

ATROCITIES AT SEA AND THE TREATMENT OF PRISONERS OF WAR BY THE PARLIAMENTARY NAVY IN IRELAND, 1641–1649*

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ABSTRACT. *In 1643, Robert Rich, the second earl of Warwick, the parliamentary lord high admiral, issued directions for naval officers in the Irish squadron to execute any soldiers seized whilst crossing from Ireland to join royalist armies in England and Wales. An ordinance was duly promulgated by parliament in October 1644 which authorized the killing of Irishmen captured at sea or in England. Thereafter, although a number of captains implemented this policy and put to death mariners, soldiers, and passengers detained on vessels going to and from confederate and royalist ports in Ireland, the killing of maritime captives never became the norm in the war at sea. This article provides a detailed analysis of the atrocities that occurred and the treatment of prisoners taken in the seas around Ireland during the war of the three kingdoms. In particular, this article examines the effect exerted by the threat of retaliatory executions of English seamen held in towns such as Wexford and Waterford on forcing parliament and its naval commanders to moderate their actions.*

In April 1644, the parliamentary navy captured an unnamed ship carrying soldiers from Ireland to England and brought the vessel into Milford Haven in south Wales. There, on 23 April, St George's Day, Captain Richard Swanley, admiral of the Irish squadron, ordered the execution of seventy men and two women by tying them together and throwing them overboard. The royalist newspaper, *Mercurius Aulicus*, condemned this action as 'unparalleled murder' and its perpetrator as 'that barbarous mariner Captaine Swanley'.¹ Parliamentary newspapers, on the other hand, revelled in the details of the execution and lauded Swanley's actions. The *Spie* commended 'the valiant and industrious Capt. Swanley' and suggested that 'salt water was a very convenient drench to cure those barbarous wretches, which had taken a Surfeit with Protestant blood in

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* I would like to acknowledge funding I received for this research as an Irish Research Council for the Humanities and Social Sciences Government of Ireland Postgraduate Scholar. I am grateful to Juliana Adelman, David Finnegan, Annaleigh Margey, Jane Ohlmeyer, Micheál Ó Siochrú, and Patrick Walsh for their helpful comments on earlier drafts of this article.

¹ *Mercurius Aulicus, communicating the intelligence and affaires of the court, to the rest of the kingdom. The eighteenth weeke, ending May 4 1644* (Oxford, 1644), p. 965.

Ireland'.² *Mercurius Britannicus* agreed that 'it was just to cast them into the Sea and wash them to death from the blood of the Protestants that was upon them' and that Swanley 'hath a spirit made fit for revenging the blood of the poor Protestants in Ireland'.³ In June 1644, Swanley appeared before the House of Commons to receive thanks and a gold chain valued at £200 for his 'faithful service, and valiant Actions' in Wales.⁴ In October of the same year, parliament passed an act entitled *Two ordinances of the Lords and Commons assembled in parliament one commanding that no officer or souldier either by sea or land, shall give any quarter to any Irishman, or to any papist borne in Ireland which shall be taken in armes against the parliament in England*, which authorized the killing of Irish prisoners taken on land in England or at sea.⁵ This article examines the treatment of prisoners, both mariners and passengers, captured in the seas around Ireland during the 1640s. It focuses particularly on whether or not the killing of captives taken at sea became the norm. It also seeks to analyse how thoroughly the English navy enforced the ordinance denying quarter to Irishmen taken at sea and factors that mediated the manner in which prisoners were treated.

The treatment of prisoners of war and incidents of atrocities has a timelessness that has always attracted historiographical attention. Debate on these issues ranges from the ransoming and killing of prisoners after battles such as Poitiers in 1356 and Agincourt in 1415 to German atrocities in Belgium and France in 1914. Writing on the killing of prisoners in the First World War, Alan Kramer has concluded that it was 'episodic, not routine; opportunist, not systematic'.⁶ For the early modern period historians, such as Geoffrey Parker, have examined this issue and the conduct of warfare in Europe.⁷ Considerable attention has hitherto been devoted to the occurrence of atrocities and treatment of prisoners of war in the three kingdoms during the 1640s. Recent studies have reassessed the relatively benign reputation of the war in England and the view that the 1640s represented for Ireland a period of 'indiscriminate blackness'.⁸ Barbara Donagan noted

² *The Spie, communicating intelligence from Oxford. From Thursday the 4 of April to Thursday the 11* (London, 1644), p. 84; *The Spie ... From Wednesday the 8 of May to Wednesday the 15* (London, 1644), p. 224.

³ *Mercurius Britannicus, communicating the affaires of great Britaine: for the better information of the people. From Monday 13 May to Monday 20 May 1644* (London, 1644), p. 282; *Mercurius Britannicus ... From Monday 10 June to Monday 17 June 1644* (London, 1644), p. 308.

⁴ *Commons Journals*, III, pp. 516–18.
⁵ *Two ordinances of the Lords and Commons assembled in parliament one commanding that no officer or souldier either by sea or land, shall give any quarter to any Irishman, or to any papist borne in Ireland which shall be taken in armes against the parliament in England* (London, 1644), pp. 1–2.

⁶ For a detailed discussion of the treatment of prisoners of war see Arnold Kramer, *Prisoners of war: a reference handbook* (Westport, CT, 2008), pp. 1–81; Chris Given-Wilson and Françoise Bériac, 'Edward III's prisoners of war: the battle of Poitiers and its context', *English Historical Review*, 116 (2001), pp. 802–33; John Horne and Alan Kramer, *German atrocities, 1914: a history of denial* (New Haven, CT, 2001), pp. 1–431; Alan Kramer, *Dynamic of destruction: culture and mass killing in the First World War* (Oxford, 2007), pp. 63–5.

⁷ Geoffrey Parker, 'Early modern Europe', in Michael Howard, George Andreopoulos, and Mark Shulman, eds., *The laws of war, constraints on warfare in the western world* (New Haven, CT, 1994), pp. 55–7.

⁸ Inga Volmer, 'A comparative study of massacres during the wars of the Three Kingdoms, 1641–1653' (Ph.D. thesis, Cambridge, 2007), pp. 1–291; Barbara Donagan, 'Codes and conduct in the

that ‘the English Civil War offered examples of painfully conscientious behaviour by captives and prisoners, but it was also marked by casual cruelty and atrocities’.⁹ Many incidents of atrocity occurred throughout the war in Ireland. In 1642, for example, at Silvermines in County Tipperary some Irish rebels stripped and beat a group of twenty Protestants to death.¹⁰ However, as Micheál Ó Siochrú has shown, revulsion at the horror of unrestrained war combined with the return of veterans from continental armies and increased professionalism exerted a stabilizing and moderating effect on fighting in Ireland between 1642 and 1647.¹¹ This situation altered and the war reverted to being much bloodier in 1647 with the arrival both of new parliamentary regiments in Munster and Dublin, and of Oliver Cromwell in 1649.¹² By contrast, most historians pay little attention to the conduct of the war in the waters around the three kingdoms and atrocities that took place there. Naval histories of the period, such as J. R. Powell’s *The English navy in the Civil Wars*, likewise ignore or pass briefly over acts of atrocity committed at sea.¹³ This article thus supplies a new insight into atrocities in the three kingdoms and the war at sea in the 1640s.

