### **ANNEX 14**

RODNEY CARLISLE, PH. D.

it. Brut. Foreign aspice

## PAPERS

HELATIVE TO THE

## DISCUSSION WITH SPAIN

In 1802, 1803, and 1804.

LONDON

Frinted by A. STRAHAH, Printers-Street. 1803.

Hesitation, that, although it was hoped the Treasure might have been brought in single Ships, of a Force so inserior 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 suture, and respect-

Amphion and Indefatigable, with the Spanish Frigates, the Medea and the Clara.

I am, &c.

(Signed) HARROWBY.

B. Frere, Efq.

No. 45.

Dispatch from B. Frere Esquire to Lord Harrowby, dated Escurial, 27th October 1804.

My Lord,

WOUR Lordship's Dispatches No. 1. and 2. were delivered to me by the Messenger Smith, on the Night of the 18th, in consequence of which I lost no Time in coming down to the Escurial, where the Court are resident at present, and having demanded an Audience of M. Cevallos, which he gave me on the 21st, I told him that I believed he would find by his Letters from England, that the Sensation which the late unexpected Armament at Ferrol had caused there, had been by no Means over-rated in the Note which I had addressed to him upon the Subject some Weeks ago; that I was now charged to declare to him formally His Majesty's Surprize and Concern at such a Measure having been adopted, without any previous Communication to Him, and unaccompanied by any Explanations of its Object; and to require the immediate Recall of all Orders which might have been given at Ferrol or elsewhere, for increasing

#### (Translation of No. 48.)

My Lord, Portland Place, 11th Nov. 1804.

YOUR Excellency will doubtless have already
learned the Arrival at Portsmouth of the
Spanish Frigate Mathilde, which was detained on
the 23d October, and carried into the above
named Port on the 8th Instant by the Medusa.

The Circumstances of this new Instance of Detention, of which I have been informed by the Spanish
Captain's Report, only tender more odious the
Effects of that Order issued by the British Government, which has given rise to it.

 The Spanish Frigate which left Cadiz on the 22d of October last, with all the Security naturally inspired by the completely pacifick Relations which were supposed still to sublist between Spain and England, having on the following Day fallen in with the Donegal of 84 Guns, and the Medula of 44; this latter Ship, after having fired One Gun, which, in the usual Manner, the Matilda returned, made not the least Scruple of discharging at her a whole Broadfide. The Spanish Captain, aftonished at such a Proceeding, complained of it to the Commander of the Donegal, who, having asked him some Questions with regard to the Time of his Departure, and the Number of the Sick who were on board the Frigate, requested him to fend him a Bost. The Spanish Captain sent him accordingly

accordingly the Boat with an Officer of the Navy, who speaks English, and directed him to convey to the British Commander the Expression of all those Sentiments which naturally arise in fimilar Occafions between Officers belonging to Two friendly Governments. Perceiving, that the Spanish Officer was detained too long, the Captain of the Mathilde requested the English Commander to send him back as foon as possible, in order that he might be enabled to continue his Voyage. To this the Commander replied, that he was occupied in writing a Letter, which was foon after fent to him, The Import of this Letter, which was written in English, was, that the Differences which had arisen between the Two Courts having obliged that of London to order the Detention of all Spanish Ships of War, the Commander was under the Necessity of detaining the Mathilde, and summoned the Captain to furrender without making any Refistance, and in the Space of Five Minutes, " if he did not wish to be sunk." The Spanish Captain, not understanding English, directed the Officer who was the Bearer of this Letter, to explain to him the Subject of it; but what was his Surprise, when the Ship of the Line and the Frigate began to fire on the Mathilde, before the above-mentioned Officer could get at the Contents of the Letter. The Spanish Captain defended himself with Courage against this unforeseen Attack, and did not furrender to fo prodigious a Superiority

Superiority of Force till after a Refistance as honourable as it was useles, in which Two of his Ship's Crew were killed, and several others wounded.

I will abstain from any Resections on the Manner in which the English Commander conducted himself on this Occasion. Proceedings of this Nature cannot but dishonour those who are guilty of them; they are too openly repugnant to the Laws of Honour not to excite Indignation in every Mind endowed with the noble Sentiments which it inspires.

