

‘Breaching Neutrality’: English prize-taking and Swedish neutrality in the First Anglo-Dutch War, 1651-1654

The background to the First Anglo-Dutch War is very well rehearsed in the historiography of European maritime history.¹ Long-held grievances over episodes such as the Amboyna Massacre (Ambon, 1623) and the slaughter of Dutch sailors by the Royal Navy near Aberdeen (also 1623) fuelled ethnic rivalries.² England and the Dutch Republic were also consumed by their competitive transglobal commercial rivalry.³ Oliver St John and Walter Strickland, as plenipotentiaries of the Rump Parliament, had singularly failed to secure an alliance between the English Commonwealth and the Dutch Republic. One consequence of this was that the English government introduced the Navigation Act on 9 October 1651. It was not long before a naval encounter erupted between the English and Dutch fleets in May 1652, followed by a full declaration of war in October. Given the number of ships taken prize by English men-of-war and privateers after the war had fully broken out, it should be no surprise that neutral ships were frequently caught up in the naval exchanges. The conflict itself has been the subject of numerous studies, but the impact of the war from the viewpoint of the neutral parties has received scant attention by comparison.

To date it has been possible to identify around fifty Swedish ships brought into English ports which were either judged prize, had their cargoes condemned, or were released in whole or in part.⁴ There are further cases of Swedish cargo being removed from foreign ships: four cases in particular were strenuously pursued by the Swedes through the English Admiralty Court.⁵ This is not the tally of all ships detained in port briefly, or stopped and searched at sea. Here we consider those that the Swedish authorities were particularly

¹ Boxer, *Anglo-Dutch Wars*; Capp, *Cromwell's Navy*, 73-86; Jones, *Anglo-Dutch Wars*.

² Calder, *Revolutionary Empire*, 161-162; Marshall, ‘English in Asia’, 271. For the actions of Captain Best against the Dutch in 1623 see Murdoch, *Terror of the Seas?* 159-160.

³ Capp, *Cromwell's Navy*, 73; Rommelse, ‘The role of mercantilism’, 591-611.

⁴ The main sources include: Riksarkivet [hereafter RA], Anglica VII 541 and 543; The National Archives [hereafter TNA], HCA 34/4 Sentences and HCA 30/869; *CSP John Thurloe*, I, 222-224. The Humble Petition of Henry Caarloff, January 1653; *Ibid.*, 222-224. Intercession of Ambassador Hareld Appelboom, January 1653; *CSP John Thurloe*, II, 142. Benjamin Bonnel to Secretary Thurloe, 4 March 1653/4; *Ibid.*, 181-182. Depositions of the masters of *The Phoenix* and *The Hope*, 21 March 1653/4; Same volume, 299-300. Humble Remonstrance of Benjamin Bonnel, 20 May 1654. See also Werner Pursche, ‘Stockholms handelssjöfart och de engelska kaperierna 1652-1654’ in Nils Staf, ed., *Studier och handlingar rörande Stockholms Historia III* (Stockholm, 1966), 112-180. Pursche has conflated papers concerning a single episode, written over several years, but counted them as separate incidents. He has also omitted some important cases; hence the disparity in our numbers.

⁵ These included the vessels *Nörrköping* (Dutch), *Gideon* (Dutch), *Redhart* (probably Dutch) and an unnamed Dutch ship with Riga goods on board. See variously Riksarkivet Stockholm [hereafter RA] Anglica VII, 541. List of condemned cargoes; RA Anglica VII, 541. List of seized ships and costs, 1653 (Swedish); Pursche, ‘Stockholms handelssjöfart’, 180.

concerned about.⁶ We have numerous documents which refer to unnamed Swedish ships being seized, or where several masters needed their cases dealt with, but clarity is lacking as to whether they are referring to already identified ships or to other vessels. For example, English Secretary of State John Thurloe, noted that Israel Lagerfeld, Public Minister for Queen Christina, had taken notary depositions from several masters ‘pretending to be Swedes’ and presented them to the Council.⁷ However, although the language suggests otherwise, Thurloe ordered that their cases be dealt with ‘without delay’ signifying his belief that they belonged to Sweden. The complexities of the northern German territorial realignment after the 1648 Treaty of Westphalia saw numerous German ports such as Buxtehude and Stade in Swedish Bremen join existing German-speaking territories as part of the extended Swedish Empire.⁸ The capture of a ship from such a port often generated uncertainty among the English privateers as to whether they were really manned by German-speaking Swedish neutrals, or merely Germans masquerading as Swedes.⁹

Of the cases identified to date, most had either all or part of their cargo condemned, leading to protracted appeals which in some cases lasted beyond the death of Oliver Cromwell in 1658. Several of the ships were condemned outright, and some judged free but not returned to their owners, even after several years of negotiation, and despite legal instructions to return them. Moreover, many of these cases involved claims of robbery and absolute violence by the privateering crews against the crews of ships brought in for judgement. In one case, *The Abraham's Offering*, the master was cut with a sword and severely beaten by one Captain John Treasure who declared ‘he valued not the pas of her royal majestie of Sweden, but would wipe his poesteriors with it’.¹⁰ The ship was then brought into the Thames to be judged *after* the privateers had already robbed her at sea. The delay in obtaining judgement in such cases stemmed, in part, from the fuzzy state of relations between Sweden and the English Commonwealth. While the diplomats of the day on both sides talked of some notional ancient Anglo-Swedish amity, in fact there was no meaningful treaty before 1654. Indeed, in May 1647, English ships had engaged in a skirmish with a fleet of some 15 Swedish ships for not dipping their flags as they passed through the Channel.¹¹ This assertion of English dominance

⁶ For Appelboom’s and Bonnel’s missions, see Heimer, *De diplomatiska förbindelserna*, 88-89, 108-109.

