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978-1-108-02261-3 - The Naval Chronology of Great Britain: Or, a Historical Account of Naval and Maritime Events from 1803 to 1816, Volume 2

James Ralfe

Excerpt

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THE  
 NAVAL CHRONOLOGY  
 OF  
 GREAT BRITAIN.

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1807.

## OCCURRENCES AT AND NEAR HOME.

**T**HE British Parliament having assembled on the 15th December, 1806, was opened by commission. Some days having been taken to swear in the new members, it was not till the 19th that the lord chancellor delivered to both Houses what the commission had in command from his Majesty.

The first topic touched upon in the speech was the negotiation which had, in the course of last year, taken place with France; and stated that his Majesty's efforts for the restoration of general tranquillity, on terms consistent with the interest and honour of his people, and good faith to his allies, had been disappointed by the ambition and injustice of the enemy. After dwelling at some length upon the war existing between France and Prussia, the progress of which had been attended with the most calamitous events, it noticed the good understanding which subsisted between Great Britain, Russia, and Sweden; proceeded to notice the necessity of public burdens and economy in the national expenditure; and concluded with declaring, that the unconquerable valour and discipline of his Majesty's fleets and armies continued to be displayed with undiminished lustre; that the great sources of our prosperity and strength were unpaired; nor had the British nation been at any time more united in sentiment and action, or more determined to maintain inviolate the independence of the empire and the dignity of the national character.

Few subjects of a naval description occupied the attention of the legislature during this session, though two most important naval expeditions were undertaken in the course of the year; but as the consideration of them was not brought forward till the following year, it will be more proper to defer noticing the arguments adduced for and against them till that period.

Vol. II.

B

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James Ralfe

Excerpt

[More information](#)

2

## NAVAL CHRONOLOGY.

[1807.]

SUPPLIES granted by Parliament for the use of the Navy for the year 1807.

December 30, 1806.

That 120,000 men be employed for the sea-service for the year 1807, including 29,000 marines.

	£.	s.	d.
For wages for ditto . . . . .	2,886,000	0	0
For victuals for ditto . . . . .	2,964,000	0	0
For wear and tear of ships in which they are to serve . . . . .	4,680,000	0	0
For ordnance sea-service on board such ships . . . . .	390,000	0	0

January 26, 1807.

That an additional 10,000 men be employed for the sea-service, including 2400 marines.

For wages for ditto . . . . .	240,500	0	0
For victuals for ditto . . . . .	247,000	0	0
For wear and tear of ships in which they are to serve . . . . .	390,000	0	0
For ordnance sea-service on board such ships . . . . .	32,500	0	0
For the ordinary of the navy . . . . .	1,135,434	9	3
For the extraordinary establishment of ditto . . . . .	2,134,903	0	0
For the hire of transports . . . . .	1,500,000	0	0
For sick and wounded seamen at home and abroad . . . . .	300,000	0	0
For prisoners of war at home and abroad . . . . .	500,000	0	0
	<hr/>		
	17,400,337	9	3

## FLAG-OFFICERS EMPLOYED.

Officers.	Ships.	Guns.	Stations.
Admiral Sir G. Montagu	Royal William . . . . .	80	Portsmouth.
Rear-Admiral Sir J. Coffin	Gladiator . . . . .	44	Ditto.
Admiral Earl St. Vincent			Channel.
Vice-Admiral Sir C. Cotton	San Joseph . . . . .	112	Ditto.
Admiral W. Young	Salvador del Mundo . . . . .	112	Plymouth.
Rear-Admiral J. Sutton	La Resolue . . . . .	36	Ditto.
Admiral Lord Keith	Edgar . . . . .	74	Downs.
Vice-Admiral J. Holloway	Princess of Orange . . . . .	74	Ditto.
Admiral Lord Gardner	Trent . . . . .	36	Cork.
Vice-Admiral B. S. Rowley	Zealand . . . . .	64	Nore.
Vice-Admiral Hon. H. E. Stanhope	Matilda . . . . .	24	Woolwich.
Vice-Admiral B. Douglas	Roebuck . . . . .	44	Yarmouth.
Rear-Admiral J. Vashon	Texel . . . . .	64	Leith.
Vice-Admiral T. M. Russell	Majestic . . . . .	74	North Sea.
Rear-Admiral Sir E. Nagle	Spartan . . . . .	38	Guernsey.

Cambridge University Press

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James Ralfe

Excerpt

[More information](#)



*From a plan. by Sir T. Lear.*

*Engraved by T. Sutherland.*

*Painted by J. Whitecombe.*

**LOSS OF THE BLANCHE. MARCH 4<sup>TH</sup>. 1807.**

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James Ralfe

Excerpt

[More information](#)

1807.]

