cretary of the Navy against captain 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 said "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 broad-side 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's 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 Chesapeake 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 Jas. Barron's 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 circumstanced as the two ships then 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 colors 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. Captain Barron might have waited until she had received many more and greater injuries, and 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 colors. 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 firmness 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 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 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 United States," and they do adjudge and SENTENCE the said captain James Barron to be SUSPENDED from all command in the Navy of the United 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, JR.
JOHN SHAW,
JOHN SMITH,
D. PORTER,
JOS. TARBELL,
J. JONES,
JAS. LAWRENCE,
CHAS. LUDLOW.

LITTN. W. TAZEWELL,
Judge Advocate.

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

We understand that the proceedings in the other cases submitted to the court martial at Norfolk have not been yet received.

No. 2.

TO THE PEOPLE OF THE UNITED STATES.

Before I proceed to an investigation of the interesting topics, which will form the subject of this address, it is proper to pay some attention to a point which has not been sufficiently noticed; but which is all important to the formation of a correct judgment on the measures adopted by the government. Because we are not embroiled in the horrors of actual war, there are many among us who infer the existence of some radical error in those measures from the obstructions of the ordinary occupations of life and the consequent injuries to individual interest. They make no allowance for a state of things, forced upon us, and which leaves us only a choice of evils. Their jaundiced minds, instead of viewing these evils in their real causes, the injustice and hostility of foreign nations, ascribe them to the means pursued for removing the causes, either by a removal of the inducements to commit them, or by the punishment of their authors. These men are insensible to the storm that rages around them, and blind to the general wreck of the surrounding world. Because for seven years past this country has enjoyed unrivalled prosperity, they cannot, or will not realise the change produced by the alteration of its foreign relations; by the dreadful contest which is maintained between the two rival nations of Europe, who, after having attacked each other in all their vulnerable points, have finally determined, as far as they have the power, to make their own cause that of all nations. One belligerent nation, in the furtherance of these views, has virtually denied to neutrals all intercourse with the other; or, in other words, has destroyed the very existence of neutral commerce. The naked truth is that not a neutral ship floats on the ocean but at the will of these powers. So far as that will goes, and as it respects England it is almost omnipotent, our commerce is annihilated; is the same, as though it never existed. By imposing conditions upon that portion of it which her power is able to protect, which no government that represents an independent nation will dare to sanction, she has in truth done the same thing, as though she had passed an edict, prohibiting, in express terms, the United States from carrying it on; as though she had said, in so many words, "the United States are hereby prohibited from authorising any vessel belonging to her citizens to navigate the ocean, on pain of capture and condemnation."

Such an undisguised assertion of tyranny would have roused a feeling of universal resentment. No man on American ground would have dared to have been its apologist, or to have thrown obloquy on the government that resisted it. And yet the existing case differs in no respect, except in the terms in which the mandate is couched. The only difference is, that instead of being expressed in such frank, intelligible, honest language; if it be not absurd to ascribe honorable motives to such a detestable exercise of selfish tyranny; the same principle is asserted, and the same evil inflicted in circuitous, insidious and jesuitical terms. Thus it is, that in private life the dagger of the assassin is often wielded under the cover of the night by the hand that has not spirit to hazard the open encounter of day light.

The greater the prosperity enjoyed by a nation, the more sensibly will she feel the blow that suspends it. Such is the universal influence of good fortune, that its possessor seldom realises its fugitive nature, or calculates upon its interruption or loss. He forms his plans under the flattering assurance of a continuance of the same, and often of a brighter sunshine. In a country where every thing is progressive, where the population increases with unprecedented rapidity, and where wealth, in peaceable times, increases still faster, where too the field of enterprise and the sources of opulence are unbounded, it is not surprising that every man lays in his mind the foundation of a wide spread prosperity, that is to render not only himself but his children independent and happy. Such has been, most illustriously, the situation of the United States for the last seven years. The casual clouds that have for a moment darkened the scene have been invariably dissipated by the wisdom, the moderation and the vigilance of a government, exclusively seeking its reward in the happiness of the people.

But, all at once, the scene is overcast; the tempest at length reaches us; and we are compelled to seek a shelter from its fury. Not able to cope with the authors of the menaced evils, and sure either to lose our trade by its exposure on the ocean, or to forfeit our political independence by acquiescence, our government has adopted the only measure calculated to maintain the last unimpaired, and to preserve the first from a total wreck; a measure which, for a time, will have the inevitable effect of producing considerable temporary inconvenience; infinitely less, however, than would have flowed either from war or total commercial ruin.