⁷ TNA, HCA 30/869. Order of the Council of State by John Thurloe, 19 August 1653.

⁸ The complex associations between Swedish Bremen, the Hanse cities of Bremen and Hamburg and the territorial claims of both Denmark and Sweden to north western Germany are explained in Zickermann, *Across the German Sea*, 15-61.

⁹ Zickermann, *Across the German Sea*, 47.

¹⁰ *CSP John Thurloe*, II, 182 & 300. The Deposition of Gerbant Cornelison of *The Abraham's Offering of Nyköping*, 21 March 1653/4 and The Humble Remonstrance of Benjamin Bonnel, 20 May 1654.

¹¹ Fulton, *Sovereignty of the Sea*, 382.

of those waters resulted from Queen Christina's own insistence that the Swedes were under no obligation to concede to English claims of sovereignty at sea.¹² The English allowed the convoy to go on its way, but took one of the Swedish men-of-war into the Downs. They were followed by the other Swedish men-of-war who declared they would not return without their vice admiral. The English Parliament composed a report on the events, a copy of which found its way to Stockholm. While reconfirming their claims of being affronted, and recounting the actions of the day, it noted that the convoy and escorts were all released – an admission that they had no legal right to hold them.¹³ Nevertheless, the English captains were complimented for upholding 'the King's sovereignty at sea' despite the Queen of Sweden's orders to resist them.¹⁴ Queen Christina subsequently, albeit ostensibly for other motives, supported a Royalist military expedition to Scotland in support of the Marquis of Montrose and in response to the regicide of Charles I.¹⁵ This briefly increased Anglo-Swedish tensions, but greater problems were looming.

The ability of the English Parliament and Swedish Crown to conveniently forget the recent past notwithstanding, the problem remained that England and Sweden adopted very different attitudes when it came to issue of trade. Thus the Swedes, partly in response to the restrictive English Navigation Act of October 1651, established *Kommerskollegium* (The Council of Commerce), a body set up to oversee their right to free trade across the globe, especially on the West African Guinea Coast and with the Americas.¹⁶ Whatever the English perceptions of *Kommerskollegium*, commercial posturing was undoubtedly implied and Sweden certainly seemed to be reacting to English restrictions to their free commerce. Although Sweden was not specifically mentioned in the 1651 Navigation Act, the Swedes clearly understood that it would have an impact on them.¹⁷

The seizure of Swedish neutrals had begun before the official declaration of war against the Dutch. In July 1651, the *Stockholm* of Stockholm, on her homeward bound voyage laden with a cargo of salt and sugar, was stopped by the English man-of-war *Jonsco Frigot* in the Channel. She was asked to strike her sail and deliver her papers to the Englishman. This was done to the surprise of the crew because two Dutch ships and a Danish vessel were permitted to sail freely on their way. Acting upon their stated belief that the English privateer

¹² Grosjean, *Unofficial Alliance*, 239; HMC, *Thirteenth Report*, 1, 437; R. B., *A true and full relation of the late sea fight* (10 May 1647).

¹³ RA, Anglica VII, 532. Report of the English Parliament, 9 July 1647.

¹⁴ Fulton, *Sovereignty of the Sea*, 382.

¹⁵ Grosjean, *Unofficial Alliance*, 239-254.

¹⁶ Glete, *Swedish Naval Administration*, 106.

¹⁷ Grosjean, *Unofficial Alliance*, 240.

seemed to them to be an Irish pirate, the ships' master, Sybraut Jellis, opened-fire and fought for several hours to defend his vessel.¹⁸ *Stockholm* only yielded when a second English vessel, *Phoenix*, joined the action. In the process the Swedes lost one man killed and several wounded, including the master. However, it should not go unnoticed that one of the main owners of the vessel was a Scottish admiral in Swedish service, Richard Clerck whose opinion of the English occupation of his homeland at this juncture is unfortunately not recorded. Moreover, the Swedes had already tired of being subject to claims of English superiority at sea and this is as likely an explanation for their resistance as any other motive. However, this violent defence of their vessel did not, at this stage, represent a reaction to predation upon neutral shipping in a wider conflict at sea. There was, at that juncture, no open conflict with the Dutch and nor had the Navigation Act yet been introduced. Rather, this was essentially a dispute over the etiquette of flying flags in waters the English perceived to be theirs. Nevertheless, it did result in direct diplomatic overtures to England, first opened-up by the *Riksråd* (Swedish state council) in August 1651 when Benjamin Bonnel received permission to travel to England to recover *Stockholm* – he was also a co-owner of the vessel.¹⁹ His intervention was followed almost immediately by still further diplomatic pressure after the English seized yet more Scandinavian ships

Within weeks of the *Stockholm* incident, the 300-ton Swedish Africa Company ship *Norrköping* was brought up in Portsmouth. Unlike *Stockholm*, she was one of the first casualties of the Navigation Act of October 1651. The ship herself was valued at £1600 while her cargo was estimated to be worth a £1000 more.²⁰ Before this claim had even been settled, the company ships *Christina* and *Stockholm's Slott* were also taken under the terms of this act the following year.²¹ These two were held for four months, along with one of the directors of the company, Henrik Caarloff. The cost incurred by the seizure of these three ships was later estimated at an astonishing 123,594 rixdaler (c. £31,000).²² The subsequent 'Humble Petition' from Director Caarloff was well received in England, at least on the surface. Caarloff returned to Sweden bearing an assurance to Queen Christina

¹⁸ TNA, HCA 13/65, ff.62-65. Claim of Benjamin Bonnel and Richard Clerck, 20 August 1651.

