

take this occasion to express their opinion, that he does not merit any such imputation.

9th. It does not appear to the court, that captain James Barron did use any language in the presence of his men calculated to dispirit them.—The Court are therefore of opinion, that this ninth specification is not proved.

10th. It does not appear to the court, by satisfactory evidence, that during the attack captain James Barron ordered his men to keep down, that they would all be cut in pieces. The court are therefore of opinion, that this tenth and last specification is not proved. The court are satisfied that some such words were uttered, but are also satisfied that the words actually used were of very different import, were uttered at a time when they could not have produced any improper effect upon the crew.

The only two specifications annexed to this charge which are proved, are not such as in the opinion of this court establish the proposition, that the accused "failed to encourage in his own person his inferior officers and men to fight courageously." His not using immediate measures to prepare his ship for battle, after he was satisfied an attack upon her would be made, was certainly great neglect of duty, but this does not support any charge against the personal spirit of capt. Barron. His ordering that his men should be got to quarters secretly without beat of drum, and his ordering the drum to desist from beating when it began to beat contrary to his orders, so far from proving him deficient in courage, are considered by the court as strong evidences of his coolness and reflection at that moment. Indeed it would require very strong evidence to satisfy the court, that an officer who exposed himself at an open gangway, under a heavy and close fire, who being wounded still remained on deck during the whole attack, giving his orders coolly and distinctly, and who neither by his words nor actions discouraged his crew or any part of it, could be guilty of this charge. Such the court are satisfied was captain James Barron's conduct and situation, and however they may think of his activity or judgment, they feel themselves bound to declare that he is NOT GUILTY, under this 3d charge, "for failing to encourage in his own person his inferior officers and men to fight courageously."

The fourth and last charge stated in the warrant of the honorable secretary of the navy against capt. James Barron, is in these words:

"For not doing his utmost to take or destroy the Leopard, which vessel it was his duty to encounter."

SPECIFICATION.

1st. "In that the said ship Leopard did fire upon the said frigate Chesapeake, and the said James Barron did fail suitably to repel the attack."

2d. "In that the said frigate Chesapeake was by order of the said James Barron surrendered to the said ship Leopard, at a time when the injuries sustained either on the said frigate or her crew did not make such a surrender then necessary."

3d. "In that the flag of the said frigate Chesapeake was by order of the said James Barron struck to the said ship Leopard, when the guns of the said frigate Chesapeake were loaded."

4th. "In that the flag of the said frigate Chesapeake was by order of the said James Barron struck to the said ship Leopard, at a time when the main deck battery of the said frigate Chesapeake was in a situation which would have enabled the return of a broadside in a very short time."

5th. "In that the flag of the said frigate Chesapeake was by order of the said James Barron struck to the said ship Leopard, without the said James Barron having consulted any of his officers as to whether the flag ought to be struck or not."

6th. "In that the flag of the said frigate Chesapeake was by order of the said James Barron struck to the said ship Leopard, before a single gun of any kind was fired from the said frigate Chesapeake."

In deciding upon this charge, the court will make the following statements:

1st. It appears to the court that the said ship Leopard did fire upon the said frigate Chesapeake, and that her attack was not suitably repelled. The court are therefore of opinion that this first specification is fully proved.

2d. It appears to the court, that the flag of the said frigate Chesapeake was by order of the said James Barron struck to the said ship Leopard, at a time when the injuries sustained either on the said frigate or her crew did not make such a surrender then necessary. The court are therefore of opinion that this second specification is fully proved.

3d. It appears to the court, that the flag of the said frigate Chesapeake was by order of the said James Barron struck to the said ship Leopard, when the guns of the said frigate were all loaded. The court are therefore of opinion that this third specification is fully proved.

4th. It does not appear to the court that the main deck battery of the said frigate Chesapeake was in a situation which would have enabled the return of a broadside in a very short time after her flag was struck by order of the said James Barron to the said ship Leopard. The court are therefore of opinion that this fourth specification is not proved.

5th. It appears to the court, that the flag of the said frigate Chesapeake was by order of the said James Barron struck to the said ship Leopard, without the said James Barron having consulted any of his officers, as to whether the flag ought to be struck or not. The court are therefore of opinion that this fifth specification is fully proved.

6th. It appears to the court that the flag of the said frigate Chesapeake was by order of the said James Barron struck to the said ship Leopard, before a single gun of any kind was fired from the said frigate Chesapeake. The court are therefore of opinion that this sixth and last specification is fully proved.

