

Capt. Porter's Statement—concluded.

side to stop the leaks, when his slings had been shot away, and it was with difficulty he was saved from drowning. The enemy, from the smoothness of the water, and the impossibility of our reaching him with our carronades, and the little apprehension that was excited by our fire, which had now become much slackened, was enabled to take aim at us as at a target; his shot never missed our hull, and my ship was out up in a manner which was, perhaps, never before witnessed—in five, I saw no hopes of saving her, and at 20 minutes after 6 P. M. gave the painful orders to strike the colors. 75 men, including officers, were all that remained of my whole crew, after the action, capable of doing duty, and many of them severely wounded, some of whom have since died. The enemy still continued his fire, and my brave though unfortunate companions, were still falling about me. I directed an opposite gun to be fired, to show them we intended no further resistance; but they did not desist; four men were killed at my side, and others in different parts of the ship. I now believed he intended to show us no quarter, and that it would be as well to die with my flag flying as struck; and was on the point of again hoisting it, when about ten minutes after hauling the colors down he ceased firing.

I cannot speak in sufficiently high terms of the conduct of those engaged for such an unparalleled length of time (under such circumstances) with me in the arduous and unequal contest. Let it suffice to say that more bravery, skill, patriotism and zeal were never displayed on any occasion. Every one seemed determined to die in defence of their much loved country's cause, and nothing but views to humanity could ever have reconciled them to the surrender of the ship; they remembered their wounded and helpless shipmates below. To meeting lieutenants McKnight and Odenheimer I feel much indebted for their great exertions and bravery throughout the action in fighting and encouraging the men at their divisions, for the dextrous management of the long guns, and for their promptness in re-manning their guns as their crews were slaughtered. The conduct of that brave and heroic officer, acting Lieut. John G. Cowell, who lost his leg in the latter part of the action, excited the admiration of every man in the ship, and after being wounded would not consent to be taken below until loss of blood rendered him insensible. Mr. Edward Barnwell, acting sailing master, whose activity and courage was equally conspicuous, returned on deck after his first wound, and remained after receiving his second until fainting with loss of blood. Mr. Samuel B. Johnson who had joined me the day before, and acted as marine officer, conducted himself with great bravery, and exerted himself in assisting at the long guns; the musketry after the first half hour being useless (from our long distance).

Mr. M. W. Bostwick, whom I had appointed acting purser of the Essex Junior, and who was on board my ship, did the duties of aid, in a manner which reflects on him the highest honor, and Midshipmen Isaacs, Farragut and Ogden, as well as Acting Midshipmen James Terry, James R. Lyman and Samuel Duzenbury, and Master's Mate William Pierce exerted themselves in the performance of their respective duties and gave an earnest of their value to the service; the three first are too young to recommend for promotion, the latter I beg leave to recommend for confirmation as well as the acting lieutenants, and Messrs. Barnwell, Johnston and Bostwick.

We have been unfortunate, but not disgraced—the defence of the Essex has not been less honorable to her officers and crew than the capture of an equal force, and I now consider my situation less unpleasant, than that of Commodore Hillyar, who, in violation of every principle of honor and generosity, and regardless of the rights of nations, attacked the Essex in her crippled state, within pistol shot of a neutral shore; when for six weeks I had daily offered him fair and honorable combat, on terms greatly to his advantage; the blood of the slain must be on his head, and he has yet to reconcile his conduct to heaven, to his conscience and to the world. The annexed extract of a letter from Commodore Hillyar, which was written previous to his returning me my sword, will shew his opinion of our conduct.

My loss has been dreadfully severe, 58 killed or have since died of their wounds, and among them Lt. Cowell; 39 were severely wounded, 27 slightly, and 31 are missing; making in all 154, killed, wounded, and missing, a list of whose names is annexed.

The professional knowledge of Doctor Richard Hoffman, acting Surgeon, and Doctor Alexander Montgomery, acting Surgeon's Mate, added to their assiduity and the benevolent attentions and assistance of Mr. D. P. Adams, the Chaplain, saved the lives of many of the wounded; those gentlemen have been indefatigable in their attentions to them; the two first I beg leave to recommend for confirmation, and the latter to the notice of the Department.

I must in justification of myself observe, that with our six twelve pounders only we fought this action, our carronades being almost useless.

The loss in killed and wounded has been great with the enemy; among the former is the first Lieutenant of the Phoebe, and of the latter Capt. Tucker of the Cherub, whose wounds are severe. Both the Essex and Phoebe were in a sinking state, and it was with difficulty they could be kept afloat until they anchored in Valparaiso next morning. The battered state of the Essex will, I believe, prevent her ever reaching England, and I also think it will be out of their power to repair the damages of the Phoebe, so as to enable her to double Cape Horn. All the masts and yards of the Phoebe and Cherub are badly crippled, and their hulls much cut up; the former had 18 twelve pound shot thro' her below her water line, some three feet under water. Nothing but the

smoothness of the water saved both the Phoebe and Essex.

