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THE CAUSES OF THE WAR OF JENKINS'¹ EAR, 1739.

By HAROLD W. V. TEMPERLEY, M.A., F.R.Hist.S.

Read March 18, 1909.

BOTH Burke and Coxe have said that Jenkins never lost his ear from the stroke of a Spanish 'cutlash'; a modern historian has shown it to be likely that he did. What, however, is more important than the establishment of this truth is the decision as to the exact amount of influence it had upon producing the war which followed. Jenkins' ear may be said to typify the feelings of the English public in their broad sense, their hatred for the Spaniards as cruel Papists, their insular detestation of the foreigner, and the like. The question is how far did these feelings influence the declaration of war; what were the main motives of the diplomats on either side? Did the English statesmen first truckle to Spain and then to England? The great interest of such an inquiry lies in the fact that the year 1739 was a turning point of history. It was, perhaps, the first of English wars in which the trade interest absolutely predominated, in which the war was waged solely for balance of trade rather than for balance of power. But it is not alone memorable on this account; from this war issued, in a clear and undeviating succession, the

¹ *Bibliographical Note.*—Lord Acton once said that on most European events the historian could consult the diplomacy of ten governments. For the New World, however, three are usually sufficient. The archives of France and Spain on this incident have been well explored by Baudrillart, *Philippe V et la cour de France*, vols. iii. and iv. Paris 1893; and by Armstrong, *Elizabeth Farnese*, London, 1892. This article endeavours to present fresh evidence from the English diplomatic records.

series of wars which were waged between England and France during the eighteenth century—wars in which Spain was sometimes a passive spectator, oftener an active enemy, never the friend of England. Spain's alliance with France produced grave complications for England in 1743, contributed to the fall of the greatest of English ministers in 1761, and to the loss of the greatest of English colonies in 1783. The danger of this union was only averted in 1791 by the use of the most skilful diplomacy ; it induced the younger Pitt to coquet with Spanish-American revolutionists in 1797, to plan military expeditions to Buenos Ayres in 1805, and it brought Canning to recognise the Spanish-American republics in 1823. Between 1739 and 1823 the cause and effect are clear and unmistakable, the danger of the Bourbon Alliance giving France an empire in the West hovers ever before the eyes of English statesmen, until Canning baffled the Spanish and French monarchies alike by his recognition of republican South America, when

Debating despots hemmed on either shore
Shrank trembling from the roused Atlantic's roar.

The immeasurable consequences of the decisions taken by the English Ministry and people in 1739 are therefore clear. To drive Spain into the arms of France was to imperil the future of English predominance in the New World. To make an ally of Spain was, on the other hand, to assure it. The following narrative will show that England, during the negotiations of 1738-9, had at times a real possibility of securing the second alternative. It will attempt to show that, though a decision for war was certainly intelligible, it was not inevitable, and that, like the Roman of old, the English Minister carried peace or war in the fold of his mantle.

In foreign policy the personal factor is always important ; it was never more so than in the years 1737-9. Elizabeth Farnese was the real ruler of Spain at almost any time during the life of her indolent and hypochondriacal husband. She was more the ruler than usual during 1738-9, because King Philip V. was beset with a fit of mania, which showed

itself, wrote Keene, in imitating Farinelli's singing (very badly) and in howling at dinner. Patiño, the great commercial minister, who had sometimes dominated even Elizabeth, had died in 1736, and his chief successor, De la Quadra (afterwards Marquis of Villariàs), was a mere clerk in comparison with him. 'More dull and stubborn than I could well conceive.' Beside him was Quintana, Secretary of Marine and for the Indies, 'a more difficult, tenacious, disputable antagonist never was met with'; and Ustariz, first Commissioner of the War Office, said to be all-powerful with La Quadra. Montijo, President of the Council of the Indies, 'the most reasonable and the most instructed person I meet with'; but during 1738-9 said to have been set aside by the influence of Ustariz. In brief, 'this country [Spain] is at present governed by three or four mean stubborn people of little minds and limited understandings but full of the Romantick Ideas they have found in old Memorials and Speculative authors who have treated of the immense Grandeur of the Spanish Monarchy, People who have vanity enough to think themselves reserved by Providence to rectify and reform the mistakes and abuses of past ministers and ages.'¹ Even if Don Quixote had not been revived in the Spanish Ministry, Queen Elizabeth needed no stirring for her impetuous temper. Generally Keene's sketch is etched in with somewhat too biting an acid, but none the less the insignificance of the Ministers, combined with the humours of Elizabeth, constituted a danger to peace in Spain quite as great as the violence of parliamentary discussions or the venom of popular pamphlets in England. To this there was added 'a superstitious delicacy' and an almost incredible slowness and carelessness on the part of Spanish diplomacy. 'Can you well believe that such is the infatuation here that more serious moments have been spent in choosing Patterns for lacing and embroidering the Uniforms they have given to

¹ Public Record Office, Spain, *State Papers Foreign*, vol. 133, Jan. 13, K. to N., 'private and particular,' Ap. 13/24, 1739; K. to N., 'most private' (*vide* also for above touches—Spain, *S.P.F.* vol. 131, Segovia, Aug. 18/29, 1738).

all the Officers of the Household, than in thinking of our affairs. . . . This is properly Negotiating by inch of candle like our Auctions.'¹ But though this mixture of diletantism, sleepiness, and caprice must have been trying enough, it had a certain advantage. There may have been a good deal of inattention shown to the negotiations, but there was also a good deal of inattention shown to the wishes of the Spanish people as a whole. The personal caprices of Spanish queen or courtiers may have irritated the English people, but they guarded against a good deal of danger from the anger of the whole Spanish nation. The conciliation of a few persons at the Spanish Court was the real way to arrive at a satisfactory settlement, and Keene had only to cajole the Court to secure everything he wanted.

For this purpose the negotiators on the English side were well chosen. Sir Robert Walpole was easy, good natured and strongly desirous of peace, as was Horatio Walpole the elder, Ambassador at the Hague, who was frequently consulted by the Ministry.² Lord Harrington, the second Secretary of State, followed suit. Benjamin Keene—the Ambassador at Madrid, and the chief negotiator throughout—was good-natured, easy, fat, and agreeable, but yet resolute and adroit enough when occasion served. He was at times a little sharp in criticism and repartee, but conspicuous for the real moderation of his views, and if he occasionally displayed an ignorance of his Government's actions which was a little too diplomatic, or a knowledge of his opponent's aims which was the reverse, he succeeded where the best French and Austrian diplomats had failed. He was never out of favour with their Spanish Majesties, who specially signified their genuine personal regret on his departure in 1739. His position was, however, difficult throughout, because he acted in a double capacity and in two respects. He was not only the representative of

¹ Spain, *S.P.F.* vol. 133, Jan. (apparently 13 or 14), 1739, K. to Conraud (Under Secretary to Newcastle).

² He was the author of a secret memoir, Jan. 1738, *vide* below, p. 204. This Memoir is referred to by Coxe, and contains most valuable matter. I hope to publish it in full at a later stage.

the English Crown, but the agent of the South Sea Company, a private and comparatively irresponsible business firm which had special transactions with the Spanish King ; he not only received instructions from Newcastle, but private letters from Walpole throughout his negotiations.¹ In England' the negotiations which took place in London with the Spanish Ambassador, Sir Thomas FitzGerald (Don Geraldino) in June-July, 1738, were managed chiefly by Sir Robert Walpole, and had a very important bearing on all later transactions, although the diplomacy proper was in the hands of the Duke of Newcastle, the Principal Secretary of State and chief negotiator throughout. The obligation of serving two public masters and one private company undoubtedly increased Keene's difficulties as well as anxieties. But it was Newcastle who represented the real danger—Keene and Walpole at bottom hated the prospect of war, but Newcastle feared unpopularity at home even more than he feared the enemy abroad. Evidence will show over and over again how, at the critical moment, he wished to yield to the public, and how he allowed the violence of the street to overcome the prudence of the council.

The causes of dispute between Spain and England may be succinctly stated ; their merits deserve a longer relation. After 1731, the old disputes about Gibraltar and Minorca ceased to have force, though not to cause irritation ; as for the other great cause of dispute, the claims of English merchants for vessels seized by Spanish *guarda costas*, and for depredations and ill-treatment, it was referred to a Commission in the same year. This Commission met in a good spirit, but was interrupted by fresh depredations, in especial by the assault

¹ I have found no trace of the Keene-Walpole correspondence, but the fact is substantiated by Coxe, *Walpole*, ed. 1798, vol. 3, pp. 520-2. Keene writes, p. 522, that he intends to burn all Walpole's letters and papers before leaving Madrid. This is the only letter of the series that appears to have escaped this English *auto-da-fé* on Spanish soil. There seems to be a reference to the fact of this Correspondence in P.R.O., Spain, *S.P.F.* vol. 133, Feb. 12/23, 1739, K. to Stone. There is some unpublished correspondence of Keene to the Duke of Leeds calendared, *Hist. MSS. Comm. Rep.* xi. App. pt. vii. p. 47, but it appears to refer to the years 1751-6.

upon Robert Jenkins. Whether his account that he had his ear cut off by a Spanish pirate, and was bidden take it to King George, was true or no, the Ministry assumed that it was. Expressions referring to it like 'immediate satisfaction for this cruel and barbarous act' occur on June 18, 1731,¹ while apology for it is to be 'particularly' demanded on August 3, 1731.² Even at this period, however, the double note, half of defiance, half of humility, which is so often subsequently to recur, is pre-eminent in English diplomacy. Delafaye, Newcastle's under-secretary, writes to Keene on October 1, 1731, in the humblest strain, perhaps under the influence of Walpole. On November 8 and December 9, respectively, Harrington and Newcastle write in a style which resembles the haughtiness of Pitt.² But though the voice of Newcastle (presumably in deference to public opinion) was bellicose, he was not as yet prepared to support complaint by action. This fact is clearly revealed by his letter to Keene of July 14, 1732,³ where he describes the West Indian Seas as 'spread with British ships': many go from hence to the coast of Guinea to buy negroes and carry them to Barbadoes and Jamaica, where cargoes are very valuable; others trade directly 'between this country and the British Islands in the West Indies, and many are continually trafficking between these islands and His Majesty's Plantations on the Continent of America; all these are, generally speaking, vessels built and fitted out merely for trade, and not provided or equipped in a military way, and become an easy prey to Spanish Privateers; and besides this advantage the Spaniards have

¹ Drafts N. to K., P.R.O. Spain, *S.P.F.* vol. 109. The letter of June 18 has annexed to it the deposition of Jenkins, June 17, 1731, made to a Government official (Delafaye) and signed and attested by his chief mate and boatswain. The Admiralty side of the matter (the first revelation of the truth) was given to the world by Professor J. K. Laughton, *Eng. Hist. Rev.* iv. [London 1889], 741-9. There is a good discussion of the matter in Hertz, *British Imperialism in the Eighteenth Century*, London 1908, pp. 32-3. Cp. also P.R.O., Spain, *S.P.F.* vol. 113, Jan. 10, 1731, N. to K.

