THE LIBRARY

THE UNIVERSITY OF
BRITISH COLUMBIA

The F. W. Howay
and R. L. Reid
Collection of Canadiana

A

NARRATIVE

OF THE

NEGOTIATIONS

OCCASIONED BY THE

DISPUTE

BETWEEN

ENGLAND AND SPAIN

In the Year 1739.

A NARRATIVE OF THE NEGOTIATIONS OCCASIONED BY THE DISPUTE BETWEEN ENGLAND AND SPAIN,

In the Year 1790.

CONTENTS.

Page

FIRST Information of the Capture of an Engliſh Ship at Nootka received from Mr. Merry at Madrid 1
Inſtruction ſent to Mr. Merry - - - - - - 8
Letter from the Marquis del Campo to the Duke of Leeds, Feb. 11. - - - - - - - - - 9
Further Information from Mr. Merry - - - 11
Letter from the Duke of Leeds to the Marquis del Campo, Feb. 26. - - - - - - - 12
Further Information from Mr. Merry - - - 13
Precautions taken by Government - - - - 14
Further Information from Mr. Merry - - - 15
The Marquis del Campo's ſecond Letter to the Duke of Leeds, April 20. - - - - - - 20
Arrival of Captain Meares, and Account of his Expedition to Nootka, and of the Events which took Place there - - - - - - - 24
Further Information from Mr. Merry - - - 36
Other Information - - - - - - - 39
Inſtructions ſent to Mr. Merry at Madrid, May 4. - 41
Notification to the Spaniſh Conſuls---General Preſs---King's Meſſage to Parliament - - - - - 45
Meaſures taken for the Defence of the Eaſt and Weſt Indies, in caſe of a Rupture - - - - - 56
Information and Inſtructions ſent to Lord Auckland at the Hague, and to Mr. Ewart at Berlin, May 4. - 65

Information

Information and Instructions sent to Lord Robert Fitz-Gerald at Paris, May 7. - - - - 68
Circular Letters sent to the Ministers at the other Courts of Europe - - - - - - - 69
Further Information from Mr. Merry - - - ibid.
Lord Auckland's Negotiation at the Hague - - 70
Mr. Fitz-Herbert, appointed Ambassador at the Court of Madrid, arrives at Paris - - - - - 72
Instructions forwarded to him, May 16 - - - ibid.
Mr. Fitz-Herbert's Negotiation at Paris - - 83
Order for the First French Armament - - - 84
Communication of that Order to the National Assembly ibid.
Effect of it on that Assembly - - - - 85
State of Parties in that Assembly - - - - ibid.
Decree on the Question of the Right to make War and Peace - - - - - - - 87
Preparations and Arrangements at Home - - 90
Earl Gower appointed Ambassador Extraordinary to the Court of France, May 21. - - - - 91
Instructions to that Ambassador - - - - ibid.
Lord Auckland's further Negotiation at the Hague - - 94
Instruction to Lord Auckland, respecting the Dutch Succours - - - - - - - 97
Lord Auckland's further Negotiation on that Subject - 98
Letter from the Duke of Leeds to Lord Auckland, on the Subject of a Junction between the English and Dutch Fleets - - - - - - - - 102
Successful Termination of Lord Auckland's Negotiation 104
Friendly Conduct of the Court of Berlin - - ibid.
The Instructions sent to Mr. Merry on the 4th of May arrive at Madrid on the 14th of May - - - 105
Mr. Merry's Negotiation with Count Florida Blanca - 106
Count Florida Blanca's Letter to Mr. Merry, May 18. 109

Mr.

Mr. Merry's Sentiments on the Intentions of the Spanish Court - - - - - - - 111
Our Armaments continued - - - - - 113
Further Information from Mr. Merry - - - ibid.
King of Spain's Anſwer to our Memorial of May 4. - 115
Dutch Fleet ordered to ſail for Portſmouth - - 120
Intelligence from Lord Robert Fitz-Gerald at Paris, June 18. - - - - - - - ibid.
Arrival of Diſpatches from Mr. Fitz-Herbert at Madrid, dated June 16. - - - - - - 121
——— of other Diſpatches from the ſame Miniſter, dated June 19. - - - - - - - 127
Count Florida Blanca's Propoſals on the Queſtion of Satisfaction - - - - - 129
Second Inſtructions to Mr. Fitz-Herbert, July 5. - - 132
Memorial contained in theſe Inſtructions - - 138
Declaration contained in Ditto - - - - 142
Counter-Declaration contained in Ditto - - - 143
Inſtructions to Mr. Fitz-Herbert as to a Diſarmament - 144
Information from Mr. Fitz-Herbert, 24 June--28 Ditto--1 July--5 July--and 9 July - - - - 145
Count Florida Blanca's Projet for Arranging the ſeveral Matters in Litigation - - - - - 152
This Projet rejected - - - - - - 154
Diſpatches from Mr. Fitz-Herbert of July 25. - - 155
The Spaniſh Declaration - - - - - 156
The Engliſh Counter-Declaration - - - - 157
Count Florida Blanca's Second Projet, rejected by Mr. Fitz-Herbert - - - - - - 161
Further Information from Mr. Fitz Herbert - - 163
Third Inſtructions ſent to Mr. Fitz Herbert, Aug. 17. 168
Draft of our Projet - - - - - - ibid.

Letter

Letter from the Marquis del Campo to the Duke of Leeds, on the Subject of Disarming, August 10. - 193
The Duke of Leeds's Answer, Aug. 14. - - 199
Instructions to Mr. Fitz-Herbert respecting the Chinese taken at Nootka, Aug. 17. - - - - 201
Instructions to Mr. Fitz-Herbert on the Honduras Business, Aug. 17. - - - - 202
Letter from the Marquis Del Campo to the Duke of Leeds on that Subject, Feb. 11. - - - 207
State and Progress of our Negotiation with France - 208
Monf. de Montmorin addresses the National Assembly on the Subject of the Family Compact, Aug. 2. - - 209
Count Fernan Nunez's Letter - - - - 210
Report on this Business from the Comité Diplomatique 211
Decree of the National Assembly on this Subject, and for a further Armament - - - - 212
Instructions sent to Earl Gower, Sept. 1. - - 213
Information from Earl Gower, Sept. 6. - - 217
Communication from the Marquis de La Luzerne, Sept. 7. - - - - - - - 218
Monf. de Montmorin's Answer to Earl Gower's Representation, Sept. 10. - - - - - 219
Monf. de Montmorin's Letter to the Marquis de La Luzerne - - - - - - - 220
Second Instructions to Earl Gower, Sept. 21. - - 222
Third Instructions to Earl Gower, Oct. 6. - - 224
Official Note from Monf. de Montmorin, received by Earl Gower, Oct. 4. - - - - - 226
The Duke of Leeds's Answer, Oct. 8. - - - 230
Monf. de Montmorin's Answer to the Representation made by Earl Gower, Oct. 14. - - - 232
State and Progress of our Negotiation with the States General, and of the Armaments of Holland - - 233

Full

Full Powers ſent to Mr. Fitz-Herbert - - - 237
Information from Mr. Fitz-Herbert, Aug. 16. - - 239
Duke of Leeds's Letter to Mr. Fitz-Herbert, on Count Florida Blanca's Propoſal of a Diſarmament, Sept. 10. 240
Information from Mr. Fitz-Herbert, Sept. 16. - - 241
Projet delivered by Mr. Fitz-Herbert to Count Florida Blanca, Sept. 14. - - - - - - 247
Count Florida Blanca's Counter Projet, - - 250
Fourth Inſtructions ſent to Mr. Fitz-Herbert, Oct. 2. 257
Draft of Projet, with a Demarcation of Limits, incloſed to Mr. Fitz-Herbert - - - - - 274
Draft of Projet, without a Demarcation of Limits - - 279
Inſtructions to Mr. Fitz-Herbert on the Subject of Diſarming - - - - - - 282
A Period of Ten Days given for the final Anſwer of the Court of Spain, and Inſtructions given to Mr. Fitz-Herbert for his Conduct in caſe of a Rupture - 284
Inſtructions to Mr. Fitz-Herbert on the Affair of Capt. Macdonald - - - - - - - - 285
Progreſs and Succeſs of Mr. Fitz-Herbert's Negotiation - - - - - - - - - 289
Convention between Their Britannic and Catholic Majeſties - - - - - - - - 292
Convention ratified - - - - - - 306

A

NARRATIVE, &c.

A Profound Peace ſubſiſted between Great Britain and Spain, when, on the 21ſt of January, 1790, Intelligence of a Britiſh Veſſel having been captured by a Spaniſh Officer was received, in a Letter from Mr. Merry, His Majeſty's Chargé d'Affaires at the Court of Madrid, dated January 4, 1790.

By this Letter Mr. Merry informed the Duke of Leeds, that

" ACCOUNTS have juſt been re-
" ceived here from Mexico, That
" one of the ſmall Ships of War on the
" American Eſtabliſhment, commanded
" by a Subaltern Officer of the Name of
" Martinez, has captured an Engliſh
" Veſſel in the Port of Nootka, (called
" by the Spaniards San Lorenzo) in La-
" titude 50 North of the Coaſt of Cali-

" ſornia,

" fornia. There are different Relations
" of this Event. Some of them ſtate,
" That the Vice-Roy of Mexico, having
" had Notice that the Engliſh were form-
" ing an Eſtabliſhment at the above-
" mentioned Place, ordered a Ship there
" to take Poſſeſſion of it: That M. de
" Martinez found in the Port Two Ame-
" rican Veſſels, a Portugueze from Ma-
" cao, a Ruſſian from ſome Port of Her
" Imperial Majeſty's Eaſtern Dominions,
" and an Engliſh one, which had come
" direct from a Port of Great Britain,
" with People and Neceſſaries on Board,
" to form a Settlement: That the Ame-
" rican, Portugueze and Ruſſian Ships
" were ſuffered to depart, it appearing
" that they had only gone there to trade
" for Furs; and that the Engliſh one
" alone had been detained. Other Ac-
" counts mention, That the Spaniſh Ship
" had ſailed from St. Blas on a Voyage,
" which, it is ſaid, is annually performed,
" to reconnoitre the North-Weſt Coaſt
" of the Continent: That, when ſhe put
" into Port Nootka, the Engliſh Veſſel
" was not yet arrived: That the latter was
" ſeized

" ſeized as ſoon as ſhe appeared: That
" the Ruſſian and Portugueze Ships were
" alſo captured; and that only the
" American were ſuffered to go away.
" The Name of the Engliſh Veſſel, or
" of the Maſter, is not mentioned in any
" of the Statements of the Tranſaction
" which I have yet been able to ſee; but
" they all ſay, that ſhe had been fitted
" out by a Company of Merchants in
" London, for the Purpoſe of forming
" a Settlement; and that it had been
" diſcovered that ſhe was to be followed
" by Two others. The different Ac-
" counts alſo add, that ſhe had been
" manned with Spaniſh Seamen, and
" diſpatched with the News to the Vice-
" roy of Mexico."

On the 25th of January a Letter arrived from Mr. Merry, dated the 7th of January, with the following Extract of a Letter from Mexico, containing, as he was aſſured, the moſt accurate Account of the Circumſtances of this Affair. This Letter is dated Mexico, Auguſt 28, 1789.

"A Naval Expedition was ſent laſt Year by
" this Government, in conſequence of
" Orders from Court, for the Purpoſe of
" reconnoitring the new Eſtabliſhments
" of the Ruſſians to the North of this
" Continent. Two Veſſels were em-
" ployed on the Expedition, under the
" Command of Don Eſtevan Joſeph Mar-
" tinez, one of the Firſt Pilots of the
" Navy, with the Rank of Officer.
" Their Voyage was ſucceſsful. They
" extended it as far as 61 Degrees North
" Lat. from whence, proceeding along
" the Coaſt towards the South-Eaſt,
" they entered the Port of Donalaſka,
" an Iſland ſituated at a ſmall Diſtance
" from the Continent, in 54 Deg. Lat.
" where the Ruſſians have the prin-
" cipal Eſtabliſhment and Factory. Our
" Crews had ſome Communication with
" the Indians of that Nation, whoſe
" Commander gave them a friendly Re-
" ception, and furniſhed them with all
" the Supplies and Information which
" they aſked for. They learnt there,
" that the Governor of Kantinchaca, of
" which Kingdom the Crown of Dona-
" laſka

" laſka is dependent, had determined to
" take Poſſeſſion of the Port of Nootka,
" called by the Spaniards San Lorenzo,
" ſituated in 49 Degrees, 30 Minutes,
" upon the Coaſt of New California;
" and that he meant to convey there, in
" in the Courſe of this Year, aboard of
" Two Ships from the Peninſula of Kan-
" tinchaca, the Troops and People ne-
" ceſſary for forming an Eſtabliſhment.
" Our Ships returned with theſe Accounts
" to the Port of San Blas about the End
" of October laſt Year.

" The Government here, being ſenſible of
" the Importance of the News, and of
" how much Conſequence it would be
" to prevent a Foreigner from executing
" a Scheme ſo prejudicial and hurtful to
" the Intereſts of Spain, his Excellency
" the Vice-Roy ordered another Expe-
" dition to be prepared, without Loſs of
" Time, for the Purpoſe of taking Poſ-
" ſeſſion and forming a Settlement in the
" Port of San Lorenzo. Two Ships
" were fitted out at San Blas, and ſailed
" from thence the Beginning of March
" of this Year, properly equipped and
" ſupplied

" ſupplied for the Undertaking; and, in
" the Month of April, a Snow was diſ-
" patched with further Supplies of Stores
" and Proviſions. The Ships arrived at
" San Lorenzo in May: They found
" Four Foreign Veſſels in the Port;
" Two of them American, belonging to
" General Waſhington, commiſſioned by
" the United States to perform a Voyage
" round the World; a Portugueze and
" an Engliſh which had come from Ma-
" cao to trade for Furs, which abound
" on that Coaſt, and are ſold to great
" Profit in Aſia. Martinez ſeized all the
" Ships; but, it afterwards appearing to
" him that the Americans were not ſuſ-
" picious, he let them go away and de-
" tained the Two others. He then com-
" menced to form an Eſtabliſhment, by
" building ſome Houſes and Stores of
" Wood, and by erecting a Battery at
" the Entrance of the Port. Whilſt he
" was thus employed in the Execution
" of his Orders, a ſtrange Veſſel entered
" the Port. As ſoon as ſhe had dropt
" Anchor Martinez went aboard, with
" his Boats armed. The Maſter of the

" Veſſel

" Veſſel produced his Paſſport and Com-
" miſſion, and declared that he came
" direct from London, and that he
" had been ſent by a Company of Mer-
" chants of that City, with Orders to
" fix an Eſtabliſhment, and prepare
" Habitations for ſome Engliſh Settlers,
" who were to embark this Year aboard
" Two Ships, which were fitting out in
" the River Thames. Martinez made a
" Prize of the Veſſel, and, having manned
" her with Spaniſh Seamen, diſpatched
" her to San Blas with the News. The
" Engliſh Captain is arrived aboard her
" at San Blas."

By a Letter received the 2d of February, (and dated Madrid, the 15th of January) Mr. Merry ſtates, That, having mentioned the above Circumſtances to Count Florida Blanca, the Count avoided explaining to him the Particulars of the Tranſaction, or avowing clearly the Seizure of the Veſſels; neither did he enter upon the Queſtion of our Right to trade, or to form an Eſtabliſhment in that Part of the Continent of America; but he informed Mr. Merry of ſome Circumſtances,

(from

(from the Mention of which the Reports ſeemed to be true) which, he ſaid, he would direct the Marquis del Campo to impart to the Duke of Leeds.

On the Receipt of this Letter, and on the ſame Day it arrived, the Duke of Leeds wrote to Mr. Merry, deſiring him, (until he could ſend him poſitive Inſtructions in conſequence of any Communication from the Marquis del Campo) to be extremely guarded in what he might have to ſay on the Subject; it being a Matter of equal Delicacy and Importance, in which he ought to be very cautious of giving even a Hint, which might be conſtrued into a Dereliction of our Right to viſit for the Purpoſes of Trade, or to make a Settlement in the Diſtrict in Queſtion, to which we undoubtedly had a compleat Right, to be aſſerted and maintained with a proper Degree of Vigour, ſhould Circumſtances make ſuch an Exertion neceſſary.

His Grace alſo directed him immediately to ſend Information on the following Points, viz.

Of what Size are the Ships, which ſailed a few Months ago for California, under the Command of M. Melaſpina?

What

What was the Number of their Guns and Men?

Whether any other Veſſels have ſailed on the ſame Expedition? And, if ſo, What was their Force, and the Numbers of their Guns and Men?

What was the Force which ſailed from Mexico for San Lorenzo, under the Command of M. Martinez? And whether any Ships, under the Command of any other Perſon, have ſailed to the ſame Deſtination?

Such was now the State of this Affair:—A Rumour, undoubtedly extremely probable, conſidering the Quarter whence it came, but perfectly unſupported by any Evidence, on which Government could proceed.

On the 11th of February, however, additional Light was thrown upon the Tranſaction, by a Letter which the Duke of Leeds received from the Marquis del Campo, dated Mancheſter-Square, February 10, 1790.

By this the Marquis informed his Grace, that the Vice-Roy of Mexico had diſpatched Two Veſſels, under the Command of Don Etienne

Joſeph Martinez, to make a Settlement in the Port of San Lorenzo, otherwiſe Nootka, ſituated in Deg. 50. of which Poſſeſſion had already been taken: That, arriving there on the 24th of June, 1789, M. Martinez found a Frigate and Bilander belonging to Boſton in America, and Two Veſſels belonging to a Portugueze eſtabliſhed at Macao: That, on the 2d of July, an Engliſh Veſſel arrived, which had ſailed from Macao, for the Purpoſe of taking Poſſeſſion of Nootka in the Name of His Britannick Majeſty, and which had on Board a Bilander not put together: That M. Martinez, having otherwiſe diſpoſed of the Four other Veſſels, ſeized the Engliſh Ship named the Argonaut, Captain James Colnet, who had been ſent out as Governor by the South Sea Company, and ſent her to San Blas.

The Marquis then ſtates, That the Court of Madrid prays His Britannic Majeſty to puniſh thoſe of His Subjects who ſhould undertake ſuch Enterprizes, and to prevent them from continuing on Territories for many Years viſited and occupied by the Spaniards: That, ſo far from the Diſcovery of the Port in Queſtion having been made by Captain Cook, the above-mentioned Martinez was actually

there

there with a Commiſſion in the Year 1774, and left with the Indians Two Silver Spoons, ſome Shells and other Things, which Captain Cook found.

The Marquis further obſerved, That, though the Engliſh Priſoners were ſet at Liberty from Reſpect to His Britannic Majeſty, His Catholic Majeſty hoped the Court of London would give poſitive Orders to abſtain from ſuch Attempts in future.

Although this Repreſentation was, in Truth, an Avowal both of the Fact and of the Motives which occaſioned it, it could not fairly be deemed a juſt Occaſion for Immediate Hoſtilities: Nor, indeed, did the Tenor of our Spaniſh Correſpondence at the ſame Period juſtify the Idea, that the Court of Madrid entertained hoſtile Views, or was making any Preparations to enforce a Compliance with That Requeſt, which, through the Marquis del Campo, ſhe prayed His Majeſty to grant. On the contrary, Mr. Merry, in a Letter dated Madrid, January 28, and received February 15, explicitly ſays,

" The Spaniſh Miniſter, in a Conference
" the preceding Day, continued to ex-

" preſs the ſtrongeſt Deſire to ſee that
" Harmony and Friendly Correſpon-
" dence, which at preſent ſo happily
" ſubſiſt between the Two Courts, im-
" proved as far as poſſible. He re-
" marked, he ſaid, with the utmoſt Sa-
" tisfaction, that the Line of Conduct
" purſued by His Majeſty, in the preſent
" Situation of Affairs in Europe, was the
" moſt wiſe and politic which could be
" adopted; and he hoped that no Event
" might happen, which might cauſe
" Great Britain to deviate from her
" preſent Pacific Syſtem."

HIS Majeſty's Miniſters, however, conceiving the Circumſtance of Seizing a Britiſh Ship, in Time of Peace, to be an Offence againſt the Law of Nations, and an Inſult to His Majeſty, loſt no Time in taking the only Step in their Power, uninformed as they were of the Circumſtances attending the Tranſaction, unfurniſhed with any Proofs, except the Letter itſelf from the Spaniſh Ambaſſador, and not even knowing whoſe Property, or whoſe Perſons, had thus been injured. This was done by a Letter from the Duke of Leeds

to

to the Marquis del Campo, dated February 26, 1790; in which his Grace informs him, That he had His Majesty's Orders to declare, that the Act of Violence, mentioned in his Letter, must necessarily cause all Discussion on the Claims, therein also mentioned, to be suspended, until a Just and Suitable Satisfaction should be made for a Proceeding so injurious to Great Britain: That therefore it was, in the first Place, indispensably necessary, that the Vessel in Question should be Restored: And that any Detail of the Further Satisfaction to be expected must be postponed, 'till a more ample Information of the Circumstances of the Affair could be received.

After the Delivery of this Letter, the important Business in Question remained for some Time in Suspence; during which, the Intelligence received from Spain continued to be of the same Pacific Import as that received from Mr. Merry on the 15th of February. That Gentleman, by a Letter, dated March 1, 1790, and received the 18th, says,

" Count Florida Blanca gave me no Hint
" of his having any Intention of Arming;
" and, notwithstanding the Reports which
" have continued to prevail here, with
" Regard

"Regard to the Naval Preparations in "the Spanish Ports, I cannot, on a most "diligent Enquiry, find that any are yet "commenced, except for the equipping "of Three Ships of the Line, Six Fri-"gates, and Three Sloops of War, for "the Purpose of forming a Fleet of "Exercise."

And again, in a Letter dated the 15th of March, 1790, Mr. Merry says,

"The King of Spain has given Orders to "grant a free Licence to Prince Edward "to pass and repass from Gibraltar to "Spain, and to pay him the same Ho-"nours as to an Infante de Castilla."

In this Interval, however, Government thought it adviseable to take every possible Precaution, to prevent a Repetition of this extraordinary Conduct by the Spaniards, and to maintain the undoubted Right of This Country to an undisturbed Possession of such Parts of the North-West Coast of America, as had been originally settled or visited, for the Purposes of Trade, by the English. With this View, Orders were sent, on the 31st of March, to Lord

and

and Commodore Cornwallis in the Eaſt Indies, directing them to diſpatch a Frigate to the Sandwich Iſlands, (where ſhe was to be met by the Gorgon and Diſcovery, ordered to rendezvous there, after calling at Port Jackſon in New South Wales) for the above Purpoſe, with an Injunction to forbear from Hoſtilities; but, at the ſame Time, to maintain the Britiſh Rights by Force, ſhould it be found neceſſary. *

The Effect produced by the Duke of Leeds's Anſwer to M. del Campo at the Court of Spain, while it did not, on the one hand, ſeem likely to incline the Spaniards to recede from their excluſive Pretenſions, undoubtedly gave His Majeſty's Miniſters no Reaſon to apprehend the near Approach of Hoſtilities. Mr. Merry ſays, in a Letter dated Madrid, the 22d of March, 1790, and received the 8th of April,

" The Spaniſh Miniſter, ſpeaking to me
" Two Days ago, expreſſed much Diſ-
" ſatisfaction at the Anſwer he had re-
" ceived from the Court of London, on the

* Theſe Orders were recalled on the 30th of April, when the General Preparations for Arming commenced.

" the Subject of the Seizure of the
" Engliſh Veſſel at San Lorenzo. The
" Degree of Ill-Humour, which he ap-
" peared to ſhew on this Occaſion, may,
" I conceive, more properly be conſtrued
" into an Uneaſineſs and Diffidence, on
" his Part, with Reſpect to our Deſigns;
" for he gave me to underſtand, that it was
" not the Matter itſelf in Queſtion, which
" affected him ſo much, as the Fear,
" that, from the Manner in which we
" have taken it up, we may at any Time
" make uſe of it as a Ground for Quar-
" relling.—Count Florida Blanca then
" expreſſed his Opinion, that, in the
" preſent Situation of Affairs, much de-
" pended on Great Britain and Spain re-
" maining free and independent, and on
" their continuing on Terms of ſtrict
" Harmony and good Underſtanding
" with each other; for which Reaſon he
" had not choſen to form any cloſe Con-
" nection in any other Quarter."

And this Pacific Language was ſtill more forcibly confirmed, by a ſubſequent Converſation Mr. Merry had with Count Florida Blanca

Blanca on the 27th of March, contained in his Letter of the 29th, which was received on the 16th of April. In this Conversation his Excellency

" dwelt much on the Circumstance of
" our demanding Satisfaction, before any
" Discussion had taken Place of the
" Matter of Right on either Side; and
" said, from this, and, above all, from
" the Manner of our Expressions, he could
" draw no other Conclusion, than that
" it must be Our Wish to make the Af-
" fair in Question a Ground for Quarrel-
" ling. He lamented greatly that any
" Cause of Misunderstanding should exist
" between the Two Courts, particularly
" at the present Juncture. He hoped,
" however, that nothing serious might
" ensue from it; that his Fears and Ap-
" prehensions might prove ill-founded,
" and the Necessity of the Court of
" Spain coming to an Understanding with
" other Powers might be avoided. He
" concluded by saying, that he would
" endeavour to re-dispatch the Messenger
" to London in the Course of the Week,

 " and

" and that he would ſoften his Reply as
" much as poſſible, having nothing more
" at Heart than to preſerve Harmony
" and Friendſhip with Great Britain."

In the Concluſion of this Letter Mr. Merry ſaid, that

" The Court of Spain ſeems ſo ill prepared
" for War in regard to their Forces, and
" ſtill more ſo in reſpect to Credit, that
" he conceives Count Florida Blanca
" will have Prudence enough not to ſuf-
" fer the Matter to come to Extremities."

On the 18th of April another Letter was received from Mr. Merry, dated the 5th. In this he ſaid,

" As the Spaniſh Miniſter, in his Diſ-
" courſes with me upon this Affair, has
" chiefly dwelt upon the Manner of our
" Reply, I hope that what I have ſaid
" to him may have operated to leſſen his
" Apprehenſions, and that your Grace
" will find, by the Marquis del Campo's
" Communications, that the Language
" from hence has that Degree of Softneſs,
" which

" which Count Florida Blanca has pro-
" miſed me he would uſe."

By the ſame Poſt, and in a Letter of the ſame Date, Mr. Merry added, that

" The Alarm, which the Court of Spain
" has taken at our Anſwer about the
" Affair of Nootka, is ſo great, that they
" have given Orders for Reports to be
" Immediately ſent from the Spaniſh Ar-
" ſenals of the Quantity of Copper for
" ſheathing Ships, which there is in the
" Storehouſes, and of the Number of
" Ships of the Line which can be got
" ready for Sea at a ſhort Notice."

Mr. Merry, however, at the ſame Time, expreſſed his Conviction, that Count Florida Blanca muſt be ſufficiently ſenſible of the unfortunate State in which Spain is for the Support of a War, to be deſirous of avoiding it by every poſſible Means.

By another Letter, received with the Two former, but dated the 6th of April, Mr. Merry gave Information, That the Treaſure, lately arrived at Cadiz from Spaniſh America, aboard the San Ramon Ship of War of 68

Guns, the Caſtilla of 58, and the Nueſtra Senora de las Mercedes Frigate of 36 Guns, amounted altogether, by the moſt exact Account he had been able to obtain, to about Four Millions One Hundred and Thirty Thouſand Hard Dollars.

He added, that the Fleet of Exerciſe, he had formerly mentioned, was now aſſembling at Carthagena; and that the Letters from that Place mentioned, that it was expected All the Ships would be collected, and would be ready for Sea, in the Courſe of the preſent Month.

THUS pacific appeared to be the Intentions of the Spaniards, who ſeemed anxious to diſclaim All Idea of commencing Hoſtilities, while no Warlike Preparations in that Country, in any Manner, announced a ſecret Syſtem, contradictory of their Friendly Profeſſions, when, on the 20th of April, the Marquis del Campo addreſſed a Letter, of that Date, to the Duke of Leeds, by which he informed his Grace, that

" Having communicated to his Court the
" Duke's Anſwer of the 26th of Febru-
" ary to his Memorial, concerning the
" Detention in the Port of Nootka of
the

" the Engliſh Veſſel called the Prince of
" Wales, he had received Orders to in-
" form the Britiſh Miniſtry, that, not-
" withſtanding the inconteſtable Rights
" of Spain, founded on the moſt ſolemn
" Treaties, on the Diſcovery of the
" Indies, on the ancient Laws, and on
" the immemorial Poſſeſſion of an ex-
" cluſive Sovereignty, Navigation and
" Commerce, which the Crown of Spain
" had conſtantly exerciſed over the Ter-
" ritories, Shores and Seas before-men-
" tioned, and which it has manifeſted
" by the Capture of thoſe who tranſ-
" greſſed againſt it; the Vice-Roy of
" Mexico, as appears by the laſt Intel-
" ligence, had releaſed the above-men-
" tioned Veſſel and Crew, being con-
" vinced that nothing but Ignorance of
" the Rights of Spain could have en-
" couraged the Individuals of any Nation
" to reſort to that Coaſt, with the Idea of
" making an Eſtabliſhment, or of carry-
" ing on a Commerce there; and having
" poſitive Orders to ſhew every poſſible
" Attention to the Britiſh Nation, and
" to avoid every Thing which might be
" capable

" capable of disturbing the good Har-
" mony and Friendship which happily
" subsisted between the Two Courts.
" For these Reasons, and to afford an
" additional Proof of the King's Desire
" to maintain and strengthen this Friend-
" ship, His Catholic Majesty considers
" and understands this Affair to be at an
" End, without entering into Disputes or
" Discussions on the indisputable Rights
" of His Crown; and He flatters Him-
" self that His Britannic Majesty will
" command all His Subjects to respect
" them, according to the Request con-
" in the Marquis's First Letter."

This Letter, which, being sent to the Duke of Leeds's Office at Night, was not seen by his Grace till the 21st, of course engaged the serious Attention of His Majesty's Ministers. It appeared evidently from it, that the Court of Spain was not disposed to afford His Majesty any Satisfaction for the Insult offered to Him, by the violent Seizure and Detention of His Subjects and their Property, or in any Degree to relax from those exclusive and unjustifiable Claims of Dominion over the Whole

of

of the Weſtern Coaſt of America, which they had invariably maintained, and which had ſo often been the Occaſion of Diſputes and Wars between the Two Countries. On the contrary, His Catholic Majeſty, by ſtating the Releaſe of the Ship and Crew to have been done by Way of Compliment, and on a Preſumption that nothing but Ignorance of His Rights could have induced any one to viſit or trade on that Coaſt, juſtified the Proceedings of His Vice-Roy and Officer; and, to preclude even a Poſſibility of Doubt as to His Determination to ſupport His extravagant Pretenſions, His Ambaſſador ſtated, at full Length, His excluſive Rights, and the Grounds on which they were claimed.

Before any Determination, however, could be formed on this very important Buſineſs, a Circumſtance occurred, which contributed to throw many new Lights upon the Subject, and which proved the Conduct of the Spaniards to have been infinitely more hoſtile and injurious towards His Majeſty, than either Mr. Merry's Information, or the Letters of the Marquis del Campo, had given Reaſon to imagine.

The

The Circumſtance alluded to was the Arrival of Captain Meares, the Gentleman who had commanded the Expedition to Nootka Sound, and who was materially intereſted in the Ships captured by Don E. J. Martinez.

From him a more full, and probably a more authentic, Account of this Tranſaction was obtained, than had already been in the Poſſeſſion of Government.

To underſtand this properly, it will be neceſſary to recur ſhortly to the Origin of his Expedition, and trace it's Hiſtory from it's Commencement, in the Beginning of the Year 1786.

At that Time certain Merchants, reſiding in the Eaſt Indies, communicated to Sir John Macpherſon, the Governor-General of India, a Plan of opening a Trade with the North-Weſt Coaſt of America, for the Purpoſe of ſupplying the Chineſe Market with Furs and Ginſeng. Sir John, approving of the Plan, joined in the Subſcription for it's Execution; and Two Veſſels, called the Sea Otter and Nootka, were diſpatched to Prince William's Sound; the former under the Command of Mr. Tipping, the latter under that of Captain Meares, who was a Lieutenant in His Majeſty's

Navy,

Navy, and now had the Direction of the Expedition.

They arrived in Prince William's Sound in September following; ſoon after which the Sea Otter was unfortunately loſt off the Coaſt of Kamſchatka.

Captain Meares paſſed the Winter in Prince William's Sound; in the Courſe of which he opened an extenſive Trade with the Natives; and, having collected a Cargo of Furs, proceeded to China in the Autumn of 1787.

During his Continuance there he diſpoſed of the Nootka, and, in Conjunction with ſeveral Britiſh Merchants reſiding in India, (amongſt whom was nominally included Juan Carvallo, a Portugueze by Birth, who had been naturalized and reſided at Bombay, and traded from thence under the Protection of the Eaſt India Company, and who, from his Connection with the Governor of Macao, had obtained Permiſſion from him to navigate under the Portugueze Flag, in order to evade the extravagant Port Charges of the Chineſe, and for any other Purpoſe that might be found convenient) fitted out Two other Veſſels, called the Felice and Iphigenia, the former of

 which

which was commanded by himſelf, the latter by Mr. William Douglas.

Sailing from China, Captain Meares reached the Port of Nootka in May, 1788, and Captain Douglas arrived in Cook's River in the Month of June following.

Immediately on his Arrival, Captain Meares purchaſed from Maquilla, the Chief of the Nootka Diſtrict, a Spot of Ground, on which he built a Houſe, and hoiſted the Britiſh Colours. This Houſe he ſurrounded with a Breaſt-Work, in the Front of which he mounted One Three-Pounder.

He then proceeded to trade on the Coaſt, taking a Southerly Courſe, while Captain Douglas, in the Iphigenia, ſailed to the North. They confined themſelves within the Limits of 60 Deg. and 45 Deg. 30 Min. North, and returned to Nootka Sound in the Month of September.

By this Time, the People left there had finiſhed a new Veſſel of about 40 Tons, which they named the North-Weſt America.

In the Courſe of his Cruize, Captain Meares obtained from Wickenaniſh, the Chief of the Diſtrict ſurrounding Port Cox and Port Effingham, in Latitudes 48 and 49 Degrees, in

Conſequence

Consequence of considerable Presents, the Promise of a Free and Exclusive Trade with the Natives of That District, and his Permission to build any Storehouses or other Edifices which he might judge necessary. He also acquired the same Privilege of Exclusive Trade from Tatouche, the Chief of the Country bordering on the Straits of Juan de Fuca, and purchased from him a Tract of Land within the said Strait, which one of Captain Meares's Officers took Possession of in the King's Name, calling it Tatouche, after the Chief.

On the 23d of September, Captain Meares, in the Felice, proceeded, with a Cargo of Furs, to China, leaving the Iphigenia and the North-West America in Nootka Sound, with Orders to winter at the Sandwich Islands, and to return to the Coast in the Spring.

Captain Meares arrived in China early in the Month of December, where he sold his Ship and Cargo; and Two Ships, the Prince of Wales and Princess Royal, fitted out from the Port of London by Messrs. John and Cadman Etches and Co. coming at this Time to Canton, from a trading Voyage on the North-West Coast of America, Captain Meares and his Partners (excepting Carvalho, who had

become a Bankrupt, and who, from the Demiſe of the Governor of Macao, had loſt his Influence there) aſſociated themſelves with thoſe Gentlemen, as they poſſeſſed Licences from the Eaſt-India and South-Sea Companies, which would not expire 'till the Year 1790; and as the Trade on that Coaſt might ſuffer by a Competition. An Agreement was therefore executed between Captain Meares and Mr. John Etches, Supra-Cargo of the Two Ships, making a Joint Stock of All the Veſſels and Property employed in That Trade; and, under That Firm, they purchaſed a Ship, which had been built at Calcutta, and called her the Argonaut.

The Prince of Wales, having been chartered to load Teas for the Eaſt-India Company, ſoon afterwards returned to England; and the Princeſs Royal and Argonaut were ordered to ſail for the Coaſt of America, under the Command of Mr. James Colnet, to whom the Command of All the Concerns of the Company on That Coaſt had been committed.

He was inſtructed to fix his Reſidence at Nootka Sound, and to erect a ſubſtantial Houſe on the Spot purchaſed in the preceding Year by Captain Meares.

Mr.

Mr. Colnet, with Articles eſtimated to be ſufficient for the Trade for Three Years, and with a Veſſel on Board in Frame, of about 30 Tons Burthen, left China in the Months of April and May, 1789; taking with him ſeveral Artificers of different Profeſſions, and near 70 Chineſe, as Settlers on the American Coaſt, in the Service and under the Protection of the Aſſociated Company.

On the 24th of April the Iphigenia returned to Nootka Sound, and the North-Weſt America reached that Place a few Days after. On their Arrival they found Two American Veſſels, the Columbia and the Waſhington, which had wintered there.

On the 29th of the ſame Month the North-Weſt America was diſpatched to the Northward to trade, and to explore the Archipelago of St. Lazarus.

On the 6th of May, while the Iphigenia was lying at Anchor in Nootka Sound, a Spaniſh Ship of War called the Princeſſa, commanded by Don Eſtevan Joſeph Martinez, and mounting 26 Guns, anchored there. This Veſſel had ſailed from the Port of San Blas in the Province of Mexico. She was joined, on the 13th, by a Spaniſh Snow of 16 Guns, called

the

the San Carlos, which had ſailed from the ſame Port, loaded with Cannon and other Warlike Stores.

From the Arrival of the Princeſſa to the 14th of May, mutual Civilities paſſed between Captain Douglas and the Spaniſh Officers, and even Supplies were obtained from M. Martinez for the Uſe of the Ship. On that Day, however, Captain Douglas was ordered on Board the Princeſſa, and, to his great Surprize, was informed by M. Martinez, that he had the King of Spain's Orders to ſeize All Ships and Veſſels which he might find upon That Coaſt, and that he (Captain Douglas) was then his Priſoner.

M. Martinez then ordered his Officers to take Poſſeſſion of the Iphigenia; which they accordingly did in the Name of His Catholic Majeſty; and the Officers and Crew of that Ship were immediately conveyed, as Priſoners, on Board the Spaniſh Ships, where they were put in Irons, and were otherwiſe ill-treated.

AS ſoon as the Iphigenia was thus ſeized, M. Martinez took Poſſeſſion of the Lands which had been purchaſed by Captain Meares, hoiſting the Standard of Spain on the Houſe

he

he had erected, and performing the other Ceremonies usual on such Occasions. At the same Time he issued a Declaration, That All Lands, comprized between Cape Horn and the 60th Degree of North Latitude, belonged to His Catholic Majesty. He then proceeded to build Batteries, Storehouses, &c.; in the Execution of which he forcibly employed some of the Crew of the Iphigenia, and severely punished many of them who attempted to resist a Command, which they conceived to be injurious.

After a long Continuance of this unjustifiable Conduct, and after compelling Captain Douglas to sign a Paper written in Spanish (a Language which he did not understand) which proved to be an Obligation from him, on the Part of his Owners, to pay on Demand the Valuation of his Vessel, her Cargo, &c. in case the Vice-Roy of New Spain should adjudge her to be lawful Prize, as having entered the Port of Nootka without the Permission of His Catholic Majesty; M. Martinez permitted Captain Douglas to resume the Command of the Iphigenia, but restrained him from proceeding to Sea until the Return of the North-West America, insisting that he should

ſhould then diſpoſe of her for 400 Dollars, the Price which one of the American Captains had ſet upon her.

During the Time the Spaniards kept Poſſeſſion of the Iphigenia, ſhe was ſtript of all the Merchandize which had been provided for Trading, of her Stores, Proviſions, Nautical Inſtruments, Charts, &c. and of every Article (except Twelve Bars of Iron) which could conveniently be carried away, even to the Maſter's Watch, and various Articles of Cloathing.

Thus circumſtanced, Captain Douglas applied to M. Martinez for Relief; and, after much Solicitation, obtained a trifling Supply of Stores and Proviſions, for the Payment of which he was obliged to give Bills on his Owners.

M. Martinez, finding at length that Captain Douglas could not be induced to ſell the North-Weſt America, permitted him to depart; and accordingly, on the 1ſt of June, he quitted Nootka Sound and returned to China.

On the Eighth Day after his Departure, the Ship North-Weſt America, arriving off the Port of Nootka, was boarded and ſeized by Boats manned and equipped for War, commanded

manded by M. Martinez, which towed her into the Sound, and, anchoring her close to the Spanish Ships of War, took Possession of her in the Name of his Catholic Majesty, as good and lawful Prize. The Officers and Men, with the Stores, Tackle, Furniture, Articles of Trade, and 215 Skins of the best Quality, were then removed on board the Spanish Frigate; and Mr. Barnett, one of the Officers, and some of the Sailors, were afterwards put in Irons. The Ship was soon after employed by M. Martinez on a Trading Voyage, and brought Home a Cargo for his Use of 75 Skins, purchased with British Merchandize, which, on a moderate Calculation, were worth 7,500 Dollars.

