

TRIAL OF ADMIRAL BYNG

1756

Rear-Admiral West was sworn and examined:

Court: What distance do you imagine the *RAMILLES* might be from the *BUCKINGHAM* at the time of the engagement with the French fleet?

Admiral West: I believe about three miles.

Court: Do you think the admiral and the rear could have come up to the assistance of the van, and come to as close an engagement with the enemy?

Admiral West: I knew of no impediment to the contrary; but I cannot presume to say there was no impediment; nor I would not be understood to mean there was none.

Court: How was the wind and weather?

Admiral West: The wind was very calm, and the weather exceeding fine.

Court: Could you keep your lower ports open?

Admiral West: Yes, I could; and I knew of but one ship that could not, and that was the *DEPTFORD*, who lowered her ports occasionally.

Court: Did you see any fire from Admiral Byng's ship during the engagement?

Admiral West: When I was looking towards the *INTREPID*, which was in distress astern, off her I saw some smoke, which might very probably be from the admiral's ship, or some of his division; but I was not able to discover at what ship it was directed.

Admiral Byng: Was it not in the power of the enemy to decline coming to a close engagement, as the two fleets were situated?

Admiral West: Yes, it was; but, as they lay to our fleet, I apprehended they intended to fight.

Admiral Byng: Are you of opinion that the forces on board the fleet could have relieved Minorca?

Admiral West: I believe they could not.

Admiral Byng: Were not some of the ships deficient in their complement of men?

Admiral West: Yes.

Admiral Byng: Were not some of the ships out of repair?

Admiral West: Yes.

Admiral Byng: Was not the fleet deficient, in point of force, with the enemy?

Admiral West: Yes.

General Lord Blakeney examined. He was eighty-seven years of age, and had been created an Irish peer for his defence of St. Philip's Castle.

Admiral Byng to the Witness: Do you think the forces I had with me could have been landed at Minorca?

Lord Blakeney: Yes; I think they might very easily be landed.

Admiral Byng: Was not some fascines thrown in the way?

Lord Blakeney: Yes; but they were such as I think might easily have been destroyed.

Court: If the admiral had attempted to land the men, would it not have been attended with danger?

Lord Blakeney: Danger! most certainly. It could not be so easy as stepping into this ship. I have been upwards of fifty years in the service, and I never knew of any expedition of consequence carried into execution but what was attended with some danger; but of all the expeditions I ever knew this was certainly the worst.

Admiral Byng: Had not the French a castle at the point, which might have prevented the landing of the troops?

Lord Blakeney: Not on the 20th of May; and the enemy were then in such distress for ammunition that they fired stones at the garrison.

Admiral Byng: Do you think that the officers and few men I had on board the fleet could have been of any great service to the garrison?

Lord Blakeney: Yes, certainly, of great service; for I was obliged, at the time, to set a great number of my men to plaster the breaches.

Captain Everett examined:

Court: What time did you see or discern the island of Minorca?

Captain Everett: We got sight of Minorca about six o'clock on the morning of the 19th of May.

Court: What was your nearest distance from St. Philip's Castle?

Captain Everett: About eleven or twelve o'clock in the forenoon of the 19th of May, we were about two leagues distant from St. Philip's Castle, and I believe that was the nearest distance I was to it.

Court: What time was the French fleet first discovered?

Captain Everett: About two or three in the afternoon of the same day (the 19th of May), the French fleet were seen distinctly standing to the westward, but I cannot pretend to say at what distance.

Court: How did the British fleet stand at that time?

Captain Everett: To the SE, the wind at SSW moderate fine weather.

Court: What time did you see the French fleet preparing for engagement?

Captain Everett: On the 20th of May, between eight and nine o'clock in the morning.

Court: At what distance was the *RAMILLIES* from the *BUCKINGHAM* at the time of the engagement?

Captain Everett: I believe about three or four miles.

Court: Could the Admiral and the rear come up to the assistance of the van, and come to as close an engagement with the enemy?

Captain Everett: I am of opinion that the Admiral's division might have carried all their sail, and thereby assisted the van, and prevented them from receiving so much fire from the rear of the enemy.

Saturday, the 1st of January, the Court being sitting, Lord Blakeney appeared, in consequence of Admiral Byng's request, about nine o'clock in the morning, when the Admiral proposed the following question:

Admiral Byng to Lord Blakeney: If I had landed the troops, do you think it could have saved St. Philip's from falling into the hands of the enemy?

Lord Blakeney: It is impossible for me to pretend to answer that question with any certainty; but really I am of opinion that, if they had been landed, it would have enabled me to hold out the siege till Sir Edward Hawke had come to my relief.

Then the four first-lieutenants of the *BUCKINGHAM*, Admiral West's own ship, were examined, and they all agreed that they did not know of any impediment to prevent Admiral Byng and his division from coming to the assistance of the van, which was closely engaged and raked by the enemy's rear as they came up, and that they did not see the admiral go to a close engagement with the enemy, agreeable to his own signals.

Captain Everett was cross-examined:

Court: If Admiral Byng had come to a close engagement, do you think a complete victory might have been obtained?

Captain Everett: Why, really I think there was all the reason in the world to expect it, it being very well known that Admiral West beat off two of the enemy's ships, though he had but five ships to their six, and their metal much heavier.

Court: How was the wind?

Captain Everett: An exceeding fair gale.

Court: Had you too much or too little?

Captain Everett: Neither. Just enough, and no more.

Captain Young examined:

Court: Could the admiral and his division, as the wind was then, if they had set all their sails from the time the signal for engaging was made, and bore away properly, could they have come to a close engagement with the enemy?