² See note 1 above.

³ P.R.O. Spain, *S.P.F.* vol. 113. Cp. also *Horatio Walpole's Secret Memoir*, Jan. 1738, Brit. Mus. Add. MSS. 9131, ff. 236 sqq.

over us, *in case of a rupture*, the South Sea trade necessarily leaves constantly in their power ships and effects of a considerable value belonging to that Company, which they never fail to seize upon in every dispute we have with them.' For the reason, then, that our shipping was vulnerable, Newcastle was not anxious for war, though he did not mind trumpeting our grievances loud enough to the Spanish Government, or even writing as on June 29, 1733, that 'such enormitys for the future' (as some of the late outrages) 'could not fail of bringing on a war between the two nations.'¹

Fortunately enough, just at this time, the question of the Polish Succession began to absorb the attention of France. Spain became her ally in Continental warfare and the obligation was extended to the New World; and the two Bourbon Courts concluded, in great secrecy, the famous treaty of the Escorial (November 7, 1733). This was the earliest of those three famous *Pactes de Famille*, which so profoundly influenced the history of the New World. This, the first of them, however, appears to have had little influence, though some think that it pledged Spain irrevocably to fight with France against England. The exact contrary is the case—Elizabeth remained the bitter enemy of the French Cardinal Minister Fleury, neither Queen nor Cardinal felt bound by the 'eternal and irrevocable union,' of 1733, and in 1736 and 1737 their irritation with one another was extreme. The substance of this treaty of 1733 was known to Newcastle in February 1734, and this knowledge was to exercise a sinister effect upon the negotiations of 1739.

Meanwhile the depredations went on despite Newcastle's remonstrances, and it was not until five years from this date (1737) that he demanded satisfaction in a peremptory manner. It is probable that even Newcastle was sensible that some of the British tales of outrage, injury, and the like may have been exaggerated. At any rate, as the subsequent diplomacy

¹ P.R.O. Spain, *S.P.F.* vol. 118, N. to K.; Patiño was rather bellicose also about this time, *vide ibid.* Oct. 9, 1733, 'Private' and in cypher, N. to K.; and *vide ibid.* vol. 121, Feb. 5, 1734, N. to K., addition 'most private.'

will show, the British Government were willing to abate some of the claims of their merchants in return for a cash payment. That there were some grievances may be readily admitted ; the Spanish governors could not be adequately supervised from Madrid, and, in any case, had great difficulty in controlling the privateers with which the Spanish Main swarmed. The Spanish *garda costas* sometimes acted as pirates towards Englishmen while posing as official vessels, very much in the same way as a clever thief now robs a law-abiding citizen by impersonating a tax collector. Again, the Spanish Governor sometimes had a share in the profits of the privateer, and therefore winked at his actions. Montijo, the most moderate of the Spaniards, put the case in a nutshell to Keene, 'If Spain would accumulate all her grievances against us, she might make as much to do as we did . . . that there were Faults on both Sides ; our [*i.e.* England's] Contrabandists ought to be punished, and some of their [Spanish] Governors hanged.'¹

The illicit trade, which Englishmen pursued with the Spanish colonies, was the real secret of the Spanish fury against English vessels.² A certain amount of this smuggling was conducted through the annual ship sent by the South Sea Company to trade with Spanish America, in accordance with a provision of the Treaty of Utrecht.³ But, apart from

¹ P.R.O. Spain, *S.P.F.* vol. 130, April 12, 1738. K. to N. 'private' (*vide* also Spain, vol. 133, March 16, 1739, K. to N.); *vide* Horace Walpole to Trevor, July 21/Aug. 1, 1738, *Hist. MSS. Comm. Rep.* xiv. App. pt. ix. p. 20 (Buckinghamshire Papers, Trevor MSS.), on the advantages for illicit trade which the Assiento gave ; *vide* also *Horatio Walpole's Secret Memoir*, Jan. 1738, Brit. Mus. Add. MSS. 9131, f. 209, ff. 222 *sqq.* The judgment of Montijo is precisely that of the foreigner : *c.p.* Vaulgrenaut's instructions from Paris, April 11, 1749, *Recueil des Instructions*, xii. *bis. Espagne* ; Morel-Fatio et Léonardon, p. 316, Paris 1899.

² *Cp.* P.R.O. Spain, *S.P.F.* vol. 135, Duke of Bedford to K. May 11, 1749, 'The contraband trade with the Spanish West Indies, the great bone of contention between the two nations, and the cause of most of the wars that have happened betwixt them.'

³ According to the King of Spain's Memorial, April 17, 1732, received by Keene from Stert, September, 23, 1738, P.R.O. Spain, *S.P.F.* vol. 131, this 'unlawful trade' was 'carried on by the directors themselves . . . under the

this, the illicit trade of private individuals was very considerable, and England's record in this matter, both official and unofficial, compares unfavourably with that of other nations. We hear, for instance, of the Dutch, that 'their trade in the West Indies, in general, is much more confined than ours, and that which they carry on to the Spanish Colonies is altogether an illicit one, and therefore the Dutch Merchant Ships are generally of sufficient force to be an overmatch for the *garda costas*; and wherever they are not, the Dutch know they have no pretence to trade there, and never complain when their Ships are taken.'¹ Again, if we take the case of France, we find her trade conducted in an unexceptionable manner—'we have been informed that France obliges Her Captains, when they receive their Expeditions at any of their Ports either in Europe or America, to give Security not to trade in any Port or on any Coast belonging to His Catholick Majesty in the West Indies. By this method they have not only put an effectual stop to those illicite practices, but have secured thereby a free and uninterrupted Navigation to the fair and innocent trade. But,' as England's Plenipotentiaries ingenuously add, 'how far any Regulation of this nature, or any other equivalent to it, may be consistent with our *Constitution, or with the sense of the trading part of our nation, we must leave to better judgments than our own to determine.*'² If

shadow of the ship of permission and of the Assiento of negroes.' There was also, there can be little doubt, a very large private trade among the Company's servants without the directorial cognizance. Consult the most instructive contemporary pamphlet on this subject, *Considerations on the American Trade before and since the Establishment of the South Sea Company, 1739.*

¹ P.R.O. Spain, *S.P.F.* vol. 113, N. to K. July 14, 1732; *ibid.* vol. 133, March 16, K. to N. 'Mo^r de la Quadra has insinuated to me more than once, as well as to the Dutch Ambr., that the principal remedy (for grievances) . . . lyes in our own hands, by imposing penalties on Contrabandists, and he gave this as a reason why France never had any occasion to pass offices on this subject, notwithstanding the proximity of their Possessions in St. Domingo.' This letter shows Keene to have been much afraid that the Dutch would agree to provisions suppressing their illicit commerce which would not be 'agreeable to our constitution or the present temper of our [England's] people.'

² P.R.O. Spain, *S.P.F.* vol. 131, Keene and Castres to N., Oct. 2/13, 1738, Segovia. For France, *vide* also Armstrong's well-known work *Elizabeth Farnese*,

England had shown the same zeal in suppressing her illicit trade as France, Jenkins would probably not have lost his ear, the British public their temper, and Newcastle his head.

But, while the illicit trade of Englishmen was certainly felt as a most serious grievance in Spain, there can be no doubt that the Spaniards sometimes confounded innocent English traders with the guilty. It was impossible to line the Spanish-American coasts with troops, and consequently, when the *guarda costas* did search anyone, they stuck at little in order to prove them to be guilty. If pieces of eight, cocoa, or logwood were found aboard a British vessel it was held that contraband was proved. Yet this contention, though a natural sophistry, was still a real one. Carteret pointed out that cocoa might come from Jamaica, logwood from Domingo, while pieces of eight were a usual tender throughout the West Indies. Newcastle had frequently pressed this point in his despatches,¹ and Keene reported to Newcastle that 'a friend of mine in the [Spanish] Admiralty' was ingenuous enough to confess . . . that 'as We had now a permitted commerce to the Spanish possessions in America by the Assiento Contract, and consequently neither the Spanish Coin, nor the Fruits of their Countries could pass as proof for condemning an English Vessel of having been guilty of Illicite Commerce.'² But, though we may readily admit that England had real and serious grievances, there can be no question that her illicit trade was enormous. Even the

p. 286; references to English illicit trade may be found in P.R.O. Spain, *S.P.F.* vol. 132, Jan. 7, 1738, N. to K.; *ibid.* vol. 130, K. to N., May 7, 1738, 'secret and private,' May 26, 1738 (enclosure in same of translation of La Quadra's letter); *ibid.* vol. 133, K. to Conraud, Jan. (13 ?) 1739; *ibid.* K. to N. March 16, 1739.

¹ Carteret, May 2, 1738, *Parl. Hist.* x. 745-54. *Cp.* also the same contention by Newcastle in P.R.O. Spain, *S.P.F.* vol. 118, N. to K., Jan. 10, 1733; *vide* also *Horatio Walpole's Secret Memoir*, Brit. Mus. Add. MSS. 9131 f. 131, ff. 221-2. The author of *Popular Prejudices against the Convention* (1739) pointed out, however, 'there is indeed some cocoa growing in our Colonies, but very different from Spanish cocoa.'

² P.R.O. Spain, *S.P.F.* vol. 130, Feb. 3, 1738. Madrid. *cp.* Armstrong's *Elizabeth Farnese*, p. 246.

moderate Montijo, whose knowledge and judgment were equally worthy of respect, speaks of 'the immense prejudice Spain receives from unlawfull [*i.e.* private] traders.'¹ The South Sea Company conducted an illicit trade of their own in connection with their annual ship, yet it is uncertain whether they ever really made any considerable profits. Undoubtedly one of the causes of their failure was the enormous number of private individuals, interlopers, and adventurers, whose successful smuggling produced an unfair competition with which the Company could not contend. Contemporary pamphlets tell us that the interlopers sold slaves and goods at a price with which the Company could not compete, that New Spain and Cuba derived half their provisions from illicit sources, and the like.² The prices of the Company were cut, their goods undersold, and even their existence endangered. As Spain had inflicted considerable losses on the Company not only through the *garda costas*, but by seizing all their effects in Spanish ports in 1719 and 1727, it is easily intelligible that the Company should have been the most bitter opponents of the Spaniards and the most earnest advocates of the war.

