

Captain Merribew, of the ship Mount Vernon, has favored us with the following account of the different spoiliations committed on the trade of the United States by French privateers, which came immediately within his own knowledge during his stay at the port of St. John's, Porto Rico, and which can be attested also, by a number of other citizens of America, who had the misfortune to be carried in there.

Captured by the privateer Vengeance; the schr. —, Loring Taber, master, belonging to Boston, bound to Jamaica, and sent to St. Domingo. The mate and several of the crew of said schr. were put on shore at St. John's, destitute of every necessary, being plundered even of their wearing apparel, the mate took sick a few days after and died, the expenses of his interment, &c. was defrayed by the different American captains.

The ship Hope of Boston, John Seward, master, was captured by the pilot boat Democrat, in a few hours after leaving the island of St. Thomas's. This vessel was loaded with coffee and cotton at Surinam, and bound to Boston, since condemned.—Capt. Seward was kept a prisoner on board the privateer Democrat, for six days after her arrival, and was it not for the very spirited exertions used by some American captains and others, he would not even then have obtained his liberty.

Captured and brought into port, and since condemned, the schr. Delight, of Penobscot, Mark Hatch, master, bound from Barbadoes to some port in the United States, the captain and crew turned on shore at St. John's, destitute of both money and clothes, being pillaged.

Captured and brought into port, and condemned, by the privateer Vengeance, the brig Two Sisters of Baltimore, capt. Hubbard, bound from Montserrat to the island of Thomas, the captain plundered of his wearing apparel, and every other necessary belonging to himself and crew.

Captured and bro't into port, the barque Susan of Biddeford, — Smith, master, bound from St. Vincent's to North Carolina. Capt. Smith and his crew turned on shore (though they solicited much, without effect, to be left in the barque) where they remained at the town of St. John's, at a very heavy expence to wait the issue of the barque's trial at Guadaloupe, which finally arrived about the middle of May. Verdict of the French tribunal, cargo condemned, vessel cleared, but the barque's register, sea letter, and all her other papers, destroyed, or made away with, by the captors, and the vessel to much pillaged by them, as not to be in a state to return to the continent.

Capt. Smith applied to Mr. Paris the French marine agent at Porto Rico, to assist him to put the barque in such a condition as would enable him to return in her to Biddeford, but without any redress or effect; capt. Smith was therefore necessitated to purchase the American schooner Delight, which was condemned, in the purchase of which he was joined by capt. Strong, and five or six different captured American masters and mates, being the only alternative they had left to return to America.

Brought into the port of St. John's by a French privateer, the mate and crew of a schooner belonging to Boston, whom they turned on shore without a second shirt or jacket, or a single dollar in his pockets. This schooner, name forgotten, was owned at Boston, and commanded by captain Dunderdorff, loaded at Tobago, and bound to Boston—cleared.

Brought into port, by the privateer Triumphant, the brig —, of Baltimore, John Fry, master, bound from Baltimore to St. Bartholomew's. After several days detention, and loaded with innumerable expences, he was with difficulty cleared, but on a stipulated condition of entering into a written obligation, to acquit the owner and captain of the privateer from all costs and damages.

Capt. Williams, of the schr. —, belonging to Norfolk, and his people, were brought to St. John's by the privateer Vengeance, and turned on shore without a dollar in their pockets. They sent the schooner for trial to St. Domingo, where she was soon condemned, under a pretext of her not having either register or sea letter, which the captain of the privateer was safe enough to destroy or conceal.

Taken by the privateer Vengeance, and since condemned, the ship William, of Portland, Robert Strong master, bound from St. Kitts to Portland. In a few nights after the capture of said ship, the mate of her, and one sailor and the cabin boy, whom the privateer permitted to remain on board, took an opportunity, while the French prize master and eight Frenchmen were napping, or off their guard, to rise on them and retake the ship. In the conflict, which lasted a considerable time, the French prize-master and two of the Frenchmen were killed, and three others badly wounded, but unfortunately, the next day the ship William was met near Porto Rico and retaken by the French privateer Eagle, both from the crew and owners of privateers, the brave and intrepid American Mate and Marine experienced every degree of cruel, unmanly and savage usage disgraceful to be related of Frenchmen,—these two bold and brave fellows were sent in a few days after to stand their trial before a French tribunal, to St. Domingo, in an open boat, double rowed on both legs and hands, and if report said or spoke truth, with orders to throw them both overboard, if the boat was chased by an English cruiser; the American captives and others pretended a spirited and humane memorial to the Spanish governor of Porto Rico, Don Raynundo de Castro, representing those men as American subjects and praying that they might be tried by the Spanish laws, but to which he never deigned to return an answer.

