

“VIGOROUS & BOLD OPERATIONS”:
THE TIMES AND LIVES OF PRIVATEERS IN THE ATLANTIC WORLD DURING
THE AMERICAN REVOLUTION

by

KYLIE ALDER HULBERT

(Under the Direction of Peter C. Hoffer)

ABSTRACT

Privateers — state-sanctioned merchants encouraged to attack enemy shipping — operated as essential commodities traders in the Atlantic rim economy. This dissertation explains the significant role these merchants-turned-privateers played in the Revolution and traces their lives in ports both domestic and abroad. By examining the day-to-day lives of privateers as they crisscrossed the Atlantic Ocean, the scope and impact of the American Revolution expands beyond our current geographical, political and social understandings. “*Vigorous & Bold Operations*” sheds light on these men and their journeys which took them far beyond the shores of the colonies into an Atlantic World where allies, commerce, patriotism, identity and pride all crossed national boundaries, where the process of revolution itself was international.

Due to their sometimes less-than-savory methods, privateers were often overlooked upon their return home. Engaged in legal proceedings over prizes and prize money, they experienced a post-war United States vastly removed from that of their Continental Army counterparts. Privateers were perceived as greedy or unpatriotic in

their efforts to recover money-owed or accolades due. Only when privateers served a specific partisan purpose — for example as supporters for the small naval force during the War of 1812 or as substitutes for the Confederacy's lack of a traditional navy during the American Civil War — were these men and their patriotic endeavors resurrected; only to be forgotten moments later when their martial stock waned. This dissertation analyzes how and why privateers were written-out of the traditional Revolutionary narrative as their Atlantic World exploitations failed to fill the patriotic mold of the fledgling nation. Utilizing ships' logbooks, eighteenth-century newspapers, personal correspondence and diaries, account books, memorandum and letter books, and published songs and memoirs, in tandem with the Revolutionary War Prize Cases from the Records of the Supreme Court, "*Vigorous & Bold Operations*" offers a political, social, economic, legal, and cultural window into the American Revolution through the motivations, actions, and experiences of American privateers.

INDEX WORDS: Privateer, American Revolution, Atlantic World, Prize Law, Admiralty Court, Continental Congress, Pirates

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A Dissertation Submitted to the Graduate Faculty of The University of Georgia in Partial
Fulfillment of the Requirements for the Degree

DOCTOR OF PHILOSOPHY

ATHENS, GEORGIA

2015

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DEDICATION

For my parents, Jack & Peggy Horney

And

For my husband, Matt

ACKNOWLEDGEMENTS

After years of researching and writing this dissertation, one might think composing the acknowledgements would be a much easier task and yet I find it my most difficult. There are many people who deserve thanks and I fear I do not have the words to adequately express my gratitude. Nevertheless, I shall make an attempt.

First, I would not have succeeded in graduate school without the guidance and support of my advisor, the incomparable Peter C. Hoffer. Dr. Hoffer has taught me the craft of history. He has challenged me to be a better historian and writer while offering invaluable advice. I owe him ever so much. I am sure Woody Holton did not realize when he signed on to my thesis committee at the University of Richmond that he was on board for a much longer term. His insight and encouragement have sustained me throughout my graduate career. Benjamin Ehlers cultivated the idea for this dissertation during his Atlantic World seminar the spring of my first year at UGA. Ever since, he has been unwavering in his support of this project and this author. From day one serving as his TA and sitting in his U.S. Culture course, Stephen Berry has displayed a passion for teaching and a knack for history that I only hope I can emulate in my own life. I am beyond lucky to have such an incredible committee — to each of them I say thank you.

This project would not have been possible without generous research grants and assistance. My thanks to: the Willson Center for Humanities and Arts, the Graduate School at the University of Georgia for a Graduate Student Research Award, the

Department of History at UGA, and Greg and Amanda Gregory for their unending support of history graduate students. I spent numerous hours at archives along the East Coast, all of which were amazing in their resources: the South Carolina Historical Society, the New York Historical Society, the Historical Society of Pennsylvania, the University of Missouri (thanks to Erin Zellers), the Phillips Library, the Rhode Island Historical Society, the Connecticut Historical Society, the American Philosophical Society, and the Massachusetts Historical Society (with a particular thank you to Betsy Boyle for all of her help).

My amazing friends — from the Wood to the Tribe — have lived with me through the ups and downs of undergraduate and graduate school. They have listened to far more than their share of my “nerd-out” history moments and indulged me when I spent hours exploring CW. Without their friendships, I would not be the same.

Sometimes a student is lucky enough to sit in the classroom with an outstanding teacher. I met one such educator my freshman year of high school. Greg Wu has left an indelible mark upon this scholar. He taught me about grammar, literature, and life and he wrote more recommendation letters than any teacher should have to for one person. Thank you, Mr. Wu, for inspiring me as a student all those years ago.

To my fellow members of the Southern Roundtable, you accepted me into your merry band of writers and revelers, even though I am not a historian of the South. Your elegant and engaging prose inspired me to be better in my own writing and your friendships sustained me through the trials and tribulations of graduate school. To each of you, I say thank you with all my heart for being my editors and my friends.

My extended family — the Horney, Kurschner, and Jones clans — has offered love and laughs throughout my life. Our time together during visits home at the holidays have provided a much needed break from the rigors of school. I was blessed to know all of my grandparents growing up. To this day, my Grand-dad, William Otis Horney Jr., is the most supportive and remarkable grandfather. My Grandmother, Katherine Alder Cragg Horney, imparted her passion for teaching. My Nana, Margaret Austin Young Kurschner, exemplified verve for life. My Pop-Pop, Hans George Kurschner, shared his love of history. As a historian, I understand the significance of one's family heritage — mine has made me who I am today.

The Hulberts, my family-in-law, are simply wonderful. Jerry, Becky, and Victoria not only welcomed me into their family, but they have offered encouragement and support every step of the way. I could not have asked for a better family to join.

I would not have survived these past few years without my better half, Matt. He has never once lost faith in this project or in me. During our long walks, ideas percolated and chapters took shape. He helped put things in perspective. His humor always makes me laugh and smile. Matt read every page of this dissertation several times for which he deserves much more than a thank you. The project is infinitely better because of him and so am I.

I do not think there are words to truly express my gratitude for my family. I owe them so much more than a thank you. My brother-in-law, Ed, was always available with well-timed advice and delicious food. My niece, Lauren, was born just before I began writing this dissertation. Photos and videos of her offered a ray of sunshine and a much needed smile on long and arduous writing days. My sister, Lindsey, amazes me each day

as mother, sister, businesswoman, and friend. She may not always understand my love of history, but she has always believed in me. I am so lucky to be her little sister.

My parents, Jack and Peggy Horney, are the epitome of what incredible parents are and should be; I am beyond lucky to call them mine. Their never-ending support and enduring love over the years allowed me to explore my passions, follow my dreams, make mistakes, and grow as an individual. When I stumbled they were there to catch me and when I soared they were there to cheer me on — in every capacity at every stage of my life. This dissertation would not have been possible without their encouragement and unyielding belief in me. Their influence is on every page. To them, I will be forever grateful.

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INTRODUCTION

In the spring of 1756, Philipe Ybanes set sail aboard his Spanish vessel *Virgin del Rosario yel Sancto Christo de Buen Viage*. Though the Seven Years' War was ongoing, at this time the Spanish were not a belligerent in the conflict. The captain set a course for Havana, from whence he and his crew would continue to Port Royal, Jamaica. His Spanish papers, Ybanes thought, would protect him from any potential problems as warring France and Britain and their colonial subjects should have recognized a Spanish vessel as stemming from a neutral nation. The Captain did not account for the American privateer *Peggy*.¹

Under the captaincy of Commander Richard Haddon, the *Peggy* chased and captured the *Virgin del Rosario*. Though Ybanes produced his Spanish papers, Haddon either chose not to believe in their authenticity or simply to ignore them. Many French ships had duplicate papers. The American sailors relieved the *Virgin del Rosario* of all of the valuables on board, including "several bags of money, some jewelry, arms, gunpowder, and indigo, all of which was later valued at £2,409." Finally, Haddon confiscated Ybanes's papers, then sent his prize to New York.²

There, in the Vice-Admiralty Court, Haddon claimed the vessel belonged to the French, enemies of the British North American colonies during the Seven Years' War; a

¹ Henry J. Bourguignon, *The First Federal Court: The Federal Appellate Prize Court of the American Revolution 1775-1787* (Philadelphia: The American Philosophical Society, 1977), 174.

² Bourguignon, 174.

conclusion that left both the ship and its wares vulnerable to lawful seizure. Haddon even produced a witness before the court who claimed the *Virgin del Rosario* had neither commander nor any papers to speak of from any reputable port. However deceitful Haddon's actions may have been, the New York judge believed this version of the capture and Haddon was awarded the *Virgin del Rosario* as a legitimate prize.³

The capture of the *Virgin del Rosario* and the subsequent verdict began a nine-year saga during which Philippe Ybanes attempted to recover the value of his property. The Jamaican Governor pled Ybanes' case to New York's governor, who passed the case on to the advocate general, William Kempe. Ybanes himself filed a claim in New York. He even appealed to the Lords Commissioners in London, who reversed the lower court's decree. However, the New York Vice-Admiralty judge "refused to act." Haddon's privateering commission was eventually revoked by a British order granted at Ybanes' behest, but the document trail ends there and, like much of the history of American privateering, the ultimate outcome of the case is unknown — lost to the passage of time.⁴

The story of Ybanes, the *Virgin del Rosario*, Richard Haddon, and the *Peggy* illustrates the significant role privateers played in the numerous conflicts of the eighteenth-century. Sailing in the waters of the Atlantic and the Caribbean, privateers effectively harassed and damaged enemy commerce, though they did not always practice their craft in an honorable way. Almost any vessel sailing upon the open waters was fair game, especially if the ship carried valuable cargo. Anglo-American merchants and sea raiders like Haddon gained invaluable experience during Britain's clashes with other

³ Bourguignon, 174.

⁴ Bourguignon, 175-176.

European nations. They understood the process of commissioning, outfitting, and manning privateers, as well as the legal system necessary to condemn prizes. By the time of the American Revolution, these colonists were prepared to face the British Royal Navy by utilizing the skills they had acquired alongside the fleet during earlier wars; American privateers turned the tables on their British enemies.

The Atlantic and the Caribbean in time of conflict were the hunting grounds of privateers like the *Peggy* from the beginning of the wars for Empire. In societies where commerce depended upon the sea lanes of trade, pirates and privateers were often found preying upon enemy merchant vessels. At a time when large navies did not patrol nations' waterways or the waters of their colonies, sovereigns sanctioned, and sometimes helped finance, private-armed-vessels for war in an effort to disrupt the trade of their foe. For England, pirates and privateers both sailed the waters of the English Channel and into the Atlantic Ocean beyond. Though, as one historian notes, the term "privateer" was not widely used until the seventeenth-century, the practice of privateering, as it is known today, rose to prominence in England during the reign of Queen Elizabeth I (1533-1603). Elizabeth commissioned men such as Sir Francis Drake, Sir Walter Raleigh, and Sir John Hawkins — both publicly and privately at various times — to aid in the war against Spain after 1585. Yet, many of the Queen's newly-christened privateers were former pirates. This grey area in regards to marine mercenaries created a problematic distinction

between the two; or, rather, a problematic lack of distinction. To this day, pirates and privateers are often conflated as one and the same.⁵

Historians define privateers as state or government sanctioned merchants specifically outfitted to engage and attack enemy shipping. Pirates, on the other hand, were illegal sea raiders operating outside of any government, men motivated purely by self-interest and profit. Privateers were supposed to be patriotic and loyal to their commissioner, while pirates were beholden to no one but themselves. Privateers had to bring their prize into port and present their case to an Admiralty Court; pirates took what they pleased. Privateers were often converted merchants who operated only in times of war and necessity; piracy was a way of life during war and peace. At least, these are the hard and fast definitions as they exist in theory; in practice, the difference between these groups was frequently more complex.⁶

English privateers, and by extension North American colonial privateers, learned the ways of the trade in the late seventeenth and early eighteenth-centuries during numerous European wars. The Anglo-Dutch Wars (1652-1654, 1665-1667, 1672-1674), the Nine Years' War (1688-1697) and the War of the Spanish Succession (1701-1713) witnessed privateers taking to the seas in great numbers. These merchant marauders

⁵ Benerson Little, *Pirate Hunting: The Fight Against Pirates, Privateers, and Sea Raiders from Antiquity to the Present* (Washington, D.C.: Potomac Books, Inc., 2010), 89; Faye Kert, *Trimming Yankee Sails: Pirates and Privateers of New Brunswick* (Fredericton, New Brunswick, Canada: Goose Lane Editions and The New Brunswick Military Heritage Project, 2005), 12-13; Kenneth R. Andrews, *Elizabethan Privateering: English Privateering during the Spanish War, 1585-1603* (Cambridge: Cambridge University Press, 1964), 5; Kris E. Lane, *Pillaging the Empire: Piracy in the Americas, 1500-1750* (Armonk, NY: M.E. Sharpe, 1998), 5; Lindley S. Butler, *Pirates, Privateers, & Rebel Raiders of the Carolina Coast* (Chapel Hill: The University of North Carolina Press, 2000), 5-12.

⁶ Thomas M. Truxes, *Defying Empire: Trading with the Enemy in Colonial New York* (New Haven: Yale University Press, 2008), 223; Carl E. Swanson, *Predators and Prizes: American Privateering and Imperial Warfare, 1738-1748* (Columbia, SC: University of South Carolina Press, 1991), 30; Lane, 5; Andrews, 5; Kert, 13; Butler, 5; Little, 4-5, 8.

honed their craft and successfully applied their skills of chasing, engaging, and capturing enemy vessels. They gained still more experience during the War of Jenkins' Ear (1739-1748) and King George's War (1744-1748). During these conflicts, North American colonial cities sent "more ships and men to sea than ever before." Great Britain, Spain, and France all encouraged the outfitting of privateers for it was a major component of their wartime efforts; "thousands of private men-of-war attacked rival merchantmen in the North Atlantic" during these two wars alone. British colonial privateers focused their efforts on the Caribbean, where merchant vessels were often found. Overall, the colonies sent more than three hundred privateer vessels to sea.⁷

By the outbreak of the Seven Years' War (1756-1763), British North American colonists were well-equipped to aid in the war at sea against France. Building upon their experiences in previous European-colonial wars, Anglo-American privateers took up the call to arms and operated alongside the Royal Navy. In Rhode Island alone, "as much as a fifth of the male population in the military age range was engaged in privateering." British men-of-war stationed in the colony of New York lost numerous sailors to privateers anchored in the harbor and men serving on board said vessels "became adept at eluding press gangs." In 1756, the official declaration of war against France caused celebrations in the city which "was in the grip of privateering fever." New York sent out 26 privateers in the course of that year, bearing 350 guns and 2,700 men. Overall, the port received 381 captured enemy vessels by war's end, more than any other British American port. Thus, as the opening salvos of the American Revolution sounded, privateering was

⁷ Butler, 8; Robert C. Ritchie, "Government Measures against Piracy and Privateering in the Atlantic Area, 1750-1850," in *Pirates and Privateers: New Perspectives on the War on Trade in the Eighteenth and Nineteenth Centuries*, David J. Starkey, E.S. van Eyck van Heslinga and J.A. de Moor, eds. (Exeter: University of Exeter Press, 1997), 18-20; Swanson, 1-2, 134, 223.

almost second-nature to merchants and sea farers of North American coastal towns. The process of outfitting and manning privateers began early in the conflict — this was a colonial military tradition, a logical extension of what colonists had learned and accomplished in the previous wars of the eighteenth-century.⁸

The Revolution was, and continues to be, a critical moment in the history of the United States. Both historians and popular authors alike have written an extensive corpus concerning the conflict that led to the founding of the American nation. In terms of actions on the waters, the current trend in scholarship focuses on the role of the young Continental Navy, led by the likes of Esek Hopkins and John Paul Jones. As yet, very little appears in print, academic or mainstream, regarding the operations of ocean-faring former colonists who took to the high seas to protect their economic and political interests, to harass the British, to make a profit, and to influence the outcome of the war. “*Vigorous & Bold Operations*” attempts to address this gap in the literature by reexamining the American Revolution in an Atlantic World perspective through the lens of privateering.⁹

The majority of existing literature on privateers focuses either on the elite men who supported the practice or on the effects of privateering itself. One of the earliest full-on studies of American privateering, Edgar Stanton Maclay’s *A History of American Privateers* (1899), concentrates on the role of these raiders in both the American

⁸ Fred Anderson, *Crucible of War: The Seven Years’ War and the Fate of Empire in British North America, 1754-1766* (New York: Alfred A. Knopf, 2000), 785n7; Truxes, 34-35, 54.

⁹ See William M. Fowler, *Rebels Under Sail: The American Navy during the Revolution* (New York: Scribner’s, 1976); Nathan Miller, *Sea of Glory: A Naval History of the American Revolution* (Annapolis: Naval Institute Press, 1974); James M. Volo, *Blue Water Patriots: The American Revolution Afloat* (Westport, CT: Praeger Publishers, 2007).

Revolution and the War of 1812. Though Maclay relates a number of interesting stories about numerous privateer vessels, his work suffers from a lack of footnotes and an inherent bias towards the “commendable...conduct” of American privateers who supposedly “showed themselves to be not only daring, but gentlemanly” as well. William Bell Clark’s *Ben Franklin’s Privateers: A Naval Epic of the American Revolution* (1956) examines Franklin’s efforts on behalf of American prisoners. Franklin’s main purpose in outfitting privateers, Clark maintains, was to seize as many British captives as possible and to use them in deals of exchange. Writing several decades later, Robert H. Patton tells the story of privateers by emphasizing the main players of the Revolution such as Silas Deane, George Washington, and Benjamin Franklin; in the process, Patton ironically does very little in the way of examining the lives of actual privateers.¹⁰

In addition to these published histories, several unpublished master’s theses also address the position of privateers in the Revolution. James Richard Wils argues for “the vital importance of American privateers during the early years of the Revolutionary War,” while Michael Scott Casey provides a quantitative analysis of privateers compared to the Continental Navy. Casey posits that “privateering was the most cost-effective of the naval options available to Congress.” Combined, these works assert the importance of privateers operating during the war, the role of elite men in outfitting and encouraging

¹⁰ Edgar Stanton Maclay, *A History of American Privateers* (New York: Burt Franklin, 1899), 14; William Bell Clark, *Ben Franklin’s Privateers: A Naval Epic of the American Revolution* (Baton Rouge: Louisiana State University Press, 1956); Robert H. Patton, *Patriot Pirates: The Privateer War for Freedom and Fortune in the American Revolution* (New York: Pantheon Books, 2008).

operations, and the impact of these ventures. Yet, none of them examine the broader scope of privateer actions and their experiences.¹¹

While merchants-turned-privateers did indeed play a significant role in the war, their impact goes beyond the numbers and effects of their ventures. Their lives and experiences took them to ports both domestic and abroad; they sailed on the high-seas of the Atlantic and beyond. Their wartime experiences differed greatly from their Continental counterparts, both on land and at sea. The Revolution of privateers was not the Revolution touted so often in history textbooks. Their revolutionary experience included a far greater geographical scope than any Continental soldier or militia combatant, from the backwoods of South Carolina to the streets of New York or Boston, could even imagine.

Through this examination of privateers, the true field of play of the American Revolution becomes clear. The Revolution was not simply a conflict between the land forces of the thirteen colonies and Great Britain; it was a war of ships and men in the Atlantic. It was not only a battle of wills between the American colonists and the British, but a war that engulfed the Atlantic World affecting England and her colonies, as well as Spain, France, the Netherlands, and the West Indies. Consequently, one cannot understand the transatlantic context of the Revolution without due attention granted to the privateer war at sea. Historians of the Atlantic World have focused on studies of empires, slavery, the role of trade, and the exchange of goods, ideas, and diseases, but there is not

¹¹ James Richard Wils, “‘In Behalf of the Continent’: Privateering and Irregular Naval Warfare in Early Revolutionary America, 1775-1777” (master’s thesis, East Carolina University, 2012); Michael Scott Casey, “Rebel Privateers—The Winners of American Independence” (master’s thesis, U.S. Army Command and General Staff College, 1990).

— as of yet — a study which situates the American Revolution in its broader context; “*Vigorous & Bold Operations*” seeks to accomplish that objective.¹²

Privateers aided in the war effort in numerous ways, from capturing prizes with essential supplies to harassing British merchants’ ships so effectively that a number of these British businessmen actually began calling for an end to the war from their offices in England. Many of those who participated in privateering made personal choices and sacrifices whether for the cause or for the profit they hoped to secure. Regardless of their motives, American privateers were crucial to the success of the Patriot cause during the Revolution. These groups of men operated in a hyper-masculine world where pride, honor, and tradition played crucial roles. Privateers chose not to serve in the traditional sense; rather, they took their efforts to the enemy in ways which were characterized as unbecoming of a gentleman and oftentimes they were labeled as pirates.

Due to their sometimes less-than-savory methods, privateers were often overlooked upon their return home. Engaged in legal proceedings over prizes and prize money, they experienced a post-war United States vastly removed from that of their Continental Army and Navy counterparts. Privateers were perceived as greedy or unpatriotic in their efforts to recover money-owed or accolades due. Only when recollections of privateers served a specific wartime purpose — for example as supporters for the small naval force during the War of 1812 or as substitutes for the Confederacy’s lack of a traditional navy during the American Civil War — were these

¹² See, for example, Bernard Bailyn, *Atlantic History Concept and Contours* (Cambridge: Harvard University Press, 2005); John H. Elliott, *Empires of the Atlantic World: Britain and Spain in America 1492-1830* (New Haven: Yale University Press, 2006); Peter Linebaugh and Marcus Rediker, *The Many-Headed Hydra: Sailors, Slaves, Commoners, and the Hidden History of the Revolutionary Atlantic* (Boston: Beacon Press, 2000); Stuart B. Schwartz, ed. *Tropical Babels: Sugar and the Making of the Atlantic World, 1450-1680* (Chapel Hill: The University of North Carolina Press, 2004).

men and their patriotic endeavors resurrected; only to be forgotten moments later when their martial stock waned.

This study examines the reasons why privateers were written-out of the traditional Revolutionary narrative as their Atlantic World exploits failed to fill the patriotic mold of the fledgling nation. Public perceptions on both sides of the Atlantic influenced the ways privateers were viewed and treated during and immediately following the Revolution. These points of view, which ultimately were far more negative than positive, created a post-war world in which privateers were identified as unworthy and unwelcome in the Revolutionary narrative. While attempting to compose a legacy of the Revolution that would help the new United States endure as a legitimate, sovereign nation, the elite men of the era — the Founders themselves — simply could not reconcile the actions and reputations of privateers with their efforts to solicit and procure the support of their former enemy, Great Britain.

Privateers were clearly an important component of the American war effort, especially during the early years of the war. While the Continental Congress struggled to construct a navy, privateers provided a quick fix to the question of the war at sea. Following the British blockade in 1775 and prior to the signing of the Declaration of Independence, privateers brought the war to Britain's doorstep. The precise number of vessels engaged from 1776-1783 is difficult to pinpoint with complete accuracy. That said, estimates range from 1,151 to 1,697 to over 2,000. The number of sailings was most certainly in the thousands with the year 1781 possibly having seen the highest number of commissioned vessels at 550. Approximately 52,000 sailors embarked upon privateer ventures during the war and their efforts resulted in the capture of at least 600 British

vessels. Though an element of risk was involved in outfitting a privateer, the potential for return of profit was great indeed with the average prize valued at \$45,699.¹³

The tradition of privateering exercised during the American Revolution was a continuation of a practice which began much earlier. Dating back to the time of England's Queen Elizabeth I, privateers gained their knowledge and skills during imperial wars; they were a tool utilized by the monarchy to cause damage to the enemy and provide profits to the crown. Privateers of the War for Independence answered to no King and plied their trade in an effort to aid the war effort and bring much-needed supplies and goods to the people of the American colonies.

In addition to these patriotic aims, American privateers were highly motivated by one important factor: profit. These private enterprises were authorized by commissions issued by the Continental Congress, but nothing was owed to that governing body upon their return to port. While patriotism and pride supposedly inspired troops of the Continental Army, privateers were the antithesis to Republican virtue. The ultimate goal of their ventures was to seize as many vessels as possible and return home with a profitable prize. They were entrepreneurs and capitalists exploiting the chaos of war.

The activities and experiences of privateers begin this reexamination of the American Revolution in regards to its Atlantic World context. The unique aspects of privateer ventures, particularly their geographic scope, reveal a wartime experience unfamiliar to Washington and his troops. The adventures and efforts of men like Gustavus Conyngham of Philadelphia, Pennsylvania, Josiah Bartlett of Charlestown, Massachusetts, Zuriel Waterman of Pawtuxet, Rhode Island, and Solomon Drowne of

¹³ Maclay, 506, viii; Gardner Weld Allen, *Massachusetts Privateers of the Revolution* (Cambridge: Harvard University Press, 1927), 13; Casey, 59, 63-69.

Providence, Rhode Island, document the ways in which these experiences do not fit the typical Revolutionary model. This is not to say privateers are the only colonial actors that participated in this theater of the war. Rather, privateer operations offer the opportunity to pursue this line of inquiry and open the door to further study of the Revolution and the Atlantic.

“Vigorous & Bold Operations” is structured to follow the tenure of a privateer as he experienced the war: from the docks to life aboard ship, from engagements and battles with enemy vessels to the American prize courts, and, ultimately, to war’s end where the public awaited to hand down judgment and create a narrative of the war which belittled the efforts of privateers.

Chapter One, “Hardy Sons of Mars Who Go In Privateers,” catches up with privateers before they leave the docks. The Continental Congress took months to grant permission and write commissions for the outfitting of privateers. With these documents in hand, next came the process of financing, outfitting, and manning merchant vessels converted for the purpose of harassing and taking enemy ships. The call for privateers, however, promised profit for those willing to take their chances at sea.

Chapter Two, “A Privateering We Will Go,” embarks into the waters of the Atlantic; it examines the daily lives of privateers aboard their vessels and in foreign ports. Privateers made repairs to their ships, dealt with unexpected damage, fished, bartered, or bought supplies for their long journeys. Entertainment was found or created on board and on shore, while important information was exchanged as sailors took the opportunity to explore various ports. The experiences of privateers in the Atlantic were a far-cry from those of the Continental troops in the British North American colonies.

Chapter Three, “When Cannon Balls Do Fly,” engages in the story of chases, battles, prize-taking, the spoils of victory, and the consequences of defeat upon the seas of the Atlantic World. Privateers encountered European enemies and allies as they sailed the waters of the Atlantic in search of their prey; sometimes, they fell prey themselves. They were treated differently as prisoners of war, particularly since the British oftentimes viewed their actions as akin to pirates rather than legally commissioned commerce raiders.

Chapter Four, “Make Your Fortunes Now, My Lads,” returns with privateers to the colonies as they brought their prizes into court. Once again, the Continental Congress takes center stage as they attempted to create a functioning Admiralty Court system. The experiences of privateers within this unstable legal institution illustrate the difficulties they encountered upon their return home.

Chapter Five, “To Glory Let Us Run,” focuses on the various perceptions of privateers during the war. Though some colonists openly supported the efforts of these mercenaries at sea, many more touted their efforts as piratical. Privateers took men from the war effort, both on land and on the waters; their presence crippled the manning of the fledgling navy. European powers had to contend with privateers and their brazen actions in foreign ports and waters. Though their efforts clearly had an effect on the British economy, privateers simply did not fit the post-war narrative of triumphant patriots.

Collectively, these chapters utilize ships’ logbooks, eighteenth-century newspapers, personal correspondence and diaries, account books, memorandum and letter books, intelligence reports, and published songs and memoirs, in tandem with *The Revolutionary War Prize Cases* from the Records of the Supreme Court, to offer a

political, social, economic, legal, and cultural window into the American Revolution through the motivations, actions, and experiences of American privateers. The day-to-day lives of these men as they crisscrossed the Atlantic Ocean expand the scope and impact of the American Revolution beyond our current geographical, political and social understandings of the conflict. Their journeys took them far beyond the shores of the colonies into an Atlantic World where allies, commerce, patriotism, identity and pride all crossed national boundaries, where the process of revolution itself was international. When the study of the Revolution is shifted towards the Atlantic World and the engagements and efforts of privateers, the American Revolution becomes a world war.

CHAPTER ONE:

“HARDY SONS OF MARS WHO GO IN PRIVATEERS”¹

The oars of the longboats cut silently through the waters of Narragansett Bay on the night of June 9, 1772, as Rhode Islanders approached their quarry: the British vessel HMS *Gaspee*. Captained by Lieutenant William Dudingston, the *Gaspee* was known for terrorizing the coasts of Rhode Island, taking guilty and innocent colonial merchant vessels alike in an effort to quell smuggling and the illegal marine actions of the colonists. The British meant to send a clear message to the colony of Rhode Island: they were to follow British maritime legislations or face severe consequences — consequences that would be metted out by the likes of Dudingston and the *Gaspee*. Alas for Dudingston, he underestimated the colonists; he failed to see how his actions alienated and angered merchants and sailors. Thus, when *Gaspee* ran aground while chasing the colonial vessel *Hannah*, Rhode Islanders seized upon their chance to rid themselves and their colony of the hated ship for good.²

A meeting was quickly convened at which the Rhode Islanders decided to stage a surprise attack on Dudingston and his vessel. Outfitting at least seven longboats, captained by experienced commanders, the colonists shoved off from the shore and

¹ Sailor, *Manly, A Favorite New Song, in the American Fleet. Most humbly addressed to all the jolly tars who are fighting for the rights and liberties of America. By a sailor.— It may be sung to the tune of Washington.* (Salem, Massachusetts: Printed and Sold by E. Russell, upper end of Main-Street, [1776?]).

² Sheldon S. Cohen, *Commodore Abraham Whipple of the Continental Navy: Privateer, Patriot, Pioneer* (Gainesville: University Press of Florida, 2010), 31-33.

headed toward the *Gaspee*. As they approached the hull of the British ship, the watch caught sight of them and demanded that the longboats identify themselves. Abraham Whipple, captain of one of the longboats, offered a cheeky retort; after which, one of his men fired upon the watchman and initiated the assault. In short order, the colonists had boarded the *Gaspee*, commandeered the vessel, and captured the crew as well as all their possessions, forthwith sending them to shore where they would be dealt with accordingly. Flames illuminated the night sky as the *Gaspee* burned upon Narragansett Bay. Rhode Islanders watched from the shore as the symbol of British tyranny and oppression went up in smoke.³

The burning of the *Gaspee* was not an action of privateers, per se, as none of the longboats were commissioned vessels sent out by the colonial government. However, the event is significant as it highlights the motivation and willingness of merchants, captains, and sailors to take to the seas to protect their colonies and their investments. Rhode Islanders would not simply accept the — oftentimes, though not always unwarranted — attacks by British vessels upon colonial shipping. They would meet fire with fire when the occasion arose. Port towns would be ready to outfit and arm privateer vessels. When an official call to arm privateers went out three years later, the coastal colonists were ready for action.

³ The exact make-up of the colonists involved in the *Gaspee* affair is unknown, though Sheldon S. Cohen argues John Brown headed the assembly meeting. In addition to Abraham Whipple, several other experienced commanders, including Benjamin Dunn and John Hopkins, were involved as steersmen. King George III responded to the incident by issuing a proclamation on August 26, 1772, which denounced the colonists' actions, demanded punishment, and offered a reward for anyone willing to assist in the inquiry. A committee was appointed to investigate, but ultimately reported on June 22, 1773, that they could not find the perpetrators; Cohen, 34-40.

On December 4, 1775, Elbridge Gerry sat down to compose a letter to John Adams, a representative of Massachusetts serving in the Second Continental Congress. Gerry apprised his old friend that “a privateer is fitting out by Private persons at New Port to mount 14 guns & I hope soon to give an account of several by this Government and many more by Individuals.” “The late Act & Resolve for fitting out armed Vessels in this Colony, I apprehend will have a good Effect,” Gerry continued, “having already animated the Inhabitants of the Seaports who were unable to command much property, to write in Companies of twenty or thirty Men & go out in Boats of 8 or 10 Tons burthen which they call “Spider Catchers.”” These Spider Catchers targeted British ships entering the harbors and ports of Massachusetts Bay, engaging in some of the first acts of official resistance on the seas by colonists.⁴

The “late Act & Resolve” to which Elbridge Gerry referred was passed by the Provincial Congress of Massachusetts on November 1, 1775; it called for “Encouraging the Fixing out of Armed Vessels, to defend the Sea Coast of America, and for Erecting a Court to Try and Condemn all Vessels, that shall be found infesting the same.” Gerry, the composer of the act’s preamble, justified this declaration by citing the abuses and actions taken by Great Britain and the rights of the colonists of Massachusetts Bay to protect themselves from such encroachments, by force if necessary. The preamble highlighted the need for maritime protection from the “career of Devastation & Slaughter... [and British ships and troops] infesting the Sea Coast with Armed Vessels, and daily Endeavouring to distress the Inhabitants by burning their Towns, and

⁴ Elbridge Gerry to John Adams, Water Town, December 4, 1775, in William Bell Clark, ed., *Naval Documents of The American Revolution* (Washington: Naval History Division, Dept. of the Navy: For sale by the Superintendent of Documents, U.S. Government Printing Office, 1964 –), 2:1263. (Hereafter cited as *NDAR*).

destroying their Dwellings.” As such, Massachusetts was the first colony to officially authorize privateers, followed two months later by New Hampshire whose representatives voted to appoint a Judge of the Court of Admiralty and granted a commission for the privateer *Enterprise* commanded by Captain Daniel Jackson.⁵

Massachusetts and New Hampshire were following the lead of the Continental Congress. In November 1775, the Congress had received a letter from George Washington inquiring about the procedure for disposing of vessels and goods taken from the enemy by the United Colonies. Washington informed John Hancock and the Congress that several captures had been made and “these Accidents, & Captures, point out the necessity of establishing proper Courts without loss of time for the decision of property, and the legality of Seizures, otherwise I may be Involved in inextricable difficulties.” A Committee was appointed to investigate and reported to the Congress on November 25 “that the good people of these colonies, sensibly affected by the destruction of their property, and other unprovoked injuries, have at last determined to prevent as much as possible a repetition thereof, and to procure some reparation for the same, by fitting out armed vessels and ships of force.” The committee also reported a rumor that Commanders of British ships had received orders from his Majesty, King George III, to attack sea port towns which might support rebellion.⁶

⁵ Massachusetts Act Authorizing Privateers and Creating Courts of Admiralty, in *NDAR*, 2:834.; Richard E. Winslow III, “*Wealth and Honour*”: *Portsmouth During the Golden Age of Privateering, 1775-1815* (Portsmouth: Published for The Portsmouth Maine Society by Peter E. Randall, Publisher, 1988), 16; Richard Francis Upton, *Revolutionary New Hampshire: An Account of the Social and Political Forces Underlying the Transition from Royal Province to American Commonwealth* (Port Washington, NY: Kennikat Press, 1970), 107-108.

⁶ George Washington to John Hancock, Cambridge, November 8, 1775, in Philander D. Chase, ed., *Revolutionary War Series, September – December 1775*, vol. 2 of *The Papers of George Washington* (Charlottesville: University Press of Virginia, 1987), 331. George Washington understood the importance of a colonial presence on the seas. He outfitted his own flotilla of schooners and sent them on a mission to harass the British and capture supplies for his Continental troops. For further information, see James L.

Falmouth was one of the first cities on the losing side of this order for death and destruction; James Warren informed John Adams the British “have been cannonading Falmouth, Casco Bay, and that Wallace, the pirate at Newport, has insisted on the removal of the troops from Rhode Island, or he will destroy Newport.” In an attempt to address these attacks, resolutions presented by the Committee designated any vessel carrying any kind of provision or aid to the British as “liable to seizure... [and] confiscation.” These resolutions also ordered that any vessel cruising against the enemy must be commissioned by either the Continental Congress or by someone appointed in the United Colonies. Though the Committee offered these resolutions, the Continental Congress did not immediately take action to draw up commissions. Indeed, it would be another four months before the Congress wrote an official proclamation concerning privateering. While the Continental Congress prevaricated, bickered, and squabbled over questions of procedure, committee work, and protocols, the colonial governments took it upon themselves to protect their coasts and actively brought the war to British men-of-war and merchant ships.⁷

In Massachusetts, word spread of “a privateer...taken two prize schooners and a sloop, laden with fish and oil from Halifax for the besieged army in Boston.” Another ship, the *Dolphin*, captured a sloop carrying “wood, potatoes, &c. which he sold.” Local newspapers printed the latest reports of privateer actions and captures. On December 11, 1775, the *Boston Gazette* informed its readers that “several vessels loaded wth fuel,

Nelson, *George Washington's Secret Navy: How the American Revolution Went to Sea* (New York: McGraw Hill, 2008); Donald W. Beattie & J. Richard Collins, *Washington's New England Fleet: Beverly's Role in its Origins, 1775-1777* (Salem, MA: Newcomb & Gauss Co., 1969); Chester G. Hearn, *George Washington's Schooners: The First American Navy* (Annapolis: Naval Institute Press, 1995); William Chauncey Ford, ed., *Journals of the Continental Congress* (Washington: Government Printing Office, 1904–1937), 3:372. (Hereafter cited as *JCC*).

⁷ James Warren to John Adams, Watertown, October 20, 1775, in *NDAR*, 2:539; Ford, *JCC*, 3:373.

provisions of various kinds &c. bound to Boston, have been carried into Salem and Beverly.” The article ended with the news “last week a privateer from Plymouth, took several small craft bound to Boston, with provision and fuel.” The *Providence Gazette* reported “a Ship from London, and a Brig from Cork, bound for Boston, were last Week taken at the Eastward by our Privateers.” The ships’ cargo included coal, vinegar, pickled cabbage, beef, butter, oats, tripe, peas, potatoes, tea and more. These goods and supplies helped the colonists prepare for the impending conflict and motivated merchants and sailors to take to the seas.⁸

The Continental Congress was aware of privateering efforts in the colonies. President John Hancock received a letter from James Otis, dated November 11, 1775, which informed Hancock that “Captain Robbins, from Ireland, was taken, on Tuesday last, by one of our boats, and carried into Beverly. This vessel is loaded with provisions.” James Warren notified Samuel Adams “our Privateers more than answer our Expectations. since the Grand Prize I wrote Mr. [John] Adams of several other vessels have been taken.” On December 30, 1775, the Congress received word of a privateer commanded by Captain Simeon Sellecks who had recently taken a prize amounting to £1500 — a haul which he ceded to use by the Continental Congress. Then in the early weeks of February, word arrived of a venture of several vessels that attempted to take arms and ammunition in New York. Yet not all privateering efforts were successful. Josiah Quincy wrote George Washington from Braintree, Massachusetts, “since the sudden and unexpected burning of the Houses upon Dorchester Neck, I have been repeatedly and earnestly solicited by my distressed Friends and Neighbours, to make an

⁸ Extract of a Letter from the Camp at Roxbury, Nov. 10, 1775, in *NDAR*, 2:967; Extract of a Letter from Salem, Nov. 22, 1775, in *NDAR*, 2:1098; *Boston Gazette*, Watertown, Monday, December 11, 1775, in *NDAR*, 3:48; *Providence Gazette*, Saturday, January 27, 1776, in *NDAR*, 3:1010.

humble Representation to your excellency, that, our Habitations are equally exposed to be destroyed by our Enemies.” Despite efforts of resistance by the colonists, “two or a Dozen arm’d Cruisers...are constantly going out in Pursuit of our Privateers.”⁹

In meetings of the Congress, John Adams ardently argued for action, in the cause of Independence and beyond, for he believed “there was no doubt, of our Ability to defend the Country, to support the War, and maintain our Independence. We had Men enough, our People were brave and every day improving in all the Exercises and Discipline of War.” Adams wrote to James Warren inquiring about the number of “Whalemen, Codfishers, and other Seamen belonging to our Province” available for enlistment in either Continental or Provincial ships, “or of privateer Adventurers in Case a Taste for Privateering and a maritime Warfare should prevail.” Though Adams was greatly in favor of establishing a Continental Navy and invested the majority of his maritime efforts in that direction, he also contended “that we ought immediately to give Permission to our Merchants to fit out Privateers and make reprisals on the Ennemy;” the time to take action was the present and the Congress’ inability to make quick decisions frustrated Adams and exasperated the merchants whose vessels were constantly harassed, chased, and seized by British ships.¹⁰

Richard Smith, a representative from New Jersey, noted in his diary that Samuel Chase, a representative from Maryland, announced his intention on February 13, 1776, to

⁹ James Otis to John Hancock, November 11, 1775, in *NDAR*, 2:981; James Warren to Samuel Adams, Watertown, December 5, 1775, in *NDAR*, 2:1286.; “Diary of Richard Smith in the Continental Congress, 1775 – 1776,” *The American Historical Review* 1, no. 2 (January 1896): 301; “Diary of Richard Smith in the Continental Congress, 1775 – 1776. II,” *The American Historical Review* 1, no. 3 (April 1896): 499; Josiah Quincy to George Washington, Braintree, February 19, 1776, in *NDAR*, 4:6-8.

¹⁰ L.H. Butterfield, ed., *Diary and Autobiography of John Adams* (Cambridge, MA: The Belknap Press of Harvard University Press, 1961), 3:328; John Adams to James Warren, November 7, 1775, in *NDAR*, 2:897.

“move tomorrow for Orders to Admiral Hopkins to seize all Ships of Great Britain and to recommend that all the Colonies to fit out Privateers” — alas, there is no mention of the notice in Smith’s diary entry for February 14, nor is there reference of it in the journal of the Continental Congress for that Wednesday. It seems Samuel Chase postponed bringing forth the issue, but this does not mean his fellow Congress members were not aware of the matter. Josiah Bartlett, a representative from New Hampshire, wrote to John Langdon on February 21, “I am this day informed that a petition to the Congress, is Signing fast by the Inhabitants of this City, for Leave to fit out privateers...to indemnify them for the Losses they have Sustained.” Bartlett confided in Langdon that he understood the Philadelphians’ plight for “indeed it seems very hard that Brittain is Seizing all american vessels and the americans are not permitted to return the Compliment.” Bartlett also believed that other members of Congress had changed their minds on the privateering issue and would support a measure in favor of outfitting and commissioning.¹¹

While the question of commissioning privateers remained tabled, Congress resolved on February 26, 1776 — “after long debate” — that no vessel be allowed to sail to Great Britain, Ireland, or the British West Indies until Congress so ordered. The following day, Robert Morris, representative from New Jersey, presented letters from Bristol, which included a copy of the bill allowing for the seizure of all American ships — a “very long and cruel” bill, according to Richard Smith. On Friday, March 1, the petition from the citizens of Philadelphia, which Bartlett had heard rumored, was presented to the Continental Congress; the entreaty asked for the right of privateers and letters of marque to attack and seize ships of Great Britain and her domains. No

¹¹ “Diary of Richard Smith in the Continental Congress, 1775 – 1776. II,” *The American Historical Review* 1, no. 3 (April 1896): 502; Ford, *JCC*, 4:147-150; Josiah Bartlett to John Langdon, February 21, 1776, in *NDAR*, 4:31.

immediate actions was taken; a week later, Oliver Wolcott, representative from Connecticut, wrote home to his wife that “a Petition from a Considerable Number of Merchants of this City lyes before Congress Asking for Letters of Marke and Reprizal.”¹²

In the New York Provincial Congress on Wednesday, March 13, 1776, the matter of privateering was brought before the representatives. Francis Lewis, a delegate from New York serving in the Continental Congress, had informed his constituency that “the subject of commissionating private ships of war and letters of marque, was in contemplation in Congress” and he requested their opinion in order to represent the feelings of New York. The Provincial Congress deemed “such a measure is very right and proper...and requested [Lewis] to inform the other Delegates of their opinion in this particular matter.” That same day, while in Committee in Philadelphia, Richard Smith noted in his diary that Chase presented “on the Petitions for allowing Privateers to cruize ag^t the English...a Sett of Propositions and Wyth a Preamble.” Thomas Johnson of Maryland and Thomas Willing of Pennsylvania opposed the measure, while Edward Rutledge of South Carolina spoke out against privateers, but supported letters of marque. Smith claimed that “many delegates were strongly for the Thing but the Determination was left till Tomorrow.” Once again, the question of privateers was postponed.¹³

While Congress continued to debate and postpone, postpone and debate, the colonists continued to outfit their own privateers. Major Joseph Ward shared good news with John Adams in a letter dated March 14, 1776, from Camp at Roxbury. Ward notified

¹² “Diary of Richard Smith in the Continental Congress, 1775 – 1776. II,” *The American Historical Review* 1, no. 3 (April 1896): 506; Oliver Wolcott to Mrs. Wolcott, March [9?], 1776, in Edmund C. Burnett, ed., *Letters of Members of the Continental Congress* (Washington, D.C.: The Carnegie Insitute of Washington, 1921) 1:384. (Hereafter cited as *LMCC*).

¹³ Journal of the New York Provincial Congress, in *NDAR*, 4:320; “Diary of Richard Smith in the Continental Congress, 1775 – 1776. II,” *The American Historical Review* 1, no. 3 (April 1896): 511.

Adams that “our Privateers continue successful” and he ventured “every appearance & the general state of things, affords, I think, an encouraging prospect; and if we persevere I cannot doubt but we shall soon see our Country in Freedom Peace & Safety.” An article in the *Essex Journal* on March 15, announced the arrival of a prize “sent into Portsmouth by Capt. Manly...240 tons burthen, having on board 6 double fortified four pounders, 2 swivels, and three barrels of powder.” “Her cargo,” the report noted, “consisted of 170 butts of porter, 11 packages of medicines, with large quantities of coal, sour krout, &c.” The next day, Congress met in Committee to address the question of privateers.¹⁴

The first day of discussion and debate included John Jay’s proposition which questioned the process of determining friend from foe; meanwhile Benjamin Franklin believed the first step should be a declaration of war. On Sunday, March 17, 1776 — a day off for Congress — Oliver Wolcott informed Samuel Lyman of the petition and forecasted “the report will doubtless be a general license for that purpose. By the late pirating act, the Colonies are entirely cast out of the Kings protection, in an explicit manner. It behoves us therefore to take care of ourselves.” The following day, with Congress meeting in Committee again, a resolution was presented that “leave is to be given to commission Privateers and Letters of Marque to cruize on British Property.” The vote was divided with New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Virginia, and North Carolina in favor and Pennsylvania and Maryland against — the other colonies not being sufficiently represented for a vote. The support of New Hampshire and Massachusetts is not surprising as both colonies had started outfitting privateers months earlier. Ireland and other British dominions were excepted despite the

¹⁴ Major Joseph Ward to John Adams, March 14, 1776, in *NDAR*, 4:332; *Essex Journal*, Friday, March 15, 1776, in *NDAR*, 4:347.

protests of Chase and Smith, who believed it to be “very absurd to make War upon Part only of the Subjects and especially after the Irish Parl^t had declared decisively ag^t Us.” The next step included reading through all articles on privateers and referring to a small committee to write a preamble, which was later read, revised, and “put...off till Tomorrow.”¹⁵

The declaration on privateering was finalized on Saturday, March 23, 1776. The resolution began with a preamble of the offenses made by Great Britain including “an unjust war” waged against the colonies prosecuted by British troops “with their utmost vigour, and in a cruel manner” while “exposing the helpless inhabitants to every misery...and not only urging savages to invade the country, but instigating negroes to murder their masters.” The preamble also noted that overtures of peace and reconciliation from the United Colonies to the King had been rejected, Parliament had passed an act prohibiting all trade with inhabitants of the colonies, and the English government was contriving to strip the colonists of their liberties and rights under the English Constitution.¹⁶

The Congress, therefore, proclaimed five resolutions in regards to privateers and privateering ventures. First, inhabitants of the colonies were allowed “to fit out armed vessels to cruize on the enemies of these United Colonies.” Second, any vessel belonging to inhabitants of Great Britain taken by a commissioned vessel was deemed a lawful prize and should be condemned for the use of the owners of the armed vessel. Third, any vessel belonging to inhabitants of Great Britain taken by a vessel of war of the colonies was

¹⁵ Oliver Wolcott to Lyman, Philadelphia, March 17, 1776, in *LMCC*, 1:397; “Diary of Richard Smith in the Continental Congress, 1775 – 1776. II,” *The American Historical Review* 1, no. 3 (April 1896): 512-514.

¹⁶ Ford, *JCC*, 4:229.

forfeited and one-third of the sale, after payment to the sailors, was for the officers and two-thirds for use by the United Colonies. Fourth, any vessel outfitted at the expense of a colony shall be divided in a manner determined by the assembly of that colony after wages were paid to seamen and mariners. Fifth, any vessel of Great Britain or vessel carrying supplies for the British armies was lawful prize and should be condemned in a court of admiralty within the colony. The court should determine what charges and expenses came from the capture and trial; those expenses would be paid out of the prize money prior to the division of shares.¹⁷

That day, John Adams wrote to Brigadier General Horatio Gates “you will see by tomorrow’s paper that, for the future, we are likely to wage three-quarters of a war. The Continental ships-of-war, and the Provincial ships-of-war, and letters of marque and privateers, are permitted to cruise on British property wherever found on the ocean.” When Major Joseph Ward heard of the resolutions, he wrote Adams, “I take this to be a leading step to Independency, anything short of which is trifling (in my humble opinion) and unworthy of America.” The day after the resolves in Congress, William Whipple wrote to Josiah Bartlett “we have gone on sine you left much as Usual. have at last finish’d the Privateer Business after spending two days on the Preamble. the whole was compleated Yesterday and order’d to be printed. I shall forward them to you as soon as they come from the press.” John Dunlap of Philadelphia printed a broadside with an extract from the minutes of Congress and the resolves appeared four days later in the *Pennsylvania Gazette*. Upon learning that George Washington had forced British General Sir William Howe and his troops to evacuate Boston, Adams later penned a letter to

¹⁷ Ford, *JCC*, 4:230.

