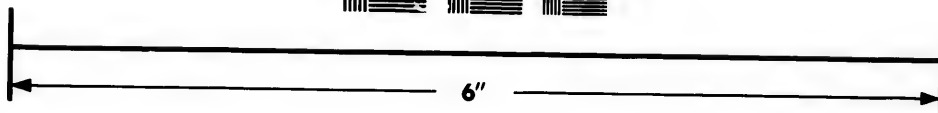
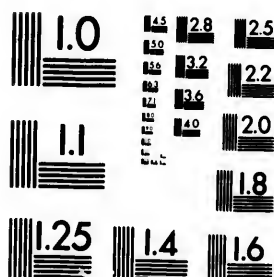


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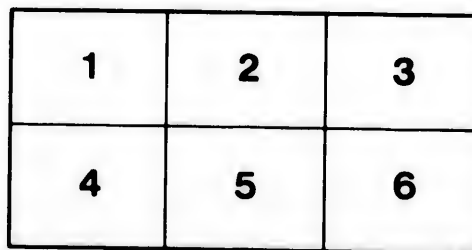
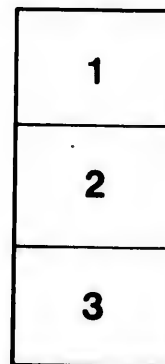
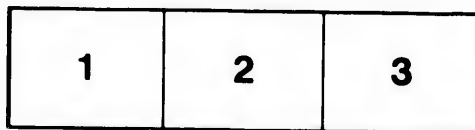
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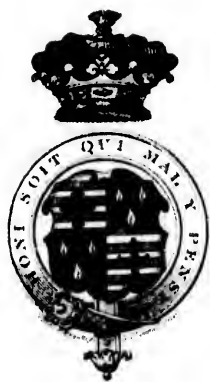
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*The Marquis of Stafford.*

vii. 1790. C.

A  
NARRATIVE  
OF THE  
NEGOTIATIONS  
OCCASIONED BY THE  
DISPUTE  
BETWEEN  
ENGLAND AND SPAIN,  
In the Year 1790.

1850

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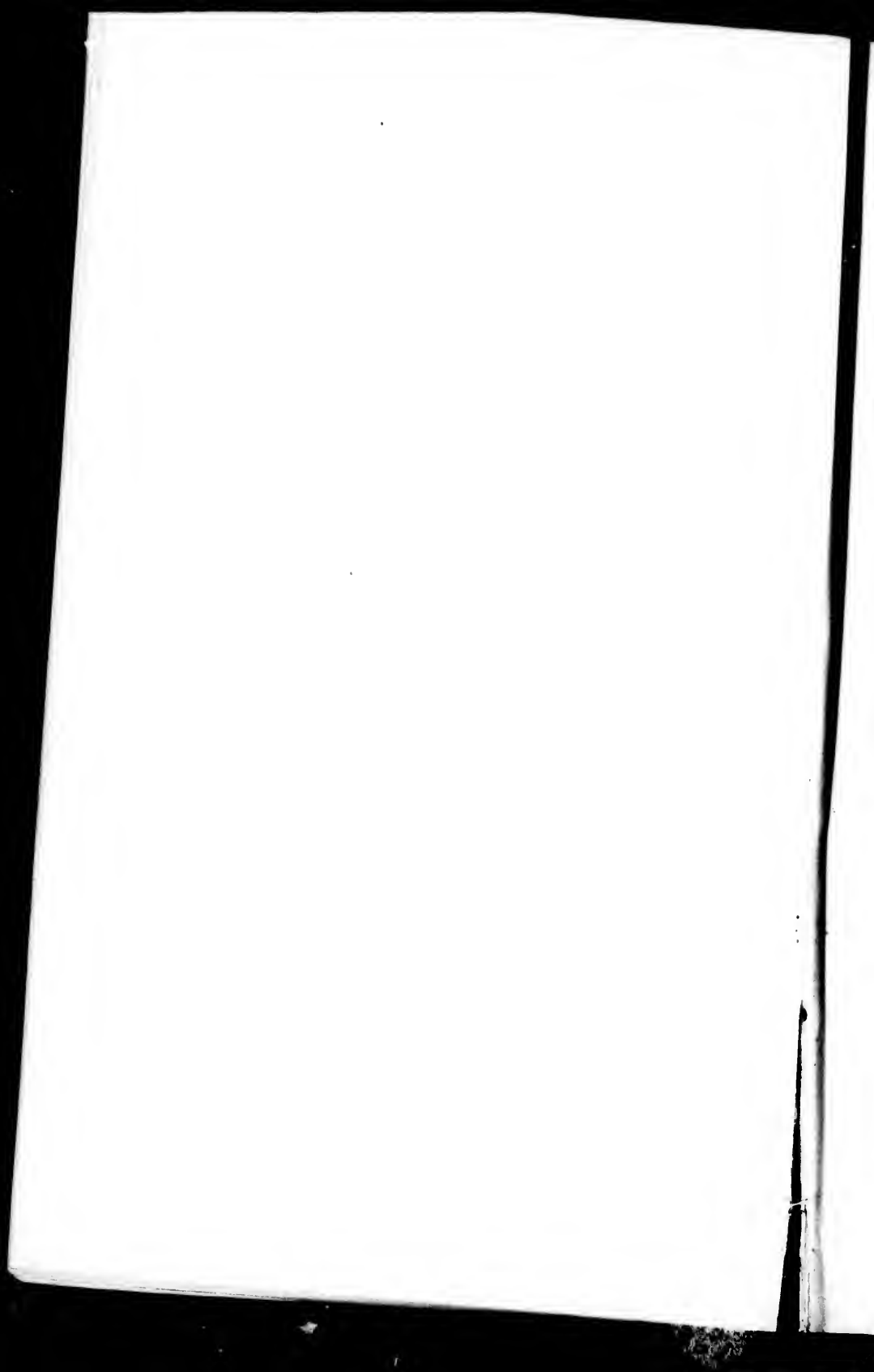
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## NARRATIVE, &c.

**A** Profound Peace subsisted between Great Britain and Spain, when, on the 21st of January, 1790, Intelligence of a British Vessel having been captured by a Spanish Officer was received, in a Letter from Mr. Merry, His Majesty's Chargé d'Affaires at the Court of Madrid, dated January 4, 1790.

By this Letter Mr. Merry informed the Duke of Leeds, that

“ **A**CCOUNTS have just been received here from Mexico, That  
 “ one of the small Ships of War on the  
 “ American Establishment, commanded  
 “ by a Subaltern Officer of the Name of  
 “ Martinez, has captured an English  
 “ Vessel in the Port of Nootka, (called  
 “ by the Spaniards San Lorenzo) in Latitude 50 North of the Coast of California,  
 A

“ fornia. There are different Relations  
 “ of this Event. Some of them state,  
 “ That the Vice-Roy of Mexico, having  
 “ had Notice that the English were form-  
 “ ing an Establishment at the above-  
 “ mentioned Place, ordered a Ship there  
 “ to take Possession of it: That M. de  
 “ Martinez found in the Port Two Ame-  
 “ rican Vessels, a Portugueze from Ma-  
 “ cao, a Russian from some Port of Her  
 “ Imperial Majesty’s Eastern Dominions,  
 “ and an English one, which had come  
 “ direct from a Port of Great Britain,  
 “ with People and Necessaries on Board,  
 “ to form a Settlement: That the Ame-  
 “ rican, Portugueze and Russian Ships  
 “ were suffered to depart, it appearing  
 “ that they had only gone there to trade  
 “ for Furs; and that the English one  
 “ alone had been detained. Other Ac-  
 “ counts mention, That the Spanish Ship  
 “ had sailed from St. Blas on a Voyage,  
 “ which, it is said, is annually performed,  
 “ to reconnoitre the North-West Coast  
 “ of the Continent: That, when she put  
 “ into Port Nootka, the English Vessel  
 “ was not yet arrived: That the latter was  
 “ seized

" seized as soon as she appeared : That  
 " the Russian and Portuguese Ships were  
 " also captured ; and that only the  
 " American were suffered to go away.  
 " The Name of the English Vessel, or  
 " of the Master, is not mentioned in any  
 " of the Statements of the Transaction  
 " which I have yet been able to see ; but  
 " they all say, that she had been fitted  
 " out by a Company of Merchants in  
 " London, for the Purpose of forming  
 " a Settlement ; and that it had been  
 " discovered that she was to be followed  
 " by Two others. The different Ac-  
 " counts also add, that she had been  
 " manned with Spanish Seamen, and  
 " dispatched with the News to the Vice-  
 " roy of Mexico."

On the 25th of January a Letter arrived  
 from Mr. Merry, dated the 7th of January,  
 with the following Extract of a Letter from  
 Mexico, containing, as he was assured, the  
 most accurate Account of the Circumstances  
 of this Affair. This Letter is dated Mexico,  
 August 28, 1789.

A 2

" A Naval

" A Naval Expedition was sent last Year by  
 " this Government, in consequence of  
 " Orders from Court, for the Purpose of  
 " reconnoitring the new Establishments  
 " of the Russians to the North of this  
 " Continent. Two Vessels were em-  
 " ployed on the Expedition, under the  
 " Command of Don Estevan Joseph Mar-  
 " tinez, one of the First Pilots of the  
 " Navy, with the Rank of Officer.  
 " Their Voyage was successful. They  
 " extended it as far as 61 Degrees North  
 " Lat. from whence, proceeding along  
 " the Coast towards the South-East,  
 " they entered the Port of Donalaska,  
 " an Island situated at a small Distance  
 " from the Continent, in 54 Deg. Lat.  
 " where the Russians have the prin-  
 " cipal Establishment and Factory. Our  
 " Crews had some Communication with  
 " the Indians of that Nation, whose  
 " Commander gave them a friendly Re-  
 " ception, and furnished them with all  
 " the Supplies and Information which  
 " they asked for. They learnt there,  
 " that the Governor of Kantinchaca, of  
 " which Kingdom the Crown of Dona-  
 " laska

“ laska is dependent, had determined to  
 “ take Possession of the Port of Nootka,  
 “ called by the Spaniards San Lorenzo,  
 “ situated in 49 Degrees, 30 Minutes,  
 “ upon the Coast of New California ;  
 “ and that he meant to convey there, in  
 “ in the Course of this Year, aboard of  
 “ Two Ships from the Peninsula of Kan-  
 “ tinchaca, the Troops and People ne-  
 “ cessary for forming an Establishment.  
 “ Our Ships returned with these Accounts  
 “ to the Port of San Blas about the End  
 “ of October last Year.

“ The Government here, being sensible of  
 “ the Importance of the News, and of  
 “ how much Consequence it would be  
 “ to prevent a Foreigner from executing  
 “ a Scheme so prejudicial and hurtful to  
 “ the Interests of Spain, his Excellency  
 “ the Vice-Roy ordered another Expe-  
 “ dition to be prepared, without Loss of  
 “ Time, for the Purpose of taking Pos-  
 “ session and forming a Settlement in the  
 “ Port of San Lorenzo. Two Ships  
 “ were fitted out at San Blas, and sailed  
 “ from thence the Beginning of March  
 “ of this Year, properly equipped and  
 “ supplied

“ supplied for the Undertaking ; and, in  
 “ the Month of April, a Snow was dis-  
 “ patched with further Supplies of Stores  
 “ and Provisions. The Ships arrived at  
 “ San Lorenzo in May : They found  
 “ Four Foreign Vessels in the Port ;  
 “ Two of them American, belonging to  
 “ General Washington, commissioned by  
 “ the United States to perform a Voyage  
 “ round the World ; a Portugueze and  
 “ an English which had come from Ma-  
 “ cao to trade for Furs, which abound  
 “ on that Coast, and are sold to great  
 “ Profit in Asia. Martinez seized all the  
 “ Ships ; but, it afterwards appearing to  
 “ him that the Americans were not sus-  
 “ picious, he let them go away and de-  
 “ tained the Two others. He then com-  
 “ menced to form an Establishment, by  
 “ building some Houses and Stores of  
 “ Wood, and by erecting a Battery at  
 “ the Entrance of the Port. Whilst he  
 “ was thus employed in the Execution  
 “ of his Orders, a strange Vessel entered  
 “ the Port. As soon as she had dropt  
 “ Anchor Martinez went aboard, with  
 “ his Boats armed. The Master of the  
 “ Vessel

“ Vessel produced his Passport and Com-  
 “ mission, and declared that he came  
 “ direct from London, and that he  
 “ had been sent by a Company of Mer-  
 “ chants of that City, with Orders to  
 “ fix an Establishment, and prepare  
 “ Habitations for some English Settlers,  
 “ who were to embark this Year aboard  
 “ Two Ships, which were fitting out in  
 “ the River Thames. Martinez made a  
 “ Prize of the Vessel, and, having manned  
 “ her with Spanish Seamen, dispatched  
 “ her to San Blas with the News. The  
 “ English Captain is arrived aboard her  
 “ at San Blas.”

By a Letter received the 2d of February,  
 (and dated Madrid, the 15th of January)  
 Mr. Merry states, That, having mentioned  
 the above Circumstances to Count Florida  
 Blanca, the Count avoided explaining to him  
 the Particulars of the Transaction, or avow-  
 ing clearly the Seizure of the Vessels; neither  
 did he enter upon the Question of our Right  
 to trade, or to form an Establishment in that  
 Part of the Continent of America; but he  
 informed Mr. Merry of some Circumstances,  
 (from



(from the Mention of which the Reports seemed to be true) which, he said, he would direct the Marquis del Campo to impart to the Duke of Leeds.

On the Receipt of this Letter, and on the same Day it arrived, the Duke of Leeds wrote to Mr. Merry, desiring him, (until he could send him positive Instructions in consequence of any Communication from the Marquis del Campo) to be extremely guarded in what he might have to say on the Subject; it being a Matter of equal Delicacy and Importance, in which he ought to be very cautious of giving even a Hint, which might be construed into a Dereliction of our Right to visit for the Purposes of Trade, or to make a Settlement in the District in Question, to which we undoubtedly had a compleat Right, to be asserted and maintained with a proper Degree of Vigour, should Circumstances make such an Exertion necessary.

His Grace also directed him immediately to send Information on the following Points, viz.

Of what Size are the Ships, which failed a few Months ago for California, under the Command of M. Melaspina ?

What

What was the Number of their Guns and Men ?

Whether any other Vessels have failed on the same Expedition ? And, if so, What was their Force, and the Numbers of their Guns and Men ?

What was the Force which failed from Mexico for San Lorenzo, under the Command of M. Martinez ? And whether any Ships, under the Command of any other Person, have failed to the same Destination ?

Such was now the State of this Affair :—  
A Rumour, undoubtedly extremely probable, considering the Quarter whence it came, but perfectly unsupported by any Evidence, on which Government could proceed.

On the 11th of February, however, additional Light was thrown upon the Transaction, by a Letter which the Duke of Leeds received from the Marquis del Campo, dated Manchester-Square, February 10, 1790.

By this the Marquis informed his Grace, that the Vice-Roy of Mexico had dispatched Two Vessels, under the Command of Don Etienne

B

Joseph

Joseph Martinez, to make a Settlement in the Port of San Lorenzo, otherwise Nootka, situated in Deg. 50. of which Possession had already been taken: That, arriving there on the 24th of June, 1789, M. Martinez found a Frigate and Bilander belonging to Boston in America, and Two Vessels belonging to a Portugueze established at Macao: That, on the 2d of July, an English Vessel arrived, which had sailed from Macao, for the Purpose of taking Possession of Nootka in the Name of His Britannick Majesty, and which had on Board a Bilander not put together: That M. Martinez, having otherwise disposed of the Four other Vessels, seized the English Ship named the Argonaut, Captain James Colnet, who had been sent out as Governor by the South Sea Company, and sent her to San Blas.

The Marquis then states, That the Court of Madrid prays His Britannic Majesty to punish those of His Subjects who should undertake such Enterprizes, and to prevent them from continuing on Territories for many Years visited and occupied by the Spaniards: That, so far from the Discovery of the Port in Question having been made by Captain Cook, the above-mentioned Martinez was actually  
there

there with a Commission in the Year 1774, and left with the Indians Two Silver Spoons, some Shells and other Things, which Captain Cook found.

The Marquis further observed, That, though the English Prisoners were set at Liberty from Respect to His Britannic Majesty, His Catholic Majesty hoped the Court of London would give positive Orders to abstain from such Attempts in future.

Although this Representation was, in Truth, an Avowal both of the Fact and of the Motives which occasioned it, it could not fairly be deemed a just Occasion for Immediate Hostilities: Nor, indeed, did the Tenor of our Spanish Correspondence at the same Period justify the Idea, that the Court of Madrid entertained hostile Views, or was making any Preparations to enforce a Compliance with That Request, which, through the Marquis del Campo, she prayed His Majesty to grant. On the contrary, Mr. Merry, in a Letter dated Madrid, January 28, and received February 15, explicitly says,

“ The Spanish Minister, in a Conference  
“ the preceding Day, continued to ex-

“ press the strongest Desire to see that  
 “ Harmony and Friendly Correspondence,  
 “ which at present so happily  
 “ subsist between the Two Courts, improved  
 “ as far as possible. He remarked, he said,  
 “ with the utmost Satisfaction, that the Line  
 “ of Conduct pursued by His Majesty, in the  
 “ present Situation of Affairs in Europe, was  
 “ the most wise and politic which could be  
 “ adopted; and he hoped that no Event  
 “ might happen, which might cause  
 “ Great Britain to deviate from her  
 “ present Pacific System.”

HIS Majesty's Ministers, however, conceiving  
 the Circumstance of Seizing a British Ship,  
 in Time of Peace, to be an Offence against  
 the Law of Nations, and an Insult to His  
 Majesty, lost no Time in taking the only  
 Step in their Power, uninformed as they  
 were of the Circumstances attending the  
 Transaction, unfurnished with any Proofs,  
 except the Letter itself from the Spanish  
 Ambassador, and not even knowing whose  
 Property, or whose Persons, had thus been  
 injured. This was done by a Letter from  
 the Duke of Leeds

to the Marquis del Campo, dated February 26, 1790; in which his Grace informs him, That he had His Majesty's Orders to declare, that the Act of Violence, mentioned in his Letter, must necessarily cause all Discussion on the Claims, therein also mentioned, to be suspended, until a Just and Suitable Satisfaction should be made for a Proceeding so injurious to Great Britain: That therefore it was, in the first Place, indispensably necessary, that the Vessel in Question should be Restored: And that any Detail of the Further Satisfaction to be expected must be postponed, 'till a more ample Information of the Circumstances of the Affair could be received.

After the Delivery of this Letter, the important Business in Question remained for some Time in Suspence; during which, the Intelligence received from Spain continued to be of the same Pacific Import as that received from Mr. Merry on the 15th of February. That Gentleman, by a Letter, dated March 1, 1790, and received the 18th, says,

“ Count Florida Blanca gave me no Hint  
 “ of his having any Intention of Arming;  
 “ and, notwithstanding the Reports which  
 “ have continued to prevail here, with  
 “ Regard

“ Regard to the Naval Preparations in  
 “ the Spanish Ports, I cannot, on a most  
 “ diligent Enquiry, find that any are yet  
 “ commenced, except for the equipping  
 “ of Three Ships of the Line, Six Fri-  
 “ gates, and Three Sloops of War, for  
 “ the Purpose of forming a Fleet of  
 “ Exercise.”

And again, in a Letter dated the 15th of March, 1790, Mr. Merry says,

“ The King of Spain has given Orders to  
 “ grant a free Licence to Prince Edward  
 “ to pass and repass from Gibraltar to  
 “ Spain, and to pay him the same Ho-  
 “ nours as to an Infante de Castilla.”

In this Interval, however, Government thought it adviseable to take every possible Precaution, to prevent a Repetition of this extraordinary Conduct by the Spaniards, and to maintain the undoubted Right of This Country to an undisturbed Possession of such Parts of the North-West Coast of America, as had been originally settled or visited, for the Purposes of Trade, by the English. With this View, Orders were sent, on the 31st of March, to Lord  
 and

and Commodore Cornwallis in the East Indies, directing them to dispatch a Frigate to the Sandwich Islands, (where she was to be met by the Gorgon and Discovery, ordered to rendezvous there, after calling at Port Jackson in New South Wales) for the above Purpose, with an Injunction to forbear from Hostilities; but, at the same Time, to maintain the British Rights by Force, should it be found necessary. \*

The Effect produced by the Duke of Leeds's Answer to M. del Campo at the Court of Spain, while it did not, on the one hand, seem likely to incline the Spaniards to recede from their exclusive Pretensions, undoubtedly gave His Majesty's Ministers no Reason to apprehend the near Approach of Hostilities. Mr. Merry says, in a Letter dated Madrid, the 22d of March, 1790, and received the 8th of April,

“ The Spanish Minister, speaking to me  
 “ Two Days ago, expressed much Dis-  
 “ satisfaction at the Answer he had re-  
 “ ceived from the Court of London, on  
 the

\* These Orders were recalled on the 30th of April, when the General Preparations for Arming commenced.



“ the Subject of the Seizure of the  
 “ English Vessel at San Lorenzo. The  
 “ Degree of Ill-Humour, which he ap-  
 “ peared to shew on this Occasion, may,  
 “ I conceive, more properly be construed  
 “ into an Uneasiness and Diffidence, on  
 “ his Part, with Respect to our Designs ;  
 “ for he gave me to understand, that it was  
 “ not the Matter itself in Question, which  
 “ affected him so much, as the Fear,  
 “ that, from the Manner in which we  
 “ have taken it up, we may at any Time  
 “ make use of it as a Ground for Quar-  
 “relling.—Count Florida Blanca then  
 “ expressed his Opinion, that, in the  
 “ present Situation of Affairs, much de-  
 “ pended on Great Britain and Spain re-  
 “ maining free and independent, and on  
 “ their continuing on Terms of strict  
 “ Harmony and good Understanding  
 “ with each other ; for which Reason he  
 “ had not chosen to form any close Con-  
 “ nection in any other Quarter.”

And this Pacific Language was still more  
 forcibly confirmed, by a subsequent Conver-  
 sation Mr. Merry had with Count Florida  
 Blanca

Blanca on the 27th of March, contained in his Letter of the 29th, which was received on the 16th of April. In this Conversation his Excellency

“ dwelt much on the Circumstance of  
 “ our demanding Satisfaction, before any  
 “ Discussion had taken Place of the  
 “ Matter of Right on either Side; and  
 “ said, from this, and, above all, from  
 “ the Manner of our Expressions, he could  
 “ draw no other Conclusion, than that  
 “ it must be Our Wish to make the Af-  
 “ fair in Question a Ground for Quarrel-  
 “ ling. He lamented greatly that any  
 “ Cause of Misunderstanding should exist  
 “ between the Two Courts, particularly  
 “ at the present Juncture. He hoped,  
 “ however, that nothing serious might  
 “ ensue from it; that his Fears and Ap-  
 “ prehensions might prove ill-founded,  
 “ and the Necessity of the Court of  
 “ Spain coming to an Understanding with  
 “ other Powers might be avoided. He  
 “ concluded by saying, that he would  
 “ endeavour to re-dispatch the Messenger  
 “ to London in the Course of the Week,

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“ and

“ and that he would soften his Reply as  
 “ much as possible, having nothing more  
 “ at Heart than to preserve Harmony  
 “ and Friendship with Great Britain.”

In the Conclusion of this Letter Mr. Merry  
 said, that

“ The Court of Spain seems so ill prepared  
 “ for War in regard to their Forces, and  
 “ still more so in respect to Credit, that  
 “ he conceives Count Florida Blanca  
 “ will have Prudence enough not to suf-  
 “ fer the Matter to come to Extremities.”

On the 18th of April another Letter was  
 received from Mr. Merry, dated the 5th. In  
 this he said,

“ As the Spanish Minister, in his Dis-  
 “ courses with me upon this Affair, has  
 “ chiefly dwelt upon the Manner of our  
 “ Reply, I hope that what I have said  
 “ to him may have operated to lessen his  
 “ Apprehensions, and that your Grace  
 “ will find, by the Marquis del Campo's  
 “ Communications, that the Language  
 “ from hence has that Degree of Softness,  
 “ which

“ which Count Florida Blanca has promised me he would use.”

By the same Post, and in a Letter of the same Date, Mr. Merry added, that

“ The Alarm, which the Court of Spain has taken at our Answer about the Affair of Nootka, is so great, that they have given Orders for Reports to be Immediately sent from the Spanish Armies of the Quantity of Copper for sheathing Ships, which there is in the Storehouses, and of the Number of Ships of the Line which can be got ready for Sea at a short Notice.”

Mr. Merry, however, at the same Time, expressed his Conviction, that Count Florida Blanca must be sufficiently sensible of the unfortunate State in which Spain is for the Support of a War, to be desirous of avoiding it by every possible Means.

By another Letter, received with the Two former, but dated the 6th of April, Mr. Merry gave Information, That the Treasure, lately arrived at Cadiz from Spanish America, aboard the San Ramon Ship of War of 68

Guns, the Castilla of 58, and the Nuestra Senora de las Mercedes Frigate of 36 Guns, amounted altogether, by the most exact Account he had been able to obtain, to about Four Millions One Hundred and Thirty Thousand Hard Dollars,

He added, that the Fleet of Exercise, he had formerly mentioned, was now assembling at Carthagena; and that the Letters from that Place mentioned, that it was expected All the Ships would be collected, and would be ready for Sea, in the Course of the present Month.

THUS pacific appeared to be the Intentions of the Spaniards, who seemed anxious to disclaim All Idea of commencing Hostilities, while no Warlike Preparations in that Country, in any Manner, announced a secret System, contradictory of their Friendly Professions, when, on the 20th of April, the Marquis del Campo addressed a Letter, of that Date, to the Duke of Leeds, by which he informed his Grace, that

“ Having communicated to his Court the  
 “ Duke's Answer of the 26th of February  
 “ ary to his Memorial, concerning the  
 “ Detention in the Port of Nootka of  
 the

“ the English Vessel called the Prince of  
 “ Wales, he had received Orders to in-  
 “ form the British Ministry, that, not-  
 “ withstanding the incontestable Rights  
 “ of Spain, founded on the most solemn  
 “ Treaties, on the Discovery of the  
 “ Indies, on the ancient Laws, and on  
 “ the immemorial Possession of an ex-  
 “ clusive Sovereignty, Navigation and  
 “ Commerce, which the Crown of Spain  
 “ had constantly exercised over the Ter-  
 “ ritories, Shores and Seas before-men-  
 “ tioned, and which it has manifested  
 “ by the Capture of those who trans-  
 “ gressed against it; the Vice-Roy of  
 “ Mexico, as appears by the last Intel-  
 “ ligence, had released the above-men-  
 “ tioned Vessel and Crew, being con-  
 “ vinced that nothing but Ignorance of  
 “ the Rights of Spain could have en-  
 “ couraged the Individuals of any Nation  
 “ to resort to that Coast, with the Idea of  
 “ making an Establishment, or of carry-  
 “ ing on a Commerce there; and having  
 “ positive Orders to shew every possible  
 “ Attention to the British Nation, and  
 “ to avoid every Thing which might be  
 “ capable

"capable of disturbing the good Har-  
 "mony and Friendship which happily  
 "subsisted between the Two Courts.  
 "For these Reasons, and to afford an  
 "additional Proof of the King's Desire  
 "to maintain and strengthen this Friend-  
 "ship, His Catholic Majesty considers  
 "and understands this Affair to be at an  
 "End, without entering into Disputes or  
 "Discussions on the indisputable Rights  
 "of His Crown; and He flatters Him-  
 "self that His Britannic Majesty will  
 "command all His Subjects to respect  
 "them, according to the Request con-  
 "in the Marquis's First Letter."

This Letter, which, being sent to the Duke  
 of Leeds's Office at Night, was not seen by  
 his Grace till the 21st, of course engaged the  
 serious Attention of His Majesty's Ministers.  
 It appeared evidently from it, that the Court  
 of Spain was not disposed to afford His Ma-  
 jesty any Satisfaction for the Insult offered to  
 Him, by the violent Seizure and Detention of  
 His Subjects and their Property, or in any  
 Degree to relax from those exclusive and un-  
 justifiable Claims of Dominion over the Whole  
 of

of the Western Coast of America, which they had invariably maintained, and which had so often been the Occasion of Disputes and Wars between the Two Countries. On the contrary, His Catholic Majesty, by stating the Release of the Ship and Crew to have been done by Way of Compliment, and on a Presumption that nothing but Ignorance of His Rights could have induced any one to visit or trade on that Coast, justified the Proceedings of His Vice-Roy and Officer; and, to preclude even a Possibility of Doubt as to His Determination to support His extravagant Pretensions, His Ambassador stated, at full Length, His exclusive Rights, and the Grounds on which they were claimed.

Before any Determination, however, could be formed on this very important Business, a Circumstance occurred, which contributed to throw many new Lights upon the Subject, and which proved the Conduct of the Spaniards to have been infinitely more hostile and injurious towards His Majesty, than either Mr. Merry's Information, or the Letters of the Marquis del Campo, had given Reason to imagine.

The



The Circumstance alluded to was the Arrival of Captain Meares, the Gentleman who had commanded the Expedition to Nootka Sound, and who was materially interested in the Ships captured by Don E. J. Martinez.

From him a more full, and probably a more authentic, Account of this Transaction was obtained, than had already been in the Possession of Government.

To understand this properly, it will be necessary to recur shortly to the Origin of his Expedition, and trace it's History from it's Commencement, in the Beginning of the Year 1786.

At that Time certain Merchants, residing in the East Indies, communicated to Sir John Macpherson, the Governor-General of India, a Plan of opening a Trade with the North-West Coast of America, for the Purpose of supplying the Chinese Market with Furs and Ginseng. Sir John, approving of the Plan, joined in the Subscription for it's Execution; and Two Vessels, called the Sea Otter and Nootka, were dispatched to Prince William's Sound; the former under the Command of Mr. Tipping, the latter under that of Captain Meares, who was a Lieutenant in His Majesty's Navy,

Navy, and now had the Direction of the Expedition.

They arrived in Prince William's Sound in September following; soon after which the Sea Otter was unfortunately lost off the Coast of Kamschatka.

Captain Meares passed the Winter in Prince William's Sound; in the Course of which he opened an extensive Trade with the Natives; and, having collected a Cargo of Furs, proceeded to China in the Autumn of 1787.

During his Continuance there he disposed of the Nootka, and, in Conjunction with several British Merchants residing in India, (amongst whom was nominally included Juan Carvallo, a Portugueze by Birth, who had been naturalized and resided at Bombay, and traded from thence under the Protection of the East India Company, and who, from his Connection with the Governor of Macao, had obtained Permission from him to navigate under the Portugueze Flag, in order to evade the extravagant Port Charges of the Chinese, and for any other Purpose that might be found convenient) fitted out Two other Vessels, called the Felice and Iphigenia, the former of

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which

which was commanded by himself, the latter by Mr. William Douglas.

Sailing from China, Captain Meares reached the Port of Nootka in May, 1788, and Captain Douglas arrived in Cook's River in the Month of June following.

Immediately on his Arrival, Captain Meares purchased from Maquilla, the Chief of the Nootka District, a Spot of Ground, on which he built a House, and hoisted the British Colours. This House he surrounded with a Breast-Work, in the Front of which he mounted One Three-Pounder.

He then proceeded to trade on the Coast, taking a Southerly Course, while Captain Douglas, in the *Iphigenia*, sailed to the North. They confined themselves within the Limits of 60 Deg. and 45 Deg. 30 Min. North, and returned to Nootka Sound in the Month of September.

By this Time, the People left there had finished a new Vessel of about 40 Tons, which they named the North-West America.

In the Course of his Cruise, Captain Meares obtained from Wickenanish, the Chief of the District surrounding Port Cox and Port Effingham, in Latitudes 48 and 49 Degrees, in  
Consequence

Consequence of considerable Presents, the Promise of a Free and Exclusive Trade with the Natives of That District, and his Permission to build any Storehouses or other Edifices which he might judge necessary. He also acquired the same Privilege of Exclusive Trade from Tatouche, the Chief of the Country bordering on the Straits of Juan de Fuca, and purchased from him a Tract of Land within the said Strait, which one of Captain Meares's Officers took Possession of in the King's Name, calling it Tatouche, after the Chief.

On the 23d of September, Captain Meares, in the *Felice*, proceeded, with a Cargo of Furs, to China, leaving the *Iphigenia* and the *North-West America* in Nootka Sound, with Orders to winter at the Sandwich Islands, and to return to the Coast in the Spring.

Captain Meares arrived in China early in the Month of December, where he sold his Ship and Cargo; and Two Ships, the *Prince of Wales* and *Princess Royal*, fitted out from the Port of London by Messrs. John and Cadman Etches and Co. coming at this Time to Canton, from a trading Voyage on the North-West Coast of America, Captain Meares and his Partners (excepting Carvalho, who had

become a Bankrupt, and who, from the Demise of the Governor of Macao, had lost his Influence there) associated themselves with those Gentlemen, as they possessed Licences from the East-India and South-Sea Companies, which would not expire 'till the Year 1790 ; and as the Trade on that Coast might suffer by a Competition. An Agreement was therefore executed between Captain Meares and Mr. John Etches, Supra-Cargo of the Two Ships, making a Joint Stock of All the Vessels and Property employed in That Trade ; and, under That Firm, they purchased a Ship, which had been built at Calcutta, and called her the Argonaut.

The Prince of Wales, having been chartered to load Teas for the East-India Company, soon afterwards returned to England ; and the Princess Royal and Argonaut were ordered to sail for the Coast of America, under the Command of Mr. James Colnet, to whom the Command of All the Concerns of the Company on That Coast had been committed.

He was instructed to fix his Residence at Nootka Sound, and to erect a substantial House on the Spot purchased in the preceding Year by Captain Meares.

Mr.

Mr. Colnet, with Articles estimated to be sufficient for the Trade for Three Years, and with a Vessel on Board in Frame, of about 30 Tons Burthen, left China in the Months of April and May, 1789; taking with him several Artificers of different Professions, and near 70 Chinese, as Settlers on the American Coast, in the Service and under the Protection of the Associated Company.

On the 24th of April the *Iphigenia* returned to Nootka Sound, and the *North-West America* reached that Place a few Days after. On their Arrival they found Two American Vessels, the *Columbia* and the *Washington*, which had wintered there.

On the 29th of the same Month the *North-West America* was dispatched to the Northward to trade, and to explore the Archipelago of St. Lazarus.

On the 6th of May, while the *Iphigenia* was lying at Anchor in Nootka Sound, a Spanish Ship of War called the *Princesa*, commanded by Don Estevan Joseph Martinez, and mounting 26 Guns, anchored there. This Vessel had sailed from the Port of San Blas in the Province of Mexico. She was joined, on the 13th, by a Spanish Snow of 16 Guns, called the

the San Carlos, which had sailed from the same Port, loaded with Cannon and other Warlike Stores.

From the Arrival of the Princeffa to the 14th of May, mutual Civilities passed between Captain Douglas and the Spanish Officers, and even Supplies were obtained from M. Martinez for the Use of the Ship. On that Day, however, Captain Douglas was ordered on Board the Princeffa, and, to his great Surprise, was informed by M. Martinez, that he had the King of Spain's Orders to seize All Ships and Vessels which he might find upon That Coast, and that he (Captain Douglas) was then his Prisoner.

M. Martinez then ordered his Officers to take Possession of the Iphigenia; which they accordingly did in the Name of His Catholic Majesty; and the Officers and Crew of that Ship were immediately conveyed, as Prisoners, on Board the Spanish Ships, where they were put in Irons, and were otherwise ill-treated.

AS soon as the Iphigenia was thus seized, M. Martinez took Possession of the Lands which had been purchased by Captain Meares, hoisting the Standard of Spain on the House  
he

he had erected, and performing the other Ceremonies usual on such Occasions. At the same Time he issued a Declaration, That All Lands, comprized between Cape Horn and the 60th Degree of North Latitude, belonged to His Catholic Majesty. He then proceeded to build Batteries, Storehouses, &c.; in the Execution of which he forcibly employed some of the Crew of the Iphigenia, and severely punished many of them who attempted to resist a Command, which they conceived to be injurious.

After a long Continuance of this unjustifiable Conduct, and after compelling Captain Douglas to sign a Paper written in Spanish (a Language which he did not understand) which proved to be an Obligation from him, on the Part of his Owners, to pay on Demand the Valuation of his Vessel, her Cargo, &c. in case the Vice-Roy of New Spain should adjudge her to be lawful Prize, as having entered the Port of Nootka without the Permission of His Catholic Majesty; M. Martinez permitted Captain Douglas to resume the Command of the Iphigenia, but restrained him from proceeding to Sea until the Return of the North-West America, insisting that he should



should then dispose of her for 400 Dollars, the Price which one of the American Captains had set upon her.

During the Time the Spaniards kept Possession of the Iphigenia, she was stript of all the Merchandize which had been provided for Trading, of her Stores, Provisions, Nautical Instruments, Charts, &c. and of every Article (except Twelve Bars of Iron) which could conveniently be carried away, even to the Master's Watch, and various Articles of Cloathing.

Thus circumstanced, Captain Douglas applied to M. Martinez for Relief; and, after much Solicitation, obtained a trifling Supply of Stores and Provisions, for the Payment of which he was obliged to give Bills on his Owners.

M. Martinez, finding at length that Captain Douglas could not be induced to sell the North-West America, permitted him to depart; and accordingly, on the 1st of June, he quitted Nootka Sound and returned to China.

On the Eighth Day after his Departure, the Ship North-West America, arriving off the Port of Nootka, was boarded and seized by Boats manned and equipped for War, commanded

manded by M. Martinez, which towed her into the Sound, and, anchoring her close to the Spanish Ships of War, took Possession of her in the Name of his Catholic Majesty, as good and lawful Prize. The Officers and Men, with the Stores, Tackle, Furniture, Articles of Trade, and 215 Skins of the best Quality; were then removed on board the Spanish Frigate; and Mr. Barnett, one of the Officers, and some of the Sailors, were afterwards put in Irons. The Ship was soon after employed by M. Martinez on a Trading Voyage, and brought Home a Cargo for his Use of 75 Skins, purchased with British Merchandize, which, on a moderate Calculation, were worth 7,500 Dollars.

