

## **Truth, Honour and Justice: The Military Tribunals of Captain Francisco de Cuéllar 1583/84 and 1588.**

**Francis Kelly**

School of History/Hispanic Studies, UCC

---

Captain Francisco de Cuéllar was an infantry officer who served in the Spanish military during the period 1580-1603. He is known to Irish history for an account (*Carta*) that he wrote of his experiences with the Spanish Armada in 1588. Two controversies marked his military service during the 1580s. He commanded vessels in two fleets; the *Armada de Magallanes*, which served in the south Atlantic in the period 1581-84, and the Gran Armada of 1588. During both campaigns he gained notoriety for incidents that led to disciplinary sanctions and resulted in formal inquiries. In 1583, after a battle with English galleons in Brazil, Cuéllar became embroiled in a dispute with a commanding officer over the conduct of the engagement, which resulted in four inquiries and the case being referred to the Council of the Indies at Madrid. In 1588, he was court-martialled for breach of discipline in the North Sea, and sentenced to be executed. Cuéllar's experiences in Brazil, when set alongside those of 1588, provide an interesting case-study of military discipline and the repercussions of defeat in the Spanish navy of the sixteenth century. This article will investigate the circumstances surrounding the controversies, and examine the legal procedures employed by the protagonists in each instance.

### **Captain Cuéllar and the *Armada de Magallanes***

In the spring of 1581, Francisco de Cuéllar was nominated by the Council of the Indies for a captaincy in the *Armada de Magallanes* (Philip II, 1581), a fleet that was being assembled at Seville for service in the south Atlantic (Bobb, 1948, Duro, 1895). Its purpose was to defend Spanish interests in the New World against illegal trading and predatory raids by English and French interlopers. The expedition departed from Cadiz in December 1581 with three objectives: first, to secure the Strait of Magellan with a fortified settlement to protect Spanish settlements in Peru and Chile against incursions - it was then believed in Spain that the Strait was the only sea passage between the Atlantic and the Pacific; second, to transport a newly appointed governor of Chile with 600 men for the conquest of southern Chile; third, the fleet had the task of patrolling the Atlantic seaboard between Brazil and the Strait to clear the seas of all interlopers. The goal of the planners was to ensure Spanish control of all of the New World, and to prevent encroachment on those territories by rival powers. The naval commander was Diego Flores de Valdés, a general of the Indian Guard squadron that escorted the Caribbean treasure fleets.

Between December 1581 when the fleet departed from Spain, and January 1583, Cuéllar remained relatively anonymous within the fleet. There is virtually no reference to his activities until December 1582, when he was given command of the 400-ton *Concepción*, and assigned 100 soldiers (Frias, 1584). The fleet then lay at the island of Santa Catalina in

southern Brazil having received reports that heavily armed English galleons were active in Brazilian waters. The English were thought to be heading for the Pacific via the Strait of Magellan to raid Spanish settlements as Francis Drake had done in 1578. Diego Flores reorganized the fleet, and detached three ships under the command of Andrés de Guino to search for the English, while the remaining vessels embarked for the Strait. De Guino was ordered to sweep the Brazilian coast northwards from Santa Catalina to Rio de Janeiro. If he were to encounter the English he was to attack and either capture or destroy the enemy (Frias, 1584). De Guino's flagship was the 400-ton *San Juan Bautista*, while the third ship, the *Begoña*, was a smaller 250-ton vessel (Markham, 1895, p.235-36).

### **The Battle of San Vicente**

The Spanish ships reached the port of San Vicente on the afternoon of Thursday 24 January 1583 (Frias, 1584). Within the harbour they discovered two galleons moored very close to the town. The galleons were immediately identified by mariners who had encountered them before (Frias, 1584). They were powerful vessels and heavily armed, but were virtually unattended at this time. Masts and rigging were down, and most of the crew had gone ashore, to attend to chores on a strand adjacent to San Vicente. They were taken completely by surprise by the appearance of Spanish vessels, as they believed that the Spanish fleet was then at the Strait of Magellan. The weather conditions were ideal, and a high tide in the bay favoured them (Frias, 1584). The English galleons were effectively sitting ducks, and it appeared to be a straightforward task to sail across the harbour and capture them. However, twenty-four hours later, after a battle that had lasted through the night, one of the Spanish ships, the *Begoña*, lay submerged at the bottom of the harbour. The other two had withdrawn to Santos, a settlement two leagues upriver from San Vicente, leaving the English in the bay unhindered to repair battle damage and replenish water supplies, before their departure twenty four hours later.

At Santos, a bitter dispute erupted in the Spanish camp over the conduct of the battle, and how a position of overwhelming advantage had been squandered with such heavy losses. The sequence of events that occurred in the harbour of San Vicente may be summarised as follows: when the Spanish ships arrived at San Vicente, Andrés de Guino elected not to engage the English immediately, but ordered his ships to drop anchor within cannon shot of the English. According to one of the English present, there was a brief exchange of fire but no general engagement developed (Taylor, 1959). Instead, Andres de Guino convened a council of war with principal officers of the other ships in order to agree a plan of action (Frias, 1584). It was decided that de Guino's flagship, the *San Juan Bautista*, would attack the English flagship, that Cuéllar's ship would tackle the second galleon, and that the smallest vessel, the *Begoña*, would remain in reserve. However, the element of surprise was lost. When the Spanish attack commenced later that evening, the English were ready for combat. Also, the weather had deteriorated, and hindered rather than helped the Spanish manoeuvres. The *San Juan* led the assault, but conditions in the bay impeded its progress, preventing it from closing with the English. Unable to engage in a boarding action, the *San Juan* dropped anchor, but swung on the cable. In doing so, it blocked the passage of Cuéllar's *Concepción*, which was following. Cuéllar then attempted to skirt around the *San Juan*, but he encountered

similar difficulties, forcing him to drop anchor behind de Guino's ship in a position on the starboard side of the *San Juan*, away from the English (Frias, 1584). The *Begoña* then moved forward. Smaller and more manoeuvrable, it was able to close with the English galleons, but soon became trapped between them. It sank during the night after the English poured cannon-shot into it, repeatedly piercing the hull along the waterline (Frias, 1584).

