

At a court of Enquiry assembled on board the United States Ship Chesapeake, in the harbor of Norfolk and State of Virginia, by order of the Honble. Robert Smith, Secretary of the Navy of the United States, and continued by adjournment from day to day from Monday the 5th day of October, 1807, until Wednesday the 4th day of November, 1807.

PRESENT,

CAPTAIN ALEXANDER MURRAY,  
President, and

Captains Jane Hull, } Members  
and }  
Jane Chauncey } thereof.

The following opinion and report was unanimously given, and directed by the court to be transmitted to the honorable the Secretary of the Navy of the United States.

PURSUANT to an order from the Honorable Robert Smith, Secretary of the Navy of the United States, to Captain Alexander Murray directed, dated the twelfth day of September, in the year of our Lord, one thousand eight hundred and seven, the court proceeded to inquire into the causes of the surrender of the Chesapeake, a frigate of the United States then under the command of James Barron, Esquire, a captain in the navy of the United States, to a British vessel of war, which surrender was made (as is in the said order stated) without that defence being made which might have been expected from the known valor of Americans; and having heard all the evidence adduced, as well by the Judge Advocate as by the said Captain James Barron, and having maturely and thoroughly considered the same, (Captain James Barron having declined to offer any defence) Report to the honorable the Secretary of the Navy of the United States, as by his said warrant is required a state of the matters touching the said surrender, together with their opinion thereon, as followeth:

1. It appears to the court, that the United States ship Chesapeake, then under the command of Captain James Barron, Esquire, a captain in the navy of the United States, sailed from Hampton Roads, on an intended cruise in the Mediterranean sea, on the morning of the 22d of June last past, having on board a crew consisting of more than three hundred and seventy men, and completely equipped with every thing necessary for such a ship of war, sailing on such a cruise.

2. It appears to the court, that Captain Barron was appointed commodore of the ships and vessels destined for the Mediterranean service on the 15th day of May last past, and hoisted his broad pendant on board the Chesapeake, the first time he came on board of her after her arrival in Hampton Roads; to wit, on or about the 6th day of June last past.

3. It appears to the court, that commodore Barron visited the Chesapeake only twice during the period she remained in Hampton Roads, and before he came on board to proceed to sea; on neither of which occasions did he examine particularly into her state and condition.

4. It appears to the court that the guns of the Chesapeake were never exercised before she proceeded to sea; that her crew were quartered but a few days previous to that time, and had never been called to quarters more than three times prior to her sailing for sea.

5. It appears to the court, that the ship was reported to commodore Barron to be ready for sea on the 17th of June, that he came on board on the 21st, and that the ship sailed on the morning of the 22d of June last past.

6. It appears to the court that antecedent to the sailing of the Chesapeake, there had been received on board of her some persons who had been claimed by the British government as deserters from their service but who were not ordered to be delivered up by the American officers. That there was also a report in circulation, and generally known on board the Chesapeake, that a threat had been used by the captain of the British ship of war Melampus, to take these men from the Chesapeake. That commodore Barron had full knowledge of the facts that such men were on board his ship, that they had been demanded by the British government and had not been delivered up, the court are perfectly satisfied; but no positive evidence has been adduced to prove, that the report of the threat above mentioned was communicated to him before his ship sailed.

7. It appears to the court, that the Chesapeake in proceeding from Hampton Roads to sea, passed a British squadron at anchor in Lynnhaven bay, who, at the time of her passing them were making signals to each other, which was not only reported to commodore Barron by one of his officers, but actually observed by himself.

8. It appears to the court, that the British ship of war Leopard of 50 guns, one of the squadron then at anchor within the limits of the U. S. weighed immediately after these signals were thrown out, and stood to sea.

9. It does not appear to the court, that at this time there was any vessel in sight, or any other object to induce her to go to sea, but the Chesapeake.

10. It appears to the court, that at the time the Leopard got under weigh, the wind was at S. W. and therefore fair for her to proceed to sea; but that instead of availing herself of this to clear the land, she hauled by the wind close round Cape Henry, and stood to the southward, under easy sail; thereby showing that it was not her intention to get off the land speedily.

