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Edinburgh Gazette.

Published by Authority.

FROM FRIDAY, JANUARY 25. TO TUESDAY, JANUARY 29. 1805.

DECLARATION.

From the moment that hostilities had commenced between Great Britain and France, a sufficient ground of war against Spain, on the part of Great Britain, necessarily followed from the treaty of St Ildephonso, if not disclaimed by Spain.

That treaty, in fact, identified Spain with the Republican Government of France, by a virtual acknowledgement of unqualified vassalage, and by specific stipulations of unconditional offence.

By the articles of that treaty Spain covenanted to furnish a stated contingent of naval and military force for the prosecution of any war in which the French Republic might think proper to engage. She specifically surrendered any right or pretension to enquire into the nature, origin, or justice of that war. She stipulated, in the first instance, a contingent of troops and ships, which, of itself, comprised no moderate proportion of the means at her disposal; but in the event of this contingent being at any time found insufficient for the purposes of France, she further bound herself to put into a state of activity the utmost force, both by sea and land; that it should be in her power to collect. She covenanted that this force should be at the disposal of France, to be employed conjointly or separately for the annoyance of the common enemy; thus submitting her entire power and resources to be used as the instruments of French ambition and aggression, and to be applied in whatever proportion France might think proper, for the avowed purpose of endeavouring to subvert the Government and destroy the national existence of Great Britain.

The character of such a treaty gave Great Britain an incontestible right to declare to Spain, that unless she decidedly renounced the treaty, or gave assurances that she would not perform the obligations of it, she would not be considered as a neutral power.

This right, however, for prudential reasons, and from motives of forbearance and tenderness towards Spain, was not exercised in its full extent; and, in consequence of assurances of a pacific disposition on the part of the Spanish Government, his Majesty did not, in the first instance, insist on a distinct and formal renunciation of the treaty. It does not appear that any express demand of succour had been made by France before the month of July 1803; and on the first notification of the war, his Majesty's Minister at Madrid was led to believe, in consequence of communications which passed between him and the Spanish Government, that his Catholic Majesty did not consider himself as necessarily bound by the mere fact of the existence of a war between Great Britain and France, without subsequent explanation and discussion, to fulfil the stipulations of the treaty of St Ildephonso, though the articles of that treaty would certainly give rise to a very different interpretation. In the month of October a convention was signed, by which Spain agreed to pay France a certain sum monthly, in lieu of the naval and military succours which they had stipulated by the treaty to provide, but of the amount of this sum, or of the nature of any other stipulations which that convention might contain, no official information whatever was given.

It was immediately stated by his Majesty's Minister at Madrid to the Spanish Government, that a subsidy as large as that which they were supposed to have engaged to pay to France, far exceeded the bounds of forbearance that it could only meet with a temporary connivance, as if it was continued, it might prove in fact a greater injury than any other hostility. In reply to these remonstrances, it was represented as an expedient to gain time, and assurances were given which were confirmed by circumstances, which came to his Majesty's knowledge from other quarters, that the disposi-

tion of the Spanish Government would induce them to extricate themselves from this engagement, if the course of events should admit of their doing so with safety.

When his Majesty had first reason to believe that such a convention was concluded, he directed his Minister at Madrid to declare that his forbearing to consider Spain as an enemy must depend in some degree upon the amount of the succours, and upon her maintaining a perfect neutrality in all other respects; but that it would be impossible for him to consider a permanent payment, to the amount of that which was stated to have been in agitation, in any other light than as a direct subsidy of war.

His Majesty's Envoy was directed, therefore, first to protest against the convention, as a violation of neutrality, and a justifiable cause of war; secondly, to declare, that our abstaining from hostilities must depend upon its being only a temporary measure, and that we must be at liberty to consider a perseverance in it as a cause of war; thirdly, that the entrance of any French troops into Spain must be refused; fourthly, that any naval preparation must be a great cause of jealousy, and any attempt to give naval assistance to France an immediate cause of war; fifthly, that the Spanish ports must remain open to our commerce, and that our ships of war must have equal treatment with those of France. His Majesty's Minister was also instructed, if any French troops entered Spain, or if he received authentic information of any naval armaments preparing for the assistance of France, to leave Madrid, and to give immediate notice to our naval commanders, that they might proceed to hostilities without the delay that might be occasioned by a reference home.