Captain Young: Yes, they certainly could; the French were laying-to for us. I went down only under my topsails, and I don't know why they could not have added sail in proportion to the distance and going of their ships.

Captain Cornwall examined:

"I went," said he, "to my window abaft, to take a view of the fleet when in line of battle, and was extremely surprised to see the admiral and his division at so great a distance on the weather quarter; and seeing the INTREPID in great distress, and no signal given for removing her out of the line, I went to her assistance; and, after getting her out of the line, fell into her station, and engaged the *FOUDOYRANT*, the French admiral being the ship which I imagined fell to my lot in the then line of battle."

He also said he knew of no impediment to prevent the admiral's engaging at a proper distance, any more than the rest of the fleet.

General Lord Robert Bertie (son of Robert, first Duke of Ancaster, and a scion of the great family of Bertie, now Earls of Lindsey and of Abingdon) was sworn and examined, and proved an important witness for the prisoner:

Court: Where was you stationed?

Lord R. Bertie: Upon the quarterdeck with the admiral.

Court: If the officers and recruits that were intended for Minorca had been landed, do you think they would have saved Fort St. Philip's?

Lord R. Bertie: No, I think they were of greater service on board the fleet.

Court: Was you on board the quarterdeck with the admiral in the engagement?

Lord R. Bertie: Yes; but upon informing the admiral that I discovered one of our own ships through the smoke upon the lee bow of the *RAMILLIES*, and which ship I was apprehensive the *RAMILLIES* would fire into without seeing her, I was detached by the admiral between decks to stop the firing.

Court: Did you discover any signs of fear or confusion in the admiral?

Lord R. Bertie: No, far from it; he expressed an impatience to engage the enemy.

Court: How near were you to the enemy at the time of the engagement?

Lord R. Bertie: We were so near the enemy as to be hulled by them, and many of the enemy's shots passed over us.

Court: Did you ever hear any murmurings, or complainings, by any of the officers or men on board, upon a supposition that the admiral had not done his duty?

Lord R. Bertie: No; I never heard anything like it.

The admiral addressed the court in his defence, commencing thus:

"Gentlemen,—The articles of the charge exhibited against me are of such a nature, that everything that can be supposed interesting to a man is concerned in the event of this cause. My character, my property, and even my life,

are at stake; and I should, indeed, have great reason to be alarmed, were not I conscious of my innocence, and fully persuaded of the justice and equity of this court.”

After urging the circumstances already brought out in his favour, he concluded as follows:

“So far, then, I hope it will appear to the court, that neither knowledge of my profession, prudence in conducting the expedition, nor duty to my king and country, appear to be deficient in me.

“When, then, from the inferiority of the English, nothing could be reasonably expected but misfortune and disgrace; or if, by the greatest efforts of good fortune, victory should declare for our fleet, that no advantage could be drawn from it; when the risk of losing the whole fleet was the result of an unanimous council of war; and the nation, considering the real state of the English and French navies, so little able to sustain a loss of that kind; when Gibraltar would have been left defenceless, and fallen of course to the enemy, could the seeking the French admiral, by a commander who foresaw these probable consequences with not only an inferior, but a shattered fleet, and no other ships in the Mediterranean to reinforce him, have been justified in the judgment of men who have studied the nature of military achievements, or according to the rules and observations of ancient and modern writers on this head?

“The utmost advantage could have been but a prolongation of the siege, without the least probability of raising it; because the fleet, unable to keep the seas, must have retreated to Gibraltar, the port of Mahon being still commanded by the enemy’s batteries.”

After consultation, the court came to the unanimous opinion:

“That Admiral John Byng did not do his utmost to relieve St. Philip’s Castle; and also that, during the engagement between His Majesty’s fleet under his command, and the fleet of the French king, on the 20th of May last, he did not do his utmost to take, seize, and destroy the ships of the French king, which it was his duty to have engaged, and to assist such of His Majesty’s ships as were engaged in fight with the French ships, which it was his duty to have assisted; and do therefore unanimously agree that he falls under part of the 12th article of an Act of Parliament, of the 22nd year of his present Majesty, for amending, explaining, and reducing into one Act of Parliament the laws relating to the government of His Majesty’s ships, vessels, and forces by sea; and as that article prescribes death, without any alternative left to the discretion of the court under any variation of circumstance, the court do thereby unanimously adjudge the said Admiral John Byng to be shot to death, at such time and on board such ship as the Lords Commissioners of the Admiralty shall direct.

“But as it appears, by the evidence of Lord Robert Bertie, Lieutenant-Colonel Smith, Captain Gardiner, and other officers of the ship who were near the person of the admiral, that they did not perceive any backwardness in him during the action, or any marks of fear or confusion, either from his countenance or behaviour, but that he seemed to give his orders coolly and distinctly, and did not seem wanting in personal courage; and, from other circumstances, the court do not believe that his misconduct arose either from cowardice or disaffection, and do therefore unanimously think it their duty earnestly to recommend him as a proper object of mercy.”

The court-martial went further, for in transmitting a copy of their proceedings to the Board of Admiralty, they likewise sent their lordships a letter, which concluded in these terms:

“We cannot help laying the distresses of our minds before your lordships on this occasion, in finding ourselves under the necessity of condemning a man to death from the great severity of the 12th Article of War, part of which he falls under, and which admits of no mitigation, even if the crime should be committed by an error in judgment; and therefore, for our own consciences’ sake, as well as in justice to the prisoner, we pray your lordships in the most earnest manner to recommend him to His Majesty’s clemency.”

Peter Burke. *Celebrated Naval and Military Trials*. (London: 1866), pp. 72–81.