11. It appears to the court, that after this the wind became light and baffling, and likely to shift, and came out from the eastward; that when this happened, the Leopard shortened sail and stood to the eastward.

12. It appears to the court, that after this the wind did come out from about S. E. and that the Leopard then having thus got the weather gauge, preserved it, by tacking in shore when the Chesapeake did so in order to get off her pilot, and after the Chesapeake again stood off to the eastward, that the Leopard wore, and bore down for her.

13. It appears to the court, that when the Leopard tacked and stood in shore on the same tack with the Chesapeake, that her lower deck ports were all tried up.

14. It appears to the court, that when the Leopard ran down for the Chesapeake, she rounded to on her starboard quarter, and to windward of her, and that at this time her topmasts were out of her guns.

15. It appears to the court, that commodore Barron was upon deck observing the Leopard during the time these manoeuvres were practising and these appearances exhibited.

16. The court is of opinion, that the circumstances above stated were in themselves so suspicious as to have furnished sufficient warning to a prudent, discreet and attentive officer, of the probable designs of a ship of war conducted in that way, and ought to have induced commodore Barron to have prepared his ship for action, especially with the information he possessed of the situation of his crew generally, of those who had been demanded by the British government particularly, and of the general state of the ship at that time.

17. It appears to the court, that commodore Barron nevertheless did not order his ship to be cleared for action, and that he did not call his men to quarters.

18. It appears to the court, that when the Leopard came along side of the Chesapeake, an officer was sent from her with a communication from captain Humphreys, the captain of the Leopard, to commodore Barron, which the latter could not and did not misunderstand, but very correctly concluded to be a demand with which he ought not and could not comply, and one which, if refused, would be enforced, if possible.

19. It appears to the court, that although such was the situation and impression of commodore Barron at this time, yet that he did not still order his ship to be prepared for action, although ample time was allowed for that purpose, the British officer being detained on board the Chesapeake from 35 to 45 minutes.

20. The court is of opinion, that the neglect of commodore Barron to prepare his ship for action under such circumstances, is a direct breach of the fourth article of the rules and regulations for the government of the navy of the United States, adopted by an act of the congress of the United States, passed on the 33d day of April, 1800, entitled "An act for the better government of the navy of the United States."

21. It appears to the court, that after the British officer left the Chesapeake, bearing a positive refusal from commodore Barron to the demand which had been made by capt. Humphreys, and after commodore Barron was himself satisfied that an attack upon his ship would be made, he did not take prompt, necessary and efficient means to prepare his ship for battle. That his first order was merely to clear his gun deck, and the second given after the lapse of some time, was to get his men to quarters secretly, without beat of drum; although with such a crew as he had on board, and in such a situation as the ship then was, it was not to be expected that such orders could be effectually accomplished.

22. It appears to the court that the conduct of commodore Barron during the attack of the Leopard manifested great indecision, and a disposition to negotiate, rather than a determination bravely to defend his ship. That he repeatedly bailed the Leopard during her attack upon him. That he drew his men from their guns to lowering down boats to send on board of the attacking ship—and that he ordered his first lieutenant from his quarters during the attack, to carry a message on board of the Leopard, at that time firing upon him.

23. It appears to the court, that during the attack, commodore Barron used language in the presence of his men, calculated to dispirit his crew, by ordering them to keep down, that they would all be cut to pieces.

24. It appears to the court, that commodore Barron ordered the colors of the Chesapeake to be struck, and that they were struck, before a single gun of any kind was fired from her; and that at the time they were so struck, her main deck battery was in a situation which would have enabled the return of a broadside in a very short time.

25. The court is therefore of opinion, that the Chesapeake was prematurely surrendered, at a time when she was nearly prepared for battle, and when the injuries sustained either on the ship or the crew did not make such a surrender then necessary; & that for this commodore Barron falls under a part of the sixth article of the rules and regulations for the government of the navy of the United States, adopted by an act of the Congress of the United States, passed on the 23d of April, 1800, entitled, "An act for the better government of the navy of the United States."

