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The Lamentable Case of Admiral Byng

Dans ce pays-ci, il est bon de tuer de temps en temps un amiral pour encourager les autres.

In this country, it is good to shoot an admiral from time to time, in order to encourage the others. -Voltaire, Candide

For most of us, Voltaire's famous witticism about the execution of Admiral John Byng is better known than are the facts of the unfortunate admiral's case—further proof, if any were needed, of the relative might of pen and sword. Some few of our members, searching through the mind's attic for stray factoids to supplement the quotation from *Candide*, may succeed in calling up the iconic print in the collection of the National Portrait Gallery in London which shows the kneeling and blindfolded admiral dropping a handkerchief as a signal for the marines to blast away.¹ A very few among our number may even recall Tobias Smollett's contemporaneous account of the admiral's unhappy end. It bears repeating:

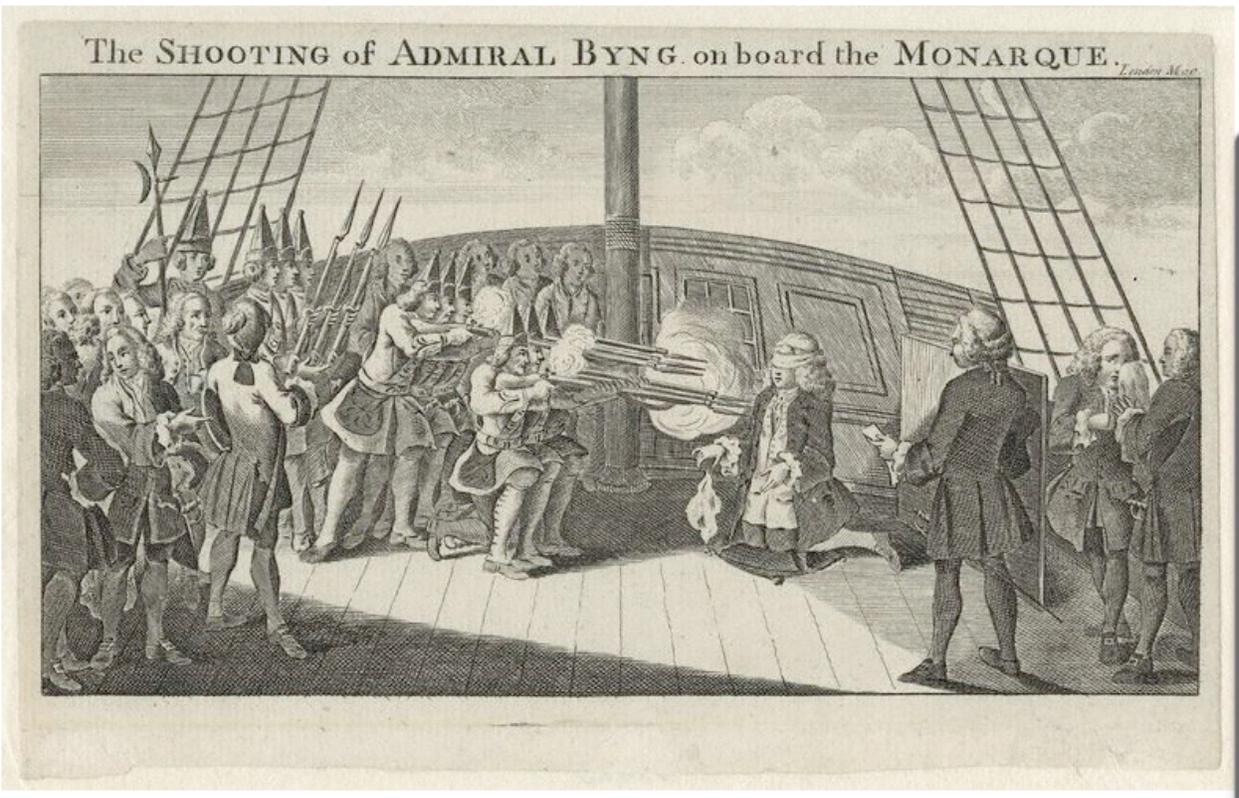
¹<http://www.npg.org.uk/collections/search/largerimage.php?search=ap&npgno=D9023&eDate=&lDate=&rNo=> There also is a painting of the execution in the collection of the National Maritime Museum at Greenwich, <http://www.nmm.ac.uk/mag/pages/mnuExplore/ParntingDetail.cfm?ID=BHC0380> The painting was an elaboration of the print, which shows the admiral in uniform even though contemporary accounts indicate he was wearing civilian clothes at the time. It *is* curious to note, however, that Byng was not stripped of his rank and was, in fact, an admiral at the time of his execution..

