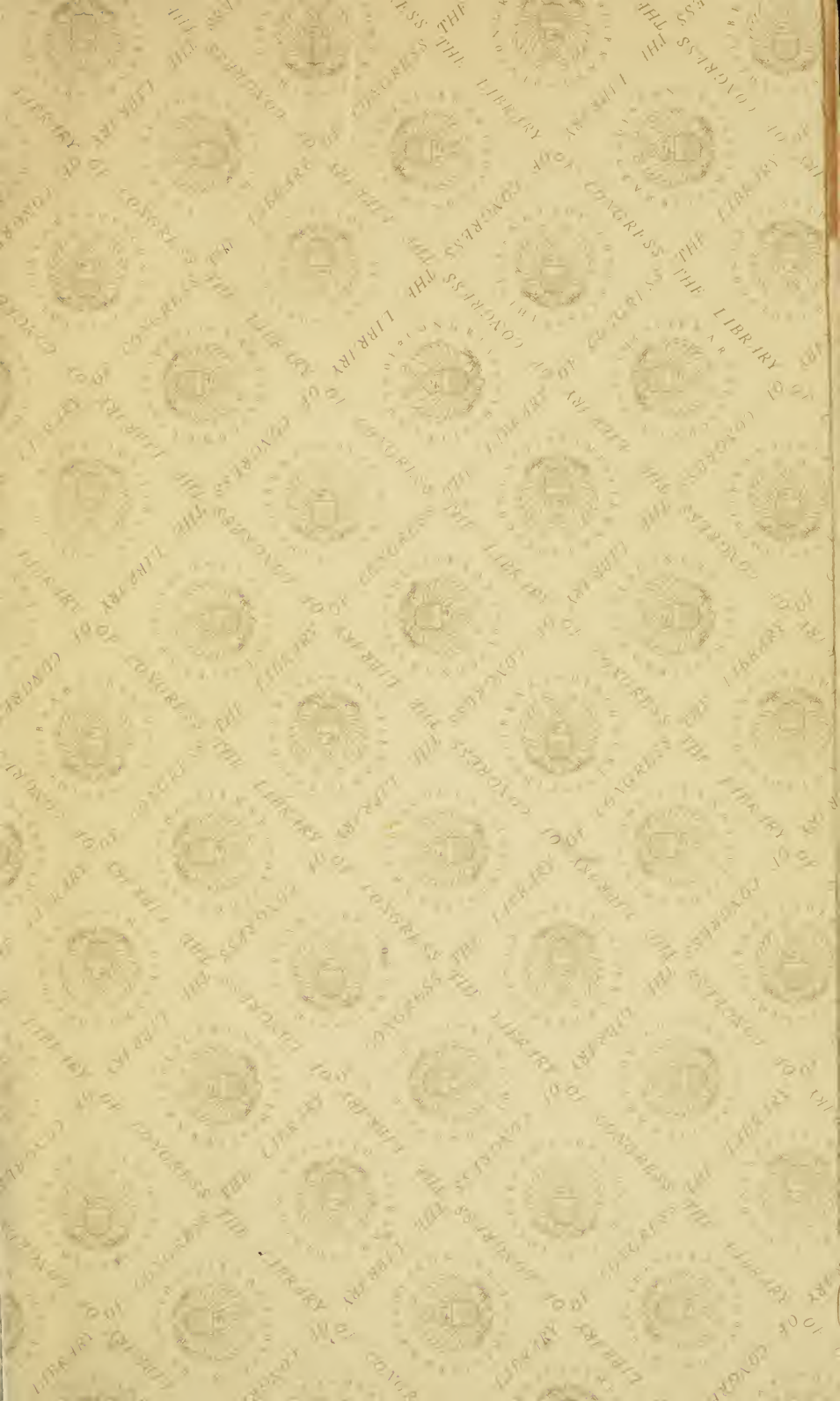
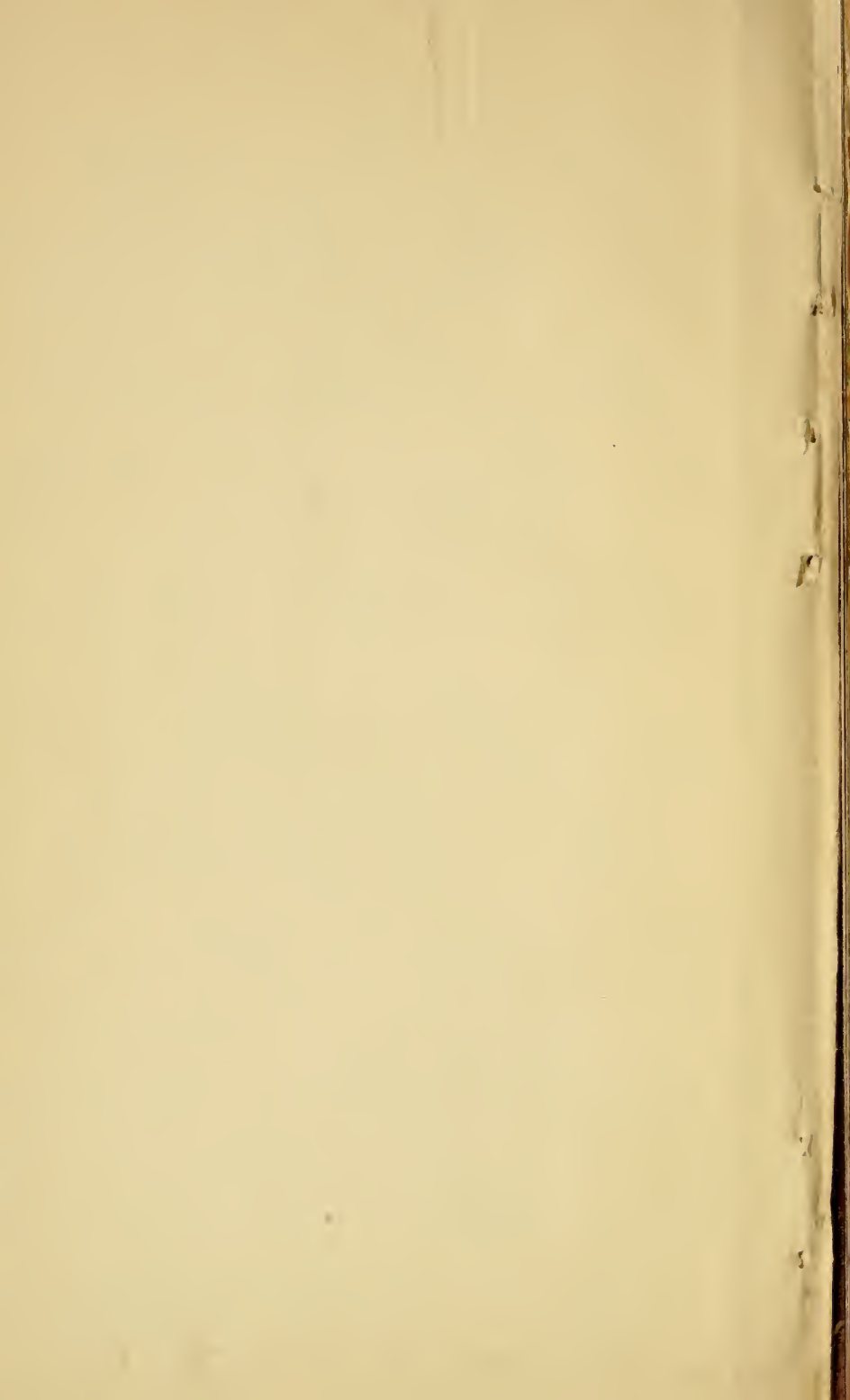
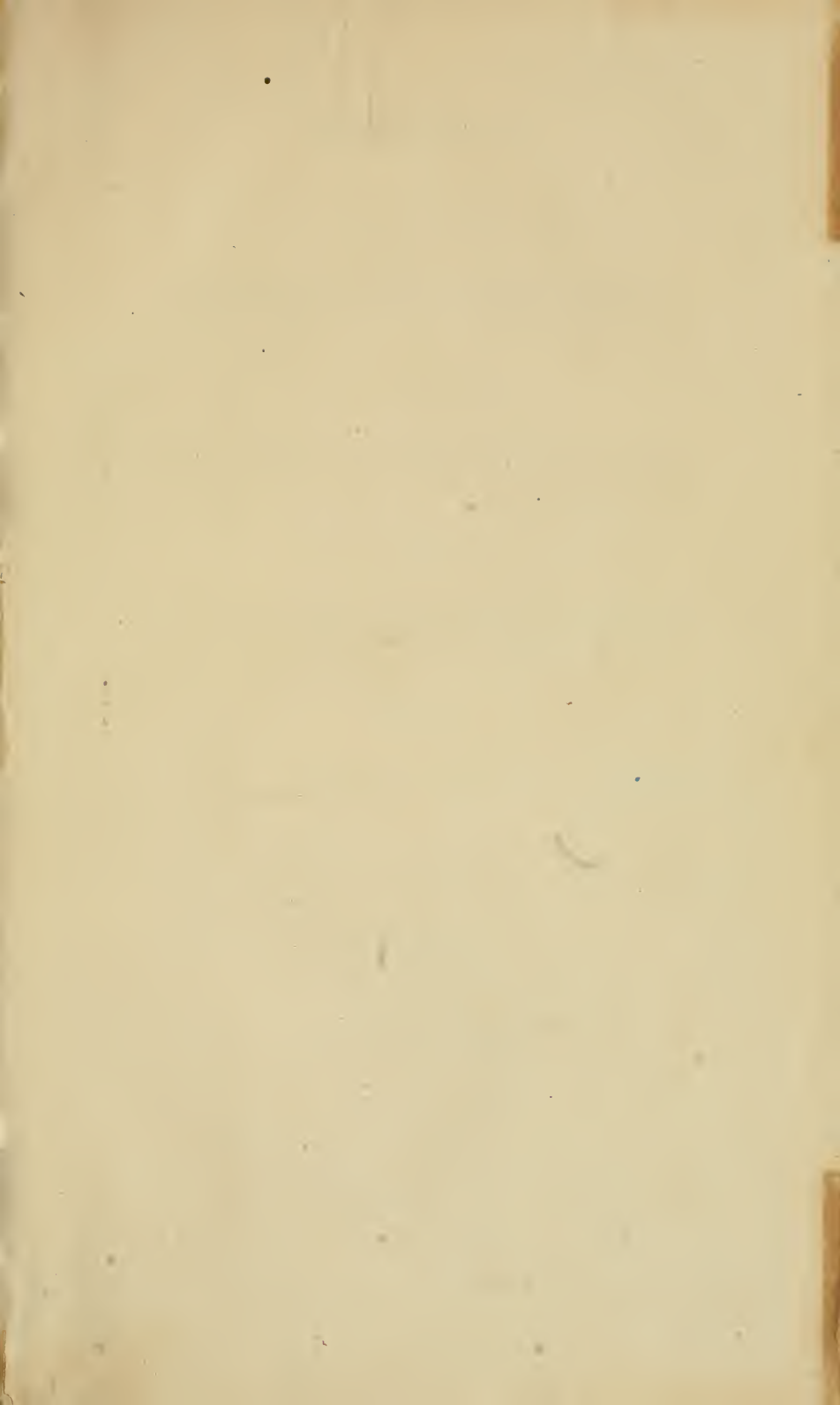


B25









1870
No. 10
1000

Barron, James, defendant

PROCEEDINGS

OF A

COURT OF ENQUIRY,

HELD AT THE

NAVY YARD, BROOKLYN, NEW YORK,

UPON

CAPTAIN JAMES BARRON

OF THE

UNITED STATES' NAVY,

IN

MAY, 1821.



WASHINGTON CITY:

PRINTED BY JACOB GIDEON, JUNIOR.

1822.

E 335

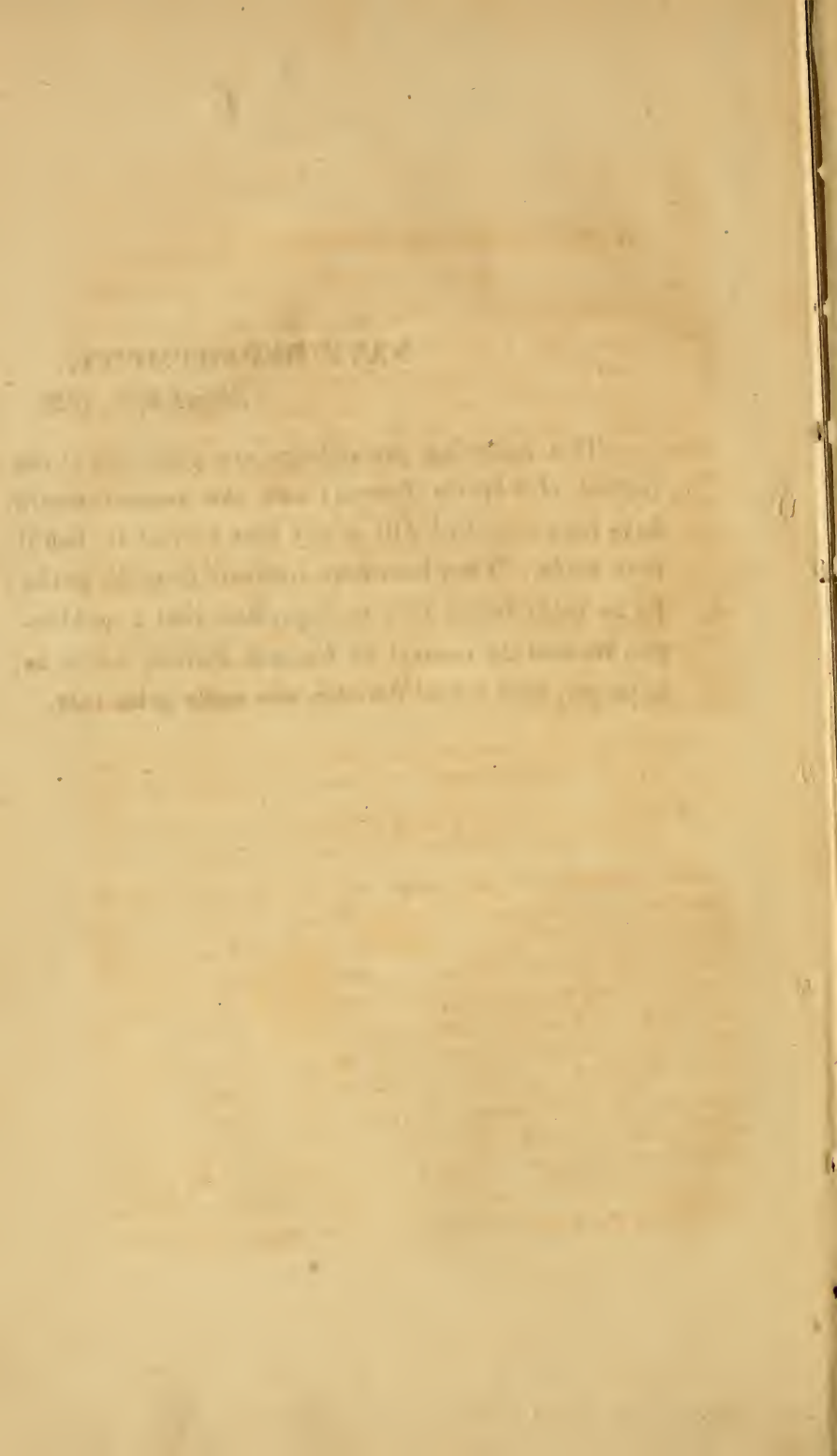
.B25

5.15.12.1920-6-30

NAVY DEPARTMENT,

March 25th, 1822.

THE following proceedings are published at the request of Captain Barron; and this request would have been complied with at any time heretofore, had it been made. They have been withheld from the public for no other reason than an impression that a publication without the consent of Captain Barron, would be improper, until a final decision was made in his case.



TO ALEXANDER MURRAY, ESQUIRE,

Captain in the Navy of the United States.

WHEREAS James Barron, Esquire, Captain in the Navy of the United States, was, by sentence of a Court Martial, bearing date the eighth day of February, in the year of our Lord one thousand eight hundred and eight, suspended for the term of five years. And whereas it is alleged, that the said James Barron, during his said suspension, being at Pernambuco, did make to Mr. Lyon, British Consul at that place, certain declarations and representations, respecting the President and government of the United States, highly improper, and unbecoming an officer of the Navy of the United States, as will appear by the accompanying letters; which have, heretofore, been submitted to the said James Barron for explanation, and copies thereof delivered to him, to wit:

- A. Being a letter from William Lewis to Charles W. Goldsborough, esquire, dated at Pernambuco, September the 7th, 1811.
- B. Being a letter from Thomas P. Goodwin, bearing date the 4th of March, 1819, to the Secretary of the Navy.

And whereas at the expiration of the said term of suspension of the said James Barron, to wit: on the eighth day of February, 1813, the United States being at war with Great Britain, he, the said James Barron, was in a foreign country and continued to absent himself from the United States, until the conclusion of the war, and for a long time thereafter, contrary to his duty as an officer of the Navy of the United States. And whereas the said James Barron, now requests active employment, and the command of a vessel in the Navy. And the President of the United States, deeming an explanation of the matters aforesaid necessary, before a decision upon such request can be made; on being

notified thereof, the said James Barron has asked for a court of enquiry to investigate the same. The President of the United States has, in compliance with the request of the said James Barron, charged me to call a court of enquiry, for the purposes aforesaid. You are hereby accordingly ordered to proceed to the Navy yard at Brooklyn, in the state of New York, on or before the tenth day of May next, to act as a member of the said court; and being the senior officer called, you will be the president of said court. Notifications are, also, transmitted to Captains Charles Stewart, and Charles Morris, with orders to appear at the time and place aforesaid, as members of the said court. And the court is hereby directed and empowered, to summon such persons as may be necessary to give information, touching the said matters; and is moreover, authorised, empowered, and required, strictly to examine into the matters before mentioned, and to report a statement thereof, as it shall appear to the said court; together with its opinion in relation to the same. All which you will transmit to me, to be laid before the President of the United States, for his consideration. And for so doing, this shall be to you, and our other said officers, and all others concerned, a sufficient warrant.

[SEAL.]

Given under my hand, and the seal of the Navy department of the United States, at the city of Washington, this twentieth day of March, in the year of our Lord one thousand eight hundred and twenty-one, and in the forty-fifth year of the independence of the United States.

SMITH THOMPSON.

Transferred to Captain Charles Stewart by order of the Hon. the Secretary of the Navy.

A. MURRAY.

(A.)

DEAR SIR,

A Portuguese ship arrived here yesterday in thirty-eight days from London, with intelligence, which renders it probable that there is either a war at this time with England, or that one will shortly take place. I shall proceed in about ten days to Rio Janeiro, where it is probable my ship will be detained, and in the event of war, sold. If a war takes place, my chance of return to the United States, will be very precarious. The desire to make myself useful, urges me to suggest to you the propriety of my being authorized to equip and man, a vessel for the purpose of cruising. A vessel of a proper description (I mean a fast sailing schooner) may be obtained, and I think fitted out at no very considerable expense. There are a number of American sailors in this country, who would be thrown out of their usual employment and be glad to ship in the service. Will you be good enough to state the business to the Secretary for his consideration? The possibility that this letter may fall into other hands prevents my enlarging on this subject; but I have information which convinces me the project may be carried into effect.

I think it proper to communicate to you for the information of the Secretary of the Navy that Captain James Barron, while in this place, in a Merchant brig from Norfolk, did say to a Mr. Lyon, British Consul at that time, and now residing here; that even if the Chesapeake had been prepared for action, he would not have resisted the attack of the Leopard; assigning as a reason, that he knew (as did also our government) there were deserters on board his ship. He said to Mr. Lyon farther, that the President of the United States knew there were deserters on board, and of the intention of the British ships to take them, and that his ship was ordered out under these circumstances, with the view to bringing about a contest which might embroil

the two nations in a war. He told Mr. Lyon that he had private letters in his possession from officers, high in the government, approving his conduct in the affair with the Leopard. I obtained this information from Mr. Thomas Goodwin of Baltimore (brother of Lieutenant Ridgely) who received it from Mr. Lyon himself; not in confidence but in company where a number of Americans were present. Mr. Lyon considers Barron as having been highly injured in the business.

I always knew that Barron was a man of the most vindictive heart. He has no doubt, said these things with a view to revenge himself.

I am now convinced that he is not only a coward but a traitor, for I can call by no other name a man who would talk in this way to an Englishman,—and an Englishman in office.

I regret beyond measure that I left the United States,* my situation on board of her was such as would have secured my promotion in case of war.

I had been long endeavouring to obtain a ship in the Merchant service for reasons of the strongest necessity. It appears that I succeeded in a most unfortunate moment.

I am, dear sir, yours sincerely,
W. LEWIS.

Pernambuco, September 7th, 1811.

Cha's. W. Goldsborough, Esqr. Washington.

—
(B.)

Baltimore, March 4th, 1819.

SIR,

My brother, Captain Ridgely, has stated to me your request, that I would write to you the particulars of a conversation, I had, some years ago, with the British Consul, at Pernambuco, respecting Commodore James Barron, and which was communicated to the Depart-

* Frigate United States.

ment over which you preside, by the late Captain Lewis of the Navy. As this conversation took place at the close of the year 1814, I will not presume, after such a lapse of time, to give the precise language of Mr. Lyon, the Consul, in relation to the subject. The amount, and purport of it, however I distinctly recollect, and my memory will bear me out in the following facts:

That, Commodore Barron, during his residence at Pernambuco, lived with Mr. Lyon, who has repeatedly expressed to me the highest regard and friendship for the Commodore: that, on many occasions, I conversed with him, concerning the unfortunate affair of the *Chesapeake*, and that Mr. Lyon, always insisted that the Commodore had been shamefully treated by his government; in proof of which he stated that Commodore Barron, had given him a full account of the circumstances which preceded and followed the attack on the *Chesapeake*, and had told him that the men claimed, from his ship, by the British squadron were deserters; that he knew them to be so, and had so informed the government; that, on being first ordered to sea, he apprised the government, I think the President himself, that the British officers had expressed a determination to take the men from him, and that, in the event of such an attempt he was not in readiness to prevent it; that he was again ordered immediately and peremptorily to proceed to sea, and that he verily believed, and certainly had impressed Mr. Lyon with the full conviction that Mr. Jefferson caused him to go out in a defenceless state, for the express purpose of having his ship attacked and disgraced; and thus attain his favourite object of involving the United States in a war with Great Britain. This is all, of the information I received from Mr. Lyon which I remember well enough to state positively, perhaps, the letter of Captain Lewis may go further, if so, I have no hesitation in confirming all that he may have stated on my authority.

Mr. Lyon is since dead. He was of high standing with his government, and was a brother in law to sir

George Collier, of the British Navy. Of his respectability, however, I have no doubt Com. B. will bear testimony.

The foregoing statement I have given, sir, because you requested it, and with no feeling of hostility to Commodore Barron. I am aware that I am risking a good deal in making it, having nothing to support it, but the strength of my own character. For how far this may attach credit to, and demand confidence in, my testimony, I take the liberty of referring to my friend Commodore Decatur particularly, and to the other distinguished men in the Navy generally.

I have the honor, to be,

Sir, very respectfully,

Your most ob't servant,

THOMAS P. GOODWIN.

To the Honourable
The Secretary of the Navy.

NAVY DEPARTMENT, *March 23d, 1821.*

SIR,

Henry Wheaton, esquire, of New York, has this day been appointed Judge Advocate of the court of enquiry, of which you were designated the President, by the precept addressed to you on the 20th instant.

