

EXHIBIT D

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION
IN ADMIRALTY**

ODYSSEY MARINE EXPLORATION, INC.,

Plaintiff,

v.

Case No. 8:07-CV-00614-SDM-MAP

THE UNIDENTIFIED SHIPWRECKED
VESSEL, if any, its apparel, tackle,
appurtenances and cargo located
within a five mile radius of the center
point coordinates provided to the Court
under seal,

Defendant,
in rem

and

THE KINGDOM OF SPAIN,

Claimant,

DECLARATION OF JAMES P. DELGADO, PH.D

1. I am a Maritime Archaeologist and Historian. My advanced degrees are an M.A. in Maritime History and Underwater Research from East Carolina University (Greenville, North Carolina) and a Ph.D. in Maritime Archaeology from Simon Fraser University (British Columbia, Canada). I have been active in the fields of maritime history and maritime archaeology (also commonly referred to as nautical archaeology) and studies of shipwreck sites for approximately thirty years. My principal area of study has been the post-Renaissance or modern period of maritime and naval activity between 1600-1900. My current archaeological field projects are in Panama, where I am documenting shipwrecks, submerged settlements, and

fortifications at the Rio Chagres dating from 1671 to 1849, and an 1865 U.S. built submarine in the Pearl Islands. I have dual U.S./Canadian citizenship and reside in Vancouver, British Columbia..

2. I am the President of the Institute of Nautical Archaeology (“INA”), headquartered at Texas A&M University, College Station, Texas and Bodrum, Turkey, and previously was Executive Director of the Institute. INA is often recognized as the foremost academic institution worldwide in the scientific practice of nautical archaeology. I am participating in this proceeding in an individual capacity as an independent expert and not as a representative of INA.

3. My previous experience includes service as Executive Director of the Vancouver Maritime Museum (1991-2006), Maritime Historian of the U.S. National Park Service (1987-1991), and Historian for the National Park Service unit that includes the National Maritime Museum in San Francisco (1979-1987). Throughout my career, I have regularly participated in maritime and nautical archaeological field projects involving examination and study of shipwreck sites, either as a member or as leader of a team. I am currently Chair of the Underwater Archaeology Subcommittee of the Archaeological Institute of America. I served for 10 years as a founding member of the UNESCO/ICOMOS International Committee on Underwater Cultural Heritage, and as President of the Council of American Maritime Museums. I have been elected as a Fellow of The Royal Geographical Society in London based on a rigorous review of my scholarly work and my contributions to geographical knowledge.

4. I am the principal author or editor of 12 books on maritime history and archaeology, including the *British Museum Encyclopedia of Underwater and Maritime Archaeology* (British Museum Press 1997, Second Edition 2001), which was simultaneously

published in the United States by Yale University Press. I have 41 published articles in the field of maritime archaeology and have served on the editorial board of two of the major scholarly journals in the field, the *American Neptune* and the *Journal of Field Archaeology*. I have conducted peer review of archaeological reports and manuscripts submitted for publication to the *Journal of Field Archaeology*, the *American Journal of Archaeology*, *Historical Archaeology*, and for Princeton University, the University of Nebraska, the University Presses of the University of Florida, University of South Carolina, Texas A&M University and the University of British Columbia. In the United States, my experience to date includes studies of more than 70 vessels for listing on the National Register of Historic Places or as National Historic Landmarks.

5. One area in which I have specialized is the archaeological investigation and study of sunken warships. My publications specifically concerned with sunken warships include *Lost Warships: An Archaeological Tour of War at Sea* (British Museum Press, 2001), *Khubilai Khan's Lost Fleet* (University of California Press, In Press 2009); *USS Arizona: Ship and Symbol* (St. Martin's Press, 2001); and *Ghost Fleet: the Sunken Ships of Bikini Atoll* (University of Hawaii Press, 1996). My experience at the National Park Service included archaeological assessment of the U.S.S. *Monitor*, the U.S.S. *Arizona* and U.S.S. *Utah* in Pearl Harbor, the 1846 U.S. Navy brig *Somers*, and the warships U.S.S. *Saratoga*, U.S.S. *Arkansas*, H.I.J.M.S. *Nagato*, U.S.S. *Pilotfish* and U.S.S. *Gilliam* sunk in atomic bomb tests at Bikini Atoll.

6. Attached as Annex 1 is my curriculum vitae with further details on my professional history and publications.

7. I have been asked by the law firm of Covington & Burling LLP — counsel to Spain — to examine photographs, videotapes and other information obtained by court order from

Odyssey Marine Exploration, Inc. (“Odyssey”) concerning the shipwreck that is the subject of this case to provide my independent assessment of the site and the identity of the vessel. For this study, I have also used various historical documents and other sources of information identified in my declaration. I begin with a summary of historical context relating to the site.

A. Historical Background

8. This brief summary history of the historical context is based principally on British naval historical materials. I understand that more detailed historical information from Spanish sources is also being provided by other declarants.

9. The Royal Spanish Navy Frigate of War *Nuestra Señora de las Mercedes* (also referred to as “*Mercedes*”) is well-known in naval history as a Spanish Navy warship that exploded and sank in battle against a British naval fleet in the October 5, 1804 Battle of Cape St. Mary, the engagement that resumed war for Spain against Great Britain as an ally of France in the Napoleonic Wars and which subsequently led to the Battle of Trafalgar a year later.

10. In the 18th and early 19th centuries, frigates were versatile, swift and powerful warships that performed a wide variety of functions. Frigates were built with one gun deck for their main battery, with additional cannon on the quarterdeck, and generally carried 30 to 44 cannon. The main battery generally consisted of 6 to 12 pounder (“pdr.”, a measure of the weight of their shot) cannon. Larger warships built with the two or more gun decks necessary to house 50 or more cannon resulted in ships that were considerably slower and less maneuverable. Frigates had the combination of force, speed and range that made them ideal for independent duty to suppress pirates or privateers, escort merchant ships, conduct patrols in times of war to locate and report on enemy fleets, serve as fast military transports, and to serve other national interests, such as protection of commerce and projection of force.

11. Annex 2 is a photograph of a contemporary (18th century) shipyard model of a typical Spanish navy frigate. This particular ship, the 34-gun frigate *Diana*, was built in 1792 and ended its career in 1822, and participated in the battle of Cape St. Vincent in 1797 with *Nuestra Señora de las Mercedes*. The model is in the Naval Museum (*Museo Naval*) in Madrid and accurately depicts the typical construction and fittings of a frigate of war of the era.

12. In March, 1802 the Treaty of Amiens brought about a short-lived cessation of the war in which Spain had fought since 1796 as a French ally against Great Britain. The Treaty of Amiens did not resolve the conflict but only proved to be only a brief hiatus in the war. The Treaty of Amiens broke down by May 1803, and active Anglo-French hostilities resumed. Spain did not immediately enter the hostilities, but it remained allied with France and agreed to maintain naval forces to support France. (Annex 3 (*The Naval Chronicle*, Vol. III 1804-1806, at pp. 80-82).)

13. In October 1803, an agreement negotiated between Spain and France required Spain to provide “a certain sum monthly in lieu of the Naval and Military succours which they had stipulated by the treaty [between France and Spain] to provide.” (*Id.* at 82.) Britain notified Spain that it considered such payments a “direct subsidy of War” and that, unless Spain ceased its support of France, “War would be the infallible consequence.” (*Id.* at 82-83.)

14. On September 15, 1804, the British Admiralty received dispatches reporting that a Spanish Navy squadron was enroute to mainland Spain from its viceroalties in the Americas. Captain Graham Moore, in command of the 40-gun British Navy Frigate *Indefatigable*, was immediately dispatched from Plymouth, England to assemble a British squadron off the coast of Spain to intercept the incoming Spanish squadron. The British Navy frigates *Indefatigable*, *Lively*, *Medusa* and *Amphion* took station south of Portugal to sight and intercept the Spanish

squadron before it reached its destination: Cádiz. (Annex 3 (*The Naval Chronicle*, at pp. 71-72).)

15. The British squadron was under orders “not to detain any Spanish homeward-bound Ships of War, unless they should have treasure on board; nor Merchant Ships of that Nation, however laden, on any account whatsoever.” (*Id.* at 85.) The four British frigates assembled off Cape St. Mary by October 3, 1804.

16. During the 18th and early 19th centuries (and at other times), it was a common and official function of navies to transport publicly and privately owned specie and other such materials. The use of naval vessels for these purposes was part of the function of the military to protect the interests of nations and their citizens, especially in an era when maritime commerce faced the constant threat of attack by pirates and privateers, even in the absence of a declared state of war. In the case of the United States Navy, for example, this function was reflected in the April 23, 1800 Congressional “Act for the Better Government of the Navy,” which authorized U.S. Navy officers to transport “gold, silver and jewels.” (Annex 4 (An Act For the Better Government of the Navy, art. XXIII (6th Cong., Sess. I, 2 Stat. 1799-1813 (Apr. 23, 1800).) In accordance with this Act, standing orders were issued to U.S. Navy officers authorizing them to carry shipments of privately owned specie, and to assess charges for doing so. (Annex 5 (Report From The Navy Department to the United States Senate, at p. 53 (Jan. 1, 1825).) The same policy and practice was in effect for the British Navy. (*Id.*)

17. In the morning of October 5, 1804, the British squadron was nine leagues (approximately 27 nautical miles) southwest of Cape St. Mary when *Mercedes* and her consorts, headed inbound for Cádiz, Spain from El Callao and Montevideo, were sighted to the southwest. The British warships gave chase and soon intercepted the Spanish squadron. The Spanish

squadron formed line of battle and continued on course for Cádiz. (Annex 3 (*The Naval Chronicle*, at p. 73 (Capt. Moore’s Report to the Admiralty).)

18. When the two squadrons had taken formation, Captain Moore fired a warning shot and passed word to the Spanish Admiral that “my orders were to detain his squadron; that it was my earnest wish to execute them without bloodshed, but that his determination must be made instantly.” (*Id.* at 74.) A British officer sent across by boat for this purpose returned with “an unsatisfactory answer” and firing commenced. (*Id.*) Captain Moore reported that “[i]n less than ten minutes, *la Mercedes*, the [Spanish] Admiral’s second-a-stern, blew up along-side the *Amphion*, with a tremendous explosion.” (*Id.*) Within a half hour thereafter, the Spanish Admiral struck his flag and by the end of the day all three surviving Spanish frigates had been captured. Captain Moore also reported that: “As soon as our boats had taken possession of the Rear-Admiral, we made sail for the floating fragments of the unfortunate Spanish frigate which blew up; but, except forty taken up by the *Amphion*’s boats, all on board perished.” (*Id.*) The force of the explosion was such that “part of one of her [*Mercedes*] quarter deck guns was found sticking in the rigging of the *Amphion* after the explosion.” (Annex 6 (*The Naval Chronicle for 1804*, at p. 500).)

19. The three surviving Spanish frigates were taken to British ports and impounded. Their officers and crew were treated as prisoners of war, with the officers “to be allowed their pay by our Government till the business with the Spanish Court and ours is finally adjusted.” (Annex 3 (*The Naval Chronicle*, at p. 72).) In the wake of the Battle of Cape St. Mary, Spain declared war on Great Britain and Great Britain reciprocated. (*Id.* at 80.)

20. The resumption of war for Spain that was precipitated by the Battle of Cape St. Mary and the loss of *Nuestra Señora de las Mercedes* set the stage for the Battle of Trafalgar a

year later. In that battle, the most famous in naval history, the Spanish and French fleets were effectively destroyed and British naval supremacy was established.

B. Overview of the Site

21. As discussed in more detail hereafter, it is evident that the shipwreck involved in this case is *Nuestra Señora de las Mercedes*. At a site whose location corresponds to the Battle of Cape St. Mary are the remains distinctively characteristic of a Spanish Navy warship of the time and size of *Mercedes*, including weapons, structural elements characteristic of such warships, extensive remains of the copper sheathing used by the Spanish Navy to protect the wooden hulls of its warships from marine organisms, personal effects, and a variety of other artifacts that identify the vessel. Specie and other artifacts at or taken by Odyssey from the site correspond to the documented contents of *Mercedes* and further rule out the site being any other vessel.

22. Organic materials at the site such as wood have been degraded and/or consumed as the normal result of immersion in salt water for two centuries. During prolonged submergence in salt water, organic materials are gradually degraded, dissolved and/or consumed by biological processes, except where that process may be slowed by the artifact being wholly or partially buried in the seabed or where other materials or processes, such as the corrosion of metal, exert an influence. The site contains remains of the wooden hull and other wooden assemblages, especially thicker wooden members such as beams and reinforcing timbers, while thinner wooden elements such as planking have largely been consumed or are buried. This process has occurred to a degree that is to be expected with the ship having sunk two centuries ago. It is well known in maritime archaeology that at the site of a two-century old shipwreck in the open ocean only a fraction of the wood and other organic materials that were not buried will

remain. It is also evident that a substantial portion of *Mercedes* and its contents is buried in the seabed at the site.

23. Where the wood of the hull is no longer present in the unburied deposits on the seabed, large numbers of iron fasteners (e.g. spikes, bolts and other pieces) and other metallic artifacts remain on the seabed, indicating where wooden hull remains or other structural assemblages which contained these fasteners came to rest, but have since been consumed or disintegrated.

24. Archaeological evidence at the site is also diagnostic of the catastrophic explosion that is known to have occurred on *Mercedes*. The site contains large, scattered deposits of vessel remains that reflect the ship having been torn apart by the explosion. The site is also strewn with torn and crumpled pieces and sections of the copper sheathing that encased the lower portions of the wooden hull. The pattern of dispersion of artifacts and hull remains is characteristic of a catastrophic explosion that matches the historical documentation that *Mercedes* suffered such a large explosion and was ripped apart, killing the vast majority of those on board, and only fragments of the ship remained afloat. (Annex 3 (*The Naval Chronicle*, at pp. 73-74).) The pattern of artifacts at the site includes dispersion of heavy as well as lighter artifacts away from a central, more concentrated area of dense and heavy objects. This is consistent with an explosion so violent that a heavy cannon was broken apart and a large fragment of it was blown onto another ship, followed by the dispersion that occurs as the remains sank in waters deeper than a kilometer. A similar site, in shallower water, is the French 124-gunship *L'Orient*, which blew up while engaged in battle with a British fleet at Aboukir Bay, Egypt on August 1, 1798. Excavations by a French team beginning in 1998 disclosed a scattered site with artifacts dispersed as far away as 820 feet from the fragmentary remains of the bottom of the hull, which

lay in silt. The entire stern was missing, having fragmented in the explosion; among the artifacts recovered was the rudder and a disassociated pintle as well as a wide array of other artifacts from the ship's construction, fittings, armament, and crew.

25. In addition to the information the artifacts on the seabed reveal about the identity and fate of the vessel, the artifacts on the seabed and those taken from the site by Odyssey include a very large quantity of materials documented to have been on *Mercedes* for her final voyage. Exposed on the seabed are large numbers of copper and tin ingots, a small number of samples of which were taken by Odyssey. (See Annexes 8 and 12, discussed further below.) These artifacts correspond to the historical documentation that *Mercedes* had on board hundreds of copper and tin ingots. (Annex 7 (June 6, 1804 manifest for *cobre* (copper) and *estaño* (tin) on *Mercedes*.)

26. *Mercedes* is documented to have had more than 900,000 pesos in specie on board (*Id.*). This specie would consist principally of silver coins minted in South America, given that *Mercedes*' final voyage originated in El Callao, the port of Lima. Visible on the seabed are numerous deposits of silver coins, clumped and piled together in shapes and masses that correspond to the wooden chests in which they were shipped. The "Odyssey Artifact Summary" (Annex 8) identifies wooden remains of shipping chests recovered from beneath piles of coins, also illustrating that the exposed wood of the chests has been consumed, while the wood protected by being beneath the coins has survived to a greater degree. Odyssey reports in the "Artifact Summary" at "Exhibit 1, Black Swan Coin Conservation Status Report," p. 2, that approximately 595,000 coins had been taken from the site, consistent with a sustained effort by Odyssey using ROV systems to remove as much of the specie as could be taken in a one-two month period.

27. Particularly notable with respect to the identity of the site as *Mercedes* are the origins and dates of the coins as reported by the Odyssey “Artifact Summary.” As stated in that document:

While the dates for milled coinage recovered from the “Black Swan” site range from 1773 to 1804, the heaviest concentration come from the 1790’s to the early 1800’s. The plurality of coins recovered and thus far identified were struck at the mint in Lima, Peru. The Potosi Mint in Bolivia is also well represented. (*Id.*)

28. *Mercedes* is documented to have sailed from El Callao in March 1804 for Montevideo, then sailed from Montevideo in August 1804 for Cádiz. The reported dates and origins of the coins, combined with the copper and tin ingots, and the other abundant archaeological evidence that the site in question comprises the remains of a Spanish Navy warship destroyed in a catastrophic explosion and sunk at a location that corresponds to *Nuestra Señora de las Mercedes*, show that there is no logical conclusion except that this site is the shipwreck of that vessel.

29. The distinctive nature of the artifacts also indicates that the identity of the shipwreck as a Spanish Navy warship, and *Mercedes* in particular, was readily evident by visual examination of the cannon, vessel remains, coins, ingots, etc.

30. Although my examination of the evidence has principally focused on the vessel remains and artifacts, I have also examined information concerning the location of the site from the contemporaneous report of the British Commander and exact coordinates displayed in the videotapes taken by the Odyssey Remote Operated Vehicle (“ROV”) at the site. To maintain the confidentiality of the site location, I discuss the site location in a confidential declaration, but note here that location data displayed in the Odyssey videotapes I examined corresponds to 1804 location information concerning the battle, in which *Mercedes* was the only casualty.

31. In the following sections of this declaration, I first provide further general observations about the site. Next, I provide and discuss photographs and freeze-frame videotape images of artifacts that assist in identifying the site. I end with concluding observations.

C. General Site Observations

32. The site rests at a depth of approximately 1,100 meters at a location that has been publicly described as approximately 100 miles west of Gibraltar. Videotapes and photographs show a seabed that is generally flat and featureless, except for the remains of *Mercedes*. The videotapes and photographs also show that this is an area that has active currents at the seabed which produce lateral movements of bottom sediments. One effect of the bottom current is “scouring,” in which localized eddies around an exposed artifact produce a shallow depression around the artifact. (See, for example, Annex 9, Photograph 9.8.) It is also evident that many artifacts, including cannon and vessel remains, are wholly or partially buried, either because their weight drove them into the sediment or because lateral movement of sediment has covered them. The movement of seabed sediments has been documented and observed at sites of substantial depths, including *RMS Titanic*, at 12,460 feet. The bottom sediments observed in the video footage include areas where sand has formed berms, and patterning of the sand demonstrates the effects of current on sediment movement. This movement of sediment has alternately exposed and buried artifacts and the ship’s remains. More recent “intrusive” items, such as plastic bags and torn pieces of fishing nets have become wrapped around exposed artifacts.

33. The site covers a concentrated area of features and artifacts, with a central, smaller area with the heaviest concentration of artifacts. (See my Confidential Declaration, Annex 1 (a photomosaic of the site area produced by Odyssey).) As a precaution to maintain the confidentiality of the site location, I discuss the dimensions of these areas further in my

confidential declaration. This pattern indicates that from a centralized point, material from the ship, including chests of coins, ingots, cannon, and fittings and equipment was ejected in a focused lens or concentrated area. Major sections of the ship came to rest in pieces as a result of the explosion, and these sections, as well as other artifacts, at the site extend to the east and north of the area with the densest concentration.

34. The construction of wooden warships such as frigates of the late 18th century was characterized by the use of iron and bronze reinforcement pieces, and heavy timbers that formed particularly strong junctions between the hull and the gun deck(s), which were built to hold the weight of large numbers of cannon. The strength of the junctions of deck and hull resulted in fracturing of the hull as the force of the blast would emanate from the gun powder magazine and move upward and sideways to exit through the less reinforced areas away from the junctions. This broke the hull of *Mercedes* into sections which were deposited on the seabed. This is apparent in the disposition and type of remains visible on the site.

35. In the aftermath of the explosion, *Mercedes'* remains have undergone a "filtering" process that occurs when a vessel breaks apart and sinks. This process is seen at the site. Lighter items either remained afloat or sank more slowly, and were moved away from the central site where denser and heavier items tended to come to rest in the initial deposition. Sections of wooden structure also are scattered more widely, as they tend to sink more slowly. Fragments of the ship such as superstructure or decking may have also become separated and floated away or sank in a slower process that left them some distance from the center of the site. The result is a site whose contents, dimensions and patterns of dispersion and disposition on the seabed are consistent with what one would expect for *Mercedes*.