This measure, in the eye of reason and of common sense, is as much to be ascribed to the belligerent powers, as though they had decreed it. By doing that themselves, which left to us no other alternative, they virtually became its authors. If then its pressure is felt; if it has interrupted the prosperity of individuals; if it has dashed their schemes of future enjoyment; if it has produced a state of suspence, of all states the most painful; let our resentment light on those whose injustice has rendered a resort to it inevitable. Let it not be made the instrument of division among ourselves; the engine of personal piques, of political resentments, of illiberal invectives. Let us not, at the moment, when external danger calls upon us for union, exhibit the spectacle of distraction; and embolden our enemies to cherish the hope, that when all our strength is required to protect our invaded rights, we shall fall a prey not so much to their power as to our own divisions. Let us recollect the derision with which the governments of Europe have uniformly treated republican institutions. Let us recollect that they have rediculed them as fine spun theories that will not bear a practical application; as the visions of philosophy that will burst at the approach of danger. Let us recollect that they have denied them all energy; and that they have tauntingly told us that while the enemy was at our gates, we should continue quarrelling among ourselves, instead of making an united resistance. Let us recollect these things, and say, whether we are not encouraging these sentiments and the unjust pretensions of our enemies, by bickering among ourselves, by indulging party rancour, by doing all in our power to excite rather than repress our internal divisions.

Let us recollect that the measure, whose efficacy is now put to the test, has been heretofore considered as among the great engines of our power; and that, accordingly as it shall now operate (and its operation must depend altogether on the rigor with which it is enforced) it will hereafter be viewed by the foreign world with dismay or derision.

AN AMERICAN WHIG.

New York, May 6.

The captain of the French privateer schooner La Confiance informs us that Guadaloupe is blockaded by a British squadron, and has about six month's provisions. Point Petre has a garrison of about 4,000 men, and has been put into a complete state of defence.

The Confiance carries six 6 pounders, one 18, and 47 men; and is the same privateer that captured the British packet Duke of Montrose.

We understand that the United States sloop of war Wasp, is taking on board stores and troops, and will sail in a few days for Passamaquoddy, to prevent the evasions of the embargo law at that place.

Evening Post.

Philadelphia, May 6.

The schooner Rover arrived at New York late on Wednesday night from St. Croix, and brings the distressing intelligence that a great part of the town (not known whether Basse or West End) had been laid in ashes, and one hundred and fifty persons perished in the flames!

Baltimore, May 9.

LATEST FROM HOLLAND.

On Saturday evening arrived at this port the fast sailing brig Susanna, Samuel Franklin, master, in 45 days from Amsterdam, which port he left on the 25th March, by permission of the Dutch government. In her came passenger Mr. Rittenhouse, the bearer of dispatches from General Armstrong, our minister at Paris; he set off yesterday morning for the seat of government. Captain F. informs, that no vessels had arrived at Amsterdam since the sailing of the Eliza, Huffington, except a brig belonging to Boston, which was captured and brought in by an Amsterdam privateer. The ship Lexington, Gardner, was to sail in 14 days, by permission of that government, with the crews of the American vessels, and other American distressed seamen in that port.

THIS IS TO GIVE NOTICE,

THAT the subscribers of Washington city have obtained from the Orphan's Court of Washington county in the district of Columbia, letters testamentary on the personal estate of GEORGE MITCHELL late of said city, deceased. All persons having claims against the said estate are hereby warned to exhibit the same to the subscribers on or before the 1st day of December next, they may otherwise by law be excluded from all benefit of said estate. Given under our hands this 9th day of May in the year 1808.

JOHN McGOWAN,
MICHL. NOURSE.

May 11—6t

AUCTION.

AT MYER'S HOTEL.

I will sell for cash, on Friday and Saturday next, at 2 o'clock P. M. on each day, a large quantity of every description of house, kitchen, and bar furniture—a good saddle horse and a cart horse, a milch cow, carriage, harness, and other stage and stable utensils.

Persons wishing to purchase to a large amount, and on a liberal credit, will please to call and make the arrangement previous to the vendue.

FURTHER NOTICE.

All persons who have just demands against me, are requested to call for settlement, and receive payment. Those who remain in my debt will please to remit speedily, or they will be waited on by the proper officers.

SOLOMON MYER.

