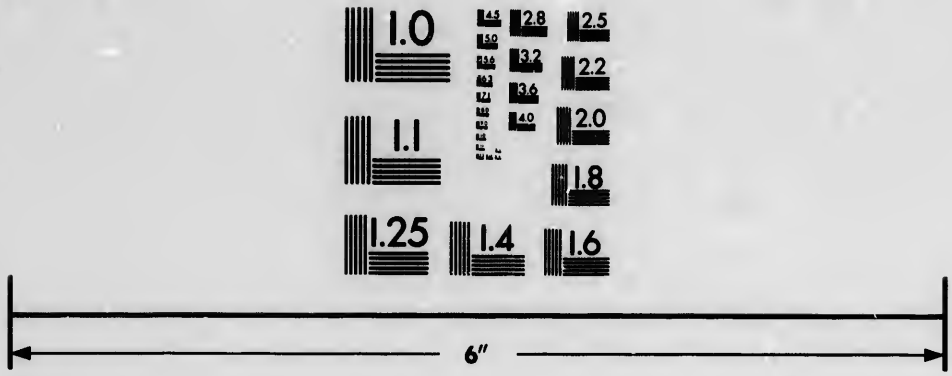
**IMAGE EVALUATION**
**TEST TARGET (MT-3)**




Photographic
Sciences
Corporation

23 WEST MAIN STREET
WEBSTER, N.Y. 14580
(716) 872-4503

## Technical and Bibliographic Notes/Notes techniques et bibliographiques

The institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming, are checked below.

- [ ] Coloured covers/ Couverture de couleur
- [ ] Covers damaged/ Couverture endommagée
- [ ] Covers restored and/or laminated/ Couverture restaurée et/ou pelliculée
- [ ] Cover title missing/ Le titre de couverture manque
- [ ] Coloured maps/ Cartes géographiques en couleur
- [ ] Coloured ink (i.e. other than blue or black)/ Encre de couleur (i.e. autre que bleue ou noire)
- [ ] Coloured plates and/or illustrations/ Planches et/ou illustrations en couleur
- [ ] Bound with other material/ Relié avec d'autres documents
- [ ] Tight binding may cause shadows or distortion along interior margin/ La reliure serrée peut causer de l'ombre ou de la distorsion le long de la marge intérieure
- [ ] Blank leaves added during restoration may appear within the text. Whenever possible, these have been omitted from filming/ Il se peut que certaines pages blanches ajoutées lors d'une restauration apparaissent dans le texte, mais, lorsque cela était possible, ces pages n'ont pas été filmées.
- [x] Additional comments:/ Commentaires supplémentaires: Various pagings.

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- [ ] Coloured pages/ Pages de couleur
- [ ] Pages damaged/ Pages endommagées
- [ ] Pages restored and/or laminated/ Pages restaurées et/ou pelliculées
- [x] Pages discoloured, stained or foxed/ Pages décolorées, tachetées ou piquées
- [ ] Pages detached/ Pages détachées
- [x] Showthrough/ Transparence
- [ ] Quality of print varies/ Qualité inégale de l'impression
- [ ] Includes supplementary material/ Comprend du matériel supplémentaire
- [ ] Only edition available/ Seule édition disponible
- [ ] Pages wholly or partially obscured by errata slips, tissues, etc., have been refilmed to ensure the best possible image/ Les pages totalement ou partiellement obscurcies par un feuillet d'errata, une pelure, etc., ont été filmées à nouveau de façon à obtenir la meilleure image possible.

This item is filmed at the reduction ratio checked below/
Ce document est filmé au taux de réduction indiqué ci-dessous.

| 10X | 12X | 14X | 16X | 18X | 20X | 22X | 24X | 26X | 28X | 30X | 32X |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | ✓ | | | | | |

The copy filmed here has been reproduced thanks to the generosity of:

New Brunswick Museum
Saint John

The images appearing here are the best quality possible considering the condition and legibility of the original copy and in keeping with the filming contract specifications.

Original copies in printed paper covers are filmed beginning with the front cover and ending on the last page with a printed or illustrated impression, or the back cover when appropriate. All other original copies are filmed beginning on the first page with a printed or illustrated impression, and ending on the last page with a printed or illustrated impression.

The last recorded frame on each microfiche shall contain the symbol ⟶ (meaning "CONTINUED"), or the symbol ▽ (meaning "END"), whichever applies.

Maps, plates, charts, etc., may be filmed at different reduction ratios. Those too large to be entirely included in one exposure are filmed beginning in the upper left hand corner, left to right and top to bottom, as many frames as required. The following diagrams illustrate the method:

L'exemplaire filmé fut reproduit grâce à la générosité de:

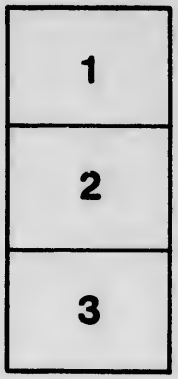
New Brunswick Museum
Saint John

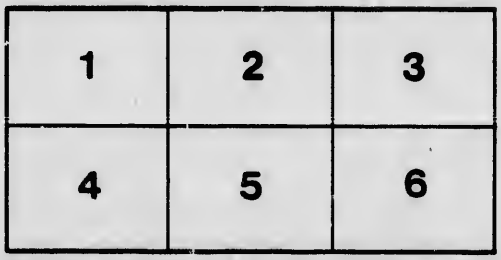
Les images suivantes ont été reproduites avec le plus grand soin, compte tenu de la condition et de la netteté de l'exemplaire filmé, et en conformité avec les conditions du contrat de filmage.

Les exemplaires originaux dont la couverture en papier est imprimée sont filmés en commençant par le premier plat et en terminant soit par la dernière page qui comporte une empreinte d'impression ou d'illustration, soit par le second plat, selon le cas. Tous les autres exemplaires originaux sont filmés en commençant par la première page qui comporte une empreinte d'impression ou d'illustration et en terminant par la dernière page qui comporte une telle empreinte.

Un des symboles suivants apparaîtra sur la dernière image de chaque microfiche, selon le cas: le symbole ⟶ signifie "A SUIVRE", le symbole ▽ signifie "FIN".

Les cartes, planches, tableaux, etc., peuvent être filmés à des taux de réduction différents. Lorsque le document est trop grand pour être reproduit en un seul cliché, il est filmé à partir de l'angle supérieur gauche, de gauche à droite, et de haut en bas, en prenant le nombre d'images nécessaire. Les diagrammes suivants illustrent la méthode.

# LETTERS

OF

# SULPICIUS,

ON THE

# NORTHERN CONFEDERACY.

WITH

## AN APPENDIX,

CONTAINING THE

## *TREATY OF ARMED NEUTRALITY,*

TOGETHER

WITH OTHER DOCUMENTS

RELATIVE TO THE SUBJECT.

LONDON:
PRINTED BY THOMAS BAYLIS,
*Greville Street, Hatton Garden,*
For WILLIAM COBBETT, No. 18, Pall Mall;
And sold by the Booksellers in general.

JANUARY 1801.

*ap*
*so*
*F*
*n*
*s*
*v*
*f*

## *ADVERTISEMENT.*

*THE following* LETTERS *have already appeared in "The Porcupine"; but, being scattered through several Numbers of that Paper, it was impossible to supply those demands, which were frequently made for the series, complete, without a republication; in which, for obvious reasons, the* pamphlet *form has been preferred.*

# *LETTERS OF SULPICIUS,*

*ETC.*

## LETTER I.

TO THE EDITOR OF THE PORCUPINE.

*London, Nov.* 3, 1800.

SIR,

EVERY Englishman must applaud your spirited defence of those rights, in the maintenance of which, our maritime power essentially depends. No cause can be more interesting, or more important than this, which implicates both the security and the glory of our country.

Foiled in every naval contest, since the commencement of the war, despairing of any success, from the forced exertions of her degraded and captive allies, and scarcely able to protect, even in her harbours, the miserable remnants of her own navy, against the skill and enterprise of our

seamen, France has no remaining resource but in the establishment of a new code of maritime law, which may, by its operation, debilitate that strength, against which all her open and direct hostility has been found unavailing. She has, therefore, raised a new standard, to which all nations are invited to repair, who estimate a dishonest and fraudulent gain above the maintenance of national honour, or the defence of the common independence of Europe. Under this banner, she hopes to unite some doubtful friends of England, and some not doubtful enemies. But she counts with just and certain confidence, on the support of all our domestic traitors. To cripple the exertions of the British Navy, must, indeed, be an object dear to the hearts of all those who, with unblushing falsehood, vilify our just cause, depreciate our resources, insult our national character, and calumniate the heroic valour of our fleets and armies; to all the scorners of our Religion, all the libellers of our King, and all the conspirators against our Constitution.

The authority of such men has, it is true, no weight—not even with their accomplices—but their falsehoods sometimes deceive the ignorant, and their fallacies frequently embarrass the well-disposed.

This country has, for ages, observed an uniform and well-digested system of maritime law

founded on the general principles of public right, and recognized by the acceptance of all the European nations. Some relaxation of these principles has, indeed, been admitted, by the gradual operation of that milder spirit, the influence of which had so much contributed to soften the calamities of war, until the ferocious practice of former ages was revived by the modern philosophers, philanthropists, and republicans of France. The leading articles of the code of maritime law in Europe, still, however, remained unchanged and unquestioned, until this, like every other established system, was attacked by that spirit of innovation, which characterizes the present age.

If we inquire, then, into the justice of our cause, or examine the validity of those laws, which the British Courts of Admiralty consider as still in force, by what rule shall these questions be decided?

Shall the opinions of civilians prevail, as delivered to the world, in writings of long-established reputation? *Their* authority is uniformly in our favour.—GROTIUS, PUFFENDORFF, BYNKERSHOECK, all the ancient writers, even VATTEL, the modern advocate of neutral nations—all agree in the doctrines which Great Britain now maintains*.

---

* See Appendix, A.