On the 3d of July the Argonaut arrived off the Port of Nootka. As soon as M. Martinez observed her in the Offing, he boarded her in his Launch, and with much Civility promised Mr. Colnet, her Commander, every Assistance in his Power; in consequence of which, and having no Suspicion of the Spaniards, he proceeded into the Sound.

The next Day, however, M. Martinez sent the First Lieutenant of the Princessa, with a Military Force, to take Possession of the Argo-

naut. They accordingly ſeized her in the Name of His Catholic Majeſty, and hoiſted on Board of her the Spaniſh Flag. Her Officers and Men were made Priſoners, and Mr. Colnet was threatened to be hanged at the Yard-Arm, in case of his refuſing to comply with any Directions which might be given to him. This Treatment had ſuch an Effect upon the unfortunate Gentleman, that his Faculties became deranged, and he continued, when the Account came away, in a State of Incapacity for the Conduct of any Buſineſs.

Not ſatisfied with theſe Inſtances of uſurped Authority, M. Martinez appeared deſirous of ſeizing freſh Opportunities of inſulting the Britiſh Flag.—On the 13th of July the Sloop Princeſs Royal appeared off the Port of Nootka; and the Commander, approaching the Sound in his Boat, was ſeized, and made a Priſoner by M. Martinez, who forced him, by Threats of hanging him at the Yard-Arm, to ſend to his Officers to deliver up his Veſſel without Conteſt. Theſe Orders were diſpatched into the Offing by a Spaniſh Officer, and the Sloop was accordingly ſeized in the Name of His Catholic Majeſty, and brought into Port. Her Crew were made Priſoners,

and

and her Cargo, conſiſting of 473 Skins, was ſeized.

After ſuffering, for ſome Time, an ignominious and painful Captivity, the Crew of of the North-Weſt America was ſent by the Spaniards to China. The Argonaut, with her Officers and Men on Board, was ſent as a Prize to San Blas; and, when the Account came away, it was ſaid that the Princeſs Royal, with her Crew, were to be ſent to the ſame Place. M. Martinez, however, thought proper to detain the Chineſe, whom he compelled to enter into the Service of Spain, and whom he employed to work in the Mines, which he had opened on the Lands purchaſed by Captain Meares.

Such was the Subſtance of the Information received from Captain Meares.

HIS Majeſty's Miniſters, who, 'till now, had proceeded with that Caution, which the Uncertain Nature of the Intelligence they had received rendered eſſentially neceſſary, no longer having Room to doubt of the Inſult offered to the Britiſh Flag, and the Injury ſuſtained by Britiſh Subjects, from the unwarrantable and unprovoked Hoſtility of the

Spaniſh Commander, loſt no Time in taking thoſe Meaſures, which were beſt calculated to vindicate the Honor of His Majeſty and the Britiſh Nation, and to prove to all Europe that His Majeſty, however deſirous of Peace, and however unwilling He might be to hazard the Proſperity of His Kingdoms on the Events of War, felt too much for the Dignity of His Crown and the Intereſts of His People, to ſuffer ſuch accumulated Wrongs to paſs without the Notice becoming the Monarch of ſo great a Kingdom. The Affair of Nootka, therefore, and the various other Grounds of Complaint, which the recent Conduct of the Spaniſh Court had occaſioned, immediately engaged their moſt ſerious Attention. Nor was it long before freſh Information from Madrid evinced the Propriety of coming to a ſpeedy Determination, and of putting this Country into ſuch a State of Preparation, as might enable her to inforce her juſt Demands of Satisfaction, ſhould the Court of Spain think proper to avow and ſupport the Inſults offered by her Officers.

On the 29th of April a Letter was received from Mr. Merry, dated Madrid, the 12th of April,

April, by which he informed Government, that

" Don Francifco de Borja, appointed to
" command the Fleet of Exercife af-
" fembling at Carthagena, had received
" Orders to proceed immediately with
" the Fleet to Cadiz, where the Rendez-
" vous was now to be, and where there
" were Three Frigates and Two Sloops
" of War ready to join him. That the
" following were the Ships which were
" to fail from Carthagena, viz.

" SHIPS OF THE LINE.	GUNS.
" Europa - - -	74
" San Pablo - -	74
" San Fulgencio - -	64
" FRIGATES.	
" Santa Terefa - -	34
" Mahonefa - -	34
" Perla - - -	34
" SLOOP.	
" Tartaro, - - -	18

" That Orders had arrived there for All
" the Ships, which had been reported
" to

"to be fit for immediate Service, to be "ballasted, and held in Readiness to be "rigged and equipped for Sea on the "first Notice. Their Number was said "to be Twelve Sail of the Line, Four "Frigates and Six Xebecks. It was said, "that Three Ships of the Line were now "getting ready for Sea at Ferrol. The "same Orders had been sent to the "other Ports, as appear to have reached "Carthagena, for preparing the Ships "to be armed at a short Notice. Mr. "Merry added, that, from the Reports "which prevailed, he did not believe the "Preparations would be carried any farther "at present; and that it was not yet "known that the Spanish Government "was looking out for Money."

By another Letter, dated the 15th of April, and received the 3d of May, Mr. Merry gave Notice, that an Order had just been issued by His Catholic Majesty, absolutely prohibiting for the present the Exportation of Specie from Spain, even of those Sums for which Licences had already been granted by the Bank of St. Charles; and that, beside the Treasure lately

brought

brought to Cadiz in the Ships of War, Advice had been received at Madrid of the Arrival in that Port, from Vera Cruz, of Two Merchant Ships, with near a Million of Hard Dollars on Board.

Mr. Merry added, that

" The Spaniſh Fleet at Carthagena had
" been joined by the Three Frigates and
" Two Sloops of War from Cadiz,
" which he mentioned in his preceding
" Letter; and that it was ſaid the Whole
" was to proceed to the latter Port as
" ſoon as the Wind ſhould allow them
" to put to Sea.—That the Ships, re-
" ported to be fitted out for Immediate
" Service at Cadiz, conſiſt of 14 Sail of
" the Line, 10 Frigates, and 2 Sloops:
" That Two Ships of the Line had been
" ordered to be armed at that Port; and
" that Directions had been given for the
" Two, which were arrived with Treaſure
" from Spaniſh America, not to be diſ-
" armed."

BY Intelligence received about the ſame Time, the Authenticity of which could not be

be doubted, His Majesty's Ministers were informed, That a large Fleet was fitted out at Ferrol, consisting of 13 Ships and 4 or 5 Frigates: That a Report prevailed, that All the Vessels in that Department were to be fitted out; and that they were actually getting ready, with the greatest Speed, the following Vessels, viz.

	Guns.
Medio Mundo - -	124
San Hermenigildo - -	124
Conde de Regla - -	124
Patriarca San Josef - -	124
San Rafael - - -	80
San Fernando - -	90
Brillante - - -	74

The Number of Frigates and their Destiny were, according to this Account, uncertain. The same Intelligence gave Notice that, in the Course of the last Month, the Europa of 74 Guns, the Juno Frigate of 44, and the Santa Teresa of 36 Guns, sailed for Cadiz, where they now are, with Ten other Sail of the Line and Eight Frigates:—That, in the other Departments, they were getting ready All their Ships:—That there had already been a Levy of 6,000 Seamen from Galicia and the Astu-

rias,

rias, and of 2,000 from Biſcay, and that Orders were iſſued for a further Levy of Twenty-four Thouſand Men :—And that the Regiments of Galicia, Murcia and Zamora were on their March from Pontevedra to Corunna.

THE Meaſures adopted by His Majeſty's Miniſters were as Vigorous as the important Occaſion demanded, and their prompt Execution correſponded with the Urgency of the Moment. On the 4th of May a Meſſenger was diſpatched to Mr. Merry at Madrid, conveying to him Inſtructions to Repreſent to the Court of Madrid, that the laſt Communication delivered by the Marquis del Campo is conſidered by His Britannic Majeſty as Unſatisfactory, and as not affording that Reparation which His Majeſty had a Right to expect on this Occaſion; it being therein ſtated, that the Reſtitution of the Veſſel was made on the Ground of General Regard for the Britiſh Nation, and of a Suppoſed Ignorance of the Property of Spain, which alone, as it is alledged, could have encouraged the Individuals of any Nation to reſort to thoſe Coaſts, in the Idea of Eſtabliſhing themſelves there, or of carrying on their Commerce;

a Claim on the Part of the Court of Spain being alſo therein diſtinctly aſſerted to the Excluſive Rights of Sovereignty, Navigation and Commerce in the Territories, Coaſts and Seas on the North-Weſt Coaſt of America; and no Satisfaction whatever being made or offered to His Majeſty, for a Proceeding ſo offenſive to the Honor of His Crown. That, in Addition to theſe Conſiderations, His Majeſty had ſince received further Information of the Particulars of the Tranſaction in Queſtion; by which it appeared that the Spaniſh Officer did not confine himſelf to the Capture of One Veſſel alone; that he had alſo made Prize of a Veſſel called the Princeſs Royal, belonging to the Port of London, and had ſent her, with her Crew as Priſoners, to the Port of San Blas, having ſeized her Cargo, and made Uſe of it for the Purpoſe of carrying on a Commerce on the Coaſt. That it was doubtful whether One or Both of the Two Veſſels, mentioned in M. del Campo's Firſt Letter as belonging to a Portugueze, reſident at Macao, were not in Effect Britiſh Veſſels, navigated under ſuch Circumſtances as would, by the Laws of Nations, entitle them to the Protection of His Britannic Majeſty. That it

appeared,

appeared, that the Soil at Nootka, and in ſome other Parts of the Coaſt, particularly in a Strait in or about 40 Degrees, 50 Minutes of Latitude, had been, antecedently to this Tranſaction, purchaſed of the Natives by a Britiſh Subject, and the Britiſh Flag hoiſted thereon.

Mr. Merry was then directed to Repreſent, that, under theſe Circumſtances, His Majeſty had felt it due to the Honor of His Crown, and the Rights of His People, to require the full and entire Reſtitution of All the ſaid Veſſels, with their Property and Crews, or of as many of them as ſhould, on fair Examination of what can be alledged on both Sides, be found to have been Britiſh Veſſels, entitled as ſuch to His Majeſty's Protection; and to inſiſt on an Indemnification to the Individuals concerned in the ſaid Veſſels, for the Loſſes ſuſtained by their unjuſt Detention and Capture: And, above all, on an adequate Reparation to His Majeſty for the Injury done by an Officer, commanding His Catholic Majeſty's Veſſels of War, to Britiſh Subjects, trading, under the Protection of the Britiſh Flag, in thoſe Parts of the World, where the Subjects of His Majeſty have an Unqueſtion-

able Right to a Free and Undiſturbed Enjoyment of the Benefits of Commerce, Navigation and Fiſhery; and alſo to the Poſſeſſion of ſuch Eſtabliſhments, as they may form with the Conſent of the Natives, in Places unoccupied by Other European Nations.

Mr. Merry was finally directed to Demand a Speedy and Explicit Anſwer to This Communication; at the ſame Time expreſſing the ſincere Wiſhes of His Britannic Majeſty, that the Iſſue of the preſent Buſineſs may be ſuch, as to remove any Grounds of Uneaſineſs, and continue and confirm Harmony and Friendſhip between the Two Nations.

THE ſame Meſſenger, who was charged with this Repreſentation, carried alſo a Letter from the Duke of Leeds to Mr. Merry, informing him that Mr. Fitz-Herbert was directed to repair Immediately to Spain, in order to carry on ſuch Negotiations as may be neceſſary:—That His Majeſty had found it indiſpenſably neceſſary to make Preparations, for enabling Himſelf to Act as the Exigency of Affairs may require:—That His Majeſty continues to entertain a ſincere Deſire for Peace, and will embrace with Satisfaction the firſt

Opportunity

Opportunity of Diſcontinuing His Preparations, and reducing His Forces to a Peace Eſtabliſhment, when He ſhall be ſatisfied that ſimilar Meaſures will be taken by the Court of Spain, and when He ſhall have obtained an adequate Reparation, and ſufficient Security for the Future; Objects which His Majeſty cannot relinquiſh, being fully determined to ſupport to the utmoſt the Honor of His Crown and the Juſt Rights of all His Subjects.

On the ſame Evening, a Notification of the Buſineſs in Agitation was tranſmitted to His Majeſty's Conſuls in the different Ports of Spain, and a General Preſs took Place, which proved the Firſt Public Notice of the Diſpute between the Two Crowns; the whole Affair having hitherto been conducted with a Secrecy unknown on any former Occaſion, and having been confined to thoſe few Perſons only, who, from their peculiar Situations of Confidence, were neceſſarily employed in it's Conduct.

On the following Day, His Majeſty was graciouſly pleaſed to ſend a Meſſage to each Houſe of Parliament; of which, and of the Orders

which

which were made by them for Addreſſes to His Majeſty, the following are Copies:

His MAJESTY's moſt Gracious MESSAGE to the LORDS Spiritual and Temporal, in Parliament aſſembled.

Wedneſday, May 5, 1790.

HIS Majeſty has received Information, that Two Veſſels, belonging to His Majeſty's Subjects, and navigated under the Britiſh Flag, and Two others, of which the Deſcription is not hitherto ſufficiently aſcertained, have been captured at Nootka Sound, on the North-Weſtern Coaſt of America, by an Officer commanding Two Spaniſh Ships of War; that the Cargoes of the Britiſh Veſſels have been ſeized, and that their Officers and Crews have been ſent as Priſoners to a Spaniſh Port.

The Capture of One of theſe Veſſels had before been notified by the Ambaſſador of His Catholic Majeſty, by Order of his Court, who, at the ſame Time, deſired, that Meaſures might be taken for preventing His Majeſty's Subjects from frequenting thoſe Coaſts, which were alledged to have been previouſly occupied, and frequented by the Subjects of Spain.

Complaints

Complaints were alſo made of the Fiſheries carried on by His Majeſty's Subjects in the Seas adjoining to the Spaniſh Continent, as being contrary to the Rights of the Crown of Spain. In conſequence of this Communication, a Demand was immediately made, by His Majeſty's Order, for adequate Satisfaction, and for the Reſtitution of the Veſſel, previous to any other Diſcuſſion.

By the Anſwer from the Court of Spain, it appears, that this Veſſel and her Crew had been ſet at Liberty by the Vice-Roy of Mexico; but this is repreſented to have been done by him, on the Suppoſition that nothing but the Ignorance of the Rights of Spain encouraged the Individuals of other Nations to come to thoſe Coaſts, for the Purpoſe of making Eſtabliſhments, or carrying on Trade, and in Conformity to his previous Inſtructions, requiring him to ſhew all poſſible Regard to the Britiſh Nation.

No Satisfaction is made or offered, and a direct Claim is aſſerted by the Court of Spain to the excluſive Rights of Sovereignty, Navigation, and Commerce in the Territories, Coaſts, and Seas in that Part of the World.

His

His Majesty has now directed His Minister at Madrid to make a fresh Representation on this Subject, and to claim such full and adequate Satisfaction as the Nature of the Case evidently requires. And, under these Circumstances, His Majesty having also received Information that considerable Armaments are carrying on in the Ports of Spain, has judged it indispensably necessary to give Orders for making such Preparations as may put it in His Majesty's Power to act with Vigour and Effect, in Support of the Honour of His Crown and the Interests of His People. And His Majesty doubts not but He shall have the Concurrence and Support of this House (on whose Affection and Zeal He perfectly relies) in taking such Measures, and making such Augmentation of His Forces, as may be eventually necessary for this Purpose.

It is His Majesty's earnest Wish that the Justice of His Majesty's Demands may insure, from the Wisdom and Equity of His Catholic Majesty, the Satisfaction which is so unquestionably due; and that this Affair may be terminated in such a Manner as to prevent any Grounds of Misunderstanding in future, and to continue and confirm that Harmony and

Friendship

Friendſhip which has happily ſubſiſted between the Two Courts, and which His Majeſty will always endeavour to maintain and improve, by all ſuch Means as are conſiſtent with the Dignity of His Majeſty's Crown, and the eſſential Intereſts of His Subjects.

G. R.

ORDER of the Houſe of LORDS for an ADDRESS to His MAJESTY.

Thurſday, May 6, 1790.

ORDERED, Nemine diſſentiente,

THAT an humble Addreſs be preſented to His Majeſty, to return His Majeſty the Thanks of this Houſe for His moſt Gracious Meſſage, acquainting this Houſe with thoſe Circumſtances relative to the Capture of Britiſh Veſſels on the North-Weſtern Coaſt of America, and to the Conduct of the Court of Spain on this Occaſion, which have induced His Majeſty to give Orders for making ſuch Preparations as may put it in His Majeſty's Power to act with Vigour and Effect, in Support of the Honor of His Majeſty's Crown, and of the Intereſts of His People; and to aſ-

ſure His Majeſty of Our ready Concurrence and Support, in taking ſuch Meaſures, and in making ſuch Augmentation of His Majeſty's Forces, as may eventually be neceſſary on this Occaſion.

That We truſt that the Juſtice of His Majeſty's Demands will enſure, from the Wiſdom and Equity of His Catholic Majeſty, the Satisfaction which is ſo unqueſtionably due to His Majeſty; and that We ſhall ſincerely rejoice in ſuch a Termination of the Diſcuſſions now depending, as may prevent any Grounds of Miſunderſtanding in future, and may continue and confirm that Harmony and Friendſhip, which has happily ſubſiſted between Great Britain and Spain: But that We, at the ſame Time, feel it Our indiſpenſable Duty to aſſure His Majeſty of the Determination of this Houſe to concur with His Majeſty, in the moſt zealous and effectual Manner, in ſuch Meaſures as may become requiſite, for maintaining the Dignity of His Majeſty's Crown, and the eſſential Intereſts of His Majeſty's Dominions.

His

His MAJESTY's moſt Gracious MESSAGE to the Honourable the Houſe of COMMONS, in Parliament aſſembled.

Wedneſday, May 5, 1790.

HIS Majeſty has received Information, that Two Veſſels belonging to His Majeſty's Subjects, and navigated under the Britiſh Flag, and Two others, of which the Deſcription is not hitherto ſufficiently aſcertained, have been captured at Nootka Sound, on the North-Weſtern Coaſt of America, by an Officer commanding Two Spaniſh Ships of War; that the Cargoes of the Britiſh Veſſels have been ſeized, and that their Officers and Crews have been ſent as Priſoners to a Spaniſh Port.

The Capture of One of theſe Veſſels had before been notified by the Ambaſſador of His Catholic Majeſty, by Order of His Court, who, at the ſame Time, deſired, that Meaſures might be taken for preventing His Majeſty's Subjects from frequenting thoſe Coaſts, which were alledged to have been previouſly occupied, and frequented by the Subjects of Spain. Complaints were alſo made of the Fiſheries carried on by His Majeſty's Subjects in the

Seas adjoining to the Spaniſh Continent, as being contrary to the Rights of the Crown of Spain. In conſequence of this Communication, a Demand was immediately made, by His Majeſty's Order, for adequate Satisfaction, and for the Reſtitution of the Veſſel, previous to any other Diſcuſſion.

By the Anſwer from the Court of Spain, it appears, that this Veſſel and her Crew had been ſet at Liberty by the Vice-Roy of Mexico; but this is repreſented to have been done by him, on the Suppoſition that nothing but the Ignorance of the Rights of Spain encouraged the Individuals of other Nations to come to thoſe Coaſts, for the Purpoſe of making Eſtabliſhments, or carrying on Trade; and in Conformity to his previous Inſtructions, requiring him to ſhew all poſſible Regard to the Britiſh Nation.

No Satisfaction is made or offered, and a direct Claim is aſſerted by the Court of Spain to the excluſive Rights of Sovereignty, Navigation and Commerce in the Territories, Coaſts, and Seas in that Part of the World.

His Majeſty has now directed His Miniſters at Madrid to make a freſh Repreſentation on this Subject, and to claim ſuch full and ade-

quate

quate Satisfaction as the Nature of the Caſe evidently requires. And, under theſe Circumſtances, His Majeſty having alſo received Information that conſiderable Armaments are carrying on in the Ports of Spain, has judged it indiſpenſably neceſſary to give Orders for making ſuch Preparations as may put it in His Majeſty's Power to act with Vigour and Effect, in Support of the Honor of His Crown, and the Intereſts of His People. And His Majeſty recommends it to His faithful Commons (on whoſe Zeal and Public Spirit He has the moſt perfect Reliance) to enable Him to take ſuch Meaſures, and to make ſuch Augmentation of His Forces, as may be eventually neceſſary for this Purpoſe.

It is His Majeſty's earneſt Wiſh, that the Juſtice of His Majeſty's Demands may inſure, from the Wiſdom and Equity of His Catholic Majeſty, the Satisfaction which is ſo unqueſtionably due; and that this Affair may be terminated in ſuch a Manner as to prevent any Grounds of Miſunderſtanding in future, and to continue and confirm that Harmony and Friendſhip which has ſo happily ſubſiſted between the Two Courts, and which His Majeſty will always endeavour to maintain and improve,

improve, by all ſuch Means as are conſiſtent with the Dignity of His Majeſty's Crown, and the eſſential Intereſts of His Subjects.

G. R.

The RESOLUTION of the Houſe of COMMONS for an ADDRESS to His MAJESTY.

Jovis, 6° Die Maii, 1790.

RESOLVED, Nemine contradicente,

THAT an humble Addreſs be preſented to His Majeſty, to return His Majeſty the Thanks of this Houſe, for His moſt Gracious Meſſage, acquainting this Houſe of thoſe Circumſtances relative to the Capture of Britiſh Veſſels on the North-Weſtern Coaſt of America, and to the Conduct of the Court of Spain on this Occaſion, which have induced His Majeſty to give Orders for making ſuch Preparations as may put it in His Majeſty's Power to act with Vigour and Effect in Support of the Honor of His Majeſty's Crown, and of the Intereſts of His People; and to aſſure His Majeſty, that We ſhall readily proceed to enable His Majeſty to take ſuch Meaſures, and to make ſuch Augmentation of His Majeſty's

Forces,

Forces, as may eventually be neceſſary on this Occaſion.

That We truſt that the Juſtice of His Majeſty's Demands will enſure, from the Wiſdom and Equity of His Catholic Majeſty, the Satisfaction which is ſo unqueſtionably due to His Majeſty; and that We ſhall ſincerely rejoice in ſuch a Termination of the Diſcuſſions now depending, as may prevent any Grounds of Miſunderſtanding in future; and may continue and confirm that Harmony and Friendſhip, which has happily ſubſiſted between Great Britain and Spain: But that We, at the ſame Time, feel it Our indiſpenſable Duty to aſſure His Majeſty of the Determination of His faithful Commons to afford His Majeſty the moſt zealous and effectual Support, in ſuch Meaſures as may become requiſite, for maintaining the Dignity of His Majeſty's Crown, and the eſſential Intereſts of His Majeſty's Dominions.

WHILE theſe Steps were taking, to vindicate the Honor of the Britiſh Crown, and to obtain an adequate Satisfaction from the Court of Spain, the other Departments of His Majeſty's Government were employed in taking

king every Meaſure which was proper, for carrying into Effect His Majeſty's vigorous Counſels, and for putting His Diſtant Poſſeſſions into a State of adequate Defence.

For this Purpoſe, immediate Notice, with proper Inſtructions for their Conduct at ſo critical a Period, was ſent to the ſeveral Conſuls on the Coaſt of Barbary, and to Major-General O'Hara, commanding at Gibraltar.* Lord Heathfield, the Governor of that important Fortreſs, ſolicited and obtained His Majeſty's Permiſſion to reſume his Command, and ſet out on his Return to the Garriſon. The Seventh Regiment of Foot was ordered to embark without Delay to the ſame Place, to join their Colonel His Royal Highneſs Prince Edward.

At the ſame Time every Attention was ſhewn to the Security of His Majeſty's Poſſeſſions in America and the Weſt Indies, which might reaſonably be ſuppoſed to be more open to any ſudden hoſtile Attack.

Lord Dorcheſter, the Governor of Canada, who had ſignified his Intention of returning to England the enſuing Summer, was directed † to

* May 6. † Same Date.

to remain in his Government, where his Experience and Abilities were judged to be of the greateſt Importance. As it was doubtful whether, conſiſtently with the other Exigencies of the State, a Reinforcement of Troops could be ſent out this Year to Canada, his Lordſhip was directed to take proper Meaſures for embodying the Militia in that Province, ſhould ſuch a Meaſure, in the Courſe of Events, appear to him to be neceſſary: And he was further inſtructed to cultivate, as much as poſſible, the Friendſhip of the Inhabitants of Vermont, in order to prevent any Alarm which might ariſe on the Part of the United States of America.

As this was an Occurrence on every Account to be deprecated, and againſt the Poſſibility of which it behoved the Wiſdom of His Majeſty's Government to provide as certainly as the Exigencies of the Moment would permit, Lord Dorcheſter was directed to adopt every Means in his Power to influence the Americans in Favor of the Britiſh Nation; and to prevent them from being induced, by any Repreſentations of the Court of Spain, or by any Offers which might be held out to them by that Power, to join with Her in the Event of Her

Conteſt with England. For this Purpoſe, in Addition to the friendly Profeſſions, which he had conſtantly held out to them ſince the Peace, he was inſtructed to explain to them the real Nature of the Spaniſh Pretenſions; by which an Excluſive Claim, as againſt all the World, was advanced by them to the Poſſeſſion and Dominion of the Whole Weſtern Coaſt of America and the adjoining Seas; a Claim, which, if admitted, muſt of courſe operate as ſtrongly and as diſadvantageouſly againſt the Americans as againſt the Engliſh, and muſt put an End to the Proſecution of their Fur Trade, which was become ſo material for the carrying on of their Commerce to China. He was alſo directed to ſuggeſt the important Conſequences which might reſult from the Navigation of the Miſſiſſippi being opened to them; Advantages at leaſt as great, as could poſſibly be expected from their becoming poſſeſſed of the Forts on the Frontier of Canada; particularly when it was conſidered, that they might acquire the former, by the Aſſiſtance of Great Britain, much more eaſily than they could hope to poſſeſs the latter, againſt Her Will, by the Help of Spain.

Notices

Notices of the Diſcuſſions in Queſtion were ſent to the Governors of Barbadoes, St. Vincent, the Leeward and Bahama Iſlands, Dominica, Cape Breton and Nova Scotia‡, with Directions to tranſmit the earlieſt Intelligence in their Power of the State and Preparations of the Spaniards and French in thoſe Parts of the World, together with accurate Statements of the Forces under their reſpective Commands; and the Governors of thoſe Places, where Works of Defence were carrying on, had Orders to expedite them as quickly as poſſible, and to take the proper Steps for calling out their ſeveral Militias, ſhould Circumſtances render ſuch a Meaſure adviſeable.

As an Increaſe of our Military Force in the Weſt Indies was deemed expedient, the Thirteenth and Fifteenth Regiments of Foot, which had been on the Iriſh Eſtabliſhment, were ordered to embark immediately at Cork, having previouſly been augmented to Seventy Men, beſide Officers and Non-commiſſioned Officers, per Company: And the Forty-ſeventh and Sixty-ſecond Regiments, which had lately been ſent to Nova Scotia, for the Purpoſe of relieving the Fifty-fourth and Fifty-ſeventh Regiments,

 (whoſe

‡ May 6.

(whoſe Removal was now countermanded) were ordered to the Weſt Indies; the former to the Bahamas, and the latter to Jamaica. They were to be tranſported in the Endymion and Actæon, each of Forty-four Guns, which were directed afterwards to join the Squadron on the Jamaica Station. Orders were alſo ſent ‖ to Governor Parry at Barbadoes, and to Lieutenant-General Matthews at Grenada, to provide Quarters for a conſiderable additional Force, which might probably be ſent to thoſe Iſlands in the Event of a War: And Major-General Williamſon was directed immediately to repair to Jamaica, as Commander of the Forces.

That nothing might be omitted in that Quarter of the World, which might tend to the Security of His Majeſty's Subjects, the Earl of Effingham, who had recently arrived as Governor in the Iſland of Jamaica, was directed * to pay a particular Attention to the Settlers in the Honduras. Though it was impoſſible for His Majeſty, conſiſtently with good Faith, to ſend Troops or other Articles of Military Preparation there, previouſly to an actual Rupture with Spain, yet it was extremely deſireable that

‖ May 22. * May 6.

that Preparations ſhould be made for ſending down, immediately and without the ſmalleſt Delay, both Advice and Aſſiſtance to the Settlers in caſe of Neceſſity. Lord Effingham, therefore, was apprized of this Circumſtance, and was particularly directed, on the firſt Notice he might receive from Home of a War, or on any other ſufficient and authentic Information of the actual Commencement of Hoſtilities, to diſpatch a Veſſel to the Honduras, for the Purpoſe of conveying Notice of ſuch an Event to the Britiſh Settlers, and of carrying to them a ſufficient Supply of Arms and Ammunition.

Within a very ſhort Time after this Inſtruction was ſent, His Majeſty's Miniſters, reflecting on the Importance of the Settlement in Queſtion, and, conceiving that, on many Accounts, it might become an Object of early Attack to the Spaniards, thought proper † to diſpatch a Sloop of War directly to the Honduras, to guard the Settlers againſt any Surprize, and to convey ſuch a Quantity of Arms and Ammunition, as might enable them to defend themſelves in caſe of Neceſſity. The Commander of the Sloop, however, was ſtrictly

† May 15.

ly charged to abſtain from giving any Cauſe of Complaint to Spain, and not to land the Arms and Ammunition he conveyed, unleſs formally required ſo to do by Lieutenant-Colonel Hunter, the Superintendant of the Settlement. In caſe of ſuch a Requiſition being made, he was ordered to land them, and to co-operate to the utmoſt of his Power with Colonel Hunter and the Settlers. And, that every Thing might be done which could conduce to the Safety of theſe Perſons, Lord Effingham was, at the ſame Time, directed to ſend them a Supply of Proviſions from Jamaica.

While thus every Meaſure was adopted, which could tend to the Security of His Majeſty's Weſtern Poſſeſſions, His Confidential Servants were not leſs attentive to the Eaſt Indies, nor leſs prompt in providing againſt a poſſible Attack in that Quarter, or for an effectual Exertion of the Britiſh Force, ſhould the Conduct of the Spaniards juſtify ſuch an Enterprize. Inſtructions were ſent ‡ over Land by an Officer, and by the Company's Ships then under Diſpatch, to Earl Cornwallis, Governor General of Bengal, directing him, in

‡ May 12.

in concert with General Medows and Commodore Cornwallis, to take all preparatory Steps for getting ready One Regiment of the King's Troops at Bengal, One at Bombay, and Two at Madras, with as many Madras or Bombay Seapoys as might, in the whole, conſtitute a Force of about Five Thouſand Men, for the Purpoſe of acting offenſively from the Eaſt Indies againſt the Spaniſh Settlements in the Phillippines, or on the Weſtern Coaſt of America, ſhould Orders come out from England to that Effect: And he was further inſtructed to provide a ſufficient Quantity of Shipping to convey theſe Troops, and to collect a Sufficiency of Artillery, Camp Equipage, and other Stores, as well as Salt Proviſions.

This Diſpatch had left England a very ſhort Time, when a Piece of Intelligence arrived, which made it neceſſary in ſome Degree to alter the Inſtructions thus ſent out. An Attack had been made by Tippoo Sultan on an Ally of the Eaſt India Company, which, it was apprehended, might occaſion the Britiſh Government in that Peninſula to interfere, and might lead on to a War with that powerful Prince. In conſequence of this Event, His Majeſty's Miniſters conceived that it would

not

not be adviſeable to detach ſo many Men from that Country on an Expedition againſt the Spaniards, as had been mentioned in the preceding Letter. A freſh Inſtruction was therefore ſent * to Lord Cornwallis, by the Swallow Packet, directing him to hold in Readineſs Two Battalions of Europeans, and as many Native Troops as might make the whole Force amount to 1,500 or 2,000 Men, for the Purpoſe of making an Attack on Manilla, and which probably would prove adequate to that Expedition.

At the ſame Time, One Ship of the Line and Two Frigates were ordered to proceed immediately to India, to join the Fleet under Commodore Cornwallis. One Fifty Gun Ship and One Frigate were ordered to ſail for Canton, to convoy through the Indian Seas the Company's China Ships, which were ordered to ſail in Two Diviſions, the Firſt in January next, the Second in February; and, having performed this Service, to join Commodore Cornwallis, either at the Manillas or in the Bay of Bengal, according to the Information they ſhould receive. Beſides theſe Reinforcements, a Quantity of Salt Proviſions, ſufficient

for

* June 5.

for the Uſe of Five Thouſand Men for Six Months, was ſent in Tranſports to the Eaſt Indies, as it was apprehended a Difficulty might be found in procuring that Article there.

Having thus taken a View of the Meaſures adopted by His Majeſty's Miniſters, for putting His diſtant Poſſeſſions into a State of adequate Defence, and for making ſuch Preparations for active Service as Circumſtances might require; it will be proper to return to the great Queſtion agitating with the Court of Spain, and to follow the King's Servants in the Negotiations which it occaſioned in various Parts of Europe.

THE happy Termination of the Diſputes in Holland in the Year 1787, by which the preſent Government of the United Provinces was eſtabliſhed on its preſent Footing, and which was in a great Meaſure owing to the vigorous and effectual Interference of His Majeſty, having united Great Britain and that Country in ſtrict Friendſhip, and having been followed by a Defenſive Alliance between Them and the King of Pruſſia, it was, on every Account, proper, that the earlieſt In-

timation of the impending Buſineſs ſhould be ſent to thoſe Courts. Accordingly, on the 4th of May, every requiſite Information on that Subject was ſent to Lord Auckland, His Majeſty's Ambaſſador to the States General; and his Excellency was inſtructed to ſtate to the Prince and Princeſs of Orange, the Grand Penſionary and the Greffier, that the King, relying with Confidence on the Juſtice of His Cauſe, as well as on the Sincerity of His Wiſhes to avoid, if poſſible, the Interruption of Peace with Spain, was confident of the Meaſures He had adopted being approved in Holland; and that, ſhould the Injuries of which He complained not be redreſſed, He made no Doubt of the Support of His Allies, if the Conteſt, which then would be inevitable, ſhould make it neceſſary for His Majeſty to call upon them to fulfil the Engagements of the Alliance.

A ſimilar Communication was made on the 7th to the Court of Berlin.

By another Letter to Lord Auckland, alſo dated the 4th of May, the Duke of Leeds deſired his Excellency to inform him, previous to any Demand of the Succours ſtipulated by Treaty being made, whether a certain Num-

ber

ber of Ships might not be furniſhed by the Republic, to act in concert with us (in caſe of War) though not upon the preciſe Footing of Auxiliaries under Treaty; and upon what Terms ſuch Aſſiſtance might be procured, before a Formal Demand of a Naval Force, as ſpecified in the Treaty. His Grace conceived there was no Doubt but that, on the ſtricteſt Interpretation of our Alliance, This is a Caſe in which we ſhould be intitled to call on the Republic to furniſh it's Contingent; but that it might perhaps be worth while, at an earlier Stage of the Buſineſs, to induce the Republic to make Immediate Preparations for equipping a Squadron, under an Engagement from us to contribute to the Extraordinary Expences ariſing from that Meaſure; and that ſuch a Demonſtration, made in concert with us at the Outſet, might have the greateſt Effect in preventing actual Extremities, and might thereby equally promote the Views and the Intereſts of This Country and of Holland. This the Duke ſtated to his Excellency in perfect Confidence, with a View to his making ſuch Enquiries as could be made with Diſcretion, in order to give His Majeſty's Miniſters the neceſſary Information on the Subject; and Lord Auckland was further directed to ſend over, with the utmoſt

Expedition, an accurate Account of the whole of the Dutch Naval Force, eſpecially of that Part ſerving on Foreign Stations, diſtinguiſhing the ſeveral Stations.

Theſe neceſſary Steps having been taken towards Holland and Pruſſia, and a Foundation having been laid for Support and Aſſiſtance in the Event of a War, His Majeſty's Miniſters thought it adviſeable to purſue ſuch a Line of Conduct towards France, as ſhould prevent that Power from taking a Part againſt us in Favor of Spain. With this View, a Communication of all the recent Circumſtances was made, on the 7th of May, to Lord Robert Fitz-Gerald, His Majeſty's Chargé d'Affaires at Paris; and he was directed to take an early Opportunity of explaining the Whole of this Buſineſs to Monſieur de Montmorin, and to aſſure him, in the moſt explicit Manner, that the Preparations going forward in This Country were made ſolely with a View to the Situation, in which His Majeſty found Himſelf in relation to the Court of Spain, and for the Purpoſe of defending His juſt Rights: That the King was ſincerely deſirous of terminating the Affair by Negotiation, if it could be effected on fair and honourable Grounds; and that

He

He was perſuaded the Court of France would ſee, in it's juſt Light, the Conduct which His Majeſty found Himſelf indiſpenſibly obliged to adopt on this Occaſion. Lord Robert was alſo inſtructed to repeat the Aſſurances which, from Time to Time, he had been inſtructed to make, of His Majeſty's ſincere Deſire to preſerve the Harmony and Good Underſtanding at preſent happily ſubſiſting between This Country and France.

At the ſame Time, Circular Letters were written to all the King's Miniſters reſiding in the different Courts of Europe, acquainting them with the Buſineſs in Diſcuſſion, and requiring them to ſend Home the earlieſt and moſt compleat Accounts of every Thing which might have a relation to it.

ON the 10th of May, a Letter arrived from Mr. Merry to the Duke of Leeds, dated Aranjuez, April 22, by which it appeared that the Warlike Preparations in Spain were continued. Mr. Merry relates, that the Fleet under Lieutenant-General Borja, conſiſting of Three Ships of the Line, Six Frigates and Two Sloops, had ſailed on the 14th Inſtant from Carthagena, and had taken a Weſterly Courſe: That Orders had been ſent to that Port, for Six Sail

of

of the Line and Two Frigates to be prepared for Sea with all poſſible Expedition: That Four Line of Battle Ships (Two of them Firſt Rates) and ſome Frigates, were arming at Cadiz: That One Ship of 112 Guns, One of 84, another of 74, a Frigate, and Two Store-Ships of 40 Guns each, were arming at Ferrol; and that, upon the whole, it would appear that there were about Twenty Sail of the Line at that Time preparing for Immediate Service in the Spaniſh Ports.

LORD Auckland, to whom, as it has already been ſtated, a very delicate and important Commiſſion was intruſted by the Duke of Leeds's Private Letter of the 4th Inſtant, loſt no Time in carrying into Effect His Majeſty's Wiſhes. Having communicated to the Prince and Princeſs of Orange, the Penſionary, and the Greffier, the Contents of that Diſpatch, he was deſired by them to expreſs their grateful Acknowledgements for ſo early a Communication of this very important Buſineſs, which they conſidered as a Mark of particular Attention, exciting them to Alacrity and Earneſtneſs in our Cauſe. This Acknowledgement was followed by the moſt active and friendly Exertions, and by the moſt unequivocal

vocal Proofs of the good Diſpoſition of that Government, to go even beyond His Majeſty's Deſires, in their Efforts to aſſiſt this Country in the Event of a War. Lord Auckland received an Account of the Dutch Navy, by which it appeared, that the Number of Ships of the Line, in actual Exiſtence, in the different Ports of the Republic, was near Forty, upon the Eſtabliſhment and Annual Repartition of the Provinces: That of theſe, about Half the Number was in a very good State, and, ſhould His Majeſty wiſh to have them immediately, in Part, or in the Whole, fitted for Service, the States General would agree to it, provided Great Britain would charge herſelf with the Expence. Of this, however, Lord Auckland promiſed to ſpeak more preciſely in his next Diſpatch. Of Ships immediately in Readineſs, beſides the Frigates in the Eaſt and Weſt Indies, there were ſtationed in the Texel and Uliſſengen, One Ship of Seventy Guns, Two of Sixty, One of Fifty, Two of Forty, Two of Twenty, beſides ſome Cutters and armed Brigs; and, in the Mediterranean and Archipelago, Two Ships of Forty and Forty-four Guns, One of Thirty-ſix, and One of Twenty-four. The Veſſels in the Texel

and

and Uliſſengen might be ſent to Sea in the Courſe of a Month; and, within Three Months, the Squadron might be increaſed by One Seventy Gun Ship, and Five of Sixty.

Such were the important Advices received from Lord Auckland on the 13th of May; affording an unequivocal Proof of the Friendly Diſpoſition of the States General, as well as of the Zeal and Ability of His Majeſty's Ambaſſador.

