

## *The Captains of the 'Nightingale'*

**J**EAN MARTEILHE, a French protestant, condemned to the galleys as a heretic in 1700, published in 1757 a narrative of his experiences during the thirteen years of his slavery.<sup>1</sup> Of the general honesty and truth of the little book there can be no reasonable doubt; but one incident in it which trenches on the domain of naval history has given rise to some controversy which it seems desirable to set at rest. The examination, interesting in itself, is doubly so as illustrating the statement made by Lord Haversham in the house of lords on 9 Nov. 1707: 'Your disasters at sea have been so many, a man scarce knows where to begin. Your ships have been taken by your enemies, as the Dutch take your herrings, by shoals upon your own coasts; nay, your royal navy itself has not escaped. These are pregnant misfortunes, and big with innumerable mischiefs.'

The story related by Marteilhe in very full detail is briefly this: In the early summer of 1708 amongst many other ships which the queen of England sent to sea was one of seventy guns commanded by a man named Smit, at heart a papist and an enemy of his country. This Smit, having an independent commission, took his ship to Gothenborg and there sold her, though whether to the Swedish government or to some private individual the writer did not know. At any rate Smit got the money and made his way to the court of France, where he offered the king his services against England. The king received him very favourably, promised him the command of the first sea-going ship which should be vacant, and recommended him meantime to go to Dunkirk, where he was received as a volunteer on board the galley of the Chevalier de Langeron—the very galley in which Marteilhe was then serving, who had thus frequent opportunities of seeing 'this infamous traitor,' as he calls him, the most bitter enemy of the English that ever was seen. When a privateer brought in a prize, Smit used regularly to visit the prison where the men were confined, to call

<sup>1</sup> *Mémoires d'un Protestant condamné aux Galères de France pour cause de Religion, écrits par lui-même* (Rotterdam, 1757; and reprinted Paris, 1865. An English translation by James Willington (said to be a pseudonym for Oliver Goldsmith), published in 1758, appears to be very scarce; there is not a copy of it in the British Museum.

them names, to insult them with angry gestures, and to bribe the gaolers to prevent them receiving any charitable relief. On board the galley he did his utmost to have Marteilhe and his fellow protestants flogged every day, and they were only saved by the fact that Langeron, through some private interest, was well disposed towards them. So rabid was he against his own country that he was continually devising plans to do some mischief to it, and at last sent up to the court a proposal to sack and burn Harwich if the six galleys then at Dunkirk were placed at his disposal. The king approved of the scheme, and sent instructions to M. de Langeron to put himself under Smit's orders for this expedition, as also to the superintendent of the port to supply whatever stores he should demand. De Langeron, not too well pleased at being put under the orders of a foreigner who had no recognised standing, could do nothing but obey, and told Smit that the galleys were at his disposal. A large quantity of combustibles was accordingly taken on board, as well as a number of soldiers, and with a light breeze from the north-east they put to sea on the morning of 5 Sept. 1708.

By five o'clock in the evening they were off the mouth of the Thames, but stood out to sea again, meaning to wait till it was dark before they made Harwich. Towards dusk, however, a fleet of thirty-five merchant ships from Holland came in sight, convoyed by the 'Nightingale,' a thirty-six gun frigate. It was determined to attack this. Smit's remonstrances were not listened to or were overruled. He was told that Harwich might be burned any night, but that thirty-five merchant ships were to be picked up only once in a way, and in any case would be much more to the king's advantage. The plan was simple: De Langeron's galley and one of the others were to overpower the frigate; the rest were to intercept and take possession of the merchant ships. In pulling towards the frigate the commandant's galley outstripped her consort; but the frigate, which had at first stood also towards the galleys, turned as though to flee, and De Langeron, thinking that an easy prize was before him, dashed at her. As he came on, however, intending to strike the galley's prow into the frigate's stern and board, the frigate, answering to a touch of her helm, swerved, so that the galley, missing her aim, shot up close alongside, smashing her oars and hurling her oarsmen from the benches. As she did so grapnels were thrown into her from the frigate's channels, and the frigate's guns, loaded to the muzzle with musket bullets and langridge, opened on her unsheltered crew. In a few minutes she was little better than a boatload of dead bodies, and De Langeron, with his own hands, made the general signal for help. The second galley came up; the four others, which had already stopped a number of the merchant ships, forsook their prey and

hastened to the relief of their commandant. They had now no difficulty in throwing their men on board, but the frigate resisted most obstinately; every deck, every bulkhead was defended, and she was won only by force of numbers.