¹⁹ Kullberg, et al., eds., *Svenska Riksrådets Protokoll* [hereafter *SRP*], XV, 1651-1653, 101. Minute, 28 August 1651.

²⁰ RA Anglica VII, 541. Undated memos concerning Norrköping and associated costs, 1651 (English, French and Swedish).

²¹ *CSP John Thurloe*, I, 222-224. The Humble Petition of Henry Caarloff, January 1653; Grosjean, *Unofficial Alliance*, 240.

²² RA, Anglica VII, 541. List of seized ships, 1653.

...for preventing all misunderstanding of this nature, they shall not only renew their former commands to all their officers, commanders of ships, and others of this commonwealth, to use and treat your subjects with all friendship and affection, the breach whereof they will severely punish; but have resolved to send unto your majesty with all speed an ambassador extraordinary for settling trade and commerce between these two nations.²³

Despite this fine rhetoric, the seizures continued.²⁴ By November 1652, formal complaints were being made to the English Parliament in defence of Swedish ships which had been seized while conducting legitimate and free trade with France and Portugal, and which demonstrably had nothing to do with the Dutch.²⁵ Complicating matters further were the legal instruction under which the English authorities sent privateers to sea.

The scholarship relating to English privateering seldom questions the validity or international context under which English letters of marque or reprisal were issued and the legitimacy of prizes subsequently seized. Some authors apparently revel in the conflation of English privateers with pirates as if that were a good thing; they pursue the romance of piracy over what were, or should have been, a series of highly regulated activities.²⁶ There was no single understanding of the term ‘letter of marque’ and some potentates were deliberately vague when dispensing authority to conduct maritime operations at sea. Both Henry VIII and the Count of Holland sometimes issued ‘letters of reprisal’ as a primary means of conducting war at sea, effectively treating them the same way as ‘letters of marque’.²⁷ Though not formally agreed by these two leaders, there was a collective understanding among many other European powers that letters of reprisal were issued where an individual or collective group had suffered an illegal loss at foreign hands during peacetime.²⁸ In his *De Jure Praedae* (*Commentary on the Law of Prize and Booty*), Hugo Grotius argued that ‘a private war is undertaken justly in so far as judicial recourse is lacking’.²⁹ According to older English legislation this should have meant that an injured party received a ‘letter of request’ to recover their loss and that a further authorisation would only be issued after that to allow direct action

²³ CSP John Thurloe, I, 222-224. The Humble Petition of Henry Caarloff, January 1653.

²⁴ TNA, HCA 34/4. The Sentence of the *Andrew* of Gothenburg, 29 November 1652; RA, Anglica VII, 541. Petition of the citizens and merchants of Stettin, 12 December 1654.

²⁵ Grosjean, *Unofficial Alliance*, 242.

²⁶ See for example Childs, *Pirate Nation*. A more nuanced approach is found in Rodger, ‘The Law and Language of Private Naval Warfare’ in *Mariner’s Mirror*, vol. 100 (2014), 5-16.

²⁷ *Acts of the Privy Council of England* [hereafter APCE], I, 1542-1547, 107-111. 6, 9 and 11 April 1543.

²⁸ Sicking, *Neptune and the Netherlands*, 33.

²⁹ Grotius, *Commentary*, 142.

against any member of the city, province or state to which the transgressor belonged.³⁰ Before a letter of reprisal was issued, the injured party had to provide proof of injury and loss and have established legal proceedings for recovery, while also proving that he had been faced with a denial of justice. This was followed by a complaint by the injured party to his own sovereign who would take up the matter with the relevant sovereign or potentate of the foreign state involved. Only then, if failure to provide satisfaction continued, would the letter of reprisal be issued.³¹ Any ship taken under a letter of reprisal had to be turned over to the authorities, who would then effectively hold ship, crew and cargo hostage until satisfaction for the original grievance was made, at which time it was generally held that seized goods should be returned.³² Letters of reprisal fell out of use after the Treaty of Utrecht in 1713 which, although it recognised them, imposed conditions that effectively rendered them obsolete.³³

After the establishment of the English Commonwealth, Admiralty instructions had lost the finesse and legal definition added to them during the Jacobean and Caroline eras. For example, Professor William Welwood of St Andrews had been persuaded by Anna of Denmark to expand his *Sea Lawes of Scotland* for a wider British audience.³⁴ In so doing, Stuart Britain largely followed Scottish legal practice throughout the reigns of James VI&I and Charles I. In the redefining times of the Commonwealth, Oliver Cromwell preferred to employ the tactics of Sir Francis Drake rather than more legally robust and internationally recognised terms of engagement.³⁵ The case of Swedish neutral vessel *The Andrew of Gothenburg* exemplifies this point and raises some interesting queries about the ‘international’ nature of maritime law as understood in England. *The Andrew* was condemned ‘by virtue of reprisal’ as understood ‘according to the laws of nations’.³⁶ The problem here is that there was no international maritime law, only a series of bilateral and multi-lateral treaties between nations, states and cities. Moreover, by this juncture, most countries understood the concept of ‘reprisal’ only to be invoked against a particular individual, collective group or city in time of peace as a last resort to recouping damages sustained, and usually after all other

³⁰ Pritchard and Yale, *Hale and Fleetwood*, 137.