Although all the specifications annexed to

this charge (one only excepted) are fully proved, yet the court are of opinion that those which are proved do not support the charge to which they are annexed. The attack of the Leopard was not suitably repelled by the Chesapeake, because it appears to the court that circumstances as the two ships were, boarding the Leopard would have been impracticable, and of course no other means of repelling her attack remained but in the use of the Chesapeake's guns. That all these guns were loaded, and not one of them was fired before the flag of the Chesapeake was struck, is most certain. But yet it appears to the court that captain Barron and the officers commanding divisions did every thing which they could do to get them fired, and that the colours were not struck until all reasonable hope of succeeding in properly repelling the attack in this way was lost. The injuries sustained either in the Chesapeake or her crew, did not at that time make her surrender necessary. Capt. Barron might have waited until she had received many more & greater injuries, & had lost the lives and services of many more of her crew, before he could have been compelled by these causes to have struck his flag. But during this interval of certain injury, he could have had no reasonable hope, even after he had sustained it, of doing any thing to the annoyance of his adversary. And in such a situation he stands justified in the opinion of the court in striking his flag. The striking his flag without consulting his officers, is a circumstance which this court consider of no consequence. It is not the duty of a commander under any circumstances, and in the situation in which captain Barron then was, it would have been highly improper to consult his inferior officers as to the propriety of hauling down his colours. It is the opinion of the court, therefore, that captain James Barron is NOT GUILTY under this fourth and last charge, "for not doing his utmost to take or destroy the Leopard, which vessel it was his duty to encounter," as this charge is explained and limited by the specifications annexed to it.

In giving these opinions it will be perceived, that the court have felt themselves bound to consider the several charges preferred as explained and limited by the specifications annexed to them respectively. The opinion of the court, therefore, upon those charges of which they have acquitted the accused, is to be considered in no other way, than that he is not guilty under these charges as so explained and limited. No transposition of the specifications, or any other modification of the charges themselves, would alter the opinion of the court as to the fitness and courage of the accused.—The evidence upon this head is clear and satisfactory.

The court having agreed in the preceding opinions that captain James Barron although not guilty of three of the charges preferred against him, is nevertheless guilty under that wherein he is accused "for neglecting on the probability of an engagement to clear his ship for action," do further agree, that the said capt. James Barron, being guilty of this charge, falls under part of the 4th art. of the rules and regulations for the government of the navy of the U. S. adopted by an act of the congress of the U. States passed on the twenty-third day of April, in the year of our Lord one thousand eight hundred, and entitled "An act for the better government of the Navy of the U. S.," & they do adjudge & SENTENCE the said captain James Barron to be SUSPENDED from all command in the Navy of the U. States, and this without pay or official emoluments, of any kind, for the period and term of FIVE YEARS from this eighth day of February, in the year of our Lord one thousand eight hundred and eight.

- JOHN RODGERS, WM. BAINBRIDGE, HUGH G. CAMPBELL, STEPHEN DECATUR, JUNR., JOHN SHAW, JOHN SMITH, D. PORTER, JOS. TARBELL, J. JONES, JAS. LAWRENCE, CHAS. LUDLOW.

LITTL. W. TAZEWELL, Judge Advocate.

The above sentence has been confirmed by the President of the United States.

HUDSON, (N. Y.) May 10.

NEW YORK ELECTION.—A complete list of all the counties, with the number of their members, together with such returns as have been correctly received:

Table with columns: Counties, No. of members, Fed. Repub., Demo. Lists counties like Kings, Queens, New-York, Richmond, Suffolk, Rockland, Dutchess, Columbia, Ulster, Greene, Albany, Rensselaer, Schoharie, Montgomery, Herkimer, Otsego, Washington, Saratoga, Oneida, Madison, Westchester, Chenango, Orange, Clinton and Franklin, Essex, Cayuga, Onondaga, Seneca, Tioga and Broome, Ontario, Steuben and Alleghany, Niagara, Genessee, St. Lawrence, Jefferson, Delaware, Lewis.

In Massachusetts, so far as returns had been made on the 9th, the federal gain, in representatives, was 51.

PHILADELPHIA, May 13. District Court rooms, Wednesday, May 11th, 1808.

The subscribers to the premium fund for the encouragement of American Manufactures, met agreeably to public notice.

HUGH HENRY was appointed Chairman, and DANIEL FRIEL, Secretary.

When the following gentlemen were chosen a Committee to draft rules and regulations for the government of the institution, and to report to a future meeting, of which due notice will be given, viz.