Even after she was taken the captain still held out in his own cabin, firing at everybody who came near, and threatening to blow the ship up, which he might quite well do, as through the cabin lay the only access to the magazine. Negotiations were tried, but to no good effect. Then force again: a party of soldiers broke open the door and were rushing in, when their leader fell, shot through the head; the others tumbled back in terror and confusion; they could only go in one at a time, and the English captain had an unlimited supply of pistols and muskets. So they returned to negotiations; but not till he saw through his stern windows that all his convoy had got safely into the river did the captain consent to surrender his sword. It was then seen that the hero of this desperate defence was a deformed little man, humpbacked, pigeon-breasted;<sup>2</sup> he was taken on board the galley, where Langeron returned his sword, begging him to continue to wear it, and assuring him that he was a prisoner only in name. Presently Smit entered the cabin of the galley. The captain recognised him, and immediately threw himself on him sword in hand, exclaiming, 'Traitor, you shall not escape me as you have done the hangman.' Langeron, however, caught hold of him and held him back. Smit was highly indignant, and requested that the prisoner might be sent to some other galley, to which Langeron replied that the prisoner must stay where he was; Smit might go on board another galley if he liked: and he did so. Meantime four ships of war had got under way from the Thames and were standing towards them: it did not seem expedient to await their approach, so the galleys made off to seaward, and, avoiding their direct course home, did not reach Dunkirk till three days later.

Smit was now anxious that the galleys should return and make another attempt on Harwich; but De Langeron would not consent, alleging that it was too late in the season for the galleys to go to sea, and also that they were in no condition to do so after their late engagement, so many of the oarsmen having been killed, and the masts and rigging cut to pieces. Smit accused the commandant and other officers of having no wish to support him, and wrote to the court to that effect. Langeron on his part sent up a formal statement of his reasons, and the only result which Smit obtained was that whereas before he had been only scorned, he was now hated. Finding, then, that he could not make his attempt with the galleys, he proposed that he should be allowed to try with two ships then at Dunkirk, which was agreed to. One of the ships was of forty

<sup>2</sup> *Un petit homme tout contrefait, bossu devant et derrière.*

guns, the other a small English-built frigate of twenty-four guns, and they were commanded respectively by a captain and lieutenant of the galleys, Smit's authority being limited to the command of the landing at Harwich. They put to sea in October, but as they made the mouth of the Thames they saw an English seventy-gun ship in the way, and thereupon the commandant, in counsel with Smit, determined to cruise for some days in the North Sea. Two or three days later they came back again, but the seventy-gun ship—or another—was still there.<sup>3</sup> Smit maintained that being unusually well manned they were strong enough to board this ship and capture her; and though the two captains were opposed to the idea, he prevailed over them so far as to bring them to agree, but with the proviso that he should go in the smaller vessel to reconnoitre, and that then, if the plan seemed feasible, he should signal to the other to come on. Smit did so; but approaching too near the seventy-gun ship he received her broadside, which completely dismasted the frigate, whereupon her larger consort made off, leaving Smit to his fate. The English ship hailed the frigate to strike, or she would sink her. Smit, refusing to strike, seized a match and ran down to the magazine, meaning to blow the ship up; but he was stopped by the sentry and laid hold of by the crew, who bound him, arms and legs, to the stump of the mainmast, and then called out for quarter. The English ship sent her boats on board to take possession, and found Smit so bound. They immediately recognised him, carried him off on board their own ship, and fired off all their guns in token of their joy, not so much for the 1,000*l.* set on his head, as for the capture of the traitor. He was taken forthwith to London, where he was speedily tried; and though he basely offered to become a protestant in order to obtain a pardon, *il fut condamné à être écartelé tout vif, ce qui s'exécuta de la manière qu'on fait aux traîtres en Angleterre, en leur frappant le visage de leur cœur palpitant.* To which disgusting statement Marteilhe adds that when he was in London in 1713 he saw the quarters of the body still exposed on the banks of the Thames.

Such, then, omitting a great many interesting but not essential details, is this very remarkable story, and the question naturally asked is, Is it true, wholly or in part? A reference to our own naval histories shows nothing about the loss of the 'Nightingale'; an omission which, as the circumstances related are highly creditable to the English, is in itself suspicious. It shows also that, in any case, Marteilhe's dates are widely inaccurate, for the 'Nightingale' was recaptured in December 1707, and was therefore not captured, in the first instance, in September 1708. It appears also that when recaptured she was commanded by Thomas Smith, an

<sup>3</sup> *Un navire de guerre anglais, garde-côte, de septante pièces de canon . . . le même garde-côte, ou un autre de la même force.*

English renegade, of whom three different accounts are given;<sup>4</sup> and though each one is different from Marteilhe's, there is no doubt that Smit is so far a real character, and his capture, though very incorrectly described, is a real incident. Altogether the reference to our printed histories was unsatisfactory, and to arrive at the truth it was necessary to look further and examine our naval records. It is the result of this examination which I am now going to relate, my references being almost solely to original documents in the Public Record Office.