26. The court is of opinion, that although the conduct of commodore Barron, before and during the attack of the Leopard, evinced great inattention to his duty and want of decision, yet that during that attack he exposed his person, and did not manifest either by his orders or actions any personal fear, or want of courage.

27. It appears to the court, that although the Chesapeake might and ought to have been better defended than she was, yet that she was not in a situation at the time of the attack made upon her, to have enabled so gallant a defence being made as might be expected. Some of her guns were not securely fitted in their carriages, some of her sponges and wads were too large, but few of her powder horns were filled, her muzzles were not primed, some of her rammers were not in their proper places, her marines were neither supplied with enough cartridges, nor were those which they had of the proper size. None of these circumstances however could have influenced commodore Barron in striking his colors, because they were not known to him at the time.

28. The court is of opinion, that the conduct of all the other officers of the ship, except those whose duty it was to have remedied the deficiencies before stated, and of the crew generally, was proper, commendable and honorable.

A true copy,  
L. W. TAZEWEILL,  
Judge Advocate.

The following ADDRESS was on Friday last presented to the president of the United States:

To THOMAS JEFFERSON,  
President of the United States.

We, the representatives of the Yearly meeting of Friends, for the Western Shore of Maryland, the adjacent parts of Pennsylvania and Virginia, and the state of Ohio, being convened in the city of Baltimore, on those concerns which relate to our society, apprehend that we feel our minds engaged to address thee on behalf of ourselves, and the religious society which we represent.

Permit us to say, that whilst we desire to be preserved from intermeddling with the policy of those governments, under which we live; we believe it to be our indispensable duty, consistently with that Christian obligation, in relation to governments, to "lead a quiet and peaceable life under them, in all godliness and honesty."

We feel gratitude to the sovereign ruler of the universe, in that he hath influenced the councils of the general government of our country, to decide upon several important subjects, agreeably to the principles of eternal justice and right.

Amongst the most prominent of those acts, which claim our approbation, we are induced to notice the evidences of thy efforts to preserve our country from the calamities and ravages of war, by cultivating a disposition, and pursuing a conduct marked with conciliation and friendship towards all nations with whom we have intercourse; thereby avoiding those grounds of dissension, which are often the sources from whence this desolating scourge has its origin, to the reproach of Christianity. For, as we are firmly persuaded of its obligation as a religious principle, so it is our fervent desire, in regard to all men, that even the smallest germ of enmity may be eradicated. And our ardent prayer to the father of the universe is, that through the over-ruling order of his providence, the hearts and understandings of his erring and contending creatures, may be illuminated, so to behold the excellency of brotherly affection, as to become willing to admit the spirit of universal reconciliation.

We are also bound to acknowledge those philanthropic exertions, which have been used to ameliorate the condition of the Indian natives, by introducing among them a knowledge of agriculture, and of some of the mechanic arts. We sincerely congratulate thee on their progress in civilization, and the very encouraging prospect, abundantly evinced, that this truly benevolent and laudable undertaking will ultimately be crowned with success—an undertaking which whilst it increasingly obviates the wretchedness of their former condition converts them from dangerous neighbors to valuable friends.

But there remains a subject inexpressibly dear to our hearts, which has particularly interested our feelings. We rejoice in the prospect of a termination to the wrongs of Africa, and that a traffic heretofore legalised in a district of our country, in its nature abhorrent to every just and tender sentiment, and reproachful to humanity, to say nothing of Christian principles, is interdicted by our government. For the exertion of thy influence, united with the national legislature, (may we not say) to relieve our country, from the complicated evils attendant upon this cruel and inhuman trade, we are engaged, through this medium to testify our warmest approbation.

And may the future Councils of our country yield to the influence of Him who is called "Wonderful Counsellor, The Mighty God, The Everlasting Father, The Prince of Peace;" so that the exercise of additional acts of justice and mercy, towards this greatly oppressed part of the Human Family, may utterly remove the cries of oppression, from this highly favoured land.

With sentiments of respect, due from us to those, who, in the ordering of divine Providence are set over us, we, are thy friends.

Signed on behalf of the Meeting, by  
GERARD T. HOPKINS, Clk.