I

People in the three kingdoms were keenly aware of the codes and norms governing seventeenth-century warfare. Accounts of atrocities combined with

English Civil War’, *Past and Present*, 118 (1998), pp. 65–95; Barbara Donagan, ‘Atrocity, war crime and treason in the English Civil War’, *American Historical Review*, 99 (1994), pp. 1137–66; Robin Clifton, ‘An indiscriminate blackness? Massacre, counter massacre and ethnic cleansing in Ireland, 1640–1660’, in Mark Levine and Penny Roberts, eds., *The massacre in history* (New York, NY, 1999), pp. 107–24; Will Coster, ‘Massacres and codes of conduct in the English Civil War’, in *ibid.*, pp. 89–106; Pádraig Lenihan, *Confederate Catholics at war, 1641–1649* (Cork, 2001), pp. 209–14; Nicholas Canny, ‘What really happened in Ireland in 1641?’, in Jane Ohlmeyer, ed., *Ireland from independence to occupation* (Cambridge, 1995), pp. 24–42.

⁹ Barbara Donagan, ‘Prisoners in the English Civil War’, *History Today*, 41 (1991), pp. 28–35, at p. 28.

¹⁰ Deposition of Ann Sherring, 10 Feb. 1643/4, Trinity College, Dublin (TCD), MS 821, fo. 181v. For other atrocities in Ireland see Brian Mac Cuarta, ‘Religious violence against settlers in south Ulster, 1641–1642’, in David Edwards, Pádraig Lenihan, and Clodagh Tait, eds., *Age of atrocity, violence and political conflict in early modern Ireland* (Dublin, 2007), pp. 154–75; Kenneth Nicholls, ‘The other massacre: English killings of Irish, 1641–1643’, in *ibid.*, pp. 176–91; Volmer, ‘Comparative study of massacres’, pp. 83–90, 112–34, 167–78, 183–206.

¹¹ Micheál Ó Siochrú, ‘Atrocity, codes of conduct and the Irish in the British Civil Wars, 1641–1652’, *Past and Present*, 195 (2007), pp. 55–86.

¹² *Ibid.*, pp. 71–9; Micheál Ó Siochrú, ‘Propaganda, rumour and myth: Oliver Cromwell and the massacre at Drogheda’, in Edwards, Lenihan, and Tait, eds., *Age of atrocity*, pp. 266–82; John Morrill, ‘The Drogheda massacre in Cromwellian context’, in *ibid.*, pp. 242–65.

¹³ N. A. M. Rodger, *The safeguard of the sea, a naval history of Great Britain, 1660–1649* (London, 1997), p. 418; Bernard Capp, ‘Naval operations’, in John Kenyon and Jane Ohlmeyer, eds., *The Civil Wars: a military history of England, Scotland and Ireland, 1638–1660* (Oxford, 1998), pp. 156–94; J. R. Powell, *The navy in the English Civil War* (London, 1962), pp. 58–70; Michael Baumber, ‘The navy and the Civil War in Ireland, 1643–1646’, *Mariner’s Mirror*, 75 (1989), pp. 255–68; Paul Kerrigan, ‘Ireland in the naval strategy, 1641–1691’, in Pádraig Lenihan, ed., *Conquest and resistance in seventeenth-century Ireland* (Leiden, 2003), pp. 152–64.

memoirs and manuals produced by veterans of the Thirty Years War provided soldiers and civilians with information on the actualities of war.¹⁴ These included the *Scotch military discipline* (1644) by Major General Robert Monro, who served in the Swedish army and became commander-in-chief of the Scots army in Ulster, in which he advised young and inexperienced officers on the treatment of prisoners of war.¹⁵ Sir James Turner, another officer who served with the Swedes in the 1630s, wrote an account of his experiences that included an in-depth analysis on the issue of prisoners of war and how the laws of war should be applied to the issue of quarter. He noted that, although prisoners should not be killed in cold blood, 'neither can the promise of Quarter secure Rebels from that death Rebellion deserves'.¹⁶ Irish soldiers, such as Garret Barry, also wrote military treatises, basing *A discourse of military discipline* (1634) on his experiences with the Spanish army in the Spanish Netherlands.¹⁷ By contrast, there are much fewer contemporary writings providing direction on this issue for sailors. In *A sea grammar* (1627) John Smith acknowledged the lack of naval manuals available for inexperienced officers, but offered advice to captains on how to treat captives seized on a prize at sea. They should look after any wounded men, women, or old men they found, whilst any sailors could be imprisoned and their goods pillaged.¹⁸

Given the lack of written guidelines, it is difficult to determine the norms of warfare at sea and the actual experience of captured seamen in the early modern period. The treatment of maritime prisoners varied considerably and factors such as time, place, and manner of capture, or the prisoner's religion, often determined the usage received. Spanish regulations from 1621, for example, ordered the summary execution of all Muslim sailors taken at sea by its ships.¹⁹ Survivors from the Spanish Armada shipwrecked in Ireland generally fared worse than those who came ashore in England because of fear that they would prompt an Irish rebellion. Sir Richard Bingham, the governor of Connacht, reportedly executed at least 1,100 men in the province. By contrast, Sir Francis Drake spared the lives of the crew of the badly damaged *Neustra Señora del Rosario*. Similarly, in November 1588 the Spaniards who came ashore from the *San Pedro Mayor* near Salcombe were spared.²⁰ Some of the most brutal atrocities that took place at sea in the sixteenth and seventeenth centuries occurred between Dutch and Spanish

¹⁴ Barbara Donagan, 'Halcyon days and the literature of war: England's military education before 1642', *Past and Present*, 147 (1995), pp. 65–100; Barbara Donagan, *War in England, 1642–1649* (Oxford, 2008), pp. 33–61.

¹⁵ Robert Monro, *The Scotch military discipline learned from the valiant Swede* (London, 1644), pp. 207–8.

¹⁶ Sir James Turner, *Pallas armata, military essayes of the ancient Grecian, Roman, and modern art of war written in the years 1670 and 1671* (London, 1683), pp. 335–47.

¹⁷ Garret Barry, *A discourse of military discipline divided into three boockes ...* (Brussels, 1634), pp. 1–211.

¹⁸ John Smith, *A sea grammar, with the plaine exposition of Smiths accidence for young seamen enlarged* (London, 1627), pp. 59–63.

¹⁹ Robert Stradling, *The Armada of Flanders, Spanish maritime policy and European war, 1568–1668* (Cambridge, 1992), pp. 39–46.