On ... the day fixed for his execution, the boats belonging to the squadron at Spithead being manned and armed, containing their captains and officers, with a detachment of marines, attended this solemnity in the harbour, which was also crowded with an infinite number of other boats and vessels filled with spectators. About noon, the Admiral having taken leave of a clergyman, and two friends who accompanied him, walked out of the great cabin to the quarter-deck, where two files of marines were ready to execute the sentence. He advanced with a firm deliberate step, a composed and resolute countenance, and resolved to suffer with his face uncovered, until his friends, representing that his looks would possibly intimidate the soldiers, and prevent their taking aim properly, he submitted to their request, threw his hat on the deck, kneeled on a cushion, tied one white handkerchief over his eyes, and dropped the other as a signal for his executioners, who fired a volley so decisive, that five balls passed through his body, and he dropped down dead in an instant. The time in which this tragedy was acted, from his walking out of the cabin to his being deposited in the coffin, did not exceed three minutes.

Smollett concludes, as a historian of the Old School should, by telling us what he really thinks:

Thus fell, to the astonishment of all Europe, Admiral John Byng, who, whatever his errors and indiscretions might have been, was at least rashly condemned, meanly given up, and cruelly sacrificed to vile political intrigues.²

² T. Smollett, *The History of England, from the Revolution to the death of George the Second* (1800), Vol. IV, pp. 79-80. The log of the *Monarch* was more laconic: "At twelve Mr. Byng was shot dead by 6 marines and put into his coffin."



To be sure, there are some persons now living who remember Byng's case in Technicolor detail. His politically connected family, for instance, still gathers annually before his tomb in Southill, Bedfordshire, to mark Byng's age at the time of death with 53 strokes on a bell and to read once more the defiant epitaph that adorns his tomb:

To the Perpetual Disgrace of Public Justice, the Hon. John Byng, Esq., Admiral of the Blue, fell a Martyr to Political Persecution, March 14th, in the year MDCCLVII; when Bravery and Loyalty were insufficient Securities for the Life and Honour of a Naval Officer.

The family also made an unsuccessful effort in 2007 (not uncoincidentally the 250th anniversary of Byng's death) to persuade the Ministry of Defense to recommend a retroactive pardon, but were rebuffed for the seemingly whimsical reason that there

was no one living who knew him personally.³ And, of course, one can still find the odd website where amateur naval historians continue to express their views on the merits of Byng's actions *ad infinitum* and *ad nauseam*.⁴

The rest of us may simply wonder what all the fuss was about. If we want to get behind a Frenchman's witticism, it would be best to begin at the beginning.

John Byng was born in Southill, Bedfordshire, on 29 October 1704. He was the fourth son of George Byng, a distinguished naval officer who was created the first Viscount Torrington in recognition of his spectacular victory over the Spanish off Cape Passero, Sicily, in 1718. John, aged 14, was serving on his father's flagship when the famous battle occurred. Nourished by his father's example, and perhaps as well by his family's influence, John Byng moved up the promotion ladder in the peacetime period following the end of the War of Spanish Succession, rising through the ranks from Lieutenant in 1723 to Commodore-Governor of Newfoundland in

³ [Anniversary brings hope of pardon for Byng](http://www.telegraph.co.uk/news/uknews/1545312/Anniversarv-brings-hope-of-pardon-for-Byng.html). *Daily Telegraph*, March 13, 2005, at <http://www.telegraph.co.uk/news/uknews/1545312/Anniversarv-brings-hope-of-pardon-for-Byng.html>;

[No pardon for Admiral Byng: The MoD Don't want to encourage any others](http://www.guardian.co.uk/uk/2007/mar/15/military.immigrationpolicy). *The Guardian*, March 15, 2007, at <http://www.guardian.co.uk/uk/2007/mar/15/military.immigrationpolicy>.