To the foregoing Address, the President of the U. States returned the following Answer.

Friends and Fellow-Citizens,

I thank you for the Address you have kindly presented me, on behalf of that portion of the society of friends, of which you are the representatives: and I learn with satisfaction, their approbation of the principles which have influenced the councils of the general government, in their decisions on several important subjects confided to them.

The desire to preserve our country from the calamities and ravages of war, by cultivating a disposition and pursuing a conduct conciliatory and friendly to all nations, has been sincerely entertained and faithfully followed: it was dictated by the principles of humanity, the precepts of the gospel and the general wish of our country; and it was not to be doubted that the Society of Friends, with whom it is a religious principle would sanction it by their support.

The same philanthropic motives have directed the public endeavors to ameliorate the condition of the Indian natives, by introducing among them a knowledge of agriculture and some of the mechanic arts, by encouraging them to resort to these as more certain, and less laborious resources for subsistence than the chase, and by withholding from them the pernicious supplies of ardent spirits. They are our brethren, and our neighbors; they may be valuable friends and troublesome enemies. Both duty and interest then enjoin that we should extend to them the blessings of civilized life, and prepare their minds for becoming useful members of the American family.

In this important work I owe to your society an acknowledgment that we have felt the benefits of their zealous co-operation, and approved its judicious direction towards producing among those people habits of industry, comfortable subsistence, and civilized usages, as preparatory to religious instruction and the cultivation of letters.

Whatever may have been the circumstances which influenced our forefathers to permit the introduction of personal bondage into any part of these states, and to participate in the wrongs committed on an unoffending quarter of the globe, we may rejoice that such circumstances and such a sense of them exist no longer. It is honorable to the nation at large that their legislature availed themselves of the first practicable moment for arresting the progress of this great moral and political error; and I sincerely pray with you my friends, that all the members of the human family, may, in the time prescribed by the Father of us all, find themselves securely established in the enjoyments of life, liberty and happiness.

TH: JEFFERSON.

BY THIS DAY'S MAIL.

BOSTON, November 12.

LATEST FROM FRANCE.

By the Sally Barker-Windsor, arrived on Tuesday, in a short passage from Bordeaux, we have French papers to the 5th October. Their contents, excepting the affair of Copenhagen, are not interesting.

From a gentleman, however, who came passenger in the above vessel, and through the channel of private letters, we are enabled to present our readers, with the following interesting intelligence.

More Unwelcome News.

Extract of a letter from a house of the first respectability in Antwerp, to another in Bordeaux, dated Sept. 28, and received at Bordeaux, by express, just before the Sally Barker Windsor, left the latter place. "We understand an order has been given out by the emperor, to capture every vessel bound to, or from England, and if with cargoes to be considered as good prize. This is a mortal blow to the American commerce; and we fear will lead to a rupture between America and France."

"It is reported that Mr. Munroe has left London; but not on account of the existing differences between the two countries; but by reason of ill health. Mr. Pinckney is said to be charged with the public business."

[The first paragraph of the above letter was corroborated at Bordeaux, by letters direct from Paris of a late date.]

A gentleman who came passenger in the Sally Barker Windsor, informs us, "That two cases of capture, [American] made since, and under the decree of the 21st November, 1806 were brought before the prize court at Bordeaux: a short time before he left that city; but the court had refused to give an opinion, until fresh instructions should be received from the emperor. These instructions were called for by the court, and a question demanded—Whether this decree was to be put in full force against the Americans? His answer was, that in effect, the law must operate against them as with all other neutrals." [Boston Gaz.]

We were yesterday favoured with the following article from a source which may be relied on.

"Answers were given by the Emperor, to the Council of Prizes, on the 23d Sept. last, to the following Questions:

1st. Whether there should be any exception to the Decree of Nov. 21, 1806, in favour of such nations, as, by their treaties, were allowed a free trade, or the privilege of neutralizing enemies property? ANSWER, That as the Decree contained no exceptions, there should not be any made in its application.

2d. Whether neutral vessels, in ballast, should also be made liable to confiscation, upon the plea of capture, or stress of weather, if they had entered a British port? ANSWER, That it must lay over for further consideration.