²⁰ *Calendar of state papers, domestic (CSPD), 1581–1590*, p. 588; Paula Martin, *Spanish Armada prisoners, the story of the Neustra Señora del Rosario and her crew, and of other prisoners in England, 1587–1597* (Exeter, 1998),

seamen. The duke of Alba, Spanish governor in the Netherlands, and Dutch privateers, known as ‘Sea Beggars’, regularly tortured and executed captured seamen.²¹ After the failure of the Armada in 1589, a group of survivors secured passes from Elizabeth I to sail from Scotland to Dunkirk. A flotilla of Dutch privateers ambushed the Spaniards, seized one vessel and threw 270 men overboard. According to Francisco de Cuéllar, who managed to escape and swim ashore, the Spanish subsequently reciprocated by killing 400 Dutch prisoners.²² The practice of drowning captured mariners continued into the 1620s and became known as ‘foot watering’.²³

Military commanders in the three kingdoms in the 1640s issued laws and ordinances to regulate the operations and administration of their forces. These articles, many adapted from other armies or previous campaigns, generally made few references to prisoners beyond an obligation to report them to commanding officers and a prohibition on the private disposal of captives.²⁴ Occasionally, some laws went further, such as those issued by the earl of Essex for the parliamentary army in 1642 which forbade the killing of prisoners and stated that ‘none shall kill an Enemy who yeelds and throwes downe his Armes’.²⁵ Surviving articles of war issued by the confederates, parliamentarians, and royalists in Ireland conform to such strictures.²⁶ While printed regulations offered little explicit guidance on the treatment of prisoners, a series of well-known customs and norms dictated how captives should be treated depending on the manner of their surrender.²⁷ Throughout the three kingdoms, breaches of these standards, too numerous to list, occurred. In an Irish context, officers knew of, and generally tried to adhere to, these codes of conduct. An anonymous ‘British officer’, who fought in Ulster, wrote that ‘after an enemy having surrendered his sword and arms, and is a prisoner ‘tis murder to kill him’.²⁸ Some commanders were even willing to punish

pp. 6–18, 43–4, 55–6; Colin Martin and Geoffrey Parker, *The Spanish Armada* (2nd edn, Manchester, 1999), pp. 213–25.

²¹ Geoffrey Parker, *The Dutch Revolt* (rev. edn, London, 1995), pp. 121–6, 131; Dingman Versteeg, *The sea beggars, liberators of Holland from the yoke of Spain* (New York, NY, 1901), pp. 109–12, 121–3; A. P. van Vliet, ‘Foundation, organisation and effects of the Dutch navy (1568–1648)’, in Marco van der Hoeven, ed., *Exercise of arms, warfare in the Netherlands, 1568–1648* (Leiden, 1997), pp. 153–72.

²² Francisco de Cuéllar, ‘Letter from one who sailed with the Spanish Armada ...’, in Patrick Gallagher and D. W. Cruickshank, eds., *Gods obvious design, papers for the Spanish Armada symposium, Sligo 1988* (London, 1990), pp. 223–47.

²³ Stradling, *Armada of Flanders*, pp. 39–46.

²⁴ Donagan, *War in England*, pp. 33–61; Donagan, ‘Codes and conduct’, pp. 83–7.

²⁵ The ordinances were revised and reprinted in later years. *Laves and ordinances of warre, established for the better conduct of the army by his excellency the earle of Essex* (London, 1642), p. 20.

²⁶ *Laves and orders of warre* (Dublin, 1641), p. 7; *Laves and orders of warre* (Waterford, 1643), pp. 6–7; *Laves and ordinances of warre, established for the good conduct of the army by Colonell Michael Jones* (Dublin, 1647), p. 10.

²⁷ For a detailed discussion of contemporary norms and codes of war see Donagan, *War in England*, pp. 135–211; Parker, ‘Early modern Europe’, pp. 40–58; Volmer, ‘Comparative study of massacres’, pp. 267–74.

²⁸ O Siochrú, ‘Atrocity, codes of conduct and the Irish in the British Civil Wars’, pp. 64–7; E. D. Hogan, ed., *The history of the war in Ireland from 1641 to 1653, by a British officer of the regiment of Sir John Clotworthy* (Dublin, 1873), p. 73.

their own men for violations of agreed terms of surrender. In 1645, the confederate earl of Castlehaven, commanding an army in Munster, executed two of his own men for breaking the terms of quarter he had granted to a castle in the province.²⁹

The issue of the treatment of prisoners captured at sea received equally little formal consideration. From 1642 onwards, the confederate association in Ireland relied exclusively on a fleet of licensed privateers to wage war against its enemies at sea. The confederate supreme council supplied letters of marque and instructions to captains who sailed under their colours, the letter of marque serving as a licence for a captain to seize any vessels suspected of trading with parliamentary ports. The issue of what to do with prisoners was not a high priority for the confederate admiralty. Surviving commissions, such as those for the *Mary of Antrim*, *St John of Waterford*, and *Cornelius of Wexford*, do not mention the issue.³⁰ Captain Joseph Content's instructions as commander of the *St Peter of Waterford* stipulated that he should bring any prisoners seized into a confederate harbour where he should hand them over to a port officer for questioning to establish the legitimacy of his prize. A commander could only release captured seamen if he feared they might overpower his crew.³¹ No surviving orders given to captains with confederate letters of marque authorized the killing of prisoners taken at sea.

By contrast, additional instructions set out by the admiralty in the spring of 1643 dealt extensively with the issue of Irish prisoners. In general, English sailing instructions given to naval captains provided considerable guidance for officers and covered most aspects associated with running a man-of-war. As in Ireland, however, parliamentary instructions included few provisions relating to prisoners other than to bring some ashore to be examined by an admiralty court.³² This changed in April 1643 when additional instructions were issued to Richard Swanley which related exclusively to Ireland and not to parliamentary commanders on other stations. In conjunction with standard directions, they ordered Swanley to prevent any Irish coming to England, stating that 'as for the Irish Rebels you are to use Martiall Lawe on them both by sea and land' and that he should 'use a more free and liberall hand over them in executing Martiall lawe upon them'.³³ The lord high admiral, the earl of Warwick, reiterated these

²⁹ [James Tuchet], earl of Castlehaven, *The earl of Castlehaven's review: or his memoirs of his engagement and carriage in the Irish wars* (London, 1684), pp. 108–9.

³⁰ Commission for the *Mary of Antrim*, 22 Nov. 1648, The National Archives (TNA), High Court of Admiralty (HCA) 13/248; commission for the *St John of Waterford*, 22 Nov. 1648, and commission for the *Cornelius of Wexford*, 9 July 1649, TNA, HCA 13/250, part 1.

³¹ Instructions to be observed by captains in the service of the confederate Catholics, 24 Dec. 1648, TNA, HCA 30/854, fos. 408–10; *Perfect occurrences of every daies journall in parliament: proceedings of the council of state: and other moderate intelligence. From Fryday July the 6 to Fryday July the 13 1649* (London, 1649), pp. 1105–7.

³² Instructions for Captain William Penn, 16 July 1645, National Maritime Museum, WYN 2/3, fos. 1–14; instructions for Captain Richard Swanley, 10 Apr. 1643 British Library (BL), Add. MS 4106, fos. 199–203v.

