CHAPTER I

PRELIMINARIES OF THE SPANISH WAR

THE events which led up to the war with Spain in 1739 were the direct outcome of the exclusive colonial system which prevailed in the eighteenth century. Colonies were not established with any idea of civilisation, creating empires, extending the influence of the country or giving a home under the country's flag to a surplus population. They were regarded purely as a means of carrying on trade to a greater advantage. The colonies were an exclusive market for the products of the mother countries, and were themselves obliged to send their products to those mother countries exclusively. Monopoly of supply to the colonies, monopoly of manufacture and monopoly of colonial produce were the leading if not the sole principles of colonial intercourse[1]. Colonists could not supply their own wants from any market other than the home market, and were obliged to send their produce to the home countries. The restrictions did not end there. The produce must be sent in a raw or unmanufactured state, so that the profits of the processes of making the goods ready for consumption might accrue to the home manufacturer. A British example will illustrate the working of this system. Raw sugar—muscovado—paid an import duty of fifteen shillings per cwt.; refined sugar paid a duty of £4. 18*s.* 8*d.* By means of this duty the industry of refining sugar was made prohibitive in the West Indies in order that the British refiners might reap the profit, and although great waste of sugar through leakage took place on the voyage, with proportionate loss to all concerned, this duty was steadily retained. What applies to this one industry applies to others. The merchants, who were a class with the power of making their voices heard, insisted on retaining a system which provided them with a certain market, untainted by competition, and which forbade the raw materials from falling into any hands other than their own; the Molasses Act of 1733 and the Colonial Manufacturers Prohibition Act of 1750 are further examples of the idea in its practical application.

This vast system of monopoly extended also to shipping, and its influence is to be seen in the Navigation Act of Charles II. Colonial goods could not be sent to the British market except in British or Colonial bottoms, and, as freight at that time may be taken as 20 per cent.[2], no small portion of the benefits of the system fell to British

[1] Bryan Edwards, *History of the West Indies.*

[2] Bryan Edwards.

shippers. Finally, the Government came in for a share, since colonial produce had to pay an import duty which went direct into the coffers of the Treasury[1].

The same doctrine of monopoly which was held by Great Britain was held in essence, if not in detail, by the other European powers possessing colonies[2]. The right to prevent foreigners from trading with colonial possessions was recognised by all powers. A treaty of 1667 between England and Spain stipulated that if any ships belonging to the subjects or merchants of either nation entering into bays or in the open sea, were met by the ships-of-war of the other nation, such merchant ship might be examined and any prohibited goods taken out of her; and a further treaty of 1670 provided that British ships should not approach Spanish Colonial ports unless driven by stress of weather or provided with a licence to trade. By the Treaty of Utrecht of 1713 other trading facilities were wrung from Spain. A thirty years' monopoly of the slave trade, and permission to send one ship annually of not more than 500 tons burden was granted to the South Sea Company. The door to the Spanish colonies was thus opened, very slightly, to Great Britain.

Abuses on both sides were not long in coming. The South Sea Company exceeded their treaty rights by various devices and also conducted an extended smuggling trade in which they were imitated by a host of private adventurers—regarded by the company as interlopers—who came very largely from the North American Colonies. On the other hand, the Spaniards did not confine their attentions to vessels in the neighbourhood of their colonial ports, but extended the operations of their coastguard ships outside territorial waters, and a number of privateers, acting on commissions granted locally, pretended to be honest guarda-costas and acted in the same manner; so that a system not far removed from piracy prevailed in West Indian waters. The seamen taken on board the ships arrested were maltreated in a brutal manner, and on occasions lost not only their property and their liberty but their lives as well. On one occasion[3] at a later date a small British vessel was wrecked on the coast near a Spanish port; her crew were taken prisoners and as one man among them had been previously convicted of illicit trading, the whole crew of 26 men and the captain

[1] The average annual value of imports from the West Indies from 1739 to 1749 was £1,300,000: before the end of the century these had risen to over seven millions. Bryan Edwards.