Cotton Tufts urging him to find a way to defend Boston Harbor against further encroachments by the British “for as Privateering is begun and Trade will be opened, nothing will draw into our Country so many Prizes, so much Trade and Wealth as an impregnable Harbour.” Adams was convinced that Boston Harbor would “become the Principal Rendezvous...of Privateers...as well as a Principal Mart.” Robert Morris applauded the Congress in fitting out vessels, but deemed “they have stopped rather short of the Mark, by not including West India Property.”¹⁸

Nine days later, the Continental Congress prepared commissions for privateers. The commission granted “license and authority” to the commander of the ship. The name, burthen, tonnage, and armament of the ship were given, as were the ownership and place of residence, followed by the number of men outfitting the ship. Permission was given for the ship “to attack, seize and take the ships and other vessels belonging to the inhabitants of Great Britain, or any of them, with their tackle, apparel, furniture, and ladings, on the high seas.” Captured vessels were to be brought into the nearest port where the court of admiralty would determine its status as lawful prize. A bond was also given to ensure proper conduct and practice by the crew of the ship. The commission was to “continue in force until the Congress shall issue orders to the contrary.” The next day, April 3, Congress resolved that blank commissions with the President’s signature should be sent to the assemblies or committees of the colonies “to be by them filled up and

¹⁸ John Adams to Brigadier General Horatio Gates, Philadelphia, March 23, 1776, in *NDAR*, 4:481; Major Joseph Ward to John Adams, Boston, April 3, 1776, in *NDAR*, 4:641; “William Whipple to Josiah Bartlett, March 24, 1776,” in *LMCC*, 1:407; Continental Congress, “In Congress March 23, 1776. Whereas the petitions of these United Colonies to the King, for the redress of great and manifest grievances...resolved, that the inhabitants of these colonies be permitted to fit out armed vessels to cruise on the enemies of these United Colonies...” (Philadelphia: Printed by John Dunlap, [1776]); “In Congress,” *Pennsylvania Gazette*, March 27, 1776; John Adams to Cotton Tufts, Philadelphia, March 29, 1776, in L.H. Butterfield, ed., *Adams Family Correspondence* (Cambridge, MA: The Belknap Press of Harvard University Press, 1963), 1:367-368; Robert Morris to John Langdon, Philadelphia, April 4, 1776, in *NDAR*, 4:664.

delivered to the person intending to fit out such private ships of war, for making captures of British vessels and cargoes.” The colonial governments would execute the bonds and then return them to Congress; a vessel weighing one-hundred tons or less owed a five-thousand-dollar bond and a vessel of greater weight owed a ten-thousand dollar bond.¹⁹

That same day, Congress reviewed and accepted instructions to privateers drawn up in Committee. The instructions informed commanders that they could take any ship or vessel of Great Britain, including those carrying supplies, troops, or ammunition for the British armies. Vessels carrying people intending to settle in the colonies, or vessels carrying supplies for the American cause, should be allowed to pass by unmolested. All prizes were to be brought into the nearest port and before the appointed court. The commander or one of his officers had to bring the master, pilot, and one other significant person from every ship taken to the judge for interrogation, in addition to any and all important papers taken with the vessel. The captain was responsible for keeping any taken vessel intact until judgment was passed and the ship deemed lawful prize. Cruel treatment or harassment of prisoners was not permitted; any offender would face punishment. Congress ordered each commander to keep the assembly apprised of captures and to send details, ship’s logs, and intelligence when possible. Landsmen had to comprise one-third of the sailing contingent and prisoners could not be ransomed, but should be dealt with as the Congress or colonial assembly determined. Lastly, Congress informed the commander that he should follow any future instructions given and that if

¹⁹ Ford, *JCC*, 4:247-248, 251. American privateer commissions granted by Congress resembled commissions granted by the British government. Both gave authorization to attack shipping of a specific enemy nation. They also included information about the captain, the vessel, its tonnage, and weaponry. For an example of a British commission, see *Letters of Marque, Declarations Against France, Spain and the United Provinces, 1777-1783, in the Public Record Office* (East Ardsley, Wakefield, Yorkshire, England: Microform Academic Publishers, 1985).

he disobeyed any of these instructions, his commission would be forfeit and he would be liable and responsible for any damages.²⁰

John Hancock, President of the Continental Congress, sent letters to the various colonial assemblies informing them of the decision to commission and outfit privateers. In his letter to New Hampshire, Hancock informed the Assembly “while the British ministry are taking every step that cruelty and revenge can dictate for the destruction of American liberty, it is incumbent on these United Colonies to exert their utmost efforts to defeat them.” Hancock explained that Congress took action “in hopes of checking, in some degree, an evil which they cannot, at present, remove and acting on the same principle of self-preservation and retaliation which they have hitherto adopted.” The letter included blank commissions, bonds, and instructions for the assemblies and conventions to fill. Congressionally-approved privateering had officially begun in the United Colonies.²¹

The first step in outfitting a privateer consisted of finding financiers willing to foot-the-bill for such an adventurous investment. The war between Great Britain and the colonies affected port towns and their inhabitants significantly, particularly merchants and their trade operations. Some merchant families were highly successful slavers prior to the outbreak of war. Due to their operations, they had the means — ships, captains and crews, and capital — to take on the risks and rewards of privateering. With the slave trade now temporarily closed to them, these merchants found themselves turning to privateering in an effort to keep their businesses running and to make money besides.

²⁰ Ford, *JCC*, 4:253-254.

²¹ The President of Congress to the New Hampshire Assembly, April 12, 1776, in *LMCC*, 1:418.

Rather than allow ships otherwise sitting in the harbor to decay from disuse, merchants weighed their options and decided to take on this commercial enterprise. Privateering could be a very lucrative investment, but it was also a great gamble. Investors and owners had to be wary lest they lose their shirts in the process. The number of investors in privateers is difficult to pinpoint with accuracy, but it is clear that privateering affected a large swath of society from local sailors, carpenters, and shipbuilders to prominent merchants and even members of the Continental Congress.²²

The Brown family of Providence, Rhode Island was one such prominent merchant clan who tried their luck on the high seas. Building upon a legacy of sailing, commercial enterprises, participation in illegal trade during the Seven Years' War, and success in the slave trade, Nicholas and John Brown turned their attention to outfitting privateers following the authorization and commissioning of ships by Congress. In 1776, the Brown brothers sent three ships to sea: *Yankee Ranger*, *Diamond*, and *Sally*. *Yankee Ranger*, alongside the ship *Montgomery*, brought in three prizes sailing from the West Indies laden "with rum, sugar, coffee, cotton, and oil." The sloop *Diamond*, commanded by Captain William Chace, sailed off in July under orders from John Brown that Chace was to "proceed to Sea as Soon as possible;" *Diamond* was to "Crews off Burmudose, the Bay of Mantancis Cape St. Anthoneys or Crooked Island Passage." There is record of two prizes taken by *Diamond* during three different cruises, though there may have been more that are lost to time. *Sally* sailed for three years; two prizes taken by the ship are known. Privateering is estimated to have earned Rhode Island £300,000 sterling in the year 1776 alone. The Brown brothers continued investing in and outfitting ships for

²² For a detailed list of owners and investors in Massachusetts, see Gardner Weld Allen, *Massachusetts Privateers of the Revolution*, vol. 77 of *Massachusetts Historical Society Collections* (Cambridge: Harvard University Press, 1927).

privateering ventures throughout the war. While they participated in other ventures to earn money, privateering turned necessary revenue which allowed the brothers to reinvest and build their broader business over time.²³

In Portsmouth, New Hampshire, John Langdon also turned his attention toward privateering. Langdon initially served as a representative in the Continental Congress. However, when he learned of the opportunity of being appointed Agent of Prizes for the colony of New Hampshire, Langdon was willing to resign his position in Congress in order to be eligible for the role of Agent — the Congress thought it unfitting for a representative to hold a lucrative office while occupying a seat in Congress. Friend and fellow representative William Whipple tried to convince Langdon that giving up his seat was ill-conceived and that “such a step would have an avaricious appearance, and on the other hand there cannot be a greater evidence of Patriotism than preferring the public good to one’s private interest.” Despite these pleas, Langdon happily resigned as representative and took up his new position as Agent of Prizes. Every time a commissioned privateer brought a prize into New Hampshire and it was condemned by the court, Langdon received part of the profit. Langdon began to see first-hand the possibilities of making money through privateering; thus, serving as Agent only further piqued Langdon’s interest in the revolutionary privateering industry. In a short time, Langdon owned three vessels outright: *Amphitrite*, *Blossom*, and *Swan*. He was joint owner in three other vessels: *Portsmouth*, *Langdon*, and *Fair American*. By the end of the

²³ James B. Hedges, *The Browns of Providence Plantations: Colonial Years* (Cambridge, MA: Harvard University Press, 1952), 48-49, 279, 282; Nicholas and John Brown to Captain William Chace, Providence, July 7, 1776, in *NDAR*, 5:960; Hedges, 284.

war, John Langdon was considered “a rich man” and one can assume privateering served him well.²⁴

Robert Morris, the man historians call the financier of the American Revolution, also felt the pull of privateering. Initially against the practice as it seemed ungentlemanly to take property from his business associates in Europe, Morris eventually changed his tune as he witnessed the effects of captures and raids on British shipping and upon his own. In December 1776, Morris wrote to William Bingham, “having had several Vessells taken from me & otherways lost a great deal of my property by this War, I conceive myself perfectly justifiable in the Eyes of God & Man to seek what I have lost from those that have plundered me.” Morris first invested as a silent partner with William Bingham in the ship *Retaliation*. Captained by George Ord, *Retaliation* brought in thirteen prizes on its first cruise and continued to sail the seas on the look-out for more enemy vessels. Morris was soon singing a different song altogether in his letters to Bingham, explaining “my Scruples about Privateering are all done away. I have seen such Rapine, Plunder & Destruction...that I join you in thinking it a Duty to oppose and distress so Merciless an Enemy.” Though not all of Morris’ ventures were successful — he mistakenly trusted Captain Coctiny de Prejent, who ended up taking Morris’ and Bingham’s shares and investing them in his own undertakings — nevertheless, Morris and Bingham did quite well during the Revolution. Morris also outfitted ships through his Secret Committee Network, investing in privateers sailing from Europe, as well as from New Orleans.

²⁴ Lawrence Shaw Mayo, *John Langdon of New Hampshire* (Port Washington, NY: Kennikat Press, 1970), 130, 135, 137.

Clearly, Morris did not agree with Congress that serving as a representative presented a conflict of interest with privateering ventures.²⁵

The Brown brothers, John Langdon, and Robert Morris were part of a monied bloc which encompassed numerous families and young entrepreneurial gentlemen looking to cash in on privateering. These included families like the Folsoms and the Salters of Portsmouth, the Cabots of Beverly, the Haskets of Salem as well as individuals like Hector McNeill, Isaac Sears, and Edward Norris among many others.²⁶

Yet not all privateering endeavors were financed by prominent families. Potential partners might be sought among acquaintances or strangers. Joseph Williams inquired of his friend, William Coit, whether he had “a mind to be Concer[n]d or not...in 2 Private[e]rs thats now fixing out of Boston, to Cruize after the Jama ships.” Williams informed Coit that one-sixteenth of the ship’s shares was still available and they could be “Equally Concd” in the investment. Another option for pursuing potential investors was to place an advertisement in the local newspaper announcing “WANTED IMMEDIATELY. A Number of Partners, to be concerned in a Vessel or Vessels, to cruise against our Enemies...The Vessels will have Commissions from a neighbouring *Government*.” Oftentimes, a merchant might be invested in multiple ships with a number of different partners, all in an attempt to gain the greatest profit from privateering

²⁵ Robert Morris to William Bingham, December 4, 1776, in Paul H. Smith, ed. *Letters of Delegates to Congress, 1774-1789* (Washington, D.C.: Library of Congress, 1976), 5:573; Charles Rappleye, *Robert Morris: Financier of the American Revolution* (New York: Simon & Schuster, 2010), 105; Robert Morris to William Bingham, Philadelphia, April 25, 1777, in Paul H. Smith, ed. *Letters of Delegates to Congress, 1774-1789* (Washington, D.C.: Library of Congress, 1976), 6:651. For further information about Robert Morris and his role in the American Revolution, see Frederick Wagner, *Robert Morris: Audacious Patriot* (New York: Dodd, Mead & Company, 1976) and Ellis Paxson Oberholtzer, *Robert Morris: Patriot and Financier* (New York: The Macmillan Company, 1903).

²⁶ Winslow, 24; Robert H. Patton, *Patriot Privateers: The Privateer War for Freedom and Fortune in the American Revolution* (New York: Vintage Books, 2009), 115; Allen, 65-331.

operations. Once a venture was fully financed, investors needed to complete a number of tasks: either finding or building a ship, outfitting the vessel for sea, recruiting a crew, and applying for a commission from either the colonial government or the Continental Congress. Legally, a ship could not sail until all of these steps were complete.²⁷

Investors had many options when choosing a ship to outfit for privateering operations. If the investors were merchants who owned ships, like Nicholas and John Brown, they might choose a ship from their dock to outfit. In order to transform the vessel into a privateer, carpenters cut out bulwarks for the cannon, created space for the magazine in the hull of the ship, enlarged quarters for the crew, and reinforced the decks. Another option was to purchase a ship. Newspapers often advertised auctions; “to Morrow at Twelve o’Clock Will be Sold...Schooner HOPE with her Appurtenances, mounting ten 6 Pounders...with all her Warlike Stores, Provisions, &c. as she now lays at Hubbard’s Wharf, about 60 Tons burthen. Inventory may be seen in the Hands of RUSSELL & CLAP, Auctioneers.” However, with improvements in technology, investors sometimes found it worth their while to commission the building of a new ship with sharper lines and a narrower stern; a faster vessel than the bulky merchant ships of earlier years. Builders could outfit these swifter vessels with any type of rigging. There were a number of possibilities available to investors and builders; from snows to brigs, from sloops to schooners to brigantines. After a ship was chosen, bought or built, investors looked to outfitting the ship with all required appurtenances, most importantly powder and cannon.²⁸

²⁷ Joseph Williams to William Coit, Norwich Merchant, May 3, 1776, in *NDAR*, 4:1389; *New-York Journal*, Thursday, March 14, 1776, in *NDAR*, 4:335.

²⁸ C. Keith Wilbur, *Picture Book of the Revolution’s Privateers* (Harrisburg, PA: Stackpole Books, 1973), 8; “[No Headline],” *The Boston Gazette and the Country Journal*, November 13, 1780. For further

Once a vessel was secured and outfitted, sailors, seamen, and merchant mariners were sought to man the decks. Investors often used newspaper advertisements to recruit crew members. *The Boston Gazette* printed an announcement which invited “all brave Seamen and Marines, who have an inclination to serve their Country and make their Fortunes.” These advertisements sometimes tried to convince would-be crew members of a voyage’s potential either by noting how the captain was “a very capital Sailor” or that the ship was “excellently well calculated for Attacks, Defence, and Pursuit.” If all else failed, the advertisement might speak to a sailor’s patriotism, greed, or love of drink; “this therefore is to invite all those Jolly Fellows, who love their Country, and want to make their Fortunes at one Stroke, to repair immediately to the Rendezvous...where they will be received with a hearty Welcome by a Number of Brave Fellows there assembled, and treated with that excellent Liquor call’d GROG which is allow’d by all true Seamen, to be the LIQUOR OF LIFE.”²⁹

Other advertisements cut to the chase quickly; “the private arm’d SHIP, General Sullivan, THOMAS MANNING, Esq; Commander, Now ready for the Sea, will sail on a Ten Weeks Cruize in ten Days. Any Gentlemen Volunteers and others, who incline to enter on Board said Ship, must apply to the Commander at Portsmouth.” Some advertisements were more artistic, like one which depicted three ships and a stylized border surrounding the announcement: “Now fitting for a Privateer, In the Harbour of Beverly, The BRIGANTINE Washington, A strong, good vessel for that purpose and a

information concerning types of vessels, rigging, outfitting, and shipbuilding see Jack Coggins, *Ships and Seamen of the American Revolution — vessels, crews, weapons, gear, naval tactics, and actions of the War for Independence* (Harrisburg, PA: Promontory Press, 1969); John F. Millar, *American Ships of the Colonial and Revolutionary Periods* (New York: W.W. Norton & Company, Inc., 1978); Harold M. Hahn, *Ships of the American Revolution and Their Models* (Annapolis: Naval Institute Press, 1988).

²⁹ “[No Headline],” *The Boston Gazette and the Country Journal*, November 13, 1780.

prime sailer. Any Seamen or Landmen that have an inclination to Make their Fortunes in a few Months, May have an Opportunity, by applying to JOHN DYSON. Beverly, September 17th, 1776.” Advertisements such as these were often printed several weeks in a row in an effort to garner as much attention and as many seamen as possible.³⁰

Recruiting efforts for privateers were quite successful, to the point where members of Congress received complaints about the lack of available sailors for Continental Ships. William Vernon, Sr. informed John Adams that Continental Vessels were ready to sail “if it was possible to get Men for them, which we shall never be able to accomplish, unless some method is taken to prevent desertion, and a stopage of Private ships sailing, until our ships are Man'd.” Vernon, Sr. bemoaned that the privateers’ “infamous practice of seduceing our Men to leave the ships, and taking them off at an out Port, with many other base methods, will make it impossible ever to get our ships, ready to sail in Force, or Fleets.” The lure of serving on a privateer versus a Continental Naval vessel was clear: better chance of a fruitful voyage and less stringent regulations. In addition, the base pay for sailors aboard privateers could be twelve to sixteen dollars per month, whereas the Navy only paid eight. Coupled with the possibility of prize money and an opportunity to get rich quickly, it is no wonder sailors swarmed onto privateers while leaving the Continental Navy desperately seeking to outfit their ships.³¹

Once the crew was assembled, paper-work detailing regulations for the crews’ behavior, the division of shares, and occupations were written and signed. Articles of

³⁰ “[No Headline],” *New-Hampshire Gazette. OR, State JOURNAL, and General Advertiser*, May 11, 1779. The same advertisement was also printed May 18 and May 25, 1779; *Washington (Brigantine)*, Advert for Privateer, 1776, Revolutionary War Collection, 1770-1856, 1901-1911, 1932, 1961, undated, MM 2, Box 1, Folder 22, Phillips Library, MA.

³¹ William Vernon, Sr. to John Adams, Boston, December 17, 1778, in Gregg L. Lint, Robert J. Taylor, Richard Alan Ryerson, Celeste Walker, and Joanna M. Revelas, eds., *Papers of John Adams* (Cambridge: The Belknap Press of Harvard University Press, 1989), 7:280; Coggins, 66.

Agreement among the investors, captain, and crew laid out specific rules and procedures. These guidelines informed the crew that they could not leave the ship without written permission from the captain, mutiny would not be tolerated, any guilty parties would be forced to surrender portions of their prize money, and anyone caught stealing from the ship would forfeit their earnings to the ship's owners. These agreed upon measures were often written to protect the investors and their investment. However, a few of the articles sought to compensate and support the crew; the owners would provide "Cannon, Small-Arms, Cutlasses, Sufficient Ammunition, Provisions, a Medicine-Chest, and all other Necessaries" to ensure the preparedness and safety of the crew. In addition, crew members could feel safe in the event of illness or injury for "if any Person on board should lose a Limb in Action, he shall be entitled to receive one hundred... *Dollars*... and should any one lose his Life in Action, his Share or Shares shall continue during the Cruize for the Benefit of his Friends." Good behavior and heroic actions in battle were encouraged through the use of "dead shares" which were "distributed among those whom the Captain may think most deserving."³²

The Articles of Agreement also included a list of crew members, either by name or by occupation, and the number of shares accorded to each. Crews ranged in number, depending on the size of the vessel, but they usually included a captain, first lieutenant, boatswain, prize master, surgeon, clerk, cooper, gunner, carpenter, sail master, cook, captain of marines, and seamen among others. Crew members received a particular number of shares based upon their occupation, experience and social standing. Captains, usually gentlemen of society, received the greatest number, followed by the First

³² Articles of Agreement, Other Vessels, 1781, Revolutionary War Collection, 1770-1856, 1901-1911, 1932, 1961, undated, MM 2, Box 6, Folder 1, Phillips Library, MA.

Lieutenant and Master; seamen usually received the smallest number of shares, even so far as receiving half of one share.³³

Choosing a captain to lead a privateering venture was a crucial decision. The captain could single-handedly determine the success or failure of a cruise. Investors sought men who had seafaring experience and who came highly recommended. Captains were often lured away from other positions, as was the case with Lieutenant James Campbell who was serving in the provincial militia when he was approached. Campbell informed his fellow officers that “several gentlemen here are desirous to send me out in a privateer from this place...I hope to have the Testimony of my Brother officers that I served with Vigilance and attention, since my appointment.” Campbell assured his comrades that he would not be leaving the land force “but [for] the hopes of being more usefull in another Department.” The chance for glory and profit may also have crossed Campbell’s mind as he accepted his new position at the helm of the schooner *Enterprize*.³⁴

When sailors signed on to a voyage, before leaving port, they often sought agents to handle their prize money and affairs while at sea; seamen “vest[ed] them with every Power to Act for us in this their Character as Agents as the Law impowers them to Act and to do in as full amply & Extensive a manner as is usually Vested in all others Acting under the same Character.” Privateersmen expected their Agents to look out for incoming prizes, protect their shares, and, if necessary, distribute them to relatives, such as Mrs.

³³ *Junius Brutus* (Ship), Officers, Crew and Shares, circa 1781, Revolutionary War Collection, 1770-1856, 1901-1911, 1932, 1961, undated, MM 2, Box 1, Folder 9, Phillips Library, MA; Other Vessels, 1775-1781, 1931, 1961, Revolutionary War Collection, 1770-1856, 1901-1911, 1932, 1961, undated, MM 2, Box 1, Folder 24, Phillips Library, MA.

³⁴ Lieutenant James Campbell to Daniel of St. Thomas Jenifer, Baltimore, May 1, 1776, in *NDAR*, 4:1369.

Perlindrick who received ninety dollars “for one Quarter of a Share of all Prizes that is Taken By the Brig America Captⁿ Nicholas Bartlet Commander on the account of [her] husband Richard Perlindrick.” Once a sailor embarked upon a privateering venture there was no guarantee he would return home to collect his share; appointing an Agent ensured the mariner’s prize money would reach the right hands if he did not come back.³⁵

Before weighing anchor and setting sail, investors had to obtain a commission either from the colonial government or from the Continental Congress. Investors presented a petition on behalf of their Captain, noting his position as “a proper and suitable Person to command” and thus asked the local council “to commission him for that purpose.” If the Investors could not appear in person before the council, they often found a proxy to stand in their stead; Jonathan Titcomb wrote Benjamin Greenleaf explaining “we are engaged in fixing out Captain Peter Roberts, the bearer, in a small sloop, for a privateer, and have to ask the favour of you to assist him in procuring a commission...we are all pretty much engaged in privateers, powder vessels, recruits, &c., and cannot...come down.” Titcomb assured Greenleaf that if he stood by Captain Roberts as a bondsman, Titcomb and the other seven investors “would stand between [the Captain] and harm, as though [their] names, were down instead of [his], in the bond.” The Council of Massachusetts issued a commission to Captain Peter Roberts a few days later noting “we have thought fit to Commission you for the purpose afores’d & do accordingly by these presents give you the said Peter Roberts full power...to sail in the said Vessel on the seas attack take & bring into any Port in this Colony all armed & other

³⁵ *Terrible Creature* (Privateer), Captain Robert Richardson, 1778, Revolutionary War Collection, 1770-1856, 1901-1911, 1932, 1961, undated, MM 2, Box 1, Folder 20, Phillips Library, MA; Marblehead, September 23, 1778, Payment Receipt, Revolutionary War Collection, 1770-1856, 1901-1911, 1932, 1961, undated, MM 2, Box 1, Folder 3, Phillips Library, MA.

Vessels which shall be found making unlawfull invasions attacks or depredations.” Once the Investors and Captain obtained a commission and posted bond, the ship could make ready to set sail.³⁶

The process by which the colonial governments adopted privateering and the colonists themselves actively sought to outfit privateers was the first step of the American Revolution taken towards maritime engagement within the greater Atlantic World. Privateers would bring the conflict to the doorsteps of the British, French, and Spanish, in addition to infesting the waters of the Caribbean with legally-sanctioned vessels seeking prizes, profit, and supplies for the cause. When the Continental Congress made the decision to commission captains and their ships, they set off a chain reaction which was felt across the seas and throughout the colonies.

³⁶ Sturgis Gorham & Others to Massachusetts Council, in *NDAR*, 3:748; Jonathan Titcomb And Others to Benjamin Greenleaf, Newburyport, December 8, 1775, in *NDAR*, 3:4-5; Commission of Captain Peter Roberts to Command Massachusetts Private Sloop *Gamecock*, in *NDAR*, 3:52.

CHAPTER TWO:

“A PRIVATEERING WE WILL GO”¹

A grey fin emerged from the blue-grey waters surrounding the privateer ship *Pilgrim*. Several harpoons sped through the air and found their target: a large shark. Without delay, a yawl was lowered into the ocean and six men hurried off in pursuit of their quarry. There was never a dull day in the life of a privateer.²

A mile out from the ship, the sailors overtook their prey. They let loose another harpoon, this one outfitted with a warp to reel in the shark. Yet, they failed to take into account the strength of their target and the length of the warp. The shark dove for the depths of the sea taking with it the harpoon and the attached line. Suddenly, the cord wrapped itself around the leg of Mr. Bunker and he was pulled overboard. Grasping the side of the boat in an effort to save his life, Mr. Bunker tilted the yawl. Ocean water rushed into the small vessel. If some quick action was not taken, the yawl would sink, sending the six privateers to their deaths at the bottom of the ocean. By some twist of fate, the line unexpectedly snapped, Mr. Bunker was saved, and the crew of six swiftly made their way back to the *Pilgrim*, leaving the shark far behind. Alas, for Mr. Bunker, his leg was badly injured, but the rest of his mates reveled in their unexpected adventure.³

¹ Sailor, *Manly, A Favorite New Song, in the American Fleet. Most humbly addressed to all the jolly tars who are fighting for the rights and liberties of America. By a sailor.— It may be sung to the tune of Washington.* (Salem, Massachusetts: Printed and Sold by E. Russell, upper end of Main-Street, [1776?]).

² Log of the *Pilgrim*, 1781-1782, in *Transactions 1922-1924*, vol. 25 of *Publications of The Colonial Society of Massachusetts*, ed. Albert Matthews (Boston: Published by the Society, 1924), 105.

³ Log of the *Pilgrim*, 105-106.

Log-books, journals, and diaries kept aboard privateers during the American Revolution provide a unique portrait of life at sea. Alas, not many of these chronicles survive, due to the nature of privateering and the perils of encounters on the ocean. Utilizing nine of these rare accounts, this chapter examines the daily lives of sailors aboard privateering vessels. The majority of these ships hailed from the New England area: Massachusetts, Connecticut, and Rhode Island, especially. Hence, the vessels and crews were oftentimes experienced merchants and sailors who resided in port cities or towns. The under-representation of the South is somewhat expected since the region did not contain as many bustling sea ports during the Colonial era. Nevertheless, the details and stories of these writings cover a wide array of experiences, conflicts, practices, and ideas. Many of the journals were kept for individual purposes, the authors never intending to publish their memoirs. There is hardly any patriotic rhetoric, though as with many sources of this ilk, readers must be aware of potential authorial bias. One account, *The Journal of Gideon Olmsted*, was written after the cruise as part of a court case and thus must be read with a more critical eye. Reliability does not appear to be a factor; the accounts support one another in the description of certain types of occurrences or practices. No contradictions or false reports appear which might cause one to doubt the validity of the journals. They offer new insight into a much-studied conflict.⁴

The sources reveal how privateers operated on a day-to-day basis. Some of the journals begin with the first day out to sea and the experience of finding one's footing on deck. Others detail storms and sunny days, illustrating how the maritime environment

⁴ *The Journal of Gideon Olmsted: Adventures of a Sea Captain during the American Revolution* (Washington: Library of Congress, 1978).

played a significant role in the success or failure of a voyage. Privateers repaired their ships, fished, and acquired supplies while on shore for their long voyages. They found numerous ways to keep boredom at bay and exchanged important information with other privateers and mariners while exploring various ports of the Atlantic World. The authors also noted discipline and punishment on board, while chronicling the presence of smallpox and the necessity of medical treatment. These writings reveal the rituals and traditions of privateering ventures, while also highlighting the role of religion and the ever-present threat of death at sea. Chapter Two covers all of these topics in detail and concludes with an examination of encounters between and among friendly vessels in the Atlantic.

As the ordeal of Mr. Bunker and the shark illustrates, life at sea was unpredictable and dangerous even in the best of circumstances. For sailors serving aboard privateering vessels, a venture could yield fame and fortune, but it might also end in death. The daily happenings of privateers upon the high seas ran the gamut from chasing down unknown vessels — many of whom ultimately turned out to be friendly — to visiting ports and towns throughout the Atlantic World to finding ways to escape boredom and to occupy their time, through games, dances, and even shark fishing. These privateer experiences reveal a new way of exploring and understanding the American Revolution. While sailors aboard these commissioned vessels sailed upon some of the same waters as the Continental Navy and fought the same British foe as the Continental Army, their exploits in the Atlantic World — a unique environment with its own set of circumstances — created a very different wartime experience. Daily occurrences on the open waters and in foreign ports obliged privateers to make their own rules and

regulations. It is these everyday events that offer a counter-narrative to the traditional telling of the Revolution and its story of a war between mother country and colonies; the story of privateers reflects a world and a war far beyond that typical boundary. Making a career upon the ocean was not for the faint of heart, but if one survived to tell the tale, oh what a story it could be.

The first skill necessary for a sailor's success was the acquisition of sea legs. For a number of mariners setting out upon privateers, sailing the oceans was a way of life; one to which they were well-accustomed. For newcomers, however, adjusting to ship-life could be challenging. Solomon Drowne discovered this during his service upon the sloop *Hope* of Rhode Island; it was the surgeon's first — and last — time embarking on a privateer. On the ship's first day out to sea, Drowne noted in his journal, "I begin to be excessively sea-sick." The sickness he experienced was "indeed enough to depress the spirits even of the brave." The following day, Drowne continued feeling "excessive sickness;" on the third day, he was "still lying by." A tempest with a violent gale surrounded the *Hope* on its fourth day out and relieved Solomon Drowne of his ill-feelings as he was more concerned with surviving the storm than the ache in his stomach. Drowne had found his sea legs thanks to the roiling waves.⁵

The weather created its own problems for privateers. The ocean and its environs could be a dangerous and deadly place for inexperienced and experienced sailors alike. Drowne and his mates found themselves billeted by a raging squall that carried away some of their crane irons and threatened to take the mast as well. Drowne described the storm as "short and energetic — grand and forcive...our ears are assailed by its rude

⁵ *Journal of a Cruise in the Fall of 1780 in the Private-Sloop of War, Hope. By Solomon Drowne, M.D. of Providence, R.I. with "Notes" By Henry T. Drowne* (New York: Charles L. Moreau, 1872), 4.

howling through the Cordage – our vessel tossed upon the foaming surges.” After the rains subsided, he wrote in awe “GOD of Nature! who that sees thy greatness on the wide extended Ocean, but must be filled with Adoration; and feel a submission of heart to thy eternal orders.” Storms could cause great damage to a ship. The *Oliver Cromwell* of New London, Connecticut, lost its main mast, fore mast, and missen mast as “the Wind Continued verry hard... All hope we had was that it would not Blow harder, but it Continued Harder till After Midnight About one oClock it Seemd to Blow in whirlwinds.” Timothy Boardman, the log-keeper aboard the *Oliver Cromwell*, described riding out the storm and waiting for a break in the weather so repairs could begin. During a cruise on the privateer *Fortune* in April 1781, Zuriel Waterman of Rhode Island noted “Rainy and high wind from the SE.” Only a day out to sea, *Fortune* “had muchwater in our hold; the pump worked very bad” causing the ship to return to shore for repairs. Oftentimes, the weather alone could determine the fate of a voyage.⁶

Raging waters and thrashing storms were only a few of the difficulties the environment offered. A seemingly simple fog could keep a ship from contacting another vessel; such was the case with the *Pilgrim* of Beverly, Massachusetts who “at day light...discovered the Sail to be a large Ship....the weather being very hazy & the Wind blowing a Gale, we could make no particular discoveries...The Severity of the Weather prevented our speaking her.” In northern latitudes, the presence of ice in the waters could make navigation difficult and dangerous. The *Pilgrim* “passed a very large Body of Ice,

⁶ *Journal of a Cruise in the Fall of 1780*, 5-6; *Log-Book of Timothy Boardman; Kept On Board The Privateer Oliver Cromwell, During A Cruise From New London CT., to Charleston, S.C., And Return In 1778; Also A Biographical Sketch Of The Author By The Rev. Samuel W. Boardman, D.D.* (Albany, NY: Joel Munsell’s Sons, 1885), 65-66; Nathaniel N. Shipton and David Swain, eds., *Rhode Islanders Record the Revolution: The Journals of William Humphrey and Zuriel Waterman* (Providence: Rhode Island Publications Society, 1984), 97.

about 2 Miles under our lee... it was judged to be 2 or 3 miles in length & as high as our Mast head” on June 10, 1782, off the coast of Newfoundland. On May 26, 1781, Zuriel Waterman and the *Fortune* were sailing off the coast of Isle St. Jean — now known as Prince Edward Island — when “finding the passage very full of ice, thought not safe to proceed; altered our course in order to sail between the main and Isle St. Jean.” In the winter months as the temperatures dropped, sailors woke up to “about an inch deep” of snow on deck. The sun did shine, though, and there were days sailing on “a smooth sea” with “fresh breezes;” other days were “fair, moderate and pleasant.” Solomon Drowne noted in his journal, “How cheering are the beams of the sun...those surly billows that erewhile buffeted us to and fro, and would suffer us no peace, are composed as the infant that has bawled itself to rest.”⁷

On those brighter days after the storms, when the deck was dry and the sky was clear, sailors went about making necessary repairs to the ship, fixing damage either from the squalls or from encounters with enemy vessels. After one such martial engagement in May 1781, the *Pilgrim* had “all hands Employed, in unbending our Wounded Sails, bending others, and repairing rigging.” The *Oliver Cromwell* of Beverly, Massachusetts, took advantage of “fair and moderate Winds [and] Hove the Brig upon a Kreen to Cleen & tallow her Bottom, being very foul.” Over the course of two days, the crew of the privateer *Providence* “hove down, cleaned and graved one side of the vessel...hove down, cleaned and graved the other side of the vessel.” Barnacles attached to the hull created problems for privateers. These encrusters could multiply quickly creating a canvas of

⁷ Log of the *Pilgrim*, 99, 121; Shipton and Swain, 104, 125; *Log-Book of Timothy Boardman*, 63; *Journal of a Cruise in the Fall of 1780*, 4; Journal Of A Cruise In 1777 In The Privateer Brig Oliver Cromwell, in *The Essex Institute Historical Collections* (Salem, Mass.: Printed for the Essex Institute, 1909), 45:247; *Journal of a Cruise in the Fall of 1780*, 7.

overlapping shells upon the ship. Crews attempted to remove these nuisances during cleaning so as to make the ship swifter cutting through the waters. The sea worm posed another threat to the vessel. These organisms affixed themselves to the ship and commenced eating their way through the wood. Sea worms, left unchecked, could gorge themselves upon a vessel and send it back into port permanently.⁸

Sometimes, damage was too great for repairs at sea and the vessel pulled into the nearest port; “came to an Anchor in Man of war Bay in the Island of Tobago, for the purpose of repairing our damages.” In July 1781, the *Pilgrim* pulled into the harbour of Brest, France, where they “hailed the Ship on the Ways, for Coppering.” Two days later, the crew “removed the Ship from the Ways and began to fit her for Sea — 50 men were six hours employed in Coppering the Ship, compleatly.” Applying copper sheathing to the hull of a ship protected the exterior from various types of damage, but it was an expensive option not available to many privateering vessels. Privateers were often far from their home ports when circumstances left the ship in dire straits. The *Pilgrim* found aid in two different ports of the Atlantic World: Man of War Bay in Tobago, and the harbor of Brest, France. American ships most likely could not have survived without this foreign assistance — assistance which contributed to the struggle and thus made the war an Atlantic World conflict. Privateer actions were not simply taking place along the coast of the American colonies; rather, these vessels took the action of the war across the Atlantic. The ocean itself was part of the war.⁹

⁸ Log of the Pilgrim, 98; Journal Of A Cruise In 1777, 45:255. Note that this particular *Oliver Cromwell* is different from the one Timothy Boardman sailed on. Timothy Boardman’s *Oliver Cromwell* sailed from New London, Connecticut, while the *Oliver Cromwell* mentioned here sailed from Beverly, Massachusetts. Shipton and Swain, 75; C. Keith Wilbur, *Picture Book of the Revolution’s Privateers* (Harrisburg, PA: Stackpole Books, 1973), 90.

⁹ Log of the Pilgrim, 109, 103-104.

While the maritime environment wrought havoc and caused logistical problems for cruises, the deep-sea also provided an ample supply of food and sustenance for sailors who might spend weeks or months out on the open water. While sailing near the coast of Ireland, the *Pilgrim* “found ourselves not more than 3 or 4 Miles from the Land, which appeared very hilly and uncultivated. Being quite Calm we hove too, and caught several Fish, which were very acceptable.” Aboard the *Hope*, Solomon Drowne and his fellow mates, “catch a Herring-Hog, which makes us a fine Breakfast, and dinner for the whole crew.” The following day, they got “a fishing line under way: catch a Hake and a few Dog-Fish.” Crews also netted “a large quantity of black-Fish” and “plenty of Cod.” Not all attempts at fishing, however, produced positive results; sometimes sailors “threw [their] lines out for Fish, but caught none.” During a cruise in June 1781, the *Fortune* “caught great many lobsters” and found “clams very plenty.” During the third cruise of the *Oliver Cromwell* of New London, on August 12, 1778, “at Six Afternoon Caught a Great Turtle which was Kook^d the Next Day for the Entertainment of the Gentlemen of the Fleet.” Privateers used — and ate — any opportunity the sea would offer.¹⁰

The vast waters could not provide all foods and supplies necessary for a cruise, however. Privateer ships were stocked at the beginning of a voyage with victuals including bread, beef, pork, peas, potatoes, flour, molasses and rum. Live animals were often brought on board as well; one ship had “half dozen sheep and goats and two coops of fowls and ducks.” Depending upon the size of a crew, provisions could last days, weeks, or months, but oftentimes the crew needed to find ways to supplement or restock the initial supply. While “anchored under the sand,” Zuriel Waterman went ashore with

¹⁰ Log of the *Pilgrim*, 105; *Journal of a Cruise in the Fall of 1780*, 10 - 11; Log of the *Pilgrim*, 120; Shipton and Swain, 121; Log of the *Pilgrim*, 100; Shipton and Swain, 107; *Log-Book of Timothy Boardman*, 64.

his comrades “to get wood and water [but] found no good watering place.” The crew may not have found drinking water, but they discovered “plenty of strawberry vines in blossom;” at another point on shore, they “wooded and watered...got plenty of gooseberries, there being also strawberries, raspberries, green peas.” While replenishing wood and water at Gabaruse Bay, men of the *Pilgrim* “upon a Bank near the Shore...found Strawberries in their bloom, in the greatest abundance, which were very acceptable, particularly to [the] Sick.” Fresh fruit provided an important supplement for sailors’ diets; sources of vitamin C were vital for preventing diseases, such as scurvy. The *Oliver Cromwell* of Beverly stocked up on “water & wood to proceed our Cruize” while in Bilbao, Spain. Though privateer ships were surrounded by water during their ventures, it was virtually never in a form acceptable to drink; thus, finding sources of fresh water was crucial. While anchored close to shore, the *Marlborough* was approached by “5 canoes with fruit. Which [the crew] Bought of them.” Sometimes, sailors participated in illegal activities to obtain food. While near shore, men from the privateer *Rambler* “at night...go ashore and take geese and hogs from the inhabitants, unknown to the officers.” Such actions were not condoned by the Captain, but many sailors were happy for a change in fare.¹¹

The nature of privateering provided different living conditions for sailors serving on board. Compared to Continental troops, who received rations, clothes, ammunition and other goods through a quartermaster, privateers often provided, acquired, and

¹¹ E. Arnot Robertson, *The Spanish Town Papers: Some Sidelights on the American War of Independence* (New York: The Macmillan Company, 1959), 53; *The Journal of Gideon Olmsted*, 70; Shipton and Swain, 104, 119; Log of the *Pilgrim*, 122; Journal Of A Cruise In 1777, 45:252; Log of Rhode Island Privateer Ship *Marlborough*, Captain George Wait Babcock, Commander, in Michael J. Crawford, ed., *Naval Documents of The American Revolution* (Washington: Naval History Division, Dept. of the Navy: For sale by the Superintendent of Documents, U.S. Government Printing Office, 1964 -) 12:825, (Hereafter cited as *NDAR*); Shipton and Swain, 129.

scavenged their own supplies. The potential was present for living far better materially — and depending on the latitude of travel, the winters were nothing like those experienced at Valley Forge. However, privateers could also fall upon hard times, finding themselves without the provisions necessary for success and without prizes to supplement their supplies.

While storms at sea, repairs, fishing and scavenging required a significant share of time, sailors often found themselves with free moments aboard ship and during stops in port. While at sea, ships encountered creatures in addition to the fish they caught and the barnacles and sea worms that besieged their hulls. Solomon Drowne witnessed “a large number of Whale of the Spermaceti Kind playing round us this morning.” He noted that “the Father of the Universe has given them the expanded Ocean for the wide Scene of their happiness.” The crew of the *Pilgrim* “saw great numbers of Whales in the course of the day, some of them came so near as to strike our Ship.” Zuriel Waterman was impressed with a dolpin, which was “the beautifulest fish that ever I saw, long and slender with a forked tail, of a beautiful variegated green mixed with blue spots.” After witnessing “flying fish skipping over the water,” Waterman composed a poem: “The flying fish now skips o’er the sea/Pursued by dolphin with speed does flee;/But sometimes as he rises in the air,/The birds, they see him and attack him there./Danger now attacks him on ev’ry side;/The fear of both at once, his cares divide.” Not only was Waterman a man of the seas, but it seems he had a knack for poetry.¹²

Entertainment aboard ship was not limited to observing creatures from the sea.

During “a pleasant moon-light evening,” Solomon Drowne enjoyed the ocean air,

¹² *Journal of a Cruise in the Fall of 1780*, 7; Log of the *Pilgrim*, 121; Shipton and Swain, 72-73; Dr. Zuriel Waterman, *Privateer Journal, 1779-1781*, Richard Waterman Family Papers, MSS 789, Box 1, Folder 22, Rhode Island Historical Society (hereafter cited as Waterman Family Papers MSS).

“walking the Quarter Deck” to pass the time. A “fair, warm, and pleasant” October day aboard the *Providence*, dawned as the men “played whackets upon the quarterdeck, and the hands played hot cockles.” A few days later, as evening fell, the “moon almost full shone very bright. The hands danc’d on Main Deck to the fife.” When foul weather kept the men of the *Fortune* below decks, they engaged in an age-old pasttime; they “finished every drop of rum aboard.” Sailors found myriad ways to engineer their own entertainments. The arrival of “a pretty bird caught on board: the Carolina red bird” broke up a long day on the *Hope*. Sailors on the *Rambler* watched as “a hawk come aboard us and caught a sparrow that had taken refuge aboard us.” Mr. Maly, a mate of Zuriel Waterman during a cruise on the *Hibernia*, was “employed in making [a] cot for [a] dog.” There were “4 dogs” on the venture initially, but they “lost one dog overboard” during the cruise. During an encounter with a fellow American privateer, Josiah Bartlett and Captain Robinson of the *Pilgrim* “dined & spent the afternoon on board the *Scourge*.” The following day, Captain Parker and Doctor Spooner of the *Scourge* “dined & spent the afternoon on board [Bartlett’s] Ship.” New faces and places offered a much welcomed change of pace after long days at sea.¹³

When a vessel pulled into port to resupply, repair, or deliver a prize, the opportunity also presented itself for sailors to enjoy visits on shore and the entertainments offered by various towns and cities. Josiah Bartlett went ashore in Portsmouth, on April 20, 1781, where he “dined with Capt Nicholls...at Evening attended a Ball. The appearance and behaviour of the Ladies could not fail to give satisfaction, and the general politeness with which we were treated, impressed” the sailor. Bartlett often made use of

¹³ *Journal of a Cruise in the Fall of 1780*, 10; Shipton and Swain, 72; Waterman Family Papers MSS; Shipton and Swain, 107; *Journal of a Cruise in the Fall of 1780*, 14; Shipton and Swain, 123, 95; Log of the *Pilgrim*, 111.

his time ashore to visit local amusements, as noted in the log he kept on the *Pilgrim*. While anchored in the port of Brest, France, Bartlett and his mates, attended “a Fair which lasted a Week, and where every kind of Merchandise might be purchased.” Brest also offered the chance to take in a show; Bartlett “very frequently attended the Plays at the Theater.” His opinion of the dramas in Brest was that they “afforded much more amusements yⁿ any other of the public diversions. The Scenery, and Dress of the Actors were good, and always adapted to the peices performed, which in general were well chosen.” Bartlett continued his patronage of the arts when the *Pilgrim* made a stop in Saint Pierre, on the island of Martinique in the Caribbean. He noted in his log that “there are no other public amusements then the plays, which I frequented, with no other advantage then pleasing the Eye with the elegance of Dress, and artificial beauty — too common among the Ladies.” Apparently, Bartlett was not nearly as impressed with the theatrical offerings in Saint Pierre as he was with those in Brest.¹⁴

During a stop on the coast of Spain, one crew member from the *Oliver Cromwell* of Beverly “went up to Bilboa Town” where he purchased a “waistcoat [and] Breeches.” Sailors often ventured into town to buy personal supplies, such as “trowsers” or various other “Sundry Things.” Some men “spent the day very cheerfully in seeing Fashions,” while others “walked on Shore & diverted [themselves] in innocent Company & Amusement.” When Zuriel Waterman and the crew of the *Fortune*, “came to anchor before Narrowshock,” they “went ashore and had a dance.” Yet spending too much time anchored or in port could pose potential problems, as Captain James Godfrey of the *Providence* learned during a voyage in the fall of 1779. A majority of the crew, including

¹⁴ Log of the Pilgrim, 97, 123, 104, 119.

the “1st lieutenant, master’s mate, carpenter, gunner, and captain of marines,” went ashore and “got very high.” The crew then “set the beach afire” whereupon the “captain went ashore to put it out.” Captain Godfrey was certainly not pleased, but Waterman noted in his journal that the crew “came off most of them pretty happy.”¹⁵

Visits also provided Captains and their crews with information and updates about other vessels and life back home. While exploring the island of Guadeloupe, Zuriel Waterman “got certain intelligence that the *Hannibal*, privateer, was overset in a squall bound from New York to the West Indies.” Josiah Bartlett of the *Pilgrim* accompanied his commander, Captain Joseph Robinson, ashore in Saint Pierre. There the sailors learned “of the Arival of [their] prize Ship *Suffolk*, at the Island of S^t Christophers and that Capⁿ Carnes had taken upon himself the Agency of her;” very good news for privateers who anxiously awaited reports of their captured vessels and their sales. Bartlett and Robinson heard word of the Count De Grass who sailed from Fort Royal and Admiral Rodney of the English Fleet who was near Martinique. Witnesses claimed “the sight of these fleets were...the most formidable ever known in these Sea’s.” Josiah Bartlett also received sad news of a personal nature: “the melancholy account of [his] Uncle’s death [related] by Captain Darby from Salem in the Ship *Patty*.” Not all news ashore was good news for the privateers.¹⁶

Port towns and cities afforded sailors from the American colonies the chance to experience other cultures and places, many of which they had not encountered previously. These opportunities for cultural exchange distinguish privateers from their

¹⁵ Journal Of A Cruise In 1777, 45:251 – 253; Log of the Pilgrim, 118; Journal Of A Cruise In 1777, 45:251; Shipton and Swain, 105, 77.

¹⁶ Shipton and Swain, 90; Log of the Pilgrim, 118.