Are the decisions of courts of maritime jurisdiction, like those of municipal law, to stand as sure land-marks to guide their successors? The Courts of Admiralty, of every maritime country, without exception, those of France, of Spain, and of Holland, as well as of Great Britain, have, for ages, recognized our principles as the rules of their judgments.

Is the law of nations, on the subject, to be found in the marine ordinances of belligerent powers? Those of France, which, from the first creation of her navy, have been continued down to the present hour, and have even been formally renewed in this war; those of Spain, acted upon by her, at this very moment; those of Holland, coeval with the establishment of the state itself, are all, in some respects, less favourable to neutral powers than the British system; but all adopt and recognize the validity of our principles, as forming the ground-work on which they all proceed *.

Shall the ancient practice, on the subject, be taken, without inquiry, as the rule of present conduct? The ancient practice is confessedly in our favour. Are we to suppose it superseded by some modern usage, to be found in the conduct, or in the treaties of neutral powers? We deny both the principle and the fact.

---

* Appendix, A.

In

In principle, a law established by the common consent, or recognized by the common acquiescence of all nations, can be abrogated or altered only by the common consent of all. Particular nations, indeed, as particular individuals, may bind themselves towards each other, by special contracts, or exceptions, from the general law. But, by these, none can be bound who are not parties to them. The maritime rights of Great Britain, can never be affected by the reciprocal stipulations of powers hostile to her interests, or seeking only to profit at her expense.

But were the principle correct, the fact is falsely assumed. If modern practice be the standard of right, the most modern practice is decidedly in favour of the British system of maritime law.

The doctrines of the armed neutrality of 1780, were indeed adopted in the stipulations of some treaties made in Europe, soon after the conclusion of the American war. But in 1793, and in the succeeding years, almost all the powers of Europe have entered into engagements with this country, and with each other, directly contrary to those principles. Whatever force the new system had acquired by new treaties, it has consequently lost by others, which are still more recent. Nor is this argument to be drawn only from the conduct of the powers engaged in this

war, in alliance with us. The commercial treaty of 1794, between this country and America, was framed in conformity to our system, which Mr. Jefferson *, no partial advocate for Great Britain, publicly declared to be consonant to the laws of nations. Even the claim of exempting neutrals by convoy from visitation, has, within the last ten years, been expressly disavowed by France; and, within the last twelve months, no less expressly by America. France has acted, during all the present war, not only in violation of the principle she now maintains, but in breach of every law, which she ever recognized for herself, or prescribed to others. During the same period, Spain has acted in conformity to the British code, both when in alliance with Great Britain, against France, and when with France, against Great Britain.

Even Russia, the first and principal assertor of the novel maxims of the armed neutrality of 1780, has, in the course of the present war, not only formally renounced those principles, in repeated treaties with this country, but has undertaken to use, and has actually used, her influence with others to the same effect. The commerce of Denmark was, not long since, threatened to be excluded from the Russian ports, in resent-

* See Appendix, E and F.

ment of the fraudulent protection which the Danish flag has afforded to the commerce of the enemy: and even, in the renewal of the commercial treaties of the Court of Petersburgh, with those of Portugal and Naples (the very last treaties of this nature, which have been made in Europe, and therefore, the most recent instances of this modern practice), those articles, which recognize the maxims of the armed neutrality, were purposely and deliberately erased from the drafts, in which they had been inadvertently inserted, in conformity to the former treaties.

It is, therefore, incontestible, that the most modern practice of Europe is equally favourable to the rights of Great Britain as the most ancient usage; and that the only testimony which can be produced against us, is to be found in the clamour of our enemies, encouraged and prolonged by those amongst ourselves, to whom any measure requires no other recommendation, than its tendency to weaken our resources, to dispirit our navy, and to disable us from maintaining a contest, in the issue of which our existence is involved.

I am, &c.

SULPICIUS.

## LETTER II.

*London, January* 20, 1801.

SIR,

NO measure has ever appeared to receive a more immediate, or more general concurrence, than that just retaliation, which, after much forbearance, has, at length, been ordered by His Majesty, in pursuance of his resolution, declared to his Parliament and his people, to maintain, against every combination, the honour of his flag, and the maritime rights of his empire.

The immediate occasion of the embargo, laid on the ships of Denmark, Sweden, and Russia, is expressed in the order of His Majesty in Council, which has been made public*: authentic intelligence has, it seems, been now received, of the actual signature of the Convention, negotiated between the maritime powers of the Baltic, for purposes decidedly hostile to the just rights and interests of the British Empire. The very idea of a neutral league, concluded at Petersburgh, while the ports of Russia are crowded with our embargoed ships, and its villages thronged with our captive seamen, is an insult to common sense and decency. No doubt can be entertained of the

* See Appendix, H.

real intentions of those Courts, which, in such a moment, entered into a new maritime confederacy, with a power then actually engaged in measures of the most unequivocal hostility to this country, aggravated by unexampled oppression, violence, and injustice.

But, the British Government has not been left to gather these intentions from conjecture, or inference. The objects which are in view, have, it seems, been notified to His Majesty, by one of the confederates—a power indebted to this country, for numberless acts of friendship; and the very existence of whose navy, which we see at this moment armed against us, affords the most striking instance of British moderation and forbearance. The purpose of the negotiations of those confederates is, " to re-establish, IN " THEIR FORMER SHAPE, the engagements, which, " in the years 1780, and 1781, constituted the " system of the armed neutrality."

What then are these engagements, which are to be re-established, and re-established in their former shape? For this is what it behoves us to inquire. Few persons in this country are ignorant, that those treaties were, both in their intention and their effect, exclusively directed against the naval power of Great Britain. The parties to that league, openly contracted to establish, and to maintain by force, a new code of

maritime law. Their object was to impose upon us, when engaged in an unequal and unsuccessful contest, the necessity of relinquishing the principal source of our security and defence, and of yielding up to their unsupported pretensions, those established principles of the laws of nations, which had, for centuries, been recognized in Europe, and had been acted upon, invariably, by every maritime power, as they had successively found themselves engaged in war.

The foundation of this new system was laid in a declaration, published by the Empress of Russia; a Sovereign, who, having no mercantile navy, could have no neutral navigation to protect; and was, consequently, least of all the powers of Europe, entitled to promulgate a new law on the subject, in opposition to the sentiments and to the practice of the greatest maritime States. But her policy lay deeper. By weakening the British navy, she hoped to remove a powerful obstacle to her ambitious projects; and, by committing the two Baltic powers in a quarrel with England, she was sure to place *them* in a state of absolute dependance on herself.

It is unnecessary to detail the motives of blind passion, or of sordid interest, by which those powers were actuated, when they gave into a project, so big with danger to themselves: nor is it necessary to discuss the wisdom of those councils,

by which Great Britain was then governed, and which induced her, yielding, in some degree, to the difficulties of the moment, to shut her eyes to the blow levelled against her existence; and though she continued to resist the principles, yet led her to receive with apparent indifference, the notification of a confederacy formed for the express purpose of asserting them by force.

But, when the same attempt is again renewed, and brought to an issue, on the result of which the whole naval power of the British Empire is staked, it is the duty of those, who have any concern for the safety of their country, to examine in detail, the particulars of that offensive system, to which we are required to submit, and to satisfy their own minds, as to the comparative advantage and danger of concession, or resistance.

It is with this view, that I propose to state to you, in a succeeding letter, the different articles of the confederacy of 1780, and to discuss the grounds, on which I consider its renewal as an act of decided hostility against the British Empire; and which I am confident will entitle His Majesty, in resisting this destructive project, to receive the warmest support of every man, whose heart is animated by those feelings, which should belong to the subjects of such a Sovereign, and the members of such a Community.

SULPICIUS.

# LETTER III.

*London, January* 21, 1801.

SIR,

THE foundation of the system of the armed neutrality of 1780, as I have mentioned in a former letter, was laid by a declaration, published by the Empress of Russia, in the month of February of that year.

In this declaration, she announced to Europe, four new principles, or rules, of maritime law, in the establishment of which, she required that all the belligerent powers should immediately acquiesce; but, as Great Britain had just ground of exception, to every one of the principles, thus laid down for her observance, they were never recognized by the English government, even at the period of its greatest difficulties. The powers with whom we were then engaged in war, acceded, in words, to this Russian code; and were forward in their assurances respecting it; but they required, that it should likewise be acknowledged

knowledged by Great Britain; and, as this condition never was fulfilled, Spain has always continued to act, and acts at this moment, on the ancient law of nations. France, during the present war, has acknowledged no other rule, than the personal caprice, or corrupt interest, of her successive tyrants. Of the new neutral code, no trace is to be found in any ordinance of the Revolutionary governments of the last eight years, or in any decrees of those fluctuating and mercenary tribunals, which have been substituted in that country, in lieu of the ancient Courts of Admiralty. But the general course of the measures, adopted there, at different periods of the war, has been such, as was not only inconsistent with the novel pretensions of 1780, but with the most universally acknowledged rights of neutral nations.

But, if so little respect has ever been paid, by any of the belligerent powers, to the maritime law promulgated by Russia, it was, however, received with acclamation by the neutrals. Not many months elapsed, from the date of the Empress's declaration, before Denmark, Sweden and Prussia had bound themselves by treaty, not only to adopt her laws, as obligatory on themselves, but to assist her in imposing them by force, on all other powers, and particularly on this country.

The four rules, to which Great Britain was thus required to subscribe, under pain of war, denounced against her by all the Northern powers, and which are now to be presented, under the same penalty, to the United Kingdom, for its acceptance, in the first moments of consolidated strength, must therefore naturally engage the attention of every man, who wishes that the British Empire may retain its naval power, its domestic security, and its external respect.