But though the English peaceful traders between one British West Indian isle and another, as well as the South Sea Company, may have had some real grievances against Spain, there was another side of the question. If English ships were exposed to Spanish pirates, if Englishmen were chained in Spanish dungeons, or tied to labouring oars in the galleys, Spain had her own list of outrages also to unfold. One well-informed pamphleteer declared that he had seen Spaniards publicly sold as slaves in British Colonies, and that the seas swarmed with English pirates, often including British

¹ P.R.O. Spain, *S.P.F.* vol. 130, May 7, 1738, K. to N., Casadel Monte, 'most private.'

² Most of the valuable contemporary pamphlets on this subject are referred to in G. B. Hertz, *British Imperialism in the Eighteenth Century*, London 1908, p. 15 *sqq.* While not dealing with the diplomacy of the period, this work is of great value, owing to the patience and care with which the printed pamphlets and works of the period have been ransacked for information.

logwood cutters from Campeachy Bay.¹ The latter, at any rate, was a notorious fact proved by the Instructions to British war vessels² as well as by various other testimonies.

Thus there were plenty of grievances on both sides, though the main key to the bitterness clearly is that, while the English could complain of many, and the Spaniards of some outrages, the former continued their profitable illicit trade unchecked. The latter, being no traders and severe monopolists, resented this practice intensely, and tacitly intimated that the *garda costas* would not be checked by Spain until the smugglers were checked by England.³ To a commercially minded Minister like Patiño nothing could have been more irritating than that England, while imposing the severest penalties on smugglers in her own country, was gentle enough towards them, as long as they only tried to smuggle in Spanish America. Hence until Patiño's death (1736) matters did not improve. Montijo even told Keene that Patiño's efforts to obtain compensation for unlawful captures of English ships in the West Indies were so languid that 'many of the [Spanish] Governors . . . have not thought fit so much as to acknowledge the Letters and Orders sent to them in his time.'⁴ Whatever be the truth of this, little or nothing was done, despite remonstrances of a serious nature.

¹ *Popular Prejudices against the Convention*, p. 21, quoted by Mr. Hertz, p. 52. This particular statement as to seeing Spaniards sold as slaves in British colonies is hotly traversed in *A New Miscellany for the Year 1739*, pp. 25-6.

² *Vide* P.R.O. *Admiralty Secretary Out Letters*, vol. 55, Feb. 15, 1738, Instructions to Captain Reddish, *Anglesea*, Plymouth, pp. 194-8; and *ibid.* May 9, 1738, Instructions to Captain Sir Yelverton Peyton, *Hector*, Portsmouth, pp. 231-5. 'And whereas we have received information that the pirates do frequently infest the island of Providence' . . . 'and the coast of Virginia.' . . 'the ship under your command shall be constantly kept in a good condition for service.' The instructions state that the service during recent years had been very slack, and that British captains had allowed their vessels to lie in harbour. It is significant that the instructions say nothing of stopping illicit commerce, though they make it clear that the captains must not themselves be concerned with any kind of private trade, etc.

³ *Cp.* Sorel, *Europe et la Révolution Française*, i. p. 338, Paris 1908.

⁴ P.R.O. Spain, *S.P.F.* vol. 130, May 7, 1738, K. to N., Casa del Monte, 'most private.' There may be exaggeration here, for Montijo had reason to hate Patiño.

A British memorandum records that between 1732 and October 1737 there were captures of over a dozen British sloops, four ships, four brigantines and a schooner; and Keene presented twenty-eight bundles of claims and depositions in 1738.¹ It was clearly impossible that this situation should continue, remonstrances in 1732-3 had failed to do anything but hasten the signature of the *Pacte de Famille*. That instrument, though regarded lightly by Spain, had tended to deepen England's distrust and uncertainty. In 1737, however, Fleury and Elizabeth were on such exceedingly bad terms that even Newcastle could not suspect a danger from a joint Bourbon coalition, and this fact probably influenced the British Ministry in pressing during this year for a redress of grievances, which should be at once speedy and final. The voice of the British public was beginning to be heard with no uncertain note, and Newcastle, never inattentive to it, thought that a good opportunity had at last arrived to enforce upon Spain his somewhat empty threats of five years before.² A Petition of West India Merchants on the Spanish Depredations of October 11 (O.S.), 1737, was heard 'before the Lords of the Cabinet Council' on the 15th (O.S.) and was sympathetically answered by King George, and during the remainder of the year Keene pressed the Spanish Court for immediate redress of grievances in a spirited manner. The atmosphere began to grow dark, the thunder to mutter, and the storm seemed on the point of breaking.

On March 2, 1738, Newcastle wrote to Keene that 'His Majesty has thought fit to declare, that he will grant Letters of Reprisal, to such of His Subjects, whose Ships, or effects, may have been seized on the High Seas by Spanish *garda costas*, or ships, acting by Spanish Commissions; which is what His Majesty thinks, He could not, in Justice, any

¹ P.R.O. Spain, *S.P.F.* vol. 113 [no date given].

² On Oct. 1, 1731, Delafaye wrote to Keene [*S.P.F.* Spain, 109, quoted p. 202], 'In short, my dear friend, unless we do something to stop the Clamours of people, all we have done will be of little service here at home.' This terror of the home public is the consistent note throughout.

longer Delay.’¹ As a matter of fact, His Majesty’s name and sentiments were used rather in vain, for no letters were issued even till as late as April 28.² But the information was a threat of action to frighten Spain, and a thunderbolt is sometimes formidable, when brandished, even if it is not discharged. As such, it was speedy and effectual. ‘The Resolution of granting Letters of Reprisal seems to have struck them in a particular manner, since they presume that even after an accommodation of the present Differences, the commerce of the Indies will continue to be disturbed for years to come, by People, who may neglect their sovereign’s orders, when used to a Licentious way of living. This, at least, they say, is what is to be apprehended from experience of past times, both with regard to the English and Spanish.’³ This declaration reveals naïvely how great must have been the extent of piracy and smuggling, if the official grant of Letters of Reprisal could produce such gloomy apprehensions of future licence.

But, while the Spaniards were appalled by this threat, there wanted not advocates—one of brass and one of iron—to clinch the English argument. On March 17, 1738, the inimitable Captain Jenkins is believed to have presented to a sympathetic House of Commons his tale of woes together with his ear in a bottle. On March 30 Captain Clinton, Commander-in-Chief in the Mediterranean, was ordered to repair from Gibraltar to Minorca, and the tenor of his instructions⁴ left no doubt that the prospect of war was already in contemplation. His orders were secret, but Jenkins and his grievances were public property; and parliamentary orators

¹ P.R.O. Spain, *S.P.F.* vol. 132; *vide* also postscript of March 3.

² P.R.O. Spain, *S.P.F.* vol. 132, Whitehall, N. to K., April 28, 1738, ‘secret and private.’ The reason was not due to diplomatic caution, ‘in Fact, not one Merchant has applied to the King for Letters of Reprisal.’ *Vide* also *Hist. MSS. Comm. Rep.* xiv. App. pt. ix; Earl of Buckinghamshire’s Papers (Trevor MSS.), p. 13, 1738, March 7/18. *Ib.* p. 24. ‘The merchants would not, when it came to, take Letters of Reprisal, they required the Government to engage,’ etc. *Horatio Walpole’s Secret Memoir* had recommended taking out Letters of Reprisal, *Brit. Mus. Add. MSS.* 9131, ff. 244 *sqq.*

³ P.R.O. Spain, *S.P.F.* vol. 131, Oct. 24, Nov. 4, 1738, K. to N.

⁴ P.R.O. *Admiralty Out Letters* 55, Instructions to Clinton, p. 208.

denounced the truckling and subservience of the Government, without suspecting that it had at last become bellicose. Seldom had English indignation swelled higher—one speaker talked of Englishmen in chains, another of Englishmen crawling with vermin in Spanish prisons. Every artifice of malice or ingenuity was used—the Spaniards were cruel, the Spaniards were proud, the days of Elizabeth were remembered with regret, the days of Cromwell were appealed to with pride. Let there be an end of the haughtiness and cruelty and tyranny of the Spaniard by the assertion of the freedom of the Protestant Briton and the like. Such strains were jaunty and popular, and they beat insistently and not in vain, upon the ears of Newcastle. On April 12 (O.S.), 1738, he wrote to Keene making the usual demands for the security of navigation and redress for injuries, and referring to his Majesty's desire to make a last effort for peace and to the strong resolutions of the House of Commons.¹ The Spanish Court had been threatened by the thunderbolt of the Letters of Reprisal, the popular agitation was now used by Newcastle and Keene to drive the lesson home: 'I have omitted no occasion of setting this Court right in its notions about the Motives of the present general dissatisfaction in England, and of convincing them that it does not arise from any Intrigues of Party, but from the just resentment of the whole Nation occasioned by the cruel treatment His Majesty's subjects have received from the Spaniards.'² La Quadra, like a true Spanish Grandee, was inclined to be haughty and obstinate, but Keene had already judged that he was not in a condition to resist.³ On April 26/May 7, after reading to him Newcastle's despatch 'in a tone that did not diminish

¹ P.R.O. Spain, *S.P.F.* vol. 132.

² P.R.O. Spain, *S.P.F.* vol. 130, Casa del Monte, K. to N., 7 May (N.S.), 1738.

