# The Project Gutenberg eBook of Correspondence, between the late Commodore Stephen Decatur and Commodore James Barron, which led to the unfortunate meeting of the twenty-second of March, by James Barron and Stephen Decatur

This ebook is for the use of anyone anywhere in the United States and most other parts of the world at no cost and with almost no restrictions whatsoever. You may copy it, give it away or reuse it under the terms of the Project Gutenberg License included with this ebook or online at <a href="https://www.gutenberg.org">www.gutenberg.org</a>. If you are not located in the United States, you'll have to check the laws of the country where you are located before using this eBook.

**Title**: Correspondence, between the late Commodore Stephen Decatur and Commodore James Barron, which led to the unfortunate meeting of the twenty-second of March

Author: James Barron

Author: Stephen Decatur

Release Date: November 22, 2010 [EBook #34393]

Language: English

**Credits**: Produced by Ernest Schaal and the Online Distributed Proofreading Team at https://www.pgdp.net (This file was produced from images generously made available by The Internet Archive/American Libraries.)

\*\*\* START OF THE PROJECT GUTENBERG EBOOK CORRESPONDENCE, BETWEEN THE LATE COMMODORE STEPHEN DECATUR AND COMMODORE JAMES BARRON, WHICH LED TO THE UNFORTUNATE MEETING OF THE TWENTY-SECOND OF MARCH \*\*\*

# CORRESPONDENCE,

BETWEEN THE LATE

# COMMODORE STEPHEN DECATUR

AND

# COMMODORE JAMES BARRON,

WHICH LED TO THE

# UNFORTUNATE MEETING

OF THE

TWENTY SECOND OF MARCH

## **BOSTON:**

PRINTED BY RUSSELL & GARDNER.

The friends of the late Commodore Decature, have learned, with very great regret, that misconceptions injurious to him prevail, and are extending, relative to the difference between him and Commodore Barron. To place the subject in its true light, they have thought it necessary to submit to the public, without comment, the whole correspondence which preceded the

# CORRESPONDENCE, &c.

# No. 1.

HAMPTON, (VA.) JUNE 12, [1] 1819.

Sir: I have been informed, in Norfolk, that you have said that you could insult me with impunity, or words to that effect. If you have said so, you will no doubt avow it, and I shall expect to hear from you.

I am, sir, your obedient servant,

JAMES BARRON.

To Commodore Stephen Decatur, Washington.

[1] With respect to the date of this letter, it may be proper to observe, that, although it is 12th June, yet the figure 2, as made, might well be mistaken for a 3: hence, in Commodore Decatur's letter of reply, he considered the date to be 13th June. On referring, however, to the post mark on the back of the letter, it was found to have been put into the post office on the 12th: hence, in Commodore Decatur's letter to Commodore Barron, of the 31st October, 1819, it is recognized as dated on the 12th.

# No. 2

WASHINGTON, JUNE 17, 1819.

Sir: I have received your communication of the 13th instant. Before you could have been entitled to the information you have asked of me, you should have given up the name of your informer. That frankness which ought to characterize our profession required it. I shall not, however, refuse to answer you on that account, but shall be as candid in my communication to you as your letter or the case will warrant.

Whatever I may have thought, or said, in the very frequent and free conversation I have had respecting you and your conduct, I feel a thorough conviction that I never could have been guilty of so much egotism as to say that "I could insult you" (or any other man) "with impunity."

I am, sir, your obedient servant,

STEPHEN DECATUR.

To Commodore James Barron, Hampton, Virginia.

# No. 3

HAMPTON, (VA.) JUNE 25, 1819.

Sir: Your communication of the 17th instant, in answer to mine of the 13th, I have received.

The circumstances that urged me to call on you for the information requested in my letter, would, I presume, have instigated you, or any other person, to the same conduct that I pursued. Several gentlemen in Norfolk, not your enemies, nor actuated by any malicious motive, told me that such a report was in circulation, but could not now be traced to its origin. I, therefore, concluded to appeal to you, supposing, under such circumstances, that I could not outrage any rule of decorum or candor. This, I trust, will be considered as a just motive for the course I have pursued. Your declaration, if I understand it correctly, relieves my mind from the apprehension

that you had so degraded my character, as I had been induced to allege.

I am, sir, your obedient servant,

IAMES BARRON.

To Commodore Stephen Decatur, Washington.

## No. 4

## WASHINGTON, JUNE 29, 1819.

Sir: I have received your communication of the 25th, in answer to mine of the 17th, and, as you have expressed yourself doubtfully, as to your correct understanding of my letter of the aforesaid date, I have now to state, and I request you to understand distinctly, that I meant *no more* than to disclaim the *specific* and *particular* expression to which your inquiry was directed, to wit: that I had said that I could insult you with impunity. As to the motives of the "several gentlemen in Norfolk," your informants, or the rumors which "cannot be traced to their origin," on which their information was founded, or who they are, is a matter of perfect indifference to me, as is also your motives in making such an inquiry upon such information.

Your obedient servant,

STEPHEN DECATUR.

To Commodore James Barron, *Hampton, Virginia*.

## No. 5

#### HAMPTON, OCTOBER 23, 1819.

Sir: I had supposed that the measure of your ambition was nearly completed, and that your good fortune had rendered your reputation for acts of magnanimity too dear to be risked wantonly on occasions that can never redound to the honor of him that would be great. I had also concluded that your rancor towards me was fully satisfied, by the cruel and unmerited sentence passed upon me by the court of which you were a member; and, after an exile from my country, family, and friends, of nearly seven years, I had concluded that I should now be allowed, at least, to enjoy that solace, with this society, that lacerated feelings like mine required, and that you would have suffered me to remain in quiet possession of those enjoyments; but, scarcely had I set my foot on my native soil, ere I learnt that the same malignant spirit which had before influenced you to endeavor to ruin my reputation was still at work, and that you were ungenerously traducing my character whenever an occasion occurred which suited your views, and, in many instances, not much to your credit as an officer, through the medium of our juniors; such conduct cannot fail to produce an injurious effect on the discipline and subordination of the navy. A report of this sort, sir, coming from the respectable and creditable sources it did, could not fail to arrest my attention, and to excite those feelings which might naturally be expected to arise in the heart of every man who professes to entertain principles of honor, and intends to act in conformity with them. With such feelings I addressed a letter to you under date of the 13th June last, which produced a correspondence between us, which I have since been informed you have endeavored to use to my farther injury, by sending it to Norfolk by a respectable officer of the navy, to be shewn to some of my particular friends, with a view of alienating from me their attachment. I am also informed, that you have tauntingly and boastingly observed, that you would cheerfully meet me in the field, and hoped I would yet act like a man, or that you had used words to that effect: such conduct, sir, on the part of any one, but especially one occupying the influential station under the government which you hold, towards an individual, situated as I am, and oppressed as I have been, and that chiefly by your means, is unbecoming you as an officer and a gentleman; and shews a want of magnanimity which, hostile as I have found you to be towards me, I had hoped for your own reputation you possessed. It calls loudly for redress at your hands: I consider you as having given the invitation, which I accept, and will prepare to meet you at such time and place as our respective friends, hereafter to be named, shall designate. I also, under all the circumstances of the case, consider myself entitled to the choice of weapons, place, and distance; but, should a difference of opinion be entertained by our friends, I flatter myself, from your known personal courage, that you would disdain any unfair advantage, which your superiority in the use of the pistol, and the natural defect in my vision, increased by age, would give you. I will thank you not to put your name on the cover of your answer, as, I presume, you can have no disposition to give unnecessary pain to the females of my family.

[Pg 5]

## No. 6

#### WASHINGTON, OCTOBER 31, 1819.

Sir: Your letter of the 23d inst. has been duly received. Prior to giving it that reply which I intend, its contents suggest the necessity of referring to our June correspondence.

On the 12th June last, you addressed to me a note, inquiring whether I had said that "I could insult you with impunity." On the 17th June, I wrote you, in reply, as follows: "Whatever I may have thought or said in the very frequent and free conversations I have had respecting you and your conduct, I feel a thorough conviction that I never could have been guilty of so much egotism, as to say that I could insult you, or any other man, with impunity."