I am, very respectfully, sir,

Your most ob't servant,

SMITH THOMPSON

Commodore Alexander Murray,
Comm'd'g. Naval Officer, Philadelphia.

NAVY DEPARTMENT, *April 25th, 1821.*

SIR,

You are excused from officiating as the presiding officer of the court of enquiry in the case of Captain James Barron, ordered on the 20th ultimo; and you will please to deliver the precept, authorising the con-

vention of the court, together with the accompanying papers, to captain Charles Stewart, who, as the senior member, will be the president of the court.

I am, very respectfully, sir,
Your most ob't servant,
SMITH THOMPSON.

To Captain Alexander Murray,
Navy of the United States, Philadelphia.

NAVY DEPARTMENT, *April 25th, 1821.*

SIR,

Commodore Alexander Murray, has been excused from acting as President of the Court of Enquiry, ordered in the case of James Barron Esqr. a captain in the U. S. Navy, and the senior member, Capt. Charles Stewart, will of course be the presiding officer; and you will please to report yourself in person to him, as Judge Advocate of the said Court, on the 10th day of May next, at the Navy Yard, Brooklyn, in the state of New York.

I am, very respectfully, sir,
Your most ob't servant,
SMITH THOMPSON.

HENRY WHEATON, Esquire, New York.

NAVY DEPARTMENT, *April 25th, 1821.*

SIR,

Captain Alexander Murray of the Navy of the United States, has been excused from officiating as the presiding officer of the Court of Enquiry, ordered on the 20th ultimo, in the case of Captain James Barron, and as the senior member, the duty devolves on you of acting as President of the said Court; you will, therefore, receive from Capt. Alexander Murray, the original precept directing the convention of the Court, together with the accompanying papers, and proceed, under the authority of the said precept, in the same manner as if it had, in the first instance been addressed to yourself

The other members of the Court, Captains Isaac Hull

and Charles Morris, have been duly appointed, and notified to report to you.

I am, very respectfully, sir,
Your most ob't servant,
SMITH THOMPSON.

Captain CHARLES STEWART,
Navy of the United States, Bordentown, N. J.

P. S. The Judge Advocate, Henry Wheaton, Esqr. has also been directed to report to you.

NAVY DEPARTMENT, *April 30th, 1821.*

SIR,

You are hereby appointed a member of a Court of Enquiry, directed to convene at the Navy Yard, Brooklyn, in the state of New York, on the tenth day of May next, to investigate the truth of certain allegations, respecting the conduct of James Barron, Esq. a Captain in the Navy of the United States; and you are required to appear at the time and place aforesaid, and report yourself as a member to Capt. Charles Stewart, the President of said Court.

I am, very respectfully, sir,
Your most ob't servant,
SMITH THOMPSON.

Capt. SAMUEL EVANS, U. States Navy, New York.

NAVY DEPARTMENT, *April 25th, 1821.*

SIR,

Captain Alexander Murray of the Navy of the United States, has been excused from acting as the presiding officer of the Court of Enquiry ordered in the case of Captain James Barron; and that duty will devolve on the senior member, Captain Charles Stewart; to whom you will report yourself, in person, as a member of the said Court, at the Navy Yard, Brooklyn, in the state of New York, on the tenth day of May next.

I am, very respectfully, sir,
Your most ob't servant,
SMITH THOMPSON.

Captain CHARLES MORRIS,
Commandant U. S Navy Yard, Portsmouth, N. H.

Minutes of a Court of Enquiry began and held at the Navy Yard at Brooklyn, in the state of New York, on Thursday the tenth day of May, one thousand eight hundred and twenty-one, by order of Smith Thompson, Esquire, Secretary of the Navy Department of the United States, for the purpose of investigating the conduct of James Barron, Esquire, a Captain in the Navy of the United States, concerning the matters stated in the warrant for convening said Court, dated on the twentieth day of March, one thousand eight hundred and twenty-one.

Present—Captain Charles Stewart, *President*,
 Captain Samuel Evans, } *Members.*
 Captain Charles Morris, }
 Henry Wheaton, Esq. *Judge Advocate.*

The Warrant for convening said Court, and the orders to the several members thereof, directing them to attend, together with the letter of appointment of the Judge Advocate, all of which are hereunto annexed, were read by the Judge Advocate.

The oath required by the act of Congress was then administered by the Judge Advocate to the President and members of the Court, and by the President to the Judge Advocate.

Captain James Barron not appearing, the Court adjourned until to-morrow morning, 10 o'clock.

FRIDAY, *May 11th*, 1821.

The Court met pursuant to adjournment—Present as on yesterday.

Captain James Barron appeared, and requested that Cæsar Augustus Rodney, Esquire, might be permitted to act as his counsel.

The Court directed Mr. Rodney to be admitted as counsel to Captain Barron, under the restrictions usual in Courts Martial.

The Judge Advocate stated to the Court the objects of the present enquiry, and offered in evidence the two

original letters accompanying the warrant for convening the Court, one marked A. from Captain William Lewis, late of the United States Navy, to Charles W. Goldsborough, Esquire, late chief clerk in the Navy Department, dated Pernambuco, September 7th, 1811, and the other marked B. from Mr. Thomas P. Goodwin, late of Baltimore, to the Secretary of the Navy, dated Baltimore, March 4th, 1819, as evidence of the reasons which had determined the government to decline complying with Captain Barron's request for active employment, until some explanation of the matters contained in the said letters should be given.

John B. Nicholson, Esquire, a Master Commandant in the Navy of the United States, was then sworn as a witness, and examined by the Judge Advocate.

Question, by the Judge Advocate—Examine the letter marked A. and say whether it is the hand writing of Captain Lewis, and his signature?

Answer—I am acquainted with Captain Lewis' hand writing, by having long known and corresponded with him, and can say that it is his hand writing and signature.

Question, by the same—What was Captain Lewis' character?

Answer—He was considered one of the most promising officers in the service, and stood high both as an officer and a gentleman. He was a man of strict honour and integrity.

Question, by the same—Is Capt. Lewis now living?

Answer—No! he was supposed to have been lost in the *Epervier*, in 1815.

Question, by the same—Look at the letter marked B. and say whether you are acquainted with the hand writing of Mr. Goodwin?

Answer—I am acquainted with his hand writing. The letter and signature are his hand writing.

Question, by the same—What was the character of Mr. Goodwin?

Answer—He was as respectable and honourable a man as ever I met with.

Question, by the same—Is he now living?

Answer—No! he died sometime in January, 1820, at the Havana.

Question, by the same—Do you know whether commodore Barron passed through Baltimore after the date of Mr. Goodwin's letter? and whether Mr. Goodwin was then there?

Answer—I recollect Com. Barron passed through Baltimore in the spring of 1819; Mr. Goodwin was then there. I do not know whether Com. Barron saw him or not.

Captain Barron declined cross examining the witness.

The Judge Advocate then read the two letters marked A. and B. in the words and figures following, to-wit :

Letter A.

DEAR SIR,

A Portuguese ship arrived here yesterday, in thirty-eight days from London, with intelligence which renders it probable that there is either a war, at this time with England, or that one will shortly take place. I shall proceed in about ten days to Rio Janiero, where it is probable my ship will be detained, and in the event of a war sold. If a war takes place my chance of return to the United States will be very precarious.

The desire to make myself useful urges me to suggest to you the propriety of my being authorised to equip and man a vessel for the purpose of cruising. A vessel of a proper description (I mean a fast sailing schooner) may be obtained, and I think, fitted out, at no very considerable expense. There are a number of American sailors in this country who would be thrown out of their usual employment, and be glad to ship in the service. Will you be good enough to state the business to the Secretary for his consideration? The possibility that this letter may fall into other hands pre-

vents my enlarging on this subject, but I have information which convinces me the project may be carried into effect.

I think it proper to communicate to you for the information of the Secretary of the Navy, that Capt. James Barron, while in this place in a merchant brig from Norfolk, did say to a Mr. Lyon, British Consul at that time, and now residing here, that even if the Chesapeake had been prepared for action, he would not have resisted the attack of the Leopard, assigning as a reason that he knew, (as did also our government) there were deserters on board his ship.—He said to Mr. Lyon further, that the President of the United States knew there were deserters on board, and of the intention of the British ships to take them, and that his ship was ordered out under these circumstances with the view to bringing about a contest which might embroil the two nations in a war. He told Mr. Lyon that he had private letters in his possession from officers high in the government, approving his conduct in the affair with the Leopard. I obtained this information from Mr. Thomas Goodwin, of Baltimore, brother of Lieut. Ridgely, who received it from Mr. Lyon himself, not in confidence, but in company where a number of Americans were present. Mr. Lyon considered Barron as having been highly injured in the business.

I always knew that Barron was a man of the most vindictive heart. He has no doubt said these things with a view to revenge himself.

I am now convinced that he is not only a coward but a traitor, for I can call by no other name a man who would talk in this way to an Englishman,—and an Englishman in office.

I regret, beyond measure that I left the *United States*, my situation on board of her was such as would have secured my promotion in case of war.

I had been long endeavouring to obtain a ship in the merchant service for reasons of the strongest necessity.

It appears that I succeeded in a most unfortunate moment.

I am, dear sir, yours sincerely,
(Signed) W. LEWIS.

Pernambuco, September 7th, 1811.

Letter B.

Baltimore, March 4th, 1819.

SIR,

My brother, Captain Ridgely, has stated to me your request that I would write to you the particulars of a conversation I had some years ago with the British Consul at Pernambuco, respecting Commodore James Barron, and which was communicated to the Department over which you preside by the late Captain Lewis, of the Navy. As this conversation took place at the close of the year 1811, I will not presume after such a lapse of time to give the precise language of Mr. Lyon, the Consul, in relation to the subject. The amount and purport of it, however, I distinctly recollect, and my memory will bear me out in the following facts: That, Commodore Barron, during his residence at Pernambuco, lived with Mr. Lyon, who has repeatedly expressed to me the highest regard and friendship for the Commodore: that, on many occasions, I conversed with him concerning the unfortunate affair of the *Chesapeake*, and that Mr. L. always insisted that the Commodore had been shamefully treated by his government; in proof of which he stated that Com. Barron had given him a full account of the circumstances which preceded and followed the attack on the *Chesapeake* and had told him that the men claimed from his ship by the British squadron were deserters; that he knew them to be so, and had so informed the government; that, on being first ordered to sea, he apprised the government, I think the President himself, that the British officers had expressed a determination to take the men from him, and that in the event of such an attempt he was

not in readiness to prevent it; that he was again ordered immediately and peremptorily to proceed to sea, and that he verily believed and certainly had impressed Mr. Lyon with the full conviction that Mr. Jefferson caused him to go out in a defenceless state for the express purpose of having his ship attacked and disgraced, and thus attain his favourite object of involving the United States in a war with Great Britain. This is all of the information I received of Mr. Lyon which I remember well enough to state positively. Perhaps the letter of Capt. Lewis may go further, if so, I have no hesitation in confirming all that he may have stated on my authority. Mr. Lyon is since dead. He was of high standing with his government, and was a brother in law to Sir George Collier of the British Navy. Of his respectability I have no doubt Com. Barron will bear testimony.

The foregoing statement I have given, sir, because you requested it, and with no feeling of hostility to Com. Barron. I am aware that I am risking a good deal in making it, having nothing to support it but the strength of my own character. How far this may attach credit to, and demand confidence in, my testimony, I take the liberty of referring to my friend Com. Decatur particularly, and to the other distinguished men in the Navy generally.

I have the honor to be, &c.

(Signed)

THOS. P. GOODWIN.

The Judge Advocate then produced in evidence the original record of the proceedings of a general court martial convened on board the frigate Chesapeake in the harbour of Norfolk on the 4th day of January, 1808, for the trial of Captain James Barron, by the sentence of which court the said Captain Barron was suspended from command and all pay and emoluments for the term of five years from the 8th day of February, 1808.

Captain Charles Stewart, President of the court of enquiry was sworn as a witness, and examined by the Judge Advocate.

Question, by the Judge Advocate.—When did Com. Barron leave this country on his last absence?

Answer—The last time I saw him was about the last of March, 1812, at Norfolk.

Captain Barron then stated to the court that he left this country on or about the 6th of April, 1812.

The Judge Advocate read in evidence the two certificates, hereunto annexed, marked A. and B. from Constant Freeman, esquire, Fourth Auditor of the Treasury Department, to prove that Captain Barron was in Europe in August, 1818; and the certificate hereunto annexed, marked C. to prove that the said Captain Barron had been paid for half pay from the eighth day of February, 1813, to the twenty-eighth day of February, 1819, and that he had been paid for full pay and rations from the date last mentioned to the 31st day of January last.

The Judge Advocate here rested the case, and Capt. Barron stated that he should proceed to-morrow with the evidence on his part.

The court adjourned to to-morrow morning at 11 o'clock.

SATURDAY, *May 12th*, 1821.

The court met pursuant to adjournment.—Present as on yesterday.

The Judge Advocate read to the court a letter from the hon. John Quincy Adams, Secretary of State, to the Judge Advocate, dated Washington, May 9th, stating the impossibility of his attending the court, as a witness consistently with his official duties at Washington.

The following statement of Captain Barron's case preliminary to his entering on the evidence on his part, was read by his counsel.

(1)

The Judge Advocate having closed the testimony he had to offer, the court will indulge me in this stage of

the proceedings, with a few introductory remarks on the case, and a brief statement of the evidence in my power to produce.

Confident of impartial justice from this tribunal, I appear before it, at an advanced period of life and in an infirm state of health, conscious of the uniform rectitude of my conduct, and of my entire innocence of the imputations that have been cast on my character, knowing the allegations to be utterly destitute of foundation, in truth, I feel more sensibly the injustice attempted to be done to my reputation as an officer, and a man sincerely attached to his country and devoted to its service.

I cannot but regret that this measure should have been deemed necessary, in any view of the subject, under all the circumstances of the case, as the consequences of such a precedent are not to be foreseen or calculated, at the present moment. But when I understood that this course of proceeding was considered requisite, I determined to meet it, and to challenge the most scrupulous investigation into my conduct, guided by those fair and just principles which I am sure will govern this tribunal.

Whilst I lament therefore that an unfounded report or an involuntary detention should have been supposed to furnish an occasion for a court of enquiry, previously to my employment in the naval service, I rejoice in the opportunity presented of removing erroneous impressions, and of exposing the falsehood or the fallacy of the charges imputed to me.

Permit me to repeat the statement made to the court yesterday, that my application to the Secretary, was not for any particular service, or special command, but for employment generally, without presuming to dictate the kind or character. In this respect there appears to have been a misconception or a mistake committed, inadvertently, no doubt, by the Department.

The court will also pardon me for adverting to the very particular reference contained in that paper to a former affair, which appears to me to have been unne-

cessary, and therefore to claim a remark. It was not in my humble opinion, required, and could only have a tendency to throw a shade over this case, which I presume was not designed, and before this court could not have succeeded. So far as a reference was unavoidable for the purpose of directing the present enquiry, it would have been liable to no observation, and would have been silently acquiesced in by me. But under present circumstances, I cannot omit to remark that for a mere error in judgment, which was all that was imputed, (and how even this conclusion was ever drawn from the premises stated by that court, I have always been utterly at a loss to conceive) I have suffered more severely than ever fell to the unfortunate lot of any other officer. Without disparagement to the character of any member of that tribunal, I may be permitted to say, without offence, now when the passions kindled at the moment, have ceased, and the tempest which raged against me, has I hope, subsided, that the excuse for the sentence, is to be sought for, in the excitement and irritation produced, by the unprovoked and unexpected attack on a national vessel in time of peace.

The warrant for holding this court and the papers referred to in it, present two distinct subjects of enquiry. The first is the conversation alleged to have been had, by me, with Mr. Lyon at Pernambuco. The last my absence from the United States.

To support the former charge, which is most solemnly denied, not a *scintilla* of evidence has been adduced. The letters of Captain Lewis and Mr. Goodwin, it is true, have been read, not as testimony, in any shape, in the case according to the correct and judicious decision of this Court, but as containing a specification of the language unjustly attributed to me, and explaining the reasons which have led to this investigation. For no other purpose could they have been introduced into the precept of which they are made to form a part, and for no other purpose, would they have been received by this Court.

In every case when a charge is exhibited against an individual, affecting his reputation, it is incumbent on those who make it, to maintain it, by competent and sufficient proof. The labouring oar is on their side, and unless they produce legal and satisfactory evidence, the accusation falls to the ground. I need not add, that in the case of an officer, whose reputation is so dear to him, and before a court of honor, these principles apply with superior force.

Can it be necessary then to occupy the attention of this intelligent court with a charge denied absolutely and entirely, when not a solitary particle of testimony has been produced to give it the slightest support?

The story as told carries its death-wound on its face. It is not only improbable but incredible. It is too absurd and ridiculous to receive for a moment the countenance of this court, even supposing some testimony had been adduced in its favour. No man of common sense in my situation, could have uttered such language, in direct opposition to what was stated in my defence, which had been published in our newspapers; and to the report, with respect to the seamen, delivered by me to the Naval department and printed among the public documents.

The policy of Mr. Jefferson's administration was known to be peaceable. It was notorious that he studiously avoided a war, after the affair of the Chesapeake. To suppose me capable of such folly as that of asserting the contrary in the face of facts public and notorious, would be to attribute to me a total want of understanding, and indeed of common sense.

The letter from Captain Lewis at Rio Janeiro, dated September 7th, 1811, to Mr. Goldsborough, then a clerk in the Naval department, and deposited among the papers, but at what period, and whether with or without the privity of the Secretary, does not appear, was permitted to slumber on the files, unnoticed and certainly unknown to me, until the month of December, in the year 1818.

When I was first apprized of it, Captain Lewis was dead. If living, though his letter stated this story to be hearsay, from a third person, for he had not conversed with Mr. Lyon on this subject. Yet the character of Capt Lewis would have induced me to ask from him an explanation. Far be it from me, to attempt to affect the reputation of a deceased officer, but it manifestly appears from his own statement, that whatever merit he may have possessed, and I am not disposed to deny it, he had imbibed some bitter prejudices against me. Under their influence, the most honest mind sees every thing through a false medium, and is frequently warped without being sensible of it.

It was not until March, 1819, that a letter was procured from Mr. Goodwin, to whom Captain Lewis had referred as the author of the tale, told him; and it would seem from some of the questions put to Captain Nicholson, that when this paper was made known to me, it was expected, that I would immediately require an explanation from this writer, who died not long after. But I appeal with confidence to this court, whether this would have been requisite or even proper. What course as an officer could I have pursued? Ought I to have made it a personal affair? Or was I to sue him for the slander? Is this irksome task imposed or required on such occasions? When the positive denial of one who holds a post Captain's commission in the Navy, shall not be equal to the hearsay of another individual secretly propagating unfounded charges, the situation of an officer would be extremely precarious. If such a course were to be countenanced by this tribunal, who would be safe? What honorable member of this court can be certain that similar letters are not now sleeping on the shelves of the Navy office, which may rise up at some future day, in accusation, if not in judgment against him. The silence of the department, for years, on the subject, which ought to be considered con-

clusive against the charge, does not seem to afford sufficient security that it may not be brought forward at some distant period.

From Mr. Goodwin's own letter he appears to go unwarrantable lengths, for notwithstanding he admits that after the lapse of years, his recollection is not distinct, he professes himself willing to endorse all that Capt. Lewis might have written, he had told him, without knowing really what it was. I do not mean to impeach his general character, although he has attempted to injure mine; but I believe I shall have it in power to shew, that he was a passionate young man, and that he was particularly violent on political subjects, with which my name has been unfortunately blended.

I shall prove by witnesses, now present, who were in Pernambuco, at the time, that I did not lodge at Mr. Lyon's, as stated by Mr. Goodwin. If he be mistaken in this prominent fact, the fair presumption would seem to be, that he is mistaken in the rest of his story.

From a letter I hold in my hand, I will state what I shall be able to prove by a young gentleman of respectable character and connexions, who has long been in the service of Mr. Gerard, of Philadelphia. I shall use the language of the writer, Mr. Barclay, who observes:—

“In compliance with your request, I will inform you of my experience touching certain reports said to have been current among the Americans in Pernambuco, in 1811.

“I arrived at Pernambuco in the early part of July of that year, on commercial pursuits, and remained there about six weeks. In that period I became acquainted, (by means of my consignee) with Mr. Lyon, a very respectable English merchant established at Pernambuco. Mr. Lyon invited me to his house, entertained me with hospitality, and I continued on friendly terms with him during the whole period of my sojourn. To me his manners appeared better calculated to create

esteem and respect, than those of any one there established, with whom I became acquainted.

“He was a modest and unassuming gentleman, and in my opinion, as little disposed as any man to converse on a subject calculated to hurt the feelings, or injure the character of others.

“When at Pernambuco, where I remained about six weeks, I lived on shore in the house of my consignees, M^r Crehon and Fleet, at the same time that Mr Goodwin lived there, who employed said firm as his agents; never to my recollection heard any thing of the report alluded to, and had it been in circulation, it is most probable I should have heard of it.

“I was in the Brazils six months; the latter part of the time at Rio Janiero, associated generally with my countrymen at that place; was frequently in company with Capt. Lewis, and do not remember ever to have heard the subject discussed.”

This material information was received in Philadelphia, by accident on my way to this place.

The last ground of enquiry, is my absence from the country, and this, I confidently trust, will be explained and accounted for, to the perfect satisfaction of this court. When I left the United States early in the month of April, 1812, my reduced circumstances imperiously required active exertions to support my family. From my youth my only calling was that of a seaman. I had no other means of making a livelihood. I was suspended without pay, from the naval service, and I had no resource left but in the Merchant's employ. In this I was compelled by necessity to embark, and I departed from the United States, expecting to return the usual season, without dreaming of my subsequent involuntary detention. Whatever appearances might have indicated, when I left Norfolk, none of my best informed friends, whom I consulted, seriously apprehended a war. Our differences with England had been of such long continuance, and had so frequently

threatened hostilities without producing them, that such an event was not expected. The necessary preparations that usually precede war had not been made, and competent judges calculated confidently on the revocation of the orders in council, on the repeal of which our restrictive system was to cease, and a state of amity and intercourse was to succeed.

War was however ultimately declared in June, 1812. But it is now notorious, that about the very period England had actually revoked her orders in council, and if this fact had been known at the time, no hostilities would have taken place. On the faith of the stipulated repeal of our non-intercourse laws agreeably to their terms, in the event of the revocation of the British orders in council, our harbours were crowded in the months of July and August of that year, with vessels richly freighted with British manufactures, which sailed from England with the approbation of our minister there, so confident was he of the amicable termination of all our differences. Acts of Congress were subsequently passed for the relief of such vessels soon after war was declared, notwithstanding the high characters our Navy, Army, and country acquired in its progress, attempts were made to produce a reconciliation, and successive measures were adopted until an honourable peace was concluded at Ghent in 1814.