³ P.R.O. Spain, *S.P.F.* vol. 130, K. to Stone, Ap. 4/15, 1738 (under-secretary of Newcastle), Casa del Monte. 'It is pretty plain they would not fall out with us at present, notwithstanding their late Blusterings about Georgia.' This was *à propos* of an angry memorial of La Quadra's of this same date (April 4-15) on the subject of the Letters of Reprisal.

any part of its spirit,' Keene suddenly made a frank appeal to La Quadra: 'As yet the whole matter was *dans son entier*, and it was absolutely in the hands of Spain to put a happy conclusion to it.'¹

La Quadra was impressed, the Spanish treasury was unusually empty, the fleet was small, and concession therefore desirable. So on April 26/May 7 he sent orders to the Council of the Indies, 'drawn up in a manner to let them perceive that His Catholick Majesty's Intentions were to cultivate a good Understanding with the King of Great Britain and to render justice to such of his subjects as had been injured by the *garda costas*.' Orders sent to the Fiscal, however, with regard to monetary compensation, etc., instructed the officials to make out the best case for Spain.² Concession was in the Spanish air, and La Quadra only reflected the desires of Montijo, the most moderate and impartial of Spanish diplomats, and the wishes of the Spanish people as a whole.³ Montijo, as usual, gave Keene the neatest summary of the situation: 'If you . . . have a mind to regulate our disputes in the Indies, you can never wish for better Intentions and Dispositions than ours now are, and if you have a mind to take advantage from our bad situation and fall out with us, you can never look out for a better oportunity (*sic*).'⁴

While La Quadra was conceding, Newcastle was arming ;

P.R.O. Spain, *S.P.F.* vol. 130, Ap. 26/May 7, K. to N., Aranjuez.

² P.R.O. Spain, *S.P.F.* vol. 130, Ap. 26/May 7, 1738, K. to N., Casa del Monte, 'most private.' The information given was on the authority of Montijo, President of the Council of the Indies. Other information was sometimes secured by Keene from the Cardinal Nuncio, 'my purple friend.'

³ P.R.O., *S.P.F.* vol. 224 (Reports of Spanish Consuls 1737-9). Report of J. B. Parker (Consul at Coruña) to N. June 4, 1738. 'I cannot express to your Grace the concern and Consternation the Inhabitants of all this coast are under with the apprehension of a War with England, which they very much dread, and heartily wish to see it prevented.' *Vide* also under June 13, 1738.

⁴ P.R.O. Spain, *S.P.F.* vol. 130, in K.'s 'most private' letter to N. of Ap. 26/May 7, 1738; Montijo continues in the warmth of his assurances, 'that there never were, nor ever can be, better dispositions in his Court, than its present ones to do us justice, and to settle matters of this nature on a known and sure footing.'

for, in point of fact, he seems to have been influenced less by a desire to take advantage of the Spaniard than by a resolve to yield to English popular opinion. Despatches ordered Admiral Haddock to the Mediterranean and to Minorca, with a squadron of nine ships and two fireships, and with instructions which obviously contemplated an immediate outbreak of war.¹ At the same time (May 9)² Captain Peyton was ordered to convey Oglethorpe's regiment to Georgia, in order to defend that newly-founded colony against Spanish encroachments. By May 15/26 some rumours of warlike preparations reached Spain, their concessions vanished, and work on their fortifications began to be pushed on.³ La Quadra addressed a lengthy letter (May 15/26) to Keene, which was haughty, almost defiant in tone, and which contained several flat contradictions of the English 'spirited' despatch. The real sting of La Quadra's reply lay, not so much in the force of his expressions, as in the superiority of his argument. The logic of Newcastle's despatch had been unequal to its spirit, for he had made a bad slip. In asserting the right of free navigation and prohibition of search he had tried to prove that the treaty with Spain of 1667 related to the West Indies, whereas it was concerned with Europe alone.⁴ La Quadra had already pointed out the error, and he now insisted on it

¹ P.R.O. *Admiralty Out Letters*, vol. 55, pp. 230, 242-5. May 9, 15.

² *Ibid.* pp. 231-5.

³ P.R.O. Spain, *S.P.F.* vol. 130, May 15/26, K. to N., 'Secret and private.'

⁴ P.R.O. Spain, *S.P.F.* vol. 130, K. to N., May 7, 1738 (N.S.); *ibid.* vol. 132, N. to K., March 2 and 17, 1738 (O.S.). The extent of the error was fully realised by the Ministry, *vide Hist. MSS. Comm. Report*, xiv. App. pt. ix., Papers of Earl of Buckinghamshire (Trevor MSS.), p. 13, Horace Walpole to Robert Trevor, Feb. 28 (O.S.), 1738: 'The council is divided with respect to the sense of the treaty of 1667 as to the West Indies, and his Grace must support what he has wrote and signed, and Lord Chan[cello]r, between you and me, must support his friend'; also p. 13, March 7 (O.S.); and p. 14, March 14/25, 1738, H. W. to R. T: 'We have been a good deal embarrassed in having laid, altho' we don't care to own it, the foundation of our arguments upon a wrong treaty. We scramble out of it as well as we can, and connect the treaties of 1667 and 1670 together, on account of the last having confirmed the first, and the full powers for making the last being founded upon the necessity of explaining the first.'

again, to the confusion of the Ministry. Nothing is more irritating in a negotiation than to be proved to be in the wrong, and it was tempting to reply to a Spanish diplomatic victory on paper by an English victory on the sea. In acknowledging the receipt of La Quadra's memorial on June 1/11, Newcastle clearly intimated to Keene that war was almost inevitable. The English merchants were to be told immediately to withdraw their effects from Spanish harbours. Meanwhile orders for impressment on a large scale—the sure sign of immediate action—were sent out by the Admiralty.¹

War, which was now within a hairsbreadth, was averted by a sudden and a new influence, probably by the hand of Sir Robert Walpole, who now for the first time assumes importance in the negotiation. Very fortunately for the peace party when La Quadra handed Keene his Memorial, he added certain verbal expressions, 'which he called a proof of his master's pacific intentions,' a proof indeed by no means deducible from the written word. 'He told me,' reported Keene² . . . 'that his Catholick Majesty would readily agree with the King, in following any amicable means that may be thought of, for finishing all the Disputes in general between the two Crowns, in such a manner That all past motives of Complaint may be adjusted and buried in oblivion: and that such Rules may be fixt on for the future as may prevent any fresh uneasiness and dissatisfaction between England and Spain.' This short speech was to prove at once the refuge of the peace party in the English Ministry, and the *fons et origo* of all subsequent negotiation.

Very fortunately Don Geraldino, the Spanish ambassador in London, and Stert (formerly British commissary for the Treaty of Seville) had been amicably discussing the financial claims of each Power since the middle of April, and had arrived at a basis of agreement.³ The transaction had been

¹ *Admiralty Out Letters*, vol. 55, p. 270, June 27, 1738; *vide* also p. 296, 304, etc.

² P.R.O. Spain, *S.P.F.* vol. 130, May 18/29, 1738, K. to N., Casa del Monte.

³ All this is described in P.R.O. Spain, *S.P.F.* vol. 132, N. to K. June 21, 1738, and enclosures thereto. 'The Lords' mentioned below were Lord Chancellor, Lord

considered private, and Keene was not informed of it, but Geraldino had communicated the matter to the Spanish Court. Immediately after the receipt of Keene's letter, containing La Quadra's interminable Memorial and an account of his verbal expressions, the financial project was taken up with vigour. Walpole was present at two further interviews between Stert and Geraldino—June 1/12, June 14/25. On the latter date the Lords of the Council met and suspended any immediate resolution on La Quadra's Memorial, and extended their blessing to the Stert-Geraldino negotiations. These were pushed on rapidly under the guidance of Walpole, who, as supreme financial official, was now really master of the situation. Proposals which offered a fair basis of settlement were temporarily accepted by Geraldino, with some anticipatory sanction from Madrid, and sent home on June 20/July 1. Walpole might long for peace, but he also liked to get the best of a bargain, and there can be little doubt that he drove Geraldino a little hard.¹ The reception of these overtures at Madrid was therefore not at first very favourable. La Quadra complained that the British Ministry had one proportion for estimating English financial pretensions, another for Spanish, and suspicions as to our arithmetical good faith were ominous.² Haddock's squadron cruising grimly in the Mediterranean gave both irritation and alarm to Queen Elizabeth Farnese.³ On August

Privy Seal, Duke of Devonshire, Earl of Pembroke, Earl of Scarborough, Earl of Islay, Lord Harrington, Sir C. Wager, Duke of Newcastle. I do not use the word 'Cabinet' to describe them, because, strictly, that phrase was applied to a larger and more formal body, corresponding more nearly to the modern Privy Council, to which reference is made on p. 209.

¹ P.R.O. Spain, *S.P.F.* vol. 131, Segovia, August 18/29, 1738, K. to N.

² *S.P.F.* vol. 131, July 22/August 2. 'Montijo says he (Geraldino) ought to be hanged for his *crassa ignorancia*, in letting himself be imposed on by such an account.' . . . 'La Quadra, more moderate . . . wonders how he could have engaged himself so far . . . says that he has let himself be blinded by his good intentions.' Keene here suggests that the whole negotiation may have been to delude England, while a secret treaty of alliance was being signed with France.

³ P.R.O. Spain, *S.P.F.* vol. 131, August 29, 1738; *vide ibid.* 'Most private,' October 13, 1738, K. to N: 'I am persuaded They (the Spanish Court) have

18/29 'she appeared in a bad humour after mass, and was beginning a discourse with the Nuncio in the following terms "on a envie de nous faire peur," but the King going out of the Oratory she followed him and had not time to vent her passion.' These, however, were but passing clouds: there was bluster but there was concession. By October the whole business of adjustment of financial claims seemed in a fair way of settlement, and this result owed not little to the iron arguments of Haddock. After much haggling Spain agreed to pay England 95,000*l.*, and this arrangement was to be preliminary to a general adjustment of disputes. Everything seemed to be settling down in the winter of 1738; the British Parliament with its noisy declaimers was prorogued, Elizabeth was quiescent, Newcastle moderate, the star of Walpole in the ascendant. On October 13, 1738,¹ Castres wrote to Conraud (Newcastle's under-secretary) that a short time before 'I would have given my Plenipotentiary-ship for half a crown. It has risen in value considerably since.' The impression of tranquillity was general throughout Spain, and the relief and jubilation corresponded. Even on August 2/13 Alicante was (a little prematurely) 'in a state of profound tranquillity.'² The fortifications, which had been rising at Cadiz, Ferrol, and Coruña, were stopped, and on October 19/30 at Coruña, 'The happy turn which Publick affairs have taken, hath caused a general joy in this Province, which is attended with

now gone all the Lengths they will go, towards avoiding a War, and bringing on a Reconciliation between the two Crowns.' How much Haddock's fleet had counted as an argument in bringing Spain this length is revealed in a letter from R. Trevor to Sir E. Fawkener, from the Hague (a copy), British Museum. Add. MSS. 23, 802, f. 86, verso, September 6 (N.S.) 1738. 'You ought not to be surprised at these pacifick appearances, when I tell you, England has at present 107 Ships of War, of different Force, and Denominations, actually in Commission.'