The 'Nightingale,' a twenty-four-gun frigate, was in 1707, and for five years before, commanded by Captain Seth Jermy, a man of whom Charnock seems to have known but little.<sup>5</sup> In 1692 he was a lieutenant of the 'Northumberland' at the battle of Barfleur. In 1694 he was first lieutenant of the 'Grafton;' in 1696 of the 'Lion;' and on 15 Jan. 1696-7 he was promoted to be captain of the 'Spy' brigantine. In 1702 he was appointed to command the 'Nightingale,' a small frigate employed in what might be almost called the police service of the North Sea, and to a very great extent in convoying corn ships and colliers between the Forth, the Tyne, the Humber, and the Thames. Captain Jermy's official correspondence during this time mostly refers to the incidents of his convoys; but a few extracts will show more clearly the peculiar nature of his service and the difficulties against which he had to contend.

*Yarmouth Roads, 17 April 1704.*—Please to acquaint his Royal Highness, the Lord High Admiral, that we are safe arrived in Yarmouth Roads, with above a hundred sail of laden colliers. We came from the Bar [Tynemouth] of Wednesday, the 12th instant. Of Thursday, about 11 clock morning, I gave chase to three sail of privateers of 12, 8, and 4 guns; but our ship having been seven months off the ground and very foul, I could not come up with them; and at 6 at night I saw the same three sail again and gave them chase; but before I could come near them, they had taken a laden collier, and by help of a dark night and foggy weather, I could not come to her.

*Tynemouth Bar, 12 Aug. 1704.*—I have seen the three Scotch ships into the Frith as high as the Bass Island, and then left them safe and returned again to the Bar. . . . I saw a small privateer lying in Berwick Bay, who immediately got under sail; and our ship being extraordinary foul, not having been cleaned since September last, we could not come up with him.

*Tynemouth Haven, 14 Oct. 1704.*—Being informed here of the death of Capt. Laton, by which the 'Greyhound' doth become vacated, I desire his Royal Highness's favour that I may have the command of her, if not disposed of.

<sup>4</sup> Charnock's *Biographia Navalis*, ii. 192-3.

<sup>5</sup> *Ibid.* iv. 23.

*Tynemouth Haven, 15 June 1705.*—Of Tuesday the 12th inst. at noon I arrived here from Scotland; and not finding the commodore here, nor any of his fleet in sight, my orders was to give his Royal Highness an account of my arrival and to lie here for further orders. So finding our provisions to spend I came in over the Bar to get a supply, which as soon as on board, shall go out to sea again. Yesterday there sailed about 100 sail of laden colliers over the Bar, where they now are, intending to sail with the Lynn convoy as far as his way lieth, and then to convoy themselves; for they will not stay for their proper convoys.

*Off Tynemouth Bar, 28 June 1705.*—Of Monday last I came over the Bar. . . . Of Tuesday I gave chase to a small privateer, but our ship having been four months off the ground we could not come up with him, and I am now come to the Bar again, waiting his Royal Highness's orders.

*Yarmouth Roads, 29 Aug. 1706.*—The 'Nightingale' is very foul, and I desire if the service will permit she may be cleaned at Harwich, where she may be got ready in 8 or 10 days.

[*Minuted*: to go into Sheerness, to refit for Channel service and victual for three months.]

*Nore, 6 Dec. 1706.*—The 'Nightingale' being very foul, I desire, if the service will admit, that she may be cleaned.

[*Minuted*: she must make another voyage before he can clean.]

*Rolling Ground, 24 Jan. 1706-7.*—The 'Nightingale' being very foul, I desire, if the service will admit, that she may be cleaned, she not having been cleaned since April last.

*Nore, 9 July 1707.*—On Friday, 27 June, we gave chase to a French privateer, which I believe was one of the packets taken from us. I came up within half-gunshot upon a wind and fired several guns at him, and believed I could not lose him, but he kept bearing upon me, and at last got before the wind, but with great difficulty. We played round and partridge at him all along, and at last got from us; but doubt not, if we had been tallowed we should have had him, and as there is several privateers to the northward, if his Royal Highness please to order us to be cleaned, which can be done in three days, not having any other work to do, I doubt not we may disappoint them of their designs.

[*Minuted*: to be told the ship can't be cleaned at present, but must stay till she returns.]

*Margate Road, 22 July 1707.*—This morning [at the Nore] I had intelligence by a small Ostend bark that there was two small privateers had taken two ketches upon the flat, and that the ketches were on the back of Margate Sand, and seeing two ketches, I immediately weighed, having an ebb tide, and stood to them. I hoisted out my boats, being little wind, and retook both, the ketches being laden with coals, and belonging to Ramsgate. . . . I found none aboard them but five Frenchmen in the [one] and three Frenchmen in the other. As for the vessels, I have delivered them to the prize officers at Margate, and the prisoners to the proper officers appointed to take care of them. There are two lieutenants whose commissions are here enclosed.