[2] France, more liberal to her colonies, allowed them to manufacture. For a fuller account of the colonial system see *Cambridge Modern History*, vol. VI. pp. 50 *et seq.*, pp. 183–186; and G. L. Beer, *The Old Colonial System*.

[3] Commodore Brown, in letters, June 1739. Brown sent the 'Dragon' to Tolu and obtained the release of the crew.

were condemned to imprisonment, although there was no evidence whatever that they had been guilty of any malpractices.

Cool-headed men who looked at both sides of the question could see where the faults lay. Walpole summed the matter up very clearly in the House of Commons. "Spain," he said, "has never pretended to dispute our right of sailing from one of our own settlements to another: but she pretends, that in the course of that navigation, we ought not to touch upon her coasts, nor to trade with any of her subjects. We, on the other hand, admit that the Spaniards have a right to prevent any trade from being carried on by the subjects of other nations with hers, except that trade which is expressly stipulated by the Asiento treaty. But we deny that under that pretence her subjects ought to stop or search our ships[1]." Montijo, the President of the Council of the Indies expressed the matter with greater brevity but equal justice when he said to Mr Keene, our Ambassador at Madrid, that there were faults on both sides, that the British contrabandists ought to be punished and some of the Spanish Governors hanged[2]. Admiral Charles Steuart, who commanded in the West Indies in 1731, while complaining of the conduct of the guarda-costas and the privateers, was not blind to the fact that the British merchants were also to blame. "The question will be," he wrote, "whether we by carrying on the clandestine trade are not ourselves the authors of our complaints." He had no sympathy with those merchants who broke a nation's laws and then cried out at the results[3].

The Spanish claim to search vessels near their own coasts was indeed no more than our own to search vessels near the English coast. Thus, at this time, the exportation of wool and woollen goods from the United Kingdom was prohibited, and a squadron—known as 'Owlers'—of two frigates and eight or more armed sloops was maintained constantly to prevent such exportation. These ships, cruising in the Channel, had orders to search for vessels with contraband export goods of this nature, and were a parallel to the guarda-costas, searching British or foreign craft impartially. The difference lay in the manner in which they performed their duties and in their treatment of ships and men found infringing the law.

Complaints as to the conduct of the Spanish cruisers had been made as early as 1728; they continued throughout the next two years. In 1731 a commission was appointed to examine the claims made by certain merchants, but no conclusion was arrived at. It was during

[1] *Parliamentary History*, vol. x. p. 1311.
[2] "The Causes of the War of Jenkins' Ear." H. W. V. Temperley in the *Transactions of the Royal Historical Society*, vol. III. p. 204.
[3] Sir John Laughton in *The English Historical Review*.

this year that the incident which gave a name to the subsequent war took place. On April $\frac{9}{20}$, a Spanish privateer captain named Fandino captured the 'Rebecca,' Captain Jenkins, a ship belonging to Jamaica, which was on her way to England. The Spanish captain used Jenkins "in a most barbarous inhuman manner, taking all his money, cutting off one of his ears, plundering him of those necessaries which were to carry the ship safe home[1]." This incident, though sufficiently dramatic to have furnished the popular name for the war, was not brought to public notice until several years later.

For some years these high handed actions of the Spaniards continued, on one occasion—in 1734—even reaching so high a point as an attack on some ships engaged in the lawful occupation of gathering salt at the Tortugas under the convoy of a man-of-war—the 'Scarborough.' No redress was sought. The smuggling on the one hand and the piracy on the other continued, and a list exists which shews no fewer than 52 ships taken and plundered by the Spaniards up to the 18th December, 1737. A petition from the West Indian Merchants was submitted to the King in October of that year, and it became evident that popular feeling was becoming stirred. Counter complaints were made both by Spain and France in which the captains of two ships of the West Indian squadron, the 'Kinsale' and 'Antelope,' were accused by these Powers of using their ships to conduct an illicit trade in negroes to the Spanish and French colonies[2]—a complaint which was ordered immediately to be investigated, and which the Commodore on the station indignantly denied.