³¹ For Scottish comparisons see Murdoch, *Terror of the Seas?* 79-110.

³² Grotius, *Commentary on the Law of Prize and Booty*, 143.

³³ Wade, *Acta Curiae Admirallatus Scotiae*, xxxviii

³⁴ Alsop, ‘William Welwood’, 171.

³⁵ For Cromwell preferring the outdated concept of ‘reprisal’ in war see Barbour, ‘Pirates and Privateers’, 539.

³⁶ TNA, HCA 34/4. Sentence of the *Andrew of Gothenburg*, 29 November 1652. From the 16th century onwards it had been an English practice to issue letters of ‘marque and reprisal’ which facilitated action against neutral and enemy shipping. For example, on 6 April 1543, John Burgh of Devon received his authorisation as a privateer and could ‘take his advantage off Frenchmen by way of reprisall and off Skottes as enemies’. See *APCE*, I, 1542–1547, 107–111. 6, 9, 11 April 1543; Murdoch, *Terror of the Seas?* 44.

attempts at legal redress had been exhausted.³⁷ In a Scottish context the period from moment of complaint to the granting of letters of reprisal could take up to 20 years. In England such letters were often freely issued while war was on-going, leading to protracted reprisal cases which outlasted the conflict.³⁸ More importantly, there was no ‘reprisal’ to be had against Sweden, as she was a neutral party in the conflict. So here we see the Admiralty Court of England appearing to use outdated and anachronistic decisions when condemning neutral ships.

Some evidence for the above conclusion comes in the court decision which condemned *The Andrew*. The master of the ship, Elburt Tibbiston, died soon after his ship was brought up in England. There is no mention in the judgement that his ship carried false or double documents, false flags, or was indeed not a Swede as claimed. Rather, as the master was dead, there was no one to speak on behalf of the merchants or owners in England, so the ship and cargo were judged good and lawful prize simply on the grounds that nobody was available to claim her. It is true that interested parties had 14 days after notice was posted at the appropriate port to state their interest, but it would have been surprising if one of the owners was able to happen to see such a notice in time, especially where there appears to have been no attempt by the Admiralty to ‘summon the Defendant to make answer upon Oath to the Libell’. They apparently contacted neither the Swedish resident in England nor the city of Gothenburg directly to establish ownership. Failure to do so necessarily impaired the right of appeal as permitted by the English Admiralty regulations of 1631. These specifically allowed more than the usual fifteen-day appeal procedure if witnesses ‘be at sea or in foreign or remote parts’ for without them;

*the cause must stand until those witnesses can be there examined by Commission and their depositions returned to the Court, which very often in maritime causes must be done and spends much time and cost. For without the confession of the Party or proofes, no Sentence can be grounded.*³⁹

The point of ‘in absentia’ condemnation is confirmed through review of the case of *The Great Christopher of Stettin*, which had been carrying goods such as hemp and potash between Riga

³⁷ Murdoch, *Terror of the Seas?* 79-110.

³⁸ See for example ‘Cornelius Skellinger and others against Sir John Watts knt. and William Fisher for taking the Hope & her lading att sea [26 April 1605]’, and similar prize cases in Pritchard and Yale, *Hale and Fleetwood*, 287-291.

³⁹ Bedford’s Registry Book, Adm. Reg. MS. (Extracts), f.5. 1631 quoted in Pritchard and Yale, *Hale and Fleetwood on Admiralty Jurisdiction*, lix.

and Dunkirk when she was brought up in England. In his deposition master Martin Krüger was explicit that although the goods were destined for London, they were manifested for Dunkirk in case they were met at sea by Dutch men-of-war.⁴⁰ *En route*, she was taken into England on 26 December 1653. We know the Riga merchant John Pruyre received satisfaction for his share in the cargo of *The Great Christopher* from the London fishmonger, Thomas Dholstone.⁴¹ This had been won during a visit to London and evidenced by a quitclaim signed and witnessed in front of the English Admiralty. However, Pruyre expressly stated that his satisfaction only related to himself and his brother's share of *The Great Christopher's* cargo, and no other. Thus we find both the citizens of Stettin sending in their petition for restitution, and another by the English merchant Edward Lewes on behalf of himself and others, showing the complex nature of judging a cargo as prize.⁴² The case of *The Great Christopher* exemplifies that, during the Anglo-Dutch war, the Admiralty would demonstrably compensate for wrongful seizure of non-contraband cargo if challenged to do so in person, but no attempt would be made to see justice done to owners and merchants *in absentia*. The case in combination with that of the *Andrew of Gothenburg* seems to confirm a policy of condemnation only through the lack of presence of an owner of either the ship or cargo – a point seized upon by the Swedish authorities.