The execution of these instructions produced a variety of discussions; during which his Majesty's Minister told Mr. Cevallos, in answer to his que-

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sion, whether a continuance of such pecuniary succours to France would be considered as a ground of war, and whether he was authorized to declare it! that he was so authorized, and that war would be the infallible consequence.

It was, however, still thought desirable by his Majesty, to protract, if possible, the decision of this question; and it was therefore stated in the instructions to his Minister at Madrid, that as the subsidy was represented by the Spanish Government to be merely a temporary measure, his Majesty might still continue to overlook it for a time; but that his decision in this respect must depend upon knowing the precise nature of all the stipulations between Spain and France, and upon the Spanish Government being determined to cause their neutrality to be respected in all other particulars. That until these questions were answered in a satisfactory manner, and the convention communicated to him, he could give no positive answer whether he would make the pecuniary succours a cause of war or not.

Before the receipt of these instructions, dated January 21, 1804, the report of some naval armaments in the ports of Spain had occasioned a fresh correspondence between his Majesty's Minister and the Spanish Government. In one of the notes presented by the former, he declares, that if the King was forced to begin a war, he would want no other declaration than what he had already made. The answers of the Spanish Government were at first of an evasive nature; his Majesty's Minister closed the correspondence on his part by a note delivered on the 18th February, in which he declares that all further forbearance on the part of England must depend upon the cessation of all naval armaments, and a prohibition of the sale of prizes in their ports; and unless these points were agreed to without modification, he had orders to leave Madrid. On the second of these points a satisfactory answer was given, and orders issued accordingly; on the first a reference was made to former declarations. To the question about disclosing the treaty with France no satisfactory answer was ever given. As however no naval preparations appeared to be proceeding at that period in the ports of Spain, the matter was allowed to remain there for a time.

In the month of July, 1804, the Government of Spain gave assurances of faithful and settled neutrality, and disavowed any orders to arm in their ports; yet in the subsequent month, when these assurances were recent, and a confident reliance reposed in them, the British Charge d'Affaires received advice from the Admiral commanding his Majesty's ships off the port of Ferrol, that reinforcements of soldiers and sailors had arrived through Spain for the French fleets at Toulon and Ferrol. On this intelligence two notes were presented to the Spanish Ministers, but no answer was received to either of them. Towards the end of the month of September, information was received in London from the British Admiral stationed off Ferrol, that orders had actually been given by the Court of Madrid for arming, without loss of time, at that port, four ships of the line, two frigates, and other smaller vessels; that (according to his intelligence) similar orders had been given at Carthagena and Cadiz, and particularly that three first rate ships of the line were directed to sail from the last-mentioned port; and, as an additional proof of hostile intentions, that orders had been given to arm the packets as in time of war.

Here then appeared a direct and unequivocal violation of the terms on which the continuance of peace had been acquiesced in; previous notice having been given to the Spanish Government, that a state of war would be the immediate consequence of such a measure, his Majesty on this event stood almost pledged to an instant commencement of hostilities; the King, however, preferred a persevering adherence to the system of

