

SAILING ORDERS

Secretary of the Navy to Captain Samuel Nicholson, USN

Navy Department, 12 July 1798

Sir, presuming that the Frigate *CONSTITUTION* under your command will be ready for a cruise by the time this gets to your hands, I have enclosed your instructions founded upon the late acts of Congress, and by which you are to be governed. You will observe that you are permitted to capture French armed vessels wherever found on the high seas, as well as within our Jurisdictional Limits.

There will be employment found for our other vessels of war, and you will be relied on solely for the protection of the eastern coast, at least for the present. With so fine a ship—a good crew and a commander of your activity and bravery—it will want no other protection.

Your object must be to secure from the depredations of the French cruisers the principal ports of New Hampshire, Massachusetts, and Rhode Island, and to pay some attention to that of New York. This can be best done by considering your cruising ground, and so you will consider it until further orders to extend from about 10 or 15 leagues eastward of the east end of George's Bank to the west end of Long-Island. And I am directed by the President to express to you his entire confidence that you will do everything that can be expected from a brave, intelligent, and active officer to afford to this extent of coast the most effectual protection.

The cruising ground of Captain Dale in the *GANGES* extends from Cape Henry to Long Island.

It will be desirable that there should be frequent opportunities of communicating with you, and to afford this, you will in every 10 or 12 Days endeavor to appear off New Port, Rhode Island, and at such a distance as to be seen from the town, with the Swedish flag hoisted on your main topmast head. When anything occurs to be communicated to you, it will be done from New Port by means of a pilot boat.

You will consider that we are at war, with the public and private armed ships of the French Republic only. To the vessels, citizens, and subjects of other nations, you will conduct yourself as the citizen of a nation desirous of maintaining harmony with all the world and wishing to be distinguished by a scrupulous adherence to all the duties of hospitality.

Any prizes you may take, you will send into the nearest port of the U.S. to be proceeded against according to law. The persons found on board of them must be reported to the collector of the port at which they first arrive, and be delivered over to the marshal, or some other civil or military officer of the United States. Prizes of force inferior to your own will be divided between the captors and the United States; those of equal or superior force go entirely to the captor.

There is one point which I wish strongly to impress on your mind, that should you even see an American vessel captured by the armed ship of any nation at war, with whom WE are at peace, you cannot lawfully interfere to prevent such capture. It must be presumed until the contrary be proved that the courts of that nation will render justice; nor must you recapture any American vessel taken by any such nation—the law of nations forbids it, and WE must respect that law....