³³ Additional instructions for Captain Swanley, 10 Apr. 1643 BL, Add. MS 4106, fos. 203–4.

commands in May 1643 when he reminded Swanley to put to death any who tried to cross from Ireland to England to cause disturbance and that he should be ‘very strict in your justice’.³⁴ These explicit instructions authorized the parliamentary Irish squadron to execute any soldiers detained at sea crossing to England and promised parliamentary protection to Swanley for his obedience.³⁵

II

Despite receiving these orders in April and May 1643, Swanley did not kill any prisoners seized by his squadron in the Irish Sea until April 1644. The delay that occurred from the initial issuing of the orders to the drowning of the Irish captives a year later cannot be attributed to a lack of prizes during that time. The fleet intercepted at least eleven ships going to and from confederate ports in Ireland.³⁶ In November 1643, for instance, the *Sampson* captured the *Fortune of Wexford* en route to Spain laden with pipe staves.³⁷ None of these prizes met the criteria laid down for executing prisoners captured at sea. The ships apprehended by the navy in this period consisted of merchantmen, rather than troop transports. The vessel Swanley intercepted in April 1644 thus had the misfortune to be the first ship carrying soldiers that he detained since regiments from Ireland began to arrive in England and Wales.

The conclusion of a cessation of arms between the confederates in Ireland and Charles I in September 1643 greatly influenced Swanley’s treatment of captured Irishmen the following year. Following the outbreak of the Ulster rising in October 1641, stories of massacres in Ireland circulated in print and by word of mouth from fleeing refugees.³⁸ Pamphlets such as *A remonstrance of divers remarkable passages concerning the church and kingdome of Ireland* outlined the rebels’ motivations, intentions, and cruelties visited on the Protestants in graphic detail.³⁹ Rebellion in Ireland also heightened fears in England of ‘popish plots’ and invasions from across the Irish Sea.⁴⁰ From a parliamentary perspective, the threat of an Irish army crossing to England finally occurred in the autumn of 1643. The end to hostilities in Ireland allowed James Butler, marquis of Ormond, the king’s lord lieutenant, to transport the bulk of the royalist army to England. In reality, most

³⁴ Private instructions to Captain Swanley, 6 May 1643, *ibid.*, fo. 205r–v.

³⁵ Additional instructions for Captain Swanley, 10 Apr. 1643, *ibid.*, fo. 204.

³⁶ Elaine Murphy, ‘“No affair before us of greater concern”: the war at sea in Ireland, 1641–1649’ (Ph.D. thesis, TCD, 2007), pp. 415–16.

³⁷ Examination of Gabriel Hughes, 23 Jan. 1644/5, TNA, HCA 13/59, fo. 616.

³⁸ Keith Lindley, ‘The impact of the 1641 rebellion upon England and Wales, 1641–1645’, *Irish Historical Studies*, 18 (1972), pp. 143–76; David O’Hara, *English newsbooks and the Irish rebellion, 1641–1649* (Dublin, 2006), pp. 33–7.

³⁹ *A remonstrance of divers remarkable passages concerning the church and kingdome of Ireland* (London, 1642), pp. 1–80.

⁴⁰ Lindley, ‘Impact of the 1641 rebellion’, pp. 151–60; Ethan Shagan, ‘Constructing discord: ideology, propaganda and English responses to the Irish rebellion of 1641’, *Journal of British Studies*, 36 (1997), pp. 4–34.

of the men who crossed to England consisted of returning English and Welsh veterans who had been sent to suppress rebellion in Ireland in 1641 and 1642. Mark Stoye has estimated that, between October 1643 and March 1644, approximately 7,740 men sailed from Ireland to join royalist armies in England. Of this force, Stoye calculated that only about 1,200 can be identified as Irish soldiers.⁴¹ Nevertheless, parliamentary propaganda portrayed this force as mainly comprising Irish Catholics who sought ‘to joyne with the Papists here to destroy the Protestants, and for the utter extirpation of the Protestant religion’.⁴²

From a naval perspective, the arrival of extra forces to strengthen the royalists in Wales threatened the security of the key parliamentary harbour at Milford Haven. At the time of the cessation in Ireland, the English navy lost the use of harbours at Dublin, Cork, Youghal, Kinsale, and Duncannon which left Milford Haven as the base of operations for ships assigned to guard the Irish coast. In late 1643, however, royalist forces commanded by Richard Vaughan, second earl of Carbery, overran most of Pembrokeshire and threatened to seize this key parliamentary harbour. In January 1644, Swanley arrived at Milford Haven with a squadron of five ships. Swanley’s fleet assisted the army, under Major General Rowland Laugharne, in relieving the town of Pembroke and clearing the county of royalist forces in February and March.⁴³ It was around this time that reports relating to the execution of Irishmen captured in England began to appear in parliamentary news books. In November 1643, for example, *The kingdomes weekly intelligencer* claimed that parliamentarians at Liverpool planned to ‘make short work’ with some captive Irish. The following February, *The true informer* reported that Sir William Brereton, the parliamentary commander in Cheshire, intended to execute some Irishwomen, possibly by tying them back-to-back and casting them into the sea.⁴⁴ Paranoia over the landing of soldiers from Ireland, pressure on the naval outpost at Milford Haven, and reports of the killing of Irish prisoners thus combined to render the early months of 1644 the worst possible time for a ship, laden with soldiers coming from Ireland, to be captured by the English navy.

The 150 soldiers captured by Swanley in April sailed from Dublin and, according to the marquis of Ormond, had fought against the rebels in Ireland since the outbreak of the rebellion.⁴⁵ Swanley spared the lives of those who

⁴¹ Mark Stoye, *Soldiers and strangers: an ethnic history of the English Civil War* (London, 2005), pp. 53–62, 209–10.

⁴² *An exact relation of foure notable victories obtained by the parliaments forces* (London, 1644), pp. 3–4.

⁴³ *An exact relation of that famous and notable victorie obtained at Milford-Haven against the earle of Carbery his forces* (London, 1644), pp. 1–9; Powell, *The navy in the English Civil War*, pp. 58–61.

⁴⁴ *The kingdomes weekly intelligencer sent abroad again to prevent mis-information. From Tuesday the 7 of November, to Tuesday the 14 of Novemb. 1643* (London, 1643), p. 241; *The true informer ... From Saturday January 27 to Saturday February 3 1643* (London, 1644), p. 151.