On the 3d of July the Argonaut arrived off the Port of Nootka. As soon as M. Martinez observed her in the Offing, he boarded her in his Launch, and with much Civility promised Mr. Colnet, her Commander, every Assistance in his Power; in consequence of which, and having no Suspicion of the Spaniards, he proceeded into the Sound.

The next Day, however, M. Martinez sent the First Lieutenant of the Princeffa, with a Military Force, to take Possession of the Argo-

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naut. They accordingly seized her in the Name of His Catholic Majesty, and hoisted on Board of her the Spanish Flag. Her Officers and Men were made Prisoners, and Mr. Colnet was threatened to be hanged at the Yard-Arm, in case of his refusing to comply with any Directions which might be given to him. This Treatment had such an Effect upon the unfortunate Gentleman, that his Faculties became deranged, and he continued, when the Account came away, in a State of Incapacity for the Conduct of any Business.

Not satisfied with these Instances of usurped Authority, M. Martinez appeared desirous of seizing fresh Opportunities of insulting the British Flag.—On the 13th of July the Sloop Princess Royal appeared off the Port of Nootka; and the Commander, approaching the Sound in his Boat, was seized, and made a Prisoner by M. Martinez, who forced him, by Threats of hanging him at the Yard-Arm, to send to his Officers to deliver up his Vessel without Contest. These Orders were dispatched into the Offing by a Spanish Officer, and the Sloop was accordingly seized in the Name of His Catholic Majesty, and brought into Port. Her Crew were made Prisoners, and

and her Cargo, consisting of 473 Skins, was seized.

After suffering, for some Time, an ignominious and painful Captivity, the Crew of the North-West America was sent by the Spaniards to China. The Argonaut, with her Officers and Men on Board, was sent as a Prize to San Blas; and, when the Account came away, it was said that the Princess Royal, with her Crew, were to be sent to the same Place. M. Martinez, however, thought proper to detain the Chinese, whom he compelled to enter into the Service of Spain, and whom he employed to work in the Mines, which he had opened on the Lands purchased by Captain Meares.

Such was the Substance of the Information received from Captain Meares.

HIS Majesty's Ministers, who, 'till now, had proceeded with that Caution, which the Uncertain Nature of the Intelligence they had received rendered essentially necessary, no longer having Room to doubt of the Insult offered to the British Flag, and the Injury sustained by British Subjects, from the unwarrantable and unprovoked Hostility of the

Spanish Commander, lost no Time in taking those Measures, which were best calculated to vindicate the Honor of His Majesty and the British Nation, and to prove to all Europe that His Majesty, however desirous of Peace, and however unwilling He might be to hazard the Prosperity of His Kingdoms on the Events of War, felt too much for the Dignity of His Crown and the Interests of His People, to suffer such accumulated Wrongs to pass without the Notice becoming the Monarch of so great a Kingdom. The Affair of Nootka, therefore, and the various other Grounds of Complaint, which the recent Conduct of the Spanish Court had occasioned, immediately engaged their most serious Attention. Nor was it long before fresh Information from Madrid evinced the Propriety of coming to a speedy Determination, and of putting this Country into such a State of Preparation, as might enable her to enforce her just Demands of Satisfaction, should the Court of Spain think proper to avow and support the Insults offered by her Officers.

On the 29th of April a Letter was received from Mr. Merry, dated Madrid, the 12th of April,

April, by which he informed Government, that

" Don Francisco de Borja, appointed to  
 " command the Fleet of Exercise af-  
 " sembling at Carthagena, had received  
 " Orders to proceed immediately with  
 " the Fleet to Cadiz, where the Rendez-  
 " vous was now to be, and where there  
 " were Three Frigates and Two Sloops  
 " of War ready to join him. That the  
 " following were the Ships which were  
 " to sail from Carthagena, viz.

" SHIPS OF THE LINE.				GUNS.
" Europa	-	-	-	74
" San Pablo	-	-	-	74
" San Fulgencio	-	-	-	64

" FRIGATES.				
" Santa Teresa	-	-	-	34
" Mahonesa	-	-	-	34
" Perla	-	-	-	34

" SLOOP.				
" Tartaro,	-	-	-	18

" That Orders had arrived there for All  
 " the Ships, which had been reported  
 " to

“ to be fit for immediate Service, to be  
 “ ballasted, and held in Readiness to be  
 “ rigged and equipped for Sea on the  
 “ first Notice. Their Number was said  
 “ to be Twelve Sail of the Line, Four  
 “ Frigates and Six Xebecs. It was said,  
 “ that Three Ships of the Line were now  
 “ getting ready for Sea at Ferrol. The  
 “ same Orders had been sent to the  
 “ other Ports, as appear to have reached  
 “ Carthagena, for preparing the Ships  
 “ to be armed at a short Notice. Mr.  
 “ Merry added, that, from the Reports  
 “ which prevailed, he did not believe the  
 “ Preparations would be carried any farther  
 “ at present; and that it was not yet  
 “ known that the Spanish Government  
 “ was looking out for Money.”

By another Letter, dated the 15th of April,  
 and received the 3d of May, Mr. Merry gave  
 Notice, that an Order had just been issued by  
 His Catholic Majesty, absolutely prohibiting  
 for the present the Exportation of Specie from  
 Spain, even of those Sums for which Licences  
 had already been granted by the Bank of St.  
 Charles; and that, beside the Treasure lately  
 brought

brought to Cadiz in the Ships of War, Advice had been received at Madrid of the Arrival in that Port, from Vera Cruz, of Two Merchant Ships, with near a Million of Hard Dollars on Board.

Mr. Merry added, that

“ The Spanish Fleet at Carthagena had  
 “ been joined by the Three Frigates and  
 “ Two Sloops of War from Cadiz,  
 “ which he mentioned in his preceding  
 “ Letter; and that it was said the Whole  
 “ was to proceed to the latter Port as  
 “ soon as the Wind should allow them  
 “ to put to Sea.—That the Ships, re-  
 “ ported to be fitted out for Immediate  
 “ Service at Cadiz, consist of 14 Sail of  
 “ the Line, 10 Frigates, and 2 Sloops:  
 “ That Two Ships of the Line had been  
 “ ordered to be armed at that Port; and  
 “ that Directions had been given for the  
 “ Two, which were arrived with Treasure  
 “ from Spanish America, not to be dis-  
 “ armed.”

BY Intelligence received about the same Time, the Authenticity of which could not be



be doubted, His Majesty's Ministers were informed, That a large Fleet was fitted out at Ferrol, consisting of 13 Ships and 4 or 5 Frigates: That a Report prevailed, that All the Vessels in that Department were to be fitted out; and that they were actually getting ready, with the greatest Speed, the following Vessels, viz.

			GUNS.
Medio Mundo	-	-	124
San Hermenigildo	-	-	124
Conde de Regla	-	-	124
Patriarca San Josef	-	-	124
San Rafael	-	-	80
San Fernando	-	-	90
Brillante	-	-	74

The Number of Frigates and their Destiny were, according to this Account, uncertain. The same Intelligence gave Notice that, in the Course of the last Month, the Europa of 74 Guns, the Juno Frigate of 44, and the Santa Teresa of 36 Guns, sailed for Cadiz, where they now are, with Ten other Sail of the Line and Eight Frigates:—That, in the other Departments, they were getting ready All their Ships:—That there had already been a Levy of 6,000 Seamen from Galicia and the Asturias,

rias, and of 2,000 from Biscay, and that Orders were issued for a further Levy of Twenty-four Thousand Men :—And that the Regiments of Galicia, Murcia and Zamora were on their March from Pontevedra to Corunna.

THE Measures adopted by His Majesty's Ministers were as Vigorous as the important Occasion demanded, and their prompt Execution corresponded with the Urgency of the Moment. On the 4th of May a Messenger was dispatched to Mr. Merry at Madrid, conveying to him Instructions to Represent to the Court of Madrid, that the last Communication delivered by the Marquis del Campo is considered by His Britannic Majesty as Unsatisfactory, and as not affording that Reparation which His Majesty had a Right to expect on this Occasion; it being therein stated, that the Restitution of the Vessel was made on the Ground of General Regard for the British Nation, and of a Supposed Ignorance of the Property of Spain, which alone, as it is alledged, could have encouraged the Individuals of any Nation to resort to those Coasts, in the Idea of Establishing themselves there, or of carrying on their Commerce;

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a Claim on the Part of the Court of Spain being also therein distinctly asserted to the Exclusive Rights of Sovereignty, Navigation and Commerce in the Territories, Coasts and Seas on the North-West Coast of America; and no Satisfaction whatever being made or offered to His Majesty, for a Proceeding so offensive to the Honor of His Crown. That, in Addition to these Considerations, His Majesty had since received further Information of the Particulars of the Transaction in Question; by which it appeared that the Spanish Officer did not confine himself to the Capture of One Vessel alone; that he had also made Priz a Vessel called the Princess Royal, belonging to the Port of London, and had sent her, with her Crew as Prisoners, to the Port of San Blas, having seized her Cargo, and made Use of it for the Purpose of carrying on a Commerce on the Coast. That it was doubtful whether One or Both of the Two Vessels, mentioned in M. del Campo's First Letter as belonging to a Portuguese, resident at Macao, were not in Effect British Vessels, navigated under such Circumstances as would, by the Laws of Nations, entitle them to the Protection of His Britannic Majesty. That it appeared,

appeared, that the Soil at Nootka, and in some other Parts of the Coast, particularly in a Strait in or about 40 Degrees, 50 Minutes of Latitude, had been, antecedently to this Transaction, purchased of the Natives by a British Subject, and the British Flag hoisted thereon.

Mr. Merry was then directed to Represent, that, under these Circumstances, His Majesty had felt it due to the Honor of His Crown, and the Rights of His People, to require the full and entire Restitution of All the said Vessels, with their Property and Crews, or of as many of them as should, on fair Examination of what can be alledged on both Sides, be found to have been British Vessels, entitled as such to His Majesty's Protection; and to insist on an Indemnification to the Individuals concerned in the said Vessels, for the Losses sustained by their unjust Detention and Capture: And, above all, on an adequate Reparation to His Majesty for the Injury done by an Officer, commanding His Catholic Majesty's Vessels of War, to British Subjects, trading, under the Protection of the British Flag, in those Parts of the World, where the Subjects of His Majesty have an Unquestion-

able Right to a Free and Undisturbed Enjoyment of the Benefits of Commerce, Navigation and Fishery ; and also to the Possession of such Establishments, as they may form with the Consent of the Natives, in Places unoccupied by Other European Nations.

Mr. Merry was finally directed to Demand a Speedy and Explicit Answer to This Communication ; at the same Time expressing the sincere Wishes of His Britannic Majesty, that the Issue of the present Business may be such, as to remove any Grounds of Uneasiness, and continue and confirm Harmony and Friendship between the Two Nations.

THE same Messenger, who was charged with this Representation, carried also a Letter from the Duke of Leeds to Mr. Merry, informing him that Mr. Fitz-Herbert was directed to repair Immediately to Spain, in order to carry on such Negotiations as may be necessary :—That His Majesty had found it indispensably necessary to make Preparations, for enabling Himself to Act as the Exigency of Affairs may require :—That His Majesty continues to entertain a sincere Desire for Peace, and will embrace with Satisfaction the first Opportunity

Opportunity of Discontinuing His Preparations, and reducing His Forces to a Peace Establishment, when He shall be satisfied that similar Measures will be taken by the Court of Spain, and when He shall have obtained an adequate Reparation, and sufficient Security for the Future ; Objects which His Majesty cannot relinquish, being fully determined to support to the utmost the Honor of His Crown and the Just Rights of all His Subjects.

On the same Evening, a Notification of the Business in Agitation was transmitted to His Majesty's Consuls in the different Ports of Spain, and a General Press took Place, which proved the First Public Notice of the Dispute between the Two Crowns ; the whole Affair having hitherto been conducted with a Secrecy unknown on any former Occasion, and having been confined to those few Persons only, who, from their peculiar Situations of Confidence, were necessarily employed in it's Conduct.

On the following Day, His Majesty was graciously pleased to send a Message to each House of Parliament ; of which, and of the Orders  
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which were made by them for Addreffes to His Majesty, the following are Copies :

**HIS MAJESTY's** most Gracious **MESSAGE** to the **LORDS** Spiritual and Temporal, in Parliament assembled.

Wednesday, May 5, 1790.

**HIS** Majesty has received Information, that Two Vessels, belonging to His Majesty's Subjects, and navigated under the British Flag, and Two others, of which the Description is not hitherto sufficiently ascertained, have been captured at Nootka Sound, on the North-Western Coast of America, by an Officer commanding Two Spanish Ships of War; that the Cargoes of the British Vessels have been seized, and that their Officers and Crews have been sent as Prisoners to a Spanish Port.

The Capture of One of these Vessels had before been notified by the Ambassador of His Catholic Majesty, by Order of his Court, who, at the same Time, desired, that Measures might be taken for preventing His Majesty's Subjects from frequenting those Coasts, which were alledged to have been previously occupied, and frequented by the Subjects of Spain.

Complaints

Complaints were also made of the Fisheries carried on by His Majesty's Subjects in the Seas adjoining to the Spanish Continent, as being contrary to the Rights of the Crown of Spain. In consequence of this Communication, a Demand was immediately made, by His Majesty's Order, for adequate Satisfaction, and for the Restitution of the Vessel, previous to any other Discussion.

By the Answer from the Court of Spain, it appears, that this Vessel and her Crew had been set at Liberty by the Vice-Roy of Mexico; but this is represented to have been done by him, on the Supposition that nothing but the Ignorance of the Rights of Spain encouraged the Individuals of other Nations to come to those Coasts, for the Purpose of making Establishments, or carrying on Trade, and in Conformity to his previous Instructions, requiring him to shew all possible Regard to the British Nation.

No Satisfaction is made or offered, and a direct Claim is asserted by the Court of Spain to the exclusive Rights of Sovereignty, Navigation, and Commerce in the Territories, Coasts, and Seas in that Part of the World.

His



His Majesty has now directed His Minister at Madrid to make a fresh Representation on this Subject, and to claim such full and adequate Satisfaction as the Nature of the Case evidently requires. And, under these Circumstances, His Majesty having also received Information that considerable Armaments are carrying on in the Ports of Spain, has judged it indispensably necessary to give Orders for making such Preparations as may put it in His Majesty's Power to act with Vigour and Effect, in Support of the Honour of His Crown and the Interests of His People. And His Majesty doubts not but He shall have the Concurrence and Support of this House (on whose Affection and Zeal He perfectly relies) in taking such Measures, and making such Augmentation of His Forces, as may be eventually necessary for this Purpose.

It is His Majesty's earnest Wish that the Justice of His Majesty's Demands may insure, from the Wisdom and Equity of His Catholic Majesty, the Satisfaction which is so unquestionably due; and that this Affair may be terminated in such a Manner as to prevent any Grounds of Misunderstanding in future, and to continue and confirm that Harmony and  
Friendship

Friendship which has happily subsisted between the Two Courts, and which His Majesty will always endeavour to maintain and improve, by all such Means as are consistent with the Dignity of His Majesty's Crown, and the essential Interests of His Subjects.

G. R.

ORDER of the House of LORDS for an  
ADDRESS to His MAJESTY.

Thursday, May 6, 1790.

ORDERED, Nemine dissentiente,

THAT an humble Address be presented to His Majesty, to return His Majesty the Thanks of this House for His most Gracious Message, acquainting this House with those Circumstances relative to the Capture of British Vessels on the North-Western Coast of America, and to the Conduct of the Court of Spain on this Occasion, which have induced His Majesty to give Orders for making such Preparations as may put it in His Majesty's Power to act with Vigour and Effect, in Support of the Honor of His Majesty's Crown, and of the Interests of His People; and to as-

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sure His Majesty of Our ready Concurrence and Support, in taking such Measures, and in making such Augmentation of His Majesty's Forces, as may eventually be necessary on this Occasion.

That We trust that the Justice of His Majesty's Demands will ensure, from the Wisdom and Equity of His Catholic Majesty, the Satisfaction which is so unquestionably due to His Majesty ; and that We shall sincerely rejoice in such a Termination of the Discussions now depending, as may prevent any Grounds of Misunderstanding in future, and may continue and confirm that Harmony and Friendship, which has happily subsisted between Great Britain and Spain : But that We, at the same Time, feel it Our indispensable Duty to assure His Majesty of the Determination of this House to concur with His Majesty, in the most zealous and effectual Manner, in such Measures as may become requisite, for maintaining the Dignity of His Majesty's Crown, and the essential Interests of His Majesty's Dominions.

His

His MAJESTY's most Gracious MESSAGE  
to the Honourable the House of COM-  
MONS, in Parliament assembled.

Wednesday, May 5, 1790.

HIS Majesty has received Information, that Two Vessels belonging to His Majesty's Subjects, and navigated under the British Flag, and Two others, of which the Description is not hitherto sufficiently ascertained, have been captured at Nootka Sound, on the North-Western Coast of America, by an Officer commanding Two Spanish Ships of War; that the Cargoes of the British Vessels have been seized, and that their Officers and Crews have been sent as Prisoners to a Spanish Port.

The Capture of One of these Vessels had before been notified by the Ambassador of His Catholic Majesty, by Order of His Court, who, at the same Time, desired, that Measures might be taken for preventing His Majesty's Subjects from frequenting those Coasts, which were alledged to have been previously occupied, and frequented by the Subjects of Spain. Complaints were also made of the Fisheries carried on by His Majesty's Subjects in the

Seas adjoining to the Spanish Continent, as being contrary to the Rights of the Crown of Spain. In consequence of this Communication, a Demand was immediately made, by His Majesty's Order, for adequate Satisfaction, and for the Restitution of the Vessel, previous to any other Discussion.

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No Satisfaction is made or offered, and a direct Claim is asserted by the Court of Spain to the exclusive Rights of Sovereignty, Navigation and Commerce in the Territories, Coasts, and Seas in that Part of the World.

His Majesty has now directed His Ministers at Madrid to make a fresh Representation on this Subject, and to claim such full and adequate

quate Satisfaction as the Nature of the Case evidently requires. And, under these Circumstances, His Majesty having also received Information that considerable Armaments are carrying on in the Ports of Spain, has judged it indispensably necessary to give Orders for making such Preparations as may put it in His Majesty's Power to act with Vigour and Effect, in Support of the Honor of His Crown, and the Interests of His People. And His Majesty recommends it to His faithful Commons (on whose Zeal and Public Spirit He has the most perfect Reliance) to enable Him to take such Measures, and to make such Augmentation of His Forces, as may be eventually necessary for this Purpose.

It is His Majesty's earnest Wish, that the Justice of His Majesty's Demands may insure, from the Wisdom and Equity of His Catholic Majesty, the Satisfaction which is so unquestionably due; and that this Affair may be terminated in such a Manner as to prevent any Grounds of Misunderstanding in future, and to continue and confirm that Harmony and Friendship which has so happily subsisted between the Two Courts, and which His Majesty will always endeavour to maintain and improve,

improve, by all such Means as are consistent with the Dignity of His Majesty's Crown, and the essential Interests of His Subjects.

G. R.

The RESOLUTION of the House of COMMONS for an ADDRESS to His MAJESTY.

Jovis, 6<sup>o</sup> Die Maii, 1790.

RESOLVED, Nemine contradicente,

THAT an humble Address be presented to His Majesty, to return His Majesty the Thanks of this House, for His most Gracious Message, acquainting this House of those Circumstances relative to the Capture of British Vessels on the North-Western Coast of America, and to the Conduct of the Court of Spain on this Occasion, which have induced His Majesty to give Orders for making such Preparations as may put it in His Majesty's Power to act with Vigour and Effect in Support of the Honor of His Majesty's Crown, and of the Interests of His People; and to assure His Majesty, that We shall readily proceed to enable His Majesty to take such Measures, and to make such Augmentation of His Majesty's Forces,

Forces, as may eventually be necessary on this Occasion.

That We trust that the Justice of His Majesty's Demands will ensure, from the Wisdom and Equity of His Catholic Majesty, the Satisfaction which is so unquestionably due to His Majesty ; and that We shall sincerely rejoice in such a Termination of the Discussions now depending, as may prevent any Grounds of Misunderstanding in future ; and may continue and confirm that Harmony and Friendship, which has happily subsisted between Great Britain and Spain : But that We, at the same Time, feel it Our indispensable Duty to assure His Majesty of the Determination of His faithful Commons to afford His Majesty the most zealous and effectual Support, in such Measures as may become requisite, for maintaining the Dignity of His Majesty's Crown, and the essential Interests of His Majesty's Dominions.

WHILE these Steps were taking, to vindicate the Honor of the British Crown, and to obtain an adequate Satisfaction from the Court of Spain, the other Departments of His Majesty's Government were employed in taking



king every Measure which was proper, for carrying into Effect His Majesty's vigorous Counsels, and for putting His Distant Possessions into a State of adequate Defence.

For this Purpose, immediate Notice, with proper Instructions for their Conduct at so critical a Period, was sent to the several Consuls on the Coast of Barbary, and to Major-General O'Hara, commanding at Gibraltar.\* Lord Heathfield, the Governor of that important Fortress, solicited and obtained His Majesty's Permission to resume his Command, and set out on his Return to the Garrison. The Seventh Regiment of Foot was ordered to embark without Delay to the same Place, to join their Colonel His Royal Highness Prince Edward.

At the same Time every Attention was shewn to the Security of His Majesty's Possessions in America and the West Indies, which might reasonably be supposed to be more open to any sudden hostile Attack.

Lord Dorchester, the Governor of Canada, who had signified his Intention of returning to England the ensuing Summer, was directed †  
to

\* May 6.

† Same Date.

to remain in his Government, where his Experience and Abilities were judged to be of the greatest Importance. . As it was doubtful whether, consistently with the other Exigencies of the State, a Reinforcement of Troops could be sent out this Year to Canada, his Lordship was directed to take proper Measures for embodying the Militia in that Province, should such a Measure, in the Course of Events, appear to him to be necessary : And he was further instructed to cultivate, as much as possible, the Friendship of the Inhabitants of Vermont, in order to prevent any Alarm which might arise on the Part of the United States of America.

As this was an Occurrence on every Account to be deprecated, and against the Possibility of which it behoved the Wisdom of His Majesty's Government to provide as certainly as the Exigencies of the Moment would permit, Lord Dorchester was directed to adopt every Means in his Power to influence the Americans in Favor of the British Nation ; and to prevent them from being induced, by any Representations of the Court of Spain, or by any Offers which might be held out to them by that Power, to join with Her in the Event of Her

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Contest with England. For this Purpose, in Addition to the friendly Professions, which he had constantly held out to them since the Peace, he was instructed to explain to them the real Nature of the Spanish Pretensions; by which an Exclusive Claim, as against all the World, was advanced by them to the Possession and Dominion of the Whole Western Coast of America and the adjoining Seas; a Claim, which, if admitted, must of course operate as strongly and as disadvantageously against the Americans as against the English, and must put an End to the Prosecution of their Fur Trade, which was become so material for the carrying on of their Commerce to China. He was also directed to suggest the important Consequences which might result from the Navigation of the Mississippi being opened to them; Advantages at least as great, as could possibly be expected from their becoming possessed of the Ports on the Frontier of Canada; particularly when it was considered, that they might acquire the former, by the Assistance of Great Britain, much more easily than they could hope to possess the latter, against Her Will, by the Help of Spain.

Notices

Notices of the Discussions in Question were sent to the Governors of Barbadoes, St. Vincent, the Leeward and Bahama Islands, Dominica, Cape Breton and Nova Scotia†, with Directions to transmit the earliest Intelligence in their Power of the State and Preparations of the Spaniards and French in those Parts of the World, together with accurate Statements of the Forces under their respective Commands; and the Governors of those Places, where Works of Defence were carrying on, had Orders to expedite them as quickly as possible, and to take the proper Steps for calling out their several Militias, should Circumstances render such a Measure adviseable.

As an Increase of our Military Force in the West Indies was deemed expedient, the Thirteenth and Fifteenth Regiments of Foot, which had been on the Irish Establishment, were ordered to embark immediately at Cork, having previously been augmented to Seventy Men, beside Officers and Non-commissioned Officers, per Company: And the Forty-seventh and Sixty-second Regiments, which had lately been sent to Nova Scotia, for the Purpose of relieving the Fifty-fourth and Fifty-seventh Regiments,

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† May 6.

(whose Removal was now countermanded) were ordered to the West Indies; the former to the Bahamas, and the latter to Jamaica. They were to be transported in the *Endymion* and *Actæon*, each of Forty-four Guns, which were directed afterwards to join the Squadron on the Jamaica Station. Orders were also sent || to Governor Parry at Barbadoes, and to Lieutenant-General Matthews at Grenada, to provide Quarters for a considerable additional Force, which might probably be sent to those Islands in the Event of a War: And Major-General Williamson was directed immediately to repair to Jamaica, as Commander of the Forces.

That nothing might be omitted in that Quarter of the World, which might tend to the Security of His Majesty's Subjects, the Earl of Effingham, who had recently arrived as Governor in the Island of Jamaica, was directed \* to pay a particular Attention to the Settlers in the Honduras. Though it was impossible for His Majesty, consistently with good Faith, to send Troops or other Articles of Military Preparation there, previously to an actual Rupture with Spain, yet it was extremely desirable that

|| May 22.

\* May 6.

that Preparations should be made for sending down, immediately and without the smallest Delay, both Advice and Assistance to the Settlers in case of Necessity. Lord Effingham, therefore, was apprized of this Circumstance, and was particularly directed, on the first Notice he might receive from Home of a War, or on any other sufficient and authentic Information of the actual Commencement of Hostilities, to dispatch a Vessel to the Honduras, for the Purpose of conveying Notice of such an Event to the British Settlers, and of carrying to them a sufficient Supply of Arms and Ammunition.

Within a very short Time after this Instruction was sent, His Majesty's Ministers, reflecting on the Importance of the Settlement in Question, and, conceiving that, on many Accounts, it might become an Object of early Attack to the Spaniards, thought proper † to dispatch a Sloop of War directly to the Honduras, to guard the Settlers against any Surprise, and to convey such a Quantity of Arms and Ammunition, as might enable them to defend themselves in case of Necessity. The Commander of the Sloop, however, was strictly

† May 15.

ly charged to abstain from giving any Cause of Complaint to Spain, and not to land the Arms and Ammunition he conveyed, unless formally required so to do by Lieutenant-Colonel Hunter, the Superintendant of the Settlement. In case of such a Requisition being made, he was ordered to land them, and to co-operate to the utmost of his Power with Colonel Hunter and the Settlers. And, that every Thing might be done which could conduce to the Safety of these Persons, Lord Effingham was, at the same Time, directed to send them a Supply of Provisions from Jamaica.

While thus every Measure was adopted, which could tend to the Security of His Majesty's Western Possessions, His Confidential Servants were not less attentive to the East Indies, nor less prompt in providing against a possible Attack in that Quarter, or for an effectual Exertion of the British Force, should the Conduct of the Spaniards justify such an Enterprize. Instructions were sent † over Land by an Officer, and by the Company's Ships then under Dispatch, to Earl Cornwallis, Governor General of Bengal, directing him,  
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† May 12.

in concert with General Medows and Commodore Cornwallis, to take all preparatory Steps for getting ready One Regiment of the King's Troops at Bengal, One at Bombay, and Two at Madras, with as many Madras or Bombay Seapoys as might, in the whole, constitute a Force of about Five Thousand Men, for the Purpose of acting offensively from the East Indies against the Spanish Settlements in the Phillippines, or on the Western Coast of America, should Orders come out from England to that Effect: And he was further instructed to provide a sufficient Quantity of Shipping to convey these Troops, and to collect a Sufficiency of Artillery, Camp Equipage, and other Stores, as well as Salt Provisions.

This Dispatch had left England a very short Time, when a Piece of Intelligence arrived, which made it necessary in some Degree to alter the Instructions thus sent out. An Attack had been made by Tippoo Sultan on an Ally of the East India Company, which, it was apprehended, might occasion the British Government in that Peninsula to interfere, and might lead on to a War with that powerful Prince. In consequence of this Event, His Majesty's Ministers conceived that it would

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not be adviseable to detach so many Men from that Country on an Expedition against the Spaniards, as had been mentioned in the preceding Letter. A fresh Instruction was therefore sent \* to Lord Cornwallis, by the Swallow Packet, directing him to hold in Readiness Two Battalions of Europeans, and as many Native Troops as might make the whole Force amount to 1,500 or 2,000 Men, for the Purpose of making an Attack on Manilla, and which probably would prove adequate to that Expedition.

At the same Time, One Ship of the Line and Two Frigates were ordered to proceed immediately to India, to join the Fleet under Commodore Cornwallis. One Fifty Gun Ship and One Frigate were ordered to sail for Canton, to convoy through the Indian Seas the Company's China Ships, which were ordered to sail in Two Divisions, the First in January next; the Second in February; and, having performed this Service, to join Commodore Cornwallis, either at the Manillas or in the Bay of Bengal, according to the Information they should receive. Besides these Reinforcements, a Quantity of Salt Provisions, sufficient for

\* June 5.

for the Use of Five Thousand Men for Six Months, was sent in Transports to the East Indies, as it was apprehended a Difficulty might be found in procuring that Article there.

Having thus taken a View of the Measures adopted by His Majesty's Ministers, for putting His distant Possessions into a State of adequate Defence, and for making such Preparations for active Service as Circumstances might require ; it will be proper to return to the great Question agitating with the Court of Spain, and to follow the King's Servants in the Negotiations which it occasioned in various Parts of Europe.

THE happy Termination of the Disputes in Holland in the Year 1787, by which the present Government of the United Provinces was established on its present Footing, and which was in a great Measure owing to the vigorous and effectual Interference of His Majesty, having united Great Britain and that Country in strict Friendship, and having been followed by a Defensive Alliance between Them and the King of Prussia, it was, on every Account, proper, that the earliest In-

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termination

timation of the impending Business should be sent to those Courts. Accordingly, on the 4th of May, every requisite Information on that Subject was sent to Lord Auckland, His Majesty's Ambassador to the States General ; and his Excellency was instructed to state to the Prince and Princess of Orange, the Grand Pensionary and the Greffier, that the King, relying with Confidence on the Justice of His Cause, as well as on the Sincerity of His Wishes to avoid, if possible, the Interruption of Peace with Spain, was confident of the Measures He had adopted being approved in Holland ; and that, should the Injuries of which He complained not be redressed, He made no Doubt of the Support of His Allies, if the Contest, which then would be inevitable, should make it necessary for His Majesty to call upon them to fulfil the Engagements of the Alliance.

A similar Communication was made on the 7th to the Court of Berlin.

By another Letter to Lord Auckland, also dated the 4th of May, the Duke of Leeds desired his Excellency to inform him, previous to any Demand of the Succours stipulated by Treaty being made, whether a certain Number

ber of Ships might not be furnished by the Republic, to act in concert with us (in case of War) though not upon the precise Footing of Auxiliaries under Treaty; and upon what Terms such Assistance might be procured, before a Formal Demand of a Naval Force, as specified in the Treaty. His Grace conceived there was no Doubt but that, on the strictest Interpretation of our Alliance, This is a Case in which we should be intitled to call on the Republic to furnish it's Contingent; but that it might perhaps be worth while, at an earlier Stage of the Business, to induce the Republic to make Immediate Preparations for equipping a Squadron, under an Engagement from us to contribute to the Extraordinary Expences arising from that Measure; and that such a Demonstration, made in concert with us at the Outset, might have the greatest Effect in preventing actual Extremities, and might thereby equally promote the Views and the Interests of This Country and of Holland. This the Duke stated to his Excellency in perfect Confidence, with a View to his making such Enquiries as could be made with Discretion, in order to give His Majesty's Ministers the necessary Information on the Subject; and Lord Auckland was further directed to send over, with the utmost

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Expedition,

Expedition, an accurate Account of the whole of the Dutch Naval Force, especially of that Part serving on Foreign Stations, distinguishing the several Stations.

These necessary Steps having been taken towards Holland and Prussia, and a Foundation having been laid for Support and Assistance in the Event of a War, His Majesty's Ministers thought it adviseable to pursue such a Line of Conduct towards France, as should prevent that Power from taking a Part against us in Favor of Spain. With this View, a Communication of all the recent Circumstances was made, on the 7th of May, to Lord Robert Fitz-Gerald, His Majesty's Chargé d'Affaires at Paris; and he was directed to take an early Opportunity of explaining the Whole of this Business to Monsieur de Montmorin, and to assure him, in the most explicit Manner, that the Preparations going forward in This Country were made solely with a View to the Situation, in which His Majesty found Himself in relation to the Court of Spain, and for the Purpose of defending His just Rights: That the King was sincerely desirous of terminating the Affair by Negotiation, if it could be effected on fair and honourable Grounds; and that

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He was persuaded the Court of France would see, in it's just Light, the Conduct which His Majesty found Himself indispensibly obliged to adopt on this Occasion. Lord Robert was also instructed to repeat the Assurances which, from Time to Time, he had been instructed to make, of His Majesty's sincere Desire to preserve the Harmony and Good Understanding at present happily subsisting between This Country and France.

At the same Time, Circular Letters were written to all the King's Ministers residing in the different Courts of Europe, acquainting them with the Business in Discussion, and requiring them to send Home the earliest and most compleat Accounts of every Thing which might have a relation to it.

ON the 10th of May, a Letter arrived from Mr. Merry to the Duke of Leeds, dated Aranjuez, April 22, by which it appeared that the Warlike Preparations in Spain were continued. Mr. Merry relates, that the Fleet under Lieutenant-General Borja, consisting of Three Ships of the Line, Six Frigates and Two Sloops, had sailed on the 14th Instant from Carthagena, and had taken a Westerly Course: That Orders had been sent to that Port, for Six Sail  
of

of the Line and Two Frigates to be prepared for Sea with all possible Expedition : That Four Line of Battle Ships (Two of them First Rates) and some Frigates, were arming at Cadiz : That One Ship of 112 Guns, One of 84, another of 74, a Frigate, and Two Store-Ships of 40 Guns each, were arming at Ferrol ; and that, upon the whole, it would appear that there were about Twenty Sail of the Line at that Time preparing for Immediate Service in the Spanish Ports.

LORD Auckland, to whom, as it has already been stated, a very delicate and important Commission was intrusted by the Duke of Leeds's Private Letter of the 4th Instant, lost no Time in carrying into Effect His Majesty's Wishes. Having communicated to the Prince and Princess of Orange, the Pensionary, and the Greffier, the Contents of that Dispatch, he was desired by them to express their grateful Acknowledgements for so early a Communication of this very important Business, which they considered as a Mark of particular Attention, exciting them to Alacrity and Earnestness in our Cause. This Acknowledgement was followed by the most active and friendly Exertions, and by the most unequivocal

vocal Proofs of the good Disposition of that Government, to go even beyond His Majesty's Desires, in their Efforts to assist this Country in the Event of a War. Lord Auckland received an Account of the Dutch Navy, by which it appeared, that the Number of Ships of the Line, in actual Existence, in the different Ports of the Republic, was near Forty, upon the Establishment and Annual Repartition of the Provinces: That of these, about Half the Number was in a very good State, and, should His Majesty wish to have them immediately, in Part, or in the Whole, fitted for Service, the States General would agree to it, provided Great Britain would charge herself with the Expence. Of this, however, Lord Auckland promised to speak more precisely in his next Dispatch. Of Ships immediately in Readiness, besides the Frigates in the East and West Indies, there were stationed in the Texel and Uliffengen, One Ship of Seventy Guns, Two of Sixty, One of Fifty, Two of Forty, Two of Twenty, besides some Cutters and armed Brigs; and, in the Mediterranean and Archipelago, Two Ships of Forty and Forty-four Guns, One of Thirty-six, and One of Twenty-four. The Vessels in the Texel  
and



and Uliffengen might be sent to Sea in the Course of a Month; and, within Three Months, the Squadron might be increased by One Seventy Gun Ship, and Five of Sixty.

Such were the important Advices received from Lord Auckland on the 13th of May; affording an unequivocal Proof of the Friendly Disposition of the States General, as well as of the Zeal and Ability of His Majesty's Ambassador.

Mr. Fitz-Herbert, who had been charged with the arduous Task of conducting at the Court of Madrid the Negotiation alluded to in Mr. Merry's Letter of the 4th Instant, having left London on the 9th, and arrived at Paris on the 11th following, no Time was lost in preparing and in forwarding to him, at that Place, the Instructions, by which his Conversations with the Spanish Ministry, and his Conduct in every possible Contingency, were to be regulated.

These were forwarded on the 16th of May.

In the First of these Dispatches, Mr. Fitz-Herbert was directed to maintain, on the strongest

strongest Grounds, (namely, the Memorial delivered by Mr. Meares, and the Vouchers supporting it) the Justice of His Majesty's Demands; and, at the same Time, to endeavour, by a frank and open Communication, to make the Court of Spain sensible of the Real Motives which actuated His Majesty's Conduct on this Occasion; which were only to obtain an adequate and necessary Reparation, in consequence of an Insult clearly indefensible, and to establish such an Arrangement, respecting the Points in Question, as might do Justice to the fair Rights and Interests of Both Countries, and remove Occasions of Misunderstanding or Uneasiness in future.

His Majesty, far from having hostile Views against the Court of Spain, would, with sincere Concern, find Himself under the inevitable Necessity of proceeding to Extremities, and of foregoing thereby those Advantages of Peace, which His Majesty would greatly prefer to any Successes which could be derived from War. Should a similar Disposition exist on the Part of the Spanish Court, the Interruption of Tranquillity might still be prevented, by a full and satisfactory Explanation.