Mr. Fitz-Herbert, who had been charged with the arduous Taſk of conducting at the Court of Madrid the Negotiation alluded to in Mr. Merry's Letter of the 4th Inſtant, having left London on the 9th, and arrived at Paris on the 11th following, no Time was loſt in preparing and in forwarding to him, at that Place, the Inſtructions, by which his Converſations with the Spaniſh Miniſtry, and his Conduct in every poſſible Contingency, were to be regulated.

Theſe were forwarded on the 16th of May.

In the Firſt of theſe Diſpatches, Mr. Fitz-Herbert was directed to maintain, on the ſtrongeſt

ſtrongeſt Grounds, (namely, the Memorial delivered by Mr. Meares, and the Vouchers ſupporting it) the Juſtice of His Majeſty's Demands; and, at the ſame Time, to endeavour, by a frank and open Communication, to make the Court of Spain ſenſible of the Real Motives which actuated His Majeſty's Conduct on this Occaſion; which were only to obtain an adequate and neceſſary Reparation, in conſequence of an Inſult clearly indefenſible, and to eſtabliſh ſuch an Arrangement, reſpecting the Points in Queſtion, as might do Juſtice to the fair Rights and Intereſts of Both Countries, and remove Occaſions of Miſunderſtanding or Uneaſineſs in future.

His Majeſty, far from having hoſtile Views againſt the Court of Spain, would, with ſincere Concern, find Himſelf under the inevitable Neceſſity of proceeding to Extremities, and of foregoing thereby thoſe Advantages of Peace, which His Majeſty would greatly prefer to any Succeſſes which could be derived from War. Should a ſimilar Diſpoſition exiſt on the Part of the Spaniſh Court, the Interruption of Tranquillity might ſtill be prevented, by a full and ſatisfactory Explanation.

It was then ſtated, that the Obtaining of That Reparation which His Majeſty had demanded, in the firſt Inſtance, was Indiſpenſible; and that This Point muſt be aſcertained, in ſome regular Mode, before any Formal and Miniſterial Diſcuſſion could take Place with regard to the other Queſtions. Mr. Fitz-Herbert, therefore, was inſtructed to take the firſt Opportunity of ſtating to the Spaniſh Miniſter, that he was not at Liberty to give or to receive from him Miniſterially any Projet for any Ulterior Arrangement, until it had been firſt agreed that Adequate Satisfaction is to be given; at the ſame Time, however, he was to add, that he was inſtructed, in caſe the Point of Satisfaction ſhould be ſettled, to diſcuſs, in the fulleſt and moſt amicable Manner, the Principles on which His Majeſty conceived a proper Arrangement might be formed to prevent Diſputes in future.

The Particulars of the Satisfaction to be demanded, which were no more than what was abſolutely neceſſary for the Honor of His Majeſty's Crown, and which, it was hoped, the Equity of the Catholic King would induce Him readily to agree to, were Theſe: ——

That

That a Declaration ſhould be given, in the Name of His Catholic Majeſty, ſtating in Subſtance, that, in conſequence of the Complaints made by His Majeſty of the Conduct of the Spaniſh Officer at Nootka, His Catholic Majeſty, in order to ſhew His Deſire to remove any Cauſe of Miſunderſtanding between the Two Crowns, has agreed to make Satisfaction for the Injury complained of.

That His Catholic Majeſty ſhould undertake to reſtore whichever of the Two Ships (viz. the Argonaut and the Princeſs Royal) has not been reſtored already, and alſo to reſtore the North-Weſt America, if that Ship ſhall be proved to be Britiſh Property, and to have been navigated under ſuch Circumſtances as would, according to the eſtabliſhed Laws and Practice of Nations, entitle it to the Protection of His Majeſty: And further, that His Catholic Majeſty ſhould engage to make Full Compenſation to the Owners, as well of theſe Ships as of the Iphigenia, (ſuppoſing the latter alſo to be proved to be Britiſh Property.)

That the Fact, whether the North-Weſt America, or the Iphigenia, ſhould be conſidered as Britiſh Property, and alſo the Amount of the Loſſes to be compenſated, may,

if neceſſary, be referred to be aſcertained by Commiſſaries, or may be regulated by further Examination and Diſcuſſion.

Should theſe Stipulations be agreed to, ſuch a Declaration of an Intention to give Satiſfaction, together with the Reſtitution and Indemnification as above ſtated, would be conſidered by His Majeſty as adequate Satisfaction; and His Majeſty would authorize a Declaration to be made, in His Majeſty's Name, ſtating, that He accepted it as ſuch.

The Second Diſpatch to Mr. Fitz-Herbert contained the Outline of ſuch Ideas, as ſhould form the Groundwork of his Converſations with the Spaniſh Miniſters, if, by giving the Reparation demanded, the Court of Madrid ſhould open the Way for further Diſcuſſion, reſpecting the Rights and Intereſts of the Two Nations, as connected with the Points in Queſtion between them,

For this Purpoſe he was informed, that His Majeſty's only Object was to obtain ſuch Security, as ſhould protect His Subjects in future in the Exercise of their juſt Rights, and ſhould remove all Grounds of Miſunderſtanding between the Two Courts.

Some

Some Stipulation or Agreement for this Purpoſe appeared to be rendered neceſſary by the Nature of the Spaniſh Claims. Theſe, it was indiſpenſible, ought not only to be formally denied by His Majeſty, but His Majeſty, with a View to the Security of His Subjects, and to the future Harmony between the Two Courts, ſhould be ſatisfied that the Court of Spain has no Intention of enforcing them againſt His Majeſty's Subjects in future.

It was further ſtated, that it was not His Majeſty's Wiſh to go beyond theſe Points into Queſtions of Abſtract Right, unleſs the Court of Spain ſhould render it unavoidable; it being more adviſeable to endeavour to form proſpectively ſuch a Settlement, as might ſecure the juſt Intereſts of Both Parties, and diſtinctly aſcertain their relative Situation for the future: That, however, it would be proper for Mr. Fitz-Herbert to ſtate, that, if the Court of Spain ſhould make it unavoidable to reſt the Diſcuſſion on this Queſtion of Right, His Majeſty can never admit the Territorial Claim of That Court, extending as it does to Places, which can in no Senſe be alledged to be either poſſeſſed or occupied by the Subjects of that Crown; ſuch a Claim being contrary both

to

to the eſtabliſhed Principles of the Law of Nations, and to the plain Senſe of the Treaties ſubſiſting between the Two Courts, eſpecially that of 1670.

The Claim of Excluſive Navigation or Commerce in the American or Pacific Seas was ſtated to be equally inadmiſſible; as, according to the Principles of the Law of Nations, and the fair Conſtruction of Subſiſting Treaties, the Rights of Spain can extend only to exclude Britiſh Ships from the Ports of Countries Actually in the Poſſeſſion of Spain, and to carry into Effect the neceſſary Regulations for preventing a contraband Trade with their Colonies or Settlements; and that, conſequently, the Court of Spain can have no Ground for aſſerting a Right to obſtruct the General Freedom of Navigation and Fiſheries in the American or Pacific Seas; or to prevent any other Nations from frequenting any of the unſettled Parts of the American Continent.

Should the Court of Spain adopt the Mode of proceeding to an Arrangement, which ſhould only look forward, and remove Occaſions of Miſunderſtanding in future, Mr. Fitz-Herbert was inſtructed, that the Firſt Point would be, to ſecure His Majeſty's Subjects in carrying on the

the Fiſhery for Whales and Seals, in any Part of the American Seas or of the Pacific Ocean. For this Purpoſe it ſhould be ſtipulated, that they ſhould meet with no Moleſtation from the Officers or Subjects of His Catholic Majeſty when ſo employed, or in coming on Shore for the Purpoſe of their Fiſhery, or for that of getting Wood, Water, or other Refreſhments in any of the Unſettled Parts of the American Continent, or in any Unſettled Iſlands in thoſe Seas. In framing ſuch an Article no Words ſhould be uſed, which might make this Agreement appear a Conceſſion on the Part of Spain, and might thereby imply an Admiſſion on our Part of their Sovereignty.

That every Jealouſy on this Subject might be removed, Mr. Fitz-Herbert was authorized to expreſs His Majeſty's Readineſs to agree to any proper Proviſions which could be propoſed, for effectually preventing His Subjects from making the Fiſhery a Pretext for carrying on any Contraband Trade with any of the Spaniſh Settlements in America; and to propoſe a General Article, engaging that His Majeſty will take the moſt effectual Meaſures in His Power for this Purpoſe.

An

An Exclusive Right in the Court of Spain to any Territorial Claim was declared to be Inadmissible, unless founded on Actual Occupation and Established Possession, prior to any other European Nation. This cannot be proved to have been the Case, prior to the late Transaction, in any Part of the Continent North of the Spanish Settlements in California, but especially not at Nootka; and, if any Part of that Coast has been occupied by Spain, since the Date of the Violence committed by the Spanish Officer, That Occupation cannot be considered as giving any Exclusive Right against the British Crown.

There having been such a bonâ-fide Occupation of Nootka Sound by British Subjects, as would give a Title to the Lands occupied by them, and a Right to carry on their Commerce there, unless a Prior Possession on the Part of Spain or of any other Nation (of which His Majesty's Ministers are not yet apprized) can be proved; His Majesty's Subjects, unless this is the Case, must be restored to the Possession of the Lands purchased by them in those Places.

With

With reſpect to the Permanent Principle, on which the Right of making Further Eſtabliſhments on any Part of the Coaſt in future ſhould be regulated, it was ſtated to be evidently reaſonable, that All European Nations ſhould be competent to make ſuch Eſtabliſhments by a bonâ-fide Purchaſe, Occupation and Poſſeſſion; though it would not be juſt, that ſuch Eſtabliſhments ſhould exclude Other Nations from a Commerce which they had previouſly carried on upon ſuch Coaſt. A Stipulation to this Effect ſhould therefore be inſerted in any Treaty or Convention to be made on This Subject.

Mr. Fitz-Herbert was further inſtructed, not to conclude any Thing Definitively, without freſh Inſtructions, and to take, ad referendum, any Modifications, or any Different Propoſals, which might be ſuggeſted by the Court of Spain; and was informed, that, to prevent any Jealouſy which Spain might feel as to our Intention of making Settlements in South America for the Purpoſe of facilitating a Contraband Trade, His Majeſty might poſſibly be induced to enter into an Agreement with His Catholic Majeſty, by which the Two Crowns ſhould bind themſelves not to make

in future any Settlement on the Continent or Iſlands of South America, to the Southward of the Parts now occupied by Spain, except in the Event of a Settlement being made by any other Nation.

In the Third Diſpatch of the ſame Date, Mr. Fitz-Herbert was inſtructed, in the Event of a Poſitive Denial of Satisfaction being given to Mr. Merry, or even an Order to quit Madrid, (of which he would become apprized by opening the Diſpatches of any Meſſenger from Mr. Merry whom he might meet on his Road) not to proceed in his Journey without further Inſtructions.

As there was One other Contingency ſtill to be provided for, namely, the Circumſtance of the Court of Spain determining to ſupport it's preſent Pretenſions, and Mr. Fitz-Herbert being ordered to quit Madrid, it will be proper in this Place to mention that, on the 25th of May, that Miniſter was directed (by a Diſpatch ſent in the moſt expeditious Manner) in ſuch a Caſe Immediately to repair to Liſbon, where a Frigate would be ready for his own Conveyance, and ſome Sloops for the Purpoſe of carrying any Diſpatches he might have Occaſion to forward. Should the Court of Spain however,

however resolve upon a War, but should not order Him to quit Madrid, Mr. Fitz-Herbert was directed Immediately to send the Duke of Leeds Notice of that Event, and to remain there until he should receive Fresh Instructions for his future Conduct.

While His Majesty's Confidential Servants were thus exerting themselves, to provide for every possible Contingency which might arise from the pending Negotiation, Mr. Fitz-Herbert, whom a slight Indisposition had detained at Paris, and Lord Robert Fitz-Gerald, lost no Time in communicating to the French Ministry the actual State of the Business, and in sounding their Disposition, as well as that of the National Assembly, towards this Country. As the Interests of these Two Bodies were evidently distinct, it is no surprizing that a Communication of this very interesting Nature should have affected them differently; and that while, on the one Hand, the French Ministry caught at an Opportunity, which they deemed favourable for the Recovery of that Power of which the King had been deprived, the National Assembly

ſhould have ſeized it as the Means of curtailing ſtill more the Royal Authority.

Monſ. de Montmorin accordingly took an early Opportunity of expreſſing his Regret, and that of His Moſt Chriſtian Majeſty, at the Miſunderſtanding ſubſiſting between the Britiſh and Spaniſh Courts; and, with many Expreſſions of Friendſhip and Deſire of preſerving Harmony between them, inſinuated an Offer of Mediation on the Part of his Royal Maſter. At the ſame Time, however, he thought proper to obſerve, that the Britiſh Armament rendered it neceſſary for France to arm on Her Part; but that this was merely a Meaſure of Precaution, which the French King would be very deſirous to terminate as ſoon as poſſible. He concluded by ſaying, that, in this Hope, the French King would ſtrenuouſly ſecond our Negotiation at Madrid, in the Confidence, that Nothing would be propoſed to the King of Spain, which could affect His Dignity, His Rights, or the Eſſential Intereſts of His Crown.

This Declaration to our Miniſters was immediately followed by an Order for fitting out Fourteen Sail of the Line, and by a Communication of that Order to the National Aſſem-

bly,

bly, to whom, from the Change which had taken Place in that Country, it now was become neceſſary to reſort, for the Purpoſe of receiving the Sanction of that Body, and of obtaining a Supply neceſſary for carrying the Meaſure into Execution.

On the Communication being made, the Sanction and the Supply demanded were granted without Heſitation. But as, from the inſidious Language held in that Aſſembly by many of it's Members, who were known to be attached to the Royal and Ariſtocratical Parties, it plainly appeared that they were anxious to avail themſelves of this Opportunity to bring on a War, in the Hope that the general Diſtreſs and Confuſion, which muſt almoſt inevitably follow, might ultimately tend to the Re-eſtabliſhment of the Royal Authority on it's former Footing, the Democratical Part of the Aſſembly, aware of their Drift, eagerly caught at the Moment for carrying into Execution their Plan of transferring the Power of making War and Peace from the Crown to the National Aſſembly.

A Meaſure of this Magnitude, on which ſo much was expected to depend, and which called forth the ſtrongeſt Exertions on either Side, divided the National Aſſembly into

Three

Three Factions. Of these, the most conspicuous consisted of violent Republicans, whose Object was to deprive the King altogether of that Prerogative, which they contended belonged solely to the Nation. The Second was the Aristocratical Party, which, in a Manner equally violent, endeavoured to vest this Power exclusively in the King. The Third, which was a Branch of the Republican Party, but more moderate in Principle, exerted itself to place this Prerogative in the Hands of the King, subject, however, to certain Restrictions and Limitations. This Party, which proved to be the most numerous and powerful, at length prevailed in the Assembly; and, after a Debate, which continued by Adjourments for near a Week, a Decree was made, which, by steering between the two Extremities, and by endeavouring to reconcile contradictory Propositions, left the Business in a State of considerable Uncertainty, and in a Way which could not please either the Royalists or the Republicans; but which might hereafter be construed in a Sense agreeable to the Views of either Party as it became predominant, and might equally assist the Operations of Executive Government, or be an Engine in the Hands of

of Oppoſition, to cramp or to impede the Royal Exertions.

This remarkable Decree, which, as it poſſibly may operate ſtrongly in the future Intercourſe between this Country and France, it may be proper to give ſomewhat in detail, contains Ten Propoſitions.

The Firſt declares the Right of Peace and War to belong to the Nation.

The Care of watching for the External Safety of the Kingdom, and of maintaining it's Rights and Poſſeſſions, is, by the Second, declared to belong to the King. On Him likewiſe is devolved the Right of keeping up Foreign Political Relations, the Conducting of Negotiations, the Choice of Agents, the making of Warlike Preparations proportioned to thoſe of the Neighbouring States, the Diſtribution of the Military and Naval Force in ſuch Manner as He may deem expedient, and the Command and Direction of it in caſe of War.

By the Third, the King, in the Caſe of Hoſtilities, whether Impending or Commenced, ariſing from Commercial Intereſts, from the Support of an Ally, or from a Neceſſity of

maintaining

maintaining by Arms a Right, is bound to notify ſuch a Circumſtance, without any Delay, to the Legiſlative Body; to explain it's Cauſes and Motives; and, if the Legiſlative Body ſhould not be actually ſitting, to convene it immediately.

On ſuch a Notification, if the Legiſlative Body ſhould be of Opinion, that the Hoſtilities ſo commenced have ariſen from a culpable Aggreſſion on the Part of the Miniſters, or any other Agent of the Executive Power, the Fourth Propoſition declares, that the Author of ſuch Aggreſſion ſhall be proſecuted for the Crime of *Lèze-Nation*. And the Article concludes by a Declaration, (which, whatever it's Propriety may be, certainly has little Connection with the preceding Paragraph) that the French Nation renounces every Species of Conqueſt, and that it will never employ it's Force againſt the Liberty of Any People.

If, however, on ſuch a Notification as that juſt mentioned, the Legiſlative Body ſhall decide againſt a War, the Executive Power is, by the Fifth Article, bound immediately to take proper Meaſures to put an End to it, and to prevent Hoſtilities; the King's Miniſters being

being reſponſible for any Delay which may arife in ſo doing.

By the Sixth, the Terms in which every Declaration of War is to be couched are, *De la Part du Roi, au Nom de la Nation.*

The Seventh declares the Power of the Legiſlative Body, in Caſe of an exiſting War, to require the Executive Power to conclude a Peace.

By the Eighth it is provided, that, on the Termination of a War, the Legiſlative Body ſhall have the Power of fixing the Time for diſbanding the Extraordinary Troops, and for reducing the Army to a Peace Eſtabliſhment. It is alſo declared, that the Pay of the Extraordinary Troops ſhall ceaſe at the Time fixed for their being diſbanded; after which, if they remain embodied, the Miniſters ſhall be reſponſible, and ſhall be proſecuted for *Lèze-Nation.* This Reſponſibility of Miniſters, however, appears to be left a little unſettled, as the Concluſion of this Article contains an Injunction on the *Committee of Conſtitution,* immediately to enter on the Taſk of aſcertaining the Mode, by which Reſponſibility can

be made to attach on the Servants of the Crown.

The Ninth Article gives to the King the Power of concluding and of ſigning with Foreign Powers ſuch Conventions as He may judge neceſſary for the Good of the State; with a Proviſo, however, that Treaties of Peace, of Alliance, and of Commerce, ſhall be executed only ſo far as they ſhall be Ratified by the Legiſlative Body.

By the Tenth Article (which appears to be rather an Addition to the Firſt) it is declared, that no War ſhall be decided upon, except by a Decree of the National Aſſembly, made in conſequence of the Formal and Indiſpenſible Propoſition of the King, and Sanctioned by Him.

THIS Decree received the Royal Sanction on the 28th of May; when, on the Requiſition of the King, an Occaſional Decree was paſſed, purporting, that Sailors for Manning the Navy ſhould be levied as uſual.

WHILE theſe Matters were tranſacting at Paris, His Majeſty's Servants at Home were anxiouſly

anxiouſly employed in carrying on the neceſſary Preparations, that every Thing might be ready, ſhould a Refuſal on the Part of the Spaniards, to comply with the King's Requiſition, compel this Nation to embark in a War; and in making ſuch Arrangements as the Neceſſity of the Times appeared to require.

Of theſe a material one was the Appointment of Earl Gower as Ambaſſador Extraordinary at the Court of France. This Nomination was notified to the French Miniſtry on the 21ſt of May, and ſhortly afterwards his Lordſhip ſet out for that Court.

As Monſ. de Montmorin, in his Anſwer to the Communication made to him by Mr. Fitz-Herbert and Lord Robert Fitz-Gerald, had thought proper to inſinuate, on the Part of his Royal Maſter, an Offer of Mediation between England and Spain; and as this was a Circumſtance which His Majeſty could by no Means agree to, or wiſh, even by His Silence, to ſuffer to paſs without Contradiction: Lord Gower, in Addition to his General Inſtructions, was directed to beſtow a particular Attention to the Nature of the Converſation he was to hold

with Monſ. de Montmorin, on the Subject of the Differences ſubſiſting between His Majeſty and the Catholic King. He was inſtructed, not to fail to repeat to That Miniſter the Aſſurances already given to him, of His Majeſty's earneſt Wiſh to preſerve entire and unabated that Harmony at preſent ſo happily ſubſiſting between England and France; aſſuring Monſ. de Montmorin, that it was the King's Real Deſire to ſettle the preſent Differences with the Court of Madrid in a ſatiſfactory and friendly Manner. His Excellency was directed at the ſame Time carefully to avoid giving any Degree of Encouragement to France to offer their formal Mediation; and, ſhould any Offer be made to him, either of Mediation or of Good Offices, he was inſtructed to take it only *ad Referendum*; the Injury received by His Majeſty being of a Nature not to allow the Mediation of a Third Power; and as, in any Caſe, the Mediation of either France or Spain could not be admitted, with Propriety, whenever This Country had any Difference to adjuſt with One of Thoſe Powers,

His

His Majeſty's Miniſters expreſſed their Opinion to Lord Gower, that ſuch Influence, as the French Court might poſſeſs over the Councils of That of Madrid, might perhaps have a good Effect, if exerted with a View to incline Spain to Pacific Sentiments; that This, however, muſt be Spontaneous on the Part of France, as it could not, in any Shape, be applied for by us.

With reſpect to the Armaments ordered in the French Ports, Lord Gower was told, it ſeemed not adviſeable to take any further Notice of them, at preſent, than to conſider them, as they had been repreſented by Monſ. de Montmorin to the Marquis de la Luzerne, and by him to the Duke of Leeds, only as a Meaſure of pure Precaution. For, although His Majeſty's Miniſters would not ceaſe to be attentive to what is paſſing in France, a Formal Repreſentation on the Subject, under the preſent Circumſtances of That Country, might perhaps, in the Event, promote ſome Meaſure, which, even if it ſhould not be attended with any ſerious Effect, might make, for the preſent, an Unfavourable Impreſſion, and render an Amicable Termination of the Diſcuſſions with

Spain

Spain leſs likely. Lord Gower, however, was directed to be particularly attentive to the Nature and Progreſs of theſe Armaments, as well as to the Means by which it was propoſed the Expences of them ſhould be defrayed.

LORD Auckland having, as has already been ſtated, obtained the Concurrence of the Prince and Princeſs of Orange, the Grand Penſionary and the Greffier, with His Majeſty's Propoſal, loſt no Time in promoting the great Object intruſted to him. Having prevailed on the Greffier to make a Confidential Communication of the Buſineſs in Queſtion to the Secret Committee of Their High Mightineſſes, he received from him on the 12th of May a Copy of the Reſolution entered into by That Aſſembly. By this They gave the moſt poſitive Aſſurance of their accompliſhing, on every Occaſion, their Engagements with His Majeſty, as an Indiſpenſible Duty, however difficult or painful ſuch Obſervance might be on particular Occaſions. Of theſe Sentiments they declared themſelves ready to give unequivocal Proofs, in every Caſe where the Treaty of Defenſive Alliance could attach; and, for this Purpoſe, they ſtated themſelves

ſelves to be ready Immediately to take ſuch Steps as the Nature of their Government would permit.

As a Proof of the Sincerity of this Aſſurance, the Recruiting of Sailors was diligently proſecuted; and Orders were given for advancing the Preparation of ſeveral Veſſels, as far as it could be done without riſquing material Expence, and for coppering ſome Ships of the Line, already fit for immediate Service. By theſe Meaſures, a conſiderable Advantage was derived from the Provinces being fully prepared by them for the Demand of the Succours ſtipulated by Treaty, in caſe of an actual War; and it was extremely ſatisfactory to diſcover, as happily was the Caſe, that the Alarm under ſuch a Probability had been much leſs, even at Amſterdam, than could have been expected.

Lord Auckland was not leſs attentive to the other important Buſineſs committed to his Charge, of aſcertaining whether a certain Number of Ships might not be furniſhed by the Republic, to act in Concert with His Majeſty's Fleet, in caſe of War, though not on the preciſe Footing of Auxiliaries under Treaty; and upon what Terms ſuch Aſſiſtance might

might be procured. Upon theſe Points his Activity enabled him to procure very ſatisfactory Information, which he tranſmitted to the Duke of Leeds on the 15th of May.

By this it appeared, that the Seventy Gun Ship, the Two of Sixty, and the One of Fifty, mentioned in his preceding Letter, as equipped and ready for Sea, being manned only on the Footing of Peace, required 450 Men to compleat them to the War Eſtabliſhment. That it would be eaſy to bring forward into Immediate Preparation for Service One other Veſſel of Seventy Guns, then coppering, and Five of Sixty Guns, for which 3250 Men would be neceſſary. This, being computed at 40 Florins (21 d. per Florin) per Man per Month (the Ordinary Eſtimate, including Wages, Proviſions, and Wear and Tear) would amount to 130,000 Florins, or about 11,600l. Sterling. The Levying of theſe Sailors was to be eſtimated at Sixty Florins per Man; which would come to 195,600 Florins, or about £ 17,400 Sterling. The Expence, therefore, of the Ten Ships of the Line, to be compleated and taken into His Majeſty's Service, would be, For One Month, £ 29,000:— For Two Months, £ 40,600:— For Three Months,

Months, £ 52,200. From this, however, would, of courſe, be deducted a Sum proportioned to whatever number of men might be wanting to compleat the full Eſtabliſhment. Upon this Scale, as his Excellency was aſſured by the Fiſcal Van der Hoop, the Republic could, in a few Months, furniſh double the Number of Ships above ſtated, though it probably might be neceſſary to increaſe the Levy Money.

As ſoon as this important Information arrived, the Duke of Leeds, having received His Majeſty's Commands, wrote to Lord Auckland, * authoriſing his Excellency inſtantly to accept of the propoſed Terms, and to promote, as far and as expeditiouſly as poſſible, the Equipment of an Armament of ten Sail of the Line, the Expence of which would be without Difficulty or Delay defrayed by this Country. His Excellency was alſo deſired, to give the earlieſt Information of the Mode in which the Payment could be made in Holland, conſiſtently with that Degree of Secrecy, which the Nature of the Service ſeemed to render extremely deſireable.

† May 18.

This Dispatch was received by Lord Auckland on the 20th of May, and, on the Day following, his Excellency received from the Greffier a Copy of the Resolution of the Deputies of Their High Mightinesses for Foreign Affairs, by which he was informed, that They had provisionally addressed the Prince Stadtholder, as Admiral General of the Union, to enquire of the Deputies of the different Colleges of the Admiralty then at the Hague, in what Time, and at what Rate, they could put the Ships of the Line actually equipped on the War Establishment, as well as six other Ships of the Line not yet equipped, in case Their High Mightinesses should think proper to make such an Armament; and to acquaint them with the Result of His Enquiries.

In consequence of this Resolution, and as all the Principal Officers of the Admiralty had been previously assembled at the Hague, Orders were, in the Evening of the same Day, given to them, to expedite all Preparations as much as possible. The Prince and Princess of Orange, with the Grand Pensionary, set out on the 24th for the Texel, to visit the Fleet, and afterwards proceeded to Amsterdam, for the Purpose of ascertaining the Approbation

of

of the principal Perſons there, and thereby to compleat the whole Meaſure.

Previouſly to their Departure, the Admiralties made a Report of the Expence of fitting out Ten Ships of the Line; in which it was rated conſiderably higher than it had been in the former Communication to Lord Auckland. According to this Eſtimate, the Expence of compleating to the War Eſtabliſhment the Four Ships of the Line already on the Peace Service, and of adding Six more of the Line, (One of 74, and Five of 60 Guns) and of Equipping and Manning them Immediately, and of Maintaining the Whole for Twelve Months with all Charges, would be about 2,600,000 Florins, or about 230,000 l. Sterling. The Grand Penſionary, however, expreſſed his Opinion, that This Report would not occaſion any Difficulty in the Equipment; and Meaſures were, without Delay, taken to advance the actual Preparations in every Branch of the ſeveral Admiralties.

In conſequence of theſe Circumſtances, Lord Auckland, having conferred with the Stadtholder, ſubmitted, on the 25th of May, to the Duke of Leeds, that the Sum or Subſidy

to be furniſhed ſhould be on the following Grounds, viz.

1ſt, That the Levy Money on 3250 Men (or ſuch further Number as might be wanted) ſhould not exceed Sixty Florins per Man, or 195,000 Florins: Such Savings as could be made from this Sum, (which probably might amount to One-ſixth) to be deducted in the Final Settlement.

2d, That, for the Men already levied, a Sum ſhould be allowed, not exceeding Twenty-four Florins per Man, or about 30,000 Florins.

3d, That, for the Wages, Proviſions, Wear and Tear, &c. the Eſtimate ſhould be at the Rate of Forty Florins per Man per Month; which, on the Number of Men above-mentioned, would be 520,000 Florins for Four Months. This Sum to be ſubject to the ſeveral Savings which probably might be made from it.

The Negotiation, having been thus rapidly and ſucceſsfully brought to ſo fortunate a Point, appeared to leave little for His Majeſty

or

or His Miniſters to expect, or even to wiſh for, on the Part of the States General. The Attachment and Generoſity of thoſe Allies, however, did not ſuffer them to ſtop here: for, on the Grand Penſionary's Return from Amſterdam, which was about the Twenty-ninth of May, he informed Lord Auckland that he had found the Burgomaſters of that City well diſpoſed to be convinced, that the Republic ought to arm Immediately; that, under ſuch a Conviction, they did not think it either juſt or becoming for theſe Provinces, which, certainly, poſſeſs a conſiderable Degree of Opulence, to be a Charge to their Allies, or to be Subſidized; that they had accordingly recommended to the Stadtholder and to Him, to take all neceſſary Meaſures for putting the Armament into forwardneſs, and at the ſame Time to apply for the Charge and Expence, in the uſual Form, by Petition, to be originated by the Stadtholder, and circulated to the ſeveral Regencies, to which they wiſhed them to conſider Their Conſent as in Effect already given; that it ſhould be returned by Them without Delay when applied for Officially; and even that they would pay the Whole Expence, if (as often happens) the other

other Provinces ſhould Demur. The Grand Penſionary added, that, under theſe Aſſurances, the Stadtholder and Himſelf had, before they left Amſterdam, ſeen the Principal People of the Admiralties, and had given the neceſſary Directions; and he concluded by an Aſſurance that, in a very ſhort Time, (his Expreſſion was "En tres peu de Semaines") the Whole would be ready; and that, though he muſt wait for the Prince's Return, who was upon a Fortnight Viſit to the different Garriſons, before he could give the Conſtitutional Forms, This would not affect the Subſtance of the Buſineſs, but would leave him Time to adjuſt with the other Provinces, ſo as to prevent the Whole Charge from falling upon Holland, which he ſhould be ſorry to ſee happen.

In this State the Affair was carried, on the 31ſt of May, before the States General, where, after a moſt friendly Diſcuſſion, a Reſolution was paſſed to forward the Plan, grounded on the above-mentioned Ideas, as quickly as poſſible.

AS ſoon as this agreeable Intelligence was received in England, the Duke of Leeds, by His

His Majeſty's Command, † expreſſed to Lord Auckland His particular Satisfaction at ſuch a friendly Demonſtration on the Part of His Allies; and, as it was probable that His Majeſty would ſend a Squadron, of about Twenty Ships of the Line, to cruize off the Coaſts of Spain, for the Protection of the Britiſh Commerce, and in order to be ready to act, if the Negotiation with the Court of Spain ſhould fail, or Events ſhould ariſe to require it, his Grace ſuggeſted, that it would be extremely deſireable to have the Dutch Squadron ſail for Portſmouth; and, although Circumſtances might perhaps not render it neceſſary for them to proceed further, in the firſt Inſtance, than merely to demonſtrate the friendly Connection ſubſiſting between the Allies, it would be very important for the Common Cauſe, that the Squadron ſhould be ſupplied with every poſſible Preparation for Service, and the Commanding Officer furniſhed with Diſcretionary Inſtructions, to act in ſuch a Manner, in conjunction with His Majeſty's Fleet, as Circumſtances might render neceſſary.

‡ June 8.

On

On the 10th of June this Dispatch arrived at the Hague; and, on the 13th, the Duke of Leeds was informed by a Letter from Lord Auckland, dated the 11th, that nothing prevented the Sailing of the Dutch Squadron, under Admiral Kingsbergen, but the Want of Instructions from the Stadtholder, who was at Breda; that He would immediately be written to for them; and that, on their Receipt, the Fleet would proceed on it's Cruize, and go immediately to Portsmouth. With Respect to the Discretionary Instructions to be furnished to the Commanding Officer, the Grand Pensionary was of Opinion, that it would be premature to Recommend to the Prince to take upon Himself to give such Instructions; and that, until the Necessity should be more apparent, it would not be prudent to make the Proposal to the States General, who might feel themselves obliged to refer it to the Provinces.

THE Court of Berlin, to whom, as has been stated, a Communication of the depending Business had been made on the 7th of May, lost no Time in transmitting an Answer, demonstrative of their friendly Intentions towards

wards His Majesty. On the 20th of May, the Prussian Ministers delivered to Mr. Ewart, on the Part of the King their Master, a written Assurance, that His Prussian Majesty, sensible of the Confidence reposed in Him by the King, perfectly approved of the active Measures adopted by His Majesty, and of the Armaments in Preparation; that the King of Prussia would strenuously exert Himself to fulfil the Engagements of His Alliance with England, if the Consequences of the existing Dispute between Great Britain and Spain should render it necessary; that His Prussian Majesty, however, conceived it to be impossible that Spain should risque the engaging in a War under such evident Disadvantages, unless She had some other Motive than That alledged by Her, and unless She were negotiating an Alliance with Russia and Austria, to which Denmark would be invited to accede; of which His Prussian Majesty suggested He had positive Proofs.

WHILE these important Matters were transacting at Home, and in those Courts of Europe to which His Majesty had thought proper to make particular Communications,

the Two Meſſengers, who had been diſpatched to Mr. Merry previous to His Majeſty's Meſſage to Parliament, arrived at Madrid; the former on the 14th, the latter on the 16th of May.

As Count Florida Blanca was to attend Their Catholic Majeſties the next Day, on an Excurſion They were about to make to Toledo, Mr. Merry obtained an Interview with his Excellency before his Departure. The Count appeared nearly prepared for what Mr. Merry had to communicate to him, by the Information he had received from the Marquis del Campo. His Manner and his Language, however, were much milder than uſual. When Mr. Merry began to read the Memorial, which the Duke of Leeds had inſtructed him to deliver, the Count interrupted him by ſaying, That the whole Matter was reduced to One Point, namely, Whether we had, or had not, an Intention to Quarrel; that, if we were reſolved to make Uſe of the Affair in Queſtion as a Pretext to break with Spain, nothing which he could in Reaſon do would prevent it; but that, if we had no other View than That which appeared, he truſted the Buſineſs

might,

might, on a fair Difcuffion, be brought to an amicable Adjuftment. The Count affured Mr. Merry, that he knew of no more than One Englifh Veffel which had been feized at Nootka; and, after repeating nearly the fame Circumftances in Support of the Right of Spain to the Poffeffion of that Part of the Continent as were ftated in M. del Campo's Communications, he threw out fome Expreffions, which denoted a Difpofition to relinquifh fomewhat upon that effential Point. He faid, it might be poffible in This, as had happened in Other Cafes, for the Two Courts to eftablifh Limits by a Convention, which would prevent fuch Mifunderftandings in future; but he conftantly returned to his Apprehenfions, that our Real Object in this Bufinefs might be of a more extenfive Nature.

As the Spanifh Minifter feemed to be fo impreffed with this Idea, Mr. Merry judged it advifeable to read to him the Duke of Leeds's Secret and Confidential Difpatch. His Excellency liftened to it with great Attention. In Reply, he dwelt a little on the Subject of our Commercial Complaints, faying that he was endeavouring to get Things

arranged differently; and then, adverting to the Spanish Military Preparations, he persisted in the Assurance he had before given, that they had principally been occasioned by the Fear of Disturbances breaking out in their Colonies; though he allowed that Some Augmentation of the Force had taken Place in consequence of the Dispute with us. He then hastily ended the Conversation, by going into some General Remarks on the present State of Affairs in Europe.

Mr. Merry, at parting, told the Count that he should send him, in the Course of the Evening, a Copy of the Memorial, with another in the Original Language, for fear of there being any Mistake in the Translation; and he left him, satisfied with his Manner, and with a Hope that the Determination of the Court of Madrid would be such, as to give Room for the Negotiations which Mr. Fitz-Herbert was to carry on.

In pursuance of his Promise, Mr. Merry, in the Course of the Evening, sent the Memorial to the Spanish Minister, with a Private and Confidential Letter to his Excellency, by which he hinted at his Intention to dispatch to England one of the Messengers who were

with

with him, before he received from the Count his Formal Anſwer to the Memorial accompanying his Letter, provided his Excellency would furniſh him with the Opportunity he wiſhed, of ſending by him ſome favorable Intelligence relating to the Buſineſs in Queſtion; as he was perſuaded it would be very acceptable to his Court, as well as extremely conſolatory to an Infinity of People.

To this, on the 19th of May, he received an Anſwer, dated at Toledo, the 18th; by which the Count informed Mr. Merry, that His Catholic Majeſty deſired Nothing ſo much, as to ſettle amicably the Differences ſubſiſting with England; that, for this Purpoſe, he hoped the new Ambaſſador would come ſufficiently authorized and diſpoſed. That His Catholic Majeſty alſo wiſhed a Reciprocal Diſarmament might be regulated as ſoon as poſſible, proportioned to the preſent State of Both Powers, and to their Internal and External Situation; that He alſo flattered Himſelf, that, by His Britannick Majeſty knowing the Diſpoſition of His Heart, the Diſagreements between the Two Crowns might not only terminate well and be avoided in future, but that They might mutually agree on

the

the Means of employing Their Influence with good Succeſs towards the general Pacification of Europe. His Excellency then quoted the Steps taken for this Purpoſe by His Catholic Majeſty as a Proof of His Pacific Intentions, as a contrary Conduct might have prevented England from arming or attending to the Affairs of Spain. He inſiſted there muſt be ſome Miſunderſtanding or Miſtake about the Affair complained of by the Engliſh Miniſtry, as His Catholic Majeſty knew only of one Prize, and that a Merchant Veſſel, under an Appearance of carrying on an illicit Trade within a Port where the Spaniſh Nation was already eſtabliſhed; that, however this might be, His Catholic Majeſty would never pretend to more than what might belong to Him by Treaties, by Right, and by Immemorial Poſſeſſion; on which the Diſcuſſions and proper Regulations would turn when they ſhould commence; and that He would always diſapprove and puniſh in His Subjects whatever might exceed thoſe Titles and Limits, and would provide a Remedy to prevent it in future. His Excellency concluded by ſaying, that, ſhould the Court of London make a Reciprocal Offer, the Mode of withholding the Armaments and their Conſequences

might

might be agreed upon without Loſs of Time, and Notice might be given of our conſtant Friendſhip to All Parts of the World where the Two Courts have Dominions; an Event very deſirable at preſent, for the Purpoſe of re-eſtabliſhing a Confidence; for Want of which both Countries might continue (perhaps againſt their Wills) their Preparations, their Expences, and the Motives for ſome Diſagreeable Accident.

On the Receipt of this Paper, Mr. Merry, apprehenſive, from the Stile of it, that it might poſſibly be the Spaniſh Miniſter's Wiſh or Intention that it ſhould paſs as an Anſwer to the Memorial, thought it adviſeable immediately to clear up this Point, by replying to Count Florida Blanca's Letter, and letting him know that he ſtill waited for a Formal and Deciſive Anſwer from the Court of Spain to his Repreſentation.

In the Diſpatch to the Duke of Leeds, which contains theſe Particulars, and which was received at Whitehall on the 1ſt of June, Mr. Merry gave it as his Opinion, that, after taking every Thing into Conſideration,

ſideration, it ſeemed almoſt impoſſible to believe that it could be the real Intention of the Spaniſh Court to come to a Rupture with Great Britain: That, by leading them gently, but with unremitting Firmneſs, they would come down as low as we pleaſed; but that, ſhould they be puſhed or driven too hard, their Pride and Haughtineſs might impel them to ſhew ſome Reſiſtance, notwithſtanding that ſuch a Meaſure would certainly, in the End, render their Humiliation the greater. Mr. Merry concluded by ſaying, that if, contrary to his Expectations, the Formal and Explicit Anſwer to the Memorial ſhould be delayed beyond a reaſonable Time; and if, inſtead of a Diſpoſition to ſee Harmony re-eſtabliſhed, he ſhould obſerve Meaſures of a different Tendency, he ſhould immediately diſpatch a Meſſenger with ſuch Information as Circumſtances might render it neceſſary to tranſmit with Expedition.