⁴⁵ Some of the soldiers may have formed part of the garrison at St Augustine’s fort in Galway that held out against the confederates until June 1643. Ormond to the archbishop of York, 27 May 1644, J. R. Powell and E. K. Timings, eds., *Documents relating to the Civil War, 1642–1648* (Navy Records Society, London, 1963), p. 141; Ormond to Sir John Mennes, 29 May 1644, Thomas Carte, *The life of*

swore the Solemn League and Covenant.⁴⁶ Those who refused to take the Covenant – seventy men and two women – were thrown overboard and drowned. Swanley's brutal actions had the desired effect of slowing down the transportation of soldiers to aid Charles I. News of the atrocity made men preparing to sail from Dublin unwilling to venture across the Irish Sea, whilst the killing of Irish soldiers taken in England and Wales continued during the summer and autumn of 1644.⁴⁷ The parliamentary garrison at Bolton hanged a captured Irishman from the town ramparts. Later in July, the earl of Essex approved the killing of Irish prisoners taken at Dorchester stating that 'he would not have quarter allowed to those'.⁴⁸ In October 1644, parliament granted official sanction to the killing of Irish prisoners when it passed an ordinance which stated that no officer on land or sea was to grant quarter to any Irishman or Catholic born in Ireland, captured in arms against parliament in England.⁴⁹

After the passing of this ordinance, a number of atrocities at sea can be identified sporadically thereafter. Naval captains received orders from the committee of the admiralty reminding them to carry out this directive.⁵⁰ As well as executing Irishmen captured in arms, parliamentary sailors also killed some civilians and merchant seamen they seized. In December 1644, Thomas Plunkett from the *Discovery* found two friars disguised as mariners aboard the *Nostra Dama of Le Croisic* sailing for Limerick. Plunkett tortured the friars by placing lighted match between their fingers before throwing them overboard.⁵¹ Two years later, Captain John Gilson in the *Constant Warwick* allegedly cast fifteen men from Wexford overboard.⁵² Newsbooks and pamphlets provided detailed accounts of executions by parliamentary naval officers. These reports need to be treated with caution, especially in relation to atrocities and accusations of torture. Stories of the use of burning match placed between victims' fingers to elicit intelligence or a confession are widespread throughout the 1640s. Writers sometimes fabricated or exaggerated stories such as the description in a pamphlet from 1645 of some English sailors finding a priest with a box of pardons for Catholics in England and

James, duke of Ormond: containing an account of the most remarkable affairs of his time, and particularly of Ireland under his government (2nd edn, 6 vols., Oxford, 1851), VI, p. 136.

⁴⁶ The Solemn League and Covenant was the alliance made in August 1643 between parliament in England and the Scots.

⁴⁷ Ormond to the archbishop of York, 27 May 1644, Powell and Timings, eds., *Documents*, p. 141.

⁴⁸ Stoyle, *Soldiers and strangers*, pp. 68–9.

⁴⁹ *Two ordinances of the Lords and Commons assembled in parliament*, pp. 1–2.

⁵⁰ Committee of the Lords and Commons of the admiralty and cinque ports, 17 Dec. 1646, House of Lords Record Office (HLRO), PO JO 10 1 220, fo. 120.

⁵¹ Match was a piece of wick or cord, which burns at a uniform rate, used to light a canon or musket. Interrogatory for the *Nostra Dama*, n.d., TNA, HCA 23/14; examinations of Owen Dalie and Connor O'Connor, 31 Dec. 1644, TNA, HCA 13/246; examinations of Richard Poole and William Smart, 23 June 1645, TNA, HCA 13/60.

⁵² It is not clear if the Wexford men were combatants or non-combatants or passengers or mariners. Committee of the Lords and Commons of the admiralty and cinque ports, 17 Dec. 1646, HLRO, PO JO 10 1 220, fo. 120; Robert Vennard to his wife, 9 Nov. 1646, *ibid.*, fo. 123.

Ireland inside a whale's belly.⁵³ In July 1644, *Perfect occurrences of parliament* reported that Captain Robert Moulton had thrown other Irish captives overboard.⁵⁴ In August 1646, the *Scottish dove* related the drowning of sixty Irish sailors, from a confederate privateer, after their seizure by two unnamed parliamentary warships.⁵⁵ Overall, most of the incidents involving the drowning of prisoners at sea by parliamentary forces relate to soldiers and civilian passengers on ships rather than to mariners. By comparison, English royalist sailors who surrendered to parliamentary forces could expect favourable treatment; indeed many duly deserted the king's service. In August 1643, for example, the master and crew of the *Fellowship of Bristol* overpowered their captain and yielded the ship to Captain William Smith in the *Swallow* after receiving guarantees concerning payment of their wages.⁵⁶

By contrast, the confederates do not seem to have been as willing to execute prisoners at sea. A number of well-known incidents of drowning prisoners in rivers nevertheless took place in Ireland in the 1640s. In November 1641, the rebels in Ulster drove approximately 100 Protestant men, women, and children into the River Bann.⁵⁷ This was followed in January 1642 by an incident in Wexford Bay in which eyewitnesses claimed that Irish sailors deliberately cast away a ship taking Protestant refugees to England. They stated that only the mariners and a Catholic woman reached safety whilst the rebels forced any Protestants that swam ashore back into the sea where they drowned.⁵⁸ Newsbooks occasionally published stories of atrocities perpetrated by Irish privateers. In December 1644, *The kingdoms weekly intelligencer* reported that an unnamed Irish man-of-war seized a vessel sailing from London to Rotterdam and shot the master and threw the crew into the sea.⁵⁹ Some Irish sailors threatened to adopt a hard-line approach to Englishmen apprehended at sea. In 1643 a privateer, named Donnell, vowed to decapitate any English sailors he took at sea and when some captive seamen were brought before him, asked 'why did you bring these parliament doggs a shore could not you throwe them over board'?⁶⁰ Overall, despite such incidents and threats, the confederates do not appear to have

⁵³ *A true and wonderfull relation of a whale, pursued in the sea, and encounterd by multitudes of other fishes, as it was certified by divers mariners of Weymouth* (London, 1645), pp. 1–8; O'Hara, *English newsbooks*, pp. 47–8; Joad Raymond, *The invention of the newspaper, English newsbooks, 1641–1649* (Oxford, 1996), pp. 276–80; Shagan, 'Constructing discord', pp. 7–34; Donagan, *War in England*, p. 343.

⁵⁴ *Perfect occurrences of parliament, and chief collections of letters. From Friday the 19 July till Friday the 26 of July 1644* (London, 1644), p. 5.

⁵⁵ *The Scottish dove sent out and returning, from Wednesday the 12 of August till Wednesday the 19 of August 1646* (London, 1646), p. 7.

⁵⁶ *Severall letters of great importance and good successe* (London, 1643), pp. 1–4.

⁵⁷ Deposition of Elizabeth Price, 26 June 1643, TCD, MS 836, fos. 101r–105v.

⁵⁸ Depositions of John Archer and Mathew Mudford, 12 Mar. 1641/2, TCD, MS 818, fo. 19r–v; deposition of Thomas Lucas, 7 Feb. 1641/2, *ibid.*, fo. 18.

⁵⁹ *The kingdoms weekly intelligencer ... From Tuesday the 3 of December to Tuesday the 10 December 1644* (London, 1644), pp. 671–2.