But I think it my Duty to observe to your Excellency, that this new Violation of the Law of Nations can only tend to augment the Doubts to which the unfortunate Event of the 5th of October will necessarily have given rise in his Majesty's Mind, as to the Sentiments which the British Ministry entertains towards him; at the same Time that it will convince his Majesty of the Inutility of the Efforts which he has made to maintain his amicable Relations with England.

That the British Government should have been alarmed, on learning the first Accounts of our Preparations at Ferrol, when they were transmitted to them through Channels which seemed to take Pleasure in disfiguring the Truth, and in representing it in a Light altogether unfavourable; that under the first Emotion of Surprise,

to which nevertheless it never should have so eafily yielded, it should have given that extraordinary Order, the unhappy Consequences of which will have struck with Astonishment all the Courts of Europe, was doubtless a Proceeding as opposite to the most sacred Principles, as it was unexpected from the Relations subfishing between the two Courts; but it still left the Hope, that, recovering from its former Alarms, and after having received. more correct Intelligence on the Nature and the Object of our Preparations, the British Government would give express Orders to its Ships to respect henceforward the Spanish Flag, and would await with the Tranquillity natural to a Ministry fincerely defirque of the Continuance of Peace, the Issue of the Negociations entered upon with

But when Spain shall perceive that nothing will cause the British Ministry to desist from its hostile Measures; that neither the impartial Conduct which my Court has constantly manifested since the Commencement of Hostilities between France and England, nor the total Suspension of the Preparations at Ferrol, the only Motive alleged by England to justify the System which she seems to have made it a Rule to adopt for this some Time past, nor the frank and moderate Answer made to the exaggerated Representations of the English Chargé d'Affaires residing at Madrid, can secure his Majesty from the Insults which his Flag continually receives, will it not warrant a Suspicion

that England purposes to accumulate on Spain every Kind of Aggression, in order to bring on a Rupture, which the well-known Sentiments of his Majesty, and his constant Eagerness to prevent every Subject of reciprocal Complaint, ought to render impossible? I will confess to you, my Lord, in Frankness, however animated the King my Master may be with the sincere Desire to maintain his Relations of Friendship with the British Government, however ready he may be to make still more Sacrifices for the Maintenance of Peace; if England perseveres in the System which its Government has lately developed, his Majesty will find himself obliged to stifle the pacifick Sentiments of his Heart, in order to attend only to the Interest which he takes in the Welfare of his People, and in the complete Security of his Kingdoms.

It only depends therefore on the British Government to prevent the disastrous Consequences of such an Event, by putting an End to those hostile Measures, the Continuance of which would be an incontestable Proof in the Eyes of all Europe, that it was absolutely decided upon to make War-on Spain.

I avail myself of this Opportunity, &c.
(Signed) The Chev. D'ANDUAGA.
To His Excellency Lord Harrowby, Principal
Secretary of State for Foreign Affairs,
&c. &c. &c.

Majeste n'a pas au moins abandonné le Désir de se prêter à des Ouvertures pacifiques et est encore disposeé à saisir tous les Moyens de Conciliation. qui seront compatibles avec la Dignité de sa Couronnes, et avec la Sureté de ses Royaumes.

Mais fi, malgré cette Déclaration conciliatoire et pacifique que j'ai l'Honneur de faire à votre Excellence, conformement aux Voeux du Roi mon Maître, le Gouvernement Britannique se décide à prendre la Réfolution de lui déclarer une Guerre ouverte, Sa Majesté alors, se reposant sur la Pidelité de Ses Sujets, et sur la Pureté de Sa Conscience, aura recours aux Forces que la Providence lui a confides pour la Désense de son Peuple, et remettra au Sort des Armes le Réfultat d'une Lutte qu'elle n'a aucanement provoquee, et dont Elle n'aura par conséquent à se reprocher les Suites.

Je profite de cette Occasion pour renouveller, &c. Le Chev. D'ANDUAGA. (Signé)

A S. E. Milord Harrowby, Principal Sécrétaire d'Etat pour les Affaires Etrangères.