The first of these rules (taking them in the order in which they stand, in the treaty between Russia and Denmark *, concluded at Copenhagen, the 9th of July, 1780) declares, that neutral nations shall be allowed to carry on the coasting trade, of the belligerent powers; and to sail freely, for this purpose, from one port to another, of the same country. This liberty, thus claimed in the most unqualified terms, Great Britain has always refused to neutrals, in her wars with France. The ground of this exclusion is obvious, and its principle is unquestionably just. France herself excludes foreigners from her coasting trade, in time of peace; and neutrals certainly can pretend to no greater privileges of trade, in war, than they enjoy in peace. They can have no right to avail themselves of new

* See Appendix, D.

facilities, which France, when engaged in war with us, may be desirous of extending to them, not for their advantage, but for her own, and as the only means of avoiding the pressure of our naval superiority. This principle, in all its bearings, had been deliberately considered, and solemnly established by the judgments of our maritime tribunals, in former wars. All Europe had acquiesced in the justice of the decision, which had not afterwards been even questioned, until this attempt was made to overthrow it at once, by the hostile confederacy of 1780.

The second rule of the Russian system of maritime law, was the famous maxim, that *free ships make free goods:* or, in other words, that, although Great Britain may legally seize the ships of her enemies, when openly navigated as such; yet, that all their other property, of whatever description, shall be protected by the neutral colours of the vessel, in which it may be embarked.

To this absurd and fantastical distinction, Great Britain objected, with unanswerable force, that it was contrary to the former practice of all the belligerent powers: never having, in fact, been observed by any one Court in Europe, when engaged in war, except in those cases only, where special exceptions had been made, by particular treaties, from the general law of na-

tions. She farther objected, that it was in express contradiction to the principles and rules laid down by all accredited writers on the subject, without exception, up to the period of 1780; and yet, farther, that it was also contrary to the manifest intention and spirit, and even to the plain words, of our treaties, as they did then, and do still exist, with Denmark and Sweden. Both of those treaties containing articles * (the Swedish treaty, 1661, Art. 12. and the Danish treaty, 1670, Art. 20.) in which express provision is made, to guard against the practice of carrying enemies' goods in neutral ships—a practice, which is there declared to be injurious to the belligerent power, whose enemies are thus abetted and encouraged. And, so clearly was it understood by the framers of those treaties, that enemies' property (known to be such) was liable to confiscation, when found in neutral ships; that the prohibition of those articles, attaches on the practice of carrying enemy's property, *fraudulently disguised as neutral*—a fraud, for which it is evident, that no necessity, or temptation, *could have* existed, unless enemy's property, appearing as such, had been confessedly subject to confiscation, according to the intent of those

* See Appendix, B and C, particularly at the close of the Articles, where it is *expressly* stated, that if enemies goods are found on board of the neutral ships, they shall be made prize of.

treaties, and to the principles of maritime law, as then universally acknowledged.

In support of the manifest violation of the established law, and of the faith of treaties, contained in this second rule, no better argument was adduced, than a reference to some particular cases, in which Great Britain, by special argument, and in return for stipulations, supposed to be beneficial to her, had granted to particular powers, the privilege of covering enemies' property by their ships, when neutral. The instances were mostly those, from which little inconvenience could arise to us. France, which was one of the powers so privileged, had, in all our naval wars, been found our enemy, and Holland, another of them, was, in those cases, our ally. The neutrality of these powers was, therefore, little to be expected in any case of moment to Great Britain.

But, even in these cases, the insertion of this privilege, as an article of treaty, was an exception, which proved the general law. The law itself, cannot be more satisfactorily, or unequivocally established, than by the express avowal of the American government; an avowal, repeatedly made, at a period of manifest partiality to the enemies of this country; and, through the channel of Mr. JEFFERSON*, whom they, at

* See Appendix, E and F.

least, must acknowledge as an unexceptionable witness in favour of any British claim.

The freedom of navigation, asserted by this second rule, was, however, limited by one exception—that of the goods comprized under the description of contraband of war. An exception which is mentioned here, for the sake of accuracy, but which relates to a point yielding, as to its importance, to no other part of this question, and which will, therefore, be made the subject of a separate discussion.

The third rule of the Russian declaration, established a new principle of law, as to blockaded ports, requiring that those ports only should be considered as falling under this description, at the entrance of which the blockading ships were actually anchored *(arrêtés)*, and this so near, as to create, at all times, an evident danger to those ships which might attempt to enter. If this principle were admitted, it is obvious, that it must exclude all blockade by cruising squadrons, the only system of blockade, by which many of the ports of our enemies (and particularly that of Brest, so interesting to the safety of these Islands) ever can effectually be blocked. This system, thus proscribed, at the discretion of a power wholly uninterested in the question, has always been practised by Great Britain, when her naval strength enabled her to apply it: and it had in-

variably been recognized as legitimate and conclusive against neutral nations; answering, in the nature of a naval war, to those real or virtual lines of circumvallation, which belong to a siege by land; and which, though not defended in every point, by an equal force, are always held sufficient to exclude all right of commerce with the town so blockaded.

The fourth rule, stated in the treaty of armed neutrality, appears to have had no other object, than that of irritation, and could have no other effect than to create endless animosity. The treaties, and the practice of all European nations, had established courts of maritime jurisdiction, where justice is administered to the subjects of all friendly powers: But this rule converted every disputed case, between the neutral merchant, or ship owner, on the one side, and the belligerent cruiser, or privateer, on the other, into a question of state; and required, that, in every case, in which the ground of detention was not established by proof, (and this too, taking for rules of law, the principles above detailed) not only compensation should be made, from individual to individual, as is now the practice, but that satisfaction should be given from State to State, by the belligerent powers. The neutral government, on the other hand, was to remain exempted from all similar responsibility for the

acts of its subjects, for whose violations of neutrality, no other satisfaction was to be given, than such as could be obtained from legal proceedings, fettered by such rules as these.

Yet, even this was not all. The principles, which the Northern Confederacy brought forward, on the subject of contraband of war, to which I have already adverted, and those respecting neutral convoys, were, if possible, still more injurious to the rights and interests of this country than any thing, which has been already stated. These it is my intention to examine in another letter, which will conclude the general description of the nature and effects of the neutral league, such as it was originally formed against us, and such, as we are told, it is now to be re-established.

The vigorous measure, which has already been taken, in consequence of that notification, affords us the best earnest of the intentions of the British government, to resist these injurious and dangerous innovations, and to maintain to the utmost, our naval power, as the best means of present defence to ourselves, and as the best hope of future security to Europe.

SULPICIUS.

LETTER

# LETTER IV.

*London, January* 26, 1801.

SIR,

THE engagements of the treaties of armed neutrality in 1780, besides the four new and inadmissible principles of maritime law, of which I have already spoken, contained, partly by express stipulation, and partly by implication, the assertion of two other claims, still more injurious to the rights and interests of the British Navy. The first of these related to the description of those commodities which were thenceforth to be considered as contraband of war: and the second to the right of neutral powers to protect, by armed convoys, all merchant ships belonging to their own subjects, or to those of other neutrals; and, by the mere presence of the convoying ship, to exempt the merchant ships, so protected, from all search, or examination, by the cruisers of the belligerent nations.

With respect to the first of these points, it must always be remembered, that the general law of nations, as to contraband of war, stands on the clearest and most simple principles of justice and reason. The supplying one belligerent power with warlike implements for the annoyance of the other, is manifestly inconsistent with the character of neutrality. If I have wrested my enemy's sword from his hands, the by-stander who furnishes him with a fresh weapon, can have no pretence to be considered as neutral in the contest. This is universally acknowledged, and it is on this very ground that the system of the armed neutrality itself excepts from the otherwise unlimited freedom, which it claims for neutral commerce, those warlike stores which it professes to include in the description of contraband of war. The new question raised on this subject by the Russian declaration of 1780, turns, therefore, not on the right of carrying on a trade in such articles as are contraband of war, but on the extent to be given to the description of this species of contraband.

The solution of this doubt as to the application of the rule, must obviously depend on the principle in which the rule itself originates. Those articles, and those alone, are justly considered as contraband of war, which supply to one belligerent power means of annoyance against the other, which he might not otherwise possess.

In various treaties these have been particularly enumerated, with more or less latitude in the application of the general principles, according to the convenience of the different contracting powers. The list has, of necessity, been varied with the changes introduced into the art of war itself. Saltpetre and cannon, for instance, which, before the invention of gunpowder, were harmless or unknown commodities, are now confessedly military stores, and, of course, enumerated as such in every description of contraband, which is to be found in any treaty now existing. In the same manner, and on the same principles, when so many of the most considerable powers of Europe are engaged, from time to time in naval wars, and when a military marine constitutes so large a proportion of their public force, the supplying the ports of a belligerent state with naval stores is necessarily to be considered in the same light as the carrying military stores to an army acting by land. On this principle, the enumeration of contraband has been formed in many treaties, and on the same principle, the general law of nations proceeds in those cases, where no special treaty subsists between the parties.

It would be useless pedantry to multiply authorities upon this point, the proof of which is to

be found in the ordinances of all the principal maritime states, and in the assertions of the most accredited authors down to the period of 1780. But the reason of the thing itself, and the strict analogy between the cases of military and naval stores are more conclusive than any precedent, or any authority.

Great Britain, therefore, maintaining invariably this general principle of public law, has, however, occasionally, by particular treaties, made special exemption in favour of those powers, to whom, for any reason of policy, or reciprocal benefit, it has been judged advantageous to extend this indulgence. In this number Russia was included. Her commercial treaty with England (particularly that concluded in 1765, which was in force at the period of the armed neutrality) contained enumerations of contraband, comprising military stores alone, to the exclusion of those articles which serve for building or repairing ships of war.

This special privilege, thus acquired by treaty, the Empress of Russia attempted in 1780, to convert into a general law; affecting, with the concurrence of the Northern Powers, to establish it as an invariable rule, that, wherever no treaty existed on the subject, the law of nations respecting it should universally be governed, not by

that rational and equitable principle, in which alone the whole doctrine of contraband of war is founded, but by the particular stipulations of the separate treaty between Great Britain and Russia, concluded only for a limited time, and then actually within a few years of its expiration.