⁶⁰ Deposition of John Sellor, 29 May 1643, TCD, MS 820, fo. 298r–v.

perpetrated a large number of executions at sea against captured parliamentary mariners. Robert Venard, an English mariner incarcerated in Wexford, and therefore a possibly unreliable source, even went so far as to write to his wife to refute claims that the confederates threw captured sailors overboard.⁶¹

Hence, neither side ever fully implemented a policy of executing sailors or soldiers detained at sea. Indeed, only a few months after the massacre at Milford Haven and before the passing of the parliamentary ordinance prohibiting the granting of quarter to Irishmen in October 1644, the earl of Warwick reluctantly accepted the necessity of exchanging maritime prisoners with the confederates. In August of that year, Warwick approved the freeing of twenty-four Irishmen taken on the *Mary and Dorothy* and held in London for twenty-seven Englishmen detained in Wexford and Limerick, describing the exchange as ‘a work of charity to get our men from under so base an enemy’.⁶² Local parliamentary commanders in Ireland often preferred to make their own arrangements with the confederates for any captured sailors brought into their garrisons. Lord Inchiquin, the commander in Munster, retained the Irish sailors taken in the *Phoenix of Flushing* and brought into Cork until they could be exchanged for Protestant captives.⁶³

The dangers of engaging in a policy of large-scale executions had been fully realized on land in the three kingdoms. In February 1645, parliamentary forces executed a number of Irish soldiers after seizing the town of Shrewsbury. Prince Rupert, a royalist commander, retaliated by executing the same number of parliamentarians. Rupert warned Essex that the continuation of these tit-for-tat killings would make the war ‘much more mercilesse and bloody then it hath been’.⁶⁴ From a naval standpoint, the threat of retaliatory executions was equally real for parliamentary seamen. Throughout the 1640s, frigates with confederate commissions operating from ports such as Wexford and Waterford seized large quantities of English merchant shipping. If English naval officers regularly put to death captured Irish mariners then the confederates promised retaliation. As Irish forces usually held around 150 English and Scottish seamen in their port towns, this threat was taken seriously. The prospect of retaliatory executions quickly persuaded most warring parties of the need for moderation in dealing with captives. Even the Dutch suspended their practice of ‘foot watering’ Flemish privateers for fear of reprisal as numerous Dutch captives were held in Dunkirk.⁶⁵

Officials in confederate port towns, such as Wexford, sought to assure parliamentary commanders that they would take retaliatory measures if Irish sailors were killed. In June 1646, Captain Mathew Woods in the *Samuel*, blockading Dublin Bay, seized a small bark carrying forty confederate soldiers. When he

⁶¹ Robert Vennard to his wife, 9 Nov. 1646, HLRO, POJO 10 1 220, fo. 123.

⁶² *CSPD*, 1644, p. 557.

⁶³ Order by Inchiquin, 9 Jan. 1645/6, TNA, HCA 13/248.

⁶⁴ *A letter from the earl of Essex to his highnesse Prince Rupert ... with his highnesse answer thereunto* (Bristol, 1645), pp. 1–10.

⁶⁵ Stradling, *Armada of Flanders*, p. 45.

asked Ormond to help secure the release of English seamen held at Wexford, the marquis wrote directly to the town's mayor to try to arrange an exchange of prisoners.⁶⁶ In reply, Walter Turner, the mayor of Wexford, indicated that he had already released the captives, adding a warning that if Woods executed any of the Irishmen he held, then ten English sailors would be killed for each Irishman in retaliation.⁶⁷ Jaspas Bolan, the next mayor of Wexford, reiterated this threat. Later in November of the same year, Bolan wrote to parliament after receiving news of the killing of fifteen townsmen at sea, reminding the Commons that he held approximately 168 Englishmen in his custody and warning that he would respond in kind unless he received assurance that the navy would cease its practice of drowning Irishmen. To illustrate his point, he placed the English captives he held in a 'woeful dungeon' for fifteen days.⁶⁸ Parliament thus could not afford to engage in reprisal killings of seamen. If English mariners who feared for their lives refused to go to sea, then the fishing industry and parliament's overseas trade would suffer. In 1649 the council of state advised the generals at sea to arrange exchanges of maritime prisoners as 'it will do much to the satisfaction of the seamen, when they see that care is had of them'.⁶⁹

The spread of reciprocity was a key factor that led to restraint in early modern warfare. Geoffrey Parker, writing on this subject, argued that for reciprocity to work, there must be 'some recognition of adversaries from earlier encounters and some certainty that the two sides will meet again'.⁷⁰ In contrast to the armies that fought in the three kingdoms, the prospect of meeting the same foe again and possibly becoming a prisoner did not effectively apply to most sailors who served in the parliamentary navy in the 1640s. Soldiers in a small geographic area might encounter each other on multiple occasions at different sieges, skirmishes, and battles over the course of the war. In the war at sea, with no battles and Irish privateers preferring to prey on easy merchant targets, very few mariners in the employ of the English state fell into confederate hands. Between 1641 and 1649, only six men-of-war owned or on hire to parliament can be definitely identified as having been seized by the confederates.⁷¹

While the confederates did not seize many sailors from parliamentary men-of-war, they did detain large numbers from English merchant vessels. At least 293 ships can be identified from prize records in the 1640s.⁷² The parliamentary navy and its crews did not operate in isolation from the rest of the population who earned their living from the sea. From the outset of the war this may have made parliamentary seamen reluctant to execute their confederate counterparts. Many sailors captured by the confederates probably had friends and relatives serving in

⁶⁶ Mathew Woods to Ormond, 22 June 1646, Bodleian Library, Oxford (Bodl.) Carte MS 17, fo. 559; Ormond to mayor of Wexford, 23 June 1646, *ibid.*, fo. 582.

⁶⁷ Mayor of Wexford to Ormond, 30 June 1646, *ibid.*, fo. 617.

⁶⁸ Jaspas Bolan to the Commons, 22 Nov. 1646, HLRO, POJO 10 1 220, fo. 122; Committee of the Lords and Commons of the admiralty and cinque ports, 17 Dec. 1646, *ibid.*, fo. 120.

⁶⁹ *CSPD, 1649–1650*, p. 138.

⁷⁰ Parker, 'Early modern Europe', pp. 55–7.

⁷¹ Murphy, 'War at sea in Ireland', p. 188.

⁷² *Ibid.*, p. 257.

the navy and the sailors and officers who manned the state's ships often first went to sea in the merchant or fishing fleets. The council of state described the fishing industry as 'the very nursery and means of breeding our mariners and seamen, and without which we could not supply our naval forces'.⁷³ Robert Moulton, for instance, had sailed on trading voyages to the Americas before the war whilst his son, Robert junior, also served in the navy. Equally, Irish sailors or officials in ports who might threaten to execute English seamen also often had relatives at sea who, if captured, might face a similar fate. Nicholas Hay, the mayor of Wexford in 1643, had a brother, William, who commanded the *St Patrick of Wexford*.⁷⁴ Some parliamentary officers can likewise be identified as having seafaring relatives seized by the confederates. Captain Thomas Plunkett's brother, Robert, commanded a privateer named the *Sampson* on the Irish coast. In January 1647 it was seized in Galway Bay by Captain Darcy. Reciprocity clearly worked in this instance. The confederates had released Robert Plunkett by October 1647 when he testified before the high court of admiralty in London.⁷⁵ These men came from, and lived, in the same maritime communities as sailors held by the confederates. Maritime towns and parishes in London, such as Ratcliff, appeared in numerous depositions from seamen in merchant vessels and men-of-war. In 1643, for example, two Irish frigates seized Jacob Frasor, a sailor from Ratcliff in a merchantman called the *Trade*. Numerous sailors and officers in state men-of-war and privateers gave their address as this parish, including William Martell, the master's mate of the *Constant Warwick*, Thomas Drew, a mariner in the *Warwick* frigate, and Richard Waters, a common seaman in the *Hunter*.⁷⁶ Therefore, the fear that their friends and relatives might suffer if they carried out the full rigours of parliamentary policy probably encouraged reciprocity at sea.

