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COLLECTION
OF

All the Considerable Addresses, Memorials, Petitions, Answers, Proclamations, Declarations, Letters and other Publick Papers, Relating to the Company of SCOTLAND Trading to AFRICA and the INDIES, since the passing of the Act of Parliament, by which the said Company was established in June 1695, till November 1700.

Together with a short Preface (including the Act it self) as also a Table of the whole Contents.

----- *Forsan & hæc olim meminisse Juvabit. Virg.
Grata superveniet, quæ non sperabitur hora. Hor.*

Printed in the Year 1700,

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The Preface.

THe Endeavours of the Company of Scotland Trading to Africa and the Indies in establishing a Colony and Settlement in so important a place as that Isthmus, or narrow neck of Land (commonly called Darien) situated upon the height of the World, between the spacious South and North Seas, and consequently a fit Center for so extended and universal a Trade as seems to have been intended by the Act of Parliament establishing that Company, having not only been the Subject-Matter of a great deal of Discourse and Speculation, both Abroad and at Home, but also raised the Jealousy of some, and the Envy of others of the most considerable Courts in Europe; That, together with the continued course of Opposition which the Company met with, in all its Designs and Undertakings, gave occasion to the Writing of several very Ingenious Books concerning it. But these Books referring very often to several publick Papers contain'd in this Collection, it is humbly presum'd that of all that has been written upon that Subject, nothing can be more acceptable to the Publick, nor of more real use, in giving a just View to indifferent Persons, of positive Matters of Fact, without any artificial Embellishments or Reflections thereupon, than the following Collection, taken as near as possible from the very Original Papers themselves.

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It's true there was a small Collection of this kind Printed formerly, under the Title of Original Papers, &c. But the haste in which, it seems, that Collection was done, giving probably occasion to its being very imperfect in many respects, and it containing scarcely the Third Part of what this does, it was thought fit for the General Satisfaction of all contending Parties and others, to makethis Collection with more deliberation, and as compleat as possible, to the end that there may be no occasion for any further Additions to it, unless future events afford matter for a Second Volume :

And that the Reader may likewise see how far the measures taken bythe Company are warranted by the Act of Parliamentby which it was established,an exact Copy of the Act of Parliament it self, is hereunto subjoyned.

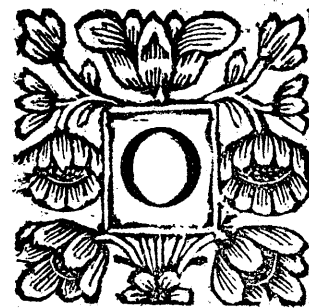
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FOR A
C O M P A N Y
Trading to
A F R I C A and the I N D I E S.

June 26. 1695.



OUR SOVERAIGN LORD Taking into his consideration ; That by an Act past in this present Parliament, Intituled, *Act for Encouraging of Forraign trade*; His Majesty for the Improvement thereof, did with Advice & Consent of the Estates of Parliament Statute and Declare, that Merchants more or fewer may Contract and enter into such Societies and Companies for carrying on of Trade, as to any Subject of Goods or Merchandise to whatsoever Kingdoms, Countries, or Parts of the World not being in War with His Majesty, where Trade is in use to be, or may be followed, and particularly beside the Kingdoms and Countries of *Europe*, to the East and *West-Indies*, the *Streights* & to trade in the *Mediterranean*, or upon the Coast of *Africa*, or in the *Northern* Parts, or else where as above : Which Societies and Companies being contracted and entred into, upon the terms, and in the usual manner as such Companies are set up, and in use in other parts, consistent always with the Laws of this Kingdom : His Majesty with consent foresaid, did allow and Approve, giving and granting to them. and each of them, all Powers

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Powers, Rights and Priviledges, as to their Persons, Rules and Orders that by the Laws are given to Companies allowed to be Erected for Manufactories; And His Majesty for their greater Encouragement, did promise to give to these Companies, and each of them, His Letters patent under the Great Seal, confirming to them the whole foresaid Powers and Priviledges, with what other Encouragement His Majesty should judge needfull, as the foresaid Act of Parliament at more length bears. And His Majesty understanding that several Persons, as well Forreigners as Natives of this Kingdom, are willing to engage themselves with great Sums of Money in an *American, African, and Indian* trade, to be exercised in and from this Kingdom, if Inabled and Incouraged thereunro by the Concessions, Powers and Priviledges needfull and usual in such Cases. Therefore and in pursuance of the foresaid Act of Parliament, His Majesty with Advice and Consent of the said Estates of Parliament; Doth hereby make and constitute *John Loid Belharven, Adam Cockburn* of Ormistoun Lord Justice Clerk, Mr. Francis Montgomery of Giffen, Sir John Maxwell of Pollock, Sir Robert Chiesly present Provost of Edinburgh, John Swinton of that ilk, George Clerk late Baillie of Edinburgh, Mr. Robert Blackwood, and James Balfour Merchants in Edinburgh. and John Corrs Merchant in Glasgow, William Paterson Esquire, James Foulis, David Nairn Esquire, Thomas Deans Esquire, James Chiesly, James Smith, Thomas Couis, Hugh Frazer, Joseph Cohen D^r *Azevedo*, and Walter Steuart Merchants in London, with such others as shall joyn with them within the space of twelve Months after the first of August next, and all others, whom the foresaid persons and these joyned with them, or major part of them being assembled, shall admit and joyn into their Joint-Stock and Trade, who shall all be Repute, as if herein originally insert to be one Body Incorporate, and a free Incorporation, with perpetual Succession, by the Name of the COMPANY of SCOTLAND Trading to Africa and the Indies: Providing always, Likeas, It is hereby in the first place provided, that of the Fond or Capital stock that shall be agreed to be Advanced and Employed by the foresaid Undertakers and their Copartners, The Half at least shall be Appointed and Allotted for Scots Men within this Kingdom, who shall enter and subscribe to the said Company, before the first day of August, One Thousand Six Hundred and Ninety Six Years: And if it shall happen, that Scots Men living within this Kingdom, shall not betwixt and the foresaid Term, subscribe for, and make up the equal half of the said Fond or Capital Stock; Then and in that case allennar-

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ly it shall be, and is hereby allowed to Scots men residing abroad, or to Forreigners, to come in, subscribe, and to be assumed for the Superplus of the said half, and no otherways: Likeas, the Quota of every Mans part of the said Stock, whereupon he shall be capable to enter into the said Company, whether he be Native or Forreigner, shall be for the least, one Hundred lib. sterl. And for the Highest or Greatest, Three Thousand lib. sterl. and no more directly nor indirectly in any sort; With power to the said Company to have a common Seal, and to alter and renew the same at their pleasure; with Advice always of the Lyon King at Arms, As also to plead and Sue, and be Sued; and to purchase, Acquire, Possess, and enjoy Lordships, Lands, Tenements or other Estate Real or Personal, of whatsoever Nature or Quality, and to dispoite upon and alienate the same, or any part thereof at their pleasure, and that by Transfers and Assignments made and entred in their Books and Records, without any other Formality of Law: Providing always, that such Shares as are first subscribed for, by Scots Men within this Kingdom shall not be alienable to any other than Scots Men living within this Kingdom; That the foresaid transfers and Conveyances as to Lands and other real Estate (when made of these only and a part) be perfected according to the Laws of this Kingdom anent the Conveyance of Lands and Real-Rights, with power likeways to the foresaid Company, by Subscriptions or otherways, as they shall think fit to raise a Joynt-stock or Capital Fond of such a Sum or Sums of Money, and under, & subject unto such Rules, Conditions and Qualifications, as by the foresaid Company, or major part of them when assembled shall be Limited and Appointed to begin, carry on and support their intended Trade of Navigation, and whatever may contribute to the Advancement thereof. And it is hereby Declared, that the said Joynt-Stock or Capital Fond, or any part thereof, or any Estate Real or personal, Ships, Goods, or other Effects of & belonging to the said Company shall not be lyable unto any manner of Confiscation, Seisure, Forfaulture, Attachment, Arrest or Restraint, for and by Reason of any Embargo, breach of Peace, Letters of Mark or Reprisal, Declaration of War with any Forreign Prince, Potentate or State, or upon any other account or pretence whatsoever; But shall only be transferrable, Assignable, or Alienable in such way and manner, and in such Parts and portions, and under such Restrictions, Rules and Conditions, as the said Company shall by Writing in, and upon their Books, Records and Registers direct and appoint, and these transfers and Assignments only, and no other shall convey

vey the Right and Property, in and to the said Joynt-Stock, and Capital Fond and Effects thereof above mentioned, or any part of the same, excepting always as is above excepted, and that the Creditors of any particular Member of the Company may by their real Diligence affect the share of the Profit falling and pertaining to the Debitor, without having any further Right or Power of the Debtors Part and Interest in the Stock or Capital Fond, otherways than as above appointed, and with this express Provision, that whatever Charges the Company may be put to by the contending of any of their Members deceased, or of their Assignes Creditors, or any other persons in their Rights, The Company shall have Retention of their Charges and Ezpenfes in the first place. And the Books Records & Registers of the said Company, or Authentick Abstracts or Extracts out of the same, are hereby declared to be good and sufficient for Evidents in all Courts of Judicature, and else where, And His Majesty with Advice foresaid, further Statutes, and Declares, that the said *John Lord Belhaven, Adam Cockburn of Ormistoun, Lord Justice Clerk, Mr. Francis Montgomery of Giffen, Sir John Maxwell of Pollock, Sir Robert Chiesly* present Provost of *Edinburgh, John Swinton* of that ilk, *George Clerk* late Baillie of *Edinburgh, Mr. Robert Blackwood,* and *James Balfour* Merchants in *Edinburgh,* and *John Corss,* Merchant in *Glasgow, William Paterson* Esquire, *James Foulis, David Nairn* Esquire, *Thomas Deans* Esquire, *James Cheisly, James Smith, Thomas Couts, Hugh Frazer, Joseph Cohen D' Azevedo,* and *Walter Stuart* Merchants in *London,* and others to be joynd with, or assumed by them in manner above mentioned, and their Successors, or major part of them assembled in the said Company, shall and may in all time coming by Plurality of Votes, Agree Make, Constitute and Ordain all such other Rules Ordinances and Constitutions as may be needfull for the better Government and improvement of their Joynt-Stock, or Capital Fond in all Matters and things relating thereunto; to which Rules, Ordinances, and Constitutions, all persons belonging to the said Company, as well Directors as Members thereof, Governours, or other Officers Civil or Military, or or others whatsoever shall be subject, and hereby concluded: As also to Administrate and take Oaths *de fidei,* and others requisite to the Management of the foresaid Stock and Company. And the said Company is hereby impowered to Equipp, Fit, set Out, Fraught, and Navigat their own, or hired ships. in any manner as they shall think fit, and that for the space of ten years from the date hereof, notwithstanding of the Act of Parliament one thousand six hundred and sixty one years. Intituled

intituled, *Act for Encouraging Shipping & Navigation,* wherewith His Majesty with Consent foresaid dispentes for the said time allenarly, in favours of the said Company, & that from any of the Ports or Places of this Kingdom, (or, from any other parts or places in Amity, or not, in Hostility with His Majesty) in Warlike or other manner, to any Islands Countreys, or places in *Asia, Africa,* or *America;* And there to Plant Colonies, build Cities, Towns or Forts, in or upon the places not Inhabited, or in or upon any other place, by consent of the Natives and Inhabitants thereof; and not possessd by any European Sovereign, Potentate Prince or State. And to provide and furnish the foresaid Places, Cities, Towns, or Forts, with Magazines, Ordinances, Arms, Weapons, Ammunition, and stores of War, and by Force of Arms to defend their Trade and Navigation, Collonies, Cities, Towns, Forts, and Plantations, and other their effects whatsoever; As also to make Reprisals, and to seek and take Reparation of Damage done by Sea, or by Land, and to make and conclude Treaties of Peace and Commerce, with the Sovereigns, Princes, Estates, Rulers, Governours, or Proprietors of the foresaid Lands, Islands, Countreys, or Places, in *ASIA, AFRICA* or *AMERICA.* Providing always Likeas, It is hereby specially provided, that all ships employed by them shall return to this Kingdom with their Effects, under the pain of Confiscation, Forfaulture and Seizure of the Ship and Goods, in case of breaking of Bulk before their return, excepting the case of Necessity, for preserving the Ship, Company, and Loadning allenarly. And His Majesty with Consent foresaid; doth further Statute and Ordain, that none of the Leidges of this Kingdom shall or may Trade or Navigat to any Lands, Islands, Countreys or places in *ASIA,* or *AFRICA,* in any time hereafter, or in *AMERICA,* for, and during the space of Thirty One Years, to be counted from the passing of this present Act, without Licence and Permission in writing from the said Company: Certifying all such as shall do in the contrair hereof, that they shall Forfault and Amit the third part of the Ship or Ships, and of the Cargo or Cargoes therein employed, or the value thereof, the one half to His Majesty as Escheat, and the other half to the use and benefite of the said Company: For the effectual Execution whereof, it shall be lawfull to the said Company, or any employed by them, to seize the said Ships and Goods in any place of *ASIA* or *AFRICA,* or at sea upon the Coasts of *ASIA* or *AFRICA,* upon the transgression foresaid, by force of Arms, and at their own hand, and that without the hazard of

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incurring any Crime or Delinquencie whatsoever on account of the said Seizure, or any thing necessarily done in prosecution thereof; Excepting always, and without prejudice to any of the Subjects of this Kingdom to Trade and Navigat, during the said space to any part of *America*, where the Colonies, Plantations, or Possessions of the said Company shall not be settled. And it is further hereby enacted, that the said Company shall have the free and absolute Right and Property, only relieving and holding of his Majesty and his Successors in Sovereignty, for the only acknowledgement of their Allegiance, and paying yearly a Hoghead of Tobacco, in Name of Bleach-duty, if required allenarly, in, and to all such Lands, Islands, Colonies, Cities, Towns, Forts, and Plantations that they shall come to Establish & Possess in manner forsaide; As also to all manner of treasures, Wealth, Riches, Profits, Mines, Minerals, Fishings, with the whole product and benefite thereof, as well under as above the Ground, and as well in Rivers and Seas, as in the Lands thereto belonging, or from or by reason of the same in any sort, together with the Right of Government, and Admiralty thereof; And that the said Company may by vertue hereof, grant and delegat such Rights, Properties, Powers, and Immunities, and permit and allow such sort of Trade, Commerce, and Navigation into their Plantations, Colonies, Cities, Towns, or Places of their Possession, as the said Company, from time to time, shall judge fit and convenient. With power to them to impose and exact such Customs, and other Duties upon and from themselves, and others Trading with, and coming to the said Plantations, Cities, Towns, places and ports, and Harbours thereof, as the company shall think needful for the maintainance and other publick uses of the same. Holding always, and to hold the whole Premises of His Majesty, and His Successors Kings of *Scotland*, as Sovereigns thereof, and paying only for the same their Acknowledgement and Allegiance with a Hoghead of tobacco yearly, in name of Bleach-duty if required for all other Duty, service, Claim or demand whatsoever: with power and Liberty to the said Company to Treat for, and to procure and purchase such Rights, Liberties, Priviledges Exemptions and other grants as may be convenient for supporting, promoting and enlarging their trade and Navigation from any forreign Potentate or Prince whatsoever in amity with His Majesty; for which the general treaties of Peace and Commerce berwitz His Majesty and such Potentates, Princes, or States shall serve for sufficient security. Warrant and Authority; and if contrair the said Right

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Rights, Liberties, priviledges, Exemptions, Grants or Agreements, any of the Ships, Goods, Merchandise, persons or other effects whatsoever, belonging to the said Company, shall be stoppt, detained, embezled, or away taken, or in any sort prejudged or damnified. His Majesty promises to interpose his Authority to have Restitution, reparation and satisfaction made for the Damage done, and that upon the publick Charge, which His Majesty shall cause depurle and lay out for that effect. And further it is hereby Statute, that all Ships, Vessels, Merchandise, Goods and other Effects whatsoever belonging to the said Company, shall be free of all manner of Restraints, or prohibitions, and of all Customs Taxes, Cesses, Supplies, or other Duties Imposed or to be imposed by Act of Parliament, or otherwise, for and during the space of twenty one years, excepting always the whole Duties of Tobacco and Sugar, that are not of the Growth of the Plantations of the said Company. And further it is Enacted, that the said Company by Commission under their common Seal, or otherwise as they shall appoint, may make, constitute all and every their Directors, Governours, and Commanders in Chief, and other Officers Civil or Military by Sea, or by Land; as likewise that the said Company may Inlist, Inroll, Agree, and Retain all such persons Subjects of this Kingdom, or others whatsoever, as shall be willing and consent to enter in their Service or Pay, providing always that they Uplift or Levy none within this Kingdom to be Soldiers, without leave or Warrant first obtained from his Majesty, or the Lords of his Privy Council; over which Directors, Governours, Commanders in Chief, or other Officers Civil or Military, and others whatsoever in their Service and Pay, the Company shall have the Power Command and Disposition both by Sea and Land. And it is further Statute, that no Officer Civil or Military, or other Person whatsoever within this Kingdom, shall Impress, Entertain, Stop or Detain any of the Members, Officers, Servants, or others whatsoever, of, or belonging to the said Company; And in Case the said Company, their Officers or Agents, shall find or understand any of their Members, Officers, Servants, or others aforesaid, to be Impressed, Stopped or Detained, they are hereby Authorized and allowed to take hold of, and Release the foresaid person Impressed, or Stopped in any part of this Kingdom either by Land or Water; and all Magistrats and others, His Majesties Officers Civil and Military, and all others are hereby required in their respective Stations, to be Aiding and Assisting to the said Company under the pain of being lyable to all the Loss

Loss, Damage, and Detriment of the said Company, by reason of the foresaid persons their neglect. And further that the said Company, whole Members, Officers, Servants, or others belonging thereto, shall be free both in their Persons, Estates, and Goods employed in the said Stock and Trade from all manner of Taxes, Cesses, Supplies, Excises, Quartering of Soldiers Transient or Local, or Levying of Soldiers, or other Impositions whatsoever, and that for and during the space of twenty one years. And lastly, All Persons Concerned or to be Concerned in this Company, are hereby Declared to be free Denizons of this Kingdom, and that they with all that shall Settle to Inhabite, or be Born in any of the foresaid Plantations, Colonies, Cities, Towns, Factories, and other Places that shall be purchast and Posselt by the said Company, shall be Repute, as Natives of this Kingdom, and have the Priviledges thereof. And generally without prejudice of the Specialities foresaid, His Majesty with Consent foresaid, Gives and Grants to the said Company, all Power, Rights and Priviledges, as to their Persons, Rules, Orders, Estates, Goods and Effects whatsoever, that by the Laws are given to Companies allowed to be Erected for Manufactories, or that are usually given in any other Civil Kingdom, or Common-Wealth, to any Company there Erected for trade and Commerce. And for the better Establishment and greater Solemnity of this Act and Gift in Favours of the said Company; His Majesty doth further Ordain Letters Patent to be expedite hereupon containing the whole Premises under the great seal of this Kingdom, for doing whereof *Per Saltum*, Their presents shall be sufficient Warrant both to the Director and Chancellor, or Keeper of the Great Seal, as use is in like Cases.

Extracted furth of the Records of Parliament, by

T A R B A T *Cl. Regist.*

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THE HUMBLE
ADDRESS
OF THE
Right Honourable the Lords
Spiritual and Temporal, and
Commons in Parliament Assembled.

Die Veneris, 13. Decembris, 1695.



WE the Lords Spiritual and Temporal, and Commons in Parliament Assembled, having taken into our Consideration the State of the Trade of this Kingdom, Do find, That besides many other Disadvantages and Difficulties it now lies under, An Act of Parliament, that hath lately Received Your Majesty's Royal Assent in Your Kingdom of *Scotland*, for Erecting a Company Trading to *Africa* and the *Indies*, is likely to bring many great Prejudices and Mischiefs to all Your Majesty's Subjects, that are concerned in the Wealth or Trade of this Nation; And therefore in all Duty to Your Majesty, and the Care we ought to have of this Kingdom,

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dom, We do humbly Represent to Your Majesty, that the said Act does provide, *That all Ships, Vessels, Merchandize, Goods, and other Effects whatsoever, belonging to that Company, shall be free from all manner of Restraints, or Prohibitions, and of all Customs, Taxes, Cesses, Supplies, or other Duties Imposed or to be Imposed by Act of Parliament, or otherways, for the space of One and Twenty Years: And further, That the said Company, Whose Members, Officers, Servants, or others belonging thereto, shall be free both in their Persons, Estates and Goods Employed in the said Stock and Trade, from all manner of Taxes, Cesses, Supplies, Excises, Quarrering of Soldiers Transient or Local, or Levying of Soldiers, or other Impositions, during the space of One and Twenty Years.*

By reason of which great Advantages granted to the Scots East-India Company, and the Duties and Difficulties that lie upon that Trade in England, a great part of the Stock and Shipping of this Nation will be carried thither; and by this Means Scotland be made a free Port for all East-India Commodities; and consequently those several Places in Europe, which were Supplied from England, will be Furnished from thence, much Cheaper than can be done by the English: And therefore this Nation will lose the Benefit of Supplying Foreign Parts with those Commodities, which hath always been a great Article in the Ballance of our Forreign Trade: Moreover, the said Commodities will unavoidably be brought by the Scots into England by Stealth, both by Sea and Land, to the vast Prejudice of the English Trade and Navigation, and to the great Detriment of Your Majesty in Your Customs. And when once that Nation shall have settled themselves

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selves in Plantations in *America*, our Commerce in Tobacco, Sugar, Cotton, Wool, Skins, Mafts, &c. will be utterly lost, because the Priviledges of that Nation, granted to them by this Act, are such, That that Kingdom must be the Magazine for all those Commodities, and the *English* Plantations, and the Traffick thereof lost to us, and Exportation of our own Manufactures Yearly Decreased.

Besides these, and many other Obstructions that this Act will unavoidably bring to the General Trade of this Nation, Another Clause in the said Act, whereby your Majesty Promises to Interpose your Authority, to have Restitution, Reparation, and Satisfaction made, for any Damage that may be done to any of the Ships, Goods, Merchandize, Persons, or other Effects whatsoever belonging to the said Company, and that upon the Publick Charge, Does seem to Engage your Majesty to Employ the Shipping and Strength at Sea of this Nation, to Support this New Company, to the great Detriment, even of this Kingdom.

All which great Prejudices, Inconveniencies, and Mischiefs arising by the said Act, We in all Duty and Faithfulness lay before Your Majesty.

MATTH. JOHNSON.
Cleric' Parliamentor.

His Majesty's most Gracious Answer.

I Have been ill served in Scotland, but I hope some Remedies may be found, to prevent the Inconveniencies which may arise from this Act.

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A MEMORIAL Given in to the Senate of the City of Hamburg in French, faithfully Translated into English.

To their Magnificences the Burgo-Masters, and to the Gentlemen-Councillors of this City of Hamburg,

WE, the Subscribers, Ministers of His Majesty, The King of Great Britain, have, upon the Arrival of Commissioners from an Indian-Company in SCOTLAND, Represented, at two several Times, to your Magnificences and Lordships, from the King our Master, That His Majesty understanding, that the said Commissioners Endeavoured to open to themselves a Commerce and Trade in these Parts, by making some Convention or Treaty with this City, had Com-manded us most expressly, to Notify to your Magnificences and Lordships, That if you enter into such Conventions with privat Men His Subjects, who have neither Credential Letters, nor are any other ways Authorized by His Majesty; That His Majesty would Regard such Proceedings, as an Affront to His Royal Authority; And that He would not fail to Resent it. Your Magnificences and Lordships had the Goodness to Answer us thereto by your Deputy, that you would no way enter into Commerce with the afore-mentioned Commissioners, nor Encourage them in any sort, Notwithstanding whereof, We the Subscribers do see with Displeasure, That, without any Regard to the Remonstrances made by us in the Name of His Majesty, the Inhabitants of this City forbear
not

not to make Conventions and Treaties with the said Commissioners, who dare even Erect a Publick-Office to receive Subscriptions, as appears by the annexed Print. And it is not very Credible, That Strangers could so openly Enterprize Matters of such Importance, without being Supported by this Government: Wherefore, We make our Just Complaints thereof to your Magnificences and Lordships; Beseeching you, in the Name of the King our Master, to remedy in time that which is begun, and to do it so Effectually, as to prevent any Consequences it may have, capable to disturb the Friendship and good Correspondence, which we would Cultivat between England and the City of Hamburg. We wait your Magnificences and Lordships Answer in Writing, to be transmitted to His Majesty our Master. And we are,

Your Magnificences and
Lordships most humble
Servants,

Done at Ham-
burgh the 7th.
of April 1697.

CRESSET

His Britannick Majesties
Envoy Extraordinary at
the Courts of Lunenburgh,
and his Plenipotentiary
at the Treaty of Pinen-
berg.

The Knight R. Y.
CAUT Resident
for His Majesty the
King of Great-Britain
in the City of Ham-
burgh.

Which Memorial was immediatly transmitted by the Senate to the *Commercii*, (or Body of Merchants of that City) who happening to be then met in their own Hall, did, upon Perusal thereof, give the following Answer:

WE

WE look upon it as a very strange thing, That the King of Britain should offer to hinder us, who are a Free People, to Trade with whom we please; But are amazed to think, That he would hinder us from Joyning with his own Subjects in Scotland, to whom he had lately given such large Priviledges, by so Solemn an Act of Parliament.