Compounding Swedish frustrations, the Admiralty Court also condemned at least one Stockholm ship, *The Hope*, which was in ballast. There was no cargo on board her whatsoever, let alone contraband. This was in direct contravention of most contemporary jurisdictions' understanding of prize law, and certainly removed any claim of a breach of the Navigation Act. Unsurprisingly this caused a storm of protests from the Swedish residents, Benjamin Bonnel and Israel Lagerfeld, who armed themselves with eleven separate depositions from the master, Jan Janson, and his crew.⁴³ All of these confirmed she was a Swedish-built ship, carried Swedish passes and flags only, had mostly a Swedish crew and was Swedish owned. So, what was the English Admiralty justification for confiscation given that any of these, including simply the sworn depositions of the master and consigners of

⁴⁰ TNA, HCA 13/68, f.270r. The deposition of Martin Cruyer (Krüger), 10 November 1653; RA, Anglica VII, 541. Petition of the citizens of Stettin, 12 December 1654.

⁴¹ TNA, HCA 30/869. The quitclaim of John Pruyre, 3 March 1654 (OS).

⁴² RA, Anglica VII, 541. Petition of the citizens of Stettin, 12 December 1654; *CSP John Thurloe*, II, 301. Representation of Edward Lewes, 8 May 1654.

⁴³ RA, Anglica VII, 541. The Examination of John Johnson, master of *The Hope*, 6 March 1653/54; Same folder, Depositions of the Crew of *The Hope*, 6 March 1653/54; *CSP John Thurloe*, II, 44. Bulstrode Whitelocke to Secretary Thurloe, 20 January 1653/4. *Ibid.*, 182. Deposition of Jan Janson, master of *The Hope*, 21 March 1653/54.

cargo, should have secured her freedom under the Navigation Act?⁴⁴ It appears that the best argument they could muster was that five of the seventeen crew were Dutch-born. Moreover, it was noted that some of the owners, such as Henrick Garretson were Dutch-born. However, as these and several of the Dutch crew were naturalised Swedes and had their abode in Sweden, their place of birth should not even have entered the equation. Indeed, there were not enough Dutch ‘enemies’ among the officers aboard her to condemn her under English law, especially as Janson himself claimed he came from Hamburg and had been a naturalised Swede since the 1640s.⁴⁵

When asked to produce his passes, Janson and some of his crew swore that the privateer had taken charge of them on boarding the ship, and they had not seen them since.⁴⁶ With such a weak case, the Admiralty sought other options and came up with the somewhat lame claim that some cheese found on board, (200 pounds weight valued at 30 guilders) and belonging to the Dutchmen, constituted cargo.⁴⁷ While Janson and those of his crew who mentioned it gave this sum or talked only of a small quantity of cheese on board, the Admiralty claimed a far greater quantity (1850 pounds of cheese).⁴⁸ That is a lot of cheese for private consumption. Nevertheless, the Admiralty decreed the release of the ship on 25 March 1654, though expressly retaining the cheese and some other private goods belonging to Dutchmen. *The Hope* and the other cases kept Benjamin Bonnel extremely busy throughout the duration of his mission.⁴⁹ He did manage to extract promises of speedy resolution to Swedish cases on several occasions from the English Council of State through his vigorous challenges to both the seizures and procedures of the English Admiralty Court.⁵⁰

It seems the English initially seized Swedish vessels transiting the English Channel simply in the legitimate search for contraband. One such, *The St Marke of Stralsund*, appears

⁴⁴ CSP John Thurloe, II, 142. Benjamin Bonnel to Secretary Thurloe, 4 March 1653/4.

⁴⁵ RA, Anglica VII, 541. The Examination of Jan Janson, master of *The Hope* and Depositions of the Crew of *The Hope*, both 6 March 1653.

⁴⁶ RA, Anglica VII, 541. The Examination of Jan Janson, master of *The Hope* and Depositions of the Crew of *The Hope*, both 6 March 1653. Specifically, Thomas Hanson claimed to have seen the papers before they were taken by the privateer. This is an interesting defence, not least because a ship without passes would normally be condemned on the assumption that the papers that would condemn a vessel would be thrown in the sea. It does raise an interesting point about trusting your captor with papers which he might destroy in order to ensure his prize.

⁴⁷ CSP John Thurloe, II, 182. Deposition of Jan Janson of *The Hope of Stockholm*, 21 March 1653/4.

⁴⁸ RA, Anglica VII, 541. Admiralty Judgement against *The Hope*, 21 March 1653/54.

⁴⁹ For the main corpus of his letters from this mission see RA, Anglica II, 515. Brev från Benjamin Bonnel, 1653-1655.

