

from the New-York Evening Post.

THE CASE CANDIDLY CONSIDERED.

We are now, agreeably to our promise, to make a plain and concise statement of what we conceive to be the true nature of the present controversy between us and G. Britain.

The English writers in Canada insist that the sailors who are the immediate cause of dispute, having entered in the British navy, and taken the king's bounty, and then deserted, could not be received and protected by us, and that therefore any British cruiser had a right to retake them whenever she found them, on the high seas, "this being the only mode of recovering their deserted seamen." And some of the most respectable Boston prints have for some time been engaged in softening down the public resentment, and preparing the way for at length maintaining that the attack of the Leopard on the Chesapeake was a necessary and consequently a lawful act. Lastly, letters from Halifax, published and circulated in several of our newspapers, charge us with "being in the practice of *crimping* English seamen."

When we see such grounds openly taken or countenanced among ourselves, it is high time for those who hold a different language to come out and make a stand in defence of our common country. Although not acquainted with all the facts in the case before us, yet it will be found, if we do not deceive ourselves, that enough have transpired to enable every man of common sense to form and pronounce a correct opinion upon it.

It appears by the letter of captain Crafts to the secretary of the treasury, the substance of which was published in our last Tuesday's paper, that three of the four men about whom the controversy has arisen, viz. Ware, Martin and Little, belonged to the brig Neptune, which sailed from this port Aug. 18-5; that the brig was captured by the frigate Melampus, and sent into Plymouth for condemnation, the crew, excepting the captain and boy, having been first taken out. The brig and cargo were liberated on a hearing, and after the arrival of the Melampus at the same port, she returned the Neptune her crew, including these men. A few days afterwards, while the Neptune lay at anchor, two of the men, Ware and Martin, were ordered ashore in the boat which they immediately deserted, and left on the beach. Capt. Crafts went ashore in search of them, and found Ware mixing with the crew of the Melampus, and on his speaking to him, he received a saucy answer, and a refusal to obey him any more. The same evening Little deserted openly before the captain's face, getting into the barge of the Melampus, which came alongside and took him in. On the application of capt. Crafts to capt. Poynts, commander of the frigate, to obtain his men again, informing him that their loss would distress him, the latter replied that he did not want the men for he had his complement, and he believed them to be three scoundrels; but that if they chose to enter with him, he should expect capt. Crafts to pay them up their wages, which, how ever, was refused. Such is the statement made by capt. Crafts, and it is presumed it is in no part liable to be controverted.

Capt. Poynts' answer is given in a very few words; but let us, without doing any violence to probability, imagine him to have been a little more explicit than he is represented to have been; might he not (supposing him to have been a candid man) have spoken somewhat in the following manner?—

"Sir, 'tis true I have got your men on board my ship, but I don't want them; I don't like the fellows themselves, and besides my crew is complete; but my orders are to take sailors wherever I can get them, and if I have too many, to put those I don't want on board some other ship that does want them. We make a practice, as you know, of taking all Swedes, Danes, Spaniards, French, Italians, Russians, Portuguese in short, all that are not Americans, out of your vessels, as often as we come across them, (for it is clear you have no right to them, and in all such cases John Bull is a sort of general residuary legatee to the globe); besides, we take, of course, our own sailors whenever we meet with them, and sometimes by a mistake, we take yours. Such, sir, being the broad and liberal principles on which we act, I am under the necessity, of informing you, that if your men chose to enter with me, my duty compels me to receive them; and indeed so innocent or I may say so praise-worthy is their conduct regarded by us, that the men must not lose a shilling by it; you must therefore pay them up their wages to this time."

Such we think might have been the answer of capt. Poynts, had he inclined to be communicative. Captain Crafts it seems refused to pay the men their wages, and captain Poynts considering it as rather a hard case, upon the whole, that captain Crafts had in the first place been captured and sent in for condemnation without any reason for it, by which means his voyage had probably been entirely broken up and that it was a sufficient vexation to have to hunt up other men to supply the place of the deserters before he could get home again, and moreover, regarding the fellows as great scoundrels whom he did not want, courteously let captain Crafts off without insist-

ing on the back wages. In this respect captain Crafts was more fortunate than the captain of the ship Fanny, which some time ago sailed from this port to Greenock and while lying there lost the whole crew by desertion to a British Tender, the captain of which not only refused to deliver them up but obliged the American to send them their chests and baggage, and to pay up every shilling of their back wages; after which he was obliged to go all the way to Leith to procure a crew to navigate his vessel back to port. Which shews by the way, that the case immediately before us is not an anomalous one. Indeed no one will deny that to receive deserters and encourage desertions to English ships of war is a constant, open, and avowed practice and one countenanced by English laws.* But to proceed:

Behold now our three seamen all safe on board the Melampus frigate, and making part of her crew, having formally entered and received the king's bounty. Very well. She arrives at Norfolk and sends her boat ashore for water, and these three sailors in it with one more. They understood perfectly, the trick of leaving boats; they had left the Neptune's boat, at Plymouth, in England, and had been received and protected by a British frigate, and it would be hard, indeed, as well as unaccountably strange, if they could not leave the boat of the Melampus at Norfolk, in America, and find as good a reception and as much protection there too. This mode of reasoning required no great ingenuity; it was indeed so natural and obvious, they could not well miss it, so they left the boat and made off.

Presto, pass and begone! The caps are turned, and every thing turns topsy by enchantment. That conduct which at Plymouth was thought so commendable and worthy of a reward, when it operated against an American vessel, now, at Norfolk, when it is found to operate against an English vessel, is suddenly transformed into the double crime of mutiny and desertion; both punishable with death. The government are quickly demanded to deliver up the fugitives; because this is not followed by a ready compliance, orders are issued by admiral Berkeley to the English navy to search for these deserters and seize them in whatever ship they may be found; and if judged necessary to employ force and take them. Accordingly the captain of the Leopard, on receiving a refusal from commodore Barom to deliver the men, pours in his broadside, kills and wounds a number of his crew, obliges him to strike his flag, seize the men, and carries them off in triumph.

And we are now told by writers among ourselves, that all this was perfectly right and proper, for that "the principle is universally admitted, that a nation may do whatever is essential to self preservation, and of consequence may not only resist practices unaccompanied with force, but secure itself by force against attempts and designs, which evidently threaten its safety and existence;" that the duty of self preservation, which sanctions a resistance to actual force, will justify an officer on a distant expedition in defending himself against any artifices or practice though not attended with force, which if permitted would deprive him of the means of self defence, and frustrate the end of his appointment; and that "to this right is inseparably incident, that, of retaking by force whatever is unjustly taken from them either by force or fraud." Such are the propositions laid down by a distinguished writer in the Boston Repository, who has volunteered on the British side, under the signature of Anson. What a pity is it that this formidable park of artillery which has been so carefully provided, can be turned in an instant, and made to play upon the very cause it is brought to serve?

Will Anson condescend to inform us whether he thinks that the enlisting sailors from on board an American vessel in a foreign port is not an artifice or practice as injurious to Americans, as is that of enlisting sailors from on board an English vessel in a foreign port, to the English? or whether the manning an English ship of war by deserters, is any more essential to the self preservation of the English navy, than the manning an American ship of war by deserters is essential to the self preservation of the American navy? And on which of his principles or on what other of law or equity, or common sense, it is that the pretensions of commanders at Plymouth (and such as they have always been in the habit of advancing and practising upon) can be reconciled with their pretensions, advanced and practised upon at Norfolk?

It is perceived that we lay out of the case for the present, the citizenship of the sailors; and to give those who take the opposite ground every advantage, we also lay aside the circumstance of the attack's having been made on a national ship, and merely ask for a reconciliation of the two opposite, conflicting claims advanced by Great Britain, and on the support of which her cause depends. We confess we are altogether unable to comprehend how it is that the English navy can have a right to receive deserters from us, and protect them as their own property because they have received the king's bounty, and at the same time deny us the right, under precisely parallel circumstances, to receive deserters from them, and protect them as our property, after they have received our king's bounty. Nor can we understand what sort of justice that can be which makes the same act between the same parties, dictated by the same motives, inno-

cent at Plymouth and a capital crime at Norfolk. The truth is, the case presents an inextricable dilemma, which no dexterity can evade, and from which no ingenuity can escape. The two pretensions advanced by the English are totally irreconcilable with each other, and therefore we run no hazard in saying that both cannot be right: In the spirit of amity we will give them their choice; they may have either—but we can never allow them both.