Under the influence of all these causes relations between England and Spain became seriously strained in the early part of 1738, and each began to make preparations for war. Both navies were on a peace footing, the bulk of the ships being kept in home waters. Only such small squadrons were maintained abroad as were necessary for the purposes of preventing piracy and smuggling, or for protecting traders in the less civilised regions, such as the coast of Africa.

Our foreign stations were classified under two main headings, the Plantations and the Mediterranean. The various Plantation stations comprised Jamaica, the Leeward Islands, Barbados, the coasts of the American colonies, Newfoundland and the West Coast of Africa. On all of them ships, principally small ones, were stationed, but the only area in which a squadron was permanently maintained was the Jamaica station. It was also the custom for vessels to go to the West Coast of

[1] Rear-Admiral Steuart to the Governor of Havana, September 12th, 1731, quoted in *Engl. Hist. Review*.
[2] Out letters. March, 1737–8.

Africa for some months and then pass on to the westward to the West Indies. At Jamaica a flag officer flew his flag or broad pendant on board a sixty gun ship. The Mediterranean was treated as one station and was policed by a squadron composed mainly of small frigates with a stiffening of heavy ships. The actual distribution in March 1738 was as follows:

Plantations			Mediterranean	
Ship	Guns	Station	Ship	Guns
'Dunkirk'	60	Jamaica	'Gloucester'	50
'Kinsale'	40	Jamaica	'Eltham'	40
'Drake' (sloop)	4.10*	Jamaica	'Dursley' galley	20
'Diamond'	40	Coast of Africa	'Greyhound'	20
'Greenwich'	50	Coast of Africa	'Gibraltar'	20
'Spence' (sloop)	6.10	Coast of Africa	'Dolphin'	20
'Roebuck'	40	Barbados	'Grampus'	20
'Tartar'	20	New York	'Deptford' (lighter)	6
'Squirrel'	20	New England		
'Lowestoft'	20	Leeward Islands		
'Rose'	20	South Carolina		
'Seaford'	20	South Carolina		
'Seahorse'	20	Virginia		
'Shark' (sloop)	8.12*	Bahama Islands		
'Hawk' (sloop)	6.10*	Georgia		
'Falkland'	50	Newfoundland		
'Phoenix'	20	On her way to S. Carolina		

* The first figure denotes carriage guns; the second, 'swivels.'

It was with relations between the two powers in the highly strained condition described above that Captain Jenkins is said to have made his celebrated speech in March 1738. Whether he actually used the words attributed to him or not, the decision to strengthen the force in the West Indies had already been made two months earlier: in January a force of five ships[1] had been ordered to be prepared for service on the Jamaica station under Commodore Charles Brown.

Commodore Brown's instructions, which were dated February 10, 1738, directed him to take his squadron to Jamaica where he would be joined by two ships from the West Coast of Africa—the 'Falmouth,' 50, and 'Diamond,' 40. One of his frigates, the 'Anglesea,' was to reinforce the Leeward Islands, and the 'Dunkirk' and 'Kinsale,' which had been on the Jamaica station for some time, were to be sent home with the trade, so that a relief of fresh ships from England was provided in case of war. The duty of the squadron was to be the protection of

[1] 'Hampton Court,' 70; 'Windsor,' 60; 'Anglesea,' 40; 'Torrington,' 40; 'Sheerness,' 20.