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It was then stated, that the Obtaining of That Reparation which His Majesty had demanded, in the first Instance, was Indispensible ; and that This Point must be ascertained, in some regular Mode, before any Formal and Ministerial Discussion could take Place with regard to the other Questions. Mr. Fitz-Herbert, therefore, was instructed to take the first Opportunity of stating to the Spanish Minister, that he was not at Liberty to give or to receive from him Ministerially any Projet for any Ulterior Arrangement, until it had been first agreed that Adequate Satisfaction is to be given ; at the same Time, however, he was to add, that he was instructed, in case the Point of Satisfaction should be settled, to discuss, in the fullest and most amicable Manner, the Principles on which His Majesty conceived a proper Arrangement might be formed to prevent Disputes in future.

The Particulars of the Satisfaction to be demanded, which were no more than what was absolutely necessary for the Honor of His Majesty's Crown, and which, it was hoped, the Equity of the Catholic King would induce Him readily to agree to, were These : —

That

That a Declaration should be given, in the Name of His Catholic Majesty, stating in Substance, that, in consequence of the Complaints made by His Majesty of the Conduct of the Spanish Officer at Nootka, His Catholic Majesty, in order to shew His Desire to remove any Cause of Misunderstanding between the Two Crowns, has agreed to make Satisfaction for the Injury complained of.

That His Catholic Majesty should undertake to restore whichever of the Two Ships (viz. the Argonaut and the Princess Royal) has not been restored already, and also to restore the North-West America, if that Ship shall be proved to be British Property, and to have been navigated under such Circumstances as would, according to the established Laws and Practice of Nations, entitle it to the Protection of His Majesty : And further, that His Catholic Majesty should engage to make Full Compensation to the Owners, as well of these Ships as of the Iphigenia, (supposing the latter also to be proved to be British Property.)

That the Fact, whether the North-West America, or the Iphigenia, should be considered as British Property, and also the Amount of the Losses to be compensated, may,

if necessary, be referred to be ascertained by Commissaries, or may be regulated by further Examination and Discussion.

Should these Stipulations be agreed to, such a Declaration of an Intention to give Satisfaction, together with the Restitution and Indemnification as above stated, would be considered by His Majesty as adequate Satisfaction; and His Majesty would authorize a Declaration to be made, in His Majesty's Name, stating, that He accepted it as such.

The Second Dispatch to Mr. Fitz-Herbert contained the Outline of such Ideas, as should form the Groundwork of his Conversations with the Spanish Ministers, if, by giving the Reparation demanded, the Court of Madrid should open the Way for further Discussion, respecting the Rights and Interests of the Two Nations, as connected with the Points in Question between them,

For this Purpose he was informed, that His Majesty's only Object was to obtain such Security, as should protect His Subjects in future in the Exercise of their just Rights, and should remove all Grounds of Misunderstanding between the Two Courts.

Some

Some Stipulation or Agreement for this Purpose appeared to be rendered necessary by the Nature of the Spanish Claims. These, it was indispensable, ought not only to be formally denied by His Majesty, but His Majesty, with a View to the Security of His Subjects, and to the future Harmony between the Two Courts, should be satisfied that the Court of Spain has no Intention of enforcing them against His Majesty's Subjects in future.

It was further stated, that it was not His Majesty's Wish to go beyond these Points into Questions of Abstract Right, unless the Court of Spain should render it unavoidable; it being more adviseable to endeavour to form prospectively such a Settlement, as might secure the just Interests of Both Parties, and distinctly ascertain their relative Situation for the future: That, however, it would be proper for Mr. Fitz-Herbert to state, that, if the Court of Spain should make it unavoidable to rest the Discussion on this Question of Right, His Majesty can never admit the Territorial Claim of That Court, extending as it does to Places, which can in no Sense be alledged to be either possessed or occupied by the Subjects of that Crown; such a Claim being contrary both  
to

to the established Principles of the Law of Nations, and to the plain Sense of the Treaties subsisting between the Two Courts, especially that of 1670.

The Claim of Exclusive Navigation or Commerce in the American or Pacific Seas was stated to be equally inadmissible ; as, according to the Principles of the Law of Nations, and the fair Construction of Subsisting Treaties, the Rights of Spain can extend only to exclude British Ships from the Ports of Countries Actually in the Possession of Spain, and to carry into Effect the necessary Regulations for preventing a contraband Trade with their Colonies or Settlements ; and that, consequently, the Court of Spain can have no Ground for asserting a Right to obstruct the General Freedom of Navigation and Fisheries in the American or Pacific Seas ; or to prevent any other Nations from frequenting any of the unsettled Parts of the American Continent.

Should the Court of Spain adopt the Mode of proceeding to an Arrangement, which should only look forward, and remove Occasions of Misunderstanding in future, Mr. Fitz-Herbert was instructed, that the First Point would be, to secure His Majesty's Subjects in carrying on the

the Fishery for Whales and Seals, in any Part of the American Seas or of the Pacific Ocean. For this Purpose it should be stipulated, that they should meet with no Molestation from the Officers or Subjects of His Catholic Majesty when so employed, or in coming on Shore for the Purpose of their Fishery, or for that of getting Wood, Water, or other Refreshments in any of the Unsettled Parts of the American Continent, or in any Unsettled Islands in those Seas. In framing such an Article no Words should be used, which might make this Agreement appear a Concession on the Part of Spain, and might thereby imply an Admission on our Part of their Sovereignty.

That every Jealousy on this Subject might be removed, Mr. Fitz-Herbert was authorized to express His Majesty's Readiness to agree to any proper Provisions which could be proposed, for effectually preventing His Subjects from making the Fishery a Pretext for carrying on any Contraband Trade with any of the Spanish Settlements in America; and to propose a General Article, engaging that His Majesty will take the most effectual Measures in His Power for this Purpose.

An



An Exclusive Right in the Court of Spain to any Territorial Claim was declared to be Inadmissible, unless founded on Actual Occupation and Established Possession, prior to any other European Nation. This cannot be proved to have been the Case, prior to the late Transaction, in any Part of the Continent North of the Spanish Settlements in California, but especially not at Nootka; and, if any Part of that Coast has been occupied by Spain, since the Date of the Violence committed by the Spanish Officer, That Occupation cannot be considered as giving any Exclusive Right against the British Crown.

There having been such a bonâ-fide Occupation of Nootka Sound by British Subjects, as would give a Title to the Lands occupied by them, and a Right to carry on their Commerce there, unless a Prior Possession on the Part of Spain or of any other Nation (of which His Majesty's Ministers are not yet apprized) can be proved; His Majesty's Subjects, unless this is the Case, must be restored to the Possession of the Lands purchased by them in those Places.

With

With respect to the Permanent Principle, on which the Right of making Further Establishments on any Part of the Coast in future should be regulated, it was stated to be evidently reasonable, that All European Nations should be competent to make such Establishments by a bonâ-fide Purchase, Occupation and Possession; though it would not be just, that such Establishments should exclude Other Nations from a Commerce which they had previously carried on upon such Coast. A Stipulation to this Effect should therefore be inserted in any Treaty or Convention to be made on This Subject.

Mr. Fitz-Herbert was further instructed, not to conclude any Thing Definitively, without fresh Instructions, and to take, ad referendum, any Modifications, or any Different Proposals, which might be suggested by the Court of Spain; and was informed, that, to prevent any Jealousy which Spain might feel as to our Intention of making Settlements in South America for the Purpose of facilitating a Contraband Trade, His Majesty might possibly be induced to enter into an Agreement with His Catholic Majesty, by which the Two Crowns should bind themselves not to make

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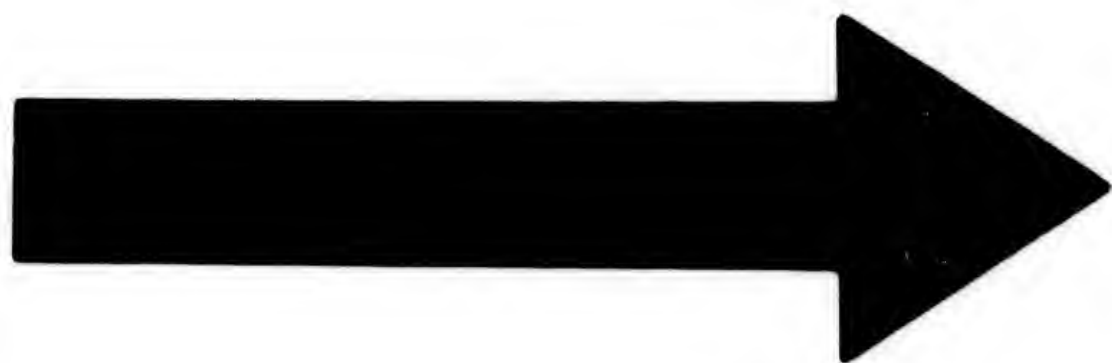
in future any Settlement on the Continent or Islands of South America, to the Southward of the Parts now occupied by Spain, except in the Event of a Settlement being made by any other Nation.

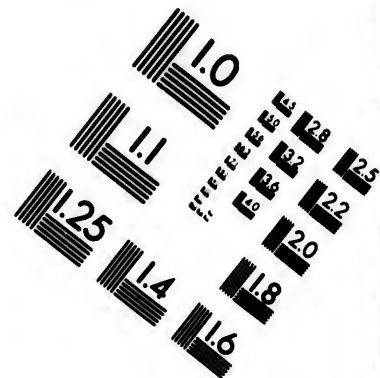
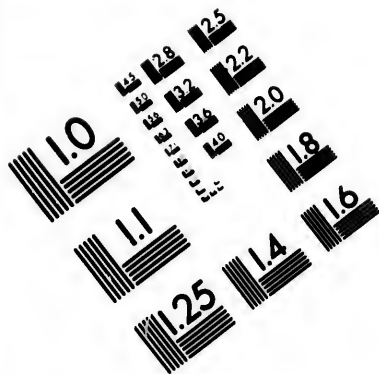
In the Third Dispatch of the same Date, Mr. Fitz-Herbert was instructed, in the Event of a Positive Denial of Satisfaction being given to Mr. Merry, or even an Order to quit Madrid, (of which he would become apprized by opening the Dispatches of any Messenger from Mr. Merry whom he might meet on his Road) not to proceed in his Journey without further Instructions.

As there was One other Contingency still to be provided for, namely, the Circumstance of the Court of Spain determining to support it's present Pretensions, and Mr. Fitz-Herbert being ordered to quit Madrid, it will be proper in this Place to mention that, on the 25th of May, that Minister was directed (by a Dispatch sent in the most expeditious Manner) in such a Case Immediately to repair to Lisbon, where a Frigate would be ready for his own Conveyance, and some Sloops for the Purpose of carrying any Dispatches he might have Occasion to forward. Should the Court of Spain  
however,

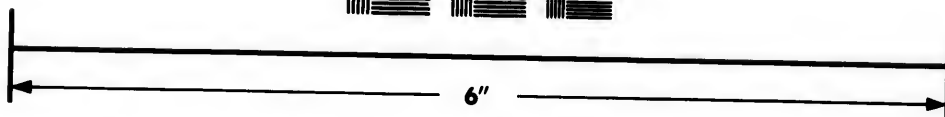
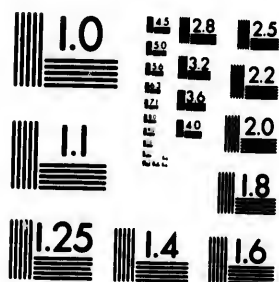
however resolve upon a War, but should not order Him to quit Madrid, Mr. Fitz-Herbert was directed Immediately to send the Duke of Leeds Notice of that Event, and to remain there until he should receive Fresh Instructions for his future Conduct.

While His Majesty's Confidential Servants were thus exerting themselves, to provide for every possible Contingency which might arise from the pending Negotiation, Mr. Fitz-Herbert, whom a slight Indisposition had detained at Paris, and Lord Robert Fitz-Gerald, lost no Time in communicating to the French Ministry the actual State of the Business, and in sounding their Disposition, as well as that of the National Assembly, towards this Country. As the Interests of these Two Bodies were evidently distinct, it is no surprising that a Communication of this very interesting Nature should have affected them differently; and that while, on the one Hand, the French Ministry caught at an Opportunity, which they deemed favourable for the Recovery of that Power of which the King had been deprived, the National Assembly





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should have seized it as the Means of curtailing still more the Royal Authority.

Monf. de Montmorin accordingly took an early Opportunity of expressing his Regret, and that of His Most Christian Majesty, at the Misunderstanding subsisting between the British and Spanish Courts; and, with many Expressions of Friendship and Desire of preserving Harmony between them, insinuated an Offer of Mediation on the Part of his Royal Master. At the same Time, however, he thought proper to observe, that the British Armament rendered it necessary for France to arm on Her Part; but that this was merely a Measure of Precaution, which the French King would be very desirous to terminate as soon as possible. He concluded by saying, that, in this Hope, the French King would strenuously second our Negotiation at Madrid, in the Confidence, that Nothing would be proposed to the King of Spain, which could affect His Dignity, His Rights, or the Essential Interests of His Crown.

This Declaration to our Ministers was immediately followed by an Order for fitting out Fourteen Sail of the Line, and by a Communication of that Order to the National Assembly,



bly, to whom, from the Change which had taken Place in that Country, it now was become necessary to resort, for the Purpose of receiving the Sanction of that Body, and of obtaining a Supply necessary for carrying the Measure into Execution.

On the Communication being made, the Sanction and the Supply demanded were granted without Hesitation. But as, from the insidious Language held in that Assembly by many of it's Members, who were known to be attached to the Royal and Aristocratical Parties, it plainly appeared that they were anxious to avail themselves of this Opportunity to bring on a War, in the Hope that the general Distress and Confusion, which must almost inevitably follow, might ultimately tend to the Re-establishment of the Royal Authority on it's former Footing, the Democratical Part of the Assembly, aware of their Drift, eagerly caught at the Moment for carrying into Execution their Plan of transferring the Power of making War and Peace from the Crown to the National Assembly.

A Measure of this Magnitude, on which so much was expected to depend, and which called forth the strongest Exertions on either Side, divided the National Assembly into  
Three

**Three Factions.** Of these, the most conspicuous consisted of violent Republicans, whose Object was to deprive the King altogether of that Prerogative, which they contended belonged solely to the Nation. The Second was the Aristocratical Party, which, in a Manner equally violent, endeavoured to vest this Power exclusively in the King. The Third, which was a Branch of the Republican Party, but more moderate in Principle, exerted itself to place this Prerogative in the Hands of the King, subject, however, to certain Restrictions and Limitations. This Party, which proved to be the most numerous and powerful, at length prevailed in the Assembly; and, after a Debate, which continued by Adjournments for near a Week, a Decree was made, which, by steering between the two Extremities, and by endeavouring to reconcile contradictory Propositions, left the Business in a State of considerable Uncertainty, and in a Way which could not please either the Royalists or the Republicans; but which might hereafter be construed in a Sense agreeable to the Views of either Party as it became predominant, and might equally assist the Operations of Executive Government, or be an Engine in the Hands  
of

of Opposition, to cramp or to impede the Royal Exertions.

This remarkable Decree, which, as it possibly may operate strongly in the future Inter-course between this Country and France, it may be proper to give somewhat in detail, contains Ten Propositions.

The First declares the Right of Peace and War to belong to the Nation.

The Care of watching for the External Safety of the Kingdom, and of maintaining it's Rights and Possessions, is, by the Second, declared to belong to the King. On Him likewise is devolved the Right of keeping up Foreign Political Relations, the Conducting of Negotiations, the Choice of Agents, the making of Warlike Preparations proportioned to those of the Neighbouring States, the Distribution of the Military and Naval Force in such Manner as He may deem expedient, and the Command and Direction of it in case of War.

By the Third, the King, in the Case of Hostilities, whether Impending or Commenced, arising from Commercial Interests, from the Support of an Ally, or from a Necessity of maintaining

maintaining by Arms a Right, is bound to notify such a Circumstance, without any Delay, to the Legislative Body; to explain it's Causes and Motives; and, if the Legislative Body should not be actually sitting, to convene it immediately.

On such a Notification, if the Legislative Body should be of Opinion, that the Hostilities so commenced have arisen from a culpable Aggression on the Part of the Ministers, or any other Agent of the Executive Power, the Fourth Proposition declares, that the Author of such Aggression shall be prosecuted for the Crime of *Lèze-Nation*. And the Article concludes by a Declaration, (which, whatever it's Propriety may be, certainly has little Connection with the preceding Paragraph) that the French Nation renounces every Species of Conquest, and that it will never employ it's Force against the Liberty of Any People.

If, however, on such a Notification as that just mentioned, the Legislative Body shall decide against a War, the Executive Power is, by the Fifth Article, bound immediately to take proper Measures to put an End to it, and to prevent Hostilities; the King's Ministers  
being

being responsible for any Delay which may arise in so doing.

By the Sixth, the Terms in which every Declaration of War is to be couched are,  
*De la Part du Roi, au Nom de la Nation.*

The Seventh declares the Power of the Legislative Body, in Case of an existing War, to require the Executive Power to conclude a Peace.

By the Eighth it is provided, that, on the Termination of a War, the Legislative Body shall have the Power of fixing the Time for disbanding the Extraordinary Troops, and for reducing the Army to a Peace Establishment. It is also declared, that the Pay of the Extraordinary Troops shall cease at the Time fixed for their being disbanded ; after which, if they remain embodied, the Ministers shall be responsible, and shall be prosecuted for *Lèse-Nation*. This Responsibility of Ministers, however, appears to be left a little unsettled, as the Conclusion of this Article contains an Injunction on the *Committee of Constitution*, immediately to enter on the Task of ascertaining the Mode, by which Responsibility can

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be made to attach on the Servants of the Crown.

The Ninth Article gives to the King the Power of concluding and of signing with Foreign Powers such Conventions as He may judge necessary for the Good of the State ; with a Proviso, however, that Treaties of Peace, of Alliance, and of Commerce, shall be executed only so far as they shall be Ratified by the Legislative Body.

By the Tenth Article (which appears to be rather an Addition to the First) it is declared, that no War shall be decided upon, except by a Decree of the National Assembly, made in consequence of the Formal and Indispensible Proposition of the King, and Sanctioned by Him.

THIS Decree received the Royal Sanction on the 28th of May ; when, on the Requisition of the King, an Occasional Decree was passed, purporting, that Sailors for Manning the Navy should be levied as usual.

WHILE these Matters were transacting at Paris, His Majesty's Servants at Home were anxiously

anxiously employed in carrying on the necessary Preparations, that every Thing might be ready, should a Refusal on the Part of the Spaniards, to comply with the King's Requisition, compel this Nation to embark in a War; and in making such Arrangements as the Necessity of the Times appeared to require.

Of these a material one was the Appointment of Earl Gower as Ambassador Extraordinary at the Court of France. This Nomination was notified to the French Ministry on the 21st of May, and shortly afterwards his Lordship set out for that Court.

As Mons. de Montmorin, in his Answer to the Communication made to him by Mr. Fitz-Herbert and Lord Robert Fitz-Gerald, had thought proper to insinuate, on the Part of his Royal Master, an Offer of Mediation between England and Spain; and as this was a Circumstance which His Majesty could by no Means agree to, or wish, even by His Silence, to suffer to pass without Contradiction; Lord Gower, in Addition to his General Instructions, was directed to bestow a particular Attention to the Nature of the Conversation he was to hold

with Monf. de Montmorin, on the Subject of the Differences fubfifting between His Majesty and the Catholic King. He was inſtructed, not to fail to repeat to That Miniſter the Affurances already given to him, of His Ma-  
 jeſty's earneſt Wiſh to preſerve entire and unabated that Harmony at preſent ſo happily fubfifting between England and France; aſ-  
 ſuring Monf. de Montmorin, that it was the King's Real Deſire to ſettle the preſent Dif-  
 ferences with the Court of Madrid in a ſatis-  
 factory and friendly Manner. His Excellency was directed at the ſame Time carefully to avoid giving any Degree of Encouragement to France to offer their formal Mediation; and, ſhould any Offer be made to him, either of Mediation or of Good Offices, he was in-  
 ſtructed to take it only *ad Referendum*; the Injury received by His Maſteſty being of a Nature not to allow the Mediation of a Third Power; and as, in any Caſe, the Mediation of either France or Spain could not be admitted, with Propriety, whenever This Country had any Difference to adjust with One of Thoſe Powers.

His



His Majesty's Ministers expressed their Opinion to Lord Gower, that such Influence, as the French Court might possess over the Councils of That of Madrid, might perhaps have a good Effect, if exerted with a View to incline Spain to Pacific Sentiments ; that This, however, must be Spontaneous on the Part of France, as it could not, in any Shape, be applied for by us.

With respect to the Armaments ordered in the French Ports, Lord Gower was told, it seemed not adviseable to take any further Notice of them, at present, than to consider them, as they had been represented by Mons. de Montmorin to the Marquis de la Luzerne, and by him to the Duke of Leeds, only as a Measure of pure Precaution. For, although His Majesty's Ministers would not cease to be attentive to what is passing in France, a Formal Representation on the Subject, under the present Circumstances of That Country, might perhaps, in the Event, promote some Measure, which, even if it should not be attended with any serious Effect, might make, for the present, an Unfavourable Impression, and render an Amicable Termination of the Discussions with Spain

Spain less likely. Lord Gower, however, was directed to be particularly attentive to the Nature and Progress of these Armaments, as well as to the Means by which it was proposed the Expences of them should be defrayed.

LORD Auckland having, as has already been stated, obtained the Concurrence of the Prince and Princess of Orange, the Grand Pensionary and the Grefsier, with His Majesty's Proposal, lost no Time in promoting the great Object intrusted to him. Having prevailed on the Grefsier to make a Confidential Communication of the Business in Question to the Secret Committee of Their High Mightinesses, he received from him on the 12th of May a Copy of the Resolution entered into by That Assembly. By this They gave the most positive Assurance of their accomplishing, on every Occasion, their Engagements with His Majesty, as an Indispensible Duty, however difficult or painful such Observance might be on particular Occasions. Of these Sentiments they declared themselves ready to give unequivocal Proofs, in every Case where the Treaty of Defensive Alliance could attach; and, for this Purpose, they stated themselves

selves to be ready Immediately to take such Steps as the Nature of their Government would permit.

As a Proof of the Sincerity of this Assurance, the Recruiting of Sailors was diligently prosecuted; and Orders were given for advancing the Preparation of several Vessels, as far as it could be done without risking material Expence, and for coppering some Ships of the Line, already fit for immediate Service. By these Measures, a considerable Advantage was derived from the Provinces being fully prepared by them for the Demand of the Succours stipulated by Treaty, in case of an actual War; and it was extremely satisfactory to discover, as happily was the Case, that the Alarm under such a Probability had been much less, even at Amsterdam, than could have been expected.

Lord Auckland was not less attentive to the other important Business committed to his Charge, of ascertaining whether a certain Number of Ships might not be furnished by the Republic, to act in Concert with His Majesty's Fleet, in case of War, though not on the precise Footing of Auxiliaries under Treaty; and upon what Terms such Assistance might

might be procured. Upon these Points his Activity enabled him to procure very satisfactory Information, which he transmitted to the Duke of Leeds on the 15th of May.

By this it appeared, that the Seventy Gun Ship, the Two of Sixty, and the One of Fifty, mentioned in his preceding Letter, as equipped and ready for Sea, being manned only on the Footing of Peace, required 450 Men to compleat them to the War Establishment. That it would be easy to bring forward into Immediate Preparation for Service One other Vessel of Seventy Guns, then coppering, and Five of Sixty Guns, for which 3250 Men would be necessary. This, being computed at 40 Florins (21 d. per Florin) per Man per Month (the Ordinary Estimate, including Wages, Provisions, and Wear and Tear) would amount to 130,000 Florins, or about 11,600*l.* Sterling. The Levying of these Sailors was to be estimated at Sixty Florins per Man ; which would come to 195,600 Florins, or about £ 17,400 Sterling. The Expence, therefore, of the Ten Ships of the Line, to be compleated and taken into His Majesty's Service, would be, For One Month, £ 29,000 :— For Two Months, £ 40,600 :— For Three Months,

Months, £ 52,200. From this, however, would, of course, be deducted a Sum proportioned to whatever number of men might be wanting to compleat the full Establishment. Upon this Scale, as his Excellency was assured by the Fiscal Van der Hoop, the Republic could, in a few Months, furnish double the Number of Ships above stated, though it probably might be necessary to increase the Levy Money.

As soon as this important Information arrived, the Duke of Leeds, having received His Majesty's Commands, wrote to Lord Auckland, \* authorising his Excellency instantly to accept of the proposed Terms, and to promote, as far and as expeditiously as possible, the Equipment of an Armament of ten Sail of the Line, the Expence of which would be without Difficulty or Delay defrayed by this Country. His Excellency was also desired, to give the earliest Information of the Mode in which the Payment could be made in Holland, consistently with that Degree of Secrecy, which the Nature of the Service seemed to render extremely desirable.

N

This

† May 18.

This Dispatch was received by Lord Auckland on the 20th of May, and, on the Day following, his Excellency received from the Grefier a Copy of the Resolution of the Deputies of Their High Mightinesses for Foreign Affairs, by which he was informed, that They had provisionally addressed the Prince Stadtholder, as Admiral General of the Union, to enquire of the Deputies of the different Colleges of the Admiralty then at the Hague, in what Time, and at what Rate, they could put the Ships of the Line actually equipped on the War Establishment, as well as six other Ships of the Line not yet equipped, in case Their High Mightinesses should think proper to make such an Armament; and to acquaint them with the Result of His Enquiries.

In consequence of this Resolution, and as all the Principal Officers of the Admiralty had been previously assembled at the Hague, Orders were, in the Evening of the same Day, given to them, to expedite all Preparations as much as possible. The Prince and Princess of Orange, with the Grand Pensionary, set out on the 24th for the Texel, to visit the Fleet, and afterwards proceeded to Amsterdam, for the Purpose of ascertaining the Approbation  
of

of the principal Persons there, and thereby to compleat the whole Measure.

Previously to their Departure, the Admiralties made a Report of the Expence of fitting out Ten Ships of the Line; in which it was rated considerably higher than it had been in the former Communication to Lord Auckland. According to this Estimate, the Expence of compleating to the War Establishment the Four Ships of the Line already on the Peace Service, and of adding Six more of the Line, (One of 74, and Five of 60 Guns) and of Equipping and Manning them Immediately, and of Maintaining the Whole for Twelve Months with all Charges, would be about 2,600,000 Florins, or about 230,000*l.* Sterling. The Grand Pensionary, however, expressed his Opinion, that This Report would not occasion any Difficulty in the Equipment; and Measures were, without Delay, taken to advance the actual Preparations in every Branch of the several Admiralties.

In consequence of these Circumstances, Lord Auckland, having conferred with the Stadtholder, submitted, on the 25th of May, to the Duke of Leeds, that the Sum or Subsidy

to be furnished should be on the following Grounds, viz.

1st, That the Levy Money on 3250 Men (or such further Number as might be wanted) should not exceed Sixty Florins per Man, or 195,000 Florins: Such Savings as could be made from this Sum, (which probably might amount to One-sixth) to be deducted in the Final Settlement.

2d, That, for the Men already levied, a Sum should be allowed, not exceeding Twenty-four Florins per Man, or about 30,000 Florins.

3d, That, for the Wages, Provisions, Wear and Tear, &c. the Estimate should be at the Rate of Forty Florins per Man per Month; which, on the Number of Men above-mentioned, would be 520,000 Florins for Four Months. This Sum to be subject to the several Savings which probably might be made from it.

The Negotiation, having been thus rapidly and successfully brought to so fortunate a Point, appeared to leave little for His Majesty  
or



or His Ministers to expect, or even to wish for, on the Part of the States General. The Attachment and Generosity of those Allies, however, did not suffer them to stop here: for, on the Grand Pensionary's Return from Amsterdam, which was about the Twenty-ninth of May, he informed Lord Auckland that he had found the Burgomasters of that City well disposed to be convinced, that the Republic ought to arm Immediately; that, under such a Conviction, they did not think it either just or becoming for these Provinces, which, certainly, possess a considerable Degree of Opulence, to be a Charge to their Allies, or to be Subsidized; that they had accordingly recommended to the Stadtholder and to Him, to take all necessary Measures for putting the Armament into forwardness, and at the same Time to apply for the Charge and Expence, in the usual Form, by Petition, to be originated by the Stadtholder, and circulated to the several Regencies, to which they wished them to consider Their Consent as in Effect already given; that it should be returned by Them without Delay when applied for Officially; and even that they would pay the Whole Expence, if (as often happens) the  
other

other Provinces should Demur. The Grand Pensionary added, that, under these Assurances, the Stadtholder and Himself had, before they left Amsterdam, seen the Principal People of the Admiralties, and had given the necessary Directions; and he concluded by an Assurance that, in a very short Time, (his Expression was "*En tres peu de Semaines*") the Whole would be ready; and that, though he must wait for the Prince's Return, who was upon a Fortnight Visit to the different Garrisons, before he could give the Constitutional Forms, This would not affect the Substance of the Business, but would leave him Time to adjust with the other Provinces, so as to prevent the Whole Charge from falling upon Holland, which he should be sorry to see happen.

In this State the Affair was carried, on the 31st of May, before the States General, where, after a most friendly Discussion, a Resolution was passed to forward the Plan, grounded on the above-mentioned Ideas, as quickly as possible.

As soon as this agreeable Intelligence was received in England, the Duke of Leeds, by  
His

His Majesty's Command, † expressed to Lord Auckland His particular Satisfaction at such a friendly Demonstration on the Part of His Allies; and, as it was probable that His Majesty would send a Squadron, of about Twenty Ships of the Line, to cruize off the Coasts of Spain, for the Protection of the British Commerce, and in order to be ready to act, if the Negotiation with the Court of Spain should fail, or Events should arise to require it, his Grace suggested, that it would be extremely desirable to have the Dutch Squadron sail for Portsmouth; and, although Circumstances might perhaps not render it necessary for them to proceed further, in the first Instance, than merely to demonstrate the friendly Connection subsisting between the Allies, it would be very important for the Common Cause, that the Squadron should be supplied with every possible Preparation for Service, and the Commanding Officer furnished with Discretionary Instructions, to act in such a Manner, in conjunction with His Majesty's Fleet, as Circumstances might render necessary.

† June 8.

On

On the 10th of June this Dispatch arrived at the Hague; and, on the 13th, the Duke of Leeds was informed by a Letter from Lord Auckland, dated the 11th, that nothing prevented the Sailing of the Dutch Squadron, under Admiral Kingsbergen, but the Want of Instructions from the Stadtholder, who was at Breda; that He would immediately be written to for them; and that, on their Receipt, the Fleet would proceed on it's Cruize, and go immediately to Portsmouth. With Respect to the Discretionary Instructions to be furnished to the Commanding Officer, the Grand Pensionary was of Opinion, that it would be premature to Recommend to the Prince to take upon Himself to give such Instructions; and that, until the Necessity should be more apparent, it would not be prudent to make the Proposal to the States General, who might feel themselves obliged to refer it to the Provinces.

THE Court of Berlin, to whom, as has been stated, a Communication of the depending Business had been made on the 7th of May, lost no Time in transmitting an Answer, demonstrative of their friendly Intentions towards

wards His Majesty. On the 20th of May, the Prussian Ministers delivered to Mr. Ewart, on the Part of the King their Master, a written Assurance, that His Prussian Majesty, sensible of the Confidence reposed in Him by the King, perfectly approved of the active Measures adopted by His Majesty, and of the Armaments in Preparation; that the King of Prussia would strenuously exert Himself to fulfil the Engagements of His Alliance with England, if the Consequences of the existing Dispute between Great Britain and Spain should render it necessary; that His Prussian Majesty, however, conceived it to be impossible that Spain should risque the engaging in a War under such evident Disadvantages, unless She had some other Motive than That alledged by Her, and unless She were negotiating an Alliance with Russia and Austria, to which Denmark would be invited to accede; of which His Prussian Majesty suggested He had positive Proofs.

WHILE these important Matters were transacting at Home, and in those Courts of Europe to which His Majesty had thought proper to make particular Communications,

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the Two Messengers, who had been dispatched to Mr. Merry previous to His Majesty's Message to Parliament, arrived at Madrid; the former on the 14th, the latter on the 16th of May.

As Count Florida Blanca was to attend Their Catholic Majesties the next Day, on an Excursion They were about to make to Toledo, Mr. Merry obtained an Interview with his Excellency before his Departure. The Count appeared nearly prepared for what Mr. Merry had to communicate to him, by the Information he had received from the Marquis del Campo. His Manner and his Language, however, were much milder than usual. When Mr. Merry began to read the Memorial, which the Duke of Leeds had instructed him to deliver, the Count interrupted him by saying, That the whole Matter was reduced to One Point, namely, Whether we had, or had not, an Intention to Quarrel; that, if we were resolved to make Use of the Affair in Question as a Pretext to break with Spain, nothing which he could in Reason do would prevent it; but that, if we had no other View than That which appeared, he trusted the Business might,

might, on a fair Discussion, be brought to an amicable Adjustment. The Count assured Mr. Merry, that he knew of no more than One English Vessel which had been seized at Nootka; and, after repeating nearly the same Circumstances in Support of the Right of Spain to the Possession of that Part of the Continent as were stated in M. del Campo's Communications, he threw out some Expressions, which denoted a Disposition to relinquish somewhat upon that essential Point. He said, it might be possible in This, as had happened in Other Cases, for the Two Courts to establish Limits by a Convention, which would prevent such Misunderstandings in future; but he constantly returned to his Apprehensions, that our Real Object in this Business might be of a more extensive Nature.

As the Spanish Minister seemed to be so impressed with this Idea, Mr. Merry judged it adviseable to read to him the Duke of Leeds's Secret and Confidential Dispatch. His Excellency listened to it with great Attention. In Reply, he dwelt a little on the Subject of our Commercial Complaints, saying that he was endeavouring to get Things

arranged differently; and then, adverting to the Spanish Military Preparations, he persisted in the Assurance he had before given, that they had principally been occasioned by the Fear of Disturbances breaking out in their Colonies; though he allowed that Some Augmentation of the Force had taken Place in consequence of the Dispute with us. He then hastily ended the Conversation, by going into some General Remarks on the present State of Affairs in Europe.

Mr. Merry, at parting, told the Count that he should send him, in the Course of the Evening, a Copy of the Memorial, with another in the Original Language, for fear of there being any Mistake in the Translation; and he left him, satisfied with his Manner, and with a Hope that the Determination of the Court of Madrid would be such, as to give Room for the Negotiations which Mr. Fitz-Herbert was to carry on.

In pursuance of his Promise, Mr. Merry, in the Course of the Evening, sent the Memorial to the Spanish Minister, with a Private and Confidential Letter to his Excellency, by which he hinted at his Intention to dispatch to England one of the Messengers who were  
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with him, before he received from the Count his Formal Answer to the Memorial accompanying his Letter, provided his Excellency would furnish him with the Opportunity he wished, of sending by him some favorable Intelligence relating to the Business in Question; as he was persuaded it would be very acceptable to his Court, as well as extremely consolatory to an Infinity of People.

To this, on the 19th of May, he received an Answer, dated at Toledo, the 18th; by which the Count informed Mr. Merry, that His Catholic Majesty desired Nothing so much, as to settle amicably the Differences subsisting with England; that, for this Purpose, he hoped the new Ambassador would come sufficiently authorized and disposed. That His Catholic Majesty also wished a Reciprocal Disarmament might be regulated as soon as possible, proportioned to the present State of Both Powers, and to their Internal and External Situation; that He also flattered Himself, that, by His Britannick Majesty knowing the Disposition of His Heart, the Disagreements between the Two Crowns might not only terminate well and be avoided in future, but that They might mutually agree on  
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the Means of employing Their Influence with good Success towards the general Pacification of Europe. His Excellency then quoted the Steps taken for this Purpose by His Catholic Majesty as a Proof of His Pacific Intentions, as a contrary Conduct might have prevented England from arming or attending to the Affairs of Spain. He insisted there must be some Misunderstanding or Mistake about the Affair complained of by the English Ministry, as His Catholic Majesty knew only of one Prize, and that a Merchant Vessel, under an Appearance of carrying on an illicit Trade within a Port where the Spanish Nation was already established; that, however this might be, His Catholic Majesty would never pretend to more than what might belong to Him by Treaties, by Right, and by Immemorial Possession; on which the Discussions and proper Regulations would turn when they should commence; and that He would always disapprove and punish in His Subjects whatever might exceed those Titles and Limits, and would provide a Remedy to prevent it in future. His Excellency concluded by saying, that, should the Court of London make a Reciprocal Offer, the Mode of withholding the Armaments and their Consequences might

might be agreed upon without Loss of Time, and Notice might be given of our constant Friendship to All Parts of the World where the Two Courts have Dominions ; an Event very desirable at present, for the Purpose of re-establishing a Confidence ; for Want of which both Countries might continue (perhaps against their Wills) their Preparations, their Expences, and the Motives for some Disagreeable Accident.

On the Receipt of this Paper, Mr. Merry, apprehensive, from the Stile of it, that it might possibly be the Spanish Minister's Wish or Intention that it should pass as an Answer to the Memorial, thought it adviseable immediately to clear up this Point, by replying to Count Florida Blanca's Letter, and letting him know that he still waited for a Formal and Decisive Answer from the Court of Spain to his Representation.

In the Dispatch to the Duke of Leeds, which contains these Particulars, and which was received at Whitehall on the 1st of June, Mr. Merry gave it as his Opinion, that, after taking every Thing into Consideration,

sideration, it seemed almost impossible to believe that it could be the real Intention of the Spanish Court to come to a Rupture with Great Britain : That, by leading them gently, but with unremitting Firmness, they would come down as low as we pleased ; but that, should they be pushed or driven too hard, their Pride and Haughtiness might impel them to shew some Resistance, notwithstanding that such a Measure would certainly, in the End, render their Humiliation the greater. Mr. Merry concluded by saying, that if, contrary to his Expectations, the Formal and Explicit Answer to the Memorial should be delayed beyond a reasonable Time ; and if, instead of a Disposition to see Harmony re-established, he should observe Measures of a different Tendency, he should immediately dispatch a Messenger with such Information as Circumstances might render it necessary to transmit with Expedition.