As the fighting continued the following day, the *Concepción* succeeded in engaging in the action. Around midday, it became apparent that one of the English ships was in difficulty and listing. When its companion withdrew to the mouth of the harbour, Captain Cuéllar urged Andrés de Guino to sanction a boarding action to capture the vessel, but this was refused (Frias, 1584). The English ship was then able to extricate itself from danger by being towed away by its ship's boat. Watching the action onshore, the governor of San Vicente dispatched war canoes and soldiers into the bay, to assist in a renewed assault on the English vessels, but de Guino declined the offer (Frias, 1584). Instead, he requested local pilots to guide his ships upriver to Santos, and withdrew them from the encounter, as he felt that they were in no condition to continue fighting (Guino, 1583).

### **Arrest and Imprisonment**

It was clear that a succession of errors had turned an advantageous position into a costly defeat for the Spaniards. An opportunity to capture two heavily armed English galleons had been squandered, and in the process one Spanish ship had been destroyed, substantial damage had been inflicted on the other two vessels, and there had been many casualties (Hakluyt, 1904, p.196-7). As commanding officer, Andres de Guino would have to answer for the loss of the *Begoña* and the failure to capture the English. He was heavily criticised by Francisco de Cuéllar, who questioned his tactics and decision-making during the encounter, and was very vocal in doing so. Cuéllar regarded the withdrawal to Santos as shameful, exclaiming "I complained to God and the world of such weakness and tepidness..." (Frias, 1584). Yet, Cuéllar's own ship had failed to engage with the English throughout the night of the battle. De Guino accused him of deliberately anchoring behind the *San Juan* so as not to be exposed to the enemy cannon. He considered this the cause for the *Begoña's* loss, and could accuse Cuéllar of incompetence, dereliction of duty, and even cowardice. Both officers considered the other culpable in the affair. Each blamed the other for the loss of the *Begoña* and the escape of the English. De Guino held a powerful position within the fleet as inspector and paymaster. That he was primarily an administrator, not a military officer, may have been a point of contention for Cuéllar. Furthermore, it was known that there was bad blood between them (Frias, 1584). On the other hand, Cuéllar was an inexperienced officer having only received his promotion because others declined to serve with the expedition (Cuéllar, 1585). Cuéllar's protestations were such that they called de Guino's authority into question, so he was stripped of his command and arrested along with the pilot of the *Concepción*, Juan Quintero. They were confined to quarters, with orders not to leave the ship on pain of death (Frias, 1584). Command of the *Concepción* was assigned to Captain Rodrigo de Rada who had survived the sinking of his ship, the *Begoña*.

While squabbles onboard ships broke out on a regular basis, disputes between officers of different vessels were less frequent, but happened nonetheless. The quarrel between

Cuéllar and de Guino is interesting as it arose out of a military operation that had gone spectacularly wrong. As both parties were adamant in defending their conduct, a formal investigation was instigated. In fact, four inquiries would be held in an effort to resolve the dispute. The transcripts of two of the inquiries were examined for this article: those at San Vicente, and the *Casa de Contratación* (House of Trade), Seville. The information that they contain throws light on the course of the battle, and on how the subsequent dispute escalated. Transcripts from the others have not yet come to light.

The normal procedure in resolving disputes between individuals in a fleet was to bring the case to the senior military authority, usually the general of the fleet, or an appointed judicial officer (Rahn-Phillips, 1992, p.121). In this particular case Diego Flores de Valdés was senior commander, but he was absent, having embarked for the Strait of Magellan. Alternatively, a complainant could refer to the authorities of the port where the ships were moored (Pérez-Mallaína, 1998, p.206). This was the procedure Andrés de Guino followed, and he used the results of the subsequent inquiry to demonstrate to Diego Flores, and afterwards, to the Spanish authorities, that the blame for what had occurred lay with Captain Cuéllar. Cuéllar, in turn, submitted counter-accusations against de Guino when Flores returned to Brazil from the Strait, and he presided over a second inquiry at Salvador later that year. However, unable to offer a verdict, Flores referred the case to the Council of the Indies in Madrid. Before the case was heard, Cuéllar applied to the *Casa* in Seville to accept testimonies on his behalf, as he feared the exertion of undue influence by de Guino. The procedure at both inquiries was identical as Spanish trials and investigations were mostly written affairs (Pike, 1972, p.95). They involved the submission of a set of questions by the party bringing the case, followed by the sworn testimony of selected respondents in the presence of notaries who validated the information as evidence. There was no cross-examination of witnesses. Although today, the questions may appear very biased and leading, they were an accepted part of the legal process of the time.