We have the utmost confidence in this argument; we think it unanswerable; if, however, there is still any one disposed to enter the lists on the other side, let him come forward; no matter under what title he appears, this paper shall be open to him. We make no apology for the part which we have taken. This is a question in which the honor and safety of the nation is involved, nor will we, in complaisance to any man or any set of men, nor from any apprehensions of giving offence, permit little, unworthy considerations to separate us from what we consider our duty.

To conclude—We entertain a respect for Great Britain; it is land that gave birth to our ancestors, and we feel an attachment to the soil that covers their bones; we venerate her institutions; we look with anxiety on the struggle in which she is now engaged for self-preservation; we hope she will maintain her independence uninjured, and that it will yet be long, very long before the sun of her glory shall begin his descent to the west with diminished lustre; but we can never behold with a criminal indifference the ill-judged, the unwarrantable attempts of the unwise ministry to trench upon the perfect rights of other nations; especially one which both inclination and interest strongly unite to render friendly to her. Against such attempts we shall always stand ready to raise our feeble voice and to call on the patriotism of our countrymen to rouse and resist them.

BY THIS DAY'S MAIL.

FRENCH ACCOUNT.

SEVENTY-NINTH BULLETIN.

BATTLE OF FRIEDLAND.

Wehlau, June 17.

"On the 14th the enemy advanced on the bridge of Friedland, and at three in the morning a cannonade was heard. It is a fortunate day (said the emperor) it is the anniversary of the battle of Marengo."

"Marshals Lannes and Mortier were first engaged: they were supported by General Grouchy's dragoons, and by General Nansouty's cuirassiers. Several movements and actions took place. The enemy were stepped, and could not pass the village of Rosstenbourg. Imagining that they had only a corps of about 15,000 men opposed to them, they followed the movements of our troops towards Königsberg; thus the French and Saxon dragoons and cuirassiers had the opportunity of making a brilliant attack, and of taking four pieces of cannon."

"By five in the evening the several corps were at their appointed stations. Marshal Ney was on the right wing, marshal Lannes in the centre, marshal Mortier on the left wing; the corps of Gen. Victor and the guards formed the reserve."

"Meanwhile, the enemy deployed the whole of his army. His left wing extended to the town of Friedland, and his right wing a mile and a half in the other direction."

"The emperor having reconnoitred the position, determined to take the town of Friedland. Then suddenly changing his front, and advancing his right, he commenced the attack with the first part of that wing."

"About half past five marshal Ney began to move forward. Some shots from a battery of 30 cannon were the signal. At the same moment the division of Gen. Marchand advanced, sword in hand, upon the enemy, and proceeded toward the tower of the town being supported on the left by the division of Gen. Bion."

"When the enemy perceived that marshal Ney had left the wood in which his right wing had been posted, they endeavored to surround him with some regiments of cavalry, and a multitude of Cossacks. But General Latour-Maubourg's division of dragoons rode up in full gallop to the right wing, and repelled the attack of the enemy. In the mean time General Victor erected a battery of 30 cannon in the front of his centre. Gen. Sennarmont, who commanded this battery, pushed his works forward more than 400 paces, and greatly annoyed the enemy. The several manoeuvres they attempted in order to procure a diversion, were all in vain."

"Marshal Ney was at the head of his troops, directing the smallest manoeuvres with that coolness and intrepidity which is peculiar to himself, and maintained that example which has always distinguished his corps among the other corps of the grand army. Several columns of the enemy which attacked his right wing were received with the bayonet, and driven into the Alle. Thousands found their graves in that river, and some escaped by swimming; meanwhile marshal Ney's left wing reached the ravelin, which encircles the town of Friedland. The enemy, who had posted the imperial horse and foot guards in Ambush there, advanced with great intrep-

dity, and attacked marshal Ney's left, which for a moment wavered; but Dupont's division which formed the right wing of the reserve, fell upon the Russian imperial guards, defeated them, and made a most dreadful slaughter. The enemy sent forward several other corps from his centre to defend Friedland: vain effort! Friedland was forced, and its streets bestrewn with dead bodies. The centre, commanded by marshal Lannes, was at the same time engaged. The attempts which the enemy had made upon the right wing, being frustrated, he wished to try the effect of similar efforts upon our centre: he was, however, suitably received by the brave divisions of Oudinot and Verdier, and the commanding marshal."