Continental counterparts on land and sea. Sailors' service aboard privateering vessels was quite different from that of Washington's army. While Continental troops kept their feet firmly on North American soil facing British and Hessian forces, privateers interacted with and explored areas and aspects of the Atlantic World. Though Washington's troops traveled near and far within the colonies and Canada, merchant mariners and the war they waged took them far from the colonies and their coastlines. Washington's troops faced harsh weather conditions, particularly in winter, and smallpox epidemics; issues that plagued privateer ships as well. Yet, while Continental troops rarely received payment and suffered under deplorable conditions lacking the basics of food and clothing at times, the vessels' recorded stories reveal that privateers utilized the ocean's resources to survive and were rewarded, handsomely if they were lucky, when a prize was taken. Many Continental soldiers fought "for a cause they firmly believed in...[making] a constant call for independence and liberty" in their writings; this was not the case with the log-books, journals, and diaries of privateers. Patriotism certainly played a role, but profit, adventure, and the sea called to these sailors as well. Privateers were savvy patriots, in a sense, fighting for the cause, while also bettering their financial circumstances. Their war on the seas was no less dangerous or life-threatening than that faced by Washington's army in the colonies, but the scenes and stages of the privateers' revolution unfolded in an Atlantic World foreign to land troops. Hence, the American Revolution experienced by privateers inhabited a vastly different space and the way they would ultimately remember their service in the post-war period was unique unto them.¹⁷

¹⁷ Bruce Chadwick, *The First American Army: The Untold Story of George Washington and the Men Behind America's First Fight For Freedom* (Naperville, IL: Sourcebooks, Inc., 2005), xii. See the following for additional information about the experiences of George Washington's army: Charles Knowles Bolton, *The Private Soldier Under Washington* (Port Washington, NY: Kennikat Press, Inc.,

Ships' log books often served as travel journals, in addition to their roles as keepers of the ships' voyages. The journal writer aboard the *Marlborough*, cruising in January 1778, drew sketches of prominent geographic points and areas, including a profile of Cape Verde and a view of Gorea Fort on the island of Gorée off the coast of Senegal in Africa. Josiah Bartlett of the *Pilgrim* noted lands they merely passed by in his log; for example, on May 30, 1781, the *Pilgrim* "at ten AM saw the Land, being SW part of Ireland & exceedingly mountaineous." Later, in July 1782, Bartlett described the harbor of Louisbourg which showed "the marks of ancient war; Block Houses, Barracks, the reliques of Fortifications, and the landing places of Generals Amherst & Wolf on their expedition."¹⁸

Bartlett likewise kept detailed accounts of the cities and towns he actually visited, commenting upon a town's size, location, inhabitants, housing, and various other aspects of city-life. The first stop across the Atlantic for the *Pilgrim* was the harbor of Brest, France; which, according to Bartlett, was "very justly called one of the Best in the World." Bartlett described how "the Country in general [was] level, fertile, and the plantations regularly laid out." The French military presence impressed Bartlett and he pointed out that "every branch of Marine Business is executed with the greatest dispatch, four or five Thousand Slaves are constantly employed in the dock yards." The town was well laid-out, in Bartlett's opinion, with paved streets of an agreeable width and houses

1964); John Buchanan, *The Road to Valley Forge: How Washington Built the Army That Won the Revolution* (Hoboken, NJ: John Wiley & Sons, Inc., 2004); Caroline Cox, *A Proper Sense of Honor: Service and Sacrifice in George Washington's Army* (Chapel Hill: The University of North Carolina Press, 2004).

¹⁸ Log of Rhode Island Privateer Ship *Marlborough*, in *NDAR*, 12:818; Log of the *Pilgrim*, 100, 123.

that stood four or five stories tall. However, Bartlett was not impressed with the French's "neglect of the Cleanliness in their Houses."¹⁹

Six months later, sailing on a second cruise aboard the *Pilgrim*, Josiah Bartlett offered his opinion regarding the island of Tobago, which was quite different from the port of Brest. When first entering Man of War Bay, Bartlett's initial impression was "the entrance of the Harbour affords nothing but barrenness and dessolation." Upon further inspection, Bartlett noted the presence "near the shore [of] five or six Hutts, and a tract of clear'd Land, w^h we found to be a plantation." While exploring the island the next day, Bartlett climbed "an exceeding high mountain" to gain a better view of the countryside. The majority of the island was "totally uninhabitted, consequently uncultivated;" however, there were a few plantations visible. While visiting one such plantation, Bartlett met the wife of the planter, "a likely Negro girl" who treated Bartlett with "every mark of civility and by her was entertained in a manner that discovered her associate not to be unacquainted with the manners & Customs of the polite world." Bartlett discovered that the huts he had seen from the ship were inhabited by slaves of the plantations whose "great labour & nakedness, could not fail to excite sensations of pity in a breast unaccustomed to Cruelty." Making his way back to the ship, Bartlett described the mainstays of the island: cotton-wool, sugar-cane, and coffee. He also seized an opportunity to gather some food as "vegetables may be procured plentifully" and Bartlett thus "picked a quantity of the finest Limes [he] ever saw." The *Pilgrim* made sail the following day, January 3, 1782.²⁰

¹⁹ Log of the *Pilgrim*, 104.

²⁰ Log of the *Pilgrim*, 110.

From the deck of the ship in March 1782, Bartlett described Tortola as “greatly cultivated & in a very flourishing state.” Reminiscent of Tobago, Tortola also had a number of plantations worked by slaves. Bartlett described the town as “compact, but small; its situation low, & the Air consequently confined by Mountains adjacent, which were exceeding high.” The harbour was also small, according to Bartlett, but seemed able to serve its purpose and offered shelter from stormy seas. Bartlett was quick to point out, however, that his observations “cannot be perfect.” Despite his concern, the descriptions he provides in his log-book are significant in terms of the information they do provide and the picture they present of islands visited and encountered by American privateers sailing in the Atlantic World.²¹

Bartlett continued noting his impressions of various islands and towns as the *Pilgrim* made her way through the Caribbean. In May 1782, while visiting Saint Pierre, Martinique, he observed that the town was approximately two miles long, and lay at the foot of a mountain chain; unfortunately, in Bartlett’s eyes, the chain “naturally retards a circulation of free air, and renders [the town] entirely subject to the intense heat of the climate.” In his opinion, the town was well laid out with intersecting streets. A stream flowed through the city’s center providing “cleanliness,” which was of high importance in Bartlett’s mind. The housing in Saint Pierre was compact and he opined that “convenience seems to have been considered before elegance;” the sailor was not much impressed. The people themselves were “numerous, industrious, and of a variety of

²¹ Log of the Pilgrim, 115.

complexions,” but Bartlett had little chance for interaction as their language was “unintelligible.”²²

A visit to the town of Basseterre proved far more enjoyable for Bartlett as it was “much more pleasantly situated than S^t Pierre, by reason of a free circulation of fresh air.” While the housing situation was less crowded and pleased Bartlett as it was “much more elegantly furnished,” the streets of the city were “so exceedingly dusty” that it “render[ed] walking very disagreeable.” Bartlett did not stay long in Basseterre, so he was unable to make his usual plethora of observations; however, he did speculate that “from the reception [they] met with, & the treatment [they] received...a month might have passed agreeably.” His fondness for Basseterre over Saint Pierre may also have stemmed from the fact that the inhabitants of the former reminded Bartlett of his home and the language they spoke was “intelligible” compared to that of Saint Pierre. Regardless, the log-keeper and the *Pilgrim* were back on the water the next day.²³

Josiah Bartlett of the *Pilgrim* was not the only privateer who offered remarks and observations in his log-book. Zuriel Waterman of Rhode Island wrote accounts while sailing on a number of privateer ventures, though none were quite as detailed as those offered by Bartlett. In November 1779, while sailing on a cruise with the vessel *Providence*, Waterman noted the appearance of Foxborough Isle, off the coast of New Jersey; “it has but one wretched house upon it, being mostly a marsh except a small spot of rising ground where the house stands.” He was far from fascinated with the island, but he noted its location near Clamtown and Little Egg Harbor, and recorded the names of the inhabitants of the home, Moses Mullener and his family. Nearly two years later, while

²² Log of the *Pilgrim*, 119.

²³ Log of the *Pilgrim*, 119-120.

aboard the privateer *Hibernia*, Waterman found himself upon the island of Guadeloupe. Though fire (or perhaps a hurricane) had recently destroyed part of the town, he found his way to the hospital, where “the sick were exceeding well treated.” As the ship’s surgeon, Waterman might naturally have been curious about the treatments and procedures used by doctors in the West Indies. He noted the structure of the hospital building was “fine” and “large...situated on a hill; it is long and has 2 wings.” Waterman was probably not nearly as impressed with the behavior of the French doctors he encountered. One became intoxicated and while he was being taken ashore by two African-Americans, the doctor “flogged them all the way with his fist.” The French physician was in such a rage that he fell into the water, not once but twice, and was finally “taken out almost drowned.” Waterman does not record in his journal what became of his fellow medic.²⁴

Following his foray on Guadeloupe, Waterman visited the island of Martinique — that same island frequented by Josiah Bartlett of the *Pilgrim*. Waterman’s perceptions of the island were similar to Bartlett’s in that he noted the presence of mountains, which the surgeon described as “very ragged and broken with fine rills of water running into the sea.” He commented on the cultivated land dotted with African-American huts. The island also contained “some windmills to grind cane [and] some cannon...planted along shore.” The next day, February 6, 1781, dawned pleasantly and afforded Waterman the opportunity to go ashore and explore the island. The doctor noted “the fields of coffee, orange groves, [and] tamarind trees” as he surmounted a steep hill to gain a better view. The observations provided by Waterman complement and expand upon those kept by

²⁴ Shipton and Swain, 75, 88-89; Clamtown has since been renamed Tuckerton, NJ.

Josiah Bartlett in his journal; both of which expand the horizons of privateers and explain the experiences of sailors while on shore.²⁵

The log of the *Marlborough* coupled with the journals kept by Josiah Bartlett and Zuriel Waterman aboard their respective voyages paint a picture of the Atlantic World beyond the shores of the American colonies. Part of the log-book maintained by Timothy Boardman — while sailing on the *Oliver Cromwell* of New London, Connecticut — provides a rendering of life much closer to home for sailors, though sometimes just as foreign. The final section of Boardman's narrative includes the "Remarks of Our Gunner on Charlestown, in S.C." The Gunner, most likely a sailor from New England, had strong opinions to share about the Southern coastal town. While the Gunner appreciated the location of the city "pleasantly Situated on Ashley River on verry low Land" and complimented the construction of the nearby buildings as "extreamly well Built," Charleston society, as a whole, left a great deal lacking in the eyes of the sailor. The Gunner began by expressing his discomfort with the practice of slavery. He took issue with the system of ripping people from their homelands and transporting them to a strange place without teaching them religion or allowing them their freedom. The idea that an "enlighten^d People, a People Professing Christianity Should treat any of God's creature in Such a Manner" disgusted the Gunner. His ridicule and condemnation of Charleston was just beginning, though. The next topic on the Gunner's agenda was that of attending church; according to the remarks, hardly anyone ever did. Rather, the privateer noted that "Horse Racing, Frolicking, Rioting, Gaming of all Kinds Open Markets, and Traffick" were the "Chief Business" of Sundays — a wholly unacceptable

²⁵ Shipton and Swain, 89.

practice in the sailor's eyes. The Gunner took Charlestonians to task for their laissez-faire attitude towards marriage and the practice of taking multiple women — and female slaves — to bed. He fumed for a lengthy time about decorum and the role of proper attire when men and women interacted. The lack of “decent Dress” and the appearance of slaves “of both Sexes...in Such Dishabitable [apparel] as to be oblig^d to Display those Parts which ought to be Concealed” greatly vexed the Gunner. His criticisms of Charleston did not end there; he continued censuring citizens of Charleston for their behaviors. The Gunner noted, in addition to the amusements listed earlier, that “Black Gammon, Shuffle Board...that Noble Game of Roleing two Bullets on the Sandy Ground...Whoreing and Drinking” were all vices found in plenty in South Carolina. He also expressed a lack of fondness for their food and warned that a man from Carolina might be your friend one moment, but “then for a Shilling would Cut Your Throat.” The overall picture painted by the Gunner was certainly not a flattering one.²⁶

Towards the end of the Remarks, however, the Gunner turned his attention to more positive aspects of the city, albeit still with a few caveats. He noted that there were “Gentlmen of Charracter...who Ritchly Deserve the Name” living in Charleston, though they were few and far between. The Gunner excused the absence of such men with the explanation that the present conflict had caused many to remove from the city and thus the town was “much alterd from what it was before.” Nevertheless, the town possessed well-built public buildings, fine churches — though they were not “the Most elegant [the Gunner] ever Saw” — well-planned and laid streets, even though they were “Verry Sandy.” The presence of insects, particularly “musketoës,” greatly bothered the Gunner

²⁶ *Log-Book of Timothy Boardman*, 73-77. Unfortunately, the log-book does not include the name of the Gunner aboard the *Oliver Cromwell* of New London, CT.

and made a long stay in the city rather unpleasant. In the end, even the compliments paid by the privateer were not a rousing endorsement for Charleston.²⁷

The Gunner's Remarks concluded with another condemnation of the use of slavery. He scolded the white population for their laziness and love of luxury and sport. The sailor discarded the often-used excuse that white people could not "endure the heat of the climate" and he argued that if time spent at leisurely activities was applied to a "moderate Days work" then a great deal could indeed be accomplished. He was convinced that white people in and around Charleston had adopted "foolish wicked and Absurd Notions" to justify slavery and their own inexcusable habits. He ended with a fervent hope that as America fought to "preserve they Own Freedom...[the new country should] be Sure to let Slavery of all kinds ever be Banish^d from thy habbittations." Little did the Gunner know that New England troops in a future conflict — the American Civil War — would also view their southern brethren in similar fashion. Though the Gunner admitted he "only make[s] this Obsⁿ for my own amusement never Intending they Shall be ever seen but by particular friends" and therefore omitted "any niceities of Expressions," the remarks did find their way into the log-book of Timothy Boardman. They provide an important portrait of how one privateer viewed men and society from a fellow colony. Clearly, the Gunner found many of the practices strange and, in his particular view, unacceptable and unbecoming of a gentlemanly society.²⁸

The distinct travel sections of these log-books illustrate how and where sailors interacted with various residents of the Atlantic World. The cultural exchanges that took place began on a micro-level, with individual privateers. Over time, as more privateers

²⁷ *Log-Book of Timothy Boardman*, 77-79.

²⁸ *Log-Book of Timothy Boardman*, 76, 78-79.

participated in the war and experienced the Atlantic World, these exchanges expanded and overlapped, constituting a unique privateering experience unmatched by war-time activities or interactions of any other Patriot forces. Fleshing out this typically overlooked privateer experience continues the expansion of the American Revolution beyond the borders of the colonies themselves. While privateers' exploits in France, Ireland, Martinique, Guadeloupe, Tobago, and Tortola were vastly different from those of the Continental Army and the Continental Congress, they were no less valuable to the overall outcome of the conflict nor are they any less legitimate to historical understandings of that conflict today. Stepping foot upon the shores of European and Caribbean nations and islands, privateers engaged in much more than simple sea battles and captures of prizes; they experienced the American Revolution as part of the Atlantic World.²⁹

Once a ship came into port, Captains often allowed their crews to disembark and tour the nearby towns, which, as the travel-logs indicate, a number of seamen freely did. However, this freedom to explore came with risks, as sailors might engage in unacceptable behavior or, perhaps worse, they may desert the venture and never return. Before the cruise of the privateer *Providence* even really got underway in September 1779, one "Stephen L___ ran away" from a boat going ashore for milk. The Captain of the Marines and one of the prize masters pursued the young man, but were unable to catch him. Zuriel Waterman noted in his diary that this Stephen fellow had entered the privateer service under the assumption of being "a good seaman," but when he refused to climb the rigging, the newly minted sailor "acknowledged he was [in fact] no seaman." Thus, it may not be surprising that he turned tail and ran before the vessel ever left port,

²⁹ For the experiences of the Continental Congress, see Richard R. Beeman, *Our Lives, Our Fortunes and Our Sacred Honor: The Forging of American Independence, 1774-1776* (New York: Basic Books, 2013) and David G. McCullough, *John Adams* (New York: Simon & Schuster, 2001).

leaving behind “3/4 of a share.” A month later, again aboard the *Providence*, five men “stole off undiscovered” while the ship was anchored; one sailor was so desperate to escape he “went off without shoes or stockings on, leaving 2 pair of good stockings and 1 pair of shoes, etc., in his pack.” The officers of the *Hibernia* had to use force to keep their men on board when two sailors attempted to go ashore. The duo brandished pistols, but the officers maintained the peace resulting in “broken shins, one forefinger, a jacket tore, and one pistol stock broken.”³⁰

Illegal actions and behaviors could not be tolerated, for if the Captain and his officers showed weakness in enforcement, the crew might refuse to work, abandon their duties, or even mutiny. Swift punishment was called for when sailors disobeyed. John Kelly and Joseph Stuart learned this lesson at the hands of Lieutenant Harris aboard the *Providence*. Stuart refused to work one day because he claimed he was injured with boils. Harris, not believing the sailor, “thrashed him around pretty severely” with a hunting whip. The Lieutenant then went after Kelly, who was hiding from the officer; Harris struck Kelly and “repeated his strokes to make him rise, but K[elly] stood it out for some time; after 20 strokes or thereabouts, H[arris] left off.” The diary does not divulge what became of Kelly and Stuart after this incident, but the ship proceeded on its cruise. A boatswain aboard the *Marlborough* was sent to another vessel by the Captain for he “behaved So Bad...Abusing the Doctor & Officers on Board.” Sailors might face punishment for accidental actions as well, such as Andrews who “was cobb’d for puking on deck where the meat was a cooking in the lee suppers.”³¹

³⁰ Shipton and Swain, 69-70, 75, 100.

³¹ Shipton and Swain, 76; Log of Rhode Island Privateer Ship *Marlborough*, in *NDAR*, 12:826; Waterman Family Papers MSS.

The implementation of rules aboard ship served a dual-purpose. First, these regulations ensured the Captain and his officers could maintain control of the crew. Unlike the Continental Navy, which drew up specific guidelines that any ship in service had to follow, privateers were privately-owned and operated ventures. There was no privateer guidebook that each ship followed; every vessel functioned under its own flag. Hence, a crew needed to know and understand the procedures and punishments of the ship. The second purpose of these rules and regulations was to find and impose order on an inherently disorderly situation. Far from any civil authority or from the owners of the ship or the financiers of the ventures, privateers were at the mercy of their circumstances. Though commanding officers in Washington's army also faced unruly troops and dire situations, captains aboard privateers were in a unique situation unto themselves. Operating in an isolated environment — on board a solitary vessel and in the middle of an ocean oftentimes — a ship's captain had no recourse or support if he failed to subdue his crew. A captain facing mutiny could not appeal to Washington or the Continental Congress for aid. He had to take swift action to maintain control of the sailors under his command lest he lose the endeavor and the ship. Without a code to follow, ventures could quickly dissolve into mutiny and chaos. A captain had to be careful in case his crew decided to turn against him. The sailors aboard the privateer *Chace* wanted the opportunity "to go ashore to plunder the inhabitants" of Nova Scotia, but the Captain refused and "hoisted the boat aboard" to prevent their going. The crew "threatened to carry the brig. in another port" upon hearing which the Captain "put them in irons."

Dangerous situations, such as threats of mutiny, insubordination, and acts of disorderly conduct had to be addressed and contained.³²

Desertion, laziness, and mutiny were only a few circumstances that could endanger the strength of a crew. Disease, injury, and death also posed serious risks to sailors aboard privateers. Smallpox was a genuine threat during the American Revolution. George Washington inoculated his troops in 1777 and 1778; he realized the hazards of marching and fighting with susceptible soldiers. Captains of privateer vessels also recognized the risks. Captain William Cole, of the *Oliver Cromwell* of Beverly, decided to inoculate his entire crew after smallpox broke out and “several [of his men were] buried in a Day.” The decision to purposefully infect the entire crew most likely stemmed from the knowledge that once the live virus was inserted beneath a person’s skin, he actually had the disease and was able to communicate it to the rest of the crew. Otherwise, the infected sailor would have to be quarantined — a feat quite difficult on a ship in the middle of the ocean where crew members resided in such close quarters. The keeper of the journal aboard the *Oliver Cromwell* was inoculated by a Doctor from another vessel, the *Civil Usage*, after which “At Night [he] took a Mercurial Pill.” For the next few days, inoculations continued. On August 26, 1777, “Five more...People were innoculated” aboard the vessel. The writer of the *Oliver Cromwell*’s log noted that smallpox not only affected his body, but his mind as well. He had “melancholly Apprehensions respecting the Small-Pox,” but he tried to “commit [himself] & case to the Disposal of a Divine Providence.”³³

³²Shipton and Swain, 129.

³³ See Elizabeth A. Fenn, *Pox Americana: The Great Smallpox Epidemic of 1775-82* (New York: Hill and Wang, 2001), particularly 92-103; Journal Of A Cruise In 1777, 45:250-252.

The inoculation procedure involved placing a live *Variola* in an incision on the hand or arm. Following this procedure, the patient typically broke out in pustules, though the number was relatively small compared to those who naturally broke out. Aboard the *Oliver Cromwell*, the log-keeper experienced “pain in [his] Head & Limbs, with alternate Heats & Colds” followed by “a restless Night” with little sleep. He continued to take doses of “Calomel” or mercury to help with the effects. The writer also aided his fellow inoculated crew members. He gave “2 doses Physick to 2 others & an Emet to another.” Meanwhile, six days after the inoculation procedure, the writer’s symptoms worsened as he felt “Alternate Heats & Colds Head-ache, Eyeballs sore & ach &c & a great Sinking & Lassitude.” The mark of smallpox soon showed itself. While the log-keeper fluctuated between freezing cold and boiling hot, the Doctor “discovered a Pock on [his] cheek.” Over the next few days, the pox continued to break out all over the sailor until he had “now about 100 Pock, very kind.” He stopped taking medicine and instead “exercise[d] as much as I can without heating myself & live low.” The journalist might be considered lucky as he only had a few more pocks break out; they “fill fast & well” and soon his “Pock begin to turn.” Fellow mariners who suffered from a natural outbreak were “removed on shore” so as not to endanger the rest of the crew. A natural outbreak often resulted in far more acute symptoms and potentially death, whereas the inoculation procedure usually caused a less severe form of the pox. Timothy Boardman recorded in his journal that another privateer ship, the *Defence*, “had Five Men Broke out with the Small Pox” on April 7, 1778. The following day, “they Lost a Man wth the Small Pox.” On board the *Marlborough*, smallpox also made an appearance as “the Inoculated

persons Breaking Out Others Complaining of the Syntoms.” Smallpox could potentially decimate a crew if not dealt with swiftly and responsibly.³⁴

Smallpox was but one of the medical pitfalls on privateering vessels. Sailors and surgeons dealt with circumstances varying from a headache or cold to the loss of limb or life. As the surgeon on several cruises, Zuriel Waterman was charged with obtaining vital medical supplies for the ship. Before setting sail upon the *Argo* in 1780, Waterman “went to the G. Hospital to get medicines for the sloop.” While serving aboard the *Hibernia* in February 1781, Waterman was called aboard another ship to bleed the Captain, though he did not note the reason for the procedure in his journal. Even Waterman found himself under the weather at times; one day he was “taken violently ill...with bad pain in [his] bones [and a] headack.” Captain Christopher Brown of the *Marlborough* was “taken Ill of a Fever” during their cruise near the coast of Africa in 1778. Dr. Solomon Drowne of the ship *Hope* also offered his services to fellow vessels, since not every privateer ship carried a surgeon aboard. He was called upon a snow by the commander, Captain Small, “to do something for his Rheumatic Knee, and see a very sick boy.” Drowne offered a prescription and gave directions to the Captain for overseeing his illness and that of the young man before returning to his sloop. Treatment could be as simple as giving “2 Men Physick” if they were feeling ill. Following a “squally” storm with “Strong Gales & rough Sea,” the log-keeper of the *Oliver Cromwell* of Beverly “dress’d several wounds” on his crew, most likely obtained while trying to keep the ship afloat during the deluge.

³⁴ Fenn, 32; Journal Of A Cruise In 1777, 45:250-252; *Log-Book of Timothy Boardman*, 51; Log of Rhode Island Privateer Ship *Marlborough*, in NDAR, 12:817.

Two weeks later, several members of the crew were “annointed for the Itch. Several were Sick & took Emet^s and Cath^s. One wounded in the Wrist by a Knife & Several Boils.”³⁵

Yet, a surgeon was not always successful in treating his patients. Sometimes — oftentimes — injuries proved fatal. While foraging on shore, Joseph Prentis of the privateer *Wasp* was shot and killed; his crew “buried Prentis on an Island in Pennant bay.” When Hezekiah Burnham was “taken sick” aboard a sloop, several sailors brought him ashore to be looked after in Port Morant, Jamaica. Burnham died that evening and a fellow sailor, Gideon Olmsted, “gave £3 for a coffin.” A thoughtful American man “gave a suit to dress the corpse and decently buried him,” while Olmsted gave “a pair of silk gloves” to the “very kind woman” who had looked after Burnham. Burial in the ground was not the norm, however; most deaths occurred in the middle of the ocean and required a burial at sea. The rite consisted of the sailor “sewed up in his hammock and sunk.”³⁶

Ritual, tradition, superstition, and religion each played a role in the sailor’s everyday life. Burial at sea not only made sense pragmatically — the smell of a corpse in the hold, plus the potential spread of disease were certainly factors — but there was also the idea that a sailor who had spent his life upon the oceans would want to meet his end there. Earning the privilege of being called a true seaman was a right of passage. A number of privateering log-books described the ceremony of shaving and ducking performed when crossing the Tropic of Cancer. On Friday, December 21, 1781, the privateer ship *Pilgrim* “passed the line of the Tropic of Cancer.” The crossing was met

³⁵ Shipton and Swain, 92, 80; Waterman Family Papers MSS; Log of Rhode Island Privateer Ship *Marlborough*, in *NDAR*, 12:826; *Journal of a Cruise in the Fall of 1780*, 15; *Journal Of A Cruise In 1777*, 45:254-255.

³⁶ John Fairbanks — His Journal in *Collections and Proceedings of the Maine Historical Society, Second Series, Vol. VI* (Portland: Published by the Society, 1895), 142; *The Journal of Gideon Olmsted*, 18-21; Philip Freneau, *Some Account of the Capture of the Ship Aurora* (New York: M.F. Mansfield & A. Wessels, 1899), 21.

with “much diversion for [the] Ships C^o though attended with a very disagreeable ceremony to such as never crossed it before.” Josiah Bartlett, the writer of the log, did not elaborate upon this disagreeable ceremony. Timothy Boardman, sailing aboard the *Oliver Cromwell* of New London, described the ceremony thus: “Cros^d the Tropick Shav^d & Duck About 60 Men.” Zuriel Waterman, traveling on the *Hibernia* in 1781, provided a more detailed account of the ritual. When the weather was nice enough, Waterman had “two handspikes lashed horizontal and parallel; [he] sat on the lower, the upper one being against [his] breast...was lashed to them, hoisted up to the weather foreyardarm, and giving three cheers, [the crew] let [him] go by the run in the sea, doing thus 3 times.” Waterman had the opportunity to buy his way out of the ritual, but he “refus[ed] to pay anything more” and thus went through with the ceremony. The sailors aboard the *Marlborough* were also offered a buy-out option when “two of the men dressd in Tarpaulins Come to Demand the Bottle and pourd when All those that never Crossd it had to pay.” The custom of shaving and ducking — shaving first-time crossers’ heads and ducking them into the ocean — was a common practice among sea-going vessels in the eighteenth-century. Privateers, though not formal or official like the Continental Navy or the British Ships of Line, still participated and recognized these rituals of the sea.³⁷

Superstition and religion may seem an odd pair today, but sailors aboard privateers recognized and respected both. For example, prior to the beginning of a voyage, a silver coin might be placed under the main mast in hopes of a successful voyage and a plethora of prizes. A crew might whistle in unison to conjure a favorable wind, but care had to be taken for whistling when the ship had the advantage could prove

³⁷ Log of the Pilgrim, 109; *Log-Book of Timothy Boardman*, 51; Shipton and Swain, 95; Log of Rhode Island Privateer Ship *Marlborough*, in NDAR, 12:817.

disastrous. The *Pilgrim* returned to port in July 1782, only to discover that most of the prizes taken had not yet arrived, leaving the crew “murmuring at the frowns of Fortune.” While revolutionary seamen believed in these, perhaps fanciful, notions of producing good luck and fair winds, they also frequently called upon a Higher Being in their times of need and recognized holy days and practices. Zuriel Waterman remarked in his journal “Ash Wednesday 28 [the] First day of Lent.” Solomon Drowne tried to retain a semblance of his religious life aboard the sloop *Hope*; he noted in his journal, “it being Sunday, try the efficacy of a clean shirt, in order to be something like folks ashore.” When a violent gale threatened the *Hope*, Drowne styled “a becoming fortitude in general predominates on board, though horror stalks around. –They who go down to the sea in ships, do indeed see the wonders of the LORD in the deep.” While cruising aboard the *Fortune*, Zuriel Waterman had a near-death experience. He was returning to the ship from shore when a flat-bottomed boat he was in overturned. Waterman was in the cold water for fifteen minutes before being pulled out; he later wrote “thus by the great mercy of God I was saved...may I never forget this signal favor of heaven, but always remember it with gratitude and trust in Divine Providence.”³⁸

Some privateers readily took the opportunity to attend church when in port. While anchored in Guadeloupe, Zuriel Waterman “early in the morning went to church with Dr. Rawson.” Waterman was struck by the elegance of the church; “there was a very beautiful altar with a large golden cross on the table...supported with angels with beautiful carved work around it.” He also described a statue of the Virgin Mary holding the baby Jesus in her arms, carved from alabaster. Five other individuals came into the

³⁸ Keith, 54-56; Log of the Pilgrim, 124; Shipton and Swain, 94; *Journal of a Cruise in the Fall of 1780*, 11, 5; Shipton and Swain, 99.

church while Waterman and Rawson examined the structure. These church-goers “went to the marble basin of holy water, dipped their fingers in, and crossed themselves on the forehead and breast;” Waterman and Rawson followed suit. The two doctors then visited a second church, where the parishioners “were singing...as soon as they stopped, they all fell on their knees to prayer.” At the end of the service, “a small bell rung for about 1 ½ minutes, during which time they were all on their knees at prayer.” In addition to attending church, Waterman noted the observance of Holy Days; “Sunday last being Shrove Sunday, that and yesterday and today are three great holy days with the inhabitants [of Guadeloupe]; every night they have a dance on the beach with music, etc.” While privateers could be out at sea for weeks or months, they maintained a semblance of shore-life and practiced their faiths and beliefs to the best of their abilities.³⁹

For sailors who survived the perils of weather, disease, and injury and “earned their stripes” through various ceremonies and rituals, the open sea offered vast opportunities. The main goal of privateering ventures consisted of capturing prizes and returning them to port successfully. However, in the midst of trying to chase and engage other ships, privateer vessels oftentimes found themselves face-to-face with friendly vessels rather than the enemy. On the morning of June 3, 1781, the *Pilgrim* “saw a Sail to leward, & gave chace.” Upon closer examination, the crew judged the vessel to be armed. They continued in hot pursuit and “after a very severe Chace,” the *Pilgrim* made contact with their quarry. The vessel turned out to be the *Essex* from Salem, “no prize” for the privateer. Instead, the two ships continued in company. The following morning, they “tried the Ships in Sailing” and the *Pilgrim* “beat the *Essex* greatly.” A few days later, the

³⁹ Shipton and Swain, 92-93.

Pilgrim again gave chase after a spotted sail, but once more the vessel turned out to be friendly: “the Ship *Defence*, Cap^t Edmunds, belonging to Beverly, from Bilboa on a Cruize.” The *Defence* joined the *Pilgrim* and the *Essex* in sailing together.⁴⁰

Encounters between non-enemy vessels did not always end well, however. The meeting of the *Pilgrim* and the *Mohawk* serves as a case in point. The two ships “ran aboard each other, by which accident [the *Pilgrim*] carried away [their] figure Head & received some other injuries.” Both crews argued over who was at fault, for their Seamanship was at stake and “each party [was] naturally urgent to vindicate their own conduct.” Josiah Bartlett determined “that both Captains were aiming to take the same position should we not have proved friend to each other” and thus both were equally guilty. Yet, there was no way to determine the status of friendship until it was too late and, in this case, the damage was done. Such were the perils of taking up the chase and engaging another vessel.⁴¹

These encounters between confederate vessels are understandable when the process of the chase is examined. The look-out spotted a sail, but there was no indication upon the sail whether the vessel was friend or foe. Thus, a chase commenced. Once the ships were in close proximity, they each raised their colors, but this was not always fool-proof. Some ships raised false colors to deceive their pursuers. In the end, it was not until the vessels could speak with one another that a determination could be made about the status of the pursued ship. When a conclusion was reached, if the vessel indeed proved to be friendly, a ship might give a signal; such as the *Oliver Cromwell* of Beverly who “Early A.M. Saw a Sail & stood for her. At 9 d^o came up, judged her to be Capt. Lee of

⁴⁰ Log of the *Pilgrim*, 100.

⁴¹ Log of the *Pilgrim*, 109.

Marblehead, a Privateer Brig, fired 2 Guns to Leward in Token of Friendship.” After speaking with Captain Lee, the two vessels “agreed to keep Compan[y] with us & Cruize in Consort Several Days.” Cruising together offered protection and perhaps greater chance at taking a prize.⁴²

When a fellow ship turned out to be friendly, vessels often convened in open water to exchange knowledge of enemy movements, information, supplies, and even passengers. While cruising off the coast of the New England colonies in November 1779, the *Providence* learned from the *Comet* “that the English had evacuated Newport, Rhode Island...after blowing up the courthouse, granary, lighthouses, and their fortification on Tonomy Hill;” important intelligence for privateers cruising in British patrolled waters. When the *Fortune* met up with the *Revenge* on May 23, 1781, the latter informed the former that “the *Rambler* had taken a Bermudian brig loaded with salt;” proof that the waters of the Caribbean yielded fruitful captures. After passing the coast of Antigua, the *Pilgrim* gave chase to a brig, who they soon found sailed from Brest, France to Guadeloupe. The Brig informed its pursuers that four days earlier they “parted with a Fleet of 7 sail of Battle Ships & a large number of Troops, bound to Martinico.” The *Marlborough* obtained the position of “a Snow belonging to London Under french Colours & Some Other Vessels & a rich factory” from the captain of the *Sally*; while the *Oliver Cromwell* of New London gathered that “the Jamaica Fleet...Pass^d the Havanna ten Days Back.” The information and gossip network among privateers could be invaluable. In the absence of modern-day technology to inform vessels of enemy

⁴² Log of the Pilgrim, 100; Journal Of A Cruise In 1777, 45:246.

movements, the sharing of information between ships was one of the only ways to gain intelligence and prepare for various confrontations.⁴³

Encounters afforded the opportunity for more than just the transfer of information — other valuable commodities also changed hands. When the *Fortune* and the *Comet* met in May 1781, the former gave “lb. 20 bread, lb. 40 beef, and ½ gal. rum” to the latter to help the *Comet* on its homeward journey. Yet, when the *Rambler* encountered a schooner off the coast of Nova Scotia and “requested water and bread,” the Captain of the former only gave “after some delay...about 3 pints water and 3 biscuits per man and nothing more.” In this case, a friendly vessel was not particularly the most helpful. The *Pilgrim* participated in an exchange of passengers in May 1782 when they came upon a sloop from Bermuda to Antigua. Aboard the vessel was a passenger “by the name of Bonetheau...[who] represented to have fled from Charlestown S^o Carolina, to escape the cruelty of the Enemy.” The *Pilgrim* took Bonetheau aboard. When the ship encountered a Schooner “bound to George-town,” Mr. Bonetheau was put “on board her by his own request.” In early 1781, Zuriel Waterman served as surgeon aboard the ship *Fortune*. Towards the end of the ship’s cruise, she encountered the *Rambler*, commanded by Captain Fuller. The Captain requested the presence of Waterman aboard his ship, most likely because he lacked a doctor on board. With “the captain and all the officers [of the *Fortune*] consenting, [Waterman] accordingly went in the *Rambler*, leaving the *Fortune* about 11 A.M., having been aboard 79 days, 4 of our hands leaving at the same time.” Thus, privateer vessels also served as places of exchange on certain occasions.⁴⁴

⁴³ Shipton and Swain, 74, 104; Log of the Pilgrim, 117; Log of Rhode Island Privateer Ship *Marlborough*, in *NDAR*, 12:818-819; *Log-Book of Timothy Boardman*, 65.

⁴⁴ Shipton and Swain, 101, 120, 109; Log of the Pilgrim, 120.

Sailors aboard privateers experienced a great deal during their time at sea. From daily chores to dealing with the weather, from staving off boredom to exploring various ports and cities of the Atlantic World, these men experienced the American Revolution in a vastly different way than the Continental Soldiers of George Washington's army. Their services allowed them to encounter, live through, and understand the war from a broader perspective. As well-traveled, even cosmopolitan men, these sailors witnessed first-hand how forces in and of the Atlantic World shaped the Revolution and, indeed, their own everyday lives — from the call to outfit privateers to recruitment, preparing for cruises, and the voyages themselves — all of which were changed and challenged by war. From Brest, France to Saint Pierre, Martinique to Sierra Leone, Africa to Halifax, Nova Scotia, privateers criss-crossed the Atlantic, encountering friendly and allied vessels along the way. As such, the events chronicled in Chapter One and those recorded in the log-books, diaries, and journals featured in this chapter may seem pedestrian by the standards of the sailors themselves, but in truth they are actually quite illuminating. They drastically expand the cultural and political reaches of the Revolution, all while encompassing a far greater tract of land — and sea — than the standard thirteen colonies.

Nevertheless, not all encounters were peaceful and pleasant. As Chapter Three will reveal, these same sources also record what happened when privateer ships approached a vessel that proved to be hostile — an enemy ship of the British Empire.

CHAPTER THREE

“WHEN CANNON BALLS DO FLY”¹

In the midst of the Caribbean Sea, five vessels convened under a spring sky. American privateers in pursuit of prizes, goods, ammunition, and glory, these crews created a fleet and set their collective sight on the nearby island of Tortola. Armed with six and nine pounders, hundreds of men, and information that the town was barely protected, the privateers drew up a plan of attack. Two-hundred men would land on the island and take the town, while the ships provided fire-power from their cannons. By the time anyone in Tortola realized what was happening, it would be too late. On the evening of March 4, 1782, the ships set sail for their destination.

Hindered by a dark night, bereft of moonlight, the privateers passed the nearby island. As morning broke, realization dawned that the small fleet had missed its target by three miles. Determined to attain victory, the captains held a conference and decided, having lost the element of surprise, to demand the surrender of the town. Yet luck was not on the side of the privateers. Two of the vessels, the *Brutus* and the *Halker*, displayed distress signals, and the *Franklin* and the *Pilgrim* were dispatched for their relief.

Sailing among the islands, the *Pilgrim* spotted several vessels flying English colors. The *Porus*, the flagship of the expedition, engaged with two such vessels,

¹ Sailor, *Manly, A Favorite New Song, in the American Fleet. Most humbly addressed to all the jolly tars who are fighting for the rights and liberties of America. By a sailor.— It may be sung to the tune of Washington.* (Salem, Massachusetts: Printed and Sold by E. Russell, upper end of Main-Street, [1776?]).

receiving damage to her hull and rigging. To the relief of the crew, no man was injured during the cannonade. The venture had failed, though. Tortola was safe. The five privateers disbanded their makeshift fleet and each sailed off into the sunset, seeking the next enemy and potential prize.

The main objective of a privateering venture was to successfully capture enemy ships, take each one as a prize, and send the vessel back to port where it would be sold for profit. This sequence of events sounds simple enough, but the task of chasing, capturing, and maintaining control of an adversary's ship was a challenging, dangerous, peril-fraught endeavor. The sources employed in Chapter Two for telling the day-to-day story of the life of a privateer will also aid in telling the story of chases, battles, prize taking, victory, and defeat upon the seas of the Atlantic World in this chapter. While many engagements resulted in the successful capture of a prize, privateers also faced the possibility of being captured themselves, taken prisoner by enemy forces. While imprisoned Continental troops held on to the hope and possibility of a prisoner exchange, privateers were rarely assessed for such actions because Great Britain labeled them as pirates — a foe unworthy and undeserving of such consideration.

The log-books, diaries, and journals kept aboard privateering ships are, as previously discussed, invaluable sources in terms of understanding and examining the lives and actions of privateers. However, as fully developed accounts and stories, many of these tracts are incomplete. Readers are left wondering what became of a particular vessel or person. Some are mere fragments of what, most likely, was a longer manuscript. The work might cover the first few months of a voyage, but lack the details of the ship's

return home. Or, as is the case with the *Oliver Cromwell*, “portions of the original, both at the beginning and at the end, are now missing,” leaving the vessel in the midst of the sea on October 20, 1777. This lack of information can be frustrating for a reader and makes it difficult to compose a complete rendering of a voyage upon the Atlantic. Yet there is one story of a privateer captain and his ventures which is fairly complete; a story that will form the backbone of Chapter Three.²

Captain Gustavus Conyngham plied the waters of the Atlantic World searching for prizes in the years 1777-1778. Hell-bent on harassing and capturing as many vessels as possible, Conyngham commanded several cruises in the waters surrounding Ireland and Britain, off the coast of France and Spain, and finally further south in the waters of the Caribbean. Conyngham’s story is unique in terms of its completeness. There is record of many of his exploits as well as his incarceration in Mill Prison and his efforts to gain recognition following the war. Conyngham’s story may not be representative of every other American privateer operating during the Revolution, but his tale is significant as an opportunity to explore how privateer ventures operated on a broader scale. His actions illuminate the full breadth of a cruise and expand our knowledge regarding how privateer crews sailed and operated. Using Conyngham’s adventures as a frame of reference, this chapter follows this privateer captain across and throughout the Atlantic, interspersing his narrative with examples and stories from other cruises aboard privateer vessels. Together, these ventures — Conyngham and the log-books, diaries, and journals of other privateer ships — continue to expand the scope and impact of the American Revolution. The conflict engages and envelopes the Atlantic World in ways far greater than previously

² Journal Of A Cruise In 1777 In The Privateer Brig Oliver Cromwell, in *The Essex Institute Historical Collections* (Salem, Mass.: Printed for the Essex Institute, 1909), 45:245.

acknowledged. Captain Gustavus Conyngham and his fellow privateers brought the war to the very steps of Europe, the Caribbean, and the Atlantic World at-large.³

In the fall of 1775, the *Charming Peggy* weighed anchor and left Philadelphia for European waters under the captaincy of Gustavus Conyngham. Conyngham hailed from an Irish family, who had immigrated to the colony of Pennsylvania when he was a young boy. Connected to the trading house of Conyngham & Nesbit through his cousin, Redmond Conyngham, Gustavus Conyngham took to the sea at a young age and honed his craft under the tutelage of Captain Henderson in the Antigua trade. After working his way up through the ranks — and marrying Anne Hockley in 1773 — Conyngham found himself master of the *Charming Peggy*; he was charged with procuring supplies such as “salt-peter, arms, medecins [sic] & every thing Necessary for War well known the Great need & scarcity the little Supply we had.” This particular voyage failed to complete its mission. While in the English Channel, the *Charming Peggy* encountered a British cruiser and was boarded by a prize crew. Conyngham regained control of the ship and slipped away in a dense fog only to be detained near Texel Island, Holland. British authorities in port complained to the Dutch government and, hence, stopped the Dutch from loading

³ Some historians argue that Gustavus Conyngham was a commissioned Captain in the Continental Navy. This historian begs to differ. The main thrust of the opposition’s argument relies on a commission granted to Gustavus Conyngham by Benjamin Franklin. The commission states that Conyngham is appointed “Commander...in the service of the Thirteen United Colonies of North-America.” The term service is an important one. In the commission given to John Paul Jones, a man known as the Father of the United States Navy, the term service is crossed out and the word “Navy” inserted. Conyngham’s commission has no such edit. Some historians bolster their argument with a certificate issued by Franklin stating he gave “a Commission of Congress appointing [Conyngham] a Captain in the Navy of the said States” when the former Captain was petitioning for recognition from Congress. The issue here is two-fold. First, in earlier correspondence, Franklin specifically refers to Conyngham as a privateer. He defends the actions of Congress in terms of Conyngham by explaining there were set rules “in the commission given to privateers,” which Conyngham received and disobeyed. Second, the Continental Congress ruled “that such Commissions” as the one granted to Gustavus Conyngham by Benjamin Franklin “were intended for temporary expeditions only & were not to give rank in the Navy.” These facts, coupled with the actions of Gustavus Conyngham explored in this chapter, clearly illustrate that the Captain was a privateer, regardless of his (and historians) protestations otherwise.

any military supplies on board the vessel. Left without options, Conyngham was forced to sell his ship and find another way home.⁴

During the next year, Conyngham searched for another vessel. He was not yet ready to give up or give in. Meanwhile, in the colonies, Washington and his troops engaged in the New York and New Jersey campaign, ending with victories at the Battles of Trenton and Princeton. This series of events led to Conyngham's presence in Europe and his meeting with Benjamin Franklin in 1777 — an encounter that led directly to his cruises in the Atlantic.

Newly-arrived in France, Benjamin Franklin served as one of the American commissioners, alongside Silas Deane and Arthur Lee. Conyngham and Franklin met in Paris, where the seafarer asked the Doctor for the opportunity to serve as captain aboard an American vessel. Franklin penned a commission for Conyngham, dated March 1, 1777, and sent him to Dunkirk to meet William Hodge. In England, Hodge purchased an English-built ship, the *Admiral Pocock*, under false identities, so the vessel could not be traced back to him nor be connected to American interests. John Beach, who would ultimately serve as first lieutenant on the cruise, brought the vessel to Dunkirk where it was outfitted and renamed the *Surprise*. On May 2, 1777, Conyngham took command off the coast of France so as not to arouse the ire of the British or the French. The Captain secretly boarded the vessel under cover of darkness with guns, ammunition, and additional crewmembers. The *Surprise* was ready for privateering ventures at sea.

⁴ Attestation of Gustavus Conyngham, in Robert Wilden Neeser, ed., *Letters and Papers Relating to the Cruises of Gustavus Conyngham: A Captain of the Continental Navy, 1777-1779* (Port Washington, NY: Kennikat Press, 1970), 159. (Hereafter cited as *Letters and Papers*).

Cruising the waters of the Atlantic provided numerous opportunities for privateers to chase and capture British vessels, particularly packets — vessels that carried official mail. Congnyham and his crew were successful their first day in the English Channel; the *Surprize* “took the harwick packett & Brig Joseph on 3d and 4th May 1777.” The packet, a vessel named the *Prince of Orange*, was carrying mail from Harwich to Helvoetsluis in Holland. Communications such as these could provide invaluable information to privateer captains and the American commissioners in Paris. Alas for Conyngham, the dispatches from the *Prince of Orange* were thrown overboard before they could be read. In June 1781, the *Pilgrim* of Beverly, Massachusetts, “saw a Brigg close on board us, we fired several times at her while striving to escape us.” When the *Pilgrim* finally pulled aside the sloop of war *Snake*, the American privateers learned the vessel was “sailing from S^t Kitts to Europe wth dispatches from S^r Geo B Rodney;” the Captain of the *Snake* “destroyed them when he struck his Colours.” A month later, the *Pilgrim* encountered “His Majestys Packet Brigg^{tn} *Comet*” journeying from Jamaica to London. Once again, the *Pilgrim* lost out on communications, the “Dispatches [having been] destroyed on our boarding her.” The third encounter with a packet proved more fruitful for the *Pilgrim* on January 28, 1782, when the vessel “toward Evening saw a Sail to Windward, Gave chase.” After boarding the pursued ship, “the *Prince William Henry*, a packet from Falmouth, with dispatches for the West India Isl^{ds},” the crew of the *Pilgrim* found the mail had been destroyed, but they “saved sundry public papers which were sent into port.”⁵

⁵ A Narrative respective Lugger surprize & Cutter revenge, in *Letters and Papers*, 1; Log of the *Pilgrim*, 1781-1782, in *Transactions 1922-1924*, vol. 25 in *Publications of The Colonial Society of Massachusetts*, ed. Albert Matthews (Boston: Published by the Society, 1924), 101, 105, 112.

