

RODGERS' CRUIZE.

COM. ADDRESS TO THE SECRETARY OF THE NAVY.

U. States Frigate President, Newport, Sept. 17.

Sir.—Your having been informed of my leaving Boston on the 23d of April last, and of my departure from President Head in company with the Congress, on the 30th of the same month, it now only remains for me to make you acquainted with my proceedings since the latter date.

In a few hours after getting to sea, the wind, which had been light from the westward, shifted to the S. E. and obliged me to beat, consequently prevented our getting clear of the bay until the third of May, when in the afternoon while in chase of a British brig of war, near the shoals of George's Bank, we passed to windward of three sail, two of which, from their appearance previously received, I judge to be the La. Hogue 74, and N. map frigate, and the third a merchant brig. After getting clear of George's Bank, the wind veered to the north eastward, and we continued along east southerly, in the direction of the southern edge of the Gulf Stream until the 8th of May, in long. 60. W. lat. 39 30 N. when I parted company with the Congress. After parting company, I shaped a course as near as the wind would permit to intercept the enemy's West India commerce passing to the southward of the Grand Bank. Not meeting with any thing in this direction except American vessels from Lisbon and Cadiz, I next pursued a route to the northward on a parallel with the eastern edge of the Grand Bank, so as to cross the tracks of his West India, Halifax, Quebec, and St. John's trade. In this route, experiencing constant thick fogs for a number of days, and not meeting any thing, after reaching the latitude of 48 N. I steered to the S. E. towards the Azores, off which in different directions, I continued until the 6th of June, without meeting a single enemy's vessel, or any others except two Americans. At this time falling in with an American ship bound to Cadiz, and receiving information that she had four days before passed an enemy's convoy from the West Indies bound to England, I crowded sail to the N. E. and although disappointed in falling in with the convoy, I nevertheless made four captures between the 9th and 13th of June.

Being now in the lat. of 46 N. and long. 28 W. I determined on going into the North Sea, and accordingly shaped a course that afforded a prospect of falling in with vessels bound to Newfoundland from St. George's Channel by the way of Cape Clear, as well as others that might pass north about to the northward of Ireland: to my astonishment, however, in all this route I did not meet with a single vessel, until I made the Shetland Islands, and even off there nothing but Danish vessels trading to England under British licences. At the time I reached the Shetland Islands a considerable portion of my provisions and water being expended, it became necessary to replenish these, previous to determining what course to pursue next; and I accordingly, for this purpose, put into North Bergen on the 27th of June; but much to my surprise and disappointment, was not able to obtain any thing but water, there being an unusual scarcity of bread in every part of Norway, and at the time not more in Bergen than a bare sufficiency for its inhabitants for four or five weeks. This being the case, after replenishing my water, I departed on the 2d of July, and steered over towards the Orkney Islands and from thence toward the north cape for the purpose of intercepting a convoy of 25 or 30 sail, which it was said would leave Archangel about the middle of July under the protection of two brigs or two sloops of war; which was further confirmed by two vessels. I captured on the 13th and 18th of the same month. In this object however the enemy had the good fortune to disappoint me, by a line of battle ship and a frigate making their appearance off the North Cape on the 19th of July, just as I was in momentary expectation of meeting the convoy: on first discovering the enemy's two ships of war, not being able, owing to the haziness of the weather, to ascertain their character with precision, I stood toward them until making out what they were, I hauled by the wind on the opposite tack, to avoid them; but

owing to faint variable winds, calms, and entire day light (the sun in first lat. of that season, appearing at midnight several degrees above the horizon) they were enabled to continue the chase upwards of 80 hours; during which time, owing to different changes of the wind in their favor, they were brought quite as near to us as was desirable. At the time of meeting with the enemy's two ships the privateer schr. Scourge, of New York, which I had fallen in with the day before, was in company; but their attention was so much engrossed by the President that they permitted the Scourge to escape without appearing to take any notice of her.

Being thus disappointed in meeting with the convoy, and a still further portion of my provisions being expended, I determined to proceed to a more westerly station, and accordingly steered to gain the direction of the trade passing out of and into the Irish Channel. In this position between the 25th of July and the 2nd of August, I made 3 captures, when finding that the enemy had a superior force in that vicinity, I found it expedient to change my ground, and after taking a circuit round Ireland and getting into the latitude of Cape Clear, steered for the Banks of Newfoundland, near to which I made two more captures, and by the latter one found that the Belierophon 74 and Hyperion frigate were on the eastern part of the Bank, and only a few miles to the westward of me: I however did not fall in with them. From the eastern edge of the Grand Bank to which I had beat all the way from the N. W. coast of Ireland (the wind having prevailed, without intermission, from 1st of Aug. to the middle of Sept. from west to southwest) I steered for the United States, without seeing a single vessel of any kind until the 22d of the present month, being near the South Shoal of Nantucket, I met with a Swedish brig and an American cartel (the Russian ship Hoffnung) from London, bound to New Bedford.