Jamaica and the trade of those parts; in addition to which Brown was directed to observe closely all movements made by the French and Spaniards, information as to whose preparations he was constantly to send home. He was informed that as frequent complaints had been made that British ships had been seized by guarda-costas both on their outward and return journeys and condemned as prizes under pretence that they were intended to carry on illicit trade at the Spanish ports and settlements, he was to protect the trade from such attempts in all parts, particularly in the Windward Passage and the Gulf of Florida, the two main channels respectively for the outward and homeward bound trade. If any of his squadron should meet any Spanish armed vessels pretending to be guarda-costas which were known to have committed such depredations, they were to seize and bring them into port. If Georgia were said to be in danger of attack he was to protect it in conjunction with the stationed ships on the American coasts.

Subsequent movements of ships still further strengthened the Jamaica squadron. The 'Centurion,' 60, which had been sent to Barbados from the West Coast of Africa with instructions to convoy the trade to Barbados and back, was ordered to remain with Brown at Jamaica: the 'Saltash' and the 'Spence' from the African coast were also to join him, and he was directed to keep the 'Dunkirk' and 'Kinsale' with his squadron if he found they were still fit to remain abroad.

Thus the result of these dispositions was to concentrate a formidable squadron at Jamaica, and to strengthen the Leeward Islands command by one heavy ship[1]: the whole of the ships on the West Coast of Africa were transferred to the West Indies, except the 'Greenwich' which was ordered home. At the same time a squadron of four ships—two of 50 guns and two of 20—was fitted out for Newfoundland.

The care of the colony of Georgia also came under consideration. This colony was a most probable objective of any Spanish attack, as Spain disputed our right to the territory. It was the latest colony settled by Great Britain, and was an exception to the general rule which governed the establishment of colonies. Instead of being purely mercantile, its foundation was due partly to a desire to protect South Carolina from the Spaniards in Florida and the French in Louisiana, and partly to the efforts of Colonel James Oglethorpe, a soldier and

[1] The constitution of the intended squadron on April 1st was as follows, if 'Dunkirk' and 'Kinsale' were fit to remain:
With Brown at Jamaica: 'Hampton Court,' 70; 'Windsor Castle,' 60; 'Centurion,' 60; 'Dunkirk,' 60; 'Falmouth,' 50; 'Diamond,' 40; 'Torrington,' 40; 'Sheerness,' 20; 'Saltash,' 20; 'Drake' sloop; 'Spence' sloop.
At the Leeward Islands: 'Anglesea,' 40; 'Lowestoft,' 20.

philanthropist, who wished to provide a settlement for poor debtors in London prisons and for oppressed Protestants from the continent. Oglethorpe had visited England in the preceding winter and had obtained permission to raise a regiment for the defence of the Colony, the first detachment of which, 680 strong, had sailed in December in three transports convoyed by the 'Phoenix,' Captain Fanshaw[1]. A further reinforcement was sent in June, 1738, in five more transports, under convoy of the 'Hector,' Captain Sir Yelverton Peyton[2], and the 'Blandford.' These three ships were also to remain and reinforce the squadron on the colonial coasts, the 'Hector' at Virginia, the 'Phoenix' at South Carolina, and the 'Blandford' at Georgia.

Commodore Brown sailed from Spithead on the 19th February, but owing to bad weather was forced into Torbay and did not clear the coast till the 2nd March. The 'Anglesea' was dropped at the Leeward Islands in accordance with instructions, and the remainder of the squadron proceeded to Barbados where it arrived on April 17th. The Commodore then detached the 'Sheerness,' Captain Stapylton, to cruise off San Domingo and Cape Alta Vela, and sent orders to the 'Diamond,' Captain Knowles, to cruise off the north side of Porto Rico and Hispaniola and in the Windward Passage. He directed both of these commanders to use their utmost efforts to come up with any guarda-costas they might meet with in their cruising stations, "and if on a strict examination of them or by any other intelligence he might gain on his cruise it should appear that the Spaniards did continue to commit their usual depredations (which probably might be without any orders from his Catholic Majesty, in regard it was contrary to the Treaties subsisting between the two Crowns) I ordered him not only to seize such armed vessels as might have committed them but also all other ships and vessels of Spain that cruised and lurked about under the notion of Guarda costas, in order to take the ships and vessels of his Majesty's subjects. And whatever armed vessels he might so seize on, I directed him to take care that not anything belonging to them was embezzled on his way to Jamaica, to which port he was to carry them, where it would be determined in a judicial manner whether they ought or ought not to be condemned as prizes[3]." In similar terms he instructed the captains of his other ships as to their behaviour in regard to guarda-costas; and having made these arrangements he sailed for

