March 3, 1802, had not adverted to this palpable distinction? And without imagining such an absurdity how are we to believe that by that letter he did not actually *intend* according to its expressions a resignation?

The answer of the Secretary of the Navy to com. Truxtun's letter of March 3, 1802 clearly shewed to him, beyond the possibility of a doubt, that the government had considered his letter as an *intended* resignation. With this understanding then of his intention by the government, thus conveyed to him, how are we to imagine it was not duly noticed by him? And being noticed, how are we to consider his answer of March 22, 1802, but as an acquiescence in such understanding of the government? To answer even in part these obvious questions the genuis of the commodore as fertile as it is enterprizing, has suggested to him the expediency of adventuring the assertion, that the Secretary of the Navy in his letter of March 13, 1802, had also *some how or other* omitted the word Mediterranean. So that to vamp up his marvellous tale as to his *intention* we are to be transported to some fairy-land, and there we are to be weedled into the fanciful supposition, that in a grave official correspondence upon a subject of moment not only the commodore had forgotten and omitted an *all-important* word, but that the Secretary of the Navy in his answer had also some how or other forgotten and omittted the identical same word. Such arrant nonsense merits not a serious remark. The answer of the government being an acceptance of a resignation, if Com. Truxtun had not *intended* his letter as a resignation, would he not *at once* have had an *official* explanation with the Secretary of the Navy? Would he not without delay have sent to the department a letter of eclaircissement? Would he, instead of such a letter of explanation and conciliation, have sent, as he did, one full of indecorous defiance and the rudest insolence? If, as he now pretends, he did then consider himself, an officer of the navy would he have been so unmindful of his duty as to have used in an *official* letter to the Navy Department such gross and reprehensible expressions of the President?

In confirmation beyond a doubt, of the correctness of these observations the attention of the public is specially called to the following extract of a letter from Com. Truxtun to the Navy Department dated Norfolk, March 23, 1802.

"Sir,

"I have the uppleasant task of enclosing you a letter from Lieutenant "———on a subject truly disagreable. "*Being out of service* I can take *no* "*cognizance* of it contents—therefore "send it to you."

To this let there be superadded the following extract from com. Truxtun's answer of March 22, 1802 to the Secretary's letter accepting his resignation.

"But I must remark that the cold reception of the President at Washington and the conduct I met there (unnecessary to mention here) was far from inducing me to believe that *the appointment* I held was congenial to the feelings of Mr. Jefferson."

And then let it be asked Does Com. Truxtun again propose valorously to assert that here also he had some how or other in both these cases forgotten and omitted the word Mediterranean—before the word *service* in the one and before the word *appointment* in the other letter? Or what in the name of decency does he mean to do? After the shipwreck of all his assertions and all his principles, where is the plank upon which he expects to get into port? Alas! Miserable man! there is not one within his reach! Sinking as he is, he is catching at the straw—that by his letter of March 3, 1802 he meant a resignation, not *in toto* but only *pro tanto*.

Risum teneatis, amici.

What are the reasons offered by commodore Truxtun for having written his letter of resignation of March 3d, 1802? They are different at different times.—In the letter itself, upon which alone, by the by, government has to act, he stated, that, as commodore Dale had in his ship under him a *captain* of the navy, he Thomas Truxtun, in justice to his high earned renown and to the valued honors of *his family*, could not proceed without being placed in the *same* situation. Upon this lofty ground he made his first stand. And hence it was, that the Secretary of the Navy, perceiving this to be the only principle assumed in his letter, merely stated to him in his reply—"It is well known to you there is not at this time within the U. S. a *captain of the navy* that we could require to take a secondary station on board a ship."

The commodore has since found it expedient to shift his ground. He now says, if a *captain of the navy* could not have been sent to him, he expected government would have let him have a *master commandant* or a *Lieutenant Commandant*. If such had really been his expectation, one would imagine, that, in his letter tendering his resignation, he would naturally have asked for an officer of either of these grades in case a *captain* of the navy could not have been sent to him. But as such a request was not made, how could the government have presumed such an expectation against the expressed and pointed language of his letter. Besides, as at that time there was not in our navy any such officer as a Master Commandant or a Lieutenant Commandant, how, in the name of all that is wonderful, could the Secretary of the Navy, under any doctrine of presumptions, have presumed that so sage a commodore could have been expecting what he must have known did not exist.

The plain truth is, that at the time of writing his letter of March 3d, 1802, commodore Truxtun could not but have known, that there was not in the U. S. a captain of the navy that could have been required to take a secondary station on board a frigate, and that there was not in our navy any such officer as either a Master Commandant or a Lieutenant Commandant.