In this extravagant pretension, the other contracting powers agreed to support her; and, although they professed, at the moment, that their own conduct, as to this point, should still be regulated by the stipulations of their respective treaties with Great Britain (stipulations which were in direct opposition to this new doctrine of contraband), yet their intentions were not equivocal, in thus endeavouring to subvert that original principle of law on this subject, which exists before all treaties, and to which, in default of treaties, all nations must revert.

They perceived, that while the principle remained untouched, the obligations of treaty were not the only barrier which prevented their engaging largely in the lucrative commerce of supplying the ports of our enemies with every article of naval stores. But, that principle once shaken, it would be easy to find, at some favourable moment, sufficient pretences for getting rid of the existing treaties: or, were it necessary to break them in this respect, that would be no

more than they had already done by another article of this very league; and it would require no greater sacrifice of good faith and honesty, on their part, to declare those commodities lawful, which the treaties of 1661 and 1670 had pronounced to be contraband, than to assert that the property of our enemies should be protected by neutral ships, which ships, by the express stipulations of those very treaties, must be furnished with papers attesting that they have no such property on board.

There is, however, one more pretension yet remaining to be examined, and which, if it were allowed, would, unquestionably, render very superfluous all discussion about the nature or extent of the commodities to be comprised under the description of contraband of war.

The neutral powers having sanctioned, by a solemn and public declaration, the different principles, of which I have already spoken, agreed to arm themselves for the maintenance of this code of complicated fraud, injustice, and perfidy: and they immediately professed to arrogate to themselves, in this hostile position, an additional privilege, which should render it impossible to ascertain whether even this new law of neutrality, such as the neutrals had established for themselves, was, in any one instance, observed by merchant-ships sailing under neutral

colours. According to every known principle of reason, the establishment of any rule of law necessarily implies, that the party interested in its observance shall have some means of ascertaining the fact of its violation. But this principle, it seems, was neither suited to the justice of these new legislators, nor at all consonant to their views. Unjust as all their other pretensions were, they knew that the practice of their subjects, in the extent of collusion with our enemies, would much out-run even those pretensions. The complicated and disgusting frauds, the shameless and open perjury, under which the whole system of the pretended neutral commerce of the North of Europe has been carried on during the last and present war, can only be conceived by those who are habituated to the daily knowledge of them. The very recital would shock the ear of any honest man.

To cover all these under one comprehensive and impenetrable safeguard! to hide, at once, all these disgraceful scenes from the eyes of all the world, and to pursue, in security, their speculations of unjust profit to themselves, and their schemes of rancorous hatred to the British Empire, one mode, and one alone, occurred!

They entered into mutual stipulations for appropriating a considerable portion of their respective naval forces to serve as convoys for their own

merchant ships, and those of their confederates: and these convoys were to be so distributed, that there should be no part of the world, in which commerce is pursued, where a neutral trader carrying on forbidden trade, should be at a loss to find the protection of a neutral ship of war.

To render this protection effectual for the purpose of concealment, as well as of security in fraud, they claimed, for their ships of war, the extraordinary privilege of exempting all merchant vessels, sailing under the convoy, whether of their own, or of any other nation, from that right of search, which had been immemorially exercised by all belligerent powers; and, without which, no part of the maritime law of Europe, even as laid down by themselves, ever can be exercised. So that, whatever the cargoes of the merchant ships might be, were they even such as these powers had themselves consented, by this very league, to consider as contraband, the belligerent power was compelled to suffer them to pass to his enemy, not only unrestrained, but even unexamined.

In lieu of all such examination as had hitherto been accustomed, they proposed to substitute the simple declaration, or assurance, of the commanding officer of the convoy, attesting, that the ships under his protection, carried no articles which these powers considered as contraband—

Enemy's

Enemy's property they claimed to carry—naval stores they asserted not to be contraband—and, as to military stores, the belligerent power must rely on the assurance of the commanding officer. If he was a party to the fraud, there was not only no remedy, but even no means of ascertaining whether those articles were or were not included in the cargo. If he was himself deceived, speaking, as he must do, to a fact which he had no concern to examine, nor any means of ascertaining with accuracy, even as to the ships of his own nation, much less with respect to other neutral ships, falling in with him at sea, and claiming his protection; yet his assertion must be taken as conclusive. All the benefit of the fraud must, in every case, accrue to the neutral merchant trading collusively with the enemy; and all the loss and injury must be to the belligerent power.

It is unnecessary to dwell on the extensive mischiefs of this claim; in its operation it includes and covers all the rest, in its principle it is more unjust, in its application it is more offensive than the whole of the other stipulations taken together; and it is, therefore, a consideration well deserving our serious attention, that while other pretensions of this Northern league have been, as I shall show in my next letter, expressly renounced during the present war, this

alone has been renewed both by Denmark and by Sweden, and has by both of them been recently brought to the issue of force.

On the whole review of the system, which it was the object of this confederacy of NEUTRAL powers, as they styled themselves, to impose upon this country in 1780, and which with the same purposes of *honest* and *inoffensive* neutrality, they are now about to revive and re-assert the effects which it must produce, or the interests, and power, and security of the British Empire, may, in the following manner, be impartially but inadequately stated.

Great Britain, placing, as she does, her chief security and dependance in war, on her numerous and well-disciplined fleets, shall not use them for any other purpose of annoyance to her enemies, so long as those enemies have the prudence to keep their ships of war quiet in their own ports.

The coasting trade of France may be carried on in war with us, as securely as in peace. Her merchants may cover the sea with their ships, and transport their cargoes to every quarter of the world, if neutral passports can be bought for the one, or if neutral freight can be hired for the other. Her ports can never be blockaded, but our squadrons cruising at the very entrance of Brest itself, must look tamely on, while the neutrals, our

pretended friends, supply it with every article of naval stores—and lest even this should be insufficient to cramp all our efforts, and utterly to annihilate our whole naval strength, nothing more need be done by France, than to purchase the friendship, or command the service of the most inconsiderable neutral state, of the Ligurian, or the Cisalpine Republic, and under the pretended neutral convoy of that flag, her ships may sail, unquestioned and unmolested, through the British seas, and even insult us at the very mouths of our own harbours.

Whenever this disgraceful picture shall be realized, we shall lose all title to pre-eminence, and all claim to national distinction; the memory of our past triumphs will serve only as an additional reproach to the humiliation of that moment; and, instead of the unshaken confidence, with which we now withstand the aggressions of nations leagued against us, we must receive the yoke of France, and submit, in despondency and shame, to the ruin of our once free, glorious, and happy country.

SULPICIUS.

# LETTER V.

*London, January* 28, 1801.

SIR,

THE leading principles of that armed neutrality, which, in 1780, was first contrived by the Northern Confederacy against this country, have, in my former letters, been sufficiently detailed and explained. A short statement of the successive abandonment, and assertion of those principles, will clearly show, that no consistent or uniform system has ever been founded upon them, even by their authors, much less by the powers of Europe in general; and that, instead of furnishing, as was professed, a permanent code of neutral law, they have furnished nothing, except fruitless indications of hostility against this country, brought forward at those periods only when it was supposed that such hostility might be manifested with impunity. Such, indeed, was the moment, which was first chosen by Russia and her confederates for the promulgation of these new maritime pretensions; when, in addition to the pressure of the American war, Great Britain had also been for some time engaged against the united hostilities of France, of Spain, and of Holland; when our former colonies seemed likely to be irrecoverably lost to us, and when

the British flag had to contend alone with the three greatest navies of Europe: then it was, that in aid of our open and declared enemies, this Northern League was first formed against us; and, under the specious title of maritime neutrality, a new blow was levelled against this country, more hostile to its long established rights, and acknowledged interests, than any which it had ever had to fear from the arms of its avowed enemies. The English Government, however, even under those circumstances, disclaimed the new doctrines of this unauthorized system; they openly protested against the principle of the projected innovation, and they refused themselves entirely to all claim and practice, which could be founded upon it.

That they did not do more upon that occasion, will scarcely be put forward as any solid objection against a more determined and vigorous conduct at this period; that we were less able, less disposed, or less required to assert our immemorial rights under the established law of nations, in the year 1780, will not easily furnish any argument against our competency to adopt more strenuous and active measures for our defence, in the year 1801. It is no part of my object, either to arraign, or to defend, the measures of our government in 1780, who might have considered the danger as less pressing, less critical, and less important in its consequences, or our means of re-

sistance less effectual, than in the present moment they can be supposed to be; my chief motive for recurring to the authority of those times is to remark, that, as the Northern League grew up with the war, in which we were engaged with France, and Spain, and Holland, the peace, which put an end to that war, without any reference to the Northern League, afforded a sufficient, though tacit disclaimer, of those baffled pretensions, which had only arisen out of the naval war then waged against us. This consequence was indeed perceived at the time; and Sweden, one of the powers then, and now, confederated against us, urged, but urged in vain, that no peace should be suffered to be restored to Europe, without the acknowledgement of those pretensions. A similar proposal is understood to have been renewed in the present instance by Denmark, who, in the excess of her groundless, and therefore unqualified hostility to Great Britain, is said to have solicited from France, assurances of eternal war with England, until the latter shall have humbled herself so far, as to make submissions at Copenhagen. We may venture to foretel, that France will, in the present case, as in the former, encourage these hopes, while war continues; and will, in the conclusion of peace, be much more careful to promote her own interests, than to comply with this modest demand of her new ally.

Whether, therefore, with more or less of vigour and activity, than the subject demanded, the claims of the New Neutral System were, in fact, as entirely denied by us in 1780, as they have been upon the present occasion. our declarations made at the time to the Baltic powers were sufficiently explicit on this point; and the articles of those treaties, which placed us again at peace with Europe, did not draw from us any one of those concessions, which the league of Northern Neutrality had hoped to extort, under the pressure of foreign and domestic war. Thus did this fruitless effort fade away, which, under the pretence of promulgating general rules, obligatory on all powers alike, was substantially directed against the heart and life of the British naval power, created, extended, and maintained by an adherence to the ancient and long established law of nations.