## NAVAL CHRONOLOGY.

3

Officers.	Ships.	Guns.	Stations.
Vice-Admiral Lord Collingwood	Ocean . . . .	98	} Mediterranean & coast of Spain.
Vice-Admiral Sir J. T. Duckworth	Royal George . .	98	
Rear-Admiral J. C. Purvis	Atlas . . . .	74	Ditto.
Rear-Admiral T. Louis	Canopus . . . .	80	Ditto.
Rear-Admiral Sir W. Smith	Le Pompee . . .	80	Ditto.
Rear-Admiral E. Harvey	Donegal . . . .	74	Ditto.
Admiral Hon. G. Berkeley	Leopard . . . .	50	Halifax.
Vice-Admiral J. R. Dacres	Shark . . . .	16	Jamaica.
Rear-Admiral Hon. A. Cochrane	Northumberland .	74	Leeward Islands.
Rear-Admiral Sir E. Pellew	Culloden . . . .	74	East Indies.
Rear-Admiral Sir T. Troubridge	Blenheim . . . .	74	Ditto.
Rear-Admiral C. Stirling	Sampson . . . .	64	C. of Good Hope.
Rear-Admiral G. Murray	Polyphemus . . .	64	Detached Serv.
Rear-Admiral Sir R. J. Strachan	Cæsar . . . .	80	Ditto.
Commodore Sir S. Hood	Centaur . . . .	74	Ditto.

If the naval events of the present year are not characterised by any of those brilliant achievements which distinguished the two preceding years, it must be confessed that it was owing more to the want of opportunities, than to a diminution of zeal or enterprise in the officers of the British navy. The enemy had suffered so severely that little remained to be accomplished, and the navy of England would have been reduced to the dull service of watching the shattered remains of the enemy's squadrons, if that enemy himself had not furnished it with more important services in other situations. Powers which had hitherto been neutral, and whose means of annoying the British empire were quite futile, were forced into a war with England by the power and influence of France: Austria, Russia, Prussia, Denmark, and the Ottoman Porte, were added to her already formidable host of enemies; while the royal family of Portugal was obliged to seek refuge in a distant climate, rather than be numbered among the dependents of Buonaparte. The proceedings in the Baltic, in the Tagus, and in the Dardanelles, will be read with the greatest interest.

On the night of the 4th March, the *Blanche* frigate, Captain Sir T. Lavie, was unfortunately lost off the coast of France. She sailed from Portsmouth on the 3d, and while standing towards Ushant, and in the act of wearing, she struck on a sunken rock. All possible means were immediately taken for her safety; anchors were let go, and the masts cut away; but all proved unavailing: she soon parted from her anchors, and drove further on the rocks. It was now about high water, and while the tide flowed she lay tolerably easy, but when it began to fall, she was covered by most tremendous breakers, and soon after divided amidships and fell over seaward; where she lay about three quarters of an hour, when the water

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James Ralfe

Excerpt

[More information](#)

4

## NAVAL CHRONOLOGY.

[1807

having sufficiently left her, attempts were made by the crew to reach the shore, which, with the exception of about thirty-five, was happily effected. At daylight not two pieces of wood were left together, and the masts were shattered into shivers.

On the 16th April a court-martial assembled on board the *Gladiator* in Portsmouth harbour, to try Captain Whitby, late commander of the *Leander* (which ship had been sent by Captain Beresford off New-York for information), “for having violated the neutrality of the United States of America, by having on the 25th of April last, within the waters and jurisdictions of the said United States, unlawfully, wilfully, and of malice aforethought, caused a shot to be fired from his Majesty’s ship *Leander* into a ship or vessel then being and sailing within the waters and jurisdiction of the said United States, whereby one John Pierce, a citizen of the United States, then being in and on board of the said last-mentioned ship or vessel, was then and there feloniously killed and murdered; and to try him, the said Captain Whitby, for such violation of the neutrality of the said United States, and for the wilful murder of the said John Pierce.”

Several witnesses having been examined for the prosecution, Captain Whitby entered on his defence, which was read as follows:

*Mr. President and Gentlemen of this honourable Court,*

After having endeavoured to serve my king and country with fidelity and zeal from my earliest period, and having been so fortunate as to rise rapidly in my profession, I cannot but deeply lament that I should be brought before this august tribunal, charged with offences of the most serious nature, and if proved, productive of consequences to me the most fatal. It is my wish to occupy no more of your time and attention than the importance of my case requires; but should I trespass longer than may appear necessary, consider it not, gentlemen, as proceeding from even the smallest desire to create delay, but from a feeling of justice to my reputation, from the most anxious solicitude to exculpate myself in the fullest and strongest manner from the violent attempts of the American government to overwhelm me with crimes, which, as a Christian and a man, I shudder at, and must ever hold in the greatest abhorrence.

