

# Florida Historical Quarterly

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Volume 37  
Number 1 *Florida Historical Quarterly*, Vol 37,  
Issue 1

Article 5

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1958

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### Recommended Citation

Lawson, Edward W. (1958) "What Became of the Man Who Cut off Jenkins' Ear?," *Florida Historical Quarterly*: Vol. 37: No. 1, Article 5.

Available at: <https://stars.library.ucf.edu/fhq/vol37/iss1/5>

## WHAT BECAME OF THE MAN WHO CUT OFF JENKINS' EAR?

by EDWARD W. LAWSON

**A**LMOST ALL HISTORIES mention the unfortunate experience of Master Robert Jenkins who achieved fame by giving his name to the War of Jenkins' Ear. Some even tell that the man who removed Jenkins' auricle was called Fandino, captain of a Spanish Coast Guard. What ultimately became of Fandino remains a mystery. He deserves better recognition in the history of Florida, for it was he who was largely responsible for the failure of General James Oglethorpe to capture St. Augustine's Castillo de San Marcos, and hence the abandonment of the siege of our oldest city by the English in 1740.

The world events which led to Master Jenkins' misfortune started with the Treaty of Utrecht, signed by England and Spain in 1713. One of the features of this treaty was the Asiento, a contract by which the South Sea Company, a British organization, was given the exclusive right, for 30 years, to import and sell annually in the Spanish American colonies, "not less than 4,800 sound, healthy, merchantable Negroes, 40 years old." There was also a provision allowing England to send one shipload of merchandise to Spanish America each year, it being stipulated that the ship should not exceed 600 tons burden. Both of these treaty provisions were regularly violated by English merchants. The Island of Jamaica (which had been in undisputed possession of the British since 1670), became a base for the South Sea Company, and also for many English smugglers who exchanged their cargoes at minor Spanish ports for gold or for products of the country.<sup>1</sup>

There was no doubt that the brig *Rebecca* of Glasgow registry, which Master Jenkins commanded, had been engaged in smuggling before Captain Juan de Leon Fandino boarded her from his Spanish Coast Guard on April 9 [20], 1731.<sup>2</sup> Although

[ 33 ]

1. *The Cambridge Modern History*, 1925, VI, 47-48

2. In mid-eighteenth century the English were still using "Old Style" (Julian) Calendar. The Spaniards adopted "New Style" (Gregorian) Calendar in 1582. At the time of this account the difference was 11 days. Where English dates are quoted, the corresponding modern dates are given in brackets, e.g. Apr. 9 [20].

[ 33 ]

there was no contraband on board the *Rebecca*, Jenkins had a considerable sum of Spanish gold in his chest, and she was overstocked with fresh provisions. The *Rebecca* was captured not far from Havana. Her papers called for a voyage from Jamaica to London. She was too far off her course to be considered an innocent merchantman. The probability is that Jenkins contemplated sneaking into the Bay of Honduras for a clandestine cargo of dye wood.

Just what precipitated the disagreement between the two captains is not of record. The outcome is well attested. Fandino cut off one of Master Jenkins' ears and handed it to him with the instruction: "Take this to your king and tell him if he were here I would do the same to him."<sup>3</sup> Then after relieving the *Rebecca* of her gold, and a goodly part of her provisions, Fandino released her.

The English ship arrived in the Thames Estuary on June 11 [22], 1731. Master Jenkins' report of the treatment he had received created much excitement, and shortly after his arrival he was permitted to state his case before King George II.<sup>4</sup>

The excitement soon died down, insofar as Master Jenkins' misfortune was concerned; but Fandino continued to give English shipmasters considerable concern. On July 1 [12], 1731, he captured the English sloop *Dolphin* on its way from Barbados to Cape Fear, Carolina, which he took in to Barracoa, Cuba, plundered, and later sent her to Havana where she was sold in the Spanish Admiralty Court. On September 9 [20], 1731, the English sloop *Prince William*, en route from Virginia to Jamaica, was captured by the Spanish sloop *Casarra*, commanded by Captain Juan Fandino and taken in to Barracoa where she was plundered and then released.<sup>5</sup>

These two feats roused Rear Admiral Charles Stewart [or Stuart], then in command of British naval forces in the West Indies, to send a vigorous protest to his Excellency Dionisio Martinez de la Vega, Governor of Havana, in which he said, among other things:

3. Sir William Laird Clowes, *The Royal Navy*, 7 vols. [London, 1898] III, 51

4. *Dictionary of National Biography*, Sidney Lee, ed. [London, 1892] XXIX, 306

5. *The English Historical Review*, Rev. Mandell Chrieghton, ed. [London, 1889], 744-748. Hereinafter cited as EHR.

