

ART. XIV.—*More Kirkby Notes: Kirkby v. Benbow.* By
H. S. COWPER, F.S.A.

Read at Carlisle, April 27th, 1916.

WHEN I was writing my paper on the Kirkby family portraits, which is printed in these *Transactions*, N.S., vi, p. 97, our Editor quoted to me parts of an old song the “Death of Benbow,” in which is the line:—“Says Kirkby unto Wade, I will run,” and suggested the possibility of this Kirkby’s being one of the local family. As I had no evidence on the subject at that time, I did not allude to this possibility in my paper.

Nevertheless it is practically proved that this Kirkby was Richard Kirkby, son of the well known Col. Richard Kirkby by his second wife Isabel Hudleston. He was, as we know, aged 7 in 1664 (*i.e.*, born 1657) and beyond that, the only evidence I had of him was in the letter of Edward Wilson, where it was stated that “Cousin Richard Kirkby had unfortunately killed a man one Crofts whose father was Captn. Lieut. to the Duke of Berwick”; and it is pretty clear he was the man who gave the silver plate to Kirkby Church in 1698 inscribed, “Taken from the French who had plundered Cartagena in New Spain.”

The evidence of this tragic incident in Kirkby family history, and indeed a tragedy of British naval history, is contained in the following published documents:—

An Account of the Arraignment and Tryals of	
Col Richard Kirkby	Capt Samuel Vincent
Capt John Constable	and
Capt Cooper Wade	Capt Christopher Fogg
on	

A complaint exhibited by the Judge Advocate on behalf of Her

Majesty, at a Court Martial held on Board the ship Breda in Port Royal Harbour in Jamaica in America, the 8th, 9th, 10th, and 12th days of October 1702. For Cowardice, Neglect of Duty, Breach of Orders, and other Crimes, committed by them in a fight at sea commenced the 19th of August 1702 off St. Martha, in the Latitude of ten degrees North, near the Main Land of America, Between the Honourable John Benbow Esq, and Admiral du Casse with four French ships of war

For which Col Kirkby & Capt Wade were sentenc'd to be shot to Death.

Transmitted from Two Eminent Merchants at Port Royal in Jamaica, to a Person of Quality in the City of London.*

The Courtmartial was composed of

Admiral William Whiston, Rear Admiral of the West India Squadron President

Samuel Vincent	William Russell
John Hartknoll	Barrow Harris
Christopher Fogg	Hercules Mitchell
John Smith	Philip Boyce
John Redman	Charles Smith
George Walton	
	Arnold Brown
	Judge Advocate

And the sworn witnesses against Kirkby were

Benbow himself
2 Captains
8 Lieutenants
5 Masters
5 inferior officers
—
21 (in all)

The sentence of Kirkby and Wade was carried out at Plymouth.

"An account of the execution of Col Richard Kirkby & Capt Cooper Wade on Board Her Majesty's ship the Bristol in the Harbour of Plymouth Ap the 16th 1703.†"

* First edition is London, 1703. But also in *Harleian Miscellany*, vol. I. and there is another edition folio 1757.

† Published 1703.

That this was our man is rendered practically certain by the entry in the Kirkby family pedigree at the College of Arms, under his name :—

He was a Captain in the Navy, and died unmarried in April 1703.*

Before giving any personal opinions on the facts, I prefer to give a summary of what happened, extracted from the Dictionary of National Biography under "Benbow."

On the 19th August Benbow sighted the French squadron off Santa Marta. His own force was 7 ships, and that of M. du Casse, about 9 ships. Benbow, in the Breda of 70 guns, closely followed by Captⁿ Walton of the Ruby (50 guns), kept company with the French but the other ships did not close. This went on for three days and only Walton and Vincent of the Falmouth supported the admiral. On the 24th Benbow's leg was shattered by a shot and Kirkby of the Defiance came on board and urged him to give up the chase. All the captains were summoned and Kirkby got Vincent, Constable, Fogg, Wade and Herdson to sign what amounted to a Round Robin, that men and ammunition were insufficient to continue the action and the ships were disabled. The Admiral was furious but gave up the chase, returned to Jamaica, and ordered the courtmartial.

The author of the article proceeds judicially :—

His (Benbow's) engagement with Du Casse was the most disgraceful event in our naval Records. He fought indeed bravely ; but in a commander in chief mere personal bravery goes for very little, and it was pointed out at the time that it was the Admiral's plain duty to have at once superseded & confined the false hearted officers. Nor is it clear that the Mutiny—for it was nothing else—was not largely due to his own want of temper and tact. Kirkby & the others were officers of good repute & of good service. There are very good reasons for believing that their disaffection

* Kindly communicated by G. B. Russell, Esq. (Rouge Croix Pursuivant). This is the Pedigree alluded to in West's *Antiquities of Furness*.

was personal to Benbow. The Admiral, who is described as an honest rough seaman, is said to have treated Captain Kirkby and the rest of the gentlemen a little briskly at Jamaica, when he found them not quite so ready to obey his orders as he thought was their duty : & we may very well believe that this " brisk treatment " administered by an honest rough seaman meant a good deal of coarse language. This is the view which seems to meet the facts of the case ; and though it does not lessen the guilt of the Captains, it does check our sharing the traditional admiration of the admiral who goaded them to crime.