The charges, if I understand them rightly, accuse me of having, in the first instance, violated the neutrality of a state in amity with his Majesty, by having, on the 25th of April last past, within the waters and jurisdictions of the United States of America, unlawfully, wilfully, and of malice aforethought, caused a shot to be fired from his Majesty’s ship *Leander* into a ship or vessel (a coaster) then within the waters of the said United States; whereby, in the second instance, John Pierce, a citizen of the United States, then being on board the last-mentioned vessel, was then and there feloniously killed and murdered.

These, gentlemen, especially the latter, are crimes of the greatest atrocity; but on such slight grounds, as I trust it will appear to this court, have they been pre-

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Excerpt

[More information](#)

1807.]

NAVAL CHRONOLOGY.

5

ferred, that I feel almost at a loss how and where to commence my refutation of them. Has it been proved by any one witness that I unlawfully, wilfully, and of malice aforethought, caused a shot to be fired by the *Leander* into any ship or vessel when within the waters and jurisdictions of the United States? Has any one asserted that any coasting vessel was fired into by my orders? The charge is, to a certain degree, specific, whereas it states a particular vessel to have been fired into; though it describes it no otherwise than as one on board of which was a man, by name John Pierce, who was feloniously killed by a shot from the *Leander*. I am prepared, however, to establish most indisputably, that this vessel (as far as it can be recognised by this description) was not fired into by any one of his Majesty's squadron at that time under my command, nor was, I believe, even seen by any one whilst the firing continued: hence naturally arises the inquiry, how came a shot to be fired at all, and against what was it directed? Though, gentlemen, it might be sufficient, in a legal point of view, to prove myself innocent of the express charges now before the court, yet I should not consider my justification by any means complete, except the circumstances which led to my accusation were most satisfactorily explained.

On the 25th of April last, about half-past two o'clock in the afternoon, there being no vessel then in sight of his Majesty's squadron, I went to dine on board the *Cambrian*; during my stay in that ship, a firing at several vessels making for the port of New-York commenced, in order to bring them to. With regard to these vessels, I hope to ascertain (if the court shall deem such explanation to be relevant to my defence), that they, when first fired at, were not within the protection of the American coast; that his Majesty's squadron was not nearer the shore than seven miles, nor the vessels fired at nearer than six. Some of them thought proper to bring-to, with their heads in-shore and their fore-sails set, so as to draw fast from us: they were, however, boarded and searched before they reached within the buoys, which have always, I conceive, been considered as the limits of the American waters. Did I not feel it material in this part of my defence, I should deem it presumptuous in me to state to this honourable court the generally received opinion as to the limits which the aforementioned buoys appear to represent: they are the first visible signs from the sea of an established government on that part of the American coast, and have always been held, by the officers commanding on that station, to be the marks of a jurisdictional right: there is no flag, no battery within twenty miles of these buoys. Is it possible, then, that the neutrality of a state can be violated by the searching of vessels beyond them? The commander in chief upon that station had never received information, that the jurisdictional rights of the Americans extended into open seas where no marks of such rights had been fixed—into seas which were out of reach of all batteries from the shore. When, in compliance with my orders from Captain Beresford, I went off New-York, no particular instructions respecting these limits being given,

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James Ralfe

Excerpt

[More information](#)

## 6

## NAVAL CHRONOLOGY.

[1807.]