I was in hopes . . . that you would have made use of your power to have detected and discouraged the violence and villainies which for a long time have been practiced by those you distinguish by the name of Guarda Costas: . . . I have repeated assurances that you allow vessels to be fitted out of your harbour, particularly one Fandino and others who have committed the most cruel piratical outrages on several ships and vessels of the King, my Master's subjects. . . ."

This was the Rear Admiral's official position. On the other hand, he wrote to the Duke of Newcastle, on October 12 [23], 1731:

I can assure you that the sloops which sail from this island manned and armed for this illicit trade, have more than once bragged to me of having murdered seven or eight Spaniards on their own shores. I can't help observing that I believe I am the first military person who stood up in the defense of peace and quietness, and for the delivering of vessels, against a parcel of men who call themselves merchants, but are no better than peddlers, and one of them formerly in jail for piracy.<sup>6</sup>

So nothing more was done in the matter of Jenkins' ear for several years; but the capture of English merchant ships engaged in clandestine commerce with the Spanish American colonies continued. The London merchants, agonized by their losses, began to agitate for a war on Spain.

Walpole, the British prime minister, was opposed to such action and was harshly censured by the Opposition. A paper was presented to Parliament, in 1738, showing that since the Treaty of Seville, [November, 1729] 52 British ships had been taken or plundered by the Spaniards.<sup>7</sup>

Petitions were presented in Parliament from the mercantile towns and cities, stating the violence to which they had been exposed and imploring relief and protection. The House, in grand committee, proceeded to hear counsel for the merchants, and to examine evidence. On March 17 [28] it was "ordered" that Robert Jenkins do attend on Tuesday morning next, the Committee of the Whole House . . .

In the account which was given at the time by the periodical papers and pamphlets of the opposition, the Spanish

6. *Ibid*, 741 and *The Royal Navy*, III, 264

captain is reported . . . to have hanged Jenkins three times, one with a cabin boy at his feet, and then to have cut off one of his ears. . . . After relating the transaction, with many additional circumstances of insult and barbarity, he [Jenkins] displayed his ear, which he had preserved, as some assert, in a box, and others in a bottle. . . . Being asked by a member what he thought when he found himself in the hands of such barbarians, he replied, "I recommended my soul to God, and my cause to my country." These words, and the display of his ear, which wrapped in cotton he always carried about with him, filled the House with indignation.<sup>8</sup>

"The House, scarcely less inflamed than the populace with this recital, voted an unanimous address to the King, 'Beseeching His Majesty to use his endeavors to obtain effectual relief for his aged subjects. . . .' To this address the King returned a gracious and favorable answer, and on the 20th [31st] of May, 1738, the Parliament was prorogued."<sup>9</sup>

"In spite of Walpole's love of peace, and determined efforts to preserve it; in 1739 a war broke out with Spain. . . . This war is often called the War of Jenkins' Ear."<sup>10</sup>

Although the complaints of the London merchants were the principal cause of this war, there were other matters in dispute which contributed to it. Ever since the English invasion of Spain's "Continent of Florida", and the founding of Jamestown in 1607, there had been many complaints by the Spaniards. From time to time new treaties had been signed, each one moving the British boundary further south, nearer to St. Augustine. There were English attacks on the Spanish city in 1702 and in 1726; but Castillo de San Marcos was a formidable fortress. In neither of these attacks had it been forced to surrender. The situation of St. Augustine had been precarious for more than 130 years before the War of Jenkins' Ear began. The Spanish governor, Don Manuel de Montiano, was not taken by surprise. He

7. William Balshan, *The History of Great Britain from the Revolution in 1688 to the Treaty of Amiens, 1802*, 12 vols. (London, 1805), IV 6; and *Gabbet's Parliamentary History of England* (London, 1812), X, Column 636.

8. *Ibid.*

9. Balshan, *op. cit.*, 6.

10. *Larner's History for Ready Reference*, 6 vols. (London, 1812), II, 922.

had kept close watch on General James Oglethorpe ever since the brash Scot had founded Savannah in 1733. Two years before this war started, Montiano sent a letter to Don Juan Francisco de Guemes y Horcasitas, Governor General at Havana, stating that he knew Oglethorpe's plans, and that he was putting Castillo de San Marcos in the best possible state for defense.<sup>11</sup> This was followed by several other letters on the same subject. On February 23, 1740, Montiano asked that some galleys be sent him, as they were necessary for his defense plans.<sup>12</sup> The galleys arrived at St. Augustine on April 14; three commanded by Don Francisco de Castillo, three in command of Don Juan de Leon Fandino, the same man who had cut off Master Robert Jenkins' ear.<sup>13</sup>