III

As the war at sea on the Irish coast intensified from 1645 on atrocities became less common and reciprocity and prisoner exchanges became the norm. The strength of parliamentary squadrons assigned to patrol the Irish coast increased and the navy played an active part in the coastal sieges at Duncannon and Youghal in 1645 and Bunratty in 1646. The strength of the confederate privateering fleet also increased considerably from 1646 on.⁷⁷ This led to the seizure of large numbers of ships and captives by both the confederates and parliamentarians. Therefore, in

⁷³ *CSPD, 1649–1650*, p. 202.

⁷⁴ Jane Ohlmeyer, 'The Dunkirk of Ireland; Wexford privateers during the 1640s', *Journal of the Wexford Historical Society*, 12 (1988–9), pp. 23–49, at p. 34.

⁷⁵ Examinations of Robert Plunkett and William Bamber, 2 Sept. and 22 Oct. 1647, TNA, HCA 13/62.

⁷⁶ Examination of Jacob Frasor, 3 Oct. 1643, TNA, HCA 13/58, fos. 631v–632v; examinations of Richard Waters and William Martell, 30 Aug. 1647 and 8 Mar. 1647/8, TNA, HCA 13/62; examination of Thomas Drew, 29 Jan. 1645/6 TNA, HCA 13/60.

⁷⁷ Murphy, 'War at sea in Ireland', pp. 99–169, 378–473.

December 1646, parliament recognized the practicality of maritime prisoner exchange and the House of Commons approved the policy.⁷⁸ Officers who formerly executed prisoners actively participated in this process. Captain Swanley, for example, wrote to the confederate supreme council in February 1647, offering to exchange 150 men he held for 160 sailors imprisoned at Wexford and Kilkenny.⁷⁹ Even privateer commanders might be freed if they had treated captured Englishmen honourably and if prisoners of similar status in Irish captivity could be found to exchange. In March 1648, the committee of the admiralty approved the release of Captain William Hoville, the commander of the privateer the *Angel Keeper of Waterford*, on this basis.⁸⁰

However, problems involving the high cost of detaining men and a shortage of space meant that a formal exchange process was not the most practical manner of dealing with most maritime captives. By the spring of 1649 substantial numbers of Irishmen taken at sea were held in English prisons. With preparations underway for the invasion of Ireland and a large royalist fleet, under the command of Prince Rupert, anchored at Kinsale, parliament forbade the exchanging of Irish mariners on security grounds. By May of that year the council of state reported that they held between 400 and 500 Irish sailors and required instructions on how to dispose of these men.⁸¹ Complaints from coastal towns such as Plymouth highlighted a lack of capacity in the gaol and security concerns relating to holding important prisoners in the town.⁸² In order to help alleviate the problem of maritime detainees, parliament ordered the release of non-Irish sailors. By the middle of May 1649 the policy of arranging exchanges for captured Irish seamen had been reinstated.⁸³ To improve further the situation the navy received orders a few months later to set directly French and Flemish prisoners ashore in their home countries rather than bring them into an English port.⁸⁴ Some parliamentary captains also chose to adopt this approach to dealing with Irish prisoners and put them ashore on the nearest land, rather than bring them into port. In 1649 Captain Harrison in the *Phoenix* set all the seamen from the *St Peter of Waterford* ashore. Captain Wynd of the *Adventure of London* also landed twenty crewmen of the *Margaret of Waterford* in Holland after capturing the vessel.⁸⁵ Like their parliamentary counterparts, confederate officers sometimes landed captured crews

⁷⁸ Order by the Lords and Commons, 31 Dec. 1646, HLRO Main papers, POJO 10 1 220, fo. 119; *Commons Journals*, v, pp. 33–5.

⁷⁹ *Commons Journals*, v, pp. 33–5; *Mercurius Diutinus, collector of the affaires of great Britaine and martiall proceedings in Europe. Number 11* (London, 1646/7), p. 83.

⁸⁰ Committee of the Lords and Commons for the admiralty and cinque ports, 16 Mar. 1647/8, BL, Add. MS 9305, fo. 14v. ⁸¹ *CSPD, 1649–1650*, pp. 118–19, 162.

⁸² Timothy Alsop to the council of state, 12 July 1649, Charles McNeill, ed., *The Tanner letters: original documents and notices of Irish affairs in the sixteenth and seventeenth centuries* (Irish Manuscripts Commission, Dublin, 1943), p. 314. ⁸³ *CSPD, 1649–1650*, p. 138.

⁸⁴ *Ibid.*, pp. 252, 255.

⁸⁵ *A perfect diurnal of some passages in parliament. From Munday July 9 to Munday July 16 1649* (London, 1649), p. 2558; examination of Captain Wynd, 23 Mar. 1649/50, TNA, HCA 13/251, part 1.

on the closest shore. The *Cornelius of Wexford* set the company of a Dover ship on shore after they set the vessel on fire.⁸⁶

After being freed many Irish seamen returned to Ireland. In 1649 Lawrence Trehy and John Brennan were seized en route from Galway to Spain. On their return to Ireland in August, they gave a detailed account of the preparations taking place around Milford Haven for Cromwell's army.⁸⁷ Some Irish mariners had the misfortune to be captured more than once by parliamentary ships. In 1643 Christopher Turner from Wexford, for example, was detained on the *Margaret of Wexford*. Later in October 1649 Turner escaped with his life, but lost a twelve gun frigate, the *Mary Conception of Wexford*, when Cromwellian forces stormed that town. In 1650, the parliamentary navy seized Turner again in the privateer the *Peter of Scilly*.⁸⁸ Elsewhere, some English mariners gained their freedom by serving on Irish ships. If recaptured by parliament they usually claimed, echoing Thomas Webb, arrested on the *Fortune of Wexford* in 1643, that they had been coerced into service by their captors.⁸⁹ Religious differences generally precluded the pressing of Catholic confederate sailors by English naval vessels.

IV

Despite the setting free of some prisoners many parliamentary naval officers and town officials continued to face the problem of feeding and housing prisoners until appropriate exchanges could be arranged. The treatment received by confederate sailors detained by parliament varied depending on the circumstances of their capture. After their surrender, soldiers and sailors could generally expect to be robbed of their money and clothes. Men on all sides also complained about harsh conditions in the prisons in which they found themselves incarcerated. Mariners seized by parliamentary men-of-war underwent similar hardships. The crew of a Kinsale bark seized in Devon in 1642 and suspected of carrying soldiers for Ireland complained that their goods had been seized and that they 'are lyable to remaine in great misery' in Newgate prison. Inventories taken for the high court of admiralty from captured vessels often listed the personal property of mariners. An inventory for the *St Nicholas* seized near Waterford in 1649, for example, concluded 'and all the money and goods of the mariners'.⁹⁰ Parliament incurred high costs in maintaining captive seamen in its gaols. Initially they granted a daily allowance of 3*d* to the keeper of Marshalsea prison to maintain Irish sailors detained there. This was less than the daily allowance of 6*d* generally given for the upkeep of prisoners of war by both sides in England. Later

⁸⁶ Examination of Peter Dolard, 3 Nov. 1649, HCA 13/250, part 1.