By this time my provision and particularly bread were so nearly consumed as to make it indispensably necessary that I should put into the first convenient port after gaining the requisite information of the disposition of the enemy's cruisers as could enable me to steer clear of a superior force; and this I was enabled to do in a manner which I shall communicate in another letter. On the 23d just, I captured his Britannic majesty's schr. High Flyer, (tender to admiral Warren) with which vessel I now have to inform you of my arrival at this port.

Annexed is a list of vessels captured and destroyed, in which were made 271 prisoners. I have now, however, only 55 prisoners on board, having sent to England on parole 78 in the Duke of Montrose; 76 in the Greenland ship Eliza Swan, and 62 in the barque Lion of Liverpool.

During my cruize, altho' I have not had it in my power to add any additional lustre to the character of our little navy, I have nevertheless rendered essential service to my country, I hope by harassing the enemy's commerce and employing to his disadvantage more than a dozen times the force of a single frigate.

My officers and crew have experienced great privations since I left the United States from being nearly five months at sea, and living the last three months of that time upon a scanty allowance of the roughest fare; and it is with peculiar pleasure that I acquaint you that they are all in better health than might be expected, altho' you may well suppose that their scanty allowance has not been of any advantage to their strength or appearance.

The High Flyer was commanded by lieut. Hutchinson, second of the St. Domingo. She is a remarkably fine vessel of her class, sails very fast, and would make an excellent light cruiser, provided the government have occasion for a vessel of her description.

Just at the moment of closing my letters, a newspaper has been handed me containing capt. Broke's challenge to my late gallant friend capt. Lawrence, in which he mentions with considerable emphasis the pains he had taken to meet the President and Congress with the Shannon and Tenedos.

It is unnecessary at present to take further notice of capt. Broke's observations than to say, if that was his disposition, his conduct was so

garely opposite as to authorize very contrary belief. Relative to capt. Broke, I have only further to say, that I hope he has not been so severely wounded as to make it a sufficient reason to prevent his re-assuming the command of the Shannon at a future day.

I have the honor to be, Sir, JOHN RODGERS.

The Hon. Wm. Jones.

List of Vessels captured and destroyed.

9th of June, brig Kitty, of Greenock, Robert Love, master, of 2 guns and 11 men, from Newfoundland, bound to Alicante, (Spain) with a cargo of fish. Ordered for France.

10th of June, packet brig Duke of Montrose, A. G. Blewett, commander of 12 guns and 34 men, from Falmouth bound to Halifax. Sent to England as a cartel with 78 prisoners.

11th June, Letter of Marque Brig Maria, of Port Glasgow, (Scotland) John Bald Master, of 14 guns and 35 men, from Newfoundland bound to Spain, with a cargo of cod fish: ordered her for France.

12th of June, Schooner Falcon, of Guernsey, John Mauger Master, of 2 guns and 10 men, from Newfoundland bound to Spain, with a cargo of codfish: ordered her for France.

July 12, Brig Jean and Ann, of Salt Coats, Robert Caldwell, master, from Cork bound to Archangel, in ballast took out her crew & burnt her.

July 18, Brig Daphne, of Whitby, William Gales master, of 2 guns and 9 men, from South Shields bound to Archangel, in ballast, took out her crew and sunk her.

July 24, Eliza Swan, of Montrose, John Young master, of 8 guns and 48 men, from a Greenland, whaling voyage, bound to Montrose with fish blubber, ransomed her for 5000 pounds sterling.

July 29, Brig Alert, of Peterhead, George Shand master, from Archangel bound to Oporto (via England) with a cargo of pitch and tar: took out the crew and burnt her.

August 2, Barque Lion, of Liverpool, Thomas Hawkins master, of 8 guns and 52 men, from Greenland, whaling voyage bound to Liverpool, with fish blubber: ransomed her for 3000 pounds sterling.

August 30, Hermophrodite brig Shannon of St. Kitts, John Perkin master, bound to London, with a cargo of rum, sugar and molasses; ordered her for the United States.

Sept. 9, Brig Fly of Bermuda, Bowey, master, of 6 guns and 9 men, from Jamaica, bound to London with coffee, ordered to the United States.