Though the Tone of the Spanish Court on this Occasion was undoubtedly more conciliating, and less haughty and overbearing than it had usually been on any Occasion when a Remonstrance was made against any Part of it's Conduct ;

Conduct; and though there appeared to be more Temper in the Manner in which Count Florida Blanca treated the Subject, than was to be expected either from his Constitution or his Prejudices, the Answer of that Minister contained nothing, which could afford any reasonable Ground for depending on an Acquiescence with His Majesty's Demands, or which could justify any Relaxation in those Warlike Preparations, which had now for so long a Time been going forward in this Country. Under this Persuasion His Majesty's Ministers continued to perfect their Armament, as the surest Means either of accelerating a Peace, or of effectually carrying on a War, should that Contingency ultimately occur. These vigorous Exertions, indeed, appeared to be still more necessary, in consequence of fresh Accounts of a later Date from Mr. Merry, which were received on the 10th of June. By these Mr. Merry informed the Duke of Leeds, that Count Florida Blanca's Language to the Foreign Ministers at Aranjuez, (subsequent to the Conference mentioned in the preceding Dispatch) was uniform as to One Point, namely, that he was persuaded the English had, at all Events, taken the Resolu-

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tion of breaking with Spain : That he looked upon His Majesty's Message to Parliament as almost equivalent to a Declaration of War : That his Conviction of the hostile Intentions of England was the more increased, by the Information he had received of our having dispatched Advices to all our Settlements Abroad : That the Tone of Language held by England towards Spain was Insufferable ; and that, while he still wished, on his Part, to preserve Peace, he thought that Spain would unavoidably be driven to the Necessity of defending Herself.

As it was natural that such a firm Persuasion should be accompanied by Measures requisite to prepare for the expected Event, Mr. Merry acquainted the Duke that they were actually taking, though, so far as he could learn, not with any great Rapidity. One Circumstance, however, was of Importance ; for the Bankers and Trading Companies at Madrid, having been applied to by the Court for Money, had between them agreed to furnish about Four Millions Sterling.

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On the 15th of June, a Messenger arrived at Whitehall, with Letters from Mr. Merry, containing the Answer of the Court of Spain to the Memorial delivered by him on the 16th of last Month, which was received on the 4th of June.

By this Answer the King of Spain repeated His Assurance, that He never had pretended, nor would pretend in this Affair, nor in the Seas and Territories in Question, to more than what might belong to His Crown by Solemn Treaties with all Nations, and particularly with Great Britain, by Right grounded on the same Treaties, and on the Consent of Nations, and by a well proved Immemorial Possession: That the Examinations and Discussions for a Pacific and Amicable Negotiation would turn upon these Points, as soon it should be set on Foot with the New Ambassador; and that the Catholic King's unalterable Justice would indemnify the concerned, and condemn and punish His Subjects, if they had gone beyond those lawful Titles; it being proper that this Satisfaction and Offer should serve as an Example to the Court of London, Reciprocally to do the same on Her Part.

His Catholic Majesty observed, that the Want of Information had occasioned a Variation in the Exposition of Facts, and in the Manner of considering them; That it appeared by late Letters from New Spain, that the English Ship the Argonaut was not confiscated, but only detained 'till a Judicial Sentence should take Place; that the same happened to the Schooner the Princess Royal; and that the Vice-Roy had resolved to restore them either freely, or on the Master's Bond, to be answerable for their Value should they be declared to be lawful Prizes, as had been done to a Portuguese Vessel from Macao and Two Americans from the Colonies; so that they must already have been restored.

That many Circumstances, now known, could not appear in the First Memorial delivered on the 10th of February by the Marquis del Campo; still less the Repeated Acts of the Possession of Spain on that Coast and Port, Before and After those mentioned in That Paper, or the Other Titles which would be brought forward in a calm and pacific Negotiation. That, had the Court of London replied to the Complaints which were made by the Catholic King against Navigators, whom



whom He considered as Usurpers and Violators of Treaties, with the Desire she now shewed of Examining and Accommodating these Disputes Amicably, much Expence and Disgust would have been avoided. That the Tone and disagreeable Conciseness of the Answer of the British Ministry, at a Time when they confessed they had no Information of what had happened, made the Spanish Cabinet suspect that it was their Intention to magnify this Dispute, in order to avail themselves of it as a Pretext for a Rupture ; on which Account some Precautions were taken. His Catholic Majesty further observed, that in Truth the Manner, more than the Substance, had been the Origin of the Noise occasioned by the present Dispute.

His Catholic Majesty proceeded to contradict a Report, that Spain meant to carry Her Rights and Pretensions to All the South Sea as far as China. This He declared is meant to go no further than to the Indian Continent, Islands and Seas, which, by Discovery, Treaties, or Immemorial Possession, have belonged and do belong to Her, by the Acknowledgement and Acquiescence of All Nations ; and, though the Subjects of some of these have infringed

infringed upon the Spanish Rights, they have been punished when detected.

The Catholic King, however, denied, that the Circumstance of Spain not having fixed Establishments on a Coast, Port, or Bay, is a Proof that it does not belong to Her. That, were this admitted, any Nation might establish Herself on the Coasts of the Dominions of another Nation in America, Asia, Africa, or even Europe, where there should be no fixed Establishment; a Thing which, His Catholic Majesty remarks, it would be absurd to think of.

Reserving however the Matter of Right to a further Examination and Negotiation, the King of Spain insists, that the effective Seizure of the English Vessels was remedied by the effective Restitution decreed by the Vice-Roy; that the Judging of this Restitution, and whether the Prize were good or bad, depended on the Matter of Right, which was to be examined and decided upon on the Ground of the Treaties, Right, and Possession of Spain; that the Satisfaction and Indemnification was to be given upon the same Principles and those of Reciprocity; and finally that, if it be the Wish to regulate those Matters for the future, which the Catholic

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lic King meant to look upon as finished, it should be treated upon, that it may not be said He refuses any Means of Conciliation, or establishing a solid and permanent Peace, not only between Spain and Great Britain, but between all Nations.

This Answer was accompanied with a Note from Count Florida Blanca, containing a Repetition of his Proposal of a Reciprocal Disarmament.

Mr. Merry observed upon this Communication, that he conceived there is little or no Room left to expect, that any Change would now occur in the Sentiments of the Spanish Court: That the Delay of His Catholic Majesty in replying to our Memorial had probably been occasioned by the fluctuating Advices from France; and that he could attribute the Conduct of Spain, on this Occasion, to no other Motive, than an Hope that the Circumstance of Her being attacked by England might put France under the Necessity of engaging in the War.

Mr.

Mr. Fitz-Herbert, as it has been seen, being on his Journey to Madrid, a short Interval of Suspence occurred, productive of no Event of Importance, except an Information from Lord Auckland, that the Prince Stadtholder had sent Orders to Admiral Kingsbergen to proceed with the Dutch Fleet to Portsmouth; and except another from Lord Robert Fitz-Gerald at Paris, respecting the Alteration which he perceived to be rising in the Public Opinion relative to the Dispute between England and Spain.

In his Dispatch, dated the 18th of June, and received the 21st, his Lordship remarked, that a visible Change had taken Place in the Minds of the People at Paris, respecting the Part to be taken by France, should a War unhappily take Place between Great Britain and Spain; that the Moderation, which had distinguished the Majority of Opinions in that Capital, no longer existed, but had made Way for new Ideas of National Honor and Gratitude, both of which, it was now said, called for the Support of France, should Spain stand in Need of Her Assistance. His Lordship did not,

not, however, conclude from this, that War was a Measure sought for or desired ; but only that the Unanimity of Sentiment (which prevailed Generally, except among the Ministers and the Major Part of the Nobility and Clergy) in Favor of Inaction, and against the Family Compact, had suffered a considerable Change. This his Lordship ascribed to the Influence, which the Cabinet was daily gaining, in the National Assembly, and to the known Sentiments of Mons. de la Fayette, which had the greatest Weight with the People, and which were by no Means inimical to Ministerial Measures.

ON the Evening of the 26th of June, a Messenger arrived at Whitehall, with Dispatches from Mr. Fitz-Herbert, dated at Aranjuez, the 16th of the same Month.

By these his Excellency acquainted the Duke of Leeds, that having reached Madrid the 9th of June, he proceeded next Day to Aranjuez, and, on the following Morning had an Interview, by Appointment, with Count Florida Blanca.

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Conceiving

Conceiving that the Paper, delivered by the Count on the 4th of June, must necessarily be considered by His Majesty as falling short of His Just Expectations in every Particular, and especially with regard to His Preliminary Demand of Redress and Satisfaction, Mr. Fitz-Herbert confined his Conversation with the Spanish Minister almost entirely to the Contents of that Paper, strongly urging him to do away their ill Effects, by enabling Mr. Fitz-Herbert to transmit to his Court, without Loss of Time, some more satisfactory Communication.

Count Florida Blanca replied, that, as the Circumstances of the present Case were such, that a Compliance on the Part of Spain with the Preliminary Demand in Question would necessarily invalidate Her Claims of Territorial Right, She could not but continue to insist, that the Discussion of Both those Points should be carried on at the same Time, and *pari passu*: That such a Concession (considering the Language which had been held on both Sides) would be no less injurious to His Catholic Majesty's Honor than detrimental to His Interests; and that therefore, in a Word, the Paper in Question contained the Utmost that  
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the Court of Spain ought to grant. Count Florida Blanca, however, qualified this last Declaration, by stating it as his own individual Opinion, and requested Mr. Fitz-Herbert to deliver to him, in Writing, the Substance of what he had then urged, for the Information of His Catholic Majesty, and his own Colleagues in Office. This Mr. Fitz-Herbert accordingly did on the Morning of the 13th.

On the same Day his Excellency was admitted to his Audiences of Introduction to the King and Queen of Spain; and, on the 14th, he dined with Count Florida Blanca, with whom he had a short Conversation, in the Course of which the Count gave him to understand, that the Letter he had sent to him on the 13th would be laid forthwith before the Spanish Cabinet, and that an Answer should be given to it very shortly.

From the above Circumstances, and from every Thing he had observed and learned since his Arrival at Aranjuez, Mr. Fitz-Herbert drew this Conclusion, that he had the strongest Reason to be persuaded, that the Catholic King and His Ministers were en-

tirely bent upon a War with Great Britain, though they refrained from commencing Hostilities, on a Presumption, that their persisting in their present Denial of Satisfaction would produce such Reprisals on our Part, as might afford them a colorable Pretext to complain of a hostile Aggression, and on that Ground, to demand the Assistance of France. His Excellency however thought it was by no Means easy to ascertain the real Motives of This Resolution; as it was scarcely possible to suppose, considering the relative Strength of the Two Powers, that the Spanish Ministry could seriously entertain any Hopes of wresting from Great Britain either Gibraltar or any of Her West India Possessions; or that they should have had recourse to the Expedient of a Foreign War, in order to obviate any supposed Danger of a Revolution in the Government of Spain, similar to that which had taken place in France; not the smallest Symptom of any such Spirit of Innovation having hitherto manifested itself in any Part of the former Country. On these Accounts his Excellency was inclined to think, that the hostile Dispositions of the Spanish Cabinet originated solely in that excessive Proneness to Jealousy and Mistrust,



trust, which constitutes the leading Features of Count Florida Blanca's Character, and in consequence of which he had persuaded himself that, far from confining our Pursuits to the Fur Trade and Fisheries on the North-West and Southern Coasts of the Continent of America, our real Object was to establish in the First Instance a direct Commercial Intercourse with the Spanish Colonies, and finally to separate them entirely from the Dominion of the Mother Country. This Sort of Language had, for some Time past, been publicly held by Count Florida Blanca himself; and, he also had said, that, being confident that whatever Concessions might be made by Spain under such Circumstances, they would serve only for Great Britain to take Post upon, as it were, in order to lay Claim to something more, he had judged it to be safer, as well as more honorable, to make a vigorous Stand in the first Instance.

Mr. Fitz-Herbert informed His Majesty's Ministers, that Messengers were continually passing between Aranjuez and Paris; though the Dispositions of the latter Court, in regard to the Business in Question, were little known.

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It was only certain that *Monf. de Montmorin* had written to *Count Florida Blanca* to the Effect which he had stated to *Mr. Fitz-Herbert* when he saw him at *Paris*, and that the latter expressed great Dissatisfaction at the Contents of this Letter; observing, that the Data on which it was founded were entirely erroneous, and that, in so plain a Case as the present, he stood in no Need of Advice. As *Count Florida* affected to treat the French Alliance as a Resource on which he placed little Confidence in the present Conjecture, and as it did not appear that his Negotiations at *St. Petersburg* and *Vienna* were likely to end in any closer Connection between *Spain* and those Courts, *Mr. Fitz-Herbert* was inclined to think that his principal Reliance was on the Assistance of the American States, to which Power he had lately made some Advances, which he thought would be decisive in engaging them to take Part with *Spain* in the present Contest. In Fact, *Mr. Fitz-Herbert* observed, the American *Chargé d'Affaires* at *Madrid*, *Mr. Carmichael*, was greatly caressed at Court, and had artfully availed himself of the present Conjecture, in procuring from the Spanish Minister the

Liquidation

Liquidation of a Number of Private Claims, the Payment of which he had before solicited without the smallest Chance of Success. This Gentleman's Private Opinion, however, appeared to be, that Count Florida Blanca's American Negotiation would not be attended with Success.

On the Third Day after the Receipt of this interesting Intelligence, a Messenger arrived at Whitehall with another Dispatch from Mr. Fitz-Herbert, dated at Aranjuez, the 19th of June.

In this was contained Count Florida Blanca's Answer to the Letter which Mr. Fitz-Herbert sent to him on the 13th Instant.

The Count by this disputed the Principles laid down by Mr. Fitz-Herbert, and insisted that the Detention of the Vessels in Question took Place in a Port—on a Coast—or in a Bay of Spanish America, the Commerce and Navigation of which belonged Exclusively to That Crown, by Treaties made with All Nations, particularly with England. He also insisted, that Mr. Fitz-Herbert's Principles could not apply to a Case like the present, where the  
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Vessel which was detained endeavoured to form an Establishment, and to make itself Master of a Port already possessed by Another Nation ; *the Spanish Commander having such Possession at Nootka, and the English Aggressor* not giving Way to his Amicable Representations for Desisting from or Suspending his Enterprize.

The Count denied that the Vessels so detained were as yet proved to have been navigated with the Licence and under the Flag of Great Britain, although the Vessels themselves and some Individuals on Board of them might have been English ; as there was Reason to believe they had entered the Port of Nootka with Portuguese Passports, given by the Governor of Macao, merely as Trading Vessels, and not belonging to the Royal Marine : That besides, the Vessels, with their Crews and Cargoes (or the Value of the latter) having been restored, or being about to be restored, in consequence of the Resolution taken by the Vice-Roy of Mexico, and approved, for the Sake of Peace, by His Catholic Majesty, every Thing was restored to it's original State ; nothing being wanting but the Indemnification of the Parties aggrieved, and the Satisfaction for the Injury ;  
which

which should also be settled, as soon as the Circumstance of such an Injury having been committed should be ascertained, which hitherto had not been done.

Notwithstanding this however, the Count added, that, in order to avoid a Dispute about Words, which might involve Two friendly Nations in an unfortunate War, he was ordered by the King to say, that His Catholic Majesty would make the Declaration proposed by Mr. Fitz-Herbert, and would offer His Britannic Majesty a just and suitable Satisfaction for the Injury offered to the Honor of His Flag; provided that, to these words, One of the following Explanations were subjoined, viz.

1mo. “ L'on offrira une telle Satisfaction,  
 “ l'Injure et la Satisfaction même étant esti-  
 “ mées et califiées, dans la Substance et dans  
 “ la Forme, par un Arbitre, lequel sera un  
 “ des Rois de l'Europe; dont le Roi mon  
 “ Maitre laisse l'Electiion, en entier, à Sa  
 “ Majesté Britannique: Car il suffit à la Jus-  
 “ tice inalterable du Monarque Espagnol,  
 “ qu'il y ait une Tête Couronnée, qui, bien  
 “ informée des Faits, en decide comme Elle  
 “ le trouvera juste.”

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2do. " L'on offrira la Satisfaction juste et  
 " convenable, toutefois que dans le Progrès  
 " d'une Negotiation qui devra être entamée,  
 " il ne resultera pas des Faits qu'il n'est pas  
 " juste qu'elle soit donnée, ou que la Grande  
 " Bretagne n'a point pû l'exiger, n'y ayant eu  
 " d'Injure portée à son Pavillon."

3tio. " Que la dite Satisfaction fera donnée,  
 " pourvû qu'il ne s'en suive pas que l'Espagne  
 " auroit renoncée aux Droits qui Lui appar-  
 " tiennent dans cette Affaire, non plus qu'au  
 " Droit qu'Elle auroit d'exiger de la Part de  
 " la Grande Bretagne une Satisfaction Egale  
 " ou Equivalente, s'il etoit démontré dans une  
 " Negotiation Amicale, que le Roi est dans  
 " le Cas de la demander, pour l'Aggression et  
 " l'Atteinte réelle et veritable d'une Usurpa-  
 " tion de Territoire Espagnole en Contraven-  
 " tion aux Traités."

The Count concluded his Letter by saying,  
 that the Court of St. James's might chuse  
 which of these Three Explanations or Addi-  
 tions to the proposed Declaration She pre-  
 ferred, or All of them if she thought proper ;  
 pointing out any Difficulty which might occur,

or

or suggesting any other Mode, which She might conceive to be more honorable, reciprocal, or likely to conduce to a Peace, equally desirable by all.

On this Letter Mr. Fitz-Herbert observed, that the Mezzo Terminis, thus submitted to His Majesty's Option, were in his Opinion Inadmissible, as resting alike on one and the same Erroneous Principle. He conceived, however, that there certain Expressions in this Paper, which seemed to corroborate a Surmise strongly current at Aranjuez, that the Court of Spain (from whatever Reasons) was become sincerely desirous of an Accommodation, provided it could be accomplished on Terms not incompatible with what they considered as their Point of Honor: though his Excellency thought that this Conjecture carried little Weight with it, when opposed to the various and almost irrefragable Proofs, which the Spanish Court continued to furnish of a Contrary Disposition. In pursuance of this Idea, His Excellency expressed his Determination, should any Instructions be on their Way from England tending to bring the depending Dispute to an Immediate and Speedy

Issue, not to delay the Execution of those Commands, in Expectation of any Answer from the Duke of Leeds, on the Subject of the above Letter.

Mr. Fitz-Herbert also mentioned, that the Naval Arrangements throughout Spain were going on with the most unremitting Activity ; and that an Attempt had been made, on the 18th Instant, to assassinate Count Florida Blanca, by a Frenchman of the Name of Perez, who had slightly wounded him in Two Places with a Stiletto, and had afterwards, on being apprehended, attempted to kill himself.

HIS Majesty's Ministers, being now in Possession of the Spanish Pretensions, and of the Terms which that Country proposed as the Condition of acceding to the Preliminary Demand of Satisfaction made by His Majesty, lost no Time in taking this important Business into Consideration, and in preparing such an Answer as the Occasion required.

On the 5th of July a Messenger was again dispatched to Madrid with Instructions to Mr. Fitz-



Fitz-Herbert, containing the Determination of His Majesty on the depending Business, and Drafts of the Declaration and Counter-Declaration to be delivered by Count Florida Blanca and his Excellency, in case the Court of Spain should think proper to acquiesce in His Majesty's just Demand.

In the First of these Dispatches Mr. Fitz-Herbert was informed, that the Answer to the Paper delivered to Mr. Merry on the 4th of June was delayed, in the Hope that his Excellency might, on his Arrival, be enabled to transmit some more satisfactory Communication: That it was now thought right, on full Consideration, to instruct his Excellency to deliver the enclosed Memorial, insisting upon His Majesty's Demand of Satisfaction—(of which a fuller Detail will be given) that though the Spanish Claims did not appear to be capable of being sustained on the Grounds of Reason or Justice, even with a View to subsequent Negotiation, His Majesty would nevertheless be willing, when the Satisfaction should once be given, to enter on a fair and temperate Discussion of them, and of every Thing which the Court of Spain might be able to alledge, so far as they rest on Grounds distinct

distinct from that on which the Question of Satisfaction itself necessarily depended.

It was further stated, That, as His Majesty considered the giving the Satisfaction must amount to an Admission, that the Court of Spain was not in Possession of an Actual, Known and Acknowledged Sovereignty and Dominion at Nootka, which could justify detaining the Ships of other Nations, in order to condemn them in the regular Course of judicial Proceeding, for a Violation of established Laws, founded either on the Stipulations of Treaties, or on the General Rights of Sovereignty; no subsequent Discussion could therefore take Place on this Point, after the Satisfaction had been given. That, if the Court of Spain were able to prove that Nootka was, at the Time of the Seizure, in the Predicament above stated, the Time for offering such Proof must be Before the Point of Satisfaction is settled; as it would, if established, remove the Ground on which the Demand of Satisfaction was originally made, and was now insisted upon. But it was evident, from all the Circumstances preceding and attending the Transaction, even according to the Spanish Statement of it, as well as from the Nature of their Allegations; that

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that no such Proof could be adduced; and therefore the Satisfaction was insisted upon.

The Duke of Leeds added, that any other Grounds of Claim, founded on any Thing short of such an Actual, Known and Established Possession of Sovereignty and Jurisdiction as before described, would be still open to Discussion, and would in no Degree be precluded by the Satisfaction. That all the Grounds referred to in the Answer delivered by Count Florida Blanca, or in the Paper delivered by the Marquis del Campo, appeared to fall under this Description: That therefore there could be no Objection to Mr. Fitz-Herbert's stating these Notions as expressly and distinctly as possible, either in Conversation or in Writing, to the Spanish Minister: That it was to be wished that, after such an Explanation, the Spanish Court might be induced to give the Satisfaction demanded, without inserting in the Declaration for that Purpose any Words of Reference to the Claims to be afterwards brought forward, on the Principles before stated, in the subsequent Negotiation. Mr. Fitz-Herbert, however, was informed, that, if he should find the Spanish Court could not be induced to make the Declaration required

quired without some Words Expressly Reserving the Future Discussion of their Claims, His Majesty, from a Desire to go as far as far as possible towards an Accommodation, would not object to Words being added for this Purpose, provided they were such as were consistent with the before-mentioned Ideas; and not in any Degree implying, that the Claims reserved could affect the Ground on which the Satisfaction was given. A Declaration and Counter-Declaration, drawn up on this Principle, were inclosed to his Excellency, both of which will be given at Length at the Conclusion of the Detail of this Dispatch.

Mr. Fitz-Herbert was further informed, that His Majesty had been induced to authorize him, in case the Satisfaction could not be otherwise obtained, to propose exchanging the Declarations in this Form, as approaching, in some Degree, to one Part of the Third Expedient stated by Count Florida Blanca in his Letter of the 18th of June, and which was the only Part of what was there proposed which was considered as being in any Respect admissible: That the Expressions were however

ever different from those proposed by Count Florida Blanca in the Beginning of his Third Proposal ; because the General Expression, " Aux Droits qui Lui appartiennent dans ces Affaires," might go beyond the Principles explained in this Dispatch, and might be supposed to reserve the Discussion of the Grounds on which the Satisfaction was required.

The Duke of Leeds further stated, that the latter Part of Count Florida Blanca's Proposal, relative to a Right to claim Reciprocal Satisfaction, was Wholly Inadmissible ; it being impossible for His Majesty to admit, as a Qualification of the Satisfaction to which He was clearly intitled, a Clause which appeared Inconsistent with the very Principles on which the Satisfaction was demanded : That, at the same Time, there could be no Difficulty in his Excellency's stating to the Spanish Minister the Ground on which this was objected to, and, at the same Time, assuring him there never could be a Doubt but that, whenever any Case should arise, of a Nature similar to that on which His Majesty's Claim of Satisfaction was made, His Majesty's Justice would not refuse to the Court of Spain, or to any

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other Power, a Satisfaction similar to That now demanded by Him.

With regard to the First and Second of the Proposals made by Count Florida Blanca, Mr. Fitz-Herbert was informed, they were such as could not be adopted; the Idea of an Arbitration, on a Subject of this Nature, being entirely out of the Question; and as a Reservation, such as That contained in the Second Proposal, would render the Satisfaction nugatory, as it would refer to Subsequent Discussion the very Grounds on which that Satisfaction was demanded.

The following is the Memorial contained in the preceding Dispatch.

The Paper transmitted by Count Florida Blanca to Mr. Merry, in Answer to the Representation made by that Minister, in His Majesty's Name, having been laid before the King, the Undersigned (&c. &c. &c.) is directed to Represent to the Court of Madrid, that His Majesty has seen with Concern, that the Paper in Question does not offer That Satisfaction which His Majesty had demanded, and which He had so just a Title to expect.

Neither

Neither does That Paper contain any just or sufficient Ground for delaying a Compliance with That Demand, or for Referring it to Subsequent Negotiation. Whatever the Pretensions may be, which Spain may think Herself justified to advance with respect to Nootka Sound, founded either on an Alledged Prior Discovery, or on the Application of the General Words of Former Treaties to that particular Place, it is clear that She had not such an Established Possession and Acknowledged Dominion there, as could alone justify the Seizure of the British Vessels. A Right to proceed in that Manner, in the First Instance, could, according to the Law of Nations, result only from a Right of Territory, manifested by Open Possession, and by the Actual Exercise of His Catholic Majesty's Authority and Laws therein; and This confirmed by an Express or Tacit Acknowledgement of other Nations.

That no such Established Possession or Jurisdiction existed at Nootka, at the Time when the Transaction in Question took Place, is manifest, both because His Majesty's Subjects, and those of Other Nations, had, for several Years previous to that Time, frequented that

Place, and carried on an uninterrupted Commerce with the Natives ; and because the Statement, given of this Affair by the Court of Spain itself, proves, that it was not till a few Days before the Capture that the Spaniards attempted to make a Settlement there.

Under these Circumstances, the Pretensions of Spain, of whatever Nature they might be, ought evidently to have been the Subject of Amicable Representation, in the first Instance, and can, in no Degree, afford a Justification for an Act of Violence, like that of which His Majesty now complains.

The Honor of His Majesty's Crown makes it necessary therefore that This Act should be Immediately and Compleatly done away, before Any Negotiation can take Place, with a View to a Future Adjustment of the Claims and Interests of the Two Nations in that Part of the World. This cannot be considered to have been effected by the Restitution of the Vessels stated to have been ordered by the Vice-Roy of Mexico ; because it appears that such Restitution has been only Conditional, and unaccompanied by Sufficient Indemnification to the Parties injured ; and because This Act includes No Reparation on the Part  
of



of the Court of Spain, for the Insult offered to the British Flag by the Seizure and Detention of British Vessels.

His Majesty therefore finds Himself obliged to renew, in the most Direct and Unequivocal Terms, His Claim for That Satisfaction which He has already demanded, and which can no longer be delayed, without producing Those Consequences which His Majesty is sincerely desirous to avoid.

When His Majesty's just Expectations in this Respect shall be satisfied, the Under-  
signed is prepared, as he has already informed Count Florida Blanca, to enter into such an Amicable Negotiation on the Subject of the Respective Rights and Interests of Great Britain and Spain, with respect to Territory, Navigation, Commerce and Fisheries in that Part of the World, as may tend to prevent all Disputes between the Subjects of the Two Crowns, in the same Manner as His Majesty would have done, if Spain had proceeded, in the first Instance, in the Way of Amicable Representation, instead of having Recourse to Unjustifiable Acts of Violence.

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The following are the Drafts of the Declaration and Counter-Declaration inclosed in the foregoing Dispatch to Mr. Fitz-Herbert.

D E C L A R A T I O N,  
to be delivered by Count Florida Blanca.

HIS Britannic Majesty having complained of the Capture of certain British Vessels at Nootka Sound, on the North-West Coast of America, by an Officer of the King of Spain, by an Officer of the King of Spain, the Undersigned (&c. &c. &c.) has been authorized by His Catholic Majesty to Declare, and Declares, that His Catholic Majesty is willing to make Satisfaction to His Britannic Majesty for the Injury of which he has complained; and His Catholic Majesty engages to make Full Restitution of such British Vessels as were captured at Nootka, and to Indemnify the Owners for the Losses which They have sustained, as soon as the Amount of the said Losses shall have been ascertained.

It being understood that this Declaration shall not preclude or prejudice the future Discussion of any Claims, which His Catholic Majesty may make to form an Exclusive Establishment at Nootka Sound,

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**COUNTER-DECLARATION,**  
to be delivered by Mr. Fitz-Herbert.

HIS Catholic Majesty having declared His Willingness to make Satisfaction for the Injury done to His Britannick Majesty by the Capture of certain British Vessels at Nootka, and the Count Florida Blanca having, in His Catholic Majesty's Name, signed a Declaration to this Effect, engaging also that His Catholic Majesty will make full Restitution of the Vessels so captured, and will also indemnify the Parties concerned for the Loss they have sustained in consequence of the said Capture, the Undersigned (&c. &c. &c.) in the Name of His Britannic Majesty, and by virtue of the Express Authority given him for that Purpose, accepts the said Declaration, and declares that His Britannic Majesty will consider the said Declaration, together with the Performance of the Engagements contained therein, as a Full Satisfaction for the Injury of which His Majesty has complained.

The Undersigned declares at the same Time, that it is to be understood that Nothing in the said Declaration signed by Count Florida Blanca,

Blanca, nor the Acceptance thereof in the Name of His Britannick Majesty, shall preclude or prejudice the Claims of His Britannic Majesty to any Establishment formed or to be formed at Nootka Sound.

IN a separate Dispatch which accompanied the preceeding, Notice was taken of the Proposal made by the Court of Spain for a Mutual Agreement to disarm during the Negotiation. The Duke of Leeds stated that the Reasons he had given in his other Dispatch of this Date were sufficient to shew the Impossibility of His Majesty's discontinuing His Armaments in the present State of the Business. That as, should the Court of Spain Ultimately agree to grant the Satisfaction required, it was probable that the same Idea of disarming would be brought forward by them, as a proper Preliminary to the subsequent Negotiation. Mr. Fitz-Herbert was instructed to be particularly careful not to give the smallest Encouragement to this Idea, as His Majesty could not consent to discontinue His Preparations, 'till He should have secured, by sufficient Stipulations, the Freedom of Navigation, Commerce and Fisheries for His Subjects, in conformity to the Principles

Principles explained to his Excellency in a former Dispatch.

As this Proposal for Disarming was represented by Spain as having been originally made by Mr. Merry, in a Private Letter to Count Florida Blanca of the 16th of May, Mr. Fitz-Herbert was desired to observe, that Mr. Merry did not, even in that Private Letter, make any Direct Proposal of that Nature ; and that there was not the smallest Ground for stating, that any such Offer had been made on the Part of this Court. The Duke added, that he particularly mentioned this Circumstance, in order to prevent the Possibility of Mistake, on a Point of so much Importance.

From the Time the Messenger was dispatched with these Papers, to the Moment of his Return, a Period of Suspence intervened ; during which the several Letters received from Mr. Fitz-Herbert contributed only to increase the Uncertainty of the Spanish Determination, which his preceding Dispatches had occasioned.

In the First of these, dated at Aranjuez the 24th of June, his Excellency informed the

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Duke of Leeds, that, though Count Florida Blanca was so far recovered, as to be able to transact Business with the King, and was expected immediately to resume the Duties of his Office, his Excellency had had no Opportunity of conversing with him on Business; and that he seemed resolved not to enter into any farther Explanation, till he should be apprized of the Sentiments of His Majesty's Ministers on his Memorial of the 4th Instant.

With respect to the Overture which Count Florida Blanca might have conveyed to the American States, Mr. Fitz-Herbert had not been able to learn any Thing positive. He was, however, confident, that no Communications from the latter had ever been received by the Spanish Court, indicative of a Disposition on their Part to enter into Terms of Good Understanding with Spain, either with regard to it's present Discussion with Great Britain, or on any other Subject. On the contrary, he was assured they had repeatedly manifested, toward the Court of Madrid, the most marked Symptoms of Coldness and Ill-will; and particularly when, in the Year 1787,  
Count

Count Florida Blanca, desirous of making Common Cause with France in the War which then seemed to be depending, transmitted to the American States a Direct Demand of Eventual Assistance, the latter never deigned to return a Syllable of Reply.

In a Letter dated Aranjuez, the 28th of June, Mr. Fitz-Herbert stated, that, conceiving the various groundless Misrepresentations of Facts, contained in Count Florida Blanca's Letter to him of the 18th, ought not to pass uncontradicted, he had transmitted to that Minister a Kind of Provisional Reply to it, together with an Abstract of Captain Meares's Memorial. Notwithstanding this; the Count still declined to see him on Pretence of Indisposition, although, in Fact, he was in perfect Health; and, besides transacting Business daily, both at his own House and at his Office, frequently made his Appearance in Public.

This Affectation of declining all Communication with Mr. Fitz-Herbert, however, at Length ceased; and (as appears from a Letter of his Excellency, dated Aranjuez, July 1) an Interview between him and the Spanish

Minister took Place there on the 30th of June. In this, after waving for the present all mention of the Point of Satisfaction, They talked over (ex ministerially) the Ulterior Arrangements which might be necessary, in order to remove every future Ground of Misunderstanding between the Two Courts. On this Head Count Florida Blanca declared, that he had been busying himself on a Plan, which he thought would entirely fulfil the Views and Objects of Both Parties, and which he promised to shew to Mr. Fitz-Herbert, confidentially, on the Return of the Court to Madrid, which would take Place in a few Days. His Excellency also acquainted him, that the Commanding Officers at Cadiz, Carthagena, &c. had applied to the Marine Office at Madrid, for Instructions as to the Conduct they were to observe with Regard to some British Ships of War, which had been seen hovering at the Entrance of those Ports, for the Purpose, as was presumed, of reconnoitring; and that, in consequence of this Application, His Catholic Majesty had sent the strictest Orders to those Officers, as well as to all other Naval Commanders, to conduct themselves with regard to all British Ships, including those



those in Question, with the same Degree of Civility and Attention as in Times of profound Peace : And Count Florida Blanca also declared, that it was the Determination of his Court, not to grant Convoys for the present to the Spanish Merchantmen.

From what passed at this Meeting, Mr. Fitz-Herbert was satisfied that Count Florida Blanca's Language and Manner were in reality (from whatever Cause) far more Temperate and Conciliating than at the former Meeting ; and from this Circumstance, joined to that of his having actually prepared the Plan of an Ulterior Arrangement, he was almost inclined to hope that he might have secretly resolved to give Way on the Point of Satisfaction ; although it was evidently impossible to draw any further Explanation from him on that Head, 'till the Arrival from England of the Answer to his Memorial of the 14th of June, which was daily expected.

Although this Account seemed to carry an Appearance favorable to the depending Negotiation, that pleasing Prospect was a good deal darkened by the next Letter received from our Ambassador

Ambassador at Madrid, dated the 5th of July, in which he informed the Duke of Leeds that Orders had been issued for the Cadiz Squadron to put to Sea at the shortest Notice, and that a List of the Spanish Naval Armaments, in Europe and America, had been just published at Madrid under the Sanction of Government. As this was a Step entirely inconsistent with the Natural Reserve of the Spanish Court, Mr. Fitz-Herbert was unable to attribute it to any Thing, except the extreme Anxiety of Count Florida Blanca to inspire Confidence into the Public at large at a Moment of alarming Crisis. And he was confirmed in this Opinion by finding that, conformably to the same System, he had affected to communicate, with the utmost seeming Freedom and Confidence, with many Principal Persons at Madrid, on the Subject of the Measures adopted by Great Britain, and of the Incident which led to them. By such Artifices, and by the Circulation of a Number of False and Exaggerated Representations of the British Demands, the Public in general seemed to be pretty well reconciled to the Prospect of a Rupture; though several well-informed Persons considered these Hostile Appearances as merely a Political

Political Refinement, calculated to conceal the Minister's Intention of complying Ultimately with His Majesty's Demand, rather than hazard the Consequence of a Rupture.

While Mr. Fitz-Herbert was thus in a State of Suspence as to the real Intentions of the Spanish Court, Count Florida Blanca, on the 9th of July, thought proper to send him a Letter; in which he informed him; that the King of Spain, having received positive News of the English Fleet having sailed from Portsmouth on the 28th or 29th of June with a considerable number of Ships and Frigates, His Catholic Majesty had ordered His Fleet to go out likewise, with express Injunctions however, not to commit the least Hostility, unless it should be attacked. This Occurrence the Catholic King had directed His Minister to communicate to Mr. Fitz-Herbert, as an Evidence of His well known good Faith; with an Assurance, that there would be no Alteration in His Desire to terminate immediately the existing Disputes by Means of an amicable Negotiation; for which Purpose Count Florida Blanca desired to see Mr. Fitz-Herbert the next Day at his Office, when he promised to mention

mention to him all the King of Spain's Intentions in regard to the Mode of speedily finishing the Negotiation.

In consequence of this Invitation, Mr. Fitz-Herbert had an Interview with the Spanish Minister on the 10th, when the Count opened to him his Ideas respecting an Arrangement of the several Objects in Litigation ; and confided to him a Paper of loose Notes, in his own Hand-Writing, from which he extracted the following Outline of his Plan.

1mo. That Spain should retain the Exclusive Possession of the Whole Coast of North-West America, from California up to, and including, the Port of Nootka.

2do. That, from Nootka, to Latitude 61 North, which is stated as the Limit of the Spanish Discovery in that Quarter, the Subjects of Great Britain should enjoy, in common with Spain, the Right of Trading and forming Establishments ; but that, from Latitude 56 downwards, this Right should not extend beyond a certain Number of Leagues Inland, in order to avoid Interference with the Spanish Mission.