On 31 July 1707, writing from the Nore, he notes in the usual manner, 'men actually 112,' and with this the correspondence stops for a year. The next letter is dated Calais, 9 July 1708.

I humbly desire you'll please to acquaint his Royal Highness the Lord High Admiral that notwithstanding the several proposals that he hath been pleased to offer for my exchange, I am still a petitioner for his favour. I humbly beg that if the proposal that is now made for me (being one Mr. Sejons, a commissary by land, taken in the 'Salisbury') be thought fit to be allowed for me, it may be signified to the French court; by which, if the transport be not on this side, I may come by way of Ostend.

*Dover, 19 Aug. 1708.*—I desire you will be pleased to acquaint his Royal Highness that yesterday I arrived here by way of Ostend, being come upon parole for the Sr. Sejons and shall be very sorry if I have done amiss in coming away. It being put upon me by the commissary of Calais I did accept, hoping my exchange may be allowed. I have but twenty days' time allowed for my return. I beg pardon for the trouble of these and shall wait on your honour as soon as I am capable, being at present indisposed.

The next paper relating to Captain Jermy is from the Minutes of Courts-martial.

At a court-martial held on board her Majesty's ship the 'Royal Anne' at Spithead, on Thursday, 23 Sep. 1708; Present: The Hon. Sir George Byng, Knight, Admiral of the Blue squadron of her Majesty's fleet. . . .

Enquiry was made by the court into the occasion of the loss of her Majesty's ship the 'Nightingale,' of which Captain Seth Jermy was late commander, which was taken by six sail of the enemy's galleys off Harwich on 24 Aug. 1707. The court having strictly examined into the matter, it appeared by evidence upon oath that the 'Nightingale' was for a considerable time engaged with a much superior force of the enemy, and did make so good a defence as thereby to give an opportunity to all the ships under his convoy to make their escape; and it is the opinion of the court that he has not been anyway wanting in his duty on that occasion; and therefore the court does acquit the said Captain Jermy and the other officers as to the loss of her Majesty's said ship the 'Nightingale.'

This, so far as I have been able to find out, is the only English account of the capture of the 'Nightingale.' No evidence is given, no details; but the account, such as it is, does not in any point, except the date, contradict that so circumstantially given by Marteilhe. As to the date, there is no question that the protestant has by some confusion got a year out in his chronology; the 24 Aug. is in new style 4 Sept., which is another, though minor difference; but in the pay-book of the 'Nightingale' the date is given 25 Aug., *i.e.* 5 Sept., which exactly agrees. It is quite possible that the date given in at the court-martial was wrong.

Two more extracts from Jermy's correspondence will be sufficient:—

5 Oct. 1708.—I have been informed by the Hon. the Commissioners for the exchange of prisoners of war that they have received letters from Mons. l'Empereur, commissary at St. Malo, that they are fully satisfied with my exchange for Mons. de Cloe. . . . I have had my trial by a court-martial according to his Royal Highness his orders, and I humbly beg his Royal Highness's favour for an employ as his goodness shall think proper for me.

15 Oct. 1708.—I humbly desire that you'll please to acquaint his Royal Highness's Council that I gave them an account the last week that my exchange was fully completed; and having had my court-martial, I desired their honours would be pleased to give me such an employ as his great wisdom did think fit, in consideration of my great loss under so tedious a confinement; and not having had any answer, have made bold to trouble you with these, not questioning but you will be pleased to consider the circumstances that I have laid under for fourteen months past, and so may be provided for.

In November, Captain Jermy was appointed to the 'Swallow's Prize;' in April 1710 was moved into the 'Antelope;' in 1712, being, according to Charnock, of an advanced age, he was placed on the superannuated list, and died on 3 Aug. 1724. Of his family we know next to nothing. Whilst he was a prisoner in France, his pay for the 'Nightingale' was paid to his wife, Mary; and a letter of 8 May 1712 speaks of 'my kinsman, Fard<sup>o</sup> Wyvell,' as a candidate for a gunner's warrant. Presumably, Fard<sup>o</sup> Wyvell was kinsman also of Captain Francis Wivell, who belonged to a good old Yorkshire family;<sup>6</sup> but how or in what degree Seth Jermy was related to this family does not appear. Neither have we any corroborative evidence of Marteilhe's very unflattering description of his figure. He may very well have been a little wizened-looking old man; but the hump before and behind strikes me as improbable.

A very different kind of man was Thomas Smith, whose career we can fully trace by means of numerous petitions and memorials, which he wrote at different times up to the very date of his death.<sup>7</sup> From these and his letters, the following narrative is drawn, condensing indeed, but otherwise closely following his own language, in order the more clearly to bring out the man's character. Most of his statements as to his service in the English navy are—so far as I have been able to verify them—accurate as to fact: writing to the admiralty he could scarcely venture on downright falsehoods; but he does sometimes make mistakes. When he got over to France, his story is, I think, more doubtful.