### **Inquiry at San Vicente, February 1583**

The governor of San Vicente, Geronimó Leitón, presided over the first inquiry, which was held in Santos over two days, at the office of Antonio de Sequera (Guino, 1583). Leitón had a vested interest in agreeing to the proceedings, as local authorities were expressly forbidden from engaging in illicit trade with English and French interlopers. He used the inquiry to justify his conduct while the English were at the port. Notaries in attendance were Antonio de Sequera and Pedro Texón Osorio, chief notary of the fleet. They recorded witness testimony and produced legal transcripts of the proceedings. Andrés de Guino submitted fourteen questions that he wished to be asked of six prominent citizens from the locality. The questions were mostly concerned with the threat posed by the English, and the conduct of Geronimó Leitón and Andrés de Guino in the affair. Witnesses were asked to verify that the *Concepción* had sheltered behind de Guino's flagship throughout the night, and if it failed to provide assistance in the fighting. They were asked if they believed that the *Begoña* would have been lost, or the English able to escape, had Francisco de Cuéllar complied with the orders he had been given. Geronimó Leitón submitted a lengthy statement explaining the

sequence of events in the port from the arrival of the English, on Sunday 20 January, until their departure the following Saturday, and offered his opinion of what had transpired.

Francisco de Cuéllar and Juan Quintero were present to witness the proceedings, but they did not make statements. Indeed, nobody who participated in the battle was called as a witness. Although Geronimó Leitón was a military man, none of the witnesses had a military background. They consisted of local officials, plantation owners, and prominent locals (Guino, 1583). Witness testimony conveyed the belief that the English posed a serious threat to the safety of San Vicente. They agreed that Geronimó Leitón had done all in his power to prevent the English taking possession of the port, and that Andrés de Guino had shown resolve in the fighting. Ultimately, the defense of San Vicente prevented the English seizing it as a base from which to launch raids against shipping and settlements elsewhere on the Brazilian coast, and was declared a notable achievement in the royal service. Concerning the role of the *Concepción*, witnesses proved to be reticent in their answers, and were unable to offer definite opinions. The Governor, Geronimó Leitón, however, did not hesitate to express his view of what had occurred. He was certain that “if she had anchored that night where she should have done, and helped the aforesaid Andrés Eguino, the *Begoña* would not have been lost and the English flagship would not have got away” (Guino, 1583).

According to the findings of that inquiry, Cuéllar was at fault. He and Juan Quintero would remain under arrest until Diego Flores returned from the Strait. When he arrived two months later, Cuéllar was released, and his case against de Guino was presented to Flores (Frias, 1584). On top of the original dispute, Cuéllar claimed that the treatment he and Juan Quintero had endured from de Guino was unduly harsh. The conditions of their imprisonment had caused Quintero to die shortly after the hearing at San Vicente, and Cuéllar accused de Guino of attempting to orchestrate his death as well (Frias, 1584). One soldier on the *Concepción* claimed de Guino deliberately withheld food rations from Cuéllar (Frias, 1584). Diego Flores presided over the second inquiry when the fleet reached Salvador, the Brazilian capital, in the Bay of all Saints (Frias, 1584). Records of those proceedings have not yet been discovered, but the information submitted at Seville indicates that witnesses were called from among the men who had participated in the action. Flores declined to offer a verdict but, instead referred the case for consideration to the Council of the Indies in Madrid, when the fleet should return to Spain (Frias, 1584). Before then, the fleet saw further service, when it participated in a successful joint action with local militia against a French logging expedition and their Indian allies in the northeastern territory of Paraíba, in the spring of 1584 (Guino, 1584).

### **Inquiry at Seville, August 1584**

The fleet returned to Spain in July 1584, and preparations for the hearing before the Council of the Indies began immediately. Cuéllar and de Guino submitted petitions in the presence of Diego Flores the day after the fleet docked in the Bay of Cadiz (Frias, 1584). However, before the papers were transported to Madrid, Cuéllar applied to the *Casa de Contratación* (House of Trade) at Seville to be allowed to present evidence in the matter. This appears to have been a move to ensure that his evidence would receive a fair hearing, as he feared manipulation of the process by de Guino and his associates. If Cuéllar’s evidence was

accepted by the court of the *Casa*, it would become a matter of public record, and could bolster his position when the case was heard before the council. Andrés de Guino objected to this on the grounds that the *Casa* had no jurisdiction in the affair, as the case had already been referred to Madrid. The *Casa* functioned under the auspices of the Council of the Indies, but all courts jealously guarded their own jurisdictions and status in hearing cases (Thompson, 1976, p.45-46), and it would appear that Cuéllar, or whoever was advising him, was aware of this. The objection was not upheld, and Cuéllar was allowed to present his evidence. Although the legal system could function notoriously slowly, proceedings in Seville began on 11 August 1584, less than a month after the fleet arrived at Cadiz.

The information in Cuéllar's evidence reveals why he applied to the *Casa* for a hearing. It became apparent that before the enquiry in the Bay of All Saints, de Guino took various measures to manipulate the process. Accusations surfaced of intimidation, bribery of witnesses, and fabrication of evidence (Frias, 1584). One respondent was bullied by de Guino into providing false testimony, another admitted that his testimony in support of de Guino had actually been dictated by him (Frias, 1584). All of the witnesses identified the chief clerk of the fleet, Pedro Texon Osorio as a friend and implicit ally of de Guino. He was accused of fabricating testimony, and of doing so in the knowledge that that some of the men could neither read nor write (Frias, 1584). It was also alleged that de Guino threatened soldiers with the removal of their teeth if they testified against him (Frias, 1584).