moderation so congenial to his disposition: he resolved to leave still an opening for accommodation, if Spain should be still allowed the liberty to adopt the course prescribed by a just sense of her own interests and security. It is here worthy of remark, that the groundless and ungrateful imputations thrown out against his Majesty's conduct in the Spanish Manifesto, are built upon the foundation of this forbearance alone. Had his Majesty exercised without reserve his just rights of war, the representations so falsely asserted, and so insidiously dwelt upon, could not have been even stated under any colourable pretext: the indulgence therefore, which postponed the actual state of war, was not only misrepresented, but transformed into a ground of complaint, because the forbearance extended to the aggressors was not carried to a dangerous and inadmissible extreme. In consequence of the intelligence above stated, directions were sent to his Majesty's Minister at Madrid, to make representations and remonstrances relative to the existing conventions between Spain and France, and above all to insist, that the naval armaments in their ports should be placed on the same footing as they were previously to the commencement of hostilities between Great Britain and France: and he was further directed, explicitly to state to the Spanish Government, that his Majesty felt a duty imposed upon him of taking without delay every measure of precaution, and particularly of giving orders to his Admiral off the port of Ferrol to prevent any of the Spanish ships of war sailing from that port, or additional ships of war from entering it.

No substantial redress, no satisfactory explanation, was afforded in consequence of these repeated representations; whilst, under the cover of his Majesty's forbearance, the enemy had received considerable remittances of treasure together with the facility of procuring other supplies.

Every circumstance of the general conduct of Spain was peculiarly calculated to excite the vigilant attention of the British Government—the removal of Spanish ships out of their docks, to make room for the accommodation of the men of war of France—the march of French troops and seamen throughout the Spanish territory—the equipment of naval armaments at Ferrol—the consideration that the junction of this armament with the French ships already in that harbour would create a decided superiority of numbers over his Majesty's squadron cruising off that port—the additional naval exertions, and the consequent increase of expence which this conduct of Spain necessarily imposed upon Great Britain. All these together required those precautions, both of representation and action, to which his Majesty had immediate recourse. While official notice was given of his Majesty's intention to adopt those necessary measures, the Spanish Government was at the same time assured, that his Majesty still felt an earnest desire to maintain a good understanding with Spain; but that the continuance of such a state of things must be subject to the condition of abstaining on their part from all hostile preparations, and on making, without hesitation or reserve, that full and explicit disclosure of the nature and extent of the subsisting engagements with France, which had hitherto been so frequently and so fruitlessly demanded.

The precautions adopted by his Majesty were such only as he deemed indispensably necessary to guard against the augmentation by Spain of her means of naval preparation during the discussions, and against the possible consequences of the safe arrival of the expected American treasure in the Spanish ports; an event which has more than once, in former times, become the epoch of the termination of discussions, and of the commencement of hostility on the part of Spain.

The orders issued by his Majesty, on this occasion, to the Admirals commanding his fleets, af-

ford the most striking example of a scrupulous and indulgent forbearance; the most strict limitation was given as to the extent and object of the measures proposed; and the execution of those orders was guarded with the strongest injunctions to avoid, by every means consistent with the attainment of their object, any act of violence or hostility against the dominions or subjects of his Catholic Majesty. The hostile preparations in the harbour of Ferrol rendered it necessary, in the first instance, that a reinforcement should be added to the squadron cruising off that port; and orders were at the same time conveyed to the British Admirals, to send intimation to the Spanish Government of the instructions they had received, and of their determination in consequence to resist, under the present circumstances, the sailing either of the French or Spanish fleets, if any attempt for that purpose should be made by either of them.

His Majesty's pleasure was at the same time signified, that they were not to detain, in the first instance, any ship belonging to his Catholic Majesty, sailing from a port of Spain; but to require the commander of such ship to return directly to the port from whence she came; and only, in the event of his refusing to comply with such requisition, to detain and send her to Gibraltar or to England.

Further directions were given not to detain any Spanish homeward-bound ships of war, unless they should have treasure on board, nor merchant ships of that nation, however laden, on any account whatsoever. That, in the prosecution of those measures of precaution, many valuable lives should have been sacrificed, is a subject of much regret to his Majesty, who laments it as an event produced alone by an unhappy concurrence of circumstances, but which can in no degree affect the merits of the case. The question of the just principle, and due exercise of his Majesty's right, rests upon every foundation of the laws of nature and of nations, which enjoin and justify the adoption of such measures as are requisite for defence, and the prevention of aggression.