So it was that when Colonel Van der Dussen was sent by Oglethorpe to establish a camp and battery on Point Quartell, or Cartell, (names given by the English to the south end of the peninsula which formed the north shore of St. Augustine Inlet, and which the Spaniards called San Mateo.), the Colonel was able to see the six galleys lying under the protection of the guns of the Castillo. Nor was he left long in doubt as to the part the galleys would play in the defense of the fortress and town. That same afternoon the galleys were seen in motion, coming toward Point Quartell. The Colonel put his men under arms and marched them along the beach toward the Point, about a quarter mile distant from his camp site. As soon as they were within range, the galleys opened fire. Having fired some twenty shot, not one of which fell more than twenty yards from the English soldiers; Van der Dussen ordered a hasty retreat to his camp. The little ships returned to their haven, under the guns of the Castillo. Later the Colonel learned that each galley was rowed by twenty oars; each carried a crew of thirty men and two officers; each had some swivel guns fore and aft, and in the bow a nine pounder which outranged the six pounders Oglethorpe had allotted for the defense of Point Quartell.

Van der Dussen at once saw the danger in Oglethorpe's plan to land most of his forces on Anastasia Island, which forms the eastern boundary of the Harbor. He pointed out "it would be a

11. *Collections of the Georgia Historical Society*, V-VII, part I, letter no. 2. Hereinafter cited as Montiano's Letters.

12. Montiano's Letters, no. 187.

13. Montiano's Letters, no. 193.

great Disservice to the whole Affair, for it would leave the Galleys Masters of the Harbour to stop all Communication between them [the divided English forces] but by Sea, which was very uncertain." A council of war was held by the commanders of the seven British warships blockading the City, on June 5 [16], which, in reply to Oglethorpe's request that he be informed as to how long the ships could stay on the coast, gave its opinion that the ships could not remain longer than July 5 [16], "without running the utmost Hazard to his Majesty's ships going on shore. But in case an easterly Wind should set in, we depart sooner."

Nevertheless, Oglethorpe, overruling the objections raised by all of his officers, obstinately insisted in establishing his main position on the Island. The results were as Van der Dussen had predicted. His battery on Point Quartell, inadequately defended, was constantly threatened with capture by landing parties from the galleys. The landing of Oglethorpe's troops on the Island and establishment of a battery there were delayed by constant sorties of galleys, which dropped large and small shot among the English landing forces until driven off by fire from the blockading ships. The Island forces were wholly dependant on supplies from the ships, given with reluctance because any day a storm might make it imperative that they leave the coast.<sup>14</sup>

Far from the watchful eye of their General, the Scotch and Indian garrison left at Fort Moze (the eastern anchor of St. Augustine's outer defense line) relaxed discipline. The Fort was attacked by the Spaniards on Sunday morning, June 25, with loss to the garrison of 68 dead and 34 prisoners, while the Spaniards lost but one officer.<sup>15</sup> The remainder of Fort Moze's garrison fled across the North River to unite with Van der Dussen's forces, harried on the way by fire from the galleys.<sup>16</sup>

Finally, on July 20, Oglethorpe lifted the siege and went back to Georgia.<sup>17</sup>

This, however did not end Fandino's services. Now that the siege was over, he was not content to remain a commander of galleys. Governor Montiano had armed the sloop *Campechana*

14. *The St. Augustine Expedition of 1740*, Reprint from Colonial Records of South Carolina, So. Car. Archives Dept., Columbia, 1954. *passim*.

15. Montiano's Letters, no. 203.

16. *The St. Augustine Expedition of 1740*.

17. Montiano's Letters, no. 205.

as a privateer and sent her out under command of Joseph Sanchez. Although Sanchez succeeded in capturing and bringing in an English ship loaded with wheat, further privateering did not appeal to him. Fandino was eager to take his place. The Governor bought the *Campechana*, fitted it out with captured cordage to the satisfaction of Fandino, and on December 3, 1740, he set sail with a fair wind. On the 5th he was off the bar of Carolina [Charleston]. It had been his intention to station himself off Cape Ferro [Fear] out of sight of land; but finding himself so close to Carolina, as well as to the pilot of the bar, he captured the pilot and sent the pilot's launch to St. Augustine. On December 19 Fandino sent in a large English schooner he had captured. On December 29, 1740, the *Campechana* returned to St. Augustine, Fandino stating that he was forced to return because his crew could not stand the severe cold of that winter any further north.<sup>18</sup>

No record has been found of when Fandino made his last departure from St. Augustine. The next news of him comes in a letter written by Captain Thomas Frankland who, at the age of 25, was assigned to the Jamaica station in command of His Majesty's 20 gun frigate *Rose*.<sup>19</sup> Frankland wrote:

12th June, 1742, His Majesty's ship *Rose*, Cooper River, South Carolina - Captain Thomas Frankland to the Secretaries of the Admiralty.

