

Wilmington Gazette



PUBLISHED WEEKLY BY ALLMAN & HALL

Three Dollars per Annum.

THURSDAY, MAY 7, 1801.

[Vol. V.—No. 220.]

CONVENTION OF THE Northern Powers.

Convention for the re-establishment of an armed neutrality, between his Majesty the King of Sweden, of the one part; and his Majesty the Emperor of all the Russias, on the other part, concluded and signed at St. Petersburg, the 4th (16th December) 1800, accepted and ratified by his Swedish Majesty on the 20th of December, and by his Imperial Majesty of all the Russias on the 8th (20th of Dec.) in the same year. In the name of the most Holy and undivided Trinity.

In order that the freedom of the navigation, and the security of the merchandise of the neutral powers, may be established, and the principles of the laws of nations be fully ascertained, during the continuance of the present maritime war, his Majesty the King of Sweden, and his Majesty the Emperor of all the Russias, actuated by their love of justice, and by a reciprocal desire to promote whatever may be for the public advantage of their respective States, have to that effect determined to give a new sanction to their principles of neutrality, which are in their nature indissoluble, and to require that they may be respected by all powers interested in their preservation. With this view their Majesties have, by their declaration of the 15th of August, to the Northern Courts, who are equally concerned in the maintenance of those general regulations anciently recognized, given them to understand how sincerely it is the object of their hearts to restore in its full independence, the general right of all nations to convey their ships and merchandise freely, and without being subject to the control of the powers at war. His Swedish Majesty imparted his wishes and sentiments to his great allies, and an happy conformity of their mutual interests has induced them to adopt the resolution of re-establishing that system of armed neutrality which was attended with such advantages during the American war, and to renew its beneficial principles in a convention adapted to the present circumstances. To this end his Majesty the King of Sweden, and his Imperial Majesty of all the Russias, have nominated, as their plenipotentiaries, namely, his Swedish Majesty, baron Curt von Stedingk, ambassador extraordinary to his Imperial Majesty of all the Russias, lieutenant-general, chamberlain of the queen dowager, colonel of a regiment of infantry, knight, and commander of the order of the sword, and knight of the French order Pour les Merites Militaires, and his Imperial Majesty of the Russias, baron count Theodore von Koltsoff, his right trusty privy councillor, member of the council of state, minister of the college of foreign affairs, director-general of the police of the empire, grand chancellor and grand cross of the sovereign order of St. John of Jerusalem, knight of the first class of the orders of St. Andrew, St. Alexander Nevsky, and St. Anne, knight of the order of St. Lazarus, of St. Ferdinand, and St. Hubert: who, after exchanging their respective full powers, have agreed upon the following articles:

Article I. His Majesty the King of Sweden, and his Majesty the Emperor of all the Russias declare that they will strictly prohibit the exportation of contraband merchandise on the part of their subjects with every power whatever, whether at present engaged in war, or which may hereafter be engaged in war.

Art. II. In order to prevent all doubts and misunderstandings as to what shall be considered contraband, his Majesty the King of Sweden, and his Imperial Majesty of all the Russias, declare, that they will acknowledge the following articles as contraband, namely, cannons, mortars, fire-arms, balls, flints, flint stones, matches, gun-powder, saltpetre, sulphur, helmets, pikes, swords, hangers, cartridge boxes, saddles and bridles, with the exception of such a quantity of the above articles as may be necessary for the defence of the ships and their crew; all other articles not herein enumerated, shall not be considered as war or naval stores: they shall not be subject to confiscation, but shall pass free and without restraint. It is also hereby agreed, that the present article shall be without prejudice to the particular stipulations of former treaties with the powers at war, by virtue of which, the things above mentioned are allowed or prohibited.

Art. III. And whereas it is resolved, that whatever, by virtue of the foregoing article, can be deemed contraband, shall be excluded from the commerce of neutral na-

tions; in like manner his Majesty the King of Sweden, and his Imperial Majesty of all the Russias, will and determine, that all other merchandize shall be and remain free; and in order that the general principles of the laws of nature, of which the freedom of trade and navigation, as well as the rights of neutral nations, and the immediate consequence, may be placed under a competent, and sure safeguard, they have resolved no longer to delay that voluntary, explanation from which they have hitherto been restrained by motives of their separate and temporary interests. With this view they have hereby determined,

1. That every ship may freely navigate from one harbor to another, and on the coasts of the belligerent nations.

2. That the effects which belong to the subjects of the belligerent powers in neutral ships, with the exception of contraband goods, shall be free.