Ten years did not elapse before the authors of this new system, which had been framed to last for ages, and to give law to all nations present and future, were themselves the first to violate it. The same privilege of adhering to the ancient law of nations, which they refused to us, they claimed for themselves, and they exercised against each other. The proof of this fact is furnished by the enemy himself. In the course of the last summer, a pamphlet was published at Copenhagen, written under the autho-

rity of that government, with a view to prepare the way for the revival of the exploded principles of the Armed Neutrality. In this work, the author (a Doctor Schlegel, Professor of Laws in the University of Copenhagen, and Assessor of the Supreme Court there), after giving us, in his way, the history of the league of 1780, adds (I quote verbatim from p. 12 of the English translation, *printed and circulated in London, by order of the Swedish Minister)* " in the war that ensued be-
" tween Gustavus III. and Russia (in 1791)"
" he" *(the King of Sweden)* " suffered himself so
" far to be misled as to violate the very system
" * *in the* northern commerce that he had hereto-
" fore so laudably and *valiantly* maintained."

Such is the respect which Sweden has paid, in war, to the neutral code, which, when in peace, she now again attempts to impose by force upon Great Britain.

Let us now see whether the conduct of Russia has been different, or whether that power is better disposed than Sweden to observe her own laws, when they militate against her political interest? In 1793, the Empress of Russia proposed, and actually concluded a treaty with Great Britain for co-operating in the present war against France. In this treaty, she expressly engages " to unite," with

* This we presume to be Swedish for *of*.

" us

us " all her efforts to prevent other powers, not " implicated in this war, from giving any pro- " tection whatsoever, directly or indirectly, in " consequence of their neutrality, to the com- " merce or property of the French, on the sea, " or in the ports of France*." No words could have been devised more distinctly to controvert the principle that *free ships make free goods:* which principle had been the main spring of the Northern Neutrality of 1780, and in execution of this treaty, she sent a fleet into the Baltic and North Seas, with express orders to Her Admiral, to search all Danish merchant ships SAILING UNDER CONVOY.

The Empress of Russia, therefore, when at war with France, felt the justice as well as the expediency of resorting back to the ancient system of public law. She contracted with us, for that purpose, the specific engagement which I have recited, and continued to act under it to the last moment of her reign.

But, did her successor adopt the same principle at her death? He not only did so with redoubled vigour and earnestness, but so zealously has the spirit of this engagement been pursued by the present Emperor, that so lately as in the year

* Convention of 1794. Art. IV.——See Appendix, G.

1799, he actually threatened the Danes with immediate hostilities on account of their partiality to France, of which he stated one symptom to be their supplying assistance and protection to the trade of France, under the neutral colours of the Danish flag; and if the Emperor did not carry these his threats into execution, with as much intemperate haste as in other instances, this was, probably, owing solely to the amicable interference of Great Britain, which, at the time, and since, has been repeatedly acknowledged by Denmark, though now repaid with no very adequate return.

An article similar to that in the Russian Convention of 1793 was agreed to between Great Britain and Prussia, another party to the Armed Neutrality of 1780. The same was likewise agreed to by Spain, and engagements of similar import were entered into by Austria, as well as by Portugal and Naples: so that, under the express acts of almost every power in Europe, that system, which was, as we were told, in 1780, to be established by universal consent, has, since 1793, by universal consent, been disclaimed, abandoned, and condemned.

Denmark, however, still remains behind—has Denmark abided by the principles of the league of 1780? She has expressly renounced them, both by her own edicts, and by a formal treaty. The

rescript, which was published at Copenhagen, at the commencement of the present war, for pointing out to the Danish merchants the nature and limits of their neutral trade, instead of being founded on those principles, is in direct contradiction to them. The Danish subjects are there expressly commanded not to attempt to carry, in neutral ships, any property of the belligerent nations.

Even this is not all. The Neutral Confederacy of 1780 had left, in Sweden and Denmark, some seeds of ill-will towards this country; such as are, not unusually, produced by disappointment and defeat. These dispositions shewed themselves, on the part of Sweden, in acts of assistance to our enemy, so extensive and repeated, that, in the year 1798, our cruisers, acting under their usual instructions, according to the established law of nations, detained a whole fleet of Swedish ships, which were freighted with naval stores, destined ostensibly to neutral or friendly ports, but really to those of our enemies, and which had resisted the regular visitation of the British ships of war. The Swedes talked loudly of this opposition to the favourite principle of their own neutral code of 1780: but the Emperor of Russia, although he saw their neutral colours detained in our ports, instead of supporting their representations, exhorted us to firmness and vigilance; and after

having, during the continuance of these measures, strengtened his connection with us, menaced the Court of Denmark with war for similar practices, in the manner which I have already related. Scarcely had a few months elapsed, subsequent to those menaces, when a similar question was still more decidedly brought to issue between Great Britain and Denmark by actual hostility, begun on the part of a Danish frigate, against one of His Majesty's ships of war. The capture of this frigate, and the moderation with which the English government negotiated with the court of Copenhagen, while they had it in their power to have deeply revenged upon the Danish fleet this unprovoked attack upon the British flag, are circumstances too recent and notorious to require to be at length detailed here, while they are yet so fresh in the remembrance of the public: but, that these gross outrages, on the part of Sweden and Denmark, were likewise committed in open and direct violation of their own special treaties, solemnly ratified, and formally notified to us, is a circumstance which the public have either less known, or less adverted to. So flagrant a proof of bad faith having seldom occurred, in the transactions of nations, it is, perhaps, the less observed, because it can, in no degree, have been looked for, or expected. In the year 1794 a convention was signed between the courts of Sweden and

Denmark for the mutual preservation of their neutral commerce, during a war, in which almost every other country in Europe was then actually engaged. This treaty being duly ratified, was, by them, formally communicated to the British government. Here, therefore, we are to look for the avowed principle, by which the courts of Sweden and Denmark professed and engaged to regulate their neutral commerce during the continuance of the present war. In the second article of that treaty, they declare their adherence to their respective treaties with *all* the different powers at war, without exception. In the third article, they " bind themselves to " each other, *and to all Europe*, that, in all mat- " ters not expressed in their existing treaties, " they will not pretend to any other advantages " than those which are founded on the *universal* " *law of nations*, such as it is recognized and " respected, up to the present moment, by all " the powers, and by all the Sovereigns of " Europe *."

It will not, I presume, be contended, that His Majesty has ever recognized the principles of the Armed Neutrality: nor have the wishes, or measures, of any confederacy in Europe yet

* Convention of Sweden and Denmark, of 1794, Article III.——See Appendix, G.

succeeded, to erase the name of the King of the United Kingdom of Great Britain and Ireland, from the list of the Sovereigns of Europe.

In that moment, therefore, when Denmark and Sweden pledged themselves to this country and to Europe, to assert for themselves no neutral rights, but those which had before been recognized by all the powers of Europe, they pledged themselves to renounce the claims of the league of 1780, which never had been, and as we may confidently predict, never will be recognized by Great Britain. Yet, with this solemn covenant, on their part, not to transgress the ancient public laws of Europe, their daily practice was the daily infraction of it; until, at length, in the face of that Convention, which was their own voluntary act, they have now formed an avowed confederacy, to substitute by force, in the place of this recognized law, the exploded pretensions of 1780.

Well did the early breach of the above recited engagement, justify the indignation with which the Emperor of Russia menaced the Court of Denmark in 1799, and acquiesced in our seizure of the Swedish convoy destined to the ports of France, in 1798. Is it then, possible, that, in concluding this short sketch of the present confederacy against Great Britain, we are to place the name of the Emperor of Russia, as first in the ranks of those who are now leagued against

her? Is it to be believed, that he, who applauded in 1798, our detention of the Swedish convoy, that he who threatened Denmark with war, in 1799, for assisting the commerce of the French Republic, that he should confederate himself with those very powers, for the express purpose of assisting that common enemy, whom he had pledged himself to us, to Europe, and to the world, that he would manfully resist with us, to the utmost extent of his power?—That, without pretext, complaint, or remonstrance, he has dismissed our minister, embargoed our ships, and imprisoned our seamen—and all this with no one explanation to this hour, other than the fact of our seeing him, not only the patron and defender, but the first promoter of the renewal of that very system, against which he was, a year ago, more hostile, if possible, than was Great Britain herself? Is it to be believed, that he should, under such circumstances, negotiate with our enemy, for the disposal of those very conquests, which were to be acquired by our joint efforts; and, finally, declare himself our enemy, with no other notice to us, than the unprovoked confiscation of that British commerce, which was carried on under the express and stipulated protection of his public faith and solemn promise, which had fed his army, had nursed his navy, had enabled him to triumph with Suwarrow in

Italy, and had augmented the domestic wealth of his empire, while it had contributed to the increase of its foreign glory?

The limits of this letter will not allow me to expatiate on this subject; those who read in it, this light sketch of the different features in which the league of Northern Neutrality has shewn itself will judge whether it be a system just, regular, and safe enough to supersede the authority of the old established law of nations; or, whether it be not a hostile conspiracy against the existence of this country, which was first tried by our enemies, when we were considered as exhausted by the American war, and is now renewed in the vain confidence that the success of France against Austria, and the desertion of Russia, from her allies and her principles, will have checked the public spirit of our people, and will have damped the ardour of the British Navy.

On this unmanly desertion, and on this monstrous union which chains the Emperor of Russia to the throne of the Consul of France, I shall have hereafter to observe, addressing only to His Imperial Majesty, at present, the words of the Latin poet:

"Consule cum Mario, capte Jugurtha sedes."

SULPICIUS.

APPENDIX.

# APPENDIX.

## A.

### AUTHORITIES, FROM WRITERS ON THE LAW OF NATIONS, &c.

CONSOLATO DEL MARE, OF MERCHANT SHIPS TAKEN BY ARMED SHIPS, Cap. 273.