On the 25th of June, you again wrote to me, and stated, that the report on which you had grounded your query of 12th June, "could not now be traced to its origin," and your letter is concluded in the following words: "your declaration, if I understand it correctly, relieves my mind from the apprehension that you had so degraded my character, as I had been induced to allege." Immediately on receiving your letter of the 25th of June, I wrote to you, 29th June, as follows: "As you have expressed yourself doubtfully as to your correct understanding of my letter of the 17th June, I have now to state, and I request you to understand, distinctly, that I meant *no more* than to disclaim the *specific* and *particular* expression, to which your inquiry was directed, to wit: "that I had said that I could insult you with impunity." Here ended our June correspondence, and, with it all kind of communication, till the date of your letter of the 23d inst. which I shall now proceed to notice.

[Pg 6]

Nearly four months having elapsed since the date of our last correspondence, your letter was unexpected to me, particularly as the terms used by you, in the conclusion of your letter to me of 25th June, and your silence since receiving my letter of the 29th June, indicated, as I thought, satisfaction on your part. But, it seems that you consider yourself aggrieved by my sending our June correspondence to Norfolk. I did not send the June correspondence to Norfolk, until three months had expired after your last communication, and not then, until I had been informed by a captain of the navy, that a female of your acquaintance had stated, that such a correspondence had taken place. [2] If that correspondence has, in any degree, "alienated your friends from you," such effect is to be attributed to the correspondence itself. I thought the papers would speak for themselves, and sent them without written comment.

## [2] See the extracts from Capt. Carter's letter, post. page 13.

With respect to the court martial upon you for the affair of the Chesapeake, to which you have been pleased to refer, I shall not treat the officers, who composed that court, with so much disrespect, as to attempt a vindication of their proceedings. The chief magistrate of our country approved them; the nation approved them; and the sentence has been carried into effect. But, sir, there is a part of my conduct, on that occasion, which it does not appear irrelevant to revive in your recollection. It is this; I was present at the court of inquiry upon you, and heard the evidence then adduced for and against you; thence I drew an opinion altogether unfavorable to you; and, when I was called upon, by the Secretary of the Navy, to act as a member of the court martial ordered for your trial, I begged to be excused the duty, on the ground of my having formed such an opinion. The honorable Secretary was pleased to insist on my serving; still anxious to be relieved from this service, I did, prior to taking my seat as a member of the court, communicate to your able advocate, general Taylor, the opinion I had formed, and my correspondence with the Navy Department upon the subject, in order to afford you an opportunity, should you deem it expedient, to protest against my being a member, on the ground of my not only having formed, but expressed an opinion unfavorable to you. You did not protest against my being a member. Duty constrained me, however unpleasant it was, to take my seat as a member; I did so, and discharged the duty imposed upon me. You, I find, are incapable of estimating the motives which guided my conduct in this transaction.

For my conduct as a member of that court martial, I do not consider myself as, in any way, accountable to *you*. But, sir, you have thought fit to deduce, from your impressions of my conduct as a member of that court martial, inferences of personal hostility towards you. Influenced by feelings thence arising, you commenced the June correspondence, a correspondence which I had hoped would have terminated our communications.

Between you and myself there never has been a personal difference; but I have entertained, and do still entertain the opinion, that your conduct as an officer, since the affair of the Chesapeake, has been such as ought to forever bar your readmission into the service.

[Pg 7]

In my letter to you, of the 17th June, although I disavowed the particular expressions to which

you invited my attention, candor required that I should apprise you of my not having been silent respecting you. I informed you that I had had *very frequent and free conversations respecting you and your conduct*; and the words were underscored, that they might not fail to attract your particular attention. Had you have asked what those frequent and free conversations were, I should, with the same frankness, have told you; but, instead of making a demand of this kind, you reply to my letter of 17th June, "That my declaration, if correctly understood by you, relieved your mind," &c. That you might correctly understand what I did mean, I addressed you as before observed, on the 29th June, and endeavored, by *underscoring* certain precise terms, to convey to you my precise meaning. To this last letter I never received a reply.

Under these circumstances, I have judged it expedient at this time, to state, as distinctly as may be in my power, the facts upon which I ground the unfavourable opinion which I entertain, and have expressed, of your conduct as an officer, since the court martial upon you; while I disclaim all personal enmity towards you.

Some time after you had been suspended from the service, for your conduct in the affair of the Chesapeake, you proceeded, in a merchant brig, from Norfolk to Pernambuco; and by a communication from the late Captain Lewis, whose honor and veracity were never yet questioned, it appears—that you stated to Mr. Lyon, the British consul at Pernambuco, with whom you lived, "That if the Chesapeake had been prepared for action, you would not have resisted the attack of the Leopard; assigning, as a reason, that you knew, (as did also our government,) there were deserters on board your ship; that the President of the United States knew there were deserters on board, and of the intention of the British to take them; and that the President caused you to go out in a defenceless state, for the express purpose of having your ship attacked and disgraced, and thus attain his favorite object of involving the United States in a war with Great Britain." For confirmation of this information, Captain Lewis refers to Mr. Thomas Goodwin, of Baltimore, the brother of Captain Ridgely of the Navy, who received it from Mr. Lyon himself. Reference was made to Mr. Goodwin, who, in an official communication, confirmed all that Captain Lewis had said. The veracity and respectability of Mr. Goodwin are also beyond question. You will be enabled to judge of the impression made upon Captain Lewis' mind, by the following strong remarks he made on the subject:

"I am now convinced that Barron is a traitor, for I can call by no other name a man who would talk in this way to an Englishman, and an Englishman in office."

These communications are now in the archives of the Navy Department.

If, sir, the affair of the Chesapeake excited the indignant feelings of the nation towards Great Britain; and was, as every one admits, one of the principal causes which produced the late war, did it not behove you to take an active part in the war, for your own sake?—Patriotism out of the question! But, sir, instead of finding you in the foremost ranks, on an occasion which so emphatically demanded your best exertions, it is said, and is credited, that you were, after the commencement of the war, to be found in the command of a vessel sailing under *British license*! Though urged, by your *friends*, to avail yourself of some one of the opportunities which were every day occurring in privateers, or other fast sailing merchant vessels, sailing from France, and other places, to return to your country during the war; it is not known that you manifested a disposition to do so, excepting in the single instance by the *cartel* John Adams, in which vessel, you must have known, you could not be permitted to return, without violating her character as a cartel.

You say you have been oppressed. You know, sir, that, by absenting yourself, as you did for years, from the country, without leave from the government, you subjected yourself to be stricken from the rolls. You know, also, that, by the 10th article of the act for the better government of the Navy, all persons in the Navy holding intercourse with an enemy, become subject to the severest punishment known to our laws. You have not, for the offences before stated, to my knowledge, received even a reprimand; and I do know, that your pay, even during your absence, has been continued to you.

As to my having spoken of you injuriously to "junior officers," I have to remark, that such is the state of our service that we have but few seniors. If I speak with officers at all, the probability is, it will be with a junior.

On your return to this country, your efforts to re-establish yourself in the service were known, and became a subject of conversation with officers as well as others. In the many and *free* conversations I have had respecting you and your conduct, I have said, for the causes above enumerated, that, in my opinion, you ought not to be received again into the naval service; that there was not employment for all the officers who had faithfully discharged their duty to their country in the hour of trial; and that it would be doing an act of injustice to employ you, to the exclusion of any one of them. In speaking thus, and endeavoring to prevent your re-admission, I conceive that I was performing a duty I owe to the service; that I was contributing to the preservation of its respectability. Had you have made no effort to be re-employed, after the war, it is more than probable I might not have spoken of you. If you continue your efforts, I shall certainly, from the same feelings of public duty by which I have hitherto been actuated, be constrained to continue the expression of my opinions; and I can assure you, that, in the interchange of opinions with other officers respecting you, I have never met with more than one who did not entirely concur with me.

The objects of your communication of the 23d, as expressed by you, now claim my notice. You

[Pg 8]

profess to consider me as having given you "an invitation." You say that you have been told, that I have "tauntingly and boastingly observed, that I would cheerfully meet you in the field, and hoped you would yet act like a man."

One would naturally have supposed, that, after having been so recently led into an error by "rumors" which could not be traced, you would have received, with some caution, subsequent rumors; at all events that you would have endeavored to have traced them, before again venturing to act upon them as if they were true. Had you have pursued this course, you would have discovered, that the latter rumors were equally unfounded as the former.