Upon Notice of all which, the Company's Deputees went immediatly to the Senate, and gave in a short Memorial in French, which, being faithfully Translated, is as followeth:

Noble and Venerable Lords,

WE the Subscribers, Deputees and Directors of the Indian and African Company of the Kingdom of Scotland, Understanding that the Gentlemen, His Majesty of Great Britain's Ministers here, have presented a Memorial to your Lordships, in which they seem to quarrel the Powers which have been granzed to us by His Majesty, and the Parliament of Scotland, to make Treaties of Commerce with any Foreign Potentate, Prince or State, not in War with His Majesty the King our Sovereign, for Enlarging the Trade, and for the better Establishment of our said Company;

We pray your Lordships, That you would be pleased to Communicat the said Memorial to us, that we may take Measures accordingly.

*Hamburgh the 9th.
day of April 1697.*

Your Lordships most
humble and obedient

Servants,
*Jo. Erskine.
Jo. Haldan.
Will. Paterson.*
The

The Senate thereupon recommended the Deputees above-nam'd to the *Commercii*, (in whose Hands the Memorial lay) who gave them a Copy thereof; Doubles of which were, by the said Deputees, dispatched to both the Secretaries of State for Scotland, and to the Court of Directors of the Company. And in the mean time, the Merchants, to assert their own Freedom and Priviledges, Sign'd for considerable Sums in the Company's Books; But with a Condition to be void, if the Company did not procure some Declaration from the King, that might render them secure from the Threatnings, and other Insinuations contain'd in the said Memorial.

To the Kings most Excellent Majesty.

*The Humble Address of the Council-
General of the Company of Scotland
Trading to Africa and the Indies.*

May it please Your Majesty,

WHereas, By the 3^d. Act of the 4th. Session, and by the 8th. Act of the 5th. Session of Your Majesties current Parliament, as well as by Your Majesties Patent under the Great Seal of this Kingdom, this Company is Established with such Ample Priviledges, as were thought most proper, for encouraging both Natives and Foreigners, to Joyn in the Carrying on, Supporting and Advancement of our Trade; The most Considerable of the Nobility, Gentry, Merchants, and whole Body of the Royal Burrows have, upon the Inducement and Publick Faith of Your Majesties said Acts of Parliament, and Letters Patent,

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tent, contributed as Adventurers, in raising a far more considerable Joynt-Stock, than any was ever before rais'd in this Kingdom, for any Publick Undertaking or Project of Trade whatsoever, which makes it now of so much the more Universal a Concern to the Nation.

And for the better Enabling us to Accomplish the Ends of Your Majesties said Acts of Parliament, and Letters Patent, we have, in Pursuance thereunto, appointed certain Deputees of our own Number, to Transact and Negotiate our necessary Affairs beyond Sea. And at the same time, to Treat with such Forreigners of any Nation in Amity with Your Majesty, as might be inclinable to Joyn with us for the Purposes aforesaid.

In the Prosecution of which Commission to our said Deputees, (Vested with full Power and Authority according to Law) we are not a little surpriz'd to find, to the great Hindrance and Obstruction of our Affairs, That Your Majesties Envoy to the Courts of *Lunenburgh*, and Resident at *Hamburgh*, have, under Pretence of special Warrant from Your Majesty, given in a Joint-Subscribed Memorial to the Senate of *Hamburgh*, expressly Invading the Priviledges granted to our Company, by your Majesty's said Acts of Parliament and Letters Patent, as by the herewith transmitted Copy may appear.

By the which *Memorial* we sustain great and manifest Prejudices, since both the Senate and Inhabitants of the said City of *Hamburgh* are thereby (contrary to the Law of Nations) expressly threatned with your Majesty's high Displeasure, if they, or either of them, should countenance or joyn with us, in any Treaty of Trade

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or Commerce whatsoever, which deprives us of the Assistance which we had reason to expect from several Inhabitants of that City.

For Redress whereof, we do in all Duty and Humility Apply to your Majesty, not only for the Protection and Maintenance of our Priviledges and Freedom of Trade; but also for Reparation of Damages, conform to your Majesty's said Acts of Parliament and Letters Patent: And do further beg leave to Represent to your Majesty, That tho by the said Act of Parliament and Letters Patent, we conceive our selves legally and sufficiently Authorized to Treat even with any *Sovereign, Potentate or Estate* in Amity with your Majesty, for the Support and Advancement of our Trade; yet we by our said Deputees have only treated with particular and private Merchants of the said City of *Hamburgh*, without ever making any the least Proposal to the Senate thereof. And this we humbly conceiv to be the natural Right and Priviledge of all Merchants whatsoever, even tho we had wanted the Sanction of so Solemn Laws. And without some speedy Redress be had therein, not only this Company, but also all other individual Merchants of this Kingdom, must from hence forward conclude, That all our Rights and Freedom of Trade are and may be further, by our Neighbours, violently wrested out of our Hands.

We therefore, to prevent the further evil Consequences of the said Memorial to our Company in particular, do make our most Humble and Earnest Request to your Majesty, that you would be Graciously pleased to grant us such Declaration, as in your Royal Wisdom you shall think fit,

fit,

fit, to render the Senate and Inhabitants of the said City of *Hamburg*, and all others that are or may be concern'd, secure from the Threatings and other Suggestions contain'd in the said Memorial, as well as to render us secure under your Majesty's Protection, in the full prosecution of our Trade, and free enjoyment of our lawful Rights, Priviledges and Immunities, contain'd in your Majesty's Acts of Parliament and Letters Patent above-mentioned.

Signed at Edinburgh the Twenty Eight Day of June 1697, in Name, Presence, and by Order of the said Council-General, by

May it please your Majesty,

*Your Majesties most Faithful,
most Dutiful, most Humble,
and most Obedient Subject
and Servant,*

Y E S T E R. P.

Memorandum, That the Council-General of the Company, did at the same time come to a Resolution of Representing the Premises likewise to His Majesties most Honourable Privy Council, but were afterwards prevailed upon to supersede that Resolution, at the Secretaries of State's earnest Desire (they being both then here) and upon their joint Engagement to procure a speedy Answer from his Majesty.

The

The King's Answer to the said Address.

By the Right Honourable, John Earl of Tullibardin, &c. and Sir James Ogilvy Knight, Principal Secretaries of State.

My Lords and Gentlemen,

WE are impowered by the King to signify unto you, That as soon as His Majesty shall Return to *England*, he will take into Consideration what you have Represented unto him; And that in the mean time His Majesty will give Orders to his Envoy at the Courts of *Lunenburgh*, and his Resident at *Hamburg*, not to make use of his Majesty's Name or Authority for obstructing your Company in the prosecution of your Trade with the Inhabitants of that City. Signed at *Edinburgh* the second Day of *August* 1697.

To the Council-General of the Company of Scotland Trading to Africa and the Indies. *Tullibardin.*
Ja. Ogilvy.

A Letter from the Directors of the Company to the Right Honourable, the Earl of Tullibardin, &c. Principal Secretary of State.

Edinburgh, 28. September, 1697.

May it please your Lordship.

IT is not unknown to your Lordship in what Humor the Council-General of our Company, and most part of the Nation were in, with relation

relation to the Memorial given in to the Senate of *Hamburg*, against our Company by the *English* Ministers there; Upon which ensued the said Council-Generals late Address, transmitted to His Majesty by your Lordship. And your Lordship very well knows, that at your Request and Desire only, upon Promises of using your best Endeavours to procure a Speedy and Satisfactory Answer from His Majesty, the said Council-General was prevailed upon, to suspend representing that Matter further to the Government, till the 2^d day of *August* last past; On which day your Lordship did signify His Majesty's Answer to the said Address; Upon Receipt whereof, the said Council-General did resolve to supersede any further proceeding therein, till His Majesty's arrival in *England*, as not in the least doubting but His Majesty would have in the mean time, pursuant to His said Answer, given Orders to his Resident at *Hamburg* with relation to the subject Matter of the said Memorial: But we are extremely surpris'd to find by Letters of the 31st *ultimo*, from our Company's Agent in that City, That he had, according to our Order, been to wait on the *English* Resident there, and with all the Respect due to his Character, intimated to him the Contents the said Address and Answer: Upon which the said Resident declared, *That he was Ready and Willing to obey his Masters Orders, but that as yet he had got none in that Matter.* We cannot imagine what should be the occasion of this new Dis-appointment, since we cannot suffer our selves to believe, but that His Majesty has, according to His Letter to your Lordship, given Orders as aforesaid, which makes us admire the
more

more where the Neglect of that Matter doth now stand; Yet we must needs say, we are in some measure afraid to acquaint the said Council-General with it, lest they be more uneasy thereupon than we could wish, till first we have your Lordships Answer. For which cause we the several Subscribing Directors of the said Company (who are now in Town) have thought fit in as quiet a manner as possible to give your Lordship an Account thereof, to the end you may in your Wisdom and Prudence advise His Majesty with relation thereunto, and doubt not but your Lordship will take such care herein, as may prevent our calling another Council-General with relation to the Premises, which we are bound unavoidably to do, if we have not your Lordships timely Answer. We are

May it please your Lordship,

*Your Lordships most Obedient
and humble Servants.*

*Mem: A Sign'd Duplicate
hereof was likewise sent at the
same time to the Right Honour
able Sir James Ogilvy
Knight, &c.*

Ad: Cockburn.

Fran: Montgomery.

Arch: Mure.

Geo: Clark:

Rob: Blackwood.

Ja: Balfour.

William: Paterfon.

To the King's Most Excellent Majesty.

The humble Address of the Council-General of the Company of Scotland, Trading to Africa and the Indies.

May it please your Majesty,

BY a former Address of the 28th of June last, we have humbly represented to your Majesty, how that your Majesty's Envoy to the Courts of Lunenburg, and Resident at Hamburg, did under Pretence of Special Warrant from Your Majesty, give in a Memorial to the Senate of the said City of Hamburg, contrary to the Law of Nations, and expressly invading the Priviledges contained in the Acts of Parliament and Letters Patent, by which our Company is established: Copies of which Address and Memorial we have, for Your Majesty's better Information, hereto annexed. In answer to which, Your MAJESTY was then graciously pleased to signify by Your Royal Letter, *That upon Your MAJESTY's arrival in England, You would take the Contents of our said Address into Consideration: And that in the mean time, You would give Orders to Your said Ministers not to make use of Your Majesty's Name or Authority for obstructing our Company in the Prosecution of our Trade, with the Inhabitants of the said City of Hamburg.*

In the full Assurance of which we rested secure, and took our Measures accordingly, till to our further Surprize and great Disappointment, we find, by repeated Advices from Hamburg, That Your Majesty's said Resident continues still Contumaciou^s

tumacious, and is so far from giving due Obedience to Your Majesty's said Order, that upon Application made to him for that Effect, with all the Respect due to his Character, he pretended that he had never as yet got any such Order on our Behalf, which we thought fit in all Duty and Humility, to lay before Your Majesty, renewing withal our most humble and earnest Request, That Your Majesty would be now graciously pleased to take the Contents of this, and our said former Address into Consideration, and in Your Royal Wisdom order some speedy and Effectual Redress of our Grievances therein-mentioned, and a just Reparation of the manifest Damages, which our Company has already sustained, by reason of the said Memorial. And grant us a Declaration under Your Royal hand, to render the Senate and Inhabitants of the said City of Hamburg, and all others with whom we have occasion to enter in Commerce, secure from the Threatnings and other false Suggestions, mentioned in the said Memorial, as well as to render us secure under Your Majesty's Protection in the free Enjoyment of our Lawful Rights and Priviledges contained in Your Majesty's Acts of Parliament and Letters Patent above-mentioned.

Sign'd at Edinburgh, the 22d Day of Decemb. 1697, in Name, Presence, and by Order of the said Council-General, by,

May it please Your Majesty,

*Your Majesty's most Faithful, most Dutiful,
most Humble, and most Obedient Subject
and Servant, Fr. Scott. Pr.*

To the Right Honourable, The Lord High Chancellor, and remanent Lords of His Majesty's most Honourable Privy-Council.

The humble Representation of the Council-General of the Company of Scotland, Trading to Africa and the Indies.

May it please your Lordships,

TIs not unknown to your Lordships, how that in several successive Sessions of this Current Parliament, His Majesty's Instructions to His respective High Commissioners, and their several Speeches pursuant thereunto, have been full of repeated Assurance of His Majesty's good Inclinations for encouraging the Trade and Manufactures of this Nation. And whereas accordingly, by the 32d. Act of the 4th. Session, and the 8th. Act of the 5th. Session of the said Parliament, together with His Majesty's Letters Patent under the Great Seal of this Kingdom, our Company is establish'd with such ample Priviledges and Immunities as were thought most proper for encouraging both Natives and Foreigners to joyn in the carrying on, supporting and advancement of our Trade. We have in pursuance and upon the publick Faith thereof, not only contributed at home a far more considerable Joint-Stock than was ever before raised in this Nation, for any publick Undertaking or Project of Trade whatsoever; but have also had all the promising Hopes and Prospect of Foreign Aid that our Hearts could wish, till, to our great Surprize, the English Ministers

sters at *Hamburgh* have, under Pretence of Special Warrant from his Majesty, put a stop thereto, by giving in a Memorial to the Senate of that City, threating both Senate and Inhabitants with the King's utmost Displeasure, if they should countenance or joyn with us in any Treaty of Trade or Commerce: As by the annexed Copy thereof may appear.

Upon due Consideration whereof, we have, in all Duty and Humility, address'd His Majesty in *June* last for Redress thereof.

In answer to which Address His Majesty was then graciously pleas'd to signifie by his Royal Letter, *That upon His return into England, He would take into Consideration the Contents of our said Address. And that in the mean time He would give Orders to His said Ministers at Hamburgh, not to make use of His Royal Name or Authority for obstructing the Trade of our Company with the Inhabitants of that City.*

In the full Assurance of which we rested secure, and took our Measures accordingly, till to our further Surprize and unspeakable Prejudice, we found by repeated Advices from *Hamburgh*, that the said Resident continues still Contumacious, and is so far from giving due obedience to His Majesty's said Order, that upon Application made to him by our Agent in that City, with all the Respect due to his Character, he declared, *That as yet he had got no such Order on our behalf.* Which, by a further Address we are now to lay before His Majesty.

But whereas we humbly conceive your Lordships to be more immediatly, under His Majesty, the Guardians of the Laws and Liberties of this Kingdom, we think it our Duty to represent

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sent to your Lordships the Consequences of the said Memorial, both with relation to our Company in particular, and the Priviledges, Interest, Honour, Dignity and Reputation of the Nation in general.

Your Lordships very well know of what Concern the Success of this Company is to the whole Kingdom, and that scarce any particular Society or Corporation within the same can justly boast of so unanimous a Suffrage or Sanction, as the Acts of Parliament, by which this Company is established: So that if effectual measures be not taken for putting an early stop to such an open and violent Infringement of, and Encroachment upon the Priviledges of so solemn a Constitution, 'tis hard to guess how far it may in after Ages, be made use of as a Precedent for invading and overturning even the very Fundamental Rights, Natural Liberties, & indisputable Independency of this Kingdom; which, by the now open and frequent Practises of our unkind Neighbours, seem to be too shreudly pointed at. And should this Company (wherein the most considerable of the Nobility, Gentry, Merchants, and whole Body of the Royal Boroughs are concern'd) be so unhappy (which God forbid) as to have its Designs rendred unsuccessful, through the unaccountable evil Treatments of our said Neighbours; most certain it is, that no Consideration whatever, can thereafter induce this Nation to join in any such other Publick, tho' never so advantageous Undertaking, as not doubting but to meet with the like or greater Discouragements from those who give such frequent and manifest Indications of their Designs, to wrest our Right and Freedom of Trade out of our Hands.

For

For which cause we humbly offer the Premisses to your Lordship's serious Consideration, not doubting but you will (in your profound Wisdom and Prudence) take such effectual Measures for Redress thereof at present, and to prevent the like Encroachments for the future, as may be capable to remove those Apprehensions and Jealousies which the bare-faced and avowed Methods of the English do now suggest, not only to our Company in particular, but even to the whole Body of this Nation in general.

Sign'd at Edinburgh, the 22d day of December 1697, in Name, Presence, and by Order of the said Council-General, by,

May it please your Lordships,
*Your Lordships most Obedient,
and most humble Servant,
Fran. Scott, Pr:*

A Letter from the Council-General of the Company, to His Grace the Duke of Queensberry.

Edinb. the 25th. of Decemb. 1697.

May it please your Grace,
This is by Order of the Council-General of the Indian and African Company of Scotland, to acquaint your Grace, that by this Post, there is a Second Address from the said Council-General transmitted to the Secretaries of State, to be by them presented to His Majesty. And the

the Subject Matter thereof being of so high a concern, not only to the Company, but also to the whole Nation; It is not doubted but that your Grace both as a Patriot and a Party Interested in the Company's Stock, will imploy your Interest to second the same, refering your Grace to the Bearer for particular Information of the whole Matter, and what has been already done therein. I am,

May it please your Grace,
Your Graces most Obedient;
and most humble Servant,
Fran: Scot, Pr.

Mem: That Letters to this purpose, were at the same time written to such others of the Scots Nobility, and most considerable Gentry, as happen'd to be then at London.

A Letter from both the Secretaries of State, in Answer to the Council-General of the Company's second Address to His Majesty.

Kensington, Jan. 17. 1698.

S I R.

WE presented this Day to the King the Address of the African Company: We could not have Opportunity to do it sooner, His Majesty being so much taken up at this time. The King said, That he had already given Orders to his Resident at Hamburg in that Matter,

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conforme to his Lettter he wrote from Flanders in July last, which was communicated to the Company. We are,

S I R,
Your humble Servants,
To Sir Fran: Scott, Tullibardin,
of Thirlestane. Ja. Ogilvy.

To His Grace, His Majesty's High Commissioner, and the Right Honourable the Estates of Parliament.

The humble Petition of the Council-General of the Company of Scotland, Trading to Africa and the Indies.

Sheweth,

That whereas the Wisdom of the King, and this present Parliament, has thought fit by two severall solemn Acts, and Letters Patent under the Great Seal of this Kingdom, to establish our COMPANY, with such Power, Priviledges, and Immunities, as were thought needful, to encourage any such New Undertaking in this Nation, & particulary to raise a Joynt-Stock in such manner as we should think fit. And for that End, to enfranchise such Foreigners, as would become Partners with us, and to enter into Treaties of Commerce with any in Amity with His Majesty for that effect, &c. Those of our Number who were then intrusted with the Management thereof, did think it most Natural to make the first Offer of sharing our said Priviledges, with

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our Country-Men and other Neighbours in *England*, as living under the same Monarchy. And they not only readily embraced the Offer, but in Nine Days time subscribed 300000 *l. Sterl.* as the one half of the Capital-Stock then proposed, and Actually payed in the first fourth part thereof, part in *Specie*, part in *Bank-Notes*, and the rest in *Notes* payable upon demand.

That both Houses of the Parliament of *England*, taking Umbrage at those Proceedings, did not only joyntly Address His Majesty, for frustrating the ends of the said Acts, but the House of Commons did also appoint a Committee to Examine what Methods were taken, for obtaining the said Acts of Parliament here for establishing our Company, who were the Subscribers thereto, and who were the Promoters and Advisers thereof; with Power to send for Persons, Papers, and Records: Pursuant to which, the said Committee gave Orders to Summon not only the *English* Subscribers, but even some Persons then Residing in *Scotland*, as by the said Address, Votes of the House of Commons, and Copy of the said Summons may appear; By all which, together with some other Measures then taken, our Friends in *England* were, to our great Loss, Disappointment, and Retardment, forced to relinquish, &c.

That notwithstanding of that Discouragement, not only most of the Nobility, Gentry, Merchants, and the whole Body of the Royal Borrowers, have upon the Inducement, and Publick Faith of the said Acts of Parliament, and Letters Patent, Contributed as Adventurers, in raising a far more considerable Joynt-Stock, than any was ever before raised in this Kingdom for any Publick

lick Undertaking, or Project of Trade whatsoever, (which makes it now of so much the more Universal a Concern to the Nation) but we have also had all the Promising Hopes of Foreign Aid, that our Hearts could wish, especially at *Hamburg*, where the Merchants of that City entred into Contract with our Deputies, to joyn at least 200000 *l. Sterl.* with us, till, to our gaeat Surprise and Loss, the *English* Ministers there, did, under Pretence of Special warrant from His Majesty, put a Stop thereto, by giving in a Memorial to the Senate of that City, not only disowning the Authority of the said Acts of Parliament, and Letters Patent, but also Threatning both Senate and Inhabitants, with the King's outmost Displeasure, if they should Countenance, or Joyn with us in any Treaty of Trade, or Commerce, as by the annexed Copies thereof, in *French* and *English*, may appear, which Memorial we humbly pray, may for the better Information of Your Grace, and Right Honourable Estates, be also Read in Parliament.

That after the said Memorial was by the Senate transmitted to the Commercij or Body of Merchants of that City, They to assert their own Freedom, did Advise and Prevail upon our Deputies and Agent, who were there for the time, to open Books in the said Merchants Hall, where for some days they sign'd considerable Sums pursuant to their said Contract, tho' under Condition to be void, if we should not procure some Declaration from the King, that might render them secure from the Threatnings, and other insinuations contained in the said Memorial: And to our

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great Disappointment, thus the Case stands in Suspense, between them and us to this Day.

That as the reasonable (nay and unquestionable) Prospect which we had of a powerful Assistance from *Hamburgh*, and several other places (if not obstructed as aforesaid) induced us to propose a far greater Equipage at first, than otherwise we would have done ; So the rendering of these Measures abortive, has not only weakn'd our Stock, lessen'd our Credit, retarded our first Expedition; and disheartned many of our Partners at home, but even also shackled our Resolutions and Power from prosecuting at present several other Branches of Foreign and Domestick Trades and Improvements which we had in veiw, if we had not met with such Obstructions and Discouragements from Time to Time.

That tho' our Company is more immediatly and sensibly touched in many Respects by such Proceedings, than any other ; Yet we humbly conceiving also, that the Honour and Independency of the Nation, as well as the Authority and Credit of the Parliament is struck at through our sides ; We could not as Country-men, and in Duty to that Collective Power, which gave our Company first a Being, but inform His Grace His Majesty's High Commissioner, and the Right Honourable the *Estates of Parliament* of the Premises, to the End, that the *Great Council* of the Nation, now assembled (whom GOD Almighty Direct) may do therein as they in their profound Wisdom and Discretion, shall think fit.

That as to what thereof concerns our Company in Particular, we shall humbly beg leave to suggest further, That our Ships being now at Sea,

Sea, on their intended Voyage, the former Treatment which our Company met with in *England* and else where, may give us too just ground to suspect, that if either through Multiplicity of publick Affairs, or otherways howsoever ; Your Grace and Right Honourable *Estates of Parliament*, should neglect the taking present Notice of such Usage, the Enemies of our Company would be thereby encouraged, either directly or indirectly to pursue their former designs of Ruining (if possible) all our Measures.

May it therefore please Your Grace, and the Right Honourable the *Estates of Parliament*, to take the Premises into your most serious Consideration, to vindicat our Company's Reputation Abroad, by supporting the Credit of the Acts of Parliament, and Letters Patent, by which the same is Established, and wherein the Honour of the Nation is so much concerned, to take effectual Measures (as the said Act provides) for repairing the great Loss and Damages, which we have already sustained, through the unswarantable Treatment above-mentioned, as well as for preventing the like for the future; & withal, to continue to us the Priviledges and Exemptions mentioned in the said Acts of Parliament, and Letters Patent, for some longer time, in consideration of the time already elapsed without Execution, and our Stock lying dead without Improvement, by reason of the Obstructions aforesaid.

Sign'd at *Edinburgh* the 22 day of July 1698. in Name and Presence of the said Council-General, by,
Basil Hamilton, I.P.C.G.
The

The Parliament's Address to His Majesty.

WE your Majesty's most Loyal and Faithful Subjects, The Noblemen, Barons, and Burgesſes convened in Parliament, humbly reſent to your Majesty, That having conſidered a Representation made to us by the Council-General of the Company Trading to *Africa* and the *Indies*, making mention of ſeveral Obſtructions they have met with in the Proſecution of their Trade, particularly by a Memorial preſented to the Senate of *Hamburgh*, by your Majesty's Reſidents in that City, tending to leſſen the Credit of the Rights and Priviledges granted to the ſaid Company, by an Act of this preſent Parliament.

We therefore in all humble Duty lay before your Majesty, the whole Nation's Concern in this Matter, and we do moſt earneſtly entreat, and moſt aſſuredly expect, That your Majesty will in your Royal Wiſdom, take ſuch Meaſures as may effectually vindicate the undoubted Rights and Priviledges of the ſaid Company, and ſupport the Credit and Intereſt thereof.

And as we are in Duty bound to return your Majesty moſt hearty Thanks, for the gracious Assurance your Majesty has been pleaſed to give us of all due Encouragement for promoting the Trade of this Kingdom; So we are thereby Encourag'd at preſent, humbly to recommend to more ſpecial Marks of your Royal Favour, the Concern of the ſaid Company, as that Branch of our Trade, in which we, and the Nation we reſent, have a more peculiar Intereſt.

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Subſcribed at *Edinburgh*, the 5th of *Auguſt* 1698. in Name, Preſence, and by Warrant of the *Eſtates of Parliament*.

Seafie'd, I. P. D. P.

To the King's Moſt Excellent Majesty.