⁴[Did Admiral John Byng deserve to be executed?](http://www.worldnavalships.com/forums/showthread.php?p=42932) *World Naval Ships*, [com/forumsathttp://www.worldnavalships.com/forums/showthread.php?p=42932](http://www.worldnavalships.com/forums/showthread.php?p=42932).

1742. In 1745, Byng was made a Rear Admiral of the Blue and, in the following year, was promoted to Vice-Admiral and posted to command the Mediterranean fleet in the closing days of the War of Austrian Succession.

Before joining his command, Byng served on a series of courts-martial brought to try those responsible for the embarrassing fiasco that had occurred at the Battle of Toulon in 1744. The British Mediterranean fleet was commanded at the time by Admiral Thomas Mathews, an autocratic and irascible old sailor, and seconded by Vice-Admiral Richard Lestock, a smooth talking aristocrat with friends in high places. To say they did not get along would be an understatement.

The fleet's assignment was to blockade the Italian coast in order to prevent the Spanish from reinforcing the troops they had sent to attack the Austrian possessions in Italy. On February 8, 1744, a combined French and Spanish force of 27 ships left Toulon, hoping to evade the British blockade, but Mathews was alerted by his frigates and immediately chased after them. His van and center soon came up with the enemy, but the rear, commanded by Lestock, was far astern. Furious at Lestock's slowness in coming up, Mathews gave the signal to engage and attacked the nearest Spanish ships. Only the fore and aft vessels in his center division joined him, while the van continued straight ahead and Lestock's rear division fired from an ineffectual range. The confusion in his line forced Mathews to give way, with the result that most of the Spanish ships escaped and the French fleet was left intact to fight another

day.

The loss, or rather the non-victory, caused an outcry at home and Mathews, Lestock and 11 captains were recalled to be court martialed. The main issue was whether the officers involved had followed the Admiralty's "Instructions for the Better Ordering of the Fleet in Fighting" (called the "Fighting Instructions" for short), which required that ships should form a line and attack simultaneously rather than individually. Although Mathews had fought and Lestock had not, Mathews was cashiered for breaking the line while Lestock was cleared on the dubious plea that he could not obey the signal to engage because the line had not yet formed.

As we shall shortly hear, the lesson that gallantry was less important than formal adherence to the line of battle was one that Byng learned all too well. It is not likely, however, that he noticed another development of importance to his future, when in 1749 the version of Article 12 of the Articles of War that had been in force during the 1745 trials of Mathews and Lestock was amended to substitute a mandatory death sentence for the former discretionary sentencing provisions.

The War of Austrian Succession ended in 1748 with the Treaty of Aix-la-Chapelle, but the treaty did nothing to settle the competing French and British claims in India and North America, which smoldered on in a series of border raids involving the claimants' proxy colonies. Open warfare in the European theatre broke out in 1756 when the French attacked the British naval base at Minorca, thus setting the stage for

the central event in our lamentable tale.

The main objective of British strategy throughout the 18th Century had been to maintain naval superiority over France by preventing the combination of her Mediterranean and Atlantic fleets. To that end, the British had taken Gibraltar and the Island of Minorca from Spain in 1713 under the terms of the treaty that ended the War of Spanish Succession. Gibraltar was the ultimate prize, but Minorca provided an excellent naval base from which the British could keep a close watch on the French fleet at its base in Toulon, just 220 nautical miles to the east. For the French to slip past Gibraltar and escape into the Atlantic, it would first be necessary—or at least expedient--to shut down the British base at Minorca.

Given the importance of Minorca, it is not surprising to those who have the luxury of looking backwards that the Seven Years' War (known to us as the French and Indian War) began with a preemptive French attack on Minorca. Although we backward-lookers are not surprised, the Duke of Newcastle's Ministry was. There had been warnings aplenty during the fall of 1755 concerning the French plans to surprise Minorca. However, the Ministry took no countermeasures until March 8, 1756, when it promoted Byng to Admiral and ordered him to prepare a fleet to transport 4,000 Royal Fusiliers as reinforcements for the garrison at Minorca.