The Seville hearing offered an opportunity for Cuéllar to have the statements of those men, who had been dissuaded by de Guino from testifying on his behalf in the Bay of All Saints, recorded. Seventeen witnesses responded to twenty questions formulated by Cuéllar, which concentrated on the sequence of events between the arrival of the Spaniards at San Vicente, and their withdrawal upriver to Santos on the following afternoon. Respondents were drawn from all three ships that participated in the battle. The evidence they presented offered an alternative picture of events, and the conduct of the two protagonists in the case. All of the witnesses had participated in the battle, and included sailors who understood the technical difficulties of navigation and the influence of wind and tide.

As might be anticipated, there was a general unanimity among Cuéllar's witnesses regarding his behaviour during the affair. All stated his desire to come to grips with the enemy, the readiness of his ship for combat, and his encouragement of the crew with offerings of money and clothes for those who excelled in the fighting (Frias, 1584). They described how, on two occasions he requested permission to engage in boarding actions but was denied by de Guino. Opinions on weather conditions in the harbour, and how they affected the manoeuvrability of the Spanish ships on the night of the assault, indicated that blame could not be laid on either party for the difficulties they encountered when attempting to close with the English. The outgoing tide, the strength of the current from the river, and the lack of wind, made the two heavy Spanish ships unmanageable, and rendered it impossible for teams of rowers in the ships boats to tow them into position, particularly after they came under fire from the English ships (Frias, 1584).

On the other hand Andrés de Guino's decision-making was questioned. Concerning his decision to drop anchor when they first arrived in the harbour, the witnesses agreed that there had been ideal opportunity to capture the English galleons with relative ease (Frias, 1584). Secondly, of the decision not to attempt to capture the English galleon that was in

difficulty, the witnesses believed that this could have been achieved, had the Spanish ships grappled with it (Frias, 1584). The most contentious decision, however, was the order to withdraw to Santos leaving the enemy still in the harbour unopposed. De Guino believed the extent of damage to his ships, and low water levels in the harbour made it too hazardous to approach the stricken ship. At this time the tide was low and had just begun to rise (Frias, 1584). However, witnesses unanimously regarded it as a bad decision. According to many of them it caused disquiet among the crews, and among the townspeople of San Vicente who had watched the events unfold from the shore (Frias, 1584). Witnesses suggested that de Guino relied heavily on the opinions of the master and pilot of his ship, that their reluctance to engage with the English influenced his cautious demeanour. Some alleged that on the night of the assault de Guino was heard to blame them for the failure to close with the English, accusing them of being traitors, and of having lost their honour on account of the bad advice they had offered (Frias, 1584).

The boatswain of the *Concepción*, gave some of the most revealing information regarding Andrés de Guino's reluctance to attack the English on their arrival at San Vicente. He claimed that the *San Juan* was not ready for combat. The men were not armed and the powder for the cannons had not been distributed. It appears that the ship had problems with stability in the water in the heavy seas of the south Atlantic, as the ship's two heaviest cannon, which should have been positioned in the prow, had been placed in the hold to serve as ballast (Frias, 1584). The boatswain intimated that these guns were not re-positioned prior to the engagement. Spanish naval regulations of the period stipulated that warships concentrate their heavy artillery at the front of the ship. The broadside, as used by the English, was not encouraged as it was believed that it exposed a greater part of the ship to enemy cannon. Consequently, the preferred tactic for ships in combat was a straight or crescent line abreast, where all ships in a fleet could deploy their artillery without being impeded (Parker, 1998). If Spanish warships sought to fight 'head on' with an enemy, then Cuéllar, through his witness, clearly sought to cast aspersions on de Guino's qualities as an officer, and his judgement in having the *San Juan* to lead the Spanish ships in single file towards the English in the confines of the bay of San Vicente, when it was incapable of firing on the enemy.

In his own deposition, Cuéllar urged that de Guino be condemned "in the established punishment by the law and rigor of military discipline for such disservice to the King and Lord..." (Frias, 1584). For the imprisonment and mistreatment he had endured, he demanded damages amounting to one thousand five hundred ducats. Cuéllar's sense of grievance was perhaps, heightened by having additional criminal charges brought against him while still in Brazil, when he was accused of the illegal sale of a barrel of wine from the fleet's stores (Anonymous, 1567-88). Illegal sale of contraband goods was one of the most common among a litany of corrupt practices by officers of the fleets that sailed to the Americas. The practice was rife in the Galleons of the Indian Guard that escorted the annual fleets, and from which most of the officers of the *Armada de Magallanes* had been selected. Pedro Sarmiento de Gamboa, the designated Governor of the Strait of Magellan, complained repeatedly that officers of the *Magallanes* fleet were engaged in black market trade, selling stores earmarked for the Strait to colonists at Rio de Janeiro and San Vicente. For Cuéllar, the criminal charges, while relatively minor compared to the accusation of dereliction of duty in the face

of the enemy, must have served to add insult to injury in the affair, particularly as de Guino was known to be one of the most persistent offenders in this regard (Markham, 1895, p.273). However, when the fleet returned to Spain, the customary *visita* (inspection) that was applied to all returning fleets cleared Cuéllar of those charges (Cuéllar, 1585).

The evidence in the case was forwarded to Madrid, and in compliance with the order of the *Casa*, Cuéllar was conveyed under the custody of an officer of the law, Diego de Maldonado, to appear before the Council of the Indies. Maldonado had to provide official confirmation of his attendance at the hearing. Failing this, he was liable for any potential fines awarded against Cuéllar (Frias, 1584). Any further documentation concerning this case that may survive has not yet come to light, so we do not yet know what transpired at the Council of the Indies, or have any definitive judgement on the case. There is no reference to it among the *Consultas* (Deliberations) of the Council during this period. If, or when the case was heard, it appears that neither of the parties in the affair was sanctioned.