I have the pleasure to inform you that on the 4th instant being on my cruise amongst the Bahamas, in stretching up from the salt-ponds at Little Exuma to Great Exuma, on the dawning of the day I discovered four sail of vessels two leagues in the wind's eye plying to windward, two large ships, a snow and a schooner. Upon seeing me they hoisted English colours; I immediately gave chase under French colours; judging them to be what I afterwards found them.

By 11, being within gun shot of them. I threw out my proper colours and fired across their fore-foot; upon which they all hoisted Spanish colours, and the three top-sail vessels bore down upon me and threw in their broadsides, which I received, not firing a gun till I run the snow close alongside (finding her the vessel of the greatest force), when I poured

18. Montiano's Letters, no. 248.

19. *North Carolina Booklet*, North Carolina Society of the Daughters of the Revolution, Raleigh, N. C., VI, no. 1, July, 1906. "A Colonial Admiral of Cape Fear."



in my whole broadside, muskets and all, and she warmly returned it with the addition of fire and poisoned arrows, the two ships still continuing a brisk fire, which I returned now and then a gun as they chanced to bear upon them, bending my main force at the snow; in this manner was engaged for three hours, when the two ships stood away, one to windward, the other before the wind, both being hulled as was afterward found, in several places. I then endeavored to lay the snow aboard, which she shunned with the utmost caution, maintaining a warm fire till I had torn her almost to rags, the commander having determined rather to sink than strike, for reasons you'll hereinafter be sensible of; but in about four hours, the people in opposition to the captain, hauled down the colours and cried for quarters. I immediately took the prisoners on board, and manned the snow and sent her in quest of the ship that run to leeward, whilst I gave chase to the other ship and schooner, both of which I retook the next day (the ship was from London, the schooner from Maryland, both prizes. He afterwards found the snow with the other ship, also an English prize, at Providence, and has now come with all four to Carolina.)

The snow was from Havana, sailed on 12th February on the King's account, a prime sailor mounted ten carriage guns, four of them 6 pounders, and ten swivels, manned when she sailed from thence with 80 men (but have since got some more hands at Augustine, Gives an account of his crew and prizes.) The Captain of the snow is Juan de Leon Fandino has had a commission from the King since 1719, in all which time he has never been taken. He is the man who commanded the Guarda Costa out of the Havana that took Jenkins, when his ears was cut off. He attacked one of our 20-gun ships off the point of Caballions on the north side of Cuba with two galleys. He commanded the vessels which attacked Captain Warren off St. Augustine and was Commandant of the galleys during the siege of that place. . . . I have been more particular than ordinary in this narrative to your Lordships to show what a bold dangerous enemy he has been. He oftentimes has expressed himself he would rather a thousand times have been shot than taken; and indeed naught but such a desperado, with his crew of Indians, Mulattos, and Negroes could have acted as he did; for we were at least two hours within pistol shot of him keeping a continued fire. His people finding he never would strike (and we had the heels of them) they for some time having entreated him, all left the deck and went down in the hold; he then ordered an English prisoner to do it and cry for quarters.<sup>20</sup>

20. EHR, *loc. cit.*

“Frankland sent this man at once to Hyland to be tried for his life.”<sup>21</sup>

“Captain Frankland has sent him to England, and he is now in Custody at Portsmouth.”<sup>22</sup>

What was Fandino's fate? Was he tried at Portsmouth and executed as a pirate? The Admiralty Librarian states: “If Fandino was put on trial, after his arrival at Portsmouth, it would have been a trial by the civil power - and not by a naval court martial. I presume the Court with the necessary jurisdiction would have been the High Court of Admiralty, whose records are in the Public Record Office.”<sup>23</sup>

The Public Record Office states: “The Admiralty Records do not appear to contain any registers of Prisoners at Portsmouth so early in date. . . .”<sup>24</sup>

Was Fandino granted a trial by Naval Court Martial? Was the dagger pointed toward him when he was brought in to hear its verdict? Or, was his commission from the King of Spain recognized? Was he confined in Dartmoor, to be released at the end of the War of Austrian Succession, into which the War of Jenkins' Ear merged? Was he released on signing of the treaty of Aix-la Chapelle, in 1748? Or, was he forgotten and left to die in Dartmoor?

Whatever may have been the ultimate fate of Don Juan de Leon Fandino; St. Augustine owes him a monument in recognition of his contribution to the defense of our “Ancient City” in a time of desperate need.

21. Charnock, *Biographia Navalis*, London, 1797. V, 18.

22. *The London Gazette*, Aug. 3, 1742.

23. Letter from Bonner-Smith, Librarian, Admiralty Library, 30 January, 1939, to L. V. Benet. Copy in this writer's file.

24. Enclosure in letter 1479/1678, Public Record Office, London, 5 March, 1939, to L. V. Benet. Copy in this writer's file.