When hostilities commenced with the United States, a general war still continued between the European powers. France was engaged with England, and united with Austria, and Russia was marching an immense army to Moscow. Denmark was also at war with England and Sweden. This state of things on the continent produced a rigid non-intercourse with the United States. Our Consul, Mr. Forbes, states that he knew of but one opportunity of a passage in a vessel to the United States, and that was in the fall of 1812, by the pilot boat schooner Champlin, which was wrecked on the coast of North Carolina. In this situation I was unable to return to my country, I could not go through

England, because if I appeared there in naval uniform I must have been thrown into prison, and if in a private dress, would have been liable to have been treated as a spy, when discovered as I must have been inevitably by their system against aliens. To attempt to return by travelling by land, to some port in France, even if I had possessed the funds to bear the heavy expense, which I did not, would have been fruitless, when hostile armies occupied the intervening country. This was proved by the experience of others who were able to pay the cost. No person in fact, or scarcely a single individual, could accomplish this object, unless he were a messenger of peace or a regular courier. The deep interest I took in the successes of my country, and my extreme anxiety to return, will be satisfactorily established by Mr. Adams, Mr. Clay, Mr. Forbes, Mr. Cleaveland, and Messrs. Law, and my endeavours to obtain a passage in the *John Adams*, with the advice of Mr. Clay, will be fully shown by our late ministers, J. Q. Adams, Henry Clay and J. Russell, whose honourable testimonials in my favour, have been accepted and filed in the Navy office. But the nature of her cartel prevented it in the opinion of a majority of them. My detention at Copenhagen, will appear therefore to have been involuntary and unavoidable.

When my suspension had expired, I embraced the first safe opportunity of reporting myself to the Secretary of the Navy, and of informing him by another letter, of my extreme desire to serve my country. And I must observe, that even the transmission of letters in safety to the United States was attended with extreme difficulty. My report and accompanying letters were however safely received, and filed in the Navy office; but no answer was ever returned. To an officer in my situation this was more necessary, and if declined the marked character of such conduct could not be mistaken. Under these circumstances it would really seem hard to require of me to account rigidly for my absence.

When a British Naval officer, Admiral Rodney, who had not been suspended, nor subsequently treated with neglect, was compelled from embarrassed circumstances to reside in France, where he was at the commencement of our revolutionary war with England, and where, for want of funds, he was obliged to remain, the Admiralty without solicitation on his part voluntarily offered him a command, (which he accepted) and enabled him to return home. My case in most respects, is much stronger than his. A suspended officer, when his term expires, may not hope for employment, unless some overtures are made, and there is less inducement to apply, when apprehension of neglect of itself a punishment, and if he does venture to solicit, I think he deserves some credit.

Immediately after my arrival in this country, and before I had visited my family, I reported myself, personally, at the Navy office for service. I state these facts which I shall be able to prove, though I think there is a wide difference, on this subject, between an officer who has been absent from suspension, and one absent on furlough or leave. The latter is voluntary, and he may naturally expect employment when his furlough is out; for that seems to be implied from absence limited, which may be understood as fixing the time beyond which he could be spared from the service without detriment. In the former case, however, the principle is the reverse, and reason and justice appear to require a different rule and much greater latitude of indulgence.

It has been insinuated that when I first reported myself, I was in distant parts, though my absence was from necessity. But the government possess facilities of correspondence through the medium of their diplomatic corps, not accessible to individuals. The conveyance of an answer to my letters was an easy thing to the Naval department, though a difficult task for me to transmit them by a safe opportunity.

The Secretary could have readily put me in possession of the necessary funds, and provided the means of conveyance to my country, which were out of my power.

Though I never expect to see any other officer placed in my situation, yet I flatter myself that to enable the members of this court to judge more correctly, they will make my case their own, and I am confident they will do to others as they would wish those to do unto themselves.

With these observations, hastily prepared since adjournment on yesterday, which are submitted to the candid consideration of this impartial and intelligent court, I shall proceed with my testimony, only requesting if more or other proof should be required than I have at present in my power or possession, that I may be allowed an opportunity of producing it. I have now only to thank the court for their indulged attention.

William Coody, of Norfolk, in the state of Virginia, ship master, was produced and sworn as a witness on the part of Captain Barron.

Question, by Captain Barron—Were you at Pernambuco, in Brazil, with Commodore Barron at any, and what time?

Answer—I was with him at Pernambuco, in the brig Brazilian, from Norfolk, in 1809, and at no other time.

Question, by the same.—Where did Commodore Barron lodge when there?

Answer—When he first went on shore he lodged at a tavern, at some distance from where the vessel lay, at the upper end of the town, in company with Mr. Olivera Fernandez who was in the brig with us. He afterwards removed over to the water side, near where the brig lay, in a house which Mr. Fernandez and Commodore Barron rented together.

Question, by the same—Did he ever live or lodge with Mr. Lyon, the British Consul while there?

Answer—He did not lodge or live with Mr. Lyon, the British Consul, at any time during his stay there, which I think was about six weeks or two months. I was frequently at the house where Commodore Barron was lodged.

Question, by the Judge Advocate—Did you know Mr. Lyon, the British Consul at Pernambuco?

Answer—I have seen him frequently.

Question, by the same—Do you know where he lived?

Answer—I do; to the left of the king's wharf.

Question, by the same—Did he ever live at the same house with Commodore Barron?

Answer—He did not.

John Smith, of Norfolk, in the state of Virginia, mariner, was produced and sworn as a witness on the part of Captain Barron.

Question, by Captain Barron—Were you at Pernambuco, in Brazil, with Captain Barron, at any, and what time?

Answer—I was in the same brig, the Brazillian, with Commodore Barron and Captain Coody, at that place, in 1809. we sailed from Norfolk, I think in the spring and returned the latter part of summer.

Question, by the same—Where did Commodore Barron lodge when there?

Answer—I have been at the house where Commodore Barron lodged at Pernambuco, but do not remember precisely the situation. Commodore Barron remained there seven or eight weeks.

Question, by the same—Did he ever live with Mr. Lyon, the British Consul?

Answer—Not to my knowledge. I was at Commodore Barron's house often.

Question, by the Judge Advocate—Did you know Mr. Lyon, the British Consul?

Answer—I have seen him there.

Question, by the same—Where did he live?

Answer—I do not know.

Question, by the same—Do you know whether he lived with Commodore Barron?

Answer—I do not. I believe he did not. I think I should have known it if he had lived with him.

Question, by the same—Do you know who lived at the house with Commodore Barron?

Answer—Mr. Olivera Fernandez.

Question, by the court—Did Commodore Barron live at more than one house during his stay at Pernambuco?

Answer—I do not recollect that he did.

Question, by the same—Was it a public or a private house?

Answer—A private house.

Question, by the same—Was it remote, or convenient to the brig?

Answer—It was convenient; not more than a quarter of a mile off.

Question, by the same—How long was it after the brig arrived that you were at Commodore Barron's house?

Answer—I do not recollect.

Captain Barron then offered official copies of the documents hereunto annexed and numbered from (1 to 5) inclusive, being certificates on file in the Navy department, from the honorable John Quincy Adams, the honorable Jonathan Russell, and the honorable Henry Clay, late Ministers of the United States in Europe, and from John M. Forbes, Esquire, late Consul General of the United States in Denmark, as evidence of the reasons given by him to the department to excuse and justify his absence in Europe.

The Judge Advocate objected to the said certificates being read as evidence of the facts contained in them, the same not being on oath.

The court permitted the said certificates, to be read as evidence of the reasons offered by Captain Barron to the Navy department in order to excuse and justify his absence in Europe.

Captain Barron then read in evidence, an official copy of a letter from himself to the Secretary of the Navy, dated Copenhagen, July 22d, 1813, and a letter of the same date from the same to the same, marked "*private*," both of which said letters are hereunto annexed marked D. and E.

Captain Barron then applied to the Court for permission to examine upon interrogatories, in writing, with the consent of the Judge Advocate, the following witnesses, being persons not in the military or naval service of the United States :

The honorable John Quincy Adams,
The honorable Henry Clay,
The honorable Jonathan Russell,
Richard Law, esquire,
William Law, esquire,
John A. Barclay, esquire.

The Court granted permission accordingly, and directed Capt. Barron to prepare interrogatories to the said witnesses, and the Judge Advocate to file cross-interrogatories, and to lay them before the Court on Monday.

The Court adjourned to Monday next 10 o'clock.

MONDAY, *May 14, 1821.*

The Court met pursuant to adjournment.—Present as on Saturday.

The Judge Advocate read a letter from the hon. Jonathan Russell to the Judge Advocate, dated Menden, May 9th, 1821, stating the impossibility of his attending the Court as a witness.

The interrogatories to the hon. Henry Clay, were settled, and the Judge Advocate directed to transmit the same to that gentleman, with a request that he would answer them, and make oath to his answers before some competent magistrate.

Captain Barron exhibited his direct interrogatories to the other witnesses, and the Judge Advocate was directed to file cross-interrogatories and exhibit them to the Court to-morrow.

Captain Barron requested that in addition to the other witnesses the following persons might be examined in writing, with the consent of the Judge Advocate :

Benjamin Homans, esquire, chief clerk in the
 Navy Department,

*Robert Cary Jennings, esquire,
William A. Armestead, esquire.*

His request was granted by the Court, and interrogatories directed to be filed.

The Court adjourned until to-morrow at 10 o'clock.

TUESDAY, *May 15, 1821.*

The Court met pursuant to adjournment.—Present as on yesterday.

The interrogatories to the witnesses to be examined in writing, were settled; and the Court adjourned to to-morrow at 10 o'clock.

WEDNESDAY, *May 16, 1821.*

The Court met.—Present as on yesterday.

The witnesses not attending, the Court adjourned to to-morrow 10 o'clock.

THURSDAY, *May 17, 1821.*

The Court met.—Present as on yesterday.

Richard Jeffray Cleaveland, of Lancaster, in the state of Massachusetts, was sworn as a witness and examined.

Question, by Captain Barron—Were you acquainted with Commodore Barron at Copenhagen at any, and what time, and how long?

Answer—I was acquainted with Commodore Barron from the time of his arrival in Copenhagen in 1812, until June or July, 1813, and very intimate with him. I left him there in June or July, 1813.

Question, by the same—What was commodore Barron's character or conduct at Copenhagen at that time?

Answer—That of a friend of his country. He always rejoiced at any of our national victories as much as any American, and lamented every disaster that occurred. I remember particularly his expressing his regret at General Hull's capture.

Question, by the same—Were you during your stay at Copenhagen, frequently very long without receiving any intelligence from this country?

Answer—Yes, and equally long in communicating with the United States. I was sometimes nine or ten months in hearing from my family, and they as long in hearing from me, though I sent letters to be transmitted by the way of France.

Question, by the same—Were you not sometimes very long without hearing from France?

Answer—Yes, sometimes several mails were successively intercepted, so that we were a long time without hearing from France.

Question, by the same—Were you acquainted with the situation and circumstances of Captain Barron at Copenhagen?

Answer—He was deficient in funds, and his circumstances embarrassed. His property was diminished by the depreciation of paper money, and the misconduct of a commercial house to whom he and myself were consigned. By *his* property witness means the property he represented.

Question, by the same—Do you know of the return of any vessel to the United States, from the north of Europe during your residence there, except the pilot boat Champlin?

Answer—None but the Champlin and the Corvette John Adams.

Question, by the same—When did the Champlin return?

Answer—She returned in the autumn of 1812.

Question, by the same—Did she receive any passengers on board except one who was connected with the expedition?

Answer—I know of none but Captain Richard Law. I think he was connected with the expedition.

Question—Was she considered by you a safe vessel in which you would have returned?

Answer—Not at that season of the year. She was rendered more unsafe from the precipitation with which she was equipped, not having ballast enough.

Question—Did you attempt to return by the way of England?

Answer—I came from Copenhagen to Hamburg, intending to go to Heligoland, in August, 1813, but information was received through Mr. Forbes from Mr. Barclay, our agent for prisoners in England, who stated that it was not safe for Americans to come there. I was then making the attempt in the character of a merchant, which I then was.

Question, by the same—Did you attempt to get to a port in France from Hamburg?

Answer—There was great difficulty in September, 1813, when I left Hamburg, in getting permission from the French authorities to proceed to France: extremely difficult for an American to get a passport. The difficulty was much increased by the advance of the Russians to besiege Hamburg. I finally obtained a passport by the influence of a house at Hamburg, to travel with a French courier, who was obliged to take a circuitous route in order to escape the Cossacks who had crossed the Elbe. Previous to my leaving Hamburg we had accounts of several mails being intercepted. I got to Brussels with the courier, upon a cart with two wheels without springs; a very fatiguing journey. We were five days and nights in reaching Brussels.

Question, by the same—How long were you at Hamburg before you procured this passport?

Answer—About two months. I first made an attempt to get to France with a French passport: then to Heligoland: and afterwards renewed the attempt to get a French passport, and at last succeeded.

Question—Where did you find a vessel?

Answer—I went from Brussels to Paris, thence to Nantz; there was one vessel at Nantz for the United States; but I thought her prospect of arriving unfavourable, and hearing of another at Bordeaux, determined to proceed thither.

Question—Where did you hear of the vessel that was to go from Nantz?

Answer—I heard of it at Paris where I remained a fortnight.

Question by the same—What vessel did you find at Bordeaux?

Answer—The schooner Mary, of New York, a letter of Marque.

Question—How long was it from the time you left Copenhagen till you embarked at Bordeaux?

Answer—I left Copenhagen in June, 1813, returned again to Copenhagen, and finally departed from Copenhagen in July, 1813, and finally embarked at Bordeaux, in January, 1814.

Question by the same—Was this the first and only vessel you heard of, that afforded you a reasonable prospect of a return to the United States?

Answer—Yes.

Question by the same—On what terms did you get a passage?

Answer—By putting in my proportion of stores, and engaging to assist in defending her like any other individual on board.

Question by the same—Do you recollect of Captain Barron's writing to the Navy department while at Copenhagen?

Answer—Yes. Soon after his suspension expired. I do not remember any earlier opportunity.

Question by the same—Do you remember his anxiety to return home, in order to offer his services?

Answer—I do. We were frequently together, and dined together almost every day.

Question by the same—From your knowledge of the state of the country, and the difficulties you encountered in getting home, do you think that Captain Barron could have reached home by the way of England?

Answer—No! I have no idea he could have returned by the way of England.

Question—What would it have cost him to proceed by the same route you did?

Answer—With the delays, it would have cost seven or eight hundred dollars, passage included.

Question—Do you recollect your own expenses?

Answer—I do not. The vessel I returned home in, was in want of men, and I got my passage by engaging to assist in defending her.

Question by the same—From what you know and saw of Captain Barron's conduct, do you believe that if he had had the funds and an opportunity, he would have returned to the United States?

Answer—I am sure he would.

Question by the same—During your stay at Copenhagen, did you hear of any opportunities from the French ports?

Answer—No! I proceeded upon an uncertainty.

Question—What was the depreciation of the currency in Denmark from the time the property under Captain Barron's charge was sold?

Answer—It had depreciated before, and was much more depreciated after, Captain Barron's arrival; so that it became worth only 480 paper dollars for a pound sterling: and after the failure of Count Bernstoff's mission to London, it was of no value whatever, so that I lost my own property totally.

Question by the same—Was not Captain Barron, during your stay at Copenhagen, as warm in his attachment to his country as any American there?

Answer—None more so. No one rejoiced more at our victories, or more sincerely lamented our defeats.

Question by the same—Do you know whether Capt. Barron engaged in any business which he would not have abandoned in order to return to the United States?

Answer—He had none except that of the ship in which he came, which was closed soon after his arrival. He had no other business that could have prevented his return.

Question by the same—Was he engaged in any trade inconsistent with the character of an American citizen, or the honor of an American officer?

Answer—No! Nor was he engaged in any trade under British licenses. I must have known it, if he had been.

Question, by the Judge Advocate—Were there any, and what opportunities for an American officer or citizen to return from Copenhagen to the United States by the north of Europe, or France, during the late war?

Answer—No others that I know of than what I have before mentioned.

Question, by the same—Were there none from Gotenburg in neutral vessels?

Answer—I did not hear of any at Copenhagen?

Question, by the same—Were there not at some period or periods, free opportunities of travelling from Copenhagen to France?

Answer—There was a difficulty in obtaining passports from the French authorities, they having been much abused by Englishmen pretending to be Americans.

Question, by the same—Could money have been obtained in 1813 by a bill on the United States treasury?

Answer—I should think not. It is not a usual mode of raising money.

Question, by the same—Do you know of any American or neutral vessels, arriving from the north of Europe or France, during the late war, and without touching in England or obtaining a British license?

Answer—I know of no other except what I have before mentioned.

Question by the court—Did the French assign any other reason, than the impositions which had been practised, for refusing passports?

Answer—The difficulty was general in respect to the interruption by the armies, and peculiar as regarded Americans, but was surmounted in some particular instances.

Question, by the same—From your knowledge of the system pursued by the French police, do you think there would have been any objection on their part to granting Com. Barron a passport?

Answer—I do not know. But my own passport from the governor of Massachusetts would not have been sufficient without the aid of the influence of the house I spoke of at Hamburg?

Question, by the same—When did you leave Copenhagen for the last time, in order to return to the United States, and how long were you in reaching the U. States?

Answer—I left it in July, 1813, and arrived in this country the last of February, 1814.

Question, by the same—What would have been the expense of living at Copenhagen as Captain Barron lived?

Answer—Not more than 8 or 9 Spanish dollars per week.

Question, by the same—Do you know of any applications of Captain Barron, to citizens of the United States, in Europe, for pecuniary means, or voluntary offers on their part of such means?

Answer—I know of none?

Question, by the same—Would it have been difficult for Captain Barron to procure such means from individuals?

Answer—Yes.

Question, by Captain Barron—Were you in a situation to supply him?

Answer—No! And he was as intimate with me as with any other person.

No other witnesses being present, the court taking into consideration the length of time required to obtain the depositions of the witnesses who are to be examined upon interrogatories, some of whom reside at a great distance, adjourned to the 6th day of July, 10 o'clock.

FRIDAY, July 6th, 1821.

The Court met pursuant to adjournment.

Present—Captain Charles Stewart, *President*,
 Captain Samuel Evans, } *Members*.
 Captain Charles Morris, }
Judge Advocate.

Captain James Barron and his counsel appeared, and the Judge Advocate read to the Court the following depositions of witnesses, examined upon interrogatories by consent.

Interrogatories to be administered to John A. Barclay, esquire, of the city of Philadelphia, on the part of Captain James Barron, of the Navy of the United States :

1st. Were you in the Brazils at any, and what time, and how long in the year 1811? If yea; were you at the cities of Pernambuco and Rio Janiero, and how long did you remain at each of those places?

2d. Did you at Pernambuco become well acquainted with Mr. Lyon, the British consul at that port? Were you frequently in his company, and had you free and familiar conversations with him? What was his character? Did you ever hear him say or insinuate that Capt. Barron had, in conversation, or in his presence, used any language disrespectful to his government, or reflecting on them in any manner?

3d. Were you well or intimately acquainted with Mr. Goodwin, who has circulated a report unfavorable to the character of Capt. Barron? Did you live in the same house with him during your stay at Pernambuco, and whose house was it? Had you free and frequent conversations with him? Did he ever mention to you, or in your presence or hearing any thing unfavorable to the character of Capt. Barron as an officer or a man?

4th. Did you become acquainted with Capt. Lewis, of the United States Navy at Rio Janiero? Were you often in his company, and had you frequent conversations with him? Did you ever hear him mention any report unfavorable to Capt. Barron?

5th. Do you believe if such report had been in circulation in Pernambuco or Rio Janiero from your knowledge of, and general acquaintance with, the citizens of the United States and others in those places when you remained in the Brazils, that you would have heard of it during your residence in that country? Did you ever hear of any such report whilst in the Brazils?

5th. Do you know of any other matter or thing that may be of benefit or advantage to Captain Barron? If yea, relate the same fully and at large, as if you had been thereunto particularly interrogated?

Cross-interrogatories, to be administered to John A. Barclay, esquire, of the city of Philadelphia, on the part of the United States :

1st. What was the character of Mr Goodwin and Captain Lewis, for truth and veracity?

2d. Do you know of any other matter or thing, that may be of advantage to the United States in the present enquiry? If yea, state the same fully and at large, as if you had been thereunto particularly interrogated?

H. WHEATON, *Judge Advocate.*

Additional Interrogatories on the part of Captain Barron :

Was Mr. Goodwin a man of warm passions and hasty temper; and when his feelings were excited, was he not extremely violent on political subjects or any thing connected with them? Was he not a decided and warm partizan?

Answers to interrogatories on the part of Captain James Barron of the Navy of the United States.

Answer, to the 1st Interrogatory—I was in the Brazils about 6 months, say from July to December 1811. I was in Pernambuco about 6 weeks, and in Rio Janeiro about 2½ months.

Answer, to the 2d.—I became acquainted with Mr. Lyon in Pernambuco. I was frequently in his company, usually when others were present—the conversation was on general subjects, mostly commercial.—He was a very respectable man, modest and unassuming and rather reserved in conversation.—I never to my recollection heard him say or insinuate that Capt. Barron had, in conversation or in his presence, used any language disrespectful to his government, or reflecting on them in any manner.

Answer, to the 3d.—I was acquainted with Mr. Goodwin; I lived in the same house with him during my stay in Pernambuco.—Mr. M. Crohon occupied the house—he was the consignee of Mr. Goodwin and myself—I had free and frequent conversations with him (Mr. G.)—I do not recollect ever hearing him say any thing unfavourable to the character of Capt. Barron, as a man or an officer.

Answer, to the 4th.—I became acquainted with Captain Lewis of the United States Navy, at Rio Janeiro—I saw him almost every day—there were usually others present.—I never heard him mention any report unfavourable to Capt. Barron.

Answer, to the 5th.—I do believe if such report had been in circulation when I was there, I would have heard of it—I never did to my recollection hear of any such report whilst in the Brazils.

Answer, to the 6th.—I do not.

Answers to the cross-interrogatories on the part of the United States :

Answer, to the 1st.—I never heard any thing to the disparagement of either of the gentlemen in those respects.

Answer, to the 2d.—I do not.

Answer to the additional interrogatory on the part of Captain Barron :

Mr. Goodwin was a man of quick temper, and on political subjects I considered him very ardent.—He was a very warm friend to the then existing administration of the United States.

JOHN A. BARCLAY.

COMMONWEALTH OF PENNSYLVANIA, }
City of Philadelphia, } ss.

Be it remembered, that on this eighteenth day of June, A. D one thousand eight hundred and twenty-one, personally appeared before me, the subscriber, Mayor of the city aforesaid, John A. Barclay, who being duly

sworn according to law, did declare and say that the facts set forth in the foregoing statement and by him subscribed, are as he believes just and true.

In witness whereof I have hereunto set my
 [SEAL] hand and caused the seal of the city, to be
 affixed the day and year above written.

ROBERT WHARTON, *Mayor*.

Interrogatories to be administered to Doct. M. Phillips, of the United States Navy, on the part of Captain James Barron of the same Navy :

1st. Were you in the Brazils at any, and what time, in the year 1811.—If yea, were you at the cities of Pernambuco and Rio de Janiero, and how long did you remain at each of those places ?

2d. Did you at Pernambuco become acquainted with Mr. Lyon, the British consul at that port ? Were you frequently in his company, and had you free and familiar conversation with him ? What was his character ? Did you hear him say or insinuate that Captain Barron had in conversation, or in his presence, used any language disrespectful to his government, or reflecting on them in any manner ?

3d. Were you well or intimately acquainted with Mr. Goodwin, who has circulated a report unfavourable to the character of Captain Barron ? Did you live in the same house with him during your stay in Pernambuco, and whose house was it ? Had you free and frequent conversations with him ? Did he ever mention to you or in your presence or hearing, any thing unfavourable to the character of Capt. Barron, as an officer or a man ?

4th. Did you become acquainted with Capt. Lewis of the U. S. Navy at Rio de Janiero ? Were you often in his company, and had you frequent conversations with him ? Did you ever hear him mention any report unfavourable to Capt. Barron ?