Nearby ports served an important function for Continental and privateer ventures in foreign waters. A secure, friendly, easily accessible port was necessary for prize taking and selling transactions. John Adams wrote to James Warren on March 31, 1777, “we have this day received Letters from Europe, of an interesting Nature...that all the Ports of France and Spain and Italy and all the Ports in the Mediterranean, excepting Portugal, are open to our Privateers and Merchant Ships.” Adams’ letter was correct in stating that France and Spain wanted to — covertly — aid in the war effort by outfitting, repairing, and harboring privateers in select ports. However, the administrations of both France and Spain had to tread carefully as neither was prepared in early 1777 to declare outright war against Great Britain. Hence, when Gustavus Conyngham openly sent his two prizes — the *Prince of Orange* and the *Joseph* — into Dunkirk, he violated the code of secrecy and caused an international incident.⁶

Correspondence flew across the English Channel in reaction to Conyngham’s audacious actions. The incident elicited “a great noise” in Paris; one British agent in the city wrote to the British Foreign Office that “officers of packets ought to have strict orders to sink the mail immediately on the approach of any vessell that carries the Appearance of a Rebel privateer.” Lord Stormont, David Murray, Second Earl of Mansfield, British Ambassador to France, met with Charles Gravier, Comte de Vergennes, King Louis XVI’s Minister of Foreign Affairs, about the incident. Stormont noted in a letter to Lord Weymouth that he asked the Comte “to have an order sent by Express to Stop and Examine the Pirate and set at Liberty the Prizes He had taken.” The French Minister responded with swift action; under the Treaty of Utrecht of 1713, France

⁶ John Adams to James Warren, Philadelphia, March 31, 1777 in *Letters of Members of the Continental Congress*, ed. Edmund C. Burnett (Washington, D.C.: Carnegie Institution of Washington, 1923), 2:313.

could not harbor British enemy privateers in her harbors. Vergennes wrote the Marquis de Noailles, the French Ambassador at the Court of St. James, that “there is a great distinction to be drawn between simply admitting, in case of need, and for the moment, a privateer with her prize, and permitting that same privateer to lie, so to speak, in ambush in a neutral port: this latter case is precisely that of Mr. Cunningham.” France could — and would — aid American privateers in the shadows and in secrecy, but a blatant violation of understood protocol such as Conyngham had perpetrated could not be tolerated by the French government at this time. Conyngham and his crew were imprisoned, the *Surprise* confiscated, and the *Prince of Orange* and the *Joseph* were released to their owners.⁷

The Captain’s imprisonment did not last long, however, due to the efforts of Deane and Franklin. In two short months, Gustavus Conyngham found himself on board another ship, the *Revenge*, once again cruising the Atlantic. Conyngham received instructions from the Commissioners to sail directly to America to deliver “the dispatches intrusted to your Care,” but his orders included a caveat that “if attackd first by our Enemies, the circumstances of the case will extenuate in favor of your conduct, either in making prizes for your own preservation, or in making reprisal for damages sustaind.” As a privateer captain, Conyngham possessed greater autonomy than captains of the Continental Army. Isolated and alone in foreign waters, privateer commanders made split-second decisions without consulting anyone else. Decisions, as Conyngham learned

⁷ George Lupton to William Eden, Paris, May 13, 1777, in *Letters and Papers*, 23; Lord Stormont to Lord Weymouth, Paris, May 8, 1777, in *Letters and Papers*, 17; Comte de Vergennes to the Marquis de Noailles, Versailles, May 31, 1777, in *Letters and Papers*, 38.

while captain of the *Surprize*, which could instantly cause an international incident. No Continental commander experienced such swift reactions to a single choice of action.⁸

The *Revenge* had a crew “composed of all the most desperate fellows which could be procured in so blessed a port as Dunkirk” including “sixteen...Frenchmen.” Well before the French officially joined the war and sent aid in the form of troops to the colonies, privateers of different nationalities worked and fought together. The company of a privateer vessel, particularly those sailing from foreign ports, often included sailors from a variety of nations, unlike Continental troops, who often served with soldiers from the same or nearby colonies. This distinct crew did not particularly care for the Commissioners’ commands. They wanted to engage British merchant vessels and take prizes; Conyngham obliged. The *Revenge* left Dunkirk and sailed into the North Sea where they “made several prizes in the German Ocean, N. Seas, Irish Channel & Western Ocean.”⁹

Conyngham and the *Revenge* were not alone in the waters of the Atlantic World during the course of the war. American privateers set sail from various ports to engage the enemy and attack British shipping with one eye on prize money and the other, perhaps, on patriotic purposes. Sailing off the coast of Africa in the early months of 1778, the *Marlborough* of Rhode Island “Saw a Sail. Bearing SBE we hawld our wind and Stood for her.” Shortly thereafter, the sloop pulled alongside the privateer and “the Captain Sent M^r. Cleveland and one man to take possession of her.” The *Marlborough* secured the prize vessel as well as its hold of “cloth guns [and] tobacco.” Five days later,

⁸ William Carmichael to Gustavus Conyngham, Dunkerque, July 15, 1777, in *Letters and Papers*, 65.

⁹ Extract of a Letter from Dunkirk, June 26, in *Letters and Papers*, 50; Marquis de Noailles to the Comte de Vergennes, London, August 1, 1777, in *Letters and Papers*, 74; A Narrative respective Lugger surprize & Cutter revenge, in *Letters and Papers*, 3.

“without a Gun being fired on either Side,” the *Marlborough* captured the Brig *Pearl*, a Letter of Marque from Liverpool. The ship’s cargo yielded camwood, ivory, rice, and gum. Sailing from the port of Salem, Massachusetts in 1781, the *Pilgrim* took “the Brigⁿ *Three Friends*, Capt. Beckwith, from Cork, bound to New York & loaded with Provisions” during its first week at sea. The *Pilgrim* had great success in May 1781 when it took “the Brigg *Albion*...from Jamaica, bound to London laden with Sugars Rum &c.” followed by “the Sloop *Stagg*...with Salt & Beer, from pool Bound to Newfoundland” and the Brigg *Ann* “with Salt & provisions” also bound for Newfoundland. Sailing aboard the privateer *Chace*, on December 3, 1781, Zuriel Waterman noted in his journal the capture of a brigantine “from Antigua bound to Halifax...about 40 hhds. rum cargo.”¹⁰

Luck oftentimes played a role in the capture of a vessel. Such was the case with a brig taken by the *Pilgrim* in June 1781. The *Pilgrim* had avoided a fleet of ships “standing to the Westward,” not wanting to find themselves outgunned and outnumbered. One vessel, however, a brig under Captain Vaughn “was returning to the nearest port having sprung a leak.” The crew boarded her and she was sent to “the nearest Spanish port, in charge of a prize Master.” The *Oliver Cromwell* of Beverly, Massachusetts, also utilized Spanish ports for its prizes. On July 31, 1777, the privateer spotted a sail and gave chase. After giving “her a Gun,” the crew overtook “a small Sloop called the 3 Sisters...Loaded with Butter, and Sheep Guts.” Making berth from Cork and bound to Lisbon, the prize was sent to the port of Bilbao under the direction of Mr. Horton, most

¹⁰ Log of Rhode Island Privateer Ship *Marlborough*, Captain George Wait Babcock, Commander, in Michael J. Crawford, ed., *Naval Documents of The American Revolution* (Washington: Naval History Division, Dept. of the Navy: For sale by the Superintendent of Documents, U.S. Government Printing Office, 1964 -), 12:820, 822. (Hereafter cited as *NDAR*). Log of the *Pilgrim*, 97, 98, 101; Nathaniel N. Shipton and David Swain, eds., *Rhode Islanders Record the Revolution: The Journals of William Humphrey and Zuriel Waterman* (Providence: Rhode Island Publications Society, 1984), 127-128.

likely a prize master. Dr. Solomon Drowne, serving aboard the *Hope* of Providence, Rhode Island, described his discomfort with chasing and taking prizes; “there seems something awful in the preparation for an attack, and the immediate prospect of an action.” Yet the crew of the *Hope* was pleased with their bounty as Drowne “hear[d] the Huzza on deck in consequence of her striking.” The *Hope* took prize of a snow sailing from Kingston, Jamaica to New York. The cargo haul was vast including “149 Puncheons, 23 Hogsheads, 3 Quarter Casks and 9 Barrels of Rum, and 20 Hogsheads Muscovado Sugar;” quite good for a day’s work at sea.¹¹

There were days which proved much less fruitful for American privateers. For as many successful encounters and prizes taken, vessels engaged in numerous chases that came to naught. A few days after its successful capture of the snow, “a sail [was] cried” aboard the *Hope*. The vessel pursued what appeared to be a brig. The chase continued “till night prevents.” Timothy Boardman, sailing aboard the *Oliver Cromwell* of New London, Connecticut, noted three days in a row where the ship “Saw a Sail Gave Chace” without success. A month later, the *Oliver Cromwell* spied “a Large Jamaica Puncheon Floating.” A ship was sent in pursuit, “but Could not Get it.” The crew was disappointed for they “Suppos^d it was full of Rum.” Zuriel Waterman, sailing aboard the privateer *Providence* of Providence, Rhode Island, recorded the twenty-four hour pursuit of a vessel. On October 31, 1779, the *Providence* “a little before sunrise saw a sail bearing S easterly from us; out oars and rowed” in the hunt. As the distance between the two vessels shrank, the *Providence* set out its boat. A dense fog settled over the scene and the

¹¹ Log of the Pilgrim, 101; Journal Of A Cruise In 1777, 45:246; *Journal of a Cruise in the Fall of 1780 in the Private-Sloop of War, Hope. By Solomon Drowne, M.D. of Providence, R.I. with “Notes” By Henry T. Drowne* (New York: Charles L. Moreau, 1872), 11-12. Note there are two *Oliver Cromwell*’s discussed in this chapter — one from Beverly, Massachusetts and one from New London, Connecticut.

small boat was lost to sight until “at 1 P.M. the boat came back; they got within 1 mile of her when the fog came up very thick, so they lost sight of her.” An hour later, the fog cleared and the *Providence* took up the chase again lowering the small boat back into the water. As evening fell, the crew of the *Providence* “fired several guns and showed lights at masthead by turns all night as signal for our boat, but saw nothing of her.” The sun rose over the water, but the small boat was still nowhere to be seen. As the morning hours faded, the boat returned and reported that “they got very nigh the brig last night so as to hear the people talk, cut wood, and a dog bark; they judged her to be a British brig; they prepared to board her when a thick fog came on, and they immediately lost sight of her.” Twenty-four hours at the chase and the *Providence* came up empty-handed; such was the luck, or lack thereof, of a privateer venture.¹²

Encounters between privateers and their prey could result in non-violent actions, such as those discussed above, but there were also instances of battles at sea. Violent clashes of ship against ship, sailor against sailor, where the ultimate fate of a vessel, its crew, and cruise were determined. On the morning of August 31, 1778, the *Oliver Cromwell* of Connecticut spied a brig in the distance. The vessel “gave her Chace” and raised its colors; the brig, in turn, “hoisted English Colours,” upon which the *Oliver Cromwell* “gave her one gun which made them come Tumbling Down.” Earlier that year, the *Oliver Cromwell* had engaged in a fierce battle with the *Admiral Kepple*. Initially flying French colors to deceive the American privateer, the *Admiral Kepple* proved a British ship. Timothy Boardman described the scene in his logbook; “We Gave her a

¹² *Journal of a Cruise in the Fall of 1780*, 14; *Log-Book of Timothy Boardman; Kept On Board The Privateer Oliver Cromwell, During A Cruise From New London CT., to Charleston, S.C., And Return In 1778; Also A Biographical Sketch Of The Author By The Rev. Samuel W. Boardman, D.D.* (Albany, NY: Joel Munsell’s Sons, 1885), 63, 65; Shipton and Swain, 73-74.

Bow Gun She Soon Returned us a Stern Chaise & then a Broad Side of Grape and Round Shot.” Aware of their size and position, the Captain of the *Oliver Cromwell* gave “orders Not to fire till we Can See the white of their Eyes.” The battle ensued with the *Admiral Kepple* firing another broadside, while the *Oliver Cromwell* “hel^d Tuff & Tuff for About 2 Glasses.” In the end, the American privateer emerged the victor, but at a cost with “One Kill^d & Six wounded one Mortally Who Soon Died” in addition to the ship “hull^d 9 Times with Six Pound Shott Three of which Went through Our Birth.”¹³

On May 26, 1780, Philip Freneau aboard the *Aurora* of Philadelphia, Pennsylvania found himself in the midst of an all-out battle. A British frigate accompanied by two prizes bore down on the *Aurora* and “began bringing her cannon to bear” on the vessel. A hail of cannon fire broke out among the ships. The privateer crew of the *Aurora* realized they were outnumbered, but there was no chance of escape. The British frigate took aim at the American vessel and found its mark as “one shot went betwixt wind and water, which made the ship leak amazingly, making twenty-four inches in thirty minutes.” The four-pounders of the *Aurora* were ineffective, so the privateers loaded and fired the nine-pounders. Yet this was not enough, as the frigate sent a twelve-pound shot “striking a parcel of oars lashed upon the starboard quarter, broke them all in two, and continuing its destructive course struck Captain Laboyteaux in the right thigh, which smashed it to atoms, tearing apart his belly open at the same time with the splinters from the oars.” The British frigate prepared for a broadside and after over an hour of fighting, the *Aurora* was taken as a prize. Captain Laboyteaux died later that evening.¹⁴

¹³ *Log-Book of Timothy Boardman*, 66, 51-52.

¹⁴ Philip Freneau, *Some Account of the Capture of the Ship Aurora* (New York: M.F. Mansfield & A. Wessels, 1899), 17-18.

Clashes between vessels could last for hours or end in mere moments. After fifty-five minutes of fighting on the evening of May 2, 1781, the *Pilgrim* took “the Brigg *Alfred* from Liverpool bound to New York, loaded with prov^s Dry Goods &c. mounting 14 Six pounders and commanded by Capt Collinson.” The American privateer “received no great damage,” while the prize “had her mast and rigging exceeding injured.” A few months later, in September, the *Pilgrim* chased, caught up with, and engaged the *Peggy*; “having fired one full Broadside at us, [the *Pilgrim*] returned the Compliment, being close on board her, and [the *Peggy*] Struck her Colours.” Sailing from Nevis to Halifax, the prize contained rum and sugar. The vessel also carried “several Gentlemen & passengers, and a M^{rs} Rogers, and 2 agreeable Young Ladies her Dau^s.” In the early months of 1781, while serving aboard the privateer *Hibernia* anchored at port in Guadeloupe, Zuriel Waterman witnessed the arrival of the *Holker* and its prize, “a cutter of sixteen guns which she took after three hours of engagement.” The following day, Waterman heard that the *Randolph* “engaged 2 English privateers and got badly mauled and lost many men, just escaping them,” and had recently arrived in Fort Royal Harbor.¹⁵

At a distance, privateer vessels used false colors and flags to deceive enemy vessels prior to engagement. While Continental troops recognized their foes decked out in bright red coats, privateers faced an unknown enemy at times. The use of this deception by both sides at sea allowed the pursuer to move closer to its target. Gideon Olmsted recalled such an action during his time aboard the *Polly* in July 1778. Sailing under French colors, the *Polly* came upon the *Ostrich* off the east side of Jamaica. When the *Ostrich* “fired a shot” at the privateer, the crew “hailed down our French colors.” The

¹⁵ Log of the *Pilgrim*, 97, 107; Shipton and Swain, 91. Note Fort Royal Harbor has since been renamed Fort de France, Martinique.

Ostrich demanded the *Polly* “bring to or he would fire into us.” With that ultimatum, the *Polly* “hoisted our Continental colors at our main top gallant head and fired a broadside into her.” The battle had begun. The two vessels exchanged broadsides. The crew of the *Ostrich* boarded the *Polly* “by running her bowsprit on our quarterdeck.” According to Olmsted, all but seven men on the deck fled from their positions, but those who remained “were determined to die before we would give up.” The men from the *Ostrich* attacked “with their spears and tomahawks.” The two ships were grappled together while both sides “fought with small arms, blunderbusses, hand grenades, fire flasks, spears and tomahawks, and coehorns out of our tops, then fell off from one another and then played with cannon and small arms.” The action continued for several hours until the *Ostrich* “hailed down her British colors.” Victory seemed at hand for the *Polly*, until out of the distance an “8 gun brig came up under British colors...they both engaged us.” The brig, *Lowestoffe’s Prize*, turned the tide in Britain’s favor; the *Polly* was lost and taken as a prize.¹⁶

The *Oliver Cromwell* of Beverly, Massachusetts, engaged two vessels on August 6, 1777. The enemy vessels fired first, but the *Oliver Cromwell* “took no Notice of till [they] came nigh enough to give her 2 Broad Sides.” The fire power of the American privateer quickly forced the first vessel to “beg of us to desist our Fire on her.” Without the ability to flee, vessels damaged in battle had two choices: fight to the death or surrender. Continental troops might be able to retreat over land or water for the coast was

¹⁶ *The Journal of Gideon Olmsted: Adventures of a Sea Captain during the American Revolution* (Washington: Library of Congress, 1978), 22-33.

always near. For privateers, running — or rather, swimming — for safety was not an option.¹⁷

The Captain of the *Oliver Cromwell* turned his attention to the second enemy vessel; the privateer “charged the other with an incessant Fire for almost 3 Glasses” until that vessel too decided to disengage. Alas, night was swiftly falling upon the three vessels and with the threat “of the Man of War which had been in Chace all Day, & was now reasonably expected to be near up with us,” the officers of the *Oliver Cromwell* decided to give up the assault. The journal kept during the venture, by an unknown writer, noted the efforts of the crew, particularly “Capt Coles (to his eternal Honour be it remembered) with all the other Officers behaved with the greatest Magnanimity & Bravery possible.” The log-keeper also commended “the Seamen & Marines...with remarkable Unanimity, good Order, & Heroism seemed to vie with each other, which should excel in their several Departments.” Indeed, the journal even contains a, albeit incomplete, poem in honor of the battle: “Then must our parent State Confess,/That we their freeborn Sons excel,/In Courage, & true Excellence,/Our British Foes, tho they act well./Coles, with his brave Officers,/His Men both martial, bold & brave.”¹⁸

Engagements not only occurred at sea, but on the beach as well, as privateers ranged along the shorelines of the Atlantic. Privateers fought land engagements, however small, upon foreign soil. Though Continental troops made forays into Canada, Washington and his men most often engaged the enemy on colonial turf; the Patriot army had home-field advantage. Privateers, on the other hand, fought for the cause abroad, thus

¹⁷ Journal Of A Cruise In 1777, 45:247-248.

¹⁸ Journal Of A Cruise In 1777, 45:247-248.

experiencing a very different kind of war. The *Marlborough*, sailing off the west coast of Africa in February 1778, “mand 2 Schooners and the Barge with About 50 men Well Armd to go on Shore.” The shore party landed safely and placed sentinels on guard duty. Under heavy fire from local African residents, the crew kept up “a Constant fire from the 2 Schooners & Small arms on Shore.” The privateers came away with “cases of Ginn pipes of ginn Powder arms and Dry goods of Various kinds.” King Tom, a local resident, eventually negotiated a truce with Captain Babcock of the *Marlborough*. The result of the attack “was Killd on Shore 1 Black & 1 french Boy, By the Centinels and Som wounded.” The following day, Captain Babcock went ashore and announced “if [the residents] would Surrender all English property in their hands he would treat them with honour. & Leave their Craft, and Buildings Unmolested, but if not—he Should Burn, Sink. & Destroy Wherever he was resisted.” Two traders from Rhode Island approached the Captain “begging to Save their House & Effects (the Captain assurd them he woud).” A nearby town learned the truth of the Captain’s promise as he “Sent Cap^t Brown on Shore with 15 Men Well Arm’d in Order to Bring another Load of Wood & to Burn the Town Stores &c agreable to the Captains Orders & Instructions—as it was English property. and As they wou’d not Capitulate with Us Upon Honourable Terms.” Soon afterwards, “the Buildings were all in flames.”¹⁹

In the height of a *mêlée*, privateers fought not only for the enemy vessel, cargo, or goods, but for their lives as well. While engagements brought the opportunity for prize and profit, conflict also meant the chance of injury and death. The *Oliver Cromwell*, after its encounter with the two British vessels, took stock of her crew and “through the

¹⁹ Log of Rhode Island Privateer Ship *Marlborough*, in *NDAR*, 12:820-821, 822.

marvellous Goodness of God not one Life was lost on our Side.” However, the First Lieutenant did not escape unscathed; the Officer “was wounded by a Cannon Shott in both his thighs, just above the Knees.” Several other crew members were also “very slightly wounded.” Gideon Olmsted noted after the *Polly*’s engagement with the *Ostrich* and *Lowestoffe*’s *Prize* that they “had 100 men including officers and boys when the engagement begun....we had better than half killed and wounded.” In the midst of battle, Captain Proshon of the *Polly* sought out Olmsted at the wheel; he had taken up the position after three others were killed. As the Captain stood by Olmsted “in the height of his glory a cannon ball struck off the top of his head.” Some of the wounded were carried aboard *Lowestoffe*’s *Prize*; Olmsted himself “was slightly wounded by the force of a cannon ball, one arm and one thigh which swelled much.” Olmsted commended the efforts of his mate, John Buckland, who “was slightly wounded on both legs...while he was afigthing upon the quarterdeck a fire flask fell so nigh him that burnt one, the other, leg very bad.” After an encounter with the *Isabella* — a sloop sailing “from Baltimore in Maryland...to Lorient in France” — Zuriel Waterman, the surgeon aboard the *Providence*, treated “one of her hands [who] came aboard to have his hand dressed which was mashed.” In pursuit of a canoe off the shores of Isle de Loss in Africa, Lieutenant Eldred of the *Marlborough* was injured when “several Cartridge Boxes” caught fire and “Burnt Lieu^t: Eldred. Legg & Schorch’d 1 Man.”²⁰

Despite the risks to life and limb, American privateers chased and engaged enemy vessels in hopes of securing a prize. When the *Oliver Cromwell* of Connecticut took the *Admiral Kepple*, the prize contained “one Chist of Holland a Quantity of Hatts & Shoes

²⁰ Journal Of A Cruise In 1777, 45:248; *The Journal of Gideon Olmsted*, 33, 29-30, 37-38; Shipton and Swain, 72; Log of Rhode Island Privateer Ship *Marlborough*, in NDAR, 12:823.

Cheeses Porter & Some Crockery Ware Small Arms Pistols Hangers two Brass Barrel Blunderbusses a Quantity of Rigger & C.” Material goods from a prize might be used on board the privateer vessel, such as the “4 Carriage Guns Caring 6 Pound Shot” brought aboard “hoisted in and mounted” on the *Marlborough* from its prize, the *Fancy*. After the *Oliver Cromwell* of Beverly, Massachusetts took three brigs in one day, the crew hauled in holds “loaden with Fish Several Bales of Goods, some China ware, & other Valuables” plus another “fine Prize 103 bales of Goods.” Goods found aboard prizes, as well as the vessel itself, could be sold in port for pure profit. Captain William Cole of the *Oliver Cromwell* ordered Mr. Thrash to take command of a recently captured prize filled with fruit. Cole told Thrash “to Sell the Fruit (if much damaged)” in the port of Bilbao, Spain “& fo[r]ward the Vessell with a Cargo to Salem.” If the fruit was “fit to proceed,” Thrash should keep the cargo intact “& proceed di[rectly] to Salem.” The *Hibernia* sent one of its prize vessels to Fort Royal “sold there for the use of the [French] Royal Navy.” African-Americans taken with the prize were sent “ashore to sell.” If the potential revenue from a prize’s hold did not seem particularly high, a captain might choose to ransom a ship. Gustavus Conyngham, during his ventures in the North Sea, took the British brig, *Patty*, and ransomed it for 600 guineas. The privateer *Chace* took a shallop in December 1781 and ransomed it for “700 dollars.” Oftentimes, the captain of a privateer sent a prize master and a small crew aboard a prize. This prize crew was charged with maintaining control of the prize vessel and taking it into port where it would be condemned at court and sold. The captain of the *Rambler* “dispatched Mr. A. Crawley

and ____ Parker in the prize schooner for Newburyport.” Three other men were sent in the prize *Katy* with “orders to go to Dover.”²¹

Crews feared for the safety of their prizes. If a prize was lost or retaken, there was no recourse and, as a result, no prize money for the crew. A prize needed to make it to a safe port and into trusted hands; otherwise the efforts of the crew amounted to nothing. The *New-York Gazette* reported the loss of one of Captain Gustavus Conyngham’s prizes, the brig *Venus*. According to the article, the *Venus* was initially “bound from Greenland to Liverpool, with some Blubber and Whale-bone, when taken, on the 3^d of August, by a Cutter Privateer, called the *Revenge*, of 14 Pounders, fitted out and manned at Dunkirk and commanded by Gustavus Cunningham of Philadelphia.” The ship was retaken on October 4 by “Capt. Daniel Campbell, in the *Revenge* Privateer.” While sailing alongside the *Pilgrim* in June 1781, the *Essex*, under Captain Cathcart from Salem, Massachusetts, spoke with the *Good Intent* “a Transport from Jamaica bound to Europe.” An American cruiser, the *Rambler*, had boarded the *Good Intent* ten days prior “and stripped her of everything, except Sick Soldiers & Women.” With nothing left aboard the *Good Intent* worth taking, the *Essex* decided to move on and released the ship. The *Rambler*’s prize still had a chance to make a successful journey into port, albeit with a barren hold.²²

The following spring, the *Pilgrim* “saw a Sail a head and gave chase, at 7 fired 2 Shott at her, & she hove too.” The *Pilgrim* discovered the ship was the sloop *Sally* “a prize to His Britannic Majesty’s Ship *Garland*, when taken from New Haven bound to Havannah.” The crew of the *Pilgrim* took control of the *Sally* as its own prize and placed

²¹ *Log-Book of Timothy Boardman*, 53; Log of Rhode Island Privateer Ship *Marlborough*, in *NDAR*, 12:825; Journal Of A Cruise In 1777, 45:249-250, 246; Shipton and Swain, 91, 129, 113.

²² “St. George’s, Oct. 11, 1777,” *The New-York Gazette*, and *The Weekly Mercury*, December 15, 1777; Log of the *Pilgrim*, 100.

Mr. Nothey on board as prize master bound for Salem, Massachusetts. The crew of His Majesty's Ship *Garland* had no idea their recently acquired prize no longer belonged to them; the vessel was now prize to the *Pilgrim*. In the morning hours of September 30, 1781, the privateer *Chace* of Salem, Massachusetts, spotted a ship "within shore of us." The *Chace* pursued the vessel, "engage[d] her...she could bring no guns to bear upon us, she fired several shot at us but to no effect; we fired 8 guns at her; she struck." The *Chace* took command of the vessel, which "was a prize to the *Chatham*, a 50 gun." The Captain sent Lieutenant Silver and six men aboard the ship. The *Chatham* lost its prize vessel without knowing the capture had occurred. Such were the chances of sending a prize unaccompanied into a nearby port.²³

When a port was close at hand, some privateer captains chose to escort their prizes to shore rather than risk losing them at sea; such as one "privateer from Philadelphia" who "brought in 2 prizes" to Saint Pierre, "one a brigantine from Ireland, the other the *Longsplice*, a noted privateer schooner of 10 guns from Antigua." When the *Hope* encountered a sloop and a brig in open waters, the crew made "every preparation for an engagement," but upon approach the two ships proved a fellow privateer from New London, Connecticut and "her prize from England, taken at 8 o'clock this morning." Captain Fosdick of the privateer *Randolph* personally escorted his prize into port for "her Cargo amounted to £20,000 Sterling," a sum much too high to risk losing. Solomon Drowne noted in his journal after capturing a snow, "how uneasy every one on board is,

²³ Log of the *Pilgrim*, 120; Shipton and Swain, 123.

fearing to lose the prize.” When land was sighted, the men erupted into “uncommon spirits.”²⁴

The journey of a prize vessel from capture to a safe port was perilous. When the *Pilgrim* took the ship *Hercules* “from Africa bound to Barbadoes...after a chace of 2 hours,” two other vessels, the *Mohawk* and the *Swift*, arrived shortly thereafter and tried to claim “a porportion of the Prize.” Captain Robinson of the *Pilgrim* refused to allow men from the other privateer ships to board the *Hercules* or to take any portion of her hold “loaded with Wood, Wax & Ivory, & a quantity of Gold dust.” Instead, the captain sent the prize to “Martineco in charge of M^r Rand, p. Mast^r.” Alas, upon the *Pilgrim*’s arrival in the harbor of Saint Pierre, the captain received distressing news. Three prizes, the *Prince W^m Henry*, *Penobscott*, and *Friendship*, arrived safely in port. The *Hercules*, however, was “sunk at sea the day after...parting with her & M^r Rand & his crew were taken from her by the *Mohawk*.” Such circumstances caused suspicion and “many severe reflections cast upon M^r Rand respecting the prize, and probably not without great Cause.” At the end of her second voyage in October 1781, the *Pilgrim* returned home to the port of Beverly, Massachusetts, where the captain and crew learned “y^t 3 of our prizes had arived safe.” While the arrival of these vessels was indeed good news, the crew was disappointed that there were “no more.” In June 1782, on back-to-back days during her third cruise, the *Pilgrim* had exceptional good fortune and took two ships, the brig *Apledore* and the brig *Beaton*. The *Apledore* sailed “from Europe bound to Newfoundland laden with Prov^s,” while the *Beaton* made way from London to Quebec “laden with Spirituous liquors, &c.” Both ships were boarded by prize masters from the

²⁴ Shipton and Swain, 89; *Journal of a Cruise in the Fall of 1780*, 8, 15-16.

Pilgrim and sent to Beverly, Massachusetts. A month later, when the *Pilgrim* arrived back in port at Beverly, the crew learned “none of our prizes as yet, except the Brigg *Neptune*” had arrived “to the no small satisfaction of a Ships company.” The capture of a vessel did not always translate to the successful transport and sale of a prize.²⁵

Prize vessels not only contained goods, ammunition, weapons, and supplies, but one other particular element: people, mainly in the form of prisoners and passengers. When the *Pilgrim* took the brigantine *Friendship* “from Newfoundland bound to Barbadoes” in January 1782, the vessel had “on b^d her...D^r Row & family;” passengers not prisoners, who were sent into Havannah with the prize. Mr. Howland of the *Rambler* encountered “an old woman, and 2 small boys” aboard a captured shallop. The vessel was stripped of its cargo of “salmon, butter, and eggs.” The old woman “fell to lamenting and begging” when the vessel was readied for shore arguing it “was too leaky to send home.” Ultimately, the shallop was dismissed. On a “fair pleas^b” day, the *Oliver Cromwell* encountered “a fine Brig from Cork for Lisbon Laden with Butter & Beef.” Upon inspection, the crew determined the prize was “formerly an American Privateer called the Montgomery mounting 18 Guns, taken & carried in to Gibraltar.” On board the former privateer, the sailors of the *Oliver Cromwell* discovered “several Laidys...boun[d] to Lisbon, whom we determined to take on Board us, & together with all our other Prisoners land them (as they were effecttionately desireous of it) on the British Shore.” When Gustavus Conyngham took the *Prince of Orange* packet, he transferred all of the passengers, including the captain and crew, onto a Dutch fishing vessel, allowing all of them to maintain possession of their personal articles. While Conyngham treated the

²⁵ Log of the *Pilgrim*, 109, 112, 108, 121, 124.

captured passengers with respect, others felt differently. One letter writer reported the capture of a ship from England with “5 gentlemen, their wives, children, servants, and household furniture” on board “intending to settle on some pleasant part of the conquered lands.” The author did not care to aid these passengers, but rather noted “I hope we shall be able to settle them all as these are settled (viz.) in a Goal.”²⁶

Prisoners were often taken in the middle of a vast ocean and far from land which left American privateers with few choices in terms of treatment. When the privateer *Hope* took a vessel sailing from Kingston, Jamaica to New York, the captain sent “two prize Masters and ten men on board, get the prisoners on board our Vessel, and taking the prize in tow, stand towards Egg Harbour.” Prisoners could prove useful if they decided to change loyalties and serve as members of the privateer crew. The *Marlborough* already had “as many Prisoners as we thought Ourselves with” when the privateer took the *Fancy*. Captain George Wait Babcock decided to give “the Major Part of the Prisoners Boats to go Whither they Pleas’d;” an uncommon grant of freedom without parole from an American privateer.²⁷

For privateers with a lack of space, prisoners were transferred to other ships or given parole. After capturing the ship *Good Intent*, the *Pilgrim* needed to dispose of an influx of prisoners. A nearby Danish ship proved useful, as the *Pilgrim* “put all our prisoners on board her, to get to Europe, having taken their parolls and furnished them with provisions.” Josiah Bartlett, log-keeper aboard the *Pilgrim*, was impressed with the

²⁶ Log of the *Pilgrim*, 111; Shipton and Swain, 111; Journal Of A Cruise In 1777, 45:247; “Extract of a Letter, Dated Southampton, (Long-Island) June 25, 1776,” *The Connecticut Gazette; and the Universal Intelligencer*, July 5, 1776.

²⁷ *Journal of a Cruise in the Fall of 1780*, 12; Log of Rhode Island Privateer Ship *Marlborough*, in *NDAR*, 12:825.

“behaviour of the Kings Officers on board our Ships during their Stay, could not fail to give satisfaction, and the Generosity & Gratitude of Capt Smith & M^r Jackson at their departure extended to the most inferior Officer on b^d the Ship.” In May 1781, after moving “everything valuable out of [the sloop *Stagg*] &put[ting] them on board the *Ann*,” the crew of the *Pilgrim* “put all our prisoners to the amount of 55, on board the Sloop, taking their paroles, and gave them permission to go where they pleased, furnishing them with necessary provisions Liquors &c.” During the *Pilgrim*’s third cruise, on July 20, 1782, Bartlett noted “at four p m put all our prisoners on board her, taking their parole.”²⁸

Transferring prisoners to nearby ships seemed to be a common practice for the *Pilgrim* and her crew as it was for other privateers. The *Oliver Cromwell* of Beverly, Massachusetts took “a Small sloop from Isle of Man bound to Port a Port in Ballast.” The crew took “some Sails, a Gun & Sundries” from the vessel, then proceeded to “put our Prisoners on Board & sent her away.” When the *Oliver Cromwell* encountered a French ship a few months later, the crew once again “put all our Prisoners on Board her,” clearing space in the hold for the prisoners of the next prize. Timothy Boardman, sailing aboard the *Oliver Cromwell* of Connecticut noted a similar experience with a French vessel. The Captain of the privateer decided to “put 6 Prisoners on Board of Her” during the last month of the ship’s second cruise. Zuriel Waterman recounted the dismissal of “Mr. D Ross and 5 men...also the mate and 3 men of the *Rachel*, giving them paroles and the brig. ’s long boat” during his service aboard the privateer *Chace*.²⁹

²⁸ Log of the *Pilgrim*, 102, 98, 123.

²⁹ Journal Of A Cruise In 1777, 45:249; *Log-Book of Timothy Boardman*, 53; Shipton and Swain, 128.

Privateers moved prisoners to other vessels for various reasons. Space aboard ship was certainly a concern, as was the availability of provisions. Holds were stocked based on the number of crew members at the beginning of a voyage, not including the foodstuffs needed for potential prisoners. Prisoner uprising was another serious worry for privateers. A sufficient number of prisoners on board could create the opportunity for taking over a ship. On September 29, 1781, the captain of the *Pilgrim* “learned from One of the Prisoners, that at 4 Oclock, the prisoners had determined to attempt taking the ship.” The decision was not hastily made, rather the crew “found sundry matters [the prisoners] had secreted to facilitate their Design.” Josiah Bartlett tried to make light of the situation in his log, noting “ever having been on our guard their attempt would have been in vain.” However, Bartlett also admitted “this intelligence doubled our vigilance, and we Ironed [the prisoners] hand & foot.” Privateers serving on board the *Hope* had “their pistols hung up in the Cabin, to be in readiness for the prisoners, should they take it into their heads to rise upon the watch in the night.” The privateer *Columbia* of New York placed a prize master and small crew aboard its newly taken prize, the sloop *St. Peter*, and ordered the vessel for New York. During the cruise, prisoners still on board “secured the prize-master and people, and run for Sinepuxent.” After running aground, they arrived safely in port. Prisoners on board posed a certain risk, but the potential for danger was not enough to stop privateers from engaging and taking prizes. The prospective profit and possible chance of hurting the enemy were enough to motivate privateers in their prize taking endeavors.³⁰

³⁰ Log of the *Pilgrim*, 107; *Journal of a Cruise in the Fall of 1780*, 14; “Philadelphia, Dec. 30,” *The Boston-Gazette, and Country Journal*, January 18, 1779.

Gustavus Conyngham and his crew experienced all of these aspects during their cruises — chasing and engaging enemy vessels, the risk to life and limb, the question of what to do with prisoners, and the ultimate goal of bringing a prize safely into port. On July 16, 1778, the *Pennsylvania Packet* informed its readers that “the Peace and Harmony, Kennedy, from Lisbon to London; the Betsey, Murphy, from the Streights to Newry; the Fanny, St. Barbe, from ditto to London; the Hope letter of marque, from ditto to Bristol; and the Enterprize, tender to the Enterprize frigate, are all taken by the Revenge, Capt. Cunningham.” Following his travails in the North Sea and off the coasts of England and Ireland, Conyngham planned to sail the *Revenge* to America, but strong winds damaged his ship and he was forced to seek haven in a European port. Returning to France was not an option, as Conyngham’s actions at Dunkirk followed by his time in prison made him an unwelcome guest; certainly the British Ambassador, Lord Stormont, could not and would not have tolerated the return of “the Dunkirk Pirate.” Sailing from El Ferrol and, later, Bilbao, Spain, Conyngham and the *Revenge* returned to the seas seeking to terrorize and capture enemy vessels.³¹

During the late months of 1777 and early months of 1778, Conyngham and the *Revenge* used these Spanish ports to mount their privateering operations. As long as the captain and his crew followed the unwritten rules concerning covert operations and refrained from overtly flaunting their prize captures, Spain maintained a cordial and supportive relationship with the American privateer. For a period of time, the *Revenge* ranged the seas and acted in accordance with Spain’s expectations, capturing four vessels during the fall of 1777. Silas Deane noted in a letter composed January 15, 1778,

³¹ “London, April 20.” *The Pennsylvania Packet or the General Advertiser*, July 16, 1778; Lord Stormont to Lord Weymouth, Paris, May 14, 1777, in *Letters and Papers*, 26.

“Cunningham had, on the 20th. December, carried in two prizes to Carogne, one of which sold for 6,000 & the other for 4,500, & was gone out on a second Cruize.” The first sign of trouble with Spain emerged during that very cruise when the *Revenge* pursued a French brig, the *Gracieux*. A French-owned vessel should have been safe from seizure. However, the crew of the *Revenge* was hankering for a prize. Conyngham justified the capture by noting that British vessels had taken French and Spanish ships with American cargoes; the *Gracieux*, in Conyngham’s mind, was carrying British cargo and hence was liable to capture and sale.³²

Spain did not react well to Conyngham’s blatant violation of a neutral vessel. The French brig was seized and the crew imprisoned. Conyngham received a strongly worded letter from Silas Deane reprimanding the Captain for “every such adventure gives our Enemies advantage against us by representing us as persons who regard not the Law of Nations.” Once again, one single decision made and carried out by Conyngham caused an international incident and had the potential to swing the balance of power in the Atlantic World and the war. “Your Idea that you are at Liberty to seize English Property on board of French or other neutral Vessels is wrong,” Deane continued, “it is contrary to the established Laws among the maritime Powers in Europe.” Deane admitted “that the English, in the last war, paid little or no regard to this Law.” However, Deane reminded Conyngham that Britain’s “situation and ours is very differnt in point of Force, tho not so in point of right.” Conyngham must refrain from engaging with neutral vessels.³³

³² Silas Deane to John Ross, Paris, January 15, 1778, in *Letters and Papers*, 118.

³³ Silas Deane to Gustavus Conyngham, Paris, January 21, 1778, in *Letters and Papers*, 120.

Conyngham remained in port for the next few months, attempting to free his crew and reclaim his prize. Eventually, he was forced to drop his case. In March, 1778, the *Revenge* and her captain returned to sea. *The Pennsylvania Packet*, printed in Conyngham's hometown of Philadelphia, kept readers apprised of the Captain's feats, as evidenced by the list of captures printed on July 16, 1778. Though Spain was upset about the *Gracieux* affair, Conyngham was still well received in Spanish ports. One British seaman reported the treatment the American privateer received in Cadiz. As the British ship sat in the harbor for seven days awaiting recognition from the Spanish government, "the Revenge American privateer, commanded by Cunningham, who came swaggering in with his Thirteen stripes, saluted the Spanish Admiral, had it returned, and immediately got product; the Spaniards themselves carrying on board wood, water, fruit, and fresh provisions." A letter from Cadiz published in *The Pennsylvania Packet* noted that "Cunningham in the Revenge Privateer, sailed from hence some days since on a cruize." Upon Conyngham's return to the Spanish port, the paper noted the "Maria, Predoe, from London to Gibralter, is taken by the Revenge privateer, Capt. Cunningham, and carried into Corunna." Following the capture of the *Maria*, the crew of the *Revenge* demanded payment of their prize money. Conyngham, in need of a crew and forbidden to recruit in the Spanish port, conceded. The *Revenge* returned to the waters of the Atlantic where it encountered the Swedish brig *Honorio Sophia* — the capture that spelled the end of Conyngham's privateering career along the coasts of Europe.³⁴

³⁴ "London, May 11. Extract of a Letter from an Officer on Board the Monarch, Lately Arrived at Portsmouth," *The New Jersey Gazette*, September 16, 1778; "Extract of a letter from Cadiz, May 6," *The Pennsylvania Packet or the General Advertiser*, September 24, 1778; "Extract of a Letter from Dublin, May 22," *The Pennsylvania Packet or the General Advertiser*, September 22, 1778.

The decision to pursue a vessel belonged to the captain of the privateer and his officers, as did the decision to leave off chasing a ship. The chain of command for privateers was self-contained on board a vessel. Continental commanders awaited orders from General Washington or the Continental Congress; privateers waited for no one. On September 12, 1781, the *Pilgrim* spotted two ships nearby “which from their behaviour we judged to be Cruizers.” Log-keeper Josiah Bartlett recorded “at noon one of them was within Musquet Shott of us, and fired a great number of Shott at us, some came very near, at One we made Sail, thinking not proper to Engage.” The risks in this situation outweighed the potential for success. The following day, the *Pilgrim* “saw the Two Ship again.” Bartlett noted the privateer once more “thought proper to avoid it, & we therefore parted with them.” While cruising near the island of Barbados in April 1782, the *Pilgrim* came upon a ship and “gave chace but finding her an Armed Ship (and judged to be a packet) Captain Robinson imagined she would endeavour to fight her way to the land & we therefore hauld our Wind: being not more than 5 or 6 Miles from the Shore.” Captains of privateers examined each potential prize situation before determining whether to take or leave a vessel. The privateer *Providence* spoke with a vessel on the morning of September 18, 1779 “full of soldiers bound to New York.” Initially, the *Providence* “fired about 24 shot at her,” then left off a few minutes to assess the situation. The potential prize carried “4 guns” and the privateer decided not to take her for “she would hurt our cruise, because it would take so many men to man her and look after the prisoners.” When the *Chace* encountered the *Robust* from England, the privateer initially chose to engage the enemy vessel. However, the *Chace* eventually decided “she being so nigh Chebucto Head, we thought fit to quit her, there being many British ships in Halifax that

could easily put out to retake her.” Though the American privateer might succeed in taking the vessel, the chances of keeping her were quite low and, thus, the risk was too high and not worth the fight.³⁵

While these decisions supposedly belonged to the captain, as Conyngham discovered, the crew often had more to say on the subject. Mutiny among crews was a real threat for privateers because, despite attempts to instill rules and regulations, the isolation of a ship left her vulnerable and international crews could be harder to control. Aboard the *Fortune*, “the crew mutinied, intending to make the captain return and cruise off Halifax, threatening to go ashore.” When Conyngham and the *Revenge* set sail from Cadiz, Spain in May 1778, the vessel encountered the Swedish brig *Honorica Sophia*. Considering the late incident with the *Gracieux*, the *Revenge* should have left the brig alone. The crew, however, would not acquiesce and threatened to mutiny if the ship was not taken. An attestation was signed by twenty-five sailors stating “whereas on this day we fell in with the Swedish Brigg Henerica Sophia Laden with British Goods from London to Tenerif & whereas Captn. Cunningham says that he has directions not to Insult any Neutral Flag yet, the Cargoe appearing so plain to be British property we have eng’d him to take her, & try her chance to America.” The incident caused an uproar among European powers and Conyngham was shunned when he tried to put in at Corunna to provision and refit the *Revenge*. The *Revenge*’s time in European waters had come to an end.³⁶

³⁵ Log of the Pilgrim, 106, 117; Shipton and Swain, 71, 127.

³⁶ Shipton and Swain, 103-104; Attestation by the Crew of the Revenge, On board the Sloop Revenge, May 31, 1778, in *Letters and Papers*, 133.

The reaction to Conyngham's seizure was not uncommon. British representatives in France and Spain complained at length about the actions of American privateers, but Conyngham was different. He offered a face to the issue; his success made him a household name. After the *Honoria Sophia* was taken, the Comte de Vergennes received a letter from the Comte de Creutz informing the Minister of Foreign Affairs that "an American corsair named Cunningham, who seized [the *Honoria Sophia*] and sent the ship, with the Captain and three men of the crew, to America...put [the rest of the crew] at the bottom of the hold as prisoners, and made to experience all sorts of hardships." The Comte de Creutz asked for immediate action, "not only to obtain the restitution of that vessel and its cargo, with all suitable damages, but also to cause that corsair to be punished exemplarily." Benjamin Franklin assured his contacts that "we have no desire to justify [Conyngham] in any irregularities he may have committed." Franklin continued that Congress had provided "in the commission given to privateers, wherein it appears that sureties are taken of their owners that nothing shall be done by them 'inconsistent with the usage and custom of nations,' and those sureties are obliged to make good all damages." In a follow-up letter, Franklin wrote "it is a crime in our eyes to have displeased a power for which Congress is penetrated with respect, and although justified in seizing, by way of reprisals, the English prize which Conyngham had brought to Teneriffe to be sent to Martinique, we will none the less inform Congress of the grounds for complaint which this privateer has given to his Catholic majesty" of Spain. Arthur Lee wrote to the Committee of Foreign Affairs "the court of Spain is so much offended at Captain Cunningham's conduct before this, that they write me orders have been sent to all their ports to prohibit his entrance." "From the beginning to the end of this business of

Cunningham, it has been so bad,” Lee postulated, “that Congress only can correct it by punishing those who are concerned.” The American Ambassadors to France were attempting to clean up the so-called mess Conyngham had made.³⁷

The commander and his vessel, the *Revenge*, left Spain in September 1778 bound for the waters of the Caribbean Sea. Upon his arrival, Conyngham continued cruising against British enemy vessels. News from Saint Pierre announced the arrival of “this intrepid Commander, so well known for his having an English Packet boat, and by that a Cutter of 18 guns, having spread terror through the coasts of England, Sctoland, and Ireland...in 18 month’s cruize, he has taken 27 English vessels, and sent them into different ports, and has sunk or burnt 33.” After a few months in the waters off Martinique, St. Lucia, Antigua, and St. Eustatius, Conyngham and the *Revenge* “returned from her cruize, bringing with her an English brig, the *Loyalist*, Capt. Morris, of 12 guns, and the sloop *Admiral Barrington*, Capt. Pelham, of 8 guns: He has taken besides another vessel which he has sent to Guadaloope; and two small sloops which he ransomed.” While Conyngham had recently lost the support of the Spanish, the Dutch seemed to welcome him. A letter addressed “to the Dutch Admiral commanding at St. Eustatius,” asked “have you not summed up every mark of insolence and injurious behavior in your late reception of Cunningham, a known outlaw, who long infested the British seas, without so much as the flimsy pretence of a Congress commission, with which indeed he had no connection, and in whose quarrel he had no pretense to enter?” The letter continued “surely wherever

³⁷ Comte de Creutz to Comte de Vergennes, October 1, 1778, in *Letters and Papers*, 138-139; Benjamin Franklin to Ferdinand Grand, Passy, October 14, 1778, in *Letters and Papers*, 146-147; Benjamin Franklin to Ferdinand Grand, Passy, November 3, 1778, in *Letters and Papers*, 149; Arthur Lee to the Committee of Foreign Affairs, Paris, November 15, 1778, in *Letters and Papers*, 150.

such a fellow could have been seized, he should have been sacrificed to the violated rights of mankind.” Apparently, the Dutch Admiral did not concur.³⁸

Captain Conyngham’s final action in the Caribbean Sea consisted of sailing in convoy with the French fleet during the last weeks of December 1778. Contrary to the notion that privateers did not choose to sail in convoy, a myth perpetrated by the Penobscot Expedition, privateers often sailed and worked side by side in taking prizes. Seven vessels — *Marquis*, schooners *Vengeance* and *Young Neptune* and brigs *Trooper*, *Adventure*, *Randolph*, and *Betsey* — sought prizes in tandem. These privateers devised a system of signals used in pursuit of enemy vessels. When the chase was on, a privateer should hang “a Pendant at Foretopgallantmasthead and hoist an English Ensign at Ensign staff.” The sign for engaging an enemy vessel consisted of “haul[ing] down the English Ensign and hoist[ing] a Continental One.” The crews of privateers would “know Each Other after Boarding” for the “men [were] to have their shirts off.” These signals proved especially useful at night when it was difficult to see enemy, as well as friendly, vessels. Thus, lanterns were employed in privateer signs. To determine if a vessel was friendly, “the Enquirer Shall give 6 flashes to be answered by One—the Ship who hails shall ask What Ship—the Hailed shall Answer Mountholly—then the other shall reply Samboy.” When the enemy was “thought Superior and is Necessary to separate,” “three flashes not to be answer^d” were given. While Conyngham sailed with the French fleet under Jean Baptiste Charles Henri Hector, Comte d’Estaing, the *Royal Gazette* reported an encounter with British ships. According to the reprinted letter from the ship *Martha*, “the Count

³⁸ “St. Peirre (Martinico) Dec. 10.” *New Hampshire Gazette, or, State Journal, and General Advertiser*, February 16, 1779; “From the St. Christopher’s Journal, November 21, 1778, to the Dutch Admiral Commanding at St. Eustatius,” *The Norwich Packet*, March 15, 1779.

shewed a disposition to attack us a third time, but on the appearance of a frigate standing for his fleet with several signals flying, he plied to windward, and in the evening anchored off Gros Islet, about two leagues from us....he has been accompanied from his first appearance by several American privateers, one of them commanded by the outlaw Cunningham.” The letter concluded with a post-script noting the capture “of an American privateer of 18 guns, called the Bunker Hill, which at day-break was discovered within reach of our guns; and having struck, upon finding she could not escape, the boats towed her within the line, before any of the French fleet could get to her assistance. She sailed from Salem the 2d inst.” Though sailing in convoy could prove profitable, there was still a risk of being captured.³⁹

On June 3, 1781, the *Pilgrim* “saw a Sail to leward, & gave chase.” After a full day of pursuing the vessel, the *Pilgrim* “made private signals which she answered.” The chased vessel was the *Essex* out of Salem, Massachusetts, a fellow privateer “out since 22^d Ap^r and no prize.” The two ships “kept C^o” with one another for the next week adding the privateer *Defence* of Beverly, Massachusetts to their fleet. The three vessels sailed together until Sunday, June 10, 1778 when the vessels “saw a large Ship to Windward running for the Midst of us.” Josiah Bartlett of the *Pilgrim* noted in his log the vessel showed “English Colours” and “many were the conjectures respecting this Ship...it was generally supposed she was not a Kings Ship, unless she meant to deceive us, which deception we sorrowfully experienced.” The English vessel initially chased the *Pilgrim*, but the privateer outran her enemy, so “she then altered her Course for the *Essex*.” The

³⁹ E. Arnot Robertson, *The Spanish Town Papers: Some Sidelights on the American War of Independence* (New York: The Macmillan Company, 1959), 50-52; “By the Ship Martha, Captain Hutchinson, in 11 Weeks from Whitehaven, We Have the following Advices, Viz.,” *Supplement to the Royal Gazette*, June 23, 1779.