The humble Petition of the Court of Directors of the Company of Scotland, Trading to Africa and the Indies.

Sheweth,

THAT whereas the Eſtates of Parliament have by their Addreſs of the 5th of *Auguſt* inſtant, been pleaſed to recommend the Concerns of the ſaid Company to ſome Marks of your Royal Favour, for ſupporting the Credit and Intereſt thereof, which has already ſuffered in a great meaſure, by reaſon of the ſeveral Obſtructions which they have met with in the proſecution of their Trade; particularly by a Memorial given in to the Senate of *Hamburgh*, by your Majesty's Miniſters there. We are thereby encourag'd in all humility to lay before your Majesty,

That as the ſaid Memorial was given in to the Senate of *Hamburgh*, in a moſt ſolemn and publick manner; ſo your Petitioners humbly conceive, that the Effects thereof cannot be taken away, but by ſome Intimation made to the ſaid Senate, that they may enter into Commerce with your Petitioners, as freely and ſecurely in all re-

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pects,

spects, as they might have done before the giving in of the said Memorial.

That in consideration of the Damages sustain'd by the Company as aforesaid, Your Majesty would be pleas'd for their Incouragement at present, as a Gracious Mark of your Royal Favour, to bestow upon them the two smallest of the Frigots, now lying useles in *Bruntisland* Harbour.

That in regard of the time already lost, by reason of the Obstructions aforesaid, Your Majesty would be graciously pleas'd to continue the Priviledges granted by Act of Parliament to the said Company, of being Custom-free, for such longer time as your Majesty shall, in your Royal Wisdom, think fit,

In respect of all which, may it please your Majesty to take the whole Premisses into your Royal Consideration, and give such Orders and Directions with relation thereunto, as to your Majesty, in your Royal Wisdom, shall seem meet and expedient.

Signed at Edinburgh the 16th day of August 1698. in Name, Presence, and by Warrant of the said Court of Directors, by,

May it please your Majesty,

*Your Majesty's most Loyal,
most Dutiful, most Humble,
and most Obedient Subject
and Servant,*

Geo. Clark. I. P. C. D.

Letters

Letters from Mr. Stevenson, the Company's Agent at Hamburg, to the Court of Directors of the Company.

Hamburg the 4th. of October, 1698.

Much honoured Lords and Gentlemen ;

I Wrote to you on the 26th past, advising you of my going post to *Hamburg*, in pursuance of your Orders, where I arriv'd the 2d instant. And the Day following I waited upon the *English* Resident, and in the Company's Name desired to know if he had yet received his Master's Pleasure, ordering him no more to oppose the Transactions of the *Indian and African* Company of *Scotland* in this City ; which I pressing hard, answered by his Character and Honour, he never received any Orders from his Master that mentions the said Company, since his giving in the Memorial against them : So I have no further to add, but that I am,

My Lords and Gentlemen,

Your most faithful Servant to power,

Alexander Stevenson.

This was under Cover which contained what followeth.

Much honoured Lords and Gentlemen ;

BY this within-closed, you have a full Answer as to what may be expected here for ever. Since

Since my parture from this, I am informed that the *English* here did constantly assert that the Company would never be redressed, and the Delay of the same, after all your means, has made an Impression upon the Minds of People, that it will never be, at least such as they might trust to.

Hamburgh the 18th of October, 1698.

Much honoured Lords and Gentlemen;

I Wrote to you of the 4th current, wherein I advised you of Sir Paul Rycout English Resident at *Hamburgh*'s Answer given me anent your Affairs, to which refers: Mr. *Cresset* Envoy at the Courts of *Lunenburgh*, being returned from waiting upon his Majesty there; I thought it my Duty to wait upon him, and demanded in your Names to know if his Majesty had signified his Royal Pleasure, anent removing of the stop put to the Company's Affairs in this City, through the Memorial given in to the Senate against them: To which Answered he received no such Orders, and was of the Judgment, If the Memorial were yet to be given in, it would be done. I shall not enlarge what farther past, but assure you he seems to insinuate, that his private Orders from the Government of *England*, was to act quite contrary to your Expectations. This is all from,

My Lords and Gentlemen,

Your obedient Servant,

Alex. Stevenson.

To the Right
Honourable
the Court of
Directors,
&c.

This was under Cover, which contained what followeth.

Much honoured Lords and Gentlemen .

BY the within-closed you have an account of what relates to your Affairs with respect to have the Merchants in this City concerned: I cannot offer to speak to the Commercij about the same, but those Merchants here that are Signers in the Books of Subscriptions, are as cordial as ever, were the Stop removed, they doubt not things here would take the desired effect.

A Letter from the Court of Directors of the Company, to the Lord Seafield Secretary of State, upon receipt of Mr. Stevenson's Letters.

Edinburgh, Novemb. 29. 1698:

My Lord,

THIS is by order of the Council-General of the *Indian and African Company of Scotland*, to cover the inclosed Copies of two Letters lately received from our Company's Agent at *Hamburgh*. Upon reading whereof yesterday at a meeting of the said Council-General, they were not a little surpriz'd at the Contents thereof, considering the many repeated Assurances given them formerly by Letters, word of Mouth, and even in Parliament, that the King had already given Orders to his Ministers at *Hamburgh*, with relation to the Memorial given in to the Senate of that City against our Company. But after some reasoning there-
upon

upon, and considering how far your Lordships
frank Undertaking, when last in *Scotland*, as well
as the Station you are in, doth engage your best
Endeavours to procure the Company Justice, and
vindicate the Kingdom's Rights in this matter.
They have ordered us, the Court of Directors, to
transmit the said Copies to your Lordship, and ex-
pect your Lordships Answer to this and our late Pe-
tition to his Majesty, before they remonstrate any
further with relation thereunto. This is in pre-
sence, and by Warrant of the said Court of Di-
rectors, from,

My Lord,

To the Right Honourable the
Viscount of Seafield, Se- Your Lordships most
cretary of State for the humble Servant,
Kingdom of Scotland: John Schaw, P.

The Secretary's Answer.

S I R, Whitehall, Decemb. 13. 1698.
I Received a Letter from you as President of a
Committee of the *East-India* Company, which
relates to Accounts they have had from their
Correspondent at *Hamburg*. with the Copys of
two Letters they have received: I shall take the
first convenient Opportunity I can have to repre-
sent this Matter to the King, but I cannot as yet
expect to have it; For his Majesty is very much im-
ployed in the Affairs of his Parliament here. This
is all the Answer I can give at present, and which
you may signify to those concerned: I am,

S I R,

To Sir John Schaw Your most faithful and hum-
ble Servant,
of *Greenock*, &c.

SEAFIELD.

A Letter from the Court of Directors, in Answer
to the Secretary.

Edinburgh, Jan. 13. 1699.

My Lord,

SIR John Schaw of *Greenock*, having some time
ago signified to the Court of Directors of our
Company, the Contents of a Letter, which he re-
ceived from your Lordship, bearing date at *White-
hall*, the 13th of *December* last intimating that your
Lordship would take the first convenient opportu-
nity of representing to his Majesty the Company's
Petition, with relation to the Parliament's Ad-
dress; as also the Contents of the Company's Let-
ter to your Lordship, bearing date the 24th of
November last. But in respect we have not all
this time heard any further from your Lordship
concerning that Matter, this is by order of the
said Court of Directors to put your Lordship in
mind of the Premises, not doubting but you have
had before this time a convenient opportunity to
represent the same to his Majesty; and in expecta-
tion of your Lordships speedy and satisfactory
Answer, I remain,

My Lord,

To the Right Honourable
the Viscount of Seafield
Secretary of State.

Your Lordships most
humble Servant,

Archibald Mure. Pr.

The Secretary's Answer.

Whitehall, Febr. 7 1699.

S I R,

I Have presented to his Majesty the Petition of the *African Company*; and I am commanded by him to let you know, That there being accounts that the Ships belonging to the Company are arriv'd upon the Coast of *America*; And the particular Design not being communicated to his Majesty, he therefore does delay to give any Answer untill he receive certain Information of their Settlement. This you may signify to the Council or Directors of the Company, as being by his Majesty's Command: I am

To Sir Archibald Mure
of Thornton, &c.

S I R,
Your most humble
Servant, *Seafield.*

A Letter from the Council-General of the Company to his Majesty, giving an Account of their Colony's arrival and settlement at Darien: &c.

May it please you Majesty;

WE your Majesty's most loyal and dutiful Subjects, the Council-General of the Company of *Scotland* trading to *Africa* and the *Indies*, having by express received an Account from the Council of our Company's Colony in *America*, that they arriv'd safe at their intended Port within a League of *Golden Island* on the Coast of *Darien*; and

and after having treated on board of our Ship^s with the Natives, who were always own'd to be the only Proprietors of that part of the Coast, our Men did, at the request, and with the consent of the said Natives, land on the 4th of *November* last, and take possession of an uninhabited Place, never before possessed by any *European* whatsoever; and that in pursuance of the said Treaty, the chief Men and Leaders of the said Natives have join'd with, and taken Commission from the said Council. We thought it our Duty at our very first Meeting to give your Majesty an account thereof; and likewise that by Letters from our said Council bearing date at *New Edinburgh* in *Caledonia* (being the Name given to our present Settlement) the 28th day of *December* last, we are positively informed that the *French* have a Design upon all that Coast, or at least to make a Settlement somewhere thereabouts. And we humbly conceive, that the firm Settlement of our Colony in those Parts, may be the means of preventing, or at least lessening the evil Consequences that may arise to your Majesty's Kingdoms and Dominions every where, by the Settlement of any powerful foreign Neighbour in, upon, or near any part of that Coast. And as we are always bound thankfully to acknowledge your Majesty's Goodness for granting us these Priviledges mentioned in the Acts of Parliament, and your Majesty's Letters Patent by which our Company is established: So we do now in all humility confidently expect your Majesty's Royal Favour and Protection, as having in all the Steps of our Conduct through the whole Course of this Affair, strictly observed the Conditions required by the said Acts of Parliament and

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Letters Patent: And referring this together with the Contents of our last Petition to your Majesty's Royal Consideration, to give such Directions therein as to your Royal Wisdom shall seem meet and expedient. This is in Name, Presence, and by Warrant of the said Council-General: Signed by,

May it please your Majesty,

Edinburgh, the
31st day of
March 1699.

Your Majesty's most faithful,
most dutiful, most humble,
and most obedient,
Subject and Servant,

T W E E D D A L E.

A Letter from the Court of Directors to the Lord Carmichael Secretary of State, then in waiting.

My Lord,

THis being the first Opportunity that we have had to Address your Lordship, since your Advancement to that eminent Station and Place of Trust wherein you are; We must account it a Happiness that upon Receipt of the late welcome News from our Colony's Company in *America*, we can transmit an Account thereof to his Majesty by the hands of one so much devoted to the Honour and Interest of our Country and Company, as your Lordship has upon all Occasions shewn your self; and who being often Witness to our Company's Proceedings from time to time, can give a juster account thereof than any other that has no Inter-

est in our Stock, nor has ever been amongst us. Inclosed you have our Council-General's seal'd Letter to his Majesty, which we doubt not your Lordships will carefully deliver, together with an exact Copy thereof for your Lordships better Information, to which we refer, but shall for your further Information enlarge a little upon the several Heads therein mention'd: As to our place of Settlement it is so far from having ever been possess'd by any European whatsoever, that by all the Accounts that we could ever yet get, not only at this time from the Council of our Colony, but even by such Letters as we have seen and heard of from *Curacao*, and other *American Islands*, no European did before our Settlement so much as once set a foot upon that Plot of Ground wherein our Colony is now fix'd: And tho the same was altogether uninhabited, when our People came there, the chief Men and Leaders of the Natives of that part of the Coast nearest adjoining to *Golden Island*, East-ward and Westward, have not only treated with the Council of our Colony before Landing, but have also in pursuance of that Treaty in a most kind and friendly manner admitted our said Colony into such Places of their Neighbourhood as are not yet possessed, and taken Commissions from the said Council in a very solemn manner, and joined with our People; *And that in consideration of our Colony's admitting them and their followers to participate of the Liberties and Priviledges granted to our Company by his Majesty of Great Britain OUR SOVERAIGN LORD, with Advice and consent of his Parliament of Scotland, entreating to be protected accordingly: We repeat these Words, as being the express Words of the first Com-*

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Commission which the said Council granted. As to the *French* Designs of settling thereabouts, it is a Point not to be doubted of: For in order thereunto they have already been tampering with several of the Natives, some of whom they endeavour'd to have carried into *France*; and we have very good reason to believe that a further Progress had been made in that matter before now, were it not the daily Expectations which that Court had of the King of *Spain's* Death, which we humbly conceive is a Matter worthy of his Majesty's consideration, and of no small concern to the interest of his whole Dominions, tho' this Nation and our Company may seem to be more immediatly interested, at present.

Your Lordship sees we have in the inclosed Letter to the King made mention of our last Petition, and hope your Lordship will take a convenient Opportunity to back the same: For as your Lordship knows, we have already suffered considerably by encroaching upon our Priviledges, so we ought to be very careful, as much as in us lies, not to admit of any dangerous Precedents. And really we must say, We were very much surpriz'd the other day, when we understood by Letters from the Council of our Colony, that Capt. *Long* Commander of the *Rupert* Prize, who carries his Majesty's Commission for finding out and fishing of Wrecks, should under the colour of that Commission, wherever he went, traduce our Undertaking and Colony to all sorts of People upon that Coast, whether Natives or others, declaring that our said Colony was no other than a pack of Rogues, Vagabounds, Robbers, and broken Officers, without any Commission, and that the King would

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would not own them; nay further, he himself came into our Harbour, where he was very courteously and respectfully treated by all our People there; in recompence of which, he very ingratly made it his study all the while to seduce our Men, and did carry off one of our chief Carpenters, which is a very considerable Loss in that part of the World, and in the Infancy of our Settlement, considering how necessary a Man he was, and the Difficulty of supplying his Place so quickly as they may have occasion for him. This kind of Usage is really so provoking, that we cannot suppose but that the King may be graciously pleased to interpose his Royal Authority for preventing the like Usage in time to come, if his Majesty were duely informed thereof. So in the confidence of his Majesty's gracious Countenance and Protection, and your Lordship's hearty Endeavours to procure the same; this is by Order of the Council General, and in Name, Presence, and by Warrant of the Court of Directors of our Company, Signed by,

Edinburgh 1st day
of April, 1699.

My Lord,

Your Lordship's most
obedient and most
humble Servant,

To the right Honourable,
the Lord Carmichael,
Secretary of State.

J. Haldane. P.

Memorandum, There was another Letter to the same purpose, written to the Viscount of *Seafield*, with an inclosed Copy of the said Letter to the King.

The

*A Memorial given in to the King of Great Britain
by the Ambassador Extraordinary of Spain;
against the Scots Settlement at Darien.*

THe Subscriber, Ambassador Extraordinary from His Catholick Majesty, finds himself obliged, by express orders, to represent to your Majesty, that the King his Master having received Information from different places, and last of all from the Governour of *Havana*, of the Insult and attempt of some *Scots* Ships, equipt with Men and other things requisite, who design to settle themselves in His Majesty's Sovereign Demains in *America*, and particularly the Province of *Darien*. His Majesty received those Advices with very much discontent, and looks upon the same as a token of small friendship, & as a rupture of the Alliance between the two Crowns (which His Majesty hath observed hitherto, and always observes very religiously, and from which so many Advantages and Profites have resulted both to your Majesty and your Subjects); As a consequence of which correspondence His Majesty did not expect such sudden insults and attempts by your Majesty's Subjects, and that too in a time of Peace, (without pretext or any cause) in the very heart of his Demains.

All that the King desires, is, that this may be represented to your Majesty, and that your Majesty may be acquainted, that he is very sensible of such Hostilities and unjust procedures, against which His Majesty will take such measures as he thinks convenient.

Given at London the $\frac{28}{3}$ day of May 1699.

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The Three following Memorials were presented to His Majesty in May 1699. by the Lord President of the Session, and Lord Advocat, on behalf of the Company of Scotland, Trading to Africa and the Indies, asserting the Legality of their Settlement in Darien.

1st. *MEMORIAL.*

THe Establishment of the Company of *Scotland*, Trading to *Africa* and the *Indies*, was first prepared by an Act of Parliament 1693. Inviting and Encouraging Persons in General, to enter into Societies, and Companies, for carrying on a Trade to whatsoever Kingdoms, Countrie or parts of the World, not being in War with His Majesty, and thereafter perfected by the Act of Parliament 1695, and a Charter thereon under the Great Seal, whereby the said Company was fully Settled with all the Powers, Priviledges, and Immunities in use to be granted in such cases, and particularly with Power to plant Colonies, and build Cities, Towns, and Forts in *Asia*, *Africa*, or *America*, upon Places not Inhabited, or upon any other Place, by Consent of the Natives, and Inhabitants thereof, and not possess'd by any *European* Prince or State.

The Settling of this Company was so acceptable to the whole Kingdom, abounding always with Men, and of late Years, very desirous to enlarge Trade and Commerce, That the Company's

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pany's Books being once opened, Subscriptions for a vast Sum were compleated long before the Day prefix'd by the Act of Parliament, and there were few Persons or Families of any Account within the Kingdom, who were not therein particularly concerned.

But tho' the Subscriptions were soon compleated, and the Advances made, as readily as propos'd; yet the Directors and Managers, did proceed with great Deliberation, not being more Cautious to Conceal the Place where they were design'd for, than Careful to make such a Choice, as might be exactly in the Terms of their Act and Patent, To wit, *Either not Inhabited, or freely Consented to, by the Natives, and not possess'd by any European Prince or State, and so lyable to no Exception.*

In pursuance of these Resolutions, The Company prepared Men, and Provisions, and set out their Ships, and in the Month of *November 1698*, arrived on the North-side of the *Isthmus of Darien in America*, they pitched upon a Place never before possess'd by the *Spaniards*; and after formal and distinct Treaties, obtained the Consent and Good-will of all the Neighbouring Natives and People.

The *Spaniards* and *French* raise a Clamour against the Settlement, as an Invasion of the *Spanish Possessions and Dominions*, in as much as the Place where the Company hath fixed, lyes as it were in the Middle and Bosom of the *Spanish Countries*, having *Carthagena* on the East, and *Porto-Bello* on the West, and *Panama* on the South, which is also alledged to be contrary to the
Treaties

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Treaties betwixt the King of *Great Brittain* and the King of *Spain*, whereby all these Countries are yeilded and conformed to the *Spaniards*

If these parts of *America* had been wholly Void and Uninhabited, when the *Spaniards* made their first Discoveries, and Plantations there, the Question had certainly proceeded upon the head of Occupation, the only Ground acknowledg'd by all Lawyers to determine the Property of all Waste and Uninhabited Countries, where a formal Division hath not Interveneed, as *Grotius* in particular, in his Second Book *de jure Belli* doth abundantly clear, and then the *Spaniards* must have further Subsumed, That as they found these Countries Waste, so they were the Occupiers and Possessors thereof; and in Special, that they were the first Occupiers and Possessors of the *Isthmus of Darien*, and the Place where the Company hath Settled, it being most certain, that Occupation gives no Right, save in so far as the Real and Actual Possession extends.

But seing on the other hand, it is Nottour, and by all Acknowledg'd, That the *Spaniards* did not find these Parts Waste, and Uninhabited, this Argument must necessarily fall; and all that the *Spaniards* can now Plead, is either present Possession, which the Company's Patent owns to be a sufficient Right to any *European Prince or State*, or the above-mention'd Treaties, as exclusive of the King of *Great Brittain's* Subjects.

For clearing then the Claim and Point of Possession, The Company denies that ever the *Spaniard* had any Possession of the Place where they have Planted; and its obviously Incumbent

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 to the *Spaniard*, if they alledge Possession, to prove and instruct their Allegiance for the Company's Argument being Negative, *viz.* That the *Spaniards* did never Possess the Country where the Company hath Settled, it Undeniably proves it self, as all Lawiers affirm, unless the contrary, to wit, The *Spaniards* Possession, be evidently made out and proved, which is impossible; Nor do the *Spaniards* pretend to prove the same; But their Allegiance is, That in these large Countries of *America*, it were plainly Capricious to require the Actual Possession of every particular Place; But since they have the Uncontraverted Right and Possession of *Cartbagena*, *Porto-Bello*, and *Panama*, which are the Extremities that in a manner environ the *Isthmus* of *Darien*, their Possession of these Places, must infer a Possession of the Interjacent Country in which the Company hath Settled, and consequently, that the Company hath Encroached upon, and Invaded their Right: And further, its said, That the *Spaniards* have actually possess'd Gold and Silver Mines in *Darien*, much nearer to the Company's Settlement than *Cartbagena*, or these other Places, and have constantly been in use to Seize and make Prize of all Ships coming upon the Coast, betwixt *Porto-Bello* and *Cartbagena*, as Invaders of their Possessions, tho' these Ships did really pertain to Friends and Allies.

To all which, It is answered, *imo.* That the above-mentioned Places belonging to the *Spaniard*, are very far distant from the Settlement of the Company, *Cartbagena* above Fifty, and *Porto-bello* and *Panama* above Thirty Leagues, which Distances are more then sufficient to render Countries

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 tries distinct, both as to Right and Possession. 2do. It's certain, that *Cartbagena*, *Porto-bello* or *Panama*, cannot be understood to have unlimited Territories; if then their Territories be limited, it belongs to the makers of the Objection to show, that the Limits of these places do reach to, and comprehend the Place possess'd by the Company, which neither the *Spaniards*, nor any for them, will ever be able to prove, by the Law of Nations, or any known Rule, or Custom in such Cases.

It hath already been Notic'd, That tho' these Countries had been wholly Void, when the *Spaniards* begun to Plant there, they could only by their Possession have appropriat as far as they did possess, and that what was not possess'd, would have remain'd free, to be appropriated by the Occupation, and possession of any other People, a Rule Uncontraverted amongst all Nations on the Face of the Earth.

But the Case of *America* being, That before any Plantations were Settled there, by the *Spaniards*, the Natives were undoubtedly the Possessors and Proprietors. It follows necessarily, That Colonies coming to Settle among them, must derive Right from them, and that either by Consent, Surrender, or Conquest, it being impossible in the case of Countries inhabited, there can be any other Manner or Mean of Acquisition; But so it is, That the *Spaniards* acquiring after this manner, neither could, nor can pretend to have Right to more than did pertain to the People where they Settled, whether by Consent, Surrender or Conquest.

Whence it necessarily follows, That since *Darien* was a distinct Country, and the Inhabitants there

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thereof a distinct People, from those Countries and Nations, where the *Spaniards* have hitherto Settled whether by Consent, Surrender, or Conquest; The *Spaniards* cannot pretend to extend their Right beyond that of their Predecessors, and the People & Country of *Darien* must still be as free from the *Spaniards*, as they were from their Predecessors; and consequently, that the Company coming to possess with the *Dariens* Consent, and by their Right, must be in the like Condition, and no ways lyable to either the Claim, or Complaint of the *Spaniards*, That the Country and Natives of *Darien* did never submit to, or were conquered by the *Spaniards*, must stand as a sure Position, unless the contrary be proven: But further, it is also certain, That the *Dariens* were never Repute to have any Dependency even on the great Empires of *Mexico* and *Peru*, much less upon the little places of *Carthagena*, *Porto-bello*, or *Panama*: Besides, The *Dariens* have been in frequent War with the *Spaniards*, since their first arrival into these Parts, and were never to this day Conquered: All which being attested by the *English*, and other Travellers, who have Written on this Subject; It appears to be beyond Controversy, That the Company having Settled with the Consent of these *Dariens*, must have the same Right, with the same Priviledges and Freedom of Trade which the *Dariens* had, and that both are equally free from all the *Spanish* Pretensions.

It is a known Case that an *English* Man one *Sharp*, having join'd with the *Dariens* against the *Spaniards*, invaded their Territories; he was accused by the *Spaniards* in *England*, as guilty of Rob.

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Robbery and Piracy, but was acquitted, because he acted by Commission from one of the *Darien* Princes, which is an undeniable Evidence, that this Prince and his Countrey were judged to be independent on the *Spaniards*.

The *Spaniards* may also have wrought Mines of Gold and Silver within the Isthmus; but no such possession can support their Complaint: The nearest possession of Mines that they can pretend was in Captain *Diego's* Country, on the Gulf of *Darien*, more than 15 Leagues distant from the Company's Settlement; Neither did the *Spaniard* get these Mines by Conquest, or Purchase, but by a plain stipulate Permission from Captain *Diego*, and his people, which changed not the Property; And upon Breach of Conditions, the *Spaniards* were quickly cast out, so that when the Company came to settle on the Isthmus, it was fully cleared of the *Spaniards* & all their pretences.

Carthagena, *Portobello* and *Panama*, are adjacent to, and do in a manner environ the Isthmus of *Darien*; But that this Vicinity gives to the *Spaniards* no Claim of Right, is evident from many Instances; *Tangier*, *Cheuta* and *Mamora*, ly in the Bosom of the Empire of *Morocco*, and yet belong to *European* Princes; The *English* and *French* have Neighbouring Settlements upon the River *Gambo* in *Africk*, and all along the Coast of *Africk* the *English* and other *European* Princes have their Settlements intermixed and contiguous, where they Trade with all Freedom, without any mutual Impeachment. The *English* and *French* have both Plantations upon the Island of *Newfoundland*, and the *Dutch* in time of Peace settled upon *Long-Island*, and the adjacent Countrey environed on all hands by

by the *English* Plantations, and yet no War ensued, but the *Dutch* continued their possession till the Exchange was made for *Suranam*.