It remains only further to observe, that if any additional proof were requisite of the wisdom and necessity of precautionary measures, that proof would be found even in the declaration relied upon in the manifesto of Spain, in which its Government now states itself to have contemplated from the beginning of the war, the necessity of making itself a party to it, in support of the pretensions of France, expressly declaring, that "Spain and Holland, who treated conjointly with France as Amiens, and whose interest and political relations were so closely connected with her, must have with difficulty refrained from taking part against the injuries and insults offered to their ally."

It will further appear by a reference to the dates and results of the several representations made by his Majesty's Charge d'Affaires at the Court of Spain, that the detention of the Spanish treasure-ships never was in question during the discussions, which preceded his departure from Madrid. That ground of complaint therefore, which has since been so much relied upon, formed no part of the motive of the previous hostile character so strongly manifested by the Spanish Court in their mode of treating the points in discussion, nor, as will appear in the sequel, of the final rupture of the negotiation at Madrid.

On the 26th of October, 1804, his Majesty's Charge d'Affaires presented a note to the Spanish Minister, in which the following conditions were insisted upon, as preliminary to the appointment of a Minister from Great Britain, who might treat of the adjustment of other matters which remained for discussion. The conditions were three; first, that the orders given at Ferrol, Cadiz, and Carthagena should be countermanded, as well for the equipment of ships of war in any of those ports, as for their removal from one of those ports to another. Secondly, that not only the present arma-

ments should be discontinued, but that the establishment of ships of war in the different ports should be replaced on the footing on which they stood at the commencement of hostilities between England and France. Thirdly, that a full disclosure should be made of the existing engagements, and of the future intentions of Spain with respect to France. From the period above-mentioned to the 2d of November, several official notes passed between his Majesty's Charge d'Affaires and the Spanish Minister, consisting, with little variation in their tenor, of urgent demands of satisfaction on the one side, and of evasive and unsatisfactory replies on the other. After repeated delays and reiterated applications, his Majesty's Charge d'Affaires received his passports on the 7th of November, and departed from Madrid on the 14th of that month. During the whole of this negotiation, no mention was made of the detention of the Spanish treasure ships, nor does it any where appear that an account had been received at Madrid of that transaction. It is evident therefore, notwithstanding the attempt made by the Spanish Court to avail itself of that event, in the manifesto which has been since published, that the state of war must equally have arisen between Great Britain and Spain, had the detention never taken place, and that, in point of fact, the rupture ultimately took place upon grounds distinct from, and totally unconnected with that measure.

The leading circumstances which characterize the reiterated abuse of his Majesty's moderation, were each of them of a nature to have exhausted any less settled system of lenity and forbearance. Succours afforded to his enemies; explanations refused or evaded, after repeated demands; conditions violated, after distinct notice that on them depended the continuance of peace. Such has been the conduct of the Spanish Court; and it is under these circumstances, that his Majesty finds the domineering influence of France exerted, and the Spanish nation in a state of declared and open war.

His Majesty appeals with confidence to all Europe for the acknowledgement of his exemplary moderation in the whole course of these transactions. His Majesty feels with regret the necessity which places him in a state of hostility with Spain, and would with heartfelt satisfaction observe, on the part of that country, the assumption of a more dignified scene of national importance, and a more independent exercise of sovereign rights.

His Majesty would indeed be most happy to discover in the Councils of Spain a reviving sense of those ancient feelings and honourable propensities which have at all times been so congenial to the Spanish character, and which, in better times, have marked the conduct of its Government. His Majesty will, on his part, eagerly embrace the first opportunity thus offered, of resuming a state of peace and confidence with a nation which has so many ties of common interest to connect it with Great Britain, and which he has hitherto been ever disposed to regard with sentiments of the utmost consideration and esteem.

Downing Street, Jan. 1805.

DOWNING-STREET—Jan. 25. 1805.

The King has been pleased to appoint Francis Gore, Esq. to be Captain-General and Governor in Chief in and over his Majesty's islands and Plantations in America, commonly called the Bermuda or Somers Islands.