Though the Tone of the Spaniſh Court on this Occaſion was undoubtedly more conciliating, and leſs haughty and overbearing than it had uſually been on any Occaſion when a Remonſtrance was made againſt any Part of it's Conduct;

Conduct; and though there appeared to be more Temper in the Manner in which Count Florida Blanca treated the Subject, than was to be expected either from his Conſtitution or his Prejudices, the Anſwer of that Miniſter contained nothing, which could afford any reaſonable Ground for depending on an Acquieſcence with His Majeſty's Demands, or which could juſtify any Relaxation in thoſe Warlike Preparations, which had now for ſo long a Time been going forward in this Country. Under this Perſuaſion His Majeſty's Miniſters continued to perfect their Armament, as the ſureſt Means either of accelerating a Peace, or of effectually carrying on a War, ſhould that Contingency ultimately occur. Theſe vigorous Exertions, indeed, appeared to be ſtill more neceſſary, in conſequence of freſh Accounts of a later Date from Mr. Merry, which were received on the 10th of June. By theſe Mr. Merry informed the Duke of Leeds, that Count Florida Blanca's Language to the Foreign Miniſters at Aranjuez, (ſubſequent to the Conference mentioned in the preceding Diſpatch) was uniform as to One Point, namely, that he was perſuaded the Engliſh had, at all Events, taken the Reſolu-

tion of breaking with Spain: That he looked upon His Majeſty's Meſſage to Parliament as almoſt equivalent to a Declaration of War: That his Conviction of the hoſtile Intentions of England was the more increaſed, by the Information he had received of our having diſpatched Advices to all our Settlements Abroad: That the Tone of Language held by England towards Spain was Inſufferable; and that, while he ſtill wiſhed, on his Part, to preſerve Peace, he thought that Spain would unavoidably be driven to the Neceſſity of defending Herſelf.

As it was natural that ſuch a firm Perſuaſion ſhould be accompanied by Meaſures requiſite to prepare for the expected Event, Mr. Merry acquainted the Duke that they were actually taking, though, ſo far as he could learn, not with any great Rapidity. One Circumſtance, however, was of Importance; for the Bankers and Trading Companies at Madrid, having been applied to by the Court for Money, had between them agreed to furniſh about Four Millions Sterling.

On

On the 15th of June, a Meſſenger arrived at Whitehall, with Letters from Mr. Merry, containing the Anſwer of the Court of Spain to the Memorial delivered by him on the 16th of laſt Month, which was received on the 4th of June.

By this Anſwer the King of Spain repeated His Aſſurance, that He never had pretended, nor would pretend in this Affair, nor in the Seas and Territories in Queſtion, to more than what might belong to His Crown by Solemn Treaties with all Nations, and particularly with Great Britain, by Right grounded on the ſame Treaties, and on the Conſent of Nations, and by a well proved Immemorial Poſſeſſion: That the Examinations and Diſcuſſions for a Pacific and Amicable Negotiation would turn upon theſe Points, as ſoon it ſhould be ſet on Foot with the New Ambaſſador; and that the Catholic King's unalterable Juſtice would indemnify the concerned, and condemn and puniſh His Subjects, if they had gone beyond thoſe lawful Titles; it being proper that this Satisfaction and Offer ſhould ſerve as an Example to the Court of London, Reciprocally to do the ſame on Her Part.

His Catholic Majeſty obſerved, that the Want of Information had occaſioned a Variation in the Expoſition of Facts, and in the Manner of conſidering them: That it appeared by late Letters from New Spain, that the Engliſh Ship the Argonaut was not confiſcated, but only detained 'till a Judicial Sentence ſhould take Place; that the ſame happened to the Schooner the Princeſs Royal; and that the Vice-Roy had reſolved to reſtore them either freely, or on the Maſter's Bond, to be anſwerable for their Value ſhould they be declared to be lawful Prizes, as had been done to a Portugueze Veſſel from Macao and Two Americans from the Colonies; ſo that they muſt already have been reſtored.

That many Circumſtances, now known, could not appear in the Firſt Memorial delivered on the 10th of February by the Marquis del Campo; ſtill leſs the Repeated Acts of the Poſſeſſion of Spain on that Coaſt and Port, Before and After thoſe mentioned in That Paper, or the Other Titles which would be brought forward in a calm and pacific Negotiation. That, had the Court of London replied to the Complaints which were made by the Catholic King againſt Navigators,

whom

whom He conſidered as Uſurpers and Violators of Treaties, with the Deſire ſhe now ſhewed of Examining and Accommodating theſe Diſputes Amicably, much Expence and Diſguſt would have been avoided. That the Tone and diſagreeable Conciſeneſs of the Anſwer of the Britiſh Miniſtry, at a Time when they confeſſed they had no Information of what had happened, made the Spaniſh Cabinet ſuſpect that it was their Intention to magnify this Diſpute, in order to avail themſelves of it as a Pretext for a Rupture; on which Account ſome Precautions were taken. His Catholic Majeſty further obſerved, that in Truth the Manner, more than the Subſtance, had been the Origin of the Noiſe occaſioned by the preſent Diſpute.

His Catholic Majeſty proceeded to contradict a Report, that Spain meant to carry Her Rights and Pretenſions to All the South Sea as far as China. This He declared is meant to go no further than to the Indian Continent, Iſlands and Seas, which, by Diſcovery, Treaties, or Immemorial Poſſeſſion, have belonged and do belong to Her, by the Acknowledgement and Acquieſcenee of All Nations; and, though the Subjects of ſome of theſe have

infringed

infringed upon the Spaniſh Rights, they have been puniſhed when detected.

The Catholic King, however, denied, that the Circumſtance of Spain not having fixed Eſtabliſhments on a Coaſt, Port, or Bay, is a Proof that it does not belong to Her. That, were this admitted, any Nation might eſtabliſh Herſelf on the Coaſts of the Dominions of another Nation in America, Aſia, Africa, or even Europe, where there ſhould be no fixed Eſtabliſhment; a Thing which, His Catholic Majeſty remarks, it would be abſurd to think of.

Reſerving however the Matter of Right to a further Examination and Negotiation, the King of Spain inſiſts, that the effective Seizure of the Engliſh Veſſels was remedied by the effective Reſtitution decreed by the Vice-Roy; that the Judging of this Reſtitution, and whether the Prize were good or bad, depended on the Matter of Right, which was to be examined and decided upon on the Ground of the Treaties, Right, and Poſſeſſion of Spain; that the Satiſfaction and Indemnification was to be given upon the ſame Principles and thoſe of Reciprocity; and finally that, if it be the Wiſh to regulate thoſe Matters for the future, which the Catho-

lic

lic King meant to look upon as finiſhed, it ſhould be treated upon, that it may not be ſaid He refuſes any Means of Conciliation, or eſtabliſhing a ſolid and permanent Peace, not only between Spain and Great Britain, but between all Nations.

This Anſwer was accompanied with a Note from Count Florida Blanca, containing a Repetition of his Propoſal of a Reciprocal Diſarmament.

Mr. Merry obſerved upon this Communication, that he conceived there is little or no Room left to expect, that any Change would now occur in the Sentiments of the Spaniſh Court: That the Delay of His Catholic Majeſty in replying to our Memorial had probably been occaſioned by the fluctuating Advices from France; and that he could attribute the Conduct of Spain, on this Occaſion, to no other Motive, than an Hope that the Circumſtance of Her being attacked by England might put France under the Neceſſity of engaging in the War.

Mr.

Mr. Fitz-Herbert, as it has been ſeen, being on his Journey to Madrid, a ſhort Interval of Suſpence occurred, productive of no Event of Importance, except an Information from Lord Auckland, that the Prince Stadtholder had ſent Orders to Admiral Kingſbergen to proceed with the Dutch Fleet to Portſmouth; and except another from Lord Robert Fitz-Gerald at Paris, reſpecting the Alteration which he perceived to be riſing in the Public Opinion relative to the Diſpute between England and Spain.

In his Diſpatch, dated the 18th of June, and received the 21ſt, his Lordſhip remarked, that a viſible Change had taken Place in the Minds of the People at Paris, reſpecting the Part to be taken by France, ſhould a War unhappily take Place between Great Britain and Spain; that the Moderation, which had diſtinguiſhed the Majority of Opinions in that Capital, no longer exiſted, but had made Way for new Ideas of National Honor and Gratitude, both of which, it was now ſaid, called for the Support of France, ſhould Spain ſtand in Need of Her Aſſiſtance. His Lordſhip did not,

not, however, conclude from this, that War was a Meaſure ſought for or deſired; but only that the Unanimity of Sentiment (which prevailed Generally, except among the Miniſters and the Major Part of the Nobility and Clergy) in Favor of Inaction, and againſt the Family Compact, had ſuffered a conſiderable Change. This his Lordſhip aſcribed to the Influence, which the Cabinet was daily gaining, in the National Aſſembly, and to the known Sentiments of Monſ. de la Fayette, which had the greateſt Weight with the People, and which were by no Means inimical to Miniſterial Meaſures.

ON the Evening of the 26th of June, a Meſſenger arrived at Whitehall, with Diſpatches from Mr. Fitz-Herbert, dated at Aranjuez, the 16th of the ſame Month.

By theſe his Excellency acquainted the Duke of Leeds, that having reached Madrid the 9th of June, he proceeded next Day to Aranjuez, and, on the following Morning had an Interview, by Appointment, with Count Florida Blanca.

Conceiving that the Paper, delivered by the Count on the 4th of June, muſt neceſſarily be conſidered by His Majeſty as falling ſhort of His Juſt Expectations in every Particular, and eſpecially with regard to His Preliminary Demand of Redreſs and Satisfaction, Mr. Fitz-Herbert confined his Converſation with the Spaniſh Miniſter almoſt entirely to the Contents of that Paper, ſtrongly urging him to do away their ill Effects, by enabling Mr. Fitz-Herbert to tranſmit to his Court, without Loſs of Time, ſome more ſatisfactory Communication.

Count Florida Blanca replied, that, as the Circumſtances of the preſent Caſe were ſuch, that a Compliance on the Part of Spain with the Preliminary Demand in Queſtion would neceſſarily invalidate Her Claims of Territorial Right, She could not but continue to inſiſt, that the Diſcuſſion of Both thoſe Points ſhould by carried on at the ſame Time, and *pari paſſu:* That ſuch a Conceſſion (conſidering the Language which had been held on both Sides) would be no leſs injurious to His Catholic Majeſty's Honor than detrimental to His Intereſts; and that therefore, in a Word, the Paper in Queſtion contained the Utmoſt that the

the Court of Spain ought to grant. Count Florida Blanca, however, qualified this laſt Declaration, by ſtating it as his own individual Opinion, and requeſted Mr. Fitz-Herbert to deliver to him, in Writing, the Subſtance of what he had then urged, for the Information of His Catholic Majeſty, and his own Colleagues in Office. This Mr. Fitz-Herbert accordingly did on the Morning of the 13th.

On the ſame Day his Excellency was admitted to his Audiences of Introduction to the King and Queen of Spain; and, on the 14th, he dined with Count Florida Blanca, with whom he had a ſhort Converſation, in the Courſe of which the Count gave him to underſtand, that the Letter he had ſent to him on the 13th would be laid forthwith before the Spaniſh Cabinet, and that an Anſwer ſhould be given to it very ſhortly.

From the above Circumſtances, and from every Thing he had obſerved and learned ſince his Arrival at Aranjuez, Mr. Fitz-Herbert drew this Concluſion, that he had the ſtrongeſt Reaſon to be perſuaded, that the Catholic King and His Miniſters were en-

tirely bent upon a War with Great Britain, though they refrained from commencing Hoſtilities, on a Preſumption, that their perſiſting in their preſent Denial of Satisfaction would produce ſuch Repriſals on our Part, as might afford them a colorable Pretext to complain of a hoſtile Aggreſſion, and on that Ground, to demand the Aſſiſtance of France. His Excellency however thought it was by no Means eaſy to aſcertain the real Motives of This Reſolution; as it was ſcarcely poſſible to ſuppoſe, conſidering the relative Strength of the Two Powers, that the Spaniſh Miniſtry could ſeriouſly entertain any Hopes of wreſting from Great Britain either Gibraltar or any of Her Weſt India Poſſeſſions; or that they ſhould have had recourſe to the Expedient of a Foreign War, in order to obviate any ſuppoſed Danger of a Revolution in the Government of Spain, ſimilar to that which had taken place in France; not the ſmalleſt Symptom of any ſuch Spirit of Innovation having hitherto manifeſted itſelf in any Part of the former Country. On theſe Accounts his Excellency was inclined to think, that the hoſtile Diſpoſitions of the Spaniſh Cabinet originated ſolely in that exceſſive Proneneſs to Jealouſy and Miſ-

truſt,

truſt, which conſtitutes the leading Features of Count Florida Blanca's Character, and in conſequence of which he had perſuaded himſelf that, far from confining our Purſuits to the Fur Trade and Fiſheries on the North-Weſt and Southern Coaſts of the Continent of America, our real Object was to eſtabliſh in the Firſt Inſtance a direct Commercial Intercourſe with the Spaniſh Colonies, and finally to ſeparate them entirely from the Dominion of the Mother Country. This Sort of Language had, for ſome Time paſt, been publicly held by Count Florida Blanca himſelf; and, he alſo had ſaid, that, being confident that whatever Conceſſions might be made by Spain under ſuch Circumſtances, they would ſerve only for Great Britain to take Poſt upon, as it were, in order to lay Claim to ſomething more, he had judged it to be ſafer, as well as more honorable, to make a vigorous Stand in the firſt Inſtance.

Mr. Fitz-Herbert informed His Majeſty's Miniſters, that Meſſengers were continually paſſing between Aranjuez and Paris; though the Diſpoſitions of the latter Court, in regard to the Buſineſs in Queſtion, were little known.

It

It was only certain that Monſ. de Montmorin had written to Count Florida Blanca to the Effect which he had ſtated to Mr. Fitz-Herbert when he ſaw him at Paris, and that the latter expreſſed great Diſſatisfaction at the Contents of this Letter; obſerving, that the Data on which it was founded were entirely erroneous, and that, in ſo plain a Caſe as the preſent, he ſtood in no Need of Advice. As Count Florida affected to treat the French Alliance as a Reſource on which he placed little Confidence in the preſent Conjuncture, and as it did not appear that his Negotiations at St. Peterſburgh and Vienna were likely to end in any cloſer Connection between Spain and thoſe Courts, Mr. Fitz-Herbert was inclined to think that his principal Reliance was on the Aſſiſtance of the American States, to which Power he had lately made ſome Advances, which he thought would be deciſive in engaging them to take Part with Spain in the preſent Conteſt. In Fact, Mr. Fitz-Herbert obſerved, the American Chargé d'Affaires at Madrid, Mr. Carmichael, was greatly careſſed at Court, and had artfully availed himſelf of the preſent Conjuncture, in procuring from the Spaniſh Miniſter the

Liquidation

Liquidation of a Number of Private Claims, the Payment of which he had before ſolicited without the ſmalleſt Chance of Succeſs. This Gentleman's Private Opinion, however, appeared to be, that Count Florida Blanca's American Negotiation would not be attended with Succeſs.

On the Third Day after the Receipt of this intereſting Intelligence, a Meſſenger arrived at Whitehall with another Diſpatch from Mr. Fitz-Herbert, dated at Aranjuez, the 19th of June.

In this was contained Count Florida Blanca's Anſwer to the Letter which Mr. Fitz-Herbert ſent to him on the 13th Inſtant.

The Count by this diſputed the Principles laid down by Mr. Fitz-Herbert, and inſiſted that the Detention of the Veſſels in Queſtion took Place in a Port—on a Coaſt—or in a Bay of Spaniſh America, the Commerce and Navigation of which belonged Excluſively to That Crown, by Treaties made with All Nations, particularly with England. He alſo inſiſted, that Mr. Fitz-Herbert's Principles could not apply to a Caſe like the preſent, where the

Veſſel

Veſſel which was detained endeavoured to form an Eſtabliſhment, and to make itſelf Maſter of a *Port already poſſeſſed* by Another Nation; *the Spaniſh Commander having ſuch Poſſeſſion at Nootka, and the Engliſh Aggreſſor* not giving Way to his Amicable Repreſentations for Deſiſting from or Suſpending his Enterprize.

The Count denied that the Veſſels ſo detained were as yet proved to have been navigated with the Licence and under the Flag of Great Britain, although the Veſſels themſelves and ſome Individuals on Board of them might have been Engliſh; as there was Reaſon to believe they had entered the Port of Nootka with Portugueze Paſſports, given by the Governor of Macao, merely as Trading Veſſels, and not belonging to the Royal Marine: That beſides, the Veſſels, with their Crews and Cargoes (or the Value of the latter) having been reſtored, or being about to be reſtored, in conſequence of the Reſolution taken by the Vice-Roy of Mexico, and approved, for the Sake of Peace, by His Catholic Majeſty, every Thing was reſtored to it's original State; nothing being wanting but the Indemnification of the Parties aggrieved, and the Satisfaction for the Injury;

which

which ſhould alſo be ſettled, as ſoon as the Circumſtance of ſuch an Injury having been committed ſhould be aſcertained, which hitherto had not been done.

Notwithſtanding this however, the Count added, that, in order to avoid a Diſpute about Words, which might involve Two friendly Nations in an unfortunate War, he was ordered by the King to ſay, that His Catholic Majeſty would make the Declaration propoſed by Mr. Fitz-Herbert, and would offer His Britannic Majeſty a juſt and ſuitable Satisfaction for the Injury offered to the Honor of His Flag; provided that, to theſe words, One of the following Explanations were ſubjoined, viz.

1mo. " L'on offrira une telle Satisfaction, " l'Injure et la Satisfaction même étant eſti- " mées et califiées, dans la Subſtance et dans " la Forme, par un Arbitre, lequel ſera un " des Rois de l'Europe; dont le Roi mon " Maitre laiſſe l'Election, en entier, à Sa " Majeſté Britannique: Car il ſuffit à la Juſ- " tice inalterable du Monarque Eſpagnol, " qu'il y ait une Tête Couronnée, qui, bien " informée des Faits, en decide comme Elle " le trouvera juſte."

2do. " L'on offrira la Satisfaction juſte et " convenable, toutefois que dans le Progrés " d'une Negotiation qui devra être entamée, " il ne reſultera pas des Faits qu'il n'eſt pas " juſte qu'elle ſoit donnée, ou que la Grande " Bretagne n'a point pû l'exiger, n'y ayant eu " d'Injure portée à ſon Pavillon."

3tio. " Que la dite Satisfaction ſera donnée, " pourvû qu'il ne s'en ſuive pas que l'Eſpagne " auroit renoncée aux Droits qui Lui appar- " tiennent dans cette Affaire, non plus qu'au " Droit qu'Elle auroit d'exiger de la Part de " la Grande Bretagne une Satisfaction Egale " ou Equivalente, s'il etoit demontré dans une " Negotiation Amicale, que le Roi eſt dans " le Cas de la demander, pour l'Aggreſſion et " l'Atteinte réelle et veritable d'une Uſurpa- " tion de Territoire Eſpagnole en Contraven- " tion aux Traités."

The Count concluded his Letter by ſaying, that the Court of St. James's might chuſe which of theſe Three Explanations or Additions to the propoſed Declaration She preferred, or All of them if ſhe thought proper; pointing out any Difficulty which might occur,

or

or ſuggeſting any other Mode, which She might conceive to be more honorable, reciprocal, or likely to conduce to a Peace, equally deſirable by all.

On this Letter Mr. Fitz-Herbert obſerved, that the Mezzo Terminis, thus ſubmitted to His Majeſty's Option, were in his Opinion Inadmiſſible, as reſting alike on one and the ſame Erroneous Principle. He conceived, however, that there certain Expreſſions in this Paper, which ſeemed to corroborate a Surmize ſtrongly current at Aranjuez, that the Court of Spain (from whatever Reaſons) was become ſincerely deſirous of an Accommodation, provided it could be accompliſhed on Terms not incompatible with what they conſidered as their Point of Honor; though his Excellency thought that this Conjecture carried little Weight with it, when oppoſed to the various and almoſt irrefragable Proofs, which the Spaniſh Court continued to furniſh of a Contrary Diſpoſition. In purſuance of this Idea, His Excellency expreſſed his Determination, ſhould any Inſtructions be on their Way from England tending to bring the depending Diſpute to an Immediate and Speedy

Iſſue, not to delay the Execution of thoſe Commands, in Expectation of any Anſwer from the Duke of Leeds, on the Subject of the above Letter.

Mr. Fitz-Herbert alſo mentioned, that the Naval Arrangements throughout Spain were going on with the moſt unremitting Activity; and that an Attempt had been made, on the 18th Inſtant, to aſſaſſinate Count Florida Blanca, by a Frenchman of the Name of Perez, who had ſlightly wounded him in Two Places with a Stilletto, and had afterwards, on being apprehended, attempted to kill himſelf.

HIS Majeſty's Miniſters, being now in Poſſeſſion of the Spaniſh Pretenſions, and of the Terms which that Country propoſed as the Condition of acceding to the Preliminary Demand of Satisfaction made by His Majeſty, loſt no Time in taking this important Buſineſs into Conſideration, and in preparing ſuch an Anſwer as the Occaſion required.

On the 5th of July a Meſſenger was again diſpatched to Madrid with Inſtructions to Mr. Fitz-

Fitz-Herbert, containing the Determination of His Majeſty on the depending Buſineſs, and Drafts of the Declaration and Counter-Declaration to be delivered by Count Florida Blanca and his Excellency, in caſe the Court of Spain ſhould think proper to acquieſce in His Majeſty's juſt Demand.

In the Firſt of theſe Diſpatches Mr. Fitz-Herbert was informed, that the Anſwer to the Paper delivered to Mr. Merry on the 4th of June was delayed, in the Hope that his Excellency might, on his Arrival, be enabled to tranſmit ſome more ſatisfactory Communication: That it was now thought right, on full Conſideration, to inſtruct his Excellency to deliver the encloſed Memorial, inſiſting upon His Majeſty's Demand of Satisfaction—(of which a fuller Detail will be given) that though the Spaniſh Claims did not appear to be capable of being ſuſtained on the Grounds of Reaſon or Juſtice, even with a View to ſubſequent Negotiation, His Majeſty would nevertheleſs be willing, when the Satisfaction ſhould once be given, to enter on a fair and temperate Diſcuſſion of them, and of every Thing which the Court of Spain might be able to alledge, ſo far as they reſt on Grounds

diſtinct

diſtinct from that on which the Queſtion of Satisfaction itſelf neceſſarily depended.

It was further ſtated, That, as His Majeſty conſidered the giving the Satisfaction muſt amount to an Admiſſion, that the Court of Spain was not in Poſſeſſion of an Actual, Known and Acknowledged Sovereignty and Dominion at Nootka, which could juſtify detaining the Ships of other Nations, in order to condemn them in the regular Courſe of judicial Proceeding, for a Violation of eſtabliſhed Laws, founded either on the Stipulations of Treaties, or on the General Rights of Sovereignty; no ſubſequent Diſcuſſion could therefore take Place on this Point, after the Satisfaction had been given. That, if the Court of Spain were able to prove that Nootka was, at the Time of the Seizure, in the Predicament above ſtated, the Time for offering ſuch Proof muſt be Before the Point of Satisfaction is ſettled; as it would, if eſtabliſhed, remove the Ground on which the Demand of Satisfaction was originally made, and was now inſiſted upon. But it was evident, from all the Circumſtances preceding and attending the Tranſaction, even according to the Spaniſh Statement of it, as well as from the Nature of their Allegations, that

that no ſuch Proof could be adduced; and therefore the Satisfaction was inſiſted upon.

The Duke of Leeds added, that any other Grounds of Claim, founded on any Thing ſhort of ſuch an Actual, Known and Eſtabliſhed Poſſeſſion of Sovereignty and Juriſdiction as before deſcribed, would be ſtill open to Diſcuſſion, and would in no Degree be precluded by the Satisfaction. That all the Grounds referred to in the Anſwer delivered by Count Florida Blanca, or in the Paper delivered by the Marquis del Campo, appeared to fall under this Deſcription: That therefore there could be no Objection to Mr. Fitz-Herbert's ſtating theſe Notions as expreſsly and diſtinctly as poſſible, either in Converſation or in Writing, to the Spaniſh Miniſter: That it was to be wiſhed that, after ſuch an Explanation, the Spaniſh Court might be induced to give the Satisfaction demanded, without inſerting in the Declaration for that Purpoſe any Words of Reference to the Claims to be afterwards brought forward, on the Principles before ſtated, in the ſubſequent Negotiation. Mr. Fitz-Herbert, however, was informed, that, if he ſhould find the Spaniſh Court could not be induced to make the Declaration required

quired without ſome Words Expreſsly Reſerving the Future Diſcuſſion of their Claims, His Majeſty, from a Deſire to go as far as far as poſſible towards an Accommodation, would not object to Words being added for this Purpoſe, provided they were ſuch as were conſiſtent with the before-mentioned Ideas, and not in any Degree implying, that the Claims reſerved could affect the Ground on which the Satisfaction was given. A Declaration and Counter-Declaration, drawn up on this Principle, were incloſed to his Excellency, both of which will be given at Length at the Concluſion of the Detail of this Diſpatch.

Mr. Fitz-Herbert was further informed, that His Majeſty had been induced to authorize him, in caſe the Satisfaction could not be otherwiſe obtained, to propoſe exchanging the Declarations in this Form, as approaching, in ſome Degree, to one Part of the Third Expedient ſtated by Count Florida Blanca in his Letter of the 18th of June, and which was the only Part of what was there propoſed which was conſidered as being in any Reſpect admiſſible: That the Expreſſions were however

ever different from thoſe propoſed by Count Florida Blanca in the Beginning of his Third Propoſal; becauſe the General Expreſſion, "Aux Droits qui Lui appartiennent dans ces Affaires," might go beyond the Principles explained in this Diſpatch, and might be ſuppoſed to reſerve the Diſcuſſion of the Grounds on which the Satisfaction was required.

The Duke of Leeds further ſtated, that the latter Part of Count Florida Blanca's Propoſal, relative to a Right to claim Reciprocal Satiſfaction, was Wholly Inadmiſſible; it being impoſſible for His Majeſty to admit, as a Qualification of the Satisfaction to which He was clearly intitled, a Clauſe which appeared Inconſiſtent with the very Principles on which the Satisfaction was demanded: That, at the ſame Time, there could be no Difficulty in his Excellency's ſtating to the Spaniſh Miniſter the Ground on which this was objected to, and, at the ſame Time, aſſuring him there never could be a Doubt but that, whenever any Caſe ſhould ariſe, of a Nature ſimilar to that on which His Majeſty's Claim of Satiſfaction was made, His Majeſty's Juſtice would not refuſe to the Court of Spain, or to any

other Power, a Satisfaction ſimilar to That now demanded by Him.

With regard to the Firſt and Second of the Propoſals made by Count Florida Blanca, Mr. Fitz-Herbert was informed, they were ſuch as could not be adopted; the Idea of an Arbitration, on a Subject of this Nature, being entirely out of the Queſtion; and as a Reſervation, ſuch as That contained in the Second Propoſal, would render the Satisfaction nugatory, as it would refer to Subſequent Diſcuſſion the very Gounds on which that Satisfaction was demanded.

The following is the Memorial contained in the preceding Diſpatch.

The Paper tranſmitted by Count Florida Blanca to Mr. Merrry, in Anſwer to the Repreſentation made by that Miniſter, in His Majeſty's Name, having been laid before the King, the Underſigned (&c. &c. &c.) is directed to Repreſent to the Court of Madrid, that His Majeſty has ſeen with Concern, that the Paper in Queſtion does not offer That Satisfaction which His Majeſty had demanded, and which He had ſo juſt a Title to expect.

Neither

Neither does That Paper contain any juſt or ſufficient Ground for delaying a Compliance with That Demand, or for Referring it to Subſequent Negotiation. Whatever the Pretenſions may be, which Spain may think Herſelf juſtified to advance with reſpect to Nootka Sound, founded either on an Alledged Prior Diſcovery, or on the Application of the General Words of Former Treaties to that particular Place, it is clear that She had not ſuch an Eſtabliſhed Poſſeſſion and Acknowledged Dominion there, as could alone juſtify the Seizure of the Britiſh Veſſels. A Right to proceed in that Manner, in the Firſt Inſtance, could, according to the Law of Nations, reſult only from a Right of Territory, manifeſted by Open Poſſeſſion, and by the Actual Exerciſe of His Catholic Majeſty's Authority and Laws therein; and This confirmed by an Expreſs or Tacit Acknowledgement of other Nations.

That no ſuch Eſtabliſhed Poſſeſſion or Juriſdiction exiſted at Nootka, at the Time when the Tranſaction in Queſtion took Place, is manifeſt, both becauſe His Majeſty's Subjects, and thoſe of Other Nations, had, for ſeveral Years previous to that Time, frequented that

Place, and carried on an uninterrupted Commerce with the Natives; and becauſe the Statement, given of this Affair by the Court of Spain itſelf, proves, that it was not till a few Days before the Capture that the Spaniards attempted to make a Settlement there.

Under theſe Circumſtances, the Pretenſions of Spain, of whatever Nature they might be, ought evidently to have been the Subject of Amicable Repreſentation, in the firſt Inſtance, and can, in no Degree, afford a Juſtification for an Act of Violence, like that of which His Majeſty now complains.

The Honor of His Majeſty's Crown makes it neceſſary therefore that This Act ſhould be Immediately and Compleatly done away, before Any Negotiation can take Place, with a View to a Future Adjuſtment of the Claims and Intereſts of the Two Nations in that Part of the World. This cannot be conſidered to have been effected by the Reſtitution of the Veſſels ſtated to have been ordered by the Vice-Roy of Mexico; becauſe it appears that ſuch Reſtitution has been only Conditional, and unaccompanied by Sufficient Indemnication to the Parties injured; and becauſe This Act includes No Reparation on the Part

of

of the Court of Spain, for the Insult offered to the British Flag by the Seizure and Detention of British Vessels.

His Majesty therefore finds Himself obliged to renew, in the most Direct and Unequivocal Terms, His Claim for That Satisfaction which He has already demanded, and which can no longer be delayed, without producing Those Consequences which His Majesty is sincerely desirous to avoid.

When His Majesty's just Expectations in this Respect shall be satisfied, the Undersigned is prepared, as he has already informed Count Florida Blanca, to enter into such an Amicable Negotiation on the Subject of the Respective Rights and Interests of Great Britain and Spain, with respect to Territory, Navigation, Commerce and Fisheries in that Part of the World, as may tend to prevent all Disputes between the Subjects of the Two Crowns, in the same Manner as His Majesty would have done, if Spain had proceeded, in the first Instance, in the Way of Amicable Representation, instead of having Recourse to Unjustifiable Acts of Violence.

The

The following are the Drafts of the Declaration and Counter-Declaration inclofed in the foregoing Difpatch to Mr. Fitz-Herbert.

DECLARATION,
to be delivered by Count Florida Blanca.

HIS Britannic Majefty having complained of the Capture of certain Britifh Veffels at Nootka Sound, on the North-Weft Coaft of America, by an Officer of the King of Spain, the Underfigned (&c. &c. &c.) has been authorized by His Catholic Majefty to Declare, and Declares, that His Catholic Majefty is willing to make Satisfaction to His Britannic Majefty for the Injury of which he has complained; and His Catholic Majefty engages to make Full Reftitution of fuch Britifh Veffels as were captured at Nootka, and to Indemnify the Owners for the Loffes which They have fuftained, as foon as the Amount of the faid Loffes fhall have been afcertained.

It being underftood that this Declaration fhall not preclude or prejudice the future Difcuffion of any Claims, which His Catholic Majefty may make to form an Exclufive Eftablifhment at Nootka Sound.

COUNTER-

COUNTER-DECLARATION,

to be delivered by Mr. Fitz-Herbert.

HIS Catholic Majeſty having declared His Willingneſs to make Satisfaction for the Injury done to His Britannick Majeſty by the Capture of certain Britiſh Veſſels at Nootka, and the Count Florida Blanca having, in His Catholic Majeſty's Name, ſigned a Declaration to this Effect, engaging alſo that His Catholic Majeſty will make full Reſtitution of the Veſſels ſo captured, and will alſo indemnify the Parties concerned for the Loſs they have ſuſtained in conſequence of the ſaid Capture, the Underſigned (&c. &c. &c.) in the Name of His Britannic Majeſty, and by virtue of the Expreſs Authority given him for that Purpoſe, accepts the ſaid Declaration, and declares that His Britannic Majeſty will conſider the ſaid Declaration, together with the Performance of the Engagements contained therein, as a Full Satisfaction for the Injury of which His Majeſty has complained.

The Underſigned declares at the ſame Time, that it is to be underſtood that Nothing in the ſaid Declaration ſigned by Count Florida Blanca,

Blanca, nor the Acceptance thereof in the Name of His Britannick Majeſty, ſhall preclude or prejudice the Claims of His Britannic Majeſty to any Eſtabliſhment formed or to be formed at Nootka Sound.

IN a ſeparate Diſpatch which accompanied the preceeding, Notice was taken of the Propoſal made by the Court of Spain for a Mutual Agreement to diſarm during the Negotiation. The Duke of Leeds ſtated that the Reaſons he had given in his other Diſpatch of this Date were ſufficient to ſhew the Impoſſibility of His Majeſty's diſcontinuing His Armaments in the preſent State of the Buſineſs. That as, ſhould the Court of Spain Ultimately agree to grant the Satisfaction required, it was probable that the ſame Idea of diſarming would be brought forward by them, as a proper Preliminary to the ſubſequent Negotiation. Mr. Fitz-Herbert was inſtructed to be particularly careful not to give the ſmalleſt Encouragement to this Idea, as His Majeſty could not conſent to diſcontinue His Preparations, 'till He ſhould have ſecured, by ſufficient Stipulations, the Freedom of Navigation, Commerce and Fiſheries for His Subjects, in conformity to the

Principles

Principles explained to his Excellency in a former Diſpatch.

As this Propoſal for Diſarming was repreſented by Spain as having been originally made by Mr. Merry, in a Private Letter to Count Florida Blanca of the 16th of May, Mr. Fitz-Herbert was deſired to obſerve, that Mr. Merry did not, even in that Private Letter, make any Direct Propoſal of that Nature; and that there was not the ſmalleſt Ground for ſtating, that any ſuch Offer had been made on the Part of this Court. The Duke added, that he particularly mentioned this Circumſtance, in order to prevent the Poſſibility of Miſtake, on a Point of ſo much Importance.

From the Time the Meſſenger was diſpatched with theſe Papers, to the Moment of his Return, a Period of Suſpence intervened; during which the ſeveral Letters received from Mr. Fitz-Herbert contributed only to increaſe the Uncertainty of the Spaniſh Determination, which his preceding Diſpatches had occaſioned.

In the Firſt of theſe, dated at Aranjuez the 24th of June, his Excellency informed the

Duke of Leeds, that, though Count Florida Blanca was ſo far recovered, as to be able to tranſact Buſineſs with the King, and was expected immediately to reſume the Duties of his Office, his Excellency had had no Opportunity of converſing with him on Buſineſs; and that he ſeemed reſolved not to enter into any farther Explanation, till he ſhould be apprized of the Sentiments of His Majeſty's Miniſters on his Memorial of the 4th Inſtant.

With reſpect to the Overture which Count Florida Blanca might have conveyed to the American States, Mr. Fitz-Herbert had not been able to learn any Thing poſitive. He was, however, confident, that no Communications from the latter had ever been received by the Spaniſh Court, indicative of a Diſpoſition on their Part to enter into Terms of Good Underſtanding with Spain, either with regard to it's preſent Diſcuſſion with Great Britain, or on any other Subject. On the contrary, he was aſſured they had repeatedly manifeſted, toward the Court of Madrid, the moſt marked Symptoms of Coldneſs and Ill-will; and particularly when, in the Year 1787,

Count

Count Florida Blanca, desirous of making Common Cause with France in the War which then seemed to be depending, transmitted to the American States a Direct Demand of Eventual Assistance, the latter never deigned to return a Syllable of Reply.

In a Letter dated Aranjuez, the 28th of June, Mr. Fitz-Herbert stated, that, conceiving the various groundless Misrepresentations of Facts, contained in Count Florida Blanca's Letter to him of the 18th, ought not to pass uncontradicted, he had transmitted to that Minister a Kind of Provisional Reply to it, together with an Abstract of Captain Meares's Memorial. Notwithstanding this, the Count still declined to see him on Pretence of Indisposition, although, in Fact, he was in perfect Health; and, besides transacting Business daily, both at his own House and at his Office, frequently made his Appearance in Public.

This Affectation of declining all Communication with Mr. Fitz-Herbert, however, at Length ceased; and (as appears from a Letter of his Excellency, dated Aranjuez, July 1) an Interview between him and the Spanish

Miniſter took Place there on the 30th of June. In this, after waving for the preſent all mention of the Point of Satisfaction, They talked over (ex miniſterially) the Ulterior Arrangements which might be neceſſary, in order to remove every future Ground of Miſunderſtanding between the Two Courts. On this Head Count Florida Blanca declared, that he had been buſying himſelf on a Plan, which he thought would entirely fulfil the Views and Objects of Both Parties, and which he promiſed to ſhew to Mr. Fitz-Herbert, confidentially, on the Return of the Court to Madrid, which would take Place in a few Days. His Excellency alſo acquainted him, that the Commanding Officers at Cadiz, Carthagena, &c. had applied to the Marine Office at Madrid, for Inſtructions as to the Conduct they were to obſerve with Regard to ſome Britiſh Ships of War, which had been ſeen hovering at the Entrance of thoſe Ports, for the Purpoſe, as was preſumed, of reconnoitring; and that, in conſequence of this Application, His Catholic Majeſty had ſent the ſtricteſt Orders to thoſe Officers, as well as to all other Naval Commanders, to conduct themſelves with regard to all Britiſh Ships, including

thoſe

thoſe in Queſtion, with the ſame Degree of Civility and Attention as in Times of profound Peace: And Count Florida Blanca alſo declared, that it was the Determination of his Court, not to grant Convoys for the preſent to the Spaniſh Merchantmen.

From what paſſed at this Meeting, Mr. Fitz-Herbert was ſatisfied that Count Florida Blanca's Language and Manner were in reality (from whatever Cauſe) far more Temperate and Conciliating than at the former Meeting; and from this Circumſtance, joined to that of his having actually prepared the Plan of an Ulterior Arrangement, he was almoſt inclined to hope that he might have ſecretly reſolved to give Way on the Point of Satisfaction; although it was evidently impoſſible to draw any further Explanation from him on that Head, 'till the Arrival from England of the Anſwer to his Memorial of the 14th of June, which was daily expected.

Although this Account ſeemed to carry an Appearance favorable to the depending Negotiation, that pleaſing Proſpect was a good deal darkened by the next Letter received from our Ambaſſador

Ambaſſador at Madrid, dated the 5th of July; in which he informed the Duke of Leeds that Orders had been iſſued for the Cadiz Squadron to put to Sea at the ſhorteſt Notice, and that a Liſt of the Spaniſh Naval Armaments, in Europe and America, had been juſt publiſhed at Madrid under the Sanction of Government. As this was a Step entirely inconſiſtent with the Natural Reſerve of the Spaniſh Court, Mr. Fitz-Herbert was unable to attribute it to any Thing, except the extreme Anxiety of Count Florida Blanca to inſpire Confidence into the Public at large at a Moment of alarming Criſis. And he was confirmed in this Opinion by finding that, conformably to the ſame Syſtem, he had affected to communicate, with the utmoſt ſeeming Freedom and Confidence, with many Principal Perſons at Madrid, on the Subject of the Meaſures adopted by Great Britain, and of the Incident which led to them. By ſuch Artifices, and by the Circulation of a Number of Falſe and Exaggerated Repreſentations of the Britiſh Demands, the Public in general ſeemed to be pretty well reconciled to the Proſpect of a Rupture; though ſeveral well-informed Perſons conſidered theſe Hoſtile Appearances as merely a

Political

Political Refinement, calculated to conceal the Miniſter's Intention of complying Ultimately with His Majeſty's Demand, rather than hazard the Conſequence of a Rupture.

While Mr. Fitz-Herbert was thus in a State of Suſpence as to the real Intentions of the Spaniſh Court, Count Florida Blanca, on the 9th of July, thought proper to ſend him a Letter; in which he informed him, that the King of Spain, having received poſitive News of the Engliſh Fleet having ſailed from Portſmouth on the 28th or 29th of June with a conſiderable number of Ships and Frigates, His Catholic Majeſty had ordered His Fleet to go out likewiſe, with expreſs Injunctions however, not to commit the leaſt Hoſtility, unleſs it ſhould be attacked. This Occurrence the Catholic King had directed His Miniſter to communicate to Mr. Fitz-Herbert, as an Evidence of His well known good Faith; with an Aſſurance, that there would be no Alteration in His Deſire to terminate immediately the exiſting Diſputes by Means of an amicable Negotiation; for which Purpoſe Count Florida Blanca deſired to ſee Mr. Fitz-Herbert the next Day at his Office, when he promiſed to mention

mention to him all the King of Spain's Intentions in regard to the Mode of ſpeedily finiſhing the Negotiation.