May 11.—2t

WASHINGTON COMMERCIAL COMPANY.

THE *Commissioners* of the "Washington Commercial Company," request a meeting of the *STOCKHOLDERS at Stelle's* Hotel, on Monday the 16th inst. for the purpose of electing *TWELVE DIRECTORS*, agreeably to the constitution, to be kept open from 12 till 6 o'clock, P. M.

May 6—3t

THE COMMISSIONERS appointed under an act of Congress "for the establishment of a *Turnpike Company* in the county of Alexandria, in the district of Columbia," to receive subscriptions for the capital stock thereof, Do hereby give NOTICE, the Books will be open for that purpose, at GADSBY'S Hotel, in the town of Alexandria, on Saturday 14th inst. at the hour of 10 o'clock, A. M. The law authorises a subscription for 20,000 Dolls. in shares of FIFTY Dolls. each, and the sum of TEN Dolls. must be paid on each share at the time of subscribing.

JONAH THOMPSON,
THOMAS SWANN,
CHARLES ALEXANDER,
EDMUND I. LEE,
JACOB HOFFMAN,
CUTHBERT POWELL,
JOHN MANDEVILLE.

In case the subscription should exceed the number of shares authorised by law, the largest subscriptions will be first reduced, until the excess shall be taken off, or each subscriber be reduced to one share, if the number of subscribers should be greater than the number of shares to be taken, the further reduction shall be made by lot.

Form of Power of Attorney from those who may subscribe by Proxy.

I empower   to subscribe for me in my name, for   shares of Stock in the "Washington and Alexandria Turnpike Company," under the act for the establishment thereof; as witness my hand this   day of May 1808.

WITNESS.

May 11—2t

LUKE KENT

Clock and Watch Maker from Philadelphia,

BEGS leave to inform his friends and the public, that he has taken the shop occupied by the late Mr. Suter in F street, Washington, near the Treasury, where he carries on the above business in all its branches. Any orders in his line will be thankfully received and duly attended to. Tea spoons, table spoons, gold ear rings, finger rings, and every other article in the line made to order in the best manner and shortest notice.

May 11—6t

JAMES A. PORTER, *ATTORNEY at LAW*, hath just settled in the city of Washington, and opened his Office in the house of THOMAS HERTY, Esq. opposite Mr. Rhodes's tavern, Pennsylvania avenue; where he can be consulted, and employed in the line of his profession, at almost any time, and will use every necessary attention and exertion to merit public confidence.

May 11——w2m

THIS IS TO GIVE NOTICE,

THAT the subscriber, of Montgomery county, hath obtained from the Orphan's Court of the county aforesaid, letters of administration on the personal Estate of Stephen Adams, late of said county, deceased. All persons having claims against the said deceased are hereby warned to exhibit the same, with the vouchers thereof, to the subscriber, at or before the first day of November next, they may otherwise by law be excluded from all benefit of the said Estate. Given under my hand this 29th day of April, 1808.

BENNARITTA ADAMS, *Exrx.*
wot   *of Stephen Adams, dec'd.*

May 2—

St. Marys county court, March term, 1808.

ON application of Benjamin Tabbs of St. Mary's county to the judges of the said county court, by petition in writing, praying the benefit of the act for the relief of sundry insolvent debtors, on the terms mentioned in said act, a schedule of his property and a list of his creditors on oath as far as he can ascertain them being annexed to his said petition, and the said county court being satisfied by competent testimony, that the said Benjamin Tabbs has resided the two preceding years prior to the passage of the said act, within the state of Maryland. It is thereupon adjudged and ordered by the said court that the said Benjamin Tabbs give notice to his creditors of his intention to apply to the next county court to be held at Leonard Town in said county on the first Monday of August next, for a discharge from his debts, and to warn his said creditors to appear before the said judges on the day and at the place aforesaid to shew cause if any they have why the said Benjamin Tabbs, should not be discharged agreeably to his said petition, by causing a copy of this order to be inserted in the National Intelligencer, weekly for three months successively.

By order,
JOSEPH HARRIS, Clerk.

May 2—w3m

FRESH GARDEN SEEDS, &c.

THE Subscriber having recently received a supply of *European Garden Seeds*, &c. which added to the various sorts saved by him the last summer, makes his assortment extensive, and which are for sale at his Nursery Garden, Eastern Branch and at Dr. OTT's Medicine Store, Georgetown.

THEO: HOLT.

Washington city, Jan. 11—taw