" IF the vessel, or fleet, which shall have been taken, be-
" longs to a power at peace, but the cargo, with which she
" is laden, to an enemy, the admiral of the armed vessel, or
" fleet, is at liberty to force the master of the ship, or fleet,
" which shall have been taken, to carry the goods of the
" enemy where he (the admiral) shall think proper."

This is a book of the greatest authority; the account Giannono gives of it, in his History of Naples, Book 11th, Chap. 6th, is as follows:

" The articles of which the *Consolato del Mare* is com-
" posed, were approved by the Romans, the Pisanians,
" Lewis King of France, Count Iolosa, and by many
" other princes and nobles; the Kings of Arragon and the

" Counts of Barcelona added new ones, and Arnoldo Ven-
" nio does not depart from the opinion of those who assert,
" that this compilation was made in the times of St. Lewis
" King of France."—It was afterwards printed at Venice by John Battista, who called this collection, *Il Libro de Consolato de Marinari*, and dedicated it to Monsieur Tomaso Zarmora, then Consul from the Emperor Charles V. at Venice. It was then reprinted at Venice in the year 1567, and it is this edition which is in every one's hand, and which now has the greatest authority and credit in the Court of Admiralty of our kingdom.

---

GROTIUS cites the above passage of the *Consolato* in his notes to the 1st Chapter, 3d Book. Bynkershoek, in the 14th Chapter of the 1st Book of his *Enquiry repsecting the Law of Nations*, of enemy's effects found in the ships of a power not at war:

" We must rather consider reason itself than treaties. I
" cannot see any cause why it should be not lawful to take
" enemy's goods, though found in the ship of a nation not
" at war; for I consider it as the property of the enemy,
" and belonging by the right of war to the conqueror."

---

ZOUCHERUS himself admits " The principles of releasing
" the ships of a nation not at war, and of confiscating the
" goods which belong to the enemy, paying the Captain
" for the freight;" following in this the *Consolato del Mare*.

---

HEINECCIUS is stated by BYNKERSHOEK, *Loco Citato*, to be of the same opinion in his *Dissertation respecting ships confiscated, for carrying illicit merchandize. Cap.* 2 *Sect.* 9.

VAT-

## VATTEL, Lib. 3. Cap. 7.

If any goods belonging to the enemy are found on board a neutral ship, they may be seized by the right of war; but the freight must naturally be paid to the master of the ship, who cannot suffer by such a seizure.

---

## MARINE ORDINANCES OF FRANCE, LIB. 3. SECT. 9. OF PRIZES, ART. 6.

*Regulation respecting Prizes made on the Sea, and the Navigation of Neutral Vessels during the War.—Oct 21st, 1744.*

Art. 3. His Christian Majesty also forbids any one to stop any vessel belonging to the subjects of a neutral Prince, which is going from any port of a neutral state or ally of His Majesty to another state equally neuter, unless it be laden with merchandize of the growth or manufacture of his enemies, in which case the merchandize shall be a lawful prize, but the ship shall be released.

Art. 4. His Catholic Majesty also forbids the said armed ships to stop any vessels belonging to the subjects of the said neutral Princes, going from any port belonging to a neutral or allied power, to any of his enemy's ports, if no contraband merchandize, or of the growth or manufacture of his enemy be found aboard the said vessel; in which case the merchandize shall be a lawful prize, and the vessel shall be released.

Art. 5. If in the cases explained in the articles 1, 2, 3, 4, there should be found in the said neutral vessels, of whatever nation they may be, merchandize or effects belong-

ing to the enemies of His Majesty, the merchandize and effects shall be a lawful prize, even though they are not of their manufacture; nevertheless, the ships shall be released.

---

## B.

*Copy of the 12th Article of a Treaty concluded between England and Sweden, October 21, 1661.* See CHALMERS's TREATIES.

For the evading of all suspicion and collusion, lest the free navigation or intercourse of one of the confederates, his subjects, inhabitants by land or sea, with other nations, while the other confederate is at war, should be carried on to the prejudice of the other confederate; and lest the enemies' goods and merchandize should be concealed under the disguise of the goods of friends, it is stipulated that all ships, carriages, wares, and men, belonging to the other of the confederation, shall be furnished in their journies and voyages with safe conducts, commonly called passports and certificates, such as are underwritten, verbatim, signed and subscribed by the Chief Magistrate of that province and city, or by the Chief Commissioners of the Customs and Tolls, and specifying the true names of the ships, carriages, goods, and masters of the vessels; as also the exact dates, together with other descriptions of that sort, as are expressed in the following form, of a safe conduct and certificate. Wherefore if any person shall affirm, upon the oath by which he is bound to the King, state, or city, that he has given in true accounts, and be convicted, on sufficient proof, that any fraud has been concealed under his affirmation by his consent, he shall be severely punished as a transgressor of

the said oath. We, Governor or Chief Magistrate, or the Commissioners of the Duties and Customs of the city or province of, (the title or office of the respective government of that place being added) do make known and certify, that on the day of the month of , in the year of . . . citizens and inhabitants of , and subjects of His Sacred Royal Majesty of Sweden, or of H. S. R. M. of Great Britain, personally appeared before us in the city or town of , in the dominions of H. S. R. M. of Sweden, or of H. S. R. M. of Great Britain, (as the case shall happen) and declared to us, upon the oath by which they are related and bound to our Most Gracious Sovereign, H. S. R. M. of Sweden, and to our city, or to H. S. R. M. of Great Britain, and to our city, that the ship or vessel called , of about , lasts or tons, belongs to the port, city, or town of , in the dominions of , and that the said ship does not rightfully belong to him or other subjects of H. S. R. M. of Sweden, or H. S. R. M. of Great Britain; that she is bound directly from the port of to the port of , laden with the following merchandize; viz. (here shall be specified the goods, with their quantity and quality; for example, about so many chests or bales, about so many hogsheads, &c. according to the quantity and condition of the goods), and affirmed on the oath aforesaid, that the said goods and merchandize belong only to , one of the subjects of H. S. R. M. of Great Britain, or to of , (or expressing whatever other nation they are subjects of), and that declared upon their said oath, that the said goods above specified, and no others, are already put on board, or are to be put on board the above-named ship for the said voyage, and that no part of these goods belongs to any other person whatsoever, but those above-mentioned, and

and that no goods are disguised or concealed therein by any fictitious name whatsoever, but that the wares above-mentioned are truly and really put on board for the use of the said owners, and no others, and that the captain of the said ship named, is a citizen of the city of . Therefore, whereas after strict examination by us (the governor or chief magistrate, or commissioners of the duties and customs of the city aforesaid), it fully appears that the said ship or vessel, and the goods on board the same are free, and do truly and really belong to the subjects of H. S. R. M. of Sweden, or of H. S. R. M. of Great Britain, or to the inhabitants of other nations as aforesaid, we do most humbly and earnestly require it of all and singular the powers by land and sea, kings, princes, republics, and free cities, also of the generals of armies, admirals, commanders, officers, and governors of ports, and all others to whom the custody of any harbour or sea is committed, which happen to meet this ship in her voyage, or if she chance to fall in, among, or pass through their squadrons, or to stay in their harbours, that for the sake of the treaties and friendship which subsist respectively between them, or whoever are his superiors, and H. S. R. M. our Most Gracious Sovereign the King of Sweden, or H. S. R. M. our Most Gracious Sovereign the King of Great Britain, that they will not only permit the said captain with the ship, and the men, goods, and merchandize to her belonging, to prosecute her voyage freely, without lett or molestation, but also, if he think fit to depart out of the said harbour elsewhere, that they will shew all kind offices to him and his ships, as subjects of H. S. R. M. of Sweden, or of H. S. R. M. of Great Britain, as they shall in like measure experience the same from H. S. R. M. of Sweden, or from H. S. R. M. of Great Britain, and from

all the ministers and subjects, in the like or any other case. In witness whereof we have taken care that these presents, signed by our own hands, be sealed with the seal of our city. Given, &c.

Therefore, when the merchandize, goods, ships or men, of either of the confederates, and his subjects and inhabitants shall meet, or be met in the open sea, streights, in harbours, havens, countries, or other places whatsoever by men of war c. privateers, or by the subjects and inhabitants of the other confederate, after producing only their safe conducts and certificates aforesaid, nothing farther shall be demanded of them, no enquiry whatsoever shall be made into the goods, ships or men, much less shall they be injured, damaged or molested, but shall be freely let go to prosecute their voyage and purpose. But if this solemn and stated form of the certificate be not produced, or there be any other just and urgent cause of suspicion, then this ship ought to be searched, which shall only be deemed justifiable in this case, and not otherwise. If any thing be done by either party contrary to the general meaning of this article, both of the confederates shall take care that the severest punishment, due to the most heinous crimes, be inflicted on such of his subjects as are the offenders, for their contempt and transgression of the Royal commands; and that plenary and immediate satisfaction be made to the injured confederate, his subjects and inhabitants, for all loss and expenses.

*Copy*

# C.

*Copy of the 20th Article of a Treaty concluded between England and Denmark, in* 1670.—See CHALMERS'S TREATIES.