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3tio. That the Subjects of Great Britain shall enjoy the Right of Fishing in the South Sea and Magellanic Region, together with that of Landing, and Erecting Occasional Buildings, in such Unsettled Islands or Parts of the Coast, as should be agreed upon : but that they should not land, or even approach, within a certain Distance of any Spanish Settlement.

4to. That, as by Means of such an Arrangement, the Two Crowns would avoid all Discussion of the Respective Rights, they should also agree to waive their Mutual Demand of Satisfaction ; in which Case, Spain would consent to pay to the Proprietors of the Ships taken at Nootka the full Amount of their Loss.

On these Proposals Mr. Fitz-Herbert remarked, that though, in their present State, they, without Doubt, were absolutely Inadmissible, he was not altogether without Hope that they might be finally modified, so as to meet the Idea of His Majesty's Ministers, as stated in the Duke of Leeds's Dispatch of the 16th of August.

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Mr. Fitz-Herbert, in the same Dispatch, informed His Majesty's Ministers, that he had reason to believe the Court of Spain was apprehensive of an Attack upon Porto Rico in the Event of a Rupture; in consequence of which Two Ships of the Line and some Frigates had recently been dispatched from Cadiz for that Place, on which were embarked about a Thousand Men; who, with the Regiment of Naples, actually in Garrison at St. Juan, would constitute a Force of about Fifteen Hundred Men.

On the 30th of July, immediately after the Receipt of these Propositions, the Duke of Leeds wrote to Mr. Fitz-Herbert, informing him that, as the Answer of the Court of Spain to the Memorial contained in his Dispatch of the 5th Instant was every Day expected, it would be sufficient for him to say, that the Proposal made by Count Florida Blanca was Inadmissible; as the Satisfaction for the Insult at Nootka must be obtained before the other Points could come into Discussion; and that the Substance of the Proposal itself also appeared to be Inadmissible, as a Basis of Ulterior Arrangements. On that Subject, however,  
his

his Grace desired Mr. Fitz-Herbert to be particularly careful not to enter into any Ministerial Negotiation, 'till the Point of Satisfaction should be settled. Should that be done, and should a Negotiation commence, His Excellency was then directed to act in Conformity with the Instructions he had already received.

It was not 'till the 5th of August, that the State of Suspence, in which His Majesty's Ministers, as well as the Public at large, had remained since the Departure of the Messenger on the 5th of July, was terminated by the Return of that Messenger to Whitehall. The Dispatches of which he was the Bearer were dated at Madrid on the 25th of July.

In these Mr. Fitz-Herbert communicated to His Majesty's Ministers the pleasing and important Intelligence of his having interchanged with Count Florida Blanca, on the preceding Night, the following Declaration and Counter-Declaration, which he trusted would be found to agree, in all essential Particulars, with the Projets and Instructions transmitted to him on the 5th of July.

#### DECLARATION.

## D E C L A R A T I O N.

S A Majesté Britannique s'étant plainte de la Capture de certains Vaisseaux appartenants à Ses Sujets, faite dans la Baye de Nootka, située sur la Côte du Nord-Ouest de l'Amerique, par un Officier au Service du Roi ; le sous-signé, Conseiller et Premier Secretaire d'Etat de Sa Majesté, étant à ce dûment autorisé, declare, au Nom et par Ordre de Sa dite Majesté, qu'Elle est disposée à donner Satisfaction à Sa Majesté Britannique pour l'Injure dont Elle s'est plainte ; bien assurée que Sa dite Majesté Britannique en useroit de même à l'égard du Roi, dans de pareilles Circonstances : Et Sa Majesté s'engage en outre de faire Restitution entiere de tous les Vaisseaux Britanniques qui furent capturés à Nootka, et d'indemniser les Parties interessées dans ces Vaisseaux des Pertes qu'Elles auront essuyées aussitôt que le Montant en aura pû être estimé.

Bien entendu, que cette Declaration ne pourra point exclure, ni prejudicier, à la Discussion ulterieure des Droits que Sa Majesté pourra pretendre à la Formation d'un Etablissement exclusif au Port de Nootka.

En



En Foi de quoi, j'ai signé cette Declaration,  
et y appoîé le Cachet de mes Armes.  
A Madrid, ce 24 Juillet, 1790.

( L. S. )     *Le Comte de Florida Blanca.*

# CONTRE-DECLARATION:

SA Majesté Catholique ayant déclaré qu'Elle étoit disposée à donner Satisfaction pour l'Injure faite au Roi, par la Capture de certains Vaisseaux appartenants à Ses Sujets à la Baye de Nootka, et Monsieur le Comte de Florida Blanca ayant signé, au Nom et par Ordre de Sa Majesté Catholique une Declaration à cet Effet ; et par laquelle Sa dite Majesté s'engage pareillement à faire Restitution Entiere des Vaisseaux ainsi capturés, et d'indemniser les Parties interressées dans ces Vaisseaux des Pertes qu'elles auront essuyées ; le sous-signé Ambassadeur Extraordinaire et Plenipotentiaire de Sa Majesté près le Roi Catholique étant à ce dûement et expressement autorisé, accepte la dite Declaration au Nom du Roi, et declare que Sa Majesté regardera cette Declaration, avec l'Accomplissement des Engagemens qu'Elle renferme, comme une Satisfaction pleine et entiere

En

entiere de l'Injure dont Sa Majesté s'est plainte.

Le Sous-signé declare, en même Tems, qu'il doit être entendu, que ni la dite Declaration signée par Monsieur le Comte de Florida Blanca ni l'Acceptation que le Sous-signé vient d'en faire au Nom du Roi, ne doit exclure ni prejudicier en rien aux Droits que Sa Majesté pourra pretendre à Tout Eta- blissement que Ses Sujets pourroient avoir formé, ou voudroient former à l'avenir, à la dite Baye de Nootka.

En Foi de quoi, j'ai signé cette Contre-De- claration, et y ai apposé le Cachet de mes Armes. A Madrid le 24 Juillet, 1790.

( L. S. )

*Alleyne Fitz Herbert.*

THAT Mr. Fitz-Herbert had considerable difficulties to encounter before he was able to carry this Point may reasonably be supposed. It was not a small one to prevail on the Court of Spain to come at all into a Measure so repugnant to its known Haughtiness ; and even after that Step was carried, the Mode of giving this Satisfaction occasioned so much Difficulty, and

and Count Florida Blanca insisted with so much Warmth and Pertinacity upon the Alterations he suggested in the Wording of the Declaration sent from England, and particularly upon Expunging the Important Word "Injure," both from the Declaration and Counter Declaration, that, for some Days preceding his last Interview with that Minister, Mr. Fitz-Herbert considered the Negotiation as almost entirely desperate. As it would have retarded the Departure of his Messenger to have entered into a Detail of these Circumstances, Mr. Fitz-Herbert deferred 'till another Opportunity the laying before the Duke of Leeds a Report of his Conferences with Count Florida Blanca previous to the Signature of the Declaration. It indeed appears from a Copy of the Counter-Projet which was delivered by Count Florida Blanca, that he must have had a difficult Task to bring that Minister to the Point which he at last carried. In that Instrument, the Count substituted for the Words "l'Injure dont Elle s'est plainte," the softer Expression of "la susdite Capture;" the Words "bien assurée de la Reciprocité du coté de Sa dite Majesté Britannique," instead of "bien assurée que Sa dite Majesté Britannique

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“ en useroit de même à l'égard du Roy.” He also deduced the Restitution of the captured Vessels and the Indemnification of the Sufferers from this Principle of Reciprocity, instead of making it a Distinct Branch of Satisfaction, as had been insisted upon by His Majesty; and qualified the Restitution by adding, “ si elle n'a pas encore eu lieu;” an Expression which, as has already been stated, could not be adopted in an Instrument of this Nature, as well from the Manner, as from the Nature of such a Transaction, admitting it to have taken Place. The Count was also desirous of omitting, in the annexed Reservation of Claims, the important Word “ Formation,” and of leaving the Sentence as referring solely to an Exclusive Establishment, which had actually existed; an Alteration which would, in a great Measure, have amounted to an Admission of that Fact; whereas the Sentence as it now stands, coupled with the Reservation in the Counter-Declaration, is a clear Denial of that Pretension, and an Admission that an Establishment had been formed at Nootka by His Majesty's Subjects. The Spanish Minister also proposed to add to the Declaration the following Words, which, though perfectly

perfectly inadmissible, were undoubtedly insisted upon very strongly on the Part of Spain :  
 “ Ni servir d'Exemple pour les autres Domaines des Indes Espagnoles, selon la Possession, les Limites, et les Droits reconnus dans les Traités avec toutes les Nations, et nommement avec la Grande Bretagne.”

During the Pendency of this Negotiation respecting this Terms of the Declaration, Count Florida Blanca delivered to Mr. Fitz-Herbert a fresh Paper in his own Handwriting, on the Subject of the Adjustment of the other Objects in Litigation between the Two Courts, which his Excellency thought it his Duty to return to the Spanish Minister, on the same Ground he had returned his former Proposal, namely, it's Inadmissibility.

By this Paper it was stated, that the Principal Points of the Fur Trade on the Northern Coasts of the Pacific Ocean, and of the Fishery on the Southern and Northern Coasts of both Seas, might be agreed upon without discussing or disputing the Rights of Spain, by that Nation granting to England the Liberty of Trading from the Latitude of 50 to the North, with a Power of forming Establishments within

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those Limits, provided they did not descend to the Coast of California, in Latitude 49 and some Minutes, where the Port of Nootka is situated, as that Port would form the Dividing Point on the Sea Side of the Spanish Dominion. That the English, however, should not, on Pretence of Trade, penetrate into the Country, either by Land, by Rivers, or by Arms of the Sea, beyond Ten, Twelve or Twenty Leagues. That the Use of the Fishery to the Southward might also be granted, on Condition that it be not carried on from the Straits of Magellan Northward, except at a great Distance, not less than Two Degrees, from the Coast. That, from the Straits of Magellan to Cape Horn, the Fishery, and the Use of the Beaches and Bays for the Purposes of the Fishery, might be permitted, provided no Permanent Establishments were formed, and that Power be given to destroy those which may be made, as is practised in the Malouine Islands. That the Convention might be reduced to a Detailed Explanation of the Places and Points where this Permission might take place; with a Saving of the Rights of Spain, and the Addition of some Precautions to prevent the Fishing Vessels from carrying Merchandize, from sus-  
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picious Armaments, and from conveying Supplies of Arms and Ammunition.

Count Florida Blanca took the Rejection of this Paper in good Part, and promised to reconsider the Subject, and to communicate his Ideas upon it in a Shape which he hoped would appear less objectionable. On this Promise however Mr. Fitz-Herbert placed little Reliance; though he stated it as his Opinion, founded on what he had observed of the Character of the Spanish Court and Ministry, that, however averse they might be to bring forward on their Part any reasonable Proposal on a Subject of this Kind, they would listen with sufficient Readiness to a Proposal of that Description if brought forward by Great Britain. His Excellency therefore suggested, that, instead of waiting for any farther Explanations from Spain, it would be adviseable to commence the Negotiation by delivering in, on our Part, a Statement of All His Majesty's Demands on the Points in Question, drawn up in the Form of a regular Projet.

Mr. Fitz-Herbert declared there was the strongest Reason to believe that, whatever might have been the former Views of the

Court of Spain, their Present Object was to preserve Peace on almost Any Terms. And, as a Reason why this Sentiment should not be weakened, He stated that, in consequence of some Encroachments on the Territory of the American States made lately by the Governor of West Florida, their Chargé d'Affaires at Madrid had just received Orders, not only to complain to the Spanish Court in very strong Terms of those Injuries, but even to give Notice that, on a Delay of Redress, the Inhabitants of those Districts would proceed to do themselves Justice by Force of Arms. It is observable, that, when these Dispatches left New York, it did not appear that the Congress was apprized of the Disputes between England and Spain.

In the First Conference Mr. Fitz-Herbert had with Count Florida Blanca after the Arrival of the Messenger, that Minister appeared chagrined at his not having received Instructions relative to a Mutual Disarmament, though he did not attempt to maintain that any Language had ever been held by His Majesty's Ministers, which could be construed as pledging Great Britain to the Adoption of such



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justment of Her Ulterior Claims. When the  
Declarations were exchanged, the Count ob-  
served, that, as the Two Courts were now  
about to Negotiate a General Adjustment of  
All Their Differences, he thought it would  
be adviseable, that they should agree to fix  
the Cruizing of the respective Squadrons  
within such Limits, as should prevent the  
Possibility of any disagreeable Rencontre  
pending the Negotiation. To this Mr. Fitz-  
Herbert replied, that he would mention this  
Idea to the Duke of Leeds; but that it ap-  
peared to him, that the Court of Spain would  
do well to provide against a much more immi-  
nent Danger than that which he had men-  
tioned, namely, some fresh illegal Capture of  
British Vessels in the American Seas, which  
which was hourly to be apprehended, in conse-  
quence of the Unlimited Discretionary Powers  
to that Effect, which appeared to be vested  
in all the Spanish Governors. The Count  
answered, that Instructions had already been  
sent to those Governors, to abstain in all Cases  
whatsoever from the Exercise of any Voies de  
Fait against British Vessels; and he instanced,  
in Proof of the Obedience which had been  
paid

paid to these Instructions, the Case of some Bahama Fishing Boats, the Crews of which had landed upon the Coast of Yucatan in order to carry on a Contraband Trade, notwithstanding which they had been suffered to depart with their Vessels unmolested.

Mr. Fitz-Herbert informed the Duke of Leeds, that Positive Advices had been received of the Cadiz Squadron having put to Sea on the 20th of July, and that it consisted of Thirty-four Sail of the Line and Sixteen Frigates, besides smaller Vessels.

With regard to the Persons whose Property had been seized at Nootka, Mr. Fitz-Herbert acquainted the Duke of Leeds, that he had received from Count Florida Blanca's Office a Packet from Captain Colnett of the Argonaut, dated on the 1st of May, from Mexico, and containing open Letters for the Admiralty in England and for his Owners. By these it appeared, that that Officer, his People and Vessel, had just been released by Order of Monf. de Revilla Gigedo, Governor of that Province, and that he was in a fair Way of obtaining Compensation for his Losses. As Monf. de Revilla Gigedo's

Gigedo's Conduct on this Occasion appeared to have been extremely humane and liberal, Mr. Fitz-Herbert thought it right to send him a suitable Compliment through some Persons of his Family with whom he was acquainted. The Release of this Vessel took Place in consequence of Positive Instructions from the Spanish Court, (which, from the Dates, appear to have been dispatched immediately after the Arrival of the News of her Capture) and Count Florida Blanca assured Mr. Fitz-Herbert, that Orders had been sent to Mexico for the Arresting Mons. Martinez, and bringing him to Trial, for his unwarrantable Conduct towards the British Subjects whom he made Prisoners at Nootka.

These very important Dispatches arrived about Eight o'Clock in the Morning; and, at Noon, Notice of the Declaration and Counter Declaration having been Signed and Exchanged was officially transmitted to the Lord Mayor of London, the Bank and the Principal Trading Companies, referring them for Particulars to a Gazette Extraordinary, containing those Instruments at Length, which was published early in the Evening.

THIS

THIS Concession on the Part of the Spanish Monarch having removed the Obstacles which stood in the Way of an Ulterior Discussion of Claims, on the 17th of August a Messenger was dispatched to Mr. Fitz-Herbert, with Instructions for the Regulation of his Conduct in the Negotiation which he was about to commence, on the Ground contained in the preceding Dispatch of the 16th of May, and with a Regular Projet, framed on the same Principles, which he was authorized to propose to the Spanish Minister.

# COPY of PROJET.

## Article I.

IT is agreed, that the Buildings and Tracts of Land on the North-West Coast of the Continent of America, or of the Islands adjacent thereto, of which the Subjects of His Britannic Majesty were dispossessed by a Spanish Officer, in or after the Month of April, in the Year 1789, shall be restored to them.

## Article II.

And, in order to prevent all Occasions of Jealousy and Misunderstanding in future, it is expressly

expressly agreed, that the Subjects of each of the Contracting Parties respectively shall not give any Molestation or Disturbance to the Subjects of the Other, in Navigating or carrying on their Fisheries in the Pacific Ocean or South Seas, or in Landing on the Coasts thereof, for the Purpose of carrying on their Commerce with the Natives, or in making Settlements in Unoccupied Places; subject, nevertheless, to the Provisions hereinafter stipulated with respect to such Navigation, Commerce, Fisheries and Settlements.

Article III.

But, from a Desire to remove All Ground of Apprehension, which His Catholic Majesty might entertain, of any Interference with the Antient and Established Possessions of the Crown of Spain, or of any Occasion being given to the carrying on a Contraband Trade with the said Possessions, His Britannic Majesty engages, that His Subjects shall not form any Settlements, in any Part of the Western Coast of America, between                      Degree North Latitude, and                      Degree South Latitude, or in any Part of the Eastern Coast

Y

of

of South America, North of a Line drawn  
 from to  
 or carry on any Commerce within the said  
 Limits. And His Majesty also engages to take  
 the most effectual Measures to prevent the Na-  
 vigation, Fishery, or Commerce of His Sub-  
 jects, in the Pacific Ocean or South Seas, from  
 being made a Pretext for Illicit Trade with  
 the Spanish Settlements; and, particularly,  
 that, for that Purpose, the Fishery or Navi-  
 gation of His Subjects shall not be carried on  
 within Leagues of any Part of the  
 Coast comprehended within the above Limits.

#### Article IV.

And, for the future Preservation of Harmony  
 and Good Understanding, it is mutually agreed  
 between the Two Contracting Parties, that,  
 as well in the Places which His Catholic Ma-  
 jesty has engaged to restore to the Subjects of  
 His Britannic Majesty, as in All other Places  
 on the North-Western Coasts of America, or  
 of the Islands adjacent thereto, above the said  
 where any Settlements shall  
 have been made, by the Subjects of Either  
 Crown, since the Month of April, 1789, or  
 shall hereafter be made, the Subjects of the  
 Other

Other shall have full Liberty of Access, and of carrying on their Trade, without any Molestation.

Article V.

And it is further agreed between the Two Contracting Parties, that No Settlements shall be formed Hereafter by the Subjects of Either of the Two Crowns, in any Part of South America, South of                      on the Eastern Coast, and of                      on the Western Coast, so long as No Settlements shall be formed thereon by the Subjects of any other Power.

HIS Majesty's Ministers observed, that, in framing these Articles, the First Object kept in View was that of bringing to a clear and final Settlement All the Points involved in the late Discussions, in order to preclude, as far as possible, all similar Occasions of Jealousy and Misunderstanding in future. In doing this, His Majesty's only Wish was to secure for His Subjects those Rights, which are both strictly conformable to Justice, and are, at the same Time, of real Importance to the Honor

of His Crown, or to the Navigation and Commerce of His Subjects. They had endeavoured, as far as possible, to waive any Retrospective Discussion of Claims of Right, the Express Renunciation of which might be felt as Unnecessarily mortifying to the Court of Spain. It was, therefore, thought right that the Points in Question should be clearly settled and defined, as Matters of Positive Stipulation for the future ; only taking Care, that those Stipulations should be worded so as not to imply an Admission of the antecedent Claims of Spain ; which, though His Majesty had no Wish Unnecessarily to discuss, it was utterly impossible for Him, Directly or Indirectly, to Recognize. At the same Time, while His Majesty felt it indispensable to insist on securing the Undisturbed Exercise of the Rights of His Subjects to Navigate and Fish in the American Seas, and to Trade and to form Settlements in the Countries Unoccupied by the Subjects of any other Power, under the Regulations contained in these Articles, He was anxious to remove every reasonable Ground of Jealousy, and to give every practicable Satisfaction and Security on the Subject of Contraband Trade ; the Prevention of which was certainly



certainly the Principal Point in the present Arrangement, in which Spain had a real and solid Interest.

The Extensive and Chimerical Claims of Exclusive Sovereignty over the American Continent and the Seas adjacent, even if other Nations could be brought to submit to them, are, it was further observed, rather Matter of uselefs Pride than an actual Advantage. A greater Extent of Territory on the Continent of America cannot be considered by the Spanish Court itself as an Object of rational Policy; and therefore, if their Exclusive Claim had at any Time lately been meant to be seriously insisted upon, it had probably been less on account of it's intrinsic Value, than for the sake of it's affording the Means of guarding against the Intercourse which they apprehended other Nations might attempt to carry on with their ancient and established Colonies.

His Majesty's Ministers, therefore, hoped, that if reasonable Security could be afforded them on this Point, it would remove the Principal Motive which had led them to insist on their Exclusive Claims; and that they would  
see

see the good Sense of preferring Rational Provisions, founded on mutual Consent, and easy to be put in Practice, to a Security which must be precarious, and difficult at any Time to be enforced, because it was derived from Claims which could never be finally acquiesced in by the other Nations of Europe.

The Duke of Leeds further stated the first Point in the inclosed Project to be that which related to the Possession of the Districts at Nootka, and near it, which had been purchased from the Natives, and occupied by His Majesty's Subjects, before the Arrival of M. Martinez. His Majesty's Subjects having been dispossessed of these Districts, and the Spaniards having entered upon them in consequence of the Violence committed by the Seizure of the British Vessels at Nootka, the Restitution of these Districts was a Point in which the Honor of His Majesty's Crown was concerned, and on which it was evident that His Majesty must insist as a *Sine quâ non*; unless the Court of Spain could shew a just Title which authorized them to form an Exclusive Settlement at Nootka, at the Time of the Arrival of M. Martinez, and for that Purpose, to remove  
His

His Majesty's Subjects from a Settlement made under the Circumstances before-mentioned.

If any such Title could be produced and established, His Majesty's Justice and Equity would induce Him readily to admit it: But none such had been hitherto offered; and there was little Ground to suppose that any such could be fairly supported. In different Parts of the several Papers received from the Court of Spain, Two Grounds had been principally referred to. One of them was that General Claim to the Sovereignty of the Continent and the Seas adjacent, already referred to. This Claim, as it was at first stated, was unlimited; and it had since been explained only by confining it within 61 Deg. North Latitude, which was represented as the Limit of the Russian Settlements. Such a Claim (with this Explanation) comprehending, as it does, an Immense Extent of Coast only recently known to Europeans, and which, since it's Discovery, had been uninterruptedly frequented by His Majesty's Subjects and by any other Nations, was, on the Face of it, so Inadmissible, as not to leave room for Discussion; it being, in the Nature of Things, impossible that any Documents could be found to support it.

Indeed,

Indeed, the very Nature of the Limitation, by which this Claim was confined to 61 Deg. North Latitude, was of itself sufficient to shew the Claim itself to be wholly inadmissible by other Nations, it being impossible to state any Ground of Argument in Support of the Right of the Russians to make Settlements in 61 Deg. North Latitude, which does not apply with exactly the same Degree of Force, in Favour of the Right of any other Nations to do the same in the other unoccupied Parts of that Coast, North of the actual Spanish Territory. And it was particularly to be observed, that, if such Argument were grounded on any Notion of Prior Discovery, that Principle, weak as it is when unsupported by Occupation, was nevertheless more favourable in this Instance to the English than to any other Nation.

The other Ground which had been pointed to was that of a Prior Discovery and Occupation of the Places actually in Question, at Nootka and the Parts adjacent. This was stated in Monsf. del Campo's Note of the 10th of February last; who represented that, in 1774, Monsf. Martinez visited Nootka, and left a few trifling Articles with the Natives.

With

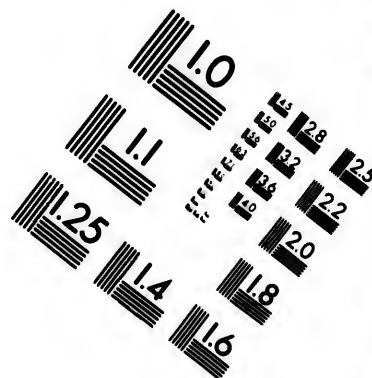
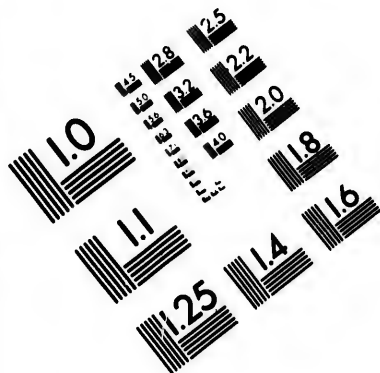
With respect to such pretended Discovery, (if it were material to the Question) there was just Reason to believe that the Knowledge which the Spaniards had of this Port was subsequent to the Discoveries of British Navigators. But Discovery alone, not followed actual Occupation and Establishment, could never, the Duke of Leeds observed, be admitted as giving any Right to the Exclusion of other Nations; and the Sort of Occupation, alledged in this Instance by the Spaniards, was as little capable of being maintained as a Title to Dominion, as that of Bare Discovery; it consisting only in having left some trifling Articles with the Natives, in a Place where no actual Settlement was made or pretended.

The Circumstance of these Two Grounds having been referred to, might, of itself, be considered as a Proof, that no Title could be maintained by Spain on any just and solid Grounds; and His Majesty was therefore firmly convinced, that His Claim to the Restitution of Nootka could not be controverted. If, however, contrary to Probability, any other Ground should be urged, the Duke of Leeds

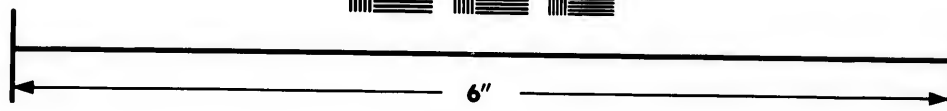
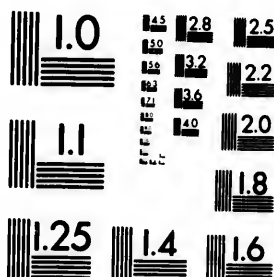
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referred Mr. Fitz-Herbert to the Materials already in his Possession, which would enable him to refute any Arguments which the Spaniards could urge on the Subject.

The Second Article, his Grace observed, was intended to provide for the Free Exercise of Navigation and Fishery, and for the Liberty of Landing for the Purposes of Commerce with the Natives, and of making Settlements in Unoccupied Places, conformably to what had been stated on the Subject in the Dispatch before alluded to. This was a Point of the utmost Importance; and, in consequence of the Language held by the Court of Spain relative to this Fishery, it was essential that it should be secured by positive and precise Stipulation. Great Care, however, was necessary (as the Duke had observed in his former Instructions) to prevent this Article from appearing as a Concession on the Part of Spain. For this Purpose it was thought necessary to adopt Words, which, though they did not declare an Antecedent Right, or make it necessary to agitate that Question, might, nevertheless, be consistent with the Principles which His Majesty had maintained, and which might be as applicable to the Confirmation

firmation and Security of an existing Right, as to the Grant of a New One. With this View it had been thought proper, to include the Case of Landing for the Purposes of Commerce with the Natives, or of making Settlements. There might otherwise be a Danger that an express Stipulation, with respect to the Right of Landing for the Purpose only of the Fishery, while that of Landing for the Purpose of Commerce, or of making Settlements, was passed over in Silence, would be construed to imply a Renunciation of the Latter, and might thereby amount to an Admission (at least in Part) of of the Spanish Claim of Exclusive Sovereignty. By this Article, therefore, the Right to Land for the Future, for any Purpose, in any Unoccupied Part of America within the Limits to be now fixed, would be clearly and finally established. The Provision necessary to ascertain those Limits, and to provide a reasonable Security for the Prevention of Contraband Trade with the actual Settlements of Spain, form the Subject of the Third Article.

The fundamental Principle to be kept in View, in any Proposal respecting the Limits, his Grace declared to be, That the Exclusive Dominion of Spain extends only to those Places, which can be fairly shewn to be in the actual Occupation and Possession of the Subjects of that Crown. It seemed material, however, he added, that the Practical Application of this Principle should be now expressly ascertained, and that the Limits resulting from it should be fixed by Positive Agreement; because, if the Principle only were agreed upon in General Terms, it might become Matter of Dispute hereafter, what should be deemed Proof of Occupation, and what was the Extent of the Dominions so occupied by Spain at the Time of forming the Agreement.

In proceeding to frame an Article on this Subject, it was not wished to give too strict and confined a Sense to the Term Occupation, or to insist upon so rigorous and literal an Application of the Principle itself, as might lead to a minute and intricate Discussion, with Respect to Points of no substantial Importance. There might be Places which, though not  
 actually

actually settled or inhabited, at least by Spaniards, might nevertheless be shewn to be fairly within the actual Exercise of their Dominion, either by the Native Indian Inhabitants being treated as Subjects, and living under the Authority of the Court of Spain, or by any other Evidence of such Places being comprehended within the Operation of Ordinary and Regular Acts of Sovereignty and Jurisdiction. There might be other Instances in which, from the Circumstances and Relative Situation and Distance of different Establishments and Missions, it might not be easy to decide how far there fairly existed such a continued Occupation, or such an Interest in the Intermediate Places between such Establishments, as might apply to the whole District in which such Establishments might be situated. In Cases of this Nature, the Application of the Principle would, in Strictness, depend upon a minute Investigation of all the Particulars : But it appeared to His Majesty's Servants more desirable, to allow some moderate Latitude, in such Instances, to the Pretensions and Interests of Spain, rather than enter into such nice and difficult Discussions, as might, in a great Degree, protract and embarrass the Negotiation.

Such

Such a Latitude seemed the more admissible, considering the great Extent of the Countries in Question; and considering also, that, from the Manner in which the proposed Article was framed, it would not follow that the Space, included within the Limits to be agreed upon, was admitted as a Matter of Right to be Spanish Territory, but that, for the Sake of Convenience, and to prevent Disputes in future, His Majesty agreed, by Positive Stipulation, that, within certain Limits, His Subjects should not form any Settlements, or carry on any Commerce.

Having stated to his Excellency the general Principles, by which the Limits referred to in the annexed Projet were intended to be ascertained, the Duke of Leeds proceeded to detail what had appeared to His Majesty's Servants as most reasonable, with Respect to the Particular Application of those Principles, as far as the Information they possessed had enabled them to judge of this difficult Point.

It appeared in the first Place plain, with respect to the North-West *Coast* of America, that there was no Pretence of any Occupation,

tion, on the Part of Spain, of the Nature of that before described, above the Northern Limits of California, prior to 1789; nor was it known that any Settlement had been made since that Time, excepting That at Nootka. This Opinion was confirmed by observing that, in the most authentic Maps, published in different Countries, previous to the late Discoveries, the Whole Coast, North of the Peninsula of California, is laid down as Unknown to Europeans, and could not therefore be reasonably supposed to be settled by Spain; and also because that, in a *Notitia de California*, said to be published, in 1757, by Authority of the Spanish Government, their Knowledge of the American Coast is expressly stated not to go beyond California: and there was no Information of Settlements further North made by Them since that Date; but, on the contrary, there was Reason to believe, from what was known of the State of California itself at more recent Periods, that none such could have been made.

It was, indeed, doubtful, whether even California itself might not be excluded, by a strict Application of the Principle of Occupation. But as, from the Account of that Country,

Country, it appeared that, for a considerable Time back, the Spanish Government had been engaged in continued Attempts for subduing or settling it, and that a considerable Number of Establishments had actually been made in various Parts of the Coast under the Authority of the Governor of Mexico, it was not His Majesty's Wish to discuss that Point, or to enquire how far these, which, for the most Part, are denominated Missions, ought to be held to be in the Nature of Settlements of Occupation.

On this Statement, the Northern Limit of the Peninsula of California, or about 31 Deg. North Latitude, was the utmost Northern Extent that could be left as the Exclusive Possession of Spain on that Coast.

But it appeared that the Spanish Settlements in New Mexico, on the Rio Bravo, were carried up considerably higher, and almost to 40 Deg. North Latitude ; and that, if the proposed Limits were described by a Parallel of Latitude running Eastward from the Northern Limit of California, they would interfere with great Part both of New Mexico and of Louisiana.

This

This, the Duke observed, would certainly be unreasonable; and, for obviating this Difficulty, Mr. Fitz-Herbert was directed, in the first Instance, to propose that the Line of Limits should run East, from 31 Deg. North Latitude to the Rio Colorado, and from thence along the said River to the Head thereof, and from thence to the nearest Part of the Missouri.

But if, in the Progress of his Discussions, he should find the Court of Spain very desirous to extend the Limits on the Coast further to the North, and should think this a Point likely to endanger the Ultimate Issue of the Negotiation, or greatly to retard it's Conclusion, His Majesty did not think This an Object of any considerable Importance to His Subjects; and Mr. Fitz-Herbert was therefore authorized, in that Case, to agree that the Northern Limit of the Parts, to be left to Spain by this Treaty, should be the 40th Parallel of North Latitude, running from the Western Coast of America, Eastward, to the Place where it crosses the Missouri.

With respect to the Southern Limit to be fixed on the Western Coast of America, there appeared to be considerable Difficulty, on Ac-

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count of the defective Information His Majesty's Ministers possessed relative to those Parts. In the best Maps which are extant, and particularly in the great Spanish Map engraved in Spain in 1775, to which Recourse was had on this Occasion, it appeared that the Spanish Settlements in the Governments of Peru and Chili are nearly contiguous; but the Southern Limit of the Government of Chili is not distinctly expressed. The most Southern Settlement of the Spaniards on that Coast appeared to be that of Castro, which is on the Island of Chiloe, and is about 43 deg. South Latitude. In the large Map before-mentioned, there appear indeed to be some small Villages or Parishes on the Island of Chiloe, South of Castro; but the actual State of that Coast is not sufficiently ascertained, to afford a Ground for judging how far, according to the Principles above stated, the Spanish Possessions in the Government of Chili as far as Castro, or down to any other Point South of it, are such as to carry with them the Sort of Occupation before described. The Duke of Leeds stated it to be probable, that the just Point of Limit would be found, according to the Principles already mentioned, to be somewhere between the 40th and 45th Degrees

Degrees of South Latitude. But that, as this could not be precisely ascertained here at present, His Majesty, having the fullest Confidence in Mr. Fitz-Herbert's Ability and Discretion, had commanded his Grace to leave it to him to fix the Southern Limits, by applying such Information as he could obtain from the Spanish Government to the General Principles before mentioned: And His Majesty was persuaded that he would not make any unnecessary Concessions; nor did the Importance of the Question, whether this were fixed a little more or a little less to the South, appear to be such as to justify the Delay, which would be occasioned by a Reference for further Instructions from Home.

The whole Question about the Eastern Coast of South America, his Grace observed, would be at once decided, if a Fact which was started on this Subject could be sufficiently ascertained. To an Account of Patagonia, published in England in 1774, a Map is prefixed, in which a Line is marked near the River Salladillo, a little to the Southward of the Rio de la Plata, and stated to have been fixed by Treaty with the Indians in

1740, as the Limit beyond which the Spaniards were not to settle to the Southward, In the Book itself a Reference is made to this Treaty, but no Account is given of the Authority on which its Existence is asserted, nor are the Particulars of the Treaty itself stated.

Supposing this Treaty to be authentic, and to have continued to be the Boundary between those Nations, there could be no Pretence on the Part of Spain to claim any Thing to the Southward of that Line. And it was the more reasonable to suppose that this was really the Case, as, in the Spanish Map above referred to, there did not appear any Trace of a Settlement in those Parts. This latter Circumstance alone afforded sufficient Ground for fixing the Boundary, in this Instance, in the same Manner as those before spoken of.

On these Grounds, His Majesty's Servants were induced to believe, that the just Application of the General Principles before mentioned would fix the Line before referred to as the proper Limit for the Eastern Coast; and,  
if

if Mr. Fitz-Herbert should not be apprized by the Spanish Government of any Material Facts to vary what was now stated, he was directed to propose to fix it according to that Line, which he would see traced in the above-mentioned Map of Patagonia, a Copy of which was sent by the Messenger to his Excellency.

Any Difficulty, which the Court of Spain might make, with respect to these Limits, the Duke hoped would be considerably diminished by the Proposal suggested in the Fifth Article, as hereafter explained.

The latter Part of the Third Article contained the Provision for preventing the Ships of His Majesty's Subjects from approaching nearer than a certain Distance from the Coast, within the Limits assigned. This Distance His Majesty's Ministers thought should, if possible, be fixed at Five Leagues, which it was imagined would afford an ample Security against Contraband Trade, and which exceeded the Distance within which Ships are seizable under the Hovering Acts in this Country. His Majesty was anxious, if possible, that this Distance should not be exceeded, as there was

Reason

Reason to believe that it might be of some Consequence, for the Purposes of the Fishery, to approach as near as Five Leagues; but nevertheless, if it should be absolutely necessary, Mr. Fitz-Herbert was authorized to extend this Distance as far as Eight or even Ten Leagues. It was particularly desirable that this should be the utmost Distance, as it was understood here that the Whales are frequently found on the Edge of the Soundings, which, on those Shores, are represented to be from Five to Ten Leagues from the Coast.

The Fourth Article his Grace stated to be conformable to the Principles laid down in his Dispatch of the 16th of May, with Regard to the Stipulation to be agreed upon in relation to New Settlements. He added, that, on further Consideration, His Majesty's Servants were confirmed in thinking, that the Securing Reciprocally to the Subjects of both Countries the Liberty of Access and of Trade, in all new Settlements which Either Nation might form in those Parts, was the most likely Way to prevent an Injurious Competition in the Attempts to establish them. On this Ground, His Majesty had been pleased to approve

prove of this Article, as calculated to promote the essential Object of avoiding Occasions of Jealousy in future. The Duke of Leeds trusted, the Court of Spain would consider it as an Instance of His Majesty's Moderation and Equity, that He proposed to apply this Principle both to the Possessions to be restored to His Subjects, and to any Establishments which might have been formed by the Spaniards since the Violence committed by Mons. Martinez ; and that, on the one Hand, His Majesty did not wish to found, on the Prior Occupation of His Subjects, any other Rights, than those which should be established for the future with Respect to new Settlements; and that, on the other Hand, He contented Himself with the Application of the same General Principle, to any Settlements which might have been formed in this Interval by Spanish Subjects, without insisting (as in strict Justice he might) on such Settlements being actually Evacuated.