John Dorsey, Hugh Henry, William Y. Birch, Matthew Carey, Samuel Carswell, Hugh Ferguson, and Ebenezer Ferguson.

The Editors of Newspapers friendly to American Manufactures, are requested to give the above publicity.

HUGH HENRY, Chairman. Attest HENRY FRIEL, Sec'y.

ANTIGUA, April 16.

The London and Cork fleets have arrived at Barbados. Of the former, five were captured by two French frigates, four of which were burnt, and the fifth has been recaptured and arrived at Barbados.

The ship Sir Samuel Auchmuty, from Surinam to London, was taken the middle of last month, the day after she sailed, and carried to Guadaloupe. Produce is so abundant at other countries so difficult and hazardous, that it is no uncommon sight to see large quantities of sugar, in hogheads, lying on the beaches without any person to watch or take care of them; so low is the estimate, under existing circumstances, of this valuable article.

FEDERAL GAZETTE AND BALTIMORE DAILY ADVERTISER. SATURDAY, MAY 14.

The following State Paper (translated for the Washington Monitor) preceded the Milan Decree. No additional arguments are necessary to convince America that France will endeavor to force "all powers" into the savage and unnatural war of self-extinguishment! Hear Napoleon's minister: If a Neutral nation's ship be visited by a British vessel, the neutral ought to expect that all powers will wage war against her!!

REPORT OF THE MINISTER OF FOREIGN AFFAIRS RELATIVE TO PORTUGAL, DATED OCT. 21.

(Published in the Paris Monitor, Jan. 24.)

"There is no sovereign in Europe who does not acknowledge, that if his territory, his jurisdiction should be violated to the detriment of your majesty, he would be responsible for it.—If a French ship were seized in the port of Trieste or Lisbon, the government of Portugal, and the sovereign to whom Trieste belongs, would have to consider that violence and damage done to your majesty's subjects as a personal outrage; they could not hesitate to compel England, by force, to respect their territory and their ports; if they adopt a contrary conduct, if they became accomplices of the wrong done by England to your subjects, they would place themselves in a state of war with your majesty."

"When the Portuguese government suffered its ships to be visited by English ships its independence was violated by its own consent, by the outrage done to its flag, as it would have been had England violated its territory and its ports."

"The enemy ought to be placed in a state of interdiction, in the midst of the sea, to which he pretends to reserve to himself the empire. In this position, all powers could and ought to expect from each other a mutual support."

"And at what moment did Portugal betray the cause of the continent? Ought England to expect still to have an ally, when, exercising her violence on every sea, she menaced the new world as well as the old, attacked, without any motive of aggression, the flag of the Americans, and eyed their own shores with their blood; when, scandalously famous by the disasters of Copenhagen, which she surprised in the midst of peace, she sought in the pillage of her arsenals, for some sad bloody spoils?"

"But the scandal of this understanding between the Portuguese government and England may be traced to other times.—When England mediated, in 1806, the rekindling in Europe that war which your majesty has so gloriously terminated, she sent a fleet to Lisbon; the ministers had conferences; time has developed the object and the result."

"Have not the English squadron, sent to the River Plate, touched at Janeiro? Did not the troops sent to Buenos Ayres and Monte Video receive provisions from the Brazils? These distant succours may have escaped the attention of Europe: but she saw Portugal receive and victual in her ports the English ships destined to blockade Cadix, to attack Constantinople and Egypt; those which were to land troops in Naples to stir up revolt; those which were to introduce English merchandise upon the coasts of the Mediterranean; though Portugal knew that all the ports in the south were shut against them."

"A French consul, whom Portugal had acknowledged and admitted to the exercise of his functions in the port of Faro, has been taken by the intendat of the customs, sent to prison, taken out only to be exiled, and the Portuguese government refused for three months to repair the outrage."

"Professions of neutrality ill concealed this hostile conduct. The court of Lisbon should have explained itself without shuffling. Your majesty proposed it to accede to the system of the continent, and had it done so, you would have forgotten every thing."

"Far from deferring to your majesty's proposal, the portuguese government had no other solicitude than that of informing the court of London, of tranquillizing England relative to her interests, of guaranteeing the safety of the English, and of their property

in Portugal. It had neither protected the French nor their commerce; the persons and trade of their enemies have continued free and favoured. Portugal promises to join in the cause of the continent, even to declare war against England; but she wished to make war. If I may use the expression, in concert with her, to furnish her, under the appearance of hostility, with the means of continuing her trade with Portugal, and through Portugal with the rest of Europe; a kind of war equivalent to a perfidious neutrality. Succours were demanded of England, and to gain time, attempts were made to deceive your majesty by vain declarations; scruples were alledged upon some of the consequences of the war, when none were entertained upon the war itself, which breaks all ties.

