laured, by men, whole patriotism is manifested only by the malignant arrows which precipitates them into projects, to debase the character of their own country, its fleets and officers, and to gratify the pride, the passions, and even the freaks of another nation; when finally by an incessant din and clamor, continued for nearly twelve months, these men have at length so far effected the adulteration, as to attract the attention to their wicked calumnies, it cannot be expected that I should sit down in silence and unpeaceably all silent on these circumstances, and without some few comments upon the nature of the charges and of the evidence adduced against captain Little.

An attentive perusal of the charges shews that they are all comprised in one; that of maltreatment of his prisoners. It might be indeed form, upon a superficial view, as has been intimated, that the charges contain something more, viz. an allegation of actual embezzlement by capt. Little of certain of the prize goods, *with an intent to defraud the government*; but I must initially that no such charge is even specified by the government. The distinction is marked between a bare taking of goods from an individual with an intent to defraud the *United States or the captaining crews*, and the public seizure of property with the same design of converting it to one's own use. The first is an offence prohibited by law; the last is no offence in itself; but if accompanied by a court and *sentence* in the proceedings, the cruelty and inhumanity may deserve censure, while the act is intrinsically right and justifiable.

An government, therefore, may properly cite for every fraud or embezzlement of prize goods; for it may forbear to prolecute, when the fraud appears to be trifling or of a trifling and insignificant nature. In the present instance, it does thus forbear to prosecute for any direct injury sustained by Little. It leaves his authority to stand on a complaint, exhibited by individuals for injuries done to them, and which implicate the national honor. As the charges, therefore, now stand, if no injury has been done injured by captain Little, he could not be convicted, even though it should appear, that the United States, or his crew, had sustained a damage by his procurement, and that other charges might be framed against him, they cannot being expressly precluded trying any charge not specified in the order of arrest. This distinction, however clear, is of no moment to capt. Little, except as it conduces to simplify the question before the court, and to place the enquiry upon its true principles.

It being then, a question merely of maltreatment, exercised towards prisoners by capt. Little, I beg leave, to enter into particular recital of the articles, to consider the instances wherein the mal-treatment is alleged to have consisted, and whether capt. Little is personally responsible for any of them if they actually occurred.

The instances of ill treatment are reducible to the following items; 1st, Taking money from the prisoners; 2d, Taking other articles; 3d, Indecent conduct in searching the prisoners; 4th, Cruelty in the mode of confining and procuring their 5th, Kidnapping a part of the crew.

III. With respect to the money, the facts are undeniably proved to be: That three separate searches were made of the officers and crew of the captured vessel; the first on board the Boston, the day following the capture, on the quarter deck; the second, upon other persons in the prize crew, off Gibraltar, a few days subsequent to the first; and the last, on board the Berceau, about fifteen days after the capture. These searches were made in presence of the officers close to inspect them. The orders of the captain were to take money and all iron instruments, but leave *one hundred dollars* to each commissioned officer, and *fifty dollars* to each warrant officer. Thus far, it is agreed, the orders were obeyed, and thus far only would capt. Little be responsible, had his officers exceeded their authority. To this general seizure of the money, capt. Little made another exception, which may illustrate the temper of his character, which has been held up to public view as fearful and avaricious. He reflected to the unfortunate capt. Senez all the specie in his trunk, a fund which he supposed sufficient, which he received with tears of gratitude, and afterwards, when no longer a prisoner, mentioned with high encomiums on capt. Little. A testimony honorable indeed to capt. Little, and outweighing a thousand peevish censures and bitter invectives of libellers and fallers.

The money thus taken was carried immediately into the wardroom, counted, put in a bag with the account of the whole, locked up, and afterwards, to a fastidious delicacy, not to the hands of the marshal.

2dly. Besides money, some of the persons employed in the search, collected, at various times, eight or five watches, all silver, but one or two, that were either gold or gilt, one or two gold rings, a half dozen silver buckles, a few quadrants and ingraffs, all of which might possibly be worth one hundred and fifty or two hundred dollars. The watches and other trinkets were also carried, forthwith, to the wardroom, and as some of the witnesses think, were also put into the keg. However this might be, it appears from the whole testimony, that they were delivered to capt. Little, that these things were noted. No traces appear to this court of the subsequent disposition of these few articles, but there is not the least room for suspicion that captain Little ever received one into his possession. It might, however, be conceded for the sake of argument, that these articles were secreted and afterwards divided among the officers of the Boston without any regular return or memorandum, still no officer would be convenient within the meaning of the law of the charges, nor injury would be thereby done to the owners.