I never invited you to the field; nor have I expressed a hope that you would call me out. I was informed by a gentleman with whom you had conferred upon the subject, that you left Norfolk for this place, somtime before our June correspondence, with the intention of calling me out. I then stated to that gentleman, as I have to all others with whom I have conversed upon the subject, that, if you made the call, I would meet you; but that, on all scores, I should be much better pleased, to have nothing to do with you. I do not think that fighting duels, under any circumstances, can raise the reputation of any man, and have long since discovered, that it is not even an unerring criterion of personal courage. I should regret the necessity of fighting with any man; but, in my opinion, the man who makes *arms his profession*, is not at liberty to decline an invitation from any person, who is not so far degraded, as to be beneath his notice. Having incautiously said I would meet you, I will not now consider this to be your case, although many think so; and if I had not pledged myself, I might reconsider the case.

As to "weapons, place, and distance," if we are to meet, those points will, as is usual, be committed to the friend I may select on the occasion. As far, however, as it may be left to me, not having any particular prejudice in favor of any particular arm, distance, or mode, (but, on the contrary, disliking them all,) I should not be found fastidious on those points, but should be rather disposed to yield you any little advantage of this kind. As to my skill in the use of the pistol, it exists more in your imagination than in reality; for the last twenty years I have had but little practice; and the disparity in our ages, to which you have been pleased to refer, is, I believe, not more than five or six years. It would have been out of the common course of nature, if the vision of either of us had been improved by years.

From your manner of proceeding, it appears to me, that you have come to the determination to fight some one, and that you have selected me for that purpose; and I must take leave to observe, that your object would have been better attained, had you have made this decision during our late war, when your fighting might have benefitted your country as well as yourself. The style of your communication, and the matter, did not deserve so dispassionate and historical a notice as I have given it; and had I believed it would receive no other inspection than yours, I should have spared myself the trouble. The course I adopted with our former correspondence, I shall pursue with this, if I shall deem it expedient.

I am, sir, your obedient servant,

STEPHEN DECATUR.

To Commodore James Barron, *Hampton, Virginia*.

# [EXTRACT.]

NORFOLK, AUGUST 24, 1819.

My Dear Commodore: Nothing had transpired here previous to my arrival, on the subject of the correspondence; but a Lady, a Miss ——, I think her name is, from Hampton, has stated, that a correspondence had taken place between you and B. which she feared would end in a meeting. The fears of this lady are at direct variance with the opinion of your friends here, who think that he does not purpose saying more on the subject.

As it seems that it was known at Hampton, and even here, that letters had passed between you and B. may I venture to ask you to send a copy of them to Mr. Tazewell, who I have just left. He will, with great pleasure, he says, attend to your wishes.

[Pg 10]

[Pg 9]

Receive the best wishes of your friend,

W. CARTER.

Commodore Decatur.

Sir: Since my communication to you of the 31st ult. I have been informed by a gentleman entitled to the fullest credit, that you were not afloat till after the peace; consequently, the report which I noticed of your having sailed under British license must be unfounded.

I am, sir, your obedient servant,

STEPHEN DECATUR.

Commodore Jas. Barron.

# No. 8

HAMPTON, NOVEMBER 20, 1819.

Sir: Unavoidable interruption has prevented my answering your two last communications as early as it was my wish to have done, but in a few days you shall have my reply.

I am, sir, your obedient servant,

JAS. BARRON.

Commodore Stephen Decatur.

## No. 9

HAMPTON, NOVEMBER 30, 1819.

Sir: I did not receive, until Tuesday, the 9th inst. your very lengthy, elaborate, and historical reply, without date, to my letter to you of the 23d ultimo; which, from its nature and object, did not, I conceive, require that you should have entered so much into detail, in defence of the hostile and unmanly course you have pursued towards me, since the "affair of the Chesapeake," as you term it. A much more laconic answer would have served my purpose, which, for the present, is nothing more than to obtain at your hands honorable redress for the accumulated insults which you, sir, in particular, above all my enemies, have attempted to heap upon me, in every shape in which they could be offered. Your last voluminous letter is alone sufficient proof, if none other existed, of the rancorous disposition you entertain towards me, and the extent to which you have carried it. That letter I should no otherwise notice, than merely to inform you it had reached me, and that I am prepared to meet you in the field upon any thing like fair and equal grounds; but, inasmuch as you have intimated that our correspondence is to go before the public, I feel it a duty I owe to myself, and to the world, to reply particularly to the many calumnious charges and aspersions with which your "dispassionate and historical notice" of my communication so abundantly teems; wishing you, sir, at the same time, "distinctly to understand" that it is not for you alone, or to justify myself in your estimation, that I take this course. You have dwelt much upon our "June correspondence," as you stile it, and have made many quotations from it. I deem it unnecessary, however, to advert to it, further than to remark, that, although "nearly four months" did intervene between that correspondence and my letter of the 23d ultimo, my silence arose not from any misapprehension of the purport of your contumacious "underscored" remarks, nor from the malicious designs they indicated, nor from a tame disposition to yield quietly to the operation which either might have against me; but, from a tedious and painful indisposition, which confined me to my bed, the chief part of that period, as is well known to almost every person here. I anticipated, however, from what I had found you capable of doing to my injury, the use to which you would endeavour to pervert that correspondence; and have not at all been disappointed. So soon as I was well enough, and heard of your machinations against me, I lost no time in addressing to you my letter of the 23d ultimo; your reply to which I have now more particularly to notice. I have not said, nor did I mean to convey such an idea, nor will my letter bear the interpretation, that your forwarding to Norfolk, our "June correspondence," had, "in any degree, alienated my friends from me;" but, that it was sent down there with that view. It is a source of great consolation to me, sir, to know, that I have more friends, both in and out of the navy, than you are aware of; and that it is not in your power, great as you may imagine your official influence to be, to deprive me of their good opinion and affection. As to the reason which seems to have prompted you to send that correspondence to Norfolk, "that a female of my acquaintance had stated that such an one had taken place," I will only remark, that she did not derive her information from me: that it has always been, and ever will be, with me, a principle, to touch as delicately as possible, upon reports said to come from females, intended to affect injuriously the character of any one; and that, in a correspondence like the present, highly as I estimate the sex, I should never think of introducing them as authority. Females, sir, have nothing, or ought to have nothing to do in controversies of this kind. In speaking of the court martial which sat upon my trial, I have cast no imputation or reflection upon the members individually who composed it (saving yourself,) which required that you should attempt a vindication of their proceedings; champion as you are, and hostile as some of them may have

[Pg 11]

been to me: nor does the language of my letter warrant any such inference. I merely meant to point out to you, sir, what you appear to have been incapable of perceiving: the indelicacy of your conduct, (to say the least of it) in hunting me out as an object for malignant persecution, after having acted as one of my judges, and giving your voice in favour of a sentence against me, which I cannot avoid repeating, was "cruel and unmerited." It is the privilege, sir, of a man, deeply injured as I have been by that decision, and conscious of his not deserving it, as I feel myself, to remonstrate against it; and I have taken the liberty to exercise that privilege.

You say that "the proceedings of the Court have been approved by the Chief Magistrate of our country, that the nation approved of them, and that the sentence has been carried into effect." It is true the President of the United States did approve of that sentence, and that it was carried into effect—full and complete effect, which I should have supposed ought to have glutted the envious and vengeful disposition of your heart; but I deny that the nation has approved of that sentence, and as an appeal appears likely to be made to them, I am willing to submit the question. The part you took on that occasion, it was totally unnecessary, I assure you, "to revive in my recollection;" it is indelibly imprinted on my mind, and can never, while I have life, be erased. You acknowledge you were present at the Court of Inquiry in my case, "heard the evidence for and against me, and had, therefore, formed and expressed an opinion unfavorable to me," and yet, your conscience was made of such pliable materials, that, because the then "honorable Secretary of the Navy was pleased to insist on your serving as a member of the Court Martial, and because I did not protest against it," you conceive that "duty constrained you, however unpleasant, to take your seat as a member," although you were to act under the solemn sanction of an oath, to render me impartial justice upon the very testimony which had been delivered in your hearing before the Court of Inquiry, and from which you "drew an opinion, altogether unfavorable to me." How such conduct can be reconciled with the principles of common honor and justice, is to me inexplicable. Under such circumstances, no consideration, no power or authority on earth, could, or ought to, have forced any liberal high minded man to sit in a case which he had prejudged, and, to retort upon you your own expressions, you must have been "incapable of seeing the glaring impropriety of your conduct, for which, although you do not conceive yourself in any way accountable to me," I hope you will be able to account for it with your God, and your conscience.