<sup>6</sup> *Biographia Navalis*, ii. 214.

<sup>7</sup> Some of these are in Captains' Letters, S., 1698-1702; others in Home Office (Admiralty), No. 9; one is printed, British Museum, 816, M. 23-114.



'I, Thomas Smith, was born at sea between Holland and England, but of English parents, and was brought up in North Yarmouth. From 1680 to 1691 I was commander of several merchant ships, and in 1691 of one belonging to the port of Plymouth, wherein I had a third part. Being then a single man, for the sincere love and obedience I bore to my gracious King William and my nation's good I then disposed of my ship and entered myself a volunteer on board his Majesty's ship the "Portsmouth" galley under the command of Captain William Whetstone; \* being very serviceable on board by reason of being well acquainted with the French coast, and then cruising off Dunkirk and Calais under the command and in the squadron of Sir Ralph Delavall, who gave his word then to prefer me; but none fell to me. I continued on board the "Portsmouth" until Captain Whetstone was removed; Captain John Bridges succeeded him in the command, and I also sailed with him, when the "James" galley and the "Portsmouth," about thirty leagues to the westward, took a French privateer of 18 guns, and soon after engaged the Greenland ships, at which time Captain Bridges lost his arm and was put ashore at Plymouth, where we had orders to cruise on the coast of Ireland, and the lieutenant, whose name was Lowin, to act as captain. Thereupon I desired to be discharged; but at Captain Bridges' request, knowing my ability and my being well acquainted with the coast of Ireland, I condescended, and proceeded to sea in the ship. Off the Lizard the wind proved contrary and blew hard; the ship put into Falmouth, where Lieutenant Lowin turned me ashore, telling me my friend Bridges was not captain then. He gave me a ticket for midshipman, so entitled on the ticket, paid but 23 shillings per month at the pay-table; and I was forced to pay my own charges back to Plymouth, which took away almost the whole of my wages.

'Soon after, Captain John Evans came to Plymouth to command the "St. Martin's Prize," and understanding of my ability, took me with him as pilot. In a short time the ship took two French prizes, one of which was carried into Rivadeo in 1693, where the cargo was sold for 3,700 dollars and the ship afterward sold for 900*l.* at Cadiz. I, who had been put in as captain of this prize, was forced to come home passenger in the "Blueford," and never was paid a farthing of all the prize. Soon after my arrival in England, I was married to a sea-commander's widow, who had five young children to maintain; at the same time I was put in commander of a transport which sailed to Kinsale with powder and shot, and, having discharged my lading, returned to Plymouth, where was Captain John Laphorne, commander of the "Mercury," advice boat, then bound over for Brest to gain intelligence of the enemy's proceedings; and, hearing that I

\* A volunteer, so far as he went voluntarily; he was rated on the pay-book as a midshipman.

was well acquainted with the coast of France, he solicited me to go as pilot of the "Mercury," as accordingly I did, and went into the harbour of Brest. I was myself ashore near the town of Brest, and discovered their strength of shipping and what were ready for the sea with King James; for which service the Lords of the Admiralty ordered me 80*l.* as a reward and the command of the "Germoon" advice boat.<sup>9</sup>

'I commanded the "Germoon" for two years, and in her did several good actions of note, and also carried the packets of peace to all the Caribbee Islands in the West Indies, and Jamaica. A little after my return to England, she was made choice of by Admiral Benbow to sail in the squadron under his command to the West Indies, and I to remain as captain. Accordingly she was ordered into Deptford Dock, and there sheathed and fitted answerable to such a voyage; where I gave my daily attendance; and after having been at a considerable charge in fitting myself for the voyage, one Mr. Gething was put in captain over my head. I requested of the Admiralty Board their pleasure for so doing, and the answer was, in order to prefer me to some higher command.<sup>10</sup> I had then leave to go home to my wife and family at Plymouth; and did often, in that time, address the Admiralty, but found no relief, and was kept near three years out of my pay, which reduced myself and family to great want, and being forced to pay interest on what I had credit for, by the time I received my pay I could call but the half part of it my own. About eight months before the decease of King William, I went to London, and did daily attend the Admiralty Board with petitions, till about three months after her Majesty Queen Anne came to the crown, when they gave me no better command than the "Bonetta" sloop for all my past services, loss of time, extreme charges and expensive living at such a distance from my family. And, after having commanded the "Bonetta" sloop about fifteen months, as a convoy to the corn-traders between Lynn and Yarmouth Roads and the Nore, I was most maliciously impeached by some of my seamen for some misdemeanors, of which they recanted under their hands, alleging they did it in drink and begging my pardon; but, having left this recantation at Lynn with my wife to show to the chief gentlemen of the country, it came not time enough to the court-martial, unto which I was hurried without liberty given me to provide for my trial; and so dismissed of my employ and mulcted six months' pay

<sup>9</sup> This appears to be quite true; he was ordered the 80*l.* (18 March 1695-6) 'as a reward for good service done on the coast of France; he was made commander of the 'Germoon,' 22 Sept. 1696; and the information as to the enemy's shipping was brought over by the 'Mercury.' See Burchett's *Transactions at Sea*, p. 546.