3d. Whether one half of the confiscated property, should, in all cases, be appropriated towards indemnifying sufferers by British spoliations? The answer was in the affirmative."

A letter from a respectable gentleman in Marseilles, dated Sept. 9, says, "That the Emperor has marched an army of 5000 men into Leghorn and Civita Vecchia, and laid an embargo on all the vessels lying in those ports."

Accounts had been received at Bordeaux, from Mr. Armstrong, at Paris, stating, that a number of American seamen, taken on board of English vessels, during the war, had been liberated.

An article, under Genoa head of Sept. 13, states, "That the American consul has been arrested, & seals put upon his papers." No reasons were assigned for the arrest; nor is it probable any will be given. Neither on compulsion—or voluntary consent, are the French disposed to give reasons for their conduct at any time.

Letters from Paris state, that the boundaries of Louisiana have been settled by the French emperor to the satisfaction of our minister at Paris.

An Embassy from Spain, consisting of a Spanish Nobleman and a large retinue, passed through Bordeaux about the 1st of October, on their way to Paris, to present the sword of Francis the first, to the emperor Napoleon as a PEACE OFFERING.

Arrived, brig Sally Barker Windsor, capt. Hussey, twenty-nine days from Bordeaux, wine brandy, &c. Left, Oct. 10, the trident, Newman, of Boston; Argo, Hunt, do. Washington, Adams New-York; —, Merchant, New-Orleans. The following vessels sailed for New-York, the beginning of Oct. viz. the George, Chester; Betsy, Johnson; Victress, Maddix; and Rockland, Ramblet.

Schr. Bath, Snow, 44 days from Malaga, fruit. Spoke, Nov. 3, lat. 43, schooner Old Colony, of Plymouth, 3 days from Boston, for St. Sebastian; and ship Mary, of Portland, 73 days from Peterburg, and 43 from Norway for Boston.

Schooner Mary, Kelly, 6 days from Halifax, fish, &c.

Ship Arrow, captain Fletcher, of Newburyport, Monte Viedo, 53 days, with a valuable cargo of the productions of South America. Sailed from Monte Viedo road Sept. 8. Left ship Print, Dixey, of Salem, for Boston, ready for sea; ship Palmyra, Whitney, of Providence, for Charleston, S. C. full of English goods and passengers, ready for sea; brig Eliza, Coney, of Providence, for Botany Bay, ready for sea; ship Olive Branch, King, just arrived fr. Boston, destination unknown. The schr. Sophronia, Marner, of N. York, sailed in co. for home, but to stop on the Brazil Coast. Mr. Wallace of N. York, late supercargo of the Bengal, was a passenger in the Sophronia. Ship George and Mary, of Newport sailed from Buenos Ayres, August 13, for London. A ship, name unknown, belonging to Philadelphia, which had been detained several months in Buenos Ayres, had sailed, or was ready to sail for London, about the time the George and Mary did. Spoke Oct. 19, lat. 19, 30, long. 59, schr. Enterprise, 35 days from Pernambuco, for Antigua November 2, lat. 41, long. 67, 30 ship William P. Johnson, Wells, of Newburyport, 67 days from Amsterdam for Philadelphia, with passengers.

Schr. Three Sisters, Hooper, Alicante, 92, Gibraltar, 62 days, via Manchester, salt. Ship Belvidere, Hathaway, Liverpool, 52 days.

Brig Pallas, Wilcox, Liverpool, 52 days.

NEW-YORK, November 16.

Mr. C. Bolton, passenger in the Swift, says Mr. Munroe had engaged his passage in the Pocahontas; but from some circumstances, not publicly known, it was said he would not come out in that vessel.

The William and Eliza, Kempton, has arrived at New-Bedford in 44 days from Elsinur. When he passed the Sound the British were encamped between Copenhagen and Elsinur. The Danish fleet were hauled out and manned, under Danish colors, bound to England. This ship spoke November 1, the ship Concordia, from St. Petersburg for New-York.