You say, between you and myself, there never has been a personal difference, "and you disclaim all personal enmity towards me." If every step you have taken-every word you have uttered, and every line you have written, in relation to me-if your own admission of the very frequent and free conversations you have had respecting me, and my conduct, "since the affair of the Chesapeake," bear not the plainest stamp of personal hostility, I know not the meaning of such terms; were you not under the influence of feelings of this sort, why not, in your official capacity, call me, or have me brought, before a proper tribunal, to answer the charges you have preferred against me, and thereby giving me a chance of defending myself? Why speak injuriously of me to junior officers, "which you do not deny?" Why the "many frequent and free conversations respecting me and my conduct," which you have taken so much pains to underscore? Why use the insulting expression, that you "entertained, and still do entertain, the opinion that my conduct, as an officer, since that 'affair' has been such as ought forever to bar my readmission into the service," and that, in endeavoring to prevent it, "you conceive you were performing a duty you owe to the service, and were contributing to its respectability?" Why the threat, that if I continued the "efforts" you say I have been making, to be "re-employed" you "certainly should be constrained to continue the expression of those opinions?"

Does not all this, together with the whole tenor and tendency of your letter, manifest the most marked *personal* animosity against me, which an honorable man, acting under a sense of public duty by which you profess to "have been hitherto actuated," would disdain even to shew, much more to feel?

I shall now, sir, take up the specific charges you have alleged against me, and shall notice them in the order in which they stand. The first is one of a very *heinous* character. It is, that "I proceeded in a merchant brig to Pernambuco." Could I, sir, during the period of my suspension, have gone any where in a national vessel? Could I, with what was due to my family, have remained idle? The sentence of the Court deprived them of the principal means of subsistence. I was therefore compelled to resort to that description of employment with which I was best acquainted; and on this subject *you* should have been silent. But you add, that the late Captain Lewis, of the Navy, *who had* it from a Mr. Goodwin, who heard it from Mr. Lyon, the British Consul at Pernambuco, with whom you undertake to say I lived, represented me as stating, "that, if the Chesapeake had been prepared for action, I would not have resisted the attack of the Leopard; assigning, as a reason, that I knew, as also did our government, that there were deserters on board the Chesapeake; and that I said to Mr. Lyon, further, that the President of the United States knew there were deserters on board, and of the intention of the British ship to take them, and that the ship was ordered out under these circumstances, with a view to bring about a contest which might embroil the two nations in a war."

The whole of this, Sir, I pronounce to be a falsehood, a ridiculous, malicious, absurd, improbable falsehood, which can never be credited by any man that does not feel a disposition to impress on the opinion of the public that I am an idiot. That I should two years after the affair of the Chesapeake, make such a declaration, when every proof that could be required of a contrary disposition on the part of the Chief Magistrate had been given, cannot receive credit from any one, but those that are disposed to consider me such a character as you would represent me to

[Pg 12]

[Pg 13]

be. I did not live with Mr. Lyon, nor did I ever hold a conversation with him so indelicate as the one stated in captain Lewis' letter would have been. And with what object could I have made such a communication? Mr. Lyon would naturally have felt a contempt for a man that would have suffered himself to have been made a tool of in so disgraceful an affair. I found Mr. Lyon transacting business in Pernambuco: he produced to me a letter from Mr. Hill, the American consul in that country, recommending him as entitled to the confidence of his countrymen, every one of whom, in that port, put their business into his hands. I did the same, and thus commenced our acquaintance; he was kind and friendly to me, but never in any respect indelicate, as would have been, in a high degree, such conversation between us. Of Mr. Goodwin I know nothing. I have never seen him in all my life, nor do I conceive that his hearsay evidence can ever be of any kind of consequence against me; I was the first that informed the President, and the Secretary of the Navy, that such a letter was in the Department, even before I had seen it; and, again, if the mere oral testimony of a British agent was to be considered as evidence sufficient to arraign an American officer, I think the navy would quickly be in such a state, as it might be desirable for their nation to place it in. As to the impressions made upon the mind of captain Lewis, from this information, and the "strong remarks" he made upon the subject, which you have thought proper to quote, they by no means establish the correctness of that information; but only go to shew the effect it produced upon the mind of an individual, who seems to have imbibed a prejudice against me, no otherwise to be accounted for, except your acquaintance with him. He is now in his grave, and I am perfectly disposed there to let him rest; you must, however, have been hard pressed indeed, to be compelled to resort to such flimsy grounds as those, a degree weaker than even second handed testimony, to support your charges against me. These communications, you observe, are now in the archives of the Navy Department. Of this fact, Sir, I had long been apprized; and had you, when searching the records of that Department for documents to injure my character, looked a little further back, you would perhaps have found others calculated to produce a very different effect. Of my desire to return to the United States, during the late war, there are certificates in the Navy Department of the first respectability, which, if you had been disposed to find and quote, are perhaps laying on the same shelf from whence you took those, that you appear so anxious to bring to public view; I mean my letter applying for service, as soon as an opportunity offered, after the term of my suspension expired; and one letter, above all, you should not have passed over unnoticed, that which you received from my hand of May, 1803, addressed to the Secretary of the Navy, which was one of the principal causes of your obtaining the first command that you were ever honored with, and as you may have forgotten it, I will remind you, on this occasion, that, but little more than one month previous to the date of that letter, I by my advice and arguments, saved you from resigning the service of your country in a pet, because you were removed from the first lieutenancy of the New York, to that of second of the Chesapeake; but all this and much more is now forgotten by you, yet there are others that recollect those circumstances, and the history of your conduct to me will outlive you, let my fate be what it may. The affair of the Chesapeake did certainly "excite," and ought to have excited, the indignant feeling of the nation towards Great Britain; but, however it may have justified a declaration of war against that power, it was not, as you assert "every one admits," one of the principal causes of the late war. That it did not take place, sir, until five years after, when that affair had been amicably and of course honourably adjusted between the two nations. I mention this fact, not on account of its importance, but because you have laid so much stress on that "affair," as a reason why I ought to have returned home during the late war, and to shew that, although it did happen to be your fortunate lot to have an opportunity of being in the foremost rank, on that occasion, of which you seem inclined to vaunt, you are ignorant even of the causes which led to it. Having, in your letter of the 5th inst. abandoned the charge of my having sailed under "British license," after the commencement of the late war, in consequence of information received by you from a gentleman entitled to the fullest credit, that I was not afloat, until after the peace, consequently the report which you noticed of my having sailed under British license, must be unfounded. I have only to remark, on this head, that in advancing a charge against me of so serious a nature, and designed and so well calculated, as it was, to affect, materially, my reputation, not only as an officer of the navy, but as a citizen of the United States, you should first have ascertained that it was founded on fact, and not on rumour, which you so much harp upon; and that upon a proper investigation you would have discovered your other accusations to be equally groundless. For my not returning home during the late war, I do not hold myself, to use your own expressions, "in any way accountable to you," Sir. It would be for the government, I should suppose, to take notice of my absence, if they deemed it reprehensible; and they no doubt would have done so, had not the circumstances of the case, in their estimation, justified it. That they are perfectly satisfied upon this point, I have good reason to believe, and trust I shall be able to satisfy my country also. The President's personal conduct to me, and the memorial of the Virginia Delegation in Congress, to him, prove how I stand with those high characters, your opinion, notwithstanding, to the contrary. I deny, Sir, that I ever was "urged" by my friends, as you in mockery term them, to return home during the late war, nor could it have been requisite for me to have been "urged" to do so by any one. Laying patriotism out of the question, as you observe, as well as the reasons why you think "it behoved me" to adopt that course, there were other incentives strong enough, God knows, to excite a desire on my part to return; and I should have returned, Sir, but for circumstances beyond my control, which is not incumbent on me to explain to *you*.