The order came too late. Byng's preparations were hampered by the lack of seamen and quality ships, with the result that he and his second, Rear Admiral

Temple West, were not ready to leave Portsmouth until April 6, and they did not reach Gibraltar until May 2. On arrival, Byng learned that a French army of 15,000 regulars under the command of the Due de Richelieu, escorted by 12 ships of the line and 5 frigates commanded by the Marquis de La Galissonière, had landed unopposed on April 18 and pushed General William Blakeney and his garrison of 2,860 men back into the strong fortifications of Fort St. Phillip at Port Mahon. Byng's mission was further undermined by the Governor of Gibraltar, Lt. General Thomas Fowke, who argued that Minorca was already lost and declined to follow orders that directed him to add a brigade from the garrison at Gibraltar to the troops Byng was transporting to Minorca.

Byng's dispatches home dismayed the Ministry by expressing his regret that he had been sent out too late to be assured of success and repeating his complaints about the inadequacy of the forces that had been placed at his command. The King (George II) exploded, saying "this man won't fight," and Admirals Sir Edward Hawke and Charles Saunders were sent to replace Byng and West. But Byng had already left Gibraltar for his rendezvous with destiny at Minorca. It would be his first, and last, major engagement.

Byng's fleet of 13 ships of the line, supported by 4 frigates and carrying the 4,000 Royal Fusiliers he was supposed to land on Minorca, left Gibraltar on May 8 and arrived off Port Mahon on the evening of May 19. Byng commanded the van,

while West commanded the rear division. They were met by La Galissonière's 12 ships of the line and 5 frigates, which were interposed between the British fleet and the port. La Galissonière tried a series of maneuvers to gain the weather gage—i.e., to get upwind of the British, but Byng countered and retained the windward advantage. However, the winds were light and the engagement was put off until the next morning.

As the result of further tacking during the night, the British and French fleets approached each other sailing in opposite directions, which put West's rear division in the lead and Byng's van behind. Byng's battle plan—which no one criticized later—was to approach the French at an angle rather than on a parallel course as contemplated by the Fighting Instructions, in order to avoid the difficulty caused when ships sailing parallel to the enemy had to turn at right angles to get close enough to engage. The right angle approach exposed the attacking ships to full broadsides during the crucial minutes when they were headed straight ahead into the enemy's path. A slanting approach would allow the attackers to bring at least some of their guns to bear as they moved up for the attack. This relatively new idea was tactically sound, provided it was well executed. It wasn't.

One disadvantage of the new tactic was that ships approaching an enemy line on an angle did not all reach their opposite numbers at the same times, which meant that the forward ships would come under fire before the following ships could support

them, while the following ships would be longer exposed to the enemy's broadsides because it took more time for them to get into position. Matters were made worse by the fact that there was no established signal for the maneuver that Byng had in mind. West's leading division approached at a slant, as ordered, but mistook Byng's improvised signal for each ship to continue the slant until it reached a suitable range for engaging and instead turned together to move in at right angles, with the result that the squadron was severely battered before its individual ships could assume a parallel course and return fire.

The last ship in West's division, the *Intrepid*, was the longest exposed. It had its foretopmast shot away, came about into the wind, lost headway and began to drift out of control back into Byng's division. This caused the two forward ships in the division to sheer away, which in turn put the flagship ahead when it should have been third in line.

It was at this point that Byng made a crucial mistake. Rather than pushing forward with all speed to join West, as recommended by his flag captain, Byng gave orders to back sails in order to avoid the *Intrepid* and then lost five or ten minutes realigning his division before renewing the movement forward. Gardiner, the flag captain, testified at the court martial that in overruling him Byng said,

You see, Captain Gardiner, that the signal for the line is out, and that I am ahead of the *Louisa* and *Durrell*, and you would not have me, as the Admiral of the Fleet, run down as if I were going to engage a single Ship; It was Mr.