Brought in by the privateer Vengeance, the

f Schooner —, Capt. Jones of Boston who sold his cargo at Guadaloupe, and purchased a return cargo there, bound for Boston, Captain Jones was met by an English cruiser and carried into St. Kitts, where after trial, he was acquitted and permitted to proceed on his voyage to Boston, but was met in a few days after by the above privateer Vengeance, and merely under the pretext of Capt. Jones being at a British island he was again captured, from whose clutches he was glad to get clear after several days detention, paying heavy port charges and other expences, and being plundered of all his stock and small stores.

Brought in by the L'Espergle privateer, and since condemned, the brig Nabby of Hartford, bound from Antigua to New-York loaded with rum, sugar and coffee.

Also the sloop Hannah of Milford, since condemned, bound to New-York loaded with sugar and molasses from Martinico.

Brought in by the privateer Triumphant, the brig Ceres of Newbern, James Moore master, loaded with lumber for Trinidad, so little regard had the owner or captain of this privateer to laws, custom or usage, that they stripped the brig Ceres entirely of her shrouds and part of her running rigging and spars, with which they again fitted out the privateer, though the brig Ceres's condemnation had not arrived when the ship Mount Vernon left Porto Rico.

Brought in by a Row Boat and eight men, and one twelve gun; the Snow Harmony, of Kennecunk, Burnham master, bound from Barbadoes home, with rum; the owner of this privateer, Mons. M. Mallet sold the cargo in a few days after, and the vessel in about four weeks after her arrival, though no condemnation for her had yet come to hand.

Captured and brought in by the P'Espeigle privateer, the ship Kitty; belonging to Mr. Coppinger of Philadelphia, bound from the Isle of France to said port, loaded with coffee, sugar, cotton, indigo and bale goods.

Captain M'Pheron and Mr. Cox, the supercargo of the above ship were confined on board without even having permission to converse or see a single individual directly or indirectly, or to correspond with the shore by letter; they at length found means by the aid of Mr. Bayly an interpreter to have a strong or urgent remonstrance relating their grievances, drawn up, and presented to the Governor don Raynundo de Castro, but to which his excellency never returned an answer, and finally when the island was besieged by the British, they were taken from on board the ship, with the crew and closely confined in prison, where they yet languish without any prospect of being liberated, unless by the interference of the executive of their country. Five seamen of the above ship Kitty, all citizens of America and with protections in their pockets, were put on board the Spanish frigate Juno, to be sent to the Havana, and treated as English prisoners of war; this extraordinary circumstance happened on the morning of the day, on which the ship Mount Vernon was to sail, therefore no time was to be lost to rescue those poor fellows from such a dreadful situation; a strong and urgent representation was made in their favour by some American captains and others, that they might be put on board the ship Mount Vernon, which was at length granted, but not until the very instant that the ship Mount Vernon was weighing anchor, when the poor fellows arrived from on board a guard boat from the Spanish frigate Juno.

Some days previous to the ship Mount Vernon leaving Porto Rico, there were thirteen American sailors brought to the town of St. John's, under a guard of soldiers from the west end of the island, and put into close prison where there were no less than 50 negroes confined. Those men were all American citizens and had each of them a protection, being part of the crews belonging to the brig Industry of Boston, Joseph Ryder master, bound from Demarara to Boston, and of the schooner Betsey, W. Sturges from Trinidad, and the ship Industry, Robert Oram master, of Portsmouth (New Hampshire), all taken by a privateer and carried into Cape Rook.

Five American captains being made acquainted with the dreadful situation that their poor fellows were in, closely confined in a small cell, and the weather then extremely sultry, presented a remonstrance to the governor for their liberation, which was granted, after their being confined in a loathsome prison nine days, but on condition that they would pay the goal fees and that they should take them on board their respective vessels off the island.

