

RHODE-ISLAND.

OFFICIAL statement of the proceedings at Newport, in releasing the American seamen from on board the Nautilus, a British sloop of war.

Providence, May 16th, 1794.

SIR,

AGREEABLY to the request of the General Assembly, I enclose you a report of the Superior Court of this State, and the district Judge of Rhode-Island, respecting certain Americans detained on board of a British sloop of war.

The moderation which accompanied the determined resolution of the Legislature in the progress of this business, with the accomplishment of the release of our fellow-citizens, gave universal satisfaction.

I also inclose an account of the supplies granted to the Nautilus, that it may be known they were limited to the necessary supplies for carrying her to her destined port, and perfectly agreeable to our treaty with France.

I am,

With every sentiment of esteem,

SIR,

Your most obedient servant,

A. FENNER.

Edmond Randolph, Esq.

Secretary of State.

State of Rhode Island, &c.

In General Assembly, May Session, Annoque Domini, 1794.

The following report was made to the Assembly, to wit:

A statement of facts in the case of the six American sailors, illegally detained on board his Britannic Majesty's sloop of war, the Nautilus, H. W. Baynton, commander.

On the eighth day of May, A. D. 1794, the said ship arrived in the harbour or port of Newport, in the State of Rhode-Island and Providence Plantations, on the same day the commander of said ship made application to the General Assembly of the said State, then in session at said Newport, for liberty to purchase supplies of provisions for the people on board of her; the General Assembly immediately took the application into consideration, but during the progress of that business, they were informed that there were thirteen American citizens detained on board said ship against their consent, three of which had been pressed in the West-Indies, and that great anxiety was occasioned thereby in the minds of the people. The General Assembly immediately proceeded to a measure for investigating the facts, sent a message to Capt. Baynton, then on shore, requesting his attendance before them: The Captain immediately attended, with his Lieutenant. The Assembly also requested all the Judges of the Superior Court, being then present, together with the Judge of the District Court, to confer with said Officers on the subject, to inform them of the information they had received, of the unconstitutionality of the measures, and of their expectation that if there were any American citizens on board their ship, they might be immediately released; and if not released to advise the General Assembly of the measures which might be legally pursued to obtain the discharge of the Americans so detained. The Judges accordingly met the said Officers in the Council-Chamber, where the said Officers, with the British Vice-Consul, Mr. Moore, who attended them, were waiting, upon the request of the General Assembly. The Judges informed them of the information which had been received, and expressed their wish that they would afford the fullest satisfaction of the facts. The Captain declared there were none on board of that description, at least within his knowledge, and so declared the Lieutenant; that he did not choose to take such men on board, and that he had never pressed such, and requested their names; the Judges told them they were not able to give their names, he appeared altogether to doubt the fact, whereupon, John Carr, gunner of the fort, was called upon, who on solemn oath declared, that he inquired of some of the ship's barge-men, if there were any Americans on board of said ship, who answered that there were thirteen, ten of which had voluntarily entered on board, and that the three others had been pressed.—The Captain still appeared to disbelieve the matter; it was then proposed to him, that, to satisfy himself and the authority, he would permit a gentleman or two with himself

and Lieutenant, to go on board, and there to make the necessary enquiry. That if there should be American citizens on board, it was presumed he would not hesitate to discharge them; and if there were none, the public mind would be at ease, and mutual confidence would be restored. He agreed to the propriety of dismissing such, if on board, and at first agreed to the proposal; but on something being dropped by the Consul, &c. the ship to be searched; he withdrew his assent and declared he would by no means consent to the proposition. Much argument was used to convince him of the propriety of it, or that he ought to point out some way to come at the truth, but to no purpose; he thought his word sufficient; it was observed to him, that it was not probable he could say positively, but he was very confident there were none such, that the information was groundless; it was observed to him, he must be sensible that that kind of argument would give no satisfaction, it was wished to conduct towards him with the utmost candor, and that he would exhibit the same; it was highly reasonable that the authority should be satisfied. It was presumed that the British Government would, under like occasions, show the same solicitude for the relief of their subjects, and were possessed of sufficient spirit to obtain entire satisfaction. That he must expect it would be exerted here if we were reduced to the necessity; but it was still wished he would obviate that necessity, by a ready compliance with the proposition, or by proposing something equally satisfactory; he replied he could do nothing further, was surprised at being thus called upon this business, asked if he was a prisoner, and appeared to be going out of the room; it was said he was not a prisoner, no measure of that kind had been taken. It was proposed that the Judges would leave the room to the Officers with the Consul, that as much had been said, they might further deliberate on the matter, and consult what might conduce most to a fair and just settlement of the business; this was refused, and the Captain and his Lieutenant both, against the advice of the Judges, burst out of the room, but in a few moments returning they were stopped by the people in the lobby who were there in great numbers, and they were under apprehensions of danger. The Lieutenant said he was kicked, it was asked him with earnestness, "was you kicked," he said no, but what was next to it, he was jam'd up; they were desired to be composed and to sit down, that it was wished they had taken advice, for while with the Judges they should be protected; the Captain again declared he could not comply with the proposal made, or give further satisfaction than he had, as to the Americans said to be on board his ship. Information was then given to the General Assembly of the proceeding thus far, when they passed the following resolution.

