

The General Court Martial ordered to assemble at Norfolk in the State of Virginia on the 4th day of January 1808 by virtue of a precept from the Secretary of the Navy dated December the 27th 1807 is to try according to law

James Barron Esquire, a Captain in the Navy of the United States.

1st For negligently performing the duty assigned him.

Specification

In that he did not visit the frigate Chesapeake during the period she remained in Hampton Roads, and before she proceeded to sea, as often as he was in duty bound to do.

Petitioner
Master at arms
by authority
of the court
+ In that, when he did visit her, he did not, as it was his bounden duty to do, examine particularly into her State and Condition.

2nd For neglecting on the probability of an Engagement to clear his Ship for action

Specification

D. P. King
In that it certain threats on the part of some Commandeer of a British Vessel of War, that he would take by force, if he could not otherwise obtain them, certain Men from on board the Frigate Chesapeake.

and that such threats were known to or heard by the said James Barron - and still he neglected to clear his Ship for action.

2 In that there were various indications of a hostile disposition towards the frigate Chesapeake, exhibited by the British Ship of war the Leopard, to wit her putting to sea after certain signals had been seen and noticed by the said James Barron; when there was no other vessel in sight or any other object to induce her to go to sea, but the Chesapeake & The ports of the said Ship Leopard were triced up and her bombions were out a considerable time before she commenced firing upon the Chesapeake: and still that notwithstanding these suspicious appearances which were seen & observed by the said James Barron, he neglected to clear his Ship for action.

3 In that by various manœuvres, which are set forth in the opinion of the Court of Enquiry herunto annexed, the British Ship of war Leopard did manifest an intention to fire upon the said frigate Chesapeake - and still that the said James Barron neglected to clear his Ship for action.

4 In that the said Ship Leopard did approach the said Frigate Chesapeake, under all the appearances of being prepared for action - and still the said

James Barron neglected to clear his Ship for action -
5 In that the said James Barron did receive from the Commanding Officer of the Leopard a communication clearly intimating, that if certain men were not delivered up to him, he should proceed to use force - and still the said James Barron neglected to clear his Ship for action.

6 In that the said James Barron did verily believe from the communication he received from the Commanding Officer of the said Ship Leopard, that the said Ship would fire upon the said frigate Chesapeake or take by force if they could not be obtained by other means, any British Deserters that could be found on board the Chesapeake - and still the said James Barron neglected to clear his Ship for action.

3^d For failing to encourage in his own person, his inferior Officers & Men to fight courageously

Specification

1 In that he did not on the first moment of an indication or suspicious appearance of a hostile intention on the part of the said Ship Leopard, order his Men to quarters.

2 In that he did not, after he was satisfied that an attack upon his Ship would be made, use prompt and officer like measures to prepare his Ship for battle

James Barron
Comd. Ship
Leopard

- 3 In that when he did order his Men to quarters, he did not order them as became an officer of the American Navy.
- 4 In that he ordered that the drum should desist from beating, and that the Men should be got to quarters secretly without beat of drum.
- 5 In that from the manner in which he ordered his Men to quarters, he did not come a determination bravely to defend his Ship.
- 6 In that he was not at his Station during the attack aforesaid, but remained a considerable part of the time at the gangway as if imploring forbearance.
- 7 In that he drew his Men, or some of them, from their guns to lowering down a boat or boats, to send on board of the attacking Ship, during her attack upon him.
- 8 In that he ordered his first Lieutenant from his quarters during the attack to carry a message on board of the Leopard at that time firing upon him.
- 9 In that during the attack he used language in the presence of his Men calculated to dispirit them.
- 10 In that during the attack he ordered his Men

to keep down, that they would all be cut to pieces.

4th For not doing his utmost to take or destroy the Leopard, which vessel it was his duty to encounter

Specification.

Vessel not named 1st In that the said Ship Leopard did fire upon the said frigate Chesapeake, and the said James Barron did fail suitably to repel said attack.

*There was no time of retreat
more of fighting* 2nd In that the said frigate Chesapeake was by order of the said James Barron surrendered to the said Ship Leopard at a time when the injuries sustained either on the said frigate or her crew did not make such a surrender then necessary.

3rd In that the flag of the said frigate Chesapeake was by order of the said James Barron struck to the said Ship Leopard, when the Guns of the said frigate Chesapeake were loaded.

4th In that the flag of the said frigate Chesapeake, was by order of the said James Barron struck to the said Ship Leopard at a time when the main Deck battery of the said frigate Chesapeake was in a situation, which would have enabled the return of a broad side in a very short time.

5th In that the flag of the said frigate Chesapeake was by order of the said James Barron struck to the said Ship Leopard, without the said James Barron having consulted any of his officers, as to whether the flag

ought to be struck or not.

6 In that the flag of the said frigate Chesapeake was by order of the said James Barron struck to the said Ship Leopard before a single gun of any kind was fired from the said frigate Chesapeake.

Charges against
James Barron
a Captain in the Army of
the United States.