The *Spanish* Fleets do necessarily pass betwixt the Cape of *Florida* belonging to the *Spaniards*, and the *Bahama* Islands, yet the *English* possess themselves of the said Islands, and have also several times settled at *Port-Royal* in the bottom of the Bay of *Campiechy* in the Gulf of *Mexico*, for cutting of Logwood, and have thence removed and settled again at their pleasure. The *French* have also endeavoured to settle in the Bay of *Mexico*, and lately and more closely in the *Sambles* Islands on the Coast of *Darien*; They likewise settled a Colony in *Petitguavis* in *Hispaniola*, and in *Guiana* on the Continent, notwithstanding of the Vicinity of the *Spaniards*. The *Dutch* and *Portuguese* have their Respective Plantations on the Coast of *Brasil*, to which the *Spaniards* pretend Right as well as to the Isthmus of *Darien*, such as the Islands of *Curaçao*, and *Bowane*, near to *Carthagena* on the East, and *Suranam* and others upon the Continent, and yet never quarrelled. It is granted that the *Spaniards* in their excessive Jealousie, and upon the Pretext that by Treaties, none were to Trade in their Ports or Harbours, such as *Carthagena*, and *Porto-bello* without their Licence, have seized and made prize of the Ships that they have found upon the Coast betwixt the said Places; But first, they did this upon pretext of the said Treaties. Secondly, Injury and Violence make no Right.

And thirdly, it is most certain when the *Spaniards* have been overcome and beat off in such Attempts, and forced to suffer both *Dutch* and *English* to cut Logwood on that Coast

Coast, yet the *Spaniards* did never complain of any Violation of Right, as knowing perfectly they had none, as may be seen in *Dampier*, *Water*, and other writers.

The *Spaniards* at first endeavoured to amuse the World, with the Popes Gift of the *West-Indies*, and after the King of *Spain*'s becoming King of *Portugal*, and in the Right of that Crown, claiming the Benefit of the Popes Gift of the *East-Indies*, he assumed the Magnifick Title of *Indiarum Rex*: Yet he was never able to make good his Right, or exclude others by these empty Names; but in all Competitions the Pretensions of *Spain*, did either resolve in Occupation of what was void or surrendered, or conquest of what was possess'd by Natives; and that Title was never much regarded, either by *Spain*, *Portugal*, or any other Prince Popish or Protestant.

The second Head which may be pleaded for the *Spaniard*, is, the Treaties that have been betwixt the Crowns of *England* and *Spain*. But *imo*. Granting that the Kingdom of *Scotland* will never disown any Treaty betwixt their King (whom G O D long preserve and prosper) may be concerned, where are these Treaties that exclude either the *Scots* or *English*, from possessing *Darien*? if not inhabited, or where Inhabited, with consent of the Inhabitants? If the *Spaniard* propone upon these Treaties, they must produce them. *2do*. All to be found in the latter Treaties betwixt the said Crowns, such as the Treatie 1667, and the Treatie 1670, which may be understood to be the only Regulating Treaties in this Matter, is that in the former, The King of *Spain* obliges himself not to molest the King of *England*,

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or his Subjects in their Plantations in *America*, these particulars enumerated not by way of Exception, but because some of them had been contraverted. And that in the other Treaty 1670, It is agreed in the 7th. Article, That the King of *Great Brittain*, and *His Heirs and Successors*, shall have, hold, and possess, with full Right of Empire, Property, and Possession, all Lands, Regions, Isles, Colonies, and Lordships, situated in the *West-Indies*, or any part of *America*, which his said Majesty, or his Subjects, did then hold or possess, So that no contraversion on any pretence, was thereafter to be moved on that Subject. And in the eight Article, That the Subjects of the said King should abstain from all Commerce, and Navigation, in the Ports and Places, having Forts, Castles, or Staples for Merchandise, possessed by either of them. To wit, That the Subjects of *Great Brittain* should not Trade, nor Sail to the Ports nor Places, which the King of *Spain* hath in the *West-Indies*, nor the Subjects of the King of *Spain*, Trade nor Sail to the Places, which the King of *Great Brittain* there possesses, without Licence given *hinc inde*, in the Terms therein set down. By which it plainly appears, that all agreed to, was, and is, That the Kings and their Subjects respectively, should forbear Injuries, as likewise to Trade and Navigate without Licence in the Ports, Castles, and Staples, to either of them belonging, which can no ways exclude the King of *Great Brittain* and his Subjects from Trading, or making new Plantations in to such Places in *America*, as either are not inhabited, or where the King of *Spain* hath no Right. The *Spaniard* may positively pretend, that the Treaties provid-

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ed to the King of *England*, and his Subjects of certain particular Places, and generally what they then possess'd in the *West Indies*, may be construed an Exception, and import (as it were) an Acknowledgement, that the rest of the *West Indies* did belong to the Crown of *Spain*. But, *1mo*, The Places provided to the King of *England* and his Subjects are only enumerate for the greater Caution and Security, because some of them had been taken from the King of *Spain*, and thereupon contraverted. And, *2do*, It is evident by the foresaid eight Articles, the Reserve of Trade is equally and mutually provided, and restricted to the King of *Great Brittain* and the King of *Spain*, their respective Possessions; so that nothing can be elicite from these Treaties, to give the King of *Spain* the Right to the whole *West Indies*, excepting the foresaid places possessed by the King of *England*, nor to ty up the King of *Brittain* and his Subjects, from making new lawful Acquisitions in these Parts. But it is agreed to, That they should secure the one, the other in their respective Possessions; And thus these Treaties have been always understood, nor have they hindred the *English* to enlarge their Possessions in the *West Indies* upon just Occasions, which certainly belongs as much, if not more to the *Scots*.

2d, MEMORIAL, By the same.

THE Company of *Scotland* Trading to *Africa* and the *Indies*, having by the other Memorial, endeavoured to clear the Justice of their Proceedings, as to their Settling a Plantation in the *Isthmus* of *Darien* in *America*, do further in all Humility Represent,

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1^{mo}, That there was never any Enterprize of a more National Concern, than the foresaid Plantation is to the Kingdom of *Scotland*, the Erecting and Establishing of the said Company, was the Unanimous Desire and Satisfaction of the Nation, all Persons almost, and Families of any Consideration, did readily subscribe for, and advance considerable Sums, for carrying on the Designs of the Company, much above what could have been expected. The Success the Company hath had, in overcoming Difficulties, and fixing upon a Place that appears so advantageous to Trade and Commerce, hath likewise raised the Expectation and Desire of its Continuance and Prosperity, to a far higher Degree than ever was known in any Business of this Nature: And, *Lastly*, it is most certain, That nothing could be more Grievous and Afflicting to the whole Nation, without Exception, than that this Undertaking, so far and so happily advanced, should meet with the least Discouragement, especially from such, whose Countenance and Assistance is so earnestly craved.

2^{do}, It appears from the whole Circumstances of this Affair, That the *English* Nation can have no Prejudice, but rather Advantage by the foresaid Undertaking: For, *First*, If it shall be profitable, the Profit evidently redounds to their Fellow Subjects and good Neighbours. *Secondly*, The *English* have free Access, to come in and partake of the Profit, when they please. *Thirdly*, The Product of the Place is probably like to consist neither of Tobacco nor Suggars, the great Commodities of the *English* Plantations, but of such Goods and Commodities, as the *English* do not afford. *Fourthly*, It is true, That by the Act
of

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of Parliament, and Patent of the Company, all Ships imployed by the Company, are to return to the Kingdom of *Scotland* with their Effects: But it is as true, That the said Act and Patent did bear the Liberty and Priviledge of a Free Port, and Mercat for all Strangers that shall be pleased to Trade with them, who are not under the foresaid Obligation, but may come and go with their Return whether they please, which cannot but be of Advantage to the whole *English* Plantations, as to a Free Course of Trade. *Fifthly*, It is likewise granted, That by the foresaid Act of Parliament, the Ships, Goods and Effects whatsoever belonging to the said Company, are declared free of all Customs and other Duties, for the space of 21 Years, but then four of the said Years are already run, and this small Encouragement was needful to begin so great a Work, whereof probably the Profit can little more than equal the Expenses for all that space; And besides, the Duties of Tobacco and Sugar, not of the Growth of the said Plantation, are excepted, and not discharged: And also it is evident, That if the Plantation prosper, the foresaid short Discharge of Customs, and other Duties, will be richly compensated by the great Increase of Trade, and consequently of His Majesties Customs, that may for thereafter be thence expected. And, *Sixthly*, The Company and Plantation cannot reasonably threaten any Diminution of His Majesties Customs in *England*; but on the contrary, this Plantation promising a new Trade, far different from the Trade of all the *English* Plantations, and offering to all, the Liberty of a Free Port, must rather increase the Trade of *England*, both to the King and Subjects Advantage.

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As for the Objection, That the Company, by the Immunity they have from Customs and Duties, may Import, and then as freely Export, and so undersell any other Nation, during that Immunity: Its Answered, That the Company in *England* have almost the same Priviledge, since, if they please to Export after their Return from the Plantations, they are allowed to do it freely with a full Draw-back, excepting only 3 or 4 per Cent.

3tho, It is with Submission Represented, That in all Appearance, if the Company of *Scotland* had not seized the foresaid Post in *Darien*, the *French* had certainly taken it: And now, that it is discovered to be so advantageous for Trade, it is not to be doubted, but that the *French*, who shew such Earnestness to have the *Scots* excluded, will certainly, if any such thing should happen, possess themselves of it, not only to the Hurt of the *English* Plantations, but to the far greater Prejudice, if not the Ruin of the *Spaniards* Interest in the *Indies*.

And therefore, All things truly and justly considered, it is hoped, that not only the *English* will become more and more favourable to so good a Design, but that even the *Spanish* will the more easily acquiesce to Reason and Justice, that they see a more Powerful Competitor ready to catch hold of an Advantage, that cannot be so safe for them in the Hands of any other Nation, as in the Possession of the foresaid Company.

3^d. MEMORIAL, By the same.

THE Company of *Scotland* Trading to *Africa* and the *Indies*, being endued with very ample Priviledges, hath settled a Colony at *Darien*,

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en, a Countrey very fit and proper for that purpose, not only for the Richness of the Soil and Mines, but likewise by its Situation for Trade.

The *Spaniards* have the most considerable Interest and Plantations in *America*, and are not willing, that any other Nation, or People should have share of the Advantages and Benefits they draw from thence, which is not Singular in the present Case, because they have ever withstood all Planters, either upon the Continent, or *American* Islands, by Acts of Violence and Hostility, as if every Settlement in *America* were an Encroachment upon the Right of *Spain*.

There is lately a Memorial offered in behalf of the King of *Spain*, to one of the Secretaries of State of the Kingdom of *England*, to the Effect following.

My Lord Ambassador of *Spain* finding himself oblig'd, by express Order, to represent to His Majesty of *Brittain* what follows, Prays Mr. *Vernon* to represent to his said Majesty, That the King his Master, being informed from several parts, and last of all, by the Governour of *Havana*, of the Insult and Attempt of some *Scots* Ships, equipt with Men and Ammunition necessary, who endeavours to poss themselves in the Soverign Dominions of His Majesty in *America*, and particularly in the Province of *Darien*.

His Majesty received this Information with Dissatisfaction, as a Mark of little Amity, and a Rupture of the Alliance which is betwixt the two Crowns, which His Majesty hath always observed very Religiously, and from which so much Advantage and Profit hath resulted, both to His Majesty and his Subjects, after which good Correspondence, His Majesty did not expect

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‘ spect such sudden Attempts & Insults from His
 ‘ Majesty’s Subjects, and that in time of Peace,
 ‘ without any Pretext or Cause, in the most in-
 ‘ ward part of his Dominions.

‘ All that the King desires, That this be present-
 ‘ ed to His Majesty of *Brittain*, and that His Ma-
 ‘ jesty is very sensible of such Hostilities and Un-
 ‘ just Procedures, against which, His Majesty will
 ‘ take such Measures as are convenient. *London,*
 ‘ *May 3d. 1699.*

THe Charge is great, and if it can be made
 appear, that the King of *Spain* is Invaded,
 as is pretended, it is but Reason there should be
 just Reparation.

It must be acknowledged, That it is a fair
 way of dealing, that the *Spanish* Rights and Pre-
 tensions are thus asserted by Memorial, and an
 Opportunity afforded, and that the whole World
 may be satisfied, that His Sacred Majesty, the
 King of *Great Brittain*, hath granted no Patent to
 His Subjects in *Scotland* disagreeable to Treaties
 with *Spain*, and that the *Scots* Company have not
 exceeded the Limits of their Patent, to the preju-
 dice of *Spain*.

There may be many Reasons offered to satis-
 fy *Spain*, and all other Nations of *Europe*, except
 the *French*, that if the *Scots* had not settled in that
Isthmus, or if they were now to remove from it,
 the same would be possess’d by another People,
 more dangerous to the Interest of *Spain*, and in
 due time it may be made appear, that the *Scots*
 Settlement is for the Honour of the King, & the
 Interest of *England*, but the present design is only
 to satisfy the World, that the Patent granted by
 His Majesty, was agreeable to the Treaty with
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Spain, and that the *Scots* Company have not ex-
 ceeded the Terms of their Patent, and that they
 have Right to what they possess in the *Isthmus* of
Darien, according to the Law of Nations, and
 that most part of the Nations in *Europe* have settled
 Plantations in the *American* Islands, or Continent,
 upon no other Foundation than the *Scots*.

It is the Interest and Policy of all Governments,
 to improve the Natural Product of a Countrey,
 and to encourage Forreign Trade.

The Experience of all Nations makes appear,
 That nothing contributes so effectually to these
 ends, as Forreign Plantations.

Scotland is amongst the last of the Nations of
Europe, in settling Forreign Plantations, tho’
 there be few that can propose more Advantage
 that way, because the Nation affords many Sub-
 jects of Manufacture, and abounds in Men, which
 is the greatest Riches, as well as the Strength of
 a Nation; Yet for want of Forreign Plantations,
 many have been useless and burdensome to their
 Native Countrey, and have been constrained to
 serve Abroad in Forreign Wars, or into Plantati-
 ons of other Countreys: And it is to be observed,
 that wherever they have planted, they have en-
 creased and multiplied, as particularly in *Ireland*,
 but no part of the Benefit does accrue to their
 Native Countrey.

The Nation has very long desired Forreign
 Settlements of their own, and did make some At-
 tempts that way, which proved ineffectual for
 want of due Encouragement, but His Sacred Ma-
 jesty, as Father of his Countrey, regarding the
 Welfare of it, did endue the same with futeable
 Encouragements by the *32d. Act, Par. 1693.* and
 by the *8th. Act, Par. 1695.* Yet both these Laws
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were granted with a due regard to all former Planters; " And did only allow them to plant Colonies, build Cities, Towns, and Forts in *Asia, Africa, and America*, upon Places not inhabited, or in, or upon any other Place, by Consent of the Natives, or Inhabitants thereof, and not possessed by any *European* Sovereign, Potentate, Prince or State.

By these Acts of Parliament, and Patent conform, His Majesty did sufficiently provide, that the Possession of no *European* Prince should be invaded or molested: And if *Spain* be injured, the Company must acknowledge, that the Injury flows from them, by exceeding the Limits of their Patent.

It remains to be cleared in behalf of the Company, that they have strictly observed the Rules prescrib'd by the said Acts and Patent.

The King of *Spain's* Title to *America* by the Pope's Bull, is rejected by the common Consent of all the Princes and States in *Europe*, who could not have settled there without Injury to *Spain*, if the Pope's Bull had been a sufficient Title; and neither *Spain* or *Portugal* hath relyed upon that Title, the one having planted in the *East-Indies*, and the other in the *West*, without regard to it: And this Title is sufficiently discussed by *Grotius* in his *Mare Liberum*, *Cap. 3.* and will never be insisted on any where, and least of all in *Brittain*.

America being inhabited by Natives, before *Spain* or any *European* People settled there, it is most certain, that the Right and Property did originally belong to these Natives, because the Earth was created for, and freely given by the Creator to the Children of Men, and the most Ancient and Uncontraverted Right of Property of

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of the Earth is by Occupation and Possession, which is an outward Act of the Body *quasi positio pedis*, and not an inward Act of the Mind, which cannot be known to others, beside many Mens wills might concur in wishing and liking the same thing, but their Bodies cannot concur in possessing it, and an outward Act of Possession warns others to abstain.

The Property that originally belonged to the Natives, could only be transferred from them to *Spain* by Conquest or Consent, and *Spain* can pretend neither of these Titles to the *Isthmus* where the *Scots* have settled.

It is alludg'd for *Spain*, That they do possess the *Isthmus* of *Darien*, in as far as they are undoubted Masters of the Bay of *Panama*, and the whole Coast of the *Isthmus* upon the South Sea: They have likewise *Carthagena* and *Portobello* on the North Sea, and they are Masters of the whole Countrey betwixt *Carthagena* and *Portobello*, and so must be reckoned Possessors of all, because Possession doth not require the particular Occupation of every part of a Countrey, but Occupation of one part is a sufficient Act to demonstrate the Will and Intention to possess the whole Pertinents: And the *Spaniards* having possess'd these two Extremes, the middle Space belongs to them, especially seeing they have also settled in other Places betwixt these two, as their Conveniency did require, tho' they did afterwards quite these Possessions, as particularly they once possessed *Nombre de Dios*, and did also plant within the River *Darien*, and tho' they did quite these Possessions, they did not relinquish or repudiate their Right, but being better informed, they choosed more convenient Seats, but still reckoned themselves Proprietors of

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the whole *Isthmus*, and divided the same in several Jurisdictions. And the Natives upon that *Isthmus* were a mean inconsiderable People not to be regarded, who could not be thought to retain any Right or Property in Opposition to the Power of *Spain*.

They further add, That *Spain* hath been considered as undoubted Proprietors of the Bay of *Mexico*, and of that *Isthmus*, by other Nations in Christendom, and most particularly by the *English*, as is well known, and will clearly appear in two remarkable Instances.

Several *English* Merchants having advanc'd their Stock, for settling a Plantation at *Port-Royal* in the Bottom of the Bay of *Campechay*, for cutting of Logwood, they desired the Countenance and Protection of the Government, for carrying on this profitable Trade: The Case was considered by the Council of *England*, and it was not found just, to allow the Protection of the Government, but were only left in a Permissive State, to manage their Trade upon their Peril.

The Second Case, which comes closer to the present Question, was a Proposal by certain *English* Undertakers to settle in *Darien*, as the *Scots* have done, which being brought to the Council of Trade of *England*, and by them laid before the Lords Justices in His Majesties Absence, and transmitted to the King himself; Upon a full Consideration of the Case, that Project was thought to be an Encroachment upon *Spain*, and let fall.

The King himself, and Council of *England*, being satisfied of the Right of *Spain*, in these particular Cases of *English* Undertakers, the same Judgment ought to follow, in relation to the *Scots* Company.

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To all that is alledged, it's shortly and clearly Answered, That *Spain* hath neither Right by Treaties nor Possession to the Countrey now possess'd by the *Scots*: And, 1st. Tho' it be acknowledg'd, that the *Spaniards* have more Strength, and larger Possessions on the South, than upon the North Sea, yet no Possession there can be extended to the North-side of the *Isthmus*, being possess'd by a People Independent, who never received the *Spaniards*, or became subject to them: The *Spaniards* indeed have made great Settlements upon the South Sea, and in so far as they have possess'd, have restricted the Natives to narrower Bounds; but the *Indians* still continuing to possess what remains, Possession on the Coast, or the Mouths of Rivers on the South Sea, can never be extended to the North Coast: And the *Spaniard* can condescend upon no Ground in Law or Reason for such an Extension, nor can they make appear, that what the *Scots* possess is Part and Pertinent of their Plantation, especially considering that the *Isthmus* of *Darien* is naturally divided by a Ridge of high Hills running from East to West.

Neither doth the possession of *Carthagena* and *Porto-bello*, give Right to the interveening Countrey, which is above 80 Leagues or 240 *English* Miles, and these particular Forts, as well as the whole *Spanish* Plantations on the South Sea, being fixt without consent of the Natives, who continue their Possession in the interveening Countrey, without any Subjection to, or acknowledgment of the *Spaniard*: It lyes upon the *Spaniards* to condescend by what Rule the Limits of these Possessions can be so far extended.

As to what is alledged, That the *Spaniards* have other Plantations nearer to the *Scots* Settlement

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ment from which they removed, but still retain Possession and Jurisdiction.

It is Answered, Admitting the matter of Fact as alledged, it comes to nothing; For still it is to be remembred, That the *Spaniard* will not pretend to have planted with the consent of the Natives: Nor, that the *Darien Indians* have ever acknowledg'd Subjection; but they planted by Force and Violence: And therefore, whatever Forts they made in the *Isthmus of Darien*, the moment that these Plantations were left, the Right and Possession of the Natives did return.

It is freely acknowledged, That Possession lawfully obtain'd by an outward Act of the Body, is retain'd by Acts of the Mind, if no other possess; but when Possession is taken by way of Fact, and not actually detained, the Right and Possession returns to the lawful Proprietor.

2. This alledged Possession of *Nombre de Dios*, and in the *River of Darien*, is only pretended to have been at their first Settlement in *America*, before they possess'd *Carthagena* and *Porto bello*.

3. None of these pretended Settlements are within 20 Leagues of the *Scots Colony*; And tho *Spain* had yet Plantations there, the Limits could as little be extended to 20 Leagues beyond the actual Possession as to a Thousand: Neither can the *Spaniards* prove any Act of Jurisdiction over the *Darien Indians*, whatever Title they may think fit to give to Governours or Vice-Roy's in *America*, the *Scots* do neither know, nor are oblig'd to notice the same: If Titles were enough, the King of *Spain* assumes a Glorious Title of *Indiarum Rex*, but he has no more Jurisdiction over the *Darien Indians*, than in the Plantations of any other *European Prince*.

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As to what is alledg'd upon the Opinions given by the King and Council of *England*, in relation to His Majesty's *English Subjects* projecting Settlements in *America*, The Circumstances of the Projects, and the Motives of any Resolution taken in them, are wholly unknown to the *Scots*, and nothing can be founded on such Matters of Fact, unless the whole Circumstances were Authentically instructed or acknowledg'd, but whatever was thought proper in these Cases, nothing can be inferred from thence to determine this.

A Project is to be regulated either by Law or by Conveniency; And it's very ordinary and futeable, That his Majesty and the Government may discourage the Project of an Undertaking, if not Convenient, tho lawful: But when a Project is Undertaken, Carried on, and a Settlement made in pursuance of exprefs Acts of Parliament, and conform to a Patent, there's no more place to Deliberate what is fit, but what is Lawful.

If the whole Circumstances were known, many Disparities might also appear, and from the bare relation of the Case of the intended Settlement in the Bay of *Campechay* a manifest Disparity is evident.

The Bay of *Campechay* is in the Province of *Nicaragua*, in the Diocess of *Chiapo*, which Province and Bishoprick, are part of the Ancient *Empire of Mexico*, which was conquered by *Spain*.

By the Conquest of *Mexico*, the King of *Spain* as Conquerour, had Right of Sovereignty as far as the Dominions of *Mexico* did extend, and the Right and Possession of the Conquered People may reasonably be reckoned to become the Possession of the Conquerour; And therefore a Settlement in *Nicaragua* or Bay of *Campechay* might be reckon-

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reckoned a down Right Encroachment upon *Spain*, which cannot be drawn in Consequence to a Settlement upon *Darien*, because the *Spaniards* can condescend upon no Title or Right beyond their actual Possession; for the *Dariens* were never subdued, nor did they ever depend upon *Mexico* or *Peru*, or any Prince or People subdued by the *Spaniards*.

And further, whatever be urged from these Cases, yet it can be made appear, That the Undertaking to settle in *Campechay* was effectual, and the Cart is marked *Port-Royal English-Colony*; and 'tis known that the *English* cutt Logwood at *Cape-Catach* in *Jucatan* till the Charge of Carriage render'd it unprofitable, and thereafter Settled at *Port-Royal* for the same Effect, where there is plenty of Logwood appropriated to the *English*.

It is also acknowledg'd, That the *Darien-Indians* are no powerful People, or able by themselves to resist the Impressions of *Spain*, but the point of Right and Property is the same in Rich and Poor, Strong and Weak, and they might lawfully transfer their Right, and assume the *Scots* or any other Nation to support or maintain the Right and Possession of that *Isthmus*, in as far as it was free from the *Spanish* Dominions.

Yet the *Dariens* were not wholly neglected by the *Spaniards* as inconsiderable, for there have been frequent and almost constant Wars between them and *Spain*, in which the several Captains and *Carriques* have joyned together, and there is a famous Case of *Barth. Sharp*, who being accused in *England* as guilty of Piracy and Robbery committed upon the *Indians*, he defended himself as acting by Commission from Independent Native *Indians* then at War with *Spain*, and was acquitted.

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The Right of the *Scots* Colony, as flowing from the Native *Indians*, is already sufficiently cleared, according to the most Ancient and Authentick Laws of Property, acknowledg'd by all Nations; And for a further Evidence and Demonstration of what has been asserted, and already sufficient-proven the Settlement of the *English, French, Danes, Portugueses*, and *Dutch*, will all be found to be Bottomed on the same Ground.