36. Vessels often sink in sections even when they were not breached by an explosion on the surface. *RMS Titanic*, for example, broke into sections as it sank to a depth of approximately 12,460 feet. The bow and stern sections of the ship are separated by 1,970 feet, and artifacts that spilled out from inside the hull make up a debris field around the hull remains. Vessels may also capsize before or during sinking and heavier objects will fall to the seabed before the rest of the vessel. The German battleship KMS *Bismarck*, sunk in approximately 15,000 feet in action in 1941, is represented by a more than 2,000 foot long trail of artifacts and vessel remains including fragments of armor, superstructure, gun turrets and other heavy objects which fell free of the inverted hull as it sank, and a patterned distribution of sea boots that marks the resting places of crew who drifted in the sea and then sank separate from the battleship.

37. Where a shipboard explosion breaches the lower hull, as occurred with *Mercedes*, this scattering process will be pronounced. Heavier objects below decks, such as ingots and coin chests, will spill out in a denser concentration. The site in question is a shipwreck in which these processes have occurred.

38. On the seabed, as noted earlier, scouring by currents has created pedestals where in many cases iron-based artifacts rest on small mounds that are above the current seabed level. These can be seen as reddish brown-colored deposits in the photomosaic, which is Annex 1 to my Confidential Declaration. This occurs in a formation process in which corrosion of ferrous artifacts leaches iron oxide into the seabed beneath and around the artifacts. The leached iron oxides create a deposit of stiffened, current-resistant sediment beneath and around the artifact. The reddish brown coloration is indicative of iron oxide leaching from an iron artifact into the surrounding sediment. This indicates that the artifacts resting on the pedestals are at the level of the seabed at which they were originally deposited, while other remains were buried when they

came to rest or by shifting sediment. Those cannon that are visible in photographs and videotape footage, for example, show widely varying degrees of burial, with some only barely visible. The presence of numerous other buried artifacts can also be discerned. Therefore, many artifacts at the site likely are not exposed and are buried beneath the bottom. This would include organic materials such as human remains that would be preserved by being covered.

39. One other observation is that the active subsurface current and the bioturbation of the seabed show that the normal biological and chemical processes of corrosion and consumption of sunken artifacts in the open ocean have occurred. As an example, Artifact AMS-D-07-0005-MY-CB (Annex 8, p. 3) is noted to be a “Cannonball, heavily oxidized.” An iron artifact, Artifact AMS-D-07-0013-MY-CB, is also described as a “fragment of graphitized iron hollow cannon ball.” (*Id.* at 4.) The reported condition of these iron artifacts is consistent with the degradation to be expected for iron artifacts at a site such as this.

40. I have examined the Answers to Interrogatories submitted to the Court by Odyssey on April 11, 2008 (Dkt. 105). Odyssey’s Answers state that “the most outstanding characteristic of this site is the actual absence of a vessel.” (Answer to Interrogatory #3). This statement is inexplicable. Abundant diagnostic material is visible on the seabed to demonstrate that this is a shipwreck site. As can be seen in the photomosaic and in the additional images I provide and discuss, the site contains cannon, rigging, hull remains, hull sheathing, ballast, ship’s stores, and a wide variety of other artifacts that reflect the remains of the sunken *Mercedes*, in the condition that one would expect following a catastrophic explosion, sinking to an 1,100-meter deep seabed, and the effects of lying for 200 years on the seabed.

41. The general condition of the site is consistent with what has been observed at other sites, including wooden warships of the period, that were wrecked in violent circumstances.

For example, *HMS Pandora*, a British Royal Navy frigate wrecked on the Great Barrier Reef off Australia in 1791, lies in approximately 100 feet of water. When discovered in 1977, the wreck site was characterized by artifacts showing where fragments of the hull had been deposited and subsequently consumed by marine organisms. Ongoing survey and excavation since 1977 has shown that, despite the fact that the site is subject to wave action, 25-30% of the original hull of *Pandora* is buried in the sediments. Another shipwreck site, the French warship *L'Orient*, sunk in the Battle of the Nile on August 1, 1798 and resting in Aboukir Bay, Egypt, has previously been discussed.

42. I also note that Odyssey's Answers to Interrogatories also state that "[t]he distribution of the artifacts could indicate jettisoned cargo" (Dkt. 105, at 4.) This statement is also inexplicable. As can be seen in Annex 1 to my Confidential Declaration and in the additional images I discuss below, the artifacts on the seabed show that, if the artifacts were "jettisoned," whoever did this disassembled and jettisoned the entire ship. This is of course inconceivable. The presence of the vast quantity of ship remains and other artifacts within a concentrated site on the seabed also cannot be reconciled with the suggestion by Odyssey that the site may reflect some jettisoning process. At 1,100 meters, the site is far below anchor depth. It is implausible in the extreme to say that jettisoning from an unanchored ship in the open Atlantic Ocean could have created this concentrated shipwreck site.

D. Detailed Observations of the Site Photomosaic

43. To provide more specific visual references for my observations from the site photomosaic, I have placed red numbers on Confidential Annex 1 to my Confidential Declaration (Exhibit E) — a photomosaic of the site —, to designate examples of specific features or areas, as explained below. Using a magnifying glass to examine the photomosaic is

recommended. Larger versions of the site photomosaic, in which the site is displayed in six sections on larger sheets can be provided on request.

44. Number 1: A length of thick rope with a large loop at one end. This may be an intrusive artifact. However, rope from shipwrecked vessels can be preserved in maritime archaeological contexts, even in an exposed position in an active environment, especially when a coating of tar has been applied as a preservative for rope employed as “standing rigging.” This appears to be a section of ship’s rigging, and is also referenced later in this declaration in relation to photographs #9.41 and 9.42.

45. Number 2: Curved mass of iron concretion indicative of an area where a section of wooden hull has been consumed by chemical and biological processes.

46. Number 3: Iron cannon on a pedestal.

47. Number 4: Iron cannon on a pedestal.

48. Number 5: Large mass (approximately 8 x 6 meters) of iron concretion indicative of an area where a section of wooden hull has been degraded or consumed by chemical and biological processes, with an associated iron cannon approximately 3 meters in length.

49. Number 6: Mass of iron concretion indicative of an area where a small section of wooden hull has been consumed by chemical and biological processes.

50. Number 7: A large, detached bronze pintle, a ship fitting attached to the sternpost of a vessel and upon which the ship’s rudder is hinged. The curvature of the arms of the pintle indicates the form or swelling of the ship’s bottom at the lower stern. Associated concretion indicates that wooden hull remains have been consumed by biological and chemical processes in the area. This artifact is discussed in more detail later in relation to Annex 9, photograph 9.33.

51. Number 8: Mass of iron concretion indicative of an area where a section of wooden hull has been consumed by chemical and biological processes. The proximity of this to Number 5 indicates that this area is where a large assemblage of wooden ship remains came to rest. A large number of smaller concretions are indicative of ship fasteners such as spikes, as well as longer linear concretions indicative of drifts (bolts). In ships of this era, drifts as long as five feet in length were used to hold hull sections together.

52. Number 9: Concretion of a complex artifact indicative of an iron reinforcing member from a large wooden vessel. This type of fitting is found on 18th and 19th century military vessels to support the weight of heavy guns.

53. Number 10: Concretion indicative of two linear iron artifacts. These are indicative of iron fasteners used to fasten large timbers, and their spacing indicates that a section of hull was consumed here.

54. Number 11: Curvilinear cluster of iron concretion indicative of partial burial of cultural material at the site.

55. Number 12: Mass of iron concretion indicative of an area where a section of wooden hull has been consumed by chemical and biological processes with linear iron artifacts indicative of ship fastening drifts.

56. Number 13: Mass of iron concretion indicative of an area where a section of wooden hull has been consumed by chemical and biological processes with linear iron artifacts indicative of ship fastening drifts.

57. Number 14: This is a small bronze cannon. Its size and appearance indicates that it is a bronze 3-pdr. *pedrero* of the late 18th century and of Spanish manufacture.

58. Number 15: Iron cannon on a pedestal.
59. Number 16: This marks examples of the many copper ingots at the site.
60. Number 17: Two closely associated, narrow linear iron artifacts, one lying beneath the other and partially buried in the seabed. These appear to be iron cannon.
61. Number 18: Iron cannon on a pedestal.
62. Number 19: Iron cannon on a pedestal.
63. Number 20: Mass of iron concretion indicative of an area where a section of wooden hull has been consumed by chemical and biological processes. The concretions are indicative of iron fasteners for a wooden hull. Also present here is an exposed area of a late 18th century anchor; this artifact is also noted later in my declaration as photograph number 9.35.
64. Number 21: Iron cannon.
65. Number 22: This partially buried, approximately 5 meter long narrow cannon, and its shape is indicative of a *media culebrina*, or culverin. This artifact is discussed later in this declaration in association with photograph numbers 9.7 and 9.29 through 9.32.
66. Number 23: This is a partially buried bronze cannon indicative of a *pedrero*.
67. Number 24: Mass of iron concretion indicative of an area where a section of wooden hull has been consumed by chemical and biological processes with linear iron artifacts indicative of ship fastening drifts.
68. Number 25: This is a linear iron concretion with a narrow, curvilinear arm on its left side that is indicative of either an iron reinforcing member from a large wooden ship or the partially buried shank and one arm of a smaller iron ship's anchor.

69. Number 26: The center of an area of tightly deposited artifacts that include exposed silver coins, copper ingots, and iron concretion. As noted in the general discussion earlier, this is the approximate center of a zone of deposition indicative of an event such as an explosion.

E. Detailed Observations from Video Footage and Still Photographs

70. I have also examined 54 DVDs of videotapes of the site, as well as still photographs, that have been provided by Odyssey. From the videotapes and still photographs I examined, I have selected the images provided hereafter to show closer views of especially diagnostic site features. These images are grouped in the following categories: (1) site conditions and characteristics; (2) hull remains; (3) artifacts and features indicative of an explosion; (4) artifacts including personal effects, that are indicative of a warship; (5) features and artifacts that are ship-related; (6) diagnostic, non-maritime artifacts that further identify the site. These images are provided as a group as Annex 9, with subnumbers.

Site Conditions and Characteristics

71. Photograph 9.1 shows an area where metal artifacts rest on pedestals of denser sediment which has been impregnated and stiffened by iron oxide from corrosion, together with five copper ingots, and the remains of a three-compartment chest of silver coins which have concreted together due to corrosion of the silver.

72. Photograph 9.2 shows another area with corroded iron artifacts, pedestals of concretions, and partially buried artifacts. Note the circular artifacts largely buried in the sediment near the middle, top area of the image and at the bottom center edge.

73. Photograph 9.3 shows an area that contains the remains of a section of the wooden hull of the shipwreck. The wood has been largely consumed by marine organisms, but the iron fasteners that held the hull together remain as corroded and concreted (covered with a mixture of corrosion by-products and bottom sediment) masses. Corroded, concreted, and partially buried iron cannon can also be seen. The section of the hull represented here may be a portion of the hull at the gun deck level.

74. Photograph 9.4 shows erosion of the sediment partially exposing a largely buried section of wooden hull remains, with copper sheathing from the lower sections (below the waterline) of the hull. I discuss the copper sheathing further below.

75. Photograph 9.5 is another buried section of hull that is partially exposed due to sediment shift. This area will be discussed in further detail in the section on hull remains. It is a portion of the bottom of the hull with associated ballast.

76. Photograph 9.6 is an iron cannon, partially exposed by erosion, with a section of modern fish net snagged on the muzzle.

77. Photograph 9.7 is another partially exposed cannon, most of which is buried. The muzzle detail that is visible shows that this particular cannon is a highly distinctive *media-culebrina*, two of which were on *Mercedes*, as discussed further below.

78. Photograph 9.8 shows the muzzle of an iron cannon that has also been exposed by scouring. In addition to showing specific artifacts, these photo images, 9.1 through 9.8, illustrate the burial and pedestaling processes at the site.

Hull Remains

79. As noted earlier, the site contains multiple features exposed or partially exposed on the seabed which represent the remains of the hull of a large wooden ship. These features, are densely associated patterns of deposits of wood, corroded and concreted iron fasteners and fittings. In some cases, these features are associated with distinctive maritime artifacts and ordnance that further indicate that this is a site of the wreck of a warship. The exposed remains of the hull do not represent the intact hull of the vessel, but to expect this at a site where a vessel had been the subject of an explosion is not logical. The site represents a shipwrecked vessel on the seabed in the same way that the remains of TWA Flight 800, which exploded off Long Island, and Pan Am Flight 103, which exploded near Lockerbie, Scotland, represented crashed aircraft sites.

80. Photograph 9.9 shows an area of hull remains. The linear artifacts are iron and bronze bolts and spikes that fastened the timbers. Some of the linear iron artifacts have wood remains still attached. This wood has been partially protected from marine organisms because the corrosion of the metal leached out toxic oxides into the wood that is in close proximity to the metal. Of particular note is the angled artifact in the lower left quadrant. This is an iron reinforcing element, in this case an iron knee. Iron deck hanging knees are heavy brackets that fit vertically beneath a deck beam and strengthen its attachment to the hull. Lodging knees were fitted horizontally beneath a deck to strengthen the timbers around hatchways and on decks that bore heavy loads such as cannon. These devices were introduced in the construction of wooden warships of the late 18th century.

81. Photograph 9.10 is a closer view of a section of hull remains. The pattern of striation on the angled artifact in the lower right corner represents the grain of oxide-

impregnated, partially consumed wood. Two angled artifacts in the image are iron deck knees to support the weight of the gun deck. Numerous corroded fasteners can also be seen.

82. Photograph 9.11 is another angled iron knee. It is larger and has a different configuration than those in photographs 9.9 and 9.10. Iron and bronze knees and other such reinforcing pieces were custom manufactured by blacksmiths to fit in the hull.

83. Photograph 9.12 is a deposit indicative of wooden hull remains, likely decking. Bolts and spikes, but not the larger reinforcing members that were below deck, are present.

84. Photograph 9.13 shows another area of hull remains, together with an anchor. The large iron object running down from the top of the image and into the sediment is the shank of an iron anchor. To the left of the anchor shank is a small iron lodging knee.

85. Photograph 9.14 is another area of hull remains which shows corroded and concreted bolts and spikes in a three-dimensional interrelationship, reflecting the gradual degradation of the timbers of a wooden hull.

86. Photograph 9.15 is another view of the feature noted in Photograph 9.5. This is a section of the bottom of the ship's hull which has been exposed by sediment movement. The partially consumed remains of a large wooden beam lie adjacent to lines of cobble and pebble ballast stones. The beam has a corroded iron ring fastened to it. This ring is the socket for an iron "tween deck" stanchion that extended vertically from the bottom of the hull to the gun deck. This type of stanchion was introduced in the late 18th century in warships to help support the weight of the gun deck(s) and to support and hang the hammocks on which the crew slept (Annex 10, (Falconer's *Universal Dictionary of the Marine* p. 497 (1815).)

87. Photograph 9.16 is a closer view of exposed ballast on the seabed which is associated with the feature in Photograph 9.15. As noted in the 1815 edition of Falconer's *Universal Dictionary of the Marine* (originally published in 1769), ballast was "a certain portion of stone, iron, gravel, or such like materials, deposited in a ship's hold" (Annex 10, p. 29). Ballast was used to weight the lower hull and trim the vessel. In British Royal Navy warships, iron "pigs" were used in conjunction with "shingle ballast," or gravel, which was "spread and leveled" over the iron. Spanish Navy ships also used shingle, or gravel, for ballast. (*Id.* at 30.) The ballast stones in the image are river- or beach-washed stones (cobble and pebbles) of the type commonly used as ballast. The archaeological excavation of the Spanish shipwreck *El Nuevo Constante*, wrecked on the Louisiana coast in 1766, found similar ballast; described as "water-rounded cobbles" similar to ballast reported from "shipwrecks of the New Spain fleets that sank off the coast of Florida in 1715 and 1733 and [] reported from other Spanish shipwrecks in the Caribbean region." (Annex 11 (Pearson and Hoffman 1995: pp. 128, 130-31).) I have observed this same type of ballast on shipwreck sites of the period of the *Mercedes*.

88. At this point, it should be noted that Odyssey's April 2008 Answers to Interrogatories state that "no ship's hull [or] ballast pile" was "discovered, at the site" (Dkt. 105). This statement is inexplicable, as the foregoing images clearly show the presence of hull remains in the condition to be expected at the site, as well as ballast in place on a section of the lower hull. Odyssey's "Gibraltar Artifact Summary" (Annex 12, p. 4) also shows that "small stones (origins undetermined)" were taken by Odyssey from the site. From the photograph of these stones, it can be seen that they were part of *Mercedes'* ballast, also seen in Photographs 9.15 and 9.16.

Artifacts and Features Indicative of an Explosion

89. In his letter to the Lords Commissioners of the Admiralty reporting on the Battle of Cape St. Mary, Captain Moore reported that after the explosion “we made sail for the floating fragments of the unfortunate Spanish frigate which blew up.” (Annex 3, p. 74.) One of the fragments, from which survivors were rescued, was “the ship’s forecastle” which had drifted from the site of the explosion “after it had separated from the remainder of the hull.” (Annex 13 (*The Naval History of Great Britain*, pp. 288-289 (1859).)

90. Photograph 9.17 shows wooden hull remains with associated copper sheathing. The copper is both torn and crumpled, which indicates dismemberment of the hull by explosive force. In a large detonation, particularly with an agent such as black powder, there is a violent release of energy in the form of heat and blast effect that forms a shock front of peak overpressure. Traveling behind the shock front is a drop in pressure, a negative phase in the blast that is less than the ambient pressure. This creates an alternating “pressure phase” and “suction phase” which would crumple the copper sheathing.

91. Photograph 9.18 is a deposit of copper sheathing that also evidences the distinctive effects of a large explosion. The standard size of a section of copper sheathing, known as plates, was approximately 2 by .5 meters. The shape and size of the sheathing seen here suggests that at least two plates that were fastened to each other were crumpled and torn by the explosion.

92. Photograph 9.19 is a largely buried section of hull remains with fragments of crumpled copper sheathing showing the same effects.

93. Photograph 9.20 is another crumpled section of sheathing that was crumpled and folded by blast effect.

94. Photograph 9.21 is a freeze frame capture from ROV footage also showing the distinctive crumpling effects of the alternating “pressure phase” and “suction phase” of an explosion.

95. Photographs 9.22 and 9.23 show a bronze 3-pdr. *pedrero*, a small Spanish Navy antipersonnel cannon, which has suffered substantial blunt force trauma to its breech area. The breech section is missing its rounded cascabel and is deformed. (Photograph 9.23) This is also indicative of a violent event such as blast damage.

96. Photograph 9.24 is a knee with attaching bolts still in place that has particularly graphic evidence of blast damage. The presence of the bolts indicates that it was not disassembled and jettisoned, but rather came to rest on the seabed with *Mercedes*. The two large bolts on the curved leg of the knee are in their original position. However, one of the two bolts on the straight leg of the knee has been deformed and bent. The bend in one arm also indicates a strong force deformed this heavy piece of metal. This is not damage that occurs during sinking. This piece therefore may have been located close to the site of the explosion.

Cannon

97. Iron and bronze cannon at the site are naval pattern iron and bronze guns of a size and style that identify the shipwreck as a Spanish warship, and specifically a warship of the late 18th or early 19th century. The iron cannon visible in the videotapes and photographs are smoothbore, muzzle-loading guns of the late 18th century. Some of these weapons have been previously discussed (Photographs 9.6, 9.7, 9.22, 9.23). The size and shape of the iron guns

indicate that they are 6 to 12-pdr. cannon. This corresponds with the principal armament of *Mercedes*. In the images I have examined, at least 17 individually identifiable cannon have been noted.

98. While some of the visible cannon are isolated, others are associated with masses of concretion indicating that they sank to the seabed attached to or on top of wooden structure, for example, Photograph 9.3. Additional visible cannon are partially buried in the sediments, or covered by deposits of hull remains and/or concretions.

99. As discussed below, the cannon that are most clearly visible are bronze *pedreros*. Because the copper in bronze is toxic to marine organisms and does not corrode like iron, identifying features of the *pedreros* are clearly visible in the photographs. These cannon can be seen to match the standard Spanish Navy design for these weapons.

100. There are also cannon balls noted on the seabed. Odyssey reports the recovery of two iron cannon balls, one of them a fragmented shell (AMS-D-07-0013-MY-CB) and the other a single ball (AMS-D-07-0005-MY-CB). (Annex 8 (Odyssey's "Artifact Summary," pp. 3-4).) One diagnostic cannon ball that indicates a warship of the period is AMS-D-07-0013-MY-CB, described by Odyssey as a "fragment of graphitized iron hollow cannon ball" (*Id.* at 4). The hollow nature of the ball indicates that it is a shell. Shells were hollow balls filled with powder and fused to explode on impact. They are an 18th century invention and were utilized until the mid-19th century.