5th. Do you believe if such report had been in circulation in Pernambuco or Rio de Janiero, from your knowledge and general acquaintance with the citizens of the United States, and others, in those places when you remained in the Brazils, that you would have heard of it when you remained in that country? Did you ever hear of any such report whilst in the Brazils?

6th. Do you know of any other matter or thing that may be of benefit or advantage to Capt. Barron? If yea, relate the same fully and at large, as if you had been particularly interrogated thereunto.

Cross-interrogatories to be administered to Doct. M. Phillips of the United States Navy, on the part of the United States :

1st. What was the character of Mr. Goodwin and Capt. Lewis, for truth and veracity?

2d. Do you know of any other matter, or thing, that may be of advantage to the United States, in the present enquiry? If yea, state the same fully and at large, as if you had been thereunto particularly interrogated.

Additional interrogatory on the part of Capt. Barron :

Was Mr. Goodwin a man of warm passions and hasty temper, and when his feelings were excited, was he not extremely violent on political subjects or any thing connected with them? Was he not a decided and warm partizan?

Answers to interrogatories on the part of Capt. James Barron, of the Navy of the United States :

Answer first.—I was in the Brazils about three months, from August to November, 1811.—I was at Rio de Janiero about six or seven weeks.

Answer second.—I saw Mr. Lyon, to the best of my recollection, several times; my opportunities for conversing were so very limited, that I could not form any idea of his character than by general report, which was favourable; to me he appeared, a reserved and unassuming man; I never heard him speak of Commodore Barron.

Answer third.—I knew Mr. Goodwin; saw him frequently at Pernambuco; Mr. Goodwin also went passenger from Pernambuco to Rio de Janiero, in the ship to which I was attached, consequently I had free and unrestrained communication with him; I do not recollect ever hearing him speak of Commodore Barron in terms of disrespect.

Answer fourth.—I knew Captain Lewis intimately; I sailed with him in the ship which he commanded, in June, 1811, on a voyage to the Brazils and China; and at this distant period, I cannot recollect to have heard him speak of Commodore Barron.

Answer fifth.—I never heard the report alluded to, whilst in Pernambuco and Rio de Janiero; I do believe if such report had been in circulation, as my acquaintance was pretty general, particularly with my countrymen, I should doubtless have heard something of it.—The only conversation I had relative to Commodore Barron, was with Mr. M'Crohon, the consignee of the ship Capt. Lewis commanded; he spoke of him in very flattering terms of approbation—and I have a perfect recollection of his saying that Com. Barron was generally esteemed in Pernambuco, by those who knew him, as a man of correct, gentlemanlike, and dignified deportment.—Mr. M'Crohon was a man of very communicative disposition, and I do not in the least hesitate in saying, had any report unfavourable to Commodore Barron existed, he certainly would have informed me of it, knowing that both Capt. Lewis and myself were attached to the United States Navy.

Answer sixth.—I do not.

Answers to the cross-interrogatories on the part of the United States:

Answer first.—During my acquaintance with Mr. Goodwin, I never understood that his veracity was questionable.—From my long and intimate acquaintance with Capt. Lewis, I confidently believe him to have been a man who paid the strictest regard to truth, and of the most scrupulous integrity.

Answer second.—I do not.

Answer to the additional interrogatory on the part of Commodore Barron :

Mr. Goodwin was a very young man, I should suppose about eighteen years of age ; ardent in his feelings, very free in conversation, particularly on political subjects when excited by contradiction ; he was a zealous friend to the then existing administration.

M. PHILLIPS.

CITY OF PHILADELPHIA, ss.

Be it remembered, that on this fifth day of July, A. D. one thousand eight hundred and twenty-one, personally appeared before me, the subscriber, mayor of the city aforesaid, Doctor M. Phillips, who being duly sworn, according to law, did declare and say, that the facts set forth in the foregoing statement, and by him subscribed, are, as he believes, just and true.

In witness whereof, I have hereunto set my
[SEAL] hand, and caused the seal of the city to be
affixed, the day and year above written.

ROBERT WHARTON, *Mayor.*

Interrogatories to be administered to Robert Cary Jennings, esquire, of the Borough of Norfolk, in Virginia, on the part of Captain James Barron, of the Navy of the United States :

1st. Are you intimately acquainted with the situation and circumstances of Captain James Barron, and how long have you known his condition in life, and his private circumstances ?

2d. What has been the profession or calling by which he maintained his family, and what was the state of his fortune, or prospects, when he was suspended from the service and pay of the United States ? From your knowledge, information, or belief, were he and his family dependent on his exertions as a seaman, for their support ? Were his family numerous ?

3d. Was he compelled to embark in the merchant service in order to maintain himself and family? Do you recollect of his sailing in that service early in the year 1812, for Europe, and of his being detained there in consequence of the war with England, from the want of funds, and the difficulty of finding a passage home? What was the situation of his family in his absence? Was it such as absolutely to require his return if it had been within his power, and was it his inability alone that prevented it?

4th. Do you know of any other matter or thing, that may be of benefit or advantage to Captain Barron? If yea, relate the same fully and at large, as if you had been thereunto particularly interrogated.

Interrogatories to be administered to Robert Cary Jennings, Esqr. on the part of the United States:

1st. Please to state particularly what was the nature of the business which carried Commodore Barron to Europe in 1812, and what compensation he was to receive or did actually receive for transacting the same? Whether such business was on his own account or on account of others. What became of the property or funds entrusted to his care, or which he carried out on his own account? What were his resouces or means of living in Denmark.

2d. What were the causes which detained Com. Barron in Europe after the peace with Great Britain.

3d. Do you know of any other matter or thing which may be of benefit or advantage to the United States in the present enquiry? If yea, state the same fully and at large as if you had been thereunto more particularly interrogated.

H. WHEATON, *Judge Advocate.*

Answer to the 1st interrogatory on the part of Capt. James Barron.

I have been long and intimately acquainted with Captain James Barron, his situation, circumstances and con-

dition in life have been known to me, ever since I began to notice either persons or things. I can say with confidence that his private affairs are well known to me.

Answer, to the 2d interrogatory.—His profession has always been that of a mariner, by it he maintained his family before he entered the service of the United States, and when in that service their maintenance depended solely on his pay. When he was suspended by the sentence of the naval court, destitute of all means of supplying their wants in consequence of the suspension of his pay as an officer in the service of the United States, he was necessitated to seek employment in the service of merchants. I, with others, employed him to take charge of a vessel (burthen about one hundred and seventy tons) destined to Pernambuco, in South America. While performing that voyage the greatest part of his wages were paid to his wife, for the support of herself and children during his absence. For economy he rented a plantation near Hampton on which they lived. When he was out of employ I have seen him labouring on this plantation. He has not to my knowledge any landed possessions, and a large and growing family has not permitted him to accumulate but little if any personal property.

Answer, to the 3d interrogatory.—I have already stated that he was compelled to engage in the merchant-service to maintain his family. I know that early in the year 1812, he was employed by Messrs. Armistead and Kelly, to make a voyage to Europe. I know nothing of the particulars of that voyage, as I was no ways interested in it. But from a knowledge of his circumstances, I am satisfied his detention there was not from the want of inclination to return to the United States, but from the want of the means to effect it.

Answer to the 4th interrogatory.—All that I can say in answer to this interrogatory is that I was often in company with Captain James Barron, after the affair of the Chesapeake, and that during the suspension of his services he was in the employ of myself and others, as

I have stated. That during my intercourse with him, and all the conversations with me and with others in my presence, he bore with patience and fortitude the infliction of a hard sentence, without ever uttering any expressions that in any manner could be construed into any charge against the government of the United States, particularly that of having a design by sacrificing him to bring on a war between the U. States, and G. Britain.

I believe that had he entertained such an opinion, from my intimacy with him, he would have expressed it to me.

As to the interrogatories exhibited on the part of the United States, I can answer and say that all the knowledge I have of Commodore Barron, his circumstances and condition in life, and every thing else touching his affairs whether in public or private life, I have stated as fully and clearly as I am able to do in my answers to the interrogatories exhibited on the part of Commodore James Barron, and to which I respectfully beg leave to refer. Were I to answer the interrogatories on the part of the United States, I should be compelled to repeat and to copy word for word the answers already given.

ROBERT C. JENNINGS.

VIRGINIA, *Norfolk borough, to wit:*

I, JOHN E. HOLT, Mayor of the borough aforesaid, do hereby certify, that Robert C. Jennings, personally appeared before me in the borough aforesaid, and made oath on the Holy Evangelists of Almighty God, that the answers before written to certain interrogatories administered on the part of Captain James Barron, of the Navy of the United States, and on the part of the United States, and hereto annexed, contain a full disclosure of the facts that come to his knowledge in reply to the said interrogatories.

Given under my hand and seal, this 23d day of June, 1821.

JNO. E. HOLT, *Mayor.* [SEAL]

Interrogatories to be administered to Robert Cary Jennings, in the borough of Norfolk in Virginia, on the part of Captain James Barron, of the Navy of the United States.

1st. Are you intimately acquainted with the situation and circumstances of Captain James Barron, and how long have you known his condition in life, and his private circumstances.

2d. What has been the profession or calling by which he maintained his family, and what was the state of his fortune or prospects when he was suspended from the service and pay of the United States? From your knowledge, information, or belief, were he and his family dependant on his exertions as a seaman for their support? Were his family numerous?

3d. Was he compelled to embark in the merchant service, in order to maintain himself and family? Do you recollect of his sailing in that service early in the year 1812, for Europe, and of his being detained there in consequence of the war with England, from the want of funds, and the difficulty of finding a passage home? What was the situation of his family in his absence? Was it such as absolutely to require his return if it had been within his power, and was it his inability alone that prevented it?

4th. Do you know of any other matter or thing that may be of benefit or advantage to Captain Barron? If yea, relate the same fully and at large, as if you had been thereunto particularly interrogated.

Interrogatories to be administered to Robert Cary Jennings on the part of the United States.

1st. Please to state particularly what was the nature of the business which carried Commodore Barron to Europe in 1812, and what compensation he was to receive or did actually receive for transacting the same? Whether such business was on his own account, or on account of others? What became of the property or funds entrusted to his care, or which he carried out on

his own account? What were his resources or means of living in Denmark?

2d. What were the causes which detained Commodore Barron in Europe after the peace with Great Britain?

3d. Do you know of any other matter or thing which may be of benefit or advantage to the United States in the present enquiry? If yea, state the same fully and at large as if you had been thereunto particularly interrogated.

H. WHEATON, *Judge Advocate.*

The deposition of William A. Armistead, taken on behalf of Commodore James Barron, before John E. Holt, Mayor of the borough of Norfolk, on the 21st day of June in the year of our Lord 1821, in answer to the interrogatories hereto annexed, propounded to another witness, Robert Cary Jennings, and to be read in evidence before a naval court of enquiry, to be held at the Navy Yard in the state of New York, to enquire into the conduct of the said James Barron.

*In answer to the 1st interrogatory, he says:—*I am intimately acquainted with Commodore James Barron, and have been for upwards of twenty years: and have, during that time, known his condition in life and his private circumstances.

*In answer to the 2d interrogatory, he says:—*Before Commodore Barron entered the Naval service of the United States, he was a seaman by occupation, and maintained and supported his family by this occupation alone. When he was suspended from the service and pay of the United States, I have always understood, and believe that he was without fortune, and that the only means left him for the support of his family, was in the resumption of his occupation in the merchant-service. His family consisted of a wife and five unmarried daughters, who resided in a rented house.

*In answer to the 3d interrogatory, he says:—*He did enter into the merchant-service, as the only means left

him, as I understand, to maintain himself and family. I know that he did go to Europe early in the year 1812, as master of the American merchant ship *Portia*, owned by me, and my deceased partner, George Kelly; and I always understood, and believe, that he was detained in Europe in consequence of the war with England, and for want of means to return to this country. His family during his absence, were in very shattered and distressed circumstances; and required his return if he could have effected it. In the year 1813, the house in which he formerly resided was consumed by fire, and the greater part of the furniture was destroyed. During that year, I remitted in different sums, at various times, to the amount of about two hundred dollars to Mrs. Barron, his wife, for the support and maintenance of his family. I have always understood, and do believe, that he would have returned to the United States, during the war with England, if it had been in his power.

*In answer to the fourth interrogatory, he says:—*I know nothing.

In answer to the first interrogatory on the part of the United States, he says:—

My partner before named, and myself, loaded the ship *Portia* in the month of March, 1812, and gave the command of the vessel to Commodore Barron, and made him supercargo, with instructions to remit part of the funds to our correspondent in London. His compensation was the usual one allowed to Captains in the merchant-service, forty dollars per month and two and an half per cent. commission on the sales. The arrangement was made with him, in my absence, by the late Theodorick Armistead, who entertained, as I did, a great respect for Commodore Barron, and a wish to aid him, as we knew that he had a destitute family. He had no portion of the cargo. The vessel went to sea, about the 5th of April, 1812, and proceeded to Lisbon. She arrived there in the beginning of May, 1812; the cargo was there disposed of, and the pro-

ceeds remitted by Commodore Barron to London, according to our instructions, except a sum, invested by him in a cargo of fruit, &c. with which he sailed in the vessel, and arrived at Gottenburg early, about the 3d of July, 1812. From there permission having been obtained for the purpose, the vessel proceeded with her cargo to Copenhagen. The war with Great Britain there detained him. Our correspondents in London informed us, that believing the vessel might be well employed, they had sent to him at that place, a British license for the vessel, which he refused to accept or sail under. This license was purchased, without our knowledge or consent, by our correspondents; and we refused to pay for it, as being not only unauthorised, but contrary to our wishes. In a letter to us from the said James Barron, dated on the 8th of September, 1812, alluding to the license, he expressed himself in these words: "On no consideration can I be induced to sail under a British license, while I hold my claim to the character of an American citizen; if my destiny deprives me of that character, I must then dispose of myself as fate directs." The vessel was afterwards sold for \$ 7,500 of which sum \$ 7,000 was remitted to us in a bill drawn by George Law on Hugh Thompson of Baltimore; the remaining 500 dollars were retained by Commodore Barron to pay his own expenses, and that of his crew, among whom were four apprentices, one of whom was my brother, and his servant. This is the only money of ours which he had in his possession, and I am not apprised, nor do I believe that he had other means of living in Denmark, unless it was by the exertion of his mechanical talents, and his knowledge of mechanics. The proceeds of the cargo went into the hands of the Danish government, and could not be obtained by Commodore Barron, although I am entirely satisfied he used every means to obtain it, and I mean to make it the subject of a demand through our government. I am perfectly satisfied with the integrity and correctness of Commodore Barron's conduct as an agent.

To the 2d interrogatory, on the part of the United States, he says:—I know nothing.

To the 4th interrogatory, on the part of the United States, he says:—I have no knowledge.

W. A. ARMISTEAD.

STATE OF VIRGINIA,

Borough of Norfolk, to wit:

I, JOHN E. HOLT, Mayor of the borough of Norfolk, do hereby certify, that the foregoing deposition of William A. Armistead, was taken, sworn to, and subscribed before me, in answer to the interrogatories hereto annexed, on the day and year in the caption thereof mentioned.

[L. S.]

In witness whereof, I have hereto set my hand and seal official.

JOHN E. HOLT, *Mayor.*

Interrogatories to be administered to Richard Law, and to William Law, junior, on the part of Captain James Barron of the Navy of the United States.

1st. Were you acquainted with Captain Barron, at any, and what time, and how long, during your stay or detention in Copenhagen, from the year 1810, to the fall of the year, 1814? If yea, what was his situation, business, and conduct there? Was his character and his uniform course in private, and in public, such as to gain him the esteem, respect, and confidence of his countrymen at that place, and of the people generally?

2d. After war was declared by the United States against England, did he on all occasions, speak and act like a genuine American? Did he manifest the feelings of a man, jealous of the honor and sensible of the rights and interests of his country? Did he not appear to rejoice over her victories, and to lament her disasters?

3d. When the term of his suspension expired, was he not extremely anxious to return home? What exertion did he make for the purpose? What embarrass-

ments and difficulties prevented it? Were not his funds and his means very limited? Did not the war and the state of Europe present obstacles almost insuperable? Could he have had any reasonable expectation of reaching the United States, by the way of England? State the difficulties interposed to this course? Could he have landed in England as an American Naval Officer, without being made a prisoner of war? Did not England, in consequence of the United States having seized some of her subjects as hostages, threaten to retaliate on American citizens? If Captain Barron had gone to England without his uniform, would he not have been taken up under the alien system, or perhaps as a spy? Were there any opportunities from the North of Europe that afforded a reasonable prospect of a safe return to the United States, that were known to Captain Barron and within his power?

4th. What were the numerous, and almost insurmountable obstacles that prevented a journey by land from Copenhagen to Bordeaux? State the same particularly? Whether the march and retreat of armies, or the subsequent military occupation of a portion of the country, by the allied forces under the command of the British general, the Duke of Wellington, the rigid military regulations and the severe police, with the great expenses incurred, did not interpose serious obstacles, down to the conclusion of our war with England? What were the few, if any, opportunities there ever offered of attempting a passage to the United States from Bordeaux? Were any of them known to Captain Barron? Or known generally in Copenhagen? Was there a reasonable prospect of effecting his return in any of them, if they had been known to him, in safety to the United States?

5th. Do you know of his writing an official letter to the Navy department, and reporting himself for service, as early as a safe opportunity occurred after his suspension expired? Do you know how difficult it was to

transmit even letters, safely to the United States? And what means were employed for the purpose?

6th. Do you know of his earnest endeavours and exertions he made to obtain a passage in the United States Corvette John Adams? Did he make a journey for that purpose, by the advice of Mr. Clay, from Copenhagen to Gottenburgh?

7th. Do you know of any other matter or thing that may be of benefit or advantage to Captain Barron? If yea, relate the same fully and at large, as if you had been interrogated thereunto particularly?

Cross-interrogatories to be administered to R. Law and W. Law, junior, on the part of the United States :

1st. Were or were not, Denmark and France, and the intermediate countries so allied and connected in the war in 1812 and 1813, that an American officer or citizen might travel in safety from Copenhagen to France, or any where else in the south of Europe, in the years 1812 and 1813.

2d. Was or was not the whole continent of Europe at peace after April, 1814, so that an American officer or citizen might proceed in safety from Copenhagen to France or any where else in the south of Europe?

3d. Was not the civil police of the countries occupied after the peace of Paris, by the allied troops under the command of lord Wellington, left to be regulated by the French authorities? And was there any serious impediment to an American officer or citizen travelling from Copenhagen to any port in France after that time?

4th. Was there or was there not, during the late war between the United States and Great Britain, an active commerce between the United States and France? and were there or were there not frequent, or any, opportunities of taking passage for the United States from the north of Europe, or from some port in France, in fast sailing vessels, either neutral or American? Was there any such opportunities from Gottenburg? Were there

within your knowledge, any American vessels which arrived in the United States in the years 1813 and 1814, from the Baltic, or from Denmark and Sweden, the sailing of which, was publicly known at Copenhagen? If yea, state the same particularly, and from what ports they sailed, and where they arrived?

5th. When and how did *you* return to the United States?

6th. What would have been the expense of travelling from Copenhagen to a port of France, in the bay of Biscay?

7th. Could money have been obtained in the years 1813 and 1814 at Copenhagen, by a bill on the treasury of the United States? And at what rate of exchange or discount, if any? What was the expense of living at Copenhagen?

Answers of Richard Law of New London, to certain interrogatories propounded to him in the matter of Capt. James Barron of the United States Navy, now pending before a court of enquiry at New York.

1. *In answer to the 1st interrogatory*, he saith:— That in the years 1810, 1811, and 1812, he was detained in Copenhagen, in Denmark, in consequence of the capture of a ship, which he then commanded, bound on a voyage from New York to Petersburg. That during said years, he resided most of the time in said Copenhagen. That he there met with said James Barron, who was also there detained under similar circumstances, and occupied in endeavouring to effect the release of his vessel. That deponent was intimately acquainted with said Barron, and his uniform conduct and conversation in public and private, were such at all times as to gain him the respect and confidence of his countrymen, of whom there were many at that place detained by capture. That at the various meetings of the Americans to consult on the proper measures to be pursued in relation to the property committed to their charge and detained by capture; and also at the meetings of

the Americans on national festivals and other occasions, said Captain Barron was uniformly invited to preside, which he did with dignity and politeness.

He was ever strenuously opposed on all such occasions to the attendance of any American who was suspected of not being strictly American in his conduct and operations.

He seemed at all times to pride himself in his country, and manifested great sensibility for her honor and interest. He was also highly respected by the people generally.

2. *To the second interrogatory*, he says:—That on all occasions after war was declared, in June, 1812, so far as deponent heard or knew the said James Barron's conduct and conversation, were such as became a genuine American, jealous of the honor and alive to the feelings and interest of his country.

3d. *To the 3d interrogatory*, he saith:—That during the deponent's detention the said James Barron returned to the United States, and again arrived at Copenhagen on a continued voyage from the United States to Lisbon, and thence to the north (as deponent understood;) his return was about the time the news of the declaration of war reached Copenhagen, say about July 1812. From this time until deponent left that place, which was in the fall of 1812, he was in the habits of intimacy with said Barron, and was pretty constantly in his society. And the said James Barron always expressed the deepest regret at his situation, as he could not be useful to his country. When deponent left him, he, the said Barron, was particularly intimate with Jno. M. Forbes, esqr. our *Charge des affaires* at Copenhagen, who appeared to have a strong regard for said Barron. Almost the only means to secure a passage at that time to America, was by the way of England, which was attended with great expense, or by the route to Paris, which was also difficult and expensive.

4th. *To the 4th interrogatory*, he saith:—That

he cannot say particularly what were the obstacles occasioned by the state of the armies, &c. as he left Copenhagen in the fall of 1812 as stated in his answer to the 3d interrogatory.

5th. *To the 5th interrogatory*, he saith:—He hath no knowledge.

6th. *To the sixth*, he saith:—The same refers to events which took place after he left the country and of which he knows nothing personally.

7th. *In answer to the 7th interrogatory*, he saith:—He knows nothing further than is contained in the preceding answers.

1st. *Cross-interrogatory. In answer to the 1st cross-interrogatory*, he saith:—He knows nothing but from general information, having left the country in the fall of 1812.

2d. *In answer to the 2d cross-interrogatory*, he saith:—The same as in answer to the first.

3d and 4th. *To the 3d and 4th cross-interrogatories*,—he answers the same as to the first cross-interrogatory.

5th. *To the 5th cross-interrogatory*, he saith:—That he returned to America in the Pilot boat Champlin, which was sent by merchants in New York to give information to vessels in the Baltic, of the declaration of war, which boat was consigned or addressed to a kinsman of deponents, named William Law, then in Copenhagen, who confidentially informed deponent that said Pilot boat would touch at Copenhagen on her return from Petersburg, and as a particular favour, offered deponent a passage home in her, which on account of the difficulty of getting a passage home, he embraced, but it was not generally known.

6th. *To the 6th cross-interrogatory*, he saith:—He does not know.

7th. *To the 7th cross-interrogatory*, he says:—He does not know; not being at Copenhagen after the fall of 1812.

STATE OF CONNECTICUT, }
City of New London. } ss.

On this tenth day of June, in the year of our Lord one thousand eight hundred and twenty-one, before me, Jeremiah G. Brainard, one of the Judges of the superior court of the state of Connecticut, personally appeared Richard Law, who being by me duly sworn according to law,—on his solemn oath declared, that the respective answers by him given to the several interrogatories to him propounded in the matter of James Barron, of the Navy of the United States, contain the truth, the whole truth, and nothing but the truth, in relation to the several subjects thereof, according to his best knowledge and recollection;—the interrogatories referred to, are hereunto annexed.