But lest such freedom of navigation, or passage of the one ally, and his subjects and people, during the war that the other may have by sea or land with any other country, may be to the prejudice of the other ally, *and that goods and merchandize belonging to the enemy may be fraudulently concealed under colour of being in amity, for the preventing of fraud, and clearing all suspicion, it is thought fit, that the ships, goods, and men belonging to the other confederate, in their passage and voyages, be accompanied with letters of passport and certificate*; the forms whereof to be as follows:—Charles the Second, by the Grace of God, King of Great Britain, &c.——Christian the Fifth, by the Grace of God, King of Denmark and Norway, &c.—Be it known unto all and singular, to whom these our letters of safe conduct shall be shewn, that our subject, and citizen of our city of , hath humbly represented unto us, that the ship called , of the burthen of tons, doth belong unto them, and others, our subjects, and that they are sole owners and proprietors thereof, and is now laden with the goods which are contained in a schedule which she hath with her from the officers of our customs, and do solely, truly, and really belong to our subjects, or others in neutrality, bound immediately from the port of to such other place or places where she may conveniently trade with the said goods, being not prohibited, nor belonging to either of the parties in hostility, or else find a freight, which the aforesaid our subject,

subject, having attested, by a writing under his hand, and affirmed to be true by oath, under penalty of confiscation of the said goods, we have thought fit to grant him these our letters of safe conduct: and, therefore, we do hereby respectively pray and desire all governors of countries and seas, kings, princes, commonwealths, and free cities, and more especially the parties now in war, and their commanders, admirals, generals, officers, governors of ports, commanders of ships, captains, freighters, and all others whatsoever having any jurisdiction by sea, or the custody of any port, whom the ship aforesaid shall chance to meet, or among whose fleet or ships it shall happen to fall, or make stay in their ports, that by virtue of the league and amity, which we have with any king or state, they suffer the said master with the ship, , persons, things, and all merchandize on board her, not only freely, and without any molestation, detention, or impediment, to any place whatsoever to pursue his voyage, but also to afford him all offices of civility, as to our subject if there shall be occasion; which, upon the like or other occasion, we and ours shall be ready to return.

Given the day of in the year .

We the President, Consuls, and Senators of the city of , do attest and certify, that on the day of , in the year of , personally before us came, and appeared , citizen and inhabitant of the city or town of , and, under the oath wherein he stands bound to our Sovereign Lord the King, did declare unto us, that the ship or vessel called , of the burthen of tons, doth belong to the port, city or town of , in the province of ; and that the said ship doth justly belong only to him and others, subjects of our said Sovereign Lord, and now bound directly from the port of ,

laden with goods mentioned in a schedule received from the officers of the customs; and that he hath affirmed, under the oath aforesaid, that the fore-mentioned vessel, with her goods and merchandize, doth only belong to subjects of His Majesty, and doth carry no goods prohibited, or which belong to either of the parties now in war.

In testimony whereof we have caused this certificate to be subscribed by the syndic of our city, and sealed with our seal.

Given, &c.

When, therefore, the merchandize, goods, ships, or men of either of the confederates, and their subjects and people shall meet in open sea, straits, ports, havens, lands, and places whatsoever, the ships of war, whether public or private, or the men, subjects and people of the other confederate, upon exhibiting only the aforesaid letters of safe conduct and certificate, there shall be nothing more required of them, nor shall search be made after the goods, ships, or men, nor shall they be any other ways whatsoever molested or troubled, but suffered with all freedom to pursue their intended voyage, but if this solemn and set form of passport and certificate be not exhibited, or that there be any other just and urgent cause of suspicion, then shall the ship be searched, which is nevertheless in this case only understood to be permitted, and not otherwise. If by either party any thing shall be committed contrary to the true meaning of this article, against either of the confederates, each of the said confederates shall cause his subjects and people offending to be severely punished, and full and entire satisfaction to be forthwith given, and without delay, to the party injured, and his subjects and people, for their whole loss and expenses

*Copy*

# D.

*Copy of the* MARITIME TREATY *between the Empress of Russia and the King of Denmark, acceded to by the King of Sweden, and States General of the United Provinces.*

ART. I. Their respective majesties are fully and sincerely determined to keep upon the most friendly terms with the present belligerent powers, and preserve the most exact neutrality: they solemnly declare their firm intention to be, that their respective subjects shall strictly observe the laws forbidding all contraband trade with the powers now being, or that may hereafter be, concerned in the present disputes.

II. To prevent all equivocation or misunderstanding of the word contraband, their imperial and royal majesties declare that the meaning of the said word, is solely restrained to such goods and commodities as are mentioned under that denomination in the treaties subsisting between their said majesties and either of the belligerent powers. Her imperial majesty abiding principally by the Xth and XIth articles of the treaty of commerce with Great Britain; the conditions therein mentioned, which are founded on the right of nations, being understood to extend to the kings of France and Spain; as there is at present no specific treaty of commerce between the two latter and the former. His Danish majesty, on his part, regulates his conduct in this particular by the first article of his treaty with England, and the XXVIth and XXVIIth of that subsisting between his said majesty and the king of France, extending the provisions made in the latter to the Catholic King; there being no treaty *ad hoc*, between Denmark and Spain.

III. And whereas by this means the word *contraband*, conformable to the treaties now extant, and the stipulations made between the contracting powers, and those that are now at war, is fully explained; especially by the treaty between Russia and England of the 20th of June 1766; between the latter and Denmark, of the 11th of July 1670: and between their Danish and most Christian Majesties, of August 23d, 1742; the will and opinion of the high contracting powers, are, that all other trade whatsoever shall be deemed and remain free and unrestrained.

By the declaration delivered to the belligerent powers, their contracting majesties have already challenged the privileges founded on natural right, whence spring the freedom of trade and navigation; as well as the right of neutral powers; and being fully determined not to depend in future merely on an arbitrary interpretation, devised to answer some private advantages or concerns, they mutually covenanted as followeth:

First, That it will be lawful for any ship whatever to sail freely from one port to another, or along the coast of the powers now at war.—2dly, That all merchandize and effects belonging to the subjects of the said belligerent powers, and shipped on neutral bottoms, shall be entirely free; except contraband goods.—3dly, In order to ascertain what constitutes the blockade of any place or port, it is to be understood to be in such predicament, when the assailing power has taken such a station, as to expose to imminent danger, any ship or ships that would attempt to sail in or out of the said ports,—4thly, No neutral ships shall be stopped without a material and well-grounded cause: and in such cases justice shall be done to them without loss of time; and besides indemnifying each and every time, the party aggrieved, and thus stopped without sufficient cause, full satisfaction shall

be given to the high contracting powers, for the insult offered to their flag.

IV. In order to protect officially the general trade of their respective subjects, on the fundamental principles aforesaid, her Imperial, and his Royal majesty have thought proper, for effecting such purpose, each respectively to fit out a proportionate rate of ships of war and frigates. The squadron of each of the contracting powers shall be stationed in a proper latitude, and shall be employed in escorting convoys according to the particular circumstances of the navigators and traders of each nation.

V. Should any of the merchantmen belonging to the subjects of the contracting powers, sail in a latitude where shall be no ships of war of their own nation, and thus be deprived of the protection; in such case, the commander of the squadron belonging to the other friendly power shall, at the request of said merchantmen, grant them sincerely, and *bona fide*, all necessary assistance. The ships of war and frigates, of either of the contracting powers, shall thus protect and assist the merchantmen of the other: provided nevertheless, that under the sanction of such required assistance and protection, no contraband be carried on, nor any prohibited trade, contrary to the laws of the neutrality.

VI. The present convention cannot be supposed to have any relative effect; that is to extend to the differences that may have arisen since its being concluded: unless the controversy should spring from continual vexations which might tend to aggrieve and oppress all the European nations.

VII. If, notwithstanding the cautious and friendly care of the contracting powers, and their steady adherence to an exact neutrality, the Russian and Danish merchantmen should happen to be insulted, plundered, or captured by any of the armed ships or privateers belonging to any of the belligerent powers: in such case the ambassador or envoy of the

aggrieved party, to the offending court, shall claim such ship or ships, insisting on a proper satisfaction, and never neglect to obtain a reparation for the insult offered to the flag of his court. The minister of the other contracting power shall at the same time, in the most efficacious and vigorous manner, defend such requisition, which shall be supported by both parties with unanimity. But in case of any refusal, or even delay in redressing the grievances complained of; then their majesties will retaliate against the power that shall thus refuse to do them justice, and immediately agree together on the most proper means of making well-founded reprisals.

VIII. In case either of the contracting powers, or both at the same time, should be in any manner aggrieved or attacked, in consequence of the present convention, or for any reason relating thereto; it is agreed, that both powers will join, act in concert for their mutual defence, and unite their forces in order to procure to themselves an adequate and perfect satisfaction, both in regard to the insult put upon their respective flags, and the losses suffered by their subjects.

IX. This convention shall remain in force for and during the continuance of the present war; and the obligation enforced thereby, will serve as the ground-work of all treaties that may be set on foot hereafter: according to future occurrences, and on the breaking out of any fresh maritime wars which might unluckily disturb the tranquillity of Europe. Meanwhile, all that is hereby agreed upon shall be deemed as binding and permanent, in regard both to mercantile and naval affairs, and shall have the force of law in determining the rights of neutral nations.

X. The chief aim and principal object of the present convention being to secure the freedom of trade and navigation, the high contracting powers have antecedently agreed, and

do engage to give to all other neutral powers free leave to accede to the present treaty, and, after a thorough knowledge of the principles on which it rests, share equally in the obligations and advantages thereof.

XI. In order that the powers, now at war, may not be ignorant of the strength and nature of the engagements entered into by the two courts aforesaid; the high contracting parties shall give notice, in the most friendly manner, to the belligerent powers, of the measures by them taken; by which, far from meaning any manner of hostility, or causing any loss or injury to other powers, their only intention is to protect the trade and navigation of their respective subjects.

XII. This convention shall be ratified by the contracting powers, and the ratifications interchanged between the parties in due form, within the space of six weeks, from the day of its being signed, or even sooner, if possible. In witness whereof, and by virtue of the full powers granted us for the purpose, we have put our hands and seals to the present treaty.

Given at Copenhagen, July the 19th, 1780.

CHARLES D'OSTEN, called SOKEN.

J. SCHACK RATLAU.

A. P. COMPTE BERNSTORFF.

O. THOFT.

H. EIKSTEDT.

Acceded to, and signed by the plenipotentiaries of the court of Sweden, at Petersburgh, 21st of July, 1780, and by the States-General accepted November 20, 1780, and signed at Petersburgh, January 5th, 1781, with the addition only of article,

XIII. If the respective spuadrons, or ships of war, should meet or unite, to act in conjunction, the command in chief will be regulated according to what is commonly practised between the crowned heads and the Republic.

