

EXHIBIT F-5

DR. WILLIAM H. FLAYHART, III

PART 5

Annex 18 to 25

ANNEX 18

WILLIAM HENRY FLAYHART III

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PAPERS relative to the DISCUSSION WITH SPAIN, In 1803 and 1804.

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PAPERS relative to the DISCUSSION WITH SPAIN, In 1803 and 1804.

No. 1.—Extract of a Dispatch from Lord Haverley to J. H. F. Esq. dated Durning-street, 2d June, 1803.

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I shall now proceed to signify to you his Majesty's pleasure with respect to the conduct which it will be proper for you to observe at the Court at which you reside. It is the King's sincere and earnest desire that the Spanish Government may be enabled to maintain the strictest neutrality in the war which has commenced between Great Britain and France. You will therefore endeavour, by all the means in your power, to impress upon the Spanish Ministers the expediency of their adopting this system; and you will assure them, that if it be adopted, his Majesty will respect it with the most scrupulous good faith. His Majesty's Government having no means of deciding how far his Catholic Majesty may consider himself as bound by the Treaty of defensive and offensive alliance, which was concluded at St. Idelfonso, on the 19th of August, 1796; it is indispensably necessary that you should lose no time in ascertaining this important point. If the Spanish Government should state to you, that they conceive themselves to be under the obligation to furnish to France the number of troops and ships which are stipulated in the Treaty above-mentioned, but that their co-operation will extend no further, you will refrain from giving any opinion upon this measure, but will content yourself with signifying that you will transmit the information of it to your Court. You will, however, watch, with the most unremitting vigilance, the progress of any preparations which may be made for carrying it into execution; and you will, from time to time, transmit such intelligence as you may be able to acquire upon the subject, to the Commanders of his Majesty's ships in the Mediterranean, at Gibraltar, and at Lisbon, in order that those officers may be enabled to pursue such measures as may be best calculated to intercept the Spanish auxiliary ships, on their attempting to sail from the ports either of the Mediterranean or of the Atlantic; a proceeding which would be in strict conformity to the most rigid principles of neutrality, and could not be construed into an act of direct aggression against Spain herself. If, however, you should learn from the Spanish Ministers, that the French Government will not be satisfied with the definitive succours stipulated, but will require his Catholic Majesty to place a greater proportion of his naval and military force at the disposition of France, you will state to them, unreservedly, that his Majesty will consider a compliance with this requisition as equivalent to a declaration of war, and as justifying his Majesty in proceeding to immediate hostilities against Spain. The next object to which his Majesty has commanded me to direct your particular attention, is the situation of Portugal. It is extremely important that you should take the earliest opportunity to desire the Spanish Government to explain to you, without reserve, their sentiments and intentions in this respect. In any conversations which you may have with the Spanish Ministers upon this subject, you will observe to them, that his Majesty having consented to respect the neutrality of Portugal himself, he cannot suffer it to be molested by any other Power whatsoever; he relies upon the justice and magnanimity of his Catholic Majesty, that he will, neither of himself, nor in concurrence with France, carry into execution any measures which may endanger the security and independence of that country. You will, however, not conceal from the Spanish Ministry, that if the King of Spain should allow the entrance of any French troops into his territories, or should not resist it by force, the King would consider it as tantamount to a

resist it by force; the King would consider it as imposing upon him the necessity of regarding the conduct of Spain as a justifiable ground of war on his part. In regard to Portugal, I have still farther to signify to you his Majesty's pleasure, that you cultivate the most cordial understanding with the Minister of that Power at Madrid; and that you concur with him in promoting the serenity of her faithful Majesty's dominions. Having now stated to you such proceedings on the part of Spain, as would render it expedient for his Majesty to commence hostilities against that Power, I have to signify to you his Majesty's pleasure, that if any of these events should occur, you should make the strongest representations against them, and, in the case of your not receiving a satisfactory answer, you will immediately quit Madrid, and proceed to Lisbon, whence you will return to England. Previously to your departure, you will apprise the officers commanding his Majesty's ships in the Mediterranean; at Lisbon, and at Gibraltar, of your intention, in order that they may proceed to hostilities against Spain without delay.

No. II.—*Extract of a Dispatch from J. H. FRENZ, Esq. to Lord*

HAWKINSUR, dated Amoyne, 3d June, 1803.