JEREMIAH G. BRAINARD, [SEAL.]

Interrogatories to be administered to Richard Law, and to William Law, junior, on the part of Captain James Barron, of the Navy of the United States.

1st. Were you acquainted with Captain Barron at any, and what time, and how long, during your stay or detention in Copenhagen, from the year 1810, to the fall of the year 1814? If yea, what was his situation, business and conduct there? Was his character and his uniform course in private and in public, such as to gain him the esteem, respect and confidence of his countrymen at that place, and of the people generally?

2d. After war was declared by the United States against England, did he on all occasions speak and act like a genuine American? Did he manifest the feelings of a man jealous of the honor and sensible of the rights and interests of his country? Did he not appear to rejoice over her victories, and to lament her disasters?

3d. When the term of his suspension expired, was he not extremely anxious to return home? What exertions did he make for the purpose? What embarrassments and difficulties prevented it? Were not his funds

and his means very limited? Did not the war and the state of Europe present obstacles almost insuperable? Could he have had any reasonable expectation of reaching the United States, by the way of England? State the difficulties interposed to this course. Could he have landed in England as an American Naval officer without being made a prisoner of war? Did not England, in consequence of the United States having seized some of her subjects as hostages, threaten to retaliate on American citizens? If Captain Barron had gone to England without his uniform, would he not have been taken up under the alien system, or perhaps as a spy? Were there any opportunities from the north of Europe that afforded a reasonable prospect of a safe return to Capt. Barron to the United States, that were known to Capt. Barron, and within his power?

4th. What were the numerous and almost insurmountable obstacles that prevented a journey by land from Copenhagen to Bordeaux? State the same particularly whether the march and retreat of armies, or the subsequent military occupation of a portion of the country by the allied forces, under the command of the British general, the duke of Wellington, the rigid military regulations and the severe police, with the great expenses incurred, did not interpose serious obstacles down to the conclusion of our war with England? What were the few, if any, opportunities there ever offered of attempting a passage to the United States from Bordeaux? Were any of them known to Captain Barron? Or known generally in Copenhagen? Was there a reasonable prospect of effecting his return in any of them if they had been known to him, in safety to the United States? Do you know of his writing an official letter to the Navy department, and reporting himself for service, as early as a safe opportunity occurred after his suspension expired? Do you know how difficult it was to transmit even letters, safely to the United States? And what means were employed for the purpose?

5th. Do you know of the earnest endeavours and exertions he made to obtain a passage in the United States Corvette John Adams? Did he make a journey for that purpose, by the advice of Mr. Clay, from Copenhagen to Gottenburg? Do you know of any other matter or thing that may be of benefit or advantage to Captain Barron? If yea, relate the same fully and at large, as if you had been thereunto particularly interrogated.

Cross-interrogatories to be administered to R. Law and W. Law, junior, on the part of the United States.

1st. Were or were not Denmark and France and the intermediate countries so allied and connected in the war in 1812 and 1813, that an American officer or citizen might travel in safety from Copenhagen to France, or any where else in the south of Europe in the years 1812 and 1813.

2d. Was or was not the whole continent of Europe at peace after April, 1814, so that an American officer might proceed in safety from Copenhagen to France or any where else in the south of Europe?

3d. Was not the civil police of the countries occupied after the peace of Paris by the allied troops under the command of lord Wellington, left to be regulated by the French authorities? And was there any serious impediment to an American officer or citizen travelling from Copenhagen to any port in France after that time?

4th. Was there, or was there not, during the late war between the United States and Great Britain, active commerce between the United States and France? and were there or were there not frequent, or any, opportunities of taking passage for the United States, from the north of Europe, or from some port in France, in fast sailing vessels, either neutral or American? Were there any such opportunities from Gottenburg? Were there within your knowledge, any American vessels which arrived in the United States, in the years 1813 and 1814, from the Baltic, or from Denmark and Sweden,

the sailing of which was publicly known at Copenhagen? If yea, state the same particularly, and from what ports they sailed, and when they arrived.

5th. When and how did *you* return to the United States? What would have been the expenses of travelling from Copenhagen to a port in France, in the Bay of Biscay?

7th. Could money have been obtained in the years 1813 and 1814, at Copenhagen, by a bill on the treasury of the United States; and at what rate of exchange or discount, if any? What was the expense of living at Copenhagen?

Answers to the interrogatories proposed to William Law, jun. on the part of Capt. James Barron, of the United States Navy, hereunto annexed:

Answer to 1st interrogatory, 1st. I was intimately acquainted with Capt. James Barron, from the time of his capture and detention at Copenhagen in the year 1810, until the fall of 1814, being most of the time during that period, in Copenhagen.—Capt. Barron was necessarily detained there in defence of his ship and cargo, until the final condemnation.—After that, he employed himself, part of the time, in perfecting some machinery for rope-making, and improvement on mills, &c.—His character uniformly, both in public and private, was such, as to gain him the esteem and confidence of his countrymen, and the friendship and respect of the people of that place.

2d. On the subject of the war, with England, I never heard him speak but the language of an American, who felt a noble pride in the prosperity and success of his country, and who rejoiced sincerely in her victories, and lamented her disasters; and I believe this was his feeling and language on all occasions.

3d. After the term of his suspension expired, and the war commenced, he often expressed his regret that he was not at home, that he might tender his services to the Navy Department.—He talked often of writing to Bor-

deaux, and other places, for information about the prospect of obtaining a passage to the U. States; and so far as I recollect, he did write for that purpose, but the expense of the journey, and the limited funds he had for the undertaking, appeared to deter him from the attempt; he often mentioned the subject, and appeared embarrassed to know what to do.—The state of the country through which he must pass, to arrive at the ports most frequented by running vessels, also raised doubts in his mind, as he apprehended a chance of some detention, and consequent expense, which he could not calculate or provide for. The plan of going by way of England, was also seriously considered.—It was known that Americans, as merchants, and men of business, could enter that country, and depart without difficulty, but as an officer of the Navy or Army of the United States, no one, I believe, presumed to suppose that they could rely on the same liberality and indulgence. There were reports, indeed; that retaliation would be made by the English government on the citizens of the U. States, for some measures of the American government. I do not recollect any opportunity from the north of Europe, that offered a reasonable probability for his return to the United States, nor any which I think I should have chosen to have availed of for that purpose.

4th. It was considered a disagreeable undertaking by most I believe, to make a journey from Copenhagen to Bordeaux, at least for some part of the time, during the American war. Some Americans, we understood, and believed, were robbed by the Russian Cossacks, and all travellers found difficulties to make their way and often detention and expense; such were the accounts and so we considered the subject. As to the particular difficulties in consequence of the occupation of a part of the French territory by the troops of the duke of Wellington, I am unable to say. We saw accounts of the arrival of American vessels in ports of France, say Bordeaux, Nantz, &c. and I think the ex-

pected sailing of such vessels for the United States, was noticed in the French papers and in letters from France. The chance of reaching the United States in any of such vessels, we knew must depend on the chance of capture or escape. In case of capture, merchants and supercargoes, &c. counted on safety from imprisonment, but no one I believe felt the same confidence that officers of the Navy would be thus exempted. Captain Barron wrote a letter to the Navy department, reporting himself for service; he read the same to me, and stated at the same time, his wish to be called to take his station in the service, and his intention to return to the United States, as soon as he should be able to effect it, or find a conveyance. We considered the chances of forwarding letters to the United States very uncertain, and I wrote sometimes by way of France, but depended mostly on sending letters to England to be forwarded by cartel ships from that country.

5th. Whilst Mr. Clay was in Copenhagen, Captain Barron stated to me his intention of asking his advice or opinion about getting a passage in the United States Corvette John Adams and after that, from some conversation he had with Mr. Clay, he went on to Gottenburg with the hope he might obtain a passage in that ship, but failed and returned to Copenhagen.

Answers to the cross-interrogatories proposed to William Law, jr. in the case of Captain James Barron and the United States.

Cross-interrogatory.—

1st. I believe that in 1812 and 1813, American citizens or officers could travel from Copenhagen to France or most other countries in the south of Europe. I do not think there were any particular restrictions forbidding it by the government, but many forms were required, and interruptions and delays often occurred by reason of police officers, and sometimes robberies by the Russian soldiers or Cossacks.

2d. After April, 1814, the formalities may have

been relaxed, as respected travellers. I do not recollect to have heard how that was, but in October, 1814, on my way to Amsterdam, I experienced less of that vexatious examination through some of the countries, than I had before known.

3d. As to the civil police of any of the countries occupied by the troops under the command of lord Wellington, I know nothing respecting it.

I do not recollect to have heard how it was in France after April, 1814, whether American citizens were allowed to travel with more or less restrictions than before that period.

4th. There were many vessels employed in a trade between the United States and France during the war, and generally I believe they took passengers who offered and would take the chance of war or capture. There were a few of those vessels that arrived in Holland, I think. I do not recollect any that entered the Baltic or arrived in Sweden. I do not now recollect any American vessels that arrived in the United States in 1813 and 1814 from the Baltic, Sweden or Denmark, or that sailed from those ports for the United States. I cannot say but there may have been such, if so, I do not now recollect them or the circumstances of their sailing. Some American vessels sold to Swedes, sailed for the United States during the war, but generally Americans did not like to take passage in such vessels for fear of capture on suspicion of being American property.

5th. I left Copenhagen, I think in October, 1814, for Amsterdam, in hopes to reach the United States in a Cartel from that place. The vessel did not sail, and I went to England and was obliged to wait there for a passage, until the news of the ratification of the treaty with England. My expenses to Amsterdam were heavy. I had to buy a carriage for the journey and give it away when I arrived there, *nearly*. I can only speak from general recollection; I think it cost me from Copenhagen to Amsterdam, as much as \$ 300.

There were no stages or conveyance of that kind through that country, and generally those who travelled at that time, must furnish their own carriage and take post horses. What would have been the additional expense to have gone to Bordeaux, I am unable to calculate.

7th. In 1813 and 1814, so far as I recollect, it would have been difficult to sell bills of exchange of any kind, on the U. States, at Copenhagen.—I do not recollect any one American who had funds to remit, and merchants there, would not willingly have purchased for their own account; of course, there was no exchange known there on the U. States, and in any transaction of that kind, it is impossible at this time, to say, or even judge, what exchange would have been demanded.—All our exchanges were made on Hamburg or London. The expense of living in Copenhagen, generally from 1810 to 1814, was very cheap, particularly in consequence of the fall of Danish money compared with Banco or Sterling, and those disposed, could live even genteely, some part of that time, for one quarter of the expense they generally can do in New York.

WILLIAM LAW, Jr.

STATE OF CONNECTICUT, ss.

Be it remembered, that on this 30th day of May, in the year of our Lord, one thousand eight hundred and twenty-one, personally came before me, the subscriber, one of the Judges of the Superior Court, of the State of Connecticut, Wm. Law, jr. and made solemn oath that the foregoing answers by him subscribed, to the written interrogatories, contain the truth, the whole truth, and nothing but the truth.

WM. BRISTOL, *a Judge
of the Sup'r Court.*

Interrogatories to be administered, to the Hon. Jonathan Russell, on the part of Captain James Barron, of the Navy of the U. States :

1st. Did you see and converse with Captain James Barron, at the city of Gottenburg, in Sweden, in the month of June, 1814; and did he come there from Copenhagen, to obtain a passage home in the U. States corvette John Adams? Did he apply to her commander, Capt. Angus, for that purpose?

2d. Were you consulted, with Mr. Adams, by Capt. Angus, relative to Capt. Barron's application? What opinion was given? Did Capt. Angus decline taking him on board the corvette, in consequence of your opinion?

3d. Was not Capt. Barron desirous of obtaining a passage to the U. States, for the purpose of offering his professional services to his country, in the war with England; and did he not manifest a strong anxiety to return home, and great regret when he was disappointed?

4th. Look at the paper marked A. annexed to these interrogatories, and purporting to be an original letter from you to Capt. Barron at Copenhagen, dated Ghent, August 13th, 1814; did you write and transmit that letter to Capt. Barron, at the time it bears date?

5th. Look at the paper marked B. also annexed to these interrogatories, and purporting to be a copy of a letter from you to Capt. Barron, the original of which, is in the possession of the Court of Enquiry; is it a true copy, according to the best of your knowledge, recollection, or belief?

6th. Do you know of any other matter or thing, that may be of benefit or advantage to Capt Barron? If yea, relate the same fully and at large, as if you had been thereunto particularly interrogated.

Cross-interrogatories, to be administered to the Hon. Jonathan Russell, on the part of the United States :

1. Was, or was not, Denmark in alliance with France, from the time of the British attack on Copenhagen, in 1807, until January, 1814; and were, or were not, the countries intermediate between Denmark and France, under the dominion and influence or controul of the lat-

ter power, until the latter part of the year 1813, so that an American officer or citizen, might travel in safety from Copenhagen to France, or any where else in the south of Europe, in the years 1812 and 1813.

2. Was, or was not, the whole continent of Europe at peace, after April, 1814, so that an American officer or citizen, might proceed in safety from Copenhagen to France, or any where else, in the south of Europe?

3. Was there, or was there not, during the late war between the United States and Great Britain, an active commerce between the United States and France; and were there or were there not, frequent opportunities of taking passage for the United States, from the north of Europe, or from France, in fast-sailing or other vessels, either neutral or American?

4. What would have been the expense of travelling from Copenhagen to any port of France, in the Bay of Biscay?

5. Did Com. Barron apply to you, or any other of the ministers, agents, or officers of the United States, in Europe, to supply him with pecuniary means to return home?

6. Do you know of any other matter or thing, that may be of benefit or advantage to the U. States in the present enquiry? If yea, state the same fully and at large, as if you had been thereunto particularly interrogated.

H. WHEATON, *Judge Advocate.*

Additional Interrogatories on the part of Captain Barron, the same with those for Mr. Adams.

Additional interrogatories to be administered to the Hon. Jonathan Russell, on the part of Capt. Barron:

1. Are you acquainted with the obstacles and impediments to travelling between Denmark and France, in the years 1812, and 1813; and do you know the embarrassments and expenses on the way? If yea, relate the same fully and at large.—Was not intercourse between them, rendered tedious and uncertain, difficult

and expensive, by the state of the war, the march and retreat of armies, the rigid military regulations, and the strict civil police?

2. When the war in Europe ceased, by the capture of Paris, in 1814, and the allied armies occupied France, what was the state of the country afterwards, until the treaty of Ghent? Could a person with limited funds and means, go from Copenhagen by land, to Bordeaux? Were not rigid military regulations, and a strict system of police established, by that portion of the allied armies, which occupied France, and such places as they apprehended were liable to revolutionary movements, during the period they held such military occupation? What was the number of forces kept by the allied powers, for this purpose? By whom were they commanded? Was it by a British general, the duke of Wellington? What was his conduct towards American citizens, so long as war continued between the U. States and England? What was the situation of the French government under Louis XVIII whilst France continued in this vassal state?

3. Do you know of any safe and certain opportunities of a passage for a Naval officer of the U. States, from France? If yea, by what vessels? Were they U. States ships of war, or privateers, or merchant vessels, or were they neutrals? From what ports did they sail? Was their intended departure known, and for how long before they left France? Was Capt. Barron acquainted with any of these opportunities?

4. Were you or any of the ministers of the U. States, furnished with funds to provide for the return home of Captain Barron, or of any officers of the U. States? Or had you any instructions on the subject? If yea, did you make them known?

A.

GHENT, *August 13th*, 1814.

SIR,

I have not, for a moment been unmindful of my engagement to you, but I have not until now been able to

give you, with precision, the information which you desired — I am sorry, indeed, that this information is not of a more satisfactory character. The only persons the British government will allow to go as passengers in the *John Adams*, are those who are attached to, or employed by the mission. There is nothing, therefore, peculiar in your exclusion, a whole *host* of expectants, against whom there could be no reasonable objection, being most grievously disappointed. I pray you to be assured of my disposition to serve you, and I hope that my ill success on the present occasion, may not deter you from commanding me hereafter.

Very respectfully, sir,
Your obedient serv't.
JONA. RUSSELL.

Commodore JAMES BARRON.

(B)

GHENT, 10th October, 1814.

COMMODORE JAMES BARRON.

SIR,

I received some time since, your letter of the 30th of August, and should have given to it an earlier answer, had I not continually indulged an expectation of soon passing Copenhagen on my return to Sweden. I am not, however, more sanguine now in this expectation than I was six weeks ago; and if my silence should be protracted with this negotiation, you would I am afraid have just reason to complain of my inattention.

I communicated to Mr. Adams your letter, and his opinion on the circumstances of your case, accords entirely with my own. With every disposition to be useful to you, we cannot perceive that it is within our competency to give it effect. The cruel situation in which you are placed, as an officer and a man, deeply affects me; and I feel it the more acutely, as I can offer you only regret instead of relief. I sincerely hope that you will be able soon to return to the United States,

and there find an ample indemnity for all your sufferings, in the affections of your family, and the justice of your country.

Very respectfully, your ob't servant,

JONA. RUSSELL.

Jonathan Russell, the respondent, to whom the interrogatories annexed, have been administered on the part of Captain James Barron of the Navy of the United States—

*To the first of said interrogatories, says—*That he did see and converse with Captain James Barron at the city of Gottenburg, in Sweden, in the month of June, 1814, and that the said Barron, then and there stated, to the respondent that he, the said Barron, had come thither from Copenhagen, to obtain a passage home in the United States Corvette John Adams; the said Barron also asserted that he had already applied to her commander, Captain Angus, for this purpose; and this assertion was confirmed by Captain Angus.

*To the second of said interrogatories the said respondent says—*That the Corvette aforesaid was considered to be placed by the government of the United States, as to her employment and destination, under the direction of Henry Clay, esqr. and of the respondent, the two ministers plenipotentiaries and envoys extraordinary who embarked on board her at New York, and that the said envoys and Captain Angus acted accordingly. On the return of the respondent from Stockholm to Gottenburg, at the time above mentioned, Mr. Clay had already departed thence to proceed by land to Ghent, the new destination of the contemplated negotiation. Mr. Adams was at Gottenburg, and had, as the respondent was informed, been applied to by Captain Barron for a passage on board the aforesaid Corvette, but had declined giving or refusing such permission, because he professed to consider himself a passenger by courtesy only, having no direct authority

from his government in relation to the disposition of that ship, and from this cause, he referred Captain Barron exclusively to the respondent, in the absence of his colleague, Mr. Clay, for a decision. The respondent on the application accordingly made to him by Captain Barron, distinctly stated his opinion that Captain Barron could not be permitted to embark on board the *John Adams*, consistently with good faith, because that ship sailed under a special cartel of the British government for a *pacific object*, and he, Captain Barron, was an officer in the American Navy, and avowedly anxious to return to his country to take an active part in the war then existing against Great Britain, and thus to have allowed him to embark on board the *John Adams*, in such a character, and for such an *hostile purpose*, would have been a violation of the cartel. In the correctness of this opinion Captain Barron, although with evident disappointment and chagrin, acquiesced, and the respondent believes that Captain Angus declined taking him, the said Barron, on board in conformity to that opinion.

To the 3d interrogatory, although already substantially answered, the respondent says, yea.

To the 4th interrogatory—the respondent having first looked at the paper, marked A. annexed to the aforesaid interrogatories, says, that he did write, and transmit to Captain Barron, at Copenhagen that letter dated 13th August, 1814, at the time it bears date.

To the 5th interrogatory—the respondent, having first looked at the paper, marked B. annexed as aforesaid, says, that according to his best recollection and belief, it is a true copy of a letter written by him to Captain Barron.

To the 6th interrogatory—the respondent says, that he knows of no other matter or thing, save only what may be stated by him in answer to the cross-interrogatories on the part of the United States, or in answer to the additional interrogatories on the part of Captain

Barron, that may be of benefit or advantage to him, the said Barron.

The respondent, to whom have been administered the annexed cross-interrogatories on the part of the United States, to the first of these interrogatories says :—

That from the year 1807, to about the commencement of the year 1814, there was an alliance or other intimate and friendly relation between Denmark and France, and that from the year 1809, until the commencement of the year 1813, the countries *directly* intermediate between Denmark and France, were under the influence, and directly or indirectly, under the dominion, of France ; but the respondent is not aware that these circumstances rendered travelling more safe for an American officer or citizen, in the years 1812 and 1813, from Copenhagen to France, or any where else in the south of Europe, the respondent having in 1810 passed three several times between Copenhagen and Paris, and always found the police, at the different stations, vexatious precisely in proportion to its subserviency to France.

To the 2d cross-interrogatory the respondent says :— That the whole *continent* of Europe, saving perhaps Hanover and the other continental dependencies of Great Britain, was at peace after April, 1814, until the following spring ; but the roads between Copenhagen and France, or any other place in the south of Europe were not, on *that account* for at least some time after the said April, more safe for the traveller than in a state of actual war. The times were unsettled, and without there being less vexation from the police, there was less protection. The allied troops were marching homeward, licentious from victory and with less observance of discipline and subordination than is usual in the presence of an enemy. The respondent arrived at Ghent about the 24th June, 1814, and there was still a body of Prussian troops there, and who did not proceed homeward until some days thereafter.

To the third cross-interrogatory, the respondent says, That he does not remember or believe, that during the late war between the United States and Great Britain, there was an active, that is, an extensive commerce, between the United States and France, and he knows of no *frequent* opportunities of taking passage from the north of Europe or from France for the United States, in fast sailing or other vessels, either neutral or American.

To the fourth cross-interrogatory the respondent says, That the expense of travelling from Copenhagen to any port of France in the bay of Biscay, must depend on the manner of travelling, independent of accident or wilful detention. He does not believe that such a journey could be performed decently and comfortably for a less sum, including the necessary expense for a vehicle than from five to seven hundred dollars.

To the fifth cross-interrogatory, the respondent says, That he does not recollect that Captain Barron applied to him for pecuniary means to return home, and he is not acquainted with any such application to any other ministers, agents, or officers of the United States in Europe; and he believes that no such application, if made, could have been successful, because the joint mission, of which the respondent was a member, had no authority whatever in this respect, and other ministers, agents, or officers of the United States, are limited by the general law herein, to the relief of *distressed seamen*, which law has been generally, and it is believed, universally construed, to embrace strictly *common sailors* only, and not commanders, masters, or other officers whatever.

To the sixth cross-interrogatory, the respondent says, That he knows no other matter or other thing that may be of benefit or advantage to the United States in the present enquiry.

The respondent, to whom have been administered the additional interrogatories hereto annexed, on the part

of Captain Barron, to the first of these interrogatories says,—

That not having been on the *continent* of Europe during the years 1812 and 1813, he is not particularly acquainted with the obstacles and impediments to travelling between Denmark and France, nor with the embarrassments and expenses of the way *peculiar* to to that period.

To the second additional interrogatory, the respondent says,—

That to the best of his recollection the allied armies after the capture of Paris in 1814, occupied France no longer than was necessary for its convenient evacuation; and that they, in fact, entirely evacuated it as early as the month of July in that year; there being thus, during the period specified in this interrogatory, strictly no foreign army of occupation in France, there was, of course, no general commanding it; and the Duke of Wellington was then the British ambassador near the French court, and continued to be so until about the beginning of February following, when he was sent by his government to assist at the Congress of Vienna. The foreign army of occupation which was afterwards commanded by the Duke of Wellington, was not established near the French frontier until the summer of 1815, after the return of Bonaparte from Elba, and his final downfall.

