

WILMINGTON GAZETTE.

Published weekly by *ALMAYD HAZEL*, at THREE DOLLARS A YEAR.

TUESDAY, NOVEMBER 1, 1803.

[Vol. 7, No. 356]

COMMERCIAL.

NEW-YORK, Sept. 27.
AUTHENTIC & INTERESTING.
HAMBURG, 10th June, 1803.

Mr. SINDIC.
It is with sincere regret, that, at the present crisis, I find myself constrained by a sense of duty to appeal to the Magistracy of this city on a question of national right. The case which is the subject of the inclosed protest, is not the first which has occurred within a few days, in which the protection due to the citizens of the United States of America within the territory of this city, has been violated by the ships of war of his Britannic Majesty.—When silence under injuries serves only to encourage their reiteration, that silence becomes a criminal dereliction of public duty, and must be broken. In the name of the United States of America, I demand, therefore that the government of this city take such measures as shall prevent the future infraction of the rights of the citizens of the said United States within the territory of the free imperial city of Hamburg, and to obtain a suitable reparation of the injury already sustained.

I take this occasion to renew to you, Mr. Sindic, the assurance of my most perfect consideration.

(Signed)
JOHN M. FORBES,
Consul of the United States }
of America. }
Mr. Sindic Von Sienen, &c. &c.
Hamburg.

HAMBURG, 10th June, 1803.

DEAR SIR,
The more I reflect on the circumstances which occurred between the officers of his Britannic Majesty's frigate the *Amethysta*, and the captain and crew of the American schooner the *Astrea*, which I verbally communicated to you yesterday, the more I am fortified in the sense of duty, which dictates a public remonstrance and protest, and the only and best means of preventing the repetition of such injuries. From the course which hostilities are taking the rights of neutrality become daily more important to the United States of America. Under this impression, I feel it my duty to repel the first infraction of these rights. I have therefore thought proper publicly to protest against the violation of the rights of protection within the territory of this city. I shall if possible furnish you with a copy of my protest this afternoon, and am with great respect,

Sir, your obedient servant,
(Signed)
JOHN M. FORBES,
Consul of the United States }
of America. }
Sir GEORGE M. RUMBOLD, Bart.
Charge d'Affairs of his }
Britannic Majesty, }
&c. Hamburg. }

COPY OF PROTEST.

By this public protest be it known unto all whom it may concern, that on the 10th day of June, in the year of our Lord one thousand eight hundred and three, before me, John Herman Laughans, notary public, residing and practising in the free imperial city of Hamburg, by lawful authority duly admitted and sworn, personally came and appeared before me John M. Forbes, Esq. Consul of the United States of America, near the free imperial city of Hamburg, who did then and there set forth and solemnly declare to me, the said notary, that on the 5th day of June instant, at a 3 o'clock in the afternoon, as the appearance has been informed, and verily believes, the American sch'r. *Astrea*, of Gloucester, captain Charles Bubbson, being off the harbour of Cuxhaven, & within the territorial limits of the city of Hamburg, was forcibly entered by certain armed officers and seamen, whose names are to the appraiser unknown, belonging to his Britannic Majesty's frigate *Amethysta*, captain Campbell; and that a seaman named William Brown, being a citizen of the United States of America, and as the appraiser verily believes a native of the town of Gloucester, in the state of Massachusetts, was impressed on board of the said schooner *Astrea*, and forcibly carried to sea in the service of his Britannic Majesty, against the will and consent of the said William Brown, in violation of the right of protection and national hospitality, and of the territorial dominion

of the free imperial city of Hamburg; Wherefore, the said John M. Forbes, declared to protest, and I the said Notary at this special instance, and request, have protested and by these presents do most solemnly protest against the said captain Campbell, and the officers and seamen of the said frigate the *Amethysta*, and all others who in it doth or may concern, for taking out of the said schooner *Astrea*, and forcibly impressing into his Britannic Majesty's service, and carrying to sea the said William Brown, a citizen of the United States of America, as well on the part and behalf of the owners of the said schooner *Astrea*, for all damages and delays, which they or any of them have sustained or may hereafter sustain from or by reason of the premises, as for the indignity done to the United States of America, and the violation of that protection to which the citizens of the said States, and of all other nations in amity, have rightful claim as long as they peaceably demean themselves within the territorial limits of the free imperial city of Hamburg.