[1] Fanshaw's instructions are dated December 3rd, 1737. Out letters.
[2] Peyton's instructions are dated May 19th, 1738. Out letters.
[3] Commodore Brown's *Journal*. The Commodore gives a very full and valuable account of his proceedings.

Jamaica where he arrived on April 29th. His line of battle, which he issued on May 3rd after his arrival, was as follows:

		'Sheerness,' 20;
		'Kinsale,' 40;
		'Dunkirk,' 60[1];
Repeating Ships	'Spence' sloop	'Windsor,' 60;
	'Drake' sloop	'Hampton Court,' 70;
		'Falmouth,' 50;
		'Diamond,' 40;
		'Torrington,' 40.

The squadron in the Mediterranean was under the command of Captain George Clinton, with his broad pendant on board the 'Gloucester,' 50. Clinton had been appointed in April, 1737, and his instructions, dated May 26 of that year, related principally to the protection of Mediterranean trade against the Barbary pirates—those useful people whose conduct had so often furnished a plausible reason for sending ships to the Mediterranean when diplomatic exigencies called for an increase of strength in that quarter. On this occasion the commodore was further instructed to keep himself constantly informed as to any naval preparations that might be made in the ports of France or Spain; and, when the strain between England and the latter power became acute in the early part of 1738, additional orders were sent him to be particularly watchful to prevent the Spaniards from making any attempt by surprise or otherwise on Minorca. If he should hear of any such intention he was to carry his squadron to that island, and, in cooperation with the Governor, to take all measures to protect it.

The Government did not confine themselves to these orders. Things were critical in March, and as Clinton's instructions shew, it was not considered impossible that Spain might act in the same manner as she had in 1726 and begin a war by an attack on one of the Mediterranean fortresses of which she had been deprived by the Treaty of Utrecht. She had broken her teeth on Gibraltar at that time. She now might make her attempt on Minorca. A reinforcement for the Mediterranean was therefore ordered to be prepared in April, consisting of nine ships[2] and two fireships, and this squadron was placed under the command of Rear-Admiral Nicholas Haddock.

Haddock's instructions, which were dated May 13th, directed him to sail for Gibraltar as soon as not less than five or six of his ships could be manned, and on arrival to inform himself of the strength of the Spanish naval forces. "Having done so," the instructions continued,

[1] The 'Dunkirk' sailed for England on May 28th.

[2] 'Somerset,' 80; 'Edinburgh,' 70; 'Dragon,' 60; 'Lancaster,' 80; 'Ipswich,' 70; 'Berwick,' 70; 'Plymouth,' 60; 'Canterbury,' 60; 'Jersey,' 60; 'Solebay,' 20 (fireship); and 'Alborough,' 20 (fireship).

"you are without loss of time to proceed to the island of Minorca and use your utmost endeavours to protect the same from any attacks the Spaniards may make thereon. And in case you shall find that the Spaniards actually attempt to attack the aforesaid island of Minorca, or come on the coast thereof with any number of ships of war and land soldiers in order to do the same, you are to do your utmost to frustrate them therein, and to seize and destroy such ships as may be employed on such an enterprize." Further clauses directed him to look out for the defence of Gibraltar; to send home constant accounts of the Spanish preparations; to defend trade; to demand immediate restitution of any British ships taken; and, if this were refused, to attack the Spanish captors whether they were privateers or King's ships. To sum up the sense of the orders: they were defensive but put power of retaliation into the Admiral's hands in the event of any attack by Spain.