¹ British Consul-General at Madrid and Commissioner Plenipotentiary for the adjustment of British claims in conjunction with Keene. Segovia, P.R.O. Spain, *S.P.F.* vol. 131.

² Consuls' Reports, P.R.O. Spain, *S.P.F.* vol. 224, August 13 (N.S.), Report of A. Stanyford. For a local English view at Chichester, September 9, 1738, of the affairs *cp.* Hare MSS. p. 241. *Hist. MSS. Comm. Rep.* xiv. App. pt. ix., London, 1895.

the wishes of everyone for a lasting Peace' (except perhaps the Pretender's supporters—a number of hard-drinking Irish captains in the Spanish service).¹

After infinite delays, due less to ill-will than to the caprice of Elizabeth and to the snail-pace of Spanish diplomacy, Keene eventually prevailed, and signed with La Quadra the famous Convention of the Pardo on January 3/14, 1739. This arrangement had for its main provisions the agreement that all outstanding claims to December 10, 1737, as between Spain and England, should be reckoned to be discharged by the Spanish payment of 95,000*l.* within four months. Plenipotentiary commissioners (Castres and Keene on the English side, Quintana and Abaria on the Spanish) were to meet for the speedy settlement of outstanding disputes. There can be no question whatever that the signature of this convention was regarded on both sides as preliminary to a final adjustment of difficulties. So clearly was this recognised by both sides that on January 26/February 6 Newcastle instructed Keene to sound La Quadra as to the possibility of an English alliance with Spain²; and on January 29 (O.S.) the Admiralty issued orders to Haddock (whose fleet had done much to secure Spanish compliance with English terms) 'forthwith to repair to England.'³ So much for English sincerity; Spanish is even more capable of proof. The Spaniards at once abandoned their warlike preparations; on April 13/24, 1739,⁴

¹ Consuls' Reports, P.R.O. Spain, *S.P.F.* vol. 224, August 13 (N.S.), Report of J. B. Parker, *vide* also November 19, 1738, 'all the apprehensions which this People had of a Rupture with England are entirely vanished.' Cadiz was specially important as an index of feeling, because the British interest was so strong there; 'we have seldom less than a hundred sail of Vessels in that Bay, there being by this last post above one Hundred and Twenty.' P.R.O. Spain, *S.P.F.* vol. 130, March 31, 1738, Keene to Newcastle.

² P.R.O. Spain, *S.P.F.*, vol. 134, January 26, N. to K. Newcastle had previously hinted at this possibility in a letter of August 21/September 1, 1738, Spain, vol. 132, N. to K.

³ P.R.O. *Admiralty Out Letters*, vol. 55, p. 370.

⁴ P.R.O. Spain, *S.P.F.* vol. 133. 'Apart.' Mr. Leadam (*Political History of England*, vol. ix., London 1909, p. 363) traverses Mr. Armstrong's statement (*Elizabeth Farnese*, p. 355), that 'till within a month of the declaration of war, October 1739, no serious preparations were made.' This is putting it too

Keene could write to Newcastle: 'They have unarmed the greater part of their Ships, given liberty to their Officers to leave their Regiments, and their Destinations,' etc. For the rest it is obvious that both Powers had made real concessions for the sake of peace. Spain, which was nearly bankrupt, had agreed to make a speedy cash payment, and England, which was afraid of its merchants, had made considerable reductions in the amount of their original claims for compensation.

That results like these were secured should alone be quite enough answer to the countless criticisms which the Convention has evoked in those, and in later, times. For, whatever else may be thought of it, it cannot be maintained that the Convention was not sincere, or that one result which it secured, viz. the disarmament of the Spanish fleet, was a vague one. Even apart from this the English Ministry had scored a considerable diplomatic advantage, which could be used in subsequent negotiation. In an informal note, which Andrew Stone (Under-Secretary of Foreign Affairs) was ordered by Newcastle to write to Keene previous to the signature of the Convention, this point is made exceptionally clear. 'As Spain has consented to pay a considerable Balance due to our Merchants, for Vessels and Effects, taken from them, by Spanish guarda costas, etc., *it is evident, that they thereby acknowledge those Vessels, and Effects, for which They have thus consented to give Satisfaction, to have been unjustly, and wrongfully taken.*'¹ He goes on to say that this admission can be made use of to get rid of the obnoxious right of search. It is quite evident, therefore, from this letter that the British negotiators themselves would strongly, but the fact of the Spanish disarmament till the end of May is proved by the MSS. over and over again. Mr. Leadam quotes from H. Walpole, *Hist. MSS. Comm. Rep.* xiv. App. pt. ix. (Trevor MSS. p. 33), a letter to Trevor June 8/19 to show that the Spaniards were arming. But, as will be seen below, on May 29 (O.S.) Spain refused to pay the 95,000*l.*, and this was known in England on June 7, after which war was inevitable and arming began.

¹ P.R.O. Spain *S.P.F.* vol. 132, Stone to Keene, 'private,' August 21, 1738, (italics my own). Horace Walpole took the same line of argument in Parliament; *vide also The Convention Vindicated*, pp. 11 *sqq.*

be privately convinced that they had gained important advantages, when the payment of the 95,000*l.* was subsequently made the principal point of the Convention.¹ They had, as they believed, evidently gained an admirable basis for securing their own points in the future Treaty.

The disputes likely to be discussed in the new Treaty, to which the Convention was a preliminary, touched three points—the boundaries of Georgia and Carolina, the British right to cut logwood in Campeachy Bay, the British right to Free Navigation or exemption from search by Spanish *guarda costas*. All of these may be very briefly dismissed, though all were subjects full of difficulty. The dispute about Georgia was doubtful; the British right to cut logwood, though probably not established by treaty, was perhaps established by custom; on the right to Free Navigation there can be no doubt whatever that England was in the wrong.² Newcastle first tried to establish the latter right by Treaty and, when that proved ineffectual, fell back on that last refuge of bankrupt diplomatists in that age, 'the Law of Nations

¹ This point is argued very forcibly in *The Convention Vindicated, etc., from the misrepresentations of the enemies of our Peace*, sold by J. Roberts, London, 1739. This pamphlet has been plausibly attributed to Horatio Walpole, but it is not in the catalogue of his works in Brit. Mus. Add. MSS. 9131, ff. 1-5, which is in his own handwriting. Other pamphlets in favour of the Convention, Bordon's *Appeal to the Unprejudiced concerning the present Discontents* (1739), *Popular Prejudices against the Convention with Spain* (1739), the *Grand Question whether War or no War with Spain* (1739), are all worth reading and perhaps quasi-official. Vide Hertz, pp. 51 sqq.

² In its extreme form the cry 'No Search' appears to have been intended to mean no search of British vessels by Spaniards on the high seas. Even the most ardent British patriots (e.g. Carteret, *Parl. Hist.*, x. 745-54) appear to have admitted that Spaniards should be allowed to search and to seize British ships found in Spanish ports or really near their coasts. The question of the right to search on the high seas was full of difficulty, because contrary winds frequently blew perfectly honest vessels (which were trading between British colonies), to some point near the Spanish coasts. It is easy to see how mistakes could thus arise, and how extremely difficult it would be to frame equable conditions. Even Sir Robert Walpole seems to have been quite firm in the resolve to oppose the right of search, except when British ships were lurking near the Spanish coasts; vide Brit. Mus. Add. MSS. 35406, f. 39, August 25, 1738, Newcastle to Hardwicke. A well-informed and sober contemporary view may be found in Hare MSS. pp. 243-4, *Hist. MSS. Comm. Rep.* xiv. App. pt. ix., London, 1895.

(which is a Rule for all Countries, where particular treaties do not intervene).¹ Unfortunately the Law of Nations, as held at this time and later expounded by Vattel, was not much more favourable to his claims than was the treaty right.² But it took much to shake Newcastle's confidence in this or any other British claim. Thus he wrote on January 7/18, 1738, of the right to cut logwood in Campeachy Bay 'to which they (British subjects) are entitled by Right and Custom, as very fully appears by the Report of the Board of Trade in 1717.'³ Unhappily the calmer judgment of Keene was not convinced or even impressed by this. 'As to the cutting of logwood, I find that *at last* He [Colonel Bladen] is of the same opinion which some others I could name were always of, upon that article. But' [as Keene naïvely confesses] 'the Report of the Board of Trade in 1717 is become publick and who will venture to yeild [*sic*] a Tittle from it.'⁴ Newcastle had himself some doubts about Georgia, but here as elsewhere no doubts as to the course he was to pursue. 'I fancy however the right may be, it will now be pretty difficult to give up Georgia.'⁵ Thus, in brief and on the whole, practical judgments were simple, if theoretical solutions were difficult. Keene and Castres had left Newcastle to determine what portion of right or of justice

¹ *Vide supra*, and also P.R.O. Spain, *S.P.F.* vol. 132, N. to K., April 12 (O.S.), 1738. 'The Freedom of Navigation and Commerce, which the Subjects of Great Britain have an undoubted Right to, by the Law of Nations, and by the Treaties subsisting between the two Crowns,' etc.; *vide* also Brit. Mus. Add. MSS. 35406, ff. 55-6.

² Vattel's *Law of Nations* (ed. Chitty, 1834, p. 39), quoted by Mr. Hertz, p. 16; *vide* also p. 35.

³ P.R.O. Spain, *S.P.F.* 132, N. to K. On the whole question *vide* Brit. Mus., Stowe MSS. 256, ff. 305-7, 308-18; Add. MSS. 33, 117, ff. 25-36 (Memoranda of Thos. Pelham), which give all the relevant documents or copies of them.

⁴ P.R.O. Spain, *S.P.F.* vol. 133, Madrid, June 9, 1739, Keene to Conraud.

⁵ Brit. Mus. Add. MSS. 35406, f. 50, Claremont, September 25, 1738, Newcastle to Hardwicke; Add. MSS. 35909, ff. 74-5; *vide A New and Actual Account of the Provinces of South Carolina and Georgia* [London, 1732] for interesting details. Pulteney, in *A Review of all that passed between Great Britain and Spain, 1721-1739* [London, 1739], writes: 'The giving up of Georgia will be esteemed very dishonourable to the Legislature, which hath passed so many acts for maintaining it.'