In conſequence of this Invitation, Mr. Fitz-Herbert had an Interview with the Spaniſh Miniſter on the 10th, when the Count opened to him his Ideas reſpecting an Arrangement of the ſeveral Objects in Litigation; and confided to him a Paper of looſe Notes, in his own Hand-Writing, from which he extracted the following Outline of his Plan.

1mo. That Spain ſhould retain the Excluſive Poſſeſſion of the Whole Coaſt of North-Weſt America, from California up to, and including, the Port of Nootka.

2do. That, from Nootka, to Latitude 61 North, which is ſtated as the Limit of the Spaniſh Diſcovery in that Quarter, the Subjects of Great Britain ſhould enjoy, in common with Spain, the Right of Trading and forming Eſtabliſhments; but that, from Latitude 56 downwards, this Right ſhould not extend beyond a certain Number of Leagues Inland, in order to avoid Interference with the Spaniſh Miſſion.

3tio.

3tio. That the Subjects of Great Britain shall enjoy the Right of Fishing in the South Sea and Magellanic Region, together with that of Landing, and Erecting Occasional Buildings, in such Unsettled Islands or Parts of the Coast, as should be agreed upon : but that they should not land, or even approach, within a certain Distance of any Spanish Settlement.

4to. That, as by Means of such an Arrangement, the Two Crowns would avoid all Discussion of the Respective Rights, they should also agree to waive their Mutual Demand of Satisfaction; in which Case, Spain would consent to pay to the Proprietors of the Ships taken at Nootka the full Amount of their Loss.

On these Proposals Mr. Fitz-Herbert remarked, that though, in their present State, they, without Doubt, were absolutely Inadmissible, he was not altogether without Hope that they might be finally modified, so as to meet the Idea of His Majesty's Ministers, as stated in the Duke of Leeds's Dispatch of the 16th of August.

Mr. Fitz-Herbert, in the ſame Diſpatch, informed His Majeſty's Miniſters, that he had reaſon to believe the Court of Spain was apprehenſive of an Attack upon Porto Rico in the Event of a Rupture; in conſequence of which Two Ships of the Line and ſome Frigates had recently been diſpatched from Cadiz for that Place, on which were embarked about a Thouſand Men; who, with the Regiment of Naples, actually in Garriſon at St. Juan, would conſtitute a Force of about Fifteen Hundred Men.

On the 30th of July, immediately after the Receipt of theſe Propoſitions, the Duke of Leeds wrote to Mr. Fitz-Herbert, informing him that, as the Anſwer of the Court of Spain to the Memorial contained in his Diſpatch of the 5th Inſtant was every Day expected, it would be ſufficient for him to ſay, that the Propoſal made by Count Florida Blanca was Inadmiſſible; as the Satisfaction for the Inſult at Nootka muſt be obtained before the other Points could come into Diſcuſſion; and that the Subſtance of the Propoſal itſelf alſo appeared to be Inadmiſſible, as a Baſis of Ulterior Arrangements. On that Subject, however, his

his Grace defired Mr. Fitz-Herbert to be particularly careful not to enter into any Miniſterial Negotiation, 'till the Point of Satisfaction ſhould be ſettled. Should that be done, and ſhould a Negotiation commence, His Excellency was then directed to act in Conformity with the Inſtructions he had already received.

It was not 'till the 5th of Auguſt, that the State of Suſpence, in which His Majeſty's Miniſters, as well as the Public at large, had remained ſince the Departure of the Meſſenger on the 5th of July, was terminated by the Return of that Meſſenger to Whitehall. The Diſpatches of which he was the Bearer were dated at Madrid on the 25th of July.

In theſe Mr. Fitz-Herbert communicated to His Majeſty's Miniſters the pleaſing and important Intelligence of his having interchanged with Count Florida Blanca, on the preceding Night, the following Declaration and Counter-Declaration, which he truſted would be found to agree, in all eſſential Particulars, with the Projets and Inſtructions tranſmitted to him on the 5th of July.

DECLARATION.

DECLARATION.

SA Majesté Britannique s'etant plainte de la Capture de certains Vaisseaux appartenants à Ses Sujets, faite dans la Baye de Nootka, située sur la Côte du Nord-Ouest de l'Amerique, par un Officier au Service du Roi ; le sous-signé, Conseiller et Premier Secretaire d'Etat de Sa Majesté, etant à ce duëment autorisé, declare, au Nom et par Ordre de Sa dite Majesté, qu'Elle est disposée à donner Satisfaction à Sa Majesté Britannique pour l'Injure dont Elle s'est plainte ; bien assurée que Sa dite Majesté Britannique en useroit de même à l'egard du Roi, dans de pareilles Circonstances : Et Sa Majesté s'engage en outre de faire Restitution entiere de tous les Vaisseaux Britanniques qui furent capturés à Nootka, et d'indemniser les Parties interessées dans ces Vaisseaux des Pertes qu'Elles auront essuyées aussitôt que le Montant en aura pû être estimé.

Bien entendu, que cette Declaration ne pourra point exclure, ni prejudicier, à la Discussion ulterieure des Droits que Sa Majesté pourra pretendre à la Formation d'un Etablissement exclusif au Port de Nootka.

En

En Foi de quoi, j'ai ſigné cette Declaration, et y appoſé le Cachet de mes Armes. A Madrid, ce 24 Juillet, 1790.

(L. S.) *Le Comte de Florida Blanca.*

CONTRE-DECLARATION.

SA Majeſté Catholique ayant declaré qu'Elle étoit diſpoſée à donner Satisfaction pour l'Injure faite au Roi, par la Capture de certains Vaiſſeaux appartenants à Ses Sujets à la Baye de Nootka. et Monſieur le Comte de Florida Blanca ayant ſigné, au Nom et par Ordre de Sa Majeſté Catholique une Declaration à cet Effet ; et par laquelle Sa dite Majeſtè s'engage pareillement à faire Reſtitution Entiere des Vaiſſeaux ainſi capturés, et d'indemniſer les Parties intereſſées dans ces Vaiſſeaux des Pertes qu'elles auront eſſuyées ; le ſous-ſigné Ambaſſadeur Extraordinaire et Plenipotentiaire de Sa Majeſté près le Roi Catholique étant à ce duëment et expreſſement autoriſé, accepte la dite Declaration au Nom du Roi, et declare que Sa Majeſté regardera cette Declaration, avec l'Accompliſſement des Engagemens qu'Elle renferme, comme une Satisfaction pleine et entiere

entiere de l'Injure dont Sa Majesté s'est plainte.

Le Sous-signé declare, en même Tems, qu'il doit être entendu, que ni la dite Declaration signée par Monsieur le Comte de Florida Blanca ni l'Acceptation que le Sous-signé vient d'en faire au Nom du Roi, ne doit exclure ni prejudicier en rien aux Droits que Sa Majesté pourra pretendre à Tout Etablissement que Ses Sujets pourroient avoir formé, ou voudroient former à l'avenir, à la dite Baye de Nootka.

En Foi de quoi, j'ai signé cette Contre-Declaration, et y ai apposé le Cachet de mes Armes. A Madrid le 24 Juillet, 1790.

(L. S.) *Alleyne Fitz Herbert.*

THAT Mr. Fitz-Herbert had considerable difficulties to encounter before he was able to carry this Point may reasonably be supposed. It was not a small one to prevail on the Court of Spain to come at all into a Measure so repugnant to its known Haughtiness; and even after that Step was carried, the Mode of giving this Satisfaction occasioned so much Difficulty, and

and Count Florida Blanca insisted with so much Warmth and Pertinacity upon the Alterations he suggested in the Wording of the Declaration sent from England, and particularly upon Expunging the Important Word "Injure," both from the Declaration and Counter Declaration, that, for some Days preceding his last Interview with that Minister, Mr. Fitz-Herbert considered the Negotiation as almost entirely desperate. As it would have retarded the Departure of his Messenger to have entered into a Detail of these Circumstances, Mr. Fitz-Herbert deferred 'till another Opportunity the laying before the Duke of Leeds a Report of his Conferences with Count Florida Blanca previous to the Signature of the Declaration. It indeed appears from a Copy of the Counter-Projet which was delivered by Count Florida Blanca, that he must have had a difficult Task to bring that Minister to the Point which he at last carried. In that Instrument, the Count substituted for the Words "l'Injure dont Elle s'est plainte," the softer Expression of "la susdite Capture;" the Words "bien assurée de la Reciprocité du coté "de Sa dite Majesté Britannique," instead of "bien assurée que Sa dite Majesté Britannique

"en

" en uſeroit de même à l'egard du Roy." He alſo deduced the Reſtitution of the captured Veſſels and the Indemnification of the Sufferers from this Principle of Reciprocity, inſtead of making it a Diſtinct Branch of Satiſfaction, as had been inſiſted upon by His Majeſty; and qualified the Reſtitution by adding, " ſi elle n'a pas encore eu lieu;" an Expreſſion which, as has already been ſtated, could not be adopted in an Inſtrument of this Nature, as well from the Manner, as from the Nature of ſuch a Tranſaction, admitting it to have taken Place. The Count was alſo deſirous of omitting, in the annexed Reſervation of Claims, the important Word " Formation," and of leaving the Sentence as referring ſolely to an Excluſive Eſtabliſhment, which had Actually exiſted; an Alteration which would, in a great Meaſure, have amounted to an Admiſſion of that Fact; whereas the Sentence as it now ſtands, coupled with the Reſervation in the Counter-Declaration, is a clear Dereliction of that Pretenſion, and an Admiſſion that an Eſtabliſhment had been formed at Nootka by His Majeſty's Subjects. The Spaniſh Miniſter alſo propoſed to add to the Declaration the following Words, which, though

perfectly

perfectly inadmiſſible, were undoubtedly inſiſted upon very ſtrongly on the Part of Spain: "Ni ſervir d'Exemple pour les autres Do-
" maines des Indes Eſpagnoles, ſelon la Poſ-
" ſeſſion, les Limites, et les Droits réconnus
" dans les Traités avec toutes les Nations, et
" nommement avec la Grande Bretagne."

During the Pendency of this Negotiation reſpecting this Terms of the Declaration, Count Florida Blanca delivered to Mr. Fitz-Herbert a freſh Paper in his own Handwriting, on the Subject of the Adjuſtment of the other Objects in Litigation between the Two Courts, which his Excellency thought it his Duty to return to the Spaniſh Miniſter, on the ſame Ground he had returned his former Propoſal, namely, it's Inadmiſſibility.

By this Paper it was ſtated, that the Principal Points of the Fur Trade on the Northern Coaſts of the Pacific Ocean, and of the Fiſhery on the Southern and Northern Coaſts of both Seas, might be agreed upon without diſcuſſing or diſputing the Rights of Spain, by that Nation granting to England the Liberty of Trading from the Latitude of 50 to the North, with a Power of forming Eſtabliſhments within

 thoſe

thoſe Limits, provided they did not deſcend to the Coaſt of California, in Latitude 49 and ſome Minutes, where the Port of Nootka is ſituated, as that Port would form the Dividing Point on the Sea Side of the Spaniſh Dominion. That the Engliſh, however, ſhould not, on Pretence of Trade, penetrate into the Country, either by Land, by Rivers, or by Arms of the Sea, beyond Ten, Twelve or Twenty Leagues. That the Uſe of the Fiſhery to the Southward might alſo be granted, on Condition that it be not carried on from the Straits of Magellan Northward, except at a great Diſtance, not leſs than Two Degrees, from the Coaſt. That, from the Straits of Magellan to Cape Horn, the Fiſhery, and the Uſe of the Beaches and Bays for the Purpoſes of the Fiſhery, might be permitted, provided no Permanent Eſtabliſhments were formed, and that Power be given to deſtroy thoſe which may be made, as is practiſed in the Malouine Iſlands. That the Convention might be reduced to a Detailed Explanation of the Places and Points where this Permiſſion might take place; with a Saving of the Rights of Spain, and the Addition of ſome Precautions to prevent the Fiſhing Veſſels from carrying Merchandize, from ſuſ-

picious

picious Armaments, and from conveying Supplies of Arms and Ammunition.

Count Florida Blanca took the Rejection of this Paper in good Part, and promised to reconsider the Subject, and to communicate his Ideas upon it in a Shape which he hoped would appear less objectionable. On this Promise however Mr. Fitz-Herbert placed little Reliance; though he stated it as his Opinion, founded on what he had observed of the Character of the Spanish Court and Ministry, that, however averse they might be to bring forward on their Part any reasonable Proposal on a Subject of this Kind, they would listen with sufficient Readiness to a Proposal of that Description if brought forward by Great Britain. His Excellency therefore suggested, that, instead of waiting for any farther Explanations from Spain, it would be adviseable to commence the Negotiation by delivering in, on our Part, a Statement of All His Majesty's Demands on the Points in Question, drawn up in the Form of a regular Projet.

Mr. Fitz-Herbert declared there was the strongest Reason to believe that, whatever might have been the former Views of the

Court of Spain, their Preſent Object was to preſerve Peace on almoſt Any Terms. And, as a Reaſon why this Sentiment ſhould not be weakened, He ſtated that, in conſequence of ſome Encroachments on the Territory of the American States made lately by the Governor of Weſt Florida, their Chargé d'Affaires at Madrid had juſt received Orders, not only to complain to the Spaniſh Court in very ſtrong Terms of thoſe Injuries, but even to give Notice that, on a Delay of Redreſs, the Inhabitants of thoſe Diſtricts would proceed to do themſelves Juſtice by Force of Arms. It is obſervable, that, when theſe Diſpatches left New York, it did not appear that the Congreſs was apprized of the Diſputes between England and Spain.

In the Firſt Conference Mr. Fitz-Herbert had with Count Florida Blanca after the Arrival of the Meſſenger, that Miniſter appeared chagrined at his not having received Inſtructions relative to a Mutual Diſarmament, though he did not attempt to maintain that any Language had ever been held by His Majeſty's Miniſters, which could be conſtrued as pledging Great Britain to the Adoption of

ſuch

ſuch a Meaſure, Previouſly to the Final Adjuſtment of Her Ulterior Claims. When the Declarations were exchanged, the Count obſerved, that, as the Two Courts were now about to Negotiate a General Adjuſtment of All Their Differences, he thought it would be adviſeable, that they ſhould agree to fix the Cruizing of the reſpective Squadrons within ſuch Limits, as ſhould prevent the Poſſibility of any diſagreeable Rencounter pending the Negotiation. To this Mr. Fitz-Herbert replied, that he would mention this Idea to the Duke of Leeds; but that it appeared to him, that the Court of Spain would do well to provide againſt a much more imminent Danger than that which he had mentioned, namely, ſome freſh illegal Capture of Britiſh Veſſels in the American Seas, which which was hourly to be apprehended, in conſequence of the Unlimited Diſcretionary Powers to that Effect, which appeared to be veſted in all the Spaniſh Governors. The Count anſwered, that Inſtructions had already been ſent to thoſe Governors, to abſtain in all Caſes whatſoever from the Exerciſe of any Voies de Fait againſt Britiſh Veſſels; and he inſtanced, in Proof of the Obedience which had been

paid

paid to these Instructions, the Case of some Bahama Fishing Boats, the Crews of which had landed upon the Coast of Yucatan in order to carry on a Contraband Trade, notwithstanding which they had been suffered to depart with their Vessels unmolested.

Mr. Fitz-Herbert informed the Duke of Leeds, that Positive Advices had been received of the Cadiz Squadron having put to Sea on the 20th of July, and that it consisted of Thirty-four Sail of the Line and Sixteen Frigates, besides smaller Vessels.

With regard to the Persons whose Property had been seized at Nootka, Mr. Fitz-Herbert acquainted the Duke of Leeds, that he had received from Count Florida Blanca's Office a Packet from Captain Colnett of the Argonaut, dated on the 1st of May, from Mexico, and containing open Letters for the Admiralty in England and for his Owners. By these it appeared, that that Officer, his People and Vessel, had just been released by Order of Monf. de Revilla Gigedo, Governor of that Province, and that he was in a fair Way of obtaining Compensation for his Losses. As Monf. de Revilla

Gigedo's

Gigedo's Conduct on this Occaſion appeared to have been extremely humane and liberal, Mr. Fitz-Herbert thought it right to ſend him a ſuitable Compliment through ſome Perſons of his Family with whom he was acquainted. The Releaſe of this Veſſel took Place in conſequence of Poſitive Inſtructions from the Spaniſh Court, (which, from the Dates, appear to have been diſpatched immediately after the Arrival of the News of her Capture) and Count Florida Blanca aſſured Mr. Fitz-Herbert, that Orders had been ſent to Mexico for the Arreſting Monſ. Martinez, and bringing him to Trial, for his unwarrantable Conduct towards the Britiſh Subjects whom he made Priſoners at Nootka.

Theſe very important Diſpatches arrived about Eight o'Clock in the Morning; and, at Noon, Notice of the Declaration and Counter Declaration having been Signed and Exchanged was officially tranſmitted to the Lord Mayor of London, the Bank and the Principal Trading Companies, referring them for Particulars to a Gazette Extraordinary, containing thoſe Inſtruments at Length, which was publiſhed early in the Evening.

THIS

THIS Conceſſion on the Part of the Spaniſh Monarch having removed the Obſtacles which ſtood in the Way of an Ulterior Diſcuſſion of Claims, on the 17th of Auguſt a Meſſenger was diſpatched to Mr. Fitz-Herbert, with Inſtructions for the Regulation of his Conduct in the Negotiation which he was about to commence, on the Ground contained in the preceding Diſpatch of the 16th of May, and with a Regular Projet, framed on the ſame Principles, which he was authorized to propoſe to the Spaniſh Miniſter.

COPY of PROJET.

Article I.

IT is agreed, that the Buildings and Tracts of Land on the North-Weſt Coaſt of the Continent of America, or of the Iſlands adjacent thereto, of which the Subjects of His Britannic Majeſty were diſpoſſeſſed by a Spaniſh Officer, in or after the Month of April, in the Year 1789, ſhall be reſtored to them.

Article II.

And, in order to prevent all Occaſions of Jealouſy and Miſunderſtanding in future, it is expreſsly

expreſsly agreed, that the Subjects of each of the Contracting Parties reſpectively ſhall not give any Moleſtation or Diſturbance to the Subjects of the Other, in Navigating or carrying on their Fiſheries in the Pacific Ocean or South Seas, or in Landing on the Coaſts thereof, for the Purpoſe of carrying on their Commerce with the Natives, or in making Settlements in Unoccupied Places; ſubject, nevertheleſs, to the Proviſions hereinafter ſtipulated with reſpect to ſuch Navigation, Commerce, Fiſheries and Settlements.

Article III.

But, from a Deſire to remove All Ground of Apprehenſion, which His Catholic Majeſty might entertain, of any Interference with the Antient and Eſtabliſhed Poſſeſſions of the Crown of Spain, or of any Occaſion being given to the carrying on a Contraband Trade with the ſaid Poſſeſſions, His Britannic Majeſty engages, that His Subjects ſhall not form any Settlements, in any Part of the Weſtern Coaſt Coaſt of America, between Degree North Latitude, and Degree South Latitude, or in any Part of the Eaſtern Coaſt

of South America, North of a Line drawn from to , or carry on any Commerce within the ſaid Limits. And His Majeſty alſo engages to take the moſt effectual Meaſures to prevent the Navigation, Fiſhery, or Commerce of His Subjects, in the Pacific Ocean or South Seas, from being made a Pretext for Illicit Trade with the Spaniſh Settlements; and, particularly, that, for that Purpoſe, the Fiſhery or Navigation of His Subjects ſhall not be carried on within Leagues of any Part of the Coaſt comprehended within the above Limits.

Article IV.

And, for the future Preſervation of Harmony and Good Underſtanding, it is mutually agreed between the Two Contracting Parties, that, as well in the Places which His Catholic Majeſty has engaged to reſtore to the Subjects of His Britannic Majeſty, as in All other Places on the North-Weſtern Coaſts of America, or of the Iſlands adjacent thereto, above the ſaid where any Settlements ſhall have been made, by the Subjects of Either Crown, ſince the Month of April, 1789, or ſhall hereafter be made, the Subjects of the Other

Other ſhall have full Liberty of Acceſs, and of carrying on their Trade, without any Moleſtation.

Article V.

And it is further agreed between the Two Contracting Parties, that No Settlements ſhall be formed Hereafter by the Subjects of Either of the Two Crowns, in any Part of South America, South of on the Eaſtern Coaſt, and of on the Weſtern Coaſt, ſo long as No Settlements ſhall be formed thereon by the Subjects of any other Power.

HIS Majeſty's Miniſters obſerved, that, in framing theſe Articles, the Firſt Object kept in View was that of bringing to a clear and final Settlement All the Points involved in the late Diſcuſſions, in order to preclude, as far as poſſible, all ſimilar Occaſions of Jealouſy and Miſunderſtanding in future. In doing this, His Majeſty's only Wiſh was to ſecure for His Subjects thoſe Rights, which are both ſtrictly conformable to Juſtice, and are, at the ſame Time, of real Importance to the Honor

of His Crown, or to the Navigation and Commerce of His Subjects. They had endeavoured, as far as poſſible, to waive any Retroſpective Diſcuſſion of Claims of Right, the Expreſs Renunciation of which might be felt as Unneceſſarily mortifying to the Court of Spain. It was, therefore, thought right that the Points in Queſtion ſhould be clearly ſettled and defined, as Matters of Poſitive Stipulation for the future; only taking Care, that thoſe Stipulations ſhould be worded ſo as not to imply an Admiſſion of the antecedent Claims of Spain; which, though His Majeſty had no Wiſh Unneceſſarily to diſcuſs, it was utterly impoſſible for Him, Directly or Indirectly, to Recognize. At the ſame Time, while His Majeſty felt it indiſpenſible to inſiſt on ſecuring the Undiſturbed Exerciſe of the Rights of His Subjects to Navigate and Fiſh in the American Seas, and to Trade and to form Settlements in the Countries Unoccupied by the Subjects of any other Power, under the Regulations contained in theſe Articles, He was anxious to remove every reaſonable Ground of Jealouſy, and to give every practicable Satiſfaction and Security on the Subject of Contraband Trade; the Prevention of which was

certainly

certainly the Principal Point in the preſent Arrangement, in which Spain had a real and ſolid Intereſt.

The Extenſive and Chimerical Claims of Excluſive Sovereignty over the American Continent and the Seas adjacent, even if other Nations could be brought to ſubmit to them, are, it was further obſerved, rather Matter of uſeleſs Pride than an actual Advantage. A greater Extent of Territory on the Continent of America cannot be conſidered by the Spaniſh Court itſelf as an Object of rational Policy; and therefore, if their Excluſive Claim had at any Time lately been meant to be ſeriouſly inſiſted upon, it had probably been leſs on account of it's intrinſic Value, than for the ſake of it's affording the Means of guarding againſt the Intercourſe which they apprehended other Nations might attempt to carry on with their ancient and eſtabliſhed Colonies.

His Majeſty's Miniſters, therefore, hoped, that if reaſonable Security could be afforded them on this Point, it would remove the Principal Motive which had led them to inſiſt on their Excluſive Claims; and that they would

ſee

fee the good Senſe of preferring Rational Proviſions, founded on mutual Conſent, and eaſy to be put in Practice, to a Security which muſt be precarious, and difficult at any Time to be inforced, becauſe it was derived from Claims which could never be finally acquieſced in by the other Nations of Europe.

The Duke of Leeds further ſtated the firſt Point in the incloſed Projet to be that which related to the Poſſeſſion of the Diſtricts at Nootka, and near it, which had been purchaſed from the Natives, and occupied by His Majeſty's Subjects, before the Arrival of M. Martinez. His Majeſty's Subjects having been diſpoſſeſſed of theſe Diſtricts, and the Spaniards having entered upon them in conſequence of the Violence committed by the Seizure of the Britiſh Veſſels at Nootka, the Reſtitution of theſe Diſtricts was a Point in which the Honor of His Majeſty's Crown was concerned, and on which it was evident that His Majeſty muſt inſiſt as a *Sine quâ non*; unleſs the Court of Spain could ſhew a juſt Title which authorized them to form an Excluſive Setilement at Nootka, at the Time of the Arrival of M. Martinez, and for that Purpoſe, to remove

His

His Majeſty's Subjects from a Settlement made under the Circumſtances before-mentioned.

If any ſuch Title could be produced and eſtabliſhed, His Majeſty's Juſtice and Equity would induce Him readily to admit it: But none ſuch had been hitherto offered; and there was little Ground to ſuppoſe that any ſuch could be fairly ſupported. In different Parts of the ſeveral Papers received from the Court of Spain, Two Grounds had been principally referred to. One of them was that General Claim to the Sovereignty of the Continent and the Seas adjacent, already referred to. This Claim, as it was at firſt ſtated, was unlimited; and it had ſince been explained only by confining it within 61 Deg. North Latitude, which was repreſented as the Limit of the Ruſſian Settlements. Such a Claim (with this Explanation) comprehending, as it does, an Immenſe Extent of Coaſt only recently known to Europeans, and which, ſince it's Diſcovery, had been uninterruptedly frequented by His Majeſty's Subjects and by any other Nations, was, on the Face of it, ſo Inadmiſſible, as not to leave room for Diſcuſſion; it being, in the Nature of Things, impoſſible that any Documents could be found to ſupport it.

Indeed,

Indeed, the very Nature of the Limitation, by which this Claim was confined to 61 Deg. North Latitude, was of itſelf ſufficient to ſhew the Claim itſelf to be wholly inadmiſſible by other Nations, it being impoſſible to ſtate any Ground of Argument in Support of the Right of the Ruſſians to make Settlements in 61 Deg. North Latitude, which does not apply with exactly the ſame Degree of Force, in Favour of the Right of any other Nations to do the ſame in the other unoccupied Parts of that Coaſt, North of the actual Spaniſh Territory. And it was particularly to be obſerved, that, if ſuch Argument were grounded on any Notion of Prior Diſcovery, that Principle, weak as it is when unſupported by Occupation, was nevertheleſs more favourable in this Inſtance to the Engliſh than to any other Nation.

The other Ground which had been pointed to was that of a Prior Diſcovery and Occupation of the Places actually in Queſtion, at Nootka and the Parts adjacent. This was ſtated in Monſ. del Campo's Note of the 10th of February laſt; who repreſented that, in 1774, Monſ. Martinez viſited Nootka, and left a few trifling Articles with the Natives.

With

With respect to such pretended Discovery, (if it were material to the Question) there was just Reason to believe that the Knowledge which the Spaniards had of this Port was subsequent to the Discoveries of British Navigators. But Discovery alone, not followed actual Occupation and Establishment, could never, the Duke of Leeds observed, be admitted as giving any Right to the Exclusion of other Nations; and the Sort of Occupation, alledged in this Instance by the Spaniards, was as little capable of being maintained as a Title to Dominion, as that of Bare Discovery; it consisting only in having left some trifling Articles with the Natives, in a Place where no actual Settlement was made or pretended.

The Circumstance of these Two Grounds having been referred to, might, of itself, be considered as a Proof, that no Title could be maintained by Spain on any just and solid Grounds; and His Majesty was therefore firmly convinced, that His Claim to the Restitution of Nootka could not be controverted. If, however, contrary to Probability, any other Ground should be urged, the Duke of Leeds

referred Mr. Fitz-Herbert to the Materials already in his Poſſeſſion, which would enable him to refute any Arguments which the Spaniards could urge on the Subject.

The Second Article, his Grace obſerved, was intended to provide for the Free Exerciſe of Navigation and Fiſhery, and for the Liberty of Landing for the Purpoſes of Commerce with the Natives, and of making Settlements in Unoccupied Places, conformably to what had been ſtated on the Subject in the Diſpatch before alluded to. This was a Point of the utmoſt Importance; and, in conſequence of the Language held by the Court of Spain relative to this Fiſhery, it was eſſential that it ſhould be ſecured by poſitive and preciſe Stipulation. Great Care, however, was neceſſary (as the Duke had obſerved in his former Inſtructions) to prevent this Article from appearing as a Conceſſion on the Part of Spain. For this Purpoſe it was thought neceſſary to adopt Words, which, though they did not declare an Antecedent Right, or make it neceſſary to agitate that Queſtion, might, nevertheleſs, be conſiſtent with the Principles which His Majeſty had maintained, and which might be as applicable to the Con-

firmation

firmation and Security of an exiſting Right, as to the Grant of a New One. With this View it had been thought proper, to include the Caſe of Landing for the Purpoſes of Commerce with the Natives, or of making Settlements. There might otherwiſe be a Danger that an expreſs Stipulation, with reſpect to the Right of Landing for the Purpoſe only of the Fiſhery, while that of Landing for the Purpoſe of Commerce, or of making Settlements, was paſſed over in Silence, would be conſtrued to imply a Renunciation of the Latter, and might thereby amount to an Admiſſion (at leaſt in Part) of of the Spaniſh Claim of Excluſive Sovereignty. By this Article, therefore, the Right to Land for the Future, for any Purpoſe, in any Unoccupied Part of America within the Limits to be now fixed, would be clearly and finally eſtabliſhed. The Proviſion neceſſary to aſcertain thoſe Limits, and to provide a reaſonable Security for the Prevention of Contraband Trade with the actual Settlements of Spain, form the Subject of the Third Article.

The fundamental Principle to be kept in View, in any Propoſal reſpecting the Limits, his Grace declared to be, That the Excluſive Dominion of Spain extends only to thoſe Places, which can be fairly ſhewn to be in the actual Occupation and Poſſeſſion of the Subjects of that Crown. It ſeemed material, however, he added, that the Practical Application of this Principle ſhould be now expreſsly aſcertained, and that the Limits reſulting from it ſhould be fixed by Poſitive Agreement; becauſe, if the Principle only were agreed upon in General Terms, it might become Matter of Diſpute hereafter, what ſhould be deemed Proof of Occupation, and what was the Extent of the Dominions ſo occupied by Spain at the Time of forming the Agreement.

In proceeding to frame an Article on this Subject, it was not wiſhed to give too ſtrict and confined a Senſe to the Term Occupation, or to inſiſt upon ſo rigorous and literal an Application of the Principle itſelf, as might lead to a minute and intricate Diſcuſſion, with Reſpect to Points of no ſubſtantial Importance. There might be Places which, though not actually

actually ſettled or inhabited, at leaſt by Spaniards, might nevertheleſs be ſhewn to be fairly within the actual Exerciſe of their Dominion, either by the Native Indian Inhabitants being treated as Subjects, and living under the Authority of the Court of Spain, or by any other Evidence of ſuch Places being comprehended within the Operation of Ordinary and Regular Acts of Sovereignty and Juriſdiction. There might be other Inſtances in which, from the Circumſtances and Relative Situation and Diſtance of different Eſtabliſhments and Miſſions, it might not be eaſy to decide how far there fairly exiſted ſuch a continued Occupation, or ſuch an Intereſt in the Intermediate Places between ſuch Eſtabliſhments, as might apply to the whole Diſtrict in which ſuch Eſtabliſhments might be ſituated. In Caſes of this Nature, the Application of the Principle would, in Strictneſs, depend upon a minute Inveſtigation of all the Particulars; But it appeared to His Majeſty's Servants more deſireable, to allow ſome moderate Latitude, in ſuch Inſtances, to the Pretenſions and Intereſts of Spain, rather than enter into ſuch nice and difficult Diſcuſſions, as might, in a great Degree, protract and embarraſs the Negotiation.

Such

Such a Latitude ſeemed the more admiſſible, conſidering the great Extent of the Countries in Queſtion; and conſidering alſo, that, from the Manner in which the propoſed Article was framed, it would not follow that the Space, included within the Limits to be agreed upon, was admitted as a Matter of Right to be Spaniſh Territory, but that, for the Sake of Convenience, and to prevent Diſputes in future, His Majeſty agreed, by Poſitive Stipulation, that, within certain Limits, His Subjects ſhould not form any Settlements, or carry on any Commerce.

Having ſtated to his Excellency the general Principles, by which the Limits referred to in the annexed Projet were intended to be aſcertained, the Duke of Leeds proceeded to detail what had appeared to His Majeſty's Servants as moſt reaſonable, with Reſpect to the Particular Application of thoſe Principles, as far as the Information they poſſeſſed had enabled them to judge of this difficult Point.

It appeared in the firſt Place plain, with reſpect to the North-Weſt *Coaſt* of America, that there was no Pretence of any Occupation,

tion, on the Part of Spain, of the Nature of that before deſcribed, above the Northern Limits of California, prior to 1789; nor was it known that any Settlement had been made ſince that Time, excepting That at Nootka. This Opinion was confirmed by obſerving that, in the moſt authentic Maps, publiſhed in different Countries, previous to the late Diſcoveries, the Whole Coaſt, North of the Peninſula of California, is laid down as Unknown to Europeans, and could not therefore be reaſonably ſuppoſed to be ſettled by Spain; and alſo becauſe that, in a *Notitia de California*, ſaid to be publiſhed, in 1757, by Authority of the Spaniſh Government, their Knowledge of the American Coaſt is expreſsly ſtated not to go beyond California: and there was no Information of Settlements further North made by Them ſince that Date; but, on the contrary, there was Reaſon to believe, from what was known of the State of California itſelf at more recent Periods, that none ſuch could have been made.

It was, indeed, doubtful, whether even California itſelf might not be excluded, by a ſtrict Application of the Principle of Occupation. But as, from the Account of that Country,

Country, it appeared that, for a conſiderable Time back, the Spaniſh Government had been engaged in continued Attempts for ſubduing or ſettling it, and that a conſiderable Number of Eſtabliſhments had actually been made in various Parts of the Coaſt under the Authority of the Governor of Mexico, it was not His Majeſty's Wiſh to diſcuſs that Point, or to enquire how far theſe, which, for the moſt Part, are denominated Miſſions, ought to be held to be in the Nature of Settlements of Occupation.

On this Statement, the Northern Limit of the Peninſula of California, or about 31 Deg. North Latitude, was the utmoſt Northern Extent that could be left as the Excluſive Poſſeſſion of Spain on that Coaſt.

But it appeared that the Spaniſh Settlements in New Mexico, on the Rio Bravo, were carried up conſiderably higher, and almoſt to 40 Deg. North Latitude; and that, if the propoſed Limits were deſcribed by a Parallel of Latitude running Eaſtward from the Northern Limit of California, they would interfere with great Part both of New Mexico and of Louiſiana.

This

This, the Duke obſerved, would certainly be unreaſonable; and, for obviating this Difficulty, Mr. Fitz-Herbert was directed, in the firſt Inſtance, to propoſe that the Line of Limits ſhould run Eaſt, from 31 Deg. North Latitude to the Rio Colerado, and from thence along the ſaid River to the Head thereof, and from thence to the neareſt Part of the Miſſouri.

But if, in the Progreſs of his Diſcuſſions, he ſhould find the Court of Spain very deſirous to extend the Limits on the Coaſt further to the North, and ſhould think this a Point likely to endanger the Ultimate Iſſue of the Negotiation, or greatly to retard it's Concluſion, His Majeſty did not think This an Object of any conſiderable Importance to His Subjects; and Mr. Fitz-Herbert was therefore authorized, in that Caſe, to agree that the Northern Limit of the Parts, to be left to Spain by this Treaty, ſhould be the 40th Parallel of North Latitude, running from the Weſtern Coaſt of America, Eaſtward, to the Place where it croſſes the Miſſouri.

With reſpect to the Southern Limit to be fixed on the Weſtern Coaſt of America, there appeared to be conſiderable Difficulty, on Ac-

 count

count of the defective Information His Majesty's Ministers possessed relative to those Parts. In the best Maps which are extant, and particularly in the great Spanish Map engraved in Spain in 1775, to which Recourse was had on this Occasion, it appeared that the Spanish Settlements in the Governments of Peru and Chili are nearly contiguous; but the Southern Limit of the Government of Chili is not distinctly expressed. The most Southern Settlement of the Spaniards on that Coast appeared to be that of Castro, which is on the Island of Chiloe, and is about 43 deg. South Latitude. In the large Map before-mentioned, there appear indeed to be some small Villages or Parishes on the Island of Chiloe, South of Castro; but the actual State of that Coast is not sufficiently ascertained, to afford a Ground for judging how far, according to the Principles above stated, the Spanish Possessions in the Government of Chili as far as Castro, or down to any other Point South of it, are such as to carry with them the Sort of Occupation before described. The Duke of Leeds stated it to be probable, that the just Point of Limit would be found, according to the Principles already mentioned, to be somewhere between the 40th and 45th

Degrees

Degrees of South Latitude. But that, as this could not be preciſely aſcertained here at preſent, His Majeſty, having the fulleſt Confidence in Mr. Fitz-Herbert's Ability and Diſcretion, had commanded his Grace to leave it to him to fix the Southern Limits, by applying ſuch Information as he could obtain from the Spaniſh Government to the General Principles before mentioned: And His Majeſty was perſuaded that he would not make any unneceſſary Conceſſions; nor did the Importance of the Queſtion, whether this were fixed a little more or a little leſs to the South, appear to be ſuch as to juſtify the Delay, which would be occaſioned by a Reference for further Inſtructions from Home.

The whole Queſtion about the Eaſtern Coaſt of South America, his Grace obſerved, would be at once decided, if a Fact which was ſtarted on this Subject could be ſufficiently aſcertained. To an Account of Patagonia, publiſhed in England in 1774, a Map is prefixed, in which a Line is marked near the River Salladillo, a little to the Southward of the Rio de la Plata, and ſtated to have been fixed by Treaty with the Indians in

1740, as the Limit beyond which the Spaniards were not to ſettle to the Southward. In the Book itſelf a Reference is made to this Treaty, but no Account is given of the Authority on which its Exiſtence is aſſerted, nor are the Particulars of the Treaty itſelf ſtated.

Suppoſing this Treaty to be authentic, and to have continued to be the Boundary between thoſe Nations, there could be no Pretence on the Part of Spain to claim any Thing to the Southward of that Line. And it was the more reaſonable to ſuppoſe that this was really the Caſe, as, in the Spaniſh Map above referred to, there did not appear any Trace of a Settlement in thoſe Parts. This latter Circumſtance alone afforded ſufficient Ground for fixing the Boundary, in this Inſtance, in the ſame Manner as thoſe before ſpoken of.

On theſe Grounds, His Majeſty's Servants were induced to believe, that the juſt Application of the General Principles before mentioned would fix the Line before referred to as the proper Limit for the Eaſtern Coaſt; and, if

if Mr. Fitz-Herbert ſhould not be apprized by the Spaniſh Government of any Material Facts to vary what was now ſtated, he was directed to propoſe to fix it according to that Line, which he would ſee traced in the above-mentioned Map of Patagonia, a Copy of which was ſent by the Meſſenger to his Excellency.

Any Difficulty, which the Court of Spain might make, with reſpect to theſe Limits, the Duke hoped would be conſiderably diminiſhed by the Propoſal ſuggeſted in the Fifth Article, as hereafter explained.

The latter Part of the Third Article contained the Proviſion for preventing the Ships of His Majeſty's Subjects from approaching nearer than a certain Diſtance from the Coaſt, within the Limits aſſigned. This Diſtance His Majeſty's Miniſters thought ſhould, if poſſible, be fixed at Five Leagues, which it was imagined would afford an ample Security againſt Contraband Trade, and which exceeded the Diſtance within which Ships are ſeizable under the Hovering Acts in this Country. His Majeſty was anxious, if poſſible, that this Diſtance ſhould not be exceeded, as there was

Reaſon

Reaſon to believe that it might be of ſome Conſequence, for the Purpoſes of the Fiſhery, to approach as near as Five Leagues; but nevertheleſs, if it ſhould be abſolutely neceſſary, Mr. Fitz-Herbert was authorized to extend this Diſtance as far as Eight or even Ten Leagues. It was particularly deſireable that this ſhould be the utmoſt Diſtance, as it was underſtood here that the Whales are frequently found on the Edge of the Soundings, which, on thoſe Shores, are repreſented to be from Five to Ten Leagues from the Coaſt.

The Fourth Article his Grace ſtated to be conformable to the Principles laid down in his Diſpatch of the 16th of May, with Regard to the Stipulation to be agreed upon in relation to New Settlements. He added, that, on further Conſideration, His Majeſty's Servants were confirmed in thinking, that the Securing Reciprocally to the Subjects of both Countries the Liberty of Acceſs and of Trade, in all new Settlements which Either Nation might form in thoſe Parts, was the moſt likely Way to prevent an Injurious Competition in the Attempts to eſtabliſh them. On this Ground, His Majeſty had been pleaſed to approve

prove of this Article, as calculated to promote the eſſential Object of avoiding Occaſions of Jealouſy in future. The Duke of Leeds truſted, the Court of Spain would conſider it as an Inſtance of His Majeſty's Moderation and Equity, that He propoſed to apply this Principle both to the Poſſeſſions to be reſtored to His Subjects, and to any Eſtabliſhments which might have been formed by the Spaniards ſince the Violence committed by Monſ. Martinez; and that, on the one Hand, His Majeſty did not wiſh to found, on the Prior Occupation of His Subjects, any other Rights, than thoſe which ſhould be eſtabliſhed for the future with Reſpect to new Settlements; and that, on the other Hand, He contented Himſelf with the Application of the ſame General Principle, to any Settlements which might have been formed in this Interval by Spaniſh Subjects, without inſiſting (as in ſtrict Juſtice he might) on ſuch Settlements being actually Evacuated.