I hope, sir, that our conduct may prove satisfactory to our country, and that it will testify it by obtaining our speedy exchange, that we may again have it in our power to prove our zeal.

Commodore Hillyar (I am informed) has thought proper to state to his government that the action only lasted 45 minutes; should he have done so, the motive may be easily discovered—but the thousands of disinterested witnesses who covered the surrounding hills can testify that we fought his ships near two hours and a half; upwards of fifty broadsides were fired by the enemy agreeable to their own accounts, and upwards of seventy-five by ours; except the few minutes they were repairing damages, the firing was incessant.

Soon after my capture I entered into an agreement with Com. Hillyar to disarm my prize the Essex Junior, and proceed with the survivors of my officers and crew in her to the U. States, taking with me all her officers and crew. He consented to grant her a passport to secure her from re-capture. The ship was small and we knew we had much to suffer, yet we hoped soon to reach our Country in safety, that we might again have it in our power to serve it. This arrangement was attended with no additional expense, as she was abundantly supplied with provisions and stores for the voyage.

In justice to Commodore Hillyar, I must observe, that (although I can never be reconciled to the manner of his attack on the Essex, or to his conduct before the action,) he has, since our capture, shewn the greatest humanity to my wounded (whom he permitted me to land on condition that the United States should bear their expenses,) and has endeavoured as much as lay in his power to alleviate the distresses of war by the most generous and delicate deportment towards myself, my officers and crew; he gave orders that the property of every person should be respected—his orders, however, were not so strictly attended to as might have been expected; besides being deprived of books, charts, &c. &c. both myself and officers lost many articles of our clothing, some to a considerable amount. I should not have considered this last circumstance of sufficient importance to notice, did it not mark a striking difference between the Navy of Great Britain and that of the U. States, highly creditable to the latter.

By the arrival of the Tagus, a few days after my capture, I was informed that besides the ships which had arrived in the Pacific in pursuit of me, and those still expected, others were sent to cruise for me in the China Seas, off New Zealand, Timor and New Holland, and that another frigate was sent to the River la Plata.

To possess the Essex it has cost the British Government near six millions of dollars, and yet, sir, her capture was owing entirely to accident; and if we consider the expedition with which naval contests are now decided, the action is a dishonour to them. Had they brought their ships boldly into action with a force so very superior, and having the choice of position, they should either have captured or destroyed us in one fourth the time they were about it.

During the action, our Consul General Mr. Poinsett called on the Governor of Valparaiso, and requested that the batteries might protect the Essex. This request was refused, but he promised that if she should succeed in fighting her way to the common anchorage, he would send an officer to the British Commander and request him to cease firing, but declined using force under any circumstances, and there is no doubt a perfect understanding existed between them; this conduct added to the assistance given to the British, and their friendly reception after the action, and the strong bias of the faction which govern Chili in favor of the English, as well as their hostility to the Americans, induced Mr. Poinsett to leave that country. Under such circumstances, I did not conceive it would be proper for me to claim the restoration of my ship, confident that the claim would be made by my Government to more effect. Finding some difficulty in the sale of my prizes, I had taken the Hector and Catharine to sea and burnt them with their cargoes.

I exchanged Lieut. McKnight, Mr. Adams, and Mr. Lyman and eleven Seamen for part of the crew of the Sir Andrew Hammond, and sailed from Valparaiso on the 27th April where the enemy were still patching up their ships to put them in a state for proceeding to Rio de Janeiro previous to going to England.

Annexed is a list of the remains of my crew to be exchanged, as also a copy of the correspondence between Com. Hillyar and myself on that subject. I also send you a list of the prisoners I have taken during my cruise, amounting to 343. I have the honor to be, &c.

D. PORTER.

The Hon. Secretary of the Navy of the U. S. Washington.

P. S. To give you a correct idea of the state of the Essex at the time of her surrender, I send you the Boatwain's and Carpenter's report of damages; I also send you a report of the divisions.

Extract of a letter from Com. Hillyar to me. PHOEBE, April 4th, 1814.

"My Dear Sir—Neither in our conversations nor in the accompanying letter, have I mentioned your sword. Ascribe my remissness in the first instance to forgetfulness; I consider it only in my servant's possession with my own, until the master may please to call for it; and although I omitted, at the moment of presentation, from my mind being much engrossed in attending to professional duties, to offer its restoration, the hand that received will be most gladly extended, to put it in possession of him who wore it so honorably in defending his country's cause.

"Believe me, my dear sir, very faithfully, yours, (Signed) "JAMES HILLYAR, Captain Porter."