But whence is it, that this infatuated man has so often and so roundly asserted, that a *Lieutenant Commandant* ought to have been attached to his frigate.—Circumscribed as have been his opportunities of acquiring *correct* ideas in naval affairs, he yet really ought to have known, that there cannot be attached to a *frigate* any such officer as a *Lieutenant Commandant*. This is well known to all navy officers of *regular* education. But for the information of others I would remark:

1st. There is not in either the American or the British navy any such officer as a *commissioned* Lieutenant Commandant. No such commission is issued in either country.*

2d. *Any* lieutenant of the navy, who may under orders, have the command of a public *small* vessel of war, becomes thereby a *Lieutenant Commandant*—that is—lieutenant *commanding*. It is the mere circumstance of a lieutenant *commanding* a vessel that creates the title of Lieutenant Commandant. So that any Lieutenant whatever, old or young, without regard to the date of his commission, may become such an officer.—And whenever he ceases to be the commander of such vessel, he thereby ceases to be a Lieutenant Commandant.

At the time commodore Truxtun had the command of the Chesapeake, lieutenant Sterrett was the commanding officer of the schooner Enterprize, and as such was a Lieutenant Commandant. But if Mr. Sterrett had been, as proposed, transferred to the commodore's ship, he would thereby have ceased to be a Lieutenant Commandant, and, further, if any one of the lieutenants attached to the Chesapeake had been transferred to the command of the Enterprize, he would thus have become a Lieutenant Commandant.

What, says commodore Truxtun, in his *printed* sheets, could be more degrading than the consultation of the officers? In answering this question it is proper to enquire what officers were consulted? They were captains of the navy, who had richly merited and had deservedly acquired the highest honors of their country; who had moreover been for years assiduously availing themselves of all the advantages of improvement, which the Mediterranean had offorded them, and who had returned to the U. S. with a vast accession of professional knowledge. Was it then, let it be asked, degrading to commodore Truxtun, that government should have taken measures to ascertain whether such officers would *willingly* acquiesce in his being *re-instated* in the navy; and especially as he had been *out of it* upwards of three years and a half? Would it not, on the contrary, have been both degrading and unjust those merritorious and very valuable officers, if government had put over them, without their acquiescence, a man, who had quit the service, rather than take the very field in which they had been covering themselves with honors, and in returning from which their country have proudly received them with open arms.

But it is shrewdly remarked by the commodore, as discriminating as he is modest, that the consultation of the captains was intended by the secretary of the navy as a shelter—yes, truly—as a shelter against the tremendous effects of his displeasure!!!—"Ring the bells backwards"!—The head of a department is in danger—in imminent danger of being *frowned* out of existence by the mighty—the wonderous Thomas Truxtun!

"A husband great in arms, whose warlike sword
"Streams with the *yellow* blood of slaughtered giants,
"Whose name in *terra incognita* is known,
"Whose valor, wisdom, virtue make a noise,
"Great as the kettle drums of twenty armies."

P. S. As commodore Truxtun's pretensions to a station and to a rank in our Navy are built, not upon the records of the Navy Department, nor upon any letter to him, official or private, from the Secretary of the Navy, but, ludicrous as it may seem, upon a certain letter written by *himself* to Mr. Biddle, and upon two other letters received by *himself* from a friend, the *Quid Nunes* have an ardent desire to see at full length, and *duly attested*, true copies of these extraordinary productions. This being an honest curiousity of these harmless folks, it is humbly hoped, the commodore will vouchsafe to indulge them. And especially as, by some means they have got it into their heads that these letters have been put upon the rack, and have been tortured to say what they never meant. They remark too, and it is believed with some colour of truth, that in a court of *justice* a man having in his pocket a letter, is not allowed to state in evidence its contents, but must, produce the letter, and let it speak for itself.

The following Biographical Sketch of the illustrious GEORGE WYTHE, Chancellor of the state of Virginia, is taken from the "Enquirer":—

GEORGE WYTHE, the patriot, the philosopher, the philanthropist, is dead! Few have more strongly evinced the height of moral and intellectual excellence to which man is capable of ascending. In the knowledge of law, he was indeed profound! Under a pressure of business at the bar before the revolution, which would have monopolized the attention of others, and unassisted by personal tuition from others, (for except as a lawyer he was self-taught,) he acquired a knowledge of the ancient languages, critically correct. Not only was the father of poetry his intimate companion, but the philosophers, historians and even dramatic poets of antiquity, were as familiar to him in their original dress as were almost all meritorious works of the day in his vernacular tongue. The writer of this sketch has heard him denominated emphatically "the walking library."