IN testimony whereof the said Appraiser has herewith subscribed his name, and I the said Notary have hereunto set my hand and affixed the public seal of my Notarial office at Hamburg, the day, month, and year, first within written.

(Signed)
JOHN M. FORBES,
Consul of the United States }
of America. }

Which I attest.
(Signed)
J. H. LAUGHANS,
Notary Public.

A true copy,
(Signed)
J. H. LAUGHANS,

[TRANSLATION.]
Mr. Sindic Von Sienen's letter to Mr. Forbes.

Mr. Consul,
I have not failed to communicate to the venerable Senate, your complaint on the subject of the violence exercised by the captain of the English frigate *Amethysta*, particularly against the person of a sailor of the American vessel the *Astrea*, in the roads of Cuxhaven. The Senate, who would have wished, however, that the captain of the *Astrea* had, in the first instance, addressed his complaint to the *Baiff* of Ritz, but he nevertheless hastened to apply to the Charge d'Affaires of his Britannic Majesty, in order to obtain on this subject a suitable reparation.

Expecting soon to be able to inform you of the result of the step, I pray you, Mr. Consul, to accept the assurances of my perfect consideration.
(Signed) **A. SIENEN,**
Mr. Forbes, Consul of the United States of America, Hamburg. }

HAMBURG, 10th June, 1803.

Sir,
I have the honour to acknowledge the receipt of your letter of this day, and shall abstain from any observation on the public measure you have therein state you have thought proper to put forward in the conjuncture of hurry and anxiety, not doubting its importance and tendency have been understood and duly weighed by you. The motives and grounds of your proceeding will be best judged by my superiors and yours, and I shall not fail to send copies of your letters, of this day and of the 6th inst. together with a copy of the protest, as soon as I receive it from you, to the King's secretary of state.

I am, &c.
GEORGE M. RUMBOLD,
John M. Forbes, Esq. &c. &c.

Copy of a letter of instructions, addressed to all masters of American vessels, sailing from the port of Hamburg.

Sir,
Some instances have lately occurred, of American seamen having been impressed, within the limits of this Consulate, into the British service, in which cases the captains have proceeded to sea, leaving their impressed seamen to the uncertain chance of being identified & recovered by application to the Admiralty in England. This indifference is highly reprehensible, inasmuch as it violates as one of the duties which every American owes to his injured fellow-citizens, and the obligation which masters of ships in

particular manner ought to feel to enforce, as far as in their power, respect to the national flag. Official remonstrances are inefficient when unsupported by legal evidence of injury. I have therefore to enjoin you, in case any violence should be committed to your vessel or crew by any foreign power, within this consular district, to bring your vessel to anchor, and return immediately, with one or more of your crew, to this city, in order to support by your united testimony the representations, which I may find it necessary to make in the case.

Your own good sense will sufficiently demonstrate to you the necessity of this measure, without further explanation.

Sincerely wishing that no case within the intent of these instructions may occur to you

I remain respectfully,
Sir, your obedient servant,
(Signed)
JOHN M. FORBES,
Consul of the United States }
of America. }

A firm stand in favour of American neutral rights.

The cause of *Capt. D. Elliot* of the American brig *Deby*, is offered to the consideration of all the merchants and sea captains of the United States; and the conduct of Mr. John M. Forbes, the American consul at Hamburg, merits the particular attention of all our agents abroad.