The respondent is not acquainted with any want of courtesy in the Duke of Wellington toward American citizens, either while the war continued between the United States and England, or at any other time. The respondent knows of nothing in the situation of the government of France between the month of April, 1814, and the signature of the treaty of Ghent of the same year, which could impair the security of an American citizen in that country, although the great influx of foreigners thither, enhanced very much, to them, the expense of travelling or residing there.

The respondent has already stated his opinion of the expense of a journey from Copenhagen to a port in the bay of Biscay, and thence of necessity a person whose funds or means were not adequate to that expense could not perform that journey in the manner stated.

To the third additional interrogatory, the respondent says,—

That he knew of no safe and certain opportunities of a passage for a naval officer of the United States from France to the said United States, during the period herein specified.

To the fourth additional interrogatory, the respondent says,—

That he had neither funds nor instructions from the American government to provide for the return home of Capt. Barron, or of any officer of the United States, nor does he know that any other of the ministers of the United States had such funds or instructions.

JONA. RUSSELL.

Worcester ss. June 13th, 1821. Personally appeared the above named Jonathan Russell, and made oath to the truth of the foregoing answers by him subscribed.

Before me,

WARREN RAWSON.

Justice of the Peace.

Interrogatories to be administered to the Hon. John Q. Adams, on the part of Captain James Barron of the navy of the United States :

1st. Did you see and converse with Captain James Barron at Gottenburg, in Sweden, in the month of June, 1814, and do you recollect his reasons for coming to that port from the city of Copenhagen, in the kingdom of Denmark ?

2d. Was he anxious to obtain a passage to the United States in the Corvette John Adams, and did he apply to Captain Angus, the commander of that ship, for the purpose ?

3d. Are you acquainted with his motives and object in returning to the United States, if he could have procured a passage? Did he express at the time, to you, his eager wish to get home, and his earnest desire to offer his professional services to his country in the war with England, in which she was then engaged?

4th. Did Capt. Angus apply to yourself and Mr. Russell for your opinions and advice, on the subject of Capt. Barron's application to him for a passage in the Corvette? If yea, what opinion did you give him? Were you not reluctantly compelled to say that the cartel granted to the John Adams would not admit of it? And was not Capt. Angus otherwise disposed to allow a passage to Capt. Barron?

5th. When Captain Angus, agreeably to your advice, declined giving Captain Barron a passage, did you understand that he was greatly disappointed. And did Captain Barron inform you that he had made the journey from Copenhagen to Gottenburg, with no other purpose than that of obtaining a passage home in the John Adams?

6th. Do you know of any other matter or thing that may be of benefit or advantage to Capt. Barron? If yea, relate the same fully and at large, as if you had been thereunto particularly interrogated.

Cross-interrogatories to be administered to the Hon. John Quincy Adams on the part of the United States:

1st. Was or was not Denmark in alliance with France from the time of the British attack on Copenhagen in 1807, until January, 1814; and were or were not the countries intermediate between Denmark and France, under the dominion or influence and controul of the latter power until the latter part of the year 1813, so that an American officer or citizen might travel in safety from Copenhagen to France in the years 1812 and 1813?

2d. Was or was not the whole continent of Europe at peace after April, 1814, so that an American officer

or citizen might proceed in safety from Copenhagen to France, or any where else in the south of Europe?

3d. Were there or were there not, during the late war between the United States and Great Britain, opportunities of taking passage for the United States, from the north of Europe, or from France, in fast sailing vessels, either neutral or American?

4th. What would have been the expense of travelling from Copenhagen to any port of France in the bay of Biscay?

5th. Did Commodore Barron apply to you, or any of the other ministers, officers, or agents of the United States in Europe, to supply him with pecuniary means to return home?

H. WHEATON, *Judge Advocate.*

Additional interrogatories to be administered to John Q. Adams on the part of Captain Barron:

1st. Are you acquainted with the obstacles and impediments to travelling between Denmark and France in the years 1812 and 1813? And do you know the embarrassments and expenses on the way? If yea, relate the same fully and at large. Was not intercourse between them, rendered tedious and uncertain, difficult and expensive by the state of the war, the march and retreat of armies, the rigid military regulations, and the strict civil police?

2d. When the war in Europe ceased, by the capture of Paris, in 1814, and the allied armies occupied France, what was the state of the country afterwards, until the treaty of Ghent? Could a person with limited funds and means go from Copenhagen by land to Bordeaux? Were not rigid military regulations and a strict system of police established by that portion of the allied armies which occupied France, in such places as they apprehended were liable to revolutionary movements during the period they held such military occupation? What was the number of forces kept by the allied pow-

ers for this purpose? By whom were they commanded? Was it by a British general, the duke of Wellington? What was his conduct towards American citizens so long as war continued between the United States and England? What was the situation of the French government under Louis XVIII, whilst France continued in this vassal state?

3d. Do you know of any safe and certain opportunities of a passage for a Naval officer of the United States from France? If yea, by what vessels? Were they United States ships of war, or privateers, or merchant vessels, or were they neutrals? From what ports did they sail? Was their intended departure known, and for how long before they left France? Was Capt. Barron acquainted with any of those opportunities?

4th. Were you or any of the ministers of the United States furnished with funds to provide for the return home of Captain Barron or of any officers of the United States? Or had you any instructions on the subject? If yea, did you make them known?

Answers of John Quincy Adams to the interrogatories and cross-interrogatories administered to him, in the case of Captain James Barron of the Navy of the United States, before a court of enquiry held in May, 1821, at New York. The certificate, a copy of which here follows, was given by the said John Quincy Adams to Captain Barron on the 22d of February, 1819, and contains the answer of the said Adams to the first, second, third, fourth and fifth interrogatories on the part of Captain Barron. The deponent knows nothing further, applicable to the subject of enquiry, and to the benefit or advantage of Captain Barron except as hereafter stated.

WASHINGTON, 22d February, 1819.

I hereby certify, that on the eleventh of June, 1814, I embarked in company with Mr. Jonathan Russell, in the United States ship John Adams, Captain Samuel Angus, at Gottenburg; whence we proceeded to the

Texel. There Mr. Russell and I landed and proceeded by land to Ghent, and shortly afterwards the John Adams returned to the United States. That on the day when we embarked at Gottenburg Captain James Barron did apply to Captain Angus for a passage on board of that vessel to the United States. That Captain Angus declaring himself entirely disposed to give a passage to Captain Barron, referred him to Mr. Russell and myself for the opinion, whether this could be done consistently with the cartel flag under which the ship was then sailing. That Captain Barron then stated to me, that his motive for wishing to return to the United States at that time, was his earnest desire to offer his professional services to his country, in the war in which she was engaged, and to claim employment, in the station to which he was entitled in the Navy; that Mr. Russell and myself highly approving the motive of Captain Barron, nevertheless felt ourselves compelled, though with reluctance, to give it as our opinion to Captain Angus, that he could not consistently with his cartel, give a passage to Captain Barron, which Captain Angus, accordingly declined, to the great disappointment, as I understood, of Captain Barron. He informed me that he had made the journey from Copenhagen to Gottenburg, with no other purpose than that of obtaining his passage home in the above mentioned vessel.

JOHN QUINCY ADAMS.

Answers to the cross-interrogatories: to the 1st,— Denmark was in alliance with France, from 1807, to the beginning of the year 1814. In 1812 or 1813, an American officer, might have travelled from Copenhagen to France; but not without great difficulty and some danger: all the ordinary passages between the Island of Zealand, in which Copenhagen is situated, and the European continent having been at that time blockaded by the Naval forces of Great Britain.

*To the second.—*After April, 1814, there could have

been no obstacle in the state of European affairs, which, to my knowledge, could have prevented an American officer or citizen from travelling, in safety between Copenhagen and France, or any place in the south of Europe.

To the third.—I have no personal knowledge of any opportunities of taking passage during the war between the United States and Great Britain from the north of Europe or from France in *neutral* vessels. The very purpose for which Capt. Barron might have embarked in a neutral vessel, would have been an objection to receiving him as a passenger. In the year 1813, there were several vessels which came from various ports of France to the United States, under American colours with letters of marque. And Mr Crawford went to France in the United States' armed ship *Argus*: on the return of which Captain Barron might have taken passage had he been in France.

To the fourth.—The expense of travelling from Copenhagen to any port of France in the bay of Biscay, would have depended very much on the *manner* of travelling. It is not unusual in Europe for persons to travel with one or more companions who share the expenses of post horses, and there are occasionally persons who advertise for such companions. By taking advantage of such opportunities, and of public stages or diligences, I suppose a sum equal to one hundred dollars might suffice for such a journey; but without some such economical expedients, it might have cost three or four times as much.

To the fifth.—Commodore Barron did not apply to me, nor so far as I know, to any other minister, officer, or agent of the United States in Europe, to supply him with pecuniary means to return home.

Answers to the additional interrogatories on the part of Captain Barron,

To the first.—The regulations of police concerning travellers, were very strict in 1812 and 1813, in every

part of Europe; but with suitable passports, I know not of any difficulty except the passage of the Belts which Captain Barron would have met in 1812, or the first quarter of 1813, in going from Copenhagen to any part of France. The expense of travelling might have been more than usual, but of this I have no personal knowledge. From April, 1813, to April, 1814, the communications were exceedingly obstructed by the movements of the armies and the state of war.

To the second.—After the month of April, 1814, there was not, to my knowledge, any obstacle which could have prevented an American citizen from travelling from Copenhagen to any part of France. From May, 1814, until the end of the year, Europe was in peace; and the allied troops were withdrawn from France. The Duke of Wellington had taken Bordeaux in March, 1814, and seized all the American vessels then in the river. After that time, I was not knowing to any opportunity by which Captain Barron could have embarked in any French port for the United States.

To the third.—I refer to my answer to the third cross-interrogatory: I know not how long the intended departure of the letters of marque which came from France to the United States, in 1812 and 1813, was known before they sailed. I presume none of these opportunities could have been known to Captain Barron at Copenhagen, in time to have availed himself of it.

To the fourth.—I was not, nor was, to my knowledge, any other minister of the United States furnished with funds to provide for the return home of Capt. Barron, or of any officer of the United States. Nor had I any instructions on the subject.

JOHN QUINCY ADAMS.

Sworn and subscribed to, this 22d June, 1821, before

R. S. BRISCOE,

Justice of the Peace.

Interrogatories to be administered to the Hon. Henry Clay, on the part of Captain James Barron, of the United States' Navy :

1. Did you meet with Captain James Barron in the summer of 1814, in the city of Copenhagen, in the kingdom of Denmark? If yea, do you recollect the particular month or time?

2. Did he then express to you considerable anxiety to return to the United States for the purpose of serving his country in the war with England; and did he consult you as to the best mode of effecting that object?

3. Do you recollect to have advised him to go to Gottenburg, in Sweden, where the United States' corvette, John Adams then was, and to endeavour to obtain a passage home in her?

4. Do you know of any other matter or thing that will be of advantage to Captain James Barron? If yea, state the same as fully as if you had been thereunto particularly interrogated.

Cross-interrogatories to be administered to the Hon. Henry Clay, on the part of the United States :

1. Was or was not the corvette John Adams, a cartel ship sailing under a pass from the British government, with the ministers of the United States on board? Or under some other permission from the British government?

2. Did or did not such pass or permission limit the protection of the flag of truce to the officers and crew of the ship, and the members of the legion, or any other, and what persons?

3. Could Com. Barron have been allowed to embark on board said corvette for the United States without infringing her pass and the privileges of the flag of truce?

4. Was or was not Denmark in alliance with France from the time of the British attack on Copenhagen, in 1807, until January, 1814, and were or were not the countries intermediate between Denmark and France, under the dominion or influence and controul of the lat-

ter power, until the latter part of the year 1814, so that an American officer or citizen might travel in safety from Cöpenhagen to France in the years 1812 and 1813?

5. Was or was not the whole continent of Europe at peace after April, 1814, so that an American officer or citizen might proceed in safety from Copenhagen to France, or any where else in the south of Europe?

6. Were there or were there not, during the late war between the United States and Great Britain, opportunities of taking passage from the north of Europe, or from France, in fast sailing vessels (either neutral or American) for the United States?

H. WHEATON,
Judge Advocate.

Additional interrogatories on the part of Captain James Barron :

1. Had Captain Barron any other knowledge of the terms of the cartel granted to the John Adams, than that derived from yourself when you advised him to go to Gottenburg to obtain a passage in her?

2. Were not the countries between France and Denmark, in consequence of the war between the European powers, in such a state from the rigid military regulations and strict police, as to prevent the ordinary intercourse with France, and from the great embarrassments and expenses incurred, to exclude almost travelling between France and Denmark, unless by governmental messengers or military couriers, in the years 1812 and 1813, according to the best of your information?

3. When did you arrive on the continent of Europe, and how long did you remain there?

4. What was the situation of Captain Barron when you saw him at Copenhagen? Was he in such circumstances as would have enabled him to bear the expenses of a circuitous journey and voyage home, and did he appear to possess the funds or the means?

Interrogatories to be administered to the Hon. Henry Clay on the part of the court of enquiry :

1. What would have been the expenses of travelling from Copenhagen to Bourdeaux, or some other port in the bay of Biscay ?

2. Did Com. Barron inform you that he was destitute of the pecuniary means of getting home ? And if yea, did he request assistance of that kind from any of the officers or agents of the United States ?

3. Was any such assistance voluntarily offered by these officers or agents to Com. Barron ?

The deposition of Henry Clay, taken the fifth day of June, 1821, before Robert Trimble, judge of the court of the United States for the Kentucky district, to be read as evidence to the court of enquiry, ordered by the Navy department, into the conduct of Captain James Barron, in answer to certain interrogatories to the said witness in writing, propounded on the part of the said Captain Barron, on the part of the United States, and on the part of the said court of enquiry respectively. Being first sworn according to law, the said deponent saith, in answer to the first interrogatory on the part of Captain Barron,—

That he did meet with Captain Barron in the month of June, 1814, in the city of Copenhagen, in Denmark.

To the second,—That he did express considerable anxiety to return to the United States of America : and the deponent thinks that he manifested a wish to return for the purpose of engaging in behalf of his country, in the war then existing with Great Britain : and he did consult with the deponent as to the best mode of effecting his return.

To the third,—That he did advise the said Captain Barron to proceed to Gottenburg, in Sweden, where the United States Corvette John Adams then lay, and to endeavour to obtain a passage in her to the U. States.

To the fourth,—The deponent believes that prior to his going to Copenhagen, he had heard, (probably

through Mr. Forbes, then American consul at that city) of Captain Barrou's wish to get a passage in the John Adams home. Upon the deponent's arrival in that city, he learnt, he believes from Mr. Forbes, that the Captain was poor and needy. The impression was somehow made on the deponent's mind that the Captain felt intensely what he supposed was the injustice of the sentence pronounced against him on the occasion of the affair of the Chesapeake; and that he entertained apprehensions that a continuance of that injustice might obstruct his restoration to his command. His whole conduct and situation, as far as the deponent understood them at Copenhagen, were such as to interest the deponent's sympathies strongly in his favor.

To the first cross-interrogatory, on the part of the United States,—

The corvette John Adams, was a cartel, sailing under a pass from the American and British governments, with Mr. Russell and the deponent on board, two of the ministers to treat with Great Britain of peace. She was bound to Gottenburg. When the seat of negotiation was transferred to Ghent, the deponent proceeded to the latter place by land, leaving the corvette at Gottenburg to obey the orders of Messrs. Adams and Russell, who he expected would sail in her to Amsterdam.

To the second,—He does not recollect the terms of the pass. He presumes, however, that they did limit her, or that it was understood between the two governments, that she was to be limited to the purposes of the mission.

To the third,—He says that it must depend upon the pass and the public law.

To the fourth and the fifth,—He says that they involve matters of general history, respecting which, the deponent has no peculiar knowledge.

To the sixth,—He says he does not possess any particular information. He believes there was great difficulty in an American citizen getting a passage during

the war with Great Britain, from the north of Europe. There was less in getting one from the south of France.

To the first additional interrogatory, on the part of Captain Barron,—He says, that he does not know or believe that Captain Barron, when he took the deponent's advice at Copenhagen, did possess any particular knowledge of the terms of the cartel, other than that derived from the deponent. He does not recollect that the circumstance of his being an officer in the Navy of the United States was particularly mentioned.

To the second,—He does not possess any particular information on the subject of this interrogatory. He supposes in the year 1812 and part of 1813, a journey might have been performed without much embarrassment, from Copenhagen to France. Towards the latter part of the year 1813, and early in 1814, it would have been troublesome as he apprehends, if practicable, by an American citizen.

To the third,—The deponent arrived from America at Gottenburg in April, 1814. He left Gottenburg in June of the same year,—reached Ghent in the latter part of that month, or in the first of July,—remained there until January, 1815,—went to Paris in January, 1815,—left it in March, and passed over to England, and sailed from Liverpool for America in August, 1815.

To the fourth,—He has already answered this in substance:—He does not think that Captain Barron communicated his situation to the deponent. His information respecting it was derived from others. He understood him to be without much means; and he appeared to be distressed and unhappy.

To the interrogatories on the part of the court of enquiry.—

To the first,—The expenses of travelling from Copenhagen to Bordeaux, or some other port in the bay of Biscay, would have depended upon the mode of travelling. If in the public vehicles, he presumes it would have been between two and three hundred dollars.

To the second,—Captain Barron did not communicate to the deponent, as far as he recollects, any thing about his pecuniary condition. He requested no assistance from the deponent of a pecuniary kind. Whether he did or not of any other person, the deponent does not know.

To the third,—He does not know whether any such assistance was or was not offered voluntarily by any of the officers or agents of the United States. The deponent did not offer any.

H. CLAY.

KENTUCKY, *sc.*

The foregoing deposition was taken the day and year first mentioned, at Frankfort, before the subscriber, Judge of the United States, for the Kentucky district, the deponent being first sworn according to law; all which is certified.

ROBERT TRIMBLE.

SATURDAY, *July 7th*, 1821.

The court met.—Present as on yesterday.

No witnesses being present the court adjourned to Monday, 10 o'clock.

MONDAY, *July 9th*, 1821.

The court met.—Present as on Saturday.

Benjamin Homans, esquire, chief clerk in the Navy department, a witness, produced on the part of Captain Barron, was sworn and examined.

Question, by Captain Barron—Do you recollect whether Captain Barron called at the Navy office, early in December, 1818, soon after his arrival in this country, and before he had visited his family, and reported himself for service?

Answer—I recollect Captain Barron's, visiting the department, some time in the latter part of the year 1818, soon after I heard of his arrival in this country.

Question, by the same—Did you afterwards introduce him in the war office, to the hon. John C. Calhoun, Secretary of war, and then acting temporarily in the Navy department, as an officer of the Navy of the United States, and a post Captain in their service?

Answer—I introduced Captain Barron, by name, to Mr. Calhoun, then acting as Secretary of the Navy, and left him in the room with Mr. Calhoun, and on his return, I understood from Captain Barron, that his object was to report himself to the department.

Question, by the Judge Advocate—Did Commodore Barron, report himself at any other and what time, before the year 1818, after his letter to the Secretary of the Navy, dated Copenhagen, July 22d, 1813?

Answer—There was no communication from Captain Barron, subsequent to his letter of July 22d, 1813, until the year 1818; that letter was received by duplicates, at about a month or six weeks distance from each other.

Question, by the same—Is it usual in the course of office, to give officers of the Navy, special or particular orders in foreign countries, unless they are there in command of their ships?

Answer—I have never known an instance of it.

Question, by the same—Can an officer, not already in command of a ship or squadron, receive orders from the Navy department unless he reports himself within the United States?

Answer—I know of no such practice.

Question, by Captain Barron—Was any answer ever given or transmitted to Captain Barron's report and application for service, of the date of July 22d, 1813?

Answer—No answer was given to Captain Barron's letter and application for service of the 22d July, 1813.

Question, by the same—If an officer of the Navy happens to be absent from the United States in time of war, or when it commences, and the department know or are informed of the place of his temporary residence, would not orders be transmitted for his return, if his services

were required by the department. Or would not the ways and means be provided for his return, if government designed to employ him, on his arrival, and more especially when he had reported himself to the department for service?

Answer—I conceive it would depend upon circumstances and the necessities of the service at the time?

Question, by the same—How long have you been in the Navy office? Has the department any established usage on the subject of giving orders to officers out of the United States, whether in command of a ship or not?

Answer—I entered the Navy department on the 4th of March, 1813. There is no established usage on the subject; but I know of no instance of such orders having been given?

Question, by the same—Was any general order or proclamation, issued in consequence of the war with England, for officers of the navy, absent from the country, to return?

Answer—No such general order or proclamation as that enquired about was issued. A proclamation was issued by the President, which is herewith handed to the court, and annexed to the proceedings marked F.

Question, by the same—Do you know or believe that Captain Barron would have been employed in the naval service, in case he had been so fortunate as to have obtained a passage home?

Answer—I can only answer that question by stating the fact;—I know that at that period there were several Captains in the Navy unemployed. I know nothing of the disposition of the department in respect to Capt. Barron being employed.

Question, by the Judge Advocate—Had Captain Barron any permission or leave of absence from this country from the Navy department at any time from the date of his suspension to the year 1818 inclusive.

Answer—There is no such permission on record as that enquired of.

Question, by the same.—Did Captain Barron report himself in writing to the Department, at any time after his return to this country?

Answer—Captain Barron did not report himself in writing to the department after his return.

Question, by Captain Barron—Is it usual when an officer appears to report himself *personally* to the department, to report also in writing.

Answer—I have suggested it recently to junior officers as most proper, but did not suggest it to Captain Barron, as he was then a stranger to me, I could not take the liberty with him. There is no usage or rule which requires an officer to report in writing, but I have suggested it to junior officers for the sake of convenience, since the period when Captain Barron reported himself.

Question, by the court—When an officer is suspended by the sentence of a court martial, is he by usage, considered as at liberty to dispose of himself without reference to the department?

Answer—There is no usage on the subject, and no instance that I am acquainted with of application for leave of absence from the country having been made under such circumstances.

The following paper was then read to the court by the Judge Advocate, at the request of Captain Barron:

Mr. President, and gentlemen of the court,

The testimony which I have at present to adduce, is now concluded; and I cheerfully submit it to your consideration without a single remark. The text requires no comment. Much more could be added if further time were to be occupied with this investigation. But I cannot reconcile it to my feelings, to ask the indulgence of another postponement; because I consider it wholly unnecessary, believing that the testimony already exhibited, must be satisfactory and conclusive on both grounds of enquiry, stated in the precept for assembling

this court. Indeed I fear, to offer any farther proof, in so plain a case, might be deemed a tresspass on your time and patience, if not an insult to your understandings. I am unwilling therefore to delay longer a decision, unless contrary to my expectation, there should remain a doubt, on any point, on the mind of any member of this court, in which event, I respectfully solicit a candid disclosure, and desire an opportunity of removing it, by further explanation or additional testimony, of which I have an abundance, even from recent information.

My character, reputation and honor, much dearer to me than life, and all my future prospects, are involved in your determination. But buoyed up by conscious innocence, and an ardent zeal for the cause, and service of my country, I am induced to think there can be no reasonable grounds for apprehension as to the result.

With great confidence in the integrity, independence, and impartiality of this tribunal, I shall await their decision.

JAMES BARRON.

New York, July 10th, 1821.

The Court adjourned to to-morrow at 10 o'clock.

TUESDAY, July 10th, 1821.