⁸⁷ Michael Bolan to Ormond, 6 Aug. 1649, Bodl., Carte MS 25, fo. 165r-v.

⁸⁸ Examination of Christopher Turner, 27 Mar. 1643, TNA, HCA 13/246; examination of Christopher Turner, 30 July 1650, TNA HCA 13/251.

⁸⁹ Examination of Thomas Webb, 13 Nov. 1643, TNA, HCA 30/863.

⁹⁰ Inventory of the goods on the *St Nicholas*, 5 Nov. 1649, TNA, HCA 13/251, part 1; *The petition of the rebels in New-Gate* (London, 1642), pp. 1-6.

in the war the council of state ordered an increase to 8*d* per day in the amount allowed to prisoners of war taken at sea. The committee of the navy also approved payments to pursers on warships for the victualling of men detained on Irish prizes. In November 1647, they ordered £17 7*s* 8*d* be paid to John Attawell, the purser of the *Assurance*, for captives taken in the Irish Sea.⁹¹

As well as being robbed and kept in unfavourable prison conditions, some captives were assaulted and tortured by their captors. The torture of prisoners at sea usually involved some personal motivation by the naval officers rather than having official government approval. Captain William Penn, in the *Assurance*, humiliated some high-ranking Spanish nobles intercepted in the *St Patrick of Waterford* en route to Bilbao in late 1646. Penn stripped Don Juan de Urbina naked and left him with the seamen. The Spanish ambassador in London complained about this incident to the committee of the admiralty who ordered the Spaniard's release.⁹² Penn's actions can probably be attributed to the detention of his brother, George, then a prisoner in Spain. Penn's abuse of the Spaniards did not receive official sanction but it seems to have been effective as his brother was released soon afterwards.⁹³

Other commanders that adopted a harsh line when dealing with Irish prisoners may have acted for personal profit. In order for a ship to be condemned by the admiralty court as a legitimate prize it had to be sailing to or from a port in hostility to parliament. Some captains tortured prisoners to force them to confess that they sailed to rebel ports in Ireland. Adrian Block, the master of the *Charity of Flushing*, alleged that Captain John Gilson, in the *Constant Warwick*, tortured an Irish passenger named Richard Butler to make him say that the vessel sailed for the confederate held town of New Ross. Block maintained that the *Charity* carried salt for Dublin, a parliamentary harbour.⁹⁴ In October 1646 the passengers on the *John of London*, claimed that Captain Thomas Plunkett threatened to hang or shoot any who refused to sign a confession that said the ship was bound for a confederate town. Later the men recanted their confessions insisting that they had given false statements under duress. Plunkett denied such accusations and produced papers from the *John* that showed the ship's destination as the rebel-held towns of Galway, Limerick, or Tralee.⁹⁵

⁹¹ Payment for James Lindsey, keeper of Marshalseas, 23 Nov. 1644, TNA, E351/2513; payment for John Attawell, 29 Nov. 1647, *ibid.*; *Commons Journals*, II, pp. 909–10; C. H. Carlton, *Going to the wars: experience of the British Civil Wars, 1638–1651* (London and New York, NY, 1992), p. 246; *CSPD, 1649–1650*, p. 113.

⁹² Granville Penn, ed., *Memorials of the professional life and times of Sir William Penn ...* (2 vols., London, 1883), I, pp. 230–1.

⁹³ Penn, ed., *Memorials*, I, pp. 231–3.

⁹⁴ Examination of Adrian Block by the aldermen and council of Flushing, Feb. 1648/9, TNA, HCA 13/249.

⁹⁵ Examination of Richard Shone and Richard Webster, 12 and 15 Oct. 1647, TNA, HCA 13/62; answers of Thomas Plunkett and Daniel Kendall, 12 and 15 Sept. 1645, TNA, HCA 13/120; 3 bills of lading, 1 and 10 Aug. 1646, TNA, HCA 23/15; sentence for the *John of London*, n.d., TNA, HCA 34/1, fo. 622.

The allegations made against John Gilson and Thomas Plunkett suggest that they abused prisoners to extract confessions to legitimize prizes. As many of the intercepted vessels carried merchandise of considerable value, this may well have been a factor in their actions. The *John of London*, for example, laded tobacco weighing 180,000 pounds.⁹⁶ This may have made captains willing to threaten or torture the crew and passengers to improve their claim to the prize. The fact that many merchant ships carried false documentation to avoid seizure if detained by parliamentary men-of-war may also have persuaded captains, such as Plunkett and Gilson, to apply ruthless methods. Passengers on the *Mary of St Malo* gave evidence against her master after its capture in June 1649. According to their statements the master carried 'false writings' indicating the *Mary* was bound for the parliamentary port of Dublin, although it actually laded a cargo of barrel staves at confederate held New Ross.⁹⁷ While parliament never formally approved of the use of torture by its naval captains it equally never sanctioned officers like Gilson, Penn, and Plunkett for their actions on the Irish coast.

V

The 'unparalleled murder' of Irish men taken at sea that *Mercurius Aulicus* reported in May 1644 proved to be the best-documented incident of this type to take place during the 1640s. Other killings of prisoners captured at sea occurred thereafter, but they received less coverage in contemporary publications. There is a disparity between the polemic of the confederates and parliamentarians and the actuality of the war on the Irish coast. The language of both warring parties threatened no quarter for captured mariners and parliamentary press regularly praised naval officers who executed prisoners at sea. However, the realities of war at sea and the prospect of tit-for-tat executions, as on land, limited the worst excesses on both sides. The execution of captives never became the norm for any of the naval forces fighting in the seas around Ireland. After the initial phase of atrocities at sea the maritime conflict in Ireland became less brutal and bloodier as the war progressed. As both the confederates and parliamentary fleets in Irish waters increased from 1647, the number of prisoners of war rose substantially as both sides detained more ships. Neither side could afford to implement such a severe policy. The presence of so many English sailors imprisoned in Irish ports generally constrained the actions of parliamentary commanders such as Richard Swanley. If the navy executed all Irish mariners they captured, they could expect the confederates to retaliate by killing English sailors. As had happened elsewhere in the seas around Europe, reciprocity precluded ruthlessness. Hence, exchange, rather than execution, became the norm for prisoners taken at sea.

⁹⁶ Examination of Thomas Winter, 9 Sept. 1647, TNA, HCA 13/62.

⁹⁷ Examination of James Cordier, 15 July 1649, TNA, HCA 13/250, part 1.