# E.

*Extract of a Letter from* Mr. JEFFERSON, *Secretary of State in America, to* Mr. GENET, *Minister Plenipotentiary of France, dated Philadelphia, July 24th,* 1793.—SEE STATE PAPERS, PUBLISHED BY ORDER OF CONGRESS, IN 1795, Page 71.

I believe it cannot be doubted, but that by the general law of nations, the goods of a friend found in the vessel of an enemy, are free; and the goods of an enemy found in the vessel of a friend, are lawful prize. Upon this principle, I presume, the British armed vessels have taken the property of French citizens found in our vessels, in the cause abovementioned, and I confess I should be at a loss on what principle to reclaim it. It is true that sundry nations, desirous of avoiding the inconveniences of having their vessels stopped at sea, ransacked, carried into port, and detained under pretence of having enemy goods on board, have, in many instances, introduced, by their *special treaties*, another principle between them, that enemy bottoms shall make enemy goods, and friendly bottoms friendly goods; a principle much less embarrassing to commerce, and equal to all parties in point of gain and loss, but this is altogether the effect of particular treaty, controuling in special cases, the general principle of the law of nations, and therefore taking effect between such nations only, as have so agreed to controul it. England has generally determined to adhere to the rigorous principle, having in no instance, as far as I recollect, agreed to the modification of letting the property of the

goods follow that of the vessel, except in the single one of her treaty with France. We have adopted this modification in our treaties with France, the United Netherlands, and Prussia, and therefore, *as to them*, our vessels cover the goods of their enemies, and we lose our goods when in the vessels of their enemies. With England, Spain, Portugal, and Austria, we have no treaties, therefore we have nothing to oppose to their acting according to the general law of nations, that enemy goods are lawful prize, though found in the bottoms of a friend.

---

## F.

*Extract of a Letter from* Mr. JEFFERSON, *Secretary of State in America, to* Mr. MORRIS, *Minister Plenipotentiary of the United States, with the Republic of France, dated Philadelphia, 16th August,* 1793.—SEE STATE PAPERS, PUBLISHED BY ORDER OF CONGRESS, IN 1795.—Page 82.

Another source of complaint with Mr. Genet has been, that the English take French goods out of American vessels, which, he says, is against the law of nations, and ought to be prevented by us. On the contrary, we suppose it to have been long an established principle of the law of nations, that the goods of a friend are free in an enemy's vessel, and an enemy's goods lawful prize in the vessel of a friend. The inconvenience of this principle, which subjects merchant vessels to be stopped at sea, searched, ransacked, led out of

their course, has induced several nations latterly to stipulate against it by treaty, and to substitute another in its stead, that free bottoms shall make free goods, and enemy bottoms enemy goods; a rule equal to the other in point of loss and gain, but less oppressive to commerce. As far as it has been introduced, it depends on the treaties stipulating it, and forms exceptions in special cases to the general operation of the law of nations. We have introduced it into our treaties with France, Holland and Prussia, the French goods found by the latter nations in American bottoms are not made prize of. It is our wish to establish it with other nations. But this requires their consent also, as a work of time, and in the mean while they have a right to act on the general principle, without giving to us or to France, cause of complaint.

---

## G.

*Convention between His Majesty the King of Sweden, on one side, and His Majesty the King of Denmark, on the other, for the common Defence of the Liberty and Security of the Trade and Navigation of Sweden and Denmark—Done and concluded at Copenhagen, on the 27th of March, of 1794, ratified at Stockholm, the 3d of April.*

His Majesty the King of Denmark and Norway, and His Majesty the King of Sweden, having considered how important it is for the subjects of their kingdoms, to enjoy with safety and tranquillity, the advantages attached to a perfect neutrality, founded on acknowledged treaties, penetrated with

a sense of their duty towards them, and aware of the unavoidable embarrassments arising from their position, in the war which has broken out in the greatest part of Europe, have agreed, and do agree, to unite their measures and interests upon that subject, and according to the example of their predecessors, to afford to their respective nations, every protection which they have a right to expect from their paternal care—Desirous, besides, of drawing closer the ties of friendship, which so happily subsist between them, by a Convention for the general defence of their rights,—they have named for that purpose, viz. His Danish Majesty, His Minister of State, and of Foreign Affairs, Andrew Peter Count Bernstorff, Knight of the Order of the Elephant, &c. and His Majesty the King of Sweden, Eric Magnus Baron Stael, of Holstein, Chamberlain to Her Majesty, the Dowager Queen of Sweden, and Knight of the Order of the Sword; who, after having exchanged their full powers, have agreed upon the following Articles.

Art. I. Their Majesties declare solemnly, their intention of preserving, during the course of this war, the most perfect neutrality, of avoiding as much as shall depend upon them, every thing which might commit them with the powers in friendship and alliance with them, and of continuing to shew them, as they have constantly done, in circumstances difficult, every attention, and even every friendly deference consistent with their own dignity.

Art. II. They further declare, that they do not claim any advantage which may not be clearly founded on all their respective treaties whatsoever, with the different powers at war.

Art. III. They also reciprocally bind themselves to each other, and to all Europe, not to claim in such cases as are not expressed in treaties, any advantage that may not be

founded on the universal rights of nations, hitherto recognized and respected by all the powers, and all the Sovereigns of Europe, and from which rights they are as far from supposing that any of them would incline to deviate, as they are incapable of deviating themselves.

Art. IV. The claim and maintenance of their indisputable rights, being founded on grounds so just, they will give to such of their subjects as shall carry on their navigation, in a manner regular and conformable to the existing treaties, but not to those who shall act otherwise, every protection which they deserve against all those who may wish to disturb, contrary to their expectation, and their hopes, the legal exercise of those rights which are sanctioned, and the enjoyment of which, by neutral and independent nations, cannot be disputed.

Art. V. In order to attain the object in view, their Majesties neutrally bind themselves, to equip as soon as the season will permit, each a squadron of 8 ships of the line, and a proportionable number of frigates, furnished with every thing necessary.

Art. VI. The squadrons shall unite, or separate, according to the common interest and advantage shall require, and this matter shall be regulated with that friendship which so happily subsists between the two powers.

Art. VII. No distinction whatever shall be made between the interests of the two nations, and the two flags, excepting that which subsisting treaties of a contrary tenor with other nations may require.—Besides, in all cases of defence, of convoy, or otherwise without any exception, the ships of Denmark shall defend the ships and flags of Sweden, as if they were their own, and *vice versâ*, on the part of Sweden.

Art. VIII. With regard to the order of command, under all circumstances it is agreed, to adopt the tenor of the 6th and 7th articles of the Convention of July 12, 1756.

Art. IX. The possessions in Germany, both of Denmark and Sweden, are reciprocally and entirely excluded from this Convention.

Art. X. The Baltick, which ought always to be considered as a sea closed, and inaccessible to armed vessels of distant powers, is again newly declared as such, by the contracting parties, who are determined to preserve in it, the most perfect tranquillity.

Art. XI. Their Majesties bind themselves, to communicate in common, this Convention to all the powers at war, adding the most solemn assurances of their sincere desire to preserve with them, the most perfect friendship and harmony; and rather to cement than to interrupt it by this measure, which tends only to ensure the rights supported and claimed by those powers themselves, in all cases in which they have been neutral, and at peace, which rights Denmark and Sweden never dreamt of opposing.

Art. XII. But, if it should unfortunately happen, that any power in contempt of treaties, and of the universal right of nations, should no longer respect the basis of society, and of general happiness, and should molest the innocent navigation of their Danish and Swedish Majesties, in that case, their said Majesties, after having exhausted every possible means of conciliation, and having jointly made the most pressing representations, to obtain due satisfaction and indemnification, shall issue orders for retaliation, at the latest, four months after the refusal of their intreaties, wherever it shall be judged expedient, the Baltick being always excepted, and shall, in all respects, be answerable for each other, and shall support each other, in case either nation shall be at-

tacked or insulted, in consequence of the present Convention.

ART. XIII. This convention shall subsist, in all its clauses, as long as this war shall continue, unless it should be agreed upon, by mutual consent, to make any addition or alteration that may be useful or necessary.

ART. XIV. The ratification shall take place, fifteen days after this Convention shall have been signed and exchanged.—In witness whereof—We the undersigned, in virtue of our full powers, have signed the present Convention, and have affixed thereto, the seal of our arms.

*Done at Copenhagen, the 27th March,* 1794.

(L. S.) A. P. V. BERNSTORFF.
(L. S.) ERIC MAGNUS BARON, STAEL DE HOLSTEIN.

---

# H.

At the COURT at ST. JAMES's, the 14th of January, 1801.

PRESENT,

THE KING's MOST EXCELLENT MAJESTY IN COUNCIL.

Whereas his Majesty has received advice, that a large number of vessels belonging to his Majesty's subjects have been and are detained in the ports of Russia, and that the British sailors, navigating the same, have been and now are detained, as prisoners, in different parts of Russia; and also, that, during the continuance of these proceedings, a

confederacy of a hostile nature, against the just rights and interest of his Majesty, and his Dominions, has been entered into with the Court of St. Petersburgh by the Courts of Denmark and Sweden, respectively, his Majesty, with the advice of his Privy Council, is thereupon pleased to order, as it is hereby ordered, that no ships or vessels belonging to any of his Majesty's subjects, be permitted to enter and clear out for any of the ports of Russia, Denmark, or Sweden, until further order; and his Majesty is further pleased to order, that a general Embargo or stop be be made of all Russian, Danish, and Swedish ships and vessels whatsoever, now within or which hereafter shall come into any of the ports, harbours, or roads, within the United Kingdom of Great Britain and Ireland, together with all persons and effects on board the said ships and vessels, but the utmost care be taken for the preservation of all and every part of the cargoes on board any of the said ships and vessels, so that no damage or embezzlement whatever be sustained.

And the Right Honourable the Lords Commissioners of His Majesty's Treasury, and the Lords Commissioners of the Admiralty, and the Lord Warden of the Cinque Ports, are to give the necessary directions herein as to them may respectively appertain.

W. FAWKENER.

Printed by T. Baylis, Greville Street, Hatton Garden.