Sept. 23, British Schooner Highflyer, Lt. Hutchinson 5 guns, 5 officers & 34 men.

BY AUTHORITY.

Law of the United States.

An act laying duties on sales at auction of merchandise and of ships and vessels. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the first day of January next, there shall be levied, collected and paid for the use of the United States, upon all sales by way of auction as hereinafter described, which shall be made within the United States, the respective rates and duties following, to wit: The sum of one dollar for every hundred dollars of the purchase money arising by sale at auction of goods, wares and merchandize; and the sum of twenty-five cents for every hundred dollars of the purchase money arising by sale at auction of ships or vessels; and at the same rate for any greater or lesser sum, except as hereinafter excepted; the said respective rates and duties to be paid by the auctioneer or person making such sales at auction, out of the monies arising from each and every such sale: Provided always, That nothing in this act contained shall extend to any sale or sales by auction of goods, wares and merchandize, made pursuant to or in execution of any rule, order, decree, sentence or judgment of any court of the United States or either of them, or made in virtue or by force of any distress for rent, or other cause for which a distress is allowed by law; or made in consequence of any bankruptcy or insolvency, pursuant to any law concerning bankruptcies or insolvencies; or made in consequence of any general assignment of property and effects for the benefit of creditors; or made by or on behalf of executors or administrators; or made pursuant to the directions of any law of the United States, or either of them, touching the collection of any tax or duty; or disposal by auction or public property of the United States or of any state; nor to any such sale or sales by auction of ships, their tackle, apparel and furniture, or the cargoes thereof, which shall be wrecked or stranded within the United States, and sold for the benefit of the insurers or proprietors thereof.

That no person after the first day of January next, shall exercise the trade or business of an auctioneer, by the selling of any goods, wares and merchandize whatsoever by auction, or any other mode of sale, whereby the best or highest bidder is deemed to be the purchaser, unless such person shall have a license or other special authority, continuing in force pursuant to some law of a state, or issued pursuant to the directions of this act, on pain of forfeiting for every such sale at auction the sum of four hundred dollars, together with the sums or duties payable by this act upon the goods, wares and merchandize so sold; Provided however, That nothing herein contained, shall be construed to require a license for the sale at auction of any estate, goods chattels, or other thing, which by this act are not made liable to duty or exempted from duty.

Sec. 3. And be it further enacted, That every person who, before the said first day of January next, shall have a license or special authority, pursuant to any law of any state, for exercising the said trade or business of an auctioneer, shall, before or upon the said day, and every person who after the said day shall have such special license or authority, shall within thirty days after the obtaining or receiving of the same give notice thereof in writing, under his hand, to the collector, appointed by virtue of the act entitled "An act for the assessment and collection of direct taxes and internal duties," for the district, where such person shall carry on or intend to carry on the said trade or business of an auctioneer, specifying in such notice the date or commencement of such license or other special authority, the term for which the same was granted or given, by whom and by what law of a state the same was granted or given; and shall also give bond to the United States in a sum not less than one thousand nor more than three thousand dollars, at the discretion of the collector, to be taken by the collector, to whom the notice aforesaid shall be given, with condition that he will, on the first day of April, July, October and January in each year, while he shall continue to exercise said trade or business, render to the person or persons who, on behalf of the United States, shall be authorized to receive the same, a true and particular account in writing of the monies or sums for which any goods, wares and merchandize, made liable to duty by this act, have been sold at every sale at auction by him made, and of the several articles, lots and parcels, which have sold, the price of each article, lot or parcel, in every such sale, by whom bought, that is to say; first from the date of the bond until such of the aforesaid days as shall accrue next thereafter, and thenceforth from the day to which an account shall have been last rendered, until such of the said days as shall next thereafter ensue, and so on in succession, from one of the said days to another, so long as he shall continue to exercise his said trade or business, and also shall pay all such sums of money as shall be due to the United States, upon the said sales, according to the true intent and meaning of this act, which sums he is hereby authorized and directed to retain out of the produce of each sale made as aforesaid. And a like notice and bond shall be given in like manner, as often as any such license or special authority shall have expired and been renewed. And if any person shall, after the said first day of January next, by virtue or color of any such license or special authority as aforesaid, make any sale or sales at auction without having given bond as aforesaid, within the time for that purpose prescribed, or without renewing such bond upon the expiration and renewal of any such license or special authority, he shall forfeit and pay, for every such sale by him made, the sum of four hundred dollars, together with the sums or duties payable by this act, upon the goods, wares and merchandize so sold.