Capt. Waterman, informs that the French and Spanish ministers had left Portugal, and that the French troops were shortly expected to take possession of that country. The prince regent was preparing to embark for the Brazils, but the people were opposed to his leaving the country. A Portuguese ship of the line and a frigate had sailed from Lisbon, supposed to be bound to England.

Arrived, the ship Eliza, Crocker, 45 days from Liverpool, and 28 from Cape Clear, coal, cables and white-lead. Sailed in co. ship Grand Sachem, Lebaron; Swift, Taber; Fair American, Marshall; Manchester, Banker; Atlas, Moran, all for New-York—Western Trader, Gardner; Four Friends, Phillips, and Cotton Planter, Chase, all of Philadelphia—Eliza, Ann, Stevens, for City Point—John Adams, McLellen; and Horatio, Jamison, for Portland—schooner Dispatch, Smith, for Richmond—and ship Laura, M. Lellen, for New-York. Left at Liverpool, Sept. 29, ship Savage, Bostwick, for New-York; Henrietta, Nichols, for Boston; Georgia, Pierce, of Savannah, for Georgetown, and others. Off Cape Clear, October 12, was boarded by the British frigate Cyprus, and treated politely. Nov. 5, in lat. 42, long. 60, spoke ship Mary Jenkins, of Newburyport, from Boston for Amsterdam. Next day, spoke the ship Frindsip, of Salem, 51 days from Leghorn.

The ship Ophelia, Waterman, 40 days from St. Ubes, salt. Left, ship Intrepid, King, of Philadelphia in a few days for Cork; ship Thomas, for Alexandria, in a few days; ship Jane, Fowler, for New-York in 3 weeks. Sailed in co. with ship James, Parker, for Cork. The Minerva, of New-York, sailed 3 days before for do.; and ship Commerce, Ray, of Philadelphia, same day for do. Spoke, Oct. 7, lat. 58, 36, long. 13, 40, schr. Peace of Philadelphia, 24 days from the Straits of Belleisle, for Malaga. 25, lat. 48, long. 49, 50, ship Elizabeth, 26 days from Cork for New-York. Nov. 3, lat. 41, long. 12, ship Iris, 44 days from Amsterdam for Baltimore—who informs that he had fallen in with the ship Golden rule of Wiscasset, formerly commanded by capt. Davis, or Davidson—full of water, only her bowsprit standing, and no person on board. 5th, lat. 41, 40, long. 61, spoke ship Phocion, Stanton, 5 days from New York for Liverpool. 9th, lat. 40, 30 long. 67, ship Hudson, Tombs, 53 days from Liverpool for New-York. The Hudson had spoke the ship Mattha, West from St. Petersburg.

The ship West Point, Brown, 55 days from Londonderry, dry goods, glass, &c. 20 passengers. Oct. 19, lat. 44, 43, spoke brig William, 30 days from Limerick for Philadelphia. Nov. 4, lat. 40, 27, spoke ship Mercator, 43 days from Liverpool for N. Bedford. 10th, lat. 30, long. 69, spoke ship W. P. Johnson, 75 days from Amsterdam for Philadelphia and ship Hamlet from do for do.

The Patent brig Achilles, Warner, 13 days from Matanzas, sugar. Left, brig Troy, for New-York in 2 days; ship Pegasus, for do. in 6; brig Industry, for Philadelphia same day; schr. Rebecca, Cahoon, for do. in 4; brig Friendship, for Boston, in 2; brig Union, for Providence, same day; schr. Ceres, Wing, for Charleston in 7. Nov. 13, off Barnegat, spoke schr. Hero, Smith, from Havana for New-York. Nov. 2, spoke ship Harriet, Spencer, of Nantucket, 28 days from New-Orleans for Liverpool, then near Havana.

Brig Patty, Harding, 70 days from Teragona, almonds. Left ship Restoration, Hubbard, Sept. 16, off Malaga, spoke brig Eliza, Jewett, from Sicily for New York same day, parted from ship Argo, of Newburyport. October 20, lat. 44, long. 55, spoke ship William, Crosby, from Limerick, for Philadelphia. 25th, lat. 45, long.