The Court met.—Present as on yesterday.

The Court adjourned to Friday 10 o'clock.

FRIDAY, July 13th, 1821.

The Court met pursuant to adjournment.

Present—Captain Charles Stewart, *President*,
 Captain Samuel Evans, } *Members.*
 Captain Charles Morris, }
 Henry Wheaton, esqr. *Judge Advocate.*

The minutes of the proceedings, and the evidence with the accompanying documents, were read by the Judge Advocate, and the Court proceeded to deliberate on the

case, and after carefully considering the testimony agreed upon the following

STATEMENT:

The Court having proceeded to examine into the matters stated in the warrant from the honourable the Secretary of the Navy, dated the twentieth day of March, one thousand eight hundred and twenty one, do report the following statement thereof as it appears to them:

It appears to the Court, that Captain James Barron was, by sentence of a Court Martial, bearing date the 8th day of February, one thousand eight hundred and eight, suspended for five years from his pay and emoluments, and from the service of the United States. That the two letters accompanying the said warrant, and annexed to their proceedings, being a letter from William Lewis, esqr. to Charles W. Goldsborough, esqr. dated Pernambuco, September 7th, 1811, marked A. and a letter from Mr. Thomas P. Goodwin, dated March 4th, 1819, to the Secretary of the Navy, marked B. were written by the persons whose signatures they bear, and received by the persons to whom they were addressed. That the said William Lewis has since deceased, being supposed to have been lost in the United States' brig Epervier, on her return home from the Mediterranean, in the year 1815; and that the said Thomas P. Goodwin also died some time in the month of January, 1820, at the Havana. That the said letters, (containing allegations that the said Captain James Barron, during his suspension, being at Pernambuco, did make to Mr. Lyon, British consul at that place, certain declarations and representations respecting the President and government of the United States, highly improper and unbecoming an officer of the United States,) were communicated by the Navy Department to the said Captain James Barron for explanation, and copies thereof delivered to him in 1819, soon after his return to the United

States. That Captain Barron passed through Baltimore in the spring of the year 1819, where the said Goodwin then was ; but whether Captain Barron saw the said Goodwin, does not appear to the Court by the testimony ; and it is stated by Captain Barron that he did not.

That it appears to the Court, that the said William Lewis was a man of the strictest honour and integrity, and an officer of distinguished merit ; and that the character of the said Goodwin for truth and veracity was highly respectable, but that he was of a very ardent temper, which was particularly manifested when excited by conversation on political subjects. And that the said Lyon was also a man of respectable character.

It further appears to the Court, that Captain Barron did not, during his residence at Purnambuco, in the year 1809, *live* with Mr. Lyon, the British consul there, as stated in said Goodwin's letter ; but that the said Captain Barron lodged a part of the time in a tavern, and the remainder of the time in a house which he rented jointly with one Fernandez, who was the supercargo of the vessel in which Captain Barron went out to Brazil as master ; and that it appears to the Court by testimony of two respectable witnesses, who were in Pernambuco in the year 1811, and had frequent conversations with the said Goodwin at that place, and with the said Lewis and Lyon, that said witnesses never heard from any of these persons any thing respecting the facts stated in said Goodwin's letter to the Secretary of the Navy, nor did they hear from any other person or persons at that place, any reports or rumours of such conversations having taken place between Captain Barron and said Lyon, as are stated in said letter : and no legal evidence has been produced to the Court tending to prove the truth of the allegations contained in said letter.

And it further appears to the Court, that Captain James Barron left the United States on or about the 6th day of April. 1812, as master and supercargo of the brig *Portia*, belonging to Messrs. Armistead and Kelly.

of Norfolk, and proceeded to Lisbon, where he arrived in said brig in the beginning of May, 1812, where the outward cargo was disposed of, and the proceeds remitted by him to London, according to instructions from the owners, except a part of the same which was invested in a cargo of fruit, with which he sailed for Gottenburg, where he arrived on the 3d day of July, 1812; and from thence sailed to Copenhagen, where the proceeds of the cargo went into the hands of the Danish government. The vessel was subsequently sold for the sum of 7500 dollars of which 7000 dollars were remitted by Captain Barron to the owners, and 500 dollars retained by him to pay his own expenses and those of his crew. That the news of the declaration of war by the United States against Great Britain, reached Copenhagen some time in the month of July, 1812, and that Captain Barron was wholly dependent upon his labour and exertions as a ship master for his support and the maintenance of his family while suspended from his pay and emoluments.

And it further appears to the Court, that no order or proclamation was issued by the government of the United States in consequence of the declaration of war, directing such officers of the navy as were absent from the country to *return*; but a proclamation, which is hereunto annexed, was issued by the President of the United States on the 19th day of June, 1812, announcing the declaration of war, and enjoining on all military and civil officers to be vigilant in the execution of their duties. That no special order was sent by the Navy Department to Captain Barron directing his return, nor were any other orders given to the said Capt Barron previous or subsequent to the expiration of his term of suspension from service, and before his arrival in the United States; nor was any permission or leave of absence from the country given to Captain Barron at any time.

It further appears to the Court, that the suspension

of Captain Barron expired on the 8th day of February, 1813, whilst he still remained at Copenhagen; and that on the 22d of July, 1813, Captain Barron wrote to the Secretary of the Navy two letters, one of them marked *private*, which were duly received at the Navy Department, and copies of which are annexed to these proceedings.

That no answer was given by the Secretary of the Navy to said letters, nor were any other communications received by the Navy Department from Captain Barron, until his return to the United States in 1818.

It does not appear to the Court, that Captain Barron made any actual attempt to return to the United States until the summer of the year 1814, when, in pursuance of the advice of the Hon. Henry Clay, one of the ministers of the United States, then in Europe, to whom Captain Barron had expressed his earnest desire to return to the United States and serve in the war with England, he proceeded from Copenhagen to Gottenburg, and on the 11th of June, in that year, applied to Captain Samuel Angus, of the United States' corvette John Adams, for a passage on board that vessel to this country.

That Captain Angus expressed himself willing to comply with this request, but referred Captain Barron to the honourable John Quincy Adams and the honourable Jonathan Russell, two of the ministers of the United States (then about to embark on board said corvette for the Texel) for their opinion whether this could be done consistently with the character of the said ship as a cartel.

That Captain Barron stated to the said ministers that his motive for wishing to return to the United States at that time, was his earnest desire to offer his professional services to his country in the war in which she was then engaged, and to claim employment in the station to which he was entitled in the navy; but that the said ministers felt themselves compelled, (though

with reluctance,) to give it as their opinion to Captain Angus, that he could not, consistently with the terms of the cartel, give a passage to Captain Barron. In consequence of which, Captain Angus declined complying with Captain Barron's request, and he returned to Copenhagen.

That Captain Barron subsequently applied by letter to Mr. Russell, at Ghent, during the summer of the year 1814, renewing his request for a passage to the United States, in the corvette John Adams, then lying at the Texel, and received an answer from Mr. Russell, stating his and Mr. Adams' desire to give effect to Capt. Barron's request, but that the British government would not consent to permit any other persons than those attached to the legation at Ghent, to embark on board that ship.

It does not appear by any evidence produced to the Court, that Captain Barron made any subsequent attempt to return to the United States, but he remained at Copenhagen until the close of the war with England, and did not return to this country until the latter part of the year 1818. That Captain Barron has been paid his half pay from the 8th day of February, 1813, to the 28th of February, 1819, inclusive, and full pay and rations from the last-mentioned day, to the 31st of January, 1821.—That he drew on the accountant of the Navy, at Copenhagen on the 29th of November, 1817, directing the said accountant to pay to the order of Mrs. Elizabeth Barron, or to that of Mr. Wilton Hope, of Hampton, Virginia, any balance of his half-pay that might be due at that time.

That it does not appear to the Court at what rate of exchange a bill on the government of the United States, could have been negotiated at Copenhagen during the late war; but that it appears from the evidence extremely difficult, if not impossible, to have negotiated bills on this country.

It further appears to the Court that Captain Barron

was in embarrassed circumstances, and in want of pecuniary means while at Copenhagen; but the precise extent of his embarrassments and of his means, at different periods, does not distinctly appear.

And it does not appear that he made application to any of the ministers, agents or consuls of the United States in Europe, or to any other persons, to obtain an advance of the funds necessary to enable him to return home. Nor when he reported himself for service in 1813, did he apply to the Navy Department for funds, or at any subsequent period of his absence, or make known his wants to the Department. Nor could any application to such ministers, agents or consuls, in their official capacity, have been successful, as they had no special authority to make such advance.

It further appears to the Court, that Captain Barron had, during the war, the choice of three different routes by which he might have returned to the United States.

The first was by the way of England: by which route it does not appear from the testimony, that any particular difficulties were (except at one period) interposed to the passage of citizens of the United States, not in the service of their country.—But several witnesses state their impression that a naval officer, returning from Europe to the United States, if travelling under that avowed character, would certainly be liable to detention and imprisonment; and if travelling as a merchant, or in any other pacific character, might under some circumstances, be exposed to more serious perils.

The second, was from some port in the north of Europe, in American or neutral vessels. It does not appear that any of our own merchant vessels escaped the vigilance of the enemy's cruizers, after the declaration of war was generally and publicly known in the north of Europe, so as to effect their escape from the Baltic or the north sea. The only opportunity, under the American flag, of reaching this country by that route, which has been brought to the notice of the Court, is the pilot-boat

Champlin, which was sent by certain merchants in New York, to give information to vessels in the Baltic of the declaration of war, and in which one of the witnesses, Richard Law, esquire, returned to the United States, in the autumn of 1812; which opportunity was confidentially made known to said Law, by the person to whom the boat was consigned; but was not publicly known at Copenhagen, nor considered a safe opportunity at that season. And that the object for which Captain Barron proposed to embark might have been an objection to receiving him on board of a neutral vessel.

The third route, which Captain Barron might have selected to return to the United States from Copenhagen, during the continuance of the war, was to proceed over land to some port in France, or elsewhere in the south of Europe, and there await an opportunity of embarking in a letter of marque, or privateer, or other vessel.—The expenses of such a journey by land, according to the testimony which has been produced to the Court, would have varied from 100 to 700 dollars, according to the period and the circumstances in which it might be undertaken, and the manner in which it should be conducted.

It appears that in the year 1812, and the first part of the year 1813, Captain Barron with regular passports, and sufficient pecuniary means, might have proceeded from Copenhagen to France, except for the British blockade of the passages between the island of Zealand, in which Copenhagen stands, and the continent; which, however, does not appear to have formed any considerable obstacle.—But, from April 1813, to April 1814, the communications were extremely embarrassed by the state of the war, and the movements of the different armies. After April, 1814, there was no very serious obstacle to his proceeding from Copenhagen to any part of France: but the difficulty of embarking in the ports of that country for the United States, was proportionally increased, for a short time, in consequence of some

of those ports being occupied by the British, and others exposed to their controul and close inspection.

And at all times before the peace of Paris in May, 1814, there was very considerable difficulty in procuring passports for American citizens to travel through that part of the continent of Europe, and many vexations and interruptions from the police of different countries and the movements of troops; which latter obstacle did not entirely cease after the continental peace.

No evidence has been produced to the court to shew what detained Captain Barron in Europe, after the ratification of the treaty of peace between the United States and Great Britain in 1815.

The court adjourned to to-morrow, 10 o'clock.

SATURDAY, *July 14th*, 1821.

The court met pursuant to adjournment.—Present as on yesterday. The court proceeded further to deliberate upon the case, and after mature consideration thereof, pronounced the following

OPINION :

The court is of opinion, that the conversation, alleged to have taken place between Captain James Barron, and Mr. Lyon, the British consul at Pernambuco, in the year 1809, has not been proved.

And the court is further of opinion, that although the evidence produced by Captain Barron establishes his sincere and earnest desire to return to the United States at certain periods, and the difficulty of accomplishing his wishes, yet the court is of opinion, that the evidence of his inability to return sooner than he actually did, is not satisfactory; and it is therefore the opinion of the court, that his absence from the United States, without the permission of the government, was contrary to his duty as an officer in the Navy of the United States.

CHARLES STEWART, *President*.

H. WHEATON, Judge Advocate.

(A.)

*To the Accountant of the U. States Navy,
Washington City.*

SIR,

Please pay to the order of Mrs. Elizabeth M. Barron, or to that of Mr Wilton Hope, both of them of Hampton, Virginia, any balance of my half pay that may be due at this time, and oblige your obedient servant,

(Signed) **JAMES BARRON.**

COPENHAGEN, *November 29th, 1817.*

I certify, that the above is a true copy of an original order from Captain James Barron of the Navy, on file in this office.

CONSTANT FREEMAN, *4th Auditor.*

TREASURY DEPARTMENT,
4th Auditor's Office, April 30th, 1821.

Be it remembered, that Constant Freeman, esquire, who certified the within transcript, is now, and was at the time of doing so, Fourth Auditor of the Treasury of the United States, and that faith and credit are due to his official attestations.

(SEAL.) In testimony whereof, I, William H. Crawford, Secretary of the Treasury of the United States, have hereunto subscribed my name and caused to be affixed the seal of this department at the city of Washington, this day of in the year of our Lord, one thousand eight hundred and twenty-one.

WM. H. CRAWFORD,

Secretary of the Treasury.

(B.)

LIVERPOOL, *August 22d, 1818.**To the Accountant of the U. States Navy.*

SIR,

Please pay any balance of my half pay that may be due at this time, to the order of Mrs. Elizabeth M. Barron, or to that of Mr. Wilton Hope, of Hampton, Virginia, and oblige your obedient servant,

(Signed) JAMES BARRON.

I certify, that the above is a true copy of an original order from Captain James Barron of the Navy, on file in this office.

CONSTANT FREEMAN, *4th Auditor.*

TREASURY DEPARTMENT,
4th Auditor's Office, April 30th, 1821.

Be it remembered, that Constant Freeman, esquire, who certified the within transcript, is now, and was at the time of doing so, Fourth Auditor of the Treasury of the United States, and that faith and credit are due to his official attestations.

(SEAL.) In testimony whereof, I, William H. Crawford, Secretary of the Treasury of the United States, have hereunto subscribed my name, and caused to be affixed the seal of this department at the city of Washington, this day of in the year of our Lord one thousand eight hundred and twenty-one.

WM. H. CRAWFORD,
Secretary of the Treasury.

(C.)

I certify, that James Barron, esquire, a captain in the Navy of the United States, has been paid, at this office, for half pay, from the eighth day of February, in the year one thousand eight hundred and thirteen, to the twenty-eighth day of February, in the year one thousand eight hundred and nineteen, inclusive, and that he has been paid for full pay and rations, from the date last above mentioned, to the thirty-first day of January last past.

CONSTANT FREEMAN, *4th Auditor.*

TREASURY DEPARTMENT,
4th Auditor's Office, April 30th, 1821.

Be it remembered, that Constant Freeman, esquire, who has signed the foregoing certificate, is now, and was at the time of doing so, Fourth Auditor of the Treasury of the United States, and that faith and credit are due to his official attestations.

In testimony whereof, I, William H. Crawford, Secretary of the Treasury of the United States, have hereunto subscribed
(SEAL.) my name and caused to be affixed the seal of this department at the city of Washington, this day of in the year of our Lord, one thousand eight hundred and twenty-one.

WM. H. CRAWFORD.

Secretary of the Treasury.

(D.)

COPENHAGEN, *22d July, 1813.*

SIR,

The term of my suspension having expired, the object of the present letter is to inform you that the first

wish of my heart has always been to render service to my country in an honourable way. If, therefore, they are wished, and will be employed to that end, your commands will be readily obeyed. A letter directed to the care of J. M. Forbes, esqr. will find me here or in St. Petersburg.

Very respectfully, I have the honour to be,
Your obedient servant,
JAMES BARRON.

Honorable WILLIAM JONES,
Secretary of the Navy, Washington.

==

(E.)

Private.

COPENHAGEN, 22d July, 1813.

DEAR SIR,

Enclosed you will find a letter addressed to you as Secretary of the Navy of the United States, which I hope you will consider proper, and containing all that is necessary on the present occasion; but as it has not been my good fortune to have had a personal acquaintance with you, the only knowledge of my character you may have, may possibly be derived from sources not very friendly to me. Should this be the case, I have only to rely on the strength of your mind, and the justice and liberality of your disposition, to decide on a case perhaps enveloped in as much obscurity, and heretofore treated with as much injustice and inhumanity, as any that ever came under your inspection. I never can, nor never will, acknowledge, that the sentence under which I have laboured for these five years was just, or that it was not the result of malice, and not the sound and disinterested opinion of just and impartial judges. It is not in human nature for a brave man to neglect his duty in the hour of need, and such is the sentence of the Court on this occasion: their opinion relative to neglect

was founded on a paper* written by myself at a time when I was in a state of distraction, both of body and mind, and merely states an impression which the result of the British commander's conduct made on my mind after the affair was ended ; but which the paper alluded to did not contain, namely the words *to take by force* any British deserters found on board the Chesapeake. Thus was this cruel sentence passed and inflicted without mercy on a man who had spent the prime of his life in the service of his country, and the truly guilty set at liberty, and protected from censure or punishment.

If an officer having preferred charges against his commander, fails to produce other proof, and when brought to his own oath, prevaricates as to the facts, is he not guilty of falsehood, and in some measure of mutiny ? Is not perjury punishable ?

Mr. Babbit was proved so by four witnesses, and the sentence of the Court proves that the charges exhibited against me by the officers of the Chesapeake, were without foundation ; and yet they escaped punishment, and were protected from any description of governmental displeasure. Captain Gordon and his officers, contrary to my opinion previously expressed, gave two entertainments on board the Chesapeake, in Hampton Roads, while she was laying and only waiting for their exertions to proceed on her cruise. Indeed, when I am addressing myself to a gentleman whose knowledge and experience enables him to decide on facts, it is only necessary to request your reference to the log book of that ship to prove that the unpunished are the guilty : for when you observe that she laid twenty-two days in Hampton Roads, with her whole crew on board, and her orders ready, argument is unnecessary to prove the inattention of those dishonourable accusers, whose only shift was to take some advantage and remove the blame to some more im-

* This paper was lost on the day the affair happened, and was referred to on memory.

portant person. It would, however, be imposing too much on your time and patience, now to call your attention to a review of these very unpleasant circumstances; and my only wish in life is to have an opportunity to prove to the world in general, and my country in particular, that I have suffered without just cause: for there are circumstances known to those intimately acquainted with the particulars of that affair, that would in my humble opinion convince the world that I was, to say the least of it, cruelly sacrificed; but if, on the contrary, some of my friends enjoy the happiness of your acquaintance, it is possible I may have a greater share of your commiseration than I am aware of. Let that be as it may, I have great confidence in the correctness of your head, and the goodness of your heart, and hope and trust that this communication will meet with that delicacy which my more than ordinary situation entitles me to. Being fully impressed with this belief, I shall conclude, only adding my prayer, that the Navy may be cherished and protected by the nation, and guided by nautical wisdom.

Very respectfully, &c.

I have the honour to be your obt. servt.

JAMES BARRON.

Hon. WILLIAM JONES,
Secretary of the U. S. Navy, Washington,

==
(F.)

BY THE PRESIDENT OF THE UNITED STATES OF
AMERICA,

A PROCLAMATION.

WHEREAS, the Congress of the United States, by virtue of the constitutional authority vested in them, have declared by their act, bearing date the 18th day of

the present month, that war exists between the united kingdom of Great Britain and Ireland, and the dependencies thereof, and the United States of America, and their territories; now, therefore, I, James Madison, President of the United States of America, do hereby proclaim the same to all whom it may concern; and I do especially enjoin on all persons holding offices, civil or military, under the authority of the United States, that they be vigilant and zealous in discharging the duties respectively incident thereto: and I do moreover exhort all the good people of the United States, as they love their country, as they value the precious heritage derived from the virtue and valour of their fathers, as they feel the wrongs which have forced on them the last resort of injured nations, and as they consult the best means, under the blessing of Divine Providence, of abridging its calamities, that they exert themselves in preserving order, in promoting concord, in maintaining the authority and efficacy of the laws, and in supporting and invigorating all the measures which may be adopted by the constituted authorities, for obtaining a speedy, a just, and honourable peace.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed, and signed the same with my hand.

Done at the city of Washington, the nineteenth day of June, A. D. 1812, and of the independence of the United States of America, the thirty-sixth.

JAMES MADISON.

By the President,

JAMES MONROE,
Secretary of State.

To all to whom these presents shall come, Greeting:

I Certify, that the writing on the first two pages of

the annexed sheet of paper, is a true copy faithfully compared with the record in this office.

In testimony whereof, I, John Quincy Adams, Secretary of State of the United States, have hereunto subscribed my name, and caused the seal of the Department of State to be affixed.

[SEAL.] Done at the city of Washington, this twenty-ninth day of May, A. D. 1821, and of the Independence of the United States of America, the forty-fifth.

J. Q. ADAMS.

GHENT, 10th October, 1814.

Commodore JAMES BARRON,

SIR,

I received some time since your letter of the 30th of August, and should have given to it an earlier answer, had I not continually indulged an expectation of soon passing Copenhagen on my return to Sweden. I am not however more sanguine now in this expectation, than I was six weeks ago, and if my silence should be protracted with this negotiation, you would I am afraid, have just reason to complain of my inattention.

I communicated to Mr. Adams your letter, and his opinion on the circumstances of your case, accords entirely with my own. With every disposition to be useful to you, we cannot perceive that it is within our competency to give it effect. The cruel situation in which you are placed, as an officer and a man, deeply affects me, and I feel it the more acutely as I can offer you only regret instead of relief. I sincerely hope that you will be able soon to return to the United States, and there find an ample indemnity for all your sufferings, in the affections of your family, and the justice of your country.

Very respectfully, your ob't serv't.

JONA. RUSSELL.

WASHINGTON, 22d February, 1819.

I hereby certify, that on the eleventh of June, 1814, I embarked in company with Mr. Jonathan Russell in the United States ship John Adams, Capt. Samuel Angus, at Gottenburg, whence we proceeded to the Texel. There Mr. Russell and I landed and proceeded by land to Ghent, and shortly afterwards the John Adams returned to the United States. That on the day when we embarked at Gottenburg, Captain James Barron did apply to Captain Angus for a passage on board that vessel to the United States. That Captain Angus declaring himself entirely disposed to give a passage to Captain Barron, referred him to Mr. Russell and myself for the opinion, whether this could be done consistently with the cartel flag under which the ship was then sailing. That Captain Barron then stated to me, that his motive for wishing to return to the United States at that time, was his earnest desire to offer his professional services to his country, in the war in which she was engaged, and to claim employment, in the station to which he was entitled in the Navy. That Mr. Russell and myself highly approving the motive of Captain Barron, nevertheless felt ourselves compelled, though with reluctance, to give it as our opinion to Captain Angus, that he could not consistently with his cartel, give a passage to Captain Barron, which Captain Angus, accordingly declined, to the great disappointment, as I understood, of Captain Barron. He informed me that he had made the journey from Copenhagen to Gottenburg, with no other purpose than that of obtaining his passage home in the above mentioned vessel.

JOHN QUINCY ADAMS.

I certify, that in the summer of 1814, I met with Capt. James Barron, in Copenhagen; that he expressed considerable anxiety to return to America, and consulted me about the best mode of his effecting that object.

I think I advised him to go to Gottenburg, where the Corvette John Adams was, and to endeavour to obtain a passage in her.

H. CLAY.

WASHINGTON, *22d February*, 1819.