3. That in order to determine what shall be considered as a blockaded harbor, such denomination shall be admitted to apply only where the disposition and number of the ships of the power by which it is invested, shall be such as to render it apparently hazardous to enter, and that every ship which shall go into a blockaded harbor that is evidently so blockaded, violates the present convention as much as if the commander of the blockade had previously advised it of the state of the harbor, and it had nevertheless endeavored by force or artifice to obtain admission.

4. That with regard to neutral ships, except those which, for just reasons, and upon evident grounds, shall be detained, sentence shall be pronounced without delay; the proceedings against them shall be uniform, prompt, and lawful. Over and above the indemnity to which they shall be entitled for the damages they shall have sustained, complete satisfaction shall be given for the insult committed against the flag of their majesties.

5. That the declaration of the officer who shall command the ship of war, or ships of war, of the King or Emperor, which shall be conveying one or more merchant ships, that the convoy has no contraband goods on board, shall be sufficient; and that no search of his ship, or other ships of the convoy, shall be permitted. And the better to ensure respect to those principles, and the stipulations founded on them, which their disinterested wishes to preserve the imperishable rights of neutral nations have suggested, the high contracting parties, to prove their sincerity and justice, will give the strictest orders to their captains, as well of their ships of war, as of their merchant-men, to load no part of their ships, or secretly to have on board, any articles, which by virtue of this present convention, may be considered as contraband; and for the more complete carrying into execution this command, they will respectively take care to give directions to their courts of admiralty to publish it whenever they shall think it necessary, and to this end the regulations which shall contain this prohibition under the several penalties, shall be printed at the end of the present act, that no one may plead ignorance.

Art. IV. In order to place the commerce of their subjects upon the most legal and permanent basis, his Majesty, the King of Sweden, and his Majesty, the Emperor of all the Russias, have deemed it expedient to equip a number of ships of war and frigates, which shall be charged to see that the object be obtained, and the squadrons of each power shall take those stations, and protect those convoys, which their commerce and their navigation may require, and which shall be conformable to the course of trade of each nation.

Art. V. To provide against all inconveniences which may proceed from any nation abusing the privilege of their flag, it is established as a regulation not to be departed from, that every transport, be it whose it may, belonging to the country whose flag it bears, shall have on board a captain, and the half of the crew composed of the subjects of that country;—and the passport shall be drawn up in due and regular form. Every transport which shall not observe these regulations, or shall violate the command printed at the end of this present convention, shall forfeit all right to protection of the contracting powers, & the government to which it may belong shall alone be responsible for all the loss, damage or inconvenience it may sustain.

Art. VI. Should it nevertheless happen that the merchant ships of one of the powers should find itself in a situation where the ships of war of that nation are not stationed, and where they cannot have the protection of their own convoys, in such case the com-

mandant of the ship of war, of the other power, if it shall be required, shall duly and faithfully afford such assistance as may be necessary. —The ships of war & frigates of other nations shall afford protection and assistance to the merchant vessels of the other, provided, in the mean time, that the vessel requiring such assistance shall not have violated the principles of the neutrality, by having carried on any illicit commerce.

Art. VII. This convention shall have no retrospective operation, and consequently it shall have no references to any differences that existed previous to its conclusion. Its application shall only be to future acts of violence and aggression, and it shall form the basis of a system for the protection of all the neutral nations of Europe, whose rights may hereafter be denied or violated.

Art. VIII. Should it, notwithstanding all the possible care of the two powers, and notwithstanding the observance of the most perfect neutrality on their sides, so happen that the merchant ships of his Majesty the King of Sweden, or of his Imperial Majesty of all the Russias, should be insulted, plundered, or taken by the ships of war or privateers of one or other of the belligerent powers, the minister of the injured party shall forthwith represent the same to the government, whose ship of war or privateer shall have committed such act of violence; he shall reclaim the captured vessel, demand due satisfaction, and by no means lose sight of the insult offered to the flag. —The minister of the other contracting power shall also enforce the complaint in the most energetic and determined manner possible, and they shall generally and uniformly act in concert together. Should their joint complaint meet with no redress, or should it be postponed from time to time, then shall their majesties have recourse to reprisals against such power as shall have refused to do justice; and that they shall endeavor, by every possible means, to give effect to such reprisals.

Art. IX. Should it happen that one or the other of the two powers, or both, on account of, or from dislike to, the present convention, or any circumstance connected with it, should be dissatisfied, molested, or attacked; in such case it is agreed, that the two powers shall make it a common cause, mutually to defend each other; and they shall reciprocally employ exertion to obtain full and complete satisfaction, as well for the insult done to their flags, as for the injury sustained by their subjects.