From Mr. Forbes's excellent letter dated at Hamburg, on the 10th July, 1803, it appears that the brig *Deby*, captain Elliot, had sailed from that port for the United States, and that a British navy officer, then blockading the Elbe, had been guilty of ordering our neutral American brig to return to Hamburg, against the law of nations, and in palpable and gross violation of our indisputable rights. Mr. Forbes, our Consul, when this matter came to his knowledge, immediately furnished captain Elliot with an excellent report, and firm instruction to repeat his attempt to make his lawful voyage from the neutral port of Hamburg to the United States. He well observed in those instructions, that during the most vigorous blockade last war the most extreme cases decided in the English court of Admiralty, admitted "that neutral vessels entering even in enemy's ports, and fairly and innocently taking on board a cargo, prior to any knowledge of a blockade, might be allowed to proceed home with a cargo thus loaded. On this head, Sir William Scott's opinion on the case of the *prova Judith*, *Volkers*, master," (Robinson's admiralty reports, vol. 1, p. 160) will leave no doubt on any mind. This was a case of a vessel coming out of Havre de Grace, August 21, 1798. This being a case as it respects a trade with enemies, I conceive that all precedent must be extremely forced to extend the doctrine of blockade to vessels under similar circumstances, coming out of a port avowedly neutral.

Your case is so much the stronger, as you not only had loaded, but sailed prior to any knowledge of the existing blockade. On a further perusal of Robinson's admiralty reports, I find that there is not a case in which the subject of blockade is touched, where Sir William Scott does not fully and unequivocally declare the same sentiments. I cannot believe that a commanding officer of the blockading squadron, will be disposed to give you any unnecessary trouble, or insist on a detention which will fall very heavily on you or him.

In consequence of this judicious instruction of Mr. Forbes, the *Deby*, captain Elliot, proceeded from Hamburg to America, and though men by the British cruisers again, off the Hamburg river Elbe, they did not venture to force her back again or send her into England "for adjudication." Had Mr. Forbes been less intelligent and firm, our trade from Hamburg would have been impeded by an arbitrary British naval officer, against the law of nations, & against the decisions and authority of the British courts. If Great Britain means to preserve the authority of her own courts and keep on terms with us, the officer who was guilty of so excessive an outrage on their laws, and on our rights, should be brought immediately to a strict public account. It seems to be worthy of consideration, whether the American citizen concerned should not sit in London

perhaps with the aid of our ministers and consuls, for damages, independently of the measures which our government may find proper to adopt, in this and other cases of violation of neutral rights.—*Adora.*

[CIRCULAR.]
HAMBURG, July 11, 1803.

The blockade of the Elbe, by the English, has been officially announced to the Government of this city. At a crisis as difficult as the present, it is important to the interests of your owners, that you should conform in the strictest manner, not only to the reciprocal and admitted rights of nations, but to the interpretations of these rights given by the principal maritime powers. I advise you therefore, not to load any more goods on board your vessel; to provide yourself with the best proof "that what is already loaded has been delivered and loaded before your knowledge of the blockade." And to hasten as much as possible your departure.

(Signed)
JOHN M. FORBES,
Consul of the United States }
of America. }

To the Captains and Supercharges of such vessels of the United States of America, as may present themselves at the mouth of the Elbe, being destined for the port of Hamburg.

Gentlemen,
At the present unforeseen and very difficult crisis, an indifference to the commercial interests of my country would be highly reprehensible in me. I have therefore thought proper to convey the merchants of this city, who are in habits of business with those of the United States, and to ask their opinion as to the measures which might be adopted. Happily for me I have found my own impressions strengthened by this deliberation. The object of this communication is not to dictate, or control, but merely to advise you, as to the line of conduct, which it will be most prudent for you to observe, under existing circumstances.

In the first place, I would recommend your going into the nearest neutral port which you may be allowed to enter. In this you will attend to the orders you may receive from the blockading squadron, but avoid entering the ports of any of the Belligerent powers except constrained to do it by superior force or necessity. As this circumstance will much increase the risk you may be obliged to incur in any subsequent change of destination.

To those of you who may not have been well acquainted with the Danish Coast, it is well to observe that the river Eider, is not navigable by vessels drawing more than ten feet water. On your arrival in the nearest neutral port as above recommended, should your cargo entirely be consigned to One House, you will write them for instructions and such arrangements for an additional freight and insurance in case of carrying it to another port, as prudence may suggest. Should it be addressed to several Consignees, in forwarding a copy of your Manifesto to me, I shall communicate it to them and cheerfully lend my aid for the common interests of all concerned.

I am, &c.
(Signed)
JOHN M. FORBES,
Consul of the United States }
of America. }

Copy of a letter of instructions given by John M. Forbes, Esq. Consul of the United States at Hamburg, to captain Elliot, of the brig *Deby*.
Hamburg, 18th July.