Had the many opportunities really presented themselves which you allege were "every day occurring," of which I might have availed myself to return to my country, in privateers or other fast sailing merchant vessels, from France and other places, but of which you produce no other proof than random assertion, on which most of your other charges rest? There were no such

[Pg 14]

[Pg 15]

opportunities, as you say were "every day occurring;" no, not one within my reach, and for some considerable time after the news of the war arrived in Denmark, it was not believed that it would continue six months; but, if I had received the slightest intimation from the department that I should have been employed on my return, I should have considered no sacrifice too great, no exertion within my power should have been omitted to obtain so desirable an object, as any mark of my country's confidence would have been to me in such a moment; a gun boat, under my own orders, would not have been refused; but what hope had I, when my letter of application for service was not even honored by an answer. In regard to the John Adams, I do not deem it proper on this occasion to explain my reasons for making the attempt to return in that ship; but whenever I am called on by any person properly authorized to make the enquiry, I am confident that I shall convince them, that I had good reason to believe that I should obtain a passage in her, notwithstanding your great knowledge on the occasion.

You say, by absenting myself, for years, from the country, without leave from the government, I "subjected myself to be stricken from the rolls." I knew also, by the 10th article of the act for the better government of the navy, that all persons in the navy holding intercourse with an enemy, became subject to the severest punishment known to the law; and that, for these offences, as you are pleased to term them, "I have not received, to your knowledge, even a reprimand;" but I presume if I have not it is not your fault. What kind and humane forbearance this, after what I have already endured! But, sir, as you seem to be so very intelligent upon other points, pray tell me where was the necessity of my asking for a furlough until the period of my suspension expired, or even after having reported myself for duty without being noticed. As to the charge of my holding intercourse with the enemy, I am at a loss to conceive to what you allude, and should degrade myself by giving it any other reply than to pronounce it—if you mean to insinuate there was any unlawful or improper communication on my part with the government, or any individual of Great Britain, as a false and foul aspersion on my character, which no conduct or circumstance of my life, however it might be tortured by your malice or ingenuity, can, in any manner, justify or support. You say, also, that you do know "that my pay, even during my absence, was continued to me." It is not the fact, sir; I never, and until very recently since my return, received but half pay. This part of your letter I should not have regarded, were it not to shew with what boldness, facility, and sang froid, you can make assertions unsustained even by the shadow of truth; but, if you had made yourself acquainted with the circumstances relative to my half pay, you would have found that not one cent of it was received by me. The government was so good as to pay the amount to my unfortunate female family, whose kindest entertainment you have frequently enjoyed. Poor unfortunate children! whose ancestors, every man of them, did contribute every disposable shilling of their property, many of them their lives, and all of them their best exertions, to establish the independence of their country, should now be told that the small amount of my half pay was considered, by an officer of high rank, too much for them! You have been good enough to inform me that, on my return to this country, my "efforts," as you have been pleased to call them, "to re-instate myself in the service were known, and became a subject of conversation with officers, as well as others;" and, but for those "efforts," it is more than probable you would not have spoken of me. This would indeed have displayed a wonderful degree of lenity and courtesy on your part, of which I could not have failed to be duly sensible. But, sir, I beg leave to ask how, and where, did you get your information, that such "efforts" were made by me; and even admit they were, why should you alone, disclaiming, as you pretend to do, all "personal enmity" against me, have made yourself so particularly busy on the occasion? Was it because your inflated pride led you to believe that the weight of your influence was greater than that of any other officer of the navy, or that you were more tenacious of its honor and "respectability," than the rest of the officers were? You assure me, however, 'that, in the interchange of opinion with other officers respecting me, you have never met with more than one who did not entirely concur with you in the opinion you have expressed of me.' Indeed! and what is the reason? It is because I suppose you are most commonly attended by a train of dependents, who, to enjoy the sunshine of your favour, act as caterers for your vanity; and, revolving around you like satellites, borrow their chief consequence from the countenance you may condescend to bestow upon them. You, at length, arrive at the main point; the "object" of my letter of the 23d ultimo, which you might have reached by a much shorter route, and have saved me the fatigue of being compelled, in self defence, to travel with you so far as you have gone. The language of defiance, represented to have been used by you, 'that you would cheerfully meet me in the field, and hoped I would yet act like a man,' are disavowed by you. And you further deny having ever invited me to the field, or expressed a hope that I would call you out; but you observe that, 'being informed by a gentleman with whom I had conferred upon the subject, that I left Norfolk, for the seat of government, some time before our June correspondence, with the intention of calling you out, you stated to that gentleman, as you have to all others with whom you have conversed upon the subject, that, if I made the call, you would meet me; but that, upon all scores, you would be much better pleased to have nothing to do with me.' I certainly do not exactly know who that intermeddling gentleman was, with whom you say I "conferred;" but, if I may be allowed a conjecture, I think I can recognize in him the self same officious gentleman, who, I am creditably informed, originated the report of your having made use of the gasconading expressions you have disowned:—In this respect I may be mistaken. Be this, however, as it may, I never gave him, or any other person, to understand that my visit to Washington last spring, was for the purpose of "calling you out," nor did I go there with any such view.

How you can reconcile your affecting indifference towards me, in the remark "that, on all scores, you would be much better pleased to have nothing to do with me," with the very active part which, it is generally known, and which your own letter clearly evinces, you have taken

[Pg 16]

[Pg 17]

against me, I am at a loss to conceive. No, sir, you feel not so much unconcern as you pretend and wish it to be believed you do, in regard to the course of conduct my honor and my injuries may, in my judgment, require me to pursue. You have a motive, not to be concealed from the world, for all you have done or said, or for any future endeavors you may make, to bar my "readmission" into the service. It is true, you have never given me a direct, formal and written invitation, to meet you in the field, such as one gentleman of honor ought to send to another. But, if your own admissions, that you had "incautiously said you would meet me if I wished it," and "that if you had not pledged yourself, you might re-consider the subject," and all this too without any provocation on my part, or the most distant intimation from me that I had a desire to meet you, do not amount to a challenge, I cannot comprehend the object or import of such declarations -made as they were in the face of the world; and to those in particular, whom you knew would not only communicate them to me, but give them circulation; under all the circumstances of the case, I consider you as having thrown down the gauntlet, and I have no hesitation in accepting it. This is, however, a point which it will not be for you or me to decide, nor do I view it as of any other importance than as respects the privilege allowed to the challenged party in relation to the choice of weapons, distance, &c. about which I feel not more "fastidious," I assure you, sir, than you do; nor do I claim any advantage whatever, which I have no right to insist upon; could I stoop so low as to solicit any. I know you too well to believe you would have any inclination to concede them. All I demand is to be placed upon equal grounds with you; such as two honorable men may decide upon, as just and proper. Upon the subject of duelling, I perfectly coincide with the opinions you have expressed. I consider it as a barbarous practice which ought to be exploded from civilized society; but, sir, there may be causes of such extraordinary and aggravated insult and injury, received by an individual, as to render an appeal to arms, on his part, absolutely necessary; mine I conceive to be a case of that description, and I feel myself constrained, by every tie that binds me to society, by all that can make life desirable to me, to resort to this mode of obtaining that redress due to me, at your hands, as the only alternative which now seems to present itself for the preservation of my honor.

[Pg 18]

To conclude: you say, "from my manner of proceeding, it appears to you that I have come to the determination to fight some one, and that I have selected you for that purpose." To say nothing of the vanity you display, and the importance you seem to attach to yourself, in thus intimating, that, being resolved to *fight myself* into favor, I could no otherwise do so than by fixing upon you, the very reverse of which you infer is the fact; I never wished to fight in this way, and, had you permitted me to remain at rest, I should not have disturbed you; I should have pursued the "even tenor of my way," without regarding you at all. But all this would not have suited your ambitious views. You have hunted me out, have persecuted me with all the power and influence of your office, and have declared your determination to attempt to drive me from the navy, if I should make any "efforts" to be employed, and for what purpose, or from what other motive than to obtain my rank, I know not: if my life will give it to you, you shall have an opportunity of obtaining it. And now, sir, I have only to add, that, if you will make known your determination, and the name of your friend, I will give that of mine, in order to complete the necessary arrangements to a final close of this affair. I can make no other apology for the apparent tardiness of this communication, than merely to state, that, being on very familiar terms with my family, out of tenderness to their feelings, I have written under great restraint.

I am, sir, your obedient servant,

JAMES BARRON.

# No. 10

Washington, 29th December, 1819.