The Fifth Article, already referred to, his Grace stated to be consonant to what he had stated in the concluding Part of his former Dispatch, and would furnish a strong additional

onal Proof of the Sincerity and Fairness of His Majesty's Intentions, and of its not being His Wish that His Subjects should form any Settlements, which could give just Cause either of Political or Commercial Jealousy to the Established Possessions of Spain in South America.

On this Point, His Majesty's Ministers insisted, that His Majesty unquestionably could not be called upon to relinquish the Rights of His Subjects by a Contract not Reciprocal; but, at the same Time, as the chief Importance of the Right of making Settlements to the Southward would arise only from the Possibility of Settlements being made there by other Nations (which might gradually obstruct the Right of Landing for the Purposes of the Fishery, or at least give Occasion to future Disputes) His Majesty was willing to agree, that the Subjects of the Two Crowns should be restrained from making any Settlement on any Part of the Coast of South America, South of the Limits agreed on, so long as no Settlements should be made there by the Subjects of any other Powers. This Restriction would leave this Part of the Coast open to both Nations  
for

for the Purpose of carrying on their Fisheries. Of course it would be understood; that the Stipulation not to make Settlements would not prevent landing for Wood and Water, and building temporary Huts, if necessary.

If the Court of Spain should attach any Importance to the Object of providing against Settlements being made in these Parts by His Majesty's Subjects, it could not not justly expect such a Provision, on any other Ground but that of Reciprocity; and it could not be unwilling to purchase this Security (supposing it should really be thought material) by a Sacrifice on it's own Part of a Right which it could hardly in any Case become it's true Policy to exercise.

This Article, however, his Grace said, was only proposed on the Supposition that it would be acceptable to the Court of Spain; and there would be no Objection to agreeing to the other Articles without This, if the Court of Spain should wish to omit it.

Together with this Dispatch the Messenger was also charged with Copies of a Letter from the Marquis del Campo to the Duke of Leeds,

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on the Subject of disarming, and of his Grace's Answer ; which are as follow :

COPY of a Letter from the Marquis del Campo to the Duke of Leeds, dated London, August 10, 1790.

My Lord,

J'AI eu l'Honneur d'entretenir votre Excellence sur le Desarmement reciproque de la Part de l'Espagne et de l'Angleterre, comme d'une Disposition qui paroissoit très conséquente et très propre à raffermir la bonne Harmonie et la Confiance entre nos Deux Cours, aussi bien que la Cordialité entre les Deux Nations, et la haute Idée que l'Europe doit avoir des Sentimens nobles et genereux des nos Sove- rains.

Le Déclaration de l'Espagne, contient la Satisfaction exigée, et la Contre-Declaration assure que Sa Majesté Britannique se regarde comme parfaitement satisfaite. Ainsi le fait, qui avoit donné lieux aux Reclamations et aux Armemens de l'Angleterre, se trouve par la aneanti.

On appuya aussi ces mêmes Preparatifs à l'Epoque du 5 Mai, quand le Roi jugea à propos d'envoyer

d'envoyer Son Message au Parlement, sur les Informations, qu'on venoit de recevoir, des des Armemens considerables qui se faisoient dans les Ports d'Espagne, sans qu'on sçût les Motifs ni la Destination. Sur cet Article le Ministre Espagnol s'empressa de donner, avec la plus grande Franchise et Honnêteté, tous les Eclaircissements possibles ; et proposat d'abord (c'est-à-dire le 15 Mai) le Desarmement reciproque ; sur quoi il n'a cessé d'insister, en s'adressant à Madrid à Messieurs Merrick, Frazer, et l'Ambassadeur Fitz-Herberg ; comme pareillement j'ai taché de faire ici, par son Ordre, dans les Occasions qui se sont presentés. Il paroît donc par ce Recit simple, que le Second Motif des Armemens Anglois auroit cessé il y a quelque Temps, si la Cour de Londres s'y fut conformé, et que la Chose depend aujourd'hui absolument d'Elle.

Le Roi mon Maitre, et tout Son Ministere, partant de ces Principes, ne doutoient nullement que la dite Disposition n'eut lieu, immediatement après la nouvelle de l'Echange de la Declaration et Contre-Declaration, signées à Madrid le 24 Juillet dernier ; et ils m'avoient même autorisé à traiter avec votre Excellence sur la Maniere et sur la Proportion

qui seroient jugées les plus adaptables pour effectuer le Defarmement, en ayant Soin de sauver toute Sorte d'Inconvénients.

Le Cour de Madrid auroit crû offenser celle de Londres, en entretenant le moindre Doute sur ses Dispositions amicales à cet Egard, non seulement par toutes les puissantes Raisons qui concourent à rendre très preferable le Defarmement reciproque, mais aussi par ce que, dès le Commencement de la Mesintelligence, le Ministère Britannique temoigna le même Desir, comme il paroît par la Lettre que votre Excellence eut la Bonté d'écrire dans les premiers Jours de Mai à Mons. Merrick, avec Ordre d'en faire Communication à Mons. le Comte de Florida Blanca, comme une Preuve non equivoque des Vuës cordiales et pacifiques de l'Angleterre ; le Langage même de Mons. de Fitz-Herberg depuis son Arrivée a été pareillement conforme.

C'est pour m'acquitter des Devoirs essentiels de ma Place, que je suis forcé de m'adresser de nouveau à votre Excellence sur l'Objet dont il s'agit. Les Intentions du Roi d'Espagne sont pures, honnêtes, et amicales à toute Epreuve. Je n'hésite pas un Moment à assurer, que celles du Roi Britannique sont exactement de même.

Les

Les deux Ministeres se font une Gloire d'imiter respectivement leurs Souverains, et de suivre leurs Principes de Sageſſe et de Droiture. Quel Dommage donc, ſi, avec de tels Sentimens, on alloit donner la Preference à des Meſures, ſeules capables de produire de la Meſiance et des Alarmes entre nos Nations, leſquelles s'aiment et ſe reſpectent mutuellement ; bien convaincuës toutes deux des Avantages immenſes, qui reſultent de leur Amitié étroite et permanente.

Quoiqu'il ne ſeroit pas déplacé d'entrer dans le Detail des Depenſes enormes qu'on pourroit et qu'on devroit éviter des deux Côtés, auſſi bien que des Inconveniens qui peuvent naître des Armemens conſiderables des deux grandes Nations, malgré toute la Prevoyance et toutes les Precautions de leurs Gouvernemens : Je dois m'abſtenir de le faire, traitant avec un Miniſtre des Lumieres de votre Excellence. Mais je la prie de conſiderer, quelle doit être la Surpriſe de ma Cour, en apprennant le Parti qu'on paroît vouloir adopter ici par Preference.

Sans Doute qu'il y a une Negotiation à ſuivre ; et qu'il y a encore des Points à débattre et à régler définitivement. Mais ſ'agiffant d'une  
Negotiation

Negotiation amicale et d'une Discussion franche, honnête, et de bonne Foi ; dans laquelle chacun doit faire valoir ses Droits, ses Titres, et ses Raisons, pour parvenir un Accomodement juste et equitable : Dans cet Etat de Choses, il paroît que la trop grande Force des Armemens pourroient plutôt nuire à l'Objet qu'on se propose, et seroit sujette à des Interpretations desagreables, quoique très éloignées certainement des veritables Intentions des deux Cours.

L'Interêt que je prend, par Devoir et par Inclination, à la Reussité de tout ce qui peut contribuer au Bonheur de nos deux Nations ; le Desir de n'en rien omettre de ma Part, et sur tout les Ordres de ma Cour, m'ont mis dans le Cas de faire ces Reflexions à votre Excellence. Je me flatte, qu'en même Temps qu'elle les pesera, elle rendra Justice à mes Sentimens.

J'ai l'Honneur, &c.

(Signé) *Le Marquis del C A M P O.*

COPY

COPY of the Duke of Leeds's Answer to  
the Marquis del Campo, dated White-  
hall, August 14, 1790.

Monsieur,

EN Reponse à la Lettre que votre Excel-  
lence m'a adressée le 10 du Courant, j'ai  
l'Honneur de l'informer, que la Proposition de  
la Part, touchant un Desarmement reciproque  
de la Part de nos Cours respectives, ne sauroit  
être regardée que comme une Preuve très  
agréable d'un Desir sincere de remettre les  
Choses aussitôt que possible sur le Pied de  
l'Etablissement ordinaire de la Paix.

Vous pouvez être persuadé, Monsieur, que  
les Sentimens du Roi sont analogues à ceux de  
Sa Majesté Catholique, à l'égard de tout ce  
qui pourroit rétablir le plus Promptement pos-  
sible la bonne Intelligence entre les Deux  
Puissances.

Cependant, il paroît que les Circonstances  
actuelles ne permettent pas le Desarmement  
dont il est Question. Il est certain, que la  
Declaration de la Part de l'Espagne, et la  
Contre-Declaration de celle de l'Angleterre,  
ont heureusement levé la Pierre d'Achoppe-  
ment, qui paroissoit d'une Nature à empêcher  
tout Accommodement, et par conséquent

la

la Voie de Negotiation est ouverte. Il n'est pas moins sûr pourtant, que l'Objet des Preparatifs, que Sa Majesté s'est trouvé obligée de faire, n'a pas été borné à l'unique Consideration de Reparation d'une Injure contre Sa Dignité ; mais qu'Elle avoit également en Vuë la Securité des Intérêts de Ses Peuples à l'avenir, comme il est particulierement énoncé dans ma Depêche à Monsf. Merry du 4 de Mai, citée par votre Excellence, et dont j'ai l'Honneur de lui envoyer un Extrait ci-joint.

C'est de Concert avec le Cour d'Espagne, que le Roi desire de voir établi une Systeme, capable, non seulement de contribuer au plus parfait Retour d'Amitié et de Paix, mais en éloignant tout Sujet de Jalousie entre les Deux Nations, par Rapport à leurs Interêts respectifs en Amérique, rendre leur Amitié sure et permanente.

Dans de telles Circonstances, Monsieur, je crois que vous avouerez sans Difficulté, que Sa Majesté ne peut pas arrêter les Preparatifs qu'elle a jugé convenable de faire ; les Negotiations qui viennent seulement d'être entamées étant d'une Nature autant compliquée qu'importante.

J'ai l'Honneur, &c.

( Signé )

L E E D S.

BY the same Messenger Mr. Fitz-Herbert was further charged to represent to the Spanish Court, that, by the Accounts referred to in Mr. Meares's Memorial, it appeared that a Number of Chinese, who were in the Service of His Majesty's Subjects at the Time of the Capture of the British Vessels at Nootka, were seized, and had since been detained and employed in working Mines by the Spaniards. His Majesty had not thought it necessary to make this the Subject of any separate or formal Article in the Convention, especially as it appeared that an Enquiry was directed to be made into the Whole of the Conduct of Monsr. Martinez in this Transaction, and as the Restoration of these Men was evidently comprized within the Declaration signed by Count Florida Blanca. But, in order to avoid any Misunderstanding on this Subject, it was judged proper, that the Circumstance should be mentioned by his Excellency to that Minister; and that he should be informed, that, independent even of that Engagement, His Majesty had no doubt, that the Justice of His Catholic Majesty would have induced Him to give immediate Orders for setting at Liberty these Persons, who had been so unjustifiably and cruelly detained.

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As the Satisfaction given by the Court of Spain, relative to the Capture of the Vessels at Nootka, had now opened the Way for the Discussion of the other Matters depending between the Two Courts, the Duke of Leeds took the Opportunity of conveying by the same Messenger to Mr. Fitz-Herbert His Majesty's Instructions, with respect to the Situation of the British Settlers in the Bay of Honduras, and to what had passed on that Subject between the Two Courts.

As a full Explanation of His Majesty's Sentiments on this Business had been transmitted to Mr. Merry, His Majesty's Chargé d'Affaires at Madrid, on the 25th of December last, the Duke referred Mr. Fitz-Herbert to that Paper, which would explain to him the Measure adopted by His Majesty, of suspending Colonel Despard, and of directing Lieutenant Colonel Hunter to declare the Steps taken by the former, for the Abolition of the then existing System of Police, to be null and of no Effect; and would also shew the Grounds on which that Resolution was taken, and on which it was to be maintained by Mr. Merry, (in any Discussions upon the Subject) as being in exact Conformity to the general Spirit of the

the Convention, and particularly to the express Words of the Seventh Article.

In consequence of the Communication made by Mr. Merry to the Spanish Court, in pursuance of that Dispatch, his Grace stated, that he had received from Mons. del Campo, on the 11th of February last, a Letter, of which he inclosed a Copy. As that Letter was transmitted to the Duke at the same Time with the Notification made by Mons. del Campo of the Transactions at Nootka, the Effect of which Notification was, as Mons. del Campo was informed by his Grace, to suspend all other Discussions till His Majesty had obtained Reparation for the Insult offered to His Crown, no Answer had as yet been given, by His Majesty's Orders, on the Subject of Honduras.

As the Tone of the Letter of the 11th of February, on that Subject, was conformable to that which so unhappily prevailed in the other Communications of the same Date, it required that an Answer should be delivered by Mr. Fitz-Herbert on his Majesty's Part, formally asserting, in Contradiction to that Paper, the indisputable Right of his Majesty to establish

such Regulations, as His Majesty should judge proper, for maintaining Peace and good Order among His Subjects, settled under his Protection in the Bay of Honduras; provided such Acts did not interfere with the Territorial Sovereignty of His Catholic Majesty, which the King has formally recognized; and expressing His Majesty's full Persuasion, that the Court of Spain, from subsequent Information of the Particulars of the Transactions at Honduras, and from a further Consideration of the Nature of the Communications made by His Majesty's Orders, relative thereto, will have been convinced that, so far from being an Infraction of the Convention, that Communication contained the most satisfactory and unequivocal Proofs of the good Faith which His Majesty has scrupulously observed, and of his Disposition to arrange every Point of this Nature, in the most amicable Manner, with His Catholic Majesty. His Grace affirmed, that the Establishment of such Regulations as above described, and the appointing and authorizing Persons to carry them into due Execution, is not an Act of Government, in the Sense in Mons. del Campo appeared to speak of it, as being inconsistent with the Sovereignty of Spain,

Spain, but is a necessary consequence of the Nature of that Establishment, to which the British Nation is entitled, under the Treaty of Peace, and by the explanatory Convention of 1786. The Duke expressed his Hope that, after this necessary Declaration should have been made, the Business itself would not be found to be of a Nature to throw much Difficulty in the Way of an amicable Adjustment with the Court of Spain, if the other Points in Dispute could be properly arranged.

Mr. Fitz-Herbert was further informed that, in consequence of the Orders given by Lieutenant-Colonel Hunter, he had proceeded to the Bay of Honduras, and had framed, with the Assistance of some of the Settlers, and from the Information which he had acquired of the former State of the Settlement, a System of Police, and had transmitted the same for His Majesty's Consideration. This Plan had been referred to His Majesty's Law Servants, and there was Reason to believe that it would be found such as might be adopted, either in toto, or at least with such Alterations as might be made to it here, so as to preclude the Necessity of any further Reference to the Bay of Honduras.

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Under these Circumstances, Mr. Fitz-Herbert was directed to inform the Court of Spain, that, although His Majesty could not, by any Means, forego or renounce His Right to establish a System for the Administration of Justice between His Subjects in Honduras, upon the Grounds, and under the Restrictions above-mentioned ; yet that, as a Proof of the friendly Disposition of His Majesty, and in order that His Catholic Majesty might be convinced, that the Regulations to be established by His Majesty's Orders would not contain any Thing in any Manner repugnant to the Territorial Sovereignty of the Crown of Spain, the King was willing to make a previous Communication thereof to His Catholic Majesty ; and that, for that Purpose, as soon as the Plan should have been sufficiently examined here, it would be transmitted to his Excellency, and that the Orders for it's actual Establishment would be delayed until His Majesty should be informed by him of his having made such Communication thereof to the Court of Spain ; and lastly, that such Plan would contain an express Provision, for the most scrupulous Observation of the Treaties subsisting between the Two Courts.

The

The following is a Copy of the Marquis del Campo's Letter, alluded to in the preceding Dispatch.

Manchester-Square, ce 11 Fevrier, 1790.

Milord,

L E Chargé des Affaires de Sa Majesté Britannique à Madrid ayant remis à Monf. le Comte de Florida Blanca un Recit et un Office, sans être signé, concernant la Suppression des Magistrats Anglois à Honduras, ma Cour m'a ordonné d'annoncer à votre Excellence, qu'Elle n'a pas encore reçue des Nouvelles directes sur ce Sujet. Elle m'ajoute en même temps, que tout l'Exposé paroît être une Infraction faite à l'Article 7. de la Convention, ne pouvant Personne, comme votre Excellence le fait fort bien, rendre Justice, ni exercer aucun Acte de Gouvernement, sur le Territoire d'un autre Souverain, comme celui dont il est Question, étant convenu et reconnu expressement dans la Convention, et dans le Traité de Paix. Mais, si le Roi Britannique veut Se mettre d'accord avec le Roi mon Maître, on pourra faire un Règlement par Rapport à l'Administration de Justice et de Police, entre les Sujets Anglois demeurant à Honduras. Par ce Moyen, les Sujets respectifs pourront s'acquitter de leurs

leurs Devoirs, en vivant dans la meilleure Harmonie possible; et les deux Cours s'épargneront la Peine d'entendre des Recours et des Plaintes de cette Espèce.

Je prie votre Excellence de vouloir bien mettre cette Idée sous les Yeux de Sa Majesté Britannique, afin de pouvoir nous occuper de l'Arrangement convenable pour arrêter ces petites Dissentions.

(Signé) *Le Marquis del C A M P O.*

A NEGOTIATION of a Nature so interesting as that now depending between England and Spain could not fail to occasion a considerable Sensation in France, where a long continued Alliance, and a supposed Reciprocity of Interests with the latter of these Kingdoms, made Her Interference an Event both natural and probable. That She had armed a Squadron at the Beginning of the Dispute has already been seen; and that a further Attempt might be made, on Her Part, to influence the Decision of the impending Questions was an Event reasonably to be apprehended. It appeared indeed, from what actually did happen, that a Hope was entertained of this Country being induced

induced to recede from the Terms She had proposed, by an Appearance of Vigour on the Part of France, which, it was probably supposed, might induce the English Ministry to apprehend a more formidable Opposition than they might originally have expected. Be this, however, as it may, it is certain that, about this Time, the Measures adopted by the Ruling Party in France, (evidently by the Suggestion of Spain) tended directly to that Purpose, and appeared to lead to a declared Junction with that Power, in the Event of a War taking place between Her and England.

The First Step of this Nature was taken by Mons. de Montmorin, who, on the 2d of August, addressed a Letter to the National Assembly, containing His Most Christian Majesty's Orders to acquaint them that England was increasing Her Armament, and that it would be therefore necessary (although a good Understanding continued to subsist between the Two Nations) that France should also increase Her Forces. Mons. de Montmorin also inclosed a Letter from Count Fernan Nunez the Spanish Ambassador at Paris, dated the 16th of June, which, he observed, contained the State of the Negotiations at that Time between

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England



England and Spain. The French Minister concluded by saying, that, in the Hope of their coming to an Understanding, the King had postponed urging the Assembly to a Decision; but that He could no longer delay that Measure.

In the Letter above mentioned, the Spanish Ambassador asserted, that the speedy and exact Performance of the Treaty of 1761, called the Family Compact, was become an indispensable Preliminary to treat with Success; that, under that Necessity, Spain was obliged to have recourse to the Aid of France; and that, the King His Master had ordered him to ask Explicitly What France could do, in the present Conjuncture, in order to assist Spain. On this Point he declared an Immediate Determination was required; as well as that the Measures, to be adopted by the Court of France, should be active, open, and positive, so as to avoid the least Occasion of Distrust. Should they prove otherwise, he added, His Most Christian Majesty must not be surprized, if Spain should look for Other Friends and Other Allies among all the Powers of Europe, without excepting Any, upon whose Assistance She might depend, in Case of Necessity.

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The Decision of this important Question was referred to the Comité Diplomatique ; the Opinion of which Body was, on the 25th of August, reported to the National Assembly, by Mons. Mirabeau the Elder.

It contained an Advice to the Assembly to empower them to examine the Family Compact, in order to form out of it a National Compact, by omitting all the Articles of an Offensive Tendency ; and, at the same Time, to request the King, to order His Minister at the Court of Madrid to enter into a Negotiation with the Spanish Ministry on those Grounds. The Comité also proposed two Decrees—The one, That All existing Treaties shall be maintained by the French Nation, until it shall have revised and modified them.—The other, That, before the thorough Examination of the Treaties, which the Nation may think proper to continue or alter, the King shall be requested to make known to all the Powers with which France is connected, that Justice and the Love of Peace are the Basis of the French Constitution ; and that the Nation cannot admit in Her Treaties any Stipulations, which are not purely Defensive and Commercial. The Comité accordingly requested the

King to inform His Catholic Majesty, that the French Nation, in taking all proper Measures to maintain Peace, will abide by the Engagements which Her Government has contracted with Spain. They also desired the King to order His Ministers to negotiate, in Conformity to these Principles, with the Court of Spain, and to Commission Thirty Ships of the Line, Eight of which, at least, should be fitted out in the Ports of the Mediterranean.

On the following Day, the National Assembly took this Report into Consideration, and, after a short Debate, Decreed that they would abide by the Defensive and Commercial Engagements which the Government had contracted with Spain : That the King should be desired to order His Ambassador to negotiate with the Ministers of the Catholic King, in order to strengthen, by a National Treaty, those Ties which were useful to both Countries, and to fix, with Precision and Clearness, such Stipulations, as might not be entirely conformable to the Views of General Peace, and to the Principles of Justice, which should always be the Policy of the French. The Assembly also decreed, that, on a Consideration of the Armaments of the different Nations

tions of Europe, and their progressive Increase, and of the Security of the French Colonies and Commerce, the King should be desired to order into Commission Forty-five Ships of the Line, with a proportionable Number of Frigates and small Vessels.

This Intelligence, which Earl Gower had transmitted by a Messenger, arrived at Whitehall on the 29th of August; and, on the 1st of September, the same Messenger was re-dispatched with Instructions to that Ambassador, for his Conduct in this important Business.

By these, his Excellency was directed to lose no Time in delivering to Mons. de Montmorin a Memorial to the following Effect, viz.

“ THE Assurances which have been repeatedly given of the friendly Disposition of His Most Christian Majesty, and particularly those conveyed through Mons. de la Luzerne, subsequent to the present Discussion with Spain, were received by His Majesty with the greatest Satisfaction, and  
“ with

" with a perfect Reciprocity of Sentiments.  
 " Feeling an earnest Wish to preserve a good  
 " Correspondence with His Christian Majesty,  
 " the King has seen, with great Surprise and  
 " Concern, the great additional Armament  
 " now ordered to be prepared in the Ports of  
 " France ; as such an extraordinary Prepara-  
 " tion, under the Circumstance of the Nego-  
 " tiation now depending with the Court of  
 " Spain, carries an Appearance in no Degree  
 " consistent with those Sentiments of Friend-  
 " ship which have been professed. His Ma-  
 " jesty has therefore thought it necessary to  
 " direct the undersigned, to desire an Expla-  
 " nation of the Object and Destination of the  
 " Armaments now carrying on in the French  
 " Ports ; and His Majesty earnestly hopes,  
 " that the Answer to this open and friendly  
 " Communication may be such, as to pro-  
 " mote the Harmony and good Understanding  
 " which His Majesty, on His Part, is sin-  
 " cerely desirous of cultivating with His Most  
 " Christian Majesty."

HIS Excellency was also directed to express  
 to Mons. de Montmorin, in the strongest  
 Terms, the Continuance of His Majesty's sin-  
 cere

cere Desire for the Preservation of Harmony with the Court of France ; but, at the same Time, to observe to the French Ministry the obvious Impossibility of that Harmony remaining uninterrupted, if that Court should think itself bound to take Part in Support of any Claims, however unfounded, which the Court of Spain might chuse to advance.

With regard to the Nature of the Preparations ordered in France, and the Terms of the Decree of the National Assembly, the Duke of Leeds observed, that they appeared calculated to give Encouragement and Support to Spain, in the Negotiation actually depending ; but, whatever might be the Issue of that Negotiation, his Grace said His Majesty was confident, that the Principles by which He had been guided would appear to be founded on the most evident Justice, and on the Common Rights of All Nations : That therefore, if the Terms on which His Majesty was ready to conclude a Definitive Arrangement with the Court of Spain should be rejected, it would be impossible for the French Nation, consistently with the Love of Peace and Justice which it professed, to support the Spanish Pretensions.

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But, at all Events, any Measure of Encouragement to Spain, while it's Ultimate Views were not sufficiently explained, must, his Grace observed, be necessarily seen with the greatest Uneasiness by His Majesty, and must tend rather to produce Extremities, by encouraging unreasonable Pretensions in the Spanish Court, than to facilitate an amicable Arrangement.

The Duke added, that, although his Excellency could only hold this Language Officially to the French Ministers, it was, at the same Time, extremely desirable that the same Sentiments should be conveyed, as Opportunities might be found, to any Persons of Weight and Influence in the National Assembly, with whom they might be likely to operate. His Excellency was therefore directed to employ his utmost Attention, in discovering the Disposition of the different Political Parties on the Subject of the Family Compact, as to the Line to be adopted by France, in case our Discussions with Spain should terminate in a Rupture; and also to omit no Opportunity of letting it be understood, that nothing but Necessity could occasion any Views to be entertained in this Country, hostile either to the general Interests of France, or to the Settlement

ment of their newly-established Constitution ; but that, on the other Hand, any Step of Assistance to the Court of Spain would naturally lead to our adopting such Measures, as might be most likely to render such Assistance ineffectual.

His Excellency was further directed to exert his utmost Endeavours to discover what Orders might be given respecting the Sailing of any Part of the French Fleet ; and, in case of any such being in Contemplation, the Duke of Leeds desired him to transmit the earliest Notice of it to his Grace ; at the same Time conveying to the French Ministers, in the most unequivocal Terms, his firm Persuasion, that such a Step could not but give the greatest Umbrage to this Country, and, if carried into Effect, be productive of the most disagreeable Consequences.

On the 6th of September His Majesty's Ministers were informed by Earl Gower, that, on the 1st of that Month, the National Assembly had received the King's Sanction of their Decree of the 26th ultimo, in which they were informed that, in order to fulfil gradually their Intentions, His Most Christian

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Majesty



Majesty had determined to begin by arming Sixteen Ships of the Line, which, added to those already put into Commission, would make the Number of Commissioned Ships Thirty. It was, however, declared to be His Majesty's Intention, to take the proper Steps to compleat the Number of Forty-five, with all the Haste the Turn of Affairs might require.

At the same Time Earl Gower gave Notice, that Three Frigates with Troops on Board, had lately sailed from Rochfort to Tobago.

On the 7th of September, the Marquis de la Luzerne, the French Ambassador at this Court, waited upon the Duke of Leeds, and delivered to his Grace a Copy of a Letter from Monf. de Montmorin to his Excellency, dated at Paris, the 28th of August.

In this Monf. de Montmorin, after detailing the late Decree of the Assembly, and stating that the Augmentation of their Marine was justified by the increased Armaments of England and Spain, directed Monf. de la Luzerne to assure the British Ministry, in the most explicit Manner, that these Preparations were merely by way of Precaution, and had no other Views than those expressed in the Decree

cree; that the French King hoped a speedy and equitable Arrangement would terminate the Differences existing between the Courts of Madrid and London; that He had received great Pleasure from the Exchange of the Declaration and Counter Declaration between those Two Courts, which He considered as a Preliminary Step towards a Reconciliation; and that His Satisfaction would have been compleat, if that Measure had been followed a Reciprocal Disarmament, or at least by a Convention not to increase the existing Armaments on either Side. Such a Circumstance, Mons<sup>r</sup>. de Montmorin added, as it would have been a Proof of the Pacific Views of the Two Courts, would have made it unnecessary for His Most Christian Majesty to take those Measures of Precaution and Prudence, which He now thought indispensable.

The Instructions which had been sent to Earl Gower on the 1st of September, reached his Excellency on the Morning of the 4th; and, in the Evening of the same Day, he delivered to Mons<sup>r</sup>. de Montmorin the Memorial he had been directed to present. It was not 'till the 10th that that Minister returned an Answer

to his Excellency, in which he contented himself with informing him, that he had received the King's Orders to write to the French Ambassador at London; and that he flattered himself that the Explanations that Minister had already been ordered to give, together with those with which he was now charged, would leave nothing to be wished for by our Court as to the Disposition and Views of France.

To this vague Answer Monf. de Montmorin added a Copy of his Letter to Monf. de la Luzerne.

In this, after taking Notice of Earl Gower's Memorial, and his own Letter of the 28th of August to Monf. de la Luzerne, he expressed his Surprise, that the Court of London should still demand an Explanation of the Motives of the French Armament. He affirmed, that these Motives, the Principles of which he stated as already known to the British Ministry, left France no Alternative as to the Measures She was to pursue; and that the French King was persuaded His Britannic Majesty would acknowledge the Justice of them, and would not find any Reason to suspect from them any Views contrary to the Maintenance of Peace.

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Monf. de la Luzerne was therefore instructed to renew to the English Ministry the most positive Assurances of His Most Christian Majesty's Pacific Intentions, and of His Desire to see the Difficulties subsisting between the Courts of London and Madrid speedily and happily terminated. As a further Proof of the Pacific Sentiments of the French King, Monf. de la Luzerne was instructed to repeat what he had been directed to say on the Subject of a General or Partial Disarmament; a Measure which, Monf. de Montmorin affirmed, in whatever Light it was to be considered, could be productive of no Inconvenience to Great Britain, but which would calm the Minds of others, and would put an End to a burthensome Expence, without affecting the just Pretensions of the Two Courts; and which, should it take Place, would immediately be imitated by the Most Christian King.

Although the French Ambassador must have received this Instruction on the 12th or 13th of September, his Excellency thought proper not to take any Notice of it to the Duke of Leeds, or to make any Sort of Communication on the Subject. This Conduct he continued to maintain,

tain, notwithstanding the frequent Opportunities which unavoidably presented themselves to him, in the Course of the almost daily Meetings he had with his Grace and the other Ministers, and although certain Intelligence was received of the Naval Preparations in France being carried on with the most unremitting Exertions, insomuch that Twenty-one Ships of the Line were now almost ready for sailing at Brest, and Nine more in great Forwardness at Toulon. As a Silence so marked, and so contrary to the Instructions which the French Minister had declared to have been sent to him, became daily more and more suspicious, the Duke of Leeds, on the 21st of September, informed Earl Gower of this Circumstance; and, at the same Time, observed, that, had this Ambassador been more observant of the Orders of his Court, the Dispatch itself could not, either in Point of Form or Substance, have been looked upon as such an Answer, as we had a Right to expect, to an Official Note, presented by the English Ambassador in Obedience to His Majesty's Commands. His Grace added, that, on a Subject so important to the Preservation of the good Understanding so happily subsisting between the Two Countries,

tries, it was extremely necessary to have a Formal as well as Explicit Answer. For this Purpose, his Excellency was directed to state to Monsf. de Montmorin His Majesty's Expectation that a Ministerial Office should be given to his Excellency, in Answer to the Representation he had already delivered to that Minister. The Duke of Leeds concluded by expressing his Confidence that Monsf. de Montmorin would readily comply with this Request; and by informing Earl Gower that he was at Liberty to communicate this Dispatch to that Minister.

As Monsf. de Montmorin was absent from Paris when this Dispatch was received by Earl Gower, his Excellency was unable to communicate it to that Minister 'till the 30th of September: and it was not 'till the 4th of October that his Excellency received from him in Return an official Letter.

In the mean Time, however, this Conduct on the Part of France, whose Reply had been procrastinated for near a Month, could not fail to make a considerable Impression on the Minds of His Majesty's Ministers; and, as  
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the Urgency of the Business increased daily; it was thought proper, on the 6th of October, again to address the Court of France, for the Purpose of obtaining that Answer, which She appeared so anxious to withhold.

With this View the Duke of Leeds stated to Earl Gower, that the Situation of Affairs had become extremely critical: That the Reports received of the Naval Preparations at Brest represented a considerable Squadron in that Port to be apparently ready to put to Sea: That the Assurances, which His Majesty had already received, of the French Armaments being intended merely as a Measure of Precaution, induced him to hope that there could be no Intention of sending this Squadron to endeavour to form a Junction with the Fleets of Spain, at a Time when it was utterly impossible for the Court of France to represent such a Step as necessary, either for it's own Security, or for the Accomplishment of any Defensive Engagements.

His Grace further stated, that His Majesty had sent Instructions to His Ambassador at Madrid, which must very shortly bring the Discussions depending with that Court to a  
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decisive Issue: That it was His Majesty's earnest Wish, that the Negotiation might end to mutual Satisfaction; but that, should this unhappily not be the Case, His Majesty had the Consolation of thinking, that He had demanded nothing but what was founded on the most evident Principles of Justice, and on the Common Rights of All Nations: That this would be fully proved to the Court of France, and to Europe at large, if Events should make it necessary.

Under these Circumstances, the Duke added, His Majesty was willing to persuade Himself, that no Event of the Negotiation with Spain could ultimately interrupt the good Correspondence now happily subsisting between Great Britain and France; and that, in the mean Time, His Majesty confidently expected, from the Justice and Friendship of His Most Christian Majesty, that, during the short Period which could elapse, before He received a Decisive Answer from the Court of Spain, no Steps would be taken for sending any Part of the Naval Force of France, either to the Ports of Spain, or to any other Place, which

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might indicate a Design to co-operate with that Court, in the Event of a Rupture.

On the Day after this Dispatch was forwarded to Earl Gower, a Messenger arrived at Whitehall with a Letter from his Excellency, containing the Official Note from Monf. de Montmorin, which was received by him on the 4th of October.

In this Paper, Monf. de Montmorin, after briefly reciting the Memorial delivered to him by Earl Gower on the 4th of September, and the Dispatch of the Duke of Leeds which had been communicated to him on the 30th of the same Month, proceeded to state to his Excellency, that he had Reason to believe, that Monf. de la Luzerne would not have lost a Moment in communicating to the British Ministry his Dispatch of the 9th of September; and he expressed his Astonishment at this Omission, which he imputed to some unexpected Circumstance, or some Misunderstanding. He insisted, however, that the English Ministry had had an Official Communication of this Dispatch through Earl Gower himself, and that the French Ambassador had already given them the most precise Explanation

tion of His Most Christian Majesty's real Intentions. In consequence of this Information, Monf. de Montmorin insisted, that the Court of London ought to have been convinced, in the first Place, that the French King desired nothing so much as the Maintenance of Peace, and that He would do all in His Power for that Purpose; and, in the second Place, that if His Most Christian Majesty did at first determine to arm, and afterwards to augment His Forces, He had been induced to do so, because He could not remain in a State of Inaction, while neighbouring Powers were making considerable Armaments, and because, if unhappily the Differences between the Courts of Madrid and London should not be amicably arranged, He might find Himself forced to fulfil the Defensive Engagements subsisting for a Number of Years between France and Spain.

Such Monf. de Montmorin affirmed to be the Objects of the Ministerial Communications, made by the Marquis de la Luzerne, both to the Duke of Leeds, and to Mr. Pitt: and he added, that those Ministers had thought the Conduct of France both natural, and conformable to Circumstances and to the Obligations

She was under; for which Reason they had both expressed their Wishes for the Preservation of Peace, and for the Establishment of the Justice of their Demands, and the Fairness of their Intentions.

Monf. de Montmorin then proceeded to confirm the Declarations made by the Marquis de La Luzerne, and added, that the Sentiments of His Most Christian Majesty for a Continuance of Peace and good Harmony, between Himself and His Britannic Majesty, were invariable, and that He continued to hope, that the Discussion subsisting between Spain and England would shortly be concluded in Manner satisfactory to both Countries. He also professed to obey His Royal Master's Orders, by asserting, that nothing was more foreign to His Sentiments, than any Intention to Influence the Negotiation by His Armaments; and that the Only Mode of Influencing that Business, which it would become Him to adopt, was by the Exertion of His good Offices, should they be thought useful or necessary by the Parties concerned.

Nothing, Monf. de Montmorin observed, could be more clear, more formal, or, at the same Time, more satisfactory than this Explanation;

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nation ; and he declared himself at a Loss to  
guess, what Irregularity there could have been  
in the Transmission of it to the Court of Lon-  
don ; ' though he assured Earl Gower, that, if  
there had been any such Irregularity, his Ex-  
cellency's Silence on that Head put it out of  
the Power of the French Ministry, either to  
rectify or to disavow it. He insisted, however,  
that the most important Point, both for the  
Court of London, and for that of Paris, was,  
that no Suspicion should exist of the Intentions  
or Conduct of the latter ; that this Object had  
been fulfilled on the Part of France ; and that  
therefore it was to be hoped, that the British  
Ministry would be the more pleased with what  
She had done, as the greatest Earnestness had  
been shewn in every Respect even to prevent  
her Wishes.

Monf. de Montmorin concluded by assuring  
Earl Gower, that, if any Uncertainty should  
still remain, the French Ministry would wil-  
lingly give a further Explanation, their Views  
and Wishes being directed to the Preservation  
of Peace, and to a speedy and equitable Ar-  
rangement.

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In Answer to this Official Note, the Duke of Leeds, on the 8th of October, wrote to Earl Gower, informing him that he was extremely glad the Messenger, with his Letter of the 6th, had been dispatched to his Excellency previous to the Arrival of Mons. de Montmorin's Paper; as the Contents of those Instructions would sufficiently prove to the French Minister the Sentiments of the King's Confidential Servants in regard to the present Naval Armaments in France.

With respect to Mons. de Montmorin's Note, the Duke said, there were Two Passages in it which appeared to require Observation.