I certify, that I saw in the hands of Captain James Barron sometime in the beginning of July, in the year 1813, a letter addressed by him to the Secretary of the Navy, announcing that the term of his suspension from service had expired, and reporting himself for orders; that I well remember that in the summer of 1814, Captain James Barron went from Copenhagen to Gottenburg, with the determination, if possible, to take passage in the Corvette John Adams for the United States, that on his return to Copenhagen, he assured me that he had been refused such passage, it being, in the opinion of the ministers of the United States, incompatible with the restrictions of the cartel, under which that vessel was then employed; and I further certify, that during the whole time of Captain Barron's residence at Copenhagen, I was in the habit of daily and friendly intercourse with him, and that he always manifested a great desire to return to the service of his country.

J. M. FORBES.

WASHINGTON, *February 22d*, 1819.

At the particular request of Commodore James Barron, I take the liberty to state most respectfully to all whom it may concern, the following circumstances: That during the whole of the late war between the United States and Great Britain, (which as will be recollected, commenced on the 18th of June, 1812, and

terminated on the 24th of December, 1814,) I was at Copenhagen, with the exception of about two months before its close, when I went to Ghent. That Denmark was at war with England and with Sweden, until the 25th of January, 1814. That during our whole war I do not recollect any direct opportunity to return to the United States from Copenhagen, except by the pilot boat schooner Champlin, which came home in the fall of 1812, and was wrecked on the coast of North Carolina. That Commodore Barron's term of suspension did not expire until the 8th of February, 1813. That on its expiration, Commodore Barron wrote to the Secretary of the Navy, reporting himself for service, which letter was shewn to me. That on the news of our war reaching the Baltic, several American vessels sought an asylum in Denmark, and remained there until the peace; that in some instances the Captains or supercargoes, whose circumstances would permit it, went to England in the attempt to get home, others went to France whence it was understood that many embarked in privateers. That I saw Commodore Barron daily, and often conversed with him about the means of getting home, which I always advised, and he as often urged the impossibility of his visiting England, and his want of means to meet the extraordinary expenses of his return by the distant route of Bordeaux. That during the period in question, Germany was covered with large armies, and I presume the expenses of a voyage from Copenhagen to the United States through France, could not be estimated at less than one thousand dollars. That in all my intercourse with Commodore Barron, he always evinced a lively interest in the success of our arms and a desire to return to the service of his country. Having given to Commodore Barron a certificate substantially conforming to the above facts, dated the 22d of February, 1819, now on file in the department of the navy, and my name having been introduced by Commodore Decatur into the

correspondence recently published, I feel it my duty to explain what passed between the deceased, Commodore Decatur, and myself.

Sometime last fall, I believe in November, Commodore Decatur called at my lodgings. Not being at home I called the next day at the office of the Navy Commissioners, and found him alone. He said that the object of his call on me was to ascertain whether it was or was not true that Commodore Barron had sailed under a British license during our late war with England? I replied without hesitation that I knew it was not true, having seen him almost every day during the war. Commodore Decatur then asked me why he (Barron) had not returned to his country; I replied, that I had frequently advised it, but there being no direct opportunity, Commodore Barron had alleged his want of means to come by way of France and the impossibility of his visiting England. I stated his attempt to come home in the *John Adams*, and mentioned my having furnished him the certificate before alluded to. On the authority of this conversation, Commodore Decatur very correctly abandoned (as by his note of November without date) one charge made and subsequently introduced my name into the correspondence as may be seen by a reference to it.

In testimony of the truth of the foregoing facts, I have signed this certificate at Washington, this 20th day of April, 1820.

J. M. FORBES.

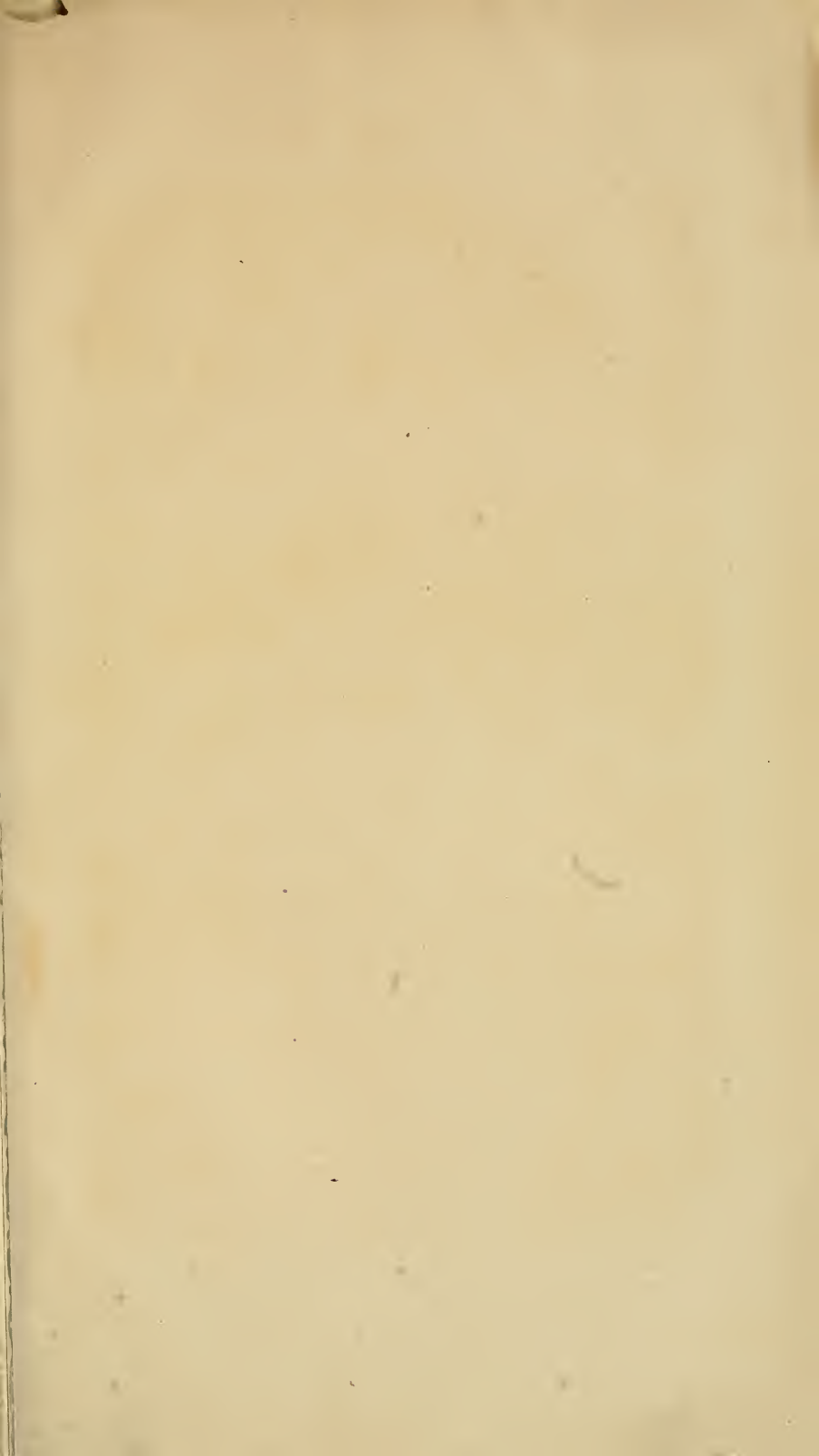
NAVY DEPARTMENT, 1st December, 1821.

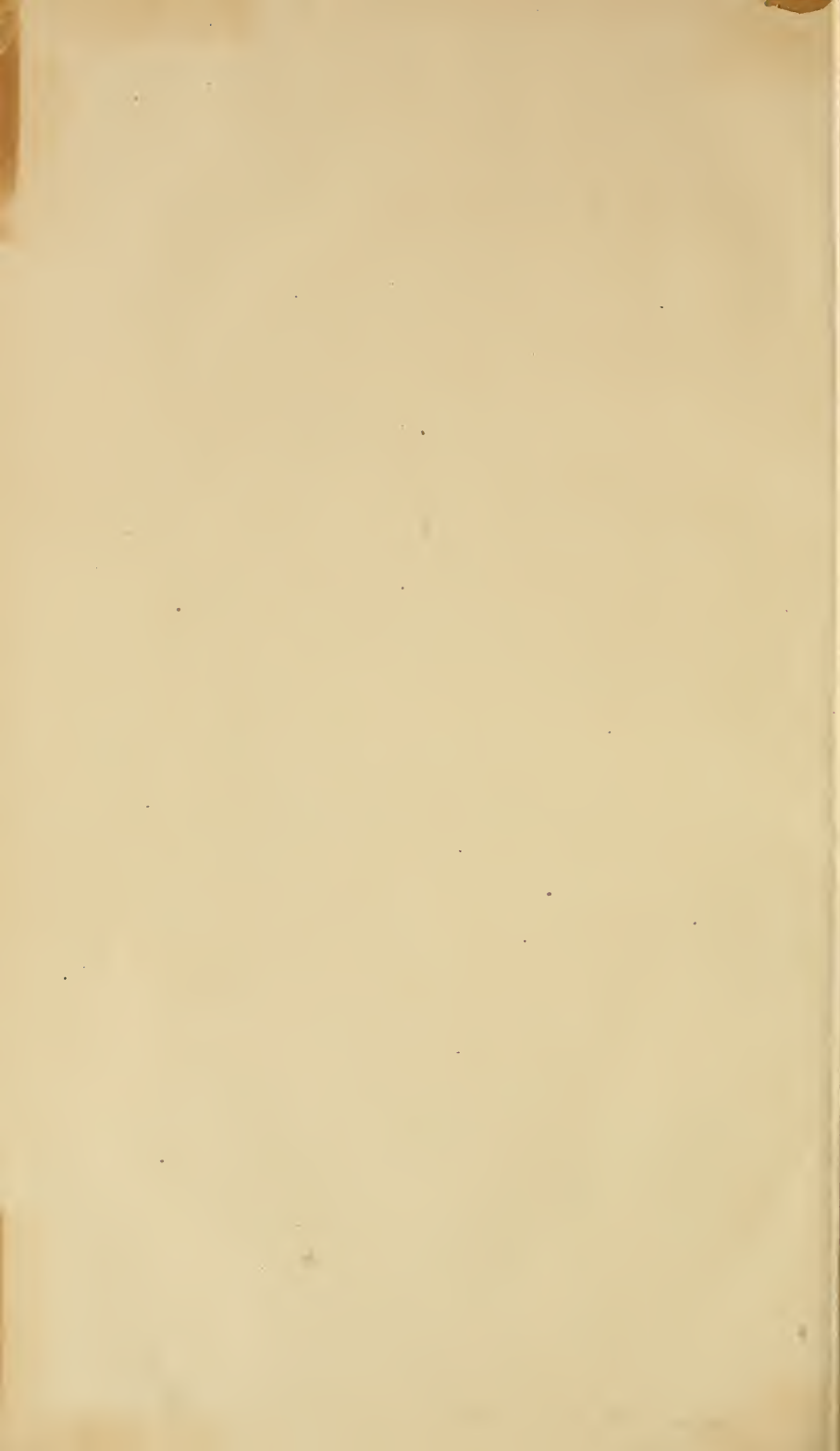
I certify, that the preceding pages numbered 1, to 111, inclusively, contain a true and correct copy of the originals *verbatim et literatim* on file in the office of the Secretary of the Navy.

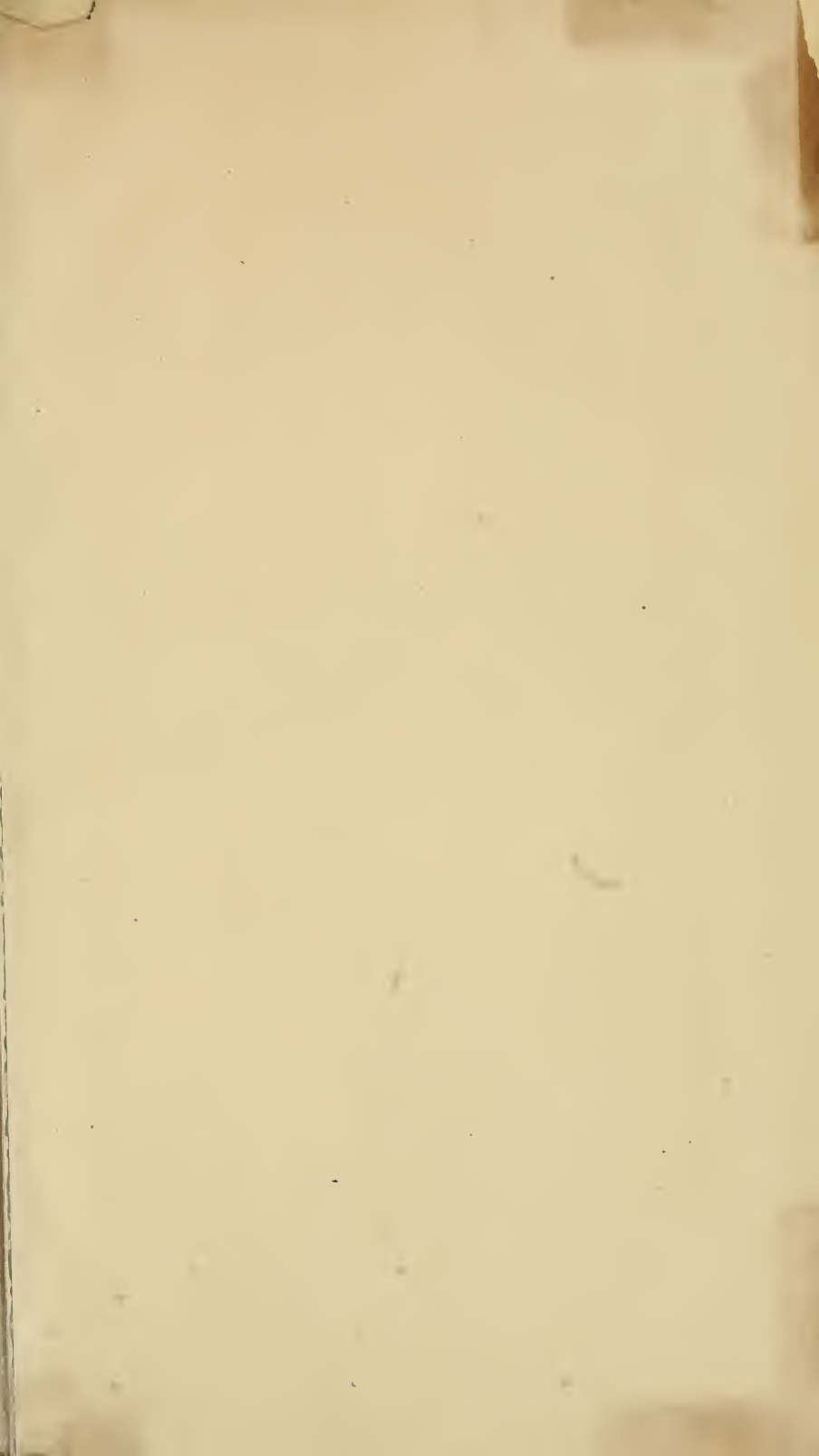
BENJAMIN HOMANS.

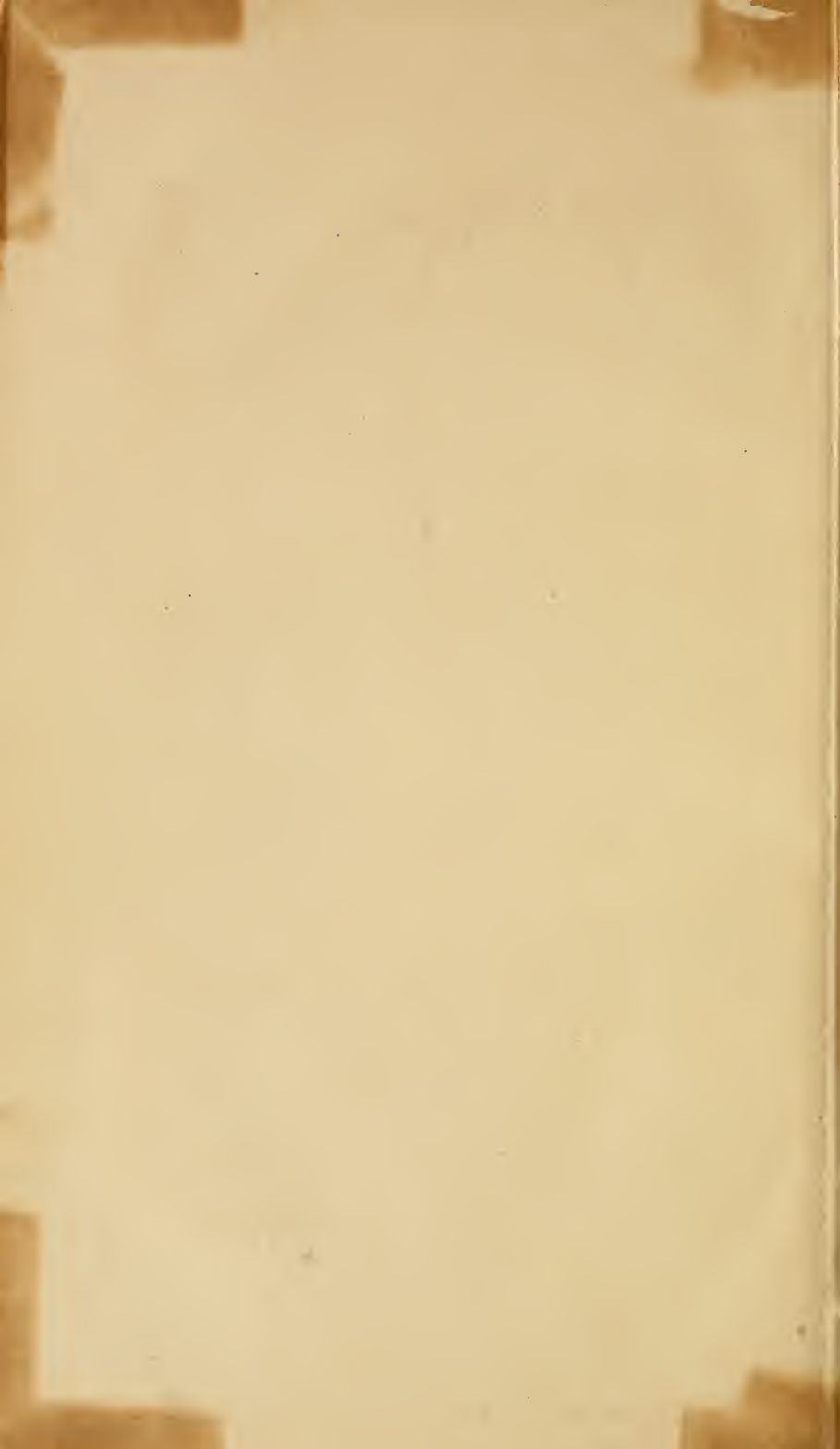
The first part of the paper is devoted to a general
 consideration of the subject, and to a discussion of
 the various methods which have been proposed for
 its solution. It is shown that the problem is
 essentially one of geometry, and that the
 solution can be obtained by the application of
 the principles of projective geometry. The
 author then proceeds to give a detailed
 account of the construction of the solution,
 and to show that it is unique. The
 result is that the problem is solved in a
 simple and elegant manner.

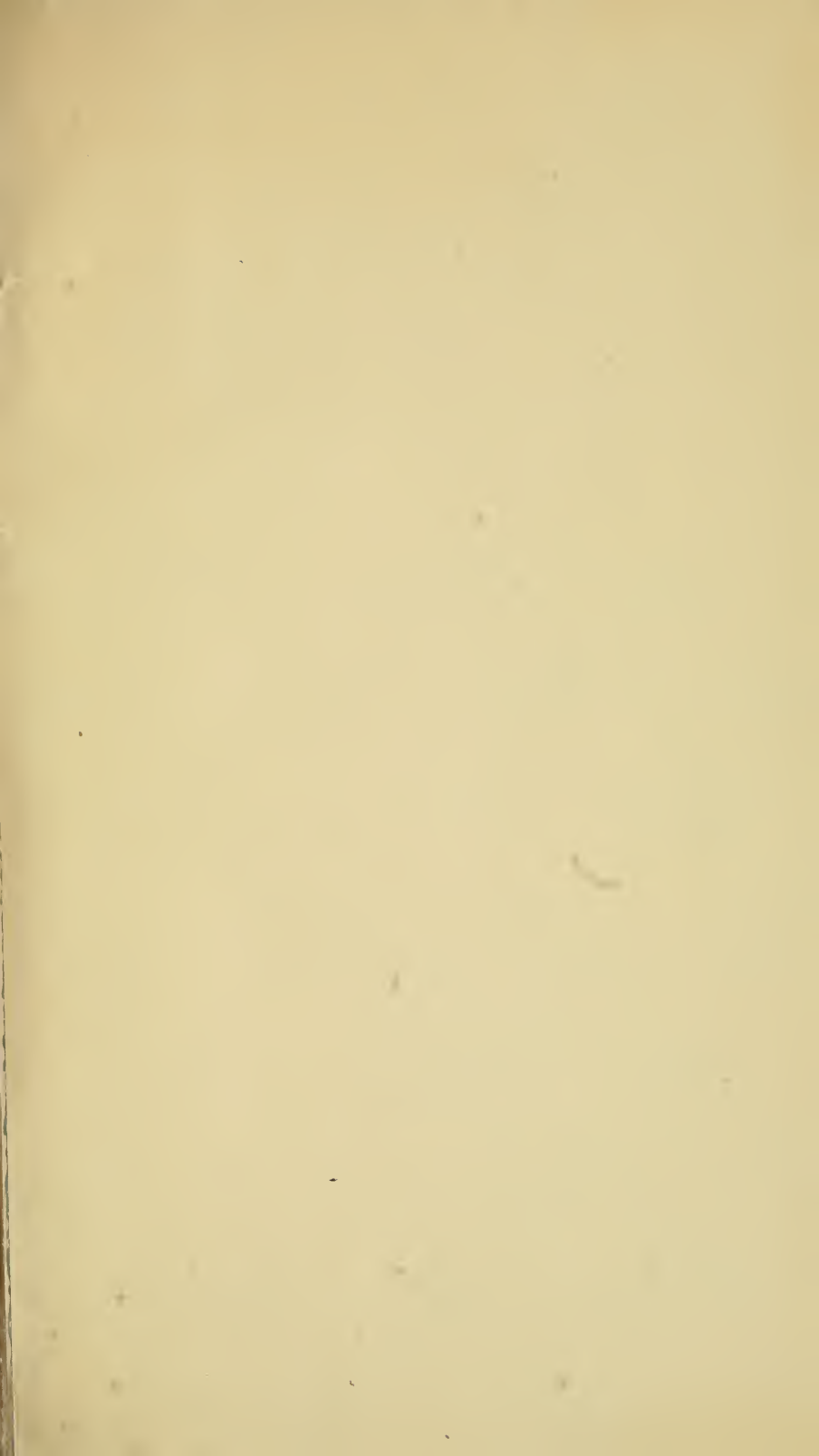
The second part of the paper is devoted to a
 detailed account of the construction of the
 solution, and to a discussion of the various
 cases which may arise. It is shown that the
 solution is unique, and that it can be
 obtained by the application of the principles
 of projective geometry. The author then
 proceeds to give a detailed account of the
 construction of the solution, and to show
 that it is unique. The result is that the
 problem is solved in a simple and elegant
 manner.















LIBRARY OF CONGRESS



0 011 897 504 2

