

## **ANNEX 8**

**RODNEY CARLISLE, PH. D.**

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Portland Place ce 26 octobre  
1804

L.J.S.  
Le Chevalier d'Anduaga présente ses respects à Son Excellence  
le Lord Harrowby. Il s'empresse de rappeler à S.E. ce qu'il a eu  
l'honneur de lui exprimer verbalement au sujet des trois fregates  
de S.M. Cath. détenues dans les ports de Portsmouth et de Plymouth.  
Le Gouvernement Britannique ayant déclaré qu'il regardait les huit  
fregates comme simplement détenues, le Chev<sup>z</sup> d'Anduaga avertit de  
son devoir de priser S.S. d'engager le Gouvernement de S.M.B. à ne  
pas perdre de vue cette déclaration, et à s'y conformer dans les différents  
arrangements qu'il pourra prendre relativement aux huit fregates  
officiers et matelots espagnols.

C'est dans cette vue que le Chev<sup>z</sup> d'Anduaga a proposé à S.E.  
que dans le cas où le Ministère Britannique ordonnera que l'argent  
qui est à bord des trois fregates soit déposé, cette opération ait lieu  
en présence du Comité Général d'Espagne et des personnes que nommera  
à cet effet le Commandant Espagnol D<sup>r</sup> Trost ou Bustamante.

C'est pour la même raison qu'il a demandé à S.E. que l'administration  
des fonds destinés à subvenir aux besoins des officiers et de l'équipage  
espagnol, ainsi que celle de l'argent appartenant à ces individus  
continue à être exercée par les mêmes personnes qui en étaient  
chargées avant l'affaire du 5 octobre enfin qu'on ait pour les  
officiers et matelots espagnols tous les égards que l'on doit à des

*d'un Gouvernement neutre et qui fait sous la garde des gens.*

**THOUGHTS**  
ON THE  
ORDER TO DETAIN THE  
**SPANISH FRIGATES.**

THOUGHTS  
ON THE  
ORDER TO DETAIN THE  
*SPANISH FRIGATES.*

— Pone tecum arena modumque,  
Pone et avaritiae; niggitione impune sociorumque.  
Tissa vides regum regnus extasuta modulis.  
Reipice quid inaneant leges.

JOVENALIS, SATIRA VIII.

By HENRY MADDOCK,  
BARRISTER AT LAW;

Author of "THE POWER OF PARLIAMENTS CONSIDERED"

LONDON:  
Printed by J. BREWER, Marshall-Street, Golden-Square,

FOR J. GINGER, BOOKSELLER TO HIS ROYAL HIGHNESS THE  
PRINCE OF WALES, 109, PICCADILLY.

1805.

2022

hostilities. There were negotiations between the two countries, and it was not till the middle of December, that she made an express declaration of war."

Will posterity praise or condemn our conduct? If it be consonant to the *Law of Nations*, and if also it was a measure that was *expedient*, it will assuredly meet with applause; but if it was an unjust measure, and expressly in the teeth of the acknowledged law of nations, then will it meet with merited execration; for never can that be expedient, which is unjust. It will be my task to state the law of nations, as it is found in the most approved codes, and apply it to the facts I have stated, and this I shall do under no other influence, than that of a sacred love of truth, and an unaffected attachment to the essential interests, the prosperity and honor of my country. The question then seems shortly this, Can such a seizure of ships on the high seas, belonging to a state with whom we are maintaining the relations of peace, be justified by the law of nations?

It is not pretended that the Spanish ships were seized on account of violation by them of the right of search. Capt. Moore did not make any pretence of a desire to search the ships; the only words he spoke to the Spanish Commander were those I have already mentioned. He told him, "that his orders were to detain the squadron," consequently the much-contested right of search, formed no part of the ground on which the ships were detained. It is therefore unnecessary to expatiate in that wide field of discussion; a discussion, which if there be any justice in it, is not closed as to Spain, inasmuch as Spain was no party to the late treaty on that subject.

It is also not pretended to be a defense to seize on letters of Marque and Reprisal. These letters, according to the Statute of Henry V. could only be granted to persons *actually grieved*, and though this proposition is certainly now not true *after war* is declared, yet *before* war is declared, letters of marque and reprisal are only granted to *Privateers* or *Merchants*,