Mathew's misfortune to be prejudiced by not carrying down his Force together, which I shall endeavor to avoid.⁵

Whatever the merits of this reasoning in the abstract, the effect of the realignment delay was to open a gap between Byng's and West's divisions, which provided La Galissonière with a tempting opportunity to break through the British line and attack West on both sides. West fell back to avoid encirclement, but the danger passed when Byng's division resumed its movement forward just in the nick of time. Thus checked, La Galissonière broke off the engagement and withdrew to leeward.

Unfortunately for Byng, his by-the-book decision to back sails and realign his ships before moving forward, as seen through the smoke by the beleaguered captains ahead, had the appearance of a slowness to close that bordered on cowardice. It really was Lestock and Mathews all over again, except that this time Byng was a Lestock following the Fighting Instructions to the letter when the occasion demanded the impetuosity of a Mathews.

Although the battle should be called a draw because the French withdrew first, Byng's leading ships had suffered significant damage, which left him outnumbered

⁵ The trial of the Honourable Admiral John Byng. at a court martial, as taken by Mr. Charles Fearn. Judge-Advocate of his Majesty's fleet Together with his defence; ..." (Dublin, 1757), in *Eighteenth Century Collections Online*, Galegroup.com, p. 180.

should La Galissonnière choose to renew the fight. After making such repairs as were possible at sea, Byng called his captains in for a council of war. The first question put to the panel was: "Whether an attack upon the French fleet gives any prospects of relieving Minorca?" We all know what happens when the boss asks for advice. The unanimous "no" answer led inexorably to the final conclusion that the fleet should return to Gibraltar for repairs before attempting any further action against the French.

Thus relieved of anxiety about his supply lines, the Due de Richelieu ordered a general assault on Fort St. Phillip. On May 28, after a heroic defense, General Blakeney accepted generous surrender terms that allowed him to withdraw with colors and arms intact, with a provision that the French would provide transports to carry his battered garrison to Gibraltar. Blakeney was justly celebrated as a war hero and rewarded with an Irish peerage for his pains. It may be of some comfort for those present to learn that Blakeney was 82 years of age at the time; the Due de Richelieu was 83. There were giants in those days.

After the May 23 council of war, Byng returned to Gibraltar with the intention of refitting his fleet for further action at Minorca, only to learn that Hawke and Saunders were there with orders to relieve him and West. Byng was astonished at this turn of events, for he had lost no ships and had actually forced the French to withdraw, and he returned to Portsmouth in a state of high indignation over his treatment. Matters were made worse for him by the fact that La Galissonnière's

account of the battle, which exaggerated the strength of Byng's fleet and conveniently failed to mention that the French had withdrawn first, reached London before Byng's report on the same subject. This both alarmed and infuriated the Ministry, which decided, on the sole basis of La Galissonnière's self-serving report, to court martial Byng, West, Fowke and several other captains.

When Byng's report did arrive, it showed a different picture that increased political pressure on the Ministry. The public knew there had been a battle with a bad outcome. Something had to be published, but what? The solution was what one might expect from Smollett's "vile political intriguers:" Byng's account of the battle was published in a redacted version that carefully excised all facts relating to the superiority of the French ships' speed and weight of shot and to the home Government's delay in sending reinforcements to Minorca. These omissions left only the information that Byng had been beaten and forced to retreat to Gibraltar, thus making him the goat for having lost a crucial naval base at the beginning of a war that also wasn't going well anywhere else, either on the Continent or in North America.

As the "intriguers" intended, Byng was pilloried in the press, burned in effigy by howling mobs, satirized in taverns with mocking ballads,⁶ and made the

⁶ This ditty about Byng from the Top 40 of 1756 provides a good example:

object of a furious paper war among the best pamphleteers that money could buy (among them, our own Samuel Johnson—pro—and Oliver Goldsmith—con).

Upon his arrival at Portsmouth on July 3, Byng was formally arrested and placed in strong confinement at Greenwich to await court martial. West and Fowke were sent on to London, where West was released and Fowke was tried by an army court martial for failing to follow the order to provide Byng with additional troops out of the Gibraltar garrison. Fowke was found guilty and given a one year suspension from duty, but the King dismissed him from the service--with a handsome pension, of course. Some things never change.