<sup>10</sup> I have not been able to find this answer, and I doubt very much if the admiralty ever made it; but it is possible that Smith honestly but foolishly misinterpreted some official commonplace.

and kept between two and three years out of the remainder, with the loss of my wife who died, supposed by all with grief thereof.'

As this dismissal from the 'Bonetta' was the turning point in Smith's career, it is well to examine it somewhat more closely than suited him in his memorials. The facts are, that on 23 July 1703 a letter was written to the admiralty by the officers and men of the 'Bonetta' charging Smith with certain crimes and irregularities. That letter, unfortunately, is now missing; but with it was another letter of the same date, which ran thus:—

Rt. Hon<sup>ble</sup>. These are humbly to certify his Royal Highness and the Rt. Hon<sup>ble</sup>. Council that the crimes in the inclosed, charged against Cap<sup>t</sup>. Thomas Smith commander of her Maj<sup>ty</sup>. sloop Bonetta are true in every respect, and the witnesses in the inclosed are ready and will if sent for to take their oaths to what they have set their hands to. These are therefore humbly to beg the favour that as soon as this information shall come to y<sup>r</sup>. Lordship's hands that we may either be sent for up or a positive order may be sent that we may not be abused nor the Cap<sup>t</sup>. to punish us for informing against a person that hath betrayed his trust both to Queen and country. We are

Y<sup>r</sup>. Lordps. most obed<sup>t</sup>. faithful Serv<sup>ts</sup>.

As mentioned in the inclosed.

[*Minuted*, 4 Aug. 1703: The Cap<sup>t</sup>. to come to the Nore in order to be tried at a Court Martial.]

On receipt of the order in accordance with this minute, Smith, by some means or other which we can now only guess at, procured the following extraordinary recantation:—

Rt. Hon<sup>ble</sup>. These are humbly to certify your honour that we the underwritten that have made a complaint against Captain Thomas Smith, commander of her Majesty's sloop the Bonetta, were overpowered in drink, and humbly crave your honour's pardon for so doing; he being a person of a good courage and very willing to serve his country in every respect. It is an ill thing that we in drink were guilty of; therefore [we] humbly request your honour's pardon once more, and promise for the future to make amends by our long and faithful service to our Queen and Country hereafter, and to ask his pardon.

Dated 10<sup>th</sup>. of August 1703; in Holkham Bay.

*Witness.*

J<sup>ro</sup>. MOLL  
JAMES MUSETT  
J<sup>ro</sup>. THURLOW } Gentlemen  
of the Land

EDW<sup>d</sup> AUDLEY Cap<sup>t</sup>'s Clk.  
ROB<sup>r</sup> SMITH Pilot  
JOHN SPORNE

And we are asked to believe that having got this recantation, and coming in the 'Bonetta' to the Nore, he left the paper behind at Lynn. If the man's story is true he deserved to be dismissed the service as a fool. I prefer to think that it is not true, and that

the recantation was either concocted at a later date, or was examined by the court-martial and rejected.

At a court-martial held on board her Majesty's ship 'Expedition' at Blackstokes, 1 Sep. 1708. . . .

Enquiry was made into a complaint of several of the officers and company of her Majesty's sloop the 'Bonetta,' against Captain Thomas Smith her commander, by virtue of an order from the Council to his Royal Highness the Lord High Admiral. It appeared to the court that the said Captain Thomas Smith has been guilty of several very great irregularities; vizt. in lending men to merchant ships for money, keeping money in his hands of the men's, pretending to secure them and then giving them liberty to escape, taking money for discharging prest men, making false musters, and borrowing men from merchant ships when at Harwich to answer to the names of such of his men as were absent, being disordered with drink when his sloop was in danger, and often absenting himself from his duty for several days together when the sloop was in an open road. . . . It is therefore the opinion of this court that the said Captain Thomas Smith is not a fitting person to serve her Majesty any longer at sea, and we do think fit to dismiss him from his employment as commander of the said sloop, and that he be fined six months' pay (out of the wages now due to him for his service in the said sloop) for the use of the chest at Chatham.

The first positive appearance of the recantation is in a letter four months later:—

10 Jan. 1708-4.—I most humbly pray your honour will be pleased to order me a copy of my accusation, having had no time allowed me for my defence in any measure, being dismissed by a court-martial from commanding the 'Bonetta' sloop on 1 Sep. 1708 last past, wherein I served as captain fifteen months, in which time did the nation great services and also in the late war. Was most maliciously impeached by a party of my seamen who since recanted of their unjust actions against me, for which reason I must be exposed to seek my family's bread in some other nation, if I have not right done me. I humbly pray your honour's favour.