Pilgrim attempted to aid the *Essex*, but “without success.” The *Pilgrim* and her crew prepared for action, expecting the *Essex* would make her way to them. Alas, “after a chace of 4 hours,” the *Pilgrim* “had the mortification to see [the *Essex*] fall a prey.” The *Defence*, meanwhile, had made her escape “and was not in Sight.” During the winter months of the following year, the *Pilgrim* spoke with the *Scourge* from Salem, Massachusetts under the command of Captain Timothy Parker. The two sailed together for three weeks into the middle of February when the *Pilgrim* “at one p m saw a sail upon our weather bow & running for us.” The ship proved “to be a line of battle Ship under British colours.” The *Pilgrim* attempted to communicate with the *Scourge*, but was thwarted by the speed of the enemy vessel. The situation soon became clear to Josiah Bartlett aboard the *Pilgrim*: “that one must unavoidably fall a prey.” The *Scourge*, unluckily, bore that distinction. The *Pilgrim* watched as “the *Scourge* was under command of [the British vessel’s] Shot.” While Bartlett and the *Pilgrim* escaped, the crew “had the great mortification to see our Concert strike her Col^{rs} This disaster put us one our guard, and we carried a pressing sail through the night.” Sailing in consort with the *Pilgrim* seemed an ill-advised endeavor, a fact both the *Essex* and the *Scourge* discovered.⁴⁰

After the *Revenge* and Captain Gustavus Conyngham completed their time in convoy with the French fleet, the privateer turned his vessel towards Philadelphia, Pennsylvania. He was finally heading home. Upon his arrival, Conyngham was greeted with troubling news. Former crew members had brought a complaint to the Continental Congress against the Captain citing issues with his distribution of prize money. The

⁴⁰ Log of the *Pilgrim*, 100-101, 111-112.

Congress attempted to address the issue, requesting financial accounts from the commercial houses of France and Spain as well as an affidavit from Conyngham himself. The case turned out to be far more complicated than anticipated and with a plethora of other questions, concerns, and cases before them, the Congress decided to table the discussion and place the *Revenge* up for sale at public auction. The vessel was purchased by a group of Philadelphia merchants who outfitted the vessel as a privateer and employed Gustavus Conyngham as their commander. By April 1779, Conyngham was heading back into the open waters of the Atlantic. The re-outfitted *Revenge* did not meet with the same success upon this voyage. Rather, Conyngham shortly found himself at the hands of a British frigate, the HMS *Galatea*.⁴¹

Privateer ships sailed with the intention of pursuing and taking enemy vessels, but even the best intentions went awry, as they often did with Continental troops and their battle plans. Ships oftentimes found themselves as the pursued rather than the pursuer. Zuriel Waterman recounted in his journal the day the *Chase* spotted “a brig. northward of us.” The brigantine soon “bore down upon” the *Chase* and the privateer “put away before the wind.” Initially, the *Chase* quickly pulled away from her pursuer, so the captain shortened the sail to allow the vessel to approach. The *Chase* fired a gun in salute “under American colors.” The brigantine responded, but her colors were difficult to see. Waterman noted that “she appeared to be a brig. of force and endeavoring to get under our lee; we put away from her.” The brigantine continued to pursue the *Chase*, but the privateer soon left the ship behind. When the *Oliver Cromwell* needed more speed to

⁴¹ E. Gordon Bowen-Hassell, Dennis M. Conrad, and Mark L. Hayes, eds., *Sea Raiders of the American Revolution: The Continental Navy in European Waters* (Washington: Naval Historical Center Department of the Navy, 2003), 39-40.

outrun a “British Man of War,” the crew put “out Oars — rowed several Glasses” to escape the enemy. In October 1777, the *Oliver Cromwell* “saw a Sail, thick Weather.” The sail soon gave chase and “came up fast” revealing the hull of a frigate. The *Oliver Cromwell* received fire, but “many of the Shot went over us. Several struck our Hull & Sails.” In an effort to gain speed and escape the frigate, the crew “hove our Guns overboard & stove some Water & by that means got a little from her.” The following day, the frigate still in pursuit, the *Oliver Cromwell* “rowed & kept at a Distance,” losing sight of the vessel on the third day. Josiah Bartlett, serving aboard the *Pilgrim*, recorded an encounter with “a Fleet of 15 Sail of large Ships.” Two of the vessels chased the *Pilgrim* “and for some time gained upon us.” Sensing the peril of the situation, the *Pilgrim* “at Evening made Sail, and left our prizes to Share their Fate.” The survival of the *Pilgrim* at this moment outweighed the needs of the prize vessels.⁴²

The *Pilgrim* experienced several more close calls during Josiah Bartlett’s tenure aboard the ship. On December 31, 1781, the *Pilgrim* “at day light saw a Sail to Windward” near the island of Barbados. The *Pilgrim* pursued the vessel until “a large Ship (judged to be a British frigate) [came] bearing down & gaining fast upon us.” The privateer, wary of the ship’s safety, was “obliged to alter our course.” The frigate continued its pursuit until evening, when darkness halted its endeavors. The next month, the *Pilgrim* was “chaced all day by 2 Ships, judged to be British Men of War,” but escaped unscathed. In the midst of pursuing a vessel in early April 1782, the *Pilgrim* “saw 2 Sail to Windward in chace of us.” Though the *Pilgrim* was close to her prey, the two other vessels “gained fast upon us,” so the privateer “bore away & spread our Canvas.”

⁴² Shipton and Swain, 121; Journal Of A Cruise In 1777, 45:249, 254; Log of the Pilgrim, 103.

One of the ships stopped to speak with the *Pilgrim*'s intended prey, while the second vessel "kept pressing for us & held way with us untill Evening when we fortunately & unexpectedly lost sight of her." The *Pilgrim* later learned "the Vessel we chased was loaded with Wines for Barbadoes. & that the Frigates were The *Fortune* of 40 & the *Pegasus* of 28 Guns belonging to his Brittainic Majesty." In these instances, the *Pilgrim* was lucky to escape intact and no worse for the wear.⁴³

The *Revenge* under the command of Conyngham was not quite so lucky during her pursuit of British privateers on April 17, 1779. While following the enemy vessels, Conyngham was caught by the frigate HMS *Galatea*. Outgunned, and with nowhere to run, Conyngham surrendered. The Captain was taken to New York, clapped in chains, and placed aboard a prison ship — a fate shared by many American privateers. Philip Freneau, captured aboard the *Aurora*, described the scene on the prison ship *Scorpion*, "at sundown we were ordered between the decks to the number of nearly three hundred of us. The best lodging I could procure this night was on a chest, almost suffocated with the heat and stench." "I expected to die before morning," Freneau continued, "but human nature can bear more than one would at first suppose. The want of bedding and the loss of all my clothes rendered me wretched indeed; besides the uncertainty of being exchanged, for who could assure me that I should not lie six or eight months in this horrid prison?" Some captured privateers lingered in anguish aboard prison ships for just such a time and longer. Treatment aboard prison ships was harsh. The *Scorpion*'s steward was "one of the most brutal of mankind, who abused [the prisoners] continually." Oftentimes chained

⁴³ Log of the *Pilgrim*, 109, 111, 117-118.

together, the movement of prisoners was greatly restricted. Many remained below decks wallowing in filth and oppressive heat or bitter cold, depending upon the season.⁴⁴

Privateers captured at sea were imprisoned in various places throughout the Atlantic. While troops of the Continental Army might be kept in the general area they were captured, in hopes of a quick prisoner exchange, seamen and sailors experienced imprisonment on board man-of-war ships, prison ships, islands of the West Indies, and in the jails of Great Britain, specifically Mill Prison and Forton Prison. The acclaim privateers, especially captains, received in American and British newspapers proved a double-edged sword. While high-ranking officers of the Continental Army were supposed to be treated like gentlemen and held until an exchange was arranged, privateers were treated like pirates. Gustavus Conyngham, the man who had spread fear via his exploits in the Atlantic, was not worthy of exchange. The British intended to try him for acts of piracy. Word spread among privateers “that the men of war pressed all the sailors that came in.” Gideon Olmsted inquired of a brig out of New York “whether they pressed Americans. They told us that it made no odds what countrymen they was for they pressed all.” Olmsted noted in his recollections the presence of “two English seamen and 3 Americans that was prisoners taken by Capt. Hill in the *Royal George*. Their names are Artemas White, Aquila Ramsdell, David Clark, who were put aboard by Capt. Hill as prisoners to work the vessel to New York.” Zuriel Waterman recorded his encounter with Lowry Aborn who “was taken last December and carried into Jamaica; got away from there in a Dutch vessel.” Prisoners who escaped the prison ships reported “that the Americans are treated very ill and die fast, having the smallpox among them.” Though

⁴⁴ Freneau, 31-33.

privateers were not pirates and were indeed legal combatants under the law of nations, the treatment they received upon capture proves they were not regarded as equal to their army counterparts. Soldiers served time aboard prison ships, but they were also given the possibility of parole. Captive sailors were pressured to change loyalties or they were transferred to places miles from home.⁴⁵

Captured privateers, such as Conyngham, were often transported across the Atlantic to prisons in Great Britain. Conyngham described his journey thus, “sent to England in a packett in Irons Wt 55 lbs.” Conyngham was initially imprisoned in Pendennis Castle where he was kept shackled because he was facing charges of piracy. Eventually, the British moved the Captain to Mill Prison. The conditions at the prison were deplorable, according to Americans held in that place. Conyngham wrote his rations were “a rebel Allowance 6 oz beef & 6 of bread for 24 hours, the least fault as they termed it, 42 days in the dungeon on half of the above allowance of beef & bread—of the worst quality.” “Suffered a seveare & cruel treatment for number years,” Conyngham opined in a narrative he wrote after the experience, “dogs, cats rats even the Grass eaten by the prisoners, this hard to be credited, but is a fact.” Timothy Connor, a prisoner taken from the privateer *Rising States*, held at Forton prison, “had three quarters of a pound of beef allowed us and some cabbage; one pound of bread, one quart of small beer for twenty-four hours. The cabbage is only every other day.” William Widger of Marblehead, Massachusetts was taken while serving aboard the privateer *Phoenix*. In his diary, Widger noted “this day our Beef was brought and so poor that we refused, to Except it, the Agent would not Send it back.” Widger also recorded “the Number of

⁴⁵ *The Journal of Gideon Olmsted*, 61, 53; Shipton and Swain, 84, 126.

americans, now in the prison are 186, between 20 & 30 are Sick in the Hospital, we are Greatly alarmd. at the Distemper, and are afraid, it will go through the prison.” Connor recorded the loss of a fellow prisoner, “last night one Philip Cory died in our hospital; he belonged to Rhode Island government.” News of privateer ventures trickled into the prison via newspapers, such as word from New York that the “Privateer Ship Genl. Mifflin, of 20 Guns & 150 Men, is taken off Charlestown, by his Majesties, Ship Rawligh, as also two prizees.”⁴⁶

Some prisoners did not idly sit by and accept their fate. Gustavus Conyngham attempted to escape on several occasions, finding success on November 3, 1779, by digging a tunnel under the prison wall. Yet, once again, the Captain’s luck faltered. After sailing with John Paul Jones from Holland, Conyngham determined to make his way back home, but the vessel was captured on March 17, 1780, and Conyngham was returned to Mill Prison. Conyngham was undeterred, however, and Widger recorded on March 17, 1781, how “Captain Gustavus Conyngham went into the Office, and when he came down, Seeing the turnkey was not at the Gate, Went out and passed the Centinals.” A local market woman, named Sary, “called John Good and informed him of it, the Capt. Was brought back.” The prisoners, who were allowed to purchase food, clothing, and

⁴⁶ A Narrative respective Lugger surprize & Cutter revenge, in *Letters and Papers*, 11; William Richard Cutter, “A Yankee Privateersman in Prison in England, 1777-1779,” *The New England Historical and Genealogical Register* 30 (July 1876), 343; Diary of William Widger of Marblehead, Kept at Mill Prison, England, 1781. Introduction by William Hammond Bowden., in *The Essex Institute Historical Collections* (Salem, Mass.: Newcomb & Gauss Co., 1937), 73:315-316; William Richard Cutter, “A Yankee Privateersman in Prison in England, 1777-1779,” *The New England Historical and Genealogical Register* 32 (January 1878): 72; Diary of William Widger, 73:319. For further information about American prisoners of war during the Revolution, see Larry G. Bowman, *Captive Americans: Prisoners During the American Revolution* (Athens, Ohio: Ohio University Press, 1976);; Sheldon S. Cohen, *Yankee Sailors in British Gaols: Prisoners of War at Forton and Mill, 1777-1783* (Newark: University of Delaware Press, 1995); Francis D. Cogliano, *American Maritime Prisoners in the Revolutionary War: The Captivity of William Russell* (Annapolis, Maryland: Naval Institute Press, 2001); Charles H. Metzger, S.J., *The Prisoner in the American Revolution* (Chicago: Loyola University Press, 1962).

other necessities to supplement their needs, “determined not to purchase anything of [Sary] for the future.” Prisoners received money from friends and relatives who learned of their plight, but they also received “relief as poor prisoners” from the “subscription books opened in many parts of England.” Conyngham was not alone in his pursuit of freedom. On the night of August 4, 1778 at Forton Prison, “twenty-five of the French prisoners made their escape out of their prison by making a hole through the wall; four of whom were taken the same night, the remainder not yet heard of at eight o’clock at night; among them were two Americans that were committed with them.”⁴⁷

While parole or prisoner exchange seemed far off and impossible, some American prisoners chose to join the ranks of the British, such as those mentioned in a letter home from Caleb Foot, “some others have entered on board of his majesty’s ships, to get clothes to cover their nakedness, which is to the shame of America.” Foot decided against trying to escape for he feared the reprisal if recaptured for “sometimes they will keep him on board of their ships-of-war, and if we are brought back to prison again we must lie forty days in the black hole and upon half allowance which is only two pounds of beef and one pint of peas for one week to live upon; and likewise put upon the back of the list and will not be exchanged until the last, if there should ever be any exchanged.” Despite these dangers, Gustavus Conyngham attempted escape one more time in June 1781 and this time, he succeeded in making the return journey home to Philadelphia.⁴⁸

⁴⁷ Diary of William Widger, 73:328; William Richard Cutter, “A Yankee Privateersman in Prison in England, 1777-1779,” *The New England Historical and Genealogical Register* 30 (July 1876): 347; William Richard Cutter, “A Yankee Privateersman in Prison in England, 1777-1779,” *The New England Historical and Genealogical Register* 32 (January 1878): 70.

⁴⁸ Reminiscences of the Revolution. Prison Letters and Sea Journal of Caleb Foot: Born, 1750; Died, 1781. Compiled by his Grandson and Namesake, Caleb Foote, in *The Essex Institute Historical Collections* (Salem, Mass.: The Salem Press Publishing and Printing Co., 1889), 26: 97, 100. A list for prisoner exchange was kept at each jail in order of imprisonment. However, as Foot notes, if a prisoner was caught

The lives of privateers during the American Revolution were fraught with danger, full of adventure, and beyond compare to those of their Continental Army counterparts. Seafaring men experienced a completely different war on the waves of the Atlantic. This vastly dissimilar experience — examined in Chapters One, Two, and Three — led to an exceptional aftermath and post-war experience that militiamen and troops could not — and did not — relate to in the years of the Early Republic. The battles of privateers did not feature fortifications, reinforcements, or retreats. The crews were multinational and multilingual, fighting on foreign soil for the Patriot cause and interacting with foreign governments in ways Continental troops never experienced. Isolated, in the middle of the ocean, crews could influence their commanders through threats of mutiny or a refusal to work. There was no General Washington or Continental Congress to give or clarify orders. Once a ship engaged in a full-on battle, the options were few. There were no field hospitals to treat the wounded. The dead were laid to rest at sea, with no scavengers to pick over the battlefield; for in this instance, there was no true field of battle. Rather, the Atlantic World at-large was the stage of combat and war for privateers. One decision made by a privateer, particularly in the case of Gustavus Conyngham, could have Atlantic-wide ramifications. The gap between experiences left privateers on the proverbial outs of the Revolutionary narrative. Chapters Four and Five delve into the post-war experiences of privateers and examine how legal proceedings, disagreements over prizes and prize money, and a legacy of less-than-savory methods ultimately hurt privateers in their efforts to be acknowledged as patriots worthy of credit and recognition.

attempting to escape, or succeeded and was returned, their name was moved to the bottom of the exchange list.

CHAPTER FOUR:

“MAKE YOUR FORTUNES NOW, MY LADS”¹

The unidentified ship drew ever closer to the *Richmond*. Unsure of the enemy vessel's intent and under the belief that the craft was a British privateer, the captain of the *Richmond* threw all papers with proof of American ownership overboard. If the *Richmond* were to be taken by the British, she would not be condemned as American property. Only as the privateer loomed before him did the captain realize his grave error.²

The privateer proved to be an American vessel sailing from Rhode Island. After capturing the captain and crew of the *Richmond*, the Americans took their prize into port and libeled the *Richmond* in the state's Court of Admiralty. The *Richmond*'s captain tried to explain his predicament. His ship was indeed owned by loyal, patriotic Americans. In the summer of 1775, before hostilities broke out, the captain and his crew had sailed for London on a mission to settle personal affairs for the *Richmond*'s owners based in Nantucket Island. However, upon arrival in London, the captain learned that friendly relations between the two nations had ceased and he could not clear out of the port of London under American papers. Hence, he put the *Richmond* and her cargo under papers

¹ Sailor, *Manly, A Favorite New Song, in the American Fleet. Most humbly addressed to all the jolly tars who are fighting for the rights and liberties of America. By a sailor.— It may be sung to the tune of Washington.* (Salem, Massachusetts: Printed and Sold by E. Russell, upper end of Main-Street, [1776?]).

² Henry J. Bourguignon, *The First Federal Court: The Federal Appellate Prize Court of the American Revolution 1775-1787* (Philadelphia: The American Philosophical Society, 1977), 88-89; United States, Court of Appeals in Cases of Capture. *The Revolutionary War Prize Cases: Records of the Court of Appeals in Cases of Capture, 1776-1787.* Washington, DC: National Archives and Records Service, 1949. Microfilm. Roll 1, Case 7. (Hereafter Cited as *RWPC*). Note citations include the roll and case numbers in an effort to aid in identifying key sources used.

from a London firm and claimed he was setting sail on a voyage to the West Indies and Halifax. In actuality, the captain swore he was heading for Nantucket Island when the privateer overtook the *Richmond*. The captain and the owners of the *Richmond* convinced the Rhode Island Admiralty Court of their version of events and the ship was acquitted. The privateer captors appealed the decision to the Continental Congress who decided the case on January 17, 1777. For the privateers, the appeal ended poorly; not only was the decision of the lower court affirmed, but the appellants had to pay all costs. The Court of Admiralty and the process of appeals to the Continental Congress could make or break a privateering venture. In this case, a privateer captain and his crew walked away with nothing to show for their efforts.

The voyage of a privateer vessel from port to port, sailing upon the waters, day-to-day experiences, chasing ships and being chased by ships, battles and engagements, injuries and deaths, and prisoner of war experiences, all discussed in Chapters Two and Three, tell only part of the story of a privateer's overall experience. The other half of the story — that is, what happened once the prize was taken in to port and brought before a court of admiralty — could be just as perilous, uncertain, and complicated as the endeavor to capture an enemy vessel. Privateers, regardless of their port of call, oftentimes found themselves entangled in the court system. Whether as claimant or defendant, these seafaring men returned home not to shouts and cheers, but to struggles over property captured and prizes in dispute.

The admiralty court system of the colonies during the Revolution was unstable and fragmented, particularly in the numerous provisions concerning the establishment

and regulations of said system. Individual colonies created their own courts and ran them according to their specific guidelines. Colonists tried to build upon the vice admiralty courts of the colonial period, but without a comprehensive knowledge of the British system, continuity and commonality between courts was present, but oftentimes unreliable. The Continental Congress found itself in a precarious position; once the assembly authorized privateering, a process for claiming a prize, and potentially appealing a decision, needed to be established. Privateer owners, outfitters, captains, and crews found themselves fighting once again to take a prize; the ultimate success of their venture depended upon victory in the courts.

Utilizing the *Journals of the Continental Congress* and *The Revolutionary War Prize Cases: Records of the Court of Appeals in Cases of Capture, 1776-1787*, along with personal correspondence, newspaper articles, printed proclamations, and colonial state court records, this chapter continues the journeys of privateers as they took their cases to court in hopes of leaving with a capture deemed lawful prize. Records from state admiralty courts are difficult to locate as many no longer exist; hence, the importance of the surviving records from the Court of Appeals. Yet these records are not perfect. There are 114 cases catalogued in the records, though four contain the name of the case only with no pertinent papers on file. The danger of relying heavily upon these records lies in the fact that all were cases of appeal meaning that for one reason or another a party involved was not pleased with the initial verdict issued by the state court. In the process of transferring the case from a state court to the Congressional court, papers may have been misplaced or lost. However, the records provide valuable insight into the workings of the admiralty court system in various colonies and later, states (excluding New York

which is the only one not represented by any case in the records). Coupled with the *Journals of the Continental Congress* and various other sources, these court records reveal the process privateers encountered once a prize was brought safely to port as they sought to bear the fruits of their labors.³

The happenings in court, and the procedures by which sailors and owners claimed their prizes, expand the overall understanding and scope of the Revolutionary privateer experience. In commonly claiming a prize, privateers opened themselves to public judgment and scrutiny. Unlike troops of the Continental Army, who other than one largely known attempt at mutiny, received their pay and pensions without a public display and on a theoretically defined timescale and share system, privateers inherently found themselves in the public eye as they fought for their due. Newspapers ran stories of the next meeting of the court of admiralty and printed libels and announcements of sales. The process of filing a claim for a prize could be long and arduous, lasting months or even years.

Privateers and those associated with their ventures took a great risk not only in outfitting and engaging a ship, but also in bringing home a prize and attempting to gain lawful right to the vessel and its goods. This chapter will outline the chaotic process through which the Court of Appeals in Cases of Capture was established then relate the stories of three different cases of appeal to underscore the various possible outcomes and consequences of verdicts in the admiralty courts. By combining this analysis of the courts with the events delineated in Chapters Two and Three, this chapter reveals how the ‘battlefield’ successes of a vessel and its crew depended greatly upon politicians, lawyers,

³ Bourguignon, 75.

and jurors who could hardly relate — if at all — to the privateer experience. In the end, this experience, which differed vastly from other service members of the Revolutionary period, inevitably helped create a public persona for privateers which was unique unto itself among Revolutionary men-at-arms.

George Washington took pen in hand on November 11, 1775 to address a letter to the President of Congress, John Hancock. Washington, then serving with his troops in Cambridge, Massachusetts, inquired of Hancock, “Should not a Court be established by the Authority of Congress, to take cognizance of the Prizes made by the Continental Vessels? Whatever the mode is which they are pleased to adopt, there is an absolute necessity of its being speedily determined on.” Washington referred Hancock to an act recently passed by the Massachusetts Provincial Congress which “respects such captures as may be made by vessels fitted out by the Province or by Individuals thereof,” but which did not apply to “Vessels fitted at the Continental expence.” Washington also notified Hancock of a number of captures recently made by residents of Plymouth and Beverly, including “a Vessel from Ireland laden with Beef, Pork, Butter &ca.” With the number of prizes taken on the rise, Washington’s point about establishing a court was well worth noting, though Congress did not move with the speed the General suggested.⁴

The Massachusetts Act referenced by Washington in his letter, and discussed briefly in Chapter One, passed on November 1, 1775 and called for the outfitting of private vessels “to sail on the seas, attack, take and bring into any port in this colony, all vessel[l]s offending or employed by the enemy.” Sections Four through Twelve

⁴ John C. Fitzpatrick, ed. *The Writings of George Washington from the Original Manuscript Sources 1745-1799*, (Washington: United States Government Printing Office, 1931), 4:81-82.

addressed the formation of a “court of justice...whose business it shall be to take cognizance of, and try the justice of, any capture or captures of any vessel[l] or vessel[l]s that may or shall be taken by any person or person whomsoever.” The Act established courts at three locations in the province: Plymouth, Ipswich, and North Yarmouth. A jury of “so many good and lawful men” would decide each case. Any person or persons bringing the suit were charged with making “out a bill, in writing, therein giving a full and ample account of the time and manner of the caption of [such] [said] vessel[l],” including the status of the taken ship and her cargo. Massachusetts was the first colony to actively create a Court of Admiralty for the purpose of hearing and determining prize cases.⁵

The Continental Congress eventually appointed a committee to discuss the contents of George Washington’s letters as the General had written more than once requesting assistance in this matter. John Adams, Benjamin Franklin, George Wythe, William Livingston, James Wilson, Thomas Johnson, and Edward Rutledge presented a report to Congress on November 25, 1775, outlining eight resolutions concerning captures and courts. The fourth resolution “recommended to the several legislatures in the United Colonies, as soon as possible, to erect courts of Justice, or give jurisdiction to the courts now in being for the purpose of determining concerning the captures to be made aforesaid, and to provide that all trials in such case be had by a jury.” The resolutions also stated that prosecutions should occur in the colony where the capture was made, unless a court was not available for that purpose, “then the prosecution shall be in the court of such colony as the captor may find most convenient.” The sixth resolution provided for

⁵ *The Acts and Resolves, Public and Private, of the Province of the Massachusetts Bay: To Which Are Prefixed the Charters of the Province* (Boston: Wright & Potter Printing Company, 1886), 5:437-441. (Hereafter cited as *The Acts and Resolves...of the Massachusetts Bay*).

the right to appeal to the Congress, though the claim had to be made within five days and given to the secretary of Congress within forty days. A security from the party appealing was also required. With these resolutions, the Continental Congress laid the groundwork for the courts that would hear the cases of America's privateers.⁶

Following Congress's resolutions, colonies began establishing their own courts. Massachusetts, as mentioned above, created a court of justice before Congress even made its recommendations. In February 1776, however, Massachusetts repealed its previous act and passed another, which was similar in kind with some differences, including a change of location for one of the courts from New Yarmouth to Falmouth. Captured ships could also be brought into any port within the American colonies for trial and appeals to Congress were allowed for within a specified time frame. A month later, Massachusetts repealed the February Act and on April 13, 1776 passed "An Act for Amendment of an Act, Made and Passed by the Great and General Court, at their Session in November Last," which redefined legalized captures as "all armed and other vessels, that have, at any time since the nineteenth day of April, seventeen hundred and seventy-five, been engaged in making unlawful invasions, attacks and depredations on the sea-coast of America, or used in supplying the fleet and army which have been employed against the United Colonies" or in carrying supplies. Unlike Congress, who had resolved that only ships belonging to British subjects were open for legal capture, Massachusetts deemed any vessel, regardless of ownership, involved in aiding the enemy as subject to seizure. In addition, the Act limited the cases that could be appealed to Congress. Only vessels

⁶ See Chapter One above for a discussion of how these resolutions affected the commissioning of privateers, 17-18; Worthington Chauncey Ford, ed. *Journals of the Continental Congress 1774-1789* (Washington: Government Printing Office, 1905), 3:373-375. (Hereafter cited as *JCC*).

outfitted by the Continental Congress could appeal to its court; all others were required to take their cases to the Massachusetts Superior Court of Judicature.⁷

Massachusetts is a prime example of the ever-changing legal and court system in regards to captures. Privateers had to reckon with varying acts, resolutions, and laws, many of which depended upon the port of call and the colonial authority which governed the harbor. Even though the Continental Congress tried to prepare for the chance of appeal, regulations across the board were not uniform. The instability and, oftentimes, randomness of the court system created havoc, misunderstanding, and prejudice against privateers. Claimants in prize courts faced issues and judgments that Continental troops never had to contend with or address. In creating a public venue by which privateers had to fight and argue for their lawful prizes, the colonies and the Congress may have unknowingly prejudiced the public's opinion. If a prize was taken lawfully, then why should a privateer have to argue his case, and in some circumstances, why would a privateer have to appeal? The system itself made privateers justify their actions, rather than accept them as legal.

Many of the other colonies followed in the footsteps of Massachusetts, creating the suggested courts or revamping current systems to address the needs of prizes brought in by privateers, state vessels, and Continental ships. Though not all restricted the right to appeal to Congress, each colony had its own particular regulations. Rhode Island created one court in March 1776 to try captures and amended this in May 1776 to follow the resolves of Congress. In 1780, Rhode Island restricted the right of appeal; no appeal to Congress was allowed if the appellant came from a state that did not allow appeals.

⁷ *The Acts and Resolves...of the Massachusetts Bay*, 5:462-468, 474-477.

Connecticut also passed an act in May 1776, which established five county courts. New Hampshire borrowed heavily from the act passed by Massachusetts and likewise limited the right of appeal to vessels owned in part by the Continental Congress. In 1779, Congress forced New Hampshire to amend its act and allow for appeal in cases where a friendly foreign power or citizen was involved. Pennsylvania initially followed the resolves of Congress, but later, in 1778, passed an act that shortened the time allowed for appeals to Congress and, in 1780, removed the trial by jury requirement. New Jersey prevaricated on the subject for several years. Finally, in the fall of 1778 when four cases were appealed to Congress, New Jersey established an act similar to that of Pennsylvania, though appeals to Congress were not restricted nor was a time change implemented.⁸

Virginia revised its regulations of the court system multiple times, in May 1776, December 1776, and finally in 1779. Ultimately, Virginia allowed appeals to Congress except in cases where both parties were residents of the state. South Carolina continued using courts already established for maritime matters, though the state constitution did not follow the resolves of Congress in regards to the proportion of a recaptured prize given to those who retook the vessel. The statutes of Maryland did not explicitly establish a court of admiralty, though four cases from the state were appealed to Congress. As was the case with South Carolina, Maryland most likely used the court system from its colonial roots. North Carolina closely followed the resolves of Congress, except for one

⁸ Bourguignon, 61-78. The states quickly created new courts to hear cases concerning captures, but the main model they had was the provincial vice admiralty court. Though it seems hypocritical to call these provincial courts tyrannical and then build new ones based upon the old version that is exactly what colonists did. However, one important change included a provision for trial by jury. Carl Ubbelohde notes that “the new state courts attempted to do away with the most hated feature of the old provincial vice-admiralty courts—trial without jury.” However, this experiment in jury trials did not work, especially considering the complex nature of maritime law. Eventually, “the pattern soon emerged of local juries being overruled by appeals to the committee created by Congress.” Carl Ubbelohde *The Vice-Admiralty Courts and the American Revolution* (Chapel Hill: University of North Carolina Press, 1960), 195, 199.

change worthy of note. In cases of appeal, the appellant had to pay triple the amount if the decision of the North Carolina court was affirmed; for owners and privateers without the necessary funds, an appeal could prove quite difficult under these terms. Georgia allowed for appeals to Congress after a second jury trial. In the cases of New York and Delaware, there are no session laws regarding admiralty courts. New York did not appeal any cases to Congress, but Delaware did appeal in five which suggests that the courts of the colonial period continued in their regular duties during the war. The plethora of various regulations and rules in nearly all of the colonies highlights once again the chaos which oftentimes surrounded prize case proceedings. Privateers found themselves embroiled in a system, based upon these ever-changing statutes, acts, and session laws, all of which contributed to a public conflict over lawful prizes and numerous judgments passed upon the character and rights of said privateers.⁹

Once courts were established in the colonies, privateers began submitting prize cases. The *New England Chronicle* printed an advertisement of libels from the Middle District in Massachusetts, which announced “Notice is hereby given. That the Maritime Court for the Middle District will be held at Boston in the County of Suffolk, on Thursday the fifth Day of September, 1776, at the Hour of Ten in the Forenoon.” Cases on the docket that day included “the Sloop named the *Isabella*, of about Seventy Tons Burthen, lately commanded by one Nathaniel Kirk, and her Cargo and Appurtenances,” taken by the privateer sloop *Revenge*. In Philadelphia, the *Pennsylvania Evening Post* publicized “a Court of Admiralty being to be held to-morrow morning at ten o’clock, when the Martial and Crier must attend, the Sale of the cargo of the prize ship *Friendship*

⁹ Bourguignon, 61-78.

is postponed until to-morrow afternoon, at three o'clock when a quantity of Sugars, Coffee, Rum and Cocoa, will be sold." A change of date was announced by the *Connecticut Gazette* for "the Court of Admiralty for the Trial of the Cargo of the Ship *Nathaniel & Elizabeth*, will be held at the Court House in New-London, on the 20th Instant, instead of the 22d, as mentioned in the Advertisement in the last Page of this Paper." Judge J. Brackett of Portsmouth, New Hampshire, announced the libels of the *Glasgow* and *Neptune* for "notice is given, agreeable to the laws of said state, that the maritime court erected to try and condemn all vessels found infesting the sea coasts of America, and brought into the county of Rockingham, will be held at the court house in Portsmouth, the 29th day of October instant, at 10 o'clock before noon, to try the justice of said captures, that all persons concerned may appear, and shew cause (if any they have) the said vessels, their cargoes and appurtenances should not be condemned."¹⁰

Once a court deemed a prize lawful and its goods subject to auction, papers printed notices of sale; such as that in the *Pennsylvania Gazette* which advertised "on Friday next, the 20th instant, will be sold at public vendue, on or near Plumstead's wharff, Rum, Sugar, Coffee, Cotton, and Cocoa, the cargo of the prize Schooner *Peter*, condemned in the Court of Admiralty." Some advertisements gave detailed descriptions of the vessel and her cargo in an attempt to entice potential buyers to the auction. The *Maryland Gazette* described "the Ship *Caroline*, of London, lately made a prize by the *Harlequin* privateer, capt. Woolsey, of Baltimore, with her sails, rigging, and materials, being about 200 tons of burthen, plantation built, about six years old, but, having been

¹⁰ "Advertisement of Libels Against Six British Prizes," *New England Chronicle*, Aug. 15, 1776, in *NDAR*, 6:192; "*Pennsylvania Evening Post*, Tuesday, September 3, 1776," in *NDAR*, 6:668; "*Connecticut Gazette*, Friday, September 6, 1776," in *NDAR*, 6:723; "Libels in New Hampshire Admiralty Court Against the Prize Schooners *Glasgow* and *Neptune*," *The Freeman's Journal*, Oct. 29, 1776, in *NDAR*, 6:1172-1173.

stranded on the coast of England, has been since rebuilt, and her keel, stern and stern-post, many of her futtocks and floor timbers of English oak, she is supposed to be equal, if not superior, to a new American built vessel.” The cargo of the *Caroline* consisted of “choice Muscavado sugars and rum, shipped on board said ship from Jamaica....[and] 400 hogsheads of sugar, and 117 puncheons of rum.” The announcement also noted the ease of access to the location of the sale, “Pitt’s landing on Pocomoke river, in Chesapeake bay, which lies convenient for transportation to any part of Virginia, Maryland, or Philadelphia markets.” A privateer outfitter and owner may have won his case in court, but the venture was only successful if the goods sold for a decent price at auction.¹¹

Successful cases could result in the sale of a prize vessel, but for those who were unsatisfied with the court’s decision the process of appealing to the Continental Congress began soon thereafter; a process which changed during the course of the war as members of Congress attempted to create and firmly establish a coherent, fair system. Initially, appeals to Congress were referred to an *ad hoc* committee. Such was the case with the first recorded appeal to Congress from the Court of Admiralty for the port of Philadelphia. “A committee of five” was appointed to hear the “the appeal against the verdict and sentence of condemnation passed against the schooner *Thistle* and her cargo.” The committee consisted of Richard Stockton, Samuel Huntington, Robert Treat Paine, James Wilson, and Thomas Stone. The following month, a petition from Jacob Sheafe was “referred to the commissioners appointed to hear and determine upon the appeal in the case of the *Elizabeth*.”¹²

¹¹ “Advertisement of Sale of Prize Schooner *Peter* and Cargo,” *Pennsylvania Gazette*, Sept. 18, 1776, in *NDAR* 6:895; “Advertisement of Sale of the Prize Ship *Caroline* at Chincoteague, Virginia,” *Maryland Gazette*, Oct. 17, 1776, in *NDAR*, 6:1140-1141.

¹² Ford, *JCC*, 5:747, 848.

As appeals to Congress continued from claimants in New Hampshire and Massachusetts Bay to Pennsylvania and Virginia, the need for a more permanent committee was quickly revealed. On Thursday, January 30, 1777, the Continental Congress “*Resolved*, That a standing committee, to consist of five members, be appointed to hear and determine upon appeals brought against sentences passed on libels in the courts of Admiralty in the respective states, agreeable to the resolutions of Congress.” This resolution also noted that appeals should be “lodged with the secretary” who would deliver each one to the standing committee “for their final determination.” The standing committee appointed by Congress included James Wilson, Jonathan Dickinson Sergeant, William Ellery, Samuel Chase, and Roger Sherman. A few months later, Congress amended the system as the current “standing committee, for hearing and determining appeals, is too numerous.” The committee was discharged and a rule of three was put in place which stated, “that a new committee of five be appointed, they or any three of them to hear and determine upon appeals brought to Congress.” The committee appointed on May 8, 1777 included James Wilson, James Duane, John Adams, Jonathan Dickinson Sergeant, and Thomas Burke. The next Monday, Congress “*Resolved*, That the committee on appeals be authorized to appoint a register to attend the said committee.” Slowly, Congress made progress towards establishing a structured legal institution, but the process would last several more years before the formation of a Court of Appeals.¹³

The Continental Congress first addressed the possibility of instituting a Court of Appeals on Tuesday, August 5, 1777. A resolution passed “that Thursday next be assigned to take into consideration the propriety of establishing a court of appeals.” The

¹³ Ford, *JCC*, 7:75, 336-337, 348.

following Thursday “there was only one State present represented” when the Congress was supposed to meet at 10 o’clock in the morning. A half hour later, representatives arrived from New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New Jersey, Pennsylvania, Maryland, and South Carolina. One hour after the official beginning of the Congressional meeting for the day, representatives from Virginia and New York presented themselves. At quarter past 11 o’clock, Delaware’s representatives arrived, followed by those from Georgia at half past. The postponement of the discussion concerning establishing a court of appeals is of little wonder when one considers the nature of the Continental Congress. Delegates barely arrived on time, if at all, which sometimes left Congress without representatives to discuss the matters at hand. In fairness, the Continental Congress had a great many issues to discuss, analyze, and ultimately make important decisions upon, but in terms of the Court of Appeals the Continental Congress tabled the issue for two and a half years. Circumstances with the Congress as they were, privateers grappled not only with undefined state courts, but with an appeal system which did not adequately serve their needs.¹⁴

The lack of an established Court of Appeals was not the only issue facing privateers in cases of appeal. The *ad hoc* committee and the Standing Committee on Appeals appointed to hear such cases faced a chronic problem of membership turnover. Representatives to the Continental Congress did not always serve extended tenures in their positions. For example, John Adams served from 1774 to 1777 prior to his appointment as Joint Commissioner to France, a position he assumed in early 1778. Adams, as noted above, was chosen for the Standing Committee of May 1777, having

¹⁴ Ford, *JCC*, 8:607, 640.

also served on the revised committee of March 12, 1777. Following his appointment as Joint Commissioner, Congress once again revised the membership of the Standing Committee. On November 17, 1777, John Harvie of Virginia, Francis Dana of Massachusetts, and William Ellery of Rhode Island were selected to replace Henry Laurens of South Carolina, John Adams of Massachusetts, and Henry Marchant of Rhode Island. During the course of the Committee of Appeals, thirty-seven different members of Congress were appointed to serve in forty-two appeals. The composition of the special committees and the Standing Committee changed on at least twenty occasions. Such a high rate of turnover offers some explanation for the inconsistent nature of the appeals process. Nevertheless, the changeable composition of the committee added to the difficulties privateers faced in cases of appeal.¹⁵

While Congress dragged its feet on the formation of a formal court, privateers and questions concerning privateering continued to surface. On Wednesday, July 24, 1776, an amendment was issued concerning the resolutions of March 23, discussed in Chapter One. The Congress noted “whereas these United States have by a long series of oppressions, been driven into a war with Great Britain...and it is impossible to distinguish among the subjects of the same sovereign, between those who are friends and such as are enemies to the rights of America and mankind, it is become necessary to consider as enemies all the subjects of the King of Great Britain.” For privateers, this meant that all ships and vessels, including “their tackle, apparel and furniture, and all goods, wares and merchandises,” were subject to seizure if they belonged “to any subject or subjects of the King of Great Britain, except the inhabitants of the Bermudas, and Providence or Bahama

¹⁵ Ford, *JCC*, 7:172, 9:936; Bourguignon, 90.

islands.” On February 3, 1778, the Committee of Commerce was charged with “recommend[ing] to Congress proper persons in the respective states to act as attorneys in each State...for claiming the continental share of all prizes libelled in the court of admiralty of the State where they may respectively reside.” The first order of business on the twenty-sixth of that same month charged “captains or commanders of privateers, to annoy the enemy by all the means in their power, by land or water, taking care not to infringe or violate the laws of nations, or the laws of neutrality.” A month later, Congress asked the Marine Committee to revise the instructions issued to privateer commanders and report their findings to the body at-large.¹⁶

On May 8, 1778, Congress issued a proclamation concerning objections from foreign powers lodged against privateers. Neutral nations claimed American privateers attacked and captured their ships without cause and in violation of the laws of war and neutrality. The exploits of Captain Gustavus Conyngham, particularly his encounter with the *Honorio Sophia* discussed in Chapter Three, certainly played a role in the complaints Congress received. The proclamation cited American vessels for “unjustifiable and piratical acts, which reflect dishonour upon the national character of these states.” Commanders of any American vessel were to conduct themselves in a dignified manner as laid out in their commissions and instructions. Vessels of neutral powers were not liable to seizure unless “they are employed in carrying contraband goods or soldiers to our enemies.” Enemy vessels seeking sanctuary and protected by neutral coasts and nations were also off limits. In closing, the proclamation threatened that if a person participated in such illegal activities, “if taken by foreign powers in consequence thereof,

¹⁶ Ford, *JCC*, 5:605-606, 10:112, 196, 225.

[they] will not be considered as having a right to claim protections from these states, but shall suffer such punishment as by the usage and custom of nations may be inflicted upon such offenders.” The proclamation responded to the protests from foreign powers and gave the air of authority and control to the Continental Congress. However, issuing a proclamation was much easier than enforcing its contents.¹⁷

Congress continued to hear complaints from nations overseas and their citizens. A letter from the Minister of France received attention in April 1779. The contents referred to “two Spanish vessels captured by an American privateer and carried into the State of Massachusetts bay.” The case was set for a trial in the said state which, as discussed above, only allowed for cases of appeal to the Continental Congress when a vessel in service to the United States was involved. The Continental Congress could not intervene despite the fact that the case included a foreign citizen’s property. The matter was referred to the Committee on Appeals which reported to the body at-large “that it is of the highest importance to the welfare and interests of these United States, that there be an uniform and equal administration of maritime law within the said states.” The Committee noted that Congress was supposedly “invested with the Supreme Sovereign Power of War and Peace,” which included determining the legality of captures on the high seas based upon the Law of Nations. However, with the Articles of Confederation not yet ratified by Maryland, the vested powers of Congress were not in full effect. The Committee proposed that the states enact a law providing that “the United States in Congress assembled shall have the sole and exclusive right and power of establishing rules for deciding in all cases what captures on land or water shall be legal...appointing Courts for

¹⁷ Ford, *JCC*, 11:486.

the Trials of Piracies and Felonies committed on the high seas and establishing Courts for receiving and determining finally appeals in all cases of captures.” On May 22, 1779, Congress passed a resolution to transmit instructions to the states in regards to “the legality of captures on the high seas,” focusing in particular on the state of Massachusetts Bay which should “take effectual measures to expedite and facilitate an appeal from the decision of their courts on the cases of vessels or cargoes, claimed as ~~Spanish~~ neutral property, if it shall be demanded by either party.” In this instance, Congress tried to impose rules and regulations concerning capture upon the states, but the lack of authority and true power within Congress meant very little came of their request.¹⁸

A resolution on Thursday, August 26, 1779, called for the appointment of “a committee of three...to report a plan for establishing one or more supreme courts of appeal in all maritime causes within these United States.” The members included Samuel Huntington, William Paca, and John Dickinson. Two months later, the Committee made their report, which included a plan for the formation of four districts: the Eastern, Northern, Middle, and Southern. The proposal included provisions for two sets of judges, each consisting of “three persons learned in the law, who shall be commissioned by Congress during good behaviour, and sworn to execute the office of Judge faithfully and impartially.” Judges would sit in either the Eastern and Northern districts or the Middle and Southern districts with the proviso that only two need be present to hear a case. The Judges and Courts would have the power to appoint registers, levy fines and terms of imprisonment, and determine the time and place of the court meetings. All appeals received by the district courts would “be heard and determined according to the Civil

¹⁸ Ford, *JCC*, 14:508-510.

Law, the law of nations and the usage and practice of the Courts of Admiralty in Europe.” Congress took the Committee’s report under consideration until November 8, 1779.¹⁹

Monday, November 8, came and went without any discussion of the Committee’s proposal. Another week passed before Congress “took into consideration the report of the committee on the plan for the establishment of courts of appeals for determining captures on water.” After spending “some time” on the subject, the “farther consideration...[was] postponed.” In similar fashion to its protracted process of outfitting and commissioning privateers in 1775 and 1776, Congress took its time creating a Supreme Court of Appeals. Nearly a month later, on December 4, 1779, Congress agreed upon the report titled “Ordinance for establishing a Court of Appeals for finally determining captures.” The ordinance contained an important change from the initial report: there would be one Court “established for the trials of all appeals from the Courts of Admiralty in these United States in cases of captures,” not four different district courts. However, the judges were charged with holding sessions at Philadelphia, Pennsylvania, Williamsburg, Virginia, and Hartford, Connecticut. The usage of nations determined the outcome of a trial, not a jury and “all exhibits, evidence and proceedings,” were to be “in writing and at full length.” The agreement upon this ordinance did not end discussion on the subject, however. Two days later, Congress once again “took into consideration the report of the committee on a plan for establishing a court of appeals.” While “some progress” was made, “the farther consideration” was once again postponed. The following day, Tuesday, December 7, 1779, Congress met as a whole to consider the report further, but yet again having “made some progress therein, but not having come to a conclusion,” the

¹⁹ Ford, *JCC*, 14:1002, 15:1220-1223.

Congress “desire leave to sit again” until “Friday next.” Congress did not resume consideration of the court until after the New Year.²⁰

When Congress took up deliberation of the Court of Appeals once more, on January 5, 1780, the first order of business concerned adding a member to the committee, as William Paca was absent. Congress chose Oliver Ellsworth, after which Robert Livingston made a motion “that the judges of the said court hold their sessions at such time and place, as shall appear to them most advantageous to the public...provided that the court shall at no time be held to the southward of Williamsburg in Virginia, or to the eastward of Hartford in the State of Connecticut.” The motion was put to a vote. Perhaps not surprisingly, Virginia’s, North Carolina’s, and South Carolina’s representatives voted in the negative, as did Maryland’s and Rhode Island’s delegates. With the states equally divided, the motion did not pass and Congress moved on to consideration of the phrase “that the trial of all captures in the courts of admiralty be according to the usage of nations and not by jury.” The debate did not last long as the question “was put off by the State of Pennsylvania” and the session adjourned thereafter. Three days later, deliberations continued. James McLene made a motion to add the stipulation “provided that nothing in the foregoing resolutions shall be construed to admit an appeal in any case where all parties concerned are citizens of one and the same State, unless allowed by the legislature of the said State.” A vote was taken with the states once more equally divided. The entirety of the resolutions was read before another vote; again the states were split “and the question lost.” William Churchill Houston presented a motion that a new committee of four be appointed to address the question of forming a court of appeals

²⁰ Ford, *JCC*, 15:1271-1272, 1349-1350, 1356.