The affair at San Vicente was a clumsy military action where a seemingly easy opportunity to capture two formidable English galleons was squandered, resulting in significant casualties and damage to vessels, while the interlopers were allowed to escape. Presented as a moral victory by de Andres de Guino and Geronimó Leitón in saving the port from capture, the incident did influence the decision of the English commander, Captain Edward Fenton, to return to England, where he was imprisoned for the failure of his expedition. It is evident from the evidence of the case that, once the combat with the English commenced, culpability or blame for what transpired was well-nigh impossible to prove, but the questions raised by Cuéllar regarding Andres de Guino's decision-making at key moments in the episode appear justified. De Guino did not serve in the fleets again. In 1586, he was dispatched to the recruit soldiers and sailors for the squadron of the Admiral, Juan Martinez de Recalde. Two years later he was awarded a knighthood in the order of Santiago, before being posted to serve as inspector of accounts at Santo Domingo.

### **The Armada of 1588**

Two petitions submitted to the Council of War confirm Cuéllar's presence at the Royal Court in January 1585 (Cuéllar, 1584, Cuéllar, 1585). Both documents request payment of wages owed to him for the *Magallanes* service and solicit a commission to serve in the Atlantic fleets. Cuéllar and seven other captains of the *Magallanes* expedition remained unemployed at court for the next two and a half years while they attempted to secure their wages and new commissions, without success. In June 1586, the Council of the Indies awarded them an advance of 100 escudos to assist with basic living costs (Consejo de Indias, 1586). Finally, a year later, on 21 June 1587, Cuéllar and his colleagues were awarded *entrenamientos* (permanent monthly salary) by the King (Philip II, 1587). They were then dispatched to Lisbon to serve as staff officers to the Marques de Santa Cruz, admiral of the fleet that was being prepared at Lisbon for the Enterprise of England.

When the fleet departed for England, Cuéllar sailed with the squadron of Castile. This unit was in reality the squadron of the Indian Guard. When the scheduled convoys for 1588 were cancelled, the Indian Guard was refitted in its home port of San Lúcar, renamed and transferred to Lisbon in order to augment the number of warships available to the Duke of



Medina Sidonia, who was appointed Admiral after Santa Cruz died of illness (Chaunu, 1955, p.412). Cuéllar joined the other *Magallanes* captains who were given commands in this squadron. They included Gregorio de Las Alas (*San Cristobal*), brother of Captain Estevan de las Alas, who had testified on Cuéllar's behalf at Seville, Marcos de Aramburu (*San Juan Bautista*), and Captain Juan de Garibay (*Nuestra Señora del Barrio*) (Pierson, 1989, p.235.43). Coincidentally, the squadron was also commanded by their former commander Diego Flores de Valdés. Cuéllar embarked at Lisbon without a command, but was made captain of the Galleon *San Pedro*, at La Coruña, when the squadron was reorganised after Flores transferred to the flagship to serve as adviser to Medina Sidonia.

In the English Channel, Cuéllar's ship was assigned to the right wing of the Armada battle formation, which consisted of twenty vessels under the command of Juan Martinez de Recalde, vice-Admiral of the Armada (Pierson, 1989). The *San Pedro* was one of four principal warships on that wing, which included two Portuguese galleons; the *San Juan* (Recalde's) and the *San Mateo*, and the *Santa Maria de La Rosa*, of the squadron of Guipúzcoa. Two other warships in a supporting echelon included a third Portuguese galleon, the *San Felipe*, and the *Gran Grifon*. They were subsequently part of an enlarged rear-guard of forty three fighting-ships when the formation was reorganised (Hume, 1899, p.396-97). Although the *San Pedro* is not mentioned in surviving reports of the fighting, it most likely saw action in the vicinity of the ships mentioned above. Cuéllar claimed that the ship suffered significant battle damage after the battle of Gravelines, with heavy casualties and numerous leaks caused by cannon-shot (Cuéllar, 1990, p.224-25).

During the engagements in the Channel the Spaniards had hoped defeat the English through boarding actions and the overwhelming superiority of their infantry. However, the superior sailing qualities of the English, and their reliance on artillery bombardment, frustrated all Spanish efforts to grapple with them. The Armada failed to join forces with the Duke of Parma when it was scattered by fire-ships at Calais. The dispersed elements were attacked by the English fleet off the Flemish port of Gravelines, and driven into the North Sea, preventing any possibility of a rendezvous with Parma's army. Although it succeeded in regaining its formation, the Spanish fleet had lost six warships in action against the English, and many of the remaining combat vessels had received substantial damage. The Armada was forced to retreat while prevailing winds blew it northwards towards Scotland. The failure to defeat the English fleet and the foiled attempt to join with Parma's invasion force rocked morale. Briefly, in the aftermath of Gravelines, surrender to the English was considered (Parker, 2006, p.86-92). Although in a council of war, Alonso de Leyva urged the Armada to return once more to the English Channel, he admitted privately to Juan Martinez de Recalde that he dreaded the prospect of facing the English fleet again (Parker, 2004, p.321). The Enterprise of England had failed to meet its objectives. It was left to the senior commanders to attempt to preserve the fleet, its crews and soldiers, and to return to La Coruña via the Atlantic route in order to ensure that a viable naval force continued to be deployed in Spanish waters. As the Armada withdrew from the Channel, the English fleet maintained a close pursuit until, as Francisco de Cuéllar ruefully admitted, it was "chased right away from his country".