101. Other indicators of a warship include the iron and bronze reinforcing members noted in the hull remains previously discussed, as reinforcements of this sort were developed in the late 18th century for warships to support the weight of a cannon-laden gun deck. (Photographs 9.9, 9.10, 9.11, and 9.24).

102. Photograph 9.25 is an iron 12 pdr. cannon. The style of the gun is indicative of Spanish manufacture. (See [Annex 14](#) (a Spanish Navy cannon design of 1784).)

103. Photograph 9.26 is an iron cannon. The style of the gun is also indicative of Spanish manufacture.

104. Photograph 9.27 is a Spanish Navy cannon which is rising at a steep angle from the seabed. The style of the gun is indicative of a Spanish Navy 24-pdr. *obus*, a short-barreled weapon similar to a *pedrero*. (See [Annex 15](#).)

105. Photograph 9.28 is a 3-pdr. *pedrero* that is resting in a slight depression on the seabed. The design features are fully visible and identify this as a Spanish Navy weapon manufactured per 1784 Spanish Navy specifications for *pedreros*. (See [Annex 16](#) (drawing of the specifications of a 1784 Spanish Navy *pedrero*)). Photographs 9.22 and 9.23, discussed earlier, are another example of this type of weapon.

106. In addition to these shipboard guns, there are two highly distinctive cannon at the site which are older weapons that would not have been in use at the time of the other ordnance on *Mercedes*. They are two partially buried bronze *media culebrinas*, or light culverins, long, narrow muzzle loading cannon of the late 16th century that remained in use through the 17th century. The presence of these cannon is explained by the manifest of *Mercedes* which reports that she was transporting two culverins from El Callao to Cádiz, Spain. On one manifest these cannon are referred to as “*Cañones de bronce Inútiles*” (“useless bronze cannon”) ([Annex 7](#)), and in the report of Spanish Navy Squadron Commander Tomás Ugarte dated June 8, 1804 they are identified more specifically as “*dos culebrinas excluidas de Bronce*” (“two discarded bronze culverins”). ([Annex 17](#), p. 4.) These two anachronistic weapons at the site thus provide further specific confirmation of the shipwreck as *Mercedes*.

107. Photographs 9.29 through 9.32 are freeze frames from ROV footage that show details of one of the two culverins, although the resolution is limited. Photograph 9.29 shows the exposed lifting lugs. Photograph 9.31 is a closer view of the lugs, which appear to be cast in the form of dolphins as was common for culverins. Photograph 9.31 is the long, narrow barrel of the weapon, with its partially buried muzzle. Photograph 9.32 also shows the half buried, flared muzzle. The lifting lugs, overall shape, muzzle design and bronze composition are all diagnostic features of this type of gun. (Annex 18 (Martin and Parker (1999), pp. 215-219).)

Other Ship-Related Features and Artifacts

108. The previously cited “Gibraltar Artifact Summary” (Annex 12) prepared by Odyssey includes a number of examples of small artifacts related to the construction and operation of the ship, as well as life on board. Described as an “unidentified metal object,” the first example (#15 (p. 5)) is a small bronze ship’s hull fastener. The second example (#22 (p. 8)) consists of three optical lenses from an octant or a sextant, which were navigational instruments used to take astronomical observations on deck. The third (#59 (p. 20)) is a collection of copper nails. These are sheathing nails used to attach the copper sheathing plates to the ship’s hull. Another item (#58 (p. 20)) is a “brick shard,” as identified in the Odyssey document. Bricks of this type were placed beneath cooking and heating stoves to protect the decks of wooden ships of the 18th and early 19th centuries.

109. Photograph 9.33 shows a highly diagnostic artifact on the seabed. This is a bronze rudder pintle. Pintles were mounted on the rudder and fit into gudgeons on the sternpost, providing a hinge on which the rudder swung. Large cast bronze fittings such as this pintle were expensive and largely limited to ships built for navies and large commercial enterprises. The bronze through-bolts that attached it to the rudder are intact, indicating that the pintle, with a

section of the rudder attached, came to rest on the seabed in a shipwreck and not as a discarded fitting.

110. Annex 19 is a photograph of a pintle in the collection of the Spanish Navy museum in Cádiz, Spain. It is the same design as the Photograph 9.33 pintle. Annex 20 is a photograph of the stern and rudder of a Spanish Navy Frigate preserved on land, showing how a pintle was installed.

111. Photograph #9.34 shows a section of copper tubing or pipe of a type indicative of a late 18th century ship's suction pump of the kind used principally in warships. Built into the deck structure and fastened to supporting members of a hull near the masts, these pumps used sections of tubing that ran from the main deck down to the bilges. The tubing is twisted and collapsed, which also evidences blast effect from an explosion.

112. Photograph 9.35 shows the shank of a large iron anchor with the anchor ring at its end. This anchor is associated with hull remains, and is partially buried and obscured by concreted iron fastenings. The hull remains were previously discussed with photograph 9.13.

113. Photographs 9.36 and 9.37 are two views of a fluke of a smaller anchor, probably a kedge anchor, which lies with its shank and stock angled downward and buried in the seabed. Concretions, marine growth and the camera angle obscure the rest of the anchor. Photograph 9.37 shows the fluke more clearly, including the characteristic broad fluke shape and sharp angle of an 18th century naval anchor. (See Annex 21 (photograph of anchor on the 18th Century model of the Frigate *Diana*.)

114. Photograph 9.38 is a complex iron artifact that may be a reinforcing member for the hull.

115. Photograph 9.39 is a video screen capture of an iron artifact that appears to be a preventer plate, the bottom fitting from a late 18th century chainplate. Chainplates were attached to the outside of the hull by long bolts (one of which is visible at the upper left corner of the image) and acted as the anchoring base for a series of metal sections that in turn led to deadeyes and the standing rigging (the lines that braced the masts). The presence of this artifact with a bolt attached, indicates that the chainplate came to rest on the seabed as part of a fragment of the ship's hull that was blown outward. (See Annex 21 (photograph of the anchor and nearby chainplates on the model of the Frigate *Diana*.)

116. Photograph 9.40 is a screen capture of ROV footage which shows one, and possibly a second, distorted iron artifact, both of which are heavily concreted. These appear to be a truss and associated hardware from a ship's yard, one of the sail-bearing spars attached to a mast.

117. Photographs 9.41 and 9.42 show a section of partially buried large-diameter cordage or "cable" used in large sailing vessels of the 17th-19th centuries. The cable is thickly plaited and appears to have been treated with tar. The loop and tar suggests it is a piece of standing rigging. The presence of this section of rigging on the site is also indicative of the dismasting of *Mercedes*.

Diagnostic, Non-Maritime Artifacts and Personal Effects That Further Identify The Shipwreck

118. A variety of diagnostic, non-maritime (not associated with the construction, arming or handling of the ship) artifacts provide especially specific evidence to further identify the site.

119. As previously noted, the coinage recovered by Odyssey provides strong and specific evidence in itself that the site is *Mercedes*:

The small number of coins recovered from the “Black Swan” site evaluated to date are almost exclusively milled coinage struck in South American Spanish Crown Colonies.

* * *

In the small sample which has been analyzed so far, milled coinage recovered from the ‘Black Swan’ site date from 1773 to 1804.

* * *

While the dates for milled coinage recovered from the “Black Swan” site range from 1773 to 1804, the heaviest concentration come from the 1790’s to the early 1800’s. The plurality of coins recovered and thus far identified were struck at the mint in Lima, Peru. The Potosi Mint in Bolivia is also well represented.

(Annex 8, p. 6)

The coins are described as of a single nationality, Spanish, and the coins of no other nation or empire are cited. The coins also are reported to have been struck at mints closest to El Callao, *Mercedes*’ port of origin for her final voyage. The reported date range of the coin population also provides what in archaeology are called a *terminus post quem* and *terminus post ante* of 1804 for the site.

120. As noted previously, the site is also highly distinctive because of the presence of large numbers of copper and tin ingots, which likewise point with specificity to the documented contents of *Mercedes*. Samples of these ingots were also taken by Odyssey from the site and are shown on pp. 3-4 of Odyssey’s “Artifact Summary.” (Annex 8).

121. Odyssey’s “Gibraltar Artifact Summary” (Annex 12) also contains photographs of a number of non-maritime artifacts that are of lesser specificity but are worthy of comment.

122. Artifact #2, identified as a “metal buckle,” is a personal effect and nearly identical to a shoe buckle recovered from *El Nuevo Constante* (1766), a Spanish shipwreck in Louisiana. (Annex 11 (Pearson and Hoffman (1995), p. 183).)

123. Artifacts ##17, 18, and 38 are personal effects, and the remains of oval and rectangular buckles, also similar to those recovered from the wreck of *El Nuevo Constante*. (*Id.*)

124. Artifacts ##11, 36 and 39 are lead shot; one of 3 cm in diameter and the others half that size. Lead shot was carried as ammunition for muskets, which on a naval vessel would form the armament for the ship’s 63-man Marine Detachment. (Annex 17). Lead shot of this type was also packaged as a cluster of balls. Wrapped in canvas and loaded in a cannon, this ammunition was termed *tiros de metrallas*, and fired in battle to scour the decks of the enemy. (Annex 10 (Falconer’s *Universal Dictionary*, pp. 168, 468 (1815).)

125. Artifacts ##14, 30, 41, 42, 51, and 54, described mostly by Odyssey as “unidentified metal object[s],” are fragments of cutlery — spoons or forks, of a style consistent with the late 18th or early 19th century.

126. Artifact # 32 is the trigger guard for either a pistol or a musket.

127. ROV footage also shows numerous examples of highly diagnostic artifacts on the seabed. Discussion of these now follows.

128. Photographs 9.43, 9.44 and 9.45 are photographs and a freeze frame from ROV footage showing typically concreted masses of coins, with closely associated ingots.

129. Photograph 9.46 is a screen capture of a feature indicative of a chest that carried the personal tableware of an individual or individuals on board the ship. The use of personal silver and tableware was common among naval officers of the 18th and 19th centuries,

particularly among officers of means. These silver or pewter plates and other utensils were deposited in a roughly rectangular shape which probably approximates the dimensions of the original chest, now consumed by marine organisms.

130. Photograph 9.47 is a closer view of this same stack of plates, showing that they rest atop the corroded remains of a silver or pewter tray or platter. A handle of the platter is the curved object at the lower right corner of the image. Plates of this style were also recovered from the 1766 wreck of *El Nuevo Constante*. (Annex 11 (Pearson and Hoffman (1995), pp. 178-179).)

131. Photographs 9.48 and 9.49 are closer images in which spoons and at least one fork can be seen.

132. Photograph 9.50 shows a large glazed ceramic jar in a scour pit. The shape of the jar and its lip indicates it is a Spanish olive jar or a *botija* of a type classified as a late eighteenth century Type B jar. (Annex 22 (Marken (1994), pp.103-105, 129-138). The survival of an intact large ceramic jar is not incongruous. The chaotic patterns of blast effect, and violent sinking do not rupture all artifacts in a ship. The aircraft carrier *USS Saratoga* was sunk by a close proximity 20-kiloton nuclear detonation on July 25, 1946 which lifted and dropped the vessel 30 meters and moved it half a kilometer before sinking. Unbroken glass light bulbs remained intact on the flight deck. Similarly, plate glass windows and glass bulbs remain intact on the wreck of *RMS Titanic* despite a four kilometer fall at approximately 70 kilometers per hour to the seabed.

133. Photograph 9.51 is another Spanish olive jar or a *botija* of a type classified as a late eighteenth century Type B jar. (*Id.* at 103-105.)

134. Photograph 9.52 is a freeze frame of an image showing the rim and upper body of a partially exposed, buried olive jar or a *botija*. A second, smaller jar may lie partially buried below and close to the first jar.

135. Photograph 9.53 (magnified for better visibility) shows an 18th to 19th century naval cutlass in its scabbard lying on the seabed. The handle is at the upper right edge of the photo. The slight curvature of the blade is typical of these government-issued personal weapons.

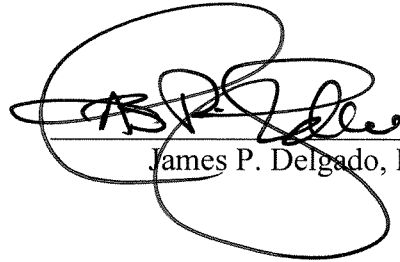
CONCLUSION

136. The archaeological record is clear. At a location that corresponds to the Battle of Cape St. Mary, the site contains the remains of a Spanish Navy warship of the time of the *Mercedes* and carrying Spanish Navy frigate-class armament. *Mercedes* was the only casualty of the battle and multiple features of the site reflect the catastrophic explosion that tore the ship apart and killed the vast majority of those on board.

137. The specie at the site, the copper and tin ingots and the *culebrinas* match documented contents of *Mercedes*. These multiple sources of consistent evidence overlap and combine to confirm that the site can only be *Mercedes*.

I affirm under penalty of perjury that the statements contained in my declaration herein are true and correct to the best of my knowledge and belief.

Signed at Vancouver, British Columbia, Canada



James P. Delgado, Ph.D

ANNEX 1
TO EXHIBIT D
(Delgado Declaration)

JAMES P. DELGADO, MARITIME ARCHAEOLOGIST
Richmond, British Columbia, Canada

Dual US/Canadian Citizenship

EDUCATION

- ◆ Ph.D. (Archaeology), Simon Fraser University, Burnaby, British Columbia, 2006.
- ◆ M.A. History (Maritime History and Underwater Research), East Carolina University, Greenville, North Carolina, 1985.
- ◆ B.A. History (American History), San Francisco State University, San Francisco, California, magna cum laude, 1981.

EMPLOYMENT HISTORY

President, Institute of Nautical Archaeology, College Station, Texas and Bodrum, Turkey July 2006 to present. Executive responsible for long-range planning, public outreach, media relations, fundraising and development, membership and project development for the world's leading organization dedicated to the archaeology of ships, seafaring and the practice of archaeology underwater.

Executive Director, Vancouver Maritime Museum, Vancouver, British Columbia, Canada-April 1991 to June 2006. Executive responsible for long-range planning, fundraising, community relations, exhibitions, financial management, and administration of British Columbia's principal maritime museum.

Maritime Historian of the National Park Service and Head of the National Maritime Initiative, National Park Service, Washington, D.C.-March 1987 to April 1991. History, historic preservation, maritime resource management assistance, and interpretation of maritime resources in the National Park System. Management of the United States government's maritime preservation program, emphasizing nationwide inventories, standards and guidelines for restoration, and technical assistance.

Historian, United States Department of the Interior, National Park Service, Golden Gate National Recreation Area, San Francisco, California-June 1979-March 1987. History, historic preservation and historical archaeological research, management assistance and planning for a 70,000-acre national park with diverse units including Alcatraz, portions of the Presidio of San Francisco, and the National Maritime Museum, San Francisco.

Assistant to the Regional Historian, United States Department of the Interior, National Park Service, Western Regional Office, San Francisco, California-May 1978 to June 1979. History, historic preservation and management assistance for the Western United States and the Pacific.

Curator, Roberto Adobe, San Jose, California, a privately owned 1835-1847 private house museum. **1977-1978.**

Assistant Curator, New Almaden Museum, New Almaden, California. A small, privately owned museum specializing in mercury mining, local Native American culture and local history.

PART-TIME EMPLOYMENT

- ◆ Adjunct Professor, Department of Archaeology, Simon Fraser University, Burnaby, British Columbia, 2006 to present.
- ◆ Host, "The Sea Hunters", National Geographic Television Series, 2000-2006.
- ◆ Archaeologist/Lecturer, Zegrahm/Deep Sea Expeditions, 1999 to present.
- ◆ Monthly Columnist, Harbour & Shipping Magazine, Vancouver, 1997-1999.
- ◆ Instructor, University of British Columbia, School of Continuing Education, 1994-1999.
- ◆ Instructor, California Academy of Sciences, San Francisco, 1984, 1986-1987.
- ◆ Instructor, East Carolina University, Department of History, Fall 1985.
- ◆ Instructor, San Francisco State University, Department of Anthropology, Summer 1984.
- ◆ Instructor, San Francisco State University, Department of Humanities, 1983-1984, 1986-1987.
- ◆ Historian/Lecturer, Special Expeditions, 1994-1999.
- ◆ Guest columnist and writer, The Washington Post, the Boston Globe, the Globe and Mail (Toronto) and the Vancouver Sun, 1987-2006.

AWARDS

City of Vancouver Book Prize for Best Book Published on the City of Vancouver, for *Waterfront: The Illustrated Maritime Story of Greater Vancouver*, 2006.

Bill Duthie Bookseller's Choice Award for Best Book Published in British Columbia, for *Waterfront: The Illustrated Maritime Story of Greater Vancouver*, BC Book Prizes, 2006.

Naval History Author of the Year, US Naval Institute, 2003.

John Lyman Book Award, for Across the Top of The World, from North American Society for Oceanic History, 1999.

Distinguished Public Service Award, South Street Seaport Museum, New York, New York. Awarded to the National Maritime Initiative, 1989.

Special Achievement Award for Sustained Superior Achievement, National Park Service, 1987.

Annual Prize Essay Contest in American Maritime History, Marine Historical Association, Mystic, Connecticut, for the article "Murder Most Foul: San Francisco Reacts to the Loss of the S.S. *Central America*," 1983.

PUBLIC AND PROFESSIONAL SERVICE

- ◆ Editorial Board Member, *Archaeology Magazine*, 2007-
- ◆ Chair, Underwater Archaeology Subcommittee, Archaeological Institute of America, 2007-
- ◆ Friends of HMCS *Vancouver*, Canadian Forces (Navy), 1993-2006.
- ◆ Knight of St. John, Order of St. John/Knights Hospitaller, 2003 to present.
- ◆ Nominations Committee, National Council on Public History, 2000-2004.
- ◆ Nominations Committee, Register of Professional Archaeologists, 2000-2004.
- ◆ Judge, BC-Yukon Community Newspaper Association Awards, 1993-2004.
- ◆ Trustee, Option Youth Society, Vancouver, 1998-1999.
- ◆ Editorial Board Member, *The American Neptune*, 1996-2002.
- ◆ Editorial Board Member, *Journal of Field Archaeology*, 1996-2002.
- ◆ Executive Council Member, International Congress of Maritime Museums, 1997-2001.
- ◆ President, Council of American Maritime Museums, 1999-2001.
- ◆ Vice-President, Council of American Maritime Museums, 1996-1999.
- ◆ Board Member, Council of American Maritime Museums, 1992-1994.
- ◆ Member of the ICOMOS Committee on the International Underwater Cultural Heritage, 1991-2002.
- ◆ Founding Board Member, National Maritime Alliance, 1990-1992.
- ◆ Member, Mayor's Blue-Ribbon Commission for a San Francisco Historical Museum, 1982.
- ◆ Commissioner, San José Historical Landmarks Commission, 1976-1978.
- ◆ Commissioner, San José Bicentennial Commission, 1974-1975.
- ◆ Liaison, San José Youth Commission to the San Jose Historical Landmarks Commission, 1973-1974.

ACCREDITATION / FELLOWSHIPS

- ◆ Fellow of The Royal Geographical Society, London.
- ◆ Fellow (International) of The Explorer's Club, New York.
- ◆ Registered Professional Archaeologist.

BOOKS

- ◆ Iron, Pearls and Gunpowder: The Incredible Saga of a Lost American Civil War Submarine. (College Station: Texas A&M University Press, IN PRESS)
- ◆ Gold Rush Port: The Maritime Archaeology of the San Francisco Waterfront. (Berkeley, Los Angeles and London: University of California Press, IN PRESS)
- ◆ Khubilai Khan's Navy. (Vancouver, Toronto and Berkeley: Douglas and McIntyre, IN PRESS)
- ◆ Waterfront: An Illustrated Maritime History of Greater Vancouver. Vancouver: Stanton Atkins Dosi Publishers, 2005.
- ◆ Adventures of a Sea Hunter. (Vancouver, Toronto and Berkeley: Douglas and McIntyre, 2004)
- ◆ Arctic Workhorse: The RCMP Schooner St. Roch. (Victoria: Horsdal and Schubart/Heritage House, 2003)
- ◆ Racers and Rovers: 100 Years of the Royal Vancouver Yacht Club. (Vancouver and Toronto: Douglas and McIntyre, 2003)
- ◆ Beaver: The Hudson's Bay Company's 1835 Steam Ship (with John McKay and Leonard G. McCann). Toronto: Vanwell Press, 2001.
- ◆ USS Arizona: Ship and Symbol (with Joy Jasper and James Adams). New York: St. Martins Press, 2001.
- ◆ Second Edition (paper) 2003.
- ◆ Lost Warships: An Archaeological Tour of War at Sea. Vancouver and Toronto: Douglas and McIntyre / New York: Facts on File/London: Conway Maritime Press, 2001.
- ◆ Across the Top of the World: The Quest for the Northwest Passage. Vancouver and Toronto: Douglas and McIntyre/New York: Facts on File,/London: British Museum Press, 1999.
- ◆ Encyclopaedia of Underwater and Maritime Archaeology. New Haven and London: Yale University Press, 1998.
- ◆ Made for Ice: The Wreck of the Polar Ship Maud. Vancouver: Vancouver Maritime Museum/Underwater Archaeological Society of British Columbia, 1997.
- ◆ The British Museum Encyclopaedia of Underwater and Maritime Archaeology. London: British Museum Press, 1997. Second Edition (paper) 2001.
- ◆ Ghost Fleet: The Sunken Ships of Bikini Atoll. Honolulu: University of Hawaii Press, 1996.
- ◆ Beaver: First Steamship on the West Coast. Victoria, B.C.: Horsdal and Schubart, 1993.
- ◆ Dauntless St. Roch: The Mounties' Arctic Schooner. Victoria, B.C.: Horsdal and Schubart, 1992.
- ◆ Alcatraz Island. San Francisco: Golden Gate National Parks Association, 1991.
- ◆ (With J. Candace Clifford) Great American Ships. Washington, D.C.: Preservation Press, 1991. Second Edition, 1996.