Smith's memorial then goes on:—

'In December 1708 I addressed her Majesty Queen Anne and Council, who was graciously pleased to pardon my offence and ordered me to attend the prince's council to be restored to an employ, which accordingly I did, and was encouraged from time to time for about three years, and was promised by Mr. Churchill to be provided for, giving my attendance all the time and petitioning the Queen with the Admiralty constantly till my substance was spent, and after all was denied any employ in the navy.'<sup>11</sup>

<sup>11</sup> These statements are certainly false. The December petition I have not seen; several of the others I have, and the reply is in the usual form. 'It is hereby referred to his Royal Highness . . . to cause the allegations of the petition . . . to be examined, and to report to her Majesty at this board what his Royal Highness conceives fit to be done thereupon.' As to Churchill or the council giving any such

I then offered myself a midshipman extra on board of any of her Majesty's flags of war, but was refused by Sir Cloudisley Shovell; and to show my willingness and affection to the nation of England's service, I served on board the "Winchester" under my Lord Marquis Carmarthen's command, and took none of the nation's pay during that time, in hopes of getting any reasonable employ in her Majesty's navy.

'At last I offered myself in the merchant service, to go in any ship small or great as master; but could not be accepted, my substance being all spent, so that I could not purchase the part of any vessel. I then offered myself as a mate in any merchant's ship, and was to give 20 shillings to Mr. Hill at the Three White Harts at Wapping New Stairs for helping me to such employ; but being the dead time of the year and but few merchant ships fitting out, nothing of an employ happened. So having no money left to help myself, I borrowed five shillings of one Mrs. Boulton at Ratcliffe Cross, and took passage in one Mr. Peacock of Stockton for North Shields, where I then lived with my family; finding all in a miserable and low condition, and no credit. And the "St. Peter" of Stockholm being there bound for Lisbon, I took a passage in her, expecting to be employed at Lisbon by Commissioner Wright, who had knowledge of me formerly, and I had also letters of recommendation to him. I sailed from Shields on 7 Feb. 1706-7 in the aforesaid Swedes ship intending for Lisbon, and was taken out of her between the Isle of Wight and Beachy by Michel Vanstable, captain of the "Dunkirk" galley belonging to Dunkirk, being a privateer of 26 guns, 220 men. I was kept a prisoner on board this caper for 33 days, and was brought in her to Dunkirk and there put into prison, but the Swedes ship was let pass on her voyage.<sup>13</sup>

'Whilst I was a prisoner in Dunkirk the Intendant and the Commandant of the galleys were several times with me to know if I would serve in the King of France's service, and I should have an employ answerable to my degree; and in consideration of my deplorable condition, my substance being spent in England, and nothing to trust to or depend on, nor anything left to fit myself for any voyage, I was advised to accept of the King's service, as accordingly I did after having been 108 days a prisoner. I served on board the admiral galley as third captain near four months, in which time they took the "Nightingale," belonging to England; and

promise, the idea is absurd; Smith was no doubt told that the matter would be considered.

<sup>13</sup> A certificate dated 18 May 1708, and with forty-two signatures, attests this departure for Lisbon in a Swedes vessel, 'to no other end, that we know of, but to seek some honest employ to gain him and his family bread;' and that 'whilst he was at Shields, he behaved himself in a decent and becoming manner, being reputed amongst us to be a person of good life and honest conversation, well affected to her Majesty's interest and government.'

soon after they were disarmed. I had 100 livres per month whilst I remained on shore, with my chamber rent free, bedding, linen and other necessaries allowed by the King; and in November 1707 I had orders from Paris to command the "Nightingale," and in December received my commission. . On the 24th, I sailed from Dunkirk, and on the 27th, about 10 in the morning, there was a sail within the Longsand who gave us chase, who were the "Squirrel's Revenge" of 26 guns, 210 men, and the "Nightingale" of 24 guns, 176 men; and after some time we made her to be an English man-of-war and made what sail from her we could; but after ten hours and a half chase the English man-of-war took the "Nightingale," whereof I was captain. During the chase I flung six guns overboard and my best anchor, and fired some of my stern chase in hopes to get away; but between 10 and 11 o'clock at night the "Nightingale" was taken by the aforesaid man-of-war, which proved to be the "Ludlow Castle," whose captain's name was Haddock.'