"The Imperial horse and foot guards, and divisions of the first corps, were not in the action. The victory was never for a moment doubtful. The field of battle is horrible to behold. It is not too much to estimate the number of the dead on the side of the Russians, at from 15 to 18,000. The number of the dead on the French side was not 500, but we have 3000 wounded. We have taken 80 cannon, and a great number of caissons; a great number of standards have also fallen into our hand. There are 25 of the Russian generals either killed, wounded, or taken. Their cavalry has suffered incalculable loss."

"Night prevented us from pursuing the enemy; they were followed until 11 o'clock. During the remainder of the night, the cut off columns tried to pass the Alle at several fordable places, and next day we saw, caissons, cannon and harness, every where in the river."

"The battle of Friedland is worthy to be numbered with those of Marengo, Austerlitz, and Jena. The enemy are numerous, had fine cavalry and fought bravely."

"Next day the enemy endeavored to assemble on the right bank of the Alle, and the French army made manoeuvres on the left bank to cut them off from Königsberg. The heads of the columns arrived at the same time at Wehlau, a town situated at the confluence of the Alle and Pregel. The emperor had his headquarters in the village of Peterswalde."

"The enemy having destroyed all the bridges, took advantage of the obstacle, at day-break, on the 16th, to proceed on their retreat towards Russia. At 8 in the morning the emperor threw a bridge over the Pregel, and took a position there with the army."

"Königsberg was abandoned on the arrival of the intelligence of the battle of Friedland. Marshal Soult has entered that place, where much wealth has been found. We have taken some hundred thousands of quintals of corn, more than 20,000 wounded Russians and Prussians, all the ammunition which England had sent to the Russians, including 160,000 muskets, which had not been landed.—Thus has Providence punished those, who instead of negotiating with good faith to bring about a salutary peace, treated that object with derision, and regarded the repose taken by the conquerors, as proof of timidity and weakness."

"It was on the 5th the enemy renewed hostilities. Their loss in ten days which followed their first operations, may be reckoned at 60,000 men, killed, wounded taken prisoners, or otherwise, part hors de combat. A part of the artillery, the necessary supply of military stores, and all their magazines, on a line of more than 40 miles are lost to them. The French army has seldom obtained such great advantages with so little loss."

A letter from Tilsit.

This day, at two in the afternoon, the emperor Napoleon entered Tilsit.

The grand duke of Betz, at the head of his cavalry pursued the enemy, and did him considerable mischief, especially the Cossacks: considerable bodies of them were frequently routed."

The third corps of the army passed through Labiau, and came up with the rear of the enemy, from which it took 2,500 prisoners. When marshal Ney arrived at Isterburg on the 17th, 10000 wounded, and considerable magazines, fell into his hands."

The loss of the Russian army is prodigious. All the villages are full of their wounded. They have not more than 60 pieces of cannon left. We hear of new advantages gained over them every day; but the rapidity of our marches does not admit of regular and exact details."

RUSSIAN ACCOUNT.

General Bennigsen's Dispatches.

BATTLE OF FRIEDLAND, &c.

Copies of the dispatches from general Bennigsen, to the emperor Alexander.

Head-quarters at Wehlau, June 18-5.

The enemy having immediately directed the whole of his force from Heilsberg towards Friedland and Wehlau, with an intention to cut off my army from the Pregel, I humbly beg leave to inform your royal majesty, that I could not form any position at Schippenbeil, but made a forced march to Friedland on the 1-18th instant."

The advanced detachment which I sent forward to occupy that town, found the place at three, P. M. in the possession of four squadrons of the enemy, which were however, driven out immediately."