#### (Translation of No. 51.)

My Lord, Purtind-phos, 23d December 2804. AFTER the abrupt and unexpected Manner in which the British Chargé d'Affaires at Madrid has broken off all Diplomatic Communication with the the Spanish Cabinet, I might well dispense with recalling to your Excellency's Attention the completely pacific Proceedings which have constantly marked the System followed by my Court towards England; but defiring, conformably to his Majesty's Orders, to shew to the last Moment that Spirit of Conciliation which constitutes the Essence of my Mission, and the distinguishing Characteristick of my Sovereign, I have thought it my Duty to make yet One more Essort, tending to shew in its true Light the sunk and friendly Conduct which the King has not ceased to display since the Rupture between France and England, amidst the Difficulties of his Situation with regard to the Two belligerent Powers.

From the very Moment that the King had learned the Commencement of Hostilities between France and England, his Majesty gave all his Attention to the Manner in which he should conduct himself in order to prevent all Room for Discontent on the Part of these Two States, and to the System which he would have to follow in such a Conjuncture, in order to conciliate his Engagements as the Ally of France with his Duties of Friendship towards England. Although his Majesty knew very well, that his Quality of Auxiliary to the first of these Powers was in no wise incompatible with that of Friend to the second, he was, from the very sirst, perfectly sensible, and his Opinion has been since consistmed by Accounts from his Minister

At London, that the British Government would, with Difficulty, consent to his furnishing to France Succours, such as are stipulated by the Trenty of 1796. In this Persuasion, and, in order to remove every hostile Appearance in his Connections with the latter Power, he resolved to propose to his Ally the Conclusion of a new Trenty, by which pecuniary Succours should be substituted for the Succours in Troops and Ships, which he had engaged to furnish to France by the Trenty of Alliance. After long and difficult Negotiations, the King congratulated himself on having at last obtained the Object of his amicable Views, by the Conclusion of a Trenty of Subsidy.

Confiding in the Uprightness of his Intentions, and in the pacific Sentiments which had prompted him to take this Step, his Majesty was fully perfunded that the British Government would not fail to appreciate this very unequivocal Mark of Friendship. The Complaints brought forward foon afterwards by Mr. Frere against the above mentioned Convention-Complaints which he has at different Times renewed, though always in very vague Terms, and without ever making an effential and decisive Point of them-were therefore a real Subject of Surprise to his Catholic Majesty. Neverhelefs, Answers full of Moderation and Candour were by his Order made to them, in which Answers were set forth the Motives which had led him to make a Treaty of which the English Government

ever unpleating for his Majesty might be the Confluquence which would arise from so precipitate a Step.

At the fame Thise that this unexpected Stroke deprived his Majesty of nearly all the Hopes he had till then entertained, his Heart was penetrated with the deepest Assistant, on learning the dreadful Event of the 5th of October, and the disastrous Circumstances by which it had been accompanied.

Although the Details, which he received from all Quarters, and the Uniformity of all the Accounts, gave to this Intelligence all the Force of an indubitable Fact, his Majesty, under the Influence of the invariable Rectitude of his Sentiments, and not having as yet received official Information on this Head, flattered himself by calling in question the Reality of a fimilar Outrage: at leaft, he could not perfusee himself that it had been caused by an Order issued by the British Government. His Majefly has confequently ordered me to demand of them categorical Explanations on the Detention of his Frigates, on the Instructions which may have been lent to the English Commanders, and on the Motives which may have induced the British Chargé d'Affaires to break off all Communication. with the Spanish Ministry,

Notwithstanding the Coincidence of such alarming Intelligence, with the irregular Conduct of Mr. Frere, the King could not resolve to take any Measure which had the least Appearance of Hostility.

Hotility. So much had he at Heart the Continuance of Peace! It was not till after having leasnt, in an authentick Manner, the Act of Violence exercifed on the above-mentioned Frigates, by virtue of an expects Order of the British Government, that his Majesty found himself under the Necessity, in order to consist the Interest of his People, to order an Embargo to be laid, by way of Repriish, on all English Property throughout His Dominions.

in this State of Things, if the King can no longer flatter himself with the Hope of an Accommodation, if the System manifested for some Time past by England seems to render inevitable a Rupture between Two Nations, of which the reciprocal Interest eaght to lead them to live always in good Understanding with each other, his Majesty has not at least abandoned the Desire to listent to passific Overtures, and is still disposed to avail himself of all the Means of Conciliation which may be compatible with the Dignity of His Crown, and the Safety of his Kingdoms.