The Fifth Article, already referred to, his Grace ſtated to be conſonant to what he had ſtated in the concluding Part of his former Diſpatch, and would furniſh a ſtrong additional

onal Proof of the Sincerity and Fairneſs of His Majeſty's Intentions, and of its not being His Wiſh that His Subjects ſhould form any Settlements, which could give juſt Cauſe either of Political or Commercial Jealouſy to the Eſtabliſhed Poſſeſſions of Spain in South America.

On this Point, His Majeſty's Miniſters inſiſted, that His Majeſty unqueſtionably could not be called upon to relinquiſh the Rights of His Subjects by a Contract not Reciprocal; but, at the ſame Time, as the chief Importance of the Right of making Settlements to the Southward would ariſe only from the Poſſibility of Settlements being made there by other Nations (which might gradually obſtruct the Right of Landing for the Purpoſes of the Fiſhery, or at leaſt give Occaſion to future Diſputes) His Majeſty was willing to agree, that the Subjects of the Two Crowns ſhould be reſtrained from making any Settlement on any Part of the Coaſt of South America, South of the Limits agreed on, ſo long as no Settlements ſhould be made there by the Subjects of any other Powers. This Reſtriction would leave this Part of the Coaſt open to both Nations

for

for the Purpoſe of carrying on their Fiſheries. Of courſe it would be underſtood; that the Stipulation not to make Settlements would not prevent landing for Wood and Water, and building temporary Huts, if neceſſary.

If the Court of Spain ſhould attach any Importance to the Object of providing againſt Settlements being made in theſe Parts by His Majeſty's Subjects, it could not not juſtly expect ſuch a Proviſion, on any other Ground but that of Reciprocity; and it could not be unwilling to purchaſe this Security (ſuppoſing it ſhould really be thought material) by a Sacrifice on it's own Part of a Right which it could hardly in any Caſe become it's true Policy to exerciſe.

This Article, however, his Grace ſaid, was only propoſed on the Suppoſition that it would be acceptable to the Court of Spain; and there would be no Objection to agreeing to the other Articles without This, if the Court of Spain ſhould wiſh to omit it.

Together with this Diſpatch the Meſſenger was alſo charged with Copies of a Letter from the Marquis del Campo to the Duke of Leeds,

on the Subject of disarming, and of his Grace's Answer; which are as follow:

COPY of a Letter from the Marquis del Campo to the Duke of Leeds, dated London, August 10, 1790.

My Lord,

J'AI eu l'Honneur d'entretenir votre Excellence sur le Desarmement reciproque de la Part de l'Espagne et de l'Angleterre, comme d'une Disposition qui paroissoit très consequente et très propre à raffermir la bonne Harmonie et la Confiance entre nos Deux Cours, aussi bien que la Cordialité entre les Deux Nations, et la haute Idée que l'Europe doit avoir des Sentimens nobles et genereux des nos Soverains.

Le Declaration de l'Espagne, contient la Satisfaction exigée, et la Contre-Declaration assure que Sa Majesté Britannique se regarde comme parfaitement satisfaite. Ainsi le fait, qui avoit donné lieux aux Reclamations et aux Armemens de l'Angleterre, se trouve par la aneanti.

On appuya aussi ces mêmes Preparatifs à l'Epoque du 5 Mai, quand le Roi jugea à propos d'envoyer

d'envoyer Son Meſſage au Parlément, ſur les Informations, qu'on venoit de recevoir, des des Armemens conſiderables qui ſe faiſoient dans les Ports d'Eſpagne, ſans qu'on ſçût les Motifs ni la Deſtination. Sur cet Article le Miniſtre Eſpagnol s'empreſſa de donner, avec la plus grande Franchiſe et Honnétété, tous les Eclairciſſements poſſibles; et propoſat d'abord (c'eſt-à-dire le 15 Mai) le Deſarmement reciproque; ſur quoi il n'a ceſſé d'inſiſter, en s'addreſſant à Madrid à Meſſieurs Merrick, Fraſer, et l'Ambaſſadeur Fitz-Herberg; comme pareillement j'ai taché de faire ici, par ſon Ordre, dans les Occaſions qui ſe ſont preſentés. Il paroit donc par ce Recit ſimple, que le Second Motif des Armements Anglois auroit ceſſé il y a quelque Temps, ſi la Cour de Londres s'y fut conformé, et que la Choſe depend aujourd'hui abſolument d'Elle.

Le Roi mon Maitre, et tout Son Miniſtere, partant de ces Principes, ne doutoient nullement que la dite Diſpoſition n'eut lieu, immediatement après la nouvelle de l'Echange de la Declaration et Contre-Declaration, ſignées à Madrid le 24 Juillet dernier; et ils m'avoient même autoriſé à traiter avec votre Excellence ſur la Maniere et ſur la Proportion

qui ſeroient jugées les plus adaptables pour effectuer le Deſarmement, en ayant Soin de ſauver toute Sorte d'Inconvénients.

Le Cour de Madrid auroit crû offenſer celle de Londres, en entreténant le moindre Doute ſur ſes Diſpoſitions amicales à cet Egard, non ſeulement par toutes les puiſſantes Raiſons qui concourent à rendre très preferable le Deſarmement reciproque, mais auſſi par ce que, dès le Commencement de la Meſintelligence, le Miniſtere Britannique temoigna le même Deſir, comme il paroit par la Lettre que votre Excellence eut la Bonté d'ecrire dans les premiers Jours de Mai à Monſ. Merrick, avec Ordre d'en faire Communication à Monſ. le Comte de Florida Blanca, comme une Preuve non equivoque des Vuës cordiales et pacifiques de l'Angleterre; le Langage même de Monſ. de Fitz-Herberg depuis ſon Arrivée a été pareillement conforme.

C'eſt pour m'acquitter des Devoirs eſſentiels de ma Place, que je ſuis forcé de m'addreſſer de nouveau à votre Excellence ſur l'Objet dont il s'agit. Les Intentions du Roi d'Eſpagne ſont pures, honnêtes, et amicales à toute Epreuve, Je n'heſite pas un Moment à aſſurer, que celles du Roi Britannique ſont exactement de même;

Les

Les deux Miniſteres ſe font une Gloire d'imiter reſpectivement leurs Souverains, et de ſuivre leurs Principes de Sageſſe et de Droiture. Quel Dommage donc, ſi, avec de tels Sentimens, on alloit donner la Preference à des Meſures, ſeules capables de produire de la Mefiance et des Alarmes entre nos Nations, leſquelles s'aiment et ſe reſpectent mutuellement; bien convaincuës toutes deux des Avantages immenſes, qui reſultent de leur Amitié etroite et permanente.

Quoiqu'il ne ſeroit pas deplacé d'entrer dans le Detail des Depenſes enormes qu'on pourroit et qu'on devroit eviter des deux Côtés, auſſi bien que des Inconvenients qui peuvent naître des Armements conſiderables des deux grandes Nations, malgré toute la Prevoyance et toutes les Precautions de leurs Gouvernements: Je dois m'abſtenir de le faire, traitant avec un Miniſtre des Lumieres de votre Excellence. Mais je la prie de conſiderer, quelle doit être la Surpriſe de ma Cour, en apprennant le Parti qu'on paroit vouloir adopter ici par Preference.

Sans Doute qu'il y a une Negotiation à ſuivre; et qu'il y a encore des Points à debattre et à regler definitivement. Mais s'agiſſant d'une

Negotiation

Negotiation amicale et d'une Difcuffion franche, honnête, et de bonne Foi ; dans laquelle chacun doit faire valoir fes Droits, fes Titres, et fes Raifons, pour parvenir un Accomodement jufte et equitable : Dans cet Etat de Chofes, il paroit que la trop grande Force des Armaments pourroient plutôt nuire à l'Objet qu'on fe propofe, et feroit fujette à des Interpretations defagreables, quoique très eloignées certainement des veritables Intentions des deux Cours.

L'Interêt que je prend, par Devoir et par Inclination, à la Reuffité de tout ce qui peut contribuer au Bonheur de nos deux Nations ; le Defir de n'en rien ommettre de ma Part, et fur tout les Ordres de ma Cour, m'ont mis dans le Cas de faire ces Reflexions à votre Excellence. Je me flatte, qu'en même Temps qu'elle les pefera, elle rendra Juftice à mes Sentimens.

J'ai l'Honneur, &c.

(Signé) *Le Marquis del* CAMPO.

COPY

COPY of the Duke of Leeds's Anſwer to the Marquis del Campo, dated Whitehall, Auguſt 14, 1790.

Monſieur,

EN Reponſe à la Lettre que votre Excellence m'a addreſſée le 10 du Courant, j'ai l'Honneur de l'informer, que la Propoſition de ſa Part, touchant un Deſarmément reciproque de la Part de nos Cours reſpectives, ne ſauroit être regardée que comme une Preuve très agréable d'un Deſir ſincere de remettre les Choſes auſſitôt que poſſible ſur le Pied de l'Etabliſſement ordinaire de la Paix.

Vous pouvez être perſuadé, Monſieur, que les Sentimens du Roi ſont analogues à ceux de Sa Majeſté Catholique, à l'égard de tout ce qui pourroit rétablir le plus Promptement poſſible la bonne Intelligence entre les Deux Puiſſances.

Cependant, il paroit que les Circonſtances actuelles ne permettent pas le Deſarmément dont il eſt Queſtion. Il eſt certain, que la Declaration de la Part de l'Eſpagne, et la Contre-Declaration de celle de l'Angleterre, ont heureuſement lévé la Pierre d'Achoppement, qui paroiſſoit d'une Nature à empécher tout Accommodement, et par conſéquent

la

la Voie de Negotiation eſt ouverte. Il n'eſt pas moins ſûr pourtant, que l'Objet des Preparatifs, que Sa Majeſté s'eſt trouvé obligée de faire, n'a pas été borné à l'unique Conſideration de Reparation d'une Injure contre Sa Dignité; mais qu'Elle avoit également en Vuë la Securité des Intérets de Ses Peuples à l'avenir, comme il eſt particulierement énoncé dans ma Depêche à Monſ. Merry du 4 de Mai, citée par votre Excellence, et dont j'ai l'Honneur de lui envoyer un Extrait ci-joint.

C'eſt de Concert avec le Cour d'Eſpagne, que le Roi deſire de voir établi une Syſteme, capable, non ſeulement de contribuer au plus parfait Retour d'Amitié et de Paix, mais en eloignant tout Sujet de Jalouſie entre les Deux Nations, par Rapport à leurs Interêts reſpectifs en Amérique, rendre leur Amitié ſure et permanente.

Dans de telles Circonſtances, Monſieur, je crois que vous avouerez ſans Difficulté, que Sa Majeſté ne peut pas arrêter les Preparatifs qu'elle a jugé convénable de faire; les Negotiations qui viennent ſeulement d'être entamées étant d'une Nature autant compliquée qu'importante.

J'ai l'Honneur, &c.

(Signé) LEEDS.

BY the ſame Meſſenger Mr. Fitz-Herbert was further charged to repreſent to the Spaniſh Court, that, by the Accounts referred to in Mr. Meares's Memorial, it appeared that a Number of Chineſe, who were in the Service of His Majeſty's Subjects at the Time of the Capture of the Britiſh Veſſels at Nootka, were ſeized, and had ſince been detained and employed in working Mines by the Spaniards. His Majeſty had not thought it neceſſary to make this the Subject of any ſeparate or formal Article in the Convention, eſpecially as it appeared that an Enquiry was directed to be made into the Whole of the Conduct of Monſ. Martinez in this Tranſaction, and as the Reſtoration of theſe Men was evidently comprized within the Declaration ſigned by Count Florida Blanca. But, in order to avoid any Miſunderſtanding on this Subject, it was judged proper, that the Circumſtance ſhould be mentioned by his Excellency to that Miniſter; and that he ſhould be informed, that, independent even of that Engagement, His Majeſty had no doubt, that the Juſtice of His Catholic Majeſty would have induced Him to give immediate Orders for ſetting at Liberty theſe Perſons, who had been ſo unjuſtifiably and cruelly detained.

As the Satisfaction given by the Court of Spain, relative to the Capture of the Veſſels at Nootka, had now opened the Way for the Diſcuſſion of the other Matters depending between the Two Courts, the Duke of Leeds took the Opportunity of conveying by the ſame Meſſenger to Mr. Fitz-Herbert His Majeſty's Inſtructions, with reſpect to the Situation of the Britiſh Settlers in the Bay of Honduras, and to what had paſſed on that Subject between the Two Courts.

As a full Explanation of His Majeſty's Sentiments on this Buſineſs had been tranſmitted to Mr. Merry, His Majeſty's Chargé d'Affaires at Madrid, on the 25th of December laſt, the Duke referred Mr. Fitz-Herbert to that Paper, which would explain to him the Meaſure adopted by His Majeſty, of ſuſpending Colonel Deſpard, and of directing Lieutenant Colonel Hunter to declare the Steps taken by the former, for the Abolition of the then exiſting Syſtem of Police, to be null and of no Effect; and would alſo ſhew the Grounds on which that Reſolution was taken, and on which it was to be maintained by Mr. Merry, (in any Diſcuſſions upon the Subject) as being in exact Conformity to the general Spirit of

the

the Convention, and particularly to the expreſs Words of the Seventh Article.

In conſequence of the Communication made by Mr. Merry to the Spaniſh Court, in purſuance of that Diſpatch, his Grace ſtated, that he had received from Monſ. del Campo, on the 11th of February laſt, a Letter, of which he incloſed a Copy. As that Letter was tranſmitted to the Duke at the ſame Time with the Notification made by Monſ. del Campo of the Tranſactions at Nootka, the Effect of which Notification was, as Monſ. del Campo was informed by his Grace, to ſuſpend all other Diſcuſſions till His Majeſty had obtained Reparation for the Inſult offered to His Crown, no Anſwer had as yet been given, by His Majeſty's Orders, on the Subject of Honduras.

As the Tone of the Letter of the 11th of February, on that Subject, was conformable to that which ſo unhappily prevailed in the other Communications of the ſame Date, it required that an Anſwer ſhould be delivered by Mr. Fitz-Herbert on his Majeſty's Part, formally aſſerting, in Contradiction to that Paper, the indiſputable Right of his Majeſty to eſtabliſh

ſuch Regulations, as His Majeſty ſhould judge proper, for maintaining Peace and good Order among His Subjects, ſettled under his Protection in the Bay of Honduras; provided ſuch Acts did not interfere with the Territorial Sovereignty of His Catholic Majeſty, which the King has formally recognized; and expreſſing His Majeſty's full Perſuaſion, that the Court of Spain, from ſubſequent Information of the Particulars of the Tranſactions at Honduras, and from a further Conſideration of the Nature of the Communications made by His Majeſty's Orders, relative thereto, will have been convinced that, ſo far from being an Infraction of the Convention, that Communication contained the moſt ſatisfactory and unequivocal Proofs of the good Faith which His Majeſty has ſcrupulouſly obſerved, and of his Diſpoſition to arrange every Point of this Nature, in the moſt amicable Manner, with His Catholic Majeſty. His Grace affirmed, that the Eſtabliſhment of ſuch Regulations as above deſcribed, and the appointing and authorizing Perſons to carry them into due Execution, is not an Act of Government, in the Senſe in Monſ. del Campo appeared to ſpeak of it, as being inconſiſtent with the Sovereignty of

Spain,

Spain, but is a neceſſary conſequence of the Nature of that Eſtabliſhment, to which the Britiſh Nation is entitled, under the Treaty of Peace, and by the explanatory Convention of 1786. The Duke expreſſed his Hope that, after this neceſſary Declaration ſhould have been made, the Buſineſs itſelf would not be found to be of a Nature to throw much Difficulty in the Way of an amicable Adjuſtment with the Court of Spain, if the other Points in Diſpute could be properly arranged.

Mr. Fitz-Herbert was further informed that, in conſequence of the Orders given by Lieutenant-Colonel Hunter, he had proceeded to the Bay of Honduras, and had framed, with the Aſſiſtance of ſome of the Settlers, and from the Information which he had acquired of the former State of the Settlement, a Syſtem of Police, and had tranſmitted the ſame for His Majeſty's Conſideration. This Plan had been referred to His Majeſty's Law Servants, and there was Reaſon to believe that it would be found ſuch as might be adopted, either in toto, or at leaſt with ſuch Alterations as might be made to it here, ſo as to preclude the Neceſſity of any further Reference to the Bay of Honduras.

Under

Under theſe Circumſtances, Mr. Fitz-Herbert was directed to inform the Court of Spain, that, although His Majeſty could not, by any Means, forego or renounce His Right to eſtabliſh a Syſtem for the Adminiſtration of Juſtice between His Subjects in Honduras, upon the Grounds, and under the Reſtrictions abovementioned; yet that, as a Proof of the friendly Diſpoſition of His Majeſty, and in order that His Catholic Majeſty might be convinced, that the Regulations to be eſtabliſhed by His Majeſty's Orders would not contain any Thing in any Manner repugnant to the Territorial Sovereignty of the Crown of Spain, the King was willing to make a previous Communication thereof to His Catholic Majeſty; and that, for that Purpoſe, as ſoon as the Plan ſhould have been ſufficiently examined here, it would be tranſmitted to his Excellency, and that the Orders for it's actual Eſtabliſhment would be delayed until His Majeſty ſhould be informed by him of his having made ſuch Communication thereof to the Court of Spain; and laſtly, that ſuch Plan would contain an expreſs Proviſion, for the moſt ſcrupulous Obſervation of the Treaties ſubſiſting between the Two Courts.

The

The following is a Copy of the Marquis del Campo's Letter, alluded to in the preceding Dispatch.

Manchester-Square, ce 11 Fevrier, 1790.

Milord,

LE Chargé des Affaires de Sa Majesté Britannique à Madrid ayant remis à Mons. le Comte de Florida Blanca un Recit et un Office, sans étre signé, concernant la Suppression des Magistrats Anglois à Honduras, ma Cour m'a ordonné d'annoncer à votre Excellence, qu'Elle n'a pas encore reçue des Nouvelles directes sur ce Sujet. Elle m'ajoute en même temps, que tout l'Exposé paroit être une Infraction faite à l'Article 7. de la Convention, ne pouvant Personne, comme votre Excellence le sait fort bien, rendre Justice, ni exercer aucun Acte de Gouvernement, sur le Territoire d'un autre Souverain, comme celui dont il est Question, étant convenu et reconnû expressement dans la Convention, et dans le Traité de Paix. Mais, si le Roi Britannique veut Se mettre d'accord avec le Roi mon Maitre, on pourra faire un Réglement par Rapport à l'Administration de Justice et de Police, entre les Sujets Anglois demeurant à Honduras. Par ce Moyen, les Sujets respectifs pourront s'acquitter de

leurs

leurs Devoirs, en vivant dans la meilleure Harmonie poſſible; et les deux Cours s'épargneront la Peine d'entendre des Recours et des Plaintes de cette Eſpéce.

Je prie votre Excellence de vouloir bien mettre cette Idée ſous les Yeux de Sa Majeſté Britannique, afin de pouvoir nous occuper de l'Arrangement convenable pour arréter ces petites Diſſentions.

(Signé) *Le Marquis del* CAMPO.

A NEGOTIATION of a Nature ſo intereſting as that now depending between England and Spain could not fail to occaſion a conſiderable Senſatic ı in France, where a long continued Alliance, and a ſuppoſed Reciprocity of Intereſts with the latter of theſe Kingdoms, made Her Interference an Event both natural and probable. That She had armed a Squadron at the Beginning of the Diſpute has already been ſeen; and that a further Attempt might be made, on Her Part, to influence the Deciſion of the impending Queſtions was an Event reaſonably to be apprehended. It appeared indeed, from what actually did happen, that a Hope was entertained of this Country being induced

induced to recede from the Terms She had propoſed, by an Appearance of Vigour on the Part of France, which, it was probably ſuppoſed, might induce the Engliſh Miniſtry to apprehend a more formidable Oppoſition than they might originally have expected. Be this, however, as it may, it is certain that, about this Time, the Meaſures adopted by the Ruling Party in France, (evidently by the Suggeſtion of Spain) tended directly to that Purpoſe, and appeared to lead to a declared Junction with that Power, in the Event of a War taking place between Her and England.

The Firſt Step of this Nature was taken by Monſ. de Montmorin, who, on the 2d of Auguſt, addreſſed a Letter to the National Aſſembly, containing His Moſt Chriſtian Majeſty's Orders to acquaint them that England was increaſing Her Armament, and that it would be therefore neceſſary (although a good Underſtanding continued to ſubſiſt between the Two Nations) that France ſhould alſo increaſe Her Forces. Monſ. de Montmorin alſo incloſed a Letter from Count Fernan Nunez the Spaniſh Ambaſſador at Paris, dated the 16th of June, which, he obſerved, contained the State of the Negotiations at that Time between

England and Spain. The French Miniſter concluded by ſaying, that, in the Hope of their coming to an Underſtanding, the King had poſtponed urging the Aſſembly to a Deciſion; but that He could no longer delay that Meaſure.

In the Letter above mentioned, the Spaniſh Ambaſſador aſſerted, that the ſpeedy and exact Performance of the Treaty of 1761, called the Family Compact, was become an indiſpenſible Preliminary to treat with Succeſs; that, under that Neceſſity, Spain was obliged to have recourſe to the Aid of France; and that, the King His Maſter had ordered him to aſk Explicitly What France could do, in the preſent Conjuncture, in order to aſſiſt Spain. On this Point he declared an Immediate Determination was required; as well as that the Meaſures, to be adopted by the Court of France, ſhould be active, open, and poſitive, ſo as to avoid the leaſt Occaſion of Diſtruſt. Should they prove otherwiſe, he added, His Moſt Chriſtian Majeſty muſt not be ſurprized, if Spain ſhould look for Other Friends and Other Allies among all the Powers of Europe, without excepting Any, upon whoſe Aſſiſtance She might depend, in Caſe of Neceſſity.

The

The Decision of this important Question was referred to the Comité Diplomatique; the Opinion of which Body was, on the 25th of August, reported to the National Assembly, by Mons. Mirabeau the Elder.

It contained an Advice to the Assembly to empower them to examine the Family Compact, in order to form out of it a National Compact, by omitting all the Articles of an Offensive Tendency; and, at the same Time, to request the King, to order His Minister at the Court of Madrid to enter into a Negociation with the Spanish Ministry on those Grounds. The Comité also proposed two Decrees—The one, That All existing Treaties shall be maintained by the French Nation, until it shall have revised and modified them.—The other, That, before the thorough Examination of the Treaties, which the Nation may think proper to continue or alter, the King shall be requested to make known to all the Powers with which France is connected, that Justice and the Love of Peace are the Basis of the French Constitution; and that the Nation cannot admit in Her Treaties any Stipulations, which are not purely Defensive and Commercial. The Comité accordingly requested the

King to inform His Catholic Majeſty, that the French Nation, in taking all proper Meaſures to maintain Peace, will abide by the Engagements which Her Government has contracted with Spain. They alſo deſired the King to order His Miniſters to negotiate, in Conformity to theſe Principles, with the Court of Spain, and to Commiſſion Thirty Ships of the Line, Eight of which, at leaſt, ſhould be fitted out in the Ports of the Mediterranean.

On the following Day, the National Aſſembly took this Report into Conſideration, and, after a ſhort Debate, Decreed that they would abide by the Defenſive and Commercial Engagements which the Government had contracted with Spain: That the King ſhould be deſired to order His Ambaſſador to negotiate with the Miniſters of the Catholic King, in order to ſtrengthen, by a National Treaty, thoſe Ties which were uſeful to both Countries, and to fix, with Preciſion and Clearneſs, ſuch Stipulations, as might not be entirely conformable to the Views of General Peace, and to the Principles of Juſtice, which ſhould always be the Policy of the French. The Aſſembly alſo decreed, that, on a Conſideration of the Armaments of the different Na-

tions

tions of Europe, and their progreſſive Increaſe, and of the Security of the French Colonies and Commerce, the King ſhould be deſired to order into Commiſſion Forty-five Ships of the Line, with a proportionable Number of Frigates and ſmall Veſſels.

This Intelligence, which Earl Gower had tranſmitted by a Meſſenger, arrived at Whitehall on the 29th of Auguſt; and, on the 1ſt of September, the ſame Meſſenger was rediſpatched with Inſtructions to that Ambaſſador, for his Conduct in this important Buſineſs.

By theſe, his Excellency was directed to loſe no Time in delivering to Monſ. de Montmorin a Memorial to the following Effect, viz.

" THE Aſſurances which have been re-
" peatedly given of the friendly Diſpoſition
" of His Moſt Chriſtian Majeſty, and parti-
" cularly thoſe conveyed through Monſ. de
" la Luzerne, ſubſequent to the preſent Diſ-
" cuſſion with Spain, were received by His
" Majeſty with the greateſt Satisfaction, and
" with

" with a perfect Reciprocity of Sentiments.
" Feeling an earneſt Wiſh to preſerve a good
" Correſpondence with His Chriſtian Majeſty,
" the King has ſeen, with great Surprize and
" Concern, the great additional Armament
" now ordered to be prepared in the Ports of
" France; as ſuch an extraordinary Prepara-
" tion, under the Circumſtance of the Nego-
" tiation now depending with the Court of
" Spain, carries an Appearance in no Degree
" conſiſtent with thoſe Sentiments of Friend-
" ſhip which have been profeſſed. His Ma-
" jeſty has therefore thought it neceſſary to
" direct the underſigned, to deſire an Expla-
" nation of the Object and Deſtination of the
" Armaments now carrying on in the French
" Ports; and His Majeſty earneſtly hopes,
" that the Anſwer to this open and friendly
" Communication may be ſuch, as to pro-
" mote the Harmony and good Underſtanding
" which His Majeſty, on His Part, is ſin-
" cerely deſirous of cultivating with His Moſt
" Chriſtian Majeſty."

HIS Excellency was alſo directed to expreſs to Monſ. de Montmorin, in the ſtrongeſt Terms, the Continuance of His Majeſty's ſin-

cere

cere Desire for the Preservation of Harmony with the Court of France; but, at the same Time, to observe to the French Ministry the obvious Impossibility of that Harmony remaining uninterrupted, if that Court should think itself bound to take Part in Support of any Claims, however unfounded, which the Court of Spain might chuse to advance.

With regard to the Nature of the Preparations ordered in France, and the Terms of the Decree of the National Assembly, the Duke of Leeds observed, that they appeared calculated to give Encouragement and Support to Spain, in the Negotiation actually depending; but, whatever might be the Issue of that Negotiation, his Grace said His Majesty was confident, that the Principles by which He had been guided would appear to be founded on the most evident Justice, and on the Common Rights of All Nations: That therefore, if the Terms on which His Majesty was ready to conclude a Definitive Arrangement with the Court of Spain should be rejected, it would be impossible for the French Nation, consistently with the Love of Peace and Justice which it professed, to support the Spanish Pretensions.

But,

But, at all Events, any Meaſure of Encouragement to Spain, while it's Ultimate Views were not ſufficiently explained, muſt, his Grace obſerved, be neceſſarily ſeen with the greateſt Uneaſineſs by His Majeſty, and muſt tend rather to produce Extremities, by encouraging unreaſonable Pretenſions in the Spaniſh Court, than to facilitate an amicable Arrangement.

The Duke added, that, although his Excellency could only hold this Language Officially to the French Miniſters, it was, at the ſame Time, extremely deſireable that the ſame Sentiments ſhould be conveyed, as Opportunities might be found, to any Perſons of Weight and Influence in the National Aſſembly, with whom they might be likely to operate. His Excellency was therefore directed to employ his utmoſt Attention, in diſcovering the Diſpoſition of the different Political Parties on the Subject of the Family Compact, as to the Line to be adopted by France, in caſe our Diſcuſſions with Spain ſhould terminate in a Rupture; and alſo to omit no Opportunity of letting it be underſtood, that nothing but Neceſſity could occaſion any Views to be entertained in this Country, hoſtile either to the general Intereſts of France, or to the Settle-

ment

ment of their newly-eſtabliſhed Conſtitution; but that, on the other Hand, any Step of Aſſiſtance to the Court of Spain would naturally lead to our adopting ſuch Meaſures, as might be moſt likely to render ſuch Aſſiſtance ineffectual.

His Excellency was further directed to exert his utmoſt Endeavours to diſcover what Orders might be given reſpecting the Sailing of any Part of the French Fleet; and, in caſe of any ſuch being in Contemplation, the Duke of Leeds deſired him to tranſmit the earlieſt Notice of it to his Grace; at the ſame Time conveying to the French Miniſters, in the moſt unequivocal Terms, his firm Perſuaſion, that ſuch a Step could not but give the greateſt Umbrage to this Country, and, if carried into Effect, be productive of the moſt diſagreeable Conſequences.

On the 6th of September His Majeſty's Miniſters were informed by Earl Gower, that, on the 1ſt of that Month, the National Aſſembly had received the King's Sanction of their Decree of the 26th ultimo, in which they were informed that, in order to fulfil gradually their Intentions, His Moſt Chriſtian

Majeſty had determined to begin by arming Sixteen Ships of the Line, which, added to thoſe already put into Commiſſion, would make the Number of Commiſſioned Ships Thirty. It was, however, declared to be His Majeſty's Intention, to take the proper Steps to compleat the Number of Forty-five, with all the Haſte the Turn of Affairs might require.

At the ſame Time Earl Gower gave Notice, that Three Frigates with Troops on Board, had lately ſailed from Rochfort to Tobago.

On the 7th of September, the Marquis de la Luzerne, the French Ambaſſador at this Court, waited upon the Duke of Leeds, and delivered to his Grace a Copy of a Letter from Monſ. de Montmorin to his Excellency, dated at Paris, the 28th of Auguſt.

In this Monſ. de Montmorin, after detailing the late Decree of the Aſſembly, and ſtating that the Augmentation of their Marine was juſtified by the increaſed Armaments of England and Spain, directed Monſ. de la Luzerne to aſſure the Britiſh Miniſtry, in the moſt explicit Manner, that theſe Preparations were merely by way of Precaution, and had no other Views than thoſe expreſſed in the Decree

cree; that the French King hoped a ſpeedy and equitable Arrangement would terminate the Differences exiſting between the Courts of Madrid and London; that He had received great Pleaſure from the Exchange of the Declaration and Counter Declaration between thoſe Two Courts, which He conſidered as a Preliminary Step towards a Reconciliation; and that His Satisfaction would have been compleat, if that Meaſure had been followed a Reciprocal Diſarmament, or at leaſt by a Convention not to increaſe the exiſting Armaments on either Side. Such a Circumſtance, Monſ. de Montmorin added, as it would have been a Proof of the Pacific Views of the Two Courts, would have made it unneceſſary for His Moſt Chriſtian Majeſty to take thoſe Meaſures of Precaution and Prudence, which He now thought indiſpenſible.

The Inſtructions which had been ſent to Earl Gower on the 1ſt of September, reached his Excellency on the Morning of the 4th; and, in the Evening of the ſame Day, he delivered to Monſ. de Montmorin the Memorial he had been directed to preſent. It was not 'till the 10th that that Miniſter returned an Anſwer

to his Excellency, in which he contented himſelf with informing him, that he had received the King's Orders to write to the French Ambaſſador at London; and that he flattered himſelf that the Explanations that Miniſter had already been ordered to give, together with thoſe with which he was now charged, would leave nothing to be wiſhed for by our Court as to the Diſpoſition and Views of France.

To this vague Anſwer Monſ. de Montmorin added a Copy of his Letter to Monſ. de la Luzerne.

In this, after taking Notice of Earl Gower's Memorial, and his own Letter of the 28th of Auguſt to Monſ. de la Luzerne, he expreſſed his Surprize, that the Court of London ſhould ſtill demand an Explanation of the Motives of the French Armament. He affirmed, that theſe Motives, the Principles of which he ſtated as already known to the Britiſh Miniſtry, left France no Alternative as to the Meaſures She was to purſue; and that the French King was perſuaded His Britannic Majeſty would acknowledge the Juſtice of them, and would not find any Reaſon to ſuſpect from them any Views contrary to the Maintenance of Peace.

Monſ.

Monſ. de la Luzerne was therefore inſtructed to renew to the Engliſh Miniſtry the moſt poſitive Aſſurances of His Moſt Chriſtian Majeſty's Pacific Intentions, and of His Deſire to ſee the Difficulties ſubſiſting between the Courts of London and Madrid ſpeedily and happily terminated. As a further Proof of the Pacific Sentiments of the French King, Monſ. de la Luzerne was inſtructed to repeat what he had been directed to ſay on the Subject of a General or Partial Diſarmament; a Meaſure which, Monſ. de Montmorin affirmed, in whatever Light it was to be conſidered, could be productive of no Inconvenience to Great Britain, but which would calm the Minds of others, and would put an End to a burthenſome Expence, without affecting the juſt Pretenſions of the Two Courts; and which, ſhould it take Place, would immediately be imitated by the Moſt Chriſtian King.

Although the French Ambaſſador muſt have received this Inſtruction on the 12th or 13th of September, his Excellency thought proper not to take any Notice of it to the Duke of Leeds, or to make any Sort of Communication on the Subject. This Conduct he continued to maintain,

tain, notwithſtanding the frequent Opportunities which unavoidably preſented themſelves to him, in the Courſe of the almoſt daily Meetings he had with his Grace and the other Miniſters, and although certain Intelligence was received of the Naval Preparations in France being carried on with the moſt unremitting Exertions, inſomuch that Twenty-one Ships of the Line were now almoſt ready for ſailing at Breſt, and Nine more in great Forwardneſs at Toulon. As a Silence ſo marked, and ſo contrary to the Inſtructions which the French Miniſter had declared to have been ſent to him, became daily more and more ſuſpicious, the Duke of Leeds, on the 21ſt of September, informed Earl Gower of this Circumſtance; and, at the ſame Time, obſerved, that, had this Ambaſſador been more obſervant of the Orders of his Court, the Diſpatch itſelf could not, either in Point of Form or Subſtance, have been looked upon as ſuch an Anſwer, as we had a Right to expect, to an Official Note, preſented by the Engliſh Ambaſſador in Obedience to His Majeſty's Commands. His Grace added, that, on a Subject ſo important to the Preſervation of the good Underſtanding ſo happily ſubſiſting between the Two Countries,

tries, it was extremely neceſſary to have a Formal as well as Explicit Anſwer. For this Purpoſe, his Excellency was directed to ſtate to Monſ. de Montmorin His Majeſty's Expectation that a Miniſterial Office ſhould be given to his Excellency, in Anſwer to the Repreſentation he had already delivered to that Miniſter. The Duke of Leeds concluded by expreſſing his Confidence that Monſ. de Montmorin would readily comply with this Requeſt; and by informing Earl Gower that he was at Liberty to communicate this Diſpatch to that Miniſter.

As Monſ. de Montmorin was abſent from Paris when this Diſpatch was received by Earl Gower, his Excellency was unable to communicate it to that Miniſter 'till the 30th of September: and it was not 'till the 4th of October that his Excellency received from him in Return an official Letter.

In the mean Time, however, this Conduct on the Part of France, whoſe Reply had been procraſtinated for near a Month, could not fail to make a conſiderable Impreſſion on the Minds of His Majeſty's Miniſters; and, as the

the Urgency of the Buſineſs increaſed daily, it was thought proper, on the 6th of October, again to addreſs the Court of France, for the Purpoſe of obtaining that Anſwer, which She appeared ſo anxious to withhold.

With this View the Duke of Leeds ſtated to Earl Gower, that the Situation of Affairs had become extremely critical: That the Reports received of the Naval Preparations at Breſt repreſented a conſiderable Squadron in that Port to be apparently ready to put to Sea: That the Aſſurances, which His Majeſty had already received, of the French Armaments being intended merely as a Meaſure of Precaution, induced him to hope that there could be no Intention of ſending this Squadron to endeavour to form a Junction with the Fleets of Spain, at a Time when it was utterly impoſſible for the Court of France to repreſent ſuch a Step as neceſſary, either for it's own Security, or for the Accompliſhment of any Defenſive Engagements.

His Grace further ſtated, that His Majeſty had ſent Inſtructions to His Ambaſſador at Madrid, which muſt very ſhortly bring the Diſcuſſions depending with that Court to a

decisive

decisive Issue: That it was His Majesty's earnest Wish, that the Negotiation might end to mutual Satisfaction; but that, should this unhappily not be the Case, His Majesty had the Consolation of thinking, that He had demanded nothing but what was founded on the most evident Principles of Justice, and on the Common Rights of All Nations: That this would be fully proved to the Court of France, and to Europe at large, if Events should make it necessary.

Under these Circumstances, the Duke added, His Majesty was willing to persuade Himself, that no Event of the Negotiation with Spain could ultimately interrupt the good Correspondence now happily subsisting between Great Britain and France; and that, in the mean Time, His Majesty confidently expected, from the Justice and Friendship of His Most Christian Majesty, that, during the short Period which could elapse, before He received a Decisive Answer from the Court of Spain, no Steps would be taken for sending any Part of the Naval Force of France, either to the Ports of Spain, or to any other Place, which

 might

might indicate a Deſign to co-operate with that Court, in the Event of a Rupture.

On the Day after this Diſpatch was forwarded to Earl Gower, a Meſſenger arrived at Whitehall with a Letter from his Excellency, containing the Official Note from Monſ. de Montmorin, which was received by him on the 4th of October.

In this Paper, Monſ. de Montmorin, after briefly reciting the Memorial delivered to him by Earl Gower on the 4th of September, and the Diſpatch of the Duke of Leeds which had been communicated to him on the 30th of the ſame Month, proceeded to ſtate to his Excellency, that he had Reaſon to believe, that Monſ. de la Luzerne would not have loſt a Moment in communicating to the Britiſh Miniſtry his Diſpatch of the 9th of September; and he expreſſed his Aſtoniſhment at this Omiſſion, which he imputed to ſome unexpected Circumſtance, or ſome Miſunderſtanding. He inſiſted, however, that the Engliſh Miniſtry had had an Official Communication of this Diſpatch through Earl Gower himſelf, and that the French Ambaſſador had already given them the moſt preciſe Explanation

tion of His Moſt Chriſtian Majeſty's real Intentions. In conſequence of this Information, Monſ. de Montmorin inſiſted, that the Court of London ought to have been convinced, in the firſt Place, that the French King deſired nothing ſo much as the Maintenance of Peace, and that He would do all in His Power for that Purpoſe; and, in the ſecond Place, that if His Moſt Chriſtian Majeſty did at firſt determine to arm, and afterwards to augment His Forces, He had been induced to do ſo, becauſe He could not remain in a State of Inaction, while neighbouring Powers were making conſiderable Armaments, and becauſe, if unhappily the Differences between the Courts of Madrid and London ſhould not be amicably arranged, He might find Himſelf forced to fulfil the Defenſive Engagements ſubſiſting for a Number of Years between France and Spain.

Such Monſ. de Montmorin affirmed to be the Objects of the Miniſterial Communications, made by the Marquis de la Luzerne, both to the Duke of Leeds, and to Mr. Pitt: and he added, that thoſe Miniſters had thought the Conduct of France both natural, and conformable to Circumſtances and to the Obligations

She was under; for which Reason they had both expressed their Wishes for the Preservation of Peace, and for the Establishment of the Justice of their Demands, and the Fairness of their Intentions.

Monf. de Montmorin then proceeded to confirm the Declarations made by the Marquis de La Luzerne, and added, that the Sentiments of His Most Christian Majesty for a Continuance of Peace and good Harmony, between Himself and His Britannic Majesty, were invariable, and that He continued to hope, that the Discussion subsisting between Spain and England would shortly be concluded in Manner satisfactory to both Countries. He also professed to obey His Royal Master's Orders, by asserting, that nothing was more foreign to His Sentiments, than any Intention to Influence the Negotiation by His Armaments; and that the Only Mode of Influencing that Business, which it would become Him to adopt, was by the Exertion of His good Offices, should they be thought useful or necessary by the Parties concerned.