In order to keep possession of the town, that my troops might rest from their fatigue, I sent some infantry to the left bank of the Alle during the night. But in the morning at break of day, the enemy attacked my advanced posts, and at half after five the cannonade commenced. I therefore sent

another division of my army across the river, to support the other troops, as I had reason to suppose that the enemy's van only had come up. The enemy was repulsed at every point, and the troops fought for fourteen hours together with the greatest bravery, and proved always victorious. General Oudinot whose division formed the right wing of the enemy attempted to make an attack with the bayonet; but my left wing eagerly advanced upon him and destroyed an entire column. Another column was routed. The cavalry of my right wing, also made an impetuous and successful attack upon the enemy's cuirassiers, pursuing them as far as Heinrichsdorff, which village supported the left wing of the enemy. At three in the afternoon, Bonaparte arrived in person, with the rest of his army, and sheltered by a wood, he reinforced his right wing in such a degree, that at six, when he commenced a fresh attack, and opened upon my left wing a masked battery of forty pieces of cannon, I was under the necessity of resolving to commence my retreat, which was effected in the best order, and my rear stopped the whole force of the enemy, until all my troops had crossed the Alle.—Although my loss during a battle which lasted sixteen hours, and from my army being obliged to file off over a bridge, which was exposed to the enemy's artillery, cannot be inconsiderable, the enemy must have lost an equal number at least, since the attack with the bayonet, and that of the cavalry, has caused him a great loss, and as in the former we took from him the eagle of the 15th regiment of the line. Nor has the enemy taken any other prisoners but such as were wounded dangerously, and which could not be removed from the town, and only some dismounted pieces of cannon belonging to the regiments, with a few which could not be removed, because the horses attached to them had been shot, fell into his hands. On the other hand, all our pieces of camp artillery were got off safe. I am now taking with my army a position behind the Pregel, near Wehlau, causing all the passes of that river, as far as Königsberg and Isterburg, to be occupied by my troops, in consequence whereof I have opened a communication with general L'Estocq.

If the enemy should venture to cross the Pregel, I shall attack him immediately, and the reinforcements which are already on their march, will soon supply my loss, and enable me once more to cope with the enemy.

(Signed) BENNIGSEN.

ANOTHER DISPATCH.

From the camp at Schliupischken, June 5-17.

After the surrender of Königsberg, my position at Wehlau was no longer tenable, and having informed general L'Estocq that I should make my retreat on the road of Tilsit, I requested him to follow me; I commenced the retreat yesterday. I am happy, most humbly to inform your royal majesty, that I have this day formed a junction with that general, and that my army, besides, has this day received a reinforcement of 8000 men. Moreover, the division from Cow, will pass the frontier to-morrow, consequently my loss will not only be replaced in a very short time, but I shall even be stronger than I was before the battle of Friedland. Thus of all the results of the last battle, the surrender of Königsberg proves the worst; for unless the enemy pursue me with too great a superiority of numbers and provided he allow me sufficient time to draw towards me my reinforcements, I shall directly advance, and I hope to recover from the enemy the advantages which he has obtained.

(Signed) BENNIGSEN.

AFFAIRS IN TURKEY.

VIENNA, June 21.

On the 24th May, the Mufti, at the head of the mal-contents, repaired with 800 Janissaries to the Seraglio, and read to him a list of his pretended offences, recited passages from the Koran, which declared him, on account of those offences, unworthy of the throne, and ordered him to sign a renunciation of it. Selim, seeing no means of resistance, signed the deed of renunciation, and begged his life. The Mufti promised to intercede for him. His person was then secured, and fourteen of his principal ministers were put to death. Couriers were sent to the camp and the Dardanelles, to arrest and strangle the Grand Vizier and the captain Pacha. On the 25th May, a proclamation was published in Constantinople, to announce to the people that the Sultan had been de-throned, and to make know his offences, and the passages of the Koran which condemned those offences. The people were invited to remain tranquil, and mind their affairs. On the 26th, Mustapha, the son of Achmet, was proclaimed Grand Seigneur. On the 27th he sent an order to Selim to take poison. Selim obeyed, and died in a short time.—During the whole of this revolution, but few disorders were committed. The mass of the people took no part at all; so that we attribute this catastrophe to some chiefs of parties yet unknown to the Janissaries. All foreigners have been ordered to be respected. We are assured that the Grand Vizier made no resistance to the order sent him, and was strangled. Of the captain Pacha we know nothing.

* Vide Stat. Geo. 3, c. 31, s. 11 & 13; Geo. 2, c. 3, s. 1 and 2.

* Vide Quebec Mercury and Montreal Courant.