A return of the killed, wounded and missing on board the U. States frigate Essex.

[The names of the killed, &c. are omitted.] Killed and have since died of their wounds 58 Severely wounded 39 Slightly wounded 26 Missing 31 Total 154

After some conversation on the subject the following correspondence took place.

VALPARAISO, APRIL 4th, 1814.

SIR—Taking into consideration the immense distance we are from our respective countries, the uncertainty of the future movements of His Majesty's ships under my command, which precludes the possibility of my making a permanent arrangement for transporting the officers and crew late of the Essex to Europe; and the fast approaching season which renders a passage round Cape Horn in some degree dangerous: I have the honor to propose for your approbation the following articles, which, I hope, the government of the United States, as well as that of Great Britain, will deem satisfactory: and to request that, should you conceive them so, you will favour me with the necessary bond for fulfilment.

1st. The Essex Junior to be deprived of all her armament and perfectly neutralized; to be equipped for the voyage solely and wholly at the expense of the American government; and to proceed with a proper American officer and crew (of which I wish to be furnished with a list,) for the purpose of giving the necessary passports to any port of the United States of America that you may deem most proper.

2d. Yourself, the officers, petty officers, seamen, marines, &c. composing your crew, to be exchanged immediately on their arrival in America, for an equal number of British prisoners of similar rank—Yourself and officers to be considered on their parole of honor until your and their exchange shall be effected.

In case of the foregoing articles being accepted, the Essex Junior will be expected to prepare immediately for the voyage, and to proceed on it before the expiration of the present month; should any of the wounded at that period be found incapable of removal, from not being sufficiently advanced in their recovery, the most humane attention shall be paid them; and they shall be forwarded home by the first favorable conveyance that may offer.

I have the honor to be, &c. (Signed) JAMES HILLYAR.

Capt. David Porter, late commander of the United States frigate Essex, Valparaiso.

Valparaiso, 5th April, 1814.

SIR—I have the honor to acknowledge the receipt of your several favors of yesterday's date—

The conditions offered by you for our return to the United States are perfectly satisfactory to me and I entertain no doubts of their being equally so to my country. I therefore do not hesitate to pledge my honor (the strongest bond I can give) that every article of the arrangement shall on our part be fully complied with—A list of the Essex Junior's crew shall be furnished you as soon as it can be made out, and her disarmament effected with all possible dispatch.

(Signed) D. PORTER.

Commodore James Hillyar, Commanding H. B. Majesty's Frigate Phoebe, Valparaiso.

Commodore Hillyar sent me a paper certifying, that he had exchanged certain individuals therein named, making part of the crew of the Sir Andrew Hammond, for an equal number of the most severely wounded of my crew; this occasioned the following letters.

Valparaiso, 4th April, 1814.

SIR—I have received a paper signed by you, dated yesterday, stating, that you had exchanged certain wounded prisoners, making part of my crew, for the Capt. and crew of the prize ship Sir Andrew Hammond, which paper I have taken the liberty to return to you, and protest in the strongest terms against such arrangement.

In the first place the wounded and helpless individuals therein named, do not wish such exchange; one died last night and several others expect to share his fate.

Secondly, should I from any circumstance be separated from them, which would be more likely to be the case than if they remained prisoners, their situation would be more deplorable than it is at present. Thirdly, This arrangement has been made without my consent, and on terms far from offering equal advantages to the United States.

I have the honor to be, &c. (Signed) D. POTTER.

Commodore James Hillyar, Commanding H. B. Majesty's Frigate Phoebe, H. B. M. SHIP PHOEBE.

Valparaiso, April 4, 1814.

SIR,—I have the honor to acknowledge the receipt of your letter of this day's date, protesting against the arrangement I made in the paper you returned, and to express a regret that my wish, which was to alleviate and not increase the afflictions of your wounded officer and crew has failed of being gratified. I am sorry you have thought proper to mention the dead and dying, as I so fully explained to you this morning that, in the event of the loss of any other names should be added to the list. I shall now direct Capt. Wm. Porter to consider himself still a prisoner of war on his parole; but as I have ordered the people to go on board the Essex to work, under the impression that no difficulty would arise, will liberate in exchange for them an equal number of prisoners, as their names, being seamen, shall be found to follow each other on your late ship's books, and give up also two mates or midshipmen, for the two mates which are of the English party. I hope this may prove satisfactory to your government and self. I am yours, &c. (Signed) JAMES HILLYAR.

(Signed) Capt. D. Porter.

Valparaiso, 5th April, 1814. The arrangement which you have suggested respecting the exchange of the vessel of the Sir Andrew Hammond, for an equal number of the crewmen of the late U. S. Frigate Essex, as they stand on the list furnished you, is perfectly satisfactory. It will be a great satisfaction to the three officers who accompany the Essex, to know that after your object in taking them with you shall be effected, they will be no difficulty in their proceeding immediately for the United States. I take the liberty therefore to suggest that they might be exchanged here for Capt. Wm. Porter and his three mates. This will be an accommodation to all parties and reconcile the officers so exchanged to a separation from their friends. I have the honor to be &c. (Signed) D. PORTER.