“and that the papers before the House on that subject be referred to them.” This new committee consisted of Oliver Ellsworth, Thomas McKean, William Churchill Houston, and Robert R. Livingston. The creation of a Court of Appeals was postponed yet another time. While privateers continued capturing prizes and sending them to port, the system by which they could claim their fair share faltered in the hands of Congress.²¹

Congress continued to debate, tweak, and change the resolutions presented regarding a Court of Appeals. On January 15, 1780, Congress voted to strike phrases, reword sentences, and confirm paragraphs. After further debate, “the remainder of the report” was “postponed.” However, Congress did take an affirming step in assigning “Saturday next...for electing the judges of the court of appeals, and that in the meanwhile, nominations be made.” For once remaining on schedule, on Saturday, January 22, Congress appointed George Wythe, William Paca and Titus Hosmer as the judges of the Court of Appeals. The following Thursday, a committee was appointed to prepare commissions for the judges. On February 2, 1780, Congress approved the commissions which noted “that, reposing special trust and confidence in your ~~patriotism~~ learning, prudence, integrity, and abilities, we have assigned, deputed, and appointed you one of our judges of our Court of Appeals, to hear, try, and determine all appeals from the court of admiralty, in the states respectively, in cases of capture.” The commission also provided that the judges were “authorized and empowered by Congress to do and perform, and which shall be necessary...for the execution of the said office, according to the law and usage of nations and the acts of Congress; to have, hold, exercise, and enjoy, all and singular, the powers, authorities, and jurisdictions...also the privileges, benefits,

²¹ Ford, *JCC*, 16:17-18, 29-32.

emoluments, and advantages to the said office belonging, or in any wise appertaining.” The Court of Appeals was nearly complete.²²

The official establishment of the Court of Appeals might be dated January 15, 1780 upon the revision of the resolutions or January 22 when the judges were appointed or even February 2, when the commissions for the judges were drafted. The penultimate date in the creation of the court may very well be Wednesday, May 24, 1780, when Congress “*Resolved*, That the stile of the Court of Appeals appointed by Congress, be, ‘The Court of Appeals in Cases of Capture.’” On this same day, Congress passed oaths for the judges and the register, as well as strict guidelines for the timeline of appeal; “appeals from the courts of admiralty in the respective states, be, as heretofore, demanded within five days after definitive sentence; and in future such appeals be lodged with the register of the Court of Appeals in cases of capture within forty days thereafter, provided the party appealing shall give security to prosecute such appeal to effect.” Congress also noted that all future appeals were the sole concern of the “newly erected Court of Appeals.” The case of the *Sandwich Packet*, brought forth in a memorial from James Wilson, was the first “transmitted to the said Court of Appeals.” Six years into the war, privateers finally had a supreme authority in cases of capture.²³

Questions concerning privateers and the newly-formed Court of Appeals continued to occupy the meetings of Congress. George Wythe declined his appointment as a Judge, whereupon Congress elected Cyrus Griffin of Virginia to the post. On May 2,

²² Ford, *JCC*, 16:61-64, 79, 100, 121.

²³ In *The First Federal Court: The Federal Appellate Prize Court of the American Revolution 1775-1787*, Henry J. Bourguignon makes the case that the Court of Appeals in Cases of Capture was established in February 1780. On the other hand, the Introduction included at the beginning of each reel of microfilm of *The Revolutionary War Prize Cases: Records of the Court of Appeals in Cases of Capture, 1776-1787*, sets the date of establishment on January 15, 1780; Ford, *JCC*, 17:458-459.

1780, Congress agreed to revised commission and bond forms presented by the Board of Admiralty, as well as “Instructions to the captains and commanders of private armed vessels, which shall have commissions or letters of marque and reprisal.” These instructions reminded captains of their right to “attack, subdue and take all ships and other vessels belonging to the crown of Great Britain or any of the subjects thereof,” except those belonging to Bermuda. The second point of the instructions stressed the importance of respecting the rights of neutral powers, an issue which still plagued Congress. Captured vessels should be brought to a convenient port with the master or pilot and one other person as witnesses. Instructional points six, seven, eight, and nine addressed treatment of prisoners, written accounts, and the percentage of land men. In closing, the directives noted that commanders “shall observe all such further instructions as Congress shall hereafter give in the premises” and that any actions “contrary to these instructions” would result in the forfeiture of the commission and liability “to an action for breach of the condition of your bond, but be responsible to the party grieved, for damages sustained by such malversation.” Congress charged the Board of Admiralty with printing copies and the President with transmitting them to the governors and presidents of the states. During the summer of 1780, Congress created a committee “to report the salaries of the judges of the court of appeals...and of the commissioners, clerks and others.” A resolution passed discharging two prize agents in Pennsylvania and, upon the death of Titus Hosmer, Congress “*Resolved*, That Friday, the 1st Sept. next, be assigned for electing a member of the Court of Appeals,” Hosmer’s replacement.²⁴

²⁴ Ford, *JCC*, 16:322, 411, 403-409, 17:721, 744.

The following year, Congress addressed further issues from France, amended instructions for privateers, and answered questions concerning capture. A reply to the French Minister, drafted by the Board of Admiralty, stated that all prizes taken by French vessels and brought into American ports would receive the same treatment as prizes taken and brought in by American vessels; a gesture of reciprocity and respect as the French allowed American captured prizes the same courtesy in their courts. The question of Hosmer's replacement received attention on February 27, 1781, in as much "that to Morrow be assigned for electing a third judge of the Court of Appeals." The next day passed without any such election. The instructions for privateers were revised on April 7, allowing for capture of all British ships with no exceptions for Bermuda or for vessels carrying settlers. James Madison proposed changes to the Court of Appeals in hopes of establishing a more defined, stronger system. He suggested specific locations and dates for sessions, as well as rules for court costs and provisions for the judges, such as black robes. Though the proposals were referred to a committee, the majority of Madison's applications never passed. In the final months of the war and in the six years thereafter, Congress modified, adapted, and addressed ordinances relating to capture, as well as instructions to armed vessels and privateers. Finally, on December 5, 1782, Congress elected a replacement for Titus Hosmer, as well as one for William Paca; John Lowell and George Read took up the positions. The question of salaries for judges also arose in 1784 and 1785. Ultimately, Congress decided "that the Salaries of the judges of the Court of Appeals shall henceforth cease," the court having not conducted any business for over a year. Cyrus Griffin, who was residing on the bench at the time, was offended by the lack of tact and appreciation shown to the Court by Congress. Hence, on February 9,

1786, Congress issued a resolution “that Congress are fully impressed with a sense of the ability, fidelity and attention of the judges of the court of Appeals, in discharge of the duties of their Office; but that as the war was at an end, and the business of that court in a great measure done away, an attention to the interests of their constituents made it necessary that the salaries of the said judges should cease.” The Court of Appeals met for the final time in May 1787; a system which took years to build ceased to exist as some of the representatives from Congress looked toward building a new form of government at the Constitutional Convention. With the end of the war, privateers no longer fulfilled an economic or military need. Rather, their exploits took on the sheen of piratical ventures, and they themselves took on the guise of individualistic capitalists seeking fortune and fame at the expense of others.²⁵

The various Special Committees of Appeals, Standing Committee of Appeals, and Court of Appeals heard over one hundred cases during their terms. In those cases for which the outcome is known, the Court of Appeals reversed the lower court’s determination on forty-four occasions and affirmed the decision in thirty-eight instances. The case at hand was dismissed in eleven appeals, while three cases were settled by the parties, two were denied on appeal, one was struck from the docket, one was granted a rehearing with the ultimate decision unknown, and one was affirmed in part and reversed in part. Men and women from throughout the colonies lodged their appeals and grievances with the Continental Congress in hopes of securing a different outcome than that judged by the colonial and state admiralty courts. The success of a privateer venture

²⁵ Ford, *JCC* 19:66-67, 200, 374-375, 21:861, 961, 985, 1147, 1152, 23:765, 26:126, 343, 28: 209, 230, 413, 29:491-493, 30:60-61.

depended upon the determination of the court in the sailors', owners', and outfitters' favor. Three such cases — *John Barry vs. The Sloop Betsey*, *Thomas Rutenbrough vs. The Schooner Frank*, and *Peter Norris vs. The Schooner Polly and Nancy* — are chronicled below as case studies of what privateers faced in the legal system and how they approached this final phase of their voyage.²⁶

Congress received the case of *John Barry vs. The Sloop Betsey* on November 7, 1776. The matter was “referred to a committee of five and that the said committee be empowered to hear and determine upon the said appeal.” Andrew Robeson, the Registrar of the Court of Admiralty in the state of Pennsylvania, created “a true and exact Copy of the Record, or Minutes of the Proceedings of the said Court,” which was delivered to Congress upon the appeal. The facts presented in the Court of Admiralty at the port of Philadelphia in Pennsylvania were as follows. John Barry, commander of the armed brigantine of war *Lexington*, and James Robertson, commander of the privateer sloop of war *Chance*, sought the condemnation of the sloop *Betsey* as lawful prize. The *Lexington* was “fitted out and armed at the Continental Charge,” while the *Chance* was “equipped victualled fitted out and armed at the Expence of sundry Persons Inhabitants of these United States.” While sailing on the high seas in August 1776, Barry and his crew “did discover pursue apprehend and as lawful Prize take the Sloop or Vessel called the *Betsey* commanded by Samuel Kerr.” William Lewis, Proctor of the Court for the Libellants Barry and Robertson, claimed the *Betsey* was property of a subject or subjects of the King of Great Britain. During her cruise, Lewis maintained, the *Betsey* “was employed in transporting provisions and Necessaries to the British Army and Navy within the United

²⁶ *RWPC*, Introduction.

States of America.” In addition, the cargo hold of the *Betsey* contained several African slaves. Lewis petitioned for the condemnation of the *Betsey*, her apparel, tackle, furniture, and cargo, including the six enslaved persons.²⁷

Judge George Ross asked his court marshal to “summon twelve honest and lawful Men of the County of Philadelphia” to serve as jurors in the case; they were told to appear in court on September 29, 1776. The Judge also ordered the Registrar to give public notice of the case according to the Resolves of Pennsylvania. An announcement appeared in the *Pennsylvania Packet* on September 10, 1776, which stated, “Notice is hereby given, That a Court of Admiralty will be held at the State-House in the city of Philadelphia, on Thursday, the twenty-sixth day of September inst. at ten o’clock in the forenoon” for the purpose of hearing the case of John Barry vs. the Sloop *Betsey*. The notice requested “that the owner or owners of the said sloop, cargo and slaves, or any person concerned therein, may appear and shew cause, if any they have, why the same should not be condemned according to the prayer of the said bill.”²⁸

Meanwhile, William Lewis planned to make his case on behalf of his clients, Barry and Robertson. The court prepared questions for possible interrogations and Lewis readied various exhibits. The first exhibit was a signed statement from John Hancock confirming John Barry’s appointment as commander of the *Lexington* “fitted out at the Continental charge.” The next piece of evidence Lewis presented was the privateering commission of James Robertson, dated July 2, 1776, in Philadelphia. The final exhibit

²⁷ *RWPC*, Roll 1, Case 4. Note in the Microfilm housed at the University of Georgia’s Alexander Campbell King Law Library, the papers for Case 4: Barry v. The Sloop Bestsey and papers for Case 5: Joyne v. The Sloop Vulcan seem to be misfiled. The papers for each are interchanged and filed under the heading for one another. However, it appears that both cases are complete in terms of the papers contained therein albeit under incorrect case titles.

²⁸ *RWPC*, Roll 1, Case 4; “Advertisement,” *Pennsylvania Packet*, published as *Dunlap’s Packet or, the General Advertiser*, September 10, 1776.

contained the moniker of John, Earl of Dunmore, of the state of Virginia. The license, dated the 31st of July 1776, stated “we do hereby take into his Majesties Service the Sloop *Betsey* Samuel Kerr Master.” Kerr was ordered to proceed to St. Augustine, Florida with his family, other passengers, and a cargo meant “for the Use of his Majestie or for the Use of the Inhabitants of any Town or Place governed and possessed by his Majesties Troops and no others.” The license was in effect for a period of three months. With this last document, Lewis sought to prove the *Betsey* was an enemy vessel.²⁹

The first, and only, witness called was Samuel Kerr, commander of the *Betsey*. Kerr explained during his examination that the *Betsey* was captured by the brigantine *Lexington* while the privateer *Chance* was in sight, which explains why Barry and Robertson sought condemnation of the prize vessel jointly. Kerr explained “that the said sloop [*Betsey*] was not fitted for War” at the time of capture. The cargo on board, according to Kerr, belonged to inhabitants of Virginia and North Carolina including himself, his brother George Kerr, Robert Sheddon, and Henry and Thomas Brown among others. Kerr confirmed that the vessel sailed from the Portsmouth River in Virginia and was bound for St. Augustine when captured by the *Lexington*. The slaves on board, according to Kerr, were set for delivery in Florida to various owners; for example, “Phillis the property of M^{rs} Bruff of Hampton in Virginia who had ran away from her Mistress...had been taken on board for the purpose of redelivering her to her said Mistress.” Lastly, Kerr testified that “no papers or Writings [were] thrown overboard or destroyed on board the said Sloop to this Deponent’s knowledge except some in the presence and by the permissions of Captain Barry aforesaid and not at all relating to the

²⁹ *RWPC*, Roll 1, Case 4.

said Vessel or her Cargo.” Thus concluded Samuel Kerr’s testimony, given in court on September 26, 1776.³⁰

The case then rested in the hands of the jury and Judge Ross. After examining all of the exhibits and taking time for deliberation, the jury returned a verdict “that they find all the Facts alledged and set forth in the Bill aforesaid are true.” Whereupon, Judge George Ross gave his “definitive Sentence or Decree,” which ruled “that the Sloop or Vessel called the *Betsey* with her Tackle Apparel and Furniture and the Goods Wares and Merchandizes found on board the said Sloop at the Time of her Capture and the Negro Slaves in the said Bill named and mentioned be condemned as lawful Prize.” Judge Ross ordered the marshal “to sell the same at publick Vendue.” The monies deriving from the sale of the *Betsey* were to be divided into one-hundred-thirty-five shares. Forty-one shares went to James Robertson and his officers, mariners, and seamen. The other ninety-four shares belonged to John Barry and his crew; however, according to his Continental commission, two-thirds of those shares were “for the use of the thirteen United States of North America.”³¹

Two days later, on September 28, 1776, Samuel Kerr, via a proctor, filed an appeal with the Court. On behalf of himself and several others who owned cargo aboard the *Betsey*, Kerr “appeal[ed] from the Verdict and Sentence given in this Cause to the honorable Continental Congress.” Kerr offered a security “in the sum of six thousand pounds lawful money,” after which Andrew Robeson created his “true and exact Copy” of the case record. A Congressional Committee of Appeals, consisting of George Wythe, Robert Treat Paine, James Wilson, and William Hooper, reviewed the case. Written on

³⁰ *RWPC*, Roll 1, Case 4.

³¹ *RWPC*, Roll 1, Case 4.

the final page of the case records, below Robeson's attestation, the Committee gave their ruling on November 23, 1776. The verdict reads, "the committee of congress who were appointed to hear and determine this appeal have heard the parties by their counsels and the record and proceedings being seen and diligently inspected, and by the committee fully understood, it seems to the committee that there is no error in the verdict and sentence aforesaid: therefore it is considered by the committee that the same be affirmed." Kerr lost his appeal; Barry and Robertson successfully claimed their prize.³²

The case of *John Barry vs. The Sloop Betsey* highlights the significant role the courts played in the success of a privateer venture. For Captain James Robertson and his crew, they seemed to be in the right place at the right time as the *Lexington* captured the *Betsey*; their role though, however small, entitled the officers and sailors to a share of the prize. The confirmation by the Committee of Appeals of the Pennsylvania Court of Admiralty's decision ensured a successful cruise — and decent pay day — for the privateer vessel. Yet not all privateering efforts were as lucky as the following case illustrates.

On October 29, 1776, the sloop *Montgomery*, commanded by Captain Thomas Rutenbrough, captured the schooner *Frank*, commanded by Sylvanus Waterman, during the latter vessel's return journey to Jamaica. Rutenbrough and his crew carried their prize into the port of Providence, Rhode Island where they brought suit in "the Court of Justice for the Trial of Prize Causes in and throughout the State of Rhode Island and Providence Plantations in America." Rutenbrough claimed that the *Frank* was "employed in carrying supplies to the Enemies of the said united States contrary to the Resolves of Congress the

³² *RWPC*, Roll 1, Case 4.

Laws of this State and the Law of Nations.” He asked Judge John Foster to grant the *Frank* as lawful prize to the *Montgomery*.³³

Matters were quickly complicated when Mary Alsop entered the picture. Mary Alsop was the widow of Richard Alsop, formerly of Middletown, Connecticut and owner of the *Frank*. As her husband’s administrator, Alsop claimed that the *Frank* was “never the Property of any of the Subjects of the King of Great Britain neither was the aforesaid Schooner in the Employ or Service of the Enemies of the United States, neither was the Cargo of said Schooner Destined to Supply the Fleet or Armies of the King of Great Britain or any of the Enemies of the United States,” but rather her husband, Waterman and his crew were “good subjects of the United States of America.” The case at hand was significant for the cargo of the *Frank* included “91 Casks of dry Fish about 40 Quintals of Fish loose Stowed in the Aft Hold about 12 Casks and 3 Barrels of Oile and 5 Barrels of Herrings,” in addition to the vessel with all its apparel, tackle, furniture, and appurtenances. Mary Alsop sought the restoration of her ship and property.³⁴

The facts of the case, at first glance, appear simple enough. A commissioned private vessel, the *Montgomery*, took the *Frank* on the high seas under the rule that ships aiding the enemy were considered fair game. Mary Alsop claimed the *Frank* was property of a loyal subject of the United States and therefore not a legal prize. Yet, the story of the *Frank* was anything but simple. When the *Frank* first left the port of New London, Connecticut, the vessel was sailing under the name *Dolphin* and with papers to that effect. Waterman was charged with commanding the vessel on a voyage to Jamaica, where he would discharge his cargo. He was then to gain “a Cargo of The Produce of s^d

³³ *RWPC*, Roll 2, Case 11.

³⁴ *RWPC*, Roll 2, Case 11.

Island and then return with s^d Schooner directly to New London and Middletown.”

However, while anchored at port in Jamaica, Waterman claimed he heard news of the battles of Lexington and Bunker Hill. According to his deposition, Waterman feared for the safety of his vessel and believed the *Dolphin* would fall prey to a British vessel.

Therefore, Waterman made a decision “without Orders from his said Owner & with intent only to save said Schooner & Cargo from Condemnation as American property;” he sold the *Dolphin* to a local merchant in order to gain new papers. The vessel was renamed the *Frank*.³⁵

Waterman maintained he departed Montego Bay in Jamaica with the intent of sailing directly for New London, Connecticut. However, just as the *Frank* came within sight of Long Island, the crew “discovered an armed Ship lying at anchor which he judged to be a British Sloop of war.” The *Frank* changed course to avoid the enemy. An unfriendly wind, according to Waterman, caused him to change course again, this time for Newfoundland, where they arrived on October 4, 1776. Waterman asserted he tried to make it to New London once more, but was thwarted by “two British frigates.” Instead, the *Frank* made several trips between Newfoundland and Jamaica before the *Montgomery* ultimately captured the vessel. The deposition of Waterman ended with the Captain’s insistence that he had “constantly endeavoured in every method he thought safe...to comply with his Original orders & return with said Schooner to New London & Middletown.” The original ship’s papers, which proved Alsop’s ownership of the

³⁵ RWPC, Roll 2, Case 11.

Dolphin, were “destroyed when [the vessel] was chased by s^d Sloop of war;” thus concluded the deposition of Captain Sylvanus Waterman.³⁶

The records also contain depositions from several additional individuals presented for the court’s consideration. Jeremiah Wadsworth of Hartford offered that he knew Richard Alsop well before his death and that the deceased often spoke of his ship, the *Dolphin*. Wadsworth also contended that “Waterman always bore the Character of a Friend to the united States of America and son of Liberty, and also that of a man of inflexible Integrity and Truth.” Nathaniel Shaler, a man from Middletown, concurred with Wadsworth’s testimony. Both depositions were “taken at the request of M^{rs} Mary Alsop” who attempted to prove the loyalty of her Captain and her husband’s ownership of the vessel. A sailor who joined the voyage in Montego Bay, Jamaica, gave a statement as well which confirmed Waterman’s story of sailing for New London and encountering the British enemy. The seaman claimed he initially served aboard a different vessel owned by Richard Alsop, but transferred to the *Frank* in hopes of returning home sooner; at that time, he had the “understanding that she belonged to the same owner,” Alsop. Ashbel Burnham noted in his deposition that when word of Lexington and Bunker Hill arrived in Jamaica, the news “alarmed us very much and was informd that all american Property was Seized and taken by the man of War cruising on our Coast.” Burnham affirmed that he encouraged Waterman to change his papers “by altering the Register” and taking out new ones in the name of someone who was friendly to America, but not an American citizen. Burnham contended he brought home a copy of the receipt “to M^r

³⁶ *RWPC*, Roll 2, Case 11. A deposition was taken of Sylvanus Waterman by Titus Hosmer, Justice of the Peace, due to the distance from the court, an illness contracted by the captain, and Waterman’s inability to attend the court session in person.

Alsop myself.” Upon these facts, Mary Alsop asked for a dismissal of the libel and exoneration of the ship.³⁷

The Judge declared against her and a jury was impaneled. In the case of Thomas Rutenbrough vs. the *Frank*, the jury found “that the aforesaid Vessel has been employed in carrying and Supplying the Enemies of the United State of America contrary to the Resolves of the Congress the Laws of this State and the Laws of Nations.” Upon which, the Judge proclaimed the vessel “condemned” for the use of Rutenbrough and his crew and called for auction “at [a] Public Vendue to the highest Bidder or Bidders as soon as may be...first giving Publick Notice of the Time and Place of Sale.” Mary Alsop appealed the decision to the Continental Congress.³⁸

Theodore Foster, clerk of the Rhode Island Court of Justice, compiled a packet of nineteen pages which “make and contain a True Copy of the whole Cause as the same was heard and Tried...on the Libel of Thomas Rutenbrough against the Schooner Frank,” which was submitted to the Continental Congress. The appeal was lodged with Congress on March 6, 1777, and referred to the Standing Committee on Appeals on Thursday, April 24, 1777. James Wilson, John Adams, and Thomas Burke heard the appeal and handed down their judgment on May 20, 1777. The decision was thus, “having heard and fully considered as well all and singular the Matters and Things contained and set forth in the Records or Minutes of the Proceedings of the Court of Admiralty” of Rhode Island, the committee pronounced that the decree of the Rhode Island Court “be in all its parts revoked reversed and annulled.” The *Frank* along with all its appurtenances, as well as the cargo on board at the time of capture, were to “be restored and redelivered unto Mary

³⁷ *RWPC*, Roll 2, Case 11.

³⁸ *RWPC*, Roll 2, Case 11.

Alsop and Sylvanus Waterman the Claimants in the said Cause.” In addition, Thomas Rutenbrough was charged with paying Alsop and Waterman ninety-five dollars “for their Costs and Charges by them expended in sustaining and supporting their said appeal.”³⁹

Thomas Rutenbrough and the crew, owners, and outfitters of the privateer *Montgomery* lost their hard earned prize in this case of appeal. Rutenbrough had no further recourse. The decision of the Standing Committee was final. Thus, a venture which seemed fruitful a year earlier turned out for naught. In fact, the cruise operated at a ninety-five dollar loss. Privateers ran such risks with every voyage they undertook. The crew did not receive any prize money. The owners did not receive any return on their investment. In the world of privateers, there were no guarantees. Even if a privateer voyage resulted in a prize in port that did not automatically convert into prize money as this case illustrates.

Threats to a voyage came not only from the owners of a prize vessel, like Mary Alsop and her deceased husband, but from members of the privateer crew itself. In October 1777, Captain John Porter and the privateer *Rutledge* set sail from Charleston, South Carolina. Two weeks into their voyage, the *Rutledge* made prize of a sloop, the *Pallas* “which was Armed and fitted out as a Tender to the said Sloop Rutledge for the more Successfully Cruizing against the Enemy.” Over the next few weeks, the *Rutledge* and the *Pallas* fell in and out of contact with one another as each pursued potential prizes. The *Pallas* took prize of “a small schooner on board of which prize, Captain Porter the Commander of the said Sloop Rutledge put” Peter Norris “as Prize Master.” After parting ways again due to heavy winds, the *Pallas* and her prize regained contact upon which

³⁹ *RWPC*, Roll 2, Case 11; Ford, *JCC*, 7:297.

“they descried a Sail, to which the Tender gave Chace, and in about an hour afterwards took her, that she proved to be a Schooner Called the *Polly and Nancy* Commanded by Captain John Davis from Mobile bound for Jamaica.” Matthew Smith, Captain of the *Pallas*, ordered Peter Norris to transfer to the *Polly and Nancy* as prize master. All three, the *Pallas*, the first prize, and the *Polly and Nancy*, set course for Charleston upon Smith’s orders.⁴⁰

Of all three ships in the company, the *Pallas* was the only armed and outfitted vessel; the *Pallas* also carried the majority of prisoners from the *Polly and Nancy*, including her Captain, John Davis. Davis led the other mariners aboard the *Pallas* in an attack against Smith and his crew. “With his Mutineers in full possession of the Tender,” Davis bore down upon the other prize schooner and recaptured her. He then turned his attention to the *Polly and Nancy*, which he eventually overpowered. At this time, John Davis controlled all three vessels. He placed Peter Norris aboard the *Polly and Nancy* as prize master and ordered the vessel to Jamaica. After a day or so on this heading, Davis decided to change course and sail for Mobile. Norris followed in the *Polly and Nancy* as he was ordered. Five days later, Norris and four other seamen rose up and re-took control of the vessel; they immediately changed course and sailed for the port of Charleston, South Carolina.⁴¹

Upon arrival in Charleston, Peter Norris brought his case to the Court of Admiralty. He sought the condemnation of the *Polly and Nancy* as lawful prize to himself and the other sailors: William Thomas, Patrick McLean, James McDaniel, and Daniel Russell. According to his version of events, Norris “was threatened with the loss of his

⁴⁰ *RWPC*, Roll 3, Case 25.

⁴¹ *RWPC*, Roll 3, Case 25.

head if he should open his Mouth to speak” when Davis overtook the *Polly and Nancy*. Davis then appointed Norris Master of the *Polly and Nancy*. During their short voyage together, Norris told the Court, Davis “spoke with this deponent and with imprecations and menaces threatened to blow out his brains in Case he should attempt to run away and again fall into his hands.” Despite these threats, Norris claimed he vowed to retake the ship, which subsequently, he accomplished and then sailed into Georgetown. William Thomas, a mate on the *Polly and Nancy*, and Daniel Russell affirmed Norris’ account.⁴²

Judge Hugh Rutledge ordered Edward Weyman, the Marshal of the Court, to announce the case to the public. Such announcement gave anyone with just cause the opportunity to present themselves and “to Shew Cause if any they have, why the said Schooner her Tackle, furniture, Apparel and Cargo should not be Condemned as lawful prize according to the prayer of the said Libell.” Jacob Read, the man appointed proctor for Norris and his fellow sailors, then presented several papers taken on board the *Polly and Nancy* including a certificate from the port of Mobile which stated the vessel would not unload in any European port North of Cape Finisterre unless it be in Great Britain or Ireland. The papers also included a clearance from His Majesty’s Customs House in Mobile; both of which Read presented as proof that the vessel belonged to subjects of the King of Great Britain and thus was an enemy of the United States and subject to capture. On Friday, February 20, 1778, Edward Rutledge, on behalf of John Porter, Captain of the sloop of war *Rutledge*, lodged a claim in the case. Porter was not challenging the

⁴² *RWPC*, Roll 3, Case 25.

condemnation of the *Polly and Nancy*, rather Porter was challenging who had right to the prize vessel.⁴³

Porter argued he and “the Owners, Officers, Seamen & Mariners of and belonging to the said Sloop Rutledge” had the definitive claim over the *Polly and Nancy*. The men sailing aboard the *Rutledge*, including Norris and his comrades Thomas, McDaniel, Russell, and McLean, had signed Articles of Agreement prior to setting sail on their voyage, Porter maintained. These Articles of Agreement, presented to the Court by Porter’s representative Edward Rutledge, “agreed that all prizes taken on the said Cruise, should be divided between them in such proportions as were Settled by the said Articles.” On behalf of Porter, Rutledge asked the Court that the prize and its appurtenances “be divided by and between them in such Shares and proportions as if the same had been taken by the said Sloop Rutledge and Justice may be done.” On Monday, February 23, the Judge ordered a drawing of the jury. Norris responded to Porter’s claims, via his Proctor Jacob Read, who stated “that the said Petition and Claim of the said John Porter to the said Libel are very untrue imperfect and insufficient to be replied unto.” Norris was prepared to defend his claim to the *Polly and Nancy*.⁴⁴

Edward Weyman summoned all of the jurors, save two who could not be found, and made public announcement of the case. Two witnesses were called on behalf of Norris in an attempt to bolster his claim, William Williamson and James Cavannah. Williamson, who was part owner of the *Polly and Nancy* prior to its capture, was taken prisoner when the vessel was seized and corroborated most of Norris’ initial claim. However, Williamson could not “say who were or could be said to be owners thereof” of

⁴³ *RWPC*, Roll 3, Case 25.

⁴⁴ *RWPC*, Roll 3, Case 25.

the *Polly and Nancy* after it was captured the final time by Norris and his fellow sailors. Cavannah joined the crew of the *Polly and Nancy* at Kingston, Jamaica and was aboard during the voyage to Mobile when taken by the tender *Pallas*. He confirmed Norris was placed on board the ship as prize master and that Captain Davis retook the vessel and appointed Norris “as Master and Navigator.” Perhaps most importantly for Norris and his case, Cavannah testified “that the said Norris and others after they so took her [the *Polly and Nancy*] became owners thereof.” Rutledge and Read both presented further evidence and “Cited Cases” in support of their claims and causes before the case was handed over to the jury for deliberation. The jury returned shortly thereafter with a verdict “We find for the Claimants, and that the Actors be intituled to their shares agreeable to the Articles.....John Scott foreman.”⁴⁵

The judge ordered the *Polly and Nancy* into the hands of Porter’s agent who was charged with selling the vessel, giving notice of payments “in one of the Publick Gazettes of this State,” distributing the correct payments and shares to those involved in the case, and returning to the Register of the Court “an account of the Sales of said Schooner and Cargo” within twenty days. Judge Rutledge also ordered Norris and his fellow actors to pay the court costs for the claimants; any remaining court costs were to be paid from the money gained from the sale of the *Polly and Nancy*.⁴⁶

Peter Norris was not satisfied with the judgment handed down by the Court of Admiralty in the state of South Carolina. Less than a week later, Jacob Read lodged a petition on behalf of Peter Norris for the right to appeal the verdict. Read argued that ownership of the *Polly and Nancy* changed hands over the course of its capture and

⁴⁵ *RWPC*, Roll 3, Case 25.

⁴⁶ *RWPC*, Roll 3, Case 25.

recapture. When John Davis mutinied against the *Pallas* and took the *Polly and Nancy* as prize, Read contended, the vessel returned to the hands of British owners, enemies of the United States. Read cited the Resolves of the Continental Congress which stated “that any vessel or Cargo the Property of any British Subject not an Inhabitant of Bermuda, or any of the Bahama Islands brought into any of the Ports or Harbours of any of these United States, by the Master of Mariners shall be adjudged Lawful Prize & divided among the Captors.” Furthermore, Read reasoned, the evidence presented during the case and the examination of witnesses illustrated “that the Schooner *Polly and Nancy* was British property, bound on a Voyage to Mobile on the day of her being taken and seized by my Party Actors in this Cause.” John Porter and his crew, according to Read, lost any right to the *Polly and Nancy* when it was retaken and kept for days by Captain John Davis, a British owner. Read also took issue with an opinion issued from Judge Rutledge to the Jury that said the Resolution should not “operate in this Cause” for the Articles of Agreement signed by the crew, owners, and officers specifically addressed the division of prize shares. Read summarized his argument made during the case that the arms and ammunitions of the sloop of war *Rutledge* were not used to capture the *Polly and Nancy* the second time, nor were her crew or “Implements of War” under her commission used in the seizure. Peter Norris and the other actors of the case took the *Polly and Nancy* after they were taken as prisoners of war, Read continued. Norris took the vessel under his own initiative after he was placed on board by a British Owner and Captain, John Davis. The sloop of war *Rutledge* was not involved in the second capture of the prize, according to Read’s petition.⁴⁷

⁴⁷ *RWPC*, Roll 3, Case 25.

Read took his party's claim a step further during the case quoting an Act of Assembly passed by the State of South Carolina in regards to recapture and salvage rights. If a ship owned by subjects of the United States was taken on the high seas by the enemy, and then retaken and brought into any port in the state, those who retook the ship were owed a salvage fee based upon the number of hours the vessel spent in British custody, so long as the Court found in favor of the original owners or claimants. In the case of Peter Norris, Read postulated, the *Rutledge* gained legal rights over the *Polly and Nancy* when it initially captured the vessel. However, the ship then spent "upwards of Ninety six hours in the hands of the British owner" before Peter Norris and his mates recaptured the ship. Hence, Read proclaimed, Norris and his fellow actors were "intitled to one half of the said schooner in lieu of Salvage for the same." Yet, Judge Hugh Rutledge once again ruled against Read and stated that the Act of Assembly did not apply in this case. Read concluded "Whereby the Jury were as aforesaid Induced to find against the Actors, nor did they allow the Actors any manner of Salvage for the said Schooner contrary to Right and Justice and the said Resolutions of Congress and Laws of this State." Upon these grounds, Jacob Read lodged his appeal. Edward Rutledge, proctor for John Porter, protested "against the admission of said Appeal," which was entered in the court records. Nevertheless, the appeal was brought to Congress and received on April 20, 1778.⁴⁸

No papers survive regarding the consideration of the Committee or the reasons for their decision. The only note contained in the papers concerning the case states "Decree of y^e Court below Confirmed Aug^t 14, 1778." In the case of *Peter Norris vs. The*

⁴⁸ *RWPC*, Roll 3, Case 25.

Schooner Polly and Nancy, the perils of a privateer venture are highlighted beyond the ebb and flow of the high seas. Members of the privateer crew could pose potential hazards, not just as mutineers, but as appellants in a court case. A prize taken could easily turn into a prize lost, whether lost in the Atlantic or in the court room. Luckily for John Porter and the owners and crew of the *Rutledge*, their prize was restored to them. However, for Peter Norris and his fellow sailors on board the *Polly and Nancy*, their additional efforts in retaking the prize amounted to nothing more than their initial share of the vessel and her cargo.⁴⁹

After a prolonged process of creation, the Admiralty Court system in place during the American Revolution was functional at best. As a result, privateers habitually grappled with the ever-changing Resolves of the Continental Congress and the Resolutions of various state governments. While members of Congress understood the need for an official Court of Appeals, they probably did not understand what was at stake on an individual level for those involved in privateering ventures. While soldiers in the Continental Army worked on a fixed term of enlistment with an understood pay schedule and salary, privateers fought for the opportunity to receive payment, albeit a potentially greater one if fortune and the courts favored their cause. Thus the outcome of a case could often mean the gain or loss of thousands of dollars for a privateer captain, owners, outfitters, and crew; one well-endowed cargo hold and well-equipped and outfitted prize could mean the difference between success and devastation for merchants and sailors.

⁴⁹ *RWPC*, Roll 3, Case 25.

The court system also presented a situation ripe for public opinion to fall against the positions and legacies of privateers. The Continental Congress and state governments commissioned, ordered, and encouraged privateers to capture enemy vessels on the promise of receiving a financial incentive for the taken prize. Yet when privateers returned their captured vessel to port, a convoluted system of claims awaited them. In other words, while Continental soldiers and officers were paid for duty and services rendered, privateers were forced to publicly and legally justify their actions — actions bolstered and supported by Congress in the first place.

Some of these cases lasted long after the final shots were fired at Yorktown, leaving privateers in what was often deemed an unpatriotic position. Despite the risks they took on behalf of the American cause, privateers came to be viewed as profiteers more often than not — and as men who had not sacrificed in the manner of their land-based counterparts in the army, or even resembling the sailors of the regular Continental Navy. As Chapter Five will illustrate, the damage done to the legacy of privateers had consequences in the Revolutionary period; the apparently unseemly actions of these marauding vessels and crews left privateers on the outskirts of the triumphant Revolutionary narrative.

CHAPTER FIVE:
“TO GLORY LET US RUN”¹

Mansel Alcock, owner and outfitter, struggled with his conscience over his interest in privateers. Early in the war, Alcock was a “warm advocate for privateering.” He witnessed the positive effects of the enterprise: the prizes, goods, and money brought into the maritime ports and towns. The sea was a way of life in the coastal areas of Massachusetts and Mansel Alcock was a part of that legacy.²

Yet recent events and reports in the spring of 1778 from John Baptiste Millet, a Salem privateer captain and ship owner, caused Alcock to doubt his involvement. He became “almost a Convert to the Interests of the Army” and believed “I should always have been so.” The Army needed men; men that privateers eagerly took without a second thought to the consequences of their actions. Privateers could be unpredictable and act in unlawful ways. Alcock did not realize the threat privateers posed; “I had such a high Opinion of Our Virtue & Our strength, that I only look’t on Privateering as the exuberance of both.” However, he had seen the error of his ways. “I find myself mistaken,” Alcock admitted, “stand rectified in my Opinion & shall act accordingly, tho’ I cant entirely give up Privateering, as its confin’d but to few States.” Even though

¹ Sailor, *Manly, A Favorite New Song, in the American Fleet. Most humbly addressed to all the jolly tars who are fighting for the rights and liberties of America. By a sailor.— It may be sung to the tune of Washington.* (Salem, Massachusetts: Printed and Sold by E. Russell, upper end of Main-Street, [1776?]).

² Mansel Alcock to Timothy Pickering, Jr. [Beverly or Salem, MA, April 1778], in William Bell Clark, ed., *Naval Documents of The American Revolution* (Washington: Naval History Division, Dept. of the Navy: For sale by the Superintendent of Documents, U.S. Government Printing Office, 1964 -), 12:5. (Hereafter cited as *NDAR*).

Alcock recognized his faults, he also realized the profits he would forfeit if he quit the privateering business altogether.³

Such was the dilemma that many Americans faced during the Revolution. To support privateering was to support what many viewed as a legalized form of piracy. To give up the venture was to relinquish any potential prizes and prisoners that may come from the numerous cruises. Privateers occupied this grey area during the war and, despite their efforts on behalf of the colonies, were later passed over by men like Alcock who ultimately decided that privateering was not a pastime of gentlemen.

Privateers faced numerous obstacles in their ventures including enemy ships, poor weather, capricious European governments, and a complicated court system which occasionally left the adventurers empty-handed. Yet, the final obstacle privateers encountered was the court of public opinion. Despite their patriotic, and sometimes heroic, undertakings during the war, privateers eventually accrued an enduring legacy of faithless and fickle actions and intentions. In the early years of the Revolution, investors, owners, captains, and crews took it upon themselves to bring the war directly to the coast of England inflicting damage to British merchant ships and causing insurance rates to rise. Some Americans in the colonies cheered the efforts of privateers; they understood that the fledgling Continental Navy could not compete with the British juggernaut that was His Majesty's fleet.

Privateers were an ever-present threat, annoying and harassing the British at every turn. However, these marauders were also unpredictable, unruly, and self-interested as

³ Mansel Alcock to Timothy Pickering, Jr. [Beverly or Salem, MA, April 1778], in *NDAR*, 12:5.

Chapters Two and Three have shown. Privateers did not always follow their instructions. Some crews sought profit, whatever the cost, whether from an enemy vessel or, as Gustavus Conyngham's experiences highlighted, from a neutral vessel; all contrary to the Law of Nations, which left the Continental Congress in a difficult situation. Public perceptions of privateers were both positive and negative throughout the entirety of the war; a prize brought in to port might be hailed by one colonist and denigrated by another. At the war's inception, individual reports of successful voyages filled colonial newspapers and bolstered opinions towards privateers. Yet, at the end of the war, due to the unsavory actions of some privateers, the negative perceptions of leading men, like George Washington and John Paul Jones, and the elite men who did not want to include piratical type actions in the overall narrative of the nation's founding, negative feelings about privateers grew stronger and these combatants were eventually overlooked.

Correspondence, newspaper articles, and intelligence reports from the Revolutionary period underscore the complicated feelings and points of view present in American and European society in regards to privateers, their choices, their actions, and their ultimate place within the Revolution's legacy. Employing these diverse sources, this chapter examines the various perceptions of privateers and how these, ultimately overwhelmingly negative, opinions led to a post-war narrative of the conflict in which privateers were relegated to the outskirts; unworthy of inclusion alongside the likes of George Washington, John Paul Jones, Thomas Jefferson, Benjamin Franklin, and John Adams, not to mention the patriotic Continental troops, navy sailors, and state militias which fought on behalf of the American nation. This chapter will examine positive perceptions first, both in correspondence and newspapers; focus will then turn towards

negative perceptions of privateers beginning with British newspapers, followed by colonial correspondence — especially in regards to the shortage of men for Continental endeavors — views of commanders like Washington and Jones, the European point of view, and finally, conclude by examining the effects of privateering and the legacy and post-war treatment concerning privateers.

Privateers served an important purpose during the Revolution. While the Continental Navy struggled to get off the docks and stay afloat for the entirety of the war, these privately-armed vessels continually plied their skills and kept the British admiralty, navy, and citizenry on high alert. The effects of privateering are not in question in this chapter. Rather, the issue in the post-war period was what to do with these privateers, or, better still, how to remember them, if at all. Many committed illegal actions during the war and the correspondence used in this chapter illustrates the ire, disgust, and indignation European nations felt in regards to these sailors. Following the conflict, the newly-minted American nation sought recognition from and reconciliation with its former mother country. America needed Britain's approval and, perhaps more importantly, her trade. The threat of privateers and the memories of their illicit actions — at least from the English perspective — created a problem for the Americans. Privateers could not be part of the triumphant narrative of patriotism and independence. They represented piratical actions in the eyes of the British. American representatives could not openly celebrate privateers while courting the favor of the British crown. Nor did the elite gentlemen who had worked tirelessly to create this new nation want their reputations and legacies tainted by privateers. A rebellion, such as the one fomented in the colonies, only becomes a successful revolution if all the pieces fall into place. The privateer piece of the

puzzle, as this chapter will argue, simply did not fit the commemorative picture the Founders had in mind.⁴

Elbridge Gerry, a strong proponent of privateering, penned a letter to Samuel Adams on October 9, 1775. Months before the Continental Congress officially declared independence, Gerry wrote, “my attention is directed to the fitting out of privateers, which I hope will make them swarm here.” Gerry inquired of Sam Adams, “is it not time to encourage individuals to exert themselves in this way?” Gerry noted that General Thomas Gage of the British army had already attacked supplies collected for the Continental army. Privateers were the quickest and surest way to fight back. Indeed, Gerry continued, “can we hesitate at this time about the propriety of confiscating vessels employed by him [Gage] to infest the coasts, or supply his troops, or can we doubt the propriety of encouraging individuals by giving them the advantage resulting from their reprisals, when it is certain that other plans will not meet with such success as will probably attend this?” Gerry was not concerned with the moral correctness of fitting out privateers. Rather, he saw the potential victories which could result from swiftly taking

⁴ See T.H. Breen, *American Insurgents, American Patriots: The Revolution of the People* (New York: Hill and Wang, 2010); Edward Countryman, *The American Revolution* (New York: Hill and Wang, 1985); Joseph J. Ellis, *His Excellency: George Washington* (New York: Alfred A. Knopf, 2004); David Hackett Fisher, *Washington's Crossing* (Oxford & New York: Oxford University Press, 2004); David McCullough, *1776* (New York: Simon & Schuster, 2005). In the years preceding the United States Civil War, privateers took on the mantle of romantic characters in fictional works. Whereas privateers were taken out of the Revolutionary wartime narrative in an effort to keep the Republic pure, they were found elsewhere in the public's imagination. See, for example, Ned Buntline, *Seawaif, or The Terror of the Coast* (New York: F.A. Brady, [1859]); Austin C. Burdick, *The Sea Lion, or, The Privateer of the Penobscot: A Story of Ocean Life and the Heart's Love* (New York: Samuel French, 1853); Sylvanus Cobb, Jr., *The Golden Eagle: or, The Privateer of '76: A Tale of the Revolution* (Boston: Published by F. Gleason, at the Flag of Our Union Office, Museum Building, Tremont Street, 1850); Sylvanus Cobb, Jr., *The Maniac's Secret, or, The Privateer of Massachusetts Bay: A Story of the Revolution* (New York: Samuel French, [185-?]).

action in the private sphere. In the eyes of Elbridge Gerry, privateering was a worthy endeavor as long as the British suffered in the end.⁵

Early in the war, a number of Gerry's fellow leading colonists agreed with him in their outlook on privateering. Jack Thompson, residing in St. Eustatius, wrote in disbelief on April 13, 1776 that "the merchants at New-York, Philadelphia, and other places on the Continent do not fit out privateers as last war, with commissions from Congress to take all vessels coming from or going to Europe, from any part of the world whatever, as English bottoms." Thompson noted the British Admiral was handing out commissions at Antigua and Dominica. "I must say," he opined, "I do wish the Americans would return the compliment." He further speculated that "if two or more privateers did once appear in the West Indies, all kinds of produce, particularly sugar and rum, would fall 25 per cent." Thompson understood how the mere threat and presence of privateers could affect the British economy.⁶

In a May 1776 letter, William Hunt informed Elbridge Gerry of privateering operations which had captured "fifteen hundred whole barrells of Gun Powder, containing about – seventy five Tons, one Thousand stands of Arms a large quantity of intrenching Utensils – a Number of travelling Carriages, a quantity of English Goods &c." Hunt continued, "the Privateers are gone after more," and intelligence was gathered that General Howe and the British had evacuated Boston and were headed for Halifax. According to Hunt's information, the "Privateers intend doging of them & find out who they are where they are bound." Samuel Phipps Savage received a letter from D. Ingraham, Jr. also relating the event, "yesterday Morning one of our Small Privateers

⁵ Elbridge Gerry to Samuel Adams, Water Town, October 9, 1775, in *NDAR*, 2:369-370

⁶ Jack Thompson to S. Burling, St. Eustatia, April 13, 1775, in *NDAR*, 4:805-806.

Gave Chase to a Ship and follow'd her almost up to the Light House and Boarded her and to our Surprise she made no resistance." Ingraham vented "while we are humbling ourselves for our Sins, and beseeching the Pardon of them [the English]; and intreating the Assistance of Heaven, we receiv'd an answer, and to me a very Striking one." The success of the privateers convinced Ingraham that the cause of independence, rather than the path of seeking forgiveness, was the correct course of action.⁷

News of a large cache taken by privateers traveled quickly through personal correspondence. On June 5, 1776, Robert Morris informed Silas Deane of the success of two Pennsylvania privateers in seizing "three large ships bound from Jam[aic]a to London with 1082 hhds Sugar 260 Puncheons Rum 300 Casks Piemento, 22000 hard dollars, 70 pipes Mad[eir]a Wine & a Number of other Valuable Articles." Morris posited that "many more West India Men will be taken this Summer & probably Great Britain may have Cause to Repent of the prohibitory acts, especially as they have much more property to loose than we have." That same day, William Whipple composed a letter to John Langdon in which he also reported on the good fortune of the privateers. Whipple noted the contents amounted to "24000 dollars in specie; the money is arrived at Egg Harbour but the ships are sent to the Eastward." A few weeks later, the *Virginia Gazette* printed a letter from Philadelphia, dated June 5, which also highlighted the incident. The anonymous author provided the names of the three captured ships, "the *Lady Juliana*, *Juno*, and *Reynold[s]*, having on board as underneath...22,420 dollars, 187 lb. of plate, 1052 hogsheads of sugar, 246 bags of pimenta, 396 bags of ginger, 568 hides, 25 tons of Cocoa, 41 ditto of fustic, and 1 cask of turtle shell." Although the particulars of the cargo

⁷ William Hunt to Elbridge Gerry, Watertown, May 18, 1776, in *NDAR*, 5:141; D. Ingraham, Jr. to Samuel Phipps Savage, Boston, May 18, 1776, in *NDAR*, 5:141-142.

did not match up exactly in the accounts, news of the capture was important enough for inclusion in multiple letters; the actions of privateers occupied the thoughts and correspondence of land-bound colonists.⁸

Positive reports on privateers circulated throughout the colonies. While Washington gathered his troops in the early days of the war and struggled to earn victories against the British regulars, privateers offered morale boosting stories of success and bravery to those at home. Captain Lambert Wickes wrote to Samuel Wickes of “a large Ship from Jamaca taken by the Sloop *Congress* a Privattear belonging to Philad, the Prizes Cargo was very valueable as it concisted of Sugar & Rum.” Josiah Bartlett penned a letter from Philadelphia to John Langdon a month later with further news on the *Congress*. Bartlett shared that “a small privateer from this City called the *Congress* has taken a vessel bound from the West Indies to Halifax and sent her safe into port.” The captured vessel, Bartlett continued, contained “1078 Joes – 672 guineas and some other gold coin.” The Committee of Secret Correspondence wrote Silas Deane with updates on outfitting operations. “Our small privateers,” the Committee wrote, “have Already had great success as the papers will shew you.” The Committee supposed “by abstaining from Trade ourselves while we distress that of our enemy’s, we expect to Make their Men of war weary of their unprofitable and hopeless Cruises, and their Merchants Sick of a Contest in which so much is Risk’d and Nothing gained.” David Cobb, writing from Boston, told Robert Treat Paine that “the Spirit for Privateering is got to the highest pitch of enthusiasm, almost every Vessel from 20 tons to 400 is fitting out here.” Cobb was offered “20 £ p Month & 4 shares, to take the Surgeon’s birth on board one of ‘em” by

⁸ Robert Morris, For the Committee of Secret Correspondence, to Silas Deane, Philadelphia, June 5, 1776, in *NDAR*, 5:384; William Whipple to John Langdon, Philadelphia, June 5, 1776, in *NDAR*, 5:385; Copy of a Letter from Philadelphia, Dated June 5, in *NDAR*, 5:386.

the vessel's owners. Benjamin Franklin heard from Samuel Cooper in Boston that "we have Nothing new here except Captures from the British Trade, which are likely to increase." "Our own Navigation," Cooper explained, "is almost Wholly turn'd into Privateering, so that their Cruizers can take little or Nothing from us but empty Hulls, while their Ships come fast to us richly laden'd."⁹

William Bingham, an American agent in the West Indies, wrote a letter to Silas Deane touting "our Privateers have met with uncommon Success. they have made great Havock among the West India men; so that upon casting up Accounts, the Ballance will be immensely in our Favor." In a letter of his own from Paris, Deane reminded John Jay "do not forget, or omit, sending me blank Commissions for Privateers, under these, infinite damage may be done, to the British Commerce, & as the prizes must be sent to you, for Condemnation, the eventual profit, will remain with you." Even George Washington was kept apprised of the situation. John Langdon wrote the General "our Privateers doe great execution, and had we guns for our Continental Ships, they would give great Assistance to your Excellency's Operations, by Cuting off, the Supplies, of the British Army." News of dashing privateers filled the letters of the colonists in the early years of the conflict when success — in any form — was of utmost importance for the ongoing war effort.¹⁰

⁹ Captain Lambert Wickes to Samuel Wickes, Cape May Rhode, July 2, 1776, in *NDAR*, 5:882; Josiah Bartlett to John Langdon, Philadelphia, August 5, 1776, in *NDAR*, 6:63; Committee of Secret Correspondence of the Continental Congress to Silas Deane, Philadelphia, August 7, 1776, in *NDAR*, 6:103. Note at this time the Committee consisted of Benjamin Franklin, Benjamin Harrison and Robert Morris. David Cobb to Robert Treat Paine, Boston, September 9, 1776, in *NDAR*, 6:755; Samuel Cooper to Benjamin Franklin, Boston, September 17, 1776, in *NDAR*, 6:871.