The *Spanish* are the most Ancient Planters, and if *Spain* pretend to any Universal Title, either by Occupation of a part, or by the Popes Gift, or any other Right, he thereby excludes the Claim of all Posterior Planters, either in the Continent, or *American* Islands, which could not be thought to be separate and indifferent Dominions: And if *Spain* recede from any Universal Title to the whole, it will not be possible to extend his Claim beyond his proper Possession, or the Possessions of these that are Subdued and Conquered by *Spain*: And if this be called in Question, it is expected, That some other Title will be condescended upon, that may clear the Limits and Extent of the *Spanish* Colonies, so as to make a Difference betwixt the *Scots* Settlement in *Darien*, and the Settlement of other Princes in the *American* Islands or Continent.

The Empires of *Mexico* and *Peru* are known, and may be yielded to *Spain*, but the remainder of that vast Countrey was anciently possess'd by little Princes, or rather Captains or Heads of Families or *Cariques*, who have no Dependance upon each other, nor upon any Prince or Potentate, but by Leagues and Agreement for mutual Defence. Thus it is known, That the Land of the *Amazons* was possess'd by the Natives; And it is

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remarkable, That upon the Banks of *Amazon*, there are Fifty different Nations: So it is in *Brazil*, in *Chili*, *Paragua*, *Florida*, *Carolina*, *Virginia*, and generally over all the Continent, as well as in the Islands of *America*, and likewise in *Asia* and *Africa*: And therefore, *European* Princes have planted promiscuously, as they found Convenience, without Injury or Encroachment upon former Planters.

The *English* possess the Continent from *New-England* to *Carolina*, without the Interposition of Colonies belonging to any *European* Prince, yet the *Dutch*, in time of Peace, set down upon *Long-Island*, and the Countrey now called *New-York*, betwixt *New-England* and *Pensilvania*, and continued to possess till the end of the War 1667: At which time, *New-York* was exchanged for *Suranam*.

The *Spanish* Plate-Fleet do necessarily pass betwixt *Cape-Florida* and the *Babaman-Islands*, yet the *English* possess these Islands, which the *Spaniards* did mightily resent, and used the *English* very barbarously upon it, yet *Spain* not being able to justify any unlawful Title, the *English* did maintain their Possession.

Whatever be alledg'd, That the Government did not interpose for establishing a Logwood-Trade, yet it's certain, that the *English* did appropriate the Logwood at *Cape-Catch* in *Jucatan*, till it was exhausted, and they afterwards settled at *Port-Royal* in the Bay of *Campechay*, for carrying on the same Trade, which was never question'd by the *Spaniards*.

The *French* have several times endeavoured to settle in the River *de Spiritu Sancto* in the Bay of *Mexico*, and also the *Samballo-Islands* upon the Coast of *Darien*, and have actually settled a Colony in

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Petit-Guarvis in *Hispaniola*, the rest of that Island being possess'd by the *Spaniards*: The *French* have also a Settlement in *Guiana* in the *Terra-Firma*, and several Forts upon the Coast of *Caribana*, and above twelve or thirteen *American* Islands.

The *Dutch* have also the City of *Coro* in the North of *Terra-Firma*, and *Suranam*, and certain Forts upon the Coast of *Guiana* and *Curasao*, and several *American* Islands.

The *Portuguese* have the Coast of *Brazil* divided into many Captainships. The Interest of *Spain* was ever opposit to all these Settlements in *America*, and wherever they were strong enough, they attempted to expel the Planters, without regard to Peace or War, whereof the *Scots* did formerly feel the Effects, in their Plantation at *Carolina* holden of the Crown of *England*, from whence they were expelled: These things were done by way of Fact, but it is the first time that ever *Spain* did openly pretend a Right beyond actual Possession, which was never sustained by any *European* Prince. And it is desired and expected, that there may be a further Condescendance of the Right and Title of *Spain*, to exclude other Planters by the Consent of the Natives, where *Spain* hath no actual Possession, or Exercise of any Jurisdiction.

It is further alledged for *Spain*, That all the Business in *America* was settled by the Pacification 1670, betwixt the Kings of *Brittain* and *Spain*, which did confirm all the Plantations possess'd by *English* Colonies, and left the Remainder of *America* to *Spain*, and whatever happened before that General Treaty, could be no Rule thereafter, because there was almost perpetual War with *Spain* in *America*, which were never settled or compos'd till the Treaty 1670, which did presuppose and estab-

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lish the Right of *Spain* to all that was not possessed by the King of *Brittain's* Subjects.

As to the Instance of *Sharp*, it is not denied that he was acquitted, and amongst others did propone that Defence, That he Acted by Commission from an *Indian* Prince; but that Defence was look'd upon as a Jest, and it was not for that Reason that he was acquitted.

It is Answered, There was indeed a Treaty in the Year 1670, concerning *America* in particular, whereby it was provided, "That the King of *Brittain* should have, hold and enjoy for ever, with full Right of Sovereignty, Dominion and Property, all those Lands, Regions, Islands, Colonies, and Places whatsoever situated in the *West-Indies*, or any part of *America*, which the said King and his Subjects did then hold and possess; From which Article the *Spaniards* would infer, that all the rest of *America* was lost by the King of *Brittain*, as a Right and Dominion of *Spain*, because that *Spain* ratifies the Possession obtained by the King of *Brittain*, and there is not a mutual Ratification of the Possession of the King of *Spain*.

This Article can bear no such Inference, for,

1. The King of *Brittain* and his Subjects did not then nor do they now in the least question the Possessions of the King of *Spain* and his Subjects, but the King of *Spain* did very much question the Right of the King of *Brittain* to several of his *American* Plantations, not only upon the general Ground of an Universal Title to all the *West-Indies*, which no *European* Prince will bear, but likewise upon particular Claims, that the *English* had beat out the *Spaniards*, and enjoyed what had been once possess'd by them in several places: And the former

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former Treaties with *Spain* especially that in the Year 1667, were only general, establishing a perpetual Peace betwixt the Dominions and Territories of *Brittain* and these of *Spain*: But the Question remaining anent the Right and Dominion of these *American* Settlements to which the King of *Spain* did lay still a Claim, The Treaty 1670, did renounce his Claim to the Colonies in the *English* Possession, but did determine nothing as to those parts of *America*, which were never Possess'd by the *Spaniard* or *Brittish*, and if it had been intended, that the Right of *Spain* to all *America* that was not possess'd by some other *European* Prince should be asserted, and declared the same would not have been left to such remote conjectures, but would have been specially express'd.

2. The whole Tenor of that Treaty does sufficiently clear, that no such thing was intended as to presuppose, much less to assert the Right of *Spain* beyond actual possession. For by the Second Article of the Treaty, it is provided, "That there be an Universal Peace in *America*, as in other parts of the World between the Kings of *Great Brittain* and *Spain*, and between the Kingdoms, States, Plantations, Colonies, Forts, Cities, Islands and Dominions belonging to either of them; and between the People and Inhabitants under their respective Obedience.

This Article in the Treaty relating to *America*, only doth clearly demonstrate, that both Kings were set upon an equal foot, and did Treat for themselves and the People and Inhabitants under their respective Obedience, and no further; so that all matters were left untouched that did concern parts not Inhabited or possess'd by Natives, who were never under obedience to either Prince,

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nor would the Treaty have been for Plantations, Colonies, Forts, &c. equally and mutually, if either King had pretended an universal Title or Right beyond Possession.

3. The Eight Article doth yet further clear, that the King of *Spain* had no Universal Claim, but according to his Possession, which Article provides, that the Subjects, Inhabitants and Mariners of the Dominions of each Confederate, shall forbear to Sail to, or Trade in the Ports and Havens which are fortified with Castles, Magazines or Ware-Houses, and in all other Places whatsoever, possess'd by the other Party in the *West Indies*. To wit, the Subjects of *Brittain* shall not Sail into, and Trade in the Havens and Places, which the Catholick King holds in the *Indies*, nor in like manner shall the Subjects of the King of *Spain* Sail into, &c.

This Clause is plainly restrictive upon the King of *Spain*, That the Subjects of the King of *Brittain* shall not Trade into these places of the *Indies* which belong to *Spain*; for thereby it presupposes that *Spain* has no Universal Title, and its left free to the King of *Brittain*'s Subjects to Sail into, and Trade in all Ports and Havens which have no Fortifications, Castles, Magazines, or Ware-Houses Possess'd by the King of *Spain*, and consequently it was lawful to have Sailed to, and Traded with the *Darien Indians* where the King of *Spain* had no Fortifications, Castles, Magazines or Ware-Houses, nor can clear any manner of Possession, and if they might Trade with the *Indians* it must be acknowledg'd they might Settle among them.

“ It's also provided by the Tenth Article, that in case the Ships of either Party be forced by

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“ by fires of Weather, or otherwise into the Rivers, Creeks, Bays or Ports belonging to the other in *America*, they shall be treated there with all Humanity and Kindness; Which Article states both Kings again upon an equal foot, and mentions the Right of both as restrictive to particular Rivers, Creeks, Bays, &c. in *America* as if neither Party claimed Universal Title over all.

“ The 15th Article of the said Treaty provides, that the same shall in nothing derogate from any prehemency, Right or Dominion of any Confederate in the *American Seas*, Channels or Waters, but that they have and retain the same in as full and ample manner as may of right belong unto them, providing always that the Liberty of Navigation ought in no manner to be disturbed.

This Article relates to certain Prehemencies and Priviledges claim'd by *Spain* in the *American Sea*, which by the Treaty was not yeilded, but left in the same state as formerly; and if the King of *Spain* had pretended to an Universal Right over all *America*, in so far as is not possess'd by other *European Princes*, why was he more carefull to preserve his Claim of Sovereignty in the Seas, and forgot his Dominion upon the main Land? There can be no other reason for it, but because there was no such thing in prospect, as appears by the whole Tenor of the Treaty.

Nothing hath been alledged in behalf of *Spain* to make any disparity betwixt all the Settlements that have been made in *America* by the Subjects of the King of *Brittain* or other Princes, except the Treaty 1670: Which when duly considered, makes no disparity at all. For albeit the

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Possession of the King of *Brittains* Subjects be thereby confirmed; yet it will not be acknowledg'd by the King of Great *Brittain*, or any other Prince that the Settlements made by their Subjects were illegal or violent, untill confirmed by the King of *Spain*, and all Nations who have Planted there must sustain and justify the *Scots* Settlement, or acknowledge that the Settlement of their own Subjects were injurious to the Right of *Spain*.

It is not, nor can be denyed, that the *Dariens* have been at frequent War with *Spain*, altho' they pretend, that the *Dariens* were rather Rebels than Enemies. That is only for to beg the Question, for the Natives having the Ancient undoubted Right, it must be instructed, that they became Subjects before they could be Rebels.

And tho' it be alledged, that what was done in *Sharp's* Case was reckoned a Jest, and that he was not acquitted upon that ground, as acting by Commission from the *Dariens*; yet the matter of Fact is certain and known, and was indeed remarked by all *England*, that *Sharp* join'd with the *Dariens*, did commit acts of Hostility and carried away great booty from the *Spaniards*, and was pursued for Restitution in *England*, and did propose a Defence. That he acted by Commission from an Independent People, and was acquitted by a competent Judicature in *England*.

These matters of Fact being all acknowledged, it must be thought that a Decision in the way of Justice was no Jest, but according to the Law of the Nation.

To Conclude and Sum up the whole Matter, The *Scots* did not move one foot, untill they obtain'd two Acts of Parliament, and a Patent in their favours. These Acts (tho' very ample) were

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were framed with a just regard to former Planters, who by the express Tenor of the said Laws were not to be invaded or molested in their Possession; even the just Right and Property of the Infidel Natives was considered, and the Undertakers not allowed to dispossess them by Force and Violence, but to Plant with their consent: Upon the faith of these Laws, a greater Stock was advanced in *Scotland* than ever was raised by any other Nation, upon the first project of a Foreign Plantation; the Directors of the Company did very narrowly and exactly consider all the Treaties with *Spain*, and pitched upon a place, that the whole World considers to be of a great value for founding and raising a profitable Trade to the Honour of the King who (as the Father of the Countrey) did endue them with ample and just Priviledges, to the encrease of the Strength and Riches of the Isle of *Brittain*, which is all under the Government of one Monarch, of one Religion and Interest, and can have no different Friends or Enemies without endangering the whole. In one word, The *Scots* Company have acted deliberately, for advantage to themselves, the Nation, and the Isle of *Brittain*; they have only used their own Right and have wronged no Nation or People, nor exceeded the Limits of their Patent in any circumstance. And if any will stand up for the Interest of *Spain*, and call in question the matters of Fact and principles of Law above asserted, which are generally known and need not to be confirmed by particular Citations, they may assuredly expect that what has been affirmed shall be made further clear and evident beyond contradiction, and whatever Obstacles

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 or Difficulties have, or may fall in, *Ardua quæ Pulchra*, the undertaking was deliberate, just for the interest of the Nation, and with more regard to the Right of former Planters and Natives than any former Project of that Nature.

Memorandum, *That about this time, it was given out that the Spanish Ambassador had presented a Second Memorial concerning the Scots Settlement at Darien; and that the French Ambassador had likewise given in a Memorial to the Court of England concerning the French Ship which was cast away near Caledonia Harbour: But whether so or not, the Company could never procure a Copy of either.*

The Council of Caledonia's Address

To the King's most Excellent Majesty.

Most Gracious Sovereign;

WE your Loyal and Obedient Subjects, the Council of your Colony of *Caledonia*, being settled pursuant to Powers and Immunities proceeding from your Royal Favour and Goodness; where, upon our arrival, the Natives on all hands in compliance with former Agreements, received and entertained us with all possible demonstration of joy and satisfaction, there being no Possession, nor so much as pretended possession, for any Prince or State in *Europe* upon this whole Coast, extending it self considerably more than one hundred Leagues together. We found the *Indians* on all sides in open War with the

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the *Spaniards*, their nearest Neighbours: Against whom they besought our Assistance, which we could by no means comply with, by reason of the present Peace and good Understanding between your Majesty and the King of *Spain*.

Yet notwithstanding this our just and peaceable deportment and inclination, and our certifying the same by Letters to the two neighbouring Governours of *Panama* and *Cartagena*; We have, to our no small surprize, received certain Information, that several great and warlike Designs and Preparations are on foot, and carrying on by the *Spaniards* against this Colony; and that contrary to all Justice and Humanity, as well as the Treaties of Peace between your Majesty and the Catholick King, they now unjustly detain, and refuse to deliver up the Persons and Goods, that were saved of a Ship belonging to this Colony, called the *Dolphin*, which by misfortune of springing a Leak, was not long since oblig'd to run ashore and suffer Shipwreck near the City of *Cartagena*. All which have been no small inducement for us to have improved the frequent opportunities we have had of taking Measures greatly disadvantageous to the Crown of *Spain*: Yet in order to avoid, as much as possible, any thing that might look like a publick Breach, untill the same were laid before your Majesty, and your Royal pleasure known therein: We have hitherto proceeded no further, than the granting of Letters of Reprisals for the People and Effects unjustly detained from us.

Great Sir, The *Indies* as well as *Europe*, do at this time implore your Protection: And as the effectual opening the Door of Commerce to the

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the trading World, and of more easy access to and correspondence with the ends of the Earth, hath been hitherto hidden and reserved by the *Divine Hand*, for one of the singular Glories of your Majesty's Reign. So it's with no small satisfaction to be any way concern'd in so hopeful an Accession to the Dominions and Greatness of your Majesty, and Wealth of your People; That we presume to lay ourselves, our Case, and this valuable Opportunity at your Royal Feet, most humbly beseeching, that as it had its beginning, so it may continue to have its Being and Support from the happy Influences of your peculiar Bounty and Grace.

So with our earnest Prayers to *Almighty God* for the long and happy preservation of your Royal Person, and continuance of your Glorious Reign, and most humble tender of our Lives and Fortunes to your Majesty's Service and Disposition, We beg leave to Subscribe our selves,

Most Gracious Sovereign,

Your Majesty's most Loyal, most Dutiful, and most Obedient Subjects and Servants,

*Daniel Mackay,
Robert Pennicuik.
William Paterson,
Colin Campbell,
Samuel Vetch,
Charles Forbes,
Thomas Drummond.*

By

This Address was delivered to the Secretaries of State about the middle of September, together with a Memorial concerning the French Ship commanded by Cap. Duvier Thomas, which was Shipwrack'd near Caledonia, Harbour on the 24th of December 1698.

By the Honourable Sir William Beefton Kt. His Majesty's Lieutenant Governour and Commander in Chief, in, and over this his Island of Jamaica, and other the Territories depending thereon in America, and Vice-Admiral of the same.

A P R O C L A M A T I O N.

WHereas I have received Commands from his Majesty, by the Right Honourable *James Vernon* Esq; one of his Majesty's Principal Secretaries of State, signifying to me, that his Majesty is unacquainted with the Intensions and Designs of the *Scots* settling at *Darien*: And that it is contrary to the Peace entred into with his Majesty's Allies; and therefore has commanded me, that no Assistance be given them. These are therefore in his Majesty's Name, and by Command, strictly to command his Majesty's Subjects whatsoever, that they do not presume, on any pretence whatsoever, to hold any Correspondence with the said *Scots*, nor to give them any Assistance of Arms, Ammunition, Provisions, or any other Necessaries whatsoever, either by themselves or any other for them; or by any of their Vessels, or of the *English* Nation, as they will answer the Contempt of his Majesty's Command to the contrary, at their utmost peril. Given under my Hand and Seal of Arms this 8th. day of *April* 1699. And in the 11th. Year of our Sovereign Lord

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William the Third of England, Scotland, France and Ireland King, and of Jamaica Lord, Defender of the Faith, &c.

WILLIAM BEESTON.

Barbados. By his EXCELLENCY.

A P R O C L A M A T I O N .

W Hereas his Majesty has been pleased to signify his pleasure to me by Mr. Secretary Vernon, that he hath been advertised, that several Ships of Force, fitted out of Scotland, were arrived at the Island of St. Thomas with an Intention (as they declared) to settle themselves in some part of America: Their Design being unknown to his Majesty, and lest the same should derogate from the Treaties his Majesty hath entered into with the Crown of Spain, or be otherwise prejudicial to any of his Majesty's Colonies in the West-Indies.

These are therefore in his Majesty's Name, by and with the Advice and Consent of the Council, strictly to command all his Majesty's Subjects, inhabiting within this Island, that they forbear holding any Correspondence with, or giving any Assistance to any of the said Persons: And that no Provisions, Arms, or other Necessaries whatsoever be carried to them, as they shall answer the same at their peril.

Given under my Hand this 13th of April 1699, and in the Eleventh Year of his Majesty's Reign.

R. GRAY. By

By his Excellency Richard Earl of Bellomont, Captain General and Governour in chief of his Majesty's Province of New-York, and Territories depending thereon in America, and Vice-Admiral of the same.

A P R O C L A M A T I O N .

W H E R E A S his most excellent Majesty hath received Advice, That several Ships of Force fitted out of Scotland, were designed to settle themselves in some parts of America, and lest the same should derogate from the Treaties his Majesty hath entered into with the Crown of Spain, or be otherwise prejudicial to any of his Majesty's Colonies in America, his Majesty has been pleased to signify his Royal pleasure to me, That I should strictly forbid all his Majesty's Subjects, or others, inhabiting within the Districts of my Government, that they forbear holding any Correspondence with, or giving any Assistance to any of the said Persons, while they are engaged in the aforesaid Enterprize; and that no Provisions, Arms, Ammunition, or other Necessaries whatsoever, be carried from hence to them, nor be permitted to be carried, either in their own Vessels, or any other Ship or Vessel for their Use. In pursuance of his Majesty's said Royal Will and Pleasure, I have thought fit, by and with the Advice of his Majesty's Council of this Province, to publish and declare his Majesty's Pleasure, and by these

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these presents do strictly charge and command all and every one of his Majesty's Subjects, and others within this Province and Territories depending thereon in *America*, That they forbear holding any Correspondence with, or giving any Assistance to such Person or Persons, who have been fitted out of *Scotland* in manner aforesaid, & are said to have settled in a certain place, which they have called *Caledonia*, That no Provision, Arms, Ammunition, or other necessaries whatsoever, be carried either in their own Vessels, or in any other Ship or Vessel for their use, from this Province, or any part thereof. And his Majesty's Collector and Receiver General, and all other Officers of his Majesty's Custom-House, are hereby required to take notice hereof accordingly.

And I do further strictly charge, command, and forbid (by and with the consent of his Majesty's Council, as aforesaid) (all his Majesty's said Subjects, and others within this Province, that they neither by themselves, nor by any other Persons authorized by them, contrary to his Majesty's Royal Pleasure as aforesaid, hold any Correspondence, or give any Assistance, or enter into any Traffick or Commerce with such persons as are said to be settled in *Caledonia* aforesaid. And if any Person or Persons within this Province, by themselves, their Factors or Agents, shall contrary to, and against the true intent and meaning of this his Majesty's Royal Will and Pleasure signified unto me, as aforesaid, hold any Correspondence, or give any Assistance, or enter into any Traffick or Commerce, in manner aforesaid, then all such Person or Persons so acting, as aforesaid, shall incur such Pains, Penalties, and Forfeitures,

feitures, as by Law in such Cases are provided. And all his Majesty's Subjects, and others within this Province, are hereby required to take due notice hereof, and to observe his Majesty's said Royal Will and pleasure in all and every of the Premises as they will answer the contrary at their peril.

Given at Fort William Henry in New-York, the 15th day of May, 1699. and in the Eleventh Year of his Majesty's Reign.

By Order, Bellomont.
B. Cole. Cl. Concilii.

God save the King.

Printed by *W. Bradford* Printer to the Kings most Excellent Majesty in *New-York*. 1699.

By his Excellency Richard Earl of Bellamont, Captain General, and Governour in chief of his Majesty's Provinces of the Massachusetts-Bay, New-York, &c. in America, and of the Territories thereon depending, and Vice-Admiral of the same.

A P R O C L A M A T I O N.

W H E R E A S his most Excellent Majesty having received Advice, that several Ships of Force fitted out in *Scotland*, were arrived at the Island of *St. Thomas*, with an Intention (as they

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declared) to settle themselves in some parts of *America*: Lest the same should derogate from the Treaties his Majesty has entred into with the Crown of *Spain*, or be otherwise prejudicial to any of his Majesty's Colonies in the *West-Indies* his Majesty has been pleased to signify his Royal Pleasure to me, That I should strictly forbid all his Majesty's Subjects, or others inhabiting within the Districts of my Government, that they forbear holding any Correspondence with, or giving any Assistance to any of the said Persons, while they are engaged in the foresaid Enterprize; and that no Provision, Arms, Ammunition, or other Necessaries whatsoever, be carried to them from thence, nor be carried either in their own Vessels, or any other Ships or Vessels for their use.

In observance therefore of his Majesty's said Royal Will and Pleasure, I have thought fit, by and with the Advice of his Majesty's Council of this Province, to charge and command, and do hereby charge and command all and every of his Majesty's Subjects, and others within this Province and Territories thereon depending, that they forbear holding any Correspondence with, or giving any Assistance to any Person or Persons, who have been fitted out of *Scotland* in manner aforesaid, and are said to have settled in a certain place in the *West-Indies* by 'em call'd *Calcedonia*, or to enter into any Traffick or Commerce with them, or any of them. And that no Provisions, Arms, Ammunition, or other Necessaries whatsoever be transported or carried unto them from this Province, or any part thereof, either in their own Vessels, or any other Ship or Vessel for their Use. Of which all his Majesty's Subjects,

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and others within this Province, are hereby required to take due notice, and conform themselves accordingly, as they will answer their acting hereunto under the outmost Pains, Penalties, and Forfeitures, as are by Law in such cases provided. And the Officers of his Majesty's Customs, and all other his Majesty's Officers, are hereby also required to take effectual care that his Majesty's said Royal Will and Pleasure in all and every of the Premises be duly observed and kept, as they will answer the contrary at their Peril,

Given at the Council Chamber in Boston, the third of June 1699, in the Eleventh Year of his Majesty's Reign.

By Order of his Excellency, and
Council, I. Addington Sec. BELLOMONT.

God save the King.

Boston, Printed by *Bartholomew Green*, and *John Allen*, Printers to his Excellency the Governour and Council.

A second Proclamation published in Barbadoes against the Scots Company and Colony.

Barbadoes. By his EXCELLENCY.

VVHEREAS his Majesty has been pleased to signify his pleasure to me by Mr. Secretary *Vernon*, That he hath been Advised, that

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Several Ships of force are arrived at the Island of Cairat near Darien from Scotland, with an intention to settle themselves, their Design being unknown to his Majesty; and lest the same should derogate from the Treaties his Majesty hath entered into with the Crown of Spain, or be otherwise prejudicial to any of his Majesty's Colonies in the West Indies.

These are therefore in his Majesty's Name, by and with the Advice and Consent of the Council, strictly to command all his Majesty's Subjects inhabiting within this Island, that they forbear holding any Correspondence with, or giving any Assistance to the said Persons; and that no Provision, Arms, Ammunition, or other Necessaries whatsoever be carried to them, as they shall answer the same at their peril.

Given under my hand the 5th. day of September 1699. and in the Eleventh Year of his Majesty's Reign.

R. Gray.

The Council General of the Indian and African Company's Petition to his Majesty.

May it please your Majesty,

WE your Majesty's most dutiful Subjects, The Council-General of the Company of Scotland, Trading to Africa and the Indies, do in all humble duty beg leave to lay before your Majesty the present Condition of our Affairs.