### **Court-Martial in the North Sea**

The withdrawal from the English Channel was dictated by the elements, and justified by Medina Sidonia, who declared that the principal fighting ships no longer had sufficient ammunition for another major engagement (Hume, 1899, p.393). On 10 August, two days after the battle of Gravelines, the English appeared to hold off their pursuit. In the *Carta*, Cuéllar claimed the English had appeared to turn back, giving a wide berth to the rear elements of the Armada (Cuéllar, 1990, p.225). Regarding this as a favourable opportunity to carry out repairs, many ships moved to the front of the formation. Cuéllar admitted that seeing other vessels moving forward, the pilot of the *San Pedro* brought the ship “ahead of the flagship by something like two miles” in order to work on the damage. It was the first opportunity to repair damage since the battle of Gravelines, and many vessels had suffered substantial damage to hulls that caused dangerous leaks and affected their sailing ability. All were aware of the consequences of falling behind the fleet. However, as so many ships moved forward simultaneously, the strength of the rear-guard was noticeably diminished. According to Medina Sidonia, three galleasses and twelve principal fighting ships were all that remained in the rear (Hume, 1899, p.404). Sometime later, the English piled on sail, and closed once more with the Spanish rear-guard. It was a tactic they had employed the previous day when the Armada was perilously close to running aground on the Zeeland sandbanks (Hume, 1899, p.403). On that occasion, with the wind seemingly blowing the Armada to certain destruction, the English had maintained a safe distance. Now, it appeared they intended to engage the weakened rear-guard. Anticipating an attack, a shot was issued from the flagship signalling the fleet to stand-to, and the fighting ships to resume their battle formation. When there was no response, the signal was repeated, and then issued a third time when it became apparent that the order was being ignored. The English manoeuvre was a feint however, “a brag countenance” as the English Lord High Admiral described it, and the threatened attack never materialised. They fell back out of cannon range before an artillery exchange took place.

For Medina Sidonia, the fact that so many ships had disobeyed his order was a major concern. It reflected a serious breach of discipline, most likely caused by a collapse of morale engendered by the failure to defeat the English fleet, and disaffection within the fleet towards the senior command. By then, serious divisions permeated the high command of the Armada. Medina Sidonia was an excellent administrator and a courageous general, but he lacked experience of naval combat. Diego Flores, on whom he relied as senior naval advisor, had proven very cautious, and was unpopular throughout the fleet. His appointment had been made by order of the King, but it was a decision that was criticized (Parker, 1998). After the Armada entered the English Channel some of the senior squadron commanders favoured a more aggressive operation from the start. These were led by Recalde and Alonso Martinez de Leyva, commander designate in the event of Medina Sidonia’s death. Concerns were then exacerbated during the campaign, when a number of key decisions alienated the squadron commanders from those on the flagship. Similar to the scenario at San Vicente, subordinates with greater military experience than commanding officers, opposed tactical decisions they regarded as lacking initiative. Medina Sidonia decided against a pre-emptive strike against Plymouth, when many senior officers believed an attack would be advantageous in order to

trap the English fleet in port, before it could take to the sea. Later in the week, he chose not to attempt a landing on the Isle of Wight, but to anchor off Calais before joining forces with the Duke of Parma. In the opinion of some senior officers this decision doomed the Armada (Parker, 2006, p.89-90). However, it was Diego Flores' advice to Medina Sidonia to abandon a damaged vessel after the first day of combat that alienated many officers. The *Nuestra Señora del Rosario* of Pedro de Valdés was one of the strongest and best armed ships, but it was disabled after colliding with neighbouring vessels. When the *Rosario* fell behind Flores counselled the Duke not to risk the security of the fleet by waiting for it. The outcome caused widespread disquiet.

After the battle of Gravelines, senior commanders had little trust in the decision-making capacity onboard the flagship. Miguel de Oquendo, commander of the Guipuzcoan squadron encapsulated the disdain for Diego Flores when, with the fleet trapped between the English and the Zeeland sandbanks, his ship pulled alongside the flagship. In reply to Medina Sidonia's call for his estimation of their predicament, he retorted, "Ask Diego Flores. As for me, I am going to fight, and die like a man. Send me a supply of shot." (Hume, 1899, p.446). Private correspondence exchanged between Recalde and de Leyva reveals growing anxiety and resentment among the squadron commanders that they would be named as culprits for the failure (Parker, 2004, p.314-347). Some took the precaution of writing down personal accounts of the campaign, in order to defend themselves against accusations they feared could be directed towards them. Writing his *Carta* a year after the events that he described, Cuéllar revealed (in what was ostensibly a self-defence of his own character), some of the resentment that he felt towards senior commanders when making disparaging remarks against Medina Sidonia's generalship. He commented on the battles with the English in the Channel as "the usual disastrous outcome of his [Medina Sidonia] encounters with the enemy."