⁵⁰ TNA, HCA 30/869. Order of the Council of State to the Admiralty Judges, 19 August 1653. Orders from the Admiralty to the effect that they were willing to give full restitution were received in Sweden in February 1654. See CSP John Thurloe, II, 111. Bulstrode Whitelocke to Secretary Thurloe, 24 February 1653/4; Ibid., 314. A Paper of the Swedish Resident, 24 May 1654.

to have only lost £50 worth of her cargo when brought into Rye, but was released promptly.⁵¹ The privateer captain, Pedro Borgaro of Dover, signed a declaration on 25 March 1654 in which he declared he had released her ‘because I perceive he is a Swede & so consequently a freeman’.⁵² While Borgaro clearly understood the position of Swedes within this conflict, others did not. Indeed, some Englishmen hoped for bigger prizes regardless of their free-Swedish credentials. By November 1652 formal complaints were being made to the English Parliament in defence of ships which had been seized while conducting legitimate and free trade with France and Portugal and which demonstrably nothing to do with the Dutch.⁵³ This raised a new and important discussion at state level. The *Riksråd* met to consider implementing a convoy system for ships heading into the North Sea and through the English Channel into French waters.⁵⁴ By that point Bulstrode Whitelocke had already estimated there to be some twenty Swedish men-of-war deployed for this purpose.⁵⁵ The *Riksråd* suggested that all neutrals should congregate together to reduce costs and increase safety. A strategy of sorts was developing as the Swedish authorities tired of having to try to recover ships, cargoes or compensation. Instead they hoped to prevent losses at sea to belligerent nations in the first place. An interesting caveat was added: that any ship ‘betraying’ the convoy by carrying contraband goods would be liable to confiscation, both cargo and ship.⁵⁶ Owners were to be charged between 1 and 2.5% of value to pay for this, but all were told that if they went to England or the Dutch Republic they did so at their own risk. Several convoys followed. In December 1653, the mayor of Gothenburg, met with the Swedish Chancellor, Axel Oxenstierna, in the hope of securing the protection of a Swedish warship. This was for a fully laden tar-ship penned into the harbour by English privateers loitering at the entrance to the port.⁵⁷ As a result Admiral Marten Thijssen Anckarhjelm agreed to convoy the ship past the predators. Having taken measures for protection on their own account, the Swedes wanted the English to play their part. Diplomatic missions were organised from Sweden to England and from London to Stockholm. Oxenstierna demanded that orders to be sent from the newly arrived English ambassador, Bulstrode Whitelocke, to the English captains to leave Swedish

⁵¹ East Sussex Record Office, RYE/47/149/5. 25 Mar - 20 Apr 1654, Item 4. 20 April 1654. Certificate by the Mayor and Jurats of Rye that Mark Heytman, master of the ship called *The St. Marke* of Stralsund, in Sweden, was taken at sea by Captain Pedro Borgaro, of Dover, captain of a private man of war, and was brought into the harbour of Rye and that he hath lost out of his ship goods to the value of 50 li.

⁵² TNA, HCA 30/225. Certificate of release by Captain Pedro Borgaro, 25 March 1654.

⁵³ Grosjean, *Unofficial Alliance*, 242.

⁵⁴ *SRP*, XV, 429. c. July-August 1653.

⁵⁵ Whitelock, *Memorials*, IV, 10-11. 9 & 17 May 1653.

⁵⁶ *SRP*, XV, 429. c. July-August 1653; Grosjean, *Unofficial Alliance*, 243.

⁵⁷ RA, Erik Axelsson Oxenstierna samlingen, E1053. Axel Oxenstierna to Erik Oxenstierna, 10 December 1653.

shipping alone as their disruption was impacting severely on Swedish trade which, he demanded, was to be free.⁵⁸ The Chancellor even contemplated an alliance with Denmark to secure this neutrality – a serious indicator of how far Swedish trade was suffering given the historic antagonism between the Scandinavian kingdoms. These orders and concerns were particularly galling for Whitelocke as his attempts to secure a new Anglo-Swedish alliance were being disrupted by English privateering activities. Negotiations were rumoured to have included plans for a joint conquest of the main Danish island of Sjaelland in order to wrest control of the Sound away from the Danes and their Dutch allies.⁵⁹ Given the importance of his negotiations, Whitelocke both interceded for the Swedish vessels and implored the English Admiralty to enforce their own orders to privateers not to interfere with Swedes. More crucially, Whitelocke sought to ensure the speedy return of goods belonging to Queen Christina and her household which had been promised by the English Parliament even before he had left on his mission in the winter of 1653.⁶⁰ As he put it:

*Of which business [privateering], and the stay of those ships, there is too much talk here. I earnestly entreat you to be insistent with the Council in this business. It seems strange to me, that a shippe having the Queene's passe and my Lord Lagerfeldt's, should be seized, especially in this time of treaty, and cannot be discharged.*⁶¹

Whitelocke's negotiations to secure a treaty with Sweden were certainly hindered by the ship seizures and the Swedes frequently addressed the articles concerning restitution within the proposed treaty.⁶² Another point to be drawn from the incident is that the English were deliberately targeting Swedish ports in this war, and not simply picking up Swedish ships accidentally in the crowded waters of the English Channel. Although Whitelocke secured an Anglo-Swedish alliance in April 1654 which removed 'impediments to navigation and commerce', it did not settle the issue of those ships and cargoes already seized.⁶³ Certainly,

⁵⁸ RA, Erik Axelsson Oxenstierna samlingen, E1053. Axel Oxenstierna to Erik Oxenstierna, 19 December 1653; *CSP John Thurloe*, II, 142. Benjamin Bonnel to Secretary Thurloe, 4 March 1653/4.

⁵⁹ TNA, SP75/16 f. 233. Letter of Petition to Oliver Cromwell, Lord Protector of the Commonwealth of England, Scotland and Ireland, 28 December 1653; Murdoch, *Britain*, 177-178; Grosjean, *Unofficial Alliance*, 248.