Nothing, Monf. de Montmorin observed, could be more clear, more formal, or, at the same Time, more satisfactory than this Explanation;

nation; and he declared himſelf at a Loſs to gueſs, what Irregularity there could have been in the Tranſmiſſion of it to the Court of London; 'though he aſſured Earl Gower, that, if there had been any ſuch Irregularity, his Excellency's Silence on that Head put it out of the Power of the French Miniſtry, either to rectify or to diſavow it. He inſiſted, however, that the moſt important Point, both for the Court of London, and for that of Paris, was, that no Suſpicion ſhould exiſt of the Intentions or Conduct of the latter; that this Object had been fulfilled on the Part of France; and that therefore it was to be hoped, that the Britiſh Miniſtry would be the more pleaſed with what She had done, as the greateſt Earneſtneſs had been ſhewn in every Reſpect even to prevent her Wiſhes.

Monſ. de Montmorin concluded by aſſuring Earl Gower, that, if any Uncertainty ſhould ſtill remain, the French Miniſtry would willingly give a further Explanation, their Views and Wiſhes being directed to the Preſervation of Peace, and to a ſpeedy and equitable Arrangement.

In

In Anſwer to this Official Note, the Duke of Leeds, on the 8th of October, wrote to Earl Gower, informing him that he was extremely glad the Meſſenger, with his Letter of the 6th, had been diſpatched to his Excellency previous to the Arrival of Monſ. de Montmorin's Paper; as the Contents of thoſe Inſtructions would ſufficiently prove to the French Miniſter the Sentiments of the King's Confidential Servants in regard to the preſent Naval Armaments in France.

With reſpect to Monſ. de Montmorin's Note, the Duke ſaid, there were but Two Paſſages in it which appeared to require Obſervation.

The Firſt was that, wherein he ſtated both Mr. Pitt and the Duke to have admitted the Conduct of France *to be Natural, and conformable to Circumſtances, as likewiſe to the Engagements entered into by that Power.*

In Anſwer to this his Grace ſaid, that he certainly had obſerved to the French Ambaſſador, that the ordering Fourteen Sail to be put in Commiſſion, conſidering the uſual Practice of

the

the European Powers, when their Neighbours were making great and active Preparations by Sea, could not be considered as giving Umbrage, particularly when stated, as by that Minister it was, as a Measure rather of Form than Substance: That this Remark was however made upon the First Armament: That, when a more considerable Armament was set on Foot, the Ambassador stated it as a Measure of Necessity rather than of Choice, on the Part of his Court; and the Duke lamented to him the Necessity, which had induced the Adoption of a Measure that must give Umbrage to this Country: And that Mr. Pitt made use of similar Expressions in his Conversation with Mons. de la Luzerne.

With regard to the Possibility of the French King, in the Event of a Rupture, being obliged to fulfil His Defensive Engagements, the Duke observed, that the King's Confidential Servants trusted *No other Engagements were contracted*; and that, of course, France would not think of construing every possible Ground of Quarrel, which might arise between this Country and Spain, as a *Casus Fœderis*, to which Her Defensive Engagements must of course apply.

In

In the Event of the present Discussions with Spain not terminating in a friendly Manner, his Grace said, His Majesty's Ministers trusted, that the Candour of the French Government would listen to their Representation of the Case, before She should think Herself justified in supporting Spain: That, in such an Event, the King would not fail to lay open to France, and to All Europe, the Grounds on which His Majesty rested the Justice of His Cause.

This Dispatch, as well as the preceding one of the 6th, Earl Gower was directed to communicate to Monf. de Montmorin.

On the 14th of October a Messenger arrived at Whitehall from Earl Gower, with Monf. de Montmorin's Answer to the Representation his Excellency had been instructed to deliver.

By this Monf. de Montmorin assured his Excellency, by His Royal Master's Orders, that His Most Christian Majesty persisted invariably in the Disposition, of which He had already so often given the most positive Assurances to the English Court: That the Court of Madrid had not, as yet, made any Requisition of a Total, or even a Partial Re-union of the French Naval Force with Her own: That

That His Moſt Chriſtian Majeſty flattered Himſelf, that the Negotiation depending at Madrid would terminate as happily as His Britannic Majeſty could deſire; and that, in this Hope, He did not heſitate to Declare, that, during the ſhort Space which would elapſe before the Court of London could receive a Definitive Anſwer from His Catholic Majeſty, He would not make any Diſpoſition of His Naval Forces, with a View of effecting a Cooperation with Spain.

Monſ. de Montmorin concluded by ſaying that His Moſt Chriſtian Majeſty entertained no Doubt of the Court of London perceiving, from the Promptitude and Preciſion of this Anſwer, His Deſire to maintain the Harmony and good Intelligence which ſo happily ſubſiſted between the Two Countries.

WHILE this Negotiation was depending with the Court of France, the States General of the United Provinces loſt no Time in manifeſting their earneſt Diſpoſition, not merely to fulfil the Conditions of their Alliance with this Country, but to exhibit to All Europe an early Diſplay of that Diſpoſition, by advancing their Preparations for our Service, at a conſiderable Charge to

the Provinces. As an incontrovertible Proof of theſe friendly Sentiments, the Squadron which, as it has been ſeen, was ordered to be fitted out, ſailed early in the Month of July for Portſmouth, under the Command of Admiral Kingſbergen, and brought us a Succour of Six Sail of the Line, and Four Frigates. At the ſame Time, Orders were given, and Funds were provided, for the Arming of Six additional Ships, as a further Reinforcement, ſhould the Circumſtances of this Country, in the Event of Hoſtilities taking Place, require it.

The Attachment of the United Provinces towards this Country being thus cordial, their Satisfaction at the Intelligence of the Declaration and Counter Declaration having been ſigned at Madrid on the 24th of July (which arrived at the Hague on the 6th of Auguſt), was proportionably Great. The Prince Stadtholder, in particular, expreſſed his ſincere Joy at a circumſtance ſo Glorious to His Majeſty's Councils, by a Letter, in his own Handwriting, to Lord Auckland.

His Majeſty's Miniſters, however, being aware that theſe Inſtruments, however ſatiſ-

ſactory they might be with reſpect to the National Honor, were by no Means concluſive as to the great Queſtion of Peace or War, and that the Negotiation now about to commence on the reſerved Points might eventually miſcarry, thought it adviſeable to loſe no Time in expreſſing to the States General their Wiſh, that their Armament might be for ſome Time continued. With this View, the Duke of Leeds, on the 14th of Auguſt, inſtructed Lord Auckland to loſe no Time in repreſenting to the Dutch Miniſters, how unwilling His Majeſty would be to propoſe to the States General the Continuance of the Expence, ariſing from their Naval Preparations; but that, notwithſtanding the Satisfaction given by the Court of Spain, it was ſtill uncertain what might be the Final Iſſue of the Negotiation, which comprehended Points of the greateſt Importance to the Commerce and Navigation of His Majeſty's Subjects. On this Account, his Excellency was directed to ſtate, that His Majeſty would be anxious that there ſhould not be any Appearance of thoſe Preparations being relaxed; and that beſides this, it appeared to His Majeſty that, at a ſmall additional Expence, the Force actually equip-

ping in the Ports of the Republic might be made Uſe of, in Conjunction with a Squadron which His Majeſty propoſed to aſſemble forthwith in the Downs, for the Purpoſe of adding Weight to the Repreſentations already made by His Majeſty, for effectuating a Pacification in the North and Eaſt of Europe. His Excellency was therefore deſired to endeavour to haſten, as much as poſſible, the Equipment of the Additional Ships actually fitting out; and to Repreſent to the Dutch Miniſters, that it appeared adviſeable for Admiral Kingſbergen's Squadron to be ordered Home, in order to be ſupplied, as ſpeedily as poſſible, with the Articles of which it was in Want.

Lord Auckland, having received theſe Inſtructions, had a Conference with the Prince Stadtholder on the 19th; in which His Serene Highneſs entered, with great Cordiality and Zeal, into the Points recommended by the Duke of Leeds; obſerving, that the unfiniſhed Diſcuſſion with Spain, as well as the State of Europe in general, warranted a Continuance of their Naval Armament.

The Deputations of the different Admiralties were equally convinced of the Expediency of

of this Meaſure. Of this the Grand Penſionary loſt no Time in aſſuring Lord Auckland, adding, " qu'il n'y auroit rien de changé " aux Equipemens juſqu'à nouvel ordre, qui " ne ſeroit pas donné avant qu'on puiſſe voir " un peu plus clair dans les Affaires qui reſ- " tent à arranger."

Admiral Kingſbergen was alſo ordered to return Home, for the Purpoſes mentioned in the Duke of Leeds's Letter. He accordingly ſailed from Portſmouth about the End of Auguſt, and arrived, after a ſhort Paſſage, in the Ports of the Republic; where, in Conformity with the Orders tranſmitted to him, he loſt no Time in compleating the Manning of his Ships to the War Eſtabliſhment.

IT will now be proper to return to the important Negotiation, with which Mr. Fitz-Herbert had been charged at the Court of Madrid.

VERY full Inſtructions, as it has been ſeen, having been forwarded to that Miniſter on the 17th of Auguſt, Full Powers, under the Great Seal, were ſent to his Excellency on the 1ſt of September following, to enable him

to

to conclude a final Arrangement with the Court of Spain, ſhould the Spaniſh Miniſters agree to a fair and honorable Termination of the exiſting Diſcuſſion; together with a Copy of the Note, which Earl Gower was inſtructed to preſent to the French Miniſters, on the Subject of the very conſiderable Armament ordered to be prepared in the Ports of France.

On this latter Point Mr. Fitz-Herbert was directed to omit no Opportunity of expreſſing to Count Florida Blanca the Probability of this Meaſure on the Part of France impeding, rather than accelerating, the Return of Harmony and Friendſhip between Great Britain and Spain; as the Appearance of a Third Power interfering in the preſent Diſcuſſion between the Two Countries, during their Negotiation, by making a conſiderable Armament, and that Power, from it's Connections (already ſubſiſting, however likely to be qualified in future) with Spain, holding out a partial Degree of Countenance to the latter, with the obvious Intent of influencing the Negotiation in Her Favour, could not but give Umbrage to England; and, unleſs the Spaniſh Miniſters ſhould prefer a direct Rupture to an amicable Accommodation,

modation, there could be little Doubt of their rather diſcouraging than promoting any Meaſure on the Part of France, which was not only apparently calculated to prevent the wiſhed for Accommodation between Their Britannic and Catholic Majeſties, but muſt, if carried into Effect, produce the moſt ſerious Conſequences.

Were France, the Duke of Leeds obſerved, now in ſuch a Situation as to be of Uſe to Spain by bringing on a War with England, the Meaſure muſt be approved of at Madrid: But this it was impoſſible to reconcile with either the Profeſſions or the good Senſe of the Court of Spain. The Duke however ſaid, that what he had above ſtated would be the Line of Conduct obſerved by this Country, even ſuppoſing France in the ſame Situation She enjoyed at any (the moſt fortunate) Period of Her Hiſtory.

On the Second Day after the Meſſenger left Whitehall with this Diſpatch, a Letter was received from Mr. Fitz-Herbert, dated Madrid, the 16th of Auguſt, by which his Excellency acquainted the Duke of Leeds, that, in a Converſation with Count Florida Blanca

on

on the 14th, that Miniſter, after expatiating on the enormous Expence and other Inconveniencies attending the preſent Armaments, obſerved, that he could not help flattering himſelf that Great Britain might perhaps be induced to diſcontinue them forthwith, on it's being made to appear, by ſatisfactory Evidence on the Part of the Spaniſh Court, that, conformably to what his Excellency had mentioned in a preceding Diſpatch, Orders had actually been ſent to the Spaniſh Governors and Officers in the Weſt Indies, directing them, in every Caſe of real or ſuppoſed Encroachments committed by Britiſh Subjects, to report the Matter Home, but by no Means to proceed to any Kind of Violence or Voie de Fait. Mr. Fitz-Herbert added, that he did not take upon himſelf to return any Anſwer to this Propoſal; but, at Count Florida Blanca's particular Requeſt, had promiſed to lay it before His Majeſty's Miniſters.

To this Propoſal the following Anſwer was returned by the Duke of Leeds.

SIR, Whitehall, September 10, 1790.

COUNT Florida Blanca and the Marquis del Campo having repeatedly mentioned the Subject

Subject of mutually disarming our respective Fleets, it is thought necessary that you should state to the former of those Ministers, that, with every Wish to see the present Discussions finally and amicably adjusted, it does not appear to this Government expedient to disarm (however considerable the Expence of maintaining so large a Naval Force as that at present employed) until the Negotiation is brought to such a State, as to render it's being amicably terminated, upon the Principles stated in your Excellency's Instructions, no longer liable to Doubt and Uncertainty.

(Signed) LEEDS.

On the 27th of September, a Messenger arrived at Whitehall, with dispatches from Mr. Fitz-Herbert, dated at Madrid the 16th of September.

By these it appeared, that, having received the Instructions and Full Powers above mentioned, his Excellency had had a Conference, on the 13th Instant, with Count Florida Blanca; which began on his Excellency's Part, by his communicating to the Spanish Minister the Paper which His Majesty had directed Earl Gower to deliver to Monf. de

Montmorin, on the Subject of the recent Decrees of the French National Aſſembly, touching the Family Compact. His Excellency added, that His Majeſty did not doubt, but that the Catholic King would do Him the Juſtice to be perſuaded, that theſe Meaſures entered into by France would not induce His Majeſty to recede, in the ſmalleſt Degree, from the Inſtances which He had cauſed to be made at the Court of Madrid, in order to obtain what He conſidered as due to the Honor of His Crown, and to the Intereſts of His Subjects: And that His Majeſty was equally certain, that it could be by no Means in His Catholic Majeſty's Contemplation, at the preſent Juncture, to excite the French Government to any Meaſures, which, by giving Ground of Umbrage or Jealouſy to Great Britain, might interrupt the Progreſs of the Negotiation between the Courts of St. James's and Madrid. Count Florida Blanca, without making any direct Reply to this Communication, anſwered, that, if Mr. Fitz-Herbert had not appointed their preſent Meeting, he ſhould himſelf have ſolicited it, in order to talk with him confidentially on the Subject of the above mentioned Decrees of the French National Aſſem-

bly,

bly, which, he ſaid, had given Riſe to very ſerious Reflections in the Mind of His Catholic Majeſty. The Spaniſh Miniſter added, that Mr. Fitz-Herbert could not but have been informed of the great Concern and Uneaſineſs, with which that Prince had obſerved the Progreſs of the violent Changes, that had taken Place lately in the Conſtitution of the French Monarchy; and that the Truth was, that he looked upon the National Aſſembly of that Kingdom with the utmoſt Horror and Deteſtation, conſidering their Principles and Proceedings as utterly ſubverſive of every Principle of Government and good Order: That, upon this Account (independantly of other Objections), His Catholic Majeſty was extremely averſe to the adopting the Species of Treaty propoſed to Him by that Body; conceiving that ſuch a Step, as it would imply a Recognition on His Part of their Authority, would be highly injurious to His Perſonal Dignity, and might poſſibly, in the End, produce the moſt fatal Conſequences to the Tranquillity and Well-being of His Kingdom: That, on the other Hand, however, His Catholic Majeſty knew but too well to what imminent Danger the Spaniſh Monarchy would

be expoſed by engaging, ſingle-handed, in a War with Great Britain; and therefore that He ſhould be abſolutely obliged to accept of the Succours tendered to Him by France, on whatever Conditions, ſuppoſing that the Court of London *preſſed too hardly upon Him in the preſent Conjuncture*; But that, in the contrary Caſe, and if an Accommodation ſhould be ſpeedily concluded between Great Britain and Spain, he (Count Florida Blanca) was authorized to aſſure Mr. Fitz-Herbert, in the moſt expreſs Terms, that it was His Catholic Majeſty's decided Intention, to reject the Propoſals for a National Compact, which had been made to Him by the French Miniſtry, in conſequence of the late Decrees of the National Aſſembly; and, moreover, that that Monarch would then be ready to eſtabliſh with Great Britain the moſt intimate Syſtem of Concert and Union, for the Promotion of their reſpective Intereſts, and for ſecuring the general Tranquillity of Europe.

Count Florida Blanca then proceeded to explain to Mr. Fitz-Herbert the Meaning of his Expreſſion, "in caſe England did not preſs "too hardly upon Spain in the preſent Con-"juncture." On this Head he told him, that

that he had repeatedly ſubmitted to the Council of State the Projet and Obſervations which he had delivered to him at St. Ildephonſo; and that it was the unanimous Opinion of the Members of that Body, that a ſpeedy Accommodation between Great Britain and Spain could not poſſibly take Place, conformably to the very comprehenſive Plan traced out in thoſe Papers. That, in particular, previouſly to the returning any poſitive Reply from Spain on the Subject of the propoſed Lines of Demarcation, it would be indiſpenſibly neceſſary to ſend to America, for an exact Account of the Extent and Circumſtances of the Spaniſh Settlements and Miſſions in the Interior of that Continent, as well to the North as the South, and to enquire, at the ſame Time, into a Number of other Circumſtances, intimately connected with the the preſent Buſineſs. That, before ſufficient Anſwers to theſe Inquiries could be collected and tranſmitted to Europe, a great Length of Time muſt neceſſarily elapſe, during which it was next to impoſſible, conſidering the powerful Armaments now on Foot both here and in Great Britain, and the Jealouſy naturally entertained by both Courts of each other's Deſigns, that ſome diſagreeable Incident ſhould

not

not intervene, that might bring on a decided Rupture. That, moreover, during ſo long an Interval, it would be equally impoſſible for this Court to ſpin out their Negotiation with the French Government, ſo as to avoid ſome decided Explanation; in conſequence of which, as His Catholic Majeſty would ſtill be in a State of Uncertainty reſpecting the Iſſue of his Negotiation with Great Britain, he would be compelled, however reluctantly, to accept of the propoſed National Compact. Count Florida Blanca ended by ſaying, that, on a Conſideration of all theſe Difficulties, he had at Length obtained the Conſent of His Catholic Majeſty to propoſe to our Court the following Expedient, viz. the immediate Concluſion of a preliminary Agreement, that would ſecure to Great Britain, by general, but ſufficient Stipulations, the Objects which She had in View; and thus put a Stop to the preſent Armaments, and furniſh the Two Crowns with ſufficient Leiſure for the Completion of a definitive Arrangement, as well as of a Syſtem of Union, which might enable His Catholic Majeſty to diſengage Himſelf entirely from His Connections with France; and that he was going to prepare a Projet to that Effect, which he would

would communicate to Mr. Fitz-Herbert very ſhortly. Mr. Fitz-Herbert obſerved, that, conſidering all the Circumſtances attending this Propoſal (and more eſpecially the important and unforeſeen Change which had taken Place in the Diſpoſitions of this Court with Regard to France) it occurred to him at the Inſtant, that it might perhaps be ſo modelled, as to form the Baſis of a very eligible Arrangement; and he therefore ventured (as in his private Capacity) to meet it half Way; and moreover, having found by Experience that, in negotiating with the Spaniſh Court, it is often of Advantage to frame the firſt Draft of any Agreement, he undertook to draw up a Projet conformably to the Spaniſh Miniſter's Idea. Accordingly, on the following Day, he delivered to Monſ. de Florida Blanca the Paper, of which the following is a Copy.

LEURS Majeſtés, &c.

étant diſpoſées à former une Convention, laquelle, en terminant les Differends qui ſe ſont élévés en dernier Lieu entre les deux Couronnes, ecartât à l'avenir et pour toujours de

pareils

pareils Sujets de Difpute, ont nommé à cette Fin de la Part de Sa Majefté

et de la Part de Sa Majefté

Lefquels, en attendant l'entier Accompliffement de cet important Ouvrage, font convenus des Points Préliminaires fuivans.

Article I.

Les Sujets Britanniques feront remis en Poffeffion de leurs Batimens et Terreins, fitués fur la Côte du Nord-Ouëft du Continent de l'Amerique, ou bien fur des Ifles adjacentes à cette Côte, lefquels leur furent enlévés par un Officier Efpagnol vers le Moi d'Avril, 1789.

Article II.

Sa Majefté Catholique s'engage de faire expedier immediatement les Ordres neceffaires, pour que les Sujets Britanniques ne foient pas inquiétés dans l'Exercice de leurs Droits de Pêche, de Commerce, et autres dans les Mers du Sud, et dans l'Ocean Pacifique : Et Sa Majefté Britannique promet, de Son Coté, d'employer les Mefures les plus efficaces, pour empêcher

pêcher tout Commerce illicite ou de Contreband entre Ses Sujets et les Poſſeſſions Eſpagnoles.

Article III.

Dans tous les Cas de Plainte ou d'Infraction des preſens Articles, les Officiers de Part et d'autre ſeront tenus de faire un Rapport exact des Circonſtances de l'Affaire à leurs Cours reſpectives, ſans ſe permettre au préalable aucune Violence ou Voie de Fait.

Article IV.

Les preſens Articles ſeront ratifiés et confirmés dans l'Eſpace de Six Semaines, à compter du Jour de leurs Signatures, ou plutôt ſi faire ſe peut, et, auſſitot aprés, les Armemens, et en general tous Preparatifs de Guerre, ſeront diſcontinués de Part et d'autre, et les Marines des Deux Couronnes ſeront remiſes ſur le Pied de l'Etabliſſement de la Paix, tel qu'il exiſtoit au Commencement de la preſente Année.

Fait à Madrid, &c.

THIS Paper Count Florida Blanca immediately ſubmitted to a Cabinet Council aſſem-

bled for that Purpose; and the same Night Mr. Fitz-Herbert received from him the following Paper, together with a Letter inviting him to a Conference on the next Day.

LEURS Majestés Catholique et Britannique étant disposés à former une Convention, laquelle, en terminant les Differends qui se sont élévés en dernier Lieu entre les Deux Couronnes, ecarteroit à l'avenir et pour toujours de pareils Sujets de Dispute: Elles ont trouvé que l'Ajustement des differens Points necessaires à cette Fin demanderoit la Delibe- la plus serieuse, de même que des Informations prises sur les Lieux et dans des Payes très éloignés, d'où seroient resultés de grands Delais, nuisibles au plus prompt Retour de l'Harmonie et de l'Amitié, que l'on voudroit retablir et raffermir au plutôt.

C'est dans le Desir d'obvier à ces Inconveniens que les Soussignés, par Ordre exprés de leurs Souverains respectifs, sont convenus, qu'en attendant qu'on puisse regler et terminer l'Ouvrage salutaire d'une Convention definitive, telle qu'on la Desire de Part et d'autre, sur tous les Points qui interessent les deux Nations, ils declareroient, et ils declarent ce qui suit.

1mo.

1mo. Que les Sujets reſpectifs de Leurs Majeſtés Catholique et Britannique ne ſeront point inquiétés dans le Port de Nootka, ſes Côtes, et Iſles adjacentes, ſoit à Cauſe de leur Commerce, ou des Etabliſſemens faits ou à faire; et qu'ils ſeront remis en Poſſeſſion des Batimens et des Terreins qui leur auroient été enlévés aux uns ou aux autres; de plus que les Sujets Britanniques devront s'abſtenir d'approcher des Côtes de la Californie, et de ſes Ports; le tout juſqu'à la Déciſion que l'on donnera, dans une future Convention, ſur les Limites, juſqu'aux quelles doivent s'étendre les Droits excluſifs que l'Eſpagne y pretend avoir.

2do. Que juſqu'à ce qu'un Reglement ſoit fait dans la ſuſdite Convention, pour determiner les Droits des deux Nations dans les Mers du Sud et dans l'Océan Pacifique, les Sujets Eſpagnols et Britanniques ne ſeront pas reciproquement inquieté dans ceux de la Pêche, bien entendu, que les Vaiſſeaux Anglois s'abſtiendront d'approcher des Côtes et des Ports de l'Eſpagne: Et Sa Majeſté Britannique promet de Son Coté, d'employer les Meſures les plus efficaces pour empêcher tout Commerce

illicite, ou de Contrebande, entre Ses Sujets et les Poſſeſſions Eſpagnoles.

3tio. Dans tous les Cas de Plainte ou d'Infraction des Articles de la preſente Declaration, les Officiers de Part et d'autre, ſans ſe permettre au préalable aucune Violence ou Voie de Fait, ſeront tenus de faire un Rapport exact de l'Affaire et de ſes Circonſtances à leurs Cours reſpectives, qui termineront à l'Amiable ces Differends.

4to. Les preſens Articles ſeront ratifiés et confirmés dans l'Eſpace de Six Semaines, à compter du Jour de leur Signaturé, ou plutôt ſi faire ſe peut; et auſſitôt après les Armemens, et en general tous Preparatifs de Guerre, ſeront diſcontinués de Part et d'autre, et les Marines des deux Couronnes ſeront remiſes ſur le Pied de l'Etabliſſement de la Paix, et tel qu'il exiſtoit au Commencement de la preſente Année.

Fait à Madrid, &c.

AT the Conference propoſed by Count Florida Blanca, Mr. Fitz-Herbert informed the Duke of Leeds, that he had uſed his utmoſt

Endeavours

Endeavours to engage that Miniſter to alter this laſt mentioned Paper in the following Particulars.

1ſt. By expunging from the Firſt Article the Expreſſions which ſtipulate a *mutual* Reſtitution of the Buildings and Lands that might have been ſeized by either Party at Nootka; there not being the ſmalleſt Reaſon to imagine, that any Seizure of that Kind had been made by the Subjects of Great Britain to the Prejudice of thoſe of Spain.

2d. By inſerting in the Second Article, after the Word "Fiſhery," an Acknowledgement, in expreſs Terms, of the Right of landing, &c. in all unſettled Parts of the American Iſlands and Continent.

3d. By inſerting, in like Manner, in the ſame Article certain Words, which ſhould limit the "Coaſts and Ports of Spain" to ſuch Places only as are in the actual Occupancy of that Power, and, at the ſame Time, define the exact Diſtance, within which Britiſh Veſſels are not to be permitted to approach thoſe "Coaſts and Ports."

With

With regard to the Firſt of theſe Points Count Florida Blanca ſaid, that the Vice-Roy of Mexico had mentioned in his laſt Letters there being Reaſon to apprehend, that an Armament, fitted out by Britiſh Subjects, intereſted in the North-Weſt American Trade, had ſailed from the Eaſt Indies for Nootka, in the View of diſpoſſeſſing the Spaniards of that Port; and that, though he himſelf (Monſ. de Florida Blanca) did not give much Credit to this Intelligence, it had been judged right to provide againſt that Event, as it was certainly within the Bounds of Poſſibility.

He alſo declined admitting the Alterations which Mr. Fitz-Herbert had propoſed to introduce into the Second Article, alledging, that all the Points to which they related, came within the Deſcription of thoſe, which he had before ſtated as impoſſible to be defined preciſely without previous Examination and Inquiry. For the reſt, that it appeared to him, that the Expreſſions of the Article in Queſtion were ſuch, as to ſecure to His Majeſty's Subjects the Enjoyment of every Right which Mr. Fitz-Herbert had ſtated as belonging to them, and that he could aſſure him, that their full Exerciſe of thoſe Rights would

never

never meet with any Oppofition from the Court of Spain, neither could it be impeded by the Spaniſh Governors in America, whoſe Hands were effectually tied up, both by their Inſtructions from Home, and by the Stipulations of the Third Article; which Article he, at the ſame Time, ſtated as a moſt important Conceſſion on the Part of Spain, being a Dèreliction of that Syſtem of Defence, which had been hitherto conſtantly maintained by that Crown, from the very firſt Eſtabliſhment of it's American Poſſeſſions. Upon the whole, Count Florida Blanca ſaid, that, as in framing the Paper in Queſtion he had gone to the utmoſt Length warranted by the Reſolutions of His Catholic Majeſty and his Colleagues in Office, he was obliged to make it his earneſt Requeſt to Mr. Fitz-Herbert, to tranſmit it to the Duke of Leeds in it's preſent Shape. That, moreover, every Circumſtance conſidered, he could not but hope that the Terms of it would be accepted by the Court of London, and that, in this Hope, he purpoſed ſending, by this Meſſenger, an Inſtruction to Monſ. del Campo, authorizing him to ſign it, in caſe His Majeſty ſhould approve of that Expedient, as a Means of ſhortening by ſome

Weeks

Weeks the Continuance of the preſent expenſive Armaments.

Count Florida Blanca alſo pledged himſelf, not to take any Steps whatſoever in the Negotiation with France, 'till he ſhould have received an Anſwer to his preſent Propoſal.

By the ſame Meſſenger Mr. Fitz-Herbert informed the Duke of Leeds, that he learnt, by poſitive Advices received at Madrid from Cadiz, that the Spaniſh Fleet, commanded by the Marquis del Socorro, re-entered that Harbour on the 9th Inſtant. It amounted to Thirty-four Sail of the Line, having been joined during it's Cruize by Four Ships from Ferrol, One of them of 112 Guns, and the other Three of 74 each. Six Ships of the Line, One of which mounted 80 Guns, and the others 74 each, were to be coppered immediately, and victualled for between Four and Five Months; and it was underſtood at Cadiz, that they were to ſail in the Courſe of the next Month for the Weſt Indies, under the Command of Don Gabriel Ariſtizábal. Two Ships of the Line, lately returned to Cadiz from Ceuta, were alſo under Sailing Orders for Lima.

On

On the 2d of October, a Meſſenger was diſpatched to Mr. Fitz-Herbert, with the Inſtructions which His Majeſty had commanded to be ſent to that Miniſter, for his Direction in the very important and critical Negotiation in which he was engaged.

His Majeſty's Miniſters obſerved, that the Effect of theſe Inſtructions muſt be deciſive on the Alternative of Peace or War; as neither the Circumſtances of the Negotiation, nor the relative Situation of the Two Countries and of other Powers, could allow of any further Delay. That the Projet of a Declaration, which Mr. Fitz-Herbert received from Count Florida Blanca, was in many Reſpects unſatiſfactory, particularly as it would leave open to ſubſequent Explanation and Diſcuſſion Points which it was eſſential now to bring to a preciſe and final Deciſion.

On this Ground, the Duke of Leeds informed Mr. Fitz-Herbert, that he had it in Command from His Majeſty to ſtate to him, that that Declaration was utterly inadmiſſible; and that it would have appeared very doubtful,

if that Paper had not been accompanied by other Circumſtances mentioned in his Diſpatch, whether any Advantage could have been hoped for from a farther Continuance of the Negotiation.

The Account, however, which his Excellency gave of the Communication made to him by Count Florida Blanca, and the Opinion which he expreſſed, that the Spaniſh Court was really anxious for an Accommodation, appeared to His Majeſty to deſerve the moſt ſerious Attention. This had determined His Majeſty to make one farther Effort, in order to avoid, if poſſible, the Interruption of Tranquillity, and to bring to a Teſt the Sincerity of the Profeſſions made by the Spaniſh Miniſter, in the Name of his Court. It certainly was not probable that Count Florida Blanca would have committed himſelf ſo far on Points of ſo much Delicacy, unleſs it had been previouſly determined by his Court to go ſome conſiderable Length, in order to avoid a Rupture with this Country: And it was ſtill poſſible, that the Spaniſh Court might be made ſenſible of the Neceſſity, for that Purpoſe, of acceding to the Principles to which His Majeſty,

jesty, on his Part, thought it necessary to adhere. The Language held by Count Florida Blanca, on the Subject of France, was also entirely conformable to the Sentiments which he had always appeared to entertain; and it was certainly a very natural Policy on the Part of Spain, in the present internal Situation of France, and with a View to the general State of Europe, to abandon a Connection, the Advantages of which, either in the present Moment, or for the future, must now be considered as very precarious, and to endeavour to form a real and solid Union with this Country. Such an Event, if it should take Place, would undoubtedly be in the highest Degree beneficial to the Interests of this Country, and would greatly contribute to the future Repose of Europe. His Majesty had therefore too strong a Sense of the Importance of this Object, not to be desirous of improving, as far as possible, the Opening which had been given by Count Florida Blanca's Conversation. The Chance which was thereby afforded, of still obtaining a satisfactory Issue to the present Negotiation, together with the Possibility of speedily securing the Benefit of the Dissolution of the Family Compact, and the Esta-

bliſhment of an intimate Connection between Great Britain and Spain, were conſidered as over-ballancing any Inconvenience which was likely to ariſe, from allowing ſuch a farther Interval as might be neceſſary for Mr. Fitz-Herbert's executing theſe Inſtructions.

The Duke, however, obſerved, that theſe Motives would not induce His Majeſty to admit of any greater Delay, than was abſolutely requiſite for aſcertaining how far the great Ends in View could be obtained; and, indeed, if it were at all to be hoped that the Court of Spain could be brought to a ſatisfactory Arrangement of the Points in Diſcuſſion, and was in Earneſt in wiſhing afterwards to form ſuch a Connection with this Country, as had been ſuggeſted by Count Florida Blanca, the firſt Part of the Work might certainly be compleated within a few Days after Mr. Fitz-Herbert's receiving theſe Inſtructions. His Excellency was therefore deſired to underſtand, that the Sentiments which his Grace was now to ſtate to him, were Final and Unalterable: And if he ſhould not be able to bring the Diſcuſſion to a very ſpeedy Concluſion, it would be His Majeſty's Pleaſure (as ſhould be

more

more particularly ſtated to him in a ſeparate Diſpatch), that he ſhould entirely break off all Negotiation.

In order to explain to Mr. Fitz-Herbert more fully the Language which it was His Majeſty's Pleaſure that he ſhould hold on the preſent Occaſion, the Duke of Leeds proceeded to ſtate to him the principal Objections to the Declaration which he had tranſmitted.

The great Object which His Majeſty has had in View, and to which the Inſtructions with which Mr. Fitz-Herbert had already been furniſhed had uniformly been directed, was that of effectually ſecuring the Rights and Intereſts of His Subjects from being queſtioned hereafter, and of removing all Cauſes of Miſunderſtanding between the Two Courts. This Object could in no Degree be obtained by Count Florida Blanca's Projet. The Preamble referred to the Impoſſibility of ſettling the different Points in Diſpute without long Diſcuſſion and Examination on the Spot, and ſtated this Convention as made en attendant, &c. The Stipulation reſpecting Nootka (independent of the Objections to the Terms in which it was drawn with reſpect to a

Reciprocal

Reciprocal Reſtitution) was made binding only 'till a future Deciſion of the Limits of the Excluſive Rights of Spain. He beſides ſtipulated at preſent, that Britiſh Subjects ſhould not approach the Coaſts of California; under which Name the Spaniards may hereafter comprize any poſſible Extent of the Territory in Diſpute. In like Manner, the Right of Fiſhery (beſides being ſubject to the Condition of not approaching the Ports or Coaſts of Spain, without any Explanation of the Term "Approaching," and without fixing what are thoſe "Ports and Coaſts") was made binding only until a Regulation ſhould be formed in the propoſed future Convention, to determine the Rights of the Two Nations in the South Sea and the Pacific Ocean.

The propoſed Engagement, for the Prevention of Contraband, was conformable to what His Majeſty propoſed, and was in itſelf free from Objection. But no Security would be obtained under this Article for Landing, even for the Purpoſes of the Fiſhery; and no Proviſion whatever was made for forming Settlements in unſettled Parts of the Continent, either to the North or the South, nor was the general Principle

ciple, that unoccupied Places are open to Settlement, admitted.

The Third Article would not in it's Principle be liable to any Objection, and might very properly form a Part of a Convention, which was, in other Respects, satisfactory. But such a Stipulation could not be accepted as a Substitute for that clear and precise Security, which His Majesty thought it Indispensible to obtain for His Subjects, in the Exercise of their just Rights.

The Fourth Article was only a Matter of Form as to what relates to the Ratification. On the Subject of the Disarmament Mr. Fitz-Herbert was informed that he should receive separate Instructions; but that neither of these Two last Articles was immediately connected with the Observations to made on the general Principle and Result of the proposed Convention.

The general and decisive Objections to it in it's present Shape were, that it did not ascertain, with sufficient Precision, even what was meant to be the Subject of the present Agreement; that it settled nothing definitively, but only with a Reference to subsequent Negotiation; and that, by that Reference, it left open the main Subject of Dispute, and might even

even give Room for the Court of Spain to aſſert, in it's full Extent, the Whole of the exorbitant Claim which gave Riſe to the preſent Diſcuſſion.

It being His Majeſty's firm Intention to adhere to thoſe fundamental Principles, by which He had hitherto been guided in the preſent Negotiation, Mr. Fitz-Herbert was informed, that He could never conſent to leave any Thing to ſubſequent Diſcuſſion, by which thoſe Principles could at any Time be called into Queſtion.

His Majeſty's Miniſters thought it neceſſary alſo to obſerve, that, even if the Pretext alledged by the Court of Spain for avoiding a Definitive Arrangement, (that is, the Neceſſity of a Reference to America for local Information) applied to any of the Points contained in the Projet which the Duke of Leeds tranſmitted to his Excellency, it could only be to that of the preciſe Demarcation of the Limits, and not to any of the other Points contained in the Projet originally tranſmitted. The Articles for the Reſtitution of the Buildings and Tracts of Land of which His Majeſty's Subjects were diſpoſſeſſed, and that which provides that the Subjects of either Crown ſhall not

give

give any Moleſtation or Diſturbance to the Subjects of the other in navigating or carrying on their Fiſheries in the Pacific Ocean or South Seas, or in Landing on the Coaſts thereof for the Purpoſe of carrying on their Commerce with the Natives, or in making Settlements in Unoccupied Places, contain the eſſential Points on which His Majeſty thought it indiſpenſible to inſiſt; and the Juſtice and Propriety of theſe Articles depended upon Principles, on which the Court of Spain, if it were diſpoſed to ſpeak out, muſt be as well able to decide in the preſent Moment, as it could after any Length of Time employed in collecting further local Information in America.

His Grace added, that the Queſtion of the Reſtitution of Nootka and the other Tracts of Land muſt depend ſolely on theſe Points: Whether Spain claims them on the Ground of a ſuppoſed general Right of excluſive Sovereignty in that Part of the World, or of alledged prior Diſcovery, or any other Ground independant of eſtabliſhed Occupation and Poſſeſſion; or laſtly, whether it could maintain that ſuch Occupation and Poſſeſſion actually exiſted prior to the Time when the Lands were purchaſed, and Buildings erected by

His Majeſty's Subjects. Theſe were all Points on which the Court of Spain muſt be ſuppoſed, after all that had paſſed on the Subject, to be as capable of deciding now as it could be at any Time hereafter. In like Manner, the Security for the Navigation, Commerce and Fiſheries of His Majeſty's Subjects (liable to ſuch Proviſions as may be made for preventing illicit Trade to thoſe Parts actually in the Poſſeſſion of Spain) depended ſolely upon the fundamental Queſtion, whether that Crown did or did not inſiſt upon, and maintain, an excluſive Sovereignty over the Continent in Queſtion, and the Seas adjacent. If therefore Spain ſhould perſiſt in refuſing a diſtinct and final Settlement on theſe Points, under Pretence of making further Inquiries, ſuch a Conduct could only be conſidered as a Proof of wiſhing to gain Time, in order ultimately to conteſt the Principles themſelves on which theſe Articles are founded.

With Regard to the 3d Article, which propoſed the Specification of certain Limits, within which His Majeſty's Subjects ſhould be reſtrained from making any Settlements, it might more plauſibly be urged, that Time is neceſſary for collecting local Information; but

but it muſt be conſidered, that in ſettling theſe Limits Mr. Fitz-Herbert was impowered, by the Duke of Leeds's former Inſtructions, to admit of a Degree of Latitude in the Application of the Principles ſtated to him, which would make it almoſt certain that thoſe Limits would in Fact comprize a greater Extent of Territory than any which, on the moſt minute Inveſtigation, could be ſhewn to be actually occupied by Spain; and that it certainly would have included ſome conſiderable Tracts, which there was every Reaſon to believe fall under this Deſcription. A Nicety, with Reſpect to minute Points, could not, on either Side, be of ſo much Importance as a ſpeedy and concluſive Termination of the Diſcuſſion; And if, contrary to Probability, any Diſtricts ſhould, in any Inſtance, have been excluded to which the Principle of Occupation really applied, they muſt be of a very recent Date indeed, and, comparatively, very inconſiderable, if the Court of Spain itſelf had no Knowledge of ſuch Occupation without freſh Reference to America; and conſequently they muſt be greatly overbalanced by the probable Extent of the Limits in other Parts, beyond what actual Enquiry would juſtify. In Addi-

tion to all this it was to be remembered, that, even if any ſuch Inſtance ſhould be found to exiſt of any Diſtrict, without the Limits which might be fixed, being actually in the Occupation and Poſſeſſion of Spaniſh Subjects, that that very Poſſeſſion would ſtill remain, and, inſtead of being diſturbed, would be ſecured and confirmed by the Principle and Terms of the propoſed Convention.