'our Constitution and the sense of the trading part of our nation might allow' (*vide* p. 205), and the Duke was satisfied with a modest remnant. Not the rights of the question, but the might of the British public, was the real measure of concession and negotiation for England, and the most slavish servant of mobs could hardly have truckled more to public opinion than did Newcastle, the aristocrat of aristocrats.

At first glance it might seem that the noisy declamations of a few unscrupulous and irresponsible politicians might upset the acutest and most delicate of negotiations, but, in reality, there were real hopes of arriving at a settlement, by way of mutual concession. Behind the three questions above-mentioned was a more important one for Spaniards, that of illicit trade. This was the point on which they felt most deeply, and it was here that an English concession could be made.¹ 'In all my conversations, as well with M. Montijo, as M. La Quadra, from the very beginning of our Disputes, I have always found this constant Condition expected from us, Namely that England should do something on her part towards stopping an illicite commerce. What would it avail, says Monsr. Montijo, if we should hang up a Dozen of our Governors in America to please You, or because they deserve it, if you, the English, do not treat your Contrabandists with equal Rigour; You only hear of your Ships being taken, but you give no attention to the Damages we suffer by Interlopers [quotes La Quadra as of the same view, *vide supra*, note 1, p. 205]. . . Besides, My Lord, no one who has any experience of this Court will ever believe they will come to any solid agreement, or any favourable extension of the American Treaty, on their side, if they have not some apparent condescension on ours. The art and Difficulty will be to know where to yield, in order to get an advantageous Bargain.' In brief Keene's idea was that the promise to suppress the illicit trade might be used so as to extort concessions in other directions from Spain. Newcastle was quite sensible of the value of this suggestion, and seems to have been willing to adopt

¹ P.R.O. Spain, *S.P.F.* vol. 133, March 5/16, 1739, K. to N.

it. The first and second articles of a Project of a Treaty sent by him to Keene and Castres on May 8/19 contained provisions for suppressing the illicit trade, apparently so far as it related to private persons, but not touching that in connection with the South Sea Company.¹ Hence, if the South Sea Company would only be compliant in other directions, there was a real chance of final agreement.

A study of the documents does not confirm the popular view that England's desire to maintain the illicit trade of the interlopers and private individuals weighed deeply with the Ministry.² Their tenderness was reserved for the South Sea Company—that body so closely connected with the Government by financial ties, which was to repay Walpole for saving it in 1720 by ruining him in 1739. The kind of way in which the interests of merchants in general, and South Sea directors in particular, were beginning to be of Parliamentary importance is very strikingly illustrated by Delafaye's letter to Keene on October 1, 1731: 'These gentlemen [the Merchants] upon this have assumed a quite different air from what I have formerly known. They used in times past to come Cap in Hand to the Office praying for Relief, now the second word is *You shall hear of it in another Place*, meaning in Parliament. All this must be endured, and now in our turn we must bow and cringe to them.'³ When the

¹ P.R.O. Spain, *S.P.F.* vol. 134, May 8; *vide* also Hardwicke, Debate in the Lords on the Convention, March 1, 1739, x. pp. 1151-3; *Horatio Walpole's Secret Memoir*, Jan. 1738, Brit. Mus. Add. MSS. 9131, f. 249, points out the impossibility of getting Parliament to pass, or subjects to keep, legislation of this kind.

² The main part of Newcastle's remonstrances seems to have been throughout against the *garda costas* for confiscating vessels carrying a few pieces of eight or a little logwood or cocoa (all of which *might* come from British colonies) *not* against obvious smugglers. That the above construction is his real meaning is proved from P.R.O. Spain, *S.P.F.* vol. 109, N. to K., 'Private,' Dec. 9, 1731, where he declares that restitution must be made in all cases 'provided there be no collusive trade'; *vide* also in the same strain *Horatio Walpole's Secret Memoir*, Brit. Mus. Add. MSS. 9131, ff. 246 *sqq.*; and references *supra*, note 1, p. 206. A passage in P.R.O. Spain, *S.P.F.* vol. 118, N. to K., Jan. 10, 1733, indeed, seems at first against this view—Keene is instructed to 'prevail with the Court of Spain not to be so tenacious of their old laws, or jealous of facilitating an illicit trade,' but the meaning appears to be that above mentioned.

³ P.R.O. Spain, *S.P.F.* vol. 109.

'trading sense of the nation' was thus growing in power, and when Newcastle was in office, the reasons why the Government showed such deference to the South Sea Company are not far to seek. Trade by companies, as Bacon had said, was natural to England, and all Englishmen still believed in the dictum. This Company had been undercut by the interlopers, and would benefit by their suppression. An Englishman at home had money in the South Sea Company and the West Indies, and not in New England (whence most of the interlopers came), hence many London merchants would not have suffered much by the prohibition of private smuggling. The suppression of the illicit trade would indeed have occasioned considerable loss to various West Indian islands, but it would certainly have operated to the advantage of the South Sea Company. It was in the latter that the Government was most interested, and it was its refusal to put any sort of pressure upon the Company that was to be no slight occasion of the eventual rupture.

From the first to the last the action of the South Sea Company and its manner of advancing its claims hampered the Government, increased irritation, and exercised a sinister and disastrous influence on negotiations. In particular, the exclusion of their concerns from the Convention of the Pardo was fraught with serious disaster. The South Sea Company owed the King of Spain 68,000*l.* as a fourth share in the proceeds of the annual ship sent to Spanish-American shores. But the South Sea directors, being often near insolvency, were not seldom impatient with the King of Spain, from whom they had suffered severe confiscations in the wars of 1719 and 1727. They declared further that the damage they had sustained from the *garda costas* amounted to three times the 68,000*l.* (though they could not produce proofs for the whole of that sum), and would not produce their accounts though obliged to by treaty. In 1738 contention had already run so high that La Quadra had excluded their business from the Convention, and had made a declaration on December 31/January 10, 1738-9, to Keene that his

Majesty might suspend the Assiento, unless the South Sea Company paid the 68,000*l.* at once. The South Sea Company replied by a defiant refusal to pay the sum in question or to produce their accounts. Eventually on May 6/17, 1739, this attitude produced a declaration from La Quadra (Villariàs) that the Assiento was suspended. Nothing contributed more to the eventual wreckage of all negotiation than this affair, and the complication of the business of a private company with the interests of the two nations was extremely objectionable.

The King of Spain, being very poor, wanted to get the 68,000*l.* in order to use it to discharge some of the debt of 95,000*l.* to the English Government. When he could not get the money from the private company he suspended the Assiento (which was a national treaty) and thus irritated the English Government by suspending a national treaty in deference to his private quarrel with the merchants of the South Sea Company. But the blame certainly did not rest wholly with the Spanish King. Keene, at least, who had once been an agent of the South Sea Company, and was now their representative in Spain, thought their conduct wrong, short-sighted, and even dishonest. 'Other Countries and Companies would have given as large a sum as what is askt [68,000*l.*] for the goodwill of a Court to let them carry on a winkt-at Commerce, but our Directors would not so much as bribe the Court of Spain with its own Money, as They might have done some time ago. Tho' now all is over, and Spain is now so disgusted at the *crambe repetita* They' (South Sea Company) 'sent me, when Geraldino told them I had full Powers, that she will never lend an ear to any further Representations till she hears the money chink.'¹ He thought 'this affair would bring us into

¹ P.R.O. Spain, *S.P.F.* vol. 133, Jan. 1739, K. to Conraud (*cp.* Mr. Armstrong, p. 286). A letter of Horace Walpole's, July 21/Aug. 1, 1738 (*vide supra*, note 1, p. 204), Trevor MSS. p. 20, makes it clear that in the case of an Assiento, illicit trade in connection with it was inevitable, even though it might be entirely suppressed elsewhere. The point is, then, that Newcastle was willing to suppress the illicit trade of interlopers, but knew that some such smuggling was inevitable

an unlucky scrape'; and complained to Newcastle that the South Sea Company would make no concessions.¹ He confided to Stone on the same day, April 13/24, that he expected 'a thundering answer to my offices in favour of the S. Sea Company.'² He got it on May 6/17, when La Quadra suspended the Assiento, as above described. A last hope that the English Ministry might put pressure on the fire-eating directors flickered out, and Newcastle on May 8/19 wrote that the 'Resolution of the South Sea Company' was one of the causes of the Spanish refusal to pay the 95,000*l.* to the National Government of England.³

Having dealt with all the points of dispute—including that connected with the South Sea Company—we can now appreciate the value of the opposition criticism, which was heaped upon the Convention. The real point of the innumerable petitions and the like (which poured in upon a harassed Government) was that the Convention had concluded nothing, had resulted in nothing, that all wrongs of British subjects were still unredressed. But the Convention had in fact brought us a promise of payment of 95,000*l.*, and that in itself was an admission by Spain of the wrongs done to British subjects, and an augury of future peace.⁴ As a basis for negotiation the Convention had great merits, and offered every prospect of a speedy and sincere settlement of all outstanding difficulties. The contention that the Ministers were

in the case of the Company, *cp.* Carteret, Speech, March 1, 1739, *Parl. History*, x. 1104. The dangers of relying too much on this argument are forcibly pointed out by Hoadley, Bishop of Salisbury, *ibid.* p. 1127. For general details about the South Sea Company's affairs, etc. at this time *vide* Brit. Mus. Add. MSS. 33,032, ff. 218–28, 277–82, etc.

¹ P.R.O. Spain, *S.P.F.* vol. 133, K. to N. 'Apart'; *cp.* also *ibid.*, Jan. 13, 'Private and particular,' K. to N.

² *Ibid.* 13, Ap. 133/24, K. to Stone.

³ P.R.O. Spain, *S.P.F.* vol. 134, N. to K. May 8, 'Private and particular to be opened by himself.'