But the right of conquest all property belongs to the victors; even clothings and baggage. This is evident, from the ordinary liquidation of prize head money, when compelled to compromise. This is examples of towns and countries, given up to plunder. The conquerors has a discretion what to take, and a prisoner, on a prize vessel, has no cause of complaint for any lots which he suffering by accidently from his captor. He has no right to property, but merely a right of being treated with decorum and civility. The law on individuals from pillaging a prize of some of his effects, but the commanding officer of the prize and fear when a fund of money and property, thus taken, cannot be doubted that species of pillage which the rules of war aim to prevent. Witches and plunder are the offspring of the same life of the captors, who are amenable only to the government and to the country for the disposal of them. Whatever becomes of the booty is indifferent to the prisoner; his lots is not aggravated in any degree. It may also justly be doubted, whether regard being had to the general pillage of belligerent nations, this trifling loss, thus taken from the person, are within the description of those effects, the taking whereof from the prize ship is prohibited by our law. But it follows to plaine the point, that the information, which is not essential to capt. Little's vindication. If the trinkets were not leizable of right his written orders did not authorize the seizure. If they were leizable, he embezzled or lost, he never received them into his custody, nor, as I contend, did he ever see them, for the testimony of capt. Hafwell to his being in the wardroom, when a part of them was displayed on the table, evidently refers to the period mentioned by Mr. Foley and Bradford, when ratisfy that capt. Little was not in the wardroom, and Mr. Hafwell who was then sick and wounded, and out of his birth only a few moments at a time, and which cannot bear to the presence of any other persons is probably mistaken. But whether present or not, the entire property was left in the wardroom in the custody of the officers. Whoever had access to the cafe, which contained them, captain Little certainly had none; the only receipt he gave for them was an acknowledgment of the cafe, which has been produced in court sworn to by the Clerk, and proved to correspond with the return of the marshal of the District. Thus captain Little if culpable in any view, would deserve censure, but for receiving possession of these things, but for omitting to receive it. It was not his duty, however, to do more than he did. You, Gentlemen, have better information upon this subject than I can pretend to, and I submit to your opinion, whether it be practicable for the captain of a frigate personally to superintend, search and seize property with his own hands, to take an account of it, when seized, or to keep it in his custody.—

Like all men in superior stations, he must depend upon the fidelity of the subordinate agents; they hold their commissions under the same authority with himself, and in the present case the officers might fairly be presumed to be honest upon each other—After illiving sincerest and legal orders, it is impossible for the best officer, consistently with other duties, to delicend to minutie in carrying them into effect.

3dly. The next enquiry relates to the mode of conducting the search. In this respect the testimony of the prosecution is highly aggravated and discreditable to men holding military commissions. Their officers have stated to the public papers and repeated on the present occasion in a series of charge, that they were all examined as those parts, which delicacy forbids to name, in pursuit of money. This is false, as it reflects both officers and men, the first of whom opened and shut up their own trunks, and delivered their own money, and the last have examined with such lifts rigour than their conduct would have justified. Two men only, of their own accord, pulled down their trowsers, by way of indicate, the rest were only ordered to unbutton their waistcoats; and when every device was employed to conceal their effects; when bandages were tied about their bodies, money sewed up in their clothes, shoes and buttons, hid in balls of wax, soap, barrels of sugar, in various, and in short to every place adapted for concealment, that a picture so prohibited of the insolence and arrogance of their men, who have raised such a clamor in the nation, involved the government in such heavy expences, because their heavy bodies were not handled with all the delicacy and decorum which would be proper in a maid of honor undressing a queen.

4thly. The next influence of cruelty is related to conflict of the mode of confining prisoners in the prison ships. This charge, however, is candidly abandoned, and it is conceded that they experienced every possible comfort in conflict with their situation, and even, in some instances, with their friends and foiens. The ample and uniform evidence in this particular, contributed with an acknowledgment of being generously treated and not allowed to have, discovered any instance of exaggeration and partiality, cities every part of the accusation.

Thirdly. The fame tone and temper as in the charge of appropriating, or embezzling goods, belongs to the black cruelty of kidnapping a part of the crew. The illegitimate of all colour of truth. One boy only was recommended to captain Little by a commissioned officer and taken as his servant. He was carried with his own consent into the country, where he remains, happy and attached to capt. Little and his family, and recommended by every one to become a useful and honest man, as he would be in Cayenne or St. Domingo. In the first times too, as American property is no longer unlawful plunder, a French negro any even great rascal in Marthfield as readily, as he could in the Weft Indies.—The boy, however, is at free, and can go or stay, as he has never been detained by any officer of the French nation.

I have thus taken a survey of this grievous charge, and of the evidence produced to support it, with all possible brevity, and at the fame time, with as much attention as my leisure, since the adjournment from the last evening permits. My reliance to delay the court or to request another meeting has induced me to submit this defence without the thightest revision, and with little with a few general observations.

All, who are conversant in Courts of Justice are daily witnesses of prosecutions arising from the heat, the resentment and malice of mankind. But in all that have occurred under my observation, I recollect none, founded on so flimsy a basis as the present one. It is indeed, a case of a most singular complexion, and I believe, unprecedented in the annals of naval or military jurisprudence. A number of officers, citizens of a nation, which for ten years, has subsidized on the indiscriminate plunder of all other nations by sea and land, whose Boccaneers have plundered the citizens of uncounted millions; being legally captured by an American ship, within two months after their arrival in port, began to pull the officers who took them; these inveectives are repeated and circulated with industry, by friends which that nation finds in every country, to proclaim her rights and to vindicate her wrongs, but flow to feel and to refent the outrages offered to their own countrymen.