BOOKS cont'd

- ◆ (With Tom Freeman) Pearl Harbor Recalled: New Images of the Day of Infamy. Annapolis: Naval Institute Press, 1991.
- ◆ National Parks of America. New York: Crescent Books, 1990.
- ◆ To California By Sea: A Maritime History of the California Gold Rush. Columbia: University of South Carolina Press, 1990. Second edition (paper) 1996.
- ◆ (With Stephen A. Haller) Shipwrecks at the Golden Gate. San Francisco: Lexicos, 1989.
- ◆ (Editor) Proceedings of the Annual Conference on Historical Archaeology, Reno, Nevada. Ann Arbor: Society for Historical Archaeology, 1988.
- ◆ (Editor) The Log of the Apollo: Joseph Perkins Beach's Log of the Voyage of the Ship *Apollo* from New York to San Francisco, 1849. San Francisco: Book Club of California, 1986.
- ◆ Alcatraz Island: The Story Behind the Scenery. Las Vegas: KC Publications, 1985.
- ◆ Witness to Empire: Antonio Maria Suñol. San Jose: Sourisseau Academy for California State and Local History, 1984.
- ◆ (With Christopher C. Wade) How California Adobes Were Built in the 1830s: A Simple Guide to a Lost Art. San Jose: Smith-McKay, 1977.
- ◆ Sombras de la Noche: The Agustin Bernal Adobe, Its Inhabitants and Heritage. San Jose: Smith-McKay, 1976.

CHILDREN'S BOOKS

- ◆ Shipwrecks: Native American Craft; Danbury, Connecticut, Franklin Watts, 2000.
- ◆ Shipwrecks: The Westward Movement; Danbury, Connecticut, Franklin Watts, 2000.
- ◆ Shipwrecks: American Warships, Danbury, Connecticut, Franklin Watts, 2000.

INTRODUCTIONS, FOREWORDS AND CONTRIBUTIONS

- ◆ "*Titanic*, Hollywood and Shipwrecks," in Julie M Schlabitsky (Editor) Box Office Archaeology Refining Hollywood's Portrayals of the Past. Walnut Creek, California: Left Coast Press, 2007.
- ◆ "Eastern Pacific," in John B. Hattendorf (Editor) The Oxford Encyclopedia of Maritime History. New York: Oxford University Press, 2007.
- ◆ (with Daniel Lenihan, Gary Cummins, David Clark and Lu Ann De Cunzo, "A Global Contest: World War II," in Lu Ann De Cunzo and John H. Jameson Jr. (Editors) Unlocking the Past: Celebrating Historical Archaeology in North America. Gainesville, Tallahassee, Tampa, Boca Raton, Pensacola, Orlando, Miami, Jacksonville, Ft. Myers: University Press of Florida, 2005.

INTRODUCTIONS, FOREWORDS AND CONTRIBUTIONS cont'd

- ◆ (with Steven Acheson) "Ships for the Taking: Culture Contact and the Maritime Fur Trade on the Northwest Coast of America," in Tim Murray (Editor) The Archaeology of Contact in Settler Societies. Cambridge, New York, Port Melbourne, Madrid and Cape Town: Cambridge University Press, 2004.
- ◆ Entries on Roald Amundsen, steamship *Beaver*, RMS *Titanic*, RCMP *St. Roch* and Henry Hudson, in Gerald E. Hallowell (Editor) The Oxford Companion to Canadian History. London and New York: Oxford University Press, 2004.
- ◆ "From the Deep: The Archaeology of the Sailing Ship: Reports from the Field, 2002-2003," in Nicholas Tracy and Martin Robson (Editors) The Age of Sail: The International Annual of the Historic Sailing Ship, Volume 2. London: Conway Maritime Press, 2003.
- ◆ "Sidewheel Steamships on the Strait: The Pacific Mail Steamship Company's Depot at Benicia, 1850-1869," in David Hull (Editor) Up the River: Steam Navigation Above Carquinez Strait. San Francisco: The Book Club of California, 2003.
- ◆ "A Year of Archaeological Discoveries," in Nicholas Tracy (Editor) The Age of Sail: The International Annual of the Historic Sailing Ship, Volume 1. London: Conway Maritime Press, 2002.
- ◆ Introduction to John Franklin, A Journey to the Polar Sea, London: Conway Maritime Press, 2000.
- ◆ Biographical entries for William Henry Aspinwall and John McLoughlin, in American National Biography. Cary, North Carolina: Oxford University Press, 1999.
- ◆ "Wreck Site of the U.S. Brig *Somers*," in Mensun Bound (Editor) Excavating of Ships of War. Ostwestry, Shropshire, International Maritime Archaeology Series, Anthony Nelson, 1998.
- ◆ "Shipwrecks as World Heritage Sites," in Henderson, Indian Ocean Week 1997 Proceedings.
- ◆ "Avocational Archaeologists and Maritime Museums: A Case Study from British Columbia," in Graeme Henderson, (Editor) Indian Ocean Week 1997 Proceedings, Fremantle, Western Australian Maritime Museum, 1998.
- ◆ (With Allen G. Pastron, Eugene M. Hattori, and Michael R. Walsh), "Some Observations and Concluding Remarks: The Hoff Store Site," in Pastron and Hattori, The Hoff Store Site....
- ◆ (With Allen G. Pastron and Eugene M. Hattori) "Civilian and Military Armament and Accoutrements from the Hoff Store Site," in Pastron and Hattori, The Hoff Store Site....
- ◆ "Ships Were Constantly Arriving: The Hoff Store Site and the Business of Maritime Supply and Demand in Gold Rush San Francisco," in Allen G. Pastron and Eugene M. Hattori (Editors), The Hoff Store Site and Gold Rush Merchandise from San Francisco, California. Ann Arbor: Society for Historical Archaeology, 1990.
- ◆ "A Symbol of the People: Assessing the Significance of the USS Monitor," in Lee J. Cox and Michael A. Jehle (Editors) Ironclad Intruder, USS Monitor. Philadelphia: Philadelphia Maritime Museum, 1988.
- ◆ Foreword to Paul Ditzel, Fireboats: A Complete History of the Development of Fireboats in America. New Albany, Indiana: Conway Enterprises, Inc., 1989.

INTRODUCTIONS, FOREWORDS AND CONTRIBUTIONS cont'd

- ◆ Foreword to William N. Still, Jr. Monitor Builders: Builders of the USS Monitor. Washington, D.C.: Government Printing Office, 1989.
- ◆ Chapters 1,2 and contributions to Chapter 3 in Jay Waldron Murphy (Editor) Historic Shipwrecks: Issues in Management. Washington, D.C.: Partners for Livable Places, 1988.
- ◆ "Skeleton in the Sand: Documentation of the Environmentally Exposed 1856 Ship King Philip," in Paul F. Johnston, ed. Proceedings of the Sixteenth Annual Conference on Historical Archaeology. Ann Arbor: Society for Historical Archaeology, 1985.
- ◆ Foreword to Steven Levingston, San Francisco's Historic Ships. San Francisco: Chronicle Books, 1984.
- ◆ Introduction to Fred Stocking, How We Gave Tennessee Cove a Name. San Francisco: Golden Gate National Park Service, 1984.
- ◆ "Shipwreck Archaeology in California: New Discoveries, New Directions," in Proceedings of the Joint Workshop New Frontiers. Santa Cruz: California State Park Rangers Association, Park Rangers Association of California, and the Western Interpreters' Association, 1984.
- ◆ "Underwater Archaeological Investigations of Gold Rush Era Steamships on the California Coast," in Proceedings of the First Biennial Conference on Scientific Research in California's National Parks. Davis: University of California Co-operative Parks Studies Unit/National Park Service, 1983.

ARTICLES

- ◆ (Editor) "Nautical and Maritime Archaeology, 2006-2007 Seasons," American Journal of Archaeology 112 (2008), pp. 307-335.
- ◆ "Roald Amundsen, *Gjoa*, and the Northwest Passage," Maritime Life and Traditions, Vol. 32, Autumn 2006.
- ◆ "Archeological Reconnaissance of the 1865 American-Built Sub Marine *Explorer* at Isla San Telmo, Archipelago de las Perlas, Panama," International Journal of Nautical Archaeology, Vol. 35, No. 2, June 2006.
- ◆ "Toward No Earthly Pole," Naval History, Vol. 18, No. 2, April 2004.
- ◆ "Relics of the Kamikaze," Archaeology, LVI (1) January/February 2003.
- ◆ "The Gold-Rush Storeship *Niantic*," Maritime Life & Traditions, Vol. 13, Spring 2002.
- ◆ "Back to the Bay of Pigs," Proceedings of the U.S. Naval Institute, April 2001.
- ◆ "Diving on the *Titanic*," Archaeology, LIV (1) January/February 2001.
- ◆ "Galvanic Ghosts," Naval History, Vol. 14, No. 1, February 2000.
- ◆ "Til Isen er du Bygget: Rapport om vraket av Hudson's Bay Company Ship *Baymaud*, ex-polarskipet *Maud*," Årbok 1997, Oslo: Norsk Sjøfartsmuseum.

ARTICLES cont'd

- ◆ (with Duncan Stacey and Gina Johansen) "Fishing for a Living at the Vancouver Maritime Museum," Sea History, No. 82, Autumn 1997.
- ◆ "Arctic Ghost," Equinox, No. 92, May 1997.
- ◆ "The Bermuda Brig *William and Ann*: Fur Trading Pioneer on the Northwest Coast of America," Bermuda Journal of Archaeology and Maritime History, VIII, 1996.
- ◆ "50 Years Later, The World Remembers Operation Crossroads," Naval History, X(4) July/August 1996.
- ◆ "The Lure of the Deep," Archaeology, XLIX(3) May/June 1996.
- ◆ "Ships as Buildings in Gold Rush San Francisco," The Mariners Museum Journal, Second Series, I, 1995.
- ◆ "*Isabella*: A Hudson's Bay Company Shipwreck of 1830," The American Neptune, LV(4), Fall 1995.
- ◆ "The Rediscovery of the US Brig *Somers*," Sea History, No. 75, Autumn 1995.
- ◆ "The Wreck of the S.S. *Tennessee*," Journal of the West, XXXIII (4), October 1994.
- ◆ "Rediscovering the *Somers*," Naval History, VIII (2), March/April 1994.
- ◆ "Operation Crossroads," American History Illustrated, XXVIII (3) May/June 1993.
- ◆ "SS *Beaver*: The archaeology of the first steamship on the Pacific Coast of North America," The Bulletin of the Australian Institute for Maritime Archaeology, XVII(1) 1993.
- ◆ "Recovering the Past of USS *Arizona*: Symbolism, Myth and Reality," Historical Archaeology, XXVI (4), 1992.
- ◆ "Taking the Initiative: Six Years of Gains in the Cause of Maritime Preservation," Sea History LX, Winter 1991-1992.
- ◆ "Events That Eluded the Camera," American History Illustrated, XXVI (5), November/December 1991.
- ◆ "The National Maritime Initiative: An Interdisciplinary Approach to Maritime Preservation," The Public Historian, XIII (3), Summer 1991.
- ◆ (With Allen G. Pastron) "Archaeological Investigations at a Mid-19th-Century Shipbreaking Yard, San Francisco, California," Historical Archaeology, XXV (2), 1991.
- ◆ "Historic Archaeology and the Recovery of the Past," The Public Historian, XIII (2), Spring 1991.
- ◆ "Grim Realities, High Hopes, Moderate Gains: The State of Historic Ship Preservation," History News, XLVI (2) March/April 1991.
- ◆ "Tom Freeman: In Profile," Naval History, V (1) Spring 1991.
- ◆ "Documenting the Sunken Remains of USS *Saratoga*," United States Naval Institute Proceedings, CXVI (10) October 1990.

ARTICLES cont'd

- ◆ "The California Hide and Tallow Trade and the Wreck of the Brig *Ayacucho*," Sea Letter, LXIII Fall/Winter 1990.
- ◆ "The Development of the American Lightship," The Keeper's Log, VI (2) Winter 1990.
- ◆ "*Berkeley*: Hard Worked in a Rough Service," Sea Letter, LXII Spring/Summer 1990.
- ◆ "Surveying the Wreckage of the USS *Arizona*," Sea Classics, XX (5) May 1989.
- ◆ "Benicia's Matthew Turner Shipyard Park: An Innovative Future for a Waterfront of the Past," California Waterfront Age, IV (2) Spring 1988.
- ◆ "Steamers to Savannah: The Origins of the New York and Savannah Steam Navigation Company," The American Neptune, XLVII (1) Winter 1987.
- ◆ "The National Register of Historic Places and Maritime Preservation," APT Bulletin, IX (1) January 1987.
- ◆ Guest Editor, Association for Preservation Technology Bulletin, IX (1) January 1987.
- ◆ "San Francisco's Ocean Beach: Changing Recreational Waterfront," California Waterfront Age, II (3) Summer 1986.
- ◆ "Documentation and Identification of the Two-Masted Schooner *Neptune*," Historical Archaeology, XX, 1986.
- ◆ "A Dream of Seven Decades: San Francisco's Aquatic Park," California History, LXIV (4) Fall 1985.
- ◆ "The Rumble of Distant Thunder," Archaeology, XXXVIII (6) November-December 1985.
- ◆ "In the Midst of a Great Excitement: The Argosy of the Revenue Cutter *C.W. Lawrence*," The American Neptune, XLX (2) Spring 1985.
- ◆ "Their Bones Should be Left in the Ocean to Rot: Notes on an Unusual Shipwreck Song," The Book Club of California Quarterly, XLIX (2) Spring 1984.
- ◆ "A Gold Rush Enterprise: Samuel Ward, Charles Mersch, Adolphe Maillard and the *Niantic* Storeship," The Huntington Library Quarterly, XLVI (4) Autumn 1983.
- ◆ "The Facts Behind John Steinbeck's *The Lonesome Vigilante*," The Steinbeck Quarterly, XVI (3-4) Summer 1983.
- ◆ "Water Soaked and Covered with Barnacles: The Wreck of S.S. *Winfield Scott*," The Pacific Historian, XXVII (2) Summer 1983.
- ◆ "Murder Most Foul: San Francisco Reacts to the Loss of the S.S. *Central America*," The Log of Mystic Seaport, XXXV (1) Spring 1983.
- ◆ "Is the S.S. *Wapama* Worth Saving?" California Historical Society Courier, XXXV (2) April 1983.
- ◆ "A Ship of '49: Fact and Fiction," The Book Club of California Quarterly.

ARTICLES cont'd

- ◆ "The Humblest Cottage Can in a Short Time Afford....Pure and Sparkling Water: Early Efforts to Solve Gold Rush San Francisco's Water Shortage," The Pacific Historian, XXVI (3) Fall 1982.
- ◆ "What Becomes of the Old Ships? Dismantling the Gold Rush Fleet of San Francisco," The Pacific Historian, XXV (4) Winter 1981.
- ◆ "Garlic Gulch: John Steinbeck in Los Gatos, 1936-1938," The Book Club of California Quarterly, XLVII (2) Spring 1982.
- ◆ "Gold Rush Jail: The Prison Ship *Euphemia*," California History, LX (2) Summer 1981.
- ◆ "The Randall House," The Point Reyes Historian, VI (1) Summer 1981.
- ◆ "Sutro Heights Park: Traces of a Dream," The American West, XVIII (3) May/June 1981.
- ◆ "No Longer a Buoyant Ship: Unearthing the Gold Rush Storeship *Niantic*," California History, LXIII (4) Winter 1979.
- ◆ "The *Niantic*. Participant in Creating a New California," Sea History, XV (1) Fall 1979.
- ◆ "The Garcia Adobes," The Point Reyes Historian, IV (2) Fall 1979.
- ◆ "Juan Pablo Bernal, California Pioneer," The Pacific Historian, XXIII (3) Fall 1979.

GOVERNMENT PUBLICATIONS AND WRITING

- ◆ (With John A. Martini and Nicholas Weeks) Cultural Landscape Report, Alcatraz Island. San Francisco: Golden Gate National Parks Association, 1992.
- ◆ Columnist, "Dogwatch," a regular column on maritime preservation issues, technique and philosophy, in CRM Bulletin, 1989-1991.
- ◆ "The Japanese Midget Submarine *HA-19*: A Unique Artifact That Helps Us Remember Pearl Harbor," CRM Bulletin, XIV (8), 1991.
- ◆ (With Daniel J. Lenihan and Larry E. Murphy) The Archaeology of the Atomic Bomb: Submerged Cultural Resources Assessment of the Sunken Fleet of Operation Crossroads at Bikini and Kwajalein Atolls, Sante Fe, New Mexico: National Park Service, 1991
- ◆ (With J. Candace Clifford) The National Maritime Initiative Inventory of Large Preserved Historic Vessels in the United States, Washington, D.C.: National Park Service, 1990
- ◆ (With Kevin J. Foster) National Register Bulletin #34: Nominating Historic Lighthouses and Other Aids to Navigation to the National Register of Historic Places, Washington, D.C.: National Park Service, 1990
- ◆ Guest Editor (With J. Candace Clifford) "Difficult Choices and Hard Won Successes in Maritime Preservation," special issue of the CRM Bulletin, XII (4), 1989.