Your

Your Majesty from an earnest desire of the flourishing of your Antient Kingdom, having been graciously pleased by the 32d. Act of the 4th. Session, & by the 8th. Act of the 5th. Session of this current Parliament, and your Majesty's Letters Patent under the Great Seal of this Kingdom following thereupon, to authorize the settling of Plantations and Colonies in Asia, Africa or America by the Natives of this Kingdom; and and such others as should joyn with them; as in the said Acts of Parliament and Letters Patent is more particularly express'd.

We and our Constituents, your Majesty's most Loyal Subjects did, upon the faith and encouragement of the said Acts, and Letters Patent, enter into a Society, erect a Company of Trade, and with great Charge, and after many Difficulties settled a Plantation on the North side of the Isthmus of Darien, a place precisely in the terms of the said Acts of Parliament and Letters Patent.

And being sensible, That as our Company had its Birth from your Majesty's most Gracious Favour, so it could not subsist but by your Royal Protection; We did therefore in all humble manner Petition your Majesty's High Commissioner and the Estates of Parliament assembled the 19th. of July 1698.

Upon which the Estates of Parliament did with great unanimity Address your Majesty, That you would in your Royal Wisdom be pleased to take such measures as might effectually vindicate the undoubted Rights and Priviledges of the said Company, and support the Credit and Interest thereof.

That

That Session of Parliament ending before any Return could be had from your Majesty, Reports have been spread by the Enemies of our Settlement, as if our Company had not your Majesty's Protection: And as an evidence thereof; That Proclamations have been issued out in your Majesty's Name by your Governours in all the *American* Plantations, not only to deprive our said Company and Colony of the friendly Assistance, that might have reasonably been expected from our Neighbour Nation, but also strictly forbidding all your Majesty's Subjects or others within these Plantations to enter into any Traffick or Commerce with the said Colony; & that no Provisions, Arms, Ammunition, or other Necessaries whatsoever should be transported, or carried to them either in their own Vessels or any other Ship or Vessel for their use, and that under the utmost Pains, Penalties and Forfeitures mentioned in the said Proclamations.

Which Proceedings we have but too much reason to believe have been of fatal consequence to our Company and Colony, and consequently to the interest of all your Majesty's good Subjects in this Kingdom. And we being fully persuaded, that nothing could be so conducive for the support of our said Company and Colony in our present Circumstances, as some special Testimonies and Evidences of your Royal Protection.

We do therefore in all humility and earnestness beg of your Majesty's fatherly care of our said Company in particular, and of the Nation in general, That your Majesty would be graciously pleased to take off the force and effect of these Proclamations which have been so prejudicial

cial to us, and to signify your Royal Pleasure to the Governours of these your Plantations, that we may be supply'd in the common and ordinary way of Commerce. As also that your Majesty may allow your Parliament to meet at the day appointed in *November* next, or as soon as possibly can be, that your Majesty may have the Advice and Assistance of the Great Council of this Nation in such a weighty and general Concern, which we hope God will bless with an happy issue to his Glory, the Honour of your Majesty, the Credit of your Parliament, the Interest of the Nation, and the Good of our Company and Colony.

Sign'd at *Edinburgh* the 19th. day of *October* 1699. in Name, presence, and by Order of the said Council General by,

May it please your Majesty,

Your Majesty's most Faithful, most Dutiful, most Humble, and most Obedient Subject and Servant,

Belhaven, I. P. C. G.

To which his Majesty was pleased to give the following Answer.

WILLIAM R.

Right Trusty and Well-beloved, We greet you well: Your Petition has been presented to us by our Secretaries, and we do very much regret the Loss which that our Antient Kingdom and

and the Company has lately sustained: We will upon all Occasions protect and encourage the Trade of the Nation: And we will also take care, that the Subjects of that our Kingdom shall have the same freedom of Trade and Commerce with our *English* Plantations as ever they had formerly.

Our current Parliament is adjourn'd to the 5th. day of *March* next, and we will order that the Parliament shall meet when we judge that the Good of the Nation does require it. And so we bid you heartily farewell. Given at our Court at *Kensington* the 2d. day of *November* 1699, and of our Reign the 11th. Year.

To our Right Trusty and well-beloved, The Council General of the Company of our Ancient Kingdom of Scotland Trading to Africa and the Indies. By his Majesty's Command, Seafield.

To the Right Honourable the Lord High Chancellor, and remanent Lords of his Majesty's most Honourable Privy Council.

The Humble Address of the Council-General of the Company of Scotland Trading to Africa and the Indies.

May it please your Lordships, WE think it needless to trouble your Lordships with a repetition of the many Steps, Difficulties and Discouragements that we met with

with all along both abroad and at home, since the beginning of this Undertaking, the most considerable of them being already particularly known to your Lordships. But maugre all those Difficulties, we have with a great deal of Trouble and vast Expenses, settled a Plantation in one of the most valuable and impregnable Places in all *America*, situated on the North-side of the Istmus of *Darien* called by us *Caledonia*.

As no Nation in *Europe* ever begun any such Settlement with so considerable a Strength of Men, Ships, and other Necessaries, as we did: So no instance can be given of any Settlement ever heretofore made, that had so hopeful an Aspect in so short a time as our Plantation aforesaid.

But to our and the Nation's inestimable Loss, we have very surprizing Advices of our Peoples having deserted the said Settlement by reason of Proclamations issued forth in all his Majesty's Plantations of *America*, strictly forbidding all his Majesty's Subjects to hold any manner of Correspondence with our said Colony, and that no manner of Provisions, Arms, Ammunition, or other necessaries whatsoever, should be transported or carried to them, either in their own Vessels or any other Ship or Vessel for their use; and that under the outmost Pains, Penalties, and Forfeitures mentioned in the said Proclamations. The certain notice whereof could not but have put them in a desperate Condition, especially none of our Advices having come to their hands, tho we wrote to them at several times, by the several ways of *Jamaica*, *Barbados*, *Antegoa*, *New-England*, &c. and sent them likewise an illimited

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Credit for buying of Provisions, till our own Ships and Recruits should come up to them.

We have taken such further measures, as seem'd most reasonable to us upon this unexpected Emergency, but have too good ground to fear, that not only what we have already done, but even all that we are able to do, must prove ineffectual, if the King and his Parliament of this Kingdom, do not give some encouraging Marks of their Favour and Protection to our said Company and Colony: Wherefore we have in all humble Duty Petition'd his Majesty that he would be graciously pleas'd to take off the Force of the said Proclamations, and allow his said Parliament to meet at the day appointed in *November* next, or as soon as possibly may be, to give their Advice and Assistance in such a weighty and general concern.

Your Lordships may very well know the great Losses, both of Men and Treasure, that we have already suffered by the unaccountable Proceedings of the Enemies of our Company and Colony: Nor can we tell when to expect an end to such Methods against us, unless his Majesty and the Great Council of the Nation fall upon proper and effectual Means for supporting so valuable an Undertaking.

May it therefore please your Lordships, to take the whole Premises into your most serious consideration, and do us all the good Offices with his Majesty that, in your profound Wisdom, you shall think most expedient for supporting our Company and Colony's Interest, and give him
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an account of our present Circumstances, and how much the Honour and Interest of the Nation stands concern'd.

Sign'd at *Edinburgh* the 20th. day of *October* 1699, in Name, Presence, and by Order of the said Council-General. By,

May it please your Lordships,

Your Lordships most humble Servant,

Basil Hamilton, J. P. C. G.

A Letter from the Company

To the Right Honourable, The Viscount of *Seafield*, one of the Secretaries of State for the Kingdom of *Scotland*.

My Lord,

THIS is by Order of the Council-General of the Company of *Scotland*, Trading to *Africa* and the *Indies*, to acquaint your Lordship, That we have prevail'd upon Lord *Basil Hamilton* to be at the trouble of going up with an Address to His Majesty from our said Council-General on behalf of Captain *Robert Pinkerton* and Thirty more, who were wrongfully detain'd Prisoners at *Carthagena* since the beginning of *February* last, and (as we are inform'd) are most inhumanely treated.
We

We are daily importun'd by their Relations (who are very considerable) for their Relief; and it is of great concern to our Company, that something material be speedily done therein, not only for the sake of the said Prisoners, but also that others may thereby see, we do not abandon the Interest of such as engage themselves in our Company's Service.

Lord Basil Hamilton is fully instructed in all matters relating to the said Address, and other Affairs relating to our Company, of which he'll inform your Lordships. Wherefore we entreat that your Lordship will be pleas'd to introduce him to His Majesty, in presenting of the said Address; and to assist him in procuring a gracious return from his Majesty; in the confidence whereof, I remain,

Edinbr. 4th. Decr.
1699.

My Lord,
Your Lordship's most
humble Servant,

Yester, I. P. C. G.

Memorandum, Such another Letter was at the same time written to the Lord Carmichael, the other Secretary of State.

The Company's Address to His Majesty.

May it please your Majesty,
WE your Majesty's most dutiful Subjects, the Council-General of the Company of Scotland, Trading to Africa and the Indies, having formerly

merly, in most humble manner, represented to your Majesty, how that we have, with much Trouble, great Expense, and after many unexpected Stops and Difficulties, settled a Plantation and Colony on the North-side of the Isthmus of Darien, on the Continent of America, precisely in the Terms of your Majesty's Acts of Parliament and Letters Patent under the Great Seal of this Kingdom.

We now, in all Duty and Humility, beg leave to represent further to your Majesty, That whereas in the said Acts of Parliament and Letters Patent, there is a special Clause, by which your Majesty is graciously pleased to promise, "That if contrary to the Rights and Priviledges therein-mention'd, or contrary to the General Treaties of Peace and Commerce between your Majesty and any Potentate, Prince or State in Amity with your Majesty, the Ships, Goods, Merchandize, Persons, or other Effects whatsoever, belonging to the said Company, should happen to be stopp'd, detain'd, embezell'd, or taken away, or in any sort prejudic'd or damnified, That your Majesty would interpose your Royal Authority, to have Restitution, Reparation, and Satisfaction made for the damage done; and that upon the publick Charge.

And whereas likewise by the X and XI Articles of the Treaty concluded between the Crowns of Great-Britain and Spain, at Madrid the 8th day of July 1670. It is specially stipulated, "That in case any of the Subjects of either the Confederates with their Shipping be forc'd at any time, through stress of Weather, pursuit of Pyrates, or Shipwrack to retreat and enter for shelter, and harbour into any of the Rivers, Creeks, Bays,

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“ Bays, Havens, Roads and Ports belonging to
 “ the other in *America*, That the Persons so Ship-
 “ wrack'd or forced a Shoar, shall in no sort be
 “ detain'd Prisoners, but that on the contrary;
 “ all friendly Assistance and Relief shall be admi-
 “ nistred to their Distress, both for the Sustenance
 “ of their Persons and reparation of their Ships,
 “ and conveniency of their Voyage, and that
 “ Letters of safe Conduct shall be given them,
 “ for their free and quiet passage thence.

Yet notwithstanding thereof, a Ship call'd the
Dolphin, belonging to our Company, being sent
 from our said Colony to some of the Leeward
 Islands, with a Cargo for buying Provisions, and
 the said Ship in a few days time after her going
 to Sea and plying to windward, for the speedier
 passage, striking unfortunately upon a Rock,
 sprung a Leak, and being forced to run a shoar,
 under the very Walls of *Cartbagena*, to escape Ship-
 wrack, not only the said Ship and Goods were
 violently seiz'd and dispos'd of as prize, but also
 the Men to the number of thirty and a Boy (whose
 Names are here subjoyned) were detain'd and
 made close Prisoners, contrary to the express
 Terms of the said Treaty.

Upon notice whereof, the Council of the said
 Colony sent, in your Majesty's and said Compa-
 ny's Name, a Messenger with a very civil Letter,
 to the Governor of *Cartbagena*, to demand your
 said Subjects, who were wrongfully detain'd Pri-
 soners, as aforesaid; and likewise Restitution of
 the said Ship and Goods, pursuant to the Treaty
 above-recited; and sent also Copies of the Acts
 of Parliament and Letters Patent above-mention'd,
 in *English, Latin, and Spanish*, for the Governor's
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Information: but instead of any compliance to
 those just and reasonable Demands, the Messen-
 ger was threatned to be put in Chains, and not so
 much as allow'd to see any of the said Prisoners.

And being lately assur'd, that (notwithstand-
 ing of all endeavours hitherto us'd for their Libe-
 ration) they are contrary to the Rules of Christi-
 anity, Humanity, and the Law of Nations, still
 detain'd Prisoners under very severe Treatments,
 we think ourselves in Duty and Conscience bound
 to lay their deplorable Case before your Majesty;
 and for that effect have commissioned Lord *Basil
 Hamilton*, one of our number, to present this our
 humble Address on their behalf to your Majesty,
 and to give your Majesty a further account of our
 Company's other Affairs, as he is particularly in-
 structed therein; not doubting but that your Ma-
 jesty will, in your Royal Wisdom, take speedy
 and effectual Measures for the redress of those
 Damgages, and the freedom of those distressed
 Prisoners, in the number of which there are some
 young Gentlemen of good Quality, and related
 to the best Families in this Kingdom.

Signed at Edinburgh the 4th. Day of December,
 1699; In Name, Presence, and by Order of the
 said Council-General, by,

May it please your Majesty,
 Your Majesty's most Faithful,
 most Dutiful, most Humble,
 and most Obedient Subject
 and Servant,
 Yester, I. P. C. G.

The

*The Chancellours Letter to the Directors of
the Company.*

*Holyrood-house, the 9th. of
January 1700.*

Right Honourable,

HIS Majesties Secretaries of State have acquainted me, That the King will not allow my Lord *Basil Hamilton* access to him, Because he did not wait on his Majesty when he was formerly in *London*. And that he has never since given any publick Evidence of his Loyalty, nor has hitherto owned and acknowledged His Majesties Government. But his Majesty will not refuse to hear what my Lord *Basil's* Instructions are; and has declared his willingness to be informed of what the Company desires. And if my Lord *Basil* will give in Writing to His Majesties Secretaries, what he had to represent, His Majesty will receive Information from their hands of what is demanded, and will give his Answer to the Company; His Majesty doth not refuse to Receive the Petition, tho' he will not allow my Lord *Basil* to be the Presenter of it. This from

*To the Right Honourable,
The Court of Directors of
the Company of Scotland,
Trading to Africa and the
Indies.*

*Right Honourable,
Your very humble
Servant,
Marchmont Chancellour.*

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*A Letter from the Directors of the Company, to
each of the Secretaries for Scotland.*

My Lord,

TH E Council-General of our Company, having lately a very frequent Meeting thought fit to send up one of their own Number, with an Address to his Majesty, and with Instructions concerning the Contents of our Company's former Petitions; they thought that none could be more Capable to Discharge that Trust, than Lord *Basil Hamilton*. as being throughly Versed in the course of the Company's Affairs, nor more acceptable to His Majesty, as having had no objection made against him when he was appointed; several Lords of His Majesties Privy Council Being then present. And the Council-General having signified so much to your Lordship by a Letter, wherein they entreated, that you would be pleased to introduce him to the King, and give your Concurrence in procuring a Gracious Return to what he had in Commission, and which he was to Communicate to your Lordship. We are surpriz'd to find this day by a Letter from the Lord Chancelour; that the King will not allow Lord *Basil Hamilton* to have Access, because he did not wait upon his Majesty when he was formerly at *London*. But his Lordship being sent by, and having his Instructions from the Council-General, We the Court of Directors can say nothing to it, other than to entreat your Lordship that you'd use your Interest with his Majesty. to allow Lord *Basil Hamilton*, to have Access to His Roy-

Royal Person, lest the Refusal thereof be not only a great Discouragement to the Company and all its well-wishers, under its present Difficulties and repeated Misfortunes, but give also ground to the World to believe that his not being allowed Access to His Majesty, is upon the Account of his carrying an Address from this Company, which every Body knows stands in great need of, and has a just Right to His Majesties Royal Favour and Protection,, And which being the General Concern of the whole Nation, is confidently expected & signified to your Lordship, by Order and in name of the Court of Directors by,

*My Lord,
Your Lordships most humble Servant,*

Edinbur. the
9th. day of Janu-
ary, 1700.

Pat. Scot. I. P: C. D.

*A Letter from the Company, to my Lord
Basil Hamilton.*

My Lord,

WE have your Lordships Letter, of the 2d. Instant, by yesterdays Post; in relation to to the Contents of which, we send you here-with the Copy of a Letter, which we have writ-ten by this Nights Post, to both the Secretaries of State, and likewise the Copy of another Letter, which we had this morning from the Lord Chancellour upon]the same head.

As

As our Company cannot but have a just sense of your Lordships generous-condescension, to the Council-Generals request, in undertaking a troublesome Journey to *London*, this time of the Year, to wait upon and Solicite his Majesty about our Company's Affairs, with no other view but frankly to serve the Interest of your Country, to the manifest neglect of your own, So we cannot but heartily regret that the carrying of the Com-pany's Commission, should be the occasion of putting such a distinguishing Mark upon a Per-son of your Lordships Quality and merit, as to be denied access to His Majesties Person, because you did not wait upon His Majesty when you were formerly at *London*. No body can be so blind as not to see through this: And whereas we never could hear, that your Lordship did e-ver any thing unworthy of your Quality, or in-consistent with the duty of a Loyal and Peace-able Subject. So we are still hopefull, that by your own prudent management, His Majesty may be undeceived of any mis-representation he might have had of you, & that he will yet conde-scend to grant your Lordship access to his Royal Person, with the Company's said Address, and give you a Gracious Answer to the Contents thereof, and to the other particulars mention'd in your instructions; An account whereof would be very welcome News, in the midst of our mis-fortunes, to the Company in general, and parti-

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cularly to the Court of Directors in whose Name,
and by whose Order this is from,

My Lord,

Your Lordships most humble Servant,

Edinburgh the 9th. day Pat. Scot. I. P. C. D
of January, 1700.

*His Majesties Letter to His Council
of Scotland.*

William R.

Right Trusty and Right well beloved Cousin
and Councillor, Right Trusty and Entirely
beloved Cousin and Councillor, Right
Trusty and well Beloved Cousins and Council-
lours, Right Trusty and well Beloved Council-
lours, and Trusty and well Beloved Coun-
cellours, We greet you well, WHERE-
AS The Council-General of the Compa-
ny of that our Kingdom, Trading to *A-
frica* and the *Indies*, by their Letter to our Secre-
taries of the Fourth day of *December* last; did de-
sire, That they might give their concurrence to
procure a Gracious Return from Us, to the Peti-
tion which they had sent with Lord *Basil Hamil-
ton*. And the said Lord *Basil* having com-
municated to Our Secretaries both the foresaid
Petition and His Instructions; And they hav-
ing represented to us, what is desired in behalf
of

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of the said Company, and we having refused the
said Lord *Basil Hamilton* Access, to present the
the foresaid Petition to Us, for the Reasons We
did Order our Secretaries to Communicate
to Our Chancellour; Yet We being willing
to give an Answer to what the said Com-
pany does desire. You are therefore to call
for some of the Council-General, and acquaint
them that We are resolved in the terms of our
Treaties, to demand from the King of *Spain*, that
Captain *Pinkerton* and these of his Crew,
who are detained Prisoners at *Carthagena* be Re-
leased and set at Liberty. And you may also ac-
quaint them, that our Subjects of that our King-
dom shall be allowed the same Liberty of Trade
that others enjoy with the English Plantations;
And in general, you may signifie to them, Our
Resolution to promote and advance the Trade of
the Kingdom, And the three Friggots they de-
mand having been given by Parliament for guard-
ing the Trade of the Coasts; We are not resolved
to dispose of them till we have the Advice of our
Parliament. And so we bid you heartily Fare-
wel. Given at our Court at *Kensington*, the
Tenth day of *January* 1700, and of our Reign the
Eleventh Year; By his Majesties Command *Sic
Sub. Seafeld* Directed thus, To Our Right Trusty
and Right well Beloved Cousin and Councillor,
Our Right Trusty and Entirely Beloved Cousin
and Councillor, Our Right Trusty and well be-
loved Cousins and Councillours, Our Right
Trusty and well Beloved Councillours, and to
our Trusty and well Beloved Councillours, *Pa-
trick* Earl of *Marchmont* our Chancellour, and the
rest of the Lords and others of our Privy Coun-
cil

cil, of our Ancient Kingdom of *Scotland*. This is a true Copy taken from the principal and Subscribed by,

Gilb, Eilot Cls. Sti. Con.

An other Letter from the Council-General of the Company to my Lord Basil Hamilton.

My Lord,

Your Lordships Letters to the Court of Directors, having been by them Communicated to us, We cannot but acknowledge, that as you have at our request frankly undertaken a troublesome Journey and Task to serve the Interest of your Country and our Company ; So we are fully satisfied, that you have acquitted your self with a great deal of Prudence and Discretion in the execution of that Charge, for which we render you most hearty Thanks : But finding by a Letter of the 10th. instant from His Majesty to the Lords of his Privy Council, and by a former from the Secretaries of State to the Lord Chancellor (Copies of both which are herewith inclosed) That his Majesty has determin'd not to allow your Lordship access to present our Address, nor to impart to His Majesty what other things we gave you in charge by your Instructions: We are heartily Sorry that your Lordships carrying of our Address, should bring you under any such disagreeable circumstances with His Majesty : But the matter being so, we can-

cannot think it just to detain your Lordship any longer at *London* to the neglect of your own affairs at home, and do therefore hereby signify that your Lordship may use your own Freedom, to take Journey homeward as soon as you think fit, and as may sute best with your conveniency. This is in Name, presence and by order of the Council-General of our Company, from

My Lord,

Your Lordships most humble Servant,

Edinburgh the 29th. of
January 1700.

John Home P.

Upon the first notice that was given of a National Address or Petition to His Majesty for the sitting of the Parliament, the following Proclamation was emitted.

P R O C L A M A T I O N
Anent Petitioning.

WILLIAM By the Grace of GOD,
King of Great *Brittain, France and Ireland*, Defender of the Faith ; To

Macers of Our Privy Council
Messengers at Arms, Our Sheriffs in that Part
Conjunctly and Severally, Specially Constitute
Greeting; Forasmuch, as We, by our Letter under

der our Royal hand, dated at *Kensington*, the Twelfth of *December* instant, have signified to the Lords of Our Privy Council, That whereas we are informed, that notwithstanding of Our Answer to the late Petition of the Council-General of the Company of that our Kingdom, Trading to *Africa* and the *Indies*, which we think ought to have given intire Satisfaction to all our Good Subjects; Yet there is on foot a Design of Addressing Us of New, on the same heads, carryed on after such a manner, & with so little respect to our Government, gives us too just Grounds to apprehend the Consequences, that We have never hitherto denied Our Subjects their Priviledges, nor will We discourage the Liberty of Petitioning, when the same is done in an Orderly manner, but that we having fully declared our Mind, as to the Subject of the last Address, We cannot but take particular Notice of that unusual Method that is taken to procure Subscriptions to a new one, and that some Persons, who signalize themselves in carrying on the same, have given no Evidence of their Affection to Our Government. And make it their Indeavour to lodge the late misfortune of the Company, on Proclamations emitted in the West *Indies*, tho they cannot but be sensible, that the same did proceed from other Causes. And being convinced, that such Practises may tend to Alienate from Us the Hearts of our good Subjects, & that it is necessary, for the Support of Our Government, and preserving the publick Peace of the Nation, that they be discouraged and prevented. We did therefore Recommend to the saids Lords of Our Privy Council, to signify and
and

and make known our Displeasure, and Dis-satisfaction with such proceedings, and to take the most effectual Methods consistent with Law, for Discouraging the same, and for preventing these that are well inclined to Our Government from Joyning with them. OUR WILL IS HEREOFRE, And We Charge you strictly, and Command, that Incontinent these our Letters seen, ye pass to the Mercat Cross of *Edinburgh*, and Remanent Mercat Crosses of the whole head Burghs of the severall Shires, and Stewartries within this Kingdom, & thereat in our Name and Authority, by open Proclamation make Intimation of the Premisses, that none pretend Ignorance, and ordains Our Solicitor to transmitt Coppies to the Sheriffs, Stewarts and their Clerks for that effect and Ordanis these presents to be Printed.

Given under our Signet at Edinburgh the Eighteenth day of December, and of Our Reign the Eleventh Tear, 1699:

Ex deliberatione Dominorum Secreti Concilii.

GILB. ELIOT. *Clis. Sti. Concilii.*

God save the King.

Here follows the first National Address or Petition mention'd in the foregoing Proclamation.

May it please your Majesty,
VV E the severall Subscribing Noblemen, Barons and Gentlemen of this Your Ma-
P je-

Majesty's Kingdom of SCOTLAND, being deeply Affected with the present hard Circumstances of the *Indian* and *African* Company, both Abroad and at Home, as being of Universal Concern to the whole Nation. And your Majesty having been pleased, by your Royal Answer to the Council-General of the said Company's late Petition, to signify, *That your Majesty does very much Regret the Loss which this Kingdom and the Company has late-sustained; That upon all occasions Your Majesty will Protect and Encourage the Trade of the Nation; and that Your Majesty will order the Parliament to Meet when you judge that the Good of the Nation does require it.*

We are thereby Encouraged in most Dutiful and Humble manner, to represent to your Majesty, That as the Estates of Parliament, and this Nation, which they Represent, have a Peculiar Interest in the Concerns of the said Company, as is particularly manifested in their Unanimous Address of the 5th. of August 1698. to Your Majesty: So we humbly conceive nothing can be so Conducibile to support the Interest and Credit of the said Company, under its present Misfortunes, as a Meeting of the said Estates in Parliament, and that the Good of the Nation can at no time require their Meeting more than at present: As not doubting, but that under the Influences of Your Majesty's Favour and Protection, together with the Assistance which may be reasonably expected from your said Parliament, The said Company may be enabled to prosecute their Undertakings with greater Assurance, and better Success than hitherto they could have done, under the many Stops and Difficulties which they met with from time to time. We

We do therefore in all Humble Duty; most earnestly Entreat, and most assuredly Expect, that Your Majesty will, in Your Royal Wisdom, and Fatherly Care, for the Good of this Nation, be Graciously pleased, to order your said Parliament to Meet, as soon as possible, which We doubt not, will tend to the Honour of your Majesty, and the General Good and Satisfaction of the Nation, and particularly of

May it please your Majesty,

Your Majesty's most Loyal,
most Dutiful, and most
humble Subjects and
Servants.