WAR-OFFICE—Jan. 26.

His Majesty has been pleased to appoint the under-mentioned Officers of the East India Company's forces

to take rank by brevet in his Majesty's army in the East Indies only, as follows: Commissions dated the 1st day of January 1805.

Colonels George Ruffel, Francis Gowdie, Sir Ewen Baillie, John Macdonald, William Palmer, Edward Clarke, James Dunn, James Dickson, Christopher Green, James Stevenson, John Pater, to be Major-Generals.

Lieutenant-Colonel Alexander Kydd, to be Colonel. Captain Edward Clarke, to be Major.

STAFF.

Colonel Fitzroy J. Grafton Maclean, of the 37th foot, to be a Brigadier-General to the forces serving in the Leeward and Charibbee Islands, under the command of Lieutenant-General Myers.

Glasgow, January 22. 1804.

DISSOLUTION OF COPARTNERY.

THE Copartnery Business, for some time past carried on by the Subscribers, as Cotton Spinners, at Mile-end, near Glasgow, under the Firm of JOHN CHADWICK & CO. was, by mutual consent, dissolved of this date, and no longer exists.

Archd. Smith, N. P. witness. JOHN CHADWICK. John Adam, witness. DUN. M'MURRICH.

NOTICE TO CREDITORS.

ANOTHER Division of 5s. per pound, of the estate of HENDERSON & HOLMES, Greenock, will be paid on the 1st February, by Alex. Galloway, of Moffat, Galloway, & Wylde.

Glasgow, January 21. 1805.

FIRST NOTICE—SECOND TERM.

IN the Process of Ranking and Sale, at the instance of the BRITISH LINEN COMPANY, against ALEXANDER MALL, son of the deceased John Mall of Marlefield, and his Creditors, Lord Hermand, Ordinary, by interlocutor dated 25th January 1805, assigned the 15th day of February 1805 to the whole creditors of the said Alexander Mall, the bankrupt, to produce all their claims, rights, and diligences that were competent to them respectively against the bankrupt, or are now competent against his estate, and whole vouchers thereof, and that for the Second Term; with certification, that what writs shall not be produced shall be held as false and forged, so far as they may affect the bankrupt's estate, and the interests of the creditors therein who have produced, or who shall produce their rights and diligences affecting the same; and ordained intimation to be made to all parties concerned, by inserting the interlocutor in the newspaper called the Edinburgh Gazette once every week for three weeks successively after the date thereof; and also assigned the said 15th February next to the creditors to depone on the verity of their respective debts.—In obedience to which interlocutor this intimation is given.

H. F. STEVENSON, Clerk. JA. GILCHRIST, Common Agent.

TO CREDITORS.

ON the application of GILBERT HAMILTON & Co. Merchants in Glasgow, creditors of ALLAN POLLOCK, jun. Merchant and Bleacher in Well-meadowfield, near Mearns, the Court of Session, upon the 26th curt. sequestrated his whole estate; heritable and moveable, real and personal, and appointed the creditors to meet in the Black Bull Inn in Glasgow, upon Wednesday the 30th curt. at one o'clock afternoon; to name an interim factor, and on Wednesday the 27th of February next, at same place and hour to elect a trustee on the said sequestrated estate; all in terms of the late bankrupt act.

Edinburgh, Jan. 28. 1805.

TO THE CREDITORS OF

CHARLES STUART, surviving Partner of Stuart and Ninian, Merchants in Greenock, and as representative of said concern, and as an individual.

A State of the affairs under sequestration, has been made up by Mr Duncan M'Kellar, merchant in Glasgow, the trustee, in terms of the statute, and lies at his office, Miller Street, for the inspection of all concerned. There will be no dividend at this time.

The trustee also hereby intimates, That, as he is to resign the office, a general meeting of the creditors is to be held within the house of John Park in Greenock, on Wednesday the 20th February next, at one o'clock afternoon, to chuse a new trustee.