These thirteen mariners all agree in their different accounts of what Captain Merribew heard reported before, at the town of St. John's, that the French privateers had taken within a short time into the different ports of the south and west part of the island of Porto Rico. Some of the captains to the number of five or six as well as the crews of those vessels took their passage in a Danish barque bound to St. Croix from Cape Rook, it being the best opportunity that was presented for them to return home after losing their vessels.

Captain Merribew cannot conclude his recital without mentioning a matter that has happened to him and the other American vessels at the port of St. John's, during the early part of the siege of that town, by the British, on which he will not pretend to comment, but leave it to an impartial public to draw what inference they think proper from so extraordinary a circumstance.

On the fourth or fifth day of the siege the British brought several mortars to bear on the town, and on the shipping in the harbour, which of consequence induced the shipping for their preservation to remove to a greater distance round a point of land, in performing which as is always customary, five or six American vessels then in port hoisted their colours, to prevent the British firing on any of them while they were thus anxiously employed in removing their vessels to a place of safety. The necessity of hoisting their American colours was evident as the French prize master of the American ship Kitty of Philadelphia was nearly instrumental in the loss of the ship; the being fired at and struck by a shell, which went through the quarter deck, but fortunately happened to lodge in a barrel of rice, which choked the Fuse for the moment, until the people extinguished it without doing further damage to the ship,—but in about an hour after the captain of the port, Don Hurtado came on board the Mount Vernon, and every other American vessel and demanded in the most haughty tone of language, their vessels colours, which were not returned them until after the British abandoned the siege.

Substance of Mr. HARPER'S Speech on the question of permitting Merchants Ships to arm for defence in the West-India trade.

MR. HARPER observed, that it did not seem to him necessary for members to preface their observations in that House with accounts of themselves, or declarations about their motives—much less could it be necessary to talk about the motives of other people. He believed that gentlemen were for the most part, far better known to others than to themselves, and as for their motives, they would best be judged of by the nature and tendency of their actions. He would therefore, as he had always before endeavoured to do, avoid the example of gentlemen in

this respect, and should content himself with stating his own reasons, and endeavouring to controvert those of gentlemen who opposed him; without saying any thing about his motives or theirs.

He could have wished that other gentlemen had acted thus. They had however chosen to pursue a very different course.—They had constantly and loudly attributed to him and other gentlemen who thought with him, the very worst of motives, a desire to bring their country into war, and this in contradiction to their express and repeated disavowal of such intentions. When he and gentlemen with whom he agreed, had made the most solemn asseverations, that it was their whole desire to preserve the peace of this country, in every manner consistent with its true interests, and that they advised certain measures, because they, in the best of their judgment, thought them best calculated to produce this effect; they had been repeatedly told, though not always with the same rudeness, that they were not believed. The accusation of intending to draw the country into war, had been extended to all who differed in sentiment with certain gentlemen, and every measure which they did not like, was imputed to this intention.—The charge had been extended to the Executive; and it had been said both on that floor and elsewhere, that proofs of this hostile intention were to be found even in the pacific measures which he had resolved to pursue.

On this head Mr. H. said, he did not know how gentlemen were to be cured of their incredulity; how did he know whether it was desirable that they should be cured? He certainly should take no further pains to do so. Of one thing, however, he could assure gentlemen—that the fear of their censures on his motives, or the desire of averting it, should never induce him, in any degree, to alter his conduct: It was the public good he fought, and the public esteem, in addition to his own, was the reward he desired. As to the good opinion of certain gentlemen, if it came in his way he should not reject it; but he could not say that he would go out of his way to obtain it. If, therefore, it was an effect on him they meant to produce, they might spare themselves the trouble in future. If it was an effect on the public; fill their labours would not effect him; for he was very willing to let his motives be laid before the public, on his own sincerity, weighed against the accusations of those gentlemen.

He had been led into these remarks, not only by the course constantly pursued by gentlemen in general, but by the assertion of the gentleman last up—from Maryland (Mr. Smith). That this motion for prohibiting the West India trade from the exportation to arm for defence, was a motion for peace or war. In this opinion he could not agree. He was persuaded, and he should endeavour to shew that the right of arming merchants ships for defence in the West India trade, might be so regulated and restricted, as to become in no degree dangerous to the peace of this country.