Letter from the Assembly, 8th May, 1794.

WHEREAS complaint hath been made to this Assembly, that sundry citizens of the United States are illegally detained on board of a certain sloop of war, called the Nautilus, belonging unto his Britannic Majesty, commanded by H. W. Baynton, now riding at anchor in the road of Newport, within this State. It is hereby voted and resolved, that the said Capt. H. W. Baynton, and the Lieutenant of said sloop of war, who are now on shore, remain there until investigation of the subject of the said complaint be had before the judicial authority of this State and District.

To effect which purpose, it is further voted and resolved, that on consideration of the said H. W. Baynton consent thereto, Mr. Henry Sherbourne, John L. Bots, Samuel Wardwell, Christopher Ellery, William Davis, be a committee from this Assembly, to go on board said sloop of war, with Mr. Thomas W. Moore, Vice-Consul of his Britannic Majesty, for the district of Rhode-Island, and request of the commanding Officer, now on board said sloop of war, an examination of the crew thereof, and report to the judicial authority of this State and District, the names of any citizens of the United States there detained as aforesaid: And that said judicial authority of the birth and residence of such citizens, and enlarge those who, on such examinations, are found to be citizens of any of the said United States. Voted, &c. SAMUEL EDDY, Clk.

In the Upper House

Read the same and concurred.

By order, HENRY WARD, Sec'y.

The Officers were informed of this resolution, and a conversation more cool and candid soon after took place; and the Captain agreed that the gentlemen mentioned in the foregoing act of the General Assembly might go on board his ship; the Consul agreed to go with them, and the Captain sent a letter (which he showed to the Judges) to the commanding Officer on board, directing him to give those gentlemen all the satisfaction in his power, as to their being any Americans on board: those gentlemen proceeded on board, were received with the utmost politeness; the books and lists of men were shown, the people called upon to declare whether there were then any Americans unwilling to remain on board: Six appeared, as by the following copy, taken by the committee from the shipping book itself, and by their own declaration, to be Americans.

John M'Carthy, Martha's Vineyard, entry June 27, 1793.

John Johnson, Charleston, S. Carolina, entry Dec. 17, 1793.

Nicholas Martin, London, entry Feb. 16, 1794.

Anthony Dawe, George Town, S. C. entry June 14, 1793.

Samuel Brown, Portsmouth, Virginia, entry Dec. 2, 1793.

William Denning, New City, New York, entry April, 1794.

N. B. The entries appeared to be made by some Officer of the ship, and no signature of the sailors.

The above is a true copy of the extract from the book of the sloop Nautilus, belonging to his Britannic Majesty, now riding in the harbour of Newport, by the Subscribers who were appointed by the honorable General Assembly of the State of Rhode-Island and Providence Plantations, a committee for the purpose of determining the number of Americans on board of said sloop, and which was reported on the 8th day of May, in the year of our Lord one thousand seven hundred and ninety-four, to the said honorable body, by Henry Sherbourne, John L. Bots, Samuel Wardwell, Christo. Ellery, William Davis.

The Captain immediately declared that he was surprised; that four of them he now believed were Americans, but he was however willing the said should be brought on shore, and as they were Americans he would immediately discharge.—His burge went again on board with his written order, as follows:—

Dear Mr. Innerbury, Send the six men on shore to be examined immediately.

Your's, &c.

H. W. BAYNTON.

John M'Carthy—Anthony Dawe—John Johnson—Samuel Brown—Nicholas Martin and William Denning. Mr. Thomas to come on shore to take care of the boat, and not to leave her.