The First was that, wherein he stated both Mr. Pitt and the Duke to have admitted the Conduct of France *to be Natural, and conformable to Circumstances, as likewise to the Engagements entered into by that Power.*

In Answer to this his Grace said, that he certainly had observed to the French Ambassador, that the ordering Fourteen Sail to be put in Commission, considering the usual Practice of the  
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the European Powers, when their Neighbours were making great and active Preparations by Sea, could not be considered as giving Umbrage, particularly when stated, as by that Minister it was, as a Measure rather of Form than Substance : That this Remark was however made upon the First Armament : That, when a more considerable Armament was set on Foot, the Ambassador stated it as a Measure of Necessity rather than of Choice, on the Part of his Court ; and the Duke lamented to him the Necessity, which had induced the Adoption of a Measure that must give Umbrage to this Country : And that Mr. Pitt made use of similar Expressions in his Conversation with Monf. de la Luzerne.

With regard to the Possibility of the French King, in the Event of a Rupture, being obliged to fulfil His Defensive Engagements, the Duke observed, that the King's Confidential Servants trusted *No other Engagements were contracted*; and that, of course, France would not think of construing every possible Ground of Quarrel, which might arise between this Country and Spain, as a *Casus Fæderis*, to which Her Defensive Engagements must of course apply.

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In the Event of the present Discussions with Spain not terminating in a friendly Manner, his Grace said, His Majesty's Ministers trusted, that the Candour of the French Government would listen to their Representation of the Case, before She should think Herself justified in supporting Spain : That, in such an Event, the King would not fail to lay open to France, and to All Europe, the Grounds on which His Majesty rested the Justice of His Cause.

This Dispatch, as well as the preceding one of the 6th, Earl Gower was directed to communicate to Monsf. de Montmorin.

On the 14th of October a Messenger arrived at Whitehall from Earl Gower, with Monsf. de Montmorin's Answer to the Representation his Excellency had been instructed to deliver.

By this Monsf. de Montmorin assured his Excellency, by His Royal Master's Orders, that His Most Christian Majesty persisted invariably in the Disposition, of which He had already so often given the most positive Assurances to the English Court : That the Court of Madrid had not, as yet, made any Requisition of a Total, or even a Partial Re-union of the French Naval Force with Her own :

That

That His Most Christian Majesty flattered Himself, that the Negotiation depending at Madrid would terminate as happily as His Britannic Majesty could desire; and that, in this Hope, He did not hesitate to Declare, that, during the short Space which would elapse before the Court of London could receive a Definitive Answer from His Catholic Majesty, He would not make any Disposition of His Naval Forces, with a View of effecting a Co-operation with Spain.

Monf. de Montmorin concluded by saying that His Most Christian Majesty entertained no Doubt of the Court of London perceiving, from the Promptitude and Precision of this Answer, His Desire to maintain the Harmony and good Intelligence which so happily subsisted between the Two Countries.

WHILE this Negotiation was depending with the Court of France, the States General of the United Provinces lost no Time in manifesting their earnest Disposition, not merely to fulfil the Conditions of their Alliance with this Country, but to exhibit to All Europe an early Display of that Disposition, by advancing their Preparations for our Service, at a considerable Charge to



the Provinces. As an incontrovertible Proof of these friendly Sentiments, the Squadron which, as it has been seen, was ordered to be fitted out, sailed early in the Month of July for Portsmouth, under the Command of Admiral Kingsbergen, and brought us a Succour of Six Sail of the Line, and Four Frigates. At the same Time, Orders were given, and Funds were provided, for the Arming of Six additional Ships, as a further Reinforcement, should the Circumstances of this Country, in the Event of Hostilities taking Place, require it.

The Attachment of the United Provinces towards this Country being thus cordial, their Satisfaction at the Intelligence of the Declaration and Counter Declaration having been signed at Madrid on the 24th of July (which arrived at the Hague on the 6th of August), was proportionably Great. The Prince Stadtholder, in particular, expressed his sincere Joy at a circumstance so Glorious to His Majesty's Councils, by a Letter, in his own Hand-writing, to Lord Auckland.

His Majesty's Ministers, however, being aware that these Instruments, however satisfactory

factory they might be with respect to the National Honor, were by no Means conclusive as to the great Question of Peace or War, and that the Negotiation now about to commence on the reserved Points might eventually miscarry, thought it adviseable to lose no Time in expressing to the States General their Wish, that their Armament might be for some Time continued. With this View, the Duke of Leeds, on the 14th of August, instructed Lord Auckland to lose no Time in representing to the Dutch Ministers, how unwilling His Majesty would be to propose to the States General the Continuance of the Expence, arising from their Naval Preparations; but that, notwithstanding the Satisfaction given by the Court of Spain, it was still uncertain what might be the Final Issue of the Negotiation, which comprehended Points of the greatest Importance to the Commerce and Navigation of His Majesty's Subjects. On this Account, his Excellency was directed to state, that His Majesty would be anxious that there should not be any Appearance of those Preparations being relaxed; and that besides this, it appeared to His Majesty that, at a small additional Expence, the Force actually equip-

ping in the Ports of the Republic might be made Use of, in Conjunction with a Squadron which His Majesty proposed to assemble forthwith in the Downs, for the Purpose of adding Weight to the Representations already made by His Majesty, for effectuating a Pacification in the North and East of Europe. His Excellency was therefore desired to endeavour to hasten, as much as possible, the Equipment of the Additional Ships actually fitting out; and to Represent to the Dutch Ministers, that it appeared adviseable for Admiral Kingsbergen's Squadron to be ordered Home, in order to be supplied, as speedily as possible, with the Articles of which it was in Want.

Lord Auckland, having received these Instructions, had a Conference with the Prince Stadtholder on the 19th; in which His Serene Highness entered, with great Cordiality and Zeal, into the Points recommended by the Duke of Leeds; observing, that the unfinished Discussion with Spain, as well as the State of Europe in general, warranted a Continuance of their Naval Armament.

The Deputations of the different Admiralties were equally convinced of the Expediency  
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of this Measure. Of this the Grand Pensionary lost no Time in assuring Lord Auckland, adding, " qu'il n'y auroit rien de changé  
 " aux Equipemens jusqu'à nouvel ordre, qui  
 " ne feroit pas donné avant qu'on puisse voir  
 " un peu plus clair dans les Affaires qui restent à arranger."

Admiral Kingsbergen was also ordered to return Home, for the Purposes mentioned in the Duke of Leeds's Letter. He accordingly sailed from Portsmouth about the End of August, and arrived, after a short Passage, in the Ports of the Republic; where, in Conformity with the Orders transmitted to him, he lost no Time in completing the Manning of his Ships to the War Establishment.

IT will now be proper to return to the important Negotiation, with which Mr. Fitz-Herbert had been charged at the Court of Madrid.

VERY full Instructions, as it has been seen, having been forwarded to that Minister on the 17th of August, Full Powers, under the Great Seal, were sent to his Excellency on the 1st of September following, to enable him

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to conclude a final Arrangement with the Court of Spain, should the Spanish Ministers agree to a fair and honorable Termination of the existing Discussion ; together with a Copy of the Note, which Earl Gower was instructed to present to the French Ministers, on the Subject of the very considerable Armament ordered to be prepared in the Ports of France.

On this latter Point Mr. Fitz-Herbert was directed to omit no Opportunity of expressing to Count Florida Blanca the Probability of this Measure on the Part of France impeding, rather than accelerating, the Return of Harmony and Friendship between Great Britain and Spain ; as the Appearance of a Third Power interfering in the present Discussion between the Two Countries, during their Negotiation, by making a considerable Armament, and that Power, from it's Connections (already subsisting, however likely to be qualified in future) with Spain, holding out a partial Degree of Countenance to the latter, with the obvious Intent of influencing the Negotiation in Her Favour, could not but give Umbrage to England ; and, unless the Spanish Ministers should prefer a direct Rupture to an amicable Accommodation,

modation, there could be little Doubt of their rather discouraging than promoting any Measure on the Part of France, which was not only apparently calculated to prevent the wished for Accommodation between Their Britannic and Catholic Majesties, but must, if carried into Effect, produce the most serious Consequences.

Were France, the Duke of Leeds observed, now in such a Situation as to be of Use to Spain by bringing on a War with England, the Measure must be approved of at Madrid : But this it was impossible to reconcile with either the Professions or the good Sense of the Court of Spain. The Duke however said, that what he had above stated would be the Line of Conduct observed by this Country, even supposing France in the same Situation She enjoyed at any (the most fortunate) Period of Her History.

On the Second Day after the Messenger left Whitehall with this Dispatch, a Letter was received from Mr. Fitz-Herbert, dated Madrid, the 16th of August, by which his Excellency acquainted the Duke of Leeds, that, in a Conversation with Count Florida Blanca

on

on the 14th, that Minister, after expatiating on the enormous Expence and other Inconveniencies attending the present Armaments, observed, that he could not help flattering himself that Great Britain might perhaps be induced to discontinue them forthwith, on it's being made to appear, by satisfactory Evidence on the Part of the Spanish Court, that, conformably to what his Excellency had mentioned in a preceding Dispatch, Orders had actually been sent to the Spanish Governors and Officers in the West Indies, directing them, in every Case of real or supposed Encroachments committed by British Subjects, to report the Matter Home, but by no Means to proceed to any Kind of Violence or Voie de Fait. Mr. Fitz-Herbert added, that he did not take upon himself to return any Answer to this Proposal; but, at Count Florida Blanca's particular Request, had promised to lay it before His Majesty's Ministers.

To this Proposal the following Answer was returned by the Duke of Leeds.

SIR,                      Whitehall, September 10, 1790.

COUNT Florida Blanca and the Marquis del Campo having repeatedly mentioned the  
Subject

Subject of mutually disarming our respective Fleets, it is thought necessary that you should state to the former of those Ministers, that, with every Wish to see the present Discussions finally and amicably adjusted, it does not appear to this Government expedient to disarm (however considerable the Expence of maintaining so large a Naval Force as that at present employed) until the Negotiation is brought to such a State, as to render it's being amicably terminated, upon the Principles stated in your Excellency's Instructions, no longer liable to Doubt and Uncertainty.

( Signed )

L E E D S.

On the 27th of September, a Messenger arrived at Whitehall, with dispatches from Mr. Fitz-Herbert, dated at Madrid the 16th of September.

By these it appeared, that, having received the Instructions and Full Powers above mentioned, his Excellency had had a Conference, on the 13th Instant, with Count Florida Blanca; which began on his Excellency's Part, by his communicating to the Spanish Minister the Paper which His Majesty had directed Earl Gower to deliver to Monf. de

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Montmorin



Montmorin, on the Subject of the recent Decrees of the French National Assembly, touching the Family Compact. His Excellency added, that His Majesty did not doubt, but that the Catholic King would do Him the Justice to be persuaded, that these Measures entered into by France would not induce His Majesty to recede, in the smallest Degree, from the Instances which He had caused to be made at the Court of Madrid, in order to obtain what He considered as due to the Honor of His Crown, and to the Interests of His Subjects: And that His Majesty was equally certain, that it could be by no Means in His Catholic Majesty's Contemplation, at the present Juncture, to excite the French Government to any Measures, which, by giving Ground of Umbrage or Jealousy to Great Britain, might interrupt the Progress of the Negotiation between the Courts of St. James's and Madrid. Count Florida Blanca, without making any direct Reply to this Communication, answered, that, if Mr. Fitz-Herbert had not appointed their present Meeting, he should himself have solicited it, in order to talk with him confidentially on the Subject of the above mentioned Decrees of the French National Assembly,

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bly, which, he said, had given Rise to very serious Reflections in the Mind of His Catholic Majesty. The Spanish Minister added, that Mr. Fitz-Herbert could not but have been informed of the great Concern and Uneasiness, with which that Prince had observed the Progress of the violent Changes, that had taken Place lately in the Constitution of the French Monarchy; and that the Truth was, that he looked upon the National Assembly of that Kingdom with the utmost Horror and Detestation, considering their Principles and Proceedings as utterly subversive of every Principle of Government and good Order: That, upon this Account (independantly of other Objections), His Catholic Majesty was extremely averse to the adopting the Species of Treaty proposed to Him by that Body; conceiving that such a Step, as it would imply a Recognition on His Part of their Authority, would be highly injurious to His Personal Dignity, and might possibly, in the End, produce the most fatal Consequences to the Tranquillity and Well-being of His Kingdom: That, on the other Hand, however, His Catholic Majesty knew but too well to what imminent Danger the Spanish Monarchy would

be exposed by engaging, single-handed, in a War with Great Britain; and therefore that He should be absolutely obliged to accept of the Succours tendered to Him by France, on whatever Conditions, supposing that the Court of London *pressed too hardly upon Him in the present Conjunction*; But that, in the contrary Case, and if an Accommodation should be speedily concluded between Great Britain and Spain, he (Count Florida Blanca) was authorized to assure Mr. Fitz-Herbert, in the most express Terms, that it was His Catholic Majesty's decided Intention, to reject the Proposals for a National Compact, which had been made to Him by the French Ministry, in consequence of the late Decrees of the National Assembly; and, moreover, that that Monarch would then be ready to establish with Great Britain the most intimate System of Concert and Union, for the Promotion of their respective Interests, and for securing the general Tranquillity of Europe.

Count Florida Blanca then proceeded to explain to Mr. Fitz-Herbert the Meaning of his Expression, "in case England did not press too hardly upon Spain in the present Conjunction." On this Head he told him, that

that he had repeatedly submitted to the Council of State the Projet and Observations which he had delivered to him at St. Ildephonso; and that it was the unanimous Opinion of the Members of that Body, that a speedy Accommodation between Great Britain and Spain could not possibly take Place, conformably to the very comprehensive Plan traced out in those Papers. That, in particular, previously to the returning any positive Reply from Spain on the Subject of the proposed Lines of Demarcation, it would be indispensibly necessary to send to America, for an exact Account of the Extent and Circumstances of the Spanish Settlements and Missions in the Interior of that Continent, as well to the North as the South, and to enquire, at the same Time, into a Number of other Circumstances, intimately connected with the the present Business. That, before sufficient Answers to these Inquiries could be collected and transmitted to Europe, a great Length of Time must necessarily elapse, during which it was next to impossible, considering the powerful Armaments now on Foot both here and in Great Britain, and the Jealousy naturally entertained by both Courts of each other's Designs, that some disagreeable Incident should

not

not intervene, that might bring on a decided Rupture. That, moreover, during so long an Interval, it would be equally impossible for this Court to spin out their Negotiation with the French Government, so as to avoid some decided Explanation; in consequence of which, as His Catholic Majesty would still be in a State of Uncertainty respecting the Issue of his Negotiation with Great Britain, he would be compelled, however reluctantly, to accept of the proposed National Compact. Count Florida Blanca ended by saying, that, on a Consideration of all these Difficulties, he had at Length obtained the Consent of His Catholic Majesty to propose to our Court the following Expedient, viz. the immediate Conclusion of a preliminary Agreement, that would secure to Great Britain, by general, but sufficient Stipulations, the Objects which She had in View; and thus put a Stop to the present Armaments, and furnish the Two Crowns with sufficient Leisure for the Completion of a definitive Arrangement, as well as of a System of Union, which might enable His Catholic Majesty to disengage Himself entirely from His Connections with France; and that he was going to prepare a Projet to that Effect, which he  
would

would communicate to Mr. Fitz-Herbert very shortly. Mr. Fitz-Herbert observed, that, considering all the Circumstances attending this Proposal (and more especially the important and unforeseen Change which had taken Place in the Dispositions of this Court with Regard to France) it occurred to him at the Instant, that it might perhaps be so modelled, as to form the Basis of a very eligible Arrangement; and he therefore ventured (as in his private Capacity) to meet it half Way; and moreover, having found by Experience that, in negotiating with the Spanish Court, it is often of Advantage to frame the first Draft of any Agreement, he undertook to draw up a *Projet* conformably to the Spanish Minister's Idea. Accordingly, on the following Day, he delivered to *Monf. de Florida Blanca* the Paper, of which the following is a Copy.

LEURS Majestés, &c.

étant disposées à former une Convention, laquelle, en terminant les Differends qui se sont élevés en dernier Lieu entre les deux Couronnes, ecartât à l'avenir et pour toujours de pareils

pareils Sujets de Dispute, ont nommé à cette  
Fin de la Part de Sa Majesté

et de la Part de Sa Majesté

Lesquels, en attendant l'entier Accomplissement de cet important Ouvrage, sont convenus des Points Préliminaires suivans.

#### Article I.

Les Sujets Britanniques seront remis en Possession de leurs Batimens et Terreins, situés sur la Côte du Nord-Ouëst du Continent de l'Amerique, ou bien sur des Isles adjacentes à cette Côte, lesquels leur furent enlevés par un Officier Espagnol vers le Moi d'Avril, 1789.

#### Article II.

Sa Majesté Catholique s'engage de faire expédier immédiatement les Ordres necessaires, pour que les Sujets Britanniques ne soient pas inquiétés dans l'Exercice de leurs Droits de Pêche, de Commerce, et autres dans les Mers du Sud, et dans l'Océan Pacifique : Et Sa Majesté Britannique promet, de Son Coté, d'employer les Mesures les plus efficaces, pour empêcher

pêcher tout Commerce illicite ou de Contreband entre Ses Sujets et les Possessions Espagnoles.

### Article III.

Dans tous les Cas de Plainte ou d'Infraction des presens Articles, les Officiers de Part et d'autre seront tenus de faire un Rapport exact des Circonstances de l'Affaire à leurs Cours respectives, sans se permettre au préalable aucune Violence ou Voie de Fait.

### Article IV.

Les presens Articles seront ratifiés et confirmés dans l'Espace de Six Semaines, à compter du Jour de leurs Signatures, ou plutôt si faire se peut, et, aussitôt après, les Armemens, et en general tous Preparatifs de Guerre, seront discontinués de Part et d'autre, et les Marines des Deux Couronnes seront remises sur le Pied de l'Etablissement de la Paix, tel qu'il existoit au Commencement de la presente Année.

Fait à Madrid, &c.

THIS Paper Count Florida Blanca immediately submitted to a Cabinet Council assem-



bled for that Purpose; and the same Night Mr. Fitz-Herbert received from him the following Paper, together with a Letter inviting him to a Conference on the next Day.

LEURS Majestés Catholique et Britannique étant disposés à former une Convention, laquelle, en terminant les Differends qui se sont élevés en dernier Lieu entre les Deux Couronnes, ecarteroit à l'avenir et pour toujours de pareils Sujets de Dispute : Elles ont trouvé que l'Ajustement des differens Points nécessaires à cette Fin demanderoit la Delibella plus sérieuse, de même que des Informations prises sur les Lieux et dans des Payes très éloignés, d'où seroient resultés de grands Delais, nuisibles au plus prompt Retour de l'Harmonie et de l'Amitié, que l'on voudroit retablir et raffermir au plutôt.

C'est dans le Desir d'obvier à ces Inconviniens que les Souffignés, par Ordre exprés de leurs Souverains respectifs, sont convenus, qu'en attendant qu'on puisse regler et terminer l'Ouvrage salutaire d'une Convention definitive, telle qu'on la Desire de Part et d'autre, sur tous les Points qui interessent les deux Nations, ils declareroient, et ils declarent ce qui suit.

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1mo. Que les Sujets respectifs de Leurs Majestés Catholique et Britannique ne seront point inquiétés dans le Port de Nootka, ses Côtes, et Isles adjacentes, soit à Cause de leur Commerce, ou des Etablissmens faits ou à faire; et qu'ils seront remis en Possession des Bâtimens et des Terreins qui leur auroient été enlevés aux uns ou aux autres; de plus que les Sujets Britanniques devront s'abstenir d'approcher des Côtes de la Californie, et de ses Ports; le tout jusqu'à la Décision que l'on donnera, dans une future Convention, sur les Limites, jusqu'aux quelles doivent s'étendre les Droits exclusifs que l'Espagne y prétend avoir.

2do. Que jusqu'à ce qu'un Reglement soit fait dans la susdite Convention, pour déterminer les Droits des deux Nations dans les Mers du Sud et dans l'Océan Pacifique, les Sujets Espagnols et Britanniques ne seront pas réciproquement inquieté dans ceux de la Pêche; bien entendu, que les Vaisseaux Anglois s'abstiendront d'approcher des Côtes et des Ports de l'Espagne: Et Sa Majesté Britannique promet de Son Coté, d'employer les Mesures les plus efficaces pour empêcher tout Commerce

illicite, ou de Contrebande, entre Ses Sujets et les Possessions Espagnoles.

3tio. Dans tous les Cas de Plainte ou d'Infraction des Articles de la presente Declaration, les Officiers de Part et d'autre, sans se permettre au préalable aucune Violence ou Voie de Fait, seront tenus de faire un Rapport exact de l'Affaire et de ses Circonstances à leurs Cours respectives, qui termineront à l'Amiable ces Differends.

4to. Les presens Articles seront ratifiés et confirmés dans l'Espace de Six Semaines, à compter du Jour de leur Signaturé, ou plutôt si faire se peut; et aussitôt après les Armemens, et en general tous Preparatifs de Guerre, seront discontinués de Part et d'autre, et les Marines des deux Couronnes seront remises sur le Pied de l'Etablissement de la Paix, et tel qu'il existoit au Commencement de la presente Année.

Fait à Madrid, &c.

AT the Conference proposed by Count Florida Blanca, Mr. Fitz-Herbert informed the Duke of Leeds, that he had used his utmost Endeavours

Endeavours to engage that Minister to alter this last mentioned Paper in the following Particulars.

1st. By expunging from the First Article the Expressions which stipulate a *mutual* Restitution of the Buildings and Lands that might have been seized by either Party at Nootka; there not being the smallest Reason to imagine, that any Seizure of that Kind had been made by the Subjects of Great Britain to the Prejudice of those of Spain.

2d. By inserting in the Second Article, after the Word "Fishery," an Acknowledgement, in express Terms, of the Right of landing, &c. in all unsettled Parts of the American Islands and Continent.

3d. By inserting, in like Manner, in the same Article certain Words, which should limit the "Coasts and Ports of Spain" to such Places only as are in the actual Occupancy of that Power, and, at the same Time, define the exact Distance, within which British Vessels are not to be permitted to approach those "Coasts and Ports."

With

With regard to the First of these Points Count Florida Blanca said, that the Vice-Roy of Mexico had mentioned in his last Letters there being Reason to apprehend, that an Armament, fitted out by British Subjects, interested in the North-West American Trade, had sailed from the East Indies for Nootka, in the View of dispossessing the Spaniards of that Port; and that, though he himself (Mons. de Florida Blanca) did not give much Credit to this Intelligence, it had been judged right to provide against that Event, as it was certainly within the Bounds of Possibility.

He also declined admitting the Alterations which Mr. Fitz-Herbert had proposed to introduce into the Second Article, alledging, that all the Points to which they related, came within the Description of those, which he had before stated as impossible to be defined precisely without previous Examination and Inquiry. For the rest, that it appeared to him, that the Expressions of the Article in Question were such, as to secure to His Majesty's Subjects the Enjoyment of every Right which Mr. Fitz-Herbert had stated as belonging to them, and that he could assure him, that their full Exercise of those Rights would  
never

never meet with any Opposition from the Court of Spain, neither could it be impeded by the Spanish Governors in America, whose Hands were effectually tied up, both by their Instructions from Home, and by the Stipulations of the Third Article; which Article he, at the same Time, stated as a most important Concession on the Part of Spain, being a Dereliction of that System of Defence, which had been hitherto constantly maintained by that Crown, from the very first Establishment of it's American Possessions. Upon the whole, Count Florida Blanca said, that, as in framing the Paper in Question he had gone to the utmost Length warranted by the Resolutions of His Catholic Majesty and his Colleagues in Office, he was obliged to make it his earnest Request to Mr. Fitz-Herbert, to transmit it to the Duke of Leeds in it's present Shape. That, moreover, every Circumstance considered, he could not but hope that the Terms of it would be accepted by the Court of London, and that, in this Hope, he purposed sending, by this Messenger, an Instruction to Monf. del Campo, authorizing him to sign it, in case His Majesty should approve of that Expedient, as a Means of shortening by some Weeks

Weeks the Continuance of the present expensive Armaments.

Count Florida Blanca also pledged himself, not to take any Steps whatsoever in the Negotiation with France, 'till he should have received an Answer to his present Propofal.

By the same Messenger Mr. Fitz-Herbert informed the Duke of Leeds, that he learnt, by positive Advices received at Madrid from Cadiz, that the Spanish Fleet, commanded by the Marquis del Socorro, re-entered that Harbour on the 9th Instant. It amounted to Thirty-four Sail of the Line, having been joined during it's Cruize by Four Ships from Ferrol, One of them of 112 Guns, and the other Three of 74 each. Six Ships of the Line, One of which mounted 80 Guns, and the others 74 each, were to be coppered immediately, and victualled for between Four and Five Months ; and it was understood at Cadiz, that they were to fail in the Courfe of the next Month for the West Indies, under the Command of Don Gabriel Ariftizabal. Two Ships of the Line, lately returned to Cadiz from Ceuta, were also under Sailing Orders for Lima.

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On the 2d of October, a Messenger was dispatched to Mr. Fitz-Herbert, with the Instructions which His Majesty had commanded to be sent to that Minister, for his Direction in the very important and critical Negotiation in which he was engaged.

His Majesty's Ministers observed, that the Effect of these Instructions must be decisive on the Alternative of Peace or War; as neither the Circumstances of the Negotiation, nor the relative Situation of the Two Countries and of other Powers, could allow of any further Delay. That the Projet of a Declaration, which Mr. Fitz-Herbert received from Count Florida Blanca, was in many Respects unsatisfactory, particularly as it would leave open to subsequent Explanation and Discussion Points which it was essential now to bring to a precise and final Decision.

On this Ground, the Duke of Leeds informed Mr. Fitz-Herbert, that he had it in Command from His Majesty to state to him, that that Declaration was utterly inadmissible; and that it would have appeared very doubtful,

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if that Paper had not been accompanied by other Circumstances mentioned in his Dispatch, whether any Advantage could have been hoped for from a farther Continuance of the Negotiation.

The Account, however, which his Excellency gave of the Communication made to him by Count Florida Blanca, and the Opinion which he expressed, that the Spanish Court was really anxious for an Accommodation, appeared to His Majesty to deserve the most serious Attention. This had determined His Majesty to make one farther Effort, in order to avoid, if possible, the Interruption of Tranquillity, and to bring to a Test the Sincerity of the Professions made by the Spanish Minister, in the Name of his Court. It certainly was not probable that Count Florida Blanca would have committed himself so far on Points of so much Delicacy, unless it had been previously determined by his Court to go some considerable Length, in order to avoid a Rupture with this Country : And it was still possible, that the Spanish Court might be made sensible of the Necessity, for that Purpose, of acceding to the Principles to which His Majesty,

jesty, on his Part, thought it necessary to adhere. The Language held by Count Florida Blanca, on the Subject of France, was also entirely conformable to the Sentiments which he had always appeared to entertain; and it was certainly a very natural Policy on the Part of Spain, in the present internal Situation of France, and with a View to the general State of Europe, to abandon a Connection, the Advantages of which, either in the present Moment, or for the future, must now be considered as very precarious, and to endeavour to form a real and solid Union with this Country. Such an Event, if it should take Place, would undoubtedly be in the highest Degree beneficial to the Interests of this Country, and would greatly contribute to the future Repose of Europe. His Majesty had therefore too strong a Sense of the Importance of this Object, not to be desirous of improving, as far as possible, the Opening which had been given by Count Florida Blanca's Conversation. The Chance which was thereby afforded, of still obtaining a satisfactory Issue to the present Negotiation, together with the Possibility of speedily securing the Benefit of the Dissolution of the Family Compact, and the Estab-

blishment of an intimate Connection between Great Britain and Spain, were considered as over-ballancing any Inconvenience which was likely to arise, from allowing such a farther Interval as might be necessary for Mr. Fitz-Herbert's executing these Instructions.

The Duke, however, observed, that these Motives would not induce His Majesty to admit of any greater Delay, than was absolutely requisite for ascertaining how far the great Ends in View could be obtained ; and, indeed, if it were at all to be hoped that the Court of Spain could be brought to a satisfactory Arrangement of the Points in Discussion, and was in Earnest in wishing afterwards to form such a Connection with this Country, as had been suggested by Count Florida Blanca, the first Part of the Work might certainly be compleated within a few Days after Mr. Fitz-Herbert's receiving these Instructions. His Excellency was therefore desired to understand, that the Sentiments which his Grace was now to state to him, were Final and Unalterable : And if he should not be able to bring the Discussion to a very speedy Conclusion, it would be His Majesty's Pleasure (as should be  
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more particularly stated to him in a separate Dispatch), that he should entirely break off all Negotiation.

In order to explain to Mr. Fitz-Herbert more fully the Language which it was His Majesty's Pleasure that he should hold on the present Occasion, the Duke of Leeds proceeded to state to him the principal Objections to the Declaration which he had transmitted.

The great Object which His Majesty has had in View, and to which the Instructions with which Mr. Fitz-Herbert had already been furnished had uniformly been directed, was that of effectually securing the Rights and Interests of His Subjects from being questioned hereafter, and of removing all Causes of Misunderstanding between the Two Courts. This Object could in no Degree be obtained by Count Florida Blanca's Projet. The Preamble referred to the Impossibility of settling the different Points in Dispute without long Discussion and Examination on the Spot, and stated this Convention as made en attendant, &c. The Stipulation respecting Nootka (independent of the Objections to the Terms in which it was drawn with respect to a

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Reciprocal Restitution) was made binding only 'till a future Decision of the Limits of the Exclusive Rights of Spain. He besides stipulated at present, that British Subjects should not approach the Coasts of California; under which Name the Spaniards may hereafter comprize any possible Extent of the Territory in Dispute. In like Manner, the Right of Fishery (besides being subject to the Condition of not approaching the Ports or Coasts of Spain, without any Explanation of the Term "Approaching," and without fixing what are those "Ports and Coasts") was made binding only until a Regulation should be formed in the proposed future Convention, to determine the Rights of the Two Nations in the South Sea and the Pacific Ocean.

The proposed Engagement, for the Prevention of Contraband, was conformable to what His Majesty proposed, and was in itself free from Objection. But no Security would be obtained under this Article for Landing, even for the Purposes of the Fishery; and no Provision whatever was made for forming Settlements in unsettled Parts of the Continent, either to the North or the South, nor was the general Principle

ciple, that unoccupied Places are open to Settlement, admitted.

The Third Article would not in it's Principle be liable to any Objection, and might very properly form a Part of a Convention, which was, in other Respects, satisfactory. But such a Stipulation could not be accepted as a Substitute for that clear and precise Security, which His Majesty thought it Indispensible to obtain for His Subjects, in the Exercise of their just Rights.

The Fourth Article was only a Matter of Form as to what relates to the Ratification. On the Subject of the Disarmament Mr. Fitz-Herbert was informed that he should receive separate Instructions ; but that neither of these Two last Articles was immediately connected with the Observations to made on the general Principle and Result of the proposed Convention.

The general and decisive Objections to it in it's present Shape were, that it did not ascertain, with sufficient Precision, even what was meant to be the Subject of the present Agreement ; that it settled nothing definitively, but only with a Reference to subsequent Negotiation ; and that, by that Reference, it left open the main Subject of Dispute, and might even

even give Room for the Court of Spain to assert, in it's full Extent, the Whole of the exorbitant Claim which gave Rise to the present Discussion.

It being His Majesty's firm Intention to adhere to those fundamental Principles, by which He had hitherto been guided in the present Negotiation, Mr. Fitz-Herbert was informed, that He could never consent to leave any Thing to subsequent Discussion, by which those Principles could at any Time be called into Question.

His Majesty's Ministers thought it necessary also to observe, that, even if the Pretext alleged by the Court of Spain for avoiding a Definitive Arrangement, (that is, the Necessity of a Reference to America for local Information) applied to any of the Points contained in the Projet which the Duke of Leeds transmitted to his Excellency, it could only be to that of the precise Demarcation of the Limits, and not to any of the other Points contained in the Projet originally transmitted. The Articles for the Restitution of the Buildings and Tracts of Land of which His Majesty's Subjects were dispossessed, and that which provides that the Subjects of either Crown shall not  
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give any Molestation or Disturbance to the Subjects of the other in navigating or carrying on their Fisheries in the Pacific Ocean or South Seas, or in Landing on the Coasts thereof for the Purpose of carrying on their Commerce with the Natives, or in making Settlements in Unoccupied Places, contain the essential Points on which His Majesty thought it indispensable to insist; and the Justice and Propriety of these Articles depended upon Principles, on which the Court of Spain, if it were disposed to speak out, must be as well able to decide in the present Moment, as it could after any Length of Time employed in collecting further local Information in America.

His Grace added, that the Question of the Restitution of Nootka and the other Tracts of Land must depend solely on these Points: Whether Spain claims them on the Ground of a supposed general Right of exclusive Sovereignty in that Part of the World, or of alleged prior Discovery, or any other Ground independant of established Occupation and Possession; or lastly, whether it could maintain that such Occupation and Possession actually existed prior to the Time when the Lands were purchased, and Buildings erected by

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His Majesty's Subjects. These were all Points on which the Court of Spain must be supposed, after all that had passed on the Subject, to be as capable of deciding now as it could be at any Time hereafter. In like Manner, the Security for the Navigation, Commerce and Fisheries of His Majesty's Subjects (liable to such Provisions as may be made for preventing illicit Trade to those Parts actually in the Possession of Spain) depended solely upon the fundamental Question, whether that Crown did or did not insist upon, and maintain, an exclusive Sovereignty over the Continent in Question, and the Seas adjacent. If therefore Spain should persist in refusing a distinct and final Settlement on these Points, under Pretence of making further Inquiries, such a Conduct could only be considered as a Proof of wishing to gain Time, in order ultimately to contest the Principles themselves on which these Articles are founded.

With Regard to the 3d Article, which proposed the Specification of certain Limits, within which His Majesty's Subjects should be restrained from making any Settlements, it might more plausibly be urged, that Time is necessary for collecting local Information ;  
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but it must be considered, that in settling these Limits Mr. Fitz-Herbert was impowered, by the Duke of Leeds's former Instructions, to admit of a Degree of Latitude in the Application of the Principles stated to him, which would make it almost certain that those Limits would in Fact comprize a greater Extent of Territory than any which, on the most minute Investigation, could be shewn to be actually occupied by Spain; and that it certainly would have included some considerable Tracts, which there was every Reason to believe fall under this Description. A Nicety, with Respect to minute Points, could not, on either Side, be of so much Importance as a speedy and conclusive Termination of the Discussion: And if, contrary to Probability, any Districts should, in any Instance, have been excluded to which the Principle of Occupation really applied, they must be of a very recent Date indeed, and, comparatively, very inconsiderable, if the Court of Spain itself had no Knowledge of such Occupation without fresh Reference to America; and consequently they must be greatly overbalanced by the probable Extent of the Limits in other Parts, beyond what actual Enquiry would justify. In Addition

tion to all this it was to be remembered, that, even if any such Instance should be found to exist of any District, without the Limits which might be fixed, being actually in the Occupation and Possession of Spanish Subjects, that that very Possession would still remain, and, instead of being disturbed, would be secured and confirmed by the Principle and Terms of the proposed Convention.

On these Grounds it seemed reasonable to suppose that, if the Court of Spain should once accede to the Principle of the foregoing Articles, it would not hesitate to fix the Limits in the Manner proposed, without any further Reference. It even appeared to His Majesty's Servants, that such an Article must have been thought preferable, on the Part of the Court of Spain, to the Declaration only of the general Principle, by the fair Application of which, they would probably not be able to claim so extensive an exclusive Territory, as that which this Article would secure to them. It also appeared to be desirable for both Parties, for the Reasons given in his Grace's former Instructions, as tending to remove any Dispute hereafter, as to what should be deemed Proof of Occupation, or what

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was the Extent of the Dominions so occupied by Spain, at the Time of forming the Agreement. For the same Reason, His Majesty would still prefer that such an Article should make Part of the proposed Convention ; but, at the same Time, as his Excellency had already been informed, all which His Majesty thought indispensable, was comprised in the Two preceding Articles ; and, as Count Florida Blanca (although by his Projet he would leave every Thing open to subsequent Discussion) appeared to rest his Objection to a present Decision principally on this Point of Demarcation of Limits, His Majesty would not object to the entire Omission of so much of the Third Article as related to that Object. It would be sufficient that the general Right to form Settlements in unoccupied Places should be secured by the express Terms of the foregoing Article ; and the Question of Occupation, if it ever should come into Discussion, might safely be left open to be decided, in all Instances, as it evidently must have been left in some, on the general Principles of the Law of Nations.

As the latter Part of the Third Article was evidently in Favor of Spain, and as it was, in Fact, adopted in Count Florida Blanca's Projet, his Grace observed, it was not necessary to

to make any further Remark upon it, than that, in case the foregoing Part of the Article should be omitted, the concluding Words of the latter Part must be changed from " Comprehended within the above Limits" to " actually occupied by Spain."

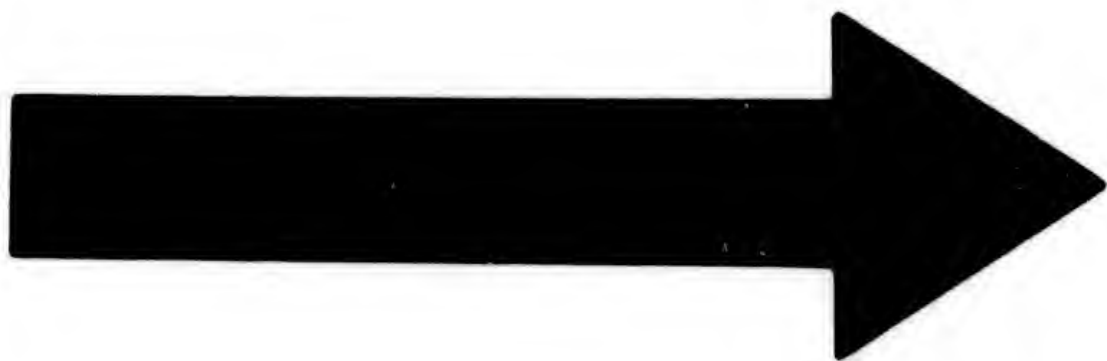
The Fourth Article was one, the Motive for inserting which, his Grace stated to have been sufficiently explained in his former Dispatches. He now observed, that His Majesty continued to think it mutually desirable, and that it was probable that the Court of Spain, if it acceded to the other Points in Question, would be willing that this Article should form Part of the Convention : But that His Majesty had no material Objection (if the Court of Spain should prefer it) to waive both this Article and the 5th, which was originally suggested only as likely to be acceptable to Spain.

