

MARYLAND GAZETTE.

THURSDAY, SEPTEMBER 24, 1807.

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ANNAPOLIS, THURSDAY, September 24, 1807.

From the London Morning Chronicle of July 28.

THE circumstances respecting the engagement between the Leopard and the American frigate Constellation, [Chesapeake] are stated to be as follow:—It appears that some British deserters had taken refuge on board the American frigate.—The Leopard sailing in with her demanded that they should be given up, and insisted upon searching for them. This was peremptorily refused by the American captain; after which the Leopard fired a shot, which was answered by a broadside, and an action immediately commenced, which, however, did not continue long, for the Constellation, [Chesapeake] upon having a few men killed and wounded, struck her colours. The deserters were then taken out of her, and she was permitted to depart, and, we understand, she returned immediately to the Chesapeake. The Constellation, [Chesapeake] is a large 44 gun frigate, very little inferior in size to the Leopard. Such is the account given of this affair in the ministerial paper the Sun, of last night. Other reports mention, that it was not the Constellation, but the Chesapeake, and that she was carried to Halifax; but we take it for granted, that the above is the correct account.

Out of this statement, as it stands, various considerations arise; though to enable us to judge of the true state of the case, much more information is necessary. If the American captain received on board his vessel deserters from British ships of war, knowing them to be such, perhaps he was culpable, notwithstanding the practice of one nation receiving the subjects of another into its service, without any questions asked. On the men being demanded, he ought, for the sake of peace and good understanding, perhaps, to have given them up, though we do not know, that by any law of nations, far less by any existing treaty, he was bound to deliver them on the demand of any British ship. If he was called upon, however, to deliver them up on a menace of search, and if that accompanied the demand, he did no more than his duty in refusing to allow his ship to be searched; because, had he yielded to the menace, he surrendered an important right belonging to his country.

It is to be observed, that this is a case different from any that has yet occurred, respecting the right of taking British sailors out of American ships. The Americans dispute our right of taking them out of private ships, and allege great outrages in doing so. Here the case stands upon totally different grounds. The Constellation [Chesapeake] was a ship bearing a flag and commission of the United States. The question then is, whether this country, or any ship bearing the king's authority and commission, had a right to insist on visiting by force the ship of a neutral and friendly power, for the purpose of searching for deserters? It is not whether there actually were or were not deserters on board the American frigate, or whether the American captain knew of it? The fact at present is of no manner of consequence. The question is, whether we had the right to pursue the pretensions of an alleged grievance in the way resorted to by the commander of the Leopard? A man may have a very good action at law, when he must not take the law into his own hands.

We hardly imagine that any Civilian will contend, that a British ship could have this right of search by force, because such a right is wholly inconsistent with the sovereignty of the United States of America. To all intents and purposes the sovereignty of the United States in all its branches, and surely therefore, in whatever relates to military jurisdiction and authority over its public, force is as complete as that of this or any other nation over its army or navy. But what can be a more direct invasion of this right of sovereignty, what a more flagrant attack on the honour of an independent nation, than to insist as a matter of right, on going on board a ship of war, and searching for deserters? We do not know any case that would support such a demand, for there can be no necessity for it; but the pretence in this case is very trifling, and far below what could justify one nation in demanding that another should submit to such a badge of ignominy. Let any military man, or any seaman, reflect for a moment what the thing demanded is. It is that the public ships and vessels of one power shall, when and where they please, send on board the public ships and vessels of another friendly power, and by force pass in review the whole crew, search the whole ship, and do every thing the most inconsistent with the discipline of the ship visited, and the dignity of the nation submitting to this supposed right.

Let us put this home to ourselves. Suppose the Chesapeake had been lying at Portsmouth. Suppose captain Truxton or any hot-headed American had got information that some runaway American sailors were on board a British sloop of war. Admitting that they were runaways, would any English officer commanding such sloop of war, have acceded to the impudent and insulting demand of Truxton, to lend or come on board his vessel, make his crew pass muster, each tell where he was born, search every cranny, and do that which in the very nature of things, cannot be done without outrage and insult? Yet if there be right in this pretension, it is a right common to both nations; and captain Truxton would have been full as much entitled to exercise it at Spithead or in the Downes, as the commander of the Leopard in Hampton Roads. The claim is so inconsistent with the clearest rights of independent sovereignty, that it can have no foundation in the law of nations; and it would necessarily lead in practice to such disorders among the high-spirited officers of two different navies, as must satisfy every reasonable man that, being utterly repugnant to common sense, it cannot form part of the international code of civilized societies.

This is not a case in the smallest degree affected by that of the Swedish convoy. The principle is wholly different. In the case of the Swedish convoy there was no claim made to visit and search the ship of war.—Our claim was to search the merchant ships, under convoy; and the Swede said "No, the presence of our ship of war is a sufficient security that this convoy carries no contraband." We again denied this, and insisted upon visiting the ships under convoy, provided we had a reasonable ground of doubt or suspicion.

The demand to visit and search a ship bearing the flag and commission of an independent neutral power, on pretence of catching deserters, is of a quite different nature. Surely if any place ought to be privileged from a forcible entry on such ignoble pursuit, it is the royal or the national navy of an independent state. Surely if any courtesies are mutually due, it must be to prohibit such indelicate and disorderly intrusions. We do not plead the cause of the American navy here; we plead that of the British navy.—We say that British ships of war are not, and cannot be subject to such visits from the Americans, or any other nation; and therefore the Americans are not bound to submit to them from the British. The law is equal to both, and the existence of a law at once so humiliating and so dangerous, cannot be supposed. We deny, then, that such a law exists: We defy ministers to produce a single paragraph from any respectable writer on public law, or any admitted case, by which the proceedings of the commander of the Leopard can be authorized or defended. His conduct, come what may of the dispute, ought to be disavowed.