⁶⁰ *CSP John Thurloe*, II, 14. Queen Christina to Benjamin Bonnel, 9 January 1654; *Ibid.*, 142, Bulstrode Whitelocke to Secretary Thurloe, 4 March 1653/4. *Ibid.*, 254. Whitelocke to Thurloe, 28 April 1654.

⁶¹ *CSP John Thurloe*, II, 44. Bulstrode Whitelocke to Secretary Thurloe, 20 January 1653/4; Whitelock, *Memorials*, 87. 1 March 1654.

⁶² *CSP John Thurloe*, II, 217. Bulstrode Whitelocke to Secretary Thurloe, 7 April 1654; Heimer, *De diplomatiska förbindelserna*, 146, 148.

⁶³ Jenkins, *Collection of all the Treaties*, I, 69-70. Treaty between Oliver Cromwell and Queen Christina, 11 April 1654.

clauses X to XIII of the treaty made reference to the restitution of losses stemming from the Anglo-Dutch War, and they did raise the issue of contraband in a very general way. However, the Swedes refused to formalise any closer commercial treaty until Cromwell agreed to conditions which would ensure that Sweden's main exports were not regarded as contraband in time of war.⁶⁴ A period of four months had been agreed in the April treaty for settling the contraband issue, but this deadline was missed.⁶⁵ In November 1654, Peter Julius Coyet (later Swedish Secretary of State) was ordered to prepare for a diplomatic mission to England expressly to deal with the outstanding cases. He brought with him a *Memorial*, in the name of *Kommerskollegium*, which reiterated the ongoing grievances pertaining to ships and cargo brought up in England and, again, reiterating the issue of 'contraband'.⁶⁶ This was not delivered until his arrival in England in March 1655.

Some very poor decisions had been made by the English Admiralty in relation to the neutral nations, especially Sweden, and often on some very flimsy evidence. As such, the Swedes demanded restitution for the master of one Stettin ship, Michael Grånenberg, whose ship had been held for over a year before being released in 1653, the master regaining both ship and goods.⁶⁷ His costly freedom was short-lived as on 16 November his ship was again taken by another privateer, apparently on his outward voyage from England.⁶⁸ This was despite the English Council of State issuing several direct orders in April that year to the Admiralty to stop bringing in Swedish vessels.⁶⁹ At the Swedish Crown's insistence, an interesting claim was made by 21 Swedish subjects of the city of Stettin in December 1654 in respect of five ships of that town. In this document they itemised the loss of specified cargo and goods which had either been plundered, spoiled or condemned.⁷⁰ Moreover, compensation was sought for returning the ships to seaworthy condition, for loss of business

⁶⁴ Roberts, *Swedish Diplomats*, 42 and 257-258; Grosjean, *Unofficial Alliance*, 253.

⁶⁵ Jenkins, *Collection of all the Treaties*, 70. Article XI.

⁶⁶ *Memorial* by Peter Coyet and Eric Oxenstierna on behalf of Kommerskollegium, 16 December 1654 reprinted in Levin Carlbom, ed., *Sverige och England*, Appendix.

⁶⁷ RA, Anglica VII, 541. Petition of the citizens of Stettin, 12 December 1654. The ship was allegedly first 'carried to Berwick into Scotland to dispose of her and make her away with more convenience'. This accusation of taking ships into Scotland for easy disposal sounds dubious as Berwick-upon-Tweed is in England and anyway Scotland was a country under English occupation. Cross referencing with other documents it looks like the ship was probably *Moses*. The destination of Berwick, and the costs are the same albeit there are discrepancies with the master's name (Michael Bryneberg) and whether she was seized in 1651 or 1652. See RA Anglica VII, 541, List of seized ships and costs, 1653 (Swedish).

⁶⁸ RA, Anglica VII, 541. Petition of the citizens and merchants of Stettin, 12 December 1654.

⁶⁹ These were dated 1 April 1653. See *CSP John Thurloe*, II, 142. Benjamin Bonnel to Secretary Thurloe, 4 March 1653/4.

⁷⁰ RA, Anglica VII, 541. Petition of the citizens of Stettin, 12 December 1654.

while the ships were detained, and for expenses incurred in recovering them. In total this bill came to 50,713 rixdaler (c. £11,712 sterling).⁷¹

The eventual restitution and compensation for the ships and cargoes was successfully pursued by the Swedish negotiator, Christer Bonde, working under the mantra of ‘Fritt skepp, fritt gods’ (a free ship makes a free cargo).⁷² The new Anglo-Swedish treaty, concluded on 17 July 1656, ostensibly gave all the guarantees the Swedes sought.⁷³ This included the specification of what constituted contraband goods (Article II), which related only to weaponry, money, and the lending of ships of war, and established free trade with the enemy for non-contraband goods (Article III) so long as they did not trade with a blockaded port. A template for passports was also agreed (Article IV). Crucially, Article VII agreed to the appointing of commissioners to determine the satisfaction to be given for losses incurred and to meet in London on 1 January 1657.⁷⁴