Commodore James Hillyar, Commanding H. M. Frigate Phoebe.

State of North-Carolina, EDGECOMBE COUNTY.

In equity, March Term, 1814. Joseph Arrington and Wife, and Henry Ricks vs. The Heirs of Robert Ricks, and others.

ORIGINAL BILL. Appearing at this Term to the satisfaction of the Court, that Rhoda Battle, Job Horn, Nancy White, Joel Denson and Nancy his wife, Mourning Willis down, Job Horn, are inhabitants of the State of Georgia, and Abisha Horn is in the United States—any of whom do not reside within the limits of this State. It is therefore, in motion, Ordered by the Court, that Publication be made forthwith in the Raleigh Minerva, or three Months successively, that unless the above defendants appear at next Term, to hold on to the above County, at the Court-House in Raleigh, on the second Monday in September next, and answer or demur to the complaint—Billgate will be taken pro confesso at that Term and heard exparte against them.

Copy from the Minutes. ROBERT STUART, M. E. A. 22--

The Mineral Springs, AT LENOX-CASTLE, IN ROCKINGHAM COUNTY, NORTH-CAROLINA.

THE Subscriber has established himself at LENOX-CASTLE, where he has opened a HOUSE OF ENTERTAINMENT, and is making extensive preparations for the Accommodation of Invalids and others who shall resort to this place during the summer months either for health or amusement. The Mineral Waters are of various kinds, and equal in their virtues to any in the Union. Bathing and the Springs will be kept in good order. "Lenox-Castle" is one of the most healthy and agreeable Situations in the Southern States: is on the main road leading from the Eastern to the Western parts of North Carolina. A Post office is kept at this place, at which the mail arrives twice in each week, and papers and Literary Journals from different Cities in the United States are received for the use of Gentlemen who resort to the Springs. An assortment of good Liqueurs will be kept on hand, and every endeavour made to provide the Accommodations that the Country will afford. The Climate of living, the excellence of the Waters and the Healthfulness of the Situation, all contribute to render this an agreeable place of resort. JOHN L. LESLIE, 20th May 1814. 47-2m.

Valuable Property for Sale. WILL be sold by the subscriber, on reasonable terms, the Lots and Houses (publicly chartered, in the town of Oxford, reserved by him when the town was established on his lands. The property offers superior advantages which will always secure to the purchaser a preference of custom, each lot being contiguous to the next year, and handsomely situated; upon one of which are two commodious houses, two stories high, containing three rooms for the accommodation of gentlemen of the bar and others who wish retirement; with every necessary out-house, and a garden and yard occupying nearly four acres. Upon the other there is a tavern house which is about to be repaired and enlarged, a spacious framed stable besides other houses, and a note for adjoining, which will be extended to any size the purchaser may desire, to which will be added as much land convenient to the town, as may be required for fire-wood and pasture. As any general description of the premises will necessarily prove unsatisfactory to strangers who may be desirous to purchase such property, they are invited to view it. The subscriber will also sell lots of ground, to suit the purchaser, adjoining the town and convenient to the Oxford Academy, which affords to its patrons the prospect of becoming a flourishing situation.

TH. B. LITTLEJOHN, Oxford, Granville county, 31st March 1814. 40m

North Carolina. THE Auditors for that purpose appointed by the 13th General Assembly, will proceed forthwith to settle and report—the claims of the officers and soldiers called into public service, by the Governor of this State, in the month of July, 1813, and the Claims of others who grew out of the said call:—The Claims for military services will be tested by the Muster Rolls and settled accordingly. Every other claim, of what kind or nature soever, must be formally proved before one or more Justices of the Peace.

Raleigh, 27th May, 1814. 47-16.

State of North-Carolina. ROWAN COUNTY.

Court of Pleas and Quarter Sessions William Moore vs. Joel Noel, ORIGINAL ATTACHMENT. Levied on Land &c.

Appearing to the satisfaction of this court that the Defendant is not an inhabitant of this State: it is therefore ordered, that publication be made for three weeks successively in the Raleigh Minerva, that the said Joel Noel appear at our court of Pleas and Quarter Sessions to be held for the County of Rowan at the Court House in Salisbury on the second Monday in August next, and enter his plea to said bill or judgment will be taken according to the Plaintiff's demand. Test.

JOHN GILES, C. C. 47-16.

Paper. LETTER-PAPER, plain and pink, FOOLSCAP, (12 and 14 quires,) BLANK CARDS, &c. For sale at this office.