

ANNEX 24

WILLIAM HENRY FLAYHART III

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, *la 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 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 revolted in Biscay; but 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 Nepanescono*, 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

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