Sir: Your communication of the 30th ultimo reached me as I was on the eve of my departure for the north; whence I did not return till the 22d inst. It was my determination, on the receipt of your letter, not to notice it; but upon mature reflection, I conceive, that as I have suffered myself to be drawn into this unprofitable discussion, I ought not to leave the false colouring and calumnies, which you have introduced into your letter, unanswered. You state, that a much more laconic reply to your letter of 23d October would have served your purpose. Of this I have no doubt; and to have insured such an answer, you had only to make a laconic call. I had already informed you of the course I had felt myself bound to pursue respecting you, and of the reasons which induced my conduct, and that, if you required it, I would overcome my own disinclination and fight you. Instead of calling me out for injuries which you chose to insist that I have heaped upon you, you have thought fit to enter into this war of words.

I reiterate to you, that I have not challenged, nor do I intend to challenge you. I do not consider it essential to my reputation that I should notice any thing which may come from you, the more particularly, when you declare your sole object, in wishing to draw the challenge from me, is, that you may avail yourself of the advantages which rest with the challenged. It is evident, that you think, or your friends for you, that a fight will help you; but in fighting, you wish to incur the least possible risk. Now, sir, not believing that a fight of this nature will raise me at all in public estimation, but may even have a contrary effect, I do not feel at all disposed to remove the difficulties that lay in your way. If we fight, it must be of your seeking; and you must take all the

[Pg 19]

risk and all the inconvenience which usually attend the challenger, in such cases.

You deny having made the communication to the British consul at Pernambuco, which captain Lewis and Mr. Goodwin have represented. The man capable of making such a communication, would not hesitate in denying it; and, until you can bring forward some testimony, other than your own, you ought not to expect that the testimony of those gentlemen will be discredited. As to the veracity of the British consul, I can prove, if necessary, that you have, yourself, vouched for that.

You offer, as your excuse for not returning to your country, during our war with England, that you had not been invited home by the then Secretary, notwithstanding you had written him, expressive of your wishes to be employed. You state, that, if you "had received the slightest intimation from the department, that you would have been employed on your return, you would have considered no sacrifice too great, no exertion within your power should have been omitted to obtain so desirable an object." From this, I would infer, that, in consequence of not receiving this intimation, you did not make the exertions in your power to return, and this I hold to be an insufficient excuse. You do not pretend to have made any attempt, except by the way of the cartel, the John Adams. You cannot believe, that reporting yourself to the Department, at the distance of 4000 miles, when the same conveyance which brought your letter would have brought yourself, will be received as evincing sufficient zeal to join the arms of your country; and besides, you say it was not believed, for a considerable time after the news of war arrived in Denmark, that the war would last six months. With those impressions, you must have known, that it would have occupied at least that time for your letter to have arrived at the Department, you to receive an answer, and then to repair to America. You deny that the opportunities of returning were frequent. The custom house entries at Baltimore and New York alone, from the single port of Bordeaux, will show nearly an hundred arrivals; and it is well known, that it required only a few days to perform the journey from Copenhagen to Bordeaux, by the ordinary course of post. You deny having been advised to return to this country, by your friends, during the war. Mr. Cook, of Norfolk, your relative, says he wrote to you to that effect; and Mr. Forbes, then our consul at Copenhagen, who is now at this place, says he urged you in person to do so.

You have charged the officers who concur with me in opinion respecting your claims to service, as being my satellites. I think I am not mistaken, when I inform you, that all the officers of our grade, your superiors as well as inferiors, with the exception of one who is your junior concur in the opinion, that you ought not to be employed again, whilst the imputations, which now lie against you, remain; nor have they been less backward than myself in expressing their opinions.

Your charge of my wishing to obtain your rank, will apply to all who are your juniors, with as much force as to myself. You never have interfered with me in the service, and, at the risk of being esteemed by you a little vain, I must say, I do not think you ever will. Were I disposed to kill out of my way, as you have been pleased to insinuate, those who interfere with my advancement, there are others, my superiors, who I consider fairly barring my pretensions; and it would serve such purpose better, to begin with them. You say, you were the means of obtaining me the first command I ever had in service. I deny it: I feel that I owe my standing to my exertions only.

Your statement, that your advice prevented me from resigning on a former occasion, is equally unfounded. I have never, since my first admission into the navy, contemplated resigning; and, instead of being ordered, as you state, from the 1st lieutenancy of the New York, to the 2d of the Chesapeake, Commodore Chauncy, who was then flag captain, can testify, that I was solicited to remain as 1st lieutenant of the flag ship: and I should have remained as such, had it not been for the demand which the government of Malta made, for the delivery of the persons who had been concerned in the affair of honour, which led to the death of a British officer. It was deemed necessary to send all the persons, implicated in that affair, out of the way; and I went home in the Chesapeake, as a passenger.

You have been pleased to allude to my having received the hospitality of your family. The only time I recollect having been at your house, was on my arrival from the Mediterranean in the Congress, fourteen years past. You came on board, and dined with me; and invited the Tunisian ambassador and myself to spend the evening with you at Hampton. I accepted your invitation. Your having now reminded me of it, tends very much towards removing the weight of obligation I might otherwise have felt on this score.

You speak of the good conduct of your ancestors. As your own conduct is under discussion, and not theirs, I cannot see how their former good character can at all serve your present purpose. Fortunately for our country, every man stands upon his own merit.

You state that the "Virginia delegation in Congress" had presented a memorial in your favour. I would infer from this, that all, or the greater part of the Virginia delegation, had interposed in your behalf. This, sir, is not the fact. A few of them, I am informed, did take an interest in your case; but, being informed of the charges existing against you, of which they were before unapprised, they did not press farther your claims. From the knowledge I have of the high-minded gentlemen that compose the Virginia delegation, if they would take the trouble to examine your case, I should, for my own part, be entirely satisfied to place the honour of the service upon their decision.

You offer as your excuse for permitting four months to intervene between our June correspondence, (with which, from your letter, you appeared to be satisfied) and your letter of 23d October, your indisposition. I am authorized in saying, that, for the greater part of the four

[Pg 20]

months, you were out attending to your usual avocations.

Your offering your life to me would be quite affecting, and might (as you evidently intend) excite sympathy, if it were not ridiculous. It will not be lost sight of, that your jeopardizing your life depends upon yourself, and not upon me; and is done with a view to fighting your own character up. I have now to inform you, that I shall pay no further attention to any communication you may make to me, other than a direct call to the field.

Your obedient servant,

STEPHEN DECATUR.

To Commodore James Barron, Hampton, Va.

# No. 11

Norfolk, January 16th, 1820.

Sir: Your letter of the 29th ult. I have received. In it you say that you have now to inform me that you shall pay no further attention to any communication that I may make to you other than a direct call to the field; in answer to which I have only to reply, that whenever you will consent to meet me on fair and equal grounds, that is, such as two honourable men may consider just and proper, you are at liberty to view this as that call; the whole tenor of your conduct to me justifies this course of proceeding on my part; as for your charges and remarks, I regard them not, particularly your sympathy; you know not such a feeling—I cannot be suspected of making the attempt to excite it.

I am, sir, yours, &c.

JAMES BARRON.

To Commodore Stephen Decatur, Washington.

# No. 12

Washington, Jan. 24, 1820.

Sir: I have received your communication of the 16th, and am at a loss to know what your intention is. If you intended it as a challenge, I accept it, and refer you to my friend Com. Bainbridge, who is fully authorized by me to make any arrangement he pleases, as regards weapons, mode, or distance.

Your obedient servant,

STEPHEN DECATUR.

Com. James Barron.

No. 14

[Pg 22]

Norfolk, *Feb.* 6, 1820.

Sir: Your letter of the 29th of December found me confined to bed, with a violent bilious fever, and it was eight days after its arrival before I was able to read it; the fever, however, about that time, left me, and my convalescence appeared to promise a moderately quick recovery. I, therefore, wrote you my note of the 16th ultimo; in two days after I relapsed, and have had a most violent attack, which has reduced me very low, but as soon as I am in a situation to write, you shall hear from me to the point.

I am, sir, your obedient servant,

JAMES BARRON.

Com. Stephen Decatur, Washington.

## Transcriber Notes:

Obsolete spellings of words (e.g., behove, shew, somtime, stile, etc.) have been retained.

On page 5, "degraged" was replaced with "degraded".

On page 7, "be the following" was replaced with "by the following".

On page 9, "a Miss \*\*\*\*\*\* was replaced with "a Miss ---".

On page 10, in "I should no otherwise notice" the phrase "should no otherwise" could have been "should not otherwise", but then "should no otherwise" could have been correct at the time. Thus, no change was made.

On page 13, "henious" was replaced with "heinous".