Spain, very unready and already impressed by the attitude taken up by the British Government in its diplomatic correspondence, had been inclined to give way to the storm which she saw brewing[1]. The preparation of Haddock's squadron created no small stir at Madrid. Consul Strangford, writing from Alicante, said: "The notice of Admiral Haddock's coming out here with a squadron for these seas seems to have alarmed the court, so that everywhere they seem to be putting themselves in a posture of defence," and other writers from Spain reflect a similar apprehension[2]. The moving of squadrons or troops when diplomatic relations are strained invariably produces uneasiness, and Spain was no exception to the rule. She expected that a blow might be delivered at any moment, and she began taking measures of defence and at the same time preparing for counter-attack. The fortresses of Barcelona and Cartagena were hastily put in order, instructions were given to get the Cadiz squadron ready, 40,000 troops were ordered to move in the direction of Gibraltar, and another body towards the frontiers of Portugal[3]. Hostilities now appeared to be imminent and masters of British ships in Spanish ports were warned to be on the look out for an embargo. Haddock, who had arrived at Gibraltar in June, kept his squadron cruising between Cartagena and Gibraltar in order to be between the two main bodies of Spanish naval force at Cartagena and Cadiz. His information was that the Ferrol and Cadiz squadrons were coming to join the ships at Cartagena, and this intention

[1] Cf. "The Causes of the War of Jenkins' Ear," pp. 211–212.
[2] Enclosed in Haddock's letter of June. See also letters from Consuls, Ad. Sec. In letters.
[3] Haddock to Secretary. May and June, 1739. In letters.

he interpreted as indicating an attack on Minorca or Gibraltar. He therefore cruised in this station in order to be able to move quickly to either place if his surmise should be correct. Like his instructions, his movements were defensive, but not unnaturally Spain interpreted them in a different sense, believing that they portended an attack on some part of her dominions or her trade. It is however clear that if his intentions had been offensive he would more probably have cruised on the other side of the Straits, where an objective was to be found open to such attack as a squadron could make—viz., the Western Trade returning to or sailing from its headquarters at Cadiz.

While Haddock was thus covering Minorca and Gibraltar, Commodore Brown was similarly cruising to cover the trade and colonies in the West Indies and America. So early as March, 1738, a Spanish expedition had been in preparation at Havana directed against Georgia, and Brown detached the 'Torrington,' Captain Knight, to Havana to get intelligence as to its readiness, and also to find out the condition and strength of the Spanish squadron. In the then state of affairs Knight was not welcomed by the Spaniards. "We received some stiff civilities," he said, "but if we were not affronted it was easy to see we were not liked[1]." He found that an expedition of 3000 men had been made ready, but had been countermanded by orders from Madrid in March just at the time when Brown had sailed from England. The troops were to have been carried in flat-bottomed boats, "ridiculous things which could all be destroyed at sea by one ship of 40 guns and one of 20," and these were being kept ready against another occasion.

The main business of Brown's squadron was connected with the protection of the legal and the suppression of the illicit trade—British, colonial, and foreign—and though his instructions contain no reference to the suppression of the British illicit trader, the commodore issued orders to his captains to give no countenance to British or North American offenders whose actions, he pointed out, were doing so much to disturb the harmony between England and Spain[2]. Cases of all kinds concerning British, French, and Spanish ships occurred. Thus in June the 'Elizabeth,' a British ship homeward bound from Jamaica to London, was driven for water into Donna Maria Bay (at the west end of Hispaniola), where she was seized by a French 20 gun ship. Brown sent the 'Falmouth' to demand her release and redress, both of which were granted. On the other hand a French ship, the 'Volante,' was taken trading on the coast of Jamaica and condemned. In July the 'Kinsale' was sent to cruise in the Windward Passage to secure

[1] Captain Knight to Commodore Brown. June 21st, 1738. In letters.
[2] Brown's orders to Captain of 'Kinsale.' In letters.