In the meantime, Newcastle's Ministry fell and William Pitt the Elder and his faction took over the Government. This reversed the official position respecting responsibility for the loss of Minorca, but Byng's new supporters in the Admiralty could not stop the court martial.

If you believe what the Frenchmen say,
B—g came, was beat, and run away.
Believe what B—g himself had said,
He fought, he conquered, and he fled.
To fly when beat is no new thing;
Thousands have done it, as well as B—g:
But no man did, before B—g say,
He conquer'd, and then run away.

Quoted in Dudley Pope, *At Twelve Mr. Byng was Shot* (1962), p. 188.

Byng's case came on for trial aboard *HMS St. George* at Portsmouth on December 27, 1756, and continued a full month until January 27, 1757. Thanks to the miracle of the Internet, the full proceedings of the trial are available online from the British Library. Those whose curiosity cannot otherwise be sated can read the 437 pages of transcript and exhibits in the comfort of their own computer nooks. Although the testimony makes for some very interesting reading, my focus will be on the central issue of the case.

The charge, closely tracking the language of Article 12 of the Articles of War, was that

during the Engagement of his Majesty's Fleet, and the Fleet of the French King, on the 20th day of May last, John Byng did withdraw, or keep back, and did not do his utmost to take, seize and destroy the Ships of the French King, which it was his Duty to have engaged, and to assist such of his Majesty's Ships as were engaged in Fight with the French Ships, which it was his Duty to have assisted, and for that he, the said John Byng, did not do his utmost to relieve St. Philip's Castle, in his Majesty's Island of Minorca, then besieged by the Forces of the French King

This was clear enough, but Article 12 also required that the failure must be the product of "Cowardice, Negligence or Disaffection." It soon developed in the course of the testimony that there was nothing to suggest that Byng's lack of success was the product of "Disaffection"—meaning treason. "Cowardice" was eliminated as well when the witnesses all testified that Byng had behaved calmly under fire, with no show of "backwardness." This left only "Negligence," a slippery concept which

proved to be a source of considerable confusion for all concerned.

After eight days of reviewing the evidence and much debate, the court found that Byng had made a number of errors in the prosecution of the battle. Thus, he should have tacked before approaching the French so that the van and rear were in their proper order, he should have forged ahead instead of backing his division after it ran afoul of the *Intrepid*, and, worst of all, rather than returning to Gibraltar he should have refitted the damaged ships as best he could at sea and continued the efforts to relieve Fort St. Phillip. On this basis, the panel found that Byng had failed to “do his utmost” to achieve his mission and sentenced him to death.

The decision was obviously a compromise in which those judges who opposed the death penalty were bought off by the addition of a statement in the judgment that the court’s members "do not believe [Byng's] misconduct arose either from Cowardice or Disaffection, and therefore do unanimously think it their Duty to recommend him as a proper Object of Mercy." To this was appended an "earnest Representation" to the Admiralty in which the judges expressed

the Distresses of our Minds before your Lordships on this Occasion, in finding ourselves under a Necessity of condemning a Man to Death, from the great Severity of the Twelfth Article, Part of which he falls under, and which admits of no Mitigation, even if the Crime should be committed by any Error in Judgment only; and therefore for our Consciences Sakes, as well as in Justice to the Prisoner, we pray your Lordships in the most earnest Manner to recommend him to his Majesty's Clemency.

Those of you with legal, or at least legalistic, minds will see that the court's

judgment spoke of "misconduct" and "errors in judgment" without expressly mentioning "Negligence," which is what Article 12 required for conviction. The panel evidently believed "Negligence," "misconduct" and "Error in Judgment" were the same thing, but were they? Whether through this reasoning or something else, the Admiralty changed the panel's request that Byng be recommended for clemency into a suggestion that the judgment be reviewed for error. A straightforward clemency recommendation might have put the King on the spot politically, and he was only too happy to pass the dossier on to a committee of twelve justices, who promptly responded with a one sentence order stating that the sentence was legal. Thus fortified, the King, who had maintained from the start and continued to insist with Teutonic obstinacy that Byng was a coward, instructed the Admiralty to proceed with the execution.