Art. X. The principles and regulations stipulated & settled by this present act shall apply to every maritime war, by which Europe may unhappily be dissatisfied. These stipulations shall also be considered as perpetual, and upon all occasions shall be appealed to by the contracting powers for the regulation of their commerce and navigation, and for the maintenance of the rights of neutral nations.

Art. XI. As the object and main consideration of this convention is to assure the general freedom of commerce and navigation, his Majesty the King of Sweden, & his Imperial Majesty of all the Russias, hereby agree, and bind themselves to each other, to give their consent that other neutral powers may become parties to it, adopt its principles, conform to its obligations, and partake of its advantages.

Art. XII. In order that the belligerent powers may not have to plead ignorance of the arrangements concluded between their said majesties, information shall be given to such belligerent powers of the regulations they have determined upon, which are so little of a hostile nature, that they can be detrimental to no other country whatever, but, on the contrary, calculated to secure the commerce and navigation of their respective subjects.

Art. XIII. The present convention shall be ratified by the two contracting parties, and the ratification shall be exchanged, in due and good form, within six weeks or sooner if possible from the day of signing it.

In testimony of the same, we, the undersigned, furnished with full powers, have hereunto signed our names and affixed our seals.

Given at St. Petersburg, the 4th, (16th) of December, 1800.

(Signed)
CURT VON STEDINGK,
VON KOLTSEFF.

[Here follows the ratification of their Swedish and Imperial majesties, counter-signed by John Christ de Toll, and count Koltsoffin.]

REGULATION ALLUDED TO IN THE NORTHERN CONVENTION, As published by the King of SWEDEN. STOCKHOLM, Feb 3.

The preamble states the necessity of rendering the rights of commerce clear and explicit. For this effect, in order to secure the protection of the government, the commerce of Sweden must observe the following requisites:—

1. In order that a ship be entitled to be considered as a Swede, she must be built in Sweden, or the provinces under her dominion; or shipwrecked on the Swedish coast, and there sold or bought in a foreign country by a legal & authentic contract. If such purchase is made in a country threatened with war, it shall be considered as lawful as soon as three months have elapsed before its actually breaking out. Every ship purchased must be naturalized. As however, the naturalization of ships bought in a foreign country, and afterwards taken by a cruiser belonging to any of the belligerent powers, may frequently produce disagreeable explanations in the sequel, it is hereby declared, that in time of war ships shall not be allowed to be naturalized, which have formerly been the property of the belligerents, or their subjects: nevertheless, with the exception of all ships that were naturalized before the present regulation was adopted, which shall enjoy all the rights which are connected with the character of neutrals and Swedes.

2. The captain of the ship must be provided with all papers requisite and proper for the security of his voyage. Of this kind are (in case the ship goes through the Sound,) a certificate of the place where the vessel was built, an invoice, letters shewing the cargo not contraband, Turkish and Latin passports, a certificate by the magistrate of the place, a pass for the crew, a copy of the oath for the owner, a charterparty with the subscription of the freighter, the captain, and the person freighting the vessel, a manifest with the like subscriptions, containing a list of the different articles of the lading, and the conditions of the intended voyage, and a bill of health, where the same is necessary. If the voyage be merely to the ports of the Baltic, or the Sound, the Turkish and Latin passes are not necessary; but the captain must have all the other papers enumerated, without exception.

3. All these documents must be made out and delivered in a Swedish port, unless when a ship has lost her papers by accident, or where they have been forcibly taken away, in which case these documents may be renewed in a foreign port, if the captain, immediately on his arrival, takes the precaution to exhibit an authentic and properly certified declaration by which the accident is proved, or the grounds stated on which he desires the renewal.

4. The captain is prohibited to have false acts or certificates, or duplicates thereof. He is likewise prohibited to make use of a foreign flag.

5. It is required that the captain and half of the crew shall be Swedish subjects.

6. Captains going to the main ocean shall be bound to follow the course pointed out in their instructions and agreeable to the contents of their certification.

7. Ships destined for the ports of a Belligerent Power, must, with the utmost care and under the severest penalties, avoid carrying any contraband commodities. To prevent all doubts or misunderstandings respecting what is contraband, it is agreed that the following goods shall be considered contraband. (The remainder of this article is a transcript of the article of the convention published in a former paper.)

8. All Swedish subjects are prohibited to fit out privateers against the Belligerents, their subjects and property.

9. A Swedish ship cannot be employed by a Belligerent Power, to transport troops, arms, or any warlike implements. Should any captain be compelled to do so by superior force, he is bound at least to exhibit a formal protest against such violence.

10. When a merchant ship is not under convoy, and happens to be brought to by a ship of war or privateer belonging to any of the Belligerents, the captain shall not, in that case, oppose the searching of his vessel, but be bound faithfully to shew all acts and documents which relate to her