I naturally felt myself justified in following the example of superior officers who had previously commanded on that station. The measures adopted against Admiral Cochrane, to whom an accident nearly similar had happened, did not charge him with a breach of neutrality, but a proclamation, precisely the same as that which was directed against me, was issued against him, and his ship was prohibited the use of their ports and harbours: the admiral's remonstrance, however, against the hostility of such proceedings, accompanied with threats to attack two French frigates then lying near him in Hampton roads, occasioned it to be immediately repealed. Two years since, the *Leander*, then commanded by Captain Skene, chased an American ship into four fathoms' water, fired into her, cut away part of her rigging, but was unable to prevent her escape into port; yet no steps were then taken by the American government to point out or define their limits, although that ship was likely to continue cruising off the same part of the coast, and might have daily been led to stand equally near the shore, for the purpose of examining all vessels passing to and fro. It, therefore, appeared to me that the jurisdiction of the Americans did not extend beyond their buoys; nor do I comprehend why they should be entitled to greater indulgence than any other power in amity with us, particularly, when so far from maintaining the neutrality of their own country, they actually allow vessels belonging to subjects of Great Britain to be captured off their very harbours' mouths by the enemy's privateers, and constantly afford concealment, by their flag, to the ships and property of hostile nations, to the very material injury of this kingdom. When I assert these facts, do not let me be thought to speak at random: I have now in my possession the original papers, wherein application is made by respectable merchants in London to the Lords Commissioners of the Admiralty, during the command of the late Sir Andrew Mitchell at Halifax, for ships of war to protect their trade from the numerous French and Spanish privateers that infest the American ports. Moreover, when the *Cambrian* parted company with the *Leander*, after the occurrences which have occasioned this inquiry, Captain Nairne found it his duty to leave his cruising ground, in order to open to the English merchants the port of Charlestown, which was then blockaded by three French privateers. Some, also, of the vessels which we boarded and searched were found to contain contraband goods, and not unfrequently were actually the enemy's ships with cargoes from the enemy's colonies covered by American flags. Under a knowledge of such circumstances, I felt it incumbent on me to be more particular and vigilant in my search, but trust it will be made most manifest to the court, that I have not exceeded the bounds prescribed by my duty. Upon sending a flag of truce up to New-York for the recovery of some of my officers, who were unjustifiably detained, I thought it necessary, for insuring communication, to anchor off their buoys; and then considering myself within their waters, took especial care that no molestation whatever should be offered to any ships, either inward or outward

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Excerpt

[More information](#)

1807.]

## NAVAL CHRONOLOGY.

7

bound.—With respect to the second charge, which accuses me of the felonious and wilful murder of John Pierce, a citizen of the United States of America, I cannot but remark, that the same facts which disprove the first offence must necessarily operate to substantiate my innocence of this. If the vessel, on board of which John Pierce was unfortunately killed, was not fired at, was not even seen, how can his death attach to me? Did I give orders for the *Leander* to fire at all? Did I order her fire to be directed at any coasting sloop? Much less is it possible, that I, who was on board the *Cambrian*, could order the guns to be pointed at John Pierce, or at any individual on board of any vessel whatever. But surely, gentlemen, to prove me guilty of so atrocious a crime as this, of which I am now called upon to clear myself, it is necessary to shew that such orders were positively given by me, and that I had malice aforethought against John Pierce. But could that exist against a man whose very being was unknown to me, against one whom I had never seen or heard of? To attempt reasoning upon any question so absurd as, whether or not I could possibly have a wilful and malicious intent to murder a man under such circumstances, would be to waste your time without advancing my vindication.

Now what was the conduct pursued by the master of the sloop on the unfortunate accident taking place? Did he bring her to, under the idea that she was fired at for that purpose? Did he come down to acquaint me that such an event had happened, that she was a coaster, and not liable to be searched from the situation she was in? No, gentlemen, he proceeded on his voyage as if nothing had occurred; as if he was perfectly aware that the firing from his Majesty's squadron was in no wise directed at his sloop. From this circumstance, I am led to doubt the fact of John Pierce having received his death by a shot from any one of the squadron: I am naturally induced to believe that the whole is a fabrication for the purpose of inflaming the populace (then in a state of great commotion on account of an election) against the British nation in general. Who has proved that the said John Pierce was killed by a shot from the *Leander*? Assertions, the asseverations of faction, are not proof, particularly when made, as it is well known they were, by leaders of different parties who had their own views to serve, and thought of nothing less than the merits of the case, or the dignity of their national character. I am no stranger to the violent, unseemly proceedings of the Americans upon this occasion. The publicity of them must necessarily make me more anxious to clear myself from all such aspersions, to have my conduct justified in the eyes of my country. Nor do I wish to rest my defence on the absence of many persons, whose vehemence at the time was notorious: my earnest endeavour is to manifest to my countrymen, whose good opinion must always afford the most heartfelt satisfaction, that I not only have not merited the obloquy which the American government has so eagerly, so assiduously attempted to cast upon me; but that it has always been the chief aim and delight of my soul to support,



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Excerpt

[More information](#)

8

## NAVAL CHRONOLOGY.

[1807.]

as far as opportunity was afforded to my humble abilities, that high character for justice and generosity which has always been attendant on British warfare.