We are glad to find that sir John Nichol, the king's advocate, was present at the council upon this affair. The learning and sound sense of sir John Nichol, we trust, would correct the intemperance of ministers, and satisfy them that the pretension insisted upon in this case is wholly unprecedented, and is utterly inconsistent with the common rights and dignity of independent states.

What may be the facts of this case, we do not pretend to be yet informed. It is said, however, that the deserters in question were really Americans and not British sailors; that, as we have said, does not alter the question of right. If they were British sailors, redtel's surely might have been obtained by application to the American government; and there was no such pressing emergency or urgent danger, from the escape of these deserters, as to justify the adoption of a violent remedy, or the appeal to that sort of law which nothing but necessity can sanction.

Complaints of taking each others men are common to us and the Americans, and probably in both cases to some extent well founded. But this is to be considered, that in the one our men follow their own inclination, in the other they are pressed. We do not believe, however, that there are 1000 British seamen altogether in the American service.

From London papers of August 1—8.

A vast quantity of those destructive engines, the newly-invented rockets, are on board the ships engaged in the expedition. Government has offered increased prices for a great number of transports. Sheathed ships for 6 months, at a guinea per ton; and single bottoms for 3 months, at 2l. per month. There are at present upwards of 100,000 tons of transports in the service, at an expence of nearly 120,000l. per month.

The Spanish troops appear to have behaved in the most dastardly manner in the late affairs in Pomerania. A particular service was allotted to them during the retreat of the Swedes, but they became panic-struck and gave way, in consequence of which two

regiments of Bavarian horse and one regiment of Dutch infantry were cut to pieces.

The French are making great naval and military preparations at Antwerp, Flushing, Ostend, and along that coast, for the invasion of England.

Baron Hardenberg has, at the desire of Buonaparte, been dismissed from the Prussian ministry, and the port folio of the foreign department has been intrusted to count Von der Goltz, a soldier, hitherto unknown to the diplomatic world.

Count Stutterheim, the Austrian ambassador to Buonaparte, arrived at Tilsit on the 9th, and has had several conferences with Talleyrand, but his mission is stated to have totally failed of its object, the conduct of France towards Austria having been materially altered by the treaties of Tilsit. For several days count Stutterheim remained in a state of seclusion, waiting fresh instructions from his cabinet.

Policies have been opened at Vienna that the present continental peace will not last 8 months.

When the new allied sovereigns rode out together at Tilsit, they always observed the following order: the emperor Napoleon rode in the middle, the emperor Alexander on his right, and the king of Prussia on his left. About half past 9 in the morning they returned and the emperor Napoleon was escorted to his residence. In these excursions the princes Constantine and Murat always accompanied their sovereigns.

The minister of state at the Hague, on the 16th ult. gave a grand dinner to the different heads of his departments to commemorate the battle of Friedland.

About 140 persons set down to one table, and at the conclusion when the toasts were drank, each was accompanied by a discharge of 21 cannon, which threw the city into great consternation, as it was imagined the English had effected a landing, the transports having been seen off the coast two days before.

A spacious Nunnery at Antwerp, in which were eighty ladies, has been seized on for the purpose of converting it into barracks; it will hold 4000 men.

Montevideo.—Captain Kilwick commanding his majesty's frigate Howe, has arrived at Sheerness from the river Plata. He brought with him the prize ship Diana, built at Boston, in America, which had been sold to a Spanish merchant, a short time prior to the capture of Montevideo by the British, and was intended as a privateer against the English. The Diana is an uncommon fine vessel, sails extremely well, and is in excellent condition. She brings home to the prize agents, hides, copper, tallow, Peruvian bark, furs, horns, ostrich feathers, Vigonia wool, ebony, Spanish wool, goat skins, deer skins, &c. &c. to be sold for the benefit of the captors. The value of this ship amounts to upwards of 40,000l. The Speak, also a ci-de-vant American ship, which had been sold to the Spaniards about twelve months ago, and prize to the gallant admiral Sterling, and the British forces at Montevideo, parted from the Howe a short time ago; she may be daily expected, being under the charge of an agent of transports and lieutenant of the navy.

The Speak is a New-York ship, about 500 tons, extremely well found, and almost new. Her cargo is consigned also to the navy and army prize agents for Montevideo, and is valued at 30,000l.

PHILADELPHIA, September 17.

Extract of a letter from an American gentleman in London, to his friend in this city.

"I have only time to mention two or three observations. From some pointed inquiries which have been made regarding Pensacola—the depth of water there, the security of the harbour, quantity of troops, &c. &c. I infer England has her eye on that quarter.

"You will have heard of the British vessels being ordered to leave Tonningen, &c. This I believe was premature and merely arose from the fears of the British consul there. There is a very considerable direct trade carried on between this country and Holland, in neutral ships licensed by the government of Holland; so likewise to France and Spain.

"America is no longer viewed with indifference by this country, as regards her commerce, but considered as a powerful rival. The British, I am persuaded, would go any length to destroy our carrying trade, and check our enterprize; but the calculation seems to be, that they must equally injure themselves to injure us. We have almost destroyed the East-India and China trade of this country. The East-India company is doing bad business; and, by some, tho't not overstocked with capital.

"The introduction of cotton on the continent, and of various manufactures of that article, will, I think, sooner or later deprive this country of one of her best branches of manufacture."