It was in such an atmosphere that the events of 10 August took place. Faced with a potentially catastrophic breakdown in discipline, Medina Sidonia ordered his officials to identify the offending captains (Duro, 1888, p.396). Twenty officers were then summoned to the flagship, where an impromptu court-martial took place. He questioned two captains of vessels that had been closest to the *San Martin*, why they had not reacted to his command when they heard the signal shots. In reply, they admitted they believed the flagship was about to go under and had fled for safety (Duro, 1888, p.407-08). This sentiment was highlighted later in a special report commissioned by the King to investigate the conduct of the Armada. Its author, Juan de Cardona, noted that in the aftermath of Gravelines, discipline within the fleet had deteriorated significantly, as many thought only for their own safety, and of returning to Spain (Herrera Oria, 1929, p.351-55). In order to stamp out disaffection, Medina Sidonia condemned the guilty officers to death. According to Alonso Vanegas, all twenty captains were to be executed (Duro, 1888, p.396). Curiously, Medina Sidonia did not commit to writing what had taken place during the court-martial. In a despatch to the King, conveyed by Don Baltasar de Zúñiga, he described the events of the day, but merely suggested that Zúñiga would personally relate what had taken place afterwards (Herrera Oria, 1929, p.247).

The *Carta* indicates that, on being ordered to the flagship, Cuéllar had not reached the *San Martin* before Medina Sidonia delivered his verdict. He claimed that he was stopped en route and informed by others conveying the Duke's order, that he was to be put to death. He

proceeded to the *San Martin*, but when he arrived on deck Medina Sidonia had retired to his cabin, while those he appealed to for clemency “...refused to listen to me or to many gentlemen who intervened on my behalf...” In the Duke’s absence, it appeared that *Maestre de Campo* (Field General), Francisco de Bobadilla, had taken control of affairs. With an almost theatrical flourish, Cuéllar described how he reacted to his conviction by exclaiming that he thought “I would burst with indignation, and called on all to witness the great injustice that was being done to me, since I had served so well, as would be confirmed in writing.” Essentially, Cuéllar lodged a formal appeal against the sentence that was imposed on him.

In his account, there is no mention of Diego Flores’ presence on the flagship at this time, even though he was well acquainted with Cuéllar. Unfortunately, the documentation concerned with San Vicente does not shed any light on the personal relationship between the pair. Given their previous history it is curious that Cuéllar did not refer to him. Perhaps Flores was one of “the many gentlemen” who made representations on his behalf. At the time that Cuéllar wrote the *Carta*, Flores had been made the scapegoat for the failure of the Armada, and was imprisoned in Burgos. That Cuéllar chose not to make any disparaging remarks about him, as he did with Medina Sidonia and Bobadilla, might indicate that he retained a level of respect/loyalty towards Flores.

### **Inquiry of the Judge Advocate**

Although we don’t have official records of what took place, it is quite clear from the *Carta* that a formal judicial process was set in motion. A Judge Advocate, Martin de Aranda, was assigned to the Armada. It was his role to adjudicate on civil or criminal cases, and legal matters that arose (Goodman, 1997, p.229). He sailed aboard the *Lavia*, a ship of the Levant squadron, and had a team of roughly twenty officials under him. These consisted of a chief assistant; a licentiate named Magaña, four notaries, six military police, a jailer and six guards, and other unnamed officials (Herrera Oria, 1929, p.389). When Cuéllar appealed against the sentence, Bobadilla referred him to Aranda, and an inquiry into Cuéllar’s conduct began.

It may be inferred from what Cuéllar says in the *Carta*, that the process, probably convened on the *Lavia*, was similar to the inquiries at Seville and San Vicente. Cuéllar requested a copy of the order against him. Testimonies were then collected on the *San Pedro* to verify his conduct as “a good soldier and loyal subject on all occasions and in all the action we saw with the enemy fleet...” Cuéllar claimed that at the time that his ship vacated its position in the rear-guard, he was asleep and unaware of what was occurring, as the pilot acted without his permission. It was a standard procedure for captains to take charge of the night watch, when the ship was at its most vulnerable, and to sleep in the early part of the day (Rahn-Phillips, 1992, p.121). Moreover, Cuéllar was hardly exaggerating when he claimed “I had been ten days on the go without a wink of sleep, because I was doing my duty...” Clearly, lack of sleep applied to all in the fleet during the previous ten days. He stated that Aranda, after questioning him, ordered a report to be drawn up. It might be assumed that a list of questions concerning Cuéllar’s character and conduct during the campaign was prepared, as well as questions concerning what had transpired when the *San Pedro* failed to respond to the signal from the flagship. Witnesses would then most likely have been transferred from the *San Pedro* to offer testimony before the Judge Advocate, and his notaries.

When the report was complete, the Judge Advocate, offered a judgement in support of Cuéllar. He wrote to Medina Sidonia explaining the reasons why he felt he should not be executed. It is possible that he also forwarded a transcript of the report. Cuéllar stated that he too, wrote a letter to the Duke. This is consistent with the inquiry at Seville, where Cuéllar submitted a detailed testimony defending his actions that ran to six pages (Frias, 1584). Although the Judge Advocate recommended clemency, the final verdict still rested with Medina Sidonia. Aranda stipulated that, if the Duke upheld the death sentence on Cuéllar, he would require a written order, signed by him, in order to carry out the execution. The *Carta* then states that Medina Sidonia endorsed the Judge Advocate's finding. The death sentence on Cuéllar was remitted, as it was for the other captains, except for one unfortunate, Don Cristobal de Ávila, captain of the *Santa Barbara*. Instead, according to one eyewitness, some were condemned to the galleys, while other "soldier-officers" were stripped of their commands (Hume, 1899, p.447). On 11 August, Ávila was hung from the yardarm of a pinnace. His corpse was then paraded around the fleet as a warning against any repeat of what had occurred the previous day. It was military discipline in its starkest form, but merely reflected the perils that the Armada faced, and the absolute necessity for the senior commanders to remain in control.