Sec. 4. And be it further enacted, That the several collectors aforesaid may, within their respective districts, and upon request of any person or persons desirous thereof, shall grant license without fee or reward for a term not exceeding one year, at one time, to exercise the trade or business of an auctioneer; and such licenses, upon like request, may and shall from time to time renew. Provided however, That no such license shall be granted or renewed, until the person or persons requesting the same shall have become bound to the United States, with one or more sureties to the satisfaction of the collector of whom such license shall be requested, in the sum of not more than three thousand nor less than one thousand dollars, at the discretion of the collector, with like condition as is herein before prescribed for persons having licenses by virtue of some law of a state: And provided further, That no such license shall be granted to carry on the said trade or business, in any city, town, or county of any state, in respect to which provision hath been made by any law of such state, for the allowing and regulating

of the said trade and business therein. Sec. 5. And be it further enacted, That every person who shall have a continuing in force, shall and may receive hereby imposed, all such sum and sums of money as shall be due and payable upon any goods, wares and merchandize, by him sold at auction as aforesaid, according to the true intent and meaning of this act.

Sec. 6. And be it further enacted, That the accounts to be rendered and duties, to be from time paid as aforesaid, by any auctioneer, shall be rendered in whose district such aforesaid auctioneer shall exercise his said trade or business, or by his deputy duly appointed under his hand and seal, and such auctioneer shall make oath or affirmation according to the best of his knowledge and belief the truth of every account which he shall render before the officer or person to whom such account shall be rendered and who is hereby authorized to administer the said oath or affirmation, in default of which such account shall not be deemed to be duly rendered, according to the condition of the bond of such auctioneer; and to the end that such accounts may be accurately kept and rendered it is hereby made the duty of every auctioneer to enter, from day to day, as often as any sales shall be made, in a book or on a paper to be kept by him for that purpose, the amount and particulars of the respective sales shall at all reasonable times, upon request made be submitted for examination to the collector aforesaid within whose district such auctioneer shall be, on pain of forfeiting for every refusal to comply with such request, the sum of five hundred dollars.

Sec. 7. And be it further enacted, That if it shall appear to the satisfaction of the collector, within whose district he shall be, that an auctioneer hath acted agr. vly to the condition of the bond which he shall have given, and to the directions of this act, during the time to which his said bond shall relate, the same having expired, then, and in every such case, the said collector shall cause such bond to be delivered up; but in case no such account shall be delivered as herein before mentioned, or if it shall appear that any such account was not truly made, or that the party hath acted in any other respect, contrary to the true intent and meaning of his bond and of this act, it shall be the duty of such collector as aforesaid to cause such bond to be prosecuted according to law; and in case of a verdict or judgment against the defendant, he shall afterwards, upon every sale by him of any goods, wares and merchandize at auction, be liable to all penalties which may be incurred by this act for acting as an auctioneer without licence.

Sec. 8. And be it further enacted, That every auctioneer, out of the proceeds of the duties, which he shall retain and pay as aforesaid, shall be allowed a commission of one per centum upon the amount thereof, for his trouble in and about the same.

Sec. 9. And be it further enacted, That if any person shall wilfully swear or affirm falsely, touching any matter herein before required to be verified by oath or affirmation, he shall suffer the pains and penalties which by law are prescribed for wilful and corrupt perjury, and if an officer, shall forfeit his office and be incapable of afterwards holding any office under the United States.

Sec. 10. And be it further enacted, That it shall be the duty of the collectors aforesaid in their respective districts and they are hereby authorized to collect the duties imposed by this act and to prosecute for the recovery of the same, and for the recovery of any sum or sums which may be forfeited by virtue of this act. And all fines penalties and forfeitures which shall be incurred by force of this act, shall and may be sued for and recovered in the name of the United States, or of the collector within whose district any such fine, penalty or forfeiture shall have been incurred, by bill, plaint, or information, one moiety thereof to the use of the United States, and the other moiety thereof to the use of the person who, if a collector shall first discover, if other than a collector, shall first inform of such fine penalty or forfeiture where any such fine penalty or forfeiture shall have been incurred; and where the cause of action or complaint shall arise or accrue more than fifty miles distant from the nearest place by law established for the holding of a district court within the district in which the same shall arise or accrue, such suit and recovery may be had before any court of the state, holden within the said district, having jurisdiction in like cases.

Sec. 11. And be it further enacted, That this act shall continue in force until the termination of the war in which the United States are now engaged with the United Kingdom of Great Britain and Ireland and the dependencies thereof, and for one year thereafter and no longer. (Approved July 24.)