"In vain did your majesty, deigning to condescend to these pretended scruples, modify your first demand; the same refusals were renewed—Portugal made promises, but delayed the execution under different pretexts. At one time it was the prince of Beira, a child of twelve years old, who was to be sent to the Brazils to defend that colony; at another time it was a fleet expected from the Mediterranean which it wished to have in safety in the Tagus."

"Thus Portugal, embarrassed in her artifices, making with the court of London engagements, real and useful to the English, with France, vague and pretended engagements, waited for succors and advice from England, sought to delay the measures of the Cabinet, and humiliating herself before both, blindly committed to the chance of events the interests, perhaps the existence of a nation, which unanimously desired her not give them up to a power so fatal to all its allies."

"The epoch which your majesty had fixed for the expected determination, which you had consented to prolong for a month, arrived. Portugal decided her own fate. She broke off her last connections with the continent, by reducing the French and Spanish Legations to the necessity of quitting Lisbon."

"Portugal has placed herself in a state of war with France, notwithstanding the benevolent disposition of your majesty towards her: War with Portugal is a painful but necessary duty. The interests of the continent, from whence the English ought to be excluded, forces your majesty to declare it. Longer delay would place Lisbon in the hands of the English."

From the Public Advertiser, a New-York democratic paper.

We have conversed with a gentleman who arrived here last evening from Bennington, Vermont. From his actual knowledge of the trade, character and patriotism of the state, it is clear that the hostility of the inhabitants to the embargo has been misrepresented to the president. In Vermont, as well as in some other states of the union, intrigue is the order of the day. The collector is blamed. It is said he has conveyed incorrect intelligence to government.

PORT OF BALTIMORE.

CLEARED, Schrs. Hazard, Davidson, Havanna Brig Delaware, Bradford, Portland Schrs. Regulator, Blanchard, Boston

Port of New-Bedford, May 6.

Cleared, sloop John and Henry, Gibbs, Georgetown, Maryland; Liberty, Clark, Baltimore; Harmony Smith, Hudson; schr. Prospect, Anthony, Baltimore; brig Lucy, Lewis, whaling; schr. Cornelia, Hathaway, do.

Port of New-York, May 12.

CLEARED, Schrs. David, L'Hommiedieu, Philadelphia; Mary Ann, Stanford, Bellville; Hiram, Ely, Saybrook; Encouragement, Coddington, Woodbridge; Sabra, Hanning, Nixington; sloop Harmony, Smith, New-bedford.

No arrivals yesterday—wind all day a gale from the eastward. The tide yesterday morning was unusually high, and many cellars on the margin of the rivers were filled with water.

Port of Philadelphia May, 13.

ARRIVED, Brig South Carolina, Serrill, Charleston 7 Rice & Catton. Schrs Regulator, Norton, Boston 9 Collector, Mayo, Vera-Cruz 19 Ballast. Sloop Unity, Hand, Alexandria 8 Flour and Tobacco. Philadelphia, Burleigh, R. Island 7 Cheese.

Brig Lyonsen, Wilson, from Charleston a brig from Savanna, and a schr name unknown are below.

Yesterday arrived schr Collector, Mayo, from Vera-Cruz. Left there 21st April, ship Speculation, and schr Anna, of New York both sold.

Vessels left at Malta, Feb. 1, Phoebe, De lano, New York; Gen. Armstrong, Sinclair, ditto; Hibernia, Stewart, Philad.; Eunice, Manley, Charleston; Fair American, Hose, Norfolk; Betsy, Muford, Salem; Enter prize, Woodbury, ditto; Topsham Beauty, Millett, Gloucester; Lewis, Lawrence, from Liverpool; Amelia, Sawyer, Boston; Sally Ann, Glover, ditto.

Port of Norfolk, May 6.

ARRIVED, Ship Calpe, Moore, 32 days from Bona Vista sail. Schrs. Minerva, Lewis, Boston.

Washington Artillerists,

A meeting of the company is called by order of the captain, at Henry King's Tavern, Howard street, THIS EVENING, at 7 o'clock on business of importance to the company. By order, WM. POTTS, Sec'y. may 14.

Sale by Auction.

On MONDAY, The 16th instant, at 10 o'clock, at the auction room, at the head of Gaystreet dock, will be continued the sales, without reserve, of several valuable

Invoices of Dry Goods.