On page 16, "sattellites" was replaced with "satellites".

On page 18, the period after "obtain my rank" was replaced with a comma.

On page 18, a period was added after "22 inst".

On page 21, "NO. 12" was replaced with "No. 12".

\*\*\* END OF THE PROJECT GUTENBERG EBOOK CORRESPONDENCE, BETWEEN THE LATE COMMODORE STEPHEN DECATUR AND COMMODORE JAMES BARRON, WHICH LED TO THE UNFORTUNATE MEETING OF THE TWENTY-SECOND OF MARCH \*\*\*

.....

Updated editions will replace the previous one—the old editions will be renamed.

Creating the works from print editions not protected by U.S. copyright law means that no one owns a United States copyright in these works, so the Foundation (and you!) can copy and distribute it in the United States without permission and without paying copyright royalties. Special rules, set forth in the General Terms of Use part of this license, apply to copying and distributing Project Gutenberg™ electronic works to protect the PROJECT GUTENBERG™ concept and trademark. Project Gutenberg is a registered trademark, and may not be used if you charge for an eBook, except by following the terms of the trademark license, including paying royalties for use of the Project Gutenberg trademark. If you do not charge anything for copies of this eBook, complying with the trademark license is very easy. You may use this eBook for nearly any purpose such as creation of derivative works, reports, performances and research. Project Gutenberg eBooks may be modified and printed and given away—you may do practically ANYTHING in the United States with eBooks not protected by U.S. copyright law. Redistribution is subject to the trademark license, especially commercial redistribution.

### START: FULL LICENSE

#### THE FULL PROJECT GUTENBERG LICENSE

PLEASE READ THIS BEFORE YOU DISTRIBUTE OR USE THIS WORK

To protect the Project Gutenberg<sup>TM</sup> mission of promoting the free distribution of electronic works, by using or distributing this work (or any other work associated in any way with the phrase "Project Gutenberg"), you agree to comply with all the terms of the Full Project Gutenberg<sup>TM</sup> License available with this file or online at www.gutenberg.org/license.

# Section 1. General Terms of Use and Redistributing Project Gutenberg™ electronic works

- 1.A. By reading or using any part of this Project Gutenberg<sup>TM</sup> electronic work, you indicate that you have read, understand, agree to and accept all the terms of this license and intellectual property (trademark/copyright) agreement. If you do not agree to abide by all the terms of this agreement, you must cease using and return or destroy all copies of Project Gutenberg<sup>TM</sup> electronic works in your possession. If you paid a fee for obtaining a copy of or access to a Project Gutenberg<sup>TM</sup> electronic work and you do not agree to be bound by the terms of this agreement, you may obtain a refund from the person or entity to whom you paid the fee as set forth in paragraph 1.E.8.
- 1.B. "Project Gutenberg" is a registered trademark. It may only be used on or associated in any way with an electronic work by people who agree to be bound by the terms of this agreement. There are a few things that you can do with most Project Gutenberg<sup>TM</sup> electronic works even without complying with the full terms of this agreement. See paragraph 1.C below. There are a lot of things you can do with Project Gutenberg<sup>TM</sup> electronic works if you follow the terms of this agreement and help preserve free future access to Project Gutenberg<sup>TM</sup> electronic works. See paragraph 1.E below.
- 1.C. The Project Gutenberg Literary Archive Foundation ("the Foundation" or PGLAF), owns a

compilation copyright in the collection of Project Gutenberg<sup>TM</sup> electronic works. Nearly all the individual works in the collection are in the public domain in the United States. If an individual work is unprotected by copyright law in the United States and you are located in the United States, we do not claim a right to prevent you from copying, distributing, performing, displaying or creating derivative works based on the work as long as all references to Project Gutenberg are removed. Of course, we hope that you will support the Project Gutenberg<sup>TM</sup> mission of promoting free access to electronic works by freely sharing Project Gutenberg<sup>TM</sup> works in compliance with the terms of this agreement for keeping the Project Gutenberg<sup>TM</sup> name associated with the work. You can easily comply with the terms of this agreement by keeping this work in the same format with its attached full Project Gutenberg<sup>TM</sup> License when you share it without charge with others.

- 1.D. The copyright laws of the place where you are located also govern what you can do with this work. Copyright laws in most countries are in a constant state of change. If you are outside the United States, check the laws of your country in addition to the terms of this agreement before downloading, copying, displaying, performing, distributing or creating derivative works based on this work or any other Project Gutenberg $^{\text{m}}$  work. The Foundation makes no representations concerning the copyright status of any work in any country other than the United States.
- 1.E. Unless you have removed all references to Project Gutenberg:
- 1.E.1. The following sentence, with active links to, or other immediate access to, the full Project Gutenberg<sup>TM</sup> License must appear prominently whenever any copy of a Project Gutenberg<sup>TM</sup> work (any work on which the phrase "Project Gutenberg" appears, or with which the phrase "Project Gutenberg" is associated) is accessed, displayed, performed, viewed, copied or distributed:

This eBook is for the use of anyone anywhere in the United States and most other parts of the world at no cost and with almost no restrictions whatsoever. You may copy it, give it away or re-use it under the terms of the Project Gutenberg License included with this eBook or online at <a href="https://www.gutenberg.org">www.gutenberg.org</a>. If you are not located in the United States, you will have to check the laws of the country where you are located before using this eBook.

- 1.E.2. If an individual Project Gutenberg $^{\text{TM}}$  electronic work is derived from texts not protected by U.S. copyright law (does not contain a notice indicating that it is posted with permission of the copyright holder), the work can be copied and distributed to anyone in the United States without paying any fees or charges. If you are redistributing or providing access to a work with the phrase "Project Gutenberg" associated with or appearing on the work, you must comply either with the requirements of paragraphs 1.E.1 through 1.E.7 or obtain permission for the use of the work and the Project Gutenberg $^{\text{TM}}$  trademark as set forth in paragraphs 1.E.8 or 1.E.9.
- 1.E.3. If an individual Project Gutenberg<sup>™</sup> electronic work is posted with the permission of the copyright holder, your use and distribution must comply with both paragraphs 1.E.1 through 1.E.7 and any additional terms imposed by the copyright holder. Additional terms will be linked to the Project Gutenberg<sup>™</sup> License for all works posted with the permission of the copyright holder found at the beginning of this work.
- 1.E.4. Do not unlink or detach or remove the full Project Gutenberg<sup>TM</sup> License terms from this work, or any files containing a part of this work or any other work associated with Project Gutenberg<sup>TM</sup>.
- 1.E.5. Do not copy, display, perform, distribute or redistribute this electronic work, or any part of this electronic work, without prominently displaying the sentence set forth in paragraph 1.E.1 with active links or immediate access to the full terms of the Project Gutenberg<sup>TM</sup> License.
- 1.E.6. You may convert to and distribute this work in any binary, compressed, marked up, nonproprietary or proprietary form, including any word processing or hypertext form. However, if you provide access to or distribute copies of a Project Gutenberg<sup>TM</sup> work in a format other than "Plain Vanilla ASCII" or other format used in the official version posted on the official Project Gutenberg<sup>TM</sup> website (www.gutenberg.org), you must, at no additional cost, fee or expense to the user, provide a copy, a means of exporting a copy, or a means of obtaining a copy upon request, of the work in its original "Plain Vanilla ASCII" or other form. Any alternate format must include the full Project Gutenberg<sup>TM</sup> License as specified in paragraph 1.E.1.
- 1.E.7. Do not charge a fee for access to, viewing, displaying, performing, copying or distributing any Project Gutenberg<sup>m</sup> works unless you comply with paragraph 1.E.8 or 1.E.9.
- 1.E.8. You may charge a reasonable fee for copies of or providing access to or distributing Project Gutenberg<sup>m</sup> electronic works provided that:
- You pay a royalty fee of 20% of the gross profits you derive from the use of Project Gutenberg<sup>™</sup> works calculated using the method you already use to calculate your applicable taxes. The fee is owed to the owner of the Project Gutenberg<sup>™</sup> trademark, but he has agreed to donate royalties under this paragraph to the Project Gutenberg Literary Archive Foundation. Royalty payments must be paid within 60 days following each date on which you prepare (or are legally required to prepare) your periodic tax returns. Royalty payments should be clearly marked as such and sent to the Project Gutenberg Literary Archive Foundation at the address specified in Section 4,

"Information about donations to the Project Gutenberg Literary Archive Foundation."