(To be continued)

THOMAS CARPENTER,
TAILOR,

Has just received a handsome assortment of Cloths, Cassimeres, Swansdowns, &c.

OF SUPERIOR QUALITY.

GENTLEMEN who have blame his work their orders, may rely on his efforts to strict attention and the best & most fashionable workmanship, his materials, and on reasonable terms.

N.B. Military and Naval Uniforms, and Ladies' Habits made with elegance.

City of Wilmington, between the President Lodge and the Masonic Buildings, Pennsylvania Avenue.

October 21, 1801. 2awtf

POST-OFFICE.

Washington, November 7, 1801.

THE Winter Establishment will commence at this Office tomorrow and continue until 1st May next, agreeably to which the Northern Mail is to arrive every day (Sunday excepted) at four o'clock P. M. and close every day (saturday excepted) at five o'clock P. M.

The Southern Mail is to arrive every day (Sunday excepted) at seven o'clock P. M. and close every day (saturday excepted) at five o'clock P. M.

No Mails will take place in other mails from this office.

THOMAS MUNROE, P. M.

October 4. 2aw

For Sale or Rent,

A VALUABLE Lot in Wallington City, on a square No. 886, on Delaware Avenue, near the Capitol, opposite general Washington's buildings. This lot contains 5982 square feet, with a commodious three story brick house thereon, completely finished in a handsome style. Sale of said property will be preferred for part cash, and the balance well secured. For terms apply to Messrs. Morris and Nicholson, Philadelphia, or to the subscriber in Wallington City, in New-Jersey Avenue.

BENJAMIN BURGH.

Nov. 12. eptf

PUBLIC SALE.

By virtue of an order of the Orphans' Court of Washington County, District of Columbia, will be sold to the highest bidder, on Tuesday the 24th of November, at the late dwelling of Colonel Dobbin, deceased, about two miles from the Eastern Branch Ferry.

The personal property of the late James Robertson, deceased—Consisting of Household Furniture, kitchen and farming utensils, four cows, a good sorrel and other articles.

Terms of sale, where the property bought by any one purchaser does not amount to twenty dollars, cash down; but if it exceeds those that sum, a credit of six months; the purchasers giving bonds, with good security for the payment of the same with interest from the day of the sale. Hour of sale, 11 o'clock A. M.

LEWIN TALBURT, Adm'r.

Washington County,
November 10, 1801. 3 epsf

FOR SALE.

A TRACT of land containing 400 acres lying immediately on the river Potomac, in the county of Northumberland, Virginia, lies opposite the town of PORT TOBACCO. Ninety-seven hundred acres of which are of the most valuable kind of low grounds on the river; between three and four hundred acres heavily timbered, the remainder is nearly high land extremely fertile. The fall of this tract is 2 equal to any in the state for cultivation of corn, wheat, tobacco, timothy, and small grain of all kinds. On this tract are a large commodious two story brick mansion house and two offices, a large brick stable, a valuable barn, cow house and many other outbuildings, all in good order. The orchards and gardens contain a variety of valuable fruit trees, and the water abound with excellent fish and oysters. It is planted about half a mile from Alexandria, Baltimore or Norfolk—there are no other buildings within a mile of the mansion, on this place, and plenty of cedar and chestnut timber, exclusive of the heavy timber, which if found before cutting will command a price in the City of Washington, nearly equal to the value of the land.

The terms will be made easy to the purchaser, or purchasers, and the truth will be divided into two or more plantations if necessary—Apply to

RICHARD PETERS, jun.

Near the Navy Yard, Washington, or Walnut Street Philadelphia.

Philadelphia, Nov. 11. eptf

Thirty Dollars Reward

THE following criminals who made their escape from the prison of Washington County, on the 4th of November, on Sunday night the 1st, who have not yet been apprehended.

FRANCIS HIGDON, a slender man, about 5 feet 6 inches high, fair complexion, black hair, about 22 years of age. It is supposed he has endeavored to get among his relations in Chester or St. Mary's County.

JAMES WILLEY, about 5 feet 7 or 8 inches high, light complexion, ashy black hair, and has on a blue coat of clothes quite new, and a very good quality—He is about 22 years of age, talks thick, has short, lisp hair, and is a small made man of a pleasant address.

HARRY, a negro man, of light complexion, 23 or 24 years of age, 5 feet 4 inches high, well made; had on when he went away, a new white cotton shirt, and new coarse, blue, cloth jacket and trowsers.

It is supposed this fellow is gone to Port Tobacco, where, I am informed, his mother resides, who is name is Maddow. I am distant well from for the delivery of either of the above men, or thirty dollars for the whole of them.

DANIEL C. BRENT.

Marshal of the district of Columbia

Washington, Nov 11.

WANTED,

A person who can come recommended for his honesty, fidelity, and attention; and who can give good security for the faithful discharge of the duties at the Office of JAILOR.

November 11.