¹⁰ William Bingham to Benjamin Franklin, St. Pierre, Martinique, September 29, 1776, in *NDAR*, 6:1046; Silas Deane to John Jay, Paris, December 3, 1776, in *NDAR*, 7:777.

One colonist in particular sought details of privateer actions — John Adams of Braintree, Massachusetts. Adams, as Chapter One noted, was a tireless advocate for the building of a strong Continental Navy. However, he understood that in the absence of such a force, the efforts of privateers were an important component of the broader American fighting contingent. Adams informed Benjamin Rush, “if I could have my Will, there should not be the least obstruction to Navigation, Commerce, or Privateering.” “Because I firmly believe,” he argued, “that one Sailor will do Us more good than two Soldiers.” Writing to Major Joseph Ward in July 1776, Adams noted “our Privateers, have the most Skill or the most Bravery, or the best Fortune, of any in America.” Adams supported the determination of privateers to take more enemy vessels. He told Ward, “our People, may as well fight for themselves as the Continent.” Ward informed Adams of “the agreeable news of our Privateers having brought into Nantasket a Ship and Brig from Glasgow with two hundred and ten Highlander troops on board.” Ward relayed the results of the capture, “we had four men wounded, the Enemy had three privates killed and a Major, and eight or ten wounded.” Ward concluded his letter with the news “that the Providence Privateers have taken two Store Ships from the Enemy.”¹¹

James Warren, a close friend of Adams, wrote that “a large Sugar Ship from Jamaica with 300 hhds. sugar 80 Puncheons rum some Madeira wine &c. &c. is taken and got into the Vineyard....it is said that 4 or 5 others are taken by two Privateers who took this.” Another epistle Warren composed from Boston, shared “we have nothing going forward here but fixing out privateers, and condemnation and sale of prizes sent in

¹¹ John Adams to Benjamin Rush, Amsterdam, September 20, 1780, in Gregg L. Lint, ed., *Papers of John Adams* (Cambridge, MA & London: The Belknap Press of Harvard University Press, 1996), 10:165, (Hereafter cited as *PJA*); John Adams to Major Joseph Ward, Philadelphia, July 17, 1776, in *PJA*, 4:387; Joseph Ward to John Adams, Boston, June 16-17, 1776, in *PJA*, 4:319.

by them, so many that I am quite lost in my estimate of them, and West India Goods are falling at a great rate.” A prize had recently arrived, Warren informed Adams, containing “several hundred bags of cotton (a capital article).” Alas for Adams’ naval dreams, Warren regretted, “while all this is going forward, and whole fleets have been here, and might have been taken by your ships at sea, I can’t sufficiently lament the languor, and seeming inattention to so important a matter” as the Continental Navy. According to Warren, ships were laid up at Portsmouth and Newburyport simply waiting for guns and men. “This delay,” he argued, “disgusts the officers, and occasions them to repent entering the service.” While the navy remained at the docks, privateers were sending in prizes on a daily basis. Adams responded to Warren’s missive a few weeks later. “The success of your Privateers is encouraging,” Adams wrote. “I lament with you,” he continued, “the Languor and Inattention to the Fleet. I wish I could explain to you my Sentiments upon this Subject, but I will not. I am determined you shall come here, and see, and hear, and feel for yourself.”¹²

Adams corresponded with numerous associates regarding privateers. In a letter to his cousin, Samuel Adams, he implored “above all let me beg of You to encourage Privateering.” Benjamin Hichborn composed a letter to John Adams sharing news that “our privateers have made so many Captures that it is impossible for me to be particular, most of those from Europe I am informed have considerable quantities of Coal in them.” Adams wrote Henrik Calkoen, in response to a question regarding America’s gains and losses in the capturing of ships, “America has gained.” According to Adams, “Privateering is a great Nursery of Seamen, and if the Americans had not imprudently

¹² James Warren to John Adams, Watertown, June 5, 1776, in *PJA*, 4:240; James Warren to John Adams, Boston, August 11, 1776, in *PJA*, 4:445; John Adams to James Warren, Philadelphia, August 21, 1776, in *PJA*, 4:482.

Sacrificed Such a Number of their Frigates and Privateers in the Attack and defence of Places, these alone, would by this Time, well nigh have ruined the British Commerce, Navy and Army.” Adams also received updates from Isaac Smith, who wrote “there is here and the Towns round About a doz privateers Out, a small One took a brigantine from Ireland bound to Halifax with beef butter &c.” Adams informed Smith, in a letter from Amsterdam, “I think our Commerce as well as Privateering is on the rising hand, and I hope that next year, it will increase considerably, and that We shall hear oftener from home.” “Nobody need be afraid of Privateering, from Apprehensions of Peace,” he declared, “There is not Peace to be had.”¹³

Adams often discussed the subject of privateers in letters to his wife, Abigail. In an August 1776 note, he posited “thousands of schemes for Privateering are afloat in American Imaginations.” “Some are for taking the Hull ships, with Woolens for Amsterdam and Rotterdam,” Adams remarked, “some are for the Tin ships – some for the Irish Linnen ships – some for the outward Bound and others for Inward Bound India Men – some for the Hudson Bay ships – and many for West India sugar ships.” He predicted, “out of these Speculations many fruitless and some profitable Projects will grow.” Abigail responded with an update on the privateer *Independence* from Plymouth which had “taken a jamaca man laden with Sugars and sent her into Marblehead last Saturday.” In other news, Abigail wrote, “I hear the Defence has taken an other.” “I think we make a find hand at prizes,” she told her husband. The following spring, he informed Abigail,

¹³ John Adams to Samuel Adams, Paris, February 28, 1780, in *PJA*, 8:374; Benjamin Hichborn to John Adams, Cambridge, November 25, 1775, in *PJA*, 3:324; John Adams to Henrik Calkoen, Amsterdam, October 27, 1780, in *JPA*, 10:251; Isaac Smith Sr. to John Adams, Salem, September 11, 1776, in *PJA*, 5:23; John Adams to Isaac Smith Sr., Amsterdam, December 6, 1780, in L.H. Butterfield and Marc Friedlaender, eds., *Adams Family Correspondence* (Cambridge, MA: The Belknap Press of Harvard University Press, 1973), 4:26. (Hereafter cited as *AFC*).

“the Privateers act with great Spirit, and are blessed with remarkable Success.” Clearly, privateers were on John Adams’ mind.¹⁴

The inclusion of such positive reviews of privateer ventures in correspondence illustrates that the Revolutionary leadership believed privateering would be an important factor during the war. Elite colonists, like John Adams, who were staunch supporters of the war effort wanted to learn of victories, whether on land or at sea. In the early years of the conflict, privateers offered some of the only positive reports from the front. Many praised the efforts of privateers, particularly when their Continental counterparts in Washington’s army failed to win on the battlefields of New York. Yet, personal correspondence was only one of the ways colonists learned of success at sea.

News of the arrival of a prize in port elicited ovations in letters and high praise from American newspapers reporting the actions of privateers. The *Constitutional Gazette* printed an extract from a letter which noted “that the privateer *Congress*, fitted out of this port, had taken and sent into Sinepuxent a schooner from Pensacola for Grenada, loaded with flour and lumber, and a bout 200 Half Joes.” Two months later, the *Connecticut Gazette* apprised its readers of the event where “two of our privateers took a ship and a sloop from England, and carried them into the South-Bay.” The exploits of Captain White and his privateer schooner made the *American Gazette* which reported he had “taken and sent into Beverly a large Sloop with One Hundred and Fifty Puncheons of Rum said to be bound from Antigua to Ireland, which he took in his Passage for the West-Indies. This is the second Prize he has taken and sent home.” On September 7, 1776, the *Providence Gazette* included news of “Capt. Jabez Whipple, in the privateer

¹⁴ John Adams to Abigail Adams, August 12, 1776, in *AFC*, 2:89; Abigail Adams to John Adams, Boston, August 25, 1776, in *AFC*, 2:107-108; John Adams to Abigail Adams, Philadelphia, May 7, 1777, in *AFC*, 2:234.

Independence, of this Place,” who had “taken three valuable prizes, viz. a Ship, Brig and Sloop, and convoyed them into a safe Port.” Reports such as these found their way into newspapers throughout the colonies. Many simply reported the name of the privateer vessel, if available, the name of the captured vessel, if available, and the cargo contained aboard the prize.¹⁵

The Freeman’s Journal of Portsmouth, New Hampshire informed its readers that “Wednesday last was bro’t into Falmouth, by Capt. Crabtree, a sloop from Anapolis bound to Halifax, taken off the Grand Passage, loaden with Lumber, Hand-Spikes, Butter, Cheese, Potatoes, &c.” A few months later, the same paper included a list of prizes taken by the privateer *M’Clary*, including “the Prize Snow Three Friends...laden with 210 hogsheads of sugar...[and] the ship Live Oak...laden with Mahogany & logwood.” On January 2, 1777, the *Independent Chronicle* of Boston, Massachusetts reported “two Prizes are taken by a Privateer from this State, and carried into Cape-Ann.—One of them has on board upwards 1400 Firkins of Butter, &c. and was from England bound to Gibraltar, for the Supply of the Garrison there.” The same day, the *Continental Journal* published news of “a Prize Ship taken by the *American Revenue* Privateer, Captain Samuel Champlin.” The vessel was “a light Guineaman...homeward bound from the West-Indies, mounted 6 Carriage Guns and made some Resistance.” Captain Champlin, according to the piece, was already back in action in pursuit of “16

¹⁵ “NEW-YORK, May 22. Extract of a Letter from Philadelphia, May 18,” *Constitutional Gazette*, May 22, 1776; “Extract of a Letter, Dated Southampton, (Long-Island) June 25, 1776,” *The Connecticut Gazette; and the Universal Intelligencer*, July 5, 1776; “SALEM, July 2,” *The American Gazette or the Constitutional Journal*, July 2, 1776; “Extract of a Letter from an Officer in New-York, Dated August 30,” *The Providence Gazette; And Country Journal*, September 7, 1776.

Sail of Ships from the West-Indies bound to England,” which the prize had parted with one day prior.¹⁶

However, some reports, such as one in *The Boston-Gazette, and Country Journal* included stories of danger and loss. According to the article dated January 19, 1778, a privateer under Captain Connolly of Manchester engaged with “a Ship of 20 Guns, with 40 Men, during which the Ship blew up.” On a voyage from London to Antigua, the surviving crew estimated the worth of the prize “at upwards of 80,000 l.” The survivors also informed the privateer Captain that “there was a Lady of an immense Fortune on board, who likewise perished.” The paper admitted, however, “we have not learnt her Name.” Some articles, such as this one, told a story of battles on the seas and richly laden vessels. Other reports were sparse, including perhaps rumors rather than known facts. Despite these variations in quality, newspapers continuously included the actions and effects of privateers in their printings. Readers seemingly wanted to know about the war in the Atlantic and these positive reports could potentially sway public opinion in favor of privateers.¹⁷

Articles often described the cargo brought in by prizes; cargo that could help replenish dwindling supplies and aid hard-hit cities. *The Pennsylvania Evening Post* notified readers that “a brigantine laden with provisions, one of the Cork fleet, is safe arrived in Beverly, sent in by a small privateer belonging to that port.” News of the sloop *Comet* and its prize, “a brig from Jamaica, bound to New-York, laden with rum, sugar,

¹⁶ “Portsmouth, July 13, 1776,” *The Freeman’s Journal, or New-Hampshire Gazette*, July 13, 1776; “Portsmouth, Nov. 5, 1776,” *The Freeman’s Journal, or New-Hampshire Gazette*, November 5, 1776; “[No Headline]” *The Independent Chronicle and the Universal Advertiser*, January 2, 1777; “New-London, December 20,” *The Continental Journal, and the Weekly Advertiser*, January 2, 1777.

¹⁷ “Boston, Jan. 19, “*The Boston-Gazette, and Country Journal*, January 19, 1778.

coffee, and cotton” made the first page of *The Connecticut Journal* in September, 1778. *The Providence Gazette* of Rhode Island, on January 30, 1779, printed a list of prizes taken and sent into Boston. The list included the capture of a prize taken by the *Monmouth*, commanded by Captain Nichols, which was “laden with rum and sugar.” Two other prizes “laden with coffee and melasses” were sent into port. The ship *Nancy* was sailing “from Glasgow for Jamaica” when “first taken by the Marlborough privateer, retaken by the Experiment man of war, and last by the Providence.” The hold of the prize ship was “richly laden, to the amount of 30,000 sterling.” The article mentioned four other prizes with holds ranging from “rum, sugar, &c.” to “fish” to “black oats.”¹⁸

In an effort to stay apprised of recent privateering ventures and to keep various owners informed, newspapers in one region frequently reproduced letters and articles from the papers of other regions. *The Gazette of the State of South-Carolina* reprinted an account from New York which related the engagement of a privateer schooner belonging to the port of Charles Town with a British frigate and the subsequent sinking of said schooner, the *Volunteer*. The *Gazette* published the New York report in full, but also added the opinion “that there does not appear much humanity in firing a whole broadside, of a frigate’s cannon, upon a small scooner, that appears to have been within musket-shot.” In this instance, the paper could not resist taking its own shot at the conduct of the British vessel.¹⁹

In another instance of reprinting reports from various cities, *The Pennsylvania Evening Post* included news from Kingston in its August 6, 1778 issue. A schooner

¹⁸ “Boston, July 30,” *The Pennsylvania Evening Post*, August 18, 1778; “Philadelphia, September 1,” *The Connecticut Journal*, September 16, 1778; “Boston, January 28,” *The Providence Gazette; and Country Journal*, January 30, 1779.

¹⁹ *The Gazette of the State of South-Carolina*, Tuesday, December 2, 1777, in NDAR, 10:656.

belonging to an inhabitant of St. Thomas “was taken off Salt-pond Bay, by an American privateer of twenty swivel guns and forty men.” The captured vessel included “a load of hard timber...[and] five valuable sailor Negroes...belonging to Mr. Christie,” the owner of the prize. According to the article, the privateer “carried off” these sailors “together with the vessel.” A report from Philadelphia, Pennsylvania, reprinted in *The Connecticut Journal*, announced the arrival of “a prize sloop, the Northampton, Moses Ventriss, late commander, from Charlestown bound to New-York, laden with tar, rice, &c. She was taken by the Fair American privateer, Captain Jackways” in the spring of 1781. Even London papers took news from colonial outlets. The *Public Advertiser* received a copy of the *Virginia Gazette* from a recent Bermudan’s arrival in England. The *Gazette* included a story “that the Goods of the West-India Ships, lately taken being sold, the Owners of the Privateers shared 5000 l. each, and each Sailor had for his Share 500 l.” The article also noted “that this great Success has infused into most a Spirit for Privateering; and they are fitting out a great Number, in Hopes of picking up many of the next West-India fleet,” a fact the British *Public Advertiser* chose to include for its readership.²⁰

The frequency of articles on privateer incidents shows how important such actions were to the news reading public. Clearly, readers of papers throughout the colonies from New England to South Carolina wanted to see stories about privateers; and for newspaper editors, such accounts sold. Otherwise, editors would not have continued to include reports such as these during the entirety of the war. The report of prizes brought into port ran in two veins: either they were boiler plate or, in some instances, tales of engagements and battles made for a good story. Many of the articles were reported simply, including a

²⁰ “Kingston, May 16,” *The Pennsylvania Evening Post*, August 6, 1778; “Philadelphia, April 21,” *The Connecticut Journal*, May 10, 1781; *Public Advertiser*, Friday, August 30, 1776, in NDAR, 6:578.

list of information rather than a detailed story. However, there were some exceptions to this rule. Overall, articles describing privateers were straight-forward without any flourish of masculinity or courage; instead, these papers, many published in seafaring towns and major port cities, sought to inform their readers of local men in local ships making a difference in the war effort. Whether or not readers supported privateers, their exploits and, perhaps more importantly, their captures proved exciting reading and highlighted patriotic success even when Washington and his troops faced defeat. Privateers, at least in temporary intervals, gave the people something to cheer for and to take pride in.

Personal correspondence and newspapers may have included positive portrayals of privateers, as noted above, but they also focused on the negative aspects of these ventures. Privateers during the Revolution were a polarizing lot. Depending on one's point of view, they were heroes or villains, patriots or self-interested capitalists, privateers or pirates. For many Americans, privateers were a drain on the war effort; they were men engaged in private ventures focused on personal gain rather than American glory and unification. For many Europeans, American privateers were a diplomatic nightmare; a problem which needed to be dealt with swiftly and assuredly. These negative perceptions of privateers tainted their actions during the war and led to a post-war meta-narrative of the nation's founding which intentionally excluded them.

British newspapers, such as the *Public Advertiser* and *Lloyd's Evening Post*, reported negative aspects of American privateering from the outset of the war; a point of fact which is not surprising. The reading public in England wanted updates on the war effort, particularly since the majority of fighting was taking place an ocean away. The

exploits of privateers, American and British, filled the papers of London. One article in the summer of 1776 noted “all the Ships at Barbadoes, homeward bound, wait there for the Arrival of men of war from England to convoy them home, they not daring to stir on account of the Multiplicity of American privateers.” Another reported “they write from Boston, that the Privateers yet at Sea are mostly small; but there are a great many on the Stocks, which will be soon launched, to carry from 16 to 24 Guns.” An account from Bristol, reprinted in the *Public Advertiser*, relayed information that the British vessel *St. James* “was taken by a Provincial Privateer.” A British Man of War pursued both vessels upon which the Americans “ran her [the *St. James*] on shore;” to prevent the Americans from gaining the vessel again, the British “set fire” to her.²¹

Letters were frequently reprinted in London papers with information on privateers. The *Public Advertiser* included one from Plymouth, which informed readers of “an American Privateer, mounting twelve Carriage Guns, spread a great deal of Canvas, full of Men, and is painted Black.” An extract from a letter from Captain Underwood noted that “off the Rock of Lisbon” the British vessel faced “an American sloop privateer, mounting eight guns, having a stern of her a brig which we judged to be a prize.” The engagement was cut short by the appearance of a Portuguese frigate “sent out to cruise against three privateers that infest the coast.” An epistle from Dominica included information that “the American Privateers have ventured amongst the Islands.” When one vessel took another carrying a flag of truce, the General “ordered the Privateer not only to give up every Vessel and Cargo, but to pay back the Ransom Money, and at

²¹ *Public Advertiser*, Wednesday, July 10, 1776, in *NDAR*, 6:472; *Public Advertiser*, Monday, July 15, 1776, in *NDAR*, 6:476; Extract of a Letter from Bristol, August 31, in *NDAR*, 6:578.

his Peril to presume interrupting any English vessel in the Neighbourhood of that Island for the future.”²²

Articles concerning privateers also included information about the actions and intentions of these private-armed vessels, albeit with a clear inherent bias. The *London Chronicle* explained how the *Ann*, a British vessel from Dominica to London, “was decoyed in the following manner.” The American privateer lowered a boat, claimed to be from the *Isis* Man of War, and said they had to see the *Ann*’s papers. Once on board, they took the British vessel as their prize — an action of deceit not befitting private gentlemen. Another report noted that “one of the Owners of the American Privateers that took our West Indiamen so richly laden, on receiving his Share of Prize Money, immediately deposited 3000 l. towards building larger and more complete Vessels for intercepting and annoying our Trade.” The British newspaper perspective on American privateers was not a particularly positive one. The *Public Advertiser* included that the merchants of Lisbon “are fitting out armed Ships to cruize against the Americans, and those they take they are determined to treat as Pirates.” Reports claimed that “the Success of the first Outset of Privateers from the Provincials, had raised such a Spirit among them, that Hands were soon found to man the Vessels; but now the King’s Ships have taken a few of them, they begin to relax greatly of their piratical Scheme, and seem contented with what they have already got.” Yet just a few months later, “letters by the West India mail bring Advice, that the American Privateers are cruising in every Part of the West Indies.” Even the *New York Gazette*, a loyalist paper printed in the colonies, reported on the actions of privateers. One article told of “His Majesty’s Sloop of War the

²² Letter from Plymouth, July 28, 1776, in *NDAR*, 6:512; Extract of an Authentic Letter from Captain Underwood, Dated Lisbon, Oct. 2, in *NDAR*, 6:627; Letter from Dominica, [December 13], 1776, in *NDAR*, 7:479.

Falcon” who “had a smart engagement in the West-Indies....with a Rebel Privateer Ship of 28 Guns, and a Sloop of 12.” The sloop escaped, according to the article, but the ship was “struck.” The British captain with “his Boat shot to pieces, and several of his Crew killed and wounded...left the Rebel a Wreck to the Mercy of the Sea.” There was no love lost among loyalists, British subjects, and American privateers.²³

Even at home, among other so-called patriots, privateers found an unwelcoming atmosphere at times. The June 27, 1776 entry of the Memorandum Book for the Pennsylvania Committee of Safety noted “taking measures to bring back the Boat men from the Privateers fitting out at Egg Harbour.” One main issue facing privateers, vessels of the Continental Navy, and troops of the Continental Army was the question of manning these various forces. Privateers offered one important advantage the other two did not: the possibility of a very high pay day. However, this possibility also came with the chance of great loss; no captured prize could mean no money. Yet, for many seamen, the potential pay-off was worth the risk. Unfortunately for these newly-minted privateers, their choices greatly upset those who sought to build the navy and win the war using methods deemed more patriotic.²⁴

Isaac Smith succinctly summarized this dilemma in a letter to John Adams. Isaac noted, “as to the Massachusetts raising more Men – would say the sea ports are drained very much by those going a privateering &c.” Men flocked to privateers, Isaac explained, due to “the late success of One belonging here (Cap. White) who with Another has taken

²³ *London Chronicle*, Saturday, October 5 to Tuesday, October 8, 1776, in *NDAR*, 7:680; *Public Advertiser*, Thursday, October 10, 1776, in *NDAR*, 7:685; *Public Advertiser*, Friday, October 18, 1776, in *NDAR*, 7:701; *Public Advertiser*, Wednesday, January 1, 1777, in *NDAR*, 8:500; *Public Advertiser*, Friday, March 14, 1777, in *NDAR*, 8:676; *New-York Gazette*, Monday, April 7, 1777, in *NDAR*, 8:287.

²⁴ Memorandum Book of the Pennsylvania Committee of Safety, in *NDAR*, 5:773.

four ships &c.” Brigadier General Benedict Arnold sought “at least One Hundred good Seamen...sent me as soon as possible.” Arnold described his current status as “a wretched motley crew....the Marines, the Refuse of every Regiment, and the Seamen, few of them, ever wet with salt Water.” Unbeknownst to Arnold, however, was the fact that there were no better seamen available. John Langdon complained of the dearth of men available for the Continental fleet; “I am verry fearful we shall not have a hand left on board unless the Guns are forwarded soon & a prospect of the Ship’s going to Sea, there-being the Greatest Demand for Officers & Seamen to Man the Privateers.” Langdon bemoaned the present situation that “hardly [a] week passes but more or less leave the Ship, tho’ we keep the best look out possible to prevent them & some severely punished.”²⁵

Not even the threat of bodily harm could keep men from signing up for privateering ventures. “I do not expect to have one Man left in few days,” Langdon wrote William Whipple, “in short them want to be excused, as they have great offers every Day in the Privateering way.” While Continental vessels waited for guns, ammunition, and supplies, privateers set out daily. Langdon complained, “there is scarce now one single man out of employ fit for Midshipman Privateers every Day calling for Men.” Not only were privateers exhausting the sea towns and ports of available men, but they also caused the cost of a voyage to increase; “such has been the Demand for Seamen within these few days that there Wages have risen to abt Twenty Dollars P month – the Privateers give one hundred Dollars P man Advance.” Continental vessels simply could not compete.²⁶

²⁵ Isaac Smith Sr. to John Adams, Salem, August 6, 1776, in *PJA*, 4:436-437; Brigadier General Benedict Arnold to Major General Horatio Gates, Isle La Motte, September 18, 1776, in *NDAR*, 6:884; John Langdon to John Hancock, Portsmouth, November 4, 1776, in *NDAR*, 7:31.

²⁶ John Langdon to William Whipple, Portsmouth, November 6, 1776, in *NDAR*, 7:56-57; John Langdon to Willing, Morris & Co., Portsmouth, November 19, 1776, in *NDAR*, 7:205.

Esek Hopkins, Commodore of the Continental Navy during its infancy, encountered this problem of manning ships with sailors, seamen, and landmen. Hopkins consistently wrote to the Continental Marine Committee on this account. “The whole attention of Merchants and Seamen at present seems to be on Privateering,” Hopkins observed, “through the whole New England Colonies.” The only way to encourage sailors onto Continental vessels was “to give the same Prize Money which is one half as they do;” this would make it “a great deal easier to Mann the Continental Vessels.” Two ships were ready to sail in September 1776, but Hopkins could not get them out to sea for “it will be very difficult to mann any of them without...the Chance of Prize Money as good as they get in the Privateers, which is one half and large Sums advanc’d to the People before they go to Sea.” Letter after letter highlighted Hopkins’ crew problem. Ships sat at port for “there are so many Privateers a fitting out which give more encouragement as to Shares; it makes it difficult to mann the Continental Vessels.” Hopkins soon began sounding like a broken record. Two vessels, the *Columbus* and the *Providence*, were nearly ready to sail and Hopkins hoped to “get them out as soon as possible, but expect to meet with great difficulty in getting Men – The Privateers being so plenty, and having great Success that the Men look on their Shears better than what they have in the Navy.” Without men to sail in his fleet’s vessels, Hopkins could not adequately do his job and he blamed this failure on the presence and practices of privateers.²⁷

²⁷ Commodore Esek Hopkins to the Continental Marine Committee, Providence, September 10, 1776, in *NDAR*, 6:770; Commodore Esek Hopkins to the Continental Marine Committee, Providence, September 22, 1776, in *NDAR*, 6:949; Commodore Esek Hopkins to the Continental Marine Committee, Providence, September 30, 1776, in *NDAR*, 6:1056; Commodore Esek Hopkins to the Continental Marine Committee, Newport, October 24, 1776, in *NDAR*, 6:1399.

Weeks later, Hopkins was still “at a loss how we Shall get the Ships Mann’d, as I think near one third of the Men which have been Shipp’d and receiv’d their Month’s pay, have been one way or another carried away in the Privateers.” Hopkins suggested drastic measures be taken; he wanted an embargo on privateering until the Continental fleet was fully manned and he wanted orders from the Committee “giving me leave, whenever I found any man onboard the Privateers, not only to take him out, but all the rest of the Men – That might make them more Cautious of taking the Men out of the Service of the States.” Captain John Paul Jones undertook such actions without the approval of the Committee. Hopkins learned that Jones had taken hands from a “Privateer a coming in from a Cruise.” After sending men on board the vessel, Jones “found two Men belonging to the Fleet, and two More belonging to the Rhode Island brigade, all four of whom he took out.” Hopkins defended Jones’ actions and explained to the Committee “that Captn Jones knew that the Privateers made a constant practice of carrying away the Men belonging to the Fleet, thought it would put some Stop to that practice, and not be any damage to the Owners as she was coming in from a Cruise.” “I can’t but believe,” Hopkins declared, “that Captn Jones did as he thought best for the good of the Publick – and I must Confess I shall be glad if it meets your approbation.”²⁸

The idea of an embargo on privateering gained traction in personal correspondence among the governing elite in the fall of 1776. Major General Charles Lee wrote to the President of the New Hampshire State Council that “the Officers (and indeed it must necessarily be so,) are of opinion, that nothing impedes the recruiting of the Army so much as the present rage for privateering.” “Unless this is in some measure check’d,”

²⁸ Commodore Esek Hopkins to the Continental Marine Committee, Providence, November 2, 1776, in *NDAR*, 7:17; Commodore Esek Hopkins to the Continental Marine Committee, Providence, November 8, 1776, in *NDAR*, 7:85.

Lee continued, “it is vain to expect any Success.” He therefore suggested that the Council consider “a temporary Embargo on Privateers until the Regiments of each State are compleated.” Lee believed “our situation is so delicate and alarming and the absolute necessity of the Army’s being raised without delay so obvious,” that an embargo was the only course of action he could think of to address this issue of losing men to privateers.²⁹

Shortly thereafter, Major General Lee was captured, which prompted Benjamin Rush to pen a letter to Richard Henry Lee. Rush confided, “since the captivity of General Lee, a distrust has crept in among the troops, of the abilities of some of our general officers high in command.” According to his sources, Rush wrote, “the four Eastern states [of New England] will find great difficulty in raising their quota of men, owing to that excessive rage for privateering, which now prevails among them.” Rather than blame enlistment issues on the skills of the high command, however, Rush claimed “many of the continental troops now in our service, pant for the expiration of their enlistments, in order that they may partake of the spoils of the West Indies.” Rush estimated the number of New Englanders aboard privateers as “not less than ten thousand men.” “New England, and the continent, cannot spare them,” Rush argued, “they have a right at this juncture, to their services, and to their blood.” Rush was determined that the continent “have an army; the fate of America must be decided by an Army.” In Rush’s eyes, privateers were nothing more than a siphon of men.³⁰

An embargo was discussed at a meeting of commissioners in Providence, Rhode Island following the fall of New York City. The meeting “recommended an Embargo

²⁹ Major General Charles Lee to Meshech Weare, Camp Philipsburg, November 27, 1776, in *NDAR*, 7:306-307.

³⁰ Benjamin Rush to Richard Henry Lee, Near Bristol, December 21, 1776, in *NDAR*, 7:543-544.

upon all privateers and merchant Vessells, except those sent after Necessaries by permit, untill the Army was raised.” The embargo did not hold water, however, as there were some colonists who did not believe in stifling the efforts of privateers and some states which did not follow through. Esek Hopkins noted that several of his officers “had been Induced to Sign some paper or Petition greatly to my Disadvantage; which they were perswaded to by some of the Gentn of this Town, I supposed the Owners of the Privateers, to who I am sorry to Say are greatly prejudiced against me since I endeavoured to get an Embargo laid upon Privateering in order that the Continental Ships might be Mann’d.” Captain Thomas Thompson wrote to the New Hampshire Committee of Safety “an Embargo is laid & strictly adhered to in the other States, of all private property. All Privateers are stopp’d for the purpose of manning the Continental Ships of War & filling up the army.” According to Thompson, while other states enforced an embargo, New Hampshire allowed privateer vessels to outfit and set sail from various ports. “How different here!” he exclaimed, “A Privateer launch’d, Rigg’d & Mann’d since the Embargo was laid (if it may be so called).” “While the other States stop all Privat — strictly relying on their sister States to preserve the same Virtuous conduct,” Thompson believed New Hampshire was neglecting her duty. He feared that outfitting privateers would “bring a Reflection on this State...and manifestly tend to the disadvantage of the public service.”³¹

Thompson would not be able to man his vessels without a stronger enforcement of the embargo. John Adams, on the other hand, expressed his displeasure with the

³¹ In this letter, Trumbull refers to a meeting held months earlier regarding the defense of New England. Governor Jonathan Trumbull to George Washington, Lebanon, February 21, 1777, in *NDAR*, 7:1255; Commodore Esek Hopkins to the Continental Marine Committee, Providence, March 18, 1777, in *NDAR*, 8:143; Captain Thomas Thompson to the New Hampshire Committee of Safety, Portsmouth, February 6, 1777, in *NDAR*, 7:1115.

embargo idea in a letter to James Warren, “I hope your Embargo is off, before now, that the Privateers may have fair Play.” “Indeed,” Adams stated, “I am sorry it was ever laid. I am against all shackles upon Trade.” Adams urged, “let the Spirit of the People have its own Way, and it will do something.” Adams did not believe the embargo even worked, “I doubt much whether you have got an hundred Soldiers the more for your Embargo, and perhaps you have missed Opportunities of taking many Prizes and several Hundreds of seamen.”³²

Other efforts were made to keep men away from privateers. The Massachusetts Council appointed a “Water Bailiff” whose job was “to make due Search through out” an appointed ship “and if he find any persons on board who are enlisted or engagd in the Land or Sea Service of this or the United States, He is to apprehend & secure them untill the further Order of the Council.” The Massachusetts General Council passed an Act and Resolve which stated that private vessels of war could only be outfitted by towns that “have raised their full proportion of the Continental Army.” Owners and Commanders were charged with giving a six hundred pound bond “that they will not Ship or receive any Men on board said Vessels, that are the Inhabitants of any Town within this State, that have not raised their proportion of the Continental Army.” If a person signed on to a private vessel “after having inlisted themselves into the Continental Army he or they shall forfeit to the use of this State all their Share of any Prize or Prizes that may be taken by such Armed Vessels during their Cruize.” The New Hampshire Committee of Safety resolved that “no Soldier nor Seaman be permitted to Enter on board any Vessel of war belonging to any other State untill our own Quota of men in the Continental army is

³² John Adams to James Warren, Philadelphia, April 6, 1777, in *PJA*, 5:145.

completed, and the *Raleigh* and other Vessels of war belonging to this State is fully man'd." In an exchange between the Portsmouth Committee of Safety and the New Hampshire Committee of Safety, the city chapter complained that ships were "to this day unman'd occasion'd by Private Arm'd Vessells being man'd in this Port & Persons from other States coming here to carry away our Men." The Portsmouth Committee maintained "these things have been and are unhappy circumstances attending this Matter;" they simply sought an answer to this ever-present problem.³³

The South Carolina Legislature passed an ordinance on January 26, 1778, in an attempt to address the issue "that many seamen and mariners have been prevented from entering on board Continental vessels of war and armed vessels in the service of this State, by reason of their having previously engaged to serve private persons." The ordinance declared that no seaman who signed on to a Continental vessel could be sued for breaking his contract with a private vessel; "all such articles and agreements shall, as to such seamen and mariners, be absolutely null and void." Sailors aboard Continental and State ships were also due wages and shares from the private vessels they served. They did not forfeit any of their earnings by leaving the craft. In this way, the state of South Carolina tried to encourage mariners to leave private vessels for public ones. The New Hampshire Council also tried to find a solution. They voted "for a Committee to consider of some method to prevent so many good Landmen fit for the army from Entering on board Privateers." The Massachusetts Council ordered that any person who took out a commission for an armed vessel pay a bond "in the sum of two thousand

³³ Order of the Massachusetts Council, Boston, January 27, 1777, in *NDAR*, 7:1042; Acts and Resolves of the Massachusetts General Court, Boston, Wednesday, March 26, 1777, in *NDAR*, 8:203; Minutes of the New Hampshire Committee of Safety, May 19, 1777, in *NDAR*, 8:992; Portsmouth Committee of Safety to New Hampshire Committee of Safety, Portsmouth, July 7, 1777, in *NDAR*, 9:230.

pounds conditioned that they shall not carry out with them any person in pay of this State or any Officer or Soldier belonging to the Continental Army.” The Council tried to put a stop to the enlistment of already enlisted men by hitting owners where it hurt most — in their wallets.³⁴

Despite all of these efforts, correspondents still complained of privateers acquiring and luring away able-bodied soldiers and sailors. Captain Thomas Thompson observed, “what engages Seamen’s attention is Privateers, not seeing the Wages & other Encouragement given by the Continent far exceeds any other Service whatever.” Even when Continental and State vessels were manned, William Whipple complained, they were not “so well manned as I could wish, owing to the Spirit of Privatiering which still prevails & has carried off most of the Seamen.” Captain Nicholas Biddle took matters into his own hands when he chased down a privateer that had “been detected in carrying off my People.” Biddle knew that an incoming privateer contained four of his men on board, so he went after the vessel and “was Determined to Sink him if he did not [bring to] and fired at him.” Biddle eventually retrieved two of his four men from the ship, but could not receive further fulfilment for he was not at liberty to “stay for a tedious Law Suit.” The question of manning vessels was so heated that Biddle was willing to engage an American vessel to gain satisfaction. In this instance, Biddle did not believe the privateer fought for the same patriotic cause; rather the other Captain was a purloiner of able sailors.³⁵

³⁴ Ordinance of the South Carolina Legislature, January 26, 1778, in *NDAR*, 11:209; Journal of the New Hampshire Council, March 9, 1778, in *NDAR*, 11:547; Journal of the Massachusetts Council, April 10, 1778, in *NDAR*, 12:77.

³⁵ Captain Thomas Thompson to the New Hampshire General Assembly, Portsmouth, June 4, 1777, in *NDAR*, 9:16; William Whipple to Robert Morris, Portsmouth, July 21, 1777, in *NDAR*, 9:308; Captain Nicholas Biddle to Robert Morris, September 1, 1777, in *NDAR*, 9:863-864.

Captain Hector McNeill also complained of privateers. He addressed the Continental Marine Committee and explained, “our main difficulty will be to procure hands” for his vessel “as we are daily robb’d of our, men by both privateers, & merchant men & the Extravagant wages given by the Latter, & the great Encouragements given by the former.” The Committee also received word from John Bradford that manning ships continued to be an issue for “men are not to be had at any terms unless her appearance may be an inducement to the Tarrs to Quit the Privateers to go on board her;” but that inducement would mean an increase in wages and money the Committee simply did not have. Continental vessels sat in port ready to sail except for men and many believed vessels “wo^d be compleatly manned in a very few days were it not for the Privateers of which there are a great number fitting out in this, and the Neighbouring Ports.” Word spread of “60 seamen [who] marched...for Newbury this day to go on Board Privateers.” For outfitters and captains trying to set sail in Continental and State vessels, privateers proved ruinous. Sailors did not simply sign on for patriotic reasons, as these letters illustrate. Wages and prize shares were the main motivating factors in a privateer’s mind; factors which did not sit well with the American public at-large who, at least publicly, offered patriotism and independence as its own set of motivations for fighting the British.³⁶

The fact that privateer vessels took sailors, seamen, and mariners from ports — and from Continental and State vessels — cannot be denied. Perhaps these actions could have been forgiven if privateers had always acted purely out of patriotism. However, many letter writers of the Revolutionary era took privateers to task for their other actions

³⁶ Captain Hector McNeill to the Continental Marine Committee, Boston, October 9, 1777, in *NDAR*, 10:85; John Bradford to the Continental Marine Committee, Boston, March 25, 1778, in *NDAR*, 11:782; William Whipple to Robert Morris, Portsmouth, July 6, 1777, in *NDAR*, 11:1148.

and decisions, which for many were unbecoming of Americans fighting for independence. Robert Morris initially refused to participate in privateering ventures. Morris contended, “those who have engaged in Privateering are making Large Fortunes in a most Rapid manner, I have not meddled in this bussiness which I confess does not square with my Principles for I have long had extensive Connections & dealings with many Worthy men in England & Could not consent to take any part of their property because the Government had Seized mine, which is the case in several instances.” He did change his mind, however, later in the war, as discussed in Chapter One, when he began losing his vessels, and his money and profits, to British ships.³⁷

William Rotch wrote to Nicholas Brown, an outfitter of numerous privateers, complaining about the conduct of one of Brown’s captains. According to Rotch, the captain of a small sloop, known by the inhabitants of Nantucket as the “*Willful Murther*...with his Company in a Ruffain like manner took possession of [a] Vessell & Cargo,” belonging to the inhabitants of Nantucket, “with Swords & guns.” The privateer captain refused to return the vessel and her cargo, Rotch claimed, to the rightful owners. He deemed the conduct “unjust” and asked Brown, if he was indeed still one of the privateer’s owners, to aid in giving “impartial justice” to the vessel and its owners. Rotch could not believe that Brown would “be partaker of the Spoils of such wicked plunderers.” He also reprimanded Brown for his involvement in the business of privateering. “I beg you to consider the consequences of it,” Rotch implored, “& how often honest Men are depriv’d of their Rights; it is not sufficient in my opinion to say that the innocent must suffer with the guilty.” He asked Brown to consider all of these things,

³⁷ Robert Morris to Silas Deane, Philadelphia, September 12, 1776, in *NDAR*, 6:794.

as well as the recent news of the sufferings in Nova Scotia “where the Calamitous situation of some of our real friends & Country men that are settld there, brot on them by the Destruction from privateers, must be a very moving scene to a mind susceptible of but a small degree of Humanity.” Not only did Rotch blame the privateers for their actions, but he also held Brown accountable as an owner and played upon the morality and humanity he hoped Brown still possessed. In a post-script, Rotch explained that the Nantucket owners decided to unload the vessel and would allow the courts to decide the fate of the cargo. When privateers assaulted and attacked those who were not the enemy, their actions convinced many that they were indeed no better than pirates.³⁸

The activities of privateers had logistical and military consequences beyond the sea. Esek Hopkins observed in Providence, Rhode Island that the coast and the city were “almost with out people to Defend them the milishe Refuses to Come in on acct of the high Prices of Goods and the Low Wages the State gives them and the princable men that have maid fortens by Priviteren have bought Estates back in the Cuntrey & have and are now Moving a way which Must Leave the town in a Defencless Condition.” William Whipple was concerned for “marine affairs seem to be in a bad situation & I am fearfull ever will be, while those who have the conducting them are concern’d in privateering.” Whipple held that private interests, particularly those in the privateering way, would trump public interest. While he believed “the servants of the public sho^d be well paid,” he also maintained “their whole attention should be given to the service of their employers.” Members of the Continental Congress were also concerned for “it is exceedingly distressing to Congress to hear of Misconduct in any of the Commanders of Armed

³⁸ William Rotch to Nicholas Brown, Nantucket, November 26, 1776, in *NDAR*, 7:292-293.

Vessels under the American flag.” The Committee for Foreign Affairs asked the American Commissioners in France for “every authentic information you can give on this head;” “every means” would be taken “to punish the Offenders and make reparation to the Sufferers.”³⁹

Even men who boarded, and served aboard, privateers looked unfavorably upon them as they experienced the costs and perils of private ventures. Reverend Henry Alline spent one day on a privateer and at the end of his experience warned, “let them that wish well to their souls flee from privateers as they would from the jaws of hell, for methinks a privateer may be called a floating hell.” Solomon Drowne, whose experiences were discussed in Chapters Two and Three, served as surgeon on board the sloop *Hope*. Drowne signed on for service because his family was in need of money; it was the first — and only — privateer venture Drowne underwent. In his journal, Drowne noted “if Virtue is the doing good to others, privateering cannot be justified upon the principles of Virtue.” “I know it is not repugnant to THE LAWS OF NATIONS,” Drowne admitted, “but rather deemed policy amongst warring powers thus to distress each other, regardless of the suffering individual.” “But however agreeable to, and supportable by the rights of war,” Drowne surmised, “yet, when individuals come thus to despoil individuals of their property, ‘tis hard:— the cruelty then appears, however, political.” Privateering was often deemed an unworthy or ungentlemanly exploit, even by those who sailed on voyages.⁴⁰

³⁹ Esek Hopkins to the Continental Marine Committee, Providence, April 8, 1777, in *NDAR*, 8:294; William Whipple to Josiah Bartlett, Portsmouth, May 3, 1778, in *NDAR*, 12:253; Proclamation of the Continental Congress, May 9, 1778, in *NDAR*, 12:312 n.2.

⁴⁰ Henry Alline, *The Life and Journal of the Rev. Mr. Henry Alline* (Boston: Printed by Gilbert & Dean, at their printing and lottery office, no. 78, State-Street, 1806), 143; *Journal of a Cruise in the Fall of 1780 in the Private-Sloop of War, Hope. By Solomon Drowne, M.D. of Providence, R.I. with “Notes” By Henry T. Drowne* (New York: Charles L. Moreau, 1872), 9.

George Washington and John Paul Jones, leaders of the Continental Army and Navy respectively, took issue with privateers during the war. Out of necessity, Washington was one of the first to outfit privateers in defense of the colonies, but even he noted “our Rascally privateers-men go on at the old rate, Mutinying if they can not do as they please.” Privateers were inconsistent and disloyal, according to the Commander-in-Chief; their ultimate goal was to look out for themselves rather than fight for the American cause. John Paul Jones, sailing upon the same Atlantic waters as American privateers, had even greater issues with the commanders and sailors on board private vessels. “It is to the last degree distressing,” he wrote, “to Contemplate the State and Establishment of our Navy.” “The common Class of mankind are Actuated by no nobler principle than that of Self Intrest,” Jones believed, “this and Only this determines all Adventurers in Privateers; the Owners as well as those whom they Employ.” He was desperately trying to build up the might and manpower of the Continental Navy, but to no avail for “Unless the Private Emolument of individuals in our Navy is made Superiour to that in Privateers it never can become respectable – it never will become formadable. – And without a Respectable Navy – Alas America!” He even went so far as to suggest that enlisted seamen should have all of the prizes and prize money they captured if that would prove incentive enough to outfit the entire navy.⁴¹

Jones was concerned that men involved in outfitting frigates for the Continental Navy were also involved in privateering; an obvious conflict of interest from Jones’ point of view. These men, he learned, “not only Wink at, but encourage, and Employ deserters

⁴¹ George Washington to Lieutenant Colonel Joseph Reed, Cambridge, November 20, 1775, in Philander D. Chase, ed., *Revolutionary War Series, September – December 1775*, vol. 2 of *The Papers of George Washington* (Charlottesville: University Press of Virginia, 1987), 409; John Paul Jones to Robert Morris, Newport, October 17, 1776, in *NDAR*, 6:1303.

from the Navy.” “What punishment is equal to such Baseness?” Jones exhorted, “and Yet these men pretend to love their Country!” Privateer owners, outfitters, and sailors exasperated Jones and stymied his efforts to properly outfit and man the Continental Navy. “The care and increase of our Seamen is a consideration of the first Magnitude, and claims the full attention of Congress” Jones told Robert Morris, “that our Seamen have decreased is a sad reality. that they will continue to decrease is as certain, unless effectual measures are taken to prevent it.” Jones placed the blame for this loss of men squarely on the shoulders of privateers; “I have seen with Indignation, the sordid Adventurers in Privateers sporting away the Sinews of our Marine.”⁴²

Jones also complained of the lack of enemy prisoners brought in by private vessels. “Publick Virtue is not the Characteristick of the concerned in Privateers,” he observed, “no wonder then that they let their Prisoners go, in such a manner, that they immediately augment the Strength of the Enemies Fleet.” “Their selfishness furnishes them with Reasons for this conduct,” Jones explained, “were they to keep their Prisoners, their Provision would be the sooner consumed; which might perhaps oblige them to return home before they had sufficiently glutted their Avarice?” Finally, he believed that privateers feared uprisings from prisoners; “these and the like are with them all-prevailing motives and bear down every Public consideration.” Privateers cared not about the cause or victory in the war, as Jones saw it, but rather, they only cared about themselves and the safety of the prizes they could procure.⁴³

⁴² John Paul Jones to Joseph Hewes, Rhode Island, October 31, 1776, in *NDAR*, 6:1474; John Paul Jones to Robert Morris, Nantes, December 11, 1777, in *NDAR*, 10:1091-1092.

⁴³ John Paul Jones to Robert Morris, Nantes, December 11, 1777, in *NDAR*, 10:1091-1092.