He said the right of arming for defence; for he took this to be a right inherent by the law of nations, in every neutral State. He had not, he confessed, made researches into the law of nations on this point, but the general course of his reading had led to this conclusion. It was also confirmed by history and the practice of neutral States, whose merchants ships did very frequently sail armed in time of war. It was a natural right to carry arms for defence, as much on the water as on the land. The offence, lay in either case, not in the arming, but in the improper use of the arms. If a man on a journey should carry arms for his defence against robbers, this would be proper; but should he use them to rob himself, he becomes punishable as a felon.—So it is at sea.

The arms may be carried, and may be used properly. If used improperly, punishment ensues. This he had moreover understood to be the result of the best legal opinions in this country; and indeed it had not been denied.

It must, however, be admitted, that the abuse of this right was far more easy, and far more dangerous, at sea, than on land: It was therefore proper to lay it under much stronger restrictions; and some nations had thought fit to restrict it altogether. Whether we should do so in the present circumstances, was the question. This question he would repeat, was not about the giving of a right, but about the restricting or taking away entirely of one which already existed.

When this proposition was first brought forward by his colleague, it was presented in the most general and abstract form. It was "to regulate the arming of merchant ships for defence." Afterwards by the consent of the mover it had been expressed differently: "To restrict the arming of merchant ships for defence, to particular cases." A gentleman from Connecticut (Mr. Coit) had moved to amend it so as to read "to restrict the arming of merchant ships, &c. to the trade to the East Indies and the Mediterranean." It had then been moved to insert before the word "Indies" the words "and West" so as to make the proposition stand "to restrict the arming of merchant ships, &c. to the trade of the East and West Indies, and the Mediterranean." That was the motion then under discussion. The question was whether merchant ships engaged in the West India trade should be prevented entirely from arming for defence? And this the gentleman from Maryland had declared to be a question of peace or war.

But how, he would ask, was it a question of peace or war? Was it not practicable to leave the merchants possessed of this right, but under such regulations and restrictions as would take away the danger of abuse?—Or if abuses should happen, would save the nation from responsibility; would take away cause of offence from other nations; He believed it was practicable, and he should now endeavour to shew it. The question had indeed been brought forward in its ab-

stract form; in this form it was proper first to discuss it. The modifications would come afterwards, when it should assume the form of a bill. Gentlemen had complained of this mode, and called for the modifications in the first instance; but they had themselves proved, that this mode was proper.—They had not only proved by the tenor of their opposition that they meant to vote against the measure under any possible modification; but had expressly declared it.—One gentleman from Virginia (Mr. Giles) had even declared that he would vote against every proposition on the table. Why then spend time in modifying a measure, which however modified, gentlemen were resolved to oppose? The proper way was, to see whether it could be carried in its general form, and let the modification come afterwards. Though, however, he thought it improper to propose any modification at present, he would tell gentlemen, and endeavour to shew the Committee, how, in his opinion, it might be modified so as to strip it of all its dangers.

There were, he said, three kinds of trade as between us and France. There was one kind prohibited either by treaties or the law of nations, one kind in dispute, and one kind neither prohibited nor in dispute. To this last kind the right might be, and in his opinion ought to be, restricted. These restrictions should be expressed in the law, and in precise instructions, and heavy penalties, under good security, should be exacted for the observance of these instructions. Thus as the instructions would be confined wholly to a trade, neither prohibited nor in dispute, they could not be complained of; and if they were infringed, it would not be the act of the nation. The nation would have only to disavow the act, and shew the instructions whereby it was forbidden; it then became the private act of parties, for which they were punishable, but the nation not bound to answer. This must be admitted by all, especially by those gentlemen who contend that the French Government is not accountable for the hostile acts in the West Indies, though avowedly founded on one of their decrees, and done by their public and acknowledged agents. If, under these circumstances, the French Government be not answerable for these acts, because it has not especially authorized them, how, he would ask, could the American Government be accountable for acts done not only without its authority, but against its express and public orders? For acts, which instead of being able to avoid, should it think fit, as the French Government do with respect to the depredations in the West Indies, it would be bound to punish.

He would exemplify this general position as to the manner of modifying this measure, by some particular cases: not in order to point out all the modifications whereof it was susceptible, or to declare that he would support all that he should mention; but to shew how it might be modified so as to remove every objection.