Capt. Elliot,
Sir, By the protest which you have made before me, it appears that you have been ordered to return to this port by the blockading squadron at the mouth of the Elbe. During the most vigorous blockade of the last war the most extreme cases decided in the English courts of admiralty, admitted "that a neutral vessel entering even an enemy's port and fairly and innocently taking on board a cargo prior to any knowledge of a blockade, might be allowed to proceed home with a cargo thus loaded. On this head Sir William Scott's opinion on the case of the *prova Judith*, *Volkers*, master," (Robinson's admiralty reports, vol. 1, p. 160) will leave no doubt on any mind. This was a case of a vessel coming out of Havre-de-

Grace, Aug. 21, 1798. This being a case as it respects a trade with enemies, I conceive that all precedent must be extremely forced to extend to the doctrine of blockade to a vessel under similar circumstances coming out of a port avowedly neutral. My opinion therefore, is, that you should lose no time in proceeding again to sea; should you be visited by any naval force, I would recommend to you to observe the greatest moderation and firmness; to do or say nothing that shall be calculated to irritate those who may have a power over your person or property; to submit to, and even to seek a legal adjudication. On your arrival in a port in England, you will immediately enter your protest, and write to the Consul of the United States of America at London, G. W. Erying, Esq. to whom I shall also write, by mail. Your case is so much the stronger, as you not only had loaded, but sailed prior to any knowledge of the existing blockade. On a further perusal of Robinson's admiralty reports, I find that there is not a case in which the subject of blockade is touched, where Sir William Scott does not fully and unequivocally declare the same sentiments. In the case of the *Juno*, Beard, master, page 118, vol. 11, part 1st, he used these words "a ship that has entered previous to a blockade, may return in ballast, or taking a cargo that had been put on board before the blockade. This is the distinction which I have held, and shall hold till I am corrected by a superior court."

Besides your protest, you have a certificate from the secretary of this city, that the blockade was notified by the British Charge d'Affaires, on the 9th instant. With such documents and under such circumstances, I cannot believe that a commanding officer of the blockading squadron, will be disposed to give you any unnecessary trouble, or insist on a detention, which will fall very heavily on you or him; but I am quite confident you will be allowed to proceed on your voyage. Sincerely wishing this may be the case, I remain with due respect Sir, your most obedient humble servant.

(Signed)
JOHN M. FORBES,
Consul of the United States }
of America. }

IMPORTANT LETTER
From the American Consul at Algiers,
to the American Consul at Cadiz.

CIRCULAR.
ALGERS, August 2, 1803.
I have to inform you, that this moment has entered our port two galubetas, Tripoline corsairs, with 3 lateen sails, & carrying 4 guns, from 50 to 60 men each, 13 benches of oars; they came from the eastward, will sail in a few days for the coast of Spain, & no doubt in search of American un-armed merchant vessels. You will give this information to the masters of American merchant vessels, and to whom it may concern in the port of your district, and adjacent, and to the captains of any of the U. States ships of war, which can be informed in time to prevent the threatened evil, and to search with vigilance for these marooning craft.

I am, with respect,
Your obedient servant,
RICHARD O'BRIEN,

JOSEF YENARDI, Esq. Cadiz,
[Captain Delano, from Cadiz, arrived at Philadelphia, was informed, that the two Tripolitan cruisers, mentioned by Mr. O'Brien in the above letter, were cruising off Cape Pallas.]

An obliging friend handed us the following letter. It throws some light on a subject of considerable moment.
New-England Repository.
HAMBURG, July 17th, 1803.

Sir,
In the present extremely difficult moment, it is impossible to foresee with any degree of certainty the event of the measures which are now taking. The question of the necessity of the Elbe, now in discussion and soon to be decided, involves as important consequences for Europe, as any question ever agitated, as it will probably commit the few powers which have hitherto preserved their neutrality. Under these circumstances, I can only give you the universal opinion confidently entertained here yesterday—that either by accommodation or force of arms, our river will certainly be free in a very few weeks—say one month. Our hopes fortifying us in this belief, and did circumstances compel me to act, it would certainly be on this opinion.