This Address was presented to His Majesty at Kensington the 25th. day of March 1700. By the Right Honourable the Marquis of Tweeddale, Sir John Home of Blakader Baronet, John Haldan of Gleneagles and Patrick Murray of Livingston Barons, Commissioners appointed for that end.

Upon the presenting of this Address one of the abovenamed Commissioners signified to the King, that it was hoped His Majesty would be pleased to look upon it not only as a Petition for allowing the Parliament to sit, but likewise as a Testimony of the Nations concern for the interest of the *Indian* and *African* Company. To which His Majesty was Graciously pleased to Answer, *That that would be best known in Parliament, and that the Parliament could not sit before the 14th. of May then next ensuing, but that it would sit then: Or in Words to that effect.* To

To His Grace His Majesty's High Commis-
sioner, and the Right Honourable the
Estates of Parliament.

*The Humble Representation and Petition
of the Council-General of the Company of
Scotland, Trading to Africa and the
Indies.*

*May it please your Grace,
and Right Honourable Estates,*

IT is evident by the whole Strain of Three fe-
veral Acts of Parliament, together with His
Majesty's Letters Patent under the Great
Seal of this Kingdom, in favours of the said
Company, That the Wisdom of the King and
Right Honourable Estates did intend, that all such
Advantages as might arise by the establishing of
such a Company, should be of as uiverfally a
National Concern as possible; And in order there-
unto, were pleased to endow it with large Privi-
ledges and Immunities, futeable to the Circum-
stances of an Infant-Company, and the Great-
ness of its Designs: And lest that it should fail
in the Execution, for want of a sufficient Stock to
carry on such an Undertaking, all imaginable
Parliamentary Encouragement was given to Per-
sons of all Ranks, Ages and Sexes, both within
and without the Kingdom, whether Natives or
Foreigners, to become Partners and Adventurers
in the Joynt-Stock of the said Company, as is sin-
gu-

gularly manifest by the 42d. Act of the 5th Session
of this current Parliament, especially calculated
for that end only.

Upon the publick Faith of having due Prote-
ction in the enjoyment of these unquestionable
Priviledges and Immunities, as having received
their Sanction from His Majesty. and the unani-
mous Suffrage of the great Council of the Nation
as aforesaid, many Persons of all Ranks and De-
grees were thereby induced to become Adventu-
rers in the Joynt-Stock of our said Company, in
in so much that in a very short time, a much more
considerable Stock was subscrib'd for within this
Kingdom, than was ever before so much as pro-
pos'd here upon any project whatsoever, since
we were a Nation:

Being thus entred into a Society, We and our
Constituents have pursuant to the intentions of
the Acts of Parliament and Letters Patent above-
mention'd, with much care and trouble, and a
great Expence of Treasure, after having struggled
with many unexpected Obstructions and Difficul-
ties settled a Plantation by the Name of *Caledonia*,
in one of the most Healthful, Fruitfull, natural-
ly impregnable, and every way valuable Places
in all *America*, as is uiverfally acknowledged by
all Per'ons of Experience in such Matters as well
as by the General Consent of such as have been
there: And as a manifest proof thereof thoe our
said Plantation be settled most strictly in the terms
of the Acts of Parliament and Letters Patent a-
bovementioned, yet it has raised the Jealousy of
some, and Envy of others, of the most knowing
and considerable Trading Nations in *Europe*.

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But to our and the Nations great Surprise, and inestimable Loss, while we were using all ordinary means, and big with the hopes of riveting that Settlement upon a lasting Foundation, such was the further continued Chain of unexpected Obstructions and most unaccountable Mal-treatments that we met with, by Proclamations of a very strange Nature, and otherwise, that the repeated Misfortunes following thereupon, put us under an indispensable Necessity of humbly petitioning His Majesty for allowing the Parliament to meet at the day appointed in *November* last; in full confidence and Expectation of having the most natural and cordial Assistance from those who have first established our Company, and promised it Protection; especially since all our other Applications have hitherto proved ineffectual: But a meeting of the Estates of Parliament at that time not quadrating (it would seem) with His Majesty's other Affairs, a very considerable Body of the Nobility, Gentry and Burgesses of this Kingdom, thought fit, in a most dutiful and humble manner, by their late Address, to represent to His Majesty, how deeply they were affected with the Nations concern in our Company's repeated Misfortunes, and therefore humbly Petitioned for the sitting of this Parliament as soon as conveniently might be. And the King having been most graciously pleased to order the Meeting of the Right Honourable Estates now in Parliament, We think our selves in all duty bound to give His Grace His Majesty's High Commissioner and the Right Honourable the Estates, a short and naked Narrative of the several Obstructions and Misfortunes that we have been

all

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all along forc'd to grapple with, in the prosecution of our Company's Designs, to the end that the great Council of the Nation, having a perfect View and full Knowledge of these Difficulties which we now Labour under, may be the better able to judge how to apply a Remedy.

The first attempt for strengthening our Company's Interest and Stock was at *London*, where a Subscription of 300000 *sterl.* was procured in Nine days time, without so much as a publick Advertisement, and many knowing Merchants were so far convinc'd of the many Advantages that might probably arise from such a Constitution, that they signified their willingness to be concerned for Triple the Sum, if allowed: But not only did the Parliament of *England* by their Address to His Majesty of the 13th. of *December* 1695. and otherways, render that Subscription ineffectual, but the House of Commons did also appoint a Committee, to examine what Methods were taken for obtaining the Act of Parliament, by which our said Company is established who were the Promoters and Advisers thereof; and did afterwards impeach the Nominees in the said Act of Parliament; notwithstanding the absolute Independency of this Kingdom.

Yet after all this Discouragement, we went on with our Subscriptions at home, and made our next Effort for strengthening thereof beyond Sea, both in *Holland* and *Hamburg*: In the first of which places many eminent Merchants declared their positive inclinations to be very considerably interested with us, and gave some signal Proofs thereof, till they were made to understand by Threatnings and other Insinuations, that a Higher Power would make them at least very uneasy,

if

if they persisted any further in their Resolutions of being concerned with our Company,

And at *Hamburg* where we had the most promising Hopes of foreign Assistance, the *Comercii* or Merchant Company, entred into Contract with our Company's Deputees, to joyn at least 200000 *l. Sterl.* to our Company's Stock; but to our great Astonishment, His Majesty of *Great Brittain's* Ministers there, did under pretence of special Warrant from the King, put a full stop there-to, by giving in *A Memorial to the Burgo-Masters & Gentlemen-Councillors of that City wholly dis-owning the Authority of the Acts of Parliament, and Letters Patent above-mention'd, & intimating that His Majesty would regard their entring into Treaties with our Company as an Affront to his Royal Authority, and that he would not fail to resent it, as having neither Credential Letters, nor being any otherways Authoriz'd by His Majesty.*

Upon notice whereof, we did in all humble Duty Address His Majesty in *June 1697*, for Redress of that open and bold Encroachment, upon not only our, but also the Nations Rights, in its most fundamental Constitution, by endeavouring to subvert the Independency of its Parliamentary Laws, expressly contrary to the Law of Nations: All which His Majesty by his Royal Letter from *Flanders* in *July 1697*, Promised to take into Consideration, as soon as he would return into *England*, and that in the mean time, His Majesty would give Orders to his Ministers at *Hamburg*, not to obstruct our Company in the prosecution of its Trade with the Inhabitants of that City.

In the full Confidence of His Majesty's Royal Promise, we thought our selves secure and took our

our Measures accordingly, till to our further surprize, we found by several Instances, that His Majesty's said Ministers were as wickedly bent against us as ever, and still denying that they had got any such Orders from His Majesty: Whereupon the Directors of our Company, did, by their Letter of the 28 of *September 1697*, expostulate in the first place, with both the then Secretaries of State, about that further Dis-appointment, but having still no Redress therein, we did in most humble and dutiful Manner, by our second Address of the 22d. day of *December 1697*. lay the whole Matter again before His Majesty; And did likewise, at the same time, not only humbly Represent the Premises to His Majesty's most Honourable Privy-Council, together with the train of ill Consequences that must necessarily attend such Treatment, if not prevented by an early Redress; but wrote also separately to both the Secretaries of State, and such other Noble Persons of the Government, as happened to be then at *London*; To use their Joint Interest, for procuring Justice, in a Matter of such Universal Concern to the Honour, Interest, and Independency of the whole Kingdom.

All the Answer we obtain'd, was by a Letter of the 17th. of *January 1698*, from both the Secretaries of State: That the King said, He had already given Orders to His Resident at *Hamburg* in that Matter, conform to his Royal Letter from *Flanders*, in *July 1697*, which was then communicated to the Company.

By which Answer, together with what repeated Advices we had at the same time from *Hamburg*, that the *English* Ministers there, had still positively disown'd their having got any such

Orders, we were put out of all Hopes of having any Redress, untill we should have an Opportunity of laying the whole Matter before a Meeting of the Estates of Parliament.

But in the mean time we proceeded, with all the Strength we had (tho' extremely weak'ned by the Treatment above-narrated) to make the best Preparations we could (considering the Scarcity of these Years) for fitting out an Equipage of Ships, Men, Provisions, and other Necessaries, for settling a Plantation in *America*, in the Terms of the Acts of Parliament, and Letters Patent above-mention'd: And its evident by the very Constitutions of the Colony, that they were calculated more for the general Advantage of the Nation and Posterity, than for the particular and immediate Benefite of the Adventurers.

And the Parliament happening to meet the very next Day after our Ships had sail'd, we did by our Humble Petition of the 22^d. of *July* 1698, Represent to his Grace, His Majesties then High Commissioner, and the Right Honourable Estates then assembled in Parliament, the Treatment which our Company met with at *London & Hamburg* as aforesaid, the great Prejudices which we had sustain'd thereby, and the many further Inconveniencies and evil Consequences that must necessarily have followed thereupon, if, upon any Account whatsoever, the Parliament should happen to neglect the taking immediate Cognizance of such Usage.

And the Parliament having thereupon, by their Unanimous Address of the 5th. of *August* 1698, to His Majesty, thought fit to manifest their own and the whole Nations Concern in that Matter, earnest-

ly entreating, and most assuredly expecting, That His Majesty would in His Royal Wisdom, take such Measures, as might effectually vindicate the Undoubted Rights and Priviledges of the said Company, and support the Credit and interest thereof; And the Parliament likewise, by the same Address, recommending the Concerns of the said Company to some special Marks of His Majesties Royal Favour, as that Branch of the Trade of this Kingdom, in which they, and the Nation they represented, had a more peculiar Interest; The Court of Directors of our Company were thereby encourag'd to renew their Application to His Majesty, with relation to the Memorial given in by His Ministers to the Senate of *Hamburg*, (the same being specially mention'd in the Parliaments Address:) And in Consideration of the Damages sustain'd by the Company, through Means of that Memorial, the Directors humbly Petition'd, That His Majesty would be pleased, for their Encouragement at that time, as a Gracious Mark of His Royal Favour, to bestow upon them the two smallest of the Frigots, then (and to this Hour) lying useles in *Bruntisland* Harbour.

But our Company having no manner of Answer to either of these, and being assured by several Letters from *Hamburg*, That both the *English* Ministers there, had positively denyed their having received any such Orders, as were long before promised, and declared to have been given, with Relation to that Memorial, the Court of Directors of our Company did, by their Letter of the 29th of *November* 1698, transmit Copies of the said Letters to the Viscount of *Seafield*, then sole Secretary of State, and entreated his Lordship, to procure some speedy and effectual Answer from

from His Majesty to the Contents of both that Letter. and their former Petition.

The Secretary, by his Letter of the 13th. of December 1698, returned for Answer, That he would take the first convenient Opportunity he could have, to represent that Matter to the King, but that he could not expect to have it for some time, because His Majesty was then very much employed in the Affairs of his English Parliament.

We thereupon waited a full Month in expectation of some further Answer, but getting none, our Court of Directors did, by a Letter of the 13th of January 1699, put the Secretary again in mind of our said Petition of the preceeding August, and Letter of the 29th of November.

The Secretary by his Letter of the 7th. of February 1699, signified, That he had presented our Company's Petition to His Majesty, and was commanded to let us know, that there being Accounts, that the Ships belonging to the Company were arriv'd upon the Coast of America, and the particular Design not being communicated to His Majesty, He therefore delayed to give any Answer, until he should receive certain Information of their Settlement.

Tho' we could not but be surpriz'd to find all our former Addresses and Petitions, about Matters of such weighty Concern, as are above narrated, Answered, after so long delay, only with a seeming Charge, for not having communicated to His Majesty a thing that was never in the least demanded of us, by either the King, Parliament, Privy Council, or Ministers of State, we being limited to settle in the Terms of the Acts of Parliament, as we should be Answerable: Yet upon the very first Advice we had of our Colony's Settlement

Settlement in Caledonia, we by our Letters of the 31st. of March, and 1st. of April 1699, gave a very full and dutiful Account thereof to His Majesty, and to both the Secretaries of State, together with an Account of the French Designs thereabouts and of what Import our said Settlement (if duly protected) might prove to the Interest and Security of all His Majesties Dominions, and referred the same, together with the Contents of our former Petitions, to His Majesties Royal Consideration.

About this time it was, That His Majesty was pleased to call the President of the Session, and the Advocat to Court, to the end (as we understood) that they, jointly with both the Secretaries of State, might in a Conference with several of the English Ministers, satisfy His Majesty, as to the Legality of our Company's Settlement: Which (by all that ever we could learn) was then (and otherways since that time) made clear beyond all manner of Dispute.

But while in the mean time, we were pawning even our own particular Credits, for sending the needful Supplies of Ships, Men, Provisions, Arms, Ammunition, and other Necessaries, for securing so valuable a Settlement to this Nation, we were astonished to have Advice. That by Orders from England in January 1699, Proclamations had been emitted, in the Months of April and May, over all His Majesties Plantations and Territories in America, strictly Intercommuning our Colony, under very severe Penalties to be inflicted on the Contraveeners of these Proclamations, in regard His Majesty (as these Procla-

mations narrate) *was unacquainted with the Intentions and Designs of the Scots settling at Darien.*

As we humbly considered these Proclamations to be such, as were never before published in those parts against any other People upon Earth, and of so Barbarous a Nature, as we thought, no Good Christians would put in Execution, even against Infidels; So finding ourselves unquestionably warranted by all Laws Humane and Divine, we persisted in our Endeavours for maintaining that Settlement, as hoping, that, through means thereof, this Nation might in time, have an Opportunity of raising it self above the open Contempt, Reproach and Insults of its unkind Neighbours, and of propagating the Gospel amongst the Ignorant good Natur'd *Indians* of those parts.

But before our Recruits could possibly arrive at *Caledonia*, our Colony got certain Accounts of these Proclamations, and finding at the same time; the sad effects thereof, by being denied any the least help, either for Goods or Money, at *Jamaica*, from whence they had formerly Supplies; and that in the Proclamation issued by *Sir William Beston*, Governour of that Island, he had positively declared, *That by their Settlement in Darien, they had actually broken the Peace entred into with His Majesties Allies* (which they believed he durst not venture to have done without a sufficient Warrant) And finding themselves thereby to be of consequence declared Pirates, without any previous Summons or Hearing, contrary to the Customs and common Usage of all Nations, even in the case of real Piracy, and founding a Belief, at the same time, on the Treatment which they knew

knew our Company had formerly met with in *Europe*, without being Redress'd therein, that we were not in a Condition either to supply or protect them, they unhappily took the Alarm, under such a General Consternation, as devested them not only of all manner of patience to struggle with any Inconveniencies they lay under at the time, but also of all manner of prudence, in taking any reasonable Measures either for their own Security, or for our Company's interest. In the midst of which Confusion those of them who had any bad Designs (as we could not well suppose such a Number to be free of some) made use of these Proclamations as handles, by which to perpetrate their own several ends, and easily persuaded all the rest to leave the Settlement: Which they unadvisedly did the 20th of *June* last; And by that means not only have the Ships, Men and Goods, which were there at that time, been exposed to the Arbitrary will of those to whom the Execution of those Proclamations was given in Charge, but even all our subsequent Measures brought into inevitable disorder.

Upon Information of all which, we did, by our humble Petition to His Majesty of the 19th. of *October* 1699, in all humility and earnestness, beg, *That His Majesty would in His Fatherly care for the good of our Company in particular, and of the Nation in General, be graciously pleased to give special Testimonies of his Majesty's Royal Protection to our Company at that Juncture, and particularly to take off the Force and effect of those Proclamations which have been so prejudicial to us, and to signify his Royal pleasure to the Governours of his Plantations in America, that our Colony might be supplied in the common and ordinary way*

of Commerce, as those of other Nations are; And that in the mean time His Majesty would be graciously pleased to allow the Estates of Parliament to meet at the day appointed in November last, or at soon as conveniently may be, to the end that their Advice and Assistance might be had in such a weighty and General Concern.

We likewise by our humble Address to His Majesty's most Honourable Privy Council of the 20th of October 1699. Represented what we thought in duty and prudence necessary, with relation to the Contents of our said Petition to his Majesty, Humbly referring the whole to their Lordships most serious consideration, and praying that they would be pleased to do us all the good Offices with his Majesty that they'd think most expedient for supporting our Company and Colonys Interest; and to give him an account of our Company's hard Circumstances, and how much the Honour and Interest of the Nation stood concern'd therein.

His Majesty was graciously pleased, by His Royal Letter to us of the 2d. of November 1699, to declare that He did very much regret the Loss which the Kingdom and the Company had lately sustain'd, That he would upon all occasions protect and encourage the Trade of the Nation. That he would take care that His Subjects of this Kingdom should have the same freedom of Trade and Commerce with his English Plantations that ever they had formerly, and that he would order the Parliament to meet, when he'd judge that the Good of the Nation would require it.

But, in some short time thereafter, while we were solacing our selves with the hopes of having his Majesty's protection, not only as a Company established by his Royal Authority, with the Advice and Consent of Parliament; but also as Subjects, making all the Preparations we could

to send the needful Supplies and Advices to those who were last sent for Repossessing the same Settlement : We were further astonished to have Advices, that, by second Orders from England, another Fleece of Proclamations had been emitted, over all the English Plantations in America, particularly on the 5th. of September last, in Barbados, &c. And that in compliance with the intent of these Proclamations, Our People that went along with the *Rising Sun*, were in November last, positively denied Wood and Water at *Menferat*, a Priviledge never before denied to any other Nation : And by a Letter of the 29th of January last from the Commander of another of our Company's Ships, we are assured that they were positively denied Anchoring at *St. Christophers* by the Governour, *Colonei Norton*, who out of his own Mouth declared to the Commander of our said Ship, That he did it by new Orders which he had received about a Month before; altho, at the same time, two Dutch Ships were then Watering there; which we have since confirmed to us by Letters from *Mr. Daniel Mackay* one of the Councillours of our Colony, dated at *Port-Royal* in *Jamaica* the 13th. of February last: By which Letters, he informs us likewise, That when he waited upon the Governour of that Island, concerning our Company's Ship the *St. Andrew* lying in that Harbour, The Governour declared to him, That tho the said Ship were fitted for going to Sea, he would not suffer her to go, without a special Order from *England* for that Effect.

We likewise humbly beg leave to inform Your Grace, and Right Honourable Estates, that amongst

mongst our Company's many other Losses and Misfortunes, a Ship called the *Dolphin* loadned with a valuable Cargo, belonging to our Company, struck unfortunately on a Rock, by which she sprung a Leak, and being forc'd to run a shore under the Walls of *Cartagena*, to escape Shipwrack, the said Ship and Goods were by the *Spaniards* (His Majesty's Allies) violently seized and disposed of as Prize, and the Men also to the Number of 30 and a Boy, detain'd and made close Prisoners, not only contrary to the Law of Nations, (we being then in profound Peace with them) but also contrary to the exprefs Terms of the 10. and 11. Articles of the Treaty concluded at *Madrid* the 1st Day of July 1670, between the Crowns of *Great Britain* and *Spain*.

By our Dutiful Address of the 4th. of December 1699, we humbly Petition'd His Majesty, *That He would be graciously pleased to take those Proceedings of the Spaniards into His Royal Consideration, so as that speedy and effectual Measures might be taken for the Redress of those Damages, and the freedom of these distressed Prisoners.*

In Answer to which, His Majesty was graciously pleased, by his Royal Letter of the 10th. of January last, to signify, *That He was resolv'd in the Terms of the Treaties to demand from the King of Spain, that these Prisoners should be set at Liberty.*

Yet some of the most considerable of these Prisoners being transported above half a Year ago to *Old Spain*, We have frequent Advices from them by Letters, dated in *Cadix-Prison*, That they and all the Crew have been most Barbarously used, and that they themselves are still kept close Prisoners, under very severe Treatment; Copies of

of which Letters we have some Months ago transmitted to the Secretaries of State.

By all which, it cannot but evidently appear to Your Grace and Right Honourable Estates, that tho' we have all along us'd our best Endeavours to wrestle through these almost unsurmountable Difficulties, and exerted even our outmost efforts for retrieving our Losses, as much as possible by endeavouring to repossess and mantain so valuable a Settlement; And tho' we have certain Advices of its being Repossess'd by our People, and that we have taken all imaginable Measures for their present Supply: Yet we have too just ground to be fully perswaded, That unless the King and High Court of Parliament, do speedily Support, Protect, and Assist us, in the Prosecution of our Company's lawful Designs, that all our Past, Present, and Future Endeavours must, to the Nation's indelible Reproach and Dishonour, as well as to its and the Company's unspeakable and irreparable Loss, prove unavoidably abortive:

May it therefore please Your Grace and Right Honourable Estates, to take the several Matters of Fact above-mentioned, into your most serious Consideration; To Vindicate, Support, and Protect us in the Enjoyment of our lawful Priviledges, both as a Company, and as Subjects of this free and independent Kingdom, to take such Measures, as You (in Your profound Wisdom) may judge most Effectual, for repairing the many Damages we have already

already sustain'd, and for assisting us in the further Prosecution of our Company's lawful Designs; but more especially, for the maintenance of our just Right and Title to the Settlement of CALEDONIA, and the Enjoyment of such Advantages as (if duly Protected) may probably arise thereby:

Sign'd at Edinburgh the 16th. Day of May 1700. In Name, Presence, and by Warrant of the said Council-General by,

MARISCHALL. I. P. C. G,

To His Grace His Majesty's High Commissioner and the Right Honourable Estates of Parliament,

The Humble Address and Petition of the Heretors of the Shire of Haddingtoun.

THat whereas, after a long and Expensive War, we expected to have enjoyed the blessings of a happily concluded Peace, by the Re-establishing of our Foreign Trade, Encouragement of Home-Manufactures, imploying of the Poor

Poor, in the improvement of our Native product, and the lessening of our publick burdens:

But instead thereof, to the unspeakable Loss & almost Ruin of the Nation, we find our Trade abroad sensibly decayed, and our Coin carried out, by the Importation of Commodities from places where ours are prohibited, our Woollen and other Manufactories at home, by the same means and the Remisness of Magistrates, in putting the Laws in due Execution, receive not that Encouragement which the Interest of the Countrey requires; whereby our Poor are neither maintain'd nor imploy'd, as they otherways might be, and more especially our Company Trading to Africa and the Indies, meets with so much opposition from abroad, and gets so little support at home, that after so great a Loss of Men and Expense of Treasure, their Settlement in Caledonia may now too probably, a second time, fall under the same unlucky Circumstances as at first if not prevented.

And yet after all these hardships that the Nation groans under, numerous Forces are still kept on foot, which occasions now in time of Peace, heavy and unnecessary Taxes, while our much wealthier Neighbours are Disbanding theirs.

All which Misfortunes and other Calamities, which have of late befallen us, we cannot but look upon as the Effects of the displeasure of Almighty GOD for the Immoralities that every where abound amongst all Ranks and Degrees of Men, to the Dishonour of GOD and our Holy Religion, the debauching the Spirits, and corrupting the manners of the People.

May

May it therefore please your Grace, and the Right Honourable Estates of Parliament, to take some effectual Course for curbing of Vice, and putting in Execution the many laudable Laws for maintaining and imploying the Poor, that they may be useful and not burdensome to the Kingdom; and for the Encouraging our Manufactories at home, and carrying on our Trade abroad with Advantage, to lay on such Impositions on the Branches of our Import, as may overballance our Export, and particularly that of France; and to assert the *Indian and African Company's* Right to the Colony of *Caledonia*, which has been & still unjustly is called in question, and to give such support to it as may Encourage the Adventurers to go on with an undertaking which, if vigorously pursued, may tend so much in the future to the Wealth, Honour and interest of the Nation, and to relieve our Countrey of a great Number of Forces; every way so uneasy to the People, and in lieu thereof to fall upon such other Methods for security of the Peace and support of the Government, as may be more for the Interest of the Kingdom, and more consistent with the Liberty of the Subject.