While their fellow Americans took privateers to task for their motivations and actions, European nations, including Great Britain, France, and Spain, found these crews infuriating and frustrating throughout the war. British Vice Admiral Samuel Graves, serving in the colonies during the early years of the Revolution, noted “many Rebel armed Vessels infest the Coast of America particularly about Providence, Rhode Island, Long Island, Long Island Sound, Mechias, and the Bay of Fundy, who have already taken two of his Majestys Schooners and several Trading Vessels.” Graves therefore ordered his Captains “to use every means in your powers to take, burn, sink and destroy all and every Pirate or Rebel you meet in Arms whether on Shore or at Sea; And you are to do your utmost to lay waste and destroy every Town or Place from whence Pirates are fitted out, or shall presume to harbour or shelter them.” In Graves’ mind, American privateers were no better than rebels and pirates, hence they deserved to be treated as such, even though privateering was an accepted practice of war at the time.⁴⁴

British Major General William Howe was aware of the privateering situation too. He wrote to Lord Dartmouth, “I am also concerned to observe that the Uncertainty of defenceless Vessels getting into this [Boston] Harbour is rendered more precarious by the Rebel Privateers infesting the Bay, who can take the Advantage of many Inlets on the Coast, where His Majesty’s Ships cannot pursue them, and from whence they can safely avail themselves of any favorable Opportunities that offer.” Howe admitted that British ships could not block all of the ports “which afford Protection to these Pirates without the

⁴⁴ Vice Admiral Samuel Graves’s Order to Captain James Wallace, Boston, September 17, 1775, in *NDAR*, 2:129-130.

Assistance of a Land force that cannot at present be spared.” American privateers were not worthy opponents; they were unworthy foes — in a word, pirates.⁴⁵

British intelligence reports contained news of privateers as well. In New Haven, Connecticut, “two Brigs [were] fitting out as Privateers...12 or 14 Guns each.” Further information was reported by deserters from Philadelphia who noted “that then there was Six Privateers laying there.” A letter from Baltimore reported “two Ships of Twenty Guns each, then fitting out as Privateers at that place.” Information from a captured Rhode Island Captain included word “that there were forty Privateers carrying from 12 to 32 Guns” fitting out at Providence, “the Rebels arming all the Captures they can make serviceable for the purpose.” One intelligence summary included an “abstract of Advices lately received respecting Privatiers which have gitted out or refitted, in the Ports of France; or which have arrived at, or sailed from, some of those ports.” Gustavus Conyngham, sailing from Dunkirk, was included in this intelligence. Another from Martinique stated, “I had heard before I went there much of the protection given by the French at that Island to the American Privateers; and was astonished to find that there had been no exaggeration in the Reports.” The letter writer also noted “the Number of Privateers fitted and fitting out is scarcely credible. Every prize vessel proper to be converted into a Privateer is fitted out as one, for which Trade the Americans find every thing at St Pierres.” Governor Valentine Morris of St. Vincent sent word that “the American Privateers have taken a fresh start in these seas, six of them, of these two Large

⁴⁵ Major General William Howe to Lord Dartmouth, Boston, December 13, 1775, in *NDAR*, 3:82.

ones, having put to sea from Martinica ten days ago; and fourteen more were preparing to go out to be in readiness to intercept the soon expected West India fleet.”⁴⁶

Other reports stated that American privateers were cruising off the coast of England; one British ship “being to the Southward of Scilly eight or ten Leagues” spied “a Rebel Privateer Brig, and chac’d her” until ultimately the enemy vessel was taken. Captain John Macartney at Halifax conveyed information that “a small privateer from Salem about the 20th of February says there are 25 or 27 Vessels of the same kind...ready to sail to line all the Coasts of Nova Scotia and destroy the Trade wherever they can.” “These Vessels are principally manned with Marblehead and Salem Fishermen,” Macartney warned, “who are well acquainted with every small Harbour and Creek on the Coast....where they can run in one way and out another, in case of being pursued.”⁴⁷

News such as this put Vice Admiral Graves and the English government in a precarious position. Graves was charged with protecting the American coastline, but his captains reported they “cannot put A stop to the Insolence of the Privateers without more force.” Vice Admiral James Young asked for more men and ships; “send out some Ships to reinforce the Squadron under my Command, as with the few now here, it is impossible for me to carry on the Kings Service in the manner I could wish.” Major Francis Hutcheson reported from Staten Island that “the Rebels have several privateers at Sea, that have taken some West India Men homeward bound that are great prizes for them.”

⁴⁶ Intelligence Conveyed from New York to Vice Admiral Molyneux Shuldham, [New York, January 23, 1776], in *NDAR*, 3:941; Intelligence Received the 25th December 1777, in *NDAR*, 11:35; Intelligence Summary of French Assistance to American Naval Vessels and Privateers, Admiralty Office, July 3, 1777, in *NDAR*, 9:453-457; Intelligence Regarding Martinique Received from Arthur Pigott, July 3, 1777, in *NDAR*, 9:457-461; Governor Valentine Morris to Lord George Germain, St. Vincent, December 4, 1777, in *NDAR*, 10:667.

⁴⁷ Captain John Jervis, R.N., to Philip Stephens, Causand Bay, August 10, 1777, in *NDAR*, 9:560; Intelligence from Captain John Macartney, R.N., at Halifax, March 13, 1778, in *NDAR*, 11:626.

Captain George Collier complained of the “piratical Robberies of Crabtree,” captain of the schooner *Harlequin*, “and other little privateers.” Despite their efforts, the British could not contain or stop American privateers.⁴⁸

Great Britain could not — and did not — tolerate illegal actions taken by privateers, as evidenced by their experiences with Captain Gustavus Conyngham discussed in Chapter Three. However, Conyngham was not the only privateer captain the British government encountered and addressed. Lord Grantham wrote to Lord Weymouth of “a North American armed vessel” which met with a French vessel off the coast of Lisbon, Portugal. According to Grantham, the vessel was “a pirate...a sloop called the *Union*, belonging to Cape Ann” which forced the French ship to take on board eleven sailors. “Incidents like these,” Grantham posited, “ought surely to convince every commercial nation of the necessity of preventing such interruptions to their trade.” British intelligence accused Benjamin Franklin of encouraging “Seamen of every Nation” to enter into American service for it was clear “Pyracy is the Game, not Action, & where there is a Prospect of great Gain & little Hazard.” General William Howe received intelligence “that the Pyrates which have done all the mischief on the Coast of this Province, appear as fishing boats, and have concealed arms.”⁴⁹

Elsewhere, Governor John Dalling of Jamaica complained to the Secretary of State, Lord George Germain, of “a Rebel privateer” who took the mail from the *Grenville*

⁴⁸ Narrative of Vice Admiral Samuel Graves, [Boston, January] 27, [1776], in *NDAR*, 3:1006; Vice Admiral James Young to Philip Stephens, Antigua, April 7, 1776, in *NDAR*, 4:703; Major Francis Hutcheson to Major General Frederick Haldimand, Staten Island, August 8, 1776, in *NDAR*, 6:124; Captain Sir George Collier, R.N., to Massachusetts Commissary of Prisoners, Halifax, January 17, 1778, in *NDAR*, 11:148.

⁴⁹ Lord Grantham to Lord Weymouth, [Madrid], December 2, 1776, in *NDAR*, 7:774; Statement Concerning the Employment of Lieut. Col. Edward Smith with Regard to Captain Hynson and a Sketch of the Information Obtained, [London, March 31, 1777], in *NDAR*, 8:727; Major General Eyre Massey to General Sir William Howe, Halifax, January 10, 1778, in *NDAR*, 11:83.

packet. Dalling also explained, “the North side of this Island had hitherto been much exposed to the depredations of privateers fitted out by the Rebels themselves, or by persons in the French Islands using Commissions of the North-american Congress.” Lord Stormont informed Lord Weymouth of “many Marks of Evident collusion” between the French and the Americans. “The American Pirates made Signs when they came near the Coast of France,” Stormont reported, “and People went out in Boats to meet them.” France gave aid to these American pirates in the form of safe harbors, repairs, and supplies, which infuriated Stormont for it was clear the French “wilfully shut their Eyes” to the illegal actions taken by those vessels. American privateers seemed to be everywhere, thwarting British efforts at each turn, while the British complained of the piratical actions of these rebel vessels. In the eyes of Great Britain, privateers were the worst of the rebels.⁵⁰

Privateers affected martial strategies and diplomatic approaches not only in Great Britain, but in France and Spain as well. These European nations grappled with the question: what should be done, if anything, about American privateers? France wanted to aid the American effort against Great Britain, but in covert ways initially. In June 1776, Garnier informed Vergennes that Congress had authorized the capture of any British vessel; “this bait should cause the Privateers to multiply and should be detrimental to the trade of Great Britain in the West Indies.” Vergennes responded “the desire to make captures more easily may attract Privateers in the European seas where the English are less on their guard and it will be rather embarrassing to decide what to do if they want to send their prizes to our ports for security.” At first, the French government allowed

⁵⁰ Governor John Dalling of Jamaica to Lord George Germain, Jamaica, April 25, 1778, in *NDAR*, 12:194-195; Lord Stormont to Lord Weymouth, Paris, December 10, 1777, in *NDAR*, 10:1081.

privateers into their ports under the guise that Americans were technically still British subjects although they were in open rebellion. William Bingham, American agent in the West Indies, noted from St. Pierre “several privateers have been fitted out here, and except the Captain and first Lieutenant have been manned altogether with French men.” The English Governor complained about this international crew “as a direct Violation of the Peace subsisting between the two Crowns.” The response of the French commander was “that he is not answerable for the Conduct of the American Privateers – that they might have seduced Some of the subjects of France into their service, but that they fought under their own standard and in their own Quarrells.”⁵¹

Eventually, however, even the French allies of the American cause found the actions of privateers inexcusable and unacceptable. French merchants sought retribution and recompense for a vessel taken by the privateer *Civil Usage*. They wrote to Benjamin Franklin asking him “to reclaim our said goods, and...to use your best influence with the Congress in order that the captor indemnify us.” If privateers did not follow the rules set forth by France, then the government could not support them, secretly or not. Instructions to Jean Holker, a French merchant sailing to North America, included the following “it must not be omitted to make known to them [the Continental Congress] how much France and Spain have reason to be offended at the various outrages committed by privateers against their flag.” The instructions continued, “French vessels have been captured in Europe, and taken to America, on the pretext that their cargo was English, a distinction to which the two powers cannot subscribe: others have been searched, ill-treated, despoiled in various regions: it is expected that most prompt reparation will be

⁵¹ M. Garnier to Vergennes, London, June 11, 1776, in *NDAR*, 6:416; Vergennes to M. Garnier, Marly, June 21, 1776, in *NDAR*, 6:431; Extract of a Letter from William Bingham, St. Pierre Martinico, March 15, 1777, in *PJA*, 5:111.

made.” Vergennes composed a letter to the American commissioners in France “regarding the behavior of an American privateer called John Warren toward a French snow or brigantine, Captain Rochel, which he seized quite near land and in view of the town of Madeira.” “Such reprehensible proceedings,” Vergennes wrote, “cannot remain unpunished, and I do not doubt, Gentlemen, that you will take most efficacious steps through Congress in order that not only may Captain John Warren receive the punishment that his conduct deserves, but also that the Captain of the French vessel may be given the satisfaction and compensation that are due to him.” When privateers crossed the line, ally or not, France had to respond.⁵²

While France contended with the Americans and their privateers, Spain dealt with similar entanglements. Lord Weymouth of England wrote to Lord Grantham “of the supposed intention of the American Privateers to carry their Prizes into the Ports of Spain.” Weymouth asked Grantham to remind the Spanish of “the Injury that will be done to the Commerce of this Country, if such proceedings were suffered, and His Majesty cannot doubt from the Justice of His Catholick Majesty that proper steps will be taken effectually to prevent this measure, that is in a great degree designed to interrupt the good Harmony that so happily subsists between the two Countries.”⁵³

Spain was well aware of her precarious position. José Moñino, the Count of Floridablanca and Chief Minister of Spain, wrote to Pedro Pablo Abarca de Bolea, the Count of Aranda and ambassador to France, about “the most singular behavior that the American privateers observe in our European seas.” “Their excesses,” Floridablanca

⁵² Lacoste Cassenave & Co. to Benjamin Franklin, Cadiz, October 24, 1777, in *NDAR*, 10:940; Verbal Instruction Given to Jean Holker, November 25, 1777, in *NDAR*, 10:1029; Comte de Vergennes to the American Commissioners in France, Versailles, May 15, 1778, in *NDAR*, 12:697.

⁵³ Lord Weymouth to Lord Grantham, St. James’s, August 1, 1777, in *NDAR*, 9:544.

noted, “are notorious...and their disorder has reduced itself to the principles of imprudently abusing the protection which they found” in France and in Spain. He complained of the actions of privateers, particularly those accused of seizing the vessels of French merchants under the pretense that they carried British goods. The French, already “gravely offended by similar excesses,” Floridablanca wrote, “will take measures with the same American privateersmen on their returning to the port of that Kingdom...to obtain the completest satisfaction, in a manner that will stop the future occurrences of like kind.” Meanwhile, he noted, American privateers received “a very warm welcome...and the assistance that they needed” in Spanish ports, which made “so much more odious the deed under discussion.” The Chief Minister was irate. He could not believe “how indecorous it is for the crowns of Spain and France to tolerate such excesses, and how unjust it would be to leave their respective subjects exposed in peacetime to tricks of like nature.” Something had to be done before “the American privateers turned into pirates” and the Law of Nations broke down completely.⁵⁴

A month later, the Count of Aranda replied telling the Chief Minister that Mr. Grand, speaker for the American Deputies, “assured me that they would take the first opportunity to write to Congress to return the spoils, make compensation for damages, and impose due restraint on the privateers.” “Also, to remedy the situation as soon as possible,” Aranda continued, “they would order their correspondents posted throughout Europe to inform all arriving American ships and charge them, when they meet others from their nation sailing, to warn them of the conduct they must observe to avoid committing an act of this type.” Floridablanca returned a note which stated that the

⁵⁴ Conde de Floridablanca to Conde de Aranda, San Lorenzo, October 23, 1777, in *NDAR*, 10:937-938.

American Ambassadors' "deference and disposition have earned the approval of His Majesty as much as the attack of the privateer has caused him displeasure." "He goes on to say," relayed Floridablanca, "they should recommend that Congress firmly enforce the orders given their privateers to respect the Spanish flag, and not hinder Spanish commerce in any way, and that His Majesty would not in any way tolerate the contrary." While Floridablanca and Spain's King, Charles III, urged Congress to action, Congress was trying to control their privateers, as discussed in Chapter Four, but no matter the number of proclamations, instructions, or ordinances issued, privateers operated and acted under their own authority.⁵⁵

The American Commissioners to France — Benjamin Franklin, Silas Deane, and Arthur Lee — tried to rein in privateers sailing in the Atlantic waters. In November 1777, the Commissioners issued a warning which stated "complaint having been made of Violences done by American armed Vessels, to neutral Nations...contrary to the usage and custom of Nations: This is therefore to warn and request you, not to commit any such Violation of the Laws of Nations." Captures should be confined to "Enemy Vessels when not within the protection of a neutral River, Fort or Coast, and of all others whatsoever that shall be carrying, Soldiers, Arms, Ammunitions, Provisions, or other contraband Goods, to any British Armies, or Ships employed against the united States." In all other encounters, privateers were ordered to act "with the utmost kindness and Friendship, for the honour of your Country and of your selves."⁵⁶

⁵⁵ Conde de Aranda to Conde de Floridablanca, Paris, November 26, 1777, in *NDAR*, 10:1039-1040; Conde de Floridablanca to Conde de Aranda, Madrid, December 9, 1777, in *NDAR*, 10:1079-1080.

⁵⁶ American Commissioners in France to Commanders of Armed American Vessels, Paris, November 21, 1777, in *NDAR*, 10:1012-1013.

The Commissioners attempted to defend the actions of Congress to the French and Spanish courts, both of which were not pleased with the behavior of American privateers. The Commissioners apologized and assured the courts that the States had “the greatest personal Respect for their most Christian & Catholic Majesties with the strongest Desire of meriting & cultivating their Friendship.” In addition, though the Congress granted commissions to privateers, they “have not authorized any Act that may be contrary to the Law of Nations.” The Commissioners assured the French and Spanish that every action would be taken to prevent American privateers from taking neutral vessels in the future.⁵⁷

Yet the Commissioners continued “to be much troubled with Complaints of our armed Vessels taking the Ships and Merchandize of neutral Nations.” The Commissioners noted that “the European Maritime Powers embarras themselves as well as us by the double Part their Politicks oblige them to act. Being in their Hearts our Friends and wishing us Success, they would allow us every Use of their Ports consistent with their Treaties, or that we can make of them without giving open Cause of Complaint to England.” The Commissioners suggested drastic measures; “it being so difficult to keep our Privateers within those Bounds, we submit it to Consideration whether it would not be better to forbear Cruizing on these Coasts and bringing Prizes in here, till an open War takes place.” The atmosphere surrounding privateers at the time caused a decrease in the price of prizes sold in European ports. Privateers subsequently complained of ill-treatment by the French and Spanish, but, as the Commissioners explained to the Committee, “we cannot set our Folks right by acquainting them with the essential

⁵⁷ American Commissioners in France to the French and Spanish Courts, Paris, November 23, 1777, in *NDAR*, 10:1020.

Services our Cause is continually receiving from this Nation: And we are apprehensive that Resentment of that supposed unkind Usage, may induce some of them to make Reprisals, and thereby occasion a deal of Mischief.” Privateers put the American Commissioners in a compromising situation. Franklin, Deane, and Lee faced the prospect of losing European support during the war if they could not control their captains and crews, but that type of control was a feat beyond even the Continental Congress and one which was never successfully accomplished. By acting out of turn and making decisions based on personal interest, privateers became the omnipresent problem of the Atlantic World.⁵⁸

Though privateers created problems in the long run, in the short term their cruises were quite effective in harassing, delaying, and upsetting the British Navy, the functioning of the British government, and public commerce. Lord George Germain received a report that “some of our Merchant Ships will be ready to sail from Jamaica by the latter end of March.” However, the merchants were reluctant to sail due to the lack of protection available on the open seas. The merchants requested “such reinforcement of the Squadron, as will enable it to give convoys thro’ the Gulph & the Windward passage into latitudes of security from the American Privateers.” In July 1776, news of nine English ships taken by privateers “raised the insurance on all Jamaica ships, and ships from the West-India islands 20 per cent. more than it was before; and many of the underwriters even refuse to enter their names on a policy; for they look upon it a very hazardous venture, as there are a vast number of privateers out to intercept our homeward bound West-India ships.” Garnier reported to Vergennes in the fall of 1776 that “the

⁵⁸ American Commissioners in France to the Committee of Commerce, Passy, November 30, 1777, in *NDAR*, 10:1052-1053.

English islands are suffering more and more from scarcity and the cost of victuals, as from the multiple takings of the American corsairs.” “The news of three new ships taken on their return from the West Indies was received this week,” Garnier continued, “and the most moderate calculations place the value of losses during this year by English commerce at 600 thousand pounds Sterling.”⁵⁹

The British, well aware of the situation they faced, tried to account for American privateers. The Lords Commissioners of the Admiralty ordered Commodore Sir Edward Vernon to “keep along the Coast of Brasil” after learning “that His Majts Rebellious Subjects in North America have fitted out a great number of Vessels this Year for the Whale Fishery on the Coast of Brasil, and that several Rebel Privatiers are to cruize in those parts with a view of making Capture of the Ships fitted out from Great Britain for that Fishery.” Captain George Murray reported that “there are near four hundred Commissions given out by the Congress for Privateers; a Number of which it is said will Cruize on the banks of Newfoundland, Coasts of Guinea, Portugal & Spain.” In response to intelligence such as this, Lord Germain, on behalf of the King, ordered the Lords Commissioners of the Admiralty “to engage Transports” for conveying clothes for the troops under William Howe which were “capable of being sufficiently armed to make a good Defence, against any Rebel Cruizers it may be expected they might meet with in case of Separation from the Convoy.” Vice Admiral James Young, stationed in Antigua, learned of “five American privateers from Boston...arrived at the French Islands; and it is said are intended to Cruize to Windward of the Islands to intercept the Convoys expected soon to arrive...from England and Ireland, I shall therefore directly send the *Yarmouth* to

⁵⁹ Stephen Fuller to Lord George Germain, Jamaica, January 27, 1776, in *NDAR*, 3:1023; *Public Advertiser*, Monday, July 29, 1776, in *NDAR*, 6:512; M. Garnier to Vergennes, London, October 18, 1776, in *NDAR*, 7:698.

Cruise to Windward of the Island Barbados to look out for the Trade that may be coming here from Europe.” Lord George Germain ordered Lieutenant General Sir Henry Clinton “to destroy all Wharfs and Stores, and Materials for Ship-building, so as to incapacitate them [the colonists] from raising a Marine, or continuing their Depredations upon the Trade of this Kingdom, which has been already so much annoyed by their Ships of War and Privateers.” Despite these efforts, privateers continued to make an impact upon British shipping and trade.⁶⁰

Merchants throughout England shared intelligence of privateer movements for their livelihoods were at stake. One merchant from Dunkirk relayed news from a Captain who told him “there were no fewer than twenty privateers out from Charlestown, from 6 to 20 guns, and from 50 to 300 men aboard.” Within the span of a few months, “upwards of thirty-five vessels had been taken from the British, and...some of the best and largest were fitting out as privateers...and would be ready to sail in a few weeks on their cruises.” Worst of all, “no English ships of war have been on their coast cruising since Sir Peter Parker’s fleet left them.” One month later, the *Public Advertiser* reported “on Account of the Number of Captures of Vessels from Portugal, Insurance has risen greatly, consequently Wines will increase in Price, and what generally happens in the Country, treble the Advance will be laid on.”⁶¹

⁶⁰ Lords Commissioners, Admiralty, to Commodore Sir Edward Vernon, October 26, 1776, in *NDAR*, 7:712; Captain George Murray, R.N., to Captain William Hay, H.M.S. *Alarm*, Gibraltar Bay, March 14, 1777, in *NDAR*, 8:677; Lord George Germain to Lords Commissioners, Admiralty, Whitehall, April 10, 1777, in *NDAR*, 8:757-758; Vice Admiral James Young to Philip Stephens, Antigua, December 21, 1777, in *NDAR*, 10:774; Lord George Germain to Lieutenant General Sir Henry Clinton, Whitehall, March 8, 1778, in *NDAR*, 11:1070-1071.

⁶¹ Extract of a Letter from a Merchant in Dunkirk, to his Friend in Leith, Dated Dunkirk, 10th April, 1777, in *NDAR*, 8:758; *Public Advertiser*, Wednesday, May 14, 1777, in *NDAR*, 8:846.

The following day, the same paper printed a story about the capture of the *Orange* packet, which was “a complete Refutation of what we have been so often told concerning the reduced State of the Americans.” The British fleets which were supposed to protect England’s coast and trade “seem to be literally *Fleets of Observation* only.” In addition, the article stated “that the greatest Encouragement is given not only there [at Dunkirk] but all over France, to the fitting out Privateers against the English.” According to the *Public Advertiser*, the British government was not being truthful about the state of affairs on the waters of the Atlantic.⁶²

A letter from Dublin, reprinted in the *Gazetteer and New Daily Advertiser*, added more fuel to the fire for “our trade with Waterford, Corke, Belfast, and Derry, is entirely at a stand, in consequence of the swarms of American privateers, which infest our coast.” Not only did the privateers stop trade, but “the appearance of the rebels, in a manner at our doors, has given spirits to the Whiteboys and other disaffected persons; and, in truth, not only commerce, but all legal authority, seems annihilated.” One writer from Kirkwall predicted “if these pirates will have the patience to stay a couple of weeks longer, they may pick up a good many of our hemp, and flax loaded ships; for, it is certain, we have not so much as a single sloop of war on the coast to protect the trade.”⁶³

The merchants, traders and ship owners of London wrote a memorial to Lord Weymouth seeking his assistance with the privateer situation for they saw no other recourse or way of protecting their trade. In this memorial, the petitioners highlighted the “many and various Cases of the Depredations committed against the Trade of this

⁶² *Public Advertiser*, Thursday, May 15, 1777, in *NDAR*, 8:847.

⁶³ Extract of a Letter from Dublin, July 9, 1777, in *NDAR*, 9:475; Extract of a Letter from Kirkwall, July 26, 1777, in *NDAR*, 9:534.

Kingdom, by American Privateers being permitted to carry British Ships and Cargos into French and Spanish Ports.” They complained of the practices carried out by the French and Spanish whereby inhabitants of those countries, despite orders to the contrary, openly aided privateers in unloading their cargoes and selling their goods at port. The memorialists argued these deeds “could not be executed if the Court of France were sincere in their Professions to the Court of Great Britain, or serious in those Orders issued to their own Subjects.” The main issue was that both France and Spain were acting against the Law of Nations, encouraging “practices which must be productive of general Piracy, and leave a Train of that most dangerous and worst of Crimes, for Years to come, even after a Reduction of the present Rebellion.” In other words, the actions of France and Spain coupled with those of the American privateers would have far-reaching consequences beyond the conclusion of the war if this type of conduct was allowed to continue; legalized piracy, in a sense, would be the order of the day. The memorial closed with a plea to stop these practices for if they were not ended they “must sap the Vitals of this Kingdom; for to such a Price has the Premium of Insurance already arisen, in Contemplation of those Hazards, that many of the most valuable Branches of the Navigation of the Kingdom cannot support so heavy a Charge and must therefore be greatly impaired in their Extent, if not totally foregone and laid aside.”⁶⁴

Alderman Wooldridge appeared before the Lords of Parliament in proceedings held to examine the commercial losses caused by the American War. Wooldridge reported that “the number of ships lost by capture, or destroyed, by American privateers, since the commencement of the war, to be 733, of which, after deducting for those

⁶⁴ Memorial of the Merchants, Traders, and Ship Owners of London to Lord Weymouth, London, November 24, 1777, in *NDAR*, 10:1023.

retaken and restored, there remained 559.” The total value of the losses “including the ships, cargoes, &c. amounted, upon a very moderate calculation, to 1,800,633l. 18s.”

Wooldridge also noted “that insurance to America, Africa, and the West Indies, was now more than double, even with the convoy, and without convoy, unless the ship was a ship of force, 15 per cent.” The price of goods, such as sugar, tobacco, pitch, and tar, had also increased due to the actions of privateers. William Creighton claimed that “the losses suffered by the merchants, in consequence of the captures made by the American privateers, to have amounted to at least two millions in October last.”⁶⁵

Though the effects of privateers upon the British economy were clear, the Earl of Suffolk opposed a motion to affirm the known facts “on the impropriety of acknowledging what ought not to be acknowledged at so critical a period, the weakness of the nation.” The British Parliament may not have wanted to recognize the privateer issue, but Edmund Burke notified Lord Weymouth of merchants’ fears “that if the American privateers continue to receive countenance & assistance in the Spanish Ports, the Trade of our City, already overloaded with high Insurances, & the exorbitant wages paid to Seamen, maybe totally ruined; and particularly that valuable Branch to Newfoundland.”⁶⁶

While the British public fumed over the lack of protection against privateers, American patriots rejoiced in the news of England’s suffering. The *Maryland Journal* reported that “the Captures of so many Jamaica Ships by American armed Vessels, have

⁶⁵ Proceedings in the Lords Respecting the Commercial Losses Occasioned by the American War,” February 6, 1778, in *NDAR*, 11:967-969.

⁶⁶ Proceedings in the Lords Respecting the Commercial Losses Occasioned by the American War, February 11, 1778, in *NDAR*, 11:995; Edmund Burke to Lord Weymouth, Westminster, February 16, 1778, in *NDAR*, 11:1007.

caused the Stoppage of several capital Jamaica Houses in the City of London where it was expected, some months since, that the Price of Sugar would rise to near Three Pounds Sterling per Hundred Weight. Many more Failures are also expected.” Franklin and Deane reported “we see the great Effect” privateers “cruizing in these Seas has had in raising the Insurance in Britain to a Pitch that would ruin much of her Commerce.” However, the Ambassadors also believed the “advantage to us [is] not equivalent to the Loss of the King’s Favour and the Prejudice to his Honour if permitted.” Privateers were making headway against British shipping, but their actions continued to cause problems in terms of relations with France and Spain. Arthur Lee wrote to Robert Morris that English merchants were forced to ship their goods in French vessels to protect their possessions from privateers. “They have been driven to this necessity,” Lee related, “by the number & success of our Cruisers in & about the channel; which has raised Insurance so high, that their Manufactures are in danger of being augmented thereby in their Price too much for the European Markets.” Lee supported the efforts of privateers and told Morris of “the utility of continuing & encouraging Cruisers in these seas.” However, for the majority of Americans, privateers posed a problem rather than a solution, a problem which continued in the post-war period.⁶⁷

Gustavus Conyngham, whose actions during the war caused a national incident, returned home after his exploits and escapes from prison to find an American nation unprepared — and unwilling — to accept him as a war hero. Conyngham petitioned Congress for “a New Commission to be Granted him,” as he had surrendered his original commission to the French government when he was taken at Dunkirk. He argued his

⁶⁷ *Maryland Journal*, Tuesday, May 6, 1777, in *NDAR*, 8:921; Benjamin Franklin and Silas Deane to Ferdinand Grand, Paris Banker, Passy, August 15, 177, in *NDAR*, 9:571; Arthur Lee to Robert Morris, Chairman of the Secret Committee, Paris, September 9, 1777, in *NDAR*, 9:636.

commission from Benjamin Franklin in 1777 accorded him the position of Captain in the Continental Navy. Whether or not Conyngham truly believed he was a naval captain versus a privateer captain is irrelevant at this juncture. What is important is that if Conyngham admitted he was a privateer, he would have no pension and no job following the war. If, however, he could receive a new commission or be reinstated to his “former Situation,” Conyngham would receive all the accolades and dues worthy of a Continental officer.⁶⁸

Congress, in its typical fashion, took months to return a decision on Conyngham’s memorial. Finally, in January 1784, a Committee of Congress charged with resolving Conyngham’s petition determined “that such Commissions” as the one granted Conyngham “were intended for temporary expeditions only & not to give rank in the Navy.” In other words, Conyngham was not a Captain in the Continental Navy; he was the Captain of a commissioned, semi-privately-owned vessel, or what one might call a privateer. Conyngham continued to petition Congress and members of the new government for recognition and monies owed for years following the war. In July 1793, Secretary of the Treasury Alexander Hamilton responded “to assure [Conyngham] that a report on the Petition, which was referred to me, will be made to Congress next session.” A year later, Congress was still silent on the issue. Conyngham wrote Hamilton again in December 1794 that “he earnestly urges to the Secretary his great anxiety to have this

⁶⁸ Memorial of Gustavus Conyngham to Congress, in Robert Wilden Neeser, ed., *Letters and Papers Relating to the Cruises of Gustavus Conyngham: A Captain of the Continental Navy, 1777-1779* (Port Washington, NY: Kennikat Press, 1970), 207. (Hereafter cited as *Letters and Papers*).

tedious business determined if possible in the Course of the present session—it being to the Cap. of serious importance.”⁶⁹

Three years later, in December 1797, Conyngham filed another petition with the Congress “to request of your Honbl. Body, that his claim, of compensation for services rendered to his country, during her revolutionary War; should be decided on;” at this point, Conyngham dropped the question of a commission and simply sought prize money he felt he was owed. The former captain responded to a report filed by Benjamin Walker to the Board of Treasury concerning his claim. Conyngham argued he was commissioned by Franklin, as a representative of the Continental Congress, and he sailed only under orders from the Commissioners in France. He claimed ignorance as to the private interest held in the vessels he commanded and maintained that he only changed his articles of agreement in Bilbao in 1778 because he took on a new crew. Though Conyngham did “admit that the command I was engaged in was intricate in its nature,” he adamantly held that he never “consider[ed] myself under the direction of any private person or persons.” All of these efforts and petitions were to no avail. Gustavus Conyngham died in Philadelphia, on November 27, 1819 without any pomp or circumstance — and without a military pension.⁷⁰

⁶⁹ Report of Committee of Congress on Conyngham Memorial, in *Letters and Papers*, 209; Alexander Hamilton to Gustavus Conyngham, Treasury Department, July 5, 1793, in *Letters and Papers*, 213; Endorsements by Conyngham, Philadelphia, December 8, 1794, in *Letters and Papers*, 214.

⁷⁰ Petition of Gustavus Conyngham to Congress, Philadelphia, December 26, 1797, in *Letters and Papers*, 215; Observations on the Report of Benjamin Walker Esq. to the late Board of Treasury on the Subject of Capt. Gustavus Conyngham’s claim against the United States, as commander of the *Lugger Surprize* & the *Cutter Revenge*, in *Letters and Papers*, 216-223. The final word on Conyngham came from a member of his crew, Ebenezer Gilbert, surgeon on board the *Revenge*, who wrote Timothy Pickering in 1828 asking for recognition of Conyngham’s and the vessel’s service to Congress and the nation during the Revolution. Gilbert was in need of money himself at the time and hoped for back-pay from the government. Pickering responded “I was a member of the Continental *Board of War* & not of the Navy Board, & know nothing of the subject of the inquiry.” Thus ended the story of Captain Gustavus Conyngham. Ebenezer Gilbert to Timothy Pickering, Middletown, June 10, 1828, in *Letters and Papers*, 223-225.

Considering the vacillating, opportunistic manner in which the Founders had perceived the necessity and virtues of privateers during the war, the lack of recognition given to Conyngham is not surprising. Congress had no other option. Conyngham, and privateers like him, acted out of turn during the war: seizing neutral vessels, terrorizing friendly coasts, and taking advantage of covert allies and friends. Early in the conflict, when victories were few and morale flagging, news of privateering activities had thrilled colonists. As the Continental army struggled, privateers struck blows against the British Empire in locales throughout the Atlantic World that most colonists could only imagine. However, with the Revolutionary war won and the task of defining a glorious, civilized — and legal — legacy of the nation's founding at hand, Congress could not publicly acknowledge such activities. Nor did the triumphant crafters have use for a narrative of the conflict that overflowed the borders of the colonies themselves and detracted from the leadership of Washington or the valorous sacrifices of his men.

More was at stake than the glory of soldiers, though. The newly united States were still in a vulnerable position in the immediate aftermath of the Revolution. Trade had to be re-established with Great Britain and revised with the other major powers of Europe. Diplomatic relations had to resume, albeit in a different form, between Britain and her former colonies; and these tasks needed to be accomplished quickly lest the British Crown perceive the United States as weak and exposed. In short, one wrong step in any of these directions could jeopardize the entire enterprise.

Privateers aided in the war effort, without a doubt, but the shady reputations they had gained as the colonies' most effective form of water-born warfare came with a price: that fashion through which they had helped achieve victory made them a necessary

commemorative afterthought in the post-war period. They faced collective judgment from their government, their champions and their foes, their European allies and enemies, and their passengers and peers. In the end, the presence of these ultimate rebels was unwelcome as the rebellion's legacy was reshaped into the story of a successful revolution. The wartime records of privateers exposed the reputations of the Founders — admittedly self-interested men like Washington and Jones — as well as post-war efforts towards diplomacy and trade to a higher degree of risk than the elite overseers of the Revolution's story deemed acceptable.

The sources contained in this chapter bring the story of privateers full circle. They were the first to outfit and bring the war to the coasts of Britain, but they were also the first pushed aside and drowned out of the triumphant narrative of a new nation whose independent spirit they actually personified best. While courting the favor of European courts, particularly Great Britain, after the war, American representatives could not — and did not want to — remind their recently repaired relations of the depredations and illegal actions purported by privateers during the conflict. In the end, John Paul Jones seemed to get exactly what he wanted: a strong, patriotic focus on the Navy without the pesky presence of privateers. Though, as the conclusion will illustrate, when military and political developments in the nineteenth century made their stories useful once more, the legacy of privateers and their significant role in fostering the “Spirit of ‘76” would be cast in a different light, albeit only temporarily.

CONCLUSION

The *Calhoun* made its way down the Mississippi River in the evening hours of May 16, 1861. The ship's captain, John Wilson, and his crew spied an unsuspecting vessel drawing near. The *Ocean Eagle* was her name and, as it turned out, she became the first prize taken during the American Civil War by privateers in service of the Confederate States of America.¹

Wilson and his men took control of the *Ocean Eagle* which had originally sailed from Rockland, Maine with a cargo hold containing 3,144 barrels of Thomaston lime. Wilson consigned the captured vessel to a tow boat which ultimately carried her into New Orleans, Louisiana. Meanwhile, the *Calhoun* returned to the waters where the Confederate privateer could stalk additional prizes.²

In the days that followed their encounter with the *Ocean Eagle*, the crew of the *Calhoun* took two more prizes: the *Milan* from Liverpool, England, and the *Ella* from Tampico, Mexico, the latter on a course to Pensacola, Florida. Combined these ships carried 1,500 sacks of salt and tropical fruits among other wares and cargo. Wilson and the *Calhoun* escorted these new captures into New Orleans, but did not stay long. Soon,

¹ William Morrison Robinson, Jr. *The Confederate Privateers* (Columbia, SC: University of South Carolina Press, 1990), 38.

² Robinson, 38.

the *Calhoun* was again cruising down the Mississippi River, once more into the Gulf and back on the hunt.³

The trip was another success. Wilson and his privateers eventually seized three more enemy ships: the *Panama*, the *Mermaid*, and the *John Adams*. After a close encounter with the U.S.S. *Brooklyn* — a more capable warship and one that Wilson had no interest in engaging — he steered his own vessel and his recently acquired prizes back up the river to New Orleans where he entered libels in the Confederate States District Court for Louisiana. When all was said and done, the *Ocean Eagle*, the *Milan*, the *Panama*, the *Mermaid*, and the *John Adams* were sold for a total of \$26,650. Despite the successes of Wilson and myriad other Confederate privateers, the tides of maritime warfare were changing; as a result, the American Civil War would be the last conflict in which raiders of Wilson's ilk influenced the outcome. The tradition of privateering in North America, implemented during the Seven Years' War and perfected during the American Revolution, would die out along with the Confederacy. How did this happen?⁴

With the conclusion of the Treaty of Paris in 1783, the American War for Independence officially ended. Without the necessity of purpose that war created and thereby with no legitimate enemy cargo to plunder, privateering fell out of favor and out of use. In the immediate post-war period, privateers returned to their former lives as merchants, sailors, carpenters, and surgeons, among other professions. The cheers which had accompanied news of prizes successfully captured faded from memory as the new nation attempted to establish a solid foothold amongst already tenured world powers. Once viewed as a

³ Robinson, 38.

⁴ Robinson, 39-40.

destroyer of colonists' liberties, Great Britain for some of these same merchants and ship captains was no longer an enemy, but a potential ally and valuable partner in commerce for the American nation.

During the presidency of John Adams, the United States built up its navy, so by 1798 it included 50 ships and more than 5,000 sailors and officers. Adams's efforts notwithstanding, Thomas Jefferson allowed the fleet to decline during his residency in the White House. He decommissioned officers and sat by as ships rotted in their dock slips. As such, at the outbreak of the War of 1812, the United States Navy consisted of a paltry 7 vessels. With maritime combat looming and no navy to speak of, privateers were called to action once more for the American cause.⁵

Following the declaration of war enacted by Congress in 1812, the government passed another act which authorized the president, James Madison, to commission privateers, who immediately took to the seas on the lookout for British merchant vessels. The colonial tradition, it seemed, had not been entirely forgotten. The privateers of the War of 1812 sailed the waters of the Atlantic just as their Revolutionary counterparts had done three decades earlier. In New England, the great hot-bed of privateering during the Revolution, the town of Marblehead, Massachusetts "supplied 120 men to the American navy but six times that number to the privateers that sailed from the port" during the War of 1812. One vessel, the *Yankee* from Bristol, Rhode Island, accrued prize money in the amount of \$5 million during its five cruises. Another privateer, the *True-Blooded Yankee*, "captured twenty-seven vessels, took 270 prisoners...and returned to France with twelve

⁵ William Weber, *Neither Victor Nor Vanquished: America in the War of 1812* (Washington, D.C.: Potomac Books, 2013), 188.

thousand pounds of silk, eighteen bales of Turkey carpets, and two thousand swan skins, among her other booty.”⁶

Baltimore, Maryland sent “some 6,000 seamen...onto the 122 privateers and letters of marque that set out from that city in the course of the war.” Privateer vessels such as these captured more than 500 prizes and brought in 1,600 prisoners of war. In the early months of the conflict, privateers met with great success; “at least 150 British ships had been taken.” The United States Navy, meanwhile, had only taken 8 merchantmen. Initially, as was the case with the American Revolution, privateers were lauded for their efforts and for the havoc and destruction they wrought on British commerce.⁷

Though some privateers, such as the *Yankee* and the *True-Blooded Yankee*, were highly successful, 300 of the 500 vessels commissioned during the conflict never captured a prize. Nonetheless, the reputation of American raiders preceded them, and the number of British merchant vessels upon the sea dwindled. Only “heavily escorted convoys and aggressive British cruisers” chanced sailing the Atlantic waters. Over the course of the war, Great Britain gradually clamped down upon the actions of American privateers and their naval brethren. The blockade closed a number of ports, which made the return of vessels and their prizes very difficult. To compensate, the naval strategy of the United States shifted toward burning and destroying enemy ships, rather than taking them into port as prizes. Without the potential for profit, the number of American privateer vessels dwindled. Though by war’s end, “517 privateers took 1,345 prizes,”

⁶ Robinson, 303; Stephen Budiansky *Perilous Fight: America’s Intrepid War with Britain on the High Seas, 1812-1815* (New York: Alfred A. Knopf, 2010), 287-288.

⁷ Budiansky, 287; Andrew Lambert *The Challenge: America, Britain and the War of 1812* (London: Faber and Faber, 2012), 208-209, 89; Wade G. Dudley *Splintering the Wooden Wall: The British Blockade of the United States, 1812-1815* (Annapolis: Naval Institute Press, 2003), 74.

virtually all of which were labeled as “merchant craft,” records show that nearly half of the prizes taken by American privateers were recaptured by the British. Privateers were not nearly as successful during the War of 1812 as they had been during the American Revolution, but they served a vital purpose as substitutes for a competent navy. Regardless, as the conflict took its place in the national memory, a narrative became predominant in which “gloriously the tiny American navy had triumphed” over the Royal Navy with privateers relegated to a secondary role.⁸

Yet the practice of outfitting privateers continued to hold sway over people as a potential profit maker. During the Napoleonic Wars and the Crimean War, privateers from European countries continued to harass enemy vessels. The effects of this practice began to wear on Great Britain and France, the two largest powers with the most to lose from loose laws concerning maritime raiding. Following the signing of the Treaty of Paris of 1856, 55 states ratified the Paris Declaration Respecting Maritime Law. The Paris Declaration was “an international agreement” which abolished privateering and sought to protect vessels sailing under neutral flags and carrying neutral goods. The government of the United States, however, still wanting for a strong navy, refused to accede to the Declaration. Americans believed the pronouncement was firmly in favor of the European powers that already possessed large fleets, while the United States still relied, as it always had, on privateering as one of its wartime instruments.⁹

Five years later, the American Civil War began. While the Union government retained control over the country’s small antebellum navy, the Confederate States of America did not possess any navy at all. Thus, it turned to privateers. Initially, merchants

⁸ Budiansky, 288, xi; Lambert, 428; Butler, 15.

⁹ Butler, 16; Robinson, 2.

harkened back to their forbears of the Revolution and the War of 1812; men who had outfitted private vessels against their enemies to disrupt trade and help shape the outcomes of these wars. Confederate sailors followed in these footsteps, but times had changed and privateers — though they themselves were not conscious of it at the time — would soon fade from the accepted ranks of nineteenth-century combatants.

In August 1861, the Confederate Congress passed a resolution concerning privateering which delineated specific rules about the practice, quite similar to those set forth by the Continental Congress in 1776. Privateers were ordered to show respect to neutral vessels. An admiralty court system was established where the majority of the prize's value fell to the owners, commanders, and crew. The Confederacy also encouraged engagements with enemy war vessels by setting a bounty and additional compensation in the amount of \$25 for each Union prisoner brought into port. The potential profits of captured prizes still lured privateers to the waters of the Atlantic.¹⁰

Union President Abraham Lincoln responded to the Confederacy's call for privateering with a proclamation of his own: "any person molesting United States shipping 'under the pretended authority' of the seceded states would be treated as a pirate." Lincoln refused to recognize the legitimacy of the rebellious states just as Great Britain had refused to recognize her rebellious colonies. Without recognition and a legitimate government, privateers were often viewed as pirates, despite definitions to the contrary. Nevertheless, Confederate merchants outfitted vessels.¹¹

As British ones had before them, northern businessmen feared "the prospect of attacks by hundreds of 'piratical' cruisers, a panic that remained more or less in effect

¹⁰ Robinson, 19-23.

¹¹ Robinson, 25.

throughout the war.” However, the ultimate number of privateers was small and prizes were few. Though Confederate privateers could slip through the Union blockade in pursuit of prizes, they often faced difficulties in returning with them to port post-capture. Great Britain declared a policy of neutrality, a move which effectively closed her ports to any privateers or their prizes. Without an admiralty court to libel their captured vessels, privateers could not profit from their efforts, and without profits, the privateering system could not function as it was designed. Two years into the war, the Confederacy turned to commerce raiding rather than privateering; “the last of the Confederate privateers, the *Retribution*, was sold in Nassau in early 1863.” After the Civil War, the United States gradually developed a more stable, permanent, and mechanized navy and had no need for a force of privately-outfitted vessels. The age of privateering was at an end.¹²

In the age of revolutions that marked the final quarter of the eighteenth century, privateering was always first and foremost a weapon to weaken the enemy’s commerce. Imperial providers were prevented from supplying their colonial outposts and raw materials from those outposts meant for the metropolitan merchants of the enemy empire were intercepted. As such, privateering cut the economic sinews of the enemy, making it harder for them to wage war. The main purpose of empire focused on overseas commerce and a favorable balance of trade; successful privateering undermined the very rationale for the enemy’s wartime exertions.

On the other hand, successful privateers conferred benefits on the weaker combatant. The capture and repurposing of prize ships and the cargoes they carried

¹² William H. Roberts *Now for the Contest: Coastal and Oceanic Naval Operations in the Civil War* (Lincoln & London: University of Nebraska Press, 2004), 15, 122.

stimulated the economy of the privateer nation. Former imperial masters utilized blockades and other naval tactics to cripple these economies. Privateers could not lift these blockades or directly confront the enemy's naval forces, but their efforts put goods into the economy that were valuable in and of themselves and in short supply because of the war.

Privateer victories gave these struggling combatants something to cheer. The privateer represented the vigorous masculinity, the daring, and the pluck that Americans valued, and they hoped would help them defeat the British. The attempt to add a moral dimension to the captures and prizes, while not always convincing, fit the privateer venture into the larger moral narrative of the Revolution. The American privateer was thus distinguished from his imperial predecessors as the people's weapon against oppression instead of an imperial tool.

Yet, the very qualities that distinguished the Revolutionary privateer did not really fit the use of privateers in the War of 1812. While the ships' captains, the crews, and the merchants who bankrolled the voyages might have been the same men, or at least come from the same places and culture of the Revolutionary privateers, it was clear that the later privateers were simply mercenaries seeking to profit from the war. The blockade runners of the Confederate States of America might claim the mantle of the Revolutionary privateer, and many of them did act out of motives of patriotism rather than greed, but they performed an entirely different wartime function. The Confederate government recognized as much by retiring the privateers in 1863.

On April 9, 1930, George G. Wolkins rose before the Beverly Historical Society at the “Unveiling of Commemorative Tablets” to give his remarks titled “Beverly Men in the War of Independence.” On this solemn occasion, Wolkins praised the “tillers of the soil, graziers, fishermen, sailors, the merchants, the professional men, the mechanics, and the tradesmen” who “proved they could resist” the power of Great Britain. Five hundred and six names were inscribed on the tablets in recognition of the “sacrifice” and “achievement” these men had made during the American Revolution. Towards the end of his speech, Wolkins observed that “a very considerable number” of Beverly men “sailed on privateers and picked off both private merchant ships and armed men of war.” Here, it seemed, privateers would finally receive their due recognition.¹³

Wolkins noted, “The privateersmen sought prizes in the British Channel, in the North Sea, off the coast of Spain, in the West Indies, along the Atlantic coast, everywhere capturing and disposing of ships and cargoes.” In this one sentence, Wolkins captured the Atlantic World underpinnings of privateer operations during the American Revolution. Yet, the old stigma against privateers was still present; he disclaimed these remarks by adding “there is something further to be said against the practice that was then permitted.” “Men were attracted from the army,” Wolkins opined, “and from ships of the navy, as well as from civil life.” Regardless of the many victories and captures perpetrated by privateers, they would never be as righteous or as noble as members of the Continental Army and Navy. As George G. Wolkins shows us, even in the best light, they would likely never be an attractive component of the Revolution’s legacy.¹⁴

¹³ George G. Wolkins, “Beverly Men in the War of Independence” (Remarks, Beverly Historical Society on the Occasion of the Unveiling of Commemorative Tablets, April 9, 1930), 22-23.

¹⁴ Wolkins, 22-23.

The privateering experience nevertheless broadens our understanding of how the war was fought and by whom; and second, reminds us that the Atlantic was a theater of the conflict itself. Privateers encountered the war in their own unique way, one which adds depth and texture to the Founding narrative and ultimately expands our knowledge of the American experience. Regardless of their methods, the labors of these sea raiders fulfilled a need in the American war effort. Now knowing their story, we cannot go back. Their actions deserve recognition and a place in the Revolutionary narrative; when their efforts are minimalized, a key portion of not only the war, but also the history of its history is overlooked.

Privateers are as much a part of the Revolutionary story as George Washington and his troops or John Adams, Thomas Jefferson, and the Continental Congress. Though it was in the best interests of elite parties to ensure that the privateers were left out of the master narrative, by examining the undertakings of privateers and then reintegrating them into the Revolution's history, this study reminds us that it took all kinds of men with all kinds of motives to win the war. It always does.

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