GOVERNMENT PUBLICATIONS AND WRITING cont'd

- ◆ "Significance: Memorials, Myths and Symbols," In Daniel J. Lenihan, ed. Submerged Cultural Resources Study: USS *Arizona* Memorial and Pearl Harbor National Historic Landmark, Santa Fe, New Mexico: National Park Service, 1989
- ◆ (With Stephen A. Haller) Submerged Cultural Resources Assessment: Golden Gate National Recreation Area, Point Reyes National Seashore, and Gulf of the Farallones National Marine Sanctuary, Washington, D.C. National Park Service, 1989
- ◆ A Symbol of American Ingenuity: Historical Context Study, USS *Monitor*, Washington, D.C.: National Oceanic & Atmospheric Administration/National Park Service, 1988
- ◆ Guest Editor (With Daniel J. Lenihan), special maritime preservation issue, National Park Service Courier, August 1988.
- ◆ "Analyzing the Nation's Historic Ships," Cultural Resources Management Bulletin, December 1987.
- ◆ "Inventorying Maritime Resources," Cultural Resources Management Bulletin, September 1986.
- ◆ Historic Ship Brochure, Balclutha, 1987
- ◆ Historical Data Section in The Cliff House: Historic Structures Report. San Francisco: Architectural Resources, 1987.
- ◆ Historic Ship Brochure, S.S. Wapama, San Francisco: National Park Service, 1986
- ◆ The Maritime Connotations of the California Gold Rush: National Register of Historic Places Thematic Group Study, San Francisco: National Park Service, 1986
- ◆ (With a National Park Service Task Force) National Register Bulletin #20: Nominating Historic Ships and Shipwrecks to the National Register of Historic Places, Washington, D.C.: National Park Service, 1987
- ◆ (With Mark L. Brack and Waverly Lowell) Presidio of San Francisco National Historic Landmark District Historic American Buildings Survey Report, San Francisco: National Park Service, Historic American Engineering Record, 1985
- ◆ (With Larry E. Murphy and Roger E. Kelly) Shipwreck Survey of a Portion of Ocean Beach, San Francisco, for the Revenue Cutter C.W. Lawrence, San Francisco: National Park Service, 1984
- ◆ (With David Buller) "Vessel Losses in the Project Area," in Larry Murphy, ed. Shipwreck Survey of a Portion of Point Reyes National Seashore and Point Reyes/Farallone Islands National Marine Sanctuary, California, Santa Fe, New Mexico: National Park Service, 1984
- ◆ Research Design for the Historical Archaeological Examination of an American Civil War Harbor Defense Temporary Fortification, Fort Mason, San Francisco, San Francisco: National Park Service, 1983
- ◆ Pioneers, Politics and Planning: The Struggle to Create San Francisco's Aquatic Park, San Francisco: National Park Service, 1983

GOVERNMENT PUBLICATIONS AND WRITING cont'd

- ◆ (With R.P. Christopher and Martin T. Mayer, Cultural Resources Management Plan, Golden Gate National Recreation Area, San Francisco: National Park Service, 1981
- ◆ (With Robert L. Bennett) Research Design for the Historical Archaeological Examination and Documentation of the 1848 Sidewheel Steamship *Tennessee*, Marin County, California, San Francisco: National Park Service, 1981
- ◆ Historic Structures Report, Sutro Heights Park, San Francisco, San Francisco: National Park Service, 1979

NATIONAL HISTORIC LANDMARK STUDIES

**Indicates that the property was designated or listed*

- ◆ Schooner Adventuress, Seattle *
- ◆ Scow Schooner Alma (With Kevin J. Foster) San Francisco *
- ◆ Schooner American Eagle, Rockland, Maine *
- ◆ Aquatic Park Historic District, San Francisco *
- ◆ USS Arizona, Pearl Harbor *
- ◆ Tug Arthur Foss, Seattle *
- ◆ Sailing Ship Balclutha, San Francisco *
- ◆ USS Barry, Washington, DC
- ◆ Ferry Berkeley, San Diego *
- ◆ Schooner Bowdoin, Castine, Maine *
- ◆ Schooner C.A. Thayer, San Francisco *
- ◆ USS Cabot, New Orleans *
- ◆ Dredge Captain Meriwether Lewis, Brownsville, Nebraska *
- ◆ Oyster Sloop Christeen, Essex, Connecticut *
- ◆ Tug/Fireboat City of Oakland, Oakland, California *
- ◆ USS Clamagore, Patriot's Point, South Carolina *
- ◆ Fireboat Deluge, New Orleans *
- ◆ Fireboat Duwamish, Seattle *
- ◆ USS Edson, New York, New York *
- ◆ Fireboat Edward M. Cotter, Buffalo, New York *
- ◆ Bark Elissa, Galveston *
- ◆ Schooner Ernestina, New Bedford, Massachusetts *
- ◆ Four-Masted Ship Falls of Clyde, Honolulu *
- ◆ Fireboat Fireboat No. 1, Tacoma, Washington *
- ◆ Fireboat Firefighter, New York, New York *
- ◆ Icebreaker USS Glacier (USCG Glacier), Benicia, California
- ◆ Schooner Governor Stone, Appalachicola, Florida *

NATIONAL HISTORIC LANDMARK STUDIES cont'd

** Indicates that the property was designated or listed*

- ◆ Japanese Midget Submarine HA-19, Fredericksburg, Texas *
- ◆ Lou Henry Hoover House, Stanford, California *
- ◆ USS Hornet, Bremerton, Washington *
- ◆ USCGC Ingham, Patriot's Point, South Carolina *
- ◆ Schooner Isaac H. Evans, Rockland, Maine *
- ◆ Schooner J. and E. Riggis, Rockland, Maine *
- ◆ Four-Masted Schooner La Merced, Anacortes, Washington
- ◆ Victory Ship Lane Victory, San Pedro, California *
- ◆ Schooner Lewis R. French, Rockland, Maine *
- ◆ Aircraft Carrier USS Lexington, Corpus Christi, Texas *
- ◆ Lightship No. 83 "Relief" Seattle *
- ◆ Lightship No. 103, "Huron," Port Huron, Michigan *
- ◆ Lightship No. 112, "Nantucket," Portland, Maine *
- ◆ Lightship No. 116, "Chesapeake," Baltimore, Maryland *
- ◆ Lightship WAL-604, "Columbia," Astoria, Oregon *
- ◆ Lightship WAL-605, "Relief," Oakland, California *
- ◆ Lowell's Boat Shop, Amesbury, Massachusetts *
- ◆ Tug Nash, Buffalo, New York *
- ◆ Motor Torpedo Boat PT-617, Fall River, Massachusetts *
- ◆ Point Reyes Motor Lifeboat Station, Point Reyes, California *
- ◆ Presidential Yacht USS Potomac, Oakland, California *
- ◆ Fireboat Ralph J. Scott, San Pedro, California *
- ◆ Presidential Yacht USS Sequoia, Washington, DC *
- ◆ Steamer Sergeant Floyd (With Kevin J. Foster). Sioux City, Iowa *
- ◆ USS Utah, Pearl Harbor *
- ◆ Excursion Steamer Virginia V, Seattle, Washington *
- ◆ Snagboat W.T. Preston, Anacortes, Washington *
- ◆ Steam Schooner Wapama, Sausalito, California *
- ◆ Warm Mineral Springs (With W.A. Cockrell), Sarasota, Florida
- ◆ Presidential Yacht USS Williamsburg, Washington, DC

NATIONAL REGISTER OF HISTORIC PLACES NOMINATIONS

** Indicates that the property was listed or determined eligible*

- ◆ Adolph Sutro Historic District, San Francisco
- ◆ Storeship Apollo, San Francisco *
- ◆ Aquatic Park, San Francisco *

NATIONAL REGISTER OF HISTORIC PLACES NOMINATIONS cont'd

** Indicates that the property was listed or determined eligible*

- ◆ Shipwreck Site and Remains, SS Brother Jonathan, Crescent City, California*
- ◆ California Fruit Cannery Association Warehouse, San Francisco *
- ◆ Camera Obscura, San Francisco
- ◆ Shipwreck Site and Remains, Charles H. Spencer, Lees Ferry, Arizona (with Toni Carrell) *
- ◆ Shipwreck Site and Remains, Steamship City of Rio de Janeiro, San Francisco *
- ◆ Sidewheel Tug Eppleton Hall, San Francisco
- ◆ Shipwreck Site and Remains, Frolic, Caspar, California *
- ◆ Storeship General Harrison, San Francisco
- ◆ Shipwreck Site and Remains, Goldenhorn, Santa Rosa Island,
- ◆ Hacienda and Headquarters, Rancho de Santa Teresa, San Jose
- ◆ Shipwreck Site and Remains, Isabella, Ilwaco, Washington *
- ◆ Shipwreck Site and Remains, J Street Wreck, Sacramento *
- ◆ Shipwreck Site and Remains, King Philip/Reporter, San Francisco *
- ◆ Houseboat Lewis Ark, San Francisco *
- ◆ Matthew Turner/ James Robertson Shipyard, Benicia, California *
- ◆ Storeship Niantic Remains, San Francisco *
- ◆ Olema Valley Ranches Historic District, Point Reyes, Marin County, California *
- ◆ Pacific Mail Steamship Co. Depot and Shops, Benicia
- ◆ Point Bonita Light, Marin County *
- ◆ Point Bonita Lifeboat Station, Marin County
- ◆ Point Lobos Marine Lookout Station, San Francisco *
- ◆ Point Reyes Light, Point Reyes *
- ◆ Point Reyes Motor Lifeboat Station, Point Reyes *
- ◆ Redwood Highway (U.S. 1) Eureka, California *
- ◆ Shipwreck Site and Remains, Manila Galleon San Agustin, Point Reyes, California *
- ◆ Sarah Seaver Randall House, Olema, California *
- ◆ Clipper Ship Snow Squall, Falkland Islands
- ◆ Shipwreck Remains, Stamboul, Benicia *
- ◆ Shipwreck Site and Remains, SS Tennessee, Marin County *
- ◆ Tubbs Cordage Company Office, San Francisco *
- ◆ Bark Vicar of Bray, Falkland Islands
- ◆ Storeship William Gray, San Francisco *
- ◆ Shipwreck Site and Remains, SS Winfield Scott, Anacapa Island *
- ◆ Shipwreck Site and Remains, SS Yankee Blade, Lompoc, California *
- ◆ Yosemite National Park Power Plant, Yosemite *

ARCHAEOLOGICAL FIELD EXPERIENCE

Institute of Nautical Archaeology, Texas A&M University, College Station, Texas, 2006 to present

- ◆ *Sub Marine Explorer* (1865), Isla San Telmo, Panama. Ongoing survey and documentation of American Civil War submarine. Principal Investigator, 2006, 2008.
- ◆ Rio Chagres Survey, Panama. Remote sensing survey and ground-truthing sites at the mouth of the river which has served as a highway for trade, commerce and invasion for over 500 years. Co-Principal Investigator, 2008.

Vancouver Maritime Museum, Vancouver, B.C. and Eco-Nova Productions Ltd. Halifax, Nova Scotia, 1991-2006

- ◆ Wreck of S.S. *Beaver*, Vancouver, 1991-1999. Survey and documentation of steamship wreck (1835-1887). Principal Investigator.
- ◆ Wreck of Schooner *Vancouver*, Queen Charlotte Islands, British Columbia, 1994. Survey and preliminary documentation of 1836 wreck of Hudson's Bay Company trading vessel. Principal Investigator.
- ◆ Maritime collections, Fort Vancouver National Historic Site, 1994-1995. Reanalysis/documentation of archaeological collections excavated at Fort Vancouver between 1948-1978 for maritime archaeological materials. Principal Investigator.
- ◆ Wreck of *Maud*, Cambridge Bay, Nunavut, Canada, 1996-1997. Survey and documentation of Arctic exploration vessel (1918-1931). Principal Investigator.
- ◆ Wreck of Sidewheel Steamship *Great Republic* (1867) mouth of the Columbia River, Oregon, 1997 to present. Ongoing survey and documentation of a portion of an 1879 steamship wreck initially thought to be *Isabella*, an 1830 wreck of Hudson's Bay Company supply vessel.
- ◆ Wreck of HMS *Terror*, King William Island vicinity, Nunavut, Canada, 2000. A search for Captain Sir John Franklin's exploration ship, HMS *Terror* (1845-1848), 2000.
- ◆ Wreck of RMS *Titanic* (1912). Archaeological reconnaissance dive in submersible Mir 2, 2000.
- ◆ Wreck of RMS *Carpathia* (1918) Celtic Sea, off Ireland. Survey and identification of the wreck of the ship that rescued *Titanic's* survivors, 2000.
- ◆ Wreck of *Mary Celeste* (1885) Rochelois Reef, Haiti. Survey and identification and ongoing analysis of artefacts from a merchant ship previously found abandoned at sea in 1872 in a case that remains a notorious maritime mystery, 2000-2002.
- ◆ Wreck of *L-26*, near Peggy's Cove, Nova Scotia, Canada. Survey and identification of British 1920's submarine scuttled after World War II, 2001.
- ◆ Wreck of HMCS *Clayquot* (1944), near Halifax, Nova Scotia, Canada. Survey and identification of Canadian minesweeper sunk by a German U-Boat, 2001.
- ◆ Wreck of US Collier *Merrimac* (1898), Santiago de Cuba, Cuba. Survey and identification of first warship sunk during the Spanish-American War, 2003.

ARCHAEOLOGICAL FIELD EXPERIENCE cont'd

Vancouver Maritime Museum, Vancouver, B.C. and Eco-Nova Productions Ltd. Halifax, Nova Scotia, 1991-2006 cont'd

- ◆ Wreck of *Fox* (1912) at Qequetarsuag, Greenland. Survey of 1855 steamship used in Arctic exploration and as an Arctic trade vessel. Principal investigator, 2003.
- ◆ Wreck of Mongol (Ghenko) Fleet Vessel (1281), Takashima, Japan. Consultation on excavation of Chinese-built warship lost during Mongol invasion of Japan, 2002..
- ◆ *Sub Marine Explorer* (1865), Isla San Telmo, Panama. Survey and identification of American Civil War submarine. Principal Investigator, 2001-2006..
- ◆ Juno Beach (1944), Normandy, France. Survey of Canadian beach and offshore waters from the D-Day landings of June 1944. Principal Investigator, 2004.
- ◆ Monitor *Russalka* (1867), Baltic Ocean between Tallinn, Estonia and Helsinki, Finland. Consultation and survey of Russian Navy double-turreted monitor lost in 1893 with all hands, 2005.
- ◆ Gallipoli (Cannakale) Turkey (1914-1915) Reconnaissance survey of wrecks of HMS *Goliath* and HMS *Triumph* from naval battles off Gallipoli Peninsula.

National Park Service, Washington, D.C., 1988-1991

- ◆ With the Submerged Cultural Resources Unit, work included documentation, survey, and analysis, primarily as project historian/archaeologist.
- ◆ Pearl Harbor, Hawaii, 1988-1989. Final survey of USS *Arizona*, and remote sensing survey for submerged aircraft wrecks and Japanese midget submarine.
- ◆ Fort Jefferson National Monument, Florida. Survey of numerous historic 18th and 19th century shipwrecks and documentation.
- ◆ Bikini Atoll, Marshall Islands. Survey and documentation of ships sunk in 1946 atomic bomb tests.
- ◆ Wreck of US Brig *Somers*, Veracruz, Mexico, 1990. Survey and documentation of 1847 wreck of Mexican War naval vessel, in cooperation with the Instituto Nacional de Antropologia e Historia. Principal Investigator.

Consultant to Archeo-Tec, Inc. Oakland, California, William Self Associates, Orinda, California and Underwater Archaeological Consortium, San Pedro, California (1986-1988, 2001-present)

- ◆ Historical and archaeological consultant, field excavation and analysis.
- ◆ Hoff's Store, San Francisco, 1986-1987. Excavation and analysis of two collapsed, burned commercial and retail buildings (1851) on the former waterfront.
- ◆ 101 Mission Street, San Francisco, 1987. Excavation and analysis of residential site (1849-1853).
- ◆ Rincon Annex, San Francisco, 1987. Excavation and analysis of sailor boarding house site (1887-1906) on waterfront.

JAMES P. DELGADO *resume cont'd*

ARCHAEOLOGICAL FIELD EXPERIENCE cont'd

Consultant to Archeo-Tec, Inc. Oakland, California, William Self Associates, Orinda, California and Underwater Archaeological Consortium, San Pedro, California (1986-1988, 2001-present) cont'd

- ◆ Shipwreck of Bark *LaGrange*, Sacramento, 1986-1987. Documentation and analysis of Gold Rush vessel and prison hulk (1836-1863).
- ◆ Charles Hare Yard, San Francisco, 1987-1988. Excavation and analysis of shipbreaking yard and associated vessel debris (1851-1857).
- ◆ Storeship *General Harrison*, San Francisco, 2001-2005. Excavation and analysis of 1840 ship converted to a warehouse and burned in 1851.
- ◆ Remains of the 1818 ship *Candace*, San Francisco, 2006. Analysis and identification of 1818 whaler partially dismantled at Charles Hare Yard.

National Park Service, San Francisco, California (1978-1987)

- ◆ Field survey, excavation, preparation of research designs and project reports, including work as principal investigator.
 - ◆ Sutro Heights, San Francisco, 1979-1980. Excavation and documentation of 1886-1939 residential complex and ornamental gardens. Co-Principal Investigator.
 - ◆ Shipwreck of S.S. *Tennessee*, Marin County, 1979-1981. Remote sensing survey, excavation of 1853 steamship wreck and associated material culture. Co-Principal Investigator.
 - ◆ Shipwreck of S.S. *Winfield Scott*, Anacapa Island, 1981-1983. Survey and documentation of 1853 steamship wreck. Co-Principal Investigator.
 - ◆ Shipwreck Survey, Point Reyes National Seashore, 1981-1983. Remote sensing survey, test excavation, documentation of exposed remains of several historic 19th and 20th century shipwrecks in Drakes Bay.
 - ◆ Shipwreck of *King Philip*, San Francisco, 1981-1984. Remote sensing survey, test excavation, documentation of exposed remains of 1878 medium clipper wreck on Ocean Beach. Principal Investigator.
 - ◆ Shipwreck of *Neptune*, San Francisco, 1982. Documentation of early 20th century wreck on Ocean Beach. Principal Investigator.
 - ◆ Shipwreck Survey for *C.W. Lawrence*, San Francisco, 1983. Remote sensing survey for 1851 wreck of U.S. Revenue Cutter. Co-Principal Investigator.
 - ◆ Black Point Battery, San Francisco, 1983-1985. Excavation and documentation of 1863 temporary harbour defence fortification. Co-Principal Investigator.
 - ◆ Shipwreck Survey, Cape Hatteras National Seashore, 1985-1986. Field survey and documentation of hurricane exposed shipwreck remains on 60-mile linear beach area. Principal Investigator.
-

ARCHAEOLOGICAL FIELD EXPERIENCE cont'd

National Park Service, San Francisco, California (1978-1987) cont'd

- ◆ Shipwreck Survey, Cape Cod National Seashore, 1986. Field survey and documentation of various 19th and 20th century wrecks.
- ◆ Wreck of Brig *Isabella*, mouth of the Columbia River, Oregon, 1986. Preliminary survey and documentation of 1830 wreck of Hudson's Bay Company supply vessel.
- ◆ Matthew Turner/James Robertson Shipyard, Benicia, California, 1987. Survey and documentation of 1887-1918 shipyard site, test excavation and documentation of ex-whaler *Stamboul* (1841-1916) at site. Principal investigator.

Consultant to Rob Edwards, Archaeologist, Aptos, California (1973-1975)

Field survey, excavation and preparation of Environmental Impact Reports in Santa Clara County, California. Project experience included prehistoric sites ranging from the Middle Horizon (3,000 B.P.) to Late Horizon (1,000-250 B.P.) and historical sites, notably the Luis Maria Peralta adobe (1791).

SELECTED FILM/DOCUMENTARY EXPERIENCE

- ◆ Secret Subs of Pearl Harbor, National Geographic Explorer.
- ◆ Bikini: Forbidden Paradise, ABC World of Discovery.
- ◆ Alcatraz, American Justice.
- ◆ Navigation, Propulsion, Design and Construction and Ordnance in the Great Ships series, A&E.
- ◆ Alcatraz, Sightings.
- ◆ Bikini Atoll, Extreme Diving.
- ◆ The USS Somers: Billy Budd's Ghost Ship, Discovery (US).
- ◆ Submarine Rescue, SS Central America. A&E
- ◆ Chinatown, A&E
- ◆ Kaigun: The Imperial Japanese Navy, A&E
- ◆ Boneyard, A&E
- ◆ Shipwrecks! California, Shipwrecks! Florida and Shipwrecks! Cape Cod, The History Channel (US)
- ◆ Ship of Ice, History Television
- ◆ Rogue Waves, A&E and special release on Director's Cut of Poseidon.
- ◆ Bismarck episode, Dogfight, History Channel (US)
- ◆ Habbukuk segment, Modern Marvels, A&E
- ◆ The Russian Navy, History Channel (US)

- ◆ Co-host, live 2-hour Shark Week broadcast special from Bikini Atoll, Discovery (US).

SELECTED FILM/DOCUMENTARY EXPERIENCE cont'd

- ◆ Host, The Sea Hunters, five seasons, with author Clive Cussler, National Geographic (International) with a worldwide audience of over 200 million in 172 international jurisdictions.