Captain Haddock's account agrees very closely with Smith's:—

81 Dec.—I send this by express to acquaint you of the arrival of the 'Ludlow Castle' in the river Humber, in company with her Majesty's late ship the 'Nightingale,' which I took the 27th instant, NE. from Orfordness, 24 leagues. I sailed that day in the morning from the Buoy of the Spit, in order to proceed to the Downs, and off of the Longsand espied two frigate-like ships, which proved to be the 'Nightingale' and 'Squirrel,' both privateers of Dunkirk.<sup>13</sup> I cleared my ship and gave chase to 'em. They lay by till I came within two gunshot, at which time both of 'em made sail from me before the wind, which was then at SSW. At 11 at night I came up with the 'Nightingale' and took her, which as soon as the 'Squirrel' perceived he clapt upon a wind and got out of sight of me. The 'Nightingale' has wounded my foremast and foreyard, and cut some of my rigging, without any further damage, which I shall take care to have secured, and proceed to the Downs, so soon as I have delivered the prize and prisoners at Hull. Her number of guns was 24, and men 175: they hove six of their guns and several things overboard to lighten their ship. There was three Englishmen and one Irishman aboard her. They have owned their country and certified it under their hands before witness. One of them is the captain; his name is Thomas Smith, who formerly commanded the 'Bonetta' sloop in her Majesty's service. I am glad it has been my good fortune to bring that gentleman to England.

6 Jan. 1707-8.—I have received yours of the 8rd instant, and have acquainted the officers in whose custody Captain Smith and the other Englishmen are, that 'tis the prince's directions they be well secured till the marshall of the Admiralty comes to take charge of 'em and carry 'em to London for their trial.

<sup>13</sup> The 'Squirrel' was captured by five French ships off Sandgate, on 21 Sept. 1703. Her captain, Gilbert Talbot, was tried on 29 Jan. 1703-4, found guilty of want of judgment, and cashiered, as well as fined all pay, and imprisoned for twelve months.

The numbers mustered on board the 'Ludlow Castle' vary from 150 to 172; so that it is possible enough if the two heavily manned Frenchmen had succeeded in laying her on board, they might have carried her; but as a matter of fact, it was not tried. Smith may have proposed to do so; but he was not likely to admit it in England.

A short account of the circumstances, published at the time,<sup>14</sup> says that Captain Smith with his lieutenant Aislaby, Harwood, an Irish priest, and two others, were set ashore at Hull and from thence sent up under a guard to London; where he was straight committed to the Marshalsea, and, being from thence removed to Newgate, was in a little time brought down to the Old Bailey, where he had his trial on Wednesday, 2 June 1708. The fact of his being taken in arms against his own country was fully proved by witnesses from the 'Ludlow Castle,' as also that 'he had a commission about him for captain of the ship signed by the Count of Toulouse, Grand Admiral of France, which he owned to be his.'<sup>15</sup> After a trial of four hours he was found guilty and received sentence of death. . . . On 18 June he was put on a hurdle and conveyed to the place of execution. . . . Being dead, he was cut down, his body opened and his heart shown to the people, and afterwards burnt with his bowels, and his body quartered.'

Thus Marteilhe might very well see the ghastly remains five years afterwards. And the impression which this detailed examination leaves on me is that the protestant's evidence as to things which he saw or which happened within his own knowledge is fairly accurate. As he was chained to the galley's bench and was all but blown to pieces in the fray, his account of what went on on board the 'Nightingale' is necessarily secondhand, and may or may not be somewhat exaggerated; it is impossible to say: but it is clear enough that Jermy did make an obstinate and protracted resistance against an overpowering force. Similarly in the case of Smith. He had evidently heard a confused story of his leaving England, in which Sweden was mixed up; but of Smith's behaviour at Dunkirk and on board the galley he had every opportunity of knowing the truth, and apparently a very particular interest also. The balance of credibility between the protestant and the traitor seems to me in favour of the former. But of the recapture of the 'Nightingale,' again, he could only learn the popular gossip, which went curiously adrift, though right

<sup>14</sup> *The whole Life and Conversation, Birth, Parentage, and Education of Captain Thomas Smith, who was condemned and executed for High Treason on Friday, 18 June, at Execution Dock.* The pamphlet is scarce, and is not in the British Museum, though the greatest part of it is a reprint of the memorial already referred to; but it gives in addition other particulars, some of which are erroneous.

<sup>15</sup> Naval officers had commissions signed by the king. The French considered officers with commissions signed by the grand admiral as privateers. See a very curious representation with regard to this, in my *Studies in Naval History*, p. 257.

in the main point, that the ship was taken and the scoundrel was hanged.

It is satisfactory, as I conclude, to point out that this fellow was no more a political traitor than the better known but equally infamous George Camocke, whose misdeeds are chronicled in the 'Dictionary of National Biography.' From the days of Blake, naval officers have prided themselves on being, as such, of no political party, but making it the business of their lives 'to keep foreigners from fooling us.' Very few indeed have betrayed their trust: it is pleasing to find that of these, two at least were mere commonplace sinners, who had been ignominiously dismissed the service for making illegal haste to be rich.

J. K. LAUGHTON.