This, gentlemen, is the simple unadorned statement of facts, which I most confidently expect to substantiate by the witnesses whom I intend to call. With regard to the evidence adduced on the part of the prosecution, much, gentlemen, might be said as to its inconsistency on many material points, but I am so unwilling to take up the time of this honourable court one moment more than is absolutely necessary, and feel so confident that nothing will escape the notice of every honourable member, that I shall wave every further observation upon it. On the papers, however, which have been read, I cannot but observe, that they were written almost entirely from rumour; and I do not, therefore, consider myself pledged as to their correctness in all points. But it is impossible for me to close my defence without entering a little more at large into the malignant efforts of the Americans to calumniate my character, both public and private: their object was to make my conduct appear outrageous and illegal; for that purpose they circulated and forwarded to the British government affidavits, which, though they cannot be admitted in court, may, nevertheless, prejudice members against me. Could they have been brought forward, I am prepared with evidence of most undoubted veracity to expose their shameful falsehood, and at the same time proclaim to Great Britain, that their rancorous hatred of me has its origin in a most inveterate disposition of enmity towards this country: such must have been the sentiments which occasioned the grossest insult that was ever offered to the British flag. Not satisfied with publishing the most libellous and false affirmations against me, as an officer who was in the service of his Britannic Majesty—against me, who, either in a public or private situation, was amenable, upon a fair representation, to the laws of my country for every species of delinquency (to which very laws I now look with confidence for protection against such foul attacks); not satisfied with every threat and action of violence against me which malevolence could inspire, and their power (God be thanked for its insufficiency!) could execute; not satisfied with illegally, and in defiance of all treaties of amity, detaining my officers, who, at any rate, were innocent of the misconduct imputed to me; not satisfied with seizing the boats laden with provisions which had been publicly purchased for the use of his Majesty's ships, they dragged, ignominiously dragged through the streets at a cart-wheel the British flag, and burnt it with shouts of exultation in front of the British consul's house. They, moreover, fitted out armed vessels, and sent them out in quest of two merchantmen which had been searched by his Majesty's squadron, and ordered to Halifax for adjudication. Such were the insults offered, with every possible aggravation they could devise, by the Americans to the British nation in general, and sanctioned by the chief magistrates of New-York. Such are the persons, the authors and abettors of such outrages, who cry out that their neutrality is violated by the searching of ships on the

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Excerpt

[More information](#)

1807.]

NAVAL CHRONOLOGY.

9

open seas, by the maintenance of that right which the British navy, by their superiority, have acquired, and which every Englishman must hope may never be given up. Such are the persons who demand vengeance for the death of a man, whose death (if he received it from a shot at all) is to be attributed to the resistance which was made to that right of search, which has been acknowledged and universally conceded to belligerent powers. But upon what principle did the Americans resist the search? Upon what grounds do they now call aloud for revenge? Consciousness of carrying on an illegal trade occasioned these efforts to escape; shame and rage at their illicit traffic being discovered and publicly made known, together with the fear of its being by any means put a stop to, prompted their violence against me, and their unparalleled insult of the English flag.

I must now, gentlemen, beg leave to refer to your serious consideration the great length of time which this trial has been hanging over my head; though on the day of my arrival in England, I declared myself ready and solicitous to meet the investigation: such a delay, by no means necessary, as all witnesses from America might have arrived as soon as myself, has been the source of much inconvenience to me, of much uneasiness and anxiety of mind; to be kept under arrest at Portsmouth nearly six weeks, at a great distance from all my friends, whom I might wish to consult, after an absence of six years from my native land and all a man must hold most dear in this life; in the daily expectation of my trial coming on, and as often disappointed of my wishes upon that head; to be then informed that no witnesses were forthcoming who could allege any thing in proof of the charges exhibited against me, and that America must be searched before the proceedings could advance: to be thus detained, in fact a prisoner, though at large, nearly five months longer in all the torture which the suspense must necessarily create, and unable to enjoy what (God forbid I should ever forfeit!) the estimation and good opinion of my friends and acquaintance; to be held in such a situation, is it not a real, a severe punishment? Nor has it ended here: for on positive assurances from the late Lords of the Admiralty that no circumstance should prevent this investigation from being brought to a conclusion in the middle of March last, I repaired a second time to Portsmouth, and had collected my evidence together from the different parts of England, in the fullest confidence that such assurances were most implicitly to be relied upon. But again was I cruelly disappointed: after remaining most anxiously, though patiently, for a week, again I was informed that the witnesses from America were not arrived; that my prosecutors were to receive further indulgence, additional delay, and that I was to wait the pleasure and submit to the tardiness of the Americans for two months longer. Upon such facts I am sure all comments from me must be needless; they require only the bare mention to shew the severity which I have experienced. Severely indeed have I felt such treatment, and the more so, be

Vol. II.

C