- You provide a full refund of any money paid by a user who notifies you in writing (or by e-mail) within 30 days of receipt that s/he does not agree to the terms of the full Project Gutenberg™ License. You must require such a user to return or destroy all copies of the works possessed in a physical medium and discontinue all use of and all access to other copies of Project Gutenberg™ works.
- You provide, in accordance with paragraph 1.F.3, a full refund of any money paid for a work or a replacement copy, if a defect in the electronic work is discovered and reported to you within 90 days of receipt of the work.
- You comply with all other terms of this agreement for free distribution of Project Gutenberg<sup>™</sup> works.
- 1.E.9. If you wish to charge a fee or distribute a Project Gutenberg<sup>™</sup> electronic work or group of works on different terms than are set forth in this agreement, you must obtain permission in writing from the Project Gutenberg Literary Archive Foundation, the manager of the Project Gutenberg<sup>™</sup> trademark. Contact the Foundation as set forth in Section 3 below.

#### 1.F.

- 1.F.1. Project Gutenberg volunteers and employees expend considerable effort to identify, do copyright research on, transcribe and proofread works not protected by U.S. copyright law in creating the Project Gutenberg<sup> $\mathsf{TM}$ </sup> collection. Despite these efforts, Project Gutenberg<sup> $\mathsf{TM}$ </sup> electronic works, and the medium on which they may be stored, may contain "Defects," such as, but not limited to, incomplete, inaccurate or corrupt data, transcription errors, a copyright or other intellectual property infringement, a defective or damaged disk or other medium, a computer virus, or computer codes that damage or cannot be read by your equipment.
- 1.F.2. LIMITED WARRANTY, DISCLAIMER OF DAMAGES Except for the "Right of Replacement or Refund" described in paragraph 1.F.3, the Project Gutenberg Literary Archive Foundation, the owner of the Project Gutenberg™ trademark, and any other party distributing a Project Gutenberg™ electronic work under this agreement, disclaim all liability to you for damages, costs and expenses, including legal fees. YOU AGREE THAT YOU HAVE NO REMEDIES FOR NEGLIGENCE, STRICT LIABILITY, BREACH OF WARRANTY OR BREACH OF CONTRACT EXCEPT THOSE PROVIDED IN PARAGRAPH 1.F.3. YOU AGREE THAT THE FOUNDATION, THE TRADEMARK OWNER, AND ANY DISTRIBUTOR UNDER THIS AGREEMENT WILL NOT BE LIABLE TO YOU FOR ACTUAL, DIRECT, INDIRECT, CONSEQUENTIAL, PUNITIVE OR INCIDENTAL DAMAGES EVEN IF YOU GIVE NOTICE OF THE POSSIBILITY OF SUCH DAMAGE.
- 1.F.3. LIMITED RIGHT OF REPLACEMENT OR REFUND If you discover a defect in this electronic work within 90 days of receiving it, you can receive a refund of the money (if any) you paid for it by sending a written explanation to the person you received the work from. If you received the work on a physical medium, you must return the medium with your written explanation. The person or entity that provided you with the defective work may elect to provide a replacement copy in lieu of a refund. If you received the work electronically, the person or entity providing it to you may choose to give you a second opportunity to receive the work electronically in lieu of a refund. If the second copy is also defective, you may demand a refund in writing without further opportunities to fix the problem.
- 1.F.4. Except for the limited right of replacement or refund set forth in paragraph 1.F.3, this work is provided to you 'AS-IS', WITH NO OTHER WARRANTIES OF ANY KIND, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO WARRANTIES OF MERCHANTABILITY OR FITNESS FOR ANY PURPOSE.
- 1.F.5. Some states do not allow disclaimers of certain implied warranties or the exclusion or limitation of certain types of damages. If any disclaimer or limitation set forth in this agreement violates the law of the state applicable to this agreement, the agreement shall be interpreted to make the maximum disclaimer or limitation permitted by the applicable state law. The invalidity or unenforceability of any provision of this agreement shall not void the remaining provisions.
- 1.F.6. INDEMNITY You agree to indemnify and hold the Foundation, the trademark owner, any agent or employee of the Foundation, anyone providing copies of Project Gutenberg<sup>™</sup> electronic works in accordance with this agreement, and any volunteers associated with the production, promotion and distribution of Project Gutenberg<sup>™</sup> electronic works, harmless from all liability, costs and expenses, including legal fees, that arise directly or indirectly from any of the following which you do or cause to occur: (a) distribution of this or any Project Gutenberg<sup>™</sup> work, (b) alteration, modification, or additions or deletions to any Project Gutenberg<sup>™</sup> work, and (c) any Defect you cause.

## Section 2. Information about the Mission of Project Gutenberg™

Project Gutenberg $^{\text{\tiny TM}}$  is synonymous with the free distribution of electronic works in formats readable by the widest variety of computers including obsolete, old, middle-aged and new computers. It exists because of the efforts of hundreds of volunteers and donations from people in all walks of life.

Volunteers and financial support to provide volunteers with the assistance they need are critical to reaching Project Gutenberg<sup>TM</sup> 's goals and ensuring that the Project Gutenberg<sup>TM</sup> collection will remain freely available for generations to come. In 2001, the Project Gutenberg Literary Archive Foundation was created to provide a secure and permanent future for Project Gutenberg<sup>TM</sup> and future generations. To learn more about the Project Gutenberg Literary Archive Foundation and how your efforts and donations can help, see Sections 3 and 4 and the Foundation information page at www.gutenberg.org.

# Section 3. Information about the Project Gutenberg Literary Archive Foundation

The Project Gutenberg Literary Archive Foundation is a non-profit 501(c)(3) educational corporation organized under the laws of the state of Mississippi and granted tax exempt status by the Internal Revenue Service. The Foundation's EIN or federal tax identification number is 64-6221541. Contributions to the Project Gutenberg Literary Archive Foundation are tax deductible to the full extent permitted by U.S. federal laws and your state's laws.

The Foundation's business office is located at 809 North 1500 West, Salt Lake City, UT 84116, (801) 596-1887. Email contact links and up to date contact information can be found at the Foundation's website and official page at www.gutenberg.org/contact

# Section 4. Information about Donations to the Project Gutenberg Literary Archive Foundation

Project Gutenberg<sup>TM</sup> depends upon and cannot survive without widespread public support and donations to carry out its mission of increasing the number of public domain and licensed works that can be freely distributed in machine-readable form accessible by the widest array of equipment including outdated equipment. Many small donations (\$1\$ to \$5,000) are particularly important to maintaining tax exempt status with the IRS.

The Foundation is committed to complying with the laws regulating charities and charitable donations in all 50 states of the United States. Compliance requirements are not uniform and it takes a considerable effort, much paperwork and many fees to meet and keep up with these requirements. We do not solicit donations in locations where we have not received written confirmation of compliance. To SEND DONATIONS or determine the status of compliance for any particular state visit <a href="https://www.gutenberg.org/donate">www.gutenberg.org/donate</a>.

While we cannot and do not solicit contributions from states where we have not met the solicitation requirements, we know of no prohibition against accepting unsolicited donations from donors in such states who approach us with offers to donate.

International donations are gratefully accepted, but we cannot make any statements concerning tax treatment of donations received from outside the United States. U.S. laws alone swamp our small staff.

Please check the Project Gutenberg web pages for current donation methods and addresses. Donations are accepted in a number of other ways including checks, online payments and credit card donations. To donate, please visit: www.gutenberg.org/donate

## Section 5. General Information About Project Gutenberg™ electronic works

Professor Michael S. Hart was the originator of the Project Gutenberg<sup>m</sup> concept of a library of electronic works that could be freely shared with anyone. For forty years, he produced and distributed Project Gutenberg<sup>m</sup> eBooks with only a loose network of volunteer support.

Project Gutenberg<sup>TM</sup> eBooks are often created from several printed editions, all of which are confirmed as not protected by copyright in the U.S. unless a copyright notice is included. Thus, we do not necessarily keep eBooks in compliance with any particular paper edition.

Most people start at our website which has the main PG search facility: www.gutenberg.org.

This website includes information about Project Gutenberg $^{\text{m}}$ , including how to make donations to the Project Gutenberg Literary Archive Foundation, how to help produce our new eBooks, and how to subscribe to our email newsletter to hear about new eBooks.