In the first place Britain exercised the right of taking the goods of her enemies if found on board of our ships. This France alleged was a right given to the English by our treaty with them, and that she also had become entitled to it. She therefore declared that she would take the goods of her enemies whenever she could find them in our ships. This point we do not concede; but neither do we mean to resist the right by force. We intend to negotiate, and perhaps to yield it if found expedient. It would therefore be improper, and contrary to the spirit of this negotiation to permit our vessels to arm in this trade; and consequently every vessel which shall take on board goods the property of the enemies of France must be prevented from arming. Every vessel before the arms must give sufficient proof that she has no such goods on board, and sufficient security not to take them.

So also as to contraband about which there is a point in dispute between us and France which we mean to settle by negotiation.—The French treaty limits the contraband list. In the British it is more extended, and the French declare that they will extend it in the same manner. Here is a dispute which like the former, we mean to settle if possible by negotiation. We must not therefore permit our citizens to contend it by arms; and accordingly no vessel should be permitted to arm without proving that she had none of those articles on board, and giving security to take none. If she did so, it would be contrary to her instructions & set her own risk. The bonds would be forfeited, the act disapproved, and the nation saved from all responsibility.

The same observations, he said, would apply to the case of a place blockaded or besieged. By the Laws of Nations provisions could not be carried to a blockaded or besieged place. What would constitute a siege or blockade was a question of the Law of Nations; but the existence of the siege or blockade must in the first instance be notified to neutrals by the party forming it. It could be known in no other manner: for the neutrals must be well acquainted with the circumstances, and the besieged party would not testify against themselves. Indeed access could not be had to them, and of course their opinion could not be known. The besiegers must therefore make the declaration in the first instance, and neutrals must believe it. Whether false or true becomes afterwards a question in the Courts of Admiralty which the French authority there has declared to be in this state. The truth of this declaration will be a matter of controversy when any of our vessels shall be taken in the attempt to enter those ports peaceably: but in the mean time they must not be allowed to attempt to enter by force. They must be prohibited in the same manner as if the place were declared by the commander of a squadron to be in a state of blockade. At least, Mr. Harper said, this appeared to him to be proper according to this present view of the point. He might hereafter think otherwise for his mind was not fully made up. But proper or not, which was matter of future

consideration, it was certainly practicable, and if done would save the government from any responsibility; and that was sufficient for the present purpose.

These modifications, Mr. Harper said, and as many more as might be thought necessary, it would be practicable to introduce into a bill. The provisions of this bill would be digested into a list of instructions; and owners of vessels applying for permission to arm defensively, would be obliged to conform to the law, and to give large bonds with sufficient security for conforming to the instructions. Resolves by way of indictment might also be added for masters of vessels who should contravene the instructions. If they should still be contravened, the government would have nothing to do but disavow the act, shew the instructions, and say to the contravention, "punish these persons if you can catch them, they have disobeyed our orders, and if they come here we will punish them. In the meantime we will forfeit their bonds;" and thus all justifiable cause of offence would be taken away.

He said "justifiable cause of offence" because it was and always would be impossible to take away pretexts of war from a nation that has resolved on it. Such pretexts it was well known from the history of all nations and ages, had never been wanting when one power was resolved to attack another. All that could be done by a state desirous of peace was to avoid real cause of offence, justifiable cause of quarrel. This must be our conduct. We must avoid justifiable ground of complaint and offence: this would be done by the measures recommended; and we could do no more. If France were to determine on a quarrel as to attack us under so flimsy a pretence, she would find others were we to deprive her of this. War we should have, if war was her desire; and the only possible chance of avoiding it, would be by letting her see that it was not her interest. Mr. Harper was not afraid to pronounce the word war. He was neither afraid of the thing, nor alarmed at the sound; and he could conceive easily of circumstances in which all the interests of this country would call for war. Those circumstances he did not believe now to exist. He believed they might be averted; and that to adopt this measure would strongly tend to produce that effect. Much had been said about a clamour of war which had on former occasions been raised. If such a clamour had been raised the justice would be done him to acknowledge that he had never assisted it. He had never resorted to the alarm of war. It was an event which he had never apprehended, nor did he now apprehend it. It was an event always possible, and for which every country ought to be prepared; and this constant state of preparation was the best means of averting it; which was not to be done by temporizing measures. A country which acts justly towards others, and shews a desire of peace, and at the same time a resolution to defend itself, will always be the most safe from injury and aggression.

GAZETTE MARINE LIST.

Table with columns for Port of Philadelphia, ARRIVED, and DEPARTED, listing ships, masters, and destinations.