Cuéllar intimated in the *Carta* that he was 'freed' after the verdict. It is more likely that he fell into the latter category of soldier-officers who were stripped of their commands, as he was not restored to the *San Pedro*, but remained with the Judge Advocate on the *Lavia*. He stayed on that vessel until it was shipwrecked in Ireland. It was a remarkable turn of events that he had found himself accused of a breach of discipline and facing legal sanctions for a second time. We do not know if Cuéllar was the only officer to challenge the decision of the court-martial, there are no records to suggest the other captains followed suit. Under the circumstances, that he was able to appeal the decision and defend himself successfully in 1588, was a consequence of the legal grounding he had acquired during the case with Andrés de Guino some years earlier. Regardless of his qualities as an officer, legal dexterity and a talent for rhetoric may have been the principal reasons why Cuéllar was shown clemency, and the other condemned man, Don Cristobal de Ávila, was not. Even in the Spanish military of the late sixteenth century, it appears that at times, the pen was as mighty as the sword.

## Bibliography

- Anonymous, 1585. *Papeles de Armada de los Años 1567-88*. Contratación, 2933, Seville: Archivo General de Indias.
- Anonymous, 1586. *Consultas del Consejo Indias al Rey: sueldos gente armada*. Patronato, 33,N.3,R.65, Seville: Archivo General de Indias.
- Bobb, B.E., 1948. Pedro Sarmiento de Gamboa and the Strait of Magellan. *Pacific Historical Review*, 17(3), pp.269-282.
- Chaunu, H. & P., 1955. *Seville et l'Atlantique*, III, Paris, A. Colin.
- de Cuéllar, F., 1584. *Relación y Memoriales*, Guerra y Marina, 171, f.179, Simancas: Archivo General de Simancas.
- de Cuéllar, F., 1585. *El Capitán Francisco de Cuéllar*, Guerra y Marina, 171, f.202, Simancas: Archivo General de Simancas.
- de Cuéllar, F., [1589] 1990. "Letter From One who Sailed with the Spanish Armada and Tells the Story of the Enterprise of England", Translated in Gallagher, P. & Cruickshank D.W., 1988. *God's Obvious Design: Papers for the Spanish Armada Symposium*. Sligo, London: Tamesis Books, pp.223-47.
- de Frias, J.S., 1584. *Francisco de Cuéllar con Andrés de Eguino, contador de la Armada destinada al Estrecho de Magallanes, sobre no haber perseguido con sus navíos a unos corsarios ingleses*. Escribanía, 1069B, Seville: Archivo General de Indias.
- de Guino, A., 1583. *Andrés de Eguino, Contador: Encuentro con el Corsario Inglés*, Patronato Real, 266, R.45, Seville: Archivo General de Indias.
- de Guino, A., 1584. *Relación de la Jornada de Diego Flores de Valdés a Parayba*. Patronato, 33N,3,R.41, Seville: Archivo General de Indias.
- Hakluyt, R., 1904. *The Principal Navigations, Voyages, Traffiques and Discoveries of the English Nation*. London.
- Duro, C.F., 1888. *La Armada Invencible*. II, Madrid.
- Duro, C.F., 1895. *La Armada Espanola desde la Unión de los Reinos de Castilla y Leon*. II. Madrid: Est. tipográfico "Sucesores de Rivadeneyra".
- Goodman, D., 1997. *Spanish Naval Power 1589-1665: Reconstruction and Defeat*. Cambridge: Cambridge University Press.
- Herrera Oria, E., 1929. *La Armada Invencible*. Madrid.
- Hume, M.A.S. (Ed), 1899, *Calendar of letters and State Papers relating to English Affairs preserved in, or originally belonging to, the Archives of Simancas: Elizabeth, IV*. London.
- Markham, C.R. (Ed), 1895. *Narratives of the Voyages of Pedro Sarmiento de Gamboa*. Hakluyt Society.
- Parker, G., 1998, *The Grand Strategy of Philip II*, New Haven & London, Yale University Press.
- Parker, G., 2004. Anatomy of a Defeat. *The Mariner's Mirror*, Vol. 90(3), pp.314-347.
- Parker, G., 2006. The Spanish Armada Almost Surrendered. *Military History Quarterly*, 18(4), p.86-92.
- Pérez-Mallaína, P.E., 1998. *Spain's Men of the Sea*. Baltimore: Johns Hopkins University Press.
- Philip II, 1581. *Expedientes de Armadas y Flotas*, Indiferente General, 2676, Seville: Archivo General de Indias.
- Philip II, 1587. *Guerra y Marina*, 206, f.273, Simancas: Archivo General de Simancas.

Pierson, P., 1989. *Commander of the Armada: The Seventh Duke of Medina Sidonia*. New Haven: Yale University Press.

Pike, R., 1972. *Aristocrats and Traders: Sevillian Society in the Sixteenth Century*. Ithaca: Cornell University Press.

Rahn-Phillips, C., 1992. *Six Galleons for the King of Spain: Imperial Defence in the Early Seventeenth Century*. Baltimore, London: Johns Hopkins University Press.

Taylor, E.G.R., 1959. *The Troublesome Voyage of Captain Edward Fenton 1582-83*. Hakluyt Society.

Thompson, I.A.A., 1976. *War and Government in Hapsburg Spain 1560-1620*. London: Athlone Press.