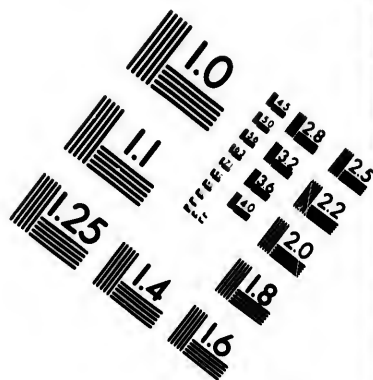
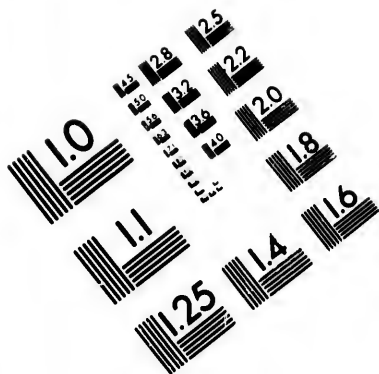
From what was now stated, Mr. Fitz-Herbert would be enabled to see that it was His Majesty's Pleasure that he should firmly insist upon what were the 1st and 2d Articles of the *Projet* which the Duke of Leeds transmitted. That the Part which stood as the 3d Article, relative to fixing Limits, might be omitted, if the Court of Spain desired it ; but that His Majesty would prefer it's making a  
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Part of the Convention ; and that, in that Case, the Blanks must be filled up on the Grounds stated in the former Instructions. That His Majesty was willing to retain, in either Case, the latter Part of the 3d Article respecting the Prevention of illicit Trade. That it also appeared desirable to retain the 4th Article ; but both the 4th and 5th might be omitted or inserted at the Option of the Court of Spain.

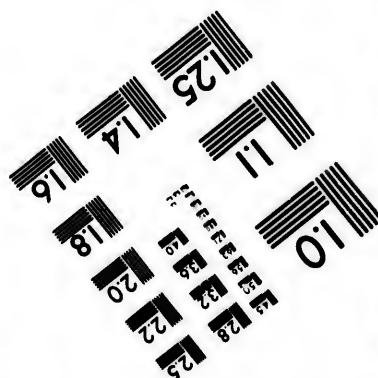
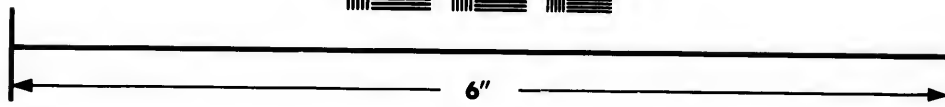
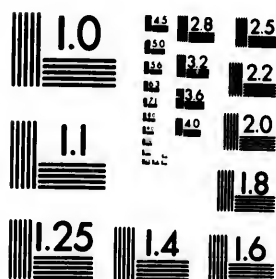
His Excellency was also authorized to leave it to the Option of that Court to omit or insert in the Definitive Convention the 3d of the Articles proposed by by Count Florida Blanca, but as that Article was not included in our original Demand, His Majesty did not think proper to make it an indispensable Part of the Ultimatum on which he was to insist ; although His Majesty trusted the Court of Spain would not withdraw so equitable a Provision. The Duke however added, that His Majesty considered it as extremely desirable, as containing an additional Security for the maintenance of those Principles of the Law, on which His Majesty's late Demand of Satisfaction was grounded and acceded to by the Court of Spain.

To the Articles above mentioned it would be proper to add one, in the usual Form, respecting





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specting the Ratification as proposed both in Mr. Fitz-Herbert's Projet before stated, and in that delivered to him by Count Florida Blanca.

The Duke added; that it might also be adviseable, if his Excellency should find that it would facilitate the Conclusion of the Convention, to insert an Article (conformable to the Second Article in the inclosed Projet), stipulating a reciprocal Restitution of any Place which might have been captured, and a Reparation of any Injuries which might have been committed on either Side, during the present Discussion.

The Duke further stated, that he had before remarked to his Excellency, that the Stipulation for reciprocal Restitution at Nootka, as proposed in Count Florida Blanca's Projet, was liable to Objection, and that the first Article must stand as originally proposed: But that there could be no Inconvenience in admitting a distinct Article providing for any other Case which might have occurred, and though it was not essential, it seemed more desirable that it should be inserted than not.

Having thus particularly stated all that appeared necessary for Mr. Fitz-Herbert's Instruction,

struction, with respect to the Points on which he was finally to insist, the Duke said he had only to add, that in conversing on this important Subject with Count Florida Blanca, his Excellency should particularly remind him of the Language, he stated him to have held, purporting, that the Expressions used in his Project were such as to secure to His Majesty's Subjects the Enjoyment of every Right which Mr. Fitz-Herbert had stated to belong to them; and that he could assure him, that their full Exercise of those Rights would meet with no Opposition.

On this it was obvious to remark, that if that Minister was in Earnest in this Language, he must be considered as waiving any Objection to the Justice and Propriety of our Claims, and he must be willing that those Rights should be secured. The Articles proposed by him, professedly for this Purpose, appeared, however, to His Majesty's Servants to be totally insufficient for accomplishing it, and to leave all those Rights precarious. The Articles which Mr. Fitz-Herbert was now instructed to insist upon, could not, by any possible Construction, be argued to give any Thing more than the Security of the Rights referred to. On this short State of the Question, it

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was impossible that a Rejection of these Demands should not be considered as a Proof, that the Court of Spain either was not sincerely desirous of an Accommodation, or was unwilling to give, distinctly and unequivocally, that Security, which the Spanish Minister argued to be in Fact contained in the very Articles which he had himself suggested.

The following are Copies of Two Plans or Projets alluded to in the preceding Dispatch, the one with and the other without a Demarcation of Limits; the separate Articles of which were marked in the Margin with the Words "*Indispensible*" and "*Optional*," as in the present Copies.

DRAFT of PROJET, with a Demarcation  
of Limits.

Article I.

IT is agreed, that the Buildings and Tracts of Land on the North-Western Coast of the Continent of America, or of the Islands adjacent thereto, of which the Subjects of His Britannic Majesty were dispossessed by a Spanish Officer in or about the Month of April in the Year 1789, shall be restored to them.

*Indispensible.*

Article

Article II.

It is further agreed, that Reparation, according to the Nature of the Case, shall be made for any other Acts of Violence which may have been committed by the Subjects of Either of the Contracting Parties against the Subjects of the other, subsequent to the Month of April, 1789; and that in case any of the said respective Subjects shall, within the same Period, have been forcibly dispossessed of any Lands, Buildings, Vessels, Merchandize or other Property on the said Continent of America, or in the Islands or Seas adjacent, the same shall be restored to them, or Compensation made for Losses sustained.

*Optional.*

Article III.

And, in order to prevent all Occasions of Jealousy and Misunderstanding in future, it is expressly agreed, that the Subjects of each of the Contracting Parties respectively shall not give any Molestation or Disturbance to the Subjects of the other, in Navigating or Carrying on their Fisheries in the Pacific Ocean or

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South Seas, or in Landing on the Coasts thereof, in Places unoccupied by the Subjects of the other Party, for the Purpose of carrying on their Commerce with the Natives, or in making Settlements in Unoccupied Places; subject nevertheless to the Provisions herein after stipulated with Respect to such Navigation, Commerce, Fisheries and Settlements.

*Indispensible.*

#### Article IV.

But, from a Desire to remove all Ground of Apprehension, which His Catholic Majesty might entertain, of any Interference with the Ancient and Established Possessions of the Crown of Spain, or of any Occasion being given to the carrying on a Contraband Trade with the said Possessions, His Britannic Majesty engages that His Subjects shall not form any Settlements in any Part of the Western Coast of America, between      Degree North Latitude, and      Degree South Latitude, or in any Part of the Eastern Coast of South America, North of a Line drawn from  
to  
or carry on any Commerce within the said Limits.

mits. And His Majesty also engages to take the most effectual Measures to prevent the Navigation, Fishery, or Commerce of His Subjects, in the Pacific Ocean or South Seas, from being made a Pretext for Illicit Trade with the Spanish Settlements; and particularly that, for that Purpose, the Fishery or Navigation of His Subjects shall not be carried on within Leagues of any Part of the Coast comprehended within the above Limits.

*Optional.*

Article V.

And, for the future Preservation of Harmony and Good Understanding, it is mutually agreed between the Two Contracting Parties, that, as well in the Places which His Catholic Majesty has engaged to restore to the Subjects of His Britannic Majesty, as in all other Places on the North-Western Coasts of America, or of the Islands adjacent thereto, above the said where any Settlements shall have been made by the Subjects of either Crown since the Month of April 1789, or shall hereafter be made, the Subjects of the other shall have full Liberty of Access, and of carrying

carrying on their Trade, without any Molestation.

*Optional.*

Article VI.

And it is further agreed between the Two Contracting Parties, that no Settlements shall be formed hereafter, by the Subjects of Either of the Two Crowns, in any Part of South America, South of \_\_\_\_\_ on the Eastern Coast, or of \_\_\_\_\_ on the Western Coast, so long as no Settlements shall be formed thereon by the Subjects of any other Power.

*Optional.*

Article VII.

In all Cases of Complaint or Infraction of any Article of the present Declaration, the Officers of Either of the Contracting Parties, without previously making Use of Violence, or Forcible Means, shall make an Exact and Circumstantial Report of the Affair to their respective Courts, who will settle the Matter in Dispute in an Amicable Manner.

*Optional.*

N. B. This Article is taken precisely from the Third Article of Count Florida Blanca's Projet.

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DRAFT of PROJET, without a Demarcation of Limits.

Article I.

IT is agreed, that the Buildings and Tracts of Land on the North West Coast of the Continent of America, or of the Islands adjacent thereto, of which the Subjects of His Britannic Majesty were dispossessed by a Spanish Officer, in or after the Month of April, in the Year 1789, shall be restored to them.

*Indispensable.*

Article II.

It is further agreed, that Reparation, according to the Nature of the Case, shall be made for any other Acts of Violence or Hostility, which may have been committed by the Subjects of Either of the Contracting Parties, against the Subjects of the other, subsequent to the Month of April, 1789, and that in Case any of the said respective Subjects shall, within the same Period, have been forcibly dispossessed of any Lands, Buildings, Vessels, Merchandize, or other Property on the said Continent of America, or in the Islands or Seas

Seas adjacent, the same shall be restored to to them, or Compensation made for the Losses sustained.

*Optional.*

### Article III.

And, in order to prevent all Occasions of Jealousy and Misunderstanding in future, it is expressly agreed, that the Subjects of Each of the Contracting Parties respectively, shall not give any Molestation or Disturbance to the Subjects of the other, in Navigating or carrying on their Fisheries in the Pacific Ocean, or South-Seas, or in Landing on the Coasts thereof, in Places Unoccupied by the Subjects of the other Party, for the Purpose of carrying on their Commerce with the Natives, or in making Settlements in Unoccupied Places.

*Indispensible.*

### Article IV.

His Britannic Majesty engages, to take the most effectual Measures to prevent the Navigation, Fishery, or Commerce of His Subjects, in the Pacific Ocean or South Seas, from being made a Pretext for Illicit Trade with the Spanish Settlements; and particularly that, for that Purpose,

Purpose, the Fishery or Navigation of His Subjects shall not be carried on within Leagues of any Part of the Coast actually occupied by Spain.

*Optional.*

Article V.

And, for the future Preservation of Harmony and Good Understanding, it is mutually agreed between the Two Contracting Parties, that, as well in the Places which His Catholic Majesty has engaged to restore to the Subjects of His Britannic Majesty, as in all other Places on the North-Western Coasts of America, or of the Islands adjacent thereto, where any Settlement shall have been made by the Subjects of Either Crown since the Month of April, 1789, or shall hereafter be made, the Subjects of the other shall have full Liberty of Access, and of carrying on their Trade without any Molestation.

*Optional.*

Article VI.

And it is further agreed between the Two Contracting Parties, that no Settlements shall be formed hereafter by the Subjects of either

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of the Two Crowns in any Part of South America, South of \_\_\_\_\_ on the Eastern Coast; and of \_\_\_\_\_ on the Western Coast, so long as no Settlements shall be formed thereon by the Subjects of any other Power.

*Optional.*

### Article VII.

In all Cases of Complaint or Infraction of any Article of the present Declaration, the Officers of Either of the Contracting Parties, without previously making Use of Violence or Forcible Means, shall make an Exact and Circumstantial Report of the Affair to their respective Courts, who will settle the Matter in Dispute in an Amicable Manner.

*Optional.*

N. B. This Article is taken precisely from the Third Article of Count Florida Blanca's Project.

IN the Separate Dispatch before alluded to (which accompanied that of which a Detail was last given) the Duke of Leeds stated to Mr. Fitz-Herbert, on the Supposition of the present

present Negotiation terminating amicably, and of Count Florida Blanca's returning to the Subject of Disarming, that the Enormous Expence respectively incurred by Both Countries, in Fitting out such considerable Fleets, could not but render it highly to be wished, on both Sides, that Circumstances might permit a speedy Reduction of this heavy Branch of Public Expenditure. That the Moment our Differences with Spain should be finally adjusted, we trusted our Mutual Confidence would be a stronger Security, in respect to our Disarming on both Sides, than any Formal Stipulations could afford.

With Respect to the particular Mode of disarming, His Grace observed, that it might be difficult to come to any precise Stipulation on that Subject. Mutual Confidence would, he trusted, prevent any Jealousy or Suspicion between us; and his Grace declared himself to be convinced the Court of Spain would enter into the Justice of our Motives for not binding ourselves to reduce our Navy precisely to our Peace Establishment, in the First Instance. We certainly could not take such a Step, 'till France should have reduced Her Navy: And there might be many other important Reasons

for not being too precipitate in our Reductions, during the present unsettled State of Europe in general; both which Considerations would, his Grace was convinced, be admitted as worthy of Attention by Count Florida Blanca.

The Duke further stated, that His Majesty's Ministers were persuaded Spain was not only equally interested, but equally disposed with England, to prevent any material Alteration in the Relative situation of the several Powers of Europe. That the only Quarter, from which this Situation appeared liable to Disturbances, was the Court of Petersburg; and the Reluctance with which that Court appeared to listen to the Proposals of an Accommodation with the Porte, short of a Material Dismemberment of the Turkish Dominions, could not but render it incumbent on the Allies to be prepared to defend a System of Moderation, which the Empress seemed so unwilling at present to adopt, and which it seemed so material for every other Power to see securely established.

By the same Messenger, the Duke of Leeds informed Mr. Fitz-Herbert, that the Proposals hereinbefore detailed, must be considered as constituting the Ultimatum of this Court; and that the Great Expence attending our Preparations,

rations, as well as the Maintenance of the Armament actually ready for Service, joined to the natural and just Expectations of the Public, could not admit any further Delay in coming to a Decision on the Points now at Issue between the Two Powers.

For these Reasons, his Grace directed that Ambassador to inform Count Florida Blanca, in the most explicit, though, at the same Time, the least offensive Manner, of the Impossibility of our admitting any further Procrastination in the Ultimate Decision of his Court. And his Grace added, that, after communicating the several Proposals to Count Florida Blanca, Ten Days appeared sufficient for an Answer to them; and that, in case a Satisfactory Answer should not be returned within that Period, it was His Majesty's Pleasure, that his Excellency should quit Madrid, without taking Leave of the Spanish Court, and should forthwith set out on his Return to England.

In another Dispatch of the same Date, and forwarded by the same Messenger as the preceding, the Duke of Leeds found himself obliged to express his Regret that, during so important

important a Negotiation as the present, any fresh Circumstance should arise capable of exciting Complaint on the Part of either Power. The unjustifiable Treatment, however, which a Spanish Officer had observed towards the Captain of a British West-Indiaman, in the Gulph of Florida was of such a Nature as to render Complaint on our Part absolutely necessary.

His Grace stated, that Captain Macdonald, of the Trelawney Planters West-Indiaman, the Object of the Spanish Officer's Cruelty, had been examined upon Oath, touching the particular Circumstances of the Case, and he inclosed to Mr. Fitz-Herbert, the Deposition of that Gentleman, as well as those of several other Persons who were on Board his Ship, some of whom were likewise with him when on Board the Spanish Frigate. These were accompanied with the Deposition of Captain Steel, of the Louisa, (another West-Indiaman) who, having spoke the Trelawney Planters, parted Company a short Time previous to her being stopped by the Spaniards, and was examined to the Point of the Course held by this latter Vessel, in consequence of which she was disabled from getting clear of their Squadron.

Supposing



Supposing the Spanish Commander to have entertained any reasonable Grounds of Suspicion of her carrying on a Contraband Trade, the stopping, or even examining the Vessel in a proper Manner, when found so near the Coast of the Spanish Dominions, would scarcely have authorized Complaint: A Proof, however, of Delinquency on the Part of Captain Macdonald, could not, as his Grace observed, in any Event, have justified the barbarous Treatment he experienced on Board the Spanish Frigate.

The Conduct of Don Francisco de Videl, was, as his Grace trusted, rather to be attributed to the wanton Cruelty of an Individual, than to any System adopted by the Spanish Marine, or authorized by their Government; and it would be unjust to many of the Officers, as well as the Crew of the Frigate, not to mention their Endeavours to alleviate the Misery of Captain Macdonald, while suffering under his cruel Confinement in the Bilboes, exposed to the scorching Heat of the Sun, as well as undergoing the severest Pain both in Head, Body and Limbs.

For the Particulars of this Transaction, his Grace referred Mr. Fitz-Herbert to the inclosed

closed Papers; \* and he observed, that Humanity, as well as common Justice, must induce the Court of Madrid to do Justice on this Occasion with respect to the offending Officer. The Case evidently came under that Part of the Project now sent, respecting Satisfaction to be reciprocally given by the Contracting Parties, for any Loss or Injury sustained by their respective Subjects since a certain Period. In case, however, this particular Article of the Project should not ultimately be agreed to, a direct and separate Answer must be obtained from the Spanish Court, to our Complaint of the Cruelty exercised by their Officer on Captain Macdonald. The Duke added, that, having stated the Case to that Court, it was His Majesty's Pleasure, that Mr. Fitz-Herbert should inform the Spanish Minister, that he was absolutely forbid to conclude any other Part of the Negotiation, until he had received a positive Official Assurance in Writing, that, in the Event of the Facts contained in the Depositions above stated not being disproved, a just and adequate Punishment should be inflicted on the Offender.

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\* Several Affidavits sent to Mr. Fitz-Herbert.

The Messenger who was charged with these Dispatches arrived at Madrid on the 12th of October. On the following Day Mr. Fitz-Herbert proceeded to the Escorial, and had a Conference with Count Florida Blanca; from which, as his Excellency acquainted the Duke of Leeds, though he was unable to form any positive Judgment with respect to the Result of the Negotiation, the Language of the Spanish Minister gave him but too much Reason to doubt of it's terminating amicably. With respect, however, to the cruel and unjustifiable Treatment which Captain Macdonald, of the Trelawney Planters West India-man, had experienced from the Captain of the Spanish Frigate, and for the just and adequate Punishment of whom Mr. Fitz-Herbert had delivered a Memorial to Count Florida Blanca, that Minister informed his Excellency that, the Officer in Question (whose Name was Don Juan Vicente Yanez, and that of the Frigate Nuestra Senora Del Rosario,) had, on his Arrival at Cadiz about Three Weeks before, transmitted to the Minister of the Marine a Relation of the Affair in Question; and that, his Conduct having appeared, on the very Face of this Report, to have been highly

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blameable, His Catholic Majesty had been prompted, by His Sentiments of Humanity and Justice, to send an Order to Cadiz, for his being immediately brought to a Court-Martial for this Act of Delinquency.

After a Variety of Conferences which Mr. Fitz-Herbert had with Count Florida Blanca, the Tenor of which had convinced the former of those Ministers that the Settlement of any Demarcation of specific Limits would, at this Time, be utterly impracticable, his Excellency thought it advisable to lay before the Spanish Minister a Projet, containing only the 1st, 2d, 3d, 4th and 7th Articles of the Drafts inclosed to him in the Duke of Leeds's Dispatch of the 2d of October. Count Florida Blanca's Reception of this Projet was, in every Respect, so discouraging, as to induce Mr. Fitz-Herbert to send Letters to General O'Hara and the Consuls in the several Ports of Spain, recommending to them the same Measures of Precaution, which they had adopted at the Outset of these Disputes.

In order, however, that no Means of effectuating a Pacification might be left untried,  
Mr.

Mr. Fitz-Herbert, on the 15th of October delivered to the Spanish Minister a translated Copy of the Whole of the Duke of Leeds's Draft, intituled *Projet without the Demarcation of Limits*; in consequence of which the Count sent him, on the following Day, an Answer; which, though still conceived in Terms extremely wide of our Proposals, was nevertheless such as to revive his Hopes of engaging the Spanish Minister, by Degrees, to accede to His Majesty's Demands. After repeated Conferences, both at the Escorial and at St. Ildephonso, (whither His Catholic Majesty removed on the 20th) the Difficulties which had intervened being removed, a Draft of the following Convention between His Majesty and the King of Spain was at length definitively settled between Mr. Fitz-Herbert and Count Florida Blanca on Sunday the 24th of October, and was agreed to be signed by them, with the usual Formalities, on the Wednesday or Thursday following.

## CONVENTION

CONVENTION between His BRITANNIC  
Majesty and the King of SPAIN.

LEURS Majestés Britannique et Catholique, étant disposées à terminer, par un Accord prompt et solide, les Differends qui Se sont élevés en dernier Lieu entre les Deux Couronnes, Elles ont trouvé, que le meilleur Moyen de parvenir à ce Bût salutaire seroit celui d'une Transaction à l'amiable, laquelle, en laissant de Côté toute Discussion retrospective des Droits et des Pretensions des Deux Parties, réglât leur Position respective à l'avenir sur des Bases qui seroient conformes à Leurs vrais Intérêts, ainsi qu'au Desir mutuel dont Leurs dites Majestés sont animées, d'établir entre Elles, en tout et en tous Lieux, la plus parfaite Amitié, Harmonie et bonne Correspondance. Dans cette Vuë, Elles ont nommé et constitué, pour Leurs Plenipotentiaires ; savoir, de la Part de Sa Majesté Britannique, le Sieur Alleyne Fitz-Herbert, du Conseil Privé de Sa dite Majesté dans la Grande Bretagne et en Irlande, et Son Ambassadeur Extraordinaire et Plenipotentiaire près Sa Majesté Catholique ; et, de la Part de Sa Majesté Catholique,

tholique, Don Joseph Monino, Comte de Florida Blanca, Chevalier Grand Croix du Royal Ordre Espagnol de Charles III. Conseiller d'Etat de Sa dite Majesté, et Son Premier Secrétaire d'Etat et del Despacho : Lesquels, après s'être communiqués leurs Pleinpouvoirs respectifs, sont convenus des Articles suivans.

#### Article I.

Il est convenu que les Batimens et les Districts de Terrein, situés sur la Côte du Nord-Ouest du Continent de l'Amerique Septentrionale, ou bien sur des Isles adjacentes à ce Continent, desquels les Sujets de Sa Majesté Britannique ont été depossédés, vers le Mois d'Avril, 1789, par un Officier Espagnol, seront restitués aux dits Sujets Britanniques.

#### Article II.

De plus, une juste Reparation sera faite, selon la Nature du Cas, pour tout Acte de Violence ou d'Hostilité qui aura pû avoir été commis, depuis le dit Mois d'Avril, 1789, par les Sujets de l'une des deux Parties Contractantes contre les Sujets de l'autre ; et au cas  
que

que depuis la dite Epoque, quelques uns des Sujets respectifs ayent été forcement depossédés de leurs Terreins, Bâtimens, Vaisseaux, Marchandises, ou autres Objets de Propriété quelconques, sur le dit Continent, ou sur les Mers ou Isles adjacentes, ils en seront remis en Possession, ou une juste Compensation leur sera faite pour les Pertes qu'ils auront essuyées.

### Article III.

Et, afin de resserrer les Liens de l'Amitié, et de conserver à l'avenir une parfaite Harmonie et bonne Intelligence entre les Deux Parties Contractantes, il est convenu que les Sujets respectifs ne seront point troublés ni molestés, soit en naviguant ou en exerçant leur Pêche dans l'Océan Pacifique, ou dans les Mers du Sud, soit en débarquant sur les Côtes qui bordent ces Mers, dans des Endroits non déjà occupés, afin d'y exercer leur Commerce avec les Naturels du Pays, ou pour y former des Etablissements. Le tout sujet néanmoins aux Restrictions et aux Provisions qui seront spécifiées dans les trois Articles suivans.

Article



## Article IV.

Sa Majesté Britannique s'engage d'employer les Mesures les plus efficaces pour que la Navigation et la Pêche de Ses Sujets dans l'Océan Pacifique, ou dans les Mers du Sud, ne deviennent point le Pretexte d'un Commerce illicite avec les Etablissements Espagnols ; et, dans cette Vuë, il est en outre expressement stipulé, que les Sujets Britanniques ne navigueront point, et n'exerceront pas leur Pêche dans les dites Mers, à la Distance de Dix Lieues Maritimes d'aucune Partie des Côtes déjà occupées par l'Espagne.

## Article V.

Il est convenu, que tant dans les Endroits, qui seront restitués aux Sujets Britanniques, en Vertu de l'Article I<sup>er</sup>, que dans toutes les autres Parties de la Côte du Nord Ouest de l'Amerique Septentrionale, ou des Isles adjacentes, situées au Nord des Parties de la dite Côte déjà occupées par l'Espagne, partout où les Sujets de l'une des Deux Puissances auront formé des Etablissements, depuis le Mois d'Avril, 1789, ou en formeront par la Suite, les Sujets de l'autre auront un Accès libre, et exerceront

exerceront leur Commerce, sans Trouble ni Molestation.

Article VI.

Il est encore convenu, par rapport aux Côtes tant Orientales qu'Occidentales de l'Amerique Meridionale et aux Isles adjacentes, que les Sujets respectifs ne formeront à l'avenir aucun Etablissement sur les Parties de ces Côtes situées au Sud des Parties de ces mêmes Côtes, et des Isles adjacentes, déjà occupées par l'Espagne : Bien entendu, que les dits Sujets respectifs conserveront la Faculté de débarquer sur les Côtes et Isles ainsi situées, pour les Objets de leur Pêche, et d'y bâtir des Cabanes, et autres Ouvrages temporaires, servant seulement à ces Objets.

Article VII.

Dans tous les Cas de Plainte, ou d'Infraction des Articles de la présente Convention, les Officiers de Part et d'autre, sans se permettre auparavant aucune Violence ou Voie de Fait, seront tenus de faire un Rapport exact de l'Affaire, et de ses Circonstances, à leurs Cours respectives, qui termineront à l'amiable ces Differends.

Article

Article VIII.

La presente Convention sera ratifiée et confirmée dans l'Espace de Six Semaines, à compter du Jour de sa Signature, ou plutôt, si faire se peut.

En Foi de quoi, nous sous-signés Plenipotentiaires de Leurs Majestés Britanniques et Catholiques, avons signé, en leurs Noms, et en Vertu de nos Pleinpouvoirs respectifs, la presente Convention, et y avons apposé les Cachets de nos Armes.

Fait à San Lorenzo el Real, le Vingt-huit  
Octobre, Mil Sept Cent Quatre-vingt-dix.

(L. S.) ALLEYNE FITZ-HERBERT.

(L. S.) El Conde de FLORIDA BLANCA.

FROM the Account Mr. Fitz-Herbert gave of the Progress of this Negotiation, it appeared that, as by the concluding Paragraphs of our Declaration and Counter Declaration of the 24th of July, the Discussion of the Exclusive Rights of Spain to the Districts described in the Duke of Leeds's Projet had been expressly reserved, it was not reasonable to expect, that His Catholic Majesty should submit, without such a Discussion having been first regularly held, to the unqualified Surrender of those Rights; and he therefore proposed

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to prefix to that Article the following Words :  
 “ Malgré les Droits exclusifs aux quels l’Espagne  
 “ a pretendus, et eu égard aux Desirs mutuels  
 “ des deux Cours, de ne pas entrer dans de nou-  
 “ velles Discussions, et d’établir par tout entre  
 “ Elles la plus parfaite Amitié, il est convenu  
 “ que les Batimens et Districts de Terrain,  
 “ &c.” Mr. Fitz-Herbert of course declined  
 admitting that or any other Addition to the  
 Article itself; but, in order to solve Count  
 Florida Blanca’s Difficulty, he determined to  
 propose to him, in Virtue of the Authority for  
 that Purpose, which appeared to him to be  
 contained in the Third Paragraph of the  
 Duke’s Dispatch, \* that they should insert in the  
 Preamble

\* In framing these Articles, the first Object which has  
 been kept in View is that of bringing to a clear and final  
 Settlement all the Points which are involved in the late  
 Discussions, in order to preclude, as far as possible, all similar  
 Occasions of Jealousy and Misunderstanding in future. In  
 doing this, His Majesty wishes only to secure for his Subjects  
 those Rights which are both strictly conformable to Justice,  
 and are at the same Time, of real Importance to the Honour of  
 His Crown, or to the Navigation and Commerce of His  
 Subjects. He has endeavoured, as far as possible, to waive  
 any Retrospective Discussion of Claims of Right, the express  
 Renunciation of which might be felt as unnecessarily mor-  
 tifying to the Court of Spain. It has, therefore, been thought  
 right, that the Points in Question should be clearly settled  
 and defined as Matter of positive Stipulation for the future.

Preamble to the intended Convention, the Words, "Elles ont trouvé, &c." to which Propofal, after some Difficulty, the Count finally acceded. The concluding Period of the Preamble was nearly copied from Count Florida Blanca's own Expreffions, the Principle of it being conformable to His Majesty's Views.

In consequence of this Addition to the Preamble, Count Florida Blanca agreed to frame the First Article of the Convention in exact Conformity to the Duke's feveral Projets.

The Second Article was likewise literally the fame with that propofed by his Grace, excepting only, that it does not contain the Word *other*, as applied to the Acts of Violence that might have been committed by the Subjects of Either of the Contracting Parties fince the Month of April 1789. Upon this Head Count Florida Blanca obferved, that, as His Catholic Majesty had already given what the King had confidered as full Satisfaction for Monf. Martinez's unjuftifiable Proceedings, the fresh Reference to thefe Proceedings, implied by this Expreffion, was not only unnecessary, but might be confidered as somewhat invidious; and this Obfervation appeared to Mr. Fitz-Herbert to be of fufficient Weight

to justify the expunging the Word in Question. With regard to this Article, Monf. de Florida Blanca had proposed the restricting the Reparation, which is stipulated by it in general Terms for all Offences whatsoever, to Offences committed "on the said Continent and the adjacent Islands;" but (from obvious Considerations) Mr. Fitz-Herbert positively declined admitting any such Limitation.

The important Stipulations contained in the Third Article agree entirely with His Majesty's Instructions, and the Fourth Article is likewise drawn up in Conformity to the Duke of Leeds's Projet, excepting only in the Addition of the Words "dans les dites Mers;" which Addition was proposed by Count Florida Blanca, and Mr. Fitz-Herbert agreed to it the more readily, as he conceived that it might be of Use, in case of any Disputes respecting the Limits of our Turtle Fishery on the Coast of Yutacan. With regard to this Article, Count Florida Blanca pressed very earnestly for the Extending the Distance from the Spanish Coasts, within which His Majesty's Subjects are to be permitted to fish, from Ten Leagues to Fifteen, pleading in Behalf of this Alteration the Article of the Treaty

Treaty of Paris, which limits to this last mentioned Distance the Fishery carried on by the Subjects of France on the Coasts of the Island of Cape Breton.

With Regard to the Fifth and Sixth Articles, Count Florida Blanca, from the Outset of this Business, made it an indispensable Condition to His Catholic Majesty's Recognition of our Right of Landing and forming Establishments in Unoccupied Places of the Coast of America, as stated by the Third Article, that it should be qualified not only by the Engagement proposed by His Majesty, that the Subjects of neither Party should form any permanent Settlements in South America, but by such Stipulations as should secure to Spain her exclusive Intercourse with her Possessions to the Northward. And he at the same Time (on his former Ground of Want of sufficient Information) no less positively declined to fix any precise Line as the Boundary to the Spanish Possessions either to the North or the South.

The Language of the Spanish Minister on both the Points in Question was so firm and decisive, as to make it evident, beyond a Doubt, that the Alternative of Peace or War rested on the finding or not finding a Solution of this Difficulty.

Difficulty. Under these Circumstances, having considered, that the whole Tenor of the Duke of Leeds's Correspondence upon this Subject plainly indicated, that His Majesty's Object in this Negotiation had been, throughout, no other than the procuring from the Court of Spain an Acknowledgement of the Rights of His Subjects to exercise their Navigation and Fisheries, as well as to land and form Establishments on all *unoccupied* Coasts of the American Continent and Islands; and that it was moreover expressly stated, that "the Question of Occupation, if ever it should come into Discussion, might safely be left open to be decided, *in all Instances*, as it evidently must in some, on the general Principles of the Law of Nations," Mr. Fitz-Herbert conceived himself to be fully warranted, not only by the Letter, but by the Spirit of his Instructions, to extend this general Principle to the Articles in Question; and, after many Debates, (in the Course of which the Negotiation was frequently on the Point of being broken off) Count Florida Blanca at length consented to admit them in their present Shape. The Alterations for which he chiefly pleaded in the latter Conference



rences were the inserting in the Fifth Article, after the Words "exerceront leur Commerce" the Words "avec les Naturels du Pays," &c. In the Sixth Article, instead of the Words "au Sud des Parties de ces mêmes Côtes, &c." the Words "au Sud des dernieres Parties de ces mêmes Côtes, &c."

In another Dispatch of the 24th of October, Mr. Fitz-Herbert informed the Duke of Leeds that, though he took Care to convey to Count Florida Blanca with the utmost Delicacy and *Menagement* the Intimation that, in case a Satisfactory Answer to His Majesty's Proposals should not be returned within Ten Days, the Negotiation must entirely cease; this Circumstance naturally occasioned a very high Degree of Pique and Ill-Humour at the Spanish Court; that, however, there was, at the same Time, the greatest Reason to suppose, that it was materially instrumental in effectuating the present Arrangement. In fact, Mr. Fitz-Herbert said, after repeated Councils having been held on this Subject, not only by His Catholic Majesty's immediate Ministers, but by an Extraordinary Junto, composed of a Number of leading Members of the Principal Departments

Departments of the Government, the State of Indecision was such that, on the Evening of the 23d, when, after a Conference with Count Florida Blanca, he quitted him to attend His Catholic Majesty, that Minister professed to be, and most probably was, uncertain whether the Determination, that he was to communicate to Mr. Fitz-Herbert next Morning, would be for Peace or War. It appeared that Count Florida Blanca, to whom the Adoption of the former Alternative is chiefly to be attributed, took upon himself thereby a very great Share of Personal Responsibility, as it is certain that the abovementioned Extraordinary Junta were almost unanimous in preferring an immediate Rupture, to a Compliance with the present Terms of Accommodation.

Mr. Fitz-Herbert pressed Count Florida Blanca very earnestly, on his communicating to him, on the Morning of the 24th, the Determination of His Catholic Majesty, to sign the Convention immediately; offering, for that Purpose, to defer to a future Day the mutual Communication of their Full Powers; but he said, that he could not consent to this, consistently with what he owed to his own Character, as well as to the King his Master, since  
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his Enemies would not fail to accuse him of having availed himself of the Opportunity of the King's Visit to St. Ildephonso, whither He was not attended by any of the Ministers except himself and M. de Campo de Alange, to lead Him, as it were by Stealth, into a Measure contrary to His Interests; and he added, that he was also under the Necessity of transmitting to the aforesaid Junta, previous to the actual Signature of the Convention, a Memorial he was then preparing, and by which he hoped to justify his taking that Step in Opposition to their Opinion: That he therefore hoped Mr. Fitz-Herbert would content himself with His Catholic Majesty's Word, which he pledged to him in the most solemn Manner, that the Convention to be concluded should be drawn, verbatim et literatim, agreeably to the Paper above stated; adding, that he would send by the English Messenger an Instruction to the Marquis del Campo, authorising him to repeat to the Duke of Leeds, if necessary, the same Assurances in the Name of the King his Master. The actual Signature of the Convention was therefore deferred, as has already

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been

been mentioned, 'till His Catholic Majesty returned to the Escorial.

This very important Information was received at Whitehall on the Morning of the 4th of November. On the 7th, another Messenger arrived with the Convention, which had been signed at the Escorial, by Mr. Fitz-Herbert and Count Florida Blanca, on the 28th of October. His Majesty's Ratification of this Instrument was, on the 9th of November, forwarded to the Court of Spain; and, on the 4th of December, the Business, which so long had excited the anxious Attention not only of this Country but of all Europe, was happily concluded, by the Receipt of the Catholic King's Ratification of the Convention, which had been exchanged by Mr. Fitz-Herbert against that of His Majesty, on the 22d of the preceding Month, at the Palace of the Escorial.

SUCH was the Progress, and such the Termination of this momentous Negotiation; by which, without Bloodshed, and by an Expenditure trifling, in comparison of the Object in View, inconsiderable indeed, when compared

pared to the Benefits resulting from it, the most essential Advantages were obtained for this Country; Advantages probably much greater than could have been procured by the most successful War.



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