On theſe Grounds it ſeemed reaſonable to ſuppoſe that, if the Court of Spain ſhould once accede to the Principle of the foregoing Articles, it would not heſitate to fix the Limits in the Manner propoſed, without any further Reference. It even appeared to His Majeſty's Servants, that ſuch an Article muſt have been thought preferable, on the Part of the Court of Spain, to the Declaration only of the general Principle, by the fair Application of which, they would probably not be able to claim ſo extenſive an excluſive Territory, as that which this Article would ſecure to them. It alſo appeared to be deſirable for both Parties, for the Reaſons given in his Grace's former Inſtructions, as tending to remove any Diſpute hereafter, as to what ſhould be deemed Proof of Occupation, or what

was

was the Extent of the Dominions ſo occupied by Spain, at the Time of forming the Agreement. For the ſame Reaſon, His Majeſty would ſtill prefer that ſuch an Article ſhould make Part of the propoſed Convention; but, at the ſame Time, as his Excellency had already been informed, all which His Majeſty thought indiſpenſible, was compriſed in the Two preceding Articles; and, as Count Florida Blanca (although by his Projet he would leave every Thing open to ſubſequent Diſcuſſion) appeared to reſt his Objection to a preſent Deciſion principally on this Point of Demarcation of Limits, His Majeſty would not object to the entire Omiſſion of ſo much of the Third Article as related to that Object. It would be ſufficient that the general Right to form Settletlements in unoccupied Places ſhould be ſecured by the expreſs Terms of the foregoing Article; and the Queſtion of Occupation, if it ever ſhould come into Diſcuſſion, might ſafely be left open to be decided, in all Inſtances, as it evidently muſt have been left in ſome, on the general Principles of the Law of Nations.

As the latter Part of the Third Article was evidently in Favor of Spain, and as it was, in Fact, adopted in Count Florida Blanca's Projet, his Grace obſerved, it was not neceſſary

to

to make any further Remark upon it, than that, in caſe the foregoing Part of the Article ſhould be omitted, the concluding Words of the latter Part muſt changed from " Compre- " hended within the above Limits" to " ac- " tually occupied by Spain."

The Fourth Article was one, the Motive for inſerting which, his Grace ſtated to have been ſufficiently explained in his former Diſpatches. He now obſerved, that His Majeſty continued to think it mutually deſireable, and that it was probable that the Court of Spain, if it acceded to the other Points in Queſtion, would be willing that this Article ſhould form Part of the Convention: But that His Majeſty had no material Objection (if the Court of Spain ſhould prefer it) to waive both this Article and the 5th, which was originally ſuggeſted only as likely to be acceptable to Spain.

From what was now ſtated, Mr. Fitz-Herbert would be enabled to ſee that it was His Majeſty's Pleaſure that he ſhould firmly inſiſt upon what were the 1ſt and 2d Articles of the Projet which the Duke of Leeds tranſmitted. That the Part which ſtood as the 3d Article, relative to fixing Limits, might be omitted, if the Court of Spain deſired it; but that His Majeſty would prefer it's making a

Part

Part of the Convention ; and that, in that Caſe, the Blanks muſt be filled up on the Grounds ſtated in the former Inſtructions. That His Majeſty was willing to retain, in either Caſe, the latter Part of the 3d Article reſpecting the Prevention of illicit Trade. That it alſo appeared deſireable to retain the 4th Article ; but both the 4th and 5th might be omitted or inſerted at the Option of the Court of Spain.

His Excellency was alſo authorized to leave it to the Option of that Court to omit or inſert in the Definitive Convention the 3d of the Articles propoſed bp by by Count Florida Blanca, but as that Article was not included our original Demand, His Majeſty did not think proper to make it an indiſpenſible Part of the Ultimatum on which he was to inſiſt; although His Majeſty truſted the Court of Spain would not withdraw ſo equitable a Proviſion. The Duke however added, that His Majeſty conſidered it as extremely deſireable, as containing an additional Security for the maintenance of thoſe Principles of the Law, on which His Majeſty's late Demand of Satisfaction was grounded and acceded to by the Court of Spain.

To the Articles above mentioned it would be proper to add one, in the uſual Form, reſpecting

ſpecting the Ratification as propoſed both in Mr. Fitz-Herbert's Projet before ſtated, and in that delivered to him by Count Florida Blanca.

The Duke added, that it might alſo be adviſeable, if his Excellency ſhould find that it would facilitate the Concluſion of the Convention, to inſert an Article (conformable to the Second Article in the incloſed Projet), ſtipulating a reciprocal Reſtitution of any Place which might have been captured, and a Reparation of any Injuries which might have heen committed on either Side, during the preſent Diſcuſſion.

The Duke further ſtated, that he had before remarked to his Excellency, that the Stipulation for reciprocal Reſtitution at Nootka, as propoſed in Count Florida Blanca's Projet, was liable to Objection, and that the firſt Article muſt ſtand as originally propoſed: But that there could be no Inconvenience in admitting a diſtinct Article providing for any other Caſe which might have occurred, and though it was not eſſential, it ſeemed more deſirable that it ſhould be inſerted than not.

Having thus particularly ſtated all that appeared neceſſary for Mr. Fitz-Herbert's Inſtruction,

ſtruction, with reſpect to the Points on which he was finally to inſiſt, the Duke ſaid he had only to add, that in converſing on this important Subject with Count Florida Blanca, his Excellency ſhould particularly remind him of the Language, he ſtated him to have held, purporting, that the Expreſſions uſed in his Projet were ſuch as to ſecure to His Majeſty's Subjects the Enjoyment of every Right which Mr. Fitz-Herbert had ſtated to belong to them; and that he could aſſure him, that their full Exerciſe of thoſe Rights would meet with no Oppoſition.

On this it was obvious to remark, that if that Miniſter was in Earneſt in this Language, he muſt be conſidered as waiving any Objection to the Juſtice and Propriety of our Claims, and he muſt be willing that thoſe Rights ſhould be ſecured. The Articles propoſed by him, profeſſedly for this Purpoſe, appeared, however, to His Majeſty's Servants to be totally inſufficient for accompliſhing it, and to leave all thoſe Rights precarious. The Articles which Mr. Fitz-Herbert was now inſtructed to inſiſt upon, could not, by any poſſible Conſtruction, be argued to give any Thing more than the Security of the Rights referred to. On this ſhort State of the Queſtion, it

 was

was impoſſible that a Rejection of theſe Demands ſhould not be conſidered as a Proof, that the Court of Spain either was not ſincerely deſirous of an Accommodation, or was unwilling to give, diſtinctly and unequivocally, that Security, which the Spaniſh Miniſter argued to be in Fact contained in the very Articles which he had himſelf ſuggeſted.

The following are Copies of Two Plans or Projets alluded to in the preceding Diſpatch, the one with and the other without a Demarcation of Limits; the ſeparate Articles of which were marked in the Margin with the Words "*Indiſpenſible*" and "*Optional*," as in the preſent Copies.

DRAFT of PROJET, with a Demarcation of Limits.

Article I.

IT is agreed, that the Buildings and Tracts of Land on the North-Weſtern Coaſt of the Continent of America, or of the Iſlands adjacent thereto, of which the Subjects of His Britannic Majeſty were diſpoſſeſſed by a Spaniſh Officer in or about the Month of April in the Year 1789, ſhall be reſtored to them.

Indiſpenſible.

Article

Article II.

It is further agreed, that Reparation, according to the Nature of the Caſe, ſhall be made for any other Acts of Violence which may have been committed by the Subjects of Either of the Contracting Parties againſt the Subjects of the other, ſubſequent to the Month of April, 1789; and that in caſe any of the ſaid reſpective Subjects ſhall, within the ſame Period, have been forcibly diſpoſſeſſed of any Lands, Buildings, Veſſels, Merchandize or other Property on the ſaid Continent of America, or in the Iſlands or Seas adjacent, the ſameſhall be reſtored to them, or Compenſation made for Loſſes ſuſtained.

Optional.

Article III.

And, in order to prevent all Occaſions of Jealouſy and Miſunderſtanding in future, it is expreſsly agreed, that the Subjects of each of the Contracting Parties reſpectively ſhall not give any Moleſtation or Diſturbance to the Subjects of the other, in Navigating or Carrying on their Fiſheries in the Pacific Ocean or

South Seas, or in Landing on the Coaſts thereof, in Places unoccupied by the Subjects of the other Party, for the Purpoſe of carrying on their Commerce with the Natives, or in making Settlements in Unoccupied Places; ſubject nevertheleſs to the Proviſions herein after ſtipulated with Reſpect to ſuch Navigation, Commerce, Fiſheries and Settlements.

Indiſpenſible.

Article IV.

But, from a Deſire to remove all Ground of Apprehenſion, which His Catholic Majeſty might entertain, of any Interference with the Ancient and Eſtabliſhed Poſſeſſions of the Crown of Spain, or of any Occaſion being given to the carrying on a Contraband Trade with the ſaid Poſſeſſions, His Britannic Majeſty engages that His Subjects ſhall not form any Settlements in any Part of the Weſtern Coaſt of America, between Degree North Latitude, and Degree South Latitude, or in any Part of the Eaſtern Coaſt of South America, North of a Line drawn from to or carry on any Commerce within the ſaid Limits,

mits. And His Majeſty alſo engages to take the moſt effectual Meaſures to prevent the Navigation, Fiſhery, or Commerce of His Subjects, in the Pacific Ocean or South Seas, from being made a Pretext for Illicit Trade with the Spaniſh Settlements; and particularly that, for that Purpoſe, the Fiſhery or Navigation of His Subjects ſhall not be carried on within Leagues of any Part of the Coaſt comprehended within the above Limits.

Optional.

Article V.

And, for the future Preſervation of Harmony and Good Underſtanding, it is mutually agreed between the Two Contracting Parties, that, as well in the Places which His Catholic Majeſty has engaged to reſtore to the Subjects of His Britannic Majeſty, as in all other Places on the North-Weſtern Coaſts of America, or of the Iſlands adjacent thereto, above the ſaid where any Settlements ſhall have been made by the Subjects of either Crown ſince the Month of April 1789, or ſhall hereafter be made, the Subjects of the other ſhall have full Liberty of Acceſs, and of carrying

carrying on their Trade, without any Moleſtation.

Optional.

Article VI.

And it is further agreed between the Two Contracting Parties, that no Settlements ſhall be formed hereafter, by the Subjects of Either of the Two Crowns, in any Part of South America, South of on the Eaſtern Coaſt, or of on the Weſtern Coaſt, ſo long as no Settlements ſhall be formed thereon by the Subjects of any other Power.

Optional.

Article VII.

In all Caſes of Complaint or Infraction of any Article of the preſent Declaration, the Officers of Either of the Contracting Parties, without previouſly making Uſe of Violence, or Forcible Means, ſhall make an Exact and Circumſtantial Report of the Affair to their reſpective Courts, who will ſettle the Matter in Diſpute in an Amicable Manner.

Optional.

N. B. This Article is taken preciſely from the Third Article of Count Florida Blanca's Projet.

DRAFT

DRAFT of PROJET, without a Demarcation of Limits.

Article I.

IT is agreed, that the Buildings and Tracts of Land on the North Weſt Coaſt of the Continent of America, or of the Iſlands adjacent thereto, of which the Subjects of His Britannic Majeſty were diſpoſſeſſed by a Spaniſh Officer, in or after the Month of April, in the Year 1789, ſhall be reſtored to them.

Indiſpenſible.

Article II.

It is further agreed, that Reparation, according to the Nature of the Caſe, ſhall be made for any other Acts of Violence or Hoſtility, which may have been committed by the Subjects of Either of the Contracting Parties, againſt the Subjects of the other, ſubſequent to the Month of April, 1789, and that in Caſe any of the ſaid reſpective Subjects ſhall, within the ſame Period, have been forcibly diſpoſſeſſed of any Lands, Buildings, Veſſels, Merchandize, or other Property on the ſaid Continent of America, or in the Iſlands or

Seas

Seas adjacent, the ſame ſhall be reſtored to to them, or Compenſation made for the Loſſes ſuſtained.

Optional.

Article III.

And, in order to prevent all Occaſions of Jealouſy and Miſunderſtanding in future, it is expreſsly agreed, that the Subjects of Each of the Contracting Parties reſpectively, ſhall not give any Moleſtation or Diſturbance to the Subjects of the other, in Navigating or carrying on their Fiſheries in the Pacific Ocean, or South-Seas, or in Landing on the Coaſts thereof, in Places Unoccupied by the Subjects of the other Party, for the Purpoſe of carrying on their Commerce with the Natives, or in making Settlements in Unoccupied Places.

Indiſpenſible.

Article IV.

His Britannic Majeſty engages, to take the moſt effectual Meaſures to prevent the Navigation, Fiſhery, or Commerce of His Subjects, in the Pacific Ocean or South Seas, from being made a Pretext for Illicit Trade with the Spaniſh Settlements; and particularly that, for that Purpoſe,

Purpoſe, the Fiſhery or Navigation of His Subjects ſhall not be carried on within Leagues of any Part of the Coaſt actually occupied by Spain.

Optional.

Article V.

And, for the future Preſervation of Harmony and Good Underſtanding, it is mutually agreed between the Two Contracting Parties, that, as well in the Places which His Catholic Majeſty has engaged to reſtore to the Subjects of His Britannic Majeſty, as in all other Places on the North-Weſtern Coaſts of America, or of the Iſlands adjacent thereto, where any Settlement ſhall have been made by the Subjects of Either Crown ſince the Month of April, 1789, or ſhall hereafter be made, the Subjects of the other ſhall have full Liberty of Acceſs, and of carrying on their Trade without any Moleſtation.

Optional.

Article VI.

And it is further agreed between the Two Contracting Parties, that no Settlements ſhall be formed hereafter by the Subjects of either

of the Two Crowns in any Part of South America, South of on the Eaſtern Coaſt; and of on the Weſtern Coaſt, ſo long as no Settlements ſhall be formed thereon by the Subjects of any other Power.

Optional.

Article VII.

In all Caſes of Complaint or Infraction of any Article of the preſent Declaration, the Officers of Either of the Contracting Parties, without previouſly making Uſe of Violence or Forcible Means, ſhall make an Exact and Circumſtantial Report of the Affair to their reſpective Courts, who will ſettle the Matter in Diſpute in an Amicable Manner.

Optional.

N. B. This Article is taken preciſely from the Third Article of Count Florida Blanca's Projet.

IN the Separate Diſpatch before alluded to (which accompanied that of which a Detail was laſt given) the Duke of Leeds ſtated to Mr. Fitz-Herbert, on the Suppoſition of the preſent

preſent Negotiation terminating amicably, and of Count Florida Blanca's returning to the Subject of Diſarming, that the Enormous Expence reſpectively incurred by Both Countries, in Fitting out ſuch conſiderable Fleets, could not but render it highly to be wiſhed, on both Sides, that Circumſtances might permit a ſpeedy Reduction of this heavy Branch of Public Expenditure. That the Moment our Differences with Spain ſhould be finally adjuſted, we truſted our Mutual Confidence would be a ſtronger Security, in reſpect to our Diſarming on both Sides, than any Formal Stipulations could afford.

With Reſpect to the particular Mode of diſarming, His Grace obſerved, that it might be difficult to come to any preciſe Stipulation on that Subject. Mutual Confidence would, he truſted, prevent any Jealouſy or Suſpicion between us; and his Grace declared himſelf to be convinced the Court of Spain would enter into the Juſtice of our Motives for not binding ourſelves to reduce our Navy preciſely to our Peace Eſtabliſhment, in the Firſt Inſtance. We certainly could not take ſuch a Step, 'till France ſhould have reduced Her Navy: And there might be many other important Reaſons

for not being too precipitate in our Reductions, during the present unsettled State of Europe in general; both which Considerations would, his Grace was convinced, be admitted as worthy of Attention by Count Florida Blanca.

The Duke further stated, that His Majesty's Ministers were persuaded Spain was not only equally interested, but equally disposed with England, to prevent any material Alteration in the Relative situation of the several Powers of Europe. That the only Quarter, from which this Situation appeared liable to Disturbances, was the Court of Petersburgh; and the Reluctance with which that Court appeared to listen to the Proposals of an Accomodation with the Porte, short of a Material Dismemberment of the Turkish Dominions, could not but render it incumbent on the Allies to be prepared to defend a System of Moderation, which the Empress seemed so unwilling at present to adopt, and which it seemed so material for every other Power to see securely established.

By the same Messenger, the Duke of Leeds informed Mr. Fitz-Herbert, that the Proposals hereinbefore detailed, must be considered as constituting the Ultimatum of this Court; and that the Great Expence attending our Preparations,

rations, as well as the Maintenance of the Armament actually ready for Service, joined to the natural and juſt Expectations of the Public, could not admit any further Delay in coming to a Deciſion on the Points now at Iſſue between the Two Powers.

For theſe Reaſons, his Grace directed that Ambaſſador ſo inform Count Florida Blanca, in the moſt explicit, though, at the ſame Time, the leaſt offenſive Manner, of the Impoſſibility of our admitting any further Procraſtination in the Ultimate Deciſion of his Court. And his Grace added, that, after communicating the ſeveral Propoſals to Count Florida Blanca, Ten Days appeared ſufficient for an Anſwer to them; and that, in caſe a Satisfactory Anſwer ſhould not be returned within that Period, it was His Majeſty's Pleaſure, that his Excellency ſhould quit Madrid, without taking Leave of the Spaniſh Court, and ſhould forthwith ſet out on his Return to England.

In another Diſpatch of the ſame Date, and forwarded by the ſame Meſſenger as the preceding, the Duke of Leeds found himſelf obliged to expreſs his Regret that, during ſo important

important a Negotiation as the preſent, any freſh Circumſtance ſhould ariſe capable of exciting Complaint on the Part of either Power. The unjuſtifiable Treatment, however, which a Spaniſh Officer had obſerved towards the Captain of a Britiſh Weſt-Indiaman, in the Gulph of Florida was of ſuch a Nature as to render Complaint on our Part abſolutely neceſſary.

His Grace ſtated, that Captain Macdonald, of the Trelawney Planters Weſt-Indiaman, the Object of the Spaniſh Officer's Cruelty, had been examined upon Oath, touching the particular Circumſtances of the Caſe, and he incloſed to Mr. Fitz-Herbert, the Depoſition of that Gentleman, as well as thoſe of ſeveral other Perſons who were on Board his Ship, ſome of whom were likewiſe with him when on Board the Spaniſh Frigate. Theſe were accompanied with the Depoſition of Captain Steel, of the Louiſa, (another Weſt-Indiaman) who, having ſpoke the Trelawney Planters, parted Company a ſhort Time previous to her being ſtopped by the Spaniards, and was examined to the Point of the Courſe held by this latter Veſſel, in conſequence of which ſhe was diſabled from getting clear of their Squadron.

Suppoſing

Suppoſing the Spaniſh Commander to have entertained any reaſonable Grounds of Suſpicion of her carrying on a Contraband Trade, the ſtopping, or even examining the Veſſel in a proper Manner, when found ſo near the Coaſt of the Spaniſh Dominions, would ſcarcely have authorized Complaint: A Proof, however, of Delinquency on the Part of Captain Macdonald, could not, as his Grace obſerved, in any Event, have juſtified the barbarous Treatment he experienced on Board the Spaniſh Frigate.

The Conduct of Don Franciſco de Videl, was, as his Grace truſted, rather to be attributed to the wanton Cruelty of an Individual, than to any Syſtem adopted by the Spaniſh Marine, or authorized by their Government; and it would be unjuſt to many of the Officers, as well as the Crew of the Frigate, not to mention their Endeavours to alleviate the Miſery of Captain Macdonald, while ſuffering under his cruel Confinement in the Bilboes, expoſed to the ſcorching Heat of the Sun, as well as undergoing the ſevereſt Pain both in Head, Body and Limbs.

For the Particulars of this Tranſaction, his Grace referred Mr. Fitz-Herbert to the inclosed

clofed Papers; * and he obferved, that Humanity, as well as common Juftice, muft induce the Court of Madrid to do Juftice on this Occafion with refpect to the offending Officer. The Cafe evidently came under that Part of the Projet now fent, refpecting Satisfaction to be reciprocally given by the Contracting Parties, for any Lofs or Injury fuftained by their refpective Subjects fince a certain Period. In cafe, however, this particular Article of the Projet fhould not ultimately be agreed to, a direct and feparate Anfwer muft be obtained from the Spanifh Court, to our Complaint of the Cruelty exercifed by their Officer on Captain Macdonald. The Duke added, that, having ftated the Cafe to that Court, it was His Majefty's Pleafure, that Mr. Fitz-Herbert fhould inform the Spanifh Minifter, that he was abfolutely forbid to conclude any other Part of the Negotiation, until he had received a pofitive Official Affurance in Writing, that, in the Event of the Facts contained in the Depofitions above ftated not being difproved, a juft and adequate Punifhment fhould be inflicted on the Offender.

The

* Several Affidavits fent to Mr. Fitz-Herbert.

The Meſſenger who was charged with theſe Diſpatches arrived at Madrid on the 12th of October. On the following Day Mr. Fitz-Herbert proceeded to the Eſcurial, and had a Conference with Count Florida Blanca; from which, as his Excellency acquainted the Duke of Leeds, though he was unable to form any poſitive Judgment with reſpect to the Reſult of the Negotiation, the Language of the Spaniſh Miniſter gave him but too much Reaſon to doubt of it's terminating amicably. With reſpect, however, to the cruel and unjuſtifiable Treatment which Captain Macdonald, of the Trelawney Planters Weſt Indiaman, had experienced from the Captain of the Spaniſh Frigate, and for the juſt and adequate Puniſhment of whom Mr. Fitz-Herbert had delivered a Memorial to Count Florida Blanca, that Miniſter informed his Excellency that, the Officer in Queſtion (whoſe Name was Don Juan Vicente Yanez, and that of the Frigate Nueſtra Senora Del Roſario,) had, on his Arrival at Cadiz about Three Weeks before, tranſmitted to the Miniſter of the Marine a Relation of the Affair in Queſtion; and that, his Conduct having appeared, on the very Face of this Report, to have been highly

 blameable,

blameable, His Catholic Majeſty had been prompted, by His Sentiments of Humanity and Juſtice, to ſend an Order to Cadiz, for his being immediately brought to a Court-Martial for this Act of Delinquency.

After a Variety of Conferences which Mr. Fitz-Herbert had with Count Florida Blanca, the Tenor of which had convinced the former of thoſe Miniſters that the Settlement of any Demarcation of ſpecific Limits would, at this Time, be utterly impracticable, his Excellency thought it adviſeable to lay before the Spaniſh Miniſter a Projet, containing only the 1ſt, 2d, 3d, 4th and 7th Articles of the Drafts incloſed to him in the Duke of Leeds's Diſpatch of the 2d of October. Count Florida Blanca's Reception of this Projet was, in every Reſpect, ſo diſcouraging, as to induce Mr. Fitz-Herbert to ſend Letters to General O'Hara and the Conſuls in the ſeveral Ports of Spain, recommending to them the ſame Meaſures of Precaution, which they had adopted at the Outſet of theſe Diſputes.

In order, however, that no Means of effectuating a Pacification might be left untried,

Mr.

Mr. Fitz-Herbert, on the 15th of October delivered to the Spanish Minister a translated Copy of the Whole of the Duke of Leeds's Draft, intitled *Projet without the Demarcation of Limits*; in consequence of which the Count sent him, on the following Day, an Answer; which, though still conceived in Terms extremely wide of our Proposals, was nevertheless such as to revive his Hopes of engaging the Spanish Minister, by Degrees, to accede to His Majesty's Demands. After repeated Conferences, both at the Escurial and at St. Ildephonso, (whither His Catholic Majesty removed on the 20th) the Difficulties which had intervened being removed, a Draft of the following Convention between His Majesty and the King of Spain was at length definitively settled between Mr. Fitz-Herbert and Count Florida Blanca on Sunday the 24th of October, and was agreed to be signed by them, with the usual Formalities, on the Wednesday or Thursday following.

CONVENTION

CONVENTION between His BRITANNIC Majesty and the King of SPAIN.

LEURS Majestés Britannique et Catholique, étant disposées à terminer, par un Accord prompt et solide, les Differends qui Se sont élévés en dernier Lieu entre les Deux Couronnes, Elles ont trouvé, que le meilleur Moyen de parvenir à ce Bût salutaire seroit celui d'une Transaction à l'amiable, laquelle, en laissant de Côté toute Discussion retrospective des Droits et des Pretensions des Deux Parties, reglât leur Position respective à l'avenir sur des Bases qui seroient conformes à Leurs vrais Intérêts, ainsi qu'au Desir mutuel dont Leurs dites Majestés sont animées, d'établir entre Elles, en tout et en tous Lieux, la plus parfaite Amitié, Harmonie et bonne Correspondance. Dans cette Vuë, Elles ont nommé et constitué, pour Leurs Plenipotentiaires; savoir, de la Part de Sa Majesté Britannique, le Sieur Alleyne Fitz-Herbert, du Conseil Privé de Sa dite Majesté dans la Grande Bretagne et en Irlande, et Son Ambassadeur Extraordinaire et Plenipotentiaire près Sa Majesté Catholique; et, de la Part de Sa Majesté Catholique,

tholique, Don Joſeph Monino, Comte de Florida Blanca, Chevalier Grand Croix du Royal Ordre Eſpagnol de Charles III. Conſeiller d'Etat de Sa dite Majeſté, et Son Premier Sécretaire d'Etat et del Deſpacho : Leſquels, après s'être communiqués leurs Pleinpouvoirs reſpectifs, ſont convenus des Articles ſuivans.

Article I.

Il eſt convenu que les Batimens et les Diſtricts de Terrein, ſitués ſur la Côte du Nord-Oueſt du Continent de l'Amerique Septentrionale, ou bien ſur des Iſles adjacentes à ce Continent, deſquels les Sujets de Sa Majeſté Britannique ont été depoſſédés, vers le Mois d' Avril, 1789, par un Officier Eſpagnol, ſeront reſtitués aux dits Sujets Britanniques.

Article II.

De plus, une juſte Reparation ſera faite, ſelon la Nature du Cas, pour tout Acte de Violence ou d'Hoſtilité qui aura pû avoir été commis, depuis le dit Mois d'Avril, 1789, par les Sujets de l'une des deux Parties Contractantes contre les Sujets de l'autre; et au cas

que

que depuis la dite Epoque, quelques uns des Sujets reſpectifs ayent été forcement depoſſédés de leurs Terreins, Bâtimens, Vaiſſeaux, Marchandiſes, ou autres Objets de Propriété quelconques, ſur le dit Continent, ou ſur les Mers ou Iſles adjacentes, ils en ſeront remis en Poſſeſſion, ou une juſte Compenſation leur ſera faite pour les Pertes qu'ils auront eſſuyées.

Article III.

Et, afin de reſſerrer les Liens de l'Amitié, et de conſerver à l'avenir une parfaite Harmonie et bonne Intelligence entre les Deux Parties Contractantes, il eſt convenu que les Sujets reſpectifs ne ſeront point troublés ni moleſtés, ſoit en naviguant ou en exerçant leur Pêche dans l'Ocean Pacifique, ou dans les Mers du Sud, ſoit en debarquant ſur les Côtes qui bordent ces Mers, dans des Endroits non dejà occupés, afin d'y exercer leur Commerce avec les Naturels du Pays, ou pour y former des Etabliſſements. Le tout ſujet neanmoins aux Reſtrictions et aux Proviſions qui ſeront ſpecifiées dans les trois Articles ſuivans.

Article

Article IV.

Sa Majesté Britannique s'engage d'employer les Mesures les plus efficaces pour que la Navigation et la Pêche de Ses Sujets dans l'Ocean Pacifique, ou dans les Mers du Sud, ne deviennent point le Pretexte d'un Commerce illicite avec les Etablissements Espagnols; et, dans cette Vuë, il est en outre expressement stipulé, que les Sujets Britanniques ne navigueront point, et n'exerceront pas leur Pêche dans les dites Mers, à la Distance de Dix Lieues Maritimes d'aucune Partie des Côtes dejà occupées par l'Espagne.

Article V.

Il est convenu, que tant dans les Endroits, qui seront restitués aux Sujets Britanniques, en Vertu de l'Article Ier, que dans toutes les autres Parties de la Côte du Nord Ouest de l'Amerique Septentrionale, ou des Isles adjacentes, situées au Nord des Parties de la dite Côte dejà occupées par l'Espagne, partout où les Sujets de l'une des Deux Puissances auront formé des Etablissements, depuis le Mois d'Avril, 1789, ou en formeront par la Suite, les Sujets de l'autre auront un Accés libre, et

exerceront

exerceront leur Commerce, ſans Trouble ni Moleſtation.

Article VI.

Il eſt encore convenu, par rapport aux Côtes tant Orientales qu'Occidentales de l'Amerique Meridionale et aux Iſles adjacentes, que les Sujets reſpectifs ne formeront à l'avenir aucun Etabliſſement ſur les Parties de ces Côtes ſituées au Sud des Parties de ces mêmes Côtes, et des Iſles adjacentes, dejà occupées par l'Eſpagne : Bien entendu, que les dits Sujets reſpectifs conſerveront la Faculté de debarquer ſur les Côtes et Iſles ainſi ſituées, pour les Objets de leur Pêche, et d'y bâtir des Cabanes, et autres Ouvrages temporaires, ſervant ſeulement à ces Objets.

Article VII.

Dans tous les Cas de Plainte, ou d'Infraction des Articles de la preſente Convention, les Officiers de Part et d'autre, ſans ſe permettre aupréalable aucune Violence ou Voïe de Fait, ſeront tenus de faire un Rapport exact de l'Affaire, et de ſes Circonſtances, à leurs Cours reſpectives, qui termineront à l'amiable ces Differends.

Article

Article VIII.

La preſente Convention ſera ratifiée et confirmée dans l'Eſpace de Six Semaines, à compter du Jour de ſa Signature, ou plutôt, ſi faire ſe peut.

En Foi de quoi, nous ſous-ſignés Plenipotentiaires de Leurs Majeſtés Britanniques et Catholiques, avons ſigné, en leurs Noms, et en Vertu de nos Pleinpouvoirs reſpectifs, la preſente Convention, et y avons appoſé les Cachets de nos Armes.

Fait à San Lorenzo el Real, le Vingt-huit Octobre, Mil Sept Cent Quatre-vingt-dix.

(L. S.) ALLEYNE FITZ-HERBERT.
(L. S.) El Conde de FLORIDA BLANCA.

FROM the Account Mr. Fitz-Herbert gave of the Progreſs of this Negotiation, it appeared that, as by the concluding Paragraphs of our Declaration and Counter Declaration of the 24th of July, the Diſcuſſion of the Excluſive Rights of Spain to the Diſtricts deſcribed in the Duke of Leeds's Projet had been expreſsly reſerved, it was not reaſonable to expect, that His Catholic Majeſty ſhould ſubmit, without ſuch a Diſcuſſion having been firſt regularly held, to the unqualified Surrender of thoſe Rights; and he therefore propoſed

to prefix to that Article the following Words: "Malgré les Droits excluſifs aux quels l'Eſpagne "a pretendus, et eu égard aux Deſirs mutuels "des deux Cours, de ne pas entrer dans de nou-"velles Diſcuſſions, et d'etablir par tout entre "Elles la plus parfaite Amitié, il eſt convenu "que les Batimens et Diſtricts de Terrein, "&c." Mr. Fitz-Herbert of courſe declined admitting that or any other Addition to the Article itſelf; but, in order to ſolve Count Florida Blanca's Difficulty, he determined to propoſe to him, in Virtue of the Authority for that Purpoſe, which appeared to him to be contained in the Third Paragraph of the Duke's Diſpatch, * that they ſhould inſert in the Preamble

* In framing theſe Articles, the firſt Object which has been kept in View is that of bringing to a clear and final Settlement all the Points which are involved in the late Diſcuſſions, in order to preclude, as far as poſſible, all ſimilar Occaſions of Jealouſy and Miſunderſtanding in future. In doing this, His Majeſty wiſhes only to ſecure for his Subjects thoſe Rights which are both ſtrictly conformable to Juſtice, and are at the ſame Time, of real Importance to the Honour of His Crown, or to the Navigation and Commerce of His Subjects. He has endeavoured, as far as poſſible, to waive any Retroſpective Diſcuſſion of Claims of Right, the expreſs Renunciation of which might be felt as unneceſſarily mortifying to the Court of Spain. It has, therefore, been thought right, that the Points in Queſtion ſhould be clearly ſettled and defined as Matter of poſitive Stipulation for the future.

Preamble to the intended Convention, the Words, "Elles ont trouvé, &c." to which Propoſal, after ſome Difficulty, the Count finally acceded. The concluding Period of the Preamble was nearly copied from Count Florida Blanca's own Expreſſions, the Principle of it being conformable to His Majeſty's Views.

In conſequence of this Addition to the Preamble, Count Florida Blanca agreed to frame the Firſt Article of the Convention in exact Conformity to the Duke's ſeveral Projets.

The Second Article was likewiſe literally the ſame with that propoſed by his Grace, excepting only, that it does not contain the Word *other*, as applied to the Acts of Violence that might have been committed by the Subjects of Either of the Contracting Parties ſince the Month of April 1789. Upon this Head Count Florida Blanca obſerved, that, as His Catholic Majeſty had already given what the King had conſidered as full Satisfaction for Monſ. Martinez's unjuſtifiable Proceedings, the freſh Reference to theſe Proceedings, implied by this Expreſſion, was not only unneceſſary, but might be conſidered as ſomewhat invidious; and this Obſervation appeared to Mr. Fitz-Herbert to be of ſufficient Weight

to juſtify the expunging the Word in Queſtion. With regard to this Article, Monſ. de Florida Blanca had propoſed the reſtricting the Reparation, which is ſtipulated by it in general Terms for all Offences whatſoever, to Offences committed " on the ſaid Continent " and the adjacent Iſlands;" but (from obvious Conſiderations) Mr. Fitz-Herbert poſitively declined admitting any ſuch Limitation.

The important Stipulations contained in the Third Article agree entirely with His Majeſty's Inſtructions, and the Fourth Article is likewiſe drawn up in Conformity to the Duke of Leeds's Projet, excepting only in the Addition of the Words " dans les dites " Mers;" which Addition was propoſed by Count Florida Blanca, and Mr. Fitz-Herbert agreed to it the more readily, as he conceived that it might be of Uſe, in caſe of any Diſputes reſpecting the Limits of our Turtle Fiſhery on the Coaſt of Yutacan. With regard to this Article, Count Florida Blanca preſſed very earneſtly for the Extending the Diſtance from the Spaniſh Coaſts, within which His Majeſty's Subjects are to be permitted to fiſh, from Ten Leagues to Fifteen, pleading in Behalf of this Alteration the Article of the

Treaty

Treaty of Paris, which limits to this laſt mentioned Diſtance the Fiſhery carried on by the Subjects of France on the Coaſts of the Iſland of Cape Breton.

With Regard to the Fifth and Sixth Articles, Count Florida Blanca, from the Outſet of this Buſineſs, made it an indiſpenſible Condition to His Catholic Majeſty's Recognition of our Right of Landing and forming Eſtabliſhments in Unoccupied Places of the Coaſt of America, as ſtated by the Third Article, that it ſhould be qualified not only by the Engagement propoſed by His Majeſty, that the Subjects of neither Party ſhould form any permanent Settlements in South America, but by ſuch Stipulations as ſhould ſecure to Spain her excluſive Intercourſe with her Poſſeſſions to the Northward. And he at the ſame Time (on his former Ground of Want of ſufficient Information) no leſs poſitively declined to fix any preciſe Line as the Boundary to the Spaniſh Poſſeſſions either to the North or the South.

The Language of the Spaniſh Miniſter on both the Points in Queſtion was ſo firm and deciſive, as to make it evident, beyond a Doubt, that the Alternative of Peace or War reſted on the finding or not finding a Solution of this

Difficulty.

Difficulty. Under theſe Circumſtances, having conſidered, that the whole Tenor of the Duke of Leeds's Correſpondence upon this Subject plainly indicated, that His Majeſty's Object in this Negotiation had been, throughout, no other than the procuring from the Court of Spain an Acknowledgement of the Rights of His Subjects to exerciſe their Navigation and Fiſheries, as well as to land and form Eſtabliſhments on all *unoccupied* Coaſts of the American Continent and Iſlands; and that it was moreover expreſsly ſtated, that "the "Queſtion of Occupation, if ever it ſhould "come into Diſcuſſion, might ſafely be left "open to be decided, *in all Inſtances*, as it "evidently muſt in ſome, on the general "Principles of the Law of Nations," Mr. Fitz-Herbert conceived himſelf to be fully warranted, not only by the Letter, but by the Spirit of his Inſtructions, to extend this general Principle to the Articles in Queſtion; and, after many Debates, (in the Courſe of which the Negotiation was frequently on the Point of being broken off) Count Florida Blanca at length conſented to admit them in their preſent Shape. The Alterations for which he chiefly pleaded in the latter Conference

rences were the inſerting in the Fifth Article, after the Words "exerceront leur Commerce" the Words "avec les Naturels du Pays," &c. In the Sixth Article, inſtead of the Words "*au Sud des Parties* de ces mêmes Côtes, &c." the Words "au Sud des dernieres Parties de "ces mêmes Côtes, &c."

In another Diſpatch of the 24th of October, Mr. Fitz-Herbert informed the Duke of Leeds that, though he took Care to convey to Count Florida Blanc- with the utmoſt Delicacy and *Menagement* the Intimation that, in caſe a Satisfactory Anſwer to His Majeſty's Propoſals ſhould not be returned within Ten Days, the Negotiation muſt entirely ceaſe; this Circumſtance naturally occaſioned a very high Degree of Pique and Ill-Humour at the Spaniſh Court; that, however, there was, at the ſame Time, the greateſt Reaſon to ſuppoſe, that it was materially inſtrumental in effectuating the preſent Arrangement. In fact, Mr. Fitz-Herbert ſaid, after repeated Councils having been held on this Subject, not only by His Catholic Majeſty's immediate Miniſters, but by an Extraordinary Junto, compoſed of a Number of leading Members of the Principal Departments

Departments of the Government, the State of Indecision was such that, on the Evening of the 23d, when, after a Conference with Count Florida Blanca, he quitted him to attend His Catholic Majesty, that Minister professed to be, and most probably was, uncertain whether the Determination, that he was to communicate to Mr. Fitz-Herbert next Morning, would be for Peace or War. It appeared that Count Florida Blanca, to whom the Adoption of the former Alternative is chiefly to be attributed, took upon himself thereby a very great Share of Personal Responsibility, as it is certain that the abovementioned Extraordinary Junto were almost unanimous in preferring an immediate Rupture, to a Compliance with the present Terms of Accommodation.

Mr. Fitz-Herbert pressed Count Florida Blanca very earnestly, on his communicating to him, on the Morning of the 24th, the Determination of His Catholic Majesty, to sign the Convention immediately; offering, for that Purpose, to defer to a future Day the mutual Communication of their Full Powers; but he said, that he could not consent to this, consistently with what he owed to his own Character, as well as to the King his Master, since his

his Enemies would not fail to accuſe him of having availed himſelf of the Opportunity of the King's Viſit to St. Ildephonſo, whither He was not attended by any of the Miniſters except himſelf and M. de Çampo de Alange, to lead Him, as it were by Stealth, into a Meaſure contrary to His Intereſts; and he added, that he was alſo under the Neceſſity of tranſmitting to the aforeſaid Junto, previous to the actual Signature of the Convention, a Memorial he was then preparing, and by which he hoped to juſtify his taking that Step in Oppoſition to their Opinion: That he therefore hoped Mr. Fitz-Herbert would content himſelf with His Catholic Majeſty's Word, which he pledged to him in the moſt ſolemn Manner, that the Convention to be concluded ſhould be drawn, verbatim et literatim, agreeably to the Paper above ſtated; adding, that he would ſend by the Engliſh Meſſenger an Inſtruction to the Marquis del Campo, authoriſing him to repeat to the Duke of Leeds, if neceſſary, the ſame Aſſurances in the Name of the King his Maſter. The actual Signature of the Convention was therefore deferred, as has already

 been

been mentioned, 'till His Catholic Majesty returned to the Escurial.

This very important Information was received at Whitehall on the Morning of the 4th of November. On the 7th, another Messenger arrived with the Convention, which had been signed at the Escurial, by Mr. Fitz-Herbert and Count Florida Blanca, on the 28th of October. His Majesty's Ratification of this Instrument was, on the 9th of November, forwarded to the Court of Spain; and, on the 4th of December, the Business, which so long had excited the anxious Attention not only of this Country but of all Europe, was happily concluded, by the Receipt of the Catholic King's Ratification of the Convention, which had been exchanged by Mr. Fitz-Herbert against that of His Majesty, on the 22d of the preceding Month, at the Palace of the Escurial.

SUCH was the Progress, and such the Termination of this momentous Negotiation; by which, without Bloodshed, and by an Expenditure trifling, in comparison of the Object in View, inconsiderable indeed, when compared

pared to the Benefits reſulting from it, the moſt eſſential Advantages were obtained for this Country; Advantages probably much greater than could have been procured by the moſt ſucceſsful War.

HR
F5818
B8

169