⁴ *Vide* the admirable speech of the Earl of Cholmondley in the Lords, March, 1739. *Parl. Hist.* vol. x. pp. 1091–1102. It is difficult to know how far to give confidence to these Parliamentary utterances, but in these debates independent testimony occasionally confirms the opinions of the speakers, *e.g.* Hare MSS. pp. 242, *sqq.*, *Hist. MSS. Comm. Rep.* xiv. pt. ix, London, 1895.

truckling to Spain was untrue, because it was owing to Haddock's fleet as much as to Keene's diplomacy that La Quadra's signature had been affixed to the Convention. The arguments that the Right of Search and other subjects were not touched upon in the agreement were utterly beside the point, because the Ministers had in no way abandoned these claims, but had in fact signed the Convention, as the best mode of securing their future acknowledgment.¹ This fact, the Opposition could not understand, and it may be admitted that it was difficult to explain it. None the less, the appeals to the fame of Elizabeth, to the great name of Oliver, to the passions of England and the barbarities of Spain—were so much empty beating of the wind. A government which had coerced Spain was not humiliated; a Convention which announced the concessions of Spain, and which was but the prelude to a definite treaty, could not be treated as a surrender of British rights. The real evil did not lie with the Spanish Convention, but with the English Constitution. As long as British liberty prescribed that incomplete negotiations of the most delicate character should be submitted to a noisy and ill-informed assembly, British policy could hardly prosper. Nations are as sensitive about the criticism of treaties as individual writers about the criticism of their works, and the situation might not inaptly be compared to that in the *Critic*. An author produces his play before a row of critics, who interrupt it as it proceeds, and wither it with their sarcasms. In the play which Walpole's Ministry now produced for the benefit of Parliament, Carteret and Pitt occupied the places of Dangle and Sneer.

Debates began in February 1739, but the issue was not really joined till March. It then became violent enough, and Francis Hare spoke of it as the greatest party struggle there

¹ *Vide* the papers of this period *passim*, but especially Brit. Mus. Add. MSS. 35,406, ff. 55-6, Oct. 22, 1738, Claremont, Newcastle to Hardwicke: 'the instructions should go at the same time that we send back the Treaty, that it may appear that tho' we consented to their *alterations* as immaterial, we still intended to insist upon the freedom of navigation in a proper manner; ' *vide* also Add. MSS. 32,800, f. 280, Keene and Castres to Newcastle, Ap. 23, 1739.

had been since the Revolution. Carteret in the Lords displayed a large grasp of the whole question; Argyle was violent and rhetorical; in the Commons Pitt was ardent, Pulteney vehement, and Wyndham venomous. Their views have already been outlined, as appeals to British honour, to British justice, and to British interests, and are too well-known to need discussion here. It will be more to the point to reproduce the opinions of the English plenipotentiaries upon them, and to show how far they produced an effect on Spanish policy. De Castres, Keene's brother-plenipotentiary, treated the Opposition with great contempt, and thought that the Patriots were infinitely surprised and displeased to find the Convention no worse. Keene, having regard to Spain, took a graver view. 'They' (the Spanish Ministers) wrote he, 'are but too well informed of all that passes' (the delay in our full powers, etc.) 'thanks to our Patriots who by bawling for the honour of our nation strip it of its weight and dignity as I too sensibly [*keenly* erased] feel to my sorrow. Every scurrilous Pamphlet and Paper is sent hither translated, and you may judge how pleased they must be at seeing themselves treated so *cavalièrement*. Dⁿ la Quadra, as he is called, has condoled himself with Dⁿ Keene on this doleful occasion.'¹ Seven months later Keene assured Sir Robert Walpole that 'the Opposers make the War.'² None the less, despite all these protestations, it is conceivable that the Spanish Court might have overlooked irresponsible utterances of the Opposition, if only Newcastle had been able to do so. It is almost certain that the measures (which the Duke now took) were directly due to the influence of popular opinion; it is quite certain that they caused the war. Spanish sincerity had been proved by the disarmament of Spanish

¹ P.R.O. Spain, *S.P.F.* vol. 133, Ap. 24, Keene to Stone; *cp.* also Francis Hare's description, pp. 240 *sqq.* Hare MSS., *Hist MSS. Comm. Rep.* xiv. App. ix., London 1895. 'The Patriots were resolved to damn it, before they knew a word of it, and to inflame the people against it, which they have done with great success.'

² Brit. Mus. Add. MSS. 35,406, f. 158, September 30, 1739, Newcastle to Hardwicke.

ships, English by the significant act of January 29, 1739, when Admiral Haddock was ordered 'forthwith to repair to England with the Squadron of His Maj. ships under your Command.'¹ On March 10, this order was deliberately revoked. 'You are hereby required and directed, (*Notwithstanding any former orders*) to remain with the Squadron of His Majesty's Ships under your command at Gibraltar.'² The date of this order is highly suggestive, it is that of the last day of the Convention debate in the Commons. As early as February 24, Newcastle had written to Hardwicke, 'We must yeild [*sic*] to the times,'³ and his subsequent action did not belie his words. The whole tenor of his policy indeed shows that he turned with every popular breath, but this alone is not sufficient to explain why this grave decision was taken. There were other men in the Ministry besides Newcastle, men not so impressionable or so anxious to yield to the times; even as late as March 8 Walpole had proudly declared 'I am resolved . . . to let no popular clamour get the better of what I think is for my country's good' (*Parl. Hist. x.* 1291). The decision, in which he acquiesced two days after this utterance, placed peace in such hazard that perhaps he would have permitted neither popular clamour nor Newcastle to force him into it, had there not been another factor in the situation—and that was France.

Ever since the signature of the *Pacte de Famille* in 1733 (the substance of which had been revealed to England in February 1734), Newcastle had been nervously anxious about French relations with Spain. Immediate danger had been averted, and the hatred of Elizabeth Farnese for Fleury was so obvious that during 1737 even Newcastle realised that

¹ P.R.O. *Admiralty Out Letters*, vol. 55, p. 370.

² P.R.O. *Admiralty Out Letters*, vol. 55, p. 389 (italics my own). The best contemporary discussion of the counter orders question is in Hare's MSS. p. 249, *Hist. MSS. Comm. Rep.* xiv. App. pt. ix. Hare knew and sometimes talked with Sir R. Walpole (p. 246), and his evidence and judgment are equally entitled 'o respect.

³ Brit. Mus. Add. MSS. 35,406, f. 111: 'as far as is consistent at least with our own point' (*i.e.* alteration of the forms of the Resolution with reference to the Convention with Spain).

the *Pacte de Famille* was waste paper. When on August 21, 1738 (O.S.) Newcastle had hinted to Keene to sound La Quadra as to the possibility of an alliance between England and Spain, he had clearly in mind Spanish estrangement from France.¹ On January 26/February 6, 1739 he renewed these hints to the same purpose, but added as a postscript that his hopes were faint, as he had just heard of the good relations which the new French Ambassador was establishing with the Spanish Court.² La Marck, who had superseded Champeaux at Madrid, was a true courtier, difficulties and even impossibilities disappeared before his address; Elizabeth began to think favourably of the Cardinal, France and Spain to approach one another. On February 22 La Marck's politeness had its reward and the negotiation of a match 'between Don Phelipe and the eldest daughter of France' was announced.³ Keene writing to Newcastle the next day announced this intelligence, said that he had 'never had any reply to my Hints on this head that was worth His Majesty's notice,' and suggesting that an Anglo-Spanish alliance was now hopeless and a Franco-Spanish one extremely probable. He gave no decisive evidence, but a deduction from a marital union to a diplomatic one was natural. This letter reached London on March 4, in sufficient time to clinch the Ministerial decision.⁴ Hence while fear of the

¹ *Vide supra*. Keene had suspicions of French interference between England and Spain so early as May 29, 1738, *vide* letter of that date, 'most secret,' K. to N., P.R.O. Spain, *S.P.F.* 130, and more important *vide ibid.* 131, K. to N., Segovia, August 2, 'most private,' where Keene hints at a projected alliance between Spain and France as having taken place in June 1738 (*viae* also note 2, p. 19). Brit. Mus. Add. MSS. 19,036, f. 1, has a memoir drawn up for the English Government on the state of military force, revenue and galleys of *France and Spain*, June 1738.

² P.R.O., *S.P.F.* Spain, vol. 134, January 26, 1739, N. to K.

³ *Ibid.* vol. 133, February 12/23, 1739.

⁴ B.M. Add. MSS. 23,803, f. 121, Harrington to Robinson, March 6/17, 1739 [interesting as written before the decision of March 10]. 'What' [was] said to you concerning the communication of a French Treaty with Spain proceeds from a mistake, nothing of that kind having past, but I may acquaint you in confidence that His Majesty has certain information of a Treaty of Commerce now actually on foot between those two Crowns, which is intended

mob in England drove Newcastle, fear of the Cardinal in France appears to have driven Walpole, to this momentous decision of March 10, 1739.

It is possible, though extremely unlikely, that the British Ministry were unaware of the effect that their counter-orders to Haddock were likely to produce upon Spain. If so they were soon undeceived; Don Geraldino remonstrated within ten days from its issue 'upon the Report, that Orders were sent to stop the Fleet, and expressed his apprehension that his Court would be alarmed at it, and imagine that this new Resolution (*as he called it*) might proceed from an Alteration of Measures.'¹ This assumption that the issue of Counter-Orders was an idle rumour, this bashful pretence of ignorance was surprising even for Newcastle. Unfortunately for the ducal innocence, the Admiralty Records already quoted prove that Counter-Orders were issued, and remain to abash him in the eyes of posterity. None the less, on this occasion as on many subsequent ones, Newcastle cheerfully instructed Keene to deny the fact of the Counter-Orders and to give pacific assurances. But unfortunately after such an action pacific assurances were not convincing. Spain had had enough of Haddock's threats in 1738, she had showed her sincerity by disarming her fleet in 1739, and now she was once more menaced. Even Montijo, the truly moderate and reasonable, told Keene he could not understand how the Conferences could begin 'in the capital of Spain, whilst we [England] are upon Their Coasts, with our Matches ready lighted to fall upon them.'² La Quadra (now Marquis de Villariàs)

to be concluded and will no doubt be followed by an offensive and defensive Alliance.' *Vide* also P.R.O. Spain, *S.P.F.* 134, March 20, N. to K. 'Private and Particular to be opened by Himself.' This letter goes farther than Harrington's, and expresses a keen conviction that a Franco-Spanish alliance *may* already have been signed. Brit. Mus. Ad. MSS. vol. 32, 800, f. 215, Newcastle to Waldegrave, March 20, 1739, 'Private and particular in cypher, to be opened by himself,' shows clearly that Newcastle entertained the gravest suspicions as to a Franco-Spanish Treaty, but that, despite disturbing intelligence from Waldegrave, absolutely definite proof of such a Treaty was not to hand.