The six sailors were soon brought on shore, the Officers were convinced that they were all Americans, and the Capt. agreed that they might go where they pleased; and that in the morning he would send their clothing on shore, give them written discharges, and certificates for their wages; and the Consul freely offered to take them, and give the sailors the money for them: Whereupon entire good humour appeared, fully restored, and the Officers with the Consul retired. In the morning the Captain sent an Officer on shore, who fully completed the business, agreeably to the Captain's agreement.

The Certificates were in the following form.

These are to certify the honorable the principal Officers and Commanders of his Majesty's Navy, that Samuel Brown served as an able seaman on board his Majesty's sloop Nautilus, under my command, from the second day of December, 1793, to the date hereof, when he was discharged, he being a subject of the United States of America; and that there is charged against him, in the ship's books, the sum of two pounds eighteen shillings and eight pence.

Navy sloop	£. 1. 10. 10
Beds	0 12 6
Tobacco	0 6 4
	£. 2 18 8

Wages due, £. 3. 2. 8

Given under my hand, on board said sloop at Newport, Rhode-Island, the 9th day of May, 1794.

H. W. BAYNTON.

The whole amount of wages due to the sailors, as adjusted by the Captain and

agreed to by the sailors, was £. 29 9 1 sterl.

The foregoing statement made by the request of the General Assembly, is hereby submitted to the Judges of the Superior Court, and the Judge of the District Court.

Newport, May 10, 1794.

Henry Merchant, Judge of the District Court in and for Rhode-Island District, Daniel Owen, C. J. S. Court. William Taggart, Judge of the S. Court. Walter Cook, Judge of the S. Court. Joshua Binkall and Thomas Tillinghast.

On due consideration thereof,

It was voted and resolved, That the foregoing report be, and the same is hereby accepted. And that his Excellency the Governor be requested to transmit a copy thereof to the Secretary of State of the United States, as soon as may be.

A true copy,

Witness, HENRY WARD, Sec'y.

State of Rhode-Island, &c.

In General Assembly, May Session, 1794.

Upon the application of H. W. Baynton, commander of the British sloop of war the Nautilus, for permission to purchase the necessary supplies to enable him to proceed to the port to which he was bound.

It is resolved, that his Excellency the Governor cause the said ship to be supplied with four or five thousand pounds of bread, five hundred and sixty pounds of fresh beef and real, and one hundred and fifty pair of shoes, with such precautions and under such directions as he shall think proper.

A true copy,

Witness, HENRY WARD, Sec'y.

Department of State, 3d June, 1794.

I hereby certify, that the foregoing is a true copy of the original communication from Governor Fenner to the Secretary of State.

GEO. TAYLOR, jun.

ALL Persons indebted to the Estate of Alexander Cameron, late of the city of St. John, (a Lieutenant in his Majesty's Navy) deceased, are desired to make payment; and all having Demands against said Estate, to render the same to the Subscriber.

ANGUS McKAY,

Administrator.

St. John, June 3, 1794. ff.

RENEWAL on Sunday the 29th instant, JESSE BROCKS, an indentured Apprentice, aged 16 Years—sandy complexion, with a downy look.—Had on when he absconded, a woolen Suit and Frock—an old pair of Trowsers—and an old cap of straw. Whoever apprehends and reports, and delivers him to the Subscriber, shall receive Five Shillings reward, and all necessary charges paid.

JIMON BAXTER.

Kennebecasis, June 30, 1794.

FOR LONDON,

THE NEW BRIS

ATTEMPT,

BURTHEN 140 TONS.

WILL be ready to take in about the 20th of next month, and will sail as soon after as possible.—For Freight or Passage, apply to William Anderson, at Fredericks, or Thomson and Reid, St. John.

JUNE 13, 1794.

W. SMITH,

PLUMMER & BRAZIER;

RESPECTFULLY informs the Public that he has removed his Shop to the North side of Market Square, next door to Mr. PAUL BEECHER's, where he is prepared to receive the Commands of his Friends and Employers.

He returns his most sincere thanks to the Public for the great encouragement he has met with in the branch of his business, and assures those who will honor him with their Commands, that nothing shall be neglected on his part to deserve the continuance of their favours.

He has erected a Cutler's Wheel for the purpose of grinding Swords, Razors, &c.—All.

All kinds of Kitchen Utensils cleaned and repaired in the neatest order.

St. John, May 15, 1794.