At a period of life, which it o'ben would be deemed at least the verge of old age, he applied to mathematics and natural philosophy, both which sublime subjects he pursued with an ardour and depth seldom attained by the youthful student.—When our rights were attacked by Great Britain, at the beginning of what, if unsuccessful, would have been termed a rebellion, but which we now boast of as a glorious revolution, even at that time, venerable for age, as he was respected for talents and correctness of demeanor, he assumed the then military garb and accoutrements of the volunteers, whom the divine spirit of patriotic enthusiasm had compelled to convene in the sacred cause of freedom.

The entreaties of the fond partner of his bosom could not retain him.—He appeared before the soldiery, drawn up in military parade, on the alarm of the arrival of an inimical vessel. An awful silence pervaded the ranks. The spectators looked with admiration on him. At length the commanding officer, with surprise, enquired into the cause of *his* appearing on the field thus accoutred: "I come, replied he, to offer my services to my country, and to do what you shall command." With difficulty he was prevailed on to desist from his design, under a persuasion that he could render more essential service in the civil department

The voice of his country called him to a seat in that congress, which declared the independence of America. He was not long an inactive member of that body. Much of the weight of the most arduous business was supported by him. He was a member of the grand convention which formed the constitution of the U. States, as well as of the state convention of Virginia, which ratified that instrument. The scrupulous devotion to justice, the strength of reasoning, and depth of research, which he manifested as Chancellor, are known to all. Great as he was in literature, in science and in law, fully impressed that "knowledge without morals is vain," his superiority was more apparent in his conduct.

If to do no injury, but to do all possible good, is the summum bonum of morals, he reached it. Deeply informed in various religions which have existed in the world, his mind was liberal in the extreme to those who might differ from him. He brought into actual practice the purest and most useful tenets of morality and religion. If nature gave to him irritability, reason rendered him in general one of the calmest, the mildest of men. The infantine heart is not less sullied than that which beats in his bosom. Conscious of the equality of other's rights, there was generally a humility about him seldom found amongst those who were inferiour to him in understanding and in morals. Every moment not beneficially employed, in his estimation was criminally lost. He rejected with disdain every thing like excess, in which he comprehended all those things, not absolutely useful. His extraordinary temperance preserved or added to a strength of constitution which brought him to his eightieth year, with few attacks of sickness. To his country he gave his life exclusively for many years.

He had been blessed with the purest and warmest affection in the conjugal union; when this was dissolving, separating the cords tore his mind; when they were broken, he bowed to the hand which had cut them: but did not fall. He who had not received from others, was liberal in communicating instruction. For some years the private tuition of youth was his favorite employment. The illustrious President of the United States, with gratitude and affection boasts himself a pupil of this modern Socrates. Hundreds in America are gratified in acknowledging themselves his disciples. From the President, many of the various officers in the general government abroad and at home, and in the state government, owe to him their qualifications for discharging their duties.—To him may be traced their conviction of the truth of the pure doctrines of genuine republicanism. In politics as in morals he with undeviating steps pursued one course, and that the most correct. Was it wonderful then that not long before his death he should exclaim "let me die righteous!" Thus lived, and thus died this illustrious man.

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* Prithee, Commodore, was not this fetch about the *Mediterranean* and after thought? And was not the artifice suggested to you, by a certain dexterous correspondent?

* There is one instance in this country of such a commission, from an oversight having been issued, but the error was immediately rectified.

LAWS OF THE UNITED STATES.

(BY AUTHORITY.)

AN ACT,

Supplementary to the act intituled "An act to extend jurisdiction in certain cases to the territorial courts."

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress Assembled, That the provisions of the act intituled "An act for providing compensation for the marshals, clerks, attornies, jurors and witnesses, in the courts of the United States, and to repeal certain parts of the acts therein mentioned, and for other purposes," passed February the twenty-eighth, one thousand seven hundred and ninety-one, be, and the same hereby are extended to the territories of the United States, so far as the said act may relate to the provisions of the act intituled "An act to extend jurisdiction in certain cases to the territorial courts," passed March the third, one thousand eight hundred and five excepting that the clerks of the said territorial courts shall not receive the additional five dollars per day, allowed to the clerks of the circuit and district courts by the third section of the act first above mentioned.

NATHL. MACON,
Speaker of the House of Representatives.

S. SMITH,
President of the Senate pro-tempore.

April 18, 1806.—
APPROVED.—
TH: JEFFERSON.