- After which at 12 o'clock, 28 bbls. Muscovado Sugar, 25 do Martinique Clayed do, 98 bags of Green Coffee, 1 bunchons W. I. Rum, without reserve, 12 chests Hyson Tea, 30 bags Pimento, &c. &c. R. LEMMON & CO. Auct'rs. may 14.

Sale by Auction.

Will be added to the sale of DRY GOODS on Monday, A FEW PACKAGES, Consisting of

- 1 case Irish Linen, 1 Cubic Muslin, 1 Fine Book Muslin and Muslin H'kfs, 1 Lappet Muslin, 1 Pocket Ho ks, 1 Cutlasses. R. LEMMON & CO. Auct'rs. may 14.

Baltimore Theatre.

THIS EVENING, May 14. Will be presented a celebrated Comedy, in five acts, called

WILD OATS; OR, THE STROLLING GENTLEMAN. To which will be added, a Comic Opera, in 2 acts, called

Paul and Virginia.

Founded on the celebrated tale of that name. Translated from the French of Bernadine St. Pierre, by Helen Maria Williams. With the original Music by Mezzinghi and Reeve.—The Orchestra parts by Mr. Reinga-

Box one Dollar—Pit, three fourths of a dollar.

* * * The Doors will be opened at six, and the performance commence at 7 o'clock precisely. Tickets to be had, and places in the boxes to be taken of Mr. Evans, at the office in front of the theatre, on days of no performance from ten till two; and on days of performance from ten till four o'clock. Gentlemen cannot be permitted to smoke segars in the theatre on any account.

On Monday next will be performed (for the first time) an entire new Melo Drama, in 3 acts called

The Fortress.

With new Scenery, Dresses and Decorations—preceding which, Dr. Last's Examination before the College of Physicians—to conclude with Love A La-Mode. may 14.

Boot and Shoe Manufactory.

Benjamin Walters

Respectfully informs his friends and the public generally, that he has removed to No. 13, WILKES STREET, (next door to Bond-street) FELL'S POINT.

Where he has commenced business for himself. As he constantly uses the best materials, (having now on hand, a good assortment of first quality Leather) and will make every exertion to please his customers, he hopes for a share of public patronage.

On Hand:—a variety of MEN'S WOMEN'S & CHILDREN'S SHOES. may 14. eo6t

To Rent.

Two large and handsome two story Brick HOUSES, pleasantly situated in Hanover-st. opposite Mr. Patterson's. They are both handsomely finished, and papered up to the garet, and are entirely new. Each House has attached to it, besides the necessary back buildings, a good stable. Possession may be had on the first of next month.

NICHOLAS HACKE, Upholsterer, South street. eo

Turtle Soup.

MRS. WINKLE, informs her friends & the public in general, that they can be supplied with TURTLE SOUP of the best quality, from 12 o'clock every day 8 and 1/2 excepted, during the season, at the Assembly Rooms, East-street. may 14. d4t

Notice.

The further hearing on the petition of Joseph Pierpont, an insolvent debtor is postponed until Saturday, the 1st instant WM. GIBSON, Clerk. may 14. d4t

Wants a Situation,

In a wholesale or retail dry good store, or counting house, a YOUNG MAN, who writes a fair hand and can produce satisfactory recommendations: would have no objections to take a tour in the country on a collecting expedition. A line addressed to I. I. M. and left at this office, will be attended to. may 14. eo2tt

Baltimore Water Company.

NOTICE.

The President and Directors of the Water Company, have the satisfaction to inform the citizens of Baltimore, that the Machine for supplying the Reservoir, is now completed, & answers their most sanguine expectations. All that part of the city, to which the pipes from the present Reservoir will extend, may now be accommodated with a regular and constant supply of water; and those persons who may wish to have the water, are requested to call their names and directions in writing, at the workshops of the Company, on Calvert-street, or with Mr. Davis, the Superintendent at the upper end of Ches-street: and if any repairs or alterations should at any time be wanted, by leaving directions at either of the said places, they will receive immediate attention.

As care will be taken to have the pipes well cleaned immediately, & from time to time as they may require it hereafter, it is hoped there will be in future no waste of water, or any person permitted to get a supply from their neighbors, who will not take it from the company. All those who have been supplied by the company, and are in arrears, are requested to call at their office in South-street, and settle their accounts with as little delay as possible. By order of the Board. SAMUEL A. CHEW, Sec'y. may 14. eo