Season I

- ◆ The Search for the *Carpathia*
- ◆ The *Princess Sophia* Tragedy
- ◆ Steam Ship *Atlantic*: Death On the Great Lakes
- ◆ *Mary Celeste*, Ghost Ship
- ◆ *Leopoldville/Clayquot*, Death on Christmas Eve
- ◆ Runners and Raiders

Season II

- ◆ *Hunley*, The First Kill
- ◆ Mystery Submarine, the Search for Swissair Flight 111
- ◆ The Search for the *Andrea Gail*
- ◆ *Vrouw Maria*
- ◆ The Sinking of the *Wilhelm Gustloff*
- ◆ *Malahat*: Queen of the Rumrunners
- ◆ From Wrecks to Riches

Season III

- ◆ Kublai Khan's Lost Fleet
- ◆ Diving the German V-2 Rocket Caves
- ◆ The Lost Fleet of Santiago de Cuba
- ◆ Human Torpedos: The Wreck of USS *Mississinewa*
- ◆ Sunk at Robinson Crusoe Island - SMS *Dresden*
- ◆ Lost at Sea: The Great U.S. Navy Airships *Akron & Macon*
- ◆ The Wreck of the *Fox*: The Arctic Legacy of Franklin

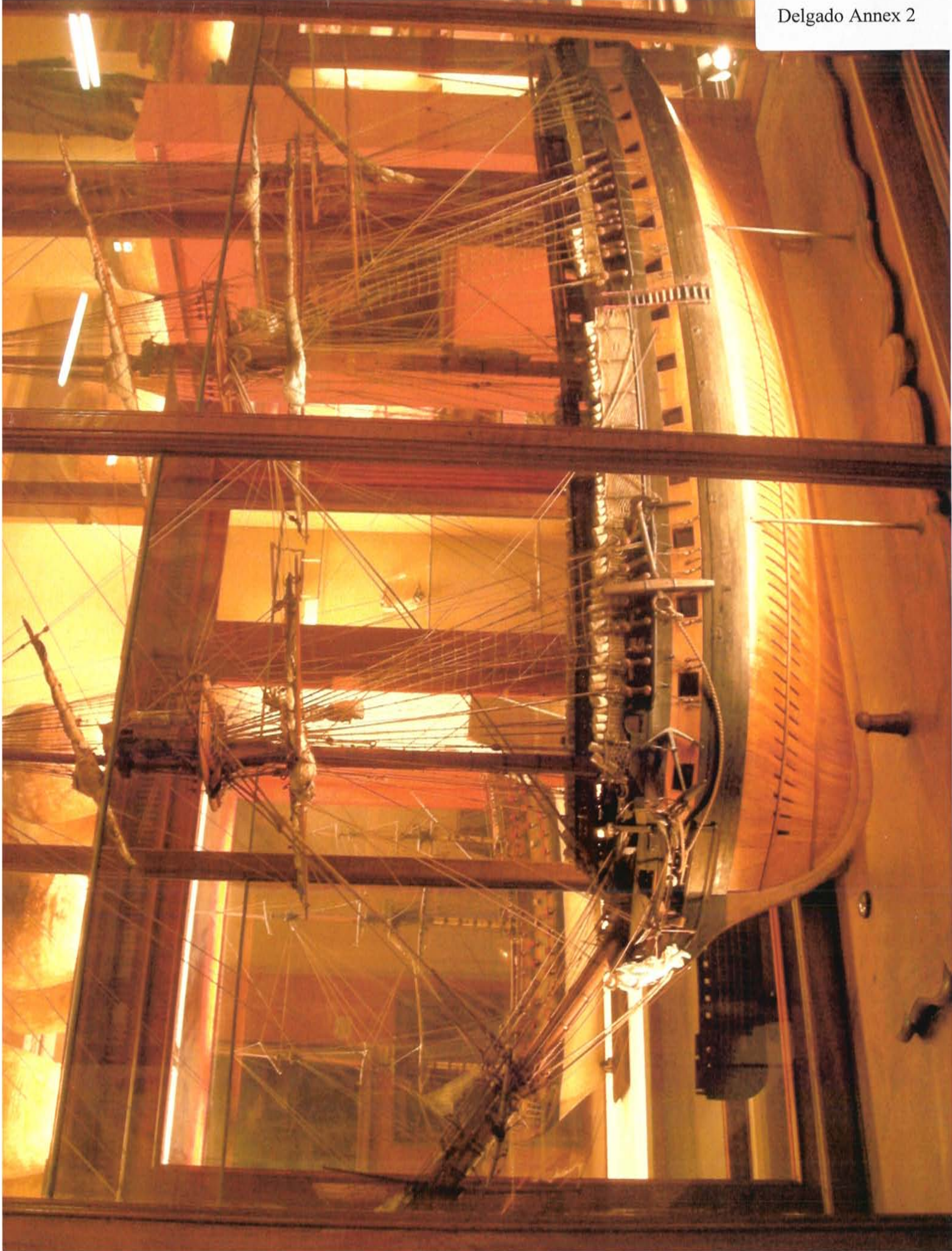
Season IV

- ◆ The Search for the Avro Arrow Test Flight Models
- ◆ The Search for the Early Submarines
- ◆ The Wreck of Arturo Prat's "*Esmeralda*"
- ◆ The Search for "*Tonquin*"
- ◆ Still on Patrol-The Search for Hitler's U-boat 215
- ◆ The Search for *Bonhomme Richard*
- ◆ Operation Overlord, The Search of Juno Beach

Season V

- ◆ HMS *Doterel*
 - ◆ *Queen of Nassau*
 - ◆ Force Z
 - ◆ *Russalka*: Czar's Lost Ironclad
 - ◆ *U-215 & Alexander Macomb*
 - ◆ Death in the Dardanelles
 - ◆ Ship of Ice
-

ANNEX 2
TO EXHIBIT D
(Delgado Declaration)



ANNEX 3
TO EXHIBIT D
(Delgado Declaration)

THE NAVAL CHRONICLE

The Contemporary Record of the Royal Navy at War

Volume III 1804 - 1806

Consolidated Edition
containing a

GENERAL AND BIOGRAPHICAL HISTORY

of

THE ROYAL NAVY

of the

UNITED KINGDOM

During the War with the French Empire

War Reports, Commanding Officers' Gazette Letters of Naval Actions, Narratives taken from Foreign Sources, Intelligence Reports on the Fleets of Europe and of the American Republic, Letters from Serving Officers on Naval Strategy, Tactics, Gunnery, Ship Design, and Professional Concerns, and With a Variety of Original Papers on Nautical Subjects.

*

*Under the Guidance of Several Literary and Professional Men,
and Prepared for General Use by:*

NICHOLAS TRACY

STACKPOLE BOOKS

CHATHAM PUBLISHING

L O N D O N

Copyright © Nicholas Tracy 1999

First published in Great Britain in 1999 by
Chatham Publishing,
61 Frith Street,
London W1V 5TA

Chatham Publishing is an imprint of Gerald Duckworth & Co Ltd

First published in North America in 1999 by
Stackpole Books,
5067 Ritter Road, Mechanicsburg,
PA 17055-6921

UK hardback edition
ISBN 1 86176 072 8
US hardback edition
ISBN 0-8117-1109-9

British Library Cataloguing in Publication Data

A catalogue record for this book is available from the British Library

A Library of Congress Catalog Card No. is available on request

All rights reserved. No part of this publication may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or any information storage and retrieval system, without either prior permission in writing from the publisher or a licence permitting restricted copying.

Printed and bound in Great Britain

Introduction

1804	Enquiry into the
1804	Other Naval Ne
1804	Captain Nathan
1804	Continued
1804	Raid on Boulog
1804	War with Spain
1805	Naval News
1805	Fleet Strengths
1805	Impeachment P
1805	Invasion Camp
1805	Sir Robert Cald
1805	The Months be
1805	Trafalgar
1805	Strachan's Acti
1806	Change of Leac
	American Host
	and the Trial of
1806	Sir Home Poph
	and Buenos Air
1806	Treatment of E
1806	Continued - th
	and a Debate o

<i>Appendix 6</i>	Naval Disciplin
<i>Appendix 7</i>	Life Saving

II

nd say unto them, Verily I say
least of these my brethren, ye
r, a short time ago, of receiving
in consequence of his Majesty
e Boat, which Mr. Greathead
interest which these Monarchs
nourable to them. At the same
le losses are daily happening on
mane and commercial country
have already saved the lives of
ailed of complete success in any

Editorial

a correct judgment of the
idents that have arisen to our
an examination of the question
d wear, without the destruction
nd some activity and attention
n, that the Ships are dreadfully
must be much sooner worn out
severe storm were to attack our
d by so many hard gales, they
to be able to put to sea for some
unfortunate occurrence, might

rbay], one of the three-deckers
rry head, in going out of Torbay
also, of 74 guns, has been on the
es, but was got off by the skill
y material damage.

P

it to the southward of the east,
gins to ride heavy. The *Venerable*
ec miles is covered with wreck.
y, &c. are placed all round, and
re in the night to plunder. The
riosity, walked near the wreck,
mistake, it seems the marine

lly, as the ball fractured the
ous were employed to amputate

the arm and extract the ball. The Brig *Nelly* is not yet gone to pieces, as she is jammed in between the rocks in such a manner as to sit upright: her rudder is beat off, and the rocks are gone through her: as soon as the spring tides lift to move her, it is supposed she will separate: her topsails are reefed, set, and sheeted home, as when she went on shore; no Boat yet can venture off to unbend or cut the sails away.

We can now state with accuracy the loss of men lately belonging to the *Venerable*. The total complement borne on her books the day that she unfortunately went on shore, were 555; the number mustered afterwards, on board the *Impetueux*, *Goliath*, and on shore, was 547; so that the number missing is only eight, and but four of them are known to have suffered.

December 1

The storm seems a little abated: yesterday it blew almost a hurricane; the *Impetueux* rode very heavy. The two Gun-brigs which came round to take the wreck and stores of the *Venerable*, rode all under. A Prussian Galliot drove with two anchors a-head for almost two miles, and got in the breakers nearly where the *Venerable* was lost, the sea making a fair breach over her mast head. At last some of the Brixham daring pilots went off, and for twenty guineas have brought her safe into Brixham pier.

December 3

The weather has moderated a little this day or two past, which has enabled his Majesty's Ship *Impetueux* to get out of her perilous situation by warping to windward, to an anchor left behind by the *Goliath*. The greatest fears were entertained about her last Friday, as she was drove far in the Bay, and it was expected she would go on shore, having a great many of the *Venerable's* Crew, which with her own made eleven hundred souls. Her yards and top-masts were struck, and the Carpenters on deck had their axes ready to cut the mast away. The Gentlemen on shore were kindling fires, and writing, in large black characters on the white houses, directions where they should stick her in to save their lives; but, thank God, she has weathered the storm.

Plymouth

Interception of the Spanish Frigates

October 20

The Spanish Frigates were stopped by order of government, in consequence of the dispatches brought home from Rear-Admiral Cochrane, on the 15th ult. by the *Naiad* of 38 guns, Captain Vallis, and forwarded by-express to the Admiralty. In four days from that express arriving in London, dispatches were received here, and were immediately put on board the *Indefatigable*, of 40 guns, Captain G. Moore, and she sailed directly for the Channel Fleet with dispatches for the Honourable Admiral Cornwallis, and from him sailed with the *Lively*, of 38 guns, Captain Hammond; and off the coast of Spain fell in with the *Medusa* of 38 guns, Captain Gore, and *Amphion*, of 32 guns, Captain Sutton. These four frigates, on their cruize on the 5th instant, fell in with the Spanish frigates as above related. On board *la Mercedes*, blown up in the action, there were (melancholy to relate) several Spanish gentlemen and 19 ladies, with their families, from Lima, returning to Old Spain, who, with the Spanish captain, his wife, and seven children, all unfortunately perished in the explosion which took place. On board the *Medea*, of 34 guns, Rear-Admiral Don Bastamantis, Captain Don F. Purelo

Hetronilla, and the *Clara*, of 34 guns, arrived here, are cargoes of great value, besides the three millions and a half of registered dollars on board; *la Fama*, of 44 guns, arrived at Portsmouth, has also a very rich cargo, and one million of registered dollars, as per their different manifests. The two Spanish frigates here having had some men from the *Medusa*, of 38 guns, Captain Gore, on board them, and she having come from the Streights, they are put under quarantine, which will at least prevent any plunder. Commodore Moore dispatched the *Medusa*, Captain Gore, to Rear-Admiral Cochrane, with the account of this detention, from thence to Gibraltar, and to Vice-Admiral Lord Nelson. It was on the fourth day after the arrival of our frigates off the Spanish coast, that the Spanish ships, consisting of *Medea*, of 44 guns, 18-pounders and 360 men, Rear-Admiral Don Joseph de Bastamantis Gerure; *la Fama*, Commodore Don Michael de Sapiaima; *la Mercedes*, Captain Don Josef Goycoa; *la Clara*, Captain Don Diego Aleson, of 34 guns each, 12-pounders, and 300 men, appeared in sight off Cape St. Mary. Captain Moore (the Commodore) informed the Spanish Admiral of the nature of his orders, and submitted to his discretion the Spanish Squadron accompanying him into an English port, without resistance; adding, that he must otherwise enforce obedience. In about an hour afterwards the Spanish squadron showed intentions to get into Cadiz, upon which our squadron chased; and they instantly commenced a smart action, which lasted an hour and a half, about forty-five minutes of which they were opposed within pistol shot of each other; but the *Mercedes* blew up, after engaging the *Amphion* half an hour. *La Medea* and *la Clara* were taken possession of by the *Indefatigable*, *Medusa*, and *Amphion*; and *la Fama*, by the *Lively*, who fought her in the most gallant style, having killed five men, and wounded forty-seven, six of whom have died since her arrival at Spithead, and the ship is torn to pieces. The *Lively* had two men killed and seven wounded. They are all richly laden, and, it is moderately computed, are worth a million of money. *La Fama* has 1,100,000 dollars on board, besides a very valuable cargo of hides, furs, &c. The prisoners have been removed to the *Royal Oak* prison-ship, in the harbour, and the officers are landed at Gosport, and put under the care of Captain Sir F. Thesiger, the agent for prisoners of war. The lady of a colonel of artillery, who was wounded on board the *Fama*, died on Monday last. *La Fama* had been nine years at South America: she came into harbour this morning. The officers of her will experience a very considerable loss of property in specie and of merchandize. The blowing up of *la Mercedes* is a melancholy accident, the frequency of which is to be attributed to their dangerous method of loading their guns, which is by a shell from a cask where the powder is kept loose. Captain Hammond, who went to London with the account on Wednesday evening, returned this morning. Dispatches have in consequence been sent to all the port-admirals, and admirals commanding squadrons. The Spanish brig *St. Joseph*, laden with linen and wheat, and the Spanish ship *Esperanza*, have been taken possession of at Cowes, by order of Admiral Montagu.

Spanish Treasure Landed

November 12

The treasure, public and private, of the *Medea* and *Clara*, Spanish Frigates, was landed on Saturday and this morning, and lodged in the dungeons of the citadel, previous to being sent off to the Bank of England. The Spanish Officers of each rank on board, are to be allowed their pay by our Government till the business with the Spanish Court and ours is finally adjusted.

November 17

The following are the exact particulars of the *Indefatigable* on Saturday:

Guns,	32, 2.
Length of Keel	
Length from the	
Length of gun-	
Extreme breadth	
Ditto depth	
Ditto hold	
Tonnage	

She is the largest Man of War

Cornwallis's Dispatch

A

Copy of a Letter from the
 &c. &c. to William Mars
 20th of October, 1804

Sir, I have the honour to
 the Admiralty, copies of the
 Moore, of the *Indefatigable*
 service he was sent upon,
Amphion, succeeded in det
 I have the honour to t

Indefatigable, at Sea, Oct
 Sir, I have the honour to a
 honour to charge me with.

On the morning of the
 30th, we fell in with the *M*
 the Streights Mouth, and t
 meant to go into Cadiz for
 the *Medusa* to apprise Sir
 judge whether or not he sh
 with the *Amphion* as soon
 by the *Lively*, and on the 3d
 what I thought necessary t

Yesterday morning, C
 the signal for four sail W.
 discovered them to be fo
 ahead on our approach, a
 broad pendant, and the st

Hibernia Launched

November 17

The following are the exact dimensions, tonnage, &c. of the *Hibernia*, launched last Saturday:

Guns, 32, 24, 18, and 9-pounders	130
Length of Keel	167 feet
Length from the figure head to the tassel	241
Length of gun-deck	201
Extreme breadth	53
Ditto depth	60
Ditto hold	22
Tonnage	2,499 tons

She is the largest Man of War ever launched in England, and of the greatest force.

Cornwallis's Dispatch Reporting the Action With the Spanish Frigates

From 'Gazette Letters,' XII 314-324
Admiralty Office, October 23, 1804

Copy of a Letter from the Honourable William Cornwallis, Admiral of the White, &c. &c. to William Marsden, Esq.; dated on board the *Ville de Paris*, in Torbay, the 20th of October, 1804

Sir, I have the honour to enclose, for the information of the Lords Commissioners of the Admiralty, copies of the several communications transmitted to me from Captain Moore, of the *Indefatigable*, giving an account of his proceedings in the execution of the service he was sent upon, in which he has, in company with the *Medusa*, *Lively*, and *Amphion*, succeeded in detaining the Spanish Frigates therein named. . . .

I have the honour to be, &c.

WILLIAM CORNWALLIS

Indefatigable, at Sea, October 6, 1804

Sir, I have the honour to acquaint you, that I have executed the service you did me the honour to charge me with.

On the morning of the 29th of September, the *Indefatigable* got off Cadiz; on the 30th, we fell in with the *Medusa*; Captain Gore having informed me the *Amphion* was in the Streights Mouth, and that the *Triumph* was off Gibraltar, and that Sir Robert Barlow meant to go into Cadiz for the trade there on his way to England; I thought fit to send the *Medusa* to apprise Sir Robert Barlow of the nature of my order, that he might then judge whether or not he should go into Cadiz, and I directed Captain Gore to rejoin me with the *Amphion* as soon as possible off Cape St. Mary. On the 2d instant, I was joined by the *Lively*, and on the 3d, by the *Medusa* and *Amphion*; the latter having communicated what I thought necessary to Sir Robert Barlow.

Yesterday morning, Cape St. Mary bearing N.E. nine leagues, the *Medusa* made the signal for four sail W. by S.: I made the signal for a general chase; at eight A.M. discovered them to be four large Spanish frigates, which formed the Line of Battle ahead on our approach, and continued to steer in for Cadiz, the Van ship carrying a broad pendant, and the ship next to her a Rear-Admiral's flag. Captain Gore's being

III

carries of great value, besides
ard; *la Fama*, of 44 guns, arrived
tion of registered dollars, as per
having had some men from the
and she having come from the
at least prevent any plunder.
ore, to Rear-Admiral Cochrane,
altar, and to Vice-Admiral Lord
r frigates off the Spanish coast,
ns, 18-pounders and 360 men,
ama, Commodore Don Michael
; *la Clara*, Captain Don Diego
appeared in sight off Cape St.
Spanish Admiral of the nature
h Squadron accompanying him
at he must otherwise enforce
adron showed intentions to get
y instantly commenced a smart
minutes of which they were
blew up, after engaging the
re taken possession of by the
e *Lively*, who fought her in the
l forty-seven, six of whom have
to pieces. The *Lively* had two
and, it is moderately computed,
dollars on board, besides a very
een removed to the *Royal Oak*
at Gosport, and put under the
of war. The lady of a colonel of
on Monday last. *La Fama* had
ir this morning. The officers of
in specie and of merchandize.
the frequency of which is to be
uns, which is by a shell from a
l, who went to London with the
Dispatches have in consequence
nding squadrons. The Spanish
nish ship *Esperanza*, have been
tagu.

ed

t, Spanish Frigates, was landed
sons of the citadel, previous to
icers of each rank on board, are
ith the Spanish Court and

the headmost ship, placed the *Medusa* on the weather-beam of the Commodore; the *Indefatigable* took a similar position along-side, without effect. I fired a shot across the Rear-Admiral's fore-foot, on which he shortened sail; and I sent Lieutenant Ascott [Arscott], of the *Indefatigable*, to inform him that my orders were to detain his squadron; that it was my earnest wish to execute them without bloodshed, but that his determination must be made instantly. After waiting some time, I made the signal for the boat, and fired a shot a-head of the Admiral. As soon as the officer returned with an unsatisfactory answer, I fired another shot a-head of the Admiral, and bore down close on his weather-bow. At this moment the Admiral's second a-stern fired into the *Amphion*; the Admiral fired in to the *Indefatigable*; and I made the signal for close battle, which was instantly commenced with all the alacrity and vigour of English sailors. In less than ten minutes, the *Mercedes*, the Admiral's second a-stern, blew up along-side the *Amphion*, with a tremendous explosion. Captain Sutton having, with great judgment, and much to my satisfaction, placed himself to leeward of that ship, the escape of the Spanish Admiral's ship was rendered almost impossible. In less than half an hour she struck, as did the opponent of the *Lively*. Perceiving at this moment the Spanish Commodore was making off, and seeming to have the heels of the *Medusa*, I made the signal for the *Lively* to join in the chase, having before noticed the superior sailing of that ship. Captain Hammond did not lose an instant, and we had the satisfaction, long before sun-set, to see from our mast-head that the only remaining ship had surrendered to the *Medusa* and *Lively*.

As soon as our boats had taken possession of the Rear-Admiral, we made sail for the floating fragments of the unfortunate Spanish frigate which blew up; but, except forty taken up by the *Amphion*'s boats, all on board perished. This squadron was commanded by Don Joseph Bustamante, Knight of the Order of St. James, and a Rear-Admiral. They are from Monte Video, Rio de la Plata; and, from the information of the Captain of the Flag ship, contained about four millions of dollars, eight hundred thousand of which were on board the *Mercedes* which blew up. Other accounts state the quantity of specie to be much greater, public and private, and there is besides much valuable merchandize on board the captured ships. Our loss has been very trifling. I have not yet had the returns from the other ships, but the *Indefatigable* did not lose a man. The Spaniards suffered chiefly in their rigging, which was our object. The captains of the different ships conducted themselves so ably, that no honour could accrue to me but the fortunate accident of being senior officer. . . .