Upon a former occasion I had pressed the Prince of Peace to an explicit declaration of the intention of his Court, upon the ground, that, under the conditions of the Eighth Article of the Treaty of St. Idefonso, the hostility of Spain was so inseparably connected with that of France, that Great Britain once engaged in a war with France, would be justified in commencing immediate hostilities against Spain. To this he replied, that it might appear so; but that the execution of treaties must not be considered as absolutely indispensable, but dependant upon the circumstances of the times; and with some other expressions of the same kind seemed to wish me to understand, that he did not consider the present situation of things as admitting the execution of the Treaty. Upon this occasion he took a new and very perplexed ground; first, he said he wished to know the grounds of the present dispute, whether it was to be considered as the continuation of the former war, as in that case Spain would not take any part; but that if it was a new war upon new grounds, she might in that case be forced to consider the Treaty as obligatory: that it was necessary therefore upon this head to know the opinion of the other Powers concerned in the Treaty of Amiens. He continued to say, that the King of Spain had not entered into the last war as the ally of France, in virtue of that Treaty. I quoted the last Article, which is directed particularly against England, and which he seemed not to recollect; and seeing no end to the discussion at the time, I determined in my next conference to return to it. In my next interview however he anticipated me, and, on my first coming into the room, he said, Well, it seems we are to have war. I said that I hoped that by we, he did not mean Spain and England. He answered No; that Spain was determined to preserve her neutrality: I replied, that if they were determined upon a neutrality, it only remained for us to know whether we agreed

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that which is as it were the characteristic of the Spanish Government. That Government has also raised a doubt, whether our subsidy in favour of France is indefinite, or limited to the time of the present war; and I have answered, that it does not extend to other wars than the present. In like, I told him that England might rely on the morality and good faith of Spain in the fulfilling of her obligations; but without giving to them an extension that humiliates and degrades her from the rank that belongs to her; that Great Britain was the most interested in not altering the state of neutrality with this kingdom, from which by commerce she draws immense sums with which she maintains her fleets; that the prejudices are incalculable which she brings upon our commerce, by her exaggerated complaints and unfounded suspicions of the ideas and views attributed to the Spanish Government, since being known and published, by those who derive benefit from them, they prevent the merchant from giving to his negotiations all the activity of which they are susceptible: that Spain having complied with the two conditions, namely, cessation of armaments, and prohibition of the sale of prizes in her ports, under which Great Britain promised to respect the neutrality, it becomes absolutely necessary that this Power should adopt towards Spain a style of greater frankness; and that in like manner as we have protested that we will maintain our pacific relations with England, so also she should confirm to us clearly and definitively that her views are equally pacific, and the more so, when she has seen that we have not infringed any of the conditions of the neutrality agreed on. All which, by Royal Order, I transfer to the notice of your Excellency for your information, and the correspondent use in your conferences and conversations with that Ministry.

(Signed)

PEDRO CEVALLOS.

Don Joseph d'Andouga, &c. &c.

(Translation of No. 3; referred to in No. 19.)

Sir, Escorial, 30th October, 1804.

I have had the honour of receiving your Excellency's note of yesterday's date, inclosing a copy of a letter to Alfd'Andouga, in which I see no hope which can justify the prolongation of my residence here; and I should in consequence confine myself to follow the orders of my Court, by requesting my passports, if I did not think it my duty previously to notice some false conceptions which your Excellency has formed as to the relations which subsist between England and Spain, according to which, it would not be difficult for me to repel the charge of precipitation, which your Excellency has cast on the recent conduct of my Government. Your Excellency speaks of the neutrality of Spain, and argues thereupon, as if it were a circumstance agreed upon between the two Powers, whereas no mention whatever has been made of it, either in the propositions contained in his Britannic Majesty's note of the 18th of February, nor in any other part of his correspondence. His Britannic Majesty has in fact announced to the Spanish Government the conditions without which it would be absolutely impossible for him any longer to pursue that system of forbearance which he has hitherto followed; but he has never offered to Spain the hope of a neutrality, which treaties, even with his enemies, rendered her incapable of enjoying. Spain has been placed on her proper footing, that is to say, on that of a power with whom there was a suspension of hostilities; and the agreement made under this idea had for its object not only, as your Excellency says, to prevent the equipment of her ships of war, and their junction with the French forces, but also to place herself in a better position both offensive and defensive with respect to England, than that in which she found herself at the com-