But if, notwithstanding this conciliatory and pacific Declaration, which I have the Honor, conformably to the Wishes of the King my Master, to make to your Excellency, the British Government should decide on taking the Resolution to declare open War against hlm, his Majesty in that Case, considing in the Fidelity of his Subjects, and in the Purity of his Conscience, will have Recourse

## COMERCIO

DE ES-



# LIBRE PAÑA.

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Toneladas, su Maestre Don Mizerte Mos de Ulmanierro que se halla surto en dicho Puetto pronto para seguir viage á los Puettos de la Peninsula, y el de Cadiz, con arreglo á la Instrucion de S. M. de 12.

, de Octubre de 1778, y posteriores Reales ordenes.

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#### **CLAIMS**

#### DOCUMENT: AHN, Estado 8104

Fragatas: Medea, cap. Maestre Don Blas Antonio Agüero

Fama, id. Don Lorenzo Bazo

Santa Clara, id. Don Francisco Maria Zuloaga Mercedes, id. Don Vicente Antonio Murrieta

Lista de los reclamantes por cantidades que venían en estas 4 fragatas que apresaron los ingleses en el cabo de Santa María el día 5 de octubre de 1804 viniendo cargadas de oro y plata desde el Callao

Las fragatas inglesas fueron la Medusa, Anphion, Lively e Infatigable

La Mercedes se voló el día del ataque

La Fama solo traía a bordo 1,150.000 pesos fuertes, 300.000 pesos de S.M. y 850.000 de particulares

#### Mercedes

#### Pesos fuertes

#### Pesos fuertes

D.Casimiro Diague	3.500	Sres. Veamurguia Lirauz, (Juan Francisco de Vea Murguia)	3.000
D. Pedro Comparet	18.200	D. Pedro Moreno Altuzarra	1.500
D. Francisco Isidro de Aparicio	7.000	D. Antonio de Avendaño	15.500
D. Nicolás de la Cruz	17.686	Doña Antonia Regil	2.000
D. Juan Bautista Albareda y D. Juan Francisco Espelosín	46.108	D. Bartolomé de Ayala	21.560
D. Benito Dorca	150	D. Juan Eloy Loret	3.118
D. Jose de Santiago y Rotalde	10.500	D. José E. de Aguirre de la casa de la viuda de Aguirre	737
D. Tomas Urrutia, albacea de D. Francisco de Uriarte	4.431	D. Manuel Corces Díaz	3.500
D. Agustín de Solazabal	1.000	D. Luis Burim	982
D. Ramón Vitón	2.434	D. Juan de Pertica	8.000

D. Juan Maria Biñalet	8.608	D. Miguel de Martinez de Tejada	6.000
Doña Maria de la Concepción Celorrio	9.500	D. Francisco Javier Carrasco	2.000
D. Antonio Albizuri	1.115	Doña Maria de los Dolores Beyens de Iraola	4.426
D. José Soreter NONE	4.000	D. Sebastián Grana	1.000
D. Juan Francisco Ezpelosín	3.842	D. Marcelo Polanco	2.500
D. Pascual Sanchez	915	D. Salvador Maria de Cardenas y Ballesteros	7.000
Sres. Aguerrevere y Lostra	13.814	D. Ignacio Rosen do y Luque	2.000
D. José Ricardo en representación de la casa de D. Manuel Solera y Cia.	2.871	D. Manuel Chantre y Torre reclama en nombre del Hospital de la C. de Santiago	8.500
D. Bartolomé Lopetedi	10.872	D. Pedro Regalado	18.410
D. Francisco Escudero de Isasi possible relation.	5.000	Inheritor of the estate of D. José Zuloaga	2.000
Doña Josefa Carrillo	400	Id. De D. Gaspar de Amenabar	17.630
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