Article VII was immediately invoked to settle the case of *The Golden Dove of Gothenburg* (among others).⁷⁵ A Swedish-commissioned herring buss, she was taken on what appears to be her maiden voyage in June 1652 and condemned largely for using Dutch nets to fish with. It was claimed that she was removed to Scotland and sold there (the second accusation of this sort to be made), before finally being spotted in England by some of her owners about six months later. They forced judgement through the Admiralty Court and won their case and the ship was ordered to be returned to them (a fact confirmed by an intercession of Bulstrode Whitelocke).⁷⁶ The English owners refused to give her up and it was only after the 1656 treaty that satisfaction could be claimed. The expenses included: £1420:16 for the initial cost of setting out the ship; the master’s expenses in England of £111:04; 14 months of factoring expenses at £209:06; the factor’s travel expenses totalling £57; translation work undertaken for the Admiralty Court of some £60; interest on the original setting out costs equating to £662:13:4; the replacement factor from September 1655 at £100. Postage of

⁷¹ NB. The exchange rate is set in this document as £150 = 650rdl.

⁷² Levin Carlbom, *Sverige och England*, 120. Roberts describes this as a ‘Dutch doctrine’, though it is clearly one the Swedes held dear. See Roberts, *Swedish Diplomats*, 42.

⁷³ The 1656 treaty is reproduced in full, with additional correspondence, in *Milton State Papers*, XIII, 565-591; Levin Carlbom, *Sverige och England*, 123, 132. It was ratified by Cromwell on 5 November and Karl X on 30 December 1656.

⁷⁴ A separate clause relating to Article II continued to stipulate that pitch, tar, hemp, cables, sail cloth and masts would continue to constitute contraband if consigned to Spain or her dominions for the duration of the war. *Milton State Papers*, XIII, 591. See also Levin Carlbom, *Sverige och England*, 124-125, 130, 133; Roberts, *Swedish Diplomats*, 42-43.

⁷⁵ See RA, Anglica VII, 541. Petition of Gerhard Monscheur regarding *The Golden Dove*, 1656.

⁷⁶ *CSP John Thurloe*, II, 142. Benjamin Bonnel to Secretary Thurloe, 4 March 1653/4.

documents costing some £40. This made the total claim £2,660:19:4.⁷⁷ This was only one ship. The cost to the treasury of the total claim by the Swedes already stood at £46,154 (some 200,000 rixdaler) by February 1654, and that was before the cost of appeals and loss of business compensation claims were factored in. With subsequent seizures, this pushed the final bill much higher.⁷⁸ Indeed by May 1654, Benjamin Bonnel gave a very detailed breakdown of six Swedish ships still in custody along with Swedish cargoes removed from other vessels – all of which he wanted returned.⁷⁹ New Swedish commissioners arrived in England in 1657 to resolve the Swedish grievances. Their negotiations for restitution, and those of their successors, dragged on until 1658, by which time the two sides could not agree on the amount claimed – the Swedes were asking for £136,000 (588,880 rixdaler) with the English negotiating for only £100,000 (433,000 rixdaler) and nothing had been paid by March 1658 when the negotiations broke up. Thus, as J. Levin Carlbom put it, the negotiations at the end stood at the same point as they had at the beginning – unresolved.⁸⁰ Rather, the focus of Anglo-Swedish negotiations in London reprioritised English military and naval support for the Swedes against the Danish-Dutch alliance to the top of their agenda.⁸¹ This was a deal Karl X apparently thought more valuable in the long-run than the combined claims of his merchants.

Conclusion

Though the numbers of Swedish ships and cargoes appears miniscule compared to the numbers of Dutch vessels seized in this war, for those concerned it was a costly, time-consuming business – and potentially devastating for those who lost their livelihoods. We often find the Swedes failing to comprehend the law behind the seizure of their ships or the legality of the procedure during the judging process. They were frequently confronted by an English Admiralty Court often unable to enforce its own decisions for the release or compensation of owners even after the case had been heard and concluded in the favour of the Swedes. We know it took several years after the war was over for any neutral claims to be settled, despite the collective efforts of seasoned negotiators on both sides. Indeed, the matter of getting restitution became tougher after the Restoration of the House of Stuart in 1660.

⁷⁷ RA, Anglica VII, 541. Breakdown of expenses for *The Golden Dove*, 14 November 1657.

⁷⁸ CSP John Thurloe, II, 82. Bulstrode Whitelocke to John Thurloe, 10 February 1653/4. Subsequent seizures are mentioned in the same volume, 231. Bulstrode Whitelocke to John Thurloe, 14 April 1654; Heimer, *De diplomatiska förbindelserna*, 146.

⁷⁹ CSP John Thurloe, II, 299-300. Humble Remonstrance of Benjamin Bonnel, 20 May 1654.

⁸⁰ Levin Carlbom, *Sverige och England*, 151-152.

⁸¹ SRP, XVIII, 82, 85 & passim.

After all, to the Stuarts, the predations and debts of the Cromwellian regime were not their problem. This led to a further round of negotiations and the eventual settlement of the status of Swedish neutrals under the 1661 Treaty of Whitehall.⁸² As has been demonstrated elsewhere,⁸³ new complications would arise which ensured that the status of Swedish and other neutrals would continue to be a problem when the great maritime powers went to war.

⁸² Hertslet, ed., *Treaties and Conventions*, II, 324-333.

⁸³ For British privateers beaching Swedish neutrality in the Restoration period, see Murdoch, *Terror of the Seas?* 237-281.

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