to England, than that in which she found herself at the commencement of hostilities; and how could she expect to see herself more closely connected with England, whilst her engagements with its enemies, and the sums with which she furnished them, remained a secret to England. True it is, that his Britannic Majesty has received vague assurances as to the amount of these sums; but these assurances are insufficient to enable him to decide upon the nature of the permanent relations which should subsist between him and his Catholic Majesty, especially as, should those assurances be exact, no reason remains to refuse the communication of the Treaty, since your Excellency has assured me, that it does not contain any stipulation hostile to Great Britain. I have had the honour to inform your Excellency, that nothing could have engaged his Majesty to persevere in his system of moderation, but his well-known benevolence, supported by a disposition to give credit to the assurances of the Spanish government, that the payments furnished to France were only made in the intention of gaining time, and till circumstances would enable her to follow a system more congenial to her interests and her wishes. Your Excellency does not appear to comprehend whence I have derived this assertion; and although I should have supposed, that I had already pointed out its source, so clearly as to exculpate myself from the imputation of having fabricated it myself, I must inform you, that his Excellency the Prince of Peace gave similar assurances to the Minister of his Britannic Majesty, whenever mention was made of the payment of the subsidies to France. It appears to be since ascertained, that the assurances of his Excellency were not those of his government, by which therefore it cannot be called upon to abide. But this explanation will doubtless make an essential alteration in the ideas of my government respecting the future projects of Spain, which must henceforward be considered as irrevocably connected with France, during the whole war, by a treaty of subsidy, the stipulations of which she will not avow. In this state of inquietude, which is the natural consequence of the alliance observed by Spain, as to its engagements with the enemy; his Britannic Majesty, having received from his Admiral off Ferrol, authentic accounts of an armament sitting out in that port, was in no wise called upon to wait for the explanations that Spain might offer thereon, and which have never been offered; it is sufficient in order to justify the measures which he has taken, nay still more decisive ones, to know that an armament was sitting out, and that the engagements were violated. I have thus endeavoured to give an exact idea of the nature of the relations which have subsisted between the two countries from the commencement of hostilities with France, since it is, for this consideration alone, that a just opinion can be formed of the present conduct of the two governments; and if your Excellency is not prepared to give me an assurance, that no armament whatever shall be carried on in the ports of Spain; that the ships of war shall be put precisely in the state in which they were at the conclusion of the convention with England; that no alteration shall take place in the distribution of force, nor indeed any naval preparation; if your Excellency is not ready, at the same time, to afford my Government the satisfaction I have the honour to demand, as to the engagements with France, I must consider my employment here as at an end, and there only remains for me the painful duty of requesting your Excellency to send the necessary passports for myself and servants, in order to return as soon as possible to England. Your Excellency complains of my having, in my note demanded the reduction of the marine to the state in which it was previous to the war, whilst the period pointed out in the Convention for fixing the establishment to which it was to be reduced, was that of the Convention itself. It is true, that this first period was named in my instructions; but bearing in mind that another has been already agreed upon, and too well convinced of the good faith of my Government to believe that the substitution could have been made otherwise than by mistake, I have not hesitated to restore the period of the Convention, too happy, if this trifling change can remove any obstacle to the satisfaction of my demands. I have, &c.

His Excellency Don Pedro Cevallos, &c. &c. B. FRERE.

(Translation of fourth inclosure in No. 19.)

Sir, Madrid, 2d November 1802.

According to the precise terms in which the demands I had the honour to make your Excellency, in my note of the 30th ult, were touched, and which admitted of no modification. I ought already

couched, and which admitted of no modification, I ought already to have received from your Excellency, either a favourable answer, or passports for my departure; my instructions are too pressing to allow me to delay any longer the repetition of my demands, and at the same time to request your Excellency, if you are unable to give me full satisfaction on them, to have the goodness to send in addition to those I have already demanded, passports for Mr. Hunter and his family, together with an order to the Governor of the Council to afford them as well as myself, such a guard as shall be necessary to escort us to the frontiers. The Messenger who carries this letter waits for your Excellency's answer, which I hope you will have the goodness to dispatch to me in the course of the evening. (signed) H. PERRE.

To his Excellency Don Pedro Cevallos, &c. &c.

(With Inclosure referred to in No. 19.)

Translation of a Note from Don Pedro Cevallos to B. PERRE, Esq. dated St. Lorenzo, 24 November, 1801.

SIR.—I have received the two notes which you were pleased to address to me, dated the 30th October last and the 2d last; and having given account to the King my master of their contents, I have the honour to declare to you, that Spain has given constant proofs of good correspondence with Great Britain, of her fidelity in observing the treaty of neutrality, (called by you a suspension of hostilities, though they have not disturbed the state of peace since the treaty of Amiens), and has completely done away the apprehensions, which England founded upon vague accounts, of armaments which neither did exist, nor, if they had existed, had any tendency prejudicial to the tranquillity of Great Britain. And although these three points are satisfied in my note of the 29th of October last, still his Majesty is willing to make a fresh sacrifice to peace, carrying his royal condescension to the point which you desire, and ordering me to satisfy your questions as I do, in the most unequivocal manner; saying, To the first—That Spain, in consequence of the Treaty of Neutrality concluded the 19th October, 1803, will make no armament contrary to the said Convention. To the second—That there is not a greater number of ships armed than there was at the epoch of the said Convention. To the third—That no change, infractory of the neutrality, shall be made in the distribution of the ships already armed; nor is it likely that there should be any need to change the said distribution, under the supposition of neutrality. To the Fourth—That the Treaty of Subsidies with France contains nothing offensive to our neutrality with Great Britain; and that the subsidies are equivalent to what would be the expense of the naval and military succours,

(For the conclusion of the Correspondence, see the first page).

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