Glasgow, Jan. 23. 1805.

TO THE CREDITORS OF

JOHN YELTON, Merchant in Kincardine.

THE said John Yelton having made offer of a composition to his creditors, the same was agreed to be accepted of by them; and a petition having been presented to the Court of Session, with the legal con-

currence, praying their Lordships to approve of the said offer of composition, and to discharge him; the said John Yelton, of all debts contracted by him, prior to the date of the sequestration of his estate, on payment of said composition, and also to exoner the trustee of his intromissions had under the sequestration;—the Lords appointed the said application to be intimated in the Edinburgh Gazette;—and this notice is accordingly given to all concerned.

Edinburgh, 25th Jan. 1805.

TO THE CREDITORS OF

DAVID ANDERSON, Corn Dealer in Cupar Grange.

ROBERT CLARK, writer in Perth, trustee on the sequestrated estate, requests a meeting of the creditors, within the house of Mrs M'Laren, vintner in Perth, on Friday the 15th day of February next, at one o'clock afternoon, for the purpose of determining whether possession of the bankrupt's farms should be continued by the creditors, or be ceded to the proprietor, and upon what terms.

Perth, Jan. 24. 1805.

TO THE CREDITORS OF

WILLIAM ANDERSON of Newmains and Rigghead, Jobber and Dealer in Cattle.

THE said WILLIAM ANDERSON having failed to find caution for the composition offered by him, and approved of by the meeting of his Creditors, held upon the twenty-third day of October last, the trustee hereby appoints the Creditors to meet at Carlinwark, upon the twenty-first day of February next, at noon, for the purpose of considering the state of the bankrupt's affairs, and any new offer of composition he may then submit to them.

JOHN NAPIER, Trustee.

Kirkcubright, 24th Jan. 1805.

NOTICE.

THE Creditors of JAMES THOMSON, late Manufacturer in Bridge-town of Glasgow, and Shopkeeper in Edinburgh, are hereby required, by the trustees, to give in their claims against him, with affidavits to the verity thereof, to William Marshall, No. 65, Wilton-street, acting trustee on his estate, on or before the 16th day of February next, as it is proposed to make a dividend of the funds that may be recovered from the said estate, on the 22d day of that month; with certification to those who neglect so to do, that they will not be entitled to any share of the said dividend.

WILLIAM MARSHALL. THOS. MURRAY. ALEX. ANDERSON.

Glasgow, January 3. 1805.

TO THE CREDITORS OF

Mess. MENZIES and ANDERSON.

MR SCOTT MONCRIEFF, the trustee on the sequestrated estates of Mess. Menzies and Anderson, merchants in Edinburgh, and of Archibald Menzies and Alexander Anderson, the individual partners of that Company, requests a general meeting of their creditors, within the Trustee's chambers, in Wardrop's Court, Lawn Market, upon Wednesday the 13th of February next, at one o'clock in the afternoon, for the purpose of instructing the trustee how to act in consequence of an opinion which he has received from council, upon a memorial and queries regarding the claims of certain creditors which have been deemed objectionable, and other matters therein mentioned.

Edinburgh, Jan. 23. 1805.

TO THE CREDITORS OF

The Deceased JOHN CLUGSTON, Esq. late Collector of the Customs at Stranraer.

THE creditors of the said John Clugston are hereby requested immediately to lodge their grounds of debt, and oaths of verity, with Alexander M'Neel, writer, Stranraer, the managing trustee upon his estate; and certification is made to such as fail to do so, betwixt and the 1st April next, that the whole effects of the deceased will then be divided, and no funds left for any creditor who may claim after that period.

Stranraer, January 26. 1805.

TO THE CREDITORS OF

JOHN HUME, Merchant in Montrose.

COLIN ALISON, the trustee, hereby requests a meeting of the whole creditors, in his writing-office, Montrose, on Wednesday the 13th of February next, at 12 o'clock, to give directions with regard to the management and disposal of the estate. No dividend can at present be made.