Memorandum, There were likewise at the same time, several other Addresses and Petitions, both from Shires & Burrows, presented & read in Parliament, needless to take up roome here as being much after the same strain with that of the Heretors

tors of the Shire of *Haddington*, complaining of many general and particular Grievances, and more especially of those relating to the *Indian and African Company*, and its Colony of *Caledonia*; Praying for Redress thereof, and that the Parliament would be pleased to Vindicate and Assert its just Rights and Priviledges, &c. After reading of all which, a Motion being made and pres'd that the Parliament should make a Resolve in the following Words, *viz. Resolved, That our Colony of Caledonia in Darien is a Legal and Rightful Settlement, in the Terms of the Act of Parliament 1695, and that the Parliament will maintain and support the same.* His Grace His Majesty's High Commissioner was pleased immediatly to Adjourn the Parliament for three days, and at their next Meeting, without so much as reading the Minutes of the former diet, Adjourn'd it further for full Twenty Days. Whereupon the Plurality of the Members of Parliament, then present, met that very evening, and sign'd the following Address.

May it please your Majesty,
WE Your Majesty's most Loyal and Dutiful Subjects, the Subscribing Noblemen, Barons, and Burgeses of this Your Antient Kingdom of SCOTLAND, Members of the same Parliament which happily Settled Your Majesty's Government over Us, and has ever since given continued Proofs of Zeal and Affection to Your Majesty's Service in the several Sessions thereof: Do humbly Represent to Your Majesty, that having according to your Majesty's Royal

al Appointment, met together in Parliament, with full Resolution to have proceeded in the like good Intentions, for the Honour and Interest of your Majesty and People.

It is to Our unspeakable Grief and Disappointment, that not only there has been no Return given to the Unanimous Address of the last Session of Parliament, Expressing the whole Nation's Concern in the *INDIAN* and *AFRICAN* Company: But also after a Motion made in this Session of Parliament for a Resolve, *That Our Colony of CALEDONIA in DARIEN, is a Legal and Rightful Settlement, in the Terms of the Act of Parliament 1695. And that the Parliament would Maintain and Support the same.* Members beginning to Reason thereupon, were interrupted by an Adjournment, which We Humbly Conceive is not agreeable to the 40th Act of the 11th, Parliament of King James the 6. Where it is promitted, *That nothing shall be done or Comanded, which might Directly or Indirectly Prejudge the Liberty of free Voting, and Reasoning of the Estates of Parliament, or any of them in all time coming.*

And thereafter, by a Subsequent Adjournment, from the Thirtieth day of May instant, to the Twentieth day of June next, the Parliament was not permitted to come to any Resolution, in the pressing Concerns of the Nation; which we cannot think consistent with that Article of Our Claim of Right. Whereby it is Declared. *That for the Redress of all Grievances, and for the Amending, Strengthening, and Preserving of the Laws, Parliaments ought to be frequently called and allowed to sit*

Sit, and the Freedom of Speech and Debate secured to the Members.

We do therefore in all Humility and Earnestness, Intreat, That Your Majesty will be graciously pleased to allow your Parliament to Meet at the Day to which it is now Adjourned; and to sit as long as may be Necessary, for Redressing the Grievances of the Nation, Asserting its just Rights and Priviledges, as well at Home as Abroad, in its Colony of *CALEDONIA*, and for Enacting such Laws as may be for the Advancement and Security of Religion, the Honour of your Majesty, and the true Interest of this Nation. We are

May it please your Majesty,
*Your Majesty's most Dutiful,
most Loyal and most Obedient
Subjects and Servants,*

This Address was presented to His Majesty at *Kensington* the 11th. day of *June* 1700. By the Right Honourable the Lord *Ross* for the Subscribing Noblemen, *James Pringle* of *Torwoodlie* and *William Bennet* younger of *Grubbet* for the Barons, and *Patrick Murray* of *Dollory* for the Burgesses, Commissioners appointed for that end: To whom His Majesty, upon hearing the same read, was graciously pleased to say, *That He would consider of it.* And, at a second Audience, the Lord *Ross*, in Name of the other Commissioners, Addressing the King thus.

S May

May it please your Majesty,
 “ We are come here by Your Appointment to
 “ receive your Answer to the Address which we
 “ presented from the Loyal Members of your
 “ Parliament of Scotland.

His Majesty was Graciously pleased to give the following Answer.

Gentlemen,
I Can give no Answer now to the Petition which you presented, but you shall know my intentions in Scotland.

These Parliamentary Addressers finding that the Parliament was yet further Adjourned by Proclamation, and not knowing, it seems, how soon it might be allowed to Sit, They framed the draught of a Second National Address to be Sign'd by the several Shires and Burrows throughout the Kingdom; but while the same was carried on, His Majesty was graciously pleased to signify His mind in a Declaration, by way of Letter, directed to His Grace James Duke of Queensberry His Majesties High Commissioner, and the Privy Council of Scotland: Which Letter was published after the manner of Proclamations; and is as followeth:

William R.
Right Trusty and Intirely Beloved Cousin and Counsellor, Right Trusty and Right well

well Beloved Cousin & Counsellor, Right Trusty and well Beloved Cousins and Counsellors, Right Trusty and well Beloved Counsellors, and Trusty and well Beloved Counsellors, We Greet you well. We heartily wish that the last Meeting of Parliament had proceeded, so as that the Kingdom might have been made partakers of these Advantages for which Our Commissioner was so fully Instructed: If it had been possible for Us to have agreed to the *Resolve* offered to Assert the Right of the *African Company's* Colony in *America*, tho that Method had appeared to Us more unnecessary, yet we had from the beginning readily done it, at the earnest Desire of Our Ministers, and for Our Peoples Satisfaction, all other Considerations set apart. But now that Things are much changed, (wherein We are truly Sorry for the Nation's Loss) And We being most willing to grant what may be needfull for the Relief and Ease of the Kingdom, and the Advancement of its Welfare in all its Concerns; We have thought fit to Declare this Our good Mind to be made known to all Our loving Subjects. And for the Company's Concerns, We Assure you, that we will be so ready to concur with Our Parliament in every thing that can be reasonably expected of Us, for Aiding and Supporting their Interests, and Repairing their Losses, that Our good Subjects shall have just grounds to be sensible of our heartie Inclinations to advance the Wealth and Prosperity of that our Ancient Kingdom. And as for Captain *Pinkerton* and the other Prisoners in *Spain*, We have already, and We hope Effectually Interposed for their Liberation. In the next place, As We did fully
 In-

struct our Commisſioner, So we are ſtill^d Reſolv-
 ed, to paſs all ſuch Laws as ſhall be offered for
 the better Eſtabliſhing the true Proteſtant Reli-
 gion and the Presbyterian Government of the
 Church which you at preſent Enjoy ; For the
 more effectual preventing the growth of Popery
 juſtly feared, for the Repreſſing of Vice and Im-
 morality, for the Preſerving and Securing the
 Liberty of Mens Perſon, for the Encouraging
 and Advancement of Trade and Manfactories,
 and generally to give Our Aſſent to ſuch other
 Laws as ſhall be brought in for further clearing
 and ſecuring Mens civil Rights and Properties,
 promoting the Adminiſtration of Juſtice, and ſet-
 tling the Peace and Quiet of the Kingdom, de-
 manding nothing on our part, ſave what ſhall
 be neceſſary to maintain that our antient King-
 dom in ſo happy a Settlement againſt our & their
 Enemies. And this Declaration, We are confi-
 dent will be ſatiſfying to all good Men, who
 will certainly be carefull both of their own Pre-
 ſervation, and of the Intereſt and Honour of the
 Government, and not to ſuffer themſelves to be
 Miſled, nor to give any Advantage to Enemies
 and ill deſigning Perſons, ready to catch hold of
 every Opportunity, as their Practices do too
 manifeſtly witneſs.

Our neceſſary Abſence hath occaſioned the
 late Adjournments, but as ſoon as God ſhall bring
 Us back, We are firmly Reſolved Our Parliament
 ſhall Meet, where We do again Aſſure all Our
 good Subjects, nothing ſhall be Wanting on Our
 part, that may contribute to their Welfare and
 Happineſs. And this Our Reſolution and Decla-
 ration, We Allow you to Publish for the Satiſ-
 faction

faction of all concerned. So We bid you heartily
 Farewell. Given at Our Court at Loo, the 26th. day
 of July 1700. And of Our Reign the 12th year.

By His Majeſties Command

R O. P R I N G L E

*Here follows the laſt National Addreſs former-
 ly mention'd.*

May it pleaſe your Majeſty,

WE Noblemen, Barons, Gentlemen, Bur-
 gesses, and other Subſcribers, your
 Majeſty's moſt Dutiful Subjects of this your An-
 tient Kingdom of *Scotland*, having formerly from
 an unfeigned Zeal to your Majeſty's Service,
 and to the Good and Welfare of our Countrey
 Petition'd your Majeſty for a Meeting of the
 Eſtates in Parliament, in order to Support, and
 Aſſiſt our Company Trading to *Africa* and the
Indies, which the Parliament had, by their Un-
 animous Addreſs to your Majeſty of the 5th. of
Auguſt 1698, declared to be their own and the
 whole Nation's peculiar Concern; And your
 Majeſty having been graciously pleaſed to allow
 the Parliament to Meet on the 21th. of *May* laſt,
 whereby all your good Subjects could not but con-
 ceive ſuitable hopes of its happy iſſue, for the
 Honour and Intereſt of your Majeſty and People,
 Do now beg leave to expreſs our deep Con-
 cern & Sorrow for the unexpected Adjournment
 thereof, without being permitted to do any thing
 towards

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towards the wish'd for end of its Meeting; And do in all humble manner concurr with the dutifull Address lately presented to your Majesty, from the Plurality of the Members of Parliament, Representing the Inconveniencies and prejudices arising to the pressing Concerns of the Nation, from that Adjournment, and to the Rights and Liberties of Parliament, from the manner of it: And it is our Unexpressible Regret, that your Majesty does seem to have been prevail'd upon by the Mis-representations of evil Councillours to issue out Proclamations, further Adjourning the Parliament, from time to time, whilst not only did our said Company stand extremely in need of the Countenance Support and Protection promis'd to it by your Majesty in Parliament, and more especially upon the Misfortunes that have of late befallen it by the success of Enemies against its Colony of *Caledonia*, but whilst also even the Nation it self did, and still does, remain under the pressure of such Grievances as can only be Redress'd in Parliament.

And to the end that your Majesty may have a just view thereof, we humbly beg leave to represent to your Majesty how indispensibly necessary it is, THAT the Protestant Religion be secured against the growth of Popery, Immorality and Profaneness; THAT the Freedom and Independency of this Antient Kingdom, and the Nation's Right and Title to *Caledonia*, as holding of your Majesty's Crown of *Scotland*, be Asserted and Supported; THAT the good inclinations of your Majesty and Successors Kings of *Scotland* be preserved from Foreign-Influence, as well as from

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from the Mis-representations and Pernicious Counsels of Unnatural Countrey-Men; THAT the frequency and sitting of Parliaments be secured and ascertain'd, pursuant to the Claim of Right; THAT dangerous Influences upon the freedom of Parliaments, either by Gratuities, Pensions, or Farms of any branch of the Revenue and the disposing of any part of the Revenue or annexed Property of the Crown, otherways than according to Law, for the necessary support of the Government, be prevented; THAT the publick Credit be restored, and an enquiry made into the Application of the Funds laid on, and appropriated by Parliament, for support of the Government and payment of the Army; THAT the Security of the Nation, and Government, be settled in a duly regulated National Force, in stead of a standing Army, so burdensome to the Countrey, and dangerous to its Liberties; THAT the manner of applying the Security, which we have by our Claim of Right, for the Personal freedom of the Subject, against long and Arbitrary Imprisonment, as well as against Pursutes upon old and obsolete Laws, be specially declared; THAT the Trade of this Nation be Encouraged & Advanced, by duly regulating its Export and Import, by discharging prejudicial Branches thereof, by fixing the value of our current Money, by encouraging Manufactories, by employing the Poor, and more especially by Countenancing and Assisting our said Company, in the Prosecution of its lawful Undertakings; And THAT all such Articles of Grievances presented to your Majesty by the Estates of this Kingdom the Year 1689 as have not yet been Redress'd, together

gether with such other Grievances as the Parliament shall, at the Meeting thereof, find the Nation aggrieved with, be Redress'd in Parliament.

And your Majesty having by your Royal Letter, of the 24 of May 1689, been graciously pleased to declare, and give full assurance to our Representatives in that meeting of the Estates, which settled the Crown and Royal Dignity of this Realm on your Majesty, *That we should always find your Majesty ready to Protect us, and to Assist the Estates in making such Laws, as might secure our Religion, Liberties and Properties, and prevent or Redress whatsoever might be justly grievous to us; That your Majesty would never believe that the true interest of your People and the Crown could be opposite; and that your Majesty would always account it your greatest Privilege to assent to such Laws as might promote Truth, Peace, and Wealth in Your Kingdom.* We do therefore reckon it our duty, humbly to desire and assuredly expect, that your Majesty will be graciously pleased to satisfy the longing desires, and earnest Expectations of your People, by allowing your Parliament to meet, as soon as possible; and when met, to sit till they fully deliberate upon, and come to solid Resolutions in the great and weighty Concerns of the Nation, and grant such Instructions to your Commissioner, as may empower him to pass such Acts, as the great Council of the Nation shall think most conducive to the true Honour of your Majesty and Government, the welfare of this Realm, both as to its Religious and Civil Interest, and to the full quieting the Minds of all your Majesty's good People.

This

This Address was presented to His Majesty at Hampton-Court. the 16th. day of November 1700: By the Right Honourable the Lord Yester, Sir John Pringle of Stitchell, and Sir Peter Wedderburn of Gosford Barons, Commissioners appointed for that end. And upon presenting thereof, the Lord Yester, in Name of the rest, Address'd the King thus,

Sir,

“ We are come here to present an Address to
“ your Majesty Sign'd by a great Number of
“ your Majesty's Loyal Subjects in Scotland,
“ who have no other design in it, but your Ma-
“ jesty's true Honour, and the welfare of their
“ Native Countrey; which we desire your Ma-
“ jesty would be pleased to hear read.

His Majesty, after having heard the Address read, was Graciously pleased to give the following Answer.

Gentlemen,

I Can not take further notice of this Address, seeing the Parliament is now met, and I have made a Declaration of my Mind for the good of my People, wherewith I hope all my faithfull Subjects will be satisfied.

Here I must beg pardon, for having omitted the late Address of the House of Lords in England, concerning the Endeavours of the Scots for having settled a Colony at Darien, and His Majesty's Answer thereunto; both which ought, according

ording to order of time, to have been placed at Page 105 but rather than rob the Reader of having the benefit thereof, it was thought fit to insert them here, and they are as followeth,

The Humble Address of the Lords, &c. presented to His Majesty the 12th. day of February 1700.

WE the Lords Spiritual and Temporal in Parliament Assembled, being according to our duty solicitous for the preservation & Encrease of the Trade of this Kingdom, on which the Support of your Majesties Greatness and Honour so much depends, as well as the Security and Defence of your People, have been very apprehensive, that the steps lately made towards a Settlement of your Subjects of the Kingdom of *Scotland* at *Darien*, may tend to the great prejudice of this Nation, and possibly to the disturbance of that Peace and good Correspondence with the Crown of *Spain*, which we conceive is very Advantageous to us all: We have therefore taken the same into our serious consideration, as a matter of the greatest Importance, and proper to be laid before your Majesty, as the common Father of both Countries. And as we are truly sensible of great Losses our Neighbour Kingdom hath sustained, both by Men and Treasure, in their Expeditions to that place, which we very heartily lament, so we should not endeavour by any Interposition of Ours, to defeat

feat the Hopes they may still entertain of recovering these Losses by their further engaging in that design, but that we judge such a Prosecution on their parts must end not only in far greater Disappointments to themselves, but at the same time prove very inconvenient to the Trade, and quiet of this Kingdom.

On this occasion we humbly presume to put your Majesty in mind of the Address of both Houses of Parliament, presented to your Majesty on the 17th. of *December* 1695. In the close of which Address your Majesty will see the Unanimous Sense of this Kingdom in relation to any Settlement the *SCOTS* might make in the *West-Indies*, by vertue of an Act of Parliament past about that time in the Kingdom of *Scotland*, which was the occasion of the Address.

And we humbly represent to your Majesty, that having received Information of some Orders your Majesty had sent to the Governours of the Plantations on this Subject, the House did, on the 18th. of *January* last, come this Resolution, That your Majesty's pleasure signified to the Governours of the Plantations, in Relation to the *Scots* Settlement at *DAR I E N*, was agreeable to the Address of both Houses of Parliament, presented to your Majesty on the 17th. of *December* 1695.

And on the 18th. of this instant *February*, this House came to this further Resolution, That the Settlement of the *Scots* Colony at *DAR I E N* is inconsistent with the good of the Plantation Trade of this Kingdom.

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“ All which we humbly hope your Majesty
 “ will take into your Royal Consideration, and
 “ we are confident that your Majesty cannot be
 “ thought too partial to the Address of this House,
 “ if your Majesty shall in the first place consider
 “ the Advantage and Good of the Trade of this
 “ Kingdom, by the Preservation and Improve-
 “ ment of which, both these Kingdoms, and all
 “ your other Dominions, must on all occasions
 “ principally be defended.

It is remarkable that this Address was carried only by Four or Five Votes, and that the House of Commons absolutely refused to concur with it, and that about Sixteen Peers entered their Protests against it.

His Majesties most Gracious Answer to the Address was to this effect, Viz.

“ HIS Majesty having received a very duti-
 “ full Address from the House of Peers, in
 “ relation to the Endeavours lately used by some
 “ of His Majesties Subjects of the Kingdom of
 “ Scotland towards making a Settlement at D A-
 “ R I E N, in which they humbly represent to
 “ him their Opinion, *That such a Settlement is*
 “ *inconsistent with the good of the Plantation-*
 “ *Trade of this Kingdom:* Is pleased to let the
 “ House know, That he will always have a very
 “ great regard to their Opinion; And to assure
 “ them, that he will never be wanting, by all
 “ proper means, to promote the Advantage and
 “ Good of the Trade of *England.* At the same
 “ time

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“ time His Majesty is pleased to declare, that
 “ he cannot but have a great Concern and Ten-
 “ derness for his Kingdom of *Scotland*, and a de-
 “ sire to advance their Well-fare and Prosperity,
 “ & is very sensibly touched with the loss His Sub-
 “ jects of that Kingdom have sustained by their
 “ late unhappy Expeditions, in order to a Settle-
 “ ment at D A R I E N. His Majesty does ap-
 “ prehend that Difficulties may too often arise,
 “ with respect to the different Interest of Trade,
 “ between his two Kingdoms, unless some way
 “ be found out to unite them more nearly and
 “ compleatly: And therefore His Majesty takes
 “ this opportunity of putting the House of Peers
 “ in mind of what he recommended to his Par-
 “ liament, soon after his Accession to the Throne,
 “ That they would consider of an Union be-
 “ tween the two Kingdoms. His Majesty is of
 “ opinion, That nothing would more contri-
 “ bute to the security and happiness of both
 “ Kingdoms; and is inclined to hope, that after
 “ they have lived near 100 years under the same
 “ Head, some happy Expedient may be found
 “ for making them one people, in case a Trea-
 “ ty were set on Foot for that purpose; And
 “ therefore he does very earnestly recommend
 “ this Matter to the Consideration of the House.

It is likewise remarkable that when the House of Lords fram'd and pass'd a Bill of Union pursuant to His Majesty's said Answer, The House of Commons rejected the same from Motives which I shall not presume to mention, the same being already very well known to all those who know any thing of that Matter.

To His Grace, His Majesty's High Commissioner, and the Right Honourable the Estates of Parliament.

The humble Representation and Petition of the Council-General of the Company of Scotland Trading to Africa and the Indies.

May it please your Grace & Right Honourable Estates,

WHEREAS, By our former Petition, of the 16th of May last, we laid a Representation of the then Circumstances of our Company's Affairs, before your Grace and Right Honourable Estates: Which being once read, and nothing done thereupon, we now humbly intreat, that the same, still lying in the Clerks Hands, may, at this time, be again read & considered in Parliament: And do further Represent, That, since that time, we have the Melancholly Assurance of what we then feared from the constant Course of our Discouragements, that the Governour of Carthagena, for the King of Spain, His Majesty's Ally, has, from the Unneighbourly Instigation of those, from whom we ought more reasonably to have expected Assistance, been encouraged to make an Attempt for dispossessing our Colony of Caledonia; And in order thereunto, Blockaded them up by Sea, & attacked them by Land, in the time of profound peace, and that some of our said Colony being too easily frighten'd, by their Apprehensions of those evil Consequences that they thought must necessarily have

have attended the many Discouragements, and want of Protection which we labour'd under all along, have unwarrantably taken upon them the Power to surrender our Company's said Settlement to the Spaniards, to the unspeakable Loss and great Dishonour of the Nation, and that the West-India Proclamations, mention'd in our former Petition, being still as much in force and rigorously executed, as ever, against us, we could not all this time, nor cannot as yet, expect the Liberty even of carrying off our Ships, that are lying perishing at Port-Royal in Jamaica, and Amboy-Perth in East-Jersey without your Interposition on our Company's behalf, for procuring to us Warrants from His Majesty, directed to the respective Governours of those Parts for that effect; especially since the Governour of Jamaica has, at several times, and to several Persons, declared, That he will not part with our Company's Ship the Saint-Andrew, without a special warrant from England, and that all our Solicitations to the Secretaries of State for that end, have hitherto proved ineffectual. And we cannot but likewise Represent to your Grace and Right Honourable Estates, how that the want of due Protection to our Company all along, and the continued Tract of Encroachments upon its Priviledges Abroad, without any Redress therein, has encouraged some Persons to break in upon the Priviledges of our Company even at Home.

MAY it therefore Please Your Grace and Right Honourable Estates, to take the Contents of this, and our former Petition above-mention'd into your most serious

ous Consideration, to take such effectual Measures, as in your Profound Wisdom, you shall think fit, for Asserting and Vindicating our Company's Rights; both abroad and at home, for enabling it to prosecute its lawful Undertakings, for procuring Reparation from the Spaniards and others, for the Dammages sustained, and for preventing the like Encroachments for the future.

Signed at Edinburgh the 28th day of October 1700, in Name, Presence, and by Warrant of the said Council-General, By

JOHN SCHAW. I. P. C. G.

FINIS.

Non solum ferit uncis cornibus hostem,
Verum etiam instanti laesa repugnat ovis. Prop.

T H E

T H E
C O N T E N T S.

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His Majesty's most Gracious Declaration, by way of Letter, directed to His Grace the King's High Commissioner, and the Privy Council of *Scotland*. Given at *Loe* the 26th of July 1700, and published after the manner of Proclamations. Ibid.

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FINIS.

A CATALOGUE OF THE SEVERAL BOOKS and Pamphlets that have been hitherto Published, concerning the *Indian and African Company of Scotland*, set down according to Order of time, for the Information of the Curious.

1. A Letter from a Member of the Parliament of *Scotland* to his Friend at *London*, shewing the reasonableness of that Act by which the Company is established. Printed 1695:

2. Some seasonable and modest Thoughts, &c. humbly offered to R. H. a Member of the House of Commons of *England*. 1696.

3. A Letter from a Gentleman in the Countrey to his Friend at *Edinburgh*. 1696.

4. A Letter from a Merchant in *Amsterdam* to his Friend at *Hamburg* concerning the Designs of the Scots *Indian Company*, 1697.

5. Some Observations on it, in a Letter from *Hamburg* by way of Answer to it. 1697.

6. A Letter from the Commission of the General Assembly of the Church of *Scotland*, to the Council and Colony of *Caledonia*. 1699.

7. A Defence of the Scots Settlement at *Darien*, &c. 1699.

8. A short and impartial view of the manner and occasion of the Scots Colony's coming away from *Darien*. 1699.

9. A Defence of the Scots Abdicating *Darien*, &c. Written by *Herostratus Junior*, alias *Harris*. 1700.

10. A just and modest Vindication of the Scots design for the having established a Colony at *Darien*, &c. with a Prefatory confutation of *Harris*.

11. An Enquiry into the Causes of the Miscarriage of the Scots Colony at *Darien*, containing a full Answer to *Harris's Libel*. 1700.

The Catalogue.

12. *A short Vindication of the Defence of the Scots Abdicating Darien, &c.* 1700.

13. *Scotland's present Duty: Or a Call to the Nobility, Gentry, Ministry, &c.* 1700.

14. *Scotland's Grievances with relation to Darien, &c. humbly offered to the consideration of the Parliament.* 1700.

15. *A full and exact Collection of all the considerable Addresses, Memorials, Petitions, Answers, Proclamations, Declarations, Letters and other publick Papers, relating to the Company of Scotland Trading to Africa and the Indies, since the passing of the Act of Parliament, by which it was established in June 1695, till November 1700.*

✶ *Nota,* The 4th. 9th. and 12th. Pamphlets of this Catalogue are written against the Company, and all the rest for it, except the last, which consists of a Collection of several publick Papers of different kinds upon the same Subject, promiscuously gathered by an impartial hand.

Contraria juxta se posita clarius elucescunt.