¹ P.R.O. Spain, *S.P.F.* vol. 134, March 20 (o.s.), Whitehall, 'most private.'

² *Ibid.* vol. 133, May 4 (N.S.), K. to N., private.

said to Keene on April 13/24 that his assurances might be all very well, but 'what air does it carry in publick, and what can the world judge of it, unless it be that Spain is to be fright'ned and menaced into such measures as England shall require of her? . . . Perhaps the [Spanish] King would have been much more inclined to facilitate the future negotiation,' etc.¹ Keene strove to soften him, and wrote plainly to Newcastle that 'They [the Spaniards] will be ashamed either to trust to our word, or to discover their lightness in having altered their military Measures before the departure of Admiral Haddock, by being obliged to renew them.' On April 23/May 4, Villariàs reopened the question to Keene, who vainly sought to appease him. Keene wrote that the Gentlemen of the [Spanish] Admiralty were 'uneasy as they have given Orders for unarming the Ships that were got in a Readiness for all Events, before the Convention was signed,' but do not appear yet to have countermanded them.² To re-arm the Spanish Fleet was for the Spanish Government to confess publicly that they had been duped in negotiation and bullied by Haddock. The situation thus rapidly became impossible, for the Spaniards had a shrewd suspicion that Keene was lying when he denied the fact of the Counter-Orders. The two preliminary Conferences, which took place on May 5 and 15, were long and stormy, and when the matter of the Counter-Orders was brought forward by Quintana 'in a muttering stammering manner,' Keene declared it not to be within his competence as a commissioner. On May 6/17 came the final rupture of the Spanish Government with the South Sea Company—a most unfortunate occurrence which contributed greatly to fan the flame. Neither side could now withdraw from their position with honour or safety, England now feared War and would not recall Haddock, Spain feared war and would not therefore pay 95,000*l.* to England just on the eve of it. On May 29 (O.S.) Villariàs is reported by Keene as having told

¹ P.R.O. Spain, *S.P.F.* vol. 133, April 13/24, 1739 (N.S.), K. to N. *Apart.*

² *Ibid.* vol. 133, May 4 (N.S.), K. to N. 'private.'

him that there would be no payment of the 95,000*l.* (due May 25, O.S.) until Haddock's Fleet was withdrawn.¹

This last communication, which was received by Newcastle on June 7 (O.S.), meant nothing else but war, a fact that must have been obvious to both sides. The Convention had not seemed very glorious to English opinion in any case, but peace became hopeless after the refusal to pay the 95,000*l.*, for the payment of which British Ministers had staked their reputations. English Ministers had a real cause on which to appeal to the public—the breach of the Convention—and that public knew nothing of the part the Counter-Orders had played. That war was recognised as inevitable is clear from the sealed orders issued by the Admiralty on June 11 (O.S.), 1739, to Captain Fanshawe of the *Phoenix*, going to South Carolina. They authorized him 'to commit all sorts of Hostilities against the Spaniards.'² On June 14 (O.S.) Newcastle wrote to Keene to decline further conferences, and instructed him privately to spy upon the Spanish Military and Naval preparations. Each side masked its intentions as long as possible, for in this age all things moved slowly, and nations even went to war with the decorous dignity of dancers in a minuet, but before the end of July hostilities in effect began. In August Cardinal Fleury made an attempt to intervene and secure the payment of the 95,000*l.* to England, but, for reasons which will already be clear to us, England regarded French offers as insidious and rejected the proposal. War was actually declared on October 19, Heralds proclaiming it at Temple Bar, the Prince of Wales drinking to its success in a tavern, the steeples rocking, and the crowds shouting. Newcastle, approving 'this little yeilding to times,' and seeing

¹ P.R.O. Spain, *S.P.F.* vol. 133, K. to N., Madrid (May 29/June 9), *Apart.* As a proleptic commentary on this *vide* P.R.O. Spain, *S.P.F.* vol. 134, Whitehall, N. to. K., May 8 (O.S.), 'private and particular in Cypher to be opened by himself.' Newcastle attributes the evident silence of the Spaniards as to paying the 95,000*l.* to the 'Resolution of the South Sea Co. and the Counter-Orders *supposed to be sent to the Fleet in the Mediterranean*'!! The italics my own.

² *Admiralty Out Letters*, vol. 55, p. 445 *sqq.*

things 'in a very melancholy light';¹ and Walpole uttering the bitter and immortal sentence that there would soon be a wringing, not of bells, but of hands.

To sum up briefly the results of our investigation. The deepest cause of the war was unquestionably the selfish policy of Spain. It had never been able to conduct its own slave-trade: it had never failed to irritate any nation undertaking that duty by the Assiento. Such a situation was difficult; on the other hand manuscript sources prove decisively that French and Dutch trading in the West Indies was not open to the same objections as the English or, in other words, show that the latter misused the advantages given them by the Assiento. It cannot be denied that the English gave genuine and admitted cause for reprisal to the Spanish *guarda costas*; or that the French and Dutch Governments (who kept their smugglers within due bounds) found that Spanish reprisals were fewer and more promptly atoned for. But, though the matter of Spanish reprisals lent itself to most unjustifiable misrepresentation in England, the fact of Spain's agreement to pay 95,000*l.* shows the genuineness of some of England's claims. Against this must be placed the fact that concession was not all Spanish, and that England's Ministers appear also to have been willing to make serious efforts for the suppression of private interlopers engaged in illicit trade. Here again, then, the difficulties of coming to an arrangement, though real, were not insuperable.

Unpublished records prove again and again the absolute genuineness and seriousness of the attempt to settle all the difficulties outstanding after the signature of the Convention. Both sides made real concessions in the Convention, both sides proved their sincerity immediately afterwards. Spain by disarming her fleet, England by projecting an alliance between the signatory Powers. It can further be established that both sides intended to make real efforts in the near future, in order to settle all further problems on the

¹ Newcastle to Hardwicke, Sept. 30, 1739; Brit. Mus. Add. MSS. 35,406, ff. 159.

basis of this preliminary agreement. Their task was, however, made much harder by the unfortunate interference of the South Sea Company. On the abstract rights of the other questions discussed it appears that Spain was, in the main, in the right. Keene, the most moderate and best informed of English negotiators, supported Spain on the right to cut logwood in Campeachy Bay; Newcastle certainly blundered as to the Treaties with reference to the Right of Search; about the limits of Georgia even the Duke himself had his doubts. None the less, there was still a possibility of adjusting these respective claims, because England could offer a suppression of the private smuggling trade as an equivalent for concessions from Spain in other directions. All this proves that the attitude of the English Opposition was mistaken, and that it was untrue to say that England's commercial interests or honour had been sacrificed. Conciliatory England's Ministers may have tried to be, especially in minute points, but as to the essentials they stood firm enough, much too firm to enable them to plead the abstract justice of their cause.

'It was not the proceedings in Parliament, Sir, that precipitated us into that War [*i.e.* of 1739], but the truckling submissions of our Ministers for many years before, and the trash of treaties they had concluded were such, that a war was become absolutely necessary *before* the Parliament interposed . . . it was apparent that our Ministers were resolved to sacrifice both our trade and navigation in the American Seas, rather than go to War.'¹ So spoke Henry Bathurst in 1750 and none of his statements, considered in the light of documents, appears to be true. The Ministers had not truckled to Spain, they were not prepared to sacrifice our trade and navigation; peace appeared to be almost certain until Parliament intervened. Newcastle's deference to Parliament and to public opinion is too obvious, the fateful despatch of the Counter-Orders coincides too closely with the date of the Parliamentary Debate on the Convention, to prevent anyone

¹ *Parl. Hist.* xiv. p. 698.

denying that popular and Parliamentary agitation was the main factor in causing the War. In the main, therefore, the old contention of Burke that the War was unjust, that it was provoked by opposition clamour, and was 'the fruit of popular desire' appears to be true.¹

None the less, unpublished records usually have a secret or two in their folios to qualify or modify simple explanations and to prevent the ascription of single causes to great events. In this case they clearly prove that fear of France joining forces with Spain at least influenced the decision as to the Counter-Orders, and that dread of a Bourbon *Pacte-de-Famille*, as well as of an English mob, helped to drive the British Ministry into war. Fear of France may not have been the main factor, but it certainly was an important subsidiary one in causing the war, and England's suspicion of French alliance with Spain is significant of the new age. Until March 10, 1739, it was a possibility that England and Spain might work on parallel lines in America, to the exclusion of France. After March 10, 1739, it was inevitable that France and Spain would eventually work together in America to the exclusion of England. The logic of events associated the two Bourbon Powers, brought them to two more *Pactes-de-Famille*, to their humiliations in 1763, and their triumphs of twenty years later. The first act of an eighty years' struggle was rung up in 1739, the curtain fell for the last time in the last months of 1823, when the downfall of Franco-Spanish influence in America was finally decreed.

Horatio Walpole was not far wrong when he stated in Parliament that England could hardly contend against the

¹ Burke, 'First Letter on a Regicide Peace.' He says that he studied the original documents concerning certain important transactions of those times, but he did not study them enough to convince himself that Jenkins' ear was no 'fable.' He says that many of the principal actors in producing that clamour afterwards conversed with him, and that none of them, no not one, did in the least defend the measure, or attempt to justify their conduct! No doubt he conversed with Pitt, who repented in public in 1751 (*Parl. Hist.* xiv. pp. 798-803), Compare his more private repentance in 1757, *Brit. Mus. Stowe MSS.* 256, ff. 282-304; of which transcripts are printed in *Hist. MSS. Comm. Rep.* x. App. i. pp. 212-21.

two Bourbons single-handed, and the result was always a balanced contest. England triumphed over the two allies for a moment in 1763, only to fall prostrate in 1783. Between 1763 and 1807 she struggled hard once more, but failed in her last chance of securing dominion on the South American continent. England could baffle France, but Spain over-weighted the balance, and, if a real equilibrium was to be found, an ally in the New World must be sought. This counterpoise was first found in 1823—not indeed in an ally, but in an independent helper against Franco-Spanish interference in the New World. In September of that year Canning acting for England, bade France interfere in the New World at her peril ; in December Monroe and Adams, on behalf of the United States, gave warning both to France and Spain, and clinched the Englishman's argument. Bourbonism in its two branches was at length met in the New World by Anglo-Saxondom in its two branches, and the result was the entire defeat of the two Latin Powers and the dissolution of that once formidable union, which had first seriously threatened the English dominion in 1739.