I cannot criticise this, as I am quite unacquainted with the evidence that Benbow's behaviour " goaded his Captains to crime," but Benbow at any rate died of his wounds in the following November.

In the " Account of the Execution " the following paragraphs are interesting :—

Colonel Kirkby seemed not much concerned at it at first ; but being made sensible of the shortness of his time, he devoted it with something of a Resolution and Presence of Mind, to a modest and becoming submission & expressed himself in such words as were proper to Deter others of his country men from Cowardice for the future.

Capt'n Wade was as sensible of his misfortune as the other, and with some few ejaculatory Thoughts they both went to Prayers together, when about six in the Afternoon they were both Shot to Death as unworthy of Landing in their Native Country, to which they had been a Reproach.

I cannot say on the whole that we can feel any sympathy with Colonel Kirkby. There is no doubt he was the chief ringleader : and if it was mutiny, why was he not executed for mutiny instead of for cowardice ? We know that he had " unfortunately " killed a man before, but are without details of that regrettable incident. If the reader will refer to the pedigree (vol. vi, p. 96), he will see that his ancestral record is interesting and possibly instructive. The characteristics of his father have received full discussion : but his grandfather Roger, the

Royalist M.P., defended Lancaster Castle with Sir John Girlington but gave it up and fled to Ireland and died there 1643. His great uncle John of Coniston Hall was routed at Lindal moor the same year by the Roundheads and ran away.* Certainly neither left a good record in their military efforts : but of course not much is on record.

I give a transcript of the Benbow song, which is undated, but marked in the B. M. catalogue "Salisbury 1785."

DEATH OF ADMIRAL BENBOW:

THE BROTHER TARS' SONG.

Come all you sailors bold
 Lend an ear, lend an ear,
 Come all you sailors bold lend an ear ;
 'Tis our Admiral's fame,
 Brave Benbow call'd by name ;
 How he fought on the main
 You shall hear, you shall hear.

Brave Benbow he set sail
 For to fight, for to fight ;
 Brave Benbow he set sail for to fight :
 Brave Benbow he set sail
 With a fine and pleasant gale,
 But his captains they turned tail
 In a fright, in a fright.

Says Kirkby unto Wade
 I will run, I will run ;
 Says Kirkby unto Wade I will run :
 I value not disgrace,
 Nor the losing of my place,
 My enemies I'll not face
 With a gun, with a gun.

* See my paper 109-110.

'Twas the Ruby and the Noah's Ark
 Fought the French, fought the French
 'Twas the Ruby and the Noah's Ark fought the French;
 And there were ten in all,
 Poor souls they fought them all,
 They valued them not at all,
 Nor their noise, nor their noise.

It was our Admiral's lot
 With a chain shot, with a chain shot ;
 Our Admiral lost his legs
 And to his men he begs
 Fight on, my boys, he says,
 'Tis my lot, 'tis my lot.

While the surgeon dress'd his wounds,
 Thus he said, thus he said ;
 While the surgeon dress'd his wounds, thus he said ;
 Let the cradle now in haste
 On the Quarter Deck be plac'd
 That my enemies I may face
 'Til I'm dead, 'til I'm dead.

And, there bold Benbow lay
 Crying out, crying out ;
 And there bold Benbow lay crying out ;
 Let us Tack about once more,
 We'll drive them to their shore
 I value not half a score
 Nor their noise, nor their noise.*

It should be noticed that the Noah's Ark is not mentioned in the printed accounts quoted above : while in the song the Breda (or Bredah) is not mentioned. The Ruby and the Falmouth both supported the Breda ; though possibly only the Ruby was with the Breda on the last day. Is it possible that the sailors' nickname for the Breda was "Noah's Ark ?" Lastly, it does not appear on what grounds Kirkby carried the military title of Colonel.

* So in the original but possibly should be "shout."

P.S.—Since correcting the proofs of the above paper I have turned up a letter, sent me, I think in 1905 or 1906, by Mr. E. B. Kirkby of Overdale, Oxton, Birkenhead, who is I think descended from the Ashlack Kirkbys. After discussing my identification of the Kirkby portraits, he called my attention to the following in the *Dict. of National Biography*.

Richard Kirkby (d. 1703) Capt. in the Navy : lieutenant 1689 Went to West Indies 1696 : *tried for embezzling, plunder, and cruelty, but acquitted* 1698 ; Second in Command in West Indies where he disobeyed Superior's orders to engage the French 1701. Courtmartialled and shot.

The more one finds on record of this gentleman the less one likes him. The silver plate given to Kirkby church in 1698 was probably part of the "plunder."