By this time, public opinion, ever fickle, had turned in Byng's favor, and it became all the more important to his political friends that he be saved. As it happened, several members of the court martial panel were also Members of Parliament, and one of them introduced a bill to relieve them of their oaths of secrecy so they could say more about the court's *in camera* deliberations. The King stayed the execution to allow the House to consider the bill. The House passed the bill, but it fizzled in the Lords when the panel members who had said they wanted to speak out admitted in questioning that they knew of no additional facts that might induce the King's mercy.

As the clock was ticking away, a new and wholly unexpected blow came from

Voltaire himself. After Byng's arrest in the previous year, Voltaire had translated a letter of support from the Due de Richelieu into English and forwarded it on to Byng in prison. The postmaster at London intercepted the letter when it arrived from neutral Holland, and showed it to some of the Cabinet and the King. Although Byng may never have received it, his enemies in the former Government now chose to publish the correspondence just as the clamor for clemency was reaching a climax. Among other things, the Duke's letter said this:

Fortune that presides over all Battles, and especially those that are fought at Sea, was more favourable to us than to our Adversaries, by sending our Balls into their Ships with greater Execution. I am persuaded, and it is the general received Opinion, that if the English had obstinately continued the Engagement, their whole Fleet would have been destroyed. ...

As may well be imagined, public knowledge that Byng had received a letter in time of war from an enemy general who commended his prudence in withdrawing from a fight did nothing to advance his cause.

Thus it came to pass that the last resort was the petition for clemency that should have been the first resort. This was presented by Earl Temple, the new Government's First Lord of the Admiralty, who tactlessly let fall a remark that may have sealed Byng's fate. When the King repeated his view that Byng was a coward who deserved to die, Temple replied, "And what would *you* say if he dies courageously?" We may safely conclude that Temple's emphasis on "you" was not a helpful approach. William Pitt also spoke to the King on Byng's behalf, saying "the House of Commons, Sir, is inclined to mercy." The King stonily replied, "You have taught me to look for the sense of my people elsewhere than in the House of Commons."

With the King against him, all hope was gone. Although one of the Admiralty Lords refused to sign the death warrant on grounds of conscience, it issued in due course, and all that remained for Byng was a last opportunity to demonstrate his undoubted personal courage by dropping the handkerchief that gave the marines the signal to fire.

Admiral John Byng was the only British admiral ever to be executed for failing to win a battle. As he molds beneath his defiant epithet at Southill, the lingering question for us is whether Byng's lamentable end had any greater significance than the sense of injustice that it can still provoke.

While the injustice of the case certainly harmed morale for some, many experts believe the overall effect was indeed to "encourage the others." The naval historian N.A.M. Rogers puts the position strongly:

There was more truth in [Voltaire's] epigram than perhaps he knew, for the execution of Byng had a profound effect on the moral climate of the Navy, and sharply reversed the effects of the battle of Toulon. The fates of Mathews and Lestock had taught officers that misconduct with support in high places had nothing to fear; the fate of Byng taught them that even the most powerful political friends might not save an officer who failed to fight. Many things might go wrong with an attack on the enemy, but the only fatal error was not to risk it. Byng's death revived and reinforced a culture of aggressive determination which set British officers apart from their foreign contemporaries, and which in time gave them a steadily mounting psychological ascendancy. More and more in the course of the century and for long afterwards, British officers encountered opponents who expected to be attacked, and more than half expected to be beaten, so that they went into

action with an invisible disadvantage which no amount of personal courage or numerical strength could entirely make up for.⁷

Although Byng's death was indeed lamentable for him, and even for us, it is ironic to think that this personally brave, but unimaginative, officer may by his death have contributed in some larger sense to the development of a naval tradition that gave Britain possession of India and North America in the war that followed, and bred up such glorious heroes as Hawke, Boscawen and, in the final struggle with France that was yet to come, Horatio Lord Nelson, the greatest of them all.

FINIS

⁷ N.A.M. Roger, *The Command of the Ocean* (2004), p. 272 *See also* William Laird Clowes, *The Royal Navy, History from the Earliest Times to the Present* (1899), Vol. 3, p. 160.

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