I have the honour to be, &c

GRAHAM MOORE

Diplomatic Efforts to Avoid War

*Extracts from 'Naval State Papers' laid before Parliament,
January 24th 1808, relative to the War with Spain.* ^{XX-Appendix}

Copy of a Dispatch from Lord Harrowby [briefly Pitt's Foreign Secretary] to John Hookham Frere, Esq. [Envoy to the Court of Spain] dated Downing Street, October 22, 1804

Sir, The *Lively*, Captain Hammond, arrived at Portsmouth on Wednesday morning, with the *Fama*, a Spanish Frigate, laden with dollars from Rio de la Plata, and brought information of the action which took place on the 5th inst. between four of his Majesty's frigates and the same number of Spanish frigates, in which three of the latter were

captured, and one unfortunate when this action happened, it I have thought it necessary that you may be able to explain the orders given to his Majesty's event is here considered to have subject was fully discussed: Spanish minister and myself which his Majesty thinks proper the substance of this conversation in what light this event was the consequence of express orders for Spain. That such orders and equipment of naval armaments any previous explanation. That such a step was taken, as and particularly in a note delivered as they continued in a situation their ports must be considered and as necessarily producing that upon the first intelligence to communicate to the Government sailing of any Spanish ships or ambassador and *chargé d'affaires* of the orders given by his Majesty taken, and particularly those then observed, that his court laden with treasure, which being them must have been foreseen: obvious measure of those measures had been thought right to announce which might attempt to sail to the government, after receiving such it might think proper, and to prevent that to have announced more must either have been perfect giving them notice of such intelligence it completely abortive. That the forbearance of his Majesty prevent the continuance of the That these succours were of two had hitherto submitted, with a subsidy by Spain to France, up from the moment Spain had no pecuniary assistance, to add her the least equivocal manner, by where it would be ready to join British force employed in bloc

m of the Commodore; the
ect. I fired a shot across the
I sent Lieutenant Ascott
were to detain his squadron;
l, but that his determination
he signal for the boat, and
rned with an unsatisfactory
down close on his weather-
the *Amphion*; the Admiral
battle, which was instantly
s. In less than ten minutes,
-side the *Amphion*, with a
udgment, and much to my
e of the Spanish Admiral's
our she struck, as did the
h Commodore was making
signal for the *Lively* to join
-hip. Captain Hammond
n-set, to see from our
Medusa and *Lively*.

Admiral, we made sail for
hich blew up; but, except
ed. This squadron was
of St. James, and a Rear-
, from the information of
of dollars, eight hundred
. Other accounts state the
nd there is besides much
; has been very trifling. I
Indefatigable did not lose a
our object. The captains
onour could accrue to me

GRAHAM MOORE

if

Parliament,
ain. XX. Appendix

gn Secretary) to John
owning Street, October

on Wednesday morning,
'a Plata, and brought
four of his Majesty's
three of the latter were

captured, and one unfortunately blew up. Although, from the situation of the ships when this action happened, it is probable that the event is known at the Court of Madrid, I have thought it necessary to give you this information without loss of time, in order that you may be able to explain to the Spanish government the principles upon which the orders given to his Majesty's naval commanders are rested, and the effect which this event is here considered to have upon the relative situation of the two countries. As the subject was fully discussed in a conference which took place yesterday between the Spanish minister and myself, I cannot point out to you more distinctly the language which his Majesty thinks proper to be held upon this occasion, than by stating to you the substance of this conversation. In answer to the first question of the Spanish minister, in what light this event was to be considered? I informed him, that it was an act done in consequence of express orders from his Majesty, to detain all ships laden with treasure for Spain. That such orders had been issued as soon as intelligence was received of the equipment of naval armaments in the ports of Spain, and particularly at Ferrol, without any previous explanation. That the court of Madrid could have no reason to be surprised that such a step was taken, as it had been repeatedly stated to the Spanish government, and particularly in a note delivered by Mr. Frere on the 18th February last, that as long as they continued in a situation of merely nominal neutrality, any naval armament in their ports must be considered as putting an immediate end to the forbearance of England, and as necessarily producing consequences that were distinctly pointed out. I added, that upon the first intelligence of the armament, Admiral Cochrane had been directed to communicate to the Governor of Ferrol the orders he had received to oppose the sailing of any Spanish ships of war to or from Ferrol; and Mr. B. Frere [brother of the ambassador and *chargé d'affaires*] has also been directed to inform the Court of Madrid, of the orders given by his Majesty, that all necessary measures of precaution should be taken, and particularly those notified by Admiral Cochrane. The Spanish Minister then observed, that his court was not apprised of the orders given to detain the ships laden with treasure, which being ships of war, their resistance to any attempt to detain them must have been foreseen. I observed in reply, that this was the first and most obvious measure of those measures of precaution which had been announced. That it had been thought right to announce precisely the intention of engaging the ships of war which might attempt to sail to or from Ferrol, because it would depend upon the Spanish government, after receiving such an intimation, to give such orders as to their sailing as it might think proper, and to prevent a hostile meeting between the two squadrons; but that to have announced more particularly the intention of detaining the treasure ships, must either have been perfectly useless, if the Spanish government had no means of giving them notice of such intention, or must have afforded the opportunity of rendering it completely abortive. That Spain having violated one of the conditions upon which the forbearance of his Majesty depended, it became immediately necessary for him to prevent the continuance of those succours, which were furnished by Spain to France. That these succours were of two kinds; naval armaments and treasure. - That his Majesty had hitherto submitted, with unexampled moderation, to connive at the payment of a subsidy by Spain to France, upon the grounds which have been often stated; but that, from the moment Spain had manifested the intention, instead of confining herself to pecuniary assistance, to add her naval forces to those of France; and had manifested it in the least equivocal manner, by equipping a considerable squadron in the port of Ferrol, where it would be ready to join a squadron of French ships, and to outnumber the British force employed in blockading them; from that moment his Majesty could no

longer delay carrying into execution every measure of necessary precaution; and he had as just a right to detain treasure destined to increase the means of his enemies, as to attack the ships of Spain sailing in conjunction with those of France. I expressed in strong terms his Majesty's concern at the loss of so many valuable lives in the conflict, and particularly at the unfortunate accident which destroyed one of the Spanish frigates (the *Mercedes*), with nearly the whole of her crew. I did not controvert his observation, that it was impossible for those frigates not to resist, when they were met by so equal a force; and I thought it right to avow, without hesitation, that although it was hoped the treasure might have been brought in single ships of a force so inferior to his Majesty's squadron, as to justify the expectation that they might be detained without violence, yet that his Majesty's government were aware that this expectation might be disappointed, and as the act itself was thought necessary, had determined to incur the hazard of what might follow from resistance. To the question put by the Spanish minister, in what state the Spanish frigates and their crews were to be considered? I replied, in the same state as ships and crews detained under similar circumstances upon former occasions. That the officers and men would be treated with every possible attention, and the treasure would be transported to a place of security, to await such orders as the issue of the present discussions with the Court of Madrid may appear to his Majesty to require. After these points had been discussed, the Spanish minister desired to know whether this event was to be considered as putting an end to all further explanation, and placing the two countries in a state of war? To this I replied, that it was certainly by no means so considered on our part; that it was still the earnest wish of his Majesty, that such explanations, assurances, and securities might be given by the court of Madrid, respecting their naval armaments, present and future, and respecting all other subjects of discussion between the two governments, as might not only maintain an amicable intercourse between them, but establish it in future upon a more distinct and permanent footing. An explanation of the naval armaments alone would not, then, (replied M. d'Anduaga,) now satisfy the English government? To this I answered, that such an explanation alone would not now satisfy us, nor would it have been satisfactory at any former period. The Court of Madrid had repeatedly been informed, that his Majesty could not be satisfied without being made completely acquainted with the relation in which Spain stands with France, in order to be enabled to judge, upon a full view of all the circumstances, in what relation he could consent to consider Spain as standing with respect to Great Britain.

In reply to several observations which fell from Chevalier d'Anduaga, that assurances had been given as to the amount of the subsidy, which was stated to be only an equivalent for military succours; as to the contents of the treaty with France, which was alleged to contain nothing injurious to Great Britain; as to the innocent destination of any armaments which might be made; as to the decided intention of his Catholic Majesty to preserve the strictest neutrality; and as to the injustice of any suspicions which could attach to Spanish honour and veracity. I assured him, in return, that both the government and the nation had the highest value and respect for Spanish honour and veracity; but that we had too much ground from experience to be slow in trusting the ability of Spain to act up to the honourable and independent principles by which her conduct would naturally be guided. That I sincerely wished the armament in question might prove to have been really, as he had endeavoured to represent them, only the consequence of an order given under the pressure of necessity, for the purpose of transporting troops to subdue the revolters in Biscay; but that if this were really the

intention of the order, it was a British minister at Madrid conveyed the explanation of its existence. That it was singular that they should not have been received at Ferrol on given at Madrid some days information from his Court to state upon this subject, and upon his own earnest request to prevent a rupture between which made this explanation by expressing my fears, the influence which had unfavourable attention to their real interests would probably be persisted that the moderation and for the Spanish minister bore the reasonable means of accommodation with himself to be the instrument of a greater degree of harmony: on the one side and a jealousy on the other. I have nothing to report from you what passed by Admiral Cochrane to the ships the *Amphion* and *Inde* received, I have nothing to

P.S. Since this was written I have received from the ships the *Amphion* and *Inde* I am, &c

A List of all the Spanish

La Conception, 120 guns, in
La Prince d'Asturia, 120 guns, in
La Mexicano, 120 guns, in
La St. Fernando, 90 guns, in
La Neptuno, 64 guns, rigged
La Monarca, 74 guns, ditto
La St. Augustin, 74 guns, ditto
La St. Juan Nepanescono, 74
La Montanes, 74 guns, thirt
La St. Yldefonso, 74 guns, th
La St. Francisco d'Asis, 74 g
La St. Felino, 74 guns, sails
La St. Fulgencia, 64 guns, oi
L'Oriente, 74 guns, ditto, bu
La St. Julian, 64 guns, ditto
L'Esmaralda, 44 guns, - Fri

ecessary precaution; and he had
 means of his enemies, as to
 se of France. I expressed in
 valuable lives in the conflict,
 ed one of the Spanish frigates
 ntrovert his observation,
 they were met by so equal a
 at although it was hoped the
 e so inferior to his Majesty's
 etained without violence, yet
 ation might be disappointed,
 d to incur the hazard of what
 e Spanish minister, in what
 dered? I replied, in the same
 nces upon former occasions.
 ble attention, and the treasure
 h orders as the issue of the
 o his Majesty to require.
 desired to know whether
 her explanation, and placing
 it was certainly by no means
 sh of his Majesty, that such
 e court of Madrid, respecting
 ll other subjects of discussion
 ain an amicable intercourse
 inct and permanent footing.
 en, (replied M. d'Anduaga,)
 d, that such an explanation
 factory at any former period.
 at his Majesty could not be
 the relation in which Spain
 upon a full view of all the
 nder Spain as standing with

Chevalier d'Anduaga, that
 which was stated to be only
 e treaty with France, which
 s to the innocent destination
 ed intention of his Catholic
 : injustice of any suspicions
 red him, in return, that both
 respect for Spanish honour
 ience to be slow in trusting
 ependent principles by which
 he wished the armament in
 ired to represent them,
 e necessity, for the purpose
 at that if this were really the

intention of the order, it was inconceivable, that no notice should have been given to the British minister at Madrid, or to the admiral off the Port of Ferrol, who might have conveyed the explanation of the armament at the same moment with the news of its existence. That it was singular if ships of the line were to be used for this purpose, that they should not have been equipped merely as transports. That although the orders were received at Ferrol on the 7th of last month, and must consequently have been given at Madrid some days earlier, yet up to this moment he was possessed of no direct information from his Court, was authorized to give me no explanation, and was reduced to state upon this subject, his own conjecture, founded upon imperfect intelligence, and upon his own earnest wishes to explain the transaction in a manner calculated to prevent a rupture between the two countries. Having dwelt upon the various grounds which made this explanation improbable and unsatisfactory, I concluded the conversation by expressing my fears, that the orders would be found to have proceeded from that influence which had unfortunately so long diverted the Spanish councils from an attention to their real interest and dignity; that the measure, if dictated by that influence, would probably be persisted in; and that a breach would then become inevitable; but that the moderation and forbearance of his Majesty's conduct hitherto, (to which the Spanish minister bore the fullest testimony,) would be a sufficient security, that no reasonable means of accommodation would be rejected; and I should be equally desirous with himself to be the instrument of re-establishing between our respective countries a greater degree of harmony and cordiality than could exist between a nominal neutrality on the one side and a jealous forbearance on the other. - I am in daily expectation of hearing from you what passed at Madrid upon the receipt of the communication made by Admiral Cochrane to the Spanish Governor off Ferrol: until that information is received, I have nothing to add to my former instructions.

P.S. Since this was written, an account was received of the arrival of his Majesty's ships the *Amphion* and *Indefatigable*, with the Spanish frigates the *Medea* and *Clara*.

I am, &c

HARROWBY

A List of all the Spanish Ships of War in the Port of Ferrol, October 1804

La Conception, 120 guns, in good order, without masts; guns all on board, in the Arsenal
La Prince d'Asturia, 120 guns, newly repaired, ditto, ditto, ditto
La Mexicano, 120 guns, in good order, ditto, ditto, ditto
La St. Fernando, 90 guns, an old Ship newly repaired, ditto, ditto
La Neptuno, 64 guns, rigged, and in good order, in the Arsenal - complete
La Monarca, 74 guns, ditto, ditto, ditto
La St. Augustin, 74 guns, ditto, ditto - sails fast. - Old Ship - ditto
La St. Juan Nepanesceno, 74 guns, just out of Dock - In good order
La Montanes, 74 guns, thirteen years old
La St. Yldefonso, 74 guns, thirteen years old
La St. Francisco d'Asis, 74 guns, in Dock, and has had a thorough repair
La St. Felino, 74 guns, sails very fast. - Old, but in good order
La St. Fulgencia, 64 guns, old, but in good order
L'Oriente, 74 guns, ditto, but in order for Service
La St. Julian, 64 guns, ditto, ditto
L'Esmaralda, 44 guns, - Frigate

to any of his Majesty's subjects be permitted to enter and clear out for any of the ports of Spain, until further orders. And his Majesty is further pleased to order, that a General Embargo or Stop be made of all Spanish Ships and Vessels whatsoever, now within, or which hereafter shall come into any of the ports, harbours or roads, within the United Kingdom of Great Britain and Ireland, together with all persons and effects on board the said Ships and Vessels; but that the utmost care be taken for the preservation of all and every part of the cargoes on board any of the said Ships, so that no damage or embezzlement whatever be sustained.

S. COTTRELL

Declaration of War Against Spain

At the Court at the Queen's Palace, the 11th of January, 1805, Present, the King's Most Excellent Majesty in Council

Whereas his Majesty has received information that the King of Spain has issued a Declaration of War against his Majesty, his Subjects, and People; his Majesty, therefore, being determined to take such measures as are necessary for vindicating the honour of his Crown, and for the vigorous prosecution of the War in which he finds himself engaged, is pleased, by and with the advice of his Privy Council, to order, and it is hereby ordered, that General Reprisals be granted against the Ships, Goods, and Subjects of the King of Spain, so that as well his Majesty's Fleets and Ships, as also all other Ships and Vessels that shall be commissioned, by Letters of Marque, or General Reprisals, or otherwise, by his Majesty's Commissioners for executing the Office of Lord High Admiral of Great Britain, shall and may lawfully seize all Ships, Vessels, and Goods belonging to the King of Spain, or his Subjects, or others inhabiting within the territories of the King of Spain, and bring the same to judgment in any of the Courts of Admiralty within his Majesty's dominions . . .

Westminster, January 15, 1805

This day his Majesty came to the House of Peers, and being, in his royal robes, seated on the Throne with the usual solemnity, Sir Francis Molyneux, Gentleman Usher of the Black Rod, was sent with a message from his Majesty to the House of Commons, commanding their attendance in the House of Peers. The Commons being come thither accordingly, his Majesty was pleased to make the following most gracious Speech:

"My Lords, and Gentlemen

Since the end of the last session, the preparations of the enemy for the invasion of this kingdom have been continued with incessant activity; but no attempt has been made to carry their repeated menaces into effect.

The skill and intrepidity of my Navy, the respectable and formidable state of my Army and Militia, the unabated zeal and improved discipline of a numerous Volunteer Force, and the general ardour manifested by all classes of my Subjects, have, indeed, been sufficient to deter them from so presumptuous and desperate an enterprize. While this spirit continues to animate the country, and its voluntary exertions for its own defence subsist in their full vigour, we need not fear the consequences of the most powerful efforts on the part of the enemy: but let us never forget that our security has arisen from the resolution with which we have met and provided against the danger, and that it can be preserved only by steady perseverance and unremitting activity.

The conduct of the Court of Spain, evidently under the predominant influence

and control of France, com against the effect of hostility possible, to prevent the necessary explanation, my by Spain against this count

I have directed a copy o occasion, to be laid before yo discussions which have take trust, be convinced by them which the interests of my d Spain, involved in hostiliti your vigorous support in a prevalence of French couns

The general conduct o been marked by the utmost the rights of neutral territor and of the established princ

Notwithstanding these and justice, I have recently containing professions of a earnest desire to embrace t such grounds as may be c Dominions; but I am confi connected with the general enter into any more particul Powers on the Continent, connexion, with a view to Russia, who has given the which he is animated, and o of Europe."

Declaration

From 'The Lon

From the moment that Hos a sufficient ground of War followed from the Treaty o

The Treaty in fact ide by a virtual acknowledgme unconditional offence.

By the articles of that Naval and Military Force fc might think proper to enga inquire into the nature, orig a contingent of Troops and of the means at her disposal insufficient for the purpose activity the utmost force, l

clear out for any of the ports
ceased to order, that a General
whatsoever, now within, or
or roads, within the United
persons and effects on board
en for the preservation of all
Ships, so that no damage or

S. COTTRELL

Spain

1805, *Present, the King's*

King of Spain has issued a
people; his Majesty, therefore,
for vindicating the honour of
r in which he finds himself
Council, to order, and it is
Ships, Goods, and Subjects
Ships, as also all other
of Marque, or General
for executing the Office of
ly seize all Ships, Vessels, and
others inhabiting within the
gment in any of the Courts of

805

ing, in his royal robes, seated
lyneux, Gentleman Usher of
y to the House of Commons,
Commons being come thither
g most gracious Speech:

the enemy for the invasion of
ity; but no attempt has been

le and formidable state of my
line of a numerous Volunteer
of my Subjects, have, indeed,
esperate an enterprize. While
luntary exertions for its own
ne consequences of the most
er forget that our security has
provided against the danger,
and unremitting activity.

predominant influence

and control of France, compelled me to take prompt and decisive measures to guard against the effect of hostility. I have, at the same time, endeavoured, as long as it was possible, to prevent the necessity of a rupture, but, in consequence of the refusal of a satisfactory explanation, my minister quitted Madrid, and war has since been declared by Spain against this country.

I have directed a copy of the manifesto, which I have caused to be prepared on this occasion, to be laid before you, together with such papers as are necessary to explain the discussions which have taken place between Me and the Court of Madrid. You will, I trust, be convinced by them, that my forbearance has been carried to the utmost extent which the interests of my dominions would admit; and, while I lament the situation of Spain, involved in hostilities contrary to its true interests, I rely with confidence on your vigorous support in a contest which can be attributed only to the unfortunate prevalence of French counsels.

The general conduct of the French Government on the continent of Europe, has been marked by the utmost violence and outrage, and has shown a wanton defiance of the rights of neutral territories, of the acknowledged privileges of accredited ministers, and of the established principles of the law of nations.

Notwithstanding these transactions, so repugnant to every sentiment of moderation and justice, I have recently received a communication from the French Government, containing professions of a pacific disposition. I have, in consequence; expressed my earnest desire to embrace the first opportunity of restoring the blessings of peace on such grounds as may be consistent with the permanent safety and interests of my Dominions; but I am confident you will agree with Me, that those objects are closely connected with the general security of Europe; I have, therefore, not thought it right to enter into any more particular explanation without previous communication with those Powers on the Continent, with whom I am engaged in confidential intercourse and connexion, with a view to that important object, and especially with the Emperor of Russia, who has given the strongest proofs of the wise and dignified sentiments by which he is animated, and of the warm interest he takes in the safety and independence of Europe."

Declaration on the Causes of the War With Spain
From 'The London Gazette,' 26th January, 1805. XIII 138-143

From the moment that Hostilities had commenced between Great Britain and France, a sufficient ground of War against Spain, on the part of Great Britain, necessarily followed from the Treaty of St. Ildephonso, if not disclaimed by Spain.

The Treaty in fact identified Spain with the Republican Government of France, by a virtual acknowledgment of unqualified vassalage, and by specific stipulations of unconditional offence.

By the articles of that Treaty, Spain covenanted to furnish a stated contingent of Naval and Military Force for the prosecution of any War in which the French Republic might think proper to engage. She specifically surrendered any right or pretension to inquire into the nature, origin, or justice of that War. She stipulated, in the first instance, a contingent of Troops and Ships, which, of itself, comprised no moderate proportion of the means at her disposal; but in the event of this contingent being at any time found insufficient for the purposes of France, she further bound herself to put into a state of activity the utmost force, both by Sea and Land, that it should be in her power to

collect. She covenanted that this Force should be at the disposal of France, to be employed conjointly or separately for the annoyance of the common enemy; thus submitting her entire power and resources to be used as the instruments of French ambition and aggression, and to be applied in whatever proportion France might think proper, for the avowed purpose of endeavouring to subvert the government, and destroy the national existence of Great Britain.

The character of such a Treaty gave Great Britain an incontestable right to declare to Spain, that unless she decidedly renounce the Treaty, or give assurances that she would not perform the obligations of it, she would not be considered as a neutral power.

This right, however, for prudential reasons, and from motives of forbearance and tenderness towards Spain, was not exercised in its full extent; and, in consequence of assurances of a pacific disposition on the part of the Spanish Government, his Majesty did not, in the first instance, insist on a distinct and formal renunciation of the Treaty. It does not appear that any express demand of succour had been made by France before the month of July One Thousand Eight Hundred and Three; and on the first notification of the War, his Majesty's Minister at Madrid was led to believe, in consequence of communications which passed between him and the Spanish Government, that his Catholic Majesty did not consider himself as necessarily bound by the mere fact of the existence of a War between Great Britain and France, without subsequent explanation and discussion, to fulfil the stipulations of the Treaty of St. Ildephonso, though the articles of that Treaty would certainly give rise to a very different interpretation. In the month of October a Convention was signed, by which Spain agreed to pay France a certain sum monthly in lieu of the Naval and Military succours which they had stipulated by the Treaty to provide; but of the amount of this sum, or of the nature of any other stipulations which that convention might contain, no official information whatever was given.

It was immediately stated by his Majesty's Minister at Madrid to the Spanish Government, that a subsidy as large as that which they were supposed to have engaged to pay to France, far exceeded the bounds of forbearance; that it could only meet with a temporary connivance; as, if it was continued, it might prove in fact a greater injury than any other hostility. In reply to these remonstrances, it was represented as an expedient to gain time, and assurances were given which were confirmed by circumstances, which came to his Majesty's knowledge from other quarters, that the disposition of the Spanish Government would induce them to extricate themselves from this engagement, if the course of events should admit of their doing so with safety.

When his Majesty had first reason to believe that such a convention was concluded, he directed his Minister at Madrid to declare that his forbearing to consider Spain as an enemy must depend in some degree upon the amount of the succours, and upon her maintaining a perfect neutrality in all other respects; but that it would be impossible for him to consider a permanent payment, to the amount of that which was stated to have been in agitation, in other light than as a direct subsidy of War. His Majesty's Envoy was directed, therefore, first to protest against the Convention, as a violation of neutrality, and a justifiable cause of War; secondly, to declare, that our abstaining from hostilities must depend upon its being only a temporary measure, and that we must be at liberty to consider a perseverance in it as a cause of War; thirdly, that the entrance of any French Troops into Spain must be refused; fourthly, that any Naval preparation must be a great cause of jealousy, and any attempt to give Naval assistance to France an immediate cause of War; fifthly, that the Spanish Ports must remain open to our Commerce, and

that our Ships of War must have Minister was also instructed, if authentic information of any Naval force were to leave Madrid, and give immediate notice to proceed to hostilities without the

The execution of these instructions his Majesty's Minister told Mr. C. whether he was authorised to demand such pecuniary succours to France, or whether he was authorised to declare that the execution of such succours would be the infallible consequence.

It was, however, still thought a prudent decision of this question; and it was determined at Madrid, that as the subsidy was only a temporary measure, his Majesty's decision in this respect must be subject to the stipulations between Spain and Great Britain, and determined to cause their neutralities in these questions were answered. When communicated to him, he could not refuse pecuniary succours a cause of War.

Before the receipt of these instructions his Majesty's Minister at Madrid, in his correspondence with the Government, declared that if he had any other declaration than what he had received from the Government were at first of a temporary nature, he would not correspond on his part by a declaration that all further forbearance would be a cessation of all Naval armaments, and unless these points were agreed to at Madrid. On the second of the month of July he issued accordingly; on the first of the month of August the question about disclosing the Treaty was discussed. As however no Naval preparations were made in Spain, the matter was allowed to pass.

In the month of July One Thousand Eight Hundred and Three Spain gave assurances of faith to Great Britain, that she would not arm in their Ports; yet, in the month of August, and a confident reliance repose upon the Admiral commanding the reinforcements of Soldiers and Ships at Toulon and Ferrol. On this subject his Majesty's Ministers, but no answer was received till the month of September, information was received from off Ferrol, that orders had been given to act without loss of time, at that Port, to send off Vessels; that (according to his Majesty's Ministers) and Cadiz, and particularly the

the disposal of France, to be
of the common enemy; thus
as the instruments of French
proportion France might think
rt the government, and destroy

an incontestable right to declare
ty, or give assurances that she
e considered as a neutral power.
om motives of forbearance and
extent; and, in consequence of
nish Government, his Majesty
nal renunciation of the Treaty.
ad been made by France before
ree; and on the first notification
to believe, in consequence of
spanish Government, that his
found by the mere fact of the
it subsequent explanation
st. Ildephonso, though the
ifferent interpretation. In the
Spain agreed to pay France
ry succours which they had
f this sum, or of the nature of
tain, no official information

er at Madrid to the Spanish
ere supposed to have engaged
that it could only meet with a
prove in fact a greater injury
ces, it was represented as an
which were confirmed by
from other quarters, that the
them to extricate themselves
it of their doing so with safety.
a convention was concluded,
earing to consider Spain as an
f the succours, and upon her
that it would be impossible for
that which was stated to have
of War. His Majesty's Envoy
ion, as a violation of neutrality,
ur abstaining from hostilities
d that we must be at liberty to
at the entrance of any French
eparation must be a great
to France an immediate
open to our Commerce, and

that our Ships of War must have equal treatment with those of France. His Majesty's Minister was also instructed, if any French Troops entered Spain, or if he received authentic information of any Naval armaments preparing for the assistance of France, to leave Madrid, and give immediate notice to our Naval Commanders, that they might proceed to hostilities without the delay that might be occasioned by a reference home.

The execution of these instructions produced a variety of discussions; during which his Majesty's Minister told Mr. Cevallos, in answer to his question, whether a continuance of such pecuniary succours to France would be considered as a ground of War, and whether he was authorised to declare it? that he was so authorised, and that War would be the infallible consequence.

It was, however, still thought desirable by his Majesty to protract, if possible, the decision of this question; and it was therefore stated in the instructions to his Minister at Madrid, that as the subsidy was represented by the Spanish Government to be merely a temporary measure, his Majesty might still continue to overlook it for a time; but that his decision in this respect must depend upon knowing the precise nature of all the stipulations between Spain and France, and upon the Spanish Government being determined to cause their neutrality to be respected in all other particulars. That until these questions were answered in a satisfactory manner, and the Convention communicated to him, he could give no positive answer whether he would make the pecuniary succours a cause of War or not.

Before the receipt of these instructions, dated January 21, 1804, the report of some naval armaments in the Ports of Spain had occasioned a fresh correspondence between his Majesty's Minister and the Spanish Government. In one of the notes presented by the former, he declares, that if the King was forced to begin a War, he would want no other declaration than what he had already made. The answers of the Spanish Government were at first of an evasive nature; his Majesty's Minister closed the correspondence on his part by a note delivered on the Eighteenth of February, in which he declares that all further forbearance on the part of England must depend upon the cessation of all Naval armaments, and a prohibition of the sale of Prizes in their Ports: and unless these points were agreed to without modification, he had orders to leave Madrid. On the second of these points a satisfactory answer was given, and orders issued accordingly; on the first, a reference was made to former Declarations. To the question about disclosing the Treaty with France, no satisfactory answer was ever given. As however no Naval preparations appeared to be proceeding at that period in the Ports of Spain, the matter was allowed to remain there for a time.

In the month of July One Thousand Eight Hundred and Four, the Government of Spain gave assurances of faithful and settled neutrality, and disavowed any orders to arm in their Ports; yet, in the subsequent month, when these assurances were recent, and a confident reliance reposed in them, the British *Chargé d'Affaires* received advices from the Admiral commanding his Majesty's Ships off the Port of Ferrol, that reinforcements of Soldiers and Sailors had arrived through Spain for the French Fleets at Toulon and Ferrol. On this intelligence two Notes were presented to the Spanish Ministers, but no answer was received to either of them. Towards the end of the month of September, information was received in London from the British Admiral stationed off Ferrol, that orders had actually been given, by the Court of Madrid, for arming, without loss of time, at that Port, four Ships of the Line, two Frigates, and other smaller Vessels; that (according to his intelligence) similar orders had been given at Carthagena and Cadiz, and particularly that three First Rate Ships of the Line were directed to sail

from the last-mentioned Port; and, as an additional proof of hostile intentions, that orders had been given to arm the Packets as in time of War.

Here then appeared a direct and unequivocal violation of the terms on which the continuance of Peace had been acquiesced in; previous notice having been given to the Spanish Government, that a state of War would be the immediate consequence of such a measure, his Majesty on this event stood almost pledged to an instant commencement of hostilities: the King, however, preferred a persevering adherence to the system of moderation so congenial to his disposition: he resolved to leave still an opening for accommodation, if Spain should be still allowed the liberty to adopt the course prescribed by a just sense of her own interests and security. It is here worthy of remark, that the groundless and ungrateful imputations thrown out against his Majesty's conduct in the Spanish Manifesto are built upon the foundation of this forbearance alone. Had his Majesty exercised, without reserve, his just rights of War, the representations so falsely asserted, and so insidiously dwelt upon, could not have been even stated under any colourable pretext: the indulgence, therefore, which postponed the actual state of War, was not only misrepresented, but transformed into a ground of complaint, because the forbearance extended to the aggressors was not carried to a dangerous and inadmissible extreme. In consequence of the intelligence above stated, directions were sent to his Majesty's Minister at Madrid to make representations and remonstrances to the Spanish Court, to demand explanations relative to the existing conventions between Spain and France; and, above all, to insist, that the Naval armaments in their Ports should be placed on the same footing as they were previously to the commencement of hostilities between Great Britain and France. And he was further directed, explicitly to state to the Spanish Government, that his Majesty felt a duty imposed upon him of taking, without delay, every measure of precaution; and, particularly, of giving orders to his Admiral off the Port of Ferrol to prevent any of the Spanish Ships of War sailing from that Port, or any additional Ships of War from entering it.

No substantial redress, no satisfactory explanation, was afforded in consequence of these repeated representations; whilst, under the cover of his Majesty's forbearance, the enemy had received considerable remittances of treasure, together with the facility of procuring other supplies.

Every circumstance of the general conduct of Spain was peculiarly calculated to excite the vigilant attention of the British Government - the removal of Spanish Ships out of their docks, to make room for the accommodation of the Men of War of France - the march of French Troops and Seamen through the Spanish Territory - the equipment of Naval armaments at Ferrol - the consideration that the junction of this armament with the French Ships already in that Harbour would create a decided superiority of numbers over his Majesty's Squadron cruising off that Port - the additional Naval exertions, and the consequent increase of expense which this conduct of Spain necessarily imposed upon Great Britain. All these together required those precautions, both of representation and action, to which his Majesty had immediate recourse. While official notice was given of his Majesty's intention to adopt those necessary measures, the Spanish Government was, at the same time, assured that his Majesty still felt an earnest desire to maintain a good understanding with Spain; but that the continuance of such a state of things must be subject to the condition of abstaining, on their part, from all hostile preparations, and on making, without hesitation or reserve, that full and explicit disclosure of the nature and extent of the subsisting engagements with France, which had hitherto been so frequently and so fruitlessly demanded.

The precautions adopted by necessary to guard against the au during the discussion, and again expected American treasure in former times, become the commencement of hostility on

The orders issued by his M Fleets, afford the most striking most strict limitation was given and the execution of those ord by every means consistent with hostility against the Dominion preparations in the Harbour of a reinforcement should be add were at the same time conveyed Government of the instructi in consequence, to resist, und French or Spanish Fleets, if at of them.

His Majesty's pleasure was in the first instance, any Ship b Spain; but to require the Comr whence she came; and only, in tl to detain and send her to Gibra

Further directions were gi of War, unless they should have however laden, on any account of precaution, many valuable l regret to his Majesty, who la concurrence of circumstances case. The question of the just upon every foundation of the l the adoption of such measur of aggression.

It remains only further to wisdom and necessity of preca declaration relied upon in the l itself to have contemplated, fr itself a party to it, in support "Spain and Holland, who treat and political relations were so refrained from taking part agai

It will further appear, b representations made by his M detention of the Spanish Th which preceded his depart has since been so much hostile character so

of hostile intentions, that

of the terms on which the
 ice having been given to the
 mediate consequence of such
 an instant commencement
 adherence to the system of
 to leave still an opening for
 to adopt the course prescribed
 : worthy of remark, that the
 his Majesty's conduct in the
 forbearance alone. Had his
 he representations so falsely
 been even stated under any
 oned the actual state of War,
 id of complaint, because the
 dangerous and inadmissible
 directions were sent to his

onstrances to the Spanish
 tions between Spain and
 its in their Ports should be
 commencement of hostilities
 irected, explicitly to state to
 posed upon him of taking,
 arly, of giving orders to his
 h Ships of War sailing from

s afforded in consequence of
 f his Majesty's forbearance,
 re, together with the facility

was peculiarly calculated to
 ie removal of Spanish Ships
 f the Men of War of France
 sh Territory - the equipment
 : junction of this armament
 ate a decided superiority of
 Port - the additional Naval
 conduct of Spain necessarily
 l those precautions, both of
 iate recourse. While official
 essary measures, the Spanish
 ty still felt an earnest desire
 continuance of such a state
 n their part, from all hostile

, that full and explicit
 ents with France, which
 :d.

The precautions adopted by his Majesty were such only as he deemed indispensably necessary to guard against the augmentation by Spain of her means of Naval preparation during the discussion, and against the possible consequences of the safe arrival of the expected American treasure in the Spanish Ports: an event which has more than once, in former times, become the epoch of the termination of discussions, and of the commencement of hostility on the part of Spain.

The orders issued by his Majesty on this occasion to the Admirals commanding his Fleets, afford the most striking example of a scrupulous and indulgent forbearance; the most strict limitation was given, as to the extent and object of the measures proposed; and the execution of those orders was guarded with the strongest injunctions to avoid, by every means consistent with the attainment of their object, any act of violence or hostility against the Dominions or Subjects of his Catholic Majesty. The hostile preparations in the Harbour of Ferrol rendered it necessary, in the first instance, that a reinforcement should be added to the Squadron cruising off that Port; and orders were at the same time conveyed to the British Admirals, to send intimation to the Spanish Government of the instructions they had received, and of their determination, in consequence, to resist, under the present circumstances, the sailing either of the French or Spanish Fleets, if any attempt for that purpose should be made by either of them.

His Majesty's pleasure was at the same time signified, that they were not to detain, in the first instance, any Ship belonging to his Catholic Majesty, sailing from a Port of Spain; but to require the Commander of such Ship to return directly to the Port from whence she came; and only, in the event of his refusing to comply with such requisition, to detain and send her to Gibraltar or to England.

Further directions were given not to detain any Spanish homeward-bound Ships of War, unless they should have treasure on board; nor Merchant Ships of that Nation, however laden, on any account whatsoever. That, in the prosecution of those measures of precaution, many valuable lives should have been sacrificed, is a subject of much regret to his Majesty, who laments it as an event produced alone by an unhappy concurrence of circumstances, but which can in no degree affect the merits of the case. The question of the just principle and due exercise of his Majesty's rights rests upon every foundation of the laws of nature and of nations, which enjoin and justify the adoption of such measures as are requisite for defence, and the prevention of aggression.

It remains only further to observe, that if any additional proof were requisite of the wisdom and necessity of precautionary measures, that proof would be found even in the declaration relied upon in the Manifesto of Spain, in which its Government now states itself to have contemplated, from the beginning of the War, the necessity of making itself a party to it, in support of the pretensions of France, expressly declaring, that "Spain and Holland, who treated conjointly with France at Amiens, and whose interests and political relations were so closely connected with her, must have with difficulty refrained from taking part against the injuries and insults offered to their ally."

It will further appear, by a reference to the dates and results of the several representations made by his Majesty's *Chargé d'Affaires* at the Court of Spain, that the detention of the Spanish Treasure ships never was in question during the discussions which preceded his departure from Madrid. That ground of complain therefore, which has since been so much relied upon, formed no part of the motive of the previous hostile character so strongly manifested by the Spanish court in their mode of treating

80
 the points in discussion, nor (as will appear in the sequel) of the final rupture of Negotiation at Madrid.

On the Twenty-sixth of October, One Thousand Eight Hundred and Four, his Majesty's *Chargé d'Affaires* presented a Note to the Spanish Minister, in which the following conditions were insisted upon as preliminary to the appointment of a Minister from Great Britain, who might treat of the adjustment of other matters which remained for discussion. The conditions were three. First, that the orders given at Ferrol, Cadiz, and Carthagea, should be countermanded, as well for the equipment of Ships of War in any of those Ports, as for their removal from one of those Ports to another. Secondly, that not only the present armaments should be discontinued, but that the establishment of ships of War in the different Ports should be replaced on the footing on which they stood at the commencement of hostilities between England and France. Thirdly, that a full disclosure should be made of the existing engagements, and of the future intentions of Spain with respect to France. From the period above mentioned to the Second of November, several official Notes passed between his Majesty's *Chargé d'Affaires* and the Spanish Minister, consisting, with little variation in their tenor, of urgent demands of satisfaction on the one side, and of evasive and unsatisfactory replies on the other. After repeated delays and reiterated applications, his Majesty's *Chargé d'Affaires* received his Passports on the Seventh of November, and departed from Madrid on the Fourteenth of that month. During the whole of this Negotiation no mention was made of the detention of the Spanish Treasure Ships, nor does it any where appear that an account had been received at Madrid of that transaction. It is evident therefore, notwithstanding the attempt made by the Spanish Court to avail itself of that event, in the Manifesto which has been since published, that the state of War must equally have arisen between Great Britain and Spain, had the detention never taken place, and that, in point of fact, the rupture ultimately took place upon grounds distinct from, and totally unconnected with, that measure.

The leading circumstances which characterise the reiterated abuse of his Majesty's moderation, were each of them of a nature to have exhausted any less settled system of lenity and forbearance. Succours afforded to his enemies; explanations refused or evaded after repeated demands; conditions violated, after distinct notice that on them depended the continuance of Peace. Such has been the conduct of the Spanish Court; and it is, under these circumstances, that his Majesty finds the domineering influence of France exerted, and the Spanish Nation in a state of declared and open War.

His Majesty appeals with confidence to all Europe for the acknowledgment of his exemplary moderation in the whole course of these transactions. His Majesty feels with regret the necessity which places him in a state of hostility with Spain; and would with heartfelt satisfaction observe, on the part of that country, the assumption of a more dignified sense of national importance, and a more independent exercise of Sovereign rights.

His Majesty would indeed be most happy to discover in the Councils of Spain a reviving sense of those ancient feelings and honourable propensities which have at all times been so congenial to the Spanish Character, and which, in better times, have marked the conduct of its Government. His Majesty will, on his part, eagerly embrace the first opportunity, thus offered, of resuming a state of Peace and Confidence with a Nation which has so many ties of common interest to connect it with Great Britain, and which he has hitherto been ever disposed to regard with sentiments of the utmost consideration and esteem.

Downing Street, January 1805

1805

PITT'S EFFORTS TO FORM A ' hampered by the attack c Spanish declaration of wa assured of Austrian supp Russia on 19 January 1805 the action taken against S On 11 April 1805, howev declaring himself an Em Sweden joined the coalitic

Other news during tl Mediterranean Fleet that Dey of Algiers, who adm. Americans were less fortu from which place capture included a justification of protect American estuarial the French fleet, accounts of the British fleet provid

An interesting insert is privateers, for which wi supported by what appear of the French ship.

In April there openec irregularities in the handli was Treasurer of the Nav political reasons